

## Closed Caption Log, Council Meeting, 12/01/05

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

Mayor Wynn: GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME CARL TROVALL, WHO IS A CAMPUS PASTOR AT THE UNIVERSITY LUTHERAN CHURCH THAT WILL LEAD US IN OUR INVOCATION, I WOULD REQUEST IF YOU COULD INCLUDE SOME THOUGHTS ABOUT FORMER MAYOR BRUCE TODD. WELCOME, PLEASE RIDE.

WE ALSO REMEMBER THE VICTIMS OF AIDS AND H.I.V. TODAY AS WE ALSO REMEMBER BRUCE TODD. GOD OF OUR TIMES, OUR YEARS, OUR DAYS, GOD OF OUR WORK, OUR REST, OUR WEARINESS. WE PRAY TO YOU THIS DAY FOR OURSELVES, AND OTHERS LIKE US IN OUR GREED, WE ARE AMONG THOSE WHO WANT MORE AT THE EXPENSE OF OTHERS, MORE MONEY, MORE POWER, MORE PIETY, MORE SEX, MORE INFLUENCE, MORE MORALITY, MORE LEARNING, MORE CLOTHES, MORE SUCCESS. BE FOR US ENOUGH AND MORE THAN ENOUGH FOR WE KNOW YOUR SELF-GIVING GENEROSITY. WE PRAY TO YOU THIS DAY FOR OURSELVES AND OTHERS LIKE US IN OUR LACK. WE ARE NOT DISTANCED FROM THOSE WITHOUT, WITHOUT LOVE, WITHOUT HOME, WITHOUT HOPE, WITHOUT JOB, WITHOUT COMPLETE HEALTH, INCLUDING OUR FRIEND BRUCE, WITHOUT HEALTH CARE, WITHOUT FRIENDS, WITHOUT FOOD, WITHOUT ECONOMIC, SOCIAL AND POLITICAL JUSTICE. BE AMONG US, OH, GOD, FILL US AND THE HUNGRY WITH GOOD THINGS. COMFORT THEM AND US AND USE US TO MEET THEIR NEED. WE PRAY TO YOU THIS DAY FOR OURSELVES AND OTHERS LIKE US WHO GENUINELY AND DEEPLY CARE ABOUT AND

WISH TO MAKE THE POWERFUL IMPACT UPON OUR WORLD FOR GOOD, ON OUR NATION AND OUR STATE, OUR CITY, OUR NEIGHBORHOOD AND OUR FAMILIES. COME, BE WITH US IN OUR LABOR TODAY, THAT YOU MAY HELP US TO USE OUR DISAPPOINTMENT AS MATERIAL FOR PATIENCE, SUCCESS AS MATERIAL FOR THANKFULNESS, PRIVATE AND PUBLIC OPPOSITION AS MATERIAL FOR GRACIOUSNESS, AND PUBLIC AND PRIVATE PRAISE AS MATERIAL FOR HUMILITY. IN THE NAME OF THE SAVIOR, AMEN.

Mayor Wynn: THANK YOU, PASTOR, JUST ON AN ADDITIONAL NOTE, AS WE KNOW FORMER MAYOR BRUCE TODD IS NOW FORTUNATELY RECOVERING WELL FROM A VERY SERIOUS BICYCLING ACCIDENT THIS PAST SUNDAY. BRUCE WAS RIDING ALONE AS PART OF A LARGER AUSTIN CYCLING ASSOCIATION EVENT AND HAD A VERY SERIOUS ACCIDENT. IT'S VERY OBVIOUS TO EVERYBODY INVOLVED, HIS WIFE POINTED OUT SEVERAL TIMES HIS HELMET CLEARLY SAVED HIS LIFE, ALL INDICATIONS ARE THAT BRUCE LANDED FACE FIRST GOING DOWNHILL ON PAVEMENT. THERE IS A FUND THAT HAS NOW BEEN ESTABLISHED AT THE AUSTIN CYCLING ASSOCIATION TO RAISE MONEY TO PURCHASE BICYCLE HELMETS FOR NEEDY CHILDREN IN CENTRAL TEXAS. YOU ARE PROBABLY AWARE THAT WHEN BRUCE WAS MAYOR, HE PASSED, HELPED PASS, A CONTROVERSIAL BICYCLE HELMET LAW HERE IN TOWN. THERE WAS MUCH CONTROVERSY, BRUCE WAS AN AVID CYCLIST, ALWAYS WEARS HIS HELMET, THIS FEW OUNCES OF PLASTIC AND STYROFOAM HELPED SAVE HIS LIFE ON SUNDAY AND WE CAN ALL HELP TO MAKE SURE THAT NEEDY CHILDREN IN CENTRAL TEXAS HAVE PROPER HELMETS WHEN THEY RIDE. LOG ON TO THE WEBSITE OF THE AUSTIN CYCLING ASSOCIATION, WORLDWIDE WEB AUSTIN CYCLING.ORG, THE SUN WAS SET UP TO RAISE BICYCLE HELMETS IN HIS HONOR, WE ARE THANKFUL THAT HE IS RECOVERING, THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THE AUSTIN CITY COUNCIL, THURSDAY, DECEMBER 1st, ALREADY, 2005, HERE AT 10:15 IN THE MORNING, CITY COUNCIL BUILDING, 301 WEST SECOND STREET. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE ON ITEM NO. 8, WE SHOULD STRIKE THE PHRASE HOTEL OCCUPANCY TAX FUND, STRIKE THE WORDS,

THE BEGINNING BALANCE BY AN AMOUNT OF \$289,595 AND INCREASE TRANSFERS OUT TO, STRIKING ALL OF THAT, INSERTING THE WORD BEGINNING BALANCE, AND NEW AMOUNT OF \$291,790 AND THEN STRIKING THE REST OF THE PHRASE AND AMENDING ING TOURISM AND PROMOTION FUND ... BY THE AMOUNT OF. WHAT WE ARE DOING HERE, THIS IS NOW A FISCAL YEAR '05-'06 OPERATING BUDGET ORDINANCE NUMBER, INCREASING THE TOURISM AND PROMOTION FUND, BEGINNING BALANCE, BY THAT AMOUNT, \$291,790 AND INCREASE IN THE APPROPRIATIONS TO THE EXPENSES. THAT'S ITEM NO. 8 ON TODAY'S AGENDA. ON ITEM NO. 10 WE SHOULD STRIKE THE WORD REST RESOLUTION, INSERT THE WORD ORDINANCE. ITEM NO. 29, POSTPONED TO DECEMBER 15th, 2005. ITEM NO. 30 WITHDRAWN FROM THE AGENDA. ITEM NO. 37, WE SHOULD NOTE THAT IT'S RELATED TO ITEMS 49, NOT 38. ITEM NO. 38 WE COULD STRIKE THE REFERENCE RELATED TO ITEMS NUMBER 37 AND 49. THOSE ARE THE CHANGES TO THIS WEEK'S POSTED AGENDA. OUR TIME CERTAINS FOR TODAY AT NOON, WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATIONS. AT 2:00 WE WILL HAVE ONE BRIEFING, WHICH SHOWS AS ITEM NO. 51 ON TODAY'S AGENDA. AT 3:00, WE WILL HAVE A BOARD OF DIRECTORS MEETING OF THE AUSTIN HOUSING AND FINANCE CORPORATION, WE HAVE TWO AGENDA ITEMS ON THAT BOARD TO HEAR. AT 4:00 WE HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION ITEMS 54 THROUGH 57. A COUPLE OF ITEMS HAVE BEEN PULLED OFF TODAY'S CONSENT AGENDA TO BE DISCUSSED LATER BY COUNCIL. ITEM NO. 9, REGARDING THE CULTURAL ARTS FUNDING PROGRAM, PULLED BY COUNCILMEMBER ALVAREZ. ITEM 18, REGARDING A -- A LAND ISSUE AT THE AUSTIN REVITALIZATION AUTHORITY, PULLED BY COUNCILMEMBER ALVAREZ. AND ITEM NO. 37, WON'T BE ON THE CONSENT AGENDA BECAUSE WE WILL TAKE UP THE RELATED ITEM IN CLOSED SESSION. COUNCIL, OTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA OR ADDED BACK?

Thomas: MAYOR, NUMBER 28, I DIDN'T GET IT DOWN SO --

WE WILL TAKE ITEM NO. 28 OFF THE CONSENT AGENDA. MS.

BROWN.

IF YOU EXPLAIN, STAFF CAN EXPLAIN WHY NUMBER 30 WAS TOTALLY WITHDRAWN. IF THE STAFF PEPPER COULD HELP US WITH ITEM NO. 30 -- PERSON COULD HELP US WITH ITEM NO. 30, TRUE GREEN CARE, WITHDRAWN BY STAFF.

Futrell: PEOPLE MOVING DOWN TO THE FRONT, MAYOR.

Mayor Wynn: WELCOME, MR. GARZA.

JUAN GARZA, OF AUSTIN ENERGY. WE PULLED THAT ITEM. THERE IS A CONCERN THAT -- REGARDING THE ORDINANCE ALSO IN CONFLICT WITH -- WITH A COUNCIL POLICY TO PURSUE ENVIRONMENTAL -- FRIENDLY EQUIPMENT IN DOING THIS KIND OF WORK. SO WE ARE GOING TO PULL THAT BACK AND REVIEW IT MORE APPROPRIATELY. WE HAD NOT REALLY PAID ATTENTION TO THE SECOND ASPECT OF THAT CONCERN. WE WILL DO THAT AND BRING BACK THE RECOMMENDATION TO THE CITY COUNCIL AT THE NEXT WEEK AT THE NEXT MEETING.

THANK YOU. BECAUSE THERE WERE SEVERAL PEOPLE INQUIRED THROUGH MY OFFICE ABOUT THE ENVIRONMENTAL ISSUES OF THAT, SO ONCE IT COME BACK, IF YOU CAN GIVE ME A LITTLE BIT MORE INFORMATION ABOUT WHAT KIND OF EQUIPMENT WE ARE GOING TO USE.

THAT'S CORRECT. WE CERTAINLY WELL. THERE'S COMPETING PRIORITIES OF THE COUNCIL. WE CERTAINLY WELL.

Mayor Wynn: THANK YOU, FURTHER COMMENTS OR ITEMS TO BE PULLED OFF THE CONSENT AGENDA?

Alvarez: MAYOR, ON ITEM NO. 9, I THINK WE MIGHT BE ABLE TO PUT THAT BACK ON CONSENT IF I CAN GET A QUICK ANSWER TO A QUESTION FROM STAFF. THIS IS THE CAPACITY BUILDING PROGRAM WE APPROVED DURING THE BUDGET. THE GUIDELINES COMMITTEES WORKED FOR THE LAST COUPLE OF MONTHS TO DEVELOP THE CRITERIA THAT WENT TO THE ARTS COMMISSION AND NOW IT'S -- LET'S COMING FORWARD FOR COUNCIL APPROVAL. I WAS JUST

CURIOUS, I THINK YOU MAY HAVE ANSWERED THESE QUESTIONS ALREADY. BUT I WAS JUST WONDERING FROM THE GUIDELINES COMMITTEE TO THE ARTS COMMISSION, WERE THERE ANY CHANGES TO THE RECOMMENDATION FROM THE GUIDELINES COMMITTEE. MAYOR, MAYOR PRO TEM, COUNCIL, MY NAME IS VINCENT KITCHEN. THE ONLY CHANGE FROM THE GUIDELINES COMMITTEE RECOMMENDATION THAT THE ARTS COMMISSION MADE WAS IN THE LEVEL 1 OF THE CAPACITY BUILDING PROGRAM, ORIGINALLY THE GUIDELINES ESTABLISHED A MAXIMUM REQUEST OF \$1,500. THE ARTS COMMISSION FELT THAT THAT WAS NOT ADEQUATE AND IT HAS CHANGED THAT TO 2,000, A \$500 INCREASE. BOTH THE GUIDELINES COMMITTEE AND ARTS COMMISSION ALSO MADE A RECOMMENDATION THAT OF THIS YEAR'S ALLOCATION OF 140,000, THAT 20,000 BE SET ASIDE AND HELD FOR LEVEL 1 APPLICANTS, WE WOULD DO THAT ADMINISTRATIVELY AS WELL.

Alvarez: THANK YOU FOR CLARIFYING THAT. I WANTED TO MAKE SURE SINCE IT'S NOT NECESSARILY PART OF THE ACTION, THAT WE AT LEAST STATED THAT FOR THE RECORD. THANK YOU, MAYOR. I WILL REQUEST THAT WE PUT THAT BACK ON THE CONSENT. ITEM 9.

Mayor Wynn: THANK YOU, MS. BROWN ITEM NO. 9 BACK ON THE CONSENT AGENDA. OTHER ITEMS TO BE PULLED OR ADDED BACK? IF NOT I WILL READ THE CONSENT AGENDA NUMERICALLY. IT WILL BE ITEMS 1, 2, 3, 4, 5, 6, 7,, THAT'S RELATED TO ITEM NO. 8, ALSO ON THE CONSENT AGENDA, ITEM NO. 8, CHANGES AND CORRECTIONS, 9, 10, PER CHANGES AND CORRECTIONS, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29 TO BE POSTPONED TO DECEMBER 15th 15th, 2005, ITEM 30 IS WITHDRAWN. TIPPING ON WITH THE CONSENT AGENDA, ITEM 31, 32, 33, 34, IS THE BOARDS AND COMMISSIONS APPOINTMENTS. THEY ARE: TO OUR ARTS COMMISSION, BRENDA MALICK IS CONSENSUS REAPPOINTMENT. SHANNON PHILLIPS MARONE COUNCILMEMBER MCCracken'S REAPPOINTMENT, GLORIA MADA PENNING TON IS COUNCILMEMBER ALVAREZ REAPPOINTMENT. TO OUR COMMISSION ON APPOINTMENT, JEANETTE PELE IS A CONSENSUS APPOINTMENT, TO THE HUMAN RIGHTS COMMISSION, JUDY CORTEZ IS A CONSENSUS REAPPOINTMENT. AS IS ORLANDO SMITH.

JAMES BOW ECHOLS IS COUNCILMEMBER MCCracken'S REAPPOINTMENT. TO THE URBAN TRANSPORTATION COMMISSION, AND DREW BUCKNAL AND ANDREW CLEMENTS, COUNCILMEMBER DUNKERLY'S REAPPOINTMENT. ITEM NO. 34 ON THE CONSENT AGENDA. ALSO ON THE CONSENT AGENDA ITEM 35, 36, 48 PER CHANGES AND CORRECTION, 39, 40, AND 41. I'LL ENTERTAIN A MOTION. MEXICO MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS?

Clerk Brown: MAYOR YOU DO HAVE SOME SPEAKERS ON NUMBER --

Mayor Wynn: I WILL ASK YOU TO PLEASE CALL THEM OUT, I WILL TRY TO ACCESS THE SCREEN HERE, BUT -- COUNCILMEMBER KIM? SORRY.

Kim: COULD WE HAVE BOB LANDER OF THE CONVENTION AND VISITORS BUREAU TALK ABOUT ITEMS 7 AND 8 AND THE INCREASING OF THE MARKETING BUDGET AND WHAT'S ANTICIPATED IN TERMS OF -- OF GETTING MORE BUSINESS TO AUSTIN, MORE TOURISM, WHAT THEY ANTICIPATE TO DO WITH THE -- I GUESS WITH THE YEAR AHEAD WITH THIS INCREASED BUDGET.

WELCOME, MR. LANDER.

THANK YOU, I'M THE CEO OF THE CONVENTION AND VISITORS BUREAU HERE IN THE CITY OF AUSTIN. MAYOR, MEMBERS OF THE COUNCIL, WE, AS YOU KNOW, THE OVERAGE FROM BED TAX LAST YEAR IS WHAT WE ARE REQUESTING AT THE END OF THIS PRIOR YEAR AND THIS IS THE AMOUNT THAT WE ARE REQUEST KNOWLEDGE TODAY, ABOUT \$291,000. WITH THAT WE HAVE PROPOSED SEVERAL DIFFERENT ADDITIONS TO OUR MARKETING PLANS, WHICH INCLUDE DEVELOPMENT OF A MULTI-CULTURAL STRATEGY, WHICH WAS ONE OF THE NUMBER ONE THINGS THAT WE HAVE BEEN TRYING TO GET OVER THE LAST FOUR YEARS, KIND OF GET PUT IN PLACE. WE HAVE HAD SOME -- WE'VE HAD SOME SUCCESSES IN THAT AREA. AS YOU KNOW, WE BOOKED THE U.S. HISPANIC CHAMBER OF COMMERCE, A COUPLE OF OTHER BIG CONVENTIONS AND NCLR AND WE

ARE KIND OF TRYING TO EXPAND THAT. SO WE HAVE -- WE HAVE MADE A DEAL WITH SWG AND N, WHO IS A MULTI-CULTURAL MARKETING SPECIALIST HERE IN THE AUSTIN AREA, HAVE A LOT OF EXPERIENCE IN THIS AREA, WE HAVE ASKED THEM TO START THEIR BUSINESS AND HAVE A COMPLETE STRATEGY BY THE END OF Q 1 OF CALENDAR NEXT YEAR. IN ADDITION TO THAT, WE ARE ADDING SOME OF OUR CLIENT RELATED ACTIVITIES, WHICH WE'VE HAD TO DROP OVER THE LAST COUPLE OF YEARS. SOME OF THE BIGGER NATIONAL MARKETS LIKE WASHINGTON AND CHICAGO. OUR -- OUR PERCEPTION OF THOSE MARKETS IS GROWING EVERY DAY. THE CONVENTIONS THAT WE'VE HAD JUST IN THE LAST QUARTER OF THIS YEAR, WE HAD EIGHT MAJOR CITY-WIDE CONVENTIONS SINCE THE HURRICANE. IN THE CONVENTION CENTER JUST IN THE LAST QUARTER OF THIS YEAR. SO THAT'S GROWING EVERY DAY. HOWEVER, WE STILL HAVE A LOT OF WORK TO DO IN THAT AREA, SO WE ARE INCREASING OUR EFFORTS IN THAT AREA. WE ARE DEVELOPING SOME NEW TOPOGRAPHY, WE NEED TO GET NEW SHOTS TO USE IN OUR MATERIAL. PHOTOGRAPHY. WE ARE GOING TO DO EXTRA MEDIA PLACEMENT. OUR MEDIA BUDGET HAS BEEN CUT DRASTICALLY SINCE 9/11. WE ARE TRYING TO BUILD THAT BACK UP, AT SOME POINT, JULIA IS WITH US TODAY, OUR NEW FINANCE DIRECTOR AT THE BUREAU, SHE'S PUSHING ME VERY HARD TO GET THE RESERVE FUND BUILT BACK UP TO WHERE IT NEEDS TO BE TO KIND OF HELP US CONFRONT SOME OF THE ECONOMIC DOWNTURNS THAT WE HAVE DEALT WITH IN THE LAST COUPLE OF YEARS. BUT IT WILL ALLOW TO US DO A FEW THINGS IN THE PAST THAT WE HAVE KIND OF HAD TO SLIDE BACK ON.

GREAT. I THINK YOU ALL ARE DOING VERY GOOD WORK.

THANK YOU VERY MUCH. APPRECIATE YOU ALL.

Mayor Wynn: THANK YOU. ON THE CONSENT AGENDA, TODAY, ITEM NO. 11 AND 12 RELATE TO THE ACTION NEEDED BY THIS COUNCIL TO RATIFY OUR COLLECTIVE BARGAINING AGREEMENT WITH THE FIREFIGHTERS UNION. THIS OF COURSE WAS OUR FIRST EXPERIENCE WITH COLLECTIVE BARGAINING AND I WANT TO BEGIN BY -- BY THANKING THE CITY STAFF, THE SENIOR CITY STAFF AND THE BARGAINING

TEAM FROM THE CITY'S PERSPECTIVE ON A LOT OF TIME, EFFORT WAS PUT INTO THAT AGREEMENT. BUT I WOULD LIKE TO RECOGNIZE WE HAVE THE -- SOME FIREFIGHTERS HERE WITH US, INCLUDING MEMBERS OF THE BARGAINING TEAM. MR. MARTINEZ, IF YOU WOULD LIKE TO APPROACH I WOULD APPRECIATE A FEW COMMENTS ABOUT TODAY'S AGREEMENT. WELCOME.

MAYOR, MAYOR PRO TEM, COUNCIL, CITY MANAGER. WE ARE JUST HERE TO SAY THANK YOU VERY MUCH FOR -- FOR WHAT WE HAVE BEFORE US TODAY IN THE COLLECTIVE BARGAINING AGREEMENT. IT WAS A LONG PROCESS. BOTH SIDES WORKED REALLY HARD TO COME TOGETHER AND FIND SOME COMMON GROUND WHILE ALSO ACHIEVING THE GOALS THAT WE SET FOR EACH ONE OF OUR TEAMS. AND I THINK WHAT WE HAVE IS THE THREE-YEAR AGREEMENT THAT IS GOING TO DO SOME GREAT THINGS FOR THE FIRE DEPARTMENT. AND FOR THIS COMMUNITY. AND FOR OUR FIREFIGHTERS. THEY WILL BE WELL TAKEN CARE OF AND WELL COMPENSATED AND THAT IS -- THAT IS NO SMALL FEAT AND IT'S NOT UNAPPRECIATED. WE REALLY ACKNOWLEDGE AND THANK YOU FOR THE WORK THAT YOU HAVE DONE AND THE DIRECTION THAT YOU HAVE GIVEN THE CITY TEAM TO COME TO THE TABLE AND -- AND TREAT THE FIREFIGHTERS AS FAIRLY AS YOU HAVE. WE ALSO HOPE THAT SOME OF THE OTHER PROVISIONS THAT WE WERE ABLE TO NEGOTIATE IN THE CONTRACT ARE GOING TO ACHIEVE THE OTHER REALLY, REALLY IMPORTANT GOALS THAT WE HAVE. AND -- IN WORKING ON OUR DIVERSITY IN THE FIRE DEPARTMENT. AND ONCE AND FOR ALL, AT TAPING THOSE GOALS. TRULY RE-- ATTAINING THOSE GOALS, TRULY REFLECTING THIS COMMUNITY AND PROVIDING THEM WITH THE INCREDIBLE SERVICE THAT WE ALREADY PROVIDE, BUT ALSO REFLECTING THE COMMUNITY THAT WE SERVE. SO -- SO ONCE AGAIN, THANK YOU AND ON BEHALF OF ALL OF THE FIREFIGHTERS, WE REALLY APPRECIATE IT. THANKS.

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

Thomas: THANK YOU, MAYOR. MR. MARTINEZ?

Futrell: YOU MOVE TO QUICKLY, MIKE.



Thomas: ON BEHALF OF THE MAYOR AND THE COUNCIL, WE DO, LIKE THE MAYOR SAID WE APPRECIATE THE BARGAINING TEAM, WE APPRECIATE THE ADMINISTRATION, STAFF. AND THE BARGAINING TEAMWORKING TOGETHER. MY ULTIMATE GOAL IS WHAT YOU JUST SAID, WE COME TOGETHER AND WORK ON ACHIEVING THE GOALS THAT YOU SET OUT TO ACHIEVE AS FAR AS HIRING OF MINORITIES AND ALSO PROMOTION OF MINORITIES. I THINK ON THE BEHALF OF THE MAYOR AND THE COUNCIL, IF WE, THE ADMINISTRATION OF THE FIRE DEPARTMENT, WE ARE LOOKING FORWARD TO WHOEVER THE NEW CHIEF IS, AND THE ASSOCIATION AND THE COUNCIL AND THE CITY MANAGER'S STAFF AND EVERYBODY WORK TOGETHER, I THINK WE WILL ACCOMPLISH THE GOALS THAT THE CITIZENS OF AUSTIN ARE LOOKING FORWARD TO. APPRECIATE YOUR HARD WORK.

THANK YOU.

GOD BLESS YOU.

I APPRECIATE IT. MAYOR PRO TEM IS RIGHT. WITH THIS CONTRACT AND WITH THE HIRING OF A NEW CHIEF, WE STAND FACING BEFORE US IN THE COMING NEW YEAR THAT WE HAVE A LOT OF OPPORTUNITY IN THIS FIRE DEPARTMENT, LOOKING FORWARD TO THE NEW FIRE CHIEF AS WELL. LOOKING FORWARD TO GETTING THIS CONTRACT IN PLACE AND MOVING FORWARD. THANK YOU.

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

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. [ APPLAUSE ] COUNCIL, WE HAVE A COUPLE OF DISCUSSION ITEMS THAT WE CAN TAKE UP BEFORE THE LUNCH BREAK OR CLOSED SESSION. I THINK WE WILL TAKE THEM SEQUENTIALLY -- FOLKS, IF YOU COULD TAKE YOUR CONVERSATION OUT INTO THE FOYER, I WOULD APPRECIATE IT. THANK YOU ALL FOR BEING HERE THIS MORNING. ITEM NO. 18 WAS PULLED BY COUNCILMEMBER

ALVAREZ. RELATED TO A PIECE OF LAND AND THE AUSTIN REVITALIZATION AUTHORITY. WELCOME MR. PAUL HILGERS. THANK YOU, MAYOR, I'M PAUL HILGERS, DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. BE GLAD TO ANSWER ANY QUESTIONS, ACTION ITEM NO. 18 IS THOUGH AUTHORIZE THE TRANSFER OF A PARCEL OF LAND LOCATED AT 1108 OLIVE STREET, INCLUDING AN HISTORICAL STRUCTURE AND IMPROVEMENTS LOCATED ON THE LAND TO THE AUSTIN REVITALIZATION AUTHORITY TO DEVELOP LOW INCOME, MODERATE INCOME AFFORDABLE HOUSING. ONCE THE STRUCTURE HAS BEEN RENOVATED IT WILL BE MARKETING TO PERSONS AT OR BELOW MAXIMUM INCOME OR 08% OF MFI, RESTRICTIVE COVENANT'S KICK TAKE ITING HOME RESTRICTIONS AND RESTORATION GUIDELINES. ARA, OUR PARTNER IN REDEVELOPMENT THE 11th AND 12th STREET CORRIDOR HAS SUBMITTED A FINANCING PLAN FOR STAFF'S REVIEW TO SUPPORT THE RENOVATION OF THIS HISTORIC STRUCTURE FOR AFFORDABLE HOUSING AT NO ADDITIONAL COSTS TO THE CITY. I KNOW THERE WERE QUESTIONS REGARDING AFFORDABILITY. AGAIN THE TARGETED LEVEL OF AFFORDABILITY IS MAXIMUM INCOME LEVEL OF 80% AT -- AND THE -- THE LEAPT OF AFFORDABILITY -- THE LENGTH OF AFFORDABILITY THAT THE PROPERTY MUST REMAIN AFFORDABLE IS FOR 15 YEARS, I WILL BE GLAD TO ANSWER ANY OTHER QUESTIONS THAT YOU MAY HAVE.

Alvarez: SO THIS IS AN EXISTING STRUCTURE OR JUST A PARCEL OF LAND.

AN EXISTING STRUCTURE.

Alvarez: OKAY. WE ARE TRANSFERRING THE PARCEL OF LAND WITH THE HISTORIC STRUCTURE ON THERE.

Alvarez: THE IDEA BEING THAT ARA IS GOING TO REHABILITATE THAT STRUCTURE?

YES, SIR.

THE REVITALIZATION AUTHORITY HAS SOME HISTORY WITH US OBVIOUSLY, GETTING MORE INVOLVED IN THE AFFORDABLE HOUSING BUSINESS, IN THE HOUSING

BUSINESS IN GENERAL. THEIR STRATEGIES FOR THE REVITALIZATION OF 11th AND 12th STREET. THEY HAVE FIVE UNITS THAT THEY HAVE COMPLETED SO FAR IN THAT PROCESS. THREE OF THE UNITS WERE PURCHASED AND OCCUPIED ON MAY OF 2005. TWO REMAINING UNITS SCHEDULED TO BE PURCHASE AND OCCUPIED BY THE END OF DECEMBER, ONE HOUSE LOCATED AT 1001 JUNIPER IS UNDER CONSTRUCTION AND EXPECTED TO BE COMPLETED BY MARCH OF '06. AND THEY ARE WORKING HARD TO CREATE THE AFFORDABILITY LEVELS THAT -- THAT THIS COUNCIL HAS -- HAS SOUGHT. TWO OF THOSE ARE AT 80% OF M.F.I., ONE OF 65%, TWO OF THOSE ARE AT OR BELOW OF 50% OF MEDIAN FAMILY INCOME. AGAIN IT'S PART OF THEIR STRATEGY TO HELP US DEAL WITH THE ISSUES OF GENTRIFICATION AND REVITALIZATION IN THAT AREA.

Alvarez: SURE, BUT I'M JUST WONDERING, YOU KNOW, WHY WE CAN'T SORT OF TARGET A LEVEL THAT'S LOWER THAN 80% M.F.I., IN THIS CASE, YOU KNOW, THEY ARE NOT PAYING ANYTHING FOR THE PROPERTY. THEY ARE JUST PAYING FOR THE REHAB. REHABILITATION OF THE PROPERTY. SO IT SEEMS LIKE A PRIME OPPORTUNITY TO GET SOME OF THESE LOWER AFFORDABILITY LEVELS. THAT'S REALLY SORT OF WHAT I'M CURIOUS ABOUT BECAUSE I'M NOT SURE IF THERE'S A -- YOU KNOW, A MASTER PLAN IN TERMS OF HOW ARA -- WHAT INCOME LEVELS ARA WANTS TO TARGET, BUT --

WELL, I HAVE --

Alvarez: IN TERMS OF THE PROPERTY THE CITY OWNS, I THINK THAT, YOU KNOW, WE NEED TO BE TRYING TO -- TO ACHIEVE THE GREATEST LEVELS OF AFFORDABILITY POSSIBLE BECAUSE WE KNOW, THE PRIVATE SECTOR ISN'T TRYING TO DO THAT ANYMORE. IN THIS PART OF TOWN. AND SO, YOU KNOW, I'M JUST CURIOUS, YOU KNOW, ABOUT THE POSSIBILITY OF TRYING TO ENSURE THAT WE DIG DEEPER INTO -- IN TERMS OF THE AFFORDABILITY LEVEL THAT'S GOING TO BE ACHIEVED.

I WOULD BE GLAD TO LET MR. MARSHAL COME UP AND TALK MORE SPECIFICALLY ABOUT HIS SPECIFIC PLANS FOR THIS PARTICULAR UNIT. ONE OF THE ISSUES AND AGAIN WE'LL TALK ABOUT IT AGAIN TODAY, AT OUR 2:00 BRIEFING ON

DEALING WITH AFFORDABILITY, IS THE VALUE OF PROPERTY OBVIOUSLY IS BECOMING -- HAVING EXPONENTIAL GROWTH. BUT ON PROPERTIES WHERE WE HAVE TO RESTORE IT TO HISTORIC LEVELS, TO MEET HISTORIC STANDARDS MIGHT HAVE SOME IMPACT IN OUR ABILITY TO ACHIEVE THE LEVEL OF AFFORDABILITY. THE ISSUE FOR US ON THIS PROPERTY IS THAT THE MAXIMUM LEVEL OF AFFORDABILITY FOR THIS PROPERTY WOULD BE 80% OF MEDIAN FAMILY INCOME. IT DOESN'T NOT PROHIBIT THEM FROM GOING ANY LOWER THAN THAT. I WOULD ASK BYRON IF HE HAS ANY COMMENTS THAT HE WOULD LIKE TO MAKE ABOUT WHAT HIS PLANS ARE IN THE MASTER PLAN THAT YOU TALKED ABOUT, ABOUT ACHIEVING THOSE AT A LIVELY LEVEL SO THAT HE COULD COMMENT ON THAT DIRECTLY. IF YOU WOULD LIKE TO.

WELCOME, MR. MARSHAL.

GOOD MORNING, HOW ARE YOU?

COUNCILMEMBER. WITH RESPECT TO YOUR QUESTION, AS PAUL SAID, THE MAXIMUM LEVEL WAS 80%, WHAT WE HAVE BEEN ABLE TO ACHIEVE IN THE FIRST FOUR OR FIVE HOUSES IS ONE OF THOSE HOUSES WAS AT 65%, TWO OF THEM WERE AT 50%, TO THE EXTENT THAT WE CAN GO TO A LOWER LEVEL, WE DO, THE BIGGEST ISSUE DRIVING THIS IS THE ACTUAL COST OF REHABBING THE HOUSES. WE CAN BUILD A NEW HOUSE FOR UNDER 70 A FOOT. A REHAB HOUSE MAY COST US 90 TO 100 A FOOT. EVEN THOUGH WE DON'T HAVE TO PAY FOR THE LAND, THE ACTUAL COST OF REHABILITATION IS WHAT'S GOING TO DRIVE THE FINAL SALES PRICE.

Alvarez: ESTIMATING THAT THE COST OF THE REHAB IS GOING TO BE \$100,000, MORE THAN \$100,000?

WE HAVEN'T DONE A -- A BID ON THIS. BUT WE SUSPECT THAT IT WILL BE SOMEWHERE AT LEAST AROUND \$90,000. JUST TO DO REHAB. THAT'S JUST A HARD COST. THAT THE NO, SIR THE SOFT COST ASSOCIATED WITH IT, THAT'S ASSUMING WE DON'T FIND ASBESTOS, DON'T FIND LEAD PAINT, THOSE KIND OF THINGS.

THEN THE INTENT IS I GUESS TO -- TO LEASE IT -- [MULTIPLE

VOICES]

SELLING OUR RIGHT TO SOMEONE WHO IS 80% OR BELOW OF AREA INCOME. WE HAVE A GRANT, IF SOMEONE IS AT 50% OR BELOW, WE CAN ADD THAT GRANT MONEY TO THE DEAL TO TRY TO BRING THE PRICE DOWN. WHAT WE ARE TRYING TO DO IS DO THIS WITH NO ADDITIONAL MONEY FROM THE CITY. THIS WOULD BE ALL PRIVATE FUNDS.

Alvarez: SO WHAT -- I GUESS WHEN WOULD WE KNOW WHAT THE LEVEL OF AFFORDABILITY COULD BE ACHIEVED ON THAT?

ONCE THE LAND IS TRANSFERRED, WE WILL DO AN R.F.P. AND HAVE A -- A SET OF CONTRACTORS BID ON THE ACTUAL COST REHABBING THE HOUSE. ONCE WE KNOW WHAT THAT COST IS, THEN WE CAN DETERMINE WHAT THE SALES PRICE COULD BE. WE HAVE TO AT LEAST BREAK EVEN, WE CAN'T LOSE MONEY ON THE DEAL. WE WOULD TAKE PROBABLY ABOUT 45 DAYS TO KNOW THE ANSWER TO THAT QUESTION.

ONE OF THE THINGS THAT WE WILL 10 TO WORK WITH, THE REVITALIZATION AUTHORITY ABOUT IS THE RESALE OF RESTRICTIONS THAT -- ALSO THE ISSUE OF -- OF THE COST OF THE LAND BEING IN THE -- IN THE DEAL SO TO SPEAK. THE COST OF THE LAND, THERE BE NOT CHARGING THE DIFFERENTIAL BETWEEN THAT EXTRA COST OF RESTORING THE PROPERTY WOULD BE OFFSET BY THAT INCREASED COST IN THE LAND AS BYRON SAID THEY ARE TRYING TO DO THIS TO LEASE THE AFRAIDABILITY LEVELS AS LOW AS POSSIBLE WITHOUT SECURING ANY MORE DOLLARS FROM THE CITY. AND TO ACHIEVE THAT LOW LEVEL MOST LIKELY THEY WILL HAVE TO TAKE A SECOND LEAN ON THE COST OF THAT PROPERTY WHICH WILL ALLOW US TO HOLD IT IN AFRAIDABILITY RESTRICTIONS FOR THOSE 15 YEARS, WHICH WILL ALLOW US TO KEEP IT AFFORDABLE.

Alvarez: OKAY. I JUST THINK, YOU KNOW, I WANTED TO KIND OF HAVE THAT -- THAT DISCUSSION BECAUSE ESPECIALLY WITH -- WITH OUR DISCUSSION ON THE LAND TRUST, YOU KNOW, I THINK THAT THE PROPERTY THAT WE ALREADY HAVE WE NEED TO PROTECT AS MUCH AS POSSIBLE. SO THAT IF YOU DO HAVE A LAND TRUST STRATEGY OR SOME

LONG-TERM STRATEGY TO PRESERVE AFFORDABILITY THAT WE ARE NOT LOSING THE PROPERTY THAT WE HAVE NOW, NOT ACHIEVING THE SIGNIFICANT LEVELS OF AFFORDABILITY --

COUNCILMEMBER --

Alvarez: THE PROPERTY WE OWN OBVIOUSLY IS A GREAT ASSET NOW AND WE NEED TO -- WE NEED TO MAKE SURE THAT EVERY PIECE OF PROPERTY THAT WE OWN IN THIS PART OF TOWN IS LOOKED AT VERY CLOSELY AND THAT WE TRY TO ACHIEVE THE DEEPEST LEVEL OF AFFORDABILITY POSSIBLE BECAUSE THE DISCUSSIONS THAT WE ARE HAVING IS HOW CAN WE BUY MORE LAND IN THIS AREA AND NOT -- NOT, YOU KNOW, TURN IT OVER, YOU KNOW, AND SELL IT, BUT IF WE DO GO AHEAD AND DO THAT, WE HAVE THE PROPERTY TO SELL IT, HOW DO WE ENSURE THAT IT DOES REMAIN AFFORDABLE AND DOESN'T GET TURNED OVER.

COUNCILMEMBER IF I COULD, WE ARE GOING TO BE TALKING ABOUT THOSE ISSUES TODAY AT 2:00 WITH REGARD TO THE LAND TRUST. BUT THE ISSUE THAT YOU SPEAK OF IS VERY IMPORTANT IN THIS PARTICULAR AREA BECAUSE AGAIN OF THE EXPONENTIAL RISE IN COST, WE HAVE A HOUSE THAT HAS BEEN ON THE MARKET, JUST WENT ON THE MARKET IN THIS AREA THIS WEEK FOR \$299,000. IT WAS A HOUSE THAT WE INVESTED \$40,000 IN. THE WAY WE USED TO DO OUR BUSINESS WAS WE'LL JUST GET THAT \$40,000 BACK. BUT WITH THAT KIND OF RESTRICTION, HOLDING THAT AFFORDABILITY FOR A PERIOD OF 15 YEARS, AT LEAST WE ARE ASSURED THAT IT'S GOING TO BE AFFORDABLE FOR A PERIOD OF 15 YEARS. SO YOUR POINT IS ONE THAT SPEAKING TO RESALE RESTRICTIONS, RECAPTURE PROVISIONS, THAT WE ARE PUTTING INTO -- INTO INVESTMENTS OF GREATER THAN \$40,000 TO DO EXACTLY THE KIND OF PROTECTION THAT YOU ARE TALKING ABOUT.

Alvarez: THAT'S ALL, THANK YOU, GENTLEMEN. AND WITH THAT MAYOR I WILL -- IF THERE'S NO OTHER QUESTIONS I WILL MOVE APPROVAL OF THIS ITEM.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ,

SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM 18 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU VERY MUCH. ITEM NO. 28, MAYOR PRO TEM, I THINK THAT YOU HAVE A FEW QUESTIONS, WELCOME, MS. CRAYTON. GOOD MORNING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, SONDRY CRAYTON, DIRECTOR OF THE PUBLIC WORKS DEPARTMENT. ITEM 28 BEFORE YOU TODAY IS TO RECOMMEND AUTHORIZATION OF A CONSTRUCTION CONTRACT WITH L.D. TEBBEN FOR THE ABIA TERMINAL LEAK REPAIRS REBID. THIS OF COURSE WILL ADDRESS THE WATER LEAKS ONGOING SINCE THE OPENING OF THE FACILITY. BE GLAD TO ANSWER ANY QUESTIONS THAT YOU HAVE.

Mayor Wynn: MAYOR PRO TEM?

Thomas: THANK YOU, MS. CRAYTON, LOOKING AT THE GOALS, GOING DOWN, DSMBR SAID THEY WASN'T IN COMPLIANCE, HOW CAN WE APPROVE IT HAS 00 ALL THE WAY ACROSS, ALL DSMBR SAID THAT THEY DID NOT EVEN, IF I'M READING THIS RIGHT, READING THE BACKUP YESTERDAY, ABOUT THE GOOD FAITH EFFORTS NOT SOLICIT AVAILABLE. SO AS FAR AS WE CAN DISCUSS OUT HERE, I WOULDN'T BE COMFORTABLE IN SUPPORTING IT IF WE GOT ZERO GOALS ALL THE WAY ACROSS. I THINK THAT I MADE THAT CLEAR MAYBE TWO YEARS AGO. IF IT'S SO -- IT MIGHT BE AN URGENCY TO GET THIS REPAIR DONE, BUT IF MR. [INDISCERNIBLE] CAN SPEAK TO THE -- TO THE 0 GOALS.

CERTAINLY.

COUNCILMEMBER THOMAS, MAYOR PRO TEM THOMAS EXCUSE ME, JEFF TREVILLION, DIRECTOR OF DSMBR. WHAT YOU FIND IN THIS PARTICULAR PROJECT IS THAT THE APPARENT LOW BIDDER AND THE SECOND LOW BIDDER BOTH DID NOT COMPLY WITH THE ORDINANCE. YOU ALSO FIND THAT EVEN THOUGH YOU HAVE SOME MORE -- YOU HAVE MORE PARTICIPATION WITH THE SECOND, IT IS ONLY

25,000 MORE PARTICIPATION AND YOU PAY ABOUT \$440,000 MORE FOR THAT SECOND LOW BID.

Thomas: THE THIRD THAT YOU HAD -- SOMETHING ABOUT THE THIRD LOW BIDDER.

THEY HAD A UNIT -- THEY HAD A UNIT PRICE PROBLEM AND THE COST OF THAT BID WAS ASTRONOMICAL.

Mayor Wynn: OKAY.

Thomas: OKAY. SO WHAT DID WE DO WHEN WE HAVE GOALS OF 00, DO WE STILL WANT TO BE AWARDING THEM THE CONTRACT?

WELL, WE FOLLOWED THE ORDINANCE OF SECTION 22 TO THE LETTER. WE FOUND THEM TO BE NON-COMPLIANT BECAUSE THEY HAD NOT MADE CONTACT WITH THE -- WITH THE AVAILABLE FIRMS IN THE AREA. WE FOUND THEM NON-COMPLIANT AND THE SAME THING WAS TRUE WITH THE SECOND AS WELL. THERE IS, HOWEVER, A PROVISION IN SECTION 22 UNDER G 2, IF I'M NOT MISTAKEN, THAT DOES ALLOW FOR A WAIVER, IF IT IS FOUND TO BE IN THE BEST INTERESTS OF THE CITY. AND ALL OF THE SCHEDULING ISSUES THAT SONDRRA CAN SPEAK TO ARE -- ARE THE APPARENT ISSUES THAT MAKE IT MORE VALUABLE FOR THE CITY.

Mayor Wynn: I APPRECIATE YOUR EFFORT, APPRECIATE YOUR DEPARTMENT AND YOUR HARD WORK. AND MS. CRAYTON CAN ANSWER. I KNOW THAT IN THAT SECTION TO THE BEST INTERESTS OF THE CITY --

Thomas: TO ME TO THE BEST INTEREST OF THE CITY IS SAYING IF WE HAVE AN ORDINANCE THAT WE HAVE TO DO THE M.B.E., I UNDERSTAND THE URGENCY BECAUSE EVIDENTLY WE DO HAVE LEAKS THAT ARE REALLY DAMAGING OUR PROPERTY, SO --

WE --

Thomas: I SEE THAT THE CITY MANAGER WANTS TO SAY



SOMETHING.

WE CERTAINLY ARE ALWAYS AVAILABLE. WE MAKE OURSELVES AVAILABLE AT THE PREBID TO ADDRESS ANY ISSUES.

OKAY.

Thomas: CAN I GET SOMEONE FROM AVIATION TO TELL ME HOW -- HOW THE SITUATION OF THE LEAKS AND THE WALLS AND MAYBE WE CAN CLARIFY THAT SO WE CAN --

CERTAINLY. I JUST WOULD LIKE TO SAY THAT WE DID GO THROUGH A RATHER EXTENSIVE EVALUATION BEFORE WE DID RECOMMEND DOING THE WAIVER. WE TAKE IT VERY SERIOUSLY AND WE CERTAINLY DON'T WANT TO RECOMMEND A WAIVER UNLESS WE VERY STRONGLY FEEL THAT IT IS IN THE BEST INTERESTS OF THE CITY. AND IN THIS CASE WE DID ONLY RECEIVE TWO RESPONSIVE BIDDERS AND THE PROJECT HAD BEEN BID PREVIOUSLY. SO IT'S BECOME VERY TIME SENSITIVE TO GET THE ROOFING REPAIRS COMPLETED. SO THAT THE FACILITY DOESN'T UNDERGO ADDITIONAL DAMAGE BECAUSE OF THAT AND ALSO HAVE IMPACTS TO THE PASSENGERS. SO IT'S PRIMARILY BECAUSE OF THE TIME INTEREST AND THE FACT THAT IT HAS BEEN BID BEFORE THAT THAT MAKES IT MUCH MORE URGENT THIS TIME.

Futrell: THE ONLY THING THAT I WOULD LIKE TO ADD TO THAT, WE ACTUALLY SIGN VERY FEW OF THESE WAIVERS, MAYOR PRO TEM. THEY GO THROUGH A VERY EXTENSIVE REVIEW PROCESS. BEFORE I WILL PUT MY SIGNATURE ON TO ONE OF THESE WAIVERS. -- THE LOW BID DID GO THROUGH A PROCESS OF TRYING TO CONTACT CERTIFIED FIRMS. THEY CONTACTED ALMOST TWO-THIRDS OF ALL OF THE CERTIFIED FIRMS IN TRYING TO GET COMPLIANCE BUT THEY DIDN'T MAKE IT ALL THE WAY THROUGH THE LIST. THAT WEIGHED A LITTLE BIT FOR ME, IN THAT THERE WAS A STASH EFFORT FOR COMPLIANCE AND THAT THE BID WAS SO MUCH LOWER THAN THE NEXT. THE ONLY OTHER BID WAS OF COURSE SO OFF THE CHARTS IT WASN'T REALLY EVEN VIABLE. WITH THAT, CHARLES ...

CHARLES GATES, DEPARTMENT OF AVIATION. MAYOR PRO TEM, YES IT'S VERY IMPORTANT FOR THIS PROJECT TO MOVE FORWARD. IF YOU HAVE BEEN OUT TO THE AIRPORT, THE LAST FEW MONTHS, YOU HAVE SEEN BARRICADES AROUND WHERE WE HAVE BEEN DOING THE EDS RELOCATION, RELOCATING THE EQUIPMENT THAT'S IN THE TICKET COUNTER TO OTHER AREAS. AS PARTS OF THAT PROJECT, CERTAIN AREAS OF THE AIRPORT, INCLUDING WHERE THE POLICE GROUP USED TO BE, MAINTENANCE GROUP, ONE OF OUR CONCESSION TENANTS AND OUR RENTAL CARS HAVE BEEN RENOVATED RECONSTRUCTED. SOME OF THE AREAS WHERE WE HAVE LEAKS HAVE AFFECTED THOSE AREAS. WHAT WE WOULD LIKE TO DO IS WE WERE HOPING IF THIS PROJECT HAD GONE ON THE ORIGINAL TIME THAT THE LEAK PROJECT AND THE EDS PROJECT WOULD HAVE BEEN COMPLETED ABOUT THE SAME TIME TO REDUCE THE POSSIBILITY OF ANY MORE LEAKS OCCURRING AND DAMAGING EXPRESSLY THE NEW RENOVATED AREAS.

Thomas: THANK YOU VERY MUCH. THANK YOU, MS. CRAYTON AND EVERYONE. I WANT TO MAKE SURE THAT THE PEOPLE ON THE ORDER THERE KNOW THAT WE WORK HARD TO MEET THE GOALS OF THIS -- OF THIS PARTICULAR PROJECT HAS AN URGENCY AND IN THE BEST INTERESTS OF THE CITY, MAYOR, I WILL MAKE A MOTION TO -- TO APPROVE ITEM 28.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM THAT I WILL SECOND TO APPROVE ITEM NO. 28 AS POSTED AND PRESENTED BY STAFF. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WAS JUST KIND OF WONDERED IF WE EVEN NEEDED A ROOF SINCE IT DOESN'T RAIN AROUND HERE ANYMORE. BUT SERIOUSLY, I KNOW THAT THE F.A.A. HAS SOME OVERSIGHT OVER THE EXPENDITURES FROM THE AVIATION FUND; IS THAT CORRECT OR --

COUNCILMEMBER, F.A.A. PRIMARILY IS IN REGARDS TO CAPITAL IMPROVEMENT PROJECTS. AS TO GENERAL OPERATION AND MAINTENANCE PROJECTS, NORMALLY THERE ARE NO F.A.A. GOVERNMENT FUNDS INVOLVED IN THAT. NOW, THERE IS A GENERAL RULE IN REGARDS TO -- TO HOW WE CAN SPEND OUR MONEY AND WHERE WE CAN

SPEND OUR MONEY ON THAT BASIS WHERE THERE ARE RULES AND REGULATIONS FROM THE F.A.A.

I WAS JUST WONDERING IF THAT WOULD BE KIND OF A RED FLAG IF WE AWARDED A BID THAT WAS SUBSTANTIALLY HIGHER THAN OTHER BIDS. IN OTHER WORDS, IF WE HAD SOME KIND OF OBLIGATION TO -- TO ACCEPT A LOW BID OR AT LEAST NOT ACCEPT A BID THAT'S CLEARLY OUT OF LINE WITH THE LOW BID. I DON'T KNOW IF THAT'S A FACTOR OR NOT.

NO, I BELIEVE UNDER STATE LAW, NOT EVEN UNDER THE FEDERAL GUIDELINES, THE GOAL IS TO ACCEPT THE LOWEST RESPONSIVE BID AND THAT'S THE WAY THAT WE AND THE CITY OPERATES IN AWARDING OUR CONTRACTS.

Leffingwell: THANK YOU. I -- I AGREE WITH THE MAYOR PRO TEM'S CONCERN. WE SHOULD VERY SERIOUSLY SCRUTINIZE BIDS THAT DON'T INCLUDE M.B.E. W.B.E. PARTICIPATION BUT I UNDERSTAND THERE ARE CASES WHERE IT'S CLEARLY NOT APPROPRIATE. SO THANK YOU.

THANK YOU, COUNCILMEMBER, FURTHER COMMENTS. ITEM NO. 28.

A MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, I BELIEVE THAT IS ALL OF OUR DISCUSSION ITEMS. THAT WE CAN TAKE UP PRIOR TO THE NEED TO GO INTO CLOSED SESSION. ON A COUPLE OF ITEMS, WITHOUT OBJECTION, WE WILL GO INTO CLOSED SESSION NOW 551.071 OPEN MEETINGS ACT, POTENTIALLY TAKING UP ITEM 43 RELATED TO THE SITE PLAN APPLICATION. 44 RELATED TO THE M.B.E. ☐ W.B.E. PROGRAM, ITEM 45 RELATED TO THE CITY OF AUSTIN VERSUS FLORIDA POWER AND LIGHT, ITEM 46 RELATED TO THE MASTER AGREEMENT WITH LIONS, GABLES REALTY LIMITED PARTNERSHIP, ALSO PURSUANT TO SECTION 551.072, WE MAKE TAKE UP A REAL ESTATE MATTER, ITEM 48

RELATED TO DOWNTOWN OFFICE SPACE AND PURSUANT TO SECTION 551.074, WE MAY TAKE UP ITEM NO. 49 RELATED TO THE APPOINTMENT OF CITY OF AUSTIN MUNICIPAL COURT JUDGES. WE ARE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM 43 RELATED TO A SITE PLAN AND ITEMS 45 RELATED TO A LAWSUIT WITH FPL ENERGY. NO DECISIONS WERE MADE. WE'RE NOW BACK IN OPEN SESSION TO TAKE UP GENERAL CITIZEN COMMUNICATION. WE HAVE A HANDFUL OF CITIZENS WHO WOULD LIKE TO ADDRESS US. WE WILL START WITH MR. PAUL ROBBINS. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAT JOHNSON.

MAYOR, COUNCIL, CONSTITUENT SENZ OF AUSTIN, MAYOR WYNN WAS AT A GATHERING OF SOLAR AUSTIN LAST NIGHT, AND I WAS -- I'M NOT MAKING THIS UP. I WAS A BIT SURPRISED THAT YOU ACTUALLY ENDORSED THEIR CHALLENGE TO SEE IF AUSTIN COULD BECOME THE FIRST CITY IN THE COUNTRY TO GET 50% OF ITS ENERGY FROM RENEWABLES. WE'RE SPEAKING, OF COURSE, OF THE MUNICIPAL UTILITY AUSTIN ENERGY. AND I'M SURE SOME OF THE OTHER COUNCILMEMBERS WILL FOLLOW. I AM VERY APPRECIATIVE THAT YOU'VE TAKEN THIS CHALLENGE. ABOUT ONE-SIXTH OF AUSTIN'S UTILITY ENERGY, HOWEVER, COMES FROM TEXAS GAS SERVICE. AND THEY HAVE NOT COMMITTED TO ANY GOAL. AS YOU KNOW, AUSTIN'S CURRENT GOAL IS TO GET 15% OF ITS ENERGY DISPLACED BY ENERGY EFFICIENCY, ABOUT 20% OF ITS ENERGY FROM RENEWABLES, AND WHERE'S TEXAS GAS SERVICE? WELL, AS YOU'VE HEARD ME SAY SEVERAL TIMES, WITH THE FRANCHISE ON ITS WAY OUT AND THE NEW ONE TO BE ENACTED IN LESS THAN A YEAR. THIS WOULD BE A GOOD TIME TO GET THEM -- GET TEXAS GAS SERVICE TO COMMIT TO ATTAINABLE, BUT AGGRESSIVE GOALS. FOR INSTANCE, THEY COULD COMMIT TO AT LEAST A 15% DISPLACEMENT OF THEIR ENERGY, AND THAT SHOULD INCLUDE THE GAS OFF THE BOOKS PROVIDED TO THEIR LARGE COMMERCIAL AND INDUSTRIAL AND INSTITUTIONAL CUSTOMERS AS WELL AS THE GAS THAT THEY SELL. TEXAS GAS SERVICE IS NOT A MEMBER OF THE GREEN BUILDING PROGRAM EVEN THOUGH THE PROGRAM IS FUEL NEUTRAL AND IT SERVES BASICALLY

THE SAME SERVICE AREA, THEY'VE CHOSEN NOT TO BE MEMBERS OF IT. IN CALIFORNIA THERE'S THE START OF A RESEARCH AND DEVELOPMENT INITIATIVE TO DEVELOP A GAS WATER HEATER THAT SAVES 30% OVER ANY CURRENT GAS WATER HEATER ON THE MARKET. WHY ISN'T TEXAS GAS SERVICE A MEMBER OF THIS CONSORTIUM? TO MY KNOWLEDGE ALMOST HALF OF THE GAS -- [ BUZZER SOUNDS ] LET ME FINISH MY THOUGHT. ALMOST HALF OF THE GAS ON THEIR SYSTEM IS EXEMPT FROM THE CONSERVATION FUND, AND THAT COULD ALSO BE CHANGED IN THE NEW FRANCHISE. COUNCIL, I THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. ROBBINS. PAT JOHNSON. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY CAROL ANNE ROSE KENNEDY.

AFTERNOON, COUNCIL. TODAY'S TOPIC IS OUT OF CONTROL. THESE ARE ISSUES THAT I DON'T THINK THAT Y'ALL REALLY REALIZE WHAT'S GOING ON IN THE INNER CIRCLE OF THE CITY MANAGER'S OFFICE AND HER DEPARTMENT HEADS. THIS IS ANNEXATION INFORMATION. STAFF TELLS YOU IN YOUR COUNCIL PACKETS THAT WHENEVER THEY ASK YOU TO ANNEX A SECTION OF A PROPERTY IN THAT THERE WILL BE NO OFFICIAL IMPACT TO THE GENERAL FUND, YET THE POLICE DEPARTMENT 2005 THIS YEAR OFFICIAL, THEY SPENT \$3.9 MILLION IN OVERTIME ALONE ON TOP OF THE POLICE OFFICER'S SALARY TO BACKFILL THE EMPLOYEE SLOTS THAT WE DO NOT HAVE POLICE OFFICERS FOR TO MAINTAIN THE 80% % STRENGTH ACCORDING TO THE CONTRACT IN EACH PATROL SECTOR. SO DON'T BELIEVE EVERYTHING THAT STAFF TELLS YOU BECAUSE THE FACTS ARE THERE. THIS CAME FROM AN OPEN RECORDS REQUEST WHICH I'LL SHARE WITH Y'ALL FROM THE POLICE DEPARTMENT. MISSED PRIORITIES. THE NEW YEAR'S EVE PARTY ON SECOND STREET, COUNCIL DEDICATED \$40,000 OF TAX DOLLARS FOR THAT, YET THE POLICE DEPARTMENT RECRUITING ADVERTISING BUDGET IS ONLY \$16,000. NOW, WHERE'S OUR PRIORITIES? THE CENSUS BUREAU FOR 2004 SAID WE'VE GOT 681,000 PEOPLE, WITH ONLY 1370 SWORN OFFICERS. YET WE HAVE TWO HELICOPTERS TO OUR PROFESSION HERE WITH A.P.D. THAT WE CANNOT USE THE HELICOPTERS BECAUSE OF BUDGET CUTS BY STAFF DOES NOT PAY FOR THE FUEL OF KEEPING THEM IN THE AIR. OR PASSED BY

COUNCIL ON SEVERAL CITY ORDINANCES YOU WERE ASKED TO PASS LACKS THE NECESSARY ENFORCEMENT TOOLS TO ENFORCE THE ORDINANCE. RELATING TO THE VALET PARKING ORDINANCE. YOU FINE THEM \$25. THEY STILL PARK CARS IN THE ROADWAY. THEY HAVE NO INCLINATION TO COMPLY WITH THE ORDINANCE BECAUSE THE PENALTIES FOR THE ORDINANCES THAT Y'ALL PASS ARE NOT STRONG ENOUGH TO DO ANYTHING. THE TOYING ORDINANCE -- THE TOWING ORDINANCE. STAFF HAS DRAGGED THIS OUT FOR 18 MONTHS. THERE HAVE BEEN TOWING COMPANIES THAT HAVE WENT OUT OF BUSINESS BECAUSE THEY COULD NOT GET A RATE INCREASE ON A FUEL OR A FUEL SURCHARGE, YET YOU GIVE THE TAX CABS A RATE INCREASE, BUT STAFF CONTINUES TO DRAG THIS OUT AND THERE'S NO REASON FOR THAT. REVENUE CONTRACTS. REVENUE CONTRACTS IS SUPPOSED TO GENERATE MONEY FOR THE CITIZENS AND FOR THE GENERAL FUND AND FOR THE TAXPAYERS, NOT TURN SOME COMPANIES INTO MULTIMILLIONAIRES WHEN WE GET SCREWED ON A PERCENTAGE OF THE REVENUE. THIS RELATED TO THE SOUTH SIDE CONTRACT. THEY MAINTAINED THOSE CONTRACTS FOR 25 YEARS. NOW THEY'RE MULTIMILLION MULTIMILLIONAIRES. I'VE COMPLAINED ABOUT THAT, OTHER PEOPLE HAVE COMPLAINED ABOUT THAT AND WE STILL GET THE RAW END OF THE DEAL. YOU HAVE A CAR THAT GOES TO AUCTION, NO LIEN ON IT, THE VEHICLE BRINGS \$15,000 AT AUCTION. WE GET A PROTECTION OF THE TOW FEE ONLY AND NOTHING FROM THE -- I'M SORRY, I JUST GET GOING ON THIS. RECENT RECOMMENDATIONS, COUNCIL, I JUST ASK THAT YOU REEFN THE ISSUES THAT STAFF PROVIDES YOU BEFORE YOU VOTE. ASK QUESTIONS OF STAFF REGARDING CERTAIN ISSUES THEY ASK YOU TO VOTE ON AFTER YOU COME OUT OF SPECIAL SESSION AND UP HERE IN FRONT OF THE PUBLIC BECAUSE WE HAVE LOTS OF CITIZENS WHO WATCH THE BROADCAST. SEND OUT A POLL TO CITY EMPLOYEES. ASK THEM WHAT THEY THINK ABOUT THEIR SUPERVISORS, AND THE DEPARTMENT HEADS AND THE CITY MANAGER.

Mayor Wynn: PLEASE CONCLUDE, MR. JOHNSON, YOUR TIME IS UP. THERE ARE A NUMBER OF CITIZENS WHO WOULD LIKE TO ADDRESS US.

RECENTLY IN A PRESS CONFERENCE BEFORE THE KLAN

RALLY YOU MADE A COMMENT TO THE PUBLIC THAT THE CITY HALL IS A PLACE WHERE ALL CITIZENS OF OUR CITY CAN COME TO THE COUNCIL AND EXPRESS THEIR FIRST AMENDMENT RIGHTS, BUT THAT IS NOT THE FACT WITH CITY EMPLOYEES. THERE'S A FEAR THAT'S BEEN BUILT INTO THE CITY EMPLOYEES THAT IF YOU COME UP HERE AND SPEAK ABOUT CITY GOVERNMENT THAT YOU WILL GET FIRED. I THINK WE HAVE SOME DEDICATED CITY EMPLOYEES OUT THERE TO PROVIDE A WONDERFUL SERVICE TO OUR CITIZEN WHO SHOULD HAVE THE RIGHT TO COME UP HERE AND SPEAK TO Y'ALL EVEN BEING TAXPAYERS. THANK YOU VERY MUCH, COUNCIL.

Mayor Wynn: OUR NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY. I HAVE A MESS SAMG FOR THE WORLDWIDE WIFE BEATERS. (music) THROUGH DIAPERS AND DOLL DRUMS AND DADDY'S HOTEL ROOMS, WE WALTZED WITHOUT HAVING TO CRAWL. (music) OUR SONS AND OUR DAUGHTERS, WE DROVE THEM TO WATER. YOU'RE STILL SURPRISED WHEN THEY WON'T TAKE A DRINK. (music) ROOF LEAKS AND BURNED ROASTS AND PEANUT BUTTER WITHOUT TOAST AND THE BLOODY, STOPPED UP KITCHEN SINK. (music) I PICKED A HIGH TIME TO LEAVE YOU MY DEAR, WITH TWO ANGRY BRATS AND YOU'RE ALL OUT OF BEER. (music) I'VE HAD SOME HARD TIMES, WE'VE LIVED THROUGH SOME SAD CRIMES, THIS TIME YOUR CRYING EYE WON'T HEAR. I PICKED A HIGH TIME TO LEAVE YOU MY DEAR. (music)(music) \$ . (music) BREAST MILK OR COW'S MILK OR FLUBBERS WITH RUBBERS, I CAN'T KEEP A SMILE ON MY FACE. (music) BLISTERS AND SISTERS AND BROTHERS WITH DRUTHERS, YOUR DIAMOND SEEMS SO OUT OF PLACE. (music) THROUGH THE TERRIBLE TWO'S, TEENS AND 20 AND 30, SIT BACK, LEARN TO TALK WITH A DRAWL. (music) YOU CAN'T WASH YOUR HANDS 'CUZ YOU LOVE TO GET DIRTY. (music) I MAZING THE GRACE OF IT ALL. (music) I PICKED A HIGH TEAM TO LEAVE YOU, MY DEAR. WITH TWO ANGRY BRATS AND YOU'RE ALL OUT OF BEER. [ BUZZER SOUNDS ] (music) I'VE HAD SOME HARD TIMES, WE'VE LIVED THROUGH SOME SAD CRIMES, BUT THIS TIME YOUR CRYING EYE WON'T HEAR, I PICKED A HIGH TIME TO LEAVE YOU MY DEAR.

Mayor Wynn: THANK YOU. YOUR TIME IS UP. [ APPLAUSE ] JENNIFER GALE, WELCOME. YOU WILL HAVE THREE MINUTES

AND BE FOLLOWED BY JANET JONES.

HI, AUSTIN. THIS WEEKEND IS DICKENS ON THE STRAND IN GALVESTON. I AM ANNOUNCING TODAY THAT I AM A CANDIDATE FOR GOVERNOR, RUNNING FOR THE MAYOR OF THE CITY OF AUSTIN. I WILL BE JOINING MAYOR WYNN AND DANNY THOMAS AS A CANDIDATE FOR OUR CHIEF EXECUTIVE OFFICER -- I'M SORRY, AS THE LEADER OF THE CITY. CITY MANAGER RUDY GARZA, MAYOR WYNN, CITY COUNCIL, I'M JENNIFER GAIL, I'M RUNNING FOR MAYOR TO PROMOTE A FAMILY ORIENTED CITY WHERE PEOPLE KNOW AND CARE ABOUT ONE ANOTHER. I'M HERE TO BRING FAMILY VALUES WHERE WE EDUCATE OUR CHILDREN PROPERLY, WHERE WE SHOW CONCERN THROUGHOUT AUSTIN WITH REGARD TO THEIR ABILITY TO PAY AND THE HIGH UNEMPLOYMENT THAT WE'VE BEEN SUFFERING THROUGH. IN THE POOR AREAS OF OUR TOWN. AND YET WE'RE GENERAL TRAFFICING THEM. WE NEED TO GO AHEAD WITH THE TAX ABATEMENT THAT HAS BEEN SUGGESTED, THAT I SUGGESTED MANY YEARS AGO. I ALSO SUGGESTED HAVING HYBRID CARS REBATED SO THAT PEOPLE WOULD GET THEIR MONEY BACK. OR FOR BUYING ENERGY EFFICIENT VEHICLES THAT DON'T RUIN OUR ENVIRONMENT. I'VE SPOKEN OUT AGAINST LIGHT RAIL, WHICH IS COMMUTER RAIL. THAT SYSTEM WAS VOTED ON ILLEGALLY. THEY WERE NOT GIVEN THE PROPER INFORMATION. IN FACT, LEE WALKER SPOKE RIGHT OVER THERE SAYING HOW HE WAS PROMOTING LIGHT RAIL AS A CITIZEN, EVEN THOUGH HE WAS CHAIRMAN OF THE CMTA. WE NEED TO HAVE A MAYOR THAT ACTUALLY GETS IN TO THE NEIGHBORHOODS AND LISTENS TO THE PEOPLE, TELLING GAYS AND LESBIANS THAT THEY CAN'T MARRY'S TRAFFIC THEM FROM THEIR FAMILIES AND TEARS THEM APART, WHICH THE CITY COUNCIL HAS AGREED TO. OUR BUS OPERATORS ARE BEING FACED WITH A NEW CONTRACT. THEY'RE BEING TOLD THEY'RE NOT GOING TO GET BACK PAY FROM THE AUGUST END OF THEIR CONTRACT. THEY'RE BEING TOLD THEIR DEDUCTIBLE IS GOING FROM \$30 TO 2,000 FOR FAMILIES OR \$1,000 FOR INDIVIDUALS. THEY'RE ALREADY IN NEED OF MEDICAL HEALTH CARE, I'D SAY ON AN EMERGENCY BASIS. THEY NEED MORE RECOVERY TIME BECAUSE THEY'RE TIRED AND STRESSED OUT. THEIR DISPATCHERS ARE GIVING THEM A



VERY HARD TIME. AND AS WE CELEBRATE THE CHRISTMAS HOLIDAYS AND HANAKKUH AND KWANZAA, I'M GOING TO SING, IT'S THE MOST WONDERFUL TIME OF THE YEAR.

Mayor Wynn: ACTUALLY, MS. GALE, YOUR TIME IS UP. THANK YOU FOR YOUR COMMENTS. □ □ OUR NEXT SPEAKER, JANET JONES, ACTUALLY CALLED AND CANCELLED HER SCHEDULED VISIT WITH US. SO OUR NEXT SPEAKER IS COLIN CLARK. YOU WILL BE FOLLOWED BY SUSANA ALMANZA.

GOOD AFTERNOON, MAYOR AND COUNCIL. I'M COLIN CLARK WITH SAVE OUR SPRINGS. I WOULD LIKE TO USE THIS TIME TO POSE A QUESTION FOR YOU TO PLEASE THINK ABOUT. WHICH DO YOU THINK WILL LAST LONGER, THE STATUE IN FRONT OF BARTON SPRINGS OF DOBIE, DEAD BEDICHEK AND WEBZ OR BARTON SPRINGS ITSELF? WILL A MAN-MADE STATUE LAST LONGER THAN GOD'S CREATION THAT'S BEEN WITH US FOR THOUSANDS OF YEARS. ROY BEDICHEK WROTE IN 1951, I WILL FIGHT FOR THE LAST DITCH FOR BARTON SPRINGS. IF MR. BEDICHEK HAD BEEN TOLD THAT SOME 54 YEARS LATER THAT A BIG CORPORATION WANTED TO MOVE 2,000 EMPLOYEES INTO THE BARTON SPRINGS WATERSHED, DO YOU THINK HE WOULD HAVE SAID, WELL, WE TRIED TO TALK TO THEM, THEY DIDN'T BUDGE, LET'S GIVE UP AND HOPE IT A NICE GREEN BUILDING WITH THE PRESERVATION DONATION? I THINK BEDICHEK WOULD HAVE DEMANDED ACTION AND LEADERSHIP FROM THE ELECTED OFFICIALS. WE'RE FACED WITH THE BIGGEST CORPORATE RELOCATION UNDER THE BARTON SPRINGS WATERSHED PERHAPS EVER AND WE NEED YOUR LEADERSHIP NOW. MANY OF YOU HAVE EXPRESSED PRIVATELY THAT IT'S NOT TOO MUCH TO DO TO ASK AMD TO RECONSIDER WHERE THEY WANT TO MOVE. AND WE LEARNED TODAY SILICON LABS IS MOVING DOWNTOWN. THEY'RE LEAVING STRATUS' DEVELOPMENT WHERE AMD WANTS TO MOVE AND THEY'RE GOING TO MOVE NEXT TO CITY HALL. WE THANK SILICON LABS TREEMD TREMENDOUSLY. WE ALSO HAVE TO ASK WHY Y'ALL HAVE BEEN MEETING IN EXECUTIVE SESSION CONCERNING LEGAL ISSUES ON DEVELOPMENT IN THE AREA SUBJECT TO THE S.O.S. INITIATIVE IF THERE'S NOTHING CITY COUNCIL CAN DO ABOUT THIS? YOU CAN PASS A RESOLUTION ASKING AMD TO RECONSIDER, FIND A SITE OUTSIDE THE SPRINGS WATERSHED AND HELP STOP THE

FLOOD OF DEVELOPMENT THAT A.P.D. IS THREATENING TO SPAWN IN EXACTLY THAT PLACE. NO ONE IS ASKING AMD TO LEAVE AUSTIN. WE ALSO WANT YOU TO BE AWARE THAT AS THE CITY HAS A BOND PROCESS MOVING FORWARD, AMD'S PROPOSED MOVE IS DESTROYING THE COMMUNITY'S ABILITY TO PROTECT FOREVER THOUSANDS OF ACRES IN THE BARTON SPRINGS WATERSHED. AMD'S ANNOUNCEMENT HAS DEVELOPERS DROOLING OVER THE NEW MARKET FOR DEVELOPMENT STARTING WITH BILL ARMSTRONG. IF YOU DON'T STAND UP NOW, WHEN WILL YOU EVER? WHAT HAPPENS WHEN THE NEXT EXECUTIVE OF A BIG COMPANY WHO LIVES IN STRATUS' DEVELOPMENTS TO MOVE IT CLOSER TO HIS HOME? THEN IT WILL BE TOO LATE. PLEASE ACT NOW TO SAVE BARTON SPRINGS FOREVER. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU, MR. CLARK. SUSANA ALMANZA. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY DEBBIE RUSSELL.

GOOD EVENING, MAYOR AND CITY COUNCILMEMBERS, I'M SUSANA ALMANZA WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. THE CITIZENS REVIEW PANEL MADE APPROPRIATE RECOMMENDATIONS TO FIRE JULIE SCHROEDER AND CHIEF MADE AN APPROPRIATE DECISION. MIKE SHEFFIELD IS ABUSING HIS POWERS IN THE AUSTIN POLICE ASSOCIATION LEADER AND GIVING THE IMPRESSIONS TO COMMUNITIES OF COLOR THAT HE IS RACIST AND THAT POLICE SHOULD BE ABOVE THE LAW. WE ARE ALL PART OF THE HUMAN RACE. I'M GOING TO READ A COUPLE OF EXCERPTS FROM THE LETTER TO VA NECESSARY THAT LITTLE, DIRECTOR OF CIVIL SERVICE FROM STANLEY KNEE, CHIEF OF POLICE, UNDER HIS THING, A SUBSTANTIAL RISK OF INJURY TO SERGEANT DOYLE OF HIS REASONING OF TERMINATION OF JULIE SCHROEDER. AT THE TIME THAT OFFICER SCHROEDER DECIDED TO USE DEADLY FORCE, SERGEANT DOYLE WAS ON THE GROUND STRUGGLING TO HOLD ON TO DANIEL ROCHA'S LEG WHILE AT THE SAME TIME TRYING TO GET UP. THE BULLET THAT STRUCK DANIEL ROCHA COULD HAVE EASILY PASSED THROUGH HIS BODY, STRIKING SERGEANT DOYLE. THE MEDICAL EXAMINER'S REPORT CONFIRMS THAT THE FINAL RESTING PLACE OF THE BULLET WAS ONLY INCHES FROM

SERGEANT DOYLE'S HEAD AND TORSO WHILE HE WAS STRUGGLING WITH DANIEL REASONABLE ROCHA. THAT BULLET COULD HAVE EXITED DANIEL ROCHA'S BODY AND HIT HIM. AT THE TIME SHE USED DEADLY FORCE, OFFICER SCHROEDER DID NOT HAVE A REASONABLE BELIEVE THAT DANIEL ROCHA POSED A THREAT OF HARM TO EITHER HER OR SERGEANT DOYLE AND SERGEANT SCHROEDER DID NOT USE THE MINIMAL AMOUNT OF FORCE THAT WAS NECESSARY TO EFFECT THE ARREST OF DANIEL ROCHA. THE EVIDENCE IS CLEAR TO ME, THAT'S THE CHIEF SPEAKING, THAT DANIEL ROCHA'S GOAL WAS TO ESCAPE AND HIS STRUGGLE WITH THE OFFICERS WAS TO ACHIEVE THAT GOAL RATHER THAN TO INJURE THE OFFICERS, AND AT NO TIME DID OFFICER TO DOYLE SAY THAT DANIEL ROCHA WAS TRYING TO GET HIS SERVICE WEAPON. DANIEL ROCHA'S CRIMINAL HISTORY DOES NOT INCLUDE A HISTORY OF RESISTING ARREST, ASSAULTING AN OFFICER OR TRYING TO TAKE AN OFFICER'S WEAPON. UNDER VIOLATION OF THE POLICE DEPARTMENT TASER POLICY, OFFICER SCHROEDER HAD THE BENEFIT OF THE TRAINING AND KNEW WHAT THE POLICY REQUIRED, BUT SHE CHOSE TO VIOLATE HER TRAINING AND DEPARTMENT POLICY BY CARRYING HER TASER IN AN UNAUTHORIZED MANNER. AND UNDER THE VIOLATION OF THE DEPARTMENT OF VIDEO RECORDING POLICY, OFFICER SCHROEDER'S FAILURE TO ENSURE THAT THE CAMERA WAS ACTIVATED PERPETUATES THE BELIEF THAT THE AUSTIN POLICE DEPARTMENT INTENTIONALLY AND DELIBERATELY CLUES TO NOT RECORD INSTANCES IN WHICH AUSTIN POLICE DEPARTMENT USE FORCE AGAINST MINORITY CITIZENS. AND UNDER APPROPRIATE DISCIPLINE, NOT ONLY DID OFFICER SCHROEDER'S ENTIRE CHAIN OF COMMAND AGREE THAT ALL THE CHARGES SHOULD BE SUSTAINED, THEY UNANIMOUSLY AGREED THAT INDEFINITE SUSPICION WAS THE APPROPRIATE DISCIPLINE. [ BUZZER SOUNDS ]

MAYOR AND COUNCIL, DEBBIE RUSSELL WITH ACLU, CENTRAL TEXAS. I ALSO WOULD LIKE TO APPLAUD THE CITIZENS REVIEW PANEL AND CHIEF KNEE FOR RESPONDING TO COMMUNITY CONCERNS, RESPONDING TO THE COMMUNITY OUT CRY IN THE CASE OF DANIEL ROCHA AND FIRING OFFICER JULIE SCHROEDER. THAT WAS THE RIGHT

THING TO DO. WE ON -- ON THAT ISSUE I WANT TO PICK UP WHERE SUSANA LEFT OFF WHERE THE AUTHORITY, THE PERCEIVED AUTHORITY THAT SHEFFIELD SEEMS TO THINK HE HAS IN AFFECTING CITY BUSINESS. A WEEK AGO FRIDAY WHEN WE HAD THE CITY MANAGER HAVE A PRS CONFERENCE AND ANNOUNCE THE FIRING OF JULIE SCHROEDER, WE WERE TOLD THAT THERE WOULD BE ANOTHER PRESS CONFERENCE AT A.P.D., WHICH THERE WASN'T. INSTEAD THEY CHOSE TO GO BEHIND DOORS WITH APA AND MEET WITHIN AN HOUR AND A HALF OF MIKE SHEFFIELD CALLING FOR HIS OWN BOSS' FIRING, WHICH I THINK IS PRETTY DARN BALL SI ACTUALLY. WHAT IS HAPPENING BEHIND THESE CLOSED DOORS? CAN WE GET OPEN RECORDS REQUESTS OF THESE MEETINGS WITH APA? WHY ARE WE ALLOWING CHIEF KNEE ON OUR DIME TO BE CATERING TO THESE -- AS TOBY FUTRELL HERSELF, IRRELEVANT RESPONSIBLE CALLS FROM APA FOR THE FIRING OF OUR CHIEF. IT IS NOT HIS PLACE, IT IS THE COUNCIL'S PLACE, IT IS THE MANAGER'S PLACE TO SEE TO THAT, TO RESPOND TO THE COMMUNITY IF THAT IS SO THE COMMUNITY'S CONCERN. ON OVERSIGHT, JULIE SCHROEDER HAS GONE THROUGH NOW AN ARBITRATION PROCESS FOR HER APPEAL PROCESS, INSTEAD OF GOING THROUGH THE CIVIL SERVICE COMMISSION. SHE'S GOING THROUGH A.P.D. IT SEEMS INTERNALLY AND AGAIN DO WE HAVE OVERSIGHT, DO WE HAVE COMMUNITY INPUT ON THAT PROCESS? I ASK YOU TO CONSIDER THAT. AND BEFORE I LET YOU GO, I WANT TO -- I THINK IT BEARS REPEATING, WHILE WE'RE LOOKING AT POLICE OVERSIGHT, POLICE ACCOUNTABILITY AND THESE RECOMMENDATIONS THAT HAVE BEEN PUT FORTH BY THE CITIZENS REVIEW PANEL, I THINK IT BEARS RECOMMENDATION -- THAT BEARS REPEATING FROM SEVERAL RECOMMENDATIONS, THE INSTITUTING ACCOUNTABLE DOCUMENTED AND INDEPENDENT HANDLING OF ALL PATROL CAR VIDEO AND TAPES AND HAVE ALL VIDEO AND RECORDING DEVICES DURING ALL ACTIVITY NOT SUBJECT TO ARBITRARY CONTROL BY THE PATROLLING OFFICER. I WANT TO INJECT HERE THAT THESE ARE THINGS THAT HAVE -- MEASURES THAT HAVE PROVEN VERY EFFECTIVE IN OTHER COMMUNITIES. THEY'RE SMALL STEPS THAT CAN BE TAKEN OUTSIDE OF THE MEET AND CONFER OFFICE. [ BUZZER SOUNDS ] ALSO PAIR ROOKIES WITH

VETERANS ON THE EAST SIDE. THESE THINGS WILL PROTECT OFFICERS AND THE COMMUNITY. PLEASE GIVE THESE ITEMS MORE REVIEW AND CONSIDERATION. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU. HUGH MAYFIELD. WELCOME. YOU WILL HAVE THREE MINUTE AND BE FOLLOWED BY BRAD WILEY.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. MY NAME IS HUGH MAYFIELD. I'M OWNER OF MAYFIELD AND ASSOCIATES HERE IN AUSTIN. I'M A DEGREED HYDROLOGIST IN THE FIELD OF WATER RESOURCE MANAGEMENT. I'VE SERVED THIS CITY AND THIS COUNTRY AND I'M HERE IN REFERENCE ABOUT THE NOVEMBER 10th ARTICLE IN THE STATESMAN IN REFERENCE TO THE CITY OF AUSTIN CLEAN WATERS PROGRAM, EARTH TECH AND MR. BILL MORIATO. THIS WAS A 200-MILLION-DOLLAR CONTRACT. ON THE OTHER HAND, MR. MORIATY, GAVE HIS GIRLFRIEND A SWEETHEART OF A DEAL, 491,081 DOLLARS' WORTH OF CONTRACT. I CALL THIS THE THREE P RULE, POWER, POLITICS, AND YOU FILL IN THE LAST P. MAYBE AFTER THIS COMPANIES COME IN HERE WORKING AND DEALING WITH THE CITY OF AUSTIN SHOULD THINK TWICE. THERE IS A PROBLEM WITHIN THE CITY IN REFERENCE TO THE QUALITY OF LIFE. I'M ASKING YOU GUYS TODAY TO HAVE AN INDEPENDENT AUDIT OF EARTH TECH AND ALSO PULL THIS COMPLETE CONTRACT UNTIL THIS IS CLEARED UP. THIS IS A MATTER OF -- A SERIOUS MATTER OF THE QUALITY OF LIFE IN AUSTIN. MR. MAYOR, COUNCILMEMBERS, THANK Y'ALL SO MUCH AND HAVE A GOOD ONE.

Mayor Wynn: THANK YOU, MR. MAYFIELD. BRAD WILEY? WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, EVERYONE, MAYOR. MY NAME IS WILEY AND I'M HERE THIS AFTERNOON REPRESENTING THE NEW NONPROFIT ORGANIZATION CALLED PRO CON. WE'RE A NEW CONCEPT IN THE TEMPORARY LABOR INDUSTRY IN THAT WE ARE IN BUSINESS FOR ONLY ONE REASON, AND THAT IS TO HELP THE EX-OFFENDER AND CURRENT PAROLEE FIND EMPLOYMENT. OUR GOAL IS TO MAKE A SIGNIFICANT CONTRIBUTION TOWARDS HELPING THESE MEN BY

PROVIDING A HEAD QUARTERS FOR EMPLOYERS TO BE ABLE TO CONTRACT PROSPECTIVE EMPLOYEES, PROVIDING ANY NECESSARY SAFETY EQUIPMENT AND CLOTHING AS NEEDED. PROVIDING A SACK LUNCH OR OTHER MEAL, PROVIDING TOOLS AS THEY BECOME AVAILABLE ON A DONATION BASIS, AND A WAGE THAT MEETS OR EXCEEDS THAT OF OTHER COMMERCIAL TEMPERATURE EMPLOYMENT SERVICES. OUR DEDICATION AND TIRELESS LESS EFFORT IS TO EMPIRE THESE MEN TO CREATE A BETTER LIFE, COMMUNITY AND A BETTER WORLD, RESTORING THE DIGNITY AND SELF-ESTEEM OF THEIR OWN LIVES AND THE LIVES OF THOSE THEY LOVE. BECAUSE OF THIS WE NOW HAVE A CHOICE, AND THAT IS TO HELP THE NEWLY PAROLED MAN GET WORK SO HE WON'T HAVE TO REVERT TO CRIME TO MAKE A LIVING. EVERYBODY KNOWS IT'S NEXT TO I AM IMPOSSIBLE TO GET A DECENT JOB ONCE YOU HAVE A RECORD, AND IN SOME CASES EVEN A MISDEMEANOR CAN BE A ROADBLOCK. FOR THE MOST PART THESE MEN HAVE DONE THEIR TIME AND ARE READY FOR A NEW LIFE. MANY ARE SKILLED LABORERS LIKE CARPENTERS, ELECTRICIANS AND PLUMBERS AND OTHERS ARE FOOD AND HOSPITALITY WORKERS AND YET OTHERS ARE SKILLED PROFESSIONALS. PRO CON IS DESIGNED TO MEET THE NEEDS OF THE TEMPORARY LABOR INDUSTRY AS WELL AS THE NEEDS OF THE MAN JUST OUT OF INCARCERATION. THESE MEN MUST WORK AS A CONDITION OF THEIR PAROLE OR FACE GOING BACK TO AN ALREADY CROAFER CROWDED PRISON SYSTEM. AS I SPEAK, WE HAVE 50 MEN READY TO WORK ON CALL. THAT MEANS OUR MEN CAN BE CALLED AT 3:00 O'CLOCK IN THE MORNING AND WE'LL HAVE THEM ON THE JOB SITE IN AN HOUR. OUR MEN WILL USUALLY OUT WORK OTHER MEN IN THE SAME JOB. IN OTHER WORDS, OTHER MEN TRY HARDER. WE CAN SUPPLY YOU WITH ONE MAN OR A TEAM OF MAN AND HERE'S THE BEST PORT, OUR SOURCE IS OPEN FOR BUSINESS 24 HOURS A DAY, SEVEN DAYS A WEEK, 365 DAYS A YEAR. AND LET'S NOT FORGET, IF YOU HIRE ONE OF OUR MEN, YOU AUTOMATICALLY QUALIFY FOR UP TO \$2,400 IN TAX INCENTIVES PER MAN BASED ON THE NUMBER OF HOURS HE WORKS FOR THE WELFARE TO WORK PROGRAM. BECAUSE WE ARE A NONPROFIT COMPANY, WE CHARGE LESS PER MAN PER HOUR THAN THE COMMERCIAL HOURS AND WE PAY OUR MEN MORE. OUR STARTING PAY IS \$7 AN

HOUR WITH RAISES BASED ON PERFORMANCE. IF ANYONE LISTENING HERE TODAY CAN HELP ME OUT WITH SOME IDEAS OR UNCONSCIOUS SUGGESTIONS ABOUT WHO I COULD CONTACT WITHIN THE CITY GOVERNMENT AS TO HOW TO HELP OUT AND GET THESE MEN SOME WORK OR CITY WORK, PLEASE GET WITH ME. OUR WEBSITE IS [WWW.PROCONJOBS.COM](http://WWW.PROCONJOBS.COM). A WISE MAN ONCE SAID IF YOU'RE NOT PART OF THE PROBLEM, YOU'RE PART OF THE SOLUTION. LET'S BE PART OF THE SOLUTIONS. JUST VERY QUICKLY, THAT BRINGS ME TO THE OTHER REASON I'M HERE TODAY. WE WOULD LIKE TO MAKE KNOWN AND OFFER TO THE CITY A WONDERFUL AND PERFECT LOCATION FOR THE CITY TO RUN ITS -- A NEW EMPLOYMENT -- A NEW FIRST WORKERS EMPLOYMENT SERVICE ON THE SOUTH SIDE OF TOWN LOCATED AT 2101 EAST WEN WHITE, IN THE SAME BUILDING AS THE STATE PAROLE OFFICES, WHERE WE ALSO HAVE A TRANSITIONAL LIVING FACILITY, A FOOD BANK, CLOTHES CLOSET AND SOUP KITCHEN FOR OUR RESIDENTS. THIS WOULD BE A PERFECT LOCATION FOR FIRST WORKERS SOUTH. THERE IS MORE THAN ENOUGH OFFICE SPACE AND PARKING AVAILABLE. THERE'S A CONVENIENCE STORE NEARBY AND IT'S ON THE CAPITAL METRO BUS LINE. WORK SOURCE IS JUST AROUND THE CORNER. PLEASE CONTACT ME OR ROSE MARRY FALSELESS, THE PROPERTY OWNER, AT 995-5389 OR 775-2257. THANK YOU FOR YOUR TIME AND ATTENTION. INTERESTED PARTIES CAN SEE ME IN THE BACK, PLEASE. THANKS.

Mayor Wynn: THANK YOU, MR. WILEY. SO COUNCIL, THAT CONCLUDES ALL OF THE CITIZENS WHO WANTED TO ADDRESS US DURING GENERAL CITIZEN COMMUNICATION. WITHOUT OBJECTION, AT THIS TIME WE'LL GO BACK INTO CLOSED SESSION. WE HAVE A NUMBER OF ITEMS TO TAKE UP, PURSUANT TO SECTION 551.071. WE ARE LIKELY TO TAKE UP ITEM 44, 46 RELATED TO THE GABLES REALTY LIMITED PARTNERSHIP PROPOSED MASTER DPREAMENT. WE'LL ALSO TAKE UP PURSUANT TO SECTION 551.072, REAL ESTATE ITEMS, ITEM 48, POSSIBLE ACQUISITION OF OFFICE SPACE IN DOWNTOWN AUSTIN. AND ITEM NUMBER 49, PURSUANT TO SECTION 074 OF THE OPEN MEETINGS ACT, TAKE UP DISCUSSION ABOUT APPOINTMENT TO OUR CITY OF AUSTIN MUNICIPAL COURT. WE ARE NOW IN CLOSED SESSION. I

ANTICIPATE US BEING BACK IN OPEN SESSION SOMETIME AFTER 2:00 P.M. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP ITEM 44 RELATED TO OUR M/W.B.E. PROGRAM, ITEM 46 RELATED TO A MASTER AGREEMENT WITH GABLES REALITY LIMITED PARTNERSHIP, ITEM NO. 48 RELATED TO ACQUISITION OF OFFICE SPACE DOWNTOWN AND ITEM NUMBER 49 RELATED TO OUR MUNICIPAL COURT JUDGE APPOINTMENTS. NO DECISIONS WERE MADE ON THOSE ITEMS IN CLOSED SESSION. I WILL -- I WILL ANNOUNCE NOW THAT -- THAT ON ITEM NO. 49, RELATED TO OUR MUNICIPAL COURT JUDGE APPOINTMENTS, WE ARE POSTED FOR ACTION ON ITEM NO. 37, WE WILL NOT BE TAKING ACTION ON THAT ITEM TODAY. WE WILL REPOST THAT FOR DECEMBER 15th, BOTH IN CLOSED SESSION AND ACTION IN PUBLIC SESSION. I WOULD ANTICIPATE THE COUNCIL IS READY TO VOTE ON DECEMBER 15th, TALENT WE WILL ALSO VOTE ON WHEN THAT NEW TERM WILL BEGIN, WE HAVE A LITTLE BIT OF FLEXIBILITY AS TO WHEN THAT CAN BE. I BELIEVE THAT COUNCIL WILL VOTE FOR THAT TERM NOT TO BEGIN UNTIL APPROXIMATELY THE MIDDLE OF FEBRUARY, GIVING THAT APPROXIMATELY A 60 DAY TRANSITION FOR THOSE OF YOU ALL WHO ARE INTERESTED. IN CLOSED SESSION WE TOOK UP ITEM NO. 48 RELATED TO THE ACQUISITION OF OFFICE SPACE DOWNTOWN. WE HAVE POSTED AN ACTION ITEM NO. 50 RELATED TO THAT AND WOULD APPRECIATE A BRIEF STAFF PRESENTATION.

I'M ALISON GALLOWAY WITH THE LAW DEPARTMENT. AS COUNCIL REMEMBERS, WE GROUND LEASED IN 2000 TO CSC BLOCKS TWO AND FOUR. WE GROUND LEASED FOR 99 YEARS. CSC HAS SINCE BUILT THE BUILDINGS, HAS NOW RECEIVED AN OFFER TO SELL THEIR INTEREST IN THE BLOCK 2, WHICH IS THE ONE CLOSEST TO [INDISCERNIBLE] AND THE CITY RETAINED THE RIGHT TO -- OF FIRST REFUSAL TO ACQUIRE THAT SPACE UNTIL 75% OF THE BLOCK 2 OFFICE SPACE WAS ACQUIRED. CSC HAS NEVER OCCUPIED THAT MUCH OFFICE SPACE. SO THEY HAD TO OFFER US ON THE SAME TERMS AND CONDITION THAT'S THEY RECEIVED THE BLOCK 2 OFFER. THE CITY WILL STILL OWN THE GROUND SPACE OF THE LAND UNDER THE GROUND LEASE AND WE WILL GET THE BUILDINGS BACK WHEN THE GROUND



LEASE EXPIRES. IT IS STAFF'S RECOMMENDATION NOT TO EXERCISE THE OPTION TO ACQUIRE THE GROUND LEASE.

Mayor Wynn: THANK YOU, MS. GALLOWAY, QUESTIONS OF STAFF, COUNCIL? AGAIN STAFF RECOMMENDATION IS FOR US NOT TO EXERCISE THE CITY'S RIGHT OF FIRST REFUSAL TO PURCHASE THE CSC BUILDING ADJACENT NEXT DOOR, BLOCK TWO. I WILL ENTERTAIN A MOTION.

I WILL MOVE APPROVAL OF THE STAFF RECOMMENDATION. MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE STAFF RECOMMENDATION AND NOT EXERCISE THE OPTION AS POSTED IN ITEM NO. 50. FURTHER COMMENTS? I'LL JUST SAY OBVIOUSLY THERE WAS -- THERE WAS A -- A NEWSPAPER ARTICLE ABOUT THIS IN THIS MORNING'S PAPER. I THINK THAT IT'S A VERY POSITIVE POTENTIAL TRANSACTION, THIS -- THIS IS JUST ENABLING THE NEGOTIATIONS TO CONTINUE BETWEEN CSC AND THEIR POTENTIAL BUYER. BUT I THINK EVERYBODY SHOULD BE EXCITED ABOUT HAVING A GREAT CORPORATE CITIZENS NEXT DOOR LIKE THEY WOULD BE. FURTHER COMMENTS? MOTION AND SECOND ON THE TABLE TO -- TO APPROVE STAFF RECOMMENDATION AND NOT EXERCISE THE OPTION. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MCCracken OFF THE DAIS. THANK YOU MS. GALLOWAY. COUNCIL THAT TAKE US TO OUR 2:00 POSTED BRIEFING. THIS IS REGARDING THE -- THE FEASIBILITY OF CREATING A COMMUNITY LAND TRUST FOR AUSTIN AS COUNCIL HAD ASKED -- SEVERAL MONTHS AGO, WE WELCOME MR. PAUL HILGERS.

