

Closed Caption Log, Council Meeting, 12/14/06

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GOOD MORNING, I'M MAYOR WILL WYNN, IT'S MY HONOR TO WELCOME REVEREND JONAH GHARTEY WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

SHALL WE PRAY? ALMIGHTY AND EVER-LASTING GOD, WE THANK YOU FOR TODAY, THIS BEAUTIFUL DAY THAT YOU HAVE MADE FOR US. WE THANK YOU FOR OUR LIVES, WE BLESS YOU FOR WHO YOU ARE. FATHER, TODAY THE MAYOR, THE PRO TEM MAYOR, THE CITY MANAGER AND THE COUNCILMEMBERS THAT HAVE MET HERE TO THAT DECISIONS AND DISCUSS THINGS CONCERNING THIS CITY. FATHER, GOD, YOU HAVE CHOSEN THEM FOR A TIME SUCH AS THIS AND I AM -- I PRAY THAT YOUR PRESENCE WILL BE WITH THEM. FATHER, I PRAY THAT YOU WILL HELP THEM TO TAKE THE RIGHT DECISIONS, THAT WILL HELP THE CITY OF AUSTIN AND ITS MEMBERS. I PRAY, FATHER, THAT EVERYTHING WILL BE DONE SMOOTHLY, THAT YOU WILL GRANT THEM THE WISDOM THAT THEY NEED, THE UNDERSTANDING AND THE KNOWLEDGE. AND I PRAY, FATHER GOD, THAT EVERYTHING WILL BE DONE TO YOUR GLORY AND TO YOUR HONOR. MAY YOUR POWER COME DOWN IN A VERY MIGHTY WAY. ASK YOUR PEOPLE THAT YOU HAVE CHOSEN DO BUSINESS FOR THIS CITY. WE THANK YOU, LORD, FOR ANSWERING OUR PRAYER IN YOUR PRECIOUS NAME. AMEN.

THANK YOU, REVEREND JONAH. THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THE AUSTIN

CITY COUNCIL, THURSDAY DECEMBER 14TH, 2006,
APPROXIMATELY 10:16 A.M., THE CITY COUNCIL CHAMBERS
OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. WE
HAVE A -- WE HAVE A COUPLE OF CHANGES AND
CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE
AS FOLLOWS: ON ITEM NO. 3, WE SHOULD NOTE THAT IT IS --
WE SHOULD STRIKE THE PHRASE TO BE REVIEWED BY THE
DESIGN COMMISSION AND INSERT THE PHRASE
RECOMMENDED BY THE DESIGN COMMISSION. ON ITEM NO.
13, WE SHOULD INSERT THE PHRASE TO COUNCIL'S
AUTHORIZATION FOR, A, PROFESSIONAL SERVICES
AGREEMENT AND ALSO INSERT THE PHRASE TO INCREASE
COUNCIL AUTHORITY BY AN AMOUNT OF 130,000. AND ALSO
THAT THE M.B.E./W.B.E. COMPONENT SHOULD READ: THIS
CONTRACT WILL BE AWARDED IN COMPLIANCE WITH
CHAPTER 2-9 B OF THE CITY CODE, OUR MINORITY OWNED
AND BUSINESS OWNED PROCUREMENT PROGRAM MEETING
THE GOALS OF 20.88% M.B.E. AND 15.71 W.B.E.
SUBCONSULTANT PARTICIPATION, ITEM NO. 13, A
PROFESSIONAL SERVICES AGREEMENT. ON ITEM NO. 18, WE
SHOULD STRIKE THE PHRASE TO BE REVIEWED BY AIRPORT
ADVISORY COMMISSION AND INSERT THE PHRASE NOT
RECOMMENDED BY THE AIRPORT ADVISORY COMMISSION.
ITEM NO. 18. WE SHOULD NOTE ON ITEM NO. 31, IT IN FACT IS
RECOMMENDED BY THE AUSTIN AIRPORT ADVISORY
COMMISSION. ON ITEM NO. 44, AN ITEM FROM COUNCIL, WE
SHOULD INSERT THE PHRASE AND A RELATED ORDINANCE,
SO WE WILL BE APPROVING A RESOLUTION AND THE
RELATED ORDINANCE REGARDING A PUBLIC SAFETY TASK
FORCE. ON ITEM NO. 78, WE SHOULD INSERT THE ZONING
AND PLATTING RECOMMENDATION, THAT BEING G.R.-M.U.
FOR THE FIRST 30 FEET IN HEIGHT AND MF 6 FOR THE NEXT
30 FEET IN HEIGHT FOR A TOTAL OF 60 FEET IN HEIGHT,
THAT'S ZONING CASE ITEM NO. 78. OUR TIME CERTAINS FOR
TODAY, A FEW MINUTES AFTER WE APPROVE OUR CONSENT
AGENDA THIS MORNING, WE WILL HAVE A BRIEFING FROM --
FROM THE PLANNING COMMISSION MEMBER CID GALINDO
REGARDING THE 2030 TOWN CENTER INITIATIVE. AT NOON
WE BREAK FOR THE GENERAL CITIZEN COMMUNICATION.
2:00 WE HAVE STAFF BRIEFING. REGARDING UPDATE ON OUR
BROAD SERIES OF HOMELESS SERVICES HERE IN AUSTIN
AND THE CHALLENGES THAT WE ARE FACING. AND AT 4:00

WE GO TO OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, OUR MUSICIAN TODAY IS PAULA NELSON. AT 6:00 WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTION. WE WILL NOTE THAT THE ADDENDUM, ITEM NO. 82 ON THIS -- THIS WEEK'S AGENDA, ALTHOUGH IT WASN'T POSTED AS A TIME CERTAIN, WE WILL BE TAKING THAT ITEM UP ALONG WITH -- WITH ITEM -- WITH CONCEPTUALLY AN ITEM RELATED TO THAT, ITEM NO. 81. OUR ADDENDUM, ITEM NO. 82, WILL BE TAKEN UP WITH OUR PUBLIC HEARINGS THIS EVENING, SOMETIME AFTER 6:00 P.M. COUNCIL, SO FAR THE ONLY ITEM TAKEN OFF THE CONSENT AGENDA IS ITEM NO. 11. BECAUSE IT'S DUE TO AN EXECUTIVE SESSION ITEM THAT WE WILL DISCUSS IN CLOSED SESSION LATER TODAY. SO CURRENTLY ONLY ITEM NO. 11 --

MAYOR?

COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: I WOULD LIKE TO PULL ITEM NO. 18, BECAUSE IT WAS NOT RECOMMENDED BY THE AIRPORT ADVISORY COMMISSION. AND I WOULD ALSO LIKE TO JUST PULL ITEM NO. 49 BECAUSE -- BECAUSE JUST TO DISCUSSION. GET A FULL EXPLANATION OF WHAT IT IS.

MAYOR WYNN: THANK YOU, COUNCILMEMBER.

MCCRACKEN: I WOULD LIKE TO PULL ITEM NO. 14.

ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA. CURRENTLY WE HAVE ITEMS NUMBER 11, 14, 18, AND 49. OFF THE CONSENT AGENDA. 11, 14, 18, 49. COUNCIL, BEFORE I NOW READ THE PROPOSED CONSENT AGENDA NUMERICALLY, I WOULD LIKE TO TAKE A MINUTE TO ASK IF ANY COUNCILMEMBERS WOULD LIKE TO PREVIEW FUTURE ITEMS THAT MIGHT BE BROUGHT TO COUNCIL OVER THE NEXT MEETING OR TWO. COUNCILMEMBER MARTINEZ?

MARTINEZ: THANKS, MAYOR. ONE OF THE THINGS THAT I WOULD LIKE TO TALK ABOUT AS WE MOVE FORWARD INTO THE YEAR IS TO ASK OUR POLICE DEPARTMENT STAFF TO --

TO GIVE US A BRIEFING IN EARLY JANUARY ABOUT HOW WE ENDED UP WITH TRAFFIC FATALITIES AS THE YEAR WRAPPED UP AND WHAT WE ARE LOOKING AT TO TRY TO MITIGATE SUCH A HIGH RATE OF TRAFFIC DEATHS ON OUR ROADS. I THINK WE ARE GOING TO END UP OVER 70 OR RIGHT AT 70 AND -- AND I JUST THINK THAT WE NEED TO TAKE A CRITICAL LOOK AT IT. I DON'T WANT STAFF TO FEEL LIKE THERE ARE CONSTRAINTS. I WANT THEM TO COME TO US WITH WHAT THEY BELIEVE IS THEIR BEST FOOT FORWARD TO TRY TO MITIGATE THIS -- IN THE NEXT YEAR AND TAKE A REALLY AGGRESSIVE APPROACH TO DEALING WITH THE TRAFFIC FATALITIES HERE IN AUSTIN. IF JANUARY IS NOT ENOUGH TIME, I WANT THEM TO TAKE AS MUCH TIME AS THEY FEEL LIKE THEY NEED. AT THIS TIME I DON'T WANT TO PUT ANY KIND OF CONSTRAINTS, SUCH AS BUDGETARY CONSTRAINTS ON AN IDEA, I'M ASKING FOR THEIR BEST IDEAS BECAUSE I THINK IT'S CRITICAL AND TIME THAT.

KIM: ONE OF THE THINGS THAT I HAVE ASKED FOR THE CITY MANAGER, IS REPORTS FROM FAMILIES WITH CHILDREN, HOW DEMOGRAPHICALLY THAT WE ARE CHANGING AS A CITY. THE REPORT THAT WAS PRESENTED TO ME, I WOULD LIKE TO HAVE SHARED WITH THE REST OF THE COUNCIL, THE REST OF THE PUBLIC. THEY ARE INCREASING THE SIZE, BECAUSE OUR POPULATION IS GROWING, HOWEVER OUR SHARE OF FAMILIES WITH CHILDREN, RELATIVE TO THE SIZE OF THE POPULATION IS DECREASING. THIS IS A TREND IN URBAN CITIES THAT HAVE HIGH TECHNOLOGY SECTORS AS WELL AS SHORTAGE OF AFFORDABLE HOUSING. SO I'M LOOKING FOR RECOMMENDATIONS AND INPUT FROM THE REST OF THE COUNCIL AS WELL AS THE PUBLIC ON WHAT TO DO ABOUT THIS, SO I WILL BE ASKING AND DIRECTING STAFF WITH THE SUPPORT OF THE COUNCIL TO -- TO GIVE US A BRIEFING ON THAT, SOMETIME THE EARLY PART OF NEXT YEAR.

THANK YOU COUNCILMEMBER. COUNCILMEMBER LEFFINGWELL.

SOMETIME EARLY NEXT YEAR I'M GOING TO BE BRINGING FORWARD AN ITEM FOR REVIEW OF THE BOARD AND COMMISSION SYSTEM. AS YOU MAY HAVE REMEMBER SEVERAL YEARS AGO WE HAD A TASK FORCE AT WORK FOR

A LONG TIME ON THIS PROCESS. ACTUALLY NOT MUCH WAS DONE TO IMPLEMENT THEIR RECOMMENDATION. SO I WOULD LIKE TO TAKE A LOOK AT WHAT THEY RECOMMENDED AND -- AND MAKE SOME RECOMMENDATIONS TO THE COUNCIL BASED ON THE RECOMMENDATIONS OF THAT TASK FORCE.

THANK YOU, COUNCILMEMBER. FURTHER ITEMS TO BE PREVIEWED. IF NOT THEN I WILL READ A PROPOSED CONSENT AGENDA NUMERICALLY. THEN ASK FOR A MOTION. SO OUR PROPOSED CONSENT AGENDA, THOSE BEING ITEMS THAT WILL BE APPROVED UNANIMOUSLY WITH A SINGLE VOTE MORNING, ON TODAY'S AGENDA WILL BE -- ITEMS NUMBER 1, 2, 3, PER CHANGES AND CORRECTION, 4, 5, 6, 7, 8, 8, 10, 12, 13, PER CHANGES AND CORRECTION, 15, 16 -- 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, PER CHANGES AND CORRECTION, 32, 33, 34, 35, 36, 37, 38, 39, 40 WILL BE THE BOARD AND COMMISSION APPOINTMENTS, THEY ARE TO THE ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD BOTH NANCY PUOI AND CAMERON GRAVER ARE CONSENSUS APPOINTMENTS. AND TO OUR PLANNING COMMISSION TRACY ATKINS IS A CONSENSUS APPOINTMENT. THAT'S ITEM NO. 40 ON THE CONSENT AGENDA. ALSO BEING APPROVED WILL BE ITEMS 41, 42, 43, 44, PER CHANGES AND CORRECTION, 45, 46, 47, 48, 50, 51, 52, 53 ... THAT WILL END OUR PROPOSED CONSENT AGENDA. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? COUNCILMEMBER MARTINEZ?

MARTINEZ: THANKS, MAYOR. I DON'T WANT TO PULL ANYTHING OFF THE CONSENT, BUT I DO HAVE A COUPLE OF QUESTIONS ON A FEW ITEMS AND THEN A COUPLE OF -- OF ACKNOWLEDGEMENTS AND STATEMENTS ON SOME OTHER ITEMS. SPECIFICALLY, WITH THE -- WITH ITEM 3 ON THE AGENDA, ONE OF THE THINGS THAT I DIDN'T FIND IN THE BACKUP WAS -- THIS OF COURSE ON A PREVIOUS -- THIS WAS ON A PREVIOUS COUNCIL MEETING AGENDA, IT WAS PULLED AND SENT BACK THROUGH A PUBLIC PROCESS AND I DIDN'T FIND THAT IN THE BACKUP AND I WANTED TO KNOW WHAT WAS THAT PUBLIC PROCESS AND WHAT WAS THE OUTCOME OF THAT?

FUTRELL: ALL RIGHT. LOOKS LIKE FRED EVANS IS GOING TO ANSWER OUR QUESTIONS FOR US ON THIS FROM E GROWTH, FROM ECONOMIC DEVELOPMENT.

GOOD MORNING, MAYOR AND COUNCIL. MY NAME IS FRED EVANS WITH ECONOMIC GROWTH AND REDEVELOPMENT SERVICES OFFICE. ON DECEMBER 6TH WE TOOK THIS ITEM BEFORE THE DOWNTOWN COMMISSION. THEY ANONYMOUSLY VOTED TO -- UNANIMOUSLY VOTED TO RECOMMEND APPROVAL. ON DECEMBER 11TH, WE TOOK THE ITEM BEFORE THE DESIGN COMMISSION, THEY VOTED IN FAVOR ON A VOTE OF 5 FOR, ONE OPPOSED TO RECOMMEND APPROVAL. THEY DID ADD TO THEIR MOTION THAT THEY WOULD LIKE TO SEE THE PROPOSED STREET SCAPE REDEVELOPED AT SUCH TIME IN THE FUTURE THAT THE BALLET AUSTIN PROPERTY AT 501 WEST 3RD IS REDEVELOPED. THEY WOULD LIKE TO SEE ADDITIONAL GREAT STREETS ELEMENTS INCORPORATED AT THAT TIME.

FUTRELL: FRED, MAYBE JUST AS AN EXPLANATION OF THAT, BECAUSE THIS IS NOT A FULL GREAT STREETS TREATMENT AND IT IS A RENOVATION OF THE EXISTING BUILDING THERE, WHAT THEY ARE SAYING IS THAT -- THAT THEY WANTED US TO MAKE A NOTE NOW THAT AT THE POINT AT WHICH IT IS FULLY REDEVELOPED, THEY WERE HOPING FOR A FULL GREAT STREETS --

THAT'S CORRECT.

OKAY. SO THE MONEY THAT WE ARE ALLOCATING FOR THIS PROJECT COMES FROM GREAT STREETS PROGRAM.

THAT'S CORRECT.

DOES THE PROJECT COMPLY WITH OUR GREAT STREETS REQUIREMENTS?

IT INCORPORATES THE GREAT STREETS DESIGN ELEMENTS. THERE ARE TWO COMPONENTS THAT -- THAT WOULD BE REVISITED IN THE FUTURE. WHEN THE BALLET SITE IS COMPLETELY REDEVELOPED. THEY HAVE -- THEY HAVE EXISTING PARKING LOTS THAT TAKE DRIVEWAY ENTRANCES OFF OF THIRD STREET. AT THE TIME THAT THAT PROPERTY

IS REDEVELOPED AND THOSE PARKING LOTS GO AWAY. WE WOULD BE LOOKING AT REMOVING THOSE DRIVEWAY CURB CUTS AND INSTALLING ADDITIONAL STREET TREES. BUT WE DO HAVE THE ELEMENTS OF STREET TREES, BENCHES, BIKE RACKS, LIGHT BULB BASICS, SIDEWALKS, WE WOULD IN THE FUTURE BE ABLE TO ADD ADDITIONAL ELEMENTS.

FUTRELL: FRED I WANT TO BE SURE WE ARE GETTING THIS ON THE RECORD CORRECTLY. A WAY TO SUMMARIZE THAT, CORRECT ME IF I'M WRONG, IT DOESN'T MEET ALL OF THE CRITERIA OF GREAT STREETS. THERE'S A COUPLE OF ELEMENTS THAT IT DOESN'T THAT WOULD HAPPEN IN THE FUTURE.

TRUE.

MARTINEZ: GREAT. I'M COMPLETELY SUPPORTIVE OF THE ARTS, I THINK BALLET AUSTIN IS CRITICAL TO, YOU KNOW, THE WESTERN PART OF DOWNTOWN AS WE DEVELOP. I JUST, YOU KNOW, I WANT PEOPLE TO UNDERSTAND WHAT THEY ARE DOING, THAT WE ARE TAKING OVER HALF OF THE BUDGET FOR GREAT STREETS THIS YEAR, ALLOCATING IT TO ONE PROJECT, WHICH IS A PRECEDENT AS FAR AS THE GREAT STREETS PROGRAM IS CONCERNED, AND THAT NOW I THINK THAT WE HAVE ALSO SET UP A PRECEDENT FOR MAYBE LOOKING AT PROJECTS AND NOT NECESSARILY CONSTRAINED OR CONFINED BY THE GREAT STREETS PARAMETERS THAT WE PUT IN PLACE. I WANT TO MAKE SURE THAT WE MAKE THOSE PUBLIC ACKNOWLEDGEMENTS SO THAT FOLKS KNOW WHAT WE ARE DOING HERE TODAY.

THANK YOU.

THANK YOU.

THE QUESTION DID COME UP IN COMMISSION MEETINGS REGARDING THE PRECEDENT SETTING OF THIS ACTION. THE WAY WE WOULD LIKE TO DISTINGUISH THIS FROM THE GREAT STREETS DEVELOPMENT PROGRAM THAT HAS BEEN APPROVED AND ADOPTED BY COUNCIL IS THAT THIS IS -- THIS PROJECT AND THIS INVESTMENT IS -- IS MORE ANALOGOUS TO A CITY FUNDED PROJECT, CITY PURSUED GREAT STREETS PROJECT. IT IS OUTSIDE OF THE GREAT

STREETS DEVELOPMENT PROGRAM AS ADOPTED BY COUNCIL, WHERE WE WOULD NORMALLY JUST BE CONTRIBUTING A PORTION OF THE COST THAT A PRIVATE SECTOR DEVELOPER WOULD BE INVESTING IN THE STREET SCAPES. IN THIS CASE WE ARE FUNDING GREAT STREETS OR FUNDING STREET SCAPES IMPROVEMENTS UTILIZING GREAT STREETS FUNDS FOR THAT BLOCK FACE.

THANKS.

THANK YOU, MR. EVANS.

FURTHER COMMENTS ON THE CONSENT AGENDA?

ON ITEM 34, MAYOR, I WANTED TO ASK ABOUT -- THIS IS A -- A LONG-TERM COMMITMENT THAT WE'VE HAD WITH -- WITH MOTOROLA AND I WANTED TO ASK ABOUT OUR MINORITY PARTICIPATION AS IT RELATES TO THIS -- THIS \$88 MILLION CONTRACT AND WE ARE INCREASING THIS -- THIS BY OUR ACTION TODAY.

Futrell: OUR PURCHASING OFFICER, BYRON JOHNSON IS ON HIS WAY DOWN TO SEE IF HE CAN ANSWER SOME QUESTIONS FOR YOU.

GOOD MORNING, BYRON JOHNSON, PURCHASING OFFICER. MOTOROLA HAS COMMITTED TO -- TO ABOVE AND BEYOND THEIR PROGRAM. YOU WON'T SEE THAT IN THE BACKUP BECAUSE WHEN A -- WHEN A PROGRAM IS ESTABLISHED, DSNVR MONITORS THAT PROGRAM, BUT WE HAVE A COMMITMENT THAT PETE COLLINS HAS ALREADY RECEIVED IN WRITING FROM MOTOROLA THAT SAYS THAT THEY ARE GOING TO GO ABOVE AND BEYOND WHAT THEY HAVE COMMITTED TO. IN FACT, THEY HAVE ALREADY STARTED TO USE COMPANIES FOR SUPPLIERS IN THE OTHER SIDE OF THE HOUSE, FOR THE JUST INSULATION. AND THEY HAVE FURTHER COMMITTED THAT -- THAT IN THE INTERLOCAL GOVERNMENT AGREEMENTS THAT WE ARE GOING TO BE DOING WITH OTHER AGENCIES THAT THEY DON'T HAVE TO PASS THROUGH THAT TYPE OF COMMITMENT, BUT THEY ARE GOING TO. SO WE ARE REAL EXCITED ABOUT DOING THIS WITH MOTOROLA, WE THINK THAT THIS IS GOING TO BE AN

ENHANCEMENT TO THE COMMUNITY.

GREAT. IS MR. COLLINS HERE?

YES, SIR.

GOOD MORNING, PETE.

GOOD MORNING, PETER COLLINS, CHIEF INFORMATION OFFICER.

CAN YOU JUST BRIEFLY DESCRIBE WHAT IS THE COMMITMENT IN THE LETTERS THAT --

YES, ACTUALLY ON -- WORKING WITH MOTOROLA, ORIGINALLY THERE WAS MINORITY GOALS IN THE ORIGINAL IMPLEMENTATION OF RADIO SYSTEM. BASICALLY, THE GOAL WAS ABOUT AROUND 5%. IN THIS CONTRACT AMENDMENT FOR THE CITY, WHICH IS ALMOST \$2 MILLION, THEY HAVE AGREED TO JUST VOLUNTARILY TO INCREASE THAT TO 10% MINORITY PARTICIPATION. BUT ALSO WITH -- WITH BYRON WAS JUST SAYING, WE ALSO HAVE AN INTERLOCAL FOR OTHER GOVERNMENT ENTITIES WHERE THEY CAN UTILIZE THE CONTRACT, SO THEY CARRY THOSE GOALS OVER TO WHERE WE DON'T HAVE ANY JURISDICTION, TO HAVE MINORITY PARTICIPATION OF A TOTAL OF 16.7%, 10% MINORITY PARTICIPATION AND ABOUT 6%, A LITTLE BIT OVER 6% FOR WOMEN-OWNED BUSINESS. SO I THINK MOTOROLA DEFINITELY DESERVES A PAT ON THE BACK TO -- TO TAKE THIS VERY SERIOUSLY AND MOVE FORWARD IN THE SPIRIT OF PROMOTING LOCAL BUSINESS AND MINORITY OWNERSHIP, TOO.

GREAT. MAYOR, WITHOUT OBJECTION, I WOULD LIKE TO ASK THAT WE COULD INCLUDE THOSE LETTERS IN OUR ACTION TODAY AND IN THE AGREEMENT WITH MOTOROLA.

Mayor Wynn: I DON'T SEE WHY NOT -- I DON'T SEE WHY NOT. THEN PART OF OUR RECORD --

FOR OUR BACKUP TO OUR AMENDMENT THAT THE AUTHORIZATION YOU ARE GIVING US TO NEGOTIATE THE AGREEMENTS AND SO WE ARE PUTTING THAT AS A

COMMITMENT TO OURS, THEY HAVE AGREED TO IT IN ADVANCE. WE ARE REAL EXCITED.

Mayor Wynn: MS. GENTRY CAN YOU JUST PERHAPS NOTE ON OUR MINUTES THAT THAT BE THE CASE ON ITEM NO. 34? THANK YOU.

THANK YOU GUYS FOR ALL OF YOUR WORK. REALLY APPRECIATE IT. THANK MOTOROLA FOR US.

THANK YOU.

Martinez: SORRY, THERE'S A LOT OF STUFF. ITEM 43. I JUST SIMPLY WANT TO ACKNOWLEDGE AND THANK SOME FOLKS. ITEM 43 IS GOING TO BE THE PURCHASE OF ALMOST SIX ACRES OF LAND IN EAST AUSTIN THAT ARE GOING TO BE COMPLETELY REMOVED FROM DEVELOPMENT AND HOPEFULLY PRESERVED AND TURNED INTO A PARK AND AN AMENITY THAT WE ALL CAN ENJOY. AND THE FIRST PERSON AND GROUP THAT I WANT TO ACKNOWLEDGE FOR THEIR HARD WORK IS -- IS SUZANNA ALMANZA AND PODER. I WANT TO THANK THEM FOR BRINGING THIS TO OUR ATTENTION WHEN THEY WERE AWARE OF POTENTIAL DEVELOPMENT, THEY IMMEDIATELY CONTACTED US. I ALSO NEED TO THANK COUNTY COMMISSIONER SARAH ECKHARDT, SHE CONTACTED ME ON ALMOST THE EXACT SAME DAY THAT SUSANA ALMANZA DOES. SOME FOLKS FOUND OUT, CONTACTED US, BY TODAY'S ACTION WE ARE PURCHASING THIS SIX ACRES AND I ALSO WANT TO ACKNOWLEDGE AND THANK MR. JOHN JOSEPH WHO IS THE AGENT REPRESENTING THE LANDOWNERS. AND I WANT TO -- I WANT TO -- TO LET EVERYONE KNOW THAT MR. JOSEPH HAS COMMITTED \$25,000 IN MATCHING FUNDS TO HELP MITIGATE THE SITE, CLEAN IT UP, AND -- AND WE WILL BE ON THE SITE TOMORROW MORNING, I WANT TO THANK DIRECTOR WARREN STRUSS FOR WORKING SO FAST ON THIS. WE WILL BE ON THAT SITE TOMORROW MORNING STARTING TO CLEAN UP AND STARTING THE MITIGATION. SO I INVITE EVERYONE TO COME OUT AND ENJOY THIS NEW AMENITY THAT WE ARE GOING TO HAVE STARTING TOMORROW.

MAYOR?

COUNCILMEMBER COLE?

Cole: I, TOO, WOULD ALSO LIKE TO RECOGNIZE THIS HISTORIC MOMENT AND THANK COMMISSIONER ECHTERNACHT HART FOR CONTACTING OUR OFFICE, AND HAVING US PARTICIPATE IN THIS PROCESS. I WOULD ALSO LIKE THE STAFF TO TALK ABOUT THE HISTORY OF THIS SPRING BECAUSE I THINK IT'S IMPORTANT TO REALIZE SOME OF THE JEWELS THAT WE HAVE IN EAST AUSTIN.

COUNCIL, MAYOR, I AM LORRAINE RISER, THE MANAGER OF REAL ESTATE, WE HAVE A LITTLE PRESENTATION TO SHOW YOU. THE PROPERTY ZONED BY EAST AUSTIN PLAZA LIMITED AS A GENERAL PARTNER, REPRESENTED BY JOHN JOSEPH. IT'S LOCATED AT 3002 OAK SPRINGS DRIVE. IT'S COMPOSED OF APPROXIMATELY A LITTLE LESS THAN 6 ACRES. IT'S LOCATED ON AIRPORT AND OAK SPRINGS DRIVE. CAN YOU SEE THE TWO TRACTS ARE OUTLINED IN RED. IN PROPERTY IS IN THE BOGGY CREEK WATERSHED. ONETH LAST REMAINING SIGNIFICANT DISCHARGES. IT DISCHARGES 9 GALLONS PER MINUTE OF WATER. IT WAS THE SPRINGS WHERE BACK IN IN ITS HISTORY WHERE MOST OF THE EAST AUSTINITES ACTUALLY GOT THEIR WATER FROM. THERE'S -- THERE'S SEVERAL LIVE OAK TREES AND MANY PROTECTED TREES. AND HERE'S A PICTURE OF ONE, JUST ONE OF THE TREES ON THE SITE. IT HAS -- BECAUSE OF THE SPRINGS, IT HAS SOME -- SOME PLANTS WHAT ARE UNIQUE TO THAT AREA. THE DEVELOPMENT RIGHTS ON THIS PARTICULAR TRACT WAS GRANDFATHERED UNDER HOUSE BILL 1704 FOR 1968, SO THEREFORE IT DOES NOT HAVE TO FOLLOW ANY OF THE -- ANY OF THE WATERSHED ORDINANCES TO PROTECT THE SPRINGS. AND UNDER TODAY'S -- IF IT WOULD NOT HAVE THIS -- THIS PROTECTION, THEN THIS TRACT COULD NOT BE DEVELOPED TODAY. SO THEY COULD ACTUALLY GO IN AND BUILD ON TOP OF THE SPRINGS WITHOUT US PURCHASING THE TRACT. ALSO, THIS TRACT IS ZONED CS. THE PROPOSED DEVELOPMENT WAS 9,000 SQUARE FOOT ON TRACT 1 AND THAT WAS GOING TO BE A DOLLAR STORE IN TRACT 2 WAS GOING TO HAVE FOUR RETAIL BUILDINGS TO MAKE UP 29,000 SQUARE FOOT OF RETAIL SPACE. THE PURCHASE PRICE, IS \$440,000 AND TRACT 1 AND TRACT 2 IS \$975,000. FOR A TOTAL OF 1.4. AND WE ARE PROPOSING TO USE OPEN SPACED MONEY TO PROTECT THE SPRINGS FOR WATER

QUALITY. THERE'S TWO OUTSTANDING DOCUMENTS THAT WE ARE STILL WORKING ON AND THAT'S THE SURVEY AND THE ENVIRONMENTAL SITE ASSESSMENT. AND WE WILL NOT -- WE WILL NOT CLOSE UNTIL WE COMPLETE THOSE.

ARE THERE ANY OTHER QUESTIONS?

MS. RISER, I WANTED TO EMPHASIZE THAT THE SIGNIFICANCE OF YOUR SAYING THAT THE PROPERTY WAS SUBJECT TO 1604 MAKES IT A VERY VALUABLE PIECE OF LAND; ISN'T THAT CORRECT?

YES, MA'AM. I DO HAVE THE APPRAISER HERE TO SPEAK TO IT IF YOU WOULD LIKE HIM TO.

SPEAK TO THE VALUE OF THE LAND?

SURE.

MR. POWELL HORNSBEE IS THE APPRAISER OF THE PROPERTY. WE HIRE HIM TO DO AN INDEPENDENT APPEAR APPRAISAL.

MR. HORNSBEE, COULD YOU ALSO LET EVERYONE KNOW THE CITY REQUIRES AN APPRAISAL, WE DON'T GO OUT AND GET AN INDEPENDENT APPRAISAL, BUT THAT IS A REQUIREMENT OF STATE LAW; IS THAT CORRECT.

YES, THAT'S MY UNDERSTANDING. THE INDEPENDENT APPRAISER THAT WAS -- THAT WAS HIRED IN THIS INSTANCE.

PURSUANT TO STATE LAW.

YES, MA'AM.

OKAY. CAN YOU TELL US A LITTLE BIT ABOUT THE VALUE OF THAT PROPERTY?

YES. AS LORRAINE INDICATED, LOTS OF TRACTS, 1604 PROTECTION AND THEN THE ADJACENT 4.5 ACRES. AND WE APPRAISED EACH OF THE TWO TRACTS. LOT 2 B IS VERY FAR DOWN THE ROAD TOWARD GETTING A SITE DEVELOPMENT PERMIT APPROVAL, IN ADDITION TO HAVING THE 1704

PROTECTION. ALSO THERE'S A LEASE IN PLACE TO A FAMILY DOLLAR STORE, WHICH SIGNIFICANTLY ENHANCES THE VALUE OF THAT SITE. WE DID THE APPRAISAL IN THE USUAL AND CUSTOMARY FASHION AND DID WHAT WE CALLED THE SALES COMPARISON APPROACH, FOUND OTHER TRACTS OF LAND SIMILAR TO THIS, BOUGHT AND SOLD RECENTLY AND APPRAISED THE PROPERTY COLLECTIVELY FOR THE MILLION-FOUR NUMBER.

Cole: THNG YOU FOR YOUR HARD WORK ON THIS, AND YOUR INDEPENDENT ANALYSIS. AND JUST THE LAST THING THAT I WOULD LIKE TO LET THE PUBLIC RECOGNIZE AS COUNCILMEMBER MARTINEZ HAS SAID, THE WORK IS GOING TO COMMENCE ON THIS PROPERTY TOMORROW. BUT WITH THIS PURCHASE THE CITY IS MAKING A COMMITMENT TO PRESERVE AND PROTECT THE LAND AND NOTHING ABOUT OUR ACTIONS TODAY PRECLUDES IT FROM BECOMING PARKLAND PERMANENTLY MAINTAINED BY THE CITY. THERE IS A DEFINITE INTENT FOR THAT TO HAPPEN AS OUR PARKS DIRECTOR IS INDICATING TOMORROW. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS OF STAFF? THANK YOU, MS. RISER. ONE CITIZEN WOULD LIKE TO ADDRESS US REGARDING THIS ITEM, MS. SUSANA ALMANZA SIGNED UP WISHING TO SPEAK. WELCOME, SUZANNA, YOU WILL HAVE THREE MINUTES.

GOOD MORNING, MAYOR AND CITY COUNCIL MEMBERS. I'M SUSANA ALMANZA WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES, I WOULD LIKE TO THANK THE COUNCIL FOR TAKING THIS ACTION TODAY TO PRESERVE ENVIRONMENTALLY SENSITIVE LAND IN EAST AUSTIN. WE ALSO WOULD LIKE TO RECOMMEND -- WE WOULD LIKE TO SEE THE SITE BECOME LIKE THE BROADZY..... BROADIE WILD PROJECT. IT'S A 4.4-ACRE WATER QUALITY PROTECTION PROPERTY AT THE CORNER OF SLAUGHTER AND BRODIE LANE. A COOPERATIVE PROJECT BETWEEN THE AUSTIN CHAPTER OF THE NATIVE PLANT SOCIETY OF TEXAS AND THE NATIVE PRAIRIES ASSOCIATION OF TEXAS AND THE CITY OF AUSTIN WATER AND WASTEWATER DEPARTMENT WILD LANDS CONSERVATION DIVISION. PODER FEELS THAT THE OAK SPRINGS TRACT MEETS THE GOALS SET BY THE BRODIE

WILD PROJECT OF PROTECTING WATER QUALITY, RESTORING NATIVE SEJ VACATION AND -- VEGETATION AND HABITAT AND EDUCATING THE PUBLIC ABOUT HOW TO GARDEN WITH NATIVE PLANTS TO PROTECT WATER QUALITY AND REDUCE WATER USAGE. PODER WOULD APPRECIATE ANY ASSISTANCE YOU MAY GIVE TO HAVE THE OAK SPRINGS PROTECT OUR WATER QUOTE PROTECTION PROJECT IN EAST AUSTIN. I KNOW THERE'S BEEN A DISCUSSION ABOUT THE PARKLAND. I KNOW THAT THIS IS A MORE APPROPRIATE PLACE, A MORE APPROPRIATE PROJECT. ONCE I REVIEWED AND LOOKED AT THE BRODIE WILD PROJECT, I SAW HOW THIS PARTICULAR LAND WOULD BE JUST AN EXCELLENT SITE IN EAST AUSTIN. THIS IS A MODEL THAT WE ALREADY HAVE. AND I FEEL THAT IT'S SOMETHING THAT I THINK THE COUNCIL SHOULD REALLY REVIEW AND LOOK AT BEFORE MAKING A DECISION OF PUTTING IT INTO THE PARKS DEPARTMENT. SO I -- I REQUEST PODER AND THE COMMUNITY REQUEST THAT YOU LOOK AT THIS PROJECT AND GIVE IT SOME CONSIDERATION. THANK YOU.

Mayor Wynn: THANK YOU, MS. ALMANZA. SO AGAIN, COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ EARLIER. JUST BE APPROVING ALL ITEMS ON OUR AGENDA OTHER THAN ITEMS 11, 14, 18, 49, AND OUR ADDENDA ITEM 82. FURTHER COMMENTS? COUNCILMEMBER MARTINEZ?

Martinez: YEAH, MAYOR, ONE LAST ITEM, ITEM 44 IS THE CREATION OF THE PUBLIC SAFETY TASK FORCE. I WANT TO THANK COUNCILMEMBER DUNKERLY AND LEFFINGWELL FOR THEIR SUPPORT AND FOR YOUR SUPPORT, MAYOR, AND THE REST OF THE COUNCILMEMBERS. THE PUBLIC SAFETY TASK FORCE IS GOING TO BE A GROUP OF FOLKS THAT ARE NOT ONLY FROM THE PUBLIC SAFETY SECTOR, BUT THAT ARE ALSO FROM THE COMMUNITY. ONE OF THE THINGS THAT I THINK IS CRITICALLY IMPORTANT AS WE MOVE FORWARD WITH PUBLIC SAFETY DECISIONS IS THAT ALL OF THE STAKEHOLDERS ARE AT THE TABLE. WE PREVIOUSLY HAD A PUBLIC SAFETY TASK FORCE UNDER MAYOR GARCIA, AND I THINK THEY DID SOME GREAT WORK. I THINK THEY CAME UP WITH SOME SOUND RECOMMENDATIONS, BUT ONE OF THE ELEMENTS THAT I BELIEVE WAS MISSING WAS THE COMMUNITY INPUT AND THAT PARTICULAR ELEMENT OF THE

STAKEHOLDERS AND SO I -- I'M OPTIMISTIC AND HOPEFUL THAT WE CAN CREATE A GROUP THAT COMES FROM ALL DIFFERENT PART OF OUR COMMUNITY, INCLUDING PUBLIC SAFETY. SO THAT WE CAN MAKE SOME STRONG POLICY RECOMMENDATIONS. PUBLIC SAFETY IS ALWAYS A REALLY HIGH PRIORITY. IT'S OUR -- IT'S OUR BIGGEST COST DRIVER IN THE BUDGET AND -- AND WE CONSTANTLY HAVE TO MAKE DIFFICULT DECISIONS AS IT RELATES TO PUBLIC SAFETY. SO I THINK THAT IT'S CRITICALLY IMPORTANT THAT WE HAVE AS MANY FOLKS INVOLVED IN THIS PROCESS, GIVING THEIR INPUT AND BEING A PART OF THE DECISIONS THAT WE MAKE. SO I WANT TO THANK EVERYONE AND THANK COUNCILMEMBER -- MAYOR PRO TEM DUNKERLY FOR HER ADVICE AND COUNCIL ON THIS AS -- AND COUNSEL ON THIS AS WELL.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? AGAIN, WITH HE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA. I WILL QUICKLY SAY ITEM NO. 3 WHICH WE TALKED ABOUT BRIEFLY EARLIER, IS A CO-INVESTMENT BY THE CITY'S GREAT STREET FUNDS RIGHT IN THE CITY RIGHT-OF-WAY, JEANTS.....ADJACENT TO THE BALLET AUSTIN BUILDING. I WANT TO PUT A QUICK LITTLE PLUG IN FOR THAT PROJECT. VERY EXCITING. APPROXIMATELY A \$10 MILLION REDEVELOPMENT OF AN EXISTING BUILDING, FINDS ITSELF REALLY RIGHT NOW SOON TO BE IN THE HEART OF THE BURGEONING SORT OF SOUTHWEST QUADRANT OF DOWNTOWN. IN ADDITION TO THE SEVEN OR SO STUDIOS WITHIN THE BUILDING, GOING TO BE A STATE-OF-THE-ART SMALLER 300 SEAT OR SO THEATER, GOING TO BE A LARGE COMMUNITY BOARD ROOM, GOING TO BE A VERY EXCITING PART OF THE OWE OVER THE CULTURAL VITALITY AS WE SEE OUR DOWNTOWN DRAMATICALLY AND QUICKLY REDEVELOPING. PARTICULARLY WHEN YOU TIE IT IN WITH THE NEW REDEVELOPED AUSTIN MUSIC HALL NEXT DOOR, OF COURSE RESIDENTIAL TOWERS BEING BUILT WITHIN WALKING DISTANCE OF THIS FACILITY. A THOUSAND KIDS GO TO THE BALLET AUSTIN SCHOOL NOW. THAT'S A REMARKABLE, REMARKABLE COMMUNITY ASSET. IT'S EXCITING THAT THE CITY IS IN A PRETTY MODEST WAY CO-INVESTING WITH A GREAT ORGANIZATION AND A GREAT

PROJECT DOWNTOWN. HATS OFF TO OUR FRIENDS AT BALLET AUSTIN. IT'S COMPLETELY COINCIDENTAL THAT WE HAVE THIS VOTE TODAY. ON SUNDAY I PLAY MOTHER GINGER IN THE NUTCRACKER [LAUGHTER] AGAIN A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. MS. TERRY?

MAYOR AND COUNCIL, THERE NEEDS TO BE A CORRECTION TO THE RESOLUTION ASSOCIATED WITH AGENDA ITEM NO. 43.

Mayor Wynn: THANK YOU.

THE AGENDA ITEM NO. 43 PROVIDES FOR THE ACQUISITION OF THIS PROPERTY THROUGH NOVEMBER 1998, BOND PROPOSITION NUMBER 2 FUNDS. THAT IS NOT GREEN WAY AND DESTINATION PARKS. THAT IS OPEN SPACE. THE BE IT RESOLVED PORTION NEEDS TO READ THAT THE ACQUISITION OF THE SITE IS IN FURTHERANCE OF THE PURPOSES OF NOVEMBER 1998 BOND PROPOSITION NUMBER 2 FOR OPEN SPACE.

Futrell: MARTY, IF I UNDERSTAND THIS CORRECTLY. THE IDEA BEING, COUNCILMEMBERS CORRECT ME IF I DON'T HAVE YOUR INTENT CORRECT. WE ARE GOING TO BUY MOW WITH OPEN PACE -- BUY NOW WITH OPEN SPACE PROP 2. LATER SHOULD THERE BE A DESIRE TO MAKE IT DEDICATED PARKLAND, WE WOULD THEN TO HAVE THAT PROPERTY BOUGHT OUT OF PARKLAND MONEY. IN OTHER WORDS REPAID INTO WATER QUALITY MONEY AND BOUGHT WITH PARKLAND MONEY.

AND THERE IS ONE FURTHER QUESTION, BECAUSE THE BE IT RESOLVED SAYS 1998, IT IS NOVEMBER 2006 OPEN SPACE ACQUISITION.

Futrell: WHICH BUYS THE PROPERTY, PRESERVES IT. IF THE DESIRE IS TO MAKE IT PARKLAND, WE WILL HAVE TO DO A CORRECTION AT THAT POINT ON THE FUNDING SOURCE.

THAT IS CORRECT. BUYING IT OPEN SPACE DOES NOT PROHIBIT YOU FROM CONSIDERING LATER ON TO DEDICATE IT AS A PARK. DOES NOT PROHIBIT THAT CONSIDERATION,

YOU CAN MAKE THAT CORRECTION LATER ON IF YOU FIND IT TO BE APPROPRIATE.

Mayor Wynn: THANK YOU, MS. TERRY, MS. GENTRY YOU WILL NOTE THOSE CORRECTIONS ON ITEM NO. 43. FURTHER COMMENTS, QUESTIONS, COUNCILMEMBER COLE?

I HAVE ONE QUESTION FOR MS. TERRY. WHAT I DIDN'T KNOW, IF THERE WAS ANY KIND OF LIMITATIONS PERIOD WHERE WE HAD TO MAKE A DECISION ABOUT THAT AFTER WE TALKED TO THE MAINLY STAKEHOLDERS, EVEN IF PEOPLE ARE INTERESTED IN JUST A PORTION OF IT BEING DEDICATED.

YOU CAN DO IT AT ANY POINT.

YES, MA'AM, YOU CAN DO IT AT ANY POINT. THE APPROPRIATE THING IS THAT IT IS AN APPROPRIATE DECISION TO BE MADE.

THANK YOU.

Mayor Wynn: THANK YOU, MS. TERRY, FURTHER COMMENTS OR QUESTIONS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO, COUNCIL, I THINK WE COULD TAKE UP PERHAPS A RELATIVELY QUICK DISCUSSION ITEM PRIOR TO OUR POSTED -- PRESENTATION BY MR. GALINDO. ITEM NO. 14 WAS PULLED BY COUNCILMEMBER MCCracken. WE HAPPEN TO HAVE ONE CITIZEN HERE WHO WOULD LIKE TO ADDRESS US REGARDING THAT. BUT -- BUT PERHAPS IF WE ALLOW A MINUTE OR TWO FOR THE CROWD TO -- TO QUIETLY EXIT. WE WILL TAKE UP ITEM NO. 14.

MAYOR --

COUNCILMEMBER MARTINEZ.

Martinez: A POINT OF INFORMATION BEFORE WE TAKE THIS

ITEM UP. IT WAS PRINTED ONLINE TODAY THAT WE WOULD BE DISCUSSING NORTH CROSS. WE WOULD BE HAVING A BRIEFING ON THAT AT 3:00 P.M. I WANT TO -- I WANT TO CLARIFY WHETHER OR NOT IT'S 6:00 P.M. OR 3:00 P.M. SO THAT THE MEDIA CAN GET IT OUT THERE. BECAUSE I THINK IT WAS PUBLISHED THAT IT WOULD HAPPEN AT 3:00 P.M.

Mayor Wynn: YES, AS I READ THE CHANGES AND CORRECTIONS, I TRIED TO NOTE THAT. THE WILL OF THE COUNCIL WILL BE TO TAKE UP THAT ITEM ALONG WITH OUR 6:00 PUBLIC HEARINGS, ONE OF THEM WAS SOMEWHAT RELATED REGARDING BIG BOX ORDINANCES. YES, THANK YOU FOR THE REMINDER. WELCOME, MR. GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. MY NAME IS GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. ITEM NO. 14 RELATES TO A RESOLUTION DIRECT BEING THE COUNCIL TO CONSIDER NEIGHBORHOOD PLANS IN SOME OF OUR NEW AREAS THAT WE WOULD PROPOSE. THESE WOULD INCLUDE WINDSOR ROAD, WEST AUSTIN NEIGHBORHOOD GROUP AREA, WINDSOR HILLS, HERITAGE, NORTH LAMAR, JORDANTON ACRES, SAINT JOHNS AND CORONADO DO HILLS. THIS IS SOMETHING THAT WE DO USUALLY ANNUAL AND THEN THESE WOULD BE THE NEW NEIGHBORHOODS THAT WE WOULD GO IN TO DO OUR NEIGHBORHOOD PLANNING WORK. WE HAVE BEEN CONTACTED BY THE OLD ENFIELD NEIGHBORHOOD, WHICH IS A -- A PORTION OF THE WINDSOR ROAD NEIGHBORHOOD, PRIMARILY REPRESENTED BY THREE SEPARATE NEIGHBORHOODS BE RIGHT.....BERIGHT.....BRYKERWOODS ANDPEMBERTON. THEY HAVE GIVEN YOU A LETTER, I BELIEVE, THEY ARE ASKING TO BE REMOVED FROM THE NEIGHBORHOOD PLAN PROCESS. WE HAVE ACTUALLY LAST WEEK I SENT A LETTER TO THE PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION CONCERNED THAT WE ARE BRINGING NEIGHBORHOOD PLAN AS COMBINED NEIGHBORHOODS, A PROGRAM THAT WE HAVE DONE THE LAST FIVE YEARS. WE HAVE DONE THE CRESTVIEW-WOOTEN, EAST RIVERSIDE-OLTORF, PLEASANT VALLEY, MOST RECENTLY THE ONE THAT PROBABLY DREW THE MOST ATTENTION WAS THE CENTRAL AUSTIN WHERE WE HAD THE HANCOCK, WEST, NORTH UNIVERSITY, WE

BROUGHT THOSE NEIGHBORHOOD PLANS TO YOU. THEY EACH HAD SEPARATE CONTACT TEAMS. EACH HAD SEPARATE FUTURE LAPPED USE MAPS, LAND USE DISCUSSIONS THAT WERE INDEPENDENT OF THOSE OTHER NEIGHBORHOODS. BUT THEY CAME TOGETHER AS A COMBINED NEIGHBORHOOD. AND I THINK THAT IS THE CONCERN. I HAVE SPOKEN WITH JIM. WITH THE -- WITH THE WEST AUSTIN FOLKS AND WE HAVE GOT LETTERS FROM THE OTHER TWO NEIGHBORHOODS THAT PEMBERTON AND BRYKERWOODS THAT THEY WOULD BE IN AGREEMENT TO MOVE FORWARD. THIS WOULD BE THE FIRST TIME SINCE WE HAVE CREATED THESE NEIGHBORHOOD PLANNING AREAS WHY WE WOULD TAKE A SUBSET TO BE REMOVED FROM A PLANNING AREA. WE COULD PROBABLY WORK AROUND THIS IF THEY EVER TRULY WANTED TO BE REMOVED. THE ONLY ISSUE WOULD COME UP IS IN THE FUTURE IF OLD ENFIELD CAME BACK TO THE CITY AND ASKED TO HAVE A NEIGHBORHOOD PLANNING PROCESS BROUGHT BACK AND DONE FOR THEM, THIS WOULD BE SOMETHING THAT WE HAVE NOT DONE FOR ANY INDIVIDUAL NEIGHBORHOOD GROUP IN OUR NEIGHBORHOOD PLANNING PROCESS.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF, COUNCIL? IF NOT, THEN WE WILL HEAR FROM MR. CHRISTIANSON. WELCOME, JIM. YOU WILL HAVE THREE MINUTES, WELCOME.

MY NAME IS JIM X RAYS CHRISTIANSON. I WORKED ON THE PLAN BACK IN THE 70s. I WOULD LIKE TO READ A LETTER ON BEHALF OF OUR PRESIDENT. SHE TOOK A POLL OF OUR BOARD OF DIRECTORS, HER NAME IS MARLENE ROMASAS. ON BEHALF OF THE OLD ENFIELD HOMEOWNERS ASSOCIATION I AM REQUESTING THAT THE OLD ENFIELD NEIGHBORHOOD BE REMOVED FROM THE WINDSOR AND [INDISCERNIBLE] COMBINED NEIGHBORHOOD PLANS. BY UNANIMOUS VOTE OF OUR BOARD OF DIRECTORS WE DO NOT WANT TO PARTICIPATE IN THE NEIGHBORHOOD PLANNING PROCESS AT THIS TIME. WE ARE A UNIQUE NEIGHBORHOOD IN THAT WE DO NOT HAVE COMMERCIAL ZONING AND VERY FEW ISSUES THAT WOULD BE ADDRESSED IN THE NEIGHBORHOOD PLAN. GIVEN THESE FACTS WE ANTICIPATE OUR PART OF THE PLAN TO BE SIMPLE AND COMPLETE RATHER QUICKLY. UNFORTUNATELY

WITH THE ADDITION OF TARRYTOWN INTO THE PLANNING PROCESS, THE TIME TO COMPLETE THE COMBINED PLAN AND ADOPTION WILL TAKE MUCH LONGER THAN WE WERE ORIGINALLY TOLD IT WOULD TAKE. FOR 10 YEARS, FOR 10 YEARS, THE WINDSOR PLAN, WHICH INCLUDED ONLY OLD ENFIELD, PEMBERTON HEIGHTS AND BRYKERWOODS HAVE BEEN ON THE CITY PLANNING MAP. AT NO TIME UNTIL THE LAST FEW WEEKS WERE WE INFORMED THAT STAFF INTENDED TO ADD TARRYTOWN AND MAKE IT A COMBINED PLAN. THIS NEW COMBINED PLAN TRIPLES THE NUMBER OF PARTICIPANTS IN OUR NOW EXPANDED WINDSOR PLAN. WE RESPECTFULLY ASK THE COUNCIL TO APPROVE OUR REQUEST. SINCERELY, MARLENE [INDISCERNIBLE], PRESIDENT OF OLD ENFIELD HOMEOWNERS ASSOCIATION. SINCE I WAS PRESIDENT OF THE ASSOCIATION ABOUT EIGHT YEARS AGO WHEN I WROTE THE LETTER ASKING THAT THE WINDSOR PLAN GO FORWARD, SO POINT OUT THERE ARE A LOT OF PLANS THAT JUST CONSIST OF ONE NEIGHBORHOOD. ONE DIRECTLY SOUTH OF US, I WOULD BE HAPPY TO TALK TO YOU ABOUT ANY QUESTION THAT'S WE HAVE ABOUT THE 10 YEAR PROMISES THAT WE WERE PROMISED THAT WOULD GO FORWARD AND AT THE VERY LAST MINUTE RIGHT AFTER THANKSGIVING WE GET TOLD THAT WE ARE NOW TRIPLING THE SIZE OF YOUR PLAN AREA. AND OUR BOARD OF DIRECTORS, EVERYONE WAS POLLED, AND IT WAS UNANIMOUSLY RECOMMENDED THAT WE OPT OUT OF THIS PLAN. WE RESPECTFULLY ASK THAT YOU GRANT OUR REQUEST. I WILL BE HAPPY TO GIVE YOU ANY HISTORY. I HAVE BEEN DEALING WITH THIS PROCESS FOR ABOUT 8 TO 10 YEARS. I WAS ONE OF THESE -- THE FIRST PEOPLE TO REQUEST A NEIGHBORHOOD PLAN FOR OUR NEIGHBORHOOD AND WHEN WE FINALLY GET IT ON YOUR AGENDA, IT'S TRIPLED IN SIZE AND IT'S GOING TO BE TOTALLY UNWORKABLE.

Mayor Wynn: THANK YOU, MR. CHRISTIANSON. THANK YOU. QUESTIONS FOR JIM, COUNCIL? COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: I THINK THE ONLY POINT IS IF SOMEBODY DOESN'T WANT TO BE PART OF A NEIGHBORHOOD PLAN, I DON'T THINK WE SHOULD FORCE THEM TO. THE WAY IT WAS EXPLAINED TO ME FOR OLD ENFIELD, THEY ARE 100%

NEIGHBORHOOD, NO COMMERCIAL WITHIN THE BOUNDARIES AND -- AND SO IT SEEMS LIKE, YOU KNOW, THAT IF THE -- IT WOULD ACTUALLY STREAMLINE IT FOR THE REST OF THE NEIGHBORHOODS IF THEY DON'T WANT TO BE IN. IT SHOULD BE SOMETHING THAT HAPPENS FREELY.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: SO I UNDERSTOOD I THINK THAT I UNDERSTOOD WHAT YOU SAID EARLIER WAS THAT IF THEY WERE REMOVED FROM THIS COMPOSITE PLANNING PROCESS, IT WILL BASICALLY BE A WHILE BEFORE THEIR NEIGHBORHOOD PLAN WOULD BE CONSIDERED?

WELL, COUNCIL HAS GIVEN DIRECTION FOR US TO BRING ALL OF THE CORE NEIGHBORHOODS AND FINISH THEM BY 2010. AND SO THIS IS COMBINED PROCESS HAS BEEN DONE FOR ABOUT THE LAST FIVE OR SIX YEARS WHEN OUR DEPARTMENT AND NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT WAS CREATED. THERE WAS A -- THERE WAS A -- A DIRECTION BY THE CITY COUNCIL TO START DOING SOME OF THESE COMBINED AREAS BECAUSE OF LIMITED STAFF AND ACTUALLY TO BRING THEM FORWARD IN A MORE QUICK MANNER. AND SO WE HAVE DONE THAT. AND THE REMOVAL OF THIS AREA WOULD MEAN THAT WE WOULD SET THEM ASIDE AND WE WOULD CONTINUE ON WITH THE OTHER CORE NEIGHBORHOODS.

SO THAT'S WHAT I WAS TRYING TO CLARIFY. BASICALLY IF THEY WERE REMOVED IT WOULD BE A WHILE BEFORE YOU COULD CONSIDER THEIR NEIGHBORHOOD PLAN AGAIN.

THAT'S CORRECT. AT SOME POINT WE MIGHT COME BACK TO THIS AREA. TO REVISIT FOR AN UPDATE. AND AT THAT TIME WE COULD CONSIDER OLD ENFIELD AGAIN. BUT IF WE WERE TO REMOVE THEM, THE CONCERN THAT STAFF HAS IS ONE OF EQUITY. BECAUSE WE HAVE MANY NEIGHBORHOOD PLANNING AREAS WHERE WE MAY HAVE ONLY TWO OR THREE GROUPS OR WE MAY HAVE 12 DIFFERENT NEIGHBORHOOD GROUPS THAT SAY THAT THEY REPRESENT PORTIONS OF THESE AREAS. THE CITY DOES NOT REQUIRE A FORMAL REGISTRATION OF ANY OF OUR NEIGHBORHOOD ORGANIZATIONS THAT FILE WITH THE CITY. IT'S A FREE-

FLOWING PROCESS. YOU REGISTER WITH THE CITY, WE ACKNOWLEDGE YOUR EXISTENCE, ACKNOWLEDGE YOUR BOUNDARIES, WE ASK YOU TO RENEW YOUR BOUNDARIES AND LEADERSHIP EVERY YEAR SO WE KNOW WHO WE ARE SENDING THE INFORMATION TO. SOME NEIGHBORHOODS INCLUDE ALL PROPERTY OWNERS. SOME INCLUDE PROPERTY OWNERS AND RENTERS. SOME INCLUDE ONLY NEIGHBORHOOD PROPERTY OWNERS THAT ARE RESIDENTIAL IN NATURE BUT EXCLUDE BUSINESS PROPERTY OWNERS, SO WE HAVE A NEIGHBORHOOD THAT'S MOSTLY REPRESENTED BY RESIDENTIAL PROPERTY OWNERS COMING FORWARD ASKING TO BE REMOVED. IF COUNCIL DOES HAVE THAT AS YOUR DESIRE, WE CERTAINLY DON'T WANT TO MAKE THE FOLKS IN OLD ENFIELD UPSET. WE COULD REMOVE THEM, BUT THEN WE WOULD SUGGEST THEY COULD ONLY BE BROUGHT BACK WHEN WE BRING BACK AN UPDATE FOR THE ENTIRE WINDSOR ROAD AREA. IF NEXT YEAR OR THE YEAR AFTER THEY SAY WE REALLY WANT TO BE INCLUDED, THAT THE EQUITY ISSUE THEN ISN'T BROUGHT UP TO STAFF AND TO YOU IN THE FUTURE WHERE WE HAD INDIVIDUAL NEIGHBORHOODS SAYING WELL YOU CUT LOOSE OLD ENFIELD, LET THEM DO THEIR OWN STUDY. WE WOULD WANT OURS TO BE DONE IN A SIMILAR MANNER.

I UNDERSTAND THAT. COULD I ASK MR. CHRISTIANSON, WITH THAT PROVISION THAT YOUR NEIGHBORHOOD PLAN WOULD NOT BE CONSIDERED UNTIL A LATER DATE -- WHAT IS YOUR PREFERENCE? WOULD YOU ON.

HE WE ARE UNDERSTANDING THAT. THE PROBLEM IS, I -- I GUESS THAT I'M FRUSTRATED BECAUSE OF EIGHT YEARS OF TRYING TO DEAL WITH THIS. WANG, TARRYTOWN, I'M A MEMBER OF TARRYTOWN BECAUSE I OWN PROPERTY OVER THERE. SO I GET THEIR NEWSLETTER. THEY DIDN'T KNOW ANYTHING ABOUT THESE COMBINED PLANS UNTIL ABOUT THREE YEARS AGO. WE HAVE BEEN COMMUNICATING WITH THE CITY OVER YEARS AND YEARS AND YEARS AND EVERY TIME WE ARE TOLD IT'S NOT YOUR TIME, WAIT. IT'S NOT YOUR TIME, WAIT. I MEAN, WE MET WITH YOU, CITY MANAGER, IN NOVEMBER, MARLENE AND I DID AT YOUR OFFICE. WE ASKED THE SAME THING A YEAR AGO. WILL WE BE JUST WINDSOR AND YOU TOLD US YES, YOU WILL BE. WE TALKED WITH GREG ABOUT RUMORS OF COMBINED PLANS,

WE WERE TOLD NO THERE'S NO PLANS. THE DAY AFTER THANKSGIVING, NEIGHBORS START GETTING PHONE CALLS BY THE WAY WINDSOR PLAN IS STARTING, ON TOP OF THAT WE ARE HAVING A COMBINED PLAN. THAT'S NOT WHAT WE -- WE HAVE SOME SERIOUS ZONING ISSUES AND WE THINK THAT IN ADDING 4,500 PEOPLE TO THE PLANNING PROCESS SOME OF THOSE ZONING ISSUES WON'T BE ADDRESSED. THEY WOULD HAVE BEEN ADDRESSED IN WE HAD THE ORIGINALLY DRAWN PLAN WHICH WAS DRAWN 10 YEARS AGO. I HAVE A COPY OF IT. AND Y'ALL ORIGINALLY SET OUT THE BOUNDARIES TO BE THE WESTBOUND DEARS OF THE CENTER -- BOUNDARIES OF THE CENTER CITY PLANS TO BE MOPAC, THE EASTERN BOUNDARY TO BE ED BLUESTEIN. IT DIDN'T GO ACROSS WINDSOR ROAD. IT HAS ONLY GONE ACROSS WINDSOR ROAD IN THE LAST DEVELOPMENTS. WE UNDERSTAND THIS WILL PUT US BACK IN THE PROCESS. I THINK TO SAY THAT WE CAN'T GET SOME OF OUR ISSUES ADDRESSED. WE FEEL LIKE OUR ISSUES ARE FAIRLY SIMPLE, THEY ARE FOR THE GOING TO BE -- THEY ARE NOT GOING TO BE ADDRESSED IN SUCH A LARGE PLAN. BUT WE UNDERSTAND THIS PUTS US BACK IN THE PROCESS.

Mayor Wynn: I WILL SAY MR. CHRISTIANSON, IT SEEMS TO ME THOUGH -- I KNOW YOUR NEIGHBORHOOD WELL. THE NATURE OF THE FACT THAT IT'S PURELY RESIDENTIAL, I GUESS I SEE THE FLIP SIDE OF THIS ARGUMENT IS THAT -- IS THAT THERE WILL BE SO FEW MOVING PARTS IN THE SCHEME OF THINGS IN YOU ALL'S IMMEDIATE AREA OF THIS - - OF THIS PROPOSED LARGER PLAN THAT IT FRANKLY WON'T REQUIRE MUCH WORK OF -- OF THE LEADERSHIP AND THEN IT JUST GETS DONE, YOU KNOW, WITH -- GRANTED IT WILL GET DONE IN A LENGTHIER TIME THAN A STAND ALONE PLAN, BUT YOUR ELEMENT IS GOING TO BE SEEMINGLY SO SIMPLE.

OUR ELEMENT OF THE PLAN IS NOT GOING TO BE ADDRESSED -- WHEN YOU LOOK AT OUR NEIGHBORHOOD OR LOOK DOWN MY STREET, YOU WILL THINK EVERYBODY IS SINGLE FAMILY. THERE'S A LOT OF MULTI-FAMILY. THIS AFTERNOON YOU WILL BE DEALING WITH A MULTI-FAMILY CASE IN OUR NEIGHBORHOOD. WHEN YOU DRIVE OUR STREETS, YOU THINK THAT YOU ARE SINGLE FAMILY, BUT WE ARE MULTI-FAMILY. THOSE ARE GOING TO BE A -- A LOT

OF IS IT INTERPLAYED WITH SINGLE FAMILY HOMES AND THOSE SORTS OF ISSUES ARE GOING TO TAKE TIME TO BE ADDRESSED. THEY ARE FOR THE GOING TO BE ADDRESSED WHEN YOU ARE DEALING WITH THE 4500 ADDITIONAL HOMES THAT ARE GOING TO COME INTO -- FROM TARRYTOWN. ALL THAT WE ARE ASKING IS TO HELP US OUT. I CAN READ YOU ALL OF THE BOARD MEMBERS COMMENTS. WE WANT OUT. THAT'S ALL THAT WE ARE ASKING.

Mayor Wynn: I'M RESPECTFUL OF THAT. I CAN SEE THE ADVANTAGE JUST FRANKLY FROM A SORT OF RAW POLITICAL STANDPOINT, THE ADVANTAGE, HOWEVER, IF THERE IS A NEIGHBORHOOD PLAN IN THE WORKS AND GRANTED WE ALWAYS THINK IT COULD GO QUICKER, BUT THEY ARE COMPLICATED. THEN I SEE FRANKLY A NEIGHBOR'S ARGUMENT AS THESE INDIVIDUAL RESIDENTIAL CHALLENGES COME FORWARD, IN YOUR NEIGHBORHOOD, THAT WELL WAIT A MINUTE THERE IS A PLAN MOVING FORWARD, THERE ARE THESE TOOLS NOW BEING DISCUSSED BY SOME OF THE LEADERSHIP, WHY DON'T WE -- COUNCIL, WHY DON'T YOU COOL YOUR HEELS AND ON THIS PARTICULAR PROJECT BECAUSE WE HAVE A LARGER PERSPECTIVE VIEWING ON OUR PLAN. IF WE DO GRANT YOUR WISH AND OPT YOU OUT, IT IS SORT OF BUSINESS AS YOU RECALL, THERE WILL BE THESE INDIVIDUAL SKIM..... SKIRMISHES FOR THE NEXT FOUR OR FIVE YEARS.

I THINK MAYBE -- I WENT THROUGH A NEIGHBORHOOD PLANNING PROCESS IN ANOTHER AREA, HAD TO GO TO LIKE 27 MEETINGS. YOU KNOW, ULTIMATELY ENDS UP WITH THE SURVIVOR OF THE FITTEST AT THE VERY END. AGAIN, OUR CONCERN IS THAT WE HAVE BEEN ON THE MAP SO TO SPEAK FOR 10 YEARS. THAT THIS WAS OUR MAP AREA. AND WE COULD FUNCTION WITH THE THREE NEIGHBORHOODS THAT WE WERE ASSOCIATED WITH. WE DON'T THINK THAT IF YOU HAVE BEEN THROUGH THE PLANNING PROCESS, I WOULD ENCOURAGE YOU TO GO SIT THROUGH THE PLANNING ROSE FOR YOUR NEIGHBORHOOD -- PLANNING PROCESS FOR YOUR NEIGHBORHOOD, YOU WILL FIND OUT THAT PEOPLE JUST GET TIRED. WE FELT LIKE THAT THE NEIGHBORHOOD ORIGINALLY DRAWN UP, TOLD TO US FOR 10 YEARS WAS GOING TO BE THE DRAWINGS OF OUR NEIGHBORHOOD PLAN, WE COULD -- THAT WAS A

MANAGEABLE GROUP. BUT ADDING THIS LARGE NUMBER WE ARE NOT GOING TO BE ABLE TO ADDRESS SOME SERIOUS PROBLEMS IN OUR NEIGHBORHOOD. WE JUST WANT OUT. THAT'S ALL THAT WE ARE ASKING.

Futrell: MAYOR LET ME ASK THIS JUST AS AN -- AS A POSSIBILITY FOR YOU TO CONSIDER. THE PLAN FROM 10 YEARS AGO HAD EVERY URBAN CORE NEIGHBORHOOD IN IT AND IT HAS COMPLETELY CHANGED. THAT 10-YEAR-OLD PLAN HAS NOT BEEN THE PLAN FOR MANY YEARS. IN THE CITY. BECAUSE WE COULDN'T GET THROUGH THEM. THE PLANS WERE TAKING SO LONG AND WE WERE TAKING THEM IN SUCH SMALL CHUNKS. SO MANY, MANY YEARS WE HAVE COMBINED THEM AND WE HAVE DONE NOT A BAD JOB. I DON'T KNOW HOW LONG AGO YOU WENT THROUGH THE PLANNING PROCESS, BUT THE PLANNING PROCESS IS STILL RIGOROUS, TAKES A LOT OF TIME, BUT IT'S HALF AND SOMETIMES ONE THIRD THE TIME OF THE OLD PLANS THAT STARTED 10 YEARS AGO. WOULD YOU CONSIDER, HAVE YOU THOUGHT ABOUT CONSIDERING SOMETHING LIKE THIS. I THINK YOU MIGHT BE SURPRISED AT HOW WELL THE STAFF DOES IN SEGMENTING OUT THE INTERESTS IN THE COMBINED PLANS, WORKING TO GET YOUR INDIVIDUAL INTERESTS ADDRESSED IN THE SCOPE OF A LARGER PLAN. IF YOU PARTICIPATED BUT DID NOT FEEL LIKE IT WAS SATISFYING YOUR NEEDS AND WANTED TO THEN ASK COUNCIL TO OPT YOU OUT, HAVE YOU THOUGHT ABOUT -- I WORRY ABOUT THE FACT THAT YOU ARE NOT GOING TO GET YOUR ISSUES ADDRESSED IN A TIMELY FASHION BY PULLING OUT.

I WANT TO ADDRESS ABOUT, YOU KNOW, YOU MENTIONED DIFFERENT NEIGHBORHOOD GROUPS. THIS NEIGHBORHOOD GROUP SEPARATED OUT FROM TARRYTOWN BACK IN 1982 AND WE HAVE BEEN A COMPACT NEIGHBORHOOD GROUP. WE HAVE DEFINED BOUNDARIES, WE HAVE ELECTED EVERY PERSON, EVERY STREET PRACTICALLY GETS A REPRESENTATIVE ON OUR BOARD. SO IT HAS BEEN A FUNCTIONING AREA BECAUSE OF -- WE FELT THE BIGGER AREA WAS NOT ADDRESSING SOME OF THE ISSUES. WE JUST WANT OUT. PLEASE LET US OUT.

Guernsey: MAYOR, COUNCIL, I DID SPEAK WITH THEIR

PRESIDENT LAST NIGHT. DID GO OVER THE THINGS THAT TOBY JUST MENTIONED. I WAS VERY CLEAR THAT THEY WOULD HAVE SEPARATE CONTACT TEAMS, SEPARATE DISCUSSIONS. WHEN WE MEAN COMBINED BRINGING THEM TOGETHER, THERE WILL BE SEPARATE FUTURE LAND USE MAPS, SEPARATE CONTACT TEAMS FOR THESE DIFFERENT AREAS, SEPARATE DISCUSSIONS THAT WILL OCCUR. STAFF DOES NOT WANT TO PRECLUDE ISSUES FROM COMING FORWARD AND I PUT THAT IN MY LETTER TO THE PRESIDENT. THAT IN THE FUTURE IF BOTH SIDES WANT TO DISCUSS CUT-THROUGH TRAFFIC OR MOPAC, THOSE ITEMS COULD COME UP. I BROUGHT UP ISSUES WHERE THERE ARE ADVANTAGES TO HAVING A NEIGHBORHOOD PLAN. IN PARTICULAR ON REZONING CASES THAT YOU MAY HAVE TO AMEND THE MAN AND IN ORDER TO CHANGE IT BEFORE YOU CAN CHANGE THE ZONINGS, ALSO THE ADVANTAGES IF WE HAVE CAPITAL IMPROVEMENTS PROJECTS THAT THE NEIGHBORHOOD AREAS THAT ARE IDENTIFIED SAY FOR SIDEWALKS WILL HAVE RECEIVE MORE POINTS AND MOVE UP HIGHER ON THE LIST AND IF WE DON'T HAVE THOSE COMMENTS IN, FOR INSTANCE, PUBLIC WORKS WILL MAKE A DECISION AND BRING THAT FORWARD RATHER THAN LOOKING AT THE PLAN FIRST AND BRINGING THOSE DECISIONS FORWARD, WHAT SIDEWALKS WILL BE BUILT. SO -
-

THE OUTCOME OF THAT DISCUSSION, GREG, WAS --

WAS THE LETTER THAT YOU RECEIVED --

Futrell: STAY OUT.

COUNCIL WILL -- IF THE NEIGHBORHOOD'S DESIRE IS TO REMOVE THEM, WE WOULD SHOW THE LINE, THEY WOULD BE A SMALL HOLE THAT WOULD BE LEFT BEHIND.

Mayor Wynn: THANK YOU FOR THAT ADDITIONAL EFFORT, MR. GUERNSEY. FURTHER QUESTIONS OF STAFF? COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: I WILL MAKE A NOTHING. I DON'T THINK IT'S A GOOD IDEA, I THINK THAT IT'S A MISSED OPPORTUNITY. BUT I ALSO RESPECT THEY DON'T WANT TO DO IT, IT'S AN

INFORMED DECISION. I WILL MOVE TO APPROVE ITEM NO. 14 WITH THE EXCEPTION OF REMOVING THE OLD ENFIELD NEIGHBORHOOD ASSOCIATION FROM THE LIST.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER KIM TO APPROVE ITEM NO. 14, HOWEVER REMOVING THE REQUESTED -- REQUESTED SUBAREA FROM THE PLAN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. OKAY. COUNCIL, I THINK WITHOUT OBJECTION THAT CAN TAKE US TO OUR MORNING PRESENTATION OR BRIEFING, BY PLANNING COMMISSIONER SID GALINDO REGARDING THE 2030 TOWN CENTER ADDITION. WELCOME, SID. CID GALINDO REGARDING THE 2030 TOWN CENTER INITIATIVE.

MAYOR, COUNCIL, GOOD MORNING, MY NAME IS CID GALINDO, A MEMBER OF THE PLANNING COMMISSION. AND I AM ALSO THE -- THE CHAIR OF THE COMPREHENSIVE PLAN COMMITTEE OF -- OF THE PLANNING COMMISSION AND WE HAVE THE -- THE GOOD FORTUNE OF BEING ABLE, IN THIS COMMITTEE, TO THINK ABOUT THE BIG PICTURE AND THINK ABOUT THE LONG-TERM AND TALK ABOUT AND ENVISION THE KIND OF CITY THAT WE WOULD LIKE TO BUILD FOR OUR CHILDREN AND GRANDCHILDREN. WHAT I WOULD LIKE TO DO THIS MORNING IS INVITE YOU TO TAKE A FEW MINUTES OUT OF YOUR BUSY SCHEDULE DEALING WITH IMMEDIATE ISSUES THAT NEED TO BE ADDRESSED, THINK A LITTLE BIT ABOUT THE LONG TERM, STEPS THAT WE CAN TAKE TO TRY TO BUILD THE KIND OF CITY THAT WE WOULD LIKE TO HAVE FOR FUTURE GENERATIONS. LET ME SEE IF I CAN FIGURE THIS OUT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

WE HAVE ALSO REACHED OUT AND CREATED A GROUP THAT INCLUDES REPRESENTATIVES OF ENVISION CENTRAL TEXAS, THE AUSTIN NEIGHBORHOODS COUNCIL, THE REAL ESTATE COUNCIL OF AUSTIN, THE HILL COUNTRY CONSERVANCY. POTENTIALLY AFFECTED LANDOWNERS WITH SOME OF THE

DISCUSSIONS WE'VE ALREADY HAD WITH TOWN CENTER LOCATIONS. OF COURSE, WE'VE BROUGHT IN STAFF FROM VARIOUS CITY DEPARTMENTS AS NEEDED TO ADVISE US AND THERE HAVE BEEN OTHER STAKEHOLDERS GROUPS THAT HAVE PARTICIPATED IN THE MONTHLY MEETINGS THAT WE'VE HAD THROUGHOUT THE YEAR. WHAT WE'LL GO OVER TODAY VERY BRIEFLY IS WE'LL SPEND TIME TALKING ABOUT THE HIGH GROWTH THAT IS ALMOST UNIQUE AMONG AUSTIN AND CITIES IN OUR COUNTRY. WE'LL REVIEW THE EXISTING LAND USE PLANNING FRAMEWORK THAT WE USE THAT'S BASED ON THE WATERSHEDS ON THE TOPOGRAPHY ON OUR LAND AND THEN WE'LL TALK ABOUT SOME OF THE TOOLS AND IDEAS THAT WE HAVE TO TRY TO BUILD A MORE SUSTAINABLE CITY IN THE CONTEXT OF THE VERY FAST GROWTH THAT WE'VE BEEN EXPERIENCING CONSISTENTLY OVER TIME. AND THEN WE'LL SPEND A LITTLE TIME TALKING ABOUT THE NEXT STEPS THAT THE PLANNING COMMISSION WILL BE PROPOSING AND WE'LL HAVE SOME TIME HOPEFULLY FOR QUESTIONS AND COMMENTS AT THE END. LET ME -- BEFORE WE GET INTO IT A LITTLE MORE, LET ME TALK ABOUT WHAT THE DESIRED OUTCOMES OF THIS INITIATIVE HAVE BEEN SINCE THE BEGINNING. AND THERE'S THREE OF THEM. THE FIRST ONE IS WE WANT TO ESTABLISH A LONG RANGE POLICY THAT'S GOING TO SET A POPULATION ABSORPTION GOAL FOR THE ENTIRE CITIABLE IT'S GOING TO DO THAT WITHIN A FIXED GEOGRAPHIC AREA. THE SECOND GOAL IS THAT WE WANT TO CREATE A NEW ZONING ORDINANCE CALLED A MIXED USE ACTIVITY CENTER ZONING ORDINANCE. AND THE THIRD ONE IS TO CREATE A SUSTAINABLE CITY MASTER PLAN TO ACHIEVE THE LONG RANGE POLICY, WHICH IS ITEM NUMBER ONE. NOW, AS WE GO THROUGH THE PRESENTATION, I WILL EXPOUND ON WHAT EACH ONE OF THOSE REPRESENTS. BUT THOSE ARE THE THREE OUTCOMES THAT WE HOPE TO HAVE AT THE END OF THIS PROCESS. LET'S TALK FIRST ABOUT AUSTIN'S UNIQUE POSITION IN TERMS OF GROWTH RATES. HOW FAST WILL WE GROW? THAT'S THE QUESTION SINCE I'VE LIVED IN AUSTIN AS A QUESTION THAT'S ALWAYS CD AND I GET A VARIETY OF ANSWERS, SO WE DID A LITTLE BIT OF RESEARCH WITH RYAN ROBINSON, THE CITY DEMOGRAPHY TO TRY AND GET SOME HARD NUMBERS ON THAT. RIGHT NOW WITHIN THE CITY LIMITS AND THE E.T.J., SO WITHIN THE

E.T.J. BOUNDARIES OF THE CITY, INCLUDING THE CITY LIMITS, WE HAVE ABOUT 900,000 PEOPLE. AND WE HAVE BEEN GROWING AT ABOUT 3.5 PER YEAR AVERAGE FOR THE PAST 10 DECADES. AND TO KIND OF PUT AN EXCLAMATION POINT ON THAT, IF YOU LOOK AT OUR ANNUAL AVERAGE GROWTH FOR THE PAST FIVE YEARS THAT WE HAVE GOOD DATA FROM 2000 TO 2005, WE'RE AT PRECISELY 3.54% ANNUAL GROWTH. AND EVERYONE THAT WE'VE TALKED TO REALLY SAYS THERE'S NOT ANY REAL REASON TO EXPECT THAT WE WON'T CONTINUE TO GROW AT THAT KIND OF A GROWTH RATE.

Mayor Wynn: I'M SORRY, I HATE TO INTERCEDE HERE, BUT WHAT'S INTERESTING ABOUT THAT STAT IS THAT MANY CITIES YOU CAN GO BACK OVER 100 YEARS, OVER 10 DECADES, YOU CAN DO THE MATH AND YOU WOULD EQUATE TO A 3.5% GROWTH RATE. WHAT'S REMARKABLY INTERESTING ABOUT AUSTIN'S CR GROWTH IS THAT EACH DECADE IT'S BEEN 3.5%. OTHER CITIES THAT WE'RE THE SAME AGE AS, CHICAGO, HOUSTON, DALLAS, THEY HAVE HAD REMARKABLE GROWTH RATE. HOUSTON QUADRUPLED IN THE 1920'S AND THEN SLOWED DOWN TO HAVE AN AVERAGE OF 3-POINT 8% GROWTH RATE. AUSTIN IS THE ONLY ONE THAT HAS THE SAME GROWTH RATE FOR 10 CONSECUTIVE DECADES AND THAT'S IRRESPECTIVE OF WORLD WARS, IRRESPECTIVE OF GREAT DEPRESSION, IRRESPECTIVE OF THE 1986 COMPLETE BANKING, OIL AND GAS AND REAL ESTATE COLLAPSE IN THIS CITY, AUSTIN GROWS AT 3.5% EACH DECADE. IT'S QUITE REMARKABLE. SO IT'S NOT A LEAP FOR PLANNERS TO SUGGEST THAT WE WILL CONTINUE TO GROW AT APPROXIMATELY A 3.5% GROWTH RATE.

THANK YOU, MAYOR. I'LL BE SURE AND USE SOME OF THAT INFORMATION IN MY NEXT PRESENTATION. SO BASICALLY WHAT THE OTHER QUESTION THAT GETS ASKED A LOT IS WE'RE GOING TO BE DOUBLING POPULATION IN X NUMBER OF YEARS. SO LET'S LOOK AT KIND OF WHAT HAPPENS IF WE SLOW DOWN A LITTLE BIT OR EVEN IF WE SPEED UP A LITTLE BIT IN OUR GROWTH. IF WE CONTINUE TO GROW AT 3.5%, WE WILL DOUBLE OUR POPULATION IN 20 YEARS. IF WE SLOW DOWN A LITTLE BIT TO 2.5 IT WILL TAKE 28 YEARS AND IF WE SPEED UP TO 4.5 IT WILL TAKE 16 YEARS. THE POINT HERE IS

WE'LL DOUBLE OUR POPULATION OR MORE THAN DOUBLE OUR POPULATION IN OUR WORKING LIFE TIMES. SO IT'S COMING AND THERE'S REALLY NO GETTING AROUND THAT. SO LET'S SHIFT A LITTLE BIT AND TALK ABOUT POPULATION DENSITIES AND WHERE THAT GROWTH IS AND WHERE IT'S GOING TO GROW. RIGHT NOW WITHIN THE E.T.J. BOUNDARIES WE HAVE 401,000 ACRES. WITHIN THE CITY LIMITS WE HAVE 188,000 ACRES AND 76% OF THE POPULATION. WHAT INTERESTING TO ME ABOUT THAT STATISTIC IS THAT IS THE ACTUAL GROWTH ACREAGE WITHIN THE E.T.J., BUT OUTSIDE THE CITY LIMITS IS ACTUALLY MORE THAN WITHIN THE CITY LIMITS ITSELF. SO WE HAVE QUITE A BIT OF ROOM TO GROW WITHIN OUR EXISTING ET JUDGMENT. WITHIN THOSE 400,000 ACRES IF YOU LOOK AT OUR GROWTH POPULATION DENSE ITTY DENSITY, IF WE TRY TO REFINE IT A LITTLE BIT FRKS YOU GO TO OUR URBAN CORE WITH THE AREA ROUGHLY BOUNDED BY MOPAC, 183 AND 71, WE'RE ABOUT #- 8.4 PEOPLE PER ACRE WITH AN URBAN CORE AREA. IF YOU TAKE THE OUTSIDE AREA WE'RE DOWN TO 2.5 PEOPLE PER ACRE AND BETWEEN THE CITY LIMITS AND THE E.T.J. BOUNDARY WE'RE AT 1.1 PEOPLE PER ACRE. THERE'S A PRETTY DRAMATIC INCREASE IN DENSITY AS WE MOVE AWAY FROM THE CORE. IF YOU LOOK JUST WITHIN THE CITY LIMITS AVERAGING BASICALLY THE FIRST TWO NUMBERS WE'RE AT 3.7 WITHIN THE CITY LIMITS. THESE ARE JUST SOME NUMBERS TO GIVE YOU A SENSE OF THE FUTURE -- OF THE THINGS WE'LL BE TALKING ABOUT SHORTLY. SO WHAT HAPPENS IF WE CONTINUE TO GROW AT 3.5% ANNUALLY. WE WILL ADD 1.6 MILLION NEW PEOPLE BY 2035 AND WE WOULD HAVE TO DEVELOP 451,000 NEW ACRES TO ACCOMMODATE THAT POPULATION AT 3.7 PEOPLE PER ACRE, WHICH IS THE CURRENT AVERAGE WITHIN OUR CITY LIMITS. SO WE WOULD HAVE TO DEVELOP MORE ACRES THAN CURRENTLY EXISTS WITHIN THE CITY AND E.T.J. IF THAT HAPPENS, WHAT HAPPENS TO AUSTIN AS WE KNOW IT. THAT'S THE FUNDAMENTAL QUESTION THAT WE GRAPPLE WITH. AND THE FOLLOW-UP QUESTION TO ME IS CAN GROWTH BE MORE COMPACT? DO WE HAVE TO CHEW UP ALL THOSE ACRES OF ENVIRONMENTALLY SENSITIVE LAND OR FARMLAND IN ORDER TO ACCOMMODATE THE GROWTH THAT WE CAN PREDICT PRETTY REASONABLY THAT'S COMING OUR WAY.

SO THAT GETS US TO THEN WHY WELL PLANNED COMPACT DEVELOPMENT, AND WE'LL SPEND TIME TALKING ABOUT THOSE REASONS. ONE OF THE REASONS IS LESS TRAFFIC CONGESTION THAN WE WOULD HAVE OTHERWISE. TRAFFIC CONGESTION IS ALREADY AN IMPORTANT QUALITY OF LIFE ISSUE CHALLENGE FOR US, AND IF WE'RE GOING TO BE BRINGING 1.6 MILLION MORE PEOPLE IN THE NEXT 20 YEARS THOSE PEOPLE WILL BE BRINGING 1.6 MILLION CARS WITH THEM. WHERE WILL WE FIT ALL THOSE CARS? CAN WE REALISTICALLY EXPECT TO DOUBLE THE CAPACITY OF OUR MAJOR HIGHWAYS? THAT WILL AN REAL CHALLENGE. SO PART OF THE ANSWER TO THE CONGESTION PROBLEM IS TO BUILD A CITY IN THE FUTURE THAT ACCEPTS THAT PEOPLE WILL STILL FOR THE MOST PART BE DEPENDENT ON THEIR VEHICLES, BUT PERHAPS DON'T HAVE TO SPEND AS MUCH TIME IN THEM AS THEY DO TODAY. IF THEY LIVE CLOSER TO WHERE THEY WORK AND WHERE THEY SHOP AND WHERE THEY WORSHIP AND WHERE THEY GATHER, THEN PEOPLE CAN SPEND A LOT LESS TIME IN THEIR VEHICLES AND THAT IS THE BEST SOLUTION FROM A PLANNING PERSPECTIVE THAT WE CAN TIEWFER THE CONGESTION ISSUE. OF COURSE, IF PEOPLE ARE SPENDING LESS TIME IN THEIR CARS, THEY'RE GOING TO BE POLLUTING THE AIR LESS AND THEREFORE POLLUTING THE WATER LESS AND THE GREATEST CONTRIBUTOR TO OUR WANT ENVIRONMENTAL POLLUTION IS THE VEHICLES THAT WE DRIVE. TO THE EXTENT THAT WE CAN REDUCE THE NUMBER OF HOURS WE DRIVE WITHIN OUR CITY WE WILL BE ABLE TO PRESERVE OUR AIR AND OUR WATER. WE'LL HAVE MORE PUBLIC OPEN SPACE. WHAT TENDS TO OPEN IN DENSER DEVELOPMENTS IS YOU GET A SHIFTING OF OPEN SPACE FROM PRIVATE OPEN SPACE TO PUBLIC OPEN SPACE. PEOPLE TEND TO GIVE UP THEIR BACKYARDS, BUT IN EXCHANGE FOR THAT DEMAND GREATER AREAS OF PUBLIC OBJECT SPACE TO BE ABLE TO RECREATE IN. SO WHAT YOU SEE IN DENSER DEVELOPMENT SZ A GREATER EMPHASIS ON PUBLIC OPEN SPACE AND LESS PRIVATE OPEN SPACE. THERE.....IT TAKES INTUITIVE SENSE TO DEPLOY CITY SERVICES OVER A SMALLER AREA THAN A LARGER AREA FOR MANY OPERATIONAL REASONS IS A LOT MORE EFFICIENT AND A LOT LESS COSTLY ON A PER CAPITA BASIS. WE GET MORE MIXED INCOME HOUSING BY THE MAIN MECHANISM FOR

BEING ABLE TO DO THAT WESTBOUND TO DO SPECIAL CHANGES OR ENTITLEMENTS IN PROPERTIES THAT WE COULD THEN NEGOTIATE WITH LANDOWNERS FOR MORE AFFORDABLE HOUSING OR AT LEAST MIXED INCOME HOUSING. MORE DENSE AREAS GENERALLY CREATE A GREATER COMMUNITY AND SENSE OF PLACE, AND FINALLY, WE BELIEVE THAT WELL PLANNED COMPACT DEVELOPMENT WILL MAKE FOR A MORE SUSTAINABLE CITY. SO FOR ALL OF THOSE REASONS THE PLANNING COMMISSION PROPOSES A LONG RANGE POLICY OBJECTIVE FOR THIS COUNCIL TO TAKE UP. THAT OBJECTIVE WOULD BE WE PLAN TO GROW TO A CITY OF 2.5 MILLION PEOPLE WITHIN AN AREA..... OUR AREA. WE THINK WE WILL ADD 1.6 MILLION BY 2025. WE CURRENTLY HAVE PRETTY MUCH EXACTLY 400,000 ACRES WITHIN OUR E.T.J. BOUNDARIES. THE GROWTH DENSITY WOULD HAVE TO INCREASE FROM 232.3 PEOPLE PER ACRE TO 6.3 PEOPLE PER ACRE. THAT WAS AN INTERESTING NUMBER TO ME, 6.3 PEOPLE PER ACRE IS ABOUT 75% OF WHAT WE CURRENTLY HAVE IN OUR URBAN CORE. SO WE DON'T HAVE TO BECOME MANHATTAN OR SAN FRANCISCO IN ORDER TO ACCOMMODATE THIS KIND -- TO REACH THIS GOAL. 6.3 SEEMS LIKE A REASONABLE NUMBER THAT WE OUGHT TO EXPLORE A LITTLE FURTHER AND SEE IF WE CAN PRACTICALLY GET THAT DONE. LET'S TALK ABOUT HOW WE CURRENTLY DO OUR LAND USE PLANNING AND HOW WE MIGHT ADJUST IT TO WORK TOWARDS THIS GOAL. WE CURRENTLY HAVE ALL THE HOUR WITHIN OUR E.T.J. DIVIDE INTO THREE MAIN CATEGORIES OF WATERSHED. AND YOU'LL RECOGNIZE THIS AS A MAP OF THE E.T.J. IN THE THREE SEPARATE COLORED AREAS, EACH REPRESENT ONE CATEGORY OF WATERSHED. THE DRINKING WATER PROTECTION ZONE IS THE GREEN ZONE THERE, AND IT REPRESENTS ABOUT 37% OF THE TOTAL ACREAGE WITHIN THE E.T.J. THE URBAN WATERSHED ZONE REPRESENTS LESS THAN 10% OF OUR TOTAL AREA, AND THE DESIRED DEVELOPMENT ZONE IS OVER 50% OF THE AREA THAT'S AVAILABLE TO US FOR GROWTH. SO WHAT DO WE KNOW ABOUT THESE THREE AREAS ALREADY? FIRST OF ALL, IT'S A GENERALLY ACCEPTED I THINK GROWTH WITHIN THE COMMUNITY THAT WE WANT TO LIMIT GROWTH IN THE DRINKING WATER PROTECTION ZONE. FURTHER MORE, WE WANT TO ENCOURAGE GROWTH IN THE URBAN WATERSHED

ZONE, BUT AT THE SAME TIME WE WANT TO PRESERVE THE CHARACTER OF THE SINGLE FAMILY NEIGHBORHOODS THAT ARE WITHIN THAT ZONE AND WHICH CONTRIBUTE A GREAT DEAL TO AUSTIN'S UNIQUE CHARACTER. AND WE WANT THE MAJORITY OF OUR GROWTH WITHIN THE DESIRED DEVELOPMENT ZONE. LET'S TAKE A LOOK AT HOW WE'RE DOING BEFORE ACHIEVING THOSE GOALS. THIS IS A CHART THAT TO ME WAS ACTUALLY A LITTLE BIT ALARMING, BUT WE'LL GO THROUGH IT SLOWLY. FIRST ON THE FAR LEFT-HAND SIDE WE LOOK AT EACH OF THE THREE ZONES AND LOOK AT THE CURRENT POPULATION IN EACH OF THEM AND WE ACTUALLY DO HAVE A SIGNIFICANT POPULATION IN EACH OF THE ZONES ALREADY. THERE'S A PRETTY BIG DMIRCHS THE DENSITY WITHIN THE ZONES, THE PROTECTION IN THE DESIRED ZONE ARE AT 2.3 AND 2.2, SO THEY'RE PRETTY CLOSE, BUT THE URBAN ZONE IS AT 8.4. IF YOU LOOK AT THE GROWTH OVER THE LAST FIVE YEARS, THE DATA THAT WE HAD, AND SEE HOW WE'RE GROWING, HOW WE'VE GROWN IN EACH OF THOSE AREAS VERSUS WHAT OUR STATED GOALS ARE, THAT'S WHERE WE HAVE CAUSE FOR ALARM. IN THE PROTECTION ZONE WE HAVE BEEN GROWING AT 4.8% PER YEAR OVER THE LAST FIVE YEARS. IN THE URBAN ZONE WE'VE BEEN GROWING AT LESS THAN ONE PERCENT PER YEAR AND IT'S ONLY IN THE DESIRED DEVELOPMENT ZONE WHERE WE'VE BEEN GROWING AT A GROWTH RATE THAT SEEMS TO MATCH WHAT THE COMMUNITY GOALS ARE FOR GROWTH IN THESE MAIN AREAS. SO THE PLANNING COMMISSION DID A LOT OF THINKING ABOUT THIS AND WE HAVE COME UP WITH A SERIES OF RECOMMENDATIONS FOR TARGETS OF WHAT WE OUGHT TO -- WHAT WE THINK ARE REASONABLE GROWTH RATES WITHIN EACH OF THE THREE AREAS THAT WOULD EVENTUALLY GET US TO THOSE GOALS BY 2035. SO OUR TARGET IS THAT IN THE PROTECTION ZONE WE WANT LIMIT GROWTH TO 1.5% ANNUAL.....% ANNUALLY. WE WOULD TRY TO INCREASE IT TO 2.5% LAINL AND IN THE DESIRED ZONE WE WOULD KEEP IT AT ABOUT THE CURRENT FIVE PERCENT. NOW, WHAT HAPPENS WHEN WE DO THAT? THE TARGET AGR'S AS I CALL THE NUMBERS IN GREERNGS THE AVERAGE GROWTH RATE, WILL GET US TO OUR GROWTH OBJECTIVES. BUT ON THE LAST COLUMN THERE'S A COLUMN OF NUMBERS THAT ARE INTERESTING. THE 4.5 PEOPLE PER DEVELOPABLE ACRE IN THE PROTECTION ZONE

WOULD YIELD A SUSTAINABLE 10% IMPERVIOUS COVER GIVEN THE EXISTING DEVELOPMENT PATTERNS THAT WE SEE IN THE AREA. AND THAT'S AN IMPORTANT CHARACTERISTIC THAT WE WANT TO PRESERVE. THAT'S THE NUMBER THAT THE LITERATURE TELLS US WILL SUPPORT VIABLE TRANSIT AND OBVIOUSLY WE WANT TO BE ABLE TO HAVE A VIABLE EITHER RAIL OR BUS TRANSIT SYSTEM THROUGHOUT THE CITY. AND IT ALSO PROVIDES UP TO 25 ACRES OF PUBLIC OPEN SPACE PER ONE THOUSAND PEOPLE, WHICH IS ABOUT WHERE PARKS AND REC DEPARTMENT, THAT'S THEIR OVERALL GOAL FOR THE CITY OF AUSTIN. SO WE'RE ADDRESSING THE ISSUE OF OPEN SPACE AT THOSE DENSITY AS WELL.

