

## **Closed Caption Log, Council Meeting, 03/01/07**

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Mayor Wynn: GOOD MORNING. I APOLOGIZE FOR THE THE DELAY. WE HAVE A LITTLE BIT OF A TECHNICAL DIFFICULTY ON THE DAIS. I'M AUSTIN WILL WYNN. IT'S MY PREF..... PRIVILEGE TO INTRODUCE REVEREND LINDA KESSIE WHO WILL LEAD NUS OUR INVOCATION.

[INAUDIBLE - NO MIC].

FREE FROM SOCIAL STRIFE AND DECAY. GIVE US STRENGTH OF PURPOSE AND CONCERN FOR OTHERS IT THAT WE MAY CREATE HERE A COMMUNITY OF JUSTICE AND PEACE, A PLACE WHERE MEN AND WOMEN FROM VARIOUS CULTURES AND WITH DIFFERING TALENTS MAY FIND WITH ONE ANOTHER THE FULFILLMENTS OF THEIR HUMANITY. GUIDE AND UP HOLD THOSE IN THIS CITY COUNCIL CHAMBERS THAT THEY MAY DO THEIR WORK IN THE SPIRIT OF WISDOM AND KINDNESS AND JUSTICE. HELP THEM TO LIVE OUT THEIR CALLING AND MINISTRY TO THE PEOPLE OF AUSTIN. TO USE THEIR AUTHORITY TO SERVE FAITHFULLY AND PROMOTE THE GENERAL WELFARE. BE WITH THEM IN THEIR DISCUSSIONS AND THEIR DELIBERATIONS AND THEIR DECISIONS THIS DAY THAT THEY MAY BE MADE ACCORDING TO YOUR WILL AND TO THE GREATER BENEFIT OF ALL. WE ASK IN CHRIST'S NAME, AMEN.

Mayor Wynn: THANK YOU, REVEREND KESSIE AND GIVE OUR REGARDS TO OUR FRIENDS AT GRACE UNITED. AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, MARCH 1st, 2007. WE'RE HERE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. WE HAVE A RELATIVELY MODEST NUMBER OF AGENDA ITEMS TO GET THROUGH TODAY. BEFORE I START WITH THIS WEEK'S AGENDA AND THE CHANGES AND CORRECTIONS TO IT, COUNCIL, I'M TRYING TO DISCIPLINE MYSELF AND FOLLOW OUR SUGGESTION THE LAST FEW MEETINGS THAT I ASK AND/OR ANNOUNCE FOR POTENTIAL UPCOMING ITEMS FROM COUNCIL JUST TO ALERT FOLK OVER THE NEXT WEEK OR TWO. WE'RE AWARE OF A FEW ITEMS THAT MIGHT BE COMING FORWARD, SO I'LL START BY ANNOUNCING THAT THE MAYOR PRO TEM AND I NEXT WEEK IN ADVANCE OF SOUTH BY SOUTHWEST WILL BE BRINGING FORWARD CERTAINLY A CITY CO-SPONSORSHIP OF AN OVERALL EVENT. IT'S BEEN A FABULOUS SUCCESS FOR US BOTH ECONOMICALLY FROM A MARKETING STANDPOINT AND IT'S A PRETTY FUN TIME TO BE IN AUSTIN, SO THERE WILL BE A SOUTH BY SOUTHWEST CO-SPONSORSHIP ITEM AS WELL AS COUNCILMEMBERS LEFFINGWELL, MARTINEZ AND I ARE BRINGING FORWARD ESSENTIALLY A NATIONAL WILDLIFE FEDERATION OPPORTUNITY AND WE'LL BE ASKING THE CITY MANAGER TO WORK WITH THAT ORGANIZATION TO MAKE SURE THAT AUSTIN TAKES ADVANTAGE OF AN OPPORTUNITY WE HAVE. COUNCIL, ANY OTHER ITEMS, PRELIMINARY OR OTHERWISE YOU THINK MIGHT BE COMING FORWARD ANY TIME SOON? COUNCILMEMBER MARTINEZ. MARDI GRAS THRBL A COUPLE OF ITEMS COMING FORWARD. COUNCILMEMBER LEFFINGWELL AND I ARE LOOKING AT A STUDY OF PURCHASING GAS, TRYING TO MAXIMIZE OUR BUYING POWER AND DOING THAT WHEN WE PURCHASE NATURAL GAS. ANOTHER ITEM I WILL BE BRINGING FORWARD IN A COUPLE OF WEEK IS IT'S A MOVEMENT THAT'S GOING AROUND THE COUNTRY RIGHT NOW, CITIES LIKE LOS ANGELES, SAN FRANCISCO, BOSTON, MILWAUKEE, HAVE ADOPTED ETHICAL

PURCHASING PROCUREMENT POLICIES. WHAT THAT..... THAT RELATES TO IS BASICALLY UNIFORMS AND GARMENT TYPE PURCHASES WHERE WE ENACT POLICIES THAT I GUESS PREVENT VENDORS FROM USING SUBCONTRACTORS THAT USE SWEAT SHOP LABOR, REALLY EGREGIOUS TYPES OF LABOR VIOLATIONS WITH THEIR SUBCONTRACTORS. AND SO I'M LOOKING INTO THAT ISSUE RIGHT NOW. HAD A MEETING INITIALLY YESTERDAY. WE WILL BE COMING AROUND TO MEET WITH OTHER COUNCILMEMBERS, BUT HOPEFULLY WE'LL HAVE SOMETHING, AN ORDINANCE COME FORWARD IN A COUPLE OF WEEKS. THANKS.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
FURTHER ITEMS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: YOU ALREADY MENTIONED THE NATIONAL WILDLIFE CERTIFICATION AND WE'LL BE BRINGING THAT FORWARD ON NEXT WEEK'S AGENDA, BUT I ALSO WANT TO SAY WE'RE GOING TO HOLD A PRESS CONFERENCE ANNOUNCING ALL THE PEOPLE AND ORGANIZATIONS THAT ARE GOING TO BE COLLABORATING WITH US ON THAT EFFORT PROBABLY AT 9:30 RIGHT AFTER THE COUNCIL MEETING. AND OF COURSE EVERYONE IS INVITED TO ATTEND.

Mayor Wynn: THANK YOU. COUNCILMEMBER COLE.

Cole: MAYOR, NEXT WEEK I'LL BE BRINGING FORWARD ALONG WITH MAYOR PRO TEM BETTY DUNKERLEY AN ITEM FOR THE I-35 MAKEOVER PROJECT, WHICH HAS BEEN AN ONGOING PROJECT TO TRY TO BEAUTIFY FROM SIXTH THROUGH EIGHTH STREET. AND WE WILL HAVE A FORMAL PRESENTATION AND A REQUEST FOR APPROVAL OF THAT ITEM. AND ALSO MAYOR PRO TEM AND I WILL BE PUTTING FORTH THE WALLER CREEK PRESENTATION AND ASKING COUNCIL FOR APPROVAL TO APPROACH THE COUNTY FOR APPROVAL OF THAT TIF OR TEXAS INCREMENT FINANCING SCHEME.

Mayor Wynn: THANK YOU, COUNCILMEMBER.

FURTHER COMMENTS? THANK YOU ALL VERY MUCH. WE'LL START DOING THIS EACH WEEK TO TRY TO GIVE BOATS OURSELVES AND THE PUBLIC A LITTLE BIT AFTER HEAD 'UP AS TO ITEMS WE THINK ARE ADVANCING THEIR WAY UP TO THE DAIS. SO WE HAVE A COUPLE THREE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ON ITEM NUMBER 15 WE SHOULD NOTE THAT THE CONTRACT IS ACTUALLY WITH -- THE D/B/A IS JAMAIL AND SMITH CONSTRUCTION, NOT JUST JAMAIL CONSTRUCTION. I SHOULD NOTE THAT ITEM NUMBER 54 HAS BEEN WITHDRAWN BECAUSE IT WAS ESSENTIALLY A DUPLICATION ON THE AGENDA. WE'RE STILL TAKING UP AN ITEM, BUT ITEM 54 IS NOT NECESSARY. ITEM 63 RELATING TO THE THORNTON BUN GA LOWS, WE SHOULD KNOW THAT THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT SINGLE-FAMILY RESIDENCE CONDOMINIUM CONDITIONAL OVERLAY OR SF-4-B-CO COMBINING DISTRICT ZONING. THE PUBLIC HEARING WILL TAKE UP LATER THIS AFTERNOON OR EVENING, BUT WE NOW HAVE THE PLANNING COMMISSION RELIGIOUS. OUR TIME CERTAIN ITEMS TODAY AS SOON AS WE GET THROUGH OUR CONSENT AGENDA AND DEPENDING ON WHETHER WE WANT TO TAKE UP ANY POTENTIAL DISCUSSION ITEM, WE'LL HAVE A MORNING BRIEFING. THIS WEEK IT'S THE PRESENTATION OF RECOMMENDATIONS TO IMPROVE CITY SERVICES IN THE DOWNTOWN AUSTIN AREA, A SERIES OF DIFFERENT CITY SERVICES THAT WE'LL HAVE A PRESENTATION ON THAT I THINK YOU'LL FIND QUITE INTERESTING. AND AT NOON WE BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS. AT 3:00 WE TECHNICALLY WILL RECESS THE CITY COUNCIL MEETING FOR A FEW MINUTES WHILE WE TAKE UP AND HOLD OUR AUSTIN HOUSING FINANCE CORPORATION BORT MEETING WITH -- BOARD MEETING WITH SEVERAL ACTION ITEMS ON THAT AGENDA. AT 4:00 O'CLOCK WE TAKE UP OUR ZONING HEARINGS AND RESTRICTIVE COVENANTS. 5:30 WE HAVE OUR LIVE MUSIC. AND AT 6:00 O'CLOCK WE HAVE A HANDFUL OF POTENTIAL PUBLIC HEARINGS. THOSE ARE THE CHANGE AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. COUNCIL, I BELIEVE

AT THIS TIME THERE ARE NO ITEMS PULLED OFF OF THE CONSENT AGENDA FOR DISCUSSION. NOW WOULD BE THE TIME. ANY ITEMS TO BE PULLED. HEARING NONE, THEN I GUESS I STILL NEED TO DO NUMERICALLY. I'LL READ NUMERICALLY WHAT WILL BE OUR CONSENT AGENDA AND THEN ASK FOR A MOTION. SO OUR CONSENT AGENDA ON TODAY'S COUNCIL AGENDA WILL BE TO APPROVE ITEMS 1, 2, 3, 4,...45, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 PER CHANGES AND CORRECTIONS. FINALLY I GET TO SAY SOMETHING DIFFERENT THAN A NUMBER. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 ARE OUR BOARD AND COMMISSION APPOINTMENTS THAT I'LL READ INTO THE RECORD. THOSE TO THE ANIMAL ADVISORY COMMISSION, LEAN LOOES IS A MCCLAIN IS COUNCILMEMBER COLE'S APPOINTMENT. TO OUR CHILD CARE COUNCIL, CINDY RODRIGUEZ IS COUNCILMEMBER MCCRACKEN'S APPOINTMENT. TO OUR COMMISSION ON IMMIGRANT AFFAIRS, MARGARITA DESORTO IS A CONSENSUS APPOINTMENT. TO OUR MBE, WBE AND SMALL BUSINESS ENTERPRISE ADVISORY COMMITTEE, BARBARA BOITA IS A CONSENSUS POINT, AND SHE'S A REPRESENTATIVE OF A PROFESSIONAL ORGANIZATION SLOT. AND SHAUN TAYLOR LEMOI IS A CONSENSUS REPRESENTING A CERTIFIED CONTRACTOR. THESE ARE BOTH CONSENSUS APPOINTMENTS TO THAT COMMITTEE. TO OUR YOU ARE RAN FORERESTY -- URBAN FORERESTY BOARD, KEITH LABRONI, COUNCILMEMBER LEFFINGWELL'S APPOINTMENT. AND AN APPOINTMENT TO AN INTERGOVERNMENTAL BODY, THE COMMUNICATION ACTION NETWORK COUNCIL OR C.A.N. AS WE REFER TO IT, PURSUANT TO RESOLUTION 2060301-206, WE ARE NOW APPOINTING COUNCILMEMBER COLE AS A REPRESENTATIVE TO C.A.N., REPLACING COUNCILMEMBER KIM ON THAT COUNCIL. THAT'S ITEM NUMBER 26, OUR BOARD AND COMMISSION APPOINTMENTS ON THE CONSENT AGENDA. THANK YOU VERY MUCH. I SHOULD ANNOUNCE THAT ITEMS 27 AND 28 WON'T OBJECT THE CONSENT AGENDA BECAUSE THEY'RE RELATED TO ITEMS THAT WE'LL TAKE UP LATER IN EXECUTIVE SESSION, SO ALTHOUGH THEY'RE NOT PULLED BY A COUNCILMEMBER, 27 AND 28 WILL NOT OBJECT THIS MORNING'S CONSENT AGENDA.

BUT THE REMAINING CONSENT AGENDA WILL BE TO APPROVE ITEMS 29, 30, 31, 32, 33, 34, 35, 36, 37 AND 38. I'LL ENTERTAIN A MOTION FOR THE CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? COUNCILMEMBER MARTINEZ.

THANK YOU, MAYOR. JUST A COUPLE OF COMMENTS ON AGENDA ITEM 29 AND 30 AS IT RELATES TO OUR LEGISLATIVE PROGRAM. I WANTED TO THANK COUNCILMEMBERS FOR THEIR SUPPORT IN OPPOSING SOME POTENTIALLY BAD LEGISLATION THAT WOULD PREVENT US FROM CONTINUING THE OPERATION AT OUR DAY LABOR CENTER, AND OBVIOUSLY PREVENT US FROM OPENING THE SECOND DAY LABOR SITE THAT WE HAVE COMING FORWARD IN THE VERY NEAR FUTURE. SO I WANTED TO JUST MAKE MENTION OF THAT AND THANK EVERYONE FOR THEIR SUPPORT AS WELL AS ITEM 30, WHICH IS ADDING TO OUR LEGISLATIVE PROGRAM SUPPORT FOR MEET AND CONFER FOR NON-PUBLIC SAFETY EMPLOYEES. OBVIOUSLY THIS IS SOMETHING THAT I CERTAINLY BELIEVE IN AND I THINK THAT IT WILL LEVEL THE PLAYING FIELD FOR OUR NON-PUBLIC SAFETY EMPLOYEES TO BE ABLE TO HAVE A FORMAL SEAT AT THE TABLE TO NEGOTIATE FOR THEIR WAGES, BENEFITS AND WORKING CONDITIONS.

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

Leffingwell: I'LL JUST ADD ON ITEM 30 THAT WHAT THIS DOES IS SUPPORTING LEGISLATION THAT MERELY REMOVALS THE PROHIBITION ON A MEET AND CONFER PROCESS FOR NON-PUBLIC SAFETY OR NON-CIVIL SERVICE EMPLOYEES. SHOULD THE LEGISLATION PASSED IT WILL STILL BE UP TO THE EMPLOYEES TO DECIDE IF THEY WANT TO HAVE THIS KIND OF RENGS AND IF THEY DO, WHO THEY WANT TO REPRESENT THEM. SO IT'S MERELY REMOVING OF THE OBSTACLE AT THE STATE LEVEL.

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Mayor Wynn: THANK YOU. ANY FURTHER COMMENTS? POINT OF PRIVILEGE, ALTHOUGH COUNCILMEMBER COLE SET THE STAGE WELL EARLIER, TECHNICALLY ITEM 31 IS JUST SETTING THE PUBLIC HEARING TO GET INPUT ON THE PROPOSED WALLER CREEK TUNNEL, BUT I WANT A TAKE A MINUTE AND CONGRATULATE MAYOR PRO TEM DUNKERLEY AND COUNCILMEMBER COLE FOR REALLY REVIVING WHAT HAS BEEN NOW ALMOST A 10-YEAR DORMANT, BUT VERY IMPORTANT PROJECT AND WE'RE ALL VERY ENCOURAGED WITH THE PROGRESS THAT HAS BEEN MADE, PARTICULARLY WITH OUR PARTNERS AT THE COUNTY. AND THEN GETTING PUBLIC INPUT NEXT WEEK AND SEEING THE PRESENTATION AND HOPEFULLY THEN TAKING ACTION TO KICK START WHAT I THINK WILL BE A VITAL LONG-TERM PROJECT FOR THE CITY. SO THANK YOU. CONGRATULATIONS. MAYOR PRO TEM?

Dunkerley: WE'VE HAD A LOT OF POSITIVE RESPONSE FROM THE COMMUNITY AND FROM THE VARIOUS GROUPS THAT ARE EXCITED ABOUT THIS PROJECT. AND PARTICULARLY FROM OUR HOTEL AND TOURISM SEGMENT OF OUR ECONOMY. AS YOU KNOW, A VERY CLEAN ECONOMIC EFFORT IN THE CITY THAT'S ONGOING. AND IT'S -- THEY'RE EXCITED TO BE ABLE TO AT LEAST THINK ABOUT IN THE FUTURE OF HAVING A VERY WONDERFUL PUBLIC AMENITY THERE RATHER THAN THE LESS THAN DESIRABLE CREEK THAT WE HAVE THERE AT THE PRESENT TIME. SO A GOOD PUBLIC AMENITY, EROSION CONTROL AND CERTAINLY POLLUTION CONTROL PROJECT. SO WE LOOK FORWARD TO TELLING YOU ABOUT IT NEXT WEEK FOR ALL OF THOSE WHO HAVEN'T HEARD US. THANK YOU.

Mayor Wynn: THANK YOU. FURTHER COMMENTS ON OUR CONSENT AGENDA? WE HAVE A MOTION AND A TABLE SECOND ON THE TABLE TO APPROVE ALL ITEMS WITH THE EXCEPTION OF 27 AND 28 RELATED TO EXECUTIVE SESSION ITEMS. HEARING NO ADDITIONAL COMMENTS, ALL THOSE IN FAVOR,

PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH.

THANK YOU, MAYOR, GOOD MORNING. IN OCTOBER OF 2006 COUNCIL WAS PROVIDED A REPORT THAT IDENTIFIED VARIOUS ISSUES THAT SURFACED -- THAT CAME ABOUT THROUGH DOWNTOWN STAKEHOLDERS THAT WERE OF CONCERN IN THE AREA OF THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT. SINCE THEN WE HAVE WORKED VERY CLOSELY WITH SEVERAL OF OUR DOWNTOWN COMMUNITY PARTNERS TO DEVELOP WHAT WE FEEL IS A COMPREHENSIVE LIST OF ISSUES. AS A RESULT, WE FEEL WE HAVE COME UP WITH SOME SOLUTIONS THAT MUTUALLY WE AGREE WILL MAKE SIGNIFICANT PROGRESS IN THE TYPE OF DOWNTOWN WE WOULD ALL LOVE TO HAVE. THE GENERAL BOUNDARIES THAT WE ARE REFERRING TO IN THIS REPORT YOU WILL FIND A MAP ON PAGE 23 OF YOUR INFORMATION, BUT THE BOUNDARIES WE'RE TALKING ABOUT IS MARTIN LUTHER KING TO THE NORTH, CESAR CHAVEZ TO THE SOUTH AND GENERALLY SAN ANTONIO TO THE WEST AND THE FRONTAGE ROAD OF I-35 TO THE EAST. SINCE THAT REPORT, CITY MANAGEMENT FORMED A VERY FOCUSED TEAM OF HIGH LEVEL CITY STAFF TO SPECIFICALLY ADDRESS THESE ISSUES IN THE AREA OF DOWNTOWN AUSTIN. IN ADDITION, WHAT WE WILL POINT OUT TO YOU ARE SOME ISSUES THAT WILL NEED TO BE ADDRESSED IN THE DOWNTOWN MASTER PLAN AS WELL AS OTHER ISSUES THAT CITY MANAGEMENT HAS IDENTIFIED THAT WILL INVOLVE POLICY DECISIONS THAT COUNCIL WILL HAVE FURTHER OPPORTUNITY TO INDIVIDUALLY CONSIDER IN THE NEAR FUTURE. YOU WILL NOTE IN THE REPORT THAT WE WILL MADE GREAT PROGRESS THROUGH A NUMBER OF AREAS THAT HAVE EITHER BEEN COMPLETED OR CHANGES TO OUR CURRENT LEVELS OF SERVICE THAT ARE CURRENTLY I AM IMPLEMENTED. THE INFORMATION THAT WE'VE COLLECTED WILL HIGHLIGHT SPECIFICALLY WHAT TASK IS



PERFORMED, WHO IS THE RESPONSIBLE DEPARTMENT, THE COSTS ASSOCIATED WITH THE SERVICES. WE TRY VERY HARD TO DWHISH CAUSE, THOSE THAT SPECIFICALLY COULD BE WORKED INTO THE CURRENT BUDGET AND THOSE THAT WOULD REQUIRE ADDITIONAL FUNDING IN THE FUTURE. THE RECOMMENDATIONS SET FORTS ARE AIMED AT IMPROVING SERVICES WITHIN DOWNTOWN AUSTIN AND ARE ORGANIZED INTO FIVE DISTINCT AREAS. CLEANLINESS, PEDESTRIAN SAFETY, ATTRACTIVE..... ATTRACTIVENESS, CODE ENFORCEMENT AND POLICING. AT THIS TIME I WOULD LIKE TO TURN THIS OVER TO RODNEY GONZALES, ASSISTANT DIRECTOR OF ECONOMIC GROWTH AND DEVELOPMENT SERVICES, TO DISCUSS A REPORT FOMMED BY THE POLICING PIECE BY LIEUTENANT CHRIS NOBLE MOISTURE.....

Mayor Wynn: WELCOME.

THANK YOU. I'M RODRY GONZALES, ASSISTANT DIRECTOR FOR ECONOMIC GROWTH AND DEVELOPMENT SERVICES OFFICE. THROOKZ LOOKS LIKE WE'RE HAVING A LITTLE BIT OF TECHNICAL DIFFICULTY DIFFICULTY. AS..WE FORMED A TEAM IN NOVEMBER OF 2006 TO ADDRESS OPERATIONAL ISSUES IN DOWNTOWN AUSTIN. THE TEAM MET SEVERAL TIMES OVER THE LAST FEW MONTHS TO DISCUSS ALL CITY SERVICES PERFORMED IN THE DOWNTOWN AREA AND TO DEVELOP RECOMMENDATIONS FOR RESOLVING CERTAIN OPERATIONAL ISSUES. THE CITY OF AUSTIN PROVIDES A NUMBER OF SERVICES TO DOWNTOWN AREA. THESE SERVICES ARE LISTED IN TABLE 2 OF THE REPORT THAT HAS BEEN ASSEMBLED TO PROVIDE INFORMATION ON CURRENT CITY SERVICES, SERVICES PROVIDED BY THE DOWNTOWN AUSTIN ALLIANCE AND SERVICES PROVIDED BY THE PECAN STREET OWNERS ASSOCIATION. TABLE 2.. 2 IDENTIFIES THE DEPARTMENT THAT IS RESPONSIBLE FOR PROVIDING CERTAIN SERVICES, THE FREQUENCY IN WHICH THE SERVICE IS PROVIDED AND THE ANNUAL COST FOR PROVIDING THE SERVICE. BEGINNING ON PAGE 10 OF THE REPORT THERE IS A DETAILED NARRATIVE OF THE

SERVICES PROVIDED BY THE CITY. WHERE APPLICABLE, MAPS HAVE BEEN INCLUDED WITHIN THE APPENDIX TO SHOW THE SERVICE AREAS. NEXT SLIDE. THIS NEXT SLIDE IS A REPRESENTED LISTING OF THE VARIOUS SERVICES PROVIDED BY THE CITY TO THE DOWNTOWN AUSTIN AREA. AS I'VE MENTIONED, THE REPORT HAS DETAILED INFORMATION WITH REGARD TO THESE SERVICES. IN THE INTEREST OF TIME, TODAY'S PRESENTATION WILL FOCUS ON THE RECOMMENDATIONS BEFORE YOU. NEXT SLIDE.

> THE RECOMMENDINGS ARE LISTED IN TABLE 1 OF THE REPORT AND CAN BE FOUND ON PAGES 6 AND 7. FOR EACH RECOMMENDATION A LEAD DEPARTMENT HAS BEEN ASSIGNED TO IMPLEMENT THE RECOMMENDATION. IT SHOWS FUNDING IN PLACE TO MOVE FORWARD WITH THE RECOMMENDATION, THE ANTICIPATED TIME IT WILL TAKE TO COMPLETE THE RECOMMENDATION, AND ANTICIPATED COSTS FOR COMPLETING THE RECOMMENDATION. AND AS BURT MENTIONED, THESE RECOMMENDATIONS ARE GROUPED TOGETHER AS CLEANLINESS, PEDESTRIAN SAFETY, ATTRACTIVENESS AND CODE ENFORCEMENT. STAFFING SAID THE FIRST RECOMMENDATION IS TO CONTINUE THE WORK OF THE CITY TEAM THAT HAS BEEN ASSEMBLED. THIS IS AN OPERATIONAL TEAM THAT WILL BE CHARGED WITH IMPLEMENTING THE RECOMMENDATIONS BEFORE YOU. THE TEAM CONSISTS PRIMARILY OF ASSISTANT DIRECTORS FROM EACH OF THE DEPARTMENTS THAT PROVIDE SERVICES TO THE DOWNTOWN AREA. AT THIS LEVEL OF THE ORGANIZATION, THESE INDIVIDUALS HAVE THE MANAGEMENT AUTHORITY TO ACT QUICKLY AND TO ENSURE THE TIMELY COMPLETION OF THESE RECOMMENDATIONS. IF IMPLEMENTED, THE CITY TEAM WILL BE TASKED WITH MONITORING 311 CALLS FOR SERVICE TO THE DOWNTOWN AREA. THIS IS A VERY IMPORTANT PIECE OF WORK THAT WILL BE DONE TO ENSURE THAT CITY SERVICES ARE BEING PROVIDED IN A TIMELY AND EFFICIENT MANNER. WITH RESPECT TO LITTER ABASE BAIT., STAFF IS RECOMMENDING THE INSTALLATION OF SCOOP THE POOP BOXES WITHIN THE DOWNTOWN AREA. THESE BOXES WILL

PROVIDE THE MEANS FOR THE PROPER DISPOSAL OF ANIMAL WASTE. THE IMPLEMENTATION TIME WILL TAKE SIX MONTHS AND COST \$4,000. ANOTHER IMPORTANT RECOMMENDATION IS THE PURCHASE OF ASH TRAYS WITHIN THE DOWNTOWN AREA. THIS WILL HELP MINIMIZE THE AMOUNT OF CIGARETTE BUTTS THAT ARE DISCARDED ON TO CITY STREETS IN THE DOWNTOWN AREA. THE WATERSHED PROTECTION DEVELOPMENT AND REVIEW DEPARTMENT HAS IDENTIFIED THE FUNDING FOR THIS RECOMMENDATION AND WILL WORK WITH SOLID WASTE SERVICES AND THE DAA TO DETERMINE MAINTENANCE AND LOCATION OF THESE ASHTRAYS. THE NEXT SET OF RECOMMENDATIONS FOCUSES ON SIDEWALK CLEANING AND WASHING. ON A DAILY BASIS CITY CREWS FROM SOLID WASTE SERVICES DEPARTMENT BLOWS AND SWEEPS SIDEWALKS ALONG CONGRESS AVENUE AND EAST SIXTH STREETTH. MAPS SHOWING THE SERVICE AREA ARE LOCATED WITHIN THE APPENDIX OF THE REPORT. WITH RESPECT TO SIDEWALK WASHING, NO CITY DEPARTMENT WASHES SIDEWALKS IN THE DOWNTOWN AREA. THE CITY'S POLLUTION PREVENTION AND REDUCTION SECTION IS CHARGED WITH ENSURING THAT SIDEWALK WASHING IS DONE IN AN APPROPRIATE MANNER THAT DOES NOT VIOLATE CITY ORDINANCE, STATE LAW OR FEDERAL REGULATIONS. THERE IS NO CITY ORDINANCE THAT PROHIBITS THE WASHING OF SIDEWALKS. CITY CODE DOES, HOWEVER, SPEAK TO THE DISCHARGE OF POLLUTANTS TO STORM SEWERS AND WATER COURSES. AND IN THIS REGARD THERE HAVE BEEN WARNINGS ISSUED TO BUSINESSES THAT HAVE VIOLATED THIS CITY CODE. SINCE 1989<sup>53</sup> VERBAL AND WRITTEN WARNINGS HAVE BEEN ISSUED TO BUSINESS OWNERS AND THESE WARNINGS ARE FOR THE MOST EGREGIOUS TYPE OF VIOLATIONS. THE CITY OF AUSTIN DOES NOT -- IS NOT UNIQUE WITH REGARD TO THIS ORDINANCE. THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT HAS RESEARCHED THIS AREA AND FOUND THAT MOST OTHER LARGE CITIES HAVE A SIMILAR ORDINANCE IN PLACE. TO ASSIST BUSINESSES WITH PROPERLY COMPLYING WITH CITY CODE, STAFF HAS PREPARED A FAX SHEET FOR

BUSINESSES THAT DESCRIBES THE PROPER MANNER FOR WASHING SIDEWALKS. THE PRIMARY CONCERN IS THAT IF DETERGENTS OR SOLUTIONS ARE USED FOR CLEANING SIDEWALKS THAT THE DISCHARGE IS RECAPTURED AND PROPERLY DISPOSED. IN REVIEWING OUR CURRENT ENFORCEMENT PROCEDURES, THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEBIT HAS MADE A CLARIFICATION THAT THE USE OF A WATER HOSE TO RINSE SIDEWALKS WITH PLAIN COLD WATER CAN BE LOUD. PROVIDED A BUSINESS OWNER IS NOT USING DETERGENTS OR OTHER SOLVENTS TO RINSE THE SIDEWALK AND THERE ARE NO SOLIDS DISCHARGED INTO THE SEWER SYSTEM, THE USE OF A WATER HOSE WILL BE ALLOWED. THE PREFERABLE METHOD WOULD BE THAT THE SIDEWALK BE SWEEPED PRIOR TO RINSING. THIS SHOULD HELP ALLEVIATE BUSINESS OWNER CONCERNS FOR ENSURING THAT SIDEWALKS AND ALCOVES STAY CLEAN. IN CONJUNCTION WITH OTHER RECOMMENDATIONS IN THE REPORT ALLOWING THE USE OF PLAIN COLD WATER TO RINSE SIDEWALKS SHOULD MAINTAIN THE CLEANLINESS OF THE SIDEWALKS. ANOTHER SIGNIFICANT RECOMMENDATION FOR HELPING TO KEEP SIDEWALKS CLEAN IS THE RECOMMENDATION TO RECONFIGURE THE IRRIGATION SYSTEM ALONG EAST SIXTH STREET, TO PROVIDE WATER ACCESS TO THE DOWNTOWN AUSTIN ALLIANCE AND BUSINESS OWNERS. THE 200 TO 500 BLOCKS OF EAST SIXTH STREET DO NOT HAVE WATER ACCESS CURRENTLY. IN THE PAST THE DAA HAS HAD TO STRETCH WATER HOSES FROM THE ALLEYS TO THE BLOCK FACES AND IN SOME CASES ACROSS EAST SIXTH STREET. THE RECONFIGURATION OF THE IRRIGATION SYSTEM WILL PROVIDE FOR IMMEDIATE AND READY ACCESS TO WATER FACILITIES. A SIGNIFICANT CAUSE OF THE DIRTY SIDEWALKS COMES FROM THE BIRDS NESTING IN THE TREES. THE RECOMMENDATION IS THAT CITY STAFF FROM THE PARKS AND RECREATION DEPARTMENT WORK WITH THE DAA TO EXPLORE SOLUTIONS REMOVING THESE BIRDS FROM THE DOWNTOWN AREAS. NEXT SLIDE, PLEASE. THE NEXT RECOMMENDATIONS ARE RELATED TO SIDEWALK REPAIR. THE CITY'S BIKE AND PEDESTRIAN PROGRAM HAS IDENTIFIED

\$200,000 FROM THE 2000 BOND PROGRAM FOR USE IN REPAIRING SIDEWALKS IN THE DOWNTOWN AREA. WITH THE ASSISTANCE OF THE DAA, A PRIORITIZED LIST OF NEEDED REPAIRS WILL BE DEVELOPED AND WORK CAN BEGIN WITHIN THE NEXT NINE MONTHS. THERE ARE OVER 100 LOCATIONS IN THE DOWNTOWN AREA THAT HAVE SOME TYPE OF SPECIALTY SIDEWALK PAVER. IN SOME CASES REPAIRS TO SIDEWALKS HAVE BEEN MADE WITHOUT USING THE SPECIALTY PAVERS BECAUSE WE DON'T HAVE A CURRENT INVENTORY OF THESE SPECIALTY PAVERS. THE PUBLIC WORKS DENT IS CURRENTLY IN THE PROCESS OF IDENTIFYING THOSE AREAS USING SPECIAL PAVERS -- SPECIALTY PAVERS THAT THE CITY IS CHARGED WITH MAINTAINING. THE PUBLIC WORKS DEPARTMENT HAS IDENTIFIED FUNDING FOR PURCHASING THE NECESSARY SPECIALTY PAVERS BASED ON ANTICIPATED NEED AND WILL MAINTAIN AN INVENTORY FOR FUTURE USE. ONCE THE INVENTORY IS COMPLETED, A PLAN FOR REPLACING DAMAGED SPECIALTY PAVERS WILL BE PUT IN PLACE SO THAT REPAIRS CAN BEGIN WBL A PRIORITIZED MANNER. IN 1999-2000 THE CITY AND THE DAA AGREED THAT THE PUBLIC WORKS DEPARTMENT WOULD PROVIDE DESIGN AND RECONSTRUCTION OF TWO DOWNTOWN ALLEYS PER YEAR UNTIL ALL TARGETED DOWNTOWN ALLEYS HAD BEEN PLACED IN AT LEAST A FAIR CONDITION. 22 ALLEY LOCATIONS WERE TARGETED FOR WORK AND PRIORITIZED BY THE DAA. DESIGN WAS INITIATED AND CONSTRUCTION BEGAN BY 2002. BY THE END OF 2004 THE PUBLIC WORKS DEPARTMENT HAD COMPLETED 13 OF THE 22 LOCATIONS. THE COST OF THE PROGRAM IS APPROXIMATELY \$127,000 PER BLOCK. ARE THE PUBLIC WORKS DEPARTMENT IS STEPPING UP THE PROGRAM AND WILL COMPLETE FIVE ALLEY RECONSTRUCTIONS IN 2007. ANOTHER TWO ALLEYS WILL BE RECONSTRUCTED EACH YEAR IN 2008 AND 2009. THIS WILL BE A SIGNIFICANT EFFORT IN ORDER TO GET ALL 22 ALLEYS COMPLETED BY 2009, WHICH WILL BE 10 YEARS FROM THE TIME THAT THE CITY AND THE DAA AGREED TO THIS PROGRAM. WITH REGARD TO ALLEY CLEANLINESS, THE SOLID WASTE SERVICES DEPARTMENT FLUSHES ALLEYS

WITHIN THE DOWNTOWN AREA ON A ROUTINE WAIVES. A MAP SHOWING THE SERVICE AREA IS CONTAINED WITHIN THE APPENDIX OF THE REPORT. IN 2006, THE POLLUTION PREVENTION AND REDUCTION SECTION WITHIN THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT LED A SIXTH STREET STAKEHOLDER TEAM OF BUSINESS REPRESENTATIVES AND STAFF FROM SEVERAL CITY DEPARTMENTS. TWO MEETINGS WERE HELD IN THE SPRING OF 2006 WITH THE GOAL OF DEVELOPING SOLUTIONS FOR REDUCING ORDER AND POLLUTION PROBLEMS. THE LIST OF RECOMMENDATIONS WAS DEVELOPED AND IMPLEMENTATION BEGAN MIDYEAR 2006. UNFORTUNATELY, THE POLLUTION PREVENTION AND REDUCTION SECTION HAD EMPLOYEE TURNOVER AT THAT TIME AND HAD FOUR VACANT POSITIONS. THE SECTION IS CURRENTLY RESTAFFING AND HOPES TO BEGIN MOVING FORWARD WITH THE INITIAL RECOMMENDATIONS BY THE SPRING OF 2007. THOSE RECOMMENDATIONS INCLUDE INVESTIGATING THE FEASIBILITY OF REQUIRING BUSINESSES TO LABEL THEIR GREASE TRAPS AND GREASE RENDERING BARRELS. THIS LABELING WILL ALLOW FOR MORE EFFECTIVE AND QUICK RESPONSE FOR IDENTIFYING THE BUSINESS OWNER OR CONTRACTOR RESPONSIBLE FOR THE GREASE TRAPS AND GREASE BARRELS. ANOTHER RECOMMENDATION IS TO EXPLORE IMPLEMENTING A CITY CONTRACT FOR A SINGLE SERVICE PROVIDER FOR GREASE COLLECTION. THE CITY CURRENTLY HAS A SIMILAR ARRANGEMENT FOR WASTE DISPOSAL. GETTING TO A SINGLE CONTRACT WILL ALLOW FOR A TARGETED ENFORCEMENT IN THE EVENT A VIOLATION OCCURS. AN ADDITIONAL RECOMMENDATION IS MAKING SURE THAT CITY STAFF USES ITS BEST EFFORTS TO ENFORCE THE CITY'S SINGLE SERVICE WASTE DISPOSAL PROVIDER. WE WANT TO MAKE SURE THAT THE WASTE PROVIDER REPLACES OILED CURBS AND -- ODOROUS AND DIRTY DUMPSTERS ON A ROUTINE BASIS. FINALLY, THEY WILL MOVE FORWARD WITH IMPLEMENTING THE REMAINING RECOMMENDATIONS IDENTIFIED THROUGH THE 2006 SIXTH STREET STAKEHOLDER MEETINGS. THOSE RECOMMENDATIONS ARE LISTED IN THE REPORT

AND INCLUDE IMPLEMENTING AN AWARD PROGRAM FOR BUSINESSES THAT TAKE THE INITIATIVE TO IMPLEMENT PRACTICES THAT PREVENT POLLUTING DISCHARGES. CONTINUING THE AUSTIN ENERGY PROGRAM FOR UPGRADES AND MAINTENANCE OF ALLEY LIGHTING TO MINIMIZE POLLUTING ACTIVITIES, PROVIDING TRAINING REGARDING BEST MANAGEMENT PRACTICES TO BUSINESSES ON POLLUTION PREVENTION PRACTICES. ESTABLISHING A NETWORK OF STAKEHOLDER AGENCY TO NOTIFY PRIOR TO STREET AND NON-STREET CLOSURE EVENTS FOR COLLABORATION FOR IMPLEMENT POLLUTION PREVENTION PRACTICES AND FINALLY ENFORCING CITY CODES TO ATTEMPT TO STOP REPEAT OFFENDERS. WITH REGARD TO TREE GRATES, THE PARKS AND RECREATION DEPARTMENT REPLACES TREE GATES AS NEEDED. THE PARKS AND RECREATION DEPARTMENT IS READY TO BEGIN TESTING A MATERIAL THAT CAN BE INSTALLED UNDERNEATH THE TREE GRATES IN ORDER TO MINIMIZE TRASH THERE. DEPENDING ON WHETHER THE MATERIAL IS EFFECTIVE, THE PARKS AND RECREATION DEPARTMENT WILL INSTALL THE FILTER MATERIAL AT A COST OF \$22,000. THE PARKS AND RECREATION DEPARTMENT HAS ORDERED REPLACEMENT GRATES AND IS READY TO BEGIN INSTALLING THESE GRATES THROUGHOUT DOWNTOWN. IN 1995 THE CITY OF AUSTIN RECEIVED A BICYCLE RACK INSTALLATION GRANT THAT WAS USED TO PURCHASE THE GREEN PAINTED BIKE RACKS LOCATED THROUGHOUT THE DOWNTOWN AREA. BECAUSE THE METAL BIKE RACKS ARE PAINTED, THE CONTACT WITH BICYCLES EVEN LEADS TO PAINT SCRATCHES AND CHIPS. AS A RESULT, THE BIKE RACKS NEED SIGNIFICANT MAINTENANCE FOR THEIR APPEARANCE. BECAUSE OF THE NUMBER OF BIKE RACKS, THIS REPLACEMENT WOULD BE A MULTI-YEAR PROGRAM. THERE ARE A NUMBER OF TRAFFIC SIGNAL CABINETS LOCATED THROUGHOUT THE DOWNTOWN AREA. THESE CABINETS ARE A FAVORITE TARGET FOR STICKER. THE DAA AND THE DOWNTOWN RANGERS REMOVE THESE STICKERS ON A REGULAR BASIS. THE DAA IS RESEARCHING AN IDEA FOR TREATING THESE AN NETS AS AN ARTIST'S

CANVASS. CITY STAFF RECOMMENDS WORKING WITH THE DAA IN RESEARCHING THIS IDEA AND LENDING ASSISTANCE WHERE POSSIBLE. WITH REGARD TO NEWS RACKS, THE CITY OF AUSTIN DOES NOT CURRENTLY REGULATE NEWS RACKS. THERE ARE A NUMBER OF NEWS RACK OF VARYING SIZES AND SHAPES LOCATED THROUGHOUT DOWNTOWN. CITY STAFF HAS REVIEWED PROGRAMS IMPLEMENT UNDERSTAND OTHER CITIES THAT ARE MEANT TO BRING UNIFORMITY TO NEWS RACKS. THERE ARE THREE BAS PROGRAMS THAT ARE USED IN LARGER CITIES. THESE INCLUDE CITY OWNERSHIP OF THE NEWS RACKS. A NEUTRAL THIRD-PARTY OWNERSHIP OF NEWS RACKS. AND LASTLY, A MAJOR NEWSPAPER OWNERSHIP OF NEWS RACKS. CITY STAFF IS RECOMMENDING AN INITIAL MEETING WITH PERIODICAL REPRESENTATIVES TO EXPLAIN THE GOAL FOR A NEWS RACK PROGRAM AND DISCUSS OPTIONS FOR PROGRAM ADMINISTRATION AND TO INVITE COMMENTS. SUBJECT TO THE RESULTS OF THE INITIAL MEETING, STAFF WILL PROCEED WITH MOVING FORWARD WITH THE PILOT PROGRAM. WITH REGARD TO MON.... MONUMENTS AND WORKS OF ART, THERE ARE SEVERAL DEPARTMENTS WORKING ON A PLAN AND OPERATING BUDGET FOR ADDRESSING GREAT STREET SCAPE MAINTENANCE THAT WILL INCORPORATE MAINTAINING MONUMENTS AND WORKS OF ART. WITH REGARD TO CODE ENFORCEMENT, THERE ARE A NUMBER OF CITY DEPARTMENTS THAT ENFORCE CITY CODES. SPECIFICALLY THE RIGHT-OF-WAY MANAGEMENT DIVISION AND THE HEALTH AND HUMAN SERVICES SERVICES DEPARTMENT USES A SIGNIFICANT AMOUNT OF TIME ENFORCING CITY CODES AND REGULATIONS IN THE DOWNTOWN AREA. THE ENVIRONMENTAL AND CONSUMER HEALTH UNIT OF THE HEALTH AND HUMAN SERVICES DEPARTMENT HAS RESTAURANT INSPECTORS THAT REGULARLY INSPECT RESTAURANTS IN THE DOWNTOWN AREA. PART OF THIS INSPECTION INCLUDES CHECKING ALL OUTSIDE STORAGE AND WASTE RECEPTACLES DURING EACH INSPECTION. STAFF IS RECOMMENDING ADDING A SANITARY POSITION THAT IS DEDICATED TO DOWNTOWN RESTAURANT INSPECTIONS TO ENSURE THAT RESTAURANTS ARE



RUE 10LY INSPECTED ON A REGULAR BASIS. THE ANNUAL COST FOR THIS POSITION IS \$70,736. THE RIGHT-OF-WAY MANAGEMENT DIVISION WITHIN THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT MONITORS BARRICADE INSTALLATION AND REMOVAL. BECAUSE THERE ARE 122 SPECIAL EVENTS THROUGHOUT THE YEAR, THE CURRENT PRACTICE IS TO PERFORM SPOT CHECKS FOR BARRICADE INSTALLATION AND REMOVAL COMPLIANCE AND SPECIFIC MONITORING IS DONE THROUGH A COMPLAINT DRIVEN BASIS. RIGHT-OF-WAY MANAGEMENT ALSO INSPECTS VALET OPERATORS AND CONSTRUCTION WORK ZONES. MOST INSPECTIONS TAKE PLACE ON THE WEEKENDS AND DURING ABNORMAL HOURS EITHER LATE IN THE EVENING OR EARLY IN THE MORNING. THERE ARE CURRENTLY TWO INSPECTORS THAT PERFORM THESE INSPECTIONS. STAFF IS RECOMMENDING THE ADDITION OF TWO INSPECTORS IN THIS DIVISION SO THAT MONITORING CAN BE PERFORMED ON A MORE PROACTIVE BASIS RATHER THAN A REACTIVE BASIS. THE COST FOR THIS RECOMMENDATION IS 130,000, WHICH INCLUDES 50,000 FOR THE PURCHASE OF TWO VEHICLES. WRASHD TO AUSTINNING -- WITH REGARD TO AWNINGS, STAFF RECOMMENDS HAVING OWNERS REPLACE DAMAGED AWNINGS. THE DAA ADDRESSES THESE BUSINESSES DIRECTLY WHEN THEY ARE TORN, AT THAT TIM TATTERED OR BECOME UNSIGHTLY. WITH REGARD TO ATM'S, CITY STAFF RECOMMENDS RESEARCHING WHETHER THE CITY HAS ANY ENFORCEMENT ABILITY IN REGULATING THE LOCATIONS OF ATM'S. THERE ARE A NUMBER OF ATM'S LOCATED ALONG THE EAST SIXTH STREET AREA. THE DAA HAS RECOMMENDED THAT THE CITY REGULATE ATM LOCATIONS, HOWEVER, OUR FIRST STEP WILL BE TO DETERMINE IF THIS IS POSSIBLE. SINCE OCTOBER 2006 THERE HAVE BEEN A FEW ISSUES THAT HAVE BEEN SUCCESSFULLY RESOLVED. THE DAA'S CURRENT PRACTICE FOR PRESSURE WASHING SIDEWALKS FALLS OUTSIDE OF CITY REGULATIONS. THE PRESSURE WASHING MACHINE WILL ENSURE THAT THE DAA OPERATES WITHIN CITY CODE WHEN WASHING SIDEWALKS. SECONDLY, 12 ASHTRAYS HAVE BEEN PURCHASED AND ARE READY TO BE

INSTALLED ON EAST SIXTH STREET. THE INSTALLATION OF THESE ASH TRAYS WILL HELP PREVENT CIGARETTE BUTTS INTO CIGARETTES AND THE TREE GRATES. CITY STAFF IS WORKING WITH THE PECAN STREET OWNER'S ASSOCIATION TO DETERMINE THE APPROPRIATE LOCATION FOR THESE ASHTRAYS AND TO DEVELOP A MAINTENANCE PLAN. WITH RESPECT TO GRAFITTI REMOVAL ON OCTOBER 1ST, 2006, THE AUSTIN POLICE DEPARTMENT ASSIGNED A FULL-TIME DETECTIVE TO WORK SPECIFICALLY ON GRAFITTI CRIMES. THE DETECTIVE WILL WORK WITH THE DAA, THE TRAVIS COUNTY DISTRICT ATTORNEY ASSIGNED TO DOWNTOWN AND OTHER AGENCIES TO IDENTIFY PERPETRATORS AND MIN MUSE GRAFITTI CRIME IN THE DOWNTOWN AREA. ANOTHER SUCCESSFULLY ADDRESSED ISSUE IS THE LITTLEFIELD CLOCK. THE CLOCK HAD NOT BEEN FUNCTIONING FOR SOMETIME AND CAUSED CONFUSION FOR DOWNTOWN VISITORS. THE RIGHT-OF-WAY MANAGEMENT STAFF CONTACTED THE PROPERTY OWNER AND THE CLOCK HAS SINCE BEEN REPAIRED. LASTLY, A MAJOR SUCCESS THAT IS NOT LISTED IS WATER ACCESS ALONG THE 200 TO 500 BLOCKS OF EAST SIXTH STREET. AS I MENTIONED PREVIOUSLY, THE DAA CURRENTLY STRETCHES WATER HOSES TO THE BLOCK FACES. THE LAST AND FINAL STEP FOR RECON.....RECONFIGURATION INVOLVES THE INSTALLATION OF QUICK CONNECTS WHICH SHOULD BE INSTALLED BY NEXT WEEK. IN OCTOBER 2006 RECOMMENDATIONS WERE MADE TO CREATE A SIXTH STREET URBAN ENTERTAINMENT DISTRICT TASKFORCE, REGULATE ATM'S, DEVELOP STOREFRONT AND SIGNAGE DESIGN GUIDELINES AND WIDEN SIDEWALKS. CITY STAFF RECOMMENDS THAT THESE ISSUES BE ADDRESSED WITHIN THE UPCOMING DOWNTOWN MASTER PLAN. IT BECAME EVIDENT THAT THERE MIGHT BE FUTURE DISCUSSIONS. A REQUEST HAS BEEN MADE TO INSTALL PARKING METERS ALONG EAST SIXTH STREET AND TO USE A PORTION OF THE REVENUE FOR EAST SIXTH STREET IMPROVEMENTS. THE CURRENT CITY POLICY REQUIRES THAT 60% OF BUSINESS OWNERS AND TENANTS CONSENT TO HAVE THE METERS INSTALLED. ADDITIONALLY THE

CITY OPERATES UNDER A CURRENT RESOLUTION THAT A PORTIONS 30% OF DOWNTOWN PARKING METER REVENUE TO GREAT STREETS AND THE REMAINING 70% TO GENERAL FUND. WITH REGARD TO BARRICADE INSTALLATION AND REMOVAL, THE CURRENT BUSINESS PRACTICE IS TO ALLOW BUSINESSES THREE DAYS BEFORE AND THREE DAYS AFTER AN EVENT TO INSTALL AND REMOVE BARRICADE EQUIPMENT. A MORE STRINGENT TIME LINE COULD BE CONSIDERED; HOWEVER, WE HAVE BEEN INFORMED THAT CREATING A MORE STRINGENT TIME LINE THAT IS PAID FOR BARRICADES AND BUSINESSES. A RECOMMENDATION MADE TOFS INCREASE THE STREET VENDOR PERMIT FEE AND TO USE THE REVENUE FOR IMPROVEMENTS TO EAST SIXTH STREET. THE FEE IS CURRENTLY SET BY ORDINANCE AT \$400 PER YEAR. THERE ARE 37 LICENSED STREET VENDORS CURRENTLY. A CHANGE TO THE FEE WILL REQUIRE CITY COUNCIL APPROVAL. WITH REGARD TO DELIVERY ZONES, CITY STAFF WOULD LIKE TO RESEARCH FINES CHARGED IN OTHER CITIES FOR VIOLATIONS. THE CURRENT FINE AMOUNT IS SET AT \$75 PER CITATION; HOWEVER, IF THE FINE IS PAID PRIOR TO THE COURT DATE, IT IS REDUCED TO \$35. CITY STAFF HAS ENCOUNTERED REPEAT OFFENDERS THAT FEW THE FINES AS A COST OF DOING BUSINESS. WOULD LIKE TO RESEARCH THIS ISSUE MORE TO DETERMINE OTHER EFFECTIVE MEANS FOR ENFORCING DELIVERY ZONE REGULATIONS. IF APPROVED THE CITY STAFF TASKFORCE WILL MEET REGULARLY TO IMPLEMENT THE THINGS TALKED ABOUT TODAY, PERFORM OPERATIONS AND ISSUES, PROVIDE ENHANCEMENT TO SERVICES AND PROVIDE PROGRESS REPORTS TO THE CITY MANAGER. IF APPROVED, THE ITEMS OF A SIXTH STREET URBAN ENTERTAINMENT DISTRICT TASKFORCE, ATM REGULATION, STOREFRONT AND SIGNAGE DESIGN GUIDELINES AND WIDENING SIDEWALKS WILL BE ADDRESSED IN THE DOWNTOWN MASTER PLAN AND IF DESIRED THE ITEMS OF INSTALLING PARKING METERS ON EAST SIXTH STREET, BARRICADE AND REMOVAL POLICIES, STREET VENDOR PERMIT FEES AND DELIVERY ZONE ENFORCEMENT PRACTICES CAN BE DISCUSSED WITH THE CITY COUNCIL IN THE

NEAR FUTURE. THIS CONCLUDES THE PRESENTATION OF RECOMMENDATIONS REGARDING CLEANLINESS, PEDESTRIAN SAFETY, ATTRACTIVENESS AND CODE ENFORCEMENT. NEXT REPRESENTATIVES FROM THE AUSTIN POLICE DEPARTMENT WILL DISCUSS CRIME STATISTICS IN THE DOWNTOWN AREA AND EAST SIXTH STREET AND BARRICADE PRACTICES.

Mayor Wynn: BEFORE WE GET TO THE POLICE CHIEFING, ANY QUESTIONS FOR MR. GONZALES REGARDING THE PRESENTATION TO THIS POINT? COMMENTS? THANK YOU ALL. NOW FOR THE POLICING AND SAFETY BRIEFING. LIEUTENANT, WELCOME.

MORNING, MAYOR, MAYOR PRO TEM, COUNCIL, CITY MANAGER. I'M LIEUTENANT CHRIS NOBLE WITH THE AUSTIN UNDERSTAND AUSTIN POLICE DEPARTMENT AND I'VE BEEN ASSIGNED TO THE DOWNTOWN AREA COMMAND FOR JUST OVER THREE YEARS. AND I'VE BEEN ASKED TO MAKE THIS PRESENTATION TO YOU AS I HAVE MORE DIRECT EXPERIENCE WITH SERVICE DELIVERY IN THE DOWNTOWN AREA. TODAY OUR PRESENTATION WILL FOCUS ON SEVERAL ISSUES, MAINLY TO GIVE YOU AN OVERVIEW OF POLICE SERVICES, HOW WE DELIVER SERVICES IN THE ENTERTAINMENT DISTRICT WITH REGARD TO OUR STAFFING, CRIME ON SIXTH STREET AS COMPARED TO THE REST OF THE SECTOR OF THE DOWNTOWN AREA COMMAND, AND IN THE EVENT THAT I USE THE TERM DTAC, THAT'S OUR WORDS FOR AREA COMMAND. PLEASE STOP ME IF YOU DON'T UNDERSTAND WHAT I'M SAYING. ALSO WE'LL ADDRESS UNIVERSITY OF BARRICADE WHZ WE SEAL OFF THE EAST SIXTH STREET ENTERTAINMENT DISTRICT. AND THEN SUMMATION WILL BE AREA COMMAND AND WHAT WE CAN EXAMINE LATER ON. THE DOWNTOWN AREA COMMAND IS DEFINED GEOGRAPHICALLY IN A NUTSHELL, THE RIVER UP TO 26TH STREET, DEAN KEETON, CUTS INTO WEST CAMPUS, I-35 TO MOPAC. KIND OF A -- IT DOES HAVE A LITTLE BORDER, BUT THAT'S IT IN A NUTSHELL. REGARDING DTAC STAFFING, THE AREA COMMAND AS COMPARED TO OTHER SECTORS, WE ARE ONE THAT HAS -- WE

HAVE MORE STAFFING AS COMPARED TO THE REST OF THE CITY WITH THE EXCEPTION OF TWO OTHER SECTOR, AND THAT BEING THE RATIONALE BEHIND THAT IS DUE TO THE INFLUX OF BUSINESSES, AND I'LL ADDRESS THAT A LITTLE BIT MORE HERE IN A MOMENT, BUT IF YOU NOTICE WE DO HAVE 120 SWORN PERSONNEL, 13 CIVILIAN, AND INCLUDED IN THAT CIVILIAN PERSONNEL ARE DOWNTOWN RANGERS THAT MAKE UP NINE OF THAT. WE DO TEND TO HAVE AN INFLATED PERSONNEL AND CIVILIANS. REGARDING STAFFING AT PEAK TIMES WHICH CAN BE COMPARED OR CONSIDERED THURSDAY, FRIDAY AND SATURDAY NIGHTS, WE DEVOTE A SIGNIFICANT PORTION OF OUR STAFFING AT THAT TIME. IS YOU WILL NOTICE THAT THE DOWNTOWN AREA COMMAND, THOUGH IT'S NOT ON THE LEFT-HAND SIDE OF THE GRAPHIC, IMBEDDED INTO THE PHOTO ITSELF, WE HAVE BASICALLY UNDER FOUR SQUARE MILES OF JURISDICTION. AND COMPARATIVELY SPEAKING TO THE OTHERS, WE ARE VERY SMALL, BUT THERE AGAIN WHEN WE GET INTO THE INFLUX OF BUSINESS POPULATION DURING THE WORK WEEK WITH THE INCREASING RESIDENTIAL POP POPULATION WITH ALL THE NEW DOWNTOWN LOFTS THAT ARE GOING IN AND THEN THE INFLUX OF LOFTS AND NEW PARNLTS UP IN WEST CAMPUS, THE HOMELESS POPULATION, CONVENTION, VISITORS, TOURISM, PARADES, SPECIAL EVENTS, PROTESTS JUST IN THE DOWNTOWN AREA. THE CAPITAL COMPLEX EVENTS AND THEIR PROTESTS AND THEN THE UNIVERSITY OF TEXAS, THEIR EVENTS AND OF COURSE THEIR PROTESTS AS WELL. WITH REGARD TO VIOLATE CRIME, IN 2006 CITYWIDE VIOLENT CRIME WAS UP APPROXIMATELY 10 PERCENT CITYWIDE. LET ME TAKE A STEP BACK OF HOW THIS WILL BE LAID OUT FOR YOU. WITH REGARD TO -- OUR COMPARISON WESTBOUND WILL BE WITH THE DOWNTOWN -- THE DOWNTOWN AREA COMMAND WITH THE CITY AND WE WILL FURTHER BREAK IT DOWN INTO HOW EAST SIXTH STREET STACK UP TO DTAC AND THE BIG PICTURE ALL THE WAY DOWN TO THE LITTLE PICTURE. ON THE SECOND BULLET YOU WILL NOTICE THAT VIOLENT CRIME THROUGHOUT THE CITY WAS UP, DTAC WE EXPERIENCED AN ACTUAL DOUBLE DIGIT INCREASE IN CRIME. THEN EVEN

FURTHER DOWN TO THE SIXTH STREET ENTERTAINMENT DISTRICT ITSELF FOR 2006 WE EXPERIENCED A 24 PERCENT DECREASE IN CRIME OVERALL. WHAT THAT HAS TO DO WITH IS HOW WE REPORT OUR CRIME STATISTICS TO THE F.B.I. INDEX ONE OF VIOLENT CRIMES INCLUDE MURDER, ROBBERY, VIOLENT CRIME, ASSAULT. IT DOES INCLUDE SOME PROPERTY CRIMES, MEANING BURGLARY OF A VEHICLE, THEFT AND AUTO THEFT. VIOLENT CRIME TOAGHTSES CITYWIDE WERE UP SLIGHTLY. PROPERTY RADIO CRIME WE ACTUALLY HAD A SLIGHT DECREASE OF 1.35 AND INDEX ONE TOTAL CRIME CITYWIDE WAS .56 DECREASE. NOW, THE DOWNTOWN AREA COMMAND, WE'LL TAKE YOU DOWN TO A SMALLER PICTURE OVERALL PROPERTY CRIME WAS DOWN OVER 16%. AND THAT ALL CRIME TOTAL FOR THE DOWNTOWN AREA COMMAND IS 16% OR OVER 16. SIXTH STREET ITSELF, WHAT WE CONSIDER THE EAST SIXTH STREET ENTERTAINMENT DISTRICT, 24 PERCENT DECREASE FOR VIOLENT CRIME TOTAL FOR CALENDAR YEAR 2006 VERSUS 2005. 10 PERCENT DECREASE IN PROPERTY CRIME AND JUST UNDER 13% ALL CRIME. AND HERE AGAIN, THIS IS JUST FOR YOUR OWN DIGESTION, THE GRAPHICS TO ACTUALLY PUT IT INTO PERSPECTIVE WITH REGARD TO THE MURDERS. THE VIOLENT CRIME, WE ARE VERY PROUD OF OUR EFFORTS IN MAKING DOWNTOWN A SAFER AREA. AND I THINK THE NUMBERS IN AND OF THEMSELVES SPEAK WELL. THESE ARE WHAT EVERYBODY HEARS ABOUT. THEY'RE NOT PART ONE CRIMES. MORE OR LESS WITH THE EXCEPTION OF THE ASSAULT WITH INJURY, THESE ARE NUISANCE CRIMES. BUT THEY DO HAVE A SIGNIFICANT IMPACT IN THE CRIME STATS AS COLLECTED AND IN THE IMPACT ON PEOPLE AND VISITORS TO THE DOWNTOWN AREA. YOU WILL NOTICE PUBLIC INTOXICATION, WE MAKE A LOT OF PUBLIC INTOXICATION ARRESTS, WHETHER THEY'RE CUSTODY ARRESTS OR MISDEMEANOR VIE S.S.I.TATIONS WHERE WE CITE AND RELEASE THE PERSON TO A RESPONSIBLE ADULT. AND THEN PER CALENDAR YEAR ON SIXTH STREET, OF COURSE THAT TOTAL OF 885 CRIMES. TOP FIVE OFFENSES ON EAST SIXTH STREET AND THIS IS WHAT WE CONSIDER EAST SIXTH STREET IS

OUR ENTERTAINMENT DISTRICT. AND WE WANTED TO INCLUDE, JUST SO YOU HAVE EVEN A BETTER HISTORY, WE WANTED TO INCLUDE CALENDAR YEAR OF 2004. IF YOU NOTICE EACH ONE OF THOSE CATEGORIES ALMOST FITS A PERFECT BELL CURVE, WHICH IS TYPICAL WITH REGARD TO CRIME, THE RISE AND THEN ULTIMATE DECREASE. THEN BARRICADE. AS AN OVERVIEW, THE HISTORY OF THE BARRICADES WENT UP IN THE 80'S. WE DID IT -- BACK THEN THERE WERE NOT A WHOLE LOT OF BARS AND BACK THEN BARRICADES WERE NOT NECESSARY. AND BY THE LATE 80'S THE TONE OF SIXTH STREET OR THE ENTERTAINMENT DISTRICT WAS CHANGING AND BECOMING MORE OF AN... AN URBAN ENTERTAINMENT DISTRICT WITH MORE BARS AND INFLUX OF PEOPLE, BOTH DESIRABLE PATRONS AND THE UNDESIRABLE PATRONS AS WELL. WE WERE START TO GO HAVE SOME GANG ACTIVITY AND INTERACTIONS WITH PEDESTRIANS VERSUS VEHICLES, SO IN THE INTEREST OF PUBLIC SAFETY, WE STARTED INSTITUTING A PROGRAM OF BARRICADING CERTAIN LOCATIONS DOWN ON SIXTH STREET IN ORDER TO CUT OFF THE TRAFFIC AND MAKE IT A SAFER AREA. AND OVER THE YEARS, WE CONTINUE TO USE THE BARRICADES. IT'S MAINLY A PUBLIC SAFETY CONCERN WHEN THE CROWDS GET TOO BIG, THE SIDEWALKS CANNOT ACCOMMODATE THE CROWDS. AND WHEN THEY START SPILLING OUT INTO THE STREETS, THEN WE HAVE TO TAKE THAT PROACTIVE MEASURE TO GO AHEAD AND BARRICADE. AND WE'VE BEEN -- IT'S ALWAYS BEEN OUR INTENT THAT WE TRY NOT -- THAT WE TRY NOT TO BARRICADE BEFORE 10:30. RIGHT NOW IT'S FAIRLY WELL INCLUSIVE. WHAT THAT DOES IS IT ALLOWS US TO SHUT DOWN THE STREET WHILE MANPOWER IS AVAILABLE, STAY AHEAD OF THE PEDESTRIAN TRAFFIC, BEING IN A PREVENTIVE MODE RATHER THAN A REACT ACTIVE MODE. THE POLICE RESPONSE, OUR RESPONSE IS MUCH QUICKER AND THERE AGAIN WHEN WE PUT THE BARRICADES UP THAT LATE SO AS NOT TO INTERFERE WITH CUSTOMER ACCESS TO RESTAURANTS AS THEY ARE TYPICALLY CLOSED AT THAT TIME. THERE AGAIN WHEN IT'S RAINING AND COLD, WE GENERALLY DON'T FIND THE NEED FOR IT. AND WE HAVE TRIED

NOT BARRICADING, BUT WE ALWAYS END UP HAVING TO COME BACK TO IT IN ORDER FOR PUBLIC SAFETY CONCERNS. IT'S NOTED THAT ON ANY THURSDAY, FRIDAY OR SATURDAY NIGHT WE HAVE ANYWHERE BETWEEN 7,000 AND 10,000 PEOPLE OUT ON THE STREET. AND IT CAN SWELL UP TO CONSIDERABLY MORE. AND WHAT DOES THE FUTURE HOLD? WITH THE NUMBER OF RESIDENTS MOVING INTO THE DOWNTOWN AREA, AS MAYOR WYNN HAS INDICATED, THAT WE MIGHT SEE UP TO A 25,000 PERSON INCREASE OVER THE NEXT 10 YEARS. AND IN ADDITION TO THAT, THE POPULATION DENSITY OF THE WEST CAMPUS AREA IS GROWING SIGNIFICANTLY. JUST DRIVING THROUGH THERE YOU CAN NOTICE WHERE ALL THE OLD SINGLE-FAMILY HOUSES THAT HAVE BEEN CONVERTED TO FRAT HOUSES OR FOUR OR FIVE, SIX BEDROOM OR SIX APARTMENT TYPE HOUSES. THOSE ARE GOING DOWN, BEING RAISED AND NOW YOU'RE HAVING HI-RISE BUILDING BEING PUT IN AND THAT WILL SIGNIFICANTLY AFFECT US AS WELL ON DELIVERY OF POLICE SERVICES. AND IN CONCLUSION, WE ASK -- IT ALLOWS THE FLEXIBILITY TO PROVIDE THE STAFFING SERVICES TO THE DOWNTOWN AREA AND THERE AGAIN OUR NUMBER SPEAK WELL OF US. IF ANYBODY HAS ANY QUESTIONS QUESTIONS...

Mayor Wynn: THANK YOU. QUESTIONS OR COMMENTS? I WILL SAY, I'VE SEEN STATS -- PUBLIC SAFETY STATS. GENERALLY SPEAKING A.P.D. DOES A REALLY GOOD JOB OF TRACKING EVEN SORT OF THE DAYS OF THE WEEK AND THE HOUR OF THE DAY. FOR INSTANCE, WE'VE SEEN THE VEHICULAR FATALITIES WHERE WE CAN SHOW PEOPLE, FRANKLY WHAT DAY OF THE WEEK AND WHAT HOURS OF THOSE DAYS ARE MOST DANGEROUS. DO WE BOTHER TO DO THAT WHEN IT COMES TO ASSAULTS, MURDERS, DIFFERENT -- THE TIER ONE VIOLENT CRIMES? AND IF WE DO, IS THERE -- IS DOWNTOWN -- IS IT MEASURABLY DIFFERENT THAN WHAT MIGHT BE EXPECTED OR EXPERIENCED ACROSS THE CITY?

I'LL GO BACK TO THAT. AS FAR AS THE TIMES GO, I CAN'T ADDRESS THAT, WHEN THEY ARE REPORTED.



BUT YES, WE CAN TRACK IT, EXTRACT THAT INFORMATION OUT AND GENERATE IT. I CAN'T SPEAK FIRSTHAND TO IT RIGHT NOW. I KNOW OUR ASSAULTS BY CONTACT, THOSE REPORTS DO GO UP SIGNIFICANTLY AT BAR CLOSING TIME ON WEEKENDS.

Mayor Wynn: MY INSTINCT OF COURSE IS YOUR STAFFING DECISIONS ARE BASED ON WHETHER -- SCIENTIFICALLY MORE THAN LIKELY, SORT OF INTUITIVELY OVER YOUR EXPERIENCE THERE.

TO ANSWER YOUR QUESTION WITH REGARD TO VIOLATE CRIME CITY WIE, WE ARE SO FAR BELOW EVERYBODY ELSE IN THIS CITY. AND WHY THAT IS, OF COURSE STAFFING HAS A LOT TO DO WITH THAT AND JUST THE PRESENCE THAT WE HAVE DOWNTOWN. AND THAT CAN BE ARGUED EARLY WAY AS FAR AS WHETHER IT'S TOO MUCH OR TOO LITTLE; HOWEVER, GOING BACK TO WHEN WE COMPARE OURSELVES TO SIXTH STREET, TO DTAC, TO THE CITY IN GENERAL, WE'RE PRETTY LOW. WE'RE REAL LOW.

Mayor Wynn: RIGHT. OKAY.

Futrell: AND THE TRENDS ARE GOING IN THE RIGHT DIRECTION AND I THINK THEAFS PROBABLY THE MOST IMPORTANT THING WHEN WE LOOKED AT THE NUMBERS.

ABSOLUTELY.

Mayor Wynn: AND FRANKLY, I DON'T HAVE A LOT OF STATS OR DATA TO BACK THIS UP, BUT IT SEEMS TO ME THAT JUST INTUITIVE THAT AS MORE PEOPLE MOVE DOWNTOWN, FRANKLY AS WE HAVE MORE EYES AND EARS ON THE STREETS, MY INSTINCT IS IT'S ACTUALLY GOING TO BECOME SAFER, IT ACTUALLY HELPS WITH POLICING IF WE HAVE MORE PEOPLE WHO ARE CONCERNED ABOUT WHAT MAY OR MAY NOT BE BE HAPPENING ON THEIR SIDEWALK?

YOU CAN LOOK AT THAT BOTH WAYS. WHEN YOU HAVE MORE EYES AND EARS OUT, ACTUALLY OUR

CALL LOAD GOES UP AND OUR NUMBER BE OF REPORTS GO UP. AND IT'S CRIMES THAT EITHER WERE NOT OCCURRING BEFORE DUE TO NOT HAVING THAT AMOUNT OF PEOPLE OR THEY JUST WEREN'T REPORTED BEFORE THAT ARE NOW BEING REPORTED. AND IT'S KIND OF LIKE IN ANY OTHER AREA COMMAND, IF WE ESTABLISH OR ADD MORE OFFICERS INTO THAT AREA, YOUR CRIME RATE IS GOING TO GO UP. AND IT'S NOT THAT IT'S ANY DIFFERENT THAN IT WAS BEFORE, BUT NOW YOU HAVE SOMEBODY THAT'S ACTUALLY DOCUMENTING. WE ARE SEEING IN DOWNTOWN WE'RE HAVING TO DO THING DIFFERENTLY. NOT DIFFERENTLY. WE'RE HAVING TO DO THING THAT WE DIDN'T DO BEFORE THAT THE REST OF THE CITY HAS BEEN DOING, MAINLY WITH FAMILY VIOLENCE ISSUES? WHEREAS THA THAT WAS A RARE OCCURRENCE. NOW WHEN AN PROTECTIVE ORDER IS ISSUED, WE HAVE TO DO A HOME VISIT. WE HAVE TO DO THEM DOWNTOWN BECAUSE OF ALL THE LOFTS AND APARTMENTS GOING IN. THAT'S NEW TO ME. I SPENT AN HOUR ON THE COMPUTER THE OTHER DAY TRYING TO GENERATE THAT REPORT. FORTUNATELY IT'S STILL VERY MINIMAL FOR US RIGHT NOW, BUT IT THERE AGAIN, THAT'S JUST ONE OF THE CHANGES WITH HOMEOWNERS COMING INTO DOWNTOWN AREA.

..

Mayor Wynn: IT'S NOT NECESSARILY A BAD THING IF THERE ARE MORE REPORTS ON SOMEBODY TAGGING A BUILDING OR SOMETHING. IF THERE'S NOBODY THERE IN THE EVENING OR AT LEAST OR EARLY MORNING, THE BUILDINGS LIKELY ARE GETTING TAGGED, BUT THERE'S NOBODY THERE TO CALL IN OR WITNESS SEEING PROPERTY CRIMES OR ANYTHING ELSE I STILL THINK THAT FUNDAMENTALLY OVER TIME I'M HAVING A LOT MORE PEOPLE DOWN THERE ESSENTIALLY 24/7, A LOT OF HOMEOWNERS AND APARTMENT DWELLERS DOWN HERE HAS TO COMPLIMENT WHAT IT IS YOU ALL ARE DOING FROM A STAFFING STANDPOINT. IS IT LOOKS ALMOST LIKE IT DOES DURING THE DAYTIME WITH AS MANY PEOPLE WALKING THEIR DOG. THAT'S WHAT STRUCK ME OR WHAT DREW MY

ATTENTION TO IT. AND THAT'S WHY I USE THE TERM HOMEOWNERS NOW BECAUSE THAT'S WHAT WE HAVE. IT MAY NOT BE THE TRADITIONAL RANCH STYLE HOUSE, BUT THEY'RE HOMEOWNERS NONETHELESS. THEY WILL EXPECT THE SAME SERVICES AS ELSEWHERE.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I HAVE A QUESTION ABOUT CITIZEN COMPLAINTS. WE HAVE COMPLAINTS AND GOING TO THE POLICE MONITOR'S OFFICE AND THEN CITIZEN REVIEW PANEL. DO WE HAVE SOME STATISTICS AS TO THE NUMBER OF COMPLAINTS COMPARISONWISE WITH OTHER DISTRICTS?