THANK YOU, MAYOR, I'M PAUL HILGERS, DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT, I'M PROUD TO BRING TO YOU TODAY THE STAFF'S REPORT AND WE APPRECIATE THE OPPORTUNITY TO WORK ON THIS IMPORTANT ISSUE. STAFF HAS BEEN FOCUSING ON THE EVOLVING AFFORDABLE HOUSING GOALS IN THIS CITY. AND THOSE THREE GOALS ARE TO MITIGATE GENT CASE

PRESSURES BY ESTABLISHING PERMANENTLY AFFORDABLE HOUSING STOCK, TO PRESERVE HOUSING AFFORDABILITY, AND TO RECYCLE OUR INVESTMENT TO MAINTAIN PERMIT AFFORDABLE HOUSING STOCK. AS WE HAVE DISCUSSED SEVERAL TIMES, THERE IS NO ONE SOLUTION TO THE AFFORDABLE HOUSING SITUATION WE HAVE HERE. HOWEVER, OUR WORK IN THIS EFFORT HAS -- HAS DEMONSTRATED TO STAFF THAT WE BELIEVE THAT COMMUNITY LAND TRUSTS ARE A VIABLE AND FEASIBLE TOOL THAT WILL PROVIDE GREAT BENEFITS TO THIS COMMUNITY. TO ADDRESS OUR AFFORDABILITY ISSUES. THEY ARE NOT FOR EVERYONE OR FOR EVERY DEVELOPMENT. BUT THEY ARE IMPORTANT TO ACHIEVING OUR AFFORDABLE HOUSING GOALS AS HOPEFULLY YOU WILL SEE IN THIS PRESENTATION. BACK ON MAY THE 26th, COUNCIL APPROVED A RESOLUTION REQUIRING STAFF TO ANALYZE THE VARIOUS FORMS OF LAND TRUST FOR AFFORDABLE HOUSING, CURRENTLY IN OPERATION IN THE UNITED STATES, TO EVALUATE THE FEASIBILITY OF LAND TRUSTS UNDER TEXAS LAW AND TO ANALYZE THE FINANCIAL POLICIES OF THE CITY. THE ANALYSIS WE COMPLETED WAS PROVIDED IN THE COMPLETE REPORT WHICH IS DISTRIBUTED AND MADE PUBLIC IN JULY OF THIS YEAR. OUR ANALYSIS REFLECTS THAT COMMUNITY LAND TRUST PROVIDES THE MOST BENEFITS THERE IS A RAPIDLY APPRECIATED HOUSING MARKET OR AN EXISTING HIGHER PRICED MARKET SUCH AS IN CENTRAL EAST AUSTIN OR THE DOWNTOWN AREA. WHERE HOME BUYER MORTGAGE SUBSIDIES EXCEED \$40,000, WHERE PERMANENT AFFORDABLE HOUSING IS NEEDED FOR ECONOMIC SUSTAINABILITY AND DIVERSITY IN THE ECONOMY. WHERE THERE'S LIMITED AREAS FOR BUILDOUT AND HIGH GENTRIFICATION APPRECIATES AND TO ADVANCE A POLICY TO RESERVE INVESTMENT IN AFFORDABLE HOUSING WHEN THERE ARE LIMITED PUBLIC RESOURCES TO PRODUCE AFFORDABILITY. THE COMMUNITY LAND TRUST WORK CAME TO THE CITY STAFF AT THE URGING OF THE COMMUNITY. LED BY A VERY STRONG NON-PROFIT ORGANIZATION HERE, THE AUSTIN COMMUNITY DEVELOPMENT CORPORATION, NOW THE PEOPLE FUND. THEY HAVE BEEN EXPLORING THIS OPTION FOR SEVERAL YEARS AND HAVE URGED THE CITY AND URGED THIS

DEPARTMENT TO WORK WITH HUDNELL AND COLLABORATE WITH -- WITH H.U.D. AND CLAB BAIT WITH THEM. THROUGH THAT EFFORT WE ENTERED INTO A CONTRACT THROUGH THE INSTITUTE FOR COMMUNITY ECONOMICS WITH AN ORGANIZATION CALLED BURLINGTON & ASSOCIATES. A NATIONALLY RECOGNIZED LEADER IN THE DEVELOPMENT OF COMMUNITY LAND TRUSTS. CITY STAFF ATTENDED AND PEOPLE BOTH ATTENDED THE NATIONAL COMMUNITY LAND CONFERENCE AND COMMUNITY LAND TRUST CONFERENCE IN PORTLAND, OREGON. WE WORKED WITH MICHAEL BROWN WITH BURLINGTON & ASSOCIATES WHO CAME TO AUSTIN TO TRAIN CITY STAFF IN THE COMMUNITY LAND TRUST DEVELOPMENT. WHILE HE WAS IN AUSTIN HE PROVIDED TRAINING SESSIONS TO LOCAL NON-PROFIT HOUSING PROVIDERS AND HE WORKED WITH THE AUSTIN COMMUNITY DEVELOPMENT CORPORATION, THE PEOPLE FUND'S LAND TRUST STEERING COMMITTEE TO PROVIDE TECHNICAL ASSISTANCE ON THE DEVELOPMENT OF THE COMMUNITY LAND TRUST IN AUSTIN. WE CONTINUALLY GATHERED COMMUNITY INVOLVEMENT BEFORE THE COMPILATION OF THE INFORMATION WE GAVE YOU IN JULY. HERE IS HOW ESSENTIALLY A COMMUNITY LAND TRUST WORKS. THE COMMUNITY LAND TRUST OWNS THE LAND. THE HOME OWNER OWNS THE IMPROVEMENT. THE COMMUNITY LAND TRUST THEN LEASES THE LAND TO THE HOME OWNER. THE LAND -- THE LEASE IS TYPICALLY 99 YEARS WITH AN OPTION TO RENEW. NEFKS IT'S IN PERPETUITY. IT CONTAINS RESALE FORMULA AND OTHER RESTRICTIONS AND CAN ALLOW FOR A VARIETY OF -- OF DIFFERENT PROVISIONS TO ACHIEVE DIFFERENT GOALS. LONG-TERM SUSTAINABILITY, MOBILITY, WHATEVER THE COMMUNITY OR THE NEIGHBORHOOD, WHATEVER IS MOST APPROPRIATE FOR THAT NEIGHBORHOOD. COMMUNITY LAND TRUST HAS A CONTINUING INTEREST IN THE PROPERTY BOTH THE LAND AND IMPROVEMENTS. TYPICALLY A GROUND LEASE REQUIRES A NOMINAL MONTHLY FEE THAT CAN FUNCTION AS A CANARY IN A COAL MINE TO -- IF IT'S A \$25 FEE AND THE FAMILIES AREN'T PAYING THAT FEE, THEN THE LAND TRUST PROVIDING LONG-TERM SUPPORT FOR THE FAMILY WILL BE SIGNALLED THERE MIGHT BE AN ISSUE AND THEY NEED TO SEND SOME FOLKS TO HELP THAT FAMILY. THE BENEFITS ASSOCIATED WITH THE STRUCTURE THEREFORE ARE

STEWARDSHIP, MOBILITY, ENHANCING OUR HOUSING CONTINUUM THAT WE HAVE HERE IN AUSTIN, SECURITY, STABILITY AND AFFORDABILITY. NOW, WE TRIED TO SHOW AN EXAMPLE OF THE AFFORDABILITY BENEFITS TO THE COMMUNITY LAND TRUST HOME BUYER. LET ME GO THROUGH SOME OF THE ASSUMPTIONS IN THIS CHART. THE ASSUMPTIONS ARE THAT WE HAVE AGAIN ON THIS PROPERTY AN IMPROVEMENT VALUE OF \$80,000. THE COST OF THE HOUSE IS \$80,000. THE LAND VALUE IS \$40,000. THE ASSUMPTION IS THAT THE LAND VALUE IS TAX EXEMPT. THE SUMS IS THAT THERE'S A 6% MARKET INCREASE OVER A 10 YEAR PERIOD. LAND TRUST TYPICALLY HAVE -- WHICH IS AGAIN WHAT PRESERVES THE AFFORDABILITY OVER TIME AND THAT WE HAVE A STABLE TAX RATE. SO IF YOU LOOK AT THAT, INITIAL SALES PRICE, AGAIN, \$80,000, TRADITIONALLY, IN A TRADITIONAL MORTGAGE YOU PAY FOR BOTH THE HOUSE AND THE LAND SO THAT SAVINGS THERE WOULD BE \$40,000 TO THE HOME BUYER. THE TAX SAVINGS, TAX FREE, TOTAL TAX SAVINGS WOULD BE \$1,043 OR A SAVINGS OF TAXES OF 36% TO THE HOME BUYER. BUT THE REAL VALUE IS SHOWN IN THE RESALE WHEN YOU FAST FORWARD TO 10 YEARS IN THE FUTURE. WHAT YOU SEE THERE IS THE RESALE PRICE BASED UPON THE FACT THAT YOU ARE JUST CAPTURING THAT INCREASE IN EQUITY SHARE. THE RESALE PRICE OF THAT HOUSE IS ONLY \$98,000. THEREFORE A SAVINGS OF WHAT IT WOULD BE IN THE MARKETPLACE OF \$117,000 TO THE NEXT HOME BUYER. THERE WOULD BE RESTRICTIONS SO IT WOULD BE AN AFFORDABLE HOME BUYER THAT WOULD BE BUYING THAT. ON THE TAXES YOU WOULD SEE THAT THE TAX BENEFIT TO THE HOME BUYER WOULD BE AT THAT POINT A 57% SAVINGS OR 3,051 BY THAT YEAR. THAT'S AN ATTEMPT TO SHOW A SIMPLY AND FAIRLY CONSERVATIVELY WHAT THE BENEFITS WOULD BE. THE ANALYSIS THAT WAS DONE SHOW THREE MAJOR TYPES OF COMMUNITY LAND TRUSTS IN THE UNITED STATES. THERE ARE NO ESTABLISHED COMMUNITY LAND TRUSTS IN THE STATE OF TEXAS AND ONE OF THE CHALLENGES THAT WE HAVE IS AGAIN THE RELATIONSHIP BETWEEN PROPERTY TAX, BEING A PROPERTY TAX DEPENDENT STATE BECAUSE IT CREATES BOTH ADDITIONAL BENEFITS OF A COMMUNITY LAND TRUST POTENTIALLY, BUT ALSO CHALLENGES FOR THE ESTABLISHMENT OF A LAND TRUST, BUT THERE ARE THREE

BASIC FORMS. NON-PROFIT SPONSORSHIP, GOVERNMENT SPONSORSHIP AND THERE ARE A FEW EMPLOYER SPONSORSHIP LAND TRUSTS. ADVANTAGES ARE THAT -- IT'S THE MOST COMMON IS THAT THERE ARE -- THEY ARE ATTRACTED TO PRIVATE FUNDERS, FOCUS ON PRODUCTIVITY, COMMITMENT TO AFFORDABLE HOUSING TYPICALLY IN NON-PROFIT AND DEVELOPED FOR THAT SPECIFIC AFFORDABLE HOUSING INITIATIVE, BROAD BASED COMMUNITY AND PUBLIC SUPPORT ARE THE KEY ADVANTAGES. THE DISADVANTAGES CAN BE THE -- THE -- WHETHER OR NOT THE PUBLIC ASSET GOES AND INVESTMENTS CAN BE TOTALLY PROTECTED THROUGH A NON-PROFIT. POTENTIAL ACCOUNTABILITY TO LEASEHOLDERS AND COMMUNITIES, THE PROPERTY TAX EXEMPTIONS ARE NOT GUARANTEED FOR NON-PROFIT OWNERSHIP OF LAND IN EVERY CASE. IN THE GOVERNMENT SPONSORED FORMS, THE ADVANTAGES ARE OBVIOUSLY INSTITUTIONAL LONGEVITY. PROPERTY TAX EXEMPTION GUARANTEED FOR THE LAND. PRETTY DIRECT INVOLVEMENT OF FINANCIAL COMMITMENT FROM THE PUBLIC SECTOR THAT'S FUNDING THE ENTITY. SOME INTERNAL CAPACITY FROM HOUSING STAFF THAT'S ALREADY IN THE PUBLIC SECTOR AND IN THE SECURITY OF THE GOVERNMENT OWNING THE PUBLIC ASSETS. THE DISADVANTAGES ARE ALSO THE -- THAT NEED TO BE CONSIDERED WHICH WOULD BE THE POTENTIAL CHANGE IN POLICY PRIORITIES. OF WHETHER OR NOT AFFORDABILITY MAINTAINS THE HIGH PRIORITY OVER TIME. THERE IS A CONCERN FOR BUREAUCRACY, WHETHER OR NOT WE CAN MOVE QUICKLY ENOUGH IN THE MARKETPLACE TO ACQUIRE PROPERTY. WHETHER OR NOT WE ARE ACTUALLY NIMBLE ENOUGH TO WORK IN THE MARKET. THOSE ARE SOME OF THE ISSUES THAT HAVE BEEN IDENTIFIED AS DISADVANTAGES AND GOVERNMENT SPONSORED COMMUNITY LAND TRUSTS. THERE IS THE GROWING EXAMPLE OF PUBLICLY OWNED COMMUNITY LAND TRUST, THEY ARE RECENTLY, JUST BEGINNING TO BECOME MORE -- MORE ACCEPTABLE PRACTICE. EMPLOYER SPONSORSHIP IS MENTIONED HERE BECAUSE THE BEST EXAMPLE OF THAT IS IN ROW CHESTER MINNESOTA, THE MAYO CLINIC INVESTED OVER \$7 MILLION TO CREATE A COMMUNITY LAND TRUST FOR THEIR EMPLOYEES. I'M GOING TO MENTION THAT, NOT THAT WE --

JUST SO THAT WE COULD HAVE THE OPPORTUNITY TO EXPLORE EMPLOYER SPONSORSHIPS OF COMMUNITY LAND TRUSTS, PARTICULARLY AT PLACES LIKE RMMA, BUT ALSO IN THIS COMMUNITY, THIS IS A LONG-TERM COMMITMENT, WE NEED TO EXPLORE THAT OPTION AS WELL. SO THE STAFF RECOMMENDATIONS, OUR JOB AS STAFF THROUGHOUT THIS PROCESS WAS TO ANALYZE THE BENEFITS AND REGULATORY CONSTRAINTS OF EACH OF THE MODELS OF COMMUNITY LAND TRUST USED THROUGHOUT THE COUNTRY. OUR STAFF RECOMMENDATION GIVES YOU THE OPPORTUNITY TO -- TO BLEND THE BEST PRACTICES OF THE CURRENT MODELS AND ALLOW US TO TAYLOR THE STRUCTURE OF A COMMUNITY LAND TRUST TO BEST MEET THE NEEDS OF THIS COMMUNITY. THE RECOMMENDATIONS SPECIFICALLY ARE TO EXPAND A FORMAL STAKEHOLDER PROCESS, TO STRUCTURE THE COMMUNITY LAND TRUST SO THAT LAND CAN BE TAX EXEMPT FROM ALL TAXING JURISDICTIONS TO ACHIEVE MAXIMUM BENEFIT FOR AFFORDABILITY, AND TO CREATE AN ADVISORY COMMITTEE FOR QUALITY ASSURANCE ... BEST PRACTICES IN COMMUNITY LAND TRUST, SINCE THIS PROCESS BEGAN COMMUNITY LAND TRUSTS HAVE BECOME MUCH MORE INTRIGUING AND HAVE RECEIVED MUCH MORE INTEREST FROM A LOT OF OTHER GROUPS. GROUPS HAVE EMERGED WITH STRONG INTEREST IN PARTICIPATING IN THE COMIEWRNT DEVELOPMENT LAND TRUST. WE ARE RECOMMENDING THAT WE WOULD HAVE A FORMALIZED STAKEHOLDER PROCESS, WHICH WOULD INCLUDE PARTICIPANTS FROM THE FOLLOWING ORGANIZATIONS: AND AGAIN THAT'S LISTED IN FRONT OF YOU, I WILL HIGHLIGHT THOSE FOR YOU, THE HOME BUILDERS ASSOCIATION, FINANCE CORPORATION, AFRICAN-AMERICAN QUALITY OF LIFE SUBCOMMITTEE ON NEIGHBORHOOD SUSTAINABILITY, A KEY ISSUE FOR THEM IN OUR DELIBERATIONS WITH THEM. WE NEED REALITIES FROM THE BOARDS AND COMMISSIONS OF THE COMMUNITY DEVELOPMENT COMMISSION, DESIGN COMMISSION, PLANNING COMMISSION, ROBERT MUELLER MUNICIPAL AIRPORT IMPLEMENT TWAITION ADVISORY COMMISSION, CHODO ROUND TABLE, HOUSING AUTHORITY OF THE CITY OF AUSTIN, HOUSING WORKS, TITLE COMPANIES TO HAVE TITLE COMPANIES REPRESENTED THERE, ONE THAT IS FAMILIAR WITH OUR WORK. THE

PEOPLE FUND, OBVIOUSLY THEY -- THEY ARE THEIR CONTINUED INVOLVEMENT, THE REAL ESTATE COUNCIL OF AUSTIN, TEXAS Z BAR WHICH IS AN ORGANIZATION OF LAWYERS THAT DEALS PARTICULARLY WITH AFFORDABLE HOUSING. WE BELIEVE BY CONTINUING, BY EXPANDING THIS, MAKING THIS A FORMAL PROCESS, WE CAN BROADEN COMMUNITY OWNERSHIP, HAVE A FULL-FLEDGED COMMUNITY LAND TRUST THAT IS -- CAN WORK THROUGH VERY SPECIFIC ISSUES THAT NEED CONTINUED AND FURTHER ANALYSIS. SO THIS 15 MEMBER BODY WOULD -- WOULD REVIEW AND PROVIDE INPUT AND HAVE PUBLIC MEETINGS WHERE WE COULD FOCUS ON THE FOLLOWING AREAS. ADVISORY COMMITTEE, ADMINISTRATION AND OPERATIONS, MODEL GROUND LEASE PROVISIONS AND OPTIONS, THE DEVELOPMENT AND FUNDRAISING, HOME BUYER COUNSELING, MARKETING AND OUTREACH, LAND ACQUISITION AND HOUSING DEVELOPMENT, HOME SALES, PROPERTY MANAGEMENT, AND RESALE MONITORING. THOSE WOULD BE THE PRIMARY AREA THAT'S STAFF THINKS NEED TO BE INCLUDED. OUR PROCESS IN THE NEXT STEPS FOR DOING THIS WOULD BE TO PREPARE THE REPORT, CONTINUE TO PREPARE THE REPORT ON THE OPTIONS, BUT BEGINNING NEXT WEEK, THROUGH FEBRUARY HOLD THE STAKEHOLDER PROCESS AND COMMUNITY INPUT ON THOSE OPTIONS. BY THE END OF FEBRUARY, WE THINK AT LEAST TWO MEETINGS, LET THE COMMITTEE DECIDE HOW MANY MEETINGS THEY WANT TO HAVE, BUT AT THE END OF FEBRUARY FINALIZE THE REPORT ON WHAT THE IMPLEMENTATION RECOMMENDATIONS WOULD BE. IN MARCH BRING BACK TO THE COUNCIL THE COMMUNITY LAND TRUST OPTIONS AND RECOMMENDATIONS FOR ESTABLISHING A COMMUNITY LAND TRUST HERE IN AUSTIN. I WANT TO THANK -- AGAIN OBVIOUSLY AGAIN MENTIONED THE PEOPLE FUND, THEIR LEADERSHIP IN BRINGING THIS ISSUE FORWARD, THE PEOPLE WHO WORKED ON THE STEERING COMMITTEE OF THAT ORGANIZATION, MAYBE MANY HOURS THEY PUT INTO GETTING US TO THIS POINTS, EDUCATING US, HELPING US TO BECOME EDUCATED ON SOME OF THE NUANCES AND INTRICACIES OF A COMMUNITY LAND TRUST. I ALSO WANT TO TAKE A MOMENT TO THANK MY STAFF AND PARTICULARLY KELLY WEISS WHO PREPARED WHAT IS A VERY THICK, LONG DOCUMENT ABOUT

COMMUNITY LAND TRUSTS THAT WAS PREPARED AND PROVIDED TO THE COMMUNITY IN JULY. WE DO STAFF RECOMMENDED THIS IS A GREAT OPTION FOR US, WE STILL HAVE WORK TO DO TO FINALIZE HOW IT WOULD BE STRUCTURED, GOVERNOR GOVERNED, UNIQUELY AUSTIN. BUT WE DO BELIEVE THIS WOULD GIVE US AN ADDITIONAL TOOL TO DEAL WITH THE EXCEEDINGLY INCREASING COSTS THAT ARE ADDRESSED, THAT ARE FACING US. EVEN THAT WE TALKED ABOUT THIS MORNING, COUNCILMEMBER IN THE PROPERTY ON THE EAST SIDE OF TOWN. SO WITH THAT I WOULD BE GLAD TO TRY REAL HARD TO ANSWER ANY QUESTION GOES THAT THE COUNCIL MAY HAVE.

Mayor Wynn: THANK YOU. QUESTIONS FROM STAFF? COUNCILMEMBER ALVAREZ?

Alvarez: YES, MAYOR. YEAH, I'M JUST -- OBVIOUSLY I THINK, YOU KNOW, WE'VE TALKED ABOUT THIS ISSUE FOR -- FOR SEVERAL YEARS NOW. CERTAINLY WOULD LIKE TO SEE SOME MOVEMENT FORWARD ON IMPLEMENTATION. BUT I GUESS, YOU KNOW, SINCE THERE HAS BEEN A LOT OF PUBLIC DIALOGUE ABOUT THIS, WE ARE SAYING THAT OUR NEXT STEP IS A STAKEHOLDER PROCESS, BUT WHAT DO WE THINK WE WILL GAIN OUT OF HAVING AN ADDITIONAL -- YOU KNOW, SOME MORE DIALOGUE AND DISCUSSION, WHICH IS WHAT I THOUGHT WE HAD BEEN DOING OVER THE LAST COUPLE OF YEARS, BUT HOW IS WHAT WE ARE GOING TO DO OVER THE NEXT TWO OR THREE MONTHS DIFFERENT? BECAUSE, YOU KNOW, AT SOME POINT I THINK WE HAVE TO MOVE FORWARD IN TERMS OF ACTUALLY, YOU KNOW, FIGURING, CREATING THE LAND TRUST AND GETTING ALL OF THE -- THOSE TECHNICAL ISSUES FIGURED OUT IN TERMS OF THE DOCUMENTS THAT WE NEED TO PUT INTO PLACE BECAUSE IT SOMETIMES TO ME IF WE HAD AN IDEA OR SOMETHING TO SEND THROUGH A STAKEHOLDER PROCESS, WE MIGHT GET MORE MEANINGFUL FEEDBACK THAN JUST SORT OF CONTINUING SORT OF A BROAD DISCUSSION ON THE CONCEPT VERSUS ACTUALLY TRYING TO MOVE FORWARD WITH A SPECIFIC PROPOSAL. BUT DO WE HAVE A SPECIFIC PROPOSAL THAT WE ARE GOING TO BE ASKING FOR INPUT ON OR ARE WE --



A COUPLE OF RESPONSES TO THAT.

Alvarez: STILL TRYING TO DEVELOP A PROPOSAL.

A COUPLE OF RESPONSES TO THAT, COUNCILMEMBER. ONE IS THAT WE HAVE I THINK A FAIRLY GOOD CONSENSUS ON SOME OPTIONS TO PRESENT TO A STAKEHOLDER GROUP OF WHAT -- WHAT NEEDS TO BE PRESENTED. SINCE THIS IS A BRAND NEW IDEA, IN THIS COMMUNITY, WE -- WE BELIEVE AS STAFF THAT WE SHOULD -- WE SHOULD EXPAND WHAT HAS BEEN A FAIRLY LENGTHY AND COMPREHENSIVE ANALYSIS OF A STAKEHOLDER GROUP BUT HAS NOT INVOLVED ALL OF THE DIFFERENT PLAYERS THAT NEED TO INCORPORATE THEIR THOUGHTS AND THEIR UNDERSTANDING OF HOW THEY WOULD PLAY IN A COMMUNITY LAND TRUST HOME BUILDERS, FOR EXAMPLE, REAL ESTATE COUNCIL FOR EXAMPLE, TITLE COMPANIES FOR EXAMPLE, I THINK THAT BY INCORPORATING AND SPENDING ANOTHER TWO MONTHS IN -- IN NOT TRYING TO GET THEM TO ACCEPT THE EYED OF A COMMUNITY LAND TRUST, BUT TO DO THAT WITH THE UNDERSTANDING THAT THE COUNCIL DETERMINED, GIVING US THE DIRECTION THAT WE WANT TO IMPLEMENT A COMMUNITY LAND TRUST BASED UPON SOME VERY GENERAL PARAMETERS, THAT THAT WOULD GIVE US THE IMPETUS TO BRING BACK SOME VERY FINALIZED RECOMMENDATIONS TO YOU ON A SPECIFIC PROPOSAL WITH SPECIFIC GOVERNANCE OPTIONS AND ADDRESS SOME OF THE MORE DIFFICULT NUANCES OF PARTICIPATION OF INVOLVEMENT WITH -- WITH OTHER NON-PROFITS, WITH OTHER LEGAL ISSUES THAT -- THAT JUST FRANKLY NEED FURTHER CONSIDERATION BEFORE WE COULD BRING TO YOU A FORMAL PROPOSAL THAT SAYS THIS IS THE WAY WE THINK THAT IT OUGHT TO BE IMPLEMENTED IN AUSTIN. I THINK THAT BY MARCH WE CAN HAVE THAT PROPOSAL FINALIZED FOR YOU. SO I THINK THAT WE GAIN A FURTHER CLARIFICATION AND UNDERSTANDING, FURTHER OWNERSHIP ON THE PART OF A BROAD BASED COMMUNITY, AND FRANKLY A GREATER OPPORTUNITY FOR SUCCESS FOR A BROAD BASE OF SUPPORT FOR THE COMMUNITY LAND TRUST IN THE COMMUNITY.

Futrell: PAUL, WOULDN'T ONE OF THE GOALS BE DURING THIS PERIOD OF TIME, THOUGH, TO BE WORKING TOWARD -- TO

CREATING A DRAFT IF.

ABSOLUTELY.

Futrell: IN OTHER WORDS, IT'S AN ITERATIVE PROCESS WITH STAKEHOLDERS WHERE ROLES, PARAMETERS ARE DEFINED AND BUILD INTO A DRAFT THAT COMES BACK TO COUNCIL?

THAT'S EXACTLY CORRECT. THAT'S EXACTLY HOW WE ENVISION THIS HAPPENING. AND WE HAVE GONE A LONG WAY TO DISCUSS AND WOULD BE PRESENTING TO THE STAKEHOLDER GROUP HERE ARE THE RULES, WE HAVE GOT A -- HERE ARE THE DIFFERENT ROLES, THE ROLES OF THE COMMUNITY LAND TRUST, HERE'S ARE THE POSSIBILITIES OF THOSE STRUCTURES, COME BACK WITH A DRAFT THAT WOULD SPECIFICALLY OUTLINE ALL OF THOSE ISSUES AND HAVE THAT AVAILABLE AGAIN WITH A STAKEHOLDER GROUP. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] >>

Alvarez: WITH WHAT WE KNOW WE HAVE SOMETHING TO START FROM AND NOT, AGAIN, JUST BEGIN FROM A VERY BROAD OR GENERIC PLACE WITH WHAT'S GOING TO BE SOME FOLKS WHO ARE GOING TO BE NEW TO THE DISCUSSION. AND YOU MAY OR MAY NOT BE ABLE TO GET IT DONE IN TWO TO THREE MONTHS IF YOU'RE BRINGING IN A LOT OF NEW PLAYERS, PER SE. NOT TO SAY THAT THAT'S NOT USEFUL OR SOMETHING THAT WE'D LIKE TO SEE HAPPEN, BUT FROM MY POINT OF VIEW, IT'S TO HAVE A STARTING POINT FROM WHICH THESE FOLKS, ONCE THEY GET AN UNDERSTANDING OF THE IDEA, HOW WE'RE LOOKING TO IMPLEMENT, THEN HOW IT -- THEN THE VARIOUS STAKEHOLDERS CAN LOOK AT HOW IT AFFECTS THEM OR THE SHORTCOMINGS OF THE PROPOSAL BASED ON THEIR PERSPECTIVE. AND I THINK THAT WOULD BE VERY USEFUL, BUT IF WE'RE STARTING TO -- IF WE'RE TRYING TO CREATE A STAKEHOLDER GROUP AND WE'RE STARTING WITH NOTHING, WITH THE DESIGN GUIDELINES PROCESS WE SAW THAT THAT WAS SUPPOSED TO BE A SIX-MONTH PROCESS, TURNED INTO 18 MONTH PROCESS, BUT FOR ME IT SEEMS LIKE THIS IS NOT -- IT'S A COMPLEX ISSUE BECAUSE THERE'S COMPLEX SORT OF AGREEMENTS BETWEEN THE VARIOUS PEOPLE INVOLVED IN THESE TRANSACTIONS, BUT THE CONCEPT ITSELF ISN'T THAT DIFFICULT. SOMEBODY OWNS

THE LAND, SOMEBODY OWNS THE PROPERTY. THE OTHER PART OBVIOUSLY IS THE ACTUAL CONSTRUCTION, HOW THAT WORKS OR HOW THAT WOULD AFFECT THE BUILDER PER SE VERSUS THE PROPERTY OWNER OR THE HOMEOWNER. BUT IT SEEMS TO ME THAT WE SHOULD BE ABLE TO HAVE IT -- I THINK YOU LAID OUT THE GOVERNMENT CLT VERSUS THE PUBLIC -- WHAT WERE THE THREE KINDS?

NONPROFIT, GOVERNMENT AND PRIVATE, YES, SIR.

Alvarez: AND SO TO ME IT SEEMS LIKE THAT'S REALLY WHERE -- WE SHOULD HAVE AN IDEA SO THAT JUST ON THOSE THREE -- AT LEAST ARE WE SAYING THAT THE CITY WILL HAVE ITS OWN AND CERTAINLY THERE MAY BE ABLE TO BE SOME PRIVATE CLT'S AS WELL, BUT THEY MIGHT BE GOVERNED A LITTLE BIT DIFFERENTLY, OR WHAT WE'RE SAYING IS WE ONLY WANT TO HAVE ONE COMMUNITY LAND TRUST. IS THAT WHAT WE'RE SAYING?

A COUPLE OF THINGS THAT WE'RE THINKING AGAIN IS THAT IN OUR DISCUSSIONS, THE ISSUES OF GOVERNANCE AND STRUCTURE OF LEASE AGREEMENTS, OF QUALITY STANDARDS, OF ASSURANCES OR ISSUES THAT WE ESSENTIALLY HAVE BEEN WORKING WITH THE STAKEHOLDER GROUP TO COME UP WITH SOME PRETTY SPECIFIC OPTIONS OF HOW WE SHOULD CONSIDER THAT. THE OWNERSHIP ISSUE OF -- WHEN WE SAY WE CAN STRUCTURE THIS SO THAT THE LAND IS TAX EXEMPT COULD MEAN, FOR EXAMPLE, JUST WHAT NEEDS TO BE FINALIZED IS THE FINANCE CORPORATION COULD ACTUALLY OWN THE PROPERTY, BUT CONTRACT WITH A NONPROFIT TO ACTUALLY ADMINISTER THE COMMUNITY LAND TRUST. WE COULD HAVE ANOTHER -- WE'VE DISCUSSED THE ISSUE OF THE AUSTIN COMMUNITY FOUNDATION AND TALKED WITH THEM ABOUT HAVING A ROLE TO PLAY IN RECEIVING FUNDS FROM THE PRIVATE SECTOR. WE NEED TO LOOK AT HOW WE WOULD GO AND MARKET THAT OUT TO THE COMMUNITY, GET THE OWNERSHIP AND THE IDEA THAT THE PRIVATE SECTOR COULD, FOR EXAMPLE, WE COULD STRUCTURE THIS IN A WAY WHERE THE PRIVATE SECTOR WOULD BE ABLE TO SAY WE WOULD LIKE TO BE CERTIFIED AS A LAND TRUST, AN EMPLOYER COULD SAY WE'D LIKE OUR OWN LAND TRUF. WE DON'T KNOW WHAT OPTIONS THEY'RE

GOING TO COME FORWARD WITH. SO I THINK BY PUTTING SOME GENERAL PARAMETERS AROUND THIS, GETTING SOME REAL UNDERSTANDING OF THE VALIDITY AND THE FEASIBILITY OF A LAND TRUST AS A VALUABLE OPTION TO ALL OF THESE MAJOR STAKEHOLDERS, WE WILL ONLY ENHANCE THE QUALITY OF WHAT PRODUCT WE END UP WITH. GOING BACK TO WHAT THE CITY MANAGER SAYS, IF WE ARE -- I THINK THAT IT WOULD BE APPROPRIATE FOR US TO PROVIDE MORE -- IF I UNDERSTAND THE DIRECTION THAT YOU'RE GIVING AND WOULD SUPPORT THIS CONCEPT OF WE'RE NOT GOING TO A STAKEHOLDER PROCESS AND STARTING FROM GROUND ZERO. WE WOULD GO TO A STAKEHOLDER PROCESS WITH ALL THE BENEFITS OF THE WORK OF THE COMMUNITY, LAND TRUST STEERING COMMITTEE, WITH PARAMETERS VERY WELL-DEFINED AND PROPOSALS ON ALL OF THESE ITEMS IDENTIFIED SO THAT WE WOULD SAY THESE ARE THE CHOICES AND THE ISSUES AND THE DECISIONS, WE WANT YOUR INVOLVEMENT BECAUSE WE'RE FINALIZING A PROPOSAL BY MARCH TO TAKE FORWARD TO THE COUNCIL. AND THEN, AGAIN, WORK THROUGH THOSE DRAFTS VERY QUICKLY SO THAT AS YOU SAID, I THINK CONCEPTUALLY WE'VE GOTTEN TO A POINT TO WHERE WE REALIZE A COUPLE OF THINGS. WE NEED TO DO SOMETHING ABOUT THE INCREASED COST OF LAND, AND COMMUNITY LAND TRUST GIVES US A CHANCE TO DO THAT. SECONDLY, WE HAVE A PRETTY GOOD UNDERSTANDING OF WHAT THAT GENERAL FRAMEWORK CAN BE AND WHAT THE QUESTIONS SURROUNDING THAT FRAMEWORK CAN BE. BUT YOU RAISE -- ANYBODY CAN GO CREATE THEIR COMMUNITY LAND TRUST RIGHT NOW UNDER THE STATE OF TEXAS. DO WE WANT TO HAVE AN UMBRELLA ENTITY THAT OVERSEES THIS SO THAT THEY'RE ALL GOING TO BE CERTIFIED AS PART OF A LAND TRUST THAT IS ONE KIND OF CORPORATE CITY LAND TRUST AND ENCOURAGE THAT AND FOSTER THAT? THERE'S ALSO THE POSSIBILITY THAT NONPROFIT ORGANIZATIONS HAVE THE ABILITY THROUGH RESALE RESTRICTIONS AND RESTRICTIVE COVENANTS TO CEREALLY OPERATE THE SAME WAY AS A COMMUNITY LAND TRUST WITHOUT PARTICIPATING IN THIS. SO WE WANT TO MAKE SURE THAT PEOPLE UNDERSTAND THE DIFFERENCE BETWEEN A LAND BANK, A LAND TRUST, AND THAT WE'RE ALL ON THE SAME PAGE, GOING THE SAME WAY WITH A

BROAD UNDERSTANDING. AND OUR RECOMMENDATION IS THAT WITH COOPERATIVE WORK OF ALL OF THE PLAYERS WHO HAVE BEEN INVOLVED TO DATE, WE CAN SECURE THAT COMMUNITY SUPPORT THAT WOULD BRING THE SPECIFICS BACK TO YOU THAT WE COULD ESSENTIALLY ANSWER THE QUESTION OF THIS IS THE PROPOSAL OF HOW THE COMMUNITY LAND TRUST IN AUSTIN, TEXAS SHOULD WORK AND THE COMMUNITY SUPPORTS THIS IS WHAT OUR PROPOSE WOULD BE. BY THE END OF FEBRUARY. SO THAT'S WHERE I THINK WE WOULD BE. >>

Kim: MAYOR? CAN YOU PUT UP THAT SLIDE ON STAKEHOLDER GROUP AND WHO IS REPRESENTED ON THERE?

SURE.

Kim: THE ONE BEFORE THAT.

THAT'S RIGHT, THE ONE BEFORE THAT.

Kim: DO YOU HAVE ON HERE -- I JUST DIDN'T SEE LIKE MORTGAGE BROKERS, MORTGAGE LENDERS, THE ONES THAT WOULD BE MAKING -- PROVIDING THE FINANCING FOR THE HOUSING FOR THE STRUCTURE? ARE THEY REPRESENTED HERE?

THAT'S A GOOD POINT. WE DO NOT HAVE THEM LISTED AS A SPECIFIC STAKEHOLDER.

I

Kim: I WOULD RECOMMEND THAT WE DO INCLUDE THEM BECAUSE WE'RE GOING TO BE DEALING WITH STATE LAW AS WELL ON MORTGAGE LENDING. PEOPLE ARE GOING TO HAVE QUESTIONS IS THIS A RISKIER LOAN, IS THIS SOMETHING THAT WE EVEN WANT TO DEAL WITH, AND WE WANT TO MAKE SURE THAT IF WE'RE GOING TO HAVE A COMMUNITY LAND TRUST THAT PEOPLE CAN GET THE FINANCING FOR THEIR HOME OR BE ABLE TO SELL IT, TO BE ABLE TO RESELL IT. AND I JUST THINK -- BECAUSE I'VE WORKED ON MORTGAGE LENDING ISSUES, HOME EQUITY LOANS. DO WE WANT TO ALLOW THAT? IS IT ALLOWED UNDER THE LAW?

THESE ARE ALL THE QUESTIONS THAT ARE GOING TO BE PRETTY STICKY. AND I THINK THAT REPRESENTATION IS GOING TO BE VERY IMPORTANT TO MAKE SURE THAT PEOPLE ARE GETTING INTEREST RATES AT AN AFFORDABLE RATE FOR THE STRUCTURES ON TOP OF THE LAND. AND AS FAR AS COUNCILMEMBER ALVAREZ'S COMMENTS ABOUT THE DRAFT AND WHETHER OR NOT RESPONDING, I THINK HE'S RIGHT, I THINK THAT HE'S ON TO SOMETHING THAT IF WE HAVE EARLY ON INPUT, WE CAN HAVE DRAFT FOR PEOPLE TO HAVE PEDIATRICIAN BACK ON -- FEEDBACK ON, I THINK THAT'S VERY HELPFUL FOR PEOPLE IN THE INDUSTRY TO KNOW WHAT THEY'RE RESPONDING TO. SO AT SOME POINT IN THE PROCESS I ASSUME YOU WILL HAVE DRAFTS TO MOVE ON TO EVEN IF THEY'RE NOT IN THE INITIAL GROUP, I THINK THAT WILL HELP US IN THINKING OF HOW THIS WOULD PLAY OUT IN AUSTIN, TEXAS, HOW WE WANT THIS TO BE IMPLEMENTED. BUT THANK YOU FOR THIS WORK ON THE BRIEFING.

THANK YOU VERY MUCH.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: MAYOR, THE ONLY THING I WOULD SAY, I THINK IT'S -- AND MAYBE, AGAIN, THIS JUST AFFECTS THE PRIVATE CLT CONCEPT OR THE NONPROFIT CLT, NON-GOVERNMENTAL CLT, BUT FROM MY POINT OF VIEW, AND I BELIEVE WE PASSED A RESOLUTION SAYING WE SUPPORT THIS IDEA OF A COMMUNITY LAND TRUST, BUT THAT WE -- IF WE KNOW THAT AT LEAST ONE OF THOSE ELEMENTS OF COMMUNITY LAND TRUST IN AUSTIN IS THAT THE CITY WILL HAVE A LAND TRUST, THEN WE SHOULD BE ABLE TO PULL TOGETHER OUR PROPOSALS FOR HOW THAT'S GOING TO WORK. I THINK WHEN YOU GET INTO THE SITUATION WHERE YOU HAVE PRIVATE NONPROFITS ALSO SERVING AS A LAND TRUST AND THEN SORT OF HOW THE CITY INTERFACES WITH THEM, I THINK THAT'S WHERE IT'S GOING TO GET VERY INVOLVED IN TERMS OF -- BECAUSE THAT'S ANOTHER RELATIONSHIP THERE THAT YOU HAVE -- THAT YOU HAVE TO WORK THROUGH, THROUGH ALL THESE LEGAL AGREEMENTS. BUT IT SEEMS TO ME THAT THERE'S THREE DIFFERENT KINDS OF LAND TRUSTS. IF WE KNOW THAT -- AT LEAST ONE OF THOSE -- AT LEAST WE'RE GOING TO HAVE THE GOVERNMENT CLT

PART OF IT, THEN WE CAN MOVE FORWARD WITH THAT CONCEPT IN FIGURING OUT HOW TO DO THAT, AND THIS OTHER IDEA OR SOME OF THESE OTHER TYPES OF CLT'S IT MIGHT TAKE US A LITTLE LONGER TO WORK THROUGH ALL THE DETAILS, BUT I THINK -- I'M TRYING FOR US TO MOVE FORWARD AS QUICKLY AS POSSIBLE BECAUSE WE'VE ALL SEEN WHAT'S HAPPENING TO PROPERTY VALUES ALL OVER TOWN, SO THE LONG ARE THIS TAKES, OBVIOUSLY THE LESS BENEFIT AND THE LESS OPPORTUNITY WE'RE GOING TO HAVE FOR THIS TO BE A MEANINGFUL TOOL FOR US. SO TO A CERTAIN DEGREE, I WANT TO OBVIOUSLY JUST ENCOURAGE US TO MOVE FORWARD AS QUICKLY AS POSSIBLE, BUT ALSO MAKE SURE THAT WHATEVER PART OF THE DISCUSSION CAN -- IF THERE'S DIFFERENT PARTS THAT CAN MOVE FASTER THAN OTHER PARTS, LET THAT OCCUR AS WELL BECAUSE AGAIN, SOMETIMES IN THESE STAKEHOLDER PROCESSES YOU GET BOGGED DOWN ON TWO OR THREE TANGENTS THAT SLOW EVERYTHING ELSE DOWN, EVEN THOUGH THAT DOESN'T MEAN SOME OF THESE OTHER THINGS COULDN'T BE MOVING FORWARD, YOU KNOW, WHILE THOSE DISCUSSIONS ARE TAKING PLACE AS WELL.

COUNCILMEMBER, WHAT I WOULD SUGGEST TO YOU -- AND I WOULD AGREE EXACTLY WITH THAT DIRECTION AND IT'S CONSISTENT WITH WHERE WE WOULD WANT TO GO. I THINK AS COMMUNITY LAND TRUSTS ARE BECOMING MORE COMMON IN OTHER AREAS, I THINK THEY'RE A UNIQUE TOOL FOR GOVERNMENT IN ALL PARTS OF THE CITY. SO I THINK YOU'RE RIGHT IN THE KINDS OF RELATIONSHIPS YOU'RE TALKING ABOUT AND WILL TAKE SOME TIME. AND I DO AGREE THAT WE'RE TALKING ESSENTIALLY ABOUT A PHASED DEVELOPMENT OF A LAND TRUST. AND WE'RE NOT SUGGESTING A STAFF, SO YOU WILL UNDERSTAND, WE'RE NOT SUGGESTING THAT WE HAVE EVERY RELATIONSHIP OR POTENTIAL RELATIONSHIP IDENTIFIED BEFORE WE WOULD BRING BACK TO YOU THOSE RECOMMENDATIONS. AND I THINK THAT YOU'RE ABSOLUTELY CORRECT THAT THERE ARE CERTAIN TYPES OF COMMUNITY LAND TRUST STRUCTURES AND PROVISIONS OF THOSE THAT WE COULD MOVE FORWARD WITH QUICKER THAN OTHERS. AND SO WE WILL KEEP THAT IN MIND AS WE MOVE FORWARD THROUGH THE STAKEHOLDER PROCESS AND PRESENT THAT

INFORMATION TO THE STAKEHOLDER COMMITTEE, INCORPORATE SOME PEOPLE FROM MORTGAGE COMMUNITY. I THINK THAT'S A GREAT IDEA. I KNOW IF FANNIE MAE HAS SOME PRODUCTS, BUT NOT IN TEXAS, SO DID HE WE DO NEED OWNERSHIP IN THAT. I THINK WE CAN COME BACK WITH A GOOD PRODUCT FOR YOU.

Alvarez: THANKS, MR. HILGERS. THANKS, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER DUNKERLEY.

Dunkerley: YOU'RE RIGHT, I DON'T THINK WE CAN REALLY VISUALIZE ALL THE DIFFERENT TYPES OF RELATIONSHIPS WE HAVE, BUT I DO LIKE THAT OVERARCHING STRUCTURE OF THAT ADVISORY COMMITTEE WITH THE KEY STAKEHOLDERS ON THAT AS WE WORK THROUGH THESE THINGS. YOU COULD EVEN HAVE ONE WHERE YOU HAVE ONE OF OUR PARTNERS ACTUALLY MANAGING SOME OF THE LAND IN OUR OWN COMMUNITY LAND TRUST, SO THERE ARE JUST A LOT OF DIFFERENT KINDS OF THINGS. ONE OF THE KEY THINGS I THINK AS YOU WORK THROUGH THAT STAKEHOLDER GROUP IS AGAIN THE CONTINUING EDUCATION, PERHAPS, OF NOT ONLY LENDERS, BUT ALSO THE TITLE COMPANIES AND EVERYONE ELSE WHO ARE NOT FAMILIAR WITH DEALING WITH RESIDENTIAL GROUND LEASES AS THEY ARE WITH COMMERCIAL LEASES. SO THERE'S A LOT OF THOSE FOLKS THAT YOU HAVE TO GET INTO THAT PROCESS EARLY. THANKS.

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

THANK YOU. SIR.

Mayor Wynn: DON'T GO SO TOO FAR. HAVING NOW COMPLETED THE 2:00 O'CLOCK BRIEFING, WE WILL NOW CALL TO ORDER THE MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION AND WELCOME BACK MR. PAUL HILGERS.

THANK YOU, MR. PRESIDENT OF THE AUSTIN HOUSING FINANCE CORPORATION. I AM HERE TODAY NOW TO BRING



FORWARD TO YOU JUST TWO QUICK ITEMS OF THE AUSTIN HOUSING FINANCE CORPORATION, AHFC NORTHBOUND ONE IS TO APPROVE THE MINUTES OF THE NOVEMBER 17TH, 2005 BOARD MEETING.

Mayor Wynn: THANK YOU. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY BOARD MEMBER ALVAREZ, SECONDED BY BOARD MEMBER LEFFINGWELL TO APPROVE THE MINUTES OF OUR LAST MEETING. ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH BOARD MEMBER MCCracken OFF THE DAIS.

AHFC ITEM NO. 2 IS TO AUTHORIZE THE NEGOTIATION AND EXECUTION AFTER LOAN IN COMPLIANCE WITH THE FEDERAL REQUIREMENTS UNDER THE ACQUISITION DEVELOPMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$132,172 TO NEIGHBORHOOD HOUSING SERVICE OF AUSTIN FOR CONSTRUCTION OF ONE NEW SINGLE-FAMILY HOME AT 7300 BLESSING AVENUE AND TO PROVIDE FUNDING FOR HOME BUYER ASSISTANCE LOAN TO A LOW AND MODERATE INCOME BUYER OF THE HOME. YOU WILL RECALL THAT NEIGHBORHOOD HOUSING SERVICES OF AUSTIN IS A NONPROFIT THAT WE HAVE HELPED FOSTER AND DEVELOP. THEY HAVE WORKED HARD AND TIRELESSLY AS A BOARD TO INCREASE THEIR CAPACITY. THE AFFORDABLE THREE-BEDROOM HOME THAT THEY WILL BE BUILDING WILL BE SOLD TO A FIRST TIME HOME BUYER, EARNING A MAXIMUM OF 80% OR BELOW MEDIAN FAMILY INCOME. THIS CHOATE TOW HAS DEVELOPED AFFORDABLE HOUSING IN THE PAST, PARTICULARLY IN THE ST. JOHN'S NEIGHBORHOOD, AND THEY'VE WORKED IN THE HERITAGE VILLAGE NEIGHBORHOOD AS WELL. THEY WANT TO TO BE ABLE TO BUY-DOWN \$40,000 FOR A FAMILY OF 40% OR MORE OF MEDIAN FAMILY INCOME OR FOR A FAMILY BETWEEN 55 AND 60% OF MEDIAN FAMILY INCOME OR 20% FOR A FAMILY AT 60% OF MEDIAN FAMILY INCOME. A LETTER OF SUPPORT WAS SUBMITTED ALONG WITH OUR APPLICATION FOR FUNDING AND WE RECOMMEND THIS LOAN FOR YOUR CONSIDERATION AS A BOARD.

Mayor Wynn: THANK YOU, MR. HILGERS. STAFF, BOARD? >>

Thomas: IF YOU DON'T MIND, MR. HILGERS, WHAT IS THE

SQUARE FOOTAGE OF THE HOUSE THAT YOU'RE TALKING ABOUT?

LET'S SEE. DO I HAVE THE ANSWER TO THAT QUESTION? WE HAVE A REPRESENTATIVE HERE AND THE PROPOSAL IS TO HAVE THE HOUSE DEVELOPED AT 1300 SQUARE FEET.

Thomas: 13? OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS OF STAFF? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC ITEM NUMBER 2. MOTION MADE BY BOARD MEMBER KIM, SECONDED BY BOARD MEMBER ALVAREZ TO APPROVE THIS ITEM AHFC ITEM NUMBER 2 AS POSTED AND PRESENTED. FURTHER COMMENTS?

Thomas: ONE MORE QUESTION, MR. PRESIDENT. WHAT'S YOUR AVERAGE SQUARE FOOTAGE, FROM 13 ON UP, RIGHT, WHEN YOU'RE BUILDING YOUR HOMES? WHAT'S YOUR AVERAGE SQUARE FOOTAGE? WHAT'S THE HIGHEST YOU GO? WHEN YOU BUILD THE HOMES.

WELL, I DON'T KNOW THAT -- 1300 SQUARE FEET IS ABOUT THE AVERAGE SQUARE FOOT. WE CAN GO TO 1500 SQUARE FEET, AND DEPENDING UPON THE LOCATION OF THE HOME AND THE QUALIFICATION AND COST OF THE LAND, THOSE ISSUES WOULD AFFECT US, BUT WE DON'T BUILD MANY HOUSES THAT ARE ABOVE 1400 SQUARE FEET.

Thomas: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS. WE HAVE A MOTION ON THE TABLE TO APPROVE ITEM NUMBER 2 AS POSTED. HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH BOARD MEMBER MCCracken OFF THE DAIS.

THAT'S ALL THE BUSINESS BEFORE THE FINANCE

CORPORATION TODAY, MR. PRESIDENT.

Mayor Wynn: THAT BEING ALL THE BUSINESS BEFORE THE FINANCE CORPORATION, AT THIS TIME WE'LL ADJOURN THAT BOARD, CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. HOWEVER, I DON'T BELIEVE WE HAVE ANY DISCUSSION ITEMS TO TAKE UP PRIOR TO OUR 4:00 O'CLOCK ZONING CASES. AND FOR THE RECORD, MS. BROWN, WE DID NOT AND WILL NOT TAKE UP ITEM NUMBER 42 IN CLOSED SESSION REGARDING COLLECTIVE BARGAINING. SO COUNCIL, THERE BEING NO DISCUSSION ITEMS PRIOR TO THE 4:00 O'CLOCK TIME CERTAIN, WE ARE NOW HAD IN RECESS. I EXPECT US TO RECONVENE RIGHT AT FOUR P.M. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS FOR THE LAST 30 MINUTES OR SO. WE'LL NOW GO TO OUR 4:00 O'CLOCK ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. AND WE'LL RECOGNIZE MS. ALICE GLASGO.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. I'M ALICE GLASGO, DIRECTOR OF THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT AND OUR ZONING CASES FOR TODAY ARE AS FOLLOWS: ITEMS 52 AND 53 ARE CASES WHERE YOU HAVE ALREADY CLOSED THE PUBLIC HEARING AND THEY'RE HERE FOR YOU TO APPROVE ORDINANCES, HOWEVER THERE ARE POSTPONEMENT REQUESTS FOR BOTH ITEMS, SO ITEM NUMBER 52, LAKE CREEK PARK, THE APPLICANT IS REQUESTING A POSTPONEMENT TO DECEMBER THE 15TH, 2005, IN ORDER TO CONTINUE NEGOTIATING WITH THE NEIGHBORHOOD ON THEIR PRIVATE RESTRICTIVE COVENANT. ITEM NUMBER 53, CASE C-14-05-0025, THIS IS FOR PROPERTY LOCATED AT 1706 AND 1708 WEST SIXTH STREET. THE NEIGHBORHOOD IS REQUESTING A POSTPONEMENT TO DECEMBER THE 15TH, 2005 IN ORDER TO CONTINUE REFINING THEIR AGREEMENTS ALSO. SO MAYOR, THAT CONCLUDES MY PRESENTATION ON THESE TWO ITEMS.

Mayor Wynn: THANK YOU, MS. GLASGO. SO COUNCIL,

WITHOUT OBJECTION, THE CONSENT AGENDA ON THESE CASES WHERE WE'VE ALREADY CLOSED THE PUBLIC HEARING WILL BE TO POSTPONE BOTH ITEMS, 52 AND 53, TO DECEMBER 15TH, 2005. I'LL ENTERTAIN A MOTION.

Thomas: MOVE FOR APPROVAL, MAYOR.

Mayor Wynn: MOTION BY MAYOR PRO TEM THAT I'LL SECOND TO APPROVE THE CONSENT AGENDA AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBERS ALVAREZ AND MCCracken OFF THE DAIS.

MAYOR, NOW WE PROCEED TO THE ZONING CASES THAT YOU'RE HEARING FOR THE FIRST TIME AND THESE ARE OUR PUBLIC HEARING ITEMS. I WILL GO OVER THOSE ITEMS THAT ARE ON FOR CONSENT APPROVAL OR FOR CONSENT POSTPONEMENT. AND THEY ARE ITEM NUMBER Z-1, CASE C-14-05-0141, THE PARK AT DEL VALLE. THE -- THIS IS A REQUEST FOR ZONING AT THE CORNER OF ROSS ROAD AT PEARCE LANE. THE CHANGE IN ZONING IS FROM INTERIM SINGLE-FAMILY 2 TO GR, WHICH STANDS FOR COMMUNITY COMMERCIAL ZONING DISTRICT. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT LR-CO. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-2, CASE C-14-H 05-0012, HEARNE HOUSE. THIS PROPERTY IS LOCATED AT 902 BLANCO STREET. THE EXISTING ZONING IS SF-3-NP, WHICH STANDS FOR FAMILY RESIDENCE, HISTORIC NEIGHBORHOOD PLAN DESIGNATION. THE APPLICANT IS SEEKING A CHANGE TO ADD THE HISTORIC DESIGNATION AND THAT DESIGNATION HAS BEEN RECOMMENDED BY BOTH THE LANDMARK COMMISSION AND THE PLANNING COMMISSION AND THIS CASE IS READY FOR FIRST READING ONLY.

ITEM NUMBER Z-3 IS A DISCUSSION ITEM. ITEM NUMBER Z-4 C-14-H-04-0032. THIS PROPERTY IS LOCATED AT 2554 HARRIS BOULEVARD. THE DESIGNATION IS RECOMMENDED BY BOTH COMMISSIONS AND THE CASE IS READY FOR FIRST READING. ITEM NUMBER Z-5, CASE C-14-H-05-0024, LOCATED AT 2407 HARRIS BOULEVARD. THE CHANGE IN ZONING IS FROM SF-3 TO SF-3 HISTORIC AND IS RECOMMENDED BY BOTH

COMMISSIONS AND THE CASE IS READY FOR FIRST READING. ITEM NUMBER Z-6, C-14-H-05-0025, MILLER HOUSE, LOCATED AT NINE HUNDRED RIO GRANDE STREET AND THE CHANGE IN ZONING IS FROM G.O. TO G.O.-H, THE HISTORIC DESIGNATION IS RECOMMENDED BY BOTH COMMISSION AND THE CASE IS FORD FIRST READING ONLY. ITEM Z-7, C-14-H-05-0028, LOCATED AT 720 EAST 32nd STREET. THE CHANGE IN ZONING IS FROM SF-3-CO-NP. THE REQUEST IS TO ADD HISTORIC DESIGNATION TO THIS PROPERTY AND THAT DESIGNATION IS RECOMMENDED BY BOTH THE LANDMARK COMMISSION AND THE PLANNING COMMISSION AND IS READY FOR FIRST READING ONLY. ITEM Z-8 IS A DISCUSSION ITEM. CASE Z-9, NPA-05-0016.02. THIS IS AN ORDINANCE TO AMEND THE GOVALLE JOHNSTON TERRACE COMBINED NEIGHBORHOOD PLAN TO SHOW A COMMERCIAL MIXED USE DESIGNATION AND THAT IS RECOMMENDED BY THE PLANNING COMMISSION AND IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-10 IS THE COMPANION CASE TO Z-9. THIS IS THE REZONING CHANGE FOR PROPERTY LOCATED AT 3304 EAST FIFTH STREET. THE CHANGE IN ZONING IS FROM GR-NP, WHICH STANDS FOR COMMUNITY COMMERCIAL NEIGHBORHOOD PLAN TO GR-MU-NP AND THAT REQUEST IS RECOMMENDED BY THE COMMISSION, READY FOR FIRST READING ONLY. ITEM Z-11, CASE C-14-05-0172. THIS PROPERTY IS LOCATED AT 9716 FM 2222. THE CHANGE IN ZONING IS FROM LIMITED OFFICE AND GR TO SF-6. THE ZONING AND PLATTING COMMISSION RECOMMENDS SF-6 WITH A CONDITIONAL OVERLAY AND THIS CASE IS READY FOR FIRST READING ONLY: ITEM NUMBER Z-12, C-14-05-170, LOCATED AT 10701 THROUGH 10807 PECAN PARK BOULEVARD. THE CHANGE IN OWNING IS FROM GR, COMMUNITY COMMERCIAL, TO GR-MU. AND THE OTHER ZONING CHANGE INCLUDES G.O. THE COMMISSION RECOMMENDS GR-MU AND THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-13, CASE C-14-05-0118, PFLUGERVILLE WEST SHOPPING CENTER, LOCATED AT 15400, 15417, 15420, 15424 PECAN STREET, ALSO KNOWN AS FM 1825 ROAD. THE CHANGE IN ZONING IS FROM COMMUNITY COMMERCIAL TO COMMUNITY COMMERCIAL. THE REQUEST HERE IS TO MODIFY AN EXISTING CONDITION TO EXPAND THE SHOPPING CENTER. THIS CASE IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-14, C-14-05-

00117, SMART HOUSING. THIS CASE IS LOCATED AT 5503-5507 NUCKOLS CROSSING ROAD. FS THE APPLICANT IS SEEKING SF-6-NP. THAT REQUEST HAS BEEN RECOMMENDED BY THE PLANNING COMMISSION. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-15, C-14-05-0108 FOR PROPERTY LOCATED AT 5717 BALCONES DRIVE. MAYOR, I UNDERSTAND THERE'S A DESIRE FROM COUNCIL TO POSTPONE THIS CASE TO DECEMBER THE 15TH. AND ITEM Z-16, 17, 18 WILL BE DISCUSSION. ITEM NUMBER Z 19, C-14-05-150, 3226 WEST CLAWRT SLAIN. THE NEIGHBORHOOD IS REQUESTING A POSTPONEMENT TO JANUARY THE 26TH, 2006, HOWEVER THE APPLICANT WOULD PREFER --

I'M OAKS THE REQUESTED POSTPONEMENT ON Z-19?

Z-19 THE NEIGHBORHOOD ASSOCIATION IS REQUESTING A POSTPONEMENT TO JANUARY THE 26TH. I BELIEVE THAT'S YOUR SECOND MEETING IN JANUARY, 2006. HOWEVER, THE APPLICANT WOULD PREFER THAT THE CASE BE POSTPONED TO DECEMBER THE 15TH OF 2005.

Mayor Wynn: THANK YOU.

ITEM NUMBER Z 20 IS A DISCUSSION ITEM. ITEM NUMBER Z-21, C-14-05-137, THE APPLICANT IS REQUESTED A POSTPONEMENT TO DECEMBER THE 15TH, 2005. THIS IS THE APPLICANT'S FIRST REQUEST. ITEMS Z-22, 23, 24 AND 25 WILL BE DISCUSSION ITEMS AND WITH THAT THAT CONCLUDES MY DISCUSSION ITEMS.

Mayor Wynn: SO COUNCIL THE PROPOSED CONSENT AGENDA ON THESE PUBLIC HEARING ZONING CASES WOULD BE TO CLOSE THE PUBLIC HEARING ON THOSE CASES WHERE WE'LL TAKE ACTION ON FIRST OR MORE READING WILL BE TO APPROVE CASE Z-1 ON ALL 3DINGS. TO APPROVE CASE Z-2 ON FIRST READING ONLY. APPROVE ON FIRST READING ONLY, CASES Z-4, 5, 6 AND Z 7. ALSO APPROVE ON FIRST READING ONLY CASES Z-9, Z-10, Z-11, Z-12 AND Z-13, AGAIN, ALL ON FIRST READING ONLY. TO APPROVE ON ALL THREE READINGS CASE Z-14. TO POSTPONE CASE Z-15 TO DECEMBER 15TH, 2005. WE HAVE A REQUEST TO -- TWO DIFFERENT REQUEST POSTPONEMENT DATES ON Z-19. MY RECOMMENDATION WOULD BE THAT WE POSTPONE TO

DECEMBER 15TH, '05, KNOWING THAT WE COULD ALWAYS POSTPONE AGAIN TO THE LATER DATE IF NEED BE. AND ALSO CASE Z-21, TO POSTPONE TO DECEMBER 15TH, 2005. I'LL ENTERTAIN A MOTION. COUNCILMEMBER DUNKERLEY?

Dunkerley: THE 15TH IS THAT A NEIGHBORHOOD REQUEST FOR POSTPONEMENT?

Mayor Wynn: ACTUALLY, I HAD MADE THE REQUEST FOR POSTPONEMENT ON Z-15. MY UNDERSTANDING WAS THERE WAS LIKELY TO BE A VALID PETITION, BUT STAFF WAS HAVING TO TAKE TIME TO VERIFY THAT AS LATE AS THIS AFTERNOON. AND THAT WE DON'T -- WE DON'T HAVE A FULL COUNCIL THIS EVENING. >>

Dunkerley: I'M FINE WITH THE POSTPONEMENT. I JUST DIDN'T KNOW WHETHER IT WAS THE APPLICANT OR THE NEIGHBORHOOD.

Mayor Wynn: TECHNICALLY IT WAS FROM ME BASED ON THE FACT THAT MY UNDERSTANDING WAS STAFF WAS IN RECEIPT OF AND WAS TRYING TO BEGIN TO VERIFY WHETHER WE HAD A VALID PETITION OR NOT ON Z-15. IS THAT THE CASE?

THAT IS STILL BEING VERIFIED.

Dunkerley: OKAY.

I'M HERE ON BEHALF OF THE APPLICANT ON Z-15. CAN I SPEAK JUST A MINUTE? IT LOOKS LIKE IT'S GOING TO GET POSTPONED? NORMALLY -- I'M RICHARD SUTTLE ON BEHALF -- HERE ON BEHALF OF THE TEXAN EYE CENTER. THEY'RE THE ONES THAT OWN THIS PROPERTY. NORMALLY WHEN THERE'S A VALID PETITION CASE AND THERE'S A WORRY THAT THERE'S A SINGLE COUNCILMEMBER NOT HERE, IT'S THE APPLICANT WHO IS AT RISK BECAUSE I NEED SIX VOTES. THE POSTPONEMENT TO THE 15TH IS NOT AN ISSUE. I UNDERSTAND THE NEIGHBORHOOD WANTS IT BECAUSE THEY HAVE ANOTHER CASE THAT THEY WANT TO BE HERE. WHAT I DON'T WANT TO HAVE HAPPEN IS BECAUSE IF YOU OR THE COUNCIL WANT TO POSTPONE IT TO THE 15TH, DOES THAT MEAN THAT THEY STILL HAVE THEIRS, THAT THEY CAN

REQUEST AND THEY'LL AUTOMATICALLY GET ON THE 15TH, NOW IT THROWS US INTO THE FIRST OF THE YEAR AND WE'RE CAUGHT UP IN THAT CYCLE. THE SITUATION IN THIS BUILDING IS IT'S ZONED SF-3 AND IT SITS ON MOPAC AND BALCONES AND IT'S AN OFFICE BUILDING AND WE CAN'T START THE FINISHOUT UNTIL WE GET THE ZONING DONE. IT'S BEEN THROUGH SEVERAL POSTPONEMENTS AT ZAPCO AND I'M JUST WONDERING IS IT THE NEIGHBORHOOD POSTPONEMENT BECAUSE THEY HAVE A VALID PETITION IN? IS IT THE COUNCIL'S 'S? IT'S NOT OURS. I NEED TO LINE OUT SO I CAN ADVISE MY CLIENT AS TO WHETHER OR NOT WE'LL BE FACED WITH YET ANOTHER POSTPONEMENT ON DECEMBER 15TH BECAUSE THE NEIGHBORHOOD HASN'T BEEN CHARGED WITH THEIRS YET. AND NORMALLY THIS IS UNUSUAL TO ME IN 20 YEARS I HAVEN'T SEEN THIS, SO I'M JUST ASKING.

Mayor Wynn: YOU HAVEN'T SEEN A COUNCIL REQUESTED POSTPONEMENT IN 20 20 YEARS?

I HAVE, BUT I HAVEN'T SEEN IT IN RESPONSE TO A POTENTIAL VALID PETITION THAT I'M AT RISK FOR, NOT THE NEIGHBORHOOD. AND I HAVEN'T BEEN PROVIDED WITH THE PETITION. I JUST NEED TO KNOW AM I GOING TO BE FACED WITH ANOTHER ONE ON THE 15TH OR IS THIS CHARGED AGAINST THE NEIGHBORHOOD, I GUESS? >>

Mayor Wynn: MY ADVICE TO YOU IS ALL CASES, ALL APPLICANTS FACE THE POSSIBILITY OF POSTPONEMENT. OFTEN TIMES THIS COUNCIL WILL POSTPONE A CASE NUMEROUS TIMES REGARDLESS OF INDIVIDUAL REQUESTS. BASED ON THE FACT MY UNDERSTANDING OF THE DYNAMIC OF TRYING TO VERIFY WHETHER THIS WAS GOING TO BE A VALID PETITION CASE OR NOT AND THE FACT THAT THERE WAS GOING TO BE A NEIGHBORING CASE ON THE 15TH, I MADE THE REQUEST THAT THE POSTPONEMENT ITEM BE UNTIL THE 15TH. I DON'T SEE THE NEED TO DRAG THE CASE ON BEYOND THAT, BUT THAT WAS MY REQUEST. THANK YOU, MR. SUTTLE. COUNCIL, JUST TO VERIFY, Z-19 WE HAD VARIED REQUESTS FOR POSTPONEMENTS. APPLICANT TO 12-15, APPARENTLY THE NEIGHBORHOOD ASSOCIATION TO THE SECOND MEETING IN JANUARY, THE 26TH. WE CAN ALWAYS POSTPONE ON THE 15TH TO A LATER DATE. THERE MAY BE



SOME MORE INFORMATION THAT COMES TO US BY THE TIME WE MEET A DECEMBER 15TH, BUT THAT WOULD BE MY RECOMMENDATION FOR A CONSENT AGENDA.

MAYOR? MAYOR, BEFORE YOU ACT ON IT, ON ITEM NUMBER Z-21, JEFF JACK WITH THE NEIGHBORHOOD ASSOCIATION INDICATED THAT THE AGENT -- THIS WOULD BE THE APPLICANT'S SECOND REQUEST AND AS REPRESENTATIVE OF THE NEIGHBORHOOD ASSOCIATION HE WOULD LIKE TO SPEAK TO THE POSTPONEMENT BRIEFLY.

Mayor Wynn: FAIR ENOUGH. WITHOUT OBJECTION, COUNCIL, MR. JACK. WELCOME.

THANK YOU. THIS HAS BEEN POSTPONED ONCE BY THE APPLICANT. WE HAVEN'T COME TO AGREEMENT. WE WOULD LIKE TO HEAR THE CASE TONIGHT.

Mayor Wynn: COUNCIL, SO WE HAVE A REQUEST FROM A NEIGHBORHOOD REPRESENTATIVE NOT TO POSTPONE. TECHNICALLY WE ONLY HAVE ONE CITIZEN SIGNED UP WISHING TO SPEAK ON THE CASE. THEY MAY HAVE BEEN UNDER THE IMPRESSION THAT IT WAS GOING TO BE POSTPONED SO DIDN'T BOTHER. WE DO HAVE A NUMBER OF FOLKS WHO SIGNED UP NOT WISHING TO SPEAK IN OPPOSITION. COUNCILMEMBER LEFFINGWELL.

Leffingwell: DO I UNDERSTAND THE NEIGHBORHOOD IS REQUESTING A POSTPONEMENT AND THE APPLICANT DOES NOT WANT IT, IS THAT CORRECT? >>

Mayor Wynn: OTHER WAY AROUND.

Dunkerley: MAYOR, I UNDERSTOOD THAT THE AGENT WANTED SOME EXTRA TIME BECAUSE HE WAS WANTING TO MAKE SOME CONCESSIONS TO THE NEIGHBORHOOD. I'M NOT SURE THEY'VE HAD A CHANCE TO MEET AND TRY TO WORK OUT THOSE DIFFERENCES. SO THAT WAS WHY I HEARD HE WANTED A POSTPONEMENT.

Mayor Wynn: WELL, PERHAPS, IF THE APPLICANT OR THE AGENT IS HERE ON Z-21. Z-21, IS THE APPLICANT OR AGENT

HERE?

I'M NOT SURE HE'S IN THE AUDIENCE. DON'T SEE ANYONE MOVING. HE MAY NOT BE. HE INDICATED THAT THERE WERE -  
- IN ADDITION TO EXPLORING OTHER OPTIONS, THE FACT THAT THERE WERE OTHER ITEMS THAT -- PROBABLY THAT HAD ARISEN THAT WERE BEYOND HIS CONTROL AND THEREFORE WANTED THE POSTPONEMENT.

Dunkerley: I WOULD LIKE TO HAVE AN OPPORTUNITY FOR THE TWO TO GET INTO AGREEMENT. I HATE TO SWITCH THE BABY EVERY WEEK. SO IF THERE'S AN OPPORTUNITY FOR THE TWO PARTIES TO GET TOGETHER AND WORK OUT SOME AGREEMENT, I UNDERSTAND THAT THE OWNER HAS SAID HE WOULD AGREE TO HAVE NO OUTDOOR MUSIC OR LIGHTS OR SOME OF THE OTHER THINGS THE NEIGHBORHOOD HAD ASKED. SO I THOUGHT MAYBE IF THEY WERE ABLE TO GET TOGETHER TO WORK THIS OUT.

Mayor Wynn: SO COUNCILMEMBER DUNKERLEY MOVES WE APPROVE THE CONSENT AGENDA. I'LL SECOND THAT. AND THAT CONSENT AGENDA AGAIN INCLUDES POSTPONING CASE Z-15 TO DECEMBER 15TH, 2005, POSTPONING CASE Z-19 TO DECEMBER 15TH, 2005, AND THE SAME WITH CASE Z-21. FURTHER COMMENTS ON THE CONSENT AGENDA? ACTUALLY, I WILL SAY THERE'S A COUPLE OF -- LET ME MAKE SURE I GET THIS RIGHT. LET'S SEE, ON CASE Z-11, EVEN THOUGH WE HAVE IT ON THE CONSENT AGENDA TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY, MR. SKIP CAMERON HAD SIGNED UP WISHING TO SPEAK, SIGNED UP NEUTRAL. IS MR. CAMERON IN THE AUDIENCE? SKIP CAMERON WANTED TO SPEAK ON CASE Z-11 NOW ON THE CONSENT AGENDA.

WELL, MAYOR, SINCE YOU ALLOWED MR. JEFF JACK TO SPEAK, THE NEIGHBORHOOD REPRESENTATIVE FOR Z-19 ALSO WANTS TO SAY A WORD OR TWO.

Mayor Wynn: FAIR ENOUGH. WITHOUT OBJECTION, COUNCIL.

I APPRECIATE YOUR INDULGENCE. WE'VE MET WITH THE APPLICANT FOUR TIMES ON THIS CASE AND THE BASIC BOTTOM LINE IS THAT THE RESTRICTIVE COVENANT THAT

WE'VE ASKED FOR IS A NEIGHBORHOOD ASSOCIATION WHICH THE APPLICANT FELT WAS REASONABLE WAS NOT APPROVED BY THE OWNER OF THE PROPERTY. THERE IS NO AGREEMENT BETWEEN THE NEIGHBORHOOD ASSOCIATION AND AS FAR AS I CAN TELL NO POSSIBILITY FOR US TO RECONCILE THE FACT THAT THE PROPERTY OWNER WON'T AGREE TO A RESTRICTIVE COVENANT.

Mayor Wynn: I UNDERSTAND, MR. JACK, BUT APPARENTLY THE AGENT IS NOT EVEN HERE, SO I THINK THE COUNCIL IS GOING TO BE RELUCTANT TO HOLD A PUBLIC HEARING WITHOUT THE APPLICANT IN THE AUDIENCE. AND PARTICIPATING.

WHAT I MEANT TO SAY IS MR. JOHN LARKIN ON Z-19 WANTED TO SAY A FEW WORDS ABOUT THEIR POSTPONEMENT REQUEST.

Mayor Wynn: WELCOME, MR. LARKIN. SO CURRENTLY THE CONSENT AGENDA INCLUDES POSTPONING Z-19 TO DECEMBER 15TH, RECOGNIZING THAT THE NEIGHBORHOOD HAD ASKED JANUARY 26TH. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] >>... TO -- TO -- WE WON'T EVEN GET THAT UNTIL DECEMBER 15th, WE CAN'T EVEN START TO DISCUSS THIS IN AN EDUCATED MANNER UNTIL DECEMBER 15th, THEN WE HAVE THE HOLIDAYS THAT WE ARE BACKING UP AGAINST, IT'S GOING TO TAKE US AT LEAST A COUPLE OF WEEKS TO INFORM THE LOCAL COMMUNITY, WHICH IS REPRESENTED BY PALIMENTO PARKS, TANGLE WOOD, THE ENDORSE FROM OHAN, ANC, A PRETTY BROAD COALITION AND WE HAVE MEMBERS WHO HAVE -- LIKE MY NEIGHBORHOOD ASSOCIATION PRESIDENT, PHIL BROWN, HIS -- HIS KIDS ARE IN A CHOIR, YOU KNOW, FOR CHRISTMAS AT SCHOOL THE 15th. SO THAT'S NOT -- YOU KNOW, THERE ARE JUST A LOT OF CONTINGENCIES THAT WE HAVE TO CONSIDER. GIVEN THAT THIS IS OUR FIRST REQUEST, THE UNUSUAL AND UNPRECEDENTED NATURE OF THE APPLICANT'S ACTION JUST YESTERDAY AND, YOU KNOW, OUR PREVIOUSLY CERTIFIED VALID PETITION WE THINK THAT IT'S VERY REASONABLE FOR US TO MAKE THIS REQUEST. BY THE TIME THAT WE ARE DONE EVALUATING THIS, THERE'S A VERY REAL POSSIBILITY THAT WE ARE GOING TO HAVE TO ENGAGE LEGAL REPRESENTATION

WHICH AS VOLUNTARY ASSOCIATIONS THAT'S A BIG STEP FOR US. WE ARE NOT USED TO DOING THAT, WE HAVE ALWAYS REPRESENTED OURSELVES, WE HAVE BEEN VERY PRINCIPLED, HONORABLE, FORTHWITH, WE HAVE HONORED OUR WORD. THIS IS NEW FOR US, WE ARE GOING TO NEED SOME TIME TO DIGEST THIS. WE APPRECIATE YOUR ACCOMMODATION GIVEN THAT WE HAVE NEVER ASKED FOR A POSTPONEMENT ON THIS CASE BEFORE.

Mayor Wynn: THANK YOU, MR. LARK KIN. MR. GUERNSEY, MS. GLASGO, COULD YOU SPEAK TO THE I GUESS THERE HAS BEEN A REQUEST FOR SOME DOCUMENTATION FROM STAFF THAT VERY WELL MAY TAKE A COUPLE OF WEEKS; IS THAT YOUR UNDERSTANDING ASSIST WELL?

Glasgo: ACTUALLY I'M NOT SURE, I WASN'T AWARE OF THE REQUEST THAT WOULD TAKE THAT LONG, BUT MR. WAYLON, THE APPLICANT'S AGENT WOULD LIKE TO SPEAK TO THE POSTPONEMENT ALSO.

Mayor Wynn: THANK YOU, WELCOME, MR. WAYLON.

MICHAEL WAYLON ON BEHALF OF THE APPLICANT, JOHN HARMON, WE REQUEST THE POSTPONEMENT REQUEST. WE HAVE SERIOUS CONCERNS ABOUT GETTING THIS DONE THIS YEAR. I THINK THE MAYOR MADE A GOOD POINT. WE CAN ALWAYS POSTPONE ON DECEMBER 15th IF WE NEED TO. ALL THAT WE HAVE DONE IS REVISE THE BOUNDARIES TO MEET THE OBJECTIONS TO THE ADDITIONAL 15 FEET OF WHAT WOULD BE, IT IS A UNIQUE COURSE, IT MIGHT BE ACCORDING TO YOUR CITY ENVIRONMENTAL OFFICE, THE FIRST MULTI-FAMILY THAT COMPLIES WITH S.O.S. IN THE CITY OF AUSTIN. TRULY A UNIQUE OPPORTUNITY. SO WHAT WE HAVE DONE IN THE REDRAWN BOUNDARIES NOW MOVED 600 FEET, ASSURED THEM OF BEING MORE THAN 600 FEET AWAY WITH THE ADDITIONAL 15 FEET OF HEIGHT. ALL OTHER FACTS ON THE GROUND WILL REMAIN THE SAME AS THEY WERE AT Z.A.P. AND WE HAVE MET WITH THE NEIGHBORS TO ADDRESS THEIR CONCERNS. THIS IS WHAT WE HAVE DONE IS MOVED THE BOUNDARIES BACK AND WE WOULD ASK THAT WE GO AHEAD AND HEAR THIS ON DECEMBER 15th. THANK YOU.

Mayor Wynn: COUNCIL CAN ALWAYS POSTPONE AGAIN.  
COUNCIL, TECHNICALLY OUR -- COUNCILMEMBER ALVAREZ?

Alvarez: FOR MS. GLASGO, WHAT EXACTLY WAS THE CHANGE  
THAT HAPPENED ON THAT PARTICULAR CASE AGAIN?

Glasgo: IT HAS TO DO WITH THE PETITION, ON Z-19 IT HAS TO  
DO WITH THE AREA, IT'S BASICALLY PULLING BACK THE LAND  
AREA THAT AFFECTS THE PETITION WHICH MEANS  
RECALCULATING THE NUMBERS AND THE NEIGHBORHOOD  
ASSOCIATION OBVIOUSLY WANTS TO UNDERSTAND THE  
IMPLICATIONS OF ALL OF THAT. THE FACT THAT THEY HAD A  
VALID PETITION WITH THE ADJUSTMENTS OF THE  
BOUNDARIES OF THE AREAS BEING REZONED THAT  
CHANGES THE CALCULATIONS AND THE INFORMATION THAT  
THEY HAD PUT TOGETHER FOR THE PETITION. BUT I DON'T  
THINK IT WILL TAKE TWO WEEKS AND I JUST TALKED WITH  
MR. LARKIN TO FIND OUT WHAT HE WAS TOLD IT WOULD  
TAKE TWO WEEKS TO DETERMINE. I BELIEVE WE COULD GET  
THAT INFORMATION IN A WEEK TO BE ABLE TO ASSESS  
THAT. IF YOU CAN POSTPONE IT TO THE 15th, IF YOU SO  
CHOOSE OBVIOUSLY, AND WE CAN DETERMINE WHAT IT IS  
THAT WE HAVE ON THE 15th.

Alvarez: I PERSONALLY FEEL THAT, YOU KNOW, WHEN AN  
APPLICANT CHANGES THE BOUNDARIES OF THEIR CASE IS A  
PRETTY MAJOR CHANGE AND THAT IF THAT REQUIRES, YOU  
KNOW, MORE TIME FOR THE NEIGHBORHOOD, THE  
AFFECTED NEIGHBORHOODS TO PARTICIPATE, THEN THAT'S  
SOMETHING THAT -- THAT THE APPLICANT SHOULD  
ANTICIPATE, YOU KNOW, WHEN THEY MAKE A CHANGE SUCH  
AS THAT. SO I CERTAINLY WOULD ENTERTAIN A -- YOU  
KNOW, A POSTPONEMENT TO JANUARY. I DON'T KNOW WHAT  
THE REQUEST WAS, BUT -- BUT YOU KNOW IT DOESN'T HAVE  
TO BE THE END OF JANUARY, BUT --

YOU HAVE TWO MEETINGS IN JANUARY. JANUARY THE 12th  
AND THE 26th.

Mayor Wynn: THAT WAS MY NEXT QUESTION.

Alvarez: IS THERE A MOTION?

Mayor Wynn: TECHNICALLY THERE WAS A MOTION ON THE TABLE BY COUNCILMEMBER DUNKERLY THAT I SECONDED INCLUDING Z-19'S POSTPONEMENT TO JANUARY 26th. I WOULD CONSIDER A FRIENDLY AMENDMENT TO AT LEAST GO INTO JANUARY 12th MEETING ON THAT POSTPONEMENT.

Alvarez: THAT'S WHAT I WOULD SUGGEST. MARES COMIEWNG DO COUNCILMEMBER DUNKERLY DO YOU CONSIDER IT FRIENDLY TO EXTEND THE POSTPONEMENT TO JANUARY 12th, 2006?

Dunkerly: MOVING IT BACK?

Mayor Wynn: ONE MEETING.

Alvarez: I DO HAVE ONE OTHER. ON THE OTHER ISSUE, ON THE SOUTH LAMAR CASE, WHERE THE APPLICANT ISN'T HERE.

CORRECT.

Alvarez: THIS WAS THEIR SECOND REQUEST?

Glasgo: THIS WILL BE THE SECOND REQUEST, YES.

Alvarez: WHY DID THEY NOT SHOW UP? THEY SHOULD KNOW THAT THE CUSTOM IS TO RESPECT THE FIRST REQUEST AND NOT THE SECOND REQUEST. SO ... I'M TRYING TO FIGURE OUT WHO GAVE THEM SOME KIND OF INDICATION THAT THEY SHOULDN'T BE HERE OR THAT THEIR REQUEST WAS GOING TO BE GRANTED BECAUSE AGAIN MY INCLINATION IS TO SAY WELL THAT THEY ALREADY RECEIVED THEIR POSTPONEMENT REQUEST, BUT OBVIOUSLY IT IS DIFFICULT TO MOVE FORWARD WITHOUT THEM HERE, BUT I'M JUST WONDERING IF THERE'S A BREAKDOWN HERE FOR THEIR REASON THAT THIS PARTICULAR AGENT OR APPLICANT ISN'T HERE TODAY? WHO IS THE AGENT?

Glasgo: HIS NAME IS -- I HAVE THE E-MAIL HERE. CARIN HAJAR. I UNDERSTAND THERE'S BEEN A CHANGE IN AGENTS FROM THE ORIGINAL, THIS WILL BE THE NEW AGENT. WE ALWAYS TELL APPLICANTS THEY NEED TO BE PRESENT BECAUSE THERE IS NO GUARANTEE THAT THEIR REQUEST

WILL BE GRANTED BECAUSE SOMETIMES THERE ARE QUESTIONS RAISED AT THE HEARING. SO WE DON'T KNOW WHY HE'S NOT HERE. KAREEM.

Alvarez: IF WE COULD MAKE SURE THAT WE COMMUNICATE THAT BECAUSE I THINK THAT -- AGAIN MY INCLINATION ON THAT ONE WAS TO SAY YOU ALREADY HAD YOUR REQUEST GRANTED. BUT OBVIOUSLY IT'S DIFFICULT TO MOVE FORWARD WITHOUT THEM BEING HERE.

Glasgo: THAT IS TRUE.

Leffingwell: YOUR HONOR, I WAS SITTING HERE LABORING UNDER THE IMPRESSION THAT IT WAS THE APPLICANT'S FIRST REQUEST. I THINK IT WAS -- I WOULD HAVE SAID THE SAME THING AS COUNCILMEMBER ALVAREZ SAID. SO -- BUT AT THE SAME TIME THERE IS APPARENTLY SOME KIND OF MIXUP HERE OR CHANGE IN THE REPRESENTATION FOR THE APPLICANT AND AT LEAST SO FAR I DON'T SEE ANY HARDSHIP IMPOSED ON THE NEIGHBORHOOD BY A POSTPONEMENT. SO I THINK THAT WE OUGHT TO EXERCISE DISCRETION AND THIS IS JUST MY POINT, EXERCISE DISCRETION AND GO AHEAD AND POSTPONE Z-19 WITH THE - - WITH THE -- THIS IS A -- CAVEAT THAT THIS IS A VERY SPECIAL SITUATION. MARES UNDERSTOOD. AGAIN WE HAVE.

Mayor Wynn: UNDERSTAND. AGAIN WE HAVE AN AMENDED MOTION ON THE TABLE TO APPROVE THE CONSENT AGENDA AND THE VARIABLES THAT Z-15□□ WILL BE PONNED TO DECEMBER 15th, Z-19 WILL BE POSTPONED TO JANUARY 12th, 2006, AND CASE Z-21 WILL BE POSTPONED TO DECEMBER 15th 15th, 2005. FURTHER COMMENTS ON THE CONSENT AGENDA? MAYOR PRO TEM?

Thomas: JUST ONE THING, MAYOR. MS. GLASGO, YOU SAID THAT ON Z-21 THAT THIS IS A CHANGE OF AGENCY, AGENT?

Glasgo: CORRECT. THERE'S BEEN A CHANGE IN AGENTS. WE STARTED OFF WITH ONE AGENT, NOW WE HAVE A DIFFERENT AGENT AND -- I CANNOT SPEAK TO HOW WELL THE NEW AGENT KNOWS OUR PROCEDURES, BUT --

Thomas: OKAY. IF YOU CAN, I KNOW IT MIGHT NOT BE

POSSIBLE, YOU MIGHT NEED TO LET HIM KNOW, IT'S MY UNDERSTANDING THAT HE HASN'T MADE AN ATTEMPT TO MEET WITH THE NEIGHBORS, THE NEW AGENT.

Glasgo: WE WILL INFORM ARE HIM TO DO THAT. DEFINITELY TO DO THAT.

THANK YOU.

Glasgo: YES.

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

AYE.

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

Glasgo: WELL THEN MAYOR THAT TAKES US TO OUR FIRST DISCUSSION ITEM, WHICH IS ITEM NO. Z-3, STEVE SADOWSKY WILL GIVE THAT PRESENTATION.

GOOD AFTERNOON, MR. MAYOR, MEMBERS OF THE COUPLE, STEVE SADOWSKY OF THE HISTORIC PRESERVATION OFFICE, NEIGHBORHOOD PLANNING AND ZONING. ITEM Z-3 IS A VERY DIFFICULT CASE. IT'S A HOUSE LOCATED AT 1400 LORRAINE STREET. IT IS CURRENTLY ZONED SF 3-NP AND THE OWNERS ARE WISHING TO ADD THE H DESIGNATION TO IT. THE HOUSE WAS BUILT IN 1927. IT WAS DESIGNED BY HUGO KINNEY, A VERY FAMOUS AND PROLIFIC AUSTIN ARCHITECT AND IT WAS DESIGNED FOR DOCTOR C HEREFORD WE WILLER AND HIS WIFE LUCILLE. HE WAS A VERY PROMINENT PHYSICIAN IN AUSTIN, MRS. WE WE WILL WELLER WAS ALSO PROMINENT. THEY LEFTED IN THE HOUSE FOR A SHORT PERIOD OF TIME, SOLD THE HOUSE TO REVEREND WALTER AND FLORENCE MYERS IN 1934. REVEREND MYERS WAS AN EPISCOPAL MINISTER, CAME TO TEXAS FROM WEST VIRGINIA, AN ASSISTANT CHAPLAIN AT U.T. THE PRIEST IN CHARGE AT ALL SAINT'S EPISCOPAL CHURCH AND ALSO CIRCUIT RIDER IN RURAL PARTS OF CENTRAL TEXAS. THEY SOLD THE HOUSE IN 1948 TO GARY



MORRISON AND HIS WIFE. MR. MORRISON WAS VERY ACTIVE IN THE OIL INDUSTRY AND PIPELINE INDUSTRY AND FOUNDED RADIAN CORPORATION. THE HOUSE IS A VERY GOOD EXAMPLE AS ORIGINALLY DESIGNED OF THE COLONIAL REVIVAL STYLE. A BRICK VENEER FRONT, VERY RESTRAINED FRONT PORTICO, SYMMETRICAL COMPOSITION. EVERYTHING THAT YOU WOULD FIND ON THE HOUSE. THE PROBLEM WITH THIS CASE IS THAT THE CURRENT APPEARANCE OF THE HOUSE IS NOT THE HISTORIC APPEARANCE. WHAT YOU SEE IN FRONT OF YOU IS THE DRAWING THAT HUGO KINNEY MADE OF THIS HOUSE AND IT SHOWS A RESTRAINED ONE STORY PORTICO AT THE FRONT DOOR. THE SECOND PICTURE. SHOWS WHAT THE HOUSE LOOKS LIKE TODAY. IN THE 1970'S, THE OWNERS AT THAT TIME PUT A VERY IMPOSING NEW PORTICO ON THE FRONT, TWO STORY, YOU CAN STILL SEE THE ORIGINAL ONE BEHIND IT, BUT IT CHANGED THE APPEARANCE OF THE HOUSE TO THE EXTENT THAT STAFF FEELS IS -- WE CAN'T SUPPORT AN HISTORIC LANDMARK DESIGNATION FOR THIS HOUSE. ONE OF THE PRINCIPLE -- PRINCIPAL REQUIREMENTS FOR A HISTORIC LANDMARK IS THAT IT MAINTAIN ITS HISTORIC APPEARANCE. THE HOUSE TODAY DOES NOT LOOK LIKE THE HOUSE THAT THE WELLERS, MYERS OR MORRISONS LIVED IN. IT'S A WONDERFUL HOUSE, THE OWNERS HAVE TAKEN WONDERFUL CARE OF IT, ARE TO BE COMMENDED FOR THEIR APPLICATION. BUT IT DOESN'T MEET THE CRITERIA FOR LAND MARK DESIGNATION, IT IS A PRIORITY 2 IN THE 1984 SURVEY, CONTRIBUTING TO THE OLD WEST AUSTIN NATIONAL REGISTER DISTRICT. BUT STAFF DOES NOT BELIEVE THAT IT MEETS THE CRITERIA FOR LANDMARK DESIGNATION BECAUSE IT DOES NOT MAINTAIN ITS HISTORIC APPEARANCE AND THAT'S A -- I'M SAYING THAT REALLY JUST TO PROTECT THE INTEGRITY OF THE PROGRAM. IF WE HAVE HOUSES THAT CHANGE THEIR APPEARANCE OVER TIME, THAT'S GOING TO HAPPEN. BUT WE NEED TO MAKE SURE THAT THOSE CHANGES ARE HISTORIC AND HAVE GAINED HISTORIC SIGNIFICANCE IN THEMSELVES. BEFORE WE CAN SAY THAT THESE HOUSES CAN QUALIFY FOR DESIGNATION AS AN INDIVIDUAL LANDMARK. THE HOUSE WOULD BE A GREAT CANDIDATE IF THE HISTORIC APPEARANCE WERE RESTORED. IF THIS PORTICO WAS TAKEN OFF AND ORIGINAL RESTORED, THEN

YOU HAVE THE HOUSE THAT HUGO KINNEY DESIGNED, YOU HAVE GOT THE HOUSE THAT THE WE WELLERS, MYERS AND MORRIS SONS LIVED IN AND WOULD RECOGNIZE AND YOU HAVE A GOOD CANDIDATE AT THAT POINT. BUT THAT'S NOT WHAT WE HAVE GOT HERE. SO STAFF CANNOT RECOMMEND LANDMARK DESIGNATION FOR THIS HOUSE WITH ITS CURRENT APPEARANCE. IT WOULD BE ONLY IF THE HISTORIC APPEARANCE WERE RESTORED.

Mayor Wynn: THANK YOU, MR. SADOWSKY. QUESTIONS FROM STAFF, COUNCIL? WE CAN GO STRAIGHT TO THE APPLICANT OWNER. THANK YOU, MR. SADOWSKY, DON'T GO TOO FAR. SO WHAT WE NORMALLY DO NOW IS HEAR FROM THE APPLICANT OWNER, I GUESS WE WILL HEAR FROM MS. NICHOLS.

I'M TERRY MYERS, I WORKED WITH THE NICHOLS IN WRITING THE APPLICATION.

Mayor Wynn: OKAY, TERRY, WHAT WE NORMALLY DO IS GIVE A FIVE MINUTE TIME SEGMENT FOR SORT OF THE OPENING CASE OR APPLICANT AND THEN WE WILL HEAR FROM FOLKS IN FAVOR OF THE ZONING REQUEST, THOSE FOLKS IN OPPOSITION AND A REBUTTAL IF NEED BE. WELCOME, YOU WILL HAVE FIVE MINUTES.

THANK YOU, MAYOR WYNN, COUNCILMEMBERS. I'M TERRI MYERS, I'M A HISTORIC PRESERVATION CONSULTANT AND I'VE BEEN A PRESERVATION PROFESSIONAL FOR OVER 20 YEARS. AND I MENTION THIS JUST TO SAY THAT THERE ARE SOME DIFFERENT IDEAS ABOUT WHAT CONSTITUTES A HISTORIC CHANGE AND WHAT CONSTITUTES A HISTORIC LANDMARK, I FEEL THAT IN THIS CASE, THE -- THE HOUSE HAD THE COLUMNS PLACED ON THE HOUSE IN 1972. WHICH TO SOME OF US DOESN'T SEEM THAT LONG AGO, BUT IN FACT IN VIRTUALLY ALL LIVING MEMORY, ALL OF THE PEOPLE WHO LIVE AROUND THAT HOUSE, ALL THE PEOPLE WHO REMEMBER THAT HOUSE, REMEMBER IT WITH THE LARGE COLUMNS. AND THOSE COLUMNS ARE IN FACT WHAT MAKES THIS A VISUAL AND COMMUNITY LANDMARK. AND I WOULD SAY THAT IT -- WHILE IT HAS CHANGED SINCE ITS ORIGINAL DESIGN, THESE COLUMNS ARE IN KEEP BEING WITH KINNEY'S ARCHITECTAL VOCABULARY. HE HAS

ANOTHER HOUSE WITH THE IONIC COLUMNS ON DUVAL, THE BOB BARK HER HOUSE AND THIS IS NOT SOMETHING THAT WOULD BE OUT OF KEEPING. THE COLUMNS THEMSELVES ARE HISTORIC. THEY WERE TAKEN FROM A HISTORIC HOUSE THAT WAS BEHIND THE CITY -- WELL, IT'S WHERE THE NEW CITY -- THE COUNTY JAIL IS AND THE FAMILY BASICALLY RESCUED THESE COLUMNS AND HAD THEM ADDED TO THEIR HOUSE. I JUST WOULD SAY TO YOU THAT THIS HOUSE HAS -- HAS SIGNIFICANT COMMUNITY VALUE. THE -- THE PEOPLE WHO LIVED HERE, DR. WELLER, REVEREND MYERS WHO IS A CHAPLAIN FOR U.T., A PRIEST IN CHARGE AT SAINT EPISCOPAL CHURCH, MORRISON VERY ACTIVE IN CITY POLITICS, THIS WAS THE CENTER OF ACTIVITY AND THE COLUMNS JUST REPRESENT PART OF THE EVOLUTION OF THE HOUSE AND HAVE BEEN ON THERE I BELIEVE THAT THEY HAVE TAKEN ON HISTORIC SIGNIFICANCE OF THEIR OWN. AND THAT'S REALLY ALL THAT I WANT TO SAY. I BELIEVE THAT THIS IS AN IMPORTANT HOUSE TO THE NEIGHBORHOOD. I'VE BEEN IN TOUCH WITH MANY PEOPLE FROM THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION, THERE ARE A NUMBER OF PEOPLE HERE TONIGHT TO SUPPORT THE APPLICATION. AND YOU MAY KNOW THAT JUST COUNCIL THE STREET, A BLOCK AND A HALF, WE LOST A PROPERTY THAT WAS A HIGH PRIORITY PROPERTY, IT'S WITHIN EYE SHOT OF THIS HOUSE. THE FOLKS WHO OWN THE HOUSE, THE NICHOLS SPENT ABOUT \$40,000 RESTORING THIS ROOF. AND YOU KNOW IT WAS VACANT FOR A TIME, IT COULD EASILY HAVE FALLEN INTO DISREPAIR, WE COULD BE HERE STANDING ASKING YOU TO DESIGNATE A PROPERTY IN, YOU KNOW, AGAINST THE OWNERS WISHES, BUT IN FACT THE OWNERS ARE -- THEY WANT TO BE GOOD STEWARDS OF THE HOUSE. AND THAT'S KIND OF MY CASE, IF YOU HAVE ANY QUESTIONS. THE NICHOLS BOTH MARY AND STEVE NICHOLS ARE HERE TONIGHT, MY ASSISTANT, ARCHITECTURAL HISTORIAN ELIZABETH BUCKMAN IS HERE AND MEMBERS OF THE NEIGHBORHOOD, I WOULD LIKE TO PASS TO YOU TO TAKE A LOOK TO SEE THE HOUSE CLOSER UP, THIS LITTLE BINDER. DO YOU HAVE ANY QUESTIONS FOR ME?

Mayor Wynn: THANK YOU, QUESTIONS, COUNCIL? THANK YOU, MA'AM. A HANDFUL OF FOLKS SIGNED UP WISHING TO SPEAK

IN FAVOR OF THE CASE, BEGINNING WITH MARY NICHOLS. WELCOME, YOU WILL HAVE THREE MINUTES, YOU WILL BE FOLLOWED BY LINDA MCNEILAGE.

THANK YOU VERY MUCH FOR HEARING THIS MATTER. IT'S OF COURSE IMPORTANT TO US. WE FEEL LIKE WE ARE STEWARDS OF THIS HOUSE, IT WAS BUILT CERTAINLY LONG BEFORE I WAS BORN, WE HOPE THAT IT HAS AN EXTENSIVE LIFE. I DO THINK THAT THE COLUMNS ARE WHAT MAKES IT MEMORABLE. WHEN I DESCRIBE THE HOUSE TO PEOPLE, THEY ALWAYS SAY OH, IT'S THE HOUSE WITH THE COLUMNS, I DO THINK THAT IT'S KNOWN FOR THAT, THAT IT'S REALLY ONE OF ITS CHIEF RECOGNITION POINTS. THE LAST THING THAT I WOULD LIKE TO SAY TO LEAVE YOU WITH IS THAT OUR OLD WEST AUSTIN NEIGHBORHOOD IS IN -- SEEMS TO BE IN A STATE OF CHANGE, I THINK EVEN SINCE WE HAVE BEGUN THIS PROCESS, WHICH STARTED I THINK BACK LAST FEBRUARY, BECAUSE IT TAKES A LONG TIME TO DO THE RESEARCH AND SO FORTH. MANY, MANY LOTS IN THE OLD ENFIELD AND OLD WEST AUSTIN NEIGHBORHOOD ARE BEING BULLDOZED. SO THE NEIGHBORHOOD IS IN DANGER OF LOSING ITS CHARACTER AS A REALLY LOVELY OLD RESIDENTIAL CLOSE-IN NEIGHBORHOOD. AND I REALLY REGRET SEEING THAT HAPPEN, YOU KNOW, EVERY TIME I PASS BY. IF YOU GO DOWN ENFIELD YOU WILL SEE I THINK FIVE HOUSES IN A ROW HAVE JUST BEEN LEVELED. THAT'S HAPPENED ON TWO BLOCKS DOWN FROM US ON 12th AND OUR STREET. SO WE ARE WILLING TO STAND UP AND TRY TO KEEP A LOVELY ESTATE INTACT IN THAT NEIGHBORHOOD. SO I REQUEST THAT YOU APPROVE LANDMARK DESIGNATION, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. NICHOLS, LINDA MCNEILAGE. WELCOME, THREE MINUTES, FOLLOWED BY ELIZABETH [INDISCERNIBLE]

GOOD EVENING, MAYOR AND COUNCILMEMBERS. I'M HERE TO URGE YOU TO GIVE HISTORIC ZONING TO THIS HOUSE. IT'S CERTAINLY A VERY WORTHY ONE AND IT FULFILLS MANY OF THE CRITERIA FOR HISTORIC DESIGNATION AND I THINK THAT THE POINT ABOUT THE COLUMNS IS THAT THAT IS PART OF THE THE EVOLUTION OF A HOUSE. VERY FEW HOUSES RETAIN JUST THEIR ORIGINAL STRUCTURE WITH NO

CHANGES TO IT. THE HOUSE, PER SE, IS RETAINED AS IT WAS BUILT AND THE ADDITION OF THE COLUMNS I THINK IS PART OF ITS STORY. AND AS MS. NICHOLS HAS SAID, SINCE WE HAVE RECEIVED THE OLD WEST LINE NATIONAL REGISTER HISTORIC DISTRICT NOMINATION, 10 HOUSES HAVE ALREADY BEEN DESTROYED IN OUR NEIGHBORHOOD. THAT'S APPROXIMATELY ONE A MONTH. SO PLEASE HELP US RETAIN THE ONES THAT WE HAVE THAT ARE IN EXCELLENT CONDITION WITH OWNERS WHO WANT TO RETAIN THEM AND HAVE THE HISTORIC ROOTS OF THESE HOUSES BE MAINTAINED AND BE PART OF OUR CITY'S HISTORY AND OUR HERITAGE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, LINDA. ELIZABETH BUCKMAN WELCOME, YOU WILL HAVE THREE MINUTES.

HELLO, MY NAME IS ELIZABETH, I'M AN ARCHITECT PRESERVATIONIST, I WORKED ON PREPARING THE NOMINATION FOR THIS HOUSE. I WANTED TO GIVE YOU MORE BACKGROUND ON HUGO KINNEY'S CAREER. HE WAS VERY PROMINENT ARCHITECT IN AUSTIN, HE FOUNDED THE SCHOOL OF ARCHITECTURE, PART OF THE ENGINEERING STAFF. AND HE'S, YOU KNOW, LEFT AN INCREDIBLE MARK ON THE CITY. THE -- THE AUSTIN PUBLIC LIBRARY, THE ORIGINAL BUILDING IS HIS DESIGN. HE'S DESIGNED A NUMBER OF OTHER RESIDENCES THAT HAVE BEEN RECOGNIZED FOR HISTORIC STATUS. THERE IS THE -- THE BEN BARK HER HOUSE ON DUVAL, THE ONE THAT HAS THE LARGE IONIC COLUMNS ON THE FRONT PORCH. THEN ANOTHER HOUSE THAT'S GOING BEFORE YOU TONIGHT THE CRADDICK HOUSE AROUND THE CORNER FROM THERE. KINNEY ALSO DID THE LANDSCAPE DESIGN FOR THE SUBDIVISION OF ENFIELD AND THIS WAS ONE OF HIS FIRST HOUSES TO BE BUILT WITHIN ENFIELD. SO ITS SIGNIFICANCE AS KIND OF A MANIFESTATION OF KINNEY'S VISION BOTH FROM THE SCALE OF THE OVERALL DESIGN OF THE SUBDIVISION TO THE SCALE OF THE INDIVIDUAL HOUSE. IT'S ON A VERY PROMINENT LOT. IT'S ON THE WEST SIDE OF LORRAINE STREET AND IT HAS A -- IT'S A LITTLE BIT HIGHER THAN THE LOTS ACROSS THE STREET, IT HAS A BEAUTIFUL VIEW OF THE CAPITOL. A WONDERFUL WAY OF SEEING HIS VISION MANIFEST IN SO MANY LEVELS. THE ADDITION OF THE COLUMNS REALLY DOES NOT DETRACT FROM THE

ARCHITECTURAL CHARACTER OF THIS HOUSE. IF YOU COMPARE IT WITH THE BINDER THAT WAS PASSED AROUND HAS PICTURES OF THIS PARTICULAR HOUSE FOLLOWED BY PICTURES OF THE BARKHER HOUSE, YOU CAN SEE THAT -- IT HAS A SIMILAR SENSE TO THE DESIGN. A LOT OF CARE WAS TAKEN AND THE DETAILS OF HOW IT WAS EXECUTED DOWN TO MATCHING THE CORNICES THAT WRAP AROUND. SO IT'S EVEN THOUGH IT WAS DONE AFTER IT WAS NOT KINNEY'S DESIGN, IT WAS DONE AFTER THE HOUSE WAS BUILT, IT DOES MAINTAIN THE CHARACTER OF HIS WORK. I THINK THAT'S ABOUT IT. DO YOU HAVE ANY QUESTIONS? THANK YOU. IN ADDITION TO THOSE FOLKS WHO WE JUST HEARD FROM, FOLLOWING FOLKS SIGNED UP NOT WISHING TO SPEAK IN FAVOR. TIM, LAURA HARRISON, LAURA MORRISON, GENE STEVENS, CAROL GIBS IN FAVOR OF THE ZONING CASE, NO CITIZENS SIGNED OUT EITHER WAY IN OPPOSITION TO THE ZONING CASE. SOP COUNCIL SO COUNCIL YOU HAVE THE APPLICANT'S AGENT HERE AS WELL AS THE OWNER. WE HAVE MR. SADOWSKY HERE FOR QUESTIONS. COUNCILMEMBER LEFFINGWELL?

Leffingwell: QUESTION FOR MR. SADOWSKY. I UNDERSTAND THAT BOTH THE HISTORIC LANDMARK AND THE ZONING COMMISSION RECOMMENDED HISTORIC DESIGNATION OF THIS HOUSE AS IT STANDS TODAY; IS THAT CORRECT?

THAT'S CORRECT, PLANNING COMMISSION, NOT --

Leffingwell: PLANNING COMMISSION, ALL RIGHT. THANK YOU.

Mayor Wynn: I'LL JUST SAY IN SUPPORT OF THE HISTORIC ZONING CASE, WITH ALL DUE RESPECT TO STAFF, I APPRECIATE THE -- YOU KNOW THE HARD BUT FINE LINE THEY USE PROFESSIONALLY IN THESE ANALYSES, I'M THINKING ABOUT JUST NOW THINKING ABOUT THE WHITE HOUSE, THAT AFTER 140 YEARS HARRY TRUMAN STUCK AN UGLY SECOND FLOOR BALCONY ON THE WHITE HOUSE, NOW CALLED THE TRUMAN BALCONY, IT'S -- YOU KNOW, CONSIDERED OBVIOUSLY VERY HISTORIC AND NO ONE WOULD DARE CONSIDER REMOVING THE TRUMAN BALCONY FROM THE WHITE HOUSE TODAY. SO I WILL BE IN SUPPORT OF THE HISTORIC ZONING FOR THIS HOUSE.

Leffingwell: COMPARE?

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WILL MOVE TO CLOSE THE PUBLIC HEARING AND SUPPORT HISTORIC ZONING FOR THIS HOUSE.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE HISTORIC ZONING FOR THIS CASE, Z-3. FURTHER COMMENTS?

Thomas: IF YOU DON'T MIND, MAYOR, I THINK -- AGREE WITH YOU BECAUSE I RESPECT STAFF, BUT IF THE COLUMNS WOULDN'T HAVE BEEN PUT UP, THEY WOULDN'T HAVE SAVED THE REST OF THE HOUSE. SO I THINK THAT'S -- THE OWNERS DO WANT TO MAKE IT HISTORICAL. I THINK THAT'S A GOOD MOVE. THAT'S THE REASON WHY I'M SUPPORTING IT BECAUSE I FEEL THAT THE COLUMNS, THE ORIGINAL COLUMNS WOULD HAVE BEEN THERE, IT PROBABLY WOULD HAVE DAMAGED THE REST OF THE HOUSE. I THINK THAT'S THE PURPOSE OF THEM PUTTING THEM UP. SO ... APPRECIATE YOUR HARD WORK, STAFF.

Mayor Wynn: A TECHNICAL QUESTION, I HAVE ASKED WHETHER STAFF IS PREPARED FOR ALL THREE READINGS, IS THE ORDINANCE PREPARED FOR THE DESIGNATION?

THE ORDINANCE IS NOT READY. WE CAN BRING THIS BACK ON THE 15th FOR SECOND AND THIRD READING.

Leffingwell: MAYOR, I WOULD AMEND MY MOTION IF IT'S ACCEPTABLE TO THE SECOND TO SAY FOR APPROVAL ON FIRST READING.

Mayor Wynn: AGREED TO. SO MOTION AND SECOND TO APPROVE HISTORIC ZONING ON FIRST READING ONLY, GIVING TIME FOR STAFF TO PREPARE THE ORDINANCE FOR FINAL READINGS ON DECEMBER 15th. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Mayor Wynn: YES, MA'AM?

WHAT DOES THAT MEAN?

WELL, IT MEANS THAT YOU -- THAT THE COUNCIL VOTED UNANIMOUSLY FOR HISTORIC ZONING, BUT THAT THE STAFF HADN'T PREPARED THE ACTUAL ORDINANCE. THE ACTUAL LAW THAT I WOULD SIGN LATER.

OKAY.

Mayor Wynn: MAKING THAT FINAL. AND SO WE -- WHICH WE DO FREQUENTLY, PASS IT ON FIRST READING ONLY, THEY WILL PREPARE THE DOCUMENT WE WILL COME LIKELY VERY CONSENT FORMAT IN TWO WEEKS HAVE THE FINAL VOTE. THEN THE ORDINANCE WILL HAVE BEEN PREPARED BY THEN.

I DON'T HAVE TO GIVE ANOTHER PRESENTATION?

Mayor Wynn: NO, MA'AM.

THANK YOU VERY MUCH. >>

Mayor Wynn: THANK YOU. [LAUGHTER]

Mayor Wynn: MR. SADOWSKY, ARE YOU BACK.

BACK.

Mayor Wynn: WELCOME. ITEM DYE 8, GRIFFITH-WRIGHT, A HOUSE THAT WAS BUILT IN 1900, THE FIRST OCCUPANT WAS DR. FRANK LYMAN GRIFFITH, HE SPECIALIZED IN HOMEOPATHIC HEALING, LIVED THERE FROM 1900 TO 1914, HE MOVED TO BELLVIEW PLACE IN 1914, ARTHUR AND VELMA WRIGHT MOVED INTO THIS HOUSE, HE WAS THE FIRST TYPE SETTER FOR THE AUSTIN AMERICAN-STATESMAN NEWSPAPER, HE STARTED WORK THERE IN 1911, HE TAUGHT



PRINTING AT U.T. HE BECAME THE MANAGER OF THE UNIVERSITY PRESS IN THE 1920S AND HE HELD THAT POSITION FOR ALMOST 30 YEARS. HE LIVED IN THIS HOUSE FROM 1916 TO 1927 AND HE SHARED THE HOUSE WITH -- HE AND HIS WIFE SHARED THE HOUSE WITH SEVERAL OTHER PEOPLE. IT'S UNCLEAR WHETHER THEY TOOK IN BOARDERS OR THEY HAD APARTMENTS IN THE HOUSE, BUT ACCORDING TO CITY DIRECTORIES, THERE WERE MORE PEOPLE LISTED IN THE HOUSE BESIDES THE WRIGHTS. WHEN THE WRIGHTS SOLD THE HOUSE IN 1927, IT WAS OWNED BY A SERIES OF PEOPLE WHO ALSO EITHER HAD BOARDERS OR APARTMENTS IN THE HOUSE IN THE 1950S SOME APARTMENTS WERE ADDED TO THE BACK OF THE HOUSE. BUT THAT IS THE ONLY CHANGE THAT REALLY HAS BEEN MADE OUTSIDE OF THE PORCH POSTS. IT'S A VERY GOOD EXAMPLE OF F AWE X VICTORIAN STYLE. THIS IS A CARPENTER'S STYLE OF VISIBILITY ATTORNEY HOUSE. VICTORIAN HOUSE. IT WAS DESIGNED FOR THE MIDDLE CLASS, IT HAD A LOT OF FEATURES THAT THE LARGE QUEEN ANNE HOUSES, VICK VICTORIAN HOUSES WOULD HAVE HAD. BUT THESE HOUSES WERE SIMPLER IN ORNAMENTATION, SCALE AND SCALE. IT HAS A VERY NICE CUT AWAY BAY IN THE FRONT, PRONGING BAY, TRANSOM OVER THE WINDOW, FRONT DOOR. AND THEN THE TRIPLE WINDOWS IN THE TRIANGULAR PART OF THE GABLE. A VERY GOOD EXAMPLE OF THE STYLE ASSOCIATED WITH DR. GRIFFITH AND MR. WRIGHT AND IT IS A PRIORITY 2 IN THE 1984 CULTURAL RESOURCES SURVEY. STAFF SUPPORTS HISTORIC DESIGNATION FOR THIS HOUSE. THE HISTORIC LANDMARK COMMISSION SUPPORTED HISTORIC DESIGNATION, THE ZONING AND PLATTING COMMISSION DID NOT.