SO THAT'S THE EXISTING SITUATION, THEN HOW DO WE GO ABOUT BUILDING A MORE SUSTAINABLE CITY AND ADDRESSING THOSE ISSUES? LET'S TALK A LITTLE BIT ABOUT SOMETHING WE'VE CALLED COMPACT DEVELOPMENT TOOLS AND THIS IS A NEW TERM THAT WE MADE FOWP THIS PRESENTATION, SO I DON'T EXPECT THAT YOU'VE SEEN THAT ACRONYM BEFORE, BUT I THINK YOU WILL SEE IT IN THE NEXT FEW SLIDES? WHAT IS A CDT? THE FIRST ONE IS A TRANSIT ORIENTED DEVELOPMENT, T.O.D.'S, YOU'RE ALL FAMILIAR WITH THOSE. WE HAVE 11 IN THE PLANNING STAGES AT THIS POINT. WE HAVE A T.O.D. ORDINANCE THAT HAS ALREADY PASSED THROUGH COUNCIL. AND POTENTIALLY WE CAN GET 35 OR MORE PEOPLE PER ACRE LIVING AROUND OUR T.O.D.'S. WE HAVE SOMETHING CORE TRANSIT CORRIDORS. AT THIS POINT WE'VE GOT 43 MILES CURRENTLY DESIGNATED. AND POTENTIALLY ALONG OUR CORE TRANSIT CORRIDORS, WE CAN DEVELOP UP TO 25 OR MORE PEOPLE PER ACRE. THE THIRD CDT THAT WE WANT TO TALK ABOUT IS A NEW ONE. IT'S CALLED A MIXED USE ACTIVITY CENTER OR MAC FOR SHORT, AND IT IS A NEW ZONING OVERLAY THAT WE ARE PROPOSING TO DEVELOP THAT WOULD TARGET A MINIMUM OF 15 PEOPLE PER ACRE WRFERB THOSE ARE ASSIGNED. SO THOOD KIND OF WHAT -- WHEN WE SAY CTD, WE'RE TALKING ABOUT THOSE THREE TOOLS OR THOSE THREE FORMS OF DEVELOPMENT. A LITTLE BIT MORE ABOUT WHAT THESE MAC'S MIGHT LOOK LIKE. WE PROPOSED THAT THEY WOULD COME IN THREE SCALES, THREE SIDE SCALE. ONE WOULD BE THE

NEIGHBORHOOD CENTER, WHICH WOULD BE THE SMALLEST, 10 TO 125 ACRES. AND IF WE LOOK AT WHAT'S BEING DEVELOPED ON THE GROUND, WE ACTUALLY ALREADY HAVE A GREAT EXAMPLE OF BEING BUILT BY THE MARKET WITHOUT ANY ENCOURAGEMENT FROM ANY CITY ZONING EFFORTS, AND THAT'S THE TRIANGLE JUST NORTH OF CAMPUS. WE HAVE SOMETHING -- THE SECOND SCALE WOULD BE A VILLAGE CENTER, WHICH WOULD BE 125 TO 500 ACRES AND WE HAVE AN EXAMPLE ALREADY THERE OF THIS TYPE OF DEVELOPMENT AND THAT SCALE, WHICH IS THE UNO AREA IN THE WEST CAMPUS. AND THEN FINALLY WE HAVE THE LARGEST TYPE OF MAC, WHICH WOULD BE A TOWN CENTER WHICH WOULD BE 500 TO 2,000 ACRES AND WE HAVE ONE OF THOSE AS WELL. AND THAT'S THE MUELLER DEVELOPMENT AT THE OLD AIRPORT. THE OTHER THING THAT WE WOULD PROPOSE ABOUT THE MAC'S IS THAT THEY WOULD HAVE A MINIMUM POPULATION DENSITY AS PART OF THEIR IMPLEMENTATION. THAT'S NOT SOMETHING THAT WE CURRENTLY HAVE IN THE OTHER CDT'S, BUT THAT WOULD BE A UNIQUE FEATURE OF THE MAC'S. WE'LL TALK MORE ABOUT WHAT THESE MAC'S MIGHT LOOK LIKE. THEY WOULD PROBABLY HAVE INTERNAL DENSITY ZONES, VERY SIMILAR TO OUR CURRENT T.O.D. OVERLAY, WHERE THERE WOULD BE A CORE AREA WITH MAXIMUM AREA, THEN A MIDWAY AREA AND TRANSITION AREA IN THE SURROUNDING AREAS. THERE WOULD BE DEVELOPMENT PARAMETERS WITHIN EACH OF THESE ZONES THAT WOULD VARY, AND THOSE WOULD BE FAR HEIGHTS N AND BUILDING MASSING AS EXAMPLES, IMPERVIOUS COVER AND PUBLIC OPEN SPACE AND CONNECTIVITY AND TRAFFIC FLOW CAPACITY. SO WITHIN EACH OF THESE ZONES WE WOULD HAVE DIFFERENT LEVELS FOR EACH OF THESE PARAMETERS AND THERE WOULD BE OTHERS. THESE ARE JUST SOME EXAMPLES THAT I PUT UP -- SOME EXAMPLES THAT I PUT UP FOR ILLUSTRATE ILLUSTRATION. FINAL CHARACTERISTIC THAT I THINK IS IMPORTANT IS IT WOULD BE VOLUNTARY PARTICIPATION JUST LIKE WE'VE DONE WITH THE UNO OVERLAY IN WEST CAMPUS. THERE WOULD BE DEVELOPMENT ENTITLEMENTS IN EXCHANGE FOR DESIRED FEATURES FOR DEVELOPERS WHO WANT TO OPT INTO DEVELOPING ALONG THE LINES OF A MAC. ALL RIGHT. SO

LET'S TALK A LITTLE BIT NOW ABOUT IF WE HAD ALL OF THOSE TOOLS AND WE COULD MOVE FORWARD TO TRY AND DEVELOP A MASTER PLAN USING THESE TOOLS FOR THE CITY, HOW WOULD WE DISTRIBUTE THEM THROUGHOUT OUR AREAS? SO WITHIN THE URBAN DESIRED AND PROTECTION ZONE, WE'VE CRUNCHED A LOT OF NUMBERS AND KIND OF FIGURED OUT WHAT SIZE THESE DEVELOPMENTS ARE GOING TO BE AND WHAT POPULATION DENSITIES WE MIGHT HAVE IN THEM AND WE CAME UP WITH THIS CHART WHICH I THINK ILLUSTRATES NEATLY WITHIN THE URBAN AREA BY 2035 IF WE'RE GROWING AT TWO PERCENT, WE NEED TO HAVE 16 T.O.D.'S, WE NEED TO HAVE 157 MILES OF CORE TRANSIT CORRIDOR, 56 NEIGHBORHOOD CENTERS, NINE VILLAGE CENTERS AND THREE TOWN CENTERS. AND SO ON FOR THE DESIRED AREA AND THE PROTECTION AREA, STICKING TO THOSE DESIRED GROWTH RATES OF FIVE PERCENT IN THE DESIRED AREA AND 1.5 IN THE PROTECTION ZONE. FOR WHAT IS A RATHER DAUNTING NUMBER OF A TOTAL, THINKING FORWARD TO 2035, CAN WE ACTUALLY BUILD 37 T.O.D.'S AND 306 MILES OF CORE TRANSIT CORRIDOR AND 126 NEIGHBORHOOD CENTERS AND 31 VILLAGE CENTERS AND NINE TOWN CENTERS? I DON'T KNOW. SO WE DID A LITTLE MORE WORK AND TRIED TO SEE IF WE COULD ACTUALLY FIT THOSE OVER TIME AND FIT THEM ALSO WITHIN SPACE. ONE MORE POINT BEFORE I GO TO THE NEXT SLIDE, IF WE ACHIEVE THESE GOALS OR WE'RE ABLE TO DEVELOP THIS WAY, 60% OF THE URBAN ZONED POPULATION WOULD BE CAPTURED WITHIN THESE NEW COMPACT DEVELOPMENT AREAS, WHICH WOULD MEAN THAT THERE WOULD NEED TO BE VIRTUALLY NO INCREASE IN DENSITY WITHIN THE SINGLE-FAMILY AREAS THAT WE WANT TO PROTECT WITHIN THE URBAN CORE. SO WE ACHIEVE THAT GOAL AS WELL. IF WE LOOK AT THOSE GOALS AND SPREAD THEM OUT OVER TIME AND LOOK AT THIS AS A 30 YEAR PLAN IN 10-YEAR INCREMENTS LOOKING AT WHAT WE CURRENTLY HAVE TODAY IN TERMS OF THESE DIFFERENT DEVELOPMENT TYPES AND HOW MANY WE WOULD HAVE TO ADD IN 10 YEARS AND HOW MANY MORE IN 20 YEARS AND HOW MANY BY 2035 AND WE STILL GET TO THE SAME TOTAL. IF WE CAN DO THIS OVER TIME THIS WAY, WE CAN ACHIEVE THE GOAL OF 2.5 MILLION PEOPLE BY 2035 AND WE WOULD HAVE TO ABSORB ABOUT A THIRD OF THE

POPULATION INTO THESE NEW MORE COMPACT DEVELOPMENT FORMS. SO THAT'S A LOT TO ABSORB AND I'M MORE OF A VISUAL PERSON, SO MY QUESTION IS HOW WILL THAT LOOK IF WE LAID IT OUT ON A MAP? I'M GOING TO TAKE YOU THROUGH A LITTLE JOURNEY IF YOU WILL FOR 30 YEARS INTO THE FUTURE OF WHAT AUSTIN MIGHT LOOK LIKE. RIGHT NOW I THINK YOU RECOGNIZE THE BASE MAP, WHAT WE'VE DONE IS ADDED A BIG CIRCLE FOR WHERE DOWNTOWN IS AND WE'VE ADDED THE EXISTING RAIL INFRASTRUCTURE THAT WE HAVE, EXCEPT FOR THE MOKAN LINE THAT I THINK MOST OF YOU ARE FAMILIAR WITH. THERE'S ACTUALLY NOT A RAIL THERE THAT'S WAITING, BUT THE RATE RITE OF WAY AS I UNDERSTAND IT IS CONTROLLED BY CAPITAL METRO AND CERTAINLY THERE'S POTENTIAL FOR RAIL THERE. WHAT THIS MAP GIVES YOU IS BASICALLY THE EXISTING TRANSPORTATION INFRASTRUCTURE UNDER WHICH WE MIGHT BUILD OUR FUTURE CENTER. CURRENTLY TODAY WE HAVE 11 T.O.D.'S CURRENTLY IDENTIFIED, AND THOSE ARE THE RED DOTS. WE'VE GOT 43 MILES OF CORE TRANSIT CORRIDOR THAT HAVE BEEN IDENTIFIED AND CODIFIED AND YOU SEE THEM THERE THE RED LINES. IN ADDITION TO THAT WE'VE GOT MUELLER, WHICH IS NOT TECHNICALLY A MAC, BUT FOR ALL PRACTICAL PURPOSES, THAT'S WHAT MAC'S WOULD LOOK LIKE OR FEEL LIKE. WE'VE GOT THE UNO AREA, WHICH IS THE SMALLER CIRCLE THERE JUST NORTH OF DOWNTOWN. AND IF YOU LOOK REALLY CLOSELY, THERE'S -- I JUST PUT A LITTLE GREEN DOT WHERE THE TRIANGLE IS TO GIVE YOU ABOUT THE SCALE OF WHAT A NEIGHBORHOOD CENTER AREA MIGHT LOOK LIKE. SO THIS IS THE MAP OF AUSTIN TODAY AS IT EXISTS WITH THE COMPACT DEVELOPMENT FORMS THAT WE'VE BEEN DISCUSSING. WHAT I WANT TO DO NOW IS TAKE YOU THROUGH A 10 YEAR SCENARIO, 20 YEAR SCENARIO AND A 30 YEAR SCENARIO AND SEE HOW WE MIGHT GET TO THE FINAL OBJECTIVE. 10 YEARS FROM NOW TWO THINGS COULD POTENTIALLY HAPPEN. WE CAN EXTEND THE RAIL LINE OR ACTIVATE IT FOR PASSENGER RAIL WITH A LINE OUT TO MANOR AND WE COULD ALSO FILL IN THE LEANDER LINE WITH A FEW T.O.D.'S THAT ARE IN THE TALKING PROCESSES, BUT HAVEN'T BEEN DESIGNATED YET. SO WE ADD MORE T.O.D.'S WITHIN THE 10 YEAR TIME FRAME OR BY 2015. WE ADD MORE CORE TRANSIT CORRIDORS AND

WE IDENTIFY SOME SITES FOR MAJOR TOWN CENTERS AND EACH OF THESE AREAS THAT YOU SEE HERE, WHILE WE HAVEN'T SPECIFICALLY DESIGNATED WHAT AREA THERE WOULD BE IN, IN THIS GENERAL REGION THESE ARE GOOD PERSPECTIVE AREAS FOR A LARGE 500 TO 2,000-ACRE DESIGNATED TOWN CENTER. AND THEY HAVE THE REQUISITE IN PLACE FOR A TOWN CENTER. WE ADVIL RAJ CENTERS AND WE ADD A FEW CORE CENTERS AND THAT'S WHAT AUSTIN COULD LOOK LIKE IN 2015. WE JUMP TO 2025 WE GET MORALE. WE JUST ASSUME, LET'S HOPE, THAT THE UP LINE CAN BE CONVERTED AND WE NOW HAVE T.O.D.'S ALONG THE UP LINE. WE ADD A COUPLE MORE DOWN SOUTH, ONE OF THEM ALONG THE LINE ITSELF, A FEW MORE VILLAGE CENTERS AND SOME TOWN CENTERS NORTH AND SOUTH. THAT'S WHAT AUSTIN COULD LOOK LIKE IN 2025. SO NOW LET'S GO OUT 10 MORE YEARS. WE HAVE IT T.O.D.'S ALONG THE MOKAN LINE. WE ADD MORE TOWN CENTERS, MORE VILLAGE CENTERS AND SOME MORE NEIGHBORHOOD CENTERS. AND THAT'S WHAT AUSTIN COULD LOOK LIKE IN 2035. WE HAVE A NEW ROAD STRUCTURE THAT WE'RE CREATING. WE'RE KIND OF CREATING AN ARCH ON THE EAST SIDE OF AUSTIN THAT WOULD ACCOMMODATE OUR TOWN CENTERS. AND THE FINAL POINT IS IF YOU LOOK AT THE SPACING BETWEEN THE NEIGHBORHOOD CENTERS AND THE TOWN CENTERS, WE BUILD A CITY WITH NEIGHBORHOOD CENTERS THAT ARE BETWEEN ONE AND THREE MILES APART, WHICH ARE GENERALLY THE PERFECT DISTANCE THAT YOU WOULD WANT TO HAVE FROM NEIGHBORHOOD CENTER TO NEIGHBORHOOD CENTER. THE POINT HERE IS GRAPHICALLY TO REPRESENT THAT THIS SUSTAINABLE CITY INITIATIVE AND ALL THE OVERWHELMING NUMBERS OF DEVELOPMENTS THAT WE'VE TALKED ABOUT THAT WOULD NEED TO BE IN PLACE BY 2025 WOULD ACTUALLY FIT WITHIN THE 400,000 ACRES. SO CAN WE DO IT? WE'RE GETTING VERY CLOSE TO THE END OF THE PRESENTATION, SO HANG WITH ME. ONE MORE IMPORTANT THING. IMPACT ON THE NEIGHBORHOOD PLANS. WE CAN'T DO THIS IF WE CAN'T GET THE NEIGHBORHOODS TO BUY INTO THE WHOLE IDEA AND THINK IT'S A GOOD IDEA. SO WE HAVE MADE A GREATEST TO MAKE SURE THAT NEIGHBORHOOD LEADERSHIP IS ALREADY ACTIVE IN THIS INITIATIVE, NEIGHBORHOODS PARTICIPATION HAS BEEN A KEY ELEMENT IN THE PROCESS THAT WE'VE

GONE THROUGH THROUGHOUT THE YEAR BECAUSE WE RECOGNIZE THAT AT LEAST IN THE -- ESPECIALLY IN THE CORE NEIGHBORHOODS, NEIGHBORHOODS HAVE TO AGREE THAT THIS IS A GOOD IDEA. SO HOW WE MIGHT DO THAT OR HOW WE MIGHT FURTHER PARTICIPATION IN THE NEIGHBORHOODS IS TO HAVE EVERY NEIGHBORHOOD APPROVE WHAT THEIR AVERAGE ANNUAL GROWTH RATE WOULD BE FOR THE NEXT 30 YEARS AND THAT WOULD BE BASED ON THE WATERSHED ZONE THAT THAT NEIGHBORHOOD IS IN. SO IF A PARTICULAR NEIGHBORHOOD IS IN THE URBAN WATERSHED ZONE, THEIR TARGET WOULD BE SOMEWHERE AROUND TWO PERCENT GROWTH PER YEAR, BUT WE WOULD TAKE INTO ACCOUNT DIFFERING RELATIVE -- EXISTING RELATIVE DENSITY. SO IF ONE NEIGHBORHOOD IS ALREADY MUCH MORE DENSE THAN ANOTHER NEIGHBORING NEIGHBORHOOD, THEN THE STARTING POINT MIGHT BE A LITTLE BIT DIFFERENT OR THE GROWTH GOAL MIGHT BE A LITTLE DIFFERENT TO REFLECT EXISTING CONDITIONS. THEN ONCE THAT KIND OF OVERALL GOAL IS ESTABLISHED, THEN THE NEIGHBORHOOD WOULD WORK WITH CITY STAFF TO FIGURE OUT WHAT TOOLS THEY WANT TO APPLY IN THEIR NEIGHBORHOOD TO GET TO THAT GOAL? WOULD THEY WANT MORE CTRD'S, VILLAGE CENTER ACTION TWO NEIGHBORHOODS INSTEAD OF A VILLAGE CENTER? WE CAN ENGAGE THE NEIGHBORHOOD PLANNING PROCESS AND REALLY BECOME KEY ELEMENTS IN IMPLEMENTING THIS LANGUAGE RANGE VISION FOR THE CITY. SO THAT TAKES US TO NEXT STEPS AND THE REQUEST THAT I'M HERE TO MAKE ON BEHALF OF THE PLANNING COMMISSION, AND I SHOULD INFORM THAT TWO NIGHTS AGO THE PLANNING COMMISSION REVIEWED THIS FOR THE LAST TIME AND I HAVE THE UNANIMOUS SUPPORT OF THE PLANNING COMMISSION IN MAKING THESE REQUESTS TODAY. FIRST AS WE WOULD REQUEST STAFF RESOURCES TO ELABORATE THE MAC ZONING ORDINANCE, WHICH I PRESENTED TO YOU REALLY JUST IN PRINCIPLE AND NOW WE NEED TO GO AND REALLY DO THE WORK OF PUTTING IT ALTOGETHER. SECOND, STAFF RESOURCES TO POTENTIAL MAC SITES AND THE SUSTAINABLE CITY MASTER PLAN. WE MADE A VERY CRUDE ATTEMPT TO DO THAT WITH THE MAP, JUST PUTTING THE CIRCLES IN AREAS WHERE WE MADE SENSE, BUT NOW WE NEED TO DO THE WORK OF BEING

REALISTIC AND LOOKING WHERE THEY MIGHT REALLY BEST FIT AND MIGHT NOT. FINALLY WHEN THAT'S DONE WE WOULD LIKE TO HAVE A REQUEST FOR PROPOSALS FOR A PHYSICAL AND QUALITY OF LIFE ANALYSIS THAT WOULD COMPARE WHAT OUR SKI WOULD LIKE LIKE IF WE CONTINUE TO GROW JUST UNDER THE CURRENT TRENDS VERSUS WHAT OUR CITY WOULD LOOK LIKE IF WE ADOPTED THE SUSTAINABLE CITY INITIATIVE MASTER PLAN. SO COUNCILMEMBERS, THAT IS MY PRESENTATION AND ON BEHALF OF THE PLANNING COMMISSION TODAY I RESPECTFULLY MAKE THESE REQUESTS AND I'M AVAILABLE FOR ANY QUESTIONS OR COMMENTS THAT YOU MIGHT HAVE AT THIS TIME.

THANK YOU, MR. GALINDO. VERY IMPRESSTY BODY OF WORK. COUNCILMEMBER KIM.

Kim: THANK YOU. I'M GLAD PLANNING COMMISSION IS TAKING THIS TIME TO DO PLAN..... PLANNING FOR THIS CITY. I'M GLAD THAT YOU HAVE PEOPLE ON YOUR COMMISSION THAT ARE THINKING ABOUT WHERE WE'RE GOING TO PUT ALL THESE PEOPLE AND MAKE THE CITY SUSTAINABLE AND LIVEABLE FOR THE YEARS TO COME. SOME OF THE THINGS THAT I NOTICED I WANTED TO COMMENT ON AND PROVIDED YOU WITH MY PER SPIKT ACTIVE AS WELL AS -- PERSPECTIVE AS WELL AS SUGGESTIONS FOR MAYBE FUTURE RESEARCH, I LIKE THE TERM COMPACT DEVELOPMENT TOOL. I LIKE SOME OF THE NEW TERMS THAT YOU CAME UP WITH AND I THINK THAT WE'LL PROBABLY START USING SOME OF THEM KNOWLEDGE SO GOOD WORK ON THAT. I PERSONALLY LIKE TO USE INSTEAD OF THE WORD DENSITY -- BECAUSE THAT HAS A NEGATIVE AS WELL AS A POSITIVE CONNOTATION FOR PEOPLE. URBAN CONSOLIDATION. IT JUST MAKES IT SEEM MORE ACCEPTABLE THAT WE ARE REALLY TRYING TO CONSOLIDATE OUR POPULATION IN OTHERS THAT ARE MORE CONDUCIVE TO MASS TRANSIT AND A MORE LIVEABLE LIFE-STYLE. THE WORKFORCE HOUSING PART IS REALLY IMPORTANT FOR THINKING -- IN ADDITION TO LAND USE PLANNING WHERE WE'RE GOING TO PUT ALL THE WORKING FAMILIES AS WELL AS SINGLE-FAMILY HOUSEHOLDS AS WELL. AND ANOTHER THING THAT I LOOKED AT WAS WHERE YOU WERE PUTTING THE -- I GUESS THE NODES AND THE DIFFERENT TOWN CENTERS OR VILLAGES. I CAN'T REMEMBER, WHAT THE ONE -- THE NEIGHBORHOOD

CENTERS? SO IF YOU HAVE NEIGHBORHOOD CENTERS --

VILLAGE CENTERS AND TOWN CENTERS. AND THEY'RE ALL CALLED MAC'S.

OKAY.

Kim: I'LL GET USED TO THIS TERMINOLOGY. THE ONE THING I NOTICED WAS THE Y AT OAK HILL YOU HAD THAT AS A POSSIBLE RAIL STOP. I THINK THAT'S IMPORTANT FOR US TO COMMUNICATE THAT THE CITIZENS HAVE COMMUNICATED TO US THAT THEY DO WANT TO HAVE RAIL THERE AND THE REASON IT'S SO TIMELY IS BECAUSE CAMPO RIGHT NOW IS LOOKING AT TOLL ROADS AND THE PLAN THAT TXDOT HAS IS AN ELEVATED TOLL ROAD WHICH WOULD REALLY STIFLE THE FUTURE DEVELOPMENT OF RAIL IN THAT AREA BECAUSE IT IS MUCH MORE EXPENSIVE TO HAVE AN ELEVATED RAIL LINE AND IT MAKES IT HARDER TO WIDEN ROADS TO ACCOMMODATE THAT EXTRA RIGHT-OF-WAY THAT WE WOULD NEED FOR RAIL. SO I THINK CAMPO NEEDS TO HEAR THIS AS WELL AS CAP CAP, WHICH WE HAVE TWO MEMBERS ARE, WHICH I KNOW ARE SUPPORTERS OF RAIL AT THE Y EVENTUALLY. WE NEED TO START PLAN FOG THAT NOW AND HAVING AN ELEVATED TOLL ROAD THERE JUST MAKES IT HARDER TO DO THAT. ANOTHER THING THAT I NOTICED IS WHEN YOU.... YOU WERE LOOKING AT THE POPULATION PER ACRE AND YOU LOOKED AT THE DESIGNED DEVELOPMENT ZONE AS WELL AS URBAN AREAS AND DRINKING WATER PROTECTION ZONE THAT OUR TARGET OR YOUR TARGET IS FOR LOWER AMOUNTS OF GROWTH OR SMALLER AMOUNT OF GROWTH IN THE WATER QUALITY PROTECTION ZONE, WHICH IS CONSISTENT WITH OUR POLICY AND ENVISION CENTRAL TEXAS. ONE OF THE THINGS YOU SAID WAS 10% -- IT WOULD EQUATE TO 10% IMPERVIOUS COVER. WHAT I WOULD LIKE TO SEE OUT THERE AND WHAT THE NEIGHBORS HAD SAID OUT THERE IN THE OAK HILL TOWN LAKE MEETING AS WELL AS THROUGH OTHER VENUES AND THROUGH THEIR OTHER RESOLUTIONS AND THEY WANT TO SEE HIGHER AND BETTER USE OF THE AREAS AND MORE OF A COMPACT DEVELOPMENT. INSTEAD OF 10% SCATTERED THROUGHOUT THE AREA, WHICH IS NOT ENOUGH FOR HIGH QUALITY DEVELOPMENT, THEY REALLY HAVE TO HAVE MORE THAN 10% ON TRACK. THE ONLY WAY

WE CAN REALLY DO THAT IS BY PUTTING IN CITY POLICY SOME SORT OF TRANSFERABLE DEVELOPMENT RIGHTS WHERE THOSE RIGHTS CAN BE TRANSFERRED FROM OTHER AREAS WHERE WE WANT TO MAINTAIN AS OPEN PARKLAND OR JUST HABITAT AREA AND TRANSFER THOSE RIGHTS. IT DOESN'T HAVE TO BE 100% OF THE RIGHTS, BUT SOME POLICY TO TRANSFER THOSE RIGHTS SO WE CAN REALLY HAVE MIXED USE HIGH QUALITY DEVELOPMENT IN OAK HILL, IN THE PREFERRED GROWTH PARTS OF OAK HILL. SO I JUST WANTED TO MENTION THAT TO YOU. AND ALSO THE ENVIRONMENTAL COMMUNITY HAS COME AROUND AND REALIZED THAT AS LONG AS IT'S A NET GAIN TO THE ENVIRONMENT THEY'RE SUPPORTIVE OF THAT AS WELL. SO I ENCOURAGE YOU TO TALK TO THE ENVIRONMENTAL COMMUNITY AS WELL ABOUT THAT. I WAS WONDERING IF YOU HAD ANY DISCUSSIONS -- BECAUSE WE'RE GOING TO DISCUSS IT LATER TONIGHT -- A CATEGORY FOR BIG BOX RETAIL IN TERM OF THE NEW AREAS THAT WE'RE GOING TO BE ANNEXED BECAUSE WE HAVE A VERY STRATIFIED LAYER OF ZONING FOR SINGLE-FAMILY AND MULTI-FAMILY THAT GO ALL THE WAY FROM SF-1 TO SF-6 AND THAT DETERMINES WHAT THE SIZE OF THE DEVELOPMENT WILL BE. I WAS WONDERING IF YOUR PLANNING COMMISSION HAS HAD ANY DISCUSSIONS ABOUT THAT? I KNOW THAT YOU SUPPORTED SOME SORT OF NEW ZONING CATEGORY OR I THINK YOU MAYBE MENTIONED SOMETHING LIKE THAT. I'M WONDERING IF MAYBE THAT MIGHT BE TIED INTO YOUR INITIATIVE, THE TOWN CENTER INITIATIVE AS DOING MORE WORK ON THAT? WE CAN TALK MORE ABOUT THAT TONIGHT. THAT'S JUST ONE THING THAT I PULLED OUT FROM YOUR PRESENTATION.

OKAY.

Kim: I THINK THE NORTHCROSS MALL AREA WOULD BE A GOOD AREA FOR SOME SORT OF VILLAGE OR NEIGHBORHOOD CENTER GIVEN THE ACREAGE, AND SOME -- I'M HOPEFUL THAT WITH SOME OF THESE TOOLS HERE THAT WE CAN HAVE A VERY INTELLIGENT AND COMPREHENSIVE DISCUSSION ABOUT THAT WHOLE AREA AS WE ARE PLANNING FUTURE GROWTH IN OUR CITY. ONE OF THE OTHER AREAS AREAS I WANTED TO POINT OUT TO YOU THAT YOU HAD ON THAT ALREADY WAS ON A VILLAGE CENTER, QULOOJ SIZE IT WAS, IS THE CHINA TOWN MALL. AND THAT

MALL HAS JUST OPENED UP AND YET IT'S ALREADY EXCEEDING EXPECTATIONS. IT'S HARD FOR ME EVEN TO FIND A PARKING SPACE WHEN I GO THERE FOR THE WEEKENDS, SO THAT'S A SIGN THAT IT'S VERY SUCCESSFUL; HOWEVER, I JUST WANT TO THINK ABOUT THAT AREA AS A DRAW FOR AFFORDABLE HOUSING IN THE AREA SO PEOPLE CAN WALK TO THE STORES, MAYBE USING SOME -- IF THE DEVELOPER IS OPEN TO THAT IN THE FUTURE, HAVING SOME SORT OF PARKING -- STRUCTURED PARKING SO THAT THEY CAN DEVELOP MORE OF THAT PARKING LOT FOR MAYBE A ROAD THAT GOES INTO CHINA TOWN CENTER THAT WOULD BE FLANKED BY MIXED USE RETAIL ALIGNING THAT, GOING INTO THAT AREA. SO I JUST WANT TO LET YOU KNOW THAT'S SOMETHING THAT I'M INTERESTED IN WORKING WITH YOU ON AND ALSO THE DEVELOPMENT OVER THERE, ESPECIALLY IN FO THE ASIAN-AMERICAN POPULATION THAT SEEM TO BE GROWING IN THAT AREA. ANOTHER PART OF THAT IS I SAW THAT WAS EAST OF I-35 IS THE ASIAN AMERICAN RESOURCE CENTER. AND THAT LAND, WE'RE IN THE PROCESS OF FINISHING THE SITE PLAN ON THAT, THE CITY IS, WITH THE HELP OF BROADIS AND ASSOCIATES. THAT IS GOING TO BE A GREAT CATALYST FOR MIXED USE DEVELOPMENT IN THAT AREA AND I KNOW THAT THEY'VE BEEN TALKING ABOUT THAT AS WELL. SO THEY MIGHT WANT TO LOOK AT SOME OF THE TOOLS WE'VE BEEN DISCUSSING AND DISBET MORE INFORMATION. -- GET MORE INFORMATION. I THINK IT'S WONDERFUL THAT WE'LL BE ABLE TO USE SOME OF THESE TOOLS AND HAVE A DISCUSSION ABOUT PLANNING AND A VERY INTELLIGENT WAY. I WANT TO THANK YOU FOR YOUR WORK.

GREAT, THANK YOU. I'VE GOTTEN ALL YOUR COMMENTS WRITTEN DOWN HERE. WE'LL BE TALKING ABOUT THEM.

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

I JUST WANT TO THANK YOU FOR WHAT LOOKS TO BE A QUALITY PIECE OF WORK AND THANKS FOR YOUR EFFORTS AND TO THE PLANNING COMMISSION.

THANK YOU. I WILL SEND THOSE THANKS TO MY FELLOW

COMMISSIONERS.

Dunkerley: [INAUDIBLE - NO MIC]. DUNK IT TAKES A VISION LIKEN VISION CENTRAL TEXAS, WHICH FOR MY MIND IS THIS BIG AND I DON'T KNOW HOW TO GET IT DOWN TO A SIZE THAT I CAN DEAL WITH. AND I THINK YOU'VE DONE THAT. YOU'VE LAID IT OUT IN INCREMENT.....IN....ININCREMENTAL PIECES. AND I APPRECIATE IT AND IT'S A GREAT PIECE OF WORK. IT MAY BE JUST THE BEGINNING, BUT WHAT A WONDERFUL BEGINNING. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? AGAIN, COMMISSIONER GALINDO, THANK YOU SO MUCH. VERY IMPRESSIVE BODY OF WORK AND WE LOOK FORWARD TO FIGURING OUT THE IMPLEMENTATION AND STRATEGY TO GET THIS TO FRUITION.

OKAY. AND WHAT MIGHT I BE ABLE TO REPORT BACK TO MY FELL.....FELLOW PLANNING COMMISSION WITH REGARD TO MY REQUESTS THIS MORNING?

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: ARE WE POSTED FOR ACTION ON THIS?

Mayor Wynn: NO.

BUT THAT WAS A NICE GOOD FINAL TOUCH THERE, CID. WHAT SHOULD HAPPEN THERE IS THE COUNCIL WILL BE TIEBL BRING BACK AN ITEM AND GIVE DIRECTION TO STAFF. YOU LEFT A VERY CLEAR AND SUCCINCT TASK ON THE TABLE THAT COUNCIL WILL CONSIDER. WE HAVE OUR NEXT MEETING AT THE BEGINNING OF JANUARY.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. COUNCIL, BEFORE OUR CITIZEN COMMUNICATION ITEM AT 12 NOON, I BELIEVE WE COULD TAKE UP ITEM NUMBER NOON, WHICH RELATE S TO OUR AIRPORT. TECHNICALLY PULLED BY COUNCILMEMBER LEFFINGWELL, BUT PERHAPS A BRIEF PRESENTATION BY MS.

CREIGHTON. WELCOME.

GOOD MORNING, MAYOR AND COUNCIL. I'M SONDR
CREIGHTON, DIRECTOR OF THE PUBLIC WORKS
DEPARTMENT. ITEM 18 BEFORE YOU IS FOR ACQUISITION OF
A 2.783-ACRE TRACT OF PROPERTY THAT WILL CONTRIBUTE
TO THE AIRPORT MASTER PLAN. AND IT IS IN THE AMOUNT
OF \$600,000, AND WE'D BE GLAD TO ANSWER ANY
QUESTIONS THAT YOU MIGHT HAVE.

Leffingwell: I UNDERSTAND THAT THE AIRPORT ADVISORY
COMMISSION RECOMMENDED AGAINST IT? AND JUST WORD
OF MOUTH I UNDERSTOOD THAT THEY FELT THE COST WAS
TOO MUCH. COULD YOU ADDRESS THAT ISSUE IF THAT'S THE
CASE?

THEY DID FEEL LIKE THE COST WAS TOO MUCH.
NONETHELESS, WE HAD TRIED TO PURCHASE THIS
PROPERTY SOMETIME AGO AND IT WAS ACTUALLY MORE
EXPENSIVE AT THE TIME WE TRIED TO PURCHASE IT
BEFORE, SO WE THINK THAT THE PRICE IS APPROPRIATE.
AND ALSO WE'VE HAD AN INDEPENDENT APPRAISAL DONE
SO THAT WARRANTED -- THAT SUPPORTED THE PRICE. AND
WE DON'T THINK THAT IT WILL GET ANY CHEAPER.

Leffingwell: SO THE PRICE YOU'RE PAYING IS IN ACCORDANCE
WITH THE INDEPENDENT APPRAISAL?

THAT'S RIGHT.

Leffingwell: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Leffingwell: I'D MOVE APPROVAL OF ITEM NUMBER 18.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL,
SECONDED BY COUNCILMEMBER MCCracken TO APPROVE
ITEM NUMBER 18 AS POSTED AND PRESENTED. FURTHER
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE
SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. COUNCIL, OUR LAST POTENTIAL DISCUSSION ITEM IS ITEM NUMBER 49, WHICH WAS PULLED BY COUNCILMEMBER LEFFINGWELL. COUNCILMEMBER, DO YOU THINK THAT IS A RELATIVELY BRIEF DISCUSSION OR SHOULD WE HOLD THAT UNTIL AFTER OUR LUNCH BREAK IN IT'S RELATED TO THE COMMERCIAL DESIGN STANDARDS?

Leffingwell: I'D DEFER TO COUNCILMEMBER MCCRACKEN TO ANSWER THAT QUESTION.

McCracken: MAYOR, I THINK IT'S BRIEF. WHAT WE ARE ASKING TO DO IS START THE CODE AMENDMENT PROCESS ON TWO ITEMS IN THE DESIGN STANDARDS ORDINANCE RELATING TO THE TIMING OF THE OPT IN, OPT OUT ON THE DEVELOPMENT BONUS PROCESS. THE SECOND IS THE STATUS OF COMMERCIAL ZONED PROPERTIES THAT HAVE RESIDENTIAL USES. THE DEVELOPMENT AND NEIGHBORHOOD REPRESENTATIVES ON THE DESIGN STANDARDS TASKFORCE HAVE AN AGREEMENT IN PRINCIPLE. THE DETAILS ARE BEING WORKED THROUGH, BUT TO START THAT CODE AMENDMENT PROCESS WE WOULD NEED TO INITIATE THAT TODAY. THEN WE WILL STILL HAVE A PUBLIC HEARING AND A VOTE AND IT WOULD ALSO COME INTO THE PLANNING COMMISSION IS MY UNDERSTANDING. THERE'S A LOT OF PROCEDURES STILL TO GO THROUGH.

SO WE'RE BASICALLY JUST INITIATING A PROCESS FOR REVISING WHAT APPARENTLY ARE SOME THINGS IN THE CODE WITH REGARD TO THIS THAT ARE UNCLEAR?

McCracken: YES.

Leffingwell: IN THAT CASE, I WOULD MOVE APPROVAL OF ITEM NUMBER 49.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE ITEM NUMBER

49 AS POSTED, WHICH IS SIMPLE DIRECTION FOR THE CITY MANAGER TO INITIATE POTENTIAL AMENDMENTS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: ONSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. SO COUNCIL, THAT'S ALL OF OUR DISCUSSION ITEMS PRIOR TO EITHER A CLOSED SESSION AND/OR CITIZEN COMMUNICATION. WE'RE A COUPLE OF MINUTES AHEAD OF SCHEDULE. SO WITHOUT OBJECTION, WE WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL JUST FOR A FEW MINUTES, THREE OR FOUR MINUTES, AND COME BACK AT NOON FOR OUR GENERAL CITIZEN COMMUNICATION. WE ARE NOW IN RECESS VERY BRIEFLY.

Dunkerley: GOOD MORNING.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME WE'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT'S A FEW MINUTES AFTER NOON. WE NOW GO TO OUR 12:00 CITIZEN GENERAL COMMUNICATIONS. OUR FIRST SPEAKER IS CAROL ANNE ROSE KENNEDY. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JIMMY CASTRO.

WELCOME BACK, COUNCIL. THE STATE OF THE UNION ADDRESS. WE THE PEOPLE, I THANK YOU FOR RUNNING WATER, ARTIFICIAL HEAT MECHANISMS, TOILET PAPER AND A SAFE PLACE TO FALL ASLEEP. YOU THE PEOPLE, I THANK YOU FOR THE FREE LUNCH. WE THE PEOPLE, I THANK YOU FOR THE EMERGENCY ROOM VISIT WHERE I WAITED FOR FIVE HOURS SO Y'ALL COULD SAVE THE MAN WITH THE AXE IN HIS HEAD. IN THE GOD WE TRUST, I THANK YOU FOR THE RAIN THAT SAVED MY GRASS FROM THE DROUGHT YOU DID. WE THE PEOPLE, I THANK YOU FOR THE EXPRESS LINE AT H. E. BUTT WHERE I WAITED WITH MY SIX-PACK AND WAVY LAY'S BEHIND THE MAN WHO IS TWICE MY AGE AND MY SIZE WHO HAD 11 ITEMS. IN THE GOD WE TRUST, I THANK YOU FOR THE EYES OF TEXAS I WAS BORN WITH AND THE SUBSEQUENT BLINDNESS TO THE COLORS OF THE SKINS OF

ALL HUMAN KIND AND ALL KINDS OF HUMANS. Y'ALL THE PEOPLE, I THANK YOU FOR MY BLOODY RELATIVES, MY IN-LAWS AND OUTLAWS WHO ARE OUT OF STATE, OUT OF MIND, ON ANOTHER CONNED NENT OR OUT OF THIS WORLD. WE THE PEOPLE, I THANK YOU FOR THE NEIGHBOR WHO WORKS ON HIS TRUCK AT THREE IN THE MORNING AND STILL PRESERVES A SILENT NIGHT. YOU THE PEOPLE, I FOR YOU THE LATCH KEY KIDS WHO CAN KNOCK ON NEIGHBORS' DOORS OR COME IN FROM THE BATS ROOM WINDOW 27... 27/7, 366. Y'ALL THE TEXANS, I THANK YOU FOR THE AUSTIN COPS AND THE TEXAS REAR RANGERS WHO EXERCISE AUTHORITY AND JUDGMENT CONSIDERING THE LAWS OF THE GODS BEFORE THE LAWS OF THE LAND. Y'ALL THE FEDERALES. I THANK YOU FOR THE FREEDOM TO CHOOSE WHETHER WHAT YOU SAY GOES OUT MY OTHER EAR OR OUT OF MY MOUTH. WE THE PEOPLE, I THANK YOU FOR THE VETERANS OF FOREIGN WARS AND DOMESTIC WARS, FOR FIGHTING THEIR WAY BACK HOME AND ARRIVE ALIVE AND KICKING. I THANK YOU FOR THE DAD WHO SAYS DON'T FORGET TO DO RIGHT. I THANK YOU IN ADVANCE FOR THE SONS AND DAUGHTERS, SONS AND DAUGHTERS WHO TURN OUT ALL RIGHT. WE THE PEOPLE, I THANK YOU FOR THE SIZE OF THE MAN BEHIND THE TRIGGER. I THANK YOU FOR THE WOMAN BEHIND THE SILVER BULLET. YOU THE LEADERS, I THANK YOU FOR THE ALIEN WHOSE GIVE MORE THAN THEY GET. IN THE GOD WE TRUST, I THANK YOU FOR THE PREACHERS WHO PRACTICE WITH A PENNY IN THEIR POCKETS. WE THE PEOPLE, I THANK YOU FOR THE MAN WHO STANDS UP TO, STANDS BESIDE AND STANDS BEHIND THE MOTHER OF HIS CHILD. I THANK YOU FOR THE WOMAN WHO STANDS BY HERMAN AND THE MOTHER WHO STANDS ALONE. IN THE GOD WE TRUST I THANK YOU FOR FORGIVENESS -- [BUZZER SOUNDS] CAN I HAVE ANOTHER MINUTE, PLEASE?

Mayor Wynn: PLEASE CONCLUDE, BUT DO CONCLUDE.

THANK YOU. IN THE GOD WE TRUST, I THANK YOU FOR FORGIVENESS AND THE SECOND CHANCE THAT FOLLOWS. YOU THE HUMANS I THANK YOU FOR THE OLD DOGS THAT ARE WILLING AND ABLE TO LEARN NEW TRICKS AND THE TEENAGE DOG THAT WILL TRY. WE THE PEOPLE I THANK YOU FOR THE AMERICAN IMMIGRANTS WHO GIVE TO RECEIVE

AND START BY SPEAKING ENGLISH. I THANK YOU FOR THE LEGAL IMMIGRANTS AND THE ILLEGAL AMERICANS THAT HAVE MADE UNFORESEEN CONTRIBUTIONS TO THE UNIVERSAL FREEDOM AND PEACE. Y'ALL THE SOLDIERS, I THANK YOU FOR THE ONE LEGGED VIETNAM VETERAN WHO SAVED THE FIRST DANCE FOR ME. Y'ALL THE COLORS, I THANK YOU FOR THE ONES WHO CAN SETTLE OUR DIFFERENCES BY CELEBRATING OUR DIFFERENCES. WE THE PEOPLE I THANK YOU FOR THE FATHERS WHO GIVE THEIR FATHERS A DOZEN ROSES AND YOU THE MOTHERS WHO CAN'T COUNT TO 10, LET ALONE 11. WE THE PEOPLE, I'VE SEEN WHAT YOU CAN DO FOR YOUR COUNTRY AND I WANT TO THANK Y'ALL FROM THE WORLD AROUND MY HEART. NOW I WANT TO KNOW WHAT YOUR COUNTRY CAN DO FOR YOU. TELL THEM. THANK YOU.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS JIMMY CASTRO. WELCOME. YOU WILL BE FOLLOWED BY DON WILLIAMSON.

GOOD AFTERNOON, MANOR, COUNCILMEMBERS, MS. FUTRELL IEVMENT HERE TO SPEAK ON MY OWN BEHALF. THE HOLIDAY SEASON IS A TIME FOR GIVING AND SHARING. ACCORDING TO THE UNITED NETWORK FOR ORGAN SHARING, EVERY 18 MINUTES ANOTHER NAME IS ADDED TO THE NATIONAL ORGAN TRANSPLANT WAITING LIST IN THE UNITED STATES. TRANS PLANTATION IS ONE OF THE MOST REMARKABLE SUCCESS STORIES IN THE HISTORY OF MEDICINE. IT PROVIDES HOPE TO THOUSANDS OF PEOPLE WITH ORGAN FAILURE. IN ADDITION, TRANSPLANTED TISSUE OFFERS HUNDREDS OF THOUSANDS OF PEOPLE ACTIVE, RENEWED LIVES. BUT ORGAN TRANSPLANTTATION REQUIRES THE COMMITMENT OF ORGAN AND TISSUE DONOR. UNDP LIERNTDERS IS MUCH GREATER THAN THE NUMBER OF PEOPLE WHO ACTUALLY DONATE. THE NEED FOR DONATED ORGANS AND TISSUES CONTINUES TO GROW. MORE THAN 93,000 MEN, WOMEN AND CHILDREN CURRENTLY WAIT THESE LIFE SAVING ORGAN TRANS TRANSPLANTS. SADLY AN AVERAGE OF 17 PEOPLE DIE EACH DAY DUE TO THE LACK OF AVAILABLE ORGANS. EACH ORGAN AND TISSUE OWN DONOR CAN SAVE AND ENHANCE THE LIVES OF UP TO 50 PEOPLE. ONCE YOU'VE DECIDED THE MOST STEP IS TELLING YOUR FAMILY. MOST AMERICANS SUPPORT ORGAN DONATION, BUT FEW HAVE TOLD FAMILY MEMBERS OF THEIR

DECISION TO DONATE. TALKING ABOUT ORGAN DONATION IS TALKING ABOUT THE OPPORTUNITY TO GIVE ANOTHER PERSON A SECOND CHANCE AT LIFE. YOU HAVE THE POWER TO CHANGE SOMEONE'S WORLD BY BEING AN ORGAN AND TISSUE DONOR. IT'S ABOUT LIVING, IT'S ABOUT LIFE. IT IS THE GREATEST GIFT OF LIFE ONE HUMAN BEING CAN GIVE TO ANOTHER. HAVING SPENT TIME ON A DIALYSIS MACHINE OVER A YEAR AND NOW BEING A KIDNEY TRANSPLANT RECIPIENT FROM BRACKENRIDGE HOSPITAL SINCE MARCH 10th, 1990, ESPECIALLY WITH THE HELP FROM THE DOCTORS AND NURSES FROM BRACKENRIDGE HOSPITAL, THE AUSTIN DIAGNOSTIC CLINIC, THE NORTH AUSTIN CENTER KIDNEY PROGRAM, I ALONG WITH MY FAMILY KNOW THE TRUE MEANING OF THE GIFT OF LIFE. THANK YOU.

Mayor Wynn: THANK YOU, MR. CASTRO. OUR NEXT SPEAKER IS DON WILLIAMSON, WHO I THOUGHT I SAW EARLIER. DON WILLIAMSON. WHO WILL BE FOLLOWED BY VA VENUS KNOW - - GAVINO FERNANDEZ. YOU WILL HAVE THREE MINUTES.

MAYOR, BEFORE YOU BEGIN MY TIME I WOULD LIKE TO ASK A CERTAIN PROCEDURAL QUESTION BECAUSE I AM GOING TO BE READING OFF SOME MEMORANDUMS AND I THINK THE RULES ARE THAT WE DON'T MENTION INDIVIDUALS NAMES, IS THAT CORRECT?

Mayor Wynn: WE DON'T HAVE A SPECIFIC RULE. WE TRY TO JUST FOLLOW DISCREET DECORUM WHEN IT COMES TO PERSONS, DEPENDING ON HOW SENSITIVE THE TOPIC IS. WE'LL LOOK TO YOUR DISCRESMGHTS.

OKAY. MY NAME IS GAVINO FERNANDEZ, WITH THE MIX MAN AMERICAN NEIGHBORHOOD ASSOCIATIONS. BEFORE I BEGIN MY DISCUSSIONS, KEEPING TRADITION, ON BEHALF OF EL CONCILIO AND THE FAMILY OF NEIGHBORHOOD ASSOCIATIONS, WE WOULD LIKE TO WISH YOU AND YOUR FAMILIES A SAFE AND HAPPY HOLIDAY SEASON. WE ARE HERE TO ASK FOR A 90 DAY MORATORIUM ON CESAR CHAVEZ STREET ON CONDOS AND LOFTS FROM I-35 TO 183 TO CHIG CHICON. YOU CAN SEE THE CONSTRUCTION OF A CONDO THAT WAS BUILT ON CESAR CHAVEZ AND COMAL. DON'T HAVE A McMANSION HERE, WE HAVE A McTOWER. IF WAL-MART CAN GET 60 DAYS TO TALK TO NEIGHBORS, I

DON'T SEE WHY OUR GOVERNMENT, WHO IN THIS CASE IS A DEVELOPER, CANNOT GIVE US A 90 DAY MORATORIUM. I THINK WE NEED TO SIT DOWN AND REVISIT THE ZONE.....ZONING THAT WAS DONE DURING THE NEIGHBORHOOD PLANNING PROCESS, AND WE ASK THAT OF YOU. I KNOW THAT MANY OF YOU WHEN IT COMES TO THE PRIVATE SECTOR INTRUDING INTO NEIGHBORHOODS, YOU WANT TO TAKE A DECISION, BUT IN THIS CASE YOU ARE THE DEVELOPERS. IN THIS CASE YOU CAN CURE AND YOU CAN FIX CESAR CHAVEZ FROM BECOMING A CORRIDOR OF CONDOS AND LOFTS THAT IS DISPLACING OUR PEOPLE. SO THAT IS ONE OF THE REQUESTS, MAYOR. AND I HOPE I DON'T HAVE TO GO TO A COUNCILMEMBER MARTINEZ OR COLE FOR THIS. THIS IS SOMETHING THAT THE MAYOR OR ANY OTHER SHOULD BE ABLE TO ADDRESS BECAUSE WE ARE ONE CITY. THE OTHER ISSUE IS THE HOLLY NEIGHBORHOOD PLANNING CONTACT TEAM. BEFORE YOU YOU HAVE TWO DOCUMENTS. IN THERE THERE'S A LETTER WRITTEN BY ONE OF THE OBJECTIVES OF THE RESULTS OF THAT ELECTION AND SHE SAYS PLEASE NOTE THAT AT THIS TIME I WAS VOTED FOR AS THE SECRETARY OF THE HOLLY NEIGHBORHOOD PLANNING CONTACT TEAM. YOU ALSO HAVE MINUTES FROM STAFF THAT TALKS ABOUT -- STAFF NOTICED THE PROCESS FOR -- THE SAME FOR EACH PLANNING AREA. THERE WAS THEN DISCUSSION ABOUT WHETHER OR NOT TO ELECT FERZ OFFICERS OF THE HOLLY NEIGHBORHOOD PLANNING CONTACT TEAM. AFTER DISCUSSION THE GROUP AGREED TO ELECT A CHAIR, VICE-CHAIR AND A SECRETARY. AND IT TALKS ABOUT THE RESULTS. THIS IS EVIDENCE THAT ON THAT DATE WE ELECTED A HOLLY NEIGHBORHOOD CONTACT TEAM. NOT AN EXECUTIVE TEAM LIKE THE CITY MANAGER CONTENDS AND HER STAFF. NOT A TEAM JUST TO DO BYLAWS. WE ACTUALLY TOOK A VOTE AND ELECTED THESE PEOPLE TO SERVE IN THIS CAPACITY. [BUZZER SOUNDS] MY QUESTION IS WHAT'S THE HIDDEN AGENDA BEHIND THIS? WHY IS IT THAT THESE FOLKS ARE NOT BEING RECOGNIZED BY THIS GOVERNMENT AND WHAT IS THE AGENDA BEHIND THE CITY MANAGER IN NOT WANTING TO WORK WITH US WITH THE GROUP THAT WAS DULY ELECTED? AND IN THERE IS A LETTER FROM THE OBJECTORS AND THE OTHER IS MINUTES FROM CITY STAFF. WE WEREN'T IN DISNEYLAND ON THAT DAY. WE KNEW WHAT

HAPPENED. IT TOOK US THREE YEARS AND WE'RE STILL NOT BEING RECOGNIZED BY THIS GOVERNMENT AND MY QUESTION IS WHY. THANK YOU.

Mayor Wynn: THANK YOU. GLORIA MORENO, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY COMMISSIONER DELEON.

THANK YOU. I MAY HAVE TO LOWER THIS A LITTLE BIT. HOW ARE YOU, MAYOR? I'M GLAD TO BE HERE BEFORE YOU. SOME OF YOU ALREADY KNOW ME. OTHERS THAT DON'T, I'M VERY HAPPY TO MEET YOU AND HOPE TO WORK WITH YOU CLOSELY IN THE FUTURE. AND MY NAME IS GLORIA MORENO AND I'M THE PRESIDENT OF PEDERNALES NEIGHBORHOOD ASSOCIATION. WE'RE REGISTERED WITH THE CITY. I'M ALSO A LULAC 4814 MEMBER AND I'M ALSO RECOGNIZING MYSELF AS THE CHAIR TO THE HOLLY NEIGHBORHOOD PLAN CONTACT TEAM. I HAVE MY HERE. I WAS DULY ELECTED AS CHAIR OF THE HOLLY NEIGHBORHOOD PLANNING TEAM BY TAX PAYING RESIDENTS THAT WERE PRESENT. THERE WERE ABOUT -- A LITTLE OVER 50 PEOPLE PRESENT. AND THREE OF US WERE NOMINATED TO RUN FOR PRESIDENT. ONE WITHDREW AND THE OTHER ONE, HE ENDED UP GETTING LESS VOTES THAN I DID, SO I FEEL THAT I WAS ELECTED CHAIR AND AND THEN I HAVE CITY STAFF'S MEMO ALSO PROMISING TO GIVE ME A COPY OF THE EXISTING BYLAWS THAT HAD ALREADY BEEN PLANNED AHEAD BEFORE THE ELECTION WHICH WE PARTIALLY CONTESTED BECAUSE FWHEEDED TO HAVE INPUT AND MAKE SURE THAT EVERYTHING WAS KOSHER BEFORE PRESENTING IT TO THE PEOPLE AT LARGE IN EAST AUSTIN FOR A DEFINITE VOTE. AND THAT'S WHERE WE'RE AT STILL TODAY. AND SO I AM ASKING THE CITY MANAGER TOBY FUTRELL, COUNCILMEMBERS AND MAYOR WILL WYNN TO PLEASE THINK HARD ABOUT THIS. A NEW ELECTION WOULD NOT BE BENEFICIAL AS THE PEOPLE ALREADY -- THEY'RE GOING TO SAY WE ELECTED YOU. WHAT HAPPENED? WHY ARE YOU NOT BEING RECOGNIZED? THEY'LL PROBABLY LISTEN TO IT TODAY. A FEW OF THEM, THIS WILL BE BE THE FIRST TIME THEY HEAR OF IT, AND I REALLY DON'T CARE TO MEET WITH THEM AT THE H.E.B. AND HEAR WHAT THEY HAVE TO SAY BECAUSE THEY'RE GOING TO BE OUTRAGED. THEY'RE GOING TO FEEL LIKE THE CITY'S DOING IT TO US AGAIN.

WE'RE FROM THE EAST SIDE, WE'RE MINORITIES AND WE'RE WE GO AGAIN. I WANT TO AVOID THIS. I WANT THEM TO TRUST THEIR CITY. I TRUST YOU AND I TRUST THAT YOU WILL MAKE THE RIGHT DECISION. I HAVE SENT CITY MANAGER MS. TOBY AND THE HEAD OF THE DEPARTMENT OF THE ZONING AREA COPIES OF THE TWO E-MAILS I MENTIONED. YOU SHOULD HAVE THEM WITH YOU. ON THE ONE HA THA HAS A LOT OF WRITING ON IT, IF YOU LOOK IN THE MIDDLE OF THE PAGE AFTER THE MEETING -- [BUZZER SOUNDS] -- SOME ANGLO PEOPLE FELT THAT THEY WANTED THE CITY TO CHALLENGE THIS MEETING TO SEE IF IT WAS LEGITIMATE. YOU'RE DARN RIGHT IT WAS LEGITIMATE. A VOTE WAS TAKEN. DUE PROCESS, DEMOCRATIC PROCESS WAS TAKEN. WHAT'S THERE TO CHALLENGE? THANK YOU. I WISH YOU A MERRY CHRISTMAS AND A SAFE HOLIDAY.

Mayor Wynn: THANK YOU. YOU LOOK WELL. COMMISSIONER DELEON, YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY MARCELO TAFOYA.

GOOD AFTERNOON, HAPPY HOLIDAYS TO YOU AND YOUR FAMILY AND TO ALL THOSE THAT GET OFF AND ALL THOSE WHO DON'T GET OFF, YOU HAVE OUR HEARTS BECAUSE YOU'RE DOING A GOOD JOB WITH THE CITY. IT'S VERY CLEAR, ONE OF THE THINGS THAT'S HAPPENED HERE AND WHICH I'M NOT SURPRISED, BUT I AM SURPRISED, IS THE FACT THAT THIS CONTACT TEAM WITH THE EXCEPTION OF ONE OF THE MEMBERS, HAS STILL BEEN VERY ACTIVE IN THIS COMMUNITY. I WAS NOT ALLOWED TO VOTE BECAUSE I LIVED ON THE OTHER SIDE OF THE STREET BUT I WAS THERE AT THAT MEETING. DEMOCRACY AT ITS FINEST, AT THE LOWEST PORTION OF THE COMMUNITY, IN OUR NEIGHBORHOOD. BUT IT WAS SO EFFECTIVE. SOME PEOPLE GOT UPSET. EVERYBODY GETS UPSET WHEN YOU DON'T WIN, BUT IT DOESN'T MEAN YOU STOP THE PROCESS. THE SAD THING ABOUT HERE IS THE PROCESS WAS STOPPED. FSHS BUT THEN YOU STOP THEM. GLORIA HAS CONTINUED TO BE ACTIVE IN HER AREA HAS CONTINUED TO BRING UP THE ISSUE IN WITH REGARDS TO DISPLACEMENT. GAVINO AS A COORDINATOR. I'VE DONE MY WORK. SO THAT PROCESS DIDN'T STOP. THE PROCESS YOU SET UP ARE SITTING IN YOUR AGENDAS AS WHO TO CONTACT. THEY CAN COULD WHAT THEMENT TO. ONE OF THE THINGS THAT I DID NOT

LIKE ABOUT THIS PROCESS IS THAT IT DOES NEGATE THE EFFORTS OF NEIGHBORHOOD ASSOCIATIONS. LIKE MEMBERS OF MY NEIGHBORHOOD ASSOCIATION DON'T CALL ME ANYMORE, OTHERS DON'T CALL THEM BECAUSE IT'S NOT SET AS CITY STAFF SETS IT. NOW, MY SITUATION -- MY SUGGESTION IS THIS: THE TEAM IS STILL HERE. IT'S STILL WORKING. STHROOZ NO NEED FOR ANOTHER ELECTION. LET THE TEAM GO AHEAD AND MEET AS IT WAS MEETING TO DEVELOP THE BYLAWS FOR THIS PROCESS AS THEY WERE DOING, BUT THEN THEY WERE STOPPED. A LOT OF INFIGHTING OCCURRED. A LOT OF GROUPS TRIED TO COME IN. NONE HAVE LASTED. THESE PEOPLE ARE STILL HERE AND THE PEOPLE WHO VOTED FOR THEM ARE STILL THERE. SOME HAVE ALREADY LEFT. SOME OF THE ANGLOS HAVE ALREADY LEFT. BUT THE MEXICAN-AMERICAN ARE STILL THERE. I'M SUGGESTING THAT YOU FIND SOME KIND OF DIRECTIVE TO THE CITY MANAGER AND SAY LET THIS CONTINUE. LET THESE PEOPLE MEET LET GLORIA CALL HER MEETING, CALL HER NEIGHBORS AND BRING THEM INTO THE BYLAWS. HAVE YOU THE LEADERSHIP THERE. THERE'S NO NEED TO HAVE ANOTHER ELECTION. THAT'S THE PROCESS. ONE OF THE THING THEY'RE ASKING FOR, THEY CAN'T GET THROUGH IS THE MORATORIUM FOR THE McMANSIONS, WHATEVER. THAT MORATORIUM NEEDS TO TAKE IN EFFECT IN AUSTIN. ONE OF THE PEOPLE WHO HAS BECOME OUR SENATOR IS KIRK WATSON. HE WAS PART OF THAT PROCESS. WHEN HE WAS MAYOR HE BROUGHT IN THOSE METRICS OF SMART GROWTH. THIS IS PART OF THE PROCESS, PART OF WHAT HAPPENS WHEN IT'S UNCONTROLLABLE. FOLKS HAVE BEEN DHIS PLACED. [BUZZER SOUNDS] SO WE'RE GOING TO GO TO HIM AS WE'VE GONE TO EDDIE RODRIGUEZ AND OTHER PEOPLE ABOUT DEVELOPING SOMETHING THAT'S GOING TO PROTECT OUR COMMUNITY AND ASK YOU, OUT OF RESPECT, TOBY ANY, AND DO THE HONORABLE THING AND RESPECT A FELLOW FEMALE AND GIVE HER HER RIGHT TO LEAD. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY FRANCIS MARTINEZ.

THANK YOU VERY MUCH. I REPRESENT (INDISCERNIBLE). I WANT TO WISH YOU THE BEST OF THE HOLIDAYS AND EVERY ONE OF YOU AND MORE SO FOR YOUR CHILDREN.

REMEMBER, THEY'RE OUR FUTURE. YEARS AGO THE CITY OF AUSTIN GAVE US A MANDATE TO THE NEIGHBORHOOD TO GO BACK AND COME UP WITH SOME PLANS OF HOW WOULD THEY LIKE TO HAVE THEIR NEIGHBORHOOD LOOK AND DEVELOP. AND WE DID. WE CAME BACK WITH SOME BEAUTIFUL PLANS AND WE BELIEVED THAT THE COMMUNITY BELIEVED THAT THIS IS WHAT THE CITY OF AUSTIN WAS GOING TO ADHERE TO. APPARENTLY WITHOUT LOOKING, ALL OF A SUDDEN EVERYTHING CHANGED. THE DEVELOPERS CAME, THINGS WERE BEING CHANGED AROUND. WE'RE LOSING OUR NEIGHBORHOOD, WE'RE LOSING THAT WHICH WE HAVE WORKED SO HARD FOR SO MANY YEARS TO HAVE A PLACE THAT WE COULD HAVE OUR CHILDREN, RAISE OUR CHILDREN AND DEVELOP AND BE PART OF THIS COMMUNITY. APPARENTLY ALL THESE THINGS ARE CHANGING AND THEY ARE LOOKING WORSE. I SEE SOONER OR LATER WE WILL BE COMPLETELY OUT OF EAST AUSTIN. THAT IS NOT ACCEPTABLE. I DON'T AGREE WITH IT YOU, BUT WHO IS TO SAY? WE'RE IN YOUR HANDS AND HALF OF THE TIME IT SEEMS LIKE ONE HAND DEALS A CARD AND THE OTHER HAND PUTS ANOTHER CARD IN THERE. I WOULD ASK YOU ONCE AGAIN TO HELP US WITH THIS MORATORIUM, GIVE US AN OPPORTUNITY TO GO BACK TO OUR COMMUNITY AND SEE WHAT WE CAN DO ABOUT BEING ABLE TO WORK TOGETHER INSTEAD OF CONSTANTLY HAVING PROBLEMS. IT SEEMS THAT WEST SEEMS TO -- JUAN..... WEST AUSTIN SEEMS TO GET WHAT THEY WANT, ESPECIALLY THE TOLL ROADS, THEY TOOK 360 OFF THE TABLE, BUT YET THEY PUT 183 ON THE TABLE. THE ENGINEER TOLD ME THIS IS A CATALYST. EAST AUSTIN TOLL ROADS ARE GOING TO PAY FOR ALL THE OTHER ROAD. THAT'S UNACCEPTABLE ALSO. WHY DO WE CONSTANTLY HAVE NOT ONLY THAT, BUT WE ALSO HAVE ALL THE GARBAGE IN OUR SIDES. WHY NOT THE WEST SIDE IN EVERYBODY SAYS WE HAVE TO PROTECT OUR WATER SOURCE, BUT YOU'RE CONTINUING TO DEVELOP OVER THERE. THAT DEVELOPMENT ALSO HARMS US. SO WE ASK ONE MORE TIME, PLEASE HELP US WITH THE MORATORIUM. WE NEED YOUR HELP IN ORDER TO COME BACK WITH THE SAME WAY OF SHOWING THAT WE ARE CONCERNED, VERY MUCH CONCERNED. WE DON'T LIKE CONDOS, WE DON'T LIKE LOFTS ACTION WE DON'T LIKE OFF STREET PARKING WHICH ALL OF A SUDDEN YOU PERMITTED.

I REMEMBER A BUSINESSMAN WHO YOU FORCED THOIM
HAVE A PARKING LOT BEHIND HIS BUSINESS BECAUSE YOU
DIDN'T WANT HIM TO PARK OFF STREET. NOW YOU GO DOWN
SIXTH STREET. YOU TRY PARKING OVER THERE IN PARKS
OVER THERE OR TRY TO PUT IN THERE WHEN THE 18-
WHEELERS ARE GOING THROUGH THERE. THINK ABOUT IT. I
APPRECIATE IT AND I WOULD HOPEFULLY ASK THAT YOU
HELP US ALL. THANK YOU, SIR. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU. FRANCES MARTINEZ, WELCOME.
YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY
JENNIFER GALE, WHO WILL BE FOLLOWED BY LYNDON POOL.

GOOD AFTERNOON, MR. MAYOR AND TIRM TOBY FUTRELL
AND CITY COUNCILMEMBERS. MY NAME IS FRANCES
MARTINEZ AND I AM DIRECTOR FOR THE ELDERLY FOR
LULAC AND IT'S COUNCIL 4814. AND I'M ALSO A NORMALLER
COMMISSIONER AND A PARTICIPANT OF LEADERSHIP
AUSTIN. AND WE ARE GOING THROUGH A LOT OF CHANGES
HERE IN EAST AUSTIN AND IT'S NOT THAT WE DON'T LIKE
CHANGE, BUT WHEN IT DOESN'T HELP OUR COMMUNITY, WE
HAVE A LOT OF CONCERNS. FOR INSTANCE, AT 300
(INDISCERNIBLE) I'VE BEEN COMING HERE RECENTEDLY
EVERY YEAR, THREE OR FOUR TIMES A YEAR, LETTING YOU
KNOW THAT WE HAVE SOME HORSES THERE. THE HORSES
ARE THERE ONLY ABOUT AN HOUR AND A HALF, BUT IN THAT
SHORT A TIME, THEY BLOCK THE TRAFFIC, THEY WASH THE
HORSES ON THE STREET, ALL THE POOP AND ALL GOES
INTO THE SEWER AND SOMETIMES ON THE STREET, WHICH I
HAVE CALLED MANY TIME ABOUT. AND IT'S TAKEN CARE OF,
BITS TIME THAT WE GET RID OF THAT SMELL. IT IS UGLY. I
WISH YOU COULD COME TO THAT STREET BETWEEN FIVE
AND 6:00 O'CLOCK SO THAT YOU CAN SEE WHAT I'M TALKING
ABOUT. AND AS WE SPEAK RIGHT NOW, THERE ARE TWO
HORSES THERE ON THAT EMPTY LOT. SO I WISH THAT WE
COULD GET THIS CLEANED UP. ALSO, THE HOUSES THAT
ARE BEING BUILT HERE IN OUR COMMUNITY NOT BEING
COMPATIBLE TO OUR NEIGHBORHOOD. WE HAVE TWO-
STORY HOUSES. AND RIGHT NEXT DOOR THERE IS A VERY
SMALL, MODEST HOUSE. AND WE HAVE CONCERNS THAT
THEY LOOK DOWN ON US FROM UPSTAIRS. WE NEED TO
LOOK THAT THE. ALSO, WE HAVE THE CONDOS AND LOFTS
THAT ARE COMING IN CESAR CHAVEZ. I SUPPORT THE 90-

DAY MORATORIUM AND I TRULY HOPE THAT YOU WILL CONSIDER IT VERY HEART HEARTILY, LOOK INTO YOUR HEARTS AND DO THE RIGHT THING ABOUT THIS MORATORIUM. AND ALSO, ON THE HOLLY NEIGHBORHOOD -- THE CHAIRPERSON, MS. MORENO WAS ELECTED. I VOTED AND I WAS THERE AND WE LATINAS CAN ALSO LEAD, SO JUST LET US LEAD US, WE CAN LEAD. GIVE US THIS OPPORTUNITY, ESPECIALLY WHEN WE HAVE BEEN VOTED FOR. AND I ALSO WANT TO LET YOU KNOW THAT WE APPRECIATE THE JOB THAT MR. JIMMY (INDISCERNIBLE) IS DOING. [BUZZER SOUNDS] AGAIN, IT'S A HIGH CRIME AREA. HE HAS MANAGED TO KEEP THE LIGHTS ON AND WE APPRECIATE THAT BECAUSE AT LEAST WE COULD WALK AROUND THERE IN THE NIGHTTIME. ALSO I WANT TO THANK MR. -- COUNCILMEMBER MIKE MARTINEZ FOR HELPING US IN THE COMMUNITY FOR OUR HALLOWEEN PARTY. IT WAS VERY SUCCESSFUL AND ALL OF US WERE VERY PLEASED, ESPECIALLY THE YOUNGSTERS, THE CHILDREN, AND WE APPRECIATE THIS. ALSO, I WANT TO WISH YOU A MERRY CHRISTMAS AND A HAPPY NEW YEAR AND YOU HAVE A LOT OF WORK BEFORE YOU BECAUSE YES, WE WILL BE COMING DOWN TO SEE YOU AND TO LET YOU KNOW OUR NEEDS IN OUR COMMUNITY, AND PLEASE DO THE MORATORIUM. THANK YOU. [APPLAUSE]

FRANCES, WOULD YOU GIVE THE ADDRESS REGARDING THE HORSES? HE'S CONSTITUENT SITTING IN THE BACK.

HI, AUSTIN. DO YOU KNOW WHAT TIME IT IS? (music) IT'S THE MOST WONDERFUL TIME OF THE YEAR, WITH THE CHILDREN JINGLE BELLING AND EVERYONE TELLING YOU BE OF GOOD CHEER. IT'S THE MOST WONDERFUL TIME OF THE YEAR. CITY EMPLOYEES, MANAGER, MAYOR, COUNCILMEMBER, I'M A CANDIDATE FOR MAYOR OF THE CITY OF DALLAS AND I AM RUNNING FOR PRESIDENT OF THE UNITED STATES. IN THIS TIME WHEN WE CELEBRATE THE BABY JESUS BIRTH IT'S TIME TO BRING PEACE TO THE MIDDLE EAST. WE HAVE NO RIGHT BEING THERE IN THE FIRST PLACE. I'D LIKE TO SING (music) SILENT NIGHT, HOLY NIGHT. (music) ALL IS CALM. (music) ALL IS BRIGHT. (music) ROUND YON VIR JIRNGS MOTHER AND CHILD. (music) HOLY INFANT SO TENDER AND MILD. (music) SLEEP IN HEAVENLY PEACE... (music) SLEEP IN HEAVENLY PEACE. IT'S TIME TO GET PLENTY OF SLEEP BEFORE DRIVING

AND KEEP AN EYE OUT FOR OUR CHILDREN. THIS WEEKEND STORYVILLE IS AT ANTONE'S. I'LL SEE YOU THERE. (music) FELIZ NAVIDAD. (music) I WANT TO WISH BE YOU A MERRY CHRISTMAS. (music) I WANT TO WISH YOU A MERRY CHRISTMAS. (music) I WANT TO WISH YOU A MERRY CHRISTMAS FROM THE BOTTOM OF MY HEART. AND ON THE CHRISTMAS SONG, (music) CHESTNUTS ROASTING ON AN OPEN FIRE LICENSE. (music) JACK FROST NIPPING AT YOUR NOSE. (music) TINY YULE TIDE CAROLS BEING SONG BY A CHOIR, AND FOLKS JUST UP LIKE ESKIMOS. (music) EVERYBODY KNOWS A TURKEY AND SOME MISTLETOE HELP TO MAKE THE SEASON BRIGHT. (music) ALTHOUGH IT'S BEEN SAID MANY TIMES, MANY WAYS, MERRY CHRISTMAS TO YOU. PARKS BE AND RECREATION HAS THE TRAIL OF LIGHTS AND PEOPLE TO ENJOY. I HOPE TO SEE YOU ALL THERE. HAPPY NEW YEAR, EN. THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER. MERRY CHRISTMAS. LYNDON POOLE OUR LAST SPEAKER. WELCOME. YOU HAVE THREE MINUTES.

GOOD AFTERNOON, MY NAME IS LYNDON POOLE. FOR THE LAST FOUR MONTHS A LOCAL COALITION WORKING ON A DRAFT CITY ORDINANCE THAT WOULD PROBABILITY THE CHAINING OF DOGS IN AUSTIN. THE MEASURE IS CURRENTLY BEING REVIEWED BY CITY STAFF AND THE ANIMAL ADVISORY COMMISSION AND OUR HOPE IS THAT A FINISHED DRAFT ORDINANCE WILL REACH CITY COUNCIL BY MID JANUARY. 11 COMMUNITIES IN THE UNITED STATES HAVE PASSED A BAN ON DOG CHAINING ACTION INCLUDING TUCSON, ARIZONA, BIG SPRING, TEXAS AND ELECTRA, TEXAS. REASON NUMBER ONE FOR THIS CAMPAIGN, DOG CHAINING IS DANGEROUS FOR CHILDREN. THE AMERICAN VETERINARY ASSOCIATION ADVISES AGAINST CHAINING ABLED TETHERING UNATTENDED DOGS BECAUSE IT CAN MAKE THEM MORE AGGRESSIVE. A STUDY PUBLISHED IN THE JUNE 1994 ISSUE OF PEDIATRICS REPORTED THAT CHAINED DOGS ARE TWO TIMES MORE LIKELY TO BITE THAN OTHER DOGS. THERE HAVE BEEN AT LEAST 33 REPORTED CASES OF CHILDREN IN THE UNITED STATES WHO HAVE BEEN INJURY ORDER KILLED BY CHAINED DOGS DURING THE YEAR 2006 ALONE. SINCE OCTOBER OF 2003, THREE TEXAS CHILDREN HAVE BEEN SERIOUSLY INJURED BY A CHAINED DOG AND ONE HAS BEEN

KILLED. ONE SHOULD NOT WAIT UNTIL A TRAGEDY OCCURS IN OUR CITY BEFORE WE ACT TO BAN DOG CHAINING. REASON NUMBER TWO, DOG CHAINING IS DANGEROUS FOR DOGS. TETHERS AND CHAINS CAN EASILY BECOME ENTANGLED, LIMITING A DOG'S ACCESS TO FOOD, WATER, SHADE AND SHELTER. DOGS CAN ALSO STRANGLE THEMSELVES OR EVEN HANG THEMSELVES WHEN LEFT ALONE ON A CHAIN OR TETHER. REASON NUMBER THREE, DOG CHAINING IS INHUMANE. DOGS ARE PACK ANIMALS WHO CRAVE SOCIAL INTERACTION. THE USDA AND VIRTUALLY EVERY ANIMAL WELFARE ORGANIZATION WORLDWIDE HAS STATED THAT DOG CHAINING IS INHUMANE. IF THE DOG CHAINING ORDINANCE PASSES, SOME RESIDENTS WHO CURRENTLY CHAIN THEIR DOG MIGHT CHOOSE TO KEEP THE DOG INSIDE AND EXERCISE THE DOG OUTDOORS ON A LEASH PERIODICALLY. MANY AUSTIN APARTMENT DWELLERS CURRENTLY USE THIS APPROACH. BUT IN CASES WHERE OUTSIDE CONFINEMENT IS NECESSARY, A SECURE AND HUMANE FENCE ENCLOSURE CAN BE BUILT. WE WANT TO HELP FAMILIES WHO WOULD BE AFFECTED BY THE ORDINANCE AND WHO MAY NEED ASSISTANCE WITH THE COST OF FENCING MATERIALS. CONCERNED CITIZENS WHO WOULD LIKE TO MAKE A PLEDGE FOR A LOW INCOME FENCING ASSISTANCE FUND CAN DO SO NOW BY VISITING CHAINFREE-- CHAINFREEAUSTIN.ORG. WE NEED A DATE IN CONJUNCTION WITH A CAMPAIGN. WE WANT TO HELP THIS AS WELL. THE DRAFT DOG ORDINANCE WILL BE PROPOSED TO YOU WITHIN A FEW WEEKS. IN THE MEANTIME ANY CITIZEN CAN VIEW THE INTENDED LANGUAGE AT CHAINFREEAUSTIN.ORG.

...

Mayor Wynn: THANK YOU. COUNCIL, OBVIOUSLY A NUMBER OF OUR SPEAKERS HAD CONCERNS ABOUT THE -- GENERALLY SPEAKING THE HOLLY NEIGHBORHOOD PLANNING CONTACT TEAM.

I'VE ASKED GREG TO COME AND GIVE YOU THE BEST WE CAN. THIS IS A LONG AND COMPLICATED DISCUSSION. OBVIOUSLY I WAS NOT IN THE ROOM WHEN THIS OCCURRED. I DON'T BELIEVE, GREG, THAT YOU WERE EITHER. WE'VE GONE BACK AND LOOKED AT A LONG TRAIL OF

DOCUMENTATION INTERVIEWED FOLKS WHO WERE THERE, INCLUDING STAFF MEMBERS WHO ARE NO LONGER HERE. AND JUST GIVEN YOUR BEST SUMMARY OF WHERE WE ARE AND WHAT HAS OCCURRED TODAY.

YES. ACTUALLY, THIS STARTED OVER THE SUMMER WHEN GAVINO AND GLORIA I THINK CAME DOWN ALONG WITH PAUL HERNANDEZ AND I MENTIONED THE HOLLY CONTACT TEAM AND THERE ACTUALLY HAD NOT BEEN ANYTHING REALLY THAT HAD HAPPENED IN THE PAST YEAR. AND WHEN I STARTED GOING BACK THROUGH THE RECORD AND READING, I ALSO SPOKE WITH ALICE GLASGO AND CARLOS SOLIS WHO IS DIVISION MANAGER. WE MET WITH ADAM SMITH, WHO IS NO LONGER WITH OUR DEPARTMENT, BUT I MET WITH GLORIA AND GAVINO AND WE STATISTICKED AND SHARED E-MAILS AND CORRESPONDENCE THAT THERE WAS A GREAT DEAL OF CONFUSION THAT OCCURRED OVER THE SUMMER OF CONFUSION. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THAT'S CORRECT. THAT PROCESS WAS STARTED TOWARDS THE END OF 2004. THERE WAS SEVERAL MEETINGS THAT DID OCCUR, BUT IN THE END IT RESULTED IN AN -- AN IMPASSE AS WELL, THE BYLAWS WERE NOT CREATED. THEN IN FEBRUARY OF 2005, OUR DEPARTMENT PRESENTED TO COUNCIL A PROPOSAL IN THE FORM OF A -- POSSIBLY A RESOLUTION THAT COULD DIRECT STAFF TO GO FORWARD WITH PART OF -- SOME OF THE IDEAS THAT WERE AGREED TO I THINK BY THE COMMITTEE OF CREATING A DISTRICT, SOME SORT OF DISTRICT REPRESENTATION. THAT DID NOT OCCUR. I CAN AGAIN PRESENT THAT MEMO TO YOU AND THEN AT THE END OF 2005, THE ISSUE CAME UP AGAIN. I'M NOT SURE OF THE PARTICULARS WHY THEY CAME UP, BUT ALICE FORWARDED YOU ANOTHER MEMO WHERE BASICALLY JUST SAID THE STATUS QUO, THAT NOTHING HAD CHANGED. WHAT I WOULD LIKE TO DO, I HAVE NOT HAD AN OPPORTUNITY TO SIT DOWN WITH THEM AFTER -- AFTER GAVINO AND GLORIA MET WITH LAURA HUFFMAN IN ONE MEETING, MET WITH MYSELF, MET WITH TOBY, PROBABLY HAVE ONE MORE OPPORTUNITY TO SIT DOWN WITH THEM AND SEE IF WE CAN AGAIN MAYBE TRY TO CREATE THE BYLAWS. GIVE IT ONE MORE SHOT. IF YOU WILL. THEY ARE UNDER TREMENDOUS DEVELOPMENT PRESSURE IN THEIR

NEIGHBORHOOD, I KNOW THAT THEY HAVE COME BEFORE YOU, COME BEFORE OTHER COMMISSIONS AND EXPRESSED THEIR CONCERNS ABOUT THE DEVELOPMENT OCCURRING IN THEIR NEIGHBORHOOD. IT IS IMPORTANT TO HAVE A CONTACT TEAM BECAUSE ALTHOUGH WE DO SEND PEOPLE TO THEIR NEIGHBORHOOD ASSOCIATIONS, AS PART OF OUR NEIGHBORHOOD PLANNING PROCESS, THE CONTACT TEAM IS -- IS ONE THAT THE DEVELOPMENT COMMUNITY WOULD WORK WITH IF THERE IS A PLAN AMENDMENT THAT THEY WOULD LIKE TO REQUEST. SO I AGREE WITH THEM THAT IT IS IMPORTANT TO HAVE THE CONTACT TEAM AS A TOOL OF COMMUNICATING WITH OTHER PROPERTY OWNERS THAT WISH TO DEVELOP THEIR LAND. SO -- SO I WOULD GO BACK, I WILL MEET WITH THEM ONE MORE TIME. AND SEE IF WE CAN DISCUSS THE BY LAWS. AND SEE IF WE CAN ESTABLISH SOMETHING NEW. DURING THE SUMMER WE STARTED ABOUT STARTING ANEW. I THINK THEY ARE VERY FIRM IN THEIR OPINION THAT THEY HAVE A CONTACT TEAM, BUT THEY WERE ELECTED -- I CERTAINLY AGREE THAT THEY WERE ELECTED. THERE MAY EVEN BE THIS CONTACT TEAM. I'M NOT SURE WHAT THE MEANING OF THAT IS WITHOUT HAVING THE BYLAWS. IF CAN HE WITH GET BIB -- IF WE CAN GET TO THE BYLAWS DEFINING THOSE ROLES, THE TERMS, THEIR RULES OF PROCEDURE, I THINK THAT WOULD BE HELPFUL.

Futrell: A QUICK SUMMARY WE HAD A DISPUTE WITHIN THE GROUP. I THINK OUR ONLY DISPUTE AT THIS POINT IS WHETHER THE GROUP WAS ESTABLISHED TO CREATE AND FINALIZE THE BY LAWS OR WHETHER IT WAS BROADER WITHOUT HAVING THE BY LAWS, WE DON'T KNOW --

I CANNOT TELL COUNCIL DEFINITELY BECAUSE I WAS NOT THERE TO KNOW CONTACT TEAM, EXECUTIVE TEAM, I BELIEVE THAT THEY HAD ON THEIR AGENDA SOMETHING THAT SAID CONTACT TEAM THAT THEY CERTAINLY WERE ELECTED. I'M NOT SURE WHAT THE MEANING OF THAT IS BECAUSE THERE WAS AN AGREEMENT TO DO A NEW SET OF BY LAWS WHICH WOULD DEFINE WHAT THOSE POSITIONS WOULD MEAN. I DON'T THINK -- WELL, I KNOW THAT DID NOT HAPPEN. SO -- SO WITHOUT HAVING THAT BENEFIT, AND SAYING THAT THEY HAVE A CHAIR AND VICE CHAIR, SECRETARY, I'M NOT SURE HOW WE WOULD OPERATE

WITHOUT HAVING THE BY LAWS AGREED TO. SO I WOULD LIKE THE OPPORTUNITY TO GO BACK AND SIT DOWN AND MEET WITH THEM AND TRY IT ONE MORE TIME IF WE CAN -- IF WE CAN DO THE BYLAWS. IF NOT I WILL COME BACK AND PRESENT TO YOU A MEMO, STATING THE BEST I CAN AND MAYBE THEY CAN HELP ME ADDRESS THEIR PARTICULAR POSITION AND THE STAFF RECOMMENDATION WOULD BE SO WE COULD MOVE FORWARD AND TRY TO DO THAT BY THE END OF JANUARY.

ALL RIGHT. SO WHAT WE'LL DO, UNLESS I HEAR SOMETHING TO THE CONTRARY FROM YOU, GREG, YOU ARE GOING TO SIT DOWN WITH THE GROUP ONE MORE TIME. WE ARE GOING TO SEE IF WE CAN GET THROUGH BY LAWS. IF NOT WE WILL GIVE A SUMMARIZE ALL OF THIS AND WITH OPTIONS GET THAT TO COUNCIL AND WAY WAIT SOME DIRECTION ON HOW COUNCIL WOULD LIKE TO PROCEED.