I DON'T HAVE ACCESS TO THAT INFORMATION.

WE DO HAVE THAT. WE HAVE IT BROKEN OUT BY DISTRICT FOR YOU IN THE POLICE MONITOR'S REPORT AND I CAN GET THAT FOR YOU, COUNCILMEMBER. WE CAN EVEN TAKE IT BACK SEVERAL YEARS TO THE BEGINNING OF THE MONITOR'S OFFICE.

WE DO THAT BY OFFICER FOR EACH AREA COMMAND. AND SO THAT'S SOMETHING WE DO ON A REGULAR BASIS.

..

Kim: DO HAVE YOU A SENSE THAT ANY OF THE COMPLAINTS, THAT WE HAVE MORE COMPLAINTS FROM THE DOWNTOWN AREA THAN OTHER PLACES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THERE HAS BEEN A GREAT DEAL OF EFFORT TO DO SOME SPECIAL TRAINING BECAUSE OF THE THAIT OF THE WORK, BECAUSE IT IS WALKING BEAT AND BECAUSE THERE IS GREATER CONTACT. MENTAL HEALTH OFFICER TRAINING FOR DOWNTOWN OFFICERS SO THERE IS A SPECIALIZED LOOK AND A SPECIALIZED FOCUS ON TRAINING, BECAUSE IT'S A DIFFICULT JOB FOR THE OFFICERS ON THE

DOWNTOWN BEAT.

THERE'S A LARGER CONCENTRATION OF PEOPLE AND A SMALLER AREA IN DOWNTOWN WHERE IT IS NOT LIKE THAT IN ANY OTHER PART OF... OF THE CITY.

HEARING SOME COMPLAINTS ABOUT LACK OF ADEQUATE STREET LIGHTING, NOT NECESSARILY IN THE AREAS CLOSER TO CONGRESS AVENUE BUT SORT OF NEAR THE FRINGES ON THE EAST AND WEST SIDE, I GUESS IT WOULD BE WITHIN THE PURVIEW OF AUSTIN ENERGY TO INSTALL THOSE LIGHTS BUT MY QUESTION IS DO YOU CONSIDER THAT TO BE A PROBLEM OR HAS THAT LARGELY BEEN SOLVED OVER THE LAST COUPLE YEARS IS THIS.

THE ONLY LIGHTING ISSUE I'M AWARE OF, I'M UNDER THE IMPRESSION THAT IT'S BEEN RESOLVED AND I SAY THAT BECAUSE THE LIGHTS HAVE BEEN INSTALLED. HOWEVER, NOT ACTUALLY MAKE SURE THEY'RE ON, IS UNDERNEATH THE INTERSTATE 35 BRIDGES BETWEEN SIXTH STREET AND 8TH STREET, THE PUBLIC PARKING AREAS. ELSEWHERE DOWNTOWN, WHENEVER A LIGHTING ISSUE HAS COME UP OR A DISTRICT REPRESENTATIVE, OFFICERS HAVE BEEN VERY SUCCESSFUL IN GETTING CITIZEN COMPLAINTS REGARDING LIGHTING AND WE WORK CLOSELY WITH AUSTIN ENERGY TO GET THOSE RESOLVED BUT AS FAR AS ANY SPECIFIC COMPLAINTS RIGHT NOW I'M UNAWARE OF ANY.

I TRUST YOU'LL CONTINUE TO KEEP AN EYE ON THAT AND ADVISE US --

ABSOLUTELY.

WHEN YOU SEE A NEED.

CERTAINLY. GOOD LIGHTING IS ONE OF THE FUNDAMENTAL CORNERSTONES OF THE COMMUNITY POLICING PART.

COUNCIL MEMBER, FOR A WHILE WE DID HAVE A

PROBLEM WITH THE LIGHTS BEING BROKEN, YOU KNOW, ROCKS THROWN AT THEM, THINGS THAT BROKE THE LIGHTS, SO WE WERE WORKING A THE SYSTEM TO BE SURE THEY GOT REPAIRED QUICKLY. AND THEN AS PART OF COUNCIL MEMBER COLE'S PRESENTATION ON PART OF THE I-35 MAKE OVER THAT'S WHERE WE'RE GOING TO BE WORKING ON THE LIGHTING FOR THE FINAL SEGMENT THAT GIVES YOU THE TRANSITION PIECE UNDER THE I-35 OVERPASS.

FURTHER COMMENTS, QUESTIONS, COUNCIL MEMBER MCCRACKEN?

MCCRACKEN YEAH, ONE ITEM, I WANT TO FIND OUT HOW IT'S WORKING IS THE ENFORCEMENT OF QUALITY OF LIFE --

I'M SORRY.

THE ENFORCEMENT OF THE QUALITY OF LIFE ORDINANCE, THE QUALITY OF LIFE REQUIREMENTS, YOU KNOW, PANHANDLING, A.. AGGRESSIVE PANEL HANDLING.

LYING ON THE SIDEWALKS.

RIGHT.

WE AGGRESSIVELY ENFORCE THOSE ORDINANCES THE BEST WE CAN WHEN WE CAN. I DON'T KNOW IF I'M ANSWERING YOUR QUESTION OR NOT.

COMING TO THE RESCUE COMING UP BEHIND YOU HERE.

I'M MIKE YOUNG. I'M THE COMMANDER FOR THE DOWNTOWN AREA. WE DID HAVE A PRESENTATION AVAILABLE ON THOSE STATISTICS. WE DON'T HAVE THEM WITH US TODAY, BUT WE'D BE GLAD TO COME BACK AND GIVE YOU THOSE OR SEND THOSE TO YOU.

ONE OF THE THINGS WE'RE HEARING FROM PROPERTY OWNERS DOWNTOWN IS CONTINUING PROBLEM WITH SOME VERY AGGRESSIVE

BEHAVIOR THAT WE THOUGHT WAS BEING ADDRESSED BY THE QUALITY OF LIFE ORDINANCE, SO I GUESS WE NEED TO KNOW TWO THINGS. ONE IS KIND OF THE ENFORCEMENT EXPERIENCE AND SECOND IS, ARE YOU-ALL DISCOVERING GAPS IN THE ORDINANCE WE PASSED THAT LEAVE YOUR HANDS TIED TO ADDRESS SOME OF THESE BEHAVIOR THAT'S PROVED REALLY ALARMING, I THINK IN PART BECAUSE NOW WE HAVE SO MANY PEOPLE LIVING DOWNTOWN, THEY'RE FINDING A LEVEL OF INTRUSION IN THEIR PERSONAL SAFETY THAT WOULD REALLY ALARM ANYBODY LIVING ANYWHERE.

I CAN TELL YOU THAT FROM THAT PREVIOUS REPORT THAT THERE WAS A MARKED INCREASE IN THE NUMBER OF CITATIONS FOR THE SITTING AND LYING SLEEPING ORDINANCE. THE OTHER ORDINANCES THAT WERE CHANGED REALLY RELY ON US HAVING A COMPLAINANT FOR THE SOLICITATION AND A LOT OF CASES WE'LL GET THOSE COMPLAINTS TO 911. YOU KNOW, WE'LL SEND OUT OFFICERS BUT THE COMPLAINANT WILL BE GONE BY THEN, AND IN MANY CASES SO WILL BE THE VIOLATOR. SO I DON'T THINK THERE WAS ANY SIGNIFICANT INCREASE IN THE CITATIONS OR THE ARRESTS FOR THE SOLICITATION OR AGGRESSIVE SOLICITATION.

ONE THING THAT WE COULD DO FOR YOU, THOUGH, IS BRING BACK SOON, AT A NEXT MEETING, IS TO GIVE YOU BOTH A TREND OF THE CITATIONS AND AN ANALYSIS FOR EACH ONE OF THE ORDINANCE CHANGES OF WHAT THE BARRIERS HAVE BEEN TO TRY TO ENFORCE ANY OF THEM, TO SEE IF THERE..... THERE ARE SOME GAPS YOU MIGHT WANT TO LOOK AT CLOSING.

ONE OF THE THINGS THAT STRIKES ME IS THAT TRAVEL -- I DO SEE A VERY STRONG LEVEL OF POLICE PRESENCE LISTED IN THE DATA, BUT AS A PERSONAL EXPERIENCE I DON'T JUST SEE A LOT OF POLICE OFFICERS ON THE STREET IN DOWNTOWN AUSTIN, WHICH I THINK IS OBVIOUSLY A POLICY STAFFING DECISION, THAT WE HAVE TO ADDRESS, AND THAT ALL -- I DO FIND THAT IN THE HEAVILY

URBANIZED AREAS, WHEN I'VE BEEN TO OTHER CITIES, IN CITIES LIKE, SAY, PORTLAND, OREGON, WHICH HAS A LOWER POLICE PRESENCE AND A VERY LIGHT TOUCH ON THESE ISSUES, THAT IT LEADS TO SOME VERY ALARMING BEHAVIOR THAT MANY OF US EXPERIENCE WHEN WE VISIT PORTLAND, FOR.... FOR INSTANCE. BUT THEN IF YOU GET OUR AREAS, SAY NEW YORK CITY, YOU SEE A LOT OF POLICE OFFICERS IN THE STREET. IT CREATES A SENSE OF SAFETY THAT IN ADDITION TO THE EYES IN THE STREET HAVING THE POLICE OFFICERS PRESENT ON THE SIDEWALKS, REALLY HAS A VERY POSITIVE EFFECT ON THE SENSE OF PERSONAL SAFETY AND ALSO MAKING IT SAFER. SO I'VE BEEN ACTUALLY LEARNING MORE ABOUT WHAT IS THE CURRENT STAFFING POLICIES WE HAVE AS THIS AREA BECOMES MORE RESIDENTIAL AND IS HEAVILY URBANIZED. SINCE IT SEEMS LIKE WHAT WE'RE HEARING TODAY IS THAT WE DO HAVE A GAP BECAUSE OF A COMPLAINT-DRIVEN SYSTEM, THAT THE AGGRESSIVE BEHAVIOR THAT'S CAUSING A LOT OF CONCERN, THAT WE DON'T HAVE IN PLACE THE POLICIES AND STAFFING SITUATION TO KEEP FOLKS SAFE FROM THE THINGS THAT WE'RE HEARING ABOUT.

WE CAN INCLUDE AN ASSESSMENT FOR YOU OF EXACTLY HOW THE STAFFING LAYS OUT IN... IN... IN THIS DISTRICT VERSUS ALL THE OTHER DISTRICTS.

MCCRACKEN: IT STRIKES ME SORT OF REQUIRE A DIFFERENCE PHILOSOPHY BECAUSE IN MORE SUBURBAN AND AUTO ORIENTED AREAS YOU'RE OBVIOUSLY GOING TO HAVE A STRONGER PERCENTAGE OF YOUR OFFICERS IN PATROL CARS, WHEREAS IN THIS AREA EVERYBODY IS WALKING AROUND THE SIDEWALKS, YOU'RE GOING TO HAVE A -- YOU KNOW, A DIFFERENT SITUATION. THAT'S WHY WE HAVE THE BICYCLE OFFICERS DOWNTOWN. PROBABLY GETTING AROUND FASTER IN A BICYCLE THAN A CAR.

AND OF COURSE THE HORSE PATROL ALSO.

SO WE'LL BE LEARNING BEFORE BECAUSE WE ARE HEARING ABOUT PROBLEMS AND I'M HEARING -- IT

SOUNDS LIKE THE COMBINATION OF THE CURRENT ORDINANCE AND THE STAFFING SITUATION WE HAVE MAY NOT BE EFFECTIVE IN ADDRESSING THESE THINGS IF THE -- IF THE AGGRESSOR IS ALREADY GONE BY THE TIME WE GET THIS COMPLAINT DRIVEN SYSTEM WHEREAS IF WE HAD MORE VISIBLE ON THE SIDEWALK KIND OF PRESENCE, WE COULD THEY.....HEAD THESE THINGS OFF AT THE PASS. NOT HAVE COMPLAINT DRIVEN APPROACHES. SO THESE ARE OBVIOUSLY OUR RESPONSIBILITY OF THE COUNCIL TO ADDRESS. IT WOULD BE HELPFUL TO... TO HAVE THAT INFORMATION. IT SOUNDS LIKE YOU MAY HAVE A GAP.

COUNCIL MEMBER COLE?

COLE: WE WERE REALLY SURPRISED AS WE EMBARKED UPON THE WALLER CREEK PROJECT ON EXACTLY WHAT COUNCIL MEMBER MCCrackEN IS TALKING ABOUT, THE LACK OF THE SENSE OF SAFETY IN THE AREA, AND SIXTH STREET AND DOWNTOWN OF COURSE INTERSECTS WITH WALLER CREEK AND I WOULD JUST LYING TO GET SOME OF YOUR INPUT. I NOTICE THAT STAFF WASN'T A HIGH PERCENTAGE ON THE LIST OF CITYWIDE CRIMES AND ALSO THE DOWNTOWN AREA, WHAT YOU THINK WOULD HAPPEN WITH THE RENOVATION OF THE CREEK IN TERMS OF CRIME.

YOU KNOW, I REALLY KNOW ONLY WHAT I'VE READ OR SEEN IN THE MEDIA ABOUT THE TUNNEL PROJECT, BUT I CAN'T HELP BUT THINK THAT CLEANING UP THAT AREA WOULD DEFINITELY REDUCE CRIME ALONG THE RED RIVER CORRIDOR THERE. I THINK IT GOES BACK TO YOUR BROKEN WINDOWS THEORY, THAT IF THINGS LOOK LIKE THEY'RE NOT BEING TAKEN CARE OF, THEN CRIME IS MORE LIKELY TO OCCUR. SO I THINK ANYTHING THAT IS DONE IN THAT AREA TO CLEAN IT UP WOULD HELP WITH A REDUCTION IN CRIME.

THANK YOU.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS?



COUNCIL MEMBER MARTINEZ?

MARTINEZ: YEAH, I CERTAINLY WANTED TO SUPPORT THE SENTIMENTS BY COUNCIL MEMBER MCCracken AND THE STATEMENT MADE EARLIER THAT I GUESS THE BIGGEST KEY TO CRIME PREVENTION AND RESPONDING TO COMPLAINTS IS STAFFING, AND SO I DID WANT TO SEE WHAT KIND OF STAFFING POLICY WE USE FOR THE DOWNTOWN AREA COMMAND AND COMPARE THAT TO THE REST OF THE CITY AND THEN ALSO COMPARE HOW OVERTIME MIGHT BE IMPACTED IN THE DOWNTOWN AREA COMMAND AS IT RELATES TO THAT STAFFING POLICY.

WE CAN PUT SOMETHING TOGETHER FOR YOU. I THINK IF YOU'LL THINK BACK TO THE FIRST PART OF LIEUTENANT NOBLE'S PRESENTATION, WE NOTED THAT WITH THE EXCEPTION OF TWO OTHER AREA COMMANDS, WHICH ARE MUCH, MUCH LARGER GEOGRAPHICALLY, THE DOWNTOWN AREA COMMAND HAS MORE OFFICERS THAN SIX OF THE OTHER AREA COMMANDS, BUT WE'LL DEFINITELY PUT SOMETHING TOGETHER FOR YOU THAT OUTLINES HOW OUR STAFFING WORKS ON A DAY-TO-DAY AND HOUR TO HOUR BASIS.

AND SO DOES THE STAFFING CHANGE ON AN HOUR TO HOUR BASIS AS THE CROWDS INCREASE? DO WE INCREASE THE STAFFING?

WELL, WE DEFINITELY HAVE MORE STAFFING IN THE EVENING AND AT NIGHT THAN WE DO DURING THE DAYTIME, BUT THE ADVANTAGE THAT WE HAVE DURING THE DAYTIME IS THAT WE ALSO HAVE THE BENEFIT HAVING THE DOWNTOWN RANGERS OUT AS EYES AND EARS FOR US. THAT ADDS ANYWHERE FROM EIGHT TO TEN FOLKS THAT ARE OUT THERE, NOT, OF COURSE, AS POLICE OFFICERS BUT AS EYES AS EARS AND THEY HAVE DIRECT COMMUNICATION WITH THE OFFICERS THAT ARE ON DUTY. BUT WE DEFINITELY HAVE MORE FOLKS OUT WORKING IN THE EVENING AND NIGHTTIME HOURS SIMPLY BECAUSE THE POPULATION AS WELL AS IN..... SWELLS IN THE

EVENING AND NIGHTTIME.

THANK YOU. COUNCIL MEMBER, YOU HAVE A LITTLE UNDER \$500,000 THAT GOES INTO THE DOWNTOWN RANGERS THAT AUGMENT THE POLICING FOR DOWNTOWN'S OUT OF APD, AND ALTHOUGH THIS IS KIND OF A SUMMARY IN YOUR PRESENTATION MATERIAL OF HOW THE STAFFING SIZES OF DISTRICTS, PLUS STAFFING LEVELS, WE'LL GET YOU MORE DETAILS OF THOSE DETAIL OF OVERTIME STAFFING LEVELS. BUT WHAT YOU SEE, THIS IS PROBABLY THE LARGEST CONCENTRATION THAT WE HAVE BECAUSE OF THE NATURE OF THE WORK.

ONE ADVANTAGE WE HAVE OF HAVING SUCH A SMALL GEOGRAPHIC AREA IS WHEN THESE INCIDENTS DO OCCUR WE MAKE A LOT OF ARRESTS BECAUSE WE GET THERE QUICKLY AND THAT ALSO GOES BACK TO COUNCIL MEMBER KIM'S COMMENTS ABOUT THE NUMBER OF COMPLAINTS THAT WE GET DOWNTOWN, BECAUSE WE HAVE A LOT MORE ENCOUNTERS, WE GET THERE QUICKLY WHILE THESE EVENTS ARE STILL GOING ON WHEREAS MAYBE IN OTHER GEOGRAPHIC AREAS OF THE CITY IT MAY TAKE AN OFFICER FIVE, TEN MINUTES TO GET TO THE SCENE BY WHICH TIME THE INCIDENT HAS ALREADY KIND OF SUBSIDED AND IT'S KIND OF A CLEANUP OPERATION AFTER IT'S ALL OVER.

COUNCIL MEMBER MCCRACKEN?

THIS MAY BE GOING OVER TO RODNEY'S PRESENTATION. FOR STARTERS, I THINK THIS IS AN EXCELLENT PRESENTATION ALL THE WAY AROUND. IT REALLY REPRESENTS VERY ACTION VERY GOOD PROGRESS FROM WHAT WE SAW FROM THE PRESENTATION FROM THE DA'S CONSULTANT A FEW MONTHS BACK. SO THAT'S GREAT WORK AND REALLY LIKE THE MOVEMENT WE'RE SEEING IN THE SIDEWALK. ONE CATCH HERE, RODNEY, IS DO WE HAVE PUBLIC RESTROOMS? AND I'M NOT REALLY AWARE WE DO, BUT THAT'S SOMETHING THAT HEAVILY URBANIZED AREAS HAVE A NEED FOR.

WHAT WAS THAT QUESTION? I DIDN'T --

PUBLIC RESTROOMS. WHAT ARE WE DOING ABOUT HAVING PUBLIC RESTROOMS DOWNTOWN?

ABOUT OUR PUBLIC RESTROOMS? I KNOW THERE HAVE BEEN STUDIES BEFORE ABOUT INSTALLING PORTA POTTIES, BUT WHAT WE... WE'VE COME ACROSS IS PATROLLING THOSE AREAS, BECAUSE UNFORTUNATELY, THOSE AREAS, YOU WANT THEM TO REMAIN OPEN FOR THE PUBLIC BUT WHEN YOU LEAVE THEM OPEN OVERNIGHT THEY BECOME A HAVEN FOR CRIME, SO WE'VE HAD SOME ISSUES THE APD HAS BROUGHT FORTH WITH REGARD TO PORTA POTTIES. OF COURSE IF YOU WANT THEM CLOSED, THERE'S BEEN A LOOK AT DOING SOME KIND OF COIN OPERATING MECHANISM, BUT ONCE AGAIN, WHEN YOU HAVE NIGHTTIME VISITORS, WHO'S GOING TO BE THEN HANDING OUT THE COINS TO USE THOSE PORTA POTTIES. SO WE'VE LOOKED AT THE SITUATION AND WE CERTAINLY WILL LOOK AT IT AGAIN BUT EVERY TIME WE LOOK AT IT SEEMS LIKE THERE'S AN OBSTACLE TO INSTALLING THEM.

THERE WAS ALSO A POLICY -- WHEN YOU'VE BEEN AROUND LONG ENOUGH YOU REMEMBER THESE IDEAS, THAT WE ALSO SHOULD EVEN TRY TO BUILD SOME PERMANENT STRUCTURES ON OPPOSITE ENDS OF DOWNTOWN AND IF WE WORKED FOR SIX, EIGHT MONTHS, WE WORKED, I REMEMBER ONE PARTICULAR GROUP, THE ARGUMENTS BECAME THE LOCATION OF THEM. THEY WERE EVEN FUNDED AT ONE POINT. WE COULDN'T GET ANYONE'S AGREEMENT ON WHERE TO PUT THEM. THERE WERE SAFETY ISSUES. I CERTAINLY THINK IT'S WORTH TALKING ABOUT AGAIN. IT COMES UP OVER AND OVER AGAIN, BUT THE OBSTACLES RODNEY HAS TALKED ABOUT IS WHAT COMES UP EACH TIME. WHERE YOU PUT THEM, THE CLEANLINESS ISSUES THAT GO AROUND WITH THEM.

YEAH, ACTUALLY I SAW, THEY HAD AN APPROACH IN SAN FRANCISCO, I SAW LAST MONTH, NOTHING LIKE I'VE SEEN ANYWHERE ELSE, AND IT WAS ARCHITECTURALLY NICER BUT IT HAD A TIMER THAT SAYS IT OPENS IN THREE MINUTES, WHETHER

YOU LIKE IT OR NOT. AND THEY HAVE THEM ALL OVER THE PLACE. ALL RIGHT.

RAINBOWS AND BUTTERFLIES.

BUT I JUST DON'T KNOW HOW MUCH OF A PROBLEM IT IS, BUT IF IT IS A PROBLEM, THAT'S ONE -- THAT'S ONE EXAMPLE I THOUGHT THAT WAS GIFT THAN I HAD SEEN ANYWHERE ELSE IN THE COUNTRY AND JUST STRUCK ME AS -- INTUITIVELY AS EFFECTIVE AS OTHER CITIES WHERE YOU HAVE COIN OPERATED PORTA POTTIES...S --

THERE'S SOME EUROPEAN MODELS THAT HAVE SOME SELF CLEANING MODELS. SO I THINK IT'S WORTH TAKING A LOOK AT. AND THERE'S SOME STAFF MODELS AS WELL.

GREAT JOB. I THINK IT WAS REALLY GOOD.

FURTHER COMMENTS, QUESTIONS?

MAYOR WYNN: IF NOT, THANK YOU. MR. GONZALES AND COMMANDER LIEUTENANT? SO COUNCIL, WE HAVE -- THERE'S NO DISCUSSION ITEMS THAT WE COULD TAKE UP PRIOR TO HEARING OUR CITIZEN COMMUNICATION, AND THEN OUR AHFC MEETING THIS AFTERNOON. SO WITHOUT OBJECTION WE'LL NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071, OPEN MEETINGS ACT, TO TAKE UP POTENTIALLY AGENDA ITEM 40 RELATED TO LEGAL ISSUES REGARDING THIS LEGISLATIVE SESSION, 41, LEGAL ISSUES CONCERNING NORTH CROSS MALL, 42, LEGAL ISSUES RELATED TO A REAL ESTATE MATTER IN NORTHEAST AUSTIN, WHICH RELATES TO ITEM NO. 46, AND ITEM NO. 45, LEGAL MATTERS RELATED TO THE ZONING CASE AT 7TH AND RIO GRANDE. WE ALSO MAKE TAKE UP PURSUANT TO SECTION 551.074, THE OPEN MEETINGS ACT, ITEM NO. 43 RELATED TO THE PERFORMANCE EVALUATION, COMPENSATION OF THE MUNICIPAL COURT PRESIDING JUDGE AS WELL AS THAT OF THE ASSOCIATE AND SUBSTITUTE JUDGES AND THE MUNICIPAL COURT CLERK, AND THEN PURSUANT TO SECTION 551.072, THE OPEN MEETINGS ACT, WE MAKE TAKE UP REAL ESTATE MATTERS, ITEM 46,

AGAIN RELATED TO A PIECE OF LAND IN  
NORTHEAST AUSTIN AND 47 RELATED TO INTEREST  
IN REAL PROPERTY IN THE 900 BLOCK OF WEST  
THIRD STREET. MR. SMITH?

THANK YOU, MAYOR. I MAY HAVE JUST MISHEARD  
YOU BUT I THINK WITH RELATION TO THE ZONING  
ITEM THAT WE MAY GO INTO EXECUTIVE SESSION  
ON LEGAL ISSUES, I THINK YOU MAY HAVE SAID 45  
INSTEAD OF 55.

MAYOR WYNN: THANK YOU. THAT WOULD BE ITEM  
55, WHICH IS THE ZONING CASE C 14060183, 7TH AND  
RIO GRANDE PROPERTY. I JUST -- FRANKLY ONLY  
BEING ABLE TO TAKE UP ONE OR TWO OF THESE  
ITEMS BEFORE COMING BACK, CITIZEN  
COMMUNICATION. THEN FOLLOWING THAT WE  
WILL GO BACK INTO CLOSED SESSION. SO WE'RE  
NOW IN CLOSED SESSION FOR THE NEXT 20-SOME  
ODD MINUTES. THANK YOU VERY MUCH.

GOOD MORNING. WELCOME TO CITY HALL. WE  
HAVE A VERY EXCITING ANNOUNCEMENT THAT WE  
WANT TO KICK OFF. WE'RE PLEASED TO REVEAL  
THE DETAILS OF THE CITY'S NEW REVIEW  
PERMITTING AND INSPECTION SYSTEM FOR THE  
DEVELOPMENT COMMUNITY. THIS NEW SYSTEM IS  
GOING TO GO LIVE ON MONDAY, MARCH 5. NOW, IT  
ALL STARTED BACK WHEN WE CREATED THE ONE  
STOP SHOP FOR DEVELOPMENT, AND THAT WAS IN  
JUNE, THE SUMMER OF 2005. THE CITY TRIED VERY  
HARD TO STREAMLINE A VERY COMPLICATED LAND  
DEVELOPMENT PROCESS, AND WE DID A LOT OF  
DIFFERENT THINGS. WE COMBINED 13 DIFFERENT  
DEPARTMENTS INTO ONE PLACE, A ONE-STOP SHOP,  
SO THAT A CITIZEN, A DEVELOPER ONLY HAD TO GO  
ONE PLACE INSTEAD OF 13 DIFFERENT SITES TO GET  
THEIR WORK DONE. THAT'S OVER IN ONE TEXAS  
CENTER ON BARTON SPRINGS. WE THEN TOOK 50  
SOME ODD DIFFERENT PROCESSES AND WE  
COLLAPSED THEM BY ALMOST 50% TO STREAMLINE,  
IMPROVE, REDUCE THE NUMBER OF PROCESSES  
THAT YOU HAVE TO GO THROUGH, AND THE THIRD  
AND FINAL COMPONENT WAS TO CREATE MORE  
ELECTRONIC WEB BASED SET OF SERVICES AROUND  
THE DEVELOPMENT PROCESS AND THAT'S WHAT

WE'RE UNVEILING HERE D.A. THE NEW SYSTEM SUPPORTS THE GOALS OF THE ONE-STOP SHOP AND IT FACILITATES A MORE ZEKELESS EXPERIENCE WITH THE CUSTOMER, BASICALLY GIVE YOU ACCESSIBLE INFORMATION ON THE WEB. SO I'M GOING TO TURN IT OVER TO -- WE HAVE A COUPLE OF OUR -- OUR MAYOR PRO TEM HERE TODAY. TURN IT OVER TO LEE LEFFINGWELL AND LET HIM TALK A LITTLE ABOUT THE POLICY GOALS THAT WE'RE HOPING THIS IS GOING TO ACCOMPLISH FOR US.

THANK YOU, CITY MANAGER AND I'LL BE VERY BRIEF. I JUST WANT TO SAY FROM OUR PERSPECTIVE ON COUNCIL, I THINK THIS IS IMPORTANT BECAUSE IT GOES A LONG WAY TOWARD ADDRESSING THE CONCERNS THAT WERE RAISED ABOUT A.. A YEAR AGO WHEN WE HAD A PROPOSITION 2 CHARTER REFORM ELECTION. ONE OF THE MAJOR CONCERNS THAT WAS ENUMERATED THERE WAS THE FACT THAT THE CITIZENRY, PEOPLE -- INTERESTED PARTIES, WERE NOT ALERTED TO THE PROGRESS OF DEVELOPMENT PROJECTS ON A TIMELY BASIS. THIS WILL DO THAT. THE PROGRAM WILL BE INTERACTIVE. CITIZENS WILL BE ABLE TO GO ON-LINE AND LOOK AT PARTICULAR PROJECTS, NOT ONLY THEIR STATUS, INSPECTOR COMMENTS, BUT REVIEW OUR COMMENTS AS WELL. AND WE DON'T EXPECT THIS TO BE PERFECT WHEN IT'S ROLLED OUT. WE EXPECT IMPROVEMENTS TO BE MADE AS WE GO ALONG, BUT I THINK IT'S A GREAT STEP FORWARD AND I VERY MUCH THANK THE STAFF. IT'S BEEN A LONG TIME IN COMING, ABOUT THREE YEARS, I GUESS, AND WE REALIZE THAT -- THE EFFORTS THAT THEY HAVE MADE WILL MAKE A GREAT CONTRIBUTION TOWARD ADDRESSING CITIZEN CONCERNS. SO THANKS A LOT.

DUNKERLEY: WELL, I JUST REALLY WANT TO ADD MY CONGRATULATIONS TO THE STAFF FOR A LONG, HARDWORKING TIME IN GETTING OUR SYSTEM UP AND RUNNING. TO ME THE SYSTEM DOES REALLY THREE THINGS THAT I THINK ARE IMPORTANT. NUMBER ONE, IT OPENS UP THE PROCESS TO THE PUBLIC, AS MR.-- AS COUNCIL MEMBER LEFFINGWELL SAID, AND I THINK THAT'S VERY

IMPORTANT FOR -- FOR ALL OF OUR CITIZENS, BUT PARTICULARLY THOSE THAT ARE INVOLVED IN OR ATUNED TO DEVELOPMENT PROCESSES. THE SECOND THING THAT IT DOES IS I THINK -- HAS GREAT POTENTIAL FOR IMPROVING CUSTOMER SERVICE, AND THAT'S REALLY WHAT WE'RE IN THE BUSINESS OF, AND SO IF WE CAN MAKE THINGS FASTER, QUICKER, EASIER FOR OUR CITIZENS, THAT'S A JOB WELL DONE. AND THE THIRD POINT IS EFFICIENCY. AS WE COLLAPSE ALL OF THESE PROCESSES INTO ONE, WE BELIEVE THAT OVERALL OUR CITY GOVERNMENT WILL BE MORE EFFICIENT, AND SO CUSTOMER SERVICE, EFFICIENCY AND OPENNESS, WHAT MORE COULD YOU WANT IN A PROJECT? SO THANK YOU VERY MUCH.

SHE'S GOT THOSE THREE POINTS DOWN. AND I'M.... NOW I'M GOING TO TURN IT OVER -- OUR FINAL PIECE, TURN IT OVER TO OUR IP FOLKS, WHO MADE IT ALL POSSIBLE FOR US. WHO IS GOING TO WALK US THROUGH IT? KAREN, THE WOMAN BEHIND THE THRONE WHO ACTUALLY MADE IT HAPPEN.

I'M KAREN SHARP. I'M THE DEPUTY CHIEF INFORMATION OFFICER, AND WE REALLY ARE EXCITED ABOUT ROLLING OUT THIS NEW SYSTEM. THERE ARE SEVERAL STAKEHOLDERS, LARGE STAKEHOLDERS IN THIS SYSTEM. THE PUBLIC IS NUMBER ONE, AND SO THERE'S BEEN A.. LOT OF ATTENTION TO THE WEB SITE, AND ACTUALLY HAVING A TRANSPARENT PROCESS WHERE AS A CASE MOVES THROUGH THE PROCESS, THE STATUS IS AUTOMATICALLY UPDATED ON THE WEB SITE. SO THERE'S NOT A GO-BETWEEN BETWEEN FINDING THE INFORMATION. PEOPLE CAN JUST LOG IN AND SEE IT. WE ALSO HAVE THE REGISTERED USERS, THOSE ARE THE DEVELOPERS AND CONTRACTORS WHO ARE APPLYING, AND THERE THERE ARE SOME ENHANCED FEATURES FOR THEM WITH THE SYSTEM IF THEY HAVE AN ESCROW ACCOUNT, THEY CAN ACTUALLY PAY FOR SOME ADDITIONAL THINGS ON-LINE. WE DON'T HAVE THE CREDIT CARD FUNCTION IN YET, BUT WE'RE PLANNING THAT FOR THE FUTURE, BUT WE DO THINK THAT THERE ARE GOING TO BE SOME DEAFEN HANS MENTS.....DEFINITE SPEA ENHANCEMENTS

FOR THE. THE INSPECTORS IN THE FIELD ARE GOING TO BE WIRELESS TABLETS AND THEY CAN ACTUALLY CONDUCT INSPECTIONS IN THE FIELD AND THEN THOSE INSPECTION RESULTS ARE IMMEDIATELY AVAILABLE ON THE WEB SITE, AND I KNOW PEOPLE ARE REALLY INTERESTED IN THAT, AND THAT'S ONE OF THE COOLER FEATURES OF THE NEW SYSTEM.

WILL THAT BE IN REAL-TIME?

IT WILL BE IN REAL-TIME, CITY MANAGER. IT ABSOLUTELY WILL. AND WHAT WILL BE GREAT ABOUT THAT IS THAT NOT ONLY WILL INSPECTORS BE ABLE TO PRINT A COPY OF THE INSPECTION REPORT IN THE FIELD, WHICH I KNOW A LOT OF PEOPLE ARE LOOKING FORWARD TO HAVING A PRINTED COPY RATHER THAN A HANDWRITTEN COPY BECAUSE IT'S MORE LEGIBLE, BUT ALSO ANYONE CAN CHECK THE WEB SITE AND SEE THAT INSPECTION STATUS IMMEDIATELY AS IT CHANGES. SO THOSE ARE SOME OF THE KEY FEATURES OF THE SYSTEM. AND NOW I'M GOING TO TURN IT OVER TO PETER COLLINS, OUR CIO.

THANKS, KAREN.

THANK YOU, EVERYBODY COMING TODAY. FIRST I WANT TO START THAT THIS HAS BEEN A TREMENDOUS EFFORT BETWEEN IT STAFF AND THE END USERS, AND THE PROJECT TEAM HAS REALLY DONE A FANTASTIC JOB OVER THE YEARS. I KNOW SOMETIMES THEY PROBABLY THOUGHT IT WAS NEVER GOING TO EFND,..... END, BUT WE GOT TO THE POINT WHERE WE'RE GOING TO GO LIVE. AND IN THAT WHEN WE GO LIVE WITH THESE MAJOR APPLICATIONS, THAT HIT SO MANY DIFFERENT COMPONENTS OF THE CITY, THAT IT WON'T BE 100% PERFECT. SO IF IT'S NOT 100% PERFECT, SOME THINK IT'S AN EXACT SCIENCE, BUT WE'RE PREPARED TO DEAL WITH ISSUES THAT MAY ARISE. WE HAVE A HELP DESK DEDICATED TO ASSIST PEOPLE WITH PROBLEMS. THAT'S INTERNAL TO THE CITY AND ALSO EXTERNAL TO THE CITY. VERY SIMPLE NUMBER, 974-HELP. SO YOU CAN DIAL THAT NUMBER. WE'LL LOG THE CALL. WE'LL GET AN



EXPERT TO ASSIST YOU AND SEE IF WE CAN RESOLVE THAT PROBLEM AS QUICKLY AS POSSIBLE. THE OTHER THING THAT WE DO HAVE IN PLACE IS AN EMAIL ADDRESS, IT'S CALLED ONE STOP SHOP.CI.AUSTIN.TX.U.S. IF YOU HAVE AN INPUT PROBLEM OR IF YOU HAVE A PROBLEM THAT YOU'D LIKE TO GET A RESPONSE TO, GO AHEAD AND SEND THAT EMAIL OFF AT ONE STOP SHOP AT CI.AUSTIN.TX.U.S. THE OTHER THING IS IF YOU FEEL THAT THE PROCESS IS NOT WORKING FOR YOU, YOU CAN CONTACT ME AT MY EMAIL ADDRESS PETE COLLINS AT TX.US. AND MY OFFICE NUMBER IS 974-.... 974-2344. YOU KNOW, WHAT MAKES THIS A LITTLE BIT MORE COMPLEX FOR US IT'S NOT JUST INTERNAL. IT'S SUPPOSED TO BE EXTERNAL CUSTOMERS, THE CITIZENS, THE CONTRACTORS, THE DEVELOPERS. SO THEY'RE VERY SENSITIVE TO THAT THERE MAY BE SOME SPECIAL NEEDS FOR FOLKS. THE OTHER THING IS THE -- WE'VE GONE TO... TO A WIRELESS ENVIRONMENT. WE'RE GOING TO HAVE 60 INSPECTORS. STARTING OUT WITH ABOUT 38. IT'S A VERY INTERESTING DEVICE. IT'S FAIRLY LIGHT WEIGHT. IT JUST WORKS SIMPLY WITH A TOUCH PEN, PREFORMS ARE ALREADY DEVELOPED, AS KAREN SAID, IT'S UPDATED, INSPECTION COMPLETED. IT GOES BACK TO THE MAIN SYSTEM AND YOU CAN ACCESS IT VIA THE WEB. YOU DON'T HAVE TO WAIT FOR ANY DELAYS. THE OTHER POINT THAT'S VERY INTERESTING IS THE CULTURAL SHIFT FOR US, THE CITY ITSELF, AND ALSO THE CITIZENS. THIS IS A CULTURAL CHANGE THAT'S GOING TO TAKE SOME TIME. CHANGE IS SOMETIMES DIFFICULT FOR SOME FOLKS, FOR WHATEVER REASON. WE'RE GOING TO MANAGE THAT TOO. SO THERE ARE ISSUES WITH CHANGE. THE HELP DESK IS AVAILABLE. THOSE EMAIL ADDRESSES ARE AVAILABLE TOO. THE OTHER THING IS THIS PRODUCT IS DESIGNED TO DEVELOP AND BE ENHANCED IN THE FUTURE. I REALLY WANT TO STRESS ON THE WEB INTERFACE THAT THAT'S JUST THE BEGINNING FOR US. IT'S A PLACE TO START FROM. IT'S A LIVING WEB PAGE. SO IF PEOPLE HAVE IDEAS OF WHAT THEY WANT TO SEE, LET'S SEE WHAT WE CAN DO AND WORK TOGETHER ON THOSE. WELL, THANK YOU FOR COMING TODAY AND I APPRECIATE THE SUPPORT FROM COUNCIL

AND TOBY.

AND THAT'S IT AND I THINK WE HAVE SOME DEMONSTRATIONS HERE THAT WE CAN SHOW FOLKS IF THEY WANT TO SEE IT. I THINK I NEED TO GET PETE'S CELL PHONE. ARE YOU READY FOR A CELL PHONE?

YOU-ALL GOT IT ANYWAY.

THAT'S A JOKE. THANK YOU ALL FOR COMING. IT'S A VERY BIG DAY FOR US. [APPLAUSE]

PERHAPS LATER WE WILL TAKE UP ACTION ITEMS RIGHT AFTER THAT DISCUSSION. WE'RE NOW BACK IN OPEN SESSION. I APOLOGIZE FOR THE DELAY, BEING BACK. WE HAVE A NUMBER OF FOLKS WHO WOULD LIKE TO ADDRESS US. THE SLIGHT MAJORITY OF OUR TEN REGISTERED CITIZENS ALL RELATED TO -- HAVE COMMENTS RELATED TO OUR FIREFIGHTERS PENSION FUND, SO WITH..... WITH..... WITHOUT OBJECTION I THOUGHT WE MIGHT TAKE THOSE IN ORDER AND THEN WE'LL TAKE UP THE INDIVIDUAL CITIZENS WHO HAVE OTHER CONCERNS. OUR FIRST SPEAKER WILL BE DANNY STAMPER. DANNY, WELCOME, YOU'LL HAVE THREE MINUTES AND THEN YOU'LL BE FOLLOWED BY BECKY BROOK, HOLD..... WHO WILL BE FOLLOWED BY LARRY MCKEE.

MAYOR AND COUNCIL, MY NAME IS DANNY STAMPER. I'M RETIRED FROM THE AUSTIN FIRE DEPARTMENT. I WENT TO WORK IN 1966 AND RETIRED IN 1995 WITH 29 YEARS SERVICE. I WORKED MY WAY UP THROUGH THE RANKS TO BATTALION CHIEF. I'M VERY PROUD OF MY PUBLIC SAFETY CAREER. AFTER COMPLETING MY PROBATIONARY PERIOD I JOINED RANKS WITH THE NUMEROUS OTHER FIREFIGHTERS WITH THE AUSTIN PROFESSIONAL FIREFIGHTERS ASSOCIATION. I SERVED IN VARIOUS OFFICES FOR OVER HALF MY CAREER. I WAS ELECTED PRESIDENT FOR FIVE TERMS. DURING MY TERMS IN OFFICE I HAD THE PRIVILEGE OF WORKING WITH SEVERAL CITY COUNCILS, CITY MANAGERS, SIX FIRE CHIEFS AND ACTING CHIEFS, AND TOGETHER WE WERE

SUCCESSFUL IN BUILDING A COMPETENT, EFFICIENT AND VERY PROGRESSIVE DEPARTMENT. DURING MY YEARS AS A LEADER WE DIDN'T HAVE COLLECTIVE BARGAINING. WE HAD COLLECTIVE BEGGING, WHICH IS PRETTY DIFFERENT. WE WERE ALWAYS WORKING ON IMPROVING THE WORKING CONDITIONS, IMPROVING THE EFFICIENCY OF THE FIRE DEPARTMENT, BECAUSE WE HAVE A SEPARATE STATE LAW GOVERNING OUR PENSION AND TRUST.....TRUSTEES TO OVERSEE THE ADMINISTRATION OF OUR PENSION, WE, AS AN ASSOCIATION, LIMITED OUR NEGOTIATIONS TO ASSISTING THE TRUSTEES AND OTHER MEMBERS OF THE BENCH AND BOARD IN LOBBYING THE LEGISLATURES FOR CHANGES TO MAKE THE BENEFITS BETTER. HAD A GREAT TEACHER THAT TAUGHT ME ABOUT LOBBYING WITH THE LEGISLATURE AND IT'S P.M. PINK.....TOM PINK NI. WE HAVE ALREADY RECOGNIZED THE FACT THAT PENSION ISSUES ARE ENTIRELY DIFFERENT FROM LABOR ISSUES AND BENEFITS. SO WE THINK THEY SHOULD BE SEPARATED. TO ILLUSTRATE THIS I CAN TELL YOU OF A PROBLEM THAT CAN AND HAS OCCURRED. IN 1996 IN THE FIRST CONTRACT -- I WAS ALREADY GONE THEN, BUT UNDER THE FIRST CONTRACT THE CITY AGREED TO INCREASE THEIR CONTRIBUTIONS TO OUR PENSION BY 2%. THEN IN NOVEMBER OF 1999 THEY TOOK IT BACK. PENSION PLANS MUST BE ABLE TO RELY ON CONSISTENT, RELIABLE FUNDING. OTHERWISE THEY DON'T WORK. BECAUSE OF THIS ACTION THE FIREFIGHTERS HAVE NOT RECEIVED A COST OF LIVING INCREASE IN FIVE YEARS. I'M NOT SAYING THAT 3% WAS THE.....2% WAS THE ONLY PROBLEM, BUT TO REINSTATE THAT 2% -- BUT TO REINSTATE THAT 2.. 2% AND SOME OTHER PENSION CHANGES THAT ARE IN THE WORKS WOULD HELP ALLEVIATE THIS PROBLEM BEFORE IT COMES TO CRISIS. PLEASE DON'T THINK I'M A MAL CONTENT OR UNGRATEFUL FOR WHAT I GET. INFLATION HAS AFFECTED FIREFIGHTERS JUST AS IT HAS EACH OF YOU. I AM EVERY..... FORTUNATE BECAUSE I PROMOTED QUICKLY AND I RECEIVED A GOOD PENSION, STILL DO, BUT MOST FIREFIGHTERS DON'T GET AS MUCH AS I DO. I'D LIKE TO STATE COLLECTIVE BARGAINING IS GOOD FOR THE

FIREFIGHTERS AND IT'S GOOD FOR THE CITY, BUT IT HAS NOTHING TO DO WITH PENSIONS, NO IT SHOULD. THAT'S WHY WE HAVE A SEPARATE LAW. OUR TRUSTEES ARE ELECTED TO MAINTAIN AND IMPROVE OUR LAW. WE HOPE THE COUNCIL, CITY MANAGEMENT WILL SUPPORT OUR PUBLIC SAFETY OFFICERS, RETIRE HE'S.....RETIREEES AND ELECTED TRUSTEES AND PRESERVE AND IMPROVE OUR RETIREMENT LAW. WE NEED TO ACT NOW BEFORE THIS PROBLEM DOES BECOME A CRISIS. THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU AND YOUR ATTENTION. WE LOOK FORWARD TO YOUR SUPPORT. THANK YOU.

MAYOR WYNN: THANK YOU, CHIEF STAMPER, FOR YOUR SERVICE.

BECKY BROOKS, WELL..... WELCOME. YOU'LL BE FOLLOWED BY LARRY MCKEE.

IT'S GOOD TO BE BACK HERE. THANKS FOR HAVING US. MY NAME IS BECKY BROOKS. MOST OF YOU KNOW ME, GOOD OR BAD. I SERVED THE CITIZENS OF AUSTIN FOR 25 YEARS, THE AUTOMATIC FIRE DEPARTMENT. I RETIRED FOUR YEARS AGO AS A CAPTAIN. I WAS BLESSED TO ALWAYS WORK AT THE BUSY HE....IEST STATIONS. I GOT TO PLAY MOTHER TO ALL THE INCOMING WOMEN, CADETS, FOR A LONG TIME. I MADE CARE PACKAGES, TOOK THEM DOWN TO CADET CLASS. I CHAIRED THE DEPARTMENT AWARDS COMMITTEE FOR TWO YEARS. GOT TO RUN INTO LOTS OF BURNING BUILDINGS, DID CPR OVER A HUNDRED TIMES. OF COURSE ALL THOSE PEOPLE DIDN'T LIVE, BUT GOT TO DO MOUTH-TO-MOUTH ON A BABY THAT DID SURVIVE. IT WAS AN AWESOME JOB. WHAT GREAT FUN.

AND YOU COOK A MEAN LA SAN  
YEAH.....MEAN LASAGNA.

I SERVED AS PRESIDENT FOR SIX YEARS. I'VE BEEN ACT IN LOCAL 975, A VICE PRESIDENT, A DIRECTOR, BENEVOLENT TRUSTEE. DID I MENTION I SERVED ON THE COLLECTIVE BARGAINING TEAM FOR TEN MONTHS, LONGEST TEN MONTHS OF MY LIFE?

THAT'S WHERE YOU PROBABLY ALL KNOW ME. NOW I'M A RETIREE. UNION DOESN'T REP REPRESENT ME. I TRIED TO HAVE A SAY FOR FOR THEM ON THE COLLECTIVE BARGAINING TEAM BUT WAS REMINDED CONSTANTLY THEY WERE NOT PART OF THE BARGAINING TEAM. THIS WAS DRIVEN HOME NUMEROUS TIMES. SO ALL THE TEN MONTHS I SERVED ON THAT COMMITTEE, I, THE RETIREE, WALKED AWAY WITH NOTHING. SO NOW I'M TRYING AGAIN, HERE, AND THIS IS THE RIGHT PLACE. THE PENSION HAS A FUNDING PROBLEM THAT NEEDS TO BE ADDRESSED NOW BEFORE IT BECOMES A FUNDING CRISIS. YOU MUST BE A PART OF THAT SOLUTION. THE BARGAINING TABLE IS NOT THE PLACE. , YOU KNOW, WE DID GET A 2% PAY RAISE ONLY TO HAVE IT TAKEN AWAY FROM 1999. RESTORING THAT 2% WOULD OF COURSE BE A FIRST STEP. WE'RE ALL HERE TO LET YOU KNOW, I AM THE PENSION, ME, AN INDIVIDUAL. WELL, THESE OTHER INDIVIDUALS AND THE ONES THAT ARE OUT THERE, YOU KNOW, THEY'RE NOT HERE. I'M NOT THE UNION ANYMORE. I'M A RETIREE AND THIS IS MY ONLY OPPORTUNITY TO BE REPRESENTED, RIGHT HERE, BEFORE YOU, AND I NEED YOUR HELP. THANKS.

MAYOR WYNN: THANK YOU, CAPTAIN BROOKS.  
LARRY MCKEE, TO BE FOLLOWED BY PAUL MAULED  
ON IN ORDER MALDONADO.

MAYOR AND COUNCIL, GOOD AFTERNOON. MY NAME IS LARRY MCKEE. I STARTED WORK FOR THE AUSTIN FIRE DEPARTMENT IN JANUARY OF 1969. I RETIRED NOVEMBER 1998. DURING THAT TIME I WORKED APPROXIMATELY FIVE TO TEN YEARS IN FIREFIGHTERRING, THEN I WENT INTO THE PREVENTION DIVISION, CODE COMPLIANCE, AND I RETIRED AS A LIEUTENANT ARSON INVESTIGATOR. WHEN I RETIRED IN 1998 I HAD A 2% COST OF LIVING RAISE THAT I THOUGHT WOULD BE IN THERE. BUT NOVEMBER 1999 IT WAS SNATCHED AWAY. SO WE'RE HERE TODAY, WE'RE NOT FORTUNATE ENOUGH TO HAVE A BARGAINING POWER, SO WHAT WE'RE ASKING YOU TO HELP US IN A LEGISLATION MANNER TO GET OUR 2% BACK AT LEAST. RIGHT NOW OUR PENSION IS HAVING A PROBLEM, AND WE'RE HOPING THAT YOU CAN HELP BASICALLY

WE'RE HEADING DOWN AN ALLEY, BIDDING ALLEY,  
AND ON THE WALL IT HAS CRISIS, AND WE'RE  
HEADED RIGHT TO IT.. IT. WHEN I RETIRE.....  
RETIRED IN '9... '98 I HAD THE SCENARIO I WAS  
GOING TO GET IN MY LITTLE RETIREMENT BOAT  
AND JUST FLOAT ON OFF. WELL, IN 1999 I FOUND  
OUT I HAD A PINHOLE IN IT, AND FIVE YEARS.....  
YEARS LATER I FOUND OUT I CAN STICK MY THUMB  
IN IT. SO WE'RE ABOUT TO SINK. SO WE WOULD  
APPRECIATE ANY EFFORT THAT YOU CAN HELP US  
WITH THE LEGISLATURE IN OUR PENSION SYSTEM  
BECAUSE NOW IS THE TIME TO DO IT, BECAUSE IF  
YOU DON'T, IT WILL BE A CRISIS AND I THANK YOU  
FOR YOUR TIME.

MAYOR WYNN: THANK YOU, LIEUTENANT, MCKEE,  
AND FOR YOUR SERVICE. LIEUTENANT  
MALDONADO. HE'LL BE FOLLOWED BY JOHN KIND  
SKI.

THANK YOU MAYOR AND COUNCIL. THANK YOU  
FOR GIVING ME THE OPPORTUNITY TO COME UP  
AND SPEAK TO YOU THIS AFTERNOON. I'M GOING TO  
ASK THE SAME THAT YOU HEARD FROM THE OTHER  
PRESENTERS TODAY THAT YOU CONSIDER  
REMOVING ANY NEGOTIATIONS THAT YOU HAVE  
WITH THE FIREFIGHTERS, REMOVE FROM THOSE  
NEGOTIATIONS MATTERS ABOUT THE PENSION  
FUND, BECAUSE THE PENSION FUND DOES NOT -- IS  
GOVERNED BY SEPARATE STATUTE, SEPARATE  
STATE LAWS, AND I BELIEVE THEY'RE NOT  
SUPPOSED TO BE NEGOTIATED BY CURRENT  
INCUMBENT ACTIVE FIREFIGHTERS. MY NAME IS  
PAUL MALDONADO. I'M CURRENTLY THE STATE  
FIRE MARSHAL, RETIRED FROM THE AUSTIN FIRE  
DEPARTMENT AFTER 25 YEARS AND I RETIRED WITH  
THE RANK OF ASSISTANT FIRE CHIEF. I WANT TO  
MAKE SURE THAT YOU KNOW I'M NOT HERE TODAY  
SPEAKING IN THE CAPACITY OF STATE FIRE  
MARSHAL. I'M TALKING AS A MEMBER OF THE  
PENSION FUND AND A RETIREE. DURING MY 25  
YEARS OF SERVICE WITH THE FIRE DEPARTMENT I  
WAS ABLE TO PROMOTE TO THE RANK OF  
ASSISTANT CHIEF. I'M VERY PROUD OF THAT  
CAREER AND I'M VERY GRATEFUL FOR HAVING HAD  
THE OPPORTUNITY TO SERVE THE CITIZENS OF THIS

CITY, AND WHAT I -- WHAT I WANT YOU TO UNDERSTAND IS THAT THE PENSION FUND WAS A PROMISE TO THOSE OF US THAT SERVED. WE PAID OUR DUES. THE FOR.... FOLKS THAT YOU HEAR SPEAKING HAVE PAID THE PRICE FOR THAT PENSION FUND. IT'S A PROMISE THAT WE RELY RELY UPON. I HAVE THE GOOD FORTUNATE OF HAVING RETIRED WITH A FUND THAT I -- THAT I CAN MANAGE IN MY LIFE STYLE WITH IT. BUT MANY OF THE CURRENT RETIRE.....RETIREEES DON'T HAVE THAT PLEASURE OF HAVING RETIRED AS AN ASSISTANT FIRE CHIEF, AND SO THAT DIFFERENCE IN THE COST OF LIVING WAGE MAKES A BIG DIFFERENCE FOR THEM. I WANT TO POINT OUT THREE REAL QUICK THINGS TO YOU ABOUT WHY THIS SHOULD NOT BE NEGOTIATED. NUMBER ONE, THERE ARE STATUTES THAT GOVERN THE CIVIL SERVICE FOLKS AND THAT GOVERN THE PENSION FUND, AND THOSE SEPARATE STATUTES ARE AN INDICATION THAT THOSE SHOULD NOT BE COMBINED TOGETHER. THEY SHOULD BE KEPT SEPARATE. SECOND THING IS FIREFIGHTERS WORK VERY DILIGENTLY, FROM THE FIRE CHIEF ALL THE WAY DOWN TO THE FRONT LINE FIGHTER IN TRYING TO PROTECT THE CITIZENS OF AUSTIN AND IT TAKES A LOT OF ATTENTION AND A LOT OF FOCUS TO BE ABLE TO KEEP THE CITIZENS SAFE AND THEY SHOULD NOT BE HAVING TO CONCERN THEMSELVES WITH A PENSION FUND. THEY SHOULD NOT BE HAVING TO THINK ABOUT NEGOTIATING THEIR CURRENT DAY-IN AND DAY-OUT PROTECTION AS THEY FIGHT FIRES AND PROTECT THE CITIZENS, THEY SHOULDN'T BE HAVING TO THINK ABOUT THE FUTURE PENSION FUND. AND THEN FINALLY I WANT TO COMMEND YOU FOR THE WORK THAT YOU DO TO KEEP THE COST OF PUBLIC SAFETY DOWN. WE'RE ALL AWARE THAT THE COST OF PUBLIC SAFETY IS EVER INCREASING, AND I DON'T I DON'T BELIEVE THAT THE PENSION FUND AND CONTRIBUTIONS SHOULD BE A PART OF THAT CONSIDERATION AND THAT DELIBERATION AS YOU GO ABOUT TRYING TO DETERMINE HOW TO ALLOCATE THE CITY'S BUDGET BECAUSE THAT IS NOT A FUND THAT SHOULD BE CURRENTLY NEGOTIATED BY ACTIVE MEMBERS. IT'S A FUND THAT IS A PROMISE TO US THAT HAVE ALREADY SERVED AND PAID OUR DUES. AGAIN, THANK YOU FOR ALLOWING ME TO COME BEFORE

YOU TODAY.

MAYOR WYNN: THANK YOU, CHIEF MALDONADO.  
ON AND FOR YOUR.....MALDONADO.JOHN  
KINDSKI, SORRY IF I MISS  
PRODUCT.....MISPRONOUNCED THAT.

ACTUALLY IT'S PRONOUNCED LAURA. JOHN HAD AN  
EMERGENCY AND I WAS ASKED TO STEP IN FOR HIM.

ALL RIGHT. YOU'LL BE FOLLOWED BY JAKE  
SULLIVAN.

I'M A RETIRED FIGHTER. MY NAME IS LAURA AIN  
SERVED FOR 26 YEARS IN THE AUSTIN FIRE  
DEPARTMENT. LIEUTENANT JOHN KINDSCHI WAS  
GOING TO SPEAK TODAY AND HE WANTED YOU TO  
KNOW WHEN HE RETIRED THERE WAS A TWO% IN  
THE PENSION THAT THE CITY OF AUSTIN HAD GIVEN  
AND HE COUNTED ON THAT FOR HIS REQUIREMENT  
AND.... RETIREMENT FOR HIS FAMILY, AND THEN IN  
1999 THE 2% WAS TAKEN AWAY. I THINK WHEN  
YOU'RE RETIRED AND ON A FIXED INCOME YOU SEE  
THE WORLD DIFFERENTLY. INFLATION EATS UP  
YOUR PENSION. WHEN I WORKED FOR THE FIRE  
DEPARTMENT I -- THE ISSUES OF A PENSION SEEMED  
FAR AWAY AND I DIDN'T PAY THAT MUCH  
ATTENTION TO IT, BUT NOW THAT I'M RETIRED IT  
HAS MY FULL ATTENTION. I'VE BEEN RETIRED FOR  
ALMOST FOUR YEARS, AND AS A RETIREE I HAVEN'T  
SEEN A PAY RAISE BECAUSE I DON'T GET PAY  
RAISES ANYMORE. I'M PROUD TO SAY THAT I'VE  
BEEN WITH THE CITY DURING MANY OF THE GOOD  
TIMES AND THE BAD TIMES, AND DURING MY  
CAREER THERE WERE MANY YEARS THAT WE WERE  
ASKED BY THE CITY COUNCIL TO TIGHTEN OUR  
BELTS AND TO MAKE ENDS MEET. I STAYED WITH  
MY JOB BECAUSE I LOVED MY JOB AND I LOVED  
HELPING PEOPLE, BUT I ALSO STAYED FOR THE  
BENEFITS, FOR ME AND MY FAMILY. I'M NO LONGER  
A FIRE FIGHTER AND I'M JUST A PENSIONER. I NO  
LONGER HAVE BARGAINING RIGHTS AND DON'T GET  
PAY RAISES. WHAT RECOURSE DO WE HAVE? I  
BELIEVE WE HAVE A GOOD PENSION EXCEPT FOR  
THE AREA THAT COVERS THE COST OF LIVING  
ALLOWANCE. AT THIS TIME I.. I SEE A PROBLEM



WITH THE PENSION'S ABILITY TO GIVE THE RETIREES A COST OF LIVING ALLOWANCE AND TO KEEP UP WITH INFLATION, AND IN THE FUTURE IF THIS IS NOT RESOLVED IT WILL BECOME MORE THAN JUST A PROBLEM. IT WILL BECOME A CRISIS. AS YOU-ALL ARE PROBABLY AWARE A PENSION NEEDS PREDICTABILITY. I THOUGHT THE PENSION AND THE RETIREES HAD THAT WHEN I RETIRED. I'M UNSURE HOW WE BOS.... LOST THE 2 2% IN 1999. WE ARE NOT UNDER A CONTRACT AND WE ARE NO LONGER AFFILIATED WITH THE ACTIVE DUTY FIREFIGHTERS. IT IS A GIVEN THAT EVERY RETIRED PERSON WILL FACE INFLATION. THE ONLY WAY TO KEEP INFLATION IN CHECK FOR RETIREES IS TO RESTORE WHAT THE CITY COUNCIL GAVE THE PENSION BEFORE. WE NEED YOUR HELP TODAY TO GET BACK THE 2%. WE DO NOT WANT TO BE USED AS PAWNS FROM ONE POLITICAL YEAR TO THE NEXT. WITH YOUR HELP THE PENSION NEEDS TO SUBMIT A BILL TO STATE LEGISLATURE REINSTATING THE 2% AND MAKING IT A PERMANENT, PREDICTABLE ASPECT FOR THE PENSION. THANK YOU FOR YOUR TIME ON THIS SUBJECT.

MAYOR WYNN: THANK YOU, LAURA. JAKE SULLIVAN. WELCOME, JAKE, AND YOU'LL BE FOLLOWED BY RAY HEN.... HENDRICKS. WELCOME.

GOOD AFTERNOON, MAYOR AND COUNCIL. I'M JAKE SULLIVAN, AUSTIN RESIDENT, AUSTIN FIREFIGHTER AND FUTURE RETIREE. MY CAREER WITH THE CITY OF AUSTIN BEGAN IN 1983 AT AUSTIN ENERGY. 1985 WENT TO THE AUSTIN FIRE DEPARTMENT AND PLAN TO RETIRE IN THE NEAR FUTURE. TODAY I'M HERE TO ASK FOR YOUR SUPPORT IN OUR 2007 PENSION LEGISLATION PACKAGE. RETIRED FIREFIGHTERS ARE EXCLUDED FROM COLLECTIVE BARGAINING AND OUR PENSION OPERATES UNDER A DIFFERENT STATE LAW. BY ASKING US TO NEGOTIATE OUR PENSION CONTRIBUTIONS WITH ACTIVE EMPLOYEES, WE'VE HELPED CREATE A FUNDING ISSUE FOR OUR RETIREES AND JEOPARDIZED THE LONG-TERM HEALTH OF OUR PLAN. WE NEGOTIATED THE 2% DEAL IN 1996, AND LOST IT IN 1999 AND WE CREATED A FUNDING PROBLEM IN

2006. TO AVOID A PENSION CRISIS WE MUST FUND OUR PENSION ON A PERMANENT BASIS AND STOP CREATING FUTURE PROBLEMS BY ADDING AND TAKING AWAY WITH FUTURE CONTRACT AGREEMENTS. PLEASE SUPPORT OUR RETIREES, FUTURE RETIREES, BY SUPPORTING OUR 2007 PENSION LEGISLATION. THANK YOU FOR YOUR TIME AND YOUR SUPPORT.

MAYOR WYNN: THANK YOU, MR. SULLIVAN. LARRY HEN.....LAYER MR. HENDRICKS. YOU HAVE THREE MINUTES. WELCOME BACK, RAY.

MAYOR AND MEMBERS OF THE COUNCIL, I, IN LISTENING TO THE CONCERNS OF FELL ON RETIREES.....FELLOW RETIREES I TOO WAS AIN THE FIRE DEPARTMENT AND SERVED FOR 23 YEARS AND I SERVED IN VARIOUS CAPACITIES INCLUDING RECRUITING WITHIN THE FIRE DEPARTMENT. I ALSO SERVED FOR YEARS AS PRESIDENT OF THE AFRICAN-AMERICAN FIREFIGHTERS ASSOCIATION. THEN WE WERE FIGHTING FOR REPRESENTATION AS IT RELATES TO THE BARGAINING PROCESS. WE DID HAVE SOME LEEWAY. WE DID GET SOME SOME YEARS BUT NOW WE FIND OURSELVES NOT BEING ABLE TO AS RETIREES TO PARTICIPATE IN THE BARGAINING PROCESS AT ALL, AND WE FEAR THE FACT THAT A DECISION MIGHT BE MADE FOR US WITHOUT ANY REPRESENTATION FROM US WHATSOEVER. AND SO WHAT WE'RE LOOKING FOR IS SUPPORT FROM YOU AND THE COUNCIL TO CONSIDER WHAT WE HAVE DONE ALREADY. WE'VE ALREADY PAID FOR THE PENSION, AND WHAT WE'RE REALLY SAYING IS THAT MANY OF US HAVE DEVOTED OUR CAREERS, ENTIRE CAREERS, TO SERVING THE CITY OF AUSTIN, TO SAVING LIVES AND PROPERTY, AND THEREFORE WE -- I REALLY FEEL SADDENED THAT WE EVEN HAVE TO COME TO ADDRESS YOU TO HELP TAKE CARE OF US IN OUR TIME OF NEED. WE ARE FACING SOME ISSUES THAT RELATES TO OUR PENSION AND WE'RE HOPEFUL THAT YOU WILL TAKE A REAL GOOD LOOK AT WHAT HAS GONE FORTH BECAUSE IT'S REALLY SENDING OUT A MESSAGE TO THOSE POTENTIAL FIREFIGHTERS THAT ARE LOOKING TOWARDS FIRE FIGHTING AS A CAREER. WE DON'T WANT TO HAVE

TO COME OUT EVERY YEAR AND FACE YOU AND FIGHT THIS BATTLE, BUT WE DON'T HAVE ANY REPRESENTATION AND THEREFORE WE HAVE NO CHOICE. I'M NOW PASTORING A CHURCH. LEFT THE FIRE DEPARTMENT IN 2003 AND STARTED PASTORING A CHURCH, AND WE HAVE MEMBERS THAT ARE INTERESTED IN FIGHTING FIRES, BUT ALSO THEY'RE INTERESTED IN THE BENEFITS THAT IT AFFORDS THEM AS THEY MAKE IT A CAREER AND AS THEY RETIRE. I WOULD LIKE TO BE ABLE -- AND I DO IT ON A CONTINUOUS BASIS, BUT I WOULD LIKE TO BE ABLE TO FEEL CONFIDENT AND TELL THEM IT'S A GREAT CAREER, AND I DO DO THAT, BUT I DON'T WANT TO HAVE TO TELL THEM THAT YOU NEED TO MAKE OTHER PLANS AS FAR AS A PENSION, BECAUSE YOU CAN'T RELY ON THE CITY. NOW, I DO REALIZE THAT YOU-ALL HAVE A TOUGH JOB AHEAD OF YOU, AND I.. I FEEL CONFIDENT THAT YOU WILL BE ABLE TO DO SOMETHING TO HELP THOSE OF US THAT HAVE GIVEN OUR ALL WHILE WE WERE ABLE, AND....AND SO ALL WE'RE ASKING IS THAT YOU WOULD CONSIDER WHAT WE ARE ASKING, AND THAT IS FOR ONE, TO GIVE US THE 2% THAT WAS TAKEN, AND THEN JUST KIND OF WORK WITH OUR PENSION BOARD THAT WE MIGHT RECEIVE -- THAT WE OUGHT TO RECEIVE, AND SO ALL WE'RE REALLY ASKING FROM YOU-ALL IS THAT YOU KIND OF FOLLOW YOUR HEART AND JUST DO THE RIGHT THING. THANKS.

MAYOR WYNN: THANK YOU, RAY. I BELIEVE THAT CONCLUDES THE FOLKS THAT SIGNED UP SEQUENTIALLY FOR OUR FIREFIGHTERS PENSION ITEM. SO OUR NEXT SPEAKER IS LINDA HUDSON. -- HET.... HUTSON. WILL BE FOLLOWED BY AAGE JUND, TO BE FOLLOWED BY COLIN CLARK.

GOOD AFTERNOON. I AM MRS. HUTSON, AND I'M HERE TO ASK THE AUSTIN CITY COUNCIL TO LOOK AT EXISTING CITY CODES THAT RELATE TO SMOKING IN PUBLIC PLACES AND MINOR ACCESS TO PARTICULAR, AND THAT CAN.....TOBACCO, THAT CAN BE FOUND IN CHAPTER 10-6 AND THEN CHAPTER 10-4. AFTER YOU HAVE LOOKED AT THESE EXISTING CITY CODES, I WOULD ASK CITY COUNCIL MEMBERS TO AMEND, UPDATE AND ENFORCE THEM

AS NEEDED, TO MAKE ALL OUTDOOR PUBLIC BUS STOPS NON-SMOKING AREAS. HAVING BEEN A BUS RETIRED RIDER FOR OVER TEN YEARS I CONSTANTLY WITNESS SMOKERS BLOWING THEIR CANCER CAUSING SECONDHAND SMOKE INTO THE FACES OF THOSE OF YOU WHO DON'T SMOKE, PREGNANT WOMEN, BABIES WRAPPED IN BLANKETS AND PUSHED IN STROLLERS, ALONG WITH TO DO LETTERS WHO WANDER AROUND THE BUS STOPS PICKING UP DISCARDED CIGARETTE BUTTS THAT LITTER THE GROUND, CONSISTENTLY HAVING SECONDHAND SMOKE BLOWN IN THEIR FACES. ELEMENTARY SCHOOL CHILDREN ON THEIR WAY TO OR FROM SCHOOL SIT MEEKLY OBSERVANT BETWEEN SMOKERS BLOWING SMOKE IN THEIR INNOCENT FACES, PRETEEN AND TEENAGE BOYS AND GIRLS ARE FREE TO BUM A CIGARETTE AND A LIGHT FROM SMOKERS AT PUBLIC BUS STOPS AND LIGHT UP. PEOPLE WITH WALKING CANES, METAL PUSH WALKERS AND A WHEEL.....WHEELCHAIR HAVE TO SIT AND BREATHE IN SECONDHAND SMOKE BECAUSE THEY CAN'T ADEQUATELY MOVE AWAY FROM IT OR TURN THEIR BACKS TO IT. I'M HERE TODAY TO ASK YOU, MEMBERS OF THE AUSTIN CITY COUNCIL, NOT TO... TO TURN YOUR BACKS TO THE POLITE OF US BUS RIDERS AND OUR DAILY DEALINGS WITH SECONDHAND SMOKE AT PUBLIC BUS STOPS. THE AUSTIN CITY CODE ALREADY EXISTS FOR YOU TO LOOK AT, AMEND, UPDATE AND ENFORCE, AS NEEDED, TO MAKE OUTDOOR PUBLIC BUS STOPS NON-SMOKING AREAS, AND I THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MS. HUTSON. OUR NEXT SPEAKER IS AAGE JUND, I BELIEVE. SORRY IF I MISPRONOUNCE THAT. THEN TO BE FOLLOWED BY THE LAST SPEAKER, COLIN CLARK.

MAYOR, YOU -- MY NAME IS AAGE JUND.

I SHOULD HAVE GOTTEN THAT.

IT'S A VERY -- WHAT I WANT TO TALK ABOUT IS TRANSFERRED. I DON'T KNOW IF YOU HAVE HEARD ABOUT IT, HOW DANGEROUS IT IS, AND WHAT -- AND WE CAN ACTUALLY DO SOMETHING ABOUT IT.

THIS IS A MAN-MADE PRODUCT THAT WAS INTRODUCED TO THE BUSINESS IN THE 1950S, TOUTED AS A SAVING AGENT TO ALL THEIR GREASE THEY USE FOR FRYING IN THE RESTAURANTS, IT WOULD PROLONG THE LIFETIME OF THE GREASE AND THEY DIDN'T HAVE TO CHANGE IT OUT SO OFTEN. BUT UNFORTUNATELY IT HAS BEEN FOUND THAT TRANS FAT CREATES AND MAKES PEOPLE SICK. IT CREATES AN AGENT WHENEVER THE -- IT COOKS IN THE FOOD THAT CAUSES HEART ATTACKS AND CANCER IN PEOPLE. THE CITY OF NEW YORK IS ALREADY BANNING TRANS FAT IN THEIR RESTAURANTS. THEY ARE TELLING THEM THEY HAVE A YEAR TO FIND AN ALTERNATE GREASE TO USE FOR COOKING, AND WE ARE TALKING AS MANY AS ALMOST 25,000 PLACES IN NEW YORK THAT'S GOING TO CHANGE THEIR PLACES. KENTUCKY FRIED CHICKEN HAS ANNOUNCED THAT BY APRIL OF 2007 THEY WILL HAVE CHANGED THE GREASE IN ALL THEIR RESTAURANTS. MCDONALD'S IS WORKING ON IT. THEY HAVE RECENTLY ANNOUNCED THAT THEY HAVE DEVELOPED A NEW GREASE THAT WILL NOT ELIMINATE THE GOOD FLAVOR OF THEIR FRENCH FRIES BUT THEY CAN CONTINUE PRODUCING THEM WITH A NEW GREASE AND THEY ARE TRYING THEM OUT RIGHT NOW IN CERTAIN RESTAURANTS. THEY'RE NOT ANNOUNCING WHICH RESTAURANTS. ABOUT 100 RESTAURANTS OF MCDONALD'S ARE CURRENTLY USING THE GREASE THAT DOES NOT PRODUCT NOTE HEART ATTACKS AND CANCER. BUT BY THE YEAR 2008 THEY WILL HAVE ALL THEIR FAT IN THE RESTAURANT CHANGED TO AN ACCEPTABLE HEALTHY STATE. BUT AT THE PRESENT TIME IF YOU BUY THINGS LIKE -- OH, IF YOU ARE SERVED THINGS LIKE TORTILLA CHIPS, POTATO CHIPS, FRIED FISH, OR ANYTHING THAT'S COOKED IN A DEEP FRYER, YOU STAND A CHANCE TO SHORTEN YOUR LIFE AND YOUR LIFE SPAN, AND IT'S A VERY IMPORTANT THING TO CONSIDER THIS. THE RESTAURANTS CAN COOK IN DIFFERENT WAYS. THEY CAN PAN FRY. THEY CAN OFTEN FRY. THEY CAN GRILL FRY. THEY DON'T HAVE TO DEAL FRY. THIS IS ALL I HAVE TO SAY. THANK YOU VERY MUCH AND I HOPE YOU CONSIDER A BAN ON TRANS FAT BECAUSE IT IS SUCH A BAD THING THAT MAN THAT..... HAS

CREATED FOR HIMSELF. ALL RIGHT. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MR. JUND. OUR FINAL SPEAKER IS COLIN CLARK.

