

Closed Caption Log, Council Meeting, 12/15/05

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, I APOLOGIZE FOR BEING LATE. I'M VERY HONORED TO WELCOME PASTOR SHE RECALL SHE RECALL, THE -- CHER CHERYL BROOME, THE PASTOR AT HYDE PARK BAPTIST CHURCH.

GOOD MORNING. REVEREND GOD WILL YOU GIVE US A NEW VISION TO GET PAST THE WRAPPINGS OF THE SEASON AND FIND THE OBJECTS THEY COVER UP. THE ITEMS OF TRUE AND LASTING VALUE OF LOVE, LOVE OF FAMILY, FRIENDS, NEIGHBORS. MAY WE SEE BEYOND THE ELECTRIC LIGHTS AND THE OBJECTS OF GLITTER TO THE LIGHT OF THE WORLD AND THE LOVE FOR US. I PRAY YOUR BLESSING UPON ALL PRESENT HERE TODAY. ON ALL PEOPLE WHO SERVE FOR THE GOOD OF THE PUBLIC. GRANT THEM WISDOM, CLARITY, AND FREEDOM TO DO THE HARD WORK SET BEFORE THEM. WE PRAY NOW, LORD, FOR MAYOR WILL WYNN, WE PRAY FOR MAYOR PRO TEM DANNY THOMAS, WE PRAY, LORD, FOR COUNCILMEMBERS RAUL ALVAREZ, JENNIFER KIM, LEE LEFFINGWELL AND FOR BREWSTER MCCracken, WE PRAY FOR ALL THOSE WHO WORK ON THE FRONT TIERS OF TRUTH AND JUSTICE AND THOSE WHO ENRICH OUR LIVES WITH BEAUTY AND JOY. WE PRAY OUR HARD WORK TODAY MAY BE DONE FOR THE COMMON GOOD AND THAT YOU WOULD STRENGTHEN US, THAT WE MAY SERVE YOU WITH HONOR AND MERCY. HELP US, LORD, TO GLORIFY YOU IN ALL THINGS. AMEN.

THANK YOU, REVEREND. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS THURSDAY, DECEMBER 15th, 2005, WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET, AUSTIN, APPROXIMATELY 10:25 A.M. WE HAVE A VERY LENGTHY AGENDA TODAY. THIS IS OUR LAST MEETING BEFORE THE -- BEFORE THE CHRISTMAS AND HOLIDAY AND NEW YEAR BREAK. WE DON'T MEET AGAIN UNTIL JANUARY 12th, 2006. SO BECAUSE OF THAT, THIS LAST MEETING TENDS TO BE PACKED FULL WITH -- WITH A LOT OF AGENDA ITEMS, WHICH THIS ONE IS. SO WE ARE GOING TO DO OUR BEST TO GET THROUGH THEM IN AS TIMELY AND EFFICIENT OF A WAY AS WE CAN. WE HAVE A NUMBER OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. WHICH I WILL NOW READ TO THE RECORD. ON ITEM NO. 11, IT SHOULD BE RELATED NOTED TO ZONING CASES Z-8 AND Z-9, ITEM NO. 52, WE SHOULD INDUSTRY THE TWO WORDS A RESOLUTION, INSERT THE WORDS AN ORDINANCE, SO IT WOULD BE TO APPROVE AN ORDINANCE REESTABLISHING DAY LABOR ADVISORY COMMITTEE. ITEM 56, WE SHOULD STRIKE THE WORD ADOPTING AND INSERT THE PHRASE DIRECTING THE CITY MANAGER TO, ONE, PREPARE A SCOPE OF WORK FOR HIRING A CONSULTANT TO DEVELOP THE DOWNTOWN AUSTIN PLAN, INCLUDING, WE WILL STRIKE THE PHRASES REDEVELOPMENT AND TRANSIT STRATEGY, WHICH SHALL INCLUDE AND STRIKE THE PHRASE THE DRAFTING OF. STRIKE ITEM NO. 3, THE PHRASE AND DIRECTING THE CITY MANAGER TO RETURN TO COUNCIL WITH THE COMPLETED PLAN TO BE ADOPTED BY ORDINANCE. SO THIS -- THIS -- SO THE SUMMARY OF THIS ITEM, NUMBER 56, IS TO APPROVE A RESOLUTION TO DIRECT THE CITY MANAGER TO PREPARE A SCOPE OF WORK FOR HIRING A CONSULTANT TO DEVELOP THE COUNT AUSTIN PLAN, INCLUDING BUT NOT LIMITED TO LAND USE, TRANSIT, FUNDING, INFRASTRUCTURE, ENVIRONMENTAL RECOMMENDATION AND PREPARE AN ORDINANCE INTEGRATING THE DOWNTOWN NEIGHBORHOOD PLAN AND CONVENTION CENTER STATION AREA PLANNING EFFORTS INTO A COMPREHENSIVE PLAN. ITEM NO. 56. ITEM NO. 58, WE SHOULD STRIKE THE WORDS THE WAIVER OF, INSERT AN ORDINANCE WAIVING CERTAIN FEES AND REQUIREMENTS,

AUTHORIZING PAYMENT OF CERTAIN COSTS. THIS IS REGARDING SOUTHWEST KEYS FIFTH ANNUAL GO FOR THE GOLD 10 K AND FIESTA 5 K FUN RUN. ON ITEM NO. 67, WE NEED TO -- TO CORRECT -- CORRECT -- ACTUALLY THE SAVE OUR SPRINGS INITIATIVE, NOT SAVE OF SPRINGS INITIATIVE. ITEM NO. 98. WE NEED TO -- TO INCLUDE THE NOTATION THAT THIS IS TO APPROVE SECOND AND THIRD READINGS OF THE CHAMPION TRACT NUMBER 2. ON ITEM NO. 99, CHAMPION TRACT NUMBER 1, WE NEED TO STRIKE THE PHRASE CONDUCT A PUBLIC HEARING AND APPROVE AND INSTEAD INSERT APPROVE SECOND AND THIRD READINGS OF AN ORDINANCE. ZONINGS CASE Z-9, WE SHOULD NOTE THAT THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT CS ZONING, NOT GR. AND ON ZONING CASE Z-27, DOESN'T BODE WELL THAT THERE'S 27 ZONING CASES, STRIKE THE PHRASE PUBLIC RIGHT-OF-WAY AND INSERT THE WORD UNZONED. TO DOWNTOWN MIXED USE. DMU. THOSE ARE THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. MS. BROWN? >>

Clerk Brown: WE HAVE ONE MORE. ON ITEM NO. 52, IF YOU WOULD PLEASE NOTE THAT COUNCILMEMBER KIM IS A SPONSOR ON THAT ITEM.

Mayor Wynn: THANK YOU VERY MUCH, SO NOTED. COUNCIL, WE HAVE A HANDFUL OF ITEMS PULLED OFF THE CONSENT AGENDA. ITEM NO. 8, REGARDING THE 12-MONTH CONTRACT WITH CARITAS OF AUSTIN, PULLED BY COUNCILMEMBER ALVAREZ. ITEM NO. 17, RELATED TO THE PUBLIC ORDER ORDINANCES HAVE BEEN PULLED BY COUNCILMEMBER LEFFINGWELL. ITEM NO. 23, REGARDING A PROFESSIONAL SERVICES AGREEMENT, WITH A NUMBER OF FIRMS HAS BEEN PULLED BY COUNCILMEMBER ALVAREZ. ITEM NO. 40, REGARDING OUR -- OUR CANOE CONCESSIONS, I BELIEVE, HAS MORE THAN FIVE FOLKS SIGNED UP ON THIS ITEM THAT HASN'T HAD A PUBLIC HEARING, SO IT WILL BE PULLED OFF THE CONSENT AGENDA. ITEM 40 REGARDING THE -- TECHNICALLY THE ROWING DOCK CONCESSION, MOST FOLKS KNOW AS THE CANOE CONCESSION, ITEM NO. 53 RELATES TO THE APPOINTMENTS OF OUR MUNICIPAL JUDGES. THAT WILL BE OFF THE CONSENT AGENDA AS WE MAY TAKE THAT UP IN EXECUTIVE SESSION. ITEM NO. 55,

AGAIN, AN ITEM THAT WE HAVEN'T HAD A PUBLIC HEARING ON, HAS MORE THAN FIVE SPEAKERS, REGARDING THE MINUTEMEN RESOLUTION. THAT HAS BEEN PULLED OFF THE CONSENT AGENDA. SO, COUNCIL, OTHER ITEMS TO BE -- TO BE PULLED OFF THE CONSENT AGENDA OR ADDED BACK ON? HEARING -- ITEM 55 IS NOT ON THE CONSENT AGENDA. SO WITH -- NOW I WILL READ -- THAT MEANS THERE WILL BE SOME DISCUSSION, SIR. SO NOW I WILL READ THE CONSENT AGENDA NUMERICALLY AS PROPOSED, OUR CONSENT AGENDA WILL BE NUMERICALLY, ITEMS NUMBER 1, 2, 3, 4, 5 AND 6, NOTING THAT THEY ARE RELATED TO EACH OTHER, 7, 9, 10, 11, SECOND AND THIRD READING PER CHANGES AND CORRECTIONS, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 24,, 25, 26, 27, 27, NOTING THAT -- 27 AND 28, NOTING THAT 27 AND 28 ARE RELATED, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49 50, 51 WHICH ARE APPOINTMENTS TO THE BOARDS AND COMMISSIONS, I WILL READ INTO THE RECORD. TO OUR COMMISSION FOR WOMEN, MARIA HERNANDEZ IS COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. TO OUR COMMISSION ON IMMIGRANT AFFAIRS, MARY JO RODRIGUEZ AND JULIAN ROSS ARE CONSENSUS REAPPOINTMENTS. TO OUR COMMUNITY DEVELOPMENT COMMISSION, DOROTHY PATTON IS A CONSENSUS APPOINTMENT, REPRESENTING THE DOVE SPRINGS NEIGHBORHOOD. TO OUR HISTORIC LANDMARK COMMISSION, DAN LEERY, LAURA LINBACKER ARE CONSENSUS REAPPOINTMENTS AND JOHN ROSETTO A CONSENSUS REAPPOINTMENT. ITEM NO. 51. SIR, LET ME FINISH READING THE CONSENT AGENDA PLEASE. CONTINUING ON WITH THE CONSENT AGENDA, IT WILL INCLUDE, ITEM 52, PER CHANGES AND CORRECTION, ITEM 54, 56 MER CHANGES AND CORRECTION -- PER CHANGES AND CORRECTION, 57, 58 PER CHANGES AND CORRECTION, 59, 60, 61, 62, 63, AND THAT'S IT. COUNCIL, I WILL ENTERTAIN A MOTION ON THE CONSENT AGENDA AS READ. MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ? SIR. NO, YOU MAY NOT. IF WE CALL UP AN ITEM THAT YOU MIGHT HAVE AN INTEREST IN, YOU MAY TALK THEM IF WE CALL YOUR NAME. YOU MAY NOT INTERRUPT THESE PROCEEDINGS, WE HAVE A MOTION AND A SECOND ON THE

TABLE TO APPROVE THE CONSENT AGENDA AS READ,
COMMENTS, COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR, I THINK I MAY BE ABLE TO PUT
ITEM 8 BACK ON THE CONSENT AGENDA. I DIDN'T KNOW IF
SOMEONE FROM BASIC NEEDS COALITION WAS HERE. JUST
A BRIEF -- BRIEF QUESTION.

YES.

Alvarez: OKAY. I THOUGHT MAYBE -- WELL, MR. LURIE WOULD
BE FINE. IF YOU COULD EXPLAIN A LITTLE BIT ABOUT HOW
THE PROGRAM HELPS, YOU KNOW, ADDRESS THE BASIC
NEEDS OF FAMILIES AND INDIVIDUALS HERE. AND --

OKAY.

SO THAT FOLKS KIND OF KNOW WHAT THE BEST SINGLE
SOURCE PROJECT IS AND WHY IT'S SOMETHING GOOD FOR
US TO SUPPORT.

THANK YOU, COUNCILMEMBER ALVAREZ. DAVID LURIE WITH
THE HEALTH AND HUMAN SERVICES DEPARTMENT. GOOD
MORNING. THIS IS A PILOT PROJECT THAT WE HAVE BEEN
WORKING WITH THE BASIC NEEDS COALITION OVER THE
PAST YEAR OR TWO WHICH CONSOLIDATED RESOURCES
AMONG FOUR SOCIAL SERVICE AGENCIES TO PROVIDE FOR
BASIC NEEDS, PRIMARILY RENTAL ASSISTANCE AND FOOD,
ALONG WITH CASE MANAGEMENT SERVICES TO PROVIDE A
WRAP AROUND RESOURCES. IT'S BEEN AN EXTREMELY
SUCCESSFUL PROJECT. THIS WAS A PILOT TO CONSOLIDATE
RESOURCES, TO SEE IF THEY COULD BETTER COORDINATE
SERVICES TO THE POPULATION IN NEED. IN FACT ABOUT 99%
OF THE INDIVIDUALS COMING THROUGH THIS PROGRAM
HAVE ACHIEVED STABILITY IN TERMS OF THEIR HOUSING
AND ONGOING SUPPORT. THE FOUR AGENCIES INCLUDE ANY
BABY CAN, CARITAS, MEALS ON WHEELS AND AIDS SERVICES
OF AUSTIN. CARITAS IS THE ADMINISTRATIVE AGENT FOR
THIS PROJECT, IT WAS INITIATED BY THE BASIC NEEDS
COALITION AND IN EFFECT WHAT THIS -- WHAT THIS
CONTRACT DOES IS PUT IN PLACE ON A MORE PERMANENT
BASIS THIS PROGRAM OVER THE NEXT FIVE YEARS -- FIVE

YEAR PERIOD. >>

Alvarez: AND PART OF THE ASSISTANCE THAT THE CLIENT HAS RECEIVED IS UTILITY REPAYMENT ASSISTANCE, RENT ASSISTANCE, FOOD ASSISTANCE, ET CETERA?

THAT'S CORRECT. BASIC NEEDS RENTAL ASSISTANCE, UTILITIES, FOOD AND IT INCLUDES CASE MANAGEMENT SERVICES FROM THESE AGENCIES SO IF THERE ARE OTHER SOCIAL SERVICE NEEDS THAT THEY HAVE IN ORDER FOR THEM TO -- TO MAINTAIN STABILITY IN TERMS OF THEIR HOUSING, MAYBE ACCESS TO JOB TRAINING RESOURCES, THAT'S ALL PART OF THE PACKAGE. THEY YEAHED TO POOL THE RESOURCES THAT WE WERE PROVIDING THEM INDIVIDUALLY THROUGH THEIR SOCIAL SERVICE CONTRACTS INTO THIS SYSTEM.

Alvarez: YEAH, I'M VERY EXCITED ABOUT THE PROJECT. [INDISCERNIBLE] PROVIDERS INVOLVED IN THE CITY AND COUNTY -- WANTED TO THANK THE PROVIDERS INVOLVED IN THE CITY AND COUNTY WITH THEIR HELP WITH THE BASIC NEEDS COALITION. BUT THIS ACTUALLY AROSE OUT OF SOME ADDITIONAL FUNDING THE CITY PROVIDED AND THE COUNTY TO THE BASIC NEEDS COALITION AFTER 9/11 AND BECAUSE THE COMMUNITY ANTICIPATED THAT THERE WOULD BE MORE DEMAND FOR SERVICES, AND LESS FUNDS, YOU KNOW, REALLY FOR -- FOR NON-PROFITS OR FOR CORPORATE GIVING TO THESE AGENCIES, AND THE CITY INVESTED SOME EXTRA MONEYS FOR THESE BASIC NEEDS OF OUR COMMUNITY, AND THAT LED TO THE CREATION WELL OF THIS BEST SINGLE SOURCE PROJECT THAT KIND OF MAKES THE BEST USE OF OUR FUNDS TO MEET THE NEEDS OF THE FAMILIES AND -- IN THIS COMMUNITY AND SO -- SO IT'S GOOD TO SEE THAT THAT CONTINUES TO -- TO BE A SUCCESSFUL PROGRAM EVEN THREE OR FOUR YEARS LATER AND, YOU KNOW, AS WE MOVE FORWARD AND SEE THE -- THE INCREASING NEED NOW BECAUSE OF OUR NEW NEIGHBORS FROM THE -- FROM THE GULF COAST AREA, THAT OBVIOUSLY IS GOING TO CONTINUE TO HELP OUR COMMUNITY LOCALLY AND OUR NEW NEIGHBORS AS WELL AS, YOU KNOW, MOVING FORWARD, YOU KNOW, IN FUTURE YEARS AND SO I WANT TO COMMEND EVERYBODY. I DID WANT TO JUST NOTE THAT -- THAT ONE OF THE ISSUES THAT

HAVE BEEN RAISED, YOU KNOW, BY SOME OF THE MEMBERS OF THE COALITION HAD IN TERMS OF THE BEST SINGLE SOURCE PROJECT, GETTING FOLKS BACK INTO HOUSING, LET'S SAY, WHO MAYBE WERE, YOU KNOW, HOMELESS OR IN SHELTERS OR ON THE VERGE OF HOMELESSNESS WAS OUR DEBT REPAYMENT PROCEDURES FOR AUSTIN ENERGY. I KNOW WE DIRECTED AUSTIN ENERGY TO WORK WITH THE COALITION ON THAT PARTICULAR ISSUE SO I WANT TO JUST ENCOURAGE AUSTIN ENERGY TO ENCOURAGE THAT DIALOGUE. I KNOW THERE HASN'T BEEN ANY CHANGES TO THAT DEBT REPAYMENT POLICIES THUS FAR. BUT OBVIOUSLY THE COUNCIL, OUR STAFF THINKS THIS IS A GREAT PROGRAM, SO I'M HOPEFUL THAT AUSTIN ENERGY IS ABLE TO WORK WITH THEM TO FIGURE OUT HOW THEY CAN COMPLEMENT THE WORK THAT THE BASIC NEEDS COALITION IS DOING THROUGH THE BEST SINGLE SOURCE PROJECT AND ANYWAY THAT'S JUST A -- JUST A FRIENDLY REQUEST TO -- TO JUAN GARZA, WHO I SEE OUT THERE, IN THE AUDIENCE. SO THANK YOU FOR SHARING THAT, MR. LURIE. AND WITH THAT, MAYOR, I WILL ASK THAT ITEM 8 BE PUT BACK ON THE CONSENT AGENDA.

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO WE -- COUNCILMEMBER DUNKERLY AND MAYOR PRO TEM, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT TO PLACE 8 BACK ON THE CONSENT AGENDA?

Thomas: YES, SIR.

Mayor Wynn: COUNCILMEMBER DUNKERLY? AGREES. THANK YOU.

MAYOR.

Leffingwell: I WANT TO PULL ITEM NO. 56 FROM THE CONSENT AGENDA. JUST FOR A QUICK DISCUSSION ON IT.

Mayor Wynn: YES, THANK YOU. SO MAYOR PRO TEM AND COUNCILMEMBER DUNKERLY WE WILL REMOVE ITEM 56 FROM THE CONSENT AGENDA WITHOUT OBJECTION.

Thomas: HOW LONG OF A DISCUSSION? NO, I DON'T HAVE NO PROBLEM. ITEM NO. 8 IS ADDED, ITEM NO. 56 IS REMOVED

FOR A BRIEF DISCUSSION. A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO SINCE IT WAS PROMISED TO BE BRIEF, ITEM NO. 56 RELATES TO AN ITEM FROM COUNCIL FROM THE RELATIVELY NEW CITY COUNCIL SUBCOMMITTEE ON LAND USE AND TRANSPORTATION CHAIRED BY COUNCILMEMBER MCCRACKEN, I WILL RECOGNIZE HIM AT THIS TIME.

Leffingwell: I WANTED TO SUGGEST A COUPLE OF FRIENDLY AMENDMENTS. COSMETIC CHANGES REALLY TO THE RESOLUTION. THE FIRST ONE IS IN PARAGRAPH 3. WHERE IT CURRENTLY SAYS "AND DEVELOPING THIS LAND TO ITS HIGHEST AND BEST USE." I'M NOT SURE THAT THAT IS THE BEST TERMINOLOGY. I BELIEVE THAT'S A REAL ESTATE TERM. AND DOESN'T REFLECT THE INTENT. SOMETHING TO THE EFFECT TO ITS BEST COMMUNITY USE OR BEST USE FOR THE COMMUNITY I BELIEVE WOULD MORE ACCURATELY REFLECT THE INTENT OF THE RESOLUTION. SO THAT'S ONE. AND THE SECOND ONE WOULD BE IN -- IN -- UNDER ITEM 3, SUBPARAGRAPH D, WORK WITH STAKEHOLDERS INCLUDING, JUST FOR CLARITY I WOULD LIKE TO INSERT THE PHRASE INCLUDING BUT NOT LIMITED TO THE FOLLOWING. THAT'S MY SUGGESTION. THANK YOU, COUNCILMEMBER. ACTUALLY, I WILL CONSIDER THAT A MOTION TO APPROVE ITEM NO. 56 AS AMENDED BY COUNCILMEMBER LEFFINGWELL. SNOORK

McCracken: I'LL SECOND. TO GET THIS PROCESS RIGHT, WE HAVE HAD A COUPLE OF OTHER THINGS IDENTIFIED, DETAILS THAT -- THAT ON ITEM NO. 2 THE SOUTHERN BOUNDARY ACTUALLY SHOULD BE TOWN LAKE AND NOT CESAR CHAVEZ. BECAUSE ACTUALLY YOU CAN LOOK OUT THE WINDOW, SEE FOUR SEASONS, RAINEY STREET, THINGS LIKE THAT ON THE SOUTH SIDE OF CESAR CHAVEZ, SO I WOULD PROPOSE AMENDING THE SOUTHERN BOUNDARY TO BE TOWN LAKE INSTEAD OF CESAR CHAVEZ.

Leffingwell: I CONSIDER THAT A FRIENDLY AMENDMENT.

Mayor Wynn: OKAY. ADDITIONAL AMENDMENT TO THE NOTION APPROVE ITEM NO. 56. COUNCILMEMBER DUNKERLY?

Dunkerly: I DON'T HAVE A FRIENDLY AMENDMENT BECAUSE THIS IS ALREADY INCLUDED IN THE RESOLUTION. BUT IT WAS ADDED RATHER LATE. I WANTED TO CALL ATTENTION TO THE FACT THAT WE'VE ADDED IN THAT SCOPE OF WORK TO IDENTIFY STRATEGIES AND BEST PRACTICES FOR AFFORDABLE WORKFORCE HOUSING IN THE DOWNTOWN AREA. SO THAT WILL BE ONE OF THE -- OF THE ITEM NO. 5 AND IT'S INCLUDED IN THE RESOLUTION, TO CALL ATTENTION TO THAT IMPORTANT PART OF THE SCOPE OF WORK.

I CONSIDER THAT FRIENDLY.

YES.

McCracken: SPEAKS EFFECTIVELY TO THE VERY HEART OF ONE OF OUR CORE GOALS ON THIS. ACTUALLY, I HAVE JUST - - YOU HAVE JUST TWO -- ACTUALLY THREE OUR SPECIFIC MENTIONS IN THE LIST OF STAKEHOLDERS. COUNCILMEMBER LEFFINGWELL HAD, HAS IDENTIFIED AS IMPORTANT TO CLARIFY THAT IT'S INCLUDING BUT NOT LIMITED TO -- BECAUSE DOWNTOWN IS OWNED BY ALL OF US, THREE KEY STAKEHOLDER GROUPS WANTED TO MAKE SURE THAT THEY WERE SPECIFICALLY MENTIONED. I THINK IT'S A GOOD IDEA. STAKEHOLDERS LISTED INCLUDE AFFORDABLE HOUSING ADVOCATES, PARKS STAKEHOLDERS AND ENVIRONMENTAL ORGANIZATIONS.

Leffingwell: I CONSIDER THAT FRIENDLY, ALSO.

Mayor Wynn: THANK YOU.

McCracken: THOSE ARREST ALL OF THE AMENDMENTS THAT I WOULD HAVE.

Mayor Wynn: AMENDED MOTION AND SECOND ON THE TABLE TO APPROVE ITEM NO. 56. AS A -- POINT OF PRIVILEGE, I WOULD LIKE TO ASK COUNCILMEMBER MCCRACKEN AS THE CHAIR OF THE SUBCOMMITTEE JUST TO BRIEFLY SORT OF

BROADLY ITEMIZE AGAIN, YOU KNOW, WHY THE NEED FOR THIS ACTION THAT I THINK HAS BROAD COMMUNITY SUPPORT AND WHAT WE WILL ACCOMPLISH WITH THIS SPECIFIC ACTION.

McCracken: OKAY. I WILL START OFF BY SAYING THAT THE MAYOR IS BEING TOO MODEST. WHAT WE HAVE HERE TODAY IS THE RESULT OF MAYOR WYNN'S VISION AND LEADERSHIP, SPECIFICALLY TO ARTICULATE THE GOAL OF 25,000 RESIDENTS LIVING DOWNTOWN IN THE NEXT 10 YEARS. THAT HAS SHOWN WHAT POLITICAL LEADERSHIP INITIATES BECAUSE A LOT OF PEOPLE ARE NOW SAYING OKAY WE ARE READY TO GO. WE WANT 25,000 PEOPLE LIVING DOWNTOWN. SEVERAL DIFFERENT PROGRAMS AND PLANS SIMULTANEOUSLY MOVING DOWN THE TRACKS ON HOW TO REACH THAT GOAL. SO PART OF THAT IS TO MAKE THIS THE MOST COMPREHENSIVE STRATEGY TO ADDRESS DOWNTOWN IN THE 170 YEARS SINCE THE WALLER PLAN WAS CREATED. SPECIFICALLY WE ARE DEFINING THE TRANSIT ORIENTED DEVELOPMENT, STATION AIR PLAN, DOWNTOWN PLAN, COMPREHENSIVE PLAN, INTEGRATING IN RAIL PLANNING FROM CAPITAL METRO FOR A STREET CAR RAIL WHICH OF COURSE WOULD BE CITY COUNCIL A VOTE BY ALL VOTERS IN THE CAPITAL METRO'S JURISDICTION. THE GOAL OF THIS IS THREE FOLD. FIRST, IT IS THAT RIGHT NOW DOWNTOWN IS A GREAT PLACE TO WORK IN AN OFFICE, IT'S A GREAT PLACE TO GO TO A BAR, NIGHTCLUB OR RESTAURANT AND THERE ARE SOME FANTASTIC HOUSING OPPORTUNITIES, IF YOU -- IF YOU ARE ABLE TO SPEND 400,000 OR MORE TYPICALLY ON A CONDO. WHAT WE HAVE DONE IS IDENTIFIED A STRATEGY THROUGH THE SALE OF BLOCK 21 IN WHICH WE TOOK ABOUT \$5 MILLION APPROXIMATELY FROM THE SALE OF BLOCK 21, PLOWED THAT AMOUNT OF MONEY BACK INTO BLOCK 21 TO MAKE IT AFFORDABLE FOR THE AUSTIN CHILDREN'S MUSEUM, A NON-PROFIT TO BE THERE. THERE'S NOTHING SIGNIFICANTLY DIFFERENT THAN WHAT IF ALL OF THE GOVERNMENTS BANDED TOGETHER, STATE, COUNTY, CITY, SOLD, DEVELOPED A STRATEGY FOR SELLING OFF THE ENORMOUS AMOUNTS OF GOVERNMENT OWNED LAND DOWNTOWN AND DEVELOP THE STRATEGY OF STARTING TO PLOW SOME OF THAT MONEY BACK IN. IN ADDITION TO MILLION DOLLAR

CONDO WE STARTED HAVING A WHOLE BUNCH OF \$100,000 CONDOS. THE HOUSING IN THE ENTIRE PRICE YOUNG, YOUNG PEOPLE, FAMILIES CAN LIVE DOWNTOWN, GOVERNMENT EMPLOYEES, YOU KNOW, SENIOR CITIZENS, EVERYBODY CAN PARTICIPATE IN THIS. THE SECOND IS THAT THE -- TO DEVELOP A PLAN HOW TO MOVE THESE FOLKS AROUND. THAT IS LIKELY GOING TO BE A STREET CAR RAIL SYSTEM. WHICH WOULD COME BEFORE THE VOTERS. BUT WE NEED TO DO THE PLANNING IN THE FRONT IN THE ECONOMIC MODELING. FINALLY, FIGURE OUT HOW WE ARE GOING TO PAY FOR ALL OF THIS INFRASTRUCTURE. TO CREATE A PREDICTABLE REVENUE STREAM FOR INFRASTRUCTURE. WORK WITH ALL OF THE STAKEHOLDERS TO BROADEN WHAT DOWNTOWN IS SO THAT EVERYBODY CAN LIVE DOWN HERE AND PARTICIPATE IN WHAT IS A REALLY EXCITING MOMENT IN OUR CITY'S HISTORY.

THANK YOU, COUNCILMEMBER. FOR THE SUMMARY. SO WE HAVE A MOTION AND A SECOND ON THE TABLE. MAYOR PRO TEM?

Thomas: YES, HE WANT TO COMMEND THE SPONSORS, I WANT TO COMMEND THE SPONSORS, LOOKS LIKE SOMEONE IS LISTENING ABOUT AFFORDABLE HOUSING THAT EVERYONE SHOULD HAVE THE PRIVILEGE TO STAY DOWNTOWN. NUMBER 5, IDENTIFY THE STRATEGIES FOR THE BEST PRACTICES FOR AFFORDABLE HOUSING WORKFORCE, COUNCILMEMBER MCCRACKEN, IN THE NEAR FUTURE LIKE THE MAYOR SAID, 25,000 IS THAT WAS -- CAN YOU IN WORKING THIS OUT, CAN YOU FIND OUT HOW MANY OF THOSE 25,000 MIGHT BENEFIT THE AFFORDABLE HOUSING?

McCracken: YES, MAYOR PRO TEM. IN FACT, I HOPE THAT IT WILL MAINLY PROVIDE HOUSING PRICE RANGE TO YOUNG PEOPLE WORKING FAMILIES, SENIORS AND EVERYBODY CAN PARTICIPATE AND IF WE DO THIS RIGHT, YOU ARE GOING TO SEE THAT -- THAT THE WHOLE COMMUNITY CAN -- CAN HAVE THE OPPORTUNITY TO LIVE DOWNTOWN, NOT JUST A FEW.

OKAY. APPRECIATE YOU. THANKS.

THANK YOU ALL. MOTION AND A SECOND ON THE TABLE TO

APPROVE ITEM NO. 56 AS AMENDED. FURTHER COMMENTS?
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK
YOU ALL VERY MUCH. COUNCIL, WITHOUT OBJECTION, I
REALIZE THAT WE HAVE ONE PERSON SIGNED UP ON ITEM
NO. 1 EARLIER, WHICH IS ON OUR CONSENT AGENDA, WHICH
IS TECHNICALLY JUST THE APPROVAL OF OUR MINUTES. IS
MR. JOHN DILLON STILL HERE? JIM DILLON. YOU ARE
OPPOSED TO ITEM NO. 1?

YES.

COUNCIL, WITHOUT OBJECTION, ALTHOUGH WE HAVE
APPROVED THE MINUTES ON THE CONSENT AGENDA, I
WOULD LIKE TO HEAR MR. DILLON'S OPPOSITION TO THAT
AND THEN PERHAPS WE COULD RECONSIDER. WELCOME,
SIR, YOU WILL HAVE THREE MINUTES.

THANK YOU.

IS THIS ON?

SPEAK RIGHT INTO IT.

IS IT ON NOW. >

WE NORMALLY USE THE FIXED MIC.

OKAY. I'M NOT -- PAY FOR THAT NEW DOWNTOWN RAIL, YOU
ARE GOING TO RAISE TAXES, LET'S NOT PRETEND THAT THE
STAKEHOLDERS ARE GOING TO MAKE INVESTMENTS AND
THAT THE VOTERS ARE GOING TO HAVE A CHOICE, ALL OF
THAT, IT'S GOING TO BE A MASSIVE SCHEME, SCAM, TO
RAISE TAXES, PUSH THROUGH ANOTHER ELECTION UNTIL IT
PASSES, TO RAISE TAXES AND IMPOSE MOBILITY, SO-CALLED
MOBILITY ON THE PEOPLE. I KNOW THIS -- THIS AGENDA,
ITEM NO. 1 ON THE AGENDA HERE IS TITLED MEETING
MINUTES. BUT I -- I COULD TELL YOU THAT IT'S NOT TITLED
MEETING MINUTEMEN. BUT NEVERTHELESS I'M GLAD TO
MEET YA. AND -- AND THE SO-CALLED MOBILITY PLAN, I

WOULD ALSO LIKE TO RETITLE AN ILLEGAL MEXICAN MOBILITY PLAN. BECAUSE WHAT IT DOES, IT'S DESIGNED TO TRANSPORT USING I-35 AND ANY OTHER BLEEDING ARTERY HEADING NORTH FROM A COUNTRY THAT'S -- THAT'S A VAST WASTE LAND OF CORRUPTION, GRAFT, POVERTY, CATHOLICISM --

Mayor Wynn: MR. DILLON. I --

I KNOW THAT YOU DISAGREE WITH THAT.

I AM ALLOWING YOU TO SPEAK ON SOMEBODY THAT'S ALREADY BEEN APPROVED, YOU SIGNED UP IN OPPOSITION TO THE FACT THAT WE CHANGED THE DATE, CORRECTED THE DATE -- [MULTIPLE VOICES]

EVERYTHING THAT YOU DO.

OCTOBER 27th TO OCTOBER 30th. PLEASE CONFINEE YOUR COMMENTS TO WHETHER OR NOT YOU OBJECT TO WHETHER WE ARE CORRECTING THE DATE FROM OCTOBER 27th TO OCTOBER 20th OR NOT. IF NOT, MY INSTINCT IS THAT YOU ARE PROBABLY SIGNED UP AS ONE OF THE CITIZENS TO SPEAK ON ITEM NO. 55. YOU WILL HAVE YOUR ABILITY TO ADDRESS THIS LARGER ISSUE.

ABSOLUTELY, ABSOLUTELY.

THIS COUNCIL, GRANTED ME THE ABILITY TO -- TO ALLOW YOU TO SPEAK ABOUT WHY YOU ARE OPPOSED TO US CORRECTING THE DATE OF LAST MINUTE -- APPROVAL OF OUR MINUTES OF OCTOBER 27th.

THE REASON THAT I'M OPPOSED TO APPROVING MINUTES OF THAT MEETING IS BECAUSE -- BECAUSE THE MOBILITY PLAN STUDY THAT THE MEETING -- THAT THE PROPOSED DATE WAS TO BE CHANGED REGARDING -- BY THE WAY, I WOULD LIKE TO RECOVER THE LOST TIME THAT -- THAT -- THAT MOBILITY PLAN STUDY, I'M RENAMING IT, IT'S THE ILLEGAL MEXICAN MOBILITY PLAN AND IT'S YOUR PLAN TO MOVE MASSIVE WAVES OF ILLEGAL IMMIGRANTS UP INTO OUR COUNTRY SO THAT -- THE WORKING POOR, FORMERLY KNOWN AS THE MIDDLE CLASS, CAN LOSE WHAT REMAINS

OF THEIR JOBS TO YOUR CORPORATE SPONSORS WHO
HAPPEN TO HAVE ALL OF THE WEALTH --

Mayor Wynn: POINT OF ORDER.

Leffingwell: I DON'T THINK THIS REALLY HAS ANYTHING TO DO
WITH THAT.

IT DOESN'T MATTER WHAT YOU THINK I'M SPEAKING ON
PUBLIC COMMENTS. IF MR. ALVAREZ DOESN'T LIKE THE
MINUTEMEN DEFENDING OUR COUNTRY HE CAN GO BACK TO
MEXICO WHERE HE CAME FROM.

Mayor Wynn: MR. DILLON, YOU ARE OUT OF ORDER. NOT
ONLY IS YOUR TIME UP, I MIGHT -- I MIGHT BE GRANTED
EXECUTIVE AUTHORITY BY THIS COUNCIL TO NOT ALLOW
YOU TESTIMONY ON ITEM NO. 55 AS YOU HAVE SIGNED UP
FOR. MS. BROWN, ITEM NO. 1, APPROVAL OF OUR
CORRECTED MINUTES REMAINS APPROVED AS EARLIER --
EARLIER ACTION TAKEN BY COUNCIL. THANK YOU. OKAY, SO
COUNCIL WE HAVE A HANDFUL OF DISCUSSION ITEMS. A
COUPLE OF WHICH WE WON'T TAKE UP UNTIL AFTER
HEARING FROM OUR ATTORNEYS IN CLOSED SESSION. I
BELIEVE THAT WE COULD TAKE UP ITEM NO. 23. WHICH
REGARDS A SERIES OF PROFESSIONAL SERVICE
AGREEMENTS. LOOKS LIKE THIS IS OUR ROTATION
SEQUENCE. PULLED BY COUNCILMEMBER ALVAREZ AND
PERHAPS A BRIEF STAFF PRESENTATION FROM MS. SONDR
CRAYTON, WELCOME.

GOOD MORNING, MAYOR, MAYOR PRO TEM.
COUNCILMEMBERS. I DON'T THINK THIS IS ON. I'M SONDR
CRAYTON, DIRECTOR OF THE PUBLIC WORKS
[INDISCERNIBLE] [MICROPHONE CUTTING OUT] I THINK THE
MIC GOT TURNED OFF. [LAUGHTER] ITEM 23 BEFORE YOU
TODAY IS TO AUTHORIZE NEGOTIATION AND EXECUTION OF
A PROFESSIONAL SERVICES AGREEMENT WITH SIX
DIFFERENT FIRMS. AND THIS IS TO DO ENGINEERING DESIGN
SERVICES WORK FOR THE WATER TRANSMISSION MAIN
ROTATION LIST FOR 2005-2007. IT'S FOR AN ESTIMATED
PERIOD OF TWO YEARS. OR UNTIL THE FINANCIAL
AUTHORIZATION IS EXPENDED IN AN AMOUNT OF \$5,500,000.
AND THIS WILL JUST ALLOW THE WATER UTILITY TO -- TO

GET DESIGNS COMPLETED ON VARIOUS TRANSMISSION MAINS ASSOCIATED WITH VARIOUS WATER TREATMENT PLANTS. AND I WOULD BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MS. CRAYTON. QUESTIONS OR COMMENTS? COUNCILMEMBER ALVAREZ, QUESTIONS OR COMMENTS ON ITEM NO. 23, THE ROTATION?

Alvarez: THANK YOU, MAYOR. I HAD REQUESTED SOME INFORMATION ABOUT -- ABOUT THE AMOUNT OF WORK THAT WE FEEL THAT THIS WOULD CREATE IN THE COMING YEAR. IS THAT IN THE CONTRACT.

TWO YEAR.

TWO YEAR, THREE YEAR CONTRACT.

YES, SIR OR UNTIL THE AUTHORIZATION IS EXPENDED.

Alvarez: IT'S ONE YEAR WITH AN EXTENSION OPTION OR TWO YEARS WITH AN EXTENSION OPTION.

IT'S TWO YEAR -- WE ANTICIPATE THAT IT WILL TAKE ABOUT TWO YEARS, HOWEVER THE ROTATION LIST WILL BE IN EFFECT UNTIL THE ACTUAL FINANCIAL AUTHORIZE IS EXPENDED. AUTHORIZATION. OR TWO YEARS, WHICHEVER ONE WOULD COME FIRST.

Alvarez: I THOUGHT I READ THREE YEARS SOMEWHERE IN THE -- IN THE AGENDA.

IN THE SUBJECT LINE IT DOES STATE TWO YEARS.

IT SAYS TWO YEARS?

YES, SIR.

AND -- HOW MANY FIRMS ARE RECOMMENDED?

SIX FIRMS.

Alvarez: HOW MANY DID WE INITIALLY SET OUT TO SELECT?

SIX FIRMS AS WELL WAS IN THE SOLICITATION IS MY UNDERSTANDING. I DON'T HAVE IT RIGHT HERE BEFORE ME, BUT THAT'S MY UNDERSTANDING. ARIZONA WE PICKED THAT NUMBER BECAUSE THERE'S A CERTAIN NUMBER OF PROJECTS, THAT WAS THE MAGIC NUMBER OF FIRMS WE NEEDED? BECAUSE I WAS LOOKING AT THE OLD ROTATION LIST FOR SIMILAR WORK, WHICH WAS ONLY FOUR FIRMS, ALTHOUGH IT WAS -- I THINK IT WAS A BROADER SCOPE THAN JUST WITH THE SCOPE OF THIS PARTICULAR ROTATION. THIS WOULD BE -- SO I WAS JUST KIND OF CURIOUS ABOUT WHY WE WANTED TO PICK SIX VERSUS FOUR AS WE HAD IN THE PREVIOUS LIST.

THE LAST ROTATION LIST WAS REALLY A DISIF DIFFERENT SCOPE, THIS IS WHAT ARBITRARY. WE DID HAVE -- WE ARE ANTICIPATING AT LEAST SIX PROJECTS IN THIS CASE. SO -- SO I DON'T KNOW SPECIFICALLY WHY SIX AND NOT FOUR, BUT -- BUT I'M -- I'M THINKING THAT IT'S BECAUSE WE ARE -- WE DO ANTICIPATE HAVING SIX PROJECTS MINIMUM FOR THE ROTATION LIST CONSULTANT. SO WE WANTED TO HAVE ONE FIRM FOR EACH OF THE SIX PROJECTS ANTICIPATED.

Alvarez: I SEE.

THESE ARE LARGER PROJECTS.

I THINK IN LOOKING AT THE SCORES, THE SCORES ARE ALWAYS VERY CLOSE. SO WHY DO YOU CUT IT OFF HERE, BRING THIS OTHER FIRM, THIS OTHER FIRM IN, WHY DO YOU -- JUST TRYING TO GET A BETTER BASIS FOR WHY SIX OR LESS, WHATEVER THE CASE MAY BE. LET ME JUST LOOK AT THAT LANGUAGE AGAIN ON THE LENGTH OF THE CONTRACT. ANY OTHER QUESTIONS, MAYOR? -- I DON'T HAVE THAT I HAVE ANY OTHER QUESTIONS MAYOR.

Mayor Wynn: THANK YOU, ANY OTHER COMMENTS OR QUESTIONS REGARDING ITEM NO. 23 REGARDING OUR ROTATION LIST PRESENTED BY MS. CRAYTON. HEARING NONE I'LL ENTERTAIN A MOTION.

Dunkerly: I MOVE APPROVAL OF THE STAFF

RECOMMENDATION.

Mayor Wynn: MOTION MADE BY SNUNG, COUNCILMEMBER DUNKERLY SECONDED BY COUNCILMEMBER MCCracken. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, OUR NEXT ITEM NO. 40, REGARDING OUR ROWING DOCK CONCESSION. WE HAVE A NUMBER OF FOLKS WHO SIGNED UP WISHING TO SPEAK. WE WILL GET TO THEM BUT PERHAPS IF WE COULD HAVE A BRIEF STAFF PRESENTATION AS TO THE PROCUREMENT PROCESS FOR THIS AND THE ISSUE AT HAND. WE WILL WELCOME PARKS DIRECTOR, MR. WARREN STRUSS.

MAYOR, MAYOR PRO TEM, COUNCIL, WARREN STRUSS, DIRECTOR OF PARKS AND RECREATION DEPARTMENT. WE BRING TO YOU ITEM NO. 40 WHICH IS INDEED A DIFFICULT POSITION FOR ME PERSONALLY, I HAVE KNOWN THE CURRENT CANOE CONCESSIONNAIRE FOR MANY YEARS. WE BRING TO YOU A NEW VENDOR, THE NEW ONE BEING ZILKER PARK CANOE AND KAYAK. THE CURRENT CONTRACT WITH THE CONCESSIONNAIRE IS EXPIRING AND WE ARE GOING TO BE RECOMMENDING THE NEW CONCESSIONNAIRE CONTRACT WITH ZILKER PARK CANOE AND KAYAK. THIS IS BASED ON A PROCESS, MAYOR, CALLED THE REQUEST FOR PROPOSAL. AND THE PURCHASING DEPARTMENT WILL BE COMING UP AND GIVING YOU FURTHER INFORMATION IN JUST A MOMENT. BUT AGAIN I DO WANT TO REMIND THE COUNCIL THAT THIS IS A DIFFICULT DECISION, IF IT WAS A DECISION BASED UPON EMOTION OR SENTIMENT, OBVIOUSLY OUR SENTIMENTAL AND EMOTIONAL FAVORITE IS THE CURRENT CONCESSIONNAIRE. UNFORTUNATELY THIS IS TRULY A BUSINESS DECISION, WE AGAIN RECOMMEND THIS AS ITEM NO. 40.

Mayor Wynn: THANK YOU, MR. STRUSS, QUESTIONS FOR THE PARKS DIRECTOR, COUNCIL?

MAYOR AND COUNCIL, I'M WITH THE CITY OF AUSTIN

PURCHASING OFFICE. I JUST HAVE A BRIEF PRESENTATION ON THE CURRENT PROCESS AND THE ITEM THAT IS BEFORE THE COUNCIL TODAY. STARTING WITH THE BACKGROUND OF WHERE WE ARE, THE CURRENT CONTRACT THAT WE HAVE FOR THE CANOE RENTAL CONCESSION WAS AWARDED IN JUNE OF 1995. IT WAS A FIVE-YEAR CONTRACT, WITH ONE FIVE-YEAR EXTENSION OPTION. PERFORMANCE WAS SATISFACTORY, SO THE CITY DID EXERCISE THAT OPTION, WHICH TOOK THE END DATE TO UP OF 2005. HOWEVER WE HELD THE CONTRACT OVER UNTIL DECEMBER TO ALLOW FOR RESOLICITATION DURING THE NON-PEAK SEASON. WE ISSUED AN R.F.P. ON AUGUST THE 22nd, 2005. WE DID HAVE A PREPROPOSE CONFERENCE WHICH GAVE VENDORS AN OPPORTUNITY TO ASK QUESTIONS OR SEEK CLARIFICATIONS ON ANY ITEMS IN THAT SOLICITATION. WE WANTED TO AWARD A FIVE YEAR CONTRACT WITH TWO FIVE-YEAR STEPS OPTIONS. THE GOAL WAS TO HAVE AN OPEN, CREATIVE PROCESS THAT WOULD INCREASE INTEREST IN TOWN LAKE AND IN CANOEING AND TO ALSO SUBSEQUENTLY INCREASE THE REVENUE FROM THAT CONCESSION. WE HAD FIVE EVALUATION FACTORS IN THAT SOLICITATION. BUSINESS ORGANIZATION WAS 15 POINTS. IT LOOKED AT FINANCIAL STABILITY AND THE VIABILITY OF THE BUSINESS. PROPOSED CONCESSION BUSINESS WAS 20 POINTS. IT LOOKED AT THEIR PLAN FOR SUMMER DAY CAMP, CASH REGISTER RECEIPTS, HOW MANY CANOES WE HAD ASKED FOR A MINIMUM OF 30. STAFFING ISSUES. WASTE CONTAINERS AND SOME ADDITIONAL SERVICES AND CRAFTS IF THEY WANTED TO PROPOSE THOSE. THERE WAS ALSO A PROJECT PLAN WHICH WAS 30 POINTS. THAT LOOKED AT THE TECHNICAL PLAN, INCLUDING THE TIME LINE AND THE FEASIBILITY FOR IMPLEMENTING THE PLAN. ENVIRONMENTAL IMPACTS. THE CONCERN THERE WAS TO MINIMIZE OR MITIGATE ENVIRONMENTAL DAMAGE. WE LOOKED AT THE MARKETING PLAN, COMPLAINT RESOLUTION, AMERICANS WITH DISABILITIES AND ALSO A TRANSITION PLAN IN THE EVENT THAT WE CHANGE VENDORS. THE LAST ITEM, THE NEXT ITEM WAS PRIOR EXPERIENCE. THAT WAS RANKED 10 POINTS. WE ASKED THE VENDORS TO HAVE A MINIMUM OF FIVE YEARS EXPERIENCE IN A WATER CRAFT BUSINESS. AND WE WANTED TO ALTHOUGH AT DEMONSTRATED EXPERTISE AND

EXPERIENCE IN THAT BUSINESS BECAUSE WE WANTED TO MAKE SURE THAT WHOEVER WE SELECTED WE BE SUCCESSFUL IN RUNNING THAT BUSINESS FOR POTENTIALLY 15 YEARS. AND THE LAST ITEM WAS REVENUE. WE LOOKED AT THE PROPOSED PERCENTAGE OF REVENUE OFFERED BY THE RESPONDENTS. WE RECEIVED FIVE PROPOSALS. AND WE EVALUATED AND RANKED THE FIVE. THEY WERE FROM ZILKER PARK CANOE AND KAYAK, BIRD WATCH CANOE LIVERY, ZILKER PARK BOAT RENTALS, INCIDENTALLY OR CURRENT VENDOR, AUSTIN CANOE AND KAYAK AND RODRIGUEZ CONCESSIONS. THE EVALUATION TEAM, LET ME BACK UP JUST FOR A MINUTE. THE EVALUATION TEAM RANKED ZILKER PARK CANOE AND KAYAK UNANIMOUSLY AS NUMBER ONE. IT WAS A CONSENSUS. OVERALL THEY -- THEIR PROPOSAL WAS MORE IN LINE WITH THE GOALS OF THE R.F.P. ABU MUSAB AL-ZARQAWI BOAT RENTALS, WHO IS THE -- ZILKER PARK BOAT REASON CALS WAS RANKED THIRD. THEY DID FILE A NOTICE OF PROTEST, IT WAS DUE BY NOVEMBER 6th BUT THEY DID NOT FILE A FORMAL PROTEST. THE ITEM BEFORE YOU TODAY IS THE RECOMMENDATION FOR ZILKER PARK CANOE AND COULD I KAYAK, RANKED FIRST, THEIR PROPOSAL WAS MORE IN LINE WITH THE GOALS OF THE R.F.P. THE PARKS BOARD CONCURRED WITH STAFF RECOMMENDATION AT THEIR LAST MEETING.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? ACTUALLY, I DO HAVE ONE. IT MAY EVEN ALSO BE FOR MR. STRUSS. I THINK WE ALL RECOGNIZE AS THE -- YOU KNOW, THE -- THE SENSITIVE EMOTIONAL ISSUE RELATED TO THIS. BUT REMIND ME, MY INSTINCT IS NOW ON THE TRAIL OF LIGHTS, I SEE WE HAVE APPARENTLY SEVERAL ROWING OR SCULLING CONCESSIONS ON THE LAKE. MY INSTINCT IS APPARENTLY OBVIOUSLY AT ONE TIME WE JUST HAD ONE. AT SOME POINT THE DECISION WAS MADE EITHER THERE'S DEMAND OR COMPETITION MIGHT BE A GOOD THING, DIFFERENT PRODUCTS BY DIFFERENT VENDOR MIGHT BE A GOOD THING FOR OUR CITIZENS, SO MORE THAN ONE SCULLING CONCESSION WAS GRANTED ON THE LAKE. WE HAVE THREE NOW. WAS THAT CONSIDERED AND/OR IS THERE THE OPPORTUNITY FOR -- FOR ESSENTIALLY A SECOND CANOEING TYPE OF CONCESSION ON THE LAKE.

MAYOR, THAT WASN'T CONSIDERED IN THIS ASPECT. BUT TO ANSWER YOUR FIRST QUESTION, YES, THE ZILKER PARK CANOE RENTAL WAS THE ONLY CONCESSIONAIRE ON THE LAKE FOR A WATER CRAFT CONCESSION, OVER THE PAST 20 YEARS THERE HAS BEEN OTHER CONCESSIONAIRES THAT HAVE COME FORWARD WITH PROPOSALS, IT HAS GONE THROUGH A PROCESS. NOW WE HAVE THE ROWING CENTER, WE HAVE THE TEXAS ROWING CLUB, THE UNIVERSITY OF TEXAS OBVIOUSLY IS VERY, VERY ACTIVE ON THE LAKE AND WE ALSO HAVE THE ONE DOWN BELOW THE FEWER FOUR SEASONS, SO WE DO HAVE A NUMBER OF OTHER ROWING CONCESSIONS ON THE LAKE AS WELL. WE DID NOT TAKE INTO CONSIDERATION THE OPPORTUNITY TO MAYBE START ANOTHER SITE.

Mayor Wynn: MAYBE I DIDN'T PAY CLOSE ENOUGH ATTENTION. THIS REQUEST FOR PROPOSAL OR THIS PROCESS WAS ESSENTIALLY FOR CANOES; THAT IS WE OBVIOUSLY THE SCULLING IS A PRETTY SPECIFIC EXERCISE AND PRODUCT LINE THAT WE SEE ON THE LAKE. SO YOU HAVE DIFFERENT CONCESSIONAIRES WHO JUST KNOW THAT PRODUCT REAL WELL. AND SO IF -- I GUESS THE QUESTION IS YOU KNOW IF THIS WAS LIMITED TO ESSENTIALLY JUST CANOES, IS THERE AN OPPORTUNITY TO -- TO HAVE A SECOND ONE OR TO HAVE A SECOND VENDOR WHO MAY HAVE A SLIGHTLY DIFFERENT, YOU KNOW, PRODUCT LINE TO ALLOW FOR EVEN DIFFERENT PRODUCTS TO BE ON THE LAKE?

I THINK YOU KNOW HOWARD DOES HAVE KAYAKS AS WELL. HOWARD IS CURRENTLY USING KAYAKS AS WELL AS CANOES, HIS CURRENT CONCESSIONAIRE ALSO PROVIDES KAYAK ACTIVITY ALSO ON BARTON CREEK. THE CONTRACT BASICALLY EXPIRED AND THAT'S WHY WE WERE BASICALLY HAD TO GO OUT AND SEEK COMPETITIVE PROCESS ON THIS. BUT -- BUT CURRENTLY IT'S -- IT'S A KAYAKING OPPORTUNITY AS WELL AS CANOEING OPPORTUNITY.

Futrell: WARREN, MAYBE ONE WAY TO HELP WITH THIS DISCUSSION, THIS LOCATION IS PART OF WHAT YOU HAVE PUT OUT FOR BID AND AS DEMAND HAS INCREASED, YOU HAVE ADDED ADDITIONAL FRANCHISES, IS THAT ONE WAY

TO DISCUSS IT?

THAT'S VERY SAFE TO SAY. THAT'S CORRECT.

Futrell: PART OF WHAT YOU DESCRIBED WERE NOT ONLY DIFFERENT FRANCHISES, BUT THEY WERE THE SPORTING ASSOCIATIONS, THE CLUBS, AND ASSOCIATIONS ALONG WITH THE SPORT, THE ATHLETIC SORT OF ROWING.

NOT JUST A FRANCHISE.

RIGHT, RIGHT.

Mayor Wynn: THANK YOU, MR. STRUSS. FURTHER QUESTIONS OF STAFF, COMMENTS?

Alvarez: MAYOR? HE HAVE WITH SPEAKERS, RIGHT? WE HAVE SPEAKERS, RIGHT?

Mayor Wynn: YES, WE HAVE A NUMBER OF SPEAKERS.

Alvarez: I WAS CURIOUS, LOOKING AT THE EVALUATION CRITERIA, IT SEEMED LIKE THE BIGGEST DIFFERENCE SEEMED TO BE IN THE AREA OF REVENUE. AND SO WHAT -- WHAT IS THE DIFFERENCE BETWEEN THE TOP -- THE TOP REQUESTER AND THE I GUESS THE NEXT TWO?

COUNCILMEMBER ALVAREZ, THE RECOMMENDED VENDOR PROPOSED REVENUE OF -- OF A MINIMUM GUARANTEED AMOUNT OF \$10,000 PER YEAR, FOR THE FIRST TERM OF THE CONTRACT, AND 12% OF NET GROSS REVENUE AND THAT'S AFTER SALES TACK, FOR THE EXTENSION OPTIONS -- AFTER SALES TAX, FOR THE EXTENSION OPTION THAT PERCENTAGE WENT TO 15%.

Alvarez: EXCUSE ME.

THE TWO EXTENSION OPTIONS, THAT PERCENTAGE AMOUNT INCREASED TO 15%. FOR THE CURRENT VENDOR, THE PROPOSED REVENUE THAT WAS A KNOWN GUARANTEED AMOUNT OF 18,000 PER YEAR, AND 10% OF NET GROSS REVENUE, OVER \$180,000. AND THAT WAS FOR THE ENTIRE TERM OF THE CONTRACT. SO ASSUMING THAT WHEN WE

EVALUATED REVENUE, WE LOOKED AT THE NET GROSS REVENUE FOR THE PREVIOUS FULL THREE YEARS OF THE CURRENT CONTRACT. BASED ON THAT THE RECOMMENDED VENDOR WE WOULD GET I THINK IT WAS ABOUT 35,000 MORE IN NET REVENUE. THAT'S ASSUMING NOTHING CHANGED IN TERMS OF REVENUE. THE ASSUMPTION IS THAT THE REVENUE WOULD INCREASE BECAUSE OF INCREASED INTEREST IN THE TOWN LAKE AREA. SO WE DON'T REALLY KNOW THE FULL EXTENTS OF WHAT THAT DIFFERENCE WILL BE OVER THE ENTIRE 15 YEAR CONTRACT.

Alvarez: OKAY. AND FINALLY, OF THE FIVE PROPOSERS, OBVIOUSLY WE HAVE ONE CURRENT VENDOR THAT'S APPLYING TO GET THEIR CONTRACT RENEWED OR -- OR REISSUED, BUT ARE ANY OF THE OTHER RESPONDENTS ALSO CURRENTLY HAVE CONTRACTS WITH THE CITY?

OUT OF THE FIVE RESPONDENTS, THREE HAVE CONTRACTS. ROWING DOCK ALSO KNOWN AS ZILKER PARK CAN NOW AND KAYAK HAS THE ROWING DOCK CONCESSION CONTRACT AND AGAIN THAT IS --

Alvarez: WHAT IS THAT CALLED?

ROWING DOCK. THEY ARE DOING BUSINESS AS ZILKER PARK CANOE AND KAYAK. THEY HAVE THE CONTRACT FOR CANOES, KAYAKS AND SCULLING AND THAT CONCESSION IS GEARED MORE TOWARD COMPETITIVE, FITNESS MINDED PEOPLE. THE CURRENT VENDOR HAS THE CANOEING AND KAYAKING CONTRACT, WHICH IS GEARED MORE ON THE LEASHLY SIDE TOWARDS -- LEISURELY SIDE TOWARDS FAMILIES AND VENDOR. ALSO HAS THE TRAIN CONCESSION AND THE BARS TON SPRINGS FOOD CONCESSION.

ZILKER PARK TRAIN AND --

AND BARTON SPRINGS FOOD CONCESSION. THEY SELLED FOR AND BEVERAGES AT FOOD AND PARK.

Alvarez: NOT FOR CANOEING PER SE.

TO MY KNOWLEDGE, THERE'S NOD FOR OR BEVERAGE CONCESSION ALLEVIATED WITH THE CANOEING

CONCESSION.

Alvarez:.

THEY DON'T HAVE ANY EXPERIENCE WITH CANOEING RENTALS.

NO, SIR. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: ELEANOR POWELL? ELEANOR POWELL HERE? AND HOW ABOUT KAY LIKELL? SO JOHN, OUR RULES ARE THAT FOLKS HAVE TO BE PRESENT IN THE CHAMBERS TO DONATE TIME TO YOU, BUT WITH THOSE ADDITIONAL SIX MINUTES YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED THEM. WELCOME.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCIL, I APPRECIATE YOUR TIME TODAY. I WANT TO MAKE SURE THE FIRST THING WE UNDERSTAND IS WHAT WE'RE ABOUT TO DO HERE IF WE APPROVE THIS, AND THAT IS TAKE A BUSINESS OWNER WHO HAS SERVED THE CITY WELL FOR 36 YEARS AND GIVE THEIR BUSINESS TO ANOTHER CONCESSIONAIRE. WE'RE GOING TO REDUCE COMPETITION ON THE LAKE BY HAVING TWO VENDORS TURNED INTO ONE. I WANT TO DISCUSS THE PROCESS FIRST. THE PARKS BOARD ASSIGNS STAFF MEMBERS TO A COMMITTEE THAT DEVELOP THE MATRIX THAT WAS USED TO SCORE THIS. AND YOU SAW THE MATRIX SCORES AND YOU SAW A LITTLE BIT ABOUT HOW EACH SECTION WAS WEIGHTED. I ATTENDED THE PARKS BOARD MEETING WHERE THIS SCORING PROCESS WAS DISCUSSED WITH THE PARKS BOARD AND WHEN THEY MADE THEIR RECOMMENDATION TO CITY COUNCIL, THEY WERE NOT ALLOWED TO SEE THE SCORES, THEY WERE NOT ALLOWED TO SEE ANY OF THE PROPOSED PLANS, THEY WERE NOT ALLOWED TO SEE ANY OF THE DETAILS. THEY WERE OBVIOUSLY SURPRISED AND RELUCTANTLY AGREED TO PASS THIS FORWARD. SO I WANTED TO START WITH THAT. THE PROCESS IS OBVIOUSLY FLAWED, BUT I WANT TO DISCUSS -- I WANT TO DISCUSS SOME OF THE MATRIX SPECIFICS RIGHT NOW. THE POINT SYSTEM STARTING WITH THE BUSINESS ORGANIZATION -- AND MOST OF YOU PROBABLY ALREADY KNOW, BUT I'M SPEAKING HOPING THAT

YOU WILL CONTINUE THE 36-YEAR BUSINESS THAT'S SERVED AUSTIN WELL. THAT'S THE POINT OF VIEW THAT I'M COMING FROM. ZILKER PARK BOAT RENTALS, THE CURRENT CONCESSIONAIRE, RECEIVED THE SAME 15 15 POINTS AS THE WINNING BIDDER, 15 POINTS. IN THE NEXT SECTION THE PROPOSED CONCESSION BUSINESS, THEY ALSO RECEIVED THE SAME AMOUNT OF POINTS. THE NEXT SECTION BEING THE PROJECT PLAN, I WANT TO DISCUSS SOME SPECIFICS HERE. IN THIS SECTION THE WINNING BIDDER PROPOSED SOME THINGS THAT THEY WERE GIVEN POINTS FOR THAT THE CITY HAD PREVIOUSLY DENIED THE CURRENT CONCESSIONAIRE FOR. I WANT TO MAKE SURE EVERYBODY UNDERSTANDS THAT DISTINCTION. THEY PROPOSED AN AESTHETICALLY PLEASING BUILDING AND AN AESTHETICALLY PLEASING DOCK. THE CURRENT CONCESSION HAS APPROACHED THE CITY ALREADY ABOUT THE BUILDING AND THE CITY SAID NO, YOU CANNOT HAVE THE BUILDING, SO THE CURRENT -- THE WINNING BIDDER RECEIVED POINTS FOR SOMETHING THAT THE CURRENT CONCESSIONAIRE WAS TOLD THEY COULDN'T DO. ALSO, I WANT TO TALK ABOUT THE AESTHETICALLY PLEASING DOCK THAT IS PROPOSED. THEY'RE PROPOSING PUTTING A FLOATING DOCK BELOW BARTON SPRINGS POOL OR BARTON CREEK, AND IF ANY OF YOU HAVE EVER BEEN DOWN THERE DURING A FLOOD, A FLOATING DOCK IS NOT FEASIBLE. THERE MAY BE SOME PLANS TO TRY TO MOVE THE DOCK DURING A FLOOD, BUT THEN AGAIN THAT'S WHY THEY CALL IT A FLASH FLOOD AND THAT'S WHY THE CURRENT CONCESSION HAS NARROWLY ESCAPED LOSING ALL OF HIS CANOES, HE HAS LOST THEM SEVERAL TIMES, BUT THE FLOODS COME UP SO QUICKLY THAT A FLOATING DOCK IS NOT FEASIBLE. AND THEN THERE'S THE BASIC ISSUE WITH A FLOATING DOCK. WITH THE RESEARCH THAT I'VE SEEN, A FLOATING DOCK IS -- AND JUST COMMON SENSE WILL TELL YOU THIS. A FLOATING DOCK IS NOT THE RIGHT WAY TO GET INTO A CANOE. THE RIGHT WAY TO GET INTO A CANOE IS OFF THE BANK THE WAY THEY DO IT NOW. STEPPING OFF OF A FLOATING DOCK INTO A CANOE IS JUST ASKING FOR TROUBLE, ASKING FOR A LAWSUIT TO THE CITY IN MY OPINION. SO I JUST DON'T THINK THAT THAT IS A -- THOSE POINTS SHOULD BE AWARDED BASED ON THOSE FACTORS. ONE, THE CITY ALREADY SAID THEY SHOULDN'T

HAVE A BUILDING UP THERE. AND TWORKS THE FLOATING DOCK FOR A CANOE TYPE CONCESSION DOES NOT MAKE SENSE. AND SO THOSE -- IN THAT SECTION OF PROJECT PLAN, THOSE POINTS I THINK WERE MISGUIDED. I THINK THE COMMITTEE MEMBERS ARE PROBABLY NOT BUSINESS OWNERS AND PROBABLY DON'T UNDERSTAND A LOT OF THE DETAILS HERE. SO I JUST THINK THAT'S WRONG AND IT WAS FLAWED. AND PRIOR EXPERIENCE, WE HAVE A VENDOR WHO HAS A VERY, VERY UNIQUE SITUATION. THEY'RE IN A FLOOD PRONE CREEK BED, AND WHEN IT FLOODS DOWN THERE, IT IS NOT A GRADUAL RISING OF WATER, IT ISNO CARRIERRINGCONNECT 57600NO CARRIERRINGCONNECT 57600

THEY WANTED TO ENSURE WHOEVER GOT THIS WAS ABLE TO RUN THE BUSINESS CORRECTLY. THE NEXT PART I WANT TO TALK ABOUT IN THE MATRIX IS THE REVENUE SECTION. THIS IS WHERE THE CURRENT CONCESSIONAIRE LOST THE MOST POINTS. AND BY THE WAY, IF YOU SAW THE SCORES, THEY WERE VERY, VERY CLOSE BETWEEN THE TOP THREE, BUT THEY LOST THE MOST POINTS HERE BASED ON PROPOSED REVENUE. I DON'T KNOW IF ALL OF YOU CAUGHT THIS, BUT ONE OF THE PARTS IN THE REVENUE SAYS GUARANTEED MINIMUM. THE CURRENT CONCESSIONAIRE IS GUARANTEEING \$18,000 A YEAR. THE WINNING BIDDER IS PROPOSING AT LEAST HALF THAT AT \$10,000 A YEAR. AND THE -- OVER THE LIFE OF THE CONTRACTS, THE THREE FIVE-YEAR CONTRACTS, THE PROPOSING BIDDER, IF THEY WERE ABLE TO HOLD THE REVENUE WHERE THE CURRENTLY BUILT CONCESSIONAIRE HAS, THEY WOULD END UP WITH MORE, BUT I DID A BIT MORE AND I DON'T KNOW HOW THE ROWING DOCK DOES THEIR RESEARCH, BUT IN THE TWO YEARS THE CURRENT OWNER HAS OWNED IS FOR ONLY TWO YEARS. AND IN THOSE TWO YEARS THEY'VE OWNED IT THE REVENUES HAVE DECLINED. SO THEY'RE PROPOSING MORE REVENUE BASED ON BEING ABLE TO STAY THE SAME OR INCREASE. AND THEIR TRACK RECORD SHOWS THAT THEY WILL NOT EVEN BE ABLE TO MAINTAIN. SO I THINK THAT THE REVENUE PORTION IS AGAIN A FLAWED SECTION OF THE MATRIX. SO I HOPE EVERYBODY WAS ABLE TO GRASP WHAT I WAS TRYING TO SAY THERE, BUT I WANTED TO -- I WANT TO ADDRESS AN ISSUE THAT MAYOR WILL WYNN BROUGHT UP

DIRECTLY FIRST. MAYOR, YOU SAID SOMETHING ABOUT COULD THERE BE POSSIBLY TWO CONCESSIONS DOWN THERE. AND THERE ARE -- THERE ARE LIKE YOU TALKED ABOUT, SKULLING, DIFFERENT TYPES OF ROWING, BUT THE WINNING BIDDER ALREADY HAS A BUSINESS THAT'S RELATIVELY CLOSE BY TO THE EXISTING BUSINESS. AND THE FIRST THOUGHT THAT CAME TO MY MIND IS WHY DON'T THEY JUST ADD CANOES. WHY DON'T THEY ADD THE CANOES AND THAT WAY THERE IS MORE COMPETITION ON THE LAKE AND THAT WAY WE CAN LEAVE THE CONCESSIONAIRE WHERE THEY ARE AND SO -- I THOUGHT ABOUT THAT AND THEN I WENT TO THE WINNING BIDDER, THE ROWING DOCK, THAT'S THEIR EXISTING BUSINESS, I WENT TO THEIR WEBSITE AND I THOUGHT THIS WAS INTERESTING BECAUSE I HAVE A QUOTE FROM THEIR WEBSITE ON WHAT THEY THINK ABOUT CANOES. AND IT SAYS ON THEIR WEBSITE, IT DOES DO YOU HAVE CANOES. AND IT SAYS WE DO NOT HAVE CANOES BECAUSE THEY ARE HEAVIER. WE FEEL THAT PADDLE BOATS ARE THE BEST WAY TO SEE THE LAKE. I FIND IT INTERESTING THAT THEY ARE TAKING AWAY THIS BUSINESS FROM THIS VETERAN OF THE BUSINESS AND GIVING IT TO SOMEONE WHO DOESN'T LIKE CANOES. [BUZZER SOUNDS] SO FOR WHAT THAT'S WORTH. ALSO --

Mayor Wynn: JOHN, PLEASE CONCLUDE, YOUR TIME'S UP.