I'M NOT SURE IF THE BY LAWS -- I WANT TO SIT DOWN AND SEE IF I CAN HAVE AN AGREEMENT AMONG THEM TO MOVE FORWARD WITH SOME PROCESS. AND IF I CAN GET AGREEMENT ON THAT, THEN WE CAN, YOU KNOW, EITHER WORK ON THE BYLAWS OR AT LEAST BRING TO COUNCIL THEIR POSITION AND A STAFF RECOMMENDATION ON WHAT WE THINK THAT WE WOULD RECOMMEND FOR YOU TO DO AS FAR AS THE STAFF IS CONCERNED.

THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF?
COUNCILMEMBER MARTINEZ?

Martinez: GREG, I'M JUST CURIOUS ABOUT WE HAVE CURRENT EXISTING CONTACT TEAMS OUT IN THE NEIGHBORHOOD. HOW ARE THOSE BOUNDARIES DRAWN AND SPECIFIC TO THIS AREA AS WE ARE TALKING ABOUT? IS THERE A CONTACT TEAM IN PLACE, DOES IT COVER THIS PART OF THE HOLLY NEIGHBORHOOD?

THERE ARE DEFINITE BOUNDARIES FOR HOLLY. AS I SAID BEFORE, THEY WERE ELECTED I BELIEVE AS A CONTACT TEAM, EXECUTIVE TEAM, THEY WERE ON THE AGENDA I DO BELIEVE WITH THE SAID CONTACT TEAM, I'M JUST NOT SURE WHAT THE MEANING OF THAT IS ABSENT THE BY LAWS. SO WERE THEY ELECTED? I DO BELIEVE THEY WERE ELECTED

BASED ON EVERYTHING THAT I HAVE READ, I'M NOT SURE WHAT THE MEANING OF THOSE POSITIONS ARE, HOW THEY OPERATE.

I THINK IF YOU READ THE LITTLE MEETING SUMMARY PASSED OUT, YOU CAN SEE THAT THE BIG FOCUS IS THE DISPUTE OVER THE BYLAWS. AND THAT'S THE PIECE THAT -- IT FELL APART, SOMEHOW DIDN'T EVER GET TO CLOSURE THERE ON BY LAWS.

THAT'S RIGHT, THERE WAS AN IMPASSE THAT WAS REACHED. MR. McMILAN I SEPTEMBER YOU A LATER, I -- I SENT YOU A LETTER TO THE FULL COUNCIL, I UNDERSTAND SOME OF YOU WEREN'T HERE. BASICALLY EXPLAINING THAT THEY REACHED AN IMPASSE. HE WAS UNABLE TO WORKING WITH THE NEIGHBORHOOD TO CREATE A SET OF BYLAWS. FOR THEM TO OPERATE UNDER.

Martinez: SO -- I'M SORRY, MAYOR. THE BOUNDARIES OF THE CONTACT TEAMS ARE DRAFTED BY NEGOTIATION BETWEEN THE CITY AND THE COMMUNITY MEMBERS?

THE BOUNDARIES ARE ALREADY DEFINED AS OUR NEIGHBORHOOD PLANNING AREAS, THAT'S NOT NECESSARILY AN ISSUE. I THINK THERE WAS AGREEMENT, BUT WHAT I CAN SEE THERE WERE DISTRICT BOUNDARIES WHERE YOU MAY HAVE REPRESENTATION WITHIN THE NEIGHBORHOOD, THAT WAS NEVER FINALIZED ABOUT HOW THAT WOULD WORK. THERE WERE PROPOSALS TO TRY TO CREATE BETTER REPRESENTATION THROUGHOUT THE HOLLY NEIGHBORHOOD BOUNDARY, THE AREA, WHICH IS HOW THEY ARE DEFINED, HOW THEY WOULD OPERATE, BUT IT NEVER WAS FINISHED.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Futrell: LET'S TRY THIS, I KNOW WE ARE TRYING TO SUMMARIZE TWO OR THREE YEARS OF HISTORY HERE SINCE '04. LET'S AT LEAST GET YOU A SUMMARY OF ALL OF THE MEMOS THAT WERE SENT TO COUNCIL, RESULTS, MEDIATOR'S REPORTS, ANYTHING THAT WE HAVE, MINUTES FROM THE MEETINGS, PUT A PACKET TOGETHER. YOU WERE GOING TO SIT DOWN ONE MORE TIME, SEE IF YOU CAN GET

AGREEMENT ON MOVING FORWARD. IF NOT WE WILL PRESENT ALL OF THAT TO COUNCIL AND LOOK FOR SOME DIRECTION ON HOW YOU WANT US TO MOVE FORWARD.

I WILL GO BACK WITH GAVINO DIRECTLY, I HAVE WORKED WITH THEM A VERY LONG TIME, AT LEAST OVER 10 YEARS ON ZONING ISSUES IN THEIR NEIGHBORHOODS.

THANK YOU, MR. GUERNSEY, QUESTIONS OF -- OF COUNCILMEMBER MARTINEZ?

I WOULD JUST LIKE TO REQUEST THAT -- THAT INSTEAD OF A SUMMARY I WOULD LIKE TO SEE ACTUAL MEMOS AND PIECES OF INFORMATION THAT WERE EXCHANGED.

WE WILL PUT IN BACK UP TO IT EVERYTHING THAT TICKS AND TIES TO IT.

THANK YOU.

MS. MORENO?

YES.

I DO APOLOGIZE FOR THIS INTERRUPTION. EARLIER BEFORE THE CITIZENS COMMUNICATION GAVINO AND I DID SPEAK WITH GREG. HE DID MENTION HE WANTED TO MEET WITH US ONE MORE TIME. AT THAT BRIEF MEETING HE DID NOT MENTION THAT WE WERE GOING TO TRY TO WORK OUT AN -- DID YOU SAY JUST NO WORK ON THE BYLAWS? JUST NOW WORK ON THE BY LAWS?

[INAUDIBLE - NO MIC]

AT A MEETING WITH THE THREE OF US? OR FOUR OF US?

[INAUDIBLE - NO MIC]

HOW DID YOU MEAN THAT?

WELL, THE FOLKS THAT SPOKE HERE TONIGHT, AT LEAST THE ONES THAT I UNDERSTAND THAT HAVE BEEN ELECTED, I WOULD CONTACT THEM FIRST AND SIT DOWN AND SEE IF

THERE WAS SOME MEANINGFUL WAY THAT WE COULD MOVE FORWARD. IF THERE IS, THEN PERHAPS WE CAN RESOLVE IT TO THAT MANNER. IF NOT, I WOULD COME BACK, LET THEM STATE THEIR POSITION TO YOU, GIVE A STAFF RECOMMENDATION ON WHERE WE WOULD MOVE FORWARD IN THE FUTURE. I WOULD HAVE THAT BACK TO YOU BY THE END OF JANUARY.

Mayor Wynn: THANK YOU, MR. GUERNSEY.

MAY I ADD REAL QUICK.

Mayor Wynn: QUICKLY.

I UNDERSTAND. AS QUICKLY AS I CAN. WHAT IS THERE TO KNOW THAT HAS TO BE DEFINED BY THE BYLAWS? A PRESIDENT LEADS, A VICE CHAIR STEPS UP, THE PRESIDENT IS NOT AVAILABLE AND CAN CARRY ON FORWARD. THE ENGINEER TERRI TAKES NOTES. WHAT'S THERE TO DEFINE MORE CLEARLY THAN THAT? YES, WE CAN ADD MORE INTO THE DEFINITION. BUT THOSE ARE YOUR THREE BASICS. AS A SECRETARY IN MY CAREER ALL THAT I HAVE DONE IS TAKE NOTES FOR 35 YEARS. I KNOW WHAT A SECRETARY DOES. I HAVE BELONGED TO SEVERAL BOARDS SINCE 1970. AND I'VE HAD EXPERIENCE TAKING NOTES. I'VE SEEN VICE-PRESIDENTS AND I'VE SEEN PRESIDENTS LEAD AND THE VICE-PRESIDENTS STEP UP IN THE ABSENCE OF THE PRESIDENT. WHAT'S THERE TO KNOW? WE ARE, WE WERE VOTED ON, WE ARE THERE, WE WANT TO GET STARTED. ALLOW ME TO BRING IN THE EXISTING BY LAW COMMITTEE, WHOEVER DOES NOT WANT TO WORK ON THE BY LAWS THEY CAN EXCUSE THEMSELVES. I'LL BRING IN SOMEBODY ELSE. IT'S AS SIMPLE AS THAT. THERE'S -- I'LL BE HAPPY TO TALK TO GREG AND MEET WITH HIP, BUT THE BY LAWS HAS TO BE TAKEN CARE OF BY THE BY LAWS COMMITTEE OF A DIVERSE BYLAWS COMMITTEE. OKAY?

Futrell: AT THE -- JUST HELP ME WITH THIS, PLEASE, THIS IS THE WRONG FORUM TO BE TRYING TO HAVE A POSTED COUNCIL AGENDA MEETING. THE FACT IS THAT WE REACHED IMPASSE WITHIN YOUR BY LAWS COMMITTEE IF I REMEMBER CORRECT LIMIT THAT WAS THE PROBLEM. THAT'S WHAT GREG IS GOING TO TRY TO TALK TO YOU ABOUT IS THE

STRUCTURE FOR GETTING TO CLOSURE WITHIN YOUR ELECTED BY LAW COMMITTEE ON THE BYLAWS. IF WE DON'T DO THAT, WE WILL BE BACK HERE WITH YOUR POSITION AND A STAFF RECOMMENDATION FOR COUNCIL DIRECTION BY THE END OF JANUARY. THAT'S WHAT WE ARE GOING TO RECOMMEND TO THE COUNCIL.

OKAY. WELL I STILL SAY WE SHOULD BE RECOGNIZED NOW AND MOVE FORWARD, MEET WITH GREG AND MOVE FORWARD WITH THE BYLAWS, THAT'S THE BOTTOM LINE. THAT'S WHAT I'M ASKED.

Mayor Wynn: UNDERSTOOD, THANK YOU FOR -- YOU AND YOUR CO-HOTTERS FOR ALL OF THE WORK -- COHORTS FOR ALL OF YOUR WORK. THANK YOU MR. GUERNSEY WE APPRECIATE YOUR EFFORTS. COUNCIL, THAT'S ALL OF THE SENTENCE COMMUNICATION SPEAKER, NOW CLOSED SESSION PURSUANT TO 551.071 OF THE OPEN MEETINGS ACT TO POTENTIALLY TAKE UP ITEM 55, CODE REQUIREMENTS AND PROPOSED CODE AMENDMENTS TO THE CITY CODE ESTABLISHING ADDITIONAL REQUIREMENTS FOR THE LOCATION OF LARGE RETAIL USES OR BIG BOX RETAIL AND PERMITTED ZONING DISTRICTS, AND POTENTIALLY ITEM 56 RELATED TO LEGAL ISSUES REGARDING WATER SUPPLY, AND WATER RIGHTS BEFORE THE TCEQ.... TCEQ. INVOLVING THE LCRA, THE CITY OF AUSTIN. AND ITEM 57, POTENTIALLY, RELATED TO LEGAL ISSUES CONCERNING THE LEGISLATURE -- 80th LEGISLATIVE SESSION AND ITEM NO. 83, AGAIN LEGAL ISSUES CONCERNING THE POTENTIAL ANNEXATION OF THE LOST CREEK MUNICIPAL UTILITY DISTRICT. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US DELAYING THE START OF THE 2:00 BRIEFING UNTIL CLOSER TO 3:00 IN ORDER FOR US TO GET THROUGH THESE EXECUTIVE SESSION ITEMS. I ANTICIPATE US COMING BACK INTO OPEN SESSION FOR THE 2:00 BRIEFING ON HOMELESS SERVICES APPROXIMATELY 3:00 P.M. WE ARE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP AND COMPLETED OUR DISCUSSION ON ITEMS NUMBER -- AGENDA ITEMS 57, 56 AND 83. WE BEGAN DISCUSSIONS ON ITEM NUMBER 55. WE MAY CONTINUE THOSE DISCUSSIONS LATER TONIGHT. BIG

APOLOGIES TO EVERYBODY FOR THE DELAY. WE HAVE A LENGTHY, LENGTHY AGENDA, INCLUDING EXECUTIVE SESSION AGENDA, BUT BIG APOLOGIES TO OUR FOLKS WHO ARE GOING TO PRESENT A BRIEFING ON HOMELESS SERVICES IN TOWN. THEY WENT AHEAD AND WENT HOME AND WE'RE GOING TO RESCHEDULE THAT SERIES OF BRIEFINGS AND COMMUNITY DISCUSSIONS FOR A COUNCIL MEETING IN JANUARY. BUT BEFORE WE GO TO OUR ZONING CASES NOW, TO ALMOST CATCH US BACK UP ON OUR SCHEDULE, I WOULD LIKE TO TAKE UP ITEM NUMBER 11. IN EXECUTIVE SESSION EARLIER WE TOOK UP ITEM 57 RELATED TO LEGAL ISSUES WITH POTENTIAL NINGZ THE LEGISLATIVE SESSION. ITEM SEPTEMBER 11TH ADOPTING THE LEGISLATIVE AGENDA FOR THAT SESSION. I'LL RECOGNIZE CHRISTIAN LA SALLE FOR THAT PRESENTATION.

THANK YOU, MAYOR AND COUNCIL. YOU HAVE BEFORE YOU THE CITY'S LEGISLATIVE PROGRAM FOR THE 80TH SESSION OF THE LEGISLATURE. THAT IS ORGANIZED BY DEPARTMENTAL ITEMS, THOSE THAT WE SUPPORT POTENTIAL LEGISLATION, THAT WE WILL MONITOR AND THEN POTENTIAL LEGISLATION THAT WE WOULD OPPOSE. I CAN GO THROUGH THIS IF YOU WILL, BUT WITH YOUR BUSY SCHEDULE, IF YOU WOULD LIKE I CAN ANSWER ANY QUESTIONS OR TAKE ANY AMENDMENT S TO THE PLAN.

SO IT SEEMS LIKE WE'VE HAD THE LARGER PROGRAM, IF YOU WILL, IN OUR BACKUP AND POSTED, AND THAT HAS BEEN AMENDED EVER SO SLIGHTLY, IF AT ALL. BUT WE DO HAVE THE ABILITY FOR US NOW AS A COUNCIL HERE IN PUBLIC SESSION TO TAKE UP SOME POTENTIAL ADDITIONAL ITEMS WE MIGHT WANT TO SUPPORT OR MONITOR.

YES, SIR, THAT'S CORRECT.

Mayor Wynn: WHY DON'T YOU WALK US THROUGH WHAT COULD BE THOSE ADDITIONAL ITEMS AND COUNCIL, WITHOUT OBJECTION, WE CAN HAVE THAT DISCUSSION AND/OR ADOPTION.

THIS WILL BE UNDER THE SUPPORT CATEGORY. SUPPORT LEGISLATION REQUIRING NEW COAL PLANTS TO USE IMPROVED TECHNOLOGY RATHER THAN COAL CRUSHING

TECHNOLOGY. THIS IS SOMETHING RECOMMENDED BY OUR AUSTIN ENERGY DEPARTMENT.

Mayor Wynn: COUNCIL, DISCUSSION FW THAT ITEM? WE HAVE HAD SOME LEGAL DISCUSSIONS REGARDING ALL OF THESE. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WOULD JUST LIKE TO SAY THAT I'LL BE SUPPORTING THAT ADDITION. AS MANY PEOPLE HERE NOW, THE COUNCIL PASSED A RESOLUTION LAST JUNE EXPRESSING ITS OPPOSITION TO THE COAL CRUSHING TECHNOLOGY AS OPPOSED TO THE LATEST AVAILABLE COAL TECHNOLOGY, AND FOR VARIOUS REASONS WE HAVE NOT GONE BEYOND THAT POINT, BUT I THINK IT'S VERY IMPORTANT TO AUSTIN'S FUTURE STATUS AS FAR AS AIR POLLUTION AND THE IMPACTS THAT COME FROM THAT TO TRY TO DO THE BEST WE CAN TO TRY TO GET THESE COAL PLANTS TO USE THE LATEST TECHNOLOGY. SO I'LL BE BE SUPPORTING THAT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. I AGREE ALSO. I'LL JUST SAY THERE'S A COUPLE OF ENERGY-RELATED ITEMS HERE ON THESE POTENTIAL ADDITIONAL SUPPORT ITEMS AND I'LL JUST SAY OUR STAFF, THE PROFESSIONAL STAFF AT AUSTIN ENERGY DOES A PHENOMENAL JOB. THE TRACK RECORD SPEAKS FOR ITSELF WHEN IT COMES TO RENEWABLE ENERGY, CONSERVATION, EFFICIENCIES, NOW THE CHALLENGE OF NEW TECHNOLOGIES AND SO I'LL GLADLY SUPPORT AN ITEM BROUGHT FORWARD BY AUSTIN ENERGY STAFF.

I'LL MOVE ON TO THE NEXT. SUPPORT LEGISLATION ALLOWING THE CITY TO WITHHOLD COMPLETED APPRAISAL REPORTS DURING NEGOTIATIONS TO PURCHASE LAND. AND THIS IS BROUGHT FORWARD BY OUR PUBLIC WORKS AND TRAFFIC MANAGEMENT DEPARTMENT.

Mayor Wynn: AND REMIND ME, I THINK THERE'S MANY CITIES HAVE THAT ABILITY CURRENTLY ORING... THIS IS A CASE WHERE LIKELY MANY CITIES WOULD JOIN THIS EFFORT FROM A TML STANDPOINT?

THAT'S CORRECT.

Mayor Wynn: THE OBVIOUS REASONS, IF WE GET A COMPLETED APPRAISAL DONE, WE'LL STILL ACTUALLY TRYING TO NEGOTIATE WITH THE LANDOWNER. IT WOULD BE WHOLLY APPROPRIATE FROM A NEGOTIATING STANDPOINT TO NOT WANT TO HAVE THAT -- OUR INTERNAL APPRAISAL RELEASED WHILE WE'RE STILL IN THE NEGOTIATION PROCESS.

YOU'RE ABSOLUTELY CORRECT, MAYOR. AND IF I'M NOT MISTAKEN, THERE WAS A BILL THAT WAS PRESENTED LAST SESSION AT THE LEGISLATURE, WHICH TML DID SUPPORT, THAT DID NOT PASS. SO YES, YOU WOULD HAVE MANY CITIES IN AGREEMENT WITH THIS CHANGE.

Mayor Wynn: SO COUNCIL, UNLESS THERE'S SOME OBJECTION, THIS IS AN ITEM BROUGHT FORWARD BY PUBLIC WORKS AND TRAFFIC MANAGEMENT DEPARTMENTS.

OKAY. HERE ARE SOME ADDITIONAL ITEMS THAT I'LL BRING FORWARD. SUPPORT LEGISLATION PROMOTING ENERGY EFFICIENCY AND CONSERVATION, DEVELOPMENT OF RENEWABLE ENERGY AND THE REDUCTION OF GREENHOUSE GASES.

Mayor Wynn: COMMENTS, COUNCIL, OBJECTIONS? I'LL JUST SAY I JUST SEE THIS AS AN OPPORTUNITY FOR AUSTIN ENERGY'S VERY POSITIVE STORY TO BE HELPED ON THE STATEWIDE CHALLENGE WE HAVE OF DELIVERING ENERGY FOR A GROWING STATE AND A GROWING ECONOMY.

THE NEXT, SUPPORT LEGISLATION AMENDING CHAPTER 373A OF THE LOCAL GOVERNMENT CODE TO STRENGTHEN AFFORDABLE HOUSING TOOLS IN A HOMESTEAD PRESERVATION DISTRICT.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: I JUST WANT TO THANK STAFF FOR ALL THEIR HARD WORK. THIS IS SOMETHING THAT WE'VE BEEN TRYING TO WORK ON FOR THE LAST FEW YEARS, REPRESENTATIVE RODRIGUEZ AND MANY OF THE LOCAL LEGISLATORS HAVE

BEEN WORKING ON THIS. WHAT THIS IS GOING TO DO IS CREATE A HOMESTEAD PRESERVATION DISTRICT TO HELP US WITH AN ADDITIONAL TOOL TO CREATE PER PET..... PERPETUAL AFFORDABLE HOUSING AS WE MOVE FORWARD, AND IN AN AREA OF TOWN WHERE IT'S SORELY NEEDED AND NEEDS TO BE MAINTAINED. SO I AM JUST VERY APPRECIATIVE OF STAFF AND ALL YOUR HARD WORK THAT WE'RE GOING TO BE MOVING FORWARD WITH THIS AND HOPEFULLY ADOPTING SOME VERY MEANING..... MEANINGFUL LEGISLATION TO OUR -- TO OUR COMMUNITY THAT NEEDS AFFORDABLE HOUSING.

THANK YOU. AND WE'RE VERY APPRECIATIVE OF REPRESENTATIVE RODRIGUEZ AND HIS WORKING WITH US ON GETTING SOME AMENDMENTS TO THIS LEGISLATION. SO WE'RE LOOKING FORWARD TO IT.

Mayor Wynn: FURTHER COMMENTS, COUNCIL? QUESTIONS, CONCERNS? THANK YOU.

SUPPORT LEGISLATION MODIFYING THE CAPITAL METRO BOARD TO INCREASE THE CITY'S PROPORTIONAL RENTS TO REFLECT THE ACTUAL RIDERSHIP BY CITY RESIDENTS.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: THAT'S MY ADDITION. I DO SIT ON THE CAPITAL METRO BOARD AND I WOULD POINT OUT THAT THE CITY OF AUSTIN, THE RIDERSHIP OF CAP METRO IS ABOUT 92% WITHIN THE CITY OF AUSTIN AND WE CURRENTLY HAVE TWO REPRESENTATIVES ON THAT BOARD OUT OF THE TOTAL OF SEVEN AND THE REPRESENTATION ON THE BOARD WITH THE COMBINATION OF LEANDER AND LAGO VISTA, I FEEL THAT THIS IS NOT AN ADEQUATE REPRESENTATION FOR OUR -- THE PEOPLE OF THIS CITY TO HAVE THEIR TRANSPORTATION NEEDS KNOWN AND CARRIED OUT, SO I'M PROPOSING THIS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? SO WITHOUT OBJECTION, THANK YOU.

OKAY. SUPPORT LEGISLATION ADOPTING CALIFORNIA EMISSION STANDARDS FOR NEW AUTOMOBILES AND LIGHT

TRUCKS.

Mayor Wynn: I'LL JUST SAY ON THIS ITEM, SENATOR ELLIS AND REPRESENTATIVE STRAMA HAVE REINTRODUCED LEGISLATION FROM SEVERAL YEARS BACK WHEREBY THE STATE OF TEXAS SHOULD CONSIDER ADOPTING THE CALIFORNIA EMISSIONS STANDARDS. ESSENTIALLY IN THE U.S. THERE ARE TWO STANDARDS, THE CALIFORNIA STANDARD AND EVERYTHING ELSE. 11 STATES NOW HAVE ADOPTED CALIFORNIA'S STRICTER EMISSION STANDARDS FOR NEW PASSENGER VEHICLES AND LIGHT TRUCKS, AND WITH OUR AIR QUALITY CHALLENGES IN TEXAS AND CERTAINLY IN THIS AREA AND THE MAJORITY OF OUR AIR POLLUTION IN CENTRAL TEXAS COMING FROM OUR INDIVIDUAL AUTOMOBILES, NOT POINT SOURCE POLLUTION, THEN I THINK IT'S VERY APPROPRIATE FOR US TO BE SUPPORTING THIS LEGISLATION. SO WITHOUT OBJECTION...

OKAY. SUPPORT LEGISLATION MODIFYING THE HOUSING TAX CREDIT PROGRAM, QUALIFIED ALLOCATION PLAN TO ALLOW THE USE OF TAX CREDITS FOR MIXED INCOME HOUSING PROJECTS.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I'M SUPPORTING THIS BECAUSE THE FEDERAL GUIDELINES ALLOW THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO DO THIS, BUT THEY HAVE NOT -- THEY HAVE ELECTED NOT TO UTILIZE THIS FLEXIBILITY. IN AUSTIN OUR SMART HOUSING POLLEN COWRJZ MIXED USE -- MIXED INCOME. THAT'S WHAT THE M IN SMART STANDS FOR, SO THAT WE DON'T JUST HAVE LOW INCOME HOUSING THAT IS SEGREGATED FROM THE REST OF OUT CITY. SO THIS WOULD ENCOURAGE THE USE OF THE FEDERAL PROGRAM THROUGH THE STATE'S HOUSING COMMUNITY DEVELOPMENT PROGRAM TO ALLOW THEM TO RECEIVE THE TAX CREDIT FOR THE TYPES OF PROJECT FOR MIXED INCOME AFFORDABLE HOUSING IN AUSTIN.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THANK YOU.

UNLESS THERE'S ANYTHING ELSE ON SUPPORT, I CAN MOVE

TO TWO ITEMS --

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: I WAS UNDER THE UNDERSTANDING IN EXECUTIVE SESSION THAT WE DISCUSSED THE FIXED AMOUNT HOMESTEAD EXEMPTION AS SOMETHING THAT WE WOULD MOVE FORWARD INTO SESSION IN SUPPORT OF?

THAT IS OBVIOUSLY SOMETHING -- THAT MAY BE SOMETHING THAT WE DELETED OFF OF TRYING TO GATHER ALL THE DIFFERENT INDIVIDUAL COUNCIL REQUESTS. DO YOU WANT TO PROPOSE SOME LANGUAGE TO US, JUST SUPPORT --

...

Martinez: SUPPORT AMENDING THE TAX CODE TO ALLOW US TO IMPLEMENT A HOMESTEAD EXEMPTION BASED ON A FIXED AMOUNT AS OPPOSED TO A PERCENTAGE.

ABSOLUTELY. I APOLOGIZE FOR THAT.

Mayor Wynn: SO ADDITIONAL ITEMS, COUNCIL, TO BE CONSIDERED FOR SUPPORTING IN THIS LEGISLATIVE SESSION. THANK YOU.

OKAY. AND IN TERMS OF WHAT WE WOULD RECOMMEND PUTTING ON THE MONITOR LIST, FIRST, MONITOR LEGISLATION MODIFYING THE CAPITOL VIEW CORRIDORS. IT DOESN'T TALK TO ANY SPECIFIC PLAN AT THIS POINT, BUT IT'S SOMETHING THAT WE WOULD MONITOR AND BRING BACK TO YOU LOOKING FOR DIRECTION ON THOSE.

Mayor Wynn: AND AGAIN, THERE'S NO SPECIFIC PLAN OR PROPOSAL IN FRONT OF US, BUT WE DO KNOW THAT THERE HAS BEEN SOME DISCUSSION ABOUT AT SOME POINT PERHAPS REVISITING THOSE AND OF COURSE THAT'S SOMETHING VERY APPROPRIATE FOR TO US MONITOR IF IT GETS TAKEN UP AT THE STATE HOUSE.

AND FINALLY, MONITORING LEGISLATION RELATED TO ANY IMMIGRATION OR IMMIGRANT ISSUES.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I AM NOT AWARE OF ANY BILLS RIGHT NOW, BUT THERE HAS BEEN TALK OF A POSSIBILITY OF LEGISLATION THAT WOULD AFFECT UNEMPLOYED WORKERS, SPECIFICALLY CUTTING OFF BENEFITS, ALTHOUGH THEY DON'T QUALIFY FOR FEDERAL BENEFITS; HOWEVER, DENYING SERVICE TO THEM IN TERMS OF ALLOWING CHILDREN TO BE IN COOL AND OTHER THINGS -- IN SCHOOL AND OTHER THINGS. SINCE THE CITIES AND SCHOOL DISTRICTS ARE THE PROVIDERS OF LAST RESORT FOR BASIC NEEDS, THIS IS SOMETHING THAT I BELIEVE ALL CITIES SHOULD MONITOR.

Mayor Wynn: SO WITHOUT OBJECTION, COUNCIL, OBVIOUSLY STAFF WILL MONITOR THESE. OF COURSE ESSENTIALLY OUR STAFF DOES THEIR BEST TO MONITOR ALL ISSUES THAT COME THROUGH THE STATE LEGISLATURE, BUT WE ARE NOTING A COUNSELOR OF KEY POINTS OF INTEREST FOR US. SO COUNCIL, THEN WE HAVE IN FRONT OF US THE ORIGINAL SORT OF POSTED BE AND EDITED RESOLUTION ON THE YELLOW FORMAT. AND NOW HAVING GONE THROUGH THESE EIGHT ITEMS THAT WE WOULD LIKE OUR -- TO BE SHOWN AS SUPPORTING IN OUR LEGISLATIVE PACKAGE AND THESE TWO ADDITIONAL MONITORING ITEM, I BELIEVE WE COULD TAKE A COMBINED MOTION. AND/OR FURTHER DISCUSSION. MOTION BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THIS AMENDED ITEM NUMBER 11, OUR LEGISLATIVE PACKAGE FOR THE 80TH LEGISLATURE. COMMENTS, QUESTIONS? I'LL JUST SAY HATS OFF TO STAFF. THIS IS -- EVERY OTHER YEAR IS A HUGE EFFORT FOR OUR STAFF, OUR LOBBY TEAM TO TRACK THE REMARKABLE AMOUNT OF POTENTIAL LEGISLATION THAT GOES ON UP THE STREET, AND I THINK THEY'RE POISED TO DO A FINE JOB FOR US AGAIN THIS YEAR. THANK YOU.

YES, THEY ARE.

GO, FIGHT, WIN. [LAUGHTER]

Mayor Wynn: SO MOTION AND A SOAKED THE TABLE TO APPROVE AMENDED ITEM NUMBER 11. FURTHER COMMENTS? HERE HERE. I APPRECIATE EVERYBODY'S PATIENCE. MR. GUERNSEY THAT TAKES US TO OUR 4:00

O'CLOCK ZONING CASES, APPROVAL OF ZONING CASES AND RESTRICTIVE COVENANTS. MAYBE WE CAN GET DONE HERE IN 25 MINUTES.

YES, SIR. MAYOR AND COUNCIL, LET ME GO THROUGH THE 4:00 O'CLOCK ZONING ITEMS AND RESTRICTIVE COVENANTS. FIRST ITEM I'D LIKE TO OUR FOR CONSENT APPROVAL IS ITEM NUMBER 59. THIS IS CASE C-14-05-0 BE 112, RIVERSIDE NEIGHBORHOOD PLAN TRACT 9 FOR THE PROPERTY LOCATED AT 1712 AND 1720 SOUTH LAKE SHORE DRIVE. STAFF IS ONLY GOING TO OFFER THIS FOR SECOND READING ONLY. WE ARE STILL WORKING WITH THE PROPERTY OWNERS TO MAKE SURE THEY UNDERSTAND THE COVENANTS. WE HAVE ON THE DAIS A DRAFT OF THE ORDINANCE WHICH LIMITS THE MAXIMUM BUILDING HEIGHT TO 60 FEET AND THAT PROVIDES FOR A 100-FOOT WIDE BUILDING SET BACK SFREABD THE SHORELINE OF TOWN LAKE AND LIMITS THE AREA FOR DEVELOPMENT OF UTILITY CROSSINGS, WATER QUALITY IMPROVEMENTS, HIKE AND BIKE TRAIL AND THOSE IMPROVEMENTS OTHERWISE REQUIRED BY THE CITY. IN ADDITION THERE'S A RESTRICTIVE COVENANT THAT'S ALSO ON YOUR DAIS THAT SPEAKS THAT THEY WOULD BE COMPLIANT WITH THE COMMERCIAL DESIGN STANDARDS AND NOTING THAT IT WOULD ALSO BE COMPLIANT WITH ANY DEVELOPMENT BONUS PROVISIONS FOR DEVELOPMENT OF A VMU BUILDING ON THE PROPERTY THAT THEY WILL NOT BE A GATED DEVELOPMENT. GERNGS BE IT WILL PROVIDE A 100-FOOT SET BACK FOR THE ENTIRE PROPERTY BECAUSE THE AREA BEING REZONED IS A SMALLER AREA. THERE WILL BE 100-FOOT SET BACK FROM TOWN LAKE. BUILDINGS WILL BE LIMITED TO A MAXIMUM HEIGHT OF 60 FEET. THAT THE OWNER WOULD BE RESPONSIBLE FOR THE CONSTRUCTION OF A HIKE AND BIKE TRAIL WITHIN THE 30-FOOT WIDE EASEMENT. THAT THERE WOULD BE PEDESTRIAN ACCESS FROM EAST RIVERSIDE AND LAKE SHORE DRIVE TO TOWN LAKE. THE MINIMUM NUMBER OF RESIDENTIAL UNITS BEING 45 AND THE MAXIMUM OF 375 DEVELOPMENT UNITS FOR RENTAL. AND 45 UNITS IS LIMITED TO FOR SALE, A MINIMUM OF 45 UNITS FOR FOR SALE PROPERTIES. AND THEN A 10,000 SQUARE FOOT MINIMUM FOR RETAME USES ALONG EAST RIVERSIDE DRIVE. THERE'S ALSO -- THEY'VE ALSO AGREED

TO PROVIDE STORM WATER, REGIONAL WATER QUALITY CONTROL TO CAP LIES AT LEAST 10.94 ACRES OF STORM WATER RUNOFF AND THEY'LL WORK WITH THE WATERSHED PROTECTION DEPARTMENT REGARDING AND TREATING ADDITIONAL RUN OFF. FIVE PERCENT OF THE RESIDENTIAL UNITS IN THE ORIGINAL MIXED USE BUILDING SHALL BE AFFORDABLE FOR A MAX MUNL OF 40-YEAR PERIOD FOR -- 40 YEARS FOLLOWING ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AND FOR RENTAL HOUSEHOLDS EARNING NOT MORE THAN 80% OF THE ANNUAL MEDIAN FAMILY INCOME. AGAIN, THIS IS ONLY READY FOR SECOND READING AND WE'LL BE BRINGING THIS ITEM BACK TO YOU IN JANUARY FOR THIRD READING IF YOU APPROVE SECOND READING TODAY. OUR NEXT ITEM I'D LIKE TO OUR AS A CONSENT ITEM IS ITEM NUMBER BE 60, CASE C-14-05-0179, THE SPRIK LAKE SUBDIVISION FOR THE PROPERTY AT 9009 SPRING LAKE DRIVE. THIS IS GOING FROM RURAL RESIDENCE DISTRICT ZONE TO GO SINGLE-FAMILY RESIDENCE LARGE LOT CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READING. ITEM NUMBER 61 IS CASE C-14-06-0029. 620 NORTH FOR THE PROPERTY LOCATED AT 15400 TO 15402 FM NORTH 620. WE HAVE A NEIGHBORHOOD POSTPONEMENT REQUEST TO THE 11th. THE APPLICANT WOULD BE IN AGREEMENT WITH THAT. ITEM NUMBER 62 IS CASE C-14-06-0078. THIS IS SOUTH I-35 TRANSIT FACILITY LOCATED AT 7902-7926 SOUTH I-35 SERVICE ROAD SOUTHBOUND. THE APPLICANT HAS REQUESTED A POSTPONEMENT OF THIS ITEM TO FEBRUARY 15TH, 2007.

Mayor Wynn: WHAT THE POSTPONEMENT REQUEST ON ITEM NUMBER 61?

THAT WAS A POSTPONEMENT REQUEST TO THE 11th. JANUARY 11th OF NEXT YEAR.

Mayor Wynn: THANK YOU.

ITEM NUMBER 63 IS CASE C-14-06-0098. THE PROPERTY LOCATED AT 13809 HARRIS RIDGE BOULEVARD. WE HAVE A POSTPONEMENT REQUEST BY THE APPLICANT ON THIS ITEM TO JANUARY 11th, 2007. ITEM NUMBER 64, CASE C-14-06-BE 01 FWAIRKS THE OASIS IN WEST CAMPUS. WE HAVE A

NEIGHBORHOOD REQUEST FOR POSTPONEMENT. IT'S THE SECOND REQUEST. THE APPLICANT DOES NOT SUPPORT THE REQUEST FOR POSTPONEMENT AND WOULD LIKE TO DISCUSS THE POSTPONEMENT. I'LL PULL THAT ONE. THAT COULD NOT BE OFFERED AS A CONSENT ITEM, BUT THE OTHERS CAN BE. THAT TECHNIQUES CONCLUDES THE ITEMS UNDER THAT AREA OF THE AGENDA THAT CAN BE AWFD FOR CONSENT.

Mayor Wynn: FAIR ENOUGH. COUNCIL, OUR PROPOSED CONSENT AGENDA ON THESE CASES WHERE WE'VE CLOSED THE PUBLIC HEARING WOULD BE TO APPROVE ON SECOND READING ONLY ITEM NUMBER 59 WITH THE ADDITIONAL CONDITIONS AS READ INTO THE RECORD BY MR. GUERNSEY. TO APPROVE ITEM NUMBER 60 ON SECOND AND THIRD READING. SO POSTPONE FURTHER ACTION ON TECHNIQUE 61 TO JANUARY 11th, 2007. POSTPONING 62 TO FEBRUARY 15TH, 2007. AND TO POSTPONE ITEM 63 TO JANUARY 11th, 2007. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCILMEMBER MARTINEZ. SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: MAYOR, I BELIEVE AFTER WORKING WITH THE -- ARE THE APPLICANTS READY TO GO ON ITEM NUMBER 59 FOR SECOND READING AS IS OR -- I KNOW WE HAD DISCUSSED SOME POTENTIAL MODIFICATIONS IF THEY'RE READY TO GO.

Mayor Wynn: WELCOME, MR. HARRIS.

THANK YOU, MAYOR, COUNCIL. JERRY HARRIS REPRESENTING AMLI, THE APPLICANT, BE AND WE'RE READY AS READ BY THE STAFF. WE APPRECIATE IT VERY MUCH, APPRECIATE EVERYBODY'S WORK ON THIS.

Mayor Wynn: READY FOR SECOND READING ONLY?

YES, SIR.

Mayor Wynn: THANK YOU. SO THE MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? CONSENT
AGENDA PASSES ON A VOTE OF SIX TO ZERO WITH
COUNCILMEMBER COLE TEMPORARILY OFF THE DAIS.

Mayor Wynn: LET'S TAKE UP THE DISCUSSION ON ITEM
NUMBER 64 TO SEE IF WE CAN GET THAT DONE.

WE HAVE A POSTPONEMENT REQUEST, A SECOND REQUEST
BY THE NEIGHBORHOOD, AND THIS IS FOR THE PROPERTY
LOCATED AT 1801..... 1801 NUECES STREET. IT DOES HAVE A
VALID PETITION ON THIS PROPERTY, AND THE PROPERTY
OWNER'S REPRESENTATIVE IS HERE TO SPEAK TO THIS ITEM
REGARDING THE POSTPONEMENT. WE DO HAVE AN
ORDINANCE THAT'S DRAFTED THAT WOULD INCLUDE THE
CONDITIONS WHICH INCLUDED SEVERAL PROHIBITED USES
AND OTHER DESIGN REQUIREMENTS THAT WERE AGREED
TO AT FIRST READING THAT WERE IN ADDITION TO WHAT
THE NEIGHBORHOOD -- SOME OF THE NEIGHBORHOOD
REPRESENTATIVES HAD ASKED FOR AND WHICH MS.
CARTER HAD NEGOTIATED WITH THE PROPERTY OWNER. SO
WITH THIS I'LL TURN IT OVER TO DONNA AND THE
NEIGHBORHOOD CAN SPEAK TO THEIR RATIONALE FOR THE
REQUEST.

Mayor Wynn: MR. GUERNSEY, THE LEVEL OF THE VALID
PETITION, THE PERCENTAGE VALID?

ONE MOMENT. RIGHT NOW IT STANDS AT 52.35%.

Mayor Wynn: THANK YOU. WELCOME BACK, MS. CARTER.

THANK YOU. I HAVE SOME LETTERS HERE.

Mayor Wynn: HAND THEM TO COUNCILMEMBER LEFFINGWELL
AND HE'LL PASS THEM DOWN TO US.

AND THANK YOU FOR HEARING ME ABOUT THE
POSTPONEMENT. WE'RE NOT IN AGREEMENT TO THE
POSTPONEMENT BECAUSE ITS NEIGHBORHOOD GROUP HAS
REQUESTED IT BECAUSE THEY'VE ASKED US TO AGREE TO
CURE PARKING RIMENTS FOR THIS -- REQUIREMENTS FOR
THIS PROJECT. AND AT THIS TIME THAT FIRST LETTER THAT
I'M PASSING OUT WILL KIND OF GO THROUGH SOME OF THE

REASONS WHY THAT REALLY ISN'T POSSIBLE, BUT AS I'M READING THAT, IF YOU COULD LOOK TO THE PICTURES IN THE SECOND BE LETTER, YOU'LL KIND OF SEE WHY I DON'T BELIEVE THERE'S ACTUALLY A PARKING ISSUE OR A PARKING PROBLEM IN THAT AREA. BUT THEY SAY THAT IT'S NOT FAIR THAT WITH VMU THAT WE WOULD REQUEST THIS CHANGE, AND THAT WE SHOULD NEGOTIATE THE PERCENTAGE OF PARKING. BUT OUR ISSUE IS THAT WE'RE COMMITTING TO PUBLIC IMPROVEMENTS THAT ARE GOING TO GO TO A PEDESTRIAN ENVIRONMENT, THAT WE'RE DOING MIXED USE SO THAT WE CAN LOOK AT THE RATIO OF USES TO OUR PARKING AND THAT OUR PROJECT IS SO SMALL, IS RELATIVELY SMALL, THAT REACHING A PARTICULAR SPOT-ON PERCENTAGE, LIKE 80%, VERY QUICKLY PUTS US INTO FULL COMPLIANCE SO THAT WE'RE NOT ACTUALLY START TO GO EVEN ADDRESS SOME OF OUR OTHER GOALS OF HAVING PEOPLE THAT DON'T NEED A CAR LIVING IN THE CITY, TO BE ABLE TO PROVIDE MORE HOUSING IN THAT SITUATION. AS AN EXAMPLE, TO, TWO-BEDROOM UNITS AT 80% REQUIRES MORE THAN THREE PARKING SPACES. NORMALLY IT WOULD REQUIRE FOUR. 75 I COULD DO THREE SPACES, BUT AT 80 I'M 3 POINT SOMETHING. NORMALLY WE WOULD GO AHEAD AND THEN JUST SUPPLY THAT FOURTH CAR. SO WE HAVE TO HAVE SOME ROOM WHICH THE VMU ZONING ALLOWS US. SO TO NEGOTIATE IT WITH THE NEIGHBORHOOD GROUP WITHOUT USING IS USES DOES NOT SEEM FAIR ON THIS AND DOES NOT SEEM REALLY WORKABLE ON THIS SMALL A SITE. SO WE THINK THAT THE -- WE'VE AGREED TO EVERYBODY EVERYTHING ELSE IN THE CONDITIONAL OVERLAY BY FIVE RIVERS NEIGHBORHOOD. WE ALSO HAVE RESTRICTIVE COVENANTS THAT WE'VE SIGNED AND ARE READY TO FILE. AND WE'RE ALSO COMMITTING TO THEN USING ANALYSIS FOR MIXED USE TO DETERMINE THE ACTUAL PARKING AT THE TIME OF SITE PLAN.

Mayor Wynn: THANK YOU, MS. CARTER. QUESTIONS FOR MS. CARTER, COUNCIL? WE'RE ESSENTIALLY DEBATING A SECOND NEIGHBORHOOD POSTPONEMENT REQUEST. I'M NOT SURE IF WE HAVE A REPRESENTATIVE FROM THE NEIGHBORHOOD WHO COULD IN A CONCISE WAY ADDRESS THEIR RATIONALE FOR THE ADDITIONAL REQUEST.

MAYOR, SUSAN HARRIS WILL COME UP AND SPEAK TO THE

REQUEST. I WANT TO CLARIFY THAT THE POSTPONEMENT REQUEST WOULD BE TO FEBRUARY 1st OF 2007. I'LL LET MS. HARRIS SPEAK TO THE POSTPONEMENT. HARRY WURZBACH WELCOME.

--

Mayor Wynn: WELCOME.

THANK YOU. WE SUPPORT REDEVELOPMENT OF THIS PROPERTY. WE SUPPORT 100% IMPERVIOUS COVER. WE SUPPORT MIXED USE AT THIS LOCATION. OUR ISSUE REALLY IS PARKING, AND THE LACK OF PLAN THAT HAS NOT BEEN BROUGHT FORTH. WE HAVE SEEN NOTHING REGARDING THE PROPOSED MIX OF USES, AND WE BELIEVE THAT THE BURDEN OF DMU ZONING ON THE NEIGHBORHOOD IS GOING TO IMPACT THE PARKING TO THE EXTENT THAT THOSE PROPERTY OWNERS AND BUSINESSES THAT OPERATE IN THIS NEIGHBORHOOD AND UTILIZE ON STREET PARKING ARE GOING TO BE AT A GREAT DISADVANTAGE IF THIS PROPERTY IS MAXED OUT UNDER D.M.U. IN MS. CARTER'S E-MAIL CORRESPONDENCE OF OCTOBER THE 17TH, SHE STATES WE WILL NOT BE RELYING ON ON STREET PARK FOR THIS PROJECT, AND WE BELIEVE THAT AS THE APPLICANT'S INTENT WE ASK THAT YOU MEMORIALIZE THAT NOW AT THE TIME OF ZONING, AND IN THE ZONING ORDINANCE BECAUSE ONCE THAT ENTITLEMENT IS IN SPACE AT THE SITE PLANNING PROCESS THERE'S REALLY NO DISCUSSION FOR ADDITIONAL PARKING. AND WE WOULD ASK THAT YOU INCREASE -- ADDRESS THAT AT THIS POINT IN TIME. AS FOR THE CONDITIONAL OVERLAY, THE FIVE RIVERS GROUP, WHICH IS ONE INDIVIDUAL, RICK HARDIN, THERE ARE SEVERAL ITEMS NOT ADDRESSED IN THE ORDINANCE THAT WERE IN THE FIVE RIVERS NEIGHBORHOOD CONDITIONAL USE REQUEST. SO WE'D LIKE TO SEE THAT -- WE'D LIKE TO SEE A POSTPONEMENT SO WE CAN GET ALL OF THOSE ITEMS INTO THE CONDITIONAL OVERLAY. LASTLY, WE'D LIKE TO ADDRESS THE NOTION THAT THEY HAVE BEEN UNABLE WITHOUT ZONING TO PLAN FOR THIS PROPERTY. I'VE SOLD THOUSAND OF ACRES TO DEVELOPERS IN THE LAST 20 YEARS AND SEEN DEVELOPERS PUT FORTH FIVE AND SIX DIFFERENT PLANS ON PROPERTIES WITH NO ZONING CERTAINTY TO UNDERSTAND WORST AND BEST CASE

SCENARIOS. THE NOTION THAT THEY CAN'T -- THEY'VE OWNED THIS PROPERTY, THEY'VE THOUGHT THROUGH WHAT ZONING THEY NEED, AND YET THEY HAVE NOT GOT THE TIME OR THE INITIATIVE TO PUT FORTH A VARIETY OF PLANS IS JUST UNREASONABLE IN MY OPINION. SO WE'D LIKE TO ASK YOU TO BRING THE ADJACENT PROPERTY OWNERS AND THE AFFECTED PARTIES TO GO WITH THE DEVELOPER TO COME UP WITH A VERY GOOD REDEVELOPMENT PLAN FOR THIS PROPERTY.

Mayor Wynn: QUESTIONS OF THE NEIGHBORHOOD?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: YOU ARE REQUESTING A POSTPONEMENT, IS THAT CORRECT?

YES, SIR.

Leffingwell: AND YOU'RE REPRESENTING THE NEIGHBORHOOD THAT HAS ALREADY HAD ONE POSTPONEMENT GRANTED, ONE REQUEST, IS THAT CORRECT?

I AM A RECENTLY NEW ADJACENT PROPERTY OWNER TO THIS PROJECT, AND WAS JUST NOTIFIED OF ITS PENDING -- THE ZONING CHANGE A COUPLE OF DAYS BEFORE THE FIRST HEARING. AND IT'S MY UNDERSTANDING THAT AT THE ONSET OF THE NOTIFICATION PERIOD A COUPLE OF NEIGHBORS WHO WERE UNFAMILIAR WITH THE PROCESS CALLED AND SAID WE DON'T KNOW WHAT'S GOING ON --

Leffingwell: YOU DON'T REPRESENT THE NEIGHBORHOOD. YOU REPRESENT ANOTHER PARTY?

I REPRESENT A NUMBER OF ADJACENT PROPERTY OWNERS. WE ARE NOT AN ORGANIZED --

Leffingwell: WHAT I'M TRYING TO GET AT IS ONE POSTPONEMENT HAS ALREADY BEEN GRANTED TO THE NEIGHBORHOOD, BUT YOU'RE NOT PART OF THAT, YOU'RE ANOTHER PARTY REQUESTING A POSTPONEMENT?

THERE IS NOT AN ORGANIZED NEIGHBORHOOD OTHER THAN JUST MR. RICK HARDIN, AND IT WAS NOT HIS REQUEST. IT

WASN'T A NEIGHBORHOOD REQUEST, IT WAS THE INDIVIDUAL PROPERTY OWNER'S REQUEST FOR A POSTPONEMENT.

Leffingwell: COULD I ASK MR. GUERNSEY OR LEGAL, WHOEVER COULD ANSWER IT, WHAT THE STANDING IS OF A PERSON REPRESENTING A GROUP TO REQUEST A POSTPONEMENT AND BE GRANTED IT ON THE BASIS OF PAST PRACTICE?

IT HAS BEEN YOUR PRACTICE TO GRANT A FIRST POSTPONEMENT REQUEST BY A NEIGHBORHOOD. IT IS NOT UNCOMMON THAT YOU WILL HAVE INDIVIDUAL PROPERTY OWNERS WHO WILL SAY THEY'RE NOT NECESSARILY REPRESENTED BY THAT GROUP OF THE PRIOR GROUP THAT CAME BEFORE YOU. AND SOMETIMES IN THE PAST YOU'VE GRANTED ADDITIONAL REQUESTS FOR POSTPONEMENT AND OTHER TIMES YOU HAVE APPROVED THEM ON ANOTHER READING AND THEN LET THAT DISCUSSION GO FURTHER AND HAVE THIRD READING AT ANOTHER DAY OR SOMETIMES YOU ALSO TAKE AN ACTION THAT SAME DAY AND JUST HEAR OUT THE INDIVIDUAL THAT CAME TO SPEAK ON THAT ONE ADDITIONAL POINT. IF THERE IS A LENGTHY HEARING BEFORE. BUT YOU HAVE THE ABILITY TO GRANT ADDITIONAL POSTPONEMENTS BEYOND THE ONE THAT HAD BEEN REQUESTED BEFORE IF YOU FEEL IT IS JUSTIFIED.

Leffingwell: OKAY.

Mayor Wynn: QUESTIONS OF STAFF? COUNCILMEMBER LEFFINGWELL.

Leffingwell: GREG, I READ HERE THAT THIS WAS BEFORE US OCTOBER 19TH, WHICH IS BASICALLY TWO MONTHS AGO. IS THAT --

THE FIRST READING WAS BACK IN OCTOBER. THAT IS CORRECT.

McCracken: WHAT'S HAPPENED IN THE TWO MONTHS SINCE OUR FIRST READING ON THIS ISSUE?

I WOULD HAVE TO LET THE APPLICANT'S REPRESENTATIVE,

MS. CARTER, SPEAK TO THAT. I KNOW THAT IT'S COMING UP IN DECEMBER BECAUSE I THINK SHE WAS AWAY FOR WITH PART OF THE TIME. AND THAT'S WHY NORMALLY WE WOULD BRING IT BACK SOONER, BUT IN DEFERENCE TO HER BEING OUT OF TOWN, I THINK --

Mayor Wynn: ACTUALLY, I THINK BEFORE YOU START TO SET THE CONTEXT, BEFORE YOU -- I THINK WE HAVE A PRETTY SIGNIFICANT LEVEL OF VALID PETITION OPPOSITION TO THIS, SO NOT UNCOMMON WE PASS SOMETHING ON FIRST READING, TECHNICALLY A UNANIMOUS VOTE, BUT WHAT THAT VOTE REALLY WAS, WAS TO SHOW THAT WE LIKED THE CONCEPT OF THIS STYLE DEVELOPMENT AT THIS LOCATION, AND BY APPROVING ON FIRST READING WE'RE SORT OF CONTINUING THE POTENTIAL DIALOGUE. SO WHAT WE'RE GOING TO HEAR NOW IS FROM MS. CARTER AS TO WHAT PROGRESS, IF ANY, WHAT NOATIONZ, WHAT POTENTIAL CONDITIONS HAVE BEEN DISCUSSED SINCE WE APPROVED SOMETHING ON FIRST READING.

TWO THINGS. THE INDIVIDUAL THAT MS. HARRIS CAME UP, SHE WAS -- DID KNOW ABOUT THE MEETING AND WAS PART OF THE PARTY THAT REQUESTED THE FIRST POSTPONEMENT. SO IT IS -- WHETHER THAT IS A PARTY THAT'S BEEN RECOGNIZED OR HAS STANDING, IT IS THE SAME PARTY. IN TERMS OF WHAT'S BEEN DONE, WE DID GO THROUGH THE REQUEST THAT WERE DONE BY FIVE RIVERS NEIGHBORHOOD AND THERE WERE SOME THINGS THAT WE TWEAKED. I BELIEVE THOSE ARE THE THINGS THAT HAVE BEEN REFERRED TO THAT HAVE BEEN OMITTED, BUT THAT WAS A DISCUSSION THAT DID GO ON. AND THEN WE ALSO WORKED ON THE PRIVATE COVENANTS OR THE PUBLIC COVENANTS THAT WOULD GO WITH THAT ORDINANCE CHANGE SO THAT WE WOULD BE IN AGREEMENT WITH THOSE. MS. HARRIS IS ABSOLUTELY CORRECT, WE HAVE NOT GONE FURTHER INTO THE DESIGN OF THE PROJECT.

Mayor Wynn: THANK YOU, MS. CARTER. QUESTIONS, COMMENTS, COUNCIL? SO WE WFK HAVE THE OPTION TO -- IT'S OUR COMPLETE DISCRETION TO POSTPONE THE CASE FOR AS SHORT OR AS LONG A PERIOD AS WE WANT. WE ALSO HAVE -- WE'RE POSTED FOR POTENTIAL SECOND AND THIRD READING. WE COULD ALSO APPROVE WHAT WE

APPROVED ON FIRST READING OR ANYTHING DIFFERENT ON SECOND READING ONLY. THEN THE NATURE OF OUR CALENDAR SCHEDULE WOULD ALLOW ANOTHER MONTH APPROXIMATELY FOR THERE TO BE SOME POTENTIAL EITHER DIALOGUE AND/OR FURTHER ANALYSIS BY THE APPLICANT.

Martinez: MAYOR, IF THIS PROJECT WERE AN UNO PROJECT OR CDBG PROJECT, WHAT PARK BEING WOULD BE REQUIRED AND THEN COMPARE THAT TO WHAT PARKING IS BEING PROPOSED?

THE PARKING REQUIREMENTS, WHEN YOU'RE IN A CENTRAL BUSINESS DISTRICT OR DMU DISTRICT, THERE'S ZERO PARKING REQUIRED FOR 10 TENANTS UNDER SIX THOUSAND OR LESS. AND THEN FOR COMMERCIAL TYPE OF USE YOU'RE ACTUALLY ALLOWED TO PROVIDE 20% OF WHAT'S REQUIRED UP TO 60% TO WHAT THE REQUIREMENT IS. SO THAT WOULD BE BE DIFFERENT THAN WHAT YOU MIGHT FIND ELSEWHERE IN THE CITY OF AUSTIN. SO THAT'S WHAT WOULD BE PERTAINING TO THIS PARTICULAR PROPERTY. AND AS YOU HEARD, THERE IS A CONCERN ABOUT THE PARKING EXPRESSED BY THE NEIGHBORHOOD AND THAT MS. CARTER RESPONDED BACK TO REGARDING THAT ISSUE.

McCracken: SO WHAT PARKING ARE THEY PROPOSING TO PROVIDE, THE APPLICANT, AND THEN WHAT PARKING IS REQUIRED?

I'M A KNOT AWARE OF ANY DEVIATION THAT THEY'VE AGREED TO FROM THE PARKING REQUIREMENT.

McCracken: SO THEY'RE MEETING THE LAW?

WE'RE GOING TO BE COMPLYING WITH THE CODE AS HAS BEEN ESTABLISHED FOR MIXED USE DEVELOPMENT WITH AT LEAST 20% FOR COMMERCIAL AND RETAIL, AT LEAST 60% FOR RESIDENTIAL, BUT AS WE HAVE SAID, WE ARE GOING TO PROVIDE AS MUCH PARKING AS WE CAN CREATIVELY GET ON THAT SITE AND THEN LOOK AT THE USES AND HOW THEY MATCH UP. AND CERTAINLY MY -- AND IT REALLY STARTS FROM A SHARED PARKING PERSPECTIVE, FANNED YOU THINK ABOUT ABSOLUTES OF SHARED PARKING FROM 10:00

THROUGH THE MIDDLE OF THE NIGHT, YOU NEED 100% OF YOUR RESIDENTIAL PARKING. BUT DURING THE DAY YOU NEED LESS THAN THAT, BUT YOU NEED 100% OF YOUR RETAIL. SO IT'S GOING TO BE THAT TYPE OF ANALYSIS. WE ARE NOT GOING TO PROPOSE TO PUT A BUILDING UP WITH NO PARKING. WE ARE GOING TO FOLLOW THE ORDINANCE AS IT'S WRITTEN NOW.

McCracken: TO MAKE SURE I UNDERSTAND THEN, SO THE PROPOSAL IS TO GO TO DMU/CO, BUT THE PROPOSAL IS ALSO TO MEET THE CODE REQUIREMENTS ON PARKING. YOU'RE NOT ASKING FOR A REDUCTION BELOW CODE REQUIREMENTS?

NO.

McCracken: YOU WILL MEET CODE REQUIREMENTS OF PARKING?

YES.

Mayor Wynn: WE'RE DISCUSSING THE NEIGHBORHOOD REQUEST FOR A SECOND POSTPONEMENT.

McCracken: MAYOR, I'LL MAKE A MOTION.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I DEFINITELY RESPECT THE NEIGHBORS' CONCERNS ABOUT THIS. THIS IS AN APPROPRIATE LOCATION FOR DMU AND THEY'RE NOT ASKING FOR LESS PARKING THAN IS REQUIRED BY CODE. SO I'M GOING TO MOVE TO APPROVE ON SECOND AND THIRD READING.

SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER COLE TO APPROVE ITEM 64 D.M.U. WITH THE CONDITIONS AS OUTLINED ON SECOND AND THIRD READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO ON SECOND AND THIRD READING. MR. GUERNSEY, WITH MR. FIVE MINUTES

LEFT, LET'S GO THROUGH THE CONSENT AGENDA QUICKLY.

WE CAN SAVE THE DISCUSSION FOR AFTER THE PROCLAMATIONS. ITEM NUMBER 65 IS CASE C-14-06-0118, 10 BETH AND NUECES. THIS IS A REZONING FROM MULTI-FAMILY MODERATE HIGH DENSITY TO CENTRAL BUSINESS DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE DOWNTOWN MIXED USE WILL COAFERBL COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 66 IS CASE C-14-06-0173, THE KALEIDOSCOPE PROPERTY AT 6400 FM 969. THIS IS A VOANING REQUEST FROM GENERAL OFFICE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO GENERAL OFFICE MIXED USE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION WAS TO GRANT THE GENERAL MIXED USE COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 67 IS CASE C-14-06-0.0187, THE PATTON 800 SAN ANTONIO PROPERTY. THIS IS A VOANING REQUEST FOR MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY HISTORIC COMBINING DISTRICT ZONE TO GO CENTRAL BUSINESS DISTRICT HISTORIC COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION.....RESMTION WAS TO GRANT DOWNTOWN MIXED USE COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READING. ITEM NUMBER 68 IS CASE C-14-H-06-0027, THE GERHARD STREET HOUSE AT 508 BELLEVUE PLACE. THIS IS A REQUEST FROM FAMILY CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO FAMILY RESIDENCE HISTORIC CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THIS REQUEST CHS RECOMMENDED BY THE PLANNING COMMISSION TO GRANT THE FAMILY RESIDENCE HISTORIC CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 69 IS CASE C-14-H-06-0028, THE BENGSTON HOUSE LOCATED AT 3803 AVENUE H. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE NEIGHBORHOOD CONSERVATION COMBINING DISTRICT ZONING TO FAMILY RESIDENCE HISTORIC NEIGHBORHOOD

CONSERVATION DISTRICT ZONING. THIS R. THE..... -- THE PLANNING COMMISSION WAS TO GRANT THE FAMILY RESIDENCE HISTORIC COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 70 IS CASE C-14-H-06-0029, FIRST UNITED METHODIST CHURCH PARSONAGE. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE DISTRICT ZONING TO FAMILY RESIDENCE HISTORIC OR SF-3 COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT PLOOFL ON ALL THREE READINGS. ITEM 71 IS CASE C FOREIGN H-06-0031, THE FIFNLG HOUSE LOCATED AT 3312 DUVAL STREET. THIS IS A VOANING REQUEST FROM IS SF-3 COMBINING DISTRICT ZONE TO GO FAMILY RESIDENCE NEIGHBORHOOD CONSERVATION NEIGHBORHOOD PLAN OR SF-3 H COMBINING DISTRICT ZONING. IT THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READING. ITEM NUMBER 72 IS CASE C-14-H-06-35, THE BOLM HOUSE. THIS IS A VOANING REQUEST FROM FAMILY RESIDENCE OR SF-3 DISTRICT ZONING. THE ZONE WAS TO GRANT THE SF-3-H GIENG DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 73, CASE C-14-H-05-17 IS A DISCUSSION ITEM. ITEM 74 IS ALSO A DISCUSSION ITEM. ITEM 75 IS CASE C-14-H-06-0033, THE JAMES MATTHEWS HOUSE. THIS IS A REZONING THE PROPERTY FROM FAMILY RESIDENCE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR SF-3-H-CO-NP TO FAMILY RESIDENCE HISTORIC CONDITIONAL OVERLAY NEWS 8 AUSTIN. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE FAMILY RESIDENCE HISTORIC DISTRICT OVERLAY COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 76 IS A DISCUSSION ITEM. ITEM 77, MAYOR, IF WE DON'T HAVE ANYONE SIGNED FRUP THE AUDIENCE ON THIS ITEM, I WOULD LIKE TO OFF THIS AS A CONSENT ITEM. MAYOR MOISTURE WE HAVE NO --

Mayor Wynn: WE HAVE NO SPEAKERS.

ITEM 77 IS C-14-06-BE 120, MARTIN 1 AND TWO PROPERTY. THIS IS A REQUEST FROM LO DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT NEIGHBORHOOD COMMERCIAL CONDITIONAL

OVERLAY OR LR-CO COMBINING DISTRICT ZONING AND THIS IS FORD CONSENT APPROVAL ON ALL THREE READINGS. FINALLY OUR LAST ITEM I CAN OFFER ON CONSENT IS ITEM 78. THIS IS CASE C-14-06-0172, THE ARBORETUM RETIREMENT COMMUNITY LOCATED AT LEFN 601 JOLLY VOCATIONAL ROAD AND WE HAVE AN INDEFINITE POSTPONEMENT REQUEST ON THIS ITEM. THE PROPERTY OWNER IS AMENDING THEIR APPLICATION AND THIS WOULD COME BACK TO YOU MOST LIKELY IN JANUARY, THE LATTER PART OF JANUARY. WITH THAT, THAT CONCLUDES THE CONSENT TUNNELS I CAN OFFER AT THIS TIME.

65, 66, 67, 68, 69, 71, 72. ALSO TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM NUMBER 75 AS WELL AS ITEM NUMBER 77, CLOSING THE PUBLIC HEARING AND APPROVING ON ALL THREE READINGS, NOTING THAT ITEM 78 WILL BE POSTPONED INDEFINITELY.

THERE WILL BE A NEW NOTICE SENT FOR THAT ITEM BEFORE IT COMES BACK TO YOU AND BEFORE IT COMES BACK TO THE PLANNING COMMISSION.

THANK YOU, MR. GUERNSEY. COUNCIL, I'LL ENTERTAIN THAT MOTION. PREACH MOTION BY COUNCILMEMBER MARTINEZ, SECOND BED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE SECOND AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. MAYOR PRO TEM.

Dunkerley: I CONTINUE TO HAVE SOME CONCERNS OVER THE NUMBER OF HISTORIC HOMES THAT ARE COMING THROUGH ON OUR AGENDA. WHEN WE GIVE AN HISTORIC LANDMARK DESIGNATION TO THESE HOMES, WE'RE GIVING A TAX ABATEMENT THAT THE REST OF OUR CITIZENS HAVE TO PICK UP THROUGH THE ADJUSTMENT OF THEIR TAX RATES. WE HAVE LITERALLY HUNDREDS OF THESE MODEST HOMES THROUGHOUT THIS AREA, AND IT'S CONCEIVABLE THAT WE COULD GIVE TAX ABATEMENTS EVENTUALLY TO EVERYTHING FROM 45TH STREET TO BEN WHITE. AND I DON'T THINK THAT'S PROBABLY AN APPROPRIATE THING TO DO. WE DON'T HAVE TO GIVE A MAJOR HISTORIC LANDMARK DESIGNATION TO EVERY MODEST BUNGALOW IN THE CITY. WOULD YOU SHOW ME VOTING NO ON ITEM NUMBER 67, 68,

69, AND THAT'S IT. THANK YOU.

Mayor Wynn: THANK YOU. MAY SO MS. GENTRY WILL SHOW THE MAYOR PRO TEM VOTING NO ON ITEMS 67, 68, 69 ON OUR CONSENT AGENDA. THANK YOU. FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SOAKTD TABLE TO APPROVE IT AS READ. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MCCRACKEN TEMPORARILY OFF THE DAIS. THANK YOU, MR. GUERNSEY, SO COUNCIL, THAT TAKES TO US OUR BREAK FOR LIVE MUSIC AND PROCLAMATIONS. STAY TUNED FOR PAULA NELSON AND ALSO A EAR REEZ OF SOME VERY SPECIAL PROCLAMATIONS. WHILE WE ARE OFF THE DAIS COUNCIL MAY TAKE UP CONTINUATION OF ITEM NUMBER 55 IN CLOSED SESSION PURSUANT TO SECTION BE 551.071 RELATED TO CITY CODE REGARDING THE LOCATION OF LARGE RETAIL YIEWS OR BIG BOX RETAIL. BORN INTO A WORLD OF MUSIC AND SURROUNDED BY AMERICAN MUSIC ROYALTY, PLAWL IS BLENDING FOLK, BLUES AND GOSPEL TO CRAFT HER OWN UNIQUE SOUND. HER BAND INCLUDES MATT HUBBARD, KEVIN PEERSON ON DRUM, LANDIS ON GUITAR. PAULA IS CURRENTLY WORKOGHER THIRD CD ENTITLED EVERY NOW AND THEN WHICH WILL BE REB LEASED NEXT MONTH. IN ADDITION TO HER MUSICAL TALENTS PAULA RECEIVED HER BLACK BELT THIS PAST FRIDAY, SO WATCH OUT. PLEASE JOIN ME IN WELCOMING PAULA NELSON.

THIS IS A SONG CALLED FIRE FLY. . [MUSIC PLAYING]S.

Mayor Wynn: TELL US, SO WHERE CAN WE GET THE CD NEXT MONTH AND WILL YOU BE PLAYING SOMETIME BETWEEN NOW AND THEN.

FIRE FLY IS OFF OF OUR SECOND CD. WE'RE WORKING ON THE THIRD, WHICH WE'RE THINKING MID JANUARY WILL BE OUT, MAYBE SOONER. PLAYING AT WATERLOO AND AT OUR SHOWS. WE WILL BE PLAYING HOOTY'S HILL STOP

DECEMBER 22nd AND ALL THE WEDNESDAYS IN JANUARY AT THE SAXON PUB. CHECK OUT US 8:00 TO 10.

Mayor Wynn: BEFORE YOU GET AWAY WE HAVE A SPECIAL PROCLAMATION THAT READS, BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER OUR STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY, DECEMBER 14TH, TWOWRKS BE AS PAULA NELSON DAY IN AUSTIN AND ALL CAUL ON ALL CITIZEN OF AUSTIN TO JOIN IN CONGRATULATING HER. [APPLAUSE]

THANK YOU FOR HAVING US. THANK YOU. SO WHILE PAULA AND THE BAND BREAK DOWN ON THAT SIDE OF THE ROOM, WE'LL USE THIS PODIUM OVER HERE TO START OUR PROCLAMATIONS. NONE MORE IMPORTANT TO US AND BOTH FUN TO DO, BUT ALSO A LITTLE DISTRESSING TO DO IS TO HAVE A SPECIAL PROCLAMATION FOR SENATOR GONZALO BARRIENTOS. BEFORE I ACTUALLY READ THE PROCLAMATION, I HAVE ON OWE I TRIED TO GET SOME 10 YEARS AS A STATE REP AND THE LAST 21 YEARS AS OUR SENATOR. SO IF YOU WILL BEAR WITH ME I'M GOING TO WALK THROUGH A COUPLE OF IMPORTANT THINGS. I WANT TO REMIND FOLKS ABOUT THIS PRETTY IMPRESSIVE LEGISLATIVE HISTORY. OKAY. SO WHEN THE TEXAS HIGHWAY DEPARTMENT TRIED TO EVICT THE A.P.D. FROM PARKING UNDERNEATH I-35 YOAF PASS NEXT TO THE POLICE STATION, HE INTERVENED AND KEPT THE LOTS OPEN FOR US. WHEN SOME IN THE LEGISLATURE TRIED TO MOVE THE STATE'S ELECTRIC SERVICE FROM THE CITY OF AUSTIN'S UTILITY TO THE LCRA, HE KILLED THE LEGISLATION AND CREATED AN INTERIM STUDY THAT LED TO A LONG-TERM CONTRACT BETWEEN THE STATE OF TEXAS AND AUSTIN ENERGY. WHEN REPRESENTATIVE RON WILSON ADDED A PROVISION TO THE DNS SUNSET BILL TO KEEP THE ROBERT MUELLER AIRPORT OPEN AS A STATE AIRPORT EVEN THOUGH WE HAD SPENT YEARS PLANNING WHAT'S HANKING OVER THERE NOW, HE KILLED THE AMENDMENT IN CONFERENCE COMMITTEE. WHEN SOME THREATENED THE

VALIDITY OF THE CITY'S CAPITOL VIEW PROTECTION ORDINANCE, HE SPONSORED IT AND PASSED IT AS STATE ALLOW. WHEN THE LEGISLATURE OVERREACTED TO ATTEMPTS BY AUSTIN TO ANNEX TERRITORY TO FAR AREAS, HE SPONSORED AND PASSED THE 1989 ANNEXATION DEVELOPMENT COMPROMISE ACTUALLY REQUESTED BY THE CITY OF AUSTIN. WHEN THE STATE AND CITY INTRETD THE LAW PROHIBITING MUNICIPAL ZONING OF STATE PROPERTY TO INCLUDE ANY UNDWOND BUILDINGS AND LAND BEING LEASED TO A STATE AGENCY, HE SPONSORED AND PASSED THE BILL ENSURING ING ZONING AND BUILDING REGULATIONS APPLIED TO PRIVATE PROPERTY LEASED TO THE STATE. WHEN THE CITY ENCOUNTERED DIFFICULTY USING LAND GRANTED BY THE STATE TO THE CITY FOR BRACKENRIDGE HOSPITAL, HE SPONSORED AND PASSED THE LAW ALLOWING CONSTRUCTION OF A CHILDREN'S HOSPITAL ON THE ORIGINAL BRACKENRIDGE SITE. WHEN THE CITY HAD TROUBLE MAKING BRACKENRIDGE COMPETITIVE IN FWOIGD MANAGED CARE CONTRACTS, HE EXEMPTED THE CITY HOSPITAL NEGOTIATIONS FROM THE OPEN MEETINGS AND OPEN ERRORS.S RECORDS ACT. WHEN THE CITY HAD A FINANCIAL PROBLEM WITH BRACKENRIDGE HOSPITAL AND WANTED TO LEASE IT TO SETON, HE SPONSORED THE BILL TO MAKE THE TRANSFER POSSIBLE IN KEEPING WITH THE STATE LAND GRANT AND TO ALLOW BRACKENRIDGE EMPLOYEES TO KEEP RETIREMENT BENEFITS. WHEN THE UNIVERSITY OF TEXAS WAS ABOUT TO TERMINATE ITS LEASE ON THE MUNICIPAL GOLF COURSE TO THE CITY AND DEVELOP THE BRACKENRIDGE TRACT, HE SPONSORED THE BILL AUTHORIZING AND VALIDATING THE NEGOTIATIONS FOR A LONG-TERM USE OF A TRACT, INCLUDING THE USE AS THE GOLF COURSE. WHEN THE PROPERTY PLANNED FOR USE BY THE AUSTIN MUSEUM OF ART FOR ITS DOWNTOWN LOCATION WAS PURCHASED FROM FORECLOSURE BY THE STATE, HE SPONSORED THE BILL ALLOWING THE CITY TO SWAP THAT LAND FOR SOME LAND ADJACENT TO THE ROBERT MUELLER AIRPORT AND NOW WE HAVE OUR DOWNTOWN MUSEUM SITE. WHEN THE CITY COULDN'T EFFICIENTLY COLLECT ITS DRAINAGE FEE, HE SPONSORED AND PASSED LEGISLATION ALLOWING THE CITY TO USE THE CUSTOMER SYSTEM AS THE DRAINAGE FEE UTILITY BASE. WHEN PUBLIC EMPLOYEES COULDN'T SWITCH

JOBS IN ORDER TO PROTECT RETIREMENT BENEFITS, HE SPONSORED AND PASSED A BILL CREEGHT A PROPORTIONATE RETIREMENT SYSTEM FOR CITY AND STATE EMPLOYEES. AS LENGTHY AS THIS SOUNDS, FOLKS, I PROMISE YOU, THIS IS JUST THE TIP OF THE ICEBERG OF A REMARKABLE 31-YEAR LEGISLATIVE HISTORY AND SERIES OF PACKAGES THAT GONZALO BARRIENTOS DID FOR US AS A CITY AND AS A COMMUNITY. SO WITHOUT FURTHER ADIEU I WOULD LIKE TO READ A PROCLAMATION AND I SUSPECT SOME OF MY COLLEAGUES WOULD LIKE TO SAY A FEW WORDS TOO BEFORE WE HEAR FROM THE SENATOR. SO OFFICIAL PROCLAMATION READS: BE IT KNOWN THAT WHEREAS SENATOR GONZALO BARRIENTOS OF DISTRICT 14 IS RETIRING FROM HIS 31-YEAR CAREER WITH THE TEXAS LEGISLATURE WHERE HE SERVED 10 YEARS IN THE HOUSE OF REPRESENTATIVES AND 21 YEARS IN THE SENATE, AND WHEREAS DURING HIS TENURE, SENATOR BARRIENTOS PROTECTED VICTIMS OF VIOLENT CRIME AND THE ELDERLY AGAINST ABUSE AND ENHANCING EDUCATION TO REDUCE SCHOOL DROPOUT RATES. HE HAS BEEN HONORED NUMEROUS TIMES FOR HIS ACHIEVEMENTS IN PUBLIC SERVICE. WHEREAS WE JOIN IN RECOGNIZING SENATOR BARRIENTOS FOR HIS DISTINGUISHED CAREER, HIS IMPACT ON TEXAS POLITICS, AS WELL AS FOR THE LEADERSHIP HE PROVIDED TO THE CITIZENS OF AUSTIN AND TO THE STATE OF TEXAS WHOM HE MADE HIS MISSION TO SERVE FAITHFULLY. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM TOMORROW, BECAUSE THERE WILL BE A BIG FUN PARTY ACROSS THE RIVER HERE, DECEMBER 15TH, 2006, AS SENATOR GONZALO BARRIENTOS DAY IN AUSTIN. JOIN ME IN THANKING THIS FINE PUBLIC SERVANT.

Leffingwell: I WILL BE VERY BRIEF. I AM FRAUD TO HAVE HAD SENATOR BARRIENTOS AS MI SENATOR FOR MANY YEARS. YOU WILL SEE ON HIS LAPEL A LITTLE STICKER. A FUNNY STORY AWHILE BACK I WAS AT AN EVENT AND HE PUT THAT STICKER ON MY SHIRT AND IT SURVIVED ABOUT TWO OR THREE LAUNDERINGS SINCE THEN. IT LOOKS LIKE A DESIGNER LABEL. THANK YOU FOR THAT. [APPLAUSE]

I'M ALSO VERY PROUD TO HAVE KNOWN OUR SENATOR OR FORMER SENATOR FOR A NUMBER OF YEARS AND FOR HIM

HAVING BEEN SUCH CLOSE FRIENDS WITH MY GREAT AUNT WILLIE GAUGE AND FOR THEIR RELATIONSHIP AND ME BEING BROUGHT INTO POLITICS AND THE IMPORTANCE OF IT. THANK YOU. [APPLAUSE]

....'

Martinez: SENATOR BARRIENTOS, I CAN'T TELL YOU HOW MUCH YOU MEAN NOT ONLY TO ME, BUT TO THIS COMMUNITY. AND I KNOW THAT 35 YEARS AGO WHEN YOU AND YOUR COLLEAGUES, MAYOR GUS GARCIA, COMMISSIONER MOY I CAN'T, STARTED WHAT'S KNOWN TODAY AS THE BROWN MACHINE, YOU HAD NO IDEA THAT YOU WOULDN'T JUST IMPACT THE LIVES OF LATINOS AND YOUNG LATINOS, BUT THAT YOU WOULD I.. IMPACT AN ENTIRE COMMUNITY THE WAY THAT YOU HAVE. I KNOW THAT I STAND HERE TODAY WITH THE MOST AMAZING OPPORTUNITY AS A COUNCIL MEMBER BECAUSE OF THE WORK THAT YOU DID 35 YEARS AGO AND BECAUSE OF THE WORK THAT YOU'RE GOING TO CONTINUE TO DO FOR THE NEXT 35 YEARS. YOU WILL NEVER BE MY FORMER SENATOR, YOU WILL ALWAYS BE MY SENATOR. THANK YOU. [APPLAUSE]

McCracken: FOR ME I THINK THE BEST EXAMPLE OF HOW IMPORTANT IT WAS TO HAVE SENATOR BARRIENTOS IN OFFICE IS WHAT I EXPERIENCED IN THE 2005 LEGISLATIVE SESSION WHEN THERE WAS AN ALL OUT ASSAULT TO UNDO EVERYTHING THAT WE REALLY VALUED IN AUSTIN THAT MAKES US DIFFERENT AND I THINK A BETTER KIND OF PLACE. SO WE WOULD BE SITTING THERE GOING, GOD, THIS THING IS ROLLING THROUGH, HOW DO WE STOP IT? AND ALL.... AND SENATOR BARRIENTOS WILL FIX IT FOR US. HE'S BEEN A GREAT DEFENDER. A LOT OF THE THINGS YOU DON'T HEAR ABOUT ARE THINGS HE'S DONE TO MAKE AUSTIN THE GREAT PLACE IT IS TODAY. WE REALLY APPRECIATE IT, SENATOR. [APPLAUSE]

Futrell: I DON'T THINK YOU CAN FIND ANYONE THAT LOVES THIS CITY MORE THAN I DO, BUT I RECOGNIZE THAT WE ARE NOT FROM A LEGISLATIVE PERSPECTIVE, ALWAYS AN EASY CITY TO REPRESENT. AND OUR SENATOR DID THAT FOR US FOR SO MANY YEARS WITH SUCH GRIT AND GUTS AND HE

HAS MY DEEPEST APPRECIATION FOR THAT AND HE SHOULD HAVE YOUR ALSO. THANK YOU.

Mayor Wynn: TOMORROW NIGHT A RECEPTION 5:30 TO 7:30 AND THEN MUSIC. SO I INVITE THE ENTIRE PUBLIC TO COME AND ENJOY TREAT BENEFIT. NOW PLEASE JOIN ME IN WELCOMING, CONGRATULATING SENATOR GONZALO BARRIENTOS. [APPLAUSE]

I WANT TO SAY TO OUR BOSS, YOU THE GENERAL PUBLIC, THAT THESE MEN AND WOMEN SOMETIMES SUFFER MANY, MANY HOURS LISTENING TO YOU. THE OVERALL BOSSES. AND THAT IT IS A HARD JOB. I'M GLAD THAT FINALLY YOU'RE PAID A LITTLE BETTER THAN THE STATE SENATORS. IT WAS LIKE YESTERDAY WHEN I RAN, ALL I WILL SAY IS THAT I WAS REMINDED OF THE WIZARD OF OZ, AND ITS LITTLE GIRL WAS SAYING THERE'S NO PLACE LIKE HOME, THERE'S NO PLACE LIKE HOME. THERE IS NO PLACE LIKE AUSTIN, TEXAS. I'VE BEEN AROUND THE COUNTRY, A FEW FOREIGN COUNTRIES. IT'S A VERY, VERY SPECIAL PLAIVMENTS WE'VE GOT TO ALL TRY TO KEEP WORKING TOGETHER REGARDLESS OF WHO YOU ARE, WHERE YOU COME FROM, IN ORDER TO MAKE IT EVEN BETTER THAN IT'S BEEN SINCE I'VE BEEN IN OFFICE. GOD BLESS AUSTIN AND GOD BLESS TEXAS AND GOD BLESS OUR COUNTRY. THANK YOU. [APPLAUSE]

Mayor Wynn: OUR NEXT PROCLAMATION IS ACTUALLY A PROCLAMATION BEING PRESENTED TO US, THE CITY OF AUSTIN FOR A CHANGE, REGARDING THIS BUILDING. AND WE'RE GOING TO HEAR FROM THE U.S. GREEN BUILDING COUNCIL REPRESENTATIVE HERE PERSONFIDE BY RICK FEDRIZZI. MANY OF YOU KNOW THE STORY OF THIS BUILDING. IT WAS REALLY 30 YEARS IN THE BROAD PLANK WHEN THIS LAND WAS PURCHASED BACK IN THE 70S, BUT FIVE YEARS OF SIGNIFICANT PLANNING BEGINNING IN 1998 OR SO. WE LOOK OUR TIME DOING IT, BUT IT WAS DONE IN STELLAR FASHION. IT WAS A REMARKABLY ENVIRONMENTALLY FRIENDLY AND SOCIALLY CONSCIOUS AND SUSTAINABLE BUILDING. ALL THE STONE HERE IS NATIVE TEXAS LIMESTONE. ALL THE WOOD IN THE BUILDING IS LOCAL PECAN. WE USED 99% OF THE STEEL IN THE BUILDING IS RECYCLED. 100% OF THE CARPET IS RECYCLED. THE BUILDING IS VERY, VERY ENERGY EFFICIENT. LIGHTS

TURN OFF WHEN YOU LEAVE A ROOM AND COME ON WHEN YOU COME IN. WE HAVE A REMARKABLE REDUCTION IN WATER USE PER SQUARE FOOT AND PER CAPITA IN THE BUILDING. WE JUST DID A VERY GOOD JOB BE OF I THINK REFLECTING THE CITY OF AUSTIN WITH THIS BUILDING. IT DEMONSTRATES OUR LOVE OF THE LAND. AGAIN, WE USED RECYCLED MATERIAL, VERY ENERGY EFFICIENT. WE HAVE SOLAR PANELS ON THE ROOF. WE SAVE EVERY DRIP OF WATER IMAGEABLE. THE BUILDING ITSELF IS ACTUALLY DESIGNED IN A VERY OPEN FORMAT AS OUR DEMAND FOR OPEN GOVERNMENT IN THIS TOWN. IT'S JUST A VERY WELL DONE BUILDING THAT I THINK PERFECTLY REFLECTS AS A BUILDING CAN THIS GREAT CITY WE LIVE IN. SO WE'RE ACTUALLY GOIBILITY TO BE PRESENTED OUR GOLD PLAQUE FROM LEED. IT STANDS FOR LEADERSHIP IN ENERGY AND DESIGN. MEANING THE BUILDING FROM THE GIT-GO WAS PLANNED, DESIGNED AND CONSTRUCTED IN SUCH A WAY AS TO BE VERY SUSTAINABLE AND TO BE LEADERSHIP BUILDING WHEN IT COMES TO ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN. SO WITH THAT I'D LIKE TO TURN THE MICROPHONE OVER TO RICK FEDRIZZI. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

IT'S JUST A TREMENDOUS LEADERSHIP STANDARD, SO I REALLY WANT TO CONGRATULATE THE CITY OF AUSTIN FOR TAKING THIS DRAMATIC STEP. THE LEAD RATING SYSTEM THAT WE MONITOR OUT OF WASHINGTON D.C. IS A LEADERSHIP STANDARD THAT WAS DEVELOPED BY THE ENTIRE BUILDING COMMUNITY. IT'S A CONSENSUS BASED STANDARD THAT REALLY STARTS TO HELP PEOPLE UNDERSTAND WHAT GOOD BUILDINGS ARE, AND THEY'RE NOT ONLY ENERGY AND RESOURCE EFFICIENT, THEY'RE SOLID FINANCIAL BOTTOM LINE PERFORMANCE BUILDINGS AND THEY'RE ALSO, AND I THINK MOST IMPORTANTLY, THEY'RE VERY SUPPORTIVE OF THE HUMAN HUMAN BEING. FROM A HEALTH AND HUMAN STANDARD. KIDS WORK 20% BETTER AND DO BETTER ON THEIR TEST SCORES. PEOPLE IN THEIR BEDS LEAVE AFTER MAJOR SURGERY MUCH SOONER. TREMENDOUS BENEFITS TO THE RETAIL COMMUNITY AND JOB CREATION AND MANUFACTURING AND OFFICE WORKERS, THERE'S A TREMENDOUS STORY HERE. SO I WOULD LIKE TO CONGRATULATE CITY MANAGER

FUTRELL AND MAYOR WYNN FOR THIS STUNNING ACHIEVEMENT AND I'D LIKE TO AWARD THEM A PLAQUE RIGHT NOW. SO ON BEHALF OF THE U.S. GREEN BUILDING COUNCIL, ITS BOARD OF DIRECTORS, ITS 7200-MEMBER ORGANIZATIONS, WHICH REPRESENTS ABOUT 95,000 DIRECT CONTACTS, INDIVIDUALS DIRECTLY INVOLVED IN THE GREEN BUILDING MOVEMENT, AND ABOUT 25 TO 27 MILLION INDIRECT INDIVIDUALS INVOLVED IN THIS, THIS BUILDING STANDS IN A VERY SHORT LIST OF LEADERS AROUND THE COUNTRY, AND I THINK ALL OF YOU IN AUSTIN, AND CERTAINLY YOUR POLITICAL LEADERSHIP SHOULD BE VERY PROUD OF THIS REALLY GREAT ACHIEVEMENT. SO CONGRATULATIONS.

THANK YOU. [APPLAUSE]

REALLY NOT MANY CLOSING WORDS TO SAY HERE ON THIS -
- YOU HAVE A CHANCE TO ENJOY THE BUILDING TONIGHT. IT REALLY IS A SPECTACULAR BUILDING. WHILE YOU'RE IN THE BUILDING EVEN GO FURTHER THAN THE GREEN BUILDING FEATURES. TAKE LOOK AT THE ARTWORK THAT'S ON ALL THREE FLOORS WHILE YOU'RE HERE. IT SHOW CASES LOCAL ARTISTS IN TOWN AND THANK YOU FOR YOUR ASSISTANCE IN GETTING THIS KIND OF A CITY..... CITY HALL ON THE GROUND. [APPLAUSE]

MAYOR WYNN: WELL, THIS IS A STELLAR DAY FOR THE CITY OF AUSTIN BECAUSE NOW WE HAVE ANOTHER PRESENTATION TO THE CITY BY MR. JOHN BURK OF THE LOWER COL REGIONAL WATER PLANNING GROUP. JOHN?

MAYOR.....MAYOR WYNN AND I'D LIKE TO THANK..... THANK THE CITY OF AUSTIN. I'M THE CHAIRMAN OF THE LOW COL PLANNING GROUP, WHICH IS A GROUP THAT IS SET UP ON A STATE REGIONAL WATER PLAN, AND THIS IS REGION K THAT GOES ALL THE WAY UP TO MILLS COUNTY, DOWN TO MAT A GOURD A COUNTY, AND VARIOUS INTEREST GROUPS FROM ENVIRONMENTAL WATER GROUPS. WE HAVE A RECREATIONAL GROUP TO MAKE SURE THE LAKE LEVELS STAY HIGH AND WE'VE BEEN INVOLVED IN THE RCA PROJECT THAT YOU'RE VERY FAMILIAR WITH. BUT OUR THANKS TO YOU, TREES ALLUDES, DAN WATSON, MANY OTHERS ON YOUR STAFF, WHO HAVE HELPED US GET THROUGH THIS

FIVE-YEAR CYCLE AND WE HAVE A RESOLUTION OF APPRECIATION BUT I'M GOING TO SAVE THE CROWD. THANK YOU VERY MUCH FOR ALL YOU'VE DONE TO SUPPORT OUR PLANNING PROJECT.

THANK YOU.