Mayor Wynn: STAFF'S RECOMMENDATION IS --

FOR HISTORIC DESIGNATION.

Mayor Wynn: OKAY. ANOTHER SPLIT CASE, THANK YOU. OKAY. SO TECHNICALLY I GUESS THE APPLICANT WAS -- IS THE HISTORIC LANDMARK COMMISSION BECAUSE THEY APPROVED IT. WITHOUT OBJECTION COUNCIL WE WILL CONSIDER THAT TO BE OUR FIVE MINUTE APPLICANT PRESENTATION AND THEN WE WILL NOW HEAR FROM FOLKS WHO ARE HERE TO SPEAK IN FAVOR OF THE HISTORIC

ZONING. WE WILL HEAR FROM FOLKS PERHAPS IN OPPOSITION AND THEN MR. SADOWSKY CAN HAVE FINAL STATEMENT. TWO SPEAKERS, LINDA MCNEILAGE, FOLLOWED BY TERRI MYERS.

THANK YOU, MAYOR AND COUNCILMEMBERS. I'M HERE TO -- TO SPEAK VERY STRONGLY IN FAVOR OF THIS. BUT I PRIMARILY WANT TO READ TWO LETTERS FROM PEOPLE WHO DO OWN PROPERTY AND WHO GREW UP ON WEST AVENUE, JUST NEAR THESE HOUSES. THE FIRST LETTER IS FROM JAMES POWELL. AND HE WRITES: DEAR MAYOR AND CITY COUNCIL MEMBERS, I AM THE OWNER OF TWO PROPERTIES -- WOULD YOU SHOW THEM, PLEASE? OOPS. OKAY. YES. THIS IS ONE OF THE PROPERTIES THAT HE OWNS. IN THE 700 BLOCK OF WEST AVENUE. 715 AND 717 WEST AVENUE. I AM OUT OF STATE THIS WEEK IN WASHINGTON D.C. AND THEREFORE AM WRITING THIS LETTER TO EXPRESS MY SUPPORT FOR HISTORIC ZONING OF THE HOUSE AT 700 WEST AVENUE. THIS SPECIFIC NEIGHBORHOOD IS ONE OF THE VERY OLDEST IN THE CITY OF AUSTIN. THE HOUSE AT 700 WEST AVENUE IS ONE OF THE LAST MANY HANDSOME WOODEN HOUSES THAT ONCE GRACED THIS HISTORIC NEIGHBORHOOD. THE 700 WEST AVENUE HOUSE IS THE SHINGLE STYLE OF WHICH THERE ARE NO LONGER MANY GOOD EXAMPLES IN AUSTIN. AS A FINE EXAMPLE WAS RECENTLY DEMOLISHED AT 609 WEST LYNN. I URGE YOU TO PROTECT THIS HOUSE WITH H ZONING. I SPOKE WITH MR. RICHARD SUTTLE SEVERAL TIMES LAST SUMMER REGARDING THE PROPOSED DEVELOPMENT OF THIS PROPERTY AND ITS SURROUNDS. HE MENTIONED THE POSSIBILITY THEN OF MOVING THE HOUSE FROM 700 WEST AVENUE TO THE ADDRESS I BELIEVE IS 704 WEST AVENUE. IN ANY EVENT, THAT'S AN OPEN PARKING LOT THAT BELONGS TO THE SAME OWNERS THAT MR. SUTTLE REPRESENTS. I URGE YOU TO GRANT 700 WEST AVENUE HISTORIC ZONING IN ITS ORIGINAL SITE. IF FOR ANY REASON THAT'S NOT POSSIBLE, I URGE YOU TO STILL PROTECT THE STRUCTURE FROM DEMOLITION, WITH HISTORIC ZONING ON THE LAND ONLY A QUARTER OF A BLOCK FROM ITS ORIGINAL SITE. I OF COURSE ASSUME THAT MR. SUTTLE'S MENTION OF SUCH A PLAN WAS IN GOOD FAITH AND THAT ANY ALTERATIONS NECESSARY TO THE STRUCTURE TO MAKE IT CONFORM TO

THE OTHER LOT WOULD BE KEPT TO THE MINIMUM POSSIBLE. I WILL ALSO READ A LETTER FROM STELLA POWELL. DEAR MAYOR AND CITY COUNCIL MEMBERS, HAVING GROWN UP IN THE 700 BLOCK OF WEST AVENUE, I AM VERY FAMILIAR WITH THE NEIGHBORHOOD AND ITS SIGNIFICANCE TO THE HISTORY OF AUSTIN. AMONG THE BEAUTIFUL HOMES, MANY ARE NOW DEMOLISHED, MANY OF THEM WERE SOME OF THE FIRST RESIDENCES OF THIS BEAUTIFUL CITY. ONE NEED ONLY REFER TO MAPS FROM THE MID-19th AND EARLY 20th CENTURIES TO APPRECIATE THIS FACT. [BUZZER SOUNDING] AS A RESULT I AM VERY CONCERNED ABOUT RETAINING THE 1900 APPROXIMATELY PROPERTY LOCATED AT 700 WEST AVENUE. KNOWN AS THE GRIFFITH WRIGHT HOUSE.

Mayor Wynn: PLEASE CONCLUDE YOUR TIME IS UP.

WITH RESPECT I URGE YOU TO DESIGNATE IT WITH HISTORIC ZONING AND HOPEFULLY TO LEAVE IT IN ITS PRESENT LOCATION. WHERE THE ORIGINAL OWNER BUILT AND PLACED IT. SINCERELY STELLA POWELL. SO THOSE ARE TWO LETTERS AND THEN I PERSONALLY WOULD LIKE TO SUPPORT HISTORIC ZONING FOR THIS AS WELL.

Mayor Wynn: YOUR TIME IS UP, THANK YOU VERY MUCH.

OKAY. NEXT SPEAKER IS TERRI MYERS, WELCOME BACK, 3 MINUTES.

THANK YOU AGAIN. I'M SPEAKING NOW NOT AS THE AGENT OR APPLICANT FOR THIS PROPERTY BUT AS AN ARCHITECTURAL HISTORIAN AND AS A LONG-TIME RESIDENT OF AUSTIN. ONE OF THE THINGS THAT LINDA SAID EARLIER IS THAT WE HAD LOST 10 PROPERTIES IN THE WEST LYNN HISTORIC DISTRICT. IT WAS ACTUALLY 10 CONTRIBUTING PROPERTIES. THESE WERE ALL PROPERTIES THAT WE CONSIDERED HIGHER PRIORITIES. FROM THE TIME THAT WE TURNED THE APPLICATION IN TO THE TEXAS HISTORICAL COMMISSION LAST JANUARY TO THE TIME THAT IT WENT TO THE STATE BOARD OF REVIEW IN MAY, WE LOST THOSE 10 PROPERTIES. WHAT I SEE IS JUST LIKE A CREEPING DISEASE OF -- OF THE LOSS OF OUR HISTORIC FABRIC IS THE LOSS OF OUR CHARACTER AS A CITY. I JUST WOULD LIKE YOU TO

PLEASE CONSIDER VERY HEARTFELT THIS APPLICATION BECAUSE IT'S LIKE SOMETHING THAT -- IT'S NOT SOMETHING THAT DEVOURS YOU ALL AT ONCE, IT'S A BITE HERE, A BITE THERE. THIS PROPERTY IS SIGNIFICANT TO WEST AVENUE. WEST AVENUE IS ONE OF THE STELLAR STREETS OF OUR CITY, THANK YOU.

Mayor Wynn: THANK YOU, MS. MYERS, COUNCIL THAT'S ALL OF THE FOLKS SIGNED UP WISHING TO SPEAK IN FAVOR. A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK ALSO IN FAVOR, TIM TIERNY, TODD HARRISON, LAURA MORRISON, GENE STEVE CONVENIENCE, CAROL GIBBS SIGNED UP IN FAVOR OF THE ZONING CASE NOT WISHING TO SPEAK. MR. SUTTLE, HAVE YOU INVOLVED IN THIS CASE? ARE YOU INVOLVED IN THIS CASE? OKAY, DID YOU SIGN UP TO SPEAK BY CHANCE? WELL, WELCOME, YOU HAVE THREE MINUTES.

MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS RICHARD SUTTLE, I'M HERE ON BEHALF OF THE OWNER OF THE HOUSE, PSP, THIS WAS BEFORE YOU IN JULY, YOU ZONED IT DMU-CO CURE, I WANT TO BRING A COUPLE OF THINGS TO YOUR ATTENTION. WE DON'T THINK THAT IT'S MEETS THE CRITERIA FOR HISTORIC ZONING, ZAP CO-AGREED WITH US. A PRIORITY TWO RANKING MEANS THAT THE RESOURCES IN THIS COUNTY GORE INCLUDE PROPERTIES THAT ARE NOT ELIGIBLE FOR INDIVIDUAL HISTORIC DESIGNATION BECAUSE OF THEIR MODERATE TO LOW ARCHITECTURAL SIGNIFICANCE. THOUGH NOT IDENTIFIED THESE PROPERTIES ARE VALUABLE RESOURCES THAT ADD TO AN AREA'S OVERALL CHARACTER. THE KEY IS THAT THEY ARE NOT ELIGIBLE FOR INDIVIDUAL HISTORIC DESIGNATION, THAT'S WHAT WE ARE HERE FOR TONIGHT. WE ALSO HIRED VOLTS & ASSOCIATES, AN HISTORIC LANDMARK CONSULTING FIRM, IT'S BETTER FOR ME TO READ IT BECAUSE IT'S -- I WOULD BUTCHER IT. IT SAYS THANK YOU FOR THE OPPORTUNITY TO CONSULT WITH YOU REGARDING THE HISTORIC CHARACTER OF THE ABOVE REFERENCED PROPERTY. I HAVE EXAMINED IT AND BELIEVE IT DOES NOT RETAIN AN ADEQUATE LEVEL OF HISTORIC INTEGRITY TO WARRANT DESIGNATION. THE INTENT IS TO RECOGNIZE AND PROTECT INDIVIDUAL PROPERTIES THAT RETAIN SUFFICIENT EXTERIOR ARCHITECTURAL INTEGRITY TO THEIR HISTORIC

PERIOD AND THAT MAKE CLEAR REPRESENTATIONS OF AUSTIN'S HISTORY, IN ADDITION IT'S REQUIRED TING ING AN EXCELLENT ... CLEAR ASSOCIATIONS TO PERSONS THAT ARE SIGNIFICANT IN THE HISTORY OF AUSTIN OR BE AN EXCELLENT EXAMPLE OF A PARTICULAR ARCHITECT OR CLASS MAN WORK, WHILE GRIFFITH-WRIGHT CONTAINS VERY CHARMING AND HISTORIC FEATURES, INCLUDING THE FRONT DOOR, ... IT HAS BEEN SIGNIFICANTLY MODIFIED THE MOST NOTABLE AND DAMAGING, MULTIPLE GENERATIONS OF MODIFICATIONS TO THE ORIGINAL [INDISCERNIBLE] PORCH COLUMNS REPLACED WITH WROUGHT IRON, ORIGINAL WOOD PORCH REPLACED WITH CONCRETE AND TREATED. EXISTED CORRUGATED METAL ROOF, NOT HISTORIC MATERIALS. SEVERAL WINDOWS REPLACED, VERTICAL CUTS EVIDENT IN THE SIDING AND TRIM EVIDENCE NUMEROUS ALTERATIONS AS WELL. WE SUBMIT TO YOU THAT, ONE, EVEN THOUGH IT HAS A -- A PRIORITY 2 DESIGNATION, IT DOES NOT MEET YOUR OWN CRITERIA MEET INDIVIDUAL DESIGNATION. TWO THE PROFESSIONALS THAT HAVE EXAMINED THE HOUSE SAY IT DOES NOT MEET IT. IT IS DOWN THE STREET FROM WEST AVENUE WHERE I WOULD THINK THAT THERE -- THERE ARE HOUSES THAT DESERVE SAVING AND POSSIBLY A DISTRICT, BUT THIS ONE IS OUT OF PLACE AND DOES NOT MEET HISTORIC DESIGNATION MATERIAL INDIVIDUALLY. AND THERE IS A VALID PETITION ON IT BECAUSE THE PROPERTY OWNER DOES NOT WANT IT ZONED HISTORIC. LET ME TELL YOU THE INTENT OF THIS IS THAT THE HOUSE WILL BE EITHER MOVED OR TAKEN DOWN ONE OR THE OTHER, THERE ARE PLANS FOR YET ANOTHER DOWNTOWN RESIDENTIAL NOT ONE OF THE [BUZZER SOUNDING] TALL TOWERS, BUT A CONDO OWNERSHIP TOWER HERE. THANK YOU.

Mayor Wynn: THANK YOU, MR. SUTTLE. ANY OTHER SPEAKERS THAT WOULD LIKE TO ADDRESS US ON THIS CASE, Z-8? THANK YOU ALL. COMMENTS, QUESTIONS?

Dunkerly: I HAVE A QUESTION FOR STAFF. MR. SADOWSKY, THE ZONING AND PLATTING COMMISSION VOTING TO DEPEND NICE THE ZONING, CAN YOU SUMMARIZE THEIR REASONING? WAS IT SIMILAR TO MR. SUTTLES OR DID THEY COME AT IT FROM A DIFFERENT ANGLE?

NO, MR. SUTTLE PRETTY MUCH SUMMARIZES THE ZONING AND PLATTING COMMISSION'S DECISION.

Dunkerly: THANK YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I WAS JUST CURIOUS MR. SUTTLE MENTIONED SOMETHING ABOUT A CASE THAT WAS APPROVED IN JULY? FOR DMU CURE ON THIS PROPERTY?

YES, I BELIEVE IT WAS JULY 28th, THIS PROPERTY WAS BEFORE YOU FOR DMU CURE TO EXTEND THE HEIGHT TO I THINK 132 FEET FOR THE CONDOMINIUM PROJECT THAT WAS BEFORE YOU THAT NIGHT.

Alvarez: AND THEN WHEN DID THIS CASE GET INITIATED? THE HISTORIC ZONING CASE?

VERY SHORTLY THEREAFTER. ON A DEMOLITION PERMIT APPLICATION. WENT THROUGH THE LANDMARK COMMISSION IN AUGUST.

THE SEQUENCE OF EVENTS, WE WERE HERE FOR ZONING, ACTUALLY DISCUSSED THE HOUSE BRIEFLY AT THE PLANNING COMMISSION AND HERE AND THEN AS WE MOVED FORWARD AND GOT THE APPROVAL OF THIS COUNCIL FOR THE ZONING WE FILED FOR THE DIM LAND COMMISSION PERMIT AND -- DEMOLITION PROCESS, WENT THROUGH STEVE'S PROCESS AND ENDS UP HERE ON THE DEMOLITION PERMANENT.

Alvarez: I SEE. SO THAT'S HOW IT -- WE ARE BACK I GUESS SO SOON AFTER THAT ZONING CASE. THANKS.

Dunkerly: I HAVE ONE OTHER QUESTION. WHAT WAS THE VOTE ON THE HISTORIC LANDMARK?

THE VOTE WAS 4-1, DAVID WEST WAS OPPOSED TWO COMMISSIONERS WERE ABSENT.

Dunkerly: 4-1?

Mayor Wynn: QUESTIONS, COMMENTS?

Dunkerly: MAYOR? I WOULD MAKE A MOTION TO DENY HISTORIC DESIGNATION ON THIS PROPERTY.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY TO DENY HISTORIC ZONING ON Z-8. SECONDED BY COUNCILMEMBER KIM. FURTHER COMMENTS? SO RECOGNIZING THAT THERE'S A VALID PETITION, IT WOULD TAKE SIX AFFIRMATIVE VOTES TO ZONE THE CASE -- ZONE THE HOUSE HISTORIC. THERE'S ONLY THREE OF US LEFT. SO -- FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. -- ALL THOSE IN FAVOR OF DENYING HISTORIC ZONING SAY AYE. OPPOSED? MOTION TO DENY PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MCCracken OFF THE DAIS. AND THAT INCLUDED CLOSING THE PUBLIC HEARING, THANK YOU. WELCOME BACK, MS. GLASGO.

Glasgo: MAYOR, I HAVE A SUGGESTION ON HOW TO PROCEED FOR THE NEXT 15 BRINTS 15 MINUTES BEFORE YOU BREAK FOR PROCLAMATIONS, ITEMS 23, 24, 25 RELATE TO THE PLANNING AREA, WE HAVE I THINK SIX CASES RELATED TO THE PLANNING AREA. WE HAVE AGREEMENT ON MOST OF THEM AND I WAS GOING TO SUGGEST THAT WE HEAR BY CONSENT THOSE CASES WHERE THERE IS AGREEMENT AND THEN AFTER WE CONVENE THE MEETING WE CAN THEN PICK THEM UP IN ORDER OF THE CASES THAT ARE STILL PENDING. THAT WAY AT LEAST YOU CAN SEND A FEW PEOPLE HOME THAT DON'T HAVE TO WAIT.

Mayor Wynn: THANK YOU, VERY MUCH MS. GLASGO. WITHOUT OBJECTION WE WILL GO TO ZONING CASES Z-23, 24, 25. ADAM SMITH WILL WALK YOU THERETO MOTION SHEET FOR THE CONSENT ITEMS UNDER THESE THREE ITEMS.

Mayor Wynn: THANK YOU, MS. GLASGO. WELCOME, MR. SMITH.

THANK YOU, MAYOR. GOOD AFTERNOON, MAYOR, CITY COUNCIL MEMBERS, MAYOR PRO TEM, CITY MANAGER, MY NAM IS ADAM SMITH WITH THE CITY'S NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. IT IS WITH GREAT

PLEASURE THAT I AM HERE TO TELL YOU THAT THE NEIGHBORHOOD AND PROPERTY OWNERS HAVE REACHED AGREEMENT ON FIVE OUT OF THE SIX CONTESTED ZONING CASES THAT YOU WILL BE CONSIDERING THIS AFTERNOON. I WILL JUST RUN THROUGH THOSE VERY QUICKLY. YOU SHOULD HAVE A PACKET ON YOUR DESK, A YELLOW LEGAL SIZED SHEET OF PAPER, THIS WAS THE MOTION SHEET. I WILL BE REFERRING TO PAGES 2 THROUGH 4 WHERE THERE'S A DETAILED LISTING OF EACH PROPERTY. TRACT 1, IT'S LOCATED ON THE NORTHEAST CORNER OF -- OF RIVERSIDE AND SOUTH CONGRESS. IT IS CURRENTLY ZONED LI. AND THE PROPERTY ZONED BY MR. CROCKETT. HE'S MADE A REQUEST AND THE NEIGHBORHOOD IS IN AGREEMENT WITH THIS TO KEEP THE PROPERTY ZONED LI FOR THE TIME BEING. THE OWNER AND PROSPECTIVE BUYER ARE CURRENTLY WORKING ON A REDEVELOPMENT PLAN FOR APPROXIMATELY 11 ACRES. THAT INCLUDES TRACT 1. HE WILL COME BACK IN WITH A PLAN AMENDMENT, ZONING APPLICATION, AFTER WORKING WITH THE STAFF AND NEIGHBORHOOD ON THAT PROPOSED PLAN. THIS IS ONE OF THE FIRST AGREEMENTS. TRACT 3, WHICH IS ON PAGE 3 OF THAT HANDOUT, THE NEIGHBORHOOD AND PROPERTY OWNER HAVE REACHED AN AGREEMENT. THE CONDITIONS OF THAT AGREEMENT ARE LISTED UNDER THE PROPERTY OWNER COLUMN. IT WOULD BE TO DOWN ZONE THE PROPERTY FROM LI TO C.S.-CO-NP AND THAT CO INCLUDES THE PROHIBITION OF A NUMBER OF USES WHICH INCLUDES AUTOMOTIVE RELATED BUSINESSES, BAIL BONDS, EXTERMINATING SERVICES AND INDOOR SPORTS AND REC. THE NEXT PROPERTY IN WHICH THE PROPERTY OWNER AND NEIGHBORHOOD HAS REACHED AN AGREEMENT ARE ON TRACTS 28 AND 29 A. THE AGREEMENT IS TO -- TO REZONE THE PROPERTY FROM GR TO GR-MU-CO. THIS AGREEMENT WAS JUST WORKED OUT IN THE LAST FEW MINUTES AND I DO HAVE DETAILS OF THAT. I WILL HAND IT OUT TO YOU. THE DETAILS OF THAT AGREEMENT INCLUDE PROHIBITING THE FOLLOWING GR USES, BAIL BONDS SERVICES, DROP OFF RECYCLING, EXTERMINATING SERVICES, PAWN SHOP SERVICES, AUTOMOTIVE WASHING AS A PRINCIPAL USE. THEY HAVE ALSO AGREED TO PREPARE A LETTER TO THE SOUTH RIVER CITY NEIGHBORHOOD ASSOCIATION AGREEING TO THE FOLLOWING: IF TRACT 29 A IS



REDEVELOPED IN THE FUTURE, THE OWNER IS WILLING TO DISCUSS THE OPTION OF ADDING A DRIVEWAY FROM 29 A TO THE I-35 FRONTAGE ROAD. AN AGREEMENT HAS ALSO BE REACHED ON TRACT 29 A LOCATED AT THE INTERSECTION OF I-35 AND MARIPOSA, CURRENTLY A TEXACO SERVICE STATION ON THE SITE AND IT'S ZONED GR AND THE AGREEMENT BETWEEN THE PROPERTY OWNER AND THE NEIGHBORHOOD IS FOR GR-MU-CO-NP AND THE CO WOULD REQUIRE A VEGETATIVE BUFFER ALONG I-35. THAT INCLUDES ALL OF THE AGREEMENTS, I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

THANK YOU, MR. SMITH. QUESTIONS OF STAFF, COUNCIL? SO THEN MR. SMITH COULD YOU WALK US THEN THROUGH THE SERIES OF MOTIONS NEEDED? WE TAKE UP -- AND WHICH READINGS ARE YOU ALL PREPARED FOR?

THIS IS ONLY FOR FIRST READING. HOPEFULLY WE CAN GET AN ORDINANCE PREPARED, BE BACK PERHAPS DECEMBER 15th FOR A SECOND AND THIRD READING. SO THE MOTION WOULD BE TO APPROVE ON FIRST READING AN ORDINANCE REZONING TRACTS 1, 3, 28, 29 A AND B, THAT'S FOR FIRST READING.

Mayor Wynn: AGAIN FOR -- THIS IS CASE Z-25, NOT Z-24.

YES.

DO WE TAKE UP Z-24 BEFORE WE DO THE PLAN, IS THAT RIGHT?

Z-23 ACTUALLY REFERS TO THE PLAN ITSELF AND AS YOU MAY RECALL, ON SEPTEMBER 29th THE CITY COUNCIL ADOPTED THE PLAN WHICH INCLUDED THE FUTURE LAND USE MAP, Z-23 IS JUST PUT ON THE AGENDA IN CASE YOU MAKE DECISIONS ON ANY -- ON THE ZONING OF ANY ONE OF THESE SIX PROPERTIES THAT REQUIRES A CHANGE TO THE LAND USE MAP. AS THE AGREEMENTS ARE STATED, IT DOESN'T REQUIRE A CHANGE TO THE LAND USE MAP, SO -- SO IN THE CASES OF THESE PROPERTIES, YOU DO NOT HAVE TO BE CONCERNED WITH Z-23.

Mayor Wynn: OKAY. SO IF I CAN, JUST TO CONFIRM, WE HAVE

A NUMBER OF FOLKS SIGNED UP WISHING TO SPEAK, BUT MY INSTINCT THESE ARE ONLY ON THE CASE THAT IS CONTESTED.

RIGHT, THAT'S TRACT 35 AND THE INFILL OPTIONS.

Alvarez: MAYOR? I'M TRYING TO FOLLOW ALONG ON THIS SHEET. ARE WE TAKING THEM ONE AT A TIME. TRACT BY TRACT OR -- BECAUSE I KNOW THAT MULTIPLE PROPERTIES PER TRACT AND YOU HAVE -- YOU HAVE -- YOU HAVE A COVER SHEET WITH -- WITH Z- -- ZONING CASE NUMBERS THEN TRACT NUMBERS. WHICH ONE OF THESE ARE YOU LOOKING AT RIGHT NOW?

THESE ITEMS Z-25, I SHOULD SAY PAYMENTS 2 THROUGH 4 IS A DETAILED ACCOUNTING OF MOTION NUMBER 3. WHICH IS ON THE FIRST SHEET. WHICH WOULD BE TO APPROVE THE FIRST READING OF THE ORDINANCE REZONING. THOSE TRACTS. SO IF COUNCIL -- IF COUNCIL CHOOSES --

THE SECOND MOTION THAT'S LISTED IS Z-25.

YEAH, I -- I PARSED THOSE OUT BECAUSE THE SECOND MOTION ON THAT SHEET THAT HAS THE Z-25 THAT'S IN REGARDS TO THE INFILL OPTION AND I THOUGHT FOR -- FOR CLARITY REASONS THAT IT MIGHT BE BETTER TO TAKE A OPERATE MOTION ON THE INFILL AND THE ZONING CASES.

Alvarez: THAT'S Z-25.

CORRECT.

Z-24 WE DIDN'T DO BECAUSE --

THAT'S ONE OF THE CONTESTED CASES WHERE AN AGREEMENT HAS NOT BEEN REACHED.

Alvarez: OKAY, THANKS, MAYOR.

Mayor Wynn: COUNCIL IN 10 MINUTES I THINK THAT WE COULD PROBABLY -- MORE CLARITY -- SEPARATE MOTIONS PER TRACT, THERE BEING ONLY FOUR OF THEM, SO THE FIRST MOTION WOULD BE ON CASE Z-25, WOULD BE THE -- TRACT

1, WELL, THERE'S NO ZONING CHANGE TECHNICALLY,  
CORRECT?

CORRECT.

THAT WOULD BE KEEPING THE ZONING AS IT IS. AND THE  
PROPERTY OWNER WOULD BE COMING BACK IN WITH A  
PLAN AMENDMENT AND ZONING APPLICATION. MOST LIKELY  
A P.U.D., PLANNED UNIT DEVELOPMENT AT SOME TIME IN  
THE NEAR FUTURE.

Mayor Wynn: THAT REQUIRES NO ACTION THEN CORRECT?

THAT'S CORRECT. >> .

Mayor Wynn: SO UNLESS I HEAR A MOTION ON TRACT 1, THEN  
THE CURRENT ZONING REMAINS IN PLACE. AS OUTLINED BY  
STAFF. TRACT 3, COUNCIL, APPARENTLY THE MOTION  
WOULD BE TO CHANGE THE ZONING FROM L.I. TO C.S.-CO-NP  
WITH A CONDITIONAL OVERLAY WITH THE NUMBER OF -- IT'S  
THE SAME AS THE PLANNING COMMISSION'S  
RECOMMENDATION WITH THE FOLLOWING DELETIONS.

ACTUALLY, THE -- UNDER THE PROPERTY OWNERS COLUMN,  
THAT'S THE AGREEMENT THAT WAS REACHED. SO IT WOULD  
PROHIBIT AUTOMOTIVE RENTAL, AUTOMOTIVE REPAIR,  
AUTOMOTIVE SALES, AUTOMOTIVE WASHING, BAIL BONDS,  
EXTERMINATING SERVICES, FUNERAL SERVICES, INDOORS  
SPORTS AND REC, OUTDOOR SPORTS AND REC, PAWN SHOP  
AND SERVICE STATION.

SO COUNCIL I WOULD ENTERTAIN A MOTION ON TRACT 3, 201  
TO 309 EAST RIVERSIDE DRIVE TO CHANGE THE ZONING  
FROM L.I. TO CROSS-CO-NP WITH THE CO AS OUTLINED BY  
STAFF ON FIRST READING ONLY.

WELL, I'LL TRY IT OUT. I WILL MOVE TO APPROVE THE  
PROPERTY OWNER RECOMMENDATION, WHICH IS  
CONCURRED WITH BY THE NEIGHBORHOOD, AS OUTLINED IN  
THE COLUMN HERE WITH RESTRICTIONS OUTLINED IN THE  
COLUMN HERE MOTION TO BE FOR -- TO CLOSE THE PUBLIC  
HEARING AND FIRST READING ONLY.

Thomas: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MCCrackEN OFF THE DAIS. LASTLY, COUNCIL, WOULD BE A MOTION ON TRACT 28 AND 29 A, WHICH IS 2100 AND 2,216 SOUTH I-35.

THE AGREEMENT WAS ON THE HANDOUT THAT WAS JUST DISTRIBUTED TO YOU. THE CONDITIONAL OVERLAY WOULD PROHIBIT BAIL BONDS SERVICES, DROP OFF RECYCLING, EXTERMINATING SERVICES, PAWN SHOP SERVICES, AUTOMOTIVE WASHING, THE PROPERTY OWNER ALSO AGREES TO PREPARE A LETTER TO THE SOUTH RIVER CITY NEIGHBORHOOD ASSOCIATION STATING IF IT IS REDEVELOPED IN THE FUTURE THE OWNER IS WILLING TO DISCUSS ADDING A DRIVEWAY FROM 29 A TO I-35.

THANK YOU, COUNCIL, I WILL ENTERTAIN THAT FOR FIRST READING ONLY.

McCracken: I WILL MAKE THE MOTION --

Kim: I WILL MAKE THE MOTION AS OUTLINED BY STAFF.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER KIM TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY THIS MOTION, THAT I WILL SECOND. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0.

FINALLY 29 B. LOCATED ON I-35 AND MARIPOSA. THE AGREEMENT IS FOR GR-MU-CO-NP, THE CONDITIONAL

OVERLAY WOULD REQUIRE A 10-FOOT VEGETATIVE BUFFER ALONG I-35.

Mayor Wynn: THIS IS THE NEIGHBORHOOD COLUMN ESSENTIALLY.

YES.

Mayor Wynn: COUNCIL, I WILL ENTERTAIN THAT MOTION, TRACT 29 B, 2,000 SOUTH I-35. UNDER THE NEIGHBORHOOD COLUMN. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE -- CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY FOR TRACT 29 B, 2,000 SOUTH I-35, CHANGE IN ZONING TO GR-MU-CO-NP AND CO WOULD REQUIRE A 10-FOOT VEGETATIVE BUFFER ALONG THE EASTERN PROPERTY LINE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR.

THANK YOU, MR. SMITH. COUNCIL, THAT TAKE US TO OUR 5:35 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, WE WILL TRY TO GET THROUGH THOSE QUICKLY TO GET BACK TO BUSINESS, WE HAVE A BIG CROWD HERE. SO WE NOW TECHNICALLY WILL BE IN RECESS WHILE WE HAVE OUR LIVE MUSIC AND PROCLAMATIONS AND STAY TUNED FOR CHORUS AUSTIN. >>

Mayor Wynn: GOOD EVENING. WELCOME TO OUR 5:30 LIVE MUSIC GIG HERE AT THE CITY COUNCIL MEETINGS. JOINING US TODAY IS CHORUS AUSTIN, AN ORGANIZATION DEDICATING TO PROMOTING FINE CHORAL AND ORCHESTRA MUSIC THROUGH PERFORMANCES AND EDUCATION IN AUSTIN AND SURROUNDING COMMUNITIES. CHORUS AUSTIN IS UNDER THE DIRECTION OF KENNETH SHEPHERD AND PROUDLY SERVES AS THE UMBRELLA ORGANIZATION FOR THREE GROUPS, AUSTIN CIVIC CHORUS, A 100 VOICE

SYMPHONIC CHORUS, CHORUS AUSTIN CONSORT, A SMALL ENSEMBLE PERFORMING SACRED AND SECULAR MUSIC FOR PRIVATE EVENTS. PLEASE JOIN ME IN WELCOMING THEM FOR THEIR RENDITION OF DECK THE HALLS. [ (music) MUSIC PLAYING (music)(music) ] [ APPLAUSE ]

Mayor Wynn: [INAUDIBLE - NO MIC]. HOW DO WE SUPPORT YOU ALL?

CERTAINLY. WE HAVE PERFORMANCES WITH THE AUSTIN SYMPHONY. WE'RE PERFORMING ON DECEMBER THE 6TH. ON DECEMBER THE 10th WE HAVE A UNIQUE OPPORTUNITY FOR THE PEOPLE OF AUSTIN AND THE COMMUNITY TO ACTUALLY SING WITH US WITH CHORUS AND ORCHESTRA. THAT WILL BE ON DECEMBER THE 10th. ON DECEMBER THE 18th WE HAVE A PREHOLIDAY CONCERT -- FREE HOLIDAY CONCERT INTENDED FOR CHILDREN OF ALL AGES. WE'LL BE SINGING MUSIC FROM ALL DIFFERENT CULTURES CELEBRATING THE THE HOLIDAY SEASON. IF YOU WOULD LIKE TO MEET WITH US, YOU CAN JOIN US AT OUR WEBSITE AT [WWW.CHORUSAUSTIN.ORG](http://WWW.CHORUSAUSTIN.ORG). OR YOU CAN CALL US AT 719-3300.

Mayor Wynn: BEFORE YOU GET AWAY, WE HAVE AN OFFICIAL PROCLAMATION THAT READS: BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY MUSIC CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, CULTURAL AND MUSIC DIVERSITY AND WHEREAS THE CULTURAL EFFORTS OF AUSTIN MUSICIANS FURTHER OUR STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD. THEREFORE I, WILL WYNN, DO HERE BY PROCLAIM DECEMBER FIRST, 2005, AS CHORUS AUSTIN DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN CONGRATULATING CHORUS AUSTIN FOR OUR CONCERT TONIGHT. [ APPLAUSE ] PETITION.

Mayor Wynn: OKAY. WE HAVE A FEW SHORT PROCLAMATIONS THIS EVENING. AGAIN, WHAT WE TRY TO DO WITH THESE PROCLAMATIONS IS TO OFTEN TIMES SAY THANK YOU TO SOMEBODY OR SOME GROUP WHO IS HELPING US HERE IN THE AUSTIN COMMUNITY AND/OR TO PRESENT PUBLIC AWARENESS OF SOME PROGRAM OR SOME CAMPAIGN THAT WE THINK YOU SHOULD BE AWARE OF. BUT OUR FIRST

PROCLAMATION IS REGARDING H.E.B.'S 100TH YEAR ANNIVERSARY. H.E.B. IS A REMARKABLE CORPORATE CITIZEN IN THIS COMMUNITY. YOU PROBABLY SAW LAST WEEK THAT 10,000 PEOPLE WERE SERVED A WARM THANKSGIVING MEALS AT THEIR ANNUAL FEAST OF SHARING, WHICH IS A REMARKABLY MOVING PRODUCTION HERE IN AUSTIN EACH YEAR. IT ACTUALLY GOES ON ACROSS THE STATE. THERE WERE DOZENS OF THE SAME FEASTS WITH HUNDREDS OF THOUSANDS OF TEXANS BEING FED A FREE WARM THANKSGIVING MEAL, BUT HERE IN AUSTIN IT WAS VERY MOVING. WE FILLED UP THE NEW PALMER CIVIC EVENTS CENTER. WE HAD HUNDREDS OF CORPORATE VOLUNTEERS HELPING H.E.B. OUT, PEOPLE LIKE THE LCRA AND FOX NEWS STATION AND OTHERS WOULD HAVE THEIR EMPLOYEES THEIR ALONGSIDE H.E.B., BUT H.E.B. BEING THE FUNDING AGENT AND OF COURSE THE LOGISTICS AGENT FOR THIS REMARKABLE FEAST OF SHARING. SO WE'RE VERY PROUD TO HAVE H.E.B. IN THE AUSTIN COMMUNITY NOW FOR 100 YEARS. THEIR PROCLAMATION READS: BE IT KNOWN THAT WHEREAS H.E.B. STARTED AS A ONE FAMILY OWNER STORE IN KERRVILLE AND HAS GROWN TO INCLUDE 300 GROCERIES ACROSS TEXAS AND NORTHERN MEXICO, EMPLOYING 56,000 PEOPLE. AND WHEREAS BUILT ON THE EXORPT MOTTO THAT HE PROFITS MOST WHO SERVES BEST, THE COMPANY CONTINUES TO SUPPORT PUBLIC PROGRAMS AND CHARITIES IN THE COMMUNITIES WHERE THEIR STORES ARE LOCATED. AND WHEREAS THEY ARE PLEASED TO JOIN THE YWCA FOR JOINING H.E.B. FOR THEIR 11th YEAR SPONSORSHIP FOR THE Y'S WOMEN OF THE YEAR GALA THAT HONORS THE WOMEN WHO MAKE AUSTIN THE UNIQUE COMMUNITY THAT IT IS. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS RECOGNIZE H.E.B. FOR 100 YEARS OF CORPORATE CITIZENSHIP HERE IN AUSTIN, AND PLEASE JOIN ME IN CONGRATULATING A GREAT CORPORATE CITIZEN IN OUR COMMUNITY, H.E.B. [ APPLAUSE ] I'M GOING TO ASK RHONDA GOREMAN WITH THE YWCA TO SAY A FEW WORDS.

WE WOULD LIKE TO TAKE THE OPPORTUNITY TO PRESENT H.E.B. OUR OWN TOKEN OF APPRECIATION. WE TOO, THE YWCA OF GREATER AUSTIN WILL BE CELEBRATING OUR 100TH ANNIVERSARY IN 2007, SO WE'RE LOOKING FORWARD

TO CATCHING UP WITH H.E.B., BUT DON'T FORGET US, AND  
THANK YOU SO MUCH FOR ALL OF THE THE SUPPORT THAT  
WE HAVE RECEIVED FROM H.E.B. THROUGHOUT THE YEARS.  
[ APPLAUSE ]

I REALLY APPRECIATE THIS PIECE, AND I AM STANDING HERE  
ON BEHALF AND I SEE SOME GREAT H.E.B. PARTNERS IN THE  
ROOM ON THE 8,000 PARTNERS HERE IN CENTRAL TEXAS  
HERE TO ACCEPT THESE AWARDS. BUT REALLY WANTED TO  
COME HERE AND REALLY THANK THE AUSTIN COMMUNITY.  
WE WOULDN'T BE IN BUSINESS FOR 100 YEARS IF YOU DIDN'T  
SHOP WITH US. AND WE DON'T FORGET THAT ONE MINUTE  
OF ANY DAY. SO THANKS FOR ALL YOUR SUPPORT AND  
WE'RE LOOKING FORWARD TO THE NEXT 100 YEARS. [ APPLAUSE ]

Mayor Wynn: FOR OUR NEXT TWO PROCLAMATIONS I'D LIKE  
TO RECOGNIZE MAYOR PRO TEM DANNY THOMAS. [ APPLAUSE ]

Thomas: THANK YOU FOR THIS OPPORTUNITY. THE MAYOR  
HAS TO STEP OUT. AT THIS TIME WE WILL PRESENT A  
PROCLAMATION FOR CHILDREN'S HOSPITAL MIRACLE MARK  
DAY DAY TO COME FORWARD. YOU HAVE A GREAT CHARITY  
HOSPITAL THAT'S ABLE TO HELP KIDS COME BACK, RETURN  
HOME HEALTHY, AND I THINK THE DELL'S CHILDREN'S  
HOSPITAL AND MEDICAL CENTER WILL EX-SEM PLA FI THAT.  
THE PROCLAMATION READS THAT BE IT KNOWN THAT  
WHEREAS THE DELL'S CHILDREN MEDICAL HOSPITAL NOW  
UNDER CONSTRUCTION AT THE MUELLER AIRPORT SITE  
WILL PUT STATE-OF-THE-ART MEDICAL FACILITY AND  
TREATMENT FOR FAMILIES OF CENTRAL TEXAS RIGHT IN  
OUR OWN BACKYARD. AND IT SAYS, WHEREAS CHILDREN'S  
HOSPITAL VOLUNTEERS ARE HOSTING A MIRACLE MART  
FEATURING EXEMPLARY HOLIDAY SHOPPING WHICH  
PROVIDE FOOD FOR A VARIETY OF VENUES TO RAISE FUNDS  
FOR THE NEW MEDICAL FACILITY. AND WHEREAS WE ALL  
CALL ON ALL AUSTIN SITES TO ATTEND THIS TIMELY, FUN  
AND WORTH WHILE EVENT AND TO SUPPORT THE  
CHILDREN'S MEDICAL CENTER, WHICH WILL PROVIDE THE  
BEST MEDICAL CARE FOR ALL CHILDREN WITHIN OUR  
COMMUNITY, REGARDLESS OF THEIR ECONOMIC STATUS.  
NOW WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE



BY PROCLAIM DECEMBER THE 8TH, 2005 AS CHILDREN'S HOSPITAL MIRACLE MART TODAY. AND WE PRESENT THIS TO YOU. THANK YOU. [ APPLAUSE ]

WE JUST WANT TO THANK YOU VERY MUCH FOR HAVING US AND WANT TO LET EVERYONE KNOW THAT THIS IS DEFINITELY OPEN TO THE PUBLIC. IT'S A WEEK FROM TONIGHT AND IT'S FROM FIVE TO 9:00 O'CLOCK AT THE CHILDREN'S HOSPITAL. IT SHOULD BE A LOT OF FUN. WE HAVE SOME WONDERFUL LOCAL RESTAURANTS THAT HAVE ALL DONATED THEIR FOOD FOR US. AND IT'S ALL PUT ON AS YOU SAID BY THE VOLUNTEERS AT THE HOSPITAL. AND ALICIA, OUR VOLUNTEER DIRECTOR AT THE HOSPITAL, IS GOING TO TELL YOU A BRIEF MINUTE WITH WHAT THE FUNDS RAISED WILL BE GOING TOWARDS.

THANK YOU AGAIN FOR HAVING US THIS EVENING. WE'RE VERY PLEASED TO BE HERE. IF ANY OF YOU HAVE DRIVEN DOWN 35 RECENTLY, YOU'VE SEEN THAT BIG CATERPILLAR LOOKING BUILDING AT THE FORMER AIRPORT SITE. THAT IS THE CONSTRUCTION OF THE FUTURE DELL CHILDREN'S MEDICAL CENTER OF CENTRAL TEXAS. THIS 200-MILLION-DOLLAR PROJECT IS GOING TO TRANSFORM PEDIATRIC HEALTH CARE IN CENTRAL TEXAS AND THE REASON WHY THIS MIRACLE MARKET THAT THE VOLUNTEERS ARE PUTTING ON, A LOT OF YOU HAVE HEARD ABOUT SOME VERY GENEROUS FAMILIES AND CORPORATIONS SUCH AS H.E.B. SUPPORTING THIS PROJECT, BUT AS THE SAYING GOES, IT TAKES A VILLAGE TO RAISE A CHILD. AND THIS GROUP OF 175 VOLUNTEERS HAVE SIGNED A ONE-MILLION-DOLLAR PLEDGE TO SUPPORT THIS PROJECT IN ITS ENDEAVOR. AND THIS MIRACLE MARKET IS JUST ONE OF MANY CREATIVE WAYS THAT WE'RE GOING TO FULFILL THAT-MILLION-DOLLAR PREJUDICE PLEDGE. SO WE ENCOURAGE EACH OF YOU TO COME OUT AND JOIN US. AS YOU HEARD, IT'S NEXT THURSDAY, DECEMBER EIGHTH AS 5:00 AT THE CURRENT CHILDREN'S HOSPITAL. AND WE ENCOURAGE YOU ALL AS A COMMUNITY TO COME OUT AND JOIN OUR EFFORTS. THANK YOU AGAIN SO MUCH. [ APPLAUSE ]

Thomas: OUR NEXT PROCLAMATION, SOME OF THE COUNCILMEMBERS WANTED TO KNOW WHY THE CHAMBERS WAS SO FULL, THOUGHT IT WAS A ZONING CASE, BUT AS

YOU KNOW, WE HAVE WITH US -- THIS IS CALLED CHILD SAFETY PROGRAM DAY, AND WE KNOW THAT WITHOUT THE SCHOOL GUARD CROSSINGS, THE KIDS WOULD NOT BE SAFE CROSSING THE STREET GOING TO SCHOOL. IT IS AN HONOR AND A PRIVILEGE FOR ME TO PRESENT THIS PROCLAMATION BECAUSE I HAVE SOMEBODY THAT'S DEAR TO ME THAT ATTENDS CHURCH WITH ME, ONE OF OUR DEACONS THAT HELPS AT A CROSSING, AND THAT'S DEACON WALKER. SO I WOULD LIKE TO PRESENT THIS PROCLAMATION, AND IT READS: BE IT KNOWN THAT WHEREAS A REPORT OF SAFETY CHILD WORLDWIDE RANKED AUSTIN AS THE SAFEST CITY AMONG 47 METROPOLITAN AREAS IN THE UNITED STATES FOR CHILDREN WALKING TO AND FROM SCHOOL. AND WHEREAS MUCH OF THE CREDIT FOR THIS ACCOMPLISHMENT GOES TO THE CITY'S CHILD SAFETY PROGRAM STAFF, WHICH INCLUDES 195 CROSSING GUARDS, FIVE KID SAFETY TRAINERS AND THREE ADMINISTRATORS. AND WHEREAS WE ALSO CONGRATULATE THE PUBLIC AND PRIVATE ORGANIZATIONS THAT PARTNER WITH THE CITY IN ENCOURAGEMENT AND PROMOTING THE CHILD PEDESTRIAN SAFETY INITIATIVES THAT HAVE BEEN SO SUCCESSFUL IN PROTECTING OUR YOUNG PEOPLE. NOW THEREFORE WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM DECEMBER THE 1st, 2005 AS CHILD SAFETY PROGRAM DAY. LET'S GIVE THEM A ROUND OF APPLAUSE. [ APPLAUSE ]

I'D LIKE ALL THE CROSSING GUARDS TO PLEASE STAND BECAUSE I REALLY WANT TO THANK YOU FOR DOING THIS JOB. AND WOULD YOU AT LEAST COME UP TO THE DAIS. STAND IN FRONT OF THE DAIS, ALL OF YOU CROSSING GUARDS THAT WERE ABLE TO COME HERE. THIS IS FIRST TIME THAT SAFE KIDS WORLDWIDE HAS RANKED METROPOLITAN CITIES IN CHILD PEDESTRIAN SAFETY, AND AUSTIN WAS RATED AS THE SAFEST CITY IN THE UNITED STATES OF AMERICA FOR CHILDREN TO GO TO AND FROM SCHOOL. PART -- WE ARE THRILLED IN THE CHILD SAFETY PROGRAM THAT WE HELPED AUSTIN GET THIS RECOGNITION. THE CHILD SAFETY PROGRAM HAS 195 CROSSING GUARDS, AND WE CROSS 32,911 PEDESTRIANS EACH DAY GOING TO AND FROM SCHOOL. THE CROSSING GUARDS ARE ALSO TRAINED TO IDENTIFY AND REPORT

SUSPICIOUS BEHAVIOR, OVERGROWTH ON SCHOOL SIGNS, OVERGROWTH ON SIDEWALKS THAT PREVENT CHILDREN FROM USING THEM, AND MALFUNCTIONING SCHOOL ZONE FLASHERS. AND THEN TO THE SEVEN SCHOOL DISTRICTS WITHIN THE CITY OF AUSTIN, WE OFFER SAFETY TRAINING FOR ELEMENTARY SCHOOL CHILDREN, AND OUR SAFETY TRAINERS TRAINED 35,000 ELEMENTARY SCHOOL CHILDREN IN SAFE STREET CROSSING PROCEDURES LAST YEAR. AND THEN THEY TRAINED 15,000 PRE-K AND STUDENTS AT THE COMMUNITY SAFETY FAIRS. SO WE REALLY TAKE OUR COMMITMENT TO THE YOUNGEST AND MOST PRECIOUS CITIZENS OF AUSTIN VERY SERIOUSLY. WE ALSO PARTICIPATE IN A SAFE KIDS WORLDWIDE WALK THIS WAY IN OCTOBER EVERY YEAR, AND WE HAVE OUR OWN SAFE WALK TO SCHOOL BEFORE SCHOOL STARTS EACH YEAR TO RAISE THE AWARENESS FOR PARENTS AND FOR STUDENTS AND FOR THE COMMUNITY THAT SCHOOL IS FIXING TO START AND TO PLEASE LOOK OUT FOR OUR PEDESTRIANS. SO I WANT TO REALLY THANK THE MAYOR AND THE COUNCIL AND OUR CITY MANAGER FOR THEIR STAUNCH SUPPORT FOR CHILDREN'S PROGRAM BECAUSE AUSTIN IS DEFINITELY A PRO CHILD CITY. AND I REALLY WANT TO THANK THE CROSSING GUARDS FOR ALL THAT THEY HAVE DONE. GOOD JOB. [ APPLAUSE ]

Thomas: I THINK SHE WANTS A PICTURE, SO LET'S MOVE IN A LITTLE CLOSER.

Thomas: THANK YOU ALL VERY MUCH. [ APPLAUSE ]

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THE AUSTIN CITY COUNCIL. I APOLOGIZE FOR THE DELAY. MS. GLASGO, WE HAD GOTTEN THROUGH Z-3 AND Z-8 AND GOTTEN THROUGH THE NON-CONTENTIOUS CASES OF Z-23 THROUGH Z-25.

YES. AND WHAT WE HAVE LEFT RIGHT NOW ARE THE CHAMPION CASES. THEY ARE ITEMS 16, 17 AND 18. AND THEN WE HAVE ITEM 20, ANOTHER DISCUSSION CASE, AND 22. SO THOSE ARE THE CASES WE HAVE. I KNOW WE HAVE NUMBERS OF SPEAKERS -- EACH CASE HAS EITHER A LARGE NUMBER OF SPEAKERS OR JUST A FEW, SO I DON'T KNOW IF YOU WANT TO KNOW WHICH CASE HAS THE FEWEST

SPEAKERS AND CONSIDER THAT FIRST OR HEAR THE --

Mayor Wynn: ACTUALLY, I THINK WE NEED TO JUST TAKE THEM IN ORDER. FOLKS HAVE BEEN PATIENT ALL NIGHT. COUNCIL, I WILL SAY ON CASES Z-16, 17 AND 18, WHICH COLLECTIVELY WE'RE CALLING THE CHAMPION TRACT CASES, WE HAVE ONLY 23 PEOPLE SIGNED UP WISHING TO SPEAK, HOWEVER MANY OF THEM HAVE HAD MULTIPLE PEOPLE DONATE TIME TO THEM, SO THOSE 23 SPEAKERS WOULD ENCOMPASS ABOUT THREE HOURS OF TESTIMONY, 188 MINUTES ACCORDING TO THE COMPUTER. IF THERE'S -- AND THEN THERE'S ABOUT 80 FOLKS SIGNED UP NOT WISHING TO SPEAK ALL SIGNED UP IN OPPOSITION. WE HAVE ESSENTIALLY THE APPLICANT AND/OR AGENT SIGNED UP IN FAVOR WISHING TO SPEAK. SO THIS COULD BE AN OPPORTUNITY FOR US TO WAIVE COUNCIL RULES AND WITH PERHAPS CONSENT OF NEIGHBORS, JUST RECOGNIZING THAT WE COULD CARVE SOME TIME OUT OF THIS LENGTHY TESTIMONY, I WANT TO MAKE SURE THAT EVERYBODY'S ARGUMENT IS HEARD. WHY DON'T WE HAVE STAFF PRESENT THE CASE TO US, REMIND US OF WHY WE'RE HERE AND HOW WE GOT TO WHERE WE ARE, AND THEN SOME OF US ON THE DAIS CAN THINK THROUGH WHAT MIGHT BE A REASONABLE PLAN TO GET ALL THE VIEWPOINTS HEARD PERHAPS WITHOUT TAKING ALL THREE HOURS.

SO WE'RE GOING TO START WITH 16, 17 AND 18?

Mayor Wynn: YES.

WHILE THEY ARE SEPARATE CASES, WE ARE GOING TO PRESENT THEM AND DISCUSS THEM AS ONE PROJECT, AND I WILL GO AHEAD AND START OFF WITH THOSE CASES. WE REFER TO THEM AS THE CHAMPION CASES. THESE CASES ARE HERE AS A RESULT OF A LAWSUIT THAT WAS FILED BY THE PROPERTY OWNERS, AND THE CONTENTION WAS THAT THE PREVIOUS ZONING LIMITATION ON NUMBER OF VEHICLE TRIPS FOR THE ENTIRE DEVELOPMENT RESULTED IN THE FACT THAT IT WAS NOT CONSISTENT WITH THE 1996 SETTLEMENT AGREEMENT, WHICH DID NOT HAVE A TRIP LIMITATION. AFTER WORKING THROUGH IT, COUNCIL DIRECTED US TO GO THROUGH THE ZONING CASES IN ORDER TO INCREASE THE NUMBER OF TRIPS AND THAT'S

WHY WE'RE HERE TODAY, AFTER HAVING CASES THE -- TAKEN THE CASES THROUGH THE ZONING AND PLATTING COMMISSION AND HAVING COME HERE BEFORE YOU TODAY TO PRESENT THOSE CASES TO YOU. SO YOU CAN CONSIDER WHETHER YOU NEED TO INCREASE THOSE TRIPS IN ORDER TO BE CONSISTENT WITH THE 1996 SETTLEMENT AGREEMENT. WHAT I'LL DO IS PRESENT THE ZONING CASES, AND THE CASES REFLECT THE MEDIATED, AGREED UPON ITEMS, AND I WILL GO THROUGH THOSE THROUGH A SUMMARY SHEET THAT I'VE PRESENTED BEFORE YOU. I WILL START OFF BY PLACING SOME MAPS SO I CAN WALK YOU THERE THIS.

Mayor Wynn: ACTUALLY, MS. GLASGO, BEFORE YOU BEGIN THE PRESENTATION OF THIS SPECIFIC ZONING CASE, I KNOW IT WOULD HELP ME, AND PERHAPS EVEN SOME FOLKS IN THE AUDIENCE, IF WE COULD HAVE -- I KNOW THERE'S LIMITATIONS BECAUSE OF PENDING LITIGATION, BUT IF WE COULD HAVE A LEGAL SUMMARY AS TO WHAT WAS INVOLVED IN THE MEDIATION, WHY WE RECEIVED THE ADVICE THAT WE RECEIVED. AND TO THE EXTENT THAT IT CAN BE GIVEN, WHAT SOME OF THAT ADVICE WAS AND WHY AFTER HAVING WHAT SEEMED AS A DISCRETIONARY ZONING CASE TWO, THREE YEARS AGO, WHENEVER THAT WAS NOW, THREE OR FOUR YEARS AGO, TO THEN FEEL THE NEED TO REVISIT THIS CASE. SO PERHAPS IF -- DANA?

MS. DANA JOHNSON IS THE CITY ATTORNEY ASSIGNED TO THIS CASE AND SHE WILL GIVE YOU THE LEGAL OVERVIEW.

Mayor Wynn: THANK YOU.

MAYOR AND COUNCIL, DANA JOHNSON FROM THE LAW DEPARTMENT. I AM THE ATTORNEY THAT HAS BEEN HANDLING THE LITIGATION THAT WAS FILED BY THE CHAMPIONS IN I BELIEVE IT WAS FEBRUARY OF '04. AND THAT LITIGATION CHALLENGED THE PROPRIETY OF COUNCIL'S I THINK IT WAS MARCH 2000 ZONING ORDINANCES. IN MARCH OF 2000, WHAT COUNCIL DID WAS APPROVE REZONING OF THE CHAMPION TRACTS AND IMPOSE ON THOSE TRACTS TWO THINGS THAT THE CHAMPIONS CHALLENGE IN THIS 2004 LAWSUIT. ONE IS A SQUARE FOOTAGE LIMITATION IN A CONDITIONAL OVERLAY,

AND THE OTHER IS A VEHICLE TRIP PER DAY LIMITATION OF 6500 TRIPS. THAT'S WHAT COUNCIL DID IN MAY OF 2000.

Mayor Wynn: I'M SORRY. I DON'T THINK IT WAS MAY OF 2000. CAN WE -- FOR INSTANCE --

MARCH OF 2000. I CAN GO BACK PERHAPS IF THAT WOULD BE HELPFUL TO THE '93 LAWSUIT.

Mayor Wynn: NO. THERE'S THREE OF US UP HERE THAT DIDN'T GET SWORN INTO OFFICE UNTIL JUNE OF 2000, AND I'M REMEMBERING THIS CASE AT SOME POINT AFTER THAT OBVIOUSLY.

THERE WERE SOME REZONINGS IN I THINK BEGINNING IN '98 THAT DID CULMINATE IN THE MARCH 2000 IMPOSITION OF THE 6500 TRIP LIMITATIONS, BUT SUBSEQUENT TO THAT, MAYOR, YOU MAY BE REMEMBERING THAT I THINK THE APPLICANT, THE CHAMPIONS BROUGHT BACK SOME APPLICATIONS FOR REZONING TO TRY TO LIFT THOSE LIMITATIONS, AND THOSE WERE I THINK IN MARCH OF '04. THEN AS RECENTLY AS DECEMBER OF LAST YEAR, ABOUT A YEAR AGO, ONE OF THE CHAMPIONS' APPLICATIONS TO REZONE AND REMOVE THE TRIP LIMITATIONS CAME BEFORE COUNCIL. SO THAT MAY BE WHAT SOME OF THESE MEMBERS OF COUNCIL HAVE ENTERTAINED BEFORE.

Mayor Wynn: OKAY.

I'LL STEP BACK, I GUESS, TO THE '93 LAWSUIT. IN I THINK IT WAS 1994, THE CHAMPIONED HAD LITIGATION AND THAT LITIGATION CHALLENGED THE CITY'S ABILITY TO IMPOSE THE THEN CURRENT CWO WATERSHED REGULATIONS ON DEVELOPMENT OF THEIR PROPERTY. THAT CASE WAS HANDLED IN-HOUSE IN THE CITY ATTORNEY'S OFFICE, AND AFTER MUCH LITIGATION AND SOME DEPOSITIONS, MOTIONS FOR SUMMARY JUDGMENT THAT WERE NOT HEARD, SO THERE WAS NO RULING ON THAT, IN OCTOBER OF 1995 A SETTLEMENT PROPOSAL WAS BROACHED. COUNCIL DIRECTED THAT THE CASE BE SETTLED, BUT EVEN AFTER OCTOBER OF '95, IT TOOK UNTIL JUNE OF '96 FOR THE PARTIES TO COME TO A SETTLEMENT AGREEMENT. ESSENTIALLY WHAT THE CHAMPIONS HAD ALLEGED BACK IN

THAT '94 LAWSUIT WAS THAT THE THEN I THINK IT WAS 481, WHAT'S NOW 245, THE GRANDFATHERING STATUTES, PROHIBITED THE CITY FROM IMPOSING CURRENT REGULATIONS. AND THEY CLAIMED IN THAT LAWSUIT THAT THEY WERE SUBJECT ONLY TO THE IMPERVIOUS COVER AND OTHER RESTRICTIONS OF THE LAKE AUSTIN ORDINANCE. SO THAT WAS THEIR CLAIM BACK IN THE '94 LAWSUIT. THAT LAWSUIT WAS SETTLED IN 1996. AND THE 1996 COMPROMISE SETTLEMENT AGREEMENT IS WHAT EVENTUALLY GETS US HERE TODAY IN THAT IT IS THAT SETTLEMENT AGREEMENT THAT THE CHAMPIONS ARE CURRENTLY CLAIMING IS VIOLATED BY THE MARCH 2000 ZONING AND THE TRIP LIMITATIONS AND SQUARE FOOTAGE LIMITATIONS SPECIFICALLY. SO THE '96 SETTLEMENT AGREEMENT IS THE CONTRACT THAT IT IS CURRENTLY ALLEGED WAS BREACHED WHEN COUNCIL IMPOSED THE TRIP LIMITATIONS AND THE SQUARE FOOTAGE LIMITATIONS IN MARCH OF 2000. BRINGING US FORWARD, AS I SAY, THE CHAMPIONS HAVE BROUGHT FORWARD A COUPLE PREVIOUS TO THIS ONE APPLICATIONS TO REZONE AND REMOVE THE TRIP LIMITATIONS, HAVE NEGOTIATED WITH A NEIGHBORHOOD, BUT DID FILE THE CURRENT LAWSUIT IN I THINK FEBRUARY OF '04. THEY HAD CONTINUED TO NEGOTIATE WITH THE NEIGHBORHOOD AT THAT TIME AND HAD ACTUALLY BROUGHT FORWARD THESE OTHER CASES. COUNCIL VOTED I THINK 6-1 BACK IN DECEMBER NOT TO LIFT THE TRIP LIMITATIONS AND THE SQUARE FOOTAGE LIMITATIONS, SO THE LAWSUIT COMMENCED, IF YOU WILL, AGAIN OR -- BEGAN TO BE RELITIGATED AGAIN. AS COUNCIL IS PROBABLY AWARE, IN TRAVIS COUNTY WHERE THIS LAWSUIT IS FILED, IN ORDER TO NOT BE KICKED TO THE BOTTOM OF THE DOCKET, THE DISTRICT RULES REQUIRED THAT CASES BE MEDIATED. SO THE PARTIES WERE FACED WITH THE FACT THAT AT SOME TIME BEFORE THE JUDGE OR JURY WAS GOING TO HEAR THIS CASE, WE'RE GOING TO HAVE TO MEDIATE IT. SO IN JULY OF THIS YEAR, THE CASE WAS MEDIATED WITH AGAIN THE ISSUES IN FRONT OF THE PARTIES BEING THE CITY'S POSITION THAT THE MARCH 2000 ZONING WAS VALID AND DID NOT VIOLATE THE 1996 SETTLEMENT AGREEMENT AND THE CHAMPIONS' POSITION THAT IT DID. IN THAT LITIGATION THEIR CLAIMS WERE THREE. ONE IS AN INVERSE CONDEMNATION CLAIM, THE

SECOND IS A CLAIM THAT -- A REQUEST FOR A DECLARATORY JUDGMENT THAT TRIP LIMITATIONS VIOLATE THE SETTLEMENT AGREEMENT. AND THE THIRD IS A BREACH OF CONTRACT CLAIM SAYING THAT THE CITY UNDERTOOK SOME OBLIGATIONS IN THE '96 SETTLEMENT AGREEMENT AND DID NOT MEET THOSE OBLIGATIONS WHEN THEY PASSED THE MARCH OF 2000 ZONING ORDINANCES. SO THAT WAS WHAT MEDIATED IN JULY OF THIS YEAR. IT WAS MEDIATED BY FORMER DISTRICT JUDGE PATRICK KEEL, AND THE PARTIES WERE THERE PRETTY MUCH ALL DAY, CONTESTING THE ISSUES. SUBSEQUENT TO THAT MEDIATION, COUNCIL WAS PRESENTED WITH A POTENTIAL MEDIATED SETTLEMENT AGREEMENT IN -- I BELIEVE WE HAD A COUPLE OF EXECUTIVE SESSIONS IN WHICH CONFIDENTIAL LEGAL ADVICE WAS GIVEN BY MYSELF AND THE CITY ATTORNEY'S OFFICE TO COUNCIL SETTING OUT FOR COUNCIL THE STRENGTHS AND WEAKNESSES OF OUR CASE AND THE PROS AND CONS OF THE LITIGATION GOING FORWARD AS OPPOSED TO ACCEPTING THE MEDIATED SETTLEMENT AGREEMENT. THE MEDIATED SETTLEMENT AGREEMENT, OF COURSE, DID NOT COMMIT COUNCIL TO ANY PARTICULAR ZONING VOTE TODAY OR AT ANY TIME. WHAT THE MEDIATED SETTLEMENT AGREEMENT DID WAS IF COUNCIL WERE TO PASS, WHICH COUNCIL DID AUGUST 18th, IT WOULD SET IN MOTION REZONINGS OF THOSE THREE TRACTS, THE EFFECT OF WHICH REZONINGS WERE TO LIFT THE 6500 TRIP LIMITATIONS AND INCREASE THOSE TRIPS TO 11,000. THE SECOND -- THERE WERE A NUMBER OF OTHER PROVISIONS THAT I THINK MS. GLASGO WILL GO OVER WHEN SHE GETS UP HERE, BUT ESSENTIALLY THE AGREEMENT WAS TO PROCESS FOR COUNCIL'S LATER CONSIDERATION, WHICH IS TONIGHT, WHETHER OR NOT THE REZONING WOULD BE APPROVED, THE TRIP LIMITATIONS LIFTED, AND THE LITIGATION WOULD GO AWAY. THE AGREEMENT ESSENTIALLY WAS THAT IF COUNCIL PASSED THESE REZONING, THE CHAMPIONS WOULD DISMISS THEIR LAWSUIT, WITHDRAW THEIR REQUEST THAT THE COURT DECLARE THAT TRIP LIMITATIONS ARE INVALID AND THEY WOULD DO SO WITHOUT SEEKING OR OBTAINING ATTORNEY'S FEES FROM THE CITY. SO THAT'S ESSENTIALLY WHAT COUNCIL PASSED IN AUGUST 18th. AFTER COUNCIL PASSED THAT, AGAIN, ALL COUNCIL DID WAS INSTRUCT



STAFF TO INITIATE THESE CASES. THE CASES WENT THROUGH THE ZONING PROCESS AND ARE BEFORE YOU AGAIN TODAY. AT THIS TIME IF COUNCIL PASSES OR APPROVES THESE THREE REZONING CASES, THE CHAMPIONS ARE OBLIGATED UNDER THE MEDIATION AGREEMENT TO DISMISS THE LAWSUIT WITHOUT ATTORNEY'S FEES AND WILL NO LONGER CLAIM IN ANY RESPECT THAT THE TRIP LIMITATIONS ARE VIOLATING THAT SETTLEMENT AGREEMENT. THAT'S THE OVERVIEW. IS THERE ANY QUESTIONS?

Mayor Wynn: THANK YOU, MS. JOHNSON. AND OBVIOUSLY THE CRUX OF THIS IS THAT IT SEEMS TO ME IS THE CONFIDENTIAL LEGAL ADVICE THAT WE HAVE RECEIVED. AND IS IT THAT IT'S NOT APPROPRIATE TO -- FOR YOU TO PUBLICLY SHARE THAT CONFIDENTIAL LEGAL ADVICE WITH US BECAUSE IT COULD THEN BE USED PERHAPS IN THE LAWSUIT?

CERTAINLY THAT'S A PRACTICAL REASON. OBVIOUSLY I'M PROHIBITED BY THE DISCIPLINARY RULES REVEALING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION, WHICH IS THE CONTEXT THAT NOT ONLY IN THIS CASE THE COUNCIL WAS GIVEN LEGAL ADVICE, BUT -- COUNCIL IS ALWAYS GIVEN LEGAL ADVICE, BUT YES, WHAT YOU POINT OUT IS THE PRACTICAL EFFECT IS OF COURSE THAT THIS LITIGATION REMAINS PENDING. WERE I IN A PUBLIC CONTEXT TO DISCLOSE MY LEGAL OPINION AND THAT OF MY COLLEAGUES ABOUT THE STRENGTH AND WEAKNESSES OF THE CASE, I WOULD SUGGEST MR. WAYLAND AND THE CHAMPIONS WOULD BE IN A BETTER POSITION THAN THEY ARE NOW. COUNCIL WAS GIVEN THAT ADVICE. COUNCIL WAS ALSO GIVEN AND SHARED THE CONFIDENTIAL STATEMENTS THAT WERE MADE IN THE MEDIATION BY THE MEDIATOR, WHICH I THINK ARE INSTRUCTIVE. THOSE TWO ARE CONFIDENTIAL, BUT COUNCIL WAS GIVEN THAT INFORMATION. AND AGAIN, NOT ONLY WOULD IT BE -- VIOLATE THE DISCIPLINARY RULES OF THE STATE BAR, IT WOULD BE INAPPROPRIATE AT THIS JUNCTURE WHILE THE LITIGATION IS PENDING FOR ME TO DISCLOSE THE ADVICE THAT COUNCIL WAS GIVEN.

Mayor Wynn: UNDERSTOOD. MY UNDERSTANDING, HOWEVER,

THOUGH, IS AFTER THE AUGUST ACTION BY THIS COUNCIL, I HAD ASKED THAT IN SOME FORM OR FASHION, RECOGNIZING THE LIMITATIONS FROM A LEGALITY STANDPOINT, THERE ARE SO MANY NEIGHBORS THAT HAVE BEEN INVOLVED IN THIS CASE FOR MORE THAN 15 YEARS, FAR LONGER THAN WE HAVE UP HERE, AND I WAS HOPEFUL THAT THERE COULD BE SOME TYPE OF SHARING OF SOME OF THAT ANALYSIS WITH SOME KEY NEIGHBORHOOD LEADERS WHO HAVE BEEN INVOLVED IN THIS CASE ALL OF THESE YEARS. DID THAT OCCUR? WAS THERE -- HOW MUCH COMMUNICATION WAS THERE?

YES. THERE WAS A SIGNIFICANT AMOUNT OF COMMUNICATION. ONE OF THE THINGS WE DID WAS MEET I THINK RIGHT AFTER MR. CAMERON, I MET WITH MR. CAMERON, CAROL LEE, A COUPLE OF OTHER INDIVIDUALS WHOSE NAME ESCAPES ME RIGHT AT THIS MOMENT, AND SHARED WITH THEM AS MUCH AS WE WERE ABLE TO SHARE. AND THE WAY WE DID IT IN THAT MEETING, WHICH IS ALSO THE WAY I DID IT IN A NUMBER OF E-MAILS AND THINGS THAT I PASSED OUT AT THAT MEETING AND HAVE SUBSEQUENTLY SENT AND DISCUSSED, WHAT I DID WAS POINT OUT TO THE NEIGHBORHOOD REPRESENTATIVES WHAT THE CHAMPIONS' CONTENTIONS ARE. THEN I WAS ABLE TO PROVIDE -- AND ALL OF THIS INFORMATION HAS BEEN PROVIDED MANY, MANY TIMES TO MANY NEIGHBORS -- WHAT SPECIFIC PROVISIONS OF THE '96 COMPROMISE SETTLEMENT AGREEMENT THE CHAMPIONS ALLEGE WERE VIOLATED. AND WHAT I WAS ABLE TO DO WAS SHARE WITH THE NEIGHBORHOOD ASSOCIATIONS, HERE'S THE '96 SETTLEMENT AGREEMENT, HERE IS THE '94 LAWSUIT, HERE ARE THE PROVISIONS THAT CHAMPIONS CONTEND VIOLATE THE SETTLEMENT AGREEMENT, HERE ARE THE WORDS, AND ALLOW THE NEIGHBORS TO AT THAT POINT EVALUATE WHETHER IN THEIR -- GIVE WHATEVER EVALUATION THEY WERE ABLE TO ABOUT WHETHER OR NOT THE CITY'S POSITION WAS A GOOD ONE OR BAD ONE. SO I -- AND I KNOW STAFF SPENT MANY, MANY HOURS WITH THE NEIGHBORS AND ALLOWING THE NEIGHBORS, CERTAIN REPRESENTATIVES TO GO THROUGH THE FILES OF THE ZONING AND PLATTING COMMISSION SO THE HISTORY COULD BE OUT THERE AND WELL-KNOWN BY THE

NEIGHBORHOOD. AGAIN, I'VE SPENT A LOT OF TIME ON THE PHONE IN THE LAST FEW WEEKS WITH VARIOUS NEIGHBORHOOD REPRESENTATIVES SHARING AS MUCH AS I THINK WOULD BE APPROPRIATE AND LEGAL OF THE POSITIONS IN THE MANNER THAT I'VE DESCRIBED SO THAT THEY KNOW WHAT THE CHAMPIONS ARE SAYING, THEY KNOW WHAT PROVISIONS OF THE COMPROMISE SETTLEMENT AGREEMENT ARE URGED AS BEING VIOLATED, AND GIVING AS MUCH INFORMATION AS I CAN.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS FOR MS. JOHNSON, COUNCIL? THANK YOU, MS. JOHNSON. SO MISS GLASGO, IF YOU COULD THEN BRIEFLY AS PRACTICAL PRESENT THE CASES.

MAYOR AND COUNCILMEMBERS, ALICE GLASGO AGAIN. THE MAP BEFORE YOU REFLECTS THE ENTIRETY OF THE ZONING CASES THAT ARE BEFORE YOU THAT ARE REFERRED TO AS THE CHAMPION TRACTS. TRACT 1 IS IN ORANGE, AND THAT TRACT COMPRISES MULTI-FAMILY ZONING, MF-1-CO, SF-2-CO TO THE NORTH. LR-CO, WHICH IS REFERRED TO AS THE SKEET RANGE TRACT. THERE IS GO-CO CLOSE TO 2222 AND 360 FOR TRACT 1. THE CONDITIONAL OVERLAY HERE INCLUDES THE TRIP LIMITATIONS OBVIOUSLY THAT WERE IMPOSED BEFORE. I'M JUST GOING TO ORIENT YOU A LITTLE BIT BEFORE I WALK YOU THROUGH THE EXISTING ZONING AND PROPOSED ZONING WHICH INCORPORATES THOSE CONDITIONS WHICH WERE PART OF THE MEDIATION. AGREEMENT. THE TRACT IN GREEN IS TRACT NUMBER 2 AND THIS IS A CASE -- A TRACT WHERE THE ZONING CHANGE IS GOING TO CHANGE, AND THEN THE BLUE IS TRACT 3, AND THAT IS ITEM NUMBER Z-16. MAYOR AND COUNCILMEMBERS, IN FRONT OF YOU YOU HAVE A CHART THAT IS LABELED CHAMPION CASES, AND THIS IS JUST TO WALK YOU THROUGH THE DIFFERENT ZONING DISTRICTS, JUST SO EVERYBODY UNDERSTANDS WHAT IS EXISTING. ITEM NUMBER Z-18 IS REALLY TRACT NUMBER 1, AND ON THIS PARTICULAR CASE THE ZONING CASES THAT EXIST OR THE ZONING DISTRICT THAT EXISTS, AS I INDICATED EARLIER, WERE MF-1-CO, GO-CO AND SF-2-CO. THE CONDITIONS THAT EXIST TODAY ON TRACT 1 ARE AS FOLLOWS: 235,000 SQUARE FEET OF OFFICE, 4,000 SQUARE FEET OF RETAIL, AND 6500 VEHICLE TRIP LIMIT, WHICH IS SHARED WITH TWO

OTHER TRACTS. THAT IS TRACTS 1, TRACTS 2 AND 3. THE PROPOSED ZONING AND CONDITIONS FOR TRACT 1 ARE AS FOLLOWS: AND THIS IS BASED ON THE MEDIATION AGREEMENT. THE SKEET RANGE TRACT IS TO BE ZONED FROM LR-CO TO GR-MU-CO. THE CONDITIONAL OVERLAY ADDRESSES THE FOLLOWING: THE TRIP LIMITATION IS 11,000 ADJUSTED TRIPS TO BE SHARED WITH THE OTHER TWO TRACTS. ROOFTOP HEIGHT LIMITED TO 820 FEET ABOVE SEA LEVEL. THIS IS YOUR CONTOUR LINE PLUS ELEVATION. THERE'S A REQUIREMENT THAT THE APPLICANT WILL POST OR THE OWNER OF THE PROPERTY WILL POST \$40,000 OF FISCAL AT THE TIME OF SITE PLAN FOR TRAFFIC IMPROVEMENTS ALONG FM 2222, AND THIS CONDITION APPLIES -- IT'S A ONE TIME FEE THAT APPLIES -- THAT COVERS ALL THREE TRACTS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] POSTING OF \$40,000 FOR THE TRAFFIC IMPROVEMENTS ALONG F.M. 2222. TRACT 2, WHICH IS THE WESTERN TRACT, WEST OF CITY PARK ROAD, THE EXISTING ZONING IS DEVELOPMENT RESERVE, AND LR-CO, THE CURRENT CONDITIONS TODAY ARE 4,000 SQUARE FEET OF RETAIL AND A TRIP LIMITATION OF 6500 VEHICLE TRIPS PER DAY. THE ZONING THAT IS SOUGHT FOR TRACT 2 IS GR-MU-CO, IT WOULD LIMIT TO 11,000 ADJUSTED TRIPS SHARED WITH THE OTHER TWO TRACTS. THE ROOF TOP HEIGHT HERE WOULD BE LIMITED TO 828 FEET ABOVE SEA LEVEL. AND THE POSTING OF FISCAL FOR F.M. 2222 APPLIES TO EACH TRACT. I WOULD LIKE TO SHOW YOU A MAP THAT EXPLAINS WHAT WE MEAN 828 FEET ABOVE SEA LEVEL BECAUSE YOU HAVE OTHER CONDITIONS THAT APPLY. COUNCILMEMBERS, YOU HAVE THIS MAP IN FRONT OF YOU. THERE IS A SLOPE MAP, A CONTOUR MAP THAT SHOWS YOU THESE SEVERAL RESTRICTIONS OR DEVELOPMENT STANDARDS THAT APPLY TO THIS PARTICULAR PROPERTY. I WOULD LIKE TO ADD THAT UNDER WATERSHED REGULATIONS THE APPLICABLE WATERSHED ORDINANCE IS ONLY AUSTIN WATERSHED ORDINANCE THAT WILL CONTROL THE AMOUNT OF IMPERVIOUS COVER THAT WILL BE DEVELOPED ON THE TRACTS. THE HILL COUNTRY ROADWAY ORDINANCE THAT WAS APPROVED UNDER -- THAT IS APPLICABLE TO THIS PROPERTY REQUIRES THAT -- THAT THE PROJECT COMPLY WITH CERTAIN HEIGHT LIMITS. BUT UNDER THE 19 1996 SETTLEMENT AGREEMENT, UNDER THE

HILL COUNTRY ROADWAY ORDINANCE, THAT AGREEMENT MODIFIED THE SETBACK REQUIREMENT FROM 2222 THAT YOU HAVE A REQUIREMENT THAT THERE BE 100-FOOT BUFFER THAT IS UNDISTURBED ALONG 2222, THAT WAS REDUCED IN THE SETTLEMENT AGREEMENT FROM 25 FEET FROM 100 FEET TO 25 FEET. SO THE MAP BEFORE YOU SHOWS YOU BASICALLY THE COLORS THAT ARE REFLECTED HERE, YELLOW MEANS THE HIGH INTENSITY ZONE OF THE HILL COUNTRY ROADWAY ORDINANCE. MAYBE I SHOULD AT THIS POINT EXPLAIN WHAT THE HILL COUNTRY LOOKED WAY ORDINANCE DOES. IT IS DIVIDED INTO THREE CATEGORIES. THE ROADWAYS THAT ARE AFFECTED BY THE HILL COUNTRY ROADWAY ORDINANCE DESIGNATES WHICH AREAS RECEIVE HIGH INTENSITY DEVELOPMENT AND WHICH CORRIDORS RECEIVE LOW INTENSITY DEVELOPMENT AND THOSE THAT RECEIVE A MODERATE INTENSITY. THE CHAMPION TRACTS HAVE ALL OF THOSE INTENSE INTENSITIES. THE YELLOW REFLECTS THE HIGH INTENSITY ZONE UNDER THE HILL COUNTRY ROADWAY ORDINANCE, BASICALLY WITHIN A THOUSAND FEET OF THE INTERSECTION OF TWO STATE MAINTAINED HIGHWAYS WHICH 2222 IS AND 360. THE GREEN REFLECTS THE LOW INTENSITY ZONE WHILE THE ORANGE IS THE MODERATE INTENSITY ZONE. THE HIGH INTENSE SEE INTENSITY ALLOWS BUILDING HEIGHT UP TO 350 FEET, GREEN HEIGHT LIMIT HERE FOR ALL BUILDINGS IS 28 FEET, THE ORANGE DESIGNATION MEANS THAT ALL BUILDINGS WILL BE NO HIGHER THAN 40 FEET. THE MAP ALSO SHOWS YOU A CONTOUR AND AN ELEVATION NUMBERS. IF YOU LOOK AT THE TRACTS THAT ARE SOUTH OF CITY PARK ROAD AND F.M. 2222 YOU SEE SOME HOMES, COMPATIBILITY STANDARDS ARE TRIGGERED BY PROPERTIES THAT ARE USED FOR SINGLE FAMILY PURPOSES ALL ZONED FOR SINGLE FAMILY, UNDER SINGLE FAMILY ZONING. THE PROPERTIES THAT ABUT TRACTS 2 AND 3, SOUTH OF CITY PARK ROAD TRIGGER COMPATIBILITY STANDARDS WHICH WILL REQUIRE THAT -- THAT WITHIN 25 FEET OF THE REAR PROPERTY LINES THERE WILL BE NO DEVELOPMENT BETWEEN -- BETWEEN 25 FEET UP TO 100 FEET BUILDINGS MAY NOT EXCEED THE HIGHEST THE BUILDINGS CAN GO IS 40 FEET. SO WHAT YOU HAVE HERE, TWO REQUIREMENTS ON HEIGHT, COMPATIBILITY STANDARDS FROM THE SOUTH WILL PROVIDE A SETBACK FROM THE REAR THAT UP TO A

POINT OF 100 FEET FROM THE BACK, THE MAXIMUM HEIGHT THAT CAN BE ACHIEVED IS 40 FEET FROM F.M. 2222 UNDER THE HILL COUNTRY ROADWAY ORDINANCE FOR THE AREAS THAT ARE GREEN, THE MAXIMUM HEIGHT WOULD BE [INDISCERNIBLE], ORANGE MAXIMUM BUILDING HEIGHT WILL BE 40 FEET. SO THIS IS INTENDED TO ILLUSTRATE WHAT KIND OF HEIGHTS THAT YOU MIGHT ACHIEVE EVEN THOUGH WE ARE SAYING THAT THE MAXIMUM HEIGHT WILL NOT EXCEED THE 820 SEA LEVEL ELEVATION, THIS WAS BASED ON THE CONTOUR LEVELS SO THAT YOU CAN SEE HOW THE ELEVATION OCCURS ON THIS PARTICULAR TRACT. THE -- I BELIEVE MAYOR AND COUNCILMEMBERS, THAT CONCLUDES MY SUMMARY OF THE ZONING AS RELATES TO THOSE ITEMS THAT WERE MEDIATED AND I BELIEVE THAT SUMMARY SHEET SUMMARIZES OR CAPTURES ALL OF THE ELEMENTS THAT ARE PART OF THE REZONING BEFORE YOU. I'LL BE GLAD TO ANSWER ANY QUESTIONS AT THIS POINT.

Mayor Wynn: THANK YOU, MS. GLASGO. QUESTIONS FOR STAFF, COUNCIL? COUNCILMEMBER LEFFINGWELL?

Leffingwell: I'M STILL CONFUSED ABOUT THE HEIGHT LIMITATIONS. SEEMS TO ME LIKE WE ARE TALKING ABOUT TWO DIFFERENT RESTRICTIONS, WE HAVE GOT A -- AN ABSOLUTE HEIGHT RESTRICTION IN SOME AREAS OF 28 FEET THAT WOULD BE FROM THE GROUND OR WHEREVER IT'S APPROPRIATE TO MEASURE ON THE GROUND TO THE TOP OF THE BUILDING. SOME 40, SOME 53. CORRECT. THEN WE ALSO HAVE AN OVERALL LIMITATION OF 820 FEET. ABOVE MEAN SEA LEVEL.

CORRECT.

AND THAT WAS REALLY INTENDED TO ENSURE THAT WHEN -- WHEN PROJECTS ARE DESIGNED ANYWHERE ON THIS PROPERTY, GIVEN THE DIFFERENT ELEVATIONS THAT YOU HAVE ON THIS PROPERTY AND THE CONTOURS THAT YOU WOULD HAVE, YOU KNOW, THE PROJECTS WOULD NOT EXCEED THAT. SO IN ANY CASE YOU HAVE GOT THE ABSOLUTE HEIGHT RESTRICTION DEPENDING ON WHAT ZONE YOU ARE, BUT IN NO CASE COULD YOU EXCEED 820 MSL.

THAT'S CORRECT.

Leffingwell: TWO DIFFERENT LIMITATIONS.

EXACTLY. THE REASON THAT WE CAME UP WITH THAT NUMBER, WE LOOKED AT THE HIGHEST POINT ALONG THE HOMES THAT ARE LAWN COURT TO THE SOUTH OF TRACT 2 OR TRACT 3 AND THAT GIVES YOU AN ELEVATION OF 830 FEET AND WHAT WE DO IS YOU MEASURE OBVIOUSLY YOU HAVE THE CONTOUR LINE, THE HOMES HAVE BEEN BUILT ABOVE THERE, OUR GEOGRAPHIC INFORMATION SYSTEM IS ABLE TO GIVE YOU THE CONTOUR AND THE ELEVATION OF THE HOMES AND GIVES YOU WHERE THAT ELEVATION IS, SO AT 830 FEET, THAT'S WHERE THOSE HOMES ARE, AS YOU LOOK A LITTLE BIT LOWER ON THE CHAMPION TRACTS, SO THAT'S WHY WE USE THAT.

EXCUSE ME.

IT'S ALMOST IMPOSSIBLE FOR ME TO TELL, LOOKING AT THIS CHART HERE, TAKING ASIDE THE TRIP LIMITATIONS, TAKING THAT OUT OF THE EQUATION, WHICH IN EFFECT, AS I UNDERSTAND IT, THE 6500 TRIPS TO BE DIVIDED AMONG THE THREE TRACTS THAT WE ARE CONSIDERING HERE IS IN EFFECT 0 OR VERY NEAR 0. THAT'S -- THAT'S NEARLY ALL OF THAT 6500 HAS ALREADY BEEN USED UP IN --

Glasgo: CORRECT. I CAN GIVE YOU A SUMMARY OF THE -- TODAY THE PROPERTY HAS 6500 TRIPS ON THE ENTIRE DEVELOPMENT, WHICH COMPRISES 203 ACRES, THE ENTIRE ALL THREE TRACTS EQUATE TO 203 ACRES. OF THE 6500 TRIPS TODAY, 5,170 TRIPS HAVE BEEN USED. YOU HAVE A BALANCE OF 1,130 TRIPS LEFT.

Leffingwell: DIVIDED TO BE --

Glasgo: CORRECT.

Leffingwell: IN A SENSE INSTEAD OF 6500, IT SHOULD BE 1100 SOMETHING, NET.

Glasgo: CORRECT. UNUSED AS FAR AS UNASSIGNED TO ANY

DEVELOPMENT AT THIS POINT.

Leffingwell: OKAY, HOW CAN I TELL FROM LOOKING AT THIS CHART, COMPARING EXISTING ZONING TO PROPOSED ZONING? HOW CAN I TELL WHICH IS MORE INTENSE? WITHOUT -- WITHOUT CONSIDERING TRIP LIMITATIONS.

OKAY, I CAN WALK YOU THROUGH THAT. ON TRACT 1 THE ONLY CHANGE THAT IS OCCURRING IS WHERE YOU ARE GOING, IF YOU SEE UNDER EXISTING ZONING, YOU HAVE LR-CO, COME DOWN TO THE CHART THAT'S THE ONLY CHANGE THAT IS OCCURRING GR-MU-CO.

I HAVE UNDER EXISTING A LIMITATION OF 230,000 SQUARE FEET OF OFFICE.

CORRECT.

AND UNDER THE PROPOSED I DON'T SEE ANY LIMITATION.

UNDER THE PROPOSED, THERE ARE NO LIMITS, BUT ACTUALLY THE OFFICE DEVELOPMENT ALREADY HAS THE 230,000 SQUARE FEET -- ALREADY HAS AN APPROVED SITE PLAN FOR -- FOR SOME OFFICE DEVELOPMENT.

Leffingwell: UNDER THE EXISTING?

Glasgo: 230 TRIPS I MEAN OFFICE SPACE HAS -- THAT HAS BEEN ASSIGNED.

OKAY. SO ARE YOU SAYING THAT WOULD BE --

Leffingwell: WOULD ALSO BE LIMITED TO 230,000, IS THAT WHAT YOU ARE SAYING.

Glasgo: WE ARE NOT RECOMMENDING THAT YOU LIMIT IT ANY BECAUSE THE TRIPS WOULD TAKE CARE OF THE SQUARE FOOTAGE. THE MEDIATION AGREEMENT WAS TO REMOVE ALL THE SQUARE FOOTAGE LIMITATIONS AND JUST FOCUS ON THE TRIPS BECAUSE YOU ALREADY HAVE THE TRIPS, THE 6500 IS ALREADY ALLOCATED TO THE 230,000 SQUARE FOOT APPROVAL THAT HAS ALREADY OCCURRED.



Leffingwell: YEAH. SO YOU IF HAD ALL 11,000 OF THOSE TRIPS ALLOCATED TO TRACT 1, UNDER THE NEW CONDITIONS, WOULD THAT -- HOW MANY -- DO YOU HAVE A FEEL FOR HOW MANY SQUARE FEET OF OFFICE THAT WOULD ALLOW?

Glasgo: WELL, WE DON'T HAVE -- OF THE 11,000 SQUARE FEET, YOU SUBTRACT WHAT IS USED UP, YOU HAVE 5830 TRIPS LEFT AND THAT MIGHT GIVE YOU -- APPROXIMATELY TWICE AS MUCH -- APPROXIMATELY TWICE AS MUCH OFFICE SPACE PROBABLY 400 SOME THOUSAND SQUARE FEET OF OFFICE,.

400,000?

Glasgo: BECAUSE YOU HAVE 230,000 SQUARE FEET OF OFFICE GIVES YOU 2400 TRIPS I'M SORRY 4,000 TRIPS. 4,000 TRIPS. APPROXIMATELY.

Leffingwell: 230,000?

Glasgo: YES. SQUARE FOOT BUILDING.

Leffingwell: POTENTIALLY WE COULD BE TALKING ABOUT SOMETHING, BASED ON TRIPS ALONE, SOMETHING LIKE DOUBLE THE SQUARE FEET OF OFFICE?

BUT THE -- MY UNDERSTANDING IS THAT IT'S NOT -- IT'S POSSIBLE THAT THERE WILL BE OTHER USES OTHER THAN OFFICE USE THAT ARE FOR TRACT 1 THE CHANGE IN ZONING TO GR-MU WOULD ALLOW FOR RETAIL USES AS OPPOSED TO OTHER OFFICE DEVELOPMENT, ALTHOUGH THAT'S NOT LIMITED.

Leffingwell: OKAY. CAN I TURN NOW TO LAND DEVELOPMENT CODE, ENVIRONMENTAL SETBACKS FROM -- FROM CREEKS, OTHER CRITICAL FUTURES.

YES.

Leffingwell: IS THERE ANY CHANGE BETWEEN THE EXISTING APPROVED DEVELOPMENT AND WHAT THIS ZONING DOES? WHAT ANY POTENTIAL SETTLEMENT WOULD DO?

THE ZONING DOES NOT CHANGE ANY OR CREATE ANY OTHER LIMITATIONS REGARDING SETBACKS FROM -- FROM AN ENVIRONMENTAL STANDPOINT. WHATEVER IS CONTROLLED UNDER THE ORDINANCE THAT'S WHAT WOULD CONTROL FOR ALL YOUR WATER QUALITY AND WATER ENVIRONMENTAL REGULATIONS. SO THIS IS NOT CHANGING ANY OF THAT.

Leffingwell: UNDER [INDISCERNIBLE] UNDER ANY POSSIBLE SCENARIO AT THIS POINT; IS THAT RIGHT?

Glasgo: AT THIS POINT NONE, THAT'S CORRECT.

>>PROFESSOR: NOW, I HAD WONDERED EARLIER IF WE COULD GET SOME KIND OF COMPARISONS BETWEEN WHAT IS ALLOWED UNDER THIS, THE EXISTING ING AGREEMENT AND WHAT WOULD BE ALLOWED UNDER THE PRESENT CODE.

Glasgo: THE COMPREHENSIVE WATERSHED'S ORDINANCE OR THE --

Leffingwell: IF SOMEBODY FROM WATERSHED CAN ANSWER THAT.

Glasgo: WE HAVE A TEAM OF STAFF HERE TO HELP ADDRESS QUESTIONS THAT MAY GO BEYOND MY TECHNICAL EXPERTISE. PAT MURPHY IS GOING TO ADDRESS QUESTIONS RELATED TO ENVIRONMENTAL REGULATIONS, JOE ZAPALAC WILL PROVIDE BEEFED UP INFORMATION ABOUT TRAFFIC AND THOSE PARTICULAR ELEMENTS AND HERE'S PAT MURPHY.

I'VE NEVER HEARD YOU SAY THERE WAS A LIMIT TO YOUR TECHNICAL EXPERTISE, ALICE.

Glasgo: WELL, THERE'S REALLY NO LIMIT OTHER THAN IT'S ONLY APPROPRIATE TO SHARE THE PODIUM WITH MY COLLEAGUES. [LAUGHTER]

Futrell: I KNOW. [LAUGHTER]

THANKS FOR SHARING, ALICE [LAUGHTER] I'M PATRICK MURPHY, ENVIRONMENTAL OFFICER WITH WATERSHED

PROTECTION DEVELOPMENT REVIEW DEPARTMENT. UNDER THE CURRENT CODE, THERE WOULD BE A CRITICAL ZONE, WHICH WOULD EXTEND FROM 200 TO 4 400 FEET, DEPENDING ON THE WIDTH OF THE FLOODPLAIN. I DON'T HAVE AN EXHIBIT FOR YOU, BECAUSE WE HAVE NEVER DONE AN ACTUAL MAP AS PART OF A -- AS PART OF A SUBMITTAL TO THE CITY. THERE WOULD BE A TRANSITION ZONE FROM BULL CREEK BECAUSE IT IS A MAJOR WATERWAY THAT WOULD EXTEND ANOTHER 300 FEET. SO YOU WOULD HAVE A -- THANK YOU -- YOU WOULD HAVE A 200-FOOT MINIMUM CRITICAL THAT COULD EXTEND FURTHER UP TO 400 WITH THE FLOODPLAIN, THEN YOU WOULD HAVE A 300-FOOT TRANSITION ZONE WHICH WOULD BE LIMITED TO 18% IMPERVIOUS COVER AND THEN YOU WOULD HAVE THE [INDISCERNIBLE] AS YOU CAN SEE BY LOOKING AT THIS EXHIBIT AND I HAVE ANOTHER SLOPE MAP OVER HERE THAT SHOWS TOPOGRAPHY, YOU CAN SEE THAT THERE'S A LOT OF SLOPE LIMITATIONS AS WELL. AND UNDER CURRENT CODE, THEY WOULD BE RESTRICTED ON THOSE SLOPES. THEY WOULD -- MOST OF THEIR DEVELOPMENT WOULD HAVE TO OCCUR ON THE 0 TO 15% SLOPES. SO THE NET RESULT OF THOSE I DON'T HAVE A SPECIFIC ANSWER FOR YOU HERE. BUT IT WOULD -- IT WOULD LIMIT -- THERE WOULD BE FAIRLY SMALL AREAS OF UP LANDS LEFT THAT WOULD BE ON THE LESSER SLOPE CATEGORY UNDER CURRENT CODE. I'M CERTAIN OF THAT AND WE CAN PROVIDE YOU THAT IF YOU WOULD LIKE. UNDER THE EXISTING SETTLEMENT AND THE 84 LAKE AUSTIN ORDINANCE, THERE WAS NOT A SPECIFIC CREEK SETBACK. THERE WOULD HAVE BEEN A SETBACK REQUIRED FOR FLOODPLAIN, THERE WOULD HAVE BEEN A DRAINAGE EASEMENT REQUIRED THAT WOULD HAVE CONTAINED THAT 100 YEAR FLOODPLAIN, THERE WOULD BE LIMITATIONS OF 50% IMPERVIOUS COVER ON THE 0 TO 15% SLOPES, AND 15% ON THE 15 TO 25% SLOPES AND I BELIEVE 5% ON THE 25 TO 35% SLOPES, IMPERVIOUS COVER UNDER CURRENT REGULATIONS WOULD BE MY UNDERSTANDING WOULD BE 40% OF THE NET SITE AREAS. WHICH MEANS THAT YOU HAVE TO DEDUCT THE CRITICAL ZONE, TRANSITION ZONE, STEEPER SLOPES BEFORE YOU CALCULATE THAT COVERAGE. SO CURRENT CODE, THE RESULT WOULD BE LARGE SETBACKS FROM THE CREEK, THERE WOULD BE RESTRICTIONS ON SLOPES AND THERE

WOULD BE A -- AN IMPERVIOUS COVER AND CALCULATED ON THE DEVELOPABLE AREA ON THE TRACT. UNDER THE LAKE AUSTIN ORDINANCE, YOU WOULD HAVE A -- NO SETBACK FROM THE CREEK AND NO DEDUCTIONS FROM THE AREA CALCULATIONS ASSOCIATED WITH THE CREEK. BUT YOU WOULD HAVE MORE IMPERVIOUS COVER ON THE 0 TO 15% SLOPES, IT WOULD BE THE 50% AND THEN IT WOULD GET LESS AS YOU GOT ON THE STEEPER SLOPES. THESE TRACTS ARE CHALLENGED BY SLOPES AS WELL AS, OF COURSE, THE CREEK AND THE FLOODPLAIN. SO -- SO THAT'S MY BEST ANSWER TO YOUR QUESTION WITHOUT HAVING A GRAPHIC TO SHOW YOU THOSE THINGS.

Leffingwell: DO YOU HAVE ANY IDEA OF WHAT THE FLOODPLAIN WOULD BE FOR BULL CREEK AND THIS -- IN THIS AREA? HAS ANYBODY LOOKED AT THAT OR THE DRAINAGE?

WE HAVE LOOKED AT SOME --? CITY GIS BASED MAPS, IS THAT TYPICALLY WHAT YOU ARE GOING TO FIND ALONG BULL CREEK, THERE'S A HIGH SIDE AND A LOW SIDE. ON THE HIGH SIDE OF THE CREEK YOU ARE GOING TO HAVE A COMPRESSED FLOODPLAIN BECAUSE THE BANK IS GOING TO BE RISING RAPIDLY. ON THE LOWER SIDE LIKE IN THE -- I GUESS WHAT WE USED TO CALL THE SKEET RANGE TRACT, YOU ARE GOING TO HAVE A HAVE BROADER FLOODPLAIN AND ON THE FRONT PORTION OF THE TRACTS ON THE CITY PARK ROADSIDE OF 2222, YOU ARE GOING TO HAVE A FLOODPLAIN THAT'S GOING TO BE LARGER ON THE LOW SIDE OF THE CREEK BUT I DON'T HAVE A SPECIFIC LAND USE.

Leffingwell: BUT IN EITHER CASE, WITH OR WITHOUT THIS ZONING, WITH OR WITHOUT THE SETTLEMENT AGREEMENT THE -- THE ORDINANCE THAT YOU JUST DESCRIBED WOULD APPLY.

THAT'S CORRECT. IT WOULD BE THE '84 LAKE AUSTIN ORDINANCE AS AMENDED BY -- I BELIEVE IT WAS MARCH OF '84, WHICH ESTABLISHED THE -- THE REGULATIONS AND THEN THE COMMERCIAL DEVELOPMENT WAS FURTHER LIMITED BY THE DECEMBER '84 ORDINANCE FROM A PREVIOUS 65% DOWN TO 50%.

Leffingwell: OKAY, FINALLY THE '84 ORDINANCE WOULD PROVIDE NO SETBACK PROTECTION FOR ANY CRITICAL ENVIRONMENTAL FEATURES SUCH AS RIM ROCKS, SPRINGS, SEEPS.

THAT'S CORRECT. THERE ARE NO CRITICAL ENVIRONMENTAL FEATURE SETBACKS SPECIFICALLY IDENTIFIED IN THE LAKE AUSTIN ORDINANCE.

THANK YOU.

YOU'RE WELCOME.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS FOR STAFF? WELL, SO COUNCIL WE -- HAVE A COUPLE OF HOURS WORTH OF OPPOSITION TESTIMONY SIGNED UP TO SPEAK. AGAIN JUST A COUPLE OF DOZEN FOLKS, BUT MOST OF THEM HAVE HAD TWO TO THREE FOLKS DONATE NINE OR 12 MINUTES TO THEM. UM ... IF I DON'T HEAR A --

ALTHOUGH WE HAVE DONATED THAT MUCH TIME, I DON'T THINK MOST OF OUR SPEAKERS REQUIRE THAT MUCH TIME.

Mayor Wynn: YOU COULD CURRY SOME FAVOR, PERHAPS, BY --

[INAUDIBLE - NO MIC]

THAT'S WHY THEY ALL WANTED TO DONATE THEIR TIME.

Mayor Wynn: FAIR ENOUGH.

[INDISCERNIBLE] IN 2000, 2004, IF I HAVE 10 KEYNOTE SPEAKERS, PREPARE A MULTI-MEDIA PRESENTATION TO PROVIDE THE AREAS OF CONCERN THAT THE NEIGHBORHOOD [INDISCERNIBLE] INDIVIDUALLY. IF YOU WOULD ALLOW US TO DO 2000, 2004 DID, LET THEM PROCEED AND PROVIDE A VERY SUCCINCT AND CONCISE MANNER, I THINK IT WOULD EXPEDITE THE PROCESS OF INFORMATION GATHERING [INAUDIBLE - NO MIC] I HOPE THAT YOU WILL ALLOW US TO DO THAT. I APOLOGIZE.

Mayor Wynn: THAT'S FINE. WE SURE LIKE THE WORD

EXPEDITE. SO THE 10 KEY NOTES ARE SIGNED UP? THERE'S APPROXIMATELY 10 PEOPLE LOOKS LIKE SIGNED UP, SKIP CAMERON, SCMIDLEY.

THEY ARE ALL SIGNED UP, THEY ALL HAVE ALLOCATED TIMES, WE WANT TO PROVIDE A MOSAIC OF INFORMATION.

PAINTING A TAPESTRY TONIGHT.

ABSOLUTELY. IF YOU WILL ALLOW US TO DO THAT.

Mayor Wynn: WHAT WE DO, TECHNICALLY WE ARE GOING TO FOLLOW OUR PROCEDURES FOR A ZONING PUBLIC HEARING, WHAT WE START WITH IS A FIVE MINUTE PRESENTATION BY THE APPLICANT AGENT. THEN WE HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE, THEN FOLKS IN OPPOSITION AND --

FULLY UNDERSTAND THE PROCEDURE, YES, SIR, RIGHT

Mayor Wynn: AFTER WE HEAR FROM THE APPLICANTS OPENING FIVE MINUTE STATEMENT, THEN WE WILL ROLL STRAIGHT TO YOUR ALL'S POWERPOINT IF YOU DON'T MIND.

EXCELLENT. THANK YOU VERY MUCH, WE APPRECIATE THAT.

Mayor Wynn: SO COUNCIL WITHOUT OBJECTION, UNLESS I HEAR A MOTION TO WAIVE THE RULES, WE WILL START WITH THE FIVE MANUSCRIPT APPLICANT PRESENTATION AND THEN -- FIVE MINUTE APPLICANT PRESENTATION --

THE CITY IS [INDISCERNIBLE]

Mayor Wynn: THAT'S A POINT. IS THAT THE CASE MS. GLASGO? WE WILL CONSIDER -- THANK YOU, ACTUALLY THAT SAVES SOME TIME. SO WE WILL CONSIDER THE CITY'S PRESENTATION EARLIER, BOTH BY MS. GLASGO AND MS. JOHNSON TO BE THE APPLICANT PRESENTATION. SHOULD HAVE LIMITED THEM TO FIVE MINUTES. [LAUGHTER] AND WE WILL NOW HEAR FROM FOLKS WHO SIGNED UP WISHING TO SPEAK IN FAVOR. AND THAT IS MR. MICHAEL WAYLONE. MICHAEL, IS PETER [INDISCERNIBLE] HERE OR JUANITA CHAMPION MEYER. YOU WILL HAVE UP TO NINE MINUTES IF

YOU NEED IT.