GOOD AFTERNOON, MAYOR AND COUNCIL. COLIN CLARK WITH SAVE OUR SPRINGS ALLIANCE, AND WE WANTED TO SHARE SOME IDEAS WITH YOU TODAY FOR IMPROVING AND PROTECTING BARTON SPRINGS POOL. WE'RE GLAD THAT THE MASTER PLAN PROCESS IS UNDER WAY FOR BARTON SPRINGS, AND WE ENCOURAGE EVERYONE WHO'S PARTICIPATING IN THAT, FROM SWIMMERS TO CITIZENS TO ORGANIZATIONS AS WELL AS THE PARKS AND REC. DEPARTMENT AND THE WATERSHED PROTECTION DEPARTMENT, TO USE THIS OPPORTUNITY TO REALLY THINK BIG ABOUT HOW WE CAN BEST IMPROVE BARTON SPRINGS AND MAKE IT A BETTER PLACE, YOU KNOW, NOT JUST AS A FACILITY TO GO SWIMMING BUT A PLACE TO ENJOY AND EXPERIENCE NATURE AND ALSO TO LEARN ABOUT NATURE AND WHAT AN AMAZING BUT FRAGILE RESOURCE WE HAVE IN THE MIDDLE OF THE CITY. WE'VE BEEN WORKING WITH THE FRIENDS OF BARTON SPRINGS POOL AND CITY LIFE GUARDS ON SOME OF THE CLEANING ACTIVITIES AT BARTON SPRINGS. ONE OF THOSE IS SKIMMING ALGAE, AND WE HAVE AND HAVE HAD AN ALGAE PROBLEM IN BARTON SPRINGS BECAUSE OF TOO MANY NUTRIENTS IN THE WATER STIMULATING TOO MUCH ALGAE GROWTH AND IT REQUIRES A LOT OF TIME FOR THE LIFE GUARDS AND FOR VOLUNTEERS TO SKIM THAT OUT, AND IT IS REALLY DEALING WITH THE SYMPTOM OF TOO MUCH NUTRIENTS -- NUTRIENTS ENTERING THE AQUIFER COMING OUT AT THE SPRINGS. SO WE WANT TO BRING TO YOUR ATTENTION A PROPOSED PERMIT THAT DEVELOPERS OF THE BELL CHAIR SUBDIVISION IN HAYS COUNTY ARE ATTEMPTING TO GET FROM TWEK. TCEQ. THEY'RE REQUESTING PERMISSION TO DISCHARGE THEIR TREATED SEWAGE INTO BEAR CREEK, WHICH IS ONE OF ONLY SIX CREEKS THAT RECHARGES BARTON SPRINGS, AND THIS PERMIT REQUEST WOULD THREATEN BARTON SPRINGS WITH INCREASED NIEWT RENT

LOADING, WHICH IN TURN WOULD SOMETIME LATE ALGAE GROWTH AND DEGRADE BARTON SPRINGS POOL, ALSO POSSIBLY LOWER DISSOLVED OXYGEN, WHICH THE LITTLE CRITTERS THAT LIVE IN THE SPRINGS NEED TO LIVE. LAST WEEK THE HAYS COUNTY COMMISSIONERS COURT, THE NEIGHBORS TO THE SOUTH, UNANIMOUSLY PASSED A RESOLUTION OPPOSING THIS DISCHARGE PERMIT, AND THEY HAVE SENT THAT TO THE TCEQ AND THE ENVIRONMENTAL BOARD WAS RECENTLY BRIEFED BY STAFF ON THIS MATTER AND WE HOPE THAT THE ENVIRONMENTAL BOARD WILL BRING A RECOMMENDATION TO THE COUNCIL AND THAT YOU-ALL WILL JOIN HAYS COUNTY, COMMISSIONERS COURT, IN OPPOSING IN PERMIT FOR THE PROTECTION OF BARTON SPRINGS AND THE EDWARDS AQUIFER. I HAVE COPIES OF THAT RESOLUTION THAT I'LL PASS OUT. AND FINALLY, JUST WANTED TO THROW OUT ONE IDEA AS THE CITY CONSIDERS THE WATER CONSERVATION MEASURES. PERHAPS CHIEF, AN EASY WAY TO ENABLE CITIZENS TO HELP OUT WITH THE TASK OF CONSERVING WATER, AND THAT WOULD BE TO CREATE A HOTLINE FOR WATER WASTE, SOMETHING EASY LIKE A PHONE NUMBER, 97 WATER THAT EVERYONE COULD KNOW, IF YOU SEE WATER BEING WASTED CALL 97 WATER AND YOU'LL HAVE THE CITY DEAL WITH THAT. THANK YOU FOR YOUR TIME.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I WOULD BE VERY HAPPY TO FOLLOW UP WITH YOU ON A RESOLUTION SIMILAR TO THE HAYS COUNTY IF YOU'LL GET IN TOUCH WITH MY OFFICE WE'LL GET TO WORK ON THAT. WITH....FURTHER COMMENTS.....

MAYOR WYNN: FURTHER COMMENTS OR QUESTIONS REGARDING CITIZENS COMMUNICATION? MR. MARTINEZ?

BEFORE I MAKE ANY COMMENTS I WANT TO MAKE IT REAL CLEAR THAT WHILE I ONCE WAS A FIREFIGHTER, I NO LONGER AM, NOR AM I IN ANY WAY INVOLVED WITH THE PENSION BENEFITS THAT

WERE MENTIONED HERE. SO ANY WORK THAT WE MIGHT DO AS A COUNCIL, I DON'T BENEFIT FROM POSITIVELY OR NEGATIVELY. BUT I DO WANT TO SPEAK TO THE ISSUE THAT IS BEING REPEATED HERE TODAY, THAT I THINK WE HAVE A CONFLICTING PHILOSOPHY THAT WE'RE ASKING OUR FIREFIGHTERS TO NEGOTIATE FOR PENSION BENEFITS AND IT EXPLICITLY STATES IN OUR CONTRACT THAT NOTHING IN THE CONTRACT CAN AFFECT RETIREES, AND I THINK THAT'S SOMETHING THAT NEEDS TO BE ADDRESSED. THAT NEEDS TO BE SPOKEN TO. THERE ARE SPECIFIC REASONS WHY PENSION BENEFITS OR SOMETHING THAT ARE OUTSIDE OF A NEGOTIATED PROCESS. YOU CAN'T PLAN 30 AND 40 YEARS AHEAD WITH A THREE-YEAR ACTUARY STUDY, SO I WANT US TO CONSIDER THAT AND TRY TO ADDRESS THE CONCERNS THAT WERE LAID OUT HERE TODAY. THERE WAS A 2% PENSION INCREASE THAT WAS AWARDED TO THE FIREFIGHTERS IN THEIR FIRST CONTRACT. IN THE SECOND CONTRACT IT WASN'T MAINTAINED WITHIN THAT CONTRACT AND WITHIN 30 DAYS OF SIGNING THE SECOND CONTRACT THAT 2% WENT AWAY AND IT'S NEVER BEEN RESTORED, AND I THINK THAT'S WHAT THESE RETIREES ARE ASKING US TO CONSIDER TODAY, AND I WOULD CERTAINLY LIKE FOR US TO CONSIDER THAT.

MAYOR WYNN: THANK YOU, COUNCIL MEMBER. FURTHER COMMENTS OR QUESTIONS? PARTICULARLY -- FRANKLY HAVE BEEN THE MAYOR PRO TEM HERE, SORT OF TO THE BENEFIT OF SOME FOLKS LISTENING OR WATCHING, IT'S MY UNDERSTANDING, I GUESS, YEARS.....YEARS AGO THE CITY, I SUSPECT CONTROLLED, YOU KNOW, THE -- CONTROLLED THE PENSIONS THEMSELVES, AND SO THERE WAS THE -- SORT OF THE CONSISTENCY, I GUESS, OF CITY FUNDING AND THEN CITY CONTROL BUNK.....

DUNKERLEY: THAT'S CORRECT.

MAYOR WYNN: AND THEN AT SOME POINT IN THE NO,.... NOT TOO DISTANT PAST, AND I UNDERSTAND THE POSSIBILITY BEHIND IT, BUT THEN THE CONTROL WAS PUT INTO THE INDEPENDENT



PENSION BOARD, NOT UNLIKE OUR EMPLOYEE RETIREMENT.

DUNKERLEY: EXACTLY. ALL THREE OF THOSE RETIREMENT SYSTEMS WENT UNDER STATE LAW AT ABOUT THE SAME TIME. I'M NOT SURE. MAYBE FIRE HAS BEEN THERE LONGER ACTION....., BUT AT THAT TIME THE COUNCIL CONTROLLED THE BENEFITS AND THE CONTRIBUTIONS AT OUR LEVEL, AND NOW THAT SHIFTED TO WHERE THE PENSION BOARD, WORKING THROUGH THE STATE LAW, REALLY CONTROLS BENEFITS FOR THE RETIREES. SO IT'S A LITTLE BIT DIFFERENT SYSTEM. UNDER THE ERF SYSTEM RIGHT NOW, YOU KNOW, THEY HAVE AN UNFUNDED LIABILITY THAT RUNS TO INFINITY, AND FOR THREE YEARS WE NEGOTIATED WITH THEM TO MAKE SOME ADDITIONAL CONTRIBUTIONS TO ENSURE THEIR BASIC PENSION, NOT THEIR COLA, AND WE ONLY DO IT IN THOSE YEARS THAT THEIR FUND DOESN'T EARN A A CERTAIN AMOUNT OF MONEY, SO IT'S NOT A GUARANTEED THING. BUT THEY TOO HAVE NOT HAD NICOLE.....ANY COLA'S IN AT LEAST FIVE YEARS. SO IT IS AN ISSUE AFFECTING ALL THE FUNDS AND I REALLY THINK IT'S IMPORTANT THAT WE LOOK AT THEM TOGETHER AND SEE WHAT BENEFITS HAVE BEEN -- HAVE BEEN GIVEN DURING THOSE TIMES, SEE IF THE BENEFITS HAVE CHANGED, WHETHER OR NOT THEY AFFECTED THOSE THAT ARE ALREADY RETIRED OR NOT IS ANOTHER ISSUE, BUT IF WE COULD JUST GET AN ANALYSIS OF EACH FUND AND THE BENEFITS THAT HAVE BEEN GIVEN OVER THE YEARS BY THEIR BOARDS, AND HOW THAT HAS AFFECTED THEIR STBILITY AS WELL AS OUR CONTRIBUTIONS. THAT WOULD BE SOME GOOD INFORMATION FOR US TO HAVE, BECAUSE WE NEED TO TREAT EVERYBODY FAIRLY.

MAY PRO TEM, AND WE'LL DO THAT. WE PULLED TOGETHER SOME INITIAL INFORMATION FOR ALL OF YOU. WE'LL DO THAT. I MEAN, AS AN EXAMPLE, EVEN INCLUDING SOCIAL SECURITY CONTRIBUTIONS, WHEN YOU LOOK AT YOUR EMPLOYEE RETIREMENT SYSTEM, WE CONTRIBUTE A LITTLE OVER 15% WHERE WE CONTRIBUTE A LITTLE OVER 18% TO THE FIREFIGHTER FUND, OR IF

YOU LOOK OVER THE LAST SEVEN YEARS IN TERMS OF A COST OF LIVING INCREASE, OUR REGULAR EMPLOYEES HAVE ONLY RECEIVED TWO YEARS OF AN INCREASE IN SEVEN YEARS, WHEREAS -- THE CITY ACTIVE EMPLOYEES -- CITY RETIREES -- AND THE FIREFIGHTER RETIREMENT FUND THAT.....HAS RECEIVED FIVE YEARS OUT OF THAT SEVEN IN... AN INCREASE. SO I DO THINK IT'S VERY IMPORTANT NOT TO TRY TO ISOLATE ONE SYSTEM. WE HAVE ONE SYSTEM OF OUR THREE RETIREMENT SYSTEM THAT IS REALLY WOEFULLY UNDERFUNDED AND IT IS THE EMPLOYEE, ERS, EMPLOYEE RETIREMENT SYSTEM. AND YOU ARE MAKING A VOLUNTARY CONTRIBUTION TO THAT BASED ON SOME VERY STRICT CRITERIA AND HAVING PULLED THOSE CONTROL OVER COLA'S AND THE ADMINISTRATION.

I THINK THE OTHER THING THAT'S KEY, AND AGAIN, WE WANT TO TREAT EVERYBODY FAIRLY, BECAUSE EVERYBODY THAT'S WORKED AT THE CITY HAS GIVEN THEIR TIME, AND YEARS, WANTS TO BE COMPENSATED AND WE WANT TO DO THAT BUT WE NEED TO DO IT THE SAME, I THINK, FOR EVERYBODY. WHEN YOU'RE LOOKING AT THAT ANALYSIS, WOULD YOU ALSO LOOK AT THINGS LIKE UPON RETIREMENT NOW, WHAT THE -- WHAT AGE YOU CAN RETIRE, WHAT OTHER BENEFITS OR WHAT OWE --

THE MULTIPLIER, THE AGE.

-- ATTRIBUTES OF EACH FUND ARE THERE, BECAUSE THEY'RE NOT ALL THE SAME. SOME OF THEM MAY HAVE DIFFERENT AGES FOR RETIREMENT, SOME OF THEM MAY HAVE DIFFERENT MULTIPLIERS, AND THEY'VE TRIED TO MOVE THEM CLOSER TOGETHER. BUT THAT WOULD BE HELPFUL SO WE CAN GET AN IDEA OF, YOU KNOW, IF THE FUNDS ARE REALLY COMPARABLE. AND YOU MAY ALSO WANT TO LOOK AT THE ACTUARIAL ASSUMPTIONS THAT ARE INCLUDED FOR EACH FUND. I KNOW THE FIREFIGHTERS AND ERM ARE MUCH CLOSER ON THEIR PHILOSOPHY ON INVESTMENT AS WELL AS ON THEIR EARNINGS. SO I THINK WE JUST NEED A COMPREHENSIVE UNDERSTANDING OF ALL OF THESE FUNDS SO THAT WE CAN BETTER PLAN, YOU

KNOW, IF WE NEED TO MAKE ADDITIONAL CONTRIBUTIONS AND HOW WE NEED TO DO THAT.

I'LL ALSO GET THE INFORMATION ON THE ISSUE INVOLVING THE ABILITY TO DO THIS AT THE TABLE. WE ACTUALLY HAVE ALREADY LOOKED AT THAT. WE HAVE ACTUALLY DONE CONTRIBUTIONS AT THE TABLE, AND YOU ARE ABLE VOLUNTARILY TO DO CONTRIBUTIONS AT THE TABLE, BUT WE'LL PUT THAT IN WRITING TO EACH OF YOU ALLEGE WITH THIS ANALYSIS OF ALL THREE SYSTEMS SIDE BY SIDE.

MAYOR WYNN: MAYOR PRO TEM, AS THE CHAIR OF THE AUTO FINANCE COMMITTEE, PERHAPS MIGHT YOUR COMMITTEE TAKE A QUICK --

WELL, WE PROBABLY NEED TO BECAUSE THESE -- THESE ARE LARGE NUMBERS, AND IF YOU'RE LOOKING AT A COLA, THAT'S A SUSTAINED CONTRIBUTION, MAYOR, AND, YOU KNOW, WE MIGHT EVEN LOOK AT A ONE-TIME -- WHAT THAT WOULD CORES, A ONE-TIME CONTRIBUTION FOR ALL OF OUR RETIREES. WE HAVE OVER 11,000 -- I MEAN, PROBABLY AROUND 1100, OVER A THOUSAND, ANYWAY, OF JUST ERS RETIREES, PLUS YOU'VE GOTTEN -- I'VE FORGOTTEN HOW MANY ARE THE FIREFIGHTERS RETIREE COUNT, BUT IT IS A SIGNIFICANT PROBLEM. I'M A RETIREE TOO AND I HAVEN'T HAD -- NOT THAT -- I'M WORKING SO IT'S NOT QUITE SO BAD FOR ME, BUT IT WOULD BE DIFFICULT TO MAINTAIN YOUR LIFE-STYLE WITHOUT THE COLA'S, BECAUSE THEY'RE IMPORTANT. THE OTHER QUESTION I'D LIKE TO ASK, WHAT ARE THE BENEFITS THAT HAVE BEEN GIVEN DURING THIS TIME FRAME THAT MAY NOT HAVE AFFECTED THE RETIREES BUT MAY HAVE AFFECTED THE UPCOMING RETIREES TO THE EXTENT THAT THEY WERE NOT ABLE TO GET COLA'S? SO I DON'T KNOW. I THINK THERE'S JUST A LOT OF STUFF THAT I DON'T KNOW ABOUT AND IT WOULD BE EASIER IF WE COULD GET THAT.

YOU KNOW, ANOTHER THING, IF WE'RE GOING TO TAKE A LOOK AT IT IN AUDIT AND FINANCE, WE MIGHT LOOK AT THE WHOLE PICTURE FOR

RETIREEES, BECAUSE THE OTHER ISSUE THAT'S GOING TO AFFECT US COMING UP ON RETIREEES IS GADSBY 45 INVOLVING HEALTH INSURANCE WITH RETIREEES. THAT HAS A SIGNIFICANT IMPACT AND IF WE'RE GOING TO PUT ALL OF THESE ISSUES ON THE TABLE YOU MIGHT AS WELL TAKE A LOOK AT THAT BECAUSE THAT.....THAT HAS A VERY, VERY BIG DOLLAR FIGURE FOR US.

AND WE WANT TO BE NOT ONLY FAIR BUT AS GENEROUS AS WE CAN TO OUR RETIREEES, AND THAT IS NOT THE ISSUE. THE ISSUE IS HOW DO YOU BE FAIR TO ALL THE GROUPS AND THEN BE ABLE TO AFFORD IT.

MAYOR WYNN: AGREED. COUNCIL MEMBER MARTINEZ?

MARTINEZ: I CERTAINLY SUPPORT ALL OF THE FACT FINDING AND BRINGING ALL OF THESE ISSUES TO THE TABLE, BUT I THINK IT'S SOMEWHAT UNRELATED TO THE REQUEST THAT'S BEEN MADE TODAY. AND SINCE WE'RE TALKING ABOUT FAIRNESS, IT'S IMPORTANT TO POINT OUT THAT HAD WE NOT BEEN UNFAIR TO THE FIREFIGHTERS IN TAKING AWAY THE COMMITMENT WE MADE TO THEM, THEY WOULDN'T BE HERE MAKING THIS REQUEST TODAY. WHAT THEY'RE ASKING TODAY IS TO REINSTATE THE 2% THAT WE AS A CITY COMMITTED TO THEM AND THEN WITHDREW FROM THEM. THAT'S ALL THEY'RE ASKING. ALL OF THIS OTHER STUFF, I THINK IT'S REALLY IMPORTANT. I THINK WE NEED TO HAVE SOME GOOD POLICY DIRECTION AS WE MOVE FORWARD IN THE FUTURE. BUT WHAT'S BEING BROUGHT TO US TODAY IS TO TREAT THEM FAIRLY AND TO MAINTAIN AND BRING BACK WHAT WE HAD ALREADY COMMITTED TO THEM AND TOOK AWAY FROM THEM.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? THANK YOU ALL. COUNCIL, BACK IN CLOSED SESSION, AS ANNOUNCED PREVIOUSLY, WE DISCUSSED ITEM NO. 47, WHICH..... WHICH IS RELATED TO REAL ESTATE IN THE 900 BLOCK OF WEST 3RD STREET. WE HAVE A RELATED ACTION ITEM WHICH IS POSTED AS ITEM NO. 48, AND

WELCOME A BRIEF PRESENTATION BY MISMARTY TERRY.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY. WHAT IS BEING PASSED OUT FOR YOU FOR THE ACTION ITEM ON AGENDA NO. 48 ARE TWO DIFFERENT ORDINANCES. ONE ORDINANCE ACCEPTS THE HIGHEST BID. THAT IS LABEL 48 ACCEPTANCE. THE OTHER ORDINANCE IS REJECT ALL BIDS, AND THAT ORDINANCE IS LABELED REJECTION. YOU ARE POSTED TO DO EITHER OF THESE ACTIONS. SO AT THIS TIME IT WOULD BE APPROPRIATE TO ENTERTAIN A MOTION TO EITHER ACCEPT THE HIGHEST BID OR REJECT ALL BIDS.

MAYOR WYNN: QUESTIONS FOR STAFF? COUNCIL? COUNCIL MEMBER MCCRACKEN.

MCCRACKEN: I MAKE A MOTION TO REJECT THE BIDS.

MAYOR WYNN: MOTOR VEHICLE BY COUNCIL MEMBER MCCRACKEN, SECONDED BY COUNCIL MEMBER LEFFINGWELL, ON ITEM NO. 48, REJECT ALL BIDS IN THE ORDINANCES HERE IN FRONT OF US. FURTHER COMMENTS? YES?

MCCRACKEN: MAY I JUST SAY BRIEFLY, ONE OF THE LESSONS WE LEARNED IS IN OUR LAST FEW LAND SALES IN THE URBAN CORE, PARTICULARLY DOWNTOWN, WE'VE ESTABLISHED AS PART OF THE RFP SOME RESTRICTIONS AND EXPECTATIONS FOR HOW THAT LAND WILL BE USED, AND ONE OF THE LESSONS WE LEARNED, WE AS A COUNCIL DO DID NOT DIRECT THAT KIND OF POLICY BE SET FORTH IN THE RFP. THE PURPOSE IS TO MAKE SURE THEY'RE GETTING DEVELOPMENT THAT COMPORTS WITH OUR LAND USE PLANNING AND TAX BASED GOALS FOR THE DOWNTOWN AREA IN PARTICULAR.

MAYOR WYNN: FURTHER COMMENTS? AGREED, COUNCIL MEMBER. THANK YOU. SO WE HAVE MOTION AND A SECOND ON THE TABLE TO -- ON ITEM NO. 48, REJECT ALL BIDS. HEARING NO ADDITIONAL COMMENTS ALTHOUGH IN FAVOR

PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH  
COUNCIL MEMBER MARTINEZ OFF.... OFF THE DAIS.

THANK YOU.

THANK.....

MAYOR WYNN: THANK YOU. SO COUNCIL, I BELIEVE WE STILL NO LONGER HAVE ACTION ITEMS BEFORE US OTHER THAN OUR POSTED HFC MEETING THIS AFTERNOON AND ZONING AT 4:00, SO WITH THAT OBJECTION WE'LL GO BACK IN THE CLOSED SESSION AS ANNOUNCED EARLIER, AND AGAIN, THOSE ITEMS THAT WE HAVE YET TO TAKE UP INCLUDE LEGAL ISSUES, ITEMS 40 RELATED TO THE LEGISLATIVE SESSION, 41 RELATED TO NORTH CROSS MALL, 55 RELATED TO ZONING CASE AT 7TH AND RIO GRANDE. WE MAY ALSO TAKE UP PERSONNEL MATTERS PURSUANT TO SECTION 551.074. THOSE REGARDING THE PERFORMANCE, COMPENSATION AND BENEFITS OF OUR MUNICIPAL COURT PRESIDING JUDGE, THE ASSOCIATE AND SUBSTITUTE JUDGES AND OUR MUNICIPAL COURT CLERK. WE ARE NOW IN CLOSED SESSION ANTICIPATING COMING BACK INTO OPEN SESSION A FEW MINUTES PRIOR TO 4:00 P.M. THANK YOU. WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION, LET'S SEE, MS. GENTRY WE DID NOT AND WILL NOT TAKE UP ITEMS 41, 42 OR 55. WE DID TAKE UP AND CONDUCT OUR -- OUR LEGAL -- LEGAL DISCUSSION ON THE LEGISLATIVE SESSION, ITEM NO. 40. WE DID TAKE UP AND COMPLETE OUR PERSONNEL MATTERS, ITEMS 43, 44 AND 45. AND EARLIER BEFORE CITIZENS COMMUNICATION WE TOOK UP ITEMS 46 AND 47. SO COUNCIL, WE WOULD NOW -- AT THIS TIME I WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND WE WILL CALL TO ORDER THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS MEETING AND WELCOME MR. PAUL HILGERS.

.

THANK YOU, MR. PRESIDENT, I'M PAUL HILGERS  
PRESIDENT FOR THE AUSTIN HOUSING FINANCE  
CORPORATION BOARD, AHF 1 IS TO APPROVE THE  
MINUTES OF THE FEBRUARY 1st, 2007 BOARD  
MEETING OF THE HOUSE.....OF THE AUSTIN  
HOUSING FINANCE CORPORATION. I WOULD  
RECOMMEND THE APPROVAL.

I WILL ENTERTAIN THAT MOTION.

MOVE APPROVAL.

MOTION MADE BY BOARD MEETING LEFFINGWELL,  
SECONDED BY THE PRESIDENT TO APPROVE ITEM  
NO. 1, WHICH IS THE MINUTES OF THE FEBRUARY 1st  
BOARD MEETING OF THE AHFC.

THANK YOU. ALL IN FAVOR PLEASE SAY AYE.

".

MOTION PASSES ON A VOTE OF 4-0.

SORRY, AHFC ITEM NO. 2 IS TO CONDUCT A PUBLIC  
HEARING TO RECEIVE INPUT ON THE ISSUANCE OF  
THE AUSTIN FINANCE CORPORATION'S 501 C 3  
MULTI-FAMILY HOUSING REVENUE BONDS PROJECT  
SERIES 2007 IN AN AMOUNT NOT TO EXCEED  
\$9,950,000 TO PROVIDE PERMIT FINANCING FOR THE  
MEADOW WOOD APARTMENTS AT 9610 MIDDLE  
FISKVILLE ROAD, AUSTIN, TEXAS TO BE OWNED  
AND OPERATED BY A SINGLE PURPOSE NON-PROFIT  
CORPORATION AFFILIATED WITH THE SAN ANTONIO  
ALTERNATIVE HOUSING CORPORATION. THIS  
PUBLIC HEARING, WHICH IS REQUIRED, MEETS THE  
TAX EQUITY FINANCIAL RESPONSIBILITY ACT, IT'S A  
TEFRA HEARING, REQUIRED FOR BOND FINANCING  
PROGRAMS AND MEETS THOSE REQUIREMENTS AND  
ALLOWS THE AUSTIN HOUSING FINANCE  
CORPORATION TO RECEIVE PUBLIC INPUT FOR THE  
ISSUANCE OF THE \$9,950,000 OF 501 C 3 MULTI-  
FAMILY HOUSING NON-RECOURSE BONDS FOR THE  
MEADOW WOOD APARTMENTS. AT THIS TIME, THE

PUBLIC HEARING.

WE HAVE NO CITIZENS SIGNED UP YET, AT LEAST ACCORDING TO OUR COMPUTER SYSTEM. ANY CITIZENS HERE THAT WOULD LIKE TO ADDRESS THIS PUBLIC HEARING RELATED TO AUSTIN HOUSING FINANCE CORPORATION ITEM NO. 2, THE MULTI-FAMILY HOUSING REVENUE BONDS AS PRESENTED BY STAFF? THANK YOU ALL VERY MUCH. SO I WILL MOVE -- WE WILL CLOSE THE PUBLIC HEARING. I WILL ENTERTAIN THAT MOTION.

SO MOVE.

MOTION MADE BY THE VICE-PRESIDENT, SECONDED BY BOARD MEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING, ALL IN FAVOR AYE?

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 4-0 WITH BOARD MEMBERS COLE, KIM AND MARTINEZ OFF THE DAIS. AHFC 3 IS TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF AGREEMENTS UNDER THE ACQUISITION AND DEVELOPMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$1,600,000 FOR THE INVESTMENT IN A PROPOSED CONDOMINIUM PROJECT AT 65 -- EXCUSE ME, 7685 NORTH CROSS DRIVE TO PROVIDE A MINIMUM OF 40 AFFORDABLE HOME OWNERSHIP UNITS TO MODERATE AND LOW INCOME BUYERS. STAFF IS RECOMMENDING THAT THE BOARD OF DIRECTORS AUTHORIZE THIS NEGOTIATION AND EXECUTION IN THE AMOUNT OF \$1.6 MILLION. THE FUNDS WILL BE USED TO PROVIDE A LOAN GUARANTEE AND TO CREATE AN INTEREST TO PURCHASE A MINIMUM OF 40 HOME OWNERSHIP UNITS, THE GUARANTEED COMMITMENT WILL BE REDUCED AS UNITS ARE SOLD TO LOW AND MODERATE INCOME BUYERS. THE CURRENT FACILITY IS OPERATED AS SOMMERFIELD SUITES, AN EXTENDED STAY HOTEL BUILT IN 1985. LOCATED NEAR BURNET ROAD AND ANDERSON LANE THE PROPERTY HAS 11 TWO STORY BEING BUILDINGS ON 5.19 ACRES WITH 180 RESIDENTS SHAT UNITS. IT INCLUDES A CLUBHOUSE FACILITY WITH MEETING SPACE, SWIMMING POOL. MATURE LANDSCAPING WITH LARGE TREES ARE ALSO AN IMPORTANT FEATURE. THE HOUSING



FINANCE CORPORATION WILL NEGOTIATE THE PURCHASE OF A MINIMUM OF 40 UNITS, 34 ONE BEDROOM ONE BATH AND SIX 2 BEDROOM, 2 BATHS. UNITS WILL HAVE NEW HVAC EQUIPMENT AND REQUIRED ELECTRICAL UPGRADES AND ADDITIONAL RENOVATION WORK IS PLANNED FOR THE EXTERIOR OF THE BUILDINGS. THE AHFC UNITS WILL BE DISPERSED THROUGHOUT THE PROPERTY WITH AT LEAST 20 OF THEM ON THE GROUND FLOOR TO BE MODIFIED FOR HANDICAPPED ACCESSIBILITY AS NEEDED. AT LEAST ONE-HALF OF THE 40 UNITS WILL BE PRICED TO SERVE HOUSEHOLDS AT OR BELOW 60% OF MEDIAN FAMILY INCOME, CURRENTLY 34,150 FOR A TWO PERSON HOUSEHOLD WITH PERMANENT AFFORDABILITY SECURED BY THE AHFC COMMUNITY LAND TRUST MODEL. THE REMAINING UNITS SOLD AT OR BELOW 80% OF MEDIAN FAMILY INCOME, CURRENTLY \$45,000 FOR A TWO PERSON HOUSEHOLD UNDER A SHARED EQUITY MODEL TO PRESERVE AFFORDABILITY IN THOSE UNITS AS WELL. BOARD MEMBERS THIS IS OBVIOUSLY A VERY EXCITING OPPORTUNITY FOR US TO PROVIDE HOME OWNERSHIP IN AN AREA OF TOWN WHERE WE HAVE NOT BEEN ABLE TO SECURE THAT AT AN AFFORDABLE RATE AND WE ARE VERY EXCITED ABOUT BRINGING THIS ITEM TO YOU AND RECOMMEND IT FOR YOUR APPROVAL.

THANK YOU, MR. HILGERS. REMIND ME, THE PORTION OF TOWN -- IS THIS LITERALLY OUR FIRST PROJECT WEST OF I-35.

THIS IS THE FIRST HOME OWNERSHIP PROJECT YES, SIR FOR AFFORDABILITY WEST OF I-35, CERTAINLY WEST OF LAMAR. WE'VE HAD FAIRLY SUCCESSFUL RENTAL UNITS, SOME RIGHT ON THE CUSP OF I-35. THE MOST WESTERN OF WHICH IS SOUTHWEST TRAILS OUT BY OAK HILL, BUT FOR A HOME OWNERSHIP OPPORTUNITY IN THIS PART OF TOWN IT'S A GREAT OPPORTUNITY FOR US TO HAVE -- TO MEET OUR GOAL OF DISPERSION OF AFFORDABLE HOUSING ACROSS OUR COMMUNITY. WE ARE EXCITED ABOUT THIS OPPORTUNITY.

UNDERSTOOD. QUESTIONS OF MR. HILGERS, BOARD?

COUNCILMEMBER MARTINEZ?

I JUST WANTED TO THANKS MR. HILGERS AND STAFF, I THINK YOU KNOW IT'S A WONDERFUL PROJECT THAT WE ARE FINALLY MOVING WEST OF THE INTERSTATE WITH OUR AFFORDABILITY. UNFORTUNATELY WE WEREN'T ABLE TO BUY THE ENTIRE PROPERTY AS WE ORIGINALLY SOUGHT OUT TO DO, BUT I UNDERSTAND THE TIMING AND THE CIRCUMSTANCES. SO I'M LOOKING FORWARD TO WORKING ON MORE PROJECTS WEST OF I-35. I THINK THIS IS AN AREA OF TOWN WHERE -- WHERE AFFORDABILITY IS CERTAINLY NEEDED AND -- AND I JUST CONGRATULATE YOU GUYS.

THANK YOU VERY MUCH.

THANKS.

FURTHER QUESTIONS OR COMMENTS OF STAFF, BOARD? WE HAVE NO CITIZENS SIGNED UP ON THIS POSTED ITEM NO. 3. HEARING NO QUESTIONS OR COMMENTS, I WOULD ENTERTAIN A MOTION.

MOTION MADE BY BOARD MEMBER MARTINEZ, SECONDED BY MEMBER LEFFINGWELL, FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH BOARD MEMBER COLE OFF THE DAIS.

THANK YOU VERY MUCH. THAT CONCLUDES THE BUSINESS BEFORE THE FINANCE CORPORATION TODAY. APPRECIATE IT.

THANK YOU, MR. HILGERS. THERE WILL BE NO MORE BUSINESS BEFORE THE BOARD, WE NOW STAND ADJOURNED. AT THIS TIME I WILL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. AND WE WILL NOW TAKE UP OUR 4:00 -- I SAY THAT. PERHAPS BEFORE -- I DON'T KNOW IF STAFF IS READY -- PERSONNEL ITEMS. ALL OF THEM? OKAY. SO NOW COUNCIL WE WILL NOW GO

TO THE 4:00 ZONING ORDINANCES, APPROVAL OF  
RESTRICTIVE COVENANTS. ZONING CASES.  
WELCOME, MR. GREG GUERNSEY.

GOOD AFTERNOON, MAYOR AND COUNCIL, MY  
NAME IS GREG GUERNSEY WITH THE  
NEIGHBORHOOD PLANNING AND ZONING  
DEPARTMENT. LET ME GO THROUGH OUR 4:00  
ZONING ORDINANCES AND RESTRICTIVE  
COVENANTS WHERE THE HEARINGS ARE CLOSED. 49  
. C14-05-0112 - RIVERSIDE NEIGHBORHOOD PLAN  
COMBINING DISTRICT (TRACTS 45 AND 45B)-  
APPROVE THIRD -- THIS IS A DISCUSSION ITEM....  
ITEM. 50 . C14-05-0186 - 404 STERZING - APPROVE  
SECOND/THIRD READINGS OF AN ORDINANCE  
AMENDING CHAPTER 25-2 OF THE AUSTIN CITY  
CODE BY REZONING PROPERTY LOCALLY KNOWN  
AS 404 STERZING (TOWN LAKE WATERSHED) FROM  
GENERAL COMMERCIAL SERVICES (CS) DISTRICT  
ZONING TO GENERAL COMMERCIAL SERVICES-  
CONDITIONAL OVERLAY (CS-CO) COMBINING  
DISTRICT ZONING. THE PROPERTY OWNER HAS  
WORKED WITH THE NEIGHBORHOOD AND COME UP  
WITH -- HAS COME UP WITH SOME ADDITIONAL  
CONDITIONS THAT HAVE BEEN AGREED TO. I  
WOULD LIKE TO READ THOSE INTO THE RECORD AS  
PROHIBITED USES, THIS WOULD BE RELATED TO  
ITEM NO. 50 AND TO THE ACCOMPANYING ITEM,  
OWNED BY THE SAME PROPERTY OWNER, ITEM NO.  
51. WHICH IS CASE C14-05-0189 - 1900 BARTON  
SPRINGS ROAD. ALSO TO FROM GENERAL  
COMMERCIAL SERVICES-CONDITIONAL OVERLAY  
(CS-CO) COMBINING DISTRICT ZONING AND LIMITED  
OFFICE-CONDITIONAL OVERLAY (LO-CO)  
COMBINING DISTRICT ZONING TO GENERAL  
COMMERCIAL SERVICES-CONDITIONAL OVERLAY  
(CS-CO) COMBINING DISTRICT ZONING. FIRST  
READING THIS WILL BE 50 AND 51 WITH  
ADDITIONAL PROHIBITED USES. AGRICULTURAL  
SERVICES, AUTOMOBILE RENTAL, AUTOMOBILE  
REPAIR, AUTOMOBILE WASHING, BAIL BONDS,  
COMMERCIAL BLOOD PLASMA CENTER,  
COMMERCIAL PARKING LOT, CONVENIENCE  
STORAGE, PAWN SHOP, VEHICLE STORAGE,  
RECREATIONAL VEHICLE STORAGE, SCRAP AND  
SALVAGE SERVICES AND SERVICE STATION. IN

ADDITION THERE WOULD BE A CONDITIONAL OVERLAY THAT WOULD BE PLACED ON BOTH ITEMS 50 AND 51 THAT WOULD LIMIT THE TOTAL AMOUNT OF NON-RESIDENTIAL SQUARE FOOTAGE TO A MAXIMUM OF 10,000 SQUARE FEET. AND THAT WOULD BE APPLIED TO EACH CASE, ITEM 50 AND 51. THERE'S A MR. JEFF JACK HERE REPRESENTING THE ZILKER NEIGHBORHOOD ASSOCIATION. THAT IS AGREEABLE TO THESE CONDITIONS. AND WILL SEEK TO HAVE A PRIVATE AGREEMENT BETWEEN THE NEIGHBORHOOD AND THE -- AND THE APPLICANT THAT IT WILL LIMIT IT TO A TOTAL OF 10,000 SQUARE FEET ON BOTH OF THOSE TRACTS. AND IF COUNCIL WOULD LIKE TO HEAR FROM HIM, HE IS PRESENT..... PRESENT.

MR. JACK, WELCOME.

MAYOR, COUNCIL, I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. FIRST, WE WANT TO THANK JOHN WOOLLY FOR WORKING WITH US OVER THE LAST YEAR ON THIS PROJECT. I JUST NOTE TO YOU THAT MR. WILLY WAS ABLE TO DEVELOP A PROJECT ON THIS -- ON THIS VERY NICE PIECE OF LAND NEXT TO ZILKER PARK AT THE BASE ZONING DISTRICT OF 60 FEET. WE HAVE AGREED TO LIMIT THE TOTAL AMOUNT OF COMMERCIAL RETAIL IN THE TWO TRACTS TO 10,000, BUT BECAUSE OF THE LEGALITIES OF TWO SEPARATE ZONING CASES, WE ARE PUTTING 10,000 ON BOTH WITH THE UNDERSTANDING BETWEEN US AND THE APPLICANT THAT THE TWO WILL BE LIMITED TO 10,000 BETWEEN THE TWO. AND APPRECIATE MR. WOOLLY WORKING WITH US, THANK YOU.

Mayor Wynn: THANK YOU, MR. JACK. QUESTIONS, COMMENTS, COUNCIL?

LET ME THEN CONTINUE. 52 . C14H-05-0017 - BAUGH-COLBY HOUSE. IT'S A DISCUSSION ITEM. AS WELL AS ITEM NO. 53. 53 . NP-05-0021 (PART) - EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN (TRACTS 45 AND 45 B. THIS ITEM IS RELATED TO ITEM NO. 45. OR 49, EXCUSE ME. ITEM 54 HAS BEEN REMOVED FROM YOUR AGENDA WITH THE CHANGES AND CORRECTIONS. SO -- SO THAT

CONCLUDES THE -- THE PORTION OF THIS AGENDA THAT I CAN OFFER AS CONSENT, WHICH WOULD ONLY BE ITEMS 50 AND 51 AS I READ INTO THE RECORD.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AGAIN COUNCIL THE RECOMMENDED CONSENT AGENDA ON THE CASES WHERE WE HAVE ALREADY CLOSED THE PUBLIC HEARING WILL BE TO APPROVE ITEMS 50 AND 51 ON SECOND AND THIRD READING WITH THOSE ADDITIONAL PROVISIONS, THOSE BEING ADDITIONAL PROHIBITED USES AS READ INTO THE RECORD BY MR. GUERNSEY. I WILL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER COLE TO APPROVE THE CONSENT AGENDA AS READ, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

I WILL CONTINUE THE REMAINDER OF THE CONSENT ITEMS UNDER ZONINGS, PLAN AMENDMENTS, PUBLIC HEARINGS AND POSSIBLE ACTION. 55 PH . C14-06-0183 - CLB/7TH AND RIO GRANDE PROPERTY. THIS WILL BE A DISCUSSION ITEM. 56 PH . NP-05-0021 (PART) - EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN. THIS IS FOR A PARCEL LOCATED AT 1818 SOUTH [INDISCERNIBLE] BOULEVARD FOR A CHANGE TO THE RIVERSIDE/OLTORF COMBINED PLAN TO ESTABLISH A DESIGNATION OF MIXED USE ON RECOMMENDED TO YOU BY THE PLANNING COMMISSION. RELATED ITEM IS ITEM NO. 57. 57 PH . C14-05-0112 - RIVERSIDE NEIGHBORHOOD PLAN COMBINING DISTRICT - 1818 S. LAKESHORE BOULEVARD. REZONING REQUEST FROM MULTI-FAMILY RESIDENCE, MEDIUM DENSITY, MF 3 DISTRICT ZONING TO MULTI-FAMILY RESIDENCE MEDIUM DENSITY NAKED PLAN OR (MF-3-NP) COMBINING DISTRICT ZONING. RECOMMENDED TO YOU BY THE PLANNING COMMISSION. BOTH ITEMS READY FOR FIRST READING, ITEM 56 AND 57. 58 PH . C14-06-0085.SH - ZACHARY SCOTT SUBDIVISION TRACT 1 - FOR THE

PROPERTY LOCATED AT 10016-10136 OLD LOCKHART HIGHWAY EAST OF BRADSHAW -- THIS IS A REZONING REQUEST FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE-SMALL LOT (SF-4A) DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST WITH CONDITIONS. READY FOR ALL THREE READINGS..... READINGS. 59 PH . C14-06-0084.SH - ZACHARY SCOTT SUBDIVISION TRACT 2 - PROPERTY LOCALLY KNOWN AS 10142-10620 BRADSHAW ROAD (ONION CREEK AND RINARD CREEK WATERSHEDS) FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE-SMALL LOT (SF-4A) DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED THIS REQUEST AND BOTH ITEMS ARE READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM 58 AND 59. 60 PH . C14-06-0210 - BURGER KING - 7105 IH-35 NORTH SERVICE ROAD. THIS ITEM HAS BEEN WITHDRAWN, NO ACTION REQUIRED. ITEM NO. 60 WITHDRAWN. 61 PH . C14-06-0211 - VALDEZ ZONING PROPERTY LOCALLY KNOWN AS 2819-2823 MANOR DRIVE (BOGGY CREEK WATERSHED) FROM NEIGHBORHOOD COMMERCIAL-MIXED USE-NEIGHBORHOOD PLAN (LR-MU-NP) COMBINING DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED TO GRANT THE REQUEST, READY FOR FIRST READING, ITEM NO. 61. 62 PH . C14-06-0230 - NOMAD WINE AND CHEESE, KNOWN AS 1213-1215 CORONA DRIVE. REZONING FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT ZONING TO COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO)DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED TO GRANT, READY FOR FIRST READING. ITEM NO. 62. 63 PH . C14-06-0220 - THORNTON BUNGALOWS, KNOWN AS 2206-2210 THORNTON ROAD, THIS WILL BE A DISCUSSION ITEM. 64 PH . C14-06-0121 - THE DOMAIN - PROPERTY LOCALLY KNOWN AS -- VARIOUS ADDRESSES ALONG BRAKER LANE. ALSO A DISCUSSION ITEM. 65 AND 66 ARE RELATED. NPA-06-0019.01 - EAST AVENUE P.U.D. KNOWN AS CONCORDIA CAMPUS,

RELATED ITEM 66, C814-06-0175 - EAST AVENUE  
P.U.D. FOR THAT SAME PROPERTY, THESE WILL BE  
DISCUSSION ITEMS.

SO THEN COUNCIL OUR PROPOSED CONSENT  
AGENDA FOR THESE PUBLIC HEARINGS WILL BE TO  
CLOSE THE PUBLIC HEARING AND APPROVE ON  
FIRST READING ONLY ITEMS 56 AND 57. CLOSE THE  
PUBLIC HEARING AND APPROVE ON ALL THREE  
READINGS ITEMS 58, 59, WE SHOULD NOTE THAT  
ITEM 60 WITHDRAWN, WE WILL ALSO CLOSE THE  
PUBLIC HEARING APPROVE ON FIRST READING  
ONLY ITEM 61 AND 62. I WILL ENTERTAIN THAT  
MOTION..... MOTION. MOTION MADE BY THE MAYOR  
PRO TEM, SECONDED BY EXAM TO APPROVE THE  
CONSENT AGENDA AS READ. FURTHER COMMENTS?  
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY  
AYE.

AYE.

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

THANK YOU, MR. GUERNSEY.

RETURN BACK TO ITEMS THAT ARE UNDER  
DISCUSSION. 49 . C14-05-0112 - RIVERSIDE  
NEIGHBORHOOD PLAN COMBINING DISTRICT  
(TRACTS 45 AND 45B)- APPROVE THIRD -- THIS WAS A  
REQUEST TO APPROVE THIRD READING OF AN  
ORDINANCE REZONING PROPERTIES KNOWN AS  
1801-1919 E. RIVERSIDE DRIVE (TRACT 45) AND 1905 E.  
RIVERSIDE DRIVE (TRACT 45B) THIS WAS  
PRESENTED TO YOU -- PRESENTED TO YOU  
PREVIOUSLY ALONG OTHER CASES, IN EAST  
RIVERSIDE AREA, WE ARE IN RECEIPT OF A PETITION  
THAT'S BEEN FILED -- BEEN FILED REGARDING  
THESE PROPERTIES. IF YOU MAY RECALL COUNCIL  
THE TRACT 45 WAS PROPOSING TO ACTUALLY BE  
DOWN ZONED AND PORTIONS OR TRACT 45 B WAS  
TO BE UPZONED AND IT HAS TO DEAL WITH -- WITH  
COMMERCIAL LIQUOR SALE ZONING. AND THERE'S  
BEEN A PETITION FILED BY -- BY THE PROPERTY  
OWNER AND THERE WAS A -- REPRESENTED BY MR.  
ANDREW MARTIN THAT WOULD OBJECT TO THE  
DOWN ZONING OF THE EXISTING CS 1 ON THE

PROPERTY. IF -- IF THE UPZONING OF THE -- OF THE OTHER TRACT, 45 B DOES NOT OCCUR. IF -- IF ONE IS UPZONED AND THE OTHER IS DOWN ZONED THE PETITION IS WITHDRAWN. THE NET EFFECT WOULD BE CURRENTLY THERE IS 2533 SQUARE FEET THAT IS CURRENTLY ZONED CS 1 AND -- AND THERE WOULD BE A PROPOSAL TO REZONE LAND TO CS 1 OF 1,977 SQUARE FEET. THIS ITEM AS -- AS I MENTIONED EARLIER, IS RECEIPTED TO ITEM NO. 53 ON YOUR AGENDA, ONE IS A PLAT AMENDMENT AND ONE IS A ZONING CHANGE. THE PLAN AMENDMENT FOR THE - - FOR THESE TRACTS WOULD PROPOSE OR THE -- THE LAND USE MAP THAT'S PROPOSED WOULD BE FOR MIXED USE ZONING OR EXCUSE ME MIXED USE IS THE LAND USE AND THEN THE ZONING FOR TRACT 45 AS APPROVED ON FIRST READING WAS FOR GR-NP WITH A MIXED USE BUILDING AND A NEIGHBORHOOD URBAN CENTER AND ON 45 B WOULD BE FOR CS-NP WITH A MIXED USE BUILDING AND A NEIGHBORHOOD YOU WERE.....URBAN CENTER. THAT IS THE TRACT THAT BOTH COMMISSION AND STAFF RECOMMENDED THAT THE APPLICANT SUPPORTS TO BE REZONED TO CS 1. AND I BELIEVE MR. MARTIN -- I UNDERSTOOD THAT MR. MARTIN WAS PRESENT. I KNOW THAT HE'S WORKING ON ANOTHER ITEM ON THE AGENDA. THE PUBLIC HEARING HAS BEEN CLOSED.

RIGHT.

I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE. I CAN GO INTO MORE DETAIL, THE PARCELS IN QUESTION IF YOU SO DESIRE.

THANK YOU, MR. GUERNSEY. COUNCIL, WE REMEMBER THIS CASE WELL, ITEM NO. 49. AND APPARENTLY MR. MARTIN IS HERE IF WE HAVE QUESTIONS OR -- OR NEED CONFIRMATION FROM HIM. QUESTIONS FOR STAFF? COMMENTS? COUNCILMEMBER MARTINEZ? [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THE PETITION WOULD REQUIRE SIX VOTES BECAUSE IT IS THE DOWN ZONING OF TWO CS-1.1 PROPERTIES. THEY WOULD BE FINE WITH US UPZONING CS ONE ADJACENT TO THE CURRENT CS-1. I THINK THERE'S



ONLY ONE THING THAT CAN HAPPEN IN THIS CASE AND THAT IS THE EXPANSION AFTER CLUB. AND I DON'T THINK THAT'S WHAT WE WANT TO BE DOING. AT LEAST I WOULDN'T WANT TO SEE THAT IN MY NEIGHBORHOOD. SO I'M GOING TO CONTINUE MY POSITION THAT I WOULD WANT US TO MAINTAIN THE CURRENT CLUB AND ITS CURRENT FOOTPRINT AT CS-1, BUT REZONE ALL OF THE OTHER PROPERTIES TO GR. AND IT WILL REQUIRE SIX VOTES AND I'M ASKING COUNCIL TO CONSIDER THAT. IS IT.

Dunkerley: COULD I ASK ONE QUESTION, COUNCILMEMBER MARTINEZ? WE DON'T HAVE THE LITTLE CHART. YOU'RE SAYING JUST THAT AREA THAT'S SORT OF IN THE CORNER WHERE THE CLUB IS NOW THERE IS SOME CS-1 AT THE FRONT OF THAT, YOU'RE SAYING DOWN ZONE THAT, LEAVE THE OTHER THE SAME AND DOWN ZONE THE OTHER IN THE OTHER PARCEL. OKAY. MARILYN MORITZ AND PERHAPS IF MARILYN MORITZ IF YOU COULD CONFIRM THAT THAT IS WHAT YOUR CLIENT HAS FILED AGAINST OR FALLS UNDER THAT PETITION.

YOU WILL NOTICE TR FAR NORTH END THERE ARE TWO PINK STOREFRONTS THAT ARE CURRENTLY ZONED CS-1. AND THE PETITION IS PROTESTING THE CHANGE IN ZONING THAT COUNCILMEMBER MARTINEZ IS RECOMMENDING OF REMOVING THAT CS-1 UNLESS THE GREEN SPACE IMMEDIATELY BELOW IT IS CONTEMPORANEOUSLY ZONED CS-1, WHICH IS WHAT THE STAFF RECOMMENDATION AND THE PLANNING COMMISSION RECOMMENDATION IS. BUT WE ARE -- SO THE PROTEST IS AGAINST THE CHANGE OF THE CS-1 ZONING.

Mayor Wynn: AND YOUR CLIENT'S VALID PETITION IS NOT IN OPPOSITION TO THE PLANNING COMMISSION AND STAFF RECOMMENDATION.

NO, SIR. WE SUPPORT THAT RECOMMENDATION.

Mayor Wynn: QUESTIONS FOR MR. MARTIN, COUNCIL, COMMENTS? OR OF STAFF? SO I WOULD CONSIDER COUNCILMEMBER MARTINEZ TO HAVE MADE A

MOTION.

I WOULD LIKE TO MAKE THAT MOTION THAT --

Mayor Wynn: THEN MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER KIM TO --

MAYOR, I MIGHT BE ABLE TO HELP YOU. TRACTS 45 AND 45-B, IT WOULD BE -- MY UNDERSTANDING IS TO APPROVE MIXED USE AS A LAND USE FOR THE FUTURE LAND USE MAPS. AND THEN ON 45-B -- AND I MIGHT WANT TO JUST CLARIFY THAT IT WAS FOR GR-NP, WHICH INCLUDES THE NEIGHBORHOOD PLAN, AND ALSO MADE AN ACCOMMODATION TO ALLOW A MIXED USE BUILDING AND NEIGHBORHOOD URBAN CENTER FOR TRACTS 45 AND 45-B.

Mayor Wynn: SO COUNCILMEMBER MARTINEZ JUST CONFIRMED THAT WAS HIS MOTION. QUESTIONS, COMMENTS? I WANT TO SAY I'VE STRUGGLED WITH THIS ONE. I AGREE WITH THE CONTEXT OF COUNCILMEMBER MARTINEZ'S GOAL REGARDING CS-1, BUT I'M ALSO VERY RESPECTFUL OF THE TIME AND EFFORT THAT THE STAFF AND PLANNING COMMISSION PUT INTO THEIR RECOMMENDATION. SO YOU.... I WILL NOT BE SUPPORTING THE MOTION. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR OF THE MOTION AAYE. OPPOSED? MOTION FAILS TO OVERRIDE THE PETITION ON A VOTE OF FOUR ATIRM ACTIVE, THREE NO'S, THOSE NO'S BEING THE MAYOR PRO TEM, THE MAYOR AND COUNCILMEMBER LEFFINGWELL, I BELIEVE THAT'S CORRECT, AND COUNCILMEMBER COLE. I'M SORRY, 3-4 VOTE WITH FOUR NAYS. FURTHER COMMENTS, QUESTIONS? I'LL ENTERTAIN ANOTHER MOTION PERHAPS.

Dunkerley: I WOULD MOVE APPROVAL OF THE STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY MAYOR PRO TEM TO APPROVE STAFF RECOMMENDATION ON ITEM 49.

MAYOR, WOULD YOU LIKE ME TO CLARIFY THAT

ACTION. FOR 45 AND 45-B ON THE FUTURE LAND USE MAP THAT WOULD SHOW AS MIXED USE. AND ON 45 THAT WOULD BE TO ZONE THE PROPERTIES GR-NP WITH A MIXED USE BUILDING, NEIGHBORHOOD URBAN CENTER. THEN ON 45-B IT WOULD BE FOR ZONING CS-1-NP WITH A MIXED USE BUILDING AND A NEIGHBORHOOD URBAN CENTER.

Mayor Wynn: THANK YOU. SO MOTION BY MAYOR PRO TEM, SECONDED BY COMOAZ, STAFF RECOMMENDATION, ITEM 49. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'LL JUST SAY I'M GOING TO SUPPORT THE MOTION. IT DOES RESULT IN A SMALLER CS-1 FOOTPRINT IN THIS PARTICULAR BUILDING COMPLEX, AND I THINK IT'S A FAIR COMPROMISE TO THE APPLICANT. FR.

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

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF FIVE-TWO WITH COUNCILMEMBERS MARTINEZ AND KIM VOTING NO.

THANK YOU, MAYOR AND COUNCIL, WE'LL MOVE ON TO ITEM NUMBER 52. ITEM NUMBER 52 IS CASE C-14-H-05-0017, THE BAUGH COLBY HOUSE. THIS IS TO APPROVE THIRD READING FOR THE REZONING OF THIS PROPERTY AT 1102 ENFIELD ROAD. THIS WILL BE TO MULTI-FAMILY RESIDENCE, MEDIUM DENSITY, CONDITIONAL OVERLAY OR MF-3, CO-NP COMBINING DISTRICT ZONING. AT YOUR FIRST READING -- AT YOUR SECOND READING THERE WAS APPROVAL OF THE REZONING REQUEST NOT TO REZONE IT TO HISTORIC, BUT TO PROVIDE FOR CONDITIONAL OVERLAY LIMITING THEIR PROPERTY TO TWO DETACHED SINGLE-FAMILY DWELLINGS WITH A MAXIMUM HEIGHT OF 35 FEET. THERE ARE

THREE SEPARATE PETITIONS FILED ON THIS PROPERTY. ONE HAS BEEN FILED BY THE PROPERTY OWNER, WHICH IS SIMPLY OPPOSED TO THE HISTORIC ZONING. THERE ARE TWO SEPARATE NEIGHBORHOOD PETITIONS THAT HAVE BEEN FILED BY ADJOINING PROPERTY OWNERS WITHIN 300 FEET. THE FIRST PETITION WOULD TO BE REZONING PROPERTY TO SOMETHING OTHER THAN SF-1, SF-2 OR SF-3 ZONING, ALTHOUGH THEY WOULD BE CERTAINLY ACCEPTING THE HISTORIC ZONING IF APPLIED TO THE MF-3. AND THAT STANDS AT ABOUT 69 PERCENT. THE SECOND PETITION WOULD INCLUDE THOSE SAME ITEMS, BUT LIMIT THE PROPERTY TO TWO DETACHED DWELLING UNITS. IT INCLUDES A MINIMUM LOT SIZE REQUIREMENT OF 12,000 SQUARE FEET. I'LL POINT OUT AT THIS TIME TO THE COUNCIL THAT THE PROPERTY IS JUST OVER 13,000 SQUARE FEET, SO IF THERE IS A DESIRE TO PROVIDE FOR A MINIMUM LOT AREA, A REQUIREMENT OF 12,000 SQUARE FEET. IN ESSENCE THEY COULD ONLY REALLY HAVE ONE LOT, WHICH IS WHAT THEY HAVE TODAY. AT SECOND READING MR. STEVE DRENNER CAME UP ON BEHALF OF THE OWNER AND HAD MENTIONED TO YOU THAT THEY MIGHT BE WILLING TO FOLLOW SOME OF THE McMANSION OR NEW RESIDENTIAL DESIGN STANDARD REGULATIONS IF THE COUNCIL WANTED TO ENTERTAIN THOSE, BUT THEY WOULD ASK THAT THE UNITS BE ATTACHED. I WILL TELL YOU THAT IF THE PROPERTY IS DEVELOPED WITH TWO UNITS ATTACHED IN THE FORM OF A TOWNHOUSE THAT TWO UNITS ON TWO LOTS WOULD NOT BE BE SUBJECT TO COMPATIBILITY STANDARDS AND WOULD NOT BE BE SUBJECT TO THE CITY'S RESIDENTIAL DESIGN STANDARDS OR THE McMANSION REGULATIONS. I BELIEVE THERE ARE REPRESENTATIVES PROBABLY TR FROM BOTH SIDES HERE THIS EVENING IF YOU WOULD LIKE TO HEAR FROM THEM. IF YOU HAVE ANY QUESTIONS, THEY WOULD BE MORE THAN HAPPY TO ANSWER THEM. I KNOW THAT THE OWNER DOES OBJECT TO THE REQUIREMENT OF HAVING THE TWO UNITS ATTACHED, AND THE MINIMUM LOT SIZE OF 12,000, AND WOULD LIKE TO MAINTAIN THE MF-3 ZONING.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: THE FIRST READING WAS BASICALLY COMPLIANT WITH THE NEIGHBORHOOD VALID PETITION OF SF-1, 2, 3, AND TWO DETACHED UNITS, BUT DID NOT CONTAIN THE MINIMUM LOT SIZE OF 12,000 SQUARE FEET, IS THAT CORRECT?

THAT'S CORRECT.

Leffingwell: AND EXPLAIN TO ME AGAIN THE CONFLICT WITH THE McMANSION ORDINANCE. IF YOU HAD TWO DETACHED UNITS ON THE PROPERTY, YOU'RE SAYING IF THEY WERE DEVELOPED AS TOWNHOUSES THEY WOULD NOT --

THAT'S CORRECT. THE McMANSION REGULAR LAITONZ APPLY TO SINGLE-FAMILY HOMES, WHICH ARE DETACHED. WE HAVE TWO FAMILY RESIDENTIAL, WHICH IS BASICALLY A HOUSE AND THEN TO THE REAR MIGHT BE A GARAGE APARTMENT OR A SMALLER UNIT. THAT WOULD BE SUBJECT TO THE McMANSION REGULATIONS. A DUPLEX WOULD BE SUBJECT TO THE McMANSION REGULATIONS. THERE ARE SOME ADDITIONAL USES, BUT WHEN YOU ACTUALLY DEVELOP THE PROPERTY AS A TOWNHOUSE DWELLING WITH A SHARED COMMON WALL, EACH UNIT SITS ON A SEPARATE LOT. THAT WAS NOT COVERED UNDER THE McMANSION REGULATIONS IT WOULD BE SUBJECT TO A SITE PLAN REVIEW, BITS NOT SUBJECT TO COMPATIBILITY STANDARDS OR THE McMANSION REGULATION. IT'S MY UNDERSTANDING THAT IT'S SOMETHING THAT THE OWNER WOULD LIKE TO DO ON THIS TRACT.

...

Leffingwell: SECOND QUESTION, IF THE CONDITION FOR A MINIMUM LOT SIZE OF 12,000 SQUARE FEET WERE IN THE FINAL APPROVAL, THAT WOULD BASICALLY MEAN THERE WOULD ONLY BE ONE LOT ON THIS PROPERTY, IS THAT CORRECT?

THAT'S CORRECT. IT WOULD REQUIRE IF THE DETACHED LIMITATIONS STILL REMAIN THEY

COULD DEVELOP WITH TWO UNITS, ONE HOUSE IN FRONT, ONE HOUSE IN BACK LIKE A GARAGE APARTMENT AND A MAIN HOME.

Leffingwell: BUT THEY WOULD BE ON THE SAME LOT.

THEY WOULD BE ON THE SAME LOT AND STOWJT McMANSION REGULATIONS. IF THEY WERE ALLOWED TO BE ATTACHED, THEY COULD DO A DUPLEX ON THE PROPERTY SUBJECT TO McMANSION REGULATIONS YOU, BUT HAVING A MINIMUM LOT SIZE OF 12,000 SQUARE FEET WOULD NOT ALLOW THEM TO DEVELOP DWOP TWO TOWNHOUSE UNITS.

SO THAT'S THE PURPOSE OF THE 12,000-FOOT MINIMUM REGULATION? THAT WOULD WILL BE THE NET EFFECT?

THAT WOULD BE THE NET EFFECT.

Leffingwell: THEY WOULD HAVE TO COMPLY WITH McMANSION IF THAT PROVISION WERE COMPLIED WITH.

THAT'S CORRECT. I DON'T KNOW THE EXACT INTENT OF THE NEIGHBORHOOD, BUT THAT WOULD BE THE EFFECT OF THAT, YES.

Leffingwell: I DID REPHRASE MY QUESTION.

Mayor Wynn: FURTHER QUESTIONS?  
COUNCILMEMBER MCCRACKEN?

McCracken: I WANTED TO MAKE SURE I UNDERSTAND. WE PASSED ON SECOND READING TWO DETACHED SINGLE-FAMILY UNITS, IS THAT WHAT WE PASSED?

THAT'S CORRECT.

OKAY. AND SO IF WE STICK TO WHAT WE PASSED ON SECOND READING, THEN THE EFFECT WOULD BE THAT THEY WOULD HAVE TO BUILD -- THE ZONING WOULD BE TWO SINGLE-FAMILY HOMES IS THAT

CORRECT?

IF YOU WENT FORWARD WITH THIS RECOMMENDATION, THEY COULD SUBDIVIDE THE LOT IN A MANNER THAT WOULD ALLOW TWO DETACHED SINGLE-FAMILY HOMES ON THE PROPERTY.

McCracken: THOSE WOULD STILL STRO COMPLY WITH THE McMANSIONS?

IT WOULD STILL HAVE TO COMPLY WITH THAT REGULATION.

McCracken: MY UNDERSTANDING IS THAT WE HAVE NOW IS BOTH THE OWNER AND THE NEIGHBORHOODS BOTH WANT A LITTLE BIT MORE EACH WAY FROM THE COMPROMISE WE HAD ON SECOND READING?

WELL, THERE WAS NO COMPROMISE IS MY UNDERSTANDING AT SECOND READING.

McCracken: COMPROMISE OF THE COUNCIL.

RIGHT. BOTH PARTIES WOULD STILL BE OPPOSED TO THAT AS IT STANDS THE WAY THE PETITIONS HAVE BEEN FILED. AND SO IF YOU VOTED FOR EITHER OPTION OR WHAT YOU APPROVED ON SECOND READING, YOU HAVE A PETITION THAT WOULD REQUIRE SIX OUT OF SEVEN VOTES TO OVERRIDE ONE -- EITHER THE TWO NEIGHBORHOOD PETITIONS OR THE ENER'S -- OWNER'S PETITION.

McCracken: BUT THE EFFECT WOULD BE TWO SINGLE-FAMILY HOMES MAX AND EACH ONE WOULD BE -- IT WOULD BE TWO DETACHED SINGLE-FAMILY HOMES, EACH WHICH OF WOULD HAVE TO COMPLY WITH THE McMANSION ORDINANCE, IS THAT CORRECT?

THAT'S CORRECT. AND YOU WOULD HAVE A STANDING PETITION FROM THE PROPERTY OWNER IN OPPOSITION TO THAT REQUEST.

McCracken: THE PROPERTY OWNER OR THE

NEIGHBORHOOD?

THE PROPERTY OWNER.

..THE PROPERTY OWNER HAS AGREED TO DO MF-3 ZONING. AND MR. DRENNER MIGHT BE HERE TO EXPLAIN FURS, BUT IT'S MY UNDERSTANDING THAT THEY WOULD OBJECT TO THE DETACHED UNITS. IF THEY WERE ATTACHED HE MIGHT BE -- WELL, I MIGHT LET MR. DRENNER SPEAK TO THAT, BUT IT'S MY UNDERSTANDING THEY ARE OPPOSED TO THE DETACHED RESIDENTIAL UNITS ON THIS PROPERTY.

Mayor Wynn: I'M SORRY, PLEASE CONFIRM. OPPOSED IN THE FORM OF A PETITION, BUT THEN HOW -- IT SEEMS TO ME IT'S ALSO OPPOSED TO THE FORM OF A PETITION BY THE NEIGHBORS BECAUSE OF THE SINGLE LOT LIMITATION THAT'S BEEN PLACED ON THERE BY ONE PETITION.

THAT'S CORRECT.

Mayor Wynn: SO IF WE -- IF WE APPROVED WHAT WE APPROVED ON SECOND READING, IT WOULD TAKE SIX VOTES -- IT WOULD TAKE SIX VOTES BECAUSE BECAUSE THE OWNER HAS A VALID PETITION AGAINST THAT SECOND READING VOTE AND NEIGHBORS HAVE A VALID PETITION.

AND ONE OF THE TWO NEIGHBORHOOD PETITIONS WOULD BE OPPOSED.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

I WANTED TO ASK MR. DRENNER A QUESTION.

Mayor Wynn: OKAY.

YES, SIR?

I THOUGHT WHAT THAT WHAT WE ADOPTED ON SECOND READING WAS DREABL GRAEBL TO -- WAS AGREEABLE TO YOUR CLIENT?

I DID TOO UNTIL WE WERE -- WHEN WE WENT BACK TO STAFF -- THE LAST THING THAT WAS THROWN



ON THE TABLE WAS THAT IT WOULD COMPLY WITH THE McMANSION ORDINANCE AND IT WAS MY UNDERSTANDING THAT THAT WAS A VOLUNTARY GESTURE. STAFF THEN TOLD US THAT IF IT WAS FOR SINGLE-FAMILY DETACHED HOUSES THAT THE McMANSION AUTOMATICALLY APPLIED. WE HAVE REALLY TWO PROBLEMS, THREE PROBLEMS WITH McMANSION. OTHER THAN THAT WE'RE FINE. BUT THIS IS SORT OF LIKE SOMEWHERE BETWEEN DANTE'S SEVENTH AND EIGHTH CIRCLE OF HELL TRYING TO FIGURE OUT HOW IT FITS TOGETHER. IT'S MY UNDERSTANDING, COUNCILMEMBER, THAT THE ONLY WAY THAT WE CAN HAVE TWO UNITS WHERE WE GET TO MODIFY THE McMANSION ORDINANCE AT ALL, AND I'LL BE BE HAPPY TO SHOW YOU WHY WE THINK A MODIFICATION IS JUSTIFIED, THAT WE HAVE TO DO THAT WITH ATTACHED TOWNHOMES, OTHERWISE WE CAN'T DO IT THIS WAY. WE HAVE NO ABILITY AT THIS LEVEL TO MODIFY A McMANSION IF WE SAY WE'RE ACCEPTING DETACHED UNITS.

DO WE HAVE AN APPEALS PROCESS FOR McMANSIONS? AND SO IF WE ADOPTED THIS ON SECOND READING, COULDN'T YOU GO THROUGH THE APPEALS BOARD?

WE COULD GO THROUGH THE APPEASE BOARD. I GUESS THE -- WHAT I WOULD LIKE THE OPPORTUNITY TO DO IS TO SHOW YOU WHY I DON'T THINK THAT WE SHOULD BE REQUIRED TO DO THAT GIVEN THE PECULIARITIES OF THIS LOT. IN PARTICULAR THE PART OF McMANSION THAT REQUIRES YOU TO SORT OF HAVE A TENT-LIKE STRUCTURE FROM THE SIDES, WE HAVE NO NEIGHBORS ON THE SIDE. SO THAT'S EXACTLY WHY WE WANT THAT RELIEF. IT IS TO NO ONE BS BENEFIT TO REQUIRE THAT SORT OF A SETBACK. MARDI GRAS I THINK I CAN SHOW WITH YOU A PICTURE IF IT WOULD BE HELPFUL.

Mayor Wynn: MAYOR PRO TEM?

Dunkerley: I WOULD APPRECIATE SEEING WHAT YOU'RE TALKING ABOUT.

LET ME SEE IF I CAN POINT. IT'S MY UNDERSTANDING THAT -- HERE IS OUR SITE -- THAT WE WOULD BE REQUIRED UNDER McMANSION TO NOT ONLY HAVE SETBACKS FROM THESE SIDES, BUT TO HAVE BASEBALLS THAT COME UP AND THEN TENT BACK TO THE MIDDLE. AND GIVEN FACT THAT I'M TRYING TO ACCOMMODATE TWO UNITS WAND THE DETACHED TOWNHOMES, THE BENEFIT OF HAVING THAT TENT KIND OF EFFECT, THE BASE WALL AND THEN A SLOPING SET BACK WAS TO PROTECT OWNER'S ON EITHER SIDE F YOU LOOK AT OUR LOT, WE DON'T HAVE ANY. WE HAVE A BIG CREEK AND THEN ENFIELD ON ONE SIDE AND THEN WE HAVE A PORTION THAT'S NOT BUILDABLE, BUT IS USABLE BY THE PROPERTY OWNER TO THE REAR FOR THEIR DRIVEWAY. IT WOULD ALSO HAVE RELIEF FROM THE SIZE OF THE UNITS WHICH AGAIN ON FIRST READING WE TALKED ABOUT UNITS THAT WERE 3,000 FEET APIECE. UNDER McMANSION WE CAN'T GET THERE. WE'RE CARVE BED BACK FROM THAT -- WE'RE CARVE BED BACK FROM THAT. SO OUR APPROACH TOFS SAY LET US HAVE TWO ATTACHED TOWN HOME UNITS AND WE WILL VOLUNTARILY COMPLY WITH McMANSION AS AN OVERLAY, BUT FOR THOSE BUILDING ENVELOPE RESTRICTIONS AND THE SIZE LIMITATIONS. WE WOULD STICK WITH WHAT WE AGREED ON SECOND READING, WHICH WAS THE 3,000 FEET PER UNIT. CLEAR AS MUD?

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Dunkerley: SO ON SECOND READING WE DID AGREE ON THE 3,000 FEET. SO REALLY THE ONLY CHANGE HERE WOULD BE THAT ADDITIONAL RELIEF OF THE SET BACK ON THE SIDES.

RIGHT. ON SECOND READING WE DIDN'T REALIZE THAT WOULD BE APPLICABLE TO US.

Dunkerley: I KNOW, BUT ON SECOND READING WE ALL THOUGHT WE WERE GIVING YOU 3,000 FEET PER UNIT AND WE WERE LIMITING YOU TO 2 UNITS.

YES, MA'AM.

Dunkerley: SO REALLY THE ONLY DIFFERENCE FROM WHAT WE INTENDED IS THAT SET BACK ON THE SIDES.

YES, MA'AM.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: IECH GOT A QUESTION -- I'VE GOT A QUESTION FOR MR. GUERNSEY BECAUSE I THINK I MISUNDERSTOOD YOUR ANSWER WHEN I ASKED YOU THIS BEFORE. WHAT IS IS PURPOSE OR THE NET EFFECT OF THE 12,000 SQUARE FOOT MINIMUM LOT SIZE RESTRICTION. I THOUGHT YOU SAID THAT WOULD ENSURE COMPLIANCE WITH THE McMANSION ORDINANCE.