ONE LAST THING. ON THE GOALS, THEY MENTION IN THEIR PRESENTATION TO THE PARKS BOARD THAT THEIR GOALS WERE MORE INTEREST IN THE LAKE AND MORE REVENUE. THESE GOALS -- THIS IS THE FIRST ANYONE HAS EVER SEEN THESE GOES. THESE WERE NOT PRESENT AND THE BIDDERS WERE NOT ALLOWED TO KNOW THE GOALS OF THE R.F.P. PROCESS, BUT I WANT -- I WILL CONCLUDE BY SAYING I HOPE EVERYBODY UNDERSTANDS WHAT WE'RE ABOUT TO DO AND HOW THE -- HOW I THINK THE COMMUNITY WOULD NOT STAND FOR THIS IF THIS HAPPENS, TAKING THIS BUSINESS AWAY FROM ONE CONCESSIONAIRE AND GIVING IT TO ANOTHER.

Alvarez: I HAVE A FOLLOW-UP QUESTION.

Mayor Wynn: JOHN?

Alvarez: I WAS HAVING AN OFF LINE CONVERSATION WHILE YOU WERE TALKING ABOUT THE REVENUES, AND YOU MADE A COMMENT ABOUT HOW YOU THOUGHT THE REVENUE ANALYSIS WAS FLAWED. COULD YOU REPEAT THAT FOR ME? I MISSED THAT.

SURE. THE FIRST THING I WANT TO SAY IS THAT THE WINNING BIDDER GUARANTEED \$10,000 A YEAR. THE CURRENT CONCESSIONAIRE GUARANTEED \$18,000 A YEAR. THE WINNING BIDDER DID HAVE A HIGHER PERCENTAGE IN THE SUBSEQUENT FIVE-YEAR CONTRACTS, THE TWO AFTER THE INITIAL. BUT WHAT MY POINT WAS IS THAT THE ROWING DOCK, WHO IS THE WINNING BIDDER NOW, I LOOKED ON THE CITY OF AUSTIN WEBSITE AND LOOKED AT THEIR REVENUES, AND SINCE THE CURRENT OWNERS, WHICH HAVE BEEN THERE FOR TWO YEARS AS THE SOLE OWNER, I THINK SHE WAS A PARTNER, BUT AS JUST RUNNING THAT BUSINESS BY HERSELF, HER BUSINESS HAS DECREASED IN THE LAST TWO YEARS. AND A LOT OF THE POTENTIAL REVENUE THAT THE CITY COULD GAIN WOULD BE FROM EITHER MAINTAINING OR INCREASING BUSINESS. AND IT WOULD HAVE TO -- IT WOULD HAVE TO INCREASE BUSINESS TO UNDER THEIR CURRENT GUIDELINE TO INCREASE REVENUES TO THE CITY. IN THE FIRST FIVE-YEAR PERIOD FOR SURE. DOES THAT ANSWER YOUR QUESTION?

Alvarez: YES. AND HOW IS THE PROPOSER THAT YOU ARE SPEAKING ON BEHALF, THEN HOW IS THEIR REVENUES OR ACTIVITY BEEN WITH THEIR BUSINESS?

THEIR REVENUES OVER THE 36 YEARS HAVE STEADILY INCREASED. OBVIOUSLY THEY HAVE UPS AND DOWNS, BUT THEY'VE STEADILY INCREASED OVER THE 36-YEAR PERIOD.

Alvarez: THANK YOU VERY MUCH.

THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. OUR NEXT SPEAKER IS LAURA MASSENGILL. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY TERRY SHER RIL, WHO WILL BE FOLLOWED BY DOROTHY BARNETT.

GOOD MORNING, EVERYONE. MY NAME IS LAURA MASSENGILL. I'M HOWARD AND DOROTHY BARNETT'S DAUGHTER. I WANTED TO READ YOU A LITTLE HISTORY OF THE ZILKER PARK BOAT RENTALS, OUR FAMILY BUSINESS. IN 1969 WHEN I WAS FIVE YEARS OLD WE LIVED IN A SMALL HOUSE JUST OFF OF LAKE AUSTIN BOULEVARD. MY FATHER HAD GRADUATED FROM U.T. AND HAD FOUND A JOB AS A STAFF WRITER FOR THE TEXAS PARKS AND WILDLIFE DEPARTMENT. MY MOM AND I WOULD TAKE HIM TO WORK EVERYDAY IN OUR VW BUG. MY FATHER LOVED WORKING FOR THE TEXAS PARKS AND WILDLIFE DEPARTMENT. ONE DAY HE DROVE UP IN A PICKUP TRUCK PULLING A TRAILER WITH 10 CANOES. MY FATHER'S LOVE OF AUSTIN, NATURE AND COMMUNITY, BEING ONE OF THE FOUNDING MEMBERS OF THE AUSTIN SIERRA CLUB. BACK THEN IT WAS CALLED ARMADILLO CANOE RENTALS. BACK THEN MY PARENTS SPENT MOST OF THEIR TIME RUNNING THE BUSINESS. I GREW UP IN ZILKER PARK, WADING IN THE WATER AND FISHING FOR PERCH ALONG THE BANKS OF BARTON CREEK. TO THIS DAY MY PARENTS LIVE JUST FIVE MINUTES AWAY. OVER THE PAST 36 YEARS I'VE WATCHED MY MOTHER AND FATHER BUILD THEIR CANOES TO OVER 100,000 CANOES AND KAYAKS. MY PARENTS HAVE LIVED AND BREATHED THIS BUSINESS FOR THEMSELVES AND FOR THE AUSTIN COMMUNITY. THEY CHOSE THIS BY SHARING WITH OTHERS THEIR DREAMS OF A PEACEFUL QUALITY OF LIFE THROUGH THE ENJOYMENT OF AUSTIN AND THESE BEAUTIFUL TRAILS, CREEKS AND WATERWAYS. THEIR PUBLIC SERVICE IS REFLECTED IN THE OVERSTUFFED THREE-RING BINDER FILLED WITH THANK YOU LETTERS TO MY PARENTS FROM GROUPS WHO HAD A OPPORTUNITY TO HAVE A WONDERFUL EXPERIENCE FREE OF CHARGE, SERVING MANY PEOPLE. THIS HAS BEEN HARD ON MY PARENTS AS THEY FIGHT TO KEEP THEIR BUSINESS, BECAUSE THEY HAVE EVERYTHING TO LOSE. IT HAS BEEN HARD ON OUR FAMILY AND FRIENDS, FREAKING EVERYONE AS WE WATCH IN DISBELIEF IN WHAT MIGHT ACTUALLY HAPPEN IF SOMEONE DOESN'T TAKE NOTICE, SOMEONE DOESN'T LISTEN. PLEASE TAKE NOTICE, PLEASE LISTEN. I AM ASKING YOU, THE CITY COUNCIL, TO END THIS TODAY. PLEASE CONSIDER THE PERSONAL STORY BEHIND THE CONCESSION CONTRACT. OUR 36-YEAR-OLD FAMILY BUSINESS. AND VOTE FOR THE BAR NETS TO RETAIN

THEIR CONTRACT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. THE NEXT SPEAKER IS TERRY CHERYL. WELCOME. YOU WILL BE FOLLOWED BY DOROTHY BARNETT WHO WILL BE FOLLOWED BY TODD OLSON.

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IN ADDITION TO WHAT THEY'VE DONE FOR THE AUSTIN NATURE CENTER, THERE ARE ABOUT 11 GROUPS, INCLUDING THE AUSTIN NATURE CENTER, THAT THEY GIVE FREE CANOE RENTAL TO FOR CLEANUPS. AND THEY DEVOTE OVER -- THEY'VE GIVEN OVER 2200 HOURS OF FREE CANOE RENTALS TO DISABLED PEOPLE. THEY HAVE WORKED WITH DIFFERENT ARCHITECTS AND EROSION CONTROL SPECIALISTS FOR THE MAINTENANCE OF THE AREA. AND THERE ARE 49 DIFFERENT ORGANIZATIONS THAT HAVE BENEFITTED FROM FREE CANOE RENTALS FOR THEIR FUND-RAISING ACTIVITIES. SO THE GOODWILL EXTENDED BY HOWARD BARNETT AND THE ZILKER PARK BOAT RENTALS TO THE AUSTIN COMMUNITY IS OBVIOUS. I BELIEVE THE AMBIANCE THAT THIS FRANCHISE HAS GIVEN TO THE CITY OF AUSTIN FOR 36 YEARS, ALONG WITH THE LEGACY TO OUR CHILDREN -- AND I HOPE TO MY GRANDCHILDREN AS WELL -- AND THE CONTINUITY OF GOOD SERVICE WILL NOT BE IGNORED BY THE CITY COUNCIL. I I IMPORE YOU TO CONTINUE THE CONCESSION WITH THE ZILKER PARK BOAT RENTALS WITH HOWARD BARNETT. THANK YOU.

Mayor Wynn: THANK YOU. DOROTHY BARNETT? WELCOME, DOROTHY. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY TODD OLSON, WHO WILL BE FOLLOWED BY JAY POWELL.

HONORABLE MAYOR AND COUNCILMEMBERS, I'M DOROTHY BARNETT AND I'M MARRIED TO HOWARD BARNETT AND WE OWN THE ZILKER PARK BOATS AND WE HAVE BEEN TOGETHER SINCE I WAS 17 AND HE WAS 19. I WILL BE 60 IN JANUARY, HE WILL BE 63 IN JUNE. WE KNOW A LOT ABOUT TENACITY, WE KNOW A LOT ABOUT HARD WORK. WHEN WE FIRST GOT MARRIED WE LOADED EVERYTHING THAT WE OWNED INTO A VOLKSWAGEN BUG AND WENT TO MONTANA WHERE HOWARD WORKED FOR THE FOREST SERVICE. WE

HAVE LIVED IN AUSTIN AS VERY ACTIVE -- I'VE BEEN VERY ACTIVE IN VOLUNTEER SERVICES IN AUSTIN, BEEN ON MANY COUNCILS AND MANY BOARDS, BUT WHAT I'D LIKE TO TALK ABOUT REAL BRIEFLY IS WHAT HAPPENED AND HOW WE STARTED THE CANOES. THE CANOES STARTED BECAUSE WE STARTED THE SIERRA CLUB IN AUSTIN. WE CALLED THE FIRST MEMBERSHIP MEETING TOGETHER WAY BACK A LONG TIME AGO AND WE BECAME ACTIVE IN THE SIERRA CLUB AND WENT ON RIVER OUTINGS AND GREW TO LOVE CANOEING. AND WE WERE CROSSING THE LAMAR STREET BRIDGE ONE DAY AND HOWARD SAID, YOU KNOW, THIS ISN'T BEING USED, WHY DON'T WE SEE WHAT WE CAN DO ABOUT THAT? HOWARD WENT TO THE PARKS BOARD WITH A ONE PAGE LETTER AND SAID I'D LIKE TO SEE IF THIS CAN HAPPEN. AND WE HAD A CANOE BUSINESS SUDDENLY. WE DIDN'T HAVE ANY MONEY, WE WERE VERY YOUNG AND HOWARD WORKED FOR THE PARKS AND WILDLIFE DEPARTMENT AT THAT TIME AS A STAFF WRITER. HE OWNED SOMEBODY WHO OWNED BULL CREEK LODGES AND SAID WHERE DID YOU GET YOUR CANOES. AND HE SAID I'M CLOSING, I HAVE 10 IN MY YARD, DO YOU WANT THEM? WE HAD TO SCRAMBLE TO GET A LOAN TO BUY LIFE JACKETS, PADDLES, AND WE HAD 10 CANOES AND WE WERE IN BUSINESS. I WORKED THE CANOES DURING THE WEEK. HOWARD AFTER WORK WOULD WORK ON THE WEEKENDS AND OUR WHOLE FAMILY PITCHED IN. WE HAVE GROWN FROM 10 CANOES TO OUR FLEET NOW, WHICH IS ALMOST 100 BOATS. WHEN YOU CONSIDER THAT AND YOU CONSIDER THE GROWTH THAT WE HAVE SHOWN OVER THE YEARS AND THE REBUILDING SIX TIMES AFTER MANY FLOODS, I THINK THAT WE HAVE SHOWN THE TENACITY AND THE ABILITY TO REBOUND AFTER HARD TIMES AND I THINK THAT SHOULD BE REWARDED. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, MS. BARNETT. TODD OLSON? NOT HERE, SIGNED UP AGAINST THE AGENDA ITEM. JAY POWELL? WELCOME, JAY, YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY AMBROSE CRUMP.

MY WIFE'S THREE MINUTES CAN'T BE TRANSFERRED TO ME? SHE SIGNED UP ALSO.

IF SHE'S HERE AND SIGNED UP, YES, SIR.

SHE CAN RAISE HER HAND. YOU KNOW HER. THE ONLY REASON THAT I'M HERE IS I DON'T THINK HOWARD EVEN KNOWS THAT I WAS PROBABLY THE FIRST CANOE OPERATOR ON TOWN LAKE. I DESIGNED AND BUILT THE RACKET CLUB APARTMENTS DOWN ACROSS FROM THE FIESTA GARDENS. AND SINCE WE WERE LIVING THERE AND LIVING ON THE WATER, WE DECIDED TO BUILD A LITTLE BOAT DOCK, AND BUY SOME CANOES AND SALE FISH AND SUN FISH SALE BOATS. WE OPERATED IT FOR A COUPLE OF YEARS, AND WE WERE IN FOR A SHOCK THAT I THINK THAT PROBABLY EVERY TIME THE CREEKS HAD A LITTLE FLOOD OR TOWN LAKE ROSE UP, OUR LITTLE MARINA WAS SWAMPED WITH TRASH AND MUD, AND SO VERY SHORTLY I DECIDED TO GET OUT OF THE CANOE ACTUAL MANAGEMENT, AND I HIRED AN OPERATOR. I LATER ON LEASED IT, AND I CAN'T IMAGINE THAT ANYONE THAT HASN'T BEEN IN THE BUSINESS KNOWS WHAT THEY'RE IN FOR WITH THE FREQUENT FLOODS THAT WE HAVE DOWN HERE. THIS GOES BACK TO -- EVEN BEFORE I SERVED ON THE PLANNING COMMISSION, WHICH MOST OF YOU WEREN'T HERE IN THE MID '80'S. BETTY WILL REMEMBER ME FROM THE PLANNING COMMISSION, BUTNO CARRIERRINGCONNECT 57600NO CARRIERRINGCONNECT 57600

HOWARD LOANED THEM TO US WITHOUT ANY COST, AND THESE ARE THE KIND OF PEOPLE THAT WE NEED TO KEEP IN THE AUSTIN CONCESSIONS, AUSTIN BIDDING PROCESS, BECAUSE WHEN YOU WEIGH 36 YEARS OF SUCCESSFUL EXPERIENCE AGAINST WARM FUZZY PROMISES, I THINK YOU'LL SEE THAT PROBABLY THE 36 YEARS OUT WEIGHS ANY PROMISES OR ANY DIFFERENCE IN FINANCIAL CONSIDERATION. I CAN'T REALLY IMAGINE HAVING TO REBUY CANOES EVERY FEW YEARS EVERY TIME WE HAVE A FLOOD. HOWARD'S CANOES AND HIS BUILDING WASH AWAY. YOU'LL FIND SOME OF HIS OLD CANOES ON THE -- AS THE MAJOR DECORATIVE FEATURE OF THE WATERLOO ICE HOUSE AT 38TH AND MEDICAL PARKWAY. THOSE ARE HOWARD'S CANOES. BUT ANYWAY, I WOULD LIKE TO SPEAK FOR THEM AND SAY THAT YOU WILL PROBABLY HAVE A WHOLE LOT LESS HEADACHES DEALING WITH PEOPLE THAT ARE DEVOTED CITIZENS AND HAVE CONTRIBUTED SO MUCH TO THIS CITY. LET'S DON'T SLAP THEM IN THE FACE AND KICK

THEM OUT AT THIS POINT. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: AMBROSE CRUMP. HE SIGNED UP WISHING TO SPEAK, IN FAVOR OF THE ITEM. PENELOPE DAUGHERTY? SIGNED UP WISHING TO SPEAK IN FAVOR. JOE KENDALL? SIGNED UP WISHING TO SPEAK. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY WILLIAM OLIVER, WHO WILL BE FOLLOWED BY RACHEL AND PATRICK THOMAS.

GOOD MORNING. I WOULD LIKE TO SPEAK ON BEHALF OF HOWARD AND DOROTHY BARNETT. I'VE BEEN PADDLING, CANOEING THESE RIVERS AND LAKES IN THIS AREA FOR THE LAST 25 YEARS. I'M A BOARD MEMBER OF THE SAVE BARTON CREEK ASSOCIATION AND I HAVE OUTFITTED AND LED DOZENS OF TRIPS ON BARTON CREEK, TAKEN NUMEROUS CITY COUNCILMEMBERS. AND IF WE EVER HAVE ENOUGH WATER AGAIN, I WOULD LIKE TO TAKE Y'ALL. SINCE '92 WE HAVE FOUNDED THE SHATOGA FOUNDATION. WE HAVE DONE ADOPTIONS, CLEANUPS, RACES AND HAVE MANAGED CAMP GROUNDS. IT DURING THAT TIME PERIOD I FIRST MET HOWARD AND HE HAS LOANED NUMEROUS BOATS TO US FOR DIFFERENT ACTIVITIES. IN '96 WE SETTLED INTO DOING A RIVER SCHOOL. WE TAKE ELEMENTARY SCHOOL STUDENTS CANOEING THAT WOULDN'T NORMALLY GET A CHANCE TO GET ON THE RIVER AND WE DO IT WITHOUT COST TO THEM. SINCE WE STARTED, WE'VE TAKEN OVER 3,000 STUDENTS ON THE RIVER, AND EVERY ONE OF THEM HAVE HAD THEIR LUNCH ON THE PROPERTY JUST ABOVE HOWARD BARNETT'S PROPERTY. AND I WANT YOU TO KNOW THAT IT'S ALWAYS BEEN A GREAT COMFORT TO US TO KNOW THAT HOWARD AND HIS STAFF WERE SO CLOSE BY. THEY HAVE HELPED US NUMEROUS TIMES, THEY KEEP AN EYE ON OUR STUDENTS, THEY KEEP AN EYE ON OUR EQUIPMENT, THEY HELP US WITH THE TRASH. THEY EVEN ARE RESPONSIBLE FOR RECOVERING A BOAT THAT WAS STOLEN FROM US. I DON'T KNOW WHAT HOWARD HAS SAID IN HIS PROPOSAL, BUT IT WOULD BE MY GUESS THAT HE NEVER TOOK CREDIT FOR A LOT OF THE THINGS HE'S DONE. SO AS THE EXECUTIVE DIRECTOR OF THE SHATOGA FOUNDATION, I WOULD LIKE TO ASK YOU TO BE CERTAIN THAT THIS SYSTEM IS BEING FAIR TO HOWARD AND THAT YOU GIVE HIM THE PROPER SUPPORT FOR ALL HE'S DONE FOR US. A LOT OF

POINTS HAVE BEEN MADE TODAY, BUT THE ONE THAT I HAVEN'T HEARD, AND I'D LIKE TO EMPHASIZE VERY, VERY STRONGLY, I'M A CANOER, NOT A KAYAKER. I'VE BEEN CANOEING FOR 25 YEARS. AND I'D LIKE TO EMPHASIZE TO YOU THAT THERE IS A HUGE, HUGE DIFFERENCE BETWEEN CANOEING AND ROWING, PARTICULARLY ROWING SKULLS. THE EXPERIENCE WE'RE TALKING ABOUT IS NOT THE SAME. IT'S APPLES AND ORANGES. CANOES ARE DIFFERENT THAN ROWING SKULLS OR KAYAKS, SO PLEASE, I'M ASKING YOU TO BE CERTAIN THAT YOU GIVE EVERY OPPORTUNITY FOR THIS SITUATION TO BE FAIR TO HOWARD AND DOROTHY BARNETT. THANK YOU FOR YOUR TIME. [APPLAUSE]

Mayor Wynn: THANK YOU, JOE. WILLIAM OLIVER? WELCOME. YOU WILL BE FOLLOWED BY RACHEL AND PATRICK THOMAS. WELCOME. YOU WILL HAVE THREE MINUTES.

BILL OLIVER A MUSICIAN AND RIVER THIEWZIEST AND BARTON CREEK LOVER. AND I THINK THAT INTERSECTION OF BARTON CREEK AND TOWN LAKE IS THE MOST SACRED RIVER INTERSECTION IN THE STATE AT LEAST. AND I THINK HOWARD BARNETT'S BUSINESS IS JUST THE RIGHT SIZE AND PERSONALITY FOR THAT AREA. I'VE BEEN PADDLING THERE SINCE THE EARLY '70'S, MOSTLY IN MY OWN BOATS, BUT SOMETIMES WITH THEIRS. THEY WERE ALWAYS PROFESSIONAL AND JEAN RUSS. LATER ON I ACTUALLY WITNESSED ONE OF THOSE FLOODS TAKE THEIR WHOLE STOCK DOWN THE CREEK, BOILING OUT INTO TOWN LAKE. IT WAS A SAD SCENE, BUT THEY RECOVERED FROM IT. AND THEN LATER, IN THE LAST FOUR YEARS I'VE BEEN PRODUCING A LITTLE EVENT CALLED MOTHER EARTH DAY AT THE SPRINGS AT ZILKER HILLSIDE THEATER PARTIALLY FUNDED BY THE CITY OF AUSTIN. AND I'VE HAD SEVERAL OTHER SPONSORS FOR THE LAST FOUR YEARS. ONE OF THE SPONSORS HAS BEEN ZILKER PARK BOAT RENTALS AND THEY HAVE BEEN ALWAYS QUICK AND RESPONSIVE AND HELPFUL AND SUGGESTIVE. THEY'VE OPENED SEVERAL HOURS EARLIER. ONE ELEMENT OF OUR EVENT IS A CREEK CLEANUP FROM THE POOL TO THE LAKE, AND THEY PROVIDE THE CANOES AND OPEN TWO HOURS EARLY TO ACCOMMODATE US. AMERICAN YOUTH WORKS PROVIDED THE KIDS. SO I DON'T THINK THIS PROCESS IS NECESSARILY -- IS UNEMOTIONAL. IT'S COLD! IT'S GOT EMOTION IN IT AND IT

NEEDS TO -- THAT NEEDS TO BE ADDRESSED. 36 YEARS OF SERVICE, IF THERE WAS A SPOT IN THAT CRITERIA FOR LOYALTY, I KNOW THE VOTING WAS CLOSE, BUT IF THERE WAS A SPOT FOR LOYALTY IF THERE, THESE GUYS WOULD HAVE IT. THERE WOULD BE NO COMPETITION. KEEP ZILKER PARK BOAT RENTALS. THANK YOU. [APPLAUSE]

Mayor Wynn: SHOULD HAVE BROUGHT YOUR GUITAR. RACHEL AND PATRICK THOMAS. SIGNED UP WISHING TO SPEAK, IN FAVOR. WELCOME. Y'ALL HAVE THREE MINUTES EACH OR SIX MINUTES COMBINED.

THANK YOU. I'M PATRICK THOMAS. MY WIFE IS RACHEL THOMAS. WE ARE THE OWNERS OF ROWING DOCK AND THE RECOMMENDED RECIPIENT FOR THIS CONCESSION. WE CURRENTLY HAVE THE ROWING DOCK CONCESSION, AS WAS STATED BY THE CITY. I'D LIKE TO FIRST OF ALL THANK YOU FOR THE STUNT TO -- OPPORTUNITY TO SPEAK AND ALSO THANK THE CITY STAFF. THEY SHOULD BE COMMENDED. THEY WERE EXTREMELY THOROUGH DURING THE PROCESS AND VERY PROFESSIONAL. I'D LIKE TO ADDRESS A COUPLE OF ITEMS THAT HAVE COME UP IN THE PREVIOUS SPEAKERS. THERE'S A FEW THINGS THAT I THINK NEED TO BE CLARIFIED. ONE ITEM OF INTEREST IS THE PROCESS ITSELF. AS INO CARRIERRINGCONNECT 57600NO CARRIERRINGCONNECT 57600

WE ARE PROPOSING A LARGER PERCENTAGE OF THE REVENUE GO TO THE CITY. THIS IS A CITY PARK AND IT IS A CONCESSION THAT IS GRANTED BY THE CITY FOR THE USE OF THE PEOPLE OF AUSTIN, AND THEREFORE WE FEEL THAT IT SHOULD PRODUCE REVENUE FOR THE CITY. AS THE PARKS DEPARTMENT STATED, THEIR ANALYSIS WAS NOT BASED ON OUR PROJECTIONS OF REVENUE, BUT RATHER A LEVEL PLAYING FIELD OF OUR PROPOSED PERCENTAGE VERSUS WHAT HAS BEEN HISTORICALLY GENERATED BY THE CONCESSION. THE FINAL POINT I'D LIKE TO MAKE ON REVENUE IS ALTHOUGH THERE WAS MUCH TALK ABOUT THE CURRENT ROWING DOCK REVENUE DIPPING IN THE LAST YEAR, IN THE SIX AND A HALF YEARS THAT ROWING DOCK HAS BEEN IN BUSINESS, IT HAS GONE FROM ZERO REVENUE TO OVER 30% GREATER REVENUE THAN WHAT THE CURRENT CONCESSION HAS BUILT IN THE LAST 36 YEARS.

SO ROWING DOCK CREATES MORE REVENUE BASED ON A SIX AND A HALF YEAR HISTORY THAN WHAT THE CURRENT CONCESSIONAIRE HAS DONE IN THE PREVIOUS 36. I WILL NEED SOME -- I WILL LEAVE SOME TIME FOR MY WIFE TO SPEAK HERE. THE LAST THING, THIS IS AN EMOTIONAL DECISION. YOU'VE HEARD VERY EMOTIONAL ARGUMENTS. REALLY THIS -- IN OUR OPINION THIS COMES DOWN TO DO WE FOLLOW A PROCESS FOR CITY CONCESSIONS OF OPEN, FREE BIDS, OR IS THIS SUCH THAT A CITY CONCESSION ONCE AWARDED IS A LIFETIME AWARD? WITH THAT, I'LL TURN IT OVER TO MY WIFE.

Mayor Wynn: WELCOME, RACHEL.

THANK YOU. IT'S GOOD TO BE HERE. I'M RACHEL THOMAS. I WANT TO TELL YOU A LITTLE BIT, WE DO OWE ROWING DOCK AND WE'VE BEEN IN BUSINESS SIX AND A HALF YEARS. PART OF ROWING DOCK IS TEACHING PEOPLE HOW TO ROW IN THE SKINNY SKULLING BOATS, WHICH IS DIFFERENT FROM THE OTHER PART OF OUR BUSINESS, WHICH WE RENT KAYAKS AND PADDLE BOATS. ANYBODY CAN GET IN AND OUT OF THOSE. WE HAVE SPECIFICALLY DECIDED NOT TO OFFER CANOES, EVEN THOUGH THEY WOULD WORK WELL THERE BECAUSE WE DO WANT TO DIFFERENTIATE OURSELVES, WHICH IS WHY HAVING ZILKER CANOES WOULD BE AN AMAZING DIFFERENCE. THE FAMILY FRIENDLY IS AT ROWING DOCK, BUT THERE'S ALSO ANOTHER SEGMENT THERE. THE EASY BOATS DOWN AT ZILKER WOULD ALSO BE GOOD DOWN THERE, BUT VERY SEPARATE, VERY SEPARATE BUSINESSES. WE WANT TO CREATE SOMETHING NEW AND DIFFERENT DOWN AT ZILKER AND OFFER MORE BOATS. WE WILL KEEP THE SAME CANOES. WE'LL OFFER THEM AT THE SAME PRICE. WE'LL ALSO KEEP THE SAME SIT ON TOP CIE KAYAKS, BUT WE WANT TO HAVE THE OTHER KAYAKS THAT PEOPLE CAN USE ALL NEAR AND ALSO OFFER THE CLEAR CANOES THAT WILL BE COOL AND BE PERFECT FOR THE INLET DOWN THERE. YOU CAN LOOK DOWN AND SEE THE TURTLES BELOW YOU AND I IT'S EASY, FUN AND EASY TO TAKE CARE OF AND MANAGE AS WELL. WE ALSO OFFER MORE CUSTOMER SERVICE. RIGHT NOW WHEN YOU GO DOWN THERE YOU'RE BASICALLY TOLD TO PICK UP YOUR BOAT AND TAKE IT DOWN AND HELP YOURSELF GET IN AND OUT. WE AT ROWING DOCK ALREADY HAVE OUR DOCK

ATTENDANTS HELPING PEOPLE BRACE BOATS, GET THEM IN THE WATER, WHICH IS IMPORTANT FOR A LOT OF PEOPLE THAT NEED HELP, AND WE'RE GOING TO BE THERE TO HELP PEOPLE WITH MORE STAFF ON DUTY AND JUST MAKING SURE THE SAFETY IS THERE, NO CARRIERRINGCONNECT 57600

WE WANT IT TO LOOK GOOD AND TO BE A FRIENDLY, UNIQUE PLACE THAT ONLY ZILKER HAS. [BUZZER SOUNDS] SO THANK YOU.

Mayor Wynn: THANK YOU, MS. THOMAS. THE NEXT SPEAKER IS CHRISTOPHER SHIMAK. SORRY IF I'M MISPRONOUNCING THAT, CHRIS CHRISTOPHER. TO BE FOLLOWED BY APRIL ART, TO BE FOLLOWED BY JOHN STOCK WELL. WELCOME. YOU WILL HAVE THREE MINUTE.

I'M CHRIS. I WAS GOING TO BRING SOME PICTURES HERE IF I COULD HAND THEM TO YOU.

Mayor Wynn: HAND THEM TO THE MAYOR PRO TEM AND HE'LL PASS THEM DOWN TO YOU.

IT'S JUST SOME INFORMATION ABOUT THE FLOODS, SOME PICTURES OF THE FLOODS. I DON'T KNOW IF Y'ALL HAVE BEEN DOWN THERE OR SEEN PICTURES DURING FLOODS. I THINK THAT WAS 2004, WHICH WAS ONE OF THE BIGGEST FLOODS SINCE 1926 OR SO. THERE'S INFORMATION ON THERE. AND I JUST WANT TO BRING THAT UP BECAUSE I'M AN EMPLOYEE THERE. I'VE WORKED THERE FOR SEVEN YEARS. AND PULLED THE BOATS UP OUT OF FLOODS SIX OR SEVEN TIMES AT LEAST. IN 2002 AFTER BILL OLIVER CALLED AND SAID OUR BOATS WERE WASHING AWAY, WE WERE ABLE TO SAVE A COUPLE OF KAYAKS FROM THAT THANKS TO THE PARK POLICE THERE. THEY HAD A BOAT OUT. HOWARD ADVISED US TO STAY AWAY FROM THE WATER, AND IT'S JUST AN INTENSE EXPERIENCE TO BE ON THAT CREEK OR NEXT TO THAT CREEK SEEING 17,000 CUBIC FEET OF WATER PER SECOND FLOW BY AND WASH AWAY THAT SHED THAT YOU SEE IN THAT PICTURE THERE. ALONG WITH THE BOATS. WE'VE HAD SOME ARGUMENTS ABOUT WHAT WE CAN DO TO MANAGE THIS AREA IN A FLOOD SITUATION. THIS IS A TWO-YEAR FLOOD AREA THAT FLOODS TWICE IN THE

SAME YEAR EVEN. SO SERIOUS PERMANENT STRUCTURES THERE COULD BE A MAJOR LIABILITY. I KNOW HOWARD SUPPLIED THE BOATS FOR THIS PLACE. I KNOW THAT'S PROBABLY AN EASY 60 TO 80,000-DOLLAR INVESTMENT HE HAS TO MAKE EVERY COUPLE OF YEARS. LUCKILY WE'VE BEEN ABLE TO SAVE THAT INVESTMENT MANY TIMES. AND I'LL SPEAK ABOUT OPERATING THE BUSINESS. THE PEOPLE THAT WORK THERE LOVE WORKING THERE, AND WE LOVE FOR PEOPLE TO SEE THE CREEK AND THE LAKE AND TO HAVE A GOOD EXPERIENCE. WHEN WE DON'T HAVE 80 BOATS GOING OUT AT ONE TIME, WHICH WE HAVE 99 BOATS RIGHT NOW, AND WITHOUT ALL OF -- WE'VE HAD ALL OF THEM OUT WITH A TIME, AND WITH A FULL STAFF IT'S STILL QUITE A CHALLENGE TO MANAGE, BUT WE'VE DONE IT SAFELY AND SUCCESSFULLY FOR MANY, MANY YEARS. AND WE WANT TO CONTINUE DOING THAT. I'VE PERSONALLY SEEN THOUSANDS OF KIDS FROM THE SUNSHINE CAMP GO OUT THERE SAFELY AND HAVE A GOOD TIME FOR FREE THANKS TO HOWARD BARNETT AND OUR COMPANY. AND I WANT TO SEE THAT SOME MORE. WE ENJOY BEING DOWN THERE. WE CLEAN UP THE TRASH THERE. I GOT SNORKLE EQUIPMENT, CLEAN OFF THE BOTTOM OF THE CREEK AFTER FLOODS, I'VE PULLED OUT HUNDREDS OF POUNDS OF TRASH ALL THE WAY FROM RED BUD ISLAND ALL THE WAY TO OUR CONCESSION. AND WE ALSO GIVE OUT FREE BOATS TO PEOPLE WHO CLEAN UP THE SHORES AND MAKE AUSTIN A VERY NICE PLACE TO VISIT, TRY TO KEEP IT AS CLEAN LOOKING AS POSSIBLE.

Mayor Wynn: PLEASE CONCLUDE. YOUR TIME'S UP.

THANKS. WE'RE GOING TO HAVE SOME MORE WORKERS THAT HAVE BEEN THERE A LONG TIME AND DO Y'ALL HAVE QUESTIONS ABOUT SAFETY OPERATIONS, PLEASE ASK US? AND PLEASE KEEP THINGS THE WAY THEY ARE, IF WE CAN. I WAS TRYING TO LOOK AT HOW THIS BID PROCESS EVOLVED AND DOESN'T SEEM TO CREDIT HOWARD FOR WHAT'S GONE ON SO FAR. THANK YOU.

Mayor Wynn: THANK YOU. APRIL ART TO BE FOLLOWED BY JOHN STOCKWELL, TO BE FOLLOWED BY LEE GRISHAM.

HELLO. I'M APRIL ART, I'VE WORKED FOR HOWARD FOR SIX

YEARS NOW. I JUST WANTED TO SAY I VERY MUCH HAVE ENJOYED WORKING FOR HOWARD, SO THANK YOU VERY MUCH FOR THAT OPPORTUNITY. I HAVEN'T WORKED THERE -- THIS SUMMER I GOT A DIFFERENT JOB. I WANTED TO SAY THAT IN REGARDS TO CUSTOMER SERVICE, I RECALLS MADE SURE THAT PEOPLE COULD GET IN AND OUT OF THEIR BOATS. IF THEY NEEDED HELP, I WOULD ALWAYS BE THERE HELPING THEM. IF IT WAS REAL BUSY, IT'S A PROBLEM TO WATCH MONEY AND ALSO WATCH PEOPLE GET IN AND OUT OF BOATS AT THE SAMENO CARRIERRINGCONNECT 57600

HE'S TAKEN GOOD CARE OF HIS EMPLOYEES. I CAN'T THINK OF ANYTHING ELSE TO SAY, BUT THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, APRIL. JOHN STOCKWELL.
WELCOME, JOHN. YOU WILL BE FOLLOWED BY LEE GRISHAM, WHO WILL BE FOLLOWED BY LEE STAKELY.

I'M JOHN STOCKWELL WITH BIRD WATCH DELIVERY. WE SUBMITTED A PROPOSAL. WE SUPPORT THE PROCESS THAT EVERYBODY WORKED ON. WE DON'T AGREE WITH THE RESULTS EXACTLY. WE BELIEVE WE OFFER A BETTER PROPOSAL. MY BACKGROUND IS WITH MY DAUGHTER AND BIRD WATCH, WE WORK DOWN AT THE CONCESSION FOR 17 YEARS. I WORKED DOWN THERE 10 YEARS AGO WHEN I WAS TRYING TO SET UP A Ph.D STUDIES AT THE UNIVERSITY OF TEXAS, SO THIS IS FIRSHTHAND INFORMATION. OUR CONCERNS ARE DIFFERENT. HOWARD AND DOROTHY HAVE BEEN DOWN THERE FOR 36 YEARS, BUT WE SEE MUCH OF WHAT THEY'VE DONE DOWN THERE AS IRRELEVANT RESPONSIBLE. FORGIVE ME, BUT WHAT ARE WE DOING HERE IN AUSTIN DUMPING SHEDZ AND BOATS ON THE COLORADO RIVER EVERY TIME IT FLOODS? WE TRAVELLED -- I BELIEVE WE'RE THE ONLY ONES WHO INVESTED MONEY AND TIME TO TRAVEL TO MINNESOTA WHERE IT FLOODS EVERY YEAR AND SUPER FLOODS EVERY 10 YEARS, AND THEY ANCHOR DOCKS. THEY ANCHOR BOATS, THEY ANCHOR SHEDS. WE CAME BACK WITH TECHNIQUES, WE INVESTED MONEY, WE HAVE A PROPOSAL FOR HOW THE EROSION DOWN AT THE SITE. I LEFT SOME PICTURES OFF WITH THE CITY COUNCIL. IF YOU LOOK AT THE EROSION THAT'S BEEN DONE DOWN THERE, THE DAMAGE TO IT, IN 15 MORE YEARS THERE WON'T BE ANY MORE TREES ON THAT BANK. IT GOING TO BE BARE,

BLEACHING ROCKS AND NOT VERY PLEASANT AND IT WILL BE AN EYESORE FOR THE CITY OF AUSTIN AND FOR PARKS. OF THE PEOPLE WHO SUBMITTED PROPOSALS, WE'RE THE ONLY ONES WHO ARE CANOES EXPERTS. I PADDLE THE TAX WATER AS FARRY EVERY YEAR AND CANOE RACES. THE OTHERS HAVE TALKED ABOUT TEACHING CANOEING. WE DO THAT AND WE HAVE DONE IT. EVERYTHING WE PROPOSED WE HAVE DONE WITH THE PAST WITH OUR PARTNER IN SAN MARCOS FOR THE PAST 37 YEARS. EVERYTHING WE PROPOSED WE'VE DONE. WE'RE NOT JUST GOING TO TEACH CANOEING, WHICH WE DO, BUT WE'RE GOING TO GIVE THE CITY OF AUSTIN THE CAPABILITY TO BE A RED CROSS AUTHORIZED PROVIDER TO TEACH CANOE INSTRUCTORS FOR THE BOY SCOUTS AND GIRL SCOUTS AND CAMP COUNSELORS. NOBODY IS REMOTELY QUALIFIED AS WE ARE TO PROVIDE THIS SERVICE TO THE CITY. ORGANIZING CANOE RACES, WHICH WE DO. WE'LL ORGANIZE CANOE RACES FOR THE BOY SCOUTS AND GIRL SCOUTS WHERE THEY WILL ALSO BE EXPOSED TO NATIONAL CHAMPION PADDLERS WHO COME AND PADDLE TO OUR RACES THAT WE ORGANIZE. WE'RE THE ONLY ONES THAT HAS THE ENDORSEMENT OF ST.DAVID'S HOSPITAL FOR REGULARLY AND FREQUENTLY -- NOT JUST GIVING BOATS TO, BUT LEADING, ORGANIZING, BEING THERE, HELPING PEOPLE WITH ADAPTIVE PADDLING. [BUZZER SOUNDS] I HEAR MY BEEPER GOING. WE OFFERED MORE MONEY TO THE CITY AND WE'RE THE PEOPLE WHO ARE REAL PADDLERS, WHO REALLY INVESTED IN SOLVING THE EROSION PROBLEMS, ANCHORING THE SHEDS. WE GUARANTEE THERE WILL BE NO MORE SHEDS LOST. THE EROSION WILL BE STOPPED AND WE HAVE A PLAN -- NOT TIME ENOUGH HERE TO PRESENT IT.

Mayor Wynn: THANK YOU.

YES, SIR. WE HOPE THAT YOU WILL GIVE US THE CONCESSION. WE BELIEVE WE'LL DO THE BEST JOB. IF NOT, WE CERTAINLY SUPPORT THE WORK AND PROCESS OF THE COMMITTEE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. LEE GRISHAM. WELCOME, LEE. ACTUALLY, I MISSPOKE. WILL STAKELY SIGNED UP NOT WISHING TO SPEAK, BUT IN FAVOR OF THE AGENDA ITEM.

LEE, YOU ARE OUR LAST SPEAKER. WELCOME.

HELLO. MY NAME IS LEE GRISHAM. WE'VE I'VE LIVED IN AUSTIN FOR 15 YEARS AND I'VE BEEN EMPLOYED BY HOWARD BARNETT FOR FIVE OF THOSE YEARS, THE PAST FIVE YEARS. AND I DON'T KNOW PARTICULARLY ANYTHING ABOUT THE PROPOSALS, WHAT THE OTHER FOLKS HAVE PROPOSED. I'VE JUST -- I JUST AM HERE TO EXPRESS MY LOYALTY TO WORKING FOR HOWARD BARNETT. HE'S BEEN A GREAT EMPLOYER, LIKE APRIL MENTIONED. WHEN HIS PRICES WENT UP, HE DID GIVE HIS EMPLOYEES A CORRESPONDING RAISE, WHICH I THINK IS NOT TO BE OVERLOOKED BY EMPLOYERS. I'D LIKE TO ECHO SOME OF THE OTHER COMMENTS THAT OTHER SPEAKERS HAVE MADE ABOUT HOWARD'S GENEROSITY TO VARIOUS NONPROFIT GROUPS AND VARIOUS OTHER FOLKS, ESPECIALLY PEOPLE WHO ARE WILLING TO PICK UP TRASH ALONG TOWN LAKE. AND I ALSO THINK IT'S IMPORTANT IN THE WAY THAT HOWARD HAS RUN THE BUSINESS. HE TENDS TO LET THE EMPLOYEES DEAL WITH MOST OF THE DAY-TO-DAY BUSINESS, WHICH LENDS IT FLEXIBILITY AND MAKES IT A GREAT PLACE TO WORK AND I THINK IT MAKES HOPE EMPLOYEES WHO LIKE TO WORK THERE. ANOTHER PART OF THE CANOE RENTAL AT LEAST WHEN I WAS HIRED FIVE YEARS AGO, I DON'T KNOW IF IT WAS A SPECIFIC REQUIREMENT FOR WORKING THERE, BUT IT WAS KIND OF UNDERSTOOD THAT IF YOU WERE TO GET A JOB THERE THAT YOU ALSO HAD TO BE SOMEWHAT INVOLVED IN THE COMMUNITY, SPECIFICALLY DOING SOME SORT OF VOLUNTEER WORK. MYSELF, I VOLUNTEERED AT THE YELLOW BIKE PROJECT FOR A NUMBER OF YEARS. SOME OTHER FOLKS VOLUNTEERED AT THE INSIDE BOOKS PROJECT OR POSSIBLY UP AT SIERRA CLUB AS WELL. SO IT KIND OF A LITTLE BIT OF I GUESS GIVING BACK TO THE COMMUNITY AT LARGE AS WELL AS WORKING AT A WONDERFUL JOB. SO I ENCOURAGE YOU TO CONTINUE TO LET THE BARNETTS RUN THE CANOE CONCESSION. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU. SO COUNCIL, THAT'S ALL THE CITIZENS WHO SIGNED UP WISHING TO ADDRESS US ON ITEM NUMBER 40 RELATED TO THIS CANOEING OR ROWING DOCK CONCESSION. COMMENTS, QUESTIONS? AND I'LL JUST

ANNOUNCE, MAYOR PRO TEM HAD A CONFLICT THAT HE HAD TO STEP OFF THE DAIS FOR THE NEXT HALF HOUR OR SO. WE MAY NOT NEED THAT VOTE, BUT BE AWARE THAT WE ONLY HAVE SIX HERE FOR THE NEXT HALF HOUR. QUESTIONS, COMMENTS?

Alvarez: A COUPLE OF QUESTIONS, MAYOR. SOME OF THE COMMENTS PROMPTED SOME ADDITIONAL QUESTIONS, AND, FIRST OF ALL, I THINK ONE OF THE SPEAKERS MENTIONED SOMETHING ABOUT ADDING A BUILDING THERE AT THE LOCATION, THAT WAS PART OF THE PROPOSAL FROM THE RECOMMENDED FIRM OR COMPANY. AND SO COULD YOU SPEAK TO THAT ISSUE AND WHETHER THAT WAS INCLUDED IN THE EVALUATION AND SCORING AND THE ISSUE OF THE FLOATING DOCK? I GUESS THOSE WERE THE TWO ISSUES THAT I ASSUME WOULD BE PART OF A PROJECT PLAN OR A BUSINESS CONCESSION PLAN, BUT I'M JUST WONDERING HOW THAT FACTORED INTO THE SCORING.

AS FAR AS I KNOW, COUNCILMEMBER, IT DOES FACTOR INTO THE PROPOSAL THE FACT THAT THERE'S CONSIDERATION ABOUT IMPROVEMENTS BEING PROGRESSIVE ABOUT BRINGING THINGS TO -- POSSIBLE OPPORTUNITIES TO THIS LOCATION TO MAKE IT A MUCH MORE ENHANCED AREA FOR CANOEING AND KAYAKING IN THE AREA. SO YES, IT'S TAKEN UNDER CONSIDERATION.

Alvarez: WHAT ABOUT THE CLAIM THAT THE CURRENT PROPOSER HAD REQUESTED TO ALSO ADD A BUILDING OR SOMETHING, BUT HAD NOT BEEN ALLOWED TO?

THE THING THAT I RECALL, COUNCILMEMBER, ON THE REQUEST FOR A BUILDING, THERE WAS A REQUEST FOR A PORTABLE BUILDING TO BE PLACED IN THE PICNIC AREA AT ZILKER PARK AND THAT WAS DENIED. IT ALLOWED IT FOR A TIME BEING WHILE THE FLOODING WAS TAKEN CARE OF ALONG THE SHORELINE, BUT NOT A PORTABLE BUILDING THAT WAS POSITIONED UP IN THE PICNIC AREA OF THAT AREA.

Alvarez: AND WHAT'S PROPOSED BY THE RECOMMENDED FIRM?

THAT PROPOSAL WAS TO PUT UP A PORTABLE FACILITY TO BE LOCATED THERE TO MORE WORK OUT OF, AND I DIDN'T FEEL THAT WAS APPROPRIATE TO HAVE A PORTABLE FACILITY UP THERE IN THE PICNIC AREA.

BUT TO HAVE A APPROXIMATE ERM?

AS FAR AS I REMEMBER, WE NEVER TALKED ABOUT ANYTHING THAT WAS PERMANENT.

Alvarez: IN TERMS OF THE RECOMMENDED FIRM, WHAT IS IT THAT THEY'RE PROPOSING THAT'S DIFFERENT AND WHY WOULD THAT BE OKAY VERSUS WHATEVER WAS PROPOSED?

WELL, WHAT THE PROPOSAL IS TO BRING FORWARD A PROPOSAL FOR SOME TYPE OF PERMANENCY. AND I TRULY DON'T KNOW WHAT THAT CREATIVE THOUGHT IS UNTIL WE GET INTO THAT.

[INAUDIBLE - NO MIC].

Mayor Wynn: ACTUALLY, IF A COUNCILMEMBER REQUESTS YOUR INFORMATION --

Alvarez: I MAY HAVE YOU COME UP A LITTLE LATER. I APPRECIATE IT. I THINK THAT WAS THAT PARTICULAR QUESTION. THE OTHER QUESTION WAS OUR REQUIREMENT OF A CERTAIN NUMBER OF YEARS OF EXPERIENCE, AND THAT BEING THE ORIGINAL REQUIREMENT BEING CHANGED IS THAT ACTUALLY THE CASE AND WHAT LED TO THAT?

LET ME ASK URSHA TO COME UP AND VISIT ON THAT.NO CARRIERRINGCONNECT 57600

WE WERE TRYING NOT TO LIMIT COMPETITION.

Alvarez: BUT WOULD ANY OTHER OF THE RESPONDENTS HAVE MET THAT CRITERIA OTHER THAN THE CURRENT CONCESSIONAIRE, WHICH CURRENTLY HAS OVER 30 YEARS OF EXPERIENCE?

THERE WERE SEVERAL THAT DID NOT HAVE 10 YEARS AND I

DON'T HAVE A LIST OF THE ONES THAT DID NOT, BUT BECAUSE IT WAS RAISED AS A POTENTIAL LIMITER, WE DECIDED TO GO AHEAD AND CHANGE IT TO FIVE YEARS. AND I JUST WANT TO SAY THAT BOTH VENDORS RECEIVED MAXIMUM POINTS FOR EXPERIENCE. THE POINTS WERE 10 POINTS FOR THAT PARTICULAR CRITERIA, AND THEY BOTH RECEIVED THE MAXIMUM POINTS.

Alvarez: FOR ME THAT'S A CURIOUS ISSUE THAT SOMEONE THAT HAD 36 YEARS EXPERIENCE WOULD SOMEHOW NOT BE MORE QUALIFIED THAN SOMEBODY WHO HAS FIVE OR SIX YEARS EXPERIENCE, BUT I WASN'T GOING TO SPEAK TO THAT ISSUE. SINCE YOU RAISED THE POINT -- FINALLY ON THE R.F.P. ITSELF, BECAUSE I KNOW WE'RE LOOKING AT FIVE-YEAR ORIGINAL OR CONTRACT WITH TWO FIVE-YEAR EXTENSIONS POSSIBLE.

QULES.

WHAT ABOUT -- ISSUE YES, SIR.

Alvarez: WHAT ABOUT THE R.F.P. SAY IN TERM OF THE CONTRACT TO WHICH THE PROPOSERS WERE GOING TO BE SOLICITING FOR OR APPLYING FOR?

THE SOLICITATION WAS FOR A BASIC TERM OF FIVE YEARS WITH THE TWO FIVE-YEAR EXTENSION OPTIONS.

Alvarez: SO IT DID STIPULATE THAT THERE WOULD BE FIVE YEARS, BUT TWO EXTENSION OPTIONS? AND THEN PREVIOUSLY IT WAS FIVE -- THE CONTRACT THAT I GUESS IS EXPIRING NOW WAS FIVE YEARS WITH A FIVE-YEAR OPTION, AND SO WHY ARE WE LOOKING AT A 15-YEAR VERSUS A 10-YEAR HORIZON HERE?

THE PREVIOUS CONTRACT WAS A FIVE-YEAR CONTRACT WITH ONE FIVE-YEAR EXTENSION OPTION. AND THIS IS A VERY COMPLICATED, COMPLEX TYPE OF SOLICITATION, SO THE DECISION WAS MADE TO ADD AN ADDITIONAL EXTENSION OPTION BECAUSE IF YOU COULD RUN IT FOR 10 YEARS, IT KIND OF REDUCES THE COST TO THE CITY TO GO OUT AND RESOLICIT. WE WERE LOOKING FOR LONG-TERM IMPROVEMENTS, LONG-TERM REVENUE. AND OF COURSE

WITH THE 15-YEAR POTENTIAL CONTRACT, THE OPPORTUNITY IS GREATER.

Alvarez: OKAY. AND FINALLY ON THE REVENUE SIDE, I WAS JUST CURIOUS ABOUT WHAT -- SORT OF WHAT THE R.F.P. SAID ABOUT WERE THERE ANY MINIMUM REQUIREMENTS? BECAUSE IT SEEMS LIKE SOME FOLKS DIDN'T DO A MINIMUM GIERN TEE, BUT DID -- GUARANTEE, BUT DID A PERCENTAGE. AND SOME FOLKS DID A PERCENTAGE, BUT NOT A MINIMUM GUARANTEE. I THINK I SAID THAT, RIGHT? SO IF YOU COULD TALK ABOUT THAT IN TERMS OF WHEN YOU WERE ASKING THE RESPONDENTS TO SPEAK TO REVENUE, THEN WHAT SPECIFICALLY ASKED OF THEM? AND WERE THERE ANY MINIMUMS?

IN THE R.F.P. UNDER REVENUE, WE ASKED THEM -- WE DID NOT SPECIFY A MINIMUM GUARANTEED AMOUNT. WHAT WE ASKED THEM TO DO WAS TO TALK ABOUT THE EQUIPMENT, THE OPERATION, PROVIDE US WITH A DETAILED COST BREAK DOWN OF NOT ONLY THEIR INVESTMENT, BUT ALSO THE ANNUAL GROSS REVENUE. WE ASKED THEM TO PROVIDE A PRICING SHEET TO SHOW THAT REVENUE, MINUS THE SALES TAX, AND WE DID GIVE THEM THE OPPORTUNITY TO IDENTIFY A GUARANTEED MINIMUM AMOUNT, BUT WE DID NOT SPECIFY A MINIMUM AMOUNT. AND WE ASKED THEM TO IDENTIFY THE SERVICES AND TO PROVIDE US A SUMMARY. SO THEY WERE GIVEN THE OPPORTUNITY TO PROVIDE A MINIMUM, BUT WE DIDN'T SPECIFY A MINIMUM.

Alvarez: AND MY LAST QUESTION, I THINK IT WILL BE MY LAST QUESTION, JUST HAD TO DO WITH THE ISSUE OF -- IN EVALUATING THE PROPOSALS, LOOKING AT THE HISTORY AND TRENDS IN TERMS OF THE PERFORMANCE OF THE BUSINESSES, WAS THAT SOMETHING THAT THEY ALSO PRESENTED FINANCIALS AND MAYBE OVER A CERTAIN AMOUNT OF TIME, AND HOW WAS THAT FACTORED INTO THE PROCESS?

FINANCIAL INFORMATION WAS SUBMITTED AND WAS LOOKED AT. I DON'T HAVE THE DETAILS OF WHAT INFORMATION WAS ASKED FOR, BUT WE DID LOOK AT THEIR FINANCIALS IN TERMS OF WHETHER OR NOT WHAT THEY WERE PROPOSING WAS VIABLE, WHETHER IT WAS WORKABLE. THAT WAS ALL

TAKEN INTO CONSIDERATION BY THE EVALUATION TEAM.

Alvarez: BUT AGAIN, IN TERMS OF LOOKING AT LAST YEAR'S FINANCIALS OR FIVE YEARS WITH THE FINANCIALS...

THE LAST YEAR. WE LOOKED AT THE LAST YEAR FINANCIALS.

Alvarez: ALL RIGHT. MAYOR, THAT'S ALL MY QUESTIONS. I APPRECIATE IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER QUESTIONS, COMMENTS? ITEM NUMBER 40. IF NOT, I'LL ENTERTAIN A MOTION. COUNCILMEMBER ALVAREZ.

Alvarez: I'LL OFFER A MOTION. OBVIOUSLY THIS IS A CLOSE SCORING ON THIS PARTICULAR PROCUREMENT, AND THERE'S OBVIOUSLY SEVERAL VERY QUALIFIED FIRMS HERE THAT SUBMITTED PROPOSALS. AND I BELIEVE THAT IN JUST LOOKING AT THE SCORING CRITERIA, I BELIEVE I MIGHT HAVE SCORED IT A LITTLE DIFFERENTLY MYSELF, JUST KIND OF HEARING A LITTLE BIT MORE ABOUT EXPERIENCE AND ON THE REVENUE SIDE WHAT THE VARIOUS PROPOSERS WERE INCLUDING IN THEIR PROPOSAL. AND SO I PERSONALLY FEEL THAT BECAUSE OF SOME OF THE INFORMATION THAT HAS BEEN PROVIDED FOR ME THAT I FEEL THAT ZILKER PARK BOAT RENTALS IS THE MOST QUALIFIED FOR THIS PARTICULAR WORK, AND I WOULD MOVE THAT WE MOVE TO AWARD THIS CONTRACT TO ZILKER PARK BOAT RENTALS. I DON'T KNOW FROM A LEGAL STANDPOINT IF THAT'S ENOUGH FOR STAFF.

Mayor Wynn: MR. SMITH, IS THAT -- IS CHOOSING ESSENTIALLY A DIFFERENT PROPOSER ON A LISTING LIKE THIS ENOUGH DIRECTION FOR STAFF OR DOES THERE NEED TO BE SOME TYPE OF --

COUNCIL HAS THE ABILITY TO MAKE A DECISION BASED ON THE INFORMATION IT HAS. AND STAFF'S RECOMMENDATION, WHATEVER OTHER INFORMATION, CAN MAKE THE INFORMATION IT CHOOSES.

AND THE POSTING IS SUFFICIENT.

THE POSTING, YES. LEE MCGUIRE I'LL SECOND, MAYOR --

Leffingwell: I'LL SECOND, MAYOR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ TO AWARD ITEM NUMBER 40 TO THE ALTERNATE PROPOSERS, SECONDED BY COUNCILMEMBER LEFFINGWELL. YES, COUNCILMEMBER.

Leffingwell: I CERTAINLY DON'T WANT THIS TO REFLECT IN ANY WAY ON THE OTHER BIDDER OR UPON THE STAFF. I THINK THEY HAVE A GOOD PROCESS AND A GOOD MATRIX AND I THINK THEY EXECUTED IT VERY WELL, BUT SOMETIMES THERE ARE INTANGIBLES THAT CAN'T BE LOGICALLY CONSIDERED IN A MATRIX, AND I THINK THAT'S WHAT WE HAVE IN THIS CASE. AND BASICALLY THAT'S WHAT WE'RE HERE FOR AND THAT'S WHY I SECONDED IT.

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

Kim: WE HAVE THIS R.F.P. PROCESS, AND EVEN THOUGH THERE MAY HAVE BEEN SOME MISUNDERSTANDING ABOUT REVENUE OR DIFFERENCES OF UNDERSTANDING IT, I THINK THAT HAVING A COMPETITIVE PROCESS IS GOOD AND I WOULD LIKE TO STAY WITH THAT AND GO WITH THE PARKS AND REC'S BOARD RECOMMENDATION. I WOULD ALSO LIKE TO LOOK AT HOW WE CAN HAVE MORE THAN ONE PROVIDER OF CANOES ON TOWN LAKE AS APPARENTLY THIS IS A VERY POPULAR THING FOR FAMILIES AND FOR VISITORS AND PEOPLE WHO LIVE IN AUSTIN, BUT I WON'T BE SUPPORTING THE MOTION AT THIS TIME, BUT I -- IT'S NOTHING AGAINST THE CURRENT CONCESSION PROVIDERS, IT'S JUST THAT I WOULD LIKE TO SEE THAT WE ARE HAVING AN OPPORTUNITY FOR OTHER PEOPLE TO BID. AND I WOULD LIKE TO HAVE MORE THAN ONE PROVIDER IF THAT'S POSSIBLE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE. ALL THOSE IN FAVOR OF THE MOTION, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ONE WITH COUNCILMEMBER KIM VOTING NO AND MAYOR PRO TEM OFF THE DAIS.

Mayor Wynn: SO THAT TAKES US TO OUR CITIZEN COMMUNICATION, 20 MINUTES LATE, BUT WE HAD SOME IMPORTANT THINGS GOING O WE HAVE A FULL SLATE OF CITIZENS SIGNED UP TO ADDRESS US. I WELCOME JIMMY CASTRO.

I DO HAVE SOME SLIDES TO SHOW YOU THIS AFTERNOON. I'M SPEAKING ON MY OWN BEHALF. I AM ALSO A FORMER BOARD MEMBER OF THE MILLWOOD NEIGHBORHOOD ASSOCIATION IN NORTH AUSTIN. I'M HERE TO SPEAK IN SUPPORT OF A BOND STAFF RECOMMENDATION OF \$769 MILLION. THIS FIRST SLIDE SHOWS FOR DRAINAGE, THE STAFF RECOMMENDATION WAS 198 MILLION. THE BOND COMMITTEE CUT IT TO \$122 MILLION. THE TRANSPORTATION, THE STAFF RECOMMENDATION WAS 185 MILLION. THE BOND COMMITTEE CUT IT TO 98 UNTIL MILLION. WE NEED TO CONSIDER THE SH 130 CORRIDOR PLANNING. FOR THE LIBRARY, THE STAFF RECOMMENDATION WAS 106 MILLION. THE BOND COMMITTEE CUT IT TO \$90 MILLION. FOR EXAMPLE, IF THE NEW LIBRARY IS SCALED DOWN TO MEET THE BOND COMMITTEE RECOMMENDATION, THE CITY WILL HAVE TO MAKE THE FOLLOWING CUTS TO THE NEW LIBRARY. FIRST, 90,000 90,000 VOLUMES WILL HAVE TO BE CUT. THE 300 PARKING SPACES WILL HAVE TO BE CUT. THE 80 PUBLIC ACCESS COMPUTERS WILL HAVE TO BE CUT. WE NEED TO IMPLEMENT THE STAFF RECOMMENDATION OF \$106 MILLION TO MAKE SURE THESE CUTS DO NOT OCCUR. IN SEPTEMBER OF 2004 THE AUSTIN INDEPENDENT SCHOOL DISTRICT PROPOSED A BOND ELECTION OF \$519 MILLION. THE VOTERS CAME BACK AND PASSED THE AISD BOND PACKAGE OVERWHELMINGLY AND THE MESSAGE THEY SENT WAS THEY WANTED THE AUSTIN INDEPENDENT SCHOOL DISTRICT TO BE THE BEST SCHOOL DISTRICT STATEWIDE. AND NOW WE'RE ON ITS WAY. WHEN YOU COMPARE THE AUSTIN INDEPENDENT SCHOOL DISTRICT BOND PACKAGE OF \$519 MILLION TO THE CITY OF AUSTIN BOND COMMITTEE RECOMMENDATION OF \$614 MILLION, THE CITY BOND TOTAL IS NOT A SCHOOL DISTRICT BOND PACKAGE. THIS IS A CITY BOND RECOMMENDATION FOR THE NEXT 10 YEARS FOR

HEALTH, PUBLIC SAFETY AND THE QUALITY OF LIFE FOR AUSTIN. IF YOU LOOK AT THE LAST TWO BOND ELECTIONS, YOU'LL NOTICE IN 1998 THE LIBRARY RECEIVED 60% OF THE VOTE. PUBLIC SAFETY RECEIVED 72% OF THE VOTE. TRANSPORTATION RECEIVED 73% OF THE VOTE. THIS MEANS THAT VOTERS COME TO VOTE FOR LIBRARIES, PUBLIC SAFETY AND TRANSPORTATION. THIS IS YOUR BREAD AND WATER FOR A BOND PACKAGE. THIS IS NOT WHERE YOU CUT THE BOND MONIES. THANK YOU, MAYOR WYNN.

Mayor Wynn: THANK YOU, MR. CASTRO. OUR NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY GAVINO FERNANDEZ.

AM I CLOSE ENOUGH TO THE MIC? THANK YOU. I'M SORRY, I DON'T KNOW WHERE THE TIMER IS. IS IT SUPPOSED TO BE HERE? THANK YOU.

(music) WITH CHEAP WINE AND DOSES, I NEVER MADE YOU LOOK SMALL. (music) THROUGH DIAPERS AND DOLL DRUMS AND DADDY'S HOTEL ROOMS, WE WALTZED, NEVER HAVING TO CRAWL. (music) OUR SONS AND DAUGHTERS, WE LED THEM TO WATER, YOU'RE SURPRISED WHEN THEY DON'T TAKE A DRINK. (music) ROOF LEAKS AND BURNED ROAST 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. 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) BREAST MILK OR COW'S MILK OR FLUBBERS WITH GRUBBERS, I CAN'T KEEP A SMILE ON MY FACE. (music) BLISTERS AND... YOUR DIMES SEEM SO OUT OF PLACE. (music) THROUGH THE TERRIBLE TWO, 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) WHERE THE HELL WERE YOU BORN, AM I GOING OR COMING? (music) A TEXAN WOULD SURE UNDERSTAND. (music) I BEGGED YOU TO LOVE ME, YOU TOWER ABOVE ME, THEN YOU TURN ME AWAY WITH YOUR HAND. (music) I BOW AND I FALL DOWN, MY SOUL TAKES A MELT DOWN, THEN I LIFT MY HEAD UP OUT OF THE SAND. (music) BECAUSE IF YOU CANNOT HOLD ME AND LOVE

ME FOR ALWAYS, I'LL LOOK FOR ANOTHER HOMELAND
(music). THANK YOU. [APPLAUSE]

Mayor Wynn: THE NEXT SPEAKER IS GAVINO FERNANDEZ.
WELCOME. YOU WILL HAVE THREE MINUTES AND BE
FOLLOWED BY PAUL HERNANDEZ, TO BE FOLLOWED BY
MARCOS DELEON.

I WOULD LIKE TO MENTION THAT GLORIA WILL NOT BE
SPEAKING. HER MOTHER WAS ADMITTED TO THE HOSPITAL
YESTERDAY. IF I COULD JUST MAKE ONE ANNOUNCEMENT
ON HER BEHALF BEFORE I BEGIN MY TIME. BASIC HI SHE
WANTED TO CONVEY THAT ON JANUARY THE 19TH, 2006,
THERE'S A PATRONS FROM THE LIBRARY THAT WAS
ORGANIZING AND HAVE NAMED THEMSELVES. [PLEASE
SPEAK UP] , AND IT WILL START AT SIX P.M. THAT WAS AN
INVITE THAT SHE WANTED TO MAKE TO OPPORTUNITY.
THANK YOU. MAY NAME IS GAVINO FERNANDEZ,
COORDINATOR OF EL CONCILIO, A COALITION OF MEXICAN-
AMERICAN ASSOCIATIONS. ONE ELEMENT IS WE'RE ALL
AUSTIN NATIVES, DESCEND ENTS OF NATIVE PEOPLE FROM
THIS LAND. ONE OF THE ISSUES THAT I WANT TO SPEAK TO
YOU ABOUT AND ALSO IS ON BEHALF OF OUR FAMILY OF
NEIGHBORHOOD ASSOCIATIONS, TAKE THIS TIME ALSO TO
WISH YOU AND YOURS A HAPPY, MERRY CHRISTMAS
SEASON THAT WE WILL BE ENJOYING IN THE COMING DAYS.
ONE OF THE CHALLENGES I WANT TO PUT BEFORE YOU AS
PUBLIC AND ELECTED OFFICIALS IS THE ISSUE OF EQUITY.
AND THE LACK OF THAT'S BEING PRACTICED BY THIS
GOVERNMENT, NOW AND HISTORICALLY. ANOTHER TERM
THAT'S USED TO IDENTIFY THIS INEQUITY IS RACISM. AND
RACISM IS AN ADDICTIVE BEHAVIOR AND IT'S VERY
DIFFICULT TO ELIMINATE, HOWEVER, IT IS CURABLE. MANY
PEOPLE THAT I SPEAK TO THAT OFFER THEMSELVES IN
WANTING TO HELP AND WORK WITH EAST AUSTIN CITE I-35
AS A BARRIER OR CITE OTHER INSTRUMENTS AS BARRIERS
AND AS REASONS OF WHY THAT EXIST. WELL, THAT COULD
BE CURED OVERNIGHT BECAUSE BASICALLY THAT PRACTICE
THAT WE TAKE IS AN INDIVIDUAL BEHAVIOR THAT CAN BE
CONTROLLED AND COULD BE ELIMINATED. WE DON'T NEED
COMMITTEES, WE ☐ ☐ DON'T NEED STUDIES, WE JUST NEED
TO BE ABLE TO HAVE THE COMPASSION, THE HEART TO
WORK WITH THOSE THAT ARE DISENFRANCHISED AND TO

WORK WITH THE ENTIRE COMMUNITY, BRING EQUITY TO THE CITY OF AUSTIN. IT IS A RICH, CULTURAL COMMUNITY, BUT WE'RE LOSING IT. AND THERE ARE MANY ISSUES, FOR EXAMPLE, THAT WE HAVE BROUGHT TO THIS GOVERNMENT WHERE ANSWERS ARE LEFT UNANSWERED. THE HOLLY PLANNING TEAM IS AN EXAMPLE THAT WE BROUGHT TO THIS DAIS, TO THIS GOVERNMENT. INSTEAD OF ADDRESSING THE ISSUE, IT'S IGNORED. I WISH WHEN I WOULD GO PAY MY TAXES, I COULD SAY, MY GOVERNMENT WASN'T RESPONSIVE TO ME, SO I WOULD LIKE TO MAY MY TAXES BE DELETED THIS YEAR. [APPLAUSE] WE DESERVE INVOLVEMENT AND A RESPONSE FROM THIS GOVERNMENT. YOU CALLED THE ELECTION FOR THE NEIGHBORHOOD PLAN, WE DIDN'T. WE FOLLOWED YOUR PROCESS. THAT'S ANOTHER EXAMPLE OF THE HOLLY POWER PLANT. WE'RE STILL SUFFERING, OUR PEOPLE WILL STILL BE SUFFERING. [BUZZER SOUNDS] BUT TAKE THAT IN MIND. AS YOU SIT DOWN AND PRAY WITH YOUR FAMILIES, ASK FOR THAT ASSISTANCE AS PUBLIC OFFICIALS THAT WHEN YOU COME TO MAKING DECISIONS THAT YOU WILL DO THE RIGHT THING. THANK YOU, MAYOR AND Y'ALL HAVE A NICE CHRISTMAS. [APPLAUSE]

Mayor Wynn: THANK YOU. MERRY CHRISTMAS TO YOU ALSO. PAUL HERNANDEZ. I SAW PAUL. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY MARCOS DELEON.