I BELIEVE, MS. MEYER AND MS. ROBERSON ALSO DONATED THEIR TIME, THE OTHER TWO CHAMPION SISTERS, AT LEAST THEY ATTEMPTED TO ON THE COMPUTER.

Mayor Wynn: THEN UP TO 15 MINUTES IF YOU NEED IT.

THANK YOU.

MY NAME IS MICHAEL WHELLAN ON BEHALF OF THE CHANCE -- OF THE CHAMPION SISTERS. I THOUGHT WE HAD A GOOD SUMMARY OF THE LITIGATION, I WANTED TO JUMP TO A MOMENT TO THE ZONING REASONS OUTSIDE OF THE LITIGATION THAT I THINK ARE COMPELLING IN TERMS OF REZONING THESE TRACTS TO ALLOW FOR 11,000 VEHICLE TRIPS PER DAY, THE OTHER CHANGES THAT WE TALKED ABOUT, THAT STAFF RECOMMENDED. FIRST IT'S AT THE INTERSECTION OF TWO MAJOR STATE HIGHWAYS, I THINK YOU SAW THAT FROM THE TOPO, NOT OVER THE AQUIFER. THIS IS NOT OVER THE AQUIFER. IT IS WITHIN THE CITY LIMITS. MANY PEOPLE YOU ARE GOING TO HEAR FROM TODAY ARE PEOPLE WHO LIVE OUTSIDE THE CITY LIMITS. I THINK THE FACT THAT WE HAVE AN OPPORTUNITY TO CAPTURE SIGNIFICANT AMOUNT OF TRIPS, REDUCE POLLUTION, I AM PROVE OUR TAX BASE, HELP OUR INFRASTRUCTURE OR PAY FOR OUR INFRASTRUCTURE AND SERVICES BY CAPTURING THOSE TRIPS IS A SIGNIFICANT ADVANTAGE OF REZONING AND CAPTURING THOSE TRIPS. I WOULD ALSO PAUSE WHEN WE TALK ABOUT INFRASTRUCTURE AND SERVICES AND POINT OUT THAT THE CHAMPIONS HAVE PAID OVER A MILLION DOLLARS IN TAXES OVER THE LAST 20 YEARS IN THOSE TRACTS, THEY HAVE GONE UNDEVELOPED EXCEPT FOR MORE RECENTLY IN 2002 WHEN THE APARTMENTS WERE BUILT ON TRACT 1. OH WANTED TO ALSO -- I WANTED TO ALSO TALK ABOUT THE TRIP LIMIT. LET ME SHOW THIS. ON THE OVERHEAD YOU ARE GOING TO SEE IN A MOMENT A COMPARISON WITH RIBLAND RANCH, I THOUGHT IT WOULD BE INSTRUCTIVE BECAUSE IT IS WEST OF THE SITE AND THE PEOPLE SITTING BEHIND ME SUPPORTED THE RANCH, 2222 SUPPORTED THE RIBLAND RANCH REZONING, IT'S A P.U.D. IT'S ACTUALLY 206.719 ACRES THAT'S A DEVELOPABLE WITH THE CHAMPIONS. THE

RIBELIN RANCH, WITH THE P.U.D. THEY CAN GET UP TO 15,000 TRIPS, 15,000 TRIPS WHEN THE ROADWAY IS EXPANDED. ON THE 180 ACRES. OUR AGREEMENT TONIGHT WOULD LIMIT US REGARDLESS OF WHETHER THERE'S AN IMPROVEMENT. MIXED USE IN BOTH AGAIN TO IMPROVE OUR CAPTURE. NO RIDGE LINE RESTRICTION IN THE RIBELAND RANCH P.U.D. I THINK WE HAD A GOOD -- IT IS NOT A PERMISSION, ONE THING I SEE IS THAT WE ARE GOING TO BUILD A 200-FOOT TALL TOWER HERE. THAT IS NOT PHYSICALLY POSSIBLE UNDER THE HILL COUNTRY ROADWAY. WE ARE LIMITED. IN FACT IN THE HIGH INTENSITY ZONE IF YOU LOOK AT THE YELLOW MAP, IT'S 610 FEET ABOVE SEA LEVEL. THE MOST YOU CAN GET IT 663 FEET ABOVE SEA LEVEL. WE ARE NOT GOING TO HIT THAT RESTRICTION, BUT THE RESTRICTION WAS REQUESTED BY THIS COUNCIL TO ENSURE AND PROTECT THE NEIGHBORS THAT ARE IN THE SHEPHERD MOUNTAIN AREA BEHIND TRACT 3. THE -- THE OTHER PIECE HERE IS CUT AND FILL VARIANCES. THERE ARE NO CONSULT AND FILL VARIANCES THAT THE CHAMPIONS ARE BEING GIVEN, YET THE P.U.D. GAVE MULTIPLE CUT AND FILL VARIANCES FOR THAT TRACT. I THINK ONE THING THAT IS IMPORTANT TO ALSO REMEMBER IS THE NUMBER OF TRACTS THAT HAVE BEEN REZONE IN THE LAST FOUR YEARS SINCE WE CAME THROUGH IN MARCH OF 2000, WITH THE LIMITATION OF 6500 TRIPS. NUMEROUS ITEMS HAVE BEEN ON THE CONSENT AGENDA. AS YOU MIGHT IMAGE AS PART OF MY LITIGATION FILE I HAVE THOSE IN MY FILE OF ALL OF THE TRIPS THAT HAVE GONE BEFORE THIS COUNCIL WITHOUT ANY OBJECTION, FROM ANYBODY ON THE CONSENT AGENDA. AND I THINK WHAT WE HAVE HERE IS AN ISSUE RELATED TO TRAFFIC AND TRIPS, BUT A REALITY THAT FLOWS FROM CUL DE SACS AND THE CONSEQUENCES OF LIVING IN CUL DE SAC COMMUNITIES THAT OFFER PRIVACY, I RESPECT THAT. BUT IT ALSO MEANS THERE'S ONE WAY IN AND OUT AND THAT'S WHAT HAS EVOLVED HERE, WE ARE A CITY THAT'S GOING TO DOUBLE IN SIZE. THAT METROPOLITAN AREA AND ONE OTHER CONSEQUENCE OF NOT BEING ABLE TO HAVE DEVELOPMENT WITHIN THE CITY OF AUSTIN IS WE ARE GOING TO END UP WITH MORE SPRAWL. I SAW A SIGN SAVE OUR SUBURBS OUT HERE, WHICH -- WHICH I FOUND INTRIGUING BECAUSE I THINK WHAT WE ARE REALLY DOING



IS WITHOUT INCLUDING THIS, WITHOUT CAPTURING THE DEVELOPMENT WESTBOUND THE CITY, WE FIND OURSELVES PUSHING IT FURTHER OUT INTO CEDAR PARK AND LEANDER. THE -- IN 2000 WHEN THE CITY COUNCIL PASSED THE ORDINANCES RESTRICTING THE VEHICLE TRIPS TO 6500, WE WERE CLEAR THEN THAT -- THAT THAT VIOLATED THE 1996 SETTLEMENT AGREEMENT. THAT THE RESTRICTIONS ON SQUARE FOOT VIOLATED THE 1996 SETTLEMENT AGREEMENT. ONE Z.A.P. COMMISSIONER SAID ONE THING THAT IS DEFINITELY CLEAR IS THAT WE HAVE BEEN BOTH CONSISTENT AND PERSISTENT IN THE STATEMENTS ABOUT WHAT THE '96 SETTLEMENT SAYS AND WHAT IT DOES NOT SAY. WE, TOO, THE CHAMPIONS ALSO KNOW THAT THERE ARE LITIGATION RISKS. I THOUGHT MS. JOHNSON HAD A GOOD SUMMARY OF THE SEQUENCE OF EVENTS THAT OCCURRED. WHAT SHE DIDN'T TALK ABOUT WERE THE RISKS. THE CHAMPIONS HAVE A RISK THAT THEY ARE -- THAT THEY WILL LOSE AND THEY WILL BE LIMITED TO 6500 TRIPS FOR THE TRACTS. IT WILL NOT MEAN THAT THEY CAN'T COME BACK AGAIN IN THE FUTURE TO SEEK REZONING OF THESE TRACTS, ESPECIALLY WHEN THE PRESSURE, THE POPULATION PRESSURE IS SO EXTREME THAT IT DEMANDS AS IT DOES I THINK NOW FOR DEVELOPMENT HERE. BUT THE OTHER RISK THAT THE CITY HAS IS IF THE CHAMPIONS WIN THERE WILL BE NO VEHICLE TRIP LIMIT ON THIS PROPERTY. NONE WHATSOEVER. THAT'S WHY I THOUGHT THE RIBELAND RANCH COMPARISON IS SO INSTRUCTIVE BECAUSE IT SHOWS THAT WHAT WE ARE ACHIEVING, WHAT WE HAVE COMPROMISED, WHAT THE CHAMPIONS COMPROMISED, WHAT THE CITY COMPROMISED AND REACHED I THINK REFLECT WHAT IS APPROPRIATE IN THE ROADWAY, WHAT EVERYBODY IS STANDING, SITTING BEHIND ME HAS SUPPORTED, WITH RIBELAND RANCH, THE 2222 GROUP SUPPORTED, IN RIBELAND RANCH IS THE SAME FIGURES. WE DID THE MATH EARLIER. I THINK IT'S 53.19 VEHICLE TRIPS PER DEVELOPABLE AREA WAS RIBELAND RANCH. THE MAP IS THERE, AND IT'S BEEN DONE AND IT DOES COME OUT TO 10,999.21 VEHICLE TRIPS USING THE RIBELAND RANCH COMPARISON. ANOTHER WAY TO LOOK AT IT IT'S ANALOGOUS TO A 1704 DETERMINATION, IT'S EXACTLY WHAT IT DOES, AS YOU IN YOUR QUESTIONS COUNCILMEMBER LEFFINGWELL NOTED, IT IS A 1704 DETERMINATION. IN 1996,

AS WITH ANY PIECE OF PROPERTY IN THE CITY OF AUSTIN, IT SEEKS A DETERMINATION WHEN THEY FILE THE ZONING APPLICATION, IF THEY WANT ONE. THE CHAMPION GOES OBTAINED A DETERMINATION THE RULES IN PLACE WOULD APPLY TO THIS TRACT. THERE HAVE BEEN E-MAILS THAT YOU MAY HAVE SEEN THAT SAY THERE ARE NO ENVIRONMENTAL REGULATIONS ON THIS PROPERTY, THERE'S GOING TO BE NO HEIGHT RESTRICTION. THAT'S NOT TRUE. LIKE ANY 1704 DETERMINATION THERE ARE RULES AND REGULATIONS THAT APPLY TO THIS TRACT. THEY ARE THE RULES, THEY ARE NOT CURRENT RULES AND REGULATIONS LIKE A 1704 DETERMINATION. THEY ARE THE RULES AND REGULATIONS AS OF DECEMBER 8th, 1993. THAT WAS WHAT THE CITY COUNCIL AGREED TO IN THE 1996 SETTLEMENT AGREEMENT. SO I WANT TO FOCUS ON THIS. I THINK THE SUGGESTION THAT THE CHAMPIONS ARE EXCUSED FROM HILL COUNTRY ROADWAY AND LAKE AUSTIN WATERSHED IS INACCURATE. I WOULD ENCOURAGE YOU TO CONTINUE TO VERIFY WITH THE CITY STAFF THE ACCURACY OF THE STATEMENTS THAT ARE MADE HERE IN THAT CONNECTION FROM FOLKS TONIGHT. THE TRACT IS SEVERELY CONSTRAINED. I CAN'T EMPHASIZE THIS ENOUGH. I THINK AGAIN THIS IS WHERE YOU CAN VERIFY THE FACTS WITH STAFF. IT IS SEVERELY CONSTRAINED.

COUNCILMEMBER LEFFINGWELL IN AN EXCHANGE WITH -- WITH MS. GLASGO WAS TALKING ABOUT HOW MUCH MORE OFFICE COULD BE PUT. THE OFFICE IS ON TRACT 1 AT THE CORNER. AND THAT'S ALREADY BEEN SITE PLANNED FOR 230,000 SQUARE FEET. YOU PHYSICALLY BECAUSE OF THE HEIGHT RESTRICTIONS AND SLOPES, COULD NOT PUT ANY MORE THAT I'M AT WEAR OF ON THERE. THAT'S WHY IT WAS SITE PLANNED FOR THAT AMOUNT. SO IT IS BEING DRIVEN, THERE'S SO MUCH MORE THAN THE VEHICLE TRIPS THAT'S DRIVING WHAT CAN BE DEVELOPED ON THIS TRACT BECAUSE OF THE EXTRAORDINARY SLOPES AND THE HILL COUNTRY ROADWAY HEIGHT LIMITS. IT'S REALLY A VERY RESTRICTIVE PIECE OF PROPERTY. I THINK ULTIMATELY IT IS TIME TO PUT THIS TO REST, TIME TO PUT THE LITIGATION TO REST, TIME TO PUT THE ZONING CASES TO REST. I THINK THE OPPORTUNITY LIES TONIGHT IN DOING SO. WE WOULD ASK THAT THERE BE A VOTE TO REZONE THE PROPERTY, STAFF HAS RECOMMENDED, WHILE MAINTAINING A TRIP

LIMIT. I NEED TO EMPHASIZE THAT. WHILE MAINTAINING A TRIP LIMIT ON THIS TRACT. NOT EXCUSING ONE AND NOT ALLOWING UNLIMITED AND UNFETTERED DEVELOPMENT WHILE MAINTAINING A TRIP LIMIT THAT HAS AND IS COMPARABLE TO RIBELAND RANCH AND THAT REFLECTS WHAT SO MANY OTHER CASES HAVE HAD IN FAIRNESS ON THE CONSENT AGENDA IN THE LAST FOUR YEARS. WE WOULD ASK THAT TONIGHT YOU PASS THESE ON FIRST READING SO THAT WE CAN MOVE ON AND WITH STAFF'S RECOMMENDATION AND OF COURSE I'M AVAILABLE TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE ABOUT THIS. AND ABOUT THE RIBELAND RANCH P.U.D., I HAVE THOSE MATERIALS AS YOU MIGHT IMAGINE AS WELL. IN MY FILE. AGAIN I WOULD ONLY EMPHASIZE THAT -- THAT THE CHAMPIONS HAVE ALSO RECOGNIZED LITIGATION RISKS. THIS IS NOT A MATTER OF A ONE SIDED NEGOTIATION, THERE IS TRUE RISK IN LITIGATION FOR BOTH SIDES, THE RISKS TO THE CHAMPIONS IS THEY COULD BE STUFF WITH 6500 TRIPS IF THEY LOSE. THE RISK TO THE CITY IS THERE COULD BE NO AMOUNT OF TRIPS AT ALL LIMITING THE PROPERTY WHICH IS WHY THE NUMBER 11,000 NOT ONLY IS IT COMPARABLE TO RIBELAND RANCH, IT IS LOWER THAN, I WANT TO EMPHASIZE LOWER THE TIA DOWN TO THE TRIP TO THE -- ON TWO OF THE TRACTS, TRACT 1 AND TRACT 2, NOT 3, 2, IT'S LOWER THAN THE 12,200 TRIPS THAT WERE IN THE 1999 TIA FOR TWO OF THE TRACTS. I THINK THERE ARE VERY GOOD ZONING REASONS AT THE CROSS-SECTION OF TWO MAJOR INTERSECTIONS, NOT OVER THE AQUIFER TO ACCEPT THE STAFF'S RECOMMENDATION AND THE SETTLEMENT AGREEMENT, BUT ALSO WITHIN THE LITIGATION CONTEXT GOOD REASONS AS WELL. AND WITH THAT I'M AVAILABLE FOR QUESTIONS AND I'LL YIELD THREE MINUTES AND 20 SECONDS.

Mayor Wynn: THANK YOU, MR. WHELLAN FOR SETTING THE TONIGHT OF GETTING TIME BACK TO US. FOLKS, COUNCIL, ALL OF THE FOLKS WHO SIGNED UP WISHING TO SPEAK IN FAVOR. WE WILL NOW HEAR FROM FOLKS IN OPPOSITION, WE WILL START WITH THE NEIGHBORHOOD KEYNOTE SPEAKERS. REALLY IN WHATEVER ORDER YOU ALL WANT. BUT YOU KNOW WE SKIP CAMERON SIGNED UP A LOT OF FOLKS DONATING TIME TO SKIP, LISETTE, ELAINE JASTROM,

LASSITER, SORRY IF I'M MISPRONOUNCING THESE. HOW WOULD YOU LIKE TO PROCEED.

MAYOR, I AM CERTAINLY NOT SKIP, I'M SURE THAT YOU KNOW THAT. BEGIN I'M PETE BRINDELL I AM A RESIDENT OF JESTER ESTATE, ALSO A REMEMBER OF THE 2222 CUNA ORGANIZATION, WHICH WAS RECENTLY INCORPORATED INCIDENTALLY AS A TEXAS NON-PROFIT. WE HAVE 10 KEYNOTE SPEAKERS, VERY BRISK IN OUR PRESENTATION, HOPEFULLY VERY INFORMATIVE. BUT IF I MAY, YOU SEE A LOT OF PEOPLE IN THE AUDIENCE TONIGHT WEARING GREEN OR GREEN LABELS AND I WOULD PERSONALLY WITH YOUR PERMISSION LIKE TO RECOGNIZE THEM FOR THEIR ATTENDANCE AND THEIR ENTHUSIASM AND THEIR WILLINGNESS TO BE HERE, THEY ARE ALL REQUESTING THAT YOU NOT APPROVE THE REZONING CASES. SO MAY I ASK THEM TO STAND UP AT THIS MOMENT, PLEASE.

Mayor Wynn: YOU MAY.

THIS IS FROM RIVER PLACE DOWN TO 2222. I'M SORRY. AND ONE DISSENTER. [LAUGHTER] THESE ARE RESIDENTS FROM RIVER PLACE, DOWN FROM 2222 THROUGH CAT MOUNTAIN. EACH ONE WILL INTRODUCE THEMSELVES AND THE TOPIC. I WOULD LIKE TO QUICKLY MENTION THAT THE BOARD OF DIRECTORS OF JESTER ESTATES VOTED AND REQUEST THAT YOU NOT APPROVE THE REZONING CASES AT THIS POINT. THANK YOU FOR YOUR TIME, THANK YOU FOR LETTING ME INTERRUPT YOUR PROCEDURE.

THANK YOU, MR. BRNIDLE.

BRAD ROCKWELL ON BEHALF OF SAVE OUR SPRINGS ALLIANCE. WE ARE ASKING YOU TO VOTE AGAINST THE ZONING CHANGE AS PROPOSED TODAY. IT APPEARS THAT THIS ZONING YOU ARE BEING ASKED BASICALLY TO BE STAMPEDED INTO THIS ZONING CHANGE.

Mayor Wynn: HANG ON ONE SECOND. IS CARROLL OR PETER HERE? FOLKS WELCOME. SO BRAD YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

HOPEFULLY I WON'T NEED IT.

OKAY. THE LAWSUIT APPEARS TO BE THE MAIN JUSTIFICATION FOR APPROVING THIS ZONING CHANGE AND I'M SURE THAT YOU'VE HAD SOME GOOD ADVICE FROM YOUR ATTORNEYS ON THE VIABILITY OF THE LITIGATION AND THE ADVISABILITY OF SETTling. BUT I WOULD LIKE TO GIVE YOU MAYBE A DIFFERENT LEGAL PERSPECTIVE THAN YOU HAVE RECEIVED SO FAR. THE SITUATION REMINDS ME A LITTLE BIT OF THE SITUATION IN THE LOWE'S LITIGATION WHERE YOU WERE BEING ENCOURAGED BY IN HOUSE AND OUTSIDE COUNCIL TO SETTLE. I AND MANY OTHERS URGED YOU NOT TO SETTLE, NOT TO CAP PLATO LOW'S, WE BELIEVED THAT WE COULD WIN. IN FACT YOU DID SETTLE, THE SETTLEMENT WAS CHALLENGED SUCCESSFULLY IN COURT. AND THE JUDGE ACTUALLY PROBABLY ABOUT EVERY DISTRICT COURT JUDGE IN TRAVIS COUNTY CITED WITH US AND -- SIDED WITH US AND AGREED THAT THE LOWE'S WAS VIOLATING THE LAW, THE ARGUMENT THAT WAS PRESENTED BY LOWE'S WAS NOT VIABLE. I HAVE REVIEWED THE PETITION, I THINK THAT IT'S A VERY WEAK CASE AGAINST THE CITY. AND I THINK THERE'S TWO CLAIMS, BOTH WEAK. CONTRACT ZONING IS ONE OF THE CLAIMS FOR DAMAGES, FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF ON THAT. BASICALLY WHAT YOU ARE BEING TOLD ARE WHAT IS BEING ARGUED IN THE LITIGATION IS THAT THERE WAS A CONTRACT A SETTLEMENT AGREEMENT IN 1996 THAT CONTROLS YOUR ZONING AUTHORITY THAT -- THAT PREVENTED YOU FROM IMPOSING TRIP LIMITATIONS IN THE YEAR 2000. NOW IT'S A VERY FUNDAMENTAL PRINCIPLE OF LAW THAT CONTRACT ZONING IS ILLEGAL, UNCONSTITUTIONAL, IT CANNOT BE DONE. CITIES CANNOT CONTRACT AWAY THEIR ZONING POWERS I'VE ☐ HEARD YOUR LEGAL DEPARTMENT ACKNOWLEDGE THAT POINT MANY TIMES IN THE PAST. SO THE CONTRACT ZONING CLAIM IS VERY WEAK FROM A FUNDAMENTAL BASIS. BUT ALSO IF YOU LOOK AT THE MERITS, EVEN THE CONTRACT ZONING WERE LEGAL, IF YOU LOOK AT THE CONTEXT UNDER WHICH THE 1996 SETTLEMENT WAS ENTERED INTO, THERE WAS AN ORDINANCE PASSED IN CONJUNCTION WITH THAT SETTLEMENT MUCH LIKE YOU ARE BEING ASKED TO IMPOSE AN ORDINANCE TODAY AND THERE'S -- THE ORDINANCE

ITSELF SAID THAT THE -- THAT THIS APPROVAL HAS NOT CONSTITUTED A COMMITMENT TO ANY SPECIFIED LAND USE, INTENSITY OF LAND USE OR UTILITY SERVICES. THE CITY AT THE TIME OF THE ORIGINAL SETTLEMENT WAS ACKNOWLEDGING THAT IT RETAINED ZONING POWER OVER LAND USE AND INTENSITY OF LAND USE. THAT'S WHAT AT ISSUE HERE TODAY. THE OTHER CLAIM IS A REGULATORY TAKING CLAIM, I IMAGINE THAT YOU HAVE BEEN ADVISED BY YOUR LEGAL STAFF THAT REGULATORY TAKING CLAIMS ARE VERY HARD TO WIN ON. MOST OF THE TIME PEOPLE LOSE. THERE'S A VERY DIFFICULT STANDARD TO PREVAIL ON A REGULATORY TAKINGS CLAIMS. AND IN ADDITION, REGULAR LA TAKINGS CLAIMS HAVE A TWO YEAR STATUTE OF LIMITATIONS, IN FACT YOUR ATTORNEYS HAVE PLED THE TWO YEARS STATUTE OF LIMITATIONS. THIS LAWSUIT WAS FILED APPROXIMATELY FOUR OR FIVE YEARS AFTER THE SUPPOSED REGULATORY TAKING OCCURRED. SO ONCE AGAIN, I THINK THAT YOU ALL HAVE VERY STRONG DEFENSES. AND IN FACT ONE OF THE -- OUR INTERESTS IN THIS LITIGATION IS THAT CONTRACTING AWAY ZONING POWERS IS A VERY SERIOUS MATTER AND WE WOULD URGE YOU TO OPPOSE AND NOT AGREE TO ANY CONTRACTUAL -- CONTRACTING AWAY OF YOUR ZONING RIGHTS. IT'S A VERY IMPORTANT PRINCIPLE. IT'S BAD PUBLIC POLICY TO DO SO. SO IF THERE'S NOT A LEGAL IMPERATIVE TO SETTLE THIS CASE AND IMPOSE THE ZONING ORDINANCE, IS THERE SOME SORT OF PUBLIC POLICY REASON TO APPROVE OR NOT APPROVE? WE WOULD ARGUE THAT THERE'S PUBLIC POLICY AGAINST APPROVING THIS INCREASES IN TRAFFIC COUNTS AND DENSITY ON THIS TRACT. I WAS VERY SURPRISED -- THIS DEVELOPMENT IS NOT IN THE DESIRED DEVELOPMENT ZONE. IT IS IN THE SENSITIVE HILL COUNTRY. I WAS SURPRISED TO HEAR MICHAEL WHELLAN SAY THIS IS AN AND THE AN ANTIDOTE TO SPRAWL. THIS IS SPRAWL. DEVELOPMENT OCCURRING IN THE HILL COUNTRY OUTSIDE THE DEVELOPMENT ZONE. ALSO A STATEMENT MADE THAT IT'S NOT OVER THE AQUIFER. I THINK ENVIRONMENTALISTS HAVE SHOWN EDWARDS LIMESTONE ON PART OF THE TRACT. AS YOU MAY OR MAY NOT KNOW THERE'S A LOT OF CONFUSION ABOUT THE EXACT BOUNDARY LINES OF THE AQUIFER AND THE ZONE. THE -- THE ENVIRONMENTAL REPORT SUBMITTED BY THE APPLICANT SAID THERE'S NO

SPRINGS, THERE'S NO SEEPS, THERE'S NO CRITICAL ENVIRONMENTAL FEATURES. THAT WAS WHAT THE APPLICANT'S ENGINEER SAID AND REPRESENTED TO THE CITY. THE CITY INSPECTOR WENT OUT THERE, MICHAEL [INDISCERNIBLE] I BELIEVE, OBSERVED HIMSELF SPRINGS, CRITICAL ENVIRONMENTAL FEATURES, SEEPS, AND RECOMMENDED 150-FOOT SETBACKS FROM THESE FEATURES TO PROTECT THEM. AS WAS REVEALED EARLIER, IF YOU AGREE TO THIS, YOU ARE ACCEPTING A SITUATION WHERE THERE IS NO SETBACKS FROM THESE FEATURES. NO SETBACKS, NO CREEK SETBACKS. IN OTHER WORDS THERE'S NOTHING TO OFFSET THE FACT IN THIS SETTLEMENT AGREEMENT THAT YOU ARE ALLOWING HIGHER INTENSITY DEVELOPMENT THAN WOULD OTHERWISE BE ALLOWED ON THIS TRACT. WE HAD ASKED YOU TO -- TO OPPOSE THE ARGUMENTS STRONGLY THAT THIS CITY CAN BE CONTRACT AWAY ITS ZONING POWERS AND CAN -- IS BOUND BY AN AGREEMENT THAT COULD BE INTERPRETED IN SUCH A WAY TO PREVENT YOU FROM DOING ZONING, FREELY AND EXERCISING LEGISLATIVE POWER. IF THE CITY WISHES TO ENGAGE IN FURTHER SETTLEMENT NEGOTIATIONS, WE WOULD ASK YOU TO INCLUDE THE NEIGHBORHOOD GROUPS, PUT THEM AT THE TABLE AND ALSO INCLUDE ENVIRONMENTAL GROUPS AND PUT THEM AT THE TABLE TO SEE IF SOME SORT OF BETTER SETTLEMENT COULD BE REACHED ON THIS THANK YOU VERY MUCH.

THANK YOU, MR. ROCKWELL. [ APPLAUSE ]

GOOD EVENING, MY NAME IS ROY WALEY, I SERVE ON THE EXECUTIVE STEERING COMMITTEE OF THE LOCAL CHAPTER OF THE SIERRA CLUB. I AM A RESIDENT OF AUSTIN. I DON'T LIVE ANYWHERE NEAR THIS ZONING, THIS PROPOSED TRACT, SO IT'S NOT GOING TO IMPACT ME DIRECTLY, ANYMORE THAN IT WILL EVERYBODY ELSE IN AUSTIN AND IT WILL.

Mayor Wynn: HANG ON, I'M TRYING TO FIND YOU ON THE SIGNUP SHEET HERE. YOU HAVE THREE MINUTES, CONTINUE.

OKAY. THANK YOU. AS I SAY, I'M WITH THE LOCAL CHAPTER

OF THE SIERRA CLUB, AS I'M SURE YOU KNOW, THE LOCAL CHAPTERS, PART OF THE NATIONAL SIERRA CLUB WHICH IS THE OLDEST ENVIRONMENTAL ORGANIZATION IN AMERICA, SO OF COURSE WE ARE CONCERNED ABOUT THE IMPACT OF ANY KIND OF DEVELOPMENT IN THIS ENVIRONMENTALLY SENSITIVE AREA. AND WE STRONGLY URGE THAT -- THAT ENVIRONMENTAL IMPACT STUDY BE DONE AND AN INDEPENDENT STUDY BE DONE. TO SEE WHAT KIND OF DAMAGE COULD BE DONE HERE BECAUSE ANY DAMAGE DONE AT THIS TIME CAN'T BE UNDONE. AND THAT WILL IMPACT WATER QUALITY AND THE CREEK AND THEREFORE IN LAKE AUSTIN AND THEREFORE ALL OF AUSTIN. AND WHILE WE ARE AN ENVIRONMENTAL ORGANIZATION, WE ARE NOT ONLY CONCERNED WITH JUST ENVIRONMENTAL ISSUES, BUT OTHER QUALITY OF LIFE ISSUES AS WELL. FIRST AND FOREMOST OF THOSE WOULD BE SIMPLY STAYING ALIVE AND IF YOU HAVE DRIVEN ON 2222 LATELY, YOU SEE THAT THAT IS A CHALLENGE IN AND OF ITSELF. SO WE DO BELIEVE THAT THIS DANGEROUS STRETCH OF ROAD DOES NOT NEED TO HAVE ADDITIONAL TRAFFIC, WE ARE ALSO JUST LOOKING AT THE DEVELOPMENT AND THE INTENSITY OF TRAFFIC IMPACTING, IT DOESN'T TAKE INTO CONSIDERATION THE OTHER DEVELOPMENTS FURTHER OUT IN CEDAR PARK, LEANDER, AROUND THE LAKE, VOLENTE, ALL OF THESE AREAS HAVE PROPOSED DEVELOPMENT PUTTING MORE TRAFFIC ON A ROAD THAT IS ALREADY ABOVE CAPACITY. SO IN SHORT I WOULD LIKE TO SAY THAT THE LOCAL CHAPTER OF THE SIERRA CLUB STRONGLY SUPPORTS CONA IN OPPOSING THIS ZONING CHANGE AT THIS TIME. THANK YOU.

Mayor Wynn: THANK YOU, MR. BRINDLE, WHO'S 'S NEXT?

HELLO, MY NAME IS MARISSA LIPSHIRE FROM THE SHEPHERD MOUNT NEIGHBORHOOD ASSOCIATION, I WANTED TO BRING TO YOUR ATTENTION THIS PETITION THAT ALL OF YOU SHOULD HAVE A COPY OF ON YOUR DESKS AND THIS WAS SIGNED BY LANDOWNERS WHO WERE WITHIN 200 FEET OF TRACT 3. AND ON YOUR MAPS, IF YOU -- IF YOU -- IF YOU LOOK AT THE ORIGINAL MAP THAT WAS PRESENTED TO YOU EARLIER IN THE EVENING, EAST OF CITY PARK ROAD.

HANG ON ONE SECOND. IS JOAN HERE? WELCOME, HOW



ABOUT EDWARD ASTRICH, DAVID AMBROWITZ, AND  
[INDISCERNIBLE], WELCOME. I'M SORRY, YOU WILL HAVE UP  
TO 15 MINUTES, CONTINUE, SORRY.

I DON'T NEED 15. I JUST WANTED TO STRESS TO YOU THAT I -  
- THAT I OBTAINED THIS PETITION AFTER I WAS TOLD THAT  
THE CITY COUNCIL, ALL OF YOU, WOULD NEED TO PASS  
REZONING ON TRACT 3 BY A SUPER MAJORITY VOTE. SO AS I  
UNDERSTAND IT, SIX HAVE TO APPROVE THIS TONIGHT. SIX  
COUNCILMEMBERS. AND AS YOU CAN SEE IN OUR PETITION,  
WE OPPOSE, WE OPPOSE THE REZONING ON ALL THREE  
TRACTS, BUT OF COURSE WE COULD ONLY SIGN ABOUT  
TRACT 3 AS -- AS THAT IS WHERE WE WERE CLOSEST TO ON  
SHEPHERD MOUNTAIN. WE ARE ASKING THAT, AS YOU CAN  
SEE ON THE PETITION, ANY ZONING NOT BEING MADE ANY  
DIFFERENT THAN GENERAL OFFICE DISTRICT OR AS IT IS  
TODAY -- DO YOU HAVE ANY QUESTIONS?

Mayor Wynn: QUESTIONS, COUNCIL?

OKAY.

Mayor Wynn: THANK YOU VERY MUCH.

I'M SORRY ONE LAST THOUGHT IS THAT WE WERE ONLY  
REQUIRED TO OBTAINED 20% OF THE LAND AND WE DID GET  
41% OPPOSING.

Mayor Wynn: YES, MA'AM.

OKAY.

Mayor Wynn: THANK YOU.

THANK YOU. [ APPLAUSE ]

GOOD EVENING, HONORABLE COUNCILMEMBERS, WELCOME  
ESPECIALLY TO COUNCILMEMBER KIM AND  
COUNCILMEMBER LEFFINGWELL, WELCOME TO THE NEVER  
ENDING STORY. I SHOULD HAVE TWO SPEAKERS THAT ARE  
DONATING THEIR TIME TO ME THIS EVENING.

Mayor Wynn: WHO ARE YOU?

CHARLES FARMER.

Mayor Wynn: HI, CHARLES, I DIDN'T RECOGNIZE YOU. YOU ARE DRESSED NICE TONIGHT.

THANK YOU [LAUGHTER]

Mayor Wynn: HANG ON ONE SECOND. I HAVE KAREN WALLDO SIGNED UP. I'M SURE SOMEBODY ELSE WOULD DONATE TEAM TO YOU, NINE MINUTES IF YOU NEED IT.

THANK YOU. AGAIN MY NAME IS CHARLES FARMER, I'M HERE REPRESENTING THE ELECTED BOARD OF THE RIVER PLACE RESIDENTIAL COMMUNITY ASSOCIATION. CONTRARY TO WHAT MR. WHAT WHELLAN TOLD YOU, IT IS LOCATED WITHIN THE CITY LIMITS, EVERY RESIDENT PAYS TAXES IN THE CITY OF AUSTIN, ALMOST EVERY RESIDENT DRIVES IN FRONTS OF THIS PROPERTY ON A DAILY BASIS. OUR PRIMARY CONCERN IS SAFETY. PRINCIPALLY THE SAFETY HAZARD THAT WILL BE CREATED BY THE DENSITY OF DEVELOPMENT THAT IS BEING PROPOSED IN THIS MEDIATED SETTLEMENT. TO US ONE FACT HAS MORE MEANING THAN ANY OTHER FACT IN THIS CASE, IF YOU VOTE TO INCREASE DEVELOPMENT DENSITY HERE, YOU WILL SIGNIFICANTLY INCREASE THE CHANCES OF HAVING AN INJURY OR A FATALITY ACCIDENT TO TENS OF THOUSANDS OF AUSTIN COMMUTERS ON A DAILY BASIS. WE ASK YOU TO CONSIDER WHAT JUSTIFIES THAT VOTE. WE HAVE BEEN HERE FOUR TIMES TONIGHT, THIS IS OUR FOURTH TIME. THREE TIMES BEFORE THE COUNCIL AGREED WITH US WITH THESE SAFETY CONCERNS. WHAT'S DIFFERENT THIS TIME OBVIOUSLY IS THE LEGAL ADVICE THAT YOU HAVE REFERRED TO EARLIER. WE HAVE STUDIED BOTH THE LAWSUIT AND MEDIATION IN DETAIL. NUMBER ONE, THE CITY ENTERED INTO A MEDIATE THE ED SETTLEMENT WITH NO INPUT FROM THE STAKEHOLDERS IN WHAT WAS VIRTUALLY IN SECRET. WE FEEL THAT THAT IS WRONG. NUMBER TWO, ANY LEGAL TREATMENT WORTH OUR SALT WE FEEL SHOULD BE ABLE TO DEFEND THE CITY AGAINST THE SUIT IN COURT AND WIN, BRUCE COVERED THOSE POINTS VERY WELL. SUFFICE IT TO SAY, WE ARE APPALLED THAT CITY LEGAL HAS CHOSEN TO NOT DEFEND

THE CITY AGAINST THIS SUIT. IF CITY LEGAL CANNOT DEFEND THE SAFETY OF THE CITIZENS OF AUSTIN OR THE LEGAL RIGHTS AND THE LEGISLATIVE AUTHORITY OF THE CITY COUNCIL IN THIS CASE, THEN WE FEEL YOU SHOULD HIRE AN OUTSIDE LEGAL TEAM THAT CAN. [ APPLAUSE ]

THIRDLY, WE FEEL THAT THE MEDIATED SETTLEMENT IS A BAD DEAL BOTH FOR THE CITY AND THE NEIGHBORHOODS AND IT OFFERS NO PROTECTIONS TO THE SURROUNDING NEIGHBORHOODS. FIRST, IF THE SETTLEMENT PASSES, MOST LIKELY SCENARIO WILL BE THE CHAMPION ASSETS WILL SELL THIS PROPERTY TO BE DEVELOPED MOST LIKELY TO MULTIPLE DEVELOPERS. IN THAT CASE THESE DEVELOPERS, THE NEW PROPERTY OWNERS WILL MOST LIKELY COME BACK AND ASK YOU AGAIN FOR REZONING ABOVE THE 11,000 VEHICLE TRIPS PER DAY. IN WHICH CASE IN A YEAR WE ARE ALL GOING TO BE BACK HERE TALKING ABOUT THE SAME THING AND BACK AT SQUARE ONE. NOTHING PREVENTS THAT FROM HAPPENING. SECONDLY WE FOUND A PROBLEM, IN THE FACT THAT 11,000 VEHICLE TRIPS PER DAY IS DIVIDED BETWEEN THREE PIECES OF PROPERTY. IT'S NOT SPELLED OUT HOW THOSE VEHICLE TRIPS PER DAY WILL BE SPLIT UP BETWEEN THOSE PROPERTIES. WHAT HAPPENS IF ONE OF THE PIECES OF PROPERTY IS SOLD, THE DEVELOPER ON THAT PROPERTY USES UP ALL OF THE REMAINING VEHICLE TRIPS PER DAY. THEN THE OWNER OF THE OTHER PIECE OF PROPERTY COMES TO YOU AND SAYS YOU ARE PREVENTING ME FROM DEVELOPING MY PROPERTY. THAT'S ILLEGAL, I'M GOING TO SUE YOU, YOU HAVE TO GIVE ME 2,000 MORE VEHICLE TRIPS PER DAY, WE ARE ALL BACK HERE TALKING ABOUT THE SAME THING ALL OVER AGAIN. THE MEDIATED SETTLEMENT SHOULD SPELL OUT HOW THOSE VEHICLE TRIPS PER DAY ARE DIVIDED UP BETWEEN THOSE PIECES OF LAND. THE FACT THAT IT DOES NOT MEAN THAT IT'S A POOR NEED YAITDED SETTLEMENT. IT OFFERS NOTHING TO THE NEIGHBORHOOD TO ADDRESS OUR SAFETY CONCERNS, THAT'S WHY WE OPPOSE IT. FINALLY, WE DON'T WANT TO COMPLAIN WITHOUT OFFERING A SOLUTION. NOW, YOU HAVE GOT 8 ZONING CASES SCHEDULED TO HEAR OVER THE NEXT SIX MONTHS ABOUT THIS ONE STRETCH OF 2222 AND YOU WILL PROBABLY GET ANOTHER EIGHT IN THE FOLLOWING SIX MONTHS. WE CAN COME IN HERE AND FIGHT OVER THESE ZONING CASES

EACH TIME INDIVIDUALLY WITH EACH PROPERTY OWNER OR WE CAN DO SOMETHING THAT MAKES SENSE. WHAT WE WOULD LIKE TO SEE IS SOMETHING SIMILAR TO THE CITY NEIGHBORHOOD PLANS IN THE OTHER PARTS OF THE CITY. BUT FOR THE WESTERN 2222 CORRIDOR, THAT IS A COMPREHENSIVE DEVELOPMENT PLAN WITH TEETH. A STANDARD SET OF CONDITIONAL OVERLAYS IMPLEMENTED AS DEED RESTRICTIONS SO THEY WILL PASS ON WHEN THE PROPERTY IS SOLD. THEY CAN PROVIDE FOR REASONABLE DENSITY GIVEN THE INFRASTRUCTURE, MANDATED INTERNAL CAPTURE OF TRIPS, WHICH I WILL POINT OUT EVEN THOUGH MU ZONING IS NOW ON THIS PROPERTY, IT'S NOT ON MANDATED. THAT'S THE DIFFERENCE BETWEEN THIS AND THE RIBELAND RANCH. YOU MANDATE IT WITH THE CONDITIONAL OVERLAYS THAT MIXED USE DEVELOPMENTS WOULD OCCUR. UNDER THIS DEVELOPMENT THEY CAN DO OR NOT DO IT. OBVIOUSLY THEY ARE GOING TO DO WHAT MAKES THEM THE MOST MONEY. WE WOULD ALSO LIKE TO SEE AGREEMENTS ON THE NUMBER AND POSITION OF ACCESS POINTS TO ROAD, ALL OF THESE THINGS CAN BE DONE AT THE TIME OF ZONING IN EXCHANGE FOR MORE DENSITY THROUGH THE VEHICLE CONDITIONAL OVERLAYS. OVERLAYS. COMBINE THAT WITH THE INTEGRATED TRANSPORTATION PLAN FROM TXDOT WITH THE CITY OF AUSTIN CAMPO AND STAKEHOLDERS INPUT TO PROVIDE IMPROVEMENTS TO 2222, MASS TRANSIT THAT MAKES SENSE FOR THE AREA AND PROVIDE WAYS FOR PEOPLE TO MOVE BETWEEN THE DEVELOPMENTS WITHOUT GETTING ON TO 2222 AND ENCOURAGED BICYCLE AND PEDESTRIAN TRAFFIC. THAT -- THOSE ARE ITEMS THAT MAKE SENSE, THAT'S WHAT WE ARE NOT SEEING IN THIS MEDIATED SETTLEMENT, WHAT WE ARE NOT SEEING FROM THE CITY. RIBELAND RANCH AND THE INTERNATIONAL BANK OF COMMERCE DEVELOPMENTS WERE EXAMPLE OF THIS. THIS MEDIATED SETTLEMENT IS NOT. I WOULD POINT OUT THE CASE YOU HEARD EARLIER THIS EVENING, DB HORTON, THEY HAVE FOUND THAT THEY CAN PROFITABLY DEVELOP THE 33 ACRES NEXT TO RIBELAND RANCH WITH 29 VEHICLE TRIPS PER DAY PER ACRE. IF YOU TOOK THAT SAME DENSITY ON THE CHAMPION TRACTS, THAT WOULD BE THE EQUIVALENT OF 603 VEHICLE TRIPS PER -- 6003 VEHICLE TRIPS PER DAY. DON'T LET THEM TELL YOU THEY CAN'T

DEVELOP IT UNDER THAT CAP. WE HAVE A GOLDEN OPPORTUNITY HERE TO CREATE AN EXAMPLE OF THE RIGHT WAY TO DO IT. SIT DOWN WITH CHAMPION ASSETS ... THAT MEET EVERYONE'S NEEDS AND COMMIT TO THAT IN WRITING. BUT NONE OF THAT CAN HAPPEN WITHOUT THE CITY OF AUSTIN'S INPUT AND WITHOUT YOUR LEADERSHIP AND WE ARE ASKING FOR YOUR LEADERSHIP TONIGHT. YOU CAN TAKE THE FIRST STEP BY MAKING A STAND FOR GOOD DEVELOPMENT POLICY AND VOTE NO ON THIS MEDIATED SETTLEMENT. THANK YOU FOR YOUR TIME. [ APPLAUSE ]

THANK YOU. I THINK WE MIGHT HAVE SOME QUESTIONS, MR. FARMER, IN FACT I'M GOING TO START IF YOU DON'T MIND, COUNCILMEMBER. CHARLES, I JUST KNOW THAT YOU HAVE BEEN WORKING ON THIS FOR YEARS, I SUSPECT THAT YOU WERE ONE OF THE NEIGHBORHOOD LEADERS THAT DID SPEND A LOT OF TIME AND EFFORT WITH -- WITH OUR CITY LEGAL DEPARTMENT. AND GOING THROUGH THE FILES AND UNDERSTANDING THE -- THE ARGUMENTS TO BE MADE FROM THE LEGAL STANDPOINT FROM BOTH DIRECTIONS. I GUESS MY FUNDAMENTAL QUESTION, I SHOULD HAVE ASKED THIS OF MR. ROCKWELL AS WELL, WERE THE COMMENTS FROM THE MEDIATOR SHARED WITH YOU?

I WAS NOT IN THE MEETING WITH THE CITY LEGAL DEPARTMENT. THERE WAS THREE OTHER PEOPLE THAT ARE HERE THIS EVENING, THAT WERE, SOANCE THAT.

Mayor Wynn: OKAY. COUNCILMEMBER LEFFINGWELL?

Leffingwell: YOU REPRESENT RIVER PLACE NEIGHBORHOOD.

I REPRESENT THE ELECTED BOARD OF THE RIVER PLACE RESIDENTIAL COMMUNITY ASSOCIATION.

Leffingwell: DID YOUR NEIGHBORHOOD ASSOCIATION GIVE AN OPINION ON THE RIBELAND RANCH TRIP LIMIT?

YES, THEY DID. THEY SUPPORTED THAT AND THE REASON THEY SUPPORTED THAT WAS THAT THE TYPE OF DEVELOPMENT WE LIKE, WHICH IS THE MIXED USE AND THEY ALSO -- IT WAS MANDATED IN THE CONDITIONAL OVERLAYS AND THEY ALSO AGREED TO A CAPITAL METRO FACILITY

WITHIN THE DEVELOPABLE ACRES TO HELP MITIGATE THE TRAFFIC ISSUES.

Leffingwell: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS FOR MR. FARMER? THANK YOU, CHARLES. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: JOE, YOU WILL HAVE UP TO 15 MINUTES IF YOU NEED IT.

THANK YOU VERY MUCH. I HOPE I DON'T NEED THAT MUCH TIME TO PRESENT THE CASE. AGAIN, I'M JOE. I'M A DIRECTOR WITH THE 2222 CONA INCORPORATED. I'M THE PRESIDENT OF THE LONG CANYON HOMEOWNERS ASSOCIATION. AND I'M ALSO PROUD TO SAY I'M ALSO A VOLUNTEER WORKER WITH THE BALCONES CANYON LAND PRESERVE IN SUPPORT OF YOUR WILD LAND DIVISION. TODAY I'M GOING TO BE ADDRESSING TRAFFIC. I'LL TAKE YOU BACK IN TIME TO 1998 AND YOU LOOK AT WHAT THE TRAFFIC WAS THERE AT 2222 AND 360. 16,700 ON 2222 AND 21,100 ON THE 360 LOOP. AND THEN I HAVE A QUOTE THAT WAS GIVEN BY MR. GEORGE ZAPALAC, THE TRANSPORTATION REVIEW MANAGER, TO ALICE GLASGO, BASICALLY STATING HOW THAT LAND SHOULD BE USED. WHICH WILL NOT EXCEED A SIGNIFICANT VARY FROM THE TRAFFIC IMPACT ANALYSES. NOW, WHEN WE GO BACK IN TIME, THERE HAVE BEEN A NUMBER OF REQUESTS FOR THE REZONING OF THE CHAMPION REQUESTS. AND AS I STEP DOWN TO THE VERY BOTTOM, STAFF WAS RECOMMENDING DENIAL OF THE PROPOSED ZONING BECAUSE OF A LACK OF INFORMATION. BASICALLY THE TRAFFIC IMPACT ANALYSES. SO WE ASK YOURSELF IS TIA TRAFFIC IMPACT ANALYSIS REQUIRED. AND THERE WAS A STATEMENT MADE TO US, US, CONA, THAT IT WAS NOT SPECIFIED IN THE MEDIATION AGREEMENT -- THAT IT WAS HAD SPECIFIED IN THE MEDIATION AGREEMENT, BUT IT IS NOT THERE. SO THERE ARE NO PROVISIONS IN THE MEDIATION SETTLEMENT AGREEMENT FOR A TIA, AND WE BELIEVE THAT ONE IS REQUIRED. SO WHAT ARE THE CURRENT CONDITIONS TODAY? 2222 IS RATED AS OVER CAPACITY. IT WAS RATED TO HANDLE ROUGHLY 3600 TO 3900 VEHICLES PER DAY. TXDOT IS IN THE PROCESS OF

STUDYING IT, AND WE MET WITH TXDOT IN EARLY JANUARY, AND WE APPRECIATE THEM COMING OUT TO HEAR FROM US WHAT OUR OPINIONS WERE. AND AS CHARLIE STATED EARLIER, THE NUMBER ONE CONCERN IS SAFETY. AND WE STILL DON'T KNOW WHAT TXDOT IS GOING TO GO DO WITH THAT HIGHWAY. THEY'RE COMING BACK WITH A NUMBER OF PLANS OR SCENARIOS. IT'S GOING TO BE AT LEAST A SIX-LANE HIGHWAY, BUT WE CAN MAKE THAT A 16 LANE HIGHWAY AND STILL HAVE THE TRAFFIC JAMS THAT WE HAVE AT THE 360 INTERSECTION. WE MAY NEED A FLYOVER THERE, BUT I DON'T BELIEVE TXDOT IS ADDRESSING THAT AT THIS TIME. AND AGAIN, TXDOT IS CONCERNED ABOUT THE ENVIRONMENTAL IMPACT. WE'RE ALREADY OVER CAPACITY. THE ROAD IS RATED F AS FAILED. AND IF YOU LOOK AT THOSE STATISTICS THAT WE HAVE ON THE ROADS JUST COMING OFF CITY PARK ROAD AMAZES ME, 4730 TRIPS. OVER 41,000 41,000 TRIPS ON 2222. AND ON 360 IT'S JUST -- IT'S JUST UNBELIEVABLE, 47 TO 53,000 TRIPS. SO WHAT IS AN F RATED ORGANIZATION -- F RATED ROAD SYSTEM. IT'S A FAILED SYSTEM. IT'S FAILED TODAY. AND WHAT IT MEANS IS THAT PEOPLE ARE GOING TO BE LOOKING FOR ALTERNATE ROADS TO BYPASS THE TRAFFIC THAT THEY'RE FACED WITH EVERYDAY. AND SO THEY'RE GOING TO TAKE SHORTCUTS, AND THEY ARE TAKING SHORTCUTS, AND HERE'S A TYPICAL EXAMPLE OF THIS COMMUNITY ROAD THAT TRAFFIC IS FLOWING ON. I'VE GOT TO GO BACK A SLIDE. SORRY. THE SAME PROBLEM IS ON CITY PARK. I DON'T KNOW IF YOU FOLKS HAVE DRIVEN CITY PARK, BUT TODAY IT'S A VERY DANGEROUS ROAD AND THE EXPANSION THAT WE'RE GOING TO BE FACED WITH WITHOUT A TIA ADDRESSING 2222 -- CITY PARK IS GOING TO COMPOUND THE PROBLEM. NOW, WE LOOKED AT STATISTICS. IF WE TAKE ALL THOSE NUMBERS THAT ARE SHOWN ON THAT CHART AND ADD THEM UP, IT LOOKS LIKE THE CAPACITY WOULD BE 25%. 25% OF THE CAPACITY OF 2222 THAT WAS THE RATED CAPACITY OF BETWEEN 36,000 AND 40,000. THAT'S BY SETTING THE TRIP LIMIT TO 11,000. AND WE'RE -- YOU KNOW, IT'S NOT OVER UNTIL IT OVER. NO MATTER WHAT HAPPENS WITH YOUR DECISION MAKING, AS CHARLIE STATED, THE DEVELOPERS CAN CONTINUE TO COME BACK AND ASK FOR EVEN MORE TRIPS AND COMPOUNDING THE PROBLEM THAT WE'RE FACED WITH. BUT WHAT CAN WE REALLY EXPECT? VERY

HIGH NUMBERS COULD GENERATE AS MANY AS 80,000 TRIPS PER DAY. 80,000 TRIPS PER DAY ON THAT ROAD. UNBELIEVABLE NUMBERS. SO WE EXPECT THE CHAMPION TRACTS THAT THE PLANS AND EXPECTATIONS HAVE TO BECOME MORE REALISTIC, MORE REALISTIC MEANS THAT IT ADDRESSES THE SAFETY HAZARDS THAT WE'RE FACED WITH. THERE'S A LITTLE SIDE NOTE HERE. WE'VE BEEN UP ON 620, AND THERE'S A NEW SHOPPING CENTER THAT WENT IN UP THERE AT AN INTERSECTION WHERE THEY HIRE A SHERIFF TO LET THE PEOPLE IN AND OUT FOR SAFETY REASONS. IN MY OPINION, IF WE ALLOW THIS TRAFFIC PATTERN TO OCCUR, WE'RE GOING TO HOPE THAT WE CAN HIRE MORE SHERIFFS BECAUSE I THINK WE'RE GOING TO NEED FOUR OF THEM TO LET THE PEOPLE IN AND OUT. WE'RE LOOKING FOR SOLUTIONS AND NOT PROBLEMS. AND WE DO WANT A PARTNER. WE COME BACK TO A QUOTE THAT WAS DONE BY JACKIE GOODMAN. I DON'T THINK THE TRAFFIC CAN BE MEDIATED AWAY. IT'S A PROBLEM THAT'S JUST NOT GOING TO DISAPPEAR. NOW, WE R. WE BELIEVE THAT THE TRAFFIC ISSUES ARE VALID ISSUES AND THAT THERE ARE LAWS THAT HAVE TO BE ADDRESSED, STATE LAWS AND CITY LAWS. AND IT ALSO AFFECTS THE ZONING TO PROTECT THE INTEREST AND SAFETY AND HEALTH AND WELFARE OF PEOPLE. \$40,000, MAYBE THAT WILL FILL THE POTHOLE. WHEN YOU LOOK AT THE COST OF BUILDING THAT ROAD OUT, ALL OF THAT CONSTRUCTION COST SHOULD BE AT THE EXPENSE OF THE DEVELOPER, EVERY SINGLE NICKEL. AND I MUST STEP BACK TO YOU AND TELL YOU A LOT STORY. I HAD THE BENEFIT OF BEING A NASA CONTRACTOR FOR 35 YEARS. THE NASA ADMINISTRATION REQUIRED US TO PUT OUR HIGHEST PRIORITY ON THE SAFETY AND HEALTH OF PEOPLE. IN FACT, IF YOU WERE NOT DOING A GOOD JOB OF SAFETY AND HEALTH, YOU DIDN'T DO BUSINESS WITH NASA. WE TOOK IT SO SERIOUS THAT WHENEVER OUR PROGRAM MANAGERS PRESENTED OUR PLANS, WE FIRST BEGAN PRESENTING SAFETY. AND WE'RE NOT TALKING ABOUT PAPER CUTS HERE, WE'RE TALKING ABOUT PEOPLE DRIVING VEHICLES, WE'RE TALKING ABOUT CRANE OPERATORS, BUILDING REPAIRS, VERY COMPLEX WORLDWIDE. I SHARE WITH NASA AND THE FORMER ADMINISTRATOR, SHAUN O'CEEFF, THE EMPHASIS HE PUT ON SAFETY, AND I BELIEVE THAT YOU FOLKS HAVE AN



OBLIGATION, AS OUR ADMINISTRATORS, TO PUT AS YOUR HIGHEST PRIORITY IN YOUR DECISION MAKING THE SAFETY AND HEALTH OF YOUR CONSTITUENTS OVER THE INTEREST OF THE PROPERTY OWNERS. I'D LIKE TO THANK YOU FOR THIS OPPORTUNITY TO PRESENT. I'D LIKE TO WISH ALL OF YOU A SAFE AND HAPPY NEW YEAR FOR YOU AND YOUR FAMILY. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? THANK YOU, SIR. THE KEY NOTES CONTINUE. WELCOME.

I'LL BE A SHORTER KEYNOTE. MY NAME IS ANNETTE DAWSON AND I THINK YOU HAVE TWO THAT HAVE GIVEN TIME TO ME.

Mayor Wynn: LET ME FIND YOU. HANG ON, ANNETTE. I TRUST YOU. GO AHEAD. YOU HAVE UP TO NINE MINUTES THEN.

OKAY. MY NAME IS ANNETTE DAWSON, AND I AM A MEMBER OF THE AUSTIN CITY PARK NEIGHBORHOOD ASSOCIATION. AND WE OPPOSE THE REZONING OF CHAMPION TRACTS ONE, TWO AND THREE FOR THE REASONS OUTLINED BELOW. WE'RE A NEIGHBORHOOD ASSOCIATION OF APPROXIMATELY 170 HOUSEHOLDS, INCLUDING THE NEW GREEN SHORES DEVELOPMENT. OUR ACCESS TO 2222 IS LIMITED TO TRAVEL ON CITY PARK ROAD. THE ZONING FOR HIGH INTENSITY USE SHOULD BE ASSESSED FOR CURRENT CONDITIONS TO PROTECT AND PRESERVE SAFETY ON CITY PARK ROAD. IT IS NOT APPROPRIATE FOR THE DRAMATIC TOPOGRAPHY ON THESE THREE TRACTS THAT LINE THE BULL CREEK WATERSHED OR THE ROADWAYS IN THOSE AREA THAT ARE ALREADY OVERCAPACITY. THE REQUESTED REZONING POSES NEW UNWELCOME HAZARDS TO OUR ROAD AND TO LAKE AUSTIN. CITY PARK ROAD CONGESTION AND HAZARDS. ONE, TRAFFIC VOLUME ENTERING AND EXITING TRACTS TWO AND THREE WILL BOTTLENECK THE INTERSECTION OF CITY PARK ROAD AT 2222. TWO, INGRESS AND EGRESS TO TRACTS TWO AND THREE ON CITY PARK ROAD WILL INTRODUCE NEW HAZARDS TO NORMAL TRAFFIC ON CITY PARK ROAD, ESPECIALLY LESS TURNS TO OR FROM THE TRACTS. SITE DISTANCE ON THE CHAMPION PORTIONS OF CITY PARK ROAD IS LIMITED DUE TO CURVES IN ELEVATION, CREATING FURTHER HAZARD FOR NORMAL TRAFFIC. FOUR, TRAFFIC VOLUME FOR CITY PARK ROAD NOT A STATE OR

COUNTY ROADWAY, EXCEEDED CAPACITY IN 1998. FOR 2002, CAMPO REPORTED THE TRAFFIC VOLUME ON CITY PARK ROAD TO BE 4,730. THAT'S A 50% INCREASE IN FOUR YEARS. SINCE THEN AT LEAST THREE NEW SUBDIVISIONS HAVE BEEN APPROVED OR ADDED, EACH TO ADD APPROXIMATELY 100 HOUSEHOLDS TO CITY PARK ROAD USAGE. A CURRENT TIA WAS NOT REQUIRED FOR REZONING TO HIGHER DENSITY. DATA FOR CITY PARK TRAFFIC VOLUME WAS REPORTED IN THE 1999 TIA SUPPLEMENT AT 3,140. AND THE CITY PARK ROAD INTERSECTION WITH 2222 WAS REPORTED TO OPERATE AT ACCEPTABLE LEVELS. ACCORDING TO CAMPO, TRAFFIC ON CITY PARK ROAD AT 2222 HAS INCREASED MORE THAN 50% IN THREE YEARS. THE THREE PERCENT YEAR INCREASE ASSUMED BY THE 1999 TIA IS NOT RELIABLE. CITY PARK ROAD SHOULD BE ASSESSED FOR CURRENT CONDITIONS TO PROTECT AND PRESERVE THE SAFETY ON CITY PARK ROAD. WE REMIND YOU, CITY PARK ROAD IS USED FOR AN INCREASING NUMBER OF BOATERS, CAMPERS, MOTORCYCLES, HIKERS AND SWIMMERS WHO ENJOY EMMA LONG METROPOLITAN PARK. IN THE SUMMER, MANY CARS TOWING BOATS, TRAILERS AND PERSONAL CAMPERS, CAMPING FACILITIES ARE OFTEN FULL. ALSO, CITY PARK ROAD IS A DESIGNATED BIKE TRAIL AND THE CITY INVITES MANY PERSONS TO USE THE MOTORCYCLE TRAIL PORTION OF CITY PARK, ALL IN ADDITION TO THE NUMEROUS HOUSEHOLDS WHO MUST USE CITY PARK TO EXIT THE NEIGHBORHOODS ON TO 2222. IN THE 1999 TIA TRAFFIC VOLUME FOR 1996 WAS REPORTED TO BE 25,000 VEHICLES A DAY. THIS IS REGARDING 2222 CONGESTION. IN THE 2002 CAMPO STUDY, VEHICLES PER DAY WERE REPORTED AT 40,880, NOT COUNTING ANY CHAMPION TRACT DEVELOPMENT. THAT'S A 60% INCREASE IN TRAFFIC VOLUME. A THREE PERCENT PER YEAR INCREASE ASSUMED BY THE 1992 TIA IS NOT RELIABLE AND CURRENT TRAFFIC VOLUME ON 2222 SHOULD BE ASSESSED FOR CURRENT CONDITIONS TO PROTECT AND PRESERVE SAFETY ON CITY PARK ROAD. FINALLY, THE PRESERVATION OF WATERSHED AND WATER QUALITY. THE CHAMPION TRACTS ONE, TWO AND THREE LIE IN THE BULL CREEK AND WEST BULL CREEK WATERSHED. IN OUR NEIGHBORHOOD OUR HOUSEHOLDS OBTAIN WATER FROM EITHER LAKE AUSTIN OR THE TRINITY AQUIFER. WE REQUEST THE CITY OF AUSTIN ENFORCE ITS

WATERSHED ORDINANCES TO PROTECT THE WATER QUALITY OF LAKE AUSTIN AND THE TRINITY AQUIFER BENEATH THE BULL CREEKS. SPECIFICALLY, WE REQUEST THE CITY TO ENFORCE SETBACKS FROM THE CREEKS THAT SUPPLY WATER TO LAKE AUSTIN AS WELL AS ALL OTHER ENVIRONMENTAL FEATURES SUCH AS BLUFF SPRINGS AND WETLANDS. TO THE EXTENT THAT GRANDFATHERED RIGHTS HAVE BEEN INVOKED TO NULLIFY AUSTIN'S WATERSHED ORDINANCES AND PROTECTIONS, WE REQUEST THAT YOU ASSERT THE MUNICIPALITIES EXCLUSIVE POWER AND AUTHORITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF ITS CITIZENS REGARDING BOTH TRIP LIMITS AND ZONING DECISIONS AND ENFORCEMENT OF WATERSHED ORDINANCES. THE ADDITIONAL TRAFFIC WILL ALSO ADD ADDITIONAL OZONE ACTION DAY DUE TO THE INCREASE IN THE BACKED UP TRAFFIC. WE SUPPORT YOUR EFFORTS TO KEEP AUSTIN SAFE AND BEAUTIFUL. WE ASK YOU, PLEASE VOTE NO TO THE REZONING OF THE CHAMPION TRACTS TO HIGH DENSITY USES AND INCREASED TRIP LIMITS. AGAIN, WE ARE NOT OPPOSED TO DEVELOPMENT. WE WOULD JUST LIKE TO SEE THE DEVELOPMENT SO THAT IT'S LIVEABLE AND NOT COMPROMISING THE WATER AND THE SAFETY OF OUR CITY. I'VE GOT ONE MORE SLIDE TO PUT UP THERE. OKAY. RIGHT HERE YOU CAN SEE THIS IS -- THIS LOOP IS 2222 HIGHLIGHTED IN YELLOW. IS CITY PARK ROAD. THERE IS A LITTLE NICHE OFF OF THAT. THAT IS WHERE WE'RE TALKING ABOUT. THAT'S THE ONE PLACE THAT WE HAVE ASCERTAINED THAT THEY ARE GOING TO PUT AN INGRESS/EGRESS TO THE TRACTS ON THE WEST SIDE. NOW, WE DO HAVE A SHORT VIDEO. THIS IS GOING UP AND DOWN CITY PARK ROAD. I'D LIKE TO APOLOGIZE. HE SAID HE FORGOT TO WASH HIS WINDSHIELD, SO PLEASE EXCUSE THE WINDSHIELD, BUT IT IS NARRATED.

THERE'S THE THREE PIECES OF PROPERTY THAT BE PROPOSED TO BE DEVELOPED, I THINK, THERE. JUST GOT ON CITY PARK ROAD, PROPOSED ENTRANCE FROM HERE AND FROM THERE. THIS IS THE ROAD COMING DOWN 15 PERCENT GRADE FOR A QUARTER MILE, SO COMING DOWN FROM STOVE WOOD HILL. AND THERE'S A LOT OF BIKERS ON THIS ROAD. HERE'S THE ENTRANCE TO COURTYARD GOING UP TO SHEPHERD'S MOUNTAIN, ANOTHER DEVELOPMENT AT

THE TOP OF THE HILL. WE'RE ON 2222 TRAVELLING TOWARDS -- I'M SORRY, WE'RE ON CITY PARTIAL ROAD GOING TOWARDS 2222. WE'RE AT THE TOP OF STOVE WOOD HILL STARTING THE DOWNWARD, THROUGH THE WINDING ROAD. ON THE RIGHT-HAND SIDE AT THE VERY TOP OF THE HILL IS A NEW PROJECT OF SOME KIND, A DEVELOPMENT THEY'RE JUST BUILDING. WHAT APPEARS TO BE A SEMI-CIRCULAR DRIVE WITH RETAINING WALLS. THIS IS THE OTHER ENTRANCE TO THAT SEMI-CIRCULAR DRIVE WITH THOSE RETAINING WALLS. THIS IS THE ENTRANCE TO THE COURTYARD GOING UP TO SHEPHERD'S MOUNTAIN.

HE JUST GOT PASSED ON A DOUBLE YELLOW LINE.

THESE ARE THE PROPERTIES ON BOTH SIDES OF THE ROAD THAT ARE TO BE DEVELOPED, I BELIEVE. WE'RE APPROACHING THE LAST BEND IN CITY PARK ROAD APPROACHING 2222, TWO-LANE ROAD, LIMITED SIGHT, CONSTRUCTION, ALL THOSE APARTMENT BUILDINGS ACROSS THE WAY UP ON THE HILL. AND THIS IS THE INTERSECTION OF 2222.

BY THE WAY, IT'S ALMOST IMPOSSIBLE TO TURN LEFT ON TO CITY PARK ROAD HEADING -- IF YOU'RE HEADED WEST WITHOUT GOING OVER INTO WHAT IS A MEDIAN AREA. I DEFY YOU TO DO IT AT NIGHT. I'VE TRIED. YOU CANNOT STAY IN YOUR LANE. I APPRECIATE YOUR TIME AND AGAIN, HAPPY HOLIDAYS TO EVERYONE.

Mayor Wynn: THANK YOU, MS. DAWSON. [ APPLAUSE ]

HELLO. MY NAME IS LUZETTE SMIDLY. I LIVE IN GLEN LAKE, WHICH IS OFF OF CITY PARG ROAD. I THINK I HAVE A MAP TO SHOW YOU.

Mayor Wynn: HANG ON. IS THOMAS PULLIAM HERE? HELLO. HOW ABOUT PATRICIA SEEINGER? AND HOW ABOUT BRETT TISDALE. SO YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT.

THANK YOU. I HAVE A VISUAL TO SHOW YOU OF WEST BULL CREEK, WHICH IS NOT SHOWN ON ANY OF THE MAPS YOU'VE SEEN SO FAR. WEST BULL CREEK IS -- IT'S THE BLUE ON THIS

MAP. THE YELLOW IS THE CHAMPION. WEST BULL CREEK IS ONE OF OUR DRINKING WATER SOURCES. IT SEEMS THAT IT'S BEEN ABANDONED TO SPECIAL INTERESTS RIGHT NOW. A BRIEF HISTORY, LONG AGO THE CITY DESIGNATED 2222 AS A SCENIC ROADWAY. IN 1996 THE HILL COUNTRY ROADWAY ORDINANCE WAS ADOPTED WITH 2222 AND LOOP 360 SPECIFICALLY IN MIND. IN 1992 THE CHAMPIONS SAID REPEATEDLY THAT THEY WANTED TO PRESERVE THE BEAUTY OF THE AREA AND PROTECT THE WATER QUALITY OF THE CREEK AND THE WATER THAT FLOWS INTO LAKE AUSTIN. BUT IN 1996 THE CITY AGREED TO REDUCE THE HILL COUNTRY ROADWAY ORDINANCE SETBACKS FROM THE REQUIRED 100 FEET TO ONLY 25 FEET FOR THE CHAMPION PROPERTY. ALSO THE 1996 LAWSUIT SETTLEMENT STATES THAT ONLY THE LAKE AUSTIN WATERSHED ORDINANCE SHALL APPLY. THE LAKE AUSTIN WATERSHED ORDINANCE DOES NOT REQUIRE STREAM SETBACKS OR A BUFFER ZONE. IT ONLY PROHIBITS BUILDING IN THE 100 YEAR FLOODPLAIN. IN 2005 YOUR MEDIATION AGREEMENT REMOVES EVEN THE 25-FOOT ROADWAY SET BACK AND ALL CREEK AND BLUFF SETBACKS. IT STATES, AND I QUOTE, THE CHAMPION TRACTS WEST OF LOOP 360 WILL BE REZONED TO OMIT ANY LIMITATIONS ON SETBACKS, UNQUOTE. STAFF COMMENTS IN THE CHAMPION FILES WOULD LEAD YOU TO THINK THAT STORM WATER DETENTION AND WATER FILTRATION PONDS WILL BE REQUIRED AS ALWAYS, BUT THEY WILL NOT. IN THE 1996 LAWSUIT SETTLEMENT, THE CITY AGREED, QUOTE, THE DETENTION OF TWO YEAR STORM WATER IS NOT REQUIRED, UNQUOTE. AND IN THE EVENT THAT ANY CUT AND FILL VARIANCES FOR THE CONSTRUCTION OF WATER QUALITY PONDS ARE NOT GRANTED, THE APPLICANTS SHALL NOT BE REQUIRED TO COMPLY WITH WATER QUALITY CONTROLS AT ALL. THAT'S IN THE 1996 SETTLEMENT. A COMPLETE ASSESSMENT BY THE ENVIRONMENTAL COMMISSION MUST BE MADE BEFORE ANY MORE DECISIONS ON MADE ON THIS LAND. BY THE CITY'S CLASSIFICATION SYSTEM, WEST BULL CREEK ANT IS MINOR WATERWAY, BUT A MAJOR WATERWAY. IN THE CITY'S LAND DEVELOPMENT CODE, THE CHAMPIONS' WEST BULL CREEK LAND IS CLASSIFIED AS A WATER SUPPLY SUBURBAN WATERSHED. AND A CRITICAL WATER QUALITY ZONE WHOSE BOUNDARIES ARE TO BE LOCATED NOT LESS THAN 200 FEET FROM THE CENTER LINE OF THE WATERWAY

AND, AS MR. MURPHY SAID, AN ADDITIONAL WATER QUALITY TRANSITION ZONE OF 300 FEET IS ALSO REQUIRED. ARTICLE 9 STATES THAT, QUOTE, DEVELOPMENT IS PROHIBITED IN A CRITICAL WATER QUALITY ZONE, UNQUOTE. IN THE MEDIATION AGREEMENT, THE CITY IS WAVING ALL OF THESE PROTECTIONS. IT'S UNACCEPTABLE. SOME STAFF HAVE TOLD US THAT THE MEDIATION AGREEMENT DOES NOT GIVE AWAY THE PROTECTIONS THIS WATERSHED SHOULD HAVE, BUT NO ONE IN ANY OF THE CITY DEPARTMENTS CAN LIST WHAT THOSE PROTECTIONS ARE IN BLACK AND WHITE OR SHOW US THE CHAMPIONS' SIGNATURE OF AGREEMENT TO THESE FACTS. I'VE JUST QUOTED FROM THE 1996 SETTLEMENT AND THE CURRENT ONE, THE PROTECTIONS ARE BEING STRIPPED. UNTIL WE AND YOU HAVE CLEAR, CONCISE LANGUAGES THAT ALL CAN UNDERSTAND WITH SIGNATURES, YOU CANNOT REALIZE WHAT YOU COULD BE GIVING AWAY WITH A YES VOTE. IT COULD BE A MONUMENTAL GIVEAWAY. WATERSHED LAW ON THESE PROPERTIES HAS BEEN SUSPENDED, THEREFORE DEVELOPMENT APPLICATIONS DON'T GET NORMAL RIGOROUS REVIEW. CHAPTER 25-8 OF THE LAND DEVELOPMENT CODE HAS AN ENVIRONMENTAL ASSESSMENT REQUIREMENT WHICH CLEARLY APPLIES TO THE CHARACTER OF THIS PROPERTY. IT SHOULD BE REQUIRED AT ZONING STAGE, ESPECIALLY IN A DRINKING WATER SUPPLY WATERSHED TO HELP DETERMINE APPROPRIATE LAND USE. THE LAND DEVELOPMENT CODE HAS BEEN GUTTED FOR THESE PROPERTIES. IF YOU BELIEVE THE LAND DEVELOPMENT CODE WILL BE FOLLOWED IN THIS CASE, THEN THAT HAD BEST BE SPECIFIED. THIS IS A LAWSUIT SAYING THE REZONING GETS RID OF ANY SET BACK LIMITATIONS. THAT'S VERY BROAD LANGUAGE. IT GETS THE HILL COUNTRY ROADWAY -- IT GUTS THE HILL COUNTRY ROADWAY. THEY'VE ALREADY ELIMINATED CUT AND FILL AND WATER QUALITY CONTROLS. DOES THE MEDIATION AGREEMENT LANGUAGE NOT UNDERMINE THE LAND DEVELOPMENT CODE ALSO. IF THERE ARE EXCEPTIONS TO THE PHRASE, ELIMINATE ALL SETBACKS, THEN THOSE EXCEPTIONS NEED TO BE SPELLED OUT, OTHERWISE THEY WILL BE SUBJECT TO INTERPRETATION IN ANOTHER LAWSUIT. THE TEXAS SUPREME COURT HAS DEFINITELY RULED THAT AUSTIN'S WATER QUALITY ORDINANCES ARE

VALID EXERCISES OF ITS AUTHORITY TO PROTECT ITS WATER SUPPLIES AND ARE NOT UNLAWFUL RESTRICTIONS ON DEVELOPMENT. THE CITY FOUGHT THAT BATTLE AND WON. WHY ARE WE GOING TO FIGHT IT AGAIN? GRANDFATHERING IN REGARD TO WATERSHED ORDINANCE MUST NOT BE ALLOWED. HOUSE BILL 1704 VIOLATES EQUAL PROTECTION BY PREFERRING VESTED RIGHTS OF A FEW LANDOWNERS OVER A MUNICIPALITY'S CITIZENS' RIGHTS TO HEALTH, SAFETY AND WELFARE PROTECTIONS. IT MUST BE CHALLENGED. WE SHOULD NOT HAVE TO BEG OUR CITY OFFICIALS TO ENFORCE THE LAW. WE ASK YOU TO STAND UP IN COURT AND FIGHT IF NECESSARY FOR THE RIGHT TO PROTECT WATERSHED AND WATER QUALITY IN THE BULL CREEKS AND LAKE AUSTIN, OUR DRINKING WATER SUPPLY. THIS LAND CRIES OUT FOR A COMPLETE ENVIRONMENTAL ASSESSMENT BEFORE ANYTHING ELSE IS DECIDED. PROTECTING THE HEALTH AND SAFETY OF AUSTIN'S CITIZENS IS THE HIGHEST CALLING OF YOUR OFFICE. PLEASE VOTE NO ON THIS ZONING, PROTECT THIS WATERSHED. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU.

I'M MARJELENE LASSITER. I'M AN ATTORNEY WORKING WITH CONA HELPING THEM DETERMINE WHAT THE LEGAL ISSUES WERE, HOW IT'S HAPPENED. I'M ALSO A RESIDENT THE NEIGHBORHOOD ASSOCIATION, I'M A PAST PRESIDENT, A PAST CHAIR OF THE LAKE AUSTIN ADVISORY PANEL FOR THE LCRA.

Mayor Wynn: GREAT. HANG ON. IS EARL AND ELLEN RUSSELL HERE. WELCOME. HOW ABOUT DAVID DAY SALVO? HOW ABOUT DALE BULLA? SO YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT.

OKAY. ON MONDAY THESE BOOKLETS WERE DELIVERED TO EACH OF YOU SO THAT YOU HAVE A MAP AND YOU HAVE THE BULK OF THE DATA THAT WE WANTED YOU TO KNOW. SOME OF THE DATA WE GOT FROM YOUR FILES. THERE WERE SIX BOXES OF FILES. WE WENT THROUGH EVERY SINGLE ONE OF THEM. I WANT TO SHOW YOU WHEN YOUR STAFF TELLS YOU WHAT THE CASE HISTORY IS AND THEY GIVE YOU A LITTLE COUPLE OF BOXES, THIS IS THE CASE HISTORY ON

THE CHAMPION TRACTS. FROM 1991 UNTIL NOW. THIS CITY COUNCIL, NOT YOU, BUT THIS CITY COUNCIL HAS BEEN OVER AND OVER AND OVER THESE TRACTS OF LAND. I WANT YOU TO LOOK AT THE MAP. IN THE BEGINNING, 1991, A TRAFFIC IMPACT ANALYSIS WAS FOR THESE TWO TRACTS THAT ARE ON THE EAST SIDE OF 360. EVENTUALLY THOSE WERE ESTIMATED TO HAVE 13,000 TRIPS PER DAY JUST ON THOSE TINY PIECES OF LAND. RIGHT NOW I BELIEVE ONLY THE SOUTH PART OF TRACT 5 HAS BEEN DEVELOPED AND THAT'S THE SHOPPING CENTER. THEN IN A 1998, '99, A PUD WAS APPLIED FOR, SOME MORE ZONING CASES, AND THE 6500 TRIP LIMIT WENT IN IN 2000 AND THE CHAMPIONS TOOK THAT OPPORTUNITY TO PUT IN THE APARTMENTS THAT COME DOWN THE RIM OF THE HILL HERE. AND THEY USED UP QUITE A FEW OF THEIR 459 APARTMENTS, SOMETHING LIKE THAT. SO THIS COUNCIL HAS HELD THE LINE. THE CHAMPIONS MADE THEIR CHOICES, THEY USED THEIR PROPERTY THE WAY THEY COULD. THEY HAD THE TRIP LIMITS AND THEY SAID WE'RE GOING TO QULIEW THEM AND THEN WE'RE GOING TO GO BACK AND NOW THEY'VE FILED A LAWSUIT. SO NOW WE'VE GONE TO QUITE SOME TROUBLE TO FIGURE OUT NOT TO BE TOLD BY MICHAEL WHELLAN WHAT THE LEGAL ISSUES ARE, WE HAVE GONE TO SOME TROUBLE TO FIND OUT WHAT THE LEGAL ISSUES ARE MY OURSELVES. APPARENTLY IT IS LAW THAT A CITY COUNCIL CANNOT CONTRACT ITSELF TO A ZONING DECISION, SO IF IN 1996 THE CITY COUNCIL CONTRACTED TO PERMANENTLY ZONE OR TO PERMANENTLY LIMIT THE INTENSITY OF THE PROPERTY, THAT WOULD HAVE BEEN ILLEGAL. THE CHAMPIONS' LAWYER HAS APPARENTLY TALKED SOMEBODY INTO BELIEVING THAT ONE SENTENCE, IN ONE PARAGRAPH, AND I SET THAT OUT FOR YOU IN THIS, SAYS YOU CAN'T DO THAT, YOU CAN'T LIMIT OUR TRIP LIMITS BECAUSE IT WILL AFFECT BUILDING FOOTAGE. OKAY. THAT CONSTRUCTION WILL BE A CONTRACT TO LIMIT ZONING, TO LIMIT YOUR LEGISLATIVE AUTHORITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF YOUR CITIZENS. THAT IS WHY YOU ARE ABLE TO LEGISLATE AND OUR TEXAS LEGISLATURE CANNOT STOP YOU FROM PROTECTING IN YOUR OWN WAY THE HEALTH, SAFETY AND PROTECTION OF YOUR CITIZENS. WE HAVE TWO ISSUES. TWO ISSUES THAT WE NEED PROTECTION ON. ONE IS TRAFFIC SAFETY. THE OTHER ONE



IS THE WATER QUALITY OF THE BULL CREEK AREA. YOU'VE HEARD THREE TIME TONIGHT THERE ARE NO SETBACKS ON THOSE CREEKS. I WANT YOU TO LOOK. IF YOU CAN SEE THE BLUE IN THERE, THERE IS CREEK ALL OVER THE CHAMPION TRACTS. I GAVE YOU QUOTES FROM THE CHAMPIONS THEMSELVES, FROM THEIR LAWYERS THAT SAID HOW MUCH THEY WANTED TO PROTECT THE WATER QUALITY. THERE WAS ONE QUOTE ABOUT ZERO DEGRADATION. I'D LIKE FOR YOU TO HOLD THEM TO THAT. I THINK THEY WOULD LIKE TO PROTECT THE WATER QUALITY. UNFORTUNATELY, THEY DON'T HAVE TO BECAUSE THE CITY OF AUSTIN WILL NOT STAND UP AND SAY, DO YOU KNOW WHAT, WATERSHED ORDINANCES WERE FOR THE PURPOSE OF PROTECTING THE HEALTH, SAFETY AND WE WELFARE OF OUR CITIZENS, WE HAVE A LEGISLATIVE RIGHT TO DO IT AND WE CAN'T SUSPEND THAT. AND IT WAS SUSPENDED IN 1996 AND IT SHOULDN'T HAVE BEEN AND IT SHOULDN'T BE TODAY. TRIP LIMITS, WHEN THIS CITY COUNCIL AGREED TO 6500 6500 TRIP LIMITS, AT THAT TIME THE CAPACITY OF 2222 HAD NOT BEEN REACHED. THERE WERE 6500 TRIPS LEFT BEFORE 100% CAPACITY. IT'S OVER 100% CAPACITY NOW. THE TRAFFIC HAS INCREASED, YOU HEARD THE NUMBERS. THE TRAFFIC DATA IS ALSO IN THIS BOOKLET THAT WE SENT TO YOU ON MONDAY. GRANDFATHERING RIGHTS BEGAN. AS SOMEONE WHO HAD A USE, AND LET'S CALL IT A DAIRY BARN, CATTLE, WHATEVER, AND THEN THE CITY COMES IN AND ANNEXES IT, GUESS WHAT, YOU GET TO KEEP YOUR DAIRY FARM BECAUSE IT'S A CONTINUING, EXISTING USE WHEN THAT GOES IN. NOW, IF YOU QUIT DOING YOUR DAIRY BARN, YOU'VE LOST YOUR GRANDFATHERED RIGHT. NOW, THAT WAS THE LAW FOR YEARS AND YEARS BEFORE THE LEGISLATURE CAME UP WITH THEIR 1704 IDEA AND THEY SAID, HEY, IF YOU GET A PERMIT ON A PROJECT, YOU FREEZE THE LAW. NOW, WE WOULD SAY TO YOU IT DOESN'T MAKE ANY SENSE THAT A CITY HAS ITS WATER QUALITY PRESERVATION FROZEN WHERE YOU CAN FOR THE NEXT 50 YEARS POLLUTE BECAUSE YOU'RE GRANDFATHERED OR YOUR 1704'D. THAT DOESN'T MAKE SENSE. I DON'T CARE WHAT THE LEGISLATURE TRIED TO DO. WE WANT THE CITY TO FIGHT THAT. WE WANT THE CITY TO FIGHT THAT ALL OVER THE CITY, SAY NO, WE HAVE A RIGHT TO WATERSHED PROTECTIONS FOR OUR CITIZENS. THERE ARE COURTS

THAT HAVE UPHELD THIS. ONE DECISION CAME OUT A MONTH AFTER THE 1996 CSA. TOO BAD. WELL, IT'S LAW. IT'S FIFTH CIRCUIT LAW. THE TEXAS SUPREME COURT HAS RULED ON THIS I BELIEVE TWICE. AND HAS SAID, CITY, YOU HAVE POLICE POWERS. NO ONE CAN TAKE THAT AWAY FROM YOU. YOU CAN PROTECT YOUR CITIZENS. THAT IS DELEGATED TO YOU UNDER THE TEXAS CONSTITUTION. SO I'M SKIPPING AN AWFUL LOT OF STUFF. I CAN'T TELL YOU ALL THE PROBLEMS THAT WE HAVE SEEN AS WE REVIEWED YOUR STAFF FILES WHERE YOUR STAFF, WHO BY THE WAY I THINK IS GREAT. I PARTICULARLY LOVE YOUR WATERSHED PEOPLE. I SERVED WITH ONE OF THEM ON THE LAKE AUSTIN ADVISORY PANEL. THEY LOVE THIS CITY, THEY WANT TO PROTECT THE WATERSHEDS. THEIR HANDS ARE TIED. THEY HAVE THESE DOCUMENTS THAT SAY 1704 CCSA. THEY CAN'T DO ANYTHING. THEY CAN'T NEGOTIATE WITH THE CHAMPIONS AND SAY DO YOU KNOW WHAT, TO PROTECT THIS CREEK WE NEED TO DO 100-FOOT SET BACK. CAN WE TRADE YOU SOMETHING? HAS THAT CONVERSATION OCCURRED? WE DIDN'T SEE IT IN THE FILE. HOW ARE YOU GOING TO DO THAT WITHOUT AN ENVIRONMENTAL ASSESSMENT. THERE IS NO ENVIRONMENTAL ASSESSMENT ON ANY OF THIS CREEK LAND AND THAT'S WHAT I CALL IT. YOU'VE GOT CREEKS, YOU'VE GOT BLUFFS, YOU'VE GOT MAYBE SPRINGS. NOBODY HAS FOUND ANY OF THE SALAMANDERS THERE YET AND FRANKLY I DON'T THINK ANYBODY IS LOOKING BECAUSE NO ASSESSMENT HAS BEEN DONE. THIS IS WARBLER TERRITORY. I HAVEN'T BEEN OVER BY THE SHOPPING CENTER TO LOOK AT THE CREEK, AND THAT'S ON -- THE MAP'S WRONG. TWIST. ON MY RIGHT, TRACT 5, DO YOU SEE THE SHOPPING CENTER IS THERE BY BULL CREEK, NOT WEST BULL CREEK, BULL CREEK. AND WHAT IS NOT ON THIS MAP EITHER IS THAT IT'S A VERY SHORT WAY TO LAKE AUSTIN. I THINK YOU HEARD THAT WHEN THE LAKE IS DOWN, BULL CREEK SUPPLIES 50% OF THE WATER IN LAKE AUSTIN. THAT'S HOW BIG A WATER SUPPLY CREEK IT IS. WE SENT YOU THE WATER QUALITY DATA THAT HAS BEEN PUT TOGETHER BY PEOPLE WHO KNOW WATER QUALITY DATA. PAH'S, THAT'S A CONTAMINANT THAT COMES WITH PAVEMENTS AND ASPHALTS. THAT'S WHAT WASHES OFF WHEN YOU HAVE ALL THIS IMPERVIOUS COVER. THAT WILL GO INTO THE CREEK.

THEY DON'T HAVE TO DO ANYTHING EXCEPT THE OLD -- '84, 1984 LAKE AUSTIN WATERSHED ORDINANCE. THAT'S ALL THEY HAVE TO DO. OKAY. YOU GET TO CLEAN IT UP. BARTON SPRINGS, DO YOU REMEMBER HOW MUCH YOUR PEOPLE TOLD YOU IT WAS GOING TO COST TO CLEAN UP THE PAH'S IN BARTON SPRINGS? 11 MILLION TO ELIMINATE THREE TO FIVE PERCENT OF THE CONTAMINATION. SO OBVIOUSLY IT'S MUCH BETTER TO PREVENT THIS FROM HAPPENING INSTEAD OF CLEANING IT UP. WE'RE ASKING YOU TO DO WHATEVER YOU HAVE TO DO TO NEGOTIATE WITH THE CHAMPIONS, AND IT'S ABLE TO NEGOTIATE AND GO TO COURT. SAY, YOUR HONOR, WE WANT WATERSHED TO ENFORCE OUR WATERSHED PROTECTIONS IN AUSTIN. WE'VE WORKED VERY HARD FOR MANY YEARS TO HAVE THESE GREAT WATERSHED PROTECTIONS AND WE WANT THEM ENFORCED. WHEN DANA JOHNSON TALKED TO YOU I DIDN'T EVER HEAR HER SAY THAT THERE HAS BEEN A COURT RULING IN THIS CASE FROM THE CHAMPION CASE. THERE WERE SUMMARY JUDGMENTS FILED IN THE '96 CASE. THEY WEREN'T HEARD. THEY SETTLED THAT ONE BETWEEN THEMSELVES. NO COURT HEARD IT. IN THIS CASE NO COURT HEARD IT, THERE'S NO MOTION FOR SUMMARY JUDGMENT. ALL THEY DID WAS GO BEFORE A GUY WHO USED TO BE A DISTRICT JUDGE APPOINTED BY GOVERNOR PERRY AND I THINK HE LASTED TWO YEARS. I DON'T REMEMBER ANY WATERSHED, WATER LAW BACKGROUND HE HAD. AND THAT'S AN IMPORTANT POINT. WHAT Y'ALL HAVE AT MEDIATION WAS A BREACH OF CONTRACT. THAT CASE WAS PRESENTED AS A BREACH OF CONTRACT. YOU LOOK AT SOME LANGUAGE THAT SAYS YOU'RE NOT SUPPOSED TO DO SQUARE FOOTAGE ON BUILDINGS. WELL, YOU DID. YOU SAID YEAH, BECAUSE TRIP LIMITS ARE RELATED TO SQUARE FOOTAGE ON BUILDINGS. YEAH, OKAY, YOU VIOLATED THAT. BUT YOU HAVE THE LEGISLATIVE AUTHORITY TO DO TRIP LIMITS. YES, TRIP LIMITS ARE RELATED TO SQUARE FOOTAGE, SO IF YOU HAD JUST SAID WE'RE GOING TO DO TRIP LIMITS, FORGET THE BUILDING SQUARE FOOTAGE, YOU WOULD HAVE BEEN FINE. SO YOU CAN SAY, OH, WE GOOFED, WE SHOULDN'T HAVE SAID SQUARE FOOTAGE. YOU CAN WIN THAT CASE, WE BELIEVE. AND WE SUPPORT YOU IF YOU WILL PLEASE TRY. I HAVE SO MUCH MORE INFORMATION, I DON'T WANT TO BORE YOU. I THANK YOU FOR YOUR

ATTENTION. [ APPLAUSE ]

Mayor Wynn: THANK YOU, MS. LASSITER. RUSH THE PODIUM.

HI. MY NAME IS RANDY LIPSURE. AND I KNOW YOU KNOW MY WIFE AND CHILDREN. YOU'VE ALREADY MET THEM. I DON'T KNOW HOW MANY MINUTES I HAVE. IF YOU WOULD LIKE TO CHECK ON THAT, I WOULD BE MORE THAN HAPPY TO WAIT.

Mayor Wynn: HANG ON. IS PAUL WHEELER HERE? HELLO. HOW ABOUT JAY DAVIS AND NANCY DAVIS? WELCOME. HEY, FOLKS. AND DONALD GRIFFEN. SO RANDY, YOU WILL HAVE UP TO 15 MINUTES IF YOU NEED IT.