THAT'S CORRECT BECAUSE YOU WOULDN'T BE ABLE TO SUBDIVIDE THE PROPERTY FOR A TOWNHOUSE INTO THE LOTS THAT HAVE THE MINIMUM SIZE REQUIREMENTS, AND THEREFORE IF HAD A 12,000 SQUARE FOOT LOT, THE REMAINDER ISN'T BIG ENOUGH FOR THAT SECOND UNIT, SO YOU WOULD END UP WITH ONE LOT THAT YOU REALLY COULDN'T DEVELOP FULLY AND IT REQUIRES EACH UNIT TO BE ON A SEPARATE LOT. SO YOU CAN'T DEVELOP A TOWNHOUSE WITH A TESTIFY..... 12,000 SQUARE FOOT MINIMUM ON THIS PROPERTY.

Leffingwell: SO THE RESTRICTION WAS PASSED ON SECOND READING, A MAX MUP OF TWO DETACHED UNITS WITHOUT THE 12,000-FOOT RESTRICTION, WITHOUT THAT RESTRICTION, WOULDN'T IT STILL HAVE TO COMPLY WITH THE McMANSION ORDINANCE ON EACH LOT?

IT WOULD BECAUSE WHAT SPECIFIED BY COUNCIL ON SECOND READING REQUIRED ATTACHED UNITS. AND BECAUSE OF THE REQUIREMENT TO BE DETACHED, THEY COULD NOT MEET THE DEFINITION OF A TOWNHOUSE, WHICH IS ATTACHED.

Leffingwell: SO EITHER WAY, WITH WHAT WE PASSED ON SECOND READING WOULD HAVE TO COMPLY WITH McMANSION AND THE 12,000 SQUARE FOOT

MINIMUM CONDITION ADDS WHAT? IT DOESN'T ADD ANYTHING TO THAT EXCEPT REQUIRE BOTH UNITS -  
- DWELLING UNITS TO BE ON ONE LOT, RIGHT?

AND IF YOU STILL THE DETACHED REQUIREMENT THEY COULD REALLY ONLY DEVELOP IT AS A GARAGE APARTMENT.

Leffingwell: I'M TALK BEING THE ADDITION OF THAT RESTRICTION.

THEN THEY WOULD NOT BE ABLE TO HAVE ONE HOUSE ON EACH LOT, IT WOULD BE LIMITED TO ONE HOUSE BASICALLY, THAT'S CORRECT.

Leffingwell: I THOUGHT YOU SAID YOU COULD HAVE TWO UNITS, BUT THEY WOULD OBJECT THE SAME LOT.

SAME LOT DETACHED.

Leffingwell: RIGHT.

Dunkerley: MAYOR? NOW I'M CONFUSED. IF DO YOU THE 12,000 SQUARE FEET YOU COULD GET ONE HOUSING UNIT AND SOMETHING LIKE A GARAGE APARTMENT.

THAT'S CORRECT. IF THE ATTACHED REQUIREMENT WERE TO REMAIN.

...

Dunkerley: YOU REALLY COULDN'T GET TWO OF WHAT I WOULD NORMALLY CONSIDER TWO HOUSING UNITS.

YOU COULD. UNDER THE GARAGE APARTMENT OR THE TWO FAMILY RESIDENTIAL USE THERE WOULD BE LIMITATIONS ON THE SIZE TO THE HOUSE IN THE BACK OF 850 SQUARE FEET.

...

Dunkerley: THAT'S WHAT I'M SAYING, YOU COULD NOT HAVE TWO EQUAL HOUSING UNITS. YOU

COULD HAVE A HOUSE WITH A GARAGE APARTMENT. AND WHAT WE REALLY INTENDED I THOUGHT TOFS HAVE TWO DWELLING UNITS OF 3,000 SQUARE FOOT EACH. THAT'S WHAT I THINK WE PASSED LAST TIME. THAT WAS OUR INTENT, TWO HOUSING UNIT, 3,000 SQUARE FEET. AND WE DIDN'T - - THAT'S WHAT I INTENDED. HOW DO WE GET THERE NOW WITH WHERE WE ARE, WHAT WE AGREED TO THE FIRST TIME, WHICH IS THE TWO MAIN HOUSING UNITS THAT ARE 3,000 SQUARE FEET EACH? WHAT DO WE DO?

THE ONLY WAY THAT I KNOW THAT YOU COULD PROBABLY ACHIEVE -- IF THAT IS THE DESIRE OF COUNCIL -- WOULD BE TO HAVE MR. DREN ERGO BACK AND SEEK EXPERIENCES FROM THE -- SEEK VARIANCES. THE COUNCIL CAN'T WAIVE THOSE REQUIREMENTS FOR TWO SINGLE-FAMILY HOMES EACH ON A SEPARATE LOT.

Dunkerley: THAT'S NOT POSSIBLE TO DO TODAY?

THAT'S NOT POSSIBLE TODAY. HE COULD SEEK THE VARIANCES FROM THE DESIGN, RESIDENTIAL DESIGN COMMISSION THAT WAS RECENTLY APPROVED. I DON'T KNOW OF A REASON WHY HE COULDN'T -- I'M LOOK TO GO MARTY TERRY ON THIS. WHY HE COULDN'T MAKE AN APPLICATION AHEAD OF TIME AND THEN BRING THIS BACK LATER, BUT I KNOW THAT THE OWNER AND THE NEIGHBORHOODS HAVE BEEN KIND OF WAITING FOR THIS TO BE RESOLVED ONE WAY OR THE OTHER.

Dunkerley: I MAY BE MISS.....MISTAKEN, BUT I THOUGHT IT WAS THE UNDERSTANDING OF THE COUNCIL THAT THAT'S WHAT WE WERE DOING, LOOKING AT TWO UNITS OF 3,000 SQUARE FEET. IF THAT'S NOT THE REST OF THE COUNCIL'S UNDERSTANDING, LET ME KNOW, BUT I THOUGHT THAT'S WHAT WE WERE TRYING TO DO LAST TIME.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK THAT IF IT COULD FIT WITHIN THE TENT THAT IT WOULD NOT BE THAT BIG OF A

DEAL, ALL THING EQUAL, FROM A COMPROMISE POINT OF VIEW IF THEY EACH GOT TO 3,000 SQUARE FEET IF F. THEY FIT WITHIN THE TENT. BUT TENT TOFS ENSURE THE COMPATIBILITY. THE FAR WAS THE FAVORED NATIONAL APPROACH BECAUSE IT AVOIDS FILLING UP THE BOX AND HAVING THE WHOLE BLOCK BEING BOXES LIKE YOU SEE OUT IN THE SUBURBS THAT SELL BY THE SQUARE FOOT. SO IF THERE WERE ONE COMPROMISE THAT I THINK WOULD NOT REALLY HAVE A SIGNIFICANT UNDERMINING OF THE INTEREST UNDER THE McMANSION ORDINANCE, IT WOULD BE TO -- WHICH WE APPARENTLY CANNOT DO, BUT THAT SAID, IF THERE'S A WAY TO GET 3,000 SQUARE FEET, BUT YOU STILL KEPT THE HEIGHT, YOU STILL KEPT THEM DETACH AND YOU STILL KEPT THE TENT, I EXPECT THAT WOULD BE DOABLE, AND ALL THINGS BEING EQUAL WOULD BE I DON'T THINK THAT BIG OF A DEAL. I HAVE A HUGE PROBLEM WITH THE REMOVAL OF THE TENT CONCEPT, WHICH WAS A CORE WAY TO ENSURE COMPATIBILITY AND ALSO WITH ANY CHANGES TO THE HEIGHT. BECAUSE THAT WAS A COMPROMISE IN WHICH DUPLEX OWNERS GOT TO BUILD MORE THAN THEY COULD UNDER CURRENT LAW AND HOMES CAME DOWN. SO YOU COULD AVOID THINGS THAT WE'VE SEEN IN TARRYTOWN AND CLARKSVILLE WHERE YOU HAVE THESE THREE STORY DUPLEXES JAMMING THE LOTS UP. APPARENTLY WE DON'T HAVE THE AUTHORITY TO EVEN GRANT A WAIVER ON F.A.R. ALL WE CAN DO IS, MY UNDERSTANDING FROM GREG'S PRESENTATION, IS GO THROUGH WHAT WE APPROVED ON SECOND READING AND THEY COULD TRY TO GET AN APPROVAL FOR THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION OR DO NOTHING AT ALL.

COUNCIL, THE CLOSEST I CAN IMAGINE THAT YOU COULD GET TO MOST OF THOSE ITEMS IS IF YOU ACTUALLY TOOK MR. DRENNER'S REQUEST TO DO THEM ATTACHED. AND I DON'T HAVE ALL THE SECTIONS HANDY AND I DON'T THINK WE'RE READY TO DO THIRD READING IF YOU WERE TO SUGGEST THAT -- THE MULTI-FAMILY 3, ALLOW ATTACHED UNITS, LIMIT THEM TO TWO, AND THEN MR. DRENNER COULD BRING FORWARD THOSE ITEMS

THAT HE COULD NOT ADDRESS UNDER THE McMANSION ORDINANCE AND WE COULD LOOK BE AT THOSE ITEMS AND SPECIFY THOSE, THE ITEMS THAT EKTD NOT MEET -- THAT HE COULD NOT MEET AND SEE HOW CLOSE THAT GETS UNDER THE McMANSION ORDINANCE AND STILL NOT BE 100% THERE. BUT THAT'S ABOUT THE CLOSEST THAT WE COULD COME TO TODAY. AND WE DON'T HAVE AN ORDINANCE DRAFTED THAT PULLS OUT THOSE SECTIONS.

Dunkerley: MAYOR, WOULD IT HELP IN ANY WAY IF TWE TABLE THIS AND LET THE PARTIES GET TOGETHER TO SEE WHAT THEY COULD DO? WOULD THAT HELP? IF EVERYBODY BE'S AGREEING WITH WHAT WE DID ON SECOND READING IS WHAT WE REALLY WANTED TO TRY TO ACCOMPLISH...

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I'M STILL TRYING TO GET AN ANSWER TO MY FIRST QUESTION. IS THERE A REPRESENTATIVE FROM THE NEIGHBORHOOD ASSOCIATION, ONE OF THE VALID PETITIONERS WHO COULD ANSWER THE QUESTION WHAT IS YOUR INTENT, WHAT IS THE PURPOSE OF THE 12,000 SQUARE FOOT LOT SIZE CONDITION THAT YOU HAVE IN YOUR PETITION?

MAYOR AND COUNCIL, MY NAME IS BILL KEL LIRKS PRESIDENT OF THE OLDEN FIELD NEIGHBORHOOD ASSOCIATION. OUR INTENT WAS THE LIMITATION OF THE SQUARE FOOTAGE WAS TO STOP SUBDIVISION OF THE LOT. THE RATIONALE BEHIND THAT IS THAT THIS WAS A LOT THAT WAS PLOTTED AT THE TURN OF THE CENTURY, I'LL SPARE YOU ALL THE HISTORICAL DETAIL, I'M SURE YOU'RE PAINFULLY AWARE OF IT, AND IT IS OUR GOAL TO MAINTAIN NOT ONLY THE ARCHITECTURAL INTEGRITY OF THE NEIGHBORHOOD THROUGH HISTORIC PRESERVE BEVATION, BUT ALSO THE WAY THE LAND IS USED AND DIVIDED UP. AND WE BELIEVE THAT PART OF THE FABRIC OF THE NEIGHBORHOOD AND THE HISTORIC NATURE OF THE NEIGHBORHOOD IS THE PLAGHT OF THE LAND -- PLATTING OF THE LAND. IT IS OUR INSEAR EFFORT

TO TRY TO PRESERVE THAT.

Leffingwell: SO YOU AGREE WITH HAVING TWO  
DETACHED UNITS ON ONE LOT?

OUR PREFERENCE AT THE MOMENT, NOT THE IDEAL  
OUTCOME -- THE IDEAL OUTCOME IS TO HAVE THE  
HOUSE REMAIN AS IT IS AND BE RENOVATED, BUT  
SHORT OF THAT, TWO SINGLE-FAMILY DETACHED  
RESIDENCES.

...

Leffingwell: ON THE SAME LOT?

ON THE SAME LOT, MAXIMUM.

Leffingwell: THAT WOULD BE SOMETHING LIKE JUST  
A HOUSE AND PERHAPS A LITTLE GUEST HOUSE OR  
A GARAGE APARTMENT IN THE BACK, SOMETHING  
LIKE THAT?

ABSOLUTELY.

Leffingwell: ALL RIGHT. THANK YOU.

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

Dunkerley: MAYOR, I DON'T KNOW WHAT KIND OF  
MOTION TO MAKE.

Mayor Wynn: I UNDERSTAND THE HESITATION.  
COUNCILMEMBER LEFFINGWELL?

Leffingwell: I PROBABLY WON'T GET A SEC, BUT I'M  
GOING TO MAKE A MOTION TO APPROVE WHAT WE  
PASSED ON SECOND READING WITH THE ADDITION  
OF THE CONDITION FOR A 12,000 SQUARE FOOT  
MINIMUM LOT SIZE. AND THE REASON FOR THAT IS I  
ORIGINALLY SUPPORTED MAINTAINING THE  
HISTORIC ZONING, AND THIS MOTION IS THE  
NEAREST COMPATIBLE THING I CAN GET TO THAT.

Mayor Wynn: MOTION BY COUNCILMEMBER  
LEFFINGWELL TO APPROVE WHAT WE DID ON



SECOND READING WITH THE ADDITIONAL RESTRICTION, HOWEVER, OF IN EFFECT THE SINGLE LOT, THAT BEING A 12,000-FOOT LOT SIZE LIMITATION. DID I STATE THAT CORRECTLY, MR. GUERNSEY?

12,000 SQUARE FOOT MINIMUM LOT SIZE LIMITATION, THAT WOULD BE CORRECT.

Mayor Wynn: MOTION FAILS FOR LACK OF A SECOND. COUNCILMEMBER MCCRACKEN.

McCracken: I'D MOVE TO APPROVE ON THIRD READ..... READING WHAT WE APPROVED ON SECOND READING.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO APPROVE ON THEIR READING WHAT APPROVED ON SECOND READING.

AND THERE IS A VALID PETITION AGAINST THAT.

Mayor Wynn: BOTH DIRECTIONS. SECONDED BY COUNCILMEMBER COLE. COMMENTS, QUESTIONS? AGAIN, MR. GUERNSEY, WALK ME THROUGH YOUR UNDERSTANDING AS STAFF OF WHAT WE'VE HEARD MR. DRENNER TALK ABOUT AS FAR AS THE TRUE APPLICATION OF THIS MOTION.

IF THE PROPERTY WERE TO BE REZONED AS YOU'VE SUGGESTED ON SEC.... SECOND READING, THE PROPERTY WOULD BE ZONED MF-3-CO-NP. THERE'S A LIMITATION OF TWO DWELLING UNITS. THESE WOULD BE DETACHED DWELLING UNITS. AND A MAXIMUM HEIGHT LIMITATION OF 35 FEET. THE DETACHED DWELLING UNIT WOULD THEN, DEPENDING ON HOW THE PROPERTY OWNER ACTUALLY DEVELOPED THE PROPERTY, COULD BE DEVELOPED WITH EITHER A GARAGE APARTMENT AND A MAIN HOUSE, WHICH IS A TWO FAMILY RESIDENTIAL USE. THAT WOULD BE SUBJECT TO THE McMANSION ORDINANCE. WOULD NOT BE SUBJECT TO SITE PLAN APPROVAL, BUT -- AND WOULD NOT BE SUBJECT TO COMPATIBILITY STANDARDS, BUT WOULD BE SUBJECT TO THE McMANSION ORDINANCE. IT WOULD STILL ALLOW

FOR RESUBDIVISION OF THE PROPERTY AND THE OWNER COULD DEVELOP TWO DETACHED SINGLE-FAMILY HOMES EACH ON ITS OWN LOT, BUT THEY WOULD BE SUBJECT TO THE McMANSION ORDINANCE. THOSE TWO LOTS COULD NOT HAVE ANY OTHER DWELLINGS ON IT BECAUSE THE PROPERTY IN ITS ENTIRETY WOULD BE LIMITED TO TWO DWELLING UNITS. SO THAT WOULD BE THE EXTENT OF WHAT THEY COULD DEVELOP AS RESIDENTIAL UNITS.

McCracken: THAT'S 32 FEET, NOT 35 FEET, RIGHT?

THE McMANSION ORDINANCE WOULD BRING IT DOWN TO 32.

McCracken: THAT'S CORRECT.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: WHAT HAPPENED TO MY UNDERSTANDING ON WHAT WE DID ON SECOND READING ABOUT THE 3,000 SQUARE FEET PER UNIT?

IT'S MY UNDERSTANDING THAT DID NOT ACTUALLY MAKE IT INTO THE MOTION. IT MAY HAVE BEEN DISCUSSED, BUT THAT WASN'T PART OF THE APPROVAL THAT OCCURRED ON SECOND READING.

Dunkerley: THAT WAS NOT MY UNDERSTANDING.

McCracken: MY UNDERSTANDING, MAYOR PRO TEM, IS THAT WE DON'T EVEN HAVE THE AUTHORITY TO DO THAT. THAT'S SOMETHING THEY WOULD HAVE TO GO TO THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION. THEY HAVE THE ABILITY TO PETITION FOR 3,000 FEET.

Dunkerley: MAYBE THAT'S WHY IT DIDN'T MAKE IT IN.

Mayor Wynn: IF THEY'RE SUBJECT TO THE McMANSION ORDINANCE THEN DON'T HAVE THAT ABILITY.

Dunkerley: COULD I ASK MR. DRENNER SOMETHING? IF WE VOTE FOR WHAT WE ACTUALLY VOTED ON

FOR SECOND READING, NOT WHAT I THOUGHT WE VOTED ON FOR SECOND READING, WHERE DOES THAT LEAVE YOU? CAN YOU GO BACK AND SEEK A VARIANCE TO DO WHAT YOU NEED TO DO OR WOULD LIKE TO DO?

I THINK WE CAN SEEK THE VARIANCE. I DON'T KNOW THAT THE VARIANCE WILL BE GRANTED. I DON'T KNOW WHAT SORT OF HARDSHIP ISSUE -- I WOULD GO BACK WITH THE ONLY WAY THAT WE CAN FINISH THIS PROCESS TONIGHT WITHOUT HAVING TO GO BACK THROUGH THEN A SEPARATE PROCESS, A VARIANCE PROCESS THAT I DON'T THINK IS SET UP FOR THIS SORT OF A SITUATION, IS TO DO AS WE SUGGESTED, WHICH IS TO DO THE TOWN HOME, THE ATTACHED, AND THEN YOU CAN HAVE EVERYTHING THAT WE TALKED ABOUT ON FIRST READING. WE CAN HAVE 35 FEET, WE CAN HAVE TWO UNITS AND WE CAN HAVE UNITS THAT ARE 3,000 FEET APIECE. OTHERWISE WE'RE SOMEWHERE IN THE MIDDLE OF A PROCESS.

Dunkerley: CAN YOU COMPLY WITH THE McMANSION, WITH THE SIDE -- WITH THE ENVELOPE OF THE McMANSION?

THE PROBLEMS BE WE HAVE WITH THE McBE MANSION ARE HEIGHT, WE LOSE THREE FEET. WITH THE SIZE OF THE UNITS, WHICH IS THE DIFFERENCE BETWEEN 3,000 FEET AND WE LOSE 500 FEET PLUS PER UNIT. AND THEN THE BUILDING ENVELOPES ON THE SIDE. AND THAT WASN'T OUR UNDERSTANDING OF WHERE WE WERE HEADED ON SECOND READING. AGAIN, REMINDER, THIS IS ALL FOR THE -- BECAUSE WE'VE KIND OF OVERLOOKED THE FACT WE'RE ONLY IN THIS QUAGMIRE BECAUSE SOMEBODY THOUGHT IT WAS AN HISTORIC HOUSE. I THINK THE MAJORITY BELIEVES IT IS NOT AN HISTORIC HOUSE, AND IF WE'RE HEADED THIS DIRECTION, IN ALL CANDOR, I WOULD LIKE THE OPPORTUNITY TO HAVE YOU LOOK AT THE REMAINDER OF THE ZONING IN THAT AREA BECAUSE I THINK YOU WILL FIND THAT SINGLE-FAMILY ZONING IS MUCH THE EXCEPTION, NOT THE RULE, AND THAT MF-3 IS ACTUALLY THE RULE IN THAT AREA AND IT WOULD BE MY OPINION UNFAIR TO TAG THIS ONE

PARTICULAR OWNER WHO GOT THE OPPORTUNITY TO DEFEND HIMSELF AGAINST AN HISTORIC ZONING CASE TO END UP NOT WITH HISTORIC, BUT WITH THE ONLY PROPERTY IN THAT AREA THAT WOULD BE SUBJECT TO THESE SORTS OF REQUIREMENTS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?  
COUNCILMEMBER COLE.

Cole: MAYOR, BE I WOULD LIKE TO HAVE THE COMMENTS OF THE NEIGHBORHOOD REPRESENTATIVES WITH RESPECT TO THE OTHER HOMES IN THE AREA AND WHAT THEY LOOK LIKE AND THIS KIND OF QUAGMIRE WE'VE PUT OURSELVES INTO AND WHAT YOUR THOUGHTS ARE.

I WOULD BE BE HAPPY TO TRY TO ADDRESS THAT. I DON'T KNOW EXACTLY WHAT JOHN WAS REFERRING TO. MAYBE THE HOUSES OR THE CONDOS ON PARKWAY RIGHT ACROSS THE STREET.

Mayor Wynn: IF WE COULD SHOW A ZONING MAP, PLEASE.

WHAT YOU WILL SEE IS A MAP THAT SHOWS THE ZONING IN THE AREA, THE BLUE REPRESENTS MULTI-FAMILY ZONING.

EXPLAIN AGAIN WHAT YOUR POINT WAS?

..

Cole: I JUST WANT AN OPPORTUNITY TO SEE THIS, THE MAP, AND HEAR BOTH OF YOUR EXPLANATIONS AS TO THE KIND OF QUAGMIRE WE'VE PUT OURSELVES INTO AND WHAT THE OTHER HOMES IN THE AREA WERE ZONED.

WELL, THE VAST MAJORITY OF THE HOMES IN THE AREA ARE SINGLE-FAMILY DWELLINGS. I THINK TO POINT OUT THAT THE CURRENT ZONING IS A BIT AFTER MISNOMER. I THINK THE REAL ISSUE IS HOW IS THIS LAND CURRENTLY BEING USED, AND THE VAST MAJORITY OF RESIDENCES IN THIS AREA ARE SINGLE-FAMILY. THERE IS A HANDFUL OF MULTI-FAMILY ACROSS THE STREET FROM THIS SUBJECT

PROPERTY THAT AS I UNDERSTAND IT WAS AN EXCEPTIONAL SITUATION WHERE THE CITY HAD POSSESSION OF THE PROPERTY, THEY CHANGED THE ZONING BECAUSE IT WAS A LEFTOVER FROM SOME PARTICULAR USE, SO THEY CHANGED THE ZONING TO MAKE IT MORE ATTRACTIVE FOR CONDOMINIUMS. BUT THE VAST MAJORITY OF THE HOUSES IN OLDEN FIELD ARE SINGLE-FAMILY RESIDENCES. AND I REALLY TRULY BELIEVE THAT ALLOWING TOWNHOUSES TO BE PUT ON THIS PROPERTY IS A FUNDAMENTAL CHANGE TO THE CHARACTER AND NATURE OF THE LAND USE IN THE AREA.

Cole: OKAY. I'D LIKE TO ALSO GET MR. DRENNER'S COMMENTS ON THAT.

CAN YOU PUT THAT PICTURE BACK UP? I WOULD NOTE THAT WITH ALL OF THOSE PROPERTIES IN BLUE THAT EVERY SINGLE ONE OF THOSE WOULD ENJOY THE OPPORTUNITY THAT MR. GARDERE WOULD NO LONGER ENJOY, WHICH IS TO TEAR DOWN THOSE RESIDENCES AND BUILD APARTMENT UNITS. SO THE ZONING DOES MATTER. THE ZONING IS ABSOLUTELY WHAT SETS THEIR VALUE WITH REGARD TO THOSE LOTS. SO I DON'T THINK -- AGAIN, COULD WE HAVE THE PICTURE? I DON'T THINK THAT WHAT IS BEING REQUESTED FOR THIS LOT IS AT ALL IN CHARACTER WITH THE EXISTING ENTITLEMENTS IN -- ENTITLEMENTS IN THE AREA.

I WOULD THEN OFFER THAT THAT WOULD BE A RISKY PRECEDENT TO SET FOR REALLY ONE OF THE THRESHOLDS TO THIS WHOLE NEIGHBORHOOD. I MEAN, THIS PROPERTY IS AT THE ENTRY POINT OF OLDEN FIELD, AND TO HAVE ADDITIONAL MULTI-FAMILY RIGHT THERE I THINK WOULD BE A VERY RISKY PRECEDENT TO BEGIN IN THIS NEIGHBORHOOD.

REGARDLESS OF WHAT HAPPENS ON THIS LOT, YOU HAVE THE RIGHT TO DO SIX UNITS PER ACRE ON EVERY ONE OF THOSE LOTS IN BLUE.

I UNDERSTAND THAT. SO IS THAT WHAT YOU THINK

SHOULD HAPPEN?

Mayor Wynn: SIR, MR. DRENNER, GENTLEMEN. YOU'RE WELCOME TO ANSWER A QUESTION FROM COUNCIL. THANK YOU. MAYOR PRO TEM.

Dunkerley: I'M WONDERING IF I COULD MAKE -- I DON'T KNOW IF THERE'S A MOTION ON THE TABLE.

Mayor Wynn: THERE IS A MOTION AND A SECOND ON THE TABLE.

Dunkerley: CAN I MAKE A SUBSTITUTE MOTION THAT WE POST KNOWN A WEEK SO I FOR ONE CAN SORT THIS OUT.

McCracken: YOU WON'T HAVE A FULL COUNCIL UNTIL APRIL 5TH.

Dunkerley: THAT'S FINE WITH ME.

Mayor Wynn: WELL, IT'S GOING TO TAKE SIX VOTES LIKELY IN BOTH DIRECTIONS.

Dunkerley: I'M GOING TO BE OUT ON THE 22nd.

Mayor Wynn: WE WON'T HAVE SEVEN VOTING MEMBERS BE OF COUNCIL FOR A MONTH OR SO.

Dunkerley: I WILL HAVE TO SAY NO ON EVERYTHING IF WE DON'T POSTPONE IT.

IS MAYOR PRO TEM SUGGESTING A POSTPONEMENT TO THE 22nd WHEN SHE WON'T BE HERE? [ LAUGHTER ]

Dunkerley: NO, I DIDN'T SAY THAT. I SAID AFTER THE 22nd.

Mayor Wynn: I WANT TO CONFIRM. SO MS. GENTRY, THERE'S A MOTION AND A SECOND ON THE TABLE. THE MOTION I BELIEVE WAS MADE BY THE MAYOR PRO TEM. I'M SORRY, BY COUNCILMEMBER MCCRACKEN. AND THE SECOND --

Cole: I SECONDED.

Mayor Wynn: BY COUNCILMEMBER COLE. AND WE NOW HAVE A SUBSTITUTE MOTION ON THE TABLE TO POSTPONE. AND MAYOR PRO TEM, THE LENGTH OF POSTPONEMENT? HAVE YOU A SUGGESTED LENGTH OF POSTPONEMENT?

Dunkerley: THE FIRST TIME WE HAVE A FULL COUNCIL.

Mayor Wynn: THERE'S A SUBSTITUTE MOTION ON THE TABLE TO POSTPONE UNTIL APRIL 5TH, 2007.

McCracken: MAYOR, MAYBE WE COULD GET SOME SENSE OF WHETHER THIS WOULD MATTER FROM THE REST OF OUR COLLEAGUES, BECAUSE IF WE -- IF WE'RE IN A POSITION TO ACT THIS EVENING, IT SEEM PRETTY WELL-DEFINED WHERE WE ARE, AND THIS HAS JUST BEEN AN INCREDIBLY PAINFUL PROCESS. THIS HAS BEEN GOING ON SINCE EARLY LAST FALL, I THINK. AND I THINK ONE OF THE THINGS I HOPE THAT WE CAN KEEP IN MIND THAT CLEARLY THE MULTI-FAMILY ZONING IN THIS LOT IS A HUGE MISTAKE. IT NEVER SHOULD HAVE BEEN HAPPENED. THIS IS A GREAT, CLASSIC, HISTORIC NEIGHBORHOOD. THAT IS NOT -- MANY OF US ON THIS DAIS, IF NOT ALL OF US, WOULD AGREE IT WAS A VERY CLOSE CALL AS A HISTORIC ZONING CASE. A VERY CLOSE CALL. THE IDEA OF APARTMENTS REPLACING THIS GREAT HOME IS NOT ACCEPTABLE. SO THE QUESTION THEN IS WHAT CAN WE PUT IN ITS PLACE GIVEN THAT IT'S A CLOSE CALL, GIVE THEAN IT SHOULD HAVE BEEN HISTORIC ZONING AT ALL? AND THE ANSWER IS WE SHOULD NOT RADICALLY CHANGE THIS GREAT OLD HISTORIC NEIGHBORHOOD. AND SO ANYTHING THAT STARTS TO APPROACH SOME KIND OF SUBURBAN, YOU KNOW, McMANSIONESQUE KIND OF RETREAT FROM THAT WOULD REALLY BE A LOSS. AND I HOPE THAT WHATEVER EMERGES FROM THIS, IT DOES THE MAXIMUM EXTENT POSSIBLE TO RETAIN THE HISTORIC INTEGRITY OF THIS NEIGHBORHOOD. I GET REAL WORRIED, VERY CONCERNED ABOUT SOME MUCH THESE PROPOSALS THAT MIGHT TIP THE BALANCE TOO FAR. I THINK WE HAVE REALLY

SKIRTED THE EDGE OF AN ACCEPTABLE COMPROMISE THAT WOULD MAINTAIN THE CHARACTER OF THE NEIGHBORHOOD, WHICH WE HAVE THE RESPONSIBILITY, THAT WE ALL ACCEPT TO PROTECT. I DON'T KNOW HOW MUCH FURTHER WE COULD GO.

Leffingwell: MAYOR, DID THE SUBSTITUTE DIE?

Mayor Wynn: NOT YET. IT'S ABOUT TO DIE.

Dunkerley: I HAVE NO INTENTION OF TRYING TO GET MORE THAN TWO UNITS. I WAS JUST TRYING TO FIGURE OUT HOW WE CAN DO WHAT I THOUGHT WE COULD DO THE LAST TIME.

Mayor Wynn: SUBSTITUTE MOTION FAILS -- IT GOT A SECOND BY COUNCILMEMBER MARTINEZ. SO WE'LL NOW VOTE ON THE SUBSTITUTE MOTION, WHICH IS TO POSTPONE UNTIL APRIL 5TH, 2007. FURTHER COMMENTS ON THE SUBSTITUTE MOTION? THAT I WON'T BE BE SUPPORTING. HEARING NONE, ALL THOSE IN FAVOR OF THE SUBSTITUTE MOTION, PLEASE SAY AYE.

...

Mayor Wynn: ALL OPPOSED? THE SUBSTITUTE MOTION FAILS. THAT TAKES US BACK TO THE MAIN MOTION, WHICH IS TO APPROVE WHAT WAS APPROVED ON SECOND READING. I BELIEVE. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I AGREE WITH COUNCILMEMBER MCCracken'S COMMENTS ON MAINTAINING THE CHARACTER OF THE NEIGHBORHOOD. OBVIOUSLY I DO SINCE I SUPPORTED THE HISTORIC ZONING IN THE FIRST PLACE. HAVING PUT MY BEST FOOT FORWARD AND FAILED ON MY FIRST MOTION AND WITHOUT A SECOND, I'M GOING TO SUPPORT THIS MOTION, WITH THE -- IF IT CAN BE SHOWN BY THE APPLICANT IF HE MAKES AN APPEAL TO THE COMMISSION THAT APPROVES VARIANCES TO THE McMANSION ORDINANCE, IF HE CAN MAKE THAT CASE, THEN HE CAN MAKE IT. IF HE CAN'T, THEN IT'S



OBVIOUSLY NOT AN APPROPRIATE THING TO DO. SO I'M GOING TO SUPPORT THE MOTION ON THE TABLE.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
FURTHER COMMENTS ON THE MOTION?  
COUNCILMEMBER COLE.

Cole: I SECONDED THE MOTION AND AM IN SUPPORT OF THE MOTION AND REALIZE THAT NEITHER OF THE PARTIES ARE SATISFIED, AND USUALLY THAT MEANS THAT WE CAME TO SOMEWHAT OF A REASONABLE DECISION, BUT MOSTLY I'M FRUSTRATED WITH THE NOTION THAT WE CAN'T DO ANYTHING TO AVOID THE APPEALS PROCESS OF THE McMANSION ORDINANCE AT THIS STAGE OF THE BALLGAME AND THAT WE CAN'T FIND SOME SOLUTION HERE TODAY, BUT I DO THINK WE'VE HEARD THE CASE LONG ENOUGH AND IT'S TIME THAT WE MOVE FORWARD.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I JUST REGRET THAT WE...WE COULDN'T SAVE THIS HOUSE. IT IS AN IMPORTANT GATEWAY TO AN HISTORIC NEIGHBORHOOD AND IT'S VERY UNFORTUNATE WE COULDN'T SAVE IT, THAT IT'S BEYOND, ACCORDING TO THE APPLICANT, BEYOND REPAIR, AND IT HAS TO BE DEMOLISHED AND AS SUCH IT'S IMPORTANT THAT WE REALLY THINK ABOUT THE CONTEXT AND THE FUTURE OF THIS NEIGHBORHOOD, AND THIS IS -- I'M NOT SUPPORTIVE USUALLY OF HISTORIC ZONING WHERE IT'S QUESTIONABLE, BUT THIS TO ME WAS VERY -- A VERY IMPORTANT HOUSE FOR THIS NEIGHBORHOOD. SO GIVEN THAT WE DON'T WANT TO HAVE SOMETHING MONOLITHIC IN THIS AREA FOR APARTMENTS OR ANYTHING OTHERWISE RLTD I'LL BE BE SUPPORTING THE MOTION, AND IF THAT'S THE BEST WE CAN DO AT THIS POINT.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
FURTHER COMMENTS? SO MS. TERRY, IF YOU CAN, AS A REMINDER, WE HAVEN'T HAD MANY OF THESE, SO REGARDING THE APPEAL PROCESS, THE TECHNICALITIES OF APPEALING ELEMENTS OF THE McMANSION ORDINANCE, IT'S NOT A HARDSHIP-

BASED APPEAL PROCESS, THAT IS, IN FACT IF SOUND ARGUMENTS FROM A DESIGN STANDPOINT, FOR INSTANCE, ARE MADE, THEN WAIVERS CAN BE GRANTED AND REGARDLESS THAT APPEAL OR THE DENIAL OF THE APPEAL THAT, VARIANCE DENIAL COULD BE APPEALED TO COUNCIL, I TRUST?

MAYOR, THAT'S AN ACCURATE STATEMENT. BASICALLY THE RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION WOULD CONSIDER THE REQUEST THAT ARE WITHIN ITS JURISDICTION BASED UPON THE CRITERIA THAT THE COUNCIL SET IN THE McMANSION ORDINANCE FOR THAT, FOR THE GRANTING OF THOSE VARIANCES. THE CRITERIA THAT ARE IN THE McMANSION ORDINANCE, WHEN WE THINK OF HARDSHIP, WE OFTEN THINK IN TERM OF THE BOARD OF ADJUSTMENT TYPE HARDSHIP. THAT'S NOT WHAT WE HAVE. WE HAVE A DIFFERENT -- WE HAVE A SPECIFIED SET OF CRITERIA THAT THE COUNCIL ADOPTED IN THE MIX MANSION ORDINANCE AND IT'S NOT THAT TRADITIONAL BOARD OF ADJUSTMENT HARDSHIP. AND ANY GRANT OF RELIEF BY THAT RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION IS APPEALABLE TO COUNCIL. SO THE PROCESS IS THERE, THERE ARE CRITERIA IN THE McMANSION ORDINANCE THAT YOU ALL SET WHEN YOU ADOPTED THE McMANSION ORDINANCE AND IT IS -- IF THERE IS A DESIRE FOR APPEAL FROM THAT COMMISSION'S DECISION, IT COMES TO COUNCIL AND I WOULD ADVISE COUNCIL THAT LAST WEEK THEY HAD THEIR INITIAL MEETING AND IT IS -- THEY ARE RARING TO GO. SO THE BOTTOM LINE IS THEY'RE UP AND RUNNING.

Mayor Wynn: THANK YOU, MS. TERRY.  
COUNCILMEMBER LEFFINGWELL.

Leffingwell: IT'S MY UNDERSTANDING FOR THIS MOTION TO PASS THAT IT REQUIRES SIX VOTES.

Mayor Wynn: YES. AGAIN, BOTH THE NEIGHBORS ARE IN OPPOSITION WITH THE PETITION TO THIS MOTION AS IS THE PROPERTY OWNER, IN DIFFERENT DIRECTIONS I LIKE TO SAY. MOTION AND A SECOND ON THE TABLE TO APPROVE OUR ACTION ON

SECOND READING, FOR FINAL READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. MR. GUERNSEY, WE HAVE ABOUT 10 MINUTES OR SO BEFORE OUR BREAK. ITEM 53 WAS A DISCUSSION ITEM, CORRECT?

MAYOR, ITEM 55 IS DISCUSSION. ITEM 53 YOU'VE ALREADY DISPENSED WITH. I AM TOLD THAT ON THORNTON IS THE CASE THAT FOLLOWS 55, ITEM 63, AND THAT THERE ARE MANY INDIVIDUALS, ALTHOUGH I CANNOT SAY ALL OF THEM, MAY BE SUPPORTIVE TO CONTINUE TALKING ABOUT 55. I'VE GOT -- I'VE RECEIVED RECENTLY SEVEN SEPARATE POSTPONEMENT REQUESTS ON ITEM 55 TO VARIOUS DATES. THERE'S A TRAFFIC IMPACT ANALYSIS AND NEIGHBORHOOD TRAFFIC BE ANALYSIS IS COMPLETED ON 55.

Mayor Wynn: BEFORE WE HAVE THAT DISCUSSION, MS. GENTRY, I DON'T SHOW US HAVING TAKEN ACTION ON 53. MY NOTES MIGHT BE INCORRECT.

THAT'S WHAT I HAVE, MAYOR, ALSO.

Mayor Wynn: SO WE HAVE DISPENSED OF 49, 50, 51 AND 52, BUT NOT 53.

MAYOR, IT'S MY UNDERSTANDING YOU DID, BUT WHAT I CAN DO IS PRESENT IT VERY QUICKLY AND DO A CLARIFYING VOTE. ITEM NUMBER 53 IS CASE NP-05-21 PART, THE EAST RIVERSIDE, OLTORF NEIGHBORHOOD PLAN, TRACTS 45 AND 45-B. THIS IS TO AMEND -- ACTUALLY TO APPROVE THE FUTURE LAND USE MAPS FOR 1801 AND 1919 EAST RIVERSIDE DRIVE, WHICH IS KNOWN AS TRACT 45 AND 1905 EAST RIVERSIDE DRIVE KNOWN AS TRACT 45-B. IT WAS RECOMMENDED TO YOU BY THE COMMISSION AND THIS WOULD BE TO APPROVE ON THIRD READING THE LAND USE DESIGNATION OF MIXED

USE ON THE FUTURE LAND USE MAP.

Mayor Wynn: SO THIS IS THE FUTURE LAND USE MAP RELATED TO THE ZONING CASE WE APPROVED ON ITEM 39.

THAT'S CORRECT.

Mayor Wynn: MY RECORDS SHOW US NOT TAKING A COMBINED MOTION ON THAT. SO THEN IN ORDER FOR US FOR -- TO THE RECOMMENDATION FOR US TO TO BE CONSISTENT WITH OUR EARLIER ACTION ON ITEM 49 WOULD BE TO SIMPLY FOLLOW STAFF RECOMMENDATION?

THAT'S CORRECT. ALL THE MOTIONS YOU HAD ON THE TABLE, EVEN THE ONES THAT FAILED, ALL STILL RECOMMENDED MIXED USE.

Mayor Wynn: SO THEN COUNCIL, I'LL ENTERTAIN A MOTION TO APPROVE RECOMMENDED FUTURE LAND USE MAP DESIGNATION ON ITEM 53. THAT WOULD BE MIXED USE. MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE ITEM NUMBER 53 AS PRESENTED. COUNCILMEMBER KIM?

Kim: PLEASE SHOW ME ABSTAINOGTHIS ONE BECAUSE IT HAS THE MULTI-FAMILY COMPONENT IN IT.

Mayor Wynn: THANK YOU. FURTHER COMMENTS ON ITEM 53. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER KIM NOT VOTING. ACTUALLY, MR. GUERNSEY, SINCE WE HAVE A COUPLE OF MINUTES BEFORE OUR BREAK, WE'LL GIVE FOLKS SOME TIME TO STILL CONSIDER THEIR NUMEROUS POSTPONEMENT REQUESTS ON ITEM 55 BECAUSE COUNCIL, EARLIER IN CLOSED SESSION WE TOOK UP OUR PERSONNEL MATTERS THAT WE HAD POSTED, THOSE BEING RELATED TO

OUR MUNICIPAL COURT CLERK, THE PRESIDING JUDGE AND THE ASSOCIATE AND SUBSTITUTE JUDGES. I'LL ENTERTAIN A BRIEF STAFF PRESENTATION OF THESE PROPOSED ORDINANCE.

THE RECOMMENDATION IS FOR THE PRESIDING JUDGE AT 4,111.20 PER PAY PERIOD. THE ASSOCIATE JUDGE IN THE DOWNTOWN AUSTIN COMMUNITY COURT JUDGE AT 3,677.60 PER PAY PERIOD. THE COMPENSATION FOR THE SUBSTITUTE JUNK AT 39.47 PER HOUR. ALSO TO PROVIDE FOR AN ANNUAL COST OF LIVING INCREASE IN JANUARY OF EACH YEAR DEPENDING ON FUNDING AND WHAT OTHER CITY EMPLOYEES RECEIVE. AND MAKING THIS EFFECTIVE IN JANUARY OF 2007, THE FIRST PAY PERIOD. QUESTIONS?

Mayor Wynn: THAT IS ITEM NUMBER 27. COUNCIL, I'LL ENTERTAIN A MOTION AS PRESENTED BY STAFF. THIS IS IN LINE WITH OUR DISCUSSIONS IN CLOSED SESSION. FOLLOWING OUR PERFORMANCE EVALUATION.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THIS ORDINANCE AS PRESENTED BY STAFF, ITEM NUMBER 27. FURTHER COMMENTS? I WILL SAY WE HAVE A VERY FINE PRESIDING JUDGE AND WE HAVE VERY PLEASED WITH THE WORKERS OF OUR MUNICIPAL COURT SYSTEM. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

OKAY. THE NEXT ITEM IS ITEM NUMBER 28, WHICH IS THE COMPENSATION FOR THE MUNICIPAL COURT CLERK. THAT'S GOING TO BE SET AT 3,934.40 EACH PAY PERIOD.

Mayor Wynn: AND EVERYTHING ELSE STAYS AS --

ONE SLIGHT CHANG ON THE VACATION ACCRUAL TO BRING IT UP TO WHAT OTHER EMPLOYEES ARE GETTING. THAT CHANGE WAS MADE LAST OCTOBER. SO THAT WAS A SLIGHT CHANGE ON

THERE.

Mayor Wynn: RIGHT. QUESTIONS OF STAFF, COUNCIL? COMMENTS? AGAIN, WE WERE QUITE PLEASED WITH OUR PERFORMANCE EVALUATION OF YOUR MUNICIPAL COURT CLERK, REBECCA STARK. I'LL ENTERTAIN A MOTION ON THIS ORDINANCE, ITEM NUMBER 28.

MOVE APPROVAL.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS ORDINANCE, ITEM NUMBER 28, AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: ONS SND MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH. COUNCIL, THAT NOW TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. Y'ALL STAY TUNED FOR ID GY VAUGHN, OUR PERFORMER. A COUPLE OF BRIEF PROCLAMATIONS AND THEN WE WILL COME BACK AND FINISH OUR ZONING DISCUSSIONS AND WE HAVE A SMALL NUMBER OF PUBLIC HEARINGS THAT WILL FOLLOW. WE ARE NOW IN RECESS.

Mayor Wynn: OKAY, FOLKS. WELCOME TO OUR WEEKLY LIVE MUSIC GIG HERE AT THE AUSTIN CITY COUNCIL MEETING. JOINING US TODAY IS IDGY VAUGHN, A TALENTED MUSICIAN AND SONG WRITER WHO DESCRIBES HER MUSIC AS TEX AMERICANA. SHE GOT HER START AS WINNING THE KERRVILLE FOLK FESTIVAL AS MEERING SONG WRITER AND HAS BEEN WRITTENNING OVER FANS EVER SINCE PARTICULARLY WITH HER 2006 DEBUT CD FIELGHT.....TITLED AWARDS AND STORIES. PLEASE HELP ME WELCOME IDGY VAUGHN. [ APPLAUSE ]

THIS IS A SONG CALLED MR. WRONG. . [ MUSIC

PLAYING ] . [ MUSIC PLAYING ] [ APPLAUSE ]

Mayor Wynn: SO WHERE CAN WE BUY ORIGIN STORY,  
FIRST AND FOREMOST?

THAT'S MY DAUGHTER'S (INDISCERNIBLE). SHE'S MY  
MARCH GIRL, SO SHE FEELS COMPELLED TO SHARE  
WHERE WE CAN GET IT. YOU CAN GET IT AT  
WATERLOO BOTH AT SIX TH AND LAMAR AND  
ONLINE AND THROUGH MY WEBSITE, WHICH IS  
IDGYVAUGHN.COM.

Mayor Wynn: AND WHAT ABOUT UPCOMING GIGS?

TONIGHT I'M AT HILL'S CAFE, BUT THE BIG GIG IS  
THIS SATURDAY AND SUNDAY, THE TEXAS STATE  
ARTS FESTIVAL. IT'S GOING TO BE TWO DAYS OF  
ALL DAY BAND AND SUNDAY THEY'VE GOT ROBERT  
CRAY, SO THIETS THOOS A BIG DEAL, BUT LITTLE  
OLD ME WILL BE THERE ON SATURDAY  
AFTERNOON.

...

Mayor Wynn: HOW DOES ONE GET TICKET FOR THAT?

THEY'RE ONLY FOUR DOLLARS. YOU JUST SHOW UP  
AND GET YOUR TICKET AND KID GET IN FREE. YOU  
CAN FIND OUT MORE AT ROADWAYEVENTS.COM.

Mayor Wynn: SO TONIGHT AT HILL'S CAFE.  
IDGYVAUGHN.COM. BE SURE TO PICK UP A COPY OF  
ORIGINS STORY. BEFORE YOU GET AWAY WE HAVE  
AN OFFICIAL PROCLAMATION THAT READS, BE IT  
KNOWN THATS WHEREAS ITS LOCAL MUSIC  
COMMUNITY MAKES MANY COMIKSES TOWARDS  
THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC  
AND CULTURAL DIVERSITY AND WHEREAS THE  
DEDICATED EFFORTS OF ARTISTS FURTHER OUR  
STAS TUS AS THE LIVE MUSIC CAPITOL OF THE  
WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF  
AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY,  
MARCH 1st, 2007 AS IDGY VAUGHN TODAY IN AUSTIN  
AND CALL ON ALL CITIZEN TO JOIN ME IN  
CONGRATULATIONS LATING THIS FINE TALENT. [

APPLAUSE ]

Mayor Wynn: I DON'T KNOW THAT I'VE HAD OUR MUSICIANS SAY, SO CAN I LEAVE NOW? YES, YOU CAN. [ LAUGHTER ] RAUL, CAN YOU COME JOIN ME? [ APPLAUSE ] WE'RE GOING TO TAKE A COUPLE OF PROCLAMATIONS HERE OUT OF ORDER. SO WHILE IDGY BREAKS DOWN ON THAT SIDE OF THE ROOM WE'LL USE THIS PODIUM TO DO A COUPLE THREE PROCLAMATION THZ EVENING. THE FIRST OF WHICH IS ACTUALLY A DISTINGUISHED SERVICE AWARD. I'M JOINED HERE BY RAUL CAL DID HE RON, WHO HAS BEEN AN ATTORNEY WITH US FOR YEARS AND MOST RECENTLY IN OUR PARKS DEPARTMENT AND WORKS WITH US FREQUENTLY AS THE -- BECAUSE THE GOOD NEWS IS WE'VE BEEN EXPANDING GEOGRAPHICALLY AND FROM AN ACREAGE STANDPOINT OUR PARKS DEPARTMENT PRETTY DRAMATICALLY OVER THE PAST DECADE OR SO AND RAUL HAS BEEN THE IN MIDDLE OF THAT. SO A DISTINGUISHED SERVICE AWARD READS, FOR HIS EXTRAORDINARY SERVICE TO THE CITY OF AUSTIN DURING MORE THAN 23 YEARS WITH THE LAW DEPARTMENT, RAUL CALDERON IS DESERVING THE PUBLIC ACCLAIM, RECOGNITION AND SOME TIME OFF. RAUL HAS WORKED IN VIRTUALLY EVERY AREA IN WHICH LAW DEPARTMENT IS CALLED UPON TO SERVE. HE IS A DEDICATED PROFESSIONAL IN REPRESENTING THE CITY AND ITS OFFICERS AND EMPLOYEES AND HAS NEVER LOST SITE OF THE FACT THAT THERE ARE PEOPLE INVOLVED IN LOITERING, NOT JUST THE PROCESS. WITH HEART FELT GRATITUDE AND A KEEN SENSE OF LOSS, WE RECOGNIZE RAUL'S MANY ACCOMPLISH.S, HIS EXPERTISE AND HIS COMMITMENT TO OUR GREAT CITY OF AUSTIN AND TO ITS EMPLOYEES AND CITIZENS. THERE'S NO GREATER CALLING THAN PUBLIC SERVICE. HE WILL TRULY BE BE MISSED. PRESENT THIS HAD FIRST DAY OF MARCH IN THE YEAR 2007, SIGNED BY ME, MAYOR WYNN, BUT ACKNOWLEDGED BY THE ENTIRE CITY COUNCIL, MAYOR PRO TEM DUNKERLEY AND COUNCILMEMBERS LEFFINGWELL, MARTINEZ, KIM, MCCracken AND SHERYL COLE, A DISTINGUISHED SERVICE AWARD TO MR. RAUL CALDERON. [



APPLAUSE ]

Futrell: YOU PROBABLY DIDN'T KNOW WE HAD SO MANY LAWYERS IN THE ROOM RIGHT HERE. YOU KNOW, RAUL AND I HAVE KNOWN EACH OTHER FOR A VERY LONG TIME. I CANNOT THINK OF A DEPARTMENT THAT RAUL HAS NOT SERVED IN 23 PLUS YEARS WITH THE CITY, BUT PRIMARILY WITH PARKS AND THE HEALTH DEPARTMENT. SO ENORMOUS NUMBER OF THING HAVE BEEN ACCOMPLISHED UNDER RAUL'S GUIDANCE WITH HEALTH AND WITH PARKS. THERE ARE SO MANY PERSONAL THINGS ABOUT RAUL, WHEN YOU KNOW RAUL. HE HAS AN INCREDIBLE SENSE OF HUMOR. THE LAW DENT CALLS HIM MR. EMCEE. HE EMCEES ALL OF THEIR EVENTS BALL BECAUSE OF HIS SENSE OF HUMOR. HE ACTUALLY HAS ANOTHER TRAIT MANY PEOPLE DON'T KNOW ABOUT, HE'S A TRIVIA KING WHVMENT YOU NEED TO KNOW SOMETHING, IT IS SO TRUE, THIS HAPPENS WHEN YOU'RE A YALE GRADUATE, BY THE WAY, WHEN YOU NEED TO KNOW ANYTHING, I CALL HIM. I CALL HIM INSTEAD OF THE LIBRARY REFERENCE CLERKS. NO OFFENSE, LIBRARY, BUT RAUL IS YOUR GUY. [ LAUGHTER ] HE HAS SO MANY THINGS THAT HE'S DONE, NOT JUST FOR THE DEPARTMENT, BUT FOR THE COMMUNITY AT LARGE. ANOTHER THING YOU MAY NOT KNOW ABOUT HIM IS HE MENTORS ALL THROUGH THE COMMUNITY, NOT JUST THROUGH THE CITY MENTORING PROGRAM WITH THE SCHOOL DISTRICT, BUT ON HIS OWN. AND WHEN RAUL MENTORS A STUDENT, THEY GRADUATE AT THE TOP OF THEIR CLASS, SO MANY OF HIS STUDENTS HAVE BEEN THE TOP GRADUATES IN THEIR HIGH SCHOOL GOING ON TO COLLEGE. RAUL'S DONE SO MUCH FOR OUR COMMUNITY, FOR OUR CITY, AND RAUL, YOU WILL BE BE DEEPLY, DEEPLY MISSED. YOUR HUMOR, MY 45 I CAN'T REFERENCE. OM -- MY TRIVIA REFERENCE. COME SAY A FEW WORD TO EVERYBODY. [ APPLAUSE ]

THIS GOES ON THE WALL, OKAY? IT'S NICE TO BE AT THE PODIUM WITHOUT SWEATY HANDS. USUALLY IT'S, OKAY, WRINGING AND ALL THIS. WHEN I.. I FIRST STARTED 23 YEARS AGO, MY HAIR WAS THICKER AND MY BEARD WAS DARKER, AND NOW

MY SKIN IS THICKER AND THE CIRCLES UNDER MY EYES ARE THE ONLY THING THAT ARE DARKER. AND I'M GLAD THAT -- I'M PROUD IT TO SAY THAT IN GETTING YOUR NEW THICKER SKIN AND DARKER CIRCLES I DID IT IN THE SERVICE OF THE CITY. I'VE BEEN IMMENSELY PROUD OF THE THING THAT WE HAVE ACCOMPLISHED, AND MY WORK HAS BEEN TO WORK WITH OTHERS IN THE CITY TO MAKE THIS A GREATER CITY. AND AUSTIN IS A GREAT CITY. I LOVED IT. I'VE LIVED IN OTHER CITIES, I COME HERE, PEOPLE ARE SO HAPPY TO BE HERE. PEOPLE BUSINESS TO COME BACK HERE. PEOPLE ENJOY OUR CITY. AND I AM JUST PROUD TO HAVE BEEN A CONTRIBUTOR TO THAT EFFORT. AND YESTERDAY THEY SAID THAT I HAD SURVIVED -- MAY MY RETIREMENT RECEPTION THEY SAID I HAD SURVIVED EIGHT CITY COUNCILS. I MEANT TO SAY I HAD SERVED EIGHT CITY COUNCILS. WITHOUT TAKING ANY MORE TIME, I'M JUST VERY GRATEFUL OF THE OPPORTUNITY TO HAVE SERVED. I AM VERY APPRECIATIVE OF THE WORK THAT OTHERS HAVE DONE IN ALLOWING ME TO BE PART OF THAT EFFORT. AND TOBY BIRKS IT'S BEEN ESPECIALLY A PRIVILEGE, AND I SAY A PRIVILEGE TO HAVE WORKED WITH YOU.

OH, RAUL. [ APPLAUSE ]

> WHILE WE'RE WAIT FOR THE MAYOR PRO TEM TO COME GIVE OUT A SPECIAL PROCLAMATION, IS ELIZABETH ROGERS IN THE ROOM BY CHANCE? ELIZABETH ROGERS WITH THE PEACE CORPS. I'LL JUST READ THE PROCLAMATION WE HAVE FOR PEACE CORPS WEEK. IT READS: BE IT KNOWN THAT WHEREAS SINCE 1,961,187,000 AMERICANS HAVE SERVED AS PEACE CORPS VOLUNTEERS HELPING THEM HELP THEMSELVES IN 139 COUNTRIES THROUGHOUT THE WORLD. AND WHEREAS THE PEACE CORPS VOLUNTEERS HAVE STRENGTHENED THE TIES OF FRIENDSHIP AND UNDERSTANDING BETWEEN U.S. CITIZENS AND THOSE OF OTHER COUNTRIES, AND HAVE IMPROVED THE LIVES OF INDIVIDUALS AND COMMUNITIES THROUGH THEIR WORK IN SUCH AREAS AS AGRICULTURE, BUSINESS DEVELOPMENT, INFORMATION TECHNOLOGY, EDUCATION, HEALTH AND HIV AIDS. AND WHEREAS WE

ARE PLEASED TO HONOR THE VOLUNTEERS PAST AND PRESENT. SO THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO PROCLAIM THE WEEK OF MARCH 26 ITS FEBRUARY 26 ITS THROUGH MARCH FOURTH AS PEACE CORPS WEEK IN THE CITY OF AUSTIN. WE WILL JOIN OTHER CITIES CELEBRATING THE WORK OF THE PEACE CORPS THIS PAST 40 SOME-ODD YEARS. PLEASE HELP ME IN CONGRATULATING THE AMERICAN PEACE CORPS. NOW I'LL TURN THE PODIUM OVER TO MAYOR PRO TEM DUNKERLEY.

Dunkerley: I'D LIKE TO ASK THE FIRE ISLAND PEOPLE TO COME FORWARD. THIS IS REALLY A VERY FUN KIND OF PROCLAMATION TODAY. I'M VERY PROUD TO BE TIEBL DO IT. THIS PROCLAMATION READS AS FOLLOWS: BE IT KNOWN THAT WHEREAS THE STORY OF FIRE ISLAND HOT GLASS STUDIO IS QUINN AT THE 17 SHALLLY AUSTIN. MATTHEW LA BARBARA AND HIS WIFE THERESA MET AT A MUSIC GIG. HIS FASCINATION WITH GLASS LED TO THE OPENING OF HIS OWN STUDIO AND THE TWO HAVE USED THEIR COMBINED TALENTS THERE SINCE 1993. AND WHEREAS LASTING 25 YEARS, FIRE ISLAND WAS THE OLDEST GLASS BLOWING STUDIO IN TEXAS AND ITS UNIQUE PIECES SOLD IN FINE GALLERIES AND ARE INCLUDED AMONG PRESTIGIOUS COLLECTIONS, INCLUDING ONE AT THE WHITE HOUSE. AND WHEREAS WE CONGRATULATE MATTHEW AND THERESA FOR THEIR IMPACT TO OUR CITY AS OWNERS OF A HOMEGROWN BUSINESS FOR SHARING THEIR ARTISTIC AND BUSINESS NOW HOW WITH OTHERS AND ESPECIALLY FOR REMAINING HAPPILY MARRIED WHILE WORKING SIDE BY SIDE AND THAT IS REALLY AN ACCOMPLISH. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM MARCH, 2007, AS THE BEGINNING OF LIFE AFTER FIRE ISLAND HOT GLASS. AND IT IS SIGNED BY OUR MAYOR, WILL WYNN, BE AND SEALED. SO CONGRATULATIONS TO BOTH OF YOU.

THANK YOU, MAYOR PRO TEM. I JUST WANT TO THANK ALL OF AUSTIN. IN 1981 NOBODY KNEW THAT GLASS COULD BE BLOWN HERE IN AUSTIN-BERGSTROM INTERNATIONAL, AND WE WERE ABLE

TO DO IT. AND THIS PAST MONTH WE'VE HAD SUCH AN OUTPOURING OF SUPPORT AND LOVE FROM THE COMMUNITY, ALL THE PEOPLE THAT HAVE BOUGHT OUR WORK, AND I JUST REALLY APPRECIATE THAT. THANK YOU.

Dunkerley: CONGRATULATIONS.

WE APPRECIATE OUR SMALL BUSINESSES IN AUSTIN AND WE WANT TO GIVE A SPECIAL PROCLAMATION TO RECOGNIZE THEM. AND I WILL READ IT. BE IT KNOWN THAT WHEREAS THE CREATIVE EFFORTS OF ENTREPRENEURS IN AUSTIN FUELED THE CREATION OF NEW JOBS, EXPANDED AND ADVANCED TECHNOLOGY AND STIMULATED THE RECENT GROWTH IN THE ECONOMY AND WHEREAS MORE THAN 70% OF YOUNG PEOPLE ENVISION STARTING A BUSINESS OR DOING SOMETHING TREPPAL AS ADULTS AND WHEREAS IN KEEPING WITH THE NATIONAL INITIATIVE, A LIVE FORUM IS BEING HELD THIS WEEK TO LINK NOVICE TREP WATER AND WASTEWATER THOSE WHO HAVE ENJOYED SUCCESS WITH THOSE THEM HELPING THE BUSINESS GROAVMENT NOW THEREFORE, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO ENCOURAGE YOUTH TO BEGIN EXPLORING THEIR OWN BIG IDEAS AND DO HERE BY PROCLAIM FEBRUARY 24TH THROUGH MARCH THIRD AS ENTREPRENEUR SHIP WEEK. [ APPLAUSE ]

I WANT TO THANK EVERYBODY HERE AND THE ENTIRE CITY. AUSTIN IS AN AMAZING PLACE TO LIVE AND GROW AND COME OF AGE, RAISE A FAMILY. MOST INTERESTINGLY IT'S ONE OF THE GREATEST PLACES TO START A BUSINESS, GROW A BUSINESS, AND IT'S POSSIBLE NOT ONLY FOR THE RESOURCES THAT THE CITY, THE STATE AND THIS COUNTRY BRINGS US, BUT AT THE SAME TIME THE CREATIVITY AND THE SPIRIT WE CARRY IN THE STIVMENT SO ON BEHALF OF RICE AND ALL OF OUR SPONSORS, WHICH INCLUDE EVERY CITIZEN THAT HAVE ATTENDED OUR SESSION, SO THE LAST COUPLE OF DAYS WE'VE HAD AN INCREDIBLE TUCIALOVER FOR FREE SESSIONS WHERE PEOPLE COME TOGETHER TO SHARE THEIR STORIES OF ENTREPRENEUR SHIP AND WE HOPE THAT IN THE

NEXT FEW YEARS WE'LL COME TO THINK OF AUSTIN NOT ONLY AS A PLACE WHERE THE MUSIC IS SO GREAT, BUT WHERE ENTREPRENEURSHIP IS PART OF OUR DNA. SO THANK YOU. [ APPLAUSE ] TEST TEST VALDEZ

MAYOR WYNN: THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK THE MEETING OF CITY..... CITY COUNCIL. I APPRECIATE EVERYBODY'S PATIENCE. SO WE HAVE GONE THROUGH OUR ZONING CASES WHERE WE NEEDED TO CONDUCT A PUBLIC HEARING -- I'M SORRY, WHERE WE HAVE ALREADY CONDUCTED A PUBLIC HEARING. WE'LL NOW TAKE UP THESE ZONING CASES BEGINNING WITH ITEM NO. 55, UNDERSTANDING AS PERHAPS WE COULD SET THAT ASIDE FOR A FEW MINUTES. MR. GUERNSEY?

GUERNSEY:

ITEM NO. 55, SOME OF MY STAFF HAS BEEN CONNECTED, SOME OF THE PARTIES THAT WERE IN OPPOSITION TO THIS REQUEST ARE WORKING WITH THE APPLICANT TO RESOLVE SOME OF THOSE ISSUES. THEY'VE ASKED TO WAIT JUST A LITTLE BIT LONGER SO THEY CAN KIND OF GET THEIR TALKING POINTS TOGETHER ON THAT ITEM. SO STAFF WOULD SUGGEST THAT WE NOT TAKE 55 NEXT. ALSO SEVEN POSTPONEMENT REQUESTS BUT WE CAN CONSIDER POSTPONEMENT REQUESTS IN THIS CASE A LITTLE LATER. I THINK THEY'RE GOING TO GET BACK TO STAFF AND LET US KNOW WHERE THEY'RE AT. SO I WOULD SUGGEST THAT WE TAKE THE NEXT CASE IN ORDER --

YES.

GUERNSEY: WHICH IS ITEM NO. 63. THIS IS THE THORNTON BUNGALOW CASE. C 14-06-0220. THIS IS A REZONING REQUEST AT 2206 TO 2210 THORNTON ROAD. IT'S A REZONE REQUEST FROM URBAN FAMILY RESIDENTS, CONDITIONAL OVERLAY OR SF 5 CO COMBINING DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE, CONDOMINIUM OVERLAY, SF 4 B CONDITIONAL OVERLAY, COMBINING DISTRICT. THE PLANNING COMMISSION TOOK ACTION ON THE

27TH AND RECOMMENDED THE REZONING REQUEST TO SF 4 FC. CO APPROVING THE STAFF RECOMMENDATION WITH MODIFICATION THAT..... THAT WOULD ALLOW TO 14 UNITS TO BE CONSTRUCTED ON THE PROPERTY. WE DO HAVE INDIVIDUALS HERE THAT ARE FOR AND AGAINST THIS CASE. THE PROPERTY ITSELF IS APPROXIMATELY ONE AND A HALF ACRES AND IS LOCATED ALONG THORNTON ROAD JUST SOUTH OF OL...OLTORF STREET. THE ADJACENT PROPERTY IS TO PROPERTIES TO THE NORTH ARE USED FOR OFFICE, RETAIL AND APARTMENTS TO THE SOUTH, SINGLE-FAMILY UNDEVELOPED, AND THERE ARE SINGLE-FAMILY HOMES BOTH TO THE EAST AND TO THE WEST. THE SURROUNDING PROPERTY TO THE NORTH ARE SOME CS. TO THE SOUTH, EAST AND WEST THERE ARE SF-3 ZONINGS AND FURTHER SOUTH THERE ARE SOME CF ZONING. ABOUT ONE LOT AWAY TO THE WEST IS SOME MULTIFAMILY ZONING. TRAFFIC IMPACT ANALYSIS IS NOT REQUIRED FOR THIS CASE BECAUSE THE REZONING REQUEST DID NOT EXCEED THE THRESHOLD OF APPROXIMATELY 2,000 ADDITIONAL TRIPS, AND I THINK AT THIS POINT STAFF WILL PAUSE AND SEE IF YOU HAVE ANY QUESTIONS. THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD THAT WOULD LIKE TO SPEAK TO THIS ITEM TONIGHT.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. PERHAPS -- WE DO HAVE THREE FOLKS WHO WOULD LIKE TO SPEAK, TOTALING ABOUT 15 MINUTES. IT SEEMS ALL IN OPPOSITION, BUT IT SEEMS LIKE WE SHOULD AT LEAST HAVE THE APPLICANT AGENT BE ABLE TO STATE THEIR CASE, SORT OF SET THE.... THE TONE AND THEN WE'LL HEAR FROM SOME NEIGHBORS.

MAYOR WYNN: I'LL SET THE CLOCK AT 5 MINUTES AND HAVE A BRIEF APPLICANT PRESENTATION. WELCOME.

GOOD EVENING, MAYOR, MAYOR PRO TEM AND COUNCIL. I'M BLAYNE STANSBERRY WITH STANSBERRY ENGINEERING. PLEASED TO BE HERE AGAIN IN FRONT OF YOU WITH THIS PROJECT. IF

YOU RECALL THIS HAS BEEN A TWO-PART PROCESS THAT WE'VE BEEN THROUGH. WE WERE ORIGINALLY ASSESSED THREE, WENT UP TO SF 5, TO COME BACK DOWN TO SF 4 B. SO YOU PREVIOUSLY HEARD THIS PROJECT LAST NOVEMBER. SO I'LL JUST BRIEFLY TOUCH ON THE PROJECT, IF I CAN GET THE POWERPOINT WORKING. I WILL CONTINUE ON WHILE THAT'S BEING WORKED OUT. BUT THE SITE CURRENTLY CONSISTS OF TWO LOTS TOTALING ONE AND A HALF ACRES. IT IS -- HAS TWO SINGLE-FAMILY HOMES ON IT THAT WILL BE RELOCATED ON THE SITE AND RENOVATED ALONG WITH THE ADDITION OF NEW AND OTHER RECYCLED HOMES. SO THE PROJECT WILL FEATURE -- EXCUSE ME -- A TOTAL OF 18 DETACHED HOMES ON IT, WITH LANDSCAPE GARDEN AREAS AS A DESTINATION POINT FOR COMMUNITY GATHERING. WHAT YOU'RE SEEING ON THE SCREEN NOW IS A VIEW OF THE SITE AND THE EXISTING HOMES. THE PARKING WILL BE LOCATED ON THE SITE, TO TAKE THE FOCUS ON THE VEHICLE AND ONTO THE FAMILY AND THE COMMUNITY THAT WILL BE DEVELOPED. THIS WILL BE A VERY STYLIZED DEVELOPMENT THAT WILL INCREASE URBAN DENSITY IN A SOFT WAY, BEING DETACHED UNITS. THE SF 4 B WILL ALLOW THE 18 UNITS. THESE HOMES WILL HAVE A MINIMUM OF 10-FOOT SEPARATION BETWEEN THEM, SO TO CREATE LESS MASS THAN WHAT YOU WOULD GET WITH A DUPLEX TYPE SCENARIO THAT WOULD HAVE BEEN ALLOWED ON THE SF-3. THE ARCHITECTURE WILL BE A BUNGALOW STYLE WITH LUSH LANDSCAPING AROUND THIS COMMUNITY AREA THAT WILL BE A FOCAL POINT FOR THE PROJECT. WE THINK THIS PROJECT IS GOING TO ATTRACT FAMILIES AND OTHER BUYERS THAT ARE INTERESTED IN URBAN LIVING BUT DON'T WANT A DUPLEX OR AN APARTMENT. THEY WANT GREEN SPACE AROUND THEIR HOMES, A DETACHED HOME.... HOME. AND THIS PROJECT WILL DIVERSIFY THE HOUSING OPTIONS FOR THEM. THE NEIGHBORHOOD ASSOCIATION WANTS TO LIMIT THE PROJECT DENSITY TO WHAT WOULD BE AVAILABLE ON SF-3, ALTHOUGH THE SITE ACREAGE OF AN ACRE AND A HALF WOULD NORMALLY ALLOW FOR 18 DUPLEX UNITS, 7,000 SQUARE FEET AT THE SITE AREA FOR

ONE DUPLEX STRUCTURE, BUT THE NARROWNESS OF THE SITE AND THE SIDE LOT REQUIREMENTS, ARE WHERE WE'RE COMING UP WITH THE 14 UNITS SO..... SO WE'RE SEEKING SF 4 B TO AVOID A DUPLEX SCENARIO, FEATURE DID HE HATCHED HOMES WITH A LANDSCAPED AREA, AND IF APPROVED THIS WILL BE THE FIRST SFB IN THE CITY -- SF 4 B IN THE CITY. IN RETURN FOR THE INCREASING ENTITLEMENT WE WOULD BE ABLE TO SUBMIT THIS PROJECT AS A SMART HOUSING PROJECT MEETING CURRENT GUIDELINES, AND THAT WOULD INCLUDE TWO HOMES AT 80% MSI IN COMPLIANCE WITH THE GREEN BUILDING REQUIREMENTS. LIMITING THE NUMBER OF HOMES ON THIS PROJECT I THINK WOULD MISS AN OPPORTUNITY FOR INCREASED URBAN DENSITY IN A LOCATION -- WHICH IS APPROPRIATE. THERE'S VARIED ZONING ON THIS SECTION OF THORNTON. IT'S APPROXIMATELY 500 FEET FROM OLTORF STREET. A MAJOR ARTERIAL, AND FURTHER DOWN THORNTON IS COMMERCIAL ZONING AND SEVERAL MULTIFAMILY ZONING. SO YOU CAN SEE THIS LITTLE POCKET OF SINGLE-FAMILY. THERE ARE DUPLEXES GOING IN ACROSS THE STREET, AND THEN FURTHER DOWN ON THE LEFT AND OFF THE PAGE IS THE HEART OF SOME SINGLE FAMILIES FURTHER DOWN OVER THERE. SO WE'RE OUTSIDE THAT. YOU KNOW, WE'VE GOT THAT MULTIFAMILY BARRIER. THAT MULTIFAMILY DEVELOPMENT IS A NEW APARTMENT-STYLE DEVELOPMENT, AND THEN THERE ARE THE DUPLEXES GOING IN ACROSS THE STREET, WHICH YOU YOU CAN SEE. SO WE'VE DISCUSSED THIS PROJECT EXTENSIVELY WITH THE NEIGHBORHOOD. WE'VE PREPARED RESTRICTIVE COVENANTS TO ADDRESS IMPERVIOUS COVER AND OTHER ISSUES THAT WILL BE FAMILY FRIENDLY AND BENEFICIAL FOR THE NEIGHBORHOOD, BUT LIMITING THE NUMBER OF UNITS WILL RESULT IN LARGER UNITS SOLD AT A HIGHER COST. THE PROJECT THEN WOULD BE TOO SMALL TO INCLUDE THE SMART HOUSING COMPONENT. THAT'S WHY WE SPECIALLY REQUEST APPROVAL OF THE STAFF RECOMMENDATION FOR 18 UNITS ALLOWED BY THE SF 4 B ZONING, WHICH WILL INCLUDE TWO HOMES AT 80% MFI. AND I THINK THIS PROJECT ADDRESSES SOME OF THE CITY'S CONCERNS. AS AN



ENGINEER I'VE HEARD THE REPORTS AND THE CONCERNS STATED ABOUT THE CITY'S GROWTH, AND I.. THIS PROJECT INCREASES URBAN DENSITY ON AN UNDERUTILIZED LOT. IT WILL BE ATTRACTIVE FOR FAMILIES THAT PREFER A DETACHED LIVING ENVIRONMENT AND IT'S PROVIDING AFFORDABLE.....AFFORDABILITY IN THE URBAN CORE NOT ONLY BY DESIGN BUT WITH THE SMART HOUSING CERTIFICATION. THIS IS A STEP IN THE RIGHT DIRECTION FOR THE CITY.