GOOD AFTERNOON, MEMBERS OF THE COUNCIL. MY NAME IS PAUL HERNANDEZ. I TOO WISH YOU A MERRY CHRISTMAS. UNFORTUNATELY, IN MY HEART THIS GOVERNMENT AND YOU AS REPRESENTATIVES OF THE GOVERNMENT DON'T DESERVE IT. THE ISSUES THAT MR. HERNANDEZ TALKED ABOUT ARE VERY DEER TO THE EAST AUSTIN COMMUNITY, BUT CHICANOS IN GENERAL, THE CHICANOS, LATINOS, ARE BEING HARASSED, THEY'RE BEING PURGED, AND QUITE FRANKLY ARE BEING EXPLOITED BY THIS GOVERNMENT. YOU HAVE SEVERAL ISSUES THAT YOU'RE GOING TO BE VOTING ON AND SOME YOU ALREADY HAVE. YOU DID NOTHING, NOTHING TO STOP GENTRIFICATION. WHAT YOU DID WAS TO ACCELERATE GENTRIFICATION. YOU DID NOTHING TO HELP THE POOR PEOPLE. INSTEAD YOU HELPED THE BUSINESSES. YOU DID NOTHING TO HELP THE PEOPLE THAT ARE LOSING WHAT LITTLE THEY HAVE. INSTEAD YOU'RE TAKING AWAY EVEN OPPORTUNITIES TO BE

ABLE TO SLEEP WHEREVER THEY CAN FIND A PLACE. WHAT YOU HAVE DONE IS MADE IT VERY CLEAR IN THIS CITY THAT PEOPLE CAN MONEY ARE MORE IMPORTANT THAN PEOPLE WITHOUT. YOU'VE MADE IT VERY CLEAR THAT THIS CITY DOES NOT HONOR THE SPIRIT OF CHRISTMAS. YOU'VE MADE IT VERY CLEAR THAT THIS CITY WEARS A FACADE. YOU MADE IT VERY CLEAR THAT YOU REFUSE TO DEAL WITH INSTITUTIONALIZED RACISM. YOU MADE IT VERY CLEAR THAT YOU'RE ANTI-POOR. YOU'VE MADE IT VERY CLEAR THAT YOU ARE RACISTS AT HEART. AND I SAY THAT NOT LIGHTLY. I SAY THAT BECAUSE YOU REFUSE TO DEAL WITH THAT INSTITUTIONALIZED RACISM THAT DISCRIMINATES AGAINST PEOPLE OF COLOR AND ESPECIALLY IF THEY'RE POOR. SO IF YOU BELIEVE IN IN THE CHRISTMAS -- IF YOU BELIEVE THAT THERE'S A CHRISTMAS PAST, PERHAPS YOU DO HAVE A CHANCE FOR A CHRISTMAS FUTURE. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU. MARCOS DELEON. WELCOME, COMMISSIONER. YOU WILL BE FOLLOWED BY FRANCES MARTINEZ.

GOOD EVENING. COUNCILMEMBERS, MY NAME IS MARCOS DEEDEE DELEON. I HAVE COME TODAY IN THE HONOR OF THE LATE ROBERT DONNELLY, FORMER CHAIR OF THE HOLLY POWER PLANT CLOSURE COMMITTEE. 15 DAYS, DECEMBER 31st, 2005, HE AND THE NEIGHBORHOOD IN WRITING WERE TOLD THAT THE HOLLY POWER PLANT WOULD BE CLOSED. THIS WAS 1995. IT'S BEEN 10 LONG YEARS. HE WANTED THE PLANT TO BE CLOSED BEFORE HE LEFT THIS ERTD, BUT IT DIDN'T HAPPEN. I AM JUST HERE SO EVERYBODY CAN UNDERSTAND WHERE MR. DONNELLY AND THE NEIGHBORHOOD IN WRITING WERE TOLD. AGAIN, IN HIS HONOR, WE ASK THAT THE PLANT BE CLOSED AS WRITTEN IN 1995. THANK YOU. [APPLAUSE]

Mayor Wynn: FRANCES MARTINEZ. WELCOME. YOU WILL BE FOLLOWED BY JENNIFER GALE, WHO WILL BE FOLLOWED BY LEON HERNANDEZ.

GOOD AFTERNOON, COUNCILMEMBERS, MY NAME IS FRANCES MARTINEZ, AND I AM DEPUTY DIRECTOR FOR THE ELDERLY OF DISTRICT 7, LULAC COUNCIL 4814, AND MEMBER

OF EL CONCILIO. AND TODAY I'M HERE TO LET Y'ALL KNOW OF THE NEEDS THAT WE HAVE HERE IN EAST AUSTIN. WE HAVE THE NEED OF HOUSING. OUR TAXES ARE GOING SKY HIGH. OUR PROPERTIES ARE GOING OUT VERY CHEAP. ELDERLIES ARE SELLING THEIR PROPERTIES BECAUSE THEY NO LONGER CAN AFFORD THE TAXES. ALSO, WE HAVE ISSUE WITH THE PUMP PARK THAT WE HAVE STRUGGLED TO KEEP IT HOWEVER, BUT IT HAS NOT BEEN UPGRADED. WE DO NOT HAVE A WORKING BATHROOM IN THERE. WHEN WE GO USE THE SWIMMING POOL, THE CHILDREN HAVE TO WAIT OR GO TO THE NEAREST SERVICE STATION. SOMETIMES -- WE ARE REALLY IN NEED FOR YOU TO THINK ABOUT THE PALM POOL, FOR IT TO BE UPGRADED. ALSO, WE HAVE A PROBLEM, A VERY, VERY UNHEALTHY PROBLEM ON 300 ADAHAC STREET, WHICH IS THE HORSE CARRIAGES. AS WE SPEAK RIGHT NOW IF YOU GO OVER THERE YOU CAN SEE THE HORSE POOP ON THE STREET. THIS IS NOT HEALTHY AT ALL, EVEN THOUGH THEY DO PUT WATER ON IT, WHATEVER, BUT IT'S STILL THE SMELL IS THERE. AND IT IS TERRIBLE. NOWHERE ELSE BUT EAST AUSTIN WOULD YOU FIND HORSES IN NEIGHBORHOOD. AND ALSO AS WE WANT TO CROSS RIGHT THERE ON 300 ADAHAC AND EAST FOURTH STREET THEY'RE WASHING THE HORSES ON THE STREET, AND SO WE ARE TOLD THAT FOR US TO GO AROUND. WE CAN'T EVEN USE THAT INTERSECTION, SO THIS IS SOMETHING THAT NEEDS ATTENTION NOW. ALSO, WE ARE WANTING TO SEE IF WE CAN IN SOME WAY WORK OR Y'ALL CAN WORK TOWARDS GETTING OUR TAXES THAT ARE VERY SKY HIGH. THIS IS FROM MANY ELDERLIES THAT I HAVE TALKED TO AND WOULD LIKE TO RELATE THIS MESSAGE TO Y'ALL, THE CITY COUNCIL PEOPLE, TO SEE WHAT Y'ALL CAN DO ABOUT THIS. AND I WANT TO WISH Y'ALL A MERRY CHRISTMAS AND THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. MERRY CHRISTMAS TO YOU AS WELL. JENNIFER GALE? SHE SIGNED UP WISHING TO ADDRESS US. LEON HERNANDEZ. LEON HERNANDEZ? TO BE FOLLOWED BY PAT JOHNSON. WELCOME, MR. JOHNSON. YOU WILL HAVE THREE MINUTES.

MORNING, COUNCIL, STAFF, CITY MANAGER, CITIZENS. I HAVE A VERY GOOD CHRISTMAS PRESENT FOR OUR CITY. THIS IS GOING TO BE A PRESENT THAT YOU PROBABLY

NEVER WOULD HAVE EVEN THOUGHT THAT PAT JOHNSON WOULD BE ABLE TO GET FOR Y'ALL. BUT THIS IS GOING TO BENEFIT MORE THAN THE PEOPLE THAT IT'S INTENDED FOR. AND THIS BEING SAID -- I'M TELLING YOU, I DON'T KNOW. I AM VERY PROUD TO ANNOUNCE THAT THE AUSTIN POLICE DEPARTMENT RECRUITING UNIT IN AN EFFORT TO RECRUIT MINORITIES, WILL BE THE OFFICIAL SPONSOR OF THE TEXAS LONGHORNS SPANISH RADIO NETWORK LIVE BROADCAST OF THE ROSE BOWL GAME ON JANUARY THE 4TH FROM PASADENA, CALIFORNIA. THIS IS AN OPPORTUNITY THAT NO ONE WOULD HAVE EVER THOUGHT WOULD HAVE HAPPENED. WE'RE GOING TO HAVE REPRESENTATION WITH THE UNIVERSITY OF TEXAS HORNS FOOTBALL TEAM, A PROFESSIONAL ORGANIZATION, ALONG WITH THE AUSTIN POLICE DEPARTMENT. AT NO OTHER TIME IN THE HISTORY OF A.P.D. OR THE CITY OF AUSTIN HAS AN OPPORTUNITY BEEN POSSIBLE FOR PARTICIPATION IN A NATIONAL FOOTBALL GAME FOR THE SOLE PURPOSE OF RECRUITING MINORITIES BECAUSE OF THE COST INVOLVED. THIS SAME PACKAGE THAT'S NO CARRIER RING CONNECT 57600 [SPEAKING SPANISH]

AND COUNCIL MEMBER ALVAREZ, YOU KNOW FOR SOME OF US HERE THAT CAN'T SPEAK ENGLISH AND SPANISH, WOULD YOU MIND TRANSLATING WHAT THAT MESSAGE JUST SAID?

Mayor Wynn: I THINK THE KICK WAS GOOD, RIGHT? [LAUGHTER]

ANYWAY, THIS IS A WONDERFUL OPPORTUNITY. I WANTED TO LET Y'ALL LISTEN TO THE PROFESSIONALISM AND THE BROADCAST OF THIS GAME AND WE'RE GOING TO BE PART OF IT. AND I WANT TO SAY THANK YOU CITY, THE CITY COUNCIL FOR GIVING ME THE OPPORTUNITY THIS PAST YEAR TO COME UP HERE AND ADDRESS TO Y'ALL ON A LOT OF ISSUES, BUT THIS IS MY GIFT TO THE CITIZENS OF AUSTIN AND THE AUSTIN POLICE DEPARTMENT. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON.

MAYOR WYNN?

Mayor Wynn: JENNIFER, WELCOME. YOU WILL HAVE THREE

MINUTES.

HI, AUSTIN. IT'S TIME TO LOOK OUT FOR OUR CHRISTMAS TIME THIS VACATION AND GET EXERCISE AND PLENTY OF SLEEP. MAYOR, COUNCILMEMBERS, BRIGHT HARD WORKING CITY EMPLOYEES, I'M JENNIFER GALE, CANDIDATE FOR GOVERNOR. PLEASE I'M ASKING THE CITY COUNCIL TO CALL FAMILY CECILIA WOOD AT 708-8783 TO AVOID LAWSUITS FOR A 1983 FEDERAL LAW ON APPEALED ORDINANCES ON CONSTITUTIONAL SLEEPING ORDINANCE IN THIS CASE. IT'S TIME FOR A NATIONAL CHAMPIONSHIP IN FOOTBALL, BASEBALL AND WOMEN'S TRACK. HOOK 'EM HORNS. MY RESOLUTION FOR THE NEW YEAR IT TO RUN FOR TRAVIS COUNTY JUDGE AND NO BUS STRIKE. I WANT TO WISH OUR CHICK CAN KNOWS AND LATINO'S A MERRY CHRISTMAS. (music) I WANT TO WISH YOU A MERRY CHRISTMAS FROM THE BOTTOM OF MY HEART. (music) FLIZ FLES FLIS (SINGING FELIZ NAS NAVIDAD. TODAY WE CELEBRATE THE BIRTH OF JESUS CHRIST AND FOR FORGIVENESS. DOES ANYBODY KNOW WHAT TIME IT IS? HUH-UH. (music) IT'S THE MOST WONDERFUL TIME OF THE YEAR, WITH CHILDREN JINGLE BELLING AND EVERYONE TELLING, YOU BE OF GOOD CHEER. (music) IT'S THE MOST WONDERFUL TIME OF THE YEAR. (music) IT'S THE HAPPEN, HAPPIEST SEASON OF ALL, WITH THOSE HOLIDAY GREETINGS AND GAY HAPPY MEETINGS WHEN FRIENDS COME TO CALL. (music) IT'S THE MOST WONDERFUL TIME OF THE YEAR. (music) THEY'LL BE PARTIES FOR HOSTING, MARSHMALLOW MARSHMELLOWS FOR TOASTING AND CAROLLING OUT IN THE SNOW. THERE WILL BE SCARY GHOST STORIES AND TAILS OF THE GLORIES OF CHRISTMAS LONG, LONG AGO. (music) IT'S THE MOST WONDERFUL TIME OF THE YEAR. (music) THERE WILL BE MUCH MISS SELL TOWING AND HEARTS TO BE GLOWING WHEN LOVED ONES ARE NEAR. (music) IT'S THE MOST WONDERFUL TIME, IT'S THE MOST WONDERFUL TIME. (music) IT'S THE MOST WONDERFUL TIME OF THE YEAR (music). THANK YOU. AFTER SKIING, HIKING OR BIKING AROUND AUSTIN, AND YOU GET TIRED, YOU'LL BE -- I'LL BE DOING, (music) I'M DREAMING OF A WHITE CHRISTMAS, JUST LIKE THE CHRISTMAS I KNOW. (music) WHERE THE TREE TOPS GLIS 17 AND CHILDREN LISTEN TO HEAR -- [BUZZER SOUNDS] -- SLAY SLEIGH BELLS IN THE SNOW. (music) I'M DREAMING

OF A WHITE CHRISTMAS, WITH EVERY CHRISTMAS CARD I
WRITE. (music) MAY YOUR DAYS BE MERRY AND BRIGHT...
AND MAY ALL YOUR CHRISTMASESS BE WHITE. HAPPY NEW
YEAR EVERYONE

Mayor Wynn: THANK YOU, JENNIFER. COUNCIL, THAT
CONCLUDES THE FOLKS SIGNED UP FOR OUR GENERAL
CITIZEN COMMUNICATION. THERE BEING NO MORE
DISCUSSION ITEMS PRIOR TO US TAKING UP A COUPLE OF
PIECES OF ADVISE FROM OUR -- ADVICE FROM OUR
ATTORNEY AND THE ABILITY TO GRAB A BITE OF LUNCH,
WITHOUT OBJECTION WE'LL GO INTO CLOSED SESSION
PURSUANT TO 551.071 OF THE OPEN MEETINGS ACT TO TAKE
UP POTENTIALLY AGENCY ITEM 17 RELATED TO PUBLIC
ORDER ORDINANCES, POSTED AS ITEM 64 IN EXECUTIVE
SESSION. ITEM 65 RELATED TO VELMA PICK ENS IN THE SO R.
SOPHIA KING ESTATE VERSUS THE CITY OF AUSTIN.
STOMACH 66 RELATED TO THE HOMELAND PRESERVATION
ACT. ITEM 67 RELATED TO LAND DEVELOPMENT STANDARDS
BETWEEN THE CITY AND AISD. ITEM 68 RELATED TO THE
SALE OF BLOCK 21 TO STRATUS, TRAMMELL CROW. ITEM 69
RELATED TO THE SOUTH TEXAS PROJECT. ITEM 97, 98 AND
99 RELATED TO THE CHAMPIONS ZONING TRACTS ONE, TWO
AND THREE. AND PURSUANT TO SECTION 551.074, WE MAY
TAKE UP ITEM NUMBER 70 RELATED TO THE POTENTIAL
APPOINTMENTS OF CITY OF AUSTIN MUNICIPAL COURT
JUDGES. WE ARE NOW IN CLOSED SESSION. I EXPECT US
BACK EARLY IN THE AFTERNOON FOR US TO CONTINUE A
COUPLE OF DISCUSSION ITEMS AND OUR 2:00 O'CLOCK
BRIEFINGS. THANK YOU VERY MUCH. ... SHOULD BE BACK
BEFORE 3:00 P.M.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN
EXECUTIVE SESSION WE TOOK UP ITEMS NUMBER 64, 65, 66,
67 AND 68. NO DECISIONS WERE MADE. MS. BROWN, WE DID
NOT TAKE UP AND WILL NOT TAKE UP ITEM NUMBER 70 AND
WE WILL BE -- AND LATER I GUESS I'LL ENTERTAIN A MOTION,
WE WILL POSTPONE ITEM NUMBER 53, THAT IS THE
APPOINTMENTS OF OUR MUNICIPAL COURT JUDGES, UNTIL
JANUARY 12TH, 2006. COUNCIL, IN EXECUTIVE SESSION WE
DID TAKE UP ITEM NUMBER 64, WHICH WAS RELATED TO THE
PROPOSED AMENDMENTS TO OUR CITY'S PUBLIC ORDER
ORDINANCES. WE HAVE POSTED ITEM NUMBER 17 AS

ACTION ITEM RELATED TO THOSE PROPOSED AMENDMENTS, THOSE EXISTING PUBLIC ORDER ORDINANCES. WE HAVE HAD A NUMBER OF PUBLIC HEARINGS THAT HAVE BEEN CLOSED, HAVE RECEIVED A LOT OF TESTIMONY AND FEEDBACK ON THOSE. AND AT THIS TIME I'D LIKE TO PERHAPS ENTERTAIN A BRIEF STAFF PRESENTATION ON ITEM NUMBER 17, THOSE AMENDMENTS TO THE PUBLIC ORDER ORDINANCES, AND WE WILL ENTERTAIN COUNCIL DISCUSSION. WELCOME MR. GARZA.

I'M ASSISTANT CITY MANAGER. ITEM NUMBER 17 IS THE PUBLIC ORDER ORDINANCES THAT WE HAVE BEFORE YOU FOR -- FOUR RECOMMENDED AMENDMENTS BEGINNING WITH THE AMENDMENTS TO THE AGGRESSIVE SOLICITATION ORDINANCE. THE AMENDMENTS THERE INVOLVE EXPANDING THE CURRENT AGGRESSIVE SOLICITATION ORDINANCE TO INCLUDE NEAR OR AROUND A SCHOOL FACILITY OR DAY CARE FACILITY, AN OUTDOOR CAFE, AND ALSO TO PROHIBIT SOLICITATION IN THE DOWNTOWN BUSINESS AREA BETWEEN 7:00 P.M. AND 7:00 A.M. THE SECOND IS THE CHANGES TO THE SIDEWALK ORDINANCE. THE TWO CHANGES THERE ARE TO REMOVE THE CURRENT LANGUAGE THAT REQUIRES AN OBSTRUCTION FOR SOMEONE SITTING ON THE SIDEWALK, AND ALSO EXPANDS THE ORDINANCE TO PROHIBIT SLEEPING IN THE CENTRAL BUSINESS DISTRICT AREA. THE THIRD RECOMMENDED CHANGE DEALS WITH THE DOOR TO DOOR SOLICITATION. THE CHANGE THERE IS -- THERE ARE TWO CHANGES. CHANGING THE HOURS -- THE RECOMMENDED CHANGES IS FROM 7:00 A.M. TO 9:00 P.M. PROHIBITING DOOR TO DOOR SOLICITATION AND ALSO REMOVING THE CURRENT WORDING THAT PROHIBITS IT FOR CHARITABLE CAUSES AND PROHIBITS ALL SOLICITATION FROM 7:00 P.M. TO 11:00 P.M. AND THE SECOND IS THE ROADSIDE SOLICITATION ORDINANCE, BETWEEN A PEDESTRIAN AND A MOTOR VEHICLE. THE CURRENT ORDINANCE IS LIMITED TO THREE SPECIFIC AREAS WITHIN THE CITY. THE RECOMMENDED CHANGE IS TO REMOVE THOSE LIMITATIONS AND MAKE IT A CITYWIDE PROHIBITION. AND THAT'S A QUICK SUMMARY OF OUR RECOMMENDED CHANGES.

Mayor Wynn: THANK YOU, MR. GARZA. SO COUNCIL, COMMENTS, QUESTIONS? WE'VE HAD A LOT -- AGAIN, WE'VE

HAD A LOT OF INPUT BOTH IN OUR FORMAL PUBLIC HEARINGS THAT WE'VE HAD HELD OVER THE LAST TWO MONTHS IN THIS BUILDING, BUT ALSO INDIVIDUAL MEETINGS, LOTS OF E-MAILS, LOTS OF PHONE CALLS. COMMENTS, QUESTIONS? AND I'LL SAY THE PUBLIC HEARINGS HAVE BEEN OPENED AND CLOSED. WE RECEIVED A NUMBER OF FOLKS WHO STILL SIGNED UP ON THIS ITEM, NUMBER 17. WE WILL RECORD ALL OF THESE COMMENTS INTO THE OFFICIAL RECORD. A NUMBER OF FOLKS SIGNED UP AND ACTUALLY TAKING ADVANTAGE OF THE COMMENTS SECTION ON THIS ITEM AND THOSE WILL ALL BE DULY RECORDED BY MS. BROWN. COMMENTS, COUNCIL? I'LL START OUT BY SAYING THAT AN ATTEMPT BY STAFF HERE WAS VERY STRUCTURED, IT WAS VERY DELIBERATE, TOOK A NUMBER OF MONTHS FOR THEM TO DO A LOT OF GOOD LEGAL RESEARCH TO LOOK AT BEST PRACTICES ACROSS THE COUNTRY RESPONDING TO A NUMBER OF CITIZEN CONCERNS AND COMPLAINTS, FRANKLY, ABOUT WHAT SEEMS TO BE A DETERIORATING SENSE OF PUBLIC ORDER, AT LEAST IN CERTAIN PARTS OF OUR TOWN, DOWNTOWN HAVING A DISPROPORTIONATE NUMBER OF THOSE ISSUES AND COMPLAINTS. I BELIEVE I CAN SPEAK FOR MANY OF US UP HERE. THE INTENT OF THAT PROCESS WAS NOT TARGETED AT NONPROFIT SOLICITATION. IT WASN'T TARGETED AT OUR GROWING DAY LABOR ISSUE THAT VIRTUALLY ALL CITIES ARE FACING, AN ISSUE THAT I THINK AUSTIN HAS DONE A GOOD JOB, A PROGRESSIVE JOB ON OVER THESE LAST FIVE TO SEVEN YEARS, BUT HAS A CHALLENGE AND ISSUE THAT HAS NOW OUTGROWN OUR CURRENT SITE AND PRACTICES. THESE ORDINANCE AMENDMENTS WERE NOT TARGETED, ARE NOT IDENTIFIED SPECIFICALLY BECAUSE OF A DAY LABOR ISSUE, IT WAS MOSTLY ABOUT JUST THE BROAD CONCEPT OF PUBLIC ORDER AND RESPONDING TO A NUMBER OF CITIZEN COMPLAINTS ABOUT THAT PERCEPTION. WE HAVE HAD A LOT OF CONVERSATION AND DEBATE ABOUT THAT, HOW BEST TO PROCEED, KNOWING THAT THERE PERHAPS WERE SOME UNINTENDED CONSEQUENCES OR CONCERNS ABOUT POTENTIAL UNINTENDED CONSEQUENCES WITH THESE AMENDMENTS. I AM COMFORTABLE THAT COUNCIL HAS TALKED, AND WITH GOOD LEGAL ADVICE AND STAFF HELP HAVE WORKED WITH MANY OF THOSE ISSUES. I'LL OPEN IT FOR UP COMMENTS,

COLLEAGUES? COUNCILMEMBER LEFFINGWELL.

Leffingwell: WELL, I BELIEVE I'M VERY SENSITIVE TO THE RIGHTS AND NEEDS OF LESS FORTUNATE AMONG US, AND THIS WOULD REFER TO THE PANHANDLING PART, PART 1, BUT I BELIEVE THE COUNCIL HAS ATTEMPTED TO OFFSET THIS SOMEWHAT, MITIGATE IS SOMEWHAT. IN LAST YEAR'S BUDGET ALMOST A MILLION DOLLARS WAS APPROPRIATED TO ENSURE THAT EVERYONE WHO NEEDED A BED AT NIGHT WOULD BE PROVIDED A BED. AND THAT'S SEVEN DAYS A WEEK NOW. THERE ARE ALSO FUNDS APPROPRIATED TO ALLOW FOR TREATMENT FOR DRUG AND ALCOHOL ADDICTION, SO THAT IN SOME WAY ALLOWS FOR A BALANCE, I BELIEVE, AN ATTEMPT TO BALANCE THE RIGHTS OF, AS I SAID, THE LESS FORTUNATE PEOPLE AMONG US, AGAINST THE RIGHTS OF THE PEOPLE WHO LIVE, WORK AND VISIT DOWNTOWN. SO I BELIEVE THAT PART OF IT HAS BEEN ADDRESSED, AND I WOULD LIKE TO MAKE THE FOLLOWING MOTION: I WOULD LIKE TO MOVE TO APPROVE PARTS 1 AND 2 OF THE PROPOSED ORDINANCE AS PRESENTED. AND TO APPROVE PART 3 AS PRESENTED WITHOUT THE SUGGESTED CHANGE TO 7:00 P.M. FROM 9:00 P.M. AS THE LATEST TIME A PERSON CAN SOLICIT DOOR TO DOOR. IN OTHER WORDS, THE PRESENT BAN ON DOOR TO DOOR SOLICITATION OF 9:00 P.M. TO 7:00 A.M. WOULD REMAIN IN PLACE. AND FINALLY, I WOULD MOVE TO REMOVE PART 4 FROM THE ORDINANCE AT THIS TIME PENDING THE OUTCOME OF DISCUSSIONS BY A TASKFORCE THAT THE CITY HAS PUT IN PLACE TO ADDRESS THE DAY LABOR ISSUE. ALTHOUGH I WOULD LIKE TO STATE THAT I AM STILL VERY MUCH CONCERNED ABOUT THE SAFETY ASPECTS OF PEDESTRIAN TO AUTOMOBILE SOLICITATION, AND I DO LOOK FORWARD TO BRINGING THAT PART BACK AFTER IT'S BEEN REFINED IN AND THE DAY LABOR ISSUE ADDRESSED. SO THAT'S MY MOTION. I HOPE IT'S CLEAR.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE PARTS 1 AND 2 OF THESE ORDINANCES AS WRITTEN AND APPROVED CARRIERRINGCONNECT 57600NO CARRIERRINGNO CARRIERRINGCONNECT 57600

WHAT THIS AMENDMENT DOES IS MAKE IT -- IT DOESN'T

AFFECT THE HOURS, IT REMOVES THE CHARITABLE CAUSE AND IT MAKES IT CLEAR THAT A SIGNATURE ITSELF IS NOT A CONTRIBUTION. SO TO THE EXTENT THAT PEOPLE UNDER THIS WERE PERMITTED TO COLLECT SIGNATURES AFTER NINE P.M., THEY'RE STILL PERMITTED TO COLLECT SIGNATURES AFTER NINE P.M.

Kim: OKAY. SO WOULD THE MAKER OF THE MOTION BE AMEANABLE TO THIS AMENDMENT?

Leffingwell: I'M STILL HUNG UP ON FACT THAT IF YOU'RE SOLICITING SIGNATURES YOU COULD DO IT BECAUSE A SIGNATURE IS NOT A CONTRIBUTION UNDER THIS SECTION, AND THIS IS THE ONLY SECTION THAT HAS TO DO WITH DOOR TO DOOR SOLICITATION. SO WHY COULDN'T YOU NOW SOLICIT A SIGNATURE AFTER NINE P.M.?

I BELIEVE YOU CAN SOLICIT A SIGNATURE AFTER NINE P.M.

THAT'S WHAT I THINK TOO. I DON'T ACCEPT THAT AS FRIENDLY.

Kim: ALL RIGHT. I HAVE A SECOND AMENDMENT THEN. NOW THAT WE'VE GOT THE TIME CHANGED FROM 7:00 P.M. TO 9:00 P.M., THIS HAS TO DO WITH SITTING DOWNTOWN, AND I'VE ASKED STAFF FIRST OF ALL TO PREPARE A MAP OF PLACES WHERE PEOPLE CAN SIT, ON BENCHES OR PLAZAS, SO PEOPLE KNOW WHAT WE HAVE. DOES STAFF HAVE THAT FOR US?

MAYOR AND COUNCIL, I APOLOGIZE, I DO NOT HAVE THAT ELECTRONICALLY. WE HAVE A HANDOUT, IT'S THE SECOND PAGE OF YOUR HANDOUT? WE HAVE A SMALL VERSION HERE. WE'RE ACTUALLY GOING TO GO AND RETRIEVE THE LARGE POSTER SIZE AND PUT THE CAMERA ON IT AND THE PUBLIC SHOULD BE ABLE TO SEE THAT BETTER. TO SUMMARIZE WHAT YOU SEE BEFORE YOU, ALL THOSE LITTLE DOTS SIGNIFY A BENCH. BENCHES THAT ARE LOCATED ON THE RIGHT-OF-WAY. ONE OF THE THINGS THAT WE WERE TRYING TO IDENTIFY WERE PRIVATE BENCHES, PRIVATE PLAZAS. THOSE ARE NOT INCLUDED HERE, BUT THESE ARE ALL BENCHES THAT ARE WITHIN THE RIGHT-OF-WAY IN THE DOWNTOWN AREA. JUST TO SUMMARIZE FOR YOU, THAT

INCLUDES CAP METRO BENCHES AND BENCHES WITH THE SHELTERS. THERE'S 59 IDENTIFIED ON THIS MAP. PARK RELATED BENCHES ARE 54. AND OTHER NON-PARK, NON-CAP METRO BENCHES SUCH AS BENCHES THAT HAVE BEEN PLACED THERE BY KEEP AUSTIN BEAUTIFUL AND OTHER PRIVATE BENCHES THAT ARE IN FACT IN THE RIGHT-OF-WAY -- I THINK WE'RE GOING TO TRY TO PUT SOMETHING THAT'S A LITTLE LARGER. THOSE BENCHES ARE SLIGHTLY OVER 50. SO LOOKING AT JUST THE CENTRAL BUSINESS DISTRICT, IT IS 163, AT A MINIMUM 163 BENCHES WITHIN THE CENTRAL BUSINESS DISTRICT. AND I'M NOT SURE THAT'S ANY BETTER. AND WHAT WE'LL DO TO MAKE IT EASIER FOR THE PUBLIC TO SEE THIS, WE'LL POST THIS MAP ON THE WEBSITE SO THAT THEY CAN SEE SPECIFICALLY WHERE THESE BENCHES ARE AND WE CAN POST THIS PARTICULAR MAP ON THE WEBSITE. I APOLOGIZE WE DON'T HAVE THIS ELECTRONICALLY.

Kim: ALSO IN ADDITION TO THESE BENCHES LIKE YOU SAID, THERE ARE ALSO PLAZAS NEXT TO BUILDINGS DOWNTOWN THAT DO HAVE SEATING AREAS AROUND FOUNTAINS, AROUND PICNIC TABLES, THOSE SORTS OF THINGS THAT AREN'T DEPICTED ON HERE. I WANT TO MAKE SURE THAT PEOPLE KNOW THAT WE HAVE -- THAT WITH THIS -- THE PASSING OF THIS ORDINANCE THAT EVEN THOUGH WE WON'T ALLOW SITTING DOWNTOWN ON THE SIDEWALK, THERE ARE STILL PLENTY OF PLACES FOR PEOPLE TO SIT AND ENJOY OUR LOVELY DOWNTOWN WHERE WE'RE MAKING INVESTMENTS AND TRYING TO BRING MORE PEOPLE THERE.

CORRECT.

Kim: OKAY. I ALSO WANTED TO ASK THE MAKER OF THE MOTION IF HE WOULD ACCEPT AMENDMENT TO ADD TO THE LIST OF EXEMPTIONS OR EXCEPTIONS TO SITTING ON THE SIDEWALK TO INCLUDE THOSE THAT MIGHT BE WAITING IN LINE TO PURCHASE TICKETS OR TO ATTEND A PERFORMANCE OR A PUBLIC EVENT? AND THE PURCHASE OF THIS AMENDMENT IS SOMETIMES WE HAVE LONG LINES IN FRONT OF THE THEATER OR A BOX OFFICE AS PEOPLE ARE WAITING EITHER FOR MAYBE FREE CONCERT TICKETS WHERE THERE'S A LOTTERY SYSTEM, TO DISCOURAGE SCALPING, THOSE SORTS OF THINGS. AND PEOPLE WILL

HAVE TO WAIT FOR A LONG TIME AND THEY MAY BE WANTING TO SIT DOWN. IT'S NOT NECESSARILY A MEDICAL EMERGENCY, SO IT WOULDN'T FALL UNDER THAT EXISTING EXCEPTION, SO I JUST WANTED TO ASK THE MAKER OF THE MOTION IF HE WOULD ACCEPT THIS AMENDMENT.

Leffingwell: I WILL ACCEPT IT, YES.

Alvarez: IT MAY BE HARD FOR FOLKS TO FIGURE OUT WHAT THE MOTION ACTUALLY IS IS TALK OF ALL OF THESE VARIOUS AMENDMENTS, BUT TO A CERTAIN DEGREE IN TERMS OF SOLICITATION, I MEAN WE HEARD THE DISCUSSION ABOUT DOOR TO DOOR SOLICITATION, SO THAT EXPLAINS A LITTLE BIT OF THAT PERIOD WHERE YOU CANNOT SOLICIT FOR MONEY DOOR TO DOOR, K-9D 9:00 P.M. TO 9:00 A.M.? IS THAT IT.

I BELIEVE THE MOTION IS AS IT IS NOW, 9:00 P.M. TO 7:00 A.M.?

NO, NINE TO NINE.

9:00 TO 9:00.

Alvarez: AND SECOND OF ALL, MOST THE CHANGES THAT ARE INCLUDED IN THE MOTION THAT DEAL WITH SOLICITATION AND BLOCKING SIDEWALKS, ETCETERA, PRIMARILY AFFECT THE DOWNTOWN AREA. AND I DON'T KNOW IF WE CAN SHOW IN THAT MAP MAYBE WHAT AREA THOSE RULES APPLY TO.

THE CENTRAL BUSINESS DISTRICT, THE SIDEWALK ORDINANCE AND WHEN WE REFER TO THE DOWNTOWN AREA, WOULD BE ON THIS COLORED MAP, IS THE AREA BOUNDED BY LAMAR ON THE WEST, IH-35 ON THE EAST, DEAN KEATON ON THE NORTH AND CESAR CHAVEZ ON THE SOUTH. THAT'S -- THAT AREA IS WHAT WE'RE CONSIDERING THE CENTRAL BUSINESS DISTRICT THAT WOULD BE IMPACTED BY THE DOWNTOWN ORDINANCE, THE SIDEWALK ORDINANCE.

Alvarez: SUE I THINK TO PUT IT IN SIMPLISTIC TERMS, THE BULK OF THE CHANGES AFFECT THIS DOWNTOWN AREA. THERE WAS A LOT OF INPUT AND A LOT OF CONCERN

EXPRESSED ABOUT THE ROADSIDE SOLICITATION PART, WHICH WOULD HAVE EXTENDED TO THE WHOLE CITY, AND THAT ACTUALLY IS NOT PART OF THIS RESOLUTION, AND THE RESTRICTIONS IN PLACE. THE CURRENT RESTRICTIONS IS ACTUALLY WHAT'S GOING TO GOVERN ROADSIDE SOLICITATION, SO IF YOU COULD SHOW THAT MAP AGAIN. AGAIN, BASICALLY WHAT THAT MEANS IS WHATEVER RESTRICTIONS ARE IN PLACE FOR ROADSIDE SOLICITATION WILL REMAIN AND WE WILL CONTINUE TO LOOK AT SORT OF THAT ISSUE ON A CITYWIDE BASIS IN THE EARLIER PART OF NEXT YEAR, BUT THAT'S ONE PART OF THE AMENDMENTS THAT WERE DISCUSSED AND HAS GENERATED A LOT OF INPUT AND ATTENTION AND SO WE WANT TO PUT MORE ATTENTION TOWARDS THAT, SO THE ONLY -- AGAIN, THE PLACES WHERE ROADSIDE SOLICITATION ARE STRICTLY PROHIBITED ARE THE AREAS THAT ARE HIGHLIGHTED IN THAT PARTICULAR MAP OUTLINED IN THOSE -- THE DARKER LINES. AND AGAIN, THAT'S WHAT EXISTS CURRENTLY. THAT EXISTED BEFORE I WAS EVEN ON THE CITY COUNCIL, AND THAT'S WHAT WE'VE BEEN WORKING UNDER FIVE AND A HALF YEARS I'VE BEEN ON THE CITY COUNCIL, BUT THE DISCUSSION WILL CONTINUE ABOUT THAT PARTICULAR ISSUE ON A CITYWIDE BASIS BECAUSE IT IS A CONCERN TO A LOT OF MEMBERS OF THE COMMUNITY. THANK YOU, MR. GARZA.

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

ON PART 4, THE CURB SIDE SOLICITATION, I WOULD LIKE FOR YOU TO BRING BACK SOME SOLICITATION CONCERNING THESE THREE ITEMS THAT WE'RE PASSING TODAY. NUMBER ONE, I'D LIKE TO KNOW WHAT IS INCLUDED IN THE A.P.D. TRAINING, BOTH IN THE ACADEMY CLASSES AND THE IN-SERVICE TRAINING IN DEALING WITH THE HOMELESS POPULATION IN THE DOWNTOWN AREA. IF YOU COULD BRING THAT BACK TO US SO WE COULD ALL KNOW WHAT'S BEING DONE IN THAT AREA. IN ADDITION, THERE HAVE BEEN SOME COMPLAINTS ABOUT INDIVIDUALS LOSING THEIR BELONGINGS AND THEIR ID'S AS THEY GO THROUGH THE ARREST PROCESS. AND IF YOU CAN LOOK INTO THAT AND BRING BACK SOME INFORMATION, WHAT WE CAN DO TO TRY

TO PROTECT THEIR BELONGINGS BECAUSE A NEW ID MEANS A NEW BIRTH CERTIFICATE, AND THAT COSTS MONEY TO GET. AND THIRDLY, WE DO HAVE LIMITED SPACE AS FAR AS BEDS IN THE DOWNTOWN AREA. WE HAVE THE ARCH, WE HAVE THE EXPANDED SLEEPING FACILITIES WITH THE MATS AT THE ARCH, THE SALVATION ARMY, OTHER SITES, BUT I'D LIKE TO HAVE A PRESENTATION ON AN ALTERNATE PLAN THAT YOU EITHER MAY HAVE IN PROCESS OR WILL SOON HAVE IN PROGRESS RELATING TO UTILIZING THE CHURCHES FOR ADDITIONAL SLEEPING SPACES. SO AS MUCH AS WE DO NOW WHEN THE TEMPERATURE GETS VERY LOW. WHEN THE TEMPERATURE REACHES A CERTAIN DEGREE, THERE'S A PLAN IN PLACE WHERE CHURCHES MOBILIZE SO THAT FOLKS WHO NEED A PLACE TO SLEEP IN THE COLD WILL HAVE THAT. SO IF YOU COULD BRING THAT INFORMATION BACK TO US AND JUST TELL US WHAT WE'RE DOING IN THOSE AREAS, I'D REALLY APPRECIATE IT.

WE'LL DO THAT, COUNCILMEMBER.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'LL START OFF BY SAYING WE ALL HAVE A RESPONSIBILITY FOR SOMETHING BIGGER THAN OURSELVES. WE HAVE A RESPONSIBILITY TO BE GOOD NEIGHBORS TO EACH OTHER, WE HAVE A RESPONSIBILITY TO TREAT EACH OTHER WITH RESPECT, AND WE HAVE RESPONSIBILITY TO BE GOOD NEIGHBORS AND GOOD CITIZENS. THAT RESPONSIBILITY EXTENDS TO ALL OF US, AND IT WOULD BE DEMEANING TO SAY THAT SOME PEOPLE ARE FREE FROM HAVING THE RESPONSIBILITY TO BE GOOD NEIGHBORS AND GOOD FELLOW MEMBERS OF THE COMMUNITY. AND THAT'S WHAT WE'RE ASKING IN THIS ORDINANCE, THESE HEARING ORDINANCES. WE ARE ASKING THAT ALL OF US BE HELD TO A STANDARD OF RESPONSIBILITY, NOT JUST TO OURSELVES, BUT THE ULTIMATE RESPONSIBILITY OF WHETHER YOU'RE A MILLIONAIRE OR WHETHER YOU'RE HOMELESS. WE'RE GOING TO HAVE A BASELINE EXPECTATION THAT WE WILL ALL OPERATE AS FELLOW MEMBERS OF THE COMMUNITY. THERE IS AN IMPORTANT BOOK THAT WAS WRITTEN IN 2000, TIPPING POINT. THE TIPPING POINT TALKED ABOUT THE DATA ABOUT WHAT HAPPENED IN NEW YORK CITY WHEN

THEY DID MANY OF THE THINGS, IN FACT WENT FURTHER THAN WHERE WE ARE GOING TODAY. AND THEY DID THINGS LIKE STARTED ADDRESSING AGGRESSIVE PANHANDLING, STARTED ADDRESSING THINGS LIKE THE SWEEJ JI PEOPLE WHO WOULD COME OUT AND SQUIRT WIN DEKS ON YOUR CAR WINDSHIELD AND DEMAND PAYMENT. BEFORE THOSE THINGS HAPPENED, NEW YORK CITY WAS A DANGEROUS PLACE, IT HAD OVER 2,000 MURDERS A YEAR. AND AFTER NEW YORK CITY ADOPTED THESE THINGS FIRST THIS THEIR SUBWAYS WHERE THEY REFUSED TO ALLOW GRAFITTI AND THEY STARTED ARRESTING PEOPLE WHO JUMPED TURN STYLES AND STARTED ADDRESSING THE SMALL THINGS THAT WE CALL QUALITY OF LIFE OFFENSES, AFTER THEY DID THAT, NEW YORK CITY HAD SUCH A DRAMATIC DROP IN CRIME THAT IT HAD ONE-THIRD OF THE NATION'S ENTIRE CRIME REDUCTION IN THE 1990'S, AND IT'S NOW A PLACE THAT YOU CAN GO AT 11:00 O'CLOCK AT NIGHT ANYWHERE IN NEW YORK AND THAT'S ALL MADE IT SAFER NOT ONLY FOR HOMELESS PEOPLE, BUT EVERYBODY ELSE. WHAT WE'VE LEARNED IS THAT EVEN THOUGH IN AUSTIN THAT WE'RE TRYING TO MAKE -- THAT DOWNTOWN IS PLANNING COMMISSION BECOMING ANEIGHBORHOOD, PEOPLE WHO LIVE DOWNTOWN FOUND OUT THAT THEY HAVE STRANGERS SLEEPING IN THEIR DOORWAYS, THAT PEOPLE SLEEP OUT IN THE OPEN, THAT THERE'S NOWHERE TO GO TO THE BATHROOM RNGS SO PEOPLE WHO HAVE BUSINESSES FIND THAT PEOPLE HAVE URINATED ON THEY'RE DOORWAYS EVERYDAY OR DEAF EIGHT KATED IN THEIR DOORWAYS EVERYDAY. WE'VE HEARD OF FOLKS LEAVING THEIR JOB AND BEING PURSUED BY SCREAMING PEOPLE DEMANDING MONEY WHEN THEIR INITIAL REQUEST FOR MONEY WAS DENIED. AND WE'VE HEARD OF AREAS OF DOWNTOWN WHERE PEOPLE ARE FEARFUL TO GO BECAUSE OF THE LEVEL OF HARASSMENT AND BELLIGERENT TREATMENT THEY RECEIVE. SO ALL WE'RE ASKING IS THAT EVERYBODY LIVE BY THE SAME STANDARD OF CONDUCT, THE SAME STANDARD OF MUTUAL RESPECT NO MATTER YOUR CIRCUMSTANCES. AND NOT ONLY THAT, BUT WE'VE ALSO INVESTED IN A SUBSTANTIAL EXPANSION OF THE NUMBER OF BEDS AT THE AUSTIN CENTER FOR THE HOMELESS. BY THE WAY, THOSE BEDS ARE GOING UNFILLED EVERY NIGHT. SO WHEN YOU DO SEE FOLKS SLEEPING OUT ON THE

SIDEWALK OR IN SOMEONE'S DOORWAY, KNOW THAT THERE IS A PLACE FUNDED BY THE TAXPAYERS OF AUSTIN THAT THEY HAVE TO GO, AND THEY ELECT NOT TO GO THERE. SO THAT'S WHY WE'RE DOING WHAT WE'RE DOING. IT'S PART OF MAKING DOWNTOWN A BETTER PLACE FOR ALL OF US. AND ALSO, MAKING SURE THAT FOLKS DO GO TO THE PLACE THE TAXPAYERS HAVE PAID FOR WHERE THEY CAN GET HELP AND SHELTER.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST WANTED TO CLARIFY IF I DIDN'T BEFORE THAT MY MOTION WAS FOR ALL THREE READINGS.

Mayor Wynn: THANK YOU. AND COUNCILMEMBER DUNKERLEY?

Dunkerley: I'M SORRY, ALL THREE READINGS.

Mayor Wynn: FURTHER COMMENTS? MAYOR PRO TEM.

Thomas: THANK YOU VERY MUCH, MAYOR. I APPRECIATE MY COLLEAGUES, I APPRECIATE WHAT COUNCILMEMBER MCCracken WAS SAYING, BUT WE KNOW THAT IN AUSTIN, TEXAS, EVEN WHEN THE KATRINA AND RITA EFFORTS THAT WE DID, THAT IT MIGHT -- THE HOMELESS MIGHT BE EXPANDING. EVERY TIME WE AMEND THIS ORDINANCE, WE REALLY DON'T HAVE A PLAN OF HOW WE'RE GOING TO DEAL WITH THE HOMELESS. YES, WE HAD ADDITIONAL BEDS, YES, THEY HAVEN'T BEEN FILLED BECAUSE IT HASN'T GOT REALLY COLD IN AUSTIN YET. BUT WITH THE EXPAND OF HOMELESS CONTINUE, WHAT I'VE ALWAYS SAID FOR SIX YEARS IS THAT WHEN WE PUT PRESSURE ON IN CHANGING THE ORDINANCE, SO WE NEED TO ALSO MAKE SURE THAT THERE'S A PLAN TO HANDLE THE HOMELESS, HOW WE'RE GOING TO TAKE CARE OF THE EXPANSION, THE ADDITIONAL PEOPLE THAT ARE SLEEPING. I'VE GOT PICTURES TODAY SHOWING HOW PEOPLE ARE SLEEPING OUT THROUGH THE ARCH. IN OUR HEARTS, AND WHEN WE SAY GOOD NEIGHBORS, THAT MEANS THAT WE NEED TO BE GOOD NEIGHBORS AND REALLY THINK ABOUT HOW WE'RE GOING TO DEAL WITH THE HOMELESS. I CAN SEE THE CITY OF

AUSTIN HAS WORKED HARD AND I CAN SEE THAT THE BUSINESSES DOWNTOWN HAVE PUT EMPHASIS ALSO INTO HELPING. BUT THESE ARE TIMES WHEN WE ARE TALKING ABOUT ENHANCING THE ORDINANCE. FIRST OF ALL, ARE WE GOING TO BE ABLE TO ENFORCE IT? SECOND OF ALL, ONCE WE ENFORCE IT, WHAT ARE WE GOING TO DO WITH THE PEOPLE THAT WE'RE PUTTING IN JAIL? I SOUND LIKE A BROKE RECORD, BUT THAT'S THE SAME THING I'VE BEEN SAYING FOR THE LAST SIX YEARS. I DIDN'T SUPPORT THE LAST AMENDMENT, AND I WON'T BE ABLE TO SUPPORT THIS AMENDMENT. BUT I DO WANT TO ASK MR. RICHARD TROXELL TO COME FORWARD. I WANT TO ASK YOU A COUPLE OF QUESTIONS. THERE WAS SOME REQUIREMENTS THAT -- SOME PROPOSALS THAT YOU WERE RECOMMENDING TO THE CITY, PROCEDURES REGARDING THE PUBLIC SLEEPING RESTRICTIONS. COULD YOU GO INTO DETAIL JUST A LITTLE BIT BRIEFLY AS YOU CAN? AND I NEED TO ASK THE CHIEF COULD HE COME FORWARD? OR EITHER ASSISTANT CHIEF? THERE ARE SOME PROCEDURES IN HANDLING THE HOMELESS, BUT I WOULD BE REAL COMFORTABLE IF WE COULD DO ANYTHING TO ENHANCE IT, BUT YOU DO HAVE SOME VERY IMPORTANT THINGS THAT REALLY WHEN YOU'RE DEALING WITH THE HOMELESS WHEN YOU ARREST. COULD YOU GO THROUGH THAT FOR ME? I THINK YOU HAVE EIGHT? AS QUICK AS YOU CAN. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

BY OUR OWN ESTIMATE, 4,000 PEOPLE EXPERIENCING HOMELESSNESS. SO ONE OF THE PORTIONS OF THIS ORDINANCE THAT I ASSUME IS ABOUT TO PASS, TALKS ABOUT PEOPLE SLEEPING AND IT'S BEEN SUGGESTED THAT THESE BEDS, THESE MATS ARE AVAILABLE. WHAT WE ARE SUGGESTING IS THAT THAT MAY NOT BE THE CASE. BEFORE SOMEONE IS APPROACHED ABOUT, GIVEN A TICKET, GIVEN A WARNING, GIVEN A TICKET FOR SLEEPING, THAT FIRST WE DETERMINE THAT THERE IS A BED AVAILABLE. THAT WOULD REQUIRE A PHONE CALL TO EACH OF THE EMERGENCY SHELTER FACILITIES TO DETERMINE THAT SOMEWHERE THERE'S A BED. AND THEN WE WOULD NEED TO WAKE THIS PERSON UP AND TO SAY WHAT IS YOUR NAME, SIR. IDENTIFY THIS PERSON AND SAY, OKAY, IS THERE A BED FOR BILL THOMPSON? NOW, THE REASON I GET THAT SPECIFIC IS

BECAUSE MANY PEOPLE ARE IN A 30 DAY IN, 90 DAY OUT. THEY'VE HAD SERVICES FOR 30 DAYS, NOW NO LONGER ELIGIBLE TO RECEIVE THAT BED. WHILE THERE MIGHT BE A BED OPENED IT DOES NOT MEAN THAT BILL JOHNSON CAN GET INTO THAT BED. THAT WOULD NEED TO BE DETERMINED. IF THERE IS NO BED, FOR 3600 PEOPLE WHO MIGHT BE VYING FOR BEDS, WHICH IS WHAT WE SEEM TO BE DOING, PLAYING MUSICAL BED TONIGHT, WHAT ARE WE GOING TO DO? ARE WE STILL GOING TO FIND THIS PERSON? STILL ISSUE THEM A TICKET FOR PURSUING SOMETHING WHEN HE HAS ABSOLUTELY NO OPTIONS? THAT'S THE QUESTION. THE NEXT THING REQUIRES, HAS TO DO WITH THEIR BELONGINGS. WE FIND WHEN PEOPLE ARE PICKED UP, THE FIRST THING THAT THEY ARE ASKED FOR IS IDENTIFICATION AFTER THEY ARE ASKED TO IDENTIFY THEMSELVES, QUITE OFTEN THE IDENTIFICATION IS NOT RETURNED TO THAT INDIVIDUAL. WE DON'T NECESSARILY FEEL THIS IS ANYTHING MALICIOUS, BUT NONETHELESS AS COUNCILMEMBER DUNKERLY HAS POINTED OUT, THAT IDENTIFICATION DOES NOT ALWAYS GET RETURNED. WHEN THAT HAPPENS, THAT IS THEIR PASSPORT TO SOCIAL SERVICES. THEY CAN'T GET INTO THE SALVATION ARMY, THEY CAN'T GET INTO THE HEALTH CLINIC, THEY CAN'T GET INTO THE ARCH OR ANY OF THESE OTHER THINGS. WELL, ONE OF THE THINGS THAT'S HAPPENED SINCE 9/11 IT TAKES AS MANY AS THREE MONTHS NOW, IF YOU WERE BORNE OUT OF STATE TO GET THAT IDENTIFICATION REPLACED. OF COURSE IT'S A VERY, VERY COSTLY EVENT. AS WE ALL KNOW AS OF DECEMBER THE 1st, THE COST OF A TEXAS BIRTH CERTIFICATE IS UP TO \$23. WHAT WE ARE SUGGESTING HERE IS ALL OF THESE BELONGING TAKEN ARE NOT ALWAYS RETURNED TO THEM OR RETURNED TO THEM IN THE SAME CONDITION IN WHICH THEY WERE RECEIVED. WHAT WE ARE SUGGESTING IS THAT THERE BE A PROCEDURE THAT FIRST THIS PERSON HAS BEEN IDENTIFIED AND THAT THERE IS A LOG OF THIS PERSON SO WE KNOW HOW MANY CONTACTS THAT WE HAVE MADE SO WHAT IS THE LEVEL OF NEED WILL BE ASSESSED BY CREATING THAT LOG. HOW MANY TIMES DOES THE POLICE OFFICER COME IN CONTACT WITH SOMEBODY WHO IS SLEEPING ON THE GROUND AND SAID, WE'VE HAD SOME KIND OF ENCOUNTER. WE NEED TO RECORD IT GENERALLY

SO WE CAN ASSESS THE NEED. AGAIN, WHEN WE HAVE HAD THAT INTERACTION, TAKEN THOSE BELONGINGS, THAT WE MUST BE SURE THAT THEY ARE INVENTORIED, CHRONICLED, THAT THAT INDIVIDUAL NEEDS TO SIGN THAT INVENTORY OF THEIR BELONGINGS AND THEN ON THE BACK OF THE INVENTORY, WHEN THEY ARE RELEASED, THEY NEED TO HAVE INFORMATION THAT WOULD DIRECT THEM TO WHERE THEY WOULD GO FOR RECOURSE IF THEIR DRIVER'S LICENSE OR THEIR I.D. CARD OR THEIR PERSONAL BELONGINGS WERE NOT IN THOSE THINGS THAT WERE HELD IN THEIR STEAD, THOSE ARE THE BASIC PROCEDURES THAT WE WOULD NEED TO SEE TO PROTECT THOSE PEOPLE'S RIGHTS MINIMALLY.

CHIEF DAWSON OR CHIEF KNEE? CAN YOU ANSWER THAT? ANYTHING IN THE SOP AGAIN ROLL ORDERS THAT COULD FIT ABOUT THE PERSONAL BELONGINGS.

WHAT HAPPENS WHEN A PERSON IS TAKEN INTO PHYSICAL CUSTODY, TAKE INTO CUSTODY ABOUT 40,000 INDIVIDUALS DURING A YEAR, BOOK THEM AT THE COUNTY JAIL. THEIR PERSONAL BELONGINGS ARE -- OR INVENTORY ARE TAKEN WITH THEM, BOOKED AT THE COUNTY JAIL WITH THEM. IT IS THE SHERIFF'S DEPARTMENT'S RESPONSIBILITY TO MAINTAIN CUSTODY AND CONTROL OF THAT. OFTENTIMES WITH INDIVIDUALS, WHO ARE -- WHO ARE HOME LRKS THEY HAVE IN ADDITION TO PERSONAL BELONGS, THE WALLET, I.D., THINGS LIKE THAT, THEY ALSO HAVE LARGE AMOUNTS OF CLOTHING, THINGS LIKE THAT. BUT THE -- IF THE JAIL DOES NOT ACCEPT THOSE, THEN WE HAVE TO BOOK THEM IN OUR PROPERTY AND EVIDENCE ROOM AND THAT'S IN THE EAST SUB. AND OF COURSE THOSE ARE INVENTORIED. WE HAVE HAD SOME PROBLEMS WITH -- WITH THE PROCESS AT THE JAIL. IT HAS GOTTEN MUCH, MUCH BETTER UNDER THE NEW SHERIFF, FAR FEWER INSTANCES WHERE PEOPLE HAVE COMPLAINED ABOUT MISSING I.D.'S AND SO FORTH, SO ON.

OUR POLICIES PROHIBIT THE OFFICER FROM RETAINING CUSTODY OF AN I.D. OF PERSONAL BELONGINGS. IF THE OFFICER DOES NOT, FORGETS TO GIVE BACK A DRIVERS LICENSE OR AN I.D. CARD OR SUCH LIKE THAT, HE IS REQUIRED BY POLICY TO BOOK THAT INTO THE PROPERTY

ROOM. AND THE PROPERTY ROOM WILL NOTIFY THE INDIVIDUAL WHERE TO GO TO PICK THAT UP.

Thomas: OKAY. ON THE SENSITIVITY TRAINING, OF THE HOMELESS, IS THERE ANYTHING IN THE TRAINING SECTION OF THE ACADEMY AND ALSO IN-SERVICE TRAINING?

WELL, WE WILL BE COMPLETING A REPORT THAT HAS -- THAT WAS ASKED FOR BY COUNCILWOMAN DUNKERLY WITH REGARD TO THAT. I CAN TELL YOU THAT WE HAVE A WEEK-LONG DIVERSITY TRAINING IN WHICH WE DIVIDE ALL OF THE CADETS UP INTO GROUPS, THEY GO INTO NEIGHBORHOODS, TALK WITH PEOPLE, A VARIETY OF -- OF RACES, BUT THEY ALSO GO IN AND ONE GROUP OF CADETS GO IN AND DEAL WITH THE HOMELESS, INTERACT WITH THE HOMELESS. AND THEN WHAT HAPPENS IS EACH ONE OF THESE GROUPS THEN COMES BACK AND WRITES A COLLEGE-LEVEL PAPER ON THAT, AND DOES A PRESENTATION TO THE WHOLE CLASS, SO THE WHOLE CLASS BENEFITS FROM WHAT THEY LEARNED IN DEALING WITH THE HOMELESS. AS YOU KNOW, APPROXIMATELY TWO YEARS AGO, WE BEGAN PROCESSING ALL OF OUR DOWNTOWN POLICE OFFICERS TO MAKE THEM TCLEOSE CERTIFIED MENTAL HEALTH OFFICERS. THAT PROCESS IS -- HAS BEEN COMPLETELY AND VIRTUALLY ALL OF THE DOWNTOWN POLICE OFFICERS ARE NOW CERTIFIED MENTAL HEALTH OFFICERS, HAVING COMPLETED THE TRAINING AND THE FOLLOW-UP TRAINING REQUIRED BY TCLEOSE. BUT IN ADDITION TO THAT, WE HAVE OTHER CLASSES IN THE ACADEMY THAT ADDRESS HOMELESSNESS IN DEALING WITH PEOPLE THAT HAVE SPECIAL NEEDS.

NOW, I KNOW THAT THE SHERIFF'S DEPARTMENT IS THE ONE TAKING IN THE PRISONERS. BUT AS FAR AS THE ONES WHEN THIS ORDINANCE GO INTO EFFECT, DO YOU -- DO YOU PARTICIPATE -- DO YOU THINK THAT ENFORCING IT, THAT WE HAVE A PROBLEM ENFORCING THE SLEEPING ORDINANCE, THE LYING DOWN ORDINANCE?

CLEARLY I THINK -- [MULTIPLE VOICES] I THINK EVERYBODY IN THIS ROOM REALIZES THAT HOMELESSNESS IS A SOCIAL PROBLEM. BUT WE ALSO, I BELIEVE, NEED SOME TOOLS IN ORDER TO ENSURE THE SAFETY OF RESIDENTIAL AREAS AND BUSINESS AREAS. I THINK THAT THESE ORDINANCES

ADD TO OUR -- TO OUR TOOL KIT. NOT TO BE USED IN EVERY SINGLE INCIDENT. BUT TO BE AVAILABLE SHOULD OFFICERS NOT BE ABLE TO RESOLVE SITUATIONS BY OTHERWISE. BY OTHER MEANS OTHER THAN ARREST OR A CITATION. AND -- BUT I THINK THAT THEY WOULD HELP US IN ADDRESSING SOME OF THE CONCERNS THAT HAVE BEEN BROUGHT TO US WITH REGARD TO ISSUES IN THE DOWNTOWN AND OTHER AREAS.

Thomas: THANK YOU.

Mayor Wynn: THANK YOU, CHIEF. MR. TROXELL? FURTHER COMMENTS?

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: JUST A LITTLE -- SOME DIRECTION, YOU KNOW, FOR -
- FOR THE CITY MANAGER, IN PARTICULAR WITH THE DAY LABORER RELATED ISSUES. LIKE I SAID BEFORE, THE RULES THAT ARE -- THAT ARE AFFECTING SOLICITATION OF EMPLOYMENT ARE BASICALLY STAYING THE SAME AS THEY ARE NOW. AND JUST EARLIER TODAY WE -- WE APPROVED THE ESTABLISHMENT OF THE DAY LABORER ADVISORY COMMITTEE TO HELP IN THAT DIALOGUE ABOUT -- ABOUT THIS PARTICULAR ISSUE AS RELATES TO THE PUBLIC ORDER ORDINANCES AND SO WE ARE GOING TO BE LOOKING AT HOW OTHER CITIES ADDRESS THAT PARTICULAR ISSUE, JUST LIKE WE HAVE DONE THAT SORT OF REVIEW FOR THE OTHER SORTS OF PUBLIC ORDER RELATED ISSUES. BUT ONE ISSUE I THINK THAT IS PRETTY CLEAR TO EVERYONE AND MAYBE WE DON'T NEED TO WAIT UNTIL THIS TASK FORCE OR COMMITTEE GETS GOING, IS THE ADDITIONAL OF FINDING AN ADDITIONAL SITE AND IN PARTICULAR IN THE SOUTHERN PART OF THE CITY. OF -- TO SERVE THE WORKERS AND SO -- SO I CERTAINLY WANT TO JUST KIND OF COMMUNICATE THAT TO THE CITY MANAGER AND SEE IF THAT CAN'T MOVE FORWARD AND NOT NECESSARILY WAIT UNTIL WE HAVE A COMMITTEE THAT TELLS US THAT -- THAT THE CURRENT SITE I MEAN IS -- IS NOT ABLE TO SERVE THE NEEDS THAT IS OUT THERE CURRENTLY. SO JUST WANTED TO CONVEY

THAT.

Futrell: IN FACT AS PART OF A NUMBER OF THESE INITIATIVES, WE ARE IN THE PROCESS OF WORKING WITH THE COUNCIL RIGHT NOW AND WITH STAFF WORKING TEAMS ON -- ON ADDRESSING THE DAY LABOR SITE ISSUE AND THAT INCLUDES EVALUATING THE NEED FOR AND LOOKING FOR ADDITIONAL DAY LABOR SITES.

Mayor Wynn: THANK YOU. AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE PARTS 1, 2, 3 OF -- VERY MODERATELY AMENDED AND TO REMOVE PART 4 FROM THE ORDINANCE FOR CONSIDERATION AT A LATER TIME. ALL THREE READINGS, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? NO.

MOTION PASSES ON A VOTE OF 6-1 WITH THE MAYOR PRO TEM VOTING NO. THANK YOU ALL VERY MUCH. OKAY, I APPRECIATE THE PATIENCE IN THE CROWD BECAUSE COUNCIL THAT TAKES US TO THE 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. WELCOME TO HER LAST CITY COUNCIL MEETING, MS. ALICE GLASGO.

DON'T DO ANYTHING TO RUIN HER COMPOSURE.

YOU HAVE A CHANCE TO SHINE IN YOUR LAST MEETING HERE, ALICE.

THANK YOU, MAYOR.

Mayor Wynn: BY GETTING US THROUGH THIS.

WE WILL. WE HAVE 53 ITEMS, WHICH IS A RECORD FOR US ON THE AGENDA, BUT THEY ARE ALL GOING TO -- MOST OF THEM GO THROUGH FAIRLY QUICKLY.

Futrell: IF THEY GET CONTINUED YOU STAY, RIGHT, ALICE?

WE CAN NEGOTIATE ON THAT. AM LITS GLASGO, OUR ZONE CASES FOR TODAY ARE FOLLOWS. STARTING OFF WITH ITEMS WHERE YOU HAVE CLOSED THE PUBLIC HEARING, THEY ARE ITEM NO. 73, C14-05-100, LAKE CREEK PARKWAY, AND THE -- THERE'S A REQUEST TO POSTPONE THIS CASE TO JANUARY THE 12th, 2006. IN ORDER FOR THE APPLICANT TO FINALIZE LEGAL DOCUMENTS. ITEM NO. 74, C14-05-25, 7 -- 1706 AND 1708 WEST SIXTH STREET, THE PROPERTY OWNER IS REQUESTING A POSTPONEMENT TO JANUARY THE 12th OF 2006 IN ORDER TO RESOLVE A FEW OUTSTANDING ISSUES. ITEM NO. 75, C 814-99-0001.04, AVERY RANCH, STAFF IS REQUESTING A POSTPONEMENT TO JANUARY THE 12th, 2006, IN ORDER TO FINALIZE LEGAL DOCUMENTS FOR THIS PLANNED UNIT DEVELOPMENT. ITEMS NUMBER 76 AND 77 WILL BE PRESENTED BY MARK WALTERS AFTER WE CONCLUDE THE CONSENT ITEMS. ITEM NO. 87, NP-05-0022.001 GREATER SOUTH RIVER CITY NEIGHBORHOOD PLAN, THE STAFF IS REQUESTING A POSTPONEMENT TO JANUARY 12th, 2006. FOR THIS -- THIS ONLY PERTAINS TO TRACT 35. ITEM NO. 79, C14-05-0139.001, THIS IS ALSO THE REZONINGS FOR THE GREATER SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLAN. STAFF IS PROPOSING SECOND AND THIRD READINGS FOR TRACTS 1, 2, 3, 28 AND 29 A AND B. AND POSTPONE TRACT NUMBER 35 TO JANUARY 12th, NO CARRIERRINGCONNECT 57600

ITEM 96 WILL BE A BRIEF DISCUSSION. 97 AND 98 AND 99 ARE THE CHAMPION CASES, MAYOR, STAFF DESIRES TO -- TO GO INTO EXECUTIVE SESSION WITH COUNSEL AND IT WILL BE OUR RECOMMENDATION TO HEAR THOSE CASES AFTER YOUR EXECUTIVE SESSION. THAT CONCLUDES THOSE ITEMS UNDER THIS SEGMENT OF THE AGENDA.