I WILL TRY TO BE BRIEFER THAN THAT. I THINK THERE ARE ABOUT 20,000 VOTERS THAT THIS IS JUST AN INCREDIBLY IMPORTANT CASE. AND WE GOT ABOUT 100 PEOPLE DOWN HERE TONIGHT, AND I THINK ALL OF YOU KNOW HOW DIFFICULT THAT IS TO DO, AND I THINK THAT REALLY JUST SHOWS YOU THAT PEOPLE JUST CARED DEEPLY, DEEPLY ABOUT WHAT'S GOING ON HERE. WE BELIEVE THAT THERE'S GOING TO BE REALLY AN EXPLOSION OF SENTIMENT UNLESS THE CITY COUNCIL REALLY DOES THE RIGHT THING. AND I'M JUST GOING TO TELL YOU A LITTLE BIT ABOUT ME. I'M NOT GOING TO GO INTO ANY TECHNICAL DETAIL. YOU GUYS HAVE BEEN THROUGH THAT AND YOU'VE READ THROUGH THIS STUFF WHERE YOU'RE AWARE OF IT. THERE ARE A COUPLE OF THINGS THAT I REALLY DO NEED TO SAY. WHEN I LISTEN TO MIKE WHELLAN AND TALK ABOUT THE TAXES AND HOW THE CITY IS GOING TO BECOME BETTER BECAUSE OF INCREASED TAXES WITH REGARD TO A SHOPPING CENTER AND A MAJOR SORT OF INDUSTRIAL AREA AT THE INTERSECTION OF 2222, I JUST WANT YOU TO REALIZE THAT THAT WHOLE AREA UP THERE IS WHERE YOUR SOFTWARE COMPANIES ARE. YOU KNOW, I RUN A SOFTWARE COMPANY. I'M THE CEO OF A COMPANY THAT HAS ABOUT 130, 140 PEOPLE THAT WORK FOR ME. AND WE'RE THERE. THAT TRAFFIC IS SO BAD UP THERE RIGHT NOW, I CAN'T GET MY PEOPLE TO WORK. NOW, I'VE BEEN OFFERED BY CEDAR PARK AND BY ROUND ROCK IN ESSENCE FREE OFFICE SPACE TO MOVE PEOPLE. YEAH, YOU'RE GOING TO GET INCREASED TAXES BY PUTTING A SHOPPING CENTER THERE, A SHOPPING MALL. YOU WILL DEFINITELY DO THAT. YOU WILL

GET EIGHT AND 10-DOLLAR AN HOUR WORKERS THERE AND YOU'RE GOING TO LOSE THE 150,000-DOLLAR AN HOUR WORKERS. THEY'RE GOING TO LEAVE THIS PLACE. AUSTIN HAS DEVELOPED ITSELF BECAUSE TO BE QUITE FRANKLY, IT'S A GREAT PLACE TO LIVE. THIS IS GOING TO MAKE IT A PRETTY CRAP PLACE TO LIVE. I CAN TELL YOU THAT WE LIVE RIGHT ABOVE THAT INTERSECTION. WE'VE WATCHED THE CHAMPIONS IN ACTION. THEY DEVELOPED THE PIECE OF ROADWAY ACROSS FROM 360. THEY JAMMED AS MUCH STUFF IN THERE AS THEY COULD. YOU CAN'T GO TO THE SHOPPING CENTER ANY MORE. ON FRIDAY NIGHT THE CARS LINE UP ON 360. ON 360. AND WE WATCH MAJOR ACCIDENTS OCCUR ALMOST DAILY. THIS IS THE TYPE OF DEVELOPMENT THAT YOU'RE ABOUT TO PUT THERE. AND TO BE QUITE FRANK WITH YOU, THAT'S NOT IN AUSTIN'S BEST INTEREST. WE WOULD LIKE A LIVEABLE CITY AND WE KNOW THAT YOU WANT A LIVEABLE CITY TOO. AND TO BE QUITE FRANK WITH YOU, THIS AGREEMENT SUCKS. I MEAN, IT DOES JUST DOES. IT ISN'T WELL THOUGHT OUT. WE THINK THAT YOUR LEGAL STAFF BASICALLY DID NOT ANALYZE THIS WELL. AND TO BE QUITE FRANK WITH YOU, YOU'VE GOT 20,000 PEOPLE WHO THINK YOU'RE SELLING THEM OUT. I MEAN, IF YOU DO THIS THING. AND I DON'T THINK THAT'S SOMETHING THAT YOU GUYS WANT TO DO. SO BESIDES ME BEING A SOFTWARE CEO, I ALSO AM AN EMERGENCY DOCTOR. I CAME TO AUSTIN SORT OF BY MISTAKE, BUT I'M GOING TO TELL YOU A STORY THAT HAPPENED TO ME IN 1994, CHRISTMAS TIME. I USED TO WORK UP IN ROCHESTER NEW YORK, AND IF YOU EVER SEE THAT SHOW ER, IN URBAN CENTERS, THAT'S WHAT LOOKS LIKE, IT'S A LOT OF STUFF THAT GOES ON VERY, VERY QUICKLY. I WAS THE THIRD-YEAR RESIDENT ON THE TRAUMA SERVICE. AND I GOT A CALL OVERHEAD IN THE EMERGENCY DEPARTMENT THAT A BLUE 500 WAS COMING IN. I WAS HEAD OF THE TRAUMA TEAM AND WE MOBILIZED THE TEAM AND WE MOVED DOWN INTO THAT ER TO FIND OUT WHAT GOING ON. WE WERE WAITING. WE HAD NO CLUE. AND WE WERE TOLD IT WAS CAR VERSUS PEDESTRIAN. THAT'S THE WORST KIND OF THING, CAR VERSUS PEDESTRIAN. WE DIDN'T KNOW WHAT IT WAS. WELL, THEY GOT THERE AND THEY BROUGHT THE PATIENT IN AND IT WAS AN 11-YEAR-OLD CHILD, THE 11-YEAR-OLD HAD BEEN HIT BY A CAR. NOW, IN EMERGENCY MEDICINE, ONE OF THE FIRST THINGS YOU DO IN A TRAUMA

LIKE THAT IS YOU TRY TO BREATHE FOR THE PERSON BECAUSE THEY CAN'T BREATHE. FOR SOME REASON THE BRAIN STOPS SENDING SIGNALS TO THE LUNGS. SO I PUT A BAG OVER THIS PERSON'S FACE, ON THE LITTLE BOY'S FACE, 11 YEARS OLD, AND I BLEW INTO HIS LUNGS. AND AS I DID THAT, THE BRAINS CAME OUT FROM HIS SKULL. I BLEW THE BRAINS OUT FROM HIS SKULL. I BLEW INTO HIS LUNGS AND BASICALLY THERE WAS SO MUCH TRAUMA THAT HIS BRAINS CAME OUT. NOW, I KID YOU NOT, I LOOKED AND I THOUGHT TO MYSELF, THIS IS HOPELESS. AND SO I WALKED OUTSIDE AND I WENT TO TALK TO THE FAMILY. AND WE HAD A LITTLE ROOM ACROSS FROM THE TRAUMA CENTER WHERE THE FAMILIES SIT. AND THE FAMILIES, THEY DON'T KNOW WHAT IS HAPPENING BACK THERE. AND I WALKED IN AND THIS MOM KNEW SOMETHING BAD HAD OCCURRED. AND I SAT DOWN NEXT TO HER AND IT WAS CHRISTMAS TIME. AND I LOOKED AT HER AND I SAID, I'M VERY, VERY SORRY. AND SHE HANDED ME A PICTURE. AND IN THE PICTURE WAS THIS LITTLE BOY SITTING ON HIS FATHER'S LAP IN FRONT OF THE CHRISTMAS TREE. AND SHE SAID TO ME, THIS IS WHAT HE USED TO LOOK LIKE. THE LITTLE BOY DIED. OKAY? NOW, I WANT YOU TO LOOK AT THIS PICTURE. THIS IS COURTYARD DRIVE. IF THE ZONING CHANGE GOES INTO PLAY, WHAT'S GOING TO HAPPEN IS 2222 AND 360 WILL BE BOTTLENECKED AND THOSE OF YOU WHO HAVE EVER BEEN ON 360 KNOW HOW BUSY THAT ROADWAY IS. AND WHAT'S GOING TO HAPPEN IS ALL THOSE RESIDENTS FROM RIVER PLACE ARE GOING TO CUT THROUGH THE NEIGHBORHOODS. THIS IS OUR NEIGHBORHOOD, COURTYARD. YOU SEE SORT OF A MILD SLOPE HERE AND ALL OF A SUDDEN IT DISAPPEARS? THE SLOPE ACTUALLY INCREASES TO ABOUT TWO TO THREE TIMES THAT SIZE. IF THAT INTERSECTION IS BOTTLED UP, WE'RE GOING TO HAVE TREMENDOUS AMOUNT OF TRAFFIC THAT COME THROUGH THAT. THE CARS THAT GO DOWN THAT ROAD AND GO AROUND THOSE BLIND CURVES END UP GOING 50 TO 60 MILES PER HOUR. NOW, HERE'S THE SPECIAL PART. THERE'S AN APARTMENT THERE, RIGHT ON TOP OF THAT HILL, OKAY, AND THAT APARTMENT HAS, OH, I'D SAY THOUSANDS OF PEOPLE THAT LIVE THERE. AND DO YOU KNOW WHERE THE SCHOOL KIDS STAND? THEY STAND RIGHT ON THAT ROAD. AND THERE'S NO PROTECTION. THERE'S NOT A BUS STOP AND THERE ARE NO BUMPS, AND

THERE'S NOTHING TO STOP THOSE CARS FROM COMING DOWN. AND ALL YOU NEED IS A KID PLAYING AROUND WITH ANOTHER KID AND STEPS OUT INTO THAT ROAD, AND HE'S DEAD. THE CITIZENS OF THIS COMMUNITY HAVE COME TO YOU TODAY TO ASK YOU TO PROTECT THEIR PUBLIC SAFETY. THE CITIZENS OF THIS COMMUNITY EXPECT THAT YOU WILL PROTECT THEIR PUBLIC SAFETY. THE CITIZENS OF THIS COMMUNITY REQUIRE THAT YOU PROTECT THEIR PUBLIC SAFETY. WE EXPECT A NO VOTE. WE EXPECT EVERY SINGLE ONE OF YOU TO SAY NO. THAT'S OUR MESSAGE TO YOU. YOU'RE OUR COMMUNITY LEADERS, YOU'RE ELECTED OFFICIALS. YOU ARE RESPONSIBLE FOR MY THREE-YEAR-OLD CHILD THAT HAS TO STAND ON THAT ROAD AND MY FIVE-YEAR-OLD GIRL. YOU ARE RESPONSIBLE FOR THAT. I CAN'T STOP THEM FROM GOING TO SCHOOL, BUT A VEHICLE GOING 55 MILES PER HOUR CAN. IT'S YOUR DECISION. YOU SHOULD MAKE IT VERY, VERY CAREFULLY. THANK YOU. [ APPLAUSE ]

Mayor Wynn: WELCOME MR. CAMERON. I'VE BEEN WAITING TO CALL YOUR NAME ALL NIGHT. YOU WERE ACTUALLY THE FIRST SPEAKER SIGNED UP. ALSO DRESSED A LITTLE DIFFERENT TONIGHT. LET'S SEE, IS MARK CLARDY HERE? ALL RIGHT. HOW ABOUT VINCENT VU? IS HE HERE? HOW ABOUT GAY WOODWARD? HELLO, GAY. SO SKIP, YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

I SHOULD NOT NEED THAT MUCH. THANK YOU FOR ALLOWING SO MANY PEOPLE FROM THE 2222 CONA TO GIVE YOU THEIR THOUGHTS AND VIEWS ON THIS TONIGHT. I'M JUST GOING TO SUMMARIZE IT A LITTLE BIT. I ALSO WANT TO APOLOGIZE TO THEM AND TO YOU THAT BECAUSE OF MY PERSONAL AGENDA I DIDN'T HAVE VERY MUCH TIME TO SPEND WITH THESE PEOPLE AND DELIBERATE WITH THEM, SO ALL THE CREDIT FOR WHAT YOU'VE HEARD HERE TONIGHT GOES TO THE PEOPLE WHO YOU'VE HEARD BEFORE ME. I'VE BEEN HERE MANY TIMES BEFORE, I'VE BEEN BEFORE BOARDS AND COMMISSIONS, AND THE GROUP THAT I REPRESENT, THE BULL CREEK FOUNDATION, IS DOING ALL SORTS OF ALL VOLUNTEER, VERY GOOD COMMUNITY SERVICE WORK IN THE BULL CREEK WATERSHED. AND YOU KNOW FROM MY PAST STATEMENTS ALSO THAT I ALWAYS GIVE YOU THE 50,000-FOOT VIEW OF

THE WORLD OF THE BULL CREEK WATERSHED, AND I'M GOING TO TRY TO DO THAT TONIGHT. THE SIMPLE SUMMARY THAT I CAN GIVE YOU TONIGHT IS YOU ARE BEING ASKED TO MAKE A HUGE ZONING GIVEAWAY THAT IS NOTHING MORE THAN DETRIMENTAL TO THE BULL CREEK WATERSHED AND EVERY ONE OF ITS STAKEHOLDERS, THE CHAMPIONS INCLUDED. THERE'S REALLY NO LEGITIMATE REASON FOR IT, SAVE YOUR NERVOUSNESS ABOUT APPEARING IN COURT TO STAND UP FOR WHAT WE THINK MAKES GOOD COMMON SENSE AND WHAT IS ABSOLUTELY RIGHT. THE LITIGATION SETTLEMENT IS A LOSE-LOSE FOR EVERYONE IN AUSTIN, CHAMPIONS INCLUDED. AND WE STILL NEED TO REVIEW JUST A LITTLE BIT OF THIS HISTORY HERE. THE CHAMPION FAMILY, BLESS THEM, THEY'VE HAD THIS LAND FOR OVER 100 YEARS. THE SISTERS HAVE HAD IT SINCE THE 40'S, SO OVER 50 YEARS JUST IN THEIR RESPONSIBILITY. IT'S NOT BEEN GOOD FOR MUCH FOR A LOT OF THOSE YEARS. IT'S BEEN VERY REMOTE, IT'S BEEN INACCESSIBLE, PROBABLY ONLY GOOD FOR MAYBE A FEW GOATS AND THE ONLY USE IT REALLY HAD WAS SHOOTING LEAD SHOT ON A SKEET RANGE ACROSS THE CREEK INTO THE BLUFF. BUT GUESS WHAT HAPPENED? THE CHAMPIONS WERE OFFERED AND WERE PAID AND AGREED TO ACCEPT MARKET PRICE TO SELL SOME OF THEIR LAND FOR A COUPLE OF HIGHWAYS, 360 AND 2222. EVEN THOUGH THEY WERE PAID FOR THAT, THEY WERE ALSO GIVEN AN ENORMOUS GIFT BECAUSE ONCE THOSE HIGHWAYS WERE CONSTRUCTED, THAT LAND BECAME MUCH MORE VALUABLE THAN A GOAT RANCH WOULD HAVE BEEN THAT WASN'T ACCESSIBLE. WELL, THEY BUILT THE BULL CREEK MARKET AT THE NORTHEAST CORNER OF 2222 AND 360 AND THEY'VE GOT PLANS FOR THE LITTLE TRACT JUST NORTH OF THAT ALL ALONG MAIN BULL CREEK. AND THEY'RE PROCEEDING WITH THE MAIN DEVELOPMENT SOUTHEAST CORNER, RETAILS, MAYBE SOME OFFICE, MAYBE A RESTAURANT, PROBABLY GOING TO GENERATE ANOTHER 8700 TRIPS OUT OF THAT SMALL TRACT. AND THEY'VE ALREADY GOT THOSE 459 APARTMENTS ON THE TOP OF THE HILL THAT EVERYBODY CALLS THE NORTHWEST TRAVIS COUNTY JAIL, IS WHAT IT LOOKS LIKE. [ LAUGHTER ] THAT USED UP MOST OF THOSE 6500 TRIPS ALONG WITH THE OFFICE DEVELOPMENT THAT'S BEEN APPROVED ON THE CORNER PROMINENT POINT RIGHT



BY THAT NORTHWEST CORNER. BUT THE 6500, WHICH WAS A KNOWN AND HAS BEEN KNOWN FOR YEARS, COULD HAVE BEEN ALLOCATED TO EVERY ONE OF THOSE TRACTS AND EVERY ONE OF THOSE TRACTS COULD HAVE BEEN VERY CAREFULLY AND VERY CREATIVELY DEVELOPED TO UTILIZE THOSE TRIPS IN A WAY THAT WOULD NOT GENERATE EXTERNAL TRAFFIC, BUT WOULD CREATE MAXIMUM ECONOMIC GAIN. AND THAT'S EXACTLY WHAT WE ARE SEEING FROM OTHER PEOPLE WHO COME TO US AND TALK ABOUT DEVELOPMENTS ALONG THAT CORRIDOR. RIEBELIN'S BEING AN EXAMPLE THAT CHARLIE TALKED TO YOU ABOUT IN GREAT DETAIL, A PERFECT EXAMPLE, AND THAT'S APPLES VERSUS ORANGES TO WHAT THE CHAMPIONS ARE TRYING TO DO. AND WE JUST LOOKED AT THE TRACT THE OTHER DAY RIGHT ADJACENT TO THAT WHERE THE APPLICANT IS REDUCING THE USE BY A NEW ZONING CASE TO REDUCE THE TRIPS BY 82% THAT THEY CREATE. WE CALL THAT BEING CREATIVE DEVELOPERS IN THE CORRIDOR, RECOGNIZING THE PROBLEM THAT EXISTS AND TRYING TO MITIGATE THAT PROBLEM. WE DON'T SEE THAT HAPPENING IN THIS CASE WHATSOEVER. THE REMAINING TRACTS THAT HAVE NOT BEEN DEVELOPED ARE THE ONES YOU'RE WORKING ON TODAY, AND THOSE NEED THE UTMOST CARE BECAUSE OF THEIR LOCATION ADJACENT TO THE CREEK, THEIR TOPOGRAPHY AND THEIR VERY CLOSE TO BULL CREEK AND THE SEVERE PROBLEMS WEST OF 360 ALONG 2222. THE OTHER ISSUE THAT YOU'VE HEARD PLENTY OF ABOUT AND I'M NOT GOING TO REPEAT FOR YOU, THERE IS SERIOUS PROBLEM WITH CLARITY OF INFORMATION AND UNDERSTANDING OF WHAT IS IT YOU ARE GETTING YOURSELVES INTO WITH THIS AGREEMENT. THE STAFF REVIEW OF SIX BOXES OF MATERIAL HAS CREATED QUESTIONS FOR WHICH THERE HAVE BEEN NO ANSWERS GIVEN, AND LOTS OF PEOPLE HAVE TRIED, INCLUDING MYSELF. WE DON'T THINK YOU HAVE A CLUE WHAT YOU'RE GETTING YOURSELF INTO WITH THIS AGREEMENT BECAUSE NOBODY CAN EXPLAIN IT TO US IN TERMS THAT WE CAN UNDERSTAND. WE HAVE ASKED THAT YOU JUST SIMPLY TAKE AND LOOK AT THIS FROM 50,000 FEET AND SAY IF WE WERE GOING TO APPLY THIS DEVELOPMENT WITH CURRENT ORDINANCES, WHAT ARE THE BOUNDARIES OF THE HILL COUNTRY ROADWAY, WHAT ARE THE BOUNDARIES THAT

MUST BE ABIDED BY RELATIVE TO BULL CREEK AND ADJACENT NEIGHBORHOODS AND THE 100 YEAR FLOODPLAINS, THE CRITICAL WATER QUALITY ZONE AND THE WATER QUALITY TRANSITION ZONE, AND ONCE YOU'VE GOT THAT FIGURED OUT ON A PIECE OF PAPER WHICH YOU HAVEN'T SEEN HERE TONIGHT AND WE HAVEN'T BEEN ABLE TO GET FROM ANY OF YOUR STAFF, THEN WHAT IS IT YOU'RE GIVING AWAY WITH THE '96 AGREEMENT AND THIS AGREEMENT COMPARED TO WHAT YOU SHOULD BE DOING IF YOU WERE MANAGING THIS WITHIN YOUR RIGHT AND YOUR LEGISLATIVE RESPONSIBILITY TO DO SO. WE HAVEN'T BEEN ABLE TO DO THAT. YOU HAVEN'T SEEN IT HERE TODAY AND YOU SHOULDN'T BE MAKING ANY DECISIONS UNLESS YOU KNOW THAT. PLEASE DON'T. YOUR OWN STAFF ATTORNEYS STOOD UP HERE AND STUMBLED THROUGH DATES AND TIMES AND WHAT HAPPENED AND WHEN, AND I WAS JUST EMBARRASSED FOR HER. THERE'S ONE PARAGRAPH IN THE AGREEMENT THAT YOU HAVE BEFORE YOU THAT JUST SAYS IT ALL TO ME, AND THAT'S PARAGRAPH TWO. THE CHAMPION TRACTS WEST OF 360 KNOWN AS ONE, TWO AND THREE WILL BE REZONED TO OMIT ANY LIMITATIONS ON SETBACKS OR ON BUILDING SQUARE FOOTAGE. COME ON, FOLKS. EXPLAIN TO ME WHAT THAT MEANS. THE 2222 STAKEHOLDERS, SAVE THE CHAMPIONS AND THEIR VESTED INTERESTS, HAVE NOT BEEN INCLUDED IN THIS PROCESS. THE EXCUSE HAS BEEN WE'RE IN LITIGATION OR WE'RE IN EXECUTIVE SESSION, WE CAN'T LET YOU DEAL WITH THIS. THAT IS WRONG. THAT IS NOT MORAL. WE NEED TO HAVE BETTER PROCESSES HERE. WHAT YOU ARE DOING WITH THIS BY AGREEING TO IT IF YOU DO IS YOU'RE SENDING A ASSESS IMAGE TO DEVELOPERS, SUE THE CITY, YOU CAN HAVE WHAT YOU WANT. I JUST RECENTLY VOLUNTEERED AT THE PARAMOUNT THEATER AND THE AUSTIN BAR ASSOCIATION HAD THEIR GALA AND THEIR FUN EVENT. AND I HEARD A STATEMENT THIS THERE THAT JUST MIGHT APPLY TO THIS CASE AND I WANT YOU TO THINK ABOUT IT. THEY USED A TERM CALLED PRO SE LITIGANT ABUSE -- PRO SE LITIGANT ABUSIVE FILER. IS THAT WHAT WE'RE GETTING IN THIS CASE? YOU NEED TO THINK ABOUT THAT. I THINK WE'LL PROBABLY HAVE SOME REBUTTALS HERE AND YOU'LL HEAR THAT WE'VE PROBABLY BLOWN THIS WHOLE THING OUT OF PROPORTION AND WE WON'T BUILD AS MUCH AS WE POSSIBLY COULD EVEN

THOUGH THE DOCUMENTS SAY THAT. BUT I THINK YOU HAVE TO ASK YOURSELF WHY IS IT NOT CLEAR, WHY DO THEY KEEP COMING BACK TO THIS TABLE OVER AND OVER AND OVER UNTIL THEY GET ALL THE CONTROLS REMOVED? CONTROLS THAT ARE BINDING FOR EVERYBODY ELSE EXCEPT THE CHAMPIONS IN THIS WATERSHED. I WANT BE TO BE BELIEVE THAT IT IS FALSE LOGIC THAT THE CHAMPIONS WILL NOTING BACK HERE AGAIN. THEY'VE SHOWN IT BY THEIR BEHAVIOR AND THEY'VE SHOWN IT BY THEIR ACTIONS SO FAR THAT THEY WANT RELIEF AND THEY WANT IT ALL AND THEY'RE NOT GOING TO SETTLE UNLESS THEY GET IT. AND TO ME THAT'S JUST LIKE A CHILD AT H.E.B. THROWING A TANTRUM ASKING FOR CANDY AND WON'T STOP CREAMING UNTIL MOM GIVES IT TO THEM. AND THAT'S FINE UNTIL THE NEXT TIME AND THEY'RE BACK ALL OVER AGAIN. PLEASE HELP US STAND UP TO THESE PEOPLE WHO REFUSE TO WORK WITH US AS ALL OTHERS SEEM TO BE ABLE TO DO. WE REALLY NEED YOUR SUPPORT ON THIS, WE NEED A NO VOTE AND WE NEED YOU TO SEND EVERYBODY, INCLUDING ALL THE STAKEHOLDERS IN THE REGION BACK TO THE TABLE WITH CREATIVE FOLKS THAT KNOW HOW TO COME UP WITH CREATIVE DEVELOPMENTS TO KEEP THIS WORKING FOR AUSTIN AND FOR ALL OF US. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU, SKIP. I THINK WE'RE WINDING DOWN. WERE THOSE THE KEYNOTES?

[INAUDIBLE - NO MIC].

Mayor Wynn: BOY, THE COMPUTER'S SLOW. HANG ON. I'LL START CALLING NAMES OF FOLKS WHO HAVE SIGNED UP. HOW ABOUT LANE JASTRUM? TO BE FOLLOWED BY DAN RIBULSKI. AND IS ED CHAP LAN HERE? HOW ABOUT ROBERT GREELY? SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

I WON'T NEED IT. MY NAME IS LANE JASTRUM AND I'M ON THE ENVIRONMENTAL CONTROL COMMITTEE FOR THE CAT MOUNTAIN HOMEOWNERS WHICH IS JUST OFF OF 2222 BETWEEN 360 AND MOPAC. MY HOMEOWNER ASSOCIATION GAVE ME A LONG POSITION PAPER TO READ TO YOU WHICH I WILL NOT DO. I WANT TO PRESERVE TIME FOR WHOEVER ELSE IS HERE AND SO WE CAN GET OUT OF HERE AT A

DECENT TIME TONIGHT. [ONE MOMENT, PLEASE, FOR  
CHANGE IN CAPTIONERS]

BUT THE LAST THING THAT I WANT TO SAY IS THAT THE  
STRETCH BETWEEN 2222 BETWEEN 360 AND MOPAC, IS  
EXTREMELY HILLY, EXTREMELY CURVY AND CANNOT  
HANDLE ANY MORE TRAFFIC THAN IT ALREADY HAS. IT ALSO  
CANNOT BE EXPANDED. AND I WANT YOU TO SERIOUSLY  
CONSIDER HOW THIS ROADWAY THAT IS ALREADY  
OVERTRAFFICKED COULD POSSIBLY HANDLE ANY MORE  
TRAFFIC. YOU CANNOT MAKE A LEFT TURN OUT OF OUR  
HOME OWNER DEVELOPMENT TO GO OVER TO MOPAC IN  
THE MORNING BECAUSE THE CARS ARE COMPLETELY  
STACKED BACK ALL THE WAY TO 360. THANK YOU. [  
APPLAUSE ]

Mayor Wynn: THANK YOU, MS. JESTER. WELCOME CAN, THREE  
MINUTES, FOLLOWED BY RAY [INDISCERNIBLE]

MR. MAYOR, THANK YOU VERY MUCH, I WON'T NEED THE  
ENTIRE THREE MINUTES. GOOD EVENING, MR. MAYOR AND  
COUNCILMEMBERS AND AUDIENCE, MOST OF MY PREPARED  
COMMENTS HAVE BEEN COVERED SO I WON'T GO OVER  
THEM, I JUST WANT TO REITERATE THE LAST POINT THAT  
WAS MADE. THE FACT THAT THESE PARTICULAR  
DEVELOPMENTS WILL FEED SIGNIFICANT BOTTLENECKS.  
THERE ARE BOTTLENECKS GOING EAST ON 2222 AS WAS  
JUST DESCRIBED. A CURVY ROAD THAT CANNOT BE  
EXPANDED. SO IF 2222 IS EXPANDED TO SIX LANES TO  
ACCOMMODATE THE TRAFFIC GOING WEST, IT WILL CREATE  
A SIGNIFICANT BOTTLENECK GOING EAST, THERE ARE  
CURRENT BOLT'S NECKS IN THE MORNING, IN THE EVENINGS,  
AT LUNCH TIME, PRETTY GENERALLY DURING THE  
AFTERNOONS ON 360 THAT WILL CONTINUE TO AGGRAVATE.  
THE FINAL COMMENT WAS THAT THERE WAS A COMMENT  
THAT THERE SHOULD BE SYMPATHY FOR THE  
DEVELOPMENT BECAUSE OF THE MILLION DOLLARS THAT'S  
BEEN PAID TO THE CITY IN TAXES. IT'S A SIGNIFICANT  
AMOUNT OF PROPERTY. THEY RECEIVE SIGNIFICANT  
BENEFIT BY THE HIGHWAYS GOING THROUGH THAT  
PARTICULAR AREA DON'T ALLOW THAT PROPERTY TO BE  
DEVELOPED. THAT MILLION DOLLAR COMMENT IS  
ABSOLUTELY USELESS. \$40,000 TO IMPROVE THE ROADS.

ABSOLUTELY RIDICULOUS. THE TAXPAYER WILL PAY I DON'T EVEN KNOW HOW MANY MULTIPLES OF THAT TO FIX THE PROBLEMS THAT THIS DEVELOPMENT WILL CREATE. THANK YOU VERY MUCH. [ APPLAUSE ]

Mayor Wynn: THANK YOU, DAN. RAY LASANSKI, WISHING TO SPEAK, IN OPPOSITION, JAY DAVIS, SIGNED UP WISHING TO SPEAK, AGAINST. ARLET LASASSKI, WISHING TO SPEAK, AGAINST. CAROL GIBBS, CAROL GIBBS SIGNING UP, THANK YOU, NOT WISHING TO SPEAK AGAINST. LINDA SOLOMON, LINDA, WELCOME. YOU WILL BE FOLLOWED BY JIM HALEY. IS MICHAEL ROONEY HERE. LINDA, YOU HAVE UP TO SIX MINUTES IF YOU NEED IT.

I'LL BE BRIEF. I'M THE PRESIDENT OF THE WEST MINSTER GLEN HOME OWNER ASSOCIATION, WHICH IS A DEVELOPMENT DIRECTLY OFF OF CITY PARK ROAD. PRETTY MUCH EVERYTHING THAT NEEDS TO BE SAID HAS BEEN SAID TONIGHT EXCEPT I WOULD LIKE TO LET YOU KNOW THAT THE BACKUPS OF TRAFFIC ON 2222 ARE ALREADY CAUSING A SIGNIFICANT AMOUNT OF CUT THROUGH TRAFFIC THROUGH RIVER PLACE, THROUGH WEST MINSTER GLEN, DOWN CITY PARK ROAD, WHICH THE VIDEO DID NOT DO IT JUSTICE, IF ANY OF YOU -- HAVE ANY OF YOU TRIED DRIVING CITY PARK ROAD TO EMMA LONG PARK. COULD YOU SEE HANDS OF ANYONE WHO HAS DONE IT. FOR THOSE WHO HAVEN'T IT'S A JOURNEY FROM HELL IN THE SUMMER WITH THE VOTERS WHO HAVE BEEN DRINKING, DRIVING AND THE NEW UP TO I BELIEVE ALMOST 500 HOMES ARE GOING IN AT GREEN SHORES. SO IT'S A TINY WINDY ROAD WITH A DROPOFF ON ONE HAND AND BLUFFS ON THE OTHER. SO IF YOU ARE GOING TO EXPAND THAT, IT'S GOING TO BE ONE HECK OF AN ENGINEERING CONTRACT WHOEVER IS GOING TO TRY TO FIGURE THAT ONE OUT. SO THE CUT-THROUGHS THAT ARE HAPPENING, SWERVING TO AVOID THE MANY, MANY CYCLISTS THAT ARE ON THIS ROAD, IT'S ALREADY DANGEROUS. WE HAVE TALKED SO MUCH ABOUT SAFETY TONIGHT, BUT I CAN'T UNDERSCORE THAT. I ACTUALLY SPOKE AT A ZONING MEETING A COUPLE OF YEARS AGO ON THIS AND I ACTUALLY KNOW MIKE AND I CONSIDER MIKE A FRIEND OF -- MICHAEL WHELLAN A FRIEND OF MINE. I HAVE GOT TO TELL YOU WHEN ONE OF THE ZONING MEMBERS SAID DO YOU LIVE WEST OF 360 AND THEREFORE DON'T

VOTE IN AUSTIN AS IF THAT MADE THE LIFE OF MY CHILDREN LESS IMPORTANT. I TOOK GREAT OFFENSE TO THAT. AND I THINK PRETTY MUCH ANY OF THE PARENTS WHO LIVE OFF OF CITY PARK ROAD OR 2222, WOULD AGREE WITH ME AS I DRIVE THOSE ROADS EVERY DAY COMING INTO AUSTIN TO TAKE MY DAUGHTER TO PRESCHOOL, SO I URGE YOU, PLEASE, TAKE THE TIME, DON'T BE AFRAID TO MAKE THE FIGHT, YOU HAVE THE CITIZENS ON YOUR SIDE AND AS THE NICE LADY FROM CAT MOUNTAIN IS HERE TO DEMONSTRATE, MANY OF US ARE CITY OF AUSTIN CITIZENS. FOR THOSE OF US WHO AREN'T, TRUST ME, WE SPEND A LOT OF MONEY THERE TO MAKE SURE OUR TAX DOLLARS GO TO THE CITY OF AUSTIN, EITHER WE OR OUR SPOUSES WORK IN THE CITY OF AUSTIN, SO I'M URGING YOU PLEASE DON'T BE AFRAID OF THE FIGHT. THAT'S IT. [ APPLAUSE ] JIM HALEY, IS SUE HARRELSON STILL HERE. I THINK SHE AND DALHIA TOOK THEIR KIDS HOME. I'M DOWN TO THREE MINUTES.

Mayor Wynn: FAIR ENOUGH. YOU WILL BE FOLLOWED BY ARTHUR MARTINEZ, WELCOME.

MR. MAYOR, COUNCILMEMBERS, MAYOR PRO TEM, THE CITY MANAGER WHATEVER YOU ARE, FIRST OF ALL THANKS FOR SITTING THROUGH ALL OF THIS, I CAN'T IMAGINE HOW YOU DO THIS EVERY THURSDAY.

Mayor Wynn: WE HAVE ONLY JUST BEGUN, WE HAVE ABOUT NINE PUBLIC HEARINGS AFTER THIS.

GOOD LUCK TO YOU, I WILL TRY TO BE SHORT THEN. FELLOW CITIZENS, FIRST OF ALL, MY FIVE-YEAR-OLD TOLD ME TO MAKE SURE THAT I TELL YOU THAT YOU SHOULDN'T LET THEM CUT DOWN THE TREES BECAUSE THE BIRDS LIVE THERE, THAT, YOU KNOW, JUST UNDERSCORES THE FACT THAT IT IS GOOD THAT YOU HAVE GOOD TECHNICAL INFORMATION FROM OTHERS BECAUSE MY SON AND I ARE NOT GOING TO BE ABLE TO HELP YOU IN THAT REGARD. I CAME HERE REALLY TO DESCRIBE MY EXPERIENCE DRIVING MY SONS TO SCHOOL FROM JESTER NEIGHBORHOOD WHERE I LIVE. EVERY SCHOOL MORNING, EITHER MY WIFE OR I DRIVE OUR KIDS TO SCHOOL, WE GO DOWN THE HILL, THE ONE THAT EVERYBODY LIKES TO BRAG, THE ONE THAT LANCE ARMSTRONG TRAINS ON, GO TO 2222 WHAT WE HAVE

TO DO IS WAIT THERE BECAUSE THE TRAFFIC IS BACKED UP. INVARIABLY EVERY DAY FROM CITY PARK ROAD ALL THE WAY TO JESTER BOULEVARD, YOU CAN LOOK TO THE RIGHT FROM THAT INTERSECTION AND SEE THAT IT'S BACKED UP AROUND THE CURB TOWARDS LONG CANYON AS WELL. NOW, I REALLY DON'T KNOW HOW THEY ARE GOING TO PUT MORE CARS ON THAT ROAD. I KNOW THAT THERE ARE PROBABLY SOME PLANS TO EXPAND THE ROAD OR SOMETHING, BUT I THINK THIS TENDS TO UNDERSCORE THE SAFETY ISSUES THAT EVERYONE ELSE HAS TALKED ABOUT. SO I WANTED TO BRING MY PERSONAL EXPERIENCE TO YOU IN CASE YOU DIDN'T HANDLE THAT GREAT TECHNICAL INFORMATION THAT WAS PROVIDED BECAUSE I DIDN'T REALLY KNOW THAT IT WOULD BE HERE. THE OTHER THING THAT I WOULD LIKE TO SAY IS HAVING LISTENED TO THE CITY ATTORNEY AND TO MIKE WHELLAN FOR FOR WHOM I ALSO HAVE A GREAT DEAL OF RESPECT, I HAVE KNOWN A NUMBER OF YEARS, I AM NOT THE LEAST BIT CLEAR AT THIS POINT IN TIME WHY THIS IS A GOOD DEAL. I WOULD HAVE LIKED TO HEAR SOMEBODY SAY, I DON'T THINK I WOULD HAVE SUPPOSED GREAT STRATEGIC SECRETS TO SAY HERE'S WHAT THE 1996 AGREEMENT SAID. HERE'S WHAT THE OTHER SIDE SAYS IS FLAWED ABOUT WHAT WE DID WITH THE OTHER ZONING DECISION AND THAT'S WHY WE ARE AT RISK. I NEVER REALLY HEARD THAT. IF I WERE MIKE, I WOULD HAVE BEEN BRAGGING ABOUT THAT. I WOULD HAVE BEEN MAKING A BIG NOISE ABOUT THAT. MIKE ONLY SAID WELL THERE'S A LOT OF RISK IN LITIGATION, THAT'S CERTAINLY TRUE. BUT I'M NOT CONVINCED YET AND I DON'T EXPECT TO GET THE ANSWER, I CERTAINLY UNDERSTAND THE IMPORTANCE OF ATTORNEY-CLIENT RELATIONSHIP AND THE CONFIDENTIALITY ASSOCIATED WITH THAT. I UNDERSTAND THE IMPORTANCE OF KEEPING CONFIDENTIAL NEGOTIATIONS IN A NEED YEA. BUT I DO URGE YOU PERHAPS TO GO BACK ONE MORE TIME INTO EXECUTIVE SESSION AND GET IT CLEARED BECAUSE SO FAR NOTHING HAS BEEN PRESENTED THIS EVENING THAT CONVINCES ME AND I AM A LAWYER AND A MEDIATOR THAT THERE IS A TREMENDOUS AMOUNT OF RISK TO STICKING BY YOUR GUNS ON THIS ONE. I DON'T ENCOURAGE LITIGATION LIGHTLY. BUT I WILL ENDANGER COURAGE YOU TO AT LEAST -- ENCOURAGE YOU TO AT LEAST TALK TO YOUR LAWYERS

ONE MORE TIME ABOUT THAT. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. HALEY. ARTHUR MARTINEZ.  
FOLLOWED BY PETER SAWYER. WELCOME, MR. MARTINEZ,  
YOU WILL HAVE UP TO THREE MINUTES.

THANK YOU. MR. MAYOR, COUNSELORS, MY NAME IS  
ACTUALLY ARTHUR MCCLAIN I'M A RESIDENT OF GLEN LAKE.  
I'M ALSO THE WEB MASTER FOR THE GLEN LAKE --

HANG ON THEN, SIR, I'M TRYING TO RESPECT PEOPLE'S  
SIGNUP HERE. I'M TAKING PEOPLE IN THE ORDER WITH  
WHICH THEY SIGNED UP, WE SORT OF ESSENTIALLY WAIVED  
RULES BY ALLOWING THE NEIGHBORHOOD TO ORGANIZE 10  
CONSECUTIVE SPEAKERS, THEY CALLED THEM THE KEY  
NOTES, BUT NOW I'M GOING THROUGH AND BE RESPECTFUL  
OF EVERYBODY'S TIME THE SEQUENCE IN WHICH THEY  
SIGNED UP. IF YOU WOULD PLEASE SIT DOWN AND WHEN I  
GET TO YOUR NAME YOU WILL BE ALLOWED YOUR TURN TO  
SPEAK.

I ASSUMED THAT YOU HAD MADE A MISTAKE IN -- IN  
MISPRONOUNCED MY NAME.

Mayor Wynn: WELL, I'M DOING MY BEST.

Mayor Wynn: ARTHUR MARTINEZ IS NEXT, MR. MARTINEZ ISN'T  
IN, THEN THE NEXT SPEAKER WOULD BE PETER SAWYER.  
WELCOME, PETER, YOU WILL HAVE UP TO THREE MINUTES,  
YOU WILL BE FOLLOWED BY ARTHUR MCCLAIN.

MY NAME IS PETER SAWYER, I LIVE IN GLEN LAKE, GLEN  
LAKE NEIGHBORHOOD. I HAD A LONG PRESENTATION HERE  
FOR YOU, BUT I THINK ALMOST ALL OF THE POINTS HAVE  
BEEN COVERED. THEY HAVE BEEN VERY RISK ACTIVE. YOU  
KNOW MOST DEFINITELY THAT THERE HAVE BEEN NO  
CONFLICTING ARGUMENTS. I THINK THAT WE EXPECT YOU  
AS THE -- AS THE MAYOR AND COUNCIL, YOU ARE OUR  
ELECTED REPRESENTATIVES, WE EXPECT YOU TO DO THE  
BEST BY US THE CITIZENS OF AUSTIN. I THINK THAT THIS IS A  
MORALLY BANKRUPT INITIATIVE. I DON'T THINK THAT  
THERE'S ANYTHING TO GAIN FOR THE CITIZENS. I DON'T SEE  
ANYTHING IN IT FOR US. AND I EXPECT YOU TO DO YOUR



DUTY AND VOTE NO. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. SAWYER. ARTHUR MCCLAIN, WELCOME. IF SUSAN TODD STILL HERE? SO ARTHUR YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

I HOPE TO GET THERE IN ABOUT THREE. MR. MAYOR, COUNSELORS, MY NAME IS ARTHUR MCCLAIN, I'M A RESIDENT OF GLEN LAKE. AND I'M ALSO THE WEB MASTER FOR THE GLEN LAKE NEIGHBORHOOD ASSOCIATION. I'VE HEARD MUCH TESTIMONY TONIGHT, MOST OF IT COULD BE SPOKEN IN GREEK FOR WHAT I UNDERSTOOD. AND I -- AS FAR AS I CAN SEE, JUST ABOUT EVERYBODY IN THIS ROOM, INCLUDING OUR COUNCIL, PROBABLY ARE JUST AS CONFUSED AS I AM OVER WHAT THE INS AND OUTS OF WHAT THIS MEDIATION AGREEMENT REALLY MEANS. NOW, OUR WEBSITE PUBLICIZES A BRIEF HISTORY OF THE ATTEMPTS BY THE CHAMPIONS OVER THE YEARS TO GET ZONING RESTRICTIONS ON THIS PROPERTY LIFTED. OUR PURPOSE IS TO MAKE THE RESIDENTS AWARE OF HOW THE ZONING AND PLANNING COMMISSIONERS ARE APPARENTLY IGNORING THE TRAFFIC INCREASE ESTIMATES FROM THEIR OWN DEPARTMENTAL STAFF. AND THEY HAVE VOTED IN FAVOR OF ALMOST DOUBLING THE TRIP LIMITS AND ELIMINATING THE SETBACKS. UNFORTUNATELY, LAST YEAR THIS COUNCIL VOTED 6-1 TO OVERTURN THOSE COMMISSIONERS. WE HAVE TAKEN NOTE THAT THE SINGLE VOTE CAST AGAINST OVERTURNING THOSE COMMISSIONERS WAS BY COUNSELOR DANNY THOMAS. YOU HAVE HEARD MUCH TODAY ABOUT THE ENVIRONMENTAL AND SAFETY REASONS WHY YOU SHOULD AGAIN OVERTURN THOSE COMMISSIONERS. I CAN ASSURE YOU MOST OF THE RESIDENTS AND VOTERS WHO USE THE 2222 CORRIDOR ARE ROOTING FOR YOU TO DO IT AGAIN. TRAFFIC CONGESTION ON 2222 JUST WEST OF 360 IS A DISASTER. YOU HEARD MUCH ABOUT IT. AN EXTRA 11,000 VEHICLE TRIPS PER DAY REPRESENTS AN INCREASE OF 25% ON THAT ROAD'S CAPACITY. AND YET TXDOT HAS NO PLANS TO IMPROVE THIS SECTION OF ROAD. IF YOU APPROVE THE ZONING REQUESTS, YOU WILL SEND OUT THE MESSAGE, TO THIS COUNCIL, IS A SPINELESS AS AN AMOEBA. DEVELOPERS IN CENTRAL TEXAS WILL QUICKLY REALIZE THAT ALL THEY HAVE TO DO TO GET ALL OF THE ZONING CHANGES THEY

REQUEST IS TO FOIL A LAWSUIT. THIS COUNCIL WILL JUST ROLL OVER AND PLAY DEAD. AT THE MOMENT, THE RESIDENTS OF 2222 CORRIDOR WHO ARE MOST FIRED UP ABOUT THIS REQUEST, HOWEVER WHEN OTHER NEIGHBORHOOD ASSOCIATIONS OVER THE REST OF AUSTIN FIGURE OUT THIS LAWSUIT -- EXCUSE ME, THIS LAWSUIT STRATEGY ACTUALLY WORKS, THEY, TOO, WILL BE INCENSED. BY THE IMPLICATIONS WITHIN THEIR OWN NEIGHBORHOODS. I ASK YOU TO DO ONE OF TWO THINGS TONIGHT: EITHER VOTE TO UPHOLD THE EXISTING ZONING LIMITS OR VOTE TO POSTPONE THIS DECISION UNTIL AN UP TO DATE TRAFFIC SURVEY CAN BE COMPLETED OR THE ENVIRONMENTAL BOARD CAN -- CAN DO AN IMPACT ASSESSMENT. THE -- THE ZONING CHANGES WILL -- AND THE REDUCTION IN SETBACKS WILL IMPOSE ON BULL CREEK WATERSHED. I WILL BE REPORTING ON OUR WEBSITE HOW YOU VOTE TONIGHT. I NOTE MR. THOMAS THAT YOU HAVE THROWN YOUR HAT IN THE RING IN THE MAYORAL RACE. PLEASE DO NOT DISAPPOINT US AGAIN. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU, COUNCIL, THAT'S ALL OF THE FOLKS WHO SIGNED UP WISHING TO SPEAK. ON THESE ZONING CASES. WE HAVE -- I WOULD NEVER TURNDOWN SOMEBODY THAT ONLY ASKS FOR 10 SECOND. I WILL HOLD YOU TO IT.

THE REASON PEOPLE HAVE BEEN TALKING ABOUT CITY PARK ROAD, THIS IS THE MAP THAT YOU WERE SHOWN. IN ALL OF THOSE CASE FILES THERE WAS ONLY ONE PIECE OF PAPER THAT ADDRESSED WHERE THE INGRESS AND EGRESS TO TRACT -- THIS WOULD BE TRACT 4. THERE IS -- OKAY. TRACT 4, THIS IS TRACT 4. HERE'S TRACT 4. HERE'S TRACT 5. OKAY I'M ALL --

Mayor Wynn: 30 SECONDS ARE NOW UP. [LAUGHTER] PLEASE BE BRIEF, MAKE YOUR POINT AND WE'LL --

I'M VERY SORRY, HERE WE GO. TRACT 2, CITY PARK ROAD, 2222. TRACT 2. THE ONLY PLACE THERE'S BEEN ONE INDICATION HERE, THERE HAS BEEN NO INDICATION OF WHERE THE INGRESS AND EGRESS IS GOING TO BE ON TRACT 3. THIS IS HOW LEFT TURNS ARE GOING TO BE ON

CITY PARK ROAD. ALL INGRESS AND EGRESS ON THESE TWO TRACTS IS LIMITED TO CITY PARK ROAD NOT 2222.

Mayor Wynn: COUNCIL WILL ASK STAFF QUESTIONS ABOUT THAT. THANK YOU FOR BRINGING THAT TO OUR ATTENTION. [MULTIPLE VOICES] THANK YOU, MA'AM.

THANK YOU. I APPRECIATE IT.

Mayor Wynn: COUNCIL, OBVIOUSLY WE HAVE LOTS OF EXPERTISE IN THE ROOM. LEGAL AND OTHERWISE. THAT'S ALL OF THE CITIZENS WHO SIGNED UP, AT THIS TIME I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARINGS.

Alvarez: SO MOVE, MAYOR.

Mayor Wynn: QUESTIONS OF HIM. MOTION MADE BY COUNCILMEMBER ALVAREZ THAT I WILL SECOND. ALL THOSE IN FAVOR OF CLOSING THE PUBLIC HEARING PLEASE SAY AYE. AYE? OPPOSED? MOTION PASSES ON A VOTE OF 6-0. THANK YOU, QUESTIONS, COMMENTS, WE HAVE LOTS OF LEGAL ZONING TRANSPORTATION, ENVIRONMENTAL STAFF HERE. MAYOR, I WOULD JUST LIKE TO CLARIFY A COMMENT THAT HAS BEEN MADE OVER AND OVER AGAIN. THE -- THE ITEMS THAT WERE LISTED UNDER THE -- THE MEDIATED LIST OF ITEMS HAD TO DO WITH SETBACKS AND I WOULD LIKE TO CLARIFY REALLY WHAT THAT MEANT. TRACT NUMBER 3 WHICH IS THE TRACT THAT IS -- THAT IS SOUTH EAST OF CITY PARK ROAD HAD A SETBACK REQUIREMENT FROM THE ADJOINING SINGLE FAMILY OF 100 FEET. WHAT THE -- WHAT THE OWNERS ASKED IS THAT -- IS THAT THEY KNOW THAT THEY HAVE TO COMPLY WITH COMPATIBILITY STANDARDS. THEY -- THE TRIP LIMIT DAYS EQUATE TO THE AMOUNT OF SQUARE FOOTAGE THEY CAN BUILD. SO THE PROPOSAL WAS TO REMOVE THE CURRENT RESTRICTIONS AS IT RELATES TO SQUARE FOOTAGE AND AS RELATES TO SETBACKS BECAUSE YOUR ZONING REGULATIONS AT THE TIME OF THE DEVELOPMENT WILL TRIGGER THOSE SETBACKS ANYWAY. AND THERE WAS NO NEED TO ADD THOSE RESTRICTIONS AS A ZONING CONDITION. THAT'S WHAT THAT MEANS, IT DOES NOT MEAN THAT ALL SETBACKS ARE DELETED FOREVER. WE JUST MEANT THAT THOSE --

[INDISCERNIBLE]

Mayor Wynn: FOLKS LET MS. GLASGO FINISH.

Glasgo: LET ME CLARIFY. WELL, THAT WAS THE INTENT, THAT THE -- THE CONDITIONS THIS ARE BEING REMOVED ARE THOSE SETBACKS THAT PERTAIN TO TRACT 3 AND THAT ARE ALL THE CONDITIONS THAT ARE TRIGGERED NORMALLY BY THE LAND DEVELOPMENT CODE WOULD -- WOULD TAKE PRECEDENT AND APPLY AND THE CITY COUNCIL WILL GET TO MAKE A MOTION ONE WAY OR ANOTHER, WHAT THE CITY COUNCIL DOES THEIR MOTION WOULD BE REFLECTIVE AND WOULD CLARIFY WHAT THAT IS INTENDED. SO THE CLARITY IS ALL RESTRICTIONS THAT APPLY TODAY UNDER THE CODE APPLY. THIS SIMPLY SHOWS OR PROPOSES TO REMOVE THAT CONDITION AND THEN LET ALL OF THE RESTRICTIONS APPLY AS THEY ARE TODAY IN THE ZONING ORDINANCE. I HAVE CLARIFIED THE STATEMENT.

Mayor Wynn: THANK YOU, MS. GLASGO. QUESTIONS?  
COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. I WAS WONDERING IF WE COULD GET A MAP UP OF THE THREE TRACTS. WE ARE REFERRING TO. IT'S COLORFUL SO IT WILL BE EASY TO REFER TO THEM. IT'S MY UNDERSTANDING THAT TRACT 1 WHICH IS THE RED TRACT, BUT THERE'S ONLY ONE TRACT WITHIN THAT TRACT OF -- THAT HASN'T BEEN DEVELOPED YET, IS THAT CORRECT?

THE -- I NEED TO GO TO THE POINTER. THE TRACT 1 IS THE BIG TRACT THAT IS NORTH OF 2222. AND --

Alvarez: APARTMENTS.

Glasgo: APARTMENTS ARE TO THE NORTH. WAY UP TO THE TOP. LET ME GO TO THE POINTER. THE APARTMENTS ARE SOMEWHERE ALONG HERE. UNDER THE MF 1 CO, APARTMENTS ARE CURRENTLY LATERRED. GO-CO IS A TRACT WHERE WE HAVE A SITE PLAN APPROVED FOR AN OFFICE BUILDING OF 230,000 SQUARE FEET. THOSE ARE THE ONLY TWO TRACTS THAT HAVE EVEN APPROVED DEVELOPMENT, NOT CONSTRUCTED OR MF 1 CO WHICH HAS

THE APARTMENTS. THE TRACT TO THE NORTH HAS MF 2 CO, THE DEVELOPMENT HERE. THIS BIG TRACT ONE COMPRISES OF TRACT 1 HERE AND SF 2 CO, THE APARTMENT COMPLEX WOULD BE A TRACT 2 MF 1 CO, THE THIRD TRACT WOULD BE THE GO CO, THEN THE FOURTH TRACT WOULD BE THE LR CO UNDER WHAT WE CALL TRACT 1.

SO THEN THE GO TRACT WAS THE ONE WITH THE APPROVED SITE PLAN.

THAT IS CORRECT.

230,000 SQUARE FEET OF OFFICE.

THAT'S CORRECT.

HOW MANY TRIPS DOES THAT GENERATE?

HOLD ON.

I THINK SOMEBODY SAID 4,000.

Glasgo: THE OFFICE BUILDING GENERATES A TOTAL OF 2406 TRIPS ADJUSTED.

SO WHEN WE -- WHEN WE SAY THAT -- THAT OUT OF THE 6500 ONLY 1500 TRIPS ARE NOT -- ARE NOT ACCOUNTED FOR, THAT ALREADY INCORPORATES THIS 2406 TRIPS?

Glasgo: CORRECT. OUT OF THE 6500 TRIPS THAT ARE CURRENTLY APPLIED TO THE ENTIRE CHAMPION TRACT, THE 203 ACRES, OUT OF THOSE, THE APARTMENTS WHICH -- WHICH HAVE 420 -- 459 UNITS, THOSE HAVE -- HAVE ACCOUNTED FOR 2764 TRIPS, AND THEN THE OFFICE BUILDING IS ACCOUNTED FOR 2406 FOR THE TOTAL OF 5170 TRIPS, THE BALANCE REMAINS 1330.

THAT THE LR TRACT, THAT'S PART OF -- PART -- THAT BIG TRACT 1, THAT ONE IS UNDEVELOPED.

THAT IS UNDEVELOPED. >> ,CORRECT.

SO IT'S JUST THAT PORTION OF TRACT 1.

AND THE SF 2 --

SO THE ADDITIONAL TRIPS WILL BE DIVIDED UP BETWEEN THAT PORTION OF TRACT 1 AND THE OTHER TWO TRACTS. THE LIGHT BLUE AND THE DARK BLUE.

THAT'S CORRECT. THE ALLOCATION WOULD BE DIVIDED AMONG THOSE THREE, THE LR CO, THE SF 2, ALSO TO THE NORTH AND THEN THE GREEN AND THE BLUE.

Alvarez: SO IF THE TRIP LIMIT IS EXPANDED TO -- TO 11,000, THEN THAT WOULD MEAN THERE WOULD BE AN ADDITIONAL 4500 BEYOND THE 6500 CURRENT LIMIT PLUS THE 1500 THAT STILL HASN'T BEEN UTILIZED. SO 6,000 ADDITIONAL TRIPS TO BE DIVIDED AMONGST THOSE THREE TRACTS?

Glasgo: THAT IS CORRECT. YEAH THAT'S WHAT WOULD BE LEFT TO BE USED UP.

Alvarez: SO THE ZONING IS IF TWO OF THE UNDEVELOPED TRACTS ARE RETAIL, ONE IS OFFICE, WHAT GENERATES MORE TRIPS THE RETAIL VERSUS THE OFFICE?

TYPICALLY RETAIL, DEPENDING ON WHAT KIND OF MIXES THAT ARE INCLUDED THIS ED IN THAT RETAIL. FAST FOOD RESTAURANTS, OBVIOUSLY YOU HAVE THEM BECAUSE THEY TEND TO GENERATE MORE TRAFFIC, BUT OFFICE USES TYPICALLY GENERATE LESS TRAFFIC THAN RETAIL.

Alvarez: BUT WE DON'T HAVE AN IDEA OF WHAT'S BEING PROPOSED, YOU KNOW, UNDER THE, YOU KNOW, BY THE PROPERTY OWNERS AT THIS POINT, RIGHT?

NOT THAT I'M AWARE OF. WE JUST HAVE OBVIOUSLY SCENARIOS THAT COULD BE, IF YOU TAKE THE NUMBER OF TRIPS THAT ARE -- THAT ARE LEFT, APPROXIMATELY 6,000, THAT YOU CAN ASSUME THAT IF YOU HAVE -- YOU COULD HAVE CERTAIN USES AND YOU CAN COME UP WITH TRIPS THAT -- THAT ARE, YOU KNOW, THAT USE UP THOSE TRIPS. FOR EXAMPLE, YOU CAN FOR THE TRACT THAT THEY ARE SEEKING, THE BLUE TRACT, YOU COULD HAVE A -- A MIXED

USE DEVELOPMENT THAT HAS RETIREMENT HOUSING, FOR EXAMPLE, YOU KNOW, WHERE -- WHERE CONVALESCENT, CONGREGANT LIVING, YOU CAN USE THAT, HENCE YOU HAVE INTERNAL CAPTURE FROM THERE. OR YOU COULD HAVE A RESTAURANT USE OR SOME RETAIL USE ON THE LR-CO TRACT. SO THE USES COULD VARY DEPENDING ON WHAT IS PROPOSED, BUT WE DON'T HAVE A SPECIFIC ICE. HOWEVER WE CAN -- DON'T HAVE A SPECIFIC USE. HOWEVER WE CAN GIVE YOU SCENARIOS OF WHAT COULD BE ACHIEVED UNDER THAT AMOUNT OF -- OF TRIPS.

Alvarez: OKAY. BUT WE KNOW THAT THERE'S -- UNDER THE PROPOSED -- THE PROPOSAL, THAT THERE'S 6,000 ADDITIONAL TRIPS AND THAT -- THAT -- THAT 230,000 SQUARE FEET GENERATES -- OF OFFICE GENERATES 2,406 TRIPS, SO POTENTIALLY IF ALL THAT WERE TO BE DEVELOPED AS OFFICE, THAT COULD GENERATE ALMOST THREE TIMES AS MUCH OFFICE SQUARE FOOTAGE BUT IF SOMETHING -- SOME GETS DEVELOPED AS RETAIL, THEN THE SQUARE FOOTAGE MIGHT GO DOWN. BUT OBVIOUSLY THAT WOULD BE A PRETTY SIGNIFICANT INCREASE IN DENSITY THAT WOULD BE PERMITTED. THAT'S IT FOR NOW, MAYOR. JUST WANTED TO GET A CLARIFICATION ON THE TRIPS.

Mayor Wynn: THANK YOU, COUNCILMEMBER DUNKERLY?

Dunkerly: [INDISCERNIBLE] SOME OF THE COMMENTS THAT WERE HEARD TONIGHT ABOUT UNDERSTANDING WHAT WE'RE DOING, SO I'M GOING TO TRY TO REPEAT WHAT I THINK WE'RE DOING. WITH THIS PARTICULAR AGREEMENT. AS FAR AS I CAN TELL, ALL OF THE WATERSHED ORDINANCES THAT WERE IN PLACE WITH THE ORIGINAL SETTLEMENT AGREEMENT STAY IN PLACE. WE ARE NOT TOUCHING THOSE. IF YOU WILL LOOK AT THE ACTION TONIGHT, THIS IS THE ONLY ACTION WE ARE CONSIDERING, WE ARE CONSIDERING SOME SLIGHT ZONING CHANGES. FOR EXAMPLE, ON TRACT 1 THERE WERE FOUR ZONING -- FOUR ZONING CATEGORIES INCLUDED CURRENTLY IN PLACE. WE ARE CHANGING ONE OF THEM FROM LR TO GR AND ADDING MU, WHICH SHOULD GET YOU BETTER POSSIBLE DEVELOPMENT. ON TRACT 2, WE ARE NOT CHANGING ANYTHING. IT'S GO TO GO BUT WE ARE ADDING THE MU. AND

ON TRACT 3, AGAIN A SLIGHT CHANGE FROM LR TO GR, ADDING MU. THAT'S THE ZONING CHANGE THAT WE ARE DOING. WITH THE CONDITIONAL OVERLAY THAT WE ARE PUTTING WITH IT, WE ARE DOING TWO THINGS. WE ARE RAISING THE TRIP LIMITATION FROM 6500 TO 11,000, AND WE ARE ADD BEING SOME PROTECTION FOR THE DEVELOPMENT UPON THE RIDGE LINE TO AVOID THAT. AND THE THING THAT WE HAVE TO CONSIDER IN TRYING TO PROTECT THE NEIGHBORHOOD IS THE RISK THAT WE HAVE OF LITIGATION. IF WE -- IF THIS PARTICULAR THING, THIS -- THAT'S ALL THE CHANGES THAT WE ARE CONSIDERING. IF THAT CHANGES TONIGHT OR IF IT -- OVER THE NEXT FEW WEEKS, IF WE CAN GET AGREEMENT ON THAT, THEN THE LAWSUIT IS DROPPED. SO IT'S THE RISK OF -- THAT ADDITIONAL 6500 TO A THOUSAND TRIPS VERSUS NO LIMIT ON TRIPS, SO WHAT BEST PROTECTS THE NEIGHBORHOOD? WHERE IS, YOU KNOW, YOU ROLL THE DICE AND YOU MAY BE WRONG, THEN YOU WILL HAVE NO TRIP LIMITATIONS. SO WE ARE NOT INTERFERING WITH THE ENVIRONMENTAL ISSUES, THOSE STAY THE SAME AS THEY ARE IN THEIR ORIGINAL AGREEMENT. I THINK THOSE ARE THE ONLY CHANGES THAT WE ARE CONSIDERING, THAT -- CHANGE IN THE TRIP LIMITATIONS AND THE HEIGHT UPON THE DEVELOPMENT UP ON THE RIDGES AND THE SLIGHT CHANGES IN ZONING AND FOR THAT YOU GET THE REALITY HOPEFULLY OF A CAP AND NOT THE RISK OF HAVING NO TRIP LIMITATIONS. I THINK THAT'S WHAT I UNDERSTAND THAT WE ARE DOING.

THAT'S CORRECT. AND COUNCIL I WAS LISTENING TO COUNCILMEMBER DUNKERLY EXPLAIN THIS, IT OCCURS TO ME SOMETIMES WE USE SHORTHAND AND WE UNDERSTAND WHAT IT MEANS, AT LEAST THE STAFF AND THE CITIZENS MAY NOT UNDERSTAND. SO I RECOGNIZE THAT AND I JUST WANT TO -- TO CLARIFY ONE MORE TIME ON THE -- ON THE STATEMENT THAT THE -- THAT THE SUMMARY THAT WAS JUST SUMMARIZED THERE'S NO SETBACKS THAT TYPICALLY YOU MAY HAVE HEARD ME THIS AFTERNOON, I READ THROUGH ALL OF THE ZONING CASES THAT SOMETIMES CONDITIONS ARE ATTACHED TO A ZONING CASE TO EITHER PROHIBIT USES, EACH ZONING DISTRICT HAS A LIST OF USES, 40, 50, 60, 100 USES THAT ARE ALLOWED. THE ZONING DISTRICT HAS SETBACKS, HEIGHT LIMITATIONS, AND THEN



THERE ARE OTHER LAYERS OF REGULATIONS THAT APPLY TO THE SETBACKS. SO -- SO THE -- IN THIS PARTICULAR CASE, THE PROPOSAL WAS OBVIOUSLY TO LET ALL OF THOSE RESTRICTIONS THAT EXIST UNDER THE ZONING, THE HILL COUNTRY ORDINANCE AND COMPATIBILITY STANDARDS THAT APPLY TO EVERY PROPERTY CITY-WIDE WOULD THEN APPLY SO I JUST WANTED TO -- TO RESTATE THAT. THAT'S IT, MAYOR.

Mayor Wynn: THANK YOU, MS. GLASGO. FURTHER QUESTIONS, COMMENTS? COUNCILMEMBER KIM. >>

Kim: I HAVE SOME QUESTIONS ABOUT THE ENVIRONMENTAL ISSUES, IN PARTICULAR ABOUT THE 100 YEAR FLOODPLAIN AND ENVIRONMENTAL FEATURES. MR. PAT MURPHY WILL ADDRESS ALL OF THE ENVIRONMENTAL QUESTIONS.

MR. MURPHY, WHEN YOU SHOWED UP THIS MAP ABOUT -- IT'S THIS ONE WITH THE CONTOURS.

YES.

Kim: YOU SAID IT DIDN'T HAVE ANY DEL LYNNATION OF WHERE THE DELIPPATION OF WHERE THE FLOODPLAIN WAS, ON THE STEEPER SLOPES IT WOULD NOT BE I GUESS ANYTHING THAT'S 50% OR ABOVE IN TERMS OF THE GRADE THAT THEY COULDN'T HAVE DEVELOPMENT THERE; IS THAT CORRECT?

YES, GENERALLY YES.

OKAY.

CAN YOU -- CAN WE BRING THAT MAP UP. BECAUSE I KNOW YOU DON'T HAVE IT EXACTLY. BUT CAN YOU KIND OF SHOW US WHERE -- WHERE DEVELOPMENT WOULD BE RESTRICTED TO? JUST YOUR BEST GUESS?

SURE, ABSOLUTELY.

ON TRACT 1, THE PARCEL THERE THAT'S SURROUNDED BY THE -- KIND OF AN ISLAND OF TRACT 1 ON 2222 RIGHT THERE. AS YOU CAN SEE THE BACK SIDE OF THAT TRACT IS

ESSENTIALLY BULL CREEK. SO -- SO ON THAT PARTICULAR TRACT, THERE WOULD BE SOME FLOODPLAIN, NOT CERTAIN OF THE WIDTH, BUT THE DEVELOPMENT THERE WOULD -- WOULD HAVE TO OCCUR, IF IT WAS GOING TO OCCUR, ALONG RIGHT NEXT TO THE 2222 RIGHT-OF-WAY. BASICALLY A LINEAR FASHION.

CAN YOU GO OVER THERE AND SHOW ME SO EVERYONE CAN SEE, TOO. THANKS. I FEEL LIKE A WEATHERMAN, LET ME TRY THIS. THIS IS THE TRACT THAT I'M TALKING ABOUT, YOU CAN SEE THAT THE CREEK WRAPS AROUND BASICALLY IN THIS AREA, AND SO THIS TRACT HERE HAS THE STEEP SLOPES ON THE REAR, YOU CAN SEE THESE STEEP SLOPES, IT'S RELATIVELY FLAT ALONG 2222, AND SO BASICALLY WHAT YOU WOULD HAVE BECAUSE OF THE WAY THAT THE TRACT IS LAID OUT, YOU WOULD HAVE LINEAR DEVELOPMENT HUGGING FAIRLY CLOSE TO THE 2222 RIGHT-OF-WAY THAT'S A FAIRLY FLAT AREA. SO THAT TRACT DOES NOT HAVE A LOT OF STEEP SLOPES ON IT AS ITS LAID OUT. WHEN YOU GO, BUT IT DOES HAVE THE FLOODPLAIN AND I REALIZE THAT THAT IS A LIMITATION, I DO NOT -- THE REASON THAT WE DON'T HAVE A LOT -- I'M GOING TO CLARIFY, ONE OF THE REASONS THAT WE DON'T HAVE A LOT OF INFORMATION ON THESE TRACTS IS THERE HAS NOT BEEN A SUBDIVISION SUBMITTED ON THESE TRACTS SO WE DON'T REALLY HAVE -- THIS IS A MUCH BETTER SLOPE MAP IF YOU WANT TO TRY TO BRING THAT UP, I COULD USE THAT INSTEAD INSTEAD. CAN YOU HEAR ME? THIS IS THE SAME TRACT THAT WE ARE LOOKING AT HERE. SO YOU CAN SEE THERE ARE -- THIS ACTUALLY SHOWS THAT THERE ARE MORE SLOPES AND THIS SMALLER MAP SHOWS, BUT THOSE ARE GENERALLY ON THE BACK PART. THIS IS THE FLATTER AREA OF THE TRACT RIGHT HERE. THIS WOULD BE WHERE THE DEVELOPMENT WOULD MOST LIKELY OCCUR. EVEN UNDER THE OLD LAKE AUSTIN ORDINANCE, THEY CAN'T GO UP VERY MUCH ON THESE STEEPER SLOPE AREAS WITHOUT GETTING INTO THE WATERSHED VARIANCES. AND SO THE DEVELOPMENT THAT WOULD OCCUR ON THIS TRACT WOULD LIKELY BE IN THIS AREA AND THAT -- THAT I'M NOT CERTAIN WHERE THE FLOODPLAIN IS ON THIS TRACT BECAUSE IT DOES ACTUALLY REQUIRE AT AN ENGINEERING STUDY TO REALLY KNOW THE SPECIFIC LIMITS OF THAT FLOODPLAIN. CAN YOU HEAR ME

OKAY? THANK YOU. TRACT 2, WHICH IS BASICALLY HERE, YOU CAN SEE THAT THIS TRACT IS VERY STEEP, ALL OF THE RIDGE -- THE TOP OF OF THE HILL IS UP HERE AND BASICALLY IT'S COMING DOWN TOWARDS THE CREEK. SO THIS TRACT IS VERY STEEP, THE OPPORTUNITY FOR DEVELOPMENT ON THIS TRACT WOULD APPEAR TO BE MOST LIKELY IN THIS AREA OR SOMEWHERE IN THIS AREA HERE. OTHERWISE THEY WOULD BE GETTING ON SUCH STEEP SLOPES THAT IT WOULD BE UNLIKELY THAT THEY COULD DO THAT WITHOUT A VARIANCE. AS YOU LOOK ATTRACT 3, THE SAME SITUATION. THE HILLTOPS ARE UP HERE. THIS IS FALLING DOWN TOWARDS BULL CREEK. YOU CAN SEE THAT THE FLATTER AREAS OF THE SITE ARE ALONG THE FRONTAGE AND ALSO OF COURSE WE HAVE GOT THE CREEK COMING THROUGH HERE AND SO YOU ARE GOING TO HAVE FLOODPLAIN AND SO IT'S PROBABLY GOING TO BE DIFFICULT TO DEVELOP THIS TRACT BECAUSE OF FLOODPLAIN, BUT IT'S POSSIBLE THAT THERE IS A DEVELOPMENT AREA IN HERE AND MOST LIKELY IN HERE. IT IS VERY UNLIKELY THAT YOU WOULD SEE DEVELOPMENT OCCURRING UP ON THE TOPS UP HERE, BUT THERE ARE SOME ISOLATED AREAS OF FLATTER SLOPES, BUT BASED ON EXPERIENCE IT WOULD PROBABLY BE UNLIKELY THAT THEY WOULD BE DOING DEVELOPMENT UP IN THESE AREAS BECAUSE THEY WOULD HAVE TO GET A ROAD OR A DRIVEWAY SOMEWHERE, SOMEHOW UP TO THOSE AREAS. DOES THAT HELP?

IT DOES. WHEN YOU SAID THAT WE WON'T KNOW ABOUT THE FLOODPLAIN ISSUES UNTIL THERE'S A SITE PLAN?

YES, BECAUSE WHEN WE GET ACTUAL SITE PLAN OR ACTUALLY SUBDIVISION IS THE FIRST STEP, WHEN WE GET ACTUAL SUBDIVISION APPLICATIONS FILED, WE WILL HAVE ACTUALLY AN ENGINEERING ANALYSIS BECAUSE IT'S REQUIRED THAT YOU MODEL THE FULLY DEVELOPED 100 YEAR FLOODPLAIN AND THAT REQUIRES ACTUALLY AN ENGINEERING ANALYSIS WHICH THEN SETS THE SPECIFIC LIMITS. NOW, WE COULD GET A BETTER GLIMPSE. I WISH THAT WE HAD A FEMA FLOODPLAIN MAP UP HERE TONIGHT, BUT YOU CAN'T ALWAYS RELY ON THOSE. THOSE MANY TIMES ARE NOT ACCURATE. SO -- SO I THINK THAT YOU GUYS PROBABLY HAVE SOME EXPERIENCE WITH THAT.

NOT RELY ON FEMA.

[LAUGHTER]

WHAT ABOUT THE CLAIM THAT THERE ARE ENVIRONMENTAL FEATURES ON THE PROPERTY? AND IF THEY ARE THAT THEY NEED TO HAVE SETBACKS?

WELL, UNDER THIS -- LET ME GO BACK TO THE PODIUM IF YOU DON'T MIND. AND THIS -- MS. LASSITER JUST HANDED ME A FLOODPLAIN MAP THAT I CAN PUT THAT UP THERE OR OVER HERE IF YOU GUYS WANT TO, IF YOU CAN SEE IT'S DIFFICULT TO FIGURE OUT EXACTLY WHAT IT'S SHOWING, BUT AT THE SCALE THAT IT IS. UNDER THE LAKE AUSTIN REGULATION THE OLD LAKE AUSTIN ORDINANCE BASICALLY HAD IMPERVIOUS COVER LIMITS AND IT WAS PRIMARILY FOCUSED ON SLOPES. THE WHOLE CONCEPT WAS TO TRY TO LIMIT THE CONSTRUCTION ON THE STEEPER SLOPES. THE PURPOSE WAS TO PREVENT SEDIMENTATION AND FILTRATION, SEDIMENT MOVING AND GETTING INTO THE CREEKS AS A RESULT OF DEVELOPING THE HILLS. BECAUSE WATER RUNS OFF VERY RAPIDLY AND SOIL GETS MOVED VERY QUICKLY OFF THOSE AREAS. SO IT FOCUSED ON THE CONSTRUCTION ON SLOPES AS ITS PRIMARY CONTROL. ALSO REQUIRED WATER QUALITY CONTROLS AS WELL TO FILTER THE STORM WATER OFF THE DEVELOPED AREAS. BASICALLY A SAND FILTRATION TOP OF POND. THERE'S NO CREEK SETBACKS IN THOSE EARLY ORDINANCES. THAT IS SOMETHING THAT DID NOT OCCUR UNTIL 1986 WHEN THE COMPREHENSIVE WATERSHED ORDINANCES WAS ADOPTED. IT CAME IN AND DID TWO THINGS ABOVE AND BEYOND IFK LIMITS. IT ESTABLISHED SETBACKS FROM CREEKS AND THERE'S THE CRITICAL ZONE WHICH IS USUALLY THE FLOODPLAIN AND THE TRANSITION ZONE WHICH BY ITS NAME MEANS AN AREA OF LESSER DEVELOPMENT TRANSITIONING TO THE MORE INTENSIVE DEVELOPMENT IN THE UP LANDS AREA WHICH IS THE HIGHEST AREAS OF THE SITE. IT ALSO ESTABLISHED SPECIFIC SETBACKS FOR CRITICAL ENVIRONMENTAL FEATURES, THOSE WOULD BE SPRINGS, THOSE WOULD BE WETLANDS, THOSE WOULD BE RECHARGE FEATURES, THINGS THAT ARE SENSITIVE AND REQUIRE SETBACKS. BASICALLY IT TOOK IT A STEP FURTHER. IN ADDITION THE COMPREHENSIVE WATERSHED

ORDINANCES AND [INDISCERNIBLE] INCREASE THE EFFICIENCY OF WATER QUALITY CONTROLS TO HAVE MORE CAPTURE, I DO BELIEVE THAT THE -- THAT THE SETTLEMENT AGREEMENT THAT WE CURRENTLY HAVE ON THIS TRACT DOES REQUIRE COMPLIANCE WITH WHAT THE CURRENT WATER QUALITY STANDARD WOULD BE. WHICH IS THE SEDIMENTATION FILTRATION, WITH INCREASED CAPTURE AS IMPERVIOUS COVER COVER LEVELS RISE. IF YOU NEED A BETTER EXPLANATION OF THAT, I CAN. IT'S JUST THE VOLUME IS REQUIRED TO GET BIGGER AS THE IMPERVIOUS COVER RISES ABOVE 10% ON A PARTICULAR SITE. BUT IT STILL HAS CONSTRUCTION ON SLOPES. SO THE MAIN DIFFERENCE REALLY IN MY OPINION LOOKING AT -- TRYING TO MAKE IT APPLES TO APPLES BETWEEN THE OLD LAKE AUSTIN AND THE CURRENT REGS, THE CREEK SETBACKS AND THE CRITICAL ENVIRONMENTAL FEATURE SETH-BACKS. THE IMPERVIOUS COVER LEVELS AND THE CONSTRUCTION ON SLOPES PROBABLY ARE FAIRLY CLOSE IF YOU WERE TO DO AN APPLES TO APPLES COMPARISON. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

YOUR STRUCTURE HAS TO BE, YOUR SLAB HAS TO BE ONE FOOT ABOVE. THERE'S ALSO LIMITATIONS ON MAXIMUM DEPTH OF INUNDATION OF WATER ON PARKING LOTS AND SO FORTH, BUT THAT'S CONTAINED IN OUR DRAINAGE REGULATIONS AND IN OUR BUILDING CODES. I SUSPECT -- I WANT TO MAKE CLEAR THAT PEOPLE DO OFTEN REQUEST TO MODIFY FLOODPLAINS, BUT TYPICALLY WITH A CREEK OF THIS SIZE THAT WOULD BE DIFFICULT TO DO TO ANY SIGNIFICANT EXTENT. >>

Dunkerley: COULD THAT BE SOME PROTECTION, DEPENDING ON WHAT SIDE OF THE CREEK THE FLOODPLAIN WAS ON? , THE BUILDING COULDN'T ENCROACH TOO MUCH OR TOO CLOSELY?

I THINK THAT'S A FAIR STATEMENT. THE DRAINAGE EASEMENT AND THE FLOODPLAIN ARE GOING TO PROVIDE SOME SET BACK. I CAN'T TELL YOU WHAT THAT EXACT WIDTH WOULD BE.

Dunkerley: THANK YOU.

THANK YOU.

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

Leffingwell: MR. MURPHY, I GUESS, STILL. MAYBE. I DON'T KNOW. THERE'S BEEN A LOT SAID HERE TONIGHT ABOUT THE CITY GIVING UP ITS OBLIGATION AND RIGHT TO PROTECT WATER QUALITY IN THE CREEKS BY VIRTUE OF THIS AGREEMENT, BUT AS I UNDERSTAND IT, THERE'S ABSOLUTELY NO DIFFERENCE BETWEEN THE EXISTING SITUATION AND THE AGREEMENT AS FAR AS PROTECTING ENVIRONMENTAL FEATURES, CREEKS, ETCETERA. ARE ANY RIGHTS THAT THE CITY MIGHT CHOOSE TO EXERCISE IN COURT WITH REGARD TO PROTECTING WATER QUALITY, HEALTH AND SAFETY, ETCETERA, COULD BE EXERCISED UNDER ANY AGREEMENT, UNDER THIS NEW AGREEMENT AS WELL AS THEY COULD UNDER THE EXISTING SITUATION. IS THAT A CORRECT STATEMENT? NONE OF THAT IS CHANGING, AS I UNDERSTAND IT?

LET ME TRY TO REPEAT BACK WHAT I THINK I HEARD YOU SAY JUST TO MAKE SURE I UNDERSTAND, BECAUSE I'M NOT AN ATTORNEY. YES, THERE IS NO DIFFERENCE BETWEEN WHAT DEVELOPMENT WOULD OCCUR WITH THE PROPOSED ZONING IN TERMS OF WHERE IT IS LOCATED IN RELATION TO CREEKS, SLOPES, WHAT HAVE YOU. THE SAME PROTECTIONS THAT ARE UNDER THE ORIGINAL SETTLEMENT ARE THERE NOW IN TERMS OF WHERE THE DEVELOPMENT COULD GO. THIS IS STRICTLY ABOUT THE INTENSITY OF THOSE USES RELATIVE TO THE VEHICLE TRIPS THEY ARE PRODUCE, WHICH MAY INDIRECTLY LIMIT HOW MUCH DEVELOPMENT OCCURS ON THE SITE. CERTAINLY THAT'S WHAT THE ISSUE IS ABOUT HERE TONIGHT. BUT IN TERMS OF WHAT POTENTIALLY WOULD HAPPEN, THERE'S NO DIFFERENCE IN TERMS OF THE PROTECTIONS THAT ARE THERE IN THE '96 AGREEMENT AND THE CURRENT SITUATION.

Leffingwell: BUT CONVERSELY THE CITY IS GIVING UP NOTHING WITH REGARD TO ITS RIGHT TO PROTECT THESE CREEKS WITH OR WITHOUT THE SETTLEMENT OF THOSE

RIGHTS WOULD BE THE SAME UNDER EITHER SCENARIO?

I ASSUME YOU'RE TALKING ABOUT THE ORIGINAL SETTLEMENT STILL BEING IN PLACE? YES, THEY'RE THE SAME.

Leffingwell: YES.

Mayor Wynn: MR. MURPHY, ONE MORE FROM ME. SO THE NET OF THIS CASE, AND IT'S REAL FRUSTRATING FOR SO MANY OF US, WHEN THIS COUNCIL AND/OR PREVIOUS COUNCIL HAS HAD WHAT I'LL JUST CALL FULL DISCRETION OVER THIS CASE, THERE HAS BEEN A PRETTY CONSISTENT APPROACH BY AT LEAST THE MAJORITY OF PREVIOUS COUNCIL VEETS, BUT IN THIS CASE BECAUSE OF LITIGATION THAT CHANGES SOME DYNAMICS AND THEN WE TRY TO DEAL WITH THAT. AND OBVIOUSLY SINCE OUR LEGAL DEPARTMENT THAT IN A SENSE QUARTERBACKS THOSE NEW DYNAMICS, BRINGING ISSUES TO US FROM A LEGAL PERSPECTIVE, BUT AS PART OF THE MEDIATION PROCESS THAT OCCURRED AS A RESULT OF THE LITIGATION THAT FOLLOWED THE LAST COUNCIL VOTE, REMIND ME, IT WASN'T JUST SORT OF OUR LEGAL STAFF, IT WASN'T JUST ATTORNEYS SITTING DOWN WITH MR. WEIGH WHELLAN AND/OR HIS CLIENTS OR CONSULTANTS. WAS CITY ENVIRONMENTAL STAFF IN THOSE ANALYSES AND DISCUSSIONS AND MEDIATIONS AND TRANSPORTATION AND ZONING? WAS THE SORT OF FULL BREADTH OF OUR TECHNICAL AND REGULATORY SKILLS THAT WE SEE SO WELL ON MOST THURSDAYS HERE, WERE YOU PERSONALLY AND WAS YOUR STAFF PART OF THAT ANALYSIS, JUST TO VERIFY ALL THESE THINGS THAT WE'RE COMING TO YOU NOW ABOUT RIDGELINES AND THE CREEK ITSELF AND WATER QUALITY AND YES, AND FAIL INTERSECTIONS, ALL OF THOSE ELEMENTS? SO THERE'S MORE THAN JUST OUR LEGAL STAFF THAT WAS INVOLVED IN THE LENGTHY MEDIATION PROCESS, CORRECT?

YES. I WAS NOT PERSONALLY TALKING WITH THE CHAMPIONS AND THEIR CONSULTANT OR ATTORNEYS, BUT I WAS SUPPORTING AND MEETING WITH ALICE GLASGO AND HER STAFF AND ADVISING THEM ON THE ENVIRONMENTAL ISSUES AND THEY WERE USING THOSE AND DISCUSSING THAT IN THE MEDIATION, AS I UNDERSTAND IT. ALICE CAN

VERIFY THAT FOR YOU, BUT I WAS PROVIDING SUPPORT TO ALICE. AND WE DID TALK ABOUT THE RIDGELINES, WE DID TALK ABOUT THE SETBACKS, WE DID TALK ABOUT ALL THOSE ISSUES. AND MY UNDERSTANDING WAS ALL THOSE ISSUES WERE DISCUSSED, BUT IT WAS NOT SUCCESSFUL IN BEING ABLE TO ACHIEVE ANY ADDITIONAL CONTROLS. BECAUSE OF THE LIMITED AMOUNT OF DEVELOPMENT, AREAS THAT ARE ON THESE TRACTS. >>

Mayor Wynn: THANK YOU, MR. MURPHY. ACTUALLY, I HAVE A QUESTION FOR MR. WHELLAN. MR. WHELLAN, ALTHOUGH I DON'T BELIEVE THEY WERE TRUE MEDIATION, WE'VE HEARD EXAMPLES TONIGHT, AND I WAS INVOLVED WITH SEVERAL OF THEM, ISSUES RELATED TO OTHER TRACTS ACTUALLY FURTHER WEST ON 2222, THE RIEBELIN RANCH, FOR EXAMPLE, WAS BROUGHT UP SEVERAL TIMES THIS EVENING. AND THAT'S AN EXAMPLE OF WHERE MANY OF THESE VERY SAME NEIGHBORS WERE PRETTY INTIMATELY INVOLVED WITH LAND PLANS AND ANALYSES BY THAT PROPERTY OWNER AND THAT FAMILY'S AGENT AND ATTORNEYS. WHY WASN'T THERE MORE -- I KNOW THIS IS LITIGATION, AND OURS WAS THE FORM OF A -- TECHNICALLY THE FORM OF A MEDIATOR. AND I GUESS GOING THROUGH WHATEVER THE LOCAL LEGAL FIELD HANDLES THOSE CASES, BUT WAS THERE AN OPPORTUNITY FOR MORE DETAILED LAND PLANNING? AND FOR INSTANCE, WE'VE HEARD THINGS LIKE MANDATORY MU. WE'VE HEARD THINGS ABOUT THE ACTUAL PRODUCT. WE HAVE ZONING CATEGORIES, BUT AS YOU KNOW, THERE'S A FAIR AMOUNT OF FLEXIBILITY OF EVEN PRODUCT TYPES WITHIN SPECIFIC ZONING CATEGORIES. WAS THERE AN OPPORTUNITY IN R. FOR THERE TO BE, YOU KNOW, FAR MORE SORT OF COMMUNITY INPUT AS TO THE FURTHER DEFINING DISPROPOSED MEDIATION SETTLEMENT?

TWO THINGS FIRST WITH REGARD TO THE TRACTS UP AND DOWN 2222. I THINK COUNCILMEMBER ALVAREZ MADE A GOOD POINT THAT IT IS THREE TRACTS, AND THE TRACTS THAT HAVE BEEN ZONED ON CONSENT AGENDA TYPICALLY GET 2,000 TRIPS PER TRACT. AS MR. ALVAREZ KNOWS, WITHOUT SITE PLANS OR DETAILED PLANS OR DETAILED DISCUSSION ABOUT WHAT IS GOING TO END UP, BECAUSE WHAT YOU'RE DOING IS ZONING OF COURSE THE USES. AS



TO THE SPECIFIC QUESTION ABOUT FURTHER DISCUSSIONS -- AND I FAILED TO MENTION THIS. WE DID IN 2003 WHEN WE CAME THROUGH HERE, WE DID REACH AGREEMENT WITH LAKEWOOD ON THAT TRACT, SO WE HAVE HAD DISCUSSIONS WITH POSSIBLE WITH NEIGHBORHOODS ABOUT THE DEVELOPMENT ON THE TRACTS. THIS IS TRACT 5 ON YOUR MAP. WE DID REACH AGREEMENT WITH THAT GROUP IN 2003. AS TO THESE TRACTS AND THIS LITIGATION, WE HAVE NOT BEEN AS FORTUNATE, FRANKLY, IN OUR COMMUNICATION WITH THESE GROUPS. WE HAVE TRIED. [ LAUGHTER ] WELL, IT IS WHAT IT IS. THEY'RE GOING TO LAUGH. (INDISCERNIBLE) AND I SAT DOWN AND WE'VE AGREED TO DISAGREE ON THE TRIPS. WE HAVE USED OUR CONSULTANT TO ADVISE US ON WHAT IS POSSIBLE AND WHAT IS NOT POSSIBLE. WE RECOGNIZE THAT 11,000 TRIPS IS LESS THAN WHAT CAN BE DONE THERE. WE ALSO, AS PAT MURPHY HAS EXPLAINED, YOUR ENVIRONMENTAL OFFICER, THERE ARE EXTRAORDINARY CONSTRAINTS ON THIS PROPERTY WHICH MAKES IT A VERY DIFFICULT TRACT TO DEVELOP FRANKLY. SO THAT'S THE LONG ANSWER TO -- I APOLOGIZE -- TO WHAT A SHORT QUESTION.

Mayor Wynn: FURTHER QUESTION. I THINK IT WAS MR. HEAL, I THINK IT WAS -- MR. HALEY, I THINK IT WAS, WHO DESCRIBED HIMSELF AS A LAWYER AND EVEN MEDIATOR. AND I ASKED I GUESS MR. FARMER AND MAYBE MR. ROCKWELL OR MR. CAMERON, FOABZ WHO SPENT TIME AND EFFORT LITERALLY I HOPE WITH OUR LEGAL DEPARTMENT'S HELP DING THROUGH OUR FILES, UNDERSTANDING THE SEQUENCE OF A NUMBER OF EVENTS OVER A NUMBER OF YEARS, BUT I'D ASK THEM IF THEY WERE TOLD OR HAD A COPY OF OR SAW THE COMMENTS FROM THE MEDIATOR. AND I THINK THE ANSWER WAS NO.

UNDER THE CIVIL PRACTICE AND REMEDIES CODE, ANY COMMUNICATION DURING A MEDIATION IS A CONFIDENTIAL COMMUNICATION THAT YOU CANNOT REVEAL, SO I WOULD BE SURPRISED IF THEY SAW ANY COMMENTS FROM A MEDIATOR. WE WERE AT TIMES IN PRIVATE CAUCUS, SO ANY -- I WOULD BE VERY SHOCKED IF JUDGE KEEL HIMSELF REVEALED ANYTHING OF A CONFIDENTIAL NATURE TO ANYBODY OR IF COUNCIL DID BECAUSE -- IF COUNSEL DID BECAUSE THOSE ARE PRIVATE CAUCUSES THAT ARE

OCCURRING WITH YOUR CLIENT. SO THE CITY ATTORNEY MET WITH CITY STAFF PRIVATELY AND OBVIOUSLY I WITH THE MEDIATOR AND A PRIVATE CAUCUS MET WITH OUR CLIENTS WITHOUT THE CITY THERE. SO THAT WOULD BE A CONFIDENTIAL COMMUNICATION.

Mayor Wynn: OKAY. AGAIN, AS YOU KNOW, I'M NOT AN ATTORNEY. SOME OF THIS IS NEWS TO ME. BUT SORT OF A QUESTION IS FUNDAMENTALLY, OBVIOUSLY WITH DISCRETION THAT COUNCIL VOTES ONE WAY, WITH LEGAL ADVICE WE HAVE TAKEN A DIFFERENT APPROACH. AND SO IF YOU'RE THE ATTORNEY ON THE OTHER SIDE AND THERE ARE THESE VERY STRONG LEGAL ARGUMENTS AND/OR RISK IN LITIGATIONS FOR THE CITY TO BE CONSIDERING DOING SOMETHING DIFFERENT THAN WHAT WE WOULD DO IN A FULL DISCRETIONARY CONTEXT, FRANKLY WHY AREN'T YOU SHARING THOSE? OR IS IT BECAUSE OF THE MEDIATION? IS IT BECAUSE THE FORMALITY, WHICH I'M NOT FAMILIAR WITH IN THE MEDIATION PROCESS THAT PERHAPS LIMITS YOUR ABILITY TO SHARE POSITIONS THAT -- OR SUGGESTIONS THAT COME OUT OF THAT PROCESS? I DON'T KNOW IF I'M MAKING SENSE OR NOT.

I DON'T THINK IT'S ANY SECRET WHERE WE ARE. THE -- I THINK IT'S BEEN -- THERE'S BEEN A GOOD JOB -- I THINK TODAY'S HEARING HAS REFLECTED ACCURATELY OUR CASE FRANKLY. WE HAVE HEARD REPEATEDLY FROM CONA 2222 REPS AND OTHERS THAT VEHICLE TRIPS LIMIT YOUR ABILITY TO BUILD ON THESE TRACTS, LIMITS THE SQUARE FOOTAGE ON THESE TRACTS. THERE IS A SPECIFIC PROVISION IN THE CONTRACT THAT SAYS THAT THE CITY IS NOT GOING TO LIMIT IMPERVIOUS COVER ON THESE TRACTS. BY PUTTING AN ARTIFICIAL LIMITATION ON VEHICLE TRIPS ON THESE TRACTS, THERE HAS BEEN A LIMITATION ON THE IMPERVIOUS COVER ON THESE TRACTS. ZONING IS ABOUT USES. NOW, -- SO NOW WE'VE GOT THIS ARGUMENT ABOUT WHETHER THIS IS CONTRACT ZONING OR NOT. WE BELIEVE THAT IT IS NOT CONTRACT ZONING. WE BELIEVE THAT ZONING IS ABOUT USES, IT'S NOT ABOUT IMPERVIOUS COVER. 1704 ISN'T ABOUT USES. THERE'S A SPECIFIC EXCEPTION IN 1704 ABOUT USES, BUT NOTEWORTHY, THERE ARE 1704 IS CLEAR ABOUT WHAT YOU CAN DO IN ZONING WITH REGARD TO LOT SIZES, FOR EXAMPLE, JUST LIKE A

SETTLEMENT AGREEMENT IS VERY SPECIFIC ABOUT IMPERVIOUS COVER. CAN YOU CONTROL THE USES? OF COURSE. THAT WASN'T WHAT EVER RESTRICTED AT ANY TIME. BY PUTTING AN ARTIFICIAL LIMIT OF VEHICLE TRIPS ON THE TRACT, THERE WAS A LIMIT AS TO THE IMPERVIOUS COVER. WE'VE HEARD THAT ACTUALLY ARTICULATED NUMEROUS TIMES BY DIFFERENT REPRESENTATIVES HERE TODAY. SO THAT'S THE CORE OF THE CASE. IT'S A BREACH OF CONTRACT CASE WHICH LUCKILY IN TEXAS ALSO PROVIDES THE APPLICANT WITH THEIR ATTORNEY'S FEES, WHICH WE'RE ALSO WAIVING. I SAY THAT JOKINGLY BECAUSE OBVIOUSLY THERE'S A LOT MORE AT STAKE HERE. IN ALL SERIOUSNESS, I DO TAKE WHAT I'VE HEARD VERY SERIOUSLY. THE CHAMPIONS TAKE IT VERY SERIOUSLY. WE KNOW THAT TRAFFIC IS A SERIOUS ISSUE EVERYWHERE IN THE CITY. WE BELIEVE THAT EXPECTATIONS AS OUR CITY DOUBLES IN SIZE OVER THE NEXT 20 YEARS ARE GOING TO HAVE TO BE ADJUSTED. AND THAT TRAFFIC CYCLES WILL TAKE LONGER AS OUR CITY EXPANDS. SO I DON'T -- I REALLY THINK THAT HAVING THIS AT AN INTERSECTION CLOSER IN -- AND IT IS CLOSER IN THAN MANY OF THE TRACTS AS YOU REMEMBER IN THE LAST FOUR YEARS BECAUSE THEY'RE 30 ACRES, 40 ACRES, AND 2,000 TRIPS OR LESS WITH NO SITE PLAN. THAT THIS IS AND DOES HELP IN MANY, MANY WAYS.

Mayor Wynn: THANK YOU, MR. WHELLAN. COUNCILMEMBER KIM. IF COUNCIL ASKS A QUESTION OF SOMEBODY, THEY OF COURSE ARE GOING TO GET AN ANSWER. COUNCILMEMBER KIM.

Kim: MR. WHELLAN, WHAT IS THE DIFFERENCE IN THE APPRAISED VALUE OF THE LAND FOR 11,000 TRIPS VERSUS 6500 FOR THE THREE TRACTS? DO YOU HAVE AN ESTIMATE?

NO, I HAVE NO IDEA. I WOULD HAVE NO IDEA. THE -- WE STARTED THE MEDIATION PROCESS PRIOR TO THE TIME TO DESIGNATE EXPERTS IN AN ATTEMPT TO TRY AND AVOID SOME OF THOSE EXPENSES. OBVIOUSLY ONE OF THE DAMAGES THAT WE WILL BE SEEKING WILL BE THE DIFFERENCE BETWEEN WHAT WE WOULD BE ALLOWED TO BUILD WITH THE CAP, THE ARTIFICIAL CAP OF 6500, AND WHAT COULD HAVE BEEN BUILT BASED ON THE CITY'S OWN EXPERT REPORT. I'VE HANDED IT OUT BEFORE. I'LL BE

HAPPY TO GIVE YOU A COPY AFTER THIS FIRST READING. THE CITY'S OWN EXPERT, JACK HOLFORD, DID A REPORT BACK IN 1996, THE NEIGHBORS HAVE IT, AND IT SHOWS WHAT CAN BE DONE ON THIS TRACT. IT'S A GREAT READ TO REALLY SEE NOT FROM MY VIEW, NOT FROM THE NEIGHBOR'S VIEW, FROM THE CITY'S INDEPENDENT EXPERT'S VIEW UNDER THE ORDINANCES THAT ARE IN THE 1996 SETTLEMENT AGREEMENT WHAT COULD BE DONE. SO IT WOULD BE THE DIFFERENCE BETWEEN WHAT COULD HAVE BEEN DONE AND WHAT WE'RE NOT BEING ALLOWED TO DO.

Kim: ALL RIGHT. I'LL TAKE A LOOK AT THAT. THANKS.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. A COUPLE OF TRANSPORTATION QUESTIONS. I DON'T KNOW IF WE HAVE A TRANSPORTATION PERSON HERE, BUT THERE'S BEEN MENTION OF RIEBELIN RANCH A COUPLE OF TIMES, AND I REMEMBER BACK IN 2004 WHEN WE WERE CONSIDERING THAT, THAT OBVIOUSLY THE CONCERNS ABOUT TRAFFIC ON 2222 WERE PARAMOUNT AS WELL, BUT THERE WERE A COUPLE OF ANTICIPATED IMPROVEMENTS ALONG 2222 THAT I THINK WERE DISCUSSED. AND I WAS JUST CURIOUS TO SEE WHERE WE WERE ON THOSE. BUT I'M LOOKING AT THIS I THINK TIA FOR THAT PROJECT, BUT IT REFERRED TO THE -- IT SAYS CONSTRUCTION WAS SCHEDULED TO BEGIN IN 2004 AND ON A CONTINUOUS LEFT TURN LANE FROM 2222 FROM 620 TO RIVER PLACE BOULEVARD. DID THAT OCCUR?

YES, SIR. GEORGE ZAPALAC WITH WATERSHED PROTECTION. THAT IMPROVEMENT WAS COMPLETED.

Alvarez: AND THAT WAS COMPLETE. AND THEN ALSO IT REFERENCED A CHANGE IN -- I GUESS THE WAY THAT WAS HANDLED, THE NUMBER OF TRIPS FOR THAT PARTICULAR DEVELOPMENT IS THEY WERE ALLOTTED I THINK 10,000 TRIPS PER DAY AS LONG AS 2222 REMAINED A FOUR-LANE ROAD ON THE TRANSPORTATION PLAN AND THAT THEY COULD BE ALLOCATED UP TO 15,000 TRIPS A DAY IF THAT DESIGNATION WAS CHANGED TO SIX LANES. AND SO DID THAT ALSO OCCUR AS WELL IN TERMS OF THE CHANGE IN

THE TRANSPORTATION PLAN?

COUNCILMEMBER, THE PLAN HAS NOT BEEN AMEND  
AMENDED AT THIS TIME. I KNOW THERE WAS A TRIGGER LIKE  
THAT IN THE AGREEMENT FOR RIEBELIN RANCH WHERE  
THEY COULD BUILD -- THEY WERE PRETTY WELL  
GUARANTEED UP TO 10,000 TRIPS, AND THEN TO GO BEYOND  
THAT THERE WOULD HAVE TO BE SOME ADDITIONAL  
IMPROVEMENTS MADE, BUT THE PLAN HAS NOT BEEN  
AMENDED AT THIS TIME.

Alvarez: OKAY. THAT'S ALL, MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ MOVES WE WAIVE  
COUNCIL RULES TO GO PAST 10:00 P.M., SECONDED BY  
COUNCILMEMBER LEFFINGWELL. ALL THOSE IN FAVOR,  
PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX  
TO ZERO WITH COUNCILMEMBER MCCracken OFF THE  
DAIS. I HAVE A LEGAL QUESTION. SO I GUESS FOR MISS --  
FOR SOMEBODY. REMIND ME AGAIN, THERE WAS IN EFFECT  
A DEADLINE BECAUSE OF THE LITIGATION AND HOW AND  
WHY WAS THAT IMPOSED AND DOES THAT REQUIRE FINAL  
ACTION TONIGHT, DOES THAT REQUIRE FIRST READING  
ACTION TONIGHT? WHAT ARE THE STEPS WE HAVE HERE  
FROM A TIME LINE?

IT'S NOT SPECIFIC AS TO READINGS. IT DOES PROVIDE THAT  
IF COUNCIL HAS NOT APPROVED THE ZONING THAT WAS  
SPECIFIED IN THE MEDIATION AGREEMENT BY DECEMBER  
1st, TONIGHT, EITHER PARTY MAY ELECT TO TERMINATE THE  
AGREEMENT AND THEN RESUME THE LITIGATION, LIFT THE  
ABATEMENT, IF YOU WILL. BUT IT IS NOT A REQUIREMENT  
THAT THAT OCCUR, IT IS AN OPTION THAT EITHER THE CITY  
OR THE CHAMPIONS CAN EXERCISE TO TERMINATE THE  
AGREEMENT IF COUNCIL DOES NOT TONIGHT PASS THE  
REZONING.

Mayor Wynn: AND REMIND ME, IS STAFF -- IS THERE AN  
ORDINANCE PREPARED AND STAFF READY FOR ALL THREE

READINGS SHOULD -- IF THERE WAS THE WILL FOR THAT TONIGHT? SO THEN -- SO BECAUSE THE FACT THAT THE ORDINANCE ISN'T EVEN DRAFTED, THEN TECHNICALLY THE ZONING ISN'T GOING TO HAPPEN TONIGHT, FINAL ZONING.

IF THAT'S THE CASE --

WE'RE ONLY READY FOR FIRST READING, MAYOR.

Mayor Wynn: WELL, SO -- SO BASED ON THE PROPOSED SETTLEMENT LANGUAGE, I MEAN, TECHNICALLY WE'RE NOT GOING TO TAKE FINAL ACTION TONIGHT -- IF WE TAKE ACTION IT WON'T BE FINAL, AND SO EITHER PARTY, I GUESS, WILL HAVE THE ABILITY REGARDLESS AFTER TONIGHT TO --

RESUME THE LITIGATION. AND I MIGHT ADD THAT CERTAINLY ONE OF THE REASONS THE LANGUAGE WAS INCLUDED TO MAKE THAT PROVISION OPTIONAL THAT EITHER PARTY COULD EXERCISE AS OPPOSED TO MANDATORY IF IT DIDN'T HAPPEN WAS SO THAT IF THERE WERE REASONS FOR A BENEFIT TO CONTINUE THIS ON, THEN THE PARTIES COULD DO THAT.

Mayor Wynn: THEN HELP ME WALK THROUGH. SHOULD EITHER PARTY RESUME LITIGATION, I GUESS IN EFFECT TERMINATE THE MEDIATION PROCESS AND RESUME LITIGATION, WHAT HAPPENS? WHAT'S THE LIKELY TIMING STH WHAT'S THE --

ESSENTIALLY THERE'S A TIME LIMIT BY WHICH THE PARTIES -  
- AND THIS WOULD OCCUR BETWEEN MR. WHELLAN AND MYSELF. WE WOULD BASICALLY LIFT THE ABATEMENT, IF YOU WILL, ON THE LITIGATION AND SIMPLY RESUME, AND HOW THAT WOULD PLAY OUT WOULD BE TYPICALLY A SCHEDULING ORDER WITH A TRIAL DATE AND THEN DATES THAT WOULD PRECEDE THE TRIAL DATE, FOR EXAMPLE, EXPERTS NEED TO BE DESIGNATED, DPTIONS TAKEN, DISCOVERY DONE, BUT THAT'S IF EITHER PARTY ELECTED TO TERMINATE THE AGREEMENT.

Mayor Wynn: AND I JUST MISSED THIS, BUT JUST BASED ON YOUR EXPERIENCE WITH TRAVIS COUNTY COURT, HOW SPEEDY WOULD THAT PROCESS -- HOW LONG A LIKELY

PROCESS --

WHAT THE PARTIES WOULD HAVE TO DO WOULD BE TO ANALYZE -- WHAT WE PROBABLY WOULD DO IS ANALYZE HOW MUCH DISCOVERY WOULD BE NEEDED AND WHEN THAT WOULD BE COMPLETED, WHEN DEPOSITIONS WOULD BE COMPLETED. THERE WOULD BE A TIME LINE FOR PERHAPS MOTIONS FOR SUMMARY JUDGMENT AND THINGS OF THAT NATURE. AND THEN, OF COURSE, SCHEDULES OF THE ATTORNEYS AND IMPORTANT WITNESSES WOULD HAVE TO BE CONSIDERED. AND REALISTICALLY IN TRAVIS COUNTY, I THINK THERE WOULD BE A DEFAULT OF APPROXIMATELY NINE MONTHS IS THE TYPICAL PERIOD DURING WHICH YOU WOULD CONDUCT DISCOVERY. MR. WHELLAN CAN WEIGH IN ON THIS. I DOUBT WE WOULD NECESSARILY NEED THAT, BUT ALL OF THAT IS DRIVEN BY A LOT OF THINGS THAT WE DON'T KNOW ABOUT TODAY AS WE STAND HERE. BUT IF WE SET THIS CASE FOR TRIAL IN JANUARY, IT WOULD BE LINE NUMBER 100 OR SO, NEITHER PARTY WOULD BE READY FOR THE LITIGATION, TO TRY THE CASE ANYWAY, SO IT'S EXPECTED THAT THERE WOULD BE A CONSIDERABLE AMOUNT OF WORKUP, IF YOU WILL. AND I CAN'T REALLY SAY, FOR INSTANCE, WHAT HIS TRIAL SCHEDULE IS. I KNOW WHAT MINE IS AND WE WOULD PUT THE TRIAL DATE AT A TIME -- WITH ENOUGH TIME TO PREPARE THE CASE ESSENTIALLY. IT WOULDN'T BE IN JANUARY OR FEBRUARY OR ANYTHING OF THAT NATURE.

Mayor Wynn: OKAY. THANK YOU. QUESTIONS, COMMENTS?  
COUNCILMEMBER KIM.

Kim: I WANTED TO TALK TO SOMEONE FROM THE JESTER NEIGHBORHOOD ASSOCIATION. IS THAT PERSON STILL HERE?

YES, MA'AM. PETE WENDELL. FOR JESTER ESTATES.

Kim: YOU SAID THAT YOU WOULD PREFER THAT WE GO TO COURT. IS THAT TRUE?

I DIDN'T SAY THAT.

Kim: WELL, IF WE DON'T PASS A SETTLEMENT, THEN THE

CHAMPIONS ARE SAYING THEY WILL GO TO COURT. IS THAT WHAT YOUR PREFERENCE IS?

CERTAINLY WE DON'T WANT THE CITY TO BE SUED, BUT I DON'T HAVE AN OFFICIAL RESPONSE TO THAT. THAT WOULD HAVE TO GO IN FRONT OF OUR BOARD. FOR ME TO SAY THIS INDIVIDUALLY--

Kim: THAT'S THE SITUATION THAT WE'RE IN RIGHT NOW. IF IT GOES TO COURT AND WE LOSE AND THERE ARE NO TRIP LIMITATIONS, WHAT RECOURSE DOES YOUR NEIGHBORHOOD ASSOCIATION HAVE? I MEAN, THERE'S VERY LITTLE THAT WE CAN DO, IF ANYTHING.

COULD I HAVE THE LEGAL REPRESENTATION UP HERE? BECAUSE I CAN'T RESPOND TO THAT. AND I'M SORRY.

Kim: NO, THAT'S FINE.

YOU ASKED IF WE WANTED THE CITY TO BE SUED? THE CITY HAS ALREADY BEEN SUED. WE WANT THE CITY TO DEFEND THE SUIT. WE WANT THE CITY TO ASSERT ITS RIGHT TO WATERSHED ORDINANCES, NOT A 1984 ORDINANCE, ALL THE ORDINANCES THAT PROTECT THE CREEKS AND EVERYTHING. IT'S A MATTER OF AN AGGRESSIVE DEFENSE. YOU STAND UP IN COURT AND YOU SAY THIS CONTRACT WAS INVALID TO THE EXTENT THAT IT WAIVED ALL THE WATERSHED PROTECTIONS ON BULL CREEK. THAT WAS INVALID. IT SHOULD NOT HAVE BEEN DONE. WE SHOULD NOT HAVE CONTRACTED AWAY OUR RIGHT TO LEGISLATE THE PROTECTION OF THOSE CREEKS. SO YES, THAT'S THE POSITION WE WOULD LIKE FOR YOU TO TAKE. YOU'VE ALREADY BEEN SUED. AND I KEEP HEARING THE THING ABOUT WHAT IF THERE ARE NO TRIP LIMITATIONS. WHERE WOULD THAT COME FROM? WE'RE GOING TO ROLL BACK TO 1950 WHERE THEY OWNED THE LA LAND IN 1950 AND SAY THERE WEREN'T ANY TRIP LIMITS IN 1950. I NEVER HEARD OF A CITY COUNCIL NOT BEING ABLE TO PUT TRIP LIMITS. I DON'T KNOW OF ANY LAW THAT SAYS YOU CAN'T PUT TRIP LIMITS. >>

Kim: THAT'S WHAT A COURT COULD FIND. WHAT WOULD BE



AN ACCEPTABLE LEVEL OF TRIP LIMITATIONS, THE 6500?

IT'S NOT A MATTER OF HOW MANY TRIPS. IN THE YEAR 2000, THERE WAS 6500 CAPACITY REMAINING ON 2222. RIGHT NOW THERE'S NONE, SO WHAT NEEDS TO BE DONE IS A TIA ASSESSMENT, A WATERSHED ASSESSMENT, AND YOU LOOK AT THE LAND, YOU SEE WHAT IT WILL BEAR, YOU GO TO TXDOT AND YOU SAY, HOW CAN WE INCREASE THE CAPACITY ON 2222. THAT'S IN YOUR STAFF NOTES FOR ALMOST 10 YEARS. WE'VE GOT TO INCREASE, WE'VE GOT TO DO SOMETHING ABOUT ARE 2222. AT FIRST IT SAID THE CHAMPIONS NEED TO GO GET TXDOT TO DO THAT, THEN THE STAFF SAID THE CITY NEEDS TO DO THIS, YOU NEED TO AMEND YOUR AUSTIN METROPOLITAN PLAN. SO THE ONLY POINT IS DON'T DO THIS UNTIL IT'S SAFE TO PUT WHATEVER THOUSAND YOU WANT TO PUT ON THERE. MAKE IT SAFE OR BE IN THE PROCESS OF MAKING THOSE ROADWAYS SAFE. AND THEN SAY RIGHT NOW WHAT'S SAFE IS PROBABLY ZERO.

Kim: WELL, THAT'S SOMETHING THAT WE ARE TRYING TO CONSIDER IS THAT SAFETY IS PARAMOUNT. THANK YOU VERY MUCH.

SURE. AND IT'S DOABLE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO... WE ARE POSTED FOR POTENTIAL ACTION ON CASES Z-16, WHICH IS TRACT 2, Z-17, TRACT 3, Z-18, TRACT 1. COUNCILMEMBER ALVAREZ, SORRY.

Alvarez: SINCE IT LOOKS LIKE WE'RE MOVING TOWARDS ACTION, AND GIVEN THE FACT THAT THERE IS A VALID PETITION ON ONE TRACT, BUT THE FACT THAT THE TRIP LIMITATION APPLIES TO ALL THREE TRACTS, SO I WANTED TO FIND OUT FROM STAFF WHAT WERE TO HAPPEN IF THERE WERE ENOUGH VOTES FOR THE TRACTS THAT DON'T HAVE A VALID PETITION TO BE APPROVED, BUT NOT ENOUGH VOTES TO APPROVE THE TRACT THAT HAS A VALID PETITION AND HOW THE TRIPS WOULD BE DIVIDED UP IN THAT SCENARIO.

SINCE YOU'RE JUST CONSIDERING FIRST READING TONIGHT, YOUR TRIGGER FOR A SUPER MAJORITY VOTE DOESN'T KICK

IN UNTIL SECOND AND THIRD READINGS. AT LEAST THAT'S THE RULING THE CITY ATTORNEY HAS GIVEN THAT YOU COULD -- WHATEVER MOTION YOU MAKE TODAY YOU DON'T NEED TO HAVE SIX VOTES TONIGHT ON FIRST READING, BUT WHEN YOU DO THIRD READING, THE SIX VOTE RULE WOULD KICK IN.

Alvarez: KNOWING THAT THERE'S AT LEAST ONE VOTE UP HERE TO NOTE SUPPORT THIS, THEN -- TO NOT SUPPORT THIS, THEN THAT ISSUE MAY COME UP AND I WAS JUST CURIOUS HOW THE TRIPS ARE HANDLED IF THE LIMITATION IS LIFTED FOR JUST TWO OF THE TRACTS AND NOT ONE OF THE TRACTS ON WHICH THERE'S A VALID PETITION.

THERE'S AN INTERESTING QUESTION. WE WOULD HAVE TO PROBABLY -- ONE OPTION WOULD BE OBVIOUSLY TO DIVIDE THE TRACTS BECAUSE TRACT NUMBER 3 DOES HAVE A VALID PETITION. YOU COULD VOTE ON THAT ONE AND THEN DECIDE OBVIOUSLY ON THE TRIPS. WE CAN HELP YOU SPLIT IT UP, IT'S JUST A MATTER OF FINDING THE TRIPS DIFFERENTLY ON THE OTHER TRACTS, DEPENDING ON WHAT YOU DO ON THE TRACT WITH A VALID PETITION.

Alvarez: OKAY. THANKS.

Mayor Wynn: GOOD QUESTION, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? MS. JOHNSON?