MAYOR WYNN: THANK YOU, MISSTANSBERRY. ANY QUESTIONS FOR THE APPLICANT, COUNCIL? IF NOT WE'LL HEAR FROM THOSE THREE FOLKS WHO SIGNED UP WISHING TO ADDRESS THIS. CAROL GIBBS.

I HAD SPOKEN WITH GREG GUERNSEY. THE ARCHITECT IS ALSO HERE IN FAVOR OF THE PROJECT. DOES HE HAVE AN OPPORTUNITY TO SPEAK AT THIS POINT?

WE NORMALLY TAKE FOLKS WHO WOULD LIKE TO SPEAK IN FAVOR OF THE ZONING CASE AND THEN WE HEAR FROM FOLKS IN OPPOSITION. SO YES, IF THE ARCHITECT WOULD LIKE TO ADDRESS THIS IN SUPPORT, NOW WOULD BE THE TIME.

MAYOR WYNN: WELCOME, YOU HAVE THREE MINUTES.

THANK YOU. MY NAME IS MARK OWED EM. I'M WITH. DEM TURNER STUDIO. I'M REPRESENTING THE CLIENT IN THIS PROJECT. I JUST WANTED TO TOUCH ON THE BASE OF THE THE IDEA OF URBAN INFILL WITHIN OUR CITY. IT SEEMS OVER THE PAST SEVERAL MONTHS WE'VE BEEN PLAGUED BY THE IDEA OF DUPLEX AND WITH THE IDEA OF URBAN INFILL ON A SMALLER LOT, AND JUST COMING UP ON THIS PROJECT IN... AND THIS SPECIFIC CLIENT AND HIS WILLINGNESS TO DO SOMETHING A LITTLE BIT DIFFERENT, OTHER THAN FILLING THE SITE WITH A TYPICAL DUPLEX SCENARIO SEEM VERY INTERESTING, AND TRYING TO GET THE CITY ANOTHER OPTION TO CREATE DENSITY AS A RESIDENTIAL CIRCUMSTANCE. AGAIN, THIS

PROJECT WOULD DETACH THESE HOMES AND GIVE A MINIMUM DISTANCE OF 10 FEET BETWEEN EACH HOME TO ALLOW THESE FAMILIES TO HAVE SOME GREEN SPACE, YARDS PLAN, IT WOULD HAVE A CENTRAL GARDEN COURT AND FOCUS ON COMMUNITY LIVING AND INTERACTION BETWEEN FAMILIES. SO AGAIN, WE'VE SPOKEN TO THE SOUTH LAMAR GROUP AND TRIED TO WORK OUT ALL OF OUR DIFFERENCES AND IT SEEMED LIKE WE GOT MOST OF EVERYTHING WORKED OUT UNTIL THE FINAL MOMENTS AND, YOU KNOW, IT'S -- IT'S A FEW DISAGREEMENTS THAT I THINK THAT WE COULD HOPEFULLY COME TO AND COME TO A COMMON UNDERSTANDING AND DO A LITTLE BIT DIFFERENT OF A PROJECT HERE. THAT'S ALL.

MAYOR WYNN: THANK YOU, SIR. QUESTIONS OF THE ARCHITECT, COUNCIL? THANK YOU. OKAY. SO NOW WE'LL HEAR FROM FOLKS IN OPPOSITION. START WITH CAROL GIBBS. WELCOME, CAROL, AND LET'S SEE, IS GARDNER SUM.... SUMNER STILL HERE? YES, MAKE SURE YOU'RE STILL HERE. GARDNER. SO CAROL, YOU HAVE TO SIX MINUTES. YOU'LL BE FOLLOWED BY OSCAR LIPCHAP.

THANK YOU MAYOR. I'M CAROL GIBBS. I'M THE PAST PRESIDENT OF THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION AND WAS THE PRESIDENT WHEN THIS CASE FIRST BEGAN MANY MONTHS AGO. WE HAVE BEEN CONSISTENT. IT'S NOT BEEN A.. A LAST MINUTE GLITCH IN OUR COMMUNICATIONS OVER THE ONE MAIN STICKING POINT WE HAVE, AND THAT IS THE NUMBER OF UNITS. AS YOU MAY RECALL FROM THE NOVEMBER MEETING, I THINK IT WAS MAYOR PRO TEM DUNKERLEY THAT WE HAD KIND OF A DIRECT BACK AND FORTH ABOUT OKAY, WE'RE TALKING SF 5 NOW BUT IF WE WERE TALKING SF 4 B WOULD YOU STILL STICK WITH THE 14? AND I SAID YES. I DIDN'T THINK WE COULD GO THERE WHEN WE WERE TALKING SF 5.. 5 BUT IF WE COULD GO THERE AND TALK ABOUT THAT THAT NIGHT, YES, WE WOULD STILL STICK WITH 14. SO THAT HAS BEEN OUR CONSISTENT BOTTOM LINE ALL ALONG. THE MAIN REASON FOR THAT IS BECAUSE WE HAVE SO MANY SF-3 LOTS. THAT MAP THAT BLANE SHOWED DIDN'T SHOW VERY MUCH OF OUR

NEIGHBORHOOD ASSOCIATION, BUT FARTHER SOUTH, ESPECIALLY ON ENCLOSURES, WE HAVE SOME 1 ACRE LOTS IN SF-3 ZONING. AND SO IF YOU EXTRAPOLATE, MOST OF THEM WITH ONE HOUSE, NOT EVEN A DUPLEX BUT A SINGLE HOME. SO IF YOU SUBDIVIDE WITHIN CURRENT ZONING, EVEN POSSIBLY DUPLEXES, WE'RE LOOKING AT A MAJOR ADDITION OF DENSITY WITHOUT ANY ZONING CHANGES. AND SO WHAT WE HAVE TOLD THEM FROM THE GET-GO IS, YOU KNOW, WE'LL LET PC AND COUNCIL DECIDE ON THE ZONING THING BUT OUR BOTTOM LINE IS GOING TO BE THE NUMBER OF UNITS. SOME OF OUR MEMBERS LIKE THE LOOK, THE PROSPECT, OF THIS KIND OF DESIGN, KIND OF DEVELOPMENT. AND I THINK EVEN OUR STAUNCHEST...EST OPPONENTS TO THIS ZONING CASE COULD LIVE WITH AND GET COMFORTABLE WITH, IF THEY HAD TO, THE LOOK, THE DESIGN OF THIS, IF IT WAS ONLY 14 UNITS. ANOTHER ISSUE WE'VE HAD ALL ALONG IS -- AND IT'S CERTAINLY RELATED TO THE DENSITY, THE 14 UNITS, AND THAT IS THAT WE'RE IN THE -- SORT OF IN THE THROES OF NEIGHBORHOOD PLANNING. WE'RE ON A SIX-MONTH AND STILL COUNTING HIATUS, BUT OUR CONCERN HAS ALWAYS BEEN THAT WE DON'T WANT ANY MORE PIECES OF YELLOW ON OUR FUTURE LAND USE.....FLFLUM TO TURN ORANGE. AND I HAVEN'T GOTTEN IN WRITING BUT I'VE GOTTEN ASSURANCES THAT IF THE DENSITY MATCHES THAT OF SF-3 THEN WE CAN STILL COLOR IT THAT OF SF-3. SO I'M HOPING WE'RE SAFE, STILL OPERATING UNDER THAT MIND-SET, IF WE DO GET BACK TO NEIGHBORHOOD PLANNING. BLANE MENTIONED THAT IF THE LOT WAS OF A DIFFERENT DIMENSION, SAME SQUARE FOOTAGE BUT DIFFERENT DIMENSION, THEY COULD GET MORE UNITS ON IT. WELL, IT... IT IS THE DIMENSIONS WHEN HER CLIENT BOUGHT THE PROPERTY, AND WHAT HE BOUGHT HE COULD FIT SEVEN DUPLEX LOTS ON. I MADE SURE WHEN THE REALTOR PUT UP A SIGN SAYING CONDO AND APARTMENT SUITABLE, I CALLED EM THE DAY THAT SIGN WENT UP AND SAID, KIND OF FALSE ADVERTISING HERE, AND READ HIM THE RIOT ACT. HE'S AN ACQUAINTANCE OF MINE BUT MADE SURE HE UNDERSTOOD HOW WE STAND ON ZONING CHANGES IN THE NEIGHBORHOOD, BECAUSE I

FORESAW HIM TRYING TO GET SOMEBODY WHO MIGHT THINK THEY COULD GET SOME MS ZONING THERE. AND HE, WHEN I SAW THE CONTRACT PENDING SIGN TO IT I CALLED HIM BACK AND SAID, DID YOU TELL THEM? AND I SAID, YES, I MADE IT VERY CLEAR YOU-ALL ARE GOING TO OPPOSE ANY UP ZONING. SO ONE CAN PRESUME THAT HE KNEW WHEN HE MOVED FORWARD FROM THAT POINT THAT HE MUST HAVE DONE HIS MATH AND FIGURED OUT, OKAY, IF I HAVE TWO I CAN MAKE IT WORK WITH THE ZONING I'VE GOT. ANOTHER POINT I'D LIKE TO MAKE ABOUT THE NEARBY MF ZONING, THERE IS A MULTIFAMILY GATED COMPLEX, CONDO COMPLEX, IMMEDIATELY ADJACENT TO PART OF THIS PROPERTY WITH TWO LITTLE HOUSES STUCK IN BETWEEN, BUT THAT WAS MF... MF-2 ZONING BEFORE -- PROBABLY FROM BACK IN THE '70S. WE HAVE POCKETS OF THAT THROUGHOUT THE NEIGHBORHOOD THAT WE HAVE NO IDEA HOW THAT CAME TO BE. IT WAS ONE SINGLE HOUSE ON AN MF-2 LOT WHEN THE CURRENT -- THE CARRIAGE PART CONDOS DEVELOPER BOUGHT IT AND DEVELOPED IT. SO THERE WAS NOT AN UP ZONING INVOLVED THERE. WE -- YOU KNOW, WE WORKED WITH -- OR HAD TO WORK WITH THE ZONING THAT SAT ON THE GROUND AT THE TIME. BLANE MENTIONED THE RESTRICTIVE COVENANT, PRIVATE RESTRICTIVE COVENANT. WE HAVE PLAYED WITH THE LANGUAGE OF THAT FOR A WHILE BUT TWO AND A HALF WEEKS AGO WE MET AND I THINK THAT'S WHEN WE FINALLY MADE IT CLEAR -- OR IT FINALLY BECAME CLEAR, WE THOUGHT WE WERE MAKING IT CLEAR, THAT IN ORDER FOR A PRIVATE RESTRICTIVE COVENANT TO WORK THERE'S GOT TO BE A PERFORMANCE BOND. IN THE COURSE OF TALKING TO THEM WE OFFERED TO DROP IT DOWN FROM WHAT WE'VE GOTTEN FROM PREVIOUS DEVELOPERS IN THE NEIGHBORHOOD FROM THE \$50,000 BOND OR LETTER OF CREDIT, WHATEVER FORM THEY WANTED TO USE, WE DROPPED IT TO 25,000, RECOGNIZING THIS IS A RELATIVELY SMALLER PROJECT THAN THE OTHERS, LIKE WALGREEN'S THAT WE GOT 50 FROM. WE CAN'T EVEN GET THAT. BRIAN KEEN DID SOME MATH AND FIGURED THAT THIS IS ABOUT HALF A CENT PER -- I DON'T REMEMBER WHAT THE MATH WAS, BUT IT'S A

MINUSCULE AMOUNT OF MONEY TO PUT UP TOWARD THE SIZE OF THE INVESTMENT OF THE MONEY THAT'S GOING TO GO INTO OR COME OUT OF THIS PROJECT. SO IT REALLY SHOULDN'T BE THAT UNREASONABLE. AT PC THE OTHER NIGHT BLANE MENTIONED THAT THERE WAS SOME CONCERN THAT WHAT IF WE GOT LAWSUIT HAPPY, IF HE WOULD BE OUT THE MONEY WITHOUT ANY ASSURANCE THAT WE WOULDN'T BE FRIVOLOUS. YOU-ALL DON'T KNOW ME PERSONALLY BUT I THINK YOU'VE SEEN ME DOWN HERE ENOUGH TO KNOW THAT I CERTAINLY AND I DON'T THINK ANY OF THE OTHER NEIGHBORS, WANT TO SPEND ANY EXTRA TIME LOOKING FOR LAWSUITS THAT MAY NOT PAN OUT. WE WANT THE ASSURANCE THAT IF IT GETS TO THE POINT WHERE WE REALLY HAVE TO, WE CAN, BUT WE WOULD DO EVERYTHING IN OUR POWER TO NOT GET TO THAT POINT, AND THERE ARE CLAUSES WRITTEN INTO THE OTHER RC'S THAT WE WE DO HAVE WITH OTHER DEVELOPERS THAT BUILD IN, YOU KNOW, LIKE A 30-DAY PERIOD TO ATONE BEFORE WE WOULD GET LITIGIOUS. SO THAT'S REALLY NOT IN OUR VIEW A LEGITIMATE REASON TO NOT DO A RESTRICTIVE COVENANT, AND SO AT THIS POINT THAT'S -- MY UNDERSTANDING IS THAT'S KIND OF SOMETHING THAT IS NOT A PART OF THIS PACKAGE BECAUSE THERE'S NOT A BOND OR A LETTER OF CREDIT WITH IT. I'LL BE HAPPY TO ANSWER QUESTIONS.

MAYOR WYNN: THANK YOU, MS. GIBBS. QUESTIONS FOR MS. GIBBS, COUNCIL? THANK YOU, CAROL. NEXT SPEAKER IS OSCAR LIP LIPCHAK. TO BE FOLLOWED BY BRIAN KING.... KING.

GOOD EVENING. MAYOR PRO TEM AND COUNCIL MEMBERS, MY NAME IS BRIAN KING, SOUTH LAMAR NEIGHBORHOOD ASSOCIATION. I'M ON THE LEADERSHIP TEAM OF OUR NEIGHBORHOOD PLANNING GROUP. WE'RE IN NEIGHBORHOOD PLANNING. I WOULD LIKE TO POINT OUT THAT AT THIS POINT IN TIME WE'VE GONE THROUGH NEIGHBORHOOD PLANNING, WE'VE KIND OF STOPPED, BUT WE'VE GONE THROUGH THREE ITERATIONS OF OUR FUTURE LAND USE MAP, AND OUR FLUM FOR THIS AREA IS UNANIMOUS THAT IT

SHOULD BE LOW DENSITY SINGLE-FAMILY, SF-3, JUST AS IT WAS BEFORE. I WAS OUT OF TOWN LAST TIME THIS CASE CAME BEFORE YOU WHEN YOU UP ZONED IT TO SF 5 OR I WOULD HAVE BEEN HERE SPEAKING AGAINST THAT. IT SHOULD HAVE STAYED AT SF-3. WE'RE DOING A LOOPHOLE TWO STEP PROCEDURE TO GET THIS BACK TO SF 4 B, WHICH IT COULD NOT HAVE GONE THROUGH THROUGH NORMAL CODE PROGRESSION GOES TO SF 4 B. THAT'S NOT ALLOWED. WE HAVE UP ZONED TO DOWN ZONE. WE HAVE CONSISTENTLY SAID WE WANT TO KEEP SINGLE-FAMILY DENSITY IN THIS AREA, IT'S IN THE CORE OF... OF THE NEIGHBORHOOD. IT'S SURROUNDED BY SF-3. THE APPLICANTS HAS DONE A REAL NICE RENDERING OF WHAT THEY COULD DO OF 14 UNITS AND DUPLEXES, WHICH..... WHAT'S ACROSS THE STREET FROM IT, DOWN THE STREET FROM IT, ALL THROUGH OUR NEIGHBORHOOD AND IN OUR NEIGHBORHOOD WE'RE NOT SEEING DUPLEXES AS RENTAL UNITS. WE'RE SEEING THEM CONDOIZED AND SOLD AS FEE SIMPLE HOUSES. SO UNDER THE SF-3 REGIME THEY COULD DO 14 UNITS. THEY COULD CONDO-IZE THEM AND SELL THEM SEPARATELY AND THE DENSITY WOULD STAY AT 40%. I THINK IT'S A MISS COULD YOU THAT WE WENT ON SF 5. I ASKED THEM TO CONSIDER IT TAKING IT BACK TO SF-3 AND I ASK YOU TO TAKE IT BACK TO SF-3 AS IT WAS BEFORE. LET'S BUILD 14 UNITS LIKE THEY COULD. AS CAROL MENTIONED NOW WE'VE GOT REAL STUCK ON A PERFORMANCE BOND ON THE RESTRICTIVE COVENANT. IF WE DON'T HAVE ONE, A RESTRICTIVE COVENANT IS USELESS TO A NEIGHBORHOOD ASSOCIATION. THEY'RE NOT FUNDED. THEY CAN'T START LITIGATION WITHOUT THE PERFORMANCE BOND. THE PERCENTAGE HE WAS TALKING ABOUT IS A HALF A PERCENT OF THIS PROJECT AND IT'S MONEY NOT SPENT IF THE DEVELOPER PERFORMS ACCORDING TO THE RESTRICTIVE COVENANT. THE MONEY SITS THERE. THEY ACCRUE INTEREST AT THE END OF THE FRAME THEY GET THEIR MONEY BANK. IT'S OUR INTEREST THEY DO PERFORM BUT THEY HAVE BEEN RETICENT TO GO THERE AND WE HAD A STICKING POINT THERE. SO ANY RESTRICTIVE COVENANT IS WORTHLESS TO US AT THIS POINT. PC EVEN CONSIDERED A PRIVATE

RESTRICTIVE -- A PUBLIC RESTRICTIVE COVENANT OR CO, BOTH OF WHICH THE NEIGHBORHOOD COULD NOT TRIGGER THOSE. IF THE NEIGHBORHOOD FEELS THEY'RE IN VIOLATION OF ANY OF THE AREAS, WE CAN'T TRIGGER A CO ENFORCEMENT. WE CAN'T TRIGGER A PUBLIC RESTRICTIVE COVENANT BUT WE CAN TRIGGER A PRIVATE RESTRICTIVE COVENANT. SO I'M HOPING THAT YOU.... YOU WILL, BEST CASE, PUT THIS BACK TO SF-3 LIKE IT WAS. SECOND BEST CASE, IF YOU WANT TO GO TO SF 4 B, LIMIT IT TO THE 14 UNITS, AND PC REALLY DID SOMETHING CREATIVE. I DON'T KNOW IF YOU HEARD WHAT THEY DID. THEY ACTUALLY SAID THEY COULD GO TO 18 IF THEY WOULD DO THE ADDITIONAL 4 TO 50% MFI. WELL, OF COURSE THAT'S INCLUDES AREA ZONING, COULDN'T DO THAT. THAT'S WHY PC HAD TO REHEAR THAT AND NOW THEIR RECOMMENDATION IS SF 4 B. BEST CASE I HOPE WE CAN DO SF-3. IF NOT SF 4 B AT 14. THIRD THING IS LEAVE IT AT SF 5 WHICH LIMITS IT TO 10 CONDOS OR 14 NON-CONDO UNITS. THANK YOU FOR YOUR TIME.

MAYOR WYNN: THANK YOU, MR. KING. OSCAR LIPCHAK. WELCOME, OSCAR, AND LET'S SEE, IS SUSAN SULLIVAN HERE? SUSAN SULLIVAN? SO OSCAR, YOU HAVE UP TO THREE MINUTES IF YOU NEED IT. WELCOME.

THANK YOU. THANK YOU. COUNCIL, MAYOR, OSCAR LIPCHAK WITH THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION. I'M THE PRESIDENT. I BROUGHT SOME PICTURES. IF YOU COULD START THEM OUT. THIS IS -- THIS IS A PICTURE OF THE CONDO THAT'S GOING UP DIRECTLY ACROSS FROM THE PROPOSED PROJECT. YOU SEE THE LITTLE COTTAGE THERE ON THE RIGHT-HAND SIDE. ON THE OTHER SIDE YOU CAN JUST SCROLL THROUGH THEM IF YOU WOULD, PLEASE. JUST TO GIVE IEW IDEA THAT THIS IS THE CORE OF OUR NEIGHBORHOOD. IT IS ON THORNTON. IF YOU WALK AS I DO AND MANY OTHER RESIDENTS IN OUR NEIGHBORHOOD WALK THORNTON, I THINK IT'S ABOUT TWO -- CLOSE TO TWO MILES. THESE ARE THE COTTAGES THAT YOU SEE, BETWEEN OLTORF AND THE PROPOSED PROJECT, ON THORNTON. THESE ARE THE LITTLE COTTAGES THAT YOU SEE.

ON THE LEFT-HAND SIDE YOU START OUT WITH A TINY LITTLE COTTAGE. ON THE RIGHT-HAND SIDE COTTAGE. KEEP WALKING TOWARDS THE PROJECT FROM OLTORF, ANOTHER COTTAGE. COTTAGE. COTTAGE. COTTAGE. COTTAGE. AND YOU WILL COUNT EIGHT COTTAGES ON ONE SIDE AND SIX ON THE OTHER. THIS IS THE CORE OF OUR NEIGHBORHOOD. THE PROJECT THAT THEY ARE PROPOSING IS AN EXCELLENT PROJECT. IT IS CREATIVE. IT IS WONDERFUL. I TOLD THEM FROM THE VERY BEGINNING, BLANE AND MARK, THAT I WOULD LOVE TO HAVE THEIR PROJECT GOING ACROSS THE STREET FROM ME. IT'S A WONDERFUL PROJECT. SHE SAID THAT IT WAS A NICE SOFT TRANSITION FOR ADDITIONAL DENSITY, AND IT IS MUCH NICER THAN THE 62 UNITS THAT ARE -- THREE STORY UNITS THAT ARE GOING IN ACROSS THE STREET FROM ME. I WOULD LOVE TO HAVE THEIR PROJECT ACROSS FROM ME. BUT WHAT WE WANT IS TO KEEP THE DENSITY AT A REASONABLE LEVEL. 14 AS THE PLANNING COMMISSION RECOMMENDED TO YOU IS -- WOULD BE THE BEST. SECOND BEST, AS BLANE INDICATED. THE FIRST BEST, OF COURSE, IS THE SF-3, AND OUR CONCERN THERE IS THE DOMINO EFFECT. WE DON'T WANT SOMEONE -- AGAIN, BRIAN IS THE ONE THAT MADE THE COMMENT ABOUT WE WOULD LIKE TO KEEP IN OUR FLUM MAP THE YELLOW COLOR FOR SF-3, SO WE'RE HOPING THAT WE CAN STILL ACCOMPLISH THAT IF WE KEEP THE 14 UNITS THERE. IT'S A WONDERFUL PROJECT. I'M SORRY THAT WE COULDN'T COME TO AN AGREEMENT OTHERWISE, BUT I THINK SF-3, AS BRIAN SAID, IS IDEAL, AND THEN NUMBER TWO, KEEPING IT TO 14 UNITS. THEY KNEW THAT THAT'S WHAT THEY COULD BUILD AND THAT'S FAIR TO BOTH SIDES. THANK YOU.

MAYOR WYNN: THANK YOU, OSCAR. AND COUNCIL, FOR THE RECORD PLRKS JEFF JACKSONVILLE SIGNED.....MR. JEFF JACKSONVILLE SIGNED UP NOT WISHING TO SPEAK IN OPPOSITION. MR. STANSBERRY, YOU'RE GRANTED A ONE-TIME THREE-MINUTE REBUTTAL FOR ADDITIONAL INFORMATION THAT YOU THINK WE MIGHT NEED. WELCOME BACK.



THANK YOU. I'D LIKE TO... LIKE TO JUST QUICKLY ADDRESS THE RESTRICTIVE COVENANT LETTER OF CREDIT. ALTHOUGH THE NEIGHBORHOOD DID DROP IT DOWN TO \$25,000, IT'S NOT ABOUT THE MONEY. IT IS ABOUT THE JUDGE -- THE NEIGHBORHOOD BEING THE JUDGE AND JURY TO DETERMINE IF A VIOLATION HAS OCCURRED IN THE RC AND THEY WANT THAT TO LAST FOR FIVE YEARS. IT DOESN'T OFFER THE OWNER ANY PROTECTION TO RECOUP HIS MONEY IF A JUDGMENT IS FOUND IN FAVOR OF HIM. IT'S -- NOT ONLY DID HE PAY -- HE PAID TO DEFEND HIMSELF. WE OFFERED WORDING IN THE RESTRICTIVE COVENANT THAT WOULD MAKE THE OWNER RESPONSIBLE FOR ATTORNEYS' FEES, FOR JUDGMENTS FOUND IN FAVOR OF THE NEIGHBORHOOD ASSOCIATION. HOWEVER, THAT'S NOT ACCEPTABLE. AND THEY SAY THEY'RE NOT CURRENTLY LITIGIOUS RIGHT NOW, WHICH I DO BELIEVE, BUT WHAT ABOUT FUTURE LEADERS OF THE NEIGHBORHOOD? IF THEY WANT THE LENGTH TO BE FIVE YEARS. THIS PROJECT IS CLOSE TO OLTORF AND THE SOUTH LAMAR INTERSECTION SO I WOULD DISAGREE THAT IT IS THE CORE OF THE NEIGHBORHOOD. IT'S ON THE PERIMETER. I DON'T KNOW THAT THE OWNER WAS PASSED ALONG THE INFORMATION FROM THE REALTOR BECAUSE I KNOW WHEN HE ORIGINALLY LOOKED AT THE SITE HE WAS LOOKING AT MF-2 ZONING, AND, YOU KNOW, WE'VE DONE OUR BEST TO ACCOMMODATE THE DENSITY CONCERNS OF THE NEIGHBORHOOD WITH THE SF 4 B AND THOUGHT THAT TO BE A NICE COMPROMISE. WE WANT TO GET AWAY FROM DUPLEXES AND OFFER A VARIETY OF HOME CHOICES FOR BUYERS, FAMILIES, SINGLE PEOPLE, ELDERLY PEOPLE, THAT DON'T WANT A DUPLEX, THAT DON'T WANT AN APARTMENT AND THAT A HOME ON A SINGLE LOT MAY BE OUT OF REACH, SO THIS PROJECT WITH 18 UNITS DOES OFFER THE SMART HOUSING COMPONENT, AND THEY WOULD ALL BE BUNGALOWS, WHICH WOULD DEFINITELY FIT IN WITH THE PICTURES THAT OSCAR PRESENTED OF THE COTTAGES. ARE THERE ANY QUESTIONS? THANK YOU.

MAYOR WYNN: THANK YOU, MS. STANSBERRY. QUESTIONS FOR THE APPLICANT, OR AGENT? THANK

YOU, MA'AM. COUNCIL, THAT CONCLUDES THE PUBLIC HEARING PART OF THIS ZONING CASE, ITEM NO. 63. COMMENTS, THOUGHTS, QUESTIONS? COUNCIL MEMBER COLE.

I....

COLE: I HAVE A QUESTION FOR MARTY. CAN GIVE US SOME CLARITY ON THESE RESTRICTIVE COVENANTS, THE PRIVATE RESTRICTIVE COVENANTS? DO WE HAVE ANY AUTHORITY AT ALL TO ENFORCE THOSE?

NO, MA'AM, YOU DO NOT. THERE IS -- THE CITY IS NOT PROHIBITED BY THE -- I'M SORRY, IS NOT PERMITTED BY THE TEXAS CONSTITUTION TO EXPEND PUBLIC MONIES FOR PRIVATE PURPOSES.

COLE: SO I'M CORRECT TO ASSUME THAT THESE AGREEMENTS JUST HAVE TO EXIST BETWEEN THE PARTIES AND THEY HAVE TO WORK OUT AUTOMATIC THE TERMS AND CONDITIONS AND WE HAVE NO ROLE IN THAT?

THAT'S CORRECT.

MAYOR WYNN: ADDITIONAL QUESTIONS OF STAFF? COMMENTS, COUNCIL? MR. GUERNSEY, YOU PROBABLY SAID THIS AS YOU OPENED THE CASE, BUT CAN YOU REMIND ME OF THE PLANNING COMMISSION AND STAFF'S RECOMMENDATION?

GUERNSEY: THE PLANNING COMMISSION RECOMMENDED THE CASE, BUT LIMITED THE NUMBER OF UNITS TO 14. THERE ARE SOME ADDITIONAL CONDITIONS THAT ADDRESSED IMPERVIOUS COVER AND A PROVISION THAT THEY COMPLY WITH THE PARKING REQUIREMENTS WITHOUT THE REDUCTION, 20% REDUCTION, AND THAT WAS PART OF THE STAFF RECOMMENDATION.

MAYOR WYNN: THANK YOU.

GUERNSEY: THIS IS ONLY READY FOR FIRST READING, MAYOR AND COUNCIL, SO I'LL JUST MAKE

YOU AWARE OF THAT.

MAYOR WYNN: GREAT. THANK YOU. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING THE PLANNING COMMISSION RECOMMENDATION, WHICH WOULD INCLUDE A CO OF 14 UNITS MAX, AND THAT INCLUDES THE STAFF CO 50% IMPERVIOUS COVER AND NO PARKING REDUCTION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING AND APPROVE PLANNING COMMISSION RECOMMENDATION INCLUDING THE LIMIT OF 14 UNITS AS WELL AS STAFF RECOMMENDATIONS.

SECOND.

SECONDED BY COUNCIL MEMBER COLE.  
COMMENTS? COUNCIL MEMBER MARTINEZ?

MARTINEZ: I JUST HAVE A QUESTION ON THAT -- IF WE ADOPT THIS MOTION, THOSE 14 UNITS, ARE THEY RESTRICTED TO SINGLE-FAMILY DWELLINGS OR CAN THEY BE DID YOU DUPLEXES?

WELL, THE PROPOSAL IS TO CONSTRUCT A CONDOMINIUM COM PLAGUES. THEY COULD BE ACTUALLY UNDER THAT PROVISION, CONSTRUCTED TO BE, I GUESS, TO... CONDOMINIUMS THAT WOULD BE -- ACTUALLY I HAVE TO CHECK TO BE ABSOLUTELY SURE THAT THEY COULDN'T BE ATTACHED, THAT SCENARIO, BUT THEY'D BE INDIVIDUAL UNITS CONSTRUCTED, FREESTANDING ON A SINGLE LOT. A DUPLEX WOULD USUALLY BE ONE -- OR ONE BUILDING, TWO UNITS ON A SEPARATE LOT. SO NO, THEY COULD NOT BE CONSTRUCTED AND SOLD AS DUPLEX UNITS. THEY COULD BE CONSTRUCTED, THOUGH, AS MANY UNITS ON A SINGLE LOT, AND THAT'S WHAT'S BEING PROPOSED. THE 14 UNITS WILL BE ON A SINGLE LOT.

MARTINEZ: RIGHT, BUT THE DESIGN OF THOSE 14 UNITS, WHETHER OR NOT THEY'RE ATTACHED OR

WHETHER OR NOT THEY'RE DESIGNED AS SINGLE-FAMILY DWELLINGS, EACH ONE INDIVIDUALLY BUILT, I'D HAVE TO.....

I'D HAVE TO GO BACK AND ACTUALLY CHECK THAT. THIS IS THE FIRST CASE WE'VE HAD BUT I CAN INVESTIGATE THAT AND HAVE THAT ANSWER FOR YOU BEFORE FINAL READINGS.

AND IT'S MY UNDERSTANDING THAT THE REQUEST THAT THE DEVELOPER IS MAKING WOULD CREATE INDIVIDUAL SINGLE-FAMILY DWELLING UNITS AND IF WE APPROVED THIS MOTION, THE DEVELOPMENT COULD BE ALL ATTACHED UNITS?

GUERNSEY: THAT'S MY UNDERSTANDING WHAT THEY DESIRE TO DO. THEY WOULD STILL BE DETACHED UNITS, IS WHAT IS PROPOSED. THEY'RE JUST ASKING FOR FOUR MORE. MAYOR, THE -- ONE OF THE -- ARCHITECT -- I'M NOT SURE.

HE'S CLARIFYING THAT THEY WOULD BE DETACHED.

MAYOR WYNN: BY CODE OR BY THEIR DESIGN?

GUERNSEY: BY CODE, UNDER SF 4 B.

LEFFINGWELL: MY MOTION FOR THE PLANNING COMMISSION RECOMMENDATION WAS FOR SF 4 B ZONING.

MAYOR WYNN: YES.

LEFFINGWELL: WITH THE 14 UNITS.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? OKAY. WE HAVE A MOTION, A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY. CASE 63, PLANNING COMMISSION RECOMMENDATION, INCLUDING THE LIMIT OF 14 UNITS, AS WELL AS ADDITIONAL STAFF RECOMMENDATION.

RECOMMENDATION REGARDING IMPERFECT JUST

COVER AND PARKING.

MAYOR WYNN: YES, THANK YOU.

GUERNSEY: MAYOR, WOULD THIS STILL CONTAIN THE SMART HOUSING? AFFORDABLE UNITS?

THAT'S NOT SOMETHING THAT THE -- THAT'S NOT PART OF THE MOTION TO REQUIRE IT. THAT WOULD BE INCLUSION AREA AREA. IF WE WERE TO ADDRESS THAT. HOWEVER, THERE IS NOTHING THAT STOPS THEM FROM PURSUING SMART HOUSING APPLICATION IF THEY SO DESIRE.

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: THE PLANNING COMMISSION'S RECOMMENDATION, MY UNDERSTANDING WAS THEY WERE TOLD THEY HAD TO CHANGE THEIR MOTION TO NOT REQUIRE AFFORDABLE HOUSING TO GET THE ADDITIONAL FOUR UNITS. IS THAT RIGHT?

GUERNSEY: YES. THAT'S THE REASON WHY IT CAME BACK TO THEM. THEY HAD ORIGINALLY SUGGESTED 14 UNITS, AND THEN THE ADDITIONAL FOUR --

KIM: HOUSING.

SO UNDER THIS MOTION THE PLAN COMMISSION'S RECOMMENDATION, EVEN IF THE APPLICANT DID AFFORDABLE HOUSING, SMART HOUSING, THEY WOULD NOT GET THE ADDITIONAL FOUR UNITS?

GUERNSEY: WHAT THE AGENT THAT.....HAS INDICATED EARLIER IS THAT THEY WOULD BE WILLING TO DO SMART HOUSING FOR AT LEAST TWO UNITS, IF THEY COULD GET 18 UNITS ON THE PROPERTY. WITH THE CURRENT MOTION THAT'S ON THE TABLE OF 14, THEY WOULD NOT PURSUE A SMART HOUSING APPLICATION FOR THIS PROPERTY.

KIM: I SEE. OKAY. THANKS.

MAYOR WYNN: MAYOR PRO TEM?

DUNKERLEY: ANSWER MY QUESTION -- I UNDERSTOOD ALSO THAT THE SMART HOUSING SUGGESTION BY THE APPLICANT, THAT THEY HAD TO HAVE 18 UNITS IN ORDER TO HAVE ENOUGH VOLUME TO MAKE TWO OF THOSE SMART HOUSING UNITS, AND THAT WAS NOT -- THAT WAS THE AGENT'S RECOMMENDATION, I THINK.

GUERNSEY: THAT IS -- LANE ACTUALLY EXPLAINED THAT, IT WOULD BE THEIR POSITION. THEY'D AGREE TO DO TWO SMART HOUSING UNITS.

COUNCIL MEMBER --

GUERNSEY: IF THEY HAD 18 UNITS.

COUNCIL MEMBER KIM REALLY ASKED THAT QUESTION FOR ME. SO THANK YOU. SO THE 14 UNITS, WE SHOULDN'T EXPECT ANY AFFORDABLE HOUSING.

14 UNITS THEY INDICATED THEY WOULD NOT PURSUE SMART HOUSING. 18 UNITS THEY WOULD AND PROVIDE AT LEAST TWO OF THOSE UNITS PARTICIPATE IN THE SMART HOUSING PROGRAM.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? AGAIN, MOTION AND SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7-0, FIRST READING ONLY. THANK YOU ALL VERY MUCH.

MAYOR AND COUNCIL, I'M TOLD THAT THE CLB, THERE'S STILL DISCUSSIONS GOING ON REGARDING THE CLB PROPERTY. THAT WAS ITEM NO. 55 ON YOUR AGENDA. SO I WOULD SUGGEST WE GO TO THE NEXT ONE, WHICH IS THE PROPERTY KNOWN AS THE DOMAIN..... DOMAIN. THIS IS A REZONING CASE, NO. C 14-060121 FOR THE PROPERTY LOCATED AT 11,100 TO 11,900 BURNET ROAD, 2800 BLOCK OF

BRAKER LANE AND 1300 BLOCK OF BRAKER LANE. THIS PROPERTY IS CURRENTLY ZONED, MAJOR INDUSTRIAL MI-PDA AND THE REQUEST IS TO MI-PDA TO CHANGE SOME OF THE CONDITIONS ON THAT THAT ARE APPLIED TO THE PROPERTY. THE PROPERTY IS APPROXIMATELY 176.194 ACRES. IT IS RECOMMENDED TO YOU BY THE PLANNING COMMISSION. THEY MOD.... MODIFIED THE STAFF'S RECOMMENDATION REGARDING THIS PROJECT AND RECOMMENDED THAT THE PROPERTY BE BILLED UNDER THE TWO STAR GREEN BUILDING PROGRAM, THAT NATURAL LANDSCAPING BE PROVIDED FOR ALL WATER QUALITY PONDS, BOTH EXISTING AND FUTURE, BE IN COMPLIANCE WITH THE TRAFFIC IMPACT ANALYSIS, REQUESTED -- THE REQUEST FOR THE APPLICANT'S PROPOSED PARKLAND DEDICATION PROPOSAL BE ACCEPTED, AND THAT THE HEIGHT ON THE PROPERTY BE 140 FEET, PLUS AN ADDITIONAL 12 STORIES BASED ON ELECTING TO PROVIDE SOME PUBLIC BENEFITS AS LISTED IN THE BURNET GATEWAY NEIGHBORHOOD PLAN. THIS PLAN IS NOT YET ADOPTED OR PRESENTED TO THE PUBLIC AT THIS TIME. AND I'LL GO INTO SOME DETAIL REGARDING THAT. AND TO ALLOW A MAXIMUM HEIGHT OF 308 FEET. PART OF THE STAFF RECOMMENDATION ADDRESS..... ADDRESSED BY THE ENVIRONMENTAL BOARD, THE ENVIRONMENTAL BOARD, WHICH ALSO RECOMMENDED THE REQUEST PROVIDED THAT UPON REDEVELOPMENT AT LEAST A MINIMUM OF 80 ACRES, THE APPLICANT SHALL PROVIDE EITHER SISTERS OR OTHER STRUCTURES CAPABLE OF CAPTURING A MINIMUM OF 75,000 GALLONS OF RAINWATER OR PROVIDE BIOSWALES CAPABLE OF CAUSING AN EQUIVALENT AMOUNT OF RAINWATER BE RETAINED ON THE SITE, OR SOME COMBINATION THEREOF, AND TWO, THAT ON-SITE DETENTION PONDS BE SIZED SO THE RELEASE OF STORM WATER FROM THE SITE WILL BE AT A RATE LESS THAN THE RATE THAT EXISTED WHEN THE SITE WAS IN AN UNDEVELOPED STATE. THE PROPOSED FOUR TO AIR RATIO ON THE PLOT WOULD BE 8 TO 1, THAT THERE WOULD BE COMPLIANCE WITH THE COMMERCIAL DESIGN STANDARDS, THE ADDITIONAL SUBSECTIONS UNDER SECTION 222, CORE TRANSIT CORRIDORS, WHICH ADDRESS

SIDEWALKS AND BUILDING PLACEMENT ALONG THE ROAD BE APPLIED, AND THE APPLICANT IS AGREEABLE TO THOSE CONDITIONS. THERE ARE PARTS OF THE PLANNING COMMISSION RECOMMENDATION AND I'LL HAVE THE APPLICANT COME FORWARD TO SPEAK TO, THAT THEY ARE NOT IN AGREEMENT TO, AND LET ME JUST GO ON TO TALK A LITTLE BIT MORE ABOUT THE PROPERTY. THE PROPERTY WAS FORMALLY DEVELOPED BY THE IBM CORPORATION AND IS AN AREA THAT IS SUGGESTED FOR REDEVELOPMENT, AND IT WAS UNDERGOING REDEVELOPMENT ALREADY FOR A PORTION OF THE PROPERTY FURTHER TO THE WEST, FOR RETAIL-TYPE USES. THIS PROPERTY HAS BEEN ZONED MI-PDA FOR QUITE A WHILE, AND THERE WAS A.. ACCOMMODATIONS TO DO RESIDENTIAL IN THIS GENERAL AREA BUT THIS WOULD ALLOW FOR ADDITIONAL HEIGHT AND SOME ADDITIONAL DESIGN FEATURES THAT HAD NOT BEEN ENVISIONED WHEN THIS ORIGINALLY CAME FORWARD. THE BURNET GATEWAY PLAN IS A PLAN THAT IS A CONSULTANT-DRIVEN PLAN AND CURRENTLY UNDER WAY. IT WILL BE PRESENTED FOR PUBLIC REVIEW LATER THIS MONTH. THE STAFF FELT THAT SOME OF THE RECOMMENDATION THAT HAD BEEN MADE ON THIS PROPERTY FOR ADDITIONAL DENSITY AND HEIGHT WERE APPROPRIATE TO THIS AREA. IT DOES NOT HAVE IMMEDIATELY ADJACENT TO THIS PROPERTY ANY SINGLE-FAMILY SUBDIVISIONS AND IT'S MOSTLY DEVELOPED WITH INDUSTRIAL, WAREHOUSE AND COMMERCIAL USES. FURTHER NORTH OF THIS PROPERTY IS AN APARTMENT COMPLEX, AND YOU HAVE ACC, AGAIN, TO THE WEST YOU HAVE REDEVELOPMENT GOING ON FOR THE RETAIL PORTION OF DOMAIN. TO THE EAST YOU HAVE INDUSTRIAL WAREHOUSING COMMERCIAL USES AS WELL AS TO THE SOUTH. AT THIS TIME I'LL PAUSE. IF YOU HAVE ANY QUESTIONS I'LL BE MORE THAN HAPPY TO ANSWER THEM. THE APPLICANT'S AGENT, MR. STEVE DRENNER, IS HERE ON BEHALF OF RREEF DOMAIN PARTNERSHIP AND CAN SPEAK TO THE DETAILS OF THEIR REQUEST AND THE POINTS THAT THEY WOULD LIKE TO ADDRESS THAT DEVIATE FROM THE PLANNING COMMISSION'S



RECOMMENDATION..... RECOMMENDATION.

MAYOR WYNN: THANK YOU, MR. GUERNSEY.  
QUESTIONS OF STAFF, COUNCIL? IF NOT, THEN  
WE'LL CONDUCT OUR PUBLIC HEARING ON ITEM NO.  
64. WE'LL START, OF COURSE, WITH AGENT  
PRESENTATION. WELCOME, MR. DRENNER. YOU  
HAVE FIVE MINUTES.

THANK YOU, MAYOR, CITY COUNCIL MEMBERS. DO I  
HAVE, FOLKS, SOME ASSIGNED TIME?

MAYOR WYNN: I SEE NONE HERE.

I THINK I'VE GOT SOME VOLUNTEERS IN THE BACK  
IF THEY.

MAYOR WYNN: WELL, IF THERE ARE FOLKS HERE  
WHO WANTED TO SPEAK IN FAVOR OF THE ZONING  
CASE, THEN YES, THEY COULD DONATE TIME. IT  
WOULD BE HELPFUL IF THEY COULD SIGN UP SO I.. I  
COULD HAVE THIS FOR THE THE RECORD AND  
FOLLOW THE MAP. IT CHANGES THE ORDER WE GO  
IN BECAUSE IT SAYS THERE'S ONLY 15 MINUTES  
WORTH OF SPEAKERS TOTAL FOR AND AGAINST,  
BUT I SEE MR. KIRK RUDY HERE. I CAN'T SEE FACES  
BACK THERE. IF SOMEONE COULD PLEASE STATE  
YOUR NAME FOR THE RECORD. ANDY PASTOR, KIRK  
RUDY, AND SO THAT WOULD BE UP TO 14 MINUTES,  
MR. DRENNER?

PERFECT. I'LL HOPE NOT TO USE IT ALL. THIS IS A  
PROJECT THAT WE'VE BEEN INVOLVED WITH SINCE  
1999. THE...THE...THE ENDEAVOR IS OUR CLIENT ON  
THIS PHASE OF THE PROJECT, REEF IS THEIR  
PARTNER, AND IT'S REALLY ONE OF THE MORE  
EXCITING PROJECTS THAT WE'VE HAD A CHANCE TO  
WORK ON. JUST TO GIVE YOU A FLAVOR FOR ITS  
SIZE, THIS OUTLINE REFLECTS THE MATTER THAT'S  
SUBJECT TO THE ZONING CASE TONIGHT THAT'S 175  
ACRES. THE ORIGINAL SITE, WHICH WAS THE IBM  
CAMPUS, WAS A LITTLE OVER 300 ACRES. THE SITE  
TODAY IS, AS YOU'LL SEE WITH SOME OF THESE  
PICTURES, A STRANGE MIX OF ITS HISTORY. THIS  
BEING PART OF ITS HISTORY, A VERY INDUSTRIAL  
SITE, WITH POWER LINES RUNNING THROUGHOUT,

WITH ABOVE-GROUND CHILD WATER LINES, AND THAT'S REFLECTIVE OF WHERE THE PROJECT HAS BEEN. YOU SEE ON THE LEFT AN EXAMPLE OF THE BUILDINGS OUT THERE THAT I THINK ARE THE SINGLE UGLY HE....IEST BUILDINGS I'VE EVER SEEN. THE BUILDINGS WERE LITERALLY MADE TO RUST. THEY OBVIOUSLY DIDN'T HAVE WINDOWS, OR VERY FEW WINDOWS. YOU SEE AN EXAMPLE OF ONE OF THOSE BUILDINGS AFTER IT HAD BEEN RESKINNED EARLIER IN THIS PROJECT. WE -- TO TRY TO GIVE PEOPLE A FEEL FOR THE SIZE OF THE PROJECT, WE OVERLAID THE OUTLINE OF THE PROJECT ON DOWNTOWN, AND AS YOU SEE, IT COVERS AN AREA FROM TOWN LAKE TO NORTH OF THE CAPITAL, FOUR BLOCKS ON EITHER SIDE OF CONGRESS AVENUE. SO WE REALLY DO HAVE A REMARKABLE OPPORTUNITY HERE TO CREATE A PROJECT, A NEIGHBORHOOD, A MIXED USE -- A DENSE MIXED USE ENVIRONMENT THAT IS NOW IN THE MIDDLE OF THIS AREA, AND AGAIN, OF THE SIZE OF ROUGHLY WHAT A LOT OF PEOPLE THINK OF AS DOWNTOWN AUSTIN. WE ALSO HAVE A PECULIAR OPPORTUNITY IN THAT WE CAN DO THIS WITHOUT DIRECTLY AFFECTING ANY PARTICULAR NEIGHBORHOOD. WE'RE LUCKY IN THAT THE PROJECT IS BOUNDED BY MOPAC, BRAKER LANE, BURNET ROAD, AND WE DON'T SHARE A BORDER WITH ANY NEIGHBORHOOD, AND AS YOU CAN SEE, THE MAJORITY OF THE AREA AROUND IT IS USED FOR INDUSTRIAL SPACE. ANOTHER UNIQUE THING ABOUT OUR LOCATION IS WE SIT ALMOST DIRECTLY ADJACENT TO THE APPROVED RED LINE RAIL. YOU SEE THE RED LINE ON THIS PICTURE WITH A PROPOSED STATION LOCATION THAT'S ROUGHLY A BLOCK AWAY THAT WOULD BE ABLE TO SERVICE BOTH THIS PROJECT AND THEN THE ADJACENT UNIVERSITY OF TEXAS, JJ PICKLE RESEARCH CENTER. WE ALSO, IF THE UP LINE BECOMES SOMETHING OTHER THAN A FREIGHT LINE IN THE FUTURE, WE HAVE THE OPPORTUNITY TO UTILIZE A STATION IN THAT LOCATION. SO AGAIN, UNUSUAL IN A LOT OF WAYS, SIZE, LOCATION. ONE OF THE THINGS THAT HAS OCCURRED ON THIS PROJECT IS THE FIRST PART IS, ORDERLY ENOUGH, ON MARCH 1 I CAN TALK TO YOU ABOUT A FIRST PHASE THAT OPENS NEXT WEEK, AND THAT'S THE PHASE THAT

ENDEAVOR SOLD TO SIMON, AND YOU WILL SEE OFF TO THE RIGHT OF THE AREA THAT'S OUTLINED THAT FIRST PHASE, NOT PART OF THIS ZONING CASE BUT A FIRST PHASE OF THE DEVELOPMENT, IF YOU WILL, ANCHORED BY KNEE MAN'S AND AMAZE'S.. MACY'S AND A VARIETY OF OTHER STORES AS WELL..... WELLS RESIDENTIAL UNIT. JUST A CLOSE-UP, THESE PICTURES GET QUICKLY OUT OF DATE. THIS IS SIX WEEKS OLD, MAYBE, AND AS MANY OF YOU WILL SEE NEXT WEEK, IT'S PROGRESSED A GREAT DEAL IN THAT PERIOD OF TIME. AND YOU SEE AN EXAMPLE OF THE RESIDENTIAL UNITS IN THAT FIRST PHASE. OUR PLAN IS TO REALLY USE THE CATALYST THAT THAT FIRST PHASE PROVIDES AND TO HAVE THE REMAINDER OF THE PROJECT, THE 175 ACRES, BE SOMETHING THAT THIS COMMUNITY HAS NOT SEEN, AND THAT WOULD BE A REAL EXAMPLE OF A PEDESTRIAN-ORIENTED DENSE MIXED USE DEVELOPMENT. SO WE WOULD HAVE A CONTINUATION OF THAT RETAIL THAT WAS -- IS PREVALENT IN PHASE 1, APPROXIMATELY A MILLION SQUARE FEET OF OFFICE SPACE TO BE ABLE TO HANDLE A LARGE CORPORATE USER, EITHER IN A RELOCATION MODE OR A NEW HIS COMING TO AUSTIN. AND WE'LL HAVE SOMEWHERE WE THINK BETWEEN 4 AND 6,000 RESIDENTIAL UNITS. THE MAJORITY OF THOSE CENTERED AROUND A PARK THAT WE WOULD INTEND TO BUILD IN THE UPPER RIGHT-HAND QUADRANT OF THE PICTURE AS YOU LOOK AT IT. SO THE MIX OF USES, THE FACT THAT ALL OF THE PARKING FOR THE MOST PART WILL BE IN STRUCTURED PARKING GARAGES, THE FACT THAT WE HAVE THE OPPORTUNITY TO TAKE ADVANTAGE OF THE RAIL, GIVES US THE OPPORTUNITY TO DO SOMETHING THAT'S VERY SPECIAL. THIS ZONING CASE IS REALLY ABOUT ONE THING, AND THAT IS HEIGHT. PRESENTLY WE'RE ZONED MI, MAJOR INDUSTRIAL, PDA, WHICH MEANS, IF YOU WILL, CUSTOMIZED, AS WE -- THAT ZONING CASE ALLOWS US TO LET THE PROJECT EVOLVE FROM WHAT IT WAS TO WHAT IT WILL BE AS REFLECTED BY THE SITE PLAN. THE REQUEST FOR A ZONING CHANGE IS FROM MI-PDA TO MI-PDA. THE ONLY THING THAT WE ARE MODIFYING OF SUBSTANCE IS THE HEIGHT LIMIT. PRESENTLY WE HAVE 120-FOOT HEIGHT LIMIT AND

WE THINK TO DO THE TYPE OF PROJECT THAT WE THINK IS MERITED HERE, A TYPE OF PROJECT THAT'S CONSISTENT WITH WHAT MANY OF THE CITIZENS ASKED FOR IN ENVISION CENTRAL TEXAS, THAT WE NEED MORE HEIGHT, AND WE HAVE ASKED FOR A MAXIMUM HEIGHT OF 310 FEET IN THIS LOCATION. THIS GIVES YOU A FEEL AS WELL AS A MODEL CAN GIVE YOU A FEEL, OF HOW THE PROJECT MIGHT LOOK. THIS IS A PROJECT THAT'S WELL UNDER WAY FROM A PLANNING STAGE IN TERMS OF WHERE THOSE BUILDINGS WOULD BE LOCATED, HOW THE PARKING WOULD WORK, HOW THE INTERIOR ROADWAYS WOULD WORK, HOW THE PEDESTRIAN TRAILS WOULD WORK. SO NOT A PIE IN THE SKY DREAM. IT'S SOMETHING THAT, AS YOU SEE WITH PHASE 1, IS A PROJECT THAT'S BEING IMPLEMENTED. WE STILL HAVE MANY CHALLENGES LEFT. THIS IS, AGAIN, NOT SOMETHING THAT USERS IN THIS AREA ARE USED TO SEEING. OUR COMPARISONS ARE TWO PRETTY.....TOPRETTY EXCITING PROJECTS ELSEWHERE IN THE COUNTRY AND THIS GROUP HAS SPENT A TREMENDOUS AMOUNT OF TIME TRYING TO LEARN FROM THOSE PROJECTS TO BE ABLE TO DO HERE WHAT MAYBE HASN'T BEEN DONE WITH SOME OF THEM, IN PARTICULAR IN THE AREA OF MIXING PEDESTRIAN-BIKE-RAIL AND VEHICULAR TRAFFIC WITHIN THE PROJECT. JUST TO GIVE YOU A FEEL FOR KIND OF MOOD PICTURES ON WHAT IS ENVISIONED, THESE ARE SHOTS FROM OTHER PROJECTS IN THE COUNTRY. THIS IS PARTICULARLY, I THINK, A GOOD SLIDE FOR US BECAUSE IT SHOWS THAT WE'RE GOING TO HAVE A DIVERSE MIX OF RESIDENTIAL OPTIONS. THE HEIGHT IS PARTICULARLY IMPORTANT IN ALLOWING US TO UTILIZE THE OPTION ON THE RIGHT-HAND PART OF THE PAGE. WE'LL HAVE A PARKS -- LARGE PARK WITHIN THE PROJECT AS WELL AS HIKE AND BIKE TRAILS THAT WILL TRAVERSE THE PROJECT, PARTICULARLY ALONG THE EASTERN EDGE. AND AGAIN, JUST SOME PERSPECTIVES TO TRY TO GIVE YOU A FEEL, IF YOU HAVE MY AFFLICTION AND IT DOESN'T MAKE SENSE TO YOU UNTIL YOU GET SOMETHING IN THREE DIMENSIONS, THESE ARE HELPFUL TO ME TO GET A FEEL FOR WHAT THE PROJECT MAY FEEL LIKE AS IT DEVELOPS. SO AGAIN, REMINDER, JUST IN TERMS OF WHAT THE

REQUEST IS FOR, AND I -- THIS PROJECT HAS GONE THROUGH THE ENVIRONMENTAL BOARD AND THE PLANNING COMMISSION, AND HAS RECEIVED UNANIMOUS APPROVAL FROM BOTH OF THOSE GROUPS. SO LET ME STOP THERE, MAYOR, AND I'LL BE HAPPY TO ANSWER QUESTIONS.

MAYOR WYNN: THANK YOU, MR. DRENNER. QUESTIONS OF THE AGENT, COUNCIL? COMMENTS? COUNCIL MEMBER KIM.

KIM: MR. DRENNER, WHAT ARE THE PUBLIC BENEFITS THAT ARE OUTLINED IN THIS PROJECT IN TERMS OF AFFORDABLE HOUSING?

COUNCIL MEMBER, WE HAVE A NUMBER OF THINGS THAT I THINK WOULD FALL UNDER THE HEADING OF PUBLIC BENEFITS. LET ME ADDRESS THE AFFORDABLE HOUSING FIRST, AND THEN TALK TO YOU ABOUT OTHERS. WE WOULD BE HAPPY TO APPLY THE 10% OF 80% REQUIREMENT TO ANYTHING THAT WE WOULD BUILD THAT WOULD BE MULTIFAMILY IN NATURE OVER 120 FEET, OVER WHAT IS PRESENTLY ALLOWED TODAY. WE'VE ALSO AT THE INVITATION OF THE ENVIRONMENTAL BOARD, HAVE OVERSIZED THE DETENTION BOND THAT'S IN THE UPPER LEFT-HAND QUADRANT. THIS PROJECT SITS AT THE UPPER END OF THE WALNUT CREEK WATERSHED. FAIR FEELING WAS THE SINGLE MOST IMPORTANT THING WE COULD DO FROM AN ENVIRONMENTAL STANDPOINT WAS TO MINIMIZE THE AMOUNT OF WATER THAT WOULD FLOW FROM THE SITE FOLLOWING A RAIN EVENT. SO WE'VE DONE THAT TO THE DEGREE THAT THERE WILL BE -- THE WATER WOULD FLOW AT A RATE LESS THAN THE RATE THAT EXISTED FROM THIS SITE IN ITS UNDEVELOPED CONDITION, NOT JUST IN ITS CONDITION TODAY BUT IN ITS UNDEVELOPED CONDITION. WE ALSO WERE ENCOURAGED AND HAVE AGREED TO PROVIDE SOME AMOUNT OF STORAGE FOR REUSE ON-SITE, AND AGAIN, WITH THE MAGNITUDE OF THE PROJECT, WE'RE IN THE STUDY PHASE OF TRYING TO BE AS AGGRESSIVELY GREEN WITH THIS PROJECT AS WE CAN BE. SO FOR INSTANCE, WE'RE STUDYING RAINWATER HARVESTING, PERHAPS EVEN USING THE WATER

FROM THE CHILD WATER SYSTEM.....CHILLED WATER SYSTEM, IN A REUSE MODE, LOOKING AT BIOAS WELL.....BIOSWELLS AND A VARIETY OF THINGS THAT WE THINK WILL NOT ONLY PUT THIS PROJECT AT THE CUTTING EDGE FROM A MARKETABILITY STANDPOINT BUT FROM A GREEN STANDPOINT AS WELL. SO I CAN SORT OF RUN THROUGH THE -- FROM A PUBLIC BENEFITS STANDPOINT SOME OF THE THINGS I'VE ALREADY SAID. I THINK OBVIOUSLY IN ENCOURAGING THE RAIL CONNECTIONS AND SO FORTH, THAT'S PART OF THAT PROGRAM, BUT I HOPE MY ANSWER HAS BEEN RESPONSIVE TO YOUR CONCERN.

KIM: WELL, ON THE AFFORDABILITY COMPONENT, HOW MUCH OF YOUR HOUSING IS GOING TO BE HOME OWNERSHIP VERSUS RENTAL?

WE DON'T KNOW YET. STILL CONCEPTUAL, BUT I THINK THAT WHEN YOU LOOK AT THE SITE PLAN, THE AREA AROUND THE PARK AREA IS LIKELY TO BE THE AREA THAT'S MOST INTENSELY RESIDENTIAL, AND I THINK YOU WOULD SEE A MIXTURE -- CERTAINLY A FAIRLY EVEN MIXTURE IN THAT AREA. BUT AGAIN, WHEN YOU THINK ABOUT THE MAGNITUDE OF THE PROJECT, A LOT OF THAT WILL HAVE TO DO WITH THE MARKET AS WE MOVE FORWARD THROUGH THE LIFE OF THE PROJECT.

KIM: WELL, I KNOW YOU HAVE TALKED TO YOUR CLIENT ABOUT THIS, BUT ONE OF THE RECOMMENDATIONS FROM THE TASK FORCE WAS FOR OWNERSHIP DEVELOPMENT WHERE THERE IS A DENSITY BONUS, WHICH WE WOULD BE GRANTING HERE BECAUSE OF THE HEIGHT INCREASE, THAT THE OWNERSHIP UNITS BE 120% OF MFI. AND SO I WAS WONDERING IF YOU COULD TAKE A LOOK AT THAT.

SURE.

KIM: AND ANOTHER I.. THING I WANTED TO ASK YOU, BECAUSE IF YOU ARE EXPECTING TO HAVE 4,000 UNITS, SOMETHING LIKE 4,000 UNITS IN THIS DEVELOPMENT, THEN IT WOULD SEEM THAT THERE WOULD BE ENOUGH OF A NEED FOR SCHOOLS, AND I

WAS WONDERING IF THERE MIGHT BE AN OPPORTUNITY FOR AISD TO PUT A SCHOOL HERE IF YOU ARE GOING TO BE ATTRACTING FAMILIES. SO I WAS WONDERING IF YOU COULD MAYBE TALK TO YOUR CLIENT ABOUT TALKING TO AISD ABOUT PLANNING FOR SCHOOLS AND THE CAPACITY AND THE NEED FOR EDUCATIONAL FACILITIES. I DON'T KNOW AT WHAT LEVEL OR -- AND HOW MUCH GIVEN THE LOCATION IN PROXIMITY TO OTHER SCHOOLS, BUT THAT'S SOMETHING THAT I THINK NEEDS TO BE PLANNED FOR IN TERMS OF THE LOCATION OF POTENTIAL SCHOOL. ANOTHER QUESTION I HAVE FOR YOU, YOU PROBABLY DON'T HAVE THE ANSWER RIGHT NOW, BUT SINCE THIS IS JUST A BEGINNING OF THE PROCESS FOR YOU, IT'S JUST GETTING THE ZONING AND THE HEIGHT THAT YOU WANT, BUT MANY OF THE DEVELOPMENTS WE'RE SEEING THESE DAYS FOR NEW RESIDENTIAL DEVELOPMENTS ONLY HAVE ONE OR TWO BEDROOMS, AND I DISCUSSED THIS WITH YOUR CLIENT, IS THAT WE NEED TO SEE MORE THREE AND FOUR BEDROOM UNITS IN OUR CITY TO... TO BE ABLE TO KEEP AND RETAIN THE FAMILIES WITH CHILDREN IN OUR CENTRAL URBAN CORE, AND GIVEN THAT THIS IS TO BE A NEW TYPE OF DEVELOPMENT AWAY FROM CENTRAL CORE BUT WE STILL WANT IT TO BE SUSTAINABLE, IT SHOULD BE BUILT TO ACCOMMODATE THOSE FAMILIES AT SOME POINT IN TIME. SO IT'S SOMETHING I WOULD LIKE FOR YOU TO COMMUNICATE TO YOUR CLIENT IS SOMETHING THAT WE ALL NEED TO BE WORKING ON IN OUR CITY. SO THANK YOU VERY MUCH. THAT'S ALL I HAVE TO SAY RIGHT NOW.

THANK YOU.

MAYOR WYNN: FURTHER QUESTIONS OF OUR APPLICANT? -- OR AGENT? HEARING NONE, THEN WE'LL GO TO OUR PUBLIC HEARING. FOLKS IN FAVOR, CITIZENS WHO WANT TO SPEAK IN FAVOR OF THE ZONING CASE, OUR FIRST SPEAKER IS JIMMY CASTRO. WELCOME, MR. CASTRO. IS AMANDA WHEATLY STILL HERE? SO JIMMY, YOU HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME.

THANK YOU. GOOD EVENING, MAYOR, COUNCIL

MEMBERS. I'M HERE TO SPEAK ON MY OWN BEHALF. I ALSO SERVE AS A FORMER BOARD MEMBER OF THE MILL WOOD ASSOCIATION IN NORTH AUSTIN. I'D LIKE TO THANK THE CITY STAFF FOR WORKING WITH THE DEVELOPER AND NEIGHBORS AND MAYOR WYNN AND COUNCIL MEMBERS WORKING ON THIS PROJECT, ESPECIALLY MCCracken. THE REQUEST WOULD INCREASE THE BUILDING HEIGHTS. MY FAMILY AND I HAVE LIVED IN THE MILL WOOD NEIGHBORHOOD AREA SINCE 1980 AND IT'S THE LARGEST AREA ADJACENT TO THE DOMAIN PROJECT, ONLY ONE-HALF MILE AWAY WITH 1,500 HOMES IN THE MILLWOOD AREA. SEVERAL NEIGHBORS I HAVE TALKED WITH ALL AGREE, THE ENTIRE NORTH AUSTIN AREA WILL BENEFIT WITH THE DOMAIN PROJECT. WITH OTHER 2,243 ACRES IN THE GATEWAY, NORTH BURNET PLANNING AREA. ESPECIALLY WITH THE ESTIMATE THIS CAN INCLUDE 81,000 RESIDENTS AND 51,000 JOBS. THE DOMAIN PROJECT WILL ALSO INCLUDE A PARK AREA, AN OUTDOOR MUSIC THEATER AND HIKE AND BIKE TRAILS, PROVIDED BY THE DEVELOPER. IT IS ALSO IN THE PATH OF TWO PASSENGER RAIL LINES. FAMILIES WHO MOVE IN THE DOMAIN AREA NORTH AUSTIN WILL FIND SOME OF THE FINEST AMENITIES IN THE CITY OF AUSTIN. FIRST, FAMILIES FROM THE DOMAIN AREA WILL FIND EXCELLENT AUSTIN INDEPENDENT SCHOOL DISTRICT SCHOOLS, SUCH AS THE RECOGNIZED SCHOOLS OF EXCELLENCE, SELL MAN ELEMENTARY AND THE NATIONAL BLUE RIBBON SCHOOL, WILL DAVIS ELEMENTARY, AN EXCELLENT MIDDLE SCHOOL SUCH AS BURNET AND MURCH HE SON MIDDLE SCHOOL AND ANDERSON HIGH SCHOOL, WITH THE INTERNATIONAL BACCALAUREATE PROGRAM AND THE SISCO ACADEMY ON CAMPUS. THE LA NEAR, WITH THE HEALTH SCIENCE INSTITUTE OF AUSTIN AT LA NEAR, TO MEET THE FUTURE HEALTH CARE SHORTAGE IN THE AUSTIN AREA. FAMILIES WILL ALSO HAVE ACCESS TO AUSTIN COMMUNITY COLLEGE, NORTH RIDGE CAMPUS. ON STONEHOLLOW WITH ITS COMPUTER TECHNOLOGY PROGRAMS AND IS ONLY WALKING DISTANCE FROM THE DOMAIN PROJECT. FAMILIES WHO LIVE IN THE DOMAIN AREA WILL ALSO HAVE ACCESS TO SOME OF THE FINEST CITY OF AUSTIN PUBLIC SAFETY



FACILITIES, SUCH AS THE EMS SUBSTATION ON  
PARMER LANE AND THE EMS AND FIRE STATION ON  
DID YOU OF ALL..... DID.... DAW VAWL AND.  
FAMILIES FROM THE DOMAIN AREA WILL ALSO  
HAVE ACCESS TO THE CITY OF AUSTIN MILLWOOD  
LIBRARY, WHICH HAS ENOUGH LAND TO DOUBLE  
THE SIZE OF THE MILLWOOD LIBRARY FOR FUTURE  
USE. FOR RECREATION THE FAMILIES FROM THE  
DOMAIN AREA WILL HAVE ACCESS TO THE  
BALCONES DISTRICT PART WITH THE JUNIOR  
OLYMPIC SIZE POOL WHICH WILL SOON BE HEATED  
AND AVAILABLE FOR USE BY FAMILIES YEAR-  
ROUND. FAMILIES FROM THE DOMAIN AREA WILL  
ALSO HAVE EASY ACCESS TO SOME OF THE BEST  
MEDICAL CARE IN CENTRAL TEXAS, WITH THE  
NORTH AUSTIN MEDICAL CENTER WITH OVER 149  
EFFICIENCY.....149PHYSICIANS AND  
SPECIALISTS AND THE AUSTIN DIAGNOSTIC AUSTIN  
DIAGNOSTIC CLINIC AND NORTHWEST SETON CLOSE  
BY. THIS IS ANOTHER REASON TO APPROVE THE  
BUILDING HEIGHT REQUESTS. YOU ALSO HAVE TO  
KEEP IN MIND THIS DOMAIN PROJECT WILL ALSO  
COMPLEMENT THE FUTURE DEVELOPMENT OF  
ROBINSON RANCH RIGHT AFTER OF PARMER LANE,  
WHICH IS IN WALKING DISTANCE OF THE  
MILLWOOD AREA. THIS IS ANOTHER REASON TO  
APPROVE THE DOMAIN PROJECT BUILDING HEIGHT  
REQUEST. TO GIVE AN IDEA OF THE GROWTH IN  
NORTH AUSTIN, AN AVERAGE OF 300 BABIES A  
MONTH ARE DELIVERED AT NORTH AUSTIN  
MEDICAL CENTER. THE BOTTOM LINE, NORTH  
AUSTIN IS GROWING. THESE KIDS WILL NEED  
SCHOOLS, HEALTH CARE AND JOBS AND A PLACE TO  
LIVE THAT THE DOMAIN COULD OFFER THESE  
FUTURE AUSTINITES. FAMILIES FROM THE DOMAIN  
AREA WILL ALSO HAVE AKDZ..... ACCESS TO  
SEVERAL CHURCHES IN THE MILLWOOD AREA AND  
MILLWOOD IS ALSO HOME TO THE BALCONES  
LITTLE LEAGUE. THANK YOU, MAYOR WYNN.

MAYOR WYNN: THANK YOU, JIMMY. OUR NEXT  
SPEAKER IN FAVOR IS MR. GARY FARMER, WHO I  
SAW EARLIER. WELCOME, GARY. I APPRECIATE  
YOUR PATIENCE, AND YOU'LL BE FOLLOWED BY,  
LET'S LIKE JANET CLOTS.

THANK YOU, MAYOR. MAYOR, MAYOR PRO TEM, COUNCIL, THANKS FOR ALLOWING ME TO BE HERE TO SPEAK IN SUPPORT OF THE DOMAIN. MY NAME IS GARY FARMER. I'M A SMALL BUSINESSMAN HERE IN TOWN, AND FROM TIME TO TIME GET TO WORK ON FUN ISSUES LIKE ECONOMIC DEVELOPMENT TRAFFIC AND ALSO OPEN SPACE. I THINK THE DOMAIN WILL HAVE AN IMPACT -- FAVORABLE IMPACT ON EACH AND EVERY ONE OF THOSE. YOU KNOW, WE HAVE LONG RECOGNIZED THE NEED TO SET ASIDE CERTAIN PLACES AROUND OUR COMMUNITY AS OPEN SPACE, AS SPECIAL PLACES, AND WE'RE STARTING TO, I HOPE, RECOGNIZE THERE ARE OTHER PLACES THAT NEED TO BE DEVELOPED TO THEIR HIGHEST AND BEST USE, TO THE GREATEST DENSITY POSSIBLE, AND I THINK THAT THE DOMAIN IS ONE OF THOSE PLACES. THERE ARE SEVERAL REASONS FOR THAT. NUMBER ONE, THE DOMAIN HAS BEEN A MAJOR INDUSTRIAL COMPLEX FOR MANY YEARS, SO ITS REDEVELOPMENT WILL HAVE NO IMPACT ON GREEN SPACE OR OPEN SPACE. AS IT CURRENTLY EXISTS, IT'S CERTAINLY NOT ITS HIGHEST AND BEST USE. I THINK WE CAN DO BETTER THERE. BY TRANSFORMING THIS SITE INTO A GREAT DESTINATION FOR LIVE, WORK, PLAY, WE'RE ALSO GOING TO ENHANCE OUR ABILITY TO GENERATE TAX REVENUES. THOSE REVENUES WILL SUPPORT OUR HEALTH CARE DISTRICT, OUR SCHOOL DISTRICTS, AND I THINK THOSE ARE VERY IMPORTANT THINGS THAT WE NEED TO REMEMBER. THIS IS SERVED BY MAJOR ROADWAYS. YOU HAVE BURNET ROAD, THE NEW LOOP 1, 45, 183. IT'S REALLY IN A GREAT LOCATION THERE. SO IT'S ONGOING UTILIZE OUR EXISTING INFRASTRUCTURE AND NOT COST US A LOT TO DO THAT. LET'S SEE. IT'S GOING TO BE CLOSE TO THE NEW COMMUTER RAIL SO HOPEFULLY THIS WILL GIVE YOU GIVE US AN OPPORTUNITY TO UTILIZE THE COMMUTER RAIL. SO FOR ALL OF THOSE REASONS AND MANY MORE I WOULD ASK THAT YOU SUPPORT THIS PROJECT. THANK YOU VERY..... MUCH.

MAYOR WYNN: THANK YOU, MR. FARMER. ALSO, IN ADDITION, MICHAEL COOPER AND GEORGE COFFEER SIGNED YOU HAVE UP NOT WISHING TO

SPEAK BUT IN FAVOR. IN OPPOSITION, JANET CLOTS HAS SIGNED UP AND WAYNE TO BUY AS.