MAYOR WYNN: I'M JOINED BY A NUMBER OF DISTINGUISHED LEADERS OF OUR BANGLADESH..... BANGLADESH-AMERICAN COMMUNITY HERE IN AUSTIN. I'M GOING TO READ A PROCLAMATION ABOUT A FUN EVENT THAT'S OCCURRING THIS SATURDAY AS WE'RE GOING TO HAVE A BANGLADESH DAY HERE IN AUSTIN, CENTRAL TEXAS. WE'LL PROBABLY TALK ABOUT -- COMING UP IN... IN A FUN EVENT COMING UP IN THE SPRING. SO I'LL READ THE PROCLAMATION AND WE'LL TALK ABOUT THE DAY SATURDAY AND ALSO JUST GENERALLY A THRIVING COMMUNITY HERE IN THE CITY OF AUSTIN. THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS BANGLADESH, WHICH IS LOCATED IN THE NORTHEASTERN PART OF THE SOUTH EASTERN ASIAN SUB CONTINENT, HAS A RICH CULTURAL HERITAGE AND A GLORIOUS PAST AND WHEREAS THIS YEAR BANGLADESH, DR. MOHAMMED, AND GRAMEEN BANK WON THE NO BEL PEACE PRICE THROUGH HIS MICRO CREDIT SYSTEM, AND WHEREAS MARCH 26 IS CELEBRATED AS BANGLADESH'S INDEPENDENCE DAY AND DECEMBER 16 AS THEIR VICTORY DAY, AND WHEREAS THE BANGLADESH ASSOCIATION OF GREATER AUSTIN OR BAGA, WHICH REPRESENTS MORE THAN 600 BANGLADESH IN THE AUSTIN AREA IS HOSTED IN CONTINUING OF THE 35TH VICTOR DAY OF BANGLADESH UP AT MANOR HIGH SCHOOL PERFORMING ARTS CENTER THIS SATURDAY. SO THEREFORE I WILL WIN, MAYOR OF THE CITY OF AUSTIN TEXAS, DO HEREBY PROCLAIM SATURDAY, 2000 SIDE..... 2006 AS BANGLADESH DAY HERE IN AUSTIN AND ASK HIM TO TALK TO US ABOUT THE DAY HERE IN AUSTIN AND THE EVENTS WE CAN LOW LOU FORWARD TO IN THE SPRING. [APPLAUSE]

MR. MAYOR, MAYOR PRO TEM, AND COUNCIL MEMBERS, ON BEHALF OF BANGLADESH ASSOCIATION OF GREATER AUSTIN AND THE BANGLADESH COMMUNITY I WOULD LIKE TO SINCERELY THANK YOU FOR PROCLAIMING...ING DECEMBER 16 AS BANGLADESH DAY IN AUSTIN. IT'S A GREAT HONOR

THAT YOU HAVE NOT ONLY BESTOWED ON THE BANGLADESH COMMUNITY HERE BUT THE MILLIONS OF MARTYRS AND FREEDOM FIGHTERS WHO HAVE SACRIFICED THE ULTIMATE FOR OUR INDEPENDENCE. SINCE PARTITION IN 1947 BANGLADESH, WE HAVE FOUGHT TWO WARS. WE HAVE FOR THE A WAR FOR OUR MOTHER TOWN, WHICH IS BANGL, WHICH WE GOT OUR NAME FROM AND WHICH IS AN OFFICIAL LANGUAGE OF THE UNITED NATIONS AND IN '71 AFTER BEING DEPRIVED, AFTER WINNING THE LANDSLIDE MAJORITY IN THE LEGISLATURE, WE FOR.... FOUGHT OUR INDEPENDENT -- WE HAD STRUGGLE OF NINE MONTHS LIBERATION WAR AND WE GOT VICTOR..... VICTORY ON THE 16TH OF NOVEMBER IN 1971. THIS YEAR BANGLADESH ASSOCIATION OF GREATER AUSTIN IS CELEBRATING THE 35TH VICTORY DAY OF BANGLADESH, WITH MUCH FANFARE AND FESTIVITIES ON THE 16TH OF DECEMBER, THIS COMING SATURDAY, AND WE WOULD LIKE TO WELCOME YOU ALL, THE MAYOR AND THE COUNCIL AND THE GREATER AUSTIN COMMUNITY TO COME AND JOIN US IN OUR VICTORY DAY. BANGLADESH ASSOCIATION REPRESENTS OVER 600 BANGLADESHYS AND A GROWING NUMBER OF BANGLADESHY AMERICANS IN THIS GRAY CITY THAT WE ALL LIVE AND CALL HOME. AUSTIN HAS BEEN A GREAT CITY FOR US, AND WE HAVE BEEN GROWING HERE AND WE LIKE TO CONTRIBUTE OUR EFFORTS IN THIS GREAT CITY AND MAKE A BETTER AND STRONGER COMMUNITY. OUR KIDS ARE GROWING AND WE APPRECIATE THE LEADERSHIP FOR TAKING THEIR ROLE IN MAKING OUR KIDS' LIVES AND OUR LIVES MUCH BETTER. THANK YOU SO VERY MUCH FOR THIS GREAT HONOR. APPRECIATE IT. [APPLAUSE]

IT IS REALLY MY GREAT HONOR TO HONOR MRS. MAKE SOOR TODAY BECAUSE THIS REPRESENTS A PASSING OF AN ERA. MANY OF US HAVE SHOPPED AT YOUR WONDERFUL STORES AND WE'RE GOING TO MISS THEM AND MISS YOU, SO THIS IS A PROCLAMATION IN YOUR HONOR. BE IT KNOWN THAT WHEREAS GENTLEMAN NET AND FERRIS NASSOR OPENED THE CADEAU IN THE UT CAMPUS AREA IN 1952, AIMED AT OFFERING A GOOD MIX OF WELL DESIGNED ITEMS IN ALL PRICE RANGES, WHICH THEY GATHERED FROM AROUND THE WORLD. AND WHEREAS THE NASSOURS MOVED TO THE DRAGON IN THE '60S WHERE THEY SERVEDZ THE NEEDS OF

THE STUDENTS BUT ALSO DREW BACK FORMER LOYAL STUDENTS SO MUCH SO THAT THE DRAG STORE EXPANDED AND ANOTHER WAS OPENED IN 1994 AT THE SNARL PARK SHOPPING CENTER AND WHEREAS THIS MONTH MARKS THE END OF AN ERAS BOTH CADEAU STORES CLOSE. IT LEAVES MANY OLD AUSTINITES WONDERING WHAT THE DRAG WILL BE LIKE WITHOUT THEIR FAVORITE STORE. THEREFORE I WILL WYNN MAYOR OF THE CITY OF AUSTIN TEXAS DO HEREBY EXTEND BEST WISHES TO GENTLEMAN NET NASSOUR AS SHE PONDERES FUTURE ENDEAVORS AND DO BY PROCLAIM DECEMBER 31, 2006 AS FAREWELL CADEAU DAY AND IT'S SIGNED BY OUR MAYOR WILL WYNN AND STAMPED AND I WANT TO SAY THANK YOU FOR A GREAT RUN.

THANK YOU.

HERE YOU.... YOU GO. THIS IS YOURS. THAT....

THANK YOU VERY MUCH. I'M VERY HONORED TO HAVE RECEIVE THIS. WE DID MOVE TO THE DRAG, OPENED IT IN 5:30 2 AND..... 5:30 5:30 2 AND 5:30 52 AND HERE WE ARE CLOSING IN 06. I'M VERY SAD ABOUT THIS. I WISH MY HUSBAND WAS HERE. WE LOST HIM IN NEW YORK IN AUGUST, SO THAT MAKES IT QUITE SAD TODAY. AND I THINK THAT'S REALLY THE MAIN THING TO TELL YOU, THAT I THANK ALL OF THE PEOPLE WHO HAVE BEEN SO LOYAL TO US ALL THESE YEARS. WE CALL THEM CADEAUS BECAUSE THEY LOVED OUR STORE. SO IT'S BEEN GREAT, AND I LOVED SERVING ON THE COMMITTEE TO BUTTE IDENTIFY THE.....TOBEAUTY.IFY THE DRAG AND I THINK IT WOULD BE WONDERFUL IF IT WOULD BE THE WAY IT WAS BACK IN 1952, AND IT WAS WONDERFUL. THANK YOU.

THANK YOU SO MUCH. IT WAS A VERY SPECIAL PLACE.
THANK YOU VERY MUCH

SO NOW WE HAVE THE UNITED WAY OF CENTRAL TEXAS TO TELL US ABOUT THE VOLUNTEERS OF THE MONTH FOR NOVEMBER AND DECEMBER. SO RUDY, CAN YOU TELL US ABOUT OUR GREAT COMMUNITY
CERTIFICATE.....SERVANTS ?R.

I'M ACTUALLY GOING TO PASS IT OVER TO THE PEOPLE AT THEIR AGENCY WHO WORK WITH THEM BECAUSE THEY KNOW BEST HOW GREAT THESE VOLUNTEERS ARE, SO TRACY?

THANK YOU. I AM TRACY I'LLERS, THE EXECUTIVE DIRECTOR OF... OF THE ADOPTION COALITION OF TEXAS AND TONIGHT WE'RE HERE TO HONOR LISA REED WHO IS AN EXCEPTIONAL VOLUNTEER. WE'RE A GROUP OF COLLABORATION OF AGENCIES WHO WORK IN THE HOME TO FIND PERMANENT HOMES FOR CHILDREN IN FOSTER CARE. WE'RE A VERY SMALL ORGANIZATION AND IT TAKES KEY VOLUNTEERS TO HELP US. I'VE BEEN BLESSED FOR THE LAST, WELL, YEAR AND A HALF I MET LISA LAST SUMMER AND FOR THE LAST YEAR SHE HAS BEEN WORKING ALMOST FULL-TIME WITH US TO MAKE SURE THAT WE CAN CHANGE THESE CHILDREN'S LIVES EVERY SINGLE DAY. SO I'M HONORED TO BE HERE, TO KNOW LISA, TO BE HERE TODAY AND TO HAVE HER SHARE A PART OF OUR EFFORT.

OKAY. LISA, SO WE'RE GOING TO ASK YOU NOW TO -- EVERYBODY'S WORST FEAR IS PUBLIC SPEAKING BUT YOU HAVE A SURPRISE. CAN YOU TELL US A LITTLE BIT HOW YOU CAME TO THE GALLERY AND WHAT YOU DO HERE IN THE COMMUNITY?

SURE. I BECAME INVOLVED AFTER WATCHING NEWS 8 AUSTIN AND THEY DO THIS FOREVER FAMILIES PROFILES, AND I WOULD WATCH THOSE KIDS AND I STARTED CALLING TRACY GOING, DID THAT CHILD FIND A HOME YET? PLEASE, TELL ME HE DID. I WAS.....I WOULD JUST WORRY ABOUT THEM CONSTANTLY. IT WAS LIKE MAYBE YOU CAN COME VOLUNTEER FOR.... WITH US. SO I JUMPED AT THE OPPORTUNITY TO ACTUALLY BE ABLE TO DO SOMETHING WITH THESE KIDS, AND IT'S A WONDERFUL GROUP AND IT'S REALLY A PRIVILEGE TO HAVE MET A LOT OF THESE CHILDREN AND I CAN'T THINK OF A BETTER WAY TO SPEND MY TIME THAN WORKING FOR THEM.

IT'S PROBABLY NOT ALWAYS THAT YOU GET A PHONE CALL SAY I WANT TO HELP YOU OUT THAT TURNS OUT TO BE YOUR SUPERSTAR VOLUNTEER, RIGHT? IF MORE CALLS LIKE THAT COULD HAPPEN. I'M GOING TO READ THE CERTIFICATE

OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY THE UNITED WAY, TWOOF VOLUNTEER OF THE MONTH, LISA REED IS DESERVING OF PUBLIC ACKNOWLEDGE CLAIM AND RECOGNITION. ADOPTIVE CHILD IN THE HEART GALLERY, SHE BEGAN VOLUNTEERING HER SERVICES AT THE ADOPTION COALITION OF TEXAS ABOUT A YEAR AGO. DURING THE PAST YEAR SHE HAS DEVOTED HERSELF TO FINDING FAMILIES FOR CHILDREN IN FOSTER CARE. SHE COORDINATED MEDIA SHOOT, MATCHING FOSTER KIDS AND PHOTOGRAPHERS. WHAT MAKES LISA OUTSIDE IS OUTSTANDING, HER BIG HEART, ESPECIALLY FOR CHILDREN IN FOSTER CARE. SHE LOVES AS SHE DOES. HER FAMILY LOVES THAT SHE DOES IT AND BECOMES INVOLVED TOO. THIS CERTIFICATE IS PRESENTED IN RECOGNITION OF HER AMAZING COMMITMENT AND EXCEPTIONAL GENEROSITY TO THE CAUSE, THIS 12TH DAY OF DECEMBER, 2006, FROM A VERY GRATEFUL CITY COUNCIL AND FROM MAYOR WILL WYNN. THANK YOU VERY MUCH, LISA. [APPLAUSE]

OKAY. SO WHO -- WE HAVE -- ARE YOU CALLING?

NO.

WHO ARE YOU?

MEREDITH POWELL, THE AUSTIN FINE ARTS ALLIANCE.

CAN YOU TELL US ABOUT COLLEEN?

I DON'T THINK I COULD SAY ENOUGH. THERE'S SO MUCH TO... TO SAY ABOUT COLLEEN. I'M EXECUTIVE DIRECT..... DIRECTOR, AND I'M THE ONLY PAID STAFF FULL-TIME SO A LOT OF NON-PROFITS WE RELY HEAVILY ON OUR VOLUNTEERS. WE PRODUCE THE FINE ARTS FESTIVAL AND.... AND TWO OTHER EVENTS, THAT SUPPORT OUR MUSEUMS, THE BLANT ON AND ALSO THE AUSTIN MUSEUM OF ART. AND THROUGH HER DEDICATION SHE SERVES AS THE CHAIR OF THE AUSTIN FINE ARTS FESS TI FESTIVAL WHICH NOT ONLY DOES IT CREATE A SPECTACULAR OPPORTUNITY FOR FAMILIES TO COME DOWN AND CELEBRATE THE VISUAL ARTS BUT IT ALSO BRINGS OVER A.. A MILLION DOLLARS ECONOMIC IMPACT TO THE CITY OF AUSTIN WHICH WE'RE VERY PROUD OF AND OF COURSE HOPE TO BRING IN MORE.

BUT I COULD SIT HERE ALL DAY AND TALK ABOUT COLLEEN SO I'M GOING TO GO AHEAD AND PASS IT OVER, AND THANK YOU FOR HONORING THE ORGANIZATION AND THANK YOU ALSO TO THE UNITED WAY FOR FOCUSING ON THE VOLUNTEER EFFORTS BECAUSE SO MANY NON-PROFITS COULDN'T EXIST WITHOUT THEM.

I'M COLLEEN, I'M CHAIRL CHAIRMAN OF THE FINE ARTS FESTIVAL. I'VE BEEN INVOLVED FOR 15 YEARS. SOME OF YOU MAY HAVE KNOWN IT AS FIESTA WHEN IT WAS DOWN AT LAGUNA GLORIA AND NOW IT'S REPUBLICAN SQUARE PARK. WE TAKE EIGHT CITY BLOCKS AND TURN IT INTO AN OASIS OF FUN. WE'VE GOT FAMILY ACTIVITIES GOING ON AND IT'S A CHANCE FOR THE PUBLIC TO COME AND LEARN ABOUT ART AND ACTUALLY SEE THE WORLD THROUGH AN ARTIST'S EYES. WHEN YOU THINK ABOUT ART, YOU DON'T HAVE TO LIKE EVERYTHING THAT YOU SEE, BUT REALIZE THAT IF YOU LOOK AT THE JEWELRY SPEED PAINTING OUT HERE YOU MAY GO, THAT'S NOT HOW I SEE THE WORLD BUT THAT'S HOW SHE DOES, AND IT GIVES YOU ACCESS INTO THE COLLECTIVE SOUL OF OUR CULTURAL COMMUNITY AND THAT'S WHAT'S REALLY IMPORTANT TO ME. AND I WANT PEOPLE TO UNDERSTAND THAT ART IS NOT WHAT YOU FIND AT BED BATH AND BEYOND, AND LYNN LINENS AND THINGS. AND ARTISTS --

[INAUDIBLE]

EXACTLY. WHEN YOU BUY A PIECE OF ART YOU'RE HELPING SOMEONE MAKE A LIVING DOING SOMETHING THEY TRULY LOVE, AND I'M AN ART HISTORY MAJOR AND WHAT'S GOING ON TODAY IN THE WORLD, 50 YEARS LATER WE'RE GOING TO LOOK BACK AND GO, OH, MY GOD, I WAS A PART OF THAT, AND SO COME JOIN US ON APRIL..... APRIL 14 AND 15 AT REPUBLIC SQUARE ART. BUY ART, FEED YOUR SOUL AND IF YOU WANT TO YOU CAN COME DOWN AND VOLUNTEER BECAUSE WE NEED ABOUT, WHAT, 700 VOLUNTEERS FOR TWO DAYS TO MAKE THIS FESTIVAL RUN SMOOTHLY. IN 17 YEARS I HAVE CORRALLED VOLUME.....VOLUNTEERS, I HAVE PICKED UP TRASH, RUN THE WHITE..... WAREHOUSE, RUN TRAFFIC ON THE STREETS AND IN THE KIDS' ART ACTIVITIES. IT'S A LOT OF FUN AND I ENCOURAGE ALL OF YOU TO BE A

PART OF ART. THANK YOU.

THANK YOU COLLEEN. THIS SOUNDS KIND OF LIKE BEING A CITY COUNCIL MEMBER. BY THE WAY, WARNING, OUR AIR CONDITIONER HAS ABOUT AN HOUR LEFT TONIGHT SO YOU-ALL ARE GETTING HERE AT THE GOOD FRONT END OF IT AT THE MOMENT. THE CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA THE DECEMBER 2006 VOLUNTEER OF THE MONTH, COLLEEN IS DESERVING OF PUBLIC ACKNOWLEDGE CLAIM AND RECOGNITION. THE 2005 TO 2007, THEY REALLY GIVE YOU A GOOD HITCH -- AUSTIN FINE ARTS FESTIVAL EVENTS HERE COLLEEN LEADS 700 COMMUNITY VOLUNTEERS AS THEY IMPLEMENT A HUGE FUND RAISING EVENT BENEFITING THE AUSTIN AND BLANT ON MUSEUMS OF ART. SHE WORKS YEAR-ROUND MODERATING MEETINGS OF 40 COMMITTEE CHAIRS AND SPONSORS AND SOLVING BUDGET ISSUES. USUALLY CO-CHAIRS HANDLE THIS MAJOR UNDERTAKING BUT COLLEEN TOOK ON THE ENTIRE RESPONSIBILITY WHEN HER CO-CHAIRS CAME TO A TERMINAL ILLNESS. IT. SHE THEY SAID THEM. COLLEEN IS DEDICATED TO THE FINE ARTS ALLIANCE, COMMITTED TO EXPANDING THE ARTS IN AUSTIN, ESPECIALLY TO THE SCHOOLS, IS COMMENDABLE. THIS CERTIFICATE IS PRESENTED IN RECOGNITION AND APPRECIATION ON THIS 12TH DAY OF DECEMBER, IN THE YEAR 2006 FROM CITY COUNCIL OF AUSTIN, TEXAS, MAYOR WILL WYNN, THANK YOU, COLLEEN. CONGRATULATIONS.

THANK YOU SO MUCH. [APPLAUSE]

I DON'T KNOW ABOUT THE REST OF YOU-ALL BUT AFTER COLLEEN AND LISA, I'M DEFINITELY HAVING INADEQUACY ABOUT MY WORTH AS A PERSON. SO THANK YOU.

THANK.....THANK YOU ALL VERY MUCH. AND RUDE..... RUDY, CAN YOU TELL FOR FOLKS HOW THEY CAN GET INVOLVED IN UNITED WAY, WHICH IS HOW I GOT STARTED IN COMMUNITY SERVICE.

YOU CAN GO TO OUR WEB SITE, WWW.HANDSON.CENTRAL.ORG. THERE ARE ABOUT 400.... 400 NON-PROFITS LOCAL SCHOOLS CHURCHES THAT ARE ALL LOOKING FOR VOLUNTEERS ON THERE SO THERE IS A WIDE

VARIETY OF OPPORTUNITY, PROBABLY ANYTHING THAT YOU CAN IMAGINE AND ANYTHING THAT YOU COULD POSSIBLY BE INTERESTED IS ON THERE, SO LOG ON AND CHECK IT OUT.
[APPLAUSE]

Mayor Wynn: THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL BACK TO ORDER THE AUSTIN CITY COUNCIL. FOR THE RECORD, MS. AGAIN GENTRY WE DID NOT GO INTO CLOSED SESSION. WE HAVE FINISHED OUR CLOSED SESSION FOR TODAY. I APOLOGIZE TO FOLKS WE HAVE LOST OUR AIR CONDITIONING IN THE BUILDING, IT'S GOING TO GET AWFULLY WARM IN HERE IN A FEW HOURS. SO -- SO BEAR WITH US. IT'S NOT A STRATEGY TO TRY TO RUN EVERYBODY OUT OF HERE BEFORE MIDNIGHT. MR. GUERNSEY, WE HAVE A COUPLE OR THREE DISCUSSION ITEMS I BELIEVE.

THAT'S CORRECT. OUR NEXT ITEM IS ITEM NO. 73, C14H-05-0017 - BAUGH-COLBY HOUSE, 1102 ENFIELD ROAD (SHOAL CREEK WATERSHED) FROM MULTI-FAMILY RESIDENCE-MEDIUM DENSITY-NEIGHBORHOOD PLAN (MF-3-NP) COMBINING DISTRICT ZONING TO MULTI-FAMILY RESIDENCE-MEDIUM DENSITY-HISTORIC-NEIGHBORHOOD PLAN (MF-3-H-NP) COMBINING DISTRICT ZONING. STAFF -- PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE MULTI-FAMILY RESIDENCE-MEDIUM DENSITY-HISTORIC-NEIGHBORHOOD PLAN (MF-3-H-NP) COMBINING AS WELL AS THE LANDMARK COMMISSION'S RECOMMENDATION. THE PROPERTY OWNER HAS FILED PETITION IN OPPOSITION TO APPLYING THE -- THE HISTORIC ZONING TO THIS PROPERTY. YOU HAVE HEARD TESTIMONY BEFORE ON THIS REQUEST. I BELIEVE THE PUBLIC HEARING HAS BEEN CLOSED ON THIS ITEM. THERE'S ALSO A PETITION FILED BY ADJACENT PROPERTY OWNERS, REGARDING THIS PROPERTY AS WELL. WHICH IS ALSO VALIDATED. 69.89%, THIS PETITION WOULD SAY THAT THEY WOULD BE OPPOSED TO ZONE THE PROPERTY ANY OTHER CLASSIFICATION OTHER THAN SF 1, SF 2 AND SF 3. THEREFORE IF YOU WANTED TO -- LET'S SAY DOWN ZONE THE PROPERTY TO SF 5 IT WOULD TAKE SIX VOTES. IF YOU WANTED TO ZONE IT HISTORIC --

Mayor Wynn: SIX VOTES BOTH DIRECTIONS, CORRECT?

THAT'S CORRECT.

Mayor Wynn: MY UNDERSTANDING IS THAT THE PROPERTY OWNER IS ALSO HAS A VALID PETITION AGAINST DOWN ZONING TO SINGLE FAMILY, CORRECT?

Guernsey: I HAVE BEEN TOLD THAT IS THE INTENTION OF THAT. SO YES ANY REQUEST TO DOWN ZONE OR ADD THE H YOU HAVE A VALID PETITION BY THE OWNER. YOU ALSO HAVE A VALID PETITION TO DOWN ZONE THE PROPERTY UNLESS IT'S TO SF 1, 2, OR 3 FILED BY ADJACENT PROPERTY OWNERS WITHIN --

MAYBE YOU NEED 12 VOTES.

SIX WOULD BE SUFFICIENT EITHER WAY. WE DO HAVE THIS READY FOR ALL THREE..... THREE READINGS. COUNCIL COULD ONLY TAKE FIRST READING. THAT WOULD ONLY REQUIRE FOUR AFFIRMATIVE VOTES. THIS HAS BEEN BEFORE YOU MANY TIMES. THERE ARE NEIGHBORHOOD REPRESENTATIVES, THE OWNERS AGENTS AND THE OWNER IS HERE. IF YOU WOULD LIKE I CAN GO BACK OVER THE CASE OR --

Mayor Wynn: I THINK WE REMEMBER IT WELL, MR. GUERNSEY. I GUESS OUR QUESTIONS, COUNCIL, DO WE WANT TO END THE YEAR TALKING ABOUT THE BAUGH-COLBY HOUSE ORIGIN NEXT YEAR TALKING ABOUT THE BAUGH-COLBY HOUSE.

THE NEIGHBORHOOD AND OWNER REPRESENTATIVES ARE HERE AS WELL IF YOU WOULD LIKE TO HEAR FROM THEM.

Mayor Wynn: COUNCIL, NOT TRYING TO BE FUNNY. WE HAVE HAD A LOT OF TESTIMONY ON THIS CASE. WE DO HAVE SOME FOLKS HERE AS RESOURCES FOR US, INCLUDING THE PROPERTY OWNER, HIS AGENT AND SOME NEIGHBORS. VALID PETITION IN BOTH DIRECTIONS. TECHNICALLY THIS IS A -- THIS IS A HISTORIC ZONING CASE BROUGHT FORWARD BY THE CITY, BY THE HISTORIC LANDMARK COMMISSION. COUNCILMEMBER LEFFINGWELL?

Leffingwell: A QUESTION. MR. GUERNSEY, AS I UNDERSTAND

IT, THE -- THE ONLY THING THAT WOULD NOT REQUIRE A SUPER MAJORITY WOULD BE TO LEAVE THE ZONING AS IT IS RIGHT NOW?

Guernsey: WELL, IF YOU LEAVE IT AS IT IS, THE -- THE PETITION FROM THE NEIGHBORHOOD WOULD NOT HAVE AN EFFECT BECAUSE YOU ARE NOT REZONING THE PROPERTY. THE OWNER WOULD NOT OBJECT TO -- TO THE ZONING AS THE WAY IT IS BECAUSE THE HISTORIC ZONING WOULD NOT BE APPLIED THAT WOULD BE CORRECT.

Leffingwell: OKAY. THANKS.

Mayor Wynn: IF WE CAN'T GET SIX VOTES FOR HISTORIC OR SIX VOTES FOR SF 3 OR LOWER --

Guernsey: ACTUALLY, ANYTHING LESS THAN THE CURRENT ZONING. SO YOU COULD SAY ANYTHING FROM M.F. 2, M.F. 1, SF 6, 5, 4, 3, 2, 1, ANY OF THOSE COMBINATIONS THE OWNER WOULD HAVE A PETITION AGAINST IT.

McCracken: MAYOR, I WOULD LIKE TO HEAR A BRIEF EXPLANATION ABOUT SOMETHING WE HAVEN'T HEARD BEFORE, IT'S BEEN EXCLUSIVELY ABOUT HISTORIC. BUT WE APPEAR TO HAVE TWO DIFFERENT VERSIONS OF A COMPROMISE BEFORE US. ONE WOULD BE TO ZONE IT AS SF 1, 2, 3, THE OTHER TO ZONE AS SF 5. I THINK IT WOULD BE HELPFUL FOR US TO HEAR MAYBE THREE MINUTES PER SIDE, ONE SPEAKER EACH, ON THE CASE FOR SF 1, 2, 3 VERSUS SF 5.

CAN I ASK A QUESTION BEFORE WE DO THAT?

YES, YOU MAY, COUNCILMEMBER MARTINEZ.

Martinez: I WANTED TO ASK A QUESTION BEFORE WE START HEARING FROM THE PARTIES. IF WE WERE TO LEAVE IT AT M.F. 3 AND ADD A CO, OF SOME PARAMETERS, WOULD THAT STILL -- WOULD THAT ONLY REQUIRE FOUR VOTES?

Guernsey: NO, THAT WOULD REQUIRE SIX VOTES AS WELL BECAUSE ADDING A CONDITIONAL OVERLAY WOULD BE CONSTRUED AS DOWN ZONING THE PROPERTY BECAUSE

YOU WOULD BE REMOVING THE ABILITY OF THE PROPERTY OWNER TO DO SOMETHING THEY COULD HAVE DONE IN THE CURRENT ZONING.

OKAY.

Mayor Wynn: THANK YOU MR. GUERNSEY. WITHOUT OBJECTION, WHY DON'T WE HAVE A BRIEF STATEMENT OR TWO BY THE OWNER AND/OR AGENT AND THEN WE WILL HEAR FROM A NEIGHBOR, TO SORT OF SET THE TONE AGAIN FOR THE DISCUSSION. AND OF COURSE COUNCIL HAS THE PREROGATIVE TO ASK ANY QUESTIONS THAT IT MAY HAVE. MR. DRENNER, THREE MINUTES.

YES, MAYOR, MAYOR PRO TEM, COUNCIL, I'M HERE ON BEHALF OF MR. GUARDER, I KNOW THAT YOU HAVE HEARD A LOT ABOUT THIS CASE IN THE PAST. I WON'T BORE I WITH ALL OF THOSE DETAILS. OUR SUGGESTION REALLY IS TO DO AS MR. MARTINEZ INDICATED AND TO LEAVE THE ZONING AS IS, BUT TO APPLY A CONDITIONAL OVERLAY THAT WOULD LIMIT THE NUMBER OF UNITS THAT WOULD -- COULD BE BUILT ON THE SITE TO THREE AND TO LIMIT THE HEIGHT OF THE PROJECT TO 35 FEET. PRESENTLY MF 3 WOULD ALLOW A DENSITY OF ABOUT 10 UNITS AND A HEIGHT OF 40 FEET. AND WE WOULD OFFER THAT IN A SPIRIT OF COMPROMISE TO GIVE THE FOLKS IN THE AREA WHO ARE CONCERNED ABOUT THIS SOME IDEA OF WHAT THE MAXIMUM COULD BE BUILT. IT MY UNDERSTANDING, I THINK MR. GUERNSEY WILL CONFIRM, IF THE CONDITIONAL OVERLAY IS ACCEPTABLE TO THE OWNER, THAT WE WOULD -- THAT WE COULD WITHDRAW OUR PETITION AND THAT THAT COULD BE A FOUR VOTE MAJORITY THEN AND I BELIEVE WE WOULD MAKE THAT SUGGESTION THAT IF THE CONDITIONAL OVERLAY IS ACCEPTABLE, WE WOULD BE HAPPY TO DO THAT AND YOU COULD TAKE CARE OF THIS TONIGHT.

Mayor Wynn: I'M SORRY, I MAY HAVE MISSED THAT. WHAT IS THE PROPOSED CONDITION?

THE PROPOSED CONDITION WOULD BE NO MORE THAN THREE UNITS, SAME ZONING, NO MORE BUT A CONDITIONAL OVERLAY THAT WOULD REFLECT NO MORE THAN THREE

UNITS AND NO MORE THAN 35 FEET IN HEIGHT.

Mayor Wynn: THANK YOU. QUESTIONS OF MR. DRENNER?
COMMENTS, COUNCILMEMBER MCCracken?

McCracken: THREE UNITS OF SEPARATE HOMES OR AN
APARTMENT OR --

THANK YOU, COUNCILMEMBER. LET ME SEE IF I CAN CLARIFY
IT AND MS. TERRY WILL CORRECT ME I'M SURE IF I GO
ASTRAY. THREE UNITS THAT WOULD BE PERMITTED UNDER
SF 6 ZONING OR A MORE RESTRICTIVE SINGLE FAMILY
CATEGORY. IN MY MIND THEN THAT WOULD LEAVE A
DETACHED SINGLE FAMILY, A TOWNHOME, A DUPLEX OR A
CONDOMINIUM. OKAY.

Mayor Wynn: THANK YOU, FURTHER COMMENTS, QUESTIONS
OF THE AGENT? THANK YOU, SIR. SO PERHAPS IF -- IF A
NEIGHBOR COULD HELP US WITH THAT PERSPECTIVE.
WELCOME.

GOOD EVENING, MAYOR AND COUNCIL. I'M THE PRESIDENT
OF THE OLD ENFIELD HOMEOWNERS ASSOCIATION,
MARLENE [INDISCERNIBLE] FIRST OFF, WE WANT THIS HOME
ZONED HISTORIC AS THE COMMISSIONS BEFORE YOU ALL
VOTED UNANIMOUSLY TO SUPPORT. IF THAT'S -- IF THAT
CAN'T HAPPEN, WE SEE THE DEMOLITION OF THIS HOUSE AS
A MAJOR TAKING FROM OUR NEIGHBORHOOD. SO WE ARE
PROPOSING A CONDITIONAL OVERLAY THAT WOULD, ONE,
LIMIT THE NUMBER OF UNITS TO ONE SINGLE FAMILY HOME.
SECONDLY, MINIMUM LOT AREA NOT LESS THAN 12,500
SQUARE FEET. THIS WOULD PROHIBIT A SUBDIVISION OF THE
LOT. AND, THIRD, PROHIBIT SMALL LOT SF RESIDENTIAL.
MEANING NO SF 5 OR 6, SF 6. FOR TWO REASONS. WE DON'T
HAVE ANY OF THAT ZONING IN OUR NEIGHBORHOOD. WE
ONLY HAVE MF 3 AND DISTRICT ZONING. PLANNING SF 3 --
MANUFACTURE 3 AND SF 3, THIS WOULD BE INEXABTIBLE
ZONING. WE DON'T WANT THREE TOWN HOMES ON THIS
PROPERTY. WE THINK THIS IS AN EXTREMELY FAIR
CONDITIONAL OVERLAY GIVEN THE FACT THAT MR.
GUARDIERE BOUGHT THIS LOT WITH THE THOUGHT OF
BUYING A SINGLE FAMILY HOME TO LIVE IT, RESTORE IT.
UNFORTUNATELY HE CLAIMS THAT HE DECIDED HE

COULDN'T OR DIDN'T WANT TO PAY FOR THE RESTORATION OF THE HOME. WE ARE NOT CHANGING THE EXPECTATION OF MR. GADERE. HE BOUGHT A SINGLE FAMILY HOME, THIS IS WHAT THE NEIGHBORHOOD EXPECTS TO SIT ON THIS PROPERTY. YOU ARE GOING TO BE TAKING AWAY ONE OF THE OLDEST HOMES IN OUR NEIGHBORHOOD. IT'S A SINGLE FAMILY HOME. BY GRANTING A CONDITIONAL OVERLAY, THAT ALLOW ANTILLES A-- THAT ALLOWS THREE UNITS YOU ARE GIVING MR. GARDERE ABSOLUTELY EVERYTHING. THE NEIGHBORHOOD LOSING ABSOLUTELY EVERYTHING. HE WANTED THREE TOWNHOMES THREE YEARS AGO, THAT'S WHAT HE'S GOING TO GET BY A CONDITIONAL OVERLAY.

THANK YOU, MARLENE. QUESTIONS OF THE NEIGHBORHOOD PRESIDENT? THANK YOU. COUNCIL COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN?

McCracken: I GUESS THAT I HAVE THE QUESTION THAT -- THAT THE THING IS THAT AT THREE UNITS IS A TOWNHOME OR A CONDO TYPE OF DEAL, THAT WOULD BE VERY INCOMPATIBLE WITH WHAT'S GOING ON IN THE NEIGHBORHOOD. I GUESS TO ME IT WOULD COME DOWN TO WHETHER IT BE TWO HOMES OR ONE HOME, BUT NOT IN AN APARTMENT STYLE. THIS IS A GREAT SINGLE FAMILY NEIGHBORHOOD AND SO THAT CHARACTER SHOULD BE PRESERVED I BELIEVE. WHAT I DON'T HAVE A SENSE OF IS HOW BIG THE LOTS ARE. COULD THEY SUPPORT TWO SEPARATE HOMES? IN THE -- IN THE -- TELL US ABOUT THE LOT SIZE THAT'S TYPICAL IN THE NEIGHBORHOOD AND HOW THAT WOULD WORK THERE, TOO.

THE LOTS WOULD BE ABLE TO BE SUPPORTED IF YOU WERE SO RESUBDIVIDE THE PROPERTY. YOU COULD CERTAIN DO TWO LOTS ON THIS PROPERTY. VERY EASILY. YOU COULD BUILD SAY A DUPLEX ON ONE SIDE, SINGLE FAMILY ON THE OTHER TO EQUATE TO THE THREE UNITS. MINIMUM LOT SIZE BEING 5,750 SQUARE FEET, THIS LOT IS APPROXIMATELY 13,000 SQUARE FEET. IT WOULD BE ALSO AVAILABLE TO HIM TO DO A SMALLER LOT, UNDER THE MULTI-FAMILY DESIGNATION THAT YOU ARE ALLOWED TO DO SMALL LOT SINGLE FAMILY RESIDENTIAL, WHICH I UNDERSTAND THE NEIGHBORHOOD IS OPPOSED TO, BUT YOU COULD DO LOTS AS LOW OR AS SMALL AS 3,600 SQUARE FEET, WITH THE

CORNER LOT BEING ABOUT 4500. YOU COULD GET DOWN TO A SMALLER LOT SIZE AND THOSE WOULD BE DETACHED UNITS. TOWNHOUSES PERMITTED, BOTH CONDOMINIUM IS PERMITTED WITHOUT GOING THROUGH A SUBDIVISION. ON THIS PROPERTY. AND THEY WOULD BE -- IF IT'S CONSTRUCTED AS A TOWNHOUSE, THE CONDOMINIUM COULD BE CONSTRUCTED WITH THREE UNITS. THE UNITS BEING SOLD INDIVIDUALLY, THE LAND TO BE HELD IN COMMON. IF IT WAS DEVELOPED AS TOWNHOUSES, YOU COULD DO SAME THING, AS FAR AS HAVING THREE UNITS THAT ARE TIED TOGETHER, BUT EACH WOULD SIT ON A SMALLER TOWNHOUSE SIZED LOTS.

WHAT ABOUT TWO -- TWO -- SO TWO SEPARATE HOMES ON TWO SEPARATE LOTS, IS THERE -- ARE THERE EXAMPLES OF ANYTHING LIKE THAT IN THE NEIGHBORHOOD CURRENTLY?

THERE ARE A LOT OF SINGLE FAMILY HOMES. I THINK THERE ARE SOME GARAGE APARTMENTS. I MIGHT ACTUALLY ASK STEVE SADOWSKY IS MORE FAMILIAR WITH THE NEIGHBORHOOD, HE CAN TELL YOU ABOUT THE CHARACTERISTICS OF THE HOMES THAT ARE IN THIS AREA PROBABLY BETTER THAN I BECAUSE HE'S GONE THROUGH THAT SUBDIVISION.

WELCOME, MR. SADOWSKY.

PROFESSOR: MAYOR COULD I ASK BEFORE HE STARTS --

Leffingwell: MAYOR, COULD I ASK BEFORE HE STARTS, ARE THERE ANY OTHER PEOPLE SIGNED UP TO SPEAK ON THIS ITEM?

NO.

GOOD EVENING, STEVE SADOWSKY, THE HISTORIC PRESERVATION OFFICE. ACTUALLY I'M IN ADDITION THAT YOU ASKED THAT COUNCILMEMBER BECAUSE I DO HAVE A PRESENTATION OF THE -- OF THE OTHER BUILDINGS IN THE NEIGHBORHOOD. WE WILL START THIS THE BAUGH-COLBY HOUSE, 1101 ENFIELD ROAD, AS YOU CAN SEE SET VERY FAR BACK ON ITS LOT, RATHER LARGE HOUSE ON LARGE LOT. THIS IS THE NEXT HOUSE NORTH OF THE BAUGH-COLBY ON

PARKWAY. WHERE ENFIELD ROAD AND PARKWAY COME IN JUST UNDER THE 15th STREET BRIDGE. ON THE NORTH SIDE WE HAVE SOME 1940'S MULTI-FAMILY THAT ARE VERY LOW SCALE. TWO STORY. BRICK. ANOTHER MULTI-FAMILY ON PARKWAY ACROSS FROM THE PEASE PARK ENTRANCE. GOING UP ENFIELD ROAD THIS IS THE NEXT HOUSE, YOU CAN SEE THIS IS VERY MUCH A -- AN UPSCALE NEIGHBORHOOD WITH VERY LARGE SINGLE FAMILY HOUSES FOR THE MOST PART ON ENFIELD. THERE'S THE HOUSE NORTH OF THE ONE WE JUST SAW ON ENFIELD ROAD. AND THIS IS ACROSS THE STREET. ACROSS ENFIELD ROAD. SO YOU CAN SEE IT'S -- IT'S AN AREA OF SINGLE FAMILY HOMES, GENERALLY FAIRLY STATELY IN THEIR CONSTRUCTION.

McCracken: LET ME ASK YOU REAL QUICK. BACK UP THAT LAST ONE, PREVIOUS ONE, HOW BIG IS THE LOT ON THAT? IF WE WERE TALKING ABOUT DURING TWO HOUSES VERSUS ONE, COULD YOU GET SOMETHING OF THAT SCALE ON TWO LOTS?

YES, SIR. I HAVEN'T SEEN SURVEYS OF THE LOTS. JUST LOOKING AT THE LOTS, THE BAUGH-COLBY IS ON THE BIGGEST LOT AROUND. THESE OTHER HOUSES ARE ON SMALLER LOTS, NOT DEALER AS DEEP OR WIDE STREET FRONTAGE..... FRONTAGE. BUT I WILL FLIP THROUGH THESE TO SEE WHAT ELSE IS AROUND THERE SO YOU GET AN IDEA. DEFINITELY A SINGLE FAMILY HOME NEIGHBORHOOD. THE HOUSES ARE SET BACK A REASONABLE DISTANCE FROM THE ROAD. LOOKS LIKE -- YOU KNOW, IT'S VERY SUBSTANTIAL CONSTRUCTION OVER THERE. I HOPE THAT HELPS.

THANK YOU, MR. SADOWSKY, COUNCILMEMBER LEFFINGWELL?

Leffingwell: I DO THINK THAT WE NEED TO BE TALKING A LITTLE BIT ABOUT THE HISTORIC ZONING REQUEST, WHICH WAS THE WAY THIS CASE WAS INITIATED. AND AT THE RISK OF REPEATING MYSELF A LITTLE BIT. I WANT TO SAY THAT THE STAFF HAS RECOMMENDED HISTORIC PROPERTY ZONING FOR THIS PROPERTY, THE PLANNING COMMISSION RECOMMENDED IT BY UNANIMOUS VOTE, WE HAVE -- LAST TIME WE WERE HERE WE HEARD A PARADE OF HISTORIC

DESIGNATION EXPERTS WHO TESTIFIED THAT THE PROPERTY WAS HISTORIC, SO FAR WE HAVE HEARD NO TESTIMONY TO THE FACT, WE HAVE HEARD A LOT OF ANECDOTAL TESTIMONY THAT THIS HOUSE COULD NOT BE ECONOMICALLY RESTORED, BUT WE HAVEN'T HEARD ANY EXPERT TESTIMONY, ANY ENGINEERING DOCUMENTS, ET CETERA. SO I AM -- I AM GOING TO TRY THIS, I'M GOING TO MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE HISTORIC ZONING FOR 1102 ENFIELD.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING AND APPROVE HISTORIC ZONING AS POSTED FOR ITEM NO. 73, NOTING THAT IT'S GOING TO TAKE SIX AFFIRMATIVE VOTES TO PASS THAT.

Guernsey: LET ME CORRECT ONE THING. I WENT BACK AND DOUBLED CHECKED ON THE MINIMUM LAND AREA FOR CONDOMINIUM IS 14,000 SQUARE FEET. HE COULD STILL DO A DUPLEX AND A SINGLE FAMILY HOME AND UNDER TEXAS PROPERTY CODE HE COULD DO A CONDOMINIUM REGIME, BUT IT WOULDN'T BE A CONDOMINIUM WAS DEFINED BY OUR CODE. SO I JUST WANTED TO MAKE SURE THAT'S CLEAR. HE CAN STILL BUILD BUILDINGS AND CONDO THEM UNDER STATE LAW, BUT THEY WOULDN'T BE A CONDO AS DEFINED BY OUR CODE.

Mayor Wynn: THANK YOU, MR. GUERNSEY. MOTION BY COUNCILMEMBER LEFFINGWELL TO APPROVE HISTORIC ZONING. MOTION DIES BY LACK OF A SECOND. FURTHER --

Dunkerly: I WOULD LIKE TO MAKE A MOTION, PLEASE. I WOULD MOVE APPROVAL OF MF 3 CONTINUED MF 3 ZONING, NO HISTORIC, BUT WITH A CONDITIONAL OVERLAY OF TWO UNITS PER SIDE FOR THE -- FOR THE ENTIRE SITE.

Mayor Wynn: MOTION BY MAYOR PRO TEM AGAIN TO CLOSE THE PUBLIC HEARING AND TO APPROVE -- ITEM NO. 73 -- TO ADD A CONDITIONAL OVERLAY TO THE -- TO THE EXISTING ZONING ON ITEM NO. 73 RESTRICTING THE PROPERTY TO NO MORE THAN TWO UNITS AND WITH THE -- WITH THE HEIGHT LIMITATION OF 35 FEET.

Dunkerly: WELL I THINK IF WE LEAVE IT MF 3 THE HEIGHT IS OKAY.

Mayor Wynn: IS THAT --

Guernsey: THAT WOULD REMAIN THE HEIGHT WOULD REMAIN AT 40 FEET. I UNDERSTAND THE MOTION IS MF 3 WITH A CONDITIONAL OVERLAY LIMITING IT TO TWO DWELLING UNITS. WITH THAT DIRECTION IF YOU WANTED TO DO THIS ON ALL THREE READINGS THIS EVENING IT BOO REQUIRE SIX VOTES. IF YOU WANTED TO JUST DO ON TWO READINGS --

Mayor Wynn: I THINK MR. DRENNER IS ABOUT TO MAKE --

THAT IS ACCEPTABLE TO THEM. SO A MAJORITY VOTE OF FIVE OR MORE YOU COULD APPROVE THIS ON THREE READINGS AND I DON'T KNOW IF YOU WANT MR. DRENNER TO STATE THAT FOR THE RECORD OTHER THAN WHISPERING IT IN MY EAR. COME FORWARD.

MAYOR, THAT IS ACCEPTABLE TO THE -- TO THE OWNER.

Mayor Wynn: MR. DRENNER, WOULD THE OWNER ACCEPT THE ORIGINAL OFFER OF HEIGHT LIMITATION OF 35 FEET?

YES, THAT'S ALWAYS ACCEPTABLE.

THERE DRENNER.

35 FEET.

35 FEET IS ACCEPTABLE AS WELL.

Dunkerly: OKAY. NO MORE THAN THAT.

MAYOR, IF I COULD GET A COMMITMENT FROM MR. DRENNER ON THE RECORD THAT THAT MEANS THAT THEY ARE WITHDRAWING THEIR VALID PETITION.

I ASSUME IF SOMETHING GOES SIDEWAYS I CAN IMMEDIATELY RESUBMIT. [LAUGHTER] YES, MA'AM, SO -- THAT IS WHAT THAT MEANS.

Mayor Wynn: WE HAVE A MOTION ON THE TABLE BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM NO. 73 ZONING MF 3 WITH A CONDITIONAL OVERLAY LIMITING THE PROPERTY TO NO MORE THAN TWO UNITS AND A HEIGHT LIMITATION OF 35 FEET, ON ALL THREE READINGS.

I HAVE A QUESTION.

LET'S SEE IF WE CAN GET A SECOND. SECONDED BY COUNCILMEMBER MARTINEZ. COUNCILMEMBER MCCracken.

THE QUESTION THAT I HAVE IS UNDER THE MOTION, WHAT ARE THE LIMITATIONS ON WHETHER THIS SHOULD BE DEVELOPED AS TWO SEPARATE HOMES THAT WOULD HAVE TO COMPLY WITH THE McMANSION ORDINANCE?

MAYOR, MAY I?

YES, MR. DRENNER.

IF YOU WOULD LIKE TO MAKE THAT A REQUIREMENT THEY BE DETACHED UNITS, THAT'S ACCEPTABLE AS WELL.

AS WELL AS MF 3 I GUESS WE WOULD HAVE TO HAVE AS PART OF THE CO THEY COMPLY WITH RESIDENTIAL DESIGN AND COMPATIBILITY ORDINANCE, THE McMANSION ORDINANCE?

I'M SORRY.

THE -- BECAUSE IT'S AN MF 3 OVERLAY, WE WOULD ALSO HAVE TO SPECIFICALLY STATE THAT IT WOULD HAVE TO -- THAT IT WOULD COMPLY WITH THE RESIDENTIAL STEIN AND COMPATIBILITY AROUND, McMANSION ORDINANCE.

THAT'S PROBLEMATIC BECAUSE OF WHAT IT WOULD DO IN TERMS OF SHIFTING THE -- THE HOUSES ON THE SITE AND WE ARE QUICKLY GETTING TO ARCHITECTURAL DETAIL THAT -- ARCHITECTURAL DETAIL THAT I'M NOT PARTICULARLY GOOD AT. WE CAN MAKE SURE THAT IT'S DETACHED. AND WE CAN LIVE WITH THE HEIGHT LIMITATION. BUT -- BUT IF YOU WANTED TO MAKE THE McMANSION APPLICABLE TO IT, THEN

WE -- WE COULD NOT AGREE WITH THAT WITHOUT GOING BACK THROUGH AND TRYING TO FIGURE OUT WHAT THE IMPACT OF THAT IS.

WELL, PERHAPS I HAVE A SUGGESTION THEN. IF WE APPROVE IT ON \$12 FOR INSTANCE AND -- FIRST AND 2 READINGS FOR INSTANCE, LOOK AT THE MODEL, SEE HOW THAT LOOKS THEN.

IF NECESSARY, YES.

McCracken: WELL, I'LL OFFER IT AS A FRIENDLY AMENDMENT TO GO ON FIRST AND SECOND READING ONLY TO HAVE THE SITE DIVIDED INTO TWO SINGLE FAMILY HOMES AND TO -- TO COME BACK WITH AN ANALYSIS ON -- ON HOW WE COULD COMPLY WITH THE McMANSION ORDINANCE WHICH WOULD BE PRETTY IMPORTANT TO ME AT LEAST ON THIRD READING, BUT WE COULD DO THAT.

MS. TERRY IF THAT'S THE DIRECTION WE GO, THE VALID PETITION WOULD STAY IN PLACE UNTIL WE ARE READY FOR THIRD READING.

Mayor Wynn: MAYOR PRO TEM, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT AND COUNCILMEMBER MARTINEZ TO GO TO 123 12-D..... FIRST AND SECOND READING ONLY.

JUST A PARLIAMENTARY QUESTION. WHAT'S THE DIFFERENCE BETWEEN APPROVING FIRST AND SECOND READING TONIGHT AND APPROVING THIRD READING TONIGHT AND SECOND AND THIRD READING NEXT MONTH.

NONE. SO A MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST AND SECOND READING ONLY, M.F. 3 WITH THE CONDITIONAL OVERLAY NO MORE THAN TWO UNITS THAT THEY BE DETACHED, HEIGHT LIMITATION OF 35 FEET, WITH DIRECTION TO STAFF TO COME BACK ON THIRD READING WITH ANALYSIS REGARDING THE POTENTIAL COMPLIANCE WITH THE McMANSION ORDINANCE. FURTHER COMMENTS? READING,.

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-1 ON SECOND READING ONLY, COUNCILMEMBER LEFFINGWELL VOTING NO. THANK YOU ALL VERY MUCH.

THANK YOU, MOVING ON TO NUMBER 74. 74 PH . C14H-06-0030 - FARQUHAR-SCHRIEBER HOUSE - MR. STEVE SADOWSKY WILL PRESENT THIS CASE.

THE FARQUHAR-SCHRIEBER HOUSE - IS LOCATED AT 1207 E. LIVE OAK STREET A RECOMMENDATION FOR HISTORIC ZONING FROM THE LANDMARK AND PLANNING COMMISSION. THIS HOUSE SITS ON A VERY LARGE PIECE OF PROPERTY. RIGHT WHERE LIVE OAK AND OLTORF STREETS COME TOGETHER..... TOGETHER. IT BELIES ITS HISTORY A LITTLE BIT. RIGHT NOW IT'S IN THE MIDDLE OF A VERY BUSY SECTION OF THE CITY. HOWEVER WHEN IT WAS BUILT IN 1923, IT WAS VERY MUCH ON THE OUTSKIRTS OF TOWN. IN FACT THE PROPERTY JUST TO THE EAST OF THIS WAS A DAIRY FARM AND THE EARLY RESIDENTS OF THIS HOUSE OPERATED THE CITY VIEW ELECTRIC HATCHERY UP HERE, RAISING CHICKENS AND EGGS ON THIS. IT REALLY IS KIND OF A RELIC OF WHAT AUSTIN USED TO BE, ESPECIALLY IN THAT PART OF THE CITY. IT WAS NOT EVEN ON A NAMED STREET UNTIL THE 1930S, IT WAS ON BURLESON ROAD. AND BEFORE THAT IT WAS JUST EAST OF THE CITY LIMITS. BUT IT HAS ALL OF THE AMBIENCE OF A FARMHOUSE. IT'S ARCHITECTURALLY VERY SIGNIFICANT. IT'S GOT A BEAUTIFUL FRONT PORCH ON IT. [INDISCERNIBLE] ROOF. WHAT WE CALL A TRANSITIONAL STYLE HOUSE. THIS WAS THE PERIOD BETWEEN THE VERY ORNATE VICTORIANS AND THEN BUNGALOWS OF THE 1920S, A RATHER LATE TRANSITIONAL HOUSE. BUT IT SHOWS THE SIMPLIFICATION IN ORNAMENTATION AND DESIGN AND AGAIN AS I SAID, THIS WAS BUILT ON THE OUTSKIRTS OF TOWN BACK IN 1923 AND IT HAS A LOT OF THAT RURAL SIMPLICITY AND FARMHOUSE AMBIENCE TO IT. IT WAS BUILT BY OHLEN DAVIS FARQUHAR WHO WAS THE BOOKKEEPER FOR COULDN'T STERNBERG LUMBER COMPANIES, ONE OF THE BIGGEST IN THE CITY. THE BOOKKEEPER AT THAT TIME WAS REALLY MORE OF A BUSINESS MANAGER. HE WAS THE BUSINESS MANAGER, HIS SISTER, IN FACT, MARRIED ONE OF THE STERNBERG

BROTHERS, HE WAS VERY MUCH TIED INTO THAT LUMBER COMPANY, VERY MUCH A PRINCIPAL IN IT. THEY LIVED IN THE HOUSE AND THEY OPERATED THAT CITY VIEW ELECTRIC HATCHERY UNTIL AROUND 1941. AND THEN THEY MOVED UP TO DUVAL STREET, WHICH WAS I GUESS MORE OF AN URBAN SETTING FOR THEM. THEY SOLD THE HOUSE TO ARTHUR AND LEORA SCHREIBER, AND MR. SCHREIBER WAS A -- WAS A FIREMAN WHO ROSE THROUGH THE RANKS OF THE AUSTIN FIRE DEPARTMENT AND HE WAS DISTRICT CHIEF FOR THE FIRE DEPARTMENT AROUND 1947. AND HELD THAT POSITION UNTIL 1970S. THE EARLY 1970S WHEN HE RETIRED. LOCAL TRADITION ALSO HOLDS THAT HE DONATED THE LAND FOR TRAVIS HIGH SCHOOL, WHICH IS IMMEDIATELY TO THE SOUTH. OF THIS PROPERTY. THE HOUSE MEETS THE CRITERIA FOR LANDMARK DESIGNATION. THE LANDMARK COMMISSION AND PLANNING COMMISSION HAVE RECOMMENDED IT FOR HISTORIC ZONING. BUT HAVING SAID ALL OF THAT, THIS AFTERNOON WE HAD CONVERSATIONS WITH THE GRANDSON OF MR. SCHREIBER WHO -- WHO WANTS TO MOVE THIS HOUSE OUT TO LAND THAT HE OWNS OUT ON CUERNAVAA ROAD AND USE IT AS HIS HOMESTEAD. GIVEN THAT I WOULD HATE TO STAND IN THE WAY OF THIS HOUSE BEING MAINTAINED IN THIS FAMILY. STAFF RECOMMENDS DENIAL SO IT CAN BE MOVED AND MAINTAINED AT THE SCHREIBER HOMESTEAD IN ITS NEW LOCATION.

Mayor Wynn: SO COUNCIL WILL CONSIDER THAT TO BE THE -- THE APPLICANT PRESENTATION. LET'S SEE IF I CAN -- WE HAVE NO CITIZENS SIGNED UP ON THIS CASE. AGAIN, RECOMMENDATION BY CITY STAFF IS TO DENY HISTORIC ZONING ALLOWING THE GRANDSON TO MOVE THE HOME. MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING AND DENY THIS HISTORIC ZONING CASE ITEM 74. COUNCILMEMBER MARTINEZ?

Martinez: THANK YOU, MAYOR, I JUST WANTED TO TELL THE SCHREIBER FAMILY THAT I'M REALLY GLAD THAT YOU ARE GOING TO GET TO KEEP THIS HOME IN YOUR FAMILY AND CHIEF SCHREIBER IS STILL VERY WELL RESPECTED AND REVERED IN THE FIRE DEPARTMENT AND I STILL CALL ON HIM WHENEVER I NEED PLUMBING SERVICES. HE'S RUN SCHREIBER PLUMBING IN SOUTH AUSTIN FOR MANY MANY

YEARS. AND JUST WARRANTED..... WARRANTS WANTED TO SAY HELLO AND CONGRATULATE HIM ON PRESERVING THE HOME WITH HIS FAMILY.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, I'M SURE THAT -- THAT COUNCILMEMBER MARTINEZ DOESN'T HAVE A CONFLICT OF INTEREST ON THIS. [LAUGHTER] BUT I -- I JUST WANT TO SUPPORT THAT. BUT I KNEW THE SCHREIBER FAMILY FOR A LONG TIME, I KNEW ARTHUR SCHREIBER, OF COURSE HE WAS THE DISTRICT CHIEF AND HIS SON AS WELL, GARY SCHREIBER, I WANTED TO MENTION THAT, THANKS.

Mayor Wynn: THANK YOU, FURTHER COMMENTS? MOTION AND SECOND ON THE TABLE TO DENY THE HURRICANE -- THE HISTORIC ZONING CASE ITEM NO. 74, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU, MR. SADOWSKY. WELCOME BACK, MR. GUERNSEY.

THAT BRINGS US TO OUR LAST REZONING ITEM. THIS IS THE -
- ITEM NO. 76. C14-05--0145 - REDEEMER PRESBYTERIAN CHURCH - LOCATED AT 2015 ALEXANDER AVENUE (BOGGY CREEK WATERSHED) FROM REZONING FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT ZONING. AND THE REASON FOR THE REZONING REQUEST IS TO ALTER THE MAXIMUM HEIGHT ALLOWED ON THE PROPERTY. COUNCIL DID APPROVE THE REZONING REQUEST FIRST READING BACK IN OCTOBER. AND IT WOULD ESTABLISH THERE WOULD BE A 60-FOOT HEIGHT FOR A SMALLER PORTION OF THE PROPERTY TO ALLOW THE CONSTRUCTION OF THE SANCTUARY. THIS WAS ON YOUR AGENDA A COUPLE OF WEEKS AGO. THERE WAS SOME DISCUSSION ABOUT GOING BACK AND TRYING TO WORK WITH THE PROPERTY OWNER. I DON'T KNOW ALL OF

THE DISCUSSIONS THAT MAY HAVE OCCURRED BETWEEN THE PROPERTY OWNER AND THE NEIGHBORHOOD. BUT THEY -- WE HAVE I THINK WHAT WE CAN OFFER AS A SUGGESTION TO COUNCIL TODAY THAT MAY ADDRESS SOME OF THE CONCERNS THAT HAVE BEEN EXPRESSED BY THE CHURCH AND SOME OF THE CONCERNS THAT HAVE BEEN EXPRESSED BY THE NEIGHBORHOOD. ALTHOUGH I DON'T KNOW IF EITHER PARTY IS 100% SATISFIED WITH WHICH I MIGHT OFFER. FIRST THAT THE PROPERTY OWNER IT'S MY UNDERSTANDING WOULD BE IN AGREEMENT TO COMPLY WITH THE COMMERCIAL DESIGN STANDARDS FOR THE ENTIRE 11-ACRES OF THE PROPERTY. THIS WOULD GO ABOVE AND BEYOND THE AREA THAT'S PROPOSED FOR THE REZONING REQUEST, WHICH IS ONLY ABOUT 18,423 SQUARE FEET AND LOCATED IN THE MIDDLE OF THIS LARGER 11-ACRE TRACT. IN ADDITION, THE PROPERTY OWNER WOULD BE IN AGREEMENT TO ENTER IN TO A COVENANT THAT WOULD PROVIDE THAT -- THAT A RELIGIOUS ASSEMBLY USE COULD NOT TAKE PLACE ON THE PROPERTY FOR THE AREA THAT'S THE SOUTHERN THREE ACRES OF THE PROPERTY, OR THE AREA THAT'S -- THAT'S THE NORTHERN 60 FEET ADJACENT TO MANOR ROAD. AT SUCH TIME AS THE LAND IS - - IS SUBDIVIDED BY FINAL PLAT, MEETING AUTOMATIC OF THE CITY OF AUSTIN REQUIREMENTS -- ALL OF THE CITY OF AUSTIN REQUIREMENTS AND THEN THAT NEW DEVELOPER, WHOEVER -- THE PROPERTY OPENER WOULD COME IN -- OWNER WOULD COME IN, BASICALLY IN AGREEMENT OF NOT DOING RELIGIOUS ASSEMBLY USE ON THE PROPERTY. THE OTHER RESTRICTIVE COVENANT THEN WOULD BE SUBJECT TO COMMERCIAL DESIGN STANDARDS. ALL OF THE OTHER STANDARDS THAT ARE IN OUR CODE. YOU MAY WISH TO MAYBE HEAR FROM THE NEIGHBORHOOD REPRESENTATIVES WITH REGARD TO THIS AND TO THE REPRESENTATIVE OF THE CHURCH WITH REGARDS TO THIS. THE PUBLIC HEARING IS STILL OPEN TO THE EXTENT THAT YOU HAVE SPEAKERS THAT HAVE SIGNED UP.

Mayor Wynn: WE'VE GOT SPEAKERS.

Gurensey:: I THINK THAT'S WHERE WE ARE AT. I'M SURE THAT THE AGENT AND PERHAPS THE NEIGHBORHOOD REPRESENTATIVES IF THERE ARE ANY HERE COULD COME FORWARD AND SPEAK TO ANY NEGOTIATIONS THAT HAVE

OCCURRED. ALSO THE APPLICANT'S ARCHITECT IS ALSO HERE HAS DONE SOME REDESIGNS AND DISCUSSED WITH STAFF TO DISCUSS SOME OF THE ISSUES THAT WERE RAISED ABOUT TWO WEEKS AGO ABOUT THE GRID DESIGN OF THE PARKING LOT LAYOUT AND THEN THEY HAVE ALTERED THEIR PLANS FOR THEIR PROPOSED CONSTRUCTION AND I WOULD PROBABLY LET THE ARCHITECT IF YOU WANT TO HEAR FROM HER GO INTO DETAILS WITH REGARDS TO THAT.

THANK YOU, MR. GUERNSEY. COUNCIL, WE DO IN FACT HAVE A DOZEN OR MORE FOLKS SIGNED UP FORMALLY IN THE SYSTEM TO SPEAK, WITH THE DONATED TIME WELL OVER AN HOUR. BUT PERHAPS IN LIEU OF THAT, IF WE COULD HAVE A NEIGHBORHOOD REPRESENTATIVE OR TWO TO COME FORWARD, PERHAPS SOMEBODY, MR. McBEE OR SOMEBODY FOR THE CHURCH AND/OR ARCHITECT, LET'S DO HEAR SOME OF THIS DISCUSSION ABOUT THE MOST RECENT SERIES OF - - OF DISCUSSIONS OR NEGOTIATIONS, WE MAY JUST DEFAULT AND GO BACK TO OUR FULL PUBLIC TESTIMONY. WELCOME BACK, MR. SUTTLE.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL, I'M RICHARD SUTTLE, HERE ON BEHALF OF THE CHURCH. AGAIN WE ARE HERE TONIGHT WITH THE VERY, VERY NARROW REQUEST THAT FOR A FOOTPRINT FOR A CHURCH SANCTUARY THAT THE CURRENT HEIGHT OF 40 FEET BE RAISED TO 60 FEET SO THAT THIS CHURCH REDEEMER PRESBYTERIAN CAN BUILD AN ACOUSTICALLY FINE CHURCH WITH CHOIR LOFT AND/OR BEGAN. IT IS A -- AND ORGAN. IT IS A VERY NARROW REQUEST JUST FOR THE FOOTPRINT. BEFORE YOU ON THE DAIS WE PASSED OUT EARLIER SEVERAL PIECES OF PAPER. THE FIRST OF WHICH IS A LETTER FROM DOUGLAS MUIR AN ATTORNEY AT LAW, A REQUEST THAT I THINK COUNCILMEMBER COLE SPECIFICALLY MADE OF US TO GET AN INDEPENDENT IDEA OF WHAT HAPPENS WHEN YOU COMMIT CHURCH PROPERTY TO SOMETHING OTHER THAN CHURCH PROPERTY. IF YOU RIDE THAT LETTER IT CONCLUDE -- IF YOU READ THAT LETTER IT CONCLUDES WITH THE MANUSCRIPT THAT YOU DECLARE IT'S NOT GOING TO BE CHURCH PROPERTY IT BECOMES SUBJECT TO TAXATION UNDER THE TEXAS TAKE.....TAXCODE, LOSES ITS TAX EXEMPTION. THAT'S

THE PROBLEM THAT WE ALL WERE TRYING TO WORD AROUND. THE NEIGHBORHOOD ASKED US TO SAY THE SOUTHERN THREE ACRES, NORTHERN THREE CHURCH WOULD NOT BE CHURCH, THAT IMMEDIATELY SELLS IT, CAUSES A PROBLEM ON NOT ONLY ON GO FORWARD BASIS WITH TAXES, ROLL BACK PROVISION. IF THE NEIGHBORHOOD GOT WHAT THEY WANTED THE CHURCH WOULD HAVE TO TAKE ON A TAX LIABILITY FOR WHEN AND IF IT SOLD IN THE FUTURE AND A ROLLBACK TODAY. ALSO IN FRONT OF YOU IS A LETTER OF SUPPORT FROM THE CORRAL GROUP, CONSPIRORI A NATIONAL CHORAL GROUP HERE IN AUSTIN. NOMINATED FOR A GRAMMY. THAT LETTER IS IN FRONT OF YOU. THEY HEARTILY SUPPORT THE ACOUSTIC DESIGN OF THIS CHURCH, THEY WOULD LOOK FORWARD TO PARTICIPATING AND PERFORMING IN IT IF IT IS IN FACT APPROVED AND BUILT. YOU ALSO HAVE BEFORE YOU A LETTER FROM KIRKGUARD ACOUSTICAL DESIGN, THE DESIGN GROUP THAT EXPLAINS TO YOU THE NEED FOR THIS HEIGHT. THEY ARE RENOWNED ENTITY, THEY HAVE DONE WORK IN MANY PLACES, ONE OF WHICH YOU HAVE -- I KNOW THAT YOU HAVE HEARD OF AS THE NATIONAL CATH THESE DRAL IN WASHINGTON. ALSO A LETTER IN FRONT OF YOU OF SUPPORT FROM ANDY MURPHY, THE CHIEF RECORDING ENGINEER FOR BOTH THE U.T. COLLEGE OF FINE ARTS AND FOR THE AUSTIN SYMPHONY ORCHESTRA. I ALSO SUPPORTS THE REDEEMER'S SANCTUARY AT THE PROPOSED 60-FOOT HEIGHT FOR THE ACOUSTIC DESIGN. UNFORTUNATELY I AM UNABLE TO PRESENT TO YOU A LETTER OF SUPPORT FROM THE NEIGHBORHOOD. IT'S NOT FOR LACK OF TRYING. EVEN SINCE OUR LAST HEARING TWO WEEKS AGO. SINCE OUR LAST HEARING MANY THINGS HAVE HAPPENED. FIRST REDEEMER MET WITH AN ATTORNEY FAMILIAR WITH THE TAX ISSUES. FRIED TO FIGURE OUT A WAY AROUND IT AND CAME UP WITH WHAT WE THINK IS A WAY IN THE COVENANT THAT MR. GURP SEE DESCRIBED. HE CAME UP WITH THAT IDEA LATE AT NIGHT TWO WEEKS AGO ABOUT THE FINAL PLATTING ISSUE. IT FALLS JUST SHORT OF WHAT THE NEIGHBORHOOD WANTS. BUT IT ALSO ENABLES US TO CREATE A MECHANISM THAT DOESN'T CAUSE THE CHURCH A TAX PROBLEM, BUT ALSO WHEN IT'S SUBDIVIDED WOULD NOT BE CHURCH USE. REDEEMER ALSO PRESENTED TO YOU A LENGTHY LETTER OUTLINING THE HISTORY OF THIS CASE

OVER THE LAST YEAR AND PROVIDING FOR YOU A COMPROMISE TO APPROVE THIS FOOTPRINT ZONING AND THE COMPROMISE ESSENTIALLY INCLUDED THAT THE CHURCH, THEIR SITE PLAN THAT THEY FILED WOULD NOT SHOW ANY PARKING AND WOULD NOT SHOW ANY BUILDINGS ON THE SOUTHERN THREE ACRES OF THIS PROPERTY. IT WOULD NOT SHOW ANY PARKING AND IT WOULD NOT SHOW ANY BUILDINGS ON THE NORTHERN 60 FEET ALONG MANOR ROAD. WE HAVE A COVENANT THAT IS EXECUTED HERE TONIGHT THAT STATES THAT IF THESE TWO AREAS ARE FINAL PLATTED, THAT A NOTE WOULD BE PLACED ON THE PLAT ALLOWING ALL OF THE USES UNDER THE CURRENT ZONING EXCEPT FOR RELIGIOUS ASSEMBLY. WE HAVE DRAFTED AND EXECUTED THOSE COVENANTS, THEY ARE HERE TONIGHT. WE HAVE HAD AN ADDITIONAL MEETING WITH THE CITY STAFF TO FURTHER REFINE THE SITE PLAN AND COUNCILMEMBER MCCracken'S COMMENTS LAST TIME ABOUT THE COMMERCIAL DESIGN STANDARDS, WHICH WE ARE VOL TERRELL SUBMITTED OURSELVES TO. WE FURTHER REFINED THAT AND CAN MEET THE DESIGN STANDARDS AS DISCUSSED TWO WEEKS AGO. WE HAD ANOTHER MEETING WITH THE NEIGHBORHOOD REPRESENTATIVES ATTENDED BY MANY STAFF MEMBERS FROM YOUR OFFICES AND COUNCILMEMBER LEFFINGWELL WHERE WE DISCUSSED YET ANOTHER URGE TO COMPROMISE THAT WAS THE NEIGHBORHOOD HAD REQUESTED THAT 60 FEET PROBABLY WASN'T ENOUGH AND THAT WANTED TO KNOW WHAT ABOUT AN ADDITIONAL 40 FEET TO SHARE PARKING WITH THE MIXED USE ALONG MANOR. AND WE REACHED AN AGREEMENT IN THAT MEETING, NOT WITH THE GROUPS, BUT WITH THE REPRESENTATIVES, AND THE CHURCH AGREED THAT IT WOULD NOT PLACE ANY BUILDINGS IN THE NEXT 40 FEET ALONG MANOR. SO YOU HAVE 60 FEET OF NOTHING, 40 FEET OF PARKING ONLY, NO BUILDINGS, AND MAKE IT AVAILABLE THE LETTER STATES THE -- BE OPEN TO SHARED PARKING FOR THE MIXED USE ALONG MANOR ROAD. TODAY WE RECEIVED AN ADDITIONAL 8 ITEMS FROM THE NEIGHBORHOOD GROUP AS -- REQUESTING AS A CONDITION OF NEGOTIATIONS, I THINK THERE WAS AN E-MAIL PROBLEM. THEY MAY HAVE BEEN SENT YESTERDAY. WE RECEIVED THEM TODAY. FOUR OF THOSE I THINK ARE EMBODIED IN THIS AGREEMENT WE CAN DO, THAT INVOLVES THE SHARED

PARKING ON MANOR, SHARED DETENTION FACILITIES FOR THE ULTIMATE BUILDOUT, SUPPORT OF TRAFFIC CONTROL HIS WITHIN THE NEIGHBORHOOD, NOT TO SHOW PARKING TWHAN 60 FEET -- WITHIN THAT 60 FEET ALONG MANOR UNLESS IT'S PART OF THE SHARED PARKING. WE HAVE AGREED TO THAT I THINK IN TERMS OF THE SITE PLAN. THERE WERE TWO REQUESTS WE CANNOT COMPLY WITH BECAUSE OF THE TAX RAMIFICATIONS, THOSE ARE AGREEMENTS TO DIVEST AND SELL THE PROPERTY NOW OR AGREE NEVER TO DEVELOP IT NOW BECAUSE THAT PUTS US IN A PROBLEM WITH THE TAX. THEN THE FINAL ONE THERE WAS A REQUEST THAT THE CHURCH NEVER BUY ANY MORE HOUSES OR PROPERTY WITHIN THE NEIGHBORHOOD WITHOUT THE NEIGHBORHOOD'S CONSENT AND THAT ONE -- THERE'S FOR INTENT TO DO THAT -- NO INTENT TO DO THAT. IT'S A LONGER CONVERSATION. WHEN YOU ASK THE CHURCH TO TAKE ITS PROPERTY AND GIVE SOME OF IT AWAY, NOT AGREE TO BUY OTHERS, MOST CRUNCHES IN THIS CITY GET -- MOST CHURCHES GET CRITICIZED FOR NOT BUY ENOUGH LAND UP FRONT. THIS ONE DID AND NOW IS BEING ASKED TO GIVE IT AWAY, NOT BUY ANY AGAIN. THAT'S PROBABLY A NON-STARTER. THOSE ARE ALL OF THE THINGS THAT OCCURRED SINCE OUR LAST MEETING. I'M AFRAID TIME IS UP. REDEEMER IS GOING TO LOSE THEIR HOME AT CONCORDIA SOON. THERE HAS BEEN AROUND FOR OVER A YE. CONSTRUCTION COSTS HAVE RISEN A PERCENT A MONTH SINCE WE STARTED THIS, INTO THE HUNDREDS OF THOUSANDS OF DOLLARS NOW OF OVERAGE BECAUSE OF THE TIME. THE QUESTION BEFORE YOU IS WHETHER THIS CHURCH CAN BUILD ITS SANCTUARY ONLY AT 60 FEET TO PROVIDE A HOUSE OF WORSHIP, THAT WOULD ALLOW THIS CONGREGATION TO WORSHIP IN THE WAY THAT -- THAT THEY DO WITH THE MUSICAL NATURE OF REDEEMER'S FORM OF WORSHIP. TONIGHT WE HAVE A -- 2004 DECISIONS I GUESS A YES OR A NO. NO VOTE ON THE ZONING MEANS THAT A CHURCH WILL BE BUILT ON THE SITE AT 40 FEET IN HEIGHT. IT CAN BE DONE, NOT THE BEST BUT THE CHURCH WILL BE BUILT AT 40 FEET. ALL OF THE HARD WORK AND ALL OF THE COMMITMENTS MADE BY BOTH PARTIES AS TO MLK, MANOR, MIXED USE ON THESE TRACTS WILL BE LOST. AUSTIN LOSES THE OPPORTUNITY FOR A MUSICAL FACILITY SUPPORTED BY THE ESTEEMED GROUPS THAT YOU HAVE

LETTERS FROM TODAY. MOST INTERESTINGLY YOUR LAW DEPARTMENT AND CITY ATTORNEY WILL HAVE TO DECIDE BECAUSE OF THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT, YOU CANNOT TREAT RELIGIOUS INSTITUTIONS UNEQUALLY FROM NON-RELIGIOUS INSTITUTION. SO UNDER THAT IF YOU SAY THAT THIS CHURCH CANNOT HAVE ANYTHING HIGHER THAN 40 FEET AND YOU GET INTO THE STATIONARY PLANNING PORTION OF THIS IT'S GOING TO BE AN INTERESTING DISCUSSION ABOUT WHETHER A MIXED USE, VMU PROJECT CAN HAVE MORE THAN 40 FEET OR NOT BECAUSE YOU ARE GOING TO BE FACED WITH THE DECISION IF YOU VOTE NO THAT YOU HAVE ALREADY SET THE STANDARD THAT YOU HAVE TO MEET FOR RELIGIOUS AND NON-RELIGIOUS INSTITUTIONS. IT WOULD FURTHER HIGHLIGHT THAT OTHER CHURCHES IN THIS CITY HAVE RECEIVED HIGHER THAN WHAT THIS CHURCH ASKED FOR. THE MORE POSITIVE SIDE IS WHAT A YES VOTE WOULD MEAN. A YES VOTE WOULD ALLOW THIS CHURCH TO PROCEED WITHOUT A SUBSTANTIAL BURDEN FROM ITS RELIGIOUS EXERCISE. YOU WOULD BE ISMMMENTING THE LEAST RESTRICTIVE MEANS TO FURTHER A COMPELLING GOVERNMENTAL INTEREST. THAT'S A LAWYER'S WAY OF SAYING YOU ARE DOING THE VERY LEAST AMOUNT TO ALLOW THIS CHURCH TO BUILD A 60-FOOT HIGH SANCTUARY, YOU ARE NOT AFFECTING THE REST OF THE TRACT. THE REST OF IT STAYS INTACT. YES VOTE WILL PRESERVE THE POSSIBILITY ON THE NORTH AND SOUTH END OF THE PROPERTY AND PRESERVE THE COMMITMENTS MADE BY BOTH PARTIES IN THIS CASE. A YES VOTE WOULD ARRIVE IN AN ELEGANT COMPROMISE BETWEEN THESE TWO GROUPS AND REDEEMER WOULD BE ABLE TO BUILD THE FACILITY AND THE NEIGHBORHOOD WOULD GET SUBSTANTIALLY ALL OF WHAT THEY HAVE ASKED FOR. THIS IN MY MIND WOULD BE THE WIN-WIN AS OPPOSED TO THE NEW VOTE. WE REURGE APPROVAL OF THE ADDITIONAL 20 FEET FOR THE SANCTUARY ONLY ON THE FOOTPRINT WITH ALL OF THE COMMITMENTS THAT HAVE BEEN REFERENCED SO FAR. I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

THANK YOU, COUNCILMEMBER LEFFINGWELL?

I THOUGHT INITIALLY THAT THE RESTRICTIVE COVENANT

MEANT THAT THE 60 FEET, THE NORTHERN 60 FEET ON MANOR ROAD WOULD BE UNDEVELOPED BUT THEN I THOUGHT THAT I HEARD YOU SAY THAT THERE WOULDN'T BE ANYTHING ON IT EXCEPT PARK BEING.....ING. WHICH IS THE CASE?

WHAT THE COVENANT SAYS IF IT'S SUBDIVIDED IT WOULD HAVE A NOTE ON IT THAT IT WOULD NOT -- A NOTE THAT IT WOULD NOT HAVE RELIGIOUS ASSEMBLY. WE ARE COMMITTED THAT THE SITE PLAN SUBMITTED TO THE CITY WILL SHOW NOTHING ON THAT 60 FEET. WHERE IT GOT CONFUSING THE NEIGHBORHOOD'S MEMORANDUM TODAY SAID IF YOU SHOW PARKING ON THAT 60 FEET IT NEEDS TO BE AVAILABLE FOR SHARED PARKING. I'M NOT SURE HOW THAT WOULD WORK. THE CHURCH' SITE PLAN PART OF THE LETTER THAT YOU HAVE IN FRONT OF YOU SHOWS NOTHING ON THAT 60 FEET SO THAT YOU DON'T GET TO THE SITUATION LATER ON, IF THE DEVELOPER CAME ALONG AND SAID I WOULD LIKE TO DEVELOP THAT 60 FEET, WE DON'T HAVE TO FIGURE OUT WHERE THOSE PARKING SPACES WOULD GO BECAUSE THERE'S NO PARKING THERE. THERE'S NOTHING THERE. IN FACT THE SITE PLAN IS GOING TO SHOW IT AS A 60-FOOT STRIP AVAILABLE FOR FUTURE DEVELOPMENT.

Leffingwell: EXTRA WHAT EXACTLY DOES THE PUBLIC RESTRICTIVE COVENANT SAY.

IT SAYS IN THE EVENT OF TRACT 1, THE 60 FEET OR TRACT 2, THE THREE ACRES IS FINAL PLATTED THE FINAL PLAT WILL CONTAIN A NOTE THAT SAYS ALL USES UNDER THE ZONING CURRENTLY THERE ARE PERMITTED USES EXCEPT FOR RELIGIOUS ASSEMBLY USE. GREG GUERNSEY CAME ONE THAT IDEA BY THE WAY.

Mayor Wynn: FURTHER ECONOMIES? COUNCILMEMBER MARTINEZ?

Martinez: MR. SUTD TELL, YOU MENTIONED SOMETHING EARLIER YOU SAID THAT WE WOULD BE TREATING A CHURCH DIFFERENTLY THAN WE DO OTHER CASES. WE DENY ZONING VARIANCES ON A QUITE FREQUENT BASIS

AROUND HERE.

WHAT I SAID WAS IS THAT IF YOU SAY THAT 40 FEET IS THE CAP FOR THIS CHURCH, YOU ARE ALSO SAYING THAT -- WELL, YOU COULD BE SAYING THAT 40 FEET IS THE CAP FOR ANYBODY ELSE IN THIS AREA.

Martinez: I JUST WANT TO -- I DON'T MEAN -- I DIDN'T MEAN TO POKE FUN AT YOU. I KNOW THAT YOU GUYS HAVE WORKED REALLY HARD. I THINK WE ARE REALLY, REALLY CLOSE. WE HAVE EACH SIDE SAYING WE CAN'T DO IT BECAUSE OF THIS OR WE HAVE ONE SIDE SAYING WE CAN'T DO IT BECAUSE OF OF THE TAX IMPLICATION, THE OTHER SIDE IS SAYING THAT YOU CAN DO IT, THERE IS A WAY TO WORK IT OUT. I FIND IT REALLY HARD TO BELIEVE THAT WE -- YOU ALL HAVE WORKED SO HARD TO GET TO THIS POINT TO BUILD A PERMANENT HOME FOR REDEEMER CHURCH TO GIVE BACK SO MUCH TO THE COMMUNITY THAT WE ARE ALL GOING TO BENEFIT FROM, AND BE THAT SHORT. I REALLY THINK THAT THERE IS A SOLUTION IN HERE SOMEWHERE. I'M HOPEFUL THAT WE CAN FIND THAT.

WELL SCRUBBED IT AND SCRUBBED IT. BEING THE PARTY THAT HAS THE MOST TO LOSE IF WE ARE WRONG, OUR TAX ADVICE HAS BEEN YOU CAN GO SO FAR BUT IF YOU GO TOO FAR YOU ARE GOING TO LOSE THE TAX EXEMPTION. WHAT THE NEIGHBORHOOD IS ASKING THE CHURCH TO DO IS SELL YOUR PROPERTY TODAY. SELL IT QUICKLY. WITHIN A REASONABLE AMOUNT OF TIME, BUT IT HAS TO BE SOLD AND CAN'T BE USED AS CHURCH PROPERTY. THAT'S JUST NOT SOMETHING THIS CONGREGATION CAN COMMIT TO AT THIS POINT. THEY CAN COMMIT TO WHAT'S IN HERE THAT IS LEAVE IT ALONE NOW, DON'T PUT CHURCH FACILITIES ON IT NOW AND IF THE MARKET, IF IT GETS SUBDIVIDED IT WILL HAVE A NO RELIGIOUS ASSEMBLY NOTE ON IT.

Mayor Wynn: THANK YOU MR. SUTTLE. COUNCILMEMBER KIM?

Kim: MR. SUTTLE WHEN THEY WERE LOOKING AT BUILDING THIS CHURCH, I THINK IT SOUNDS LIKE A WONDERFUL CHURCH WITH GREAT ACOUSTICS EVERYTHING THAT THE CONGREGATION WANTS, IF WE -- THE RESTRICTIVE COVENANT DOESN'T SAY THERE WILL BE MIXED USE ON

THOSE PARTS OF THE PROPERTY. THAT'S THE PROBLEM. THAT'S WHAT WE WANT FOR TRANSIT ORIENTED DEVELOPMENT. THIS WOULD BE OUR ONLY CHANCE TO DO THAT HERE ON MLK AND MANOR ROAD WHICH ARE MAJOR TRANSIT THOROUGHFARES FOR THE CITY TO SUPPORT OUR GOALS OF TRANSIT. IF WE DENY THIS. I DON'T KNOW MUCH ABOUT CONSTRUCTION, IF THEY CONSTRUCT AT 40 FEET, CAN THEY EXPAND IT AT 60 FEET LATER WHEN THEY DO HAVE A BUYER FOR THAT PART OF THE TRACT AND THEN WE CAN VISIT IT AT THAT TIME.

I THINK THAT ONCE THE DESIGN PEOPLE ARE TURNED LOSE TOMORROW, BECAUSE OF THE TIME FRAME THEY NEED TO GET INTO THIS CHURCH, I'M AFRAID THE ARCHITECT CAN SPEAK TO THIS, BUT I'M AFRAID THAT IT IS DIFFICULT IF NOT IMPOSSIBLE TO SHIFT GEARS A MONTH OR TWO INTO THE DESIGN PROCESS.

Kim: WHAT IF THEY GO AHEAD AND COMPLETE THEIR BUILDING AT 40 FEET AT THE MAXIMUM HEIGHT AND DECIDE LATER THEY DO HAVE REAL PLANS AND A REAL COMMITMENT FOR MIXED USE, COME AND GET THEIR VARIANCE FOR THAT ADDITIONAL 20 FEET FOR THAT PART OF THE CHURCH THAT THEY NEED IT FOR. IT WOULD BE REMODELING BASICALLY.

THEY WOULD BE FORCED TO MOVE OUT AND LIFTING A ROOF IS A -- IT'S A -- ON A STRUCTURE LIKE THIS, I DON'T THINK THAT IT COULD HAPPEN.

Kim: WELL, I WOULD RECOMMEND THAT THEY CONSIDER THAT IN THEIR PLANS FOR THEIR 40 FEET BUILDING THERE FOR REMODELING IN THE FUTURE IF THAT'S WHAT THEY WANT.

I'M TELLING YOU I DON'T THINK IT'S GOING TO HAPPEN.

Kim: OKAY.

Mayor Wynn: MAYOR PRO TEM?

Dunkerly: I THINK WE ARE REALLY VERY CLOSE, I THINK BOTH THE NEIGHBORHOOD AND THE CHURCH ARE REALLY IN

SUBSTANTIAL AGREEMENT EXCEPT FOR THE ASSURANCES THAT TIE IN DIRECTLY AND INDIRECTLY TO THE TAX STATUS OF THAT PROPERTY. ALL OF OUR REQUESTS AND BEGGING GREG GUERNSEY CAME UP WITH THE PLAN THAT IF IT IS NOT ABSOLUTE ASSURANCE, IS VERY REASONABLE ASSURANCE THAT THESE CONDITIONS WILL STAY AND THE.... WILL ACTUALLY RESULT IN THE TYPE OF DEVELOPMENT THAT ALL OF US WANT THERE. SO I FOR ONE REALLY WANT TO THANK GREG, I THINK THIS WAS AN EXTREMELY CREATIVE WAY TO GIVE THE COUNCIL AND THE COMMUNITY THE MOST ASSURANCE THAT WE CAN GET. I THINK THAT IT IS A VERY, VERY REASONABLE ASSURANCE AND I'M GOING TO REALLY SUPPORT GREG'S RECOMMENDATION.

Mayor Wynn: COUNCIL, PERHAPS BEFORE WE HAVE MORE QUESTIONS OF THE CHURCH, I'D LIKE TO GIVE SOME NEIGHBORS A CHANCE TO HELP US UNDERSTAND WHERE WE ARE TODAY, WHERE WE HAVE BEEN. I KNOW THAT JANE RIVERA HAS BEEN IT MATILY INVOLVED IN THIS. INTIMATELY INVOLVED IN THIS. IF YOU WOULD LIKE TO COME -- SHARE YOUR THOUGHTS.

WE HAVE ONE MORE SPEAKER, THEN WE WILL BE DONE. McBEE WOULD JUST LIKE TO ADDRESS YOU AS A CLOSEUP, THEN REDEEMER WILL BE DONE. THE REST OF OUR SPEAKERS WON'T BE SAYING ANYTHING, IS THAT OKAY?

Mayor Wynn: OFFER LIKE THAT, I CAN'T REFUSE. MS. RIVERA IF YOU DON'T MIND. MR. McBEE, WELCOME, APPRECIATE YOUR PATIENCE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] WE FACE ONE THE DISTINCT POSSIBILITY OF BEING WITHOUT A PLACE TO WORSHIP IN THE VERY NEAR FUTURE, AT LEAST WITHIN THE TIME FRAME IT WILL TAKE FOR US TO CONSTRUCT THIS SANCTUARY. WE FACE AGAIN AS MR. SUTTLE NOTED INCREASING CONSTRUCTION COSTS. SO WE REALLY ARE AT A CROSSROADS. THAT IS WHY IN THE LETTER AND WHY I WILL NOW BEFORE YOU IN PERSON, MOST HUM ASSEMBLY AND RESPECTFULLY ASK THE COUNCIL TO MAKE A DECISION TONIGHT TO CAST A VOTE YES OR NO ON THE MATTER THAT IS BEFORE YOU IN TERMS OF THIS VARIANCE TO GO TO 60 FEET. WE DO THAT AND THIS IS SAID IN THE LETTER, BUT WE DO THAT CALLING FROM AND BECAUSE OF OUR VIEW THAT YOU ARE THE AUTHORITIES

THAT GOD PLACED OVER US, WE WISH TO BE IN SUBMISSION TO YOU, WE WILL SUBMIT RESPECTFULLY AND EVEN JOYOUSLY WHATEVER THE OUTCOME BECAUSE THAT IS WHAT WE ARE INSTRUCTED TO DO. BUT WE DO VERY MUCH ASK YOU TO MAKE A DECISION THIS EVENING. NOT TO POSTPONE THIS MATTER ANY FURTHER. IF YOU ARE UNABLE TO FOR WHATEVER REASON TO BE ABLE TO MAKE A DECISION THIS EVENING, THEN WE WILL PROCEED IMMEDIATELY TO BUILD OUR SANCTUARY AT 40 FEET TO TAKE CARE OF ALL OF THE STEPS THAT ARE NECESSARY TO ACCOMPLISH THAT PURPOSE. WE WILL DO THAT WITH A GREAT DEAL OF SADNESS BECAUSE WE WILL HAVE LOST THE OPPORTUNITY WE BELIEVE TO PROVIDE FOR THE CITY OF AUSTIN AND ALL OF THE CENTRAL TEXAS A VERY UNIQUE CULTURAL RESOURCE AND ALSO WITH SADNESS BECAUSE WE WILL LOSE THE VARIOUS COMMITMENTS AND AGREEMENTS WE HAVE BEEN ABLE TO MAKE IN DISCUSSIONS WITH THE NEIGHBORHOOD OVER THE LAST MANY MONTHS. WE WILL PROCEED TO RE-EVALUATE ALL OF OUR OPTIONS FOR THE USE OF THE PROPERTY. WE KNOW THAT WITH A 40-FOOT SANCTUARY AND COUNCILMEMBER KIM IT WILL REMAIN, WE DO NOT BELIEVE THAT IT IS POSSIBLE TO DESIGN IT AT 40 FEET EXPAND IT UP TO 60 FEET. WITH A 40-FOOT SANCTUARY OUR COST WILL BE LESS. WE ARE ALSO PLEASED OUR FUNDRAISING HAS GONE WELL, WE MAY NOT HAVE A NEED TO DO WHAT WE ARE NOW PREPARED TO DO, TO SET ASIDE THROUGH THE RESTRICTIVE COVENANT THAT MR. GUERNSEY HAS VERY CREATIVELY COME UP WITH, AT LEAST A SCENARIO THAT DOES COMMIT IN THE FUTURE THE DISTRICT POSSIBILITY I THINK THAT THE PROPERTY WOULD BE SOLD. WE JUST WILL HAVE TO EVALUATE ALL OF OUR OPTIONS AS WE PROCEED UNDER A DIFFERENT SCENARIO. WE DO REGRET THAT WE HAVE A TAX PROBLEM. BUT WE DO. WE WERE ABLE TO SEEK THE ADVICE OF COUNSEL AND GET THAT IN WRITING. IF OTHER LAWYERS HAVE OTHER OPINIONS WE VICE-PRESIDENCY THOSE. HAVEN'T SEEN THOSE. IF SOMEONE WANTS TO I.. I AM DEM PHI US. WE WOULD LIKE THAT. WE CANNOT RUN THE RISK OF A TAX BILL FOR MULTIPLE YEARS BY VIRTUE OF MAKING A FIRM ABSOLUTE COMMITMENT BEFORE YOU TONIGHT IN WRITING AS TO THE SALE OF THE PROPERTY IN THE FUTURE. WE SIMPLY CANNOT DO THAT.