THANK YOU, MS. GLASGO. FOLLOW ME ALONG, MAKE SURE THAT I HAVE THIS CORRECT, ALICE. THE COUNCIL -- COUNCIL THE PROPOSED CONSENT AGENDA ON THESE ZONING CASES WHERE WE HAVE ALREADY HAD THE PUBLIC HEARING, CLOSED THE PUBLIC HEARING AND TOOK ACTIONS IN SOME FORM OR FASHION ON THE FIRST READING, WILL BE ITEMS 73, 74, 75, POSTPONE TO JANUARY 12th, 2006, ON ITEM 78, TO ALSO POSTPONE TO JANUARY 12th, 2006, ON ITEM NO. 79 TO APPROVE ALL TRACTS OTHER THAN TRACT 35, FOR SECOND AND THIRD READING AND TO POSTPONE ACTION

ON TRACT 35 UNTIL JANUARY 12th, 2006; TO APPROVE ON SECOND AND THIRD READING CASES 80, 81, 82, 83, 84, AND 85; AND POSTPONE ITEM 86 UNTIL JANUARY 12th, 2006, TO APPROVE ON SECOND AND THIRD READING ITEM 87, TO POSTPONE ITEM 88 TO JANUARY 12th, 2006, TO APPROVE ON SECOND AND THIRD READINGS ITEMS 89, 90, 91, 92, 93, AND 94 AND TO POSTPONE ITEM NO. 91 95 TO JANUARY 12th, 2006.

THAT SHOULD BE THE 26th 26th.

ON ITEM NO. 95, TO POSTPONE TO JANUARY 26th.

Glasgo: TO THE 26th, 2006.

Mayor Wynn: 26th, 2006, THANK YOU. I'LL ENTERTAIN A MOTION, COUNCIL. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. MS. GLASGO, WHY DON'T WE TRY TO GET THROUGH THE CONSENT, THE CONSENT AGENDA ON THE PUBLIC HEARINGS ZONING CASES AND SEND SOME MORE FOLKS HOME, HOPEFULLY.

Glasgo: ALL RIGHT. WE WILL NOW PROCEED TO THE 4:00 PUBLIC HEARING ITEMS AND THEY ARE AS FOLLOWS: ITEM NO. Z-1, C14-05-135 PROPERTY LOCATED AT 1200 THROUGH 1234 BATTALION LANE, 1301 THROUGH 1421 BASTROP HIGHWAY SERVICE ROAD. THE CHANGE IN ZONING IS FROM INTERIM RURAL RESIDENTIAL AND C.S. TO CH, WHICH STANDS FOR COMMERCIAL HIGHWAY. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT CH-CO, THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-2, CASE C 1814-82.006.01 IS LOCATED AT 1717 WEST SIXTH STREET AND 1711 WEST 5th STREET. THE CHANGE IS ZONE IS FROM PLANNED IEWND DEVELOPMENT TO PLANNED UNIT DEVELOPMENT IN ORDER TO CHANGE THE ALLOWABLE USES ON THIS PROPERTY. THIS IS READY FOR FIRST

READING ONLY. ITEM Z-3, C14-05-0174, 6411 U.S. HIGHWAY 290 WEST. THE CHANGE IN ZONING IS FROM SF 2, SINGLE FAMILY RESIDENTS, TO GR ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT GR-CO, THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-4, C 814-19-0001 RCA, STAFF IS REQUESTING A POSTPONEMENT TO JANUARY THE 12th, 2006. IN ORDER TO CONTINUE WITH THE PREPARATION OF THE LEGAL DOCUMENTS. ITEM NO. Z-5, C14-05-0181, THIS PROPERTY IS LOCATED AT THE 700 BLOCK OF WEST SLAUGHTER LANE, THE EXISTING ZONING IS DEVELOPMENT RESERVE, THE APPLICANT IS SEEKING MF 2 TO WHICH THE PLANNING COMMISSION RECOMMENDS AND ADDS A CONDITIONAL OVERLAY. THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-6, 6 C14-05-1061, 7220 SOUTH FIRST STREET, 7801 TO 7805 COOPER LANE, ... CHANGE IN ZONING FROM LIMIT DEVELOPMENT RESERVE, LIMITED OFFICE TO GENERAL COMMERCIAL SERVICES C.S. FOR TRACT 1, MF 1 FOR TRACT 2, TO WHICH THE ZONING AND PLATTING COMMISSION RECOMMENDS WITH CONDITIONAL OVERLAYS AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-7, C14-05-162, THE PROPERTY IS LOCATED AT 7800 THROUGH 7804 SOUTH FIRST STREET. THE EXISTING ZONING IS DEVELOPMENT RESERVE. THE APPLICANT IS SEEKING GR. THE ZONING AND PLATTING COMMISSION RECOMMENDS GR-MU-CO, READY FOR ALL THREE READINGS. ITEM NO. Z-8, C14-05-196 A, THIS PROPERTY IS LOCATED AT BRODIE LANE AT BEN GARZA LANE. IT HAS INTERIM RR ZONING, THE APPLICANT IS SEEKING C.S. WITH A CONDITIONAL OVERLAY. THE ZONING AND PLATTING COMMISSION RECOMMENDS C.S.-CO THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-9, C14-05-0196 B, THE PROPERTY IS LOCATED AT THE INTERSECTION OF BRODIE LANE AND BEN GARZA LANE, THE CHANGE IN REZONING FROM INTERIM RURAL RESIDENTIAL TO C.S.-CO, THE PLANNING COMMISSION RECOMMENDED C.S.-CO, THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-10 WILL BE A DISCUSSION ITEM. Z-11 C14-05-178, THE PROPERTY LOCATED AT 7958 SHOAL SHOAL CREEK BOULEVARD. THE CHANGE IN ZONING IS FROM L.O. LIMITED OFFICE TO LR, NEIGHBORHOOD COMMERCIAL. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT LR ZONING. THE CASE IS READY FOR ALL THREE

READINGS. ITEM NO. Z-12, C14-05-173, THE PROPERTY IS LOCATED AT 4903 COMMERCIAL PARK DRIVE, THE CHANGE IN ZONING IS FROM INTERIM SF 2 TO LIMITED INDUSTRIAL WITH CONDITIONAL OVERLAY TO WHICH THE ZONING AND PLATTING COMMISSION RECOMMENDS AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-13 C14-05-185 THE TENNIS CENTER AT JOHNNY MORRIS ROAD, LOCATED AT 7800 JOHNNY MORRIS ROAD, FROM INTERIM RURAL RESIDENCE TO P PUBLIC, THAT IS RECOMMENDED BY THE COMMISSION AND THE CASE IS READY IF ALL THREE READINGS. ITEM NO. Z-14, C 14-00-2062, STAFF IS REQUESTING A POSTPONEMENT TO JANUARY THE 26th OF 2006 DUE TO A DELAY BY THE COMMISSION TO -- TO THE PUBLIC HEARINGS WHICH IS GOING TO BE ON THE 10th OF JANUARY. ITEM NO. Z-15, C 14-00-2012, THIS PROPERTY IS LOCATED AT 808 THROUGH 811 EAST 8th STREET, REQUESTING A POSTPONEMENT TO JANUARY THE 26th. Z-16 IS ANOTHER REQUEST FOR POSTPONEMENT. TO JANUARY THE 12th. THIS IS THE AVERY RANCH CASE. WE NEED TO CONCLUDE FINAL LEGAL DOCUMENTS. ITEM NO. Z-17 C14-05-0180, THE PROPERTY IS LOCATED AT 2043 2043 SOUTH LAMAR, THE CHANGE IN ZONING IS FROM SF 3 AND C.S. THE CHANGE IS TO C.S.-MU-CO, THE COMMISSION RECOMMENDS THAT CHANGE AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-18, C14-05-0182 FOR PROPERTY LOCATED AT 10938 RESEARCH BOULEVARD. THE CHANGE IN ZONING IS FROM SF 2 TO C.S., THE COMMISSION RECOMMENDED C.S.-CO, THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-19 IS C14-04-0206 LOCATED AT 1700 RM 620 FORT AND 11620 BULL LICK HOLLOW ROAD. THE APPLICANT IS SEEKING GR-CO TO WHICH THE ZONING AND PLATTING COMMISSION RECOMMENDS AND THE CASE IS READY FOR FIRST READING ONLY. ITEM NO. Z-20, C14-04-0030, LOCATED AT 1401 AND 1415 EAST RIVERSIDE DRIVE, STAFF IS REQUESTING A POSTPONEMENT TO JANUARY THE 27th, IN ORDER TO CONTINUE THE DIALOGUE BETWEEN THE OWNER AND THE NEIGHBORHOOD. ITEM Z-21 WILL BE A DISCUSSION ITEM. Z-22 WILL BE A DISCUSSION ITEM. Z-23, NPA-050016.01 FOR PROPERTY LOCATED AT 704 GUNTER STREET, THE NEIGHBORHOOD IS REQUESTING A POSTPONEMENT TO JANUARY THE 26th OF 2006. ITEM NO. Z-24, C14-05-0122 ALSO THE ASSOCIATED NEIGHBORHOOD

REZONING, THE NEIGHBORHOOD IS REQUESTING A POSTPONEMENT TO JANUARY THE 26th OF 2006. THIS IS THE NEIGHBORHOOD'S FIRST REQUEST. ITEM NO. Z-25, C14-05-179, FOR PROPERTY LOCATED AT 9009 SPRING LAKE DRIVE. THE -- THERE IS A REQUEST FOR POSTPONEMENT FROM STAFF TO JANUARY THE 12th OF 2006. ITEM NO. Z-26, C14-05-005, 901 WEST CESAR CHAVEZ STREET, IS A REQUEST TO POSTPONE TO JANUARY 12th, 2006 BY THE AUSTIN NEIGHBORHOODS COUNCIL. THE SAME GOES FOR ITEM NO. Z-27 TO POSTPONE THAT TO JANUARY THE 12th OF 2006. MAYOR, I WOULD LIKE TO ADD THAT WE HAVE ASSOCIATED CASES WHICH ARE 100 THROUGH 102 UNDER THE 6:00 PUBLIC HEARING, STAFF WOULD JUST LIKE TO INDICATE THAT STAFF WILL BE REQUESTING A POSTPONEMENT AT 6:00 FOR THOSE ASSOCIATED ITEMS. THAT CONCLUDES OUR PRESENTATION ON THE CONSENT ITEMS UNDER THE PUBLIC HEARING ITEMS.

THANK YOU, MS. GLASGO. COUNCIL, THE PROPOSED CONSENT AGENDA ON THESE PUBLIC ZONING HEARING CASES WILL BE AS FOLLOWS: IN FACT ON Z-1 WE ACTUALLY HAVE A SPEAKER WHO SIGNED UP AGAINST THIS, SO I'M GOING TO EXCLUDE Z-1 FROM THE CONSENT AGENDA, WE WILL TAKE THAT UP VERY QUICKLY, HOWEVER. SO THE CONSENT AGENDA WILL BE, ON THOSE CASES WHERE WE ACTUALLY TAKE ACTION ON FIRST OR FIRST, SECOND AND THIRD READINGS, INCLUDING TO CLOSE THE PUBLIC HEARING WILL BE TO APPROVE ON CASE Z-2, TO APPROVE FIRST READING ONLY, CASE Z-3, TO APPROVE ON ALL THREE READINGS, TO POSTPONE Z-4 TO JANUARY 12th, 2006, TO APPROVE ON ALL THREE READINGS CASES Z-5, Z-6, Z-7, Z-8, Z-9, ALSO TO APPROVE ON ALL THREE READINGS, CASES Z-11, Z-12, Z-13, NOTING ON CASE Z-13 WE HAVE A NUMBER OF FOLKS SIGNED UP WISHING TO SPEAK, ALL IN FAVOR OF THIS CASE. SO UNLESS I HEAR A STRONG OBJECTION FROM ONE OF THEM, AND ENGINE JEOPARDIZING THAT APPROVAL, WE WILL LEAVE CASE Z-13 ON THE CONSENT AGENDA FOR APPROVAL ON ALL THREE READINGS. ON CASE Z-14 AND Z-15, POSTPONE TO JANUARY 26th, 2006. TO POSTPONE CASE Z-16, --

JANUARY 12th.

Mayor Wynn: CASE Z-16 TO POSTPONE TO JANUARY 12th, 2006. TO APPROVE ON ALL THREE READINGS, CASES Z-17, Z-18, TO APPROVE FIRST READING ONLY CASE Z-19, TO -- TO POSTPONE CASE Z-20 TO JANUARY 26th, 2006, ALSO TO POSTPONE TO JANUARY THEY 26, 2006, CASES Z-23 AND Z-24, TO POSTPONE TO JANUARY 12th, 2006, CASES Z-25, Z-26, AND Z-27.

Glasgo: MAYOR ON THE GABLES CASES.

WHICH ARE THOSE?

Z-26 AND Z-27, I AM TOLD THAT ANC WOULD PREFER JANUARY THE 26th INSTEAD OF THE 12th.

Mayor Wynn: WE ARE NOT GOING TO HAVE A FULL COUNCIL ON JANUARY 26th.

Glasgo: YOU ARE NOT. OKAY. OBVIOUSLY IT'S COUNCIL'S PREROGATIVE TO CONSIDER EITHER THE 12th OR THE 26th. I JUST WANTED TO MAKE YOU AWARE OF THEIR REQUEST, OR THEIR DESIRE.

Mayor Wynn: THANK YOU VERY MUCH. COUNCIL, WE HAVE A COUPLE OF DECISIONS TO MAKE THEN BEFORE WE WILL TAKE A MOTION ON THE CONSENT AGENDA. THAT IS THE REQUEST TO POSTPONE Z-26 AND Z-27, KNOWN COLLECTIVELY AS THE GABLES CASE, A REQUEST BY THE AUSTIN NEIGHBORHOODS COUNCIL IS FOR JANUARY 26th, 2006. HOWEVER THERE WON'T BE A FULL COUNCIL THAT EVENING. I DON'T KNOW IF THE APPLICANT OR THE AGENT OR OWNER ARE HERE?

Glasgo: HERE'S THE AGENT.

I'M STEVE DRENNER ON BEHALF OF GABLES. WE WOULD PROPOSE THAT THE POSTPONEMENT BE LIMITED TO JANUARY 12th. ALMOST A FULL MONTH. I DON'T SEE A REASON TO GO BEYOND THAT.

THANK YOU. SO THEN COUNCIL MY RECOMMENDATION WOULD BE FOR US TO HAVE A FULL COUNCIL FOR THAT CASE AT LEAST. AND SO I'LL ENTERTAIN -- INITIAL

RECOMMENDATION ON THE CONSENT AGENDA WAS TO POSTPONE Z-26 AND 27 TO JANUARY 12th, 2006. OF COURSE WE CAN ALWAYS POSTPONE AGAIN SHOULD THAT DECISION NEED TO BE MADE. BUT I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA. COUNCILMEMBER ALVAREZ?

Alvarez: MOVE APPROVAL, MAYOR. AND JUST WANTED TO CLARIFY ON WHAT Z-10, WHAT'S THE RECOMMENDATION?

Mayor Wynn: Z-10 IS A DISCUSSION ITEM. WE HAVE A NUMBER OF FOLKS SIGNED UP --

Alvarez: I WILL MOVE APPROVAL OF THE CONSENT AGENDA AS YOU READ.

Mayor Wynn: THANK YOU, MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS OUTLINED. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: I WILL JUST NOTE, I'M NOT SURE WHO SIGNED UP IN SUPPORT OF Z-14, TENNIS CENTER, BUT THAT'S ACTUALLY THE SITE WE ARE LOOKING AT TO STAB A NEW TENNIS -- TO ESTABLISH A NEW TENNIS CENTER IN NORTHEAST AUSTIN ON JOHNNY MORRIS ROAD AND I THINK THERE'S PROBABLY A LOT OF FOLKS IN GALINDO NEIGHBORHOOD PROBABLY ARE SUPPORTIVE OF THAT AS WELL AS A LOT OF TENNIS ENTHUSE ENTHUSIASTS AS WELL. BUT I CERTAINLY WANT TO ENCOURAGE THAT EFFORT TO MOVE FORWARD, HOPEFULLY WE CAN GET TO A DECISION ON WHETHER WE CAN DO 16 INSTEAD OF 12 IN THE VERY NEAR FUTURE. BUT WE ARE ALL PUSHING FOR 16. SO -- SO ANYWAY I JUST WANTED TO MAKE THAT COMMENT. THANKS, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS?

Thomas: MAYOR? IF YOU WILL LET ME ADD TO WHAT COUNCILMEMBER ALVAREZ SAID. WE ALSO DISCUSSED I THINK WHEN WE WERE ANNEXING THAT AREA ABOUT A MASTER PLAN OF MORE LIKE A SPORTS COMPLEX, SO KEEP THAT ON YOUR RADAR, SCREEN. THANK YOU, SIR.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. A NUMBER OF CLOSING PUBLIC HEARINGS AND APPROVING A NUMBER OF CASES, SOME ON FIRST READING, MANY ON ALL THREE READINGS AND A NUMBER OF POSTPONEMENTS. LEAVING US WITH FOUR DISCUSSION ITEMS. ALL THOSE IN FAVOR PLEASE SAY AYE?

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. MS. GLASGO, MY INSTINCT IS THAT -- COUNCIL, WITHOUT OBJECTION ON Z-1, BEFORE WE GO BACK TO THE OTHER CASES, Z-1 WAS PROPOSED FOR CONSENT AGENDA ON ALL THREE READINGS. ONE PERSON SIGNED UP IN OPPOSITION WHO WANTED TO SPEAK. SO WE TOOK THAT OFF THE CONSENT AGENDA. MY INSTINCT IS THAT WE COULD PROBABLY CONDUCT THAT PUBLIC HEARING IN VERY SHORT ORDER. LOOKS LIKE THE AGENT IS NOW SIGNED UP IN SUPPORT OF THAT PRESENTATION. SO -- PERHAPS MS. GLASGO A BRIEF SUMMARY OF Z-1, WE MIGHT COULD SEND A FEW MORE PEOPLE HOME BEFORE THE BREAK.

MAYOR, ITEM NO. Z-1 IS CASE C14-05-135, IT IS LOCATED AT 1200 THROUGH 1325 DALTON LANE AND ALSO 1301 THROUGH 1421 BASTROP HIGHWAY SERVICE ROAD. THE APPLICANT IS SEEKING A CHANGE FROM INTERIM ZONING TO CH, WHICH STANDS FOR COMMERCIAL HIGHWAY AND THE SITE COMPRISES 30 ACRES AND IT APPEARS TO BE APPROPRIATE FOR THIS TYPE OF ZONING, AT LEAST IT MEETS THE LOCATIONAL REQUIREMENTS FOR COMMERCIAL HIGHWAY ZONING AND IT'S -- IT'S CLOSE TO THE AIRPORT AND IT SEEMS LIKE IT COULD PROVIDE A VARIETY OF USE THAT'S COULD SERVE THIS AREA. THAT COULD SERVE THIS AREA. THE PLANNING COMMISSION RECOMMENDED THE ZONING TO YOU AND THEY ADDED A CONDITIONAL OVERLAY WHICH INCLUDES THOSE RECOMMENDATIONS THAT ARE IN THE TRAFFIC IMPACT ANALYSIS, ALSO LIMITED THE HEIGHT TO 90 FEET. I WILL PAUSE HERE, MAYOR AND RESPOND TO QUESTIONS AFTER THE CITIZEN SPEAKS. ACTUALLY, MAYBE SINCE IT'S A PUBLIC HEARING, WE MAY WANT TO HEAR FROM

THE APPLICANT BEFORE WE HEAR FROM THE CITIZEN.

Mayor Wynn: CORRECT. SO FURTHER QUESTIONS FOR MS. GLASGO? COMMENTS, COUNCIL? IF NOT THEN WE WILL HEAR FROM THE APPLICANT OR AGENT. AND WE WILL HAVE A FIVE MINUTE PRESENTATION OF THE CASE, THEN WE WILL HEAR FROM THAT CITIZEN IN OPPOSITION.

MAYOR, COUNCILMEMBERS, MY NAME IS PETER [INDISCERNIBLE] THE AGENT FOR THE APPLICANT. WE FILED THE APPLICATION FOR REZONING TO CH AND HAVE THE SUPPORT OF BOTH THE STAFF AND SOME OF THE ADJOINING LANDOWNERS, SPECIFICALLY THE CHURCH THAT IS NEXT TO US. THIS PROPERTY IS IN TRANSITION AND IT IS LOCATED IN ONE OF THE DESIRED DEVELOPMENT ZONES FOR THE CITY OF AUSTIN. IT'S BY ZONING FOR THIS AND ZONING CH IT PROVIDES MORE FLEXIBILITY AND ALLOWS DEVELOPMENT IN A PLACE WHERE THE CITY CAN MAKE THE TRIP IN, PEOPLE CAN MAKE THE TRIP IN FROM THE AIRPORT. AND IT ALLOWS THE CITY TO PLAN FOR GOOD USES AND A LOT OF ACCESSIBILITY CLOSE TO THE AIRPORT. THIS AREA IS SIMILAR TO WHAT THE ARBORETUM WAS MANY YEARS AGO. IT CAN CREATE A PLEASANT TRANSITION FROM THE AIRPORT INTO THE CITY OF AUSTIN. OUR HEIGHT IS LIMITED BY THE AIRPORT OVERLAY ZONES. AND IN ADDITION TO THE ZONING AND PLATTING COMMISSION WE HAVE AGREED TO LIMIT OUR HEIGHT TO 90 FEET. THIS PROPERTY IS ALSO IN THE SLOW APPROACH ZONE TO THE END OF THE AIRPORT -- AT THE END OF THE AIRPORT RUNWAY. WE ARE ENTERING INTO THIS BECAUSE WE WANT TO PLAN FOR THE FUTURE OF THE CITY. WE THINK THIS PRESENTS A GOOD WELCOMING AND A GOOD AREA FOR PEOPLE COMING INTO AUSTIN FROM THE AIRPORT ZONE. THIS TYPE OF -- ZONING CATEGORY IS IN THE CORRIDORS RIGHT ALONG THE INTERSECTION OF SOME OF THE STATE HIGHWAYS. AND WE COULD PROVIDE A LOT OF SERVICES THAT SPECIFICALLY ARE ENABLED AND EYE ALLOWED BY CH ZONING. THIS AREA IS ALSO SIMILAR TO RIGHT AROUND WHERE CAPITAL OF TEXAS HIGHWAY AND 183 INTERSECT, WHICH ALSO HAS THE CH ZONING CATEGORY. IF YOU -- IF YOU CHOOSE TO -- TO PASS THE ORDINANCE. AND IN ADDITION TO THE SUPPORT OF THE STAFF, SOME OF THE LOCAL LANDOWNERS THAT WE HAVE MET WITH HAVE INDICATED THEIR SUPPORT FOR OUR

ZONING APPLICATION TO CH. OUR HEIGHT IS LIMITED, IT'S IN THE DESIRED DEVELOPMENT ZONE, AND I THINK THIS IS THE AREA WHERE THE CITY OF AUSTIN REALLY WANTS TO PLAN FOR THE FUTURE AND HAS A LOT OF OPPORTUNITY TO KIND OF SET THE STAGE FOR WELCOMING MEMBERS VISITING INTO THE CITY OF AUSTIN BY PLANNING. WE HOPE YOU APPROVE THE ORDINANCE TO CHANGE THE ZONING TO CH. AND I WOULD BE HAPPY TO ENTERTAIN ANY QUESTIONS THAT YOU HAVE AT THIS TIME.

THANK YOU. QUESTIONS FOR THE AGENT? COUNCIL?
COUNCILMEMBER DUNKERLY?

Dunkerly: THE CONDITIONAL OVERLAY?

THE CONDITIONAL OVERLAY WAS TO LIMIT OUR HEIGHT TO 90 FEET. FURTHER QUESTIONS EVER THE AGENT. THANK YOU, SIR. NOW WE WILL HEAR FROM FOLKS WHO ARE IN FAVOR OF THE ZONING CASE. WE HAVE NO SPEAKERS FOR THAT. WE THEN HEAR FROM FOLKS IN OPPOSITION, ONE CITIZEN SIGNED UP, MR. DAVID COOK. WELCOME, YOU WILL HAVE UP TO THREE MINUTES. THEN WE HAVE A ONE TIME THREE MINUTE REBUTTAL. THANK YOU FOR LETTING ME SPEAK. I LIVE IN RICHLAND ESTATES, I DIDN'T HEAR THEM MENTION ANYTHING ABOUT THE FLOODING. MY HOUSE ALREADY FLOODED ONE TIME. PART OF THIS THEY SAID 30 ACRES. I UNDERSTAND IT WAS 60 ACRES. THE CREEK ALREADY FLOODS. THE WATERSHED DEPARTMENT IS WORKING WITH PBSJ ENGINEERING DOING A REVIEW OF THE FLOODING AREA. IT HASN'T BEEN COMPLETED. NOTHING HAS BEEN, YOU KNOW, NOTHING HAS BEEN DONE ABOUT IT. IF THEY BUILD IMPERVIOUS COVER 80% AT 30 ACRES, THEY ARE GOING TO FLOOD MY HOUSE EVERY TIME IT RAINS. THERE'S LIKE SIX HOUSES IN MY SUBDIVISION THAT ARE FLOODED. YOU KNOW, THAT'S A DRY CREEK AND IT GOES TO 30-FOOT DEEP, 100-FOOT WIDE. PART OF IT THE FEMA MAPS ARE OLD. THEY ARE SHOWING PART OF THIS IN THE FLOODPLAIN, I BELIEVE IT'S BIGGER NOW, THE CREEK NEEDS TO BE ATTENDED TO BEFORE WE DECIDE TO REMOVE ALL OF THE CEDAR TREES THAT ARE ALREADY SOAKING UP THE WATER. IT'S 30 -- THEY SAY 30 ACRES, BUT IT'S COMPLETELY COVERED WITH CEDAR TREES. I MEAN, THE RUNOFF IS JUST GOING TO DESTROY THIS NEIGHBORHOOD AND I -- I DON'T

UNDERSTAND WHY THE ENGINEERING COMPANY AND THE WATERSHED HAVE NOT BEEN UP FRONT BEFORE -- BEFORE CHANGING THE USE, 10% CONCRETE COVERAGE -- 80% CONCRETE COVERAGE WILL LITERALLY FLOOD ME OUT OF MY HOUSE. FEMA DOESN'T HAVE ANY MONEY RIGHT NOW TO PAY ANY KIND OF CLAIMS. AND I JUST WANT TO COME UP HERE AND TELL YOU THAT I'M WORRIED MY HOUSE IS GOING TO FLOOD. THANK YOU.

Mayor Wynn: THANK YOU, MR. COOK. MR. SICERO, WE NORMALLY HAVE A THREE MINUTE REBUTTAL FROM THE AGENT ON ISSUES RELATED TO OPPOSITION.

MAYOR, COUNCILMEMBERS, I WOULD LIKE MR. DAN DAVIDSON, ONE OF THE OWNERS TO DO THE REBUTTAL.

Mayor Wynn: WELCOME, MR. DAVIDSON.

THANK YOU, MR. MAYOR, MEMBERS OF THE CITY COUNCIL, I APPRECIATE THIS OPPORTUNITY.

FIRST OF ALL, WE HAVE MET WITH THE OFFICERS OF THIS GENTLEMAN'S SUBDIVISION. WE WOULD BE VERY HAPPY TO MEET WITH HIM IN ORDER TO POINT OUT THERE'S -- WE ARE NOT REZONING THE FLOODPLAIN. AND OF COURSE IN ANY DEVELOPMENT PROPOSAL FOR THE PART THAT'S BEING REZONED, WE MUST COMPLY WITH THE DRAINAGE REQUIREMENTS OF THE CITY OF AUSTIN, THAT'S GOING TO HAVE TO BE AN ENGINEERED PROJECT. AND WE WOULD NOT BE ALLOWED TO -- TO PLACE MORE WATER INTO THIS GENTLEMAN'S SUBDIVISION OR ON TO HIS HOUSE. HIS PROPERTY. WE HAVE THE SUPPORT, AS A MATTER OF FACT WE HAVE GOT A 7-0 APPROVAL FROM THE ZONING AND PLATTING COMMISSION IT BEEN STUDIED BY ALL OF THE CITY DEPARTMENTS, INCLUDING THOSE RESPONSIBLE FOR - - FOR FLOODPLAINS AND DRAINAGE AND TRANSPORTATION. AND OF COURSE WE HAVE EXPLAINED TO ALL OF THE ABUTTING PROPERTY OWNERS THAT WE MET WITH THAT -- THAT FOR DEVELOPMENT CAN TAKE PLACE ON THIS PROPERTY AFTER THE ZONING UNLESS IT COMPLIES WITH THE DRAINAGE ORDINANCES AND ALL OF THE TRANSPORTATION REQUIREMENTS WITH REGARD TO THE ABUTTING STREETS. WE CERTAINLY, AS I SAID, WE WOULD

BE DELIGHTED TO MEET WITH THIS GENTLEMAN AS WELL. WE MET WITH THE PRESIDENT OF THE ASSOCIATION, MR. HIGHTOWER, WE MET WITH THE SECRETARY, AND THE TREASURER OF THE ASSOCIATION. AND AS -- AS MR. SISARO INDICATED, WE DID MEET WITH THE PASTOR OF THE CHURCH, HE'S BEEN KEEPING THE MEMBERS OF THAT CHURCH UP TO DATE AND INFORMED OF WHAT IS PROPOSED. BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU. ANY QUESTIONS? COUNCIL? THIS JUST BEGS THE QUESTION, OR THE CLARIFICATION, I DON'T KNOW IF WE HAVE WATERSHED PROTECTION STAFF HERE, BUT JUST A REMINDER AS TO HOW THE, YOU KNOW, THE ZONING AND THE SITE PLAN PROCESS WORKS AND HOW THE WATERSHED PROTECTION OVERSIGHT OCCURS JUST TO ENSURE NO DOWNSTREAM FLOODING AND NO -- NO SIGNIFICANT ADVERSE IMPACTS ON OTHER PROPERTY OWNERS.

WELL, YOU SOUND VERY KNOWLEDGEABLE ABOUT THE AREA, MAYOR. GEORGE OSWALD IS HERE FROM WATERSHED PROTECTION HE CAN EXPLAIN HOW THAT WORKS.

GEORGE OSWALD, WATERSHED PROTECTION, WE ARE COMPLETING A STUDY FOR FLOOD HAZARD MITIGATION FOR THE ENTIRE CARSON CREEK WATERSHED. ALSO THIS WATERSHED IS INCORPORATED INTO OUR COUNTY-WIDE MAPPING INITIATIVE, WHICH WILL BE FINALIZED AND AVAILABLE TO THE PUBLIC IN MARCH OF 2007. THERE IS SIGNIFICANT FLOODPLAIN IN THIS AREA. WE ARE COGNIZANT OF THE AREA OF RICHLAND ESTATES AND THERE IS A SOLUTION PROPOSED IN THAT AREA. WE DID PUT THIS PROJECT AREA IN THE -- IN THE UPCOMING BOND ELECTION. I CAN'T RECALL THIS EVENING WHETHER IT SURVIVED WITHIN THE CONTEXT OF THE LATEST ADVISORY COMMITTEE RECOMMENDATIONS BUT IT WAS ONE OF OUR HIGHER PRIORITY PROJECTS AND INITIAL NEEDS ASSESSMENT. WITH RESPECT TO THIS PARTICULAR LAND AS ITS DEVELOPED, THE FLOODPLAIN BOO BE REQUIRED TO BE DEDICATED AS AN EASEMENT, SO THAT WOULD BASICALLY BE A NO BUILD ZONE. AND THAT WOULD BE ADDRESSED

THROUGH THE SITE DEVELOPMENT PROCESS.

THANK YOU, MR. OSWALD. QUESTIONS FOR STAFF?
COUNCIL? OR OF THE -- OWNER, AGENT OR
NEIGHBORHOOD? IF NOT, THEN I'LL ENTERTAIN A MOTION ON
CASE Z-1. THAT PROPOSALS FOR ALL THREE READINGS,
APPROVAL ON THE CONSENT AGENDA.

YES.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: SINCE THESE PARTICULAR ISSUES ARE HANDLED
LATER ON IN THE DEVELOPMENT PROCESS, I'M GOING TO GO
AHEAD AND MOVE TO APPROVE PLANNING COMMISSION
RECOMMENDATION.

Glasgo: YES, THAT'S CORRECT.

OR Z.A.P. ZONING AND PLATTING --

ZONING AND PLATTING. EITHER WAY WE KNOW WHAT YOU
MEAN.

Alvarez: OKAY.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ
THAT I WILL SECOND TO CLOSE THE PUBLIC HEARING AND
APPROVE CASE Z-1, PLANNING COMMISSION
RECOMMENDATION ON ALL THREE READINGS. FURTHER
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE
SAY AYE.

AYE.

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

Mayor Wynn: MS. GLASGO, IS THERE ANY CHANCE THAT WE
COULD HAVE ONE OF OUR DISCUSSION ITEMS EITHER OF
THE -- ANY OF THE CASES WHERE WE HAVE ALREADY
CLOSED THE PUBLIC HEARING THAT WE COULD TAKE UP

AND -- IN 8 MINUTES OR NOT?

Glasgo: THE NEXT ITEMS IN ORDER ARE 76 AND 76. I DON'T KNOW -- MARK SHAKES HIS HEAD, WE CAN'T GET THOSE DONE IN 8. I DON'T THINK WE HAVE ANYTHING THAT WE CAN CONCLUDE IN 8 MINUTES.

Mayor Wynn: ALL RIGHT, THANK YOU. AGAIN I APOLOGIZE, AT 5:30 WE BEFORE FOR LIVE MUSIC AND PROCLAMATIONS. AND THEN WE COME BACK SHORTLY THEREAFTER TO TAKE UP DISCUSSION ITEMS. WE EVEN HAVE A FEW DISCUSSION ITEMS LEFT OVER FROM THE EARLIER NON-ZONING AGENDA. SO WITHOUT AX OBJECTION THEN, WHAT WE WILL DO IS ALTHOUGH I WILL STAY HERE FOR THE BREAK FOR LIVE MUSIC AND PROCLAMATIONS AND WELCOME ANY OTHER COUNCILMEMBERS TO BE IN ON THAT, BUT WHILE WE ARE OFF THE DAIS, WE WILL ACTUALLY BE IN CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEMS 69 RELATED TO THE SOUTH TEXAS PROJECT, 97, 98 AND 99 RELATED TO THE CHAMPIONS CASE. SO WITHOUT OBJECTION, WE ARE IN CLOSED SESSION WHILE WE CONTINUE WITH PROCLAMATIONS, LIVE MUSIC. THANK YOU VERY MUCH.

Mayor Wynn: FOLKS, IF WE COULD HAVE YOUR ATTENTION. IN A RARE NO SHOW OCCURRENCE, WE'RE NOT GOING TO HAVE LIVE MUSIC HERE AT THE WEEKLY AUSTIN CITY COUNCIL MEETING. WE NORMALLY HAVE A 5:30 SINGLE SONG BY A LOCAL MUSICIAN AND UNFORTUNATELY I THINK THERE WAS SOME MISCOMMUNICATION PERHAPS AND RUTHIE FOSTER ISN'T HERE. SO WE'RE GOING TO GO ON WITH OUR PROCLAMATION. IT'S SORT OF APPROPRIATE I GUESS THAT WE DON'T HAVE LIVE MUSIC BECAUSE THIS IS SORT OF A SAD SERIES OF PROCLAMATIONS FOR US. WE ARE SAYING GOOD-BYE, BUT OF COURSE THANK YOU TO THREE SENIOR CITY EMPLOYEES WHO COLLECTIVELY HAVE SERVED THE CITY OF AUSTIN NOW NO 80 YEARS -- FOR 80 YEARS COMBINED. WE DO THESE OCCASIONALLY AND WHEN I DO, I OFTEN TIMES REFERENCE MY FATHER, ROGER WYNN, WHO ACTUALLY LIVES A LITTLE NORTH OF HERE. AND MY FATHER WORKED FOR THE SAME LITTLE COMPANY IN EAST TEXAS 54 YEARS AND JUST RETIRED THIS YEAR. AND SO ONE OF THE FUNDAMENTAL LESSONS THAT ME AND MY

SIBLINGS HAD GROWING UP WAS JUST THE LESSON OF CONTINUITY AND LOYALTY, OF SORT OF DELAYED GRATIFICATION, AND OF A JOB WELL DONE WORKING FOR SOMEBODY FOR THE MAJOR PART OF YOUR ADULT LIFE AND YOUR PROFESSIONAL CAREER, AT LEAST. SO WE'RE HERE TO HONOR SEVERAL SENIOR CITY EMPLOYEES AS THEY SADLY LEAVE US, BUT OF COURSE WE'RE HERE TO SAY THANK YOU AND CONGRATULATIONS TOO. AND OUR FIRST ONE IS VANESSA DOWNY LITTLE, WHO HAS BEEN WITH THE CITY NOW FOR 28 YEARS. BEFORE I GIVE HER CITY OF AUSTIN DISTINGUISHED SERVICE AWARD, MR. HAROLD HALBERT HAS A PRIVATE PROCLAMATION HE WOULD LIKE TO GIVE HER. HAROLD?

GOOD AFTERNOON. FIRST OF ALL, ON BEHALF OF THE AFRICAN-AMERICAN HERITAGE NETWORK, WE WANT TO PRESENT THIS HERE TO VA VANESSA DOWNEY LITTLE. A CERTIFICATE OF ACHIEVEMENT PRESENTED TO VA NS IS A ON THIS 15TH DAY OF DECEMBER, 2005 IN RECOGNITION OF DEVOTED SERVICE TO THE MAINTAINS OF AFRICAN-AMERICAN HERITAGE NETWORK AND THE EMPLOYEES AND RESIDENTS OF THE CITY OF AUSTIN, TRAVIS COUNTY AND THE STATE OF TEXAS. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU. AND NOW THE OFFICIAL CITY OF AUSTIN DISTINGUISHED SERVICE AWARD. I'LL READ THIS, SAY A FEW WORDS AND I'LL ALSO ASK THE CITY MANAGER TO SAY A FEW WORDS BEFORE WE HEAR FROM VANESSA. THIS DISTINGUISHED SERVICE AWARD READS, FOR 28 YEARS OF STREARD SERVICE TO THE CITY OF AUSTIN AND TO THE PEOPLE OF AUSTIN AS A DEDICATED EMPLOYEE, VANESSA DOWNY LITTLE IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. SHE MADE OUTSTANDING CONTRIBUTIONS IN HER ROLE FROM HER CAREER AT THE CITY FROM AN INTERN TO DIRECTOR OF HUMAN RESOURCES AND CIVIL SERVICE. SHE HAS BEEN KNOWN FOR HER DEPENDABILITY, KNOWLEDGE, EFFICIENCY AND WILLING TO WORK HARD AND STEADILY TO COMPLETE THE JOB. SHE HAS TAKEN ON SOME OF THE TOUGHEST TASKS IN THE CITY. INCLUDING HER WORK AS THE CIVIL SERVICE DIRECTOR. WE CONGRATULATE VANESSA ON ALL HER ACCOMPLISHMENTS, HER EXPERTISE AND COMMITMENT TO THE CITY OF AUSTIN AND TO YOU, OUR CITIZENS. AND WE THANK HER FOR

MODELING EXEMPLARY PERFORMANCE IN THE FIELDS OF
PUBLIC ADMINISTRATION AND HUMAN RESOURCES,
PRESENTED THIS 15TH DAY OF DECEMBER, YEAR 2005,
SIGNED BY ME AND ACKNOWLEDGED BY THE ENTIRE AUSTIN
CITY COUNCIL, MAYOR PRO TEM DANNY THOMAS,
COUNCILMEMBERS LEFFINGWELL, ALVAREZ, KIM,
DUNKERLEY AND BREWSTER MCCrackEN, THIS
DISTINGUISHED SERVICE AWARD TO MS. VANESSA DOWNEY
LITTLE. [APPLAUSE]

I HAVE RELIED ON HER EXTENSIVELY. LOSING VANESSA IS
LIKE LOSING AN ANCHOR IN A STORM. WE HAVE A COUPLE
OF OUR STANDARD GIFTS HERE, BUT LET'S START WITH OUR
TRADITIONAL STREET SIGN AS ONLY WE CAN DO, THE
VANESSA DOWNEY LITTLE -- DID THEY GIVE YOU A WAY? THE
DOWNEY-LITTLE WAY. 1997 --

ALL ON ONE SIGN.

YEAH, BECAUSE WE LEFT OFF THE VANESSA. FOR 2005.
VANESSA AND SOME FLOWRZ FOR YOU AND A FEW WORDS,
YOU WILL BE DEEPLY MISSED. [APPLAUSE]

FOR ONCE I GET TO SAY THE LAST WORD AFTER TOBY. THAT
DOESN'T USUALLY HAPPEN. 28 YEARS HAS BEEN A LONG
TIME AND I'VE WORKED IN FIVE DIFFERENT DEPARTMENTS
AND WORKED WITH WONDERFUL PEOPLE HERE. I'M
PROBABLY A LIVING EXAMPLE OF BEING ABLE TO MOVE
THROUGHOUT THE CITY FROM BEING AN INTERN WORKING
AT I THINK -- IN THE SCRAP BOOK THEY PUT TOGETHER FOR
ME I THINK I WAS MAKING 330 AN HOUR AND ENDING UP AS
THE DIRECTOR OF HR AND THE DIRECTOR OF CIVIL
SERVICE. AGAIN, I'M AN EXAMPLE THAT YOU CAN MOVE
THROUGH THE SYSTEM AND THE OPPORTUNITIES IN THE
CITY. I WOULD BE REMISS IF I SAID THE ONE PERSON THAT
HAS BEEN BY ME THE WHOLE TIME IN ALL MY MANY YEARS,
28 YEARS, IS MY HUSBAND BERNIE LITTLE WHO IS HITTING IN
THE AUDIENCE. AND HE'S REPRESENTING MY FAMILY TODAY.
SO I'M VERY GRATEFUL HE WAS ABLE TO COME. [APPLAUSE
] AND THE OTHER GROUPS I WANTED TO RECOGNIZE. IN MY
LAST STINT AS DIRECTOR OF HR AND THIS IS THE SECOND
TIME I WAS IN THE HUMAN RESOURCES DEPARTMENT. I WAS
VERY, VERY BLESSED WITH HAVING WONDERFUL,

WONDERFUL STAFF. THAT THEY'VE MADE MY JOB SO MUCH EASIER. I GOT TO BE DIRECTOR THROUGH THE REALLY INTERESTING TIMES. WE LAID A FEW PEOPLE OFF AND DID A FEW OTHER THINGS THAT MAKES IT VERY, VERY CHALLENGING AS DIRECTOR OF HR TO WORK THROUGH, BUT WE LIVED THROUGH THAT, SO HOPEFULLY WE'RE IN MUCH BETTER TIMES. AND A LOT OF THEM ARE HERE TODAY, SO I ALSO WANTED TO RECOGNIZE MY STAFF WHO IS ACTUALLY HERE TODAY. [APPLAUSE] SO THANKS AGAIN FOR THIS ACKNOWLEDGMENT, AND WE'LL BE GOING OFF INTO RETIREMENT. [APPLAUSE]

Mayor Wynn: IS THERE A POLICE CHIEF IN THE AUDIENCE? CONTINUING WITH THE THEME, SAD THOUGH IT MAY BE, WE'RE HERE NOW TO RECOGNIZE ASSISTANT CHIEF RICK COY, WHO IS LEAVING AFTER 30 YEARS AS NOT ONLY A CITY OF AUSTIN EMPLOYEE, BUT AN AUSTIN POLICE OFFICER. AND I HAVE PERSONALLY BEEN GIVEN SO MUCH INSIGHT INTO NOT ONLY JUST THE CHALLENGING JOB OF BEING A POLICE OFFICER, BUT REALLY OF ALL THAT WE HAVE SEEN OVER THE CITY IN THE LAST 30 YEARS, AND RICK COY HAS SOME GREAT STORIES, BOTH REWARDING STORIES AND SOME VERY TRAGIC AND SAD STORIES ABOUT POLICING IN THE 21st CENTURY URBAN AMERICA, BUT ALSO OF A LONG TIME, DEDICATED PUBLIC SERVANT. SO I WILL FIRST READ THE DISTINGUISHED SERVICE AWARD CALL ON EITHER CITY MANAGER TOBY FUTRELL OR POLICE CHIEF STAN KNEE TO SAY A FEW WORDS BEFORE WE HEAR FROM RICK. THE DWSHD SERVICE AWARD READS: FOR 30 YEARS OF PUBLIC SERVICE WITH THE AUSTIN POLICE DEPARTMENT DURING WHICH TIME HE DEMONSTRATED COMMITMENT, DEDICATION AND EXCELLENCE TO THIS COMMUNITY, RICK COY IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. CHIEF COY HAS EPITOMIZED THE VALUES OF THE AUSTIN POLICE DEPARTMENT TO PROTECT AND SERVE IN PIP WITH AUSTIN'S DIVERSE COMMUNITY. HE HAS BEEN BOTH A CRIMEFIGHTER AND A COMMUNITY LIAISON, BRINGING TO THE JOB A SENSE OF MISSION AND PASSION, AND I'LL ADD HUMOR. THIS CERTIFICATE IS PRESENTED WITH OUR ADMIRATION AND OUR APPRECIATION FOR A JOB WELL DONE THIS 15TH DAY OF DECEMBER, THE YEAR 2005, SIGNED BY ME, MAYOR WILL WYNN, ACKNOWLEDGED BY THE

ENTIRE CITY COUNCIL, MAYOR PRO TEM DANNY THOMAS AND COUNCILMEMBERS LEFFINGWELL, KIM, DUNKERLEY AND MCCrackEN, 30 YEARS WITH THE AUSTIN POLICE DEPARTMENT, ASSISTANT CHIEF RICK COY. [APPLAUSE]

SOMEBODY ONCE ASKED ME IF I HAD EVER HAD A HEART ATTACK BECAUSE I'M A TYPE A PERSONALITY. I SAID NO, BUT I GIVE HEART ATTACKS TO MY STAFF BECAUSE I EXPECT THEM TO GIVE ME 150%. WHEN MIKE MCDONALD WAS STOLEN FROM ME AND BROUGHT OVER TO CITY HALL AS THE ASSISTANT CITY MANAGER, RICK COY TOOK HIS PLACE. AND IT'S A DAUNTING TASK TO BE CHIEF OF STAFF IN THE POLICE DEPARTMENT. EVERYDAY YOU HAVE NEW ASSIGNMENTS, NEW RESPONSIBILITIES. AND I WANT TO SAY THAT RICK COY DID AN OUTSTANDING JOB JUST AS HE HAD IN THE 28 YEARS PREVIOUS TO THAT APPOINTMENT. THERE ARE SOME PEOPLE YOU JUST GO TO WHEN YOU HAVE ISSUES BECAUSE YOU WANT THEM DEFINED AND YOU WANT THOSE PROBLEMS SOLVED RIGHT AWAY. AND RICK COY THROUGH HIS -- THROUGHOUT HIS CAREER HAS BEEN THE GO-TO GUY AND THAT IS PROBABLY THE HIGHEST COMPLIMENT YOU CAN PLAY TO -- PAY TO ANYBODY IN LAW ENFORCEMENT THAT HE IS THE GO-TO GUY AND WE ARE GOING TO MISS HIM GREATLY. THANK YOU. [APPLAUSE]

I JUST WANTED TO ADD THAT WE WERE GOING TO GIVE HIM ROSES, BUT WE DO NOT GIVE FLOWERS TO POLICE OFFICERS RETIRING. [LAUGHTER]

WHICH IS WHY I GET TO CLOSE. YOU KNOW, RICK ALSO -- I'VE KNOWN RICK A LONG TIME. RICK AND I HAD A CHANCE TO SORT OF GET OUR FEET WET TOGETHER WHEN ALL OF US FIRST HAD TO LEARN HOW TO DO MEET AND CONFER AND TO GET ALONG IN THE HARD TIMES. I'VE LEARNED TO LIKE A REPUBLICAN THROUGH RICK. AND MAYBE MY FAVORITE AND ONLY REPUBLICAN FRIEND, COY'S COURT FOR RICK. HERE YOU GO, RICK. YOU ENJOY. [APPLAUSE]

WOW. THIS IS REALLY NICE TODAY. WHEN I GRADUATED FROM HIGH SCHOOL, I DIDN'T KNOW WHAT I WANTED TO BE, AND I THOUGHT I WANTED TO BE A DOCTOR, SO I WENT TO PREMED AND RIGHT AWAY I LEARNED I DIDN'T WANT TO DO THAT. THEN I BECAME AN ACCOUNTING MAJOR, AND I

THOUGHT, BOY, I DON'T I DON'T THINK I WANT TO DO THIS THE REST OF MY LIFE. WHAT DO I WANT TO DO? I WANT TO BE A POLICE OFFICER. I JOINED THE POLICE DEPARTMENT, I WORKED AS A JAILER MAKING \$3.45 AN HOUR. AND WHEN I STARTED THAT DAY AT THAT PAY RATE WORKING IN THE JAIL, I NEVER THOUGHT I'D SEE THE DAY THAT I WAS MAKING AND DOING WHAT I LOVE TO DO FOR 30 YEARS. AND WORKING WITH THE QUALITY OF PEOPLE IN THIS ORGANIZATION, THE CITY OF AUSTIN AND THE AUSTIN POLICE DEPARTMENT AND THE GREATEST CHIEF I'VE EVER WORKED FOR IS STAN KNEE. SO THANK YOU SO MUCH FOR GIVING ME OPPORTUNITY TO WORK FOR THIS CITY. I ENJOYED IT. 30 YEARS WENT VERY QUICKLY. THANK YOU SO MUCH. [APPLAUSE]

Mayor Wynn: THERE ARE A LOT OF PEOPLE IN THE ROOM INTERESTED IN A COUPLE OF ZONING CASES COMING UP. THERE'S NEIGHBORHOOD LEADERS AND THERE'S OWNERS AND AGENTS AND APPLICANTS WHO ARE ALL VERY NERVOUS TO SEE ALICE GLASGO RETIRE, LET ALONE MAYOR, COUNCIL AND SENIOR CITY MANAGEMENT TO LOSE SUCH REMARKABLE EXPERTISE. SO AGAIN, ALL START BY RADIOING THE DISTINGUISHED SERVICE AWARD FOR ALICE AND THEN WE'LL CALL ON TOBY TO SAY A FEW WORDS AND INTRODUCE ALICE TO YOU. THE DISTINGUISHED SERVICE AWARD READS: FOR MORE THAN 21 YEARS OF PUBLIC SERVICE WITH THE CITY OF AUSTIN THROUGH A HALF DOZEN DEPARTMENTAL NAME CHANGES AND THOUSANDS OF ZONING CASES, ALICE GLASGO IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. SHE NEVER ZONED OUT -- I DON'T WRITE THESE THINGS. [LAUGHTER] SHE NEVER ZONED OUT DURING LENGTHY DEBATES, SHOWING TECHNICAL EXPERTISE, PROFESSIONAL GUIDANCE AND PERSONAL GRACE WHEN DEALING WITH DEVELOPERS, NEIGHBORS, ACTIVISTS, STAFF, MAYOR AND COUNCILMEMBERS. HER CALM DEMEANOR AND CONFIDENT DIRECTION HAS HELPED FOSTER SOLUTIONS, NOT CONFLICT. HER SUCCESS MAY BE DESIGNATED AS G.O., GREAT ORGANIZATION. [LAUGHTER] L.I., LEADING WITH INTEGRITY. AND P.U.D., PROFESSIONAL UNDER DURESS. HER WORK LITERALLY HAS MAPPED OUR CITY'S FUTURE. THIS CERTIFICATE IS PRESENTED IN RECOGNITION OF HER FINE

CAREER THIS 15TH DAY OF DECEMBER, YEAR 2005, AGAIN SIGNED BY ME, MAYOR WILL WYNN, AND THE ENTIRE CITY COUNCIL. THIS DISTINGUISHED SERVICE AWARD, 21 YEARS OF SERVICE, MS. ALICE GLASGO. [APPLAUSE]

WE REALLY ARE WATCHING THE PASSING OF ERAS HERE AS WE GO THROUGH THIS. NOW, WE DID A LITTLE ROAST OF ALICE AT OUR HOLIDAY PARTY. NOBODY, NO CITY EMPLOYEE HAS EVER BEEN CALLED BY THE CHRONICLE -- WHAT'S THE WORD? DO YOU REMEMBER IT? JUST THIS YEAR IN THE CHRONICLE, BEST OF THE CHRONICLE? ELEGANT. ELEGANT. NOW, EVERY CITY EMPLOYEE WAS DAMN JEALOUS BY THIS. ELEGANT. AND WE THOUGHT ABOUT IT AND WE THOUGHT, THAT'S ABSOLUTELY RIGHT. IT'S ELEGANT UNDER FIRE, ELEGANT IN DURESS, ELEGANT IN EXPLAINING. THIS IS A WOMAN WHO AND A HALF GATES EVERY -- NAVIGATES EVERY FIRE, EVERY CRITICAL BATTLE AND FINDS A WAY TO EXPLAIN AND GET EVERYONE TO SOME SOLUTION IN SOME OF THE MOST CONTENTIOUS AREAS WE DEAL WITH, ZONING. AND EVEN MORE IMPORTANTLY, ALICE HAS BUILT ONE OF THE MOST COHESIVE AND TIGHT TEAMS IN THE CITY IN HER DEPARTMENT, A REALLY GOOD GROUP OF PEOPLE TIED VERY TIGHTLY TOGETHER AND DOING SOME VERY GOOD WORK FOR THE CITIZENS OF THIS COMMUNITY. ALICE IS GOING TO BE IRRELEVANT REPLACEABLE -- IRREPLACEABLE. SHE MAY BE DEADLY AS A PRIVATE CONSULTANT. DEEPLY MISSED. ONCE AGAIN, I'VE KNOWN ALICE A LONG WAY. WE GIVE HER OUR TRADITIONAL GIFT, WE WILL GIVE HER ROSES AND OUR TRADITIONAL GIFT OF GLASGO WAY, 1984 TO 2006. WE GIVE YOU ALICE GLASGO. [APPLAUSE]

WELL, I DON'T KNOW WHERE TO BEGIN, BUT I'LL START OFF BY THANKING THE CITIZENS OF AUSTIN FOR LETTING ME SERVE YOU AND ALSO OBVIOUSLY WE WOULD LIKE TO THANK THE CITY MANAGER FOR GIVING ME THE OPPORTUNITY TO DIRECT TWO DEPARTMENTS. I'M PROUD THAT I WAS ABLE TO DIRECT TWO OF THE DEPARTMENTS THAT MAKE A BIG DIFFERENCE IN HOW OUR COMMUNITIES ARE SHAPED AND THAT WHAT WE DO AFFECTS THE CHARACTER OF OUR NEIGHBORHOODS. AND THOSE DEPARTMENTS ARE NEIGHBORHOOD PLANNING AND ZONING AND WHAT USED TO BE DEVELOPMENT REVIEW AND INSPECTION, WHICH IS NOW COMBINED WITH DEVELOPMENT

INSPECTION. I'M PROUD TO HAVE BEEN PART OF THOSE TWO KEY DEPARTMENTS FOR AT LEAST -- I'VE DIRECTED ONE FOR FIVE YEARS AND FIVE FOR THIS ONE OTHER, SO I'VE DIRECTED FOR 10 YEARS. I GOT STARTED 21 YEARS AGO WHEN I GRADUATED FROM THE UNIVERSITY OF TEXAS AT AUSTIN FROM THE SCHOOL OF ARCHITECTURE IN COMMUNITY AND REGIONAL PLANNING. MY DESIRE AT THAT POINT WAS TO SIMPLY GET TECHNICAL TRAINING SO I COULD TAKE THAT TO MY COUNTRY IN KENYA. SOME OF YOU HAVE ALWAYS WONDERED FROM WHERE I HAIL AND I AM FROM KENYA, WHICH IS IN AFRICA. MY FATHER WAS A CITY MANAGER FOR 10 YEARS. KENYA USED TO BE A BRITISH COLONY. WE GAINED OUR INDEPENDENTS IN 1963 -- INDEPENDENCE IN 1963 AND I CAME TO THE UNITED STATES TO GO TO COLLEGE TO BECOME A LAWYER, NOT IN THIS CAPACITY. HAVING GROWN UP WITH CITY GOVERNMENT, MY FATHER TOLD LOTS OF STORIES ABOUT HIS CITY COUNCILMEMBERS AND THE MAYOR, AND I HEARD A LOT ABOUT LAND USE ISSUES AND SOMEHOW I ENDED UP IN THAT WORLD. AND I HAVE ENJOYED IT THOROUGHLY. I WOULD LIKE TO THANK GREG GURNSEY, WHO HAS BEEN WITH ME ALL THE WAY FOR THE LAST 20 -- HE'S BEEN WITH US 20 YEARS. AND HE HAS BEEN HAS BEEN BY MY RIGHT-HAND SIDE THROUGHOUT. WE'VE MOVED FROM ONE DEPARTMENT TO THE OTHER, WE'VE PROGRESSED TOGETHER, AND I APPRECIATE HIS SUPPORT AND EVERYTHING THAT HE'S DONE TO MAKE ME LOOK GOOD. THANK YOU, GREG. [APPLAUSE] THEY ALWAYS SAY THAT BEHIND EVERY GREAT MAN THERE'S A WOMAN. GREG GURNSEY'S WIFE GAIL OFFERS TO HELP A GREAT DEAL, ESPECIALLY WHEN WE HAVE LATE MEETINGS AND DURING THE SUMMER WHEN MY DAUGHTER NEED A LOT OF HELP BEING DRIVEN FROM ONE PLACE TO ANOTHER AND SHE HELPS SO I CAN COME TO WORK. SO I THANK GAIL GURNSEY TOO FOR HER HELP SO I COULD SERVE THE CITIZENS OF AUSTIN. MY DAUGHTER WHO IS 13 YEARS OLD, HAS ATTENDED JUST ABOUT EVERY NEIGHBORHOOD WORKSHOP PRETTY MUCH, AND SHE'S ENJOYED ALL THOSE MEETINGS. SHE TOO HAS BEEN PATIENT AND HAS ALLOWED ME TO DO MY WORK BY EITHER JOINING ME AT WEEKEND MEETINGS, WORKSHOPS THAT USUALLY RUN QUITE OFTEN, MY STAFF KNOW THAT. SHE USUALLY HELPS. AND ALSO HAVING TO

ENDURE THE HYDE PARK NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FOR 10 YEARS. I TOLD KAREN MCGRAW THAT WE STARTED WORKING ON THE HYDE PARK NEIGHBORHOOD PLAN BEFORE MY DAUGHTER WAS BORN AND 10 YEARS AFTER SHE WAS BORN WE WERE STILL WORKING ON IT AND IT WAS TIME TO FINISH BEFORE SHE WENT TO COLLEGE. WE DID FINISH IT. [LAUGHTER] SO THANK YOU VERY MUCH. TO ALL OF YOU, THANK YOU SO MUCH, COUNCILMEMBERS, FOR YOUR SUPPORT, ALL OF YOU. THANK YOU. [APPLAUSE]

IT SEEMS LIKE A NICE SEGUE HERE IN THE PAUSE -- GREG -- WHERE'S GREG? STAND UP, GREG. YOU ARE LOOKING AT YOUR NEW DIRECTOR OF YOUR PLANNING DEPARTMENT, GREG GURNSEY. [APPLAUSE]

Mayor Wynn: SO FOLKS, THAT WAS 80 YEARS OF CITY OF AUSTIN HISTORY JUST FLASHING BEFORE OUR EYES. I WOULD LIKE TO ASK ASHTON CUMBERBATCH TO JOIN US RIGHT NOW. I'M SURE HE'S IN THE ROOM. HERE HE COMES. SO ASHTON HASN'T BEEN WITH THE CITY AS LONG AS OUR THREE PAST RECIPIENTS ALTHOUGH HE'S LIMPING WORSE THAN THE OTHER THREE, AFTER ONLY TWO YEARS TECHNICALLY WITH THE CITY OF AUSTIN. [LAUGHTER] BUT ASHTON'S SERVICE SPEAKS FOR HIMSELF. HIS QUALIFICATIONS FOR THIS VERY SPECIAL JOB THAT I'M PROUD THAT THIS COUNCIL AND I HELPED CREATE HAS BEEN A REMARKABLE SERVICE, AND I'M SORRY TO LOSE HIM, BUT HE HAS DONE A REMARKABLE JOB IN SETTING THE BAR FOR WHAT THIS JOB IS ALL ABOUT. SO AGAIN, I'LL READ THE DISTINGUISHED SERVICE AWARD AND ASK CITY MANAGER FUTRELL TO COME UP AND SAY A FEW WORDS BEFORE WE HEAR FROM ASHTON. IT READS, FOR HIS SERVICE AS POLICE MONITOR FOR THESE PAST TWO YEARS, ASHTON CAMBERBATCH JUNIOR IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, ASHTON IS ONLY THE SECOND PERSON TO HOLD THE POLICE MONITOR POSITION. HIS LAID BACK STYLE AND COLLABORATIVE APPROACH CHANGED THE CULTURE AND TONE OF THE OFFICE AND CHANGED IT FOR THE COMMUNITY. WE ARE PLEASED TO RECOGNIZE ASHTON'S CONTRIBUTION TO OUR CITY BOTH IN HIS OFFICIAL CAPACITY AND PROBABLY EVEN MORE IMPRESSIVELY AS IT INVOLVED IN CARRYING CITIZEN, -- IN CARING CITIZEN,

HUSBAND AND FATHER. PRESENTED THIS 15TH DAY OF DECEMBER, SIGNED BY ME, MAYOR WYNN, ACKNOWLEDGED BY ALL THE COUNCIL,, A DISTINGUISHED SERVICE AWARD FOR OUTGOING POLICE MONITOR, ASHTON CUMBERBATCH. [APPLAUSE]

WE'RE BREAKING FROM TRADITION BY DOING THIS FOR ASHTON. WE NORMALLY ONLY DO THIS IF YOU RETIRE, BUT WE'VE DECIDED THAT SERVICE AS THE POLICE MONITOR FOR THIS CITY, YOU GET TO ACCOUNT EVERY YEAR LIKE DOG YEARS. EVERY YEAR COUNTS AS AT LEAST SEVEN, AND THAT ALMOST GETS HIM TO RETIREMENT. BY LOSING ASHTON WE REALLY LOSE AN ASSET IN THE CITY. I'M NOT SURE EVERYBODY KNOWS TRULY THE KIND OF COMMUNITY SERVICE THAT ASHTON PROVIDES IN SO MANY DIFFERENT WAYS, NOT JUST THE JOB THAT HE PROVIDES HERE AS OUR POLICE MONITOR OVER THE LAST FEW YEARS, BUT IN THE FAITH COMMUNITY AND IN SO MANY OTHER WAYS IN OUR COMMUNITY. WE RETAIN HIM AS AN ASSET IN THE COMMUNITY, BUT WE LOSE HIM AS OUR POLICE MONITOR. HE HAS PUT A STRONG TEAM TOGETHER. WE HAVE THE OFFICE MOVES ON, BUT HE WILL BE A DEEP LOOSE TO US, SO WE BREAK FROM TRADITION AND FOR OUR TWO OR 14 YEARS, HOWEVER YOU WANT TO LOOK AT IT, ASHTON, WE GIVE YOU THE CAM BERBATCH JUNIOR WAY TO MEMORIALIZE THOSE TWO YEARS. THANK YOU. THANK YOU FOR TAKING A TOUGH TASK. [APPLAUSE]

I AM QUITE SURPRISED AND OVERWHELMED. I WAS NOT EXPECTING THIS. I WANT TO APPRECIATE OR SAY WORDS OF APPRECIATION TO THE COUNCIL, TO THE MAYOR AND MOST ESPECIALLY TO THE CITY MANAGER FOR GIVING ME AN OPPORTUNITY TO SERVE THE COMMUNITY IN THE CAPACITY OF POLICE MONITOR. I'M NOT RUNNING FROM THE JOB, I'M NOT BEING CHASED AWAY BECAUSE OF THE JOB, I JUST BELIEVE THAT IT'S THE TIME FOR ME TO ACCEPT SOME OTHER CHALLENGES IN THE COMMUNITY. I WILL CONTINUE TO REMAIN IN THE COMMUNITY, CONTINUE TO GIVE MY VOICE TO ISSUES THAT I THINK ARE IMPORTANT, SUCH AS POLICE OVERSIGHT. ANY GOOD THAT WE'VE DONE AT THE OFFICE OF THE POLICE MONITOR, I CERTAINLY DIDN'T DO BY MYSELF. LIKE THE OTHERS BEFORE ME, WE HAD A GREAT STAFF. SUSAN HUDSON, THE ASSISTANT POLICE MONITOR,

SHE'S NOT HERE, SHE'S IN MIAMI IN A CONFERENCE ON POLICE OVERSIGHT. ALLISON WHITE, THE ADMINISTRATOR, ERLINDA, OUR OUTREACH LIAISON, BOTH OUR COMPLAINT SPECIALISTS. LYLE LA, OUR RESEARCH ANNUAL CYST SENIOR AND CHRISTIAN THOMAS HILL OUR TEMPORARY ADMINISTRATIVE AIDE. THEY ALL DOIO MAN'S -- YOEMEN'S TASKS TRYING TO BRIDGE THE GAP BETWEEN THE COMMUNITY AND THE POLICE DEPARTMENT. I APPRECIATE THEIR SUPPORT. I WANT TO ALSO SAY THANKS TO MEMBERS OF THE POLICE DEPARTMENT. CHIEF KNEE, THE OTHER MEMBERS OF THE CHIEF'S STAFF, THE COMMANDER OF INTERNAL AFFAIRS FOR AT LEAST WORKING WITH ME IN A RESPECTFUL WAY TO TRY AND MAKE OVERSIGHT SOMETHING THAT WILL BE OF VALUE TO THE COMMUNITY. AND I BELIEVE THAT WE'RE HEADED IN THE RIGHT DIRECTION. OUR GOAL IS TO TRY AND BRING EXCELLENCE TO COMMUNITY POLICING AND TO SEE THAT GAP SHRINK WHERE WE CAN HAVE MUTUALLY RESPECTFUL RELATIONSHIPS BETWEEN ALL SEGMENTS OF THE COMMUNITY AND THE POLICE DEPARTMENT 24/7. THANK YOU AGAIN FOR HONORING ME, THANK YOU AGAIN FOR THE OPPORTUNITY TO SERVE THE COMMUNITY. [APPLAUSE]

Mayor Wynn: FOR OUR LAST PROCLAMATION, I'LL RECOGNIZE COUNCILMEMBER BRUCETER MCCRACKEN.

McCracken: RIGHT NOW WE HAVE THE VOLUNTEER OF THE MONTH SELECTED AND ANNOUNCED BY THE CAPITAL AREA UNITED WAY. AND THE UNITED WAY IS NEAR AND DEAR TO MY OWN HEART. THAT'S WHERE I GOT MY OWN START IN COMMUNITY SERVICE. SO ANYWAY, IF YOU HAVE THE OPPORTUNITY TO VOLUNTEER, THE UNITED WAY IS ACTUALLY THE CLEARINGHOUSE FOR A LOT OF NONPROFITS IN THIS REGION,, AND THEY DO GREAT VOLUNTEER TRAINING WHICH I FOUND IS VERY HELPFUL IN ALL OF THE COMMUNITY SERVICE I HAVE, BUT YOU'RE ABOUT TO HEAR THE STORIES OF TWO PEOPLE WHO WILL MAKE YOU FEEL TOTALLY INADEQUATE IN WHAT YOU DO IN LIFE. AND SO RONNIE ROCK, WHO IS HERE ON BEHALF OF THE UNIT UNITED WAY, IS TO TELL US ABOUT OUR FIRST RECIPIENT, HONORREE, CRUZ ALDANA.