MAYOR WYNN, I'M WAYNE TOBIAS. I'M STILL REPRESENTING MY NEIGHBORHOOD EVEN IN THIS CASE. ACTUALLY I'M VERY HAPPY TO SEE THIS PROJECT COME IN, BUT THERE ARE SOME ISSUES THAT -- SOME ISSUES I DO HAVE CONCERNS ABOUT. WHAT YOU SEE ON YOUR SCREEN RIGHT NOW IS A PICTURE TAKEN AT I-35 AND PARMER. YOU'RE LOOKING BACK AT THE IBM BUILDING. WITH THE HELP OF A LITTLE STAR TREK MAGIC AND BEAMING IT.....INGIN ON THE BUILDING, WHAT YOU SEE IT IS APPROXIMATELY A 300-FOOT BUILDING BEHIND A LITTLE OVER -- WHAT IS IT 130-FOOT BUILDING THAT CURRENTLY EXISTS AT THE IB PL. FACILITY. IN ORDER TO FACILITATE 4,000 NEW PEOPLE AND I'VE HEARD THAT WEIGH WE MAY HAVE AS MANY AS 6,000 IN THIS COMPLEX, AND ANOTHER 3 MILLION SQUARE FEET OF OFFICE SPACE THEY'RE GOING TO HAVE TO ADD MORE BUILDINGS. I DON'T HAVE A PROBLEM WITH THE SKY SCRAPER AND THE SKY LINE WE'RE SEEING. ON TOP OF THAT YOU'RE ADDING MORE BUILDINGS IN THE AREA. THERE'S PROPERTIES OVER BY THE UNIVERSITY OF TEXAS PROPERTY. THERE'S ALSO PROPERTY JUST TO THE SOUTH OF THE IBM PLANT RIGHT NOW THAT ARE PRIME FOR THESE HIGH BUILDINGS. CONCERNS ARE THE NUMBER OF PEOPLE THAT WILL BE TRAVELING IN AND OUT. WHAT YOU'RE SEEING HERE IS THE TRAFFIC PATTERNS. WE'RE GOING FROM 9,400 TRAFFIC -- TRIPS PER DAY TO 75,951 TRIPS PER DAY. 6,400, QUICK MATH -- I CAN'T DO IT. A LITTLE OVER 64,000 TRIPS PER DAY IN THIS AREA. I WOULD HIGHLY RECOMMEND THAT COUNCIL MEMBERS TAKE INTO FULL CONSIDERATION WHAT THE TRAFFIC STUDY HAS RECOMMENDED, WHICH IS PRIOR TO THIRD READING, THE CITY COUNCIL REQUIRED A -- WHAT DO WE HAVE -- FISCAL IS REQUIRED TO BE POST TED FOR THE FOLLOWING IMPROVEMENTS AND IMPROVEMENTS ARE THERE. ONE OF THE OTHER CONCERNS I HAVE, THOUGH, IS THE TRAFFIC STUDY TOOK YOU FROM BREAKER, WHICH IS A SIX LANE ROAD TO LAMAR. AT LAMAR, WHICH IS MY NEIGHBORHOOD, IT DROPS TO A FOUR LANE ROAD TO TAKE YOU ONTO 35. AT THAT POINT

LAMAR WAS IN THE STUDY -- OR WAS SUPPOSED TO HAVE SOME UPDATES IN 2000 BUT WHEN THE ECONOMY DROPPED SO DID THE -- SO DID THE PAPERS AT LAMAR AND BREAKER. SO I WOULD REALLY LIKE THE CITY TO CONSIDER TRAFFIC IN THIS BEYOND JUST THE NORMAL TWO MILES AROUND THIS FACILITY. I JUST MADE THE STATEMENT, BREAKER ROADWAY IS CLASSIFIED AS A SIX LANE DIVIDED HIGHWAY AND THEY'RE ONLY TAKING IT TO NORTH LAMAR AGAIN. WHAT HAPPENS BEYOND LAMAR IS -- DOESN'T HELP MY NEIGHBORHOOD AT ALL. OKAY. THE OTHER PROBLEM IS OTHER INFRASTRUCTURE ITEMS. WE INCREASE TRAFFIC 66,000 TRIPS PER DAY, AND LIKE I JUST SAID, WHAT HAPPENS AT LAMAR? THIS IS MY NEIGHBORHOOD, THIS IS WHY I'M SAYING THIS SEVERAL TIMES. I ALREADY HAVE A LOT OF TRAFFIC. WE CANNOT GET OUT ON BREAKER IN THE MORNING OR THE AFTERNOON BECAUSE OF THE BACKUP ON 35 AND LAMAR. BUT ABOUT OTHER INFRASTRUCTURE ITEMS. 4,000 TO 6.. 6,000 UNITS, HOW MANY POLICE AND FIRE PERSONNEL WILL BE INCREASED TO ACCOMMODATE THIS? THE COMMANDERS...ERS...ERS FORUM, WE'RE GOING TO HAVE THE POLICE PULLED AWAY FROM OUR NEIGHBORHOODS TO ACCOMMODATE THE SHOPPING CENTER OVER THERE RIGHT NOW. JUST A QUICK ONE. WHAT HAPPENS WHEN TOILETS FLUSH IN A LARGE COMPLEX LIKE THIS DURING THE SUPER BOWL? ANYWAY, I WISH YOU WOULD CONSIDER IMPLEMENTING INTO YOUR FIRST READING THE REQUIREMENT TO STUDY THE EFFECT OF A PROJECT OF THIS MAGNITUDE. THIS IS NOT A TYPICAL ZONING CHANGE. FROM PROVIDE A PLAN TO IMPLEMENT A RESOLUTION TO ISSUES THAT CAN BE FORESEEN AND ACT BEFORE THE IMPLEMENTING -- BEFORE IMPLEMENTING THIS PROJECT RATHER THAN REACTING AFTER THE PROBLEM EXISTS. THANK YOU.

THANK YOU, MR. TOBIAS FOR ALL YOUR WORK. JOHNETTE CLOTS IS SIGNED UP WISHING TO SPEAK. WELCOME, JANET. LET'S SEE, IS LESTER JOHNSON STILL HERE? LESTER, SO JANET, YOU HAVE TO SIX MINUTES IF YOU NEED IT.

THANK YOU, MAYOR AND COUNCIL MEMBERS. THE NORTH ALLIANCE HAD SEVERAL MEETINGS WITH THE APPLICANT AND AND WAS SUPPORT.....SUPPORTIVE OF THE MIXED USE DEVELOPMENT FOR THE DOMAIN. HOWEVER THERE WERE SOME ISSUES THAT CONCERNED REPRESENTATIVES OF THE 13 NEIGHBORHOODS THAT ATTENDED THE MEETING. FIRST, THE NORTH BURNET GATEWAY PLAN IS STILL IN THE DRAFT STAGE AND HAS NOT BEEN MADE PUBLIC, OR HAD ANY PUBLIC INPUT. IT IS SUBJECT TO CHANGE AND AS IT GOES THROUGH THE APPROVAL PROCESS AND SHOULD NOT BE CONSIDERED AS A BASIS FOR APPROVAL OF THE -- THIS REZONING. AT THIS TIME WE DON'T KNOW IF THE RESIDENTS OF AUSTIN, OF ALL OF AUSTIN, ARE SUPPORTIVE OF MAKING THE DRASTIC CHANGE TO THEIR CITY WITH SKY SCRAPERS OUTSIDE THE DOWNTOWN AREA. IT IS MY UNDERSTANDING THAT IN THE HISTORY OF AUSTIN THIS EXTREME HEIGHT HAS NOT BEEN ALLOWED OUTSIDE OF THE DOWNTOWN UT AREA. THE PROPOSED HEIGHT IS NOT ONLY OUT OF SCALE WITH THE SURROUNDING AREA BUT WITH ALL OF THE DOWNTOWN -- ALL OF AUSTIN OUTSIDE OF THAT AREA. THE -- AS YOU HAVE ALREADY SEEN, THE SIX AND EIGHT STORY TULLY BUILDINGS ON THE OPPOSITE SIDE OF BURNET ROAD ARE HIGHLY VISIBLE AND AT 90 AND 120 FEET TALL STAND OUT FROM VARIOUS POINTS, INCLUDING I-35 WHEN DRIVING INTO AUSTIN FROM THE NORTH. FOR COMPARISON PURPOSES, UT TO...TOWER IS 307 FEET. THE AT... TALLEST BUILDING IN AUSTIN CURRENTLY IS THE FROST BANK TO YOUR AT 515 FEET, BUT THE HIGHEST OCCUPIED FLOOR IS AT 400 FEET. SO YOU CAN GET A FEEL FOR THAT WITH THE STAFF'S RECOMMENDATION ARE THE POSSIBLE ULTIMATE HEIGHT OF THESE BUILDINGS. THE PROPOSED HEIGHT FOR THE DOMAIN WOULD COMPLETELY CHANGE THE BEAUTIFUL SKY LINE OF THE CITY OF AUSTIN, POSSIBLY LOSING THE FOCUS ON THE DOWNTOWN AREA AND THE CAPITAL BUILDING SO UNIQUE TO AUSTIN. IT IS MY UNDERSTANDING THAT MASS TRANSIT ORIENTED DEVELOPMENT COMPARABLE TO THE DOMAIN HAS NOT BEEN SUCCESSFUL ANYWHERE IN THE UNITED STATES SO FAR. WITH A LEVEL OF SERVICE OF F ON SEVERAL --

AT SEVERAL MAJOR INTERSECTIONS AND EVEN IF THE ASSUMPTION OF A 25% TRIP REDUCTION MATERIALIZED APPEARS, THERE WILL BE A TRAFFIC ISSUE. I'D LIKE TO READ FROM -- THIS IS FROM THE COMMUNITY GUIDE TO DEVELOPMENT IMPACT ANALYSIS BY MARY EDWARDS. IT IS STATED, TRAFFIC IMPACT STUDIES SHOULD ACCOMPANY DEVELOPMENTS WHICH HAVE THE POTENTIAL TO IMPACT THE TRANSPORTATION NETWORK. THEY ARE IMPORTANT IN ASSISTING PUBLIC AGENCIES IN MAKING LAND USE DECISIONS. THESE STUDIES CAN BE USED TO HELP EVALUATE WHETHER THE DEVELOPMENT IS APPROPRIATE FOR SITE, AND WHAT TYPE OF TRANSPORTATION IMPROVEMENTS MAY BE NECESSARY. TRAFFIC IMPACT STUDIES HELP COMMUNITIES TOO AND AMONG THE THINGS IT DOES, DETERMINE THE IMPROVEMENTS THAT ARE NECESSARY TO ACCOMMODATE THE NEW DEVELOPMENT, IDENTIFY POTENTIAL PROBLEMS WITH THE PROPOSED DEVELOPMENT, WHICH MAY INFLUENCE THE DEVELOPER'S DECISION TO PURSUE IT, AND I THINK ONE OF THE PLANNING COMMISSION MEMBERS HAD SOME QUESTIONS ABOUT WHETHER THIS IS -- WHETHER THE DEVELOPER WOULD WANT TO DO THIS WITH THE TRAFFIC SITUATION. REDUCE THE NEGATIVE IMPACTS CREATED BY DEVELOPMENTS BY HELPING TO ENSURE THAT THE TRANSPORTATION NETWORK CAN ACCOMMODATE THE DEVELOPMENT. EXCUSE ME. I'M SORRY. PROTECT THE SUBSTANTIAL COMMUNITY INVESTMENT IN THE STREET SYSTEM. WHAT SHOULD BE INCLUDED IN THE TRAFFIC IMPACT ANALYSIS, AND AT THE VERY END IT SAYS DISCUSSION OF FUTURE TRAFFIC CONDITIONS, OTHER DEVELOPMENTS IN THE AREA. IT IS MY UNDERSTANDING THAT THE RECOMMEND -- OR THE SUGGESTION FOR THE AREA SURROUNDING THE RAIL BE CONSIDERED FOR COMPARABLE TYPE OF DEVELOPMENT THE DOMAIN IS BEING PROPOSED FOR. WHAT WILL THE IMPACT -- TRAFFIC IMPACT BE IF THESE OTHER DEVELOPMENTS AROUND THESE NODES MATERIALIZE WHEN WE ALREADY HAVE LEVELS OF SERVICE OF F? I'D LIKE TO READ FROM A COUPLE OF TRAFFIC IMPACT ANALYSES FROM THE PAST. ONE OF THEM WAS FOR OUR TRAFFIC PROJECT -- OR FOR A PROJECT ON I-35, AND IN IT IT

STATES, IN URBAN AREAS LEVELS OF SERVICE FOR SIGNALIZED INTERSECTIONS OF A AND D -- A TO D ARE ACCEPTABLE, WHILE LEVELS OF SERVICE OF E OR F IS UNACCEPTABLE. ANOTHER -- EXCUSE ME. I KEEP HITTING THE MICROPHONE. ANOTHER TI, THIS IS THE IBM ONE WHEN IBM BUILT A NEW BUILDING, SAYS IN URBAN CONDITIONS, LEVELS OF SERVICE D IS USUALLY CONSIDERED ACCEPTABLE FOR PEAK HOUR TRAFFIC. WE ARE LOOKING AT SEVERAL INTERSECTIONS CURRENTLY AT LEVELS OF F, AND ARE PROPOSED TO CONTINUE TO BE AT A SERVICE LEVEL OF F. AND AS LONG AS I'VE BEEN WORKING WITH LAND USE ISSUES IN THE PAST, IT HAS BEEN MY UNDERSTANDING THAT THE ACCEPTABLE LEVELS OF SERVICE HAD BEEN EITHER C OR D, AND I GUESS I'M WONDERING WHEN LEVEL OF SERVICE OF F BECAME ACCEPTABLE. HAVE WE BECOME SO COMPLACENT THAT THAT'S ACCEPTABLE? THANK YOU.

MAYOR WYNN: THANK YOU, JANET.

BUT MAY I MAKE ONE MORE COMMENT? I'M SORRY.

MAYOR WYNN: CONCLUDE. I CAN.....I CAN'T GET THE SCREEN TO WORK ANYWAY. OVER THE PAST FEW YEARS THE APPLICANT FOR THE DOMAIN HAS GRACIOUSLY PRESENTED THEIR PLANS FOR CHANGES TO THIS IBM SITE, AND UNFORTUNATELY EVEN THOUGH WE HAVE BEEN SUPPORTIVE IN THE PAST, WE HAVE -- STILL WE HAVE TO OPPOSE THIS REZONING. THANK YOU. ,000.....,000.

MAYOR WYNN: THANK YOU, MS. CLOTS. ANY QUESTIONS FOR JANET, COUNCIL? THANK YOU VERY MUCH.

THANK YOU.

MAYOR WYNN: COUNCIL, THAT CONCLUDES THE FOLKS SIGNED UP WISHING TO ADDRESS ON THIS PUBLIC HEARING, ITEM NO. 64. THAT MEANS MR. DRENNER HAS A ONE-TIME THREE MINUTE REBUTTAL OR ADDITIONAL COMMENTS.

THANK YOU, MAYOR. LET ME CLARIFY A COUPLE

THINGS. I'VE TALKED WITH OUR FOLKS ABOUT THEIR BEST GUESS ON PERCENTAGE OF MULTIFAMILY VERSUS OWN RESIDENTIAL AND THEY WOULD THINK IT'S LIKELY TO BE THREE-QUARTERS OF THE PROJECT IN A MULTIFAMILY CATEGORY, AGAIN, STILL CONCEPTUAL BUT THAT WOULD BE A BEST GUESS. WE'VE ALSO HAD SOME PRELIMINARY DISCUSSIONS WITH AISD BUT COUNCIL MEMBER KIM, WE'LL GO BACK AND CLARIFY WITH THEM BEFORE SECOND AND THIRD READING WHAT THEIR ESTIMATES WOULD BE ON IMPACT AND SO FORTH. ALSO, WITH REGARD TO THE TIA, WE ARE IN AN UNUSUAL SITUATION IN AUSTIN IN A LOT OF DIFFERENT AREAS WHERE WE HAVE EXISTING TRAFFIC PROBLEMS. I WOULD ASSURE YOU THAT WE HAVE BEEN AS AGGRESSIVE AS WE POSSIBLY CAN BE WITH REGARD TO MAKING ON-SITE AND OFF-SITE IMPROVEMENTS. I THINK THE FACT THAT IN THE DESIRED DEVELOPMENT ZONE WE HAVE TRAFFIC IS BOTH A GOOD AND A BAD THING. TO SOME DEGREE IT MEANS THAT SOME OF THE PLANNING POLICIES ARE WORKING AND THAT WE HAVE A FAIR AMOUNT OF DEVELOPMENT THERE. I WOULD TELL YOU THAT OUR GOAL WAS NOT TO MAKE IT WORSE, AND I THINK THAT IF YOU STUDY THE TIA YOU'LL SEE THAT EVEN WITH THE ADDITION OF ALL THESE PEOPLE, ESPECIALLY GIVEN THE MIXED USE NATURE OF IT AND THE PROXIMITY TO THE RAIL, WE DO NOT MAKE IT WORSE, AND OUR FISCAL REQUIREMENTS ARE OVER AND ABOVE WHAT THEY OTHERWISE WOULD BE IF WE JUST DID IT IN ACCORDANCE WITH THE CODE. SO WE'RE BEING VERY AGGRESSIVE WITH REGARD TO MAKING THE IMPROVEMENTS THAT CAN BE MADE. I'D ALSO MENTION TO YOU THAT WE ARE FINE WITH THE PLANNING COMMISSION RECOMMENDATION WITH JUST A COUPLE OF THINGS. ONE OF THOSE HAS TO DO WITH THE ONE STAR VERSUS TWO STAR RATINGS, AND THIS WAS NEWS TO ME IN TERMS OF GOING THROUGH THIS PROCESS WITH AUSTIN ENERGY, BUT AUSTIN ENERGY WOULD TELL US AS THEY CURRENTLY DO THINGS TODAY THAT IN ORDER FOR A PROJECT TO HAVE A TWO STAR RATING, EVERY SINGLE BUILDING HAS TO HAVE A TWO STAR RATING, AND WE CAN'T GUARANTEE THAT ON THIS PROJECT



GIVEN THE TYPES OF, FOR INSTANCE, RETAILERS THAT WE'LL BE DEALING WITH, BUT WE CAN DO ONE STAR SITE WIDE AND TWO STARS FOR 50 50% OF THE RESIDENTIAL AND OFFICE BUILDINGS. AGAIN, I THINK WE'RE GOING TO HIT A HIGHER STANDARD THAN THAT, BUT AT THIS EARLY STAGE IN THE PROCESS THAT WOULD BE THE STANDARD THAT WE KNOW WE CAN REACH. I ALSO HAD PROMISED ONE OF THE PLANNING COMMISSIONERS, TRACY ADKINS, TO ADD ONE THING THAT WAS LEFT OUT OF HER MOTION AT THE PLANNING COMMISSION, AND THAT'S THAT WE WOULD USE LOW ALBEDO ROOFING MATERIAL ON ROOFS ON THE PROJECT, SO WITH YOUR PERMISSION I'D LIKE TO ADD THAT TO THE PLANNING COMMISSION RECOMMENDATION BECAUSE THAT WAS CERTAINLY HER INTENT. THERE'S ALSO -- WE'VE HAD SOME DISCUSSION JUST TO CLARIFY, WITH REGARD TO THE ORIENTATION OF BUILDINGS ALONG BURNET ROAD. WE WERE WORRIED ABOUT BEING ABLE TO COMPLY WITH THE PLANNING COMMISSION RECOMMENDATION AND I JUST WANTED TO CLARIFY THAT WE HAVE DETERMINED THAT WE CAN, SO WE'RE NOT REQUESTING ANY RELIEF FROM THAT. LET ME CLOSE BY SAYING WE'RE -- WE AGAIN THINK THIS IS AN UNUSUAL OPPORTUNITY. WE'VE ENJOYED OUR RELATIONSHIP WITH JANETTE CLOTS'S GROUP OVER THE YEARS. WE HAVE A DIFFERENCE IN PERSPECTIVE AT THIS POINT. I DON'T THINK THAT ANYONE WOULD SAY IT'S A DIRECT IMPACT. THE HEIGHT WOULD BE A DIRECT IMPACT ON ANY OF THE NEIGHBORHOODS THAT ARE A PART OF THE NORTH AUSTIN GROWTH CORRIDOR -- GROWTH ALLIANCE, BUT WE DO THINK THAT IT IS APPROPRIATE TO HAVE TALL BUILDINGS ON THE SKY LINE IN THIS LOCATION AND THAT IF WE DON'T, THAT WE CONTINUE TO FIGHT THE SAME BATTLE THAT WE'VE BEEN FIGHTING, WHERE ARE WE GOING TO PUT THESE PEOPLE AND HOW DO WE DO THAT IN A WAY TO WHERE YOU GET THE BEST OPPORTUNITY TO HAVE THE TYPE OF ENVIRONMENT THAT IT SEEMS THAT AUSTINITES ADOPTED WHEN WE WENT THROUGH THE ENVISION CENTRAL TEXAS PROCESS. SO THANK YOU.

MAYOR WYNN: THANK YOU, MR. DRENNER.

QUESTIONS OF THE AGENT, COUNCIL? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO, MR. DRENNER, YOU AGREE WITH THE EXCEPTIONS YOU NOTED TO THE PLANNING COMMISSION RECOMMENDATION EXCEPT FOR THE WAITING ON THE GREEN BUILDING? AND THAT IN TURN INCLUDES ALL THE STAFF RECOMMENDATIONS, WHICH IN TURN INCLUDES ALL OF THE ENVIRONMENTAL BOARD -- THEIR ENVIRONMENTAL RECOMMENDATIONS?

YES, SIR.

LEFFINGWELL: AND I'LL SHOW MY IGNORANCE. WHAT IS A LOW ALBEDO ROOF?

AS I WOULD UNDERSTAND, IT HAS SOMETHING TO DO WITH THE REFLECTIVITY OF THE ROOF, BUT I CAN GET YOU AN EXPERT ANSWER IF YOU WOULD LIKE.

LEFFINGWELL: DO WE HAVE AN EXPERT ON LOW ALBEDO?

THAT'S AS EXPERT AS IT'S GOING TO... TO GET. REFLECTIVITY? IS THAT IT?

THAT'S MY UNDERSTANDING.

AN ENERGY EFFICIENT ROOF.

OKAY. COULD YOU EXPLAIN WHY YOU FEEL THAT THE TWO STAR OVER ALL WOULD BE DIFFERENCE..... DIFFICULT TO RETAIN? I BELIEVE YOU SAID YOU'D HAVE PROBLEMS GOOD DEAL THAT ON RETAIL BUT YOU COULD ON OFFICE AND RESIDENTIAL.

RIGHT. WE WILL BE DEALING HERE WITH A VARIETY OF DIFFERENT TYPES OF USERS. SOME OF THIS WILL BE DEVELOPED BY THIS DEVELOPER. SOME WILL BE SOLD AND DEVELOPED BY OTHERS. IT'S BEEN MY EXPERIENCE THAT THE RETAIL INDUSTRY IS MOVING RATHER QUICKLY IN THE DIRECTION OF BEING GREENER, BUT WITH ANY SET OF RIGID

STANDARDS THEY WANT TO BE ABLE TO CUSTOMIZE IT. SO IT ISN'T SO MUCH THAT THEY WOULDN'T -- WE COULDN'T REQUIRE THEM TO BE DILIGENT WITH RESPECT TO THE GREEN ISSUES, BUT WHAT WORKS FOR ONE SMALL 15,000-FOOT USER MAY NOT WORK FOR 150,000-FOOT USER. SO IT'S THE -- IT'S THE REQUIREMENT THAT THEY COMPLY WITH ONE STANDARD VERSUS HAVING SOME FLEXIBILITY TO DEAL WITH IT THE WAY THAT BEST WORKS FOR THEIR PROJECT. I THINK IF WE ARE SUCCESSFUL AND FOR INSTANCE WITH THE RAINWATER HARVESTING ISSUES, WITH THE ADAPTIVE REUSE OF BUILDING MATERIALS, WHICH IS ONE OF THE THINGS MENTIONED IN THE ENVIRONMENTAL BOARD REQUIREMENT, THAT WE WILL ACHIEVE A MUCH HIGHER STANDARD OVERALL, BUT AS YOU MEASURE IT AGAINST A PARTICULAR BUILDING, THAT'S WHEN IT BECOMES DIFFICULT.

LEFFINGWELL: HAVE YOU HAD A CHANCE TO LOOK AT THE RECOMMENDATIONS OF THE WATER CONSERVATION TASK FORCE?

EARLY ON. I HAVEN'T SEEN THEM RECENTLY..... RECENTLY.

LEFFINGWELL: WELL, ONE THING YOU MIGHT WANT TO TALK ABOUT AT SUBSEQUENT READINGS ON THIS IS HOW YOU PLAN TO -- HOW YOU PLAN TO COMPLY WITH THE SPIRIT OF THOSE RECOMMENDATIONS SINCE THEY WON'T BE COMING FORWARD FOR, YOU KNOW, OVER A PERIOD OF YEARS.

WE'D LOOK FORWARD TO THAT.... THAT.

MAYOR WYNN: OTHER QUESTIONS, COMMENTS?  
COUNCIL MEMBER MCCRACKEN.

MCCRACKEN: AND THIS MIGHT BE A QUESTION FOR EITHER GREG GUERNSEY OR MOLLY SCARBOROUGH. CAN YOU DESCRIBE FOR ME WHAT THE STANDARDS WERE FROM THE PLANNING COMMISSION FOR THE BURNET ROAD

## ORIENTATION?

SURE. LET ME SEE IF SOMEBODY CAN HAND THAT TO ME. I CAN DO IT -- LET ME TELL YOU FROM MEMORY AND THE ISSUE THAT WE WERE STRUGGLING WITH. ONE OF THE THINGS THAT -- AMANDA, IF YOU CAN PUT OUR SITE PLAN BACK UP -- THAT WE'VE BEEN DEALING WITH IS RIGHT NOW BURNET ROAD IN THIS LOCATION IS NOT A TRANSIT CORRIDOR. WE HAVE TRIED TO DO OUR PLANNING AS IF IT WAS. ONE OF THE THINGS THAT IS ALLOWED PRESENTLY IN THOSE GUIDELINES WOULD ALLOW US TO USE THE DOMAIN PARKWAY, THE ROADWAY THAT'S JUST EAST OF BURNET ROAD AND ORIENT OUR BUILDINGS TO THAT. SO IN TALKING WITH CITY STAFF AND ALSO WITH THE PLANNING COMMISSION, WE ALL DETERMINED THAT IT MADE MORE SENSE, GIVEN BURNET ROAD AND GIVEN THE INTERIOR ROADWAY, THAT IF WE COULD SET THE BUILDINGS PERPENDICULAR TO BOTH, THAT THAT WOULD ALLOW NEITHER ROADWAY TO BE BURDENED. SO PART OF -- AND THAT WAS THE ESSENTIAL PART OF THE THEORY, AND THE REST OF THAT, THE DETAIL OF THAT WERE, FOR INSTANCE, MAKING SURE THAT THE HEATED AND COOLED PORTION OF BUILDINGS EXTENDED AT LEAST AS CLOSE TO THE ROADWAYS AS DID PARKING. AND OUR SITE PLAN HASN'T QUITE CAUGHT UP WITH OUR AGREEMENT, BUT WE AGREED TO THAT. WE ALSO AGREED THAT THOSE BUILDINGS TOWARD BURNET ROAD WOULD HAVE AN ENTRANCE ALONG BURNET ROAD. SO BURNET ROAD TODAY IN THIS LOCATION IS NOT A VERY WALKABLE ENVIRONMENT. THERE'S A FAIR AMOUNT OF WORK, I THINK, THAT NEEDS TO BE DONE, BUT THE CONCEPT THAT I THINK THE PLANNING STAFF HAD AND THAT WE ULTIMATELY AGREED WITH WAS THAT WE COULD PLAN THESE BUILDINGS IN A WAY THAT ONCE BURNET ROAD CHANGES IN THE FUTURE, IT DOESN'T LOOK LIKE WE HAD NOT CONTEMPLATED THAT AT ALL. THE DETAIL THAT WAS THE LAST THING THAT WE WORKED OUT WAS THE REQUIREMENT THAT ALL PRINCIPAL BUILDINGS SHALL HAVE A MAXIMUM SETBACK OF 20 FEET FROM THE WESTERN EDGE OF THE 15-FOOT ELECTRIC AND

TELECOMMUNICATIONS LINE EASEMENT ALONG BURNET ROAD, AND WE WERE WORRIED ABOUT THAT BUT WE'VE GOTTEN OVER THAT AND WE'RE FINE WITH THE -- WITH THAT RECOMMENDATION.

MCCRACKEN: AND WHAT IS THE -- AND THIS WILL SPEAK TO A LARGER POINT THAT'S BIGGER THAN WHAT YOU HAVE BEFORE US THIS EVENING, BUT WHAT IS THE -- HOW BIG IS THE UTILITY EASEMENT FOR -- I THINK IT'S AUSTIN ENERGY UTILITY EASEMENT?

THIS PARTICULAR EASEMENT IS 15 FEET, BUT I THINK THAT'S -- THAT'S THE EASEMENT THAT YOU WOULD REFER TO.

MCCRACKEN: YEAH, AND THEN WHAT ARE WE -- THE PLANNING COMMISSION OR STAFF RECOMMENDATION SPEAK TO THE SIDEWALK -- SIDEWALKS AND STREET TREES FOR THE AREAS ALONG BURNET ROAD?

THE.

CORRIDOR STANDARDS?

YEAH, AND THERE'S A LIST OF SECTION NUMBERS THAT ARE EXPRESSLY INCORPORATED INTO THEIR RECOMMENDATION.

AND I THINK THAT THIS IS SOMETHING, I THINK, FOR THE CITY OF AUSTIN ORGANIZATION TO START GETTING, YOU KNOW, OURSELVES PREPARED FOR, BUT THIS IS THE FIRST DEVELOPMENT TO COME IN UNDER OUR SECOND DOWNTOWN, WHICH OCIALGLY.....ORIGINALLY STARTED OFF, FOR JANET CLOTS'S CONCERNS -- REASSURANCE AT THIS POINT, BUT THIS STARTED IN 2003 WHEN THE THEN WHATEVER IS CALLED PLANNING AND TRANSPORTATION OR SOMETHING LIKE THAT AT THE TIME, BACK WHEN WE HAD OUR LAND USE AND TRANSPORTATION DEPARTMENTS INTEGRATED, IS THAT THIS IS GOING TO BE A \$550,000 TRAFFIC ENGINEERING STUDY AND IT'S GOING TO MODEL HOW TO DO TRAFFIC ENGINEERING FOR BIG ROADS IN THIS AREA ACTION AND A LOT OF US WORKED TO

CHANGE THE FOCUS OF THAT \$550,000 STUDY TO INSTEAD MAKE IT A LAND USE PLAN FOR A DENSE MIXED USE URBAN TOWN CENTER, BECOME OUR SECOND DOWNTOWN. AND THE THREE OF US, COUNCIL MEMBER -- MAYOR PRO TEM DUNKERLEY AND I ON THE LAND USE TRANSPORTATION COMMITTEE HAVE ALREADY SEEN THE PRESENTATION ON WHAT WILL BE OUR SECOND DOWNTOWN. SO BASICALLY AS WE KIND OF CONTEMPLATE WHAT'S COMING BEFORE YOU US AND THIS PROJECT IS INCREDIBLE ON STARTING THAT SECOND DOWNTOWN AND DOING IT RIGHT, THAT ONE OF THE THINGS WE DISCOVERED IS THE ENORMOUS INFRASTRUCTURE NEEDS. WE'RE ALSO SEEING ANOTHER PROBLEM WHICH IS THAT A 15-FOOT UTILITY EASEMENT FROM, IN THIS CASE, AUSTIN ENERGY, THAT IS PROHIBITING EVEN TREES FROM BEING PUT THERE SO THAT POWER FROM A COAL PLANT IN FAYETTE COUNTY CAN RUN UNDER THE GROUND, THAT IS 180 DEGREES DIAMETRICALLY IN ODDS FOR THE CLIMATE PROTECTION PLAN. WE NEED TO MAKE SURE WE HAVE DEVELOPMENT -- MIXED USE DEVELOPMENT. AND SO THE CITY OF AUSTIN IS GOING TO HAVE TO GET -- GET REORIENTED TO THINKING ABOUT OUR SECOND DOWNTOWN HAVING THE SAME UTILITY PHILOSOPHIES THAT GOT US IN OUR FIRST DOWNTOWN, AND THAT MEANS BIG 15-FOOT WIET UTILITY DITCHES ARE NOT ACCEPTABLE. THEY WOULDN'T BE ACCEPTABLE IN OUR MAIN DOWNTOWN DISTRICT AND THEY SHOULDN'T BE ACCEPTABLE IN THE SECOND DOWNTOWN EITHER. AND THE THING IS LOOKING SECOND DOWNTOWN, BURNET ROAD FUNCTIONSES AS THE CONGRESS AVENUE OF THE SECOND DOWNTOWN. THIS IS THE NORTH SUEO ROAD THAT BISECTS THE SECOND DOWNTOWN. SHOULD BE PROHIBITED FROM PUTTING A TREE IN THIS DITCH, SO THE UTILITIES CAN BE GIVEN THE FIRST PREFERENCE. SO THE CITY OF AUSTIN IS GOING TO NEED TO FIGURE OUT A DIFFERENT WAY TO DO BUSINESS BEFORE WE GET THIS WRAPPED UP. IF WE DO THAT WE'RE GOING TO HAVE SOMETHING WONDERFUL, BUT I AGREE WITH YOU, IT WOULD BE KIND OF FOOLISH TO SPEND A LOT OF ENERGY, SPENDING SOME MUCH FOCUS ON THE BURNET ROAD WHEN YOU HAVE THAT DEAD

ZONE EVEN PROHIBITING YOU FROM PLANTING A TREE. BUT WE NEED TO COME UP WITH A STAGING AREA, THAT FIGURES OUT HOW TO GET THESE UTILITY DITCHES OFF OF WHAT WOULD BECOME THE CONGRESS AVENUE OF OUR SECOND DOWNTOWN, WHICH IS BURNET ROAD.

MAYOR WYNN: QUESTIONS? COMMENTS? COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: I WANT TO GO BACK TO THIS BURNET ROAD SETBACK JUST A MINUTE HERE. YOU SAID YOU NOW BELIEVE YOU CAN ACCOMMODATE A 20-FOOT SETBACK INSTEAD OF THE -- BUT EARLIER YOU HAD REQUESTED A 50-FOOT SETBACK, PRIMARILY IN ORDER TO ACCOMMODATE A 15-FOOT WIDE HIKE AND BIKE TRAIL.

RIGHT.

LEFFINGWELL: SO IN ACCEPTING THE 20-FOOT SETBACK, DOES THAT MEAN NO HIKE AND BIKE TRAIL?

NO, SIR, IT DOESN'T. AS PART OF THE PLANNING COMMISSION RECOMMENDATION, IT SAID THAT THE HIKE AND BIKE TRAIL MAY BE USED IN LIEU OF A SIDEWALK IF IT MEETS THE LOCATION OF MINIMUM WIDTH STANDARDS WITH REGARD TO THAT CODE STANDARD FOR SIDEWALKS. SO WE'RE PLANNING ON ESSENTIALLY INCORPORATING THE HIKE AND BIKE TRAIL WITHIN THAT AREA DIRECTLY ADJACENT TO RIGHT NOW THAT 15-FOOT UTILITY EASEMENT, WITH THE HOPE, AS COUNCIL MEMBER MCCrackEN INDICATED, THAT SOMEDAY THAT WON'T BE THERE.

LEFFINGWELL: AT SOME POINT IT WOULD HOPEFULLY GO AWAY.

RIGHT. BUT WE WILL HAVE THE HIKE AND BIKE TRAIL AND THAT'S PART OF OUR COMMITMENT, AS IS THE PARK, NO MATTER WHAT.

MAYOR WYNN: COUNCIL MEMBER MCCrackEN?

MCCRACKEN: I WOULD POINT OUT I THINK THE APPROPRIATE -- A QUESTION WE HAVE TO FIGURE OUT IS WHERE THE HIKE AND BIKE TRAIL GOES. IF IT NEEDS TO BE PART OF THE DEVELOPMENT, THAT A CONCERN THAT EMERGED WAS WHETHER IT WOULD BASICALLY TURN THAT PORTION OF BURNET ROAD INTO A SUBURBAN OFFICE PARK TYPE OF AREA. AND IT MAY STILL GO THERE AND IT MAY -- BUT THIS IS AN URBANIZED AREA SO IT MAY BE THAT THE HIKE AND BIKE TRAIL WILL BE MORE OF A GREENBELT. MAYBE IT WILL GO ON BURNET. MAYBE SOMEWHERE OFF OF BURNET. I PERSONALLY THINK IT SHOULD GO OFF OF BURNET SINCE THAT WILL SERVE AS THE MAIN NORTH-SOUTH ROADWAY THROUGH THE DOWNTOWN, BUT I AGREE, COUNCIL MEMBER LEFFINGWELL, WE NEED TO ACCOMMODATE IT. AND I THINK THE PLANNING COMMISSION, I AGREE, THEIR IDENTIFICATION THAT THIS AREA NEEDS TO... TO BE MORE OF A MIXED USE PEDESTRIAN ORIENTED AREA ALONG BURNET ROAD.

MAYOR WYNN: OTHER QUESTIONS, COMMENTS? ITEM NO. 64? IF NOT I'LL ENTERTAIN A MOTION. MISTERRY, IS THE ORDINANCE READY?

TERRY: I BELIEVE THIS IS FIRST READING ONLY, SIR.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: JUST TO CLARIFY, WOULD PLANNING COMMISSION RECOMMENDATION, DID YOU-ALL READ THE HEIGHT RELATIONS OF THE PLANNING COMMISSION RECOMMENDATION? THEN, I WILL MOVE TO APPROVE -- I THINK IT'S ONLY FIRST READING ONLY, THE PLANNING COMMISSION RECOMMENDATION OF -- WITH THE ADDITION OF THE -- THE LOW ROOFING MATERIALS, WHICH I'M NOT SURE WHAT THAT MEANS..... MEANS. PROBABLY MEANS NOT MUCH ALBEDO. AND ALSO WITH THE PLANNING WAS THE PLANNING COMMISSION TWO STAR OR ONE STAR?

COUNCIL MEMBER, THE PLANNING COMMISSION RECOMMENDED TWO STAR. I THINK WHAT YOU



HEARD FROM THE APPLICANT'S AGENT IS THAT THEY WOULD BE AGREEABLE TO DOING ONE STAR THROUGHOUT THE SITE AND THEN 50% OF THE OFFICE AND RESIDENTIAL BUILDINGS WOULD BE AT TWO STAR.

MCCRACKEN: OKAY.

SHE'S NODDING TO ME.

I WILL RELUCTANTLY MAKE THAT PART OF MY MOTION, BUT -- THE DESIGN STANDARD ORDINANCE BASICALLY REQUIRES EVERY NATIONAL RETAILER IN THE CITY TO... TO BUILD UNDER TWO STAR FROM NOW SO, SO WE HAVE SOME RESIDENCE WITH THE NATIONAL RETAILERS FOR INSTANCE WILL HAVE TO START DEVELOPING AT A TWO STAR LEVEL. SO I THINK WE HAVE SOME ABILITY TO DO BETTER AND THERE MAY BE -- I'LL INCLUDE THAT IN MY MOTION ABOUT THE ONE STAR SITE WIDE, TWO STARS FOR 50% OF OFFICE/RESIDENTIAL.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN. SECONDED BY THE MAYOR PRO TEM, COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: YEAH, I WAS GOING TO SECOND, SO I'M GOING TO SUPPORT THIS, BUT I WANT TO TALK ABOUT A COUPLE THINGS WHEN WE COME BACK ON SECOND AND THIRD READING, AND ONE IS A POSSIBLE LEADS GOAL, AND I THINK A LOT OF THINGS THAT YOU'RE DOING AND HAVE ALREADY AGREED TO DO AS FAR AS THE ENVIRONMENTAL BOARD RECOMMENDATIONS PLUS YOUR RAINWATER HARVESTING AND THE LOW ALBEDO ROOFING, WOULD PROBABLY CONTRIBUTE SIGNIFICANTLY TO A LEADS GOAL. SO I WANT TO BE ABLE TO DISCUSS THAT AS WELL AS WATER CONSERVATION MEASURES THAT YOU MIGHT BE ABLE TO ACCOMMODATE IN AT LEAST PARTS OF THIS DEVELOPMENT. SO WITH THAT CAVEAT FOR SECOND AND THIRD READING I'LL BE SUPPORTING THIS MOTION ON FIRST.

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: I'D LIKE THE APPLICANT TO COME BACK ON SECOND AND THIRD READING AND GIVE US AN ASSESSMENT OF WHAT WE COULD DO IN TERMS OF OWNERSHIP, 20% MFI, HOW MUCH YOU THINK YOU COULD DO WITH THIS NEW DEVELOPMENT. THANK YOU.

MAYOR WYNN: AGAIN, WE HAVE A MOTION BY COUNCIL MEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM, TO CLOSE THE PUBLIC HEARING AND APPROVE PLANNING COMMISSION RECOMMENDATION WITH SLIGHT MODIFICATIONS, FIRST READING ONLY. FURTHER COMMENTS? I'LL JUST SAY I TOO WILL BE SUPPORTING THE MOTION AND FUNDAMENTALLY REALLY LIKE THE FUNDAMENTAL CONCEPTS OF THIS PROJECT. ONE OF THE DISASTROUS ASPECTS OF TRANSPORTATION IN THIS REGION AND A FUNDAMENTAL TENET OF THE ANSWER, IF YOU WILL, OF ENVISION CENTRAL TEXAS, IS THAT WE HAVE TO STOP ALL TRYING TO LIVE OVER HERE, WORK OVER HERE, SHOP OVER HERE, TRY TO PLAY OVER HERE OCCASIONALLY, AND THIS ENTIRE SWATH OF OUR CITY SQUARE MILES TODAY DOESN'T HAVE A SINGLE -- A SINGLE PERSON LIVING IN IT, NOT ANYBODY, NOT A SINGLE RESIDENTIAL UNIT IN THIS SWATH OF TOWN, YET MILLIONS AND MILLIONS OF SQUARE FEET OF COMMERCIAL SPACE, EMPLOYMENT OPPORTUNITIES, RETAIL. SO NOW FINALLY WE HAVE PROJECTS COMING IN LIKE THIS THAT ALLOW US TO START HAVING -- START GIVING FOLKS A FIGHTING CHANCE TO LIVE, WORK, PLAY, SHOP, SURVIVE IN A RELATIVELY CLOSE PROXIMITY AS FREQUENTLY AS THEY CAN AND IS SOMEWHAT COUNTER-INTUITIVE BUT ACTUALLY PRODUCED THE FUNDAMENTAL DRIVING FACTOR OF TRAFFIC GENERATION IN THIS REGION. SO I'M VERY PROUD TO SEE OUR PRIVATE SECTOR STEPPING UP AND TRYING TO DELIVER THE PRODUCTS WITH HOPE FULLY A LOT OF MUNICIPAL SUPPORT TO HELP US REALIZE THE VISION OF ENVISION CENTRAL TEXAS. SO HATS OFF TO THE TEAM AND THERE'S LOT OF WORK STILL TO BE DONE, AND WE DON'T DO THIS LIGHTLY, BUT THIS IS AN IMPORTANT STEP FORWARD. OTHER COMMENTS ON COUNCIL MEMBER MCCRACKEN'S MOTION? HEARING NONE

ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH.

MAYOR AND COUNCIL, CAN I GIVE YOU AN UPDATE ON SOME EVENTS THAT ARE HAPPENING. ITEM 65 AND 66 ON YOUR AGENDA, WHICH REFER TO THE EAST AVENUE, THE CONCORDIA CAMPUS. I'M TOLD THAT THEY'RE STILL NEGOTIATING AT THIS MOMENT AND HAVE NOT COME TO A RESOLUTION. THIS WOULD BE THE NEIGHBORHOOD AND THE APPLICANT ON ITEM 65 AND 66. I'M TOLD THAT THERE IS SOME RESOLUTION ON ITEM 55, WHICH IS THE CLB AT 7TH STREET TRACT. HOWEVER, THERE ARE AT LEAST ONE PARTY IS STILL MAINTAINING A REQUEST FOR POSTPONEMENT WHILE OTHERS HAVE REMOVED THEIR NAMES FOR POSTPONEMENT. AND SO THAT'S KIND OF WHERE WE ARE. WE'VE GOT THREE ZONING ITEMS LEFT, THE CLB PROJECT WHERE WE SAW ONE POSTPONEMENT REQUEST, AND THEY CAN PROBABLY SPEAK TO THEIR GENERAL AGREEMENT BETWEEN THE NEIGHBORS AND THE PROPERTY OWNER, AND THE EAST AVENUE PUD WHICH I SAID BEFORE, THEY'RE STILL NEGOTIATING OUT IN THE HALL, I GUESS.

AND JUST TO GIVE YOU-ALL INSIGHT, COUNCIL, SO SHOULD WE TAKE UP AND CONTINUE THE PUBLIC HEARING ON ITEM 55, THE 7TH AND RIO GRANDE ZONING PROJECT, THERE'S 18 SPEAKERS SIGNED UP WISHING TO SPEAK. IT'S ABOUT 90 MINUTES WORTH OF TESTIMONY. THE CASE IS...S 65 AND 66, WE HAVE 16 AND 13 SPEAKERS SIGNED UP RESPECTIVELY, MY INSTINCT IS MANY OF THEM WILL BE THE SAME. EACH -- SHOULD WE CONDUCT THOSE SEPARATELY, THOSE..... THOSE PUBLIC HEARINGS WOULD HAVE ABOUT AN HOUR OF TESTIMONY EACH. SO ROUND NUMBERS WE HAVE, YOU KNOW, THREE CASES, IF YOU WANT TO TAKE THEM ALL SEQUENTIALLY, WITH ALL THE SPEAKERS, IT WOULD BE AN HOUR FOR 65, AN HOUR FOR 66, HOUR AND A HALF FOR 55,

AND THEN WE HAVE A COUPLE SIMPLE PUBLIC HEARINGS WITH -- ONE WITH NO SPEAKERS, ONE WITH TWO SPEAKERS FOLLOWING ZONING. SO --

MAYOR, I'D LIKE TO TAKE UP THE 6:00 PUBLIC HEARINGS IF THERE'S SO FEW SPEAKERS.

MAYOR WYNN: WITH THAT OBJECTION, AGAIN, WE HAVE TWO QUICK PUBLIC HEARINGS THAT COMBINED ONLY HAVE TWO SPEAKERS TO GIVE US TESTIMONY, AND PERHAPS BY THEN WE'LL HEAR SOME MORE FAK....FEEDBACK ON NEGOTIATIONS ON THE ZONING CASES. I'M ALSO TOLD ON ITEM 55, OUR 7TH AND RIO GRANDE CASE, THE SIDES HAVE AGREED TO DRAMATICALLY REDUCE THE NUMBER OF SPEAKS TO ABOUT 5, FOR AND AGAINST, AND THEN ITEMIZING ISSUES AT HAND. BUT WE CAN NOW TAKE UP ITEMS NO. 67 AND 68. THESE ARE PUBLIC HEARINGS SUPPOSED TO BE CONDUCTED SOMETIME AFTER 6:00 P.M. THE FIRST REGARDING OUR -- ANNEXATION AND THE SECOND IS A FLOOD PLAIN VARIANCE. WELCOME, A BRIEF STAFF PRESENTATION.

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS VIRGINIA VIRGINIA COLLIER FROM THE NEIGHBORHOOD PLAN PLANNING AND ZONING DEPARTMENT. THIS IS FOR THE PROPOSED AVERY RANCH AND THE BLAZIER ELEMENTARY SCHOOL SITE. THE SECOND HEARING IS SCHEDULED FOR NEXT THURSDAY, MARCH 8, HERE AT 6:00 P.M. AND ORDINANCE READINGS ARE TENTATIVELY SCHEDULED FOR APRIL 5, 2007. THESE AREAS ARE BOTH IN THE LIMITED PURPOSE JURISDICTION AND ARE BEING FLEAXED FOR FULL PURPOSES HAD.... AND THE LIMITED PURPOSE, FOR EACH AREA. UPON ANNEXATION THE CITY WILL PROVIDE FULL MUNICIPAL SERVICES TO THE AREA, INCLUDING SERVICES CURRENTLY PROVIDED BY AGENCIES SUCH AS COUNTY. COPIES OF THE PLAN, FOR EACH OF THESE AREAS ARE AVAILABLE THIS EVENING AND I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE AT THIS TIME.

MAYOR WYNN: THANK YOU, QUESTIONS OF STAFF, COUNCIL? AND AGAIN, WE HAVE NO CITIZENS

SIGNED UP ON ITEM NO. 67. IS THERE ANYBODY HERE WHO WOULD LIKE TO GIVE TESTIMONY ON THIS PUBLIC HEARING REGARDING THE FULL PURPOSE ANNEXATION OF THE AVERY RANCH AREA AND THE BLAZIER ELEMENTARY SCHOOL AREA? THANK YOU ALL VERY MUCH. HEARING NONE I WOULD ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

DUNKERLEY: MOVE TO CLOSE THE PUBLIC HEARING.

MAYOR WYNN: MOTION MADE BY COUNCIL MEMBER MARTINEZ, SECONDED BY THE MAYOR PRO TEM, TO CLOSE THE PUBLIC HEARING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR.....

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER MCCrackEN OFF THE DAIS. NO. 68, A HEARING REGARDING A POTENTIAL FLOOD PLAIN VARIANCE. MR. OSWALD, GIVE US A BRIEF STAFF PRESENTATION? WE HAVE TWO FOLKS HERE TO SPEAK.

MAYOR AND COUNCIL, GEORGE OSWALD, WATERSHED PROTECTION AND DEVELOPMENT REVIEW. THE ACTION BEFORE YOU IS ITEM 68 IS TO CONDUCT A PUBLIC HEARING AND CONSIDER FLOODPLAIN VARIANCES REQUESTED BY MR. MICKEY BENTLEY ON BEHALF OF MR. WILLIAM SISCO AND MISELIZABETH SISCO. SO CONSTRUCTION OF A DUPLEX AT 5613 JOE SAYERS AVENUE IN THE 125 YEAR FLOODPLAINS OF THE HANCOCK BRANCH OF SHOAL CREEK AND TO WEIGH THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE FULL 100-YEAR FLOODPLAIN TO EXCLUDE THE FOOTPRINT. THE INITIAL PUBLIC HEARING FOR THIS VARIANCE WAS CONDUCTED ON JANUARY 25, AND IT WAS CONTINUED BECAUSE SEVERAL COUNCIL QUESTIONS CAME UP ON NEIGHBORHOOD

COMPATIBILITY STANDARDS ASSOCIATED WITH THE PROPOSED CONSTRUCTION. IT WAS RESCHEDULED FOR FEBRUARY 1 -- FEBRUARY 1. ON THAT DAY THE APPLICANT REQUESTED A DELAY ASSUMING A FULL COUNCIL WOULD BE ASSEMBLED THIS EVENING. THE HANDOUT PACKAGE THAT WAS DISTRIBUTED TO YOU INCLUDES AN EMAIL FROM MR. DALE HENRY, THE PRESIDENT OF THE BRENT WOOD NEIGHBORHOOD ASSOCIATION, AND A MEMO FROM OUR OFFICE, A ONE STOP SHOP ON THE CAPABILITY STANDARDS ASSESSMENT. THE APPLICANT'S PROPOSAL IS TO CONSTRUCT A NEW 420 SQUARE FEET DUPLEX ON A LOT THAT PREVIOUSLY HAD A 1300 SQUARE FEET DUPLEX. THAT DUPLEX WAS DEMOLISHED UNDER A PERMIT ISSUED IN SEPTEMBER 2005, AND TO EXCLUDE THE PROPOSED BUILDING FOOTPRINT FROM THE REQUIREMENTS TO DEDICATE EASEMENT TO THE LIMITS OF THE 100-YEAR FLOODPLAIN. ALL RIGHT. THIS IS THE SITE LOCATION. OVER HERE ON THE RIGHT WE HAVE A LOCATOR MAP. THIS AREA IS SOUTH OF 2222 AND NORTH OF NORTH LOOP. THE BLUE AREA IS THE LIMITS OF THE 100-YEAR FLOODPLAIN. THE DARK BLUE AREA. THE LIGHT BLUE AREA IS THE LIMITS OF THE 100-YEAR FLOODPLAIN. THIS IS THE SUBJECT PROPERTY THAT WITH THE RED POLYGON AND WE'VE INCLUDED ON HERE THE STRUCTURES FOR WHICH WE HAVE RECORDED FLOODING DURING THE MAY 1981 FLOOD EVENT AND ONE OF THOSE REPORTED FLOODED STRUCTURES WAS ONE-HALF OF THIS DUPLEX THAT USED TO BE ON THIS PROPERTY AND THERE ARE FOUR OTHER PROPERTIES ON JOE SAYERS AVENUE THAT WERE FLOODED THAT EVENING. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS. ]

ALSO, THE INCREASE IN SQUARE FOOTAGE ASSOCIATED WITH THE PROPOSED STRUCTURE IS BASICALLY GOING FROM A 1300 SQUARE FOOT DUPLEX TO A 3900 SQUARE FOOT LIVING AREA, SO IT'S A FACTOR OF THREE INCREASE IN POTENTIAL OCCUPANCY IN THE FLOODPLAIN. I'VE GOT THE INFORMATION ON THE COMPATIBILITY STANDARDS TO GO INTO NEXT. WE CAN DO THAT OR WE CAN DISCUSS THE FLOODPLAIN ISSUES BECAUSE THESE

ARE TWO VERY DISTINCT ISSUES.

McCracken: HAVE WE ALREADY HAD THIS PRESENTATION BEFORE?

Mayor Wynn: NO, WE'RE POSTD FOR A FLOODPLAIN VARIANCE. I'M CONFUSED ABOUT NOW THE --

IF I CAN HELP. LET ME SEE IF I CAN HELP YOU HERE. WHEN WE DISCUSSED -- WHEN YOU ALL DISCUSSED THIS, A QUESTION WAS RAISED THAT THE STRUCTURE THAT THE APPLICANT IS PROPOSING TO BUILD, THE QUESTION WAS RAISED WHETHER THAT STRUCTURE WOULD COMPLY WITH THE McMANSION ORDINANCE. AND IF YOU'LL RECALL, COUNCILMEMBER MCCRACKEN, HI A BRAIN LEAK AND COULD NOT REMEMBER THE EFFECTIVE DATE OF THE McMANSION ORDINANCE AND WHAT WE LATER SUBSEQUENTLY DETERMINED THAT WAS THE BUILDING PERMIT FOR THIS HOUSE WAS APPLIED FOR BEFORE THE DATE OF THE McMANSION ORDINANCE, AND THE McMARNGS ORDINANCE LIMITATIONS WOULD NOT APPLY TO IT. SO THE DISCUSSION WAS HAD WHAT YOU ALL WANTED TO DO ABOUT THE VARIANCE, RECOGNIZING THAT THE McMANSION ORDINANCE -- THAT THIS WOULD NOT COMPLY WITH THE McMANSION ORDINANCE.

McCracken:, MARTY, THAT'S MY RECOLLECTION TOO. WE WERE READY TO VOTE AND WE HAD ONE QUESTION LEFT, WHICH WHICH WAS WILL THE HOME COMPLY WITH THE McMANSION ORDINANCE. NOW THAT WE'RE TOLD THAT THE APPLICANT IS PREPARED TO SAY, YES, IT WILL, I THINK THAT'S ALL WE NEEDED BEFORE WE WERE GOING TO VOTE ANYWAY. MY QUESTION IS WE'VE ALREADY HAD THE HEARING. I DON'T KNOW THAT WE NEED TO HAVE IT A SECOND TIME. WE SIMPLY HAD ONE FACT QUESTION AND THEN WE WERE READY TO VOTE. OTHER COUNCILMEMBERS MAY WANT TO HEAR IT AGAIN, BUT WE'VE GOT A BIG DOCKET AHEAD TF AND WE'VE ALREADY HAD THIS ONCE.

McCracken: WE SIFERBLY HAD ONE FACT QUESTION TO RESOLVE BEFORE WE HAD A VOTE AND THAT

WAS WHETHER THE HOME WOULD COMPLY WITH THE McMANSION ORDINANCE. MY RECOLLECTION IS WE WERE SIMPLY WAITING TO HEAR FROM THE APPLICANT YES OR NO. AND THEN WE WOULD BE READY TO VOTE AT THAT POINT THAT'S WHERE WE LEFT IT OFF LAST TIME.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I THINK THE POINT MR. 'S...'S WALKED WAS ABOUT TO MAKE IS HE'S HERE TO DISCUSS THE VARIANCE OF A FLOODPLAIN VARIANCE, WHICH ARE REALLY NOT RELATED TO THE McMANSION ORDINANCES, IS THAT CORRECT?

THAT'S CORRECT.

Leffingwell: SO THE ONLY CONNECTION THAT I CAN SEE BETWEEN THE McMANSION ORDINANCE AND THE -- THE McMANSION ORDINANCE AND THE FLOODPLAIN REQUEST IS THE AMOUNT OF LIVING SPACE THAT'S ADDED AS A RESULT OF THE McMANSION COMPLIANCE. APPROXIMATE.

McCracken: WOULD WE BE ENABLING A HOME TO BE BUILT THAT WOULD NOT BE IN COMPLIANCE UNDER CURRENT LAWS. THAT WAS SIMPLY THE QUESTION, IT WAS NOT -- I THINK IT WAS JUST A SIDE ISSUE THAT WE WANT TO RESOLVE. IT IS. OKAY. I WOULD LIKE TO HEAR FROM THE APPLICANT IF THEY ARE GOING TO VOLUNTARILY COMPLY WITH THE -- VOLUNTARILY COMPLY WITH THE ORDINANCE OR NOT IF WE GRANT THE VARIANCE.

Mayor Wynn: TO BE RESPECTFUL OF A LOT OF FOLKS' TIME, AND TO BE RESPECTFUL OF MR. OSWALD,, WHY DON'T WE HEAR FROM OUR TWO SPEAKERS AND IT MIGHT INSPIRE SOME ADDITIONAL QUESTIONS OF MR. OSWALD AND/OR STAFF. SO OUR FIRST SPEAKER IS -- JAEK.....JACKIE GOODMAN SIGNED UP AS A SPEAKER. AND I SEE MICKEY BENTLEY WANTING TO APPROACH US. EITHER. AND YOU TWO THEN WILL BE FOLLOWED BY GARDNER SUMNER. THANK YOU, MAYOR PRO TEM.

THANKS, MAYOR, I THINK WE WILL BE BRIEF



BECAUSE I THINK WE DID TELL YOU EVERYTHING LAST TIME. I'LL REITERATE THAT I'M HOPING THAT THIS KIND OF SITUATION WILL VOTE..... MOTIVATE US HOW TO HAVE THE ANSWERS TO PRESERVE AND PROTECT OUR OLDER NEIGHBORHOODS WHO ARE ALONG CREEKS. WE'RE A CITY OF WATER, AND THE GENTLEMAN FROM SOUTH AUSTIN WHO SPOKE LAST TIME MENTIONED I THINK SOMETHING TO THE EFFECT THAT IT'S NOT SAFE TO LIVE ALONG CREEK, WHICH IS COMMON SENSE WHEN THEY START HAVING MORE WATER IN MIR BANKS THAN THEY CAN HANDLE. BUT WE ARE A CITY OF CREEKS, SO WE'RE EITHER GOING TO FIND A WAY THROUGH ENGINEERING SOLUTIONS TO PRESERVE OUR EXISTING NEIGHBORHOODS. SOME ARE REACHING THE AGE WHERE YOU WILL HAVE TO SIGNIFICANTLY RETROFIT THE HOMES TO STAY LIVEABLE BECAUSE THEY'RE OLD NEIGHBORHOODS, THEY'RE OLD HOMES, AND THEY'RE IN THE FLOODPLAIN. THE FLOODPLAINS ARE ALWAYS INCREASING IN SIZE, NEVER DIMINISHING. SO IT'S UP TO US TO FIND A WAY TO DIMINISH THROUGH ENGINEERING SOLUTIONS THE FLOODPLAIN THAT ARE LARGER AND LARGER NOW. AND THE OTHER THING IS THAT IF YOU DON'T HAVE PLANS FOR CITY IMPROVEMENT INFRASTRUCTURE AS HERE WITH AN OLD INTERSECTION, STREETS THAT DON'T HAVE A WAY TO GET RID OF WATER, THERE ARE NO VENTS ON THE CURBS, THEN YOU'RE GOING TO -- I THINK LOGICALLY YOU WILL WANT INDIVIDUAL PROPERTY OWNERS TO TRY TO MAKE A DIFFERENCE AS THIS PROPOSAL DOES AND WILL IMPROVE THE ACTUAL AMOUNT OF WATER THAT GOES INTO THAT INTERSECTION. SO THAT WILL NOT BE THE ISSUE THAT IT IS TODAY BECAUSE OF THE PROPOSAL IF YOU ALLOW IT TO BE BUILT.

Mayor Wynn: THANK YOU, MS. GOODMAN. WELCOME MR. BENTLEY.

MR. MAYOR, MAYOR PRO TEM AND MEMBERS OF THE CITY COUNCIL, AFTER THAT LAST HEARING I GAVE Y'ALL A PROPOSAL AND SHOWED YOU SOME VISUALS OF WHAT WE THOUGHT WE COULD DO. WE HAVE AGREED TO MOVE FROM THE COUNCILMEMBER MCCracken AND I BELIEVE IT

WAS COUNCILMEMBER MARTINEZ'S OBJECTION TO THE McMANSION BACK TO -- I THINK IT COMES OUT TO 33.75 FEET INSTEAD OF THE 44, 4500 THAT THE PLANS ARE SHOWING. ALSO, THE MAYOR PRO TEM DUNKERLEY'S CONCERN THAT WAS SHE WANTED THE CITY TO HAVE A RELEASE OF LIABILITY LETTER AND THE APPLICANT IS WILLING TO GIVE THAT RELEASE LETTER OF LIABILITY OF BUILDING IN THE FLOODPLAIN. AND THE THIRD OBJECTION WAS HOW WE DID THIS. WE HAD AN ENGINEER HERE LAST TIME, AND WE CAN -- THE ENGINEER AND THE ARCHITECTS CAN REDO THE PLANS AND BUILD IT OUT OF THE FLOODPLAIN TO SPECIFICATIONS THAT WOULD BE IN COMPLIANCE -- SO IT WOULDN'T BE IN THE FLOODPLAIN ANYMORE. SO IF THERE'S ANY QUESTION I WOULD BE MORE THAN HAPPY TO ANSWER THEM, THANK YOU.

Mayor Wynn: QUESTIONS OF MR. BENTLEY. COUNCILMEMBER MARTINEZ?

Martinez: I APPRECIATE ALL YOUR HARD WORK, BUT IT'S ACTUALLY 3,336 FEET. I KNOW HOW BAD YOU WANT THAT OTHER 40 FEET, BUT IT'S 3336.

IT'S COSTING THE CLIENT A LOT OF MONEY TO GIVE THAWP THOUSAND PLUS FEET.

Mayor Wynn: THANK YOU FOR YOUR TIME. AND OUR LAST SPEAKER, GARDENER SUMNER. IS HE HERE? MR. SUMNER, YOU ARE OUR FINAL SPEAKER AND YOU WILL HAVE THREE MIBILITYS. WELCOME.

COUNCILMEMBERS, MY NAME IS GARDENER SUMNER. I LIVE AT 1610 TREADWELL IN SOUTH AUSTIN. LET ME SAY THAT I BELIEVE THAT THIS APPLICATION TO BUILD ON A 25-YEAR FLOODPLAIN IS REALLY TOTALLY FLIES IN THE FACE OF REASON AND IS WITHOUT MERIT. WHY WOULD ANY RATIONAL PERSON WANT TO BUILD ON A 25-YEAR FLOODPLAIN? THIS IS A TROUBLESOME, TROUBLESOME PROJECT, I WOULD THINK. ON FEBRUARY 15TH, JUST FOR SOME BACKUP INFORMATION, COUNCIL APPROVED THE ACQUISITION OF FIVE FLOOD DAMAGED PROPERTIES IN THE ONION CREEK FOREST AREA

WITH FEMA AND BUDGETED WATERSHED PROTECTION FUNNELED AT A COST OF \$630,800. NOW, THAT MAY NOT SEEM LIKE A LOT OF MONEY TO YOU PEOPLE WHO DEAL WITH MUCH GREATER SUMS ROUTINELY, BUT JUST FOR AN AVERAGE TAXPAYER IT SEEMS LIKE A LOT OF MONEY FOR HAVING ALLOWED HOUSES TO BE BUILT IN DANGEROUS PLACES. TODAY, WHILE I WASN'T HERE, I DID SEE THAT ON THE AGENDA FOUR MORE SIMILAR PROJECTS REQUIRED OR WILL BE ACQUIRED FOR \$456,000. THIS BRINGS US UP TO ONE MILLION DOLLARS THAT HAVE BEEN SPENT ON THESE HOUSES THAT ARE IN FLOODPLAIN AREAS. WHY WOULD WE WANT TO BUILD ANY MORE BUILDINGS IN FLOODPLAIN AREAS? THIS APPLICATION WOULD VIOLATE A CITY ORDINANCE, FEMA REGULATIONS AND COULD ULTIMATELY COST THE CITY OF AUSTIN MORE MONEY TO HAUL OUT A FLOOD DAMAGED HOUSE IN THE FLOODPLAIN. IN ADDITION, STAFF HAS RECOMMENDED DENIAL. IT SEEMS TO ME FOR ALL OF THESE REASONS THIS DOESN'T MAKE ANY SENSE, THIS APPLICATION DOESN'T. I REALLY AND SINCERELY URGE ALL OF YOU TO THINK CAREFULLY ABOUT THE POSSIBILITY TO DENY THIS APPLICATION. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. SUMNER. SO COUNCIL, THAT CONCLUDES OUR CITIZEN TESTIMONY ON THIS FLOODPLAIN VARIANCE, ITEM NUMBER 68. COMMENTS, QUESTIONS? I GUESS I HAVE A QUESTION FOR MR. OSWALD. GEORGE, REMIND US, THESE ARE CHALLENGING SITUATIONS AS THE FORMER MAYOR PRO TEM POINTED OUT. WE HAVE SO MANY GREAT OLD NEIGHBORHOODS IN TOWN THAT ARE ALONG OUR SORT OF ORIGINAL URBAN CREEKS, OFTEN TIMES WITH UNDERSIZED STORM SEWER SYSTEMS IF THEY HAVE THEM AT ALL. VOTERS IN NOVEMBER APPROVED TENS OF MILLIONS OF DOLLARS, IF I RECALL, ON -- BROADLY SPEAKING, ON A NUMBER OF ISSUES, BUT ONE WAS IN FACT URBAN DRAINAGE. AND I KNOW YOU HAVE A LONG WISH LIST OF PROJECT YOU WOULD LIKE FOR US TO FUND. IS THERE A CHANCE THAT NEIGHBORHOODS LIKE THIS, STREETS LIKE JOE SAYERS, FUNDAMENTALLY GET LEFT FROM THOSE

PROJECTS IF WE CAN BRING THEM FORWARD?

NOT THE PROJECTS WE IDENTIFIED FOR THE BOND ELECTION. THERE ARE MUCH WORSE FLOODING CONDITIONS IN MANY AREAS OF TOWN. I WENT BACK GETTING READY FOR THIS VARIANCE HEARING AND LOOKED AT OUR MASTER PLAN. THERE WAS A PROJECT IDENTIFIED IN THIS AREA, BUT IT RANKED MUCH, MUCH LOWER THAN THOSE THAT ARE AT A MUCH HIGHER PRIORITY FOR FUNDING IN THE BOND ELECTION. SO IT'S INDETERMINATE WHEN WE WILL HAVE THE FUNDING. IT WOULD CERTAINLY TAKE ANOTHER BOND ELECTION BEFORE WE GET THERE. AND THAT'S NOT LEAST FIVE OR -- THAT'S AT LEAST FIVE OR SIX YEARS IN THE FUTURE.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF STAFF OR ANYBODY ELSE, COUNCIL?  
COUNCILMEMBER COLE?

Cole: CAN YOU EXPLAIN TO ME IN THESE SITUATIONS HOW THE LIABILITY INSURANCE WORKS IN TERMS OF THE CITY'S LIABILITY VERSUS THE APPLICANT GETTING FLOOD INSURANCE IF WE WERE TO GRANT THE VARIANCE?

I'M GOING TO DEFER TO AN ASSISTANT CITY ATTORNEY ON THAT ONE.

MITZI COTTON WITH THE CITY LAW DEPARTMENT. IF THE QUESTION IS -- IF I UNDERSTAND THE QUESTION RIGHT, FEMA UNDERWRITES THE FLOOD INSURANCE THAT THIS HOUSE WOULD HAVE TO GET, CERTAINLY IF THEY'RE GETTING A LOAN FROM A BANK THEY WOULD BE REQUIRED TO GET IT. SO IT'S NOT DIRECTLY THE CITY'S LIABILITY. THEY DO HAVE INSURANCE. WE ALL AS FEDERAL TAXPAYERS PAY FOR IT THROUGH THE FEMA YOUR HONOR WRITING OF THAT FLOODPLAIN INSURANCE.

THANK YOU. SO THERE'S NO DIRECT IMPACT ON THE CITY. THANK YOU.

Mayor Wynn: MAYOR PRO TEM?

Dunkerley: I THINK THIS MAY BE FOR MR. BENTLEY. LET ME REITERATE THE REASON I'M GOING TO SUPPORT THE VARIANCE. NUMBER ONE, THE HOUSE WILL BE SMALLER THAN YOU ORIGINALLY DESIGNED.

YES, MA'AM.

Dunkerley: IT'S GOING TO BE HIGHER. AND YOU'RE GOING TO DO SOME KIND OF ENGINEERING, SOMETHING TO MAKE THE DRAINAGE BETTER.

ABSOLUTELY, MAYOR PRO TEM.

Dunkerley: THANK YOU. SO I WILL BE SUPPORTING IT.

I WOULD LIKE TO ADD THATTING.... THIS IS IN THE UPPER WATERSHED OF THE HANCOCK BE WATERSHED WHICH IS A SMALL WATERSHED WHICH WHICH AS THE ENGINEER POINTED OUT IN LAST HEARING THAT YOU HAD, IS BUILT OUT. AND WE'RE GOING TO WORK REALLY DILIGENTLY TO TRAP WATER AND MAKE BETTER USE OF IT THAN WHAT'S EVEN THERE NOW.

Dunkerley: THAT'S WHAT I UNDERSTOOD THE LAST TIME YOU WERE HERE. THANK YOU.

Cole: I'D LIKE TO GO AHEAD AND MAKE A MOTION THAT WE GRANT THE FLOODPLAIN VARIANCE FOR THE APPLICANT.

Dunkerley: I WOULD SECOND THAT.

Mayor Wynn: MOTION BY COUNCILMEMBER COLE, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND GRANT THIS FLOODPLAIN VARIANCE.

McCracken: THERE'S ONE ITEM. MR. BENTLEY HAD SAID THAT THE OWNER WOULD AGREE TO DO THAT'S NOT IN THE ORDINANCE AS DRAFTED, WHICH IS TO GO FROM 4,000 SQUARE FEET TO 3375 SQUARE FEET, SO I'M WONDERING IF THE MAKERS WOULD CONSIDER IT A FRIENDLY AMENDMENT TO MAKE THAT CHANGE TO THE PROPOSED

ORDINANCE?

Cole: YES.

Mayor Wynn: AND MAYOR PRO TEM? SO WE HAVE AN AMENDED MOTION BY COUNCILMEMBER COLE AND THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THE FLOODPLAIN VARIANCE. COMMENTS? COUNCILMEMBER MARTINEZ.

Martinez: I'M SORRY, MAYOR, I DON'T MEAN TO BE REALLY PICKY ABOUT THIS, BUT THIS IS ONE OF THOSE THINGS THAT COULD COME BACK AND CAUSE PEOPLE TO FUSS. I BELIEVE THE CALCULATIONS FOR SQUARE FOOTAGE A ACTUALLY 3,336 SQUARE FEET. AND WHAT COUNCILMEMBER MCCRACKEN STATED WAS 3,375 SQUARE FEET. AND I JUST DON'T WANT US TO GET IN A SITUATION WHERE --

WE ACCEPT THAT AMENDMENT.

Dunkerley: I'LL MAKE THAT FRIENDLY AMENDMENT.

McCracken: THIS IS THE USUAL HISTORY MAJOR DOING THAT DEAL.

WE'LL TAKE ALL WE CAN.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MR. OSWALD, THANK YOU.

THE SQUARE FOOTAGE CALCULATION IS A GROSS SQUARE FOOTAGE CALCULATION ASSOCIATED WITH THE COMPATIBILITY STANDARDS OF 3336. NOW, THAT CONCLUDES THE LIVING SPACE, A PORTION OF THE GARAGE SPACE, SO WE MAY WANT TO REFERENCE ALL OF THESE ELEMENTS IN THE ORDINANCE SO IT'S VERY CLEAR WHAT THE LIMITATIONS ARE.

Mayor Wynn: MS. TERRY?

WE CAN DO THAT IF THAT IS THE WILL OF THE

COUNCIL.

THAT WOULD BE THE WILL OF THE COUNCIL. THAT WOULD BE THE WILL OF MY MOTION AT LEAST.

Mayor Wynn: AN AMENDED MOTION ON THE TABLE TO APPROVE THE VARIANCE. WITH FURTHER PROVISIONS. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. ONS SND.....OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER LEFFINGWELL VOTING NO. SO COUNCIL, LET'S SEE, I'M TOLD THAT ON ITEM NUMBER 55 OUR 7TH AND RIO GRANDE PROJECT, AN ITEM THAT I WILL BE STEPPING OFF THE DAIS FOR, THERE HAS BEEN AGREEMENT AT LEAST ON A SIGNIFICANT REDUCTION OF THE NUMBER AND LENGTH OF OUR WITH PUBLIC TESTIMONY. AND MAYOR PRO TEM, SU HAVE SOME INFORMATION ON THAT?