WE DO INTEND TO BE IN THIS NEIGHBORHOOD AND IN AUSTIN FOR GENERATIONS TO COME. WE DO VERY MUCH INTEND TO BE A GOOD NEIGHBOR TO THOSE IMMEDIATELY AROUND US AND TO THE ENTIRE CHIEFWAT. WE WANT TO BE A BENEFIT AND BLESSING IN THIS LOCATION. WE BELIEVE WITH 60 FEET IN OUR SANCTUARY WE CAN BE A GREATER BENEFIT AND BLESSING. WE WOULD ASK FOR YOUR SUPPORT.

THANK YOU MR. McBEE. COUNCIL WITHOUT OBJECTION I WOULD LIKE TO HEAR FROM MS. RIVERA HER PERSPECTIVE AND IDEAS. WELCOME, JANE, TAKE AS LONG AS YOU WOULD LIKE.

THANK YOU, MAYOR WYNN. I VERY MUCH APPRECIATE IT. THERE ARE ACTUALLY THREE OF US WHO HAVE A COUPLE OF THINGS TO SAY TONIGHT. I WOULD LIKE TO TURN OVER THE FIRST COUPLE OF MINUTES OF MY PRESENTATION TO MR. SCOTT WAY OUR ATTORNEY.

FAIR ENOUGH. WELCOME.

COUNCIL, I WAS TASKED WITH LOOKING INTO THE PROPERTY TAX ISSUE. AND I WILL ONLY SPEAK TO THAT. BUT FIRST I WANT TO SAY I WANT THIS CHURCH TO BE BUILT AT 60 FEET. I HOPE THAT WE CAN COME TO AN AGREEMENT. IT WOULD BE A GREAT CHURCH. BUT WE ALSO WANT TO HAVE DEVELOPMENT AT OUR TRANSIT ORIENTED SITE. I LOOKED INTO THE PROPERTY TAX ISSUE. I AM NOT A PROPERTY TAX ATTORNEY. HOWEVER I DID CONTACT ONE OF THE PREEMINENT PROPERTY TAX ATTORNEYS HERE IN AUSTIN WHO ASSURED ME THERE IS A WAY TO DO THIS SUCH THAT WE CAN PRESERVE WHAT THE NEIGHBORHOOD IS DESIRING IN A -- IN AN AGREEMENT NOW THAT WILL REQUIRE FUTURE DEVELOPMENT ON THE CHURCH'S PROPERTY AND NOT PROMISES. THAT'S WHAT WE ARE SEEKING. I HOPE THAT WE CAN HAVE MORE TIME TO WORK WITH THEM. GRANTED WE WANT TO WORK THIS OUT SO IT DOES NOT AFFECT THEIR TAX EXEMPT STATUS. WE BELIEVE THAT THERE IS A WAY. WE WERE JUST PROVIDE TONIGHT THIS LETTER. WE DO NOT BELIEVE THIS WAS GOING TO BE BROUGHT UP AGAIN, FRANKLY WE HAVE SEEN THIS AS A TROJAN HORSE THE WHOLE TIME. WE WOULD LIKE TO WORK

WITH THEM. COME UP WITH A SOLUTION, WE THINK THAT WE CAN. JUST WANTED TO TELL YOU THAT HERE TONIGHT.

THANK YOU, MR. WADE.

AS YOU HAVE HEARD REPEATEDLY, WE HAVE MET A NUMBER OF TEERMS WITH THE REPRESENTATIVES FROM THE REDEEMER CHURCH WITHIN THE LAST YEAR. IT WAS NOT THE NEIGHBORHOOD GROUPS THAT DELAYED THE CONVERSATIONS AT ONE POINT FOR OVER SEVEN MONTHS, IT WAS THE CHURCH. SO WE DO HAVE SOME DIFFICULTY UNDERSTANDING WHY WE WERE NOW RESPONSIBLE FOR THAT DELAY. THE ROSEWOOD, UPPER BOGGY CREEK AND CHESTNUT NEIGHBORHOOD ARE ALL OPPOSED TO GRANTING THE 60-FOOT HEIGHT WITHOUT SOME SORT OF TRUE ASSURANCE, SOME RESTRICTIVE COVENANT OR SOME MEMORANDUM OF UNDERSTANDING THAT GETS PREPARED, NEGOTIATED AND SIGNED BY THE VARIOUS PARTIES PRIOR TO THE COUNCIL APPROVING THE SITE PLAN FOR THE PROPERTY. THAT'S CRITICAL TO US BECAUSE OF THE FACT THAT WE HAVE BEEN IN DISCUSSION FOR SUCH A LONG TIME. I AGREE WITH EVERYONE WHO HAS SPOKEN. WE ARE EXTREMELY CLOSE. EXTREMELY CLOSE. BUT THERE ARE A COUPLE OF POINTS OF CONTENTION. I THINK THAT FURTHER NEGOTIATION COULD PROBABLY GET US THERE. SO YOU HAVE BASICALLY TWO DECISIONS TONIGHT. ONE IS THAT YOU DENY THE REQUEST FOR THE HEIGHT VARIANCE. THE NEIGHBORHOOD PLAN STAYS INTACT. WE DON'T LOSE THE OVERLAY. AND REDEEMER BUILDS A 40-FOOT CHURCH AND WHO LOSES? ACTUALLY THE CITY OF AUSTIN AND CAPITAL METRO AND THE CITIZENS OF AUSTIN ARE WHO LOSE. BECAUSE YOU WON'T HAVE THE OPPORTUNITY FOR THE AGREEMENTS THAT HAVE BEEN DISCUSSED TO DO ALL OF THE TRANSIT ORIENTED DEVELOPMENT ALONG MANOR ROAD AND ALONG EAST MARTIN LUTHER KING, JR. SO THERE'S SOME CONCERN WITH THAT DECISION. IF YOU APPROVE THE REQUEST TONIGHT, THE CHURCH HAS ALREADY TOLD YOU THAT THEY WOULD GO ALONG WITH THE AGREEMENTS THAT THEY HAVE MADE. THE NEIGHBORHOOD IS REQUESTING THAT THOSE AGREEMENTS BE IN SOME KIND OF A WRITTEN BINDING DOCUMENT. NOT SIMPLY A LETTER. AND THAT IS THE MAJOR POINT OF CONTENTION RIGHT KNEW..... NOW, PLUS SOME VERY SMALL

DETAILS. THE SMALL DETAILS INCLUDE SOME THINGS THAT WOULD BE CRITICAL FOR FUTURE DEVELOPMENT ALONG MANOR ROAD THAT WOULD BE ORIENTED TOWARD THE STREET CAR AND COMMUTER RAIL PLANNING. AND THAT WOULD BE IF WE HAVE A 60-FOOT DEVELOPMENT PLUS 10-FOOT FOR STREET RIGHT-OF-WAY, THERE WOULD NEED TO BE SOME KIND OF SHARED PARKING, THERE WOULDN'T BE ROOM FOR PARKING ON THAT PROPERTY ALONG THE TOP, THERE WOULD NEED TO BE SOME KIND OF TRACK BEHIND IT AVAILABLE FOR THE USE OF THE COMMERCIAL PROPERTY SO THAT FIRE TRUCKS AND THINGS LIKE THAT COULD GET IN. THE CHURCH HAS SAID THAT THEY WOULD AGREE TO THAT BUT THAT'S NOT SOMETHING THAT WE HAD SEEN IN ANY KIND OF A BINDING DOCUMENT. WE HAVE ONLY SEEN THAT IN A LETTER. WHAT I WOULD LIKE TO ASK YOU TO DO IS TO CONSIDER ON SECOND READING ONLY, KEEP THE PUBLIC HEARING OPEN, TO APPROVE THE 60-FOOT HEIGHT FOR THE FOOTPRINT OF THE SANCTUARY ONLY, BUT WITH THE REQUIREMENT THAT THE CHURCH WORK WITH THE NEIGHBORHOOD TO COME BACK TO THE COUNCIL WITH A FIRM SIGNED AGREEMENT BETWEEN US, PRIOR TO THE THIRD READING OR PRIOR TO YOUR APPROVAL OF THE SITE PLAN. AND REMEMBER THE REASON WHY WE CARE SO MUCH ABOUT THIS IS NOT JUST FOR OUR THREE NEIGHBORHOOD PLANNING AREAS. BUT FOR THE CITY OF AUSTIN AS A WHOLE. THE DECISION THAT YOU MAKE HERE IS SETTING A PRECEDENT FOR ALL OF PUBLIC TRANSPORTATION PLANNING THAT YOU WILL BE LOOKING AT ALL OF THE TRANSIT ORIENTED DISTRICT IN THIS CITY. THE EAST MARTIN LUTHER KING TRANSIT ORIENTED DEVELOPMENT DISTRICT IS A VERY UNIQUE AND CRITICAL ONE WITHIN AUSTIN'S PUBLIC TRANSPORTATION. I BELIEVE IT'S THE ONLY ONE THAT'S BOUNDED ON THE NORTH BY A FUTURE TRANSIT CORRIDOR, ON THE SOUTH BY A CURRENT CORE TRANSIT CORRIDOR AND UNFORTUNATELY REDEEMER'S PROPERTY IS THE ENTIRE LENGTH OF THAT IS PART OF THE TRANSIT ORIENTED DEVELOPMENT DISTRICT FOR EAST MARTIN LUTHER KING, THAT'S WHY THIS IS SUCH A CRITICAL PIECE OF PROPERTY. I WANT TO REMIND YOU THAT WE ARE VERY GRATEFUL TO YOU BEING ATTENTIVE TO THE PLIGHT OF THE NEIGHBORHOODS. WE ARE GRATEFUL THAT YOU CONSENTED TO LISTEN TO US. PARTICULARLY

COUNCILMEMBER LEFFINGWELL HOSTED A NEGOTIATION SESSION. WE ARE VERY APPRECIATIVE AND WE JUST URGE YOU TO VERY CAREFULLY CONSIDER THE LONG-TERM IMPLICATIONS OF YOUR DECISION TONIGHT. AROUND THAT'S WHAT WE ARE ASKING. DO YOU HAVE ANY QUESTIONS FOR ME?

Mayor Wynn: THANK YOU, MS. RIVERA. QUESTIONS? WE WILL PROBABLY COME BACK TO SOME JANE, THANK YOU VERY MUCH.

THANK YOU.

MR. GERARD KINNEY IS OUR OTHER REPRESENTATIVE.

THANK YOU I WILL BE VERY BRIEF, I KNOW THAT YOU HAVE A LONG NIGHT STILL AHEAD OF YOU. WE -- I AGREE THAT WE ARE VERY CLOSE. I WAS VERY EXCITED LAST FRIDAY WHEN I HEARD FROM MR. SUTTLE THE VERBAL VERSION OF THE AGREEMENT. I MEAN IT SOUNDED LIKE WE WERE GETTING THERE. THE PROBLEM WAS THAT AS WE STUDIED THE AGREEMENT WE REALIZED THAT THINGS THAT SOUNDED GOOD DIDN'T HAVE THE TEETH IN THEM IN THE LETTER THAT WE WERE WRITTEN THAT MADE -- THAT WE COULD HONESTLY RECOMMEND TO THE GROUP. WHEN WE HEARD BACK FROM THEM, WE HEARD LOUD AND CLEAR NO THIS DOESN'T WORK BECAUSE ALTHOUGH IT IS TRUE THAT THE -- THAT THE PLAT NOTES WOULD DETERMINE, YOU KNOW, BASICALLY THE -- THE USES THAT WE ALL WANT ARE ACHIEVED THROUGH TRANSIT ORIENTED DEVELOPMENT AND THE BASE ZONING, THIS IS TRUE. HOWEVER, THE -- THERE IS NOTHING, THERE IS NOTHING IN THERE THAT INDICATES THAT THE CHURCH FRANKLY EVEN WANTS THOSE THINGS TO HAPPEN. ONE OF THE THINGS THAT WE HAVE HEARD OVER THE YEARS, SOME FOLKS TALK ABOUT WANTING TO SEE THE CHURCH FROM MANOR ROAD AND BUILDING ALONG MANOR ROAD WOULD KEEP YOU FROM DOING THAT. SO THE WORRY IS THAT THAT 60 FEET COULD SIT THERE FOR YEARS UNDEVELOPED JUST AN EYESORE, IF YOU HAVE BEEN OVER THERE IT'S -- YOU KNOW, IT'S A 10-FOOT UNIMPROVED CLIFF THAT SOMEONE PILED THAT -- THAT FILL ON THAT SITE YEARS AGO. AND THAT'S WHAT WE ARE GOING TO BE STUCK WITH FOR A LONG TIME AND WHAT

WE ARE CONCERNED ABOUT IS THAT A BUILDING THAT -- THAT THE FOLKS REALLY DON'T WANT A BUILDING. MY OWN VIEW, I THINK A LOT OF THE FOLKS IS THAT WE ARE REALLY ENTHUSIASTICALLY IN SUPPORT OF THEIR GOALS. WE DON'T SEE THEM AS BEING END....ENTHUSIASTICALLY IN SUPPORT OF OURS. ALTHOUGH WE ARE VERY CLOSE, THERE NEEDS TO BE A DOCUMENT. I'M NOT A LAWYER, SO I DON'T KNOW WHAT A -- WHAT IN THE COVENANT AND WHAT OF THIS IN THE MEMORANDUM OF UNDERSTANDING, BUT MAYBE SOME LAWYERS COULD HELP US FIGURE OUT WHAT IS IN WHICH SO THAT WE AVOID THE TAX PROBLEM. AND GET THOSE CONCERNS THAT CAN'T BE IN THE COVENANT BECAUSE OF TAX PROBLEMS IN JUST AN UNDERSTANDING PERHAPS BETWEEN THE NEIGHBORHOOD AND THE -- AND THE CHURCH. THAT -- THAT THEY WILL MARKET THE PROPERTY. THEY WILL ATTEMPT TO -- TO ACHIEVE THE OBJECTIVES THAT WE ARE ALL TRYING TO ACHIEVE. I'M AN ARCHITECT AS YOU KNOW, THIS IS A WONDERFUL OPPORTUNITY. I HAVE DONE SKETCHES, I DIDN'T BRING THEM TO BORE YOU WITH THEM TONIGHT. BUT THIS CAN BE WELL DEVELOPED WITH SHARED PARKING AND ACHIEVE MANY MANY GOALS IN THIS CITY RIGHT THERE ON THAT NORTH END OF MANOR ROAD. IT'S A WONDERFUL OPPORTUNITY. WE SHOULDN'T BLOW IT. ANOTHER CONCERN, I KNOW MR. SUTTLE MADE IT SOUND AWFULLY UNREASONABLE THAT WE HAD A POINT IN THERE ABOUT THEM NOT EXPANDING, YOU KNOW, BEYOND THE BOUNDARIES OF THE CHURCH AND, YOU KNOW, BECAUSE THEY ARE HAVING TO GIVE UP PROPERTY AND SO BY GOLLY US TO SAY THAT THEY SHOULDN'T HAVE TO -- IT WOULDN'T BE ABLE TO BUY ANY PROPERTY OR LEASE IT AROUND THE SITE THAT'S JUST VERY UNREASONABLE IN MAKING FOLKS VERY ANGRY. BUT LOOK AT IT FROM THE NEIGHBORHOOD'S POINT OF VIEW. LOOK AT IT FROM OTHER CHURCHES THAT WE HAVE SEEN IN THE COMMUNITY. IT IS VERY REASONABLE THAT WE WOULD BE CONCERNED THAT THIS CHURCH WOULD BE EXPANDING AND THE VERY FACT THAT THEY ARE SO CONCERNED THAT WE WOULD ASK THEM TO AGREE TO THAT, MAKES US THEN THAT MUCH MORE CONCERNED THAT THAT IS REALLY WHAT THEIR INTENT IS. SO THERE'S -- THERE IS A LACK OF TRUST ON SOME ITEMS THAT NEED TO GET FIRMED UP IN SOME KIND OF AN AGREEMENT THAT ARE NOT AS JANE SAID SIGNED BY ANYONE. SO I WILL LEAVE YOU

WITH THAT. IF YOU HAVE ANY QUESTIONS OF ME, PLEASE
FEEL PRE TO ASK THEM.

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

Leffingwell: CAN YOU LIST THE ITEMS ON WHICH THERE'S A
LACK OF TRUST THAT NEED TO GET FIRMED UP?

I'M SORRY.

Leffingwell: CAN YOU GIVE US A LIST OF THE ITEMS THAT YOU
SAY HAVE A LACK OF TRUST AND NEED TO BE FIRMED UP?

WELL, I THINK THE LIST THAT WE SENT TODAY THE ITEMS
THAT WE HAVE PUT ARE THINGS THAT -- WE DIDN'T -- THE
LIST WE SENT TO YOU OF EIGHT THINGS, MR. SUTTLE
REFERRED TO THEM ARE ITEM -- I DON'T HAVE THAT WITH
ME RIGHT HERE. THANK YOU. THOSE ARE ITEMS THAT WE
NEED TO HAVE ASSURANCES FOR. NOT BEING LAWYERS
AND KNOWING THAT MR. SUTTLE AND THE TAX ATTORNEYS
THAT HE'S CONSULTED ARE PROBABLY NOT GOING TO GO
FOR WHAT WE PUT DOWN IN LEGAL WRITING, WHAT WE ARE
ASKING FOR IS AN OPPORTUNITY HERE, I THINK MS.
RIVERA'S SUGGESTION TO PERHAPS PASS AT FIRST
READING TO DENY IT OR PASS IT AT FIRST READING BUYS
THAT TIME. I MEAN, I REALIZE THEY HAVE SAID THEY ARE
GOING TO GO AHEAD AND BUILD THE 40 FEET. BUT ONE
THING THAT I WOULD SAY ABOUT THAT POINT THOUGH, I
THINK WHAT MR. McBEE IS SAYING THAT IF IT DOESN'T GET
FINISHED WITH IT TONIGHT THEY ARE GOING TO GO BUILD IT
AT 40 FEET. I APPRECIATE HIS COMMITMENT, HIS PASSION
ABOUT HIS VISION..... VISION. BUT, YOU KNOW, THE FACT IS
IT WOULD SEEM THAT IF THEY ARE AS IN SUPPORT OF OUR
GOALS AS WE TRULY ARE OF THEIRS, THEY WOULDN'T DO
ANYTHING TO PREVENT THOSE THINGS FROM HAPPENING IN
THE FUTURE AT WHATEVER HEIGHT THEY BUILT THEIR
CHURCH.

Leffingwell: THANK YOU.

IF YOU WANT ME TO ANSWER A SPECIFIC QUESTION FOR
ONE THING THAT I WOULD -- I WOULD ASK SCOTT WADE TO

COME BACK UP FOR ANY ATTORNEY TYPE OF THING. I THINK MS. RIVERA, I, MANY OF THE PEOPLE ARE REALLY LOOKING FOR A -- FOR SOME OF THESE THINGS TO JUST SIMPLY BE AN AGREEMENT BETWEEN THE NEIGHBORHOOD AND THE CHURCH WHERE WE HAVE AN UNDERSTANDING. THE LAWYERS MAY MAKE IT A LITTLE MORE COMPLICATED THAN IT NEEDS TO BE.

Leffingwell: WELL, YOUR FIRST BULLET POINT FOR EXAMPLE A PROVISION LIMITING REDEEMER FROM EVER DEVELOPING THE NORTHERN 60 FEET OF THEIR TRACT OR THE SOUTHERN THREE ACRES. THOSE -- BOTH OF THOSE ITEMS ARE CONTAINED IN THE RESTRICTIVE COVENANT, IS THAT NOT CORRECT?

. NO. THE COVENANT AS I UNDERSTOOD IT AS READ BY MR. SUTTLE IS THAT THERE WILL BE A PLAT NOTE SAYING WHAT THE USES WERE. I'M NOT SURE WHY IT IS THAT IT'S OKAY FOR THAT COVENANT TO SAY THAT THERE CAN'T BE RELIGIOUS USES ON IT. I THOUGHT THAT WAS A BIG PROBLEM. BUT APPARENTLY IT'S NOT IF ALL OF THE ATTORNEYS AGREE. LET ME LET SCOTT ANSWER THAT.... THAT.

THE PLAT NOTE THEY SUGGESTED IF AND WHEN THEY EVER SUBDIVIDE THE PROPERTY THEY WILL PUT A NOTE ON THERE NO RELIGIOUS USES. THERE'S NO REQUIREMENT, ABSOLUTELY FOR REQUIREMENT THAT THEY PROVIDE THAT THEY WILL EVER SUBDIVIDE THE PROPERTY. THERE'S NO REQUIREMENT THAT THEY EVER WILL NOT SUBMIT A SECOND SITE PLAN ON THE NORTHERN ACRES, NORTHERN 60 FEET OR THE SOUTHERN 3 ACRES. THERE'S NOTHING IN THERE THAT WOULD PREVENT THEM FROM DOING THAT IN THE FUTURE.

Leffingwell: IN YOUR OPINION COULD THEY JUST DECIDE TO DEVELOP A CHURCH FACILITY ON THE NORTHERN 60 FEET AND THE SOUTHERN THREE ACRES WITH THIS RESTRICTIVE COVENANT? IN PLACE?

THE RESTRICTIVE COVENANT THAT THEY HAVE INDICATED WILL ONLY COME INTO EFFECT IF THEY SUBDIVIDE. SIGNAL SO IT HAS NO MEANING UNLESS THEY AT SOME. IN THE

FUTURE DECIDE TO SUBDIVIDE. THEY COULD PUT AN EDUCATIONAL BUILDINGS ON THE SOUTHERN THREE ACRES OR THE NORTHERN 60 FEET. FOR EXAMPLE, THEY COULD PUT A CHURCH BUILDING ON THE NORTHERN 60 FEET OR THE SOUTHERN THREE ACRES?

THAT'S MY UNDERSTANDING. FURTHER MY UNDERSTANDING IS THAT EVEN IF THEY DID SUBDIVIDE, THE PROVISION OF NON-RELIGIOUS ASSEMBLY USES --

Leffingwell: LET'S SAY THEY DIDN'T SUBDIVIDE.

RIGHT.

THEY JUST DECIDED TO BUILD A FACILITY ON THESE TWO PARCELS THAT WE HAVE BEEN TALKING ABOUT. THEY COULD DO IT?

IT'S MY UNDERSTANDING THEY COULD. AND IF THEY SUBDIVIDED THEY COULD ALSO STILL BUILD A SCHOOL, A DAYCARE, A BOOK STORE,.

Guernsey: I --

Leffingwell: COULD I ASK MR. SUTTLE IF THAT'S HIS INTERPRETATION, ALSO?

WHAT YOU HAVE BEFORE YOU IS TWO DOCUMENTS. A COVENANT THAT SAYS IF IT'S SUBDIVIDED IT WILL HAVE THE NOTE. YOU ALSO HAVE A LETTER FROM THE CHURCH, AN ASSOCIATE PASTOR HERE IF THE ISSUE IS TRUST, ON A CHURCH IT'S A LITTLE DIFFERENT DEAL. WHEN YOU HAVE A LETTER FROM A CHURCH I PERSONALLY BELIEVE THAT YOU OUGHT TO GIVE GREAT CREDENCE TO THAT.

LET MR. SUTTLE FINISH, PLEASE.

THE LETTER FROM THE CHURCH SAYS THAT 60 FEET, THOSE THREE ACRES WILL NOT BE INCLUDED IN THE SITE PLAN. THE MINUTE THAT WE PUT INTO A COVENANT THAT SAYS THAT IT WILL NEVER BE CHURCH USE, THE TAX EXEMPTION GOES OUT THE DOOR. THAT'S WHY WE ARE GETTING TO THE SAME PLACE THROUGH A DIFFERENT

WAY WITHOUT THROWING THIS CHURCH INTO A TAX ISSUE.

Leffingwell: SO IN THE LETTER, YOU STATE THAT YOU WON'T DEVELOP, BUT THERE'S NOTHING IN THE RESTRICTIVE COVENANT AND YOU ARE SAYING -- WE ARE GOING TO HAVE TO TAKE THIS ON FAITH.

THE LETTER SAYS THAT THE SITE PLAN WILL NOT INCLUDE PARKING OR BUILDINGS ON THAT NORTHERN 60 FEET OR ON THAT SOUTHERN THREE ACRES.

Leffingwell: DOES THAT HAVE ANY FORCE? THE LETTER STATEMENT.

LEGAL POLITICAL FORCE, NO.

Leffingwell: OKAY.

DOES IT HAVE A FORCE IF IT EVER COMES UP TO THE CITY AND THAT LETTER IS HANGING OUT THERE? I WOULD THINK IT WOULD.

McCracken: MAYOR?

BARRY WOULD LIKE TO ADD SOMETHING.

McCracken: IN FACT DOES.... DOES -- IT JUST OCCURRED TO ME THAT COUNCILMEMBER LEFFINGWELL AND I THAT SERVE ON THE CAPITAL METRO BOARD, CURRENTLY CAPITAL METRO IS HAVING TO SUE IN DISTRICT COURT BECAUSE AS A GOVERNMENTAL UTSA THEY ALLOW -- USE THEY ALLOWED A PRIVATE BUSINESS TO OPERATE ON IT, SO THE BUSINESS - - CAPITAL METRO IS GETTING TAXED FOR THE CONDUCT OF THE PRIVATE BUSINESS AND THEY ARE TRYING TO SUE AND WHO KNOWS WHAT'S GOING TO HAPPEN. BUT THE TRAVIS COUNTY TRAIL APPRAISAL DISTRICT WE LEARNED UNDER THE CAPITAL METRO BOARD FIRSTHAND TENDS TO VIEW NOT VIEW SO MUCH -- THEY DIDN'T GRANT THE GOVERNMENT THAT KIND OF DEFERENCE, SO A SIMILAR PROVISION WOULD REQUIRE SIMILAR PROVISIONS OF FORCE OF LAW AS A COVENANT I THINK THAT IT IS A REASONABLE VIEWPOINT TO BE CONCERNED ABOUT THE RISK OF THE CHURCH BEING TREATED THE SAME WAY AS

CAPITAL METRO WAS BY THE TRAVIS COUNTY CENTRAL APPRAISAL DISTRICT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: YEAH. I WOULD LIKE TO POINT OUT IN THE CASE THAT YOU ARE TALKING ABOUT THE CAPITAL METRO, THAT THERE WAS AN ACTUAL COMMERCIAL USE IN PLACE ON THAT PROPERTY AND THAT MAY BE AN IMPORTANT DISTINCTION.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS COUNCIL? COUNCILMEMBER COLE?

Cole: MAYOR AS DIFFICULT AS THIS CASE IS, I STILL THINK THAT WE ARE ALMOST AT THE 90-YARD LINE AS FAR AS THE PARTIES COMING TOGETHER AND I THINK THAT IS A GOOD THING. I ALSO APPRECIATE THE FACT THAT THE APPLICANT WENT AHEAD AND GOT AN OUTSIDE INDEPENDENT LEGAL OPINION AS TO THE TAX LIABILITY AND I HAVE READ THAT AND I UNDERSTAND IT BETTER NOW AND I -- I FULLY CAN APPRECIATE THE ARGUMENTS THAT THEY HAVE MADE ABOUT THE POTENTIAL LIABILITY THAT THEY MAY HAVE IF THEY PUT THE ADDITIONAL USES IN WRITING, RATHER THAN THE COMPROMISE POSITION THAT MR. GUERNSEY HAS SET FORTH. I WOULD LIKE TO ASK MR. WAY A COUPLE OF QUESTIONS BECAUSE YOU STATED THAT YOU WERE NOT A PROPERTY TAX LAWYER.

THAT'S CORRECT.

BUT YOU SPOKE TO ONE.

THAT'S CORRECT.

CAN YOU GIVE US HIS NAME?

BILL EIKART. AND HE SAID THAT HE WOULD BE WILLING TO TALK TO COUNCIL ABOUT THIS. I COULDN'T REACH HIM, I HONESTLY DID NOT THINK THIS WAS STILL AN ISSUE AND I TRIED TO REACH HIM TODAY AND HE WASN'T AVAILABLE. BUT HE SAID THAT HE WOULD BE AVAILABLE TO SPEAK WITH

COUNCIL ABOUT IT WHEN I SPOKE WITH HIM LAST.

Cole: CAN I ASK MR. KINNEY TO COME BACK TO THE PODIUM, MS. RIVERA IS NOT HERE ANYMORE IS SHE? SHE IS. BOTH OF YOU GUYS, WOULD YOU MIND COMING TOWN REAL QUICK. DOWN REAL QUICK.

I AM DEEPLY SENSITIVE TO THE NEEDS OF THIS NEIGHBORHOOD, I LIVE CLOSE TO THERE AND MORE IMPORTANTLY I GO TO CHURCH CLOSE TO THERE. EVEN MORE IMPORTANTLY THAN THAT I HEARD FROM MY PASTOR ABOUT THIS CASE [LAUGHTER] I'M SORRY. I JUST WANT TO -- AS I SAID EARLIER APPLAUD YOU GUYS ON WORKING TRYING TO GET TO THE GOAL LINE ON THIS. YOU FULLY UNDERSTAND THE RISKS IN PLAY IF WE DO NOT GO WITH THE AGREEMENT THAT YOU ALL COME TO THUS FAR. AND I GUESS THE BOTTOM LINE IS THAT I DON'T UNDERSTAND WHY IF YOU HAVE WORKED THIS CLOSE AND COME THIS FAR, THAT WE SHOULDN'T GO AHEAD AND ACT ON THIS WITH THE UNDERSTANDING THAT MR. WAY AND HIS ATTORNEY WHO MAY SAY THERE IS ANOTHER ADDITIONAL MORE WAY TO DO THIS, COULD ALSO CONTACT MR. SUTTLE WITH THAT INFORMATION AND WORK FOR THAT, EVEN AFTER THIS.

BASICALLY MY RECOMMENDATION WAS THAT YOU APPROVE ON SECOND READING, BUT CONDITIONAL WITH YOUR REQUIREMENTS TO THE PARTIES TO COMPLETE NEGOTIATIONS. SO I THINK THAT I'M IN AGREEMENT WITH YOU THAT WE ARE SUGGESTING THAT YOU -- IN OTHER WORDS, DON'T CLOSE US DOWN BUT RATHER PLEASE GIVE US A LITTLE MORE OPPORTUNITY TO COMPLETE NEGOTIATIONS BECAUSE I BELIEVE WE ARE ALL VERY CLOSE.

Cole: OKAY. I GUESS I'LL JUST SAYING IT SEEMS LIKE YOU HAVE REACHED A POINT THAT IT WOULD BE OKAY FOR COUNCIL TO BE OUT OF THE PROCESS SO I'M TRYING TO UNDERSTAND --

OUR VIEW OF WHY WE WOULD LIKE TO KEEP COUNCIL INVOLVED IS THAT LACK OF TRUST ON BOTH SIDES.

Cole: OKAY. THANK YOU. DID YOU HAVE ANYTHING TO ADD

TO THAT, MR. KINNEY?

WELL, I THINK EMPHASIZE ONE THING, THAT IS THAT WHAT YOU HAVE IN FRONT OF YOU IT IS NOT A SIGNED AGREEMENT BETWEEN, YOU KNOW, THE CHURCH AND THE NEIGHBORHOODS AND UNDERSTANDING AS I SAID, SOME OF THE ITEMS MIGHT NOT NEED TO BE IN A COVENANT. MIGHT NEED TO BE IN A MEMORANDUM OF UNDERSTANDING. I'M NOT SURE BUT I SENSE THERE IS A WAY TO DO THIS. I UNDERSTAND THAT YOU DON'T WANT TO HOLD IT OPEN FOR ANOTHER MONTH. THE 40-FOOT CHURCH THEY WILL BUILD PUTS US ALL UNDER A LOT OF PRESSURE. BUT WE STILL DON'T SEE FRANKLY IN THE -- IN THE DOCUMENTS THAT HAVE BEEN GIVEN TO US, ANY ASSURANCE AT ALL THAT THESE THINGS ARE ACTUALLY GOING TO HAPPEN IN THE FUTURE. COAL....

Cole: THANK YOU BOTH.

Mayor Wynn: THANK YOU, MR. KINNEY, COUNCILMEMBER MCCRACKEN.

McCracken: IF THE ONLY THING THAT SEPARATES US IS A LACK OF TRUST, WHETHER A PASTOR'S LETTER IS GOOD ENOUGH, THEN I PERSONALLY THINK THAT WE HAVE GOTTEN FAR ENOUGH. BECAUSE I KNOW FOLKS ON BOTH SIDES HERE OF THE PODIUM, I HAVE SPENT MORE TIME WITH GERARD KINNEY THAN I DID WITH MY OWN FAMILY BETWEEN 2003 AND 2005 THROUGH THE DESIGN STANDARDS PROCESS. YOUR WORD IS ALWAYS GOOD ENOUGH FOR ME, GERARD. AND I -- I KNOW BARRY McBEE, I KNOW BARRY IS A MAN OF HIS WORD, TOO. IF WE ARE IN THE BUSINESS WE CAN'T TRUST PASTORS ANYMORE, WE ARE IN A DEEPER SET OF PROBLEMS THAN WE FIND OURSELVES THOUGHT IN. I PERSONALLY BELIEVE THANKS TO COUNCILMEMBER COLE'S QUESTIONS THAT WE ARE READY TO GO. READY TO MOVE FORWARD. I FULLY BELIEVE THAT WE HAVE THE ADEQUATE ASSURANCES, LEGAL AND THE HIGHER POWER.

Mayor Wynn: MAYOR PRO TEM?

Dunkerly: I TEND TO AGREE WITH THAT. THE CHURCH HAS AGREED TO -- TO THE COMMERCIAL DESIGN STANDARDS,

THEY HAVE AGREED TO -- TO RESTRICTIVE COVENANTS, THAT WILL BE SET IN PLACE WITH THE SUBDIVISION AS GREG SO ARTFULLY DESIGNED AND I WONDER IF THERE'S SOME WAY THAT WE CAN ALSO ATTACH THEIR LETTER OF COMMITMENT IN THE FILE ITSELF, EVEN THOUGH IT MIGHT NOT BE LEGALLY BINDING, IT MIGHT BE MORALLY BINDING DOCUMENT, I THINK WE MIGHT ADD THAT TO THE FILE. I DO THINK THAT BOTH PARTIES ARE SO CLOSE BUT THERE ARE TIME CONSTRAINTS AND I WOULD HATE TO LOSE THE STRIDES THAT HAVE BEEN MADE ON BOTH SIDES. SO I THINK WITH YOUR ASSURANCES AS FAR AS THE NOTES TO THE WAY THE SITE PLAN WILL BE LAID OUT, THE WAY THE NOTES THE SUBDIVISION WORKS, THE PASTOR'S LETTER, I THINK IF NOT ABSOLUTE ASSURANCE, VERY REASONABLE ASSURANCE THAT THIS WILL HAPPEN.

Mayor Wynn: COUNCILMEMBER MARTINEZ?

THANKS, MAYOR. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] SOMETHING LIKE SECOND READING, AND COME UP WITH SOME LANGUAGE THROUGH SOME ATTORNEY TO GRANT THESE ASSURANCES THAT BOTH SIDES ARE SAYING THEY AGREE UPON. IF THAT'S A NON-STARTER FOR REDEEMER, THEN THEY HAVE EVERY RIGHT TO PULL THE APPLICATION THAT THEY HAVE SUBMITTED, AND PROCEED FORWARD. IT'S STILL A DECISION TONIGHT. AND IF -- AND IF REDEEMER IS TELLING US TONIGHT THAT THIS IS THE FINAL NIGHT THAT THEY CAN WAIT, THEN GIVING THEM SECOND READING AND THE OPPORTUNITY TO GO BACK MAKES NO DIFFERENCE. THEY WILL STILL PULL TONIGHT..... TONIGHT. I CAN'T SIT HERE AND SEE THE WORK THAT'S BEEN DONE IN THIS CASE TO NOT BE ABLE TO FIND A WAY TO GET THOSE ASSURANCES FOR THE NEIGHBORHOOD, AND NOT JUST FOR THE NEIGHBORHOODS, FOR THE CITY OF AUSTIN. WE'RE TALKING ABOUT TRANSIT ORIENTED DEVELOPMENT THAT'S GOING TO BE UP AND DOWN THIS RAIL LINE, AND WE'RE GOING TO NEED SOME ASSURANCES IF WE'RE GOING TO GROW IN THE WAY THAT WE WANT TO, ESPECIALLY AS IT RELATES TO THE SURROUNDING NEIGHBORHOODS. SO I THINK A DECISION TONIGHT THAT COULD BE FINAL IS SECOND READING AND TRY TO FIGURE IT OUT. AND IF WE DO THAT BASED ON THE TESTIMONY TONIGHT, SO MAYBE REDEEMER PULLED THEIR

APPLICATION AND SAYS, SORRY, WE CAN'T DO IT. BUT IT'S STILL A DECISION TONIGHT.

MAYOR WYNN: COUNCIL MEMBER KIM?

WHERE THERE'S A WILL THERE'S A WAY, SO I THINK THAT BOTH SIDES NEED TO GET TOGETHER AND KEEP WORKING THIS OUT IF THIS IS WHAT YOU WANT. IF YOU WANT TO HAVE THE 50 FEET AND WE WANT TO HAVE A TRANSIT ORIENTED AREA, WHICH IS WHAT WE HAVE BEEN PLANNING FOR FOR A LONG, LONG TIME. I AM CONCERNED THAT IF WE PASS THIS THE WAY IT IS RIGHT NOW WITHOUT THE ASSURANCES IN WRITING, THAT THE CHURCH WILL HAVE THE OPTION OF LEAVING THAT PARCEL OF LAND UNDEVELOPED FOR 20, 30 YEARS WHEN THAT IS NOT THE HIGHEST AND BEST USE OF THAT AREA AS A NEIGHBORHOOD, THAT THEY WANT SOMETHING THAT IS MIXED USE AND HIGH QUALITY DEVELOPMENT FOR MANOR ROAD AND MLK. SO I'M WILLING TO MAKE A MOTION FOR SECOND READING ONLY, AND LET'S SEE WHAT HAPPENS.

MAYOR WYNN: MOTION BY COUNCIL MEMBER KIM, SECONDED BY COUNCIL MEMBER COLE TO -- SORRY, MARTINEZ, EXCUSE ME, TO APPROVE ON SECOND READING..... READING -- ASSUMES HE... HE WAS LISTENING - - ON SECOND READING THE 60-FOOT HEIGHT FOR THE SANCTUARY TRACT WITH THE COMPLIANCE OF THE COMMERCIAL DESIGN STANDARDS, REIVEGHT COVENANTS AS OUTLINED EARLIER BY MR. GUERNSEY, SECOND READING ONLY. COUNCIL MEMBER MARTINEZ?

MARTINEZ: OBVIOUSLY MY SECOND IS ALSO WITH THE DIRECTION THAT WE TRY TO FIGURE OUT A WAY TO MAKE A COMPLETE AGREEMENT BETWEEN THE NEIGHBORHOODS AND REDEEMER.

MAYOR WYNN: WELL, I SAY THE -- WE ARE TALKING ABOUT RISK UP HERE AND THE RISK THAT CONCERNS ME IS THAT IF THE CHURCH DOES INDEED PULL -- WITHDRAW THEIR ZONING CASE AND MOVE FORWARD WITH THE SMALLER FACILITY, THEN WE WILL HAVE LOST THIS OPPORTUNITY ON BOTH THE NORTH AND THE SOUTH ENDS OF THIS TRACT. SO I GUESS IT BEGS THE QUESTION OF MR. MCKEY, WHO WAS

WANTING TO SPEAK EARLIER, MR. MCVEE COULD HELP ME HANDICAP THAT RISK, AND THAT IS, YOU KNOW, BE VERY RESPECTFUL OF THE TIME CHALLENGES THAT YOU-ALL HAVE FACED, WHAT THIS AT LEAST MONTH DELAY, THAT IS ACTION WE DON'T....., WE DON'T MEET AGAIN AS A COUNCIL UNTIL SECOND WEEK IN JANUARY, WHAT THAT MEANS TO YOU-ALL'S ABILITY TO HANG IN THERE.

MR. MAYOR, COUNCIL MEMBERS. I THINK THE RISK IS A DIFFERENT RISK. I WOULD AGREE WE ARE VERY, VERY CLOSE. WHAT I SENSE IS THE GAP IS OUR WILLINGNESS TO SAY IF AND WHEN A SALE OF PROPERTY OCCURS, IT WOULD BE FOR MIXED USE DEVELOPMENT ON THE NORTH AND THE SOUTH. IT IS, I THINK, THE NEIGHBORHOOD'S DESIRE AS ARTICULATED HERE TO HAVE THAT COMMITMENT THAT THAT SHALL BE DONE. WE BELIEVE BASED ON THE ADVICE OF COUNSEL, TAX COUNSEL, THAT THAT POSSESS..... POSES A TAX RISK FOR US. I AM A FIDUCIARY OF THIS CHURCH ANSWERABLE TO ITS MEMBERS AND I DO NOT BELIEVE UNDER ANY CIRCUMSTANCES WE CAN TAKE THAT RISK. I APPRECIATE MR. WAY'S RESEARCH. I WOULD APPRECIATE AN OPINION THAT HE MIGHT PRODUCE FROM ANOTHER LAWYER BUT I HAVE A LAWYER TELLING ME THAT THERE IS A RISK THAT I DON'T THINK THE CHURCH CAN BEAR. SO I SIMPLY DO NOT BELIEVE -- ALTHOUGH IT MAY BE A VERY SMALL GAP IN THE PERSPECTIVES, IN THE POSITION, THAT'S A IT.....S IT IS A GAP THAT CAN BE RECONCILED. I THINK ANY WRITING, WHETHER IT IS IN A RESTRIIVEGHT I HAVE COVENANT, IN THE TRANSCRIPT OF THIS HEARING, IN FACT, CREATES THAT RISK FOR US AND THAT IS SIMPLY A RISK THAT WE AS FIDUCIARIES OF THE CHURCH CONDITION ACCEPT.

BASED ON THAT, BASED ON THE ACTION BY COUNCIL ON SECOND READING ONLY, OBVIOUSLY DELAYING POTENTIAL THIRD READING FOR AT LEAST ANOTHER MONTH, THAT THAT WOULD HAVE YOU-ALL WITHDRAW THE ZONING CASE AND MOVE FORWARD WITH YOUR MORE LIMITED SANCTUARY.

WELL F. THE ISSUE, IN FACT, TO TRY TO BRIDGE THAT GAP, TO HAVE AN ABSOLUTE COMMITMENT ON OUR PART AS TO THE FUTURE DISPPTION OF THE NORTHERN AND SOUTHERN TRACTS, AGAIN, I DON'T THINK THAT IS A GAP THAT CAN BE

CLOSED. WHAT THAT MEANS IN TERMS OF OUR ACTIONS, AGAIN, AS I STAYED EARLIER, IT WAS OUR FURTHER DESIRE THAT THE COUNCIL WOULD VOTE ON SECOND AND THIRD READING AND IF IT WAS UNABLE TO MAKE A DECISION, OUR OPTIONS MIGHT BE WITHDRAWAL THE CASE AND PROCEEDING.

MAYOR WYNN: CHEB MARTINEZ?

MARTINEZ: I'M GOING TO OFFER A SUBSTITUTE AMENDMENT TO APPROVE ON SECOND AND THIRD READING BECAUSE THE ONLY ISSUE -- THE PARTIES ACKNOWLEDGED THE ONLY ISSUE IS HOW MUCH THEY TRUST THE ENFORCEABILITY OF THAT LETTER OF THE REPRESENTATION ABOUT -- ABOUT THE USES. WE HAVE CONFLICTING LEGAL OPINIONS ABOUT WHETHER WE COULD -- WHAT WOULD BE THE TAX IMPLICATIONS FOR THE CHURCH WERE WE TO -- TO PROHIBIT CHURCH USES. SO IF THAT'S THE ONLY DIFFERENCE, WHICH IS A VERY NARROW DIFFERENCE, I BELIEVE IT IS APPROPRIATE TO GO FORWARD ON SECOND AND THIRD READING SO THAT I'M MAKING A SUBSTITUTE MOTION.

MAYOR WYNN: SO SUBSTITUTE MOTION BY COUNCIL MEMBER MCCracken TO, IN FACT, APPROVE ON SECOND AND THIRD READING THE OUTLINED MOTION. SECONDED BY THE MAYOR PRO TEM, AND THAT WOULD INCLUDE CLOSED TO THE PUBLIC HEARING OBVIOUSLY BECAUSE IT'S SECOND AND THIRD READING. COMMENTS ON THE SUBSTITUTE MOTION? COUNCIL MEMBER MARTINEZ?

MARTINEZ: AGAIN, I -- ONE OF THE THINGS MR. MCVEE JUST STATED WAS THAT WITHDRAWING THE APPLICATION WOULD BE AN OPTION. HE DIDN'T STATE IT AS AN ABSOLUTE. AND SO I THINK THAT DOES GIVE US AN OPPORTUNITY. NOW, I ALSO HEARD HIM SAY THAT HE DOESN'T BELIEVE THAT WE CAN CLOSE THAT GAP, BUT WHAT IF WE DID EVERYTHING WITHIN OUR RESOURCES TO TRY TO PROVIDE THE LEGAL SERVICES TO CLOSE THAT GAP TO SEE IF WE CAN FIND A WAY TO DO THAT? I THINK WE'RE GIVING UP -- WE'RE RISKING A LOT BY NOT TRYING TO DO THAT, HE... ESPECIALLY WHEN WHAT I JUST HEARD IN HIS LAST STATEMENT WAS -- WITHDRAWING IS ONLY AN OPTION. THE OTHER POSITION..... OPTION IS

TO TRY TO CLOSE THAT GAP, TO TRY TO GET THE ASSURANCES THAT WE ALL WANT, SO I WON'T BE SUPPORTING THE SUBSTITUTE MOTION.

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: I HAVE A QUESTION FOR MR. MCVEE ABOUT THOSE THREE ACRES. I KNOW IT HASN'T BEEN SUBDIVIDED FOR SALE, BUT WHAT IS TO STOP REDEEMER FROM OFFERING FOR SALE THAT LOT SUBJECT -- SUBDIVIDING IT AND JUST GETTING RID OF IT RIGHT NOW?

WE BELIEVE THAT WOULD INVOKE TAX CONSEQUENCES.

FOR THE THREE ACRES, CORRECT?

WELL, WE BELIEVE, AGAIN, BASED ON COUNCIL -- THE ADVICE OF... COUNSEL, IT COULD OPEN UP THE ENTIRE TRACT. EVEN THE TAX ON THREE ACRES IS NOT SOMETHING THAT I AS A FIDUCIARY OF THE CHURCH WERE EXPOSE US TO.

BUT IF YOU'RE USING THE PROCEEDS OF THAT SALE BASED ON YOUR PURCHASE PRICE TO PAY THOSE BACK PROPERTY TAXES WHAT'S THE THE PROBLEM?

WE WOULD BE USING THE PROCEEDS TO BUILD OUR SANCTUARY. WE HAD NOT FACTORED A TAX BILL INTO OUR --

THE THREE ACRES THAT YOU WEREN'T PLANNING TO USE FOR YOUR CHURCH ANYWAY? I MEAN, IT DOESN'T MAKE SENSE TO ME WHY -- IF YOU'RE SAYING THAT YOU WANT TO MAKE A..IT MIXED USE, THAT THAT MEANS YOU WOULD HAVE TO SELL AT SOME POINT AND WHY NOT JUST DO IT NOW? DOESN'T MAKE SENSE TO ME.

MAYOR WYNN: AGAIN, WE HAVE A SUBSTITUTE MOTION AND A SECOND ON THE TABLE TO APPROVE THE ORIGINAL MOTION BUT ON SECOND AND THIRD READING HAVING CLOSED THE PUBLIC HEARING. FURTHER COMMENTS ON THE SUBSTITUTE MOTION? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: OBVIOUSLY IT'S A VERY DIFFICULT DECISION FOR ALL OF US, BUT I DO BELIEVE THAT WE'VE COME THIS FAR, WE'RE THIS CLOSE. WHAT WE DO NEED TO DO, BRIDGE THAT FINAL GAP. I MYSELF HAD A MISUNDERSTANDING OF WHAT THE RESTRICTIVE COVENANT ACTUALLY SAID. I WAS LABORING UNDER THE IMPRESSION THAT THE RESTRICTIVE COVENANT WOULD PREVENT DEVELOPMENT ON THE TWO PARCELS IN QUESTION UNTIL IT WAS SUBDIVIDED. EVIDENTLY MY UNDERSTANDING NOW, THAT'S NOT THE CASE. SINCE I DO THINK WE NEED TO GO BACK TO THE TABLE AND MAKE ONE LAST STAB AT COMING TO AGREEMENT ON THIS. I WILL BE VOTING FOR SECOND READING ONLY.

MAYOR, I'M GOING TO WITHDRAW MY AMENDMENT.

MAYOR WYNN: SO THE SUBSTITUTE MOTION HAS BEEN WITHDRAWN. WE'RE BACK TO THE ORIGINAL MOTION TO APPROVE ON SECOND READING ONLY. FURTHER COMMENTS? OBVIOUSLY A VERY DIFFICULT CASE. MR. MCVEE?

ONE VERY QUICK COMMENT. I'VE BEEN REMINDED BY MY ASSOCIATE PASTOR, TO WHOM I AM ALSO [INAUDIBLE] AS YOU ARE, COUNCIL MEMBER COLE, THAT WE ARE ON RECORD AS HAVING SAID IF WE DO NOT HAVE A DECISION ON SECOND AND THIRD READING WE WILL BE WITHDRAWING THE CASE.

MAYOR WYNN: SO COUNCIL? WE'RE FACING THE WITHDRAWAL OF THE ZONING CASE. A MOTION, SECOND ON THE TABLE, SECOND READING ONLY.

MAYOR WYNN: BASED ON THAT I WILL NOT BE SUPPORTING THE MOTION.

MAYOR, COUNCIL MEMBER MARTINEZ?

MARTINEZ: I SUPPORT A POSTPONEMENT IF WE CAN GET THE NEIGHBORS AND REDEEMER TO GO OUT INTO A LOBBY AND BRING IT BACK BECAUSE WE'RE GOING TO BE HERE FOR A LONG TIME TONIGHT.

I'LL SECOND THAT.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MARTINEZ TO TABLE THIS ITEM FOR SOME PERIOD OF TIME THIS EVENING, SECONDED BY COUNCIL MEMBER MCCrackEN. FURTHER COMMENTS ON THE MOTION ON THE TABLE? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I'LL SUPPORT THAT.

MAYOR WYNN: FURTHER COMMENTS ON THE MOTION ON THE TABLE? HEARING NONE ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION TO TABLE PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. MR. GERNs I, IS THAT THE LAST OF OUR ZONING CASES? -- OR THIS IS THE LAST OF OUR ZONING CASES?

THAT WAS THE LAST --

CORRECT.

ZONING ITEM.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. SO COUNCIL, THAT TAKES US TO OUR EVENING PUBLIC HEARINGS. I BELIEVE THE CON TENSES AMONGST US HAS BEEN TO TAKE UP ITEM NO. 82. ITEM NO. 82 IS A STAFF PRESENTATION REGARDING ANSWERS TO QUESTIONS FROM COUNSEL AND THE PUBLIC REGARDING THE PROPOSED DEVELOPMENT AT NORTH CROSS MALL IN CONSIDERATION OF DIRECTION TO THE CITY MANAGER, SO TECHNICALLY AN ITEM FROM COUNCIL. WELCOME, MISLAURA HUFF MAN TO GIVE US THE PRESENTATION AND MY INSTINCT IS WE WILL HAVE THIS PRESENTATION BY STAFF. THERE MAY BE SOME DISCUSSION ABOUT THIS AND THEN WE WILL TAKE UP ITEM NO. 81 REGARDING A PROPOSED ORDINANCE REGARDING BIG BOX RETAIL.

THANK YOU, MAYOR, COUNCIL MEMBERS. AT THE END OF

DURING CITIZENS COMMUNICATION A NUMBER OF
QUESTIONS WERE RAISED ABOUT THE REDEVELOPMENT OF
NORTH CROSS MALL AND YOU-ALL ASKED US A NUMBER OF
QUESTIONS ABOUT WHAT PROCESS THAT DEVELOPMENT
HAD GONE THROUGH AND ASKED US, IN FACT, TO GO BACK -
-

I'M SO SORRY.

DO YOU WANT TO DO ANNEX ANNEXATION?

MAYOR WYNN: COUNCIL, I APOLOGIZE. THAT WOULD LEAVE
US WITH A SINGLE ITEM MUCH LATER TONIGHT WHICH HAS
NO CITIZENS HERE WISHING TO ADDRESS THIS, SO WITHOUT
OBJECTION AGAIN I APOLOGIZE, IF WE... WE COULD TAKE UP
ITEM 80 AND GET IT OFF THE AGENDA SO WE COULD FOCUS
THE REST OF THE EVENING ON OUR BIG BOX RETAIL ISSUES.
NO....NO. 8 ON, WHICH IS CONDUCT.....NO. 8.....NO.
8 0 WHICH IS CONDUCT A PUBLIC HEARING AND I'LL LET
STAFF PRESENT THAT.

MAYOR WYNN: WE'LL TAKE UP ITEM NO. 79 FIRST, THEN 80
AND THEN GET INTO OUR BIG BOX ISSUES.
EXCUSE.....EXCUSE ME.

THANK YOU VERY MUCH MAYOR AND COUNCIL. MY NAME IS
VIRGINIA COLLIER WITH THE NEIGHBORHOOD PLANNING AND
ZONING DEPARTMENT. THIS IS THE SECOND OF TWO PUBLIC
HEARINGS FOR THE PROPOSED AVERY RANCH ANNEXATION,
ORDINANCE READINGS ARE TENTATIVELY SCHEDULED FOR
NOVEMBER 11. IN WILLIAMSON COUNTY AND. THIS AREA IS
BEING ANNEXED FOR FULL PURPOSES IN... IN THE LIMITED
PURPOSE REGULATORY PLAN. COPIES OF THE SERVICE
PLAN ARE AVAILABLE THIS EVENING AND THIS CONCLUDES
MY STAFF PRESENTATION.

THANK YOU, MS. COLLIER. QUESTIONS OF STAFF? WE HAVE
NO CITIZENS SIGNED UP. ARE THERE ANY CITIZENS LINED UP
WANTING TO SPEAK AVERY. THANK YOU, HEARING NONE. I'LL
ENTERTAIN A MOTION TO CLOSE THE HEARING.

MAYOR WYNN: SO MOVED.

MAYOR WYNN: MOTION MAY
HAVE.....MAYHAVE.....MADE,SECONDED BY COUNCIL
MEMBER KIM. HEARING NONE, SAY AYE. MOTION TO CLOSE
THE PUBLIC HEARING PASSES ON A VOTE OF 4..4 HOIF 0. 4-0.
ITEM NO. 80.

THANK YOU, MAYOR, I'M SONYA LOPEZ WITH THE
NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT HERE
TO PRESENT A PROPOSED CODE AMENDMENT TO THE
TRANSIT ORIENTED DEVELOPMENT SECTION OF THE CODE.
IN MAY 2005 THE ORIGINAL TRANSIT ORIENTED
DEVELOPMENT ORDINANCE WAS APPROVED. THAT
ORDINANCE ESTABLISHED INTERIM DEVELOPMENT
REGULATION TO A BLANKET IN TERM REGULATION TO ALL
PROPERTIES WITHIN ALL TODD DISTRICTS. THOSE IN TURN
DEVELOPMENT REGULATIONS WILL BE IN STATE UNTIL A
STATIONARY PLAN HAS BEEN APPROVED BY THIS COUNCIL
AND TAILORED -- I'M SORRY, STANDARD SITE DEVELOPMENT
STANDARDS CAN BE APPROVED FOR EACH TODD DISTRICT.
WHAT THE ORIGINAL ORDINANCE DIDN'T DO IS INCLUDE A
PROVISION FOR THE ADMINISTRATIVE MODIFICATION OF
SOME OF THOSE INTERIM DEVELOPMENT REGULATIONS AND
THE CODE AMENDMENT THAT YOU HAVE BEFORE YOU IS A
REQUEST TO ALLOW THE DIRECTOR OF THE
NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT TO
ADMINISTRATIVELY MODIFY OR ALLOW FOR THE
ADMINISTRATIVE MODIFICATION OF SOME OF THOSE
DEVELOPMENT STANDARDS AS AN... IF AN ALTERNATIVE
DEVELOPMENT PROPOSAL IS SUBMITTED THAT MEETS THE
INTENT OF TRANSIT ORIENTED DEVELOPMENT, THAT MEETS
THE INTENT OF THE PRINCIPLES AND BEST PRACTICES OF
TODD. THOSE PRINCIPLES AND BEST PRACTICES ARE
OUTLINED IN A DOCUMENT THAT WAS SUBMITTED AS PART
OF BACKUP. IF THIS ORDINANCE IS APPROVED WE WOULD
LIKE TO POST A RULE THAT WOULD ESTABLISH THOSE
PRINCIPLES AND BEST PRACTICES TO BE AVAILABLE FOR
THE EVALUATION OF WAIVERS TO THE IN TERM
DEVELOPMENT REGULATIONS AND MORE IMPORTANTLY TO
BE AVAILABLE FOR TRANSIT ORIENTED DEVELOPMENT IN
GENERAL WHEN SOMEONE IS CURIOUS ABOUT WHAT IT IS,
WE'LL HAVE AN ESTABLISHED RULE THAT SAYS, THESE ARE
THE KEY COMPONENTS OF TRANSIT ORIENTED

DEVELOPMENT AND THESE ARE THE THINGS THAT DEVELOPERS AND BUILDERS SHOULD LOOK TO EMULATE AND MODEL THEIR PROJECTS AFTER IN THESE AREAS AROUND TRANSIT. THAT ENDS MY PRESENTATION. IF YOU HAVE ANY QUESTIONS I'LL BE HAPPY TO ANSWER THEM.

MAYOR WYNN: THANK YOU, MISLOPEZ. QUESTIONS OF STAFF, COUNCIL?

MAYOR WYNN: COUNCIL MEMBER MARTINEZ.

MARTINEZ: I WANTED TO ASK, HOW DOES THIS WORK IN RELATION TO NEIGHBORHOOD PLANS THAT ARE GOING TO BE IN EXISTENCE WHEN WE -- YOU KNOW, AS WE MOVE FORWARD WITH TRANSIT ORIENTED DEVELOPMENT? I REALIZE WE MAY HAVE SOME CONFLICTING DESIGN STANDARDS IN PLACE AND ADMINISTRATIVELY WE'RE ASKING TO BE ABLE TO WAIVE THEM AS LONG AS IT SUBSTANTIALLY COMPLIES, BUT WHAT ARE WE DOING IN THE CASE OF NEIGHBORHOOD PLANNING THAT HAS DRASTICALLY DIFFERENT ZONING THAT WOULD IMPACT, YOU KNOW, DESIGN AND DEVELOPMENT IN THAT SAME CORRIDOR?

WELL, RIGHT NOW THE DEVELOPMENT STANDARDS APPLY OVER THE ZONING -- OR ANY STANDARDS THAT WERE APPROVED IN NEIGHBORHOOD PLANS. ANY MODIFICATIONS THAT WE WOULD BE CONSIDERING WOULD -- WOULD BE PART OF THAT -- THAT OVERLAY ZONING ON TOP OF THE NEIGHBORHOOD PLANS, SO THEY WOULD BE LOOKING TOWARDS THE TODD BEST PRACTICES AND PRINCIPLES. THERE MAY BE SOME THINGS THAT DO CONFLICT WITH NEIGHBORHOOD PLANS, LIKE IS IN PLACE RIGHT NOW, THE IN TERM DEVELOPMENT STANDARDS MAY CONFLICT AND TO THE EXTENT OF CONFLICT, THE IN TERM REGULATIONS, THEY SUPERSEDE. SO IT MAY BE THE CASE THAT THERE ARE SOME THINGS IN THE WAIVER PROCESS THAT CONTINUE TO DISAGREE OR DIFFER FROM WHAT'S IN -- WHAT'S IN THE ADOPTED NEIGHBORHOOD PLAN. IT'S AN OVERLAY ON TOP OF WHAT WAS ADOPTED DURING THE NEIGHBORHOOD PLANNING PROCESS DURING THOSE REZONE REZONINGS.

SO DO WE NEED TO AMEND THE CODE TO ALLOW THE

ADMINISTRATIVE WAIVER OVER ZONING FOR NEIGHBORHOOD IF -- IF IT'S IN CONFLICT WITH WHAT THE NEIGHBORHOOD PLAN HAS IN PLACE? IS THAT SOMETHING THAT'S -- SHOULD BE, YOU KNOW, COUPLED WITH THIS?

CAN YOU SPELL THAT OUT AGAIN TO ME, PLEASE?

MARTINEZ: WE HAVE NEIGHBORHOOD PLANS THAT ARE IN PLACE AND THEY'RE ZONED BASED ON WHAT THE NEIGHBORHOODS ADOPTED -- OR WHAT COUNCIL ADOPTED THROUGH THE PLANNING PROCESS, AND IT LOOKS HERE LIKE WE'RE TRYING TO CREATE AN ADMINISTRATIVE WAIVER WHERE A CONFLICT WOULD OCCUR IN A TODD AS IT RELATES TO INTERIM -- I MEAN, AS IT RELATES TO, YEAH, THE INTERIM DESIGN STANDARDS. WHAT ARE WE DOING IN THE CASES WHERE IT CONFLICTS -- WHERE THE TODD ZONING CONFLICTS WITH NEIGHBORHOOD ZONING?

WELL, IT WOULDN'T BE TOD ZONING.

MARTINEZ: TOD PLANNING I GUESS IS A BETTER WAY.

ARE YOU SAYING AN ALTERNATIVE DESIGN PROPOSAL THAT'S SUBMITTED THAT CONFLICTS WITH WHAT'S IN THE IN TERM DEVELOPMENT REGULATION?

STATIONARY PLANS --

OKAY, SO YOU'RE TALKING ABOUT FURTHER ON DOWN THE LINE WHEN WE ACTUALLY GETTING TO STATIONARY PLANNING. OKAY. SO A LITTLE BIT SEPARATE FROM WHAT WE'RE TALKING ABOUT NOW. WELL, THE NEIGHBORHOODS WILL OF COURSE BE INVOLVED IN THE PUBLIC INVOLVEMENT PLANNING OF THE STATIONARY PLANNING PROCESS, SO THAT'S GOING TO BE AN INTEGRAL PART OF STATIONARY PLANNING TO GET FEEDBACK ON WHAT THE VISION SHOULD BE FOR EACH INDIVIDUAL STATIONARY PLAN. AND ANY CONFLICT THAT MAY BE PRESENTED WILL BE RUN THROUGH THE NEIGHBORHOOD AND WILL BE GETTING FEEDBACK AGAIN AT THAT POINT. SO THERE WILL BE SEVERAL POINTS THROUGHOUT THE PROCESS WHERE WE'LL BE ASKING FOR FEEDBACK AND I'M HOPING THAT , YOU KNOW -- I THINK IT WOULD BE OVERLY OPTIMISTIC TO THINK THAT THERE

WON'T BE CONFLICT WITH WHAT THE ZONING IS THAT WAS APPROVED IN NEIGHBORHOOD PLANS BECAUSE ONE OF THE BASIC TEN EITHER OF TRANSIT ORIENTED DEVELOPMENT IS TO CREATE COMPACT, HIGHER THAN AVERAGE DENSITY DEVELOPMENTS, AND SO IN MY MIND THAT MEANS THAT WE PROBABLY WILL BE LOOKING IN CERTAIN FIXED FOCUSED LOCATION AT HIGHER DENSITIES THAN WAS APPROVED IN THE ZONING FOR NEIGHBORHOOD PLANS, BUT THAT WILL ALL BE AN ITERATIVE PUBLIC INVOLVEMENT PROCESS WHERE WE WILL -- HOPEFULLY WE'LL GET FEEDBACK FROM THE COMMUNITY THAT HIGHER DENSITIES UNDER CERTAIN DESIGN SCENARIOS COULD BE ACCEPTABLE IN CERTAIN PARTS OF THESE TOD DISTRICTS. LIKE I SAID, THAT'S A BASIC TENET OF TRANSIT ORIENTED DEVELOPMENT AND WE'RE HOPING THROUGH THE EDUCATION PROCESS OF THE STATIONARY PLANNING PROGRAM THAT WE CAN CONVEY THAT HIGHER DENSITIES COULD BE APPROPRIATE AND VERY BENEFICIAL TO THE COMMUNITY AND TO SUPPORT TRANSIT. SO THERE MAY BE SOME CONFLICTS, BUT HOPEFULLY THAT WE WILL BE ABLE TO WORK WITH THE NEIGHBORHOODS TO COME TO AGREEMENT THAT THERE MAY BE A NEED TO MODIFY SOME OF THE ZONING THAT WAS APPROVED EARLIER IN NEIGHBORHOOD PLANS. DOES THAT ANSWER YOUR QUESTION ADEQUATELY? OKAY.

MAYOR WYNN: FURTHER QUESTIONS OF STAFF, COUNCIL? WE HAVE NO CITIZENS SIGNED UP WISHING TO ADDRESS THIS ON THE PUBLIC HEARING ALTHOUGH CHRIS CI WALTER, LORI WALTZ, MARIAN STEFAN AI. I RICHARD DIFFICULT HE IS WISHING TO SPEAK IN FAVOR, CAROL SIGNED UP WISHING TO SPEAK IN OPPOSITION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCracken, SECONDED BY COUNCIL MEMBER COLE TO CLOSE THIS PUBLIC HEARING AND APPROVED THE ORDINANCE AMENDMENT AS PRESENTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 COME COUNCIL..... WO COUNCIL MEMBER KIM OFF THE DAIS. THANK YOU AND EXCUSE ME, MRS. HUFF MAN,

ITEM NO. 82.

THANK YOU, MAYOR. I'D LIKE TO START BY DESCRIBING HOW WE GOT HERE TODAY. ON NOVEMBER 30 DURING YOUR CITY COUNCIL MEETING YOU-ALL ASKED A NUMBER OF QUESTIONS HAVING TO DO WITH THE DEVELOPMENT THAT WAS BEING PROPOSED AT NORTH CROSS MALL, AND SO BASED ON THE QUESTIONS THAT YOU ASKED AND OTHER QUESTIONS THAT WE'VE RECEIVED SINCE THAT TIME FROM THE NEIGHBORHOOD, WE'VE DONE A NUMBER OF THINGS AND WE'RE HERE TONIGHT TO REPORT OUT TO YOU WHAT WE'VE DONE. WE'VE ANSWERED QUESTIONS THAT YOU'VE ASKED AND WE'VE ANSWERED OTHER QUESTIONS THAT WE'VE RECEIVED FROM THE NEIGHBORHOODS. WE HAVE CONDUCTED A COMPLETE REREVIEW OF THE SITE PLAN USING A DIFFERENT SET OF STAFF AND WE'VE USED OUR MOST SENIOR EXPERIENCED STAFF TO CONDUCT THAT REREVIEW. WE HAVE HAD AN OPPORTUNITY TO MEET WITH THE NEIGHBORHOOD LEADERSHIP, THE GROUP THAT IS ORGANIZED AROUND THE RESPONSIBLE DEVELOPMENT.....DEVELOPMENT FOR NORTH CROSS LIVABLE CITIES AND WE'VE ALSO CREATED A WEB SITE WHERE WE'VE POSTED THE MEMORANDUM THAT I SENT YOU SUMMARIZING OUR RE REVIEW AND WE'VE HAD A RUNNING Q AND A ON... ON THAT WEBS WEBS FOR THE LAST SEVERAL DAYS AND WE'VE HAD NUMBER DEVELOPMENTS I WANT TO TALK ABOUT. WHAT WE WANT TO DO TONIGHT IS THREE DIFFERENT THINGS. FIRST I'M GOING TO START BY TALKING ABOUT THE BASIC ENTITLEMENTS THAT ARE AT NORTH CROSS MALL AND I'M GOING TO START BACK IN 1969 WHEN THIS PROPERTY WAS FIRST ZONED AND MOVE YOU THROUGH THE SITE PLAN. THEN WHAT I WANT TO DO IS TALK TO YOU ABOUT OUR MAJOR FINDINGS FROM THE REVIEW OF THE SITE PLAN. I'M GOING TO TALK ABOUT THE FACT THAT A SECOND SITE PLAN WAS FILED YESTERDAY AND I WANT TO EXPLAIN WHAT THAT MEANS. I WANT TO TALK TO YOU ABOUT THE LETTERS THAT WE RECEIVED FROM WAL-MART AND LINCOLN PROPERTIES BOTH YESTERDAY AND TODAY AND TALK ABOUT WHAT MIGHT MEAN AND BECAUSE MOST OF THE QUESTIONS THAT WE'VE BEEN ASKED WHEN IT COMES TO THE TECHNICAL CRITERIA THAT STAFF USED TO EVALUATE SITE PLANS HAVE CENTERED AROUND TRAFFIC

AND HOW WE LOOK AT THE IMPACT OF TRAFFIC ON DEVELOPMENTS IN AUSTIN, I'M GOING TO TALK TO YOU VERY BROADLY ABOUT THE METHODOLOGY THAT'S USED TO EVALUATE TRAFFIC IMPACT FROM DEVELOPMENTS, AND THEN I'M GOING TO TURN IT OVER TO TAMMY WIL WILLIAMSON WHO IS OUR, DEVELOPMENT REVIEW DEPARTMENT. SHE'S WIDELY REGARDED AS ONE OF THE MOST EXPERIENCED PROBLEM SOLVERS IN OUR DEVELOPMENT REVIEW AREA. TAMMY IS GOING TO WALK YOU THROUGH THE SITE PLAN. SOME PEOPLE HAVE HAD A CHANCE TO LOOK AT THE SITE PLAN THE LAST FEW WEEKS, OTHERS HAVE NOT, AND ONE OF OUR GOALS TONIGHT IS TO MAKE SURE THAT WE CREATE A COMMON UNDERSTANDING OF WHAT IS BEING PROPOSED AT NORTH CROSS SO TAMMY IS GOING TO WALK YOU THROUGH THE SITE PLAN AND THEN GEORGE ZACH LACK WHO OFFERS OVER 20 YEARS OF EXPERIENCE IN DOING TRANSPORTATION PLANNING FOR THE CITY OF AUSTIN, HE'S GOING TO WALK YOU THROUGH THE METHODOLOGY WE USED TO EVALUATE TRAFFIC IMPACT AT THIS SITE AND THEN WE'LL OPEN IT UP FOR QUESTIONS AND ARE HAPPY TO ANSWER ANY QUESTIONS THAT YOU HAVE. SO ZONING FOR THIS PROPERTY OCCURRED IN 1969. ONE OF THE THINGS WE THINK IS IMPORTANT TO UNDERSTAND IS THAT MANY OF THE BASIC ENTITLEMENTS FOR THE DEVELOPMENT THAT OCCURRED AT THAT TIME AND THAT ARE BEING PROPOSED TODAY ARE HAPPENING UNDER AN OLD ZONING -- OLD ZONING CATEGORY THAT THE LANDOWNERS HAD. IT WAS CALLED GENERAL RETAIL. AT THE TIME THAT WAS A DISTRICT THAT HAD FEW LIMITATIONS INCLUDING NO HEIGHT LIMITATIONS. I WANT TO NOTE HERE THAT AT THE TIME CITY COUNCIL DID NOT IMPOSE TRAFFIC ON THIS ZONING AND THAT'S GOING TO BECOME IMPORTANT LATER BECAUSE THIS IS A SITE THAT HAD A SIGNIFICANT DEVELOPMENT ENTITLEMENT AND NO TRAFFIC LIMITS ASSOCIATED WITH IT. BY THE TIME LINCOLN PROPERTIES FILED THEIR SITE PLAN HERE'S WHAT THAT ZONING CATEGORY ALLOWED, AND I JUST WANT TO MAKE SURE PEOPLE UNDERSTAND THAT THEY HAD THE ZONING. THAT IS NOT SOMETHING THEY SOUGHT THIS YEAR. THAT WAS AN ENTITLEMENT THAT THEY GOT IN 1969 OR THE OWNERS AT THAT TIME GOT, AND IT HAS CONVEYED TO LINCOLN. THAT

ENTITLEMENT ALLOWS THEM TO BUILD A 60-FOOT BUILDING. IT ALLOWS THEM AN FAR, OR FORCED AREA RATIO OF 1 TO 1. IT ALLOWS 90%.% IMPERVIOUS COVERAGE 75% BUILDING COVERAGE. SO WHAT DOES THAT MEAN -- ONE OF THE THINGS WE'VE TRIED REALLY HARD TO DO IN THE Q AND A IS MAKE ALL OF THESE THINGS THAT ARE VERY COMMON TO LAND USE REVIEW PROCESS COMMON ENGLISH AND WHAT THOSE ENTITLEMENTS COULD ALLOW US TO IS A LITTLE BIT OVER A MILLION SQUARE FEET OF BUILDING COVERAGE, AND WHAT TAMMY IS GOING TO DO IS SHE'S GOING TO TAKE THAT NUMBER AND COMPARE IT TO WHAT'S ON THE GROUND TODAY AND WHAT'S BEING PROPOSED. SO YOU'LL HAVE THREE SETS OF NUMBERS, THAT WHICH IS ENTITLED UNDER THE ZONING, THAT IS CHG ON THE GROUND TODAY, AND THAT..... THAT WHICH IS PROPOSED IN THE DEVELOPMENT PROPOSAL. SO THAT'S THE ZONING. WHEN WE GOT THE SITE PLAN I WANT TO MAKE A COUPLE POINTS ABOUT THAT. ZONING IN CITIES IS A RELATIVELY DISCRETIONARY DECISION. CITY COUNCILS MAKE THE FINAL DECISION IN ZONING CASES. I THINK MOST PEOPLE KNOW THAT AND THERE ARE LOTS OF THINGS THAT YOU CAN TAKE INTO CONSIDERATION WHEN YOU ZONE A PIECE OF PROPERTY AND YOU'RE LOOKING AT A LAND USE DECISION, SO THERE IS SOME DISCRETIONARY ASPECTS TO THAT DECISION AND IT'S A DECISION MADE BY THE CITY COUNCIL. WHEN WE RECEIVED THE SITE PLAN, SITE PLANNING THE WAY WE HAVE IT SET UP IN AUSTIN, AND IT IS SET UP IN OUR LAND DEVELOPMENT CODE, THIS SITE PLAN IS INTENDED TO BE MORE OF A COMPLIANCE CHECK, SO YOU'VE ARTICULATED YOUR POLICIES IN THE LAND DEVELOPMENT CODE AS IT RELATES TO THINGS LIKE DRAINAGE, THE ENVIRONMENT, TRAFFIC IMPACT AND ALL OF THOSE THINGS AND WE GO INTO THE SITE PLAN REVIEW MODE. WHAT WE'RE LOOKING FOR IS TO SEE IF THE APPLICANT IS PROPOSING A DEVELOPMENT THAT COMPLIES WITH THOSE LAND DEVELOPMENT REGULATIONS. SO THERE ARE TWO WAYS THAT SITE PLANNING CAN BE REVIEWED. ONE OF THEM IS ADMINISTRATIVE AND ONE OF THEM TAKES IT THROUGH THE LAND USE COMMISSION AND SOMETIMES UP TO THE CITY COUNCIL. THIS PARTICULAR SITE PLAN WAS ADMINISTRATIVE, AND SO PEOPLE HAVE ASKED US, WHY WAS THIS AN ADMINISTRATIVE SITE PLAN AND IT'S REALLY

FAIRLY STRAIGHTFORWARD. THEY WEREN'T LOOKING FOR ANY VARIANCES TO EXISTING CITY CODES. ALL THEY WERE WANTING TO DO WAS DEVELOP WITHIN THE ZONING THEY HAD AND IN COMPLIANCE WITH THE CURRENT REGULATIONS AND THAT MADE IT AN ADMINISTRATIVE SITE PLAN. SO WHEN WE REREVIEWED THE SITE PLAN -- AND WE'RE GOING TO WALK THROUGH THE DETAILS OF THE SECTION OF THAT REVIEW THAT GOT THE MOST QUESTIONS, WHICH IS TRAFFIC, BUT WHEN WE REREVIEWED THE SITE PLAN AND AGAIN WE USED A SEPARATE SET OF STAFF TO MAKE SURE THAT WE HAD FRESH EYES ON THIS SITE PLAN, WE FOUND THAT IT WAS IN COMPLIANCE WITH THE CODES AND REGULATIONS AGAINST WHICH IT HAD BEEN ORIGINALLY REVIEWED. IN OTHER WORDS, THE APPLICATION WAS COMPLETE, BUT WE DID FIND A MISTAKE THAT WE MADE AND THE MISTAKE THAT WE MADE HAD TO DO WITH NOTICE. THE CITY CODE LAYS OUT HOW NOTICE IS TO BE GIVEN AND WHAT IS TO BE CONTAINED IN THAT NOTICE, AND THE ERROR THAT THE CITY MADE WAS WE DID NOT INCLUDE INFORMATION IN THE NOTICE THAT DESCRIBES TO THE PEOPLE RECEIVING IT HOW THEY COULD BECOME WHAT'S CALLED AN INTERESTED PARTY. AND SO WHEN WE NOTICED THAT WE OF COURSE DUG INTO IT AND TRIED TO FIGURE OUT WHY DIDN'T IT OBTAIN THIS INFORMATION? AND ONE OF THE DISCOVERIES WE MADE WAS THAT SOMETIME IN THE MID TO LATE '90S THAT PORTION OF OUR NOTICE WAS REMOVED. WE HAVE GOFN BACK AND TRIED TO RESEARCH THE ISSUE AND IT'S HARD TO PIECE EXACTLY WHY THAT PIECE OF THE NOTICE CAME OUT BUT WHAT WE KNOW IS IT HASN'T BEEN IN OUR NOTICES FOR QUITE SOME TIME BUT WE WANT TO ACKNOWLEDGE AND WE'VE BEEN VERY HONEST IN THE Q AND A IN OUR MEMO THAT WE DID MAKE A MISTAKE AND WE WANT TO MAKE SURE THAT IT'S CLEAR THAT NOTICING IS THE CITY'S RESPONSIBILITY. THAT IS NOT SOMETHING THAT FALLS ONTO THE RESPONSIBILITY OF THE DEVELOPER. IT'S ONE OF THE FEW ASPECTS OF THE PROPOSAL THAT WE OBTAIN FULL RESPONSIBILITY FOR. THERE ARE OTHER THINGS THAT ARE REQUIRED TO BE IN THE NOTICE -- THAT WERE REQUIRED IN THE NOTICE. SO FOR EXAMPLE WE'RE REQUIRED TO SAY WHO THE CASE MANAGER IS AND THAT'S THE PERSON ON THE CITY STAFF THAT IS RESPONSIBLE FOR THE FULL REVIEW OF THE SITE

PLAN. WE PROVIDED CONTACT INFORMATION FOR THAT INDIVIDUAL. WE PROVIDED A GENERAL DESCRIPTION OF THE PROPERTY. WE PROVIDED A MAP. SO ALL OF THE OTHER ELEMENTS OF THE NOTICE THING WERE IN THERE, BUT IT DID FAIL TO CONTAIN THE INFORMATION, THE PROCEDURE FOR BECOMING AN INTERESTED PARTY. BY THE WAY, THE PROCEDURE FOR BECOMING AN INTERESTED PARTY IS CALLING THE CASE MANAGER. SO WHERE DID THAT REREVIEW LEAVE US? WE CONCLUDED BASED ON THAT REVIEW THAT THE SITE PLAN WAS COMPLETE, IT WAS COMPLIANT AND THAT IT WAS APPROPRIATELY APPROVED BUT WE LEARNED SOME THINGS ALONG THE WAY, LIKE WE ALWAYS DO WHEN WE LOOK CLOSELY AND SCRUTINIZE CITY PROCESSES THAT WE THINK ARE PROBABLY WORTH TAKING ANOTHER LOOK AT AND SOME OF THESE CAME UP THROUGH DISCUSSIONS WITH THE NEIGHBORHOOD AND I WILL GIVE YOU JUST A COUPLE OF EXAMPLES. THESE ARE NOT THINGS THAT WILL APPLY TO THIS PARTICULAR DEVELOPMENT BUT THEY'RE THINGS THAT WE THINK WE CAN DO TO IMPROVE THE PROCESS. SO FOR EXAMPLE, RIGHT NOW YOUR NOTICE REQUIREMENT SAYS THAT YOU HAVE TO NOTICE PEOPLE WITHIN 300 FEET OF THE PROPERTY, BUT YOU CAN BE A INTERESTED PARTY AS UP TO 500 FEET. SO THERE'S A DISCONNECT BETWEEN THE NOTICING DISTANCE AND THE INTERESTED PARTY DISTANCE. WE ALSO DISCOVERED FROM SOME OF THE NEIGHBORHOODS THAT THE NEIGHBORHOODS THAT RECEIVED NOTICE ARE NOT THE NEIGHBORHOODS -- NOT THE NEIGHBORHOOD ASSOCIATIONS THAT ARE WITHIN 300 FEET OF THE DEVELOPMENT. THEY'RE THE NEIGHBORHOOD ASSOCIATIONS IN WHICH THE DEVELOPMENT EXISTS. AND IN THIS PARTICULAR CASE THAT IS MISSED SOME PEOPLE WHO ARE VERY CLOSE TO THE DEVELOPMENT PROJECT AND INTERESTED. WE WILL TAKE THIS EXERCISE AND SEE IF THERE ARE SOME THINGS THAT WE CAN RECOMMEND TO YOU THAT WE THINK WOULD IMPROVE THE PROCESS BUT FUNDAMENTALLY OUR CONCLUSION WAS THAT THE SITE PLAN REVIEW WAS SOLID. LET ME TALK NOW A LITTLE BIT ABOUT THE TRAFFIC IMPACT ANALYSIS BECAUSE THIS HAS BEEN THE SUBJECT OF SO MANY DETAILED QUESTIONS, AND WHAT I REALLY WANT TO DO IS JUST PROVIDE THE BROAD FRAMEWORK THAT WE USED TO CEASE..... ASSESS THE

IMPACT OF TRAFFIC FROM DEVELOPMENT AS THEY ARE PROPOSED IN AUSTIN AND THERE REALLY ARE ABOUT THREE KEY THINGS WE'RE LOOKING FOR IN THAT TRAFFIC IMPACT ANALYSIS. AND LET ME SAY AT THE OUTSET, IT IS THE DEVELOPER'S RESPONSIBILITY TO HIRE AN ENGINEER TO FIND THESE THINGS ABOUT TRAFFIC. THE CITY OF AUSTIN DOES NOT ENGINEER PROJECTS FOR DEVELOPERS. THEY ARE REQUIRED TO HIRE THEIR OWN ENGINEERS FOR ALL ASPECTS OF THE ENGINEERING OR THE DEVELOPMENT INCLUDING DRAINAGE AND ANY ENVIRONMENTAL REGULATIONS THAT THEY HAVE TO COMPLY WITH. OUR PROCESS IS DESIGNED TO CHECK THAT WORK AND MAKE SURE THAT IT'S CODE COMPLIANT. SO IT'S THEIR RESPONSIBILITY TO SUBMIT THE INFORMATION. HERE IS WHAT THE TRAFFIC IMPACT ANALYSIS IS DESIGNED TO DO. THE FIRST THING THAT THE TRAFFIC IMPACT IS LOOKING AT IS WHAT IS THE BASELINE TRAFFIC AND THERE ARE TWO POSSIBLE ANSWERS. THERE COULD BE A SITE WITH NO EXISTING DEVELOPMENT ON IT AND SO THE BASELINE TRAFFIC IS ZERO OR THERE CAN BE A SITE WITH EXISTING DEVELOPMENT AND WHAT WE TRY TO DO IS MEASURE WHAT THAT EXISTING TRAFFIC IS BECAUSE THE PERSON THAT IS BUILDING A NEW PROJECT IS RESPONSIBLE ONLY FOR THE INCREMENTAL TRAFFIC THAT HAS INCREASED AS A RESULT OF THAT DEVELOPMENT. SO WHEN WHEN WE MEASURE BASELINE TRAFFIC AND WE DO IT BY GOING OUT TO THE SITE AND TAKING ACTUAL TRAFFIC COUNTS, THAT EXISTING TRAFFIC DOES NOT COUNT AGAINST, SO TO SPEAK, THE NEW TRAFFIC -- THE TRAFFIC ASSOCIATED WITH THE NEW DEVELOPMENT. THE SECOND THING THAT YOU'RE TRYING TO DO IN A TRAFFIC IMPACT ANALYSIS IS YOU'RE ASSESSING WHAT KIND OF TRAFFIC IS GENERATED BY THE NEW PROPOSED DEVELOPMENT, AND WE HAVE A VERY SPECIFIC METHODOLOGY THAT WE REQUIRE DEVELOPERS TO FOLLOW, AND THAT INVOLVES SOME NATIONAL STANDARDS THAT HAVE BEEN DEVELOPED BY LAND USE FOR ESTIMATED TRIP GENERATION, WHICH IS THE TERM THAT'S USED TO REFER TO THE TRAFFIC THAT'S GENERATED FROM A DEVELOPMENT. SO WE ASK DEVELOPERS TO USE THESE MANUALS THAT ARE DEVELOPED NATIONALLY. THEY ARE BASED ON LAND USE, AND FROM THOSE MANUALS THEY DERIVE THE ESTIMATED TRIP GENERATION BY USE AND BY

SQUARE FOOTAGE FOR THE VARIOUS LAND USES PROPOSED. AND SO THEN WHAT YOU HAVE IS YOU'VE GOT THE EXISTING TRAFFIC, IF THERE IS ANY. YOU'VE GOT THE PROPOSED TRAFFIC IMPACT FROM THE NEW PROJECT, AND THEN WHAT WE DO IS WE REQUIRE -- IF THAT NEW TRAFFIC CAUSES INTERSECTIONS TO FAIL, WE ASK THE DEVELOPER TO PROPOSE HOW THEY WOULD MITIGATE THOSE CIRCUMSTANCES. AND GEORGE CAN GIVE YOU SOME MORE DETAILS ON THE DIFFERENT KINDS OF MITIGATION, BUT IT MIGHT INCLUDE TURN LANES, SIGNALS, IT MIGHT INCLUDE CHANGES TO THE TIMING OF STOPLIGHTS. IT'S A WHOLE RANGE OF THINGS THAT MIGHT -- WE MIGHT ASK THE DEVELOPER EITHER TO DO THEMSELVES OR TO PROVIDE FUNDING FOR THE CITY TO DO ITSELF. BUT ONE WAY OR THE OTHER, IF THERE IS A FAILURE OF AN INTERSECTION, FOR EXAMPLE, CAUSED BY THE INCREMENTAL INCREASE IN THAT TRAFFIC, THEN IT IS THE DEVELOPER'S RESPONSIBILITY TO FIX THE PROBLEM. IN ZONING CASES WHERE YOU AFFIX A TRIP LIMIT, AND YOU DO THAT -- MODERN COUNCILS DO THAT BACK IN THE LATE '60S THOSE TRIP LIMITS WERE NOT INCLUDED IN ZONING CASES. THEN WHAT YOU'RE LOOKING FOR IS ONE OTHER THING, WHICH IS TO MAKE SURE THAT THE PROPOSED DEVELOPMENT IS NOT GENERATING MORE TRAFFIC THAN WHAT YOU IMPOSED AS A LIMIT DURING ZONING. SO THAT AT THE BROADEST LEVEL IS THE WAY THAT WE LOOK AT TRAFFIC IMPACT AS IT RELATES TO PROPOSED DEVELOPMENTS IN AUSTIN. IT IS A FAIRLY TYPICAL METHODOLOGY, AND GEORGE IS GOING TO TALK ABOUT HOW THAT METHODOLOGY WAS APPLIED TO THIS PARTICULAR SITE. JUST TO GIVE YOU A QUICK CONCLUSION ABOUT THAT PIECE OF THE PROCESS, WE THINK THAT THE SITE PLAN WAS TECHNICALLY COMPLIANT WITH THE CITY'S CODES AND REGULATIONS. I THINK PROBABLY WHAT WOULD BE HELPFUL NOW IS TO HAVE TAMMY WALK YOU THROUGH THE SITE PLAN -- I THINK ONE OF THE THINGS THAT WE'VE LEARNED IN THE LAST FEW WEEKS IS THERE IS JUST A VERY -- THERE ARE VARYING DEGREES OF UNDERSTANDING ABOUT WHAT IS BEING PROPOSED -- ABOUT WHAT WAS PROPOSED ORIGINALLY AND WHAT IS ON THE TABLE TODAY. PEOPLE HAVE ASKED LOTS OF QUESTIONS ABOUT BUILDING FOOTPRINTS, AND SO TAMMY IS HERE TO WALK YOU THROUGH THAT SITE PLAN AND DESCRIBE FOR YOU THE

PROPOSAL THAT LINCOLN PROPERTIES SUBMITTED IN ITS SITE PLAN. TAMMY?