IF I MIGHT CLARIFY ONE THING, WHICH IS --

Mayor Wynn: PLEASE. [ LAUGHTER ]

THE LAWSUIT ITSELF CHAL LNGZ THE -- CHALLENGE THE CITY'S ZONING ACTION. WHAT DEVELOPMENT AND WATERSHED REGULATIONS ARE IMPOSED ON THAT PROPERTY IS NOT AT ISSUE IN THE LAWSUIT. THOSE REGULATIONS WERE FIXED IN 1996. AND TO CLARIFY COUNCILMEMBER KIM'S 'S QUESTION, I THINK, ABOUT WHAT'S AT RISK, WHAT'S AT RISK IS THE COUNCIL'S ABILITY TO IMPOSE TRIP LIMITATIONS. WHAT'S FIXED IS THE 1996 COMPROMISE SETTLEMENT AGREEMENT. THAT COMPROMISE SETTLEMENT AGREEMENT AND THE PROVISIONS IT MAKES AS FAR AS DEVELOPMENT AND

WATERSHED REGULATIONS, WHAT APPLIES AND WHAT DOES NOT, IS NOT AT ISSUE IN THIS LAWSUIT. AND IN ORDER FOR THE CITY TO GO BACK TO AN IMPOSED CURRENT OR EVEN THE COMPREHENSIVE WATERSHED ORDINANCE DEVELOPMENT REGULATION OR THAT, THE CITY WOULD HAVE TO COMPLETELY DISAVOW AND PRETEND THAT THE THINGS DIDN'T EXIST IN 1996. IN OTHER WORDS, SAY WE HAD A GRANDFATHERING CLAIM BACK IN '94, WE EVALUATED IT, WE SETTLED IT AND CAME TO THE AGREEMENT THAT IN THESE PARTICULAR WATERSHED REGULATIONS WOULD BE APPLIED. THAT'S THE '96 AGREEMENT. IN ORDER TO LIFT THOSE, WE SIMPLY WOULD HAVE TO DISAVOW THAT AGREEMENT. SAY THE AGREEMENT AND THE OBLIGATIONS IN THAT AGREEMENT DOESN'T EXIST. THAT'S NOT -- THIS IS THE ZONING LAWSUIT. THE ZONING LAWSUIT PRESENTS THE ISSUE FOR THIS COUNCIL WHETHER OR NOT TO LIFT THE TRIP LIMITATIONS AND THE SQUARE FOOTAGE LIMITATIONS THAT WERE IMPOSED IN 2000 THAT THE CHAMPIONS SAY VIOLATE THAT AGREEMENT. THERE'S NO CONTENTION THAT THE WATERSHED REGULATIONS SHOULD BE VARIED EITHER BY THE CITY OR BY THE CHAMPIONS. AGAIN, THAT WOULD REQUIRE THE CITY SIMPLY IGNORING THE OBLIGATIONS UNDERTAKEN IN 1996 AND SAYING YES, WE AGREED AT THAT TIME TO IMPOSE THESE DEVELOPMENT REGULATIONS, THE LAKE AUSTIN ORDINANCE, BUT NOW WE ARE NO LONGER GOING TO LIVE BY THAT AGREEMENT, BUT RATHER WE WANT TO IMPOSE CURRENT WATERSHED REGULATIONS. THAT'S NOT THIS LAWSUIT. THIS LAWSUIT IS ABOUT THE ZONING AND WHETHER OR NOT IN 2000 THE ZONING COULD PERMISSIBLY UNDER THAT AGREEMENT IMPOSE TRIP LIMITATIONS. THAT'S WHAT THIS LAWSUIT IS ABOUT. AND THAT'S WHAT IS AT ISSUE, AND WHY IF A COURT DOES WHAT THE CHAMPIONS SUGGEST AND SAY THAT THE CITY -- THE OBLIGATIONS THAT YOU UNDERTOOK IN '96 REQUIRE THAT YOU COULD NOT REGULATE DEVELOPMENT BY IMPOSING THROUGH OUR ZONING PROCESSES THE TRIP LIMITATIONS, WHAT THEY WOULD LIKELY SAY IS YOU CAN'T USE TRIP LIMITATIONS IN THE MANNER THAT YOU HAVE. THAT'S WHERE THE RISK OF NO TRIP LIMITATIONS COMES IN. THAT'S THE POSSIBILITY.

Mayor Wynn: AND YOU BELIEVE THAT'S A POSSIBILITY.

IT IS A POSSIBILITY, ABSOLUTELY. IT IS WHAT IS PLED. THERE'S -- THERE IS AN ARGUMENT TO BE MADE FOR THAT. OBVIOUSLY THE CITY WILL NOT CONCEDE THAT IN COURT. THERE'S NEVER BEEN ANY EXPECTATION THAT THAT WILL HAPPEN, BUT WHAT THE CITY ATTORNEY'S OFFICE HAS DONE IS EVALUATE THAT CLAIM IN LIGHT OF NOT ONLY THE EXPERTISE THAT WE HAVE IN-HOUSE, THE LONG HISTORY OF CASES AND CASE LAW, AND IN LIGHT ALSO OF MANY OF THE LEGAL OPINIONS THAT HAVE BEEN EXPRESSED NOT ONLY TONIGHT, BUT IN THE YEARS PAST. IT'S UNFORTUNATE I UNDERSTAND AND FRUSTRATING FOR THE PUBLIC THAT IT'S NOT PERMITTED FOR ME TO DISCLOSE MY CONFIDENTIAL COMMUNICATION TO THE COUNCIL AND MY CLIENT. I UNDERSTAND IT'S A SOURCE OF FRUSTRATION, BUT WE ARE IN LITIGATION AND IN THIS CASE THE PARTIES NEED TO DECIDE WHETHER THEY'RE GOING TO GO FORWARD OR NOT. AND IT WOULD BE BETTER, I WOULD SUGGEST, FOR THE CITY IF THE CHAMPIONS DIDN'T GO FORWARD WITH THE PRECISE UNDERSTANDING ABOUT WHAT THE LAW DEPARTMENT OR THE LAWYERS THINK IS OUR RISK. AND HOW THEY CAN BE ARTICULATED AND BETTER URGED. SO THAT'S WHY WE HAVE DECLINED TO DO THAT.

Mayor Wynn: BUT STAFF'S RECOMMENDATION --

IT IS THE LAW DEPARTMENT'S RECOMMENDATION THAT THIS MEDIATED SETTLEMENT AGREEMENT AND THIS REZONING IN ORDER TO RESOLVE THESE LAWSUITS AND THE RISK OF LITIGATION BE PASSED, THAT'S CORRECT.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUSTION TO GO BACK OVER THIS ONE MORE TIME BECAUSE I BELIEVE I TRIED TO MAKE THIS SAME POINT SOME MOMENTS AGO. ACCEPTANCE OF THIS SETTLEMENT AGREEMENT DOES NOT DIRECTLY AFFECT THE CITY'S ABILITY TO IMPOSE ONE SET OF WATERSHED REGULATIONS OR ANOTHER. THAT'S ALREADY SET. SO IF THE AGREEMENT WERE SIGNED OR IF THE AGREEMENT WERE AGREED TO AND THE CITY FOR SOME REASON CHOSE TO TRY TO IMPOSE CURRENT WATERSHED REGULATIONS ON THE SITE PLAN DEVELOPMENT, IT COULD DO SO AS READILY THEN AS

IT COULD UNDER THE EXISTING SITUATION. IS THAT CORRECT?

THAT'S CORRECT AND BETTER EXPRESSED THAN I DID. THAT IS EXACTLY CORRECT.

Leffingwell: SO RAISING ENVIRONMENTAL ISSUES WITH REGARD TO THE SETTLEMENT AGREEMENT IS REALLY A CANARD. IS THAT TOO STRONG A STATEMENT?

I THINK THAT'S CORRECT, THAT IS NOT WHAT'S AT ISSUE IN THIS LAWSUIT.

Leffingwell: SO IN REALITY, THOUGH, WE ARE INDIRECTLY TALKING ABOUT ENVIRONMENTAL ISSUES IN THAT IF THERE'S VIRTUALLY NO TRIPS ALLOWED FOR DEVELOPMENT, THERE WOULD BE LESS DEVELOPMENT AND THERE WOULD BE LESS ENVIRONMENTAL IMPACT. IF THERE'S MORE TRIPS ALLOWED, THERE WOULD BE MORE DEVELOPMENT AND MORE ENVIRONMENTAL IMPACT UNDER ANY SET OF WATERSHED REGULATIONS, BUT PARTICULARLY UNDER THE 1984. SO WHAT WE'RE FACED WITH HERE IS THE SITUATION -- THE SITUATION THAT EXISTS NOW WE HAVE A LITTLE OVER A THOUSAND TRIPS SPLIT UP AMONG THESE THREE TRACTS REMAINING TO BE USED OR WE HAVE 11,000, WHICH WOULD BE ALLOWED UNDER THE SETTLEMENT AGREEMENT. OR WE HAVE SOME BIG NUMBER, 17,000, 20,000, 25,000, WHATEVER COULD BE DEVELOPED WITHIN THE CONSTRAINTS OF THE TOPOGRAPHY ON THE THREE TRACTS. WE DON'T KNOW WHAT THAT IS RIGHT NOW, BUT WE SUSPECT THAT IT'S MUCH LARGER THAN 11,000. IS THAT CORRECT?

THAT'S CORRECT. THAT'S A GOOD STATEMENT OF THE SITUATION.

Leffingwell: SO REALLY THAT'S WHAT WE'RE LOOKING AT. WHAT IT REALLY BOILS DOWN TO WE'RE LOOKING AT 11,000 TRIPS OR 6500 OR SOME OTHER NUMBER IF WE LOSE THE LAWSUIT.

THAT'S CORRECT.

Leffingwell: THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION. I GUESS WE SHOULD TAKE THESE INDIVIDUALLY. CASE Z-16, 17 AND 18. COUNCILMEMBER DUNKERLEY.

Dunkerley: I'LL MOVE TO GO WITH THE STAFF RECOMMENDATION. DO I NEED MORE CLARITY THAN THAT?

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY, A COMBINED MOTION, NOTING THAT IT'S FIRST READING ONLY, THE PUBLIC HEARING HAS BEEN CLOSED, COMBINED MOTION TO APPROVE ON FIRST READING ONLY STAFF RECOMMENDATION OF CASES Z-16, Z-17 AND Z-18, TRACTS 1, 2 AND 3. >>

Thomas: SECOND.

Mayor Wynn: SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: SINCE THIS IS FOR FIRST READING ONLY, I PLAN TO SUPPORT IT ON THAT BASIS. THERE'S NO GUARANTEE THAT I WOULD ON SECOND AND THIRD BECAUSE I DEFINITELY WANT TO LOOK FURTHER AT THE ENVIRONMENTAL ASPECTS AND THE IMPACTS AND THE PROBABILITIES OF HAVING A LOT MORE TRIPS AND A LOT MORE DEVELOPMENT ON THIS SITE BASED ON WINNING OR LOSING A LAWSUIT. SO FOR FIRST READING ONLY I INTEND TO SUPPORT IT.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. THIS IS THE THIRD TIME I GET TO CONSIDER THE ZONING ON THESE TRACTS SINCE I'VE BEEN ON THE COUNCIL. THE FIVE AND A HALF SHORT YEARS. AND TO A CERTAIN DEGREE WHEN THE LAWSUIT WAS FILED, I THOUGHT AT LEAST WE'LL FINALLY GET A DETERMINATION OR A RULING ON WHAT CAN AND CAN'T HAPPEN ON THESE TRACTS OF LAND AND EVERYONE WON'T HAVE TO JUMP THROUGH ALL THESE HOOPS, PUBLIC AND PROPERTY OWNERS AND THE CITY COUNCIL INCLUDED, BUT WE'RE

BACK HERE WITH ANOTHER ZONING CASE. AND I HAVE SUPPORTED THE COUNCIL ACTION PRIOR TO MY BEING ON THE CITY COUNCIL TO LIMIT THE TRIPS TO 6500, AND I HAVEN'T SEEN OR HEARD ANYTHING WHETHER IT'S LEGAL OR TECHNICAL IN THE THREE TIMES THAT IT'S BEEN BEFORE THE COUNCIL TO CHANGE MY POSITION ON THAT, SO I WON'T BE SUPPORTING THIS PARTICULAR MOTION, BUT I THINK IT'S -- [ APPLAUSE ] I SHOULD HAVE SAVED THAT FOR THE END. BUT REALLY IN HEARING AND ANALYZING THE SITUATION, I DO THINK THERE ARE SIGNIFICANT TRAFFIC ISSUES AND ENVIRONMENTAL IMPACTS THAT GO TO OUR AUTHORITY TO PROTECT THE HEALTH AND SAFETY AND PROTECT THE QUALITY OF LIFE FOR OUR RESIDENTS, AND SO I THINK THAT IT'S CERTAINLY WITHIN OUR LAND USE AUTHORITY TO PLACE THESE TYPE OF RESTRICTIONS ON DEVELOPMENTS -- THE ONE THING ABOUT THIS IS WE DON'T KNOW WHAT THEY'RE PLANNING TO DO ON THE PROPERTY, SO IT'S A SPECULATIVE THING THAT WE'RE CONTEMPLATING AND THOSE ARE ALWAYS A LOT HARDER TO WEIGH. AND I DON'T BELIEVE WE'VE EVER GOTTEN A VERY SPECIFIC MESSAGE ON TYPES OF USES AND AMOUNT OF DENSITY OR SQUARE FOOTAGE, AND I THINK THAT -- THAT'S ONE OF THE REASONS WE HAVEN'T BEEN ABLE TO REACH AN AGREEMENT OR THE PROPERTY OWNERS AND THE NEIGHBORS HAVEN'T REACHED AN AGREEMENT BECAUSE, AGAIN, THAT CRITICAL INFORMATION IS NOT THERE AND MAYBE AGAIN THERE MIGHT BE A LITTLE MORE INTEREST IN GIVING A LITTLE ON THE TRIPS IF THAT KIND OF CERTAINTY COULD BE ACHIEVED IN TERMS OF THE USES AND THE INTENSITY OF THE USES. THE OTHER THING THAT KIND OF TROUBLES ME ABOUT THE WHOLE SETTLEMENT IS THAT USUALLY BOTH SIDES GET SOMETHING OUT OF THE SETTLEMENT, AND IN THIS CASE I REALLY DON'T SEE WHAT THE CITY, PER SE, AND THE PUBLIC IS GETTING IN RETURN FOR THE SETTLEMENT. [ APPLAUSE ] BECAUSE LIKE I SAID, I THINK SOME OF THE ISSUES IN A I ARTICULATED EARLIER WITH THE TRAFFIC, ENVIRONMENTAL CONCERNS AND THE ISSUE OF CERTAINTY ON USES, SO YOU WOULD THINK IF YOU GIVE IN ON THE TRAFFIC SIDE THAT MAYBE YOU'RE GETTING SOMETHING ON THE ENVIRONMENTAL OR ON THE ISSUE OF CERTAINTY, BUT I REALLY DON'T SEE THAT WE'RE GETTING ANYTHING IN THOSE AREAS. ON THE TRAFFIC SIDE,

MY THINKING IS THAT PROBABLY 11 TO 12,000 IS THE MOST TRIPS THAT THEY COULD PROBABLY GET -- THEY COULD UTILIZE, GIVEN THE AMOUNT OF LAND THAT'S LEFT UNDEVELOPED. [ APPLAUSE ] SO TO A CERTAIN DEGREE I THINK THERE AGAIN THE MOST THAT THEY COULD PROBABLY GET -- THEY PROBABLY COULD NEVER GET TO 15,000 TRIPS A DAY GIVEN THE AMOUNT OF LAND THAT'S LEFT TO DEVELOP, BUT THEY'RE MAKING IT SEEM LIKE THAT THEY'RE GIVING FOUR THOUSAND TRIPS WHEN PERSONALLY LOOKING AT THE CONSTRAINTS, I REALLY HAVE TROUBLE WITH THE IDEA THAT THEY COULD ACTUALLY ACHIEVE THAT. SO FOR ME IT SEEMS LIKE THEY'RE BEING ALLOWED TO DEVELOP TO THE MAXIMUM, AND IN RETURN WE ARE NOT REALLY RECEIVING ANYTHING. AND FINALLY, I DON'T KNOW, I THINK RIEBELIN RANCH HAS BEEN TALKED ABOUT A LOT IN REFERENCE TO THIS, AND THAT SOMEHOW SET A PRECEDENT OR WAS MORE PERMISSIVE, AND THEN THAT'S WHY WE SHOULD SUPPORT THIS SETTLEMENT. BUT RIEBELIN RANCH WAS A 744-ACRE TRACT OF LAND, OF WHICH ONLY 188 ACRES WERE PROPOSED FOR DEVELOPMENT. [ APPLAUSE ] SO ONLY ABOUT 25% OF THAT RANCH IS ACTUALLY GOING TO BE DEVELOPED, AND THAT'S WHY THE NEIGHBORS SUPPORTED IT IN TERMS OF THE -- THEIR PARTICULAR PROPOSAL. AND SO I THINK IN THIS PARTICULAR CASE I DON'T SEE THE PROPERTY OWNER OFFERING 75% OF THEIR PROPERTY TO REMAIN UNDEVELOPED, AND SO I THINK THAT DRAWING THESE KIND OF COMPARISONS TO RIEBELIN I THINK ARE NOT VERY ACCURATE. AND THERE WAS A LOT OF SENSITIVITY WITH THE RIEBELIN. ISSUE ON TRAFFIC AND SAYING, WELL, YOU WON'T BE ABLE TO EVEN GO BEYOND 10,000 TRIPS TO 15,000 UNTIL THE SIX -- THE SIX LANE CHANGE IS MADE FOR 2222. AGAIN, THAT'S SOMETHING THAT'S NOT BEEN DISCUSSED OR AGREED UPON HERE EITHER. SO I THINK THERE'S A LOT THAT -- THAT COULD BE IMPROVED IN TERMS OF THIS PARTICULAR DEAL. AND AGAIN, FOR THOSE REASONS I WON'T BE ABLE TO SUPPORT THE MOTION. [ APPLAUSE ]

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY, COMBINED MOTION. COUNCILMEMBER KIM.



Kim: THIS IS FOR FIRST READING ONLY, BUT I KNOW WE'VE GOT A DEADLINE OF WHAT THE POSSIBILITIES ARE. IF WE DON'T APPROVE ON FIRST READING, THERE'S A POSSIBILITY WE COULD END UP BACK IN COURT. LISTENING TO THE NEIGHBORS HERE AND THE RESIDENTS, IT SEEMS THAT'S THE RISK THAT THEY WANT TO TAKE. AND SOME PEOPLE HAVE LEGAL ARGUMENTS AND I THINK THAT MAYBE THE CITY COULD USE THOSE IN WINNING IN COURT, SO MAYBE WE SHOULD CONSIDER THOSE OPTIONS. I'M NOT A LEGAL EXPERT. I DON'T KNOW WHAT OUR CHANCES ARE REALISTICALLY. I DON'T THINK ANYONE KNOWS. BUT I DO HAVE REAL CONCERNS ABOUT THE ENVIRONMENTAL IMPACT AND THE TRAFFIC ABOUT THE SAFETY AT THE INTERSECTION. IT IS ALREADY VERY CONGESTED. I ALSO HAVE CONCERNS ABOUT THE AESTHETICS OF THE AREA. IT'S A VERY BEAUTIFUL AREA. AND I'M CONCERNED ABOUT THE DEGRADATION OF BULL CREEK, SO I KNOW THAT WE VOTED FOR THE MEDIATED SETTLEMENT, BUT I JUST DIDN'T HAVE A FULL COMPREHENSION OF ALL THE DIFFERENT ISSUES BECAUSE WE DIDN'T HAVE A PUBLIC HEARING ON THIS. AND NOW THAT WE HAD, I'M NOT GOING TO BE ABLE TO SUPPORT THE MOTION. [ APPLAUSE ]

Mayor Wynn: THANK YOU, COUNCILMEMBER. WE HAVE A MOTION AND A SECOND ON THE TABLE FOR FIRST READING ONLY, WHICH I WILL BE SUPPORTING BECAUSE OF -- BECAUSE TRAFFIC IS SO TRAGIC AT THE LOCALE, AND SOME ADVICE THAT I'VE RECEIVED ABOUT OPPORTUNITIES; HOWEVER, I'LL SUPPORT THIS ON FIRST READING. AND WHAT THAT WILL ALLOW, I TRUST, IS SOME TIME FOR THERE TO BE A MUCH FURTHER REFINED LAND PLAN DEVELOPED BETWEEN THE TIME IT COMES BACK, AND THAT IS MORE SPECIFIC USES, MORE UNDERSTANDING OF THE DAICIALG AESTHETIC CONTROLS THAT AREN'T IN PLACE NOW AND WOULDN'T BE IN PLACE EVEN WITH VERY LIMITED DEVELOPMENT. SO I TRUST THERE CAN BE SOME PROGRESS MADE BETWEEN NOW AND WHEN THIS COMES BACK FOR POTENTIAL FINAL APPROVAL. MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY STAFF RECOMMENDATION ON THE COMBINED MOTION Z-16, 17 AND 18. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 4-2 WITH COUNCILMEMBERS ALVAREZ AND KIM VOTING NO AND COUNCILMEMBER MCCracken OFF THE DAIS. THANK THANK YOU VERY MUCH FOR YOUR PATIENCE. [ APPLAUSE ] COUNCIL, BEFORE WE TAKE UP THE REST OF THE ZONING CASES, I AM TOLD THAT THE PARTIES INVOLVED WITH FUM NUMBER -- ITEM NUMBER 57, A PUBLIC HEARING REGARDING A SITE PLAN APPEAL ARE PREPARED TO ASK FOR A POSTPONEMENT. MS. TERRY.

YES, MAYOR AND COUNCIL. MARTHA TERRY, ASSISTANT CITY ATTORNEY. THE APPLICANT ON THE SITE PLAN APPEAL IN THE VILLAGE OF WESTERN OAKS CAN INDICATED THEY WOULD ASK FOR A POSTPONEMENT UNTIL JANUARY THE 12TH. SO MY RECOMMENDATION TO COUNCIL IS THAT IT BE POSTPONED TO JANUARY 12TH, 6:00 O'CLOCK TIME CERTAIN. A MOTION MADE BY MAYOR PRO TEM THAT I'LL SECOND TO POSTPONE ITEM NUMBER 57, POSTPONE OF A SITE PLAN HEARING TO JANUARY 12TH, 2006. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBERS KIM AND MCCracken OFF THE DAIS. MS. GLASGO, BACK TO ZONING.

MAYOR AND COUNCILMEMBERS, OUR NEXT ZONING ITEM IS ITEM NUMBER Z-20, CASE C-14-05-0115, VALLEY VISTA. THIS CASE IS LOCATED AT 1804 FORT VIEW ROAD, AND THE CHANGE IN ZONING IS FROM -- THE CURRENT ZONING IS LR, WHICH STANDS FOR NEIGHBORHOOD COMMERCIAL. THE APPLICANT IS SEEKING LO-MU, WHICH STANDS FOR LIMITED OFFICE MIXED USE COMBINING DISTRICT. AND AS SOON AS WE GET THE MAP UP HERE ACTION WE CAN GO AHEAD AND SHOW YOU THE AREAS. THE STAFF RECOMMENDS THE ZONING CHANGE; HOWEVER, THE ZONING AND PLATTING

COMMISSION RECOMMENDATION WAS TO GRANT LR ZONING AND SF-3 ZONING FOR THE PROPERTY. SO THEY DID NOT GRANT THE ZONING THAT THE APPLICANT IS SEEKING, HENCE THE DISCUSSION. THERE WE GO. THE MAP BEFORE YOU SHOWS YOU THE SUBJECT TRACT. IT IS CURRENTLY ZONED LR. THE APPLICANT IS SEEKING TO CHANGE THE ZONING TO LO-MU IN ORDER TO HAVE OBVIOUSLY THE ABILITY TO HAVE MIXED USE DEVELOPMENT HERE. THE APPLICANT INTENDS TO SUBDIVIDE THE PROPERTY AND HE WILL SHOW YOU A PLAN THAT DEPICTS WHAT IT IS HE WANTS TO PROPOSE. THERE ARE CITIZENS SIGNED UP TO SPEAK, MAYOR, ON THIS PARTICULAR CASE. AND PROBABLY AFTER YOU HEAR FROM THE CITIZENS AND THE APPLICANTS I CAN RESPOND TO QUESTIONS THAT MIGHT ARAISE AFTER THOSE PRESENTATIONS.

Mayor Wynn: THANK YOU, MS. GLASGO. SO AT THIS TIME WE'LL HEAR FROM THE APPLICANT AND/OR AGENT. ARE THEY HERE? WELCOME, SIR. APPRECIATE YOUR PATIENCE. STATE YOUR NAME, PLEASE, SIR.

BILL HOWL, I'M A PRINCIPAL -- BILL HOWELL. I'M A PRINCIPAL IN THIS PROPERTY. ORIGINALLY WE REPRESENTED THE LADY WHO OWNED IT. WE HAVE SINCE PURCHASED THE PROPERTY FROM THEM.

Mayor Wynn: EXCUSE ME. WHAT WE WILL DO IS YOU WILL GET A FIVE-MINUTE PRESENTATION AND THEN WE WILL HEAR FROM FOLKS IN FAVOR OF THE CASE AND FOLKS IN OPPOSITION AND THEN YOU WILL GET A ONE-TIME THREE-MINUTE REBUTTAL.

THANK YOU, MAYOR. AS I SAID, WE PURCHASED A PROPERTY FROM THE OWNER PRIOR TO THE ORIGINAL ZONING CASE. WHEN WE FILED THE ZONING CASE, WE CALLED THE CITY AND TALKED TO THE CITY STAFF ABOUT WANTING TO DO A SMALL LOT SUBDIVISION, SINGLE-FAMILY DETACHED, SMALL LOT. THE CITY'S RECOMMENDATION OR STAFF'S RECOMMENDATION WAS TO LOOK AT THE LO-MU ORDINANCE. I THINK Y'ALL PASSED IT I THINK ABOUT A YEAR AGO. AND IT'S ORDINANCE NUMBER 041118-57, WHICH IS A MIXED USE ORDINANCE. WE TOOK THE STAFF'S INFORMATION AND CHOSE TO GO WITH THE LO-MU RATHER

THAN THE SF-4. THIS TRACT IS ON FORT VIEW -- AT THE CORNER OF FORT VIEW AND VALLEY VIEW. VALLEY VIEW IS ESSENTIALLY A NEIGHBORHOOD OF DUPLEXES AND SINGLE-FAMILY ATTACHED. MOST OF THEM ARE FAIRLY LARGE LOTS, AS IS THIS ONE. THIS ONE HAS A SINGLE-FAMILY HOME ON IT, WHICH I THINK IS DEPICTED IN ORANGE UP THERE. OUR PROPOSAL WOULD BE TO SUBDIVIDE THIS INTO THE SMALL LOTS THAT YOU SEE. THE SMALLEST OF THE LOTS ARE ROUGHLY 3600 SQUARE FEET. THE LOTS AT THE TOP UNDERNEATH WHERE IT SAYS VALLEY VISTA TYPICALLY ARE AS LARGE AS AN SF-2 LOT. THE CONFIGURATION OF THE LAND MAKES IT WORK OUT A LITTLE BIT BETTER. THE NECK THAT YOU SEE COMING DOWN TOWARDS VALLEY VIEW WOULD BE A JOINT USE DRIVEWAY ACCESS SO THAT WE LIMIT THE NUMBER OF DRIVEWAYS COMING ON TO VALLEY VIEW. IN OUR FIRST MEETING WITH THE NEIGHBORS, ONE OF THEIR CONCERNS WAS NOT HAVING OFFICES -- AND IF I REMEMBER THE DISTANCES ANY FURTHER BACK THAN 115 FEET. WE COULD NOT AGREE WITH THE NEIGHBORS ON THE LO AND THE SF-3 BECAUSE THE PROPERTY FOR US AND WHAT WE TYPICALLY BUILD DOESN'T REALLY LEND ITSELF TO WHAT WE WOULD NORMALLY DO. AND WE WOULD PREFER TO DO THE DETACHED ED SINGLE-FAMILY, EVEN THOUGH THEY ARE SMALL LOTS. IT IS MY BELIEF THAT PROBABLY THIS PLAN IS A LITTLE BETTER PLAN. SF-3 IS DUPLEX AND/OR SINGLE-FAMILY ATTACHED. SINGLE-FAMILY ATTACHED DOESN'T WORK FOR US. IT'S ESSENTIALLY IN THIS CASE THEY WOULD END UP HAVING TO BE DUPLEXES, AND THAT'S NOT WHAT WE WISH TO DO. IF YOU LOOK AT THE TRACT AND THE LOCATION, IT BASICALLY MEETS THE CRITERIA THAT WE'VE SET FORTH FOR INNER CITY REDEVELOPMENTS. IT'S A FIVE MINUTE WALK FOR AN ICE CREAM CONE. IT'S A BLOCK FROM A CONVENIENCE STORE. IT'S THREE BLOCKS FROM RANDALL'S. IT'S FOUR BLOCKS TO SOUTHWOOD MALL. IT LA BLOCK OR A HALF A BLOCK FROM CAPITAL METRO'S BUS STOP. THOSE ARE THE THINGS THAT ARE A PART OF EVERYTHING THAT THIS LO-MU ORDINANCE WAS DESIGNED TO DO. OTHER THAN THOSE THINGS, VALLEY VIEW -- FORT VIEW IN AND OF ITSELF DOES HAVE NEARLY ALL COMMERCIAL USES, SO WHEN WE TALK TO STAFF AND THEY SHOWED US THIS ORDINANCE, WE CHOSE TO GO THIS WAY BECAUSE WE MAY WANT TO KEEP THE EXISTING

STRUCTURE AS AN OFFICE. WE DID THIS PLAN, THIS PLAN SHOWS TWO LOTS AT THE CORNER OF VALLEY VIEW AND FORT VIEW. BECAUSE IT'S A MIXED USE ZONING WE MAY NOT WANT TO DIVIDE THAT INTO TWO USES. IT COULD ALSO COMPLY WITH THE INITIAL DISCUSSIONS ABOUT NOT GETTING BACK PAST 115 FEET ON VALLEY VIEW. VALLEY VIEW IS A DEAD END STREET. AT THIS TIME I'M NOT SURE WHETHER IT WILL EVER GO THROUGH OR NOT. AT THE FAR END OF VALLEY VIEW IS AN APARTMENT COMPLEX, AND ACROSS FROM THAT GENERALLY IS THE SENIOR CITIZENS CENTER THAT'S THE CITY OF AUSTIN'S. THAT'S ABOUT THE LENGTH OF MY PRESENTATION. IF YOU HAVE QUESTIONS I'LL BE HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU, MR. HOWELL. COUNCILMEMBER DUNKERLEY.

Dunkerley: I JUST HAVE ONE QUESTION. HOW MANY SINGLE-FAMILY LOTS CAN YOU GET THERE?

NOT COUNTING THE HOUSE? NINE. AND THEY ALL EXCEED THE REQUIREMENTS.

Dunkerley: OKAY. THANK YOU.

Mayor Wynn: THANK YOU. YOU WILL HAVE REBUTTAL AFTER WE HEAR FROM FOLKS IN OPPOSITION. SO WE HAVE NOBODY SIGNED UP TO SPEAK IN FAVOR. WE HAVE A HANDFUL OF FOLKS WHO HAVE SIGNED UP NOT WISHING TO SPEAK, IN OPPOSITION, BUT A COUPLE OF FOLKS WISHING TO SPEAK, AND WE WILL START WITH CAROL GIBBS. IS CAROL STILL HERE? OKAY, CAROL. YOU WILL BE FOLLOWED BY BRYAN KING. WELCOME, BRYAN. YOU WILL EACH HAVE THREE MINUTES.

THANK YOU, MAYOR AND COUNCIL. I'M CAROL GIBBS, I'M PRESIDENT OF THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION, AND HE'S QUEUEING UP MY PRESENTATION HERE AND GIVING ME MY DRIVING STICK. THANK YOU. I BELIEVE WE'RE PASSING OUT TO YOU A FEW PAGES FROM THIS PRESENTATION THAT WE'VE PRINTED OUT FOR YOUR PERUSAL, BUT I'D LIKE TO RUN THROUGH THE ENTIRE THING AND THEN I'D BE HAPPY TO GO BACK AND ANSWER ANY

QUESTIONS THAT YOU MAY HAVE ABOUT OUR COUNTERPROPOSAL. WHAT YOU SEE IN FRONT OF YOU IS A CURRENT PERSPECTIVE -- KIND OF IN THE SHADOWS -- OF THE PROPERTY AT 1804 FORT VIEW, THE PROPERTY THAT'S CURRENTLY SITTING ON THIS LOT. OUR VISION, IF I CAN DO THIS -- THERE WE GO -- IS THAT THIS IS AN OPPORTUNITY TO CONVERT AN INAPPROPRIATELY LARGE, GRANTED, LR ZONED TRACT THAT'S ON THE EDGE OF A SINGLE-FAMILY NEIGHBORHOOD, AND TO CREATE QUALITY INFILL OPPORTUNITY WITH GOOD CAPABILITY TO THE EXISTING NEIGHBORHOOD. WE'D LIKE THIS TO MAINTAIN THE EXISTING CHARACTER OF THE NEIGHBORHOOD AND WE'D LIKE TO POINT OUT THAT WE HAVE JUST BEGUN OUR NEIGHBORHOOD PLANNING PROCESS, SO WE'RE HOPING THAT WE'LL QUICKLY MOVE TOWARD THAT VISION. OUR GOALS AND OBJECTIVES INCLUDE CREATING ADDITIONAL SINGLE-FAMILY HOUSING STOCK COMPATIBLE WITH THE EXISTING LARGE LOT SINGLE-FAMILY HOMES THAT ARE UP THAT STREET. AND WE BELIEVE THAT WE'VE GOT A LITTLE BETTER IDEA OF HOW WE MIGHT DO THAT. GIVEN TODAY'S SITUATION, WHICH IS THAT FORT VIEW IS MOSTLY SINGLE-FAMILY, A LITTLE BIT SINGLE-FAMILY, SOME SINGLE-FAMILY HOMES STILL THERE, MULTI-FAMILY WITH A COUPLE OF APARTMENT COMPLEXES AND THEN A SMATTERING OF VARIETY OF COMMERCIAL USES OF LO, GR, CS. BECAUSE FORT VIEW HAS BECOME PRACTICALLY THE NEW FRONTAGE TO BEN WHITE WITH THE RELATIVELY RECENT EXPANSION OF BEN WHITE BOULEVARD WE'VE PRETTY MUCH LOST OUR BUFFER TO THE NEIGHBORHOOD. FORT VIEW HAS BECOME MUCH MORE COMMERCIAL AND MANY OF THE BUSINESSES ON THAT STREET ARE IN SINGLE-FAMILY HOMES. THEY'VE JUST GRADUALLY MIGRATED TO -- MIGRATED TO INHOME OCCUPATIONS. MOST OF THE LOTS AT VALLEY VIEW ARE LARGE LOTS, 17,000 SQUARE FEET. WE HAVE A COUPLE THAT ARE AROUND AN ACRE. AND THEN WE DO HAVE AN APARTMENT COMPLEX AT THE VERY NORTH END OF VALLEY VIEW. ALL OF THESE, USING THIS INTERSECTION AT FORT VIEW AND VALLEY VIEW AS THEIR ONLY INGRESS/EGRESS IN AND OUT OF THAT NEIGHBORHOOD. SO THERE IS A LITTLE BIT OF A TRAFFIC CONCERN THERE. HERE'S OUR AERIAL WITH THE BUILDING FOOTPRINTS OVERLAID OF THE PROPERTY. AND I APOLOGIZE YOU CAN'T QUITE SEE IT, BUT

IF YOU LOOK AT THE YELLOW LO PROPERTIES IN THE MILGHTDZ OF THE PICTURE, THE PROPERTY UP FOR REZONING IS IMMEDIATELY UP FROM THAT, ACTUALLY KIND OF IN THE CROSSHAIRS OF YOUR -- THE PICTURE I'M LOOKING UP BEHIND YOU, THE FOUR PANELS WHERE THEY MEET. THE NORTHWEST CORNER OF THE FORT VIEW, VALLEY VIEW INTERSECTION. [ BUZZER SOUNDS ] IS THAT MY TIME ALREADY? I BELIEVE I'VE GOT SOME DONATED TIME, BUT THE LADY OUTSIDE WHO PROBABLY ISN'T HERE ANYMORE ASKED ME TO TELL YOU THAT SHE HAD SENT AN E-MAIL TO HER SUPERVISOR TELLING YOU THAT THE COMPUTER MESSED UP AND WAS NOT ALLOWING PEOPLE TO DONATE TIME.

Mayor Wynn: WELL, ANY VOLUNTEERS?

I JUST NEED ONE MORE THREE MINUTE.

Mayor Wynn: WHAT'S YOUR NAME, SIR?

[INAUDIBLE - NO MIC].

Mayor Wynn: FAIR ENOUGH. THREE MORE MINUTES.

WE NEED THAT SOFTWARE GUY FROM THE PREVIOUS CASE TO LOOK AT THAT SYSTEM OUT THERE, DO SURGERY ON IT. SO THIS IS WHAT WE'RE LOOKING AT CURRENTLY. AND THIS IS UP THE ROAD NORTH ON VALLEY VIEW. YOU CAN SEE THE RELATIVELY LARGE LOT AND HOW THIS IS A SINGLE-FAMILY ON EACH OF THOSE LOTS. HOW DO WE GET HERE, BECAUSE FORT VIEW HAS SEEN THAT GRADUAL MIGRATION OF BUSINESSES, COMMERCIAL MOVING IN FROM THE BEN WHITE EXPANSION. WE'RE LOOKING RIGHT AT THE COMMERCIAL FRONT RIGHT THERE. WE RECOMMEND INSTEAD OF AN L.O.-MU ZONING, A CLEAR SPLIT OF THE L.O. OR LR AS WE'RE WILLING TO LET IT STAY, OF THE PROPERTY AS MR. HOWELL SAID OF THE 118 FEET CLOSEST TO FORT VIEW WOULD REMAIN COMMERCIAL. THOSE THREE LOTS THAT HE HAD FACING FORT VIEW. AND THEN THE BALANCE OF THE PROPERTIES WHICH WOULD FACE VALLEY VIEW WOULD BE SF-3 LOTS AND THE WAY WE HAVE IT DRAWN, LET ME MOVE FORWARD, WOULD BE THIS: FOUR SF-3 LOTS THAT ARE BIG ENOUGH THAT IF HE WANTED TO DO SINGLE-FAMILY

DETACHED, THE LOTS ARE LARGE ENOUGH TO ALLOW FOR THAT. HE HAS DONE SINGLE-FAMILY ATTACHED DEVELOPMENT IN OUR NEIGHBORHOOD, AND IT HAS BEEN MUCH BETTER RECEIVED THAN THE SF-4-A STYLE DEVELOPMENT THAT HE DID THIS HER NEIGHBORHOOD SEVERAL YEARS AGO, WHICH IS KENNY OAKS COURT. IT HAS PRESENTED A LOT OF PROBLEMS FOR US AND WE REALLY DON'T WANT TO REPEAT SOME OF THOSE ISSUES WHICH I'LL BE HAPPY TO GO INTO DETAIL WITH YOU IF YOU HAVE QUESTIONS ABOUT IT. HERE ARE SOME PICTURE OF SOME OF THE HOMES ON THE PROPERTY. ONE OF THE BACKUP DOCUMENTS, I THINK IT'S THE CITY ZONING MAP, SHOWS LOTS IMMEDIATELY TO THE NORTH OF THIS ONE AS BEING UNDEVELOPED, AND THEY'RE NOT. THE PICTURE TO THE TOP LEFT ON THE SLIDE RIGHT NOW IS THE PROPERTY IMMEDIATELY BEHIND TO THE NORTH, AND THE OTHERS ARE THE HOMES UP THE STREET. THIS IS FORT VIEW TODAY. AGAIN IT IS A MISH-MASH, A LOT OF COMMERCIAL, SO WE'RE WILLING TO LET HIM KEEP EVEN LR WITH SOME RESTRICTED USES. MS. BAKER HAD RECOMMENDED SOME -- PROHIBITING MEDICAL OFFICES, AND WE CERTAINLY APPRECIATE -- WOULD APPRECIATE THAT RESTRICTION. HERE IS A PICTURE OF A PROJECT THAT WE FEEL LOOKS LIKE WHAT THIS PROJECT COULD LOOK LIKE IF BUILT UNDER SF-H-5 STANDARDS. THIS IS THE CURRENT KENNY OAKS COURT, WHICH WAS ZONED SF-3, BUT WITH SEVERAL VARIANCES. I THINK MR. HOWELL HIMSELF HAS SAID TWEKS OR 27 VARIANCES. [ BUZZER SOUNDS ] HE WAS ABLE TO GET SF-4 TYPE BUILDING THERE. HERE IS SF-3 SINGLE-FAMILY ATTACHED JUST A MILE DOWN ON MANCHACA WITH THE IMPERVIOUS COVER LIMITATIONS OF SF-3. IT WOULD BE MUCH MORE AGREEABLE. GRANTED IT'S COMPLEXES, BUT WE'RE OKAY WITH COMPLEXES. WE HAVE 400,000-DOLLAR DMEKSES BEING SOLD AS CONDOS IN OUR NEIGHBORHOOD, WHICH IS A WHOLE OTHER ISSUE.

Mayor Wynn: PLEASE CONCLUDE.

OUR CONCLUSION IS THAT WE WOULD LIKE TO SEE THE THREE LOTS, HE HAS IT FOUR, BUT FOUR LOTS FACING FORT VIEW TO BE LO OR LR, WITH SOME RESTRICTIONS, AND THEN FOUR LOTS SF-3 THAT WOULD BE BIG ENOUGH FOR SINGLE-FAMILY ATTACHED TO BE ACCESSING VALLEY VIEW. AND I'LL



BE HAPPY TO ANSWER ANY QUESTIONS EIGHT THIS POINT OR LATER. THANK YOU FOR YOUR TIME.

Mayor Wynn: GOOD PRESENTATION.

Dunkerley: I DO HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: MS. GIBBS UNDER YOUR SCENARIO HOW MANY SINGLE-FAMILY UNITS WOULD BE IN THAT AREA?

THE WAY WE'RE SUGGESTING IT BE ZONED, I BELIEVE ON THE CONCLUSION PAGE, THERE COULD BE FOUR SINGLE-FAMILY DETACHED HOMES ON THOSE SF -- LARGE SF-3 LOTS OR EIGHT UNITS EITHER SF ATTACHED OR CONDOIZED STRUCTURES. HE WAS SAYING THAT HE'S GOT NINE UNIT. THAT I BELIEVE WOULD BE INCLUDING PUTTING RESIDENTIAL ON THE FORT VIEW FRONTAGE, WHICH IF HE'S GOING TO DO ALL RESIDENTIAL, MY QUESTION IS WHY GO L.O.-MU IF WE'RE GOING TO DO ALL RESIDENTIAL? HE'S PLAN SUGGESTS L.O. ON THE FORT VIEW FRONTAGE AND SF-4-A ON THE VALLEY VIEW FRONTAGE. IF THAT'S WHAT HE'S INTENDING TO BUILD, WHICH I REALIZE THIS IS A CONCEPTUAL SITE PLAN AND NOT SOMETHING THAT HE'S TIED TO, THEN I WOULD SUGGEST ZONING IT LO-SF-4-A AS OPPOSED TO MU BECAUSE MIXED USE IS SUPPOSED TO BE MIXED USE.

Mayor Wynn: THANK YOU, MS. GIBBS.

DID THAT ANSWER YOUR QUESTION. FOUR SINGLE-FAMILY, EIGHT SINGLE-FAMILY ATTACHED.

Mayor Wynn: WELCOME, MR. KING. YOU'VE GOT THREE MINUTES.

THANK YOU. GOOD EVENING. I THINK CAROL DID A REAL GOOD JOB OF COVERING THE MATERIAL. A COUPLE OF THINGS THAT I DID WANT TO TOUCH ON. WHEN WE LOOKED AT AN ALTERNATIVE PLAN, WE LOOKED AT A PLAN THAT COULD GIVE HIM A GOOD YIELD AND ALSO A GOOD NUMBER OF HOUSING UNITS. IN OUR PLAN THERE'S A POSSIBILITY OF EIGHT DWELLINGS THERE IF YOU DO SINGLE-FAMILY

DETACHED. THE LAST PROJECT HE DID IN OUR NEIGHBORHOOD HE DID SINGLE-FAMILY ATTACHED AND SOLD THEM AS SEPARATE UNITS. SO THE OPPORTUNITY TO BUILD OUT THAT NUMBER OF UNITS IS GOOD. THE OTHER THING THAT I WANT TO POINT OUT IS THIS IS -- THE WAY IT PRESENTED IS ACTUALLY AN SF-4 CASE MASSACRE RAIDING AS LR-MU BECAUSE THERE'S REALLY -- IT'S REALLY AN SF-4 SUBDIVISION IF YOU LOOK AT HIS MAP CAREFULLY IT'S SMALL LOTS, HE'S SHOWING 10-FOOT SETBACKS ON NOT EVEN 10-FOOT ON THE BACK, I THINK FIVE FOOT AND THREE AND A HALF FOOT SETBACKS, SO IT'S REALLY SF-4 DEVELOPMENT STANDARDS AND THE IMPERVIOUS COVER IS AS HIGH AS SF-4. WHAT WE RECOMMENDED ON THE LAST CASE WITH MR. HOWELL, WHICH HE DID BUILD OUT AS SF-3 ATTACHED, WE THOUGHT THE SF-4 SO WE COULD KEEP THE IMPERVIOUS COVER DOWN TO 45% INSTEAD OF GOING UP TO 65%. THE CHARACTER OF THAT STREET ON THE MAP THAT I DID YOU WILL SEE ONE OF THOSE EXHIBIT SHOWS THE ACTUAL SQUARE FOOTAGE OF EACH AND EVERY LOT ON VALLEY VIEW, THE SMALLEST LOT ON THAT STREET, 17,000 SQUARE FEET. THE LARGER ONES ARE 39,000. AND ALMOST 43,000, ALMOST UP TO AN ACRE. SO THAT'S A LARGE LOT STREET, AND THIS WILL BE COMPLETELY OUT OF CHARACTER IN THAT NEIGHBORHOOD. THE HOUSE ADJACENT TO IT TO THE WEST IS ACTUALLY ZONED LR, BUT IT'S IN SF-3 USE. IT'S A LARGE LOT SF-3 USE. SO I THINK IT WOULD BE BETTER IN CHARACTER OF THIS STREET TO KEEP THE IMPERVIOUS COVER DOWN BY KEEPING IT AN SF-3 DEVELOPMENT, STILL ALLOWING EIGHT RESIDENTIAL YIEWNTS AND THE POSSIBILITY OF UP TO THREE LR'S ON THE FRONT OF THE PROPERTY. AND FORT VIEW HAS MIGHT MIGRATED TOWARDS COMMERCIAL USE AND IT'S REALLY NOT APPROPRIATE TO LOOK AT GOING IN WITH ANOTHER SINGLE-FAMILY OR DWELLING ON THAT FRONT USE. I DON'T SEE ANY REAL MIXED USE APPLICATION HERE. IT'S ACTUALLY -- IT PUTS COMMERCIAL ON FRONT AND SOME RESIDENTIAL ON THE BACK. LET'S DO A LITTLE LR ON THE FRONT. LET'S DO SF-4-A ON THE BACK. SO WE PREFER YOU TO GO WITH THE ZAP RECOMMENDATION, WHICH IS WHAT THE NEIGHBORHOOD'S ALTERNATIVE PLAN WAS TO ZONE THE FIRST 118 FEET. AND WE USED HIS LINE IN THE SAND WHERE HE THOUGHT THE LR WOULD BE. AND THEN WE

DEVELOPED 50-FOOT FRONTAGES ACROSS THE REMAINDER OF THE FRONTAGE ON VALLEY VIEW TO DEVELOP 7,000 SQUARE FOOT -- I THINK THEY'RE CLOSER TO 8,000 SQUARE FOOT LOTS ACROSS THE FRONTAGE TO THE NEIGHBORHOOD STREET. SO THAT'S OUR PLAN. I HOPE YOU CAN SUPPORT IT. I THINK IT'S A FAIR PLAN AND I THINK IT WILL FIT MUCH BETTER IN THE VISION OF THE NEIGHBORHOOD. AND CAROL MENTIONED WE JUST STARTED OUR NEIGHBORHOOD PLAN AND I THINK THAT'S PROBABLY WHAT WE WOULD PREFER IF WE WERE DOING THE NEIGHBORHOOD PLAN BEFORE THIS ZONING CASE. THANK YOU VERY MUCH. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST WANT TO CLARIFY WHAT THE STAFF RECOMMENDATION WAS, YOU SAID?

STAFF OR ZAP?

Leffingwell: YOU ASKED US -- YOU'RE SUPPORTING THE STAFF RECOMMENDATION?

I'M SORRY IF I SAID STAFF, IT ZAP. THE ZONING AND PLATTING COMMISSION RECOMMENDED WHAT WE'RE ASKING, WHICH IS LR ON THE FIRST 118 FEET BACK FROM FORT VIEW AND THEN FOUR SF-3 LOTS ON THE BACK PART OF THE PROPERTY.

Leffingwell: WELL, I'M GLAD YOU CLARIFIED THAT BECAUSE I WAS KIND OF SURPRISED BY THAT. THANK YOU.

Mayor Wynn: THANK YOU, MR. KING. THAT'S ALL THE FOLKS SIGNED UP IN OPPOSITION. REAL QUICKLY I'LL READ THE NAMES OF FOLKS WHO SIGNED UP NOT WISH TO GO SPEAK, AGAINST. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

WHAT WE ARE AT IS JUST THIS IS AN IMPASSE IS TO WHAT IT IS THAT YOU WANT, WHAT IT IS THAT YOU THINK THE MARKET WILL BEAR. THE SUBDIVISION THAT I DID WHICH IS CALLED [INDISCERNIBLE] PROBABLY WOULD NEVER DO AGAIN REGARDLESS. I HAD HELP DOING THAT FROM THE CITY OF AUSTIN, AS A MATTER OF FACT. THE SETBACKS WERE TOO SHORT IN THE FRONT, WE REALIZED THAT. WE

HAVE SINCE DONE OTHER DEVELOPMENTS, ONE OF WHICH IS 12 OAKS. I THINK THAT YOU WILL FIND WHEN WE HAVE GONE BACK TO THE EXISTING CITY STANDARDS ON SF 4 TYPE USES THAT THE SETBACKS ARE SUFFICIENT. ALL OF THOSE ISSUES. IT WOULD BE OUR PREFERENCE TO GO TO THE L.O.-MU SO WE CAN RESTRUCTURE WHAT WE HAVE DONE IN THE FRONT TO KIND OF COMPLY WITH THAT. BUT WE WOULD PREFER THE SINGLE FAMILY DETACHED SMALL LOTS TO BEING FACED WITH DOING EITHER SINGLE FAMILY ATTACHED OR DUPLEXES THANK YOU. DO YOU HAVE ANY QUESTIONS?

THANK YOU, MR. HOWELL. QUESTIONS, COUNCIL? IF NOT THAT CONCLUDES THE PUBLIC HEARING. COMMENTS? I'LL START BY SAYING I THINK THE -- JUST NOTHING ELSE JUST THE CLEANLINESS FROM A PLANNING STANDPOINT OF THE ZAP RECOMMENDATION IS VERY ATTRACTIVE TO ME. I WILL LISTEN TO COMMENTS OF OTHER COUNCILMEMBERS, BUT I THINK THAT'S A VERY APPROPRIATE PLAN. I THINK THAT THE HOUSING DEMAND IN THIS PART OF TOWN IS DRAMATIC, FRANKLY NO MATTER WHAT PRODUCT GETS BUILT, WHETHER IT'S DUPLEX, SINGLE FAMILY DETACHED, ANYTHING WELL DONE RESIDENTIALLY IN THIS PART OF TOWN IS GOING TO SELL WELL IN MY OPINION.

MAYOR?

MR. LEFFINGWELL WELL?

Leffingwell: I AGREE SO I WILL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE Z.A.P. RECOMMENDATION, WHICH I UNDERSTAND TO BE LR FOR THE FIRST [INDISCERNIBLE] OF FORT VIEW AND SF 3 FOR THE REMAINING 200 FEET. I BELIEVE THAT'S CORRECT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL THAT I WILL SECOND. QUICK QUESTION FOR STAFF IS STAFF READY FOR THREE READINGS ON -- ONLY FIRST READING. OKAY. SO MOTION MADE BY COUNCILMEMBER LEFFINGWELL I WILL SECOND TO APPROVE ON FIRST READING ONLY THE Z.A.P. RECOMMENDATION OF THIS CASE, Z-20. FURTHER COMMENTS? FIRST READING ONLY. HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 FIRST READING ONLY, COUNCILMEMBER MCCracken OFF THE DAIS, COUNCILMEMBER DUNKERLY?

Dunkerly: I WOULD LIKE TO ASK SOMETHING. FOR SECOND READING, I WANT TO GET A LITTLE BIT BETTER UNDERSTANDING OF THE DIFFERENCE IN THESE TWO PROPOSALS. FROM STAFF. SOUNDS TO ME LIKE ON THE ONE WE HAVE JUST PASSED WE ARE PROBABLY ENFORCING DUPLEXES, IS THAT WHAT IT -- MAYBE.

THEY HAVE THAT OPTION. SF 3. YES, IT'S NOT MANDATORY TO DO A DUPLEX.

PERHAPS THE STAFF COULD VISIT WITH ME A LITTLE BIT. I DO HAVE SOME QUESTIONS THERE.

OKAY.

THANK YOU.

Mayor Wynn: THANK YOU. SO MS. GLASGO, Z-22?

Z-22. OUR NEXT ZONING CASE. C14-05-80, THE CTVS OFFICES. THE PROPERTY IS LOCATED AT 3919, 3921 MEDICAL PARKWAY. THE EXISTING ZONING IS LR, NEIGHBORHOOD COMMERCIAL, AND SF 3. AND THE APPLICANT IS SEEKING A CHANGE TO C.S. FOR THIS PROPERTY. THE TRACTS ARE UNDEVELOPED, BUILDINGS ON THE SITE. TWO OF THE TRACTS ARE PARTIALLY PAVED AND ONE IS NOT PAVED. AND WE WERE TRYING TO GET THE MAPS OVER HERE. THE ZONING AND PLATTING COMMISSION RECOMMENDATION ON THIS TRACT IS -- IS TO GRANT LR ZONING FOR THE SF 3 TRACT AND TO DENY THE C.S. ZONING AS REQUESTED BY THE APPLICANT. AS THE MAP IS BEING REFOCUSED, THIS IS AN OLD AERIAL THAT SHOWS EXISTING STRUCTURES WHICH ARE NO LONGER ON THE SIDE. WEST 40th STREET HAS A LITTLE TRAFFIC ZONED SF 3, THAT'S THE PORTION THAT THE ZONING AND PLATTING COMMISSION IS RECOMMENDING TO

CHANGE TO LR. THE REMAINDER OF THE PROPERTY TO THE SOUTH IS ZONED LR AND THE COMMISSION RECOMMENDS THAT THAT BE RETAINED. STAFF ON THE OTHER HAND IS RECOMMENDING C.S. ZONING ON THE ENTIRE TRACT. THE PROPOSED PROJECT WAS FOR AN OFFICE BUILDING AND THE APPLICANT WILL GIVE YOU A DETAILED PRESENTATION OF THE PROPOSED PROJECT AS RELATES TO ELEVATIONS AND EXACT HEIGHT. SO THE -- SO THE -- THE RECOMMENDATION FROM THE COMMISSIONER TO YOU IS TO CHANGE THE ZONING ON THE PIECE OF PROPERTY THAT IS ZONED SF 3 TO LR AND DENY C.S. ZONING FOR THE REMAINDER OF THE PROPERTY. MAYOR, I'LL PAUSE HERE AND RESPOND TO QUESTIONS AFTER THE APPLICANT AND CITIZENS MAKE THEIR PRESENTATIONS. THANK YOU.

Mayor Wynn: THANK YOU, MS. GLASGO, BEFORE WE GET TO THAT, JUST, YOU KNOW, RECOGNIZING THE HOUR, COUNCIL WE HAVE 26 FOLKS SIGNED UP TO SPEAK. THE BREAKDOWN IS APPROXIMATELY TWO AND A HALF, ALMOST 3 TO 1 OF THE FOLKS WISHING TO SPEAK ARE IN OPPOSITION. THERE'S SEVEN OR EIGHT FOLKS WISHING TO SPEAK IN FAVOR, WHATEVER THE REMAINDER WOULD BE 18 FOLKS OR SO SIGNED UP WISHING TO SPEAK IN OPPOSITION. WHEN YOU ADD UP THE TIME OF ALL OF THE DONATED TIME, THERE'S FOUR HOURS WORTH OF TESTIMONY. 210 MINUTES TECHNICALLY. I WOULD CERTAINLY ENTERTAIN A MOTION TO WAIVE RULES. BUT OBVIOUSLY BE VERY COGNIZANT OF THE SERIOUSNESS OF THE CASE AND JUST THAT MANY PEOPLE SIGNED UP BECAUSE BOTH SIDES TAKE THIS VERY SERIOUSLY. MY UNDERSTANDING IS THE NEIGHBORS OR THE NEIGHBORHOOD ASSOCIATION FOLKS IN OPPOSITION HAVE REQUESTED A -- A ROSTER OF HOW THEY WOULD SPEAK. THERE'S 15 FOLKS, ACTUALLY HAVE AN ORDER THEY WANTED FOR SPEAK IN. MY INCLINATION, IF COUNCIL IS OKAY WITH THIS, PEOPLE JUST RECOGNIZE HOW WE ARE TRYING TO BE FAIR ABOUT THIS, IS TO CERTAINLY GRANT THAT REQUEST, LET FOLKS SPEAK IN THE ORDER THAT THEY WANTED TO SPEAK DEPENDING ON HOW THEY SIGNED UP. THOSE 15 SPEAKERS THAT ARE NORMALLY 3 MINUTES APIECE WOULD BE 45 MINUTES IF WE ARE EFFICIENT WITH IT. AND THE FOLKS SIGNED UP WISHING TO SPEAK COULD EASILY -- FOLKS SIGNED UP WISHING TO SPEAK IN FAVOR OF

THE CASE COULD EASILY GO FOR 45 HINTS AS WELL. MINUTES AS WELL. SO OBVIOUSLY, YOU KNOW -- THE WILL OF THE COUNCIL. BUT I WOULD RECOMMEND US CONSIDERING WAIVING COUNCIL RULES, GRANTING 30 MINUTES TO A SIDE, AND LETTING FOLKS MAKE THE ARGUMENTS FOR US. I APPRECIATE Y'ALL'S PATIENCE. ABOUT FOUR HOURS -- I'M NOT EXCITED ABOUT FOUR HOURS WORTH OF TESTIMONY TO BE HONEST WITH YOU. BUT -- I RECOGNIZE THERE'S MORE FOLKS SIGNED UP WISHING TO SPEAK IN OPPOSITION, THERE'S NO QUESTION ABOUT THAT. JUST TRYING TO BE EFFICIENT ABOUT IT. RESPECTFUL OF EVERYBODY'S SIGN UP. COUNCIL, SUGGESTIONS? GIVE EVERYBODY PLENTY OF TIME BUT --

Thomas: MAYOR? WHAT DID YOU WARRANT TO GIVE, 30 MINUTES TO -- DID YOU WANT TO GIVE 30 MINUTES TO EACH SIDE? I DIDN'T -- THAT'S NOT FAIR. I'M ASKING THE MAYOR.

Mayor Wynn: ACTUALLY WHAT I WOULD LIKE TO DO, IT BE A LITTLE LENGTHIER THAN WE WOULD OTHERWISE DO, BUT WE HAVE 15 FOLKS SIGNED UP -- 15 FOLKS ASKED US TO TAKE THEM IN SPECIFIC ORDER, THAT WOULD BE 45 MINUTES. AND MY INSTINCT IS THAT WE WOULD PROBABLY HEAR MOST OF THE GOOD ARGUMENTS IN OPPOSITION AND THEN GIVE THE OTHER SIDE 15 MINUTES. AS A -- APPROXIMATELY PROPORTIONATE TO HOW FOLKS HAVE SIGNED UP. THAT'S AN HOUR'S WORTH OF TESTIMONY. OF COURSE THERE'S STILL GOING TO BE QUESTIONS BY COUNCILMEMBERS LIKELY TO BOTH SIDES. SO MY RECOMMENDATION WOULD BE THAT WE WAIVE COUNCIL RULES, THAT WE ALLOW FOR -- THERE'S GOING TO BE A -- YOU KNOW, A FIVE MINUTE PRESENTATION BY THE APPLICANT. THEN WE WOULD HAVE -- THEN WE WOULD HAVE 10 MORE MINUTES WORTH OF TESTIMONY IN FAVOR. THEN WE WOULD HAVE 45 MINUTES OF TESTIMONY IN OPPOSITION. TAKING THE GRANTING THE NEIGHBORHOOD'S REQUEST TO TAKE THESE 15 PAUX IN ORDER. YOU ARE WELCOME TO CHANGE THAT NOW THAT WE ARE CONSIDERING THIS PROCEDURE. AND THEN THERE WOULD BE ONE THREE MINUTE REBUTTAL BY THE APPLICANT. WE WOULD THEN BE AVAILABLE TO ANSWER QUESTIONS, ANYBODY AT ALL.

Alvarez: I DON'T KNOW, MAYOR. YEAH, I THINK -- IN THE PAST, I'VE ALWAYS TRIED TO SUBSCRIBE TO EVERYONE HAS THEIR THREE MINUTES RULE, ALTHOUGH THAT COULD TAKE US INTO THE 2:00 TO 3:00 A.M. RANGE.

Mayor Wynn: WE STILL HAVE OTHER PUBLIC HEARINGS AFTER THAT THAT WE HAVE TO DO BY LAW.

Alvarez: I SEE FOLKS WHOSE CASES AFTER THIS THAT ARE HERE AS WELL. BUT -- I THINK THAT WE DID THAT ON THIS SPRING CASE A COUPLE OF WEEKS AGO. I DON'T WANT TO UPSET PEOPLE. I REMEMBER EARLY WHEN WE FIRST CAME ON, MAYOR, YOU I AND THE MAYOR PRO TEM WE HAD A SITUATION SUCH AS THIS ARISE AND WHAT WE WOULD DO IS TAKE AN HOUR ON EACH SIDE AND THEN --

[INDISCERNIBLE] [INAUDIBLE - NO MIC]

WE BASICALLY HAVE THREE PRIMARY SPEAKERS, A COUPLE OF FOLLOW-UP SPEAKERS, SOMEWHERE BETWEEN 10 TO 15 MINUTES.

Mayor Wynn: I GUESS IF WE SET THE -- YOU KNOW THE TIME WE ARE GOING TO SET THE TIME, MR. GILMORE. MY INSTINCT IS THAT INEVITABLY IT'S THE APPLICANT WHO GETS MORE QUESTIONS ASKED BY COUNCIL THAN GENERALLY, YOU KNOW, NEIGHBORS IN OPPOSITION. SO MY INSTINCT IS AS WE ASK SOME TECHNICAL QUESTIONS ABOUT THE SITE, ABOUT, YOU KNOW, TRAFFIC, ABOUT THE DESIGN OF THIS STRUCTURE, YOU KNOW, YOU WOULD HAVE THE ABILITY JUST BY ANSWERING QUESTIONS TO HAVE MORE OPPORTUNITY. COUNCIL, WITHOUT OBJECTION -- COUNCILMEMBER ALVAREZ ARE YOU OKAY?

Alvarez: I MEAN IF THAT'S THE NEIGHBORHOOD REPRESENTATIVE. SHE WAS REPRESENTING THE NEIGHBORHOOD THEN I SUPPOSE THAT'S OKAY. WHAT I WAS GOING TO -- WHAT I WAS GOING TO --

[INAUDIBLE - NO MIC]

Alvarez: ALL RIGHT.



Mayor Wynn: THANK YOU ALL.

Alvarez: BUT SO WHO AM I TO GO AGAINST THAT. THAT REQUEST.

Mayor Wynn: WITHOUT OBJECTION THEN WE WILL WAIVE COUNCIL RULES. WE WILL HAVE FIVE MINUTE AGENT PRESENTATION, TO OPEN THE PUBLIC HEARING. WE WILL HAVE TESTIMONY OF FOLKS WHO WANT TO SPEAK IN FAVOR OF THE ZONING CASE, 45 MINUTES OF TESTIMONY FROM FOLKS IN OPPOSITION. THERE WILL BE THE ONE THREE MINUTE REBUTTAL AT THE END BY THE AGENT. OF COURSE WE HAVE THE ABILITY TO ASK ANYBODY AS MANY QUESTIONS AS WE WOULD LIKE. THANK YOU ALL FOR YOUR FLEXIBILITY. WITH THAT LET'S CALL UP ITEM NO. Z-22. WE WILL HAVE A FIVE MINUTE PRESENTATION BY MR. GILMORE.

THANK YOU, I'M HENRY GILMORE, REPRESENTING THE APPLICANT. FOR SOME 40 YEARS THE CARDIO THORACIC AND CLASSIC COLLAR SURGEONS HAVE PROVIDED SURGICAL CARE. THEIR PHYSICIANS PERFORMED THE FIRST OPEN HEART SURGERY IN CENTRAL TEXAS BACK IN 1961. THEY PERFORMED THE FIRST CORONARY ARTERY BYPASS SURGERY IN CENTRAL TEXAS IN 1968. THEY PERFORMED THE FIRST KIDNEY TRANSPLANT IN CENTRAL TEXAS IN 1975. THEY PERFORMED THE FIRST HEART TRANSPLANT IN CENTRAL TEXAS IN 1986. AND SINCE THEN THEY HAVE PERFORMED SOME 150 HEART TRANSPLANTS IN CENTRAL TEXAS. THE CTVS PHYSICIANS HAVE BEEN PRACTICING IN ROSEDALE NORTH OF THE SUBJECT TRACT FOR OVER 33 YEARS. THEIR OFFICES ARE DATED AND THEY WANT TO BUILD NICE OFFICES RIGHT ACROSS THE STREET FROM THEIR PRESENT ONES BY COMBINING THE SUBJECT TRACT WITH ANOTHER TRACT THAT IS ALREADY ZONED C.S. BUT CURRENT OFFICES ARE SOME 17,000 SQUARE FEET. THE NEW ONES THEY PLAN TO BUILD WILL BE APPROXIMATELY 23,000 SQUARE FEET AND WILL INCLUDE BRINGING IN SOME OF THEIR OTHER OPERATIONS WHICH ARE CURRENTLY OPERATED OFF-SITE INCLUDING THEIR CHARITABLE HEART GIFT PROGRAM WHICH YOU WILL HEAR ABOUT IN A LITTLE BIT. THE PLAN IS TO HAVE TWO LEVELS OF OFFICE ABOVE THREE LEVELS OF STRICTTURED PARKING, YOU WON'T HAVE UNSIGHTLY SURFACE PARKING. YOU WILL HEAR

ARGUMENTS FROM THE NEIGHBORHOOD ABOUT THE HEIGHT OF THE STRUCTURE. WHAT'S IMPORTANT IS THAT THE HEIGHT WILL BE 54 FEET AND IN COMPLIANCE WITH THE CITY'S NEIGHBORHOOD COMPATIBILITY STANDARDS WHICH ARE EXPRESSLY DESIGNED TO ENSURE COMPATIBILITY. THE NEAREST RESIDENTIAL PROPERTY IS 193 FEET AWAY ON THE OTHER SIDE OF MEDICAL PARKWAY. FROM A TRAFFIC STANDPOINT IS A MUCH BETTER USE THAN RETAIL. IN FACT IF THE TRACTS WERE TO BE DEVELOPED FOR AN EQUIVALENT AMOUNT OF RETAIL, IT WOULD GENERATE THREE AND A HALF TO FOUR HOURS OF TRAFFIC AS MUCH TRAFFIC. FROM THE STANDPOINT OF PARKING, I THINK MOST WOULD AGREE IT'S MORE ENVIRONMENTAL. RIGHT I KNOW THEY ARE OPERATING UNDER OLDER CITY RULES. THE NEW BUILDINGS WOULD OF COURSE COME IN UNDER CURRENT RULES. IN FACT WOULD INCREASE AVAILABLE OFF STREET PARKING BY PROVIDING APPROXIMATELY 32 MORE PARKING SPACES THAN ARE CURRENTLY AVAILABLE. THIS WILL NOT ONLY BE MORE CONVENIENT FOR PATIENT AND STAFF, BUT WILL ALSO REDUCE THE NEED TO PARK ON NEARBY STREETS. IF YOU LOOK AT THE ZONING MAP, YOU CAN READILY SEE THAT WE C.S. IS ALREADY PRESENT IN THE AREA. THE SUBJECT TRACTS ALREADY HAVE C.S. ZONINGS ON THREE SIDES. DIRECTLY ADJACENT TO IT TO THE NORTH, ACROSS THE ALLEY TO THE EAST, AND ACROSS MEDICAL PARKWAY TO THE WEST. CITY STAFF IS RECOMMENDING CS TO YOU BECAUSE C.S. IS ALREADY THERE. WE UNDERSTAND THAT C.S. INCLUDES A LOT OF USES THAT ARE PERHAPS LESS DESIRABLE THAN MEDICAL OFFICE AND WE ARE WILLING TO IMPOSE A CONDITIONAL OVERLAY THAT LIMITS THE USES TO LR USES AND THE ONE C.S. USE THAT WE NEED WHICH IS MEDICAL OFFICES IN EXCESS OF 5,000 SQUARE FEET. WE ARE ALSO WILLING TO IMPOSE A CONDITIONAL OVERLAY LIMITING THE HEIGHT TO WHAT'S ALLOWED BY COMPATIBILITY WHICH IS 54 FEET, LIMITING THE FAR TO 1.35 TO 1. COUNCIL, THIS IS A REQUEST FOR A MODEST AMOUNT OF MEDICAL OFFICE SPACE IN THE HEART OF THE CITY'S MEDICAL DISTRICT ON MEDICAL PARKWAY, A BLOCK AND A HALF FROM THE HEART HOSPITAL OF AUSTIN, TWO BLOCKS FROM SETON HOSPITAL, AND BOTH OF THOSE HOSPITALS ARE IN SUPPORT OF THIS APPLICATION. HIRSHON OUR ARCHITECT WILL ANSWER THE BUILDING DESIGN

QUESTIONS, CHIP OSWALT, THE PRESIDENT WILL COME UP AND PROVIDE MORE DETAIL ABOUT CTVS' HISTORY AND BACKGROUND AND ANSWER ANY QUESTIONS THAT YOU MAY HAVE. IN CLOSING WE WOULD REQUEST YOUR APPROVAL OF THE APPLICANT'S 'S REQUEST FOR C.S. AS RECOMMENDED TO YOU BY CITY STAFF, SUBJECT TO THE CONDITIONAL OVERLAYS OF LIMIT BEING THE USES TO LR USES AND MEDICAL OFFICES IN EXCESS OF 5,000 SQUARE FEET, LIMITING THE HEIGHT TO 54 FEET AND LIMITING THE FAR TO 1.35 TO 1. WE WILL BE GLAD TO ANSWER YOUR QUESTIONS. C

MAYOR, COUNCILMEMBERS, MY NAME IS MILTON HIME, THE DOCTORS AT CTVS HAVE BEEN KIND ANY OF TO ASK US TO HELP THEM ABOUT THEIR SITE. WE WERE ASKED TO EVALUATE THEIR CURRENT FACILITY AND THE PARCELS THAT ARE IN CONSIDERATION FOR ZONING TONIGHT. CTVS CURRENTLY HAS APPROXIMATELY 16,000 SQUARE FEET AND THEY ARE IN NEED OF CONSOLIDATING THEIR OPERATIONS, PRACTICE AND THEIR COMPARABLE FOUNDATION UNDER ONE ROOF AS WELL AS UPDATING THEIR FACILITY TO ACCOMMODATE THE MODERN PRACTICE. WE DETERMINE THE CURRENT SITE DOES NOT SUIT THE PRACTICE. WE HAVE -- IF YOU WILL TAKE A LOOK AT THE MAPS THAT WE HANDED OUT, YOU CAN SEE THAT IT'S SUGGESTING WHAT THE ZONING IS AROUND THE SITE. THAT'S BEING CONSIDER. IF YOU LOOK AT IT THE SITE OUTLINED IN BLACK IS THEIR CURRENT SITE, THE PROPOSED SITE IS THE RED AREA. ALL OF THE OTHER AREAS ARE COMMERCIAL OR MULTI-FAMILY SITES THAT ARE IN COLOR. ANYTHING IN THE YELLOW IS C.S. ZONING ALREADY. THE SITE FOR THE PROPOSED BUILDING WILL INCLUDE PARCELS UNDER CONSIDERATION, AS WELL AS THE ADJACENT STRIP ALONG 40th STREET. OTHER TASK WAS TO ACCOMMODATE 23,000 SQUARE FEET OF PARKING SPACE AND SQUARE FOOTAGE OF PARKING. THIS IS ACCOMPLISHED IN THREE LEVELS OF GARAGE OF APPROXIMATELY 16,000 SQUARE FEET PER PLATE, TWO LEVELS OF OFFICE ABOVE THAT. OF APPROXIMATELY 11,000 SQUARE FOOT. THE GARAGE SHOWS 79 SPACES, AS WE HAVE PRELIMMED THIS CONVERSATION WITH THE TRANSPORTATION STAFF. WE HAVE NOT DETERMINED THE SQUARE FOOTAGES AS THEY WILL EXACTLY BE ALLOCATED

IN THE FUTURE, BUT WE WILL ACCOMMODATE THE PARK BEING THAT WILL BE REQUIRED BY THAT SQUARE FOOTAGE. YOU ALSO HAVE IN YOUR HANDSOME PRELIMINARY RENDERINGS WHAT REPRESENT WHAT THIS BUILDING MAY LOOK LIKE. YOU WILL SEE OTHER DRAWINGS, ACCURATE DRAWINGS THAT ARE DONE IN MEASURED DRAWINGS, PLACED INTO THE ACTUAL SITE. YOU WILL BE RIGHT NOW AS YOU CAN SEE, YOU ARE VIEWING THE BUILDING FROM THE NORTHWEST, FROM BOTH MARATHON AND FROM MEDICAL PARKWAY. THE HEIGHT OF THE BUILDING IS 54 FEET TO THE TOP OF THE PARAPIT. YOU CAN CLEARLY SEE WHY THE MASONRY GARAGE RISES TO ABOUT 29 FEET, YOU CAN SEE THE TWO LEVELS OF OFFICE BEYOND THAT. THE LOBBY OF COURSE IS AT THE CORNER AND ONLY ONE STORY. THE BUILDING WILL BE ALL MASONRY OF LOCAL CHARACTER, VERNACULAR AND IT WILL REFLECT THE DEPOSITION COMMUNITY THAT IS CURRENTLY BEING CONSIDERED AND ADDRESSED IN THE DESIGN STANDARDS CONTEMPLATED BY THE CITY. IT WILL MEET ALL SETBACKS IN HEIGHT REQUIREMENTS PER THE LAND LAND AS WELL AS THE COMPATIBILITY ORDINANCE FOR THE HEIGHT, SCREEN BEING, WIDENING, SO ON. THIS HAS BEEN DEMONSTRATED TO THE STAFF AS THEY HAVE ASKED US TO. ONE LAST THING THAT I WOULD LIKE TO ADDRESS IS ONE LAST ISSUE. A NEIGHBORHOOD REPRESENTATIVE IS ALSO AN ARCHITECT HAS CONJECTURED IN CORRESPONDS TO BOTH I ALL AND TO US WHAT THERE IS WHAT THEY TERM A MASSIVE FLAW IN THE PROPOSAL IN REGARDS TO HANDICAPPED ACCESSIBILITY. TEXAS DEPARTMENT OF LICENSING AND REGULATION GOVERNS NOT ONLY LICENSURE OF ARCHITECT BUT ALSO ACCESSIBILITY THROUGH SUBMITTAL OF THE DRAWINGS TO THAT GROUP AND GOVERNED BY THE TEXAS ACCESSIBILITY STANDARDS. WE CURRENTLY HAVE A GARAGE, 17 BLOCKS AWAY FROM THIS SITE THAT HAS BEEN APPROVED BY TDLR, PASSED THROUGH THE SITE DEVELOPMENT PROCESS, CONFIGURED EXACTLY THE SAME WAY AS WE PROPOSE. BUT NOT ONLY THAT WE ALSO HAVE OTHER OPTIONS TO PLACE HANDICAPPED PARKING SPACE ON OTHER LEVELS AND REGARDLESS WE HAVE TO MEET THAT AND WE WILL MEET IT. THESE DRAWINGS ARE ONLY SCHEMATIC AND THEY ARE ONLY TO DEFINE THE SCOPE

AND WE STILL HAVE A LOT OF WORK TO DO.

WE ARE CURRENTLY DESIGNING OTHER PROJECTS IN THE URBAN CORE INCLUDING WEST CAMPUS, ALSO AT THE FORMER MUELLER AIRPORT SITE. THOSE PROJECTS AS WELL AS THIS PROJECT WE WILL BE DESIGNING IT TO REFLECT THE GOOD DESIGN AND THE URBAN CORE AND ALSO FOR THIS BUILDING TO REFLECT CTVS'S PRACTICE AND THEIR CONTRIBUTION TO THE COMMUNITY AS WELL AS THEIR NEIGHBORHOOD. QUELL WE WILL MEET ALL ORDINANCES AND CODE REQUIREMENTS THAT WILL REFLECT THE DESIGN THAT SHOULD BE IN THE URBAN CORE AS WELL AS THIS MEDICAL DISTRICT. THANK YOU.

THANK YOU, SIR. FIVE MINUTES AND 23 SECONDS.

GREAT, MR. MAYOR, MR. MAYOR PRO TEM, COUNCILMEMBERS, I'M GOING TO SHORTEN SOMEWHAT WHAT I HAD TO SAY IN THE INTEREST OF TIME IN TRYING TO GO WITH THE CHANGES THAT THE COUNCIL HAS IMPOSED UPON US TONIGHT. CTVS STARTED IN 1958. AND THROUGH THOSE YEARS WE HAVE GROWN FROM THE SINGLE SURGEON THAT STARTED OUR GROUP TO 19 SURGEONS NOW, THE HOSPITAL BASED GROUP OF SURGEONS, OF COURSE YOU UNDERSTAND THAT MEANS WE MOSTLY SEE PREOPT RATIVELY PATIENTS. WE DON'T HAVE IN AND OUT FLOW AS PRIMARY CARE PHYSICIANS DO. WE ALSO HAVE OUR BUSINESS OFFICES LOCATED WITH US THERE. AS HE MENTIONED WE HAVE BEEN IN THE FOREFRONT OF ALL OF THE CARDIAC AUTHORIZE RASSIC, VASCULAR TRANSPLANT AND PEDIATRIC ACCOMPLISHMENTS AT THIS -- THAT THIS CITY HAS SEEN. I WON'T GO THROUGH ALL OF THE VARIOUS FIRSTS THAT HE MENTIONED, BUT MENTIONED THAT FOR ALMOST 50 YEARS NOW, THIS IS THE ONLY GROUP OF CARDIO VASCULAR SURGEONS THAT HAS CONTINUOUSLY COVERED ALL OF THE HOSPITAL EMERGENCY ROOMS IN THIS CITY 24 HOURS A DAY, SEVEN DAYS A WEEK. THIS AMOUNTS TO OVER 900,000 MAN-HOURS IN COVERAGE, COVERAGE THAT IS POORLY REIMBURSED HIGH RISK FOR LITIGATION. COVERAGE THAT IS ALSO NOT MANDATORY AFTER A CERTAIN NUMBER OF YEARS OF LIVING IN THE COMMUNITY, SOMETHING THAT WE CAN CONTINUE TO DO BECAUSE WE FEEL LIKE OUR PARTNERSHIP AS PHYSICIANS

WITHIN THE COMMUNITY REQUIRES THAT WE DO THAT. IN ADDITION TO THIS, OUR GROUP DONATES OVER MILLIONS OF DOLLARS IN CHARITY TO THE CITIZENS OF AUSTIN AND TRAVIS COUNTY. THIS IS DONE THROUGH THE MAP PROGRAM DOWN AT THE BRACKENRIDGE HOSPITAL, SETON EAST, PEOPLE'S CLINIC, BLACKSTOCK CLINIC, ARCH AND OTHERS. SINCE 1972 WE HAVE BEEN AT THIS PRESENT LOCATION IN THE HEART OF WHAT HAS NOW BECOME THE MEDICAL CENTER. 60% OF OUR SURGERIES OCCUR WITHIN TWO BLOCKS OF OUR OFFICE, THAT'S AT SETON AND HEART HOSPITAL OF AUSTIN. COMPRISED OF TWO BUILDINGS AT THIS SITE. ONE IS TWO LOTS NORTH OF OUR MAIN OFFICE AS YOU SAW IN THE DRAWING, AND WE DO NOT OWN THE OFFICE SPACE IN BETWEEN WHICH LIMITS OUR ABILITY TO DEVELOP IN THIS REGION. WE HAVE TWO OTHER OFFICES, LET ME BACK UP. AS MENTIONED THAT WAS ABOUT 16,000 SQUARE FEET, WE ARE LOOKING TO ADJUST OVER 6,000 SQUARE FEET WITH THE ADDITION WHICH WOULD ALLOW US TO BRING THE OTHER TWO OFFICE THAT'S WE HAVE OFFSITE. THOSE OFFICES ARE LOCATED AT FAR WEST AND MOPAC BECAUSE THAT'S WHERE WE COULD FIND OFFICES THAT WERE REASONABLE IN PRICE TO LOCATE THEM AND OUR OTHER OFFICE WHICH IS HEART GIFT OFFICES ARE LOCATED AT STECK AND MOPAC. IN THE 33 YEARS THAT WE HAVE BEEN HERE WE HAVE HAD NO COMPLAINTS. IN FACT WE HAVE BEEN THERE LONGER THAN MOST OF THE REPRESENTATIVES THAT ARE HERE TONIGHT HAVE EVEN LIVED IN THE COMMUNITY. WE WISH TO MAINTAIN OUR STATE-OF-THE-ART BY PLANNING NEW SPACE TO ALLOW FOR OUR CONTINUING GROWTH AND UPDATED MEDICAL TECHNOLOGIES. THIS CONSOLIDATION OF OUR MEDICAL OFFICES WOULD ALLOW US TO BRING INTO HOUSE OUR CHARITY ORGANIZATION HEART GIFT. THIS ORGANIZATION BRINGS CHILDREN WITH HEART DEFECTS FROM UNDER DEVELOPED COUNTRIES TO AUSTIN FOR A LIFE SAVING SURGERY IN THE FIVE YEARS THAT WE HAVE BEEN IN EXISTENCE, THIS FOUNDATION HAS SAVED 40 CHILDREN FROM COUNTRIES LIKE THE DOMINICAN REPUBLIC, HONDURAS, NICARAGUA, PALESTINE, SIERRA, NIGERIA, MEXICO. WE HAVE ORGANIZED VOLUNTEERS WHO CARE FOR THE CHILD AND PARENT WHILE THE PHYSICIANS DONATE THEIR CARE FOR FREE AND THE CHILDREN'S

HOSPITAL HERE IN AUSTIN, THE ONE RECOGNIZED TONIGHT, CONTRACTS WITH THE SURGEONS, OR CONTRACTS FOR A FIXED RATE AFTER SURGERY. THIS NEXT YEAR WE PLAN TO OPEN A SITE AT TEXAS CHILDREN'S HOSPITAL IN HOUSTON, FROM THAT POINT YEARLY WE HOPE TO ADD A SITE THROUGHOUT THE STATE OF TEXAS AND WHO KNOWS WHERE WE WOULD GO FROM THERE. COUNCILMEMBERS THIS FOUNDATION, CTVS, ARE GOOD FOR THE COMMUNITY. BUT WE NEED TO BE ABLE TO GROW AND IMPROVE OUR OFFICES WITH THE CENTRAL OFFICE MEDICAL COMMUNITY. WE OWN THIS PROPERTY. WE HAVE ACCUMULATED THIS PROPERTY OVER 15 YEARS. WE HAVE PLANNED A BUILDING, FOR THIS USE THAT MEETS ALL OF OUR NEIGHBORHOOD COMPATIBILITY STANDARDS. OUR MOST RECENT PURCHASE, WHICH IS FOUR YEARS AGO, WAS PROPERTY WE NEGOTIATED FOR FOR OVER 10 YEARS AND THE CITY HAD THIS SITE LISTED AS C.S. ON THE ZONING PLATS. WE FOUND OUT DURING THIS REZONING PROCESS THAT SAID PROPERTY IS ZONED SF 3 RATHER THAN C.S., WE NEED TO REMAIN IN THIS AREA IN THE MEDICAL CENTER. AND CONTINUE TO SUPPORT OUR PATIENTS. THE COMMUNITY, THE CITY, TRAVIS COUNTY, INDIANA GET AND UNDERSERVED PATIENTS HAVE A BETTER ACCESS TO THIS AREA THAN THEY DO ON SOME SITE OFF OF MOPAC. WE ARE THE KIND OF BUSINESS THAT I BELIEVE AUSTIN WANTS TO ENCOURAGE TO STAY IN STROLL AUSTIN TO BUILD AND GROW IN THE MEDICAL COMMUNITY AND OUR BEST AREA IS THE MEDICAL CENTER ON MEDICAL PARKWAY. THERE REMAINS VERY LITTLE LAND THAT IS AVAILABLE TO DO JUST THIS. I BELIEVE THAT AUSTIN AND THE CITY COUNCIL WANT TO RECOGNIZE INDUSTRIES AND COMPANIES THAT DO GOOD FOR THE COMMUNITY, PARTNER WITH THE CITY, AND THE COUNTY WHILE ACCOMPLISHING THEIR BUSINESSES. I BELIEVE THAT THE CITY COUNCIL WILL WANT TO PARTNER WITH CTVS AND GRANT THIS ZONING CHANGE TO ALLOW THIS PROGRESS. WE CAN GROW AND WE CAN CONTINUE TO BE GOOD NEIGHBORS IN THE ROSEDALE NEIGHBORHOOD. WE HAVE PROVEN TO DO THIS WITH OUR HISTORY. I WOULD LIKE TO INTRODUCE AT LEAST BY NAMES PEOPLE THAT HAVE WAITED SEVEN HOURS TONIGHT TO SPEAK THAT WON'T BE ABLE TO SPEAK. BARBARA GELLER ALSO A RESIDENT OF ROSEDALE, HAPPENS TO BE AN EMPLOYEE OF

OURS, A NURSE, ALSO JENNIFER IS HERE, PERHAPS MAYBE THEY CAN HAVE SOME QUESTIONS POSED TO THEM BECAUSE THEY REPRESENT ANOTHER OPINION FROM THE NEIGHBORHOOD ASSOCIATION. AND ALSO GERALD HILL WHO IS REPRESENTING SETON MEDICAL CENTER IS HERE TO SPEAK ON OUR BEHALF BY BECAUSE OF THE LIMITATIONS WON'T BE ABLE TO SPEAK. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU SIR FOR THE FLEXIBILITY THAT YOU ARE SHOWING. COUNCIL THAT WAS OUR PRESENTATION IN FAVOR OF THE ZONING CASE. WE WILL NOW SET THE CLOCK FOR 45 MINUTES. AND HEAR TESTIMONY FROM THOSE FOLKS IN OPPOSITION. AND DO NOTE THAT OCCASIONALLY AS YOU SEE A COUNCILMEMBER OR MYSELF OR TWO LEAVE THE DAIS, THIS IS AUDIO AND VIDEO BACK BEHIND, WE HEAR ALL OF THE TESTIMONY AND SEE IT. WELCOME.

THANKS.

GOOD EVENING, MAYOR AND MAYOR PRO TEM AND COUNCILMEMBERS. MY NAME IS FELICIA ADAMS, I'M THE CO-PRESIDENT OF THE ROSEDALE NEIGHBORHOOD ASSOCIATION, THE ROSEDALE NEIGHBORHOOD ASSOCIATION HAS ALWAYS RECOGNIZED THE VALUE OUR COMMERCIAL NEIGHBORS, PARTICULARLY THE MEDICAL COMMUNITY, BRING TO THE LIVABILITY OF THE AREA. AND WE HAVE WORKED TO MAINTAIN AND ENHANCE THAT MIX OF RESIDENTIAL AND COMMERCIAL FOR THE BENEFIT OF BOTH. THIS PHILOSOPHY HAS REALLY SERVED US VERY WELL AS THE NEIGHBORHOOD HAS GONE THROUGH DRAMATIC CHANGES IN THE PAST 15 YEARS OR SO. FROM THE BEGINNING, WE HAVE CHOSEN TO PARTNER WITH THE DEVELOPERS IN ROSEDALE AND THIS HAS BEEN INCREDIBLY SUCCESSFUL FOR US, RESULTING IN PROFITABLE PROJECTS FOR DEVELOPERS THAT ENHANCE THE NEIGHBORHOOD ENVIRONMENT AND WE HAVE BEEN SO GOOD AT IT, IN FACT, THAT THIS IS THE VERY FIRST ZONING CASE THAT WE HAVE CONTESTED IN OVER 10 YEARS. DURING THAT DECADE, WE'VE HAD MUTUALLY BENEFICIAL PARTNERSHIPS WITH SETON, HEART HOSPITAL OF AUSTIN, ROSEDALE VILLAGE ON BURNET ROAD, THE RENOVATION OF 26 DOORS SHOPPING CENTER, CONGREGATION BETH ISRAEL'S RECENT MAJOR



EXPANSION PROJECT, THE HEART HOSPITAL OFFICE BUILDING, CENTRAL MARKET AND THE CENTRAL PARK DEVELOPMENT, THE TRIANGLE, CAPITAL PEDIATRICS RENOVATION OF THE HISTORIC PETERSON HOUSE AND LIVE OAK DEVELOPMENT'S 45th AND LAMAR RETAIL PROJECT. ALL OF THESE PROJECTS REQUIRED ZONING CHANGES, VARIANCES OR WAIVERS. OUR COLLABORATION WITH THE DEVELOPERS MEANT THEY ALL CAME TO YOU AS CONSENT ITEMS WITH NO CONFLICT. IN FACT MOST OF YOU DON'T EVEN KNOW US AT ALL BECAUSE WILFORD HALL BEEN SO SUCCESSFUL AT WORKING WITH THE DEVELOPERS RATHER THAN FIGHTING WITH THEM. IT'S UNFORTUNATE THAT WE HAVE COME UP SO LATE THIS EVENING, IF YOU WANT TO LOOK AT THE LITTLE SMUDGES ON THE GLASS BACK THERE, YOU WILL SEE THE LITTLE PRINTS OF THE LITTLE ONES WHO HAD TO GO HOME EARLY AND UNFORTUNATELY THE PARENTS THAT HAD TO LEAVE WITH THEM. OUR NEIGHBORHOOD WAS VERY WELL REPRESENTED BECAUSE WE ARE NOT USED TO THIS, WE WERE VERY PROUD THAT WE HAD 118 PEOPLE HERE TO REPRESENT US TONIGHT. WE THAT I AS A REALLY STRONG SHOWING FOR OUR LITTLE NEIGHBORHOOD ANYWAY. THIS TYPE OF SUCCESS DID NOT COME FROM ROSEDALE NEIGHBORHOOD ASSOCIATION SAYING NO TO EVERYTHING THAT CAME ALONG. THIS JANUARY WE SHED WITH SCHLOSSER DEVELOPMENT TO DISCUSS THIS VERY TRACT, PART OF A LARGER AREA BEING RECONSIDERED FOR REDEVELOPMENT. WE TALKED ABOUT BUILDING 60-FOOT RETAIL AND OFFICE ALONG LAMAR BOULEVARD AND THEN TOLD THEM THAT WE PREFERRED TO HAVE A TRANSITION DOWN TO A MORE NEIGHBORHOOD FRIENDLY USES AND A 40-FOOT HEIGHT ON MEDICAL PARK WE AND MARATHON BOULEVARD. WE TOLD SCHLOSSER THAT IF THEY CAME TO US FOR THE DESIGN FOR DEVELOPMENT THAT ENHANCED THE LIVABILITY OF THE AREA, FOCUSED TRAFFIC IMPACT TOWARD LAMAR AND AWAY FROM THE NEIGHBORHOOD, CREATED THE NEEDED TRANSITION, WE WOULD WORK WITH THEM ON VARIANCES OR ZONING CHANGES TO ENABLE THEM TO MAKE THE PROJECT FEASIBLE. THE CASE BEFORE YOU TODAY IS AN UNFORTUNATE EXCEPTION FOR THAT RULE. THIS CASE CAME TO US AS A READY MADE CONFLICT. ALL OF OUR EFFORTS TO AVOID THIS HEARING HAVE FAILED. WE ARE

ENORMOUSLY DISAPPOINTED AND FRUSTRATED THAT CTVS WAS UNABLE TO COLLABORATE WITH US ON THIS PROJECT. WE ARE IN THIS MESS BECAUSE THEIR CONSULTANTS DESIGNED A FINISHED PRODUCT, A HIGH IMPACT COMPLETE BUILDING THAT RELIED ENTIRELY ON A HIGHLY SPECULATIVE ZONING CASE. MR. GILMORE THEN APPLIED FOR THIS ZONING CHANGE. IT WAS ONLY AFTER THAT THAT THEY CAME TO US. THEY MADE IT CLEAR FROM THE START THAT THEY HAD ABSOLUTELY NO INTENTION OF COMPROMISING ON ANY ASPECT OF THIS BUILDING OR THIS PROJECT BEYOND THE DECORATION OF THEIR PROPOSED BUILDING. IN THE MONTHS THAT HAVE PASSED SINCE OUR FIRST MEETING, WE HAVE PUT FORWARD SEVERAL OFFERS, VERY SINCERE, OF COMPROMISE AND ALTERNATIVES FOR THEIR CONSIDERATION. AND MOST RECENTLY YOU RECEIVED A COPY OF ALTERNATIVE DEVELOPMENT SOLUTIONS THAT WOULD NOT ONLY MEET THEIR NEEDS BUT SAVES THEM MONEY. WE RECEIVED ABSOLUTELY NO RESPONSE FROM THEM ON THIS CONCEPT. THEY DIDN'T REJECT IT. THEY SIMPLY DIDN'T RESPOND IN ANY WAY. HERE WE ARE IN AN UNFAMILIAR ARENA FOR US ANYWAY, FORCED INTO A CONFLICT WITH OUR LONG-TIME NEIGHBORS AND ALSO SUPPORTED BY THE ALLENDALE NEIGHBORHOOD ASSOCIATION, BRYKERWOODS NEIGHBORHOOD ASSOCIATION, OAK MONT HEIGHTS NEIGHBORHOOD ASSOCIATION, THE AUSTIN NEIGHBORHOODS COUNCIL AND THE ZONING AND PLATTING COMMISSION WHO VOTED 6-3 IN OUR FAVOR. BEFORE WE BEGIN I WANTED TO MAKE VERY CLEAR NONE OF OUR CONCERNS OR OPPOSITIONS TODAY FOCUS ON OUR GOOD DOCTORS AND NEIGHBORS AT CTVS. I MEAN THAT THEY ARE JUST AS UNHAPPY TO HAVE BEEN LED TO THIS POINT AS WE ARE. WE WANT CTVS TO REMAIN IN ROSEDALE. IT'S TRUE THEY HAVE BEEN THERE 33 YEARS, BUT IT'S ALSO TRUE THAT THEY DO NOT LIVE IN ROSEDALE. THEY GO HOME TO THEIR NEIGHBORHOODS. WE WANT THEM TO STAY AND WE WANT THEM TO HAVE A CONVENIENT TRANSITION TO THEIR NEW OFFICES. WE ALSO WANT THEM TO MAKE MONEY ON THE LAND THAT THEY WISELY PURCHASED FROM THE LAST FOUR TO 15 YEARS. ALL WE ASK IS THAT THEIR BUILDING FIRST DO NO HARM. WE ARE ASKING YOU TO SEND THEM BACK TO THE DRAWING BOARD TO HELP THE DOCTORS ACCOMPLISH ALL OF THESE GOALS,

IN THE PRESENTATION THAT FOLLOWS, YOU ARE GOING TO HEAR MORE ABOUT THE AREAS OF CONCERNS THE NEIGHBORHOOD HAS ABOUT THE PROPOSED C.S. ZONINGS. ALWAYS PROGRESSIVE, RNA HAS PARTICIPATED IN SEVERAL PIONEERING NEIGHBORHOOD PLANNING PROCESSES, ALL OF THESE HAVE IDENTIFIED LR ZONING AND 40-FOOT HEIGHT LIMITS FOR THIS SITE AND THE MEDICAL PARKWAY AND MARATHON BOULEVARD CORRIDORS. ROSEDALE IS STILL IN THE QUEUE FOR THE CURRENT VERSION OF THE NEIGHBORHOOD PLANNING. GRANTED THIS ZONING CASE WOULD SINGLE HANDEDLY PRE-EMPT OUR ABILITY TO DETERMINE THE FUTURE OF THE FRAGILE EDGE OF OUR NEIGHBORHOOD. THIS SPECULATIVE ZONING, THIS IS SPECULATIVE ZONING. CTVS DOESN'T EVEN OWN ALL OF THE LAND THEY HAVE PROPOSED TO BUILD ON. FURTHER THE BUILDING THAT THEY HAVE PROPOSED MAY NOT BE FEASIBLE TO BUILD. THE ADJACENT LAND THEY WISH TO ACQUIRE FROM CROCKETT PARTNERS HAS BEEN A PARKING LOT FOR THE ADJACENT EASY'S RESTAURANTS FOR DECADES. EASY'S HAS A LONG-TERM LEASE ON THIS PARKING AND NO REPLACEMENT IS ACCOMMODATED IN THE PROPOSED GARAGE. THEY DO NOT KNEES C.S. FOR THIS USE. MR. GILMORE HAS REPEATEDLY GIVEN THE IMPRESSION THAT C.S. IS REQUIRED FOR MEDICAL OFFICES OVER 5,000 SQUARE FEET, BUT LR PERMITS THIS USE AS A CONDITIONAL USE WHICH WOULD BE GRANTED IN A HEART BEAT. THIS CASE IS NOT ABOUT USE. LIKE A TYPICAL ZONING CASE. THEIR USE IS PERFECTLY SUITED FOR THE SITE AND WE WOULD LIKE FOR THEM TO BUILD ON IT. IT'S THE BIG BOX THAT THEIR DEVELOPMENT TEAM PUT IN THEIR USE THAT PRECIPITATES THE ZONING CHANGE REQUEST. AS YOU HAVE SEEN IN THE NEWS LATELY, ROSEDALE IS ALREADY STRUGGLING WITH SPILLOVER PARKING FROM OUR MEDICAL NEIGHBORS. IF GRANTED THIS CASE WILL FORCE OUR NEIGHBORS ON THREE ADJACENT STREETS TO OPT FOR RESIDENTIAL PERMIT PARKING ONLY. THIS WILL DEAL A SEVERE BLOW TO EXISTING MEDICAL PRACTICES ACROSS THE STREET FROM THIS SITE AND THE NEIGHBORING DOCTORS WON'T STAND UP AGAINST THE MEMBERS OF THEIR PROFESSION BUT WE'RE HERE TO TELL YOU THAT THE DOCTORS WHO HAVE BEEN IN ROSEDALE FOR DECADES COULD POSSIBLY BE FORCED TO MOVE AS A RESULT OF

THIS ZONING CASE. MEDICAL PARKWAY IS A TWO LANE NEIGHBORHOOD COLLECTOR. IT IS NOT AN APPROPRIATE PLACE FOR THIS SIZE OF BUILDING OR THE TRAFFIC IMPACT OF A BUILDING THIS SIZE. ARTERIALS LIKE LAMAR AND 38th STREET ARE APPROPRIATE ENVIRONMENTS FOR A FIVE STORY BUILDING WITH A REGIONAL DRAW. WE VERY RESPECTFULLY REQUEST THAT YOU DENY THE C.S. ZONING AND GRANT LR TO MEET THE NEEDS OF THE APPLICANT. THANK YOU.

Mayor Wynn: THANK YOU, MS. ADAMS. 37 MINUTES AND CHANGE LEFT. WELCOME.

SEVEN MINUTES.

37.

37. OKAY. [LAUGHTER] I THOUGHT SHE DIDN'T TALK THAT LONG. MY NAME IS JOYCE BROWN, I HAVE BEEN A RESIDENT OF ROSEDALE FOR ALMOST 30 YEARS AND I HAVE BEEN A PAST PRESIDENT AND ACTIVE IN THE NEIGHBORHOOD ASSOCIATION FOR MUCH OF THAT TIME. NEIGHBORHOOD PLANNING OF ONE TYPE OR OTHER HAS BEEN HAPPENING IN ROSEDALE SINCE THE EARLY 1980 WHEN SETON RELOCATED TO 38th STREET, DEVELOPERS STARTED BUYING HOMES IN ROSEDALE AS PROPERTIES BECAME AVAILABLE AND EVEN OUR NEIGHBORHOOD COLLECTOR STREET, ALICE AVENUE WAS RENAMED MEDICAL PARKWAY. IN THE 1980S A ZONING MORATORIUM WAS SET IN PLACE FOR AN AREA BOUNDED BY NORTH LAMAR, 45th STREET, MEDICAL PARKWAY AND 38th STREET BECAUSE THIS AREA WAS EXPERIENCING COMMERCIAL DEVELOPMENT PRESSURE THAT WAS PROCEEDING WITHOUT ANY GUIDELINES OR ORGANIZATION. DURING THE MORATORIUM, ROSEDALE CONDUCTED A NEIGHBORHOOD STUDY IN WHICH ALL PROPERTY OWNERS, RESIDENTIAL AND COMMERCIAL, INCLUDING CTVS WERE GIVEN AN OPPORTUNITY TO PARTICIPATE THROUGH SURVEYS, QUESTIONNAIRES AND MEETINGS. THIS STUDY ACTUALLY INCLUDED MUCH OF THE SAME INFORMATION THAT IS USED FOR THE CURRENT NEIGHBORHOOD PLANNING PROCESS. THE RECOMMENDATIONS IN THIS NEIGHBORHOOD PLAN THAT WAS ADOPTED BY PLANNING COMMISSION AND CITY

COUNCIL IN 1985 AS AN ADVISORY DOCUMENT THAT HAD RELEVANCY TO THIS CASE ARE, COMMERCIAL DENSIFICATION SHOULD TAKE PLACE ONE BLOCK DEEP ALONG LAMAR AND IN A DEFINED FOCUS AREA FOR DENSITY BOUNDED BY 42nd, MEDICAL PARKWAY, 38th AND NORTH LAMAR. REDEVELOPMENT ALONG MEDICAL MEDICAL PARKWAY SHOULD BE LIMITED TO 40 FEET TO PROVIDE A BUFFER AND TRANSITION TO THE RESIDENTIAL COMPONENT OF OUR NEIGHBORHOOD. THAT INFORMATION ABOUT A PROPOSED PROJECTS IMPACT ON THE INFRASTRUCTURE AND A SITE PLAN SHOULD BE REQUIRED WITH THE REZONING REQUEST. LATER IN THE 1990S, ROSEDALE AGAIN ACTIVELY PARTICIPATED IN THE PLANNING PROCESSES OF AUSTIN PLAN, CITY DIRECTED CITY STAFF TO WORK WITH ROSEDALE AND SETON HOSPITAL WHO REPRESENTED SEVERAL MEDICAL GROUPS TO ESTABLISH GUIDELINES AND BOUNDARIES IN THE MEDICAL DISTRICT. THE RESULTS OF THAT MEDICAL DISTRICT PLANNING WERE THE FOCUS OF AREA OF DEPOSITION COMMUNITY IN ROSEDALE WAS EXPANDED FROM WHAT WAS DEFINED IN THE NEIGHBORHOOD PLAN TO INCLUDE AREAS ONE LOT DEEP ALONG LAMAR AND 38th STREET AS WELL AS ONE LOT DEEP ALONG BOTH THE EAST AND WEST SIDES OF MEDICAL PARKWAY. THE GUIDELINES, THOUGH, RECOMMENDED THAT MEDICAL USES BE CONCENTRATED ON ALONG LAMAR AND 38th WITH SMALLER SCALE MEDICAL DEVELOPMENT OCCURRING WEST OF LAMAR AS A BUFFER TO THE SINGLE FAMILY AREA. ROSEDALE HAS BEEN DOING THIS SINCE THE 1980S, WE KNOW WE ARE A LOGICAL PLACE. THIS SIGHT QUESTION TONIGHT SHOULD LR ZONING TO ALLOW FOR A PROPERLY SCALED DEVELOPMENT, TO PROVIDE TRANSITION AND BUFFER, BETWEEN THE HIGH DENSITY DEVELOPMENT WE FORESEE ON LAMAR AND THE HIGHLY ... CITY STAFF MADE THE RECOMMENDATION TO SUPPORT THIS ZONING CHANGE BASED ON THE FACT THAT THERE ARE EXISTING C.S. ZONED PROPERTIES IN PROXIMITY. THIS IS TRUE. THERE ARE A FEW OTHER C.S. ZONED PROPERTIES ON MEDICAL PARKWAY. THE PROPERTY THAT YOU SEE ON THE SCREEN RIGHT NOW. THIS IS AN AWKWARD SHAPED SMALL PROPERTY ACROSS FROM THE STREET. IT'S ZONED C.S., BUT BECAUSE OF LOT SIZE, PROXIMITY TO RESIDENCES, PARKING REQUIREMENTS, SETBACK AND

HEIGHT RESTRICTIONS AND OTHER FACTORS, THIS PROPERTY COULD NEVER BE DEVELOPED TO C.S. DEVELOPMENT POTENTIAL, WHICH IS TRUE OF MOST OF THE C.S. PROPERTY ON MEDICAL PARKWAY. IN ALMOST 30 YEARS OF NEIGHBORHOOD WORK, I HAVE NEVER SEEN AN APPLICANT FILE A CASE, DRAW UP THE FINAL PICTURE AND THEN CALL US AND SAY THIS IS WHAT WE WANT AND WE ARE NOT CHANGING A THING, THERE'S NO NEED TO TALK ABOUT IT. PERIOD. ROSEDALE IS HERE TONIGHT -- NOT HERE TONIGHT TO ASK US TO DENY CTVS A NEW OFFICE. WE WANT CTVS TO BUILD A NEW OFFICE TO MEET THE NEEDS OF THEIR PATIENTS AND PHYSICIANS AND WE WANT IT TO BE IN ROSEDALE. AT THE SAME TIME, WE ALL KNOW THAT REDEVELOPMENT IN THE OLDER CENTRAL CITY NEIGHBORHOODS ENCOURAGES CREATE ACTIVE THINKING AND USES IN THE BEST INTERESTS OF ALL THE STAKEHOLDERS OF A NEIGHBORHOOD. WHICH WE HAVE BEEN TRYING TO DO WITHOUT ANY SUCCESS WITH CTVS. TONIGHT YOU CAN SEND THE APPLICANT BACK TO WORK WITH THEIR ARCHITECT, THEIR DEVELOPER, ROSEDALE AND POSSIBLY OTHER INTERESTED DEVELOPERS TO WORK ON A PLAN FOR A MEDICAL OFFICE 40-FOOT TALL THAT WILL ENHANCE OUR MULTI-USE URBAN NEIGHBORHOOD. PLEASE DENY THE C.S. ZONING, THANK YOU.