Dunkerley: THE STAFF HAS GIVEN ME INFORMATION THAT THERE ARE SOME AGREED UPON ITEM THAT THE PARTIES HAVE WRITTEN, SOME THAT HAVE NOT BEEN AGREED ON, BUT AN EXPLANATION WE'LL GO OVER LATER. AND WE HAVE FIVE SPEAKERS THAT HAVE AGREED TO SPEAK, THOSE FIVE THAT ARE FOR WOULD INCLUDE STEVE DRENNER, MARSHAL JONES, GERARD KINNEY AND (INDISCERNIBLE). AND THEN FIVE OPPOSED, INCLUDING LISA DEBUICK, GUY HIKE. BILL BINGHAM. SO MY UNDERSTANDING IT'S FIVE FOR AND FIVE AGAINST. AND THEN PERHAPS A REBUGHTS AT THE END FOR -- A REBUTTAL AT THE END FOR THE AGENT. BUT MY QUESTION NOW IS WHO IS GOING OVER ALL OF THESE POINTS. IT IS A PRETTY COMPLICATED AGREEMENT. SO WOULD THAT BE BE STAFF?

MAYOR PRO TEM, MR. DRENNER JUST CAME FORWARD AND SAID THERE WILL ONLY BE HIMSELF SPEAKING FOR THE PROJECT. WE DO HAVE ONE POSTPONEMENT REQUEST, WHICH WAS GALE HEIGHT THAT WAS INCLUDED. COUNCIL, INCIDENTED TO LET YOU -- I WANTED TO LET YOU KNOW ON THE EAST AVENUE P.U.D. ON YOUR AGENDA, ITEM 65 AND 66, THEY'RE STILL

NEGOTIATING OUTSIDE WITH REGARD TO THAT ITEM. SO IF YOU WISH TO TAKE UP 55 NOW, I UNDERSTAND THE MAYOR WILL BE LEAVING, AND THEN --

Mayor Wynn: I SHALL RETURN. [ LAUGHTER ]

VERY GOOD.

WE'LL GIVE YOU A BRIEF OVERVIEW ON 55.

Mayor Wynn: I WILL BE STEPPING OFF THE DAIS --

BEFORE WE GET BACK TO 55, I NEED STAFF TO UPDATE MY WRONG LIST OF SPEAKERS.

Mayor Wynn: AND I WILL BE STEPPING OFF THE DAIS AND TURN THE DAIS OVER TO THE MAYOR PRO TEM.

Dunkerley: WE'RE DOING 55? GOOD. LET ME ASK THE STAFF, IS SPEAKERS THAT I READ OFF THAT WERE AGAINST THIS, THAT WAS LIST CORRECT AS FAR AS YOU KNOW?

IT'S MY UNDERSTANDING THAT IS CORRECT.

Dunkerley: WE'RE IN GOOD SHAPE THEN.

THE SPEAKERS THAT ARE FOR WOULD ONLY INCLUDE MR. DRENNER.

Dunkerley: YES, MR. DRENNER ONLY.

AND WHAT I WOULD LIKE TO DO, MAYOR PRO TEM AND COUNCIL, IS GIVE A BRIEF INTRODUCTION AND THEN I CAN TURN IT OVER TO MR. DRENNER, BUT BEFORE WE -- AFTER I FINISH MY BRIEF INTRODUCTION, YOU MAY WANT TO SPEAK TO THE ONE POSTPONEMENT BY GALE HEIGHT. SO WITH THAT LET ME INTRODUCE THE CASE. ITEM 55 IS CASE C-14-06-183, THIS IS THE CLB/7TH AT RIO GRANDE PROJECT LOCATED AT 605 TO 615 WEST SEVENTH STREET. THIS IS A REZONING REQUEST FROM COMMUNITY COMMERCIAL OR GR DISTRICT ZONING TO CENTRAL URBAN REDEVELOPMENT, CONDITIONAL OVERLAY OR CBD, CURE, CO



COMBINING DISTRICT ZONING. THIS PROPERTY HAS ALREADY RECEIVED FIRST READING APPROVAL. YOUR PUBLIC HEARING IS STILL OPEN AND WE'RE PRESENTING IT FOR SECOND AND THIRD READING THIS EVENING. YOU DO HAVE AN ORDINANCE ON THE DAIS, AND I'D LIKE TO NOTE ONE CORRECTION TO THAT ORDINANCE THAT ON PAGE 1, PART TWO OF THAT ORDINANCE, LINE 36, AFTER THE ITEM NUMBER C THAT THERE WAS INADVERTENTLY LEFT OFF THE FOLLOWING RESTRICTION AND THAT IS FOR A BUILDING OR STRUCTURE WITH A HEIGHT OF 68 FEET FROM THE GROUND LEVEL, A SEVEN FOOT STEP BACK FROM RIO GRANDE RIGHT-OF-WAY IS REQUIRED. AND WITH THAT CHANGE WE THINK THE ORDINANCE REFLECTS WHAT YOU HAVE APPROVED ON FIRST READING. I'LL ALSO NOTE THERE IS A RESTRICTIVE COVENANT THAT YOU ALSO HAVE ON THE DAIS THAT THERE'S AGREEMENT THAT THEY'LL BE ALONG RIO GRANDE STREET AND WEST SEVEN ITS IN COMPLIANCE WITH THE GREAT STREETS PROGRAM PARTICIPATION. ALSO A TWO-STAR RATING IN AUSTIN ENERGY'S GREEN BUILDING PROGRAM LIVE MUSIC VENUE IS NOT PERMITTED ON THE FIRST FLOOR OF THE BUILDING. AND THAT WOULD BE PART OF A PUBLIC COVENANT. AT THIS TIME I THINK IF YOU WOULD LIKE TO HEAR FROM THE ONE PERSON WHO IS STILL REQUESTING A POSTPONEMENT, GALE HEIGHT, HER REQUEST IS TO MARCH 22nd, AND I DON'T KNOW ALL THE PARTICULARS OF HER POSTPONEMENT REQUEST, BUT PERHAPS THEY COULD COME FORWARD AND SPEAK TO THAT AND THEN YOU COULD DECIDE WHETHER TO POSTPONE OR CONTINUE.

Dunkerley: WELCOME, MS. HEIGHT.

COUNCILMEMBERS. FIRST I WOULD LIKE TO SAY THAT I WAS PLEASED TO HEAR YOUR POSITIVE COMMENTS ABOUT PROTECTING HISTORIC STRUCTURES. AND UNFORTUNATELY I DIDN'T HEAR THOSE KIND OF COMMENTS IN THE PREVIOUS MEETING WHEN YOU WERE CONSIDERING THIS PARTICULAR PROPOSAL. HOWEVER, I AM REQUESTING THAT YOU DELAY YOUR DECISION TO THE.... THIS HEARING OR THE NEXT HEARING BECAUSE THERE'S BEEN NO TRAFFIC IMPACT

ANALYSIS AND BECAUSE IT'S SO IMPORTANT THAT THIS BE DONE AT THIS PHASE. THIS IS A VERY SPECIAL PART OF TOWN WITH UNIQUE REQUIREMENTS. THERE'S A SCHOOL IN THE AREA, A NEARBY SCHOOL. THE STREET ITSELF IS ESSENTIALLY A FOUR-BLOCK STREET. IT'S NOT A MAJOR TRAFFIC CORRIDOR AS THE DEVELOPER MENTIONED IN AN EARLIER PRESENTATION. THE ROWBL THE TRAFFIC IMPACT ANALYSIS IS IMPORTANT RATHER THAN THE WAY IT IS CURRENTLY STRUCTURED, AND THAT'S WITH THE TIA WORKSHEET DETERMINATION, THERE ARE SOME PROBLEMS WITH THAT, SO WE WOULD LIKE TO SEE THE TRAFFIC IMPACT ANALYSIS THAT WILL GIVE US AN OPPORTUNITY TO IDENTIFY SOME POTENTIAL PROBLEMS. FIRST OF ALL, THE FORMAL TRAFFIC IMPACT ANALYSIS DETERMINES THE TRIP GENERATION BASED ON THE PROPOSED LAND USE AND DENSITY. THEN THERE'S AN ESTIMATE AND DISTRIBUTION OF SITE GENERATED TRAFFIC. AND THEN THERE'S A FORECAST OF FUTURE NON-RELATED TRAFFIC. THOSE THINGS ARE NOT COVERED IN DETAIL IN THE TIA DETERMINATION WORKSHEET. WE ASK THAT DO YOU THIS TRAFFIC IMPACT ANALYSIS AT THIS PHASE BEFORE YOU VOTE TO CHANGE THE ZONING IN SUCH A DRAMATIC WAY BY INCREASING THE HEIGHT OF THIS AREA BY 700%. I'D ALSO LIKE TO SAY THAT WITH THE PROCEDURE THAT YOU HAVE IN PLACE, THE TRAFFIC DETERMINATION WORKSHEET, ABLE EVEN IN YOUR ORDINANCE YOU HAVE A CONDITIONAL OVERLAY OF 2,000. AND THE TRAFFIC IMPACT ANALYSIS IS REQUIRED, BUT HAS BEEN WAIVED BY THE CITY BECAUSE THE DEVELOPER AGREES TO KEEP THE TRAFFIC BELOW 2,000. WELL, I'VE NOT BEEN ABLE TO FIND AND PERHAPS YOU KNOW THERE'S NO WAY THERE'S NO MONITORING IN PLACE. THERE ARE NO PROCEDURES, THERE'S NO CHECKUP, THERE'S NO PENALTY FOR VIOLATING THAT, YET IT'S SPECIFIC TO THAT. SO THAT'S A PROBLEM THAT I SEE. SO SECONDLY IF YOU CANNOT -- I'D LIKE TO ASK THAT YOU DELAY AND YOU REQUIRE A TRAFFIC IMPACT ANALYSIS BEFORE YOU FINALLY VOTE ON THIS, BUT IF YOU CAN'T DO THAT, THEN I THINK THAT WE NEED TO -- I'D LIKE TO BRING SOMETHING TO YOUR ATTENTION, AND

THAT IS THE TRAFFIC IMPACT ANALYSIS DETERMINATION WORKSHEET. WE DID AN OPEN RECORDS REQUEST AND WERE ABLE TO GET A COPY OF THAT EARLIER THIS WEEK, AND PER CITY REGULATIONS, IF THERE ARE ERRORS OR CHANGES IN THE PROJECT, THEN THE DEVELOPER IS REQUIRED TO SUBMIT A NEW WORKSHEET ANALYSIS FOR REVIEW. AND WE FOUND SEVERAL ERRORS IN THAT. THIS IS DATED 8.. 8-20-06. THE FIRST ERROR WE FOUND IS THAT THE LOCATION STATES THAT THIS IS THE SOUTHWEST CORNER OF RIO GRANDE AND WEST SEVENTH STREET. IN REALITY IT'S THE SOUTHEAST CORNER OF RIO GRANDE AND WEST SEVENTH STREET.

McCracken: MAYOR PRO TEM, THIS IS A MOTION TO POSTPONE, I'M SORRY, I DON'T MEAN TO BE UNKIND  
--

Dunkerley: --

I WON'T BE SPEAKING LATER IF THAT HELPS.

McCracken: YEAH, BUT IT'S STILL -- IT'S BEEN WAY MORE THAN THREE MINUTES.

WHAT?

Dunkerley: WE WERE JUST CHECKING ON THE TIMER. USUALLY THESE SPEAKERS WERE TIMED. WE WERE JUST ASKING ABOUT THAT AND SEEING IF PERHAPS YOU COULD WRAP UP IN THE NEXT FEW MUNT.

I'M JUST FEW. I JUST WANTED TO BRING AUTOPSY COUPLE OF ERRORS AND CHANGE. AND ACCORDING TO THE CITY REGULATION THZ NEEDS..... NEEDS TO BE CHANGED. THE DETERMINATION USED 252 FRIENDSHIPS, WHICH IS USED AS A DEDUCTION FROM THE 2,000 MAXIMUM TO PROJECT THE NUMBER OF NEW TRIPS. WE DON'T BELIEVE THIS NUMBER SHOULD BE USED BECAUSE THE BUILDING IS VACANT AND HAS BEEN VACANT. SECONDLY, THE CALCULATION DOES NOT INCLUDE ANY OF THE TRAFFIC FOR RANCH 616.

Dunkerley: LET'S WRAP UP NOW.

OKAY. I GUESS WHAT I'M SAYING IS -- AND YOU'VE HEARD PREVIOUS SPEAKERS TONIGHT TALKING ABOUT TRAFFIC ISSUES AND TRAFFIC PROBLEMS. WE WOULD LIKE VERY MUCH FOR TRAFFIC IMPACT ANALYSIS TO BE DONE AT THIS STAGE PRIOR TO THE ZONING.

Dunkerley: THANK YOU. COUNCIL, DO YOU HAVE ANY QUESTIONS OF THE SPEAKER OR OF MR. DRENNER ON THIS POSTPONEMENT REQUEST? OKAY. DO I HEAR A MOTION? TO EITHER APPROVE OR DENY THE REQUEST?

McCracken: DIES FOR LACK AFTER MOTION.

Dunkerley: THAT DIES FOR LACK OF ANY TYPE OF MOTION. SO LET'S MOVE ON TO THE ACTUAL HEARING ON THE ITEM. AND GREG, ARE YOU GOING TO GO OVER THE POINTS OR MR. DRENNER ARE YOU GOING TO STEP FORWARD AND GO OVER THE POINTS OF THE NEGOTIATION?

I THINK I'LL LET MR. DRENNER BECAUSE NEGOTIATION WAS GOING ON AS WE WERE GOING THROUGH THE OTHER CASES THIS EVENING AND I DO NOT HAVE THE DETAILS.

Dunkerley: ALL RIGHT. MR. DRENNER, YOU ARE THE ONLY ONE LISTED TO SPEAK IN FAVOR OF. AND THEN WE'LL GET OUR FIVE SPEAKERS LINED UP TO SPEAK AGAINST.

MAYOR PRO TEM, THE TIMING THAT YOU WOULD LIKE. MR. DRENNER IS GOING TO BE GIVEN HOW MUCH TIME TO SPEAK?

Dunkerley: WELL, HE'S GOT FOUR FOLKS LINED UP, SO HE WILL HAVE, WHAT, 15 MINUTES.

THANK YOU.

I'LL BE MERCIFULLY BRIEF. WE HAD SOME OTHER FOLKS WHO WERE NOT ABLE TO SPEAK WITH OUR TIME LIMITATIONS LAST TIME, AND GIVEN THE

LATE HOUR AND WHERE WE ARE WITH THESE DISCUSSIONS, WE DID NOT THINK IT WAS NECESSARY FOR THEM TO SPEAK. SO THAT'S WHY YOU ONLY GET ME AND YOU'RE PROBABLY TIRED OF HEARING FROM ME TONIGHT, SO LET ME JUST MENTION A COUPLE OF THINGS. WITH REGARD TO THE TIA ISSUE, THE REASON THAT THE TIA IS NOT WARRANTED IS BECAUSE WE FALL UNDER THE TRIP LIMIT STHAF..... THAT STAFF USES AS A THRESHOLD QUESTION ON WHETHER A TIA IS WARRANTED. WE ARE MORE THAN 300 TRIPS URN THAT LIMIT, AND THAT'S BEFORE YOU TAKE INTO ACCOUNT WHAT OUR STUDY OF AUSTIN CITY LAW IS WITH RESPECT TO COMPARATIVE TRIPS, PEOPLE WHO LIVE IN THAT AREA VERSUS THE MANUAL. OUR STUDY WOULD INDICATE WE GET ANOTHER 30% REDUCTION ON TOP OF THE ITE MANUAL. SO I DON'T THINK WE'RE CLOSE TO THE THRESHOLD WITH REGARD TO THAT, AND I'D ALSO REMIND YOU THAT WHEN WE LOOKED AT THE TRAFFIC THAT COULD BE GENERATED FROM 120-FOOT PROJECT OR EVEN A 60-FOOT RETAIL PROJECT, IT FAR EXCEEDS WHAT WE'RE TALKING ABOUT. SO I THINK THE STAFF WAS WELL-FOUNDED IN WAIVING THE TIA REQUIREMENT. THE REASON WHY WE LOOKED AT ONE TROY WAS THAT IT'S THE MOST CONSERVATIVE WAY THAT YOU CAN LOOK AT TRAFFIC AND DETERMINE THAT THAT WAS NOT AN ISSUE AT THAT POINT. THE THING THAT WE'VE DONE IN THE LAST TWO WEEKS PRIMARILY HAVE REVOLVED AROUND TRYING TO IDENTIFY THE CONCERNS THAT THE MILK SHAKE MEDIA FOLKS HAD, WHO ARE OUR CLOSEST NEIGHBOR IN OPPOSITION, AND DOING WHAT WE COULD DO ADDRESS THOSE. AND I'D LIKE TO THANK CAT JONES AND HER COUNSEL, KAREN, FOR ALLOWING US THAT OPPORTUNITY. WE HAVE REACHED AN AGREEMENT WITH CAT THAT ALLOWS HER NO LONGER TO OPPOSE THE PROJECT. AND THAT'S BEEN THE PRODUCT OF A LOT OF HARD WORK, ESPECIALLY ON THEIR PART, AND WE THANK THEM FOR THAT OPPORTUNITY. I'M NOT GOING TO GO BACK THROUGH A LENGTHY PRESENTATION AT ALL WITH REGARD TO THE PROJECT. I WOULD TELL YOU THAT WE ARE WRD TO THE -- WITH REGARD TO THE MOTION THAT WAS PASSED LAST TIME, I THOUGHT I MIGHT RUN THROUGH THAT AS A

REFRESHER AND I DO HAVE ONE CHANGE WITH REGARD TO THAT THAT IS CONSISTENT WITH THE AGREEMENT THAT WE MADE WITH MS. JONES.

Dunkerley: OKAY.

SO IF THESE -- THESE ARE ALL THINGS THAT OCCUR IF BUILDINGS OR STRUCTURES ARE CONSTRUCTED OVER 60 FEET IN HEIGHT, WHICH IS THE PRESENT GR LIMIT. NUMBER ONE, 75% OF THE GROSS FLOOR AREA SHALL BE FOR RESIDENTIAL USES. NUMBER TWO, PROVIDE TWO LEVELS OF UNDERGROUND PARKING. NUMBER THREE, THE ABOVE GROUND PARKING GARAGE WILL BE SCREENED. NUMBER FOUR, 75% OF THE GROUND FLOOR FACING SEVENTH AND RIO GRANDE STREETS MUST BE PEDESTRIAN ORIENTED USES. NUMBER FIVE, ACCESS TO THE PARKING GARAGE SHALL RESTRICT RESIDENTIAL ACCESS TO RIO GRANDE STREET. NUMBER 6, LOADING SPACES AND SERVICE ACCESS WILL BE FROM THE ALLEY. NUMBER SEVEN, COCKTAIL LOUNGE USE IS NOT PERMITTED. AND WE ORIGINALLY TALKED ABOUT THAT BEING ONLY ON THE FIRST FLOOR, AND THAT'S NOW THROUGHOUT THE PROJECT. AND THAT'S ALSO TO COVER MUSIC VENUES AS WELL. NUMBER EIGHT, DEVELOPMENT ON THE PROPERTY MAY NOT EXCEED AN 11 TO ONE F.A.R. NUMBER NINE, LIMITED TO LESS THAN TWO THOUSAND VEHICLE TRIPS A DAY, THE TIA REQUIREMENT. NUMBER 10, 15-FOOT BUILDING SET BACK ON SEVENTH STREET REQUIRED FOR ANY BUILDING OVER 68 FEET IN HEIGHT. THE ADDITIONAL REQUIREMENT THAT MR. GUERNSEY MENTION THAT HAD I THINK WAS LEFT OUT OF THE THAT WRITTEN MOTION WHICH SEVEN FOOT BUILDING SET BACK ON RIO GRANDE REQUIRED FOR ANY BUILDING OVER 68 FEET IN HEIGHT. AND THEN WE HAVE A FEW THINGS THAT ARE INCLUDED IN A PUBLIC RESTRICTIVE COVENANT, PARTICIPATION IN THE GREAT STREETS PROGRAM FOR PORTIONS OF THE PROJECT FRONTING ALONG RIO GRANDE AND SEVENTH STREET, PARTICIPATION IN THE GREEN BUILDER PROGRAM AT A TWO STAR LEVEL, AND AGAIN THE LIVE MUSIC VENUE NOT BEING PERMITTED ANYWHERE WITHIN THE PROJECT. SO LET ME -- THERE WERE A COUPLE OF

THING THAT -- IN THE ORIGINAL MOTION THAT WERE DELETED. THE ONE THAT NO ONE COULD FIGURE OUT WHERE IT CAME FROM WAS THE 40-FOOT MAXIMUM BETWEEN DOORWAYS ON SEVENTH STREET. SO THAT'S THE ONLY THING UNRELATED TO CONTRIBUTIONS THAT WE'VE AGREED TO MAKE THAT WOULD COME OUT OF THAT ORDINANCE AND AGAIN THE CHANGE WITH REGARD TO FIRST FLOOR IN THE ENTIRE PROJECT WITH REGARD TO LIVE MUSIC VENUES AND COCKTAIL LOUNGE. LET ME STOP THERE AND I'LL BE HAPPY TO ANSWER QUESTIONS.

Dunkerley: OKAY. ANY QUESTIONS?  
COUNCILMEMBER MCCRACKEN.

McCracken: I KNOW THAT WE HAD ORIGINALLY SOUGHT TO CRAFT A WAY TO HAVE A CONTRIBUTION FOR AFFORDABLE HOUSING AND WEREN'T ABLE TO DO IT. ARE YOU ABLE TO -- IS THE APPLICANT ABLE TO PROVIDE US ANY KIND OF STATEMENT OR COMMITMENT ON AFFORDABILITY, AFFORDABLE HOUSING CONTRIBUTIONS?

YES, COUNCILMEMBER, I'VE GOT A LETTER SIGNED BY ME AND MY CLIENT THAT SAYS THAT ON OUR OWN VOLITION, IF WE DEVELOP SOMETHING IN EXCESS OF 60 FEET IN HEIGHT THAT CLB WILL MAKE A CONTRIBUTION EQUAL TO \$250,000 TO THE FOLLOWING PARTIES: \$500 PER ENTITLED RESIDENTIAL UNIT DONATED TO SHOAL CREEK GREENWAY IMPROVEMENTS, THE AUSTIN PARKS FOUNDATION AND THEN THE REMAINDER TO BE DONATED TO EITHER THE HOUSING TRUST FUND OR THE SMART HOUSING CAPITAL IMPROVEMENT PROJECT FUND OR ANY OTHER ENTITY DESIGNATED BY THE CITY OF AUSTIN WHOSE PRIMARY PURPOSE IS TO PROVIDE AFFORDABLE HOUSING. THAT CONTRIBUTION IS TO BE MADE UPON COMMENCEMENT OF CONSTRUCTION OF THE PROJECT.

McCracken: THANK YOU. I GUESS IF WE COULD HAVE THAT PLACED INTO THE RECORD. AND IS THAT --

THAT WOULD BE GREAT IF WE COULD -- IF WE

COULD HAVE THAT IN THE RECORD AND PERHAPS A COPY GIVEN TO MS. GENTRY FOR HER PURPOSE AND THEN WE WILL REMOVE THAT FROM THE ORDINANCE BASED ON THAT REPRESENTATION, WE'LL REMOVE THAT PART. WE UNDERSTAND THAT THE MOTION THAT IS TO BE MADE CONCERNING THIS MATTER WILL INCLUDE THE REMOVAL OF THAT PORTION OF THE ORDINANCE.

YES.

I'M GOING TO GO WHACK AND GET THE ORIGINAL AND HAND IT TO HER.

THANK YOU.

Dunkerley: ANY OTHER QUESTIONS? ALL RIGHT. NOW, THOSE THAT ARE SPEAKING IN OPPOSITION, LISA DEBUKE FRKS YOU COULD HEAD DOWN TO THE FRONT. WE'VE GOT GALE HEIGHT, JACKSON SOLING, AND BILL BINGHAM. OKAY, LISA?

MY NAME IS LISA AND I'M A CO-FOUNDER OF THE KABELI SCHOOL WHICH IS LOCATED ABOUT A BLOCK FRARP THE PROPOSED PROJECT. AND I WANTED TO GO ON THE RECORD THAT A LETTER WAS WRITTEN BY ONE OF THE OTHER FOUNDERS OF THE SCHOOL SUPPORTING THE PROJECT WITHOUT SUPPORT OR APPROVAL OF OUR SCHOOL BOARD. SO THEREFORE THIS LETTER REFLECTS THE OPINION OF MOYA KABELI ONLY, IT'S NOT OF THE SCHOOL OFFICIALLY. I'M HERE OF MY OWN VOLITION AS ONE OF THE FOUNDING MEMBERS BE OF THE SCHOOL AND AGAIN LOCATED JUST A BLOCK AWAY I HAVE A LOT OF CONCERNS ABOUT THIS PROJECT. OUR SCHOOL SERVES STUDENTS FROM THE AGES OF 10 TO 19. THE SCHOOL IS BASED ON LEADERSHIP AN INTEGRITY, WHICH ALLOWS A LOT OF OUR STUDENTS TO EARN OFF CAMPUS PRIVILEGES FOR LUNCH OR OTHER INTERNSHIP OPPORTUNITIES IN AUSTIN SO THE STUDENTS ARE OUT AND ABOUT AT LUNCH. AND IF THEY LEAVE HALFWAY THROUGH THE DAY TO GO TO AN INTERNSHIP, THEY'RE ON THE STREET AND IN THE AREA. AGAIN, THAT IS -- WE DO AFFORD THAT OPPORTUNITY TO OUR MIDDLE SCHOOL STUDENTS AS WELL, SO WE'RE



TALKING SIX, SEVEN ITS AND EIGHTH GRADE STUDENTS. SO NEEDLESS TO SAY, IT IS KIND OF A DISAPPOINTMENT THAT THERE HASN'T BEEN A TRAFFIC STUDY DONE IN THE NEIGHBORHOOD TO KNOW HOW INCREASED TRAFFIC IS GOING TO IMPACT THE STUDENTS. AND TFK GREATLY AFFECTS THE SAFETY OF THESE KID TO HAVE THESE MANY EXTRA CARS IN A RESIDENTIAL NEIGHBORHOOD LIKE THIS. SO I DID -- YOU GUYS HAVE A BROCHURE ABOUT THE SCHOOL IN FRONT OF YOU AND I'D LIKE TO INVITE ALL OF YOU GUYS TO COME AND VISIT THE SCHOOL, SEE WHAT WE DO THERE AND KNOW THAT THERE ARE STUDENTS IN THE NEIGHBORHOOD VERY CLOSE THAT WILL BE AFFECTED BY THIS. AND YEAH, I JUST REALLY WOULD LIKE IT IF YOU WOULD CONSIDER THAT IMPACT. AND ALSO EARLIER I HEARD COUNCILMEMBERS MCCrackEN AND KIM BOTH REFER TO THE IMPORTANCE OF MAINTAINING THE INTEGRITY OF HISTORICAL NEIGHBORHOODS, AND AS YOU GUYS ALL KNOW, THIS IS ONE OF THE MOST GRANDIOSE PARTS OF AUSTIN DOWNTOWN AND HAVING A HUGE MONOLITH IN THE NEIGHBORHOOD IS REALLY GOING TO IMPACT IT AND CHANGE THE WAY IT LOOKS. I JUST WANT TO ASK YOU GUYS TO CONSIDER THAT AND TO PLEASE CONSIDER DOING THE TRAFFIC STUDY FOR THE SAFETY OF THE STUDENTS.

Dunkerley: THANK YOU VERY MUCH. GALE HEIGHT? JACKSON SOLING. YOU DON'T LOOK LIKE GALE HEIGHT.

McCracken: MAYOR PRO TEM --

COUNCILMEMBERS, YOU GET COREY WALTON FROM BOULDIN CREEK IN PLACE OF GALE. I WANTED TO JUST SPEAK WITH REGARD TO THE COMMUNITY BENEFIT ASPECT OF THIS PROJECT. I'M SPEAKING FROM THE BACKGROUND OF OUR EXPERIENCE WITH THE HYATT FAIRFIELD DEVELOPMENT RECENTLY WHICH ENDED UP CONTRIBUTING \$14 PER ADDITIONAL SQUARE FOOT TOWARD A COMMUNITY BENEFIT, AND THEN IN ANOTHER PORTION OF THAT DEVELOPMENT IT CONTRIBUTED \$14,286 PER LINEAR FOOT OVER AND

ABOVE THE 60-FOOT HEIGHT LIMITATION OF THE CS ONE PORTION OF THAT BUILDING. AND I'M LOOKING AT THAT VIS-A-VIS THIS OFFER FROM THIS AGREEMENT. AND WHILE I APPLAUD THE FACT THAT THE NEARBY NEIGHBORS AND BUSINESSES AND THE DEVELOPER WERE ABLE TO COME TO SOME AGREEMENT, I THINK THAT THEY WOULD BE - - THE SURROUNDING NEIGHBORHOOD WOULD BE AT A SEVERE DISADVANTAGE A, IN NOT HAVING COMPENSATION TO GIVE THEM THE LEGAL REPRESENTATION THAT THINK NEEDED TO DEAL ON EQUAL FOOTING WITH THE DEVELOPER WHICH WAS SOMETHING THAT WAS A HUGE HIGHLIGHT OF THE BOULDIN CREEK-HYATT FAIRFIELD AGREEMENT. AND THE OTHER THING WAS THE COMMUNITY BENEFIT THE DEVELOPER THREW IN WITH RESPECT TO THIS HUGE, HUGE, HUNDREDS OF SQUARE FEET OF HEIGHT OVER AND ABOVE THE PRESENT ZONING. IT SEEMS TO ME FRANKLY, FOLKS, A BIT OF AN INSULT, NOT ONLY TO THE SURROUNDING NEIGHBORHOOD, BUT TO THE CITY ITSELF FOR THE SIZE AND MAGNITUDE OF THIS GIVEAWAY. WHAT IS THE CITY GETTING IN TERMS OF PUBLIC BENEFITS? THE ONLY ONE THAT I UNDERSTAND IS THE CONTRIBUTION TO THE TRAILS AND WHAT WOULD BE LEFT FROM THAT IN TERMS OF AFFORDABLE HOUSING MIGHT BUY YOU A LOT IF YOU'RE LUCKY. ANYWAY, SO I DO AGAIN APPRECIATE YOUR THOUGHT ON THIS AND I HOPE THAT -- I HAD HOPED WITH OUR YEAR LONG EXPERIENCE THAT IN THE FUTURE NEGOTIATIONS LIKE THIS WE COULD DO A WHOLE LOT BETTER. THANK YOU.

Dunkerley: JACKSON SOLING?

GOOD EVENING, MAYOR PRO TEM, COUNCILMEMBERS. I'M JACKSON SOLING. I LIVE AT 703 WEST NINTH STREET, TWO BLOCKS FROM THE SITE. WE'RE OPPOSED TO THE HEIGHT VARIANCE. I'M ASKING TODAY FOR CONDITIONAL ROLL BACK AND ZONING TO BE ADDED TO THE CONDITIONAL OVERLAY F THIS PROJECT FALLS THROUGH, IT WOULD BE PRUDENT TO REVERT THE ZONING BACK TO THE CURRENT ZONING SO THAT A FUTURE PROJECT DOES NOT CHANGE THE NATURE OF THE BUILDING. IF THE HOUSING MARKET FALLS

THROUGH, AS TTION NATIONWIDE, AND AS WE SAW  
IN THE STOCK MARKET THIS WEEK A THREE  
PERCENT DROP, THIS PROJECT MAY NO LONGER BE  
ECONOMICALLY VIABLE AND IT MAY BE STOPPED.  
THIS PROJECT WILL NOT -- THIS CONDITIONAL  
OVERLAY WILL PROTECT AUSTIN AND THE  
RESIDENT WHO LIVE IN OUR GREEN CITY FROM A  
NEW LARGER PROJECT LAYER. IT IS ONLY PRUDENT  
TO REQUIRE A CONDITIONAL ROLL BACK IF THIS  
PROJECT IS ABANDONED. THANK YOU. DUBILITY  
DUNK THANK YOU. --

Dunkerley: THANK YOU. DARE....DARA MEREK.

THANK YOU, COWBSES AND MAYOR PRO TEM. MY  
NAME IS MAREK BURY. AND I LIVE AT 505 WEST  
SEVENTH STREET. I WISH TO PROPOSE SOME  
PRODUCTIVE SCENARIOS TO HELP ALL WITH THIS  
ISSUE. FIRST, A VERY IMPORTANT ISSUE TO THE  
POSADO RESIDENTS IS THE NOISE ISSUE AND OUR  
BEDROOM WINDOWS. IF THE PROJECT AT SEVENTH  
STREET WOULD PAY FOR INSULATING OUR  
BEDROOM WINDOWS, WE'RE ONLY TALKING ABOUT  
24 HOURS THAT FACE NUECES STREET, IT WOULD  
HAVE LESS OF AN IMPACT ON OUR RESIDENTS.  
COUNCILMEMBER MCCRACKEN STATED LAST TIME  
ABOUT TWO OTHER TOWERS THAT ARE BEING  
BUILT. ONE AT MILLER BLUEPRINT AND ANOTHER  
ONE AT THE POST OFFICE. PERHAPS WHEN THEY DO  
THE MILLER BLUEPRINT BUILDING, IF THEY COULD  
HELP US WITH OUR INTERIOR WINDOWS, WHICH  
DIRECTLY FACES IT, AND THE POST OFFICE, WHICH  
SAN ANTONIO STREET HAS A WHOLE ROW OF  
WINDOWS THAT FACE THAT LOCATION, IF THOSE  
OTHER DEVELOPERS COULD HELP US WITH OUR  
WINDOWS, INSULATING, IT WOULD VERY MUCH BE  
APPRECIATED. IT WOULD ONLY BE THE DROP IN THE  
BUCKET COMPARED TO THE EXPENSES OF THE  
BUILDINGS THEMSELVES THAT ARE BEING BUILT.  
SECOND ISSUE IS THE REPAVING OF SEVENTH  
STREET. WE'VE GOTTEN A NOTICE THAT THE  
SEVENTH STREET WAS TO BE BE REPAVED WITH  
ASPHALT. NOW, THEY ONLY USE ASPHALT WHEN  
THERE'S A MINIMAL AMOUNT OF TRAFFIC ON A  
ROAD. IT ONLY LASTS FIVE YEARS. CERTAINLY  
THERE'S GOING TO BE A LOT OF CONSTRUCTION

TRUCKS, A LOT OF HEAVY TRAFFIC AND THAT ROAD WON'T LAST AT ALL, SO IS IT POSSIBLE THAT THE SURFACE AREA COULD BE RECONSIDERED WITH SOMETHING MORE DURABLE? A THIRD ISSUE IS THE DUMPSTER AT RANCH 616. IT HAS AT TIMES OVERFLOWED WITH ROTTEN FOOD AND PRESENT THINK THEY DON'T CLOSE THE DOOR OF THE DUMPSTER AND BLACK BIRDS AND GRACKLES FEED OUT OF IT. THEY ROOST OVER AT REPUBLIC SQUARE, AND IT'S A REAL NUISANCE TO THE AUSTIN FARMER'S MARKET. IT'S A HEALTH CONCERN. THERE'S SOMETHING THE CITY CAN DO. ALREADY THEY'RE DUMPING THE DUMPSTERS ON A DAILY BASIS IN THE WAREHOUSE DISTRICT UP TO SIXTH STREET. IF YOU WOULD JUST EXPAND IT ONE BLOCK NORTH TO SEVEN TZTH, THEN YOU COULD TAKE CARE OF THAT DUMPSTER AND IT WOULD BE TAKEN CARE OF ON A DAILY BASE. ANOTHER ISSUE WOULD BE IT'S A WIN-WHIN SCENARIO FOR THE CITY AND THE UTILITY CONSUMERS IF THE COUNCILMEMBERS WOULD GO ALONG WITH THE MAYOR'S RECENT ENERGY EFFICIENT PROPOSAL TO UPGRADE OLDER STRUCTURES. THE CONDOMINIUM THAT I'M REFERRING TO, POSADO DELL REY WAS BUILT IN 1964, SO OUR WINDOWS ARE THAT OLD AND IT WAS NOT REALLY CONSIDERED A NOISE PROBLEM OUTSIDE OF THOSE WINDOWS WHEN IT WAS BUILT. [ BUZZER SOUNDS ] T THE RESIDENTS OF POSADO DELL REY HOPE THAT THE DEVELOPERS OF THE SKYSCRAPER WILL NEGOTIATE WITH THE RESIDENTS AND HOPEFULLY HELP US WITH OUR BEDROOM WINDOWS. THANK YOU FOR YOUR TIME.

Dunkerley: THANK YOU VERY MUCH. BILL BINGHAM?

MAYOR PRO TEM AND COUNCILMEMBERS, THIS IS MY FIRST TIME TO SPEAK AT THE CITY COUNCIL AND I'M STILL LEARNING ABOUT THIS ISSUE, SO MY HE WILL CONSEQUENCE WON'T TUBE HIGH TONIGHT, BUT HOPEFULLY I CAN GET SOME INTERESTING POINTS ACROSS TO YOU. THE FIRST THING I WOULD LIKE TO TALK ABOUT IS THE TRAFFIC IMPACT ANALYSIS THAT WAS TALKED ABOUT EARLIER. THERE ARE SEVERAL ERRORS ON THE TRAFFIC IMPACT ANALYSIS. I'D LIKE TO SHOW IT TO YOU, BUT I WANT TO SHOW YOU THIS ONE

MAP. THE EXISTING LAND USE THAT'S LISTED AS A SPECIALTY RETAIL CENTER. I DON'T THINK THAT RANCH 616 IS A SPECIALTY RETAIL CENTER. THE ABUTTING ROADWAYS INDICATE THAT SEVENTH STREET WILL HAVE NO ACCESS. THE PLAN AS I'VE SEEN IT DOES HAVE ACCESS ON SEVENTH STREET. AND THE MOST IMPORTANT THING ABOUT THE TRAFFIC IMPACT ANALYSIS SHEET, AT THE VERY BOTTOM, CHANGES TO THE PROPOSED PROJECT WILL REQUIRE A NEW TIA DETERMINATION TO BE MADE. I SUBMIT TO YOU THAT THIS PROJECT IS NOT RIGHT FOR CONSIDERATION TONIGHT BECAUSE THE TRAFFIC IMPACT ANALYSIS HAS NOT BEEN DONE AND THE DETERMINATION WORKSHEET IS INCORRECT. WHAT I'D LIKE TO TALK ABOUT NEXT IS REALLY WHY THE SUBSTANTIVELY, OTHER THAN THE HIGH TRAFFIC AND NOISE, THAT THE PROJECT IS INAPPROPRIATE. THEY'RE ASKING FOR PURE DISTRICT (INDISCERNIBLE) HERE. IT TALKS ABOUT UNDER THE BASIS OF RECOMMENDATION, THE PROPOSED ZONING SHOULD BE CONSISTENT WITH THE PURPOSE STATEMENT OF THE DISTRICT. AND IT LISTS FOUR CRITERIA FOR TIER COMBINED DISTRICT. THREE OF THOSE FOUR THIS PROJECT DOES NOT MEET. IT IS NOT A PROJECT THAT IS DEVELOPING AFFORDABLE HOUSING ALONG PRINCIPAL TRANSPORTATION ROUTES. SEVENTH STREET IS NOT A PRINCIPAL TRANSPORTATION ROUTE. AND IT'S NOT ENHANCING THE STABILITY OF AN URBAN NEIGHBORHOOD. THE URBAN NEIGHBORHOOD RIGHT NOW IS LIMITED TO 60 FEET. 400 FEET IS NOT A STABLE CHANGE. 252 TRIPS TO PROPERLY MORE THAN 2,000 TRIPS IS NOT A STABLE CHANGE. THE THIRD CRITERIA UNDER CURE IS TO IMPROVE THE NATURAL ENVIRONMENT. MR. DRENNER AND MR. MCGINNIS WOULD THARG IT DOES NOT DESPOIL THE ENVIRONMENT, THERE IS NO ARGUMENT TO BE MADE THAT IT IS IMPROVING THE NATURAL ENVIRONMENT. FINALLY, IT'S TO ENCOURAGE HIGH QUALITY DEVELOPMENT WITH ARCHITECTURAL DESIGN AND PROPORTION COMPATIBLE WITH THE NEIGHBORHOOD. IF I HAD THIS MAP ILLUSTRATED FOR YOU AND WHAT IS THE MOST IMPORTANT POINT TO CONSIDER TONIGHT AND THAT IS THAT THIS IS NOT A DESIGN AND PROPORTION COMPATIBLE WITH THE

NEIGHBORHOOD OR THE POSSIBLE GROWTH OF THE NEIGHBORHOOD. WHAT YOU'RE LOOKING AT HERE IS A MAP FROM A ZONING AND PLATTING COMMISSION DECISION A COUPLE OF YEARS AGO. IT'S NUMBER C-14--0-00, AND YOU WILL SEE IT ILLUSTRATED IN PINK THERE. IT'S ABOUT A BLOCK WEST OF THIS AREA. THE DEVELOPER, THE LAWYER FOR THE APPLICANT FOR THE ZONING AND PLATTING COMMISSION, SAID THAT THEY STARTED OUTLOOK FOG CBD ZONING BECAUSE THEY WANTED TO GET TO THE DMU DENSITY THAT'S IN THE AREA. [ BUZZER SOUNDS ] 'IS THAT MY TIME? LET ME SAY THAT THAT LAWYER WAS RICHARD SUTTLE AND HE SAID THE CONCEPT IS TO COME UP WITH A STRUCTURE THAT MEETS THE CAPITAL VIEW CORRIDOR, THE CREEK ORDINANCE AND DOES NOT EXCEED THE HEIGHT OF THE CITY LOFTS THAT ARE ON SIXTH STREET. THAT IS WHAT THE REQUEST IS. IT'S TRYING TO GET TO THE DMU DENSITY IN THE DMU AREA. SO DON'T TAKE MY WORD FOR IT, DON'T TAKE THE INTERESTED MEMBERS OF THE COMMUNITY, TAKE RICHARD SUTTLE'S WORD FOR IT, THIS IS A DMU AREA AND THAT'S WHAT THE PLANNING COMMISSION ALSO RECOMMENDED AND WE SUGGEST THAT YOU EITHER DO THAT OR LIMIT IT TO 130 FEET LIKE YOU DID WITH THE PROJECT THAT IS ON THE MAP. THANK YOU.

Dunkerley: THANK YOU VERY MUCH. [ APPLAUSE ] LET'S ASK THE APPLICANT IF HE HAS ANY OTHER COMMENTS OR IF THE COUNCIL HAS ANY QUESTIONS OF ANY OF THESE SPEAKERS? WE'LL CALL THEM UP AGAIN.

THANK YOU, MAYOR PRO TEM. I DIDN'T KNOW MR. SUTTLE WAS WORKING ON THIS ONE -- [ LAUGHTER ] I'LL BE GRATEFUL FOR THE ASSIST. THIS IS THE MAP YOU'VE SEEN BEFORE, WHICH REFLECTS CURRENT ZONING IN THE AREA. SO I DON'T THINK THERE'S MUCH QUESTION THAT IT NOT ONLY IS CONSISTENT WITH CURRENT ZONING, BUT IF YOU'LL RECALL IN OUR LAST DISCUSSION, CLEARLY A PART OF CORE DOWNTOWN WITH REGARD TO THE DOWNTOWN DESIGN GUIDELINES. WITH REGARD TO THE TIA, I WILL TELL YOU AGAIN THAT BE THE STAFF HAS LOOKED AT THIS UP ONE SIDE AND

DOWN THE OTHER. I DON'T THINK THERE'S ANY QUESTION THAT THE STAFF FEELS JUSTIFIED IN WAIVING A TIA. IT SERVES LITTLE PURPOSE WITH THIS AMOUNT OF TRAFFIC. ALSO WITH REGARD TO THE CURE DISTRICT BEING APPROPRIATE, I DON'T BELIEVE YOUR STAFF WOULD HAVE SUPPORTED THIS ZONING CASE IF THEY FELT LIKE THIS CASE DIDN'T MEET THOSE STANDARDS. WITH REGARD TO DMAINGZ THE PROJECT, THAT'S ONE OF THE THANK THE CONDITIONAL OVERLAYS DO I THINK RATHER WELL AND THAT IS IF THERE IS GOING TO BE A PROJECT THAT IS TALLER THAN 60 FEET, IT'S GOING TO HAVE TO CONFORM WITH THOSE CONDITIONAL OVERLAYS. THAT INCLUDES 75 PERCENT RESIDENTIAL. THAT INCLUDES STEP BACKS ON BOTH SEVENTH STREET AND RIO GRANDE. IT INCLUDES GREAT STREETS. IT INCLUDES PROHIBITIONS ON THOSE YIEWS. SO THOSE THINGS DON'T GO AWAY IF FOR SOME REASON THE MARKET CHANGES, FOR ANYONE TO TAKE ADVANTAGE OF THE ADDITIONAL HEIGHT THAT HOPEFULLY YOU WILL GRANT, THEY MUST MEET ALL OF THOSE TERMS. FINALLY WITH REGARD TO PUBLIC BENEFIT AND PERHAPS EVEN AN ENVIRONMENTAL BENEFITS, I GUESS I WOULD START AT THE MACRO LEVEL AND WORK DOWN. ONE OF THE THING WE TALKED ABOUT TWO WEEKS AGO WAS THIS PROJECT BEING CONSISTENT WITH WHERE WE'VE PREVIOUSLY DECIDED WE WANT DENSITY. WE'RE NOT BREAKING NEW GROUNDS. THIS IS IN AN AREA THAT IS AGAIN IS CORE DOWNTOWN ON THE STUDIES IS HE AND IS CONSISTENT WITH THE ZONING MAP. PART OF THAT PHILOSOPHY IS TO PUT DENSITY HERE AND NOT TO EXPAND IT INTO THE SUBURBS. SECONDLY I WOULD TELL YOU WITH REGARD TO PUBLIC BENEFITS, WE STARTED THIS PROCESS BY TALKING WITH A LARGE VARIETY OF FOLKS IN THE NEIGHBORHOOD. THE VERY FIRST THING THAT THEY ASKED US TO DO AS A, QUOTE, PUBLIC BENEFIT, WAS TO BURY TWO FLOORS OF UNDERGROUND PARKING. THAT'S DONE AT A COST OF ABOUT \$25,000 PER SPACE GIVEN THE ROCK THAT EXISTS IN THIS AREA. SO AT THE VERY FIRST, THE FIRST DECISION WE MADE, WAS TO SPEND ANOTHER TWO AND A HALF MILLION DOLLARS IN ORDER TO REDUCE THE AMOUNT OF AN ABOVE GRADE

PARKING AND TO PROVIDE THE AREA WITH SOME ADDITIONAL PARKING THAT THE COMMERCIAL BUSINESSES COULD USE IN THE AREA. THE OTHER THING THAT -- THE SECOND DECISION WE MADE WAS TO -- [ BUZZER SOUNDS ] -- GO TO GREAT LENGTHS TO KEEP RANCH 616. AND I THINK IF YOU LOOK AT COSTS, WE HAVE A DIRECT COST OUT LAY THERE OF ABOUT JUST SHORT OF HALF A MILLION DOLLARS AND THEN IF YOU LOOK AT THE LOST BENEFIT, IF YOU WILL, AND NOT DEVELOPING A BUILDING THAT COULD BE A FIVE-STORY BUILDING WITH UNDERGROUND PARKING ON THAT SITE, CONSERVATIVELY THAT'S A LOSS OF VALUE TO THE, QUOTE, PROJECT OF WELL IN EXCESS OF TWO TO THREE MILLION DOLLARS, PERHAPS IN EXCESS OF FIVE MILLION DOLLARS. SO I DON'T THINK THAT THE PROJECT IS SHORT PUBLIC BENEFITS. WHEN YOU EVALUATE THE BALANCE OF THEM, I THINK THIS PROJECT HAS DONE AN AGGRESSIVE JOB OF TRYING TO MEET THE PUBLIC NEEDS IN THIS AREA. AFFORDABLE HOUSING AND THE SHOAL CREEK GREENBELT ARE PART OF THOSE, BUT NOT THE ONLY PUBLIC BENEFITS WE'VE ADDRESSED. LET ME CLOSE AND I'LL BE BE HAPPY TO ANSWER QUESTIONS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

MUST BE PEDESTRIAN ORIENTED USES. ACCESS TO THE PARKING GARBAGE SHALL RESTRICT RESIDENTIAL ACCESS TO RIO GRANDE STREET. LOADING SPACES WILL BE FROM THE ALLEY. COCKTAIL LOUNGE USE NOT PERMITTED ANYWHERE IN THE DEVELOPMENT. DEVELOPMENT MAY NOT EXCEED 11 TO 1 FAR. THE PROJECT IS LIMITED TO LESS THAN 2,000 VEHICLE TRIPS PER DAY. 15-FOOT BUILDING SETBACK ON 7th STREET IS REQUIRED FOR ANY BUILDING OVER 68 FEET IN HEIGHT. THE [INDISCERNIBLE] BUILDING SET UP ON RIO GRANDE IS REQUIRED FOR ANY BUILDING OVER 68 FEET IN HEIGHT. THE FOLLOWING THREE ITEMS WOULD BE SUBJECT TO A PUBLIC RESTRICTIVE COVENANT. IF THE BUILDING OR STRUCTURES GO OVER 60 FEET IN HEIGHT, THE FIRST PUBLIC RESTRICTIVE COVENANT ITEM WOULD BE THE PARTICIPATION, THE GREAT STREETS PROGRAM FOR THE PORTIONS OF THE PROJECT FUNDING ALONG



RIO GRANDE, [INDISCERNIBLE] REQUIRED PARTICIPATION IN THE GREEN BUILDING PROGRAM OF TWO STAR LEVEL WOULD BE REQUIRED, THIRD, A LIVE MUSIC VENUE WOULD NOT BE PERMITTED ANYWHERE IN THE DEVELOPMENT IF THE BUILDING EXCEEDS 60 FEET IN HEIGHT. FINALLY THE FOLLOWING THREE ITEMS WOULD BE REMOVED FROM THE ORDINANCE THAT WAS -- THAT IS BEFORE US RIGHT NOW. FIRST DELETE THE ITEM A 2 IN THE DRAFT ORDINANCE SPECIFYING 60 FEET BETWEEN BUILDING ENTRANCES OR STRUCTURE FROM RIO GRANDE AND WEST 7th. SECOND DELETE THE REQUIRING ITEM I IN THE DRAFT ORDINANCE. THE [INDISCERNIBLE] SPACE ON RIO GRANDE WOULD BE PROVIDED AT A DEPTH OF NOT LESS THAN 24 FEET. THAT WOULD BE IN A PRIVATE RESTRICTIVE COVENANT IS MY UNDERSTANDING. FINALLY WE WOULD BE REMOVING THE -- THE CONTRIBUTION REQUIREMENTS REGARDING THE -- THE SHOAL CREEK GREENBELT AND THE AFFORDABLE HOUSING AND WE RECEIVE A PLEDGE FROM A LETTER THAT SAID MY MOTION IS TO REMOVE THAT FROM THE DRAFT ORDINANCE. SO IN OTHER WORDS THE APPROVAL OF THE DRAFT ORDINANCE WITH THE FOLLOWING CHANGES THAT I JUST READ OUT ON SECOND AND THIRD READING.

IS THERE A SECOND? MOTION BY EXAM, SECONDED BY COUNCILMEMBER LEFFINGWELL.

MAYOR PRO TEM? IT'S -- IF I MAY, MAYOR WYNN ASKED ME TO READ INTO THE RECORD THAT THERE ARE 19 CITIZENS SIGNED UP AGAINST AND 38 CITIZENS FOR AND 0 CITIZENS NEUTRAL.

Dunkerly: THANK YOU VERY MUCH. ARE THERE ANY OTHER QUESTIONS BEFORE WE -- BEFORE WE HAVE OUR VOTE? ALL OF THOSE IN FAVOR PLEASE SAY AYE.

AYE.

THE MOTION WAS APPROVED ON A COUNT OF 6-1 WITH THE MAYOR TEMPORARILY OFF THE DAIS, 6-0 OKAY. WE DON'T COUNT HIM AS A NO JUST BECAUSE HE'S NOT HERE. 6-0. THANK YOU VERY

MUCH, STAFF, I GUESS WE WILL GO ON TO ITEM NO. 65. HOPEFULLY THE MAYOR WILL BE BACK SOON.

YES, MAYOR PRO TEM AND COUNCIL, I WILL GENERALLY READ THESE INTO THE RECORD. I'M LOOKING OUT IN THE AUDIENCE BECAUSE I DON'T SEE THE PARTIES, THEY PROBABLY HAVE BEEN NEGOTIATING THESE ITEMS. AND -- IN THE AUDIENCE. BUT I KNOW THAT THERE'S -- THEY ARE PROBABLY PRESENT AND WOULD LIKE TO SPEAK TO THESE TWO ITEMS. LET ME PRESENT AND START READING INTO THE RECORD THESE TWO ITEMS. ITEM NO. 65 IS CASE NPA-06-..... NPA-06-0019.01, EAST AVENUE P.U.D. THIS IS TO APPROVE AN ORDINANCE AMENDING ORDINANCE NUMBER 040826-56 OF THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN, AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO ESTABLISH HIGH DENSITY MIXED USE DESIGNATION ON THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 3400 NORTH IH 35, CON.... CONCORDIA COLLEGE. THE PLANNING COMMISSION RECOMMENDATION WAS TO APPROVE HIGH DENSITY MIXED USE DESIGNATION, RELATED IS ITEM NO. 66. C814-06-0175 - East Avenue PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 North IH-35 Service Road (Waller Creek and Boggy Creek Watersheds) from general office-neighborhood plan (GO-NP) combining district zoning; limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning; and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO PLANT THE P.U.D.-NP COMBINING DISTRICT ZONING. THE PLOT AS I MENTIONED BEFORE -- THE PROPERTY AS I MENTIONED BEFORE IS LOCATED IN THE 3400 MOCK OF NORTH I-35, IS COMPRISED OF APPROXIMATELY 22.05 ACRES.

Mayor Wynn: IF YOU ALL COULD HOLD YOUR CONVERSATIONS DOWN IN THE BACK AND/OR OUT IN THE FOYER, WE WOULD APPRECIATE IT. THANK

YOU.

PARDON ME, THANK YOU.

THANK YOU, MAYOR. THE PROPERTY WAS ON THE EAST SIDE BY INTERSTATE 35 TO THE NORTH THERE IS EXISTING SF 3 CO-NP ZONING, SINGLE FAMILY HOMES. SOME BUSINESSES, OFFICES, RESTAURANTS. APARTMENTS, TO THE WEST SF 4, GO, MU PROPERTY COMPRISED OF CONDOMINIUMS, A CHURCH SCHOOL AND SOME OTHER APARTMENT PROJECTS. SOME OTHER RESIDENTIAL DWELLINGS, TO THE SOUTH OF ST. DAVID'S HOSPITAL, IT'S -- IT'S CURRENTLY ZONED PD AND GENERAL AREA ACCESS IS PRIMARILY TAKEN TO THIS TRACT FROM INTERSTATE 35 AND EAST 32<sup>nd</sup>. THERE IS ACCESS TO THE TRACT CURRENTLY TO HARMON AVENUE. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO APPROVE THE PLANNED UNIT DEVELOPMENT WAS PROPOSED BY THE APPLICANT AND THEN AS MODIFIED BY CERTAIN CONDITIONS THAT ARE LISTED IN YOUR BACKUP. THESE WILL INCLUDE 11 ITEMS THAT -- THAT INCLUDED EAST AVENUE P.U.D. TERMS, DEFINED STREET, DRIVE, NETWORK PLAN, A BLOCK PARCEL PLAN WITH PRINCIPAL USES DEFINED FOR PARCEL, SPECIFIC DEFINED HEIGHTS, STEP BACKS, PER PARCEL TO ENSURE NEIGHBORHOOD COMPATIBILITY. DESIGN STANDARDS AND MIXED USE ORDINANCE APPLICATIONS, GREAT STREETS, STREET SCAPE STANDARDS WITH CROSS-SECTIONS, AND YOU HAVE JET HIKE AND BIKE TRAIL GREEN WAY AND THERE WOULD BE PROVIDED AFFORDABLE LIVING, INCLUDING CAR SHARE FOR 5% -- 80 MFI, OPEN SPACE AND GREEN SPACE WITH -- TREE PRESERVATION, SUSTAINABLE, ENVIRONMENTAL SITE AND BUILDING DESIGN, ALL URBAN CORE PARKING STANDARDS, ALL OFF-SITE TIA RECOMMENDATIONS AND ROADWAY IMPROVEMENTS. ALSO INCLUDED WERE THE REQUIREMENT OF THE TRAFFIC IMPACT ANALYSIS. THIS IS APPROVED BY THE COMMISSION ON A SPLIT -- SPLIT VOTE. JUST SOME HIGHLIGHTS OF THE PROJECT AS IT WAS ORIGINALLY SUBMITTED, THE ORIGINAL REQUEST PROPOSED IMPERVIOUS COVER ABOUT 85%, THERE WAS AN INTEGRATED PEST

MANAGEMENT PROGRAM, A TWO STAR AUSTIN GREEN BUILDER, UTILIZATION OF GREEN ROOFS THROUGHOUT THE PROJECT FOR BUILDING OVER 200 FEET, RAIN WATER HARVESTING, ALSO A WELL CONFIGURED OPEN SPACES THAT ARE WOVEN INTO THE PROJECT THROUGH LANDSCAPE INTERNAL DRIVEWAYS. THAT THERE BE USE OF NATIVE PLANTS. ADAPTED PLANTS FOR LANDSCAPING. RECREATION OF A -- SOMETHING SIMILAR TO OUR SECOND STREET ENVIRONMENT WITH TREES PLACED EVERY 60 FEET. THERE WOULD BE COMPATIBILITY AMONG THE BUILDINGS. THAT WOULD MIMIC THE CITY'S DESIGN STANDARDS. THE BASE ZONING WOULD BE FOR GR. ALL LAND USES YOU AND THE GR MF 6 WOULD INCLUDE ADMINISTRATIVE SERVICES, COCKTAIL LOUNGES ON COLLEGE UNIVERSITY FACILITIES, CUSTOM MANUFACTURING, FOOD PREPARATION, HOSPITAL SERVICES, LIMITED AND GENERAL, LIQUOR SALES, OUTDOOR ENTERTAINMENT, PARK AND RECREATION SERVICES GENERAL, SPECIAL, PLANT NURSERY. THERE WOULD BE A MAXIMUM FLOOR TO AREA RATIO OF 3.25 AND THERE WOULD BE A HEIGHT AS DEPICTED ON THE LAND PLAN WHICH I UNDERSTAND HAS BEEN REVISED. IN ADDITION THEY ASK THAT THERE ARE TWO WAIVERS THAT WOULD BE PROVIDED, ONE WOULD BE FROM ARTICLE 10 OF THE COMPATIBILITY STANDARD WITH RESPECT TO HEIGHTS AND SETBACKS AND WAIVER FROM 25 TO -- TO 243, DISTRICT BOUNDARIES WOULD BE CONTIGUOUS. WITH THAT I THINK THAT I WILL PAUSE AND I UNDERSTAND THAT THERE IS SOME AGREEMENT THAT THERE WILL BE ONE PARTY SPEAKING, JANNA MCCANN, AT LEAST 10 INDIVIDUALS BEYOND JANNA MCCANN'S PRESENTATION, WHICH IS SPEAKING I GUESS THAT YOU COULD SAY BASICALLY ON BEHALF OF THE NEIGHBORHOOD AND THE APPLICANTS INTERESTS ON THIS. AND 10 INDIVIDUALS I'M NOT SURE MAYOR WHO ALL THOSE FOLKS ARE. BUT THEY WANT TO SPEAK INDIVIDUALLY. TO THE PROJECT, WE DO HAVE THE AGENT ALICE GLASGO AND RICHARD SUTTLE ARE HERE THIS EVENING. IT IS MY UNDERSTANDING AT THIS MOMENT THAT NEITHER WOULD SPEAK UNLESS REQUESTED OR IF THERE'S A CONCERN RAISED BY ONE OF THE OTHER SPEAKERS

THAT THEY MAY WISH TO REBUT THE PRESENTATIONS MADE BY THE INDIVIDUALS. THAT'S MY UNDERSTANDING AS OF ABOUT FIVE OR 10 MINUTES AGO. I WOULD PAUSE BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

QUESTIONS OF STAFF, COUNCIL? SO -- SO MS. TERRY YOU DON'T HAVE A PROBLEM WITH US SIMPLY I GUESS WAIVING OUR TYPICAL PUBLIC HEARING RULES AND TAKE IT IN THIS SEQUENCE WHICH WE VERY MUCH APPRECIATE HEARING FROM MS. MCCANN PERHAPS AS PART OF THE FACILITATION TEAM. AND THEN JUST HAVING FOLKS -- NOT HAVING A FORMAL PRESENTATION THEN BY WHAT WOULD OTHERWISE BE THE APPLICANT AND HEARING FROM FOLKS WHO FEEL A NEED TO GIVE US MORE INFORMATION. LIKELY THOSE WHO HAVE BEEN IN OPPOSITION.

MAYOR, I DO NOT. I UNDERSTAND THIS IS BY AGREEMENT. ONE THING THAT I DO WANT TO CLARIFY FOR THE RECORD, ON THE SCREEN I SEE THAT THIS INDICATES THAT IT IS ITEM 65. IT IS MY UNDERSTANDING THAT WE HAVE CALLED BOTH ITEM 65 AND 66 UP TOGETHER AND THAT THIS IS A JOINT PRESENTATION ON BOTH ITEMS. MAKE SURE THAT THE RECORD IS CLEAR ON THAT.

Mayor Wynn: THANK YOU VERY MUCH. AGREED.

THANK YOU, I'M JANNA MCCANN WITH THE ROMA DESIGN GROUP, HAVE BEEN HIRED TO REPRESENT BOTH PARTIES WITH AN URBAN DESIGN BASED GOOD PRACTICES AGREEMENT ABOUT THIS MIXED USE DEVELOPMENT BEING PROPOSED BY MR. [INDISCERNIBLE] EAST AVENUE INVESTMENT GROUP. THIS IS JUST A SORT OF A RECAP OF THE BASIC DEVELOPMENT PROGRAM AND IT'S QUITE APPROXIMATE EXCEPT FOR ONE ITEM. THERE'S A QUARTER MILLION SQUARE FEET OF RETAIL AND MIXED USE, INCLUDING RESTAURANTS AND COMMERCIAL USES. MOST OF WHICH WOULD BE LOCATED ON THE GROUND FLOORS OF THE BUILDINGS. THE ONLY EXCEPTION THAT TO THAT PROBABLY WOULD BE A SPA THAT MIGHT BE ASSOCIATED WITH A SPECIAL HOTEL USE. THEN

THERE'S ROUGHLY 1250 RESIDENTIAL DWELLING UNITS, INCLUDING MULTI-FAMILY CONDOMINIUM AND MULTI-FAMILY APARTMENTS AND EVEN SOME SINGLE FAMILY DWELLING UNITS. THEN WE HAVE CAPPED, PART OF THE AGREEMENT, 175,000 SQUARE FEET OF MEDICAL OFFICE. THERE'S A ROUGHLY 135,000 SQUARE FEET OF GENERAL OFFICE, AGAIN AN INTEREST ON THE DEVELOPERS PART TO BRING A SPECIAL HIGH END HOTEL, FOUR TO FIVE STAR, THAT WOULD BE KIND OF A CROSS BETWEEN A LUXURY AND A CONFERENCE HOTEL. SO THIS IS SIMILAR BUT IT'S A LOT MORE DEVELOPED THAN WHAT YOU SAW A COUPLE OF WEEKS AGO. A CONCEPTUAL INTERNAL DRIVE AND BLOCK PLAN THAT WE DEVELOPED. GIVEN THE EXISTING CONDITIONS OF I-35 WHICH IS AT THE BOTTOM OF THE SCREEN AND WHERE WE HAVE DRIVEWAYS THAT WE WOULD HAVE TO ADHERE, EXISTING CURB CUTS THAT WE MUST COMPLY WITH, THEN ON THE LEFT SIDE OF THE SCREEN IS 32nd STREET, NORTH IS TO YOUR RIGHT, ON THE VERY NORTH END WHEN YOU SEE THE NORTHERN DRIVE WITH TREES, THAT'S CONCORDIA AND RED RIVER WOULD BE ACTUALLY ABOVE THE SCREEN AND OUT. SO YOU SEE THE OVERALL P.U.D. PROPERTY AREA AND JUST TO SIMPLIFY WE HAVE GIVEN THEM PARCEL NAMES. WHAT WE HAVE TRIED TO DO HERE IS REALLY CREATE A GREAT SORT OF NORTH-SOUTH OR FROM LEFT TO RIGHT DRIVEWAY THAT WOULD ANCHOR RETAIL USES ON THE GROUND FLOOR AND REALLY CREATE A SORT OF CENTRAL FOCAL POINT BY THE INTRODUCTION OF THIS OVAL SHAPED PLAZA OR GREEN THAT YOU SEE IN THE MIDDLE OF THIS STREET NETWORK. THAT WOULD GIVE ON TO A HOTEL PARCEL WHICH IS LABELED D AND THEN THE PARCELS -- ACTUALLY FOUR PARCELS THAT WOULD CIRCULATE AROUND IT. THERE'S ALWAYS THE ADDITIONAL PARKLAND THAT WOULD BE PRIVATELY OBEYED BY OPERATE AS A PUBLICLY ACCESSIBLE PARK THAT YOU SEE, I THINK THAT'S F, THAT PARCEL E ACTUALLY, WHICH IS .7 ACRES. SO THIS IS -- THIS IS THE PARCEL PLAN THAT WE DEVELOPED AFTER TAKING, CREATING A STREET NETWORK THAT WOULD FLOW THROUGH THE SITE AND CONNECT TO EXISTING STREETS IN THE UP WARD PART OF THE -- OF THE SLIDE. TO DUNCAN

LEAN AND LUTHER LANE AND CONNECT ALSO TO HARMON STREET, WHICH IS ON YOUR FAR RIGHT. SO THIS -- THIS BREAKS UP THE BLOCKS INTO MANAGEABLE SIZES AND IS REALLY DOING THE LARGE PART, THE LARGE WORK OF REALLY CREATING A NICE SCALE FOR THIS AREA. LET'S GO AHEAD AND GO TO THE NEXT SLIDE. I'M GOING TO SHOW YOU SECTIONS NOW, STREET SCAPE SECTIONS THAT THE DEVELOPER COMMITTED TO COMPLYING WITH THAT RESEMBLE THE GREAT STREETS SECTIONS THAT WE CREATED IN THE DOWNTOWN. THIS IS THE SECTION FOR THE NORTH, SOUTH INTERNAL DRIVEWAY THAT CONNECTS 32<sup>nd</sup> STREET THROUGH TO HARMON STREET. IT WOULD BE TWO-WAY. WITH SHARED CAR AND BIKE LANES, PARALLEL PARKING ON BOTH SIDES WITH A RANGE OF 12 TO 18-FOOT SIDEWALKS AND STREET TREES ALONG THE EDGE AS WELL, ALONG BOTH EDGES. STREET TREES PLANTED TO A FAIRLY GOOD CALIPER AT THE BEGINNING FIVE INCHES, REALLY FOLLOWING THE GREAT STREETS STANDARDS THAT HAVE BEEN PRETTY WELL ESTABLISHED AT THIS POINT. SO MORE THAN ONE EVERY 60 FEET. MORE LIKE ONE EVERY 25 FEET. NEXT SLIDE PLEASE. THE EAST-WEST DRIVES, CONNECTING I-35 AND GO THROUGH AND EVENTUALLY CONNECT THROUGH TO RED RIVER WOULD BE SMALLER STREETS, NARROWER STREETS, WITH 11-FOOT WIDE CAR LANES AND 8-FOOT PARKING ON EITHER SIDE WITH THE 12 TO 18-FOOT SIDEWALKS AND LANDSCAPE DEPENDING ON WHERE THEY ARE IN THE PROJECT. IF THEY ARE RIGHT ON A RETAIL LEDGE, THEN THEY WILL BE 18 FEET. IF THEY ARE ON THE SORT OF LOWER SCALE EDGE ON CONCORDIA WHERE WE ARE HAVING MOSTLY RESIDENTIAL STOREFRONTS, THEN THERE WOULD BE A SMALLER SIDEWALK. BUT THOSE WOULD GIVE YOU A MINIMUM AND MAXIMUM THAT THE DEVELOPER WOULD HAVE TO COMPLY WITH. THAT WOULD BECOME PART OF THE P.U.D. ORDINANCE. NEXT SLIDE PLEASE. THEN AROUND THE OVAL, WE ARE SEEING THAT AS WE ARE PROVIDING ONE WAY KIND OF ALMOST OPERATING LIKE A ROUNDABOUT, SO WE ARE HAVING A 15-FOOT SHARED CAR AND BIKE LANE AS WELL AS AN 8-FOOT ZONE THAT WOULD BE PRIMARILY USED FOR DROPOFF FOR CUSTOMER

SERVICE ZONE, PROBABLY NOT FOR PARKING BUT THE SPACE IS THERE TO ASSIGN AS NEEDED AND THEN 18-FOOT SIDEWALKS BECAUSE THIS IS THE CENTRAL FOCAL POINT PLACE OF THIS DEVELOPMENT. NEXT SLIDE, PLEASE.