THANK YOU, LAURA. I JUST WANT TO WALK THROUGH THE APPROVED SITE PLAN THAT WE HAVE TODAY. WHAT YOU SEE IN YELLOW IS WHAT IS ON THE GROUND TODAY, WHAT WE HAVE RIGHT NOW EXISTING. WHAT YOU SEE IN BLUE ARE THE FOUR BUILDINGS THAT ARE PROPOSED AND THIS BUILDING RIGHT HERE, BUILDING 3 IS AN INTERIOR REMODEL THAT'S OCCURRING. SO IF I COULD JUST WALK YOU THROUGH THE SITE. THE SITE IS DOWN BY NORTH CROSS DRIVE, WEST ANDERSON LANE, AND BURNET ROAD HERE. AND BUILDING 1 IS A BUILDING HERE, IT'S ABOUT 23,040 SQUARE FEET. BUILDING 2 IS 14,744. AND I BELIEVE -- DOUBLE-CHECKING ON THAT, I'M NOT CERTAIN THAT'S THE FINAL NUMBER WE CAME UP WITH. I THINK WE HAD -- I THINK THE BUILDING HAS A CORRECTION. THAT'S ABOUT 14,490 SQUARE FEET. BUILDING 3 AGAIN IS AN INTERIOR REMODEL. THAT SQUARE FOOTAGE HAVE..... OF THAT BUILDING IS 153,345. BUILDING 4 IS THE WAL-MART THAT'S IN QUESTION. THAT BUILDING IS 219,629 SQUARE FEET, AND BUILDING 5 IS A THREE LEVEL PARKING GARAGE THAT'S BEING PROPOSED. THE GREEN YOU SEE IS THE -- IS GOING TO BE GREEN AREAS THAT DO NOT EXIST ON THE GROUND TODAY. THE IMPERVIOUS COVER PROPOSED IS 87.1%, WHAT YOU HAVE ON THE GROUND NOW IS APPROXIMATELY 95%. AND THAT'S PRETTY MUCH WHAT THE -- THE CHANGES THAT YOU SEE -- THERE IS A GARDEN CENTER, IF YOU CAN SEE THIS RIGHT HERE, THAT'S APPROXIMATELY 5,465 SQUARE FEET HERE. AND I BELIEVE THERE ARE SOME OTHER THINGS OUT HERE SUCH AS A WATER QUALITY POND, I THINK TODAY, PECANS, THE NORTH CROSS CENTER AND THE OTHER BUILDINGS YOU SEE IN YELLOW, THE SONIC, LONG JOHN'S AND THERE ARE SEVERAL OTHER RETAIL SITES OUT HERE. AND I THINK THERE ARE SOME -- SEVERAL PEOPLE HAVE ASKED FOR THE PURPOSES OF CALCULATING IMPERVIOUS COVER AS WELL AS BUILDING COVERAGE OUT IN... IN THIS ENTIRE AREA I'D LIKE TO GO THROUGH SOME OF THE NUMBERS. WHEN CALCULATING BUILDING COVERAGE FOR THE SITE, WE WOULD CALCULATE ALL THE BUILDINGS THAT COVER THE ENTIRE SITE, AND WE WOULD NOT NECESSARILY CALCULATE SECOND AND THIRD STORES. SO FOR THAT

NUMBER WE WOULD CALCULATE THE 411,000 SQUARE FEET THRA COVER THE.... THAT COVER THE SITE TO INCLUDE THE GARDEN CENTER AND WE WOULD ALSO INCLUDE THE FIRST FLOOR OF THE GARAGE. THAT TOTAL NUMBER IS 417,242 SQUARE FEET. NOW, WHEN CALCULATING THE TOTAL SQUARE FOOTAGE FOR THE SITE WE WOULD CALCULATE ALL BUILDINGS, INCLUDING ON ALL FLOORS BUT WE WOULD NOT COUNT THE GARAGE BECAUSE THAT IS NOT COUNTED IN YOUR FLOOR TO AREA RATIO. THAT IS NOT OCCUPIED SPACE IN TERMS OF PEOPLE THAT YOU WOULD HAVE MILLING ABOUT AND SHOPPING IN THAT AREA. SO FOR PURPOSES OF YOUR ZONING CALCULATIONS YOU WOULD NOT CALCULATE THAT IN YOUR FAR. AND THAT NUMBER IS 415,960 SQUARE FEET. A COUPLE OF YOU HAVE ASKED A QUESTION, IS THE SITE DOUBLING IN TERMS OF THE OCCUPIABLE SPACE. I THINK SOME PEOPLE ARE CONFUSING NUMBERS WITH SOME OF THE TIA MEMORANDUM THAT WAS INCLUDED ON THE WEB. I THINK THE OCCUPIED SPACE, THE - - OR THE UNOCCUPIED SPACE FOR THE -- AND GEORGE WILL TALK ABOUT THIS LATER ON, I THINK HIS NUMBER IS 269,000 FOR OCCUPIED SPACES THAT ARE ON THE SITE FOR RETAIL, AND FOR THOSE PURPOSES HIS NUMBERS AND MY NUMBERS ARE VERY DIFFERENT BECAUSE WHEN I'M CALCULATING SPACE FOR THE SITE PLAN IN COMPLIANCE WITH THE SITE PLAN, WE ARE LOOKING AT NUMBERS COMPLIANT FOR THE ZONING REQUEST, NOT FOR NECESSARILY -- NECESSARILY FOR BACKGROUND CHECK GENERATION. SO HIS NUMBERS -- HE'S LOOKING AT BACKGROUND TRAFFIC GENERATION REQUESTS. I'M LOOKING AT WHETHER OR NOT THE SITE IS COMPLIANT WITH GR ZONING. SO SOMEONE MAY SAY, IS THE SITE DOUBLING IN SIZE OR IN -- IS IT TWICE THE AMOUNT OF DEVELOPMENT? NO, IT'S NOT. FOR OUR CALCULATIONS WHAT WE'VE GOT IS 375,165 SQUARE FEET AND THE SITE IS GOING FROM THAT TO 415,960 SQUARE FEET. THAT'S THE DIFFERENCE IN HOW WE CALCULATE IT FOR PURPOSES OF COMPLIANCE WITH THE ZONING REGULATION.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: I'M LOOKING AT LAURA HUFF MAN'S MEMO OF DECEMBER 6 AND IT'S TABLE 3 ON PAGE 11, IT SAYS THE TOTAL EXISTING SQUARE FEET IS 269,543 FEET, AND THE TO

THE TOTAL PROPOSED SQUARE FEET IS 424,655 FEET, WHICH AMOUNTS TO 58% INCREASE IN THE DEVELOPED SIZE OF NORTH CROSS MALL PROJECT. I DON'T SEE YOUR NUMBERS ANYWHERE ON LAURA HUFF MAN'S MEMO. SO WHAT'S -- CAN YOU EXPLAIN FOR US WHAT'S THE SOURCE OF THAT?

WELL, I THINK WHAT MAY BE GOING ON -- I DON'T KNOW WHETHER OR NOT YOU HAVE -- I DON'T HAVE THAT MEMO IN FRONT OF ME SO I'M -- I THINK WHAT MAY BE HAPPENING IS IT MAY HAVE BEEN A SITUATION WHERE --

MAYOR WYNN: IT'S ON PAGE 11.

ARE YOU LOOKING AT [INAUDIBLE]?

MCCRACKEN: THE TABLE 3 PROPOSED ADJUSTED LAND USE TRIP GENERATION, AND IT HAS THE FULL BREAK-OUT OF THE PROPOSAL INCLUDING THE 225,000 SQUARE FEET WAL-MART, AND THEN THE REST OF THE -- THAT TOTAL PROPOSED IS 424,655. THE TOTAL EXISTING IS 269,543, WHICH IS AN INCREASE OF 58% IN SIZE NORTH CROSS MALL RETAIL SPACE. THIS IS IN YOUR [INAUDIBLE] ACTUALLY.

YEAH, I DO BELIEVE THAT THAT IS FROM THE CIA PORTION OF IT. I THINK THAT -- FOR THE PURPOSES OF THE TRIP GENERATION, THE BACKGROUND TRAFFIC, I THINK THAT ASSUMPTION WAS MADE, BUT AGAIN, THAT WASN'T FOR THE PURPOSES OF COMPLIANCE WITH THE GR ZONING. THAT WAS FOR PURPOSES OF COMPLIANCE WITH THE BACKGROUND GENERATION FOR THE TRAFFIC SO THAT WAS TWO DIFFERENT NUMBERS FOR TWO PURPOSES.

I GUESS WHAT WE'RE TRYING TO FIGURE OUT IS IN ASSESS ASSESSING WHAT'S GOING ON, LINCOLN PROPERTIES IS TAKING A 269,543 SQUARE FEET DEVELOPMENT. THEY ARE PROPOSING TO EXPAND IT TO A 424,655,000 SQUARE FEET POWER CENTER. IS THAT -- ARE THOSE -- THOSE ARE THE NUMBERS IN YOUR MEMO AND I DON'T SEE ANY OTHER NUMBERS THERE. WHAT IS THAT ABOUT?

ACTUALLY WHAT'S ON THE GROUND IS 375,000.

MCCRACKEN: IN THE LAND THAT LINCOLN OWNS?

ON THE SITE RIGHT NOW.

MCCRACKEN: EXPLAIN TO ME THE DIFFERENCE. BECAUSE YOUR MEMO SAYS 269 AND THAT'S WHAT -- LINCOLN'S MEMO SAYS THAT TOO.

I THINK THE CONFUSION -- I'M SORRY. DO YOU WANT -- I ACTUALLY WILL LET GEORGE EXPLAIN THE TIA PORTION OF THAT.

COUNCIL MEMBER, THE 269,000 IS THE OCCUPIED SQUARE FOOTAGE. THE TOTAL IN THE CENTER IS 375,000, WHICH INCLUDES ABOUT 100,000 SQUARE FEET OF VACANT SPACE.

MCCRACKEN: SO YOU'RE TALKING ABOUT UNOCCUPIED SPACE. SO THE QUESTION IS IN TERMS OF WHAT'S ACTUALLY BEING USED RIGHT NOW, LIKE LIKE THE ATRIUMS -- WHAT'S ACTUALLY BEING USED IS 269, AND THAT..... THAT WILL EXPAND TO 42 442 --

NO THE 424,000 WAS WHAT WAS ASSUMED WHEN THE TRAFFIC IMPACT ANALYSIS WAS DONE. AS IT TURNED OUT --

LINCOLN GAVE THAT NUMBER TO YOU, RIGHT?

YES. WHEN THE -- AS THE SITE PLAN WENT THROUGH THE PROCESS, THERE WERE SOME CHANGES MADE AND....IN THE ACTUAL SQUARE FOOTAGE THAT WAS ACTUALLY APPROVED WAS A LITTLE LESS THAN WHAT WAS ASSUMED IN THE TIA.

MAYOR WYNN: SO THE SQUARE FOOTAGE THAT IS ON THE GROUND NOW AT NORTH CROSS MALL, WHAT'S --

THE TOTAL EXISTING SQUARE FOOTAGE ON THE SITE IS 375,000, AND OF THAT TOTAL 269,000 IS OCCUPIED.

MAYOR WYNN: THANK YOU.

SO FOR THE PURPOSES OF THE ZONING CALCULATION THAT'S THE NUMBER WE'LL USE, 375,000.

I BELIEVE MISHAD..... MISHUFF MAN HAD SOMETHING SHE WANTED TO ADD.

I WANTED TO SMENGs JUST THREE QUICK THINGS THAT REPRESENT CHANGES OVER THE LAST FEW DAYS THE FIRST ONE IS [INAUDIBLE] ON THIS PROJECT AND PEOPLE WANTED TO UNDERSTAND HOW THIS THING DID OR DID NOT IMPACT THIS PROJECT. OUR ASSESSMENT WAS THAT THERE WAS NO REAL -- AND WE USE THAT TERM TO REFER TO THE STATE LAW THAT SAYS, A PROJECT INVESTIGATES WHEN THE FIRST SERIES OF PERMITS WAS FILED BUT THERE..... THERE ARE TWO THINGS YOU'RE LOOKING AT. FIRST WHAT WAS THE FIRST PERMIT AND SECOND OF ALL IS THE CURRENT DEVELOPER CONSIDERING THE SAME PROJECT. WE DON'T THINK THERE WAS ANY VESTING THAT WAS ASSOCIATED WITH ZONING. THEY SIMPLY HAD A ZONING CATEGORY THAT ACCOMPLISHED ALL THE NEEDS THEY HAD FOR THEIR PROPOSAL. BUT IT IS IMPORTANT TO NOTE THAT THE WAY THAT STATE LAW IS STRUCTURED, WHEN THEY FILE THEIR SITE PLAN THEY DO LOCK IN FOR PURPOSES OF THE SITE PLAN REVIEW, THE RULES AND REGULATIONS THAT ARE IN PLACE THE DAY THEY FILE THE SITE PLAN AND SO THERE IS NO OLD ENTITLEMENT HERE IN TERMS OF THE VESTING STATUTE. THEY SIMPLY LOCKED IN ON THE DAY THEY FILED THEIR SITE PLAN. THE REGULATIONS THAT WERE IN PLACE THEN. THE OTHER TWO THINGS THAT I WANT TO MENTION ARE NEW DEVELOPMENTS. YESTERDAY WE GOT A LETTER FROM WAL-MART AND TODAY WE GOT A LETTER FROM LINCOLN PROPERTIES, BOTH OF WHICH WERE INDICATING THAT ON A VOLUNTARY BASIS BOTH WOULD HOLD ON APPLYING FOR NEXT PERMITS WHILE WE NEGOTIATE AND TRY AND UNDERSTAND, AND THEY AGREED THAT THEY WOULD NEGOTIATE WITH THE NEIGHBORHOODS. AND SO I JUST WANT TO MENTION THAT IN CASE PEOPLE HAVE MISSED THAT. AND THEN ALSO SOMETHING THAT MIGHT -- PEOPLE MAY OR MAY NOT BE AWARE OF IS YESTERDAY LINCOLN FILED A SECOND SITE PLAN ON THE SAME PROPERTY, AND WHAT THAT MEANS -- YOU CANNOT HAVE TWO -- YOU SCRN TWO APPROVED SITE PLANS FOR THE SAME PROJECT BUT THEY CAN HAVE A SECOND FILED APPLICATION IN THE SYSTEM AND HAVE AN APPROVED SITE PLAN, WHICH IS EXACTLY WHAT'S HAPPENED. AND WHAT

THAT MEANS IS THAT AS OF THE DATE THEY FILED YESTERDAY, THE SECOND SITE PLAN, THEY LOCKED IN THE REGULATIONS, MEANING THE LAND DEVELOPMENT CODE IN THE CITY'S CRITERIA MANUALS, AS OF YESTERDAY ON THIS SECOND FILED SITE PLAN. I THINK WHAT'S SIGNIFICANT TO NOTE IS THAT ONE OF THOSE TWO SITE PLANS HAS TO BE A BOND.....ABANDONED BECAUSE WE WILL NOT ISSUE TWO PERMITS FOR THE SAME SITE, BUT I KNOW THAT PEOPLE ARE AWARE THAT THERE HAS BEEN A SITE PLAN FILED AND I THINK THERE WAS SOME CONFUSION ABOUT WHO FILED IT AND WHETHER OR NOT IT WAS FILED FOR THE SAME PROPERTY. SO WE JUST WANTED TO PROVIDE THAT UPDATE. AND SO I THINK PROBABLY WHAT'S LEFT HERE IS TO HAVE GEORGE SOP LACK TOWK TO... TALK TO YOU AS SPECIFICALLY AS WE CAN AND ANSWER ANY QUESTIONS YOU MIGHT HAVE ABOUT HOW THE TRAFFIC IMPACT ANALYSIS WAS CONDUCTED FOR THIS PARTICULAR SITE.

GOOD EVENING, COUNCIL MEMBERS. SINCE THERE HAVE BEEN SO MANY QUESTIONS ABOUT THE TRANSPORTATION ISSUES WE'VE PUT A FEW SLIDES TOGETHER TO SUMMARIZE THE METHODOLOGY THAT WE WENT THROUGH IN REVIEWING THE TRAFFIC IMPACT ANALYSIS AND SOME OF THE FINDINGS. BASICALLY THE PURPOSE OF A TRAFFIC IMPACT ANALYSIS AS SET FORTH IN THE.... IN THE LAND DEVELOPMENT CODE IS TO PROVIDE INFORMATION ABOUT PROJECTED TRAFFIC RESULTING FROM A PROPOSED DEVELOPMENT, TO ASSESS THE EFFECT OF THAT TRAFFIC ON THE ROAD..... ROADWAYS AND TO IDENTIFY POTENTIAL TRAFFIC PLOBS AND SOLUTIONS AND THESE RECOMMENDATIONS BECOME THE BASIS FOR REQUIRING THE DEVELOPER PARTICIPATION IN TRAFFIC TRAFFIC RELATED IMPROVEMENTS ON THE SITE. THE PROCEDURES THAT WE USE IN ANALYZING THE TIA'S, FIRST, THE TIA IS PREPARED BY THE APPLICANT'S TRAFFIC ENGINEER. THEY CONSULT WITH THE STAFF BEFORE THEY PREPARE THE STUDY TO GO OVER ASSUMPTIONS AND DETERMINE THE SCOPE OF THE STUDY. ONCE THEY COMPLETE THE STUDY AND SUBMIT IT TO US, WE REVIEW IT ACCORDING TO A STANDARD METHODOLOGY WHICH IS SET FORTH IN THE CITY'S CRITERIA MANUAL. AND THIS IS SIMILAR TO WHAT'S USED IN MOST OTHER CITIES AROUND THE COUNTRY THAT

DO TRAFFIC IMPACT STUDIES, AND IT IS ALSO SIMILAR TO WHAT IS USED BY AT LEAST 15 OTHER CITIES IN THE STATE OF TEXAS. THE END RESULT OF A TRAFFIC IMPACT ANALYSIS IS THAT A SITE PLAN MAY BE DENIED IF DEVELOPMENT OVER BURDENS A STREET SYSTEM. THIS IS STRAIGHT FROM THE CITY CODE. HOWEVER, TYPICALLY THE APPLICANT DEVELOPS WAYS TO MITIGATE THE EFFECTS OF THAT TRAFFIC AND THERE ARE NUMEROUS METHODS THEY CAN USE TO TRY TO MITIGATE TRAFFIC. THEY CAN HELP CONSTRUCT TRAFFIC IMPROVEMENTS SUCH AS TURN LANES OR TRAFFIC SIGNALS. THEY CAN MAKE CHANGES TO THE LAND USE ON THE PROPERTY TO COME UP WITH USES THAT GENERATE LESS TRAFFIC. THEY CAN USE TRAVEL DEMAND MANAGEMENT TECHNIQUES SUCH AS STAGGERED WORK HOURS OR RIDE SHARING TO REDUCE THE AMOUNT OF TRAFFIC TO THE SITE OR THEY CAN DO THINGS TO ENCOURAGE ALTERNATIVE TRANSPORTATION MODES SUCH AS TRANSIT PEDESTRIAN AND BICYCLE USAGE. THE METHODOLOGY THAT WE FOLLOW GOES THROUGH SEVERAL STEPS. FIRST OF ALL WE LOOK AT THE TRIP GENERATION OR THE EXISTING TRAFFIC ON THE SITE. WE DETERMINE THE EXISTING TRAFFIC BY MEASURING WHAT IS ON THE GROUND, THE CONSULTANT GOES OUT AND CONDUCTS TRAFFIC COUNT ON ON THE GROUND AND ASSESSES IT USING THE SURROUNDING INTERSECTIONS. TO LOOK AT THE FUTURE TRAFFIC, THE ADDITIONAL TRAFFIC RESULTING FROM THE SITE, WE RELY UPON STANDARD TRIP RATES THAT ARE DEVELOPED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS, AND THESE ARE ALSO BASED UPON ACTUAL COUNTS THAT ARE DONE AT VARIOUS LAND USES THROUGHOUT THE COUNTRY THAT ARE COMPILED AND ANALYZED BY THE ITE, AND EQUATIONS ARE DEVELOPED FROM THOSE STUDIES TO COME UP WITH WHAT ARE TYPICAL RATES FOR DIFFERENT TYPES OF A DEVELOPMENT. THOSE TRIPS ARE ALSO ADJUSTED TO TAKE INTO CONSIDERATION THREE DIFFERENT FACTORS. FIRST YOU CAN HAVE INTERNAL TRIPS. FOR A MIXED USE PROJECT YOU MAY HAVE PEOPLE THAT ARE VISITING MORE THAN ONE FACILITY ON THE SITE, SO THEY MAY GO FROM ONE SITE TO ANOTHER. THEY NEVER GO BACK ONTO THE STREET SYSTEM. THEY TRAVEL INTERNALLY USING AN INTERNAL CIRCULATION NETWORK, SO THOSE TRIPS ARE NOT DOUBLE

COUNTED. THEY'RE ONLY COUNTED ONCE. THERE IS AN ADJUSTMENT MADE FOR THAT. ALSO WE HAVE WHAT ARE CALLED PASS BY TRIPS. THIS IS TRAFFIC THAT IS ALREADY USING THE ROADWAY THAT IS HEADED FOR ANOTHER DESTINATION AND THEY STOP OFF AT THIS PARTICULAR SITE ON THEIR WAY TO SOMEWHERE ELSE. AND THEN THE THIRD TYPE OF ADJUSTMENT IS FOR TRANSIT TRIPS, AND IN THIS PARTICULAR CASE THERE WERE NO -- THERE WAS NO DEDUCTION CLAIMED FOR TRANSIT TRIPS, ALTHOUGH THERE IS SIGNIFICANT TRANSIT SERVICE TO THE NORTH CROSS MALL AT THE PRESENT TIME. THE NEXT STEP IN THE PROCESS IS TO LOOK AT THE DISTRIBUTION OF THOSE TRIPS. ONCE WE KNOW HOW MANY TRIPS THERE ARE WE HAVE TO ASSIGN THEM TO THE ROADWAY NETWORK, AND LOOK AT WHERE THEY WILL BE GOING, WHAT DIRECTION THEY'LL BE GOING IN. WE ALSO LOOK AT OTHER PROJECTS THAT ARE IN THE VICINITY THAT MAY HAVE BEEN APPROVED THAT WILL BE GENERATING TRAFFIC BY THE TIME THIS PROPOSED DEVELOPMENT IS BUILT, AND THEN WE APPLY A ROAD FACTOR WHICH TAKES INTO ACCOUNT JUST THE TENDENCY OF TRAFFIC TO INCREASE OVER TIME. THE NEXT STEP THEN IS TO ANALYZE THE CAPACITY OF THE INTERSECTIONS THAT ARE AFFECTED BY THE PROJECT, AND WE USE THIS BY -- BY USING -- WE USE A STANDARD METHODOLOGY IN THE HIGHWAY CAPACITY MANUAL THAT DETERMINES THE AVERAGE VEHICLE DELAY -- OR THE AVERAGE DELAY THAT A VEHICLE WILL EXPERIENCE IN TRAVELING THROUGH EACH INTERSECTION AT THE PEAK PERIODS, THE MORNING PEAK HOUR AND THE EVENING PEAK HOUR, AND EACH INTERSECTION IS GRADED ON A SCALE FROM A TO F WITH A BEING THE BEST AND F BEING THE WORST. THEN THE FINAL STEP IS TO DEVELOP RECOMMENDATIONS FROM THAT ANALYSIS TO MITIGATE ANY TRAFFIC IMPACTS. IN TERMS OF THE NORTH CROSS MALL TIA AS I STATED, THE OCCUPIED SPACE IT... WAS 269,000 OUT OF THE TOTAL 375,000 SQUARE FEET. THE COUNTS THAT WERE TAKEN ASSUMED -- DID NOT ASSUME THAT THE WHOLE MALL WAS OCCUPIED. THE COUNTS MEASURED THE EXISTING TRAFFIC AND WERE CORRELATED THEN TO THE EXISTING OCCUPIED SPACE, NOT TO THE TOTAL SQUARE FOOTAGE, SO THAT WHEN THE ADDITIONAL TRAFFIC IS ADDED IN LATER, IT'S BASED UPON WHAT IS

CURRENTLY OCCUPIED, NOT ON ALL THE VACANT SPACE. THE EXISTING NUMBER OF TRIPS PER DAY WAS MEASURED AT 8,065. THE PROJECTED NUMBER OF TRIPS FOR THE ENTIRE DEVELOPMENT WAS ESTIMATED AT JUST OVER 15,000, WHICH RESULTS IN A NET INCREASE OF SLIGHTLY OVER 7,000 TRIPS PER DAY. THAT'S OVER A 24-HOUR PERIOD. WHAT WE DO WHEN WE ANALYZE INTERSECTIONS IS TO LOOK AT THE PEAK HOUR, AND IN THIS CASE THE EVENING PEAK HOUR IS THE HIGHER, NATURALLY A SHOPPING CENTER IS OPEN -- IS NOT NORMALLY OPEN -- MOST OF THE FACILITIES ARE NOT OPEN IN THE MORNING PEAK HOURS SO THE EVENING PEAK IS THE CRITICAL TIME IN THIS CASE AND THAT IS ABOUT 674 IN THIS CASE, AND THAT IS TYPICAL THAT THE PEAK HOUR IS TYPICALLY AROUND 10% OF THE TOTAL. SO THOSE -- THOSE 674 TRIPS THEN ARE DISTRIBUTED OUT ON TO THE NETWORK AND ASSIGNED TO EACH OF THE VARIOUS INTERSECTIONS. THERE WERE FIVE STREET INTERSECTIONS AND SIX DRIVEWAYS THAT WERE LOOKED AT IN THIS CASE, AND THOSE ARE DEPICTED ON THIS MAP. I DON'T KNOW IF YOU CAN SEE THE GREEN DOTS THERE, BUT THEY WERE IN THE VICINITY OF THE NORTH CROSS MALL. THE CONCLUSIONS THAT THE CONSULTANT CAME TO AND THAT STAFF AGREED TO AFTER REVIEWING THE TRAFFIC IMPACT ANALYSIS IS THAT ALL INTERSECTIONS WOULD OPERATE AT AN ACCEPTABLE LEVEL OF SERVICE, D OR BETTER, AND THEREFORE THE DEVELOPER WAS NOT REQUIRED TO MAKE ANY TRAFFIC IMPROVEMENTS RELATED TO THE REDEVELOPMENT OF THE SITE. THAT CONCLUDES MY PRESENTATION AND I --

FOR...FOLKS, PLEASE LET HIM FINISH.

I GUESS AT THIS POINT WE CAN OPEN IT UP FOR QUESTIONS.

MAYOR WYNN: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COMMENTS? COUNCIL MEMBER MCCRACKEN.

MCCRACKEN: I REALLY APPRECIATE YOUR PRESENTATION AND IN LOOKING AT THIS, COULD YOU TELL US HOW MUCH CAN ANDERSON LANE -- ANDERSON LANE, THE THREE PROBABLY -- JUST FROM PERSONAL EXPERIENCE IT SEEMS

THE MOST SUSCEPTIBLE TO OVER OVERLOAD BECAUSE IT'S ONLY FOUR LANES WITH SPORADIC CENTRAL TURN LANE, BURNET OBVIOUSLY TOO. BUT HOW MUCH CAN EITHER BURNET OR ANDERSON HANDLE EXTRA BEFORE IT GOES INTO FAILURE MODE?

WELL, THE FAILURE IS REALLY BASED UPON THE INTERSECTION, AND THE -- IF YOU LOOK JUST AT THE MAIN LANE CAPACITY YOU CAN CARRY A LOT OF TRAFFIC JUST ON A FOUR LANE ROAD OR EVEN A TWO-LANE ROAD, BUT THE CRITICAL POINT IS WHEN YOU GET TO THE INTERSECTION AND THERE THE PROBLEM IS TURNING MOVEMENTS AND PARTICULARLY LEFT TURNS. SO IT'S SOMEWHAT DIFFICULT TO...TO SAY HOW MUCH ADDITIONAL TRAFFIC COULD BE HANDLED, BUT WHAT THE ANALYSIS SHOWED IS THAT THE LEVEL SERVICE WAS AT LEVEL D AND IT WAS A LOW LEVEL D, SO IT WOULD NOT TAKE A GREAT DEAL OF ADDITIONAL TRAFFIC TO THROW IT INTO A LEVEL SERVICE E, BUT AGAIN, IT DEPENDS ON WHERE THE TRAFFIC WAS GOING, WHAT SORT OF TURNING MOVEMENTS WOULD BE MADE AND THAT KIND OF THING. SO I CAN'T GIVE YOU A NUMBER BUT, YOU KNOW, IT WAS AT LEVEL D AND IT WAS APPROACHING A LEVEL E.

MCCRACKEN: WHERE DO THE TRAFFIC ANALYSIS PREDICT THAT MOST OF THE TRAFFIC IS GOING TO COME, PARTICULARLY TO THE SUPER WAL-MART.

IT WAS ABOUT 55 TO 60% OFF OF BURNET ROAD, ABOUT 30 TO 35% OFF OF -- I'M SORRY, 25 TO 30% OFF OF ANDERSON, AND THE.... THE AND THE REMAINING 10% WAS OFF OF THE OTHER MINOR COLLECTOR STREETS AND AREAS BS SUCH AS ROCK WOOD, NORTH CROSS, FOSTER.

MCCRACKEN: SO IF WE'RE GOING TO GO FROM 269,000 ACTIVE SQUARE FEET TO 400 AND, WHAT IS IT,.

415,000, I BELIEVE.

MCCRACKEN: YEAH, 424,000 424,000 SOMEWHERE IN THAT RANGE, WHATEVER, THAT'S A LOT OF TRUCKS, 18-WHEELERS, TO SERVE THESE STORES. WHAT DO WE KNOW ABOUT 18-WHEELERS GOING DOWN THESE CITY STREETS BY

THESE NEIGHBORHOODS? WHERE ARE THEY GOING TO COME FROM, HOW MANY OF THEM ARE THERE GOING TO BE, WHAT TIME OF DAY WILL THEY BE TRAVELING?

WE CAN ESTIMATE THAT TRUCKS WOULD CONSTITUTE ABOUT 2 TO 4% OF THE TOTAL TRIPS AND IN THIS CASE THAT WOULD BE BETWEEN 150 AND 300 TRIPS PER DAY OVER A 24-HOUR PERIOD. TYPICALLY THEY..... THEY COME OFF THE MAJOR ARTERIALS, AND THEN THEY WOULD MOST LIKELY BE COMING FROM MONTH..... MOPAC OR I-35 AND THEN OVER TO THE SITE ALONG ANDERSON OR BURNET. THERE ARE NO RESTRICTIONS ON THE TIME OF DAY THAT TRUCKS COULD USE THE SITE AT THIS TIME.

MCCRACKEN: WHAT DO WE KNOW ABOUT WHEN SUPER WAL-MARTS LOAD UP WITH THEIR 18-WHEELERS? WHAT TIME OF DAY DO THEY TYPICALLY DO IT?

I DON'T HAVE ANY STATISTICAL INFORMATION ON THAT. I THINK TYPICALLY THEY PREFER TO LOAD AT THE LESS -- LESS BUSY HOURS, YOU KNOW, MOST LIKELY AT NIGHT, BUT THERE PROBABLY ARE DELIVERIES THAT OCCUR THROUGHOUT THE DAY.

MCCRACKEN: OKAY. I'M GOING TO -- THIS IS MY LAST SET OF QUESTIONS ON TRAFFIC STUFF, AND YOU'VE BEEN -- ON THE -- WE... WE HAD SOME QUESTIONS AND THAT WAS TO COMPARE WHAT LINCOLN PROPERTIES PRESENTED AS THE TRUTH, USING THEIR T.I.A. MANUALS THAT THEY PRESENTED THIS THOUGHT, THE FOLLOWING IS THE TRUTH. THEY PRESENTED THE FOLLOWING TO THE CITY, THAT THE SUPER WAL-MART WOULD GENERATE 10,000, WAS IT 600 CAR TRIPS A DAY, UNADJUSTED, WHICH IS BY THE WAY MORE THAN ALL NORTH CROSS MALL CURRENTLY, BUT THEN WE ASKED -- [INAUDIBLE] REAL TRAFFIC COUNTS. OBVIOUSLY IT'S A ONE DAY SNAPSHOT SO OBVIOUSLY WE DON'T -- THE DAY MATTERS BUT YOU-ALL DID THREE WAL-MARTS HERE IN AUSTIN AND THEN [INAUDIBLE] SO WE KNOW THAT LINCOLN - - THE SUPER WAL-MART PRODUCED 610,000 610,000 610,000 CAR TRIPS, SO THE WAL-MART UNDER THEIR OWN NUMBERS HAVE PRODUCED TWICE AS MANY AS YOU-ALL COUNT IN KIA. THE OTHER ONE HAS PRODUCED -- BUT NOW WE GET INTO THE SUPER WAL-MART, RM 620 BROUGHT IN 22,600 CAR

TRIPS A DAY, MORE THAN DOUBLE THE 10,600 THAT LINCOLN SAID IT WOULD BRING IN ON ANDERSON LANE, AND THEN THE SUPER WAL-MART AT SLAUGHTER LANE I-35 BROUGHT IN 28,277 CAR TRIPS. SO I GUESS THE FIRST QUESTION IS NOW THAT WE HAVE LINCOLN FILING A SECOND SITE PLAN, WHICH MEANS THEY'RE GOING TO HAVE TO GET -- THEY VOLUNTEERED TO GO THROUGH THE WHOLE PROCESS AGAIN, APPARENTLY, WHAT ABILITY DO YOU HAVE TO LOOK AT REAL WORLD -- FOR WAL-MART AND LINCOLN HAVE TO BRING IN REAL WORLD TRAFFIC NUMBERS TO YOU AS OPPOSED TO WHAT THEY'RE BRINGING OFF THE MANUAL?

WELL, COUNCIL MEMBER, WE DO FEEL THAT THEY USED THE APPROPRIATE NUMBERS, ACCORDING TO THE STANDARD METHODOLOGY IN THE INITIAL STUDY. HOWEVER, THIS IS NEW INFORMATION THAT WE RECEIVED JUST YESTERDAY AND TODAY. SO CERTAINLY WE WILL BE TAKING ANOTHER LOOK AT THE TRIP GENERATION NUMBERS IN THE REREVIEW WITH THE NEW APPLICATION. I WOULD SAY, WITH REGARD TO THESE COUNTS THAT WERE TAKEN, THEY DO INCLUDE MORE THAN JUST THE WAL-MART. FOR EXAMPLE, THE ONE AT LAKE LINE INCLUDES WAL-MART AND LOW....LOWS ON THE SAME SITE SO WE WERE NOT ABLE TO COMPLETELY ISOLATE THE DISCOUNT SUPER STORES IN THESE CASES SO WE WOULD HAVE TO TAKE THAT INTO ACCOUNT AND THERE ARE OTHER FACTORS SUCH AS THE DECEMBER TRAFFIC IS MUCH HIGHER THAN ANY OTHER MONTH OF THE YEAR.

MCCRACKEN: RIGHT, I THINK YOU RAISED A GOOD POINT. IT'S NOT DEFINITIVE BUT IT RAISES QUESTIONS THAT MERIT LOOKING INTO, AND, IN FACT, ONE OF THE THINGS I -- WAL-MART AND LINCOLN FOLKS ARE WATCHING TONIGHT I WOULD CALL THEM TO TELL THE TRUTH WHEN THEY SUBMIT THEIR NEXT TRAFFIC IMPACT ANALYSES. [APPLAUSE]

WE'RE NOT SUPPOSED TO BE IN THE BUSINESS OF MIND READING ON WHAT I REMEMBER WHAT THEIR NUMBERS ARE BUT I GUARANTEE WAL-MART KNOWS EVERYTHING ABOUT CARS COMING INTO THEIR PARKING LOT SO THEY'RE IN THE BEST POSITION TO TELL THE TRUTH AND THEY NEED TO DO THAT. AND THIS IS ANOTHER QUESTION FOR PROBABLY -- MAYBE LOR ON OR MIGHT BE MARTY OR DAVID. BUT I THINK THAT BECAUSE THEIR RIGHTS ARE VESTED THAT THERE ARE

ISSUES THAT ARE SEVERE LIMITATIONS THERE. BUT CAN YOU TELL US ABOUT THE ABILITY OF THE AUSTIN CITY COUNCIL TO OOPT AN ORDINANCE LIMIT..... LIMITING HOURS OF OPERATION, UNDER OUR POLICE SAFETY WELFARE POWERS?

YES, COUNCIL MEMBER. AS A HOME RULE CITY THE CITY OF AUSTIN HAS WHAT IS OFTEN DESCRIBED AS BROAD POWERS, BROAD POLICE POWERS, TO REGULATE COMMERCIAL ACTIVITIES THAT WOULD BE IN ADDITION TO LAND DEVELOPMENT. AGAIN SPEAKING GENERALLY, THE TEST IS THOUGHT TO BE WE CAN EXERCISE OUR POLICE POWER TO REGULATE ACTIVITIES AS LONG AS THERE IS A RATIONAL BASIS BETWEEN THE REGULATION THAT WE IMPOSE AND THE.....AND A LEGITIMATE PUBLIC PURPOSE AND AS LONG AS THE REGULATION THAT WE IMPOSE IS UNIFORMLY APPLIED. SO AS STATED, THAT'S THE GENERAL POWER AND THAT'S BROAD. THE CITY OF AUSTIN HAS, WITH RESPECT TO HOURS OF OPERATION, REGULATIONS IN PLACE, FOR EXAMPLE, CONCERNING AMUSEMENT PARKS. WE HAVE REGULATIONS IN PLACE ABOUT OBSTRUCTING TRAFFIC WHEN LOADING OR UNLOADING WITH RESPECT TO JUNK YARDS, AND I WON'T BELABOR IT BY GOING INTO ALL THE EXAMPLES OF WHAT THE CITY HAS DONE IN THE PAST BUT THE CITY DOES HAVE POLICE POWER TO REGULATE ACTIVITIES. I THINK IT WOULD INCLUDE HOURS OF OPERATION, AS LONG AS WHEN WE GET DOWN TO CRAFTING THE SPECIFIC REGULATION THERE'S A RATIONAL BASIS BETWEEN THE REGULATION THAT IS PASSED AND THAT A LEGITIMATE PUBLIC PURPOSE AND IT'S APPLIED UNIFORMLY.

MCCRACKEN: SO I GUESS WHAT I TAKE AWAY FROM THAT IS PROPERLY CONSTRUCTED THE AUSTIN CITY COUNCIL DOES HAVE THE AUTHORITY TO ADOPT AN ORDINANCE REGULATING HOURS OF OPERATION THAT WOULD INCLUDE APPLYING TO THIS SUPER WAL-MART ON ANDERSON LANE.

I BELIEVE AS STATED MY ANSWER WOULD BE THAT IS CORRECT.

MCCRACKEN: THEN THIS..... THIS IS MY FINAL QUESTION. THAT IS, WE GOT A LOT OF FOLKS IN THIS ROOM WHO WE

KNOW ARE INTERESTED PARTIES, AND CAN SOMEONE DESCRIBE NOW THAT LINCOLN PROPERTIES HAS DECIDED TO GO THROUGH THE SITE PLAN A SECOND TIME AND RESUBMIT ALL THEIR TRAFFIC NUMBERS, WE CAN -- AND GO THROUGH ALL THAT PROCESS, BUT WHAT CAN FOLKS IN THIS ROOM DO TO PARTICIPATE IN THE SECOND SITE PLAN PROCESS AS INTERESTED PARTIES?

MARTHA TERRY, ASSISTANT CITY ATTORNEY. THE FIRST THING THEY CAN DO IS CALL THE CASE MANAGER THAT WILL BE ASSIGNED IN THE SECOND ADMINISTRATIVE SITE PLAN, AND WHAT WE ARE GOING TO DO IS WE WILL SEND OUT THE NOTICES UNDER THE CODE PROVISIONS FOR THAT SITE PLAN, AND WHEN THEY RECEIVE THOSE NOTICES, THEY PICK UP THE PHONE AND THEY CALL THE CASE MANAGER AND THEY INDICATE TO THE CASE MANAGER THAT THEY WANT TO BECOME AN INTERESTED PARTY, AND THEN THE CASE MANAGER WILL NOTIFY THEM OF HOW TO -- THE CASE MANAGER WILL TAKE INFORMATION AND THEN WILL INSTRUCT THEM TO CONFIRM THAT IN WRITING, AND THEN THEY WILL HAVE THE OPPORTUNITY TO COMMENT, TO REVIEW, TO COME IN, TO LOOK AT THE PLANS, TO ASK QUESTIONS. THEY WILL ALSO, QUITE FRANKLY, AS ANYONE WHO WOULD BE INTERESTED, WOULD HAVE THE OPPORTUNITY TO CALL THE APPLICANT, TO SIT DOWN, DISCUSS THE SITE PLAN WITH THE APPLICANT, AND IN ESSENCE ENGAGE IN THEIR OWN NEGOTIATION PROCESS ABOUT IMPROVEMENTS THAT THEY WOULD LIKE TO SEE CONCERNING THE PROPOSAL. WE HAVE THAT COMMITMENT IN THE STAND-DOWN THAT WE... THEY HAVE AGREED TO AS WELL, SO YOU NOT ONLY HAVE THE SECOND SITE PLAN NOTIFICATION PROCESS AND THE OPPORTUNITY TO BECOME AN INTERESTED PARTY, BUT YOU ALSO HAVE THAT -- YOU ALSO HAVE THAT ABILITY THE SECOND TIME AROUND BECAUSE THEY HAVE AGREED TO DISCUSS THIS WITH THE NEIGHBORHOOD. AND WE HAVE MADE THE DECISION THAT WE WILL BE NOTIFYING RECORD OWNERS OF PROPERTY UP TO 500 FEET OF THIS STAND-DOWN SITUATION, AND WE WILL INCLUDE A COPY OF THE STAND-DOWN COMMUNICATIONS THAT WE HAVE RECEIVED. WE WILL ALSO NOTIFY ALL NEIGHBORHOOD ASSOCIATIONS WITHIN THAT 500-FOOT RANGE.

THANK YOU, MART I. Y. MY UNDERSTANDING IS WE HAVE THE ABILITY TO FACILITATE MEDIATIONS BETWEEN INTERESTED PARTIES AND THE DEVELOPERS OF THIS DEVELOPMENT?

YES, SIR, AND WE ARE VERY HAPPY TO DO THAT.

MCCRACKEN: MY BRIEF COMMENTS ABOUT THAT IS I THINK -- I APPRECIATE WAL-MART AND LINCOLN STANDING DOWN, BUT IT'S NOT GOING TO MEAN VERY MUCH IF THEY USE THIS AS A TACTIC TO TRY TO DO WHAT THEY'RE PLANNING TO DO ALL ALONG, BUT IF THEY USE THIS AS AN OPPORTUNITY TO DO SOMETHING BETTER AND TO DO SOMETHING MORE LIKE THE TRIANGLE AND SOMETHING THAT BRINGS IN THE FOLKS THAT ARE THAT ARE MOST AFFECTED BY IT, THIS CAN BE A GREAT DEVELOPMENT LIKE IT SHOULD BE AND SERVE THE NEIGHBORHOOD. SO I REALLY APPRECIATE THE STAFF IS DOING TO HELP FACILITATE THAT OPPORTUNITY FOR US TO HAVE A GREAT REDEVELOPMENT AND REFLECTS COMMUNITY VALUES AND REFLECTS THE OPPORTUNITY OF NORTH CROSS INSTEAD OF IT BECOMING SOME HIGHWAY ORIENTED EYESORE THAT'S A DRAIN ON THE NEIGHBORHOOD. [APPLAUSE]

MCCRACKEN: [INDISCERNIBLE] I DO EXPECT THAT THEY BE HONORS ABOUT THEIR TRAFFIC BUT ALSO I'M GOING TO SUPPORT AN HOURS OF OPERATION ORDINANCE BECAUSE WAL-MART MAY HAVE SAID IT'S NONNEGOTIABLE IN HOURS OF OPERATION, BUT I CONSIDER NEGOTIABLE TOO. THERE IS NO REASON FOR IT TO BE OPEN 24 HOURS A DAY IN THE MIDDLE OF A NEIGHBORHOOD. [APPLAUSE]

MCCRACKEN: AND THE FINAL POINT IS THAT SOME OF MY COLLEAGUES HAVE SAID THAT LINCOLN AND WAL-MART HAVE AN OPPORTUNITY TO DECIDE WHETHER THIS IS THE LAST THING THEY WANT TO DO IN THE CITY OF AUSTIN OR WHETHER THEY WANT TO HAVE A FUTURE IN THE CITY OF AUSTIN. [APPLAUSE]

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: I KNOW THAT WE HAVE PEOPLE SIGNED UP FOR TESTIMONY AND WE'LL..... WILL HAVE MORE TO SAY AND WE ALSO HAVE AN AUDITOR TO HAVE A BRIEFING ON THEIR

PRELIMINARY SITINGS. I.BUT SINCE WE'RE TALKING ABOUT HOURS OF OPERATION, SINCE WE'RE JUST TALKING ABOUT THE PROPOSED DEVELOPMENT AT NORTH CROSS MALL, CAN THE COUNCIL -- LET ME ASK IT THIS WAY. IS THERE ANYTHING PROHIBITING US FROM PASSING AN ORDINANCE LIMITING HOURS OF OPERATION FOR LARGE SIZE RETAIL LOCATED NEXT TO SINGLE-FAMILY NEIGHBORHOODS FOR EXISTING STORES?

MAYOR WYNN: MR. SMITH?

YES, IF I CAN -- AND I WILL TRY TO ANSWER THIS SIMPLY, BUT WHAT WE'RE TALKING ABOUT DOING IN THIS EXERCISE OF POLICE POWER IS AN ACTION BY THE COUNCIL THAT IS OUTSIDE OF LAND DEVELOPMENT REGULATIONS AND THOSE KINDS OF THINGS THAT WE NORMALLY THINK OF WHERE THERE MIGHT BE A GRANDFATHERING ISSUE. THESE ARE REGULATIONS THAT ARE INTENDED TO PROTECT THE PUBLIC HEALTH, THE PUBLIC SAFETY, AND IN THAT SENSE, IF WE PROPERLY CRAFT A REGULATION, IT DOESN'T MATTER WHEN THE BUSINESS CAME INTO EXISTENCE. SO AGAIN, IF WE PROPERLY CRAFT A REGULATION SO THAT WE CAN DEMONSTRATE A RATIONAL BASIS BETWEEN THE REGULATION THAT WE DRAFT AND A LEGITIMATE PUBLIC PURPOSE, AND IT'S APPLIED UNIFORMLY, I BELIEVE THAT IT WON'T BE SUBJECT TO A WHIM OF BUSINESS OPERATING.

SO THE UPSHOT IS WE COULD CRAFT SOMETHING THAT WAS LIMIT EXISTING STORES IN AUSTIN IN TERMS OF THEIR HOURS OF OPERATION, AS LONG AS IT'S APPLIED EQUALLY AND UNIFORMLY IN THE WAY IT WAS APPLIED?

THAT IS POSSIBLE.

KIM: ALL RIGHT. THANK YOU.

MAYOR WYNN: THANK YOU, COUNCIL MEMBER KIM. COUNCIL MEMBER KIM MENTIONED THE FACT THAT -- HER SUGGESTION A FEW WEEKS AGO WE HAD THE CITY AUDITOR DO.. DO -- USE HIS INDEPENDENT AUTHORITY THAT WE HAVE IN OUR CHARTER FOR AN INDEPENDENT ANALYSIS OF THIS SITE PLAN REVIEW AND APPROVAL PROCESS, SO IF WE COULD HEAR FROM MR. MORGAN OR MISWIN AS TO THAT

PROCESS? AND BY THE WAY, WE'VE BEEN HAVING
SIGNIFICANT AIR-CONDITIONING CHALLENGES ALL EVENING,
AND YOU MAYBE CAN SMELL SOMETHING. WE HAVE -- I
WOULDN'T BE ALARMED BUT WE HAVE ALERTED THE AUSTIN
FIRE DEPARTMENT -- [LAUGHTER]

MAYOR WYNN: -- IN A WAY TO LIMIT TESTIMONY TONIGHT
TONIGHT, BUT DON'T BE TOO ALARMED.

MAYOR WYNN: WELCOME, MR. MORGAN.

THANK YOU, MAYOR. I'VE BEEN GETTING COLDER ON ON SO
IT MUST BE GETTING BETTER NOW. I'M STEVE MORGAN, CITY
AUDITOR, AND OUR ROLE IS TO PROVIDE OVERSIGHT AND
AUDITING FOR THE CITY COUNCIL AS A WHOLE. HOWEVER,
WE'RE HERE TONIGHT SPECIAL BECAUSE WE DID RECEIVE A
REQUEST FROM COUNCIL MEMBER KIM TO TAKE A LOOK AT
THE NORTH CROSS PROJECT AND TO ASK SOME VERY
SPECIFIC QUESTIONS. I DO WANT TO BACK UP AND SAY THAT
MOST OF THE TIME WE'RE PROVIDING PRESENTATIONS TO
THE AUDIT AND FINANCE COMMITTEE THAT IS CHAIRED BY
THE MAYOR PRO TEM, AND, IN FACT, MOST OF OUR WORK IS
PERFORMANCE AUDITS,
INTEGRITY.....INTEG.....INTEGRITY INVESTIGATIONS AND
ALSO SPECIAL REQUESTS LIKE THE ONE WE'RE REPORTING
ON TONIGHT. THE OTHER THING I SEE IS MANAGEMENT, AND
COUNCIL IS TAKING A VERY..... VERY BROAD LOOK AT THIS
AND I THINK SO FAR A LOT OF OUR WORK HAS BEEN A LITTLE
BIT MORE NARROW. IN FACT, WE'RE CHARACTERIZING WHAT
WE HAVE RIGHT NOW AS A LIMITED SCOPE AUDIT, AND WHAT
WE MEAN -- I WANT TO MAKE SURE THAT THE COUNCIL AND
THE MAYOR UNDERSTANDS WHAT WE MEAN BY LIMITED
SCOPE, IS SO FAR ALL WE'VE DONE IS REALLY LOOK AT THE
EXISTING COMPLIANCE WITH EXISTING CITY REQUIREMENTS,
SO WE HAVEN'T STEPPED BACK AND EVALUATED WHETHER
THE EXISTING REQUIREMENTS NEED TO BE CHANGED,
BECAUSE THAT WOULD BE A PERFORMANCE AUDIT. IT
WOULD BE A LOT OF BIGGER PROJECT AND SOMETHING
THAT WE WOULD DO THROUGH THE -- THROUGH THE AUDIT
COMMITTEE. SO JASON KEDOVY IS OUR TEAM LEADER AND
HE'S GOT A BRIEF PRESENTATION THAT WE'RE GOING TO
JUST FOCUS ON THE QUESTIONS THAT COUNCIL MEMBER

KIM ASKED ON DECEMBER..... DECEMBER 4. JASON?

GENG, MAYOR, MAYOR PRO TEM AND COUNCIL MEMBERS. STEVEN INFORMED YOU MY NAME IS JASON AND I WAS THE AUDITOR IN CHARGE FOR THIS SPECIAL REQUEST PROJECT. THE FIRST THING I'D LIKE TO DO IS DESCRIBE THE TASKS THAT WERE REQUESTED OF US. SPECIFICALLY WE WERE REQUESTED TO LOOK INTO THE COMPLIANCE OF THE PROJECT SITE PLAN WITH THE CITY SITE PLAN REVIEW PROCESS. LOOK INTO THE QUALITY AND COMPLETENESS OF THE PROJECT SITE PLAN, LOOK AT THE CITY'S RESPONSIVENESS TO RELATED PUBLIC INFORMATION REQUESTS AND THE CHRONOLOGY OF THE BIG BOX ORDINANCE AND ITS RELATIONSHIP TO THIS PROJECT. WITH REGARD TO THE FIRST REQUEST, THE COMPLIANCE OF THE SITE PLAN WITH THE CITY'S SITE PLAN REVIEW PROCESS, WE DETERMINED THAT THE DEVELOPER AND THE CITY WERE SUBSTANTIALLY IN COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS. HOWEVER, TO DATE WE HAVE CONFIRMED ONE EXCEPTION RELATED TO AN INCOMPLETE NOTICE. SECTION 25 -- EXCUSE ME. THANK YOU. SECTION 251, 133 OF THE LAND DEVELOPMENT CODE REQUIRES THE CITY TO SEND NOTICE TO THE APPLICANT PROPERTY OWNERS WITHIN 300 FEET OF SUBJECT PROPERTY AND THE NEIGHBORHOOD ORGANIZATIONS. THE CODE REQUIRES THAT IT CONTAINS EIGHT SPECIFIC PIECES OF INFORMATION RELATED TO THE SITE PLAN APPLICATION. I WON'T TAKE THE TIME TO DESCRIBE ALL EIGHT PIECES OF INFORMATION BUT I WILL NOTE THAT WE DETERMINED THE NOTICE LACKED TWO PIECES OF THE REQUIRED INFORMATION, SPECIFICALLY THE NORTH CROSS NOTICE DID NOT STATE THE EARLIEST DATE THAT ACTION UNDER A DECISION -- [INAUDIBLE] [SIRENS]

OR DESCRIBE THE PROCEDURES AND REQUIREMENTS FOR BECOMING AN INTERESTED PARTY. CONSEQUENTLY NO ONE REGISTERED AS AN INTERESTED PARTY. HAD ANYONE REGISTERED THEY WOULD HAVE BEEN INFORMED OF A REQUEST FOR A 60 DAY EXTENSION AND THE SITE PLAN APPROVAL. FURTHERMORE ANY INTERESTED PARTY WOULD HAVE..... WOULD HAVE HAD THE RIGHT TO APPEAL THE REQUEST FOR EXTENSION WHICH WOULD HAVE TRANSFERRED THE AUTHORITY OF THE EXTENSION

APPROVAL FROM STAFF TO THE PLANNING COMMISSION. THE NEXT REQUEST CONCERNED THE QUALITY AND COMPLETENESS OF THE SITE PLAN. WITH RESPECT TO THE COMPLETENESS ASPECT, WE DETERMINED THE SITE PLAN COMPLIED WITH ALL APPLICABLE REQUIREMENTS, ALL DOCUMENTS WERE FILED TIMELY AND ALL FEES WERE PAID. WE DISCOVERED NO DEVIATIONS FROM THE PRESCRIBED PROCESS. UNFORTUNATELY DUE TO TIME CONSTRAINTS WE WERE UNABLE TO COMPLETE A COMPREHENSIVE REVIEW OF THE QUALITY OF THE SITE PLAN. FOR EXAMPLE, WE CONDUCTED A PRELIMINARY REVIEW OF THE TRAFFIC IMPACT ANALYSIS BUT A MORE IN DEPTH ANALYSIS MAY BE WARRANTED. THE THIRD REQUEST ADDRESSED THE RESPONSIVENESS OF THE CITY TO ANY RELATED PUBLIC INFORMATION REQUEST. WE VERIFIED THAT OVER THE LAST SIX MONTHS TWO PUBLIC INFORMATION REQUESTS WERE RECEIVED RELEVANT TO THE BIG BOX ORDINANCE AND THE REDEVELOPMENT PROJECT. THE FIRST REQUEST RECEIVED IN JULY HAS BEEN COMPLETED, AND THE SECOND REQUEST RECEIVED IN NOVEMBER HAS BEEN PREPARED AND IS PENDING REVIEW BY THE REQUESTER. WE DETERMINED BOTH REQUESTS WERE RESPONDED TO IN A COMPLETE AND TIMELY MANNER. EVIDENCE SUGGESTS THAT SOME OF THE DOCUMENTS WERE CONSIDERED EXEMPT FROM THE PUBLIC INFORMATION ACT. HOWEVER, THE APPROVAL WAS SOUGHT FROM THE ATTORNEY GENERAL'S OFFICE AS REQUIRED BY THE ACT. FINALLY WE WERE ASKED TO REVIEW THE CHRONOLOGY OF THE BIG BOX ORDINANCE AND ITS RELATIONSHIP TO THIS REDEVELOPMENT PROJECT. UNFORTUNATELY TIME CONSTRAINTS PREVENTED THE PRODUCTION OF A COMPLETE CHRONOLOGY BUT WE WERE ABLE TO VERIFY SEVERAL EVENTS AND DATES FROM TWO EXISTING CHRONOLOGIES, NOTING SOME ERRORS. FOR EXAMPLE, THE FIRST CHRONOLOGY WHICH WE RECEIVED FROM CITIZENS INDICATED THAT THERE WAS NO MOVEMENT ON THE BIG BOX ORDINANCE BETWEEN JANUARY AND APRIL AND BETWEEN JUNE AND AUGUST OF THIS YEAR. HOWEVER, EVIDENCE WE COLLECTED INCLUDING EMAILS, MEETING REQUESTS AND DRAFT DOCUMENTS SUGGEST THAT A SIGNIFICANT AMOUNT OF WORK WAS ACTUALLY BEING DONE DURING.....DURING BOTH OF THOSE TIME FRAMES. THE SECOND CHRONOLOGY WAS ATTACHED TO THE

DECEMBER 8 MEMO PREPARED BY ASSISTANT CITY MANAGER LAURA HUFFMAN AND WE FOUND NO SIGNIFICANT ERRORS WITHIN THAT CHRONOLOGY. AN IMPORTANT ASPECT TO COVER HERE IS THAT CONCERN HAS BEEN RAISED..... RACE RAISED THAT THE BIG BOX ORDINANCE WAS DELIBERATELY DELAYED IN ORDER FOR THE NORTH CROSS REDEVELOPMENT SITE PLAN TO BE APPROVED BEFORE THE ORDINANCE COULD BE ENACTED. HOWEVER BASED ON OUR REVIEW WE CONCLUDE THAT THIS IS NOT THE CASE BASED ON TWO PRIMARY FACTORS. FIRST, STATE LAW SETS FORTH PROPERTY OWNERS' VESTING RIGHTS AT THE TIME OF SITE PLAN APPLICATION FOR COMPLETENESS REVIEW. WHAT THIS MEANS IS THAT ONLY LAWS AND REGULATIONS AND ORDINANCES IN EFFECT AT THE TIME OF SUBMISSION APPLY TO SITE PLANS. FOR THIS.....FOR THIS PROJECT THAT DATE WAS JANUARY 26. SECOND, A SIGNIFICANT AMOUNT OF TIME IS REQUIRED TO, IN FACT, A. ENACT A PROPOSED ORDINANCE. IN THIS CASE THE IN ACCORDANCE SUBCOMMITTEE GAVE ITS FINAL DIRECTION TO THE PROPOSED BIG BOX ORDINANCE ON DECEMBER 20. AT THIS POINT THE PROPOSED ORDINANCE STILL NEEDED INTER-DEPARTMENTAL REVIEW PLANNING COMMISSION ROUGHLY APPROVAL AND OUR APPROVAL AND IN OUR OPINION IT'S UNREALISTIC THAT THE BIG BOX ORDINANCE COULD HAVE BEEN ENACTED PRIOR TO THE FILING OF THE NORTH CROSS SITE PLAN.... PLAN. AS YOU KNOW WE'VE BEEN WORKING ON THIS REQUEST LESS THAN TWO WEEKS, AND AS SUCH THIS IS CONSIDERED A WORK IN PROGRESS. SIGNIFICANTLY MORE TIME WILL BE REQUIRED TO FULLY COMPLETE THE REQUEST. WE HAVE NOT FULLY ASSESSED THE QUALITY OF THE SITE PLAN SUBMITTED BY THE DEVELOPER AND MORE TIME IS NEEDED TO ASSESS THE COMPLETENESS AND ACCURACY OF RELATED. WE ARE ALSO FURTHER REVIEWING THE NOTIFICATION ISSUE. THIS CONCLUDES OUR PRESENTATION OF OUR RESULTS TO DATE AND AT THIS POINT I CAN TAKE ANY QUESTIONS.

MAYOR WYNN: WEST OF OUR AUDITOR? COUNCIL MEMBER KIM?

KIM: I JUST WANT TO THANK THE AUDITOR FOR HIS STAFF'S WORK. THEY, YOU KNOW, PULLED THIS TOGETHER VERY QUICKLY AND THE CITY STAFF, THEIR AVAILABILITY WAS

LIMITED BECAUSE THEY WERE TRYING TO COMPLETE OUR REQUEST FROM THE PREVIOUS COUNCIL MEETING AND I THINK IT'S IMPORTANT WHENEVER THERE IS ANY KIND OF SUSPICION THAT MAYBE THINGS WERE DELAYED BECAUSE OF ULTERIOR MOIFS, I THINK IT'S IMPORTANT THAT WE INVOLVE OUR AUDITORS BECAUSE THEY ARE INDEPENDENT, THEY REPORT TO THE CITY COUNCIL DIRECTLY, TO MAKE SURE THAT EVERYTHING WAS DONE ABOVEBOARD AND THAT THEY'RE IN A TRANSPARENT PROCESS. I WANT TO THANK THANK YOU FOR THE INFORMATION YOU'VE PROVIDED SO FAR. THIS IS VERY HELPFUL FOR US TO PROCEED ACCORDINGLY AND NOT WITH THE DESCRANGES IN TERMS OF ANY SUSPICIONS OR UNFOUNDED ALLEGATIONS. SO THANK YOU.

MAYOR WYNN: FOLKS, I APOLOGIZE, BUT, IN FACT, -- STOPPING POINT BEFORE WE GO TO CITIZEN TESTIMONY, THE FIRE DEPARTMENT HAS REQUESTED THAT WE TEMPORARY VACATE THE ROOM. THEY'RE GOING TO BRING - - THEY'RE IN FULL GEAR. THE SAME SMELL THAT WE SMELLED EARLIER IS ALSO IN THE LOBBY AND SO YOU'RE WELCOME TO JOIN ME OUT ON THE PLAZA FOR PERHAPS ONLY TEN MINUTES WHILE THE FIREFIGHTERS COME INTO THE ROOM AND THROUGHOUT THE BUILDING. WE ARE NOW IN RECESS. THANK YOU.NO CARRIERRINGCONNECT 57600NO CARRIERRINGCONNECT 57600 'TEST TEST TEST TEST TEST. TEST TEST TEST. POLLY IS THE GREATEST THING IN THE WORLD TEST TEST TEST TEST TEST IT

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. I APPRECIATE EVERYBODY'S PATIENCE AND GREATLY APPRECIATE THE MEN AND WOMEN OF THE AUSTIN FIRE DEPARTMENT. COUNCIL, WITHOUT OBJECTION, WE JUST FINISHED THE REPORT, THE LIMITED SCOPE AUDIT REGARDING THE NORTHCROSS MALL SITE PLAN APPROVAL SET OF ISSUE AND PRESENTATION BY STAFF. WITHOUT OBJECTION, WE'RE AT A GOOD BREAK POINT ANYWAY, I'D LIKE TO CALL BACK UP ITEM NUMBER 76 THAT WE HAD TABLED EARLIER. I BELIEVE THAT WE CAN ACCOMPLISH OUR GOAL HERE VERY QUICKLY. MR. GUERNSEY?

THANK YOU, MAYOR AND COUNCIL. THE PARTIES HAVE MET AND REACHED RESOLUTION. WHAT I WOULD LIKE TO DO IS IN ADDITION TO THE TWO COVENANTS THAT WOULD SPEAK TO DEVELOPMENT THAT WOULD PROHIBIT RELIGIOUS ASSEMBLY USES UPON PLATTING FOR THE TWO AREAS, THE 60-FOOT AREA TO THE NORTH, THE THREE ACRE AREA TO THE SOUTH, AND ALSO THE RESTRICTIVE COVENANT THAT WOULD APPLY -- WOULD REQUIRE COMMERCIAL DESIGN STANDARDS OVER THE ENTIRE TRACT, THE CHURCH HAS AGREED TO MAKE THE FOLLOWING USES CONDITIONAL USES ON THE SOUTHERN THREE ACRES AND THE 60-FOOT AREA ALONG MANOR ROAD. AND SO IF THERE WAS A DESIRE TO EXPAND THE CHURCH INTO THESE AREAS OR THESE USES THAT I'M ABOUT TO READ, IT WOULD REQUIRE SITE PLAN APPROVAL BY OUR PLANNING COMMISSION AFTER ADEQUATE NOTICE IS GIVEN AND THAT COULD ALSO BE APPEALED THEN TO THE COUNCIL, WHICH WOULD GIVE THE NEIGHBORHOOD THE OPPORTUNITY, THE ADJACENT PROPERTIES THE OPPORTUNITY TO BASICALLY EXPRESS THEIR CONCERNS OVER THE APPROVAL OF A DEVELOPMENT IF IT INCLUDES A RELIGIOUS ASSEMBLY USE, A PRIVATE PRIMARY, PRIVATE SECONDARY SCOOICIALTION DAY CARE SERVICE OF ANY TYPE OR COMMUNITY RECREATION PRIVATE USE. AND THOSE WOULD BE LIMITED TO THOSE AREAS THAT I JUST MENTIONED, THE THREE ACRE AREA TO THE SOUTH AND THE 60-FOOT WIDE AREA TO THE NORTH. IN ADDITION, THE CHURN HAS AGREED -- THE CHURCH HAS AGREED TO OVERSIZE THE DETENTION AND WATER QUALITY ON THE 11-ACRE TRACT. TO PROVIDE FOR DETENTION AND WATER QUALITY REQUIREMENTS OF THE 60-FOOT STRIP, THE 60-FOOT WIDE AREA ALONG MANOR ROAD. SO WITH THOSE ADDITIONAL CONDITIONS, AND WE HAVE FIELD NOTES, I AM NOW IN RECEIPT OF THE SIGNED RESTRICTIVE COVENANTS FOR THE TWO -- THE TWO RESTRICTIVE COVENANTS I JUST MIXED AND WE HAVE FIELD NOTES FOR THE AREA. AFTER TALKING WITH LEGAL COUNSEL, STAFF BELIEVES WE HAVE ENOUGH DIRECTION IF COUNCIL WERE TO MAKE THIS SO, TO MAKE THOSE FIVE CATEGORY PIECES, THE RELIGIOUS ASSEMBLY, COMMUNITY RECREATION PRIVATE, DAY CARE SERVICES ANY TYPE, PRIMARY AND PRIVATE SECONDARY, EDUCATIONAL FACILITIES AS CONDITIONAL USES IN THOSE TWO AREAS AS A

CONDITIONAL OVERLAY, AND AN ADDITIONAL CONDITIONAL OVERLAY TO OVERSIZE OR TO REQUIRE DETENTION AND WATER QUALITY BE PROVIDED ON AN 11-ACRE TRACT FOR THAT 60-FOOT AREA ADJACENT TO MANOR ROAD. AND WE COULD DO THAT.

Mayor Wynn: THANK YOU, MR. GUERNSEY. COUNCIL, TECHNICALLY WE HAVE A MOTION AND A SECOND ON THE TABLE, MOTION BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE EARLIER SET OF CONDITIONS ON SECOND READING ONLY. I WOULD WELCOME A RESTATEMENT.

Cole: I'M AMENDING MY MOTION TO ACCOMMODATE ALL THOSE MOTIONS LAID OUT BY MR. GIRN SI AND THE OTHER USES, ASSEMBLY, CHILD CARE, EDUCATION AND SUCH.

THE ONES I READ INTO THE RECORD.

Mayor Wynn: SO RESTATED MOTION BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE ON SECOND AND THIRD READING.

MAYOR AND COUNCIL, I'LL ALSO LET YOU KNOW THAT THE CHURCH HAS REPRESENTED TO ME, ALTHOUGH YOU MAY WANT TO HEAR THEM COME BACK UP AND SAY IT, THAT THEY WILL NOT WITHDRAW THEIR REQUEST IF YOU WOULD APPROVE IT ON SECOND AND THIRD READING WITH THESE CONDITIONS.

THAT IS CORRECT.

THIS IS FOR SECOND AND THIRD READING.

Mayor Wynn: YES. SO IN THE FIVE CATEGORIES AS OUTLINED BY MR. GUERNSEY TO BE AS CONDITIONAL USES IN THOSE TWO AREAS AS WELL AS THE CONDITIONAL OVERLAYS AS OUTLINED BY STAFF. FURTHER COMMENTS?
COUNCILMEMBER MARTINEZ.

Martinez: I'D LIKE TO THANK FOAFERB WORKING SO HARD AND STAYING SO LATE. IT WASN'T EASY TAKING THE

POSITION THAT TOOK. AND FOR OTHER COUNCILMEMBERS I KNOW IT WASN'T ANY EASIER FOR THEM, BUT WE WERE CLOSE AND I REALLY, REALLY DO APPRECIATE MR. McBEE, I APPRECIATE THEAFTERG YOU GUYS HAVE DONE. JANIE, MS. HOUSTON, THANK YOU SO MUCH. I THINK ALL OF US WIN TONIGHT AND THIS IS A PRIME EXAMPLE OF WHAT CAN BE DONE IF WE JUST COOL OUR JETS A LITTLE BIT AND SIT DOWN JUST A LITTLE BIT LONGER SOMETIMES. THANK YOU SO MUCH.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: YEAH. I'D JUST LIKE TO SECOND THAT LIST OF THANK YOU'S AND ADD REDEEMER CHURCH AND RICHARD SFOWLGHTS THEIR ERTS -- AND RICHARD SUTTLE FOR THEIR TOAFERTS WORK TOWARDS A SOLUTION ALSO.

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Mayor Wynn: THANK YOU. MOTION AND A SECOND ON THE TABLE.

Martinez: AND THAT WAS ALSO TO CLOSE THE PUBLIC HEARING.

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Mayor Wynn: WELL STATED. HEARING NO COMMENTS, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON SECOND AND THIRD READING ON A VOTE OF STOAFN ZERO. THANK YOU ALL VERY, VERY MUCH. COUNCIL, WE'VE JUST FINISHED THE INITIAL PROANGS THE LIMITED SCOPE -- PECULIAR McMAYOR, ONE QUESTION FOR THE AUDITOR. SO QUESTIONS OF OUR AUDIT STAFF? COUNCILMEMBER MCCRACKEN.

McCracken: GREAT JOB. CAN YOU EXPLAIN THE PROCEDURE WHEREBY AN INTERESTED PARTY COULD HAVE APPEALED TO THE PLANNING COMMISSION IN THE EVENT OF A SITE

PLAN EXTENSION REQUEST?

I REALLY CAN'T ATTEST TO THE ACTUAL PROCEDURE THAT WOULD TAKE PLACE. I THINK MAYBE GEORGE ZAPALAC COULD PROVIDE A LITTLE BIT MORE INFORMATION ON THAT. THE SECTION OF THE CODE THAT WE REFERENCED WAS IN THE LAND USE CODE, SECTION 25-1-88, EXTENSION OF THE UPDATE DEADLINES. AND SPECIFICALLY A-3 SAYS AN INTERESTED PARTY MAY APPEAL THE RESPONSIBLE DIRECTOR'S DECISION UNDER THIS SUBSECTION TO THE LAND USE COMMISSION. AND THAT'S SPECIFICALLY REFERRING TO YOU EXTENSION, THE REQUEST FOR EXTENSION.

McCracken: I GUESS GEORGE COULD COMMENT ON THAT TOO. WE HAD A SITE PLAN EXTENSION REQUEST IN THIS CASE, DIDN'T WE?

THAT'S CORRECT, COUNCILMEMBER. ONCE THE SITE PLAN IS SUBMITTED THE APPLICANT HAS 180 DAYS UNDER OUR CODE TO ADDRESS ALL COMMENTS AND BRING IT INTO COMPLIANCE WITH CITY CODE. IF THEY ARE NOT ABLE TO COMPLETE IT WITHIN THAT 180 DAYS THEY CAN REQUEST AN EXTENSION OF UP TO ANOTHER 180 DAYS PRIOR TO THE EXPIRATION AND STAFF IS ABLE TO GRANT SUCH AN EXTENSION FOR GOOD CAUSE ACCORDING TO THE CODE. AND IN THIS CASE THERE WAS AN EXTENSION REQUESTED BECAUSE THE APPLICANT NEEDED TO FINISH UP SOME EASEMENT DOCUMENTS AND SOME OTHER FAIRLY MINOR ITEMS, SO WE DID GRANT A 60 DAY EXTENSION AND THEY USED ABOUT TWO WEEKS THAT HAVE TO GET IT COMPLETED, I BELIEVE.

McCracken: SO I GUESS TO FOLLOW WHAT JASON SAID IS THAT THAT REQUEST FOR THE EXTENSION, IF THERE HAD BEEN AN INTERESTED PARTY IN THERE THAT THE PARTY COULD HAVE FILED AN APPEAL OF THAT DECISION TO GRANT THE EXTENSION?

THAT'S CORRECT. THAT DECISION TO EXTEND COULD HAVE BEEN APPEALED TO THE PLANNING COMMISSION AND FROM THERE IT COULD HAVE BEEN APPEALED TO THE CITY COUNCIL BY AN

INTERESTED PARTY.

McCracken: I GUESS THE FINAL STEP THEN IS THAT IF PEOPLE HAD BEEN INTRRD PARTIES, THEY COULD HAVE APPEALED TO THE PLANNING COMMISSION, IT COULD HAVE COME TO THE CITY COUNCIL AND WE COULD HAVE HAD INPUT ON THE PROJECT?

CORRECT.

Mayor Wynn: FURTHER QUESTIONS OF THE AUDIT STAFF, COUNCIL? IF NOT, DESPITE THE FACT THAT A NUMBER OF FOLKS SIGNED UP ON THIS ITEM -- I'LL HAVE MY LAST TALLY HERE. WE HAVE AGREEMENT BY SOME INTERESTED PARTIES TO WAIVE COUNCIL RULES TO LIMIT THE TESTIMONY AND I VERY MUCH APPRECIATE IT. WE HAD -- THIS IS ON TUNNEL NUMBER 82. 247 FOLKS SIGN UP. GERNGS TECHNICALLY WE'RE POSTED FOR POSSIBLE DIRECTION. THERE'S NOT REALLY A SPECIFIC ACTION THAT WAS POSTED. SO PEOPLE PROBABLY DIDN'T KNOW WHETHER TO SIGN NEWSPAPER FAVOR OR OPPOSITION. BUT 247 FOLK BOTHERED TO SIGN IN. THE VAST MAJORITY OF THEM VOTED FOR THIS ITEM. BUT AGAIN, MOST FOLKS SIGNED UP NOT WISH TO GO SPEAK. AND EVEN FOLKS WHO HAD ORIGINALLY SIGNED UP WISHING TO SPEAK ON THIS ITEM I'M TOLD HAS YIELDED THEIR TIME TO A SERIES OF SPEAKERS WHO WILL TAKE ABOUT 45 MINUTES NOW TO PRESENT TO COUNCIL THOUGHTS THEY HAVE ON THIS PARTICULAR PIECE. THAT IS, THE SITE PLAN APPROVAL OF THE REDEVELOPMENT OF NORTHCROSS MALL. SO WITHOUT OBJECTION, COUNCIL, WE HAVE EIGHT FOLKS WHO WOULD LIKE TO SPEAK. I WOULD LIKE TO SET THE CLOCK FOR 45 MINUTES. OUR FIRST SPEAKER IS BRAD ROCKWELL. THIS IS THE ORDER AND YOU'RE WELCOME TO MOVE THIS AROUND A BIT. BRAD ROCKWELL, TO BE FOLLOWED BY MICHAEL BAMBA, AYE SON MEEKER, JAN TRIPLET. JASON SCHWARTZ, PAGE HILL AND HOPE MORRISON. WELCOME, MR. ROCKWELL.

HELLO. I'M HERE REPRESENTING RESPONSIBLE GROWTH FOR NORTHCROSS. WE'RE TRYING TO ORGANIZE THE TIME AMONGST OURSELVES SO IF SOMEBODY COULD LET ME KNOW WHEN MY FWEF MINUTES IS UP, I WOULD APPRECIATE

IT. I'VE TAKEN -- WE STILL HAVEN'T HAD ACCESS TO ALL THE DOCUMENTS RELATING TO ALL THIS APPROVAL PROCESS AND THERE'S A LOT OF THINGS WE DON'T KNOW, BUT I'VE TAKEN WHAT WE DO HAVE AND DONE A REVIEW OF THE SITE PLAN TO DETERMINE WHETHER OR NOT IT COMPLIES WITH THE LAW AND WHETHER OR NOT IT IS LEGITIMATE OR VOID AND MY CONCLUSION IS ON FIVE OR SIX DIFFERENT GROUNDS THAT THE SITE PLAN IS NOT LEGAL AND IT'S VOID AND WE WOULD LIKE TO ASK YOU TO DIRECT THE CITY MANAGER TO REVOKE THE SITE PLAN AND ALSO -- I'M NOT SURE IF THIS IS ON THE AGENDA TONIGHT, BUT ISSUE A RESOLUTION DECLARING THAT THE SITE PLAN IS INVALID. BEFORE I GO THROUGH THESE, I WOULD LIKE TO MAKE A COUPLE OF MINUTES ABOUT THINGS THAT HAVE ALREADY BEEN BROUGHT UP TODAY. THERE WAS SOME -- HAVE BEEN SOME LETTERS -- A LETTER EXCHANGED BETWEEN I GUESS THE CITY AND LINCOLN PROPERTIES AND ALSO WAL-MART AND THERE'S BEEN STATEMENTS ABOUT THESE ENTITIES HAVE GRAW NOT TO GO FORWARD WITH MY PERMITS. AND I THINK THOSE LETTERS NEED TO BE READ VERY CAREFULLY BECAUSE I'M NOT SURE THAT'S WHAT THEY SAY. WAL-MART HAS AGREED NOT TO GO FORWARD WITH PERMITS, BUT WAL-MART IS NOT A PERMITTEE AND WAL-MART DOES NOT HAVE ANYTHING PENDING. THE PERMITTEE IS LINCOLN PROPERTIES AND MY READING OF THEIR LETTER IS THAT THE ONLY THING THEY'VE AGREED NOT TO DO IS PROCEED WITH A DEMOLITION PERMIT. AND IN FACT, LINCOLN PROPERTIES HAS FILED FOR A NEW SITE PLAN YESTERDAY THAT WAS ALREADY DISCUSSED. AND WITH REGARD TO THAT SITE PLAN, I THINK IT'S ALSO VERY UNCLEAR WHAT THAT MEANS BY TH FILING A SITE PLAN YESTERDAY. I THINK THE MOST LIKELY SPECULATION IS THEY'RE TRYING TO HOLD A PLACE AND HAVE A BACK JUNE PLAN THAT'S GRANDFATHERED FROM THE BIG BOX ORDINANCE IN CASE THEIR CURRENT SITE PLAN GOES DOWN IN FLAMES. I DON'T THINK WE SHOULD ASSUME THEY'RE NECESSARILY ABANDONING THEIR CURRENT SITE PLAN AND GOING FORWARD WITH A NEW ONE. WE DON'T KNOW YET UNLESS YOU ARE PRIVY TO CERTAIN INFORMATION I'M NOT. THE CURRENT -- WHAT'S REALLY REMARKABLE AND SIGNIFICANT ABOUT THE CURRENT SITE PLAN IS HOW MUCH IT WENT UNDER THE RADAR. THERE'S OBVIOUSLY HUGE AMOUNT OF

COMMUNITY INTEREST IN BIG BOX STORES AND THEIR ROLE IN THE DEVELOPMENT OF AUSTIN. THERE'S A BIG BOX ORDINANCE CHANGE ON THE AGENDA TONIGHT. THERE'S BEEN PEOPLE WORKING ON THAT AND SIMILAR MEASURES FOR MONTHS AND MONTHS IF NOT YEARS. IT'S OBVIOUSLY SOMETHING THAT'S BEEN PAID A GREAT DEAL OF ATTENTION TO COMMUNITY PEOPLE WHO HAVE SPENT A LOT OF TIME WORKING ON, BUT SOMEHOW THIS SITE PLAN WENT THROUGH COMPLETELY UNDER THE RADAR WITH PEOPLE CERTAINLY THE CONCERNED NEIGHBORS SURROUNDING THE NORTHCROSS MALL SITE NOT HAVING ANY IDEA THAT A BIG BOX STORE THAT'S POTENTIALLY THE LARGEST SINGLE RETAILER THAT'S EVER BEEN IN AUSTIN OR TRAVIS COUNTY GOING UP IN THEIR NEIGHBORHOOD. AND I THINK WHAT'S LEGALLY DEFICIENT ABOUT THE SITE PLAN IS VERY MUCH TIED TO THIS LACK OF NOTICE AND LACK OF AWARENESS AND THE COMPLETE SECRECY BY WHICH THIS APPLICATION WAS PROCESSED. IT WAS SUBMITTED TO THE CITY, THE LANDOWNER, LINCOLN PROPERTIES, SUBMITTED IT AS SOMETHING THAT SHOULD BE ONLY GOING THROUGH THE ADMINISTRATIVE APPROVAL PROCESS, AND THAT'S AN INCORRECT WAY TO CHARACTERIZE THAT APPLICATION. THE FIRST GROUNDS ON WHICH THE SITE PLAN IS UNLAWFUL IS THAT IT SHOULD HAVE GONE THROUGH THE ZONING AND PLATTING COMMISSION BECAUSE IT CONTAINS -- THE SITE PLAN CONTAIN A GARDEN CENTER, WHICH THE LAND DEVELOPMENT CODE CLEARLY DEFINES AS A CONDITIONAL USE. AND I THINK THIS IS PRETTY MUCH ACKNOWLEDGED ALL THE WAY AROUND THAT A -- THE GARDEN CENTER IS A CONDITIONAL USE. THE CITY STAFF HAS DEFENDED -- WHAT THE SIGNIFICANCE AFTER CONDITIONAL USE IS, WHAT DEFINES A CONDITIONAL USE IS A PUBLIC HEARING PROCESS WHERE THE DECISION ON WHETHER THE SITE PERMIT IS -- SITE PLAN IS APPROVED IS VESTED WITH THE ZONING AND PLATTING COMMISSION RATHER THAN CITY STAFF. SO BECAUSE IT WAS A CONDITIONAL USE CONTAINED IN THE SITE PLAN, IT SHOULD HAVE GONE TO PUBLIC HEARING AND SHOULD HAVE GONE TO THE ZONING AND PLATTING COMMISSION. CITY STAFF NOW THAT EVERYTHING HAS COME OUT HAS DEFENDED ITSELF BY SAYING, WELL, NO, THE GARDEN CENTER IN THIS CONTEXT ISN'T A CONDITIONAL USE, IT'S AN ACCESSORY

USE. BUT IN FACT, THAT'S AN INCORRECT CHARACTERIZATION OF THE LAND DEVELOPMENT CODE AND HOW IT WORKS. THE LAND DEVELOPMENT CODE DEFINES A COMMERCIAL ACCESSORY USE AS SOMETHING THAT IS OTHERWISE ACTION QUOTE, A PROHIBITED USE UNDER THE ZONING. THE ZONING USE CHART FOR THE GR ZONING DEFINES ZONING DISTRICT USES INTO ONE OF THREE CATEGORIES, PERMITTED USE, PROHIBITED USE AND CONDITIONAL USE. PROHIBITED USE IS SOMETHING DIDN'T AND DISTINCT FROM A CONDITIONAL USE. THE ACCESSORY USE OPTION IS ONLY AVAILABLE TO OBTAINED USES. THE PLANT NURSERY IS NOT A PROHIBITED USE FOR GR ZONING, IT IS A CONDITIONAL USE. A CONDITIONAL USE IS NOT A PROHIBITED USE, AND I'M GOING TO QUOTE FROM THE LAND DEVELOPMENT CODE. CONDITIONAL USE MEANS A USE THAT IS ALLOWED ON A DISCRETIONARY AND CONDITIONAL BASIS IN ACCORDANCE WITH THE CONDITIONAL USE PROCESS ESTABLISHED IN CHAPTER 25.5. THE PROCESS IS WHAT THE PERSONS RESIDING IN THE NORTHCROSS NEIGHBORHOOD WERE DENIED. BECAUSE A GARDEN CENTER IS NOT A PROHIBITED USE, IT CANNOT BE AN ACCESSORY USE. NOW, THAT'S JUST USING THE LANGUAGE OF THE LAND DEVELOPMENT CODE. IF YOU LOOK AT HOW THE CODE ACTUALLY WORKS, THE ARGUMENT ADVANCED BY CITY STAFF TODAY IS FAIRLY DANGEROUS IN THE SENSE OF WHAT KINDS OF CONSEQUENCES WOULD IT HAVE IF EVERYTHING THE CITY COUNCIL SETS UP AS A CONDITIONAL USE THAT IS SUPPOSED TO GO THROUGH PUBLIC HEARING IS SOMEHOW ABLE TO BE DISCERNED FROM THAT SIMPLY BY RECHARACTERIZING IT AS AN ACCESSORY USE. THERE ARE SOME EXAMPLES SET FORTH IN THE LEGAL MEMORANDUM I'VE GIVEN YOU THAT WOULD ALLOW MANUFACTURING IN RESIDENTIAL NEIGHBORHOOD AND THINGS LIKE THAT IF YOU RECHARACTERIZE MANUFACTURING AS ACCESSORY USE RATHER THAN CONDITIONAL USE. BUT PROBABLY THE BEST EXAMPLE IS THE BIG BOX ORDINANCE BEFORE YOU TODAY. ONE CHARACTERISTIC OF THIS BIG BOX ORDINANCE, THE WAY YOU'VE ADDRESSED TO DEAL WITH THIS IS TO FORCE PEOPLE WANTING TO BUILD A BIG BOX THROUGH THE PUBLIC PROCESS, THROUGH PUBLIC HEARING AND ZONING AND PLATTING COMMISSION BY TREATING IT AS A

CONDITIONAL USE. IF YOU ACCEPT CITY STAFF'S ARGUMENT THAT THAT'S SORT OF MEANINGLESS BECAUSE YOU CAN TREAT THINGS AS AN ACCESSORY USE ON CERTAIN CONDITIONS, A BIG BOX STORE COULD EVADE YOUR BIG BOX ORDINANCES IN THE FUTURE SIMPLY BEING PART OF A ONE MILLION SQUARE FOOT SHOPPING CENTER, MEGA SHOPPING CENTER DWOARJTS THE BIG BOX STORE, 100,000 SQUARE FEET, COULD BE AN ACCESSORY USE TO THAT PROJECT AND AVOID THE WHOLE PUBLIC HEARING PROCESS THAT YOU'VE SET UP THROUGH THE CONDITIONAL USE PROCESS FOR BIG BOX STORES. IT MAKES NO SENSE TO CALL A CONDITIONAL USE AN ACCESSORY USE. AND BECAUSE THE PROPER PROCEDURES FOR CONDITIONAL USE WERE NOT FOLLOWED, WHICH WERE VERY BLIRKS THE SITE PLAN IS ILLEGAL. THERE'S SOME DISCUSSIONS ABOUT INADEQUATE NOTICE, THERE'S SOME ACKNOWLEDGMENT BY CITY STAFF OF INADEQUATE NOTICE. THE AUDITORS HAVE ACKNOWLEDGED THE INADEQUATE NOTICE ON ALLOWING PEOPLE WHO ARE INTERESTED PARTIES TO PARTICIPATE AND EXPLAINING HOW THAT WORKS. THERE'S ALSO INADEQUATE NOTICE IN THE LAND DEVELOPMENT CODE THAT REQUIRES A GENERAL SCRINGS OF THE NATURE OF THE PROPOSED DEVELOPMENT. THERE IS NO SUCH ACCURATE SCRINGS OF THE PROPOSED DEVELOPMENT IN THIS NOTICE. IT WAS TREATED AS A DEMOLITION AND RENOVATION OF A SHOPPING MALL, NOT AS A DEMOLITION OF THE SHOPPING MALL AND REPLACING THE SHOPPING MALL WITH A HUGE BIG BOX ANCHOR TENANT THAT AGAIN WAS THE BIGGEST SINGLE STORE IN TRAVIS COUNTY HISTORY. THE NOTICE WAS CLEARLY DEFICIENT. CITY STAFF HAD NO AUTHORITY TO APPROVE A SITE PLAN WITHOUT THIS KIND OF NOTICE. THERE'S BEEN A RESPONSE TO THAT BY THE CITY THAT THIS IS A MISTAKE MADE BY THE CITY AND THE CITY CAN'T REVOKE A PERMIT IF IT'S THE ONE THAT MADE THE MISTAKE. THAT'S NOT TRUE. ANY TIME THERE'S AN ERROR, THERE'S SOMETHING ILLEGAL DONE, THERE'S ALWAYS SOME LEVEL OF CITY MISTAKE THAT HAS BEEN DONE AND THAT DOESN'T MEAN THE CITY CAN'T CORRECT ITSELF. PROBABLY THE BEST CASE, THE FWOWKS SUPREME COURT -- THE 2006 SUPREME COURT CASE, CITY OF WHITE SETTLEMENT VERSUS SUPER WASH SAYS IN A VERY SIMILAR SITUATION, THE CITY MADE A MISTAKE IN PROCESSING AN

APPLICATION. IT HAD REZONED A PROPERTY REQUIRING A FENCE, BUT SNOANTING MAP, -- BUT IN THE ZONING MAP THAT ORDINANCE WAS NOT REFLECTED AND IT WAS A MISTAKE BY THE CITY THAT THE ZONING MAP DID NOT ADEQUATELY REFLECT WHAT THE ZONING ORDINANCES WERE. THE SITE PLAN WAS APPROVED EAR REASON NUSLY BASED ON MISTAKEN ZONING MAP THAT THE CITY DID. AND THE NEIGHBORHOODS FOUND OUT ABOUT IT AFTER THE SITE PLAN WAS ISSUED AND ALERTED THE CITY COUNCIL AND SAID THIS IS AN EYE REASON NUS, ILLEGAL SITE PLAN BECAUSE IT WAS APPROVED BY MISTAKE. THE CITY COUNCIL REVOKED THE SITE PLAN AND ORDERED THEM TO GO THROUGH A NEW PROCESS. THE DEVELOPER CHALLENGED THE CITY AND THE CITY WON IN COURT BEFORE THE TEXAS SUPREME COURT SAYING IF THE CITY MAKES A MISTAKE AND SITE PLAN IS APPROVED THAT DOESN'T COMPLY WITH THE LAW, THE CITY HAS THE RIGHT TO REVOKE IT.

Mayor Wynn: MR. ROCKWELL, YOU'RE AT ABOUT 10 MINUTES OF YOUR 12 MINUTES.