EVERY SINGLE MONTH THE VOLUNTEER CENTER IN

CONJUNCTION WITH DOVEA, SELECTS A VOLUNTEER WHO HAS GONE ABOVE AND BEYOND THE CALL OF DUTY. AND FOR NOVEMBER OUR VOLUNTEER OF THE MONTH IS CRUZ SALDANA. AND HE IS BEING HONORED FOR HIS WORK WITH THE AIDS SERVICE OF AUSTIN. HE HAS ACTUALLY VOLUNTEERED WITH AIDS SERVICES OF AUSTIN FOR 11 11 YEARS AND EVERY YEAR GIVES ABOUT 100 YEARS OF HIS TIME WORKING IN THE FOOD PANTRY, A LOT OF TIMES WORKING DURING THE MOST STRENUOUS HOURS. THIS LAST SUMMER, THOUGH, CRUZ EVEN EVEN ABOVE AND BEYOND THAT. WORKING WITH SBC WHERE HE WORKS TO LAUNCH FOOD DRIVES AND ALSO PERSONAL HYGIENE PRODUCTS DRIVE. BY THE TIME IT WAS ALL SAID AND DONE, THEY HAD COLLECTED 777 POUNDS OF FOOD AND 1209- POUNDS OF PERSONAL HYGIENE PRODUCTS VALUED AT ABOUT A THOUSAND DOLLARS. SO JUST THE POWER OF ONE CAN MAKE A HUGE DIFFERENCE IN THE LIVES OF MANY. SO CONGRATULATIONS, CRUZ. [APPLAUSE]

McCracken: AND NOW COMES THE MOMENT THAT IS EVERY PERSON'S GREATEST FEAR, PUBLIC SPEAKING. CRUZ, PLEASE TELL US ABOUT YOURSELF AND HOW YOU CAME TO WORK FOR AIDS SERVICES OF AUSTIN. ALSO HOW OTHER FOLKS CAN VOLUNTEER AT AIDS SERVICES OF AUSTIN.

MY NAME IS CRUZ SALDANA AND I'VE BEEN VOLUNTEERING AT ASA FOR 11 YEARS. AND I BEGAN -- I'M TRYING NOT TO CRY. I BEGAN VOLUNTEERING AT ASA BECAUSE OF MY BROTHER WHO WAS PREVIOUSLY A VOLUNTEER THERE WHO HAD MENTIONED VOLUNTEERING AT ASA. AND I VOLUNTEERED WITH HIM FOR ONE DAY AND THEN TWO DAYS LATER HE WAS -- HE WAS KILLED IN A GAY BASHING HERE IN AUSTIN. FROM THAT MOMENT ON I MADE IT A POINT TO VOLUNTEER IN HIS HONOR. [APPLAUSE]

McCracken: LIKE I SAID, WE WILL ALL FEEL TOTALLY INADEQUATE OF OURSELVES. I THINK CRUZ APPLIES SOMETHING WE LOVE ABOUT AUSTIN AND WHAT MAKES OUR CITY DIFFERENT AND BETTER AND SPECIAL, AND THAT IS HOW MUCH THE PEOPLE GIVE OF THEMSELVES AND DON'T EXPECT ANYTHING IN RETURN. AND JUST BECAUSE IT'S THE RIGHT THING TO DO AND GOOD FOR THE COMMUNITY. CRUZ, I'M GOING TO READ A CERTIFICATE OF CONGRATULATIONS

FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE NOVEMBER 2005 VOLUNTEER OF THE MONTH, CRUZ SALDANA IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. MR. SALDANA HAS BRIGHTENED THE AIDS SERVICES OF AUSTIN HELPING HAND FOOD PANTRY WITH A CHEERFUL SMILE AND POSITIVE ATTITUDE FOR MORE THAN 1,000 HOURS DURING THE PAST 10 YEARS. HE ALWAYS WORKED DURING THE BUSIEST SHIFT AT THE FOOD PANTRY TO MAKE SURE CLIENTS GET THEIR ORDERS AND THE PANTRY SHELVES ARE CLEAN AND STOCKED. THIS YEAR HE ALSO SPEARHEADED A FOOD DRIVE AT HIS PLACE OF EMPLOYMENT, BRINGING IN ABOUT ONE THOUSAND DOLLARS' WORTH OF FOOD AND CLEANING ITEMS WHILE RAISING AWARENESS OF ASA AND THE SERVICES IT PROVIDES FOR THOSE AFFECTED BY HIV AND AIDS. THIS CERTIFICATE IS PRESENTED IN RECOGNITION OF A VERY CREATIVE AND THOUGHTFUL VOLUNTEER THIS 15TH DAY OF DECEMBER, 2005, THE CITY COUNCIL OF AUSTIN, TEXAS, WILL WYNN, MAYOR, TO OUR COMMUNITY HEROES, CRUZ SALDANA. CONGRATULATIONS. THANK YOU. [APPLAUSE]

McCracken: AND WE ALSO HAVE THE DECEMBER UNITED WAY'S VOLUNTEER OF THE MONTH FOR DECEMBER 2005, AND THAT'S -- WOULD SALLY SCOTT PLEASE COME FORWARD? AND SO ONCE AGAIN I'M GOING TO ASK RONNIE TO TELL US A LITTLE BIT ABOUT SALLY AND THEN SALLY CAN GIVE YOU MORE OF A HEAD'S UP, WE'RE GOING TO ASK YOU TO SPEAK ALSO.

SALLY'S GOT A LITTLE BUGGY AND WE NEED TO TELL EVERYBODY ABOUT IT. SHE ACTUALLY VOLUNTEERS AT THE MAPLEWOOD ELEMENTARY AFTER SCHOOL PROGRAM, IN A PROGRAM CALLED TAD POLES AND CATERPILLARS. NOW, SALLY HERSELF WORKS FOR A NONPROFIT THAT WE LOVE, WILD BASIN WILDERNESS AND SHE TAKES THAT KNOWLEDGE AND SHE SHARES IT WITH ELEMENTARY SCHOOL KIDS, TEACHING THEM ABOUT PLANTS AND ANIMALS, WHICH ALSO TEACHES THEM ABOUT ECOLOGY. IN FACT, MAPLEWOOD IS GETTING READY TO BE A CERTIFIED SCHOOL YARD HABITAT BECAUSE THEY ARE -- THEY ARE A CERTIFIED SCHOOL HABITAT BECAUSE OF YOUR EFFORTS.

NOT BECAUSE OF ME, BUT BECAUSE OF THE WHOLE

SCHOOL AND THEIR WHOLE PROGRAM.

SALLY HAS PLANNED AND SHE IMPLEMENTS THE PROGRAM AND ALSO TRAINS OTHER VOLUNTEERS TO ALSO HELP. AND BECAUSE OF HER EFFORTS THEY'VE BEEN ABLE TO EXPAND IT. THEY NOW HAVE A SIMILAR CLASS FOR OLDER STUDENTS AS WELL. AND WE DEFINITELY APPRECIATE WILD BASIN WILDERNESS FOR ALLOWING HER THE OPPORTUNITY TO SHARE HER WISDOM WITH OTHERS. CONGRATULATIONS, SALLY. [APPLAUSE]

I'M GOING TO PUT A PLUG IN FOR MY OTHER LOVE, WHICH IS BRIGHT LEAF PRESERVE. AND THAT'S HOW I GOT TO WILD BASIN, AND FROM WILD BASIN I GOT TO MAPLEWOOD. AND BRIGHT LEAF IS VERY MUCH -- HAS BEEN TURNED OVER TO THE AUSTIN COMMUNITY FOUNDATION. IT USED TO BE A STATE PARK, BUT YOU KNOW THE SITUATION OF OUR STATE PARKS TODAY. AND I SERVE ON THEIR BOARD AS WELL AS HELPING OUT WITH THE CATERPILLARS AND TAD POLES AT MAPLEWOOD. BUT I HAVE A GREAT TIME, AND IT'S JUST A FUN THING TO DO. AND WHAT A WAY TO RETIRE.

McCracken: THANK YOU, SALLY. [APPLAUSE] I'M THE FATHER OF A 21-OLD-MONTH BOY, SO I'M PARTICULARLY GRATEFUL THAT SALLY IS OUT THERE TEACHING KIDS ABOUT NATURE THAT INVOLVES MORE THAN TRYING TO EAT IT AND PUT IT IN YOUR MOUTH. AND IN FACT, THERE'S SOMETHING MORE TO IT. YOU MAY SEE MY SON COMING YOUR WAY SOON. THIS IS A CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED AS THE DECEMBER 2005 VOLUNTEER OF THE MONTH. SALLY SCOTT IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. HER LOVE OF NATURE IS BOTH HER VOCATION AND HER ADD VOCATION. WHEN SHE'S NOT WORKING AT WILD BASIN, SHE IS TRANSMITTING HER LOVE OF WILDLIFE TO STUDENTS IN THE TAD POLES AND CATERPILLARS CLASS AT MAPLEWOOD SCHOOL. HER PREVIOUS EXPERIENCE AS A KINDERGARTEN TEACHER, HER CERTIFICATION AND HER PASSION FOR HER SUBJECT HAVE MADE HER CLASSES INTERESTING FOR STUDENTS FOR THREE YEARS NOW. AS A REPRESENTATIVE OF A CITY KNOWN FOR ITS LOVE OF THE ENVIRONMENT, WE ARE PLEASED TO RECOGNIZE SALLY SCOTT FOR RESPECT FOR WILDLIFE AND NATURE IN OUR NEXT GENERATION OF

CITIZENS. THIS CERTIFICATE IS PRESENTED IN
ACKNOWLEDGMENT THEREOF THIS 15TH DAY OF
DECEMBER, IN THE YEAR 2005, THE CITY COUNCIL OF
AUSTIN, TEXAS, WILL WYNN, MAYOR. ANOTHER ONE OF OUR
COMMUNITY HEROES, SALLY SCOTT. THANKS A LOT, SALLY. [
APPLAUSE]

McCracken: YOU JUST HEARD ABOUT TWO OF OUR GREAT
AUSTINITES, AND HOW THEY GIVE TO THEIR COMMUNITY.
WHAT I WOULD LIKE RONNIE, IF YOU COULD TELL US A
LITTLE BIT ABOUT HOW OTHER FOLKS IF WE WANT TO
VOLUNTEER AT THE COMMUNITY THEY COULD GET IN
TOUCH WITH THE VOLUNTEER CENTER OF THE UNITED WAY.

THE VOLUNTEER CENTER PROVIDES ONE OF THE MOST
INCREDIBLE TOOLS. IT'S ACTUALLY A DATABASE. YOU SAY
YOU WANT TO HUG PUPPIES, IF YOU SAY YOU LOVE OLD
FOLKS, YOU CAN LOG ON AND DEDICATE AN HOUR OR MORE
OF YOUR LIFE, A LITTLE BIT OF TIME GOES A LONG WAY. YOU
CAN GO TO VOLUNTEER SOLUTIONS.ORG TO GET MORE
INFORMATION.

McCracken: THANKS A LOT, RONNIE AND THANKS TO THE
UNIT UNITED WAY AND TO OUR GREAT VOLUNTEERS. [
APPLAUSE]

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. WE TOOK UP
ITEM 69 AND ITEMS 97, 98 AND 99. NO DECISIONS WERE
MADE. MS. TERRY, BASED ON THE FACT THAT EARLIER IN
THE DAY WE POSTPONED WHAT IS GENERALLY KNOWN AS
THE GABLES CASING, DO YOU HAVE A RECOMMENDATION
FOR US?

YES, MAYOR, I DO. ON YOUR AGENDA, YOU HAD LISTED AT
6:00 P.M. THE SEE HOME DISTRICT STAFF. STAFF IS QUICK
POSTPONEMENT OF 100, 102 AS THE SAME DAY AS THE
ZONES ITEMS. WE WOULD REQUEST THOSE THREE ITEMS BE
POSTPONED TO 6:00 P.M. ON JANUARY 12.

Mayor Wynn: COUNCIL, IF YOU REMEMBER EARLIER, WE ALSO
ANNOUNCED THAT WE DID NOT AND WILL NOT TAKE UP ITEM
70 IN CLOSED SESSION WHICH RELATED TO THE CITY OF
AUSTIN MUNICIPAL COURT JUDGES, AND THEREFORE ITEM

NUMBER 53 COULD ALSO BE POSTPONED TO JANUARY 12, 2006. I'LL ENTERTAIN A COME BEANED MOTION ON A POSTPONEMENT OF ITEMS 53, 100, 101 AND 102 TO JANUARY 12.

SO MOVED.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM AND I'LL SECOND TO POSTPONE THOSE ITEMS AS READ. FURTHER DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION TO POSTPONE PASSES ON A VOTE OF 5 TO ZERO WITH COUNCILMEMBERS ALVAREZ AND MCCrackEN OFF THE DAIS. MS. GLASCO, WE HAVE A HANDFUL OF DISCUSSION ITEMS AND I WANT TO THANK THE AUDIENCE FOR YOUR PATIENCE. WE -- IN THOSE CLOSED SESSION -- SESSIONS ARE VERY IMPORTANT AS WE GET VERY SPECIFIC LEGAL ADVICE ON ITEMS THAT WE WERE ADVISED NOT TO TALK ABOUT PUBLICLY. BUT THEY TEND TO MAKE THE REST OF THE MEETING FAR MORE TIME EFFICIENT AND EFFECTIVE SO I APPRECIATE THE PATIENCE YOU ALL HAVE SHOWN IN THE LAST TWO HOURS. SO LET'S SEE, MS. GLASCO, WE HAVE A HANDFUL OF DISCUSSION ITEMS. HOWEVER, I'LL SAY THAT BASED ON SOME PRIVATE CONSULTATION WITH OUR ATTORNEY IN CLOSED SESSION REGARDING THOSE CASES THAT GENERALLY ARE KNOWN AS THE CHAMPIONS TRACT, I WOULD ENTERTAIN A MOTION ON ITEMS 97, 98 AND 99. COUNCILMEMBER LEFFINGWELL.

Leffingwell: MOVE APPROVAL SECOND READING ONLY OF THE ZONING FOR CHAMPION TRACTS 1, 2 AND 3.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO APPROVE ON SECOND READING ONLY CASES 97, 98 AND 99, OTHERWISE KNOWN AS THE CHAMPION TRACT, IN SECOND READING ONLY, AND I'LL -- I BELIEVE I WOULD LIKE TO SEE THE CASES BROUGHT BACK ON JANUARY 12th, 2006. IF POSSIBLE. COUNCILMEMBER McCrackEN.

McCracken: BASED ON WHAT WE HAVE DISCUSSED IN PRIVATE CONSULTATION, IT IS DIFFICULT TO IMAGINE THAT

WE COULD RECEIVE THE INFORMATION WE NEED TO RECEIVE IN TIME FOR JANUARY 12. THAT IS JUST FROM A PRACTICAL STANDPOINT.

Mayor Wynn: I'LL RESPECT YOUR LEGAL --

McCracken: OBVIOUSLY IF WE'RE GOING TO --

Mayor Wynn: THEN -- WELL, THEN, TECHNICALLY I GUESS WE DON'T NEED TO GIVE SPECIFIC DIRECTION TO STAFF AT THIS POINT AS TO WHEN THAT THIRD READING WOULD OCCUR. AS COUNCILMEMBER McCRACKEN POINTED OUT THERE'S PROBABLY GOING TO BE ADDITIONAL MEDIATIONS, DISCUSSIONS, ET CETERA. SO LET'S JUST CONSIDER THE MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM, TO APPROVE ON SECOND READING ONLY WITH NO TURLT TECHNICAL INSTRUCTIONS, ITEMS 97, 98 AND 99. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 4 TO 3 ON SECOND READING ONLY WITH COUNCILMEMBERS ALVAREZ, KIM AND MCCRACKEN VOTING NO. COUNCILMEMBER McCRACKEN.

McCracken: IN TALKING WITH THE -- BOTH SIDES ON THIS, THEY HAVE EXPRESSED A WILLINGNESS WHICH IS VERY POSITIVE TO MEET AND DISCUSS AND SEE IF THERE IS AN OPPORTUNITY TO RESOLVE PEACEABLY AND THEN BOTH SIDES' INTEREST THIS DISPUTE SO WE'RE GOING TO TAKE YOU UP ON IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER.

I HAVE A QUICK COMMENT. MICHAEL WHELLAN. WE HAVE AGREED, I'VE TALKED TO A FEW PEOPLE AND THERE'S AN OPENING ON THE 5th OR 6th. IF COUNCIL COULD DIRECT STAFF AT LEAST TODAY TO MAKE AVAILABLE TO CONFERENCE ROOMS AT CITY HALL FOR US TO UTILIZE ON THE 5th IN THE MORNING FOR AT LEAST HALF A DAY, THAT WOULD BE VERY HELPFUL AND WE WOULD I THINK GREATLY APPRECIATE THAT.

McCracken: I THINK THAT SOUNDS GOOD.

Thomas: SURE.

Mayor Wynn: THANK YOU, MR. WHELLAN. SO MS. GLASCO, WE HAVE A HANDFUL OF DISCUSSION ITEMS.

WE'LL START WITH ITEM 76 AND 77 RELATED TO THE PLEASANT HILL SUBDIVISION AND MIKE WALTERS WILL WALK YOU THROUGH THE CASES ON THIS SESSION.

GOOD EVENING, MAYOR AND COUNCIL, MARK WALTERS, CITY OF AUSTIN NEIGHBORHOOD AND PLANNING DEPARTMENT. WE'LL BE TAKING UP 76 AND 77 RELATED TO THE SOUTH CONGRESS COME BOOND NEIGHBORHOOD PLANNING AREA. ITEM 76 WILL BE AMENDING THE LAND USE MAP AND 77 WILL BE THE ZONING CASE ASSOCIATED WITH THAT CHANGE TO THE LAND USE MAP. THE FIRST TRACT FOR DISCUSSION IS TRACT 3, 103 RED BIRD LANE. CURRENTLY IT'S A CONSTRUCTION SALES AND SERVICE USE AND THE ZONING IS VARIOUS TYPES OF SINGLE-FAMILY 3 AND SINGLE-FAMILY 6. THE STAFF AND THE PLANNING COMMISSION RECOMMENDED LAND USE DESIGNATION AT OFFICE MIXED USE AND A ZONING OF LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY AND NEIGHBORHOOD PLAN WITH A 30-FOOT VEGETATIVE BUFFER AGAINST THE WESTERN SIDE OF THE PROPERTY. ON FIRST READING THE COUNCIL APPROVED SINGLE-FAMILY AND SINGLE-FAMILY 3 ZONING. ON SECOND READING THE COUNCIL APPROVED OFFICE MIXED USE AND THE ZONING OF LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN WITH CONDITIONAL OVERLAY BEING A 30-FOOT NATURAL VEST TAIIVE BUFFER TO WESTERN SIDE OF THE PROPERTY. WITH THOSE CONDITIONAL OVERLAY LIMITING IT TO LIMITED OFFICE USES WITH THE -- SO BASICALLY TAKING ALL THE COMMERCIAL SERVICE USES AWAY AND LEAVING LIMITED OFFICE WITH THE ADDITION OR LEADING CONSTRUCTION SALES AND SERVICE. AND THE PROPERTY OWNER HAS COMMUNICATED TO STAFF THAT HE DOES NOT AGREE WITH THE 30-FOOT VEGETATIVE BUFFER RECOMMENDED BY PLANNING COMMISSION. THE NEIGHBORHOOD HAS RECOMMENDED THAT THE PROPERTY BE GIVEN A SINGLE-FAMILY LAND USE AND CURRENT ZONING BE LEFT IN PLACE. THOUGH ALTERNATELY THEY WOULD NOT OBJECT TO OFFICE MIXED USE LAND USE DESIGNATION AND AN

ALTERNATE RECOMMENDATION OF LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLANNED ZONING WITH A 30-FOOT BUFFER. THERE IS A VALID PETITION AND IT WOULD TAKE SIX VOTES TO OVERTURN THE PETITION TO ANYTHING OTHER THAN WHAT THE NEIGHBORHOOD RECOMMENDED. THERE WAS A QUESTION EARLIER IN THE PROCESS WHETHER OR NOT THIS PROPERTY WAS GRANDFATHERED OR NOT BECAUSE WHEN IT WAS INITIALLY -- THE PROPERTY WAS USED AS CONSTRUCTION SALES AND SERVICE PRIOR TO BE ANNEXED BY THE CITY IN THE LATE '60s. HOWEVER, THE LEVEL OF NON-CONFORMITY -- WELL, LET ME BACKTRACK. HE IS PARTIALLY GRANDFATHERED AND PART OF HIS USES ARE IN NON-CONFORMANCE AND PASSED OUT OF NON-CONFORMANCE INTO BASICALLY -- THEY CAN'T BE DONE UNDER WHAT HIS CURRENT ZONING IS. HE IS A GROUP A NON-CONFORMING USE, THE GREATEST LEVEL OF NON-CONFORMITY. THE OFFICE AND INDOOR STORAGE MATERIALS CURRENTLY ON SITE ARE GRANDFATHERED. HOWEVER, A NUMBER OF OTHER ACTIVITIES AND BUILDINGS ARE IN VIOLATION OF SECTION 25-21-947 OF THE CITY CODE. AND THESE USES INCLUDE LOADING AND UNLOADING OF CONSTRUCTION MATERIALS, OUTSIDE STORAGE OF CONSTRUCTION MATERIALS, OUTSIDE STORAGE OF OTHER MATERIALS, OVERNIGHT PARKING OF WORK TRUCKS, STORAGE STRUCTURES LESS THAN \$10,000 IN VALUE. THIS GROUP A NON-CONFORMING USE STATES THAT IT WITH US CEASE ANY OUTSIDE USE NOT LATER THAN 10 YEARS AFTER BECOMING NON-CONFORMING. IN THE CASE OF TRACT 30, THAT TERM EXPIRED IN THE LATE 1970s. SO HE'S NOT BEEN NONCOMPLIANT SINCE THE LATE '70s. SO -- AND IT'S ON THIS YELLOW PAGE IN YOUR HANDOUT. THERE WAS A MIXUP IN THE BACKUP AND THE OLD BACKUP WAS ATTACHED TO YOUR BACKUP AND THIS IS GIVEN TO YOU AS A CURRENT BACKUP. ON PAGE 2 OF THIS, WE KIND OF SPELLED OUT A COUPLE SCENARIOS. THE FIRST, IN ORDER TO CONTINUE THE OUTSIDE STORAGE OF CONSTRUCTION MATERIALS, THE PROPERTY MUST BE ZONED TO SOME FORM OF COMMERCIAL SERVICES. IF THE PROPERTY OWNER WANTS TO BUILD A NEW STRUCTURE TO STORE THE MATERIALS, THE ZONING MUST BE CHANGED TO CS BECAUSE A GROUP A NON-CONFORMING USE MAY NOT BE EXPANDED. IF NOT

REZONED TO CS THE PROPERTY OWNER MUST RENOVATE MATERIALS OR STORE IN EXISTING STRUCTURES VALUED AT \$10,000 OR GREATER. I GUESS THE LONG AND SHORT OF IT IS IN ORDER TO MAKE IMPROVEMENTS TO A SITE, THE ZONING MUST BE CHANGED. HOWEVER, THERE IS STRONG OPPOSITION IN THE NEIGHBORHOOD TO ALLOWING THIS COMMERCIAL SERVICES, THIS KIND OF INTENSIVE USE TO REMAIN IN THE NEIGHBORHOOD. SEVERAL NEIGHBORS ARE PRESENT AND THEY HAVE EXPRESSED A DESIRE TO ADDRESS THE COUNCIL IF IT IS COUNCIL'S PLEASURE SINCE THE MEETING, THE HEARING WAS -- THE PUBLIC HEARING WAS CLOSED AWHILE BACK AND THEY WOULD BRIEF LIKE TO ADDRESS COUNCIL AS WOULD MR. HARPER WHO IS THE PROPERTY OWNER AT TRACT 30. THAT CONCLUDES MY PRESENTATION AND IF YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER THEM AT THIS TIME. AND THERE ARE REPRESENTATIVES OF THE NEIGHBORHOOD AS WELL AS MR. HARPER AVAILABLE.

Mayor Wynn: THANK YOU, MR. WALTERS. QUESTIONS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: HOW LONG HAS THIS BUSINESS BEEN LOCATED AT THE PRESENT SITE?

FROM MY UNDERSTANDING TALKING WITH MR. HARPER SINCE 1968 OR '69.

Leffingwell: DOING THE MATH, THAT'S 35 OR 36 YEARS. AND BEFORE THAT DID HIS FATHER OWN THE BUSINESS AT THE SAME SITE?

I THINK IT'S BEEN IN HIS FAMILY IN ONE FORM OR ANOTHER SINCE THE BUSINESS BEGAN.

Leffingwell: OH, THIS SAME BUSINESS HAS BEEN OPERATING ON THIS SAME SITE FOR 50 OR 60 YEARS.

I DON'T KNOW. I THINK IT INITIALLY BEGAN OPERATION IN THE LATE '60s IS WHAT MY UNDERSTANDING IS. IT'S IT'S BEEN IN OPERATION --

Leffingwell: DOING THE SAME KIND OF BUSINESS.

A VARIATION OF THE SAME KIND OF BUSINESS.

Leffingwell: THANK YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I'M NOT SURE I FOLLOWED YOUR PRESENTATION ALL THE WAY THROUGH, BUT ON OUR FIRST READING, ON THIS TRACT, I THINK WE VOTED SF-3 AND P AND SECOND READING LO-MU-CONT. IF -- FOR HIM TO CONTINUE OPERATIONS, IF WE WERE TO GO WITH THE L.O., WOULD HE HAVE TO STOP OPERATIONS AT THAT SITE?

HE WOULD HAVE TO STOP THOSE OPERATIONS THAT HAVE SINCE PASSED OUT OF NON-CONFORMITY. THOSE ITEMS I DISCUSSED EARLIER, THE STORAGE OF MATERIALS OUTSIDE, THE LOADING AND UNLOADING OF CONSTRUCTION MATERIALS. OVERNIGHT PARKING OF WORK TRUCKS. AND THE STORAGE STRUCTURES LESS THAN \$10,000 IN VALUE.

Dunkerley: TO CONTINUE DOING WHAT HE'S DOING NOW, HE WOULD NEED C.S.?

ON THAT LOCATION HE WOULD NEED SOME FORM OF C.S.

Dunkerley: IN OUR BACKUPS, THERE WERE -- THERE WAS A LIST OF -- THAT SAID IF THE CITY COUNCIL DOES NOT FOLLOW THE NEIGHBORHOOD RECOMMENDATIONS AND ACTUALLY ZONES THE TRACT C.S., THERE WERE A LIST OF CONDITIONS THEY WOULD LIKE TO HAVE. HAVE YOU DISCUSSED THAT WITH THE OWNER AND HAS HE AGREED TO THOSE?

I THINK IN YOUR BACKUP THAT WAS ATTACHED TO THE -- IN YOUR BACKUP ATTACHED TO THE A.M.S., THERE WAS A LETTER FROM MR. HARPER, WHICH I DON'T HAVE A COPY OF, BUT HE ADDRESSED EACH ONE OF THOSE ISSUES. AND MY UNDERSTANDING IS THAT HE AGREED IN CONCEPT TO MOST OF THEM WITH THE EXCEPTION NOT THE LAST ISSUE. IS THAT --

Dunkerley: I DON'T SEE THAT LETTER.

I THINK IT'S IN THE ZONING BACKUP. IT'S THE BETTER ON MR. HARPER'S BUSINESS. IT'S NOT IN THE YELLOW BACKUP. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

HERE'S THE LETTER. IT SAYS THAT HE HAS -- HE, LIKE I MEND UNDERSTAND THE FIRST PART OF MY PRESENTATION, HE DID NOT AGREE TO THE 30-FOOT BUFFER. HE WOULD NOT WANT THE SOLID FENCE. IT WOULD INTERFERE WITH THE OPERATION OF LOADING AND UNLOADING OF TRUCKS AND MATERIALS. AND THE OTHER ISSUES ARE APPARENTLY MR. HARPER HAS COMMUNICATED THAT IN ORDER TO ALLEVIATE SOME OF THE ISSUES THAT ARE CURRENTLY GOING ON, THE ON STREET PARKING OF TRUCKS AND THE FORKLIFTS DRIVING IN THE STREET COULD BE ALLEVIATED IF HE WAS ALLOWED TO MAKE IMPROVEMENTS ON THE PROPERTY, TO GET THOSE TYPES OF USES OFF THE STREET.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I UNDERSTAND THAT ALTHOUGH THE PROPERTY OWNER HAS NOT AGREED TO A 30-FOOT BUFFER, HE HAS AGREED TO A 25-FOOT VEGETATIVE BUFFER. IS THAT CORRECT?

THAT IS MY UNDERSTANDING.

Leffingwell: AND OTHER ITEMS THAT I HAVE ON MY LIST HERE FOR POSSIBLE RESTRICTIVE COVENANT WOULD BE A SOLID FENCE ALONG THE BACK, NO TRUCKS PARKED ON THE STREET, ALL LOADING AND UNLOADING OUTSIDE -- ON-SITE, EXCUSE ME. NO FORKLIFTS ON THE STREET AND GRADING CORRECTIONS AS NECESSARY MADE TO THE PROPERTY. ARE THOSE ALL -- ARE ALL OF THOSE CONDITIONS THAT THE PROPERTY OWNER HAS AGREED TO?

I DO BELIEVE HE HAS. SOME OF THOSE MIGHT HAVE TO BE -- SOME OF THEM ARE CURRENTLY UNDER INVESTIGATION BY THE WATERSHED PROTECTION, PARTICULARLY THE ISSUE WITH THE DRAINAGE ISSUE. IN YOUR BACKUP, PICTURES 1 THROUGH 4 GIVE YOU AN IDEA OF WHAT THE SITE LOOKS LIKE AND YOU CAN SEE ON PICTURE NUMBER 4 THE AREA

THAT WAS FILLED IN AND SOME OF THE RUNOFF ISSUES.

Leffingwell: BUT THERE COULD BE A RESTRICTIVE COVENANT REQUIRING HIM TO MAKE WHATEVER DRAINAGE CORRECTIONS ARE NECESSARY AS DEEMED BY THE WATERSHED PROTECTION?

I THINK THE CITY CODE WOULD BE THE RULING THING OTHER THAN A RESTRICTIVE COVENANT BECAUSE THERE HAS TO BE CERTAIN ENGINEERING STANDARDS TO BE MET IN ORDER TO MAKE THOSE TYPES OF IMPROVEMENTS, BUT I GUESS IT COULD BE DONE UNDER A RESTRICTIVE COVENANT AS WELL, ELEMENTS OF ONE.

Mayor Wynn: SO MR. WALTERS, REMIND -- IN SIMPLISTIC TERMS, PERHAPS TOO SIMPLISTIC, FREQUENTLY WE REZONE CASES -- DOWN ZONE CASES AND THE EXISTING USE AS A BUSINESS STILL CAN STAY IN BUSINESS, IT DOESN'T HAVE AN IMMEDIATE IMPACT ON THEM, ALTHOUGH IT HAS PERHAPS A LONGER TERM EITHER VALUE IMPACT OR IF THEY WERE TO TRY TO GO REFINANCE THEIR BUSINESS, ETCETERA, AND UNTIL SUCH TIME AS THEY CEASE TO DO BUSINESS FOR MORE THAN 90 DAYS OR WHATEVER IT MIGHT BE, THEY'RE OKAY TO STAY IN BUSINESS. AND GENERALLY SPEAKING, MY EXPERIENCE HAS BEEN THAT IT'S NOT BEEN THE INTENT OF MOST OF THE COUNCILS I'VE SERVED ON THAT IS TO PUT PEOPLE OUT OF BUSINESS. BUT THIS IS A CASE JUST BECAUSE OF THE NATURE OF HOW LONG THIS FAMILY BUSINESS HAS BEEN THERE, IN THE NATURE OF DECADES OF LAND USE PRACTICES ON THE PERIPHERY OF TOWN, WE NOW HAVE A CASE WHEREBY IF WE DON'T DO SOME SIGNIFICANT UP ZONING TO FIX THIS SITUATION, THEN THE CURRENT BUSINESS CAN'T CONTINUE TO OPERATE IN ANY SEM SEMBLANCE OF WHAT THEY HAVE TODAY.

THAT IS AN ACCURATE ENCAPSULATION. THEY WOULD HAVE TO MOVE SOME OF THEIR OUTSIDE USES TO ANOTHER SITE WITH THE PROPER ZONING.

Mayor Wynn: BUT ALSO THE STRANGE DYNAMIC OF THE FACT THAT WE HAVE A VALID PETITION ON THE ORIGINAL PROPOSED REZONING, IT'S GOING TO TAKE SIX AFFIRMATIVE VOTES UP HERE, SIX OF US HAVE TO AGREE ON WHAT

WOULD BE THAT UPZONING FIX IN ORDER TO TRY TO SATISFY AS MANY PARTIES AS WE CAN.

THAT IS CORRECT.

Mayor Wynn: SO IF THERE'S NOT SIX AFFIRMATIVE VOTES, THEN THE CURRENT ZONING STAYS IN PLACE, CORRECT? SO THE SINGLE-FAMILY ZONING REMAINS IN PLACE UNLESS SIX OF US AGREE SO WHAT IS THE NEW ZONING CATEGORY.

ANYTHING OTHER THAN THE LO-MU-CO WOULD REQUIRE SIX VOTES.

Mayor Wynn: THANK YOU FOR CORRECTING ME. SO WHAT -- WELL, THIS IS SORT OF AN INTERESTING CASE BECAUSE THAT'S ONLY WHAT WE APPROVED ON SECOND READING. YOU DON'T AUTOMATICALLY FALL BACK TO THE SECOND READING APPROVED CASE IF THERE'S NOT SIX AFFIRMATIVE VOTES.

I DON'T KNOW THE ANSWER TO THAT QUESTION.

Mayor Wynn: BUT THE VALID PETITION IS FOR ANYTHING OTHER THAN --

THE LO-CO-NP.

Mayor Wynn: ANYTHING MORE THAN THAT IS IN THE VALID PETITION. THANK YOU FOR CORRECTING ME ON THAT. COUNCILMEMBER LEFFINGWELL.

Leffingwell:.

I VISITED THE SITE, TALKED TO THE OWNER AND AM CONVINCED THAT HE WILL BE OUT OF BUSINESS BASICALLY IF HE DOES NOT GET THE CS ZONING FOR HIS PROPERTY. SO THAT'S SOMETHING I DON'T WANT TO DO IS PUT SOMEBODY OUT OF BUSINESS THAT'S BEEN THERE FOR 50 OR 60 YEARS. AND AT THE SAME TIME I UNDERSTAND THE NEIGHBORHOOD'S CONCERNS -- I'M GOING TO TRY SOMETHING HERE. I DON'T KNOW IF I'LL GET A SECOND. I'M GOING TO MOVE APPROVAL ON THIRD READING. AND I'M GOING TO ADD THAT I VOTED THE OTHER WAY ON THE FIRST

TWO READINGS. BUT I'M GOING TO MOVE FOR CO-MU-CO-NP WITH A 25-FOOT VEGETATIVE BUFFER INSTEAD OF 30 AND LIMIT THE USES TO LO-MU PLUS CONSTRUCTION SALES AND SERVICE AS BEING THE ONLY CS USE ALLOWED. AND ALSO INCLUDE A RESTRICTIVE COVENANT FOR SOLID FENCE ALONG THE BACK, NO TRUCKS PARKED ON THE STREET, ALL LOADING AND UNLOADING ON SITE, NO FORKLIFTS ON THE STREET, DRAINAGE EASEMENTS AS REQUIRED, AND A VOLUNTARY ZONING ROLL BACK IF THE BUSINESS CEASES.

I WAS INFORMED THAT THE SOLID FENCE, THE NEIGHBORHOOD WANTED IT ON FRONT OF THE PROPERTY, NOT THE REAR, FOR WHAT THAT'S WORTH.

MARTHA TERRY, ASSISTANT CITY ATTORNEY. I APPRECIATE WHAT WE'RE -- THAT WE'RE WORKING HARD ON THIS ONE, BUT WE DO NOT HAVE AN ORDINANCE PREPARED AND WE CERTAINLY DON'T HAVE A RESTRICTIVE COVENANT PREPARED THAT ADDRESSES THESE ISSUES. NORMALLY WHAT WE LIKE TO DO IS HAVE A RESTRICTIVE COVENANT THAT IS SIGNED AND READY TO GO BY THE TIME WE GET TO THIRD READING. IF IT IS COUNCIL'S DESIRE TO CONTINUE ALONG THIS VEIN, WHAT WE WOULD REQUEST IS GIVE US DIRECTION TO GO AWAY AND PREPARE SOMETHING AND INCLUDING A RESTRICTIVE COVENANT AND BRING IT BACK TO YOU FOR CONSIDERATION. IN OTHER WORDS, JUST SIMPLY GIVE US OUR INSTRUCTIONS, DELAY THIS CASE AND BRING THIS CASE BACK ON THE 12TH SO THAT WE CAN PREPARE THE DOCUMENTATION THAT YOU WOULD NEED TO HAVE IN FRONT OF YOU, AND WE WOULD HAVE THE RESTRICTIVE COVENANT PREPARED AND IT WOULD BE -- IT WOULD BE SIGNED SO THAT WE COULD PRESENT IT TO YOU AS A PACKAGE.

Mayor Wynn: MS. TERRY, IN WHAT FORMAT WOULD THAT DIRECTION TAKE? WE HAVE A MOTION AND A SECOND ON THE TABLE. WHAT WE'RE SAYING IS WE SHOULD NOT VOTE ON THIRD READING IF THAT IS THE WILL OF AT LEAST SIX OF US, SO YOU'RE SUGGESTING, I GUESS, THAT WE -- THAT WE HAVE A STRAW POLL UP HERE WITHOUT A VOTE AND MOVE TO POSTPONE?

MY RECOMMENDATION WOULD BE THAT YOU INSTRUCT THE

STAFF -- MOVE TO INSTRUCT THE STAFF TO BRING THIS BACK TO YOU IN THE FORMAT THAT'S BEING SUGGESTED AS YOU OUTLINE IN THE MOTION ON JANUARY THE 12TH FOR YOU TO CONSIDER AT THAT TIME. IN OTHER WORDS, IT'S A MOTION THAT CONSISTS OF INSTRUCTION TO US.

Mayor Wynn: SO THAT JUST SEEMS -- I JUST DON'T RECALL HAVING THIS TYPE OF CASE BEFORE WHEREBY I GUESS IN THEORY A COUNCILMEMBER CAN MAKE A MOTION TO GIVE DIRECTION TO STAFF, WELCOMED HAVE A VOTE AND THERE COULD BE A MAJORITY INTEREST PERHAPS TO AGREE WITH THAT INSTRUCTION FOR STAFF TO BRING AN ORDINANCE TO ATTEMPT TO GET A RESTRICTIVE COVENANT SIGNED BY A CERTAIN DATE, BUT I GUESS TECHNICALLY THAT DOESN'T -- THE COUNCIL WOULDN'T BE BEHOLDEN, EVEN THOSE WHO MAY VOTE IN THE AFFIRMATIVE WITH THE DIRECTION OF STAFF TO SUPPORT THAT ON THIRD READING. AND/OR I GUESS IN THEORY IT WOULD ONLY TAKE FOUR VOTES TO DIRECT STAFF TO DO SOMETHING.

THAT IS CORRECT. AND MAYOR, YOU WOULD NOT BE BOUND ON THIRD READING. THIS IS AN UNUSUAL SITUATION BECAUSE WE ARE HERE ON THIRD READING AFTER HAVING HAD VOTES ON FIRST AND SECOND. WE HAVE ON OCCASION IN THE PAST ON SOME EXCEPTIONAL CASES RECEIVED INSTRUCTION TO COME BACK WITH THE COUNCIL'S EXPRESSION OF WHAT ITS WILL IS THAT IT DESIRES TO DO. YOU ARE CORRECT, SIR, THIS IS VERY RARE. WE VERY SELDOM EVER DO IT THIS WAY, BUT I AM -- FROM WHAT I AM HEARING FROM WHAT THE MOTION IS, IT IS GOING TO INCLUDE SOME RATHER COMPLICATED ISSUES THAT WE'RE GOING TO HAVE TO WORK OUT IN A FORMAT TO BRING BACK TO YOU SO THAT YOU CAN CONSIDER IT FOR YOUR THIRD READING. BUT YOU ARE ABSOLUTELY RIGHT AND YOU ARE RIGHT, IT IS UNUSUAL.

Mayor Wynn: SO COUNCIL, I GUESS MY RECOMMENDATION WOULD BE -- I DON'T SEE THE NEED FOR A VOTE, PER SE. I GUESS THERE'S A REQUEST BY AT LEAST A COUPLE OF COUNCILMEMBERS TO GIVE THEM, THEREFORE US, THE OPPORTUNITY TO VOTE ON A DIFFERENT SCENARIO, PRESUMEBLY JANUARY 12TH, AND I DON'T SEE A REASON TO OBJECT TO HAVING STAFF -- IN THEORY STAFF IS PREPARED

-- HAS AN ORDINANCE PREPARED NOW AT LEAST FOR THE L
O-MU POTENTIAL, CORRECT?

YES, SIR.

Mayor Wynn: SO COUNCIL, I DON'T REALLY SEE WHY WE
SHOULD OBJECT TO HAVING MORE THAN ONE ORDINANCE
PREPARED FOR US WHEN WE TAKE THE CASE BACK UP ON
THE 12TH.

AND WE HAVE DONE THAT AND WE ARE WILLING TO BRING IT
BACK, BUT WE WOULD PREFER THAT YOU SEE IT IN FRONT
OF YOU IN WRITING SO THAT YOU CAN SEE THAT WE HAVE
CARRIED OUT THE EXPRESSION OF YOUR INSTRUCTIONS TO
US.

Mayor Wynn: AGAIN, JUST BY COUNCIL NOT OBJECTING TO
THAT DIRECTION DOESN'T NECESSARILY MEAN THAT THERE
WOULD BE SIX VOTES FOR THAT SCENARIO OR ANY
SCENARIO THAT YOU ALL HAVE BEFORE US.

THAT IS CORRECT, SIR, AND IN FACT YOU REALLY DON'T
HAVE TO TAKE A VOTE. IF YOU HAVE A MOTION OUT THERE
AND YOU WANT TO, WE WOULD BE WILLING TO DO THAT AND
CONSIDER THAT AS AN INSTRUCTION.

Mayor Wynn: BEFORE WE ACTUALLY RECOGNIZE THAT THE
MOTION AND THE SECOND -- COUNCILMEMBER ALVAREZ.

Alvarez: I JUST HAD A QUESTION ON THE GRANDFATHERING
BECAUSE YOU DID MENTION THE BUSINESS HAS BEEN
THERE SINCE 1968, AND I DID READ IN THE MEMO HERE
SOMETHING ABOUT CERTAIN THINGS BEING
GRANDFATHERED, OTHER THINGS NOT BEING
GRANDFATHERED, BUT AGAIN, WE'VE DEALT WITH THIS
OBVIOUSLY IN EAST AUSTIN A LOT BECAUSE OF LI, INTENSE
CS IN RESIDENTIAL AREAS, AND WE HAVE DOWNZONED
FOLKS TO WHAT THE COUNCIL FELT WAS MORE COMPATIBLE
ZONING CATEGORIES, BUT BECAUSE THE USES WERE
GRANDFATHERED, AND UNTIL THE BUSINESS PICKED UP ITS
BAGS AND LEFT, THEN OBVIOUSLY THEY COULD CONTINUE
IN PERPETUITY ESSENTIALLY. AND SO OBVIOUSLY THAT'S
WHY THIS CASE IS DIFFERENT. I CAN'T UNDERSTAND WHY A

BUSINESS THAT'S BEEN AROUND SINCE 1968 IS NOT GRANDFATHERED. SO IF YOU COULD EXPLAIN THAT TO ME. THERE WERE SOME OTHER USES THAT COULD HAVE BEEN LOOKED AS AS CLOSELY AS THIS HAS ON THE GRANDFATHERING ISSUE.

WHEN THE PROPERTY WAS ANNEXED BACK IN THE LATE '60S, IT WAS NEVER GIVEN THE PROPER COMMERCIAL ZONING. IT ALWAYS HAD SOME FORM OF RESIDENTIAL ZONING. AND THAT HAS CONTINUED TO THIS DAY. IN EAST AUSTIN MANY OF THE PROPERTIES WERE LI PROPERTY ZONED AND THEY WERE DOWNZONED TO COMMERCIAL SERVICES, SO THE LEGAL OF CONFORMITY WASN'T AS DRAMATIC, IT WAS BASICALLY A STEP DOWN, WHEREAS THIS IS MULTIPLE STEPS DOWN. SO THAT CREATES THIS GROUP A NONCONFORMING THAT CERTAIN OUTSIDE ACTIVITIES ARE JUST NOT ALLOWED BECAUSE IT'S A COMMERCIAL SERVICES USE IN SINGLE-FAMILY ZONING. AND THAT'S WHY THE DIFNS IN THE GRANDFATHERING AS COMPARED TO EAST AUSTIN WITH THE LI TO CS USES. THIS HAS NEVER HAD THE APPROPRIATE ZONING FOR ANY FORM OF COMMERCIAL ACTIVITY FROM THE VERY ONSET, FROM THE DATE OF ANNEXATION.

Alvarez: BUT AGAIN, IF THE BUSINESS WAS IN OPERATION ALREADY WHEN IT WAS ANNEXED, THEN WOULDN'T IT BE GRANDFATHERED FROM ALL OF OUR REGULATIONS?

ACCORDING TO THE CODE AND MY UNDERSTANDING OF THE NONCONFORMING USE SECTION OF THE CODE, THOSE ELEMENTS THAT WEREN'T CONSIDERED -- THAT MAKE IT THE GROUP A, THOSE OUTDOOR LOADING AND UNLOADING OF CONSTRUCTION MATERIALS, STORAGE MATERIALS, THE WORK TRUCKS BEING STORED OUTSIDE AND THE STORAGE STRUCTURES OF \$10,000 OR GREATER, THAT REQUIREMENT, THOSE ELEMENTS BECAUSE OF THAT HIGH LEVEL OF NONCONFORMITY, THOSE YOU HAVE 10 YEARS TO TAKE CARE OF THOSE ISSUES BEFORE YOU LOSE YOUR NONCONFORMITY AND YOU GO INTO ESSENTIALLY A VIOLATION OF THE CODE.

Alvarez: SO YOU'RE TELLING ME BECAUSE A CS USE HERE HAS THIS LEVEL OF NONCONFORMITY, THEN THEY CAN'T

CONTINUE, BUT LI USES -- I JUST FIND IT HARD TO BELIEVE THAT IN DEALING WITH THE LI ISSUES IN RESIDENTIAL AREAS SOMEHOW THAT WE DEEM THAT OKAY, BUT IN THIS PARTICULAR CASE A CS USE THAT HAS BEEN IN EXISTENCE FOR 40 YEARS IS NOT GRANDFATHERED.

THOSE ELEMENTS OF THE USE THAT OCCUR WITHIN THE BUILDING, IF YOU LOOK AT PICTURE NUMBER 1, YOU'LL NOTICE THAT THERE IS A METAL BUILDING. AND THAT PREDATED ANYTHING THAT OCCURS. THOSE USES THAT OCCUR INSIDE THAT BUILDING ARE GRANDFATHERED. WHEREAS THOSE THAT ARE NOT, THAT OCCUR OUTSIDE ARE NOT GRANDFATHERED AFTER THE 10 YEARS.

Alvarez: AND SO ARE THESE ITEMS THAT ARE LISTED HERE THAT YOU DESCRIBE AS BEING IN VIOLATION THE LOADING AND UNLOADING OF CONSTRUCTION MATERIALS, OUTSIDE STORAGE, OVERNIGHT PARKING OF WORK TRUCKS, ARE THESE -- I REALLY THINK THIS IS ACTUALLY WHAT THE NEIGHBORHOOD PROBABLY IS FEELING THE IMPACT FROM IS THOSE PARTICULAR KINDS OF THINGS, AND SO ARE SOME OF THOSE ISSUES IN THIS RESTRICTIVE COVENANT THAT WE'RE TALKING ABOUT?

IT'S MY UNDERSTANDING THAT THEY COULD BE ADDRESSED, PARTICULARLY THE ON STREET DELIVERY TRUCKS. MR. HARPER COMMUNICATED THAT HE WANTED TO MAKE SOME IMPROVEMENTS TO THE PROPERTY THAT WOULD ALLOW THEM TO BACK INTO THE PROPERTY TO UNLOAD MATERIALS. AND THAT WOULD BE ADDRESSED PARTIALLY THROUGH THAT RESTRICTIVE COVENANT.

Alvarez: I JUST THINK THAT SOME OF THOSE -- IF WE'RE GOING TO CONSIDER A CS ZONING FOR THE PROPERTY, OBVIOUSLY WITH VERY LIMITED ABILITY TOO DO CS, IS AS MANY OF THOSE ISSUES AS POSSIBLE ARE ADDRESSED. I REALLY THINK THESE ARE THE ISSUES THAT THE NEIGHBORHOOD IS FEELING THE IMPACT FROM, BUT I WOULD LIKE THAT -- TO OFFER THAT AS A SUGGESTION, THAT WE LOOK AT THOSE PARTICULAR ONES THAT THE CITY HAS DEEMED SORT OF MOST EGREGIOUS OR OUT OF COMPLIANCE, HOWEVER YOU WANT TO STATE THAT, AND

GET AS MANY OF THOSE ADDRESSED AS POSSIBLE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? COUNCIL, WITHOUT OBJECTION, I THINK WE COULD WITHDRAW THE MOTION AND THE SECOND BY COUNCILMEMBER LEFFINGWELL AND COUNCILMEMBER DUNKERLEY, RECOGNIZING THAT BEING THE ACTUAL DIRECTION TO STAFF TO HAVE AT LEAST AN ALTERNATE ORDINANCE AND PERHAPS EVEN EXECUTED RESTRICTIVE COVENANT ARE BEFORE US WHEN WE TAKE THIS UP AT OUR NEXT MEETING. SO I GUESS THAT WOULD REQUIRE A MOTION TO POSTPONE ACTION ON ITEMS 76 AND 77 --

TRACT 30.

Mayor Wynn: TRACT 30. MR. WALTERS, DO YOU PROPOSE JANUARY 12TH?

12TH OR THE 26TH. THE 12TH LOOKS TO BE A FAIRLY HEAVY MEETING FOR THE COUNCIL. THE 12TH WOULD BE FINE.

Mayor Wynn: LET'S SHOOT FOR THE 12TH. THERE WON'T BE A FULL COUNCIL ON THE 26TH. WE COULD ALWAYS POSTPONE AGAIN OR TAKE DIFFERENT ACTION. SO COUNCILMEMBER LEFFINGWELL MOVES THAT WE POSTPONE ACTION ON ITEM 76 AND 77, TRACT 30, SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS? ALL IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT ITEM WOULD BE TRACT 23-A, AND THAT WOULD BE AGENDA ITEM 77, THE NEXT PAGE OF THE MOTION SHEET. TRACT 23-A IS 116 RED BIRD LANE. CURRENTLY THE USE IS A CAR LOT. THE BACK END OF A CAR LOT THAT FRONTS ON TO CONGRESS AVENUE. THE ZONING CURRENTLY IS SINGLE-FAMILY 3. THE ACTIONS TO DATE, COUNCIL HAS ALREADY APPROVED MIXED USE LAND USE DESIGNATION FOR THIS SITE. CS-MU-NP WAS APPROVED FOR THE FIRST READING ONLY BACK WHEN THIS WAS INITIALLY PRESENTED TO

COUNCIL. THE NEIGHBORHOOD DOES NOT OPPOSE THIS REZONING. THE PROPERTY OWNER RECOMMENDS THAT THEY WOULD LIKE TO HAVE THE MIXED USE AND DOES NOT OPPOSE THE STAFF RECOMMENDATION, WHICH WAS APPROVED BY COUNCIL TO CS-MU-NP. THERE WAS INCONSISTENCIES WITH THE ADDRESSING IN THIS PART OF THE CITY, WHICH LED TO IT BEING DROPPED. THIS WAS PART OF ANOTHER TRACT, BUT THIS ONE THAT WAS NOTICED IMPROPERLY, BUT THIS ONE WAS ACTUALLY NOTICED CORRECTLY. AND COUNCIL'S ACTION TONIGHT WOULD JUST BE TO APPROVE THE CS-MU FOR ALL THREE READINGS. AND THERE'S NOT A VALID PETITION, AND IT WOULD TAKE FIVE VOTES TO PASS IT ON SECOND AND THIRD READING, AND THAT'S THE END OF MY PRESENTATION IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: IN OTHER WORDS, THERE'S NO CONTENTIOUS ISSUES HERE?

NO.

Mayor Wynn: THANK YOU. SO COUNCIL, BEING THAT THE RECOMMENDATION IS TO PASS THIS CS-MU-NP ON ALL THREE READINGS REQUIRES A MAJORITY VOTE OF FIVE OF US TO GET THAT DONE IN ONE READING. FURTHER QUESTIONS OF MR. WALTERS OR COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION.

Kim: MAYOR, I'LL MOVE STAFF'S RELIGIOUS TO CS-MU-NP FOR SECOND AND THIRD READING.

Alvarez: SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE ALL THREE OR SECOND AND THIRD READING AT LEAST THE CS-MU-NP ZONING FOR TRACT 23-A, AGENDA ITEM 77. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX

TO ZERO WITH COUNCILMEMBER MCCracken OFF INDICT AS.

THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MR. WALTERS. WELCOME BACK MS. GLASGO.

YES, MOVING ON. OUR NEXT ITEM, MAYOR, IS ITEM NUMBER 96, THE PEACEFUL HILL ZONING CASE. YOU HAD DIRECTED US AT THE LAST MEETING TO HAVE THE SURROUNDING PROPERTY OWNERS MEET WITH THE APPLICANT, AND MR. GREG GURNSEY, WHO FACILITATED THAT MEETING WOULD LIKE TO GIVE YOU A SUMMARY AND THE OUTCOME OF THAT MEETING.

GOOD EVENING. THROIRTTT -- ON THE 30TH WE DID HAVE A MEETING. THE APPLICANT WAS PRESENT AS WELL AS SEVERAL PROPERTY OWNERS. WE DISCUSSED THE ZONING CASE, AND THE POSSIBLE ITEMS THAT THE AGENT COULD OFFER TO MITIGATE SOME OF THE CONCERNS OF THE INDUSTRIAL USES AND THE RESIDENTIAL USES BEING SIDE BY SIDE. THE ORIGINAL ITEMS THAT WERE SUGGESTED WERE A MASONRY FENCE OR BASICALLY A SIX-FOOT WALL THAT WOULD RUN ALONG THE WESTERN PROPERTY LINE AND THE SOUTH PROPERTY LINE AS IT ABUTTED A STEEL FABRICATOR AND THE AUTO SALVAGE FACILITY. AN EIGHT-FOOT CEDAR FENCE ALONG THE EASTERN PROPERTY LINE AS IT BORDERED INDUSTRIAL USES IN ZONING TO PROHIBIT ACCESS TO PEACEFUL HILL LANE, BUT ALLOW A PEDESTRIAN ACCESS. SO THE RESIDENTS COULD ACCESS PEACEFUL HILL AND THE SCHOOL CHILDREN COULD GET UP TO THE NEARBY ELEMENTARY SCHOOL. TO ENLARGE THE LOTS, THE DEPTH OF THE LOTS ALONG THE WESTERN PROPERTY TO BE 150 ON TO 160 FEET DEEP AND ALONG THE EASTERN BOUNDARY TO BE 125 TO 130 FEET DEEP. AND ALONG THE NORTH SIDE 125 TO 135 FEET DEEP. AT THAT MEETING THESE ITEMS WERE DISCUSSED. EVERYBODY WAS PRETTY CANDID. IT WAS A VERY GOOD MEETING. AS THOSE MEETINGS CAN GO. AND I THINK WHAT AGREED UPON AT THE END OF THAT MEETING WAS THAT MAIN STREET HOMES WOULD COME BACK WITH SOME ADDITIONAL PROPOSALS THAT WAS PRESENTED TO THE NEIGHBORS AND THAT THE

NEIGHBORS THAT WERE THERE, COMMERCIAL PROPERTY OWNERS, RESIDENTIAL PROPERTY OWNERS, AT LEAST AT THAT TIME AGREED THAT THE PETITION PROBABLY WOULD NOT BE SWAYED, IT WOULD NOT BE REMOVED AND WOULD REMAIN IN PLACE, BUT THEY WOULD LISTEN TO WHAT BEING PROPOSED BY MAIN STREET. SINCE THAT TIME, STAFF RECEIVED EARLIER THIS WEEK SOME ADDITIONAL RESTRICTIONS THAT THE OWNER HAD AGREED TO TO RESTRICT THE PROPERTY WHERE THE RESIDENTIAL UNITS WOULD BE PROPOSED THROUGH SOME SORT OF COVENANT. THAT ANY NEW PROPERTY OWNER THAT WOULD BUY A HOUSE IN THIS AREA WOULD BE AWARE THAT THERE ARE COMMERCIAL USES, INDUSTRIAL USES ON NEARBY PROPERTIES, SO THAT WOULD BE DISCLOSED AND THAT THOSE USES HAVE THE RIGHT TO OPERATE LEGALLY. ALSO THAT THERE WOULD BE RESTRICTION ADJACENT TO THE CRIMP AND SHEET METAL. AND LET ME A MANDATORY EVACUATION WALK OVER TO THE EXHIBIT AND I'LL SHOW YOU WHERE THAT SITE IS. THE SUBJECT TRACT IS LOCATED IN THIS AREA AND THE SHEET METAL COMPANY IS RIGHT HERE, SO ADJACENT TO THIS PROPERTY THERE WOULD BE A LIMITATION THAT WOULD RESTRICT THE LOTS THAT ARE NEARBY TO SINGLE-FAMILY HOMES OR SINGLE STORY HOMES, EXCUSE ME. THE REASON FOR THIS WAS THAT THERE'S AN ELEVATION DIFFERENCE ON THIS PROPERTY WHERE THE BUILDING, THE COMMERCIAL -- THE INDUSTRIAL BUILDING ACTUALLY OVERLOOKS THE RESIDENTIAL PROPERTY AND THERE WAS CONCERNS RAISED ABOUT THE ELEVATION. AND THAT IF YOU HAD A TWO-STORY RESIDENTIAL HOME THAT THAT WOULD BE VERY VISIBLE FOR BOTH THE RESIDENTS LOOKING AT INDUSTRIAL USE AND VICE VERSA, SO THAT WAS AN ATTEMPT TO MITIGATE THAT. ALSO THERE WAS AN OFFER TO ADD ADDITIONAL INSULATION TO THE HOMES THAT ARE ADJOINING THE INDUSTRIAL ZONING TO THE EAST AND WEST AND INDUSTRIAL USES TO THE EAST AND WEST TO LESSEN THE IMPACT OF NOISE ON THE PROPERTY. WE HAVE RECEIVED AN UPDATE TO THE PETITION SINCE THE LAST TIME THAT WE MET, THE ACTUAL PETITION HAS INCREASED SLIGHTLY FROM 72% TO 73.63%. MY CONVERSATIONS WITH THE REPRESENTATIVE OF MAIN STREET HOMES IS THAT THEY MAY OFFER SOME ADDITIONAL ITEMS THAT THEY MAY WISH

TO GO INTO. THE NEIGHBORS THAT I HAVE SPOKEN TO SINCE THE MEETING HAVE INDICATED THAT THEY HAVE NOT BEEN CONTACTED BY MAIN STREET HOMES UP UNTIL TODAY AND THERE'S BEEN NO LEGAL INSTRUMENT PRESENTED TO THEM THAT DISCUSSED THE ITEMS THAT I TALKED ABOUT EARLIER IN MY PRESENTATION. STAFF DID NOT RECOMMEND THE REZONING REQUEST. THE ZONING AND PLATTING COMMISSION DID NOT RECOMMEND THE REZONING REQUEST. IF YOU HAVE ANY OTHER QUESTIONS, I'LL BE HAPPY TO ANSWER THEM AT THIS TIME. THERE ARE REPRESENTATIVES FROM THE NEIGHBORHOOD THERE ARE PRESENT AND A REPRESENTATIVE FROM MAIN STREET HOMES IS ALSO PRESENT.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS? MR. GURNSEY, JUST TO MAKE SURE I'M CLEAR AGAIN, IF THIS ZONING CASE WERE TO GO THROUGH AS PROPOSED NOW, AND EVEN INCLUDING SOME OF THE OFFERS THAT HAVE BEEN OUTLINED, DOES -- WE HAD SOMEWHAT OF A SIMILAR ISSUE ON THIS OTHER CASE. DOES IT -- FROM A ZONING STANDPOINT AND ANY OTHER COMPATIBILITY USE ISSUES, DOES IT MAKE ANY OF THOSE ADJACENT, SMALL BUSINESSES, ILLEGAL IN THE CONTEXT OF WHAT WE SAW IN THE LAST CASE, WHERE LITERALLY BECAUSE OF THIS ZONING, REZONING, ONE OF THOSE ADJACENT TRACTS, IN THIS CASE BUSINESSES, ESSENTIALLY CANNOT BECOME COMPLIANT?

IF THE USES ARE LEGAL NOW, THEN REZONING WOULD NOT CHANGE THAT STATUS. IF THEY TRULY ARE A LEGAL USE. I HAVEN'T INVESTIGATED ALL THE DIFFERENT USES THAT ARE SURROUNDING THIS PROPERTY, □□ BUT THE ABILITY FOR ONE OF THESE PROPERTY OWNERS TO EXPAND WOULD BE HINDERED BY HAVING THE SINGLE-FAMILY NEXT DOOR BECAUSE IT WOULD ADD ADDITIONAL SETBACKS THAT THEY COULD NOT EXPAND INTO. THERE ARE BUILDINGS THAT ARE CONSTRUCTED NOW THAT WOULD BECOME NON-COMPLYING WITH RESPECT TO SETBACKS WHEREAS IF THEY WERE TO REMAIN -- THE CURRENT ZONING WERE TO REMAIN, THEY WOULD BE COMPLYING. SO AN ACTION TO REZONE THE PROPERTY TO A RESIDENTIAL USE WOULD BE A NEGATIVE IMPACT ON THE SURROUNDING COMMERCIAL PROPERTY OWNERS IN THEIR ABILITY TO POSSIBLY EXPAND

IN THE FUTURE AND WHERE THE EXISTING BUILDINGS ARE LOCATED, IT WOULD MAKE SOME BUILDINGS NOT COMPLIANT WITH SETBACKS. WHAT THAT MAY MEAN IS IF THE BUILDING WERE DESTROYED AND THEY DID NOT REBUILD BACK WITHIN A ONE-YEAR PERIOD, THEN THEY MAY NOT BE ABLE TO REBUILD BACK. OR IF THEY WANT TO EXPAND SOME OF THESE USES CLOSER TOWARDS THE RESIDENTIAL PROPERTY LINES, THEY MAY NOT BE ABLE TO EXPAND BECAUSE OF THOSE RESIDENCES BEING LOCATED WHERE THEY ARE.

Mayor Wynn: THIS IS MORE OF SORT OF A TRADITIONAL CASE THAT COUNCILMEMBER ALVAREZ AND I POINTED OUT IN THE PREVIOUS ITEM, THAT IS, THEY WOULD BE LEGAL, BUT NONCONFORMING AND THERE CLEARLY WOULD BE SOME NOT INSIGNIFICANT CONSTRAINTS PUT ON THEM AT SOME POINT IN THE FUTURE, WHETHER THEY NEEDED TO EXPAND, PERHAPS REFINANCE THEIR BUSINESS IF THEY WERE TO BLOW OVER, BURN DOWN, THEY COULDN'T REBUILD, THAT SORT OF THING.

THE ONLY BUSINESS THAT I'M AWARE OF RIGHT NOW WHERE THERE MAY BE AN ISSUE IS THE -- WHERE YOU HAVE A SITUATION WHERE A PROPERTY IS ZONED SINGLE-FAMILY ON THE SOUTH SIDE OF RALPH ABLANEDO, THERE'S AN AUTO SALVAGE YARD AND WHERE YOU HAVE A USE UNDER CURRENT REGULATIONS -- I THINK MARK WALTERS EARLIER SPOKE TO THIS. WE HAVE DEGREES OF NONCONFORMITY, AND WHERE YOU WOULD HAVE AN INDUSTRIAL USE ON A PROPERTY THAT WAS GIVEN A RESIDENTIAL ZONING CLASSIFICATION, UPON ANNEXATION THAT OUTDOOR USE MAY HAVE TO CEASE AFTER 10 YEARS. OR A SITUATION WHERE IT'S OCCUPYING A BUILDING THAT WAS VALUED LESS THAN \$10,000, THAT USE WOULD HAVE TO CEASE AFTER 10 YEARS UPON ANNEXATION. THE OTHER PROPERTIES THAT ARE NEARBY I UNDERSTAND, IN PARTICULAR THE IMPOUND FACILITY THAT WAS REZONED BY COUNCIL EARLIER THIS YEAR, FACED THAT SITUATION, WAS REZONED BY THE PROPERTY OWNER TO A SLIVER OF CS-CO AND LI. SO THAT ISSUE WAS RESOLVED AS FAR AS WITH RESPECT TO THE IMPOUND LOT OR SALVAGE YARD THAT'S LOCATED WEST OF THIS PROPERTY. IF THEY'RE OCCUPYING BUILDINGS THAT ARE OVER A CERTAIN VALUATION, THEY

WOULD HAVE TO MEET CERTAIN MINIMUM SAFETY STANDARDS IF THERE WAS SOMETHING OUT OF COMPLIANCE, BUT THEY WOULD NOT BE ABLE TO EXPAND.

Mayor Wynn: RIGHT. COUNCILMEMBER KIM.

Kim: DOES THE STAFF HAVE ANY APPLICATIONS CURRENTLY OF BUSINESSES IN THE IMMEDIATE AREA FOR ZONING CHANGES?

WE DO. WE HAVE THE STEEL FABRICATOR AND AN ADJACENT PROPERTY OWNER OF THE SALVAGE YARD IS CURRENTLY IN FOR REZONING. THEY HAVE NOT GONE BEFORE THE ZONING AND PLATTING COMMISSION, AND STAFF HAS NOT FINALIZED ITS RECOMMENDATION ON THOSE TWO CASES.

Kim: WHAT IS THEIR REQUEST FOR?

INDUSTRIAL ZONING, LI.

Kim: FROM CS?

I BELIEVE IT'S SF-2.

Kim: TO INDUSTRIAL? AND IS THAT FOR MAKING THEIR -- FOR THE CURRENT USE OR AN ADDITIONAL?

THE INTENT OF THOSE OTHER CASES IS TO BRING THEM INTO COMPLIANCE.

Kim: BRING THEM INTO COMPLIANCE.

THAT'S CORRECT.

Kim: SO WE AS A COUNCIL CAN TAKE THAT UP WHEN IT COMES TO US, KNOWING THAT IF WE APPROVE THE ZONING FOR THE SINGLE-FAMILY HOMES, THEN WE CAN REMEMBER THAT IN CONSIDERATION OF THE FUTURE ZONING REQUEST.

AND THOSE CASES WILL PROBABLY BE COMING TO YOU EARLIER IN THE NEXT YEAR, EARLY PART OF NEXT YEAR,

PROBABLY IN JANUARY OR FEBRUARY.

Kim: AND I HAVE A QUESTION FOR THE APPLICANT ABOUT SOUNDPROOFING.

KEN BAKER WITH MAIN STREET HOMES.

Kim: HI. ONE OF THE THINGS THAT I THINK WE'RE CONCERNED ABOUT IS WHEN YOU BUILD THESE HOMES OUT THAT THE HOMES NEXT TO THE INDUSTRIAL USES WILL HAVE A PROBLEM WITH THE NOISE OF THOSE OPERATIONS AND THAT WOULD DRIVE COMPLAINTS THEN AGAINST EXISTING BUSINESSES, AND THAT'S NOT WHAT WE WANT.

UNDERSTANDABLE.

Kim: SO WHAT ARE YOU WILLING TO DO IN TERMS OF A CONDITIONAL OVERLAY OR SOME SORT OF PROVISIONS AS A SAFEGUARD AGAINST THAT?

WE'VE RUN INTO THIS ISSUE BEFORE AGAINST RAILROAD TRACKS AS WELL AS THE AIRPORT OVERLAY ZONES THAT WE CONSTRUCT IN. AND WE HAVE AND WE WILL AGREE TO HAVE A CONDITIONAL OVERLAY PUT ON THE PROPERTY THAT WE WOULD REDUCE OUR LEVEL OF DECIBELS DOWN 25-DECIBELS, WHICH IS THE CATEGORY THAT'S DONE FOR TYPICALLY AIRPORT OVERLAY ZONING.

Kim: SO WHAT KIND OF --

I COULDN'T TELL YOU WHAT THE TECHNICAL ASPECT IS THAT GOES INTO THAT.

Kim: WHAT ARE SOME EXAMPLES?