THEN FINALLY THERE'S A SMALL DRIVE THAT'S REALLY PROVIDING ACCESS FOR AN UNDERGROUND PARKING TO A MULTI-FAMILY BUILDING THAT'S IN THE FAR NORTHWEST CORNER OF THE SITE, SO THIS IS THE DRIVE THAT'S FLANKING THE WESTERN EDGE OF THE PROPERTY WITH THE CHURCH EDGE AND SO YOU SEE THE CHURCH EDGE ON YOUR LEFT WITH A MASONRY WALL AND LANDSCAPING AND THEN JUST SINGLE LAYING OF TRAFFIC, EITHER DIRECTION, 8-FOOT PARKING AND THEN YOU WILL BE SEEING A 12-FOOT STONE FOR LANDSCAPE AND SIDEWALK AND THEN TO YOUR RIGHT WOULD BE THE STOOPS FOR THE MULTI-FAMILY THAT YOU PROBABLY STEP UP TWO OR THREE STEPS AND GET TO THAT LEVEL. NEXT PLEASE, THIS IS THE MAXIMUM BUILDING HEIGHT ZONES PLAN. THIS WAS THE RESULT OF A LOT OF WORK WITH THE NEIGHBORHOOD AND TRYING TO REALLY PROTECT THOSE AREAS. PRIMARILY TOWARD THE RIGHT OR TOWARDS THE NORTH AND WEST AND REALLY SCALE THOSE HEIGHTS DOWN TO THE NEIGHBORHOOD. SO YOU SEE THE LIGHTER COLORS, THE LIGHTER YELLOW IS THE -- THE VERY LOWEST, YOU SEE 35-FOOT HEIGHTS THAT ARE FLANKING HARMON AND EVEN CONCORDIA, THEN ON THE I-35 FRONTAGE YOU SEE A COMMERCIAL PROBABLY PROPERTY THAT'S 65-FOOT HEIGHTS. SO - - SO THAT IS THE CRITICAL EDGE AND KIND OF CREATING GOOD NEIGHBORHOOD COMPATIBILITY WHERE WE HAVE ATTEMPTED TO -- YOU KNOW, REALLY CREATE A NICE LITTLE STREET SCAPE FOR CONCORDIA THAT IS RESIDENTIALLY SCALED AND WE ARE SEEING RESIDENTIAL USES ON BOTH SIDES OF THE STREET THERE. THEN MOVING TO YOUR LEFT AND TO THE -- TO THE BOTTOM OF THE SCREEN, THE LARGE PARCEL, THAT YOU SEE IN KIND OF THE MEDIUM BROWN COLORS, THE 90-FOOT HEIGHT, WHICH WOULD THEN STEP DOWN TOWARDS THE NORTH-SOUTH SPINE TO 65 FEET AND THEN JUST DIRECTLY ABOVE THAT IS WHAT WE ARE



THINKING OF AS PRIMARILY A MULTI-FAMILY SITE. WHICH WOULD -- WHICH WOULD HAVE TWO STEPS ALONG CONCORDIA IT'S ONLY 40 FEET, STEPS UP TO 64 FEET ANOTHER TWO FLOORS AND THEN ANOTHER COUPLE OF FLOORS TO AN OVERALL 88-FOOT HEIGHT. SO WE ARE BUILDING UP TOWARDS AS WE ARE MOVING SOUTHWARD OR TO YOUR LEFT. AND THEN MOVING ACROSS THE OVER VALVE AND DOWN BY I-35 BOTTOM EDGE THAT WE HAVE ESTABLISHED 120-FOOT OVERALL MAXIMUM FIGHT, AGAIN WITH THAT STEP DOWN WHERE WE ARE TRYING TO CREATE A LOWER SCALE STREET WHILE IT'S STILL AT 65 FEET BASICALLY ALONG THAT WHOLE NORTH-SOUTH SPINE. DIRECTLY TO THE WEST OF IT, TO THE TOP OF YOUR SCREEN YOU SEE THE HOTEL SITE, WHAT YOU SEE SORT OF A -- OF A TOWER FORMED THERE IN THE MIDDLE. WHAT WE HAVE DECIDED TO DO, WHAT WE HAVE NEGOTIATED IS THAT SITE WOULD HAVE AN OVERALL 90-FOOT HEIGHT LIMENT WITH THE EXCEPTION OF A CERTAIN KIND OF HIGHER END HOTEL USER SECURED THEN THE NEIGHBORHOOD WOULD BE WILLING TO ALLOW FOR A TOWER TO BE LOCATED ON THAT SITE AND ONLY IN THE SOUTH -- SOUTHWEST -- SOUTHEASTERLY QUADRANT OF THAT SITE. SO THIS DIAGRAM SHOWS YOU WHERE IS THE TOWER, CAN IT BE LOCATED AND IT GIVES YOU A FINAL TOWER OF HEIGHT AS WELL. 182 FEET. THE HEIGHTS HERE HAVE BEEN BASED ON A VERY CAREFUL CALCULATION OF FLOOR TO FLOOR HEIGHTS, WHAT IS THE BALLROOM FLOOR TO FLOOR HEIGHT NEED TO BE, WHAT DOES THE GROUND FLOOR RETAIL NEED TO BE, WHAT'S TYPICAL HOTEL ROOM HEIGHTS AND CONDOMINIUM HEIGHTS. THERE WOULD BE TYPICALLY WITH THIS HOTEL TYPE YOU WOULD HAVE A CONDOMINIUM ELEMENT AT THE -- IN THE TOWER SPACES. THAT'S HOW WE HAVE COME UP WITH SOME OF THESE FAIRLY PRECISE HEIGHTS COMING UP HERE. THIS IS ONE OF THE DETAILS THAT WE DO NEED TO WORK OUT IS EXACTLY WHAT ARE THE SORT OF CONDITIONS THROUGH WHICH -- WHAT ARE THE -- WHAT IS THE TYPE OF HOTEL THAT WOULD BE ACCEPTABLE TO THE NEIGHBORHOOD AND THEN ALLOW FOR A TOWER. OTHERWISE IT'S 90 FEET PERIOD. THEN MOVING

ACROSS TO THE PARK, THE PARCEL, TO THE FAR LEFT AND UP IS A -- IS A 65-FOOT HEIGHT LIMITED, WE THINK THAT'S PROBABLY GOING TO BE A -- WANT TO HAVE A RESTAURANT ON THE GROUND FLOOR, MOVING UP TO THE PARK, POSSIBLY THREE STORIES OF OFFICE ABOVE. THEN TO -- TO THE EAST OF THAT OR TO THE LOWER PART OF THE SCREEN. YOU SEE A SIGHT THAT'S GOT A LARGE PODIUM OR PLINTH THAT'S CAPPED AT 80 FEET THEN THE POSSIBILITY OF POTENTIAL OF TWO TOWERS THERE. ONE AT 195 WHICH WOULD CORRESPOND TO A CONDOMINIUM CONSTRUCTION AND ONE AT 185.5, WHICH WOULD CORRESPOND TO APARTMENT RENTAL PROBABLY UNITS: THIS WOULD [INDISCERNIBLE] AS LONG AS ALONG 32nd STREET TO SCALE DOWN TO THOSE TWO SIDES. THAT'S THE BASIC LAYOUT OF THE HEIGHTS. I WANT TO SAY BEFORE WE GET INTO THE KIND OF GENERAL TERMS OF THE P.U.D. AGREEMENT, THAT -- THAT EVERYTHING THAT I HAVE SAID TO YOU TODAY IS ALL CONTINGENT ON THE ENTIRE PACKAGE BEING ACCEPTABLE TO BOTH PARTIES. IN OTHER WORDS, THESE HEIGHTS WE NEED TO GET DOWN TO THE FINE DETAIL OF ALL OF THE TERMS IN ORDER FOR THE -- FOR THE PACKAGE TO BE -- YOU KNOW, CONSIDERED AS A TOTALITY. SO I JUST WANTED TO -- FOR BOTH PARTIES PRIVILEGES WE NEED TO UNDERSTAND THAT AND HOLD THAT THROUGH THESE READINGS. SO WE ARE STILL WORKING NEXT SLIDE PLEASE ON A FEW ITEMS. THE LEGAL DEFINITION FOR SOME OF THE P.U.D. TERMS THAT WE ARE TALKING ABOUT, I THINK ALL OF THE TERMS THAT WE PROPOSED IN THE LAST TIME YOU SAW US, WHICH WERE 11, NOW THERE'S 21. THE ORIGINAL 11 ARE STILL IN HERE IN ONE FORM OR ANOTHER. THE FIRST ONE IS THAT THE DEVELOPER MUST COMPLY WITH THIS CONCEPTUAL DRIVE AND BLOCK PLAN THAT I SHOWED YOU, AS WELL AS THE STREET SCAPE CROSS-SECTIONS AND THE MAXIMUM BUILDING HEIGHT ZONE PLAN. WE NEED TO DEVELOP ALSO FOR -- FOR LEGAL REASONS REALLY A ZONING DISTRICT DEFAULT THAT THIS CAN BE DESCRIBED TO FIT WITHIN. SUCH AS DMU OR CS, THAT, YOU KNOW, IN THE CASE OF FUTURE I GUESS SUBDIVISION OF THIS PROPERTY THAT THAT -- THAT THERE NEEDS TO BE SOME KIND OF BASE

ZONING DISTRICT. THAT WE NEED TO DETERMINE THAT. WE NEED TO DETERMINE THE MAXIMUM IMPERVIOUS COVER LIMIT. WE PROBABLY ARE CLOSE TO DOING THAT. WE THINK THAT IT'S IN THE ORDER OF 85%, WHICH IS GOING -- WHICH HAS BEEN THE STAFF RECOMMENDATION ALL ALONG. WE HAVE AGREED TO CAP THE 175,000 SQUARE FEET MEDICAL OFFICE USES. WE HAVE A LIST GOING OF PROHIBITED USES. THAT I THINK THAT WE HAVE LARGE AGREEMENT ON. BUT AGAIN WE WOULD LIKE SOME OPPORTUNITY TO JUST FINE TUNE THAT. WE HAVE AGREED TO HAVE THE URBAN CORE PARKING STANDARDS, WHICH ALLOWS FOR A 20% REDUCTION IN THE OVERALL PARKING NUMBERS. WE -- THE DEVELOPERS AGREED TO COMPLY WITH THE DESIGN STANDARDS AND MIXED USE ORDINANCE FOR THE COMMERCIAL DESIGN STANDARDS. THERE'S A -- THERE'S A LIST, ALSO, OF MORE PROJECT SPECIFIC DESIGN GUIDELINES THAT ROMA WILL BE CREATING THAT WILL HELP WITH THE -- KIND OF THE SPECIFIC ISSUES OF THIS SITE WHICH ARE THE -- THE THREE WAY ENVIRONMENT AND ALLOWING FOR PARKING GARAGES TO FACE THAT EDGE, FREEWAY ENVIRONMENT. WE WANT TO MAKE SURE THAT THERE'S A GOOD ARCHITECTURAL TREATMENT FOR THOSE GARAGES. IN OTHER WORDS WE ARE NOT TRYING TO CREATE A PEDESTRIAN ORIENTED I-35 FRONTAGE ROAD. WE ARE ACCEPTING THAT THAT'S WHAT IT IS. IT'S A FAIRLY HOUSEHOLD ENVIRONMENT THAT WE STILL ARCHITECTURALLY WANT TO HAVE SOME CONTROLS OF WHAT THAT LOOKS LIKE. WE HAVE A MAXIMUM FOOTPRINT FOR THE TWO TOWERS, RESIDENTIAL TOWERS ON THE SOUTHERN, SOUTHEASTERN BLOCK IN THE ORDER OF 16,000 SQUARE FOOT FLOOR FLAITS. WE WANTED TO DEFINE A LITTLE BIT OF FLEXIBILITY IN THAT, MAYBE FIVE OR 10% EITHER WAY FOR EACH OF THE TOWERS. WE ALSO WANT TO DEFINE AND LIMIT CERTAIN RETAIL USES SUCH AS THE GROCERY STORE. WE MIGHT WANT TO ALLOW THAT BUT LIMIT THE MAXIMUM SQUARE FOOTAGE AND SO THOSE ARE THE KIND OF DETAILS THAT WE WOULD LIKE A LITTLE BIT MORE TIME TO WORK OUT. WE DEFINITELY WANT TO HAVE THE ONE ACRE AND PUBLICLY ACCESSIBLE GREEN SPACE AND PLAZA

SPACE. THE DEVELOPERS AGREE TO PAY INTO A CONTRIBUTION OF \$750,000 THAT WOULD BE EARMARKED FOR NEIGHBORHOOD PARKS IMPROVEMENTS AND THIS IS -- IF HE IS NOT SUBJECT, WE DO NOT THINK HE IS, TO THE PARKLAND DEDICATION FEES OR PARKLAND DEDICATION. THE DEVELOPER HAS COMMITTED TO DOING ONSITE WATER QUALITY AND THROUGH SOME PRETTY INTERESTING SUSTAINABLE TECHS AND SITE DESIGN, AS WELL AS BUILDING DESIGN COMMITTED TO DO A TWO STAR GREEN BUILDING PROGRAM RATING, COMMITTED TO POSTING FISCAL FOR THE OFF-SITE TRAFFIC IMPACT ANALYSIS, RECOMMENDED ROADWAY IMPROVEMENTS AS WELL AS ONE OF THE THINGS THAT THIS -- THAT THIS DESERVES A LITTLE BIT MORE -- OF DETAIL ON OUR PART IS WHAT KINDS OF INTERNAL TRAFFIC CONTROLS FOR THOSE INTERNAL DRIVE STOP SIGNS, ET CETERA, TO ENSURE THAT THIS IS NOT GOING TO BE A HIGH SPEED PLACE. WHICH I THINK ALREADY BY THE DESIGN OF THE ROADWAYS WE HAVE GOT THAT. THEN THERE'S THE AFFORDABLE LIVING PROPOSAL THAT WE TALKED ABOUT LAST TIME WITH THE CAR SHARING PROGRAM. AND THEN THE COMMITMENT TO -- TO GIVING THE NEIGHBORHOOD PROBABLY THROUGH NEWSLETTERS AND WEBSITES, UPDATES THAT THE PROJECT DEVELOPS IN MORE DETAIL AND THEN THIS -- THIS IS A NEW ONE WHICH I THINK IS REALLY GREAT IS REQUIRED ARCHITECTURAL DESIGN REVIEW PROCESS. SO THAT THE -- THROUGH THE IMPLEMENTATION THERE IS A COMMITTEE THAT CAN REALLY JUDGE FOR THEMSELVES THAT THE -- THAT THE TERMS OF THE P.U.D. HAVE BEEN -- HAVE BEEN CLEARLY IMPLEMENTED IN THEIR SPIRIT AND -- AND ALSO MAKE SUBJECTIVE OPINIONS ABOUT IS THIS A GOOD LOOKING BUILDING, DOING WHAT IT SHOULD BE DOING, IS IT PERFORMING THE WAY THAT THE P.U.D. SET OUT. I THINK THAT'S A MAJOR POSITIVE THAT'S IN THIS -- IN THIS SET OF TERMS. THERE'S -- THERE'S A NUMBER 20 THAT WE WOULD LIKE TO SEE A NEIGHBORHOOD PLAN AMENDMENT THAT COULD ESTABLISH SOME PROTECTIONS FOR THE -- FOR THE REST OF THIS AREA FOR THE NEIGHBORHOOD CAN.... CANPAC IN TERMS OF HEIGHT LIMIT, WE

WOULD ALSO LIKE TO SEE THERE BE SOME DEVELOPMENT REGULATIONS FOR THE CHURCH PROPERTY ITSELF BECAUSE THEY HAVE SOME PLANS FOR NEW BUILDINGS AND THERE'S JUST AN INTEREST IN WANTING TO MAKE SURE THAT THEY ARE GOOD NEIGHBORS AND IF -- IF THAT CHURCH PROPERTY EVER IS SOLD THEN THAT THEY ARE UNDER SOME SORT OF A ZONING SITE DEVELOPMENT STANDARDS ENVELOPE. THEN FINALLY, THIS IS FAIRLY PROCEDURAL BUT THAT THE FUTURE LAND USE MAP REFLECTS THE PROPOSED ZONING CORRECTLY, THAT'S WITHIN THE P.U.D. THE BIG OUTSTANDING ISSUE THAT HAS NOT HAD A GOOD EVEN SORT OF CONCEPTUAL FRAMEWORK DEVELOPED YET IS AFFORDABLE HOUSING. THE -- THERE'S BEEN SOME MISUNDERSTANDINGS ABOUT THAT, THE DEVELOPER HAD ASSUMED THAT NO AFFORDABLE HOUSING UNITS WERE REALLY AS PART OF THIS -- OF THIS AGREEMENT, YOU DIDN'T REALLY REALIZE THAT HE WAS AGREEING TO ANY SPECIFIC NUMBER OF AFFORDABLE HOUSING UNITS SO THE HEIGHTS THAT WERE ESTABLISHED ABOVE, THERE'S JUST CONCERN THAT IF I HAD TO DO AFFORDABLE HOUSING, HOW DOES THAT CHANGE THOSE HEIGHTS. SO THIS IS -- THIS IS PROBABLY OUR KIND OF -- OUR MOST OUTSTANDING ISSUE THAT WE DON'T REALLY HAVE A CLEAR KIND OF CONCEPT FOR -- FOR -- WE WOULD LIKE SOME TIME TO WORK ON THAT AS WELL TO BRING THIS BACK TO YOU IN A WEEK. SO THAT -- THAT CONCLUDES THE OVERALL PRESENTATION. I WOULD BE HAPPY TO ANSWER QUESTIONS.

THANK YOU, MS. MCCANN, VERY IMPRESSIVE. QUESTIONS, COMMENTS, FOR MS. MCCANN?

THANK YOU, JANNA. THE UNDERSTANDING FROM MR. GUERNSEY WAS THAT OUR AGENTS, MS. GLASGO, MR. SUTTLE ARE HERE I GUESS AS RESOURCES FOR US TO ANSWER QUESTIONS, BUT THAT IN LIEU OF THE -- OF THE 18 OR SO PEOPLE WHO HAD SIGNED UP TO SPEAK, SOME I GUESS NOW ARE DECLINING, BUT THE NUMBER OF PEOPLE STILL WANTED TO ADDRESS US INDIVIDUALLY.

YES. STAFF BELIEVES THERE'S AT LEAST 10 INDIVIDUALS THAT WOULD WISH TO COME FORWARD AND PROVIDE INPUT AT -- IN THIS PUBLIC HEARING AND -- AND MR. SUTTLE AND MS. GLASGO MAY REBUT SOME OF THE TESTIMONY THAT'S GIVEN DEPENDING ON THE TESTIMONY GIVEN. SO THEY MAY ACTUALLY DECLINE AND WE WILL JUST HAVE TO KIND OF WAIT AND SEE I GUESS.

Mayor Wynn: OKAY. SO THEN I GUESS WHAT I WILL DO IS -- IS CALL -- IT'S NOT THAT MANY NAMES, 18 NAMES SIGNED UP WISHING TO SPEAK, I WILL CALL NAMES, FOLKS CAN EITHER STEP FORWARD AND ADDRESS US IF THEY WOULD LIKE OR COULD -- COULD JUST WAVE TO US. SO FOLKS THAT HAVE SIGNED UP ORIGINALLY WANTING TO SPEAK BEFORE WE CHANGED THE FORMAT WOULD INCLUDE KELLY RAMSEY, RYAN PENN, JANNA MCCANN.

WELCOME, MY NAME IS BRYAN PENN, WITH THE LUTHERAN CHURCH. WE HAVE BEEN WORKING WITH THE DEVELOPER. BASICALLY WE SUPPORT THE P.U.D. HOPEFULLY IT WILL REMAIN AS A CUL DE SAC. WHY OUR CONCERN IS BASICALLY THE SAFETY FOR OUR CHILDREN, AS LUTHER LANE IS CURRENTLY THE DROP OFF AND PICKUP AREA FOR THE PREK 3 THROUGH 8th GRADE ALONG WITH THE HIGH SCHOOL STUDENTS. CURRENTLY WE PULL UP TO THE CUL DE SAC AND IT'S A ONE-WAY STREET INTO OUR PARKING LOT BECAUSE WE HAVE LIMITED SPACE. WE FEEL IT WOULD BE A DETRIMENT TO OUR SCHOOL'S ABILITY TO MAINTAIN AND POSSIBLY SURVIVE IF THIS WAS -- MAIN THOROUGHFARE THROUGH I-35. IF OUR SCHOOL DOESN'T SURVIVE AND OUR OUTREACH DOESN'T SURVIVE, THEN THAT COULD AFFECT THE SURVIVABILITY OF THE OLDEST LUTHERAN CONGREGATION IN AUSTIN. WE WOULD JUST LIKE FOR Y'ALL TO CONSIDER -- OUR FEELINGS CONCERNING THIS MATTER AND TAKE THOSE INTO CONSIDERATION IF YOU WOULD, PLEASE. ANY QUESTIONS?

Mayor Wynn: QUESTIONS FOR MR. PENN, COUNCIL?

COUNCILMEMBER COLE?

Cole: CAN YOU TELL ME SPEFK CALIFORNIA, I'M FAMILIAR WITH THE STREET WHERE THE DROPOFF IS, SPECIFICALLY. WHAT IS BEING COMPLAINED ABOUT WITH THE PARTIES THAT YOU ARE CONCERNED ABOUT WITH YOUR DROPOFF.

OUR CONCERN IF THAT IS MADE A THOROUGHFARE, THE INCREASED TRAFFIC WOULD CUSS A SAFETY ISSUE WITH PEOPLE TRYING TO GO UP THE CURRENTLY LUTHERAN LANE I BELIEVE IS 28 FEET. IF THEY ARE PULLING UP FROM RED RIVER AND PEOPLE ARE EXITING THAT -- THAT WAY, WE WOULD HAVE A PROBLEM GETTING INTO THE PROPERTY AND THEN WE WOULD HAVE TO BE TURNING LEFT WITH CROSS TRAFFIC COMING. RIGHT NOW THE TRAFFIC THAT USES THAT -- THAT STREET BASICALLY ARE THE APARTMENTS, THERE'S A SMALL PARKING LOT FOR CONCORDIA RIGHT NOW, PROBABLY ABOUT 50 PARKING SPACES. AND MOST OF THAT ACTUALLY, THE HOUSING THERE ARE STUDENT HOUSING ACROSS THE STREET FROM US. SO WE JUST FEEL THAT WITH THE CONGESTION RIGHT THERE, TRYING TO GET EVERYBODY IN THE PARKING LOT, TO DROP THE KIDS OFF, THAT THERE WOULD BE A CONCERN.

HAVE YOU HAVE ANY DISCUSSIONS WITH THE APPLICANT ABOUT YOUR TRAFFIC CONCERNS IN TERMS OF HOURS THAT PEOPLE ARE DOING DROPOFFS, SPEED BUMPS?

WE HAVEN'T GOTTEN THAT FAR.

THAT FAR TO SPEED BUMPS, SCHOOL ZONES, THAT HASN'T EVEN BEEN OFFERED TO US AT THIS TIME.

OKAY.

THANK YOU, MR. PENN.

THANK YOU VERY MUCH.

YOU SEE SO OTHER FOLKS WHO SIGNED UP

ORIGINALLY WANTING TO SPEAK.

YES. KELLY RAMSEY WELCOME, SIR.

I'M -- I'M COMING UP HERE TO -- TO VOICE INTEREST IN THE AFFORDABLE HOUSING AFFORDABLE LIVING CONCEPT. I AM FOR -- FOR TRYING TO MAKE IT SO THAT PEOPLE LIKE NURSES AND OTHER PROFESSIONALS THAT CAN'T AFFORD WHAT'S -- WHAT'S IN THE DEVELOPMENT FOR THEM TO BE ABLE TO LIVE THERE, BUT MY CONCERN AS A NEIGHBORHOOD PERSON IS THAT -- WE ARE GOING TO HAVE LIKE U.T. STUDENTS MOVING INTO THE AFFORDABLE HOUSING AND THAT WE ARE GOING TO HAVE MORE TRAFFIC AND MORE CARS PARKED THERE, MORE CARS TRAVELLING AT ALL HOURS BECAUSE STUDENTS TEND TO HAVE DIFFERENT HOURS THAN EVERYBODY ELSE AND -- AND SO SUPERVISION THE AFFORDABLE LIVING OPTION THAT THEY PROPOSED, I JUST WANTED TO VOICE MY SUPPORT OF IT BECAUSE -- BECAUSE WHEN I LOOKED AT WHAT THEY PROPOSED WITH THE -- WITH THE CAR SHARE AND TRYING TO MAKE CONNECTIONS TO THE PUBLIC TRANSPORTATION NODES, IT LOOKS LIKE A BETTER OPTION AS FAR AS LIMITING THE AMOUNT OF TRAFFIC AND THE AMOUNT OF CARS THAT ARE ACTUALLY BEING PLACED ON THAT SITE AND ARE COMING INTO OUR NEIGHBORHOOD. SO I JUST WANTS YOU ALL TO -- TO KIND OF CONSIDER THAT -- THAT AFFORDABLE HOUSING AND AFFORDABLE LIVING ARE NOT NECESSARILY TWO DIFFERENT THINGS. WHEN YOU DO AFFORDABLE LIVING AND YOU DON'T HAVE TO OWN A CAR AND YOU DON'T HAVE TO MAKE A CAR PAYMENT, YOU DON'T HAVE TO PAY FOR THE GAS AND YOU CAN SHARE A CAR OR TAKE A BUS OR TAKE HOPEFULLY A TROLLEY THAT'S GOING TO GO THERE, YOUR SAVINGS ARE ACTUALLY MORE THAN WHAT THE TYPICAL NUMBERS FOR AFFORDABLE HOUSING ARE. SO -- SO THAT'S WHY I WANT TO VOICE MY SUPPORT FOR ANOTHER ALTERNATIVE IN THE CITY OF AUSTIN SINCE WE ARE TRYING TO BE PROGRESSIVE AND COME UP WITH -- WITH MORE OPTIONS OBVIOUSLY I THINK THAT WE HAVE SOME KIND OF CAR SHARING AND I DON'T KNOW HOW IT'S WORKING, BUT FROM WHAT I HAVE HEARD IT DOES.



AND SO THAT'S -- THAT'S ALL THAT I WANT TO TALK ABOUT TONIGHT, THANKS.

THANK YOU, MR. RAMSEY. AGAIN FOLKS WHO SIGNED UP EARLIER, IN ORDER TO SPEAK, YOU STILL MAY DO SO IF YOU FEEL STRONGLY. WILL INCLUDE PEGGY KAGAN, MARY INGLE, WELCOME, EITHER. THREE MINUTES, WELCOME.

THANK YOU. THE -- THE AREA IS ZONED I THINK CIVIC NOW AND IT'S GOING TO BE CHANGED TO MIXED USE HIGH DENSITY AND THE FIRST THING ON HERE WAS TO -- THE NUMBER 65 WAS TO CHANGE IT TO MIXED USE HIGH DENSITY. THAT WAS NOT THE PLANNING STAFF'S RECOMMENDATION, THEY WANTED TO BE MIXED USE. AND IT WAS CLOSE VOTE TO TURN IT TO MIXED USE HIGH DENSITY. AND -- AND, IT LOOKS A WHOLE LOT BETTER TODAY THAN IT DID WHEN WE FIRST SAW IT. BUT 185 FEET AND 195 FEET ARE STILL TOO TALL AND IT'S TOO DENSE AND THE -- THE TRAFFIC PATTERN THE LAST TIME I HEARD WAS GOING TO BE 45,000 ADDITIONAL TRIPS PER DAY WHEN YOU COUNT THE 10,000 THAT YOU ALREADY GAVE TO THE -- TO THE ST. DAVID'S P.U.D., AND THAT IS FAR TOO MANY. I MEAN AND -- SO I AM HERE TO -- TO ASK YOU TO -- INSTEAD OF DOING MIXED USE HIGH DENSITY, TO DO MIXED USE AND -- AND HOPE THAT YOU WILL [INDISCERNIBLE]

Mayor Wynn: THANK YOU, MA'AM, MARY INGLE WELCOME, THREE MINUTES.

I'M AFRAID THAT I'M GOING TO SAY THAT THIS IS A TIME FOR HUMOR, A LITTLE HUMOR HERE. I'M SHORT. YOU MIGHT SAY I'M VERTICALLY CHALLENGED. I LIVE IN A SHORT NEIGHBORHOOD, TOO. AND I LIKE IT THERE. I'M HERE AS A MEMBER OF CANPAC AS WELL AS A RESIDENT OF NUNA AND AS A RESIDENT OF NUNA I HAVE GREAT CONCERNS ABOUT THE CONCORDIA P.U.D. AGREEMENT. I LIVE ACROSS THE STREET ON AN ARBITRARY DIVIDING LINE ACROSS THE STREET FROM A HANCOCK NEIGHBORHOOD AND THIS PROJECT WILL DIRECTLY AFFECT MY NEIGHBORHOOD AND MY PROPERTY. WITHOUT US HAVING ANY INPUT IN THESE NEGOTIATIONS. BY THE WAY, I LIVE IN THE THREE

DENSEST NEIGHBORHOOD IN THE CITY. AS A MEMBER OF CANPAC, AS WELL AS A RESIDENT OF NUNA, I AM VERY CONCERNED ABOUT THE HEIGHTS OF THESE TOWERS. WHICH KEEP CHANGING BUT I THINK THEY ARE THOUSAND ABOUT 180 FEET, BUT I'M STILL VERY CONCERNED ABOUT THEM. AS A MEMBER OF CANPAC, I'M ALSO VOICING THIS CONCERN WHICH WAS SENT TO YOU IN A COLLECTIVE LETTER FROM OUR GROUP, A CONCERN ABOUT THE FAST TRACK NEGOTIATIONS, BECAUSE SOMETIMES THE FASTER WE GO, THE MORE LIKELY IT IS TO FALL PREY TO ERROR. THIS IS TOO BIG OF A DEVELOPMENT ON 22 ACRES. TO GET IT WRONG. I HOPE THAT THESE EXCESSIVE HEIGHTS WILL NOT BE CREATING ANOTHER MINI DOWNTOWN IN AUSTIN. AS MS. MCCANN SAID, THERE ARE MANY DETAILS TO BE WORKED OUT. I PARTICULARLY OBJECT TO THE HEIGHT OF THE HOTEL AT 180 FEET. I REALLY THINK IT SHOULD BE 120. THIS DEVELOPMENT HAS FAR REACHING EFFECTS INTO OTHER NEIGHBORHOODS, EAST AND WEST OF I-35. THERE ARE MANY DETAILS TO BE WORKED OUT. I LOOK TO THE COUNCIL FOR SUPPORT OF THESE CONCERNS. OUR COLLECTIVE NEIGHBORHOODS ARE IN YOUR HANDS. THANK YOU.

Mayor Wynn: THANK YOU, MARY. NEXT SPEAKER OR PERSON WHO SIGNED UP ORIGINALLY IS RATHEY ANWAR. SORRY IF I'M MISPRONOUNCING THAT. IS CARISSA STILL WITH YOU, SO BY BEING IN THE CHAMBER, YOU CAN DONATE YOUR TIME. SO I BELIEVE IT'S RAFFI, YOU WILL HAVE UP TO SIX MINUTES, FOLLOWED BY GAY RATLIFF.

THANK YOU. MY NAME IS RAFFI ANWAR. I LIVE ON HARRIS AVENUE. FIRST OF ALL I WOULD LIKE TO RECOGNIZE THAT THE PROCESS THAT HAS BEEN ESTABLISHED IS A FANTASTIC PROCESS. THE IDEA OF BRINGING IN ROMA AND OUTSIDE CONSULTANTS WITH EXPERIENCE AND URBAN PLANNING IS SOMETHING THAT -- THAT OTHER NEIGHBORHOODS WOULD BENEFIT FROM. I STRONGLY ENCOURAGE YOU TO MAKE THIS SORT OF A STANDARD PROCESS GOING FORWARD. IT REALLY BENEFITS BOTH

PARTIES INVOLVED.

Mayor Wynn: BUT HAVING SAID THAT [LAUGHTER]

SO WITH THAT SAID, THERE'S -- THERE'S A COUPLE OF THINGS THAT I WOULD LIKE TO TALK ABOUT TONIGHT. WHATEVER IS GOING TO END UP GOING IN HERE, SOMETHING IS GOING TO GO IN HERE AND THE CITY IS GOING TO BENEFIT, THE NEIGHBORHOOD IS GOING TO BENEFIT, THE DEVELOPER IS GOING TO BENEFIT. BUT WE ARE ALSO GOING TO SACRIFICE, RIGHT? THE DEVELOPER COULD MAKE MORE MONEY IF HE BUILT TALLER SO HE'S GOING TO SACRIFICE PROFITS. THE NEIGHBORHOOD OBVIOUSLY CONGESTION, EYESORES THINGS LIKE THAT. OF COURSE THE CITY IS GOING TO BENEFIT FROM INCREASED TAX BASE. I'M HERE TO ASK THE CITY TO ALSO SACRIFICE A LITTLE BIT LIKE THE OTHER TWO PARTNERS IN THIS. I HAVE A LIST OF RELATIVELY SMALL ITEMS HERE THAT WE ARE ASKING FOR. , YOU KNOW, IT'S REALLY PRETTY INSIGNIFICANT, EACH INDIVIDUAL ONE, NOT A BIG DEAL, ASKING YOU TO MAYBE CARVE OUT SOME OF THE TAX MONEY THAT WILL BE GENERATED FROM THIS DEVELOPMENT TO HELP IMPROVE OUR INFRASTRUCTURE AND OUR NEIGHBORHOOD THAT'S GOING TO BE BURDENED BY THE ADDED DEVELOPMENT. SO, YOU KNOW, NO BILLBOARDS, RESTRICTIONS ON BILLBOARDS. ADDING A CROSS WALK ON RED RIVER AND HARRIS AVENUE. WITH 1250 CONDOS, GOING IN, THERE WILL BE, YOU KNOW, 50, MAYBE 100 SCHOOL CHILDREN CROSSING RED RIVER AT HARRIS AVENUE TO GO TO SCHOOL AT LEE ELEMENTARY SCHOOL. SO THAT'S A BIG CONCERN TO HAVE A CROSS WALK THERE. ALSO SIDEWALK ON 32nd STREET. TRAIL IMPROVEMENTS AROUND THE HANCOCK GOLF COURSE, ALL OF THIS PEOPLE ARE GOING TO WANT TO GO RUN IN THE NEIGHBORHOOD, IT WOULD BE GREAT IF WE HAD A REAL TRAIL TO RUN IN THE HANCOCK GOLF COURSE. A DEDICATED RIGHT TURN LANE ON THE SOUTHBOUND I-35 FRONTAGE AT 38th VET. SO THIS DEVELOPMENT IF YOU EXIT THE 32nd STREET EXIT, IT'S VERY DIFFICULT TO GET OVER IN TIME TO ACTUALLY ACCESS THE DEVELOPMENT ON THE ACCESS ROAD, YOU END UP

GOING TO THE LIGHT AT 32nd STREET. I THINK WHAT A LOT OF PEOPLE ARE GOING TO END UP DOING IS EXITING THE HIGHWAY AT 38 AND A HALF STREET. SO THERE'S NO RIGHT TURN LANE THERE RIGHT NOW. AND THAT'S ALREADY VERY CONGESTED INTERSECTION. ALTHOUGH IT'S NOT DIRECTLY IN THE AREA, I DON'T EVEN THINK IT WAS PART OF THE TIA, I THINK THAT'S SOMETHING THAT WOULD BE GREAT IF THE CITY COULD LOOK INTO PROVIDING A RIGHT TURN LANE THERE. TRAFFIC CALMING. PRETTY MUCH ALL AROUND, HARRIS, HARMON, ALSO IMPROVEMENTS TO THE SOCCER FIELD AT THE HANCOCK GOLF COURSE. SMALL REQUESTS FROM THE NEIGHBORHOOD. I WOULD LIKE TO TALK ABOUT SOMETHING BIGGER, THAT'S AFFORDABLE HOUSING, THIS HAS BEEN A HOT BUTTON TOPIC. I THINK EVERYBODY IS VERY WELL INTENTIONED BUT I THINK THE WAY THAT THE CITY IS GOING ABOUT IT IS THE WRONG WAY. SO I HAVE BEEN PERSONALLY INVOLVED WITH SOME CONDOS DOWNTOWN. AND I HAVE SEEN THE WAY THAT THEY HAVE THEIR -- THEIR AFFORDABLE HOUSING SET UP. THEY ARE MEDDLING WITH THE MARKET ESSENTIALLY. BUILDING CONDOS WITH GRANITE COUNTER TOPS, HARDWOOD FLOORS, 24 HOUR CONERGE SERVICE, PRICES THAT ARE HELD ARTIFICIALLY DROWN. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: QUESTIONS FOR MR. ANWARE?  
COUNCILMEMBER MARTINEZ.

Martinez: YOU MIGHT WANT TO SPEAK TO THE NEIGHBORHOOD'S REPRESENTATIVE. SHE PROBABLY CAN HELP ON THE BILLBOARDS.

OKAY.

Mayor Wynn: GAY RATLIFF HAD SIGNED UP WISH TO GO SPEAK ORIGINALLY. SHE'S WAVING US OFF. THANK YOU, GAY. THANK YOU FOR BEING HERE. RONALD HEINE RICK HAD SIGNED UP WISH TO GO SPEAK, AS HAD TERRY MEYERS. BOTH COME FORWARD, PLEASE. WELCOME. YOU HAVE THREE MINUTES.

HELLO, COUNCIL. I BROUGHT MY DAUGHTER WITH ME, I'M IN TROUBLE, IT'S GETTING LATE. I WANT TO EXPAND A LITTLE BIT ON WHAT ROTH SAID AND I THINK HE MADE A VERY GOOD POINT. THE DEVELOPER IS MAKING MONEY OFF OF THIS, CONQUOR I.....CORD I... CORD I CAN'T IS MAKING FUN OFF OF THIS AND OFF THE TAX BASE. AND THE NEIGHBORHOODS, WE'RE THE ONES HAVING TO SACRIFICE AND OUR BIG SACRIFICE IS WE'RE GOING TO HAVE 35,000 -- 35 TO 45,000 ADDITIONAL CAR TRIPS, AND YOU KNOW I-35 IS A PARKING LOT, AND THEY'RE GOING TO BE DRIVING DOWN THROUGH OUR NEIGHBORHOODS AND IT'S GOING TO MAKE OUR FRONT YARDS A LITTLE LESS SAFER PLACE FOR OUR CHILDREN TO PLAY. WHAT I WILL LIKE TO HAVE HAPPEN FOR YOU GUYS, AND I'VE SEEN THIS, IT'S NOT JUST OUR P.U.D., YOU SEE IT THIS ALL THESE NEIGHBORHOODS, THERE'S A FEAR AND CONCERN ABOUT WHAT'S GOING TO HAPPEN WITH ALL THESE CARS DRIVING THROUGH OUR NEIGHBORHOODS. AND I THINK YOU GUYS NEED TO STEP UP TO THE PLATE AND YOU COULD CALM A LOT OF OUR FEARS BY SAYING, HEY, WE WILL TAKE A PART OF THAT TAX REVENUE THAT WE'RE GOING TO MAKE OFF THIS DEVELOPMENT AND WE'RE GOING TO PUT IT IN DIRECT WILL YOU TO YOUR NEIGHBORHOOD TO REMEDIATE THE PROBLEMS THAT ALL THESE CARS COMING INTO OUR NEIGHBORHOODS ARE GOING TO CAUSE. AND I THINK IF YOU STEP UP TO THE PLATE TO DO THIS, YOU'LL HAVE LESS PEOPLE IN THE NEIGHBORHOODS RAISING HELL ABOUT THESE DEVELOPMENTS BEING BUILT OVER HERE. AND I'D ALSO LIKE TO CLOSE BY SAYING FOR ME HONESTLY IF I WERE GIVEN A CHOICE BETWEEN HEIGHT AND HAVING A LOT MORE CARS IN THE NEIGHBORHOOD, I COULD GET EASIER TO LOOK AT 20 MORE FEET THAN IT WOULD BE TO HAVE 10,000 MORE CARS DRIVING THROUGH THE NEIGHBORHOOD. BUT ANYWAY, MY POINT IS THAT I THINK THE CITY COUNCIL NEEDS TO HAVE SOME KIND OF REMEDIATION TO TAKE SOME OF THE PROFITS THEY'RE GOING TO MAKE OFF THE TAX BASE OF THIS PROJECT AND FEED IT BACK INTO THE NEIGHBORHOOD FOR THE SACRIFICE THE NEIGHBORHOOD IS GOING TO HAVE TO MAKE FOR HAVING ALL THESE CARS DRIVING THROUGH OUR

NEIGHBORHOOD. THANK YOU AND GOODNIGHT.

Mayor Wynn: THANK YOU. AND GOODNIGHT TO YOU AND YOUR DAUGHTER. TERRY MEYERS, WELCOME. AND THEN JANE CHAMBER LANE HAD SIGNED UP AS HAD CEATZ ECHOLS AND NIKELLE MEADE.

MAY I PASS THESE DOWN?

Mayor Wynn: YOU MAY. HAND IT TO COUNCILMEMBER LEFFINGWELL AND HE WILL BE HAPPY TO PASS IT DOWN.

MY NAME IS TERRY MEYERS. THIS HAS BEEN AN ARRESTED JUST PROCESS AND I JUST WANT TO SAY SO MUCH, JUST REPEAT SOMETHING THAT A FEW OTHER PEOPLE HAVE SAID. WE'RE SO GLAD THAT ROMA GROUP CAME TO HELP US. AND JANA MCCANN IN PARTICULAR. OUR NEGOTIATING TEAM DID AN EXCELLENT JOB. YOU GUYS SAW THIS A COUPLE OF WEEKS AGO AND IT HAS CHANGED AND IMPROVED IN MY OPINION BECAUSE AN ENORMOUS AMOUNT. AND THE ONE THING, I STILL HAVE CONCERNS WE'RE GOING TO LOSE EXTRAORDINARY HISTORIC PROPERTIES ON THIS SITE. I STILL AM VERY CONCERNED ABOUT THAT. I'M ALSO CONCERNED ABOUT THE HEIGHT. WHERE I AM ON HARRIS AVENUE AND YOU CAN SEE THAT ON THE SCREEN WHEREVER YOU SEE IT, I GUESS IN FRONT OF YOU. I'M LOOKING AT IT FROM HERE. I ASK TONIGHT THE APPLICANT IF THEY HAD CONSIDERED THE TRAFFIC IMPACT ON HARRIS AVENUE, AND THEY SAID, WELL, THAT'S THE OTHER SIDE OF RED RIVER. WELL, FROM WHAT MR. HEINERICK SAID AND OTHER PEOPLE HAVE EXPRESSED, WE ARE GOING TO GET AN EXTREME AMOUNT OF TRAFFIC ON THIS STREET BECAUSE HARRIS AVENUE, WHICH IS THE PINK STREET GOING THROUGH THE MIDDLE, THERE IS NOT A SINGLE STOP SIGN, THERE'S NO TRAFFIC CALMING. THE TRAFFIC COMES DOWN FROM RED RIVER, DOWN TOWARDS WALLER CREEK ON THE OTHER SIDE OF LEE ELEMENTARY SCHOOL AND IT IS A RACE TRACK. I GOT INTO TROUBLE ONE DAY AND MY HUSBAND REFUSED TO HELP ME WHEN SOMEBODY WAS RACING DOWN THE STREET AND I SHOT HIM WITH MY GARDEN HOSE, AND HE

BACKED UP. [ LAUGHTER ] HAD A FEW WORD TO SAY TO ME AND MY HUSBAND WAS LOOKING OUT THE WINDOW AND SAID I THINK I'LL LET TERRY HANDLE THIS HERSELF. BUT WE DO HAVE EXTREME TRAFFIC AT TIMES. AND COUNCILMEMBER COLE KNOWS THIS BECAUSE SHE WAS THE PTA PRESIDENT AT LEE ELEMENTARY, HAD STUDENTS AT LEE. IN THE MORNING --

Cole: THIS IS A MUCH EASIER JOB, I'LL ADD, TERRY.

LET ME GIVE YOU A HARD TIME. WE HAVE EXTRAORDINARY TRAFFIC. WHAT YOU'RE SEEING BEING PASSED FROM COUNCILMEMBER LEFFINGWELL TO MARTINEZ DOWN THE LINE HERE, THESE ARE THE NINE BOYS I WAS TALKING ABOUT AT AN EARLIER COUNCIL MEETING. THOSE ARE THEIR CARS PARKED. THIS IS WHAT OUR STREET LOOKS LIKE, AND WE HAVE RESIDENTS ONLY PARKING ON THIS STREET. AND THOSE CARS THAT YOU SEE ON -- IN THOSE PHOTOGRAPHS, THOSE ARE RESIDENTS OF OUR STREET. YOU CAN ONLY GO GET ONE CAR DOWN THE MIDDLE. WE HAVE HOUSES ON BOTH SIDES -- [ BUZZER SOUNDS ]

Mayor Wynn: TAKE A MINUTE AND CONCLUDE.

MY CONCLUSION IS HELP. [ LAUGHTER ] WE NEED SOME CONSIDERATION FOR THIS STREET BECAUSE LIKE I SAID, IT'S THE ONLY THROUGH STREET BETWEEN RED RIVER AND DUVAL, BETWEEN 32nd, WHICH HAS TRAFFIC BUMPS ON IT, AND 38TH AND A HALF. AND PEOPLE ARE GOING TO -- JUST THIS MORNING, 10:00 THIS MORNING, THERE WAS AN ACCIDENT AT THE CORNER OF RED RIVER AND HARRIS BECAUSE THERE WAS SO MUCH TRAFFIC ON BOTH SIDES OF THE STREET THEY COULDN'T SEE. AND ALSO, I DON'T THINK WE SHOULD HAVE THOSE BIG SIGNS OUT IN FRONT OF PEOPLE'S HOUSES, DO YOU? YOU DIDN'T LOOK AT THAT PHOTOGRAPH, DID YOU?

Mayor Wynn: I DID LOOK AT IT. THANK YOU. JAMES (INDISCERNIBLE) HAD -- JANE HAD SIGN UP. NIKELLE MEADE. WELCOME, MA'AM. YOU WILL

HAVE THREE MINUTES.

GOOD EVENING, MAYOR AND COUNCIL. FIRST I'D LIKE TO THANK YOU SO MUCH FOR ENABLING THIS NEGOTIATION PROCESS. AND WE HOPE THAT YOU WILL ADOPT THIS MODEL FOR PROCESSING THIS TIDAL WAVE OF NEIGHBORHOOD P.U.D.S WHICH IS NOW PENDING. I WOULD ALSO LIKE TO THANK OUR NEIGHBORHOOD TEAM FOR THE LONG HOURS THEY'VE DEVOTED TO THIS EFFORT. WE REALLY APPRECIATE IT. I LIVE SEVEN BLOCKS DUE NORTH OF ST. DAVID'S ON A LITTLE STREET CALLED BECKER. THIS ONE BLOCK STREET IS SURROUNDED BY A GOLF COURSE, SEVERAL APARTMENT COMPLEXES, A LARGE SHOPPING CENTER ON THE NORTH AND CONCORDIA COLLEGE ON THE SOUTH. BUT IT IS A COMMUNITY. WE KNOW MOST OF NEIGHBORS, AND ALTHOUGH THERE'S A LOT OF ACTIVITY AROUND, WE CAN WALK TO SUPERMARKETS, BANKS AND SO FORTH. THE TRAFFIC IS STILL MANAGEABLE IN OUR AREA. AND MOST OF THE TIME WE CAN MORE OR LESS MAKE A LEFT TURN ON RED RIVER, WHICH NEVER CEASES TO AMAZE ME. SO HAVING WITNESSED REAL GRIDLOCK IN PLACES LIKE ORLANDO AND THE DC AREA, WE REALLY APPLAUD THIS SITUATION, WHETHER IT'S THE RESULT OF CAREFUL PLANNING OR DUMB LUCK WE DON'T KNOW, BUT WE REALLY APPRECIATE IT. THE DOWN SIDE, HOWEVER, IS THAT LIVING TWO BLOCKS FROM A MAJOR TRADE ROUTE ESSENTIALLY MEANS THAT YOU'RE NEVER FREE FROM NOISE, AND WHAT IS MOST IMPORTANT, YOU'RE NEVER FREE FROM THIS FINE, BLACK POWDER. IT'S EVERYWHERE. IT COVERS EVERYTHING AND WE KNOW THAT IT'S IN OUR LUNG. AIR QUALITY IS OUR BIGGEST ISSUE. EVERYBODY AT OUR HOUSE HAS A CHRONIC COUGH AND ITCHY EYES AND THOUGH THE AREA HA MANY WALKABLE STREETS, I HAVE TO WEAR A PARTICLE MASK AT CERTAIN TIME OF THE DAY WHEN WE GO OUT. DURING OZONE DAYS WE CAN'T BE WALK AT ALL. AND THIS IS AN IMMENSE QUALITY OF LIFE ISSUE ALREADY. AND NOW WE'RE LOOKING AT AS MANY AS 45,000 ADDITIONAL NEIGHBORHOOD TRIPS PER DAY. NOW, CONCORDIA HAS BEEN A WONDERFUL ASSET. THIS RELATIVELY



UNPOLLUTED PATCH WHERE WE CAN STILL WALK WHEN RED RIVER IS HAVING ONE OF ITS TOXIC DAYS. AND WE LOVE THIS PLEASANT LANDSCAPE AND THE MANY PATHS AND THE FLOW OF HUMAN AND SPRINKLE ENERGY THAT -- AND SPIRITUAL ENERGY THAT WE FIND THERE. AS FOR WHAT WE WOULD LIKE TO SEE THERE IN THE FUTURE, WE SAID WELL, A MUSEUM, A LIBRARY BRANCH, A PUBLIC PARK, A FARMER'S MARKET WOULD BE NICE, BUT OF COURSE EVEN THEN WE KNEW THAT NONE OF THESE WOULD BE VERY HIGH ON THE DEVELOPER'S TO DO LIST. NEVERTHELESS WE HOPE THE DEVELOPERS WILL KEEP THIS WISH LIST IN MIND AS THEY FILL IN THE BLANK ON WHATEVER AGREEMENT WE COME UP WITH. AND WE WOULD LIKE TO ASK THE COUNCIL IF YOU APPROVE THIS P.U.D., PLEASE WRITE INTO THE ORDINANCE A STEPPED UP AIR QUALITY MONITORING AND REMEDIATION. AND WE ASK YOU TO HEED THE PLANNING COMMISSION'S CAVEAT RELATING TO PRESENT AND FUTURE LEVELS OF TRAFFIC CONGESTION. WE ALREADY HAVE A MIXED USE COMMUNITY. PLEASE DON'T TURN IT INTO MIXED USE CHAOS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. AGAIN, KATHY ECHOLS HAS SIGN UP. WELCOME, KATHY. AND THEN MS. MEADE HAS WAVED US OFF KINDLY. AND THEN PERHAPS DANA TROMBL TROMBLEY WOULD BE NEXT.

MAYOR, MAYOR PRO TEM AND MEMBERS OF THE CITY COUNCIL, I'M SORRY TO KEEP YOU UP LATER, BUT I'D RATHER BE ASLEEP MYSELF. I WANTED TO SPEAK NOT ONLY AS A MEMBER OF THE HANCOCK NEIGHBORHOOD, BUT ALSO AN ADVOCATE FOR AFFORDABLE HOUSING. BUT I FIRST WANTED TO THANK YOU FOR SUPPORTING THIS PROCESS WHEREBY AN INDEPENDENT PLANNER IS WORKING WITH THE NEIGHBORHOOD AN DEVELOPER TO DEVISE A SOLUTION FOR THIS SITE. I REALLY WANT TO THANK THE NEIGHBORHOOD REPRESENTATIVES, DWOPTER'S TEAM WHO REARRANGED THEIR SCHEDULES TO HELP US. SO A LOT STILL NEEDS TO BE WORKED OUT. I AM OPTIMISTIC THAT THE OUTLINE CAN BE DEVELOPED INTO A SPECIFIC PLAN

THAT IS ACCEPTABLE TO ALL PARTIES. AND IN FACT, THIS TYPE OF PROCESS, ALBEIT WITH A MORE WORKABLE TIME LINE, SHOULD BE USED ANY TIME THERE'S A LARGE DEVELOPMENT WITHIN OR ADJACENT TO A NEIGHBORHOOD. I WANT TO FOCUS NOW ON AFFORDABLE HOUSING. THIS PROJECT NEEDS TO INCLUDE AFFORDABLE HOUSING. WE ARE IN A MIXED INCOME NEIGHBORHOOD CURRENTLY AND THIS PROJECT SHOULD PROVIDE A HOME NOT ONLY FOR PHYSICIANS AND ENDOWD PROFESSOR, BUT ALSO NURSES, LAB TECHS, TEACHERS AT OUR ELEMENTARY SCHOOL AND ADMINISTRATIVE STAFF TO NAME A FEW. AND CONTRARY TO THE BELIEF OF ONE NEIGHBOR, AFFORDABLE HOUSING DOES NOT EQUAL STUDENT HOUSING. AS I THINK MOST OF YOU KNOW, INCOME QUALIFICATIONS GENERALLY EXCLUDE STUDENTS. THERE IS A GROWING BELIEF WITHIN OUR COMMUNITY THAT WHEN PROJECTS CONTAINING MASSIVE INCREASES DENSITY ARE DEVELOPED, THE NEGATIVE EFFECTS SUCH AS CONGESTION, NEED TO BE COMPENSATED WITH PUBLIC BENEFITS AND AFFORDABLE HOUSING INCREASINGLY IS VIEWED AS THE APPROPRIATE PUBLIC BENEFIT. THOUGH I AGREE THAT CAR SHARE IS A GOOD THING IT DOES NOT COMPENSATE FOR THE NEED FOR AFFORDABLE HOUSING. THE NEIGHBORS HAVE ASKED FOR AFFORDABLE HOUSING, BUT SPECIFICS HAVE NOT BEEN DISCUSSED, NOR HAS THE DEVELOPER AGREED TO IT. I BELIEVE THAT WE HAVE SOME MODELS THAT COULD SERVE TO GUIDE AFFORDABLE HOUSING STANDARDS FOR THIS SITE BOTH IN THE VERTICAL MIXED USE OVERLAY THANKS TO COUNCILMEMBER MCCRACKEN AND IN THE MULTI-FAMILY RECOMMENDATIONS PRODUCED BY THE AFFORDABLE HOUSING INCENTIVE TASKFORCE THANK TO COUNCILMEMBER KIM AND MAYOR PRO TEM DUNKERLEY FOR HELPING TO PUT TOGETHER THAT -- FOR PUTTING TOGETHER THAT COMMITTEE. BOTH STANDARDS WOULD ARGUE FOR 10% OF UNITS AFFORDABLE AT INCOME LEVELS RANGING FROM 60% OF MEDIAN FAMILY INCOME FOR RENTAL, MULTI-FAMILY WITH -- 100% OF MEDIAN FAMILY INCOME FOR CONDO UNITS. AND AFFORDABILITY TERMS WOULD BE 30 TO 40 YEARS FOR RENTAL AND

PERMANENT AFFORDABILITY FOR CONDOMINIUMS. I ASK YOU TO SUPPORT THESE STANDARDS IN THE NEIGHBORHOOD'S EFFORTS TO ACHIEVE THEM. THANKS.

Mayor Wynn: THANK YOU.

MAYOR?

Martinez: YOU WERE ON THE AFFORDABLE HOUSING TASKFORCE? CAN YOU TELL US WHAT KIND OF RECOMMENDATIONS AGAIN THAT -- THAT IF THIS PROJECT WERE TO BE TAKING PLACE AND WE HAD ALREADY ADOPTED THE RECOMMENDATIONS THAT YOU GUYS MADE, WHAT CIEWFBL OF AFFORDABILITY WOULD WE BE LOOKING AT?

WELL, UNFORTUNATELY OBVIOUSLY THERE AREN'T RECOMMENDATIONS FOR PLANNED UNIT DEVELOPMENTS THAT WE'RE PART OF THE AFFORDABLE HOUSING RECOMMENDATIONS, AND THERE'S NO WAY THAT YOU CAN HAVE SPECIFIC RECOMMENDATIONS FOR SOMETHING LIKE THIS. I WOULD ARGUE THAT THE RECOMMENDATIONS THAT -- THAT ARE BEST WITH IT ARE THE MULTI-FAMILY RECOMMENDATIONS AND THE VERTICAL MIXED USE RECOMMENDATIONS AS APPROPRIATE. SO SOME OF THE BUILDINGS ARE MORE LIKE VERTICAL MIXED USE. OTHER ARE PURE MULTI-FAMILY. AND I WOULD ARGUE THAT THE MULTI-FAMILY RECOMMENDATIONS WOULD APPLY WHERE IT'S MULTI-FAMILY BUILDINGS AND VERTICAL MIXED USE WHERE YOU HAVE GROUND FLOOR RETAIL AND OTHER USES ABOVE. AND AS I MENTIONED, I SORT OF GAVE A LITTLE BIT OF AN OVERVIEW ON THAT, BUT THE VERTICAL MIXED USE REQUIREMENTS ARE THAT 10% OF THE UNITS SHOULD BE FOARNL AT 80% OF MEDIAN FAMILY BECOME INCOME IF THEIR RENTAL AND FOR FOR SALE UNITS, FOR CONDO UNITS, IT'S FIVE PERCENT AT 80 PERCENT OF MEDIAN FAMILY INCOME AND FIVE PERCENT AT 100 PERCENT OF MEDIAN FAMILY INCOME. AND VERTICAL MIXED USE ACTUALLY, THERE'S A RANGE BETWEEN 60 AND 80% OF MEDIAN FAMILY INCOME FOR RENTAL AND THAT'S UP TO THE NEIGHBORHOOD TO DETERMINE INCOME

LEVEL THAT THEY WANT AND THERE WILL AN PROCESS THAT ULTIMATELY SETS THAT FOR PARTICULAR NEIGHBORHOODS. AND THEN THE MULTI-FAMILY RECOMMENDATIONS WOULD CALL FOR 60% -- FOR 10 PERCENT OF THE UNITS AT 60% OF MEDIAN FAMILY INCOME. AND THESE UNITS WOULD BE ON SITE IN BOTH SETS OF STANDARDS. AND AS I SAID, THERE WOULD BE THE AFFORDABILITY TERMS, LONG-TERM AFFORDABILITY IN BOTH CASES.

Martinez: WHEN YOU GUYS DISCUSSED AFFORDABLE HOUSING ON THE TASKFORCE, DID YOU GUYS TALK ABOUT HOW STUDENTS WOULD QUALIFY FOR ANY OF THE RECOMMENDATIONS THAT WE MIGHT ADOPT AND HOW THAT IMPACTS? DOES A STIEWBT QUALIFY FOR AFFORDABLE HOUSING?

TYPICALLY STUDENTS DON'T QUALIFY FOR AFFORDABLE HOUSING BECAUSE THE PARENT INCOME IS CONSIDERED THE INCOME ASSISTANCE ARE BEING SUPPORTED BY PARENT. SO THE ONLY STUDENTS THAT WOULD QUALIFY WOULD BE STUDENTS THAT ARE SELF-SUPPORTING. AND -- OR OFTEN TIMES GRADUATE STUDENTS OR MARRIED STUDENTS. AND GENERALLY THOSE ARE NOT THE KINDS OF STUDENTS THAT THE NEIGHBORS ARE HAVING PROBLEMS WITH. REALLY IN A DEVELOPMENT LIKE THIS I THINK YOU'RE GOING TO SEE MORE STUDENTS IN THE UNAFFORDABLE PARTS OF THE PROJECT WHERE PARENTS ARE BUYING THE CONDOS AS INVESTMENTS AND THEN THEY'RE CRAMMING THEIR FRIENDS IN THERE. SO THE CLAIM THAT AFFORDABLE HOUSING IS STUDENT HOUSING IS REALLY NOT ACCURATE.

Martinez: THANK.

Mayor Wynn: THANK YOU, MS. ECHOLS. AGAIN, A NUMBER OF FOLKS SIGNED UP HERE NOT WISHING TO SPEAK, BUT THEY'RE HERE IF WE HAVE QUESTIONS. EVERYBODY -- YOU'RE STILL WELCOME TO COME UP IF YOU WOULD LIKE TO ADDRESS US. EVERYBODY FROM NIKELLE MEADE, RICHARD IVERSON, MARK WHATLEY, LINDA GUERRERO, SHANNON RATLIFF, MARK BIRCH AND OTHERS.

COMEARN.....COUNCILMEMBER MARTINEZ MOVES  
AND COUNCILMEMBER COLE SECONDS THAT WE  
WAIVE COUNCIL RULES TO GO PAST 10:00 P.M. ALL  
IN FAVOR SAY AYE?

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE  
OF FIVE TO ZERO WITH COUNCILMEMBER KIM AND  
COUNCILMEMBER LEFFINGWELL OFF THE DAIS. IS  
THERE ANY OTHER CITIZEN WHO WOULD LIKE TO  
ADDRESS US ON THIS COMBINED PUBLIC HEARING,  
ITEM 65 AND 66? IS THERE -- AND/OR HAS THERE  
BEEN A NEED TO -- IS THERE A NEED TO REBUT  
ANYTHING THAT HAS BEEN SAID PERHAPS? THANK  
YOU ALL. QUESTIONS, COMMENTS, COUNCIL?  
COUNCILMEMBER MARTINEZ.

Martinez: I JUST WANT TO SAY SINCE WE'RE JUST  
ADOPTING THIS ON FIRST READING, I WANT TO  
THANK EVERYONE FOR THE WORK THAT THEY'VE  
DONE. ONE OF THE THING I'VE ASKED MY STAFF TO  
START LOOKING INTO BASED ON THE COMMENTS  
AND BASED ON THIS EXPERIENCE IS IF THERE'S  
SOME TYPE OF FORMAL PROCESS WE CAN ADOPT IF  
FOR FUTURE P.U.D. WHZ THEY COME BFB US AND IN  
THAT PROCESS WE INJECT A PLANNER SUCH AS  
RMMA AND A REPRESENTATIVE SUCH AS MS.  
MEADE IN THIS CASE TO FACILITATE THAT  
NEGOTIATION BETWEEN THE NEIGHBORHOOD AND  
THE DEVELOPERS. I THINK THERE'S SOMETHING  
THAT WE CAN COME UP WITH AND THE CITY CAN BE  
A PART OF AS WE MOVE FORWARD BECAUSE WE  
ARE SEEING SOME FAIRLY SIGNIFICANT P.U.D.  
REQUESTS COMING DOWN THE PIPELINE. AND I  
THINK THIS IS NOT AN ISOLATED INCIDENT. I THINK  
WE'RE GOING TO NEED THIS AS A PART OF THE  
PROCESS. SO I'VE ASKED MY STAFF TO START  
LOOKING INTO THAT TO SEE WHAT WE CAN COME  
UP WITH. HOPEFULLY STAFF WILL BE ABLE TO HELP  
US AS WELL. BUT I DO WANT TO SAY THAT I WAS  
HOPING THAT WE COULD COME OUT OF THIS WITH  
SOME LEVEL OF AFFORDABILITY AS IT RELATES TO  
HOUSING AND NOT JUST CAR SHARING. I WOULD  
HOPE THAT RMMA MAYBE MADE A SUGGESTION TO  
AFFORDABLE HOUSING IN THAT PART OF WHAT

YOUR SCOPE OF WORK IS, MS. MCCANN, WHEN YOU COME IN AND TALK ABOUT THE OVERALL NEGOTIATED PROCESS. SO I'LL SUPPORT THIS ON FIRST READING, BUT I DO WANT TO MAKE A SUGGESTION THAT WE TRY TO DO SOMETHING AS IT RELATES TO AFFORDABILITY. I THINK THE ENTITLEMENTS THAT THE DEVELOPER IS SEEKING ARE QUITE SIGNIFICANT. I THINK IT WILL BE A GREAT PROJECT. I THINK IT'S GOING TO MEAN SOMETHING TO THIS COMMUNITY FOR A LONG TIME, BUT I THINK IT COULD MEAN A LOT MORE IF WE CAN CREATE SOME AFFORDABILITY SOMEHOW.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: YES, MAYOR. I WANT TO RECOGNIZE THE TREMENDOUS AMOUNT OF WORK THAT HAS GONE INTO THIS AND WHAT AN UNUSUAL PROCESS THAT THIS HAS BEEN BE. AND SPECIFICALLY THANK THE DEVELOPER FOR AGREEING TO HIRE THE LAND USE PLANNER AS WELL AS THE ATTORNEY THAT HAS WORKED ON THE PROJECT. WE KNOW THAT WE WENT THROUGH SEVERAL MONTHS THAT THERE WAS ACTUALLY NO PROGRESS BETWEEN THE PARTIES AT ALL. AND WE'VE GOT A SEMBLANCE OR AN OUTLINE OF A PLAN THAT I WILL BE SUPPORTING ON FIRST READING WHERE WE HAVE KEPT THE HEIGHTS CLOSE TO I-35 AND THE UPPER DECK AND HAVE RECOGNIZED THAT THAT IS A UNIQUE SITUATION. IT IS NOT SOMETHING THAT WE'RE CONTEMPLATING FOR THE ENTIRE NEIGHBORHOOD. AND I ALSO WANT TO MENTION BART WHATLEY AND BARBARA EPSTEIN AND DANA TOMLY AND GUY HERMAN AND SEVERAL OTHERS IN THE THE NEIGHBORHOOD WHO HAVE WORKED ENDLESS HOURS TO MAKE SURE WE'VE GOT TO THIS POINT AND HOPE THAT THEY WILL CONTINUE TO DO THAT WORK. AND I WANT TO ALSO RECOGNIZE THE CHURCH AND THANK THEM FOR SHOWING UP HERE TODAY AND ENCOURAGE THEM TO BE A PART OF THAT PROCESS BECAUSE WE ARE CERTAINLY CONCERNED ABOUT THE TRAFFIC AND THE IMPACT ON THE CHURCH AND WE WANT THE CHURCH TO BE A PART OF THIS AGREEMENT. THAT BEING SAID, I WOULD JUST SAY THAT I AM PROUD OF ALL OF YOU

FOR COMING SO FAR. THANK YOU.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: I TOO WANT TO THANK EVERYBODY FOR WORKING SO HAR JANA, I THINK YOU'VE DONE A GREAT JOB AS HAVE THE NEIGHBORHOOD AS THE DEVELOPERS AND AGENTS ON ALL SIDE. I WAS INTRIGUED THAT ONE OF THE GENTLEMEN THAT CAME UP EARLIER HAD A LIST OF SOME THINGS, BUT IF THAT WASN'T GIVEN TO THE STAFF I'D LIKE IT TO BE JUST TO SEE IF IT IS IN OUR EITHER DEPARTMENTAL PLANS IN THE FUTURE OR WHAT HAVE YOU TO SEE WHAT THE CITY COULD DO TO TRY TO MAKE THE NEIGHBORHOOD MORE COMFORTABLE WITH SOME OF THESE THINGS. AND I THINK THE ISSUE WITH AFFORDABLE HOUSING IS THERE'S NOT ANYBODY THAT IS AS -- I'M AS IN FAVOR OF AFFORDABLE HOUSING AS ANYONE, BUT I THINK IN THIS AREA THERE REALLY IS A TENSION HERE. THIS PARTICULAR AREA AN ALL AROUND THIS HAVE REALLY FOUGHT AGAINST SOME OF THE ABUSES THAT STUDENTS HAVE HAD IN THEIR NEIGHBORHOOD WITH SUPER DUPLEXES AND SUPER TWO DEVELOPMENTS AND THINGS LIKE THAT WHERE THERE WERE OPPORTUNITIES TO HAVE REALLY STUDENT ABUSES, AND FOR THAT REASON MANY OF THEM GOT TOGETHER AND CREATED THE UNO ELEMENT TRYING TO GIVE SOME DENSITY AND SOME HEIGHT IN AN AREA TO DRAW STUDENT HOUSING. SO YOU REALLY HAVE THAT PULL HERE, AND I KNOW THAT AFFORDABLE HOUSING DOESN'T ALL MEAN STUDENT HOUSING, BUT SOMETIMES STUDENT HOUSING LOOKS FOR AFFORDABLE HOUSING. SO I DON'T KNOW EXACTLY HOW TO WORK THIS OUT WHERE YOU HAVE SOME AFFORDABILITY, BUT YOU ALSO RESPECT THESE NEIGHBORHOODS THAT HAVE HAD TO DEAL WITH THE EXCESSES OF STUDENT HOUSING, THE CARS AND THE KEGS AND ALL OF THOSE TYPES OF THINGS. SO JANA, I HOPE YOU HAVE SOME REALLY GOOD IDEAS. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER MCCRACKEN.

McCracken: YEAH. I DO THINK WE'VE SEEN A MODEL ACTUALLY AND WE'VE ALL BORROW THIS HAD FROM THE EXPERIENCE OF THE BOULDIN NEIGHBORHOOD AND FAIRFIELD DEVELOPMENT, BUT EVERYBODY INVOLVED HERE HAS DONE AN OUTSTANDING JOB OF WORKING TOGETHER. THIS IS REALLY A MODEL REDEVELOPMENT AND I DO THINK THAT WE DO NEED TO LOOK AT THE HOUSING AFFORDABILITY ISSUE. WE WERE MEETING WITH SOME FOLKS IN AN ARCHITECTURE FIRM THE OTHER DAY WHO ARE DESIGNING AND BUILDING A LOT OF THE HI-RISE BUILDINGS AND THEY WERE COMMENTING THAT THAT WAS THE BIGGEST ISSUE THAT THEY WERE BUILDING A CITY, BUT THEY COULDN'T LIVE IN IT, THE CITY THEY WERE HELPING TO BUILD. SO I DO HOPE WE CAN FIND SOME PROGRESS ON THAT. ALSO, I DO THINK IT WILL BE IMPORTANT THAT WE STRUCTURE THIS AGREEMENT TO REFLECT THAT THE HEIGHTS THAT HAVE BEEN NEGOTIATED ARE A REFLECTION OF THE NOISE OF THE UPPER DECK OF INTERSTATE 35 SO THAT IT IS A REFLECTION THAT THIS IS ALMOST LIKE A REVERSE PRECEDENT, THAT WE'RE ONLY CONTEMPLATING THESE HEIGHTS IN THE FIRST PLACE BECAUSE OF THEIR PROJECTION..... PROXIMITY TO INTERSTATE 35 AND THIS IS NOT AN OPEN INVITATION FOR A HEIGHT FRENZY ALONG RED RIVER. I THINK IT'S JUST THE OPPOSITE, IT'S A REFLECTION OF THE UNIQUE CHARACTERISTICS OF THIS PARTICULAR SITE AND WE NEED TO KEEP IT AT THAT. AND SO I KNOW YOU HAVE A LOT OF WORK TO GO HERE, BUT I'M REALLY JUST ASTOUNDED AND IMPRESSED WITH HOW FAR YOU'VE GOTTEN. SO KEEP GOING AND I LOOK FORWARD TO SEEING THE FINAL RESULT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: WELL, I'M GOING TO BE REPRESENT..... REPETITIOUS, BUT BRIEF. WHEN WE HAD OUR FIRST MEETING ABOUT THREE WEEKS AGO UPSTAIRS WITH THE NEIGHBOR AND THE DEVELOPER'S AGENTS, I WAS VERY STEP CA KEL THAT -- SKEPTICAL THAT THIS COULD GET DONE IN THE TIME FRAME WE WERE GOING TO PLAN FOR. YOU DID IT, CONGRATULATIONS TO ALL OF YOU AND



THANK YOU.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: MAYOR, I'LL MOVE APPROVAL ON FIRST READING ONLY WITH THE HOPE THAT WE CAN CONTINUE THESE NEGOTIATIONS AND BRING SOMETHING BACK NEXT WEEK THAT WE CAN ALL BE HAPPY WITH AND MOVE ON.

Mayor Wynn: COUNCILMEMBER MARTINEZ MOVES WE CLOSE THE PUBLIC HEARINGS AND APPROVE A COMBINE CASE ITEM 65 AND 66, TO BE SECONDED BY COUNCILMEMBER COLE. MR. GUERNSEY IS GOING TO HELP US CRAFT WHAT THIS MOTION IS.

MAYOR AND COUNCIL, THERE IS A DESIRE, I UNDERSTAND, TALKING TO THE NEIGHBORHOOD'S REPRESENTATIVE TO KEEP THE PUBLIC HEARING OPEN. I THINK THERE WAS SOME DISCUSSION AMONG ALL THE PARTIES THINKING THAT YOU WOULD TAKE FIRST AND SECOND READING TODAY, BUT IN LIGHT OF THE DEVELOPMENTS THAT HAVE OCCURRED THIS AFTERNOON AND THAT YOU'RE ONLY TAKING FIRST READING, I THINK THERE'S A DESIRE. AND MR. SUTTLE AND MS. GLASGO AND MS. MEADE CAN CERTAINLY SPEAK TO THIS, BUT I THINK THEY HAVE ASKED THAT THE PUBLIC HEARING REMAIN OPEN. AND WHEN THIS COMES BACK NEXT WEEK THAT THEY WOULD STILL ALLOW FOR INPUT.

I'M NOT OPPOSED TO IT IF ERCH WANTS TO KEEP IT OPEN. I THINK WE'RE CLOSE TO AN AGREEMENT WITH WHAT APPEARS TO BE ONLY ONE ITEM, AT LEAST FOR ME. I'M NOT SPEAKING FOR THE REST OF THE DAIS. SO IF WE COME BACK ON SECOND AND THIRD READING AND SPEAK TO THAT CONCERN OF AFFORDABILITY, I DON'T KNOW THAT WE NEED TO KEEP IT OPEN. BUT IF THIS IS MUTUALLY AGREED UPON BY THE PARTIES, THAT'S FINE WITH ME.

Mayor Wynn: AGREED. COUNCILMEMBER COLE? OKAY. SO WE WILL KEEP THE PUBLIC HEARING OPEN, CERTAINLY ALLOW FOR ADDITIONAL TESTIMONY IF NEEDED, BUT APPROVE ON FIRST

READING ONLY. MR. GUERNSEY?

FIRST READING ONLY. STAFF WITH LAW DEPARTMENT'S ASSISTANCE WILL DO OUR BEST TO CRAFT AN ORDINANCE BASED ON THE INFORMATION PRESENTED TO YOU THIS EVENING. WE MAY COME BACK AND REPRESENT AND RECOMMEND TO YOU THAT SOME OF THESE ITEMS BE PLACED INTO A PUBLIC COVENANT, SOME OF THEM THAT REMAIN IN A PRIVATE COVENANT, AND WE'LL TAKE THOSE ITEMS THAT WE CAN AND PUT THEM INTO AN ORDINANCE. THERE WERE REFERENCES TO ITEMS ON HERE THAT WERE NOT ON THE PROPERTY, THEY WERE OFF SITE, AND WE'LL WORK THROUGH THOSE THE BEST WE CAN WITH THE REPRESENTATIVES, WITH THEIR INPUT AND PARTICIPATION WITH STAFF AND THE LAW DEPARTMENT TO TRY TO BRING BACK SOMETHING TO YOU THAT ALL PARTIES WOULD BE AGREEABLE. AND AS CHANGE COME ALONG, WE WILL HOPE THAT ALL PARTIES SHARE THAT INFORMATION WITH IS STAFF AND THE LAW DEPARTMENT. SO WE MIGHT BE ABLE TO TAKE A TIMELY ACTION NEXT WEEK.

MAYOR AND COUNCIL, IF I CAN. WHAT MR. GUERNSEY IS REQUESTING, AND WHAT I HAD REQUESTED OF THE PARTIES IS FIRST OF ALL, WE NEED AN AWFUL LOT OF INFORMATION TO GET THIS DONE, AND THE PARTIES HAVE ASSURED US THAT THEY'RE GOING TO WORK VERY, VERY HARD TO GET US THAT INFORMATION, BUT WHAT MR. GUERNSEY IS REALLY REQUESTING IS THAT THE MOTION FOR ADOPTION ON FIRST READING CONTINUE TO GIVE US THE FLEXIBILITY TO PUT THE VARIOUS ITEMS IN THE VARIOUS PEWS WHERE THEY BELONG. AND THE ITEMS THAT MR. GUERNSEY IS REFERRING TO IS THE LIST THAT HE READ EARLIER, AND WE ASSUME THAT THAT IS WHAT THE MOTION ENCOMPASSES, IF THAT WILL HELP YOU ALL.

Mayor Wynn: THAT DOES. THANK YOU, MS. TERRY. SO A MOTION AND SECOND ON THE TABLE. THERE WILL BE A CONTINUANCE OF THE PUBLIC HEARING IF NEED BE. APPROVING ON FIRST READING ONLY

THE FRAMEWORK THAT HAS BEEN PRESENTED  
HERE TONIGHT AND CERTAINLY ASK THAT THAT  
PROGRESS CONTINUE AND THAT STAFF ARE WORK  
TO DRAFT SUCH AN ORDINANCE. AN ORDINANCE  
FOR NEXT WEEK. FURTHER COMMENTS? HEARING  
NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MAYOR AND COUNCIL, THAT CONCLUDES OUR  
ZONING ITEMS THIS EVENING THE.

Mayor Wynn: WITH NO MORE BUSINESS BEFORE THE  
CITY COUNCIL, WE NOW STAND ADJOURNED. IT IS  
10:16 P.M.

**End of Council Session Closed Caption  
Log**