THANK YOU. SO CLEARLY THE CITY COUNCIL HAS A DUTY AND THE RIGHT TO CORRECT MISTAKES MADE BY CITY STAFF IN TERMS OF SITE PLAN ERRORS. ANOTHER ERROR IN THE SITE PLAN IS THE EXTENSION OF THE 180 DAY DEADLINE THAT WAS REFERENCED EARLIER. CITY START GRANTED A 60 DAY EXTENSION FOR A VARIETY OF REASONS THAT EXTENSION, WHICH WAS TOTALLY FOAS NES FOR THIS SITE PLAN TO BE APPROVED, WAS UNAUTHORIZED AND ILLEGAL. IS THE LAND DEVELOPMENT CODE REQUIRES A 14 DAY ELAPSE AFTER NOTICE IS PROVIDED OF AN APPROVAL OF THE SITE PLAN. HERE THE EXTENSION WAS GRANTED FOUR DAYS AFTER IT WAS REQUESTED RATHER THAN THE 14 DAYS. THAT VIOLATED THE LAND DEVELOPMENT CODE. NOW, ALSO SUBSTANTIVELY THE GROUNDS ON WHICH CITY STAFF IS GIVEN IN THE LAND DEVELOPMENT CODE TO GRANT AN STOANGS THE SITE PLAN IS ILLEGAL AND UNLAWFUL BECAUSE IT'S AN UNLAWFUL, STANDARDLESS DELEGATION TO STAFF. WHAT THE LAND DEVELOPMENT CODE SAYS IS THEY CAN DECIDE WHETHER OR NOT TO EXTEND OR NOT EXTEND A SITE PLAN SIMPLY ON THE BASIS OF GOOD CAUSE. THAT'S THE ONLY STANDARD PROVIDED IS GOOD CAUSE. UNDER TEXAS LAW, UNDER THE

LAW OF OTHER STATES, A STANDARD LIKE GOOD CAUSE IS NOT A SUFFICIENT STANDARD FOR THE CITY TO DELEGATE ITS AUTHORITY REGULATORY AND LEGISLATIVE AUTHORITY IN THIS MANNER. SO THERE WAS NO REAL AUTHORITY THAT THE CITY STAFF HAD TO GRANT THAT EXTENSION BECAUSE IT WAS NOT GRANTED LAWFULLY. THE APPROVAL FOR THE LAND DEVELOPMENT CODE THAT WAS DEPENDENT ON THAT EXEMPTION IS ALSO NOT LAWFUL. THERE ARE SOME OTHER ISSUES THAT I WON'T GO INTO NOW FOR LACK OF TIME. AND AGAIN, WE HAVEN'T FULLY REVIEWED ALL THE DOCUMENTATION AND EVERY ASPECT OF THIS DEAL. AS SOME OF YOU MAY REMEMBER THE TREE HOUSE DEVELOPMENT RECENTLY ON DAWSON ROAD AND BARTON SPRINGS ROAD, ANOTHER EXAMPLE WHERE THE SITE PLAN WAS APPROVED ERRONEOUSLY. CITY STAFF LATER ACKNOWLEDGED IT, BUT DIDN'T GO THROUGH THE PROCEDURE OF ACTUALLY REVOKING IT. THE CITY GOT SUED IN COURT AND ENDED UP LOSING THAT IN PART BECAUSE THE REVOCATION PROCESS WAS NOT PROMPTLY RESORTED TO BY CITY STAFF AND BY THE CITY COUNCIL. I'M NOT SURE THERE WAS ACTUAL CITY COUNCIL INVOLVEMENT AT THAT LEVEL, BUT IT'S A PERFECT EXAMPLE OF WHAT HAPPENS WHEN THE CITY DOES NOT ACT PROMPTLY TO PROTECT ITS RIGHT AND ENFORCE EXISTING LAWS. THANK YOU VERY MUCH. THERE WILL BE SEVERAL OTHER SPEAKERS TALKING ABOUT MANY OTHER ASPECTS OF THIS DEVELOPMENT.

Mayor Wynn: YES, THANK YOU. SO COUNCIL, OUR NEXT SPEAKER IS MICHAEL BOMBA. YOU WILL BE FOLLOWED BY JASON MITMAN.

THANK YOU, MAYOR. I HAVE A COUPLE OF SLIDES ON A POWERPOINT. BLY BELIEF THAT THE TRAFFIC ASSESSMENT PROVIDED BY THE LINCOLN PROPERTIES AND CITY PLANNERS IS INACCURATE. SO YOU KNOW PROFESSIONALLY I'VE WORKED AS A TRANSPORTATION PLANNER FOR THE PAST 12 YEARS. I'M ALSO A RESIDENT OF THE ALLENDALE NEIGHBORHOOD. MY FIRST CONCERN WITH THE TIA IS THE CITY DIDN'T ALLOW LINCOLN PROPERTY TO CONSIDER THE IMPACT TO THE NEIGHBORHOODS, YET IT'S HIGHLY LIKELY THAT SOME CUSTOMER GOING TO THE NORTHCROSS SHOPPING CENTER WILL ATTEMPT TO TAKE SHORTCUTS

AND MISS TRAFFIC ON ARTERIALS SERVING THE CENTER BY USING NEIGHBORHOOD STREETS. AS AN EXAMPLE WE CAN SEE IN THE NORTH SHOAL CREEK AREA WHERE TRAFFIC IS CUTTING THROUGH THAT NEIGHBORHOOD USING ROCKWOOD TO AVOID A LIGHT AT BURNET AND ANDERSON. AND...IN DOING SO THEY PASS BY AN ELEMENTARY SCHOOL AND HAVE CREATED CEREAL ACCIDENTS IN THE PAST YEAR OR TWO. THE SECOND CONCERN I HAVE WITH THIS TIA THAT'S BEEN PREPARED BY LINCOLN PROPERTY IS THAT THE BASELINE DATA I BELIEVE ARE VERY INACCURATE. THE TIA STATES THAT NORTHCROSS MALL CURRENTLY GENERATES 8,000 TRIP IN A 24 HOUR PERIOD. IN THERE THEY STATE THESE FIGURES ARE BASED UPON COUNTS AT THE DRIVEWAYS. IF YOU LOOK AT THE FACILITY, YOU WILL SEE A NUMBER OF THE SURROUNDING RETAIL STORES WHICH ARE NOT PART OF THE NORTHCROSS PROPERTY HAVE PARKING LOTS THAT EITHER ACCESS THE MALL'S PARKING LOT OR PATRONS CAN ONLY ACCESS THOSE STORES BY GOING THROUGH THE MALL'S DRIVEWAYS. SO AS A RESULT WHEN THEY DEVELOPED THEIR BASELINE FIGURES THEY WERE COUNTING NOT ONLY TRAFFIC GOING TO NORTHCROSS MALL, BUT ALSO TRAFFIC GOING TO MANY OF THESE SURROUNDING RETAIL STORES. HE THE CONCERN WITH THAT IS YOU INCREASE THE BASELINE SO IT LOOKS LIKE THE IMPACTS AREN'T AS GREAT. MY THIRD CONCERN IS THE AMOUNT OF PROJECTED TRAFFIC HAS BEEN ASSUMED AWAY BY THESE VARIOUS ASSUMPTIONS THAT ARE TYPICALLY USED IN TIA'S. THEY WERE REFERENCED EARLIER, TRAFFIC BEING ADJUSTED TO MAKE ALLOWANCES FOR DRIVERS WHO STOP AT WAL-MART AS PART OF A LONGER TRIP OR PATRONS OF ONE STORE WHO HAPPEN TO VISIT ANOTHER STORE AT THE SAME TIME. BY USING THESE ASSUMPTIONS IN THE ORIGINAL TIA, THEY LOWERED THE TRAFFIC FOR THE PROPOSED DEVELOPMENT BY 29%. IF WE LOOK AT THE TOTAL NUMBER OF TRAFFIC THEY FORECASTD FOR THIS PROPOSED PROJECT, LOVERY 7,000 CARS, 8600 CARS, IF YOU LOOK AT THE PROPOSED REDEVELOPMENT, THAT'S UNLIKE WHAT WE'VE SEEN IN THE TRAFFIC COUNTS THAT COUNCILMEMBER MCCRACKEN MENTIONED EARLIER WHERE WE'RE SEEING FEBL TO 22,000, EVEN 28,000. GRANT IT, THIS IS THE HIGH SEASON AND GRANT IT THERE ARE SOME MIXING OF TRAFFIC AS WE

DISCUSSED, BUT STHRIELS NO REASON TO BELIEVE THAT THE NUMBERS PRESENTED BY LINCOLN PROPERTY ARE ACCURATE IN THEIR FORECAST. IN ADDITION TO THE VEHICULAR TRAFFIC WE ALSO HAVE CONCERNS ABOUT THE TRUCK TRAFFIC. IF THIS REDEVELOPMENT IS PRODUCING BETWEEN 150 AND 300 TRUCK TRIPS A DAY ON AN ANALYZED BASIS THAT'S BETWEEN 57,000 AND 114,000 TRUCKS PER YEAR ON LOCAL ROADWAYS THAT. COULD HAVE A SERIOUS IMPACT ON PAVEMENTS AND REQUIRE ADDITIONAL PAVEMENTS AND PRANZ RECONSTRUCTION OF SOME SEGMENTS. MY FOURTH CONCERN THAT THE TIA DID NOT TAKE INTO ACCOUNT THE THREE STORY ORK PARKING GARAGE. IF YOU LOOK AT THE MAP THAT I HAVE UP HERE, BASICALLY IT WILL CONCENTRATE THE TRAFFIC ALONG ANDERSON ROAD AND ALONG NORTHCROSS DRIVE, PARTICULARLY AT THE DRIVEWAYS ON THE WESTERN SIDE. AND WHAT WILL MAKE THIS A DIFFICULT SITUATION IS THAT A NUMBER OF CARS WILL BE TURNING LEFT INTO THESE PARKING GARAGES, BUT WAIT THAT ANDERSON LANE IS SET SUP A PARKWAY SITUATION, WHICH MEANS THERE'S A MEDIAN IN THE MIDDLE. THE NUMBER OF VEHICLES YOU CAN GET IN A LEFT TURN LANE IS NOT VERY MANY, MAYBE 10. DURING PEAK PERIODS IT'S NOT UNREASONABLE TO THABL THE TRAFFIC WILL START BACKING INTIEWP THE MAIN LANES AND BASICALLY STOPPING OR MOVING SFWROOFK THE INSIDE LANE OF ANDERSON LANE. DRIVERS WHO WILL BE STUCK BEHIND THESE FOLKS TURNING LEFT WILL TRY TO GET INTO THE RIGHT LANE, WHICH WILL CON JEST THAT LANE AS WELL. FINALLY THE TIA DOES NOT ADDRESS THE PROPOSED PROJECT'S IMPACTS ON PROPOSED PEDESTRIAN OR BICYCLE ACTIVITIES. SHOAL CREEK AND GREAT NORTHERN BOULEVARD ARE POPULAR LOCATIONS FOR BICYCLISTS AND PEDESTRIANS. AS YOU INCREASE TRAFFIC THROUGH THE NEIGHBORHOOD, THESE BICYCLISTS AND PEDESTRIANS WILL BE IN A SITUATION OF INCREASED DANGER FROM VEHICULAR MOVEMENTS. SO IN CLOSING, IT'S BEEN DIFFICULT FOR ME AS A TRANSPORTATION PLANTORY UNDERSTAND WHY THE CITY OF AUSTIN'S WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT AFTER REVIEWING THE TRAFFIC IMPACT STUDY STIG DOES NOT FIND ANY PROBLEMS THAT WARRANT CONCERN OR ANY ROADWAY IMPROVEMENTS THAT NEED

TO BE MADE. CERTAINLY IT'S NOT REASONABLE TO BELIEVE THAT ADDING THOUSANDS OF CARS PER DAY TO LOCAL STREETS, MILLIONS OTHER THE COURSE OF A YEAR AND HUNDREDS OF THOUSANDS OF NEW TRUCK TRIPS POTENTIALLY TO CONGESTED LOCAL ARTERIALS AND NEIGHBORHOOD STREETS COULD HAVE NO SIGNIFICANT IMPACT TO FUTURE TRAFFIC FLOWS, SAFETY OR NEIGHBORHOODS. THANK YOU FOR YOUR TIME.

Mayor Wynn: JASON MITMAN. YOU WILL BE FOLLOWED BY JASON MEEKER. YOU WILL HAVE 27 MINUTES LEFT.

THANK YOU. IT'S RARE WE GET THE EXCITEMENT OF A FIRE EMERGENCY TO GIVE US KIND OF A NICE BREAK. IT THROWS THINGS IN A LITTLE BIT. MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO SPEAK WITH YOU, BUT MORE IMPORTANTLY THANK YOU FOR PUTTING THIS ITEM ON THE COUNCIL AGENDA TONIGHT AND ESPECIALLY THANK YOU FOR ASKING QUESTIONS AND DEMANDING ANSWERS. IT IS THE RIGHT THING TO DO. I THINK YOU KNOW THE CITIZENS' CONCERNS AND YOUR CONCERNS ARE DEAD ON. I KNOW MANY OF YOU FEEL YOUR HANDS ARE TIED AND THAT IN ESSENCE NOTHING YOU CAN DO, BUT LOOK AT HOW MUCH WE HAVE ALREADY DONE IN JUST A FEW WEEKS. YOUR ACTIONS HAVE IMPACT. DON'T GIVE UP NOW. NOW IS WHEN WE NEED YOU THE MOST FOR NOW IS WHEN THE HEAVY LIFTING BEGINS. WE KNOW THERE IS A PROBLEM. NOW IS THE TIME TO FIX THE PROBLEM, NOT SUGARCOAT IT. DO NOT GIVE IN. YOU DO HAVE THE GROUNDS TO STAND UP AND SAY, WAIT, THERE IS AN ESTABLISHED PRECEDENT OF DRASTICALLY INACCURATE TRAFFIC INFORMATION PROVIDED TO THIS CITY. I'M A MEMBER OF THE ALLEN DAIM NEIGHBORHOOD ASSOCIATION AND TODAY IT CAME TO OUR ATTENTION THAT THERE WAS NO NOTICE WHATSOEVER. DO WE HAVE THESE CODES IN PLACE FOR A REASON? ARE THE NEIGHBORHOODS OF AUSTIN AND PROPERTY OWNERS' RIGHTS PROTECTED OR NOT? DO THE DEVELOPERS WHO GO TO GREAT EXPENSE AND EFFORT TO DO THE RIGHT THING GET A FAIR CHANCE TO O. A LEVEL PLAYING FIELD OR NOT? IF WE HAVE THE VOICE THAT EVERY NEIGHBOR IN EVERY COMMUNITY IN AUSTIN HAS THE RIGHT TO HAVE THROUGH PROPER NOTICE, WE WOULD HAVE SPOKEN LONG AGO. BUT THAT RIGHT WAS

TAKEN FROM US. [APPLAUSE] THAT RIGHT WAS TAKEN FROM US BY RECEIVING NO NOTICE. AND BEING DECEIVED BY BEING PROVIDED TRAFFIC IMPACT INFORMATION THAT IS NOT ACCURATE. WHAT WE NEED FROM YOU NOW IS YOUR CONTINUED COURAGE. MY WIFE AND I BOUGHT OUR HOUSE A LITTLE OVER A YEAR AGO. WE WANTED A PLACE TO CALL HOME FOR A LONG TIME. WE WANTED, LIKE MANY OF OUR NEIGHBORS, TO WALK TO THE LOCAL BUSINESSES AND RESTAURANTS THAT SURROUND OUR AREA. WE WANTED TO BE ABLE TO HOP ON YOUR BIKES AND GO FOR A GREAT RIDE AND WE WANTED TO BE ABLE TO GET IN OUR CAR, LEAVE OUR DRIVEWAY AND GET ON THE ROAD. WE DECIDED THAT LIVING ON THE CORNER OF SHOAL CREEK AND FOSTER WASN'T SO BAD. THAT TRAFFIC, THOUGH CONSTANT, WAS NOT OVERWHELMING. I WANT MY NEIGHBORS AND MY WIFE AND I, OLD AND YOUNG, WITH AND WITHOUT CHILDREN, WITH AND WITHOUT DISABILITIES, TO BE ABLE TO WALK DOWN OUR STREETS WITHOUT THE FEAR OF BEING CLOBBERED IN HEAVY TRAFFIC. [APPLAUSE] TO HAVE THE CHOICE TO SHOP AT LOCAL BUSINESS. TO BE ABLE TO SLEEP AT NIGHT WITHOUT TREMENDOUS LIGHTS AND NOISE POLLUTION 24 HOURS A DAY, SEVEN DAYS A WEEK. TO BE ABLE TO -- NO NEIGHBOR IN MY NEIGHBORHOOD WANTS 24 HOUR A DAY, SEVEN-DAY A WEEK TRAFFIC FROM A BUILDING ALMOST 40,000 SQUARE FEET LARGER THAN CABELA'S. WOULD YOU WANT THAT BURDEN PLACED ON ANY NEIGHBOR IN ANY OF YOUR NEIGHBORHOODS? MY WIFE AND I MADE A CHOICE TO MOVE INTO THE ALLENDALE NEIGHBORHOOD AND NOW YOU HAVE A CHOICE TO MAKE. I KNOW BEFORE ME SITS SKILLED LEADERS WHO MAKE THE CITY OF AUSTIN A GREAT TOWN. WE NEED YOU TO STAND UP AND BE THE HEROES WE KNOW WHEN WE ELECTED YOU THAT YOU ARE. PLEASE LISTEN FOR THIS IS IMPORTANT. IN LESS THAN 12 HOURS ON A RAINY DAY WE ACCUMULATED WITH LITTLE NOTICE OVER 3500 SIGNATURES AND ALL OF US VOTE. YOUR NEIGHBORHOODS ARE BEGGING YOU TO TAKE ACTION. AND TO STAND FOR THE NEIGHBORHOOD PROPERTY OWNER RIGHTS AND THE CODES YOU HAVE IN PLACE RIGHT NOW. DO YOU WANT TO BE REMEMBERED AS STANDING UP AGAINST THE VERY CODE FOR WHICH THIS CITY HAS IN PLACE OR DO YOU WANT TO BE REMEMBERED FOR STANDING UP FOR THE NEIGHBORHOODS THAT NEED

YOU NOW TO TAKE A FIRM STANCE AND SAY, WHEN YOU DO NOT FOLLOW THE PROCESS, THE CITY HAS IN PLACE, WHEN YOU PROVIDE INACCURATE INFORMATION, YOU WILL BE HELD ACCOUNTABLE AND YOU WILL NOT BE GIVEN A FREE RIDE. THANK YOU VERY MUCH FOR YOUR TIME. [APPLAUSE] YOU.

McCracken: MAYOR, I HAD A QUICK QUESTION. WHAT ARE THE RULES ABOUT WHICH NEIGHBORHOOD ASSOCIATIONS ARE ENTITLED TO NOTICE IN THIS CASE? WHAT EVIDENCE DO WE HAVE IF THIS NOTICE WAS SENT?

MARTHA TERRY, ASSISTANT CITY ATTORNEY. THE NOTICE REQUIREMENTS FOR NEIGHBORHOOD ASSOCIATIONS IS THAT THE NEIGHBORHOOD ASSOCIATIONS UNDER THE CODE THAT ARE REQUIRED TO BE NOTIFIED ARE THOSE IN WHICH -- WHOSE AREA IN WHICH THE PROJECT OCCURS. WHAT THAT MEANS IS THAT YOU HAVE A SITUATION IN WHICH YOU CAN HAVE A NEIGHBORHOOD ASSOCIATION THAT IS 300 FEET AWAY, BUT ITS AREA THAT IT HAS DECLARED FOR REGISTRATION PURPOSES AT THE CITY DOESN'T COVER THE AREA IN WHICH THE PROJECT OCCURS. IT'S ADJACENT TO IT. AND THAT IS ONE OF THE -- WHEN ASSISTANT CITY MANAGER LAURA HUFFMAN WAS DISCUSSING SOME OF THE THINGS WE'VE LEARNED, THAT IS ONE OF THE THINGS WE'VE LEARNED ABOUT THE CODE AND THE TECHNICALITIES OF OUR NOTICE. WHEN I WAS TALKING ABOUT THE 60 DAY STAND DOWN IN THE NOTICE, THAT'S WHY I MADE A POINT OF SAYING WE WERE GOING TO NOTIFY EVERY NEIGHBORHOOD ASSOCIATION WITHIN 500 FEET. IT'S LIKE THE ANOMALY OF BETWEEN THE 300 AND THE 500-FOOT, SO IT WAS ENTIRELY POSSIBLE TO HAVE A NEIGHBORHOOD ASSOCIATION THAT WAS WITHIN-- WHOSE BOUNDARIES WAS WITHIN 300 FEET, BUT DID NOT COVER THE PROJECT ITSELF.

McCracken: WHICH NEIGHBORHOOD ASSOCIATIONS?

I'M GOING TO HAVE TO DEFER TO STAFF IN TERMS OF WHO THEY NOTIFIED. IF I CAN GET HELP FROM STAFF. I DO NOT HAVE THE LIST OF WHO WAS NOTIFIED AND WHO WASN'T. THIS WAS AN ISSUE THAT WAS RAISED BY THE

NEIGHBORHOOD WHZ WE MET WITH THEM.

McCracken: IS THIS ALLENDALE? SHOAL CREEK? YOU HAVE A LOT OF NEIGHBORHOODS. BUT I GUESS THE SECOND PART IS WHAT EVIDENCE DO WE HAVE THAT THE REQUIRED NOTICE WAS SENT TO THE APPLICABLE NEIGHBORHOOD ASSOCIATION?

LET ME EXPLAIN -- WHILE THEY'RE LOOKING FOR THAT LET ME EXPLAIN WHAT THE PROCEDURE IS. WE SEND NOTICE BY FIRST CLASS MAIL AND WE COME UP WITH MAILING LISTS AND THEN WHAT DWOA IS WE COMPARE THE MAILING LIST WITH THE LOCATIONS WITHIN 300 FEET AND SEND THOSE OUT BY FIRST CLASS MAIL. SO WHEN WE PUT IT IN THE MAIL, THE PRESUMPTION IS THAT THE NOTICE HAS BEEN SENT. BECAUSE WE DON'T DO CERTIFIED MAIL BECAUSE OF THE COST INVOLVED. IT'S NOT REQUIRED BECAUSE OF COST. BUT AGAIN, THERE IS AN ANOMALY IN OUR CODE --

McCracken: I DON'T QUESTION THAT PART.

THEY'RE SCRAMBLING TO GET THAW INFORMATION.

COUNCILMEMBER, NOTICE WAS SENT TO 25 PROPERTY OWNERS AS WELL AS THE NORTH AUSTIN NEIGHBORHOOD ALLIANCE, NORTH SHOAL CREEK NEIGHBORHOOD ASSOCIATION, CRESTVIEW NEIGHBORHOOD ASSOCIATION, ALLENDALE NEIGHBORHOOD ASSOCIATION, CRESTVIEW COMBINED NEIGHBORHOOD PLANNING TEAM. SO THERE MAY HAVE BEEN -- THOSE ARE THE ONES THAT WE HAVE ON FILE.

McCracken: WHO RECEIVED NOTICE IN THIS CASE?

YES.

McCracken: DO WE BASE THAT NMS.... INFORMATION ON THAT THEY'RE ON THE MAILING LIST, SO WE MUST HAVE SENT IT TO THEM?

THAT'S CORRECT.

McCracken: DO WE HAVE AN INDICATION THAT ANYBODY WAS

SENT THIS NOTICE?

WE HAVE THE MAILING LIST OF THOSE PEOPLE THAT WE DID SEND THOSE, BUT DON'T HAVE ANY VERIFICATION THAT THEY ACTUALLY RECEIVED IT.

McCracken: I'M JUST TRYING TO FOLLOW UP THAT DO WE KNOW IN THIS CASE THAT THIS NOTICE WAS SENT TO ANYBODY? WAS THE NOTICE SENT TO ANYBODY AS OPPOSED IT JUST DIDN'T EVER GET SENT? THAT'S WHAT I'M TRYING TO FIGURE OUT.

WE ACTUALLY KEEP THE NOTIFICATION THAT WE DO SEND JUST IN TERMS OF THE MAILING LABELS THAT WE DO COLLECT FROM OUR RECORDS, BUT WE DON'T HAVE VERIFICATION -- BECAUSE WE DON'T SEND IT CERTIFIED, WE DON'T KNOW WHETHER THEY RECEIVED IT. WE SEND IT, BUT WE CAN'T VERIFY --

McCracken: WE DO HAVE EVIDENCE THAT WE EVER SENT IT IN THE FIRST PLACE?

WE WOULDN'T HAVE CERTIFIED MAIL EVIDENCE.

...

McCracken: WHAT EVIDENCE DO WE HAVE THAT WE SEND IT, MAYOR?

Martinez: THIS IS RELATED TO WHAT COUNCILMEMBER MCCRACKEN IS ASKING. IS IT POSSIBLE THAT THE CITY AUDITOR MAY HAVE SOME EVIDENCE BASED ON THEIR PRELIMINARY INVESTIGATION?

COUNCILMEMBER, DURING OUR REVIEW WE WERE UNABLE TO FIND ANY POSITIVE AFFIRMATION THAT THE NOTICES WERE SENT TO THE PEOPLE ON THE MAILING LIST. THE ONLY THING WE COULD DETERMINE WAS THE IS DEPARTMENT RETAINS ANY RETURN NOTICES, SO IF NOTICE IS SENT OUT TO A COMPANY OR AN INDIVIDUAL OR AN ORGANIZATION AND THE PROPERTY OWNER HAS CHANGED, THEN IT IS RETURNED AND THAT IS KEPT ON FILE, AND THERE WAS ONE NOTICE IN PARTICULAR THAT WAS MAILED

OUT AND RECEIVED.

McCracken: SOUND LIKE IT WAS SENT OUT.

Mayor Wynn: THANK YOU ALL. OKAY. SO WE'RE ABOUT 21 MINUTES INTO OUR 45 MINUTE PRESENTATION. OUR NEXT SPEAKER IS JASON MEEKER. WELCOME BACK. YOU WILL BE FOLLOWED BY JAN TRIPLET.

COUNCIL. I'M JASON MEEKER, I'M THE COMMUNICATIONS CHAIRMAN FOR RESPONSIBLE GROWTH FOR AUSTIN.ORG. I LIVE IN THE BRENTWOOD NEIGHBORHOOD. IN 2000 WHEN MY WIFE AND I MOVED IN, MOST OF OUR NEIGHBORS WE MET WERE MUCH OLDER THAN US. THEY WERE RETIRE ES. GREAT NEIGHBORS. NOW YOUNGER FAMILIES ARE MOVING IN. VERY RECENTLY TO OUR SURPRISE WE'VE HAD A BABY BOOM ON OUR VERY STREET. THERE'S A NEW FAMILY AT 1807, THEY HAD A BABY. THE FAMILY ON THE END, THEY'RE AWAITING NUMBER FIVE. WE HAD OUR FIRST IN JULY. AND ANOTHER COUPLE ON THE STREET, THEY'RE IN THEIR 40'S AND EARLY 50'S, THEY RECENTLY DISCOVERED THEY ARE STILL FERTILE. [LAUGHTER] OUR NEIGHBORHOOD IS TRULY HAVING A REBIRTH. AND MY FEAR IS IT'S ABOUT TO END. I'M NOT ALONE. BRENTWOOD NEIGHBORHOOD ASSOCIATION WHICH HAS BOUNDARIES FROM 45TH TO JUSTIN AND BURNET TO LAMAR HAS BROKEN OUT. THEY OPPOSE THE CURRENT FLOONZ NORTHCROSS MALL AND THEY'VE REQUEST CITY COUNCIL, YOU, TO VOTE TO SUSPEND APPROVAL TO THE SITE PLAN. THEY WANT A REAL TRAFFIC IMPACT STUDY FOR ALL THE ROADS WITHIN A FIVE MILE RADIUS OF NORTHCROSS MALL. THEY'RE A NEIGHBORHOOD OF MORE THAN 2500 HOMES, TAXPAYERS, VOTERS. THE TRAFFIC NUMBERS ARE ALL OVER THE MAP. TWO MILLION, THREE MILLION DOLLARS ANNUALLY ON ANDERSON LANE ALONE? MANY TRAVELLING THROUGH OUR NEIGHBORHOOD S TO GET TO ANDERSON..... ANDERSON LANE!!?? LET ME DESCRIBE OUR NEIGHBORHOODS. THEY'RE SCHOOL ZONES. THERE'S KIDS WALKING HOME FROM SCHOOL. THERE'S MORE LOCAL BUSINESSES OPENING ON BURNET. PEOPLE WALK THEIR DOGS, PEOPLE BIKE. BURGLAR BARS, ONCE GOING UP, THEY'RE COMING DOWN. PEOPLE PLOALGDING, PLANTING TREES, SETTLING DOWN TRUE ROOTS. WE'RE HARD WORKING PEOPLE. WE'RE THE SHRINKING MIDDLE

CLASS. SUDDENLY OUR AMERICAN DREAMS ARE IN JEOPARDY. AT NIGHT THERE ARE ALREADY THESE PUNCTUATIONS OF TRAFFIC NOISE, BUT THE SILENCE OF NIGHT I FEAR MAY SOON BE ECLIPSED BY A RUMBLE OF AN ARMY OF TRUCKS ROLLING TO AND FROM WAL-MART, ALL OF THEM EAGER TO FIND NEW FASTER ROUTES SO THEY CAN FIND THEIR WAY TO THE WAREHOUSE AND BACK TO THE 24 HOUR WAL-MART AND BACK TO THE WAREHOUSE, BACK TO THE WAL-MART SUPER CENTER 24 HOURS A DAY. PERCEPTION IS REALITY AND IF THE PERCEPTION IS IF OUR NEIGHBORHOODS ARE NO LONGER SAFE PLACES TO RAISE FAMILIES, PROPERTY VALUES DROP. PEOPLE LEAVE, FAMILIES MOVE OUT, WAL-MART STRIKES AGAIN. I KEEP HEARING YOU CAN'T OR WON'T DO ANYTHING TO STOP THIS DEVELOPMENT. I'VE JUST ENUMERATED SOME OF THE THING THAT WILL HAPPEN TO OUR NEIGHBORHOODS. THE OTHER SIDE CAN'T TELL YOU WITH A STRAIGHT FACE THAT IT WON'T HURT OUR NEIGHBORHOODS. LYNDON JOHNSON WHEN HE PUSHED FOR VOTING RIGHTS AND CIVIL RIGHTS FOR AFRICAN-AMERICAN, SOME PEOPLE WONDERED WHAT HE WAS DOING. LYNDON SAID IF HE COULDN'T USE THE POWER OF THE PRESIDENCY TO DO THE RIGHT THING, THEN WHAT THE HELL GOOD IS A PRESIDENCY DO FOR? JERRY SEINFELD JOKES THAT IN THE GAME OF LIFE LAWYERS ARE BASICALLY THE PEOPLE WHO KNOW THE RULES. THEY ARE ACTUALLY THE PEOPLE WHO HAVE READ THE INSIDE OF THE TOP OF THE BOX. WELL, THIS IS NO GAME. OUR NEIGHBORS, OUR HOME VALUES, DREAMS ARE NOT TO BE PLAYED WITH BY MY LAWYERS AND DEVELOPERS WHO KNOW THE RULES AND ZONES AND CODES BETTER THAN WE DO IN THE NAME OF CORPORATE GREED AND IRRELEVANT RESPONSIBILITY. AND WE'RE HERE TO ASK YOUR HELP IN STOPPING THIS. PLEASE LISTEN TO US. THIS IS NOT A DEVELOPMENT. IT'S A MALIGNANCY. COUNCIL, PLEASE ACT TO SAVE OUR NEIGHBORHOODS, SAVE OUR CITY. THANK YOU FOR YOUR TIME. [APPLAUSE]

GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. MY NAME IS DR. JAN TRIPLET. I HAVE A Ph.D FROM THE UNIVERSITY OF TEXAS AT AUSTIN. I MAY NOT SOUND LIKE A TEXAN, BUT I AM. I HAVE LIVED IN THE ALLENDALE NEIGHBORHOOD SINCE '91 AND I AM IN ONE OF

THOSE YELLOW BUILDINGS THAT ARE SORT OF OUT THERE, SORT OF FLOATING. I WOULD LIKE TO TELL THAW I AM ALSO THE PAST SMALL BUSINESS ADVOCATE FOR THE STATE OF TEXAS, RECOGNIZED SPECIFICALLY FOR MY WORK IN WORKING WITH COMMUNITIES EXPECTING WAL-MARTS INTO THEIR COMMUNITY. I WAS DOING THIS AS A VOLUNTEER AND IT WAS TO TRY TO PROTECT THE INTEGRITY OF THOSE SMALLER COMMUNITIES AND SO EVEN AS EARLY AS THE '90'S THE SMALL BUSINESS ADMINISTRATION WAS CONCERNED ABOUT THAT. I'VE ALSO WORKED IN ECONOMIC DEVELOPMENT WORKING FOR THE GREATER 183 CORRIDOR AND FOR THE TRI CITIES OUT OF HOUSTON, HEMPSTEAD, WALLER AND PRAIRIE VIEW. I DO HAVE A GREAT DEAL OF UNDERSTANDING ABOUT ECONOMIC DEVELOPMENT AND THE IMPORTANCE OF RETAILING BUSINESSES, NOT IN TERMS OF STARTING THEM. I WOULD LIKE TO SHARE WITH YOU SOME NOTES THAT I HAVE MADE IN TERM OF CREATING BUSINESS DIVERSITY AND MAINTAINING A NEIGHBORHOOD INT. INTEGRITY. THE THING ABOUT THE NORTHCROSS MALL SITUATION IS WHEN IT WAS CREATED IT WAS CREATED AS A SUBURBAN MALL TO BE IN A NEIGHBORHOOD WITH MULTIPLE STORES AND NOT AS A ONE STORE LOCATION. THAT MEANT THAT IT WAS EXPECTING TO HAVE THE KIND OF TRAFFIC WHERE YOU HAVE IN AND OUT AND HAVE YOU SMALL RETAILERS AND YOU PROTECT THE INTEGRITY OF THE NEIGHBORHOOD AND YOU ALLOW PEOPLE TO WALK AND YOU HAVE PEOPLE WHO ARE ABLE TO JOG AND TO RIDE BICYCLES AND DO ALL KINDS OF THINGS. IT WAS REALLY A NEIGHBORHOOD. WE'RE ON ANDERSON LANE, NOT ON ANDERSON ROAD, NOT ON ANDERSON HIGHWAY, NOT ON 183, BUT WE ARE ON A LANE AND WE ARE ON A LANE THAT DEAD ENDS INTO LAMAR. SO WE'RE REALLY TALKING ABOUT NOT ONLY TRAFFIC IN TERMS OF THE EXISTING TRAFFIC BEING A PROBLEM BECAUSE IT IS. MY CLIENTS AND MY STAFF ALL TELL ME THAT THEY ARE ABOUT FIVE MINUTES AWAY FROM ME WHEN THEY ARE ABOUT WITHIN A BLOCK. SO THEY ARE REALLY TAKING A LOT OF TIME TO GET TO ME THAT THEY DON'T NEED TO TAKE BECAUSE THEY'VE BEEN STUCK IN TRAFFIC BECAUSE THAT FIVE MINUTES USUALLY TURNS INTO 15 AND THAT'S EXISTING. THE NUMBERS THAT HAVE BEEN QUOTED IN TERMS OF DECEMBER NUMBERS OF TRAFFIC, THAT'S AN ABERRATION. MOST OF THE

BUSINESSES THAT ARE IN THIS AREA ARE SMALL
BUSINESSES IN THE CITY OF AUSTIN, IF YOU LOOK AT THE
AUSTIN MSA, WE'RE TALKING ABOUT 30,000 FIRMS PLUS
25,000 OF THEM ARE UNDER 20 SCBEEVMENTZ IN OUR AREA
ALMOST ALL OF THE BUSINESSES ARE IN THAT SIZE.
THEY'RE CONCERNED ABOUT TRAFFIC. NOT ONLY WHAT
EXISTS, BUT UNDER CONSTRUCTION. THIS IS ANKER AREA
THAT HAS NOT BEEN DEALT WITH. WE ARE LOOKING AT TWO
YEARS OF CONSTRUCTION WHILE THESE STORES TRY TO
MANAGE TO EXIST WHILE ALL OF THIS IS GOING ON. THERE
IS ALSO AN ISSUE ABOUT NOT ONLY BRINGING THE TRUCKS
IN IN TERM OF THE TRAFFIC, BUT WHAT HAPPENS TO OUR
SEWER LINES? ANYBODY WHO GOES UP AND DOWN LAMAR
KNOWS HOW MANY TIMES YOU ALL HAVE HAD TO REPAIR
LAMAR? SO WE'RE TALKING ABOUT A NUMBER OF ISSUES.
WE'RE ALSO TALKING ABOUT PROBLEM THE INCREASE THE
VANDALISM, INCREASED SECURITY PROBLEMS THAT THOSE
OF US WHO DO LOCATE FLIGHT THAT AREA ARE ALREADY
EXPERIENCING? SO WE ARE LOOK TO OUR POLICE AND
EMERGENCY SERVICES TO ADD MORE PROTECTION FOR US
BECAUSE WE'RE GOING TO BE BRINGING MORE PEOPLE IN,
NOT FROM THE RETAILER GROUP, ABOUT FIVE MILES, BUT A
SUPER WAL-MART THAT NOBODY'S ARE SEEN. THE CITY OF
LOS ANGELES DID A STUDY OF LOOKING AT A WAL-MART OF
ONLY 175 SQUARE FEET AND THEY CONCLUDED THAT IT
WOULD RESULT IN A DECREASE OF MUNICIPAL TAXES
BECAUSE OF THE DECREASE IN ECONOMIC ACTIVITY IN THE
AREA. THAT WAS GOOD IN '69, BUT WE HAVE CHANGED
SIGNIFICANTLY. I WOULD LIKE TO ALSO CALL YOUR
ATTENTION TO ONE PROBLEM THAT DOES EXIST WHEN WE
AT THAT TIME ABOUT ONLY INFORMING PROPERTY OWNERS.
WHEN YOU LOOK AT THE PEOPLE WHO OWN PROPERTY,
THEY'RE NOT A WHOLE LOT OF THEM. WHEN YOU LOOK AT
THE NUMBER OF BUSINESSES THAT ARE IN THAT AREA,
WE'RE TALKING ABOUT PROBABLY SOMEWHERE BETWEEN
200 AND 300. I ALSO SERVE AS THE BUSINESS LIAISON CHAIR
FOR THE RESPONSIBLE GROWTH FOR NORTHCROSS. WE
HAVE BEEN POLLING FOR PROFITS, NONPROFITS AS WELL
AS OTHER NEIGHBORHOOD GROUPS WHO ARE AFFECTED
BY THIS ISSUE. AND WHAT I'M SUGGESTING TO YOU IS THAT
WHEN YOU LOOK AT ALL OF THE PEOPLE WHO ARE
CURRENTLY INVOLVED, WE REALLY NEED TO TAKE A LOOK

AT WHETHER THE I AM -- WHAT ARE THE IMPACT IN TERMS OF SEWER, WATER, BECAUSE WE ARE THE PEOPLE WHO LIVED THROUGH THE 1981 FLOOD. WE DO NOT TOPT HAVE THOSE KINDS OF ISSUES AGAIN. BUSINESS IS AN ISSUE IN TERMS OF PROPERTY, BUT IT'S ALSO A PROBLEM FOR THOSE PEOPLE WHO ARE RENTING BUSINESSES. YOU CAN SAY THAT SOMEBODY LIKE THAT CAN GET OUT OF THEIR AGREEMENT AND BACK OUT OF THEIR RETAIL SPACE. BUT THAT'S NOT AS EASY AS IT SOUNDS. SO WE'RE TRYING TO MAKE SURE THAT WHEN YOU LOOK AT THE SITE PLAN AND YOU LOOK AT THE IMPLICATIONS YOU'RE LOOKING AT THE FACT THAT WE HAVE A DEAD END STREET, WE HAVE A WAL-MART THAT HAS SPECIFIC TIMES IN WHICH PEOPLE HAVE TO LOAD AND UNLOAD. IF THOSE TRUCKS DO NOT HIT THOSE WINDOWS, THEY HAVE TO BE SOMEWHERE. THAT MEANS THEY'RE GOING TO SIT SOMEWHERE IELGDING. SO WE HAVE INFRASTRUCTURE PROBLEMS, WE HAVE AIR PROBLEMS, WE HAVE WATER PROBLEMS. PLEASE DO NOT LET THIS GO THROUGH SIMPLY BECAUSE WE DIDN'T CHANGE OUR CODES IN TIME. YOU ARE SMART PEOPLE, YOU KNOW THERE ARE PROBLEMS WITH THE CODES. MAKE SURE YOU ADDRESS THEM. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: OUR NEXT SPEAKER IS JONAS SCHWARTZ. WE HAVE ABOUT 13 MINUTES LEFT ON OUR CLOCK. WELCOME MR. SCHWARTZ. YOU WILL BE FOLLOWED BY PAGE HILL. IT SHOULD BE A SWITCH ON THERE SOMEWHERE.

GOOD EVENING, COUNCIL. MY NAME IS JONAS SCHWARTZ AND I'M A HOMEOWNER IN THE NORTH SHOAL CREEK NEIGHBORHOOD AND I'VE LIVED THERE FOR FOUR YEARS. I WANT TO MAKE TWO POINTS TONIGHT VERY QUICKLY. YOU KNOW, THE COOL THING ABOUT OUR NEIGHBORHOOD IS THAT IT'S VERY DIVERSE. THERE ARE YOUNG PEOPLE WITH FAMILIES, THERE ARE MIDDLE AGED PEOPLE THAT HAVE CHILDREN THAT ARE GROWING, AND THERE ARE OLDER PEOPLE. AND OUR NEIGHBORHOOD IS VERY DIVERSE AND PEOPLE ARE VERY ACTIVE IN THAT NEIGHBORHOOD. ONE OF THE COOL THINGS ABOUT OUR NEIGHBORHOOD IS THAT IT'S VERY SCEALG FOR PEDESTRIAN TRAFFIC -- VERY ACCESSIBLE FOR PEDESTRIAN TRAFFIC. BEING A PERSON WITH A DISABILITY, THAT'S EXTREMELY IMPORTANT TO ME BECAUSE ALTHOUGH I DRIVE, MANY TIMES IT'S EASIER JUST

TO USE MY PEDESTRIAN RIGHTS TO PATRONIZE MANY OF THE BUSINESSES IN MY NEIGHBORHOOD. MY CONCERN IS THIS, THE TRAFFIC ISSUE HAS BEEN WELL DISCUSSED TONIGHT. AND WHEN YOU HAVE TRAFFIC OF THAT MAGNITUDE, LOGIC TELLS YOU THAT YOU HAVE TO HAVE LESS PEDESTRIAN TRAFFIC BECAUSE THERE ARE SAFETY ISSUES INVOLVED. MY CONCERN IS THAT WHEN PEOPLE WHO DO NOT HAVE RELIABLE ACCESS TO TRANSPORTATION BECAUSE THEY DON'T DRIVE OR BECAUSE BUS LINES ARE FARTHER THAN THEY CAN TRAVEL, AND WHEN THE TRAFFIC INCREASES IS THEN PEOPLE ARE FORCED TO STAY IN THEIR HOMES AND BECOME ISOLATED AND ARE NOT ABLE TO GO OUT INTO THEIR COMMUNITY AND TAKE ADVANTAGE OF THE BUSINESSES AND THE OTHER ASSETS THAT THE COMMUNITY HAS TO OFFER. SPEAKING AS A PERSON WITH A DISABILITY I HAVE VERY, VERY SERIOUS CONCERNS ABOUT THE AMOUNT OF TRAFFIC THAT THIS PROPOSED WAL-MART WILL GENERATE AND THE LACK OF INFRASTRUCTURE IN THIS NEIGHBORHOOD TO ACCOMMODATE THE COMING CHANGES SHOULD THIS GO FORWARD. SO THEREFORE I ASK YOU, CITY COUNCIL, TO PLEASE REVOKE THE SITE PLAN. THANK YOU. CLAP....[APPLAUSE]

Mayor Wynn: THANK YOU, MR. SCHWARTZ. PAGE HILL, YOU WILL BE FOLLOWED BY HOPE MORRISON, WHO WILL BE FOLLOWED BY DOUG YOUNG.

Mayor Wynn: WHILE WE WAIT, COUNCILMEMBER MCCracken AND COUNCILMEMBER COLE SECONDS THAT WE WAIVE COUNCIL RULES TO GO PAST 10:00 P.M. FURTHER DISCUSSION? FAIR....FAIR FAVOR? THAT PASSES BY A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DAIS. WELCOME, PAGE.

LOCAL EXAMZ OF VERTICAL MIXED USE AND DEVELOPMENTS THAT STRIVE TO MEET THE CITY'S DESIGN STANDARDS AND THAT SHOW EXAMZ OF WHAT WE WANT TO SEE IN THE NORTHCROSS AREA ABOUND. WE WANT TO SEE A MIX OF RESIDENCES AND SHOPS. WE WANT TO SEE DESIGNS LIEWLT THIS THAT FIT THE CITY'S DESIGN STANDARDS. THIS IS CONGRESS AVENUE. THIS DEVELOPMENT IS JUST SOUTH OF THE NORTHCROSS AREA ON BURNET ROAD. ONE OF THE STREETS IMPACTED BY THE

NEW MALL AND SUPER CENTER. YOU HAVE REQUESTED SOME EXAMPLES OF AREA DEVELOPMENTS THAT ARE GOING IN THE DIRECTION OF FOLLOWING CITY STPD AND THIS IS ONE OF THEM. THE 11th STREET CORRIDOR ON THE NEXT SLIDE SHOWS AN ENTIRE SECTION OF TOWN REVITALIZED TO ALLOW SHOPS, RESTAURANTS, OFFICES AND RESIDENCES IN THE SAME AREA. FRD. NEXT IS A NEW DEVELOPMENT ON GUADALUPE STREET THAT EXEMPLIFIES SOME OF OUR VISION OF THE AREA AROUND NORTH CROSS. EXCELLENT EXAMPLES OF POTENTIALLY PROFITABLE AND RESPONSIBLE DEVELOPMENT IN AUSTIN INCLUDE THE MUELLER DEVELOPMENT, WHICH INCLUDES AN I-35 FRONTAGE OF NATIONAL RETAILERS PAIRED WITH A TOWN CENTER OF GROCERY, LOCAL SHOPS AND SPECIALTY RETAIL AMID THE OFFICES AND HOMES AND APARTMENTS. WE'VE SEEN PICTURES HERE FROM AROUND AUSTIN OF WHAT WEBS. LET'S TAKE A LOOK AT SOME NUMBERS THAT MAY INTEREST LINCOLN PROPERTIES. CURRENTLY LINCOLN PROPERTY COMPANY IS DEVELOP AGRICULTURE PROPERTY WITH 410,000 SQUARE FEET OF ONLY RETAIL ON A MODEL THAT PROVES PROOFNZ TO LAST ABOUT 15 YEARS LONG, LEAVING AN EMPTY SHELL AFTERWARDS. IF THE DEVELOPERS OF NORTHCROSS REALLY WANT TO MAXIMIZE THEIR POTENTIAL THEY SHOULD CONSIDER THAT THE PROPERTY IS ZONED TO ACCOMMODATE DEVELOPMENT UP TO SIX STORIES AND UP TO A MILLION SQUARE FEET. RETAINING CLOSE TO THE EXISTING RETAIL SQUARE FOOTAGE, BUT SPREAD ING IT OUT IN A VERTICAL MIXED USE COMPLIANT PEDESTRIAN FRIENDLY DEVELOPMENT YOU COULD HAVE APPROXIMATELY 300,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL RETAIL, INCLUDING MUCH NEEDED GROCERY, AND 700,000 SQUARE FEET OF SELLABLE OR LEASABLE CONDO SPACE, APARTMENT RENTAL SPACE, REDUCING THE IMPERVIOUS COVER, ADDING GREEN SPACE AND PEDESTRIAN FRIENDLY ACCESSES THAT DRAW PEOPLE TO THE AREA REGULARLY RATHER THAN IN SPURTS OF HIGH VEHICLE TRAFFIC. JUST USING THE CURRENT BALLPARK NUMBERS ABOVE, THE LEASED SPACE AT 75% OCCUPANCY AT CURRENT COMMERCIAL RATES WOULD BRING IN \$4,500,000 MONTHLY. ASSUMING 300,000 SQUARE FEET OF LEASED APARTMENT SPACE, YOU COULD ADD 225,000 INDEFINITE MONTHLY INCOME FOR HOME RENTAL REVENUE.

FOR ANOTHER 4,000 SQUARE FEET OF CONDO OR SELLABLE OFFICE SPACE YOU COULD AVERAGE \$36 MILLION IN IMMEDIATE REVENUE OR YOU COULD LEASE THE SPACE FOR EVEN MORE OVER TIME. ADD TO THAT THE FACT THAT LINCOLN PROPERTY IS CURRENTLY ALIENATING MOST AREA RESIDENTS FROM PROVIDING DEVELOPMENT..... REVENUE TO THE DEVELOPMENT BY USING IT, THIS POTENTIAL LOSS IS INCONCEIVABLE. YOU AND I AND LINCOLN PROPERTY COMPANY RECOGNIZE THIS DEVELOPMENT AS POOR USE OF LAND. INCON GREW N ENT WITH CONSTITUENT'S DESIGN STANDARDS AND VERTICAL MIXED USE. MEMBERS OF COUNCIL AND STAFF HAVE VOCALIZED THEIR RESOLUTION THAT THIS PLAN ONLY PROVIDES SHORT-TERM PROFITS FOR THE IN DEVELOPER AND NEGATIVE EFFECTS FOR THE CITY AND SURROUNDING NEIGHBORHOODS. LINCOLN PROPERTY INVESTORS SHOULD PAY ATTENTION. THEY WILL LOSE MONEY ON THIS DEAL. THE CITY WILL LOSE MONEY ON THIS DEAL. THE RESIDENTS WILL LOSE THE OPPORTUNITY TO WALK, SHOP AND ENJOY SAFE STREETS AND NEIGHBORHOODS. ALL OF US STAND TO LOSE WITH THE CURRENT SITE PLAN. THIS IS A PICTURE OF WHAT WE WANT AND NEED. YOU, CITY OF AUSTIN, AND YOU, LINCOLN PROPERTY COMPANY, CAN WORK AS HARD AS -- AS HARD AS WE ARE WORKING TO DEVELOP A SUSTAINABLE, LIVEABLE AND PROFITABLE NEIGHBORHOOD FOR ALL OF US. WE CHALLENGE YOU TO DO SO. I WELCOME ANY QUESTIONS YOU MAY HAVE. THANK YOU.

Mayor Wynn: THANK YOU. [APPLAUSE]

Mayor Wynn: WELCOME, HOPE. STILL ABOUT FIVE MINUTES LEFT. IF THERE IS TIME LEFT, DOUG YOUNG WILL BE OUR LAST SPEAKER.

MY NAME IS HOPE MORRISON. I'M VICE-PRESIDENT OF RESPONSIBLE GROWTH FOR NORTHCROSS. THOUSANDS OF PEOPLE WHO LIVE NEAR NORTHCROSS MALL HAVE COMMUNICATED TO YOU THAT THEY EXPECT THE CITY COUNCIL TO NIX LINCOLN PROPERTIES' SITE PLAN. WE HAVE PROVIDED YOU WITH THE LEGAL JUSTIFICATION TO REVOKE THE SITE PLAN. BY FILING A NEW PLAN YESTERDAY, LINCOLN ACKNOWLEDGED THE STRENGTH OF OUR JUSTIFICATION. WE DON'T WANT A MALL WITH A BIG BOX STORE, WE WANT

THE TRIANGLE, MUELLER, CRESTVIEW STATION, THE TYPE OF DEVELOPMENT YOU ENVISION WITH THE VERTICAL MIXED USE STZ. WE WANT TO WORK WITH LINCOLN TO DEVELOP A NEW SITE PLAN THAT DOES NOT INCLUDE A 24 HOUR SUPER CENTER THAT WILL DESTROY OUR NEIGHBORHOODS. AN A PEDESTRIAN FRIENDLY DEVELOPMENT AT AN APPROPRIATE KALE THAT PROVIDES FOR THE SURROUNDING NEIGHBORHOODS AND IS A SUCCESSFUL FRONTAGE LINCOLN. IT IS IMPORTANT TO BE CLEAR ABOUT THE OFFER MADE TODAY FOR LINCOLN. HE ONLY OFFERED NOT TO FILE FOR A PERMIT FOR THE WAL-MART IMPROVEMENTS, WHICH WERE NOT SLATED TO BEGIN UNTIL LATER NEXT YEAR ANYWAY. AS I SAID TO YOU ON DECEMBER 7TH, THIS IS ABOUT MORE THAN WAL-MART. THIS IS ABOUT THE FUNDAMENTAL NATURE OF THE DEVELOPMENT AT NORTHCROSS. DOSHIER'S..S OFFER TODAY AS WELL AS HIS FILING A NEW SITE PLAN YESTERDAY DEMONSTRATES BAD FAITH WITH COMMUNITY AND FANGLY INSULTS YOUR INTELLIGENCE AND THE INTELLIGENCE OF THE NEIGHBORS. HAD WHEN I DROPPED OFF THE PETITION ON MONDAY, I BROUGHT MY DAUGHTERS WITH ME. I WANT THEM TO KNOW IT'S IMPORTANT FOR CITIZENS TO BE ENGAGED, BUT THE GOVERNMENT WILL REPRESENT CITIZENS AND STAND UP FOR WHAT IS RIGHT. TONIGHT THE ACTION YOU TAKE OR DON'T TAKE WILL SEND A MESSAGE NOT JUST TO LINCOLN PROPERTY COMPANY, NOT JUST TO THE NEIGHBORS, BUT TO MY CHILDREN. THE CITY OF NEW ORLEANS ARE REPORT LID TELLING YOU THAT YOUR CHOICE IS A LAWSUIT FROM THE NEIGHBORS OR A LAWSUIT FROM LINCOLN AND WAL-MART. I SYMPATHIZE WITH THE PRESSURE YOU'RE UNDER, BUT TONIGHT I AM PUSHING YOU JUST AS I USED TO PUSH MY FORMER BOSS TO DO THE RIGHT THING. DON'T MAKE A DECISION BASED ON WHICH LAWSUIT WILL COST YOU MORE. MAKE A DECISION BASED ON WHAT IS RIGHT AND WHAT THE THE PEOPLE WHO ELECTED YOU ARE ASKING TO YOU DO. SHOW US. SHOW MY DAUGHTERS THAT GOVERNMENT REALLY DOES WORK TOWARDS THE GOOD. MANY WEEK AND MONTHS AND MAYBE YEARS WILL PASS BEFORE THE NORTHCROSS ISSUE IS SETTLED. HOW LONG IT TAKES AND HOW HARD WR EASY THE PROCESS IS DEPENDS LARGELY ON LINCOLN. AS YOU KNOW, AS LINCOLN KNOWS, THERE ARE A LOT OF THINGS THAT CAN BE DONE TO THROW UP

ROADBLOCKS FOR PROJECTS LIKE THIS. WE ARE PREPARED TO DO THESE THINGS IF LINCOLN FORCES US TO DO SO, BUT WE WOULD RATHER NOT. THE BEST OUTCOMES ARE ACHIEVED THROUGH MEANINGFUL PARTNERSHIP, NOT THROUGH FIGHTS AND ADVERSARIAL APPROACHES. RESPONSIBLE GROWTH FOR NORTHCROSS SINCERELY SEEKS A PROJECT THAT IS LUCRATIVE FOR LINCOLN ACTION RESPOND TO OUR CONCERNS AND IS NEGOTIATED IN GOOD FAITH. BY VOTING TONIGHT TO VOC THE SITE PLAN YOU EMPOWER US TO BRING LINCOLN TO THE TABLE IN GOOD FAITH. IF HOWEVER YOU DO NOT VOTE TONIGHT TO REVOKE THE SITE PLAN, YOU EMPOWER LINCOLN TO CONTINUE OPERATING WITH US IN BAD FAITH. IF YOU BELIEVE THAT LINCOLN WAS SINCERE AND HIS OFFER REPRESENTS A MEANINGFUL DELAY OF DEMOLITION AT NORTHCROSS MALL, VOTE TO SUSPEND THE SITE PLAN. THEY AGREED TO IT. THEY WON'T MIND. IF ON THE OTHER HAND YOU SEE LINCOLN'S OFFER AS THE CHARADE THAT IT IS, VOTE TO REVOKE THE SITE PLAN IF FOR NO OTHER REASON THAN TO DEMONSTRATE THAT THE CITY COUNCIL WILL NOT BE PLAYED FOR FOOLS AND THAT DEVELOPERS MUST OPERATE IN GOOD FAITH IF THEY WANT TO DO BUSINESS IN AUSTIN. CAN I HAVE EVERYBODY HERE WHO REPRESENTS RESPONSIBLE GROWTH FOR NORTHCROSS STAND UP? IF YOU ALSO SUPPORT THE BIG BOX ORDINANCE, COULD YOU PLEASE RAISE YOUR HAND? WE JUST WANTED TO MAKE SURE YOU UNDERSTAND WE'RE SUPPORTIVE OF BOTH OF THOSE ITEMS. THANK YOU. [APPLAUSE]

McCracken: I WANTED TO FIND OUT THAT LAST QUESTION ABOUT WHETHER LINCOLN'S OFFER EXTENDED ONLY TO WAL-MART OR TO THE ENTIRE SITE. I'M LOOKING AT THE E-MAIL FROM MR. DOSHIER AND IT APPEARS IT SPEAKS JUST TO THE WAL-MART DEVELOPMENT. SO I'D LIKE SOME QUIMMATION FROM STAFF WHETHER THAT'S TRUE OR NOT?

Mayor Wynn: MS. HUFFMAN, WOULD YOU KNOW THAT ANSWER?

DAVID, WILL YOU HELP ME OUT WITH THIS? I'M TRYING TO FIND A CONE OF IT ON MY E-MAIL. I'LL PULL IT UP AND WE CAN READ IT.

McCracken: WE MIGHT NEED SOME CLARIFICATION. IT SAYS IN ORDER TO ALLOW TIME FOR SUCH CONVERSATIONS TO TAKE PLACE, WE HAVE DECIDED VOLUNTARILY NOT TO APPLY FOR THE STRUCTURAL DEMOLITION PERMIT NECESSARY NECESSARY FOR THE WAL-MART IMPROVEMENTS IN THE NEXT 60 DAYS. I DON'T KNOW IF THEY MEAN DEMOLITION OF THE ENTIRE SITE FOR THE WAL-MART IMPROVEMENTS. I NEED THAT CONFIRMED.

Mayor Wynn: WE HAVE ABOUT A MINLT AND A HALF LEFT ON THE TIME CLOCK AND DOUG YOUNG HAS SIGNED UP TO PLAY CLEAN UP, BUT PAGE YOU --

MAYOR, WE ACTUALLY WERE OFFERING DOUG TO SPEAK DURING REBUTTAL PERIOD IF IT'S NECESSARY ONCE THE OPPOSITION HAS THEIR TIME.

Mayor Wynn: THE OPPOSITION CHOSE NOT TO TESTIFY THIS EVENING.

OH. OKAY. IN THAT CASE MAY WE EXTEND OUR TIME BY A FEW MINUTES?

...

Mayor Wynn: WE HAVE ANOTHER BIG ORDINANCE TO TRY TO TAKE UP THIS EVENING THAT'S VERY IMPORTANT.

IT'S ONLY FOR MR. YOUNG TO FINISH SPEAKING. WE WERE TO THE UNDERSTANDING THAT THERE WILL BE 45 MINUTES FOR OUR SIDE AND A NUMBER BE OF MINUTES FOR OPPOSITION AND REBUTTAL. SO IF YOU DON'T MIND IF WE COULD EXTEND THAT FOR HIM TO FINISH.

...

Mayor Wynn: HOW MUCH TIME DO YOU THINK YOU NEED?

JUST A MINUTE.

DOUG YOUNG, MAYOR, COUNCIL. I HAD INTENDED TO PRESERVE MYSELF FOR REBUTTAL. OBVIOUSLY I'M NOT GOING TO REBUT MY OWN TEAM. [LAUGHTER] I WANTED TO

SUCCINCTLY SAY THAT AS IS FREQUENTLY THE CASE IN THESE KIND OF DEVELOPMENT CONTROVERSIES, SOME OF THE BEST REASONS TO DO THE RIGHT THING. YOU FIND WAYS TO DO THINGS THAT YOU WANT AND NEED TO DO BASED ON YOUR CODE. THE VERY SHORT PRESENTATION I HAVE TO MAKE IS YOU HEARD ALL KINDS OF GOOD REASONS TO DO SOMETHING TONIGHT. WE'VE GIVEN YOU THE REASON TO DO THAT. I THINK THE PLAIN LANGUAGE OF THE CODE IS THAT THIS IS NOT THE GARDEN -- THE GARDEN CENTER IS NOT AN ACCESSORY USE. IT'S A CONDITIONAL USE AND THAT REQUIRED THE PROCESS THAT IT GO THROUGH THE ZONING AND PLATTING COMMISSION. THE PUBLIC PROCESS THAT AMONG OTHER THINGS EVERYONE IS COMPLAINING THAT THEY OUGHT TO HAVE HAD AN OPPORTUNITY TO TAKE. THE CODE DOESN'T HAVE A PROCEDURE FOR WHAT DO YOU DO WHEN YOU DIDN'T FOLLOW THE GUIDE IN THE FIRST PLACE OR YOU MADE A MISTAKE. WE HAVE ASKED THAT YOU CONSIDER GIVING DIRECTION TO THE CITY MANAGER, BUT I'LL ADDRESS THIS COMMENT. MS. HUFFMAN HAS LEFT. I'M NOT SURE THAT THE COUNCIL NEEDS TO GIVE THAT DIRECTION. I THINK THAT RIGHT NOW THE CITY MADE A MISTAKE IN HANDLING THIS ADMINISTRATIVELY. WE ASK THAT THE CITY MANAGER TAKE THAT ACTION. THANKS.

Mayor Wynn: THANK YOU, MR. YOUNG. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'VE GOT A QUESTION FOR STAFF, PERHAPS LEGAL OR MR. GUERNSEY. I'D LIKE FOR YOU TO ADDRESS THE QUESTION OF THE GARDEN CENTER. WHETHER THAT'S A PROHIBITED USE OR AN ACCESSORY USE AND WHETHER OR NOT A CONDITIONAL USE PERMIT WAS REQUIRED.

THE CODE SECTION -- MARTHA TERRY, ASSISTANT CITY ATTORNEY AND GREG GUERNSEY, DRERKT OF NPCD. THE CODE PROVISION IN QUESTION PROVIDES THAT THE COMMERCIAL OR INDUSTRIAL USE THAT IS OTHERWISE PROHIBITED IN THE ZONING DISTRICT IS PROHIBITED AS AN ACCESSORY USE IF IT MEETS CERTAIN CONDITIONS. I'M GOING TO ADDRESS THE PROHIBITED LANGUAGE IN JUST A SECOND AND GREG WILL HELP ME OUT WITH THAT. FIRST OF ALL IT'S FOR THE CONVENIENCE OF EMPLOYEES, CLIENTS

OR CUSTOMERS OF THE PRINCIPAL USE. SO THIS CANNOT BE A PRINCIPAL USE, SO IF HAVE YOU A BIG BOX AS WAS SUGGEST, AND THE BIG BOX IS THE PRINCIPAL USE, THEN IT CANNOT BE AN ACCESSORY USE. THAT'S ONE THING I WANT TO POINT OUT. IT HAS TO OCCUPY LESS THAN 10% OF THE TOTAL FLOOR AREA OF THE USE. AND IT HAS TO BE AN INTEGRAL PART OF THE PRINCIPAL USE. SO IF HAVE YOU A WAL-MART, IT'S VERY DIFFICULT TO SEE HOW THAT'S AN -- THAT AS A PRINCIPAL USE CAN BE AN INTEGRAL PART OF ANOTHER INTEGRAL USE -- ANOTHER PRINCIPAL USE. FINALLY, THE SUGGESTION WAS MADE THAT YOU COULD HAVE AN INDUSTRIAL USE THAT WAS NEXT TO A RESIDENTIAL. THAT'S FLAT WRONG. FOR AN INDUSTRIAL USE IT IS NOT LOCATED -- CANNOT BE AN ACCESSORY USE BECAUSE IT CAN'T BE LOCATED IN AN N.O.,L. OR ZONING DISTRICT OR WITHIN 100 FEET OF A RESIDENTIAL ZONING DISTRICT. YOU CAN'T HAVE THAT SITUATION. NOW, AS FAR AS THE OTHERWISE PROHIBITED LANGUAGE, WE HAVE CONSISTENTLY INTERPRETED THAT OTHERWISE PROHIBITED AS MEANING IT'S NOT ALLOWED IN THE ZONING DISTRICT. AND IN THE INSTANCE OF A GARDEN CENTER, IT'S A CONDITIONAL USE PERMIT, IT DOESN'T MAKE A WHOLE LOT OF SENSE THAT YOU WOULD SAY, WELL RLTION YOU CAN ALLOW AN ACCESSORY USE FOR ONE THAT IS COMPLETELY AND TOTALLY PROHIBITED, BUT YOU CAN'T ALLOW AN ACCESSORY USE FOR ONE THAT IS CONDITIONALLY PERMITTED. AND I'M GOING TO HAVE GREG SPEAK TO THAT DISTINCTION AND HOW WE HAVE INTERPRETED THAT IN THE PAST.

MANY OF THE USES THAT WE HAVE IN THE CITY THAT ARE PRINCIPAL USES ARE ACCESSORY USES. FOR INSTANCE, IF WE HAVE AN H.E.B. THAT SELLS BEER AND WINE, WE DON'T TREAT THEM AS A LIQUOR STORE AND SAY YOU NEED TO GET CS-1 ZONING IN ORDER FOR AN H.E.B., WHICH IS A FOOD SALES USE TORKS HAVE LIQUOR SALES AS A COMPONENT OF IT. THERE ARE EVEN OTHER LARGE BIG BOX RETAILERS LIKE TARGET THAT SELL ALCOHOL, WINE, AND WE DON'T CONSIDER THAT AS A PRINCIPAL USE, WE CONSIDER THAT AS AN ACCESSORY USE, MEANING IT WOULD STILL FALL UNDER THE CONDITIONS THAT ARE 10% OF THE FLOOR SPACE. IT'S AN INTEGRAL PART OF THAT USE. I GUESS WHAT

I'M POINTING OUT IS THAT THERE ARE MANY USES THAT YOU HAVE WITH THE PRINCIPAL USE. THEY MAY HAVE A LARGE STOCK ROOM AREA. WE DON'T CONSIDER THAT WAREHOUSING. IT WOULD REQUIRE SOME SORT OF INDUSTRIAL ZONING. BECAUSE THEY'RE STORING GOODS IN THE BACK OF A BUILDING, WE CONSIDER THAT AS ACCESSORY FOR THAT TYPE OF USE. IF THERE ARE FOOD SALES THAT WE WOULD HAVE, THEY MAY ALSO SELL ITEMS LIKE SMALL BITS OF FERTILIZER, PLANTS. THAT'S NOT SOMETHING THAT'S UNCOMMON THAT YOU WOULD SEE MOST OF THE GROCERY STORES THAT WE WOULD HAVE IN THE CITY OF AUSTIN. SO WE WOULDN'T NECESSARILY SAY THAT IS A PLANT NURSERY USE. THE POINSETTIAS THEY'RE SELLING AT THE STORE, THE MIRACLE GRO, SMALLER PESTICIDES, THOSE ARE INCIDENTAL TO THAT OTHER USE.

Leffingwell: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] IEB

THERE IS ALSO A REMODELING PERM. WHAT THEY ARE SAYING IN THE LETTER IS THEY ARE SAYING THAT THEY HAVE DECIDED VOLUNTARILY TO NOT APPLY FOR THE STRUCTURAL DEMOLITION PERMIT NECESSARILY FOR THE NEXT 60 DAYS, I THINK THE BEST WAY TO SHOW YOU WHAT ALL THAT DEMOLITION PERMIT COVERS IN TERMS OF THE PROPOSED DEVELOPMENT IS TO HAVE TAMMIE WILLIAMSON SHOW YOU ON THE SITE PLAN:

IN ORDER FOR THE WAL-MART TO BE CONSTRUCTED LET ME SHOW YOU, THIS IS THE PORTION OF THE DEMOLITION THAT NEEDS TO TAKE PLACE. THE MIDDLE PORTION THAT YOU CAN SEE HERE IN BLUE, THERE'S ADDITIONALLY SOME HATCHED MARKS HERE IN THE AREA, THIS AREA THAT ALSO HAS TO TAKE PLACE. UNDERGROUND PLUMBING AS WELL AS UTILITIES. ALL OF THIS AREA WOULD HAVE TO BE DEMOLISHED BEFORE THEY COULD ACTUALLY CONSTRUCT THE WAL-MART BECAUSE WAL-MART WOULD ACTUALLY SIT IN THIS AREA RIGHT HERE. SO DOES THAT -- CAN YOU TELL?

IN OTHER WORDS IS THERE MORE DEMOLITION AND MORE WORK OTHER THAN THE "DEMOLITION NECESSARY" FOR THE

WAL-MART IMPROVEMENTS?

THEY WOULD HAVE TO DEMOLISH THIS AREA IN ORDER TO HAVE ANY UNDERGROUND UTILITIES. THEY COULD CONTINUE IF THEY WANTED TO DO THE INTERIOR REMODEL HERE. BUT IN ORDER TO DO ANYTHING HERE, THEN I THINK THAT'S WHAT THE [INDISCERNIBLE]

IS THAT THE ONLY DEMOLITION GOING TO TAKE PLACE ON THE SITE.

YES.

McCracken: IS THERE OTHER DEVELOPMENT PROPOSED TO TAKE PLACE ON THE SITE THAT IS SEPARATE AND APART FROM -- FROM THE DEMOLITION WORK OF THE WAL-MART? MY RECOLLECTION IS THAT THEY ARE TALKING ABOUT BUILDING KIND OF YOUR CONVENTIONAL HIGHWAY POWER CENTER WITH PAD BUILDINGS OUT THERE.

YEAH, THEY DO HAVE A PAD SITE HERE, BUILDING ONE ALSO A PAD SITE HERE, BUILDING TWO.

McCracken: BY THE WAY, THEY TOLD US ONE OF THE CHALLENGES IN DEVELOPING THIS MORE LIKE THE TRIANGLE OR CRESTVIEW STATION, PAD BUILDINGS, IF THEY PUT MORE PAD BUILDINGS UP, THAT WILL JUST -- THAT JUST IS MAKING IT WORSE. I GUESS WE NEED SOME CLARIFICATION OF WHETHER THEY REALLY DID MEAN JUST A FULL STAND DOWN OR WHETHER THEY HAVE SOME ARTFUL WORDS BEING DIRECTED AT US TO MAKE US THINK SOMETHING DIFFERENT. MAYBE THEY MEANT IT IN GOOD FAITH AND A TRUE STAND DOWN. I GUESS IF WE CAN FIND OUT TOMORROW THAT WILL BE HELPFUL.

WE WILL RESIDE THAT INFORMATION TO YOU. I DON'T SEE ANYBODY HERE FROM LINCOLN PROPERTIES, BUT WE WILL CONTACT THEM FIND OUT IF THE STAND DOWN WAS JUST ONLY INTENDED TO BE DEMOLITION OR INCLUDE IN THAT THE RENOVATION OF THE PROJECT. MAYOR, PROBABLY THE THING THAT WE OUGHT TO GO BACK TO IS TRAFFIC. GEORGE, IF I COULD COME UP, STARTING WITH THE EXISTING TRAFFIC COUNTS, THERE WAS SOME CONCERN

ABOUT WHETHER OR NOT THE OTHER BUILDINGS THAT HAD ADJACENT PARKING LOTS WERE CAUSING THE BASELINE TRAFFIC COUNTS TO BE HIGHER THAN THEY SHOULD BE. AND THEN JUST LOTS OF CONCERNS AND YOU HEARD THEM ALL ABOUT WHETHER OR NOT THE TRAFFIC COUNTS THAT WERE SUBMITTED WERE ACCURATE FOR THIS DEVELOPMENT. SO IF YOU COULD WALK US THROUGH THAT.

WE WILL HAVE TO LOOK A LITTLE BIT FURTHER INTO THAT QUESTION ABOUT THE OTHER USES ON THE SITE. THE -- THE EXISTING COUNTS THAT WERE TAKEN, MY UNDERSTANDING WAS THAT INCLUDED THE MALL AREA ITSELF. ALL OF THE DRIVEWAYS SERVING THE MALL. SO -- SO WE WOULD NEED TO SEE WHAT THE EFFECT WAS, IF THERE ARE CERTAIN OTHER PAD SITES WHAT ARE USING THOSE AS WELL THAT'S SOMETHING THAT WE WOULD NEED TO LOOK INTO. AS FAR AS THE -- THE ADJUSTMENTS THAT THE -- THAT LOWER THE TRAFFIC. THOSE ARE ADJUSTMENTS THAT ARE NORMALLY TAKEN IN TRAFFIC IMPACT ANALYSIS. THEY HAVE BEEN DOCUMENTED IN OTHER STUDIES THAT HAVE BEEN DONE AROUND THE COUNTRY. THERE IS SOME JUDGMENT INVOLVED, BUT THE PERCENTAGES THAT WERE CLAIMED BY THE APPLICANT [INDISCERNIBLE] PERCENT IS FAIRLY TYPICAL FOR TIA'S OF THIS MAGNITUDE WHERE YOU HAVE A MIX OF USES AND YOU HAVE CERTAIN -- HIGH TRAFFIC ARTERIALS ALONG THE PERIMETER. AS FAR AS THE PARKING GARAGE CONCENTRATING TRAFFIC ON ANDERSON LANE, WE WILL LOOK FURTHER INTO THAT ISSUE AS WELL. 10 CARS IS A FAIRLY LENGTHY STORAGE SPACE FOR A TURNING LANE. SO -- SO ON THE SURPASS THAT WOULDN'T CONCERN ME A GREAT DEAL. BUT WE WILL LOOK AT THE TURNING VOLUMES AT THOSE LOCATIONS AND SEE IF THAT COULD IN FACT CREATE A PROBLEM WITH THE TRAFFIC BACKING UP INTO THE MAIN LANES. AND THEN -- THEN AS FAR AS ADDRESSING THE EFFECTS ON PEDESTRIANS AND BICYCLES IN THE NEIGHBORHOOD, THE -- THE STUDY WAS INTENDED TO LOOK AT THE -- THE VICINITY OF THE SITE. THERE IS A STANDARD IN THE ORDINANCE OF STREETS WITHIN 1500 FEET OF -- OF THE SITE WOULD BE CONSIDERED NEIGHBORHOOD STREETS AND THERE'S FURTHER ANALYSIS THAT NEEDS TO BE DONE ON THOSE TYPES OF STREETS. BUT THAT ONLY APPLIES IF THOSE STREETS ARE MORE

THAN 50%, THE FRONTAGE ALONG THE STREET IS MORE THAN 50% RESIDENTIAL SINGLE FAMILY RESIDENTIAL AND THERE WERE NOT ANY STREETS THAT FELL INTO THAT CATEGORY IN THIS AREA. SO WE DID NOT DO THAT ANALYSIS. I THINK THOSE WERE THE MAIN ISSUES THAT I HEARD. WE ARE CERTAINLY WILLING TO MEET AND I HAVE BEEN CONTACTED BY A REPRESENTATIVE FROM THE NEIGHBORHOOD WHO WANTS TO MEET TO DISCUSS THE TIA IN DETAIL AND CERTAINLY WILLING TO DO THAT. WE WILL SCHEDULE A MEETING WITH HIM FOR NEXT WEEK. WE WOULD INVITE ANYONE ELSE TO PARTICIPATE AS WELL.

COUNCILMEMBER KIM.

MY QUESTIONS FOR STAFF ABOUT -- JUST TRIP COUNTS AND THE TRIPS IN GENERAL BECAUSE IT IS ALARMING THAT WE HAVE A WAL-MARTS IN TOWN WHERE THEY HAVE DRASTICALLY EXCEEDED THEIR TRIPS REGARDLESS OF WHATEVER OTHER USES ARE NEARBY. I THINK ANYONE INTELLIGENT ENOUGH CAN ASSUME A LOT OF THAT IS GENERATED BY THE WAL-MART SUPER CENTERS. WE ARE TALKING ABOUT 22,000, 28,000 TRIPS, IT IS ALARMING, ESPECIALLY FOR THIS NEIGHBORHOOD. I'M VERY MUCH CONCERNED FOR WHAT IS GOING TO HAPPEN HERE, EVEN IF THEY HAVE VESTED RIGHTS, EVEN IF THEY ARE COMPLIANT WITH THE PROCESS FOR A SITE PLAN AND I DON'T THINK THIS IS WHAT'S -- THIS IS FORESEEN AT ALL WHEN -- WHEN THERE IN THE 1960S WHEN OUR POPULATION WAS LESS THAN HALF OF WHAT IT IS RIGHT NOW. AND WE DIDN'T HAVE SUPER CENTERS IN EXISTENCE. THE THOUGHT OF THAT WAS JUST INCONCEIVABLE TO PEOPLE AT THAT TIME. THIS IS NOT WHAT I THINK WHAT THE CITY LEADERS HAD IN MIND WHEN THEY ALLOWED THEM TO HAVE UP TO 1.2 MILLION IN SQUARE FEET OF IMPERVIOUS COVER FOR USAGE IN THIS AREA. I WANT TO ASK STAFF IN TERMS OF THE TRAFFIC GIVEN THAT WE HAVE SEEN THAT -- THAT THE COUNTS ACTUALLY EXCEED WHAT WAS PLANNED FOR, WHAT HAPPENS WHEN THERE IS A BUSINESS IN THE AREA THAT WANTS TO EXPAND IN THE AREA AND BECAUSE THEY ARE THE NEXT PERSON IN LINE. THEY DO TRAFFIC COUNTS, THAT THEY FIND OUT THAT THE TRIPS HAVE BEEN EXCEEDED FOR THE AREA, WHAT HAPPENS TO THAT SMALL BUSINESS THAT

WANTS TO EXPAND AND GENERATE JUST FEW MORE TRIPS.

WELL, EACH -- EACH SITE PLAN OR ZONING APPLICATION THAT IS SUBMITTED TO THE CITY IS EVALUATED TO DETERMINE WHETHER THEY WILL GENERATE AN ADDITIONAL 2,000 TRIPS OR MORE. IF THEY GENERATE LESS THAN 2,000 TRIPS FOR THAT SITE PLAN OR ZONING CASE, THEY ARE NOT REQUIRED TO DO ANY FURTHER TRAFFIC ANALYSIS. IF THEY GENERATE MORE THAN 2,000 TRIPS, THEY ARE REQUIRED TO PREPARE A TRAFFIC IMPACT ANALYSIS AND IN THAT SCENARIO THEY HAVE TO GO OUT AND DO NEW TRAFFIC COUNTS TO LOOK AT THE IMPACT OF OTHER DEVELOPMENTS IN THE AREA JUST AS THIS CASE DID. AND IF -- IF AT THAT TIME THEIR TRAFFIC WILL CAUSE AN INTERSECTION TO -- TO HAVE A FAILING LEVEL OF SERVICE, THEN THEY MAY HAVE TO PROVIDE MITIGATION OR WORST CASE THE SITE PLAN COULD BE DENIED BECAUSE THERE WAS INADEQUATE CAPACITY IN THE ROAD NETWORK. IT IS A FIRST COME, FIRST SERVE SYSTEM BASICALLY.

WELL, SO EXPLAIN TO ME THIS. HOW DOES IT -- HOW DO YOU GENERATE -- HOW DO YOU DETERMINE IF AN INTERSECTION HAS FAILED? ARE YOU ACTUALLY COUNTING THE VEHICLES? IN THIS CASE WITH THE OTHER WAL-MARTS GENERATING A LOT MORE TRIPS THAN ANTICIPATED. ARE YOU ACTUALLY USING THE TRIP COUNTS THROUGH THAT INTERSECTION TO DETERMINE IF WHAT THE -- WHAT CAPACITY THERE WOULD BE IF ANY FOR ADDITIONAL TRIPS?

WELL, THERE IS NOT A FOLLOW-UP STUDY REQUIRED. ONCE THE ANALYSIS IS DONE AND SUBMITTED AND THE PLANS APPROVED, THE APPLICANT IS NOT REQUIRED TO DO A FOLLOW-UP STUDY TO VERIFY THAT THE -- THAT THE TRIPS THAT THEY PROJECTED ARE IN FACT WHAT IS OCCURRING ON THE GROUND. SO -- SO IT IS POSSIBLE THAT THE TRAFFIC CAN EXCEED WHAT WAS PROJECTED. WE USE THE AVERAGE TRIP RATES OR DEVELOP BASED ON NATIONAL STANDARDS AND THEY ARE TYPICAL OF -- OF CERTAIN BUSINESSES OF PARTICULAR TYPE. BUT THEY ARE NOT MAXIMUM. SO YOU KNOW THE TRAFFIC CAN VARY SOMEWHAT BASED UPON INDIVIDUAL BUSINESSES. HOW SUCCESSFUL A PARTICULAR BUSINESS IS AND WHERE IT'S LOCATED, THAT SORT OF THING. SO -- SO THERE ARE A NUMBER OF FACTORS THAT

ENTER INTO IT. SO WE DON'T DO A FOLLOW-UP STUDY TO CONFIRM THE ASSUMPTIONS OF THE TIA. IF SOMEONE ELSE IS REQUIRED TO DO A STUDY WHEN THEY FILE A SUBSEQUENT APPLICATION, THEY WILL HAVE TO GO OUT AND TAKE ACTUAL COUNTS ON THE GROUND TO -- TO MEASURE HOW MUCH TRAFFIC IS ACTUALLY THERE AT THE TIME. DID THAT ANSWER YOUR QUESTION?

YES. WELL, THEN I WOULD LIKE TO DIRECT STAFF TO LOOK AT THE POSSIBILITY FOR CHANGES IN OUR PROCESS FOR ACTUAL VERIFICATION ON THE PART OF THE APPLICANT FOR THE TRIPS AFTER A DEVELOPMENT IS DONE BECAUSE CLEARLY WE HAVE A FAILURE IN THE PROCESS HERE THAT WE HAVE GOT JUST A BREAKDOWN IN THE SYSTEM AND THAT APPLICANTS ARE SAYING THAT THEY ARE GOING TO GENERATE SO MANY TRIPS AND COME TO FIND OUT LATER IT IS MORE THAN DOUBLE, ESPECIALLY ON SUCH A GREAT MAGNITUDE, THAT THIS IS NOT WHAT WE FORESEE. IT HAS HARMFUL IMPACT ON THE OTHER BUSINESSES THAT MAY WANT TO EXPAND IN THE FUTURE THEY ARE GOING TO HAVE TO PAY THE PRICE IN TERMS OF MITIGATION. I DON'T THINK THAT'S FAIR AT ALL. I WOULD LIKE STAFF TO LOOK AT THAT. ALSO LOOK AT ANY TYPES OF POLICIES THAT WE MAY CONSIDER FOR DOING THAT RETROACTIVELY FOR THOSE STORES THAT HAVE GENERATED A LOT MORE TRAFFIC THAN WE ANTICIPATED IN TERMS OF THE PUBLIC BURDEN FOR STREET MAINTENANCE AND FOR TRAFFIC FLOWS OR TRAFFIC INTERSECTION IMPROVEMENTS AS WELL.

COUNCILMEMBER, WE WILL DO THAT.

QUESTIONS, COUNCILMEMBER MCCRACKEN?

YEAH, TO FOLLOW-UP ON COUNCILMEMBER KIM'S EXCELLENT POINT. LET'S TAKE A REAL WORLD EXAMPLE. IF IT TURNS ON THE THE LINCOLN WAL-MART WEREN'T TELLING US THE TRUTH ABOUT THE TRAFFIC IMPACTS, THEY HAVE DESIGNATED THROUGH THE DESIGN STANDARDS ORDINANCE TO MAKE ANDERSON LANE AND BURNET LANE CORE TRANSIT CORRIDORS. TARGETS FOR MIXED USE REDEVELOPMENT LIKE PAGE SHOWED IN HER PRESENTATION. LET'S SAY THAT YOU HAVE AN APPLICANT, LIKE IN THIS CASE THE LINCOLN MATTER, WHERE THEY SAY

THEY ARE GOING TO BRING A CERTAIN NUMBER OF TRIPS, JUST BELOW FAILURE. BUT IT TURNS OUT THEY WEREN'T TELLING THE TRUTH, THE TRIPS ARE A LOT MORE. WHAT THAT DOES THEN IS EVERYBODY ELSE, IN THIS CORRIDOR, GETS SOCKED WITH ALL OF THESE TRAFFIC COSTS TO DO TRAFFIC MITIGATION BECAUSE SOMEONE ELSE DIDN'T TELL THE TRUTH AND TOOK UP ALL OF THE AVAILABLE CARS IN THE FRONT END MUCH..... ONE CONCEPT THAT YOU HAVE [INDISCERNIBLE], WE NEED TO HAVE SOME KIND OF TOOL AS JENNIFER POINTED OUT. DEAL SOMEBODY WHO IS STRAIGHT WITH ME ABOUT THE TRAFFIC COUNTS AND THEN THEY BASICALLY NOT ONLY DO THEY MAKE THE TRAFFIC WORSE, BUT THEY HARM ALL OF THE OTHER BUSINESSES WHO ARE NOT ABLE TO REDEVELOP. THEY SUDDENLY ARE SADDLED WITH ALL OF THESE EXTRA TRANSPORTATION COSTS AND TRAFFIC MITIGATION. THAT'S AN ADDITIONAL PROBLEM WITH WHAT -- WHAT APPARENTLY MAY BE A SITUATION THERE.

FURTHER QUESTIONS, COMMENTS?

MAYOR, THERE WERE JUST IN KEEPING WITH YOUR DESIRE TO HAVE US RESPOND TO OTHER THINGS THAT WERE SAID. VIRTUALLY EVERY SPEAKER THAT STOOD UP HAD AN IDEA OR THOUGHT ABOUT THINGS THAT THEY THOUGHT WOULD HELP MAKE THIS A WAY MORE ACCEPTABLE DEVELOPMENT, RANGED FROM LIGHTING TO TRUCKLOADING SIDEWALKS, LANDSCAPING, PARKING LOT CONFIGURATIONS, ADHERENCE TO COMMERCIAL DESIGN, BEST PRACTICE MIXED USE DEVELOPMENTS IN AUSTIN, HOURS OF OPERATION, SIZE OF THE DEVELOPMENT. THERE'S NOTHING IN THE LETTERS THAT WE HAVE RECEIVED TO DATE THAT SAYS WHAT WOULD BE EXCLUDED FROM A NEGOTIATION. ONE THING THAT YOU ALL MIGHT WANT TO DO IS GIVE US AN IDEA OF WHAT OF THIS LIST OR THIS LIST PLUS OTHER ITEMS WE SHOULD PRESENT TO THE DEVELOPERS AND SEE, THEY HAVE OFFERED TO NEGOTIATE, THEY CAN PRESENT THIS LIST AND SEE WHERE WE GO FROM THERE.

ABSOLUTELY. ALL OF THOSE THINGS ARE IMPORTANT. I MEAN, MAYBE PART OF THE PROBLEM IS THAT THERE IS NOT ENOUGH OF A PLAN FOR -- FOR MORE SQUARE FOOTAGE THAT WOULD BE MIXED USE HIGH QUALITY DEVELOPMENT. WE ARE NOT LOOKING FOR SOMETHING THAT WOULD BE A

REGIONAL DRAW, WHICH IS WHAT THIS IS RIGHT NOW. SO IT -- I ALSO THINK WE NEED TO INCLUDE THE OWNERS OF THOSE PAD SITES. I THINK THEY WOULD BE INCLUDED IN THE PROCESS IF THERE'S A SCHLOTSKY'S OUT THERE. I THINK THEY HAVE A BENEFIT TO PARTICIPATING IN THESE MEETINGS AS WELL, FACILITATED BY THE CITY. I AM ENCOURAGED BY WHAT THE CITY HAS DONE IN THE PAST WITH MASTER DEVELOPMENT AGREEMENTS AS LONG AS WE HAVE THE PARTIES THERE, THEY ARE OPEN TO THE IDEA THIS CAN HELP THEIR BOTTOM LINE IN THE LONG RUN AND EVERYONE CAN MEET THEIR GOALS. THIS CAN BE A WIN-WIN AND WE ARE REALLY AT A CROSSROADS WHERE I HOPE THAT THE -- THAT THE LINCOLN PROPERTIES AS WELL AS WAL-MART WILL UNDERSTAND THAT THE NEIGHBORHOOD HAS A RIGHT TO SELF DETERMINATION. FOR THEIR AREA. I WANT A CITY STAFF TO BE AVAILABLE TO HELP FACILITATE THAT PROCESS AS MUCH AS POSSIBLE. [APPLAUSE]

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

Dunkerly: I WAS JUST ASKING HER IN ADDITION TO LIGHT AND NOISE AND TRAFFIC AND THE DESIGN OF THE BUILDINGS, MAKE SURE THAT YOU INCLUDE THE ENVIRONMENTAL ISSUES THAT -- THAT -- [APPLAUSE] -- THAT WOULD BE -- WOULD BE ASSOCIATED WHETHER IT'S WATER QUALITY OR RAIN WATER HARVESTING OR ALL OF THOSE THINGS. THAT WOULD BE -- ANOTHER IMPORTANT THING TO PUT ON THE NEGOTIATING TABLE.

Mayor Wynn: I KNOW THAT YOU SAID THIS EARLIER, BUT TECHNICALLY WE HAVE A SECOND SITE DEVELOPMENT PERMIT APPLICATION THAT WAS FILED VERY RECENTLY. SO AGAIN LIKE -- REMIND ME -- THE FORMAT THAT YOU ALL WILL NOW TAKE AS YOU CENTRAL PROCESS A SECOND OR A PARALLEL SITE DEVELOPMENT PERMIT.