YOUR NAME?

TRACY ATKINS. THANK YOU FOR THE OPPORTUNITY TO SHARE MY CONCERNS ABOUT THIS CASE. I HAVE LIVED IN ROSEDALE OVER 10 YEARS, I'M ON THE MUELLER AIRPORT COMMISSION, I CHAIR THE CHAMBER LOCAL ISSUES COMMITTEE, I'M ON THE DAA BOARD. THROUGH THESE VOLUNTEER EFFORTS AND 17 YEARS OF PROJECT MANAGEMENT OF MULTI-MILLION DOLLAR PROJECTS I HAVE LEARNED ABOUT THE PLANNING PROCESS. ONE THING THAT I HAVE LEARNED IS THAT EVERY PROJECT SHOULD BE DEVELOPED IN OF ITS SURROUNDING, WHAT IS GREAT IN ONE SITE CAN BE COMPLETELY INAPPROPRIATE ON ANOTHER. THIS PARTICULAR PROJECT WHICH FIT WELL ON 38th AND LAMAR BUT IS OUT OF SCALE FOR TWO LANE NEIGHBORHOOD COLLECTOR LIKE MEDICAL PARKWAY. I'M GOING TO BE TALKING ABOUT LACK OF DIALOGUES AND ALTERNATIVES TONIGHT. REGARDING LACK OF DIALOGUES

AS FELICIA MENTIONED, MR. IMIL MORE DID NOT CONTACT RNA UNTIL AFTER THE APPLICATION FOR REZONING WAS SUBMITTED. THERE WAS NOT THE EARLY DISCUSSION AND GIVE AND TAKE THAT WE HAVE EXPERIENCED WITH OTHER DEVELOPERS SEEKING TO BUILD IN OUR NEIGHBORHOOD. ON PROJECTS LIKE ROSEDALE VILLAGE AND THE EXPANSION OF CONGREGATION BETH ISRAEL. WHEN THE APPLICANTS MET WITH US, THEY HAD COMPLETED THE PROGRAMMING, MASSING LAYOUT AND CONCEPTUAL DESIGN OF THE BUILDING. AT THE RNA MEETING THEY STATED THERE WAS NO ROOM FOR COMPROMISE ON ANY SIGNIFICANT ASPECT OF THE BUILDING, A POSITION THEY HAVE REITERATED SINCE SEVERAL TIMES. MOVING ON TO ALTERNATIVES. ANOTHER LESSON THAT I HAVE LEARNED OVER THE YEARS IS THERE IS RARELY ONLY ONE DESIGN SOLUTION TO FULFILL A PARTICULAR SET OF REQUIREMENTS. THE APPLICANTS AND THEIR DEVELOPMENT TEAM WOULD HAVE YOU BELIEVE THE SOLUTION THEY HAVE PROPOSED IS THE ONLY SOLUTION WHEN THERE ARE ALTERNATIVES. THEY COULD BUILD ON THEIR EXISTING SITE ON MARATHON BOULEVARD, WHICH IS LARGER THAN THE PROPOSED SITE. PERHAPS THERE IS THE POTENTIAL TO DIVIDE ADJACENT PROPERTY. THEY COULD RENT SPACE NEARBY, SUCH AS AT THE AUSTIN RETINA BUILDING ON 38th AND WEST AVENUE, ONLY A BLOCK OR TWO AWAY. WE ALSO UNDERSTAND THAT THE LOTS IMMEDIATELY SOUTH OF THE PROPERTY ON MEDICAL PARKWAY COULD BE PURCHASED. THIS WOULD ALLOW A BUILDING AND A GARAGE TO BE BUILT ALL LESS THAN 40 FEET. NONE OF THESE OPTIONS WOULD REQUIRE MOVING TWICE. A FOURTH ALTERNATIVE WE SUGGESTED EARLIER WOULD INCLUDE GRANTING LR ZONING, THEY COULD BUILD A 30,000 SQUARE FEET, 40-FOOT TALL OFFICE BUILDING ON THE TRACTS, WITH GROUND LEVEL PARKING FOR THE PATIENTS, WE WOULD ENDORSE VARIANCES TO ALLOW THIS TO HAPPEN, IT COULD ALLOW FOR GROUND FLOOR RETAIL, SIGNIFICANT STREET SCAPES AND LANDSCAPE AND MAINTAIN THE SCALE OF THIS TWO LANE STREET. THEIR STAFF COULD PARK ON THEIR EXISTING SITE. LONGER TERM, CTVS COULD BUILD A REGIONAL PARKING GARAGE WHICH WOULD BE MUCH MORE EFFICIENT THAN THE ONE PLANNED AND COULD ACTUALLY BE A REVENUE GENERATOR BASED ON THE PARKING NEEDS IN THE AREA.

THIS BENEFITS BOTH THE NEIGHBORHOOD AND CTVS. THEY ONLY HAVE TO MOVE ONCE, THE NEW BUILDING IS LESS EXPENSIVE TO BUILD, THEY ARE STILL ABLE TO SELL A PART OF THEIR LAND AND THE LARGER REGIONAL GARAGE IS MUCH MORE EFFICIENT AND THEIR COST IS THEREFORE REDUCED. TYPICAL GARAGES ALLOW 375 SQUARE FEET PER SPACE. ACCORDING TO THE ARCHITECT'S CALCULATIONS, THE ONE PROPOSED TAKES OVER 600 SQUARE FEET PER SPACE. SO IT'S NOT A VERY EFFICIENT GARAGE BY ANY MEANS. BENEFITS TO ROSEDALE FOR THIS ALTERNATIVE ARE THAT IT PROVIDES FOR APPROPRIATE TRANSITION OF BUILDING HEIGHT AND ZONING INTENSITY IS MAINTAINED ON MEDICAL PARKWAY AND THERE'S A TRANSITION BETWEEN 10-FOOT HEIGHT ON LAMAR DOWN TO MEDICAL PARKWAY. IN ADDITION THE TRAFFIC COULD BE DIRECTED ON TO 40th STREET, BUFFERED FROM THE NEIGHBORHOOD BY A TRAFFIC ISLAND. IN SUMMARY, THE APPLICANTS DO HAVE VIABLE ALTERNATIVES TO REMAIN NEAR SETON ADD THE HEART HOSPITAL WITHOUT CONSTRUCTING A BUILDING THAT IS OUT OF SCALE FOR A NEIGHBORHOOD COLLECTOR STREET. THE REZONING OF THESE TWO LOTS WOULD SET A PRECEDENT THAT MIGHT HAVE A LONG-TERM NEGATIVE IMPACT ON OUR NEIGHBORHOOD. WITH THE APPLICANT'S UNWILLINGNESS TO CONSIDER ALTERNATIVES, ONE MIGHT QUESTION WHETHER THERE ARE FISCAL CONSTRAINTS THAT ARE LEADING THEM TO THIS, ESPECIALLY SINCE THEY STATED AT THE NEIGHBORHOOD MEETING THEY PLAN TO SELL THE EXISTING SITE TO PAY OFF SCHOOL LOANS. IS IT FAIR AND EQUITABLE FOR THE ENTIRE NEIGHBORHOOD TO BE SUBJECTED TO AN OVERSIZED BUILDING SO THAT ONE BUSINESS CAN MAKE A PROFIT ON A REAL ESTATE DEAL? AS MY HUSBAND SAYS, THERE IS NOTHING SCARIER THAN A GOOD IDEA. ESPECIALLY WHEN YOU HAVE ONLY ONE. WE URGE THE COUPLE TO SEND THE APPLICANTS AND THEIR DEVELOPMENT TEAM BACK TO THE DRAWING BOARD TO DEVELOP SOME ADDITIONAL IDEA FOR THIS PROJECT THAT FITS THE CONTEXT OF THE NEIGHBORHOOD AND LR ZONING. THANK YOU.

GOOD EVENING, I'M CHRIS ALLEN, I HAVE LIVED IN THE ROSEDALE NEIGHBORHOOD ON WEST 39 AND A HALF STREET FOR MORE THAN 18 YEARS. I'M AN ARCHITECT



SPECIALIZING IN CREATIVE PROBLEM SOLVING FOR CLIENTS RANGING FROM FORTUNE 100 FIRMS TO NEIGHBORS IN NEED OF A NEW BATHROOM. MY ED COMMISSION AT U.T. SCHOOL OF ARCHITECTURE WAS HEAVY ON URBAN DESIGN STUDYING UNDER CHARLES MOORE, SINCLAIRE BLACK, LARRY SPEC AND OTHER PIONEERS IN INNOVATIVE URBAN DESIGN. I SERVED ON THE ROSEDALE NA STEERING COMMITTEE FOR OVER 15 YEARS. A GREAT DEAL OF MY TIME IS SPENT ON VOLUNTEER WORK AND PRO BONO SERVICES THAT I AM PERFORMING TODAY OR TONIGHT. MY EDUCATION, CAREER, HOME WORK AS A VOLUNTEER ARE ALL GUIDED BY MY DESIRE TO CREATE A VIBRANT AND LIVABLE CENTRAL AUSTIN. IN OTHER WORDS I TALK THE TALK AND QUITE LITERALLY WALK THE WALK IN ROSEDALE. IT IS ONE OF AUSTIN'S TRULY WALKABLE NEIGHBORHOODS. THAT'S DUE IN NO SMALL PART TO THE GREAT WORK OF THE ROSEDALE NEIGHBORHOOD ASSOCIATION OVER THE LAST THREE DECADES. THERE WAS A VISION FOR REDEVELOPMENT BEFORE I ARRIVED. WE EMBRACE GOOD DEVELOPMENT AND KNOW THE VALUE OF INCREASING DENSITY NO, MA'AM FOR OURSELVES BUT THE COMMUNITY AT LARGE. THE ONLY NEIGHBORHOOD TO ENDORSE THE CONCEPT OF A TRULY DENSE DEVELOPMENT ON THE TRIANGLE SITE, NOT ONLY WITH A LARGE NUMBER OF APARTMENTS, BUT MOVIE, RETAIL, TARGET, WE AREN'T AFRAID OF HEIGHT. WE ARE READY TO SEE LAMAR BOULEVARD REDEVELOPED TO 60-FOOT HEIGHTS AND BUILDING HEIGHTS ON MEDICAL PARKWAY CHANGED TO 40 FEET. WE ARE THE ONLY NEIGHBORHOOD TO EVEN DISCUSS THE POSSIBILITY OF BUILDING MID-RISE APARTMENTS ON THE TRIANGLE SITE. WE LIKE HEIGHT AND DENSITY. AS FELICIA MENTIONED WE TALKED WITH SCHLOSSER DEVELOPMENT BY THIS SITE AND OTHERS ALONG LAMAR AND MARATHON EARLIER THIS YEAR. WE REMAIN EAGER TO WORK WITH THEM. THE TRIANGLE DIDN'T SCARE US. SCHLOSSER DEVELOPMENT DOESN'T SCARE US. WHY THEN IS THIS PROJECT SUCH A PROBLEM FOR ROSEDALE? THE ANSWER IS SIMPLE. GOOD DEVELOPMENT ISN'T ABOUT SIMPLY EXPLOITING THE ENVELOPE. IT'S ABOUT CREATIVE PROBLEM SOLVING. A GOOD DEVELOPER COULD CREATE A PROJECT ON THESE BLOCKS THAT IS FAR MORE DENSE AND INTENSIVE THAN WHAT IS THERE NOW WITHOUT HARMING

THE NEIGHBORHOOD. UNFORTUNATELY THE APPLICANT DIDN'T ROACH THIS PROJECT WITH THAT LEVEL OF SOPHISTICATION. THEY CREATED A CLUMSY SIEWTION TO A SIMPLE PROBLEM. WHEN DOZENS OF OTHER OPTIONS WERE AVAILABLE. THE FACT THEY HAVE CHOSEN TO FORCE YOU AND US INTO THIS CONFLICT RATHER THAN PUTTING ON THINKING CAPS AND SHARPENING PENCILS IS SAD AND PUZZLING TO ME. IT'S TOO BIG. IT'S A SCALE BUILDING TOTALLY INAPPROPRIATE -- TOTALLY APPROPRIATE FOR AN ARTERIAL OR WIDE DOWNTOWN STREET. BUT INAPPROPRIATE FOR A TWO LANE NEIGHBORHOOD STREET. WHEN YOU FACTOR IN THE COPIES OF THIS BUILDING THAT WILL FOLLOW ON THE HEELS OF THIS CASE IF IT'S APPROVED, THE CHARACTER OF MEDICAL PARKWAY WILL BE DESTROYED. 10-FOOT REGIONAL MEDICAL OFFICE BUILDINGS BELONG ON LAMAR AND 38th STREET WHERE THE STREET WIDTH WILL SUPPORT THEM AND THE RESULTANT TRAFFIC CAN BE ACCOMMODATED. THEY DON'T BELONG ON A TWO LANE NEIGHBORHOOD STREET. PERHAPS YOU DISAGREE. YOU MAY BELIEVE THAT LAMAR BOULEVARD, MEDICAL PARKWAY ARE IDENTICAL AND SHOULD HAVE THE SAME DEVELOPMENT INTENSITY. I WOULD ASK YOU IS THIS BUILDING, THE APPLICANT'S BUILDING A GOOD EXAMPLE OF SOPHISTICATED URBAN DESIGN? GOOD URBAN BUILDINGS SHOULD BE TALL AND DENSE. THIS BUILDING IS SIMPLY BIG. IT HAS NO MIXED USE, NO STREET LEVEL RETAIL. WITH ONLY A PARKING GARAGE ON THE FIRST THREE LEVELS, NO STREET ARCHITECTURE AT ALL, ONLY A BLANK FACE. DUMPS ALL OF ITS TRAFFIC RIGHT AT THE FRONT DOOR ON TO TINY MEDICAL PARKWAY AT ONE OF THE MOST AWKWARD INTERSECTIONS IMAGINABLE. IT'S NOT URBAN IT'S NOT DENSE. IT'S CERTAINLY NOT SMART. MORE PROBLEMS THAN SOLUTIONS, NOTHING TO DO WITH GOOD URBAN DESIGN. ON THE OTHER HAND THE ALTERNATIVE SCENARIO THAT TRACY MAPPED OUT FOR YOU IS ACTUALLY DENSER, WITH MORE MEDICAL OFFICE SPACE, GROUND FLOOR SPACE FOR MIXED USE, CREATES A STREET SCAPE OF GOOD SCALE AND LANDSCAPE, DIRECTS ALL OF ITS TRAFFIC TO 40th STREET WHERE VISITORS CAN GET TO LAMAR WITHOUT PASSING THROUGH THE NEIGHBORHOOD. TRULY A WIN-WIN EVEN BEFORE YOU CONSIDER THE FACT THAT IT'S ACTUALLY LESS EXPENSIVE FOR THE APPLICANT

TO BUILD, COULD HAVE BEEN A DONE DEAL AND IN FOR A ASSIGNMENT PERMIT BY NOW IF NOT FOR THE APPLICANT'S INSISTENCE. TONIGHT YOU WILL DETERMINE THE FUTURE CHARACTER OF MEDICAL PARKWAY, WHATEVER YOU DECIDE WILL SET THE STAGE FOR EVERYTHING THAT FOLLOWS. WE RESPECTFULLY ASK YOU SEND THEM BACK TO THE DRAWING BOARD TO CREATE A PROJECT THAT IS WORTHY OF A TRULY GREAT AUSTIN NEIGHBORHOOD. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. 22 MINUTE LEFT.

GOOD EVENING, MAYOR. MAYOR PRO TEM, AND COUNCILMEMBERS. MY NAME IS DIANE MOUNTAIN. I HAVE LIVED AND WORKED IN THIS NEIGHBORHOOD FOR 25 YEARS. ONE OF THE PRIMARY REASONS THAT I RESIDE IN ROSEDALE IS THAT IT IS A VERY LIVABLE NEIGHBORHOOD. IN CLOSE PROXIMITY TO MEDICALLY RELATED BUSINESSES, I WORK IN THE MEDICAL FIELD SO I WELCOME MEDICAL DEVELOPMENT NEARBY. I LOVE BEING ABLE TO WALK TO WORK, I LOVE THIS NEIGHBORHOOD. HOWEVER I DO WORRY ABOUT THE FUTURE OF ROSEDALE WHEN I SEE PROJECTS DEVELOPED WITHOUT CONSIDERATION FOR THE IMPACT ON NEARBY RESIDENTS. DURING THIS ZONING ORDEAL, WE'VE HAD THE PRIVILEGE OF WORKING WITH CITY STAFF. THEY HAVE BEEN PATIENT AND HELPFUL TO US, BEYOND THE CALL OF DUTY. THEY ARE TO BE COM MINDED FOR THEIR HARD WORK ON OUR BEHALF. YOU THINK THEY ARE WONDERFUL, BUT I HAVE TO RESPECTFULLY DISAGREE WITH THEIR RECOMMENDATION ON THIS CASE. THE RECOMMENDATION IS BASED ON ZONING MAPS WHICH ONLY TELL PART OF THE STORY. THE MAPS DO SHOW SOME C.S. ZONED LOTS IN THE VICINITY OF THE APPLICANT'S TRACT. AND THOSE STAND AS PRECEDENT FOR THIS RECOMMENDATION. THE C.S. IN THE AREA IS THREE BASIC FLAVORS, FIRST LOTS IN GREEN WHICH ARE ALONG THE MAJOR ARTERIALS, LAMAR AND 38th. WHERE C.S. USES AND DEVELOPMENT INTENSITY ARE TOTALLY APPROPRIATE. SECOND THE LOTS IN PURPLE, TAKE A CLOSER LOOK. UP UNTIL 1985, EVERYONE ONE OF THOSE LOTS WAS ZONED C FIRST HEIGHT IN AREA WITH A HEIGHT LIMIT OF 35 FEET. IN 1985, THEY WERE CONVERTED IN MASS TO C.S. OBJECTION OVERNIGHT DEVELOPMENT STANDARDS ALTERED. WE

DON'T ARGUE THE LEGALITY OF THIS CHANGE, BUT SIMPLY POINTS OUT THAT THE LAST TIME PLANNING COMMISSION CITY STAFF OR CITY COUNCIL TOOK A LOOK AT THESE LOTS INDIVIDUALLY AND WITH DUE PROCESS THE CONSENSUS WAS THAT THE 35-FOOT HEIGHT WAS APPROPRIATE FOR EACH OF THESE SITES. FURTHER [INDISCERNIBLE] ALL ARE IMMEDIATE ADJACENT TO RESIDENTIAL, ALL HAVE SIGNIFICANT ISSUES WITH FRONTAGE LENGTHS, DRIVEWAY LOCATIONS ET CETERA THAT WOULD MAKE ZONING THEM C.S. IMPOSSIBLE TODAY. [INDISCERNIBLE] DUE TO SETBACKS, TREES, COMPATIBILITY, TRANSPORTATION ISSUES, ET CETERA. THEY DON'T LOOK LIKE C.S., DIDN'T GET ZONED C.S. BY A NORMAL PROCESS, THEY COULD NEVER BE DEVELOPED WITH C.S. INTENSITY, IT'S ONLY LETTERS ON A MAP. IN REJECT BEING THIS CASE, 6-3 THE ZONING AND PLATTING COMMISSION EMPHATICALLY REINFORCED THIS CONCEPT. THEY RECOGNIZED THERE WAS NO LEGITIMATE C.S. ON MEDICAL PARKWAY TO STAND AT PRECEDENT FOR THIS CASE. I TOLD YOU THAT THEY WERE THREE FLAVORS OF C.S., RIGHT? THE THIRD IS INTERESTING. IT IS THE APPLICANT'S OWN LAND. IT WAS RENAMED C.S. IN 1985 BUT IT'S A CONTIGUOUS TRACT WITH NO RESIDENTIAL ABUTTING IT. IT HAS ACCESS TO 40 STREET TO MINIMIZE TRAFFIC IMPACT. IT'S READY TO GO TOMORROW IF CTVS WANTS TO BUILD ON IT AND WE CAN'T DO ANYTHING BUT ATTEND THE GROUND BREAKING AND APPLAUD. THE CASE BEFORE YOU IF APPROVED WOULD REPRESENT THE FIRST REAL C.S. ZONING ON MEDICAL PARKWAY. C.S. ZONING IS A CANCER IN A NEIGHBORHOOD ENVIRONMENT. RIGHT NOW THE EXISTING PSEUDO C.S. SITS LIKE BENIGN TUMORS. BY YOU HAVE THE POWER TONIGHT TO PLANT A VIRULENT, LIVE, AGGRESSIVE TUMOR ON THE STREET THAT WILL SPREAD LIKE WILDFIRE. WE COULD END UP RELIVING THE EARLY 1980S WHEN ROSEDALE WAS NEARLY WIPED OUT TO CREATE THE MEDICAL DISTRICT. IT WAS DURING THAT LAND RUSH THAT ALICE BECAME MEDICAL PARKWAY. WE ALL X RAY IT IS GOING TO BE REDEVELOP AND IT CAN BE REDEVELOPED MORE INTENSIVELY THAN AT PRESENT. WHAT YOU WILL DECIDE TONIGHT IS EXACTLY HOW INTENSIVE THAT TRANSFORMATION WILL BE. PLEASE RESPECT THE NEIGHBORHOOD CHARACTER OF ALICE AVENUE. FOLLOW THE Z.A.P. RECOMMENDATION AND DENY

THIS ZONING REQUEST. THANK YOU VERY MUCH. COLLARS.

Mayor Wynn: THANK YOU, MS. MOUNTAIN. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] >>

EZ'S CONTROLLER TOLD THEM THAT THIS PARKING WILL BE REPLACED IN NUT PARKING GARAGE. CITY STAFF HAS CONFIRMED THAT THE APPLICANT CANNOT GIVE AWAY SPACES UNLESS THEY HAVE A SURPLUS OF PARKING IN THE GARAGE. THIS PROPOSED GARAGE IS CURRENTLY SHORT 13S. IT APPEARS THAT THE NUMBER OF SPACES BEING PROVIDED WAS DUE TO LIMITED SPACE IN THE GARAGE RATHER THAN THE SPACES TO SUPPORT THE MEDICAL OFFICE BUILDING BEING BUILT. THE GARAGE IS ALSO RECEIVING A 20% REDUCTION IN THE NUMBER OF SPACES FOR URBAN CORE PARKING. WHILE THE NEIGHBORHOOD UNDERSTANDS THE CONCEPT BEHIND THE SUBSIDY, WE DON'T KNOW IF IT'S REASONABLE IN A MEDICAL DISTRICT. WALKING, BIKING OR CATCHING A BUS IS DIFFICULT FOR THE SICK AND INFIRM. IF YOU ARE CATCHING A BUS YOU CAN'T SIT AND WAIT FOR A BUS OR PEDAL HOME. THE DOCTORS DON'T LIVE IN THE ROSE DALE NEIGHBORHOOD AND THEY MUST DRIVE TO THEIR OFFICE AND SHUTTLE BACK AND FORTH TO THE HOSPITAL FOR EMERGENCIES. THERE NO OTHER CARDIO VASCULAR PRACTICES IN THE AUSTIN AREA OF THIS SIZE. HOW MANY BUS TRANSFERS CAN A PATIENT WHO LIVES IN ROUND ROCK BE EXPECTED TO MAKE? CAN YOU IMAGINE TAKING A SICK PARENT OR SICK CHILD ON A BUS ACROSS TOWN FOR AN EMERGENCY APPOINTMENT? SO WHEN PARKING ON-SITE IS LIMITED, PATIENTS AND STAFF PARK ON NEIGHBORHOOD STREETS. 30 CARS A DAY PARK ON MY STREET ALL DAY LONG FROM A MEDICAL PRACTICE THAT HAS ONE-THIRD THE MEDICAL DOCTORS AND HALF THE SQUARE FOOTAGE OF THE PROPOSED BUILDING. THE APPLICANT'S UNDERPARKED GARAGE AND OVERFLOW FROM EZ'S MISSING LOT WILL SPILL ANOTHER 30 TO 40 CARS A DAY ON TO MY STREET. THE PARKING GARAGE OF THIS BUILDING HAS AN EXIT ON MEDICAL PARKWAY HALF A BLOCK FROM 39TH AND A HALF STREET. THIS IS THE ONLY THROUGH STREET IN THIS AREA. AREA MEDICAL PRACTICES TREAT MY STREET AS A PARKING LOT AND THEIR PATIENTS AND STAFF TREAT IT AS A CROSS TOWN SPEEDWAY. THIS PROJECT EX-SASS CERTIFY BATES

BOTH SITUATIONS. I RESPECTFULLY REQUEST THAT YOU DENY CS ZONING. THANK YOU.

Mayor Wynn: THANK YOU.

GEEFN, MAYOR -- GOOD EVENING, MAYOR, MAYOR PRO TEM, AND CITY COUNCIL. AS YOU KNOW, I HAVE NO NOTES. I'M GOING TO TELL A PERSONAL STORY. I HAVE LIVED IN THE ROSE DALE NEIGHBORHOOD SINCE 1946. WE DEVELOPED COMMERCIAL PROPERTY ON LAMAR AND I HAVE A RESIDENCE ON TONGUE WITH A TRAIL -- TONKAWA TRAIL, WHICH IS A BLOCK AND A HALF FROM MEDICAL PARKWAY. AS THE FORMER SPEAKER JUST DESCRIBED TO YOU, THE SITUATION AT 39TH AND A HALF AND MEDICAL PARKWAY IS DIRECTLY ACROSS THE STREET FROM THIS PROPOSED BUILDING. THEY GOT A VARIANCE FOR THEIR ZONING WHEN THEY MOVED THERE OVER MY OBJECTION AND THE OTHER NEIGHBORS' OBJECTIONS AND IT HAS CREATED MANY TRAFFIC PROBLEMS. AS PEOPLE COME DOWN 39 AND A HALF AND CUT INTO MEDICAL PARKWAY AS THEY FREQUENTLY DO TO AVOID THE DENSE TRAFFIC ON 38TH, THE OVERFLOW PARKING ON EACH SIDE OF 39TH AND A HALF IS TERRIFIC. AND MANY TIMES I HAVE GONE -- HAD TO BACK UP AT LEAST A BLOCK WHEN MEETING A CAR ON THAT STREET IN ORDER TO GET DOWN THAT STREET BECAUSE THE VARIANCE WAS GIVEN AND IT SHOULD NOT HAVE BEEN GIVEN. THEY HAD INAPPROPRIATE PARKING FACILITIES. THIS IS JUST AN EXAMPLE OF WHAT -- A SMALL EXAMPLE OF WHAT WILL BE ENCOUNTERED IF YOU GIVE THIS VARIANCE TO THESE PEOPLE ON THIS TWO-WAY STREET. MOTHERS ARE BRINGING THEIR BABIES TO THESE PEDIATRICIANS' OFFICES. MANY TIMES I HAVE SEEN THEM GET OUT WITH A BABY IN THEIR ARMS, A TODDLER IN THEIR -- HOLDING THEIR HANDS ON THAT STREET WHEN THE CARS ARE COMING AND GOING IN BOTH -- AND BOTH TRYING TO COME AND GO IN BOTH DIRECTIONS. IT'S VERY DANGEROUS. I ASK YOU TO REJECT THIS PROPOSAL. THANK YOU.

Mayor Wynn: THANK YOU. YOU HAVE 11 AND A HALF MINUTES.

GOOD EVENING, I'M DIANA HEATH. MY HOME IS ON 39TH AND A HALF STREET ABOUT HALF A BLOCK FROM THE PROPERTIES. I'VE LIVED IN CENTRAL AUSTIN SINCE 1979.

ROSE DALE IS A NEIGHBORHOOD OF PEDESTRIANS. FAMILIES FREQUENTLY WALK UP MY STREET ON THE WAY TO THE SHOPS AND RESTAURANTS THAT BORDER ROSE DALE. MY FAMILY, INCLUDING MY FIVE-YEAR-OLD DAUGHTER, OFTEN WALK FROM OUR HOME TO THE BUSINESSES ALONG LAMAR BOULEVARD. IT IS NOT A SAFE WALK AS IT IS NOW GIVEN THE VOLUME AND SPEED OF THE CUT THROUGH TRAFFIC ON 39TH AND A HALF, THE HIGH RATE OF SPEED ALONG MEDICAL PARKWAY AND A PEDESTRIAN CROSSING AT A STOP SIGN WITH LIMITED SIGHT LINES AND MANY VEHICLES -- LIMITED SIGHT LINES AND A STOP SIGN THAT MANY VEHICLES EITHER ROLL THROUGH OR IGNORE ALTOGETHER. IN FACT, IT'S A RATHER NERVE WRACKING WALK TO TAKE WITH A FIVE-YEAR-OLD TRYING TO RIDE A SCOOTER OR PUSH A DOLL STROLLER OR RIDE A BICYCLE. I HAVE GREAT CONCERNS THAT THE STRUCTURE AS PROPOSED WILL CREATE A TRAFFIC SITUATION THAT IS EVEN MORE UNFRIENDLY, UNMANAGEABLE AND UNSAFE FOR PEDESTRIANS. I HAVE SERIOUS CONCERNS ABOUT THE LONG-TERM CONSEQUENCES THAT GRANTING CS ZONING AT THIS LOCATION COULD HAVE ON THE LIVEABILITY AND WALKABILITY OF MEDICAL PARKWAY, 39TH AND A HALF STREET AND THE NEIGHBORHOOD AS A WHOLE. THE PROPERTIES IN QUESTION DO NEED TO BE DEVELOPED, NO DOUBT. OFFICE SPACE IS A VIABLE AND APPROPRIATE DEVELOPMENT FOR THE SITE; HOWEVER, MY HOPE WOULD BE THAT THE DEVELOPMENT WOULD MAKE MORE SENSE IN CONTEXT TO ITS SETTING AND THAT THE DEVELOPMENT MAY BE IN KEEPING WITH THE CITY'S VISION OF KEEPING PEDESTRIAN FRIENDLY STREET SCAPES THAT ENCOURAGE PEOPLE TO GET OUT OF THEIR CARS AND WALK. AND FINALLY I HOPE CONSIDERATION WOULD BE GIVEN TO PEOPLE WHO HAVE MADE COMMITMENTS TO LIVE AND RAISE THEIR CHILDREN IN A DIVERSE, FRIENDLY AND NURTURING NEIGHBORHOOD SUCH AS ROSE DALE. A NEIGHBORHOOD THAT EMBODIES QUALITIES AND CHARACTERS OF SMALL TOWN AUSTIN, WHILE EMBRACING THE CHANGES OF THE NEW. PLEASE CONSIDER THE WELL-BEING, THE QUALITY OF LIFE OF THE GOOD PEOPLE OF ROSE DALE AND THEIR CHILDREN AND DENY CS ZONING TO THESE PROPERTIES. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME.

MY NAME IS GEORGE YANG. I'VE LIVED IN ROSE DALE FOR ABOUT 10 YEARS AND I'M BUILDING OUT MORE ROOM FOR MY EXPANDING FAMILY. BRIEFLY, MY PARENTS ARE BOTH DOCTORS AND I'VE GROWN UP WITH DOCTORS AND THEIR FAMILIES AND I REFUSE TO BELIEVE THAT PEOPLE WHO ARE DEDICATED TO IMPROVING LIVES ARE WILLING TO SO SEVERELY DAMAGE OUR NEIGHBORHOOD AND THE LIVES OF OUR FAMILIES. I THINK THE FAULT LIES IN THE HANDS OF THE PROFESSIONALS, THE DEVELOPERS, THEIR ARCHITECTS, THEIR SPACE PLANNERS WHO HAVE MISREPRESENTED A BAD PLAN TO THESE DOCTORS AND HAVE UPSET NOT ONLY THE NEIGHBORS, BUT THE SURROUNDING NEIGHBORHOODS AND THOSE NEIGHBORHOOD ASSOCIATIONS. THE BUILDING THAT WE'RE CURRENTLY IN, THIS NEW CITY HALL, IS A GREAT EXAMPLE OF GOOD URBAN PLANNING AND I INVITE THE DOCTORS ALONG WITH THE REST OF US TO IMAGINE THE PARKING IN THIS BUILDING INSTEAD OF BEING UNDERGROUND, BEING AT STREET LEVEL WITH THIS BUILDING ON TOP WITH NO STREET LEVEL ENTRANCE. IMAGINE HOW UGLY THAT NOW IS WALKING BY AND HOW IT FEELS TO GO UP GARAGE STAIRS TO GET TO A FRONT ENTRANCE. NOW IMAGINE THAT THIS HUGE BUILDING, THIS INAPPROPRIATELY SCALED BUILDING IS NOW IN YOUR NEIGHBORHOOD OR YOUR PARENTS' NEIGHBORHOOD WHILE YOU'RE GROWING UP AND TO PUT YOURSELVES IN MY SHOES, PICTURE YOUR HOME ABOUT 200 FEET AWAY, WHICH IS ABOUT THREE TO FIVE DOORS DOWN DEPENDING ON YOUR LOT WIDTH. AND MOVE TWO HOUSES OFF THERE IN THE MIDDLE OF THE NIGHT WITH NO PERMIT SO THAT YOU HAVE A CLEAR LOT AND THEN REPLACE THEM WITH A FIVE-STORY BUILDING, THIS PARKING GARAGE WITH AN OFFICE ON TOP. NOW, WITH THAT PICTURE, NOW IMAGINE THE EXTRA TRAFFIC AND THE STREET PARKING IT'S CREATING DOWN YOUR RESIDENTIAL STREET, HOW THE NEIGHBORHOOD IS LOSING THEIR LAWNS BECAUSE I'M CERTAINLY NOT LETTING MY YOUNG SONS OUTSIDE TO PLAY WITH THE CARS WHIZZING BY, BACKING UP, PARALLEL PARKING. IMAGINE THAT YOU HAVE TO WALK THROUGH THIS STRUCTURE TO GET TO THE GROCERY STORE BECAUSE THE ONLY STREET THAT HAS A SIGNALLED



CROSSWALK ACROSS LAMAR FOR BLOCKS. SO THIS IS THE STREET, THIS IS THE WAY THAT PEOPLE GO TO GET TO ALL OF OUR LOCAL STORES, CENTRAL MARKET, EZ'S, DR. CHOCOLATE, CLARKSVILLE POTTERY, ALL OF OUR FAVORITE STORES. BUT NOW AFTER SUNSET IT WILL BE TOO DANGEROUS FOR KIDS TO WALK BY BECAUSE IT'S A DARK EMPTY PARKING GARAGE. I'M CERTAINLY NOT GOING TO LET MY WIFE AND KIDS WALK PAST IT BY THEMSELVES. SO IMAGINE THAT THIS STRUCTURE HAS TRANSFORMED THIS NEIGHBORHOOD FROM ONE OF COTTAGES AND BUNK HOUSES WHERE PEOPLE WALK WHERE KIDS A MONTH AGO WERE WALKING DOOR TO DOOR TRICK OR TREATING. WE TRANSFORMED THIS TO A NEIGHBORHOOD OF PARKING GARAGES AND OFFICES BUILDING. IT'S NOT REALLY A NEIGHBORHOOD, IS IT? SO IT SHOULDN'T BE HARD TO IMAGINE YOURSELF MOVING AWAY. THE WORST PART ABOUT THIS IS IT'S NOT IN THE NAME OF PROGRESS OR URBAN DEVELOPMENT, IT'S BECAUSE SOMEBODY TOOK THE EASY WAY, REPLACING TWO HOMES AND REPLACING IT WITH SOMETHING THAT RAISES IT NOT TO THE CURRENT HEIGHT RESTRICTION, BUT 15 FEET HIGHER THAN THE CURRENT HEIGHT RESTRICTIONS. AND IF IT GOES THROUGH I WILL BE REMINDED EVERYDAY ON MY WAY TO WORK HOW WE FAILED THIS NEIGHBORHOOD. WE'RE A SMART CITY AS THIS NEW CITY HALL DEMONSTRATES AND BY DENYING THE ZONING CHANGE, WE ARE ASKING PEOPLE TO RAISE TO THE SAME LEVEL AS THE DESIGNERS OF THIS BUILDING. THE ROSE DALE NEIGHBORHOOD ASSOCIATION WHO OBVIOUSLY HAS A LOT OF TALENT HAS PUT TOGETHER CHEAP, VIABLE ALTERNATIVES THAT REQUIRE ONLY LOW DENSITY ZONING AND THAT'S NOT THEIR JOB. PLEASE DENY THIS ZONING CHANGE TO CS. I'M CERTAIN WE CAN ENCOURAGE AN OFFICE THAT COMPLIMENTS RATHER THAN RUINS THIS NEIGHBORHOOD. THANK YOU.

Mayor Wynn: THANK YOU. FIVE AND A HALF MINUTES.

OKAY. WE'RE GOING TO STOP NOW. WE JUST WANT TO CLOSE BY SAYING ROSE DALE EMBRACES DEVELOPMENT THAT MAKES OUR NEIGHBORHOOD MORE WALKABLE, LIVEABLE AND VIABLE FOR BOTH RESIDENTIAL AND COMMERCIAL PROPERTIES AND WE URGE THE COUNCIL NOT TO GRANT SPECULATIVE ZONING AND TO SEND THE

APPLICANT AND THEIR TEAM BACK TO THE DRAWING BOARD TO DEVELOP A PROJECT THAT FITS WITHIN THE CONTEXT OF THE NEIGHBORHOOD AND LR ZONING. OUR NEIGHBORHOOD IS QUITE LITERALLY IN YOUR HANDS. I'D LIKE TO ALSO TAKE JUST A SECOND TO THANK OUR NEIGHBORS WHO ARE STILL HERE, IT'S AFTER MIDNIGHT, SO THANK YOU GUYS FOR COMING AND STICKING IT OUT. THANK YOU, MAYOR, COUNCIL. [ APPLAUSE ]

Mayor Wynn: THANK YOU ALL FOR THE PATIENCE YOU'VE SHOWN ALL NIGHT AND THE FLEXIBILITY YOU'VE SHOWN AS WELL. SO MR. GILMORE, YOU WILL NOW HAVE A THREE-MINUTE REBUTTAL AND THEN WE'LL OPEN IT UP FOR QUESTIONS FROM BOTH PARTIES.

THANK YOU, MAYOR. COUNCIL, THIS IS A REQUEST FOR A MODEST AMOUNT OF MEDICAL OFFICE SPACE IN THE HEART OF THE MEDICAL DISTRICT IN AN URBAN WATERSHED, A BLOCK AND A HALF FROM THE HEART HOSPITAL OF AUSTIN AND TWO BLOCKS FROM SETON. THIS IS NOT A SPECULATIVE REQUEST, THIS IS A REQUEST FOR CS ZONING WHERE THERE ALREADY IS CS ON THREE SIDES OF THIS TRACT. THE DEVELOPMENT WILL COMPLY WITH THE NEIGHBORHOOD COMPATIBILITY STANDARDS WHICH ARE EXPRESSLY ADDRESSED FOR COMPATIBILITY BETWEEN COMMERCIAL AND RESIDENTIAL DEVELOPMENT. THE NEAREST RESIDENTIAL IS OVER 193 FEET AWAY ON THE OTHER SIDE OF MEDICAL PARKWAY. THE TRANSITION THAT THE NEIGHBORHOOD SPEAKS OF ACTUALLY OCCURS THROUGH THE APPLICATION OF THE COMPATIBILITY STANDARDS. THE TRACTS LOANING LAMAR ARE UNAFFECTED BY SINGLE-FAMILY RESIDENTIAL AND CAN GO TO A FULL 60 FEET. THE TRACTS THAT ARE CLOSER TO MEDICAL PARKWAY AND BEYOND ACTUALLY HAVE TO TRANSITION DOWN THROUGH APPLICATION OF THE COMPATIBILITY STANDARDS AND SO THE TRANSITION THAT THEY SPEAK OF ACTUALLY OCCURS THROUGH THE PROCESS OF THEIR ORDINANCES. EVEN THOUGH CITY STAFF IS RECOMMENDING CS UNCONDITIONALLY, WE ARE OFFERING A CONDITIONAL OVERLAY LIMITING ALL OF THE USES TO ONLY LR USES AND THE ONE MEDICAL OFFICE USE THAT WE NEED. WE'RE ALSO LIMITING THE HEIGHT TO 54 FEET AND THE FAR TO 1.35 TO ONE. THE ISSUE ABOUT EZ'S

PARK SG A FALSE ISSUE. THE LOT THAT THEY'RE SPEAKING OF IS A DIRT LOT. THE CITY COULD NOT, NOR COULD THE OWNER LEGALRY RY REQUIRE OR PROVIDE LEGAL PARKING ON THAT LOT. THE PARKING THAT HAS OCCURRED ON THAT LOT HAS BEEN ACQUIESCED TO BY THE OWNER AS A COURTESY TO EZ'S BUT IS NOT REQUIRED BY ANY SORT OF LEASE ARRANGEMENT TO EZ'S AND WE HAVE A LETTER TO THAT EFFECT IF YOU WOULD LIKE TO SEE IT. IN CLOSING, WE DON'T SET AN UNDESIRABLE PRECEDENT. THE CS IS ALREADY THERE ON THREE SIDES. WE ARE NOT REQUESTING A FULL CS. OUR CS IS CONDITIONED THROUGH A CONDITIONAL OVERLAY. FROM A TRAFFIC STANDPOINT, IF WE WERE TO DEVELOP THE TRACT FOR AN EQUIVALENT AMOUNT OF RETAIL USE IT WOULD BE THREE AND A HALF TO FOUR TIMES MORE TRIPS PER DAY THAN THE USE THAT WE'RE PROPOSING. SO IN CLOSING WE'D ASK THAT YOU SUPPORT CS ZONING AS RECOMMENDED TO YOU BY YOUR PROFESSIONAL PLANNING STAFF AND AS CONDITIONED BY OUR OFFER OF A CONDITIONAL OVERLAY. I'LL BE GLAD TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. GILMORE. QUESTIONS, COUNCIL? COUNCILMEMBER DUNKERLEY.

Dunkerley: I HAVE SOME QUESTIONS, AND MAYBE THIS IS FOR STAFF. THE QUESTION WAS RAISED ABOUT PARKING EARLIER, AND I HAVE BEEN OUT FOR THIS LOCATION MANY TIMES OVER THE LAST FEW WEEKS. PARKING IS A MESS ON THAT CORNER, AND I'M NOT SURE HOW THIS BUILDING WILL AFFECT THAT ONE WAY OR THE OTHER, ESPECIALLY THAT IS SUPPOSED TO BE FROM EZ'S. COULD YOU SORT OF ADDRESS THAT?

WELL, I'LL PROBABLY ASK GEORGE ZAPALAC TO ADDRESS THAT. HE'S BEEN DOING THE RESEARCH AND HAS ATTENDED THE MEETINGS THAT THEY HAD REGARDING PARK PARKING.

COUNCILMEMBER, THE PROPOSED BUILDING WOULD BE REQUIRED TO COMPLY WITH THE CURRENT PARKING REQUIREMENTS THE. THEY WOULD RECEIVE A 20% REDUCTION FROM THE NORMAL REQUIREMENT BECAUSE THEY'RE LOCATED IN THE INNER CITY AREA. THAT WAS AN AMENDMENT THAT THE COUNCIL MADE ABOUT A YEAR AND

A HALF AGO. AS FAR AS THE PARKING FOR EZ'S, THE PARKING THAT IS ON THE ADJACENT LOT THAT IS CURRENTLY BEING USED BY EZ'S, WE'RE NOT ABLE TO FIND ANY RECORD THAT HAVE EVER BEEN AUTHORIZED BY THIS CITY. THAT WOULD BE OFF SITE PARKING THAT WOULD HAVE REQUIRED A VARIANCE BY THE BOARD OF ADJUSTMENT OR WOULD HAVE REQUIRED ADMINISTRATIVE SITE PLAN APPROVAL AND WE WERE NOT ABLE TO FIND ANY RECORD OF THAT TAKING PLACE. SO FROM THE CITY'S STANDPOINT, THAT PARKING HAS NOT BEEN AUTHORIZED. >>

Dunkerley: SO THAT'S REALLY ILLEGAL PARKING ALONG THAT AREA AS FAR AS YOU KNOW?

YES.

Dunkerley: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER ALVAREZ.

Alvarez: I JUST HAD A QUESTION FOR STAFF ON THE ACCESS ISSUE FROM EXITING THE PROPOSED PARKING STRUCTURE RIGHT WHERE THAT TRIANGLE IS. WHAT ARE THE ASSUMPTIONS IN TERMS OF HOW THE TRAFFIC IS GOING TO MOVE AS THEY EXIT THAT PROPOSED STRUCTURE BECAUSE I BELIEVE IT'S RIGHT WHERE AT LEAST IN SOME OF THE DRAWINGS WE SAW THAT IT APPEARED THAT THEY WOULD BE EXITING RIGHT WHERE THAT ISLAND IS SO IT SEEM LIKE IF YOU WANTED TO GO RIGHT OUT OF THE GARAGE ON TO MEDICAL PARKWAY, IT WOULD BE KIND OF A TRICKY LITTLE MAN MANEUVER THERE, BUT WAS THERE ANYTHING OUT OF THE ORDINARY IN TERMS OF HOW THAT WOULD BE HANDLED?

WE HAVE NOT ACTUALLY REVIEWED THE SITE PLAN AT THIS TIME. WE HAVE SEEN THE RENDERINGS THAT THE APPLICANT HAS PREPARED, BUT WE HAVE NOT REVIEWED THAT. THERE IS AN ISLAND AT 40TH AND MEDICAL PARKWAY WHICH WAS CONSTRUCTED WHEN CENTRAL MARKET WAS DEVELOPED IN ORDER TO PREVENT TRAFFIC LEAVING CENTRAL MARKET FROM CUTTING THROUGH THE NEIGHBORHOOD, TRAFFIC THAT EXITS CENTRAL MARKET AT

40TH STREET CANNOT CONTINUE THROUGH THE INTERSECTION OF MEDICAL PARKWAY, IT HAS TO TURN NORTHWARD ON TO MARATHON BOULEVARD. TRAFFIC COMING NORTHWARD ON MEDICAL PARKWAY CAN TURN RIGHT ON TO 40TH STREET. TRAFFIC COMING SOUTH ON MEDICAL PARKWAY CANNOT TURN LEFT ON TO 40TH STREET, SO THERE ARE SOME RESTRICTED TRAFFIC MOVEMENTS IN THIS AREA RIGHT NOW AS A RESULT OF THAT ISLAND BEING CONSTRUCTED. I DON'T RECALL EXACTLY WHAT THE APPLICANT'S RENDERING SHOWED AS FAR AS HOW THE ACCESS WOULD BE HANDLED, BUT THAT'S SOMETHING THAT WOULD BE REVIEWED DURING THIS SITE PLAN PROCESS.

Alvarez: THANK YOU. A COUPLE OF QUESTIONS FOR ZONING STAFF. IN TERMS OF THE RECOMMENDATION AND IS -- DID STAFF CONSIDER THESE PREVIOUS PLANNING RECOMMENDATIONS THAT WE'RE REFERENCED BY SOME OF THE NEIGHBORHOOD REPRESENTATIVES IN TERMS OF TRYING TO ESTABLISH FORT FOOT AS A HEIGHT LIMIT ALONG MEDICAL PARKWAY OR ARE THOSE FORMAL DOCUMENTS THAT WE HAVE THAT SHOW SOME OF THOSE RESTRICTIONS? IT SOUNDED LIKE IT WAS -- THERE WERE SOME PLANS CREATED THROUGH SOME PROCESSES INVOLVING THE CITY, AND I WAS JUST CURIOUS ABOUT WHETHER THAT'S SOMETHING THAT WOULD BE CONSIDERED IN STAFF'S RECOMMENDATION?

WELL, ACTUALLY, ONE OF THE SPEAKERS HAD INDICATED THAT THE ZONING EVOLVED OVER TIME FROM CS BEFORE '85 WHEN YOU COULD LIMIT THE HEIGHT TO EITHER FIRST, SECOND OR THIRD HEIGHT IN AREA. AND THE CONVERSION OBVIOUSLY SETS THE PRECEDENT AND WE LOOKED AT WHAT IS IN EXISTENCE TODAY AS THE GUIDE IN MAKING A RECOMMENDATION FOR CS.

Alvarez: BUT I GUESS IF THERE WERE PREVIOUS SORT OF PLANS THAT WERE DEVELOPED THAT HAD SORT OF THE BASIC CONCEPT OF A 40-FOOT HEIGHT LIMIT CONTAINED IN THEM, WOULDN'T THAT ALSO BE SOMETHING THAT SHOULD BE CONSIDERED?

WE LOOKED AT THOSE STUDIES AS A GUIDE, BUT AGAIN

SOME OF THE STUDIES THAT WE HAVE THAT WERE PRESENTED IN THE PAST WHENEVER ADOPTED BY CODE, SO THAT'S -- IT'S JUST LIKE WE REFER TO AUSTIN PLAN, WE WENT THROUGH THE EXERCISE, BUT COUNCIL NEVER FORMALLY ADOPTED THOSE DOCUMENTS OR A GUIDE.

Alvarez: SO THEN -- I THINK YOU TOUCHED ON THE OTHER ISSUE I WANTED TO ASK ABOUT, WHICH HAD TO DO WITH -- THEY REFER TO THEM AS THE PSEUDO CS TRACTS, BUT I GUESS THEY MADE -- THEY ALLUDED TO THE FACT THAT THESE MAY HAVE BEEN ZONED COMMERCIAL, BUT MIGHT HAVE HAD A LOWER HEIGHT RESTRICTION, BUT WHEN THE ZONING CATEGORY CHANGED, THEN THEY WERE OBVIOUSLY GIVEN THE HIGHER STANDARDS OR REQUIREMENTS. IS THAT WHAT YOU WERE TRYING TO SAY IN TERM OF LOOKING AT THE CS PROPERTIES IN TERMS OF THE CURRENT GUIDELINES OR RESTRICTIONS VERSUS WHAT MAY HAVE BEEN IN PLACE BEFORE?

THAT'S CORRECT.

Alvarez: BUT WAS THERE CATEGORIES OF CS THAT HAD LOWER COMMERCIAL HEIGHTS?

BEFORE THE CURRENT ZONING REGULATIONS BECAME EFFECTIVE, THERE USED TO BE THAT OPTION THAT WITH EACH ZONING DISTRICT THERE WAS NO SPECIFIC ZONING HEIGHT LIKE YOU HAVE TODAY, LIKE, FOR EXAMPLE, LR IS 40 FEET AND CS IS 60 FEET. YOU COULD COME IN AND SAY, WELL, I WOULD LIKE TO PROPOSE, I WANT CS FOR THE USES, BUT THEN WE'LL NEGOTIATE ON THE HEIGHT, WE'LL SELECT THE HEIGHTS UNDER THE FIRST HEIGHT AREA WHICH WAS LOWER AND THEN YOU GO TO A SECOND HEIGHT IN AREA. SO YOU BASICALLY SELECT ONE OF THOSE CATEGORIES THAT GAVE YOU THE HEIGHT LIMITS. TWHOOS WE SPOKE TO ON THE PREVIOUS ZONING THAT WAS APPROVED BEFORE 19 1985. IT WAS A LOWER HEIGHT LIMIT THAN IT WAS TODAY.

Alvarez: BUT THEY WOULD STILL HAVE TO COME FORWARD AND REQUEST A SPECIFIC CATEGORY, ZONING CATEGORY.

OR IF ONE WAS -- ONE HAD A HEIGHT LIMIT OF PROBABLY 35

FEET AS SHE INDICATED, AND THEN IN 19 19 1985 ALL THOSE ZONING DISTRICTS WERE COLLAPSED AND THE HEIGHT WAS INCREASED TO 60 FEET, WHICH IS THAT TODAY, WHICH IS THE ZONING TODAY. SO WHEN YOU LOOK AT THE MAP -- IF WE COULD JUST PULL OUT THE MAP. ONE OF THE ELEMENTS THAT WAS INTRODUCED IN 1985 IN OUR ZONING ORDINANCE THAT DID NOT EXIST PRIOR TO THE HEIGHT LIMITS WAS THE COMPATIBILITY STANDARDS. IN ORDER TO GIVE UP ON THOSE HEIGHT LIMITS THAT WERE LOWER, COMPATIBILITY STANDARDS WAS INTRODUCED TO PROVIDE THE COMPATIBILITY WITH THE NEIGHBORHOOD THAT IF YOU'RE WITHIN A CERTAIN DISTANCE FROM A SINGLE-FAMILY HOME THAT GRADUATION IN SCALE WOULD THEN SET THE PRECEDENT. SO IF YOU COMPLY WITH THE SETBACK AND THAT CREATED THAT HEIGHT LIMIT OF SCALE THAT WAS COMPATIBLE WITH THE RESIDENTIAL DEVELOPMENT, SO THAT WAS THE GIVE AND TAKE. AND YOU'VE GIVEN UP THE HEIGHT IN SETTING IT AT 60 FEET IT'S NOT AN ABSOLUTE BECAUSE THEN COMPATIBILITY STANDARDS THEN LIMIT YOU DEPENDING ON HOW CLOSE SINGLE-FAMILY USE IS TO THAT SUBJECT SITE. SO WHEN YOU LOOK AT ALL THOSE ELEMENTS -- AND THAT'S WHAT WAS CHANGED. AND OBVIOUSLY THE R. YOU CAN SEE THE CS ZONING ALONG VARIOUS ROADWAYS HERE WITH THE COMPATIBILITY STANDARDS OBVIOUSLY NOT ALL OF THEM, IF THEY WERE TO BE DEVELOPED OR REDEVELOPED, THEY COULD NOT ACHIEVE THE 60-FOOT HEIGHT BECAUSE OF THOSE STANDARDS.

Alvarez: OKAY. THANKS FOR THAT CLARIFICATION.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

[INAUDIBLE - NO MIC].

Mayor Wynn: SIR. QUESTIONS, COMMENTS, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON Z-22. COUNCILMEMBER ALVAREZ.

Alvarez: I HAVE BEEN KIND OF STUDYING THIS ISSUE FOR AWHILE NOW. I THINK IT'S BEEN POSTPONED SEVERAL TIMES NOW. AND I DID HAVE A CHANCE TO DRIVE OUT THERE TO LOOK AT THE SITE AND TO TRY TO GAUGE AND

UNDERSTAND THE ISSUES THAT WERE BEING MADE ON BOTH SIDES. AND I DID SEE A LONG MEDICAL PARKWAY -- I SAW A THREE-STORY BUILDING THAT WAS ACTUALLY SET BACK FROM MEDICAL PARKWAY ABOUT 35, 40 FEET, WHICH SEEMED LIKE IT WAS A PRETTY GOOD -- ADEQUATE SCALE FOR THE NEIGHBORHOOD, BUT CERTAINLY IT SEEMED LIKE, YOU KNOW, MAYBE A FOUR-STORY BUILDING WITH A LITTLE BIT OF A SETBACK MIGHT WORK, BUT GOING TO FIVE STORIES I REALLY THINK WOULD HAVE -- WOULD BE OUT OF SCALE IN TERM OF THE NEIGHBORHOOD OR THIS PARTICULAR AREA AND THE CHARACTER OF THE AREA THERE, ESPECIALLY IF THERE IS NO SET BACK LIKE THAT ONE THREE-STORY OFFICE BUILDING THAT I DID SEE THAT WAS SET BACK WITH A NICE VEGETATIVE BUFFER. SO OBVIOUSLY I THINK IT'S AN IMPORTANT COMPANY FOR THE CITY, AN IMPORTANT FUNCTION. I'M NOT -- I DON'T FEEL COMFORTABLE ZONING THIS PARTICULAR SITE AT THE CS INTENSITY, AND MAYBE EVEN COULD ZONE IT CS WITH A LOWER HEIGHT AND SOME SET BACK RESTRICTIONS ON THOSE SITES BECAUSE I BELIEVE AS YOU GO THROUGH THE NEIGHBORHOOD PLANNING PROCESS IT'S PROBABLY -- THAT'S PROBABLY WHAT YOU'RE GOING TO SEE ALONG THAT CORRIDOR IS A HEIGHT ALONG THOSE LINES AND PROBABLY WITH SOME ADDITIONAL SETBACKS. AND IT MAKES SENSE TO KIND OF SCALE DOWN DEVELOPMENT FROM LAMAR TO MEDICAL PARKWAY AND THEN TO THE RESIDENTIAL PART OF THE NEIGHBORHOOD. SO FOR THOSE REASONS, MAYOR, I WOULD OFFER A MOTION THAT WE DENY THE REQUEST OR I BELIEVE PROBABLY WHAT I SHOULD DO IS RECOMMEND THE ZONING AND PLATTING COMMISSION RECOMMENDATION, WHICH WOULD ZONE THE SF PROPERTY LR AND LEAVE THE CURRENT LR PROPERTY ZONED THE WAY IT CURRENTLY -- IT WOULD MAINTAIN THE CURRENT ZONING ON THE LR PROPERTY.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING, IF WE HAVEN'T DONE THAT ALREADY, AND TO -- AND IS STAFF READY FOR FIRST READING ONLY? COUNCILMEMBER ALVAREZ MOVES THAT WE APPROVE THE ZONING AND PLATTING COMMISSION COMMISSION RECOMMENDATION ON FIRST READING ONLY. I'LL SECOND THAT. WITH A NOTE THAT I DESPERATELY



WOULD WANT TO SEE CTVS REMAIN IN THIS IMMEDIATE AREA. IT'S JUST THE OBVIOUS PLACE FOR THIS REGION TO WANT AND NEED TO HAVE THEM. I'M JUST NOT COMFORTABLE THAT ALTHOUGH THIS IS A SOLUTION, I'M NOT COMFORTABLE THAT THIS IS THE BEST SOLUTION OR EVEN -- EVEN A BETTER SOLUTION THAT COULD BE ACHIEVABLE IN THE IMMEDIATE AREA. COUNCILMEMBER LEFFINGWELL.

Leffingwell: THIS IS A REAL SHAME. I CERTAINLY WANT TO SEE THIS OFFICE BUILDING LOCATED IN THIS AREA, BUT IT SEEMS TO ME THAT THERE HAVE BEEN ALTERNATIVES SUGGESTED THAT SEEM VIABLE. THE NEIGHBORHOOD HAS MADE EVERY ATTEMPT, I BELIEVE, TO TRY TO REACH A MUTUAL SOLUTION. SO FOR THAT REASON I AM GOING TO SUPPORT THE MOTION WITH THE HOPE THAT AN ALTERNATIVE CAN BE ARRIVED AT TO CONSTRUCT THIS OFFICE BUILDING EITHER ON THIS SITE OR ON THE SITE THEY CURRENTLY OWN, WHICH IS ZONED CS ALREADY.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I APPRECIATE THE DILEMMA HERE, BUT I'VE BEEN OUT THERE A LOT AND THE LOCATION OF THIS PARTICULAR LOT IS CLOSER TO LAMAR, AND I REALLY FEEL LIKE A MEDICAL COMPLEX OF THIS TYPE IS APPROPRIATE THERE. I'VE WALKED INTO THE NEIGHBORHOOD AND IT'S REALLY DIFFICULT TO EVEN SEE THAT HEIGHT OF A 54-FOOT BUILDING FROM WITHIN THE NEIGHBORHOOD BECAUSE OF ALL THE TREES. SO I'M NOT REALLY SURE THAT THE HEIGHT WOULD HAVE AN IMPACT DIRECTLY ON THE SINGLE-FAMILY HOMES IN THAT NEIGHBORHOOD. SO I REALLY -- I REALLY ACTUALLY THINK IT'S APPROPRIATE, AND SO I WILL -- I GUESS ON FIRST READING POSSIBLY VOTE NO AND HOPE WE CAN COME UP WITH SOMETHING BY THE TIME THAT THE SECOND READING COMES ABOUT.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I'M REALLY DISAPPOINTED THAT THE DEVELOPER COULDN'T WORK OUT AN AGREEMENT WITH THE NEIGHBORHOOD. AND SEEING EVERYONE HERE AND KNOWING THEIR HISTORY AND WORKING OUT AGREEMENTS

WITH DEVELOPERS, IT JUST BAFLZ ME. I DON'T KNOW WHY. SO JUST FOR FIRST READING ONLY I'M GOING TO APPROVE IT, BUT I MAY NOT BE INCLINED TO DO IT ON SECOND AND THIRD READING. SO IT WILL GIVE US SOME TIME, HOPEFULLY THE DEVELOPERS CAN MEET WITH THE NEIGHBORHOOD AND REEVALUATE THIS AND LOOK AT THE HEIGHT RESTRICTIONS AS REQUESTED. AND SO I WILL NOT BE SUPPORTING THE MOTION. ON FIRST READING.

Mayor Wynn: JUST TO CLARIFY -- IT'S LATE. THE MOTION AND THE SECOND ON THE TABLE IS TO APPROVE THE ZONING AND PLATTING COMMISSION RECOMMENDATION, WHICH IS THE LR -- IS CHANGING FROM THE SINGLE-FAMILY 3 PORTION OF THE TRACT TO LR AND KEEPING THE EXISTING LR, LR AS OPPOSED TO THE STAFF RECOMMENDATION OF CS.

Kim: OKAY. NEVER MIND. IT'S LATE. THEN I WILL SUPPORT THE MOTION AND HOPEFULLY WE'LL BE ABLE TO WORK SOMETHING OUT.

Mayor Wynn: FURTHER COMMENTS? MAYOR PRO TEM.

Thomas: YES. MR. GILMORE? WITH THE ZONING THAT WE'RE TRYING TO COME UP WITH ON THE FIRST READING, HOW WOULD THAT AFFECT YOUR PLANS?

IT JUST DESTROYS THE PROJECT. WE JUST DON'T HAVE FLEXIBILITY ON THE HEIGHT ISSUE, AND THAT'S BEEN THE PRIMARY ISSUE WITH THE NEIGHBORHOOD. WE'VE OFFERED A NUMBER OF OTHER ALTERNATIVES IN TERMS OF USES AND HEIGHT RESTRICTIONS AND FAR --

Mayor Wynn: FOLKS, THANK YOU.

BUT THE REAL ISSUE IS THE HEIGHT. AND WE SIMPLY DON'T HAVE ANY FLEXIBILITY ON THAT, BUT WE DO NOTE AGAIN THAT IT WOULD COMPLY WITH YOUR OWN COMPATIBILITY STANDARDS, WHICH ARE EXPRESSLY INTENDED TO ADDRESS COMPATIBILITY BETWEEN COMMERCIAL AND RESIDENTIAL DEVELOPMENT.

Thomas: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MAYOR PROTEM.

Thomas: MAY I HAVE SOMEONE FROM THE NEIGHBORHOOD RIGHT QUICK REPRESENT -- I UNDERSTAND -- I HEARD A LOT THAT THE FIRM DIDN'T COME TO YOU ALL FIRST AFTER THEY HAD ALREADY DID THE PLANS, BUT I THINK THEY JUSTIFIED IT A LITTLE BIT BECAUSE IT CAME INTO THE REGULATIONS OF WHAT THEY COULD DO AT THAT PARTICULAR AREA. WHAT ELSE CAN MR. GILMORE AND THE COMPANY SIT DOWN WITH Y'ALL AND TALK ABOUT? BECAUSE AS OF RIGHT NOW, AS YOU HEARD, THIS WILL KILL THE PROJECT ALTOGETHER. SO WHERE IS THERE ANY POSSIBILITY OF THE NEIGHBORHOOD COMPROMISING IN SOME KIND OF WAY.

WELL, IT WOULD KILL THE PROJECT AS IT EXIST TODAY. WE DON'T WANT THE DOCTORS TO MOVE. WE WOULD LIKE FOR THEM TO STAY IN THE NEIGHBORHOOD. BUT THEY'RE NOT WILLING TO COMPROMISE WITH US, AND WE DON'T FEEL THAT A 56-FOOT BUILDING IS APPROPRIATE ON THE SITE.

Thomas: COUNCILMEMBER DUNKERLEY, AND I'M FAMILIAR WITH THE AREA TOO, SAID IT WAS CLOSER TO LAMAR.

CLOSER THAN WHAT TO LAMAR?

Dunkerley: IT'S ON THE EAST SIDE OF MEDICAL PARKWAY CLOSER TO THE LAMAR.

IT'S ON THE LAMAR SIDE OF MEDICAL PARKWAY. OKAY. I MEAN, I THINK --

Thomas: WE UNDERSTAND THAT, BUT I'M TALKING ABOUT AS FAR AS THE RESIDENCE IT'S MORE OF A BUSINESS AREA AND MORE MEDICAL PARK --

THAT'S CORRECT, BUT IT IS A BUFFER. MEDICAL PARKWAY THE STREET, BOTH SIDES OF THE STREET, ARE THE BUFFER BETWEEN THE MAJOR ARTERIAL, LAMAR, AND OUR RESIDENTIAL NEIGHBORHOOD. SO WE LOOK AT MEDICAL PARKWAY AS WELL AS MARATHON BOULEVARD AS THE BUFFER. THOSE STREETS BUFFER THE HIGH INTENSITY COMMERCIAL FROM OUR RESIDENTIAL NEIGHBORHOOD. SO

AS COUNCILMEMBER ALVAREZ SAID, THERE'S A THREE-STORY BUILDING THERE, BUT IT'S SET WAY BACK OFF THE STREET, SO YOU HARDLY EVEN NOTICE IT'S GOT THREE STORIES. THIS BUILDING HAS NO SET BACK, IT'S RIGHT UP AGAINST, NO VEGETATION, IT'S RIGHT UP AGAINST THE STREET WITH JUST A SIDEWALK. AND IT'S THREE STORIES OF ABOVE GROUND PARKING GARAGE. AND WE JUST DON'T FEEL LIKE THAT'S AN APPROPRIATE BUFFER.

Thomas: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE ZAP RECOMMENDATION OF LR. FURTHER COMMENTS? FIRST READING ONLY. HEARING NO COMMENTS, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF FOUR TO TWO WITH THE MAYOR PRO TEM AND COUNCILMEMBER DUNKERLEY VOTING NO AND COUNCILMEMBER MCCracken OFF THE DAIS. THANK YOU ALL FOR YOUR PATIENCE AND FLEXIBILITY. WELCOME BACK, MR. SMITH.

GOOD EVENING, MAYOR, MAYOR PRO TEM, CITY COUNCILMEMBERS, CITY MANAGER. MY NAME IS ADAM SMITH WITH THE CITY'S NEIGHBORHOOD PLANNING AND ZONE DEPARTMENT. THIS IS ITEM Z-23 THROUGH Z-25, THE GREATER SOUTH RIVER CITY NEIGHBORHOOD PLAN AND REZONINGS PART TWO. EARLIER THIS EVENING YOU APPROVED THE ZONING ON FIVE OUT OF THE SIX CONTESTED ZONING CASES. WHAT REMAINS IS A DETERMINATION ON WHAT IF ANY RESIDENTIAL INFILL OPTIONS SHOULD APPLY IN THIS NEIGHBORHOOD AND THE REZONING OF TRACT 35. AND I WAS INFORMED EARLIER THIS EVENING THAT A VOTE DOES NEED TO BE TAKEN ON TRACT 1, THAT WAS MR. (INDISCERNIBLE)'S PROPERTY. SINCE THAT PROPERTY WAS PULLED OUT OF THE INITIAL REZONING, A

MOTION DOES HAVE TO BE MADE TO ZONE THAT PROPERTY FROM LI TO LI-NP. BUT I CAN WALK YOU THROUGH THAT IN JUST A MOMENT. POOF HOPEFULLY ALL OF YOU STILL HAVE YOUR YELLOW MOTION STREETS. THERE ARE SEVERAL MOTIONS THAT HAVE TO BE MADE. THE FIRST TWO ARE IN REGARDS TO THE INFILL OPTIONS. AND JUST AS A BRIEF REMINDER, THE GREATER SOUTH RIVER CITY NEIGHBORHOOD IS BORDERED BY TOWN LAKE ON THE NORTH, I-35 ON THE EAST, BEN WHITE ON THE SOUTH AND SOUTH CONGRESS ON THE WEST. IT IS ACTUALLY COMPRISED OF TWO NEIGHBORHOOD PLANNING AREAS, THE SOUTH RIVER CITY NEIGHBORHOOD, WHICH IS NORTH OF OLTORF, AND THE ST. DAVID'S'S NEIGHBORHOOD, WHICH IS SOUTH OF OLTORF. THE PLANNING COMMISSION HAS RECOMMENDED SECONDARY APARTMENTS INFILL OPTIONS FOR ON BOTH THE SOUTH RIVER CITY AND ST. DAVID'S NEIGHBORHOOD. AS MANY OF YOU KNOW, THE SECONDARY APARTMENTS HAVE A MINIMUM SITE AREA OF 550 SQUARE FEET. UNDER CODE PEOPLE CAN CURRENTLY BUILD A SECONDARY APARTMENT OR AS IT'S TECHNICALLY KNOWN A TWO FAMILY RESIDENTIAL IF YOU HAVE SO MUCH SQUARE FEET. YOU ARE LOWERING THE LOT AREA FROM 7,000 TO 5750 SQUARE FEET. THERE ARE APPROXIMATELY 605 LOTS IN THE COMBINED PLANNING AREA THAT WOULD QUALIFY UNDER THIS INFILL OPTION. A VAST MAJORITY OF THEM ARE IN THE SOUTH RIVER CITY AREA. TO BE EXACT, 575. THE REMAINING 30 ARE IN THE ST. EDWARD'S AREA. THAT'S IN ADDITION TO THE SECONDARY APARTMENTS, STAFF IS ALSO RECOMMENDING SMALL LOT AMNESTY. HOWEVER, IT ALSO AFFECTS A VERY SMALL HANDFUL OF LOTS. WE'RE TALKING BETWEEN SIX AND 10 LOTS IN THE COMBINED PLANNING AREA. THE NEIGHBORHOOD IS OPPOSED TO BOAT THE SECONDARY APARTMENT AND THE SMALL LOT AMNESTY. THE REMAINING ZONING CASE THAT HAS TO BE CONSIDERED IS TRACT 35, WHICH IS LOCATED ON THE NORTHWEST CORNER OF WOODLAND AND I-35. IT IS CURRENTLY ZONED GR AND IS THE PROPOSED SITE FOR THE REAGAN SIGNS' OFFICE. PLANNING COMMISSION RECOMMENDED GO-CO, GENERAL OFFICE WITH A CONDITIONAL OVERLAY. THE CONDITIONAL OVERLAY WOULD REQUIRE A 10-FOOT -- A 15-FOOT VEGETATIVE BUFFER ALONG I-35. THE NEIGHBORHOOD IS IN AGREEMENT WITH

THE PLANNING COMMISSION RECOMMENDATION. STAFF IS RECOMMENDING GR-CO-NP. THE CONDITIONAL OVERLAY WOULD PROHIBIT AUTOMOTIVE SALES AND WASHING. THE PROPERTY OWNER IS REQUESTING GR WITH A CS FOOTPRINT OF APPROXIMATELY 10,000 SQUARE FEET. IN ORDER TO RUN THEIR OPERATIONS ON THIS SITE, THEY REQUIRE APPROXIMATELY A 10,000 SQUARE FOOT FOOTPRINT FOR THEIR WAREHOUSE IN WHICH THEY DO SOME PAINTING AND I BELIEVE SOME CONSTRUCTION OF THE SIGNS ON THAT SITE. THAT CONCLUDES STAFF'S PRESENTATION. I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MR. SMITH. SO ON TRACT 35, SO THERE'S A VALID PETITION BY THE CURRENT OWNER.

THAT'S CORRECT, YES. THE PETITION IS AGAINST ANY OTHER ZONING EXCEPT FOR GR. SO IF COUNCIL WISHES TO DOWN ZONE THE PROPERTY TO GO IN ACCORDANCE WITH PLANNING COMMISSION RECOMMENDATIONS, IT WOULD REQUIRE SIX VOTES AT THE TIME OF THIRD READING.

Mayor Wynn: OKAY. IS THE OWNER -- IS THE VALID PETITION FOR GR WITH THAT CS FOOTPRINT YOU DESCRIBED OR JUST GR?

TECHNICALLY THE PETITION JUST SAID GR, BUT I'M SURE THEY WOULD AMEND IT TO ALLOW THE CS FOOTPRINT AS WELL.

Mayor Wynn: SO YOUR INSTINCT IS ON THIRD READING THEY WOULD STILL BE OPPOSED TO STRAIGHT GR EVEN BECAUSE THEY'RE STILL LOOKING FOR THAT CS FOOTPRINT?

THAT'S CORRECT. BUT THE PROPERTY OWNER OR THE AGENT'S FOR THE PROPERTY OWNER ARE HERE AND CAN SPEAK TO THAT.

Mayor Wynn: OKAY. WELL, SO REMIND ME, MAY SMITH, SO WE STILL NEED TO TAKE UP -- THIS IS THE LAST ITEM ON Z-25, CORRECT? TRACT 35.

THAT'S CORRECT.

Mayor Wynn: AND THEN REGARDLESS OF WHAT WE DO ON THIS TRACT, ON Z-25, WE STILL NEED TO GO BACK AND TAKE UP Z-23, WHICH IS THE POTENTIAL AMENDS TO THE -- AMENDMENTS TO THE LAND USE PLAN?

Z-23 IS ONLY NECESSARY IF YOU WERE TO VOTE IN FAVOR OF THE STAFF OR THE PROPERTY OWNER RECOMMENDATION BECAUSE THE ADOPTED FUTURE LAND USE MAP ADOPTED THE PLANNING COMMISSION'S RECOMMENDATION, WHICH WAS OFFICE FOR THAT SITE. STAFF AND THE PROPERTY OWNER'S RECOMMENDATION WOULD REQUIRE A ZONING CHANGE TO COMMERCIAL.

Mayor Wynn: OKAY. AND THEN ON Z-24, THAT'S ON THE SECONDARY APARTMENT AND/OR SMALL LOT AMNESTY. ITEMS.

YES.

JUST FOR CLARIFICATION, YOU WILL NOTICE THERE ARE TWO MOTIONS FOR Z-25. I DID SEPARATE THE RESIDENTIAL INFILL OPTIONS CONSIDERATIONS FOR THE SOUTH RIVER CITY FROM THE ZONING OF TRACT 35 FROM THAT JUST SO THAT THERE WAS TWO SEPARATE VOTES AND I JUST DID THAT PURELY FOR CLARIFICATION PURPOSES.

Mayor Wynn: OKAY. AND SO, COUNCIL, IF I'M READING THIS CORRECTLY -- BEAR WITH ME HERE. IF THEY'RE STILL ALL HERE, WE HAVE 19 FOLKS WISHING TO SPEAK FOR APPROXIMATELY TWO HOURS. I GUESS ALL FOR TRACT 35. OH, THIS IS FOR THE -- THIS IS A COMBINED 23, 24 AND 25. OKAY. WELL, I'M NOT SURE HOW OUR SYSTEM IS GOING TO SEPARATE THESE OUT. WELL, WE'LL FIGURE OUT HOW TO DO THIS. SO MR. SMITH, REMIND ME, WE'LL HAVE ESSENTIALLY A PUBLIC HEARING ON THIS ONE TRACT, TRACT NUMBER 35, AS PART OF Z-25. SO DO WE HAVE OUR NORMAL PROCESS WHERE WE HAVE THE OWNER OR THE APPLICANT IS HERE AND WE HAVE THE PRESENTATION AND THEN WE GO THROUGH THE PRO AND CON? OKAY.

WELL, IN THIS CASE IT'S A LITTLE DIFFERENT IN THAT THE

CITY IS THE APPLICANT SINCE THIS IS PART OF THE NEIGHBORHOOD PLANNING PROCESS. AND I BELIEVE IN THESE CASES IT'S USUALLY MIGHT BE SPEAKERS FOR AND THEN SPEAKERS AGAINST.

Mayor Wynn: ACCORDING TO MY SIGN-UP SYSTEM HERE I THINK WE'RE HAVING SOME PROBLEMS WITH IT, MS. BROWN, THERE'S NOBODY SIGNED UP EITHER WISHING TO SPEAK OR NOT WISHING TO SPEAK WHO HAPPENS TO BE IN FAVOR, BUT PERHAPS THE OWNER OR THE AGENT SIGNED UP.

MAYOR, SINCE IT'S NOT OUR CASE AND IT'S THE STAFF'S AND THE CITY INITIATED ZONING CASE TO CHANGE OUR ZONING FROM GR TO GR WITH A CONDITIONAL OVERLAY AND A NEIGHBORHOOD REQUEST TO DOWN ZONE OUR PROPERTY FROM GR TO GO, OUR POSITION IS THAT WE ARE AGAINST BOTH THE STAFF RECOMMENDATION AND THE NEIGHBORHOOD REQUEST. AND SINCE IT'S NOT OUR REQUEST, HAD WE REQUESTED -- HAD WE FILED A CASE TO REQUEST THE GR WITH THE CS, WE WOULD BE SPEAKING AS THE APPLICANT AND SPEAKING IN FAVOR, BUT SINCE REALLY THE CITY IS THE APPLICANT AND THE CITY DISAGREES WITH OUR REQUEST, WE SIGNED UP AGAINST WHAT THE CITY STAFF IS RECOMMENDING. WAS THAT COMPLETELY TOO MUCH FOR 1:00 A.M.?

WELL, WE JUST HEARD THE CITY STAFF ON TRACT 35 IS RECOMMENDING GR-CO. CAN YOU HELP ME HERE, MR. SMITH.

I WAS GOING TO SAY WOULD IT SIMPLIFY THINGS IF WE TALKED ABOUT THE INFILL OPTIONS FIRST? AND THEN MOVE TO TRACT 35? I BELIEVE -- THERE ARE PEOPLE HERE FROM THE NEIGHBORHOOD HERE TO SPEAK ON BOTH ITEMS. I BELIEVE THEY HAVE AN ORGANIZED PRESENTATION FOR YOU THIS EVENING.

Mayor Wynn: MS. BROWN, ON THE SIGN-UP SYSTEM, IS THERE A WAY TO SEPARATE Z-23, 24, 25?

NO, MAYOR, BECAUSE WE HAD LUMPED THEM TOGETHER TO BEGIN WITH, AND SO I HAVE NO WAY OF KNOWING WHO IS



HERE FOR WHICH ITEM.

Mayor Wynn: SO THEN □ □ MR. SMITH YOU'RE SUGGESTING WE TAKE UP ITEM --

IT WOULD BE ITEMS Z-24 AND A PORTION OF Z-25, WHICH HAVE TO DO WITH THE INFILL OPTIONS. AND THEN COME BACK AND DO Z-23 AND THE REMAINDER OF Z-25, WHICH IS THE ZONING OF TRACT 35.

Mayor Wynn: WELL, ALL RIGHT. SO COUNCIL, I GUESS WITHOUT OBJECTION LET'S JUST OPEN UP A PUBLIC HEARING AND UNFORTUNATELY MY SYSTEM HERE WON'T ALLOW ME -- EVERYBODY IS AGAINST EVERYTHING, SO I CAN'T FIGURE OUT -- [ LAUGHTER ] -- THE SEQUENCE OF HOW TO CALL THIS UP. AND SOME FOLKS PERHAPS ONLY WANT TO SPEAK ON SKI 25 AND NOT Z-23 OR 24. SO THIS IS A MESS.

MAYOR? WE HAVE AN ORDER IF WE CAN JUST GO AHEAD AND FOLLOW THAT, I THINK IT MIGHT MAKE THINGS EASIER AND THEN WE CAN LET THE REAGAN REPRESENTATIVE SPEAK AFTERWARDS.

Mayor Wynn: YOU ALL WANT TO SPEAK ABOUT THE SECONDARY APARTMENTS AND THE SMALL LOT AMNESTY.

THE REAGAN. THOSE THREE ARE THE CONTESTED ITEMS THAT WE'RE HERE.

Mayor Wynn: FAIR ENOUGH.

THANK YOU. I GUESS I OUGHT TO SAY GOOD MORNING, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. MY NAME IS DONETTE AND I AM CO-PRESIDENT OF THE SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION. THE STAKEHOLDERS ULTIMATELY SUPPORTED MOST OF STAFF'S ZONING AND INFILL RECOMMENDATIONS THAT WERE MADE DURING THE PLANNING PROCESS. WE NEGOTIATED DURING THAT PERIOD WITH ALL OF THE COMMERCIAL PROPERTY OWNERS WHO WOULD MEET WITH US. WE HAVE CONTINUED THIS NEGOTIATION PROCESS AFTER THAT IN HOPES OF COMING TO YOU WITH COMPROMISE WIN-WIN SITUATIONS.

IN FACT, LIKE YOU HEARD PREVIOUSLY, OF THE SIX CONTESTED INDIVIDUAL ZONING CASES BEFORE YOU TONIGHT, WE HAVE REACHED AGREEMENTS WITH PROPERTY OWNERS AND ARE CONTESTING ONLY ONE, THAT IS, TRACT 35, THE REAGAN SIGNS' CASE. I'M GOING TO BE SPEAKING TONIGHT ABOUT THE TWO INFILL OPTIONS WHICH THE STAKEHOLDERS VOTED AGAINST. SPEAKERS TO FOLLOW WILL SPEAK TO AFFORDABILITY AND INFRASTRUCTURE ISSUES WITH THE CONTESTED INFILL OPTIONS. AFTER THAT SPEAKERS WILL SPECIFICALLY ADDRESS THE REAGAN SIGNS OPPOSITION. I DO WANT TO MAKE CLEAR THAT THE OPPOSITION TO REAGAN IS NOT JUST FROM A FEW RESIDENTS. OUR NEIGHBORHOOD IS UNIFIED IN ADAMANTLY OPPOSING THE ZONING REQUESTED BY REAGAN SIGNS. THEIR ATTORNEYS' LAST MINUTE PROPOSED COMPROMISE DOES NOT MITIGATE THE IMPACT TO THE NEIGHBORHOOD OF A 10,000 SQUARE FOOT SIGN CONSTRUCTION AND PAINTING WAREHOUSE FACILITY COMPLETE WITH HAS SAR DUS -- HAZARDOUS CHEMICAL STORAGE. SUCH AN INDUSTRIAL USE SHOULD BE LOCATE UNDERSTAND A MORE APPROPRIATE AREA THAT IS NOT DIRECTLY ADJACENT TO RESIDENTIAL PROPERTIES. THE PLANNING COMMISSION AGREED WITH THE NEIGHBORHOOD STAKEHOLDERS' RECOMMENDATION FOR G.O. ZONING AND THAT'S CONSISTENT WITH REAGAN'S INTENDED USE OF THE PROPERTY FOR THEIR CORPORATE OFFICES. THEY ALSO RECOMMENDED AGAINST THE CS FOOTPRINT THAT WOULD ENABLE THE INDUSTRIAL USE. WE HOPE YOU WILL UP HOLD THE PLANNING COMMISSION RECOMMENDATION AND VOTE TO PROTECT THE RESIDENTS OF OUR NEIGHBORHOOD. THE NEIGHBORHOOD STAKEHOLDERS SUPPORTED ALL OF THE STAFF PROPOSED INFILL OPTIONS WITH THE EXCEPTION OF SMALL LOT AMNESTY AND SECONDARY APARTMENTS. SUPPORTED INFILL OPTIONS INCLUDED ALL THE PROPOSED MIXED USE DEVELOPMENT ON COMMERCIAL PROPERTIES BORDERING THE NEIGHBORHOOD, AND THAT'S ALONG SOUTH CONGRESS, RIVERSIDE AND I-35. WE ALSO SUPPORTED THE NEIGHBORHOOD URBAN CENTERS THAT CITY STAFF RECOMMENDED. NEIGHBORHOOD STAKEHOLDERS HOWEVER DO OBJECT TO ADOPTION OF THE SMALL LOT OM NECESSITY ORDINANCE FOR OUR NEIGHBORHOOD. SINCE WE LIVE IN AN OLDER ESTABLISHED

NEIGHBORHOOD, THERE ARE VERY FEW EMPTY LOTS AVAILABLE. OF THE 50 THAT STAFF SAYS SMALL LOT AMNESTY WOULD APPLY TO, ONLY SIX ARE VACANT LOTS OR SIDE YARDS THAT COULD BE DEVELOPED WITHOUT TEARING DOWN EXISTING STRUCTURES. WE WANT TO ENCOURAGE DEVELOPMENT ON EMPTY LOTS AND HAVE SUPPORTED AND ARE WILLING TO CONTINUE TO SUPPORT VARIANCES TO ALLOW FOR DEVELOPMENT ON THESE SIX IS PROPERTIES. HOWEVER, WE VERY MUCH WANT TO AVOID ENCOURAGING REAL ESTATE SPECULATION -- [ BUZZER SOUNDS ] I'M SORRY, I THINK I HAVE ABOUT THREE PEOPLE WHO HAVE DONATED TIME TO ME.

Mayor Wynn: IS CLAUDETTE HERE IS AND JEAN MATHERS? YOU WILL HAVE SIX MORE MINUTES IF YOU NEED THEM.

[ INAUDIBLE ].

Mayor Wynn: MY SYSTEM DOESN'T SHOW THAT. SO IS THE NEIGHBORHOOD PLAN TO GO AHEAD AND TAKE UP ALL TWO AND A HALF HOURS OF YOU ALL'S PRESENTATION?

WE HAVE THE THREE CASES THAT WE'LL BE SPEAKING ON.

Mayor Wynn: YOU HAVE SIX MORE MINUTES.

WE VERY MUCH TO AVOID REAL ESTATE SPECULATION THAT WOULD RESULT IN MORE TEAR DOWNS OF HOUSES SO THAT HUGE SINGLE-FAMILY STRUCTURES THAT ARE OUT OF STALE WITH SURROUNDING PROPERTIES CAN BE BUILT ON THESE SMALL LOTS. 30 PROPERTIES WOULD BE SUBJECT TO THIS KIND OF TEAR TOWN AND MASSIVE REBUILDING OF SMALL LOT AMNESTY IF AADOPTED. IT WAS SELECTED AS A TOP CONCERN BY 78% OF THE STAKEHOLDERS IN OUR AREA WHO RESPONDED TO THE FINAL SURVEY. THAT'S EVEN WITH ALL THE OTHER IMPORTANT ISSUES AFFECTING OUR NEIGHBORHOOD. THE NEIGHBORHOOD'S INUNDATED WITH REAL ESTATE SPECULATORS WHO CUT DOWN LARGE TREES, TEAR DOWN OR MOVE EXISTING SMALL OR MODERATE SIZED HOMES WHICH ARE IN GOOD CONDITION AND BUILD HUGE SINGLE STRUCTURES ON SMALL LOTS THAT ARE COMPLETELY OUT OF PROPORTION. SMALL LOT AMNESTY AS PROPOSED SIMPLY PROVIDES THESE

SPECULATORS ADDITIONAL OPPORTUNITY TO TEAR DOWN CURRENT STRUCTURES SO THEY CAN BUILD HARJER HOME ON VERY SMALL LOTS. THE PLANNING COMMISSIONERS AGREED WITH THE NEIGHBORHOOD STAKEHOLDERS AND VOTED AGAINST SMALL LOT AMNESTY. THE PLANNING COMMISSIONERS VOTED IN FAVOR OF THE SECONDARY APARTMENT INFILL OPTION. THEY STATED HOWEVER, THAT THEY WOULD HAVE SUPPORTED THE NEIGHBORHOOD'S POSITION IF IT HADN'T BEEN FOR THE AFFORDABILITY IMPACT STUDY THAT THEY RECENTLY RECEIVED. THE NEIGHBORHOOD STAKEHOLDERS DID NOT RECEIVE A COPY OF THAT STUDY UNTIL AFTER THE PLANNING COMMISSION HEARING SO WE DIDN'T HAVE AN OPPORTUNITY TO SPEAK TO IT AT THAT HEARING, HOWEVER, WE WILL ADDRESS IT TONIGHT AND PLEASE KEEP IN MIND THAT THE PLANNING COMMISSIONERS HAD NO OPPORTUNITY TO HEAR OUR COMMUNITIES WHEN THEY VOTED.

PEOPLE WHO LIVE IN AND THEREFORE KNOW WHAT'S HAPPENING IN THIS NEIGHBORHOOD BELIEVE THAT ADOPTING THE SECONDARY APARTMENT INFILL OPTION WILL SERVE TO ADVERSELY EFFECT THE NEIGHBORHOOD. I WANT TO BRIEFLY TOUCH ON ONE ASPECT OF NEGATIVE AFFORDABILITY RAMIFICATIONS ASSOCIATED WITH SECONDARY APARTMENT INFILL OPTION. SINCE OUR PROPERTY TAX STRUCTURE IS SUCH THAT WE'RE TAXED ON A PROPERTY'S POTENTIAL, IF IT HAS THE POTENTIAL FOR A SECOND DWELLING, THE APPRAISAL DISTRICT WILL TAX THE LAND BASED ON THAT POTENTIAL, WHETHER IT IS OR EVEN CAN BE EXERCISED. THIS IS EVIDENCED BY OTHER NEIGHBORHOOD ASSOCIATIONS THAT HAVE ADOPTED SECONDARY APARTMENT INFILL OPTIONS AND TCAD HAVE ADMITTED THAT THE PROPERTY TAXES CAN INCREASE WITH THIS INFILL OPTION. AS THE PROPERTY TAXES INCREASE YOU HAVE A SITUATION WHERE PEOPLE WHO ARE NOT INCLINED OR MAYBE DON'T HAVE THE RESOURCES, THE MONEY TO ADD UNITS -- RENTAL UNITS TO THEIR PROPERTY TO OFFSET THE HIGHER COST OF LIVING WILL BE FORCED TO MOVE OUT AND THE FIGUREST WINNERS WILL END UP BEING THE REAL ESTATE SPECULATORS. THEY WON'T BE INTERESTED IN BUILDING AN AFFORDABLE GARAGE APARTMENT, ONLY IN MAXIMIZING THE SQUARE FOOTAGE

OF THE PRIMARY STRUCTURE SO THEY CAN SELL A LARGER, MORE EXPENSIVE HOME TO A MORE WEALTHY SINGLE-FAMILY. THAT IS THE REALITY OF OUR NEIGHBORHOOD RIGHT NOW. WE'RE CURRENTLY GETTING FLYERED BY SPECULATORS WANTING RESIDENTS TO SELL OUT. INCREASING CURRENT LAND VALUES, WHICH THE SECONDARY APARTMENT INFILL OPTION WOULD DO, DOES NOT HELP THE AFFORDABILITY OF THE NEIGHBORHOOD. IN FACT, VERY MUCH THE OPPOSITE. IT'S PRECISELY THE INCREDIBLY HIGHLAND VALUES THAT MAKE IT LUCRATIVE TO TEAR DOWN EXISTING STRUCTURES AND BUILD HUGE EXPENSIVE ONES, AND THAT JUST PERPETUATES THE CYCLE OF INCREASING LAND VALUES. INDEED A NOVEMBER 11th AUSTIN CHRONICLE ARTICLE STATES THAT IN THE NEIGHBORHOODS IT'S THE LAND VALUES THAT DRIVE UP THE PRICE AND AMP AMPLIFIES THE McMANSION STAIR DOWN. I WAS GOING TO GO TO INTO THE McMANSION ISSUE, BUT I'M SURE YOU GUYS HAVE HEARD A LOT ABOUT THAT. WE DON'T WANT TO HAVE THAT AFFECT OUR NEIGHBORHOOD. WE DON'T WANT THE ECONOMIC AND SOCIAL DIVERSITY OF OUR NEIGHBORHOOD REVERSED WHEN HOMES THAT ARE MORE AFFORDABLE ARE REPLACED WITH STRUCTURES COSTING THREE TIMES AS MUCH. WE WOULD LIKE TO SEE OUR NEIGHBORHOOD RETAIN SOME OF ITS DIVERSITY AND ECLECTIC NEIGHBORHOOD, INCLUDING RESIDENTS WITH DIFFERENT BACKGROUND LEVELS AND BACKGROUNDS. IN SUMMARY, INFILL OPTIONS HAVE BEEN PROPOSED THAT THE NEIGHBORHOOD PLANNING LEVEL RATHER THAN CITYWIDE, PRECISELY SINCE THEY ARE ☐ APPROPRIATE FOR SOME NEIGHBORHOODS AND NOT FOR OTHERS. OURS IS AN OLDER NEIGHBORHOOD THAT IS ESTABLISHED AND PRETTY MUCH COMPLETELY BUILT OUT. WE BELIEVE THAT SMALL LOT AMNESTY AND SECONDARY APARTMENTS ARE NOT APPROPRIATE FOR OUR NEIGHBORHOOD DUE TO THE ADVERSE EFFECTS, INCLUDING CONTRIBUTING TO THE REDUCTION OF AFFORDABILITY. AND THIS REALLY WITHOUT EFFECTIVELY INCREASING DENSITY, WHICH WAS THE PURPOSE IN THE FIRST PLACE. I WILL MENTION THAT TO DATE ALL HOMEOWNERS WHO WOULD ACTUALLY BE IMPACTED BY THESE INFILL ORDINANCES AND HAVE COME FORWARD TO PRESS AN OPINION HAVE EXPRESSED OPPOSITION. I DON'T

KNOW OF A SINGLE PROPERTY OWNER WHO HAS A QUALIFYING PROPERTY THAT HAS EXPRESSED SUPPORT THO THESE INFILL OPTIONS. OUR NEIGHBORS IN THE ADJACENT BOULDIN CREEK NEIGHBORHOOD REJECTED STAFF RECOMMENDED SMALL LOT AM AMNESTY, INFILL OPTIONS DURING THEIR PLANNING PROCESS FOR SIMILAR REASONS. THE CITY DIDN'T FORCE EITHER OF THESE INFILL OPTIONS INTO THEIR NEIGHBORHOOD PLANS AGAINST THEIR RECOMMENDATIONS. WE STRONGLY URGE CITY COUNCIL TO RESPECT THE NEIGHBORHOOD'S STAKEHOLDERS WISHES TO PRESERVE THE RESIDENTIAL CHARACTER OF OUR NEIGHBORHOOD BY VOTING AGAINST SMALL LOT AMNESTY AND SECONDARY APARTMENTS. THANK YOU VERY MUCH FOR YOUR TIME. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] AMNESTY,.

I WILL TELL YOU AT THE BEGINNING THE THEME IS REAL AFFORDABILITY OF HOUSING IS CRITICAL TO THE MAINTENANCE OF THE NEIGHBORHOOD WE CHERISH. REAL HOUSING AFFORDABILITY. FIRST WHERE ARE WE NOW? WELL BE THOSE OF US WOULD LIVE THERE THINK THAT OUR PART OF SOUTH AUSTIN IS A VERY SPECIAL PLACE. URBAN PLANNERS ARE BEGINNING TO ACKNOWLEDGE THE VALUE OF A SENSE EVER PLACE, THE EXPERIENCE OF THE COMMUNITY THEY TELL US DEPENDS UPON A SHARED SENSE OF PLACE. THE EXPERIENCE OF THE COMMUNITY BY PEOPLE ON FOOT, ON BICYCLES AND IN AUTOMOBILES AND PUBLIC TRANSIT STRUCTURES THERE UNDERSTANDING OF THE COMMUNITY, THEIR ROLE IN IT, AND THEIR PERCEPTION OF THE COMMUNITY'S ATTITUDE TOWARD THEM. A SENSE OF PLACE IS PALPABLE. THREE OF AUSTIN'S OLDEST NEIGHBORHOODS. FROM THE VERY BEGINNING, THIS AREA WAS SETTLED BY A VERY DIVERSE GROUP OF FOLKS. THE ORIGINAL RESIDENTIAL DEVELOPMENTS OFFERED LOTS OF VARIOUS SIZES AND THEY ATTRACTED FOLKS, SOME SUCCESSFUL MERCHANTS AND ENTREPRENEURS, ALSO, ARTISANS, LABORERS AND REALLY EVERYBODY ELSE. SHERWOOD OAKS NEIGHBORHOOD, SOUTH OF OLTORF AND BEN WHITE WAS FOUNDED LATER AS AN AFFORDABLE WORKING CLASS NEIGHBORHOOD. PERHAPS BECAUSE OF THE PERIODIC FLOODING, THAT SEPARATED THIS PART OF TOWN FROM THE REST OF THE TOWN, THE RESIDENTS HAVE

ALWAYS SHARED AN INDEPENDENCE. A FIERCE INDEPENDENCE AND PRIDE AND THAT ATTITUDE SURVIVES TODAY AND IT'S EVIDENCED BY THE RESIDENTS FIERCE PROTECTIVENESS OF OUR COMMUNITY. AS DONNET SAID, DURING THE PLANNING PROCESS, THE SHAREHOLDER WHO PARTICIPATED IN THIS LONG PROCESS VOTED TO REJECT TWO INFILL OPTIONS. BECAUSE WE BELIEVED THESE OPTIONS WERE UP NECESSARY AND INAPPROPRIATE AND WORSE DESTRUCTIVE IN OUR AREA. OTHER PEOPLE TALK ABOUT THAT IN MORE DETAIL. I WOULD LIKE TO NOTE ABOUT THE PLANNING PROCESS, ALL OF US IN THE NEIGHBORHOOD ARE AMATEUR CITY PLANNERS. AT THE BEGINNING OF THE PROCESS, WE KNEW NOTHING OR NEXT TO NOTHING ABOUT URBAN DEVELOPMENT. AND WE LEARNED A GOOD DEAL FROM CITY STAFF. BUT THERE'S A LOT HAS WE DIDN'T LEARN AND -- A LOT THAT WE DIDN'T LEARN. VERY LATE, REALLY AFTER THE PROCESS, MOST OF THE PROCESS WAS OVER, AS SOME OF US EMBARKED ON -- ON READING AND RESEARCH, TRYING TO FIND OUT, YOU KNOW, HOW DOES THIS WORK, HOW IS THIS SUPPOSED TO WORK, HOW DOES IT WORK IN OTHER PLACES, WE DISCOVERED THAT THERE REALLY ARE A LOT MORE OPTIONS THAN WE KNEW ABOUT. AND AT THIS POINT IT'S REALLY TOO LATE TO TRY TO INCORPORATE THOSE IN OUR PLAN. THE RESULT OF OUR READING AND -- AND REVIEWING WHAT'S HAPPENED IN OTHER PLACES REALLY HIT HOME TO US THAT MAINTAINING THE DIVERSITY AND THE CHARACTER OF OUR NEIGHBORHOOD REALLY DEPENDS UPON MAINTAINING AFFORDABLY HOUSING IN OUR NEIGHBORHOOD. FOR US AFFORDABILITY IS THE KEY ISSUE. IT BECAME CLEAR LOOKING AT WHAT'S BEEN REPORTED ABOUT OTHER CITY HIS, THAT THERE ARE SOME CONSEQUENCES FOR REDEVELOPMENT OF OLDER NEIGHBORHOODS IN THE URBAN CORE. SOME OF THESE CONSEQUENCES ARE FORESEEABLE. IN OUR NEIGHBORHOOD, WE THINK THESE TWO INFILL OPTIONS WILL PROVIDE INCENTIVES TO DEMOLISH OR REMOVE EXISTING HOMES AND WE THINK THEY WILL EXACERBATE THE DESTRUCTIVE TREND TO SCRAPE, BUILD, EXTRACT MAXIMUM PROFIT AND RUN. WE HAVE ALREADY EXPERIENCED SOME OF THIS. FROM JANUARY 1st 2000 THROUGH OCTOBER 1st 2004 OUR AREA AND THE ONLY STAT -- CENSUS STATISTICS I COULD FIND ON

THIS ARE FOR THE DISOIP CODE 78704, OUR AREA HAD THE THIRD LARGEST NUMBER OF DEMOLISHED UNITS IN THE CITY. ONLY TWO OTHER AREAS, 78702 AND 03 HAD GREATER NUMBERS OF DEMOLISHED UNITS. SECOND CONSEQUENCE IS FORESEEABLE, WE BELIEVE THESE TWO END FILL OPTIONS WILL EXACERBATE THE PROBLEMS OF RAPIDLY INCREASING LAND VALUES. THAT'S ALREADY STARTED TO HAPPEN WITHOUT THESE ZONING OVERLAYS FROM 2000 TO 2005, THE TAXABLE VALUE OF SINGLE FAMILY HOMES IN OUR AREA AGAIN I COULD FIND THIS ONLY BY ZIP CODE, INCREASED 60 TO 80%. THE THIRD CONSEQUENCE THAT'S FORESEEABLE IS LAND VALUES WILL SOAR AND THE SOARING LAND VALUES WILL RESULT IN INCREASED TAXES. THESE THREE CONSEQUENCES ARE FORESEEABLE. IN FACT YOU ALL MAY BE ANTICIPATING THE ADDITIONAL REVENUE. THAT INCREASED TAXES WILL PROVIDE. UNFORTUNATELY, THERE ARE SOME OTHER CONSEQUENCES THAT ARE VERY DESTRUCTIVE AND THAT COULD BE VERY EXPENSIVE FOR THE CITY. REMEMBER, AFFORDABILITY, HOUSING AFRAIDABILITY IS THE BEDROCK ISSUE. BASED ON WHAT WE HAVE READ ABOUT IN OTHER CITIES, WE ASK YOU TO CONSIDER THIS WHO WILL BE ABLE TO PURCHASE HOMES HERE? WHO WILL BE ABLE TO RENT IN OUR NEIGHBORHOOD? PRICES GO UP, NEW OWNERS WILL HAVE TO BE MORE AFFLUENT. IN SOME CITIES WHERE URBAN NEIGHBORHOODS HAVE BEEN THE SITES OF ENCOURAGED REDEVELOPMENT, DENSITY IS ACTUALLY DECREASED BECAUSE FAMILIES WITH CHILDREN WERE REPLACED BY CHILDLESS COUPLES OR SINGLE HOUSEHOLDERS. YOUNG PROFESSIONALS CAREERS ARE STILL DEVELOPING, THEY ARE LEAKLY TO BE MOBILE, FOLLOW JOBS AND THEY ARE LESS LIKELY TO BECOME LONG-TERM RESIDENTS. AS RENTS INCREASE, MORTGAGES INCREASE, WHAT WILL HAPPEN TO THE FOLKS WHO LIVE IN OUR NEIGHBORHOOD NOW? WELL, WE HAVE ALREADY SEEN SOME OF THIS. TWO FAMILIES YOU KNOW HAVE HAD TO MOVE OUT OF THE NEIGHBORHOOD IN THE LAST TWO AND A HALF YEARS. BECAUSE THEY CAN'T AFFORD TO CONTINUE TO LIVE THERE. AS RENT INCREASE, REPRESENTERS WILL HAVE TO -- TO FIND HOUSING THEY CAN AFFORD. AS PROPERTY TAXES INCREASE, MORE AND MORE HOMEOWNERS WILL HAVE TO LEAVE TO SEEK HOUSING. THAT THEY CAN AFFORD. WHERE ARE THEY



GOING TO GO? WELL, IN AUSTIN, LOOK AROUND, THEY ARE GOING TO HAVE TO GO FARTHER OUT. THEY ARE GOING TO HAVE TO GO FARTHER EAST, FARTHER SOUTH, MAYBE EVEN FARTHER NORTH. WAY FAR NORTH. IF THEY WORK, THEY ARE STILL GOING TO HAVE TO TRAVEL TO WORK. AND UNTIL SUCH TIME AS WE HAVE A REALLY EFFECTIVE TRANSIT SYSTEM FUNCTIONING, THEY ARE GOING TO BE DEPENDENT ON THE AUTOMOBILE. YOU KNOW, I HOPE THAT WE WILL SEE A FULLY FUNCTIONING TRANSIT SYSTEM IN AWESOME DAY. BUT IT WILL NOT HAPPEN IN THE NEXT FIVE YEARS, NEXT 10, PROBABLY NOT THE NEXT 15 OR EVEN 20. IN THE MEANTIME, WHAT WILL HAPPEN PREDICTABLY IS THAT LOW INCOME AND MIDDLE INCOME RESIDENTS WILL BE DISPLACED AND FORCED OUT TO THE EDGES OF AUSTIN. CREATING, FORCING ADDITIONAL SPRAWL. THEY MOVE JUST OUTSIDE OF AUSTIN, HOW LONG WILL IT BE BEFORE AUSTIN ANNEXES THAT AREA? WHO IS REALLY GOING TO PAY FOR THAT SPRAWL? IT'S GOING TO BE AUSTIN. IT'S GOING TO BE THE CITY OF AUSTIN, IT'S GOING TO BE THE TAXPAYERS. IT'S REALLY A SHELL GAME. TO THINK THAT INCREASED REVENUES NOW WON'T BE NULLIFIED BY INCREASED EXPENSES LATER IF WE DISPLACE THE CURRENT RESIDENTS. ACCORDING TO THE CITY DEMOGRAPHER, OVER HALF, IN OVER HALF OF OUR AREA, THE MEDIAN FAMILY INCOME IS LESS THAN \$50,000 A YEAR. YOU KNOW, OUR AREA IS NOT AN AFFLUENT AREA. NOW, THERE ARE SOME EXPENSIVE HOUSES AND THERE ARE, YOU KNOW, SOME PRETTY NICE SECTIONS. BUT THIS PLANNING AREA IS NOT AFFLUENT. THERE ARE MANY FOLKS WHO ARE -- MOST FOLKS WHO ARE MIDDLE CLASS, THERE ARE MANY OLDER FOLKS WHO ARE RETHIRD LIVING ON FIXED INCOMES. THERE ARE A GOOD NUMBER OF FOLKS WHO ARE VERY LOW INCOME. TRAVIS HEIGHTS ELEMENTARY SCHOOL OR ELEMENTARY HAS MANY, MANY STUDENTS ON SUBSIDIZED LUNCH PROGRAM. I DON'T KNOW HOW MANY PEOPLE OUTSIDE OUR AREA REALIZE THAT. BUT -- BUT OUR NEIGHBORHOOD NOW REALLY HAS A GREAT DIVERSITY OF RESIDENTS. BY INCOME, BY ANY MEASURE, WE EVEN HAVE SOME REPUBLICANS. [LAUGHTER] THE CITY DEMOGRAPHER HAS ALSO SAID THAT BETWEEN 10 AND 30% OF OUR HOMEOWNERS ARE LOW INCOME [BUZZER SOUNDING] AND THE DEFINITION OF LOW INCOME -- HAVE I EXPENDED ALL OF

THE 12 MINUTES?

Mayor Wynn: YOU HAVE. CONGRATULATIONS.

IS THERE ANYONE WHO IS HERE WHO -- WHO SIGNED UP --

[INDISCERNIBLE]

OKAY. BETWEEN 10 AND 30% OF THE HOMEOWNERS HAVE MIGHT HAVE MIGHT HAVE OF LESS THAN -- MEDIAN FAMILY INCOME OF LESS THAN \$29,000.

Mayor Wynn: THANK YOU, MS. WHITE.

GOOD MORNING MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS TERRI FRANZ, I'M A RESIDENT OF THE SOUTH RIVER CITY DISTRICT. I HAVE LIVED HERE FOR 20 YEARS. IS PATRICK HERE? HELLO PATRICK AND LAURA NORMAL, LAURA. SO TERRI UP TO NINE MINUTES IF YOU NEED IT.

I'M NOT GOING TO USE ALL OF THAT, THE TIME THAT I DON'T USE, PLEASE ALLOCATE TO THE NEXT SPEAKER. SO I'M NOT GOING TO USE ALL OF MY NINE MINUTES, I MAY NOT USE SIX. I'M SORRY, WE LOST SOME PEOPLE. A LOT OF US HAVE BEEN HERE SINCE 4:00. I'M HERE TO TELL YOU WHY WE WERE OPPOSED TO SECONDARY APARTMENTS AND SMALL SMALL. THERE ARE SEVERAL REASONS THE NEIGHBORHOODS OPPOSE SECONDARY APARTMENTS AND SMALL LOT AMNESTY. A DESIRE TO PRESERVE OUR NEIGHBORHOOD'S HISTORY AND CHARACTER, GENTRIFICATION IN THE LOSS OF AFFORDABLE HOME OWNER HOUSING AND THE LOSS OF SHADE TREES, REGARDING INFRASTRUCTURE THE CITY IS NOT PREPARED, DOES NOT PLAN TO DEVELOP THE INFRASTRUCTURE TO HANDLE THE DENSITY THAT WOULD RESULT FROM SMALL SMALL AND SECONDARY APARTMENTS. THE STREETS ARE TOO NARROW. SOME FAMILIES NEAR THE NEIGHBORHOOD'S BOUNDARIES ALREADY HAVE PROBLEMS GETTING INTO AND OUT OF THEIR DRIVEWAYS BECAUSE OF CARS PARKED ALONG THE NARROW STREETS. THE INCREASED DEMAND ON THE WATER AND SANITARY SEWER SYSTEMS IS LIKELY TO AFFECT US ALL AS WELL. PRESERVATION OF OUR

NEIGHBORHOOD'S HISTORY AND CHARACTER, INTERWEAVES WITH PRESERVING THE AFFORDABILITY OF OUR HOMES. THE INFILL OPTIONS WOULD HASTEN THE LOSS AND MAKE MANY OF OUR HOMES UNAFFORDABLE. BOTH OPTIONS WOULD BE DESTRUCTIVE IN THE NEIGHBORHOOD. I WANT TO TALK ABOUT EACH, BEGINNING WITH SMALL LOT AMNESTY. BECAUSE MANY OF THE ORIGINALLY PLATTED LOTS WERE SMALL, HOUSES WERE OFTEN BUILT ON TWO LOTS OR ONE LOT AND PART OF A SECOND. MOST OF THE SMALL LOTS THAT WOULD RECEIVE AMNESTY ARE PART OF A MODIFIED RESIDENTIAL PROPERTY ... IT WOULD BE NECESSARY TO REMOVE OR DEMOLISH THE HOUSE IN ORDER TO DEVELOP THESE SMALL LOTS. THAT IS EXACTLY WHAT WOULD HAPPEN IF SMALL LOT AMNESTY IS APPROVED SINCE THE LAND WOULD BE TAXED ON THE POTENTIAL FOR HAVING A SEPARATE HOUSE ON EACH SMALL LOT. SO SMALL LOT AMNESTY WOULD PROVIDE A SIGNIFICANT INCENTIVE FOR DEVELOPERS TO TEAR DOWN EXISTING HOMES, REGARDLESS OF HOW SIGNIFICANT THE RESIDENTS OR HOW SOUND THE STRUCTURE IN ORDER TO CONSTRUCT A SEPARATE RESIDENCE ON EACH LOT. THERE ARE ONLY SIX LOTS IN OUR NEIGHBORHOOD, THE CITY TOLD US THAT, THAT ARE VACANT AND BUILDABLE. THE BOARD OF ADJUSTMENT CAN ALREADY ALLOW HOMES TO BE BUILT ON THESE LOTS. LAST YEAR ON A LOT SMALLER THAN 2500 SQUARE FEET AND THE NEIGHBORHOOD SUPPORTED THAT BUILDERS REQUEST THAT VARIANCE. WHEN AND IF THE OWNERS OF THESE SIX LOTS WANT TO DEVELOP THEM, WE WILL BEGIN SUPPORT REQUESTS FOR REASONABLE VARIANCES. SECONDARY APARTMENTS WOULD ALSO BE HARMFUL TO THE NEIGHBORHOOD. STAFF SAID THAT HOUSING AFFORDABILITY IS A GOAL OF SECONDARY APARTMENT ZONING. IN SOME AREAS IT MAY HAVE THAT EFFECT, BUT IN OUR NEIGHBORHOOD IT WOULD HAVE THE OPPOSITE EFFECT. BY INCREASING THE NUMBER OF UNITS THAT CAN THEORETICALLY BE BUILT ON SMALLER LOTS, SECONDARY APARTMENT ZONING WOULD INCREASE THE APPRAISED VALUE OF EACH LOT AND THE AMOUNT OF TAXES ASSESSED. LANDLORDS WOULD INCREASE THEIR RENTS IN ORDER TO RECOUP THE HIGHER PROPERTY TAXES. HOMEOWNERS WHO CAN'T AFFORD THE INCREASED TAXES WOULD BE FORCED TO SELL AND THEIR PROPERTIES

ARE LIKELY TO BE BOUGHT BY DEVELOPERS OR SPECULATORS. WHERE THE PRESENT HOMES MAKES THE CONSTRUCTION OF A SECONDARY RESIDENCE IMPOSSIBLE IT WOULD BE REMOVED OR TORN DOWN. EITHER WAY, REMOVAL OF THE EXISTING HOUSE WOULD INCREASE THE COST OF THE NEW UNITS AND FLIPPING THE PROPERTY WOULD MAKE THEM EVEN MORE EXPENSIVE. THE RESULT WOULD BE HIGHER APPRAISED VALUES, WHICH WOULD INCREASE PROPERTY TAXES EVEN MORE. THE BOTTOM LINE RESULT WOULD BE THAT MOST IF NOT ALL SUCH UNITS, BOTH RENTAL AND HOME OWNER OCCUPIED WOULD BE FAR LESS AFFORDABLE THAN THEY ARE NOW. THIS IS NOT JUST AN ECONOMIC ISSUE FOR US. THIS IS OUR NEIGHBORHOOD, OUR COMMUNITY. INCREASED PROPERTY TAXES, IF THESE INFILL OPTIONS ARE APPROVED, WOULD MAKE MANY OF OUR PRESENT HOMES UP AFFORDABLE. THIS IS ESPECIALLY TRUE FOR THOSE ON FIXED INCOMES BECAUSE THEY ARE ELDERLY OR DISABLED. MANY OF THESE PEOPLE HAVE SPENT THE MAJORITY OF THEIR LIVES AS PART OF THIS COMMUNITY. THEIR LIVES AND THEIR RELATIONSHIPS ARE HERE. IF THEY ARE DISPLACED WE ALL LOSE, THE DEVELOPERS AND SPECULATORS WOULD NOT BE CONCERNED WITH THE LONG-TERM VIABILITY OF THE NEIGHBORHOOD BUT ONLY WITH THEIR SHORT-TERM PROFIT. THEY WOULD REMOVE OR DEMOLISH EXISTING MODERN HOMES AND REPLACE THEM WITH EXISTING McMANSIONS. SMALL LOT AMNESTY AND SECOND DEAR APARTMENTS NOT ONLY WITH NOT ADD ANY AFFORDABLE HOUSING, THESE OPTIONS WOULD CAUSE A SUBSTANTIAL LOSS OF AFFORDABLE HOME OWNER HOUSING. MANY OF OUR SHADE TREES WOULD BE REMOVED LEGALLY OR ILLEGALLY. FAR TOO OFTEN WE SEE BEAUTIFUL OLD SHADE TREES DISAPPEAR OVERNIGHT. OUR TREES KEEP NOT ONLY OUR HOMES BUT ALSO OUR TEMPER COOL AND WE NEED THEM IN THE HOT TEXAS SUMMERS. I HAVE A LETTER FROM ONE LONG TIME NEIGHBORHOOD. WHEN DON NET EXPLAINED THE INFILL OPTION TO HER, THE NEIGHBOR BECAME VERY CONCERNED AND WROTE THIS LETTER. I'M GOING TO READ IT. DEAR MEMBERS OF THE AUSTIN CITY COUNCIL, I'M WRITING TO ASK THAT YOU PLEASE VOTE AGAINST PROPOSALS TO APPLY THE SMALL LOT AMNESTY AND SECONDARY APARTMENT SPECIAL USE ZONING IN THE

TRAVIS HEIGHTS NEIGHBORHOOD, COUNCIL ITEMS Z-23, 24, 25. OUR NEIGHBORHOOD ASSOCIATION THE SOUTH RIVER CITY CITIZENS IS ALSO OPPOSED TO THESE PROPOSAL, MY HUSBAND AND I HAVE LIVED IN TRAVIS HEIGHTS FOR NEARLY 20 YEARS. WE LOVE OUR NEIGHBORHOOD, A SPECIAL AND UNIQUE CHARACTER REMINISCENT IN THE OLD DAYS. IT'S A VERY OLD NEIGHBORHOOD AND THE VARIETY OF HOMES AND STREET DESIGNS REFLECT A CHERISHED PERIOD OF AUSTIN HISTORY. OVER THE YEARS, SIGNIFICANT CHANGES, SOME BETTER THAN OTHERS. WE FEAR THE CHANGES THAT THESE RESIDENTIAL INFILL POLICIES WOULD BRING ABOUT WOULD DEVASTATE THE NEIGHBORHOOD THAT WE KNOW AND LOVE BY CAUSING FURTHER QUESTIONS IN OUR ALREADY HIGH PROPERTY TAXES. TRAVIS HEIGHTS RESIDENTS PAY AMONG THE HIGHEST PROPERTY TAXES IN THE CITY. STAFF HAS SAID OUR PROPERTY TAXES WILL INCREASE MORE. OVERCROWDED LOTS, WE DON'T WANT TO LIVE IN A COOKIE CUTTER NEIGHBORHOOD WHERE HOUSES LOOK ALIKE AND ARE CRAMMED TOGETHER. THIS IS WHAT HAS ALREADY STARTED HAPPENING AS DEVELOPERS BUILD TWO, SOMETIMES THREE HOMES ON LOTS PREVIOUSLY OCCUPIED BY MODEST HOMES. FURTHER DESTRUCTION OF HISTORIC DWELLINGS, WE HAVE SEEN SO MANY HOMES DESTROYED AND REPLACED BY HOMES OUT OF CHARACTER FOR OUR NEIGHBORHOOD. FURTHER LOSS OF AFFORDABLE HOUSING, PROPERTY VALUES IN OUR NEIGHBORHOOD REACHED UNFATHOMABLE HEIGHTS. PEOPLE ARE STRETCHED TO THEIR LIMIT AND CANNOT HANDLE THE SIGNIFICANT INCREASES OF PROPERTY TAXES THAT WOULD OCCUR WITH THE ZONING CHANGES. OUR NEIGHBORHOOD MANAGED TO MAINTAIN AN EXIST OF AFFORDABLE HOUSING EVEN AS HOMES REACH THE MILLION DOLLAR MARK. THIS WILL NO LONGER BE THE CASE. PLEASE CONSIDER THE NEGATIVE IMPACTS OF THESE PROPOSALS BEFORE YOU AND HONOR THE WISHES OF THE NEIGHBORHOOD REGARDING THIS MATTER. SECONDARY APARTMENTS AND SMALL LOT AMNESTY BACK TO ME WOULD DECREASE, NOT INCREASE AFFORDABILITY OF HOUSING IN OUR NEIGHBORHOOD. THE ADDITIONAL LARGER RESIDENCES WOULD BURDEN THE EXISTING INFRASTRUCTURE, INCREASE IMPERVIOUS COVER AND DECREASE THE AMOUNT OF

GREEN COVER. THE INCREASED RUNOFF WOULD ENDANGER BLUNN CREEK AND THE LOSS OF FOILAGE WOULD INCREASE THE URBAN HEAT EFFECT. PLEASE DO NOT IMPOSE SECONDARY APARTMENT AND SMALL LOT AMNESTY ZONING IN OUR NEIGHBORHOOD. THANK YOU FOR LISTENING.

Mayor Wynn: GOOD MORNING. I'M SONDRRA KIRK. GOOD MORNING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. THANK YOU FOR YOUR PATIENCE. I KNOW THAT YOU ARE HANGING IN WITH US, WE ARE ALL TIRED, I'M DEHIDE GREATED, IT'S WAY PAST MY BEDTIME. I HOPE TO BE MORE DYNAMIC. I PROMISE I WILL MOVE THROUGH THIS, SKIP PARTS COVERED PREVIOUSLY. I'M CONTINUING THE EXPLANATION OF WHY OUR NEIGHBORHOOD ASSOCIATION AND THE GSRC OPPOSES THESE INFILL OPTIONS.

Mayor Wynn: MS. KIRK, IS HE ELLEN WARD HERE. HOW ABOUT TIM MAHONEY. AND LISA -- JULIAN NELLIE. HOW ARE YOU? SO UP TO 12 MANUSCRIPT IF YOU NEED THEM. ANOTHER PERSON.

Mayor Wynn: YOU HAVE NO -- TIME LEFT.

WE WILL SEE WHAT HAPPENS HERE. I WILL SKIP SOME STUFF.

Mayor Wynn: FOLKS, I WILL PAUSE YOUR TIME. I WILL BE VERY SURPRISED IF THIS COUNCIL IS GOING TO PUT ANYTHING IN YOUR NEIGHBORHOOD PLAN THAT YOU ALL DON'T WANT AND, YOU KNOW, BUT FOR A COUPLE OF HOURS WORTH OF TESTIMONY COULD VERY EASILY, YOU KNOW -- [LAUGHTER] - - CHANGE OUR MINDS. BUT --

I KNOW WE FEEL THE SAME WAY. WE'VE BEEN CONTINUED FROM AN EARLIER DATE WHERE WE ALL SHOWED UP TO SPEAK TO THIS, WE HAVE BEEN HERE SINCE MUCH EARLIER TODAY. SO I APPRECIATE, WE ALL FEEL THE SAME WAY. SO WE ARE DIAGNOSE TO NUEVO LAREDO THROUGH THIS AS EXPEDITIOUSLY AS WE CAN, MAKING THE POINT TAKE WE FEEL NEED TO BE MADE. THE PURPOSE OF THESE TWO OPTIONS SUPPOSEDLY TO SUPPORT AFFORDABILITY AND HELP CONTAIN, SPRAWL, WE KNOW THAT EVERY STRATEGY HAS AN OPTIMAL LIMIT APPLICATION AND LIMITATIONS AS

WELL. OUR CONCERN IS THAT WITH THIS APPLICATION AND OUR PARTICULAR NEIGHBORHOOD WE WON'T GET THE BENEFIT THAT SHOULD BE REFLECTED AS OUTCOMES. THE CITY STAFF RECOMMENDATIONS ARE BASED ON PAUL HILGERS RECOMMENDATION, HE MADE AN AFFORDABILITY IMPACT STATEMENT SAYING THE PATTERN OF MIXED USE AND MULTI-FAMILY DEVELOPMENTS IN THIS AREA HAS NOT YIELDED A SINGLE SMART HOUSING SINCE THE COUNCIL ADOPTED THE POLICY IN APRIL OF 2000. WE FEEL THIS IS MISLEADING BECAUSE IT DOESN'T SHOW, DOESN'T GIVE US CREDIT FOR THE EXISTING AFFORDABLE UNIONS THAT WE HAVE OR THE CHALLENGES THAT WE FACE IN SUPPORTING WORKABLE SOLUTIONS. WE READILY CONCEDE THAT WE DON'T LEAD THE NUMBERS ON SMART HOUSING BECAUSE FOR MANY DECADES BECAUSE WE ARE SUCH A BUILT OUT NEIGHBORHOOD THERE HAVEN'T BEEN VERY MANY OPEN PARCELS OF LAND TO DO LARGE DEVELOPMENTS WITHOUT DOING THE TEARING DOWN OF EXISTING STRUCTURES THAT TERRY HAS JUST TOLD US ABOUT. AND GIVEN THE HISTORIC CHARACTER OF OUR NEIGHBORHOOD, THIS IS ALWAYS VERY HIGHLY LY CONTROVERSIAL AND WE QUESTION WHETHER OR NOT THAT'S REALLY A GOOD SOLUTION. SO NOT SURPRISINGLY, EXAMPLES OF THE MOST RECENT DEVELOPMENTS IN OUR AREA HAVE BEEN FAIRLY UPSCALE. FOR EXAMPLE, THE STATE HOUSE AND THE ALEXIN APARTMENTS ON CONGRESS ARE VERY UPSCALE AND NOT QUITE WHAT WE WOULD CONSIDER TO BE AFFORDABLE. BUT WE FEEL THAT IT'S ALSO UP TO THE DEVELOPER NOT THE NEIGHBORHOOD TO MAKE THE DECISION ABOUT WHAT IS GOING TO OPTIMIZE THEIR INVESTMENT. SO FOR US THE MEASURE OF SUCCESS IS NOT NECESSARILY A COMPARISON IF A FIVE-YEAR PERIOD BUT RATHER ON THE OVERALL LIVABILITY AND ECONOMIC DIVERSITY OF OUR NEIGHBORHOOD. WE MEASURE THE SUCCESS OF SOLUTIONS AGAINST THEIR PRACTICAL APPLICATIONS AND IMPACTS. NOT ONLY DO WE NOT OPPOSE HOUSING DEVELOPMENTS, WE ACTUALLY SUPPORT AFFORDABLE SOLUTIONS IN OUR NEIGHBORHOOD, BUT WE WANT SOLUTIONS THAT ACTUALLY WORK AND ACCOMPLISH AFFORDABILITY WITHOUT DESTROYING THE UNIQUE MARKET AND BALANCE OF OUR NEIGHBORHOOD. THE CENTRAL CITY WAS ALREADY WELL BUILT OUT PRIOR TO

THE CURRENT DEVELOPMENT INITIATIVES, OUR NEIGHBORHOOD HAS ALWAYS ENJOYED AN ECLECTIC MIX OF MODEST BUNGALOWS AND LARGER HOMES. WE ALSO BENEFIT FROM EXCEPTIONAL RACIAL AND ECONOMIC DIVERSITY AND AN EXCELLENT MIX OF MULTI-FAMILY AND SINGLE FAMILY RESIDENTIAL. A BROOKINGS INSTITUTION STUDY OF URBAN DENSITY AND TRANSPORTATION PLANNING INDICATES THAT PUBLIC TRANSIT WORKS BEST AT A DENSITY OF 6.5 OR MORE PEOPLE PER ACRE. BASED ON THE 2005 POPULATION ESTIMATES BY THE CITY DEMOGRAPHER, THE COMBINED AUSTIN URBAN CORE GROSS DENSITY IS 7.6 PPA AND 21.5 NET RESIDENTIAL DENSITY. THE POPULATIONS OF SRC AND ST. EDWARD'S NEIGHBORHOOD COMBINED IS 11,768 PEOPLE WITHIN 1451 GROSS ACRES. OR 495 RESIDENTIAL ACRES. THAT PUTS OUR GROSS CITIZENS COMMUNITY AT 9.7 PEOPLE PER ACRE OR 23.7 NET RESIDENTIAL DENSITIES. BOTH OF THESE COMPARISONS PLACE US WELL ABOVE ACCEPTABLE LEVELS FOR URBAN DENSITY AS WE ARE NOW. WE ARE BEING ASKED TO CONSIDER A DISPROPORTIONATE FOR URBAN SPRAWL FOR DENSER DEVELOPMENTS, BUT URBAN SPRAWL ALREADY HAPPENED. SINCE DEVELOPERS CAN EXPECT \$2,000 PER UNIT IN FEE WAIVERS, IT SEEMS ONLY REASONABLE TO MAXIMIZE DENSITY IN NEW DEVELOPMENTS IN RETURN FOR THE SUBSIDIES RATHER THAN SOUTHWEST SACRIFICING THE INTEGRITY OF THE INNER CITY NEIGHBORHOOD. TO MEASURE OUR SUCCESS REGARDING AVAILABLE SMART HOUSING WE URGE YOU TO LOOK AT THE AFFORDABLE HOUSING THAT ALREADY EXISTS. IN ADDITION TO THE HOMESTEADER, GSRC IS HOME TO THOUSANDS OF STUDENTS WHO ARE USUALLY UNDERCOUNTED AND MIDDLE INCOME WORKING PROFESSIONALS WHO LIVE IN THE LARGE APARTMENTS IN OUR AREA. RIGHT NOW WE HAVE FIVE, AT LEAST FIVE APARTMENT COMPLEXES THAT HAVE -- THAT HOUSE FAMILIES WHOSE INCOME IS LESS THAN 60% OF THE AREA MEDIAN INCOME. THAT IS A TOTAL OF 1548 AFFORDABLE TAX CREDITS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] NOW, WHILE THIS TREND CONTINUES, I THINK WE CAN SAFELY LEAP TO THE CONCLUSION THAT MODERATE INCOME BUYERS NEED NOT APPLY. DON'T EVEN PICK UP THE FLYER. AND THIS BACKYARD APARTMENT WILL



NOT RENT FOR ANY RATE DEFINED AS AFFORDABLE BY CITY STANDARDS. WE OPPOSE LAND USE CHANGES THAT WOULD ENCOURAGE BUILDING ADDITIONAL UNITS IN ESSENTIALLY THE BACKYARD UNITS ON SINGLE-FAMILY LOTS. WE OPPOSE THEM BECAUSE THEY OVERCROWD THE NEIGHBORHOOD, REDUCE THE GREEN AESTHETICS AND PRIVACY, INCREASE NOISE AND OPEN US TO EXCESSIVE UNWANTED SOCIAL INTERACTIONS AND PERHAPS CONFLICT WITH NEIGHBORS IN TOO CLOSE PROXIMITY. IN ADDITION TO PRACTICAL FACTORS LIKE PARKING PROBLEMS AND EMERGENCY VEHICLE EXCESS, NUMEROUS SOCIAL PSYCHOLOGY STUDIES CONNECT RESIDENTIAL DENSITY WITH PSYCHOLOGICAL HEALTH AND MOST STUDIES REPORT THAT UNINTENDED EFFECTS OF HIGH DENSITY INCLUDE FEELINGS OF DISCOMFORT AND DISTRESS. IN SUMMARY IT IS OUR OPINION THAT INFILL CONTRIBUTES VERY LITTLE TO SOLVING THE PROBLEMS OF URBAN SPRAWL AND THE LACK OF AFFORDABLE HOUSING. WITH THE LACK OF SMART HOUSING IN SOME NEIGHBORHOODS COME HIGHER PROPERTY APPRAISALS AND INCREASED TAXES AND UNFORTUNATELY THE HIGHER COST OF LIVING WILL THRIT ENOR OVERWHELM A SIGNIFICANT SECTOR OF OUR EXISTING NEIGHBORS, THE FINANCIAL PRESSURES WILL FORCE THEM TO SWELL. TOO MANY OF US WILL FIND IT NECESSARY TO MOVE TO MORE AFFORDABLE COMMUNITIES. FARTHER SOUTH, FARTHER NORTH AND FARTHER EAST. WE WILL FORFEIT OR CONVENIENT INNER CITY LIFESTYLES AND BE DISPLACED BY RESIDENTS WHO CAN AFFORD TO BUY HOMES IN THIS DESIRABLE MARKET. WITH PEOPLE -- WITH ROOTS IN THE NEIGHBORHOOD BEING FORCED OUT, THE RATE OF REAL ESTATE SPECULATION AND OWNER TURNOVER INCREASES, REDEVELOPMENT INCREASES, UPPER INCOME PEOPLE WITH MORE DISCRETIONARY INCOME BECOME THE NEW OCCUPANTS AND THESE ARE EXACTLY THE CONDITIONS CITED IN THE BOOKINGS INSTITUTION REPORT THAT IDENTIFIES WHEN GENTRIFICATION IS TAKING PLACE, EITHER FROM LOWER TO MIDDLE OR FROM MIDDLE TO UPPER INCOME. WE PROJECT THAT IF YOU PASS THESE OPTIONS OUR NEIGHBORHOOD WILL BECOME LESS AND LESS AFFORDABLE. WE WILL LOOSE THE BALANCE THAT GIVES US FLAVOR AND CHARACTER AND RATHER THAN A NET GAIN IN DENSITY, THERE WILL BE

DISPLACEMENT AND YOU WILL HASTEN THE GENTRIFICATION OF OUR NEIGHBORHOOD. THIS CYCLE DOES NOT ALLEVIATE SPRAWL, IT SIMPLY CREATES AN EXCHANGE OF COMMUTERS. SO IN CLOSING I WANT TO SAY REINVESTING IN STRENGTHENING OUR COMMUNITIES IS GOOD FOR SMART HOUSING AND IT IS FOR THESE BENEFITS THAT WE APPEAL TO YOU. THIS IS AN ISSUE OF FAIRNESS. PLEASE CONSIDER THE PEOPLE WHO HAVE LIVED IN OUR NEIGHBORHOOD MOST OF OUR LIVES AND RAISED OUR FAMILIES HERE AND CONTRIBUTED TO AUSTIN IN COUNTLESS WAYS. IT IS OUR POSITION THAT THE CITY OF AUSTIN WILL BENEFIT MORE BY VALUING AND PROVIDING LIMITED PROTECTIONS FOR ITS HISTORIC CENTRAL CITY GYMS THAN IF IT REMOVES REASONABLE BOUNDARIES TO OVERDEVELOPMENT AND REPOPULATION. AND THAT WE RIGHTFULLY DESERVE EVERY CONSIDERATION THAT WILL ALLOW US TO CONTINUE TO LIVE GOOD LIVES IN OUR OWN NEIGHBORHOOD. AT THIS POINT THE WAY TO ENSURE THAT THE GSRC NEIGHBORHOOD INCLUDES AFFORDABLE HOUSING IS TO APPROVE OUR NEIGHBORHOOD PLAN RECOMMENDATIONS. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU.

GOOD MORNING. I CAN'T BELIEVE I'M UP THIS LATE, SO I HOPE I MAKE SOME SENSE. MY NAME IS ELOY MATTHEWS AND I ONLY NEED ABOUT THREE MINUTES. I LIVE IN THE SHERWOOD OAKS NEIGHBORHOOD AND WE ARE PASSING OUT PACKETS TO YOU OF PHOTOGRAPHS OF FLOODING IN OUR NEIGHBORHOOD AND THE EXECUTIVE SUMMARY OF A PUBLIC WORKS STUDY THAT WAS COMPLETED THIS SUMMER. I GREW UP IN THIS NEIGHBORHOOD. MY GRANDPARENTS BUILT THEIR HOUSE IN 1922 BEHIND WHAT IS NOW THE H.E.B. AT OLTORF AND CONGRESS, SO MY FAMILY HAS A LOT OF LONG HISTORY WITH THIS AREA. ONE OF THE REASONS OUR NEIGHBORHOOD VOTED TO OPPOSE THE SECONDARY APARTMENTS IS THE FLOODING PROBLEMS THAT ARE OCCURRING IN OUR NEIGHBORHOOD. WE WERE BUILT IN THE 19 60'S DUE NORTH OF ST. EDWARD'S UNIVERSITY AND FOR FIVE YEARS NEIGHBORS HAVE BEEN DOCUMENTING THE FLOODING PROBLEMS. LAST YEAR THE FLOODING BECAME SO SEVERE THAT THE PUBLIC WORKS DEPARTMENT COMPLETED A STUDY TO ASCERTAIN THE

SCOPE OF THE PROBLEM AND DETERMINE HOW TO DEAL WITH IT. THIS IS THEIR REPORT, AND IT WAS ISSUED THIS SUMMER AND IT STATES THAT OUR CURRENT DRAINAGE PIPE DOES NOT MEET THE DRAINAGE CRITERIA MANUAL STANDARDS. AND OF THE 56 VERY HIGH PRIORITY AREAS THAT ARE LISTED IN THIS REPORT AS NEEDING ATTENTION, THE REPORT STATES THAT SHERWOOD OAKS IS RANKED IN THE TOP 10. AND WE'RE CONCERNED, OUR NEIGHBORS ARE CONCERNED, THE PEOPLE THAT LIVE IN THIS NEIGHBORHOOD WORRY THAT IF INFILL INCREASES, IF IMPERVIOUS COVER INCREASES AND WE ALREADY HAVE FLOODING AND WE HAVE AN UNDERSIZED PIPE, AS THIS STUDY REPORTS, WHAT WILL HAPPEN TO US? AS YOU CAN SEE FROM THE PICTURES, THIS IS A SERIOUS PROBLEM. IN 2004, SRCC HIRED GLEN ROSE ENGINEERING TO ASSIST US IN DOCUMENTING THE FLOODING PROBLEMS IN OUR PLANNING AREA AND CURRENTLY WE HAVE JEFF KESSEL AND HE'S ADVISING OUR NEIGHBORHOOD ON THESE PROBLEMS. WE'VE MET WITH PUBLIC WORKS AND WATERSHED PROTECTION AND WE'VE REPORTED ALL OF OUR FLOODING PROBLEMS TO PERTINENT CITY DEPARTMENTS. AND NEXT MONDAY THE WATERSHED PROTECTION IS COMING TO MAKE A PRESENTATION TO US ABOUT SOME SOLUTIONS THAT ARE RECOMMENDED IN THIS PLAN. SO BEFORE YOU MAKE ANY CONSIDERATION TO INCREASE IMPERVIOUS COVER, WE'RE ASKING YOU TO CONSIDER THE FLOODING PROBLEMS. AS YOU CAN SEE FROM THE PICTURES, IT'S VERY SERIOUS AND AS AN ASIDE, THE PUBLIC WORKS STUDY SUGGESTS THAT WE CONTACT FEMA TO HELP US SOLVE OUR PROBLEMS. AND WE'RE HOPING THAT --

Mayor Wynn: I HAVE A BETTER SUGGESTION FOR YOU. [ LAUGHTER ] SORRY.

I KNOW Y'ALL ARE HAVING TROUBLE WITH THEM TOO. AND WHAT YOU'VE BEEN GIVEN IS FOUR PHOTOGRAPHS OF THE FLOODING. BEFORE THERE WERE PONDS PUT IN AND AFTER THERE WERE PONDS PUT IN AS WELL AS THE EXECUTIVE SUMMARY OF THE WONDERFUL STUDY THAT YOU FUNDED. SO THANK YOU FOR LISTENING. IF YOU HAVE ANY QUESTIONS, JEFF IS HERE AND HE CAN ANSWER THEM.

THANK YOU.

Mayor Wynn: THANK YOU. I THINK A STRONG CASE HAS ALREADY BEEN MADE MYSELF, BUT THAT'S JUST ME.

ACTUALLY, I HAVE TO REVISE MY PRESENTATION. I WENT FROM GOOD MORNING -- I'M SORRY, GOOD AFTERNOON, GOOD EVENING, GOOD MORNING. MAYOR PRO TEM AND COUNCILMEMBERS. MY NAME IS (INDISCERNIBLE). I WAS THE CITY -- I WAS CITY OF AUSTIN LAND PLANNER FOR APPROXIMATELY 25 YEARS. DURING THIS TIME I PROCESSED HUNDREDS OF ZONING CASES FOR THE CITY OF AUSTIN. I AM HERE TO SPEAK ON TRACT 35, THE REAGAN SIGN COMPANY PROPERTY LOCATED AT THE NORTHWEST CORNER OF WOODLAND AVENUE AND IH-35. I HAVE -- I LIVE APPROXIMATELY TWO BLOCKS FROM THIS PROPERTY. I HAVE LIVED IN THE TRAVIS HEIGHTS NEIGHBORHOOD FOR 25 YEARS AND HAVE RAISED MY KIDS THERE. AS YOU CAN SEE, I AM DIRECTLY AFFECTED BY WHATEVER DECISION YOU MAKE TONIGHT. THE APPLICANT IS REQUESTING TO REZONE THE PROPERTY FROM GR TO GR, AND CS. THE NEIGHBORHOOD IS RECOMMENDING TO ROLL BACK THE ZONING TO G.O. AFTER ALL, THIS IS ONE OF THE REASONS THAT THE CITY OF AUSTIN IS DOING THESE NEIGHBORHOOD PLANS, TO ADJUST SOME INEQUALITIES THAT SOMETIMES EXIST IN CERTAIN NEIGHBORHOODS. A PROFESSIONAL -- AS A PROFESSIONAL LAND PLANNER I BELIEVE CS AND GR ARE NOT APPROPRIATE FOR THIS PROPERTY. FROM A PLANNING STANDPOINT, ONE OF THE PLANNING PRINCIPLES THAT SHOULD HAVE BEEN LOOKED AT IS THE ONE THAT SAYS GR IS APPROPRIATE FOR PROPERTIES LOCATED AT MAJOR INTERSECTIONS. THIS PROPERTY IS NOT LOCATED AT A MAJOR INTERSECTION. WOODLAND AVENUE IS CLASSIFIED AS A LOCAL RESIDENTIAL STREET. ACCORDING TO THE CITY'S LAND DEVELOPMENT CODE, GR IS INTENDED TO ALLOW USES THAT PROVIDE SERVICES TO A NEIGHBORHOOD. QUITE FRANKLY, THIS NEIGHBORHOOD DOES NOT NEED ANY MORE GROCERY STORES, DRESS SHOPS, RESTAURANTS, SHOPPING CENTERS, ANTIQUE SHOPS. THE LIST GOES ON. WE DO NOT NEED A COMMERCIAL SIGN BUSINESS IN OUR NEIGHBORHOOD. THE APPLICANT IS REQUESTING CS COMMERCIAL ZONING. AS YOU KNOW FROM EARLIER DISCUSSIONS FROM OTHER

NEIGHBORHOODS, CS ZONING IS THE MOST PERMISSIVE ZONING OF THE CITY -- OF THE CITY'S ZONING CATEGORIES. IT ALLOWS ALMOST ANYTHING AND EVERYTHING. CS IS NOT COMPATIBLE WITH EXISTING RESIDENTIAL DEVELOPMENT. THE REAGAN PROPERTY IS LOCATED ADJACENT TO ANOTHER PROPERTY WHERE THE NEIGHBORHOOD SPENT MONTHS NEGOTIATING A DEVELOPMENT PLAN THAT WAS BOTH ACCEPTABLE AND COMPATIBLE. WITH THE NEIGHBORHOOD. FURTHERMORE, THE APPLICANT IS REQUESTING TO PUT AN INDUSTRIAL USE ADJACENT TO SINGLE-FAMILY DEVELOPMENT. IN ADDITION, THIS BUSINESS WILL USE HAZARDOUS AND FLAMMABLE MATERIALS SUCH AS THINNERS AS TONES, PAINT REDUCERS, OIL-BASED PAINTS, OXYGEN FOR THEIR TORCHES, ASSET LEAN FOR THEIR TORCHES, WELDING EQUIPMENT WITHIN A STONE'S THROW AWAY FROM SINGLE-FAMILY RESIDENCES. I DON'T THINK ANYONE IN THEIR RIGHT MIND WOULD LIKE TO HAVE AN INDUSTRIAL WEAR ON HOUSE IN THE BACK OF THEIR HOMES. I KNOW I WOULDN'T. THEY WILL HAVE A STORAGE YARD TO LOCATE ALL THEIR DISCARDED SIGNS, WHICH BY THE WAY, THEY BUILD 30 TO 40-FOOT BILLBOARDS THROUGHOUT THE CITY OR REPAIR THEM. BECAUSE OF HIS LOCATION, THIS BUSINESS WILL ALSO HAVE MEDIUM SIZE TRUCKS THAT WILL BE USING WOODLAND AVENUE, WHICH BY THE WAY HAS SIGNAGE ALONG THE STREET PROHIBITING ANY LARGE TRUCKS. ACCORDING TO THE CITY OF AUSTIN'S OWN 2001 TRAFFIC COUNTS -- [ BUZZER SOUNDS ]

I THINK SOMEBODY HAS DONATED ADDITIONAL TIME FOR ME. WOODLAND AVENUE IS A LOCAL AVENUE THAT HANDLES OVER 6,000 TRIPS PER DAY. THIS IS A LOCAL STREET. IT'S ONE OF A FEW EAST-WEST THOROUGHFARES IN THE CITY. IT IS A PRIMARY STREET USED BY THE FIRE AND E.M.S. PERSONNEL LOCATED ON SOUTH CONGRESS. IT IS ALSO THE PREFERRED ROUTE FOR SEVERAL FUNERAL HOMES, MIDDLE AND ELEMENTARY SCHOOLS IN THE AREA. WHEN THERE'S A TRAFFIC ACCIDENT ON IH-35, ALL THE TRAFFIC IS ROUTED THROUGH WOODLAND AVENUE.

Mayor Wynn: JOE, HANG ON ONE SECOND. IS TONY -- HELLO. HOW ABOUT THERESA GRIFFEN. HELLO. AND SAM MARTIN? SO JOE, YOU WILL HAVE FIVE AND A HALF MORE MINUTES.

THANK YOU. AS A NEIGHBORHOOD WE ARE VERY CONCERNED ABOUT THIS PROPERTY BECAUSE IT'S LOCATED IN AN URBAN WATERSHED, WHICH AFFORDS NO PROTECTION TO THE TREES OR THE CREEK. IN THIS WATERSHED, THE APPLICANT WILL NOT BE REQUIRED TO PROVIDE BUFFERS TO CRITICAL WATER QUALITY ZONES, WATER QUALITY TRANSITION ZONES FROM THE CREEK, PREVIOUS COVER LIMITS ARE DICTATED BY ZONING WHICH IN THIS CASE CAN BE UP TO 95% IMPERVIOUS COVER WITH CS ZONING. THERE ARE NO CUT AND FILL LIMITS AND NO PROTECTION FOR CRITICAL ENVIRONMENTAL FEATURES. THE SUBJECT TRACT BACKS UP TO THE CREEK WHICH EMPTIES INTO TOWN LAKE. IT WOULD BE DISASTROUS FOR HAZARDOUS MATERIALS TO BE ACCIDENTALLY DISUMPD INTO TOWN LAKE AS A RESULT OF A MISHAP ON THE PART OF A SIGN COMPANY. THIS SITE ALSO CONTAINS LARGE AMOUNTS OF MATURE PROTECTED CANOPY OF OAK TREES LOCATED THROUGHOUT THE SITE. THIS CONCENTRATION OF PROTECTED TREES UNDER THE LAND DEVELOPMENT CODE ARE CLASSIFIED AS A CRITICAL ENVIRONMENTAL FEATURE. IN THE PAST THE CITY MADE A HUGE ERROR BY ALLOWING THE OFFICE BUILDING ADJACENT TO THIS PROPERTY TO BE CONSTRUCTED OVER HARPER'S CREEK. IT'S THE ONLY BUILDING THAT I KNOW IN THE ENTIRE CITY WHICH THIS HAS OCCURRED. DON'T ALLOW YOURSELF TO MAKE ANOTHER MISTAKE. IN CLOSING, I WANT TO REPEAT THE PURPOSE STATEMENT FROM THE CITY'S OWN WEB PAGE REGARDING NEIGHBORHOOD PLANS. AND I QUOTE, NEIGHBORHOOD PLANNING IS AN OPPORTUNITY FOR CITIZENS TO TAKE A PROACTIVE ROLE IN THE PLANNING PROCESS AND DECIDE THEIR NEIGHBORHOODS -- HOW THEIR NEIGHBORHOODS WILL MOVE IN THE FUTURE. THIS PROCESS ASKS MEMBERS OF THE COMMUNITY TO ADDRESS THE LOCAL ISSUES AND CONCERNS THAT AFFECT THEM, THEIR FAMILIES AND THEIR NEIGHBORS, END QUOTE. TO GRANT ANY TYPE OF COMMERCIAL ZONING FOR THIS PROPERTY WOULD BE DOING A BIG DISSERVICE TO TO THE ENTIRE NEIGHBORHOOD. IT WOULD SEND THE WRONG MESSAGE. IT WOULD BE CHIPPING AWAY AT WHAT IS LESS OF A VERY DESIRABLE PLACE TO LIVE SO CLOSE TO THE CENTRAL CITY. I ALSO WANT TO BRING TO YOUR ATTENTION A PETITION THAT HAS BEEN SUBMITTED EARLIER. UNFORTUNATELY, WE

DIDN'T HAVE ENOUGH TIME TO GATHER ADDITIONAL SIGNATURES, BUT I ALSO HAVE -- I WAS ABLE TO -- WE WERE ABLE TO GET ADDITIONAL SIGNATURES THAT I WOULD LIKE TO PASS ON TO YOU. AND I ALSO, ADDITIONAL SIGNATURES FOR THE PROPERTY THAT'S DIRECTLY WEST OF THE SUBJECT TRACT WHERE THE PROPERTY OWNERS HAVE DECIDED TO SIGN A PETITION AGAINST ANY TYPE OF CS. PLEASE DO NOT GRANT CS OR GR ON THIS PROPERTY. HELP US PRESERVE THE INTEGRITY AND LIABILITY OF THIS OLD URBAN NEIGHBORHOOD. THANK YOU FOR YOUR TIME. [ APPLAUSE ]

Mayor Wynn: THANK YOU.

I APPRECIATE YOU ALL'S PATIENCE, SO I'LL MOVE THROUGH THIS REALLY FAST. I DON'T HAVE TO GO OVER ALL THE DETAILS. MY NAME IS PATRICK ROADER AND I ALSO WISH TO ADDRESS THE COUNCIL ON THE REAGAN SIGN TRACT ON 35.

Mayor Wynn: HANG ON. IS CAROL MARTIN HERE?

I WON'T NEED ANY MORE THAN THREE.

Mayor Wynn: FAIR ENOUGH. THREE MINUTES.

I LIVE ONE RESIDENTIAL LOT AWAY FROM THE PROPERTY. THE PROPERTY IS ADJACENT TO SINGLE-FAMILY RESIDENTIAL. COUNCIL, THIS IS REALLY A NO BRAINER. WE DON'T WANT AN INDUSTRIAL WAREHOUSE WITH HAZARDOUS WASTE AT THE GATEWAY TO THE NEIGHBORHOOD. I HAVE TWO MAJOR CONCERNS, NOISE AND TRAFFIC. REAGAN SIGNS OPERATES SEVERAL TRUCKS. THESE TRUCKS HAVE THE BEEPERS, AND I DREAD THE THOUGHT OF GETTING UP EVERY MORNING TO HEARING THE LOUD BEEP, BEEP, BEEP OF THE TRUCKS THAT ARE DIRECTLY ADJACENT TO RESIDENTIAL PROPERTY. THE OTHER CONCERN IS A TRAFFIC CONCERN. TXDOT HAS DENIED REAGAN ACCESS TO THE I-35 ACCESS ROAD, SO THE ONLY ACCESS THAT THIS PROPERTY WILL HAVE WILL BE ON THE WOODLAND, WHICH IS A RESIDENTIAL STREET. AND AS YOU CAN SEE FROM THE PHOTO ON THE RIGHT, THERE CLEARLY POST SHERIFF'S DEPARTMENT A NO TRUCK SIGNPOSTED BY THE CITY OF AUSTIN. THEY WILL HAVE A REALLY DIFFICULT TIME TURNING

OUT ON TO I-35 ACCESS ROAD BECAUSE THE TRAFFIC STACKS UP THERE IN THE MORNING AT THE LIGHT, SO THEY WILL BE GOING UP THE HILL, THROUGH THE NEIGHBORHOOD TO OPERATE THEIR BUSINESS. AND YOU CAN SEE FROM THE PHOTO ON THE LEFT THAT THAT'S A BLIND HILL UP THERE, THE SIGN INDICATES CHELSEA LANE, BUT AT THE TOP WE CAN'T SEE THE TRAFFIC COMING AND THEY OBVIOUSLY CAN'T SEE US. SO WE RESPECTFULLY REQUEST THAT NO CS ZONING WHATSOEVER BE ALLOWED ON THE TRACT, AND WOULD SUPPORT THE PLANNING COMMISSION'S ZONING TO ROLL IT BACK TO G.O. NOW, I'M ALSO A PROFESSIONAL ARCHITECT, AND AS AN ASIDE, I CAN'T IMAGINE WHY THEY WOULD EVEN WANT TO DEVELOP THE PROPERTY. IT'S HEAVILY WOODED, IT HAS SEVERE TOPOGRAPHY PROBLEMS. THE ONLY ACCESS THAT IT HAS IS TO A RESIDENTIAL STREET THAT DOESN'T ALLOW TRUCKS. IT WOULD TAKE A TREMENDOUS EFFORT TO FILL THIS LOT UP TO MAKE IT LEVEL TO OPERATE LARGE TRUCKS, AND TO TAKE OUT ALL THE TREES, IT WOULD BE JUST A TREMENDOUS UNDERTAKING AND I CAN'T UNDERSTAND WHY THEY WOULD WANT TO DO THIS MAY IN THE FIRST PLACE. THANK YOU FOR YOUR TIME. [ APPLAUSE ]

Mayor Wynn: THANK YOU. APPROXIMATE.

I'LL TRY TO BE VERY BRIEF. A LOT OF MY POINTS HAVE ALREADY BEEN MADE. THIS IS THE FIRST TIME I'VE APPEARED BEFORE THE COUNCIL, SO IF I MAKE A MISSTEP, FORGIVE ME. I'M VERY PASSIONATE ABOUT THIS. MY NAME IS RICH (INDISCERNIBLE) AND I LIVE ON WOODLAND AVENUE JUST UP THE HILL YOU JUST SAW. FROM WHERE THE SIGN FACTORY IS PROPOSED. MY FAMILY HAS BEEN HERE FOR 16 YEARS AND THE TRAFFIC ON THAT STREET IN THOSE 16 YEARS HAS GROWN UNBELIEVABLY TO THE POINT WHERE WE HAVE BEEN ORGANIZING AND FIGHTING AS A NEIGHBORHOOD TO DO SOMETHING ABOUT IT. I BELIEVE THAT COUNCILMEMBER DUNKERLEY WAS STANDING NOT TOO LONG AGO WITH MY NEIGHBOR DISCUSSING THESE PROBLEMS JUST UP THE HILL FROM THE NO TRUCK SIGN THAT WE JUST SAW WHEN AN 18 WHEEL TRUCK ROLLED UP THE HILL AND ROLLED ON PAST. AND SO REGARDLESS OF WHAT PEOPLE SAY THEY WILL DO, IT HAPPENS. IF IT'S THERE, IT'S GOING TO HAPPEN. WE WERE THE PEOPLE, ONE



OF THE FIRST NEIGHBORHOODS TO GET SPEED HUMPS BECAUSE WE FOUGHT PASSIONATELY FOR THEM AND WE CARE A LOT ABOUT WHAT FWOAZ ON IN THE NEIGHBORHOOD. THE REAGAN SIGN FACTORY THAT IS COMING IN, IT WOULD BE A DISASTER FOR US, FOR EVERYTHING THAT WAS -- ALL THE REASONS THAT HAVE BEEN LISTED, THE BEEPING TRUCKS, THE HAS SAR TUS HAZARDOUS MATERIAL. AND BOTH THE PLANNING STAFF AGREE WITH US ON THAT. THE PLANNING COMMISSION FEELS THAT WE SHOULD DOWN GRADE, THE PLANNING STAFF SAYS THAT IT SHOULD STAY WHERE IT IS WITH A SORT OF CONFUSING CONDITIONAL OVERLAY FOR AUTO SALES AND WASHING OR SOMETHING, BUT IT DOESN'T HAVE ANYTHING TO DO WITH ALLOWING HAZARDOUS MATERIAL AND THE DEVELOPMENT THAT THEY'RE PLANNING TO DO. THEY ARE -- THE REAGAN PEOPLE THEMSELVES, I GUESS WANT TO BE SEEN AS NEGOTIATING THIS THING IN GOOD FAITH, BUT IT SEEMS THAT THEIR NUMBERS HAVE BEEN CHANGING OVER THE COURSE OF THIS THING. AS THE SRCC WAS GOING TO THE FIRST PLANNING COMMISSION MEETINGS WITH THIS, THE WAREHOUSE WAS AT 6,000 SQUARE FEET, AS I UNDERSTAND, AND IT IS NOW UP TO ALMOST 11,000 SQUARE FEET, WHICH INCIDENTALLY WERE THEY TO MOVE IT UP THE HILL, THAT WOULD COVER MY ENTIRE LOT AND HALF OF MY NEIGHBOR'S LOT. THAT'S A BIG BUILDING THEY'RE TALKING ABOUT AND ALL OF IT ZONED CS, WHICH WOULD ALLOW HAZARDOUS MATERIAL IN THERE. NOW, WE UNDERSTAND IN AN E-MAIL FROM COUNCILMEMBER DUNKERLEY THAT THE WAREHOUSE IS AS LARGE AS IT IS BECAUSE SOME OF THE NEIGHBORS WANTED THE TRUKDZ TO HAVE ENCLOSED PARKING. AND HONESTLY WITH ALL RESPECT, WE -- WE LOOK FOR THOSE NEIGHBORS AND WE CAN'T FIND THEM. IT'S NOT THAT WE'RE LOOKING TO PUT THE TRUCKS IN GARAGES, WE ARE TRYING TO KEEP THE TRUCKS OUT. AND ALSO, YOU STATE UNDERSTAND YOUR E-MAIL THAT THE ACTUAL CS USE IS JUST ABOUT THE SIZE OF A STOREROOM FOR THE PAINT, WHICH I THINK IS ABOUT 600 SQUARE FEET. THAT'S NOT WHAT THEY'RE ASKING. THEY'RE ASKING FOR 10,600 10,600 SQUARE FEET. [ BUZZER SOUNDS ] ANYWAY, PLEASE VOTE THIS DOWN. THANK YOU.

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

HELLO. MY NAME IS SARAH CAMPBELL AND I'M THE MOP-UP SPEAKER. I'M SIMPLY GOING TO --

Mayor Wynn: PROMISE? JUST KIDDING. YOU PROMISE?

WELL, I THINK SO. I JUST WANT TO CLARIFY WITH A FEW FACTS ABOUT THE -- IN OPPOSITION TO THE REQUESTED ZONING FOR TRACT 35. I LIVE AT 1201 WOODLAND AVENUE, WHICH IS AT THE VERY TOP OF THE HILL THAT YOU SAW ON THE PHOTOGRAPH A FEW MONTHS AGO THAT PAT SHOWED. IT IS A VERY DANGEROUS HILL. THE TRAFFIC USED TO ACTUALLY LEAVE THE PAVEMENT IN FRONT OF MY HOUSE BECAUSE YOUNG PEOPLE KNEW THAT IF THEY GUNNED THEIR CARS IT WOULD ACTUALLY LEAVE THE PAVEMENT AND THEN THEY WOULD SCREAM AND YOU COULD HEAR THE CAR HITTING THE PAVEMENT AGAIN LOWER DOWN THE HILL. SOME OF THAT HAS STOPPED WITH THE SPEED HUMPS, BUT IT IS A VERY -- IT'S A THROUGH STREET. YOU CAN ACTUALLY GO CLEAR FROM MONTOPOLIS ALL THE WAY TO ALMOST TO MOPAC BY USING WOOD WOODLAND AVENUE AND ITS VARIOUS CONNECTIONS THROUGH SOUTH AUSTIN. THE GO THAT WE WOULD LIKE TO SEE REQUIRES A 15-FOOT SET BACK FRONT AND SIDE YARDS, WHEREAS NEITHER GR NOR CS REQUIRE MORE THAN 10 FEET AND THEY HAVE NO SETBACKS WHATSOEVER FOR THE REAR. THESE ARE JUST SOME OF THE FACTS. THE HAZARDOUS MATERIALS ARE OF GREAT CONCERN, AND IN PARTICULAR SOME OF THE THINGS THAT WEREN'T MENTIONED IS THAT WE WOULD BE -- THERE IS AN OFF GASSING AND RESIDENTS ARE ACTUALLY DOWNWIND WITH PREVAILING SOUTHEAST WINDS IN OUR NEIGHBORHOOD. FROM THE PROPOSED SITE. WE'VE ALSO LEARNED IF THERE'S A CHEMICAL FIRE, THE FIRE DEPARTMENT'S POLICY IS TO LET IT BURN ITSELF OUT PF THEY ACTUALLY TAKE ACTION, WHICH IS NOT A PLEASANT THING TO KNOW ABOUT THIS WOULD THAT WOULD BE IN OUR NEIGHBORHOOD. THE CREEK, HARPER'S CREEK, BESIDES HAVING AN OFFICE BUILDING BUILT ON TOP OF IT JUST TO THE NORTH OF THIS SITE, IS IN A CULVERT UNDERGROUND THROUGH THE REAGAN SITE, AND NOBODY REALLY HAS TALKED ABOUT THIS BUT ME, BUT I'D JUST AS SOON HAVE THE CREEK REEXPOSED AND REVEGETATED RATHER THAN

HAVE A WAREHOUSE ON TOP OF IT. THE ONLY SEPARATION BETWEEN THIS PROPOSED WAREHOUSE AND SF-3 DEVELOPMENT WILL BE A FENCE, WITH THE CREEK UNDERGROUND AND NO REAL CREEK VENTILATION OR -- VEGETATION OR ANYTHING LIKE THAT. IT WILL JUST BE A FENCE. [ BUZZER SOUNDS ] IT'S ALSO AN ENTRANCE TO OUR NEIGHBORHOOD. OUR REQUEST FOR GO IS SUPPORTED BY THE PLANNING COMMISSION. AND LASTLY, ALL OF YOU HAVE PROBABLY MADE THE APPROACH TO THE CITY FROM I-35 HEADED NORTH, AND YOU MAKE THIS TURN RIGHT ABOUT WOODLAND WHERE THE WHOLE DOWNTOWN OPENS UP TO YOU. AND I DON'T THINK THAT'S A VERY GOOD SITE FOR A MANUFACTURING FACILITY. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU.

I BELIEVE I'LL HAVE THE SHORTEST PRESENTATION OF THIS CITY COUNCIL MEETING. GOOD MORNING, MAYOR AND CITY COUNCILMEMBERS. MY NAME IS DON OCCUR SI. I'VE I'M A RESIDENT OF CHELSEA LANE FOR THE PAST 28 YEARS, AND I RESIDE ONE BLOCK FROM THE REAGAN SIGNS PROPERTY LOCATED AT I-35 AND WOODLAND, WHICH OF COURSE IS KNOWN AS TRACT 35. THIS PROPERTY IS CURRENTLY ZONED GR. THE OWNER IS REQUESTING GR WITH A PORTION ZONED AS CS FOR PAINTING OR INDUSTRIAL USE. I'M IN AGREEMENT WITH THE SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION IN RECOMMENDING G.O. FOR THIS ENTIRE PROPERTY, WHICH WILL BE CONSISTENT WITH EXISTING OFFICE BUILDINGS ALREADY LOCATED ON THE WEST I-35 I-35 FRONTAGE ROAD FROM EAST RIVERSIDE RIVERSIDE DRIVE TO WOODLAND AVENUE. REAGAN SIGNS WANTS TO LOCATE THEIR OFFICES AND THEIR SIGN PRODUCTION AT THIS LOCATION. TO APPROVE A PORTION OF THIS PROPERTY TO CS WOULD RESULT IN THE FOLLOWING ADVERSE CONSEQUENCES. ONE, ON-SITE PAINTING WOULD ENDANGER THE NEIGHBORHOOD IN TERMS OF CHEMICAL OFF GASSING VAPORS AS WELL AS UNPLEASANT ODORS. TWO, ADDITIONAL RUNOFF AND POLLUTANTS EMPTYING INTO HARPER OOZE CREEK AND THEN INTO TOWN LAKE. THREE, ADDITIONAL FUEL EMISSION POLLUTANTS FROM THE REAGAN TRUCKS. WE ALREADY HAVE I-35, WHICH IS HEAVILY POLLUTING THE AREA DUE TO THE NAFTA. FOUR, THE STORAGE AREA WOULD HOUSE PRODUCTS THAT BE

CLASSIFY AS HAZARDOUS MATERIAL. AS WAS JUST SAID, THE AUSTIN FIRE DEPARTMENT WILL LET CHEMICAL FIRES BURN OFF BECAUSE THE RUN RUNOFF FROM TRYING TO PUT OUT THE FIRE IS VERY TOXIC. AND FIVE, THIS PROPERTY ABUTS SINGLE-FAMILY HOMES AND PROPERTIES AND SEVERELY THREATENS OUR SAFETY AND OUR HEALTH. I STRONGLY URGE THE MAYOR AND CITY COUNCIL TO APPROVE A ZONING CHANGE FOR G.O. FOR ALL THIS PROPERTY. THANK YOU FOR YOUR CONSIDERATION AND APPROVAL OF THIS REQUEST. [ APPLAUSE ]

Mayor Wynn: SO MAYBE WE'VE HEARD FROM ALL THE FOLKS IN OP -- LET ME MAKE SURE I SAY THIS CORRECTLY. WHO ARE IN OPPOSITION OF BOTH THE SMALL LOT AMNESTY AND THE SECONDARY APARTMENT ADDITION TO THE NEIGHBORHOOD PLAN AS WELL AS THOSE FOLKS WHO SUPPORT THE PLANNING COMMISSION RECOMMENDATION ON TRACT 35, NORTHWEST CORNER OF WOOD LAWN AND I-35. WE'LL NOW HEAR FROM FOLKS WHO FEEL OTHERWISE. WE'LL START WITH MIKAEL MEADE AND THEN YOU HAVE ANOTHER THREE MINUTES. YOU WILL HAVE SIX MINUTES IF YOU NEED IT.

MAYOR, I BELIEVE THAT OTHERS HAVE SIGNED UP TO SPEAK AND I DON'T THINK WE NEED NINE MINUTES, BUT WE WANTED TO MAKE SURE THERE WAS ENOUGH TIME TO ADDRESS SOME OF THE ENVIRONMENTAL ISSUES THAT WERE RAISED AND SOME OF THE ISSUES ABOUT PLANNING PRINCIPLES AND SO WHAT I'D LIKE TO DO IS DIVIDE UP THAT TIME. WE'LL EACH TAKE AS LITTLE AS POSSIBLE, BUT DIVIDE UP THAT TIME BETWEEN THE THREE OF US.

Mayor Wynn: WHO IS THE THIRD PERSON?

CHARLIE FOWLER.

Mayor Wynn: OKAY. GO AHEAD. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THEY ARE NOW FAR OUT NORTHEAST AND ARE INTERESTED IN MOVING INTO THE URBAN CORE BECAUSE OF A DEMAND THAT THEY ARE GETTING FROM THEIR EMPLOYEES, THAT THEY BE MORE CENTRALLY LOCATED. SO THAT'S THE

VISION. AS A PART OF THEIR BUSINESS MODEL, THEY NEED TO HAVE THE ABILITY TO HAVE A WAREHOUSE WHERE THEY CAN STORE EQUIPMENT AND PAINT AND THEY CAN DO SOME WORK MANUFACTURING, PIECES OF THE SIGNS ON THE SITE. THE ONLY HAZARDOUS -- THE ONLY HAZARDOUS MATERIALS STORED ON THE SITE ARE TWO, PAINT AND PAINT THINNER. SAME TYPES OF PAINT AND PAINT THINNER PEOPLE WOULD HAVE IN THEIR GARAGES. I WANT TO CLARIFY EXACTLY WHAT WE ARE ASKING FOR. THE PROPOSAL IS TO DEVELOP A 30,000 SQUARE FOOT OFFICE BUILDING. THE WAREHOUSE WOULD BE STORAGE OF MATERIALS, THE ACTUAL LOCATION WHERE THE PAINTING OF THE SIGNS WOULD TAKE PLACE WOULD BE 10,000 SQUARE FEET. IN THAT SAME WAREHOUSE ALL OF THE VEHICLES THAT -- THAT THE TRUCKS THAT THE NEIGHBORS ARE TALKING ABOUT WILL BE STORED. AND ALL OF THE PAINT BY STATE REGULATION WILL BE STORED IN AND HAS TO BE STORED IN A SEPARATE BUILDING, THAT'S THE BUILDING THAT IS 600 SQUARE FEET. SO IT'S NOT A SITUATION WHERE WE WOULD BE PERMITTED TO HAVE A 10,000 OR ASKING TO HAVE A 10,000 SQUARE FOOT FACILITIES WITH A BUNCH OF HAZARDOUS MATERIALS STORED. I JUST WANTED TO SHOW, I'M GOING TO SKIP THROUGH MOST OF THIS, BUT WANTED TO SHOW SOME PHOTOS OF THE SITE JUST TO GIVE YOU ALL OF YOUR BEARINGS, ON A BACKUP SLIDE. SO THE EAST OF US IS INTERSTATE HIGHWAY 35, WE ARE LITERALLY RIGHT ON THE SERVICE ROAD. TO THE SOUTH DIRECTLY ACROSS IS A VACANT PARCEL ZONED GR. AND I WILL POINT OUT THAT THE NEIGHBORHOOD SUPPORT IN KEEPING THAT SITE GR RATHER THAN DOWN ZONING IT TO GO AND TO THE WEST -- I'M SORRY, ALSO TO THE SOUTHWEST IS AN APARTMENT DEVELOPMENT AND TO THE WEST DIRECTLY IS AN UNDEVELOPED TRACT, WE ARE NOT ADJACENT TO ANY SINGLE FAMILY HOMES. THE ACCURATE THING TO SAY IS THAT THIS IS A VACANT TRACT THAT IS ZONED SINGLE FAMILY 3 I BELIEVE. TO THE NORTH OF US IS AN EXISTING OFFICE THAT'S BEEN THERE FOR QUITE SOME TIME. THE NEIGHBORHOOD, ONE OF THE NEIGHBORHOOD REPRESENTATIVES MENTIONED THAT THEY DON'T NEED THIS NEIGHBORHOOD DOESN'T NEED ANY MORE SERVICES, I FOUND THAT INTERESTING BECAUSE THEY ACTUALLY HAVE

A LOT MORE VACANT OFFICE SPACE IN THIS AREA THAN THEY HAVE SERVICES. WHAT WE HAVE HERE IS A UNIQUE OPPORTUNITY WHERE THEY WANT TO USE THIS SITE FOR WHAT THE NEIGHBORHOOD WANTS AN OFFICE WHO IS WILLING AND ABLE AND READY TO DEVELOP THIS SITE. AND REALLY WHAT WE ARE ARGUING OVER IS NOT THE DEVELOPMENT OF THE OFFICE SPACE BUT THE DEVELOPMENT OF THE WAREHOUSE THAT THE -- THIS PARTICULAR USER NEEDS TO GET [INDISCERNIBLE] LET ME SHOW A COUPLE OF PHOTOS. THAT'S AT THE SITE LOOKING WEST. YOU SEE THAT THIS SITE, THIS PICTURE IS IMPORTANT BECAUSE IT DEPICTS NOT AS WELL AS IT WOULD ACTUALLY DEPICT IT OUT THERE AND SHOW YOU ON THE GROUND, BUT THERE IS A TRUE SEGREGATION, SEPARATION BETWEEN THE RESIDENTIAL PORTION OF THIS NEIGHBORHOOD AND THESE FRONTAGE PROPERTIES THAT ARE RIGHT ALONG I-35. THE TOPOGRAPHY LIFTS DOWN AND BACK UP. THERE IT IS A CLEAR SEPARATION BETWEEN THESE PROPERTIES THAT ARE RIGHT ON THE HIGHWAY FRONTAGE ROAD. IS THIS IS LOOK -- THIS IS LOOKING SOUTH, YOU SEE THE DEPARTMENT DEVELOPMENT AND THE PHOTO TO THE RIGHT, THAT'S A LITTLE BIT CLOUDY, THAT'S THE TRACT THAT IS VACANT THAT THE NEIGHBORHOOD JUST SUPPORTED GR. THIS IS A VIEW FROM THE SITE LOOKING TOWARD 35 AS THE PROPOSED OFFICE BUILDING WOULD BE FACING. AND THIS JUST SHOWS YOU THE INTERSECTION WHERE THE SITE IS LOCATED. FLEACIAL SOME THINGS THAT WE -- [INDISCERNIBLE] SOME THINGS THAT WE THOUGHT WE COULD DO TO MITIGATE SOME POTENTIAL OF A HAZARD OR INDUSTRIAL PRODUCT OR ANY KIND OF DETRIMENTAL EFFECT ON THE NEIGHBORHOOD. I WANTED TO GO THROUGH QUICKLY WHAT -- I'LL PUT IT ON, I'LL JUST GO THROUGH QUICKLY WHAT WE OFFER TO DO. [INDISCERNIBLE] WHAT THE NEIGHBORHOOD IS REQUESTING, WE WOULD WANT TO BE ABLE TO KEEP THE C.S. FOOTPRINT OF THE 10,100 SQUARE FEET. WE WOULD CONSTRUCT THE PRIVACY FENCE ALONG THE WESTERN BORDER OF THE PROPERTY. WE HEARD TONIGHT FROM A NEIGHBORHOOD WHO IS TO THE NORTH, THEY ARE NOT DIRECTLY ADJACENT TO US, CORNER OF THEIR PROPERTY TOUCHES THE CORNER OF OUR PROPERTY, WE WOULD BE HAPPY TO SCREEN THE DEVELOPMENT FROM THAT

NEIGHBORHOOD AS WELL. WE WOULD EXECUTE A RESTRICTIVE COVENANT THAT WOULD BE ENFORCEABLE BY THE NEIGHBORHOOD THAT WOULD GUARANTEE TWO THINGS. ONE THAT IF REAGAN, THIS PARTICULAR USER CEASED TO USE THE SITE, THE ZONING WOULD ROLL BACK. THE C.S. FOOTPRINT WOULD ROLL BACK TO GR. SECONDLY THE SIZE OF THE FOOTPRINT WOULD NOT BE ABLE TO INCREASE. ALL OF A SUDDEN WE COULDN'T COME BACK AND SAY WE WANT THE WHOLE SITE TO BE C.S. WE WOULD PROHIBIT THAT BY A RESTRICTIVE COVENANT. WE THINK TRAFFIC CIRCULATION THROUGH WOODLAND PARTICULARLY BY THE EMPLOYEES WHO WORK HERE WILL BE IMPORTANT. WE DID AGREE OR OFFER TO RESTRICT ACCESS TO WOODLAND SO THAT IT WOULD BE RIGHT INTO OUR SITE, BUT OUT OF OUR SITE. SO THE ONLY OUR PROPERTY AND THE GR PROPERTY ACROSS THE STREET FROM US WOULD BE AT ALL AFFECTED BY OUR TRAFFIC AND WE CAN DO THAT NOT ONLY WITH SIGNAGE, BUT ALSO BY WAY OF ACTUALLY THE DESIGN OF THAT ENTRANCE EXIT. CHARLIE FOWLER WILL ALSO SPEAK ABOUT WHERE WE ARE WITH TXDOT AND YOU MAY ACTUALLY HAVE ADDITIONAL ACCESS ON I-35. THEN LASTLY, WE AGREED THAT WE WOULD CONSTRUCT THE WAREHOUSE AND STORAGE BUILDINGS OF THE SAME MATERIALS AND ARCHITECTURAL FEATURES AS THE OFFICE BUILDING FOR TWO REASONS. ONE SO IT WOULDN'T LOOK LIKE A BIG UGLY INDUSTRIAL WAREHOUSE, TWO, SO IF REAGAN DOES CEASE TO USE THIS PROPERTY, THAT'S A SUSTAINABLE BUILDING THAT'S USABLE BY OTHER OFFICE USER, IT COULD EASILY BE CONVERTED. I'M GOING TO SIT DOWN AND LET MONDAY CEEK AND CHARLIE OFFER A COUPLE MORE PIECES OF INFORMATION.

YOU BETTER HURRY. 15 SECONDS LEFT.

GOOD EVENING COMMISSIONERS -- IT'S EARLY IN THE MORNING. COUNCILMEMBERS. I JUST WANTED TO GO THROUGH THE PLANNING PRINCIPALS FOR THIS SITE. I JUST LIKE MR. ARIAGA HAVE PROCESSED HUNDREDS OF ZONING CASES. I WANTED TO POINT OUT THIS CASE IS LOCATED AT THE CORNER, ONE OF WHICH IS A MAJOR INTERSTATE HIGHWAY. THE C.S. FOOTPRINT AND THE REQUESTED TO KEEP THE GR OR TO DOWN ZONE TO GO IS CONSISTENT

WITH ZONING RECOMMENDATIONS MADE BY THE STAFF ALL ALONG I-35 SOUTH ALL THE WAY TO NORTH. THIS COMPROMISE PROPOSAL OF AGREEING TO DOWN ZONE 90% OF THE PROPERTY TO GO IS CONSISTENT WITH THE NEIGHBORHOOD PLANNING PRINCIPLES AS MR. ARIAGA POINTED OUT ON THE WEBSITE, TO BALANCE INDIVIDUAL PROPERTY RIGHTS WITH COMMUNITY'S INTERESTS AND GOALS, I'LL WRAP UP BY SAYING THAT THE C.S. STATEMENT AS MR. ARIAGA SAID IS NOT TO PUT C.S. NEAR RESIDENTIAL ENVIRONMENTS. I WOULD ARGUE THIS IS THE PERIPHERY OF A NEIGHBORHOOD. IT ISN'T IN THE RESIDENTIAL ENVIRONMENT AND IT'S CONSISTENT WITH ZONING RECOMMENDATIONS MADE BY THIS COUNCIL AND CONDITIONED ON STAFF THROUGHOUT INTERSTATE HIGHWAYS AND OTHER ROADWAYS, THANK YOU.

OKAY. [INDISCERNIBLE] SPEAK IN OPPOSITION TO THE PLANNING COMMISSION RECOMMENDATION ON TRACT 35? THANK YOU ALL. PROCESS QUESTION SURE.

AT THE BEGINNING OF THE HEARING, MS. MEAD SAID THAT THEY WERE HERE TO OPPOSE THE RECOMMENDATION FOR CHANGE IN ZONING, BUT A LOT OF WHAT I HEARD HER SPEAK TO WAS AN UP ZONING TO A C.S. FOR PART OF THE TRACT.

Mayor Wynn: SHE'S SPEAKING IN OPPOSITION TO THE PLANNING COMMISSION RECOMMENDATION.

OKAY. BUT THE COUNCIL WILL CONSIDER EITHER THE --

Mayor Wynn: CONSIDER HER TESTIMONY, YES, MA'AM.

IS THE COUNCIL GOING ALSO TO CONSIDER A POSSIBLE UPZONING TO C.S. FOR PART OF THE TRACT?

Mayor Wynn: WE WILL LISTEN TO HOW THE DISCUSSION GOES. WE WILL TAKE INTO ACCOUNT ALL OF THE TESTIMONY THAT YOU HEARD TONIGHT. THANK YOU. OKAY. SO MR. SMITH. NOW HEARD TESTIMONY FROM EVERYBODY ON THE DIFFERENT ISSUES RELATED BOTH TO THE PLAN, POTENTIAL AMENDMENTS AND THE CONTESTED TRACT 35. I WOULD RECOMMEND WE WALK THROUGH THIS -- HOW DO



YOU RECOMMEND WE WALK THROUGH THIS NOW.

THE FIRST MOTION WOULD BE FOR THE CONSIDERATION OF THE INFILL OPTIONS FOR THE ST. EDWARD'S NEIGHBORHOOD. AS A REMINDER THE PLANNING COMMISSION RECOMMENDED SECONDARY APARTMENT. THIS IS FOR FIRST READING ONLY. AND THIS IS FOR ITEM Z-24.

Mayor Wynn: COUNCIL QUESTIONS, COMMENTS ABOUT Z-24, THE ISSUE OF THE PLANNING COMMISSION'S RECOMMENDATION OF SECONDARY APARTMENTS SPECIAL USE FOR THIS NEIGHBORHOOD AREA? COUNCILMEMBER DUNKERLY?

Dunkerly: UNLESS THERE ARE ANY OTHER QUESTIONS I WOULD LIKE TO OFFER ON MOTION TO APPROVE THE NEIGHBORHOOD RECOMMENDATION FOR DENYING SECONDARY APARTMENTS AND SMALL LOT AMNESTY. [APPLAUSE] IN THE ST. EDWARD'S NEIGHBORHOOD.

Thomas: I SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLY, SECONDED BY THE MAYOR PRO TEM TO CLOSE THESE PUBLIC HEARINGS AND -- AND APPROVE THE NEIGHBORHOOD POSITION, THAT IS NOT HAVING SECONDARY APARTMENT SPECIAL USE IN THIS NEIGHBORHOOD PLAN, FIRST READING ONLY.

Alvarez: MAYOR? I HAVE A QUESTION. SOME OF THE NEIGHBORS, CERTAINLY HAVE SEEN THE IMPACT OF THE -- OF THE SMALL LOT AMNESTY PROVISIONS. SORRY. EVERYTHING IS A LITTLE FUZZY RIGHT NOW. BUT -- BUT IN TERMS OF THE SECONDARY APARTMENT I MEAN IF SOMEONE COULD JUST RELAY OR REMIND US OF THE -- HOW THAT'S AFFECTING THE NEIGHBORHOOD. THESE ARE INFILL OPTIONS THAT WE INCLUDED IN ALMOST EVERY NEIGHBORHOOD PLAN. [INDISCERNIBLE] THE NEIGHBORHOOD THAT IDENTIFIED.

ONE OF THE BIG ISSUES WAS THE INCREASE IN THE LAND VALUES. IT IS THE CASE THAT PASSING A SECONDARY

APARTMENTS INCREASES THE NUMBER OF POTENTIAL DWELLINGS THAT YOU CAN HAVE AND SO FOR THOSE LOTS T CAD HAS SAID THAT IT CAN INCREASE THE LAND VALUE OF THE PROPERTY TO DO THAT. RIGHT NOW IN OUR NEIGHBORHOOD THAT IS ONE OF OUR MAINLY, MAJOR ISSUES, THE LAND VALUES ARE SO HIGH, SPECULATORS ARE COMING IN AND WHEN THEY GET AHOLD OF THE PROPERTY THEY DON'T WANT TO PUT A SECONDARY RENTAL UNIT ON THAT PROPERTY. THEY WANT TO MAXIMIZE THE PRIMARY STRUCTURE. SO WE FEEL IT ACTUALLY HURTS THE AFFORDABILITY OF THE NEIGHBORHOOD AND LENDS ITSELF TO MORE SPECULATION LENDS ITSELF TO PEOPLE NOT BEING ABLE TO AFFORD THEIR PROPERTIES, THAT KIND OF THING.

Alvarez: SO YOU ARE SAYING WHERE THERE IS A SECONDARY UNIT THEN THAT --

NO, THE LAND VALUES INCREASE JUST BECAUSE OF THE POTENTIAL. SO WHETHER OR NOT YOU BUILD A SECONDARY UNIT YOUR LAND VALUE IS GOING TO GO UP JUST BECAUSE YOU HAVE THE POTENTIAL TO BUILD THAT UNIT. SO, YOU KNOW, YOU LEAVE PEOPLE, ELDERLY PEOPLE, PEOPLE WHO DON'T HAVE A WHOLE LOT OF EXTRA INCOME, EXTRA MONEY WITH, YOU KNOW, THEY MAY NOT HAVE THE MEANS OR THEY MAY NOT HAVE THE INCLINATION TO WANT TO HAVE THAT EXTRA RENTAL UNIT AND YET THEIR LAND VALUES GO UP.

Alvarez: SO IT'S NOT [INDISCERNIBLE] THE SAME IMPACT THAT WE HAVE SEEN IN THE PHOTOS OF THE LARGE HOMES ON THE VERY SMALL LOTS WITH FIVE FOOT --

WELL, ULTIMATELY IT IS BECAUSE OF LAND VALUES INCREASE, THEN THAT JUST INCREASES THAT CYCLE OF PEOPLE BEING FORCED TO MOVE OUT OF THE NEIGHBORHOOD, SPECULATORS COMING IN, TEARING DOWN HOUSES, BUILDING LARGER AND LARGER HOUSES THAT DON'T OFFER AFFORDABLE AND DON'T OFFER RENTAL UNITS. THEY JUST KIND OF MAX OUT ON WHAT'S AVAILABLE ON THE LOT FOR THE PRIMARY STRUCTURE. IT KIND OF ADDS TO THAT CYCLE BY INCREASING --

I UNDERSTAND THE DYNAMIC. I DON'T KNOW IF SOME OF THE PHOTOS THAT WE HAD SEEN REPRESENTED THAT, YOU KNOW, THAT PARTICULAR PROBLEM OR CONCERN BECAUSE I DO THINK WE HAVE SEEN THAT SITUATION IN OTHER NEIGHBORHOODS IN TERMS OF THE SMALL LOT AMNESTY AND I THINK MAYBE WE SHOULD LOOK AT THE CRITERIA THAT WE HAVE FOR SMALL LOT AMNESTY.

I HAVE SOME PICTURES THAT I COULD SHOW YOU THAT SHOW WHAT YOU CAN DO, HOW BIG OF A BOX BASICALLY YOU CAN BUILD ON A SMALL LOT BECAUSE WE HAVE APPROVED WHEN THE LOT HAS BEEN EMPTY, WE HAVE APPROVED THE VARIANCES FOR PEOPLE ESSENTIALLY BUILDING TO THE SPECS THAT ARE THERE WITH SMALL LOT AM MEPS COMMUNITY, IT'S AMAZING WHAT THEY CAN DO WITH THAT. [MULTIPLE VOICES] I HAVE PICTURES I WOULD BE HAPPY TO GIVE YOU A COPY OF.

EAST AUSTIN AS WELL. ACTUALLY, MY RECOLLECTION WHEN -- OF THE SMALL LOT AMNESTY OPTION WAS TO HELP FOLKS WHO HAVE HAD SUBSTANDARD LOTS AND COULDN'T GET LOANS TO FIX THEIR LOTS. MAYBE THERE'S A WAY TO LOOK AT THE CRITERIA TO WE CAN FIX THAT ISSUE. KIND OF LIKE A SUPER DUPLEX ISSUE. BUT NAY I WANTED TO ASK ABOUT THE SECONDARY APARTMENT TO SEE IF IT WAS THE STANDARDS THAT WE HAVE FOR THAT THAT WAS THE ISSUE OR A DIFFERENT SET OF CIRCUMSTANCES [MULTIPLE VOICES]

I THINK THAT'S THE DYNAMIC GOING ON IN OUR NEIGHBORHOOD RIGHT NOW. YOU SAW THE FLOODING AT ST. EDWARD'S, ADDITIONAL LANDFILL WOULD EXACERBATE THAT PROBLEM. SO IT'S REALLY THE DYNAMICS THAT ARE GOING ON RIGHT NOW.

Alvarez: THANK YOU VERY MUCH.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? A MOTION AND A SECOND ON THE TABLE TO --

Thomas: MAYOR EXCUSE ME.

Mayor Wynn: TO -- TO NOT APPROVE PLANNING COMMISSION

RECOMMENDATION AND THEREFORE NOT HAVE  
SECONDARY APARTMENT SPECIAL USE IN THE PLAN. MAYOR  
PRO TEM?

Thomas: YES, THANK YOU, MAYOR. I COMMEND THE  
NEIGHBORHOOD FOR WHAT THEY SAID ABOUT THE  
SECONDARY APARTMENT AND SMALL LOT AMNESTY  
BECAUSE I FOR ONE HAVE NEVER BEEN TOTALLY  
SUPPORTIVE OF THAT. AND JUST LIKE COUNCILMEMBER  
ALVAREZ SAID, I THINK THIS IS A STRONG MESSAGE THAT  
WE NEED TO SEND TO THE PLANNING AND ALSO LET STAFF  
KNOW WHEN THE NEIGHBORS ARE SAYING THIS  
PARTICULAR INCIDENT, HOW IT AFFECTED THEM, WE NEED  
TO LISTEN REAL CLOSE. THAT'S WHAT HAS HAPPENED [   
APPLAUSE ] I'M NOT KNOCKING PLANNING, BUT IT HAS  
ALWAYS BEEN TROUBLING SPOT FOR ME IN PLANNING  
BECAUSE I'VE BEEN HERE SIX YEARS, THE FIRST PROCESS  
WE HAD, THAT'S WHAT HAPPENED. IT PUSHED A LOT OF  
PEOPLE OUT. AND IT'S STILL DOING THAT RIGHT TODAY.  
MAYBE WE NEED TO LIKE COUNCILMEMBER ALVAREZ NEED  
TO GO BACK AND LOOK AT SOME OF THOSE THAT WE  
ALREADY PLANNED FOR AND SEE WHAT WE CAN DO  
BECAUSE WHAT IT DOES IT JUST SPREAD, CONTINUE,  
CONTINUE TO PUSH PEOPLE OUT AND THE PROPERTY OF  
LAND CERTAIN PARTS OF TOWN THAT'S SO EXPENSIVE IT  
DOES PUSH EVERYBODY OUT. I COMMEND YOU ALL FOR  
BEING CONSISTENT ON THE SMALL LOT AMNESTY AND  
SECONDARY HOUSING.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER  
LEFFINGWELL?

Leffingwell: A MOTION TO -- TO DENY THE ORDINANCE  
REQUEST, DOES IT NEED THREE READINGS OR CAN IT JUST  
BE DONE BY ONE, DENIAL ISN'T IT?

IT CAN BE DONE JUST ON ONE READING TODAY. AND AN  
ORDINANCE WILL BE PREPARED BASED ON WHATEVER IS  
APPROVED BY CITY COUNCIL TONIGHT. SO IN EFFECT THERE  
WILL BE NO MENTION OF A RESIDENTIAL INFILL OPTION  
SECONDARY APARTMENT OR SMALL LOT AMNESTY IN THE  
ORDINANCE.

THIS IS PART OF AN OVERALL ORDINANCE.

CORRECT.

Leffingwell: OKAY.

Mayor Wynn: AGAIN MOTION AND SECOND ON THE TABLE.  
COUNCILMEMBER KIM. >>

Kim: CAN YOU SHOW ME AS RECUSING MYSELF PLEASE?

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

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0, TO 1  
WITH COUNCILMEMBER KIM RECUSING HERSELF AND  
COUNCILMEMBER MCCracken OFF THE DAIS.

THE SECOND MOTION IS ON THE RESIDENTIAL INFILL  
OPTIONS FOR THE SOUTH RIVER CITY NEIGHBORHOOD, THIS  
WOULD APPLY ONLY IN THE TRAVIS HEIGHTS SWISHER  
SUBDISTRICT.

Mayor Wynn: Z-25?

THIS IS A PORTION OF Z-25.

Mayor Wynn: I'LL ENTERTAIN -- THIS IS REGARDING THE  
SMALL LOT AMNESTY, COUNCIL, I WILL ENTERTAIN A  
MOTION.

Leffingwell: I WILL MOVE TO DISAPPROVE THE INFILL OPTIONS  
FOR THE ST. EDWARD'S SWISHER, I MEAN EXCUSE ME THE  
TRAVIS HEIGHTS SWISHER, BOTH THE SECONDARY  
APARTMENT AND SMALL LOT AMNESTY.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER  
LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO  
APPROVE THE NEIGHBORHOOD POSITION, THAT IS NOT TO  
HAVE SECONDARY APARTMENTS, SMALL LOT AMNESTY  
WITHIN THE TRAVIS HEIGHTS SWISHER SUBDISTRICT OF THE

SOUTH RIVER CITY NEIGHBORHOOD PLAN, Z-25. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MCCracken OFF THE DAIS. [ APPLAUSE ]

THE THIRD MOTION IS TO CONSIDER THE REZONING OF TRACTS 35 AND A FOLLOW-UP ZONING FOR TRACT 1. EARLIER THIS EVENING YOU INDICATED THAT YOU WOULD LIKE TO SEE TRACT 1 WHICH IS MR. CROCKETT'S PROPERTY ON THE NORTHEAST CORNER OF SOUTH CONGRESS AND EAST RIVERSIDE TO REMAIN LI. HOWEVER A MOTION DOES HAVE TO BE MADE TO REZONE THAT PROPERTY FROM L.I. TO L.I.-NP.

Mayor Wynn: JUST A REMINDER, A VALID PETITION EXISTS ON --

VALID PETITION EXISTS ON TRACT 1. IF CITY COUNCIL WOULD LIKE TO REZONE THAT PROPERTY TO ANYTHING OTHER THAN L.I.

Mayor Wynn: THIS WOULD BE FIRST READING ALSO?

FIRST READING, YES.

Mayor Wynn: I WILL ENTERTAIN A MOTION COUNCIL ON TRACT 1. THIS IS AGAIN 118 TO 134 EAST RIVERSIDE DRIVE TO CHANGE THE CURRENT ZONING FROM L.I. TO L.I.-NP. FIRST READING ONLY.

Alvarez: I WILL MOVE APPROVE THAT WE MAINTAIN THE CURRENT ZONING ON THAT PROPERTY.

YES, WE DO HAVE TO --

IN AGREEMENT WITH THE PROPERTY OPENERS REQUEST.

Mayor Wynn: TECHNICAL ADD NP.

ADD THE NEIGHBORHOOD PLANNING COMBINING DISTRICT,  
L.I.--NP COUNCILMEMBER.

Alvarez: OKAY. JUST NOT SHOWN. I MOVE L.I.-NP ON THIS.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ TO  
RESCONE TRACT 1 TO L.I.-NP FIRST READING ONLY. I'LL  
SECOND. FURTHER COMMENTS? HEARING NONE, ALL THOSE  
IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0. ABOUT  
COUNCILMEMBER MCCracken OFF THE DAIS. TRACT 35.

THE LAST MOTION FOR THIS EVENING ON THIS CASE WILL BE  
ON THE REZONING OF TRACT 35. CURRENTLY ZONED GR.  
PLANNING COMMISSION RECOMMENDS A DONATE ZONING  
OF THE -- DOWN ZONING TO GO CO-NP, IT WOULD REQUIRE A  
15-FOOT VEGETATIVE BUFFER ALONG I-35. THE  
NEIGHBORHOOD IS AGREEMENT WITH THE PLANNING  
COMMISSION'S RECOMMENDATION CHGHTS THE PROPERTY  
OWNER IS RECOMMENDING I BELIEVE THEY STATED EARLIER  
POSSIBLY A GO ON 90% OF THE PROPERTY WITH A C.S.  
FOOTPRINT FOR 10,000 SQUARE FEET, APPROXIMATELY  
10,000 SQUARE FEET. STAFF IS RECOMMENDING GR-CO-NP  
AND THE CONDITIONAL OVERLAY WOULD PROHIBIT  
AUTOMOTIVE SALES AND AUTOMOTIVE WASHING. FIRST  
READING ONLY, A VALID PETITION FILED BY THE PROPERTY  
OWNER TO REZONE THE PROPERTY ANYTHING OTHER THAN  
GR.

Alvarez: I HAVE A QUESTION. THE POTENTIAL UP ZONING TO  
C.S. BUT IF THE RECOMMENDATION FROM STAFF WAS FOR  
GR, THEN WHAT DID THE PUBLIC NOTICE SAY -- IN TERMS OF  
THE PROPOSED ZONING BECAUSE IF -- IF WE NOTICED FOR  
GR, WE CAN'T UPZONE BEYOND THAT. WE CAN ZONE  
SOMETHING LESS INTENSE BUT NOT MORE INTENSE, WHAT  
WAS THAT PUBLIC NOTICE ON THIS?

THE WAY THAT THE NEIGHBORHOOD PLANNING STAFF  
NOTIFIES FOR NEIGHBORHOOD PLANS NOW ALLOWS FOR  
THE FLEXIBILITY TO UPZONE IN SOME CASES. WE COULD

THIS BY STATING THAT PLANNING COMMISSION MAY RECOMMEND AND CITY COUNCIL MAY APPROVE A BASE ZONING DISTRICT CHANGE TO ANY ONE OF THE FOLLOWING CATEGORIES. WE WILL LIST ALMOST ALL OF THE COMMERCIAL INDUSTRIAL CATEGORIES TO GIVE CITY COUNCIL THE FLEXIBILITY IN THIS CASE IF YOU WOULD LIKE TO DO A C.S. FOOTPRINT, YOU CAN UNDER THE NOTIFICATION.

Alvarez: THAT SOUNDS INTERESTING. A LOT OF FLEXIBILITY.

IT'S -- IT'S BASED FROM LESSONS LEARNED IN PREVIOUS PLANS IN WHICH THE NOTIFICATION WAS SO RESTRICTIVE IF CITY COUNCIL WANTED TO HAVE ANY FLEXIBILITY IT REQUIRED THAT PROPERTY TO BE PULLED FROM THE PLAN, RENOTIFIED AND SENT BACK TO THE PROCESS. FURTHER QUESTIONS. VALID PETITION HEARNT COME INTO PLAY YET. MAYOR PRO TEM?

Thomas: THIS IS THE FIRST READING, WHAT I WOULD LIKE IF YOU DON'T -- THE STAFF RECOMMENDATION WAS GR-CO-NP.

CORRECT.

THE ADDITIONAL [INDISCERNIBLE] AUTOMOTIVE ALL OF THAT. I WOULD LIKE TO SUGGEST ON FIRST READING STAFF RECOMMENDATION AND ASK THAT THE OWNER AND THE NEIGHBORS MAYBE SIT DOWN AND TALK, SO I WOULD RECOMMEND GR-CO-NP ON FIRST READING.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE ON FIRST READING ONLY ON TRACT 35, STAFF RECOMMENDATION OF GR-CO-NP.

Leffingwell: MAYOR? I WOULD LIKE TO MAKE A SUBSTITUTE MOTION TO APPROVE THE PLANNING COMMISSION RECOMMENDATION. ON FIRST READING.

Mayor Wynn: SUBSTITUTE MOTION PROPOSED BY COUNCILMEMBER LEFFINGWELL [ APPLAUSE ] TO APPROVE ON FIRST READING ONLY TRACT 35 PLANNING COMMISSION RECOMMENDATION OF GO-CO-NP. I'LL SECOND THAT. WE



HAVE A SUBSTITUTE MOTION AND A SECOND ON THE TABLE FOR PLANNING COMMISSION RECOMMENDATION. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: I THINK ON -- ON FIRST READING I'M GOING TO SUPPORT THE STAFF RECOMMENDATION, WHICH MEANS I'M NOT SUPPORTING THE SUBSTITUTE MOTION. GENERALLY I DON'T THINK GR IS AN INAPPROPRIATE CATEGORY FOR THIS PIECE OF PROPERTY. THAT IS LOCATED ON I-35. I DO HAVE CONCERNS ABOUT ADDING THE C.S. USES. BUT, YOU KNOW, CERTAINLY IF THIS IS WHAT THE COUNCIL CHOOSES TO SUPPORT, THERE MAY BE SOME OTHER USES THAT WE MIGHT CHOOSE TO CONDITION OR PROHIBIT. SO CERTAINLY IT WOULD LOOK FOR INPUT ON THAT FROM THE NEIGHBORS. BUT AT LEAST FOR THIS FIRST READING I WILL BE SUPPORTIVE OF THE -- OF THE MAIN MOTION AND NOT THE SUBSTITUTE MOTION.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: I'M GOING TO SUPPORT GR SINCE I SECONDED THIS. I JUST THINK, I CAN UNDERSTAND THE DISCOMFORT WITH C.S. BUT I THINK ON I-35 GR IS REALLY APPROPRIATE AND CONSISTENT WITH THAT OTHER PROPERTY THAT'S CLOSE BY. SO I'LL -- I'LL BE VOTING AGAINST THE SUBSTITUTE MOTION AND IN FAVOR OF THE STAFF RECOMMENDATION AT THIS TIME.

Kim: I WILL BE SUPPORTING STAFF RECOMMENDATION, NOT THE SUBSTITUTE MOTION. SO --

Mayor Wynn: MOTION -- WE ARE VOTING NOW ON THE SUBSTITUTE MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY ME. ALL THOSE IN FAVOR OF THE SUBSTITUTE MOTION PLEASE SAY AYE. AYE.

Wynn: OPPOSED? NO.

SUBSTITUTE MOTION FAILS ON A VOTE OF 2 TO 4 WITH THE MAYOR AND COUNCILMEMBER LEFFINGWELL VOTING AYE AND COUNCILMEMBER MCCracken OFF THE DAIS. THAT TAKES US BACK TO THE MAIN MOTION. BY THE MINOR, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE

ON 1 READING ONLY STAFF RECOMMENDATION, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? NO. MOTION PASSES ON A VOTE OF 4-2 WITH THE MAYOR AND COUNCILMEMBER LEFFINGWELL VOTING NO. COUNCILMEMBER MCCracken OFF THE DAIS. FIRST READING ONLY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I ACTUALLY HAD A FAIRLY DECENT LONG PRESENTATION --

DO NOT USE THE WORD LONG.

THIS IS ESSENTIALLY A RECOMMENDATION THAT DEALS WITH GETTING OUR CUSTOMERS STABLE RATES AND ALLOWING THE CITY TO VERY QUICKLY REACT TO CHANGES IN THE PRICES PRIMARILY OF NATURAL GAS. THAT'S ESSENTIALLY WHAT THE PROPOSED CHANGE IN THE TARIFF DOES. THIS AFFECTS THE FUEL FACTOR. AS YOU ALL KNOW, THE CITY DOES NOT MAKE ANY PROFIT ON THE FUEL, WE SIMPLY PASS ON THE COST TO OUR CUSTOMERS THAT WE PAY OUR SUPPLIERS. WE HAVE ENCOUNTERED A PROBLEM WITH THE NEW VOLATILITY IN THE GAS MARKETS, AND THAT IS THAT IN THE LAST FIVE YEARS WE'VE HAD A COUPLE OF LOCATIONS WHERE THE DEFICIT IN OUR LOCATIONS HAS REACHED IN EXCESS OF \$68 MILLION. THIS IS A CONSIDERABLE WANT AMOUNT FOR THE CITY TO FUND. IT COST US IN THE OPPORTUNITY IN THE COSTS THAT WE COULD GET IN TERMS OF INVESTING THE MONIES. SO THE WAY THAT THE NEW FUEL FACTOR IS DESIGNED, IT WILL ENABLE US TO NOT HAVE TO WAIT UNTIL WE ARE 10% IN ARREARS BEFORE WE CAN BEGIN TO TAKE CORRECTIVE ACTION. IT ENABLES US TO INSTEAD ANTICIPATE WHAT THE POTENTIAL FOR THE SHORTAGE MAY BE AND THEN TAKE APPROPRIATE ACTION BEFORE WE GET TO SEVERELY IN ARREARS. THIS IS NOT IN ANY WAY AFFECTING THE COST OF FUEL TO OUR CONSUMERS.

Mayor Wynn: THANK YOU YOU MR. GARZA. QUESTIONS OF STAFF? IT SEEMS STRAIGHTFORWARD ENOUGH. AGAIN, THIS

IS RECOMMENDED BY THE UTILITY COMMISSION.

YES, SIR.

Mayor Wynn: HEARING NO QUESTIONS OR COMMENTS, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 54. MOTION MADE BY COUNCILMEMBER LEFFINGWELL THAT I'LL SECOND, WHICH IS TO APPROVE THIS AMENDMENT TO EXHIBIT A OF THE CURRENT ORDINANCE. FURTHER COMMENTS? I'LL MAKE SURE NOBODY'S SIGNED UP. NO CITIZENS SIGNED UP WISHING TO SPEAK. ALL THOSE IN FAVOR OF THE MOTION, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED IN MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MCCRACKEN OFF THE DAIS. ITEM NUMBER 55 IS TO CONDUCT A PUBLIC HEARING APPROVING AN ORDINANCE REGARDING THE DOWNTOWN AUSTIN PID ASSESSMENTS. WELCOME MR. KNOX.

MAYOR, MAYOR PRO TEM AND CITY COUNCIL, I'M MICHAEL KNOX, ECONOMIC GROWTH AND REDEVELOPMENT SERVICES OFFICE. ITEM NUMBER 55 IS PART OF THE ANNUAL FUNDING PROCESS FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT. ON NOVEMBER THIRD, 2005, THE CITY COUNCIL APPROVED THE 2006-2007 BUDGET AND SERVICE PLAN FOR THE DISTRICT. THE COUNCIL ALSO APPROVED THE 2006 PID ASSESSMENT RATE AT 10 CENTS PER EVAL WAIS AND 2006 ROLL. STATE LAW REQUIRES A PUBLIC HEARING TO CONSIDER THE ASSESSMENTS. NOTICES WERE MAILED TO PROPERTY OWNERS TO REVIEW THEIR ASSESSMENTS PRIOR TO THE HEARING. THIS HEARING ALLOWS PROPERTY OWNERS TO CHALLENGE THE PROPOSED ASSESSMENT OF INDIVIDUAL PROPERTY. FOLLOWING THE PUBLIC HEARING, THE COUNCIL WILL CONSIDER APPROVAL OF AN ORDINANCE ADOPTING THE 2006 ASSESSMENT ROLL AND LEVEEING ASSESSMENTS. I DON'T BELIEVE THERE'S ANYBODY SIGNED UP.

Mayor Wynn: WE HAVE NO CITIZENS SIGNED UP TO SPEAK, ALTHOUGH CHARLIE BETTS HAS BEEN WAITING ALL NIGHT LONG. QUESTIONS OF STAFF, COUNCIL? COMMENTS?

HEARING NONE, I'LL ENTERTAIN A MOTION TO APPROVE THIS ORDINANCE.

MOVE APPROVAL, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE -- CLOSE THIS PUBLIC HEARING AND APPROVE THE ORDINANCE AS PRESENTED. ALL THOSE IN FAVOR, PLEASE SAY AYE?

AYE.

Mayor Wynn: OPPOSED. MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MCCracken OFF THE DAIS. ITEM 56, MR. KNOX.

ITEM 56 IS ESSENTIALLY THE SAME ITEM, BUT IT'S FOR THE EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT. AGAIN, ON NOVEMBER THIRD COUNCIL APPROVED A PROPOSED ASSESSMENT ROLL AND TONIGHT'S PUBLIC HEARING IS TO ALLOW ANY PROPERTY OWNERS TO COMMENT ON THAT PROPOSED ASSESSMENT. AGAIN, AFTER THE PUBLIC HEARING, COUNCIL WILL TAKE ACTION ON THE APPROVAL OF AN ORDINANCE ADOPTING THE 2006 ASSESSMENT ROLL AND LEVEEING OF ASSESSMENTS.

Mayor Wynn: THANK YOU, MR. KNOX. QUESTIONS OF STAFF? WE HAVE NO CITIZENS SIGNED UP WISHING TO ADDRESS US REGARDING THIS PUBLIC HEARING. SO I'LL ENTERTAIN A MOTION.

Dunkerley: SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY THAT I WILL SECOND, WHICH IS TO CLOSE THIS PUBLIC HEARING AND APPROVE THE ORDINANCE REGARDING THE EAST SIXTH STREET PID ASSESSMENT ORDINANCE. ALL IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO. MS. BROWN? OH MY GOODNESS. THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WE NOW STAND ADJOURNED. IT IS 2:36 A.M.

**End of Council Session Closed Caption Log**