AN EXAMPLE WOULD BE TYPICALLY IN YOUR INSULATION IN THE HOUSE YOU HAVE R-11 INSULATION IN YOUR BATTING, AND WE'D GO TO R-15 IN BATTING. ANOTHER THING WE DO IS PUT HALF INCH SOLID FOAM SHEATHING ON THE OUTSIDE BETWEEN THE MASONRY OR SOLID HARDY PLANK COVERING, WHICH NORMALLY DIDN'T DONE IN A HOUSE. AND THEN WE WOULD LOOK AT TAKING OUT ALL THE SLIDING GLASS DOORS THAT TYPICALLY GO IN THE REAR OF HOMES

AND INSTEAD HAVE A SMALLER OPENING THERE, A REGULAR STANDARD DOOR, WHICH WOULD HELP CUT DOWN NOISE COMING THROUGH.

Kim: SO THAT WILL HELP PROTECT AGAINST THE NOISE FOR THE RESIDENTS IN THOSE HOMES, IN ADDITION TO THE THE SETBACK FROM THE WALL?

YES, MA'AM.

Kim: DIVIDING THE PROPERTY FROM THE COMMERCIAL USES. OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. I WAS JUST WONDERING ABOUT THE -- I KNOW MR. GURNSEY READ OFF A LIST OF CONCESSIONS OR COMMITMENTS THAT THE APPLICANT HAD EXPRESSED AN INTEREST IN PURSUING. AND I GUESS THIS IS A QUESTION FOR THE APPLICANT, BUT ARE THOSE THINGS GOING TO BE DONE OR MAYBE IS THAT SOMETHING WE NEED THEM TO CLARIFY OR STATE ON THE RECORD? BECAUSE I THINK WHAT YOU MENTIONED IS THAT THERE WAS NO RESTRICTIVE COVENANT OR AGREEMENT WITH NEIGHBORS, PER SE.

TONIGHT WE DO HAVE AN ORDINANCE THAT'S BEEN PREPARED BASED ON YOUR SECOND READING. SO THE FIRST PART OF WHAT I MENTIONED ARE THINGS THAT ARE ACTUALLY IN THE ORDINANCE. RESTRICTION THAT ARE ON PRIVATE PROPERTY, BEING CONVEYED FROM ONE PROPERTY OWNER TO ANOTHER ARE NOT SOMETHING TYPICALLY THAT WE WOULD HAVE IN A PUBLIC RESTRICTIVE COVENANT. THE RESTRICTION ON THE HEIGHTS OF HOUSES COULD BE DONE THROUGH A CONDITIONAL OVERLAY. WE WOULD JUST NEED TO MAKE SURE WE HAVE THE LEGAL DESCRIPTION FOR THE CHIMP AND SHEET METAL. THE EXTRA NOISE ABATEMENT, I DID SPEAK WITH THE ATTORNEY REPRESENTING MAIN STREET HOMES AND IT WAS BEING SPOKEN OF AS THE AIRPORT ORDINANCE THAT DEALS WITH NOISE ABATEMENT, THE COMPATIBILITY OF USES, THERE'S LANGUAGE IN THE CODE THAT WE CAN CITE THAT COULD BE

PART OF A CONDITIONAL OVERLAY. THESE THINGS WOULD CERTAINLY ADDRESS THE DIFFERENT NOISE ASPECT. THEY WOULDN'T ADDRESS VIBRATION, DUST, THINGS LIKE THAT, VISIBLE ELEMENTS, BUT THEY WOULD ADDRESS THE NOISE.

Alvarez: AND WHAT IS THE STANDARD SPECIFICALLY, THE NOISE STANDARD?

IN THE COMPATIBLE LAND USE SECTION, IT'S UNDER 2513, PARAGRAPH 44, WHICH IS THE AIRPORT OVERLEYLAND USE TABLE -- OVER LEYLAND USE TABLE, THERE ARE REFERENCES TO PERMITTING CERTAIN LAND USES, RESIDENTIAL THAT MIGHT BE ADJACENT TO OUR AIRPORT, AND IT SPEAKS TO A P-25 DB WHICH MEANS THE LAND USE AND PERMITTED STRUCTURES ARE PERMITTED, BUT THE MEASURES TO ACHIEVE THE MINIMUM OUTDOOR TO INDOOR LEVEL REDUCTION, 25 DECIBELS ARE REQUIRED FOR A STRUCTURE. AND MR. BAKER I THINK WAS ARTICULATING THE DIFFERENT THINGS THAT THEY COULD DO TO ACTUALLY MEET THOSE STANDARDS.

Alvarez: THAT WOULD BE JUST FOR THE PROPERTIES ABUTTING THE INDUSTRIAL OR WOULD THAT BE FOR THE WHOLE DEVELOPMENT?

I DON'T RECALL EXACTLY THE LANGUAGE MR. BAKER WAS SPEAKING TO, BUT I KNOW IT'S AT LEAST THOSE THAT ARE ADJACENT TO LI USES AND LI ZONING.

AND THAT'S WHAT THE PROPOSAL WAS FOR THOSE THAT WERE IMMEDIATELY ADJACENT THERE TO IN TERMS OF THOSE HOMES BEING BUFFERED, BUT WE WOULDN'T BE ABLE TO DO IT THROUGHOUT THE -- WE WOULD BE ABLE TO DO IT THROUGHOUT THE COMMUNITY IF NEED BE.

Alvarez: AND THE ONE STORY REQUIREMENT -- I GUESS I'M TRYING TO FIGURE OUT HOW ALL THIS IS GOING TO FIT INTO A THIRD READING ORDINANCE, SO I WAS TRYING TO JUST GET AN IDEA OF WHICH LOTS WOULD BE REQUIRED TO DO -- MEET WHICH OF THESE RESTRICTIONS, BECAUSE I THINK I HAD SUGGESTED AT LEAST A MINIMUM SORT OF SET BACK FROM THE -- FROM THE RESIDENTIAL LOTS THAT ABUT NONRESIDENTIAL USES JUST TO TRY TO ADDRESS THAT

COMPATIBILITY ISSUE. SO I THINK I HAD PROPOSED A 30-FOOT SET BACK FROM -- FOR THOSE RESIDENTIAL LOTS THAT ADJUT NONRESIDENTIAL ZONED LAND OR NONRESIDENTIAL USES. AND I ASSUME YOU'RE AMEANABLE TO THAT?

YES, WE ARE.

Alvarez: AND I GUESS WE'LL FIGURE OUT UP HERE HOW ALL THAT IS DONE IN A ZONING ORDINANCE. THANK YOU.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I WOULD LIKE TO MAKE A MOTION TO GRANT THE ZONING CHANGE REQUEST WITH THE CONDITIONAL OVERLAYS AS OUTLINED BY STAFF, INCLUDING THE AIRPORT ORDINANCE SECTION FOR 25-DECIBEL NOISE REDUCTION STANDARD FOR THE HOUSES ADJOINING THE NONRESIDENTIAL ZONING OR USE.

WE WOULD NOT HAVE A COVENANT READY FOR YOU TODAY. I HAVE NOT BEEN PRESENTED ONE BY THE APPLICANT THAT WOULD SPEAK TO THE VOLUNTEERED LIMITATION ON THE PROPERTY, WARNING ADJACENT PROPERTY -- RESIDENTIAL PROPERTY OWNERS OF THE ADJACENT USES NEARBY. THE AIRPORT OVERLAY AND THE SETBACK AND THE HEIGHT LIMITATION ADJACENT TO THE -- I BELIEVE THE CRIMP AND SHEET METAL, THAT ONE USE, WE COULD PUT IN. I THINK THE LANGUAGE IS CLEAR ENOUGH THAT WE COULD INCORPORATE IN THE ORDINANCE TODAY, BUT WE WOULD NOT HAVE LANGUAGE AVAILABLE FOR THE COVENANT.

Kim: IT'S A CONDITIONAL OVERLAY.

WE COULD NOT MAKE A CONDITIONAL OVERLAY THAT WOULD RESTRICT A PROPERTY BEING CONVEYED FROM ONE PROPERTY OWNER TO ANOTHER TO MAKE THEM PUT ON NOTICE OF THE ADJACENT USES NEARBY. THE OTHER THINGS WE CAN DO, BUT NOT THAT ONE ITEM.

Kim: OKAY.

MAYBE THE APPLICANT OR THE AGENT CAN COME FORWARD

AND SAY THAT HE WOULD VOLUNTEER TO DO IT IN GOODWILL AND THEN GIVE A COPY TO THE CITY.

MY NAME IS RICHARD SUTTLE. THE ITEM ON THE SOUNDPROOFING, THE AIRPORT SOUNDPROOFING AND THE SETBACKS AND THE SINGLE STORY I THINK ARE PROBABLY -- AND MS. TERRY WOULD HAVE TO ADDRESS IT. THOSE ARE PROBABLY CHRIS CRISP AND CLEAR ENOUGH THAT THEY COULD DO AN ORDINANCE TONIGHT. I THINK GREG AGREES ON THAT. THE COVENANT HE'S TALKING ABOUT IS NOT ON THE TABLE. IT WAS AN UNDERSTAND THAT WE TALKED -- IT WAS AN IDEA THAT WE TALKED ABOUT THAT HOMEOWNERS THAT BUY THESE HOUSES, WE WOULD GIVE THEM NOTICE THAT THEY ARE BUYING NEXT TO A COMMERCIAL PROPERTY AND THEY WOULDN'T COMPLAIN OF LAWFUL ACTIVITY NEXT DOOR. IF THAT'S IMPORTANT TO THE COUNCIL TO COMMIT TO THAT TONIGHT, WE WILL PUT IT AS A PLAT NOTE, BUT THAT WAS AN ISSUE THAT WAS DMISSED AS PART OF OUR MEETING AND WE'RE STILL WILLING TO DO IT, BUT WE DON'T HAVE IT TONIGHT BECAUSE IT WAS DISMISSED. BUT THE OTHER THREE ITEMS I THINK CAN BE DONE AS PART OF THE ORDINANCE.

Kim: OKAY. THEN AMEND MY MOTION TO HAVE THE THREE ITEMS AND THEN WE'LL WORK -- I GUESS THE APPLICANT WILL WORK IT OUT WITH STAFF IN DOING IT AFTERWARDS.

WE'LL MAKE SURE THERE'S A NOTATION IN THE FILE.

Kim: ANOTHER THIRD READING LOOP.

COUNCILMEMBER KIM, THIS MIGHT BE A TIME TO POSTPONE LIKE WE JUST DID THE LAST CASE BECAUSE WE DON'T HAVE AN ORDINANCE.

Kim: I UNDERSTAND THE APPLICANT CAN'T WAIT FOR A POSTPONEMENT, SO I WOULD RATHER JUST GO FORWARD AND WORK THE DETAILS OUT LATER WITH WHAT THEY'VE AGREED.

MAYOR?

Mayor Wynn: BEFORE I RECOGNIZE THE MOTION,

COUNCILMEMBER MCCRACKEN.

McCracken: THERE'S A BIG DIFFERENCE BETWEEN WHAT WE DID IN THE LAST CASE, WHICH WAS WE HE POSTPONED, AND THE GUY ALREADY HAS HIS BUSINESS UP AND RUNNING, IF WE POSTPONE THIS ONE, IT'S A MONTH OF SUNK COSTS, SO I AGREE WITH COUNCILMEMBER KIM, I DON'T THINK THAT POSTPONING IS THE RIGHT THING TO DO BECAUSE IT'S AN ENTIRELY DIFFERENT SITUATION AND ITS IMPACT ON THE PROPERTY OWNERS.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANT CITY ATTORNEY. ON THE THREE ITEMS THAT WE CAN DO IN THE CONDITIONAL OVERLAY, WE HAVE SUFFICIENT AND CLEAR INSTRUCTION TO DO THAT. WITH REGARD TO THE RESTRICTIVE COVENANT ITEMS, WE DON'T HAVE -- THAT IS AN -- THAT IS, AS I UNDERSTAND IT, NOT EVEN BEEN ON THE TABLE AS FAR AS SOMETHING THAT THE APPLICANT IS WILLING TO DO. THEY HAVE HAD DISCUSSIONS ALONG THAT LINE, AND OF COURSE ANY RESTRICTIVE COVENANT REQUIRES THE APPLICANT'S CONSENT, AND THAT IS NOT SOMETHING WE COULD PUT IN A CONDITIONAL OVERLAY. SO WE CAN ACCOMPLISH THE CONDITIONAL OVERLAY ON THE THREE ITEMS. THE OTHER ITEM THAT THE APPLICANT JUST TOOK OFF THE TABLE IS SOMETHING WE CANNOT ACCOMPLISH IN A CONDITIONAL OVERLAY. THAT IS THE SUBJECT OF A RESTRICTIVE COVENANT, THAT IS THE SUBJECT OF -- AND THE APPLICANT WOULD HAVE TO AGREE TO THAT. AND IF THE APPLICANT IS NOT WILLING TO DO IT, THEN THAT IS NOT SOMETHING WE CAN REQUIRE THE APPLICANT TO DO.

ARE YOU TALKING ABOUT THE SOUNDPROOFING?

WHAT WE'RE TALKING ABOUT IS THE NOTICE OF THE FUTURE VIOLATIONS OR THE ILLEGAL ACTIVITIES THAT MR. SUTTLE WAS SPEAKING TO.

Alvarez: MAYBE IF MR. GURNSEY OR SOMEONE COULD STATE THE THREE REGULATIONS WE ARE REFERRING TO IN THIS MOTION.

I UNDERSTAND THAT THERE IS -- PART OF THE MOTION IS TO

PROVIDE FOR A MINIMUM 30-FOOT REAR YARD SET BACK OR I DON'T KNOW HOW IT'S ARRANGED, FOR ALL LOTS OR PROPERTIES ZONED OR USED FOR NONRESIDENTIAL USE. THAT'S ONE OF THEM. THE SECOND, THAT THE 25-DECIBEL REDUCTION THAT WOULD BE FOUND UNDER OUR CITY'S AIRPORT ZONING ORDINANCES THAT DEAL WITH COMPATIBLE LAND USES, AND THAT'S THE SECTION THAT SPEAKS TO COMPLYING WITH THE DECIBEL LEVEL FOUND IN 25-13-44, FOR THE 25% REDUCTION. AND THEN TO LIMIT THE HEIGHT ADJACENT TO THE CRIMPING SHEET METAL PROPERTY, AND I'LL POINT THAT OUT. THAT WOULD BE THIS PROPERTY RIGHT HERE. SO THE LOTS -- THAT WOULD BE ADJACENT TO THIS PROPERTY RIGHT HERE, AND THESE BUILDINGS ADJACENT TO THIS PARTICULAR PROPERTY WOULD BE LIMITED TO A SINGLE STORY.

Alvarez: THAT WAS MY UNDERSTANDING, I JUST WANTED IT TO BE STATED CLEARLY FOR THE RECORD. THANK YOU.

Mayor Wynn: YES, THANK YOU. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I VOTED FOR THIS ON FIRST AND SECOND READING PRIMARILY BECAUSE OF THE SMART HOUSING COMPONENT. THIS IN SPITE OF THE VALID PETITION, THE CONTRARY RECOMMENDATIONS BY STAFF AND BY THE ZONING AND PLATTING COMMISSION. SO I WENT OUT THERE LAST WEEK AND SAW THE PROPERTY, AND IT'S AN INDUSTRIAL PROPERTY. IT'S INDUSTRIAL ALL AROUND. IT'S A SHEET METAL SHOP, AND IT'S NOISY. AND THERE ARE BIG MACHINES IN THERE THAT CAN'T BE MOVED. AND THERE ARE ALSO 30 GOOD JOBS IN THERE, 30 UNION JOBS. THAT MEANS WITH GOOD PAY, WITH HEALTH CARE, INSURANCE AND PENSIONS, ETCETERA. I BELIEVE THERE'S A THREAT TO THOSE JOBS WITH THIS REZONING, AND SO REGRETTABLY I'M MISSING THE CHANCE TO ADD MORE SMART HOUSING WEST OF I-35, I'M GOING TO VOTE AGAINST THE MOTION.

Mayor Wynn: SO I GUESS I SHOULD AT LEAST ACKNOWLEDGE WE HAVE A MOTION FROM COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE ON THIRD READING ITEM 96 WITH CONDITIONS. AND I GUESS IT WOULD HELP ME IF WE COULD -- MR. GURNSEY, IF YOU COULD JUST

HELP US ITEMIZE AGAIN WHAT CONDITIONS WE ARE -- THE MOTION PROPOSES ON THIRD READING AND THEREFORE HOW THAT RELATES TO -- AND WHAT OTHER OFFERED -- POTENTIAL RESTRICTIVE COVENANTS WERE ON THE TABLE THAT WE WOULD BE TAKING ACTION ON PRIOR TO THAT EXECUTION.

RIGHT NOW THERE'S THE NOISE REDUCTION ACCOMMODATION, 25 DECIBELS INSIDE AND OUTSIDE. THERE'S A HEIGHT LIMITATION ON ADJACENT TO THAT ONE -- THE SHEET METAL PROPERTY TO A SINGLE STORY FOR THE RESIDENTIAL USES. AND THEN THERE'S A 30-FOOT SET BACK ADJACENT TO THE NONRESIDENTIAL ZONED OR USE PROPERTIES ADJACENT TO THAT PARCEL. THOSE THINGS WOULD BE IN THE CO. THE OFFER TO LIMIT OR TO PUT ON NOTICE FUTURE PROPERTY OWNERS WITHIN THE SMART HOUSING PROJECT OF THE USES THAT ARE ADJACENT TO THEM, THE INDUSTRIAL COMMERCIAL USES AND ZONING ADJACENT TO THEM AND ACKNOWLEDGING THAT THEY EXIST WHEN A PURCHASER BUYS THOSE, I THINK THOSE ARE THINGS THAT MR. BAKER, MR. SUTTLE HAVE REPRESENTED THAT THEY WOULD BE WILLING TO STILL PUT IN PLACE, BUT WE HAVE NO LEGAL INSTRUMENT TONIGHT THAT I COULD GIVE TO YOU, NOR IN THE FUTURE I COULD GIVE TO YOU BECAUSE IT'S REALLY AN AGREEMENT BETWEEN FUTURE BUYERS AND THE EXISTING OWNER TO JUST MAKE THAT ACKNOWLEDGMENT OR MAKE THAT WARNING KNOWN. AND THOSE ARE THE ITEMS THAT, AS I UNDERSTAND IT, YOU HAVE BEFORE YOU OR I CAN'T BRING BEFORE YOU, BUT THE OWNER IS WILLING TO DO IN THE FUTURE. THERE'S STILL A VALID PETITION --

Mayor Wynn: THE VALID PETITION WOULD REQUIRE SIX AFFIRMATIVE VOTES FOR THIS MOTION. SO IF THERE AREN'T SIX AFFIRMATIVE VOTES, REMIND US THE CURRENT ZONING STAYS IN PLACE?

THE CURRENT ZONING WOULD STAY IN PLACE. THE PROPERTY OWNER COULD NOT SEEK A MORE INTENSIVE ZONING FOR 18 MONTHS.

Mayor Wynn: THANK YOU.NO CARRIERRINGCONNECT 57600 .

MAYOR, IF IT HELPS, THE COMMISSION FOR THE COUNCIL COULD DIRECT STAFF TO INITIATE A ZONING CASE ON THIS PROPERTY IN A PERIOD LESS THAN 18 MONTHS IF WE WERE SO DIRECTED BY EITHER COMMISSION OR COUNCIL. IF THAT'S A CONCERN, I JUST OFFER THAT OUT. THIS IS A REQUEST FROM THE PROPERTY OWNER, BUT THE COUNCIL OR COMMISSION CAN BOTH INITIATE A CASE, MAYBE A CITY-INITIATED CASE, BUT IT WOULD BE A TIME PERIOD LESS THAN 18 MONTHS.

Mayor Wynn: ALL RIGHT. THANK YOU. FURTHER QUESTIONS, COMMENTS? HEARING NONE, ALL THOSE IN FAVOR OF THE MOTION, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON THIRD READING ON A VOTE OF SIX TO ONE WITH COUNCILMEMBER LEFFINGWELL IN OPPOSITION. MS. GLASGO, I GUESS THAT TAKES US BACK TO THE PUBLIC HEARING CASES.

YES, WE HAVE TWO MORE. THE NEXT ITEM IS Z-21, CASE NUMBER C-14-05-0137, LOCATED AT 1109 SOUTH LAMAR BOULEVARD. THE EXISTING ZONING IS CS, COMMERCIAL SERVICES. THE APPLICANT IS SEEKING CS-1 FOR COMMERCIAL LIQUOR SALES. EXCUSE ME, MAYOR, SORRY, I WAS INTERRUPTED BY A CITIZEN. WELL, ACTUALLY, MAYOR, I HAVE MY ITEMS ALL WRONG. Z-10 SHOULD BE THE NEXT ITEM, Z 10 IS THE BOULDIN MEADOWS CASE LOCATED AT BARTON SKYWAY AND THE UNION PACIFIC RAILROAD. THE PROPERTY IS CURRENTLY ZONED CS AND THE APPLICANT IS SEEKING SF 3. THIS IS A CASE THAT HAS SOME FLOODPLAIN CONCERNS AND LAST TIME YOU HEARD FROM STAFF IN THE WATERSHED PROTECTION DEPARTMENT, YOU ASKED THEM TO GO MEET WITH THE RESIDENTS. THEY HAVE HAD THAT MEETING AND TODAY WE HAVE GEORGE OZ OSWALD HERE TO EXPLAIN WHAT THE OUTCOME OF THAT MEETING WAS AND I KNOW SOME OF YOU HAD SEVERAL QUESTIONS REGARDING THE FLOODPLAIN REQUIREMENTS AND WHAT THEY MIGHT BE EXPECTING THROUGH THE FEMA INFORMATION THAT SHOULD BE COMING IN A FEW MONTHS. AT THIS TIME I'LL HAVE GEORGE OSWALD GIVE YOU THE FLOODPLAIN RESULTS AND THEN WE CAN FOCUS ON THE

CASE.

GEORGE'S WALLED, WATERSHED PROTECTION AND DEVELOPMENT REVIEW. AT THE LAST COUNCIL MEETING ON THIS ZONING CASE, COUNCILMEMBER DUNKERLEY ASKED FOR SOME BACKGROUND INFORMATION ON FLOODPLAINS. AND WHAT I'D LIKE TO DO IS JUST TAKE A FEW MINUTES TO GIVE YOU AN OVERVIEW OF OUR FLOODPLAIN, MODELING AND MAPPING MODERNIZATION PROCESS THAT'S BEEN UNDERWAY FOR THE LAST THREE HE YEARS AND THEN I'LL SPEAK TO THE SPECIFICS ON THE BOULDIN MEADOWS CASE. WE'VE BEEN WORKING WITH LCRA, TRAVIS COUNTY AND FEMA ON A FOUR-MILLION-DOLLAR PROJECT TO MAKE ALL THE FLOODPLAIN MAPS IN TRAVIS COUNTY TO A DIGITAL FORMAT. MANY OF THE MAPS WERE PRODUCED IN THE 1970'S, AND THEY ARE VERY AGE AND WE NEED TO UPDATE THAT INFORMATION TO UPDATE THE MOST ACCURATE INFORMATION TO OUR CITIZENS. WHAT IS A FLOODPLAIN? IT'S AN AREA THAT'S INUNDATED ONCE WATER EXCEEDS THE FULL CAPACITY OF A CHANNEL. A GREAT EXAMPLE OF A FLOODPLAIN IMPACT IS THE PICTURE ON THE LEFT THERE, WHICH IS LOWER SHOAL CREEK, WHICH WE HAD A 100 YEAR EVENT IN 1981 SWEEPING MANY CARS OFF INTO THE CREEK IN THAT AREA AND CAUSING OVER \$30 MILLION IN DAMAGE. THE NEW PROCESS WE'RE GOING THROUGH, WE'RE USING FEMA'S TECHNICAL CRITERIA, WE'RE UPDATING ALL OF THE - - WE'RE USING THE LATEST UPDATED DATA ON THE MOALGHTDZS TO DEVELOP THE FLOODPLAINS. WE'RE USING THE LATEST MODELING TECHNOLOGY IN A GPS FORMAT SO THE MAPS ARE BEING PRODUCE UNDERSTAND A COMPUTER ENVIRONMENT TO ELIMINATE A LOT OF THE HUMAN ERROR THAT OCCURRED IN THE CURRENT MAPPING INVENTORY THAT WE HAVE. AND WE'RE PRODUCING THESE MAPS AS AN OVERLAY ON OUR LATEST AERIAL PHOTOGRAPHY SO THAT PROPERTY OWNERS WILL BE VERY EASILY AND QUICKLY BE ABLE TO ASSESS THE IMPACTS OF FLOODPLAINS ON THEIR PROPERTY. WE'VE BEEN GETTING A LOT OF QUESTIONS ON WHAT FACTORS MAKE FLOODPLAINS CHANGE, AND THERE ARE MANY. I'VE LISTED SOME OF THEM HERE. THEY'RE ALL IN PLAY IN THIS PROCESS. IN SOME AREAS, FLOODPLAIN ELEVATIONS ARE GOING DOWN AND IN OTHERS THEY'RE GOING UP THROUGH THIS PROCESS. AND THIS

INFORMATION IS GOING TO BE ROLLED OUT TO THE PUBLIC IN MARCH OF NEXT YEAR, AND YOU MAY HEAR OF CONCERNS FROM THE PUBLIC, SO I WANTED TO TAKE THIS OPPORTUNITY JUST TO GIVE YOU A HEADS UP ON THAT. THIS IS AN OUTPUT COMPARING OLD WATER SURFACE ELEVATIONS TO NEW WATER SURFACE ELEVATIONS IN THE WEST BOULDIN CREEK WATERSHED. THIS IS THE FLOODPLAIN ELEVATION MOVING FROM THE HEAD WATERS OF THE WATERSHED, WHICH IS THE RIGHT SIDE OF THE DISPLAY, DOWN TO TOWN LAKE. THE ELEVATIONS ON THE VERTICAL AXIS ARE FEET ABOVE MEAN SEA LEVEL AND WE HAVE PLOTTED HERE THE INFORMATION THAT WAS DEVELOPED IN THE '80'S, WHICH IS THE BLUE LINE, AGAINST THE INFORMATION THAT'S COMING OUT OF THE NEW STUDY, WHICH IS THE RED LINE. AND YOU CAN SEE IN SOME AREAS THE OLD FLOODPLAIN ELEVATION IS A BIT HIGHER AND IN SOME AREAS THE NEW FLOODPLAIN ELEVATION IS A BIT HIGHER. SO YOU CAN'T MAKE GENERALIZATIONS IN TERMS OF WHAT'S GOING TO COME OUT OF THIS PROCESS. ALL RIGHT. OUR MAPS THAT WE CURRENTLY HAVE ARE VERY OLD. SOME OF THEM HAVE AGED ABOUT 30 YEARS, AND THERE'S AN EXAMPLE THERE ON THE LEFT OF AN EXISTING FLOODPLAIN MAP, VERY LITTLE STREET GRID NETWORK IS ON THESE MAPS. IT'S VERY DIFFICULT TO TELL WHERE A PROPERTY IS WITH RESPECT TO THE FLOODPLAINS WITH THE OLD MAPS. WE'LL MOVE WELL FORWARD WITH THE NEW MAPS BEING OVERLAID ON OUR LATEST AERIAL PHOTOGRAPHY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] AGAIN, IT IS VERY EASY TO SEE WHERE YOU ARE IN THE UNIVERSE WITH THE ROADS AND BUILDING STRUCTURES CLEAR. SO WITH THAT I'M GOING TO GO OVER TO THE OVERHEAD AND DISCUSS THE ISSUES WITH RESPECT TO THE -- [INAUDIBLE]. TESTING, THANK YOU. ALL RIGHT. THE LAST DISCUSSION ON THIS PARTICULAR DEVELOPMENT PROPOSAL, I BELIEVE THERE WAS QUITE A BIT OF CONFUSION ABOUT WHERE THE FLOOD PLAIN REALLY IS IN THIS AREA. AND I'M GOING TO STEP THROUGH A COUPLE OF DISPLAYS HERE AND SHOW OLD INFORMATION AND NEW INFORMATION, AND BASICALLY WHAT IT COMES DOWN TO, THIS DEVELOPMENT PROPOSAL IS NOT IN THE FLOOD PLAIN, IT IS NOT IMPACTING THE FLOOD PLAIN, BUT HAVE I TO TAKE YOU THROUGH THAT FINDING. THE GREEN

LINE -- LET ME GET YOU ORIENTED FIRST. HERE'S THE UNION PACIFIC RIGHT-OF-WAY. HERE'S THE CHANNEL OF WEST BOLD IN. WHAT WE HAD THE APPLICANT DO WAS GO BACK TO THE OLD MODEL AND GET THE ACTUAL WATER SURFACE ELEVATIONS AND PUT THAT ON NEW TOPOGRAPHY. WE DISCOVERED THERE WAS A MAJOR ERROR IN THE FEMA MAP, JUST USING THE OLD INFORMATION, THIS ISN'T THE NEW INFORMATION. WHEN WE PUT THE OLD INFORMATION ON TOPOGRAPHY, WE SEE THE FLOOD PLAIN DELINEATED BY THE BLUE LINE, WHICH DOES SHOW BARK WOOD CIRCLE BEING IMPACTED. SO HISTORICALLY THAT AREA WAS SUBJECT TO THE 100-YEAR FLOOD PLAIN, BUT THE MAPS WERE IN ERROR. ALL RIGHT, NOW ON TO NEW INFORMATION. ALL RIGHT. THERE'S -- LET ME PULL IT DOWN HERE A LITTLE BIT. OKAY. WHAT WE ASKED THE APPLICANT TO DO WAS TO TAKE THE OLD FEMA MODEL AND UPDATE THAT WITH NEW LAND TOPOGRAPHY. AND IT'S HARD TO SEE ON HERE, BUT THERE IS A GREEN LINE, AND THEN ALSO DISPLAYED HERE IS THE OUTPUT THROUGH OUR NEW INITIATIVE WITH FEMA THAT'S DONE INDEPENDENTLY OF THE APPLICANT WHICH IS THE DARK BLUE AREA. THERE IS A GREEN LINE THAT IS DRAWN BASED ON THE APPLICANT'S ENGINEER INFORMATION THAT BASICALLY LIES RIGHT ON TOP OF OUR NEW FLOOD PLAIN. AND THE GOOD NEWS HERE IS THE FLOOD PLAIN IS REDUCED FROM WHAT IT WAS ON THE OLD FEMA MAPS BECAUSE THE WATER SURFACE ELEVATION HAS DROPPED.

[INAUDIBLE].

THAT'S CORRECT. YOU'RE THE APPLICANT'S ENGINEER. DIDN'T I GET THAT RIGHT, FRED? EXCUSE ME. THE GREEN LINE ARE NEW ELEVATIONS THAT ARE CALCULATED USING THE -- AN UPDATE OF THE OLD FEMA MODEL, BASICALLY DEVELOPING A NEW MODEL WITH NEW TOPOGRAPHY BUT USING OLD FEMA FLOW RATES. THE BLUE LINE -- THE BLUE AREA IS AN OUTPUT OF OUR MAP MODERNIZATION PROCESS WHICH IS A TOTAL REVISION OF FLOW RATES AS WELL AS FLOOD PLAIN ELEVATIONS. AND THE TWO FLOOD PLAIN DETERMINATIONS ARE BASICALLY CONCURRENT. AND WE ARE GOING TO WORK WITH THE APPLICANT TO ASSURE THAT IF THIS PROJECT DOES MOVE THROUGH THE DEVELOPMENT PROCESS, WE ARE GOING TO COORDINATE

THE -- WHAT THEY CALL THE MAP REVISION PROCESS FOR THIS PROJECT WITH OUR NEW MAPPING ACTIVITY. OKAY. A SUMMARY HERE. THE OLD FEMA STUDY WAS BASED ON LIMITED AND IN SOME PLACES INACCURATE DATA. ATTACHMENT THE OLD FEMA MAP WAS DRAWN IN ERROR. THE NEW FEMA STUDY REDUCES THE FLOOD PLAIN. A HOUSE ENGINEERING FLOOD PLAIN UPDATE IS BASICALLY THE SAME AS THE NEW FEMA FLOOD PLAIN. THE DEVELOPMENT DOES NOT WORSEN FLOOD PLAIN CONDITIONS AND NONE OF THE DEVELOPMENT IS LOCATED WITHIN THE FLOOD PLAIN. SO THE LOTS THAT ARE ASSOCIATED WITH THIS SUBDIVISION ARE NOT GOING TO BE WITHIN THE FLOOD PLAIN AND THE BUILDINGS WOULD NOT BE SUBJECT TO FLOODING. THAT'S A BASIC PROVISION IN THE CODE, IT WOULDN'T BE ALLOWABLE ANYWAY. THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MR. OZWALT. QUESTIONS OF GEORGE, COUNCIL? IF NOT, THEN I GUESS WE WILL GO TO THE PUBLIC HEARING. WE'LL CALL THE PUBLIC HEARING FOR CASE Z-10, THE BOULDIN MEADOWS CASE. NOW THAT WE'VE HAD STAFF PRESENTATION ON FLOOD PLAIN ISSUES. AND SO REMEMBER OUR FORMAT IS WE HAVE A FIVE-MINUTE PRESENTATION FROM THE OWNER, APPLICANT AND AGENT. WE THEN HEAR FROM FOLKS WISHING TO SPEAK IN FAVOR OF THE CASE, THEN FOLKS IN OPPOSITION, THEN THE OWNER, AGENT, APPLICANT HAS A THREE-MINUTE REBUTTAL. WE'LL SET THE CLOCK FOR FIVE MINUTES. WELCOME.

GOOD EVENING. I'M GOING TO PUT UP A MAP -- IT'S THE SAME MAP YOU'VE BEEN SEEING. MY NAME IS BOBBI JO CORNELIUS, HERE TONIGHT REPRESENTING BOULDIN MEADOWS. WE ARE HERE TONIGHT FOR A ZONING CASE. WE'VE BEEN HELD UP DUE TO THE BOULDIN CREEK FLOOD PLAIN ISSUE. THE LOCATION OF THE BOULDIN CREEK FLOOD PLAIN SEEMS TO BE THE ISSUE, NOT THE ZONING. THE EXHIBIT THAT WE ARE LOOKING AT AT THIS TIME SHOWS THE HALF ASSOCIATES STUDY IN BLUE AND IT SHOWS OUR STUDY THAT WAS DONE BY OUR ENGINEER, MR. HOSS, IN THE GREEN LINE. AS YOU CAN SEE, THOSE TWO ARE VERY SIMILAR. THE HALF STUDY NOW SHOWS ADDITIONAL HOMES IN THE FLOOD PLAIN AND THESE HOMEOWNERS ARE

NATURALLY CONCERNED. AS YOU CAN SEE, THE TWO STUDIES ARE VERY SIMILAR IN SHAPE AND SIZE. A PROPOSED SUBDIVISION WHICH HAS BEEN THROUGH THE FULL REVIEW BY STAFF AND WE ARE NOT CONSTRUCTING IN OR ALTERING THE FLOOD PLAIN IN ANY WAY. A LITTLE BIT ABOUT OUR HISTORY HERE T MASTER PLANNING IN THE FLOOD PLAIN STUDY STARTED IN 2002, AND FOR TWO YEARS WE WORKED WITH CITY STAFF IN ADDRESSING THE FLOOD PLAIN ISSUES AND GETTING SUBMITTED TO FEMA. THE PRELIMINARY PLAT WAS SUBMITTED IN MAY OF THIS YEAR. THE ZONING CASE WAS SUBMITTED IN JULY. THE ZONING CASE WAS FIRST PLACED ON THE PLANNING AND ZONING CONSENT AGENDA ON SEPTEMBER 6th. IT WAS POSTPONED BY THE NEIGHBORHOOD AND THEN WE HAD A MEETING WITH THE NEIGHBORHOOD ON SEPTEMBER 7th. WE PRESENTED OUR FLOOD PLAIN INFORMATION WHICH WAS THEIR CONCERN AND WE SHOWED THEM HOW WE WERE DIFFERENT FROM FEMA DUE TO ACTUAL SURVEY WORK. THE PLANNING COMMISSION APPROVED OUR ZONING CASE ON THE CONSENT AGENDA SEPTEMBER 20th. SEPTEMBER 26th WE ATTENDED ANOTHER NEIGHBORHOOD MEETING WHICH WAS LARGER, ENCOMPASSED MORE PEOPLE, AND AGAIN WE HAD A GOOD DISCUSSION, WE ANSWERED QUESTIONS, WE SHOWED THEM OUR FAIR AND WE SHOWED THEM THAT WE'RE DOING DETENTION, WE'RE NOT ALTERING THE FLOOD PLAIN, WE'RE NOT INCREASING THE FLOOD PLAIN. WE WERE ORIGINALLY ON YOUR AGENDA OCTOBER 20th. WE'VE BEEN POSTPONED THREE TIMES. SINCE THEN WE'VE HAD A STAFF-NEIGHBORHOOD-CONSULTANT MEETING ON NOVEMBER 15th WITH LOTS OF INFORMATION PRESENTED AGAIN TO EVERYBODY THERE, QUESTIONS AND ANSWERS. THERE WAS ANOTHER MEETING THIS PAST TUESDAY EVENING. THE STAFF DID A PRESENTATION TO THE NEIGHBORHOOD AND MR. HOSS WAS THERE TO TALK TO THE NEIGHBORHOOD AGAIN ABOUT THE FLOOD PLAIN AND THE DIFFERENCES OUR STUDY AND THE HALF ASSOCIATES STUDY. AND QUESTIONS AGAIN WERE ANSWERED. WHAT COMES NEXT? AFTER THE ZONING CASE IS APPROVED, THE PRELIMINARY PLAT WHICH HAS ALL THE COMMENTS ADDRESSED AND IS WAITING TO ZONING CASE CAN BE SCHEDULED FOR THE PLANNING COMMISSION AGENDA. THE PRELIMINARY RECEIVED A 60-DAY EXTENSION DUE TO THE ZONING DELAYS AND IS

SCHEDULED TO EXPIRE ON JANUARY 4th IF WE'RE NOT SCHEDULED FOR PLANNING COMMISSION. AND, OF COURSE, PLANNING COMMISSION IS ANOTHER PUBLIC HEARING FOR THE NEIGHBORHOOD AND THERE WILL BE NOTIFICATION. AFTER THE PRELIMINARY IS APPROVED, THE FINAL PLAT OR PLATS CAN THEN FINALLY BE PREPARED, CONSTRUCTION DOCUMENTS CAN BE PREPARED FOR THE ROADS AND THE UTILITY EXTENSIONS. THE FINAL PLATS CANNOT BE APPROVED BY STAFF UNTIL THE FEMA HAS APPROVED THE FLOOD PLAIN STUDY THAT WE'VE TURNED IN FOR REVIEW. BACK TO THE ISSUE. THE LOCATION OF THE BOULDIN CREEK FLOOD PLAIN ISSUE HAS BEEN ADDRESSED BY STAFF AND BY OUR ENGINEERS. THE PROPOSED SUBDIVISION IS NOT CONSTRUCTING IN THE FLOOD PLAIN. WE ARE NOT PROPOSING TO ALTER THE FLOOD PLAIN IN ANY WAY. WITH THIS INFORMATION WE FEEL THAT WE SHOULD BE ALLOWED TO MOVE ON WITH THIS ZONING CASE AND CONTINUE OUR PROCESS ON THE PRELIMINARY PLAN. AND I THANK YOU.

Mayor Wynn: THANK YOU, MS. CORNELIUS. QUESTIONS OF THE AGENT, COUNCIL? IF NOT, WE'LL GO TO THOSE FOLKS WHO SIGNED UP WISHING TO SPEAK IN FAVOR OF THE ZONING CASE. STEVEN SMITH. NOT CLEAR WHETHER YOU WANTED TO SPEAK OR NOT, STEVEN. STEVEN SMITH HERE? SHE ACTUALLY DIDN'T NEED IT, BUT WE'LL SHOW MR. SMITH WANT TO GO SPEAK IN FAVOR. RICK THOMPSON. WELCOME, SIR, YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY FRED HOSS.

RICK THOMPSON, WE'RE THE CIVIL ENGINEER WORKING ON THE SUBDIVISION. EVERYBODY SPOKE BEFORE SAID WHAT NEEDED TO BE SAID. I ALSO ADD UNDER THE CURRENT RULES WE HAVE TO DESIGN THE SUBDIVISION TO CONVEY THE 100 YEAR FLOOD FLOOD PLAIN. WE HAVE TO TAKE OFF-SIGHT WATER WHICH INCLUDES THE WATER COMING DOWN THE CREEK AND PLAN FOR THE FULLY DEVELOPED WHICH INCLUDES THE EXISTING DEVELOPMENT AND ANY IN THE FUTURE. ALSO THERE'S BEEN SOME CONCERN I UNDERSTAND ABOUT THE EXISTING FLOOD PLAIN MAYBE GETTING UP INTO SOME YARDS AROUND A CURVE THAT HAS TO TURN AND GO AROUND A CURVE. IT'S RIGHT THERE WHERE THE CROSSING IS, THE BRIDGE WILL BE. THE BRIDGE WILL BE ABOVE THE 100-YEAR FLOOD PLAIN AND THAT BRIDGE OUGHT TO --

BECAUSE THE WATER IS GOING TO HAVE TO GO UNDERNEATH IT AND IT'S ANGLED TO GO WITH THE REST OF THE CURVE ONCE -- I'M NOT SAYING THAT VERY WELL. ANYWAY, IT SHOULD TAKE CARE OF THAT BECAUSE IT'S GOING TO REDIRECT THE WATER INSIDE THE BRIDGE. THAT'S ALL I HAVE TO ADD.

Mayor Wynn: THANK YOU, MR. THOMPSON. NEXT SPEAKER IS FRED HOSS TO BE FOLLOWED BY GEORGE DEWEY.

MAYOR, COUNCILMEMBERS, I'M FRED HOSS, I'M AN ENGINEER AND I WORKED ON THE FLOOD PLAIN STUDY DOING A CONDITIONAL LETTER OF MAP REVISION FOR THE APPLICANT. AND I CAN UNDERSTAND THAT WHEN SOMEONE LOOKS AT A MAP AND THEY SEE FLOOD PLAIN WHERE IT USED TO NOT BE THAT THAT'S SCARY AND THAT'S HARD TO DEAL WITH. AND IN A PERFECT WORLD, I COULD HAVE TAKEN THE EXISTING FEMA MODEL AND WOULD HAVE RUN IT AND IT WOULD HAVE BEEN IN THE EXACT SAME PLACE AND WE WOULD HAVE SHOWN WE REALLY WEREN'T DOING ANYTHING TO IMPACT THE FLOOD PLAIN OR HARMONY OF THE NEIGHBORHOOD. AND THE TRUTH IS THAT WE'RE NOT. IT JUST -- THE FLOOD PLAIN ENDED UP IN A DIFFERENT PLACE AND THAT'S JUST THE WAY THE MODELS SHOWED IT. THERE'S A TOPOGRAPHIC ERRORS IN THE EXISTING MAPS THAT IT WAS PLOTTED ON. AND IN RERUNNING THE EXISTING FEMA MODEL, IT WAS HARD TO GET THE TWO MODELS, THE NEW MODEL AND THAT TO CORRELATE. SO I GUESS THE IMPORTANT THING TO SAY IS THAT WE'RE NOT IMPACTING THE FLOOD PLAIN. AND ON -- IN TERMS OF THE NEIGHBORHOOD, THE PEOPLE THAT WERE IN THE EXISTING SUBDIVISION, AS LONG AS THEIR LOT WERE WITHIN THE LINE ON THE MAP THAT WAS IN THE FLOOD HAZARD AREA, THEY WERE ELIGIBLE FOR FEMA FLOOD INSURANCE. AND -- AND IT WAS JUST A MATTER OF THE ELEVATIONS -- I'M NOT SAYING THIS VERY WELL. IT WAS A MATTER OF THE ELEVATIONS FOR THE BASIC FLOOD ELEVATIONS HOW THEIR HOUSE RELATES TO THAT. SO THERE REALLY AREN'T ANY LOTS THAT WEREN'T ALREADY IN THE FLOOD HAZARD AREA. IT DOESN'T MATTER IF IT WAS A LITTLE PIECE OF THE LOT OR THE WHOLE LOT, THAT'S KIND OF THE FLAG THAT TRIGGERS WHETHER OR NOT THEY ARE ELIGIBLE FOR THE INSURANCE.

Mayor Wynn: THANK YOU, MR. HOSS. GEORGE DEWEY. SORRY IF I'M MISPRONOUNCING THAT, GEORGE. SIGNED UP WISHING TO SPEAK, WE'LL SHOW HIM NOT SPEAKING, IN FAVOR OF THE CASE. WE'LL HEAR FROM FOLKS WHO SIGNED UP NEUTRAL AND THEN TO THE FOLKS WHO SIGNED UP IN OPPOSITION. OUR FIRST NEW NEUTRAL SPEAKER IS KATHERINE CALIZOE. KATHERINE, WELCOME BACK. AND LET'S SEE, IS CHRISTIAN KRAGE HERE? I MISPRONOUNCED THAT. AND BOBBY RIGBY. KATHERINE, YOU HAVE UP TO 9 MINUTES IF YOU NEED IT.

THE PEOPLE WHO SIGNED UP NEUTRAL AND OPPOSED ARE KIND OF THE SAME GROUP SO CAN WE --

Mayor Wynn: ACTUALLY --

IF YOU ARE GOING TO VOTE ON IT TODAY WE ARE IN OPPOSITION. WE WERE HOPING FOR POSTPONEMENT UNTIL THE WATERSHED DEPARTMENT'S EXPANDED STUDY IS COMPLETED NEXT YEAR. THEY'VE EXPANDED THE STUDY DUE TO ALL THE ISSUES THAT HAVE COME UP. AND THAT'S WHAT WE WERE REQUESTING. BUT IF YOU ALL ARE GOING TO VOTE ON IT TODAY AND HEAR IT, WE WOULD LIKE TO BE IN OP OSITION TODAY.

Mayor Wynn: WHY DON'T YOU GO AHEAD AND MAKE YOUR CASE AND THEN -- YOU ALL CAN SPEAK TO WHATEVER YOU WANT TO. THAT'S YOUR REQUEST. JUST COME FORWARD AND GIVE US YOUR NAME AND I'LL CHECK YOU OFF THE LIST.

MY NAME IS LINDA [INAUDIBLE]. I'M NOT SURE IF I'M TO LIST.

Mayor Wynn: YOU'RE ON THE LIST. YOU HAVE THREE MINUTES.

I'D LIKE TO GET THE MAP BACK ON THE SCREEN, PLEASE. AT THE MEETING TWO NIGHTS AGO WHERE THE NEIGHBORHOOD WAS PRESENTED WITH THE DRAFT PRELIMINARY MAP OF THE HALF PROPOSED 100-YEAR FLOOD PLAIN, WE FELT THE REVIEWERS WERE ONLY LOOKING AT ONE AREA OF THE WATERSHED AROUND THE PROPOSED SUBDIVISION, NOT THE WHOLE BOULDIN. IT WAS MENTIONED THE FLOOD PLAIN ON THE WEST SIDE OF THE

TRACT, SO THAT WOULD BE -- THIS IS THE WEST SIDE OF THE TRACT. IT WAS MENTIONED THAT THE FLOOD PLAIN ON THE WEST SIDE OF THE TRACT HAS NEVER BEEN ACCURATELY MAPPED. ONLY ESTIMATED. THE WATERSHED STAFF MEMBER TOLD THAWS US THAT THE FLOOD PLAIN CONTRADICTIONS WHICH HAVE COME UP HAVE ALREADY CAUSED THEM TO DEVOTE MORE MONEY TO WEST BOULDIN CREEK PROJECTS, AND ALSO THAT CROSS SECTIONS OF THE FLOOD PLAIN MAPS ARE ONLY DONE AT WIDE INTERVALS FOR BUDGETARY AND COMPLEXITY PURPOSES. YOU SAID THAT SITE SPECIFIC STUFF CAN GET LOST IN THE SHUFFLE. I ASK YOU TO PLEASE WAIT UNTIL THE INFORMATION FROM THE CITY'S WATERSHED DEVELOPMENT PROTECTION REVIEW COMES IN TO PROPERLY EVALUATE THE DRAINAGE ISSUES WHICH ARE STILL VERY UNCLEAR TO THE NEIGHBORHOOD AT THIS TIME. THANK YOU.

Mayor Wynn: THANK YOU.

HI, I'M PATTY SPRINKLE WITH GLENDALE NEIGHBORHOOD AND YOU'VE HEARD ALREADY THAT A LOT OF TIME AND EFFORT HAS BEEN SPENT ON THIS PROCESS, BUT I THINK WE NEED A LITTLE BIT MORE. WE NEED TO ENSURE THAT A CRITICAL REVIEW PROCESS HAS HAPPENED SO THAT WE CAN PUT THIS SMALL PARCEL OF LAND INTO THE LARGER CONTEXT OF WHAT'S BOULDIN CREEK IN THE CITY OF AUSTIN AND WHAT THAT MEANS TO US. WE URGE THE COUNCIL TO USE EVERY OPPORTUNITY AND THE CITY RESOURCES TO GATHER ALL THE INFORMATION WHICH WOULD INCLUDE THE COMPLETED WEST BOULDIN CREEK STUDY DONE BY THE WATERSHED AGENCY HERE AS PART OF CITY OF AUSTIN. JUST DOWN THE STREAM THE CITY HAS A BUY-BACK PROGRAM THAT'S ALREADY IN PLACE THAT'S USED TO ACQUIRE LAND THAT IS CURRENTLY IN THE FLOOD PLAIN. THIS IS TO THE NORTH AND SOUTH. THE GOAL IS TO REMOVE PEOPLE FROM POTENTIAL FLOODING DANGER THAT GOES WITH THAT. IN FACT, THE WHOLE AREA, AS LINDA JUST POINTED OUT, WEST OF THE RAILROAD TRACKS HAS NOT BEEN ACCURATELY MAPPED AND THERE WAS A LOT OF FLOODING PROBLEMS THERE. THE PLAN REALLY IS KIND OF COUNTER-INTUITIVE TO THE SURROUNDING LAND USE. ALREADY WE KNOW THAT MANY OF THE PROPERTY OWNERS ON THE GROUND HAVE PROBLEMS THAT ARE NOT

LISTED OR THAT HAVE NOT BEEN MENTIONED BEFORE OF FLOODING, VERY SERIOUS PROBLEMS. AND WE REALLY WANT THE CITY TO HAVE A COMPREHENSIVE ANALYSIS OF THE SITE'S CHARACTERISTICS SO WE CAN FIGURE OUT THE APPROPRIATE USE FOR IT. IT SEEMS ODD THAT WE WOULD -- THE CITY WOULD ACQUIRE THE THREE TRACTS OF LAND SOUTH WHICH WOULD -- THAT THEY ARE GOING TO BE DOING DRAINAGE IMPROVEMENTS ON NOW, THAT THEY ARE LOOKING TO DO. I'M NOT MAKING MYSELF CLEAR. THERE'S THREE TRACTS OF LAND THE CITY HAS ACQUIRED AND THEY ARE GOING TO BE PUTTING DRAINAGE STRUCTURES TO THE SOUTH OF THIS PROJECT. THAT'S, YOU KNOW, SEVERAL HUNDRED YARDS FROM WHERE THIS PROPOSED PROJECT IS GOING INTO PLACE. THIS LAND TO THE NORTH IS ALSO RECOMMENDED FOR BUY-OUT TO ADDRESS THESE SAME DRAINAGE ISSUES. ON ONE HAND THE CITY IS ADDRESSING THE DRAINAGE ISSUES JUST NORTH AND SOUTH, BUT IN THE MIDDLE OF THE SECTION THERE'S NO PROBLEM. IT JUST DOESN'T QUITE ADD UP. THE LAND TO BE REZONED IN THE CENTER OF THIS PROPOSED DRAINAGE AREA HAS MANY OF THESE SAME ISSUES. THE CITY NEEDS, AGAIN, TO HAVE A COMPLETE ANALYSIS OF THIS. WE NEED TO GET THE COMPLETE RESULTS OF THE WATERSHED STUDY BEFORE THIS CASE IS VOTED ON. WHILE IT DOES SEEM IT'S A SMALL PARCEL OF LAND, THE IMPLICATIONS FOR THE WHOLE AREA NEED TO BE CONSIDERED. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME BACK, KATHERINE. YOU'LL HAVE NINE MINUTES.

I'M KATHERINE COWAZOE, THE ZONING COMMITTEE OF THE GLENDALE NEIGHBORHOOD ASSOCIATION. THIS IS SOME FOOTAGE SHOT BY A NEIGHBOR ON THE WEST SIDE OF THE TRACKS WHO EXPERIENCED FLOODING. CAN YOU FAST FORWARD IT? OKAY. THANKS. THESE ARE THE CULVERTS THAT GO UNDER THE RAILROAD TRACKS AND EMPTY OUT ON TO THE PROPERTY IN THE MIDDLE OF THE PROPERTY. ONE OF THE BIGGEST INCONSISTENCIES THAT WE SEE ON THE PRELIMINARY FEMA MAP, WHICH THIS IS THE MAP THAT YOU HAD SEEN IS WHAT THE PRELIMINARY MAP IS. THAT'S WHERE THE WATER EMPTIES OUT. IT DROPS ABOUT, I DON'T KNOW, SEVEN FEET. SO THOSE ARE THE RAILROAD TRACKS LOOKING NORTH. AND THE FACT THAT IT DROPS SEVEN

FEET, THERE'S A BIG NATURAL DEPRESSION IN THE LAND THERE GOING THROUGH THE MIDDLE OF THE SITE WHICH SAYS THAT THAT'S A NATURAL AREA WHERE WATER WOULD FLOW. THE CULVERTS ARE OF AN INSUFFICIENT SIZE. EVERYONE HAS ACKNOWLEDGED THAT. THERE'S GOING TO HAVE TO BE SOME SORT OF IMPROVEMENT EVENTUALLY ON THAT. ALTHOUGH WE'VE BEEN PROMISED BY STAFF THAT -- CAN YOU FAST FORWARD IT, PLEASE? THANKS. WE'VE BEEN PROMISED BY STAFF THAT -- OKAY. THANK YOU. THANKS. THE CULVERTS THAT THEY PUT UNDER THEIR ROAD ARE GOING TO BE OF SUFFICIENT SIZE. AS LINDA MENTIONED, STAFF HAS ACKNOWLEDGED -- THE CITY STAFF HAS ACKNOWLEDGED THAT THERE HAVE BEEN NO ACCURATE MEASUREMENTS AND STUDIES DONE EMPTYING INTO THIS AREA. THE REASON WHY -- THIS IS THE GUY'S BACKYARD. IT FLOODED SIX INCHES IN HIS HOUSE. THE SECOND INCONSISTENCY OTHER THAN THE AREA THAT GOES THROUGH THE MIDDLE, THE WEST, HIS HOUSE IS NOT IN THE FLOOD PLAIN. PART OF HIS BACKYARD S HE HAS FLOODED IN HIS HOUSE. [INAUDIBLE] IMAGE OF THAT. AND HIS NEIGHBOR'S HOUSE ALSO FLOODED. HER HOUSE IS NOT IN THE PRELIMINARY FEMA MAP AS BEING IN THE 100 YEAR FLOOD PLAIN. WE KNOW THERE ARE STILL INCONSISTENCIES BETWEEN WHAT THE MAP SHOWS AND WHAT IS THE REALITY ON THE GROUND. THIS HAS BEEN THE PROBLEM ALL ALONG. THE PROBLEM HASN'T BEEN THAT, OH, THEY ARE PUTTING NEW PEOPLE IN, THE PROBLEM IS THE MAP ISN'T REFLECTING THE REALITY OF FLOODING. THAT IS HIS NEIGHBOR'S HOUSE. IT ALSO FLOODED. YOU CAN SEE ON THE FENCE LINE THE WATER MARKS OR THE -- KIND OF HARD TO SEE. IT'S AN OLD VIDEO. BUT THEY HAD TO TAKE ALL THE CARPET OUT OF THEIR HOUSE AND HE SHOWS IN A MINUTE HE GOES TO THE FRONT. CAN YOU FAST FORWARD IT, PLEASE? THERE'S HIS CARPET. THERE'S WHERE HE SHOWS ON THE FRONT. IT GOT UP ON THE FRONT. ALL THIS IS NOT IN THE PROPOSED FLOOD PLAIN, THE FEMA PROPOSED FLOOD PLAIN, THIS IS ONLY PRELIMINARY. CAN YOU FAST FORWARD IT, PLEASE? GOING ON THE OTHER SIDE OF THE HOUSE WHICH SHOWS THE WATERMARK GOING INTO HIS HOUSE. YOU YOU GET THE IDEA ON THAT. THANKS VERY MUCH FOR PLAYING THE VIDEO. CAN I [INAUDIBLE], PLEASE? SO HERE WE HAVE THE PRELIMINARY MAP. AS

PROPOSED BY FEMA. AS I SAID BEFORE, THE WATERSHED DEPARTMENT HAS DRAINAGE IMPROVEMENTS PLANNED FOR THIS AREA, AND DUE TO ALL OF THE INCREASED DATA THAT THEY ARE GETTING FROM US GOING AROUND AND TALKING TO NEIGHBORS ABOUT THIS, THIS IS THE SAME MAP, JUST SUPER IMPOSED OVER ANOTHER OVERLAY. AND THIS IS PROVIDED BY THE WATERSHED DEPARTMENT AS WELL AT THE MEETING THE OTHER NIGHT. I WASN'T THERE, BUT I WAS GIVEN THIS MAP. SO THIS SHOWS THE HOUSE I WAS JUST TALKING ABOUT. S OVER HERE AND THE OTHER HOUSE IS OVER THERE. AND THERE HAVE BEEN REPORTS OF FLOODING ALL ALONG HERE, INCLUDING THESE HOUSES OVER HERE WHICH ARE NOT IN THE FLOOD PLAIN EITHER, JUST THEIR BACKYARDS ARE. SO AS YOU CAN SEE, THIS IS SUBJECT TO CHANGE. WE DON'T KNOW EXACTLY WHERE THE FLOOD PLAIN IS, AND WE PROBABLY WON'T KNOW THE EXACT SPECIFICS ESPECIALLY RELATING TO -- THIS SIDE WE'RE NOT SAYING THAT THE DEVELOPERS HAVE DONE ANYTHING WRONG, IT'S THAT FEMA UNFORTUNATELY DOES NOT REQUIRE THE DEVELOPER TO INCLUDE THIS CULVERT IN THEIR SITE, IN THE PLAN, THEIR MAP, BECAUSE -- OR ON THEIR OWN MAP BECAUSE IT'S NOT THEY SAY A SUFFICIENT AREA. IT'S NOT LIKE 100 AND SOMETHING ACRES OR I'M NOT EXACTLY SURE ABOUT THE NUMBER. I'M SURE STAFF WOULD KNOW THAT NUMBER. HOWEVER, IN THE WATERSHED PROTECTION DEVELOPMENT REVIEW PROJECT IN UPPER WEST BOULDIN CREEK, THE TRACT TO THE SOUTH, IT SAYS THAT THOSE PROJECTS WILL [INAUDIBLE] WATER QUALITY PROJECTS THAT TAKE RUN I DON'T HAVE FROM 400 TO 500 ACRES WHICH IS MORE THAN [INAUDIBLE] OF THE WATERSHED AREA. ON THIS MAP YOU CAN SEE THE TRACTS TO THE SOUTH. THESE THREE TRACTS ARE OWNED BY THE CITY. THEY WERE GIVEN TO THE CITY BY AUSTIN ENERGY BECAUSE WATERSHED NEEDED TO DO THESE DRAINAGE IMPROVEMENTS. THE TRACT TO THE NORTH IS BEING RECOMMENDED FOR ACQUISITION FOR THE SAME REASONS. AS YOU CAN SEE -- WELL, I DON'T KNOW IF YOU GUYS CAN SEE THAT WELL. THE BLUE STRIPED LINES ARE THE OLD FLOOD PLAIN LINES, LIMITS, AND IT DOES GO THROUGH THERE. WE WENT BACK THERE AND LOOKED AT THE PROPERTY AND THERE IS A BIG DEPRESSION IN THE MIDDLE OF THAT PROPERTY. I'M ASSUMING THEY ARE GOING TO

HAVE TO FILL THAT AREA WHERE IT DROPS OFF FROM THE CULVERT. THAT'S AT LEAST -- THAT'S MORE THAN FOUR FEET. I DON'T KNOW, I THINK THE REGULATIONS IS THEY HAVE TO GO GET TO THE BOARD OF ADJUSTMENTS IF THEY WANT TO CUT AND FILL MORE THAN FOUR FEET. I DON'T KNOW IF I'M RIGHT ABOUT THAT. THEY WOULD HAVE TO GET, I DON'T KNOW, A VARIANCE. I'M NOT SURE WHAT THEIR MAPS SHOW, BUT LOOKING AT IT, IT JUST DOESN'T MAKE ANY SENSE. AND SINCE THE WAIRD WATERSHED DEPARTMENT HAS RECOMMENDED AND THEY ARE PURSUING DOING THESE NEW STUDIES, IT IS GOING TO FOCUS ON THIS AREA IN PARTICULAR AND TAKE INTO ACCOUNT -- TAKE INTO ACCOUNT ALL THIS WATER FLOWING THROUGH RIGHT HERE. THERE ARE ONLY THREE AREAS WHERE WATER GOES FROM THE WEST SIDE INTO THE ACTUAL CREEK BECAUSE OF THE RAILROAD TRACKS, WHICH IS AN ARTIFICIAL BERM HOLDING EVERYTHING BACK, WHICH IS WHY ALL THESE HOUSES OVER HERE FLOOD. AND IF WE KEEP IT LIKE THAT, I'M ASSUMING THAT EVENTUALLY PEOPLE WILL GET MAD ENOUGH TO REPORT THESE INCIDENTS AND THEY WILL BE RECOMMENDED FOR BUYOUTS AS WELL JUST LIKE WE HAVE IN ONION CREEK WE'RE GOING TO GO BACK AND BUY HOUSES BECAUSE -- I DON'T THINK THEY DID IT INTENTIONALLY, BUT WE HAVE DEVELOPMENT THAT CAUSES FLOODING. THIS HAPPENS OVER AND OVER. WE THINK THAT THIS AREA NEEDS TO BE STUDIED A LITTLE MORE IN DEPTH BEFORE WE PUT A BIG SUBDIVISION RIGHT HERE. SO ALL OF THIS LAND OVER HERE COMES DOWN, THE WATER COMES DOWN TO THE WEST SIDE OF THE TRACKS, COMES THROUGH RIGHT HERE AT OTHER INSUFFICIENT CULVERTS, COMES THROUGH RIGHT HERE, AND IT COMES THROUGH DOWN HERE. AND WE EVEN HAVE FLOODING PROBLEMS ACROSS OLTORF WHICH I THINK HAVE BEEN ADDRESSED TO SOME EXTENT RECENTLY BECAUSE ALL THIS WATER IS JUST BEING PUSHED DOWN HERE. THERE'S NOT ENOUGH AREA FOR THEM TO DRAIN THROUGH, FOR THE WATER TO DRAIN THROUGH. SO THIS IS REALLY A GOOD OPPORTUNITY FOR THE CITY TO START LOOKING AT THE NECESSARY DRAINAGE IMPROVEMENTS THAT NEED TO BE MADE TO THIS AREA TO PREVENT BUYOUTS, THE CITY HAVING TO GO BACK AND SPEND MILLIONS AND MILLIONS OF DOLLARS ON BUYING OUT LAND THAT GETS DEVELOPED OR LAND THAT GETS

DEVELOPED AND CAUSES -- AND KEEPS THESE OTHER HOUSES FLOODING, IN THE FLOODING TREND THAT THEY ARE IN RIGHT NOW. THERE WERE SOME PEOPLE THAT THOUGHT AFTER WATCHING ON T.V. LAST TIME THAT THIS CASE WAS GOING TO BE POSTPONED UNTIL JANUARY, THE MIDDLE OF JANUARY BECAUSE I BELIEVE THAT WAS COUNCILMEMBER LEFFINGWELL'S ORIGINAL MOTION WAS TO POSTPONE UNTIL JANUARY AND SOMEHOW THAT GOT TRANSLATED TO DECEMBER. HOW MANY MINUTES IS THAT?

Mayor Wynn: THAT WAS YOUR NINE MINUTES. PLEASE COMPLETE.

OKAY. ALSO JUST MENTION THAT STAFF'S RECOMMENDATION, THIS IS A QUOTE FROM THE STAFF, IS BASED IN PART ON THE UNDERSTANDING THAT THE SITE TO BE DEVELOPED IS PART OF A LARGE DEVELOPMENT WITH PROPERTY TO THE SOUTH OWNED BY THE SAME OWNER. SO THIS REZONING IS LINKED INHERENTLY TO THE REST OF THEIR PROJECT. IT'S NOT LIKE IT'S SOME SEPARATE THING. THAT'S PART OF WHY STAFF RECOMMENDED IT ORIGINALLY. THEY ALSO BROUGHT UP THE OTHER CONCERNS AND SAID THAT THERE ARE EXACT BOUNDARIES OF THE FLOOD PLAIN ARE CURRENTLY UNDERGOING FURTHER REVIEW. SO I WOULD RECOMMEND THAT YOU GUYS DENY THIS TODAY UNTIL WE GET AT LEAST THE STAFF FINALIZED LIMITS AND BOUNDARIES ON THE FLOOD PLAIN OR UNTIL --

Mayor Wynn: THANK YOU.

THANK YOU. OR UNTIL THE FINAL --

Mayor Wynn: THANK YOU. SO JESSICA OR BRIAN?

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS JESSICA GORDON, AN ENVIRONMENTAL GEEING ON FER AND ALSO A CONCERNED HOMEOWNER THAT LIVES DOWNSTREAM FROM WEST BOULDIN CREEK FROM THIS PROPOSED DEVELOPMENT SITE. WORKING ON THE PRESENTATION. I'M HERE TONIGHT TO ASK YOU ALL TO TAKE A MOMENT AND ENVISION THE FUTURE FOR AUSTIN THAT THROUGH IMPORTANT PLANNING AND LAND USE DECISIONS IS ABLE TO PRESERVE ESSENTIAL AMENITIES SUCH AS OPEN SPACE,

WATER QUALITY, AND QUALITY OF LIFE. IT IS UP TO YOU TO MAKE THESE DECISIONS THAT TAKE INTO ACCOUNT LONG-TERM GOALS IN ORDER TO PRESERVE A WONDERFUL CITY FOR FUTURE GENERATIONS. PLEASE DO NOT APPROVE ANY DEVELOPMENT ON PROPERTY BETWEEN WEST BOULDIN CREEK AND THE RAILROAD UNTIL THE ENVIRONMENTAL IMPACTS OF THIS DEVELOPMENT HAVE BEEN FULLY UNDERSTOOD. EVERY FLOOD PLAIN MAP IS DIFFERENT AND NONE OF THEM ACCURATELY REFLECT REALITY. THERE HAVE BEEN MANY DISAGREEMENTS ABOUT WHERE THE FLOOD PLAIN MAPS -- WHERE THE FLOOD PLAIN MAPS AND WHAT RESIDENTS HAVE SEEN ON THE GROUND SHE AS KATHERINE JUST SHOWED YOU. ANY POTENTIAL APPROVAL FOR DEVELOPMENT SHOULD WAIT UNTIL THE FINAL FEMA MAP AND CITY WATERSHED DEVELOPMENT PRODUCTION REVIEW EXPANDED STUDY HAS BEEN COMPLETED AND THE SURROUNDING NEIGHBORHOODS HAVE HAD THE OPPORTUNITY TO ESTABLISH THEIR NEIGHBORHOOD PLAN. THINK ABOUT HOW THIS DECISION OF SITTING HOUSES BETWEEN THE RAILROAD AND A CREEK ON A 50-ACRE LOT SURROUNDED BY FLOOD PLAIN WILL BE LOOKED UPON 10 YEARS FROM NOW. ESPECIALLY WITH FUTURE AUSTIN, SAN ANTONIO COMMUTER RAILWAY ADJACENT TO WEST BOULDIN CREEK WITH THE POTENTIAL STATION PLANNED FOR THIS AREA. FURTHERMORE, AS STATED BY AN EXPERT TONIGHT, LAND USE CHANGES CAN CHANGE THE FLOOD PLAIN. AND IT IS NOT WISE WITH THE RAPID DEVELOPMENT AUSTIN HAS HAD, IT IS NOT WISE TO PUT A DEVELOPMENT IN A SMALL ISLAND SURROUNDED BY FLOOD PLAIN. WE STAND TO LOSE ECOLOGICAL BENEFITS OF EXISTING OPEN SPACE AND THE WOODED LAND WHICH WILL MAGNIFY EXISTING FLOODING AND DRAINAGE AND EROSION PROBLEMS WHICH ARE ALREADY SEVERE IN THIS AREA. IT IS IMPORTANT TO UNDERSTAND THE IMPACT THAT URBAN GROWTH HAS ON HYDRO LAUNCHIC AND GEO MORE IF I CAN CONDITIONS. U.T. WILL BE OFFERING A COURSE NEXT SEMESTER THAT WILL BUILD MODELS TO STUDY AUSTIN GROWTH AND FLOOD PLAIN INSTABILITY IN A RELATIONSHIP. THESE KINDS OF STUDIES ARE NECESSARY BEFORE ANY DECISION OF MORE DEVELOPMENT NEAR FLOODPLAINS OCCUR. OTHERWISE WE MAY MAKE DECISIONS TODAY THAT YOU REGRET TOMORROW. PLEASE HELP SAVE WEST BOULDIN CREEK

WATERSHED AND MAKE SURE THAT ANY DEVELOPMENT IN THIS AREA FOLLOWS SMART GROWTH PRINCIPLES AND HAS BEEN EXAMINED CRITICALLY AT EVERY LEVEL INCLUDING APPROVAL BY THE ENVIRONMENTAL BOARD DUE TO THIS AREA'S SUSCEPTIBILITY OF FLOODING. I REALLY HOPE YOU TAKE THIS ISSUE TO HEART.

Mayor Wynn: THANK YOU. LORRAINE ANDERSON SIGNED UP WISHING TO SPEAK. WELCOME. YOU WILL HAVE THREE MINUTES. A FEW FOLKS SIGNED UP ALSO IN OPPOSITION, JAY BILLING, JEFF JACK AND CAROL GIBBS. WELCOME.

I'M LORRAINE ATHERTON. I LIVE IMMEDIATELY WEST OF SOUTH LAMAR. ABOUT THE SAME LEVEL ON BOULDIN CREEK AS THIS AREA. MY PROBLEM WITH THIS CASE IS THAT WHEN A PROPERTY IS ZONED SINGLE FAMILY, CITY STAFF ROUTINELY ALLOWS THE BUILDERS TO PAY A FEE IN LIEU OF WATER QUALITY CONTROL. COMMERCIAL OR MULTI-FAMILY PROJECTS, YOU CAN BE PRETTY SURE THAT THE DRAINAGE AND WATER QUALITY ISSUES WILL BE ADDRESSED. BUT IF IT'S ZONED SF-3, YOU CAN BE PRETTY SURE THAT THEY WON'T BE. TWO YEARS AGO A PROJECT BEHIND MY HOUSE WAS PERMITTED TO BUILD THREE SUPER DUPLEXES ON TWO-THIRDS OF AN ACRE. BEFORE THE FOUNDATION ON THE FIRST ONE WAS COMPLETED, MY DOWNSTREAM NEIGHBOR'S HOUSE LOOKED A WHOLE LOT LIKE THAT FLOODED HOUSE THAT KATHERINE SHOWED YOU. AND THAT PROJECT PAID A FEE OF \$6,230 IN LIEU OF WATER QUALITY CONTROL. THIS MORNING MY NEIGHBOR AND I RECEIVED A NICE FAT SETTLEMENT CHECK AS A RESULT OF THAT FEE IN LIEU OF. I CAN'T DISCUSS THE DETAILS OF THAT SETTLEMENT, BUT I URGE YOU TO ASK STAFF HOW MUCH THAT FEE IN LIEU OF HOW THAT -- HOW THAT FEE IN LIEU OF COMPARES WITH THE COST OF THE UNPLANNED STORM SEWER THAT IS NOW REQUIRED BEHIND MY HOUSE. WHATEVER YOU DO ABOUT THIS CASE TONIGHT, PLEASE DON'T ALLOW THESE HOUSES TO BE BUILT WITH MERELY A FEE IN LIEU OF. THANKS.

Mayor Wynn: THANK YOU. WELCOME, MR. JACK. YOU'RE WELCOME TO SPEAK IN LIEU OF NOT SPEAKING.

THANK YOU.

Mayor Wynn: YOU YOU'RE SIGNED UP. YOU HAVE THREE MINUTES.

I WASN'T GOING TO SPEAK, BUT AFTER HEARING GEORGE'S PRESENTATION I WAS COMPELLED TO SHARE WITH YOU A LITTLE STORY. 1981 I BOUGHT A HOUSE IN AUSTIN, MY FIRST HOUSE IN AUSTIN, ON SHOAL CREEK. 10 DAYS AFTER I BOUGHT THAT HOUSE, I HAD SIX FEET OF WATER IN IT WITH THE MEMORIAL DAY FLOOD. NOW, BEING FROM LOUISIANA, I'M ALWAYS CAUTIOUS ABOUT WATER. AND BEFORE I BOUGHT THE HOUSE, I CAME TO THE CITY OF AUSTIN AND I ASKED IS MY HOUSE IN THE FLOOD PLAIN. AND I WAS SHOWN A MAP THAT SHOWED THAT MY HOUSE WAS NOT IN THE FLOOD PLAIN. SUBSEQUENTLY, IN THE TWO YEARS OF LITIGATION AFTER MY HOUSE WAS FLOODED, I HAD SIX FEET OF WATER IN IT AND TWO PEOPLE DIED ON MY STREET FROM THAT FLOOD. I LEARNED THAT THAT FLOOD PLAIN THAT I WAS SHOWN THAT WAS DONE IN THE LATE '70s WAS A REVISION TO A FLOOD PLAIN MAP THAT WAS DONE IN THE EARLY '70s THAT SHOWED MY SITE IN THE FLOOD PLAIN. AND THE REDUCTION OF THAT FLOOD PLAIN WAS MOTIVATED BY DEVELOPMENT NORTH OF SHOAL CREEK IN WHAT WE CALL THE ANDERSON LANE AREA. SO I THINK WHAT THE POINT THE NEIGHBORHOOD IS TRYING TO SUGGEST TO YOU TONIGHT IS EVEN WITH THE BEST OF INTENTIONS AND GOOD ENGINEERING, THINGS CAN GO WRONG. AND THE EVIDENCE THAT THEY HAVE OF THE FLOODING THAT OCCURS ON SITE IN THOSE AREAS TODAY IS IN CONFLICT WITH THE DATA THAT IS BEING PROPOSED FROM THE ENGINEERING STANDPOINT. WHAT THEY'RE ASKING YOU TO DO IS WAIT UNTIL YOU HAVE A THOROUGH STUDY COMPLETED THAT ANSWERS ALL THE QUESTIONS. WHEN YOU THINK ABOUT HAVING TO BUY OUT LAND THAT ALREADY HAS ZONING AND POSSIBLY HOUSES BUILT ON IT, IT'S MUCH MORE EXPENSIVE AS WE'RE FINDING OUT IN ONION CREEK OR EVEN NORTH OF HERE ON WEST BOULDIN, THAN TO BUY OUT RAW LAND. SO IF WE UPZONE THE PROPERTY TODAY AND APPROVE THIS SUBDIVISION AND LATER WE FIND OUT THAT, WELL, OUR PRELIMINARY ENGINEERING WASN'T QUITE RIGHT SHE IT'S GOING TO COST THE TAXPAYERS OF AUSTIN. AND IF WE'RE REALLY WRONG AND THEY BUILD THE HOUSES, IT COULD

COST SOMEBODY'S LIFE. THANK YOU.

Mayor Wynn: THANK YOU, MR. JACK. SO COUNCIL, THAT'S ALL THE FOLKS WHO SIGNED UP BOTH IN FAVOR, NEUTRAL AND IN OPPOSITION TO THE ZONING CASE. NOW MS. CORNELIUS WILL HAVE A THREE-MINUTE REBUTTAL.

THE ENGINEER DISCUSSED ENGINEERING ISSUES.

Mayor Wynn: FAIR ENOUGH.

RICK THOMPSON AGAIN. HOPE PHYSICALLY I'LL DO BETTER. I'M MORE NERVOUS THAN I EXPECTED. THERE ARE THREE IMPORTANT THINGS I THINK. THE FIRST ONE IS JUST TO MAKE SURE EVERYBODY IS REMEMBERING THE AREA UNDER CONSIDERATION TONIGHT TO BE REZONED THE REALLY JUST A SMALL TRIANGULAR PIECE THAT'S OFF ON THAT END OF THAT MAP. SO MOST OF THIS COULD STILL HAPPEN REGARDLESS. BUT HAVING SAID THAT, THE DISCUSSIONS ALSO LARGELY ABOUT THE FEMA FLOOD PLAIN, WHICH IS THE EXISTING FLOOD PLAIN AND WHERE IT IS, BUT AGAIN, GEORGE'S GROUP HAS DONE A GREAT JOB OF GETTING ALL THOSE ENGINEERS TO FULLY DEVELOP DISTANCE SO IT'S NOT JUST THE EXISTING BUT THE EXISTING FEATURE PLUS DEVELOPMENT. THAT INCLUDES WHAT'S GOING THROUGH ON BOULDIN CREEK WHERE A LOT OF DISCUSSION ABOUT THE FLOOD PLAIN OR NOT. WE HAVE TO BE OUTSIDE THAT. PLUS OUTSIDE SOME MORE BECAUSE WE HAVE TO COVER THIS POTENTIAL FEATURE POSSIBLE, MAYBE FLOOD PLAIN. AND ALSO EVEN THE WATER THEY TALKED ABOUT AT THE RAILROAD TRACKS, A SIMILAR DEAL. WE HAVE TO CONSIDER THAT DRAINAGE AREA AND CONSIDER THAT CULVERT PIPE NOT BEING THERE, AND WE'VE PLANNED ON A CHANNEL AND A PIPE GOING UNDERNEATH THE ROADWAY THAT WILL CONVEY THE FULLY DEVELOPED FLOW AS IF THAT WEREN'T THERE. SO IF THE RAILROAD PEOPLE EVER DECIDE TO UPGRADE THE RAILROAD THAT IS CORRECT WILL BE TAKEN CARE OF. THE LAST THING, THIS IS MORE MY NOTE, I FORGET WHAT THIS IS IN RESPONSE TO, BUT WE ARE DOING ON SITE PONDS TO CONTROL ALL OF OUR STORM WATER SO WE WON'T BE CONTRIBUTING TO ANY FLOODING. WE'LL CONTAIN. THANK

YOU.

Mayor Wynn: THANK YOU, SIR. COUNCIL THAT IS CORRECT CONCLUDES OUR PUBLIC HEARING ON ITEM Z-106789 QUESTIONS OF STAFF OR AGENTS OR NEIGHBORS? COUNCILMEMBER DUNKERLEY.

Dunkerley: I'M NOT SURE WHO TO ASK. THE PROPERTY IS CURRENTLY ZONED C.S. AND IF IT CAN BE DEVELOPED AS C.S., GENERALLY THAT HAS MORE IMPERVIOUS COVER THAN SINGLE-FAMILY. SO I GUESS I'M A LITTLE BIT CONFUSED STILL AS TO WHY THE NEIGHBORHOOD IS WANTING -- IS OBJECTING TO THE S.F. SINCE THAT IS A MUCH -- MAYBE I SHOULD ASK THE ENGINEER. SINCE THAT IS A MUCH GENERALLY LOWER DENSITY THAN THE C.S. WOULD BE. THAT'S ONE QUESTION I HAVE.

OKAY, THE PROPOSED PRELIMINARY PLAN IS ALL DONE SINGLE-FAMILY 3 EXCEPT FOR THIS SLIVER. THE SLIVER IS ZONED C.S. COMMERCIAL SERVICES. WE DON'T HAVE INTENTIONS TO USE IT AS COMMERCIAL SERVICES. IT WOULD INCREASE IMPERVIOUS COVER ALLOWED IF IT STAYS THAT AND GETS DEVELOPED FOR MINI STORAGE UNITS OR A MUFFLER SHOP. WE ARE INCLUDING IT INTO AN EXISTING S.F.-3 ZONING. IF WE DON'T GET THE ZONING, WE CAN PULL OUR PRELIMINARY BACK AND WE CAN GET ON PLANNING COMMISSION AND GET THE REST OF IT APPROVED BECAUSE WE'RE MEETING ALL CODES. THIS ONE LITTLE SLIVER WILL NOT STOP THE DEVELOPMENT OF THE OTHER 12 AND A HALF ACRES.

Dunkerley: THAT'S KIND OF WHAT I UNDERSTOOD FROM LOOKING AT IT AND I STILL DO NOT UNDERSTAND WHY THE NEIGHBORHOOD WOULD RISK LEAVING THAT C.S., WHICH IS A -- COULD BE DEVELOPED MUCH MORE INTENSELY. I UNDERSTAND FROM TALKING TO OUR WATERSHED PEOPLE THAT IT PROBABLY NEITHER -- EITHER OF THOSE WOULD PROBABLY NOT AFFECT THE FLOOD PLAIN IN ANY WAY, BUT JUST LOOKING AT IT LOGICALLY, IF IT WERE, IT WOULD SEE THE C.S. WOULD AFFECT IT MORE THAN A SINGLE-FAMILY WOULD. SO THAT'S WHY I'M HAVING DIFFICULTY UNDERSTANDING WHY EVERYBODY IS NOT DOWN HERE RIGHT NOW SAYING LET'S DO SINGLE-FAMILY AND PROTECT

A POTENTIAL OF THE C.S. DEVELOPMENT IN THAT LOCATION. I'M HAVING TROUBLE WITH IT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

AFTER PEOPLE STARTING COMING FORWARD AND TALK BEING THESE ISSUES AND WE STARTED LOOKING INTO THIS CORETER AND LOOKING INTO THE INEFFECTIVELY -- INEFFECTIVENESS OF THE CULVERTS AND THE NEED TO BE CORRECTED, WE DECIDED IT WAS IRRELEVANT IRRESPONSIBLE TO PUT ANY MORE PEOPLE THAN COULD BE CURRENTLY PUT THERE AS RESIDENTS LIVING AND SLEEPING THERE, WE THOUGHT THAT WAS IRRESPONSIBLE, SO THE CS IS SUCH A SMALL SLIVER OF LAND, I GUESS WE COULD USE IT AS SOMETHING OR TRY TO USE IT AS SOMETHING COMMERCIAL, BUT THE NEIGHBORHOOD -- NOW THAT WE KNOW ALL THESE ISSUES, WOULD OPPOSE THAT AS WELL. WE DON'T THINK IT'S RESPONSIBLE REALLY TO DO THAT, ESPECIALLY UNTIL WE GET A FINAL WORD ON WHERE THE FLOODPLAIN LIES THAT CORRESPONDS WITH EXPERIENCE ON THE GROUND AS FAR AS FLOODING. THIS IS AN AREA THAT CAN BECOME INACCESSIBLE IN A BIG FLOOD. AND THAT'S A BIG CONCERN.

Dunkerley:, WELL, I DON'T THINK IT'S ALREADY ZONED CS.

IT IS ZONED CS. WE'RE AGREEING, IT'S ZONED CS, BUT --

LET ME ASK ANOTHER --

Dunkerley: LET ME ASK ANOTHER QUESTION OF GEORGE'S OSWALD OR WHATEVER. FROM LOOKING AT THE PRELIMINARY INFORMATION YOU HAVE, DOES THIS PARTICULAR TRACT, COULD IT POSSIBLY BE IN THE FLOODPLAIN? IT DOESN'T SEEM TO BE ON THE NUMBERS YOU'VE GIVEN US TONIGHT.

I WANT TO MAKE A COUPLE OF POINT ON THAT -- POINTS ON THAT. AS WE ARE HERE THIS EVENING, WE HAVE TWO INDEPENDENT MODELS, THE TWO ONE THAT FEMA HAS DEVELOPED AND THE MODEL THAT HAAS ENGINEERING, THEY TOOK OLD INFORMATION AND REFINED IT, AND THEY'RE ALMOST IN EXACT AGREEMENT SHOWING THIS AREA NOT TO BE IN THE FLOODPLAIN. TO ME THAT'S A VERY

GOOD CONFIRMATION THAT THE WORK THAT FEMA IS DOING IS OF HIGH QUALITY TO HAVE AN INDEPENDENT STUDY WITH UPDATED INFORMATION DONE BY A LOCAL ENGINEER THAT'S BASICALLY CONFIRMING THE FEMA FLOODPLAIN. ANOTHER POINT I WANT TO MAKE, THOSE CULVERTS THAT COME THROUGH THE RAILROADS, WE'VE DONE A LITTLE BIT OF HISTORICAL RESEARCH ON THAT, AND OUR UNDERSTANDING IS THERE USED TO BE A WOODEN TRESTLE THERE AND THE UNION PACIFIC CAME IN THERE AND PUT IN THE CULVERTS AND GREATLY RESTRICTED THE FLOW. WE HAVE NO CONTROL OVER WHAT THE RAILROAD DOES. AND THAT LARGE EMBANKMENT OBVIOUSLY HAS AN IMPACT ON THE WEST, BUT IF YOU START LETTING MORE OF THAT WATER COME BACK THROUGH TO THE EAST, IT IS GOING TO WORSEN -- YOU'RE TRADING OFF FLOODING ON ONE SIDE OF THE RAILROAD VERSUS ANOTHER. I DON'T NEED TO DWELL ON THAT, BUT THE MODELS THAT WE HAVE, I THINK MY STAFF WAS MISQUOTED. THE QUOTES ABOUT THE LACK OF CROSS-SECTIONS WAS A REFERENCE TO THE OLD FEMA MODEL, NOT THE NEW FEMA MODEL. THE NEW MODELS ARE VERY ROBUST, A LOT OF CROSS-SECTIONS. WE'RE USING THE LATEST DIGITAL TRAIN MODELS THAT VERY WELL REPRESENT THE TOPOGRAPHY. BUT THE FACT THAT WE HAVE TWO INDEPENDENT MODELS IN ALMOST EXACT AGREEMENT PERSONALLY AS A PROFESSIONAL ENGINEER GIVES ME A HIGH LEVEL OF CONFIDENCE THAT THAT AREA IS NOT IN THE FLOODPLAIN.

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

Alvarez: I THINK IT'S ALSO FOR MR. OSWALD. I WAS JUST CURIOUS ABOUT -- OR MAYBE I JUST MISSED IT. BECAUSE THERE'S A FLOODING ISSUE ALONG THE CREEK AND THEN THERE'S THE FLOODING ISSUE ON THE OPPOSITE SIDE OF THE TRACKS FROM THIS PROPERTY. THOSE ARE OBVIOUSLY TWO UNRELATED SOURCES OF FLOODING -- THOSE NEIGHBORHOODS FLOWING TOWARDS THE CREEK THAT CAN'T GET THROUGH THE TRACKS?

THAT'S WHAT HAPPENS. THERE'S NOT ENOUGH CAPACITY. THAT RAILROAD HAS BEEN THERE FOR MANY YEARS AND ENGINEERING ANALYSES THAT EXIST NOW TO ESTABLISH

APPROPRIATE -- ADEQUATE CAPACITY WEREN'T THERE THEN. SO BASICALLY IT DOES ACT AS A LEVEE, AND NOT ALL THE WATER CAN GET THROUGH IT, AND IT COURSES NORTHWARD TOWARDS TOWN LAKE, AND THAT ISSUE HAS BEEN IDENTIFIED IN OUR MASTER PLAN AS ONE OF THE ISSUES. WE NEED TO DEAL WITH THE FLOODING, BUT I THINK BRINGING IT ACROSS TO THE EASTERN SIDE, YOU'RE GOING TO PUT MORE WATER OVER THERE, SO YOU'RE TRADING OFF FLOOD REDUCTION ON ONE SIDE AND WORSENING OF FLOODING ON THE OTHER. SO WE NEED TO DEAL WITH THAT ON THE WESTERN SIDE OF THE TRACKS.

Alvarez: RIGHT. SO I THINK THE POINT THAT SOMEONE WAS MAKING WAS IF YOU HAVE FLOODING ON THIS SIDE OF THE PROJECT AND FLOODING ON THAT SIDE OF THE PROJECT, THEN ISN'T THERE GOING TO BE A FLOODING ISSUE IN BETWEEN THOSE TWO? AND SO -- BUT THE REASON THAT'S NOT THE CASE IS THE WATER IS FLOWING IN TWO DIFFERENT PLACES?

BASICALLY CUT OFF. IT FORMED A SEPARATE WATERSHED ON THE WESTERN SIDE OF THE TRACKS. SOME WATER COMES THROUGH, BUT NOT ENOUGH. AND THAT'S WHEN IT HAS TO FLOW NORTHWARD BECAUSE IT CAN'T GET THROUGH THE TRACKS. THE VIDEO DESCRIBED THAT QUITE WELL.

Alvarez: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM Z-10, WHICH WOULD INCLUDE TO CLOSE THE PUBLIC HEARING. AND MY QUESTION FOR STAFF, I THINK STING IS SINCE THIS IS DOWNZONING FROM CS TO SF-3, THAT THEY'RE READY FOR ALL THREE READINGS.

ACTUALLY, WE DON'T HAVE AN ORDINANCE. IT'S READY FOR FIRST READING SIMPLY BECAUSE WE REALLY DIDN'T KNOW WHAT COUNCIL WAS GOING TO DO, SO WE DIDN'T PREPARE AN ORDINANCE.

Mayor Wynn: YOU'RE NOT THE ONLY ONE. I'LL ENTERTAIN A

MOTION. COUNCILMEMBER DUNKERLEY.

Dunkerley: SOMEBODY ELSE WANT TO MAKE A MOTION?

Alvarez: I HAD ONE MORE QUESTION ABOUT THE -- THE VARIOUS NEIGHBORHOOD FOLKS HAVE ASKED FOR A POSTPONEMENT UNTIL THE FLOOD MAP ISSUES ARE, I GUESS, FINALIZED, BUT DO WE KNOW WHEN THAT WOULD HAPPEN? MY UNDERSTANDING IS THAT IT WOULD BE IN JANUARY.

THE INITIAL ROLLOUT WILL BE IN MARCH OF '06, AND THE FORMAL ADOPTION PROCESS WHERE YOU TAKE PUBLIC INPUT, THE FINAL ADOPTION WOULD BE ABOUT A YEAR LATER, MARCH '07.

Alvarez: SO WE WOULDN'T HAVE A FINAL MAP.

WE'RE ALREADY USING THIS FOR OTHER DEVELOPMENT AS BEST AVAILABLE INFORMATION INTERNALLY.

Alvarez: (INDISCERNIBLE).

AND WE'RE MAKING IT AVAILABLE TO THE DEVELOPMENT COMMUNITY AS THE BEST AVAILABLE INFORMATION.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I WOULD MOVE APPROVAL ON FIRST READING ONLY FOR SF-3.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE ON FIRST READING ONLY CASE Z-10 AS POSTED, THAT IS, ZONING FROM CS TO SF-3. FURTHER COMMENTS? THAT MOTION INCLUDED CLOSING THE PUBLIC HEARING. I'LL JUST SAY THAT THE LEVEL OF DETAIL, THE TECHNOLOGY HAS ALLOWED PROFESSIONALS LIKE MR. OSWALD TO HAVE NOW COMPARED FRANKLY TO WHAT WE HAD IN 1981 IS VERY ENCOURAGING AND ALLOWS FOR SOME PRETTY REMARKABLE ANALYSIS OF INDIVIDUAL SITES, DOWN TO INCHES ON A TOPOGRAPHICAL LEVEL. AND THE FACT THAT IN SUMMARY MR. OSWALD WAS AVAILABLE TO

POINT OUT THAT IT DOESN'T WORSEN FLOODPLAIN CONDITIONS AND IT DOESN'T WORSEN THE FLOODPLAIN, I'M GOING TO BE SUPPORTIVE OF THE MOTION. CERTAINLY ON FIRST READING. COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I'LL BE SUPPORTING IT TOO. I'M NOT QUITE SURE WHY THIS IS ZONED COMMERCIAL, FIRST OF ALL, BUT OBVIOUSLY THEY HAVE THAT ABILITY TO COME FORWARD WITH A DEVELOPMENT THAT WOULD HAVE MUCH GREATER IMPERVIOUS COVER, AND I'M CERTAIN THAT THE NEIGHBORHOOD WOULD NOT BE SUPPORTING THAT. SO CERTAINLY I THINK RESIDENTIAL IS BETTER, BUT I DO THINK THAT -- FROM THE INFORMATION WE'VE RECEIVED THAT THIS IS SOMETHING THAT WOULD BE MORE APPROPRIATE.

Mayor Wynn: THERE'S A MOTION AND A SECOND ON THE TABLE TO APPROVE FIRST READING ONLY, ITEM Z-10, ZONING TO SF-3. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MAYOR, THAT TAKES US TO ITEM NUMBER Z-21, CASE NUMBER C-14-05-137. THE EXISTING ZONING IS CS AND THE APPLICANT IS SEEKING CS-1 TO ALLOW LIQUOR SALES. THE CHANGE IN ZONING IS RECOMMENDED BY THE -- STAFF RECOMMENDS THE CS 1 ZONING, HOWEVER, THE ZONING AND PLATTING COMMISSION RECOMMENDED DENIAL. THE PROPERTY IS -- THE INTENT OF THE APPLICANT IS TO RENOVATE AN EXISTING BUILDING FORMERLY HOUSING AN AUTO REPAIR BUSINESS AND OPEN A LIVE MUSIC VENUE SERVING ALCOHOL. TYPICALLY IN A CASE LIKE THIS, WHAT WOULD HAPPEN IS IF THE CS-1 ZONING IS GRANTED, THEN A SITE PLAN THAT IS CALLED A CONDITIONAL USE PERMIT SITE PLAN WOULD HAVE TO BE SUBMITTED TO THE STAFF FOR REVIEW AND THE ZONING AND PLATTING COMMISSION WOULD HAVE TO APPROVE THIS OR THE PLANNING COMMISSION SINCE THIS IS A NEIGHBORHOOD PLANNING AREA WOULD HAVE TO APPROVE THAT SITE PLAN TO ENSURE THAT IT IS COMPATIBLE WITH THE ADJOINING

PROPERTIES. SO WHAT IS BEING SOUGHT TONIGHT IS THE ZONING, WHICH DOES NOT GUARANTEE THAT THE COMMISSION WOULD APPROVE THE CONDITIONAL USE SITE PLAN SHOULD YOU GRANT THE ZONING FOR SUCH A USE. SO BASICALLY PARKING I UNDERSTAND IS A CONCERN ON THIS SITE. THOSE ARE ISSUES THAT WOULD HAVE TO BE ADDRESSED AT THE TIME OF SITE PLANNING, BUT I'LL LET THE APPLICANT EXPLAIN FURTHER. I JUST WANTED TO GIVE YOU A FEW IDEAS OF WHAT THE ISSUES ARE ON THIS PARTICULAR SITE. I'LL PAUSE HERE, MAYOR, AND RESPOND TO QUESTIONS AFTER YOU HEAR FROM THE APPLICANT AND THE CITIZENS.

Mayor Wynn: THANK YOU, MS. GLASGO. FIRST I'LL ENTERTAIN A MOTION TO WAIVE COUNCIL RULES TO GO PAST 10:00 P.M.

Thomas: SO MOVE.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM THAT I'LL SECOND. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO WITH COUNCILMEMBER LEFFINGWELL REFUSING TO VOTE. [LAUGHTER] JUST KIDDING, OFF THE DAIS. SO IF YOU REMEMBER OUR FORMAT IS WE HAVE A FIVE-MINUTE PRESENTATION FROM APPLICANT-AGENT-OWNER, THEN WE HEAR FROM FOLKS WHO WANT TO SPEAK IN FAVOR OF THE ZONING CASE, FOLKS IN OPPOSITION AND THEN THE APPLICANT WILL HAVE A THREE-MINUTE REBUTTAL. SO WELCOME SOMEONE.

GOOD EVENING. I MIGHT ASK BEFORE I START, I CAN SPEAK FOR FIVE MINUTES AND THEN TURN RIGHT AROUND AND THEN SPEAK FOR ANOTHER 10 OR I CAN JUST GO --

Mayor Wynn: NO. ARE YOU -- I WOULD RECOMMEND -- MANY AGENTS ASK THIS QUESTION, BUT IF YOU HAVE ESSENTIALLY MORE TO SAY AND WANT TO BE A LENGTHIER SPOKESPERSON FOR THIS PROJECT, I WOULD RECOMMEND THAT YOU ALLOW ONE OF YOUR PARTNERS OR AGENT TO GIVE THE FIVE-MINUTE PRESENTATION AND THEN --

BECAUSE WE LIMIT THAT ORIGINAL SORT OF APPLICANT PRESENTATION AND THEN AS THE SECOND SPEAKER, THE FIRST PERSON SPEAKING IN FAVOR, YOU COULD HAVE AS MANY AS FOUR PEOPLE DONATE THREE MINUTES TIME TO YOU AND THEN YOU COULD HAVE 15 MINUTES. IT'S JUST A FORMAT WE TRY TO FOLLOW.

SURE. NO PROBLEM.

MAYOR, COUNCILMEMBERS, MY NAME IS CLAYTON LITTLE. I WITH AN ARCHITECT FIRM. I HAVE BEEN RETAINED BY THE OWNERS OF THIS PROJECT. DIRECTLY IN RESPONSE TO THE ZAPCO MEETING, THE NEIGHBORHOOD ASSOCIATIONS BROUGHT OUT A FEW DIFFERENT CONCERNS FOR THE PROJECT AND THEY ASKED ME TO COME ABOARD TO LOOK AT HOW THE CONCERNS CAN BE ADDRESSED ARCHITECTURALLY. THE PREDOMINANT ONE WAS NOISE CONTROL FOR THE PROJECT. THE ORIGINAL DESIGN AS YOU CAN SEE FROM YOUR PACKET HAD A DECK IN THE BACK. THE NEW PROPOSAL HAS A COMPLETELY CLOSED BUILDING WITH WALLS TO MITIGATE THE SOUND. MY PROFESSIONAL OPINION IS THAT THE NEW DESIGN ADDRESSES THAT PARTICULAR CONCERN. PARKING AND OTHER CONCERNS WILL BE ADDRESSED BY CA REAM AND THE FELLOWS. THANK YOU.

Mayor Wynn: COUNCIL, QUESTIONS FOR THE AGENT, ARCHITECT? HEARING NONE, NOW WE'LL GO TO THE FOLKS WHO SIGNED UP WISHING TO SPEAK IN FAIF OF THE ZONING CASE. OUR FIRST SPEAKER IS KAREEM HAJAR. AND MR. HAJAR, A NUMBER OF FOLKS WANTED TO DONATE TIME TO YOU, BUT THE RULES ARE THEY HAVE TO BE PRESENT IN THE CHAMBERS. IS KIM MAY HERE? HOW ABOUT BRANDON EASTERLING? OR WILLIAM DAVIS? OR JUDDSON SOUTHERLAND?

CAN HE DONATE HIS TIME?

Mayor Wynn: ANYBODY WHO IS HERE WHO WANTS TO SPEAK -- SO STEVEN, YOU WOULD LIKE TO DONATE YOUR THREE MINUTES TO KAREEM. THEN YOU WILL HAVE UP TO SIX MINUTES. WELCOME.

THANK YOU VERY MUCH, MAYOR, COUNCILMEMBERS, AND AIDES, I APPRECIATE YOUR TIME THIS EVENING, AND ALSO YOUR TIME IN THE PREVIOUS WEEKS. WE'RE HERE TODAY ON A ZONING CHANGE FROM CS TO CS-1. IF YOU WILL LOOK ON THE MAP SHOWING THE PROJECT PROPERTY, THIS PROJECT IS AT 1109 SOUTH LAMAR. NOTABLY THE ESTABLISHMENTS NEARBY ARE CASA GARCIA'S, THUNDER CLOUD SUBS. YOU HAVE SUZIE'S CHINESE KITCHEN. YOU ALSO HAVE ALAMO DRAFT HOUSE SOUTH. MADDIE'S, AND PAP PA JOHN'S PIZZA. THE REASON I BRING THOSE UP IS TO FAMILIARIZE YOURSELF WITH THAT AREA AND ALSO TO SHOW WE HAVE SIX RESTAURANTS WITHIN 600 FEET, MOST WITHIN 300 FEET OF THE PROJECT WE ARE UNDERTAKING. I BRING THIS UP SO AS TO FURTHER EXPLAIN WHY WE ARE GOING FROM CS TO CS-1. WE WISH TO NOT COMPETE WITH THESE WELL ESTABLISHED RESTAURANTS, BUT RATHER BECOME AN ALLY OF THEM. WHAT MY CLIENTS PROPOSE TO DO IS TO CATER FOOD FROM THOSE ESTABLISHMENTS AND HAVE A PREP KITCHEN RATHER THAN A FULL KITCHEN THAT'S REQUIRED BY CS. THIS WILL ALLOW THOSE COMPETITORS TO THEN BECOME ALLIES, THUS CREATING A HARMONY BOTH COMMERCIALLY AS WELL AS WITHIN THE SURROUNDING NEIGHBORHOOD. IF WE TAKE A LOOK AT THE SURROUNDING NEIGHBORHOOD, THE SITE IN QUESTION IS IN THE BOLD SQUARE RIGHT BELOW THE MIDDLE OF THE SCREEN. TO THE NORTH AND SOUTH WE HAVE CS ALL THE WAY ACROSS. BEHIND US WE HAVE CS, SO WE HAVE CS IN ALL FOUR DIRECTIONS. THE NEAREST MF OR SF PROPERTY IS LOCATED TWO BLOCKS AWAY DOWN GIBSON AND HANG A LEFT ON TREADWELL. YOU HAVE AN SF-3 BLOCK ON THE WEST SIDE OF TREADWELL THAT IS CURRENTLY VACANT. AND BY VACANT I MEAN NON-DEVELOPED. ON THE -- I'M SORRY, ON THE EAST SIDE. ON THE WEST SIDE OF TREADWELL YOU HAVE ONE SINGLE-FAMILY RESIDENCE HAS BEING USED AS AN UPHOLSTERY SHOP AND YOU ALSO HAVE A DUPLEX THAT IS OWNED BY A CHURCH THAT'S USED FOR SHORT TIME -- IT'S USED FOR SHORT RESIDENCY PERIODS. IT'S NOT A LONG-TERM RESIDENCY AS WE ARE UNDERSTANDING. WE ARE HERE TODAY WITH CITY STAFF APPROVAL; HOWEVER, WE ARE NOT HERE TODAY WITH ZAPCO APPROVAL. NOR DO WE HAVE NEIGHBORHOOD APPROVAL THAT WE'LL TOUCH ON IN A MOMENT. WITH

REGARDS TO THE ZAPCO MEETING, THE ISSUES THAT CAME FORTH FROM ZAPCO WERE FOUR FOLD. ONE OF THEM WAS DIRECTIONAL TRAFFIC FLOW, WHICH IS A MINOR ISSUE AND WE'LL ADDRESS IT. THE SECOND ISSUE WAS PARKING. THE THIRD ISSUE WAS LIGHTING AND THE FOURTH BEING LAST BUT NOT LEAST, AND THAT WAS NOISE. AFTER THE ZAPCO HEARING I WAS BROUGHT IN, AS WAS THE ARCHITECTS TO REVAMP THIS PROJECT IN ORDER TO GARNISH NEIGHBORHOOD SUPPORT. WE HAVE MADE A NUMBER OF DIFFERENT CHANGES IN THE PROJECT THAT WAS PRESENTED BEFORE ZAPCO IS NOT THE PROJECT THAT IS BEING PRESENTED BEFORE YOU TONIGHT. THE DIRECTIONAL TRAFFIC CONCERN, IF YOU WILL NOTICE ON THE OVERHEAD, OF COMING WITH ENTRANCE ON GIBSON AND EXITING ON LAMAR. THE NEIGHBORHOODS EXPRESSED CONCERN ON THAT AND THEY WOULD PREFER TRAFFIC FLOW GOING THE OTHER WAY. WE DON'T HAVE A PROBLEM WITH THAT AND THAT ISSUE WAS SETTLED. WHAT WE TOLD THE NEIGHBORHOODS AND STAND FIRM ON IS WE WOULD LIKE THE CITY OF AUSTIN TO LET US KNOW WHAT THEY WOULD LIKE. NOBODY HERE WANTS INEFFICIENT TRAFFIC FLOW, SO WE CONSIDER THAT TO BE A DEAD ISSUE. IF THE CITY WANTS IT A CERTAIN WAY, WE WILL BE HAPPY TO PROVIDE IT. THE SECOND ISSUE WAS LIGHTING. THE LIGHTING CONCERN FROM THE NEIGHBORHOOD RELATED TO THE RACE TRACK RACEWAY, WHICH IS FURTHER SOUTH. LARGE HALOGEN BUBS. IT'S A GAS STATION. THIS ISN'T REMOTELY CLOSE TO THE CONCEPT WE'RE PROPOSING. THIS IS A ICE HOUSE AND A NEIGHBORHOOD ICE HOUSE AT THAT. THE LIGHTING WILL BE MUCH LOWER LEVEL. WE WILL NOT BE USING ANY SPOTLIGHTS. WE PLEDGED TO THE NEIGHBORHOOD TO USE DIRECTIONAL LIGHTING, WHICH INCLUDES EXTERNALLY HAVE CONE SHAPE LIGHTING AS OUR ARCHITECT HAS SUGGESTED, WHICH WILL PROVIDE A RADIUS OF LIGHT AND NO MORE. WE DON'T WANT TO CONTRIBUTE TO THE LIGHT POLLUTION IN THE AREA AND WE STAND FIRM ON THAT. THAT WILL ALLOW OUR PATRONS TO FIND THEIR CARS AND GO HOME SAFELY WITHOUT HAVING LIGHTS INTO THE SURROUNDING NEIGHBORHOODS AND ACROSS. I'LL SHOW YOU INTO BOULDIN WHO IS HERE TO SPEAK AGAINST. THE LAST ISSUE AND CERTAINLY NOT LEAST -- I'M SORRY, THE PARKING ISSUE, THE

NEIGHBORHOOD EXPRESSED CONCERN THAT WE DID NOT HAVE ADEQUATE PARKING. THE FACILITY IS 6400 SQUARE FEET, WHICH REQUIRES 103 MOTOR VEHICLE PARKING SPACES. WE HAVE THAT WITHIN 300 FEET OF THE ESTABLISHMENT. AND IF YOU'LL GO BACK TO THE ORIGINAL OVERHEAD SHOWING THE DISTANCES, THEN WE CAN GO THROUGH IT. WE HAVE PARKING IMMEDIATELY TO THE SOUTH ON A VACANT PIECE OF LAND, WHICH IS A PROPOSED CONDOMINIUM COMPLEX. THAT CONDOMINIUM COMPLEX HAS 28 SPACES. WE HAVE 16 SPACES ON SITE, 16 FURTHER TO THE NORTH AND 50 FURTHER TO THE NORTH. OF THAT OF THAT AT RISING SUN AUTOMOTIVE AND A VACANT LOT IT ALSO LEASES. YOU WILL HEAR FROM THE NEIGHBORHOODS TONIGHT THAT WE DON'T ACTUALLY HAVE THAT PARKING BECAUSE WE HAVE LETTERS OF INTENT AND NOT LEASES. THAT CANNOT BE FURTHER FROM THE TRUTH. THE LETTERS OF INTENT ARE EXACTLY WHAT THEY SOUND LIKE, LETTERS OF INTENT. WHAT WE PLAN TO DO WITH THE PROPERTY IS WE HAVE RETAINED A PROFESSIONAL PARKING PLANNER TO ASSURE THAT WE WILL HAVE THAT PARKING IN PLACE. WITH REGARDS TO RISING SUN AND THE LOT NEXT DOOR AS WELL AS THE LOT NEXT DOOR TO THAT, WE WILL BE RESTRIPIING AND REPAVING IN ORDER TO ENSURE THAT WE HAVE THE RIGHT NUMBER OF SPOTS. WITH REGARDS TO THE CONDOMINIUM PROPOSED COMPLEX THAT IS TO THE SOUTH OF US, AFTER COMPLETION, WE HAVE 84 SPACES AVAILABLE TO US. THAT GIVES US 166 SPACES WHERE ONLY 103 WERE REQUIRED. WE THOUGHT THAT WAS MORE THAN ADEQUATE. WHAT MAKES IT MOST NOTABLE IS IT'S ALL ON THE EASTERN SIDE OF LAMAR, MEANING PATRONS DON'T HAVE TO CROSS LAMAR IN ORDER TO GET TO THE ESTABLISHMENT. THAT MAKES IT EASY TO ACCESS THE SIDEWALKS GETTING IN AND OUT OF THE ESTABLISH ESTABLISHMENT. THE FINAL ISSUE IS NOISE. THE NOISE ISSUE THAT CAME UP IN ZAPCO CAME FROM BOTH BOULDIN AND ZILKER. AT ZILKER -- WITH BOULDIN --

Mayor Wynn: PLEASE CONCLUDE. YOUR TIME IS UP.

[INAUDIBLE - NO MIC].

Mayor Wynn: YOU MAY. YOU HAVE THREE MORE MINUTES.

BOULDIN IS 680 FEET AWAY FROM THE PROJECT PROPERTY. THERE ARE FIVE NATURAL SOUND BARRIERS OF VEGETATION. THERE'S ALSO A TRAIN TRACK THAT RUNS 32 TIMES A DAY AT A DECIBEL LEVEL OF 87-DECIBELS. WITH OUR IMPROVED DESIGN, HAVING EVERYTHING INDOORS, HAVING RETAINED A NEW ARCHITECT, WE FEEL THAT THE SOUND HAS BEEN ADEQUATELY BUFFERED FROM BOULDIN. WITH REGARDS TO ZILKER, WE HAVE, IF YOU WILL GO TO THE NEXT SLIDE, WE'LL GO THROUGH WHAT WE HAVE DONE TO AMEND THE PROPERTY. THE FIRST FLOOR HAS BEEN ENLARGED. THE OTHER SLIDE. WE HAVE ENLARGED THE FIRST FLOOR AND MADE IT A MASONRY WALL. THIS WALL WILL BE ON THE EASTERN SIDE WITH THE SOUND TRAVELLING TO THE WEST. WHAT'S NOTABLE ABOUT THIS IS THE FIRST FLOOR ON THE WESTERN SIDE IS SUBTERRAINIAN, MEANING THE SOUND WILL GO INTO THE EARTH. THAT WILL PREVENT MOST OF THE SOUND FROM EVEN LEAVING THE FIRST FLOOR LEVEL. WE HAVE MADE THE PASS THROUGH TO THE SECOND FLOOR MUCH SMALLER AND WE HAVE PLEDGED TO THE NEIGHBORHOODS TO KEEP ALL DOORS AND WINDOWS CLOSED DURING ANY MUSICAL PERFORMANCES. IN NO WAY, SHAPE OR FORM WILL WE HAVE ANY MUSIC OUTSIDE EVER. WITH REGARDS TO THE NEIGHBORHOOD, WE HAVE WORKED EXTENSIVELY WITH THEM, STARTING IN SEPTEMBER -- ACTUALLY, STARTING EARLIER THAN THAT, BUT MOST NOTABLY IN SEPTEMBER WHEN WE RECEIVED E-MAILS AND STARTED SCHEDULING OUR MEETINGS. WE ORIGINALLY RECEIVED AN E-MAIL FROM LORRAINE ATHERTON, WHICH WAS A VERY POSITIVE E-MAIL EXPRESSING WHAT WE NEEDED TO ACCOMPLISH IN ORDER TO GARNISH THEIR SUPPORT. THOSE WERE MET AND THOSE ISSUES WERE THE OUTDOOR MUSIC, THE OFF SITE PARKING WITH LEASES AND THE TRAFFIC FLOW, AND WE HAVE MET THOSE. AFTER THE ZAPCO HEARING, AFTER HEARING THE ADDITIONAL CONCERNS, WE WENT BACK, REVISED ALL OF OUR PLANS AND WE'RE VERY EXCITED ON OUR NOVEMBER FOURTH MEETING WHEN WE MET WITH BOTH ZILKER AND BOULDIN. WE PRESENTED OUR PLANS AND EXPECTED SUPPORT. THE END OF THE MEETING CONCLUDED WITH ZILKER ASKING US TO HAVE SMALL ITEMS LIKE MAKING SURE SOME WINDOWS WERE INOPERABLE, BUT THE LARGEST ISSUE WAS A RESTRICTIVE COVENANT TO BE PLACED ON

THE PROPERTY AND THE PLACEMENT OF A PERFORMANCE BOND TO BE USED BY THE NEIGHBORHOOD FOR LITIGATION SHOULD THEY DEEM THAT WE ARE NOT COMPLYING WITH THAT RESTRICTIVE COVENANT. THE OWNER, WHO IS ADAMANTLY AGAINST A RESTRICTIVE COVENANT, AND WE APPROACHED THE NEIGHBORHOOD A NUMBER OF TIMES WITH ALTERNATIVES THAT WE THOUGHT WOULD ADEQUATELY PROTECT THEIR CONCERNS, ALL OF THE CONCERNS ARE VALID AND WE ACKNOWLEDGE THOSE AND HAVE PLEDGED TO ABIDE BY THE PROMISES THAT WE HAVE KEPT FORTH. MOST NOTABLY WE PROPOSE PUTTING IT INTO THE LEASE, WHICH WOULD THEN GIVE THE LANDLORD AN INCENTIVE TO EVICT US, THUS ALLOWING HIM TO RELEASE THE PROPERTY FOR A SUBSTANTIALLY HIGHER AMOUNT SHOULD WE DEFAULT. THIS MAKES IT IN OUR BEST INTEREST TO NOT DEFAULT ON THE LEASE. ZILKER DID NOT AGREE WITH THAT PROPOSAL. WE ARE AMEANABLE TO ANY AND ALL DISCUSSIONS WITH THE NEIGHBORHOOD WITH REGARDS TO ANY OTHER FUTURE PROPOSALS THAT THEY MAY HAVE. WE HAVE BEEN MORE THAN REASONABLE. IN CONCLUSION, I SEEK TO GO FROM CS TO CS-1 ON THIS PIECE OF PROPERTY. MY CLIENTS HAVE DONE ANYTHING AND EVERYTHING THAT THEY'VE BEEN ASKED TO DO. THIS PARTICULAR USE IS A HIGHER AND BETTER USE, WHICH WILL EMPLOY MORE EMPLOYEES AND GARNER HIGHER TAXES FOR THE CITY OF AUSTIN. I PERSONALLY BELIEVE THAT THIS WOULD BE A WOORNDFUL EDITION TO THE NEIGHBORHOOD AND A SYNERGY WITH BOTH THE RESIDENTS AND THE ESTABLISHMENTS NEARBY. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. HAJAR. SO IF THE RECORD WE'LL SHOW KIM MAY, BRYAN EASTERRING AND KEVIN SOUTHERLAND NOT SPEAKING IN FAVOR OF THE ZONING CASE. AND STEVEN ALEXANDER HAD JUST DONATED HIS TIME AND SO THEN LIKEWISE IS ELIZABETH GOSS, SHAUN STANLEY, NICOLE HARRIS OR KAYLA BRAY SON WHO SIGNED UP IN FAVOR AND DONATING THEIR TIME TO MR. ALEXANDER, IF ANY OF THOSE FOLKS WOULD LIKE TO SPEAK, THEY HAVE THAT OPPORTUNITY. WE'LL SHOW THEM IN FAVOR. LET SEE. BOB WOODY DONATED HIS TIME, WISHING TO SPEAK, IN FAVOR. AND I GUESS OUR LAST POTENTIAL SPEAKER, CHARLOTTE TREPTON. IS SHE HERE?

CHARLOTTE SIGNED UP WISHING TO SPEAK, IN FAVOR OF THE ZONING CASE. SO WE'LL NOW GO TO FOLKS WHO SIGNED UP WISHING TO SPEAK IN OPPOSITION. I'M GOING TO START WITH GAIL GIBB BONES. WELCOME. AND WHILE YOU'RE APPROACHING IS MOLLY WHITE HERE? NO, I JUST NEED TO CONFIRM YOU'RE HERE. THANK YOU. HOW ABOUT WILLIAM DAVIS? WELCOME, WILLIAM. SO GAIL, YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT. WELCOME.

I DON'T NEED NINE. OKAY. ALL RIGHT. I'M ONLY GOING TO USE THREE MINUTES.

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

THREE. THREE MINUTES.

Mayor Wynn: THEN YOU SHOULDN'T HAVE MOLLY AND WILLIAM DONATING THEIR TIME AND THEIR ABILITY TO SPEAK OR TO DONATE TIME TO SOMEBODY ELSE. SO YOU WILL HAVE THREE MINUTES. WELCOME.

OKAY. I MOVED TO BOULDIN CREEK NEIGHBORHOOD IN 1983 AND I MOVED FOR ITS UNIQUE QUALITIES, IN PARTICULARLY WEST BOULDIN CREEK. THE OPPORTUNITY TO LIVE NEXT TO THE WOODED CREEK AREA IS A VALUABLE ASSET TO OUR NEIGHBORHOOD. YET IT ALSO POSES SOME CHALLENGES, AND MOST PARTICULARLY SOUND AND NOISE TRANSMISSION. THE UNIQUE TOPOGRAPHY OF BOULDIN CREEK SOUND CHANNELS DIRECTLY INTO OUR HOMES, AND FOR THOSE OF US WHO LIVE IN THE NEIGHBORHOOD WE WILL BE SPEAKING TO THAT BECAUSE WE'VE EXPERIENCED THAT FOR MANY YEARS. WE'RE VULNERABLE TO NOISES FROM SOUTH LAMAR, BARTON SPRINGS ROAD, AUDITORIUM SHORES, AND WE HEAR MUSIC FROM CONCERTS FROM THESE AREAS, MUSIC FROM VENUES SUCH AS GREEN MESQUITE. WE'VE EVEN ON OCCASION CAN HEAR MUSIC FROM THE FOUR SEASONS. AS FAR AS SOUTH LAMAR GOES, TRAFFIC NOISE AS WELL IS CHANNELLED INTO OUR HOMES AND BACKYARD. ANY BUSINESSES WITH OUTDOOR SPEAKERS, WE HAVE HEARD THOSE OVER THE YEARS. THE PROSPECT OF A LIVE OUTDOOR MUSIC VENUE IS VERY DISTRESSING TO ALL OF US. I KNOW THE APPLICANT HAS SAID THAT THEY WILL BE MAKING CONCESSIONS TO THIS.

THE CONCERN THAT WE HAVE IN BOULDIN CREEK NEIGHBORHOOD IS THAT WE HAVE NO RECOURSE FOR ENFORCEMENT OF THAT. WE HAVE NO GUARANTEES, NO SIGNED AGREEMENTS THAT THAT IN FACT WILL HAPPEN. WE HAVE THEIR GOOD FAITH OR THEIR WORD, BUT WE HAVE NO WAY TO ENFORCE THAT, WE HAVE NO PROTECTION IN TERMS OF POLICING NOISE, IF IT DOES CHANNEL INTO OUR NEIGHBORHOOD. AND THAT IS OUR BIGGEST CONCERN. THE AGREEMENTS THAT WERE MADE, THE DISCUSSIONS THAT OCCURRED ASKING FOR THESE CONCESSIONS, WE WERE PLEASED TO HEAR THEM, BUT THEN WE HEARD LATER OF COURSE THAT THE OWNER WAS OPPOSED TO THOSE. WE ARE LEFT WITH WONDERING WHAT CAN HAPPEN ONCE THE BUILDING IS THERE, ONCE THE ZONING IS APPROVED, AND THAT WE ARE LEFT VULNERABLE, MOST IMPORTANTLY WITH NO WAY TO ENFORCE ANY OF THOSE SOUND BARRIERS AND NO WAY TO PROTECT PEACE AND QUALITY OF OUR NEIGHBORHOODS. WE'RE ASKING YOU AS THE CITY COUNCIL TO STAND WITH THE ZAP ZONING COMMISSION AND THE RECOMMENDATIONS OF ZILKER AND BARTON CREEK NEIGHBORHOOD ASSOCIATIONS. THERE ARE PLENTY OF VENUES IN AUSTIN FOR OUTDOOR MUSIC. THIS CLOSE TO A NEIGHBORHOOD IS A DISTRESSING THOUGHT. ALTHOUGH WHEN YOU LOOK PHYSICALLY AND YOU SEE THAT THERE IS DISTANCE BETWEEN SOUTH LAMAR AND OUR NEIGHBORHOODS, FOR MANY OF US OUR PROPERTY IS DIRECTLY EAST OF THAT PARTICULAR VENUE, AND WE CAN HEAR ALL THE NOISES COMING FROM THAT AREA, SO WE ASK YOU TO CONSIDER WHAT PROTECTION DO WE HAVE ONCE THIS ZONING IS MADE? WHAT'S GOING TO HAPPEN IF AGREEMENTS ARE NOT KEPT? WE ARE LEFT VULNERABLE IN THE NEIGHBORHOOD AND WE'RE ASKING YOU TO PLEASE PROTECT THE PEACE THAT WE'RE SEEKING IN OUR YARDS AND OUR HOMES. THANK YOU. BUZZ.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS BILL JEFERS. WELCOME. YOU WILL BE FOLLOWED BY MICHAEL WOLSON. WELCOME. YOU WILL HAVE THREE MINUTES.

EVENING, COUNCIL. I THINK THAT WHAT GAIL JUST SAID SPEAKS VERY WELL FOR MY CONCERNS HERE. WE LIVE IN A PEACEFUL NEIGHBORHOOD. WE HEAR LAMAR BOULEVARD PRETTY CONTINUOUSLY. IT SOUNDS KIND OF LIKE THE

OCEAN IN A WAY ON A GOOD DAY. AS THE APPLICANT SAID, TRAINS COME THROUGH THERE NUMEROUS TIMES A DAY, BUT I HAVE NO IDEA IT WAS THAT MANY TIMES A DAY. THERE IS A LARGE CONTINGENT OF US WHO LIVE ON SOUTH FIFTH STREET WHO ARE ELEVATED ABOVE SOUTH LAMAR AND ABOVE THE RAILROAD TRACKS, AND I THINK FOR US THE APPLICANT MENTIONED THE SCREENING OF TREES AND THE RAILROAD TRACKS THEMSELVES ACTUALLY AS POSSIBLE NOISE ABATEMENT FEATURES. TOP ROG TOPOGRAPHY, BUT I THINK FOR THOSE OF US ON SOUTH FIFTH STREET, WE ARE JUST STICKING UP ABOVE ALL THOSE THINGS AND NOISE ABSOLUTELY TRAVELS A LONG DISTANCE WITH GREAT CLARITY. THIS WILL INTENSELY IMPACT OUR LIVES. I'M ASKING YOU TO HELP US IN THIS POSITION THAT WE FIND OURSELVES IN. THANK YOU.

Mayor Wynn: THANK YOU, SIR. MICHAEL WOLSON. IS JULIE SIGH SACK SON HERE?

-- ISAACSON HERE?

NO, SHE'S MY WIFE. SHE HAD TO GO HOME AND TAKE CARE OF THE KIDS.

Mayor Wynn: YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY COREY WALTON.

THANK YOU. I'M HERE TO ASK YOU TO FOLLOW THE RECOMMENDATION OF THE SAP COMMISSION, WHO UNANIMOUSLY REJECTED THIS ZONING. I'M NOT SURE WHAT HAPPENED, BUT AS OF TWO DAYS AGO IT WAS DOWN ON THE CITY WEBSITE SAYING THAT STAFF REJECTED THIS RECOMMENDATION AS WELL. THE POINT THAT I NEED TO MAKE HERE TODAY IS THAT THERE'S NOTHING THAT THIS GENTLEMAN SAID AND THERE'S NOTHING THAT HIS ARCHITECT SAID THAT MATTER ONE IOTA. THEY ARE NOT THE OWNERS OF THE PROPERTY. THE OWNER OF THE PROPERTY HAS FLAT OUT REJECTED ANYTHING TO CONTROL THE USES OF THIS PROPERTY. I CAN MAKE PROMISES NOT TO PAINT YOUR HOUSE PINK. IF YOU DECIDE TO PAINT YOUR HOUSE PINK, I HAVE NOTHING TO SAY ABOUT IT. THE NEIGHBORS CAN'T HOLD ME RESPONSIBLE FOR THAT. THE FACT THAT THESE PEOPLE ARE BENDING

OVER BACKWARDS AND SAYING YES, WE'RE GOING TO SEAL THIS BUILDING MEANS NOTHING. THERE IS NOTHING ON THE ZONING OF THIS PROPERTY. IF YOU PASS THE ZONING OF THIS PROPERTY, THESE PEOPLE CAN BE GONE TOMORROW. HOW LONG -- WHAT IS THE TURNOVER FOR NIGHTCLUBS AND BARS IN THIS TOWN? WHO IS GOING TO BE NEXT? THERE'S NOTHING IN THIS ZONING THAT PROTECTS THIS NEIGHBORHOOD. AND I CAN TELL YOU THAT NEVER IN AUSTIN IN MY EXPERIENCE HAS LIVE OUTDOOR MUSIC AND NEIGHBORHOODS MIX. YOU ALL KNOW THE CASES. YOU'VE SEEN IT HAPPY AT SHADY GROVE, GREEN MESQUITE, YOU'VE SEEN IT HAPPEN AT JOVITA'S. I TOLD ZAP THAT I WAS SURPRISED THAT NOBODY FIRE BOMBED JOVITA'S BEFORE THEY CLOSE IT HAD IN. IT DOESN'T WORK. IT DOESN'T EVEN WORK DOWNTOWN. THE EMPANEDA GOT THEIRS SHUT DOWN BY A LARGE HOTEL, A BIG LARGE HOTEL SHUT DOWN THEIR MUSIC BECAUSE THEY WERE BEING DISTURBED. NOW, I'VE LIVED IN THIS HOUSE FOR 20 YEARS. I'M ALMOST DIRECTLY TO THE EAST OF THIS PROPERTY, AND AT THE TIME WHEN WE HAD A GROCERY STORE IN THERE WHERE THE THEATER IS NOW, YOU COULD HEAR THE LITTLE CONTINUE SPEAKER SAYING WE NEED A CART PICKUP OVER HERE, AND I COULD TELL YOU WHAT THEY WERE SAYING. SO TODAY I CAN TELL YOU WHEN A VOLKSWAGEN BEETLE DRIVES UP AND TOWN LAMAR. THIS IS THE NATURE OF THE WAY THE SOUND CREARZ AND THESE CREEKS CHANNEL THAT SOUND UP INTO THE NEIGHBORHOOD. THE SAME THING THAT ALLOWS YOU TO GO LIKE THIS ON ONE END OF A TRUMPET AND GET DIZZY GILLESPIE OUT OF THE OTHER WEDNESDAY END, THOSE CHANNELS WILL GO UP THERE AND THEY HAVE PUT HUGE SOUND INTO THESE NEIGHBORHOODS. AS GAIL SAID, WE CAN HEAR THE FOUR SEASONS, AND THEY'RE EAST OF US. AND IT'S JUST GOING RIGHT UP THAT CREEK BED. ULTIMATELY THE NEIGHBORHOODS HAVE ALWAYS PREVAILED, BUT I DON'T HAVE TO HAVE TO SUE THESE PEOPLE. I DON'T WANT TO HAVE TO GO THROUGH WHAT IT'S GOING TO TAKE TO DOCUMENT ALL THE CALLS AND ALL THE COMPLAINTS TO HAVE THEM DECLARED TO BE A PUBLIC NUISANCE. AND I'M ASKING YOU TO PROTECT US IN OUR HOMES. THIS IS THE SANCTITY OF OUR HOME. AND THERE'S NO REASON WHY IT NEEDS TO BE DISTURBED WITHOUT PROTECTION. I GUESS

THAT'S MY DEAL. [BUZZER SOUNDS] THESE PEOPLE, I TRUST THEM, THEY PROMISE THEIR THEY'RE GOING TO SEAL IT ALL UP. THERE'S NOTHING THEY CAN DO ABOUT THE NEXT TENANT OR WE DON'T EVEN KNOW THEY'LL BE THE TENANT. THERE'S NO NEIGHBORHOOD PROTECTION, AND THAT'S WHAT I'M ASKING YOU, PLEASE PROTECT THE NEIGHBORHOOD. THANK YOU.

Mayor Wynn: IS CATHERINE STILL HERE? AND LINDA PATTON. HELLO. SO COREY, YOU WILL HAVE UP TO NINE MINUTES.

WOW.

Mayor Wynn: ONLY IF YOU NEED THEM.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS COREY WALTON. I'M VICE-PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. THIS PROPERTY, AS YOU MAY KNOW, DOES NOT FALL WITHIN OUR NEIGHBORHOOD'S BOUNDARIES, BUT IT IS OUR RESIDENTS WHO ARE THE ONES WHO ARE GOING TO BE MOST DIRECTLY IMPACTED, AND THAT'S WHY SO MANY OF OUR PEOPLE ARE HERE. AFTER NUMEROUS DISCUSSIONS WITH THE APPLICANT'S AGENTS AND ATTORNEY, WE REALLY HAD HOPED THAT WE WERE GOING TO COME TO YOU TONIGHT WITH A JOYOUS EXAMPLE OF RESIDENT AND BUSINESS WORKING TOGETHER TO FORGE A MUTUALLY BENEFICIAL SOLUTION TO A TROUBLESOME PROPOSAL. AND AS IT TURNS OUT, UNFORTUNATELY THE AGREEMENT THAT THE ZILKER NEIGHBORHOOD MADE WITH THE APPLICANTS AND TO WHICH THE BOULDIN RESIDENTS WERE THERE AS AFFECTED PARTIES, CANNOT OR WILL NOT BE HONORED BY THE APPLICANTS AND APPARENTLY THE ROADBLOCK HERE IS NEITHER BETWEEN RESIDENTS NOR WITH THE APPLICANTS, BUT WITH THE LANDOWNER. WHO IS UNWILLING TO ENTERTAIN THE CONDITIONS THAT BOTH PARTIES AGREED UPON. A BIT OF HISTORY, IN SEPTEMBER AFTER PRESENTING THEIR PLANS, FOR AN OUTDOOR LIVE MUSIC BAR TO THE ZILKER NEIGHBORHOOD ASSOCIATION, THE APPLICANTS ALSO PRESENTED THEIR PLAN TO BOULDIN CREEK'S ZONING COMMITTEE. BOTH NEIGHBORHOODS THEN REALLY EXPRESSED CONCERN WITH THE PLAN. ZILKER'S MAIN CONCERN BEING PARKING, BOULDIN'S OF COURSE

BEING THE NOISE AND THE LIGHTING POLLUTION THAT WOULD CARRY ACROSS THE GREENBELT INTO RESIDENTS' HOMES. HUNDREDS OF BOULDINNITES, AND I'M SURE YOU'RE HERE TONIGHT, ALREADY ACCEPT OR TOLERATE 26 LIVE AMPLIFIED MUSIC EVENTS PER YEAR ON AUDITORIUM SHORES. THEY'RE NOT PREPARED TO HAVE THEIR HOME LIFE VIOLATED BY NOISE FROM A PRIVATE ENTERPRISE THREE OR FOUR TIMES A WEEK FOR UP TO 50 WEEKS PER YEAR OR A TOTAL OF UP TO 200 EVENINGS PER YEAR. ON OCTOBER 4TH, THE ZONING AND PLATTING COMMISSION, THEIR HEARING WAS POSTPONED SO THE NEIGHBORHOODS AND THE APPLICANTS COULD WORK OUT AN AGREEABLE SOLUTION. WHEN NO SOLUTION WAS REACHED ON OCTOBER 18th, THE ZONING AND PLATTING COMMISSION UNANIMOUSLY RECOMMENDED AGAINST THIS REZONING. ON NOVEMBER 4TH, THE APPLICANTS PRESENTED NEIGHBORHOOD OFFICERS THE REVISED PLAN THAT YOU SEE TONIGHT, WHICH WOULD KEEP THE MUSIC ENCLOSED. THEY AGREED TO A NECESSITY NO OUTDOOR MUSIC RESTRICTIVE COVENANT, AND FOR COMPLIANCE THEY AGREED TO SIGN A PERFORMANCE BOND. WE UNFORTUNATELY LEARNED THIS EVENING THAT THEY ARE UNABLE TO MEET THOSE CONDITIONS, AGAIN, THROUGH NO FAULT OF THEIR OWN OR OUR OWN. AS YOU KNOW, GRANTING A ZONING CHANGE WITH THESE RESTRICTIONS AND NO MECHANISM TO ENFORCE THEM WOULD LEAVE DOZENS, PERHAPS HUNDREDS OF AFFECTED RESIDENTS WITH NO ASSURANCE OF COMPLIANCE, NO ENFORCEMENT AND NO RECOURSE SHOULD THE APPLICANTS REVERT TO THEIR ORIGINAL PLAN OR CHANGE MANAGEMENT OR SELL THE PROPERTY OR WHATNOT. THE PROPOSED CS-1 IS REALLY THE ONLY ZONING CLASSIFICATION THAT DOES CREATE THESE TROUBLESOME CONDITIONS. THE EXISTING CS ZONING LEAVES THE PROPERTY OWNER. COUNTLESS OTHER REDEVELOPMENT OPTIONS, INCLUDING RESTAURANT AND BAR WHERE IN 51% OF SALES WOULD HAVE TO BE FOOD. SO THERE ARE ENDLESS OTHER REDEVELOPMENT OPTIONS THAT WOULD BE MORE APPROPRIATE TO SURROUNDING RESIDENTS AND BUSINESSES, AND WE THEREFORE URGE YOU TO DENY THIS UNNECESSARILY INTRUSIVE ZONING CHANGE FOR A USE THAT IS INAPPROPRIATE FOR THIS PROPERTY AND FOR THIS

LOCATION. THANK YOU FOR YOUR CONSIDERATION.

Mayor Wynn: THANK YOU, MR. WALTON. THE NEXT SPEAKER IS LORRAINE ATHERTON. WELCOME BACK. YOU WILL BE FOLLOWED BY ISIDRO RODRIGUEZ, WHO WILL BE FOLLOWED BY JULIE ISAACSON.

HELLO, I'M LORRAINE ATHERTON. I WAS PRESIDENT OF ZILKER NEIGHBORHOOD ASSOCIATION WHEN WE STARTED NEGOTIATIONS ON THIS CASE THIS SUMMER. I'D LIKE TO EMPHASIZE THAT THIS HEARING IS ABOUT THE ZONING, NOT ABOUT APPROVING SITE PLANS. STAFF APPROVES SITE PLANS. WE DON'T HAVE ANY SAY OVERSIGHT PLANS. FROM THE BEGINNING OF OUR NEGOTIATIONS, SNA ZONING COMMITTEE EXPLAINED TO THE INVESTORS THAT PARKING AND OUTDOOR ENTERTAINMENT WOULD BE A PROBLEM ON THIS SITE, AND THAT WE WOULD NEED TO SEE BINDING PARKING LEASES IN EITHER A CONDITIONAL OVERLAY OR RESTRICTIVE COVENANT PROHIBITING OUTDOOR AGREEMENT BEFORE WE COULD SUPPORT CS-1 ZONING. THE INVESTORS, AND I CALL THEM INVESTORS NOW BECAUSE WE HAVE SINCE STOFERD THAT THEY AREN'T THE ACTUAL OWNERS OF THE PROPERTY. THEY DON'T INTEND TO BUY THE PROPERTY. THE INVESTORS KEPT PRODUCING SITE PLANS, BUT THEY COULD NOT PRODUCE ANYTHING THAT WOULD PREVENT THE ACTUAL OWNER FROM LEASING THE PROTO SOMEBODY ELSE AS -- THE PROPERTY TO SOMEONE ELSE. AT OUR LAST MEETING, THE INVESTORS MADE IT CLEAR THAT THE ACTUAL OWNER WANTS TO HAVE THE OPTION OF OUTDOOR ENTERTAINMENT OPEN AS A FUTURE USE. ZILKER NEIGHBORHOOD ALREADY HAS A REGIONAL ENTERTAINMENT DISTRICT ON BARTON SPRINGS ROAD. WE DON'T NEED ANOTHER ONE ON SOUTH LAMAR. THE SMALL NEIGHBORHOOD ICE HOUSE PROJECT THAT WAS ORIGINALLY PRESENTED TO ZNA COULD BE ACCOMMODATED UNDER THE CURRENT CS ZONING. THAT'S THE SORT OF THING THAT WE HAVE AT FLIP DELETE NOTICES ON BARTON SPRINGS ROAD AND AT BOULDIN COFFEE HOUSE ON SOUTH FIRST. WE SEE NO NEED TO APPROVE CS-1 ZONING ON THIS SITE. THANK YOU.

Mayor Wynn: THANK YOU. MR. RODRIGUEZ. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JULIE

ISAACSON, WHO WILL BE FOLLOWED BY JEFF JACK.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. I'M A CONCERNED CITIZEN, WHICH WE HAVE PROPERTY AT 1008 SOUTH EIGHTH STREET, WHICH IS DIRECTLY BEHIND THIS AREA OF PROPOSED ZONING. THEY WERE TALKING ABOUT THE PARKING ISSUES HERE. IF YOU LOOK AT THIS MAP, STRAIGHT DOWN WEST GIBSON HERE IS A HILL THAT SLOPES DIRECTLY DOWN. WHERE THIS TREE IS IT'S A DEAD END. IF YOU TRAVEL SOUTH ON LAMAR, AND IF YOU LOOK OVER HERE TO THE WEST, THERE IS TREAD WELL RIGHT HERE. I DON'T KNOW IF YOU CAN SEE IT. IT'S RIGHT HERE. THE SAME THING IS THERE. IT'S A HILL, A STEEP HILL THAT TURNS INTO A DEAD END. SOUTH LAMAR IS RIGHT HERE. AND THAT'S WHERE OUR FAMILY OWNED PROPERTY IS. WE HAD MENTIONED THAT IT'S A RESIDENTIAL PROPERTY THAT'S BEEN USED AS AN UPHOLSTERY SHOP. MY FATHER HAS OWNED IT SINCE 1950. THE ISSUE THAT WE HAVE IS HE'S SAYING THAT THERE'S PARKING THAT THEY'RE GUARANTEEING. THIS PARKING THAT THEY'RE LOOKING AT IS RIGHT ABOVE HERE. ALL OF THIS LAND HERE, YOU'RE TALKING ABOUT TRYING TO GET IN AND OUT OF TRAFFIC RIGHT HERE, WHICH IS A VACANT LOT, WHICH IS NEXT TO THE RISING SUN, WHICH IS RIGHT HERE. THAT VACANT LOT IS RIGHT HERE. THAT VACANT LOT IS WHERE OUR PROPERTY WATER LINE, MAIN LINE IS LOCATED. WE WILL NEED ACCESS TO THIS PROPERTY LINE THAT'S RIGHT HERE TO GET TO IT. THEY'RE PROPOSING TO HAVE THIS AREA REPAVED AND USED FOR PARKING. WE WILL NOT BE ABLE TO HAVE ACCESS TO THAT IF THEY DO THIS. THERE IS AN EASEMENT RIGHT HERE, RIGHT BEHIND HERE. THIS IS FERRELL ELECTRIC COMPANY RIGHT HERE, THIS IS A MEDIA PLACE -- ACTUALLY, I'M SORRY, THE MEDIA PLACE IS RIGHT HERE. THERE'S ANOTHER LOCATION RIGHT HERE. RIGHT HERE IS TOMMY'S DRUM SHOP. OUR FAMILY-OWNED PROPERTY IS RIGHT HERE. THERE IS A RESIDENTIAL HOUSE HERE THAT THEY SAY IS USED FOR CHURCH ACTIVITIES. THERE IS A LOT OF ACTIVITIES THAT'S GOING ON THERE AND THEN THE VACANT LOT HERE. THAT EASEMENT RIGHT BACK HERE IS THE ONE WE'RE CONCERNED ABOUT. IT HAS NOT BEEN ADDRESSED AT ALL. IT HAS EROSION ISSUES FOR THE PROPERTIES DIRECTLY BEHIND THIS SITE THAT I HAD JUST

MENTIONED. WHICH MEANS DEVELOPMENT ON SOUTH LAMAR WOULD REQUIRE ACCESS TO ALL MAIN, WATER MAIN AND WASTEWATER LIFT STATIONS. THE EASEMENT HAS 30-FOOT DROPS WHICH CONTINUE TO ERODE AS WE REQUEST THE CITY STAFF -- AND WE REQUEST THE CITY STAFF TO DO AN ENVIRONMENTAL IMPACT STUDY BEFORE THIS ZONING CASE CAN BE APPROVED. [BUZZER SOUNDS] AGAIN, THE NOISE IS AN ISSUE. I DON'T UNDERSTAND HOW THEY'RE SAYING THAT THEY CAN AVOID THIS ISSUE. AND AGAIN, THERE'S NO RESTRICTION AGAIN HOLDING THEM ACCOUNTABLE BECAUSE THEY ARE NOT THE PROPERTY OWNERS. THANK YOU.

Mayor Wynn: THANK YOU. JULIE ISAACSON? SIGNED UP WISHING TO SPEAK, AGAINST. JEFF JACK, WELCOME BACK, JEFF. LET'S SEE, IS DANETTE (INDISCERNIBLE) HERE? HOW ABOUT MICHAEL MEYER? HELLO, MICHAEL. SO JEFF, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

[INAUDIBLE - NO MIC].

Mayor Wynn: I CAN'T HEAR YOUR NAME. THANK YOU, DAVID. I CAN'T SEE YOU BACK THERE. THANKS.

MAYOR AND COUNCILMEMBERS, I'M JEFF JACK AND PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION THIS YEAR. EARLIER THIS THE EVENING YOU APPROVED ON ALL THREE READINGS A COUPLE OF ITEMS. Z-17 AND ITEM NUMBER 84. BOTH OF THOSE PROJECTS ARE ON THE ZILKER NEIGHBORHOOD AND WE HAVE WORKED WITH THOSE DEVELOPERS AND CAME TO AGREEMENTS WITH THEM. THEY'RE UPZONINGS AND WE APPROVED THEM. BECAUSE WE GOT IN EXCHANGE FOR OUR NEIGHBORHOOD CONCERNS, ACTUAL CONCESSIONS AND UNDERSTANDINGS WITH THOSE DEVELOPERS. THAT'S NOT THE CASE WITH THE SITUATION WE HAVE WITH THIS ZONING. THE NEIGHBORHOOD CONCERNS AS YOU'VE HEARD ARE ABOUT NOISE, ABOUT TRAFFIC, ABOUT PARKING. WE'RE CONCERNED ABOUT THE IMPACT TO OUR NEIGHBORS TO THE EAST, TO THE BOULDIN CREEK FOLKS, BUT WE'RE ALSO CONCERNED ABOUT THE PEOPLE THAT LIVE IN THE MARY LEE FOUNDATION THAT IS DIRECTLY ACROSS THE STREET. THAT IS A COMPLEX OF HOUSING FOR PEOPLE WITH MENTAL

DISABILITIES AND A VERY CONCERN TO US THAT THIS NOISE IS GOING TO BE IMPACTING THOSE FOLKS. WE'RE ALSO CONCERNED THAT ON THAT BACK STREET BEHIND THIS PROPERTY IS A RECORDING STUDIO AND THE OWNER OF THAT STUDIO IS VERY CONCERNED THAT HAVING A MUSIC VENUE IS GOING TO DISRUPT HIS RECORDING BUSINESS. WE'RE ALSO CONCERNED ABOUT PARKING. THE APPLICANT HAS INDICATED THAT WE NEED 103 SPACES. THEY ONLY HAVE 16 ON SITE. HE SAID THAT THEY HAVE GOTTEN LEASES THAT ARE PROOF THAT THEY'RE GOING TO HAVE THAT, BUT I WANT TO READ TO YOU OUT OF THE LETTERS OF UNDERSTANDING THIS SENTENCE. THIS LETTER DOES NOT CONSTITUTE EITHER AN OFFER OR ACCEPTANCE BY EITHER PARTY. THE TERMS AND PROVISIONS OF THIS LETTER ARE IN NO WAY BINDING ON ANY PARTY AND ON SUBJECT TO APPROVAL AND ACCEPTANCE BY ALL PARTIES UNLESS AND UNTIL THE CONTRACT IS EXECUTED BY ALL PARTIES. WHICH MEANS THAT EVEN THOUGH THEY SAY THEY HAVE THE LEASES, THEY DON'T HAVE THE LEASES. NOT ONLY THAT, ON THE SCREEN YOU'RE GOING TO SEE ONE OF THE SITES THAT THEY PROPOSE TO HAVE 50 PARKING SPACES. THIS IS THE RISING SUN PARKING, AN AUTOMOTIVE REPAIR SHOP. I TALKED TO THE OWNER AND I ASKED HIM IF HE HAD 50 PARKING SPACES, AND HE SAID NO. I ASKED HIM HOW MANY HE THOUGHT HE COULD GET ON HIS SITE. AND HE SAID MAYBE ABOUT 20. AND THEN I ASKED HIM HOW MANY OF THOSE COULD BE AVAILABLE. AND HE SAID, WELL, ALL THE PARKING SPACES BEHIND THE FENCE IS WHERE HE PARKS HIS CAR AT NIGHT AND THAT'S LOCKED UP. SO I'M NOT SURE THAT THE NUMBERS ADD UP. EVEN IF THEY WERE TO GET BINDING LEASES. THEY'RE PROPOSING MONTH MONTH TO MONTH LEASES, SO AT WHICH TIME THEY WOULD BE ABLE TO TERMINATE THOSE LEASES AND WE WOULD HAVE NO RECOURSE TO DO ANYTHING ABOUT IT. I'M GOING TO SKIP QUICKLY TO AN ISSUE WITH REGARD TO THE FACT THAT WE HAVE WORKED WITH THEM SINCERELY, WE HAVE OFFERED A SOLUTION AND THE INVESTORS, AS LORRAINE HAS SAID, AGREED WITH WHAT WE WERE ASKING FOR. AND IT'S UNFORTUNATE THAT THE PROPERTY OWNER WOULD NOT. BUT HE VERY CLEARLY IS LOOKING TO DO SOMETHING ELSE IN THE FUTURE WITH THIS PROPERTY. BUT THEY'VE PROPOSED CERTAIN THINGS THAT WOULD SUGGEST THAT

YOU APPROVE IT. ONE IS THAT THEY'RE NOT GOING TO COMPETE WITH EXISTING RESTAURANTS. WELL, MAYBE, MAYBE NOT. I MEAN, WE HAVE RESTAURANT ROW IN OUR NEIGHBORHOOD AND WE DOWNTOWN FIND THAT HAVING CHEW CHUY'S AND POCO LOVMENT OCO IS A BIG DETRIMENT TO ANY OF THEM. THEY SAY THIS IS A DIFFERENT PROJECT, BUT AS STATED BEFORE, THIS IS ZONING. THERE'S NO GUARANTEE THAT THE BUILDING THAT THEY'VE SHOWN IS THE ONE THAT'S GOING TO GET BUILT. THEY MADE PLEDGES TO THE NEIGHBORHOOD ABOUT OUTDOOR MUSIC AND WE'VE TRIED TO FIND A WAY TO GET AN OVERLAY INTO THE ORDINANCE THAT WOULD PROHIBIT OUTDOOR MUSIC. WE CAN'T DO THAT BY ORDINANCE. SO IT HAS TO BE A RESTRICTIVE COVENANT. AND WE CAN'T GET THE RESTRICTIVE COVENANT. THEY TALK ABOUT THE STANCE TO THE BOULDIN CREEK HOUSES AND THE VEGETATION THAT MIGHT BE A SOUND BUFFER. I WILL TELL YOU AS AN ARCHITECT, THAT'S NOT GOING TO HAVE MUCH WEIGH. AND TONIGHT YOU WERE VERY CONCERNED ABOUT THE CASE DOWN SOUTH, THE HOUSING NEXT TO THE INDUSTRIAL. YOU REALIZE THAT THE INDUSTRIAL BUILDING WAS ALMOST A THOUSAND FEET AWAY FROM THE CORNER OF THE OTHER END OF THAT RESIDENTIAL AREA AND Y'ALL WERE VERY CONCERNED ABOUT GETTING A NOISE REDUCTION INTO THE ORDINANCE? AND YET WE'RE ONLY 640 FEET AWAY TO THE BOULDIN FOLKS. THE LAST THING THEY SAID, WE TRIED TO GET IT IN THE LEASE AGREEMENT. A LEASE AGREEMENT BETWEEN THE INVESTOR AND THE PROPERTY OWNER GIVES THE NEIGHBORHOODS NO CAPACITY TO ENFORCE IT. WE'RE TOTALLY AT THE DISCRETION OF WHETHER THE OWNER WOULD EVER WANT TO DO ANYTHING. I'M GOING TO GIVE YOU A LITTLE HISTORY. DOWN IN SOUTHEAST AUSTIN ABOUT SIX YEARS AGO, THE BLUFF SPRINGS NEIGHBORHOOD WAS ASKED BY THE FOLKS PROPOSING TO DO THE REGENT VILLAGE SUBDIVISION IF THEY WOULD SUPPORT THAT CASE. AND THEY SAID WE WILL BUILD YOU A PRIVACY FENCE AND HAVE DUMPSTERS. THE NOIBD SUPPORTED THE ZONING CHANGE. SIX YEARS LATER THEY'RE STILL TRYING TO GET THE G.O.P.ER TO DO WHAT HE SAID. DEVELOPER TO DO WHAT HE SAID. TWO YEARS AGO WE HAD A CASE ON SOUTH LAMAR. THE DEVELOPER SAID THAT HE NEEDED NEIGHBORHOOD

SUPPORT TO DO A LITTLE INFILL SUBDIVISION, AND PART OF THE AGREEMENT WAS THAT HE WOULDN'T BUILD TWO STORY HOUSES ON PARTICULAR LOTS THAT BACKED UP TO EXISTING HOUSES. HE GOT THE NEIGHBORHOOD SUPPORT, THE ZONING WENT THROUGH, HE BUILT THE SUBDIVISION AND THEN HE TURNED AROUND AND BUILT TWO STORY HOUSES ON THE LOTS THAT HE SAID HE WOULDN'T DO IT. IN ZILKER TWO YEARS AGO WE HAD A DEVELOPER COME AND SAY WE'D LIKE TO YOU HELP US REZONE A BIG TRACT INTO FLAG LOTS TO BUILD DUPLEXES. THE ONE THING THAT WE ASKED IS THAT YOU PUT THE FRONT DOOR OF THE DUPLEXES THAT FACE THE STREET TOWARD THE STREET. HE BUILT THE DUPLEXES WITH THE FRONT DOOR TO THE SIDE. IF WE WOULD HAVE HAD A RESTRICTIVE COVENANT AND A BOND, THOSE SITUATIONS WOULD NOT HAVE BEEN NEARLY AS EGREGIOUS AS THEY ARE. BUT WITHOUT ANY TYPE OF GUARANTEE THAT THE PROMISES MADE TO YOU TONIGHT WERE GOING TO BE HONORED, WHAT DO YOU HAVE IN THE WAY OF ENFORCING IF THEY CHOOSE NOT TO? THIS PROPERTY IS CS. IT ALLOWS A LOT OF DIFFERENT USES. IT CAN BE DEVELOPED IN LOTS OF DIFFERENT WAYS. AND WE SUPPORT THE IDEA OF USING THIS PROPERTY TO SOME OTHER USE BESIDES AN AUTOMOTIVE REPAIR PLACE, BUT CS-1 IS INAPPROPRIATE. WE HAVE NO WAYS THAT OUTDOOR MUSIC WILL NOT OCCUR THERE. AND WE FEEL LIKE IT'S TOO BIG A RISK FOR US TO TAKE FOR OUR COMMUNITY. SO WE URGE YOU PLEASE TO DENY THIS ZONING. THANK YOU.

Mayor Wynn: THANK YOU, MR. JACK. KATHY TOVO SIGNED UP WISHING TO SPEAK IN OPPOSITION. WELCOME, KATHY. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JACK MOORE, WHO WILL BE FOLLOWED BY ERIC ANDERSON.

GOOD EVENING, MAYOR, COUNCILMEMBERS. I'M KATHY TOVO, PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION, AND I WON'T TAKE MUCH OF YOUR TIME THIS EVEN. WE'RE REALLY FORTUNATE TO HAVE HAD SEVERAL OF THE BOULDIN RESIDENTS WHO ARE REALLY CONCERNED ABOUT THIS PROJECT EITHER COME DOWN TONIGHT TO SHARE THEIR COMMENTS WITH YOU OR TO GET MESSAGES TO YOUR OFFICES. THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION STRONGLY ENCOURAGES YOU TO VOTE

AGAINST THIS AND TO DENY THIS ZONING CHANGE. WE WOULD LIKE TO SEE YOU AFFIRM THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION TO DENY. THE RESIDENTS I THINK HAVE REALLY COVERED WHAT ABOUT THIS PARTICULAR SITE POSES SUCH LIGHT AND NOISE CONCERNS TO THE FOLKS WHO ARE WITHIN SEVERAL BLOCKS OF THIS PROPOSED MUSIC AND BAR -- MUSIC VENUE AND BAR. GIVEN THE PROPERTY OWNER'S LACK OF WILLINGNESS TO PUT INTO PLACE ASSURANCES IN THE FORM OF A RESTRICTIVE COVENANT, WE URGE YOU TO DENY THIS REQUEST. THANK YOU.

Mayor Wynn: THANK YOU, KATHY. JACK MOORE? TO SPEED THINGS ALONG, IF YOU COULD COME UP. WE HAVE A BUNCH OF PUBLIC HEARINGS STILL TO DO TONIGHT. AS I CALL THE NEXT PERSON, THEY COULD BE COMING FORWARD AND BE AT THE OTHER PODIUM, IT WOULD MAKE US MOVE A LITTLE FASTER. JACK MOORE, WELCOME, YOU WILL BE FOLLOWED BY TERRY ANDERSON, WHO WILL BE FOLLOWED BY KERRY LEE.

MY NAME IS JACK MOORE, I LIVE ON 1200 SOUTH FIFTH. I HAVE A DIRECT LINE OF SIGHT FROM MY BACKYARD ACROSS THE CREEK TO 1109. AND IT'S -- I CAN SEE THEM AND I CAN HEAR THEM. AND EVERYBODY ELSE HAS COVERED ALL OF THE ISSUES, I JUST HOPE THAT YOU WILL FOLLOW THEIR RECOMMENDATIONS AND YOUR STAFF'S RECOMMENDATIONS AND NOT APPROVE THIS CHANGE. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME MR. ANDERSON. YOU WILL BE FOLLOWED BY CAREY LEE. YOU WILL HAVE THREE MINUTES. WELCOME.

THANK YOU, COUNCIL , MEMBERS. MY NAME IS ERIC ANDERSON. I'M A RESIDENT OF BOULDIN CREEK. I'VE LIVED THERE FOR ALMOST 20 YEARS. I REALLY CAN'T SAY ANYTHING THAT THE OTHER SPEAKERS HAVEN'T ALREADY COVERED MUCH BETTER PROBABLY THAN I COULD SAY IT, BUT WHAT I WANT -- I GUESS THE POINT I WANT TO MAKE IS THAT THE CENTER PART OF AUSTIN IS BECOMING MUCH MORE DENSELY POPULATED. YOU WILL ALL AWARE OF THAT. AND WITH THAT DENSITY COMES A LOT OF OPPORTUNITIES FOR ALL OF US TO ENRICH OUR CITIES AND TO ENRICH OUR

LIVES. BUT LIKEWISE THERE ARE SOME RESPONSIBILITIES WITH THAT DENSITY, AND WE HAVE TO RESPECT EACH OTHER'S PRIVACY. AND I HAVE A FAMILY AND I HAVE CHILDREN, AND THEY DO THEIR HOMEWORK IN THE EVENINGS AND WE SIT AT OUR DINNER TABLE, JUST LIKE PROBABLY EVERYBODY IN THIS ROOM, AND WE DO NOT WANT THIS INVASIVE DEVELOPMENT, THIS MUSIC, THIS LIVE MUSIC COMING INTO OUR HOUSE NIGHT AFTER NIGHT AND DISTURBING US. SO PLEASE, PROTECT US BECAUSE THAT'S - YOU'RE ALL WE'VE GOT. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME KERRY LEE. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY BOBBY RIGBY, WHO WILL BE FOLLOWED BY GAIL ARMSTRONG.

I'M SPEAKING TO YOU BOTH AS A BUSINESS OWNER IN THE ZILKER NEIGHBORHOOD AND AS A RESIDENT IN THE BOULDIN NEIGHBORHOOD. AS A RESIDENT I SHARE ALL OF THE FEARS AND CONCERNS THAT HAVE BEEN EXPRESSED TONIGHT, SO I WON'T GO INTO THAT. AS A BUSINESS OWNER, I CAN ADDRESS FIRST THE PARKING. I OWN THE ALAMO DRAFT HOUSE CINEMA. AND BEFORE WE OPENED, WE DID A PRETTY COMPREHENSIVE PARKING REVIEW AND CAME TO THE CONCLUSION THAT WE WERE GOING TO HAVE ADEQUATE PARKING FOR THE NEIGHBORHOOD. WHAT WE DIDN'T TAKE INTO ACCOUNT WAS THAT VERY SOON AFTER WE OPENED, THE INCREASED TRAFFIC BENEFITTED THE OTHER RESTAURANTS NEAR US, AND THEIR BUSINESS INCREASES, WHICH THREW OFF THE CALCULATIONS THAT WE HAD. AND WE FIND THAT NOW ON FRIDAY AND SATURDAY NIGHTS OUR PARKING DOES ACTUALLY IMPACT THE NEIGHBORHOOD. SO EVEN THOUGH WE HAD FAR MORE THAN THE NUMBER OF PARKING SPACES THAN IS REQUIRED ACCORDING TO THE CITY CALCULATIONS, WE'RE STILL HAVING PROBLEMS THAT WE NEED TO ADDRESS. ALSO SPEAKING AS A BUSINESS OWNER, I CAN TELL YOU THAT AN INVESTOR WHO PLANS TO PUT HUNDREDS OF THOUSANDS, POSSIBLY MILLIONS OF DOLLARS INTO THE BUSINESS THAT BELONGS TO A PROPERTY OWNER HAS A GREAT DEAL OF WEIGHT WITH THE PROPERTY OWNER TO GET THEM TO AGREE TO CERTAIN THINGS SUCH AS RESTRICTIVE COVENANTS AND AGREEMENTS WITH THE NEIGHBORHOOD. AND IF THE INVESTOR DOES NOT CARRY THAT WEIGHT, IT

EITHER MEANS THAT THE LANDLORD HAS ALTERNATE PLANS OR THAT THEY JUST DON'T EXPECT THAT PARTICULAR BUSINESS TO BE IN THEIR PROPERTY FOR VERY LONG. AT THE ZONING COMMISSION MEETING, THE INVESTORS FAIRLY OMINOUSLY TOLD US THAT BEING ZONED CS MEANS THAT THEY ALREADY CAN DO LIVE OUTDOOR MUSIC, AND THE CHANGE OF ZONING DOESN'T AFFECT WHAT THEY'RE ABLE TO DO TO AFFECT THE EFFECT THE NEIGHBORHOOD AND THE ZONING CHANGE WOULD ONLY MAKE IT EASIER FOR THEM TO BE IN BUSINESS IN THE FIRST PLACE. THE RESPONSE TO THIS IMPLICIT THREAT WAS THAT ONE OF THE COMMISSIONERS ACTUALLY MADE A MOTION THAT THE PROPERTY SHOULD BE REZONED TO RETAIL. THAT DIDN'T CARRY, BUT I FELT THAT THAT WAS AN EXTREMELY PROACTIVE RESPONSE TO THIS THREAT -- [BUZZER SOUNDS] -- WHICH DOES SEEM TO BE A VERY REAL THREAT WITH PLANS THAT THE LANDLORD OR THAT THE PROPERTY OWNER HAS THAT THE NEIGHBORHOOD HAS NO CONTROL OVER. SO I WOULD LIKE TO ENCOURAGE YOU NOT ONLY TO FOLLOW THE ZONING COMMISSION'S RECOMMENDATIONS, BUT ALSO TO THINK ABOUT A VERY, VERY PROACTIVE MOTION TO REMOVE THE DANGER ALTOGETHER. [APPLAUSE]

Mayor Wynn: THANK YOU, MS. LEAGUE. AND MY DAUGHTERS LOVE THE WARDROBE IN NARNIA ON SUNDAY. BOBBY RIGBY, WELCOME. YOU WILL HAVE THREE MINUTE AND BE FOLLOWED BY LEE ARMSTRONG.

THANK YOU. I'M BOBBY RIGBY. I'M WITH THE ZILKER NEIGHBORHOOD ASSOCIATIONS DEVELOPMENT SUBCOMMITTEE. I WANTED TO SHOW THE -- HERE IT IS, NOT EXACTLY STRAIGHT. THIS IS LOOKING EAST OVER LAMAR BOULEVARD TO THE MIDDLE FLOOR, THE SECOND FLOOR THAT YOU COULD CALL IT, OF THE DOWNTOWN AUTO AUTOMOTIVE. AND I WANT TO NOTICE THAT THERE'S A STEEP DOWNHILL OVER HERE ON GIBSON, AND I WANTED TO POINT OUT THAT THERE'S CITY BENCHMARKS, CIVIL BENCHMARKS THAT INDICATE THAT THERE'S THE ELEVATION THAT YOU CAN SUBTRACT AND GET A 35-FOOT DROP. AND TO INDICATE HOW FAST IT DROPS IS THAT IF YOU GO DOWN THE STEEP DOWNHILL ON GIBSON, IF YOU GO 50 FEET OR SO AND YOU TURN INTO THE DRIVEWAY BEHIND THIS, YOU'RE

ALREADY BELOW AND YOU PULL INTO THE FLOOR BELOW THIS. THE ORIGINAL PLAN PRESENTED HAD A LARGE OUTDOOR DECK, WHICH ALSO UTILIZES THE ROOFTOP SQUARE FOOTAGE FOR THE SMALL LOT, AND THIS RESULTED IN THE NEEDED OFF SITE PARKING OF 5254 PARKING SPACES. THE IMMEDIATE OBVIOUS ISSUE IS NOISE, AND THAT'S BECAUSE IF THESE ARE WIDE OPEN, GARAGE DOORS OR WINDOWS, HOWEVER THEY RENOVATE AND THEY PLAN TO HAVE THESE OPEN, THEY STATED, THEN THE SOUND IN THE OPPOSITE DIRECTION WOULD HIT TZ A GOES UPHILL INTO THE BOULDIN NEIGHBORHOOD. SOIPTED TO INDICATE THAT THERE'S A LARGE UPHILL AREA OF HOMES THAT THIS WILL THIS HIT. SO NOW WHAT THEY'VE DONE IS THEY CAME BACK, SAID THEY WANTED TO ENCLOSE THAT DECK, GIVING THEM MORE SQUARE FOOTAGE, WHICH THEN MAKES THEM HAVE TO HAVE OVER 150 PARKING SPACES, AS THEY'VE POINTED OUT. SO IF COUNCIL BELIEVES THE OWNER HAS AGREED TO NO OUTDOOR MUSIC, PLEASE CONSIDER THAT NO OUTDOOR ENTERTAINMENT DOES NOT EQUAL NO OUTDOOR MUSIC. WHEN THE OPEN DOORS AND WINDOWS ACCOMPLISH THE STATED GOAL. I'LL JUST READ THE STATED INTENT IS TO OPEN A LIVE MUSIC VENUE, SO TO EXPECT THIS OPEN CONCEPT THAT ALLOWS PATRONS TO ALLOW VISITING, SMOKING AND ANY OTHER ACTIVITIES OUTDOORS, WHILE ENJOYING LOUD MUSIC IS ALSO TO EXPECT NEIGHBORS TO BE IMPACTED BY LOUD MUSIC. BUT NOT JUST WHEN THEY GO TO THE BAR, BUT EVERYDAY, EVERY WEEKEND, IN THENO CARRIERRINGCONNECT 57600 --

HERE'S THE SITE. THESE ARE NOT ZONED RESIDENTIAL, BUT THEY ARE RESIDENTIAL. AND THEN OF COURSE ALL THIS IS RESIDENTIAL. SO RIGHT IN THE MIDDLE OF ALL THIS, AND LIKE I SAY, THIS IS UPHILL, SO I JUST WANTED TO INDICATE THAT THIS IS GOING TO BE A TREMENDOUS IMPACT WITH AN AMP PA THEATER EFFECT TO THOSE RESIDENTS. THANK YOU. MARY MAYOR THANK .

Mayor Wynn: MAYOR THANK YOU. GAIL ARMSTRONG.

EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS GALE ARMSTRONG. I ALSO LIVE IN THE BOULDIN CREEK NEIGHBORHOOD. FIRST I'D LIKE TO COMMEND YOU FOR YOUR IRON SKIRTS AND IRON PANTS, BEING ABLE TO

SIT THROUGH THESE INTERMINABLE HOURS OF CONVERSATION.

Mayor Wynn: WE'VE GOT A GOOD ONE COMING UP AFTER THIS ACTUALLY.

I'LL TRY TO BE AS QUICK AS WE CAN. LET ME SPEAK FIRST TO THE IDEA OF FOR-PROFIT OUTDOOR AMPLIFIED SOUND, AND WHETHER THIS PARTICULAR PROJECT HAS THAT OR NOT. AND IT DEFINITELY HAS THAT POTENTIAL. THAT NEEDS TO BE REIGNED IN. I LISTENED TO LITTLE RICHARD LAYING IN MY BED WITH ALL THE WINDOWS CLOSED 10 YEARS AGO COMING OFF OF AUDITORIUM SHORES. I'VE LISTENED TO REZ EYE FLY DOWNTOWN. I HEAR THE STUBS. I HEAR THREADGILLS, ALL PLACES -- NOT ALL PLACES I'VE BEEN TO, BUT SOME OF THEM I ACTUALLY ATTEND, I'VE GONE TO THESE PLACES, HAD DINNER, WHATEVER. BUT I ALSO LISTEN TO ABOUT SIX HOURS OF MUSIC EVERYDAY IN MY BUSINESS, AND WHEN I GO HOME AT NIGHT, THAT'S NOT WHAT I WANT TO HEAR, ESPECIALLY NOT SOME SOUND COMING FROM SOMEBODY ELSE WHOSE MAKING A LIVING DOING IT. IT'S BEEN PRETTY HARD FOR ME TO PEEL OFF A LITTLE PIECE OF THE SOUTH BANK OF THE COLORADO RIVER IN AUSTIN, TEXAS AND MAKE IT MINE, AND I DEFINITELY INTEND TO ENJOY BEING THERE. AND FOR SOMEONE TO THINK THAT THEY HAVE THE RIGHT TO INVADE MY PRIVACY ON A REGULAR, WEEKLY BASIS, IT'S NOT RIGHT. IT'S NOT RIGHT AT ALL. I'LL CLOSE BY SAYING PERHAPS THE COUNCIL COULD MEET TWICE A WEEK AND WE WOULDN'T HAVE TO STAY SO LATE. THANK YOU. [LAUGHTER]

Mayor Wynn: I'M START TO GO ENTERTAIN THE SAME MOTION, GALE. THANK YOU, MR. ARMSTRONG. THAT'S ALL THE FOLKS WHO HAVE SIGNED UP WISH TO GO SPEAK IN OPPOSITION. A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK, BLESS THEIR HEARTS, IN OPPOSITION. THEY INCLUDE WILLIAM GREENHALL, HELEN FLEMING, SCOTT TRAINER, LINDA LAND, CAROL GIBBS, JEAN MATHER AND OSCAR GATETON. SO THAT'S ALL THE FOLKS SIGNED UP IN FAVOR AND IN OPPOSITION. NOW WE'LL HAVE A THREE-MINUTE REBUTTAL FROM EITHER MR. LITTLE OR MR. HAJAR OR SOUTHERLAND. WELCOME BACK, GENTLEMAN.

THANK YOU VERY MUCH. I'LL KEEP IT VERY BRIEF. FIRST I'D LIKE TO POINT OUT THAT THE CURRENT ZONING IS CS AS IT STANDS. WHAT WE ARE ASKING FOR AND THE POSSIBILITIES OF WHAT WE COULD DO WITH THE PROPERTY WITH REGARDS TO THE NOISE, WHICH IS A HUGE CONCERN AS WE HAVE HEARD, AREN'T PREVENTED WITH OUR CURRENT ZONING. THE FACT THAT WE'RE HERE TONIGHT ISN'T TO TRY TO GET A ZONING CHANGE TO ALLOW FOR THESE PROPOSED OUTDOOR VENUES. WE COULD DO IT NOW. WE DON'T WANT TO DO IT AND WE HAVE PLEDGED NOT DO IT. WHAT WE'RE ASKING FOR IS A ZONING CHANGE TO CS-1 FOR THE SOLE PURPOSE OF NOT COMPETING WITH THE SIX RESTAURANTS THAT ARE WITHIN 600 FEET OF US. WE HAVE MADE A NUMBER OF DIFFERENT CONCESSIONS. MR. JACK SAID THAT WE HAD NOT. WE REMOVED THE DECK, WE ENCLOSED THE SPACE. WE BROUGHT LETTERS OF INTENT. THE VERBIAGE THAT IS FOUND IN THE LETTERS OF TINT IS THE NORMAL REAL ESTATE VERBIAGE. OF COURSE IT'S NOT DWROING IT BE BEYONDING. WHY WOULD WE SIGN A LEASE IF WE DON'T GET THE SEEING THAT WE'RE LOOKING FOR. NOW WE HAVE 166 POTENTIAL PARKING SPACE WHZ WE MAY ONLY NEED 56 IF WE HAVE CS. THERE'S NO REASON TO INCUR THOSE COSTS AS OF NOW. THE LETTERS OF INTENT DO AS THEY'RE STATED TO DO, GET A PRELIMINARY AGREEMENT BETWEEN TWO PARTIES WITH WHICH TO FURTHER ON AFTER THE -- WHEN THE TIME IS NECESSARY TO FORMALIZE THAT AGREEMENT. WITH REGARDS TO THE NUMBER OF SPACES, THE OWNER OF RISING SUN HAS BEEN VERY HELPFUL WITH US. HE IS NOT A PARKING SPECIALIST. THE GENTLEMAN WE'VE HIRED FROM PARKING PLANNERS IS A PARKING SPECIALIST. OUR REPAVING AND OUR MAINTENANCE OF THE PARKING WILL ALLOW FOR THE PARKING THAT WE HAVE ASKED FOR. WE HAVE NEVER EVER STATED THAT WE WOULD LIKE -- THAT WE WOULD GRANT A RESTRICTIVE COVENANT. WHAT WE STARTED THAT WAS THAT WE WEREN'T OPPOSED TO THE CONDITIONS THE NEIGHBORHOOD SET FORTH. FURTHER, WITH REGARDS TO ANY MUSIC, WHICH HAS BEEN BLOWN WAY OUT OF PROPORTION, THE ORIGINAL INTENT BY THE PRINCIPALS IN THIS PROJECT WAS TO HAVE A VERY CALM, LOW KEY ICE HOUSE FOR THE NEIGHBORHOOD TO ENJOY. AND IF THERE WAS A BAND, GREAT. THIS WAS A LOCALLY GROWN,

HOMEGROWN AUSTIN PRODUCT. IT WAS NOT MEANT TO BE MALICIOUS, IT WAS NOT MEANT TO TAKE NEARLY AS MUCH TIME BEFORE THE COUNCIL AS IT HAS DONE. THIS WAS MEANT TO BE A VERY SMALL PART OF THE PRESENTATION AND AT ZAPCO IT WAS MISREPRESENTED. WE STAND BY THAT. IT WAS NOT INTENDED TO BE THAT WAY. AND FURTHER, WE WOULD NEVER EVER HAVE OUR DOORS AND WINDOWS OPEN TO TRY TO ENCOURAGE -- TO ALLOW THE POLLUTION OF NOISE INTO THE BOULDIN OR ZILKER NEIGHBORHOODS. I'M APPALLED THAT WE WOULD HAVE THAT PRESENTED BEFORE US TODAY. I'LL LET BOBBY FINISH UP. THANK YOU.

COULD I HAVE THE OVERHEAD, PLEASE? THERE TO THE LEFT OR WHERE THE ARROW IS POINTED THERE, WE OWN THAT LAND AND WE'RE DOING A 30-MILLION-DOLLAR DEVELOPMENT OF CONDOS THERE. SO WE ARE RESIDENTS IN THE NEIGHBORHOOD. [BUZZER SOUNDS] OUR REQUEST IS REASONABLE. WE'VE MET THE NEIGHBORHOOD ASSOCIATION ON NUMEROUS OCCASIONS. WE ARE BECOMING PART OF THE NEIGHBORHOOD. WE'RE LEASING THIS PROPERTY BECAUSE WE ARE BECOMING PART OF THE NEIGHBORHOOD. WE CLOSED IN OUR LIVE MUSIC AREA COMPLETELY BECAUSE OF THE REQUEST OF THE NEIGHBORHOOD ASSOCIATION AND WE ARE REALLY NOT A LIVE MUSIC VENUE. WE WANT TO AVOID INSTALL AGRICULTURE KITCHEN AND COMPETE WITH THE EXISTING KITCHENS THERE. I'LL CLOSE WITH THE FACT THAT THE NEIGHBORHOOD AND OUR USE OF THE PROPERTY ALONG WITH IT WILL -- MY COLLEAGUE HAS JUST SAID WE'D OFFER A CONDITIONAL OVERLAY THAT DID AWAY WITH ANY FORM OF LIVE MUSIC OUTSIDE. SO WE REQUEST YOUR SUPPORT IN THIS ISSUE.

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

Mayor Wynn: ALL RIGHT. AND THEN MS. GLASGO, HELP ME, ONE OF THE ISSUES OR A COMMON THEME OF SOME OF THE CONCERNS OF NEIGHBORS IS ESSENTIALLY CHARACTERIZED AS PROTECTIONS AFTER ZONING. THAT IS, YOU KNOW, THE NUMBER OF THINGS THAT -- THAT COULD OCCUR, EITHER, YOU KNOW, WITH THIS OPERATOR OR WITH

A FUTURE OPERATOR, WITH A DIFFERENT OWNER, WITH A DIFFERENT BUSINESS EVEN. CAN YOU ADDRESS THAT IN SUMMARY FASHION?

Glasgo: WELL, IF YOU GRANT THE ZONING TONIGHT, FIRST OF ALL THE ZONING ITSELF OBVIOUSLY ALLOWS THIS USE. BUT BECAUSE IT'S CONSIDERED A COCKTAIL LOUNGE OR A BAR BECAUSE IT WILL BE SERVING ALCOHOL, THE SITE PLAN WILL BE REQUIRED TO GO TO THE PLANNING COMMISSION FOR APPROVAL AND THAT CAN BE APPEALED TO THE CITY COUNCIL BY ANY PARTY. SO IF COMMISSION DENIES IT, THE AGGRIEVED PARTY CAN APPEAL TO COUNCIL. IT'S NOT LIKE ANY OTHER PROJECT, A COCKTAIL LOUNGE REQUIRES A CUP AFTER YOU GRANT THE ZONING. TYPICALLY FOR CONDITIONAL USE PERMITS, SITE PLAN WHAT THE COMMISSION LOOKS AT, THEY HAVE SOME CRITERIA THAT REQUIRE THE ISSUES REGARDING NOISE, PARKING, ALL OF THE ISSUES THAT THE RESIDENTS HAVE RAISED, THE APPLICANT WOULD HAVE TO DEMONSTRATE HOW ARE THEY GOING TO MITIGATE ALL OF THOSE CONCERNS THROUGH THE CONDITIONAL USE PERM. IT'S A DISCRETIONARY APPROVAL OF THE USE, SO THIS IS REALLY STEP 1 OF THIS ZONING CHANGE, OF THIS PARTICULAR USE, GRANTING IT DOES NOT GUARANTEE THAT THEY CAN -- THEY CANNOT GO TOMORROW AND OPEN UP OUR -- THEY STILL HAVE TO OPEN UP ANOTHER HOOP OF HAVING TO GO BACK TO THE PLANNING COMMISSION FOR THE SITE PLAN TO BE APPROVED WHICH CAN BE APPEALED TO YOU.

Mayor Wynn: THANK YOU, MS. GLASGO. FURTHER QUESTIONS OF STAFF? OR OF THE -- OF THE OWNER, APPLICANT, AGENT OR NEIGHBORS? COUNCILMEMBER KIM?

I HAVE A QUESTION FOR STAFF. THE APPLICANT SUGGESTED A CONDITIONAL OVERLAY BUT MY UNDERSTANDING IS THAT WE COULD EXPAND LIVE OUTDOOR MUSIC WITH A CONDITIONAL OVERLAY, THAT WOULD HAVE TO BE A RESTRICTIVE COVENANT WITH THE APPROVAL OF THE OWNER, SRK IS THAT.

THAT IS CORRECT. THE CONDITIONAL OVERLAY, I THINK THE APPLICANT DOES NOT UNDERSTAND THAT, FOR HIS BENEFIT I WILL SAY FOR THE RECORD A CONDITIONAL OVERLAY

LOOKS AT THOSE ELEMENTS THAT ARE ALREADY IN THE CODE, YOU ARE RESTRICTING THEM. FOR EXAMPLE IF YOUR HEIGHT IS 60 FEET, THEN YOUR CONDITIONAL OVERLAY CAN REDUCE THAT TO 40 FEET. IF YOU HAVE A SETBACK ALREADY IN THE CODE, YOU CAN REDUCE THAT SETBACK. A CLAY SERVES AS A TOOL -- A CONDITIONAL OVERLAY SERVES AS A TOOL TO RESTRICT WHAT IS ALREADY CALLED OUT IN THE CODE. ELEMENTS LIKE THE COLOR OF A HOUSE OR PROHIBITING CERTAIN ASPECTS LIKE LIVE MUSIC. THAT WOULD HAVE TO OCCUR IN THE RESTRICTIVE COVENANT. BECAUSE IT'S NOT A -- NOT AN ITEM THAT IS REGULATED IN THE CODE.

Kim: SO THE AGENT HERE TODAY IS REPRESENTING A TENANT NOT THE OWNER; IS THAT CORRECT?

[INDISCERNIBLE] ZONING CHALLENGE, THE AGENT IS THE ACTUAL OWNER OF THE PROPERTY. I'M HERE ON BEHALF OF THE TENANTS AS WELL AS THE OWNER ONLY BECAUSE THE OWNER OWNS THE PROPERTY. HAD IT NOT BEEN FOR THE RELATIONSHIP OF THE OWNER AND THE TENANT, THIS ISSUE WOULD NOT HAVE COME UP. IN FACT I -- ETHICALLY I ACTUALLY WILL HAVE A DUAL REPRESENTATION IN THIS PARTICULAR MATTER THOUGH IN -- IN THIS PARTICULAR MATTER I REPRESENT BOTH OF THEM BECAUSE WE ARE HERE ON THE OWNER'S BEHALF.

Kim: OKAY. SO FOR STAFF THEN, IF THE CURRENT OWNER, IF LET'S SAY THE PROPOSED TENANT DECIDES TO HAVE LIVE MUSIC INDOORS LIKE THEY ARE SAYING, THAT CURRENT -- THE OWN OWNER COULD CHANGE THE TENANT AND ALLOW - - WITHOUT THE RESTRICTIVE COVENANT ALLOW MUSIC OUTDOORS IF WE GRANT CS 1 ZONING OR IF WE DON'T THEY CAN HAVE MUSIC OUTDOORS, RIGHT?

Glasgo: WELL, THIS IS JUST STEP ONE OF THE ZONING. THIS ZONING CHANGE IN ITSELF, IF IT WERE GRANTED, WOULD NOT ALLOW THIS PARTICULAR USE TO OCCUR UNTIL STEP 2 WHICH REQUIRES A CONDITIONAL USE PERMIT TO BE APPROVED BY THE COMMISSION. THE COMMISSION WOULD LOOK AT ALL OF THOSE ASPECTS, IF THEY CHOOSE TO APPROVE THOSE SITE PLAN, THEY CAN PUT THAT RESTRICTIONS ON THE PLAN WITH REGARD TO OUTDOOR

SEATING. STEP 1 IS TO OBTAIN THE ZONING. AFTER THEY GET THE ZONING, THEY HAVE TO GO BACK, FILE A SITE PLAN THAT HAS TO GO TO THE COMMISSION THAT DEMONSTRATE THE BUILDING LOCATION, PARKING, ADDRESS NOISE, OUTDOOR SEATING, OBVIOUSLY THAT'S AN ISSUE THAT'S GOING TO OCCUR. SO THINK OF STEP 2 BEING A SIMILAR DISCUSSION OF WHAT YOU ARE HAVING TODAY SHOULD THAT MOVE FORWARD. GET TO DISCUSS IN MORE DETAIL HOW THEY ARE GOING TO MAYBE GET AT THOSE ISSUES.

ALL RIGHT.

Kim: THANKS, ALTHOUGH I WOULD NOT LIKE TO SEE ANY OUTDOOR LIVE MUSIC AT THIS PROPERTY. BUT I GUESS THEY COULD DO IT WITH THE CURRENT ZONING ANYWAY. BUT MY UNDERSTANDING IS BECAUSE ALCOHOL IS IMPORTANT FOR SALES AND ANY KIND OF I GUESS LIVE MUSIC VENUE LIKE A BAR, THAT'S WHY THEY ARE ASKING FOR THE CS 1 ZONING FIRST, THEN THEY WILL GO FORWARD WITH THE SITE PLAN I GUESS THE REQUEST TO ALLOW THE MUSIC.

CORRECT.

INDOORS OR OUTDOORS.

Glasgo: CORRECT. I WOULD LIKE TO ADD UNDER THE EXISTING ZONING, THEY COULD HAVE A RESTAURANTS AND THE RESTAURANT COULD HAVE OUTDOOR SEATING, YOU KNOW, A RESTAURANT THAT'S -- THAT CAN SERVE ALCOHOL WITH FOOD, BUT DOES NOT REQUIRE A CONDITIONAL USE PERMIT. TODAY IF THEY WERE TO HAVE A RESTAURANT WITH OUTDOOR SEATING THAT COULD OCCUR WITHOUT THE ZONING.

MY UNDERSTANDING IS THAT THEY DON'T HAVE ENOUGH SPACE TO HAVE A FULL SERVICE KITCHEN THAT'S WHY THEY ARE USING IT AS A PREP SERVICE IN THE AREA TO PROVIDE THE FOOD.

THAT'S NOT ENTIRELY CORRECT. THE SPACE IS THERE. THE DESIRE TO NOT HAVE A FULL KITCHEN IS FROM A COST BASIS WITH REGARDS TO THE COMPETITORS IN THE

IMMEDIATE AREA AS OPPOSED TO A SQUARE FOOTAGE BASIS. THE SIX RESTAURANTS WITHIN 600 FEET, FIVE OF THEM WITHIN 300 FEET ARE THE MAIN CONCERN AS TO WHY WE ARE SEEKING ZONING CHANGE. THE DIFFERENCE BETWEEN A PREP KITCHEN AND A FULL KITCHEN IS HUNDREDS OF THOUSANDS OF DOLLARS, REALISTICALLY, IT'S \$200,000 TO HAVE A FULL KITCHEN THAT WOULD COMPLY WITH CITY STANDARDS. WHEREAS A PREP KITCHEN IS MUCH LESS EXPENSIVE, ALLOWS THE ESTABLISHMENT TO SUCCEED IN HAVING MUCH LONGER LIFE EXPECTANCY IF THEY DON'T HAVE SUCH A LARGE ECONOMIC HURDLE TO OVERCOME ON THE FRONT END. ONE TANGENT REGARDLESS OF REGARDLESS OF THE NEIGHBORHOOD'S OBJECTION OF OUR PROPOSAL FOR THE LEASE, WE WILL NOT BE -- IN THE LEASE THERE WILL BE A PROVISION THAT WILL PROHIBIT LIVE OUTDOOR MUSIC REGARDLESS OF THE OUTCOME OF THIS EVENING. IT IS NOT PART OF OUR PLAN AND THAT NEEDS TO BE STATED AGAIN AND AGAIN.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER LEFFINGWELL?

Leffingwell: COULD I ASK MR. JACK TO COMMENT ON STEPS BEYOND ZONING SINCE IT'S CONDITIONAL USE PERMIT. FROM THE NEIGHBORHOOD'S PERSPECTIVE.

THANK YOU, COUNCILMEMBER. IT'S OUR UNDERSTANDING IF YOU GRANT THE CS 1 ZONING TONIGHT, THEN THERE IS A STEP THAT YOU HAVE TO PRESENT A SITE PLAN. BUT THAT SITE PLAN DOESN'T HAVE TO REPRESENT ANYTHING THAT THE APPLICANT HAS SHOWN TONIGHT. ALL THAT SITE PLAN HAS TO DO IS MEET THE ZONING REQUIREMENTS OF THE CS 1, AND ALL OF THE REGULATIONS OF THE CODE WITH REGARD TO PARKING AND SO FORTH. IT HAS NOTHING TO DO WITH THE SUBMITTING A SITE PLAN FOR A BAR THAT HAS OUTDOOR MUSIC. SO THE CUP PROCESS DOESN'T AFFORD US ANY ADDITIONAL PROTECTION FROM THIS ISSUE OF THE OUTDOOR MUSIC.

YES?

Leffingwell: SUBSEQUENT LESSEE OF THIS PROPERTY WITHOUT THE RESTRICTIVE COVENANT, WITH JUST THE CS 1

ZONING, COULD CHOOSE TO ESTABLISH AN OUTDOOR MUSIC VENUE AT ANY TIME; IS THAT CORRECT?

Glasgo: I'M SORRY, COULD YOU REPEAT THAT AGAIN.

Leffingwell: A SUBSEQUENT LESSEE AFTER THIS, WE KNOW THAT THE CURRENT LESSEE HAS -- OR LESSEE TO BE HAS PROMISED THAT THERE WILL BE NO OUTDOOR MUSIC. ASSUMING THAT'S CORRECT, SUPPOSE LATER ANOTHER LESSEE DECIDED TO DO IT. CAN HE DO IT.

Glasgo: IF YOU DO NOT HAVE A RESTRICTIVE COVENANT, YES. THE RESTRICTIVE COVENANT NEEDS TO BE REALLY SIGNED BY THE OWNER OF THE PROPERTY, NOT THE LESSEE. SO I NEED TO MAKE THAT CLEAR. THE LESSEE DOES NOT HAVE -- BECAUSE THE RESTRICTIVE COVENANT RUNS WITH THE LAND, SO REGARDLESS OF WHO OWNS IT, THAT RESTRICTION STAYS UNTIL IT IS REMOVED. BUT THE LESSEE IS NOT THE PERSON THAT GETS TO SIGN THAT COVENANT. IT NEED TO BE THE RECORD OWNER OF THE PROPERTY.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: MS. GLASGO, WITH THE CURRENT ZONING, THE CURRENT CS ZONING, YOU COULD HAVE A RESTAURANT WITH ALCOHOL SERVED AND OUTDOOR MUSIC UNDER THE CURRENT ZONING.

CORRECT. THERE'S NO -- CORRECT, YOU CAN DO THAT, PROVIDED OBVIOUSLY THEY COMPLY WITH ALL OF THE PARKING REQUIREMENTS OR THE OTHER REQUIREMENTS THAT WOULD BE REQUIRED FOR THAT TYPE OF LEASE.

IT'S JUST THE ELEMENT THAT WITHOUT FULL KITCHEN THAT THEY WOULD WANT THE CS 1 TO HAVE THE --

THE CS 1 --

AND THAT'S WHERE THE ZONING CHANGE IS REQUIRED.

YES, MA'AM, THAT'S CORRECT.

COUNCIL, ALSO JUST TO CLARIFY, REALLY THE MAIN DIFFERENCE BETWEEN A RESTAURANT THAT SERVES ALCOHOL WITH YOUR FOOD, VERSUS A BAR THAT REALLY YOUR PRIMARY REVENUE IS FROM THE ALCOHOL MAYBE, A FEW SNACKS HERE AND THERE, WHAT DETERMINES FOR US WHAT A PRINCIPAL USE IS, IS THE REVENUE THAT IS DERIVED FROM THE PRINTS PAL PRINCIPAL USE. OBVIOUSLY A RESTAURANT SELLS MORE FOOD, THEREFORE [INDISCERNIBLE] [MULTIPLE VOICES] THAT WOULD BE A DISTINCTION.

Dunkerly: THAT'S WHAT I WAS [INDISCERNIBLE] I HAVE NOT BEEN ABLE TO THINK OF ANY CO TYPE OF LANGUAGE THAT WE COULD PUT IN BECAUSE SETBACKS WOULDN'T HELP US AND SO -- SO I WAS TRYING TO COME UP WITH SOMETHING THAT WOULD ENCOURAGE THEM TO KEEP THOSE RESTRICTIONS ON AS THEY GO THROUGH THE PROCESS, BUT --

Glasgo: ALL OF THE CONCERNS THAT THEY ARE OFFERING TO ADDRESS REQUIRE A RESTRICTIVE COVENANT WHICH AGAIN AS INDICATED WOULD HAVE TO BE SIGNED BY THE OPENER OF THE PROPERTY, NOT THE LESSEE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: THIS MAY HAVE BEEN ASKED ALREADY, BUT IT'S THAT TIME OF NIGHT WHERE -- I'LL ASK IT AGAIN. I HEARD A QUESTION EARLIER, A STATEMENT THAT UNDER THE EXISTING CS ZONING THAT IT COULD ACCOMMODATE AN ICE HOUSE, IN OTHER WORDS A -- A PLACE THAT I GUESS SERVES BEER BY THE BOTTLE. IS THAT ACCURATE?

Glasgo: BEER BY THE BOTTLE FOR ON SITE CONSUMPTION? YES.

Glasgo: NO. FOR ON SITE CONSUMPTION YOU NEED TO HAVE CS 1 ZONING BECAUSE TABC, TEXAS ALCOHOLIC BEVERAGE COMMISSION HAS TO GRANT YOU FOR ANY ON SITE CONSUMPTION, YOU HAVE GOT TO HAVE CS 1 ZONING. FOR OFF-SITE CONSUMPTION WHEN YOU BUY ALCOHOL OR BEER FROM A -- FROM A PLACE THAT SELLS -- A STORE THAT SELLS IT FROM A GROCERY STORE, IT'S FOR OFF-SITE, NO

ON SITE. SO YOU NEED CS 1 ZONING FOR ON SITE CONSUMPTION. WHAT EXACTLY ARE YOU THINKING OF? WHAT PLACE SERVES --

McCracken: I DON'T KNOW. ONE OF THE SPEAKERS TONIGHT SAID THAT. I WROTE THAT DOWN. IT SOUNDED NOVEL TO ME --

Glasgo: OUR CODE REQUIRES FOR ANY ON-SITE CONSUMPTION YOU HAVE GOT TO HAVE CS 1 ZONING.

Alvarez: ISN'T THAT FOR RESTAURANT USE? FOR A RESTAURANT THEY CAN SELL ALCOHOL FOR ON SITE CONSUMPTION.

Glasgo: YES, A RESTAURANT, BUT I'M SPEAKING TO AN ICE HOUSE. YEAH, FOR A RESTAURANT OF COURSE YOU CAN SERVE, THE SAME QUESTION COUNCILMEMBER DUNKERLY ASKED, FOR A SIT-DOWN RESTAURANT CAN YOU SERVE BEER OR WINE WITH YOUR FOOD, YES, YOU CAN DO THAT.

McCracken: WITH CS.

WITH CS ZONING A RESTAURANT THAT SERVES FOOD AND BEER OR WINE.

McCracken: OKAY. WHATEVER WAS STATED EARLIER WAS INACCURATE.

JUST LIKE WHEN YOU GO TO WATERLOO ICE HOUSE, YOU CAN GET FOOD WITH BEER OR WINE, THAT'S ALLOWED UNDER CS ZONING. THE ONLY TIME OBVIOUSLY IF THEY SELL MORE ALCOHOL THAN THE FOOD, THEN WE WOULD REQUIRE THAT THEY HAVE CS 1 ZONING WHEN WE DO -- WE WOULD HAVE TO DO AN AUDIT TO DETERMINE THAT THEY WERE EXCEEDING THE SALE OF THE FOOD VERSUS ALCOHOLIC BEVERAGES, THEN CS 1 ZONING WOULD BE REQUIRED. I HOPE THAT HELPS.

McCracken: YES. THAT'S WHY YOU CAN'T LEAVE. YOU CAN'T LEAVE. YOU KEEP GIVING US NEW INFORMATION ALL OF THE TIME.

MR. GUERNSEY IS HERE TO DO THAT.

McCracken: GREG HAS A FEW THINGS, TOO.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM Z-21. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I'M GOING TO MOVE THE ZONING AND PLATTING COMMISSION RECOMMENDATION TO DENY THE CS 1 ZONING. AND CLOSE THE PUBLIC HEARING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING ON ITEM Z-21 AND TO APPROVE THE ZONING AND PLATTING COMMISSION RECOMMENDATION, WHICH IS TO DENY CS 1 ZONING. SECONDED BY COUNCILMEMBER KIM. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANK, MAYOR. I THINK I'M GOING TO SUPPORT THE -
- THE MOTION. OBVIOUSLY I THINK THAT -- THAT THERE'S A BETTER COMMERCIAL USES FOR THAT PROPERTY THAN MAYBE AUTO REPAIR. BUT I THINK THAT I WOULD LIKE TO HAVE SOME ASSURANCE ON THE -- ON THE OUTDOOR ENTERTAINMENT ISSUE. AND I DON'T KNOW IF -- I DON'T KNOW IF THERE'S AN ABILITY OF MAKING HEAD WAY ON THAT ISSUE. BECAUSE I DON'T THINK THERE WILL BE A SECOND READING IF -- OF -- IF THIS MOTION PASSES. BUT IT SEEMS LIKE THAT WOULD BE A WAY THAT -- TO ARRIVE AT A SOLUTION HERE. BUT I THINK BARRING THAT I WOULDN'T FEEL COMFORTABLE SUPPORTING THIS.

Mayor Wynn: COUNCILMEMBER KIM?

Kim: I HAVE A QUESTION FOR MS. GLASGO. IF WE PASS THE MOTION TO DENY THE REQUEST FOR CHANGE OF ZONING, THEY CAN'T COME BACK FOR A CHANGE FOR 18 MONTHS?

Glasgo: THAT'S CORRECT, FOR 18 MONTHS SIMPLY BECAUSE THE PLANNING COMMISSION RECOMMENDED DENIAL AND YOU RECOMMENDED DENIAL. THEY CANNOT SEEK THE SAME ZONING OR HIGHER FOR 18 MONTHS.

Kim: WHAT IF THEY WERE TO COME BACK WITH CS 1 WITH A RESTRICTIVE COVENANT TO BAN LIVE MUSIC.

THEY STILL CAN'T. THAT'S THE SAME ZONING, CS 1. A COVENANT IS JUST A TOOL FOR RESTRICTIONS. THE PENALTY IS JUST TO LET PEOPLE --

Kim: CAN YOU SEEK DIRECTION FROM THE COUNCIL THEY COULD BRING IT BACK BEFORE THEN IF THEY --

YOU WOULD HAVE TO DIRECT STAFF TO INITIATE THE ZONING AS OPPOSED TO THE APPLICANT. IF WE ARE THE APPLICANT, IF YOU THE CITY IS THE APPLICANT, AS OPPOSED TO THEM BEING THE APPLICANT, THEN YOU ARE BASICALLY MOVING -- EXCUSING YOURSELF ON HAVING TO WAIT.

Kim: OKAY.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: I HAVE A SUGGESTION. IF I COULD PROPOSE A SUBSTITUTE MOTION TO DELAY THIS OR TO POSTPONE THIS ACTION UNTIL JANUARY. AND HAVE THE LESSORS GO BACK TO THE OWNER AND SEE IF THEY CAN'T ONE MORE TIME GET A RESTRICTIVE COVENANT. SO THAT YOU ARE NOT WAITING FOR 18 MONTHS TO DO SOMETHING. IF YOU ALL WOULD CONSIDER A POSTPONEMENT WITH THAT DIRECTION, WE WOULD CONSIDER IT IN JANUARY. IF YOU ARE ABLE TO DO THAT, IT BRINGS ANOTHER SET OF CIRCUMSTANCES AND WE COULD CONSIDER IT ON ITS MERITS AT THAT TIME. BUT WITHOUT THAT RESTRICTIVE COVENANT, I THINK THE NEIGHBORHOOD REALLY DOESN'T HAVE ANY PROTECTION. SO I WOULD MAKE HOPEFULLY EITHER A SUBSTITUTE MOTION FOR US TO POSTPONE THIS FOR -- UNTIL JANUARY, EITHER 12th OR 26th.

Mayor Wynn: SUBSTITUTE MOTION PROPOSED BY COUNCILMEMBER DUNKERLY TO POSTPONE CASE Z-21 UNTIL JANUARY 26th. 26th --

I'LL SECOND THAT, MAYOR. [INAUDIBLE - NO MIC]

Mayor Wynn: SUBSTITUTE MOTION SECONDED BY
COUNCILMEMBER ALVAREZ. FURTHER COMMENTS?
COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WILL SAY THAT IT WAS DESCRIBED TO ME THAT
GETTING A RESTRICTIVE COVENANT FROM THIS PARTICULAR
OWNER WOULD BE OFF THE TABLE TASK. SO PERHAPS THE
APPLICANT WOULD LIKE TO COMMENT ON THAT, WHETHER
ONE MONTH DELAY WOULD BE OF ANY USE TO HIM.

THANK YOU. YES, WE WOULD APPRECIATE THE DELAY. THE --
THE IDEA THAT WE BROUGHT A LIVE MUSIC VENUE TO
COUNCIL TO TALK ABOUT, CERTAINLY WE COULD HAVE
DONE THIS WITHOUT SAYING LIVE MUSIC VENUE, COULD
HAVE JUST BEEN A BAR OR A PUB WHICH IS MORE LIKELY
WHAT IT WILL BECOME. BUT THE \$30 MILLION INVESTMENT
NEXT DOOR, MAYBE WE WILL COME BACK AND LOOK AT
DOING A RESTAURANT, TOO AND GOING AHEAD AND
GETTING THAT DONE. BUT WE CERTAINLY APPRECIATE THE
OFFER AND WITHOUT IT BEING SAID, WE WOULD -- WE MIGHT
HAVE SOME CHANGE IN THERE. AND I KNOW WE
APPRECIATE IT, SO THANK YOU.

JUST TO CONFIRM AGAIN, MS. GLASGO, IF THE -- IF THE
APPLICANTS WERE TO ULTIMATELY DECIDE TO DO A
RESTAURANT ON THAT PROPERTY, THEY LIKELY WOULDN'T
NEED TO BE A ZONING CASE AT ALL, CORRECT? IT'S
ALREADY ZONED CS, THEY COULD ADJUST THEIR PLANS IF
THEY CAN'T PURSUE A RESTRICTIVE COVENANT WITH THE
CURRENT PROPERTY OWNER.

THAT'S CORRECT.

SUBSTITUTE MOTION AND SECOND ON THE TABLE.
COUNCILMEMBER MCCRACKEN?

McCracken: I WILL SAY THAT WHEN IT COMES BACK, I THINK IT
WOULD BE IMPORTANT THAT IT BE A LITTLE MORE
PRETHOUGHT THAN SIMPLY THAT AS WELL. BECAUSE LIKE I
DON'T HAVE ANY PROBLEM WITH THE ALCOHOL AND
ACTUALLY KNOWING THE CALIBER OF BOB I'M VERY
ENCOURAGED BY WHAT YOU ALL DO. I'M REAL TROUBLED BY
THE ATTITUDE OF THE OWNER WHO IS NOT EVEN HERE THIS

EVENING. AND ALSO WHEN WE WENT THROUGH THE TWO YEAR PROCESS OF COMMERCIAL DESIGN STANDARDS, ONE OF THE THINGS THAT WE IDENTIFIED WAS THAT SOUTH LAMAR WAS A, YOU KNOW, CORE REDEVELOPMENT CORRIDOR, SHOULD BE A FANTASTIC PLACE AND SO IT NEEDS TO BE DEVELOPING IN A MORE PEDESTRIAN FRIENDLY AREA INTO THE WIDER SIDEWALKS AND MORE OF THE VERTICAL MIXED USE. WHICH IS WHY IT WAS SPECIFICALLY IDENTIFIED IN THAT FASHION. SO IT'S -- AS WE PROCEED WITH THESE REDEVELOPMENT OPPORTUNITIES, IT'S GOING TO BE IMPORTANT THAT THE OWNER STEPS UP AND BECOMES A BETTER PARTNER. I'M NOT VERY PLEASED WITH HIS WILLINGNESS TO DATE TO -- TO BE A GOOD NEIGHBOR. I KNOW YOU ALL, WITH LEVERAGE YOU CAN MAKE THAT HAPPEN. BUT BECAUSE OF THAT ATTITUDE I THINK HE'S GOING TO NEED TO GO ABOVE AND BEYOND WHERE WE ARE LOOKING FOR BECAUSE HE'S GOT SOME EXPLAINING TO DO TO THE COUNCIL BASED ON HIS ATTITUDE TODAY. BUT I'M -- THAT'S NOT A COMMENT ON YOU ALL, I KNOW THE CALIBER OF WORK THAT YOU DO AND I APPRECIATE IT.

FURTHER COMMENTS ON THE SUBSTITUTE MOTION?
COUNCILMEMBER LEFFINGWELL?

Leffingwell: DOES THE SUBSTITUTE MOTION ALSO CLOSE THE PUBLIC HEARING?

Mayor Wynn: YES, IT DOES. [LAUGHTER]

Dunkerly: WHAT WAS THAT?

Mayor Wynn: SUBSTITUTE MOTION TO CLOSE THE PUBLIC HEARING, TO POSTPONE CASE Z-21 TO JANUARY 26th, 2006. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL FOR YOUR PATIENCE. MS. GLASGO, YOUR LAST PUBLIC HEARING ZONING CASE.

Glasgo: YES.

Z-21.

Z-22.

Mayor Wynn: 22 EXCUSE ME.

Glasgo: YOU DON'T WANT TO HEAR 21 AGAIN, DO YOU? Z-22 IS C14-05-0108. THE PROPERTY IS LOCATED AT 5717 BALCONES DRIVE. THE EXISTING ZONING IS SF 3, THE APPLICANT IS SEEKING GR WITH A CONDITIONAL OVERLAY. THIS WAS A PROPERTY THAT WAS OWNED BY THE STATE FOR COSMETOLOGY FACILITY THAT ISSUES LICENSES TO COMES KOSOVO TO -- TO COSMETOLOGY ENTITIES, THE STATE IS IMMUNE, THAT'S WHY THE PROPERTY IS STILL ZONED SINGLE FAMILY OR SF 3. THE PROPERTY HAS A VALID PETITION, AT 21% AGAINST THE CHANGE THIS ZONING. OR MAYBE -- MADE AGAINST THE GR ZONING AS SOUGHT BY THE APPLICANT. STAFF AND THE COMMISSION RECOMMEND THE ZONING. THE -- THE CONDITIONAL OVERLAY THAT THE COMMISSION ADDED TO THE STAFF RECOMMENDATION OF GR-CO ARE AS FOLLOWS: ONLY TWO ALLOWED GR USES ON THE PROPERTY, MEDICAL OFFICE EXCEEDING 5,000 SQUARE FEET AND A HOSPITAL LIMITED, THAT REMAINING USES WOULD BE LR DISTRICT ZONING EXCEPT THOSE THAT HAVE BEEN PRECLUDED BY STAFF WITH ADDITION THAT SERVICE STATION IS ALSO A PROHIBITED USE. A 2,000 VEHICLE TRIP LIMITATION PER DAY, MAXIMUM HEIGHT 30 FEET, THE IMPERVIOUS COVER IS LIMITED TO 70%. THE FLOOR TO AREA RATIO OF .29 TO 1 AND OF COURSE ALL OF THE USES THAT STAFF IS RECOMMENDING FOR PROHIBITION, THEY ARE TOO NUMEROUS TO READ, BUT THEY ARE IN THE STAFF REPORT. I WILL REALLY JUST PAUSE HERE, MAYOR AND COUNCILMEMBERS, THEN RESPOND TO QUESTIONS AS THEY ARISE AFTER YOU HEAR FROM THE APPLICANT AND THE NEIGHBORHOOD.

Mayor Wynn: THANK YOU, MS. GLASGO. SO WE WILL HAVE A FIVE MINUTE PRESENTATION FROM THE AGENT, THEN WE WILL HEAR FROM FOLKS SIGNED UP WISHING TO SPEAK IN FAVOR OF THE ZONING CASE; THEN THOSE FOLKS IN OPPOSITION AND THE AGENT WILL HAVE THE ONE TIME

THREE MINUTE REBUTTAL. MR. SUTTLE, LOOKS LIKE A NUMBER OF FOLKS ARE TRYING TO DONATE TIME TO YOU. IT WOULD BEHOOVE THEM IF THEY WANT TO GET THEIR TESTIMONY IN TO -- OR YOU TO -- TO HAVE SOMEBODY ELSE GIVE THE FIVE MINUTE APPLICANT PRESENTATION AND THEN