WE WILL START WITH THE NOTIFICATION PROCESS, ONE OF THE THINGS THAT WE TALKED ABOUT EARLIER WE WANT TO SEND OUT LETTERS TO THE NEIGHBORHOOD, INCLUDE NEIGHBORHOOD ASSOCIATIONS THAT ARE WITHIN THAT 500 FEET TO EXPLAIN WHAT'S HAPPENED HERE. THE SECOND SITE PLAN TRIGGERS THE CODE REQUIREMENT TO ALSO

NOTICE. BUT WE THINK THAT'S GOING TO REQUIRE SOME EXPLANATIONS SO THAT PEOPLE UNDERSTAND THE VARIOUS THINGS THAT THEY ARE GETTING IN THE MAIL. AND THEN WHAT WE MOVE INTO THEN IS THE REVIEW PROCESS. SO -- SO I THINK THAT -- TAMMIE YOU MAY WANT TO COMMENT ON THIS, THE SECOND SITE PLAN, EITHER EXACTLY LIKE OR --

VIRTUALLY THE SAME AS THE FIRST SITE PLAN [LAUGHTER]

THAT BEGS THE QUESTION THEN HOW, IF ANY, WILL THE ADMINISTRATIVE PROCESS VARY ON THIS -- THIS NEW APPLICATION THAN IT DID ON THE FIRST ONE?

WELL, THE -- THE CODES AND ORDINANCES THAT APPLY TO THE FIRST SITE PLAN WERE LOCKED ON JANUARY 2006, BUT TO MY KNOWLEDGE THERE HASN'T -- I DON'T THINK THERE'S BEEN ANY CHANGE TO THE CODES AND ORDINANCES SINCE THEN THAT WOULD APPLY TO THE SITE PLAN. SO FUNDAMENTALLY THE CODE THAT -- THAT REGULATES THE SITE PLAN WILL BE THE SAME. WE WILL MAKE SURE THAT THE NOTICE CONTAINS THE INFORMATION ABOUT THE INTERESTED PARTY PROCEDURE. WE WILL MAKE SURE THAT WE EXPLAIN SO THAT PEOPLE WHO ARE GETTING TWO THINGS IN THE MAIL UNDERSTAND WHAT THIS SITE PLAN IS. OTHER THAN THAT, THIS SITE PLAN WILL LARGELY GO THROUGH THE PROCESS. STILL BE ADMINISTRATIVE, STILL SUBJECT TO THE STAFF REVIEW, STILL SUBJECT TO THE DECISION BY THE DIRECTOR OF THE DEPARTMENT. AM I MISSING ANYTHING MORE TAMMIE?

MAYOR, I THINK LAURA ACTUALLY RELATED SOME OTHER THINGS, YOU ALL WILL FACILITATE MEDIATIONS BETWEEN THE PROPERTY OWNER AND INTERESTED PARTIES WHICH INCLUDES ALL OF THE NEIGHBORHOOD ASSOCIATION. THAT'S GOING TO BE DIFFERENT. NOT ONLY THAT, BUT GREAT EVIDENCE THAT YOU ALL COLLECTED OF WILD DEVIATIONS IN TRAFFIC COUNTS FROM WAL-MART'S LOCALLY FROM WHAT SHOWED UP IN THE SITE PLAN. ONE TRAFFIC ENGINEER AT LEAST IN THE GROUP, SOUNDS LIKE WE MAY HAVE INPUT AND CRITICAL ANALYTICAL ABILITIES TO JUDGE WHETHER WE ARE GETTING STRAIGHT INFORMATION FROM LINCOLN AND WAL-MART ON THE

TRAFFIC NUMBERS. SOUNDS LIKE THERE'S AN OPPORTUNITY FOR A FAR MORE THOROUGH PUBLIC PROCESS AND ALSO MORE EYEBALLS TO MAKE SURE THAT IT'S ALL DONE RIGHT.

I WOULD SAY A BROADER DISCUSSION BECAUSE THEY HAVE OFFERED TO NEGOTIATE AND I THINK THAT CALLS INTO PLAY OTHER KINDS OF THINGS THAT MAY NOT BE REQUIRED FROM A REGULATORY PERSPECTIVE. FOR EXAMPLE, COMMERCIAL DESIGN GUIDELINES, THAT WE MIGHT GET SOME COMPLIANCE THROUGH THE NEGOTIATING PROCESS.

MAYOR PRO TEM?

Dunkerly: I WAS GOING TO ASK ONE QUESTION ABOUT THE TRAFFIC COUNTS. MY UNDERSTANDING FROM LOOKING AT THE DIRECTIONS ON HOW TO FILL OUT THESE PLANS, THEY ARE REQUIRED TO USE THE NUMBERS THAT ARE IN THE REFERENCE [INDISCERNIBLE] SO IF THEY TURN IN THOSE REQUIRED NUMBERS, WHICH IS EVIDENTLY WHAT THEY DID AT THIS TIME, WHAT DO -- WHAT DO YOU DO IN ADDITION TO THAT. ED...THAT WOULD CHANGE IT --

MAYOR PRO TEM, THAT IS CORRECT. THE CITY'S PROCEDURES FOR TRAFFIC IMPACT ANALYSIS DO SPECIFY THAT THE PREFERRED SOURCE TO USE IS THE -- IS THE TRIP RATES IN THE INSTITUTION OF TRANSPORTATION ENGINEERS. IT DOES ALLOW FOR CONSIDERATION OF OTHER TRIP RATES IF -- IF FOR SOME REASON THE STANDARD TRIP RATES DO NOT MATCH WHAT IS BEING PROPOSED. SO -- SO WE WILL CERTAINLY TAKE A SECOND LOOK AT THAT AND -- AND DETERMINE --

YOU WILL HAVE SOME ABILITY TO LOOK AT SOME --

YES, YES. SINCE THE PLAN HAS BEEN RESUBMITTED WE WILL HAVE AN OPPORTUNITY TO REVIEW IT AGAIN.

I THINK IT'S IMPORTANT IMPORTANT POINT THAT GEORGE TOLD US EARLIER. WHAT IS THE RANGE IN STORAGE SIDE THAT THEY HAVE AS THE BASIS -- I RECALL YOU SAID IT STOPPED AT 210,000 OR SOMETHING LIKE THAT?

Mayor Wynn: REMARKABLY, GEORGE DOESN'T HAVE THAT

MEMORIZED.

I'M STUNNED. IS THAT FOR THIS PARTICULAR USE, DISCOUNT SUPER STORE, IT LOOKS LIKE THE RANGE THAT WE ARE -- THAT WERE ABOUT 10 STUDIES CONDUCTED AND THE SQUARE FOOTAGE RANGED FROM ABOUT 125,000 UP TO 210,000.

SO WE ARE DEALING WITH A STORE THAT IS NOT WILDLY BIGGER, BUT BIGGER THAN THE BIGGEST STORE EVER LOOKED AT.

SLIGHTLY LARGER, YES, BUT WITHIN 10%.

Mayor Wynn: THANK YOU, MR. ZAPALAC. FURTHER QUESTIONS, COMMENTS? THEN I'LL JUST SAY THAT I -- I GREATLY APPRECIATE THE TIME BOTH OF MS. HUFF FAN'S BROAD TEAM AS WELL AS THE CITY AUDITOR'S OFFICE FOR HELPING US GET OUR ARMS AROUND THIS. OF COURSE REMARKABLE EFFORT BY NEIGHBOR GOES AND INTERESTED PARTIES TO -- TO GEAR UP A BROAD SERIES OF ISSUES, FRANKLY, LUCKILY MANY OF THEM ARE EVEN OUTSIDE AS WE MENTIONED EARLIER THE STANDARD REGULATORY PROCESS THAT PERHAPS ALLOWS THIS POTENTIAL DEVELOPMENT TO CONTINUE TO -- TO MOVE FORWARD TOWARDS SIGNIFICANT IMPROVEMENT TO WHAT OTHERWISE IS PROPOSED. SO -- SO WITHOUT FURTHER QUESTIONS OR COMMENTS, I'LL -- I WOULD RECOMMEND THAT WE TAKE UP NOW OUR PUBLIC HEARING ITEM NO. 81, WHICH IS OF COURSE VERY MUCH RELATED THAT IS RELATED THE ESSENTIALLY BIG BOX ORDINANCE. ITEM NO. 81 CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE LOCATION OF LARGE RETAIL USERS, BIG BOX RETAIL IN PERMITTED ZONING DISTRICTS. THIS IS RECOMMENDED BY THE PLANNING COMMISSION, I BELIEVE THAT WE HAVE A TEAM OF FOLKS WHO IS PREPARED TO GIVE US A PRESENTATION ON IT.. IT. SO PERHAPS WE WILL START WITH A STAFF PRESENTATION, VICTORIA OUR DEPARTMENT DIRECTOR WHO CAN PROBABLY SET THE STAGE AND THEN IF WE ARE GOING TO HAVE A PRESENTATION FROM SOME FRIENDS OF OURS AT LIVEABLE CITY, ANC, OTHERS, ABOUT THEIR

SPECIFIC PERSPECTIVE ON THE POTENTIAL ORDINANCE. WELCOME, MS. SHU. I'M VEHICLE INVENTORY I CAN'T SHU. I AM HERE TO PRESENT TO YOU A BRIEF SUMMARY OF THE PROPOSED BIG BOX ORDINANCE. WHAT BIG BOX IS, THE PURPOSE OF THE ORDINANCE AND SOME BACKGROUND. WHAT IS A BIG BOX? WE GENERALLY REFER TO A FREESTANDING SINGLE FOUR TYPE OF BUILDING, THAT IS OVER 100,000 SQUARE FEET AS BIG BOX DUE TO THE SHAPE OF THESE BUILDINGS. BECAUSE OF THE SHEER SIZE OF IT, THIS KIND OF DEVELOPMENT INEVITABLY AGAIN RATES LARGE VOLUME OF TRAFFIC. IT HAS SIGNIFICANT IMPACT ON THE CITY'S INFRASTRUCTURE AND BECAUSE OF THE HUGE SIZE ALSO NEEDS LARGE PARKING LOTS. AGAIN, BECAUSE OF THE SIZE, IT STANDS OUT IN THE NEIGHBORHOOD. COWBOY WAS CONCERNED ABOUT THE ISSUES AND DIRECTED STAFF TO INITIATE STUDY OF OTHER CITIES. IN JUNE, 2005. PLANNING COMMISSION CODES AND ORDINANCES SUBCOMMITTEE INITIATED THE PROCESS AND PLANNING COMMISSION ASKED STAFF TO PROCEED WITH CODE AMENDMENT IN DECEMBER OF 2005. AFTER DEPARTMENTAL REVIEW INTERDEPARTMENTAL REVIEW, STAFF ADVISED THE AMENDMENT AND PLANNING COMMISSION PASSED THE RECOMMENDATIONS IN OCTOBER OF 2006. SO WHAT IS THE BIG BOX ORDINANCE. THE TRIGGER IS BUILDINGS BIGGER MAN 100,000 SQUARE FEET SHOULD NOT BE ADMINISTRATIVELY PROVED. REQUIRE LAND USE CONSIDERATION AND APPROVAL, THE AMENDMENT ALSO REQUIRES ADDITIONAL NOTIFICATIONS TO REGISTERED NEIGHBORHOOD ASSOCIATIONS WITHIN ONE MILE INSTEAD OF 300 FEET. IT ALSO REQUIRES THE SIGN AT THE DEVELOPMENT SITE WITH PROJECT INFORMATION POSTED. THE PLANNING COMMISSION AND STAFF HAVE SEEN PROVISIONS, IN THE RECOMMENDATION, EXCEPT THAT THE PLANNING COMMISSION IS ALSO PROPOSING TO CREATE A NEW ZONING CATEGORY FOR A BIG BOX TYPE OF BUILDINGS. IN SUMMARY THE PROPOSED BIG BOX ORDINANCE PROVIDES AN OPPORTUNITY FOR MORE PUBLIC PARTICIPATING AND OPPORTUNITY TO CONSIDER THE UNIQUE ASPECTS OF EACH BIG BOX. THIS CONCLUDES MY PRESENTATION.

THANK YOU, MS. SHU, QUESTIONS OF STAFF, COUNCIL? IF

NOT, I THINK THAT THE APPROPRIATE COURSE TO TAKE SOME -- SOME CITIZEN FEEDBACK. AGAIN, SORT OF KEEPING IN -- IN MIND WITH OUR EARLIER DISCUSSION ON ITEM NO. 82, MY UNDERSTANDING IS THAT FOLKS HERE BOTH IN SUPPORT AND IN OPPOSITION HAVE AGREED IN PART BASED ON THE LATE HOUR TO -- TO LIMIT THEIR TESTIMONY TO A BLOCK OF TIME. SO WE -- WITHOUT OBJECTION I WOULD LIKE TO HEAR, WE WOULD LIKE TO HEAR FIRST FROM FOLKS WHO ARE SUPPORTIVE OF THE BIG BOX ORDINANCE, AND THEY WERE KIND ENOUGH TO GIVE ME A SEQUENCE OF HOW THEY WOULD LIKE TO SPEAK. START WITH DR. BILL SPELMAN. WELCOME BACK, BILL. WE WILL HEAR FROM LAURA MORRISSON, MILL LESS SAY MILLER, SUSAN MOFFAT. WE WILL SET THE CLOCK FOR 30 MINUTES, I BELIEVE.

I HOPE TO HECK WE DON'T HAVE TO USE ALL THAT TIME.

TONIGHT YOU ARE MOVING FROM SPECIFIC TO GENERAL. I SHARE MAYOR WYNN'S BELIEF THAT THE KIND OF CONVERSATION THAT YOU JUST GOT THROUGH HAVING CAN LEAD TO IMPROVEMENT AND DEVELOPMENT PROPOSALS. WHAT WE ARE TALKING ABOUT HERE TONIGHT IS MAKING THAT KIND OF A CONVERSATION NOT ON A ONE OFF BASIS, BUT ON A REGULAR BASIS FOR A VERY SMALL PERCENTAGE OF THE DEVELOPMENT PROPOSALS THAT YOU HAVE TO WEIGH IN ON MAKING THIS KIND OF CONVERSATION BECAUSE IT WOULD HAPPEN ON A MORE REGULAR BASIS, THE SORT OF THING THAT YOU CAN COUNT ON IN APPROVING DEVELOPMENT PROPOSALS REGULARLY. I WILL SAY A LITTLE BIT MORE ABOUT THE STRUCTURE OF THE PROPOSAL. I KNOW THAT YOU HAVE ALL SEEN IT, YOU HAVE ALL HEARD US TALK ABOUT IT. YOU HAVE ALL HAD A CHANCE TO STUDY IT. I WILL SAY ANOTHER WORD ABOUT IT TO EMPHASIZE A COUPLE OF OTHER THINGS, BEFORE I GET TO THAT POINT, I WOULD LIKE TO TALK JUST FOR A MOMENT ABOUT HOW WE GOT HERE. THE PROPOSAL BEFORE YOU WAS FIRST SURFACED TWO YEARS AGO. IN THE CONCLUSION TO A STUDY CONDUCTED BY LIVEABLE CITY IN RESPONSE TO A STUDY CONDUCTED FOR THE CITY COUNCIL BY JOHN HOCKENYOS DISCUSSING POTENTIAL AND ECONOMIC IMPACT OF BIG BOX RETAIL. OUR CONCLUSION OF THAT STUDY WAS ESSENTIALLY THE ORDINANCE BEFORE YOU TODAY AND IN CONCEPTUAL FORM. THE CITY LEGAL

STAFF CREATED AN ORDINANCE TURNED INTO ORDINANCE LANGUAGE, SHOPPED IT AROUND TO ALL CITY DEPARTMENTS. OVER THE COURSE OF 14 MONTHS REVIEW, EVERY SINGLE CITY DEPARTMENT WEIGHED IN, DISCUSSED IT, MADE A FEW RELATIVELY MINOR CHANGES AND CONCLUDED THAT THIS WAS A GOOD IDEA. GOOD THING TO ADD TO THE CODE AND THEY HAVE UNANIMOUSLY APPROVED IT. THEN WENT TO THE PLANNING COMMISSION WHERE IT WAS ALSO UNANIMOUSLY APPROVED. THE PLANNING COMMISSION ALSO HAD AN ADDITIONAL SUGGESTION WHICH I DON'T BELIEVE I'M SAYING ANYTHING OUT OF SCHOOL, I BELIEVE ALL OF THE SPEAKERS WHO WILL BE COMING BEFORE YOU IN FAVOR OF THE ORDINANCE BEFORE YOU AGREE IN CONCEPT WITH THE ADDITIONAL IDEA PUT FORTH BY THE PLANNING COMMISSION. SOME OF YOU ARE CONSIDERING PUTTING THAT INTO ORDINANCE FORM AS WELL. WE AGREE IN CONCEPT, BUT THERE'S A BIG DIFFERENCE BETWEEN THE CONCEPT WHICH THE PLANNING COMMISSION PUT FORTH WHEN WE AGREE WITH AND THE ORDINANCE BEFORE YOU. THE ORDINANCE BEFORE YOU IS IN LEGAL LANGUAGE MUCH. HAS BEEN SHOPPED AROUND TO ALL CITY STAFF. SHOPPED AROUND IN PUBLIC AT LEAST 14 MONTHS, THIS ONE IS COOKED. THE IDEA WHICH IS ALSO KICKING AROUND, ANOTHER GOOD IDEA, BUT IT'S NOT COOKED YET. WE WOULD LIKE TO DIRECT YOUR ATTENTION TO GETTING THIS COOKED ONE THROUGH FIRST. UP ON THE SCREEN NOW, TERRIFIC. THE PROCESS THAT WE HAVE IN MIND IS VERY SIMPLE, CLEAR, REALIZE THE MAXIMUM STEP ALREADY IN THE CODE. FOR 100,000 SQUARE FOOT BIG BOX, WE WOULD LIKE TO ENSURE THAT THERE IS A PUBLIC HEARING. THE KIND OF CONVERSATION YOU JUST GOT THROUGH HAVING ON THIS PARTICULAR SITE AT THE NORTHCROSS MALL WOULD HAPPEN ON A REGULAR BASIS IN ALL BIG BOX CASES. THAT KIND OF CONVERSATION WHICH COULD LEAD TO AN IMPROVEMENT IN DEVELOPMENT COULD HAPPEN IN ALL BIG BOX CASES. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] .

I THINK THE TIMING IS PROBABLY GOING TO BE MINIMAL IN LNL ALL CASES, BUT THE IMPORTANT HAD THING IS TO JUSTIFY THAT ADDITIONAL COST WE HAVE TO PROVIDE EVIDENCE THAT THERE IS GOING TO BE A PUBLIC BENEFIT.

WHAT I WANT TO TALK ABOUT FOR A MINUTE IS WHAT I THINK THOSE PUBLIC BENEFITS ARE LIKELY TO BE. UNDER THE CURRENT CODE THERE IS NO DISTINCTION BETWEEN A MOM AND POP CONVENIENCE STORE OF 2,000 SQUARE FEET AND A SUPER CENTER OF 219,000 SQUARE FEET AS FAR AS THE SITE PLAN GOES. IF THEY'VE GOT THE ZONING THEY NEED IN BOTH BASE CASES, THEY NEED -- NOTICE NEEDS TO BE PROVIDED TO ANY REGISTERED NEIGHBORHOOD ASSOCIATION WITHIN 300 FEET, WHICH IS VERY SMALL, BUT THE TRADITIONAL STORE HAS A VERY MINIMAL SOCIAL AND ECONOMIC IMPACT. AS I'LL DEMONSTRATE IN A FEW MINUTES, SUPER CENTERS HAVE A TREMENDOUS IMPACT ON TRAFFIC BE AND CRIME. THEY HAVE ECONOMIC IMPACTS WHICH WE DO NOT FULLY UNDERSTAND OR DO NOT REGULARLY TALK ABOUT. IN EITHER CASE ARE WE REQUIRING THE KIND OF CONFESSION YOU JUST HAD. ONE OF THE REASONS WHY THERE'S A BIG DIFFERENCE IS TWAWWS BECAUSE THE 2,000 SQUARE FOOT CONVENIENCE STORE IS ONE-100 ITS OF THE SIZE OF THE KIND OF SUPER CENTERS WE'RE TALKING ABOUT. I WANT TO REMIND YOU THE KIND OF SUPER CENTERS WE'RE DISCUSSING ARE AS LARGE AS FOUR FOOTBALL FIELDS IF IT'S 100 TIMES AS BIG AS A CONVENIENCE STORE YOU CAN EXPECT AS LEET 100 TIME THE SAME KIND OF IMPACT. ONE THING THAT COMES OUT OF THAT IS THAT THE NOTICE PROVIDED CURRENTLY FOR SITE PLANS INVOLVING SUPER CENTERS IS TOTALLY INADEQUATE. THE WAY I'M GIVEN TO UNDERSTAND DECISIONS ARE MADE ON THIS KIND OF AN ISSUE AND THE DEVELOPMENT COMMUNITY IS MORE OR LESS LIKE THIS. YOU TAKE A MAP AND DRAW A CIRCLE TYPICALLY ABOUT THREE MILES IN DIAMETER AND PLACE IT AT VARIOUS POINTS IN THE MAP AND COUNT THE NUMBER OF ROOFTOPS, HOUSEHOLDS, DISPOSABLE INCOME AND WHEN YOU FIND THE CIRCLE MATCHES WITH THE RIGHT AMOUNT OF DISPOSABLE INCOME AND YOU CAN MAKE A LOT OF MONEY THAT'S WHERE YOU WANT TO PUT YOUR SUPER CENTER IN THE MIDDLE OF THAT CIRCLE. THE ECONOMIC IMPACT BY DESIGN FOR A SUPER CENTER WILL COVER SOMETHING LIKE A 1.5-MILE RADIUS STERL AND HAS AN APPROXIMATELY AREA OF SEVEN SQUARE MILES. OUR CURRENT NOTICE REQUIREMENT, ONLY NOTIFYING NEIGHBORHOOD ASSOCIATIONS WITHIN 300 FEET ON ALL

SIDES HAS AN APPROXIMATE AREA OF 0.07 SQUARE MILES. A MORE DIRECT WAY TO PUT THIS IS A SUPER CENTER BY DESIGN WILL HAVE AN ECONOMIC IMPACT ON AN AREA 100 TIMES BIGGER THAN THE CURRENT NOTICE REQUIREMENT. CLEARLY THE NOTICE REQUIREMENT IS INADEQUATE AND WE NEED TO CHANGE THAT. WE WANT TO CHANGE IT FROM 300 FEET TO A MILE. THAT GIVES YOU AN AREA OF ABOUT 3.1 SQUARE MILES AT THE NORTHCROSS MALL SITE WHICH IS STILL LESS THAN HALF OF THE ECONOMIC IMPACT AREA. IT ENSURES THAT THE VAST MAJORITY OF PEOPLE WHO WILL BE INTERESTED IN WHAT HAPPENS THERE WILL FIND OUT ABOUT IT. FINDING OUT ABOUT IT DOESN'T REALLY MATTER NMS YOU HAVE SOMETHING TO SAY ABOUT IT, AND THAT DEPENDS ON WHETHER BIG BOXES ARE QUALITATIVELY DIFFERENT THAN OTHER KINDS OF STORES. TURNS OUT THEY ARE. THEY'RE BIGGER. THEY'RE 100 TIMES BIGGER THAN SOMETHING TO SAY ABOUT IT, BUT IN ADDITION TO BEING BIGGER, ON A SQUARE FOOT BASIS THE BIG BOX HAS SHOWN IN ONE NATIONAL STUDY AFTER ANOTHER TO HAVE DIFFERENT KINDS OF IMPACTS WITH RESPECT TO TRAFFIC, WITH RESPECT TO CRIME AND OTHER PUBLIC SAFETY ISSUES AND SO ON. BIG BOXES DO NOT INCREASE RETAIL SALES BECAUSE THEY DO NOT INCREASE RETAIL SALES THEY DO NOT INCREASE SALES TAXES. THEY'RE NOT THAT KIND OF DEVELOPMENT PROGRAM IN ANY WAY, SHAPE OR FORM. RETAIL ACTIVITY IS NOT A CAUSE OF GROWTH, BUT AS A RESULT OF GROWTH. I WANT TO GET OFF THE TABLE FIRST THAT THIS HAS ANYTHING TO DO WITH ECONOMIC DEVELOPMENT. THIS IS A SPINOFF -- THIS HAPPENS BECAUSE GROWTH HAPPENS. BIG BOX RETAIL DEVELOPMENTS DO CAUSE BIGGER COSTS TO CITIES EVEN ON A SQUARE FOOT PER SQUARE FOOT BASIS. THEY CREATE MORE TRAFFIC PER SQUARE FOOT. THEY INCREASE PUBLIC SAFETY COSTS DEPENDING ON THE SITE, THE INFRASTRUCTURE ON THE GROUND, THEY COULD INCREASE ROAD AND MAINTENANCE COST, WATER, SEWER, MAINTENANCE COST. AND IN PARTICULAR BECAUSE ALL BIG BOXES ARE NATIONAL CHAINS AND NONE OF THEM ARE HEADQUARTERED IN AUSTIN, WE CAN DEMONSTRATE THAT BIG BOXES GOING TO BE KEEPING LESS OF THE RETAIL DOLLARS SPENT INSIDE OF AUSTIN, THEREFORE CREEPING A DIESEL RATING -- DECELERATING ECONOMIC EFFECT.

YOU'VE HAD A LOT TO SAY ABOUT TRAFFIC ISSUES AND I
THANK YOU, COUNCILMEMBER MCCRACKEN, FOR BEING ON
TOP OF THE TRAFFIC ISSUE WITH RESPECT TO THIS
PARTICULAR DEVELOPMENT. THIS IS A PERFECTLY GENERAL
-- THE KIND OF THINGS YOU WERE TALKING ABOUT TURN
OUT TO BE TRUE NATIONAL LIKES NOT JUST IN AUSTIN. I'M
GOING TO RETO A TRAFFIC STUDY CONDUCTED BY -- SHE'S
NOT HERE. I'LL THANK HER LATER, ASSISTANT CITY
MANAGER LAURA HUFFMAN A COUNSELOR OF YEARS AGO
WHEN THE BIG BOX ISSUE FIRST SURFACED. WHAT LAURA
DID WAS TAKE A LOOK AT A BUNCH OF RETAIL STEANLTS
VARIOUS SIZE IN THE CITY OF AUSTIN AND CONSIDER THE
TRAFFIC IMPACT AND CRIME IMPACT ASSOCIATED WITH
BOTH. SHE LOOKED AT THE THREE BIG SHOPPING MALLS
WE'VE GOT IN TOWN AND FOUND THAT PER THOUSAND
SQUARE FEET OF RETAIL SPACE THE SHOPPING MALLS
PRODUCED ABOUT TWEFN .6 VEHICLE TRIPS PER DAY ON A
STANDARD WEEKDAY. OF THE FIECH BIG BOXES IN THE -- OF
THE FIVE BIG BOXES IN THE SAMPLE THERE WERE TWO WAL-
MARTS, A TARGET, A LOWE'S AND HOME DEPOT THAT WERE
INCLUDED IN THE SOUTH LAMAR. OF THOSE FIVE, PER ONE
THOUSAND SQUARE FEET, THESE BIG BOXES GENERATED
43.6 VEHICLE TRIPS PER DAY. WHAT THAT MEANS IS THE BIG
BOXES PRODUCED PER SQUARE FOOT 58% MORE TRAFFIC
THAN SHOPPING MALGZ OF COMPARABLE SIZE. IF, FRASM,
YOU WERE GOING TO REPLACE THE SHOPPING MALL, A
STANDARD TYPE, WITH A BIG BOX OF STANDARD TYPE OF
THE SAME SIZE, YOU COULD EXAMINE A 58% INCREASE IN
TRAFFIC AS A RESULT OF THAT. WE KIND OF KNEW ABOUT
TRAFFIC, BUT WHAT WE DIDN'T KNOW ABOUT WAS CRIME. A
LOT OF THIS DEPENDING ON HOW YOUR MANAGE YOUR
PARKING LOTS, WHAT THE INDIVIDUAL PROCEDURES ARE
INSIDE THE STORE FOR DEALING WITH SLINGAGE, WHICH IS
THE POLITE TERM FOR STEALING. IN THE CITY OF AUSTIN AT
THE TIME THE STUDY WAS DONE A COUPLE OF YEARS AGO
THERE'S A HUGE DIFFERENCE BETWEEN THE AMOUNT OF
TIMES PER SQUARE FOOT IN BIG BOXES AND THE AMOUNT
OF CRIMES PER SQUARE FOOT IN SHOPPING MALLS.
SPECIFICALLY SHOPPING MALLS WERE ABOUT FOUR CRIME
PER ONE THOUSAND SQUARE FOOT, BIG BOX STORES
ATTRACTED ABOUT TWICE AS MUCH. IT IS TWICE AS LIKELY
TO HAPPEN IN THE BIG BOX RETAILS AS THEY WERE THE

SHOPPING MALL. LET'S TALK ABOUT THE DIFFERENCE BETWEEN NATIONAL CHAINS AND LOCAL BUSINESSES. THE BEST STUDY CONDUCTED ANYWHERE IN THE NATION THAT I CAN FIND WAS CONDUCTED IN CHICAGO. WHAT THE PEOPLE IN CHICAGO DID WAS COMPARE 10 GROUPS OF LOCAL RETAILERS IN A NEIGHBORHOOD IN CHICAGO TO COMPARABLE NATIONAL CHAINS ALSO LOCATED IN THE SAME NEIGHBORHOOD. THEY GOT ACTUALLY FAIRLY OBJECT.....OBTRUSIVE, LOOKED INTO THE BOOKS, FIGURED OUT WHY THEY GOT THEIR ADVERTISING, LEGAL HELP, ACCOUNTING ACTION WHERE THE BACK OFFICE OPERATIONS WERE TAKEN AND FOUND THAT THE LOCAL RETAILERS THEY WERE LOOKING AT, FOR EVERY \$100 SPENT AT THE LOCAL STORES \$68 STAYED INSIDE THE CITY OF CHICAGO. FOR THE NATIONAL CHAINS, FOR EVERY \$100 SPENT, ONLY \$43 STAYED INSIDE THE CITY OF CHICAGO. WHAT THIS MEANS ON A GLOBAL BASIS IS AS OUR RETAIL MIX CHANGES FROM GLOBAL BUSINESS TO MORE AND MORE NATIONAL CHAIN BUSINESS, UNLESS THE NATIONAL CHAINS ARE LOCATE UNDERSTAND AUSTIN, MORE AND MORE OF THE RETAIL DOLLARS ARE GOING TO BE LEAVING THE CITY OF AUSTIN, CAUSING A DECELERATING EFFECT. THE MORE BIG BOXES WE'VE GOT THE MORE DOLLARS THAT WILL BE LEAVING OUR TOWRNG NOT ABLE TO PLOW BACK INTO OUR OWN ECONOMY. THIS IS A NATIONAL PHENOMENON. CITIES ALL OTHER THE COUNTRY HAVE BEEN FORCED TO DEAL WITH THIS. AND THERE HAVE BEEN A LOT OF RELATIVELY INTRUSIVE IDEAS THAT HAVE BEEN ADOPTED BY ONE PLACE OR ANOTHER. THE SIMPLEST ONE IS TO SIMPLY BAN BIG BOXES AND THAT'S IN PLACE IN 23 U.S. CITIES, THE LARGEST OF WHICH IS MADISON, WISCONSIN. IT IS THE STATE CAPITOL, VERY LARGE UNIVERSITY. IT'S COMPARABLE IN MANY SENSES. THEY DECIDED THAT THE BAN WAS THE RIGHT THING TO DO. WE DON'T AGREE WITH THEM. WE THINK IT'S EXTREMELY INTRUSIVE AND THERE ARE A LOT OF BENEFITS TO HAVE THE BIG BOX RETAILER AVAILABLE WHICH YOU WOULD BE FOREGOING IF YOU DID THAT. SAN FRANCISCO AND CHICAGO, THEY TRIED A DIFFERENT PROPOSE. IF YOU WILL BUILD A TARGET IN SAN FRANCISCO IT HAS TO LOOK LIKE SAN FRANCISCO. IT SHOULDN'T LOOK LIKE THE TARGET YOU BUILD IN MINNEAPOLIS AND CHICAGO. THIS IS NOT A BAN. IT LEAVES OPEN THE POSSIBILITY OF

SOMETHING BEING BUILT, BUT IT REQUIRE MORE WORK ON THE SITE PLAN AND THE FIXTURES INSIDE. IT'S A LOT MORE INTRUSIVE. ANOTHER ALTERNATIVE IS PIONEERED BY LOS ANGELES A COUPLE OF YEARS AGO. THEY REQUIRED AN COMMUNITY IMPACT REVIEW. THIS HAS ALSO BEEN ADOPTED IN CALIFORNIA, NEW JERSEY AND VERMONT. IT SEEMS TO BE THE DIRECTION THAT A LOT OF STATES AND LOCAL ADVERTISE ARE MOVING IN. THIS IS PROBABLY A GOOD IDEA EXCEPT IT'S EXTREMELY EXPENSIVE AND IT'S NOT CLEAR QUITE WHAT STANDARDS YOU WANT. IT'S ALSO UNCERTAIN FOR THE NEXT FEW YEARS OF WHAT IS GOING TO BE SUFFICIENT TO PASS THROUGH THAT REVIEW PROCESS. AT LEAST IN COMPARISON WITH THE MORE INCLUSIVE APPROACHES ADOPTED BY OTHER STATES AND LOCALITIES, WHAT WE ARE FROAPING HERE IS A LOT LESS INTRUCE..... INTRUSIVE AND A LOT EASIER FOR A DEVELOPER TO MEET WHILE STILL INSURING WHAT WE SEE AS BEING THE PRIMARY BENEFIT, THE CONVERSATION BETWEEN ALL THE INTERESTED PARTIES WHO MAY HAVE CONCERNS, ANXIETIES, POSSIBLY FALSE IDEAS AND THE DEVELOPER WHO HAS A CHANCE TO MEET THESE IDEAS AND MITIGATE ANY HARMS THAT WOULD OTHERWISE BE DONE BY THE PROJECT. THE OPPONENTS WILL COME UP WITH A FEW RED HERRINGS. THEY WILL ARGUE AGAINST THIS AND I BELIEVE THEIR ARGUMENTS ARE LARGELY SPECIOUS. THEY ARE GOING TO SAY THIS IS ABOUT A POPULARITY CONTEST. THIS IS ABOUT TRYING TO GET ONE BIG BOX RETAILER OUT OF BUSINESS FBILITY AND OF COURSE IT IS NOT A SECRET TO SAY THAT WHAT THEY'RE REFERRING TO IS WAL-MART. ONE OF THE GREAT BENEFITS FOR USING A CONDITIONAL USE PERMIT IS THAT THEY HAVE A TRACK RECORD. YOU KNOW WHAT THE STANDARD OF CONDITIONAL USE PERMIT IS, THE DEVELOPMENT COMMUNITY IN AUSTIN KNOWS WHAT THE STANDARDS ARE. THEY KNOW HOW TO MEET THOSE STANDARDS. YOU'VE SEEN THESE STANDARDS BEFORE IN THE CONTEXT OF A LOT OF DIFFERENT DEVELOPMENTS AND THEY WILL BE APPLIED ON AN EQUAL BASIS TO ALL BIG BOX DWOAMS IN THE SAME WAY THEY HAVE BEEN. IT BASICALLY REMOVES THE IDEA THAT WE THINK THIS IS A POPULARITY CONTEST BECAUSE THERE IS A STANDARD OF PROOF THAT HAS TO BE MET BY EVERYBODY. SOME PEOPLE WILL CLAIM THIS IS AN

ELITIST APPROACH BECAUSE WE DON'T WANT POOR PEOPLE COME TO GO OUR NEIGHBORHOOD TO COME SHONNING. WE WANT TO KEEP THEM OUT OF OUR NEIGHBORHOOD. REMEMBER HOW IT IS THAT THE DEVELOPERS DECIDE HOW IT IS WHERE THE DEVELOPMENTS WILL GO IN THE FIRST PLACE. THEY DREW A CIRCLE AND THEY DECIDED THERE ARE ENOUGH ROOFTOPS INSIDE THAT CIRCLE TO MERIT PUTTING A BIG BOX RETAIL THERE. THAT MEANS THAT THE VAST MAJORITY OF THE PEOPLE BY DESIGN WHO ARE GOING TO BE GOING TO THAT STORE ARE COMING FROM THE NEIGHBORHOOD. NOW, IF ANYBODY HAS ADOPTED ANY ELIGHTIST ATTITUDE AND SAYS WE DON'T WANT THESE THINGS BECAUSE IT WILL BE BRINGING SOMEBODY ELSE IN IS TOTALLY MISINFORMED THE THE PEOPLE SHOPPING AT CENTER ARE THE PEOPLE IN THAT NEIGHBORHOOD. IT WILL BE THEMSELVES. I DON'T BELIEVE WE SHOULD BE GIVING MUCH CREDENCE TO THAT KIND OF ARGUMENT EITHER. YOU CAN SAY WE'VE GOT TOO MANY HEARINGS TO GO SO. IF YOU'VE GOT ZONING IN PLACE, CURRENTLY THERE ARE NO HEARINGS, NO PUBLIC PROCESS AT ALL. IT'S AN ADMINISTRATIVE PROCESS. WE'RE TRYING TO MAKE IT A PUBLIC PROCESS AND TO CREATE ONE HEARING AND THAT'S ALL. STHS A MOVE TO DRIVE OUT BIG BOXES. WE'VE GOT DOZENS OF BIG BOXES. STHRL BE LOTS OF PEOPLE WHO GET THROUGH THE GATE BECAUSE THAT'S HOW THE RETAIL MARKET IS GOING AND THE BUSINESS WILL CONTINUE TO FOLLOW THE ROOFTOPS AS THEY HAVE FOR LITERALLY THOUSANDS OF YEARS. SHORTLY AFTER OUR PROPOSAL WAS PUT FORWARD, WE STARTED TO GET A LOT OF POSITIVE ATTENTION FROM PEOPLE AND RECENTLY WE'VE GOTTEN A BUDGE OF INSTITUTIONS THAT I REMEMBER PAYING A LOT OF ATTENTION TO WHEN I WAS IN YOUR POSITION A FEW YEARS AGO. YOU'LL BE HEARING IN A FEW MINUTES FROM THE AUSTIN INDEPENDENT BUSINESS ALLIANCE REPRESENTING 6,000 EMPLOYEES AND 3,000 BUSINESSES, THE AUSTIN NEIGHBORHOODS COUNCIL, THE CENTRAL NEIGHBORHOOD COUNCIL, ASME LOCAL 64, WHICH REPRESENTS THE VAST MAJORITY OF CITY EMPLOYEES. AUSTIN AREA HUMAN SERVICES ASSOCIATION, MY OWN ORGANIZATION, LIVEABLE CITY. A LOT OF COMMUNITY LEADERS WHO I KNOW YOU'VE HEARD FROM OVER THE LAST FEW DAYS, AND IF I MAY MENTION ONE MORE TIME, THE

UNANIMOUS APPROVAL OF THE PLANNING COMMISSION AND THE UNANIMOUS APPROVAL OF YOUR OWN CITY STAFF DEPTZ. IN CONCLUSION, I HAVE A FEW MORE PEOPLE WHO HAVE OTHER THINGS TO SAY, BUT FOR MY OWN CONCLUSION THIS GIVES YOU AN OPPORTUNITY TO DO SOMETHING YOU CANNOT DO ON A REGULAR BASIS RIGHT NOW, WHICH IS TO BALANCE THE INTERESTS OF RESIDENTS AND LOCAL BUSINESSES AND COMMERCIAL DEVELOPERS FOR THE COMMON GOOD. YOU HAVEN'T GOT THAT OPPORTUNITY RIGHT NOW BECAUSE THIS IS AN ADMINISTRATIVE SITE PLAN AND THE CONVERSATION WHICH WOULD ALLOW FOR THAT BALANCE CAN NEFF TAKE PLACE. OR IF IT DOES IT'S ON A VERY ONE OFF BASIS AS THE SCFERTION JUST NOW TAKING PLACE. WHERE IT GOES FROM THERE IS UP TO YOU PRKS BUT WE BELIEVE THAT THE OPPORTUNITY FOR DIALOGUE IS GOING TO BE THE BEST WAY OF IMPROVING THE KIND OF DESIGN AND THE KIND OF RETAIL -- CREATE THE KIND OF RETAIL MARKET WHICH WE CAN ALL LIVE WITH AND BE PROUD OF. AND PARTICULARLY THIS IS A WAY OF PROTECTING AUSTIN'S UNIQUE BRAND AND OUR OWN FUTURE ECONOMIC POTENTIAL. AUSTIN HAS FOR AT LEAST THE 18 YEARS I'VE BEEN LIVING HERE MADE ITS REPUTATION ON THE BASIS OF THE FACT THAT WE ARE UNIQUE, THAT MAYOR WYNN'S PHRASE, I REMEMBER WHEN YOU WERE FIRST INAUGURATED AS THE CITY COUNCILMEMBER, YOU WERE REFERRING TO THE UNITED STATES OF JENERICA. WE ARE NOT IN THE MIDDLE OF THE UNITED STATES OF GENERICA. WE ARE DIFFERENT FROM EVERYBODY ELSE. THIS PROPOSAL IS DEMOCRATIC, IT IS NON-INTRUSIVE AS IS POSSIBLE CONSISTENT WITH CREATING THAT COMMUNICATION. AND IT GIVES YOU A FIGHTING CHANCE TO MAINTAIN THAT UNIQUE BRAND OR MAINTAIN THAT UNIQUENESS WHICH HAS BEEN AT THE CORE OF OUR ECONOMIC POTENTIAL. THANK YOU. [APPLAUSE] IS.

Mayor Wynn: WE HAVE 12 MINUTES LEFT ON THE CLOCK. WE'LL GO FROM LAURA MORRISON.

GOOD EVENING, I'M LAURA MORRISON, THE PRESIDENT OF THE AUSTIN NEIGHBORHOODS COUNCIL AND BE WE REPRESENT 60 NEIGHBORHOODS NATIONWIDE. WE FORMALLY ENDORD THIS, BUT BIG BOX ORDINANCE WHEN IT

FIRST BEGAN ITS LENGTHY PROCESS TWO YEARS AGO AND TONIGHT WE STILL STAND FIRMLY BEHIND IT. THE ORDINANCE WILL PROVIDE A PUBLIC HEARING AND EXPANDED NOTICE FOR MAJOR RETAIL DEVELOPMENTS, GIVING NEIGHBORHOOD RESIDENTS AND LOCAL BUSINESSES A FAIR VOICE IN PROJECTS THAT WILL AFFECT THEIR LIVES AND THEIR LIVELIHOODS. THE CONDITIONAL USE PERMIT IS AN IDEAL TOOL FOR THIS BECAUSE IT LETS US ADDRESS SPECIFIC CONCERNS SUCH AS HOURS OF OPERATIONS, SECURITY AND LARGE PARKING LOTS AND OTHER FACTORS THAT ARE CRITICAL TO THE HEALTH AND WELL-BEING OF OUR NEIGHBORHOODS. ANY CONDITIONS IMPOSED THROUGH THE CONDITIONAL USE PERMIT WILL CONVEY WITH A PROPERTY IF IT IS LATE SOLD, GIVING AN ADDED LEVEL OF ASSURANCE TO SURROUNDING RESIDENTS AND BUSINESS OWNERS. THE PROPOSED ORDINANCE OFFERS A FAIR, BALANCED, OPEN PUBLIC PROCESS TO ENSURE THAT MASSIVE DEVELOPMENT WILL TRULY WORK IN OUR COMMUNITY. IN UNDERSTANDING THIS ISSUE, I THINK IT'S HELPFUL TO PERSONALIZE IT A BIT AND I WOULD ASK EACH OF YOU TO ASK YOURSELVES IF A 200,000 SQUARE FOOT RETAIL DEVELOPMENT WERE CONTEMPLATING SETTLING INTO A SITE THAT WAS A HALF MILE AWAY FROM YOUR HOUSE FRANKS YOUR STREET WHERE YOU LIVE, DON'T YOU THINK THAT YOU AND YOUR NEXT-DOOR NEIGHBOR WOULD LIKE TO BE ABLE TO COME DOWN AND HAVE INPUT INTO THE PROCESS SO THAT YOU COULD MAKE SURE THAT IT WAS DONE RIGHT? WE NEED THIS MEASURE NOW AND I RESPECTFULLY ASK THAT YOU PASS IT ON ALL THREE READINGS TONIGHT AND TO PUT THIS PUBLIC PROCESS INTO EFFECT IMMEDIATELY. THANK YOU. [APPLAUSE]

Mayor Wynn: SUSAN, WOULD YOU CARE TO --

HE HAD TO LEAVE.

Mayor Wynn: YOU OR MELISSA MILLER OR HOPE MORRISON.

I'M HOPE MORRISON WITH RESPONSIBLE GROWTH FOR NORTHCROSS. BY NOW EVERYONE HAS REFERRED TO US AS THE POSTER CHILD FOR WHY WE NEED THE BIG BOX ORDINANCE. ABOUT A MONTH AGO WE WOKE UP AND

DISCOVERED THAT THE LARGEST RETAILER IN TRAVIS COUNTY, SECOND LARGEST IN TEXAS WAS SUPPOSED BY L.I. A DONE DEAL FOR OUR NEIGHBORHOOD. IT WILL OVERWHELM OUR NEIGHBORHOODS WILL TRAFFIC, LOWER OUR PROPERTY VALUES, WE HAD NO PUBLIC PROCESS, NO VOICE. IF NEIGHBORS HAD BEEN PART OF THE DISCUSSION EARLY ON THROUGH PUBLIC HEARINGS, I BELIEVE LINCOLN PROPERTY COULD HAVE COME ONE A MORE SUITABLE AND EVEN MORE LUCRATIVE DEVELOPMENT. DON'T WANT TO SEE HAPPEN TO US HAPPEN TO ANY OTHER DEVELOPMENT IN AUSTIN. I KNOW YOU DON'T EITHER. THE PHONE CALLS AND FAXES AND E-MAILS AND PETITIONS FROM OUTRAGED NEIGHBORS ARE PROBABLY NOT YOUR FAIR PART OF YOUR JOB. I URGE YOU TO PASS THIS ORDINANCE ON ALL THREE READINGS TONIGHT AND GET THE LONG OVERDUE PREKSZ IN PLACE. THANKS.

Mayor Wynn: WELCOME, MELISSA. ABOUT NINE MINUTES LEFT. WELCOME.

ALL RIGHT. GOOD EVENING. I'M MELISSA MILLER. I'M THE DIRECTOR OF THE AUSTIN INDEPENDENT BUSINESS ALLIANCE AND WE REPRESENT OVER 300 LOCALLY OWNED OPERATED BUSINESSES HERE IN AUSTIN, TEXAS. I'M HERE TONIGHT TO LET YOU KNOW THAT WE SUPPORT THE BIG BOX ORDINANCE. LET ME CATCH MY BREATH A LITTLE BIT. I JUST DROVE HERE REALLY QUICKLY. BASICALLY WE THINK THIS IS A GOOD IDEA TO UPDATE THE LAND DEVELOPMENT CODE FOR SEVERAL REASONS. ONE, THE NOTIFICATION PROCESS ABSOLUTELY NEEDS TO BE UPDATED. WE THINK A MILE MAKES A LOT OF SENSE. AND THAT WE ALSO DO NOT SEE THIS AS AN TOAST STOP BIG BOX DEVELOPMENT. WE ACTUALLY ARE PRO BUSINESS. WE HAVE SOME PROGRAMS THAT SUPPORT DEVELOPMENT WHERE WE PLACE LOCAL BUSINESSES IN COMMERCIAL DEVELOPMENTS. WE THINK THAT'S A GREAT IDEA. IT'S GOOD ECONOMICALLY. IT MAKES SENSE TO HAVE A HEALTHY TENANT MIX FWURKS HELPS TO HAVE THAT MIX CITYWIDE. THERE ARE SOME AREAS IN AUSTIN THAT HAVE LIKE LOCAL BUSINESS DISTRICTS. YOU CAN THINK OF LIKE SOUTH CONGRESS, FOR INSTANCE. PERHAPS IF THERE WAS A CHURCH OR A LARGE AREA THAT HAD THE ZONING IN PLACE THAT WAS TO BECOME AVAILABLE AND THERE WAS NOT -- THIS UPDATE TO THE

CODE IN PLACE, THEN PERHAPS THERE COULD BE A LARGE SCALE RETAIL DEVELOPMENT THAT COULD GO IN WITHOUT ANY PUBLIC HEARING. THAT COULD BE REALLY DIFFICULT FOR AN AREA LIKE SOUTH CONGRESS, FOR INSTANCE, THAT HAS A VERY HEALTHY LOCAL BUSINESS COMMUNITY AND BIG TOURIST ATTRACTION. THERE ARE LOTS OF DISTRICTS LIKE THAT AROUND AUSTIN. BASICALLY WE'RE JUST LOOKING FOR A GOOD HEALTHY DIVERSE MIX WITHIN AUSTIN OF LOCAL BUSINESSES, LARGE SCALE RETAIL, AND WE THINK THAT UPDATING THE LAND DEVELOPMENT CODE MAKES A LOT OF SENSE AND THE NOTIFICATION PROCESS DOES AS WELL.

Mayor Wynn: THANK YOU, MS. MILLER. [APPLAUSE] SUSAN, WOULD YOU CARE TO BAT CLEAN UP? ABOUT SEVEN MINUTES LEFT.

GOOD EVENING, EVERYBODY. MY NAME IS SUSAN MOFFETT AND WE'VE CERTAINLY HEARD A LOT OF INFORMATION TONIGHT AND I THINK WE'LL PROBABLY HEAR A LOT MORE BEFORE WE GET OUT OF HERE. I PERSONALLY HAVE AT LEAST 15 MINUTES OF FREQUENTLY ASKED QUESTIONS THAT I WAS GOING TO TORTURE YOU WITH, BUT I DECIDE THAT THIS IS REALLY VERY SIMPLE. MAJOR RETAIL PROJECTS OVER 100,000 SQUARE FEET WE'RE JUST ASKING FOR ONE MILE NOTIFICATION AND A PUBLIC HEARING. THIS WHOLE CONTROVERSY ISN'T ABOUT THE MERITS OF BIG BOX RETAIL, IT ISN'T ABOUT A POPULARITY QUESTION, IT ISN'T ABOUT LOW PRICES OR CLASS WAR OR ELITISM OR ANY OF THE OTHER RED HERRINGS THAT HAVE NOT BEEN IN THE DISCUSSION OVER THE LAST FEW MONTHS. THIS REALLY IN MY MIND IS ABOUT DEMOCRACY. IT'S ABOUT THE RIGHTS OF HOMEOWNERS, CITIZENS, TAXPAYERS AND SMALL BUSINESS OWNERS TO HAVE A FAIR VOICE IN THE MAJOR DECISIONS THAT AFFECT OUR LIVES AND OUR LIVELIHOODS. THE TEXAS LEGISLATURE IS COMING IN NEXT MONTH AND WILL BE HEARING ABOUT PROPOSED PROPERTY RIGHTS. THIS IS GOING TO BE A HOT ISSUE, PROPERTY RIGHTS. DOES THIS EFFECT PEOPLE'S PROPERTY RIGHTS. I WANT TO REMIND EVERYBODY THAT PROPERTY RIGHTS ARE NOT THE EXCLUSIVE DOMAIN OF LARGE COMMERCIAL DEVELOPERS OR NATIONAL CHAINS. ALL PROPERTY OWNERS, INCLUDING HOMEOWNERS LIKE MYSELF, BUSINESS OWNERS LIKE MY

HUSBAND, WE HAVE PROPERTY RIGHTS TOO THAT REALLY ALSO NEED TO BE CONSIDERED. AND WHERE THESE RIGHTS OVERLAP AND CONFLICT IT'S THE RESPONSIBILITY OF GOVERNMENT TO BALANCE THE RIGHTS FAIRLY AND THAT'S ALL THIS ORDINANCE IS INTENDED TO DO. WE WANT ONE MILE NOTICE, WE WANT THE RIGHT TO A PUBLIC HEARING. IT REALLY IS THAT AS I REMEMBER AND WE REALLY DON'T THINK THAT'S TOO MUCH TO ASK. I WOULD LIKE TO ASK YOU VERY MUCH TO PUT THIS THROUGH ON THREE READINGS. I HAVE UNDERSTOOD THAT THAT'S NOT GOING TO HAPPEN. I'M CONCERNED ABOUT LEAVING THE WINDOW OPEN, BUT I DO UNDERSTAND THAT THERE ARE COUNCILMEMBERS WHO WOULD LIKE TO PERHAPS DISCUSS SOME AMENDMENTS TO THIS. I WOULD LIKE TO SUGGEST THAT IF WE ARE GOING TO BE DISCUSSING AMENDMENTS BETWEEN FIRST, SECOND AND THIRD READINGS THAT WE FIND A WAY TO HAVE PUBLIC COMMENT ON ANY OF THOSE AMENDMENTS WHEN THAT TIME COMES, BUT I THANK YOU ALL VERY MUCH FOR YOUR ATTENTION TO THIS. I'M HAPPY TO ANSWER ANY QUESTIONS. THAT CONCLUDES OUR PRESENTATION FOR THIS EVENING. THANK YOU.

Mayor Wynn: THANK YOU. [APPLAUSE] COUNCIL, WITHOUT OBJECTION WE'RE GOING TO SAVE THE REBUTTAL TIME FOR THE -- FOR THIS SIDE OF THE ARGUMENT, THOSE FOLKS IN FAVOR. WE NOW WILL LET SET THE CLOCK FOR 30 MINUTES AGAIN AND GO OVER TO FOLKS WHO ARE HERE WANT TO GO SPEAK IN OPPOSITION. AS WITH FOLKS IN FAVOR, WE HAD A BUDGE OF FOLKS SIGN UP WHO DIDN'T WANT TO SPEAK AND/OR HAVE NOW GONE HOME FOR THE EVENING, BUT WE'LL START THE CLOCK IT LOOKS LIKE THE 30 MINUTES WITH MR. ANDY MARTIN. ALSO, NTING TO SPEAK EARLIER WERE MR. TOM TURKEL AND SILVER GARZA AMONG OTHERS. WELCOME ANDY.

GOOD EVENING, MAYOR, COUNCIL. THE REQUEST THAT HAVE YOU IN FRONT OF YOU I THINK DOES NEED A LITTLE BIT MORE WORK. IT'S A VERY BROAD EXPRESSION. IT APPLIES TO THE USE OF MORE THAN 100,000 SQUARE FEET ANYWHERE IN THE CITY. FROM 1995 TO 2001 WE LIVE UNDERSTAND SCOFIELD FARMS AND WE ARE MAYBE WITHIN A HALF MILE OF ALL OF THE DEVELOPMENT THAT WAS TAKING PLACE THEN AND SINCE THEN ON INTERSTATE 35.

AND I REALLY DON'T THINK THAT THERE IS ANY PURPOSE SERVED OR NEED TO HAVE AN ANALYSIS OF THE 100,000 SQUARE FOOT SUPER STORE ON A LOCATION LIKE THAT AT PARMER AND I-35. OR SLAUGHTER AND I-35. WHERE YOU DON'T HAVE -- YOU'RE NOT IN THE MIDST OF NEIGHBORHOODS. I SHOP FREQUENTLY AT THE TARGET AT 290 AND MOPAC, AND THERE'S NO IMPACT ON NEIGHBORS BECAUSE THERE'S NO NEIGHBORHOOD AROUND THERE. SO TO REQUIRE AN ADDITIONAL PERMIT PROCESS, WHICH IS MORE THAN SIMPLY PUBLIC NOTICE AND A PUBLIC HEARING WHEN YOU GOAT THE PLANNING COMMISSION THEY HAVE VERY BROAD DISCRETION TO ALLOW OR DISALLOW OR CONDITION THEIR APPROVAL ON THE PROPOSED USE. AND SO ALL OF THE ARGUMENT THAT IS YOU'VE HEARD TONIGHT GENERICALLY AGAINST BIG BOX USES VERY LIKELY WILL SURFACE EACH TIME ONE OF THESE IS PRESENTED WITHIN ANY LOCATION WITHIN THE CITY OF AUSTIN. SO ONE THING THAT I WOULD SUGGEST THAT YOU MIGHT CONSIDER IS TO LESSEN THE IMPACT OF THIS. AND FOR PEOPLE WHO ALREADY HAVE -- FOR PROPERTY THAT'S ALREADY APPROPRIATELY ZONED, WHETHER YOU'VE MADE THAT DECISION OR WHETHER THIS COUNCIL MADE THE DECISION SIX MONTHS AGO OR SOME COUNCIL MADE IT 10 YEARS AGO, BUT THE ENTITLEMENT TO BUILD THOSE RETAIL USES ON LOCATIONS THAT ARE PROANT FOR THOSE -- APPROPRIATE FOR THOSE LARGE SIZES, MAJOR HIGHWAYS, MAJOR ROADS WITH THE INFRASTRUCTURE THAT'S THERE AND NOT IN THE MIDST OF A NEIGHBORHOOD, THAT THEY NOT BE RID TO GO THROUGH THIS DISCRETIONARY PROCESS ON THE CONDITIONAL USE PERMIT. I'LL STOP RIGHT THERE WITH THAT ONE SUGGESTION. THANK YOU.

Mayor Wynn: THANK YOU, MR. MARTIN. WELCOME MR. GARZA.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS SILVER GARZA AND I'M THE PRESIDENT ELECT OF THE REAL ESTATE COUNCIL OF AUSTIN. I'M HERE TO SAY THAT RECA SUPPORTS AN OPEN DEVELOPMENT PROCESS, A PROCESS THAT IS OBJECTIVE, FAIR AND PREDICTABLE. WE SUPPORT THE EXPANDED NOTIFICATION FOR ALL PARTIES INTERESTED IN LARGE SCALE RETAIL DEVELOPMENT IN ORDER TO FACILITATE DIALOGUE AND COMMUNITY CONSENSUS RELATED TO THE DEVELOPMENT. WE ALSO

SUPPORT COMMUNITY SCRUTINY OF THE DEVELOPMENT TO INCLUDE TRAFFIC IMPACT ANALYSIS, WATER QUALITY FEATURES, DESIGN AND OTHER DEVELOPMENT RELATED ISSUE. WHAT WE DO OPPOSE, THOUGH, ARE REGULATION S TO PLACE UNWANTED BUSINESSES. WE BELIEVE THAT THIS ORDINANCE ADDS AN ADDITIONAL LAYER OF BUREAUCRACY TO THE PERMITTING FOR THE SOLE PURPOSE OF TARGETING SPECIFIC BUSINESSES AND THEIR PRACTICES. WE ALSO OPPOSE ANY REGULATIONS THAT SPECIFY CLASS OR USE OR DEVELOPMENT USES UNRELATED TO LAND USE OR DEVELOPMENT OF THE PROPERTY. YOU HAVE JUST RECENTLY APPROVED A SET OF DESIGN GUIDELINES THAT WILL HELP MITIGATE SOME OF THE PROBLEMS THAT WE SEE WITH SOME OF THESE BIG BOX CENTERS. AS MR. MARTIN SAID, THERE ARE PROANT PLACES FOR THESE CENTERS AND WE BELIEVE THAT WHAT IS CURRENTLY ON THE BOOKS IS ENOUGH TO HANDLE THOSE SPECIFIC NEEDS FOR THEM. THERE ARE ITEMS THAT WE COULD CONSIDER. THE PLANNING COMMISSION IS THOUGHT THAT WE SHOULD CONSIDER A NEW ZONING CATEGORY FOR BIG BOXES, AND THERE MAY BE SOME INTEREST IN THAT IN THAT WE COULD DEFINE MORE CLOSELY WHAT IT IS THAT THOSE BOXES, BIG BOXES DO. SO I WOULD ASK THAT YOU CONSIDER THAT REQUEST BY THE PLANNING COMMISSION TO LOOK AT A ZONING CATEGORY FOR SPECIFICALLY THESE USES, BUT AS WE CURRENTLY SIT, THE ZONING PROCESS TAKES INTO ACCOUNT ESPECIALLY IN THESE FREEWAYS AND MAJOR ROADWAYS THE ABILITY TO ACCOMMODATE THESE BIG BOXES. I ALSO REFER YOU TO YOUR -- I GUESS THE COUNCIL STUDY THAT DR. SPE LMENTMAN NOTED WAS THE STUDY BACK IN 2004. THERE ARE SEVERAL ISSUES WITHIN THAT STUDY THAT DEAL WITH THE BIG BOX AND THEIR IMPORT TO THE MARKET. THEY ARE A CHOICE AND IT SAYS, I'M QUOTING, IT'S THE HEALTHIEST CONSUMER MARKET IS THE MARKET THAT MAXIMIZES CONSUMER CHOICE. ALL I'M ASKING YOU TO DO IS ALLOW THIS CHOICE TO EXIST WITHIN THIS CITY. THANK YOU. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THAN OTHER COMPARABLY SITUATED COMPARABLE BUSINESSES ARE HELD TO. ONE OF MY COLLEAGUES MENTIONED THAT WE SPEAK AN EVEN HANDED PLAYING

FIELD, WHERE THE RULES ARE EQUALLY AND EVEN HANDEDLY APPLIED TO ALL WHO COME BEFORE YOU. SO THE IDEA THAT A -- THAT A ZONING CATEGORY THAT WOULD PERMIT LARGE SCALE RETAILERS, IF YOU THINK THAT A CHANGE IS NECESSARY, WOULD STRIKE ME AS INFINITELY BETTER THAN A CONDITIONAL USE PERMIT. THE VERY NATURE OF A CONDITIONAL USE PERMIT PROCESS IS THAT IT FOCUSES ON WHO THE USER IS. NOT WHAT THE PROJECT IS. CONVERSELY, ZONING LOOKS AT LAND USE. WHAT ARE THE IMPACTS? AND IT CAN BE OBTAINED AT ANY POINT IN THE LIFE CYCLE OF AN OWNERSHIP OF A PIECE OF PROPERTY. YOU DON'T HAVE TO WAIT UNTIL YOU ALREADY HAVE AN AGREEMENT. HAVE A LEASE SIGNED, HAVE A SITE PLAN DESIGNED TO SEEK A CONDITIONAL USE PERMIT. TO SEEK ZONING. YOU CAN GET THE ZONING WHENEVER YOU WANT TO, BUT YOU CAN'T SEEK A CONDITIONAL USE PERMIT UNTIL YOU IDENTIFY THE TENANT AND YOU KNOW WHO IT'S GOING TO BE, HOW BIG THEY ARE GOING TO BE EXACTLY AND WHAT YOUR SITE PLAN IS GOING TO BE. AN EXTRA COST ASSOCIATED WITH THAT. THAT PUTS PEOPLE AT GREAT PERIL OF HAVING THAT EXPENSE WASTED IF -- AT THE END OF THE PROCESS THAT CONDITIONAL USE PERMIT IS DENIED. THE PROPONENTS HAVE MENTIONED THREE DIFFERENT TYPES OF IMPACTS THAT SHOULD BE CONSIDERED, ANY TYPE OF PROCESS. SO THEIR EXTERNAL IMPACTS SUCH AS [INDISCERNIBLE] OR STORM WATER, WE HEARD A LOT ABOUT THAT THIS EVENING WITH RESPECT TO THE WAL-MART PROPOSED FOR NORTH CROSS. IMPACTS THAT ARE INTERNAL, SUCH AS HOW THE BUILDINGS ARE ORGANIZED AND THE AESTHETICS OF THE ARCHITECTURE OF THE PROJECT. HOW PARKING LOTS ARE DEALT WITH, WHERE THEY ARE LOCATED. THOSE SORTS OF INTERNAL IMPACTS ARE ANOTHER MAJOR AREA OF CONCERN. THEN THIRDLY SOCIAL EQUITY ISSUES, ISSUES ABOUT IMPACTS ON -- ON OTHER BUSINESSES IN THE AREA AS WELL AS WAGES AND BENEFITS. WE HAVE PROCESSES ALREADY IN PLACE THAT DEAL WITH THE EXTERNAL IMPACTS OF PROJECTS. SUCH AS TRAFFIC CONTROL. NOW YOU HAVE HEARD SOME TESTIMONY TONIGHT THAT THOSE PROCESSES MAY NOT BE PERFECT, THERE MAY BE SOME FLAWS IN THEM AND YOU -- DIFFERENT MEMBERS OF THE COUNCIL HAVE ASKED QUESTIONS THAT SUGGEST YOU ARE

CONSIDERING THINGS LIKE HOURS OF OPERATION OR HOW TRAFFIC IMPACTS ARE CONSIDERED. I PERSONALLY HAVE ABSOLUTELY NO PROBLEM WITH TIGHT TENNING UP, I THINK WE SHOULD PERHAPS TIGHTEN UP SOME OF THE RULES THAT APPLY TO HOW RETAIL BUSINESSES ARE CONDUCTED. IF THERE ARE FLAWS IN THE ORDINANCE, WHICH PERMIT PROJECTS TO HAVE AN APPROPRIATE IMPACT ON THIS -- THE SURROUNDING SURROUNDING NEIGHBOR AND BUSINESSES IN THE AREA, THEN THOSE GROUP HOMES SHOULD BE CLOSED. BUT THAT CAN BE DONE WITHOUT RESORTING TO EITHER A CONDITIONAL USE PERMIT OR A NEW ZONING CLASSIFICATION. AND AS ONE OF MY COLLEAGUES MENTIONED, WHEN YOU ARE LOOKING AT THE INTERNAL IMPACT OF THE PROJECT, HOW IT'S DESIGNED, WHY THE -- WHERE THE PARKING IS LAID OUT, WE JUST SPENT TWO YEARS WORKING ON COMMERCIAL DESIGN STANDARDS, WHICH ARE GOING TO TAKE EFFECT IN ABOUT 30 OR 45 DAYS. THEY DEAL WITH ALL OF THOSE TYPES OF ISSUES, QUITE EFFECTIVELY, I THINK. AND I HOPE. THEY DISTINGUISH BETWEEN DIFFERENT TYPES OF LOCATIONS WITHIN THE CITY AND THEY HAVE DIFFERENT STANDARDS APPLICABLE TO DIFFERENT AREAS. THEY RECOGNIZE THE HIERARCHY OF THE TYPES OF STANDARDS THAT SHOULD APPLY. SOME WILL APPLY TO -- TO HIGHWAY LOCATIONS, OTHERS APPLY TO INNER CITY OR CORE TRANSIT LOCATIONS, THAT HIERARCHY STRIKES ME AS AN APPROPRIATE WAY TO GO ABOUT THIS. BUT THOSE STANDARDS SHOULD HAVE AN OPPORTUNITY TO BE APPLIED. THEY ARE EVEN HANDED, THEY APPLY TO EVERYBODY REGARDLESS OF WHO THEY ARE AND THEY -- THEY WILL ADDRESS SO MANY OF THE CONCERNS THAT YOU HEARD TONIGHT ABOUT SOME OF THE -- HOW THE WAL-MART IS PROPOSING PROPOSED. IT WON'T DO ANYTHING ABOUT THAT PROJECT, THAN THE [INDISCERNIBLE] WILL, BUT EVERY PROJECT COMING FORWARD AFTER JANUARY 13th WILL BE SUBJECT TO THAT PROPOSAL. AND -- AND THE FUNDAMENTAL ISSUE THAT -- THAT CONCERNS ME AND HAS BEEN DESCRIBED AS A RED HERRING, IS THE QUESTION OF WHETHER CERTAIN BUSINESSES WILL BE TREATED UNFAIRLY. WHEN WE WERE AT THE PLANNING COMMISSION, THE PROFESSOR ODEN USED AN EXAMPLE OF WHY THIS WAS SUFFICIENT AN IMPORTANT THING THAT WE ADOPT. HE

SAID HYPOTHETICALLY SPEAKING, WHAT IF WE HAD A WHOLE FOODS STORE IN EXISTENCE, BUT YOU HAD A TARGET OR A COSCO THAT WANTED TO LOCATE JUST A HALF A MILE AWAY. THAT COULD HAVE A DETRIMENTAL IMPACT ON OUR LOCAL MERCHANTS WHOLE FOODS. I THOUGHT TO MYSELF, MY GOODNESS, WHOLE FOODS NOT ONLY IS A PUBLICLY TRADED COMPANY, BUT THE NATION'S LARGEST MERCHANT OF HEALTH FOODS AND NATURAL FOOD PRODUCTS IS NOW BEING DESCRIBED AS A LOCAL MERCHANT DESERVING OF PROTECTION AGAINST BAD RETAILERS COMING IN FROM OUTLET OF TOWN. WHEN IN FACT WHOLE FOOD IS LOOKED AT AS JUST SUCH PEPPER, SUCH A COMMUNITY, PORTLAND, DENVER, ALL OVER THE COUNTRY, BECAUSE THEY GO INTO THOSE COMMUNITIES AND THEY THREATEN LOCAL BUSINESSES THERE. WHAT THIS POINTS OUT IS THAT LOCAL BUSINESSES HAVE A WAY OF BECOMING BUSINESSES THAT THE PERSON IDENTIFYING THEM LIKES. WHOLE FOODS, TO PROFESSOR ODEN WAS A LOCAL BUSINESS BECAUSE HE LIKES WHOLE FOODS. AND THAT'S THE TYPE OF SUBJECTIVITY THAT WE ARE GOING TO GET INTO AND YOU ARE GOING TO BE CONFRONTED WITH EVERY TIME ONE OF THESE CONDITIONAL USE PERMITS APPEARS BEFORE YOU. SO FOR ALL OF THESE REASONS, I WOULD URGE YOU, NUMBER ONE, TO REJECT THE PROPOSAL FOR CONDITIONAL USE PERMIT AND IF YOU FEEL LIKE SOMETHING IS REQUIRED TO CONSIDER THE ADOPTION OF A NEW ZONING CATEGORY RATHER THAN A CONDITIONAL USE PERMIT BECAUSE AT LEAST THAT WOULD TAKE A LOT OF THE SUBJECTIVITY OUT OF THE PROCESS. THANK YOU VERY MUCH.

MAYOR?

THANK YOU, COUNCILMEMBER MCCRACKEN.

McCracken: I CAN'T LET IT PASS THAT AFTER -- TOM -- THE UPSIDE OF GETTING TO STAY HERE ALL OF THIS TIME YOU HEAR ABOUT 200 PEOPLE SAY THEY LOVE THE TRIANGLE. TOM TURKEL IS THE DEVELOPER OF THE TRIANGLE, YOU HAVE HEARD, I HAVE TO POINT OUT A GREAT VISION THAT YOU HAVE BROUGHT TO OUR COMMUNITY.

THANK YOU, COUNCILMAN.

Mayor Wynn: THANK YOU, TOM. SO ANYONE ELSE HERE WANTING TO SPEAK IN OPPOSITION OF THE PROPOSAL? THEN A COUPLE OF FOLKS WENT HOME EARLY. SO WE SAVED THE -- A POTENTIAL REBUTTAL FOR FOLKS IN SUPPORT. I DON'T KNOW IF THAT'S NECESSARY OR NOT. BUT MS. MOFFAT, WELCOME BACK. THREE MINUTES.

I'M ONE OF THE PEOPLE WHO DRAGGED TOM KICKING AND SCREAMING TO HIS VISION ON THE TRIANGLE, IT HAS REALLY TURNED OUT TO BE A WONDERFUL DEVELOPMENT. I WISH EVERY NEIGHBORHOOD COULD HAVE A DEVELOPMENT LIKE THAT. I DID WANT TO ADDRESS A COUPLE OF REMARKS. FIRST OF ALL ON THE POSSIBILITY OF EXEMPTING HIGHWAYS. 99.9% OF THE BIG BOXES ARE BUILT ON HIGHWAYS AND NEIGHBORHOODS BACK UP TO HIGHWAYS. I HAVE FRIENDS THAT LIVE A BLOCK FROM I-35. I DON'T THINK YOU CAN DO A BLANKET EXEMPTION. I THINK THAT'S A PARTICULARLY DANGEROUS IDEA AS WE ARE MOVING FORWARD WITH THE ENVISION CENTRAL TEXAS, PLANNED COMMUNITIES, YOU DON'T WANT FOR INSTANCE S.H. 130 TO JUST BECOME A ROW OF STRIP MALLS. I MEAN, THERE'S A VERY CONCRETE VISION FOR SUSTAINABLE GROWTH THERE AND THINK THAT IT WOULD BE EXTREMELY DANGEROUS TO COMPLETELY GIVE UP ANY SENSIBLE PLANNING IN WHICH BIG BOXES WOULD BE PART OF THAT MIX. THE POLICING ON ONE OF THE BUSINESSES I THINK REALLY IS A RED HERRING. THAT'S NOT WHAT THIS IS INTENDED TO DO. REGARDING DESIGN LINE GUIDELINES I LOVE THEM AND THEY ARE WONDERFUL AND I CAN'T WAIT FOR THEM TO GO INTO EFFECT, BUT THEY DON'T GET YOU A PUBLIC HEARING AND THEY ALSO DON'T APPLY CITY-WIDE. THEY ARE LIMITED. OBVIOUSLY I'M RESPONDING TO A COMMENT ABOUT OBVIOUSLY WHAT'S ON THE BOOKS IS SUFFICIENT. OBVIOUSLY IT'S NOT OR WE WOULDN'T HAVE LISTENED TO NORTH CROSS HAVING A MELT DOWN FOR THE LAST THREE WEEKS. WE HAVE A BIG LOOPHOLE IN THE CODE AND I THINK EVERYBODY REALIZES THAT IT'S THERE AND WE HAVE REALLY GOT TO CLOSE IT. UM ... I THINK -- TOM'S COMMENTS ABOUT -- I THINK THEY WERE TOM'S COMMENTS ABOUT FLEXIBILITY AND SUBJECTIVITY BEING A STRONG COMMENT IN THE PROCESS. I REALLY THINK THAT IS A BENEFIT. IF YOU

HAVE SOMETHING ON A BIG PROJECT LIKE THIS WHERE IT'S JUST AN UP OR DOWN, DO WE, DON'T WE ZONE IT, A LOT OF TIMES IT'S GOING TO COME DOWN AGAINST THE PROJECT. MOST PROJECTS WITH A COUPLE OF BIG TWEAKS LIKE HOURS OF OPERATION, SECURITY IN A PARKING LOT, CAN BE MADE ACCESSIBLE TO THE COMMUNITY. AND I THINK THAT THAT'S THE REAL BENEFIT OF THE CONDITIONAL USE PERMIT IS IT LETS YOU ADDRESS ISSUES THAT ARE IMPORTANT, COULD BE ENOUGH TO KILL A DEAL, BUT IF THEY CAN BE ADDRESSED SUCCESSFULLY THE PROBLEM COULD PROCEED AND BE A SUCCESSFUL FOR EVERYBODY. IN TERMS OF -- OF APPLYING TO COMPARABLE BUSINESSES WELL, YOU KNOW, WE ARE TALKING ABOUT BUSINESSES OVER 100,000 SQUARE FEET. THEY ARE COMPARABLE TO EACH OTHER. THEY ARE NOT COMPARABLE TO A 30,000 SQUARE FOOT BUSINESS. SO I'M NOT REALLY FOLLOWING THAT OBJECTION. WHAT ELSE? OH, POPULARITY CONTESTS. WELL, PROP ALERT CONTESTS IS ACTUALLY A VERY INTERESTING QUESTION. THEY TALKED ABOUT THIS AT PLANNING COMMISSION AND -- IT HAS A NASTY RING TO IT. POPULARITY CONTEST, IT DOESN'T SOUND GOOD. BUT SHE SAID, YOU KNOW, ACTUALLY AS A -- AS AN OWNER OF THE PROPERTY YOU OUGHT TO HAVE SOME -- SOME KIND OF CARE AND SENSE ABOUT WHETHER YOUR PROJECT IS GOING TO BE SUCCESSFUL AND IF YOU ARE PUTTING IT INTO A NEIGHBORHOOD WHERE THE MAJORITY OF NEIGHBORS DON'T WANT IT, IT'S NOT GOING TO [BEEPING] BE SUCCESS FOR YOU OR ANYBODY ELSE. I THINK IF WE WANT -- IF WE ARE LOOKING AT PEOPLE JUST IN TO MAKE THEIR QUICK BUNDLE, FLIP IT AND GET OUT. THAT MAY WORK FOR THEM. IF WE ARE LOOKING FOR SUSTAINABLE DEVELOPMENT THAT'S SUCCESSFUL FOR OUR COMMUNITY OVER THE LONG HALL I THINK IT'S WORTH LOOKING AT WHETHER THE PROJECT IS WANTED IN THE NEIGHBORHOOD. THANK YOU.

THANK YOU, MS. MOFFAT. SO COUNCIL THAT CONCLUDES THE -- THE STRUCTURED FEEDBACK FORMAT OF THIS PUBLIC HEARING. FOR THE RECORD WE HAVE 253 PEOPLE SIGNED IN. ON THIS ITEM NO. 81. THE VAST MAJORITY SIGNING IN NOT WISHING TO SPEAK, 234 IN FAVOR OF THE PROPOSALS, 17 IN OPPOSITION, TWO WERE NEUTRAL. SO -- SO COUNCIL, QUESTIONS? COMMENTS? THOUGHTS,

COUNCILMEMBER KIM?

Kim: I WAS WONDERING IF SINCE THIS ORDINANCE IS -- I SUPPORT IT ON FIRST READING. THE REASON WHY I'M LOOKING FOR OTHER WAYS TO STRENGTHEN IT, FRANKLY. I'M CONCERNED THAT THERE MAY BE SOME OTHER LOOP HOLES THAT WE HAVEN'T FORESEEN IN TERMS OF THE SQUARE FOOTAGE OF THE BUILDING, WHAT IS A SINGLE BUILDING USE, I HAVE AN ANSWER FROM STAFF, BUT I STILL HAVE SOME QUESTIONS ABOUT IT. AND AS -- WE HAVE THE DISCUSSION WITH -- WITH PLANNING COMMISSIONER CID GALINDO HERE GIVING A PRESENTATION ABOUT HIS TOWN CENTER INITIATIVE, AS WE ARE GOING TO BE ANNEXING EAST OF I-35 TOWARDS S.H. 130 I WOULD LIKE FOR STAFF TO GIVE US AN ASSESSMENT. I KNOW THE PLANNING COMMISSION LOOKED AT IT. BUT AN ASSESSMENT AS TO [INDISCERNIBLE] ZONING CREATING A CATEGORY THIS KIND OF USE. IF WE SAY WE ARE GOING TO HAVE BIG BOX RETAIL OUT IN THAT NEW AREA, UNZONED TERRITORY RIGHT NOW, WE ARE TAKING THE GUESSWORK OUT OF THE PROCESS FOR DEVELOPERS. THAT'S WHAT THEY WANT. LET'S GIVE IT TO THEM, WE CAN SAY THIS IS WHERE IT'S GOING TO BE, WHERE IT'S NOT. WE HAVE SO MANY DIFFERENT CATEGORIES FOR SINGLE FAMILY HOMES FROM SF 1 TO SF 6, SAME THING FOR MULTI-FAMILY, WHY NOT DO THE SAME THING FOR RETAIL. THIS IS CLEARLY AFTER LOOKING AT THE PRESENTATION I WAS ALARMED BY THE STATISTICS IN TERMS OF THE CRIME, TRAFFIC, ALL OF THE RESOURCES THAT A CITY NEEDS FOR THESE TYPE OF BIG BOX DEVELOPMENT. I THINK IT'S TIME FOR US TO UPGRADE OUR CODE TO TAKE THAT INTO CONSIDERATION. I WOULD LIKE SOME STAFF DIRECTION MAYBE AS WE WORK THROUGH FIRST AND SECOND READING ON LOOKING AT THAT AS WELL.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MOTIONS?

MAYOR?

COUNCILMEMBER COLE?

Cole: I WOULD LIKE TO MOVE THAT WE ADOPT THE STAFF

AND PLANNING COMMISSION RECOMMENDATIONS.

Kim: I WILL SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER KIM TO ADOPT -- CLOSE THE PUBLIC HEARING AND TO ADOPT THE PROPOSED ORDINANCE ON FIRST READING. COMMENTS, COUNCILMEMBER LEFFINGWELL?

JUST A COUPLE OF CLARIFICATIONS, YOU SAID THE STAFF AND PLANNING COMMISSION RECOMMENDATION, YOU UNDERSTAND THEY ARE DIFFERENT. THE PLANNING COMMISSION RECOMMENDATION INCLUDES THE SPECIAL ZONING CATEGORY AS WELL AS THE --

MAYOR AND COUNCIL, IF I CAN SPEAK TO THAT. THE PLANNING COMMISSION -- PASSED A -- A RECOMMENDATION, COUNCIL, THAT IT INITIATE CODE LIMITS TO CREATE A BIG BOX ZONING DISTRICT. SO -- SO IT -- IT IS NOT -- THE STAFF'S RECOMMENDATION REFLECTED IN THE ORDINANCE, PC'S RECOMMENDATION IS REFLECTED IN THE ORDINANCE WITH THE ADDITIONAL RECOMMENDATION THAT THE COUNCIL INITIATE CODE AMENDMENT TO CREATE THAT ZONING DISTRICT, SPECIAL BIG BOX ZONING DISTRICT. THAT'S JUST THE NUANCE THAT'S DIFFERENT.

MY MOTION DOES NOT INCLUDE A -- [INDISCERNIBLE]

IF I COULD, I WOULD LIKE TO OFFER A FRIENDLY AMENDMENT. AND -- AND THE AMENDMENT WOULD SIMPLY BE THE DIRECTION TO -- TO THE CITY MANAGER TO BEGIN THE PROCESS OF AMENDING THE CODE TO -- TO PROVIDE THE -- IF THE LARGE RETAIL USE OVER 100,000 SQUARE FEET IN GROSS FLOOR AREA IS DESIRED, AN APPLICANT MAY EITHER, ONE, SEEK A CONDITIONAL USE PERMIT OR, TWO, REQUEST THAT THE COUNCIL CONSIDER ALLOWING A LARGE RETAIL USE OVER 100,000 SQUARE FEET AS PERMITTED IN THE GR OR MORE INTENSE ZONING DISTRICT AND IN ADDITION, TO THE CONDITIONAL OVERLAYS PROVIDED BY THE CODE, THE ORDINANCE ESTABLISHING LARGE RETAIL AS A PERMITTED USE MAY INCLUDE ALL OF THE CONDITIONS CURRENTLY PROVIDED FOR IN -- IN -- FOR A CONDITIONAL

USE PERMIT AS WELL AS -- AS WELL AS PROVIDE THE --
PROVIDED THE COUNCIL MAY CONSIDER THE
REDEVELOPMENT OF THE SITE WHEN REVIEWING THE
ZONING REQUEST FILL OUT A LARGE RETAIL USE OVER
100,000 SQUARE FEET AS A PERMITTED USE, AND THE CITY
MANAGER SHALL PRESENT THIS ITEM ALLOWING THIS LARGE
RETAIL USE AS A PERMITTED USE FOR THE PLANNING
COMMISSION ON JANUARY 16th, AND BACK TO THE COUNCIL
ON JANUARY 25th. 2007. THAT'S A FRIENDLY AMENDMENT.
[LAUGHTER]

Mayor Wynn: COUNCILMEMBER COLE?

Leffingwell: LET ME EXPLAIN WHAT ALL OF THAT DOES. IF I
MAY. ALL IT DOES IS ENSURE THAT NO ONE WOULD BE
REQUIRED TO GO THROUGH THE ENTIRE PROCESS OF
PUBLIC HEARINGS THROUGH THE LAND USE COMMISSION
AND THE COUNCIL TWICE. YOU WOULD EITHER GO THROUGH
THE PUBLIC PROCESS AT INITIATION OF THE ZONING
CHANGE OR YOU WOULD GO THROUGH IT FOR CONDITIONAL
USE PERMIT, BUT YOU WOULDN'T DO BOTH. THAT'S
BASICALLY WHAT ALL THAT SAYS.

Cole: WHAT IF WE TAKE THAT FRIENDLY AMENDMENT AS A
DIRECTION TO STAFF TO CONSIDER AND EVALUATE AND
POTENTIALLY ADD AS AN AMENDMENT ON SECOND AND
THIRD READING?

Leffingwell: THAT'S WHAT I SAID.

Cole: I THOUGHT YOU SAID --

Leffingwell: IT'S NOT A CONDITION ADDED TO YOUR MOTION.
IT'S A DIRECTION TO THE CITY MANAGER TO -- TO BEGIN
THAT PROCESS OF ESTABLISHING THE SPECIAL USE WHICH
WOULD REQUIRE A ZONING CODE AMENDMENT -- ZONING
CODE CHANGE THAT WOULD GO BACK TO THE PLANNING
COMMISSION ON A FAST TRACK JANUARY 16th, AND COME
BACK TO THE COUNCIL ON JANUARY 25th. SO IT'S NOT AN
AMENDMENT AGAIN. IT'S A -- IT'S THE INCLUSION OF
DIRECTION TO THE CITY MANAGER TO YOUR MOTION.

Mayor Wynn: MS. TERRY.

I APOLOGIZE, IF I CAN SPEAK TO THAT, THE REASON WHY WE WOULD RECOMMEND OR REQUESTING THAT BE AN INITIATE WITH THE CODE AMENDMENT, THE ORIGINAL CODE AMENDMENT THAT WAS BROUGHT THROUGH THE PROCESS WAS ONLY FOR A CONDITIONAL USE PERMIT, IT WAS NOT FOR THE ZONING CHANGES THAT COUNCILMEMBER MCCracken IS POSING, AS A RESULT OF THAT THAT HAS TO GO THROUGH THE P.C. PROCESS AND COME BACK UP BECAUSE P.C. IS REQUIRED BY STATE LAW TO MAKE A RECOMMENDATION ON IT.

Leffingwell: I THINK THAT WAS ME, NOT COUNCILMEMBER MCCracken.

I'M SORRY, SORRY. I APOLOGIZE. THAT'S WHY YOU HAD THAT STRANGE LOOK. [LAUGHTER]

Mayor Wynn: MOTION AND SECOND ON THE TABLE WITH ADDITIONAL DIRECTION.

Cole: OKAY. I'LL [INDISCERNIBLE] MY AMENDMENT TO THE NOTHING, DIRECTION TO THE STAFF BECAUSE IT HAD TO GO TO THE P AND C COMMISSION --

MAYOR PRO TEM, THIS ISN'T A FRIENDLY AMENDMENT OR HOSTILE AMENDMENT. THIS IS JUST A REQUEST TO THOSE FOLKS BACKING THIS ORDINANCE AS WELL AS TO THE STAFF AND TO -- TO PERHAPS THE PLANNING COMMISSION. IT DAWNED ON ME HAD THIS -- HAD THIS ORDINANCE BEEN IN PLACE TONIGHT, WE WOULD PROBABLY STILL BE HERE DEBATING AT -- AN LICKS FOR AN INNER CITY WAL-MART OF 200,000 FEET. SO THAT'S NOT REALLY -- NOT REALLY WHAT I WANT US TO BE DOING. AN APPLICATION FOR THE INNER CITY WAL-MART. WHEN IT FIRST CAME TO ME, I THOUGHT LET'S DO A SPECIAL ZONING CATEGORY, I GOT TALKED OUT OF THAT. WHEN SOME OF THE PROPONENTS CAME IN I SAID WELL LET'S JUST BAN ALL LARGE RETAIL STORES OF THIS SIZE FROM OUR INNER CITY. THEY CORRECTLY TOLD ME THAT WOULD PROBABLY BE ILLEGAL TO DO AND ACTUALLY IT WAS. I DID CHECK ON IT. BUT I'M WONDERING IF -- IF IN -- DURING THIS PROCESS IF WE CAN'T COME UP WITH SOME

KIND OF CARROT THAT DRAWS THESE STORES AWAY FROM OUR INNER CITIES AND INTO THOSE LOWER VOCATIONAL..... -- [INDISCERNIBLE] I KNOW THEY DIDN'T PARTICULARLY LIKE THE RECOMMENDATION THAT I THINK THAT MR. MARTIN MADE ORIGINALLY ABOUT -- ABOUT -- IN CERTAIN CIRCUMSTANCES IF YOU ARE ON A MAJOR HIGHWAY LIKE I-35 OR 130, IF YOU ARE PROPERLY ZONED AND IF YOU ARE A THOUSAND FEET AWAY FROM A SINGLE FAMILY RESIDENTS OR SOMETHING, THAT THOSE MIGHT COULD GO THROUGH WITHOUT THE PUBLIC HEARING AND THAT IDEA WOULD BE A CAR BOTH AND IF IT'S EASIER, FASTER, QUICKER, THAT MEANS THAT IT'S CHEAPER AND THEY WOULD MORE LIKELY BE DRAWN TO THOSE SITES RATHER THAN TO THESE INNER CITY SITES THAT REQUIRE THE CONDITIONAL USE PERMIT AND THE LONG HEARINGS AND THE LONGER TIME FRAME. SO IT'S JUST A REQUEST TO SORT OF LOOK AT IT. IF THAT'S NOT A GOOD IDEA, CAN YOU THINK OF SOME KIND OF CARROT THAT WE CAN USE TO DRAW THE VERY LARGE STORES THAT TRULY AREN'T APPROPRIATE IN OUR INNER CITY. OVER TO THOSE AREAS THAT -- THAT ARE MORE APPROPRIATE FOR THEM. SO I JUST LIKE SOME BETTER MINDS THAN MINE TO THINK ABOUT THIS FOR A WHILE AND SEE IF YOU CAN COME UP WITH ANYTHING THAT WOULD ACCOMPLISH THAT RATHER THAN LEAVING IT THE SAME CITY-WIDE SO THAT THERE ISN'T ANY INCENTIVE TO MOVE THEM SOMEWHERE MORE APPROPRIATE.

MAYOR, I DO HAVE A QUESTION. I UNDERSTAND THAT WE ARE ADDING A CONSIDERATION FOR THE REDEVELOPMENT - - RE.. REDEVELOPMENT POTENTIAL SITE ZONING, IS THAT -- ARE WE ADDING THAT SAME STANDARD AND CONDITIONAL USE PERMIT AS WELL SO THAT THE [INDISCERNIBLE] ARE IDENTICAL IN EACH [INDISCERNIBLE] IN -- IN BOTH THE ZONING HEARING AND THE CP HEARING.

Leffingwell: I DIDN'T SAY THAT, BUT I WILL.

THANK YOU.

Mayor Wynn: FURTHER COMMENT, QUESTIONS? MOTION AND SECOND ON THE TABLE TO APPROVE FIRST READING ONLY WITH -- WITH ADDITIONAL DIRECTION FOR STAFF? HEARING

NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0, FIRST READING ONLY. THANK YOU ALL VERY MUCH. [APPLAUSE] THERE BEING NO MORE ITEMS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED AT 12:24 A.M.

> MERRY CHRISTMAS, HAPPY HOLIDAYS, BE SAFE.

End of Council Session Closed Caption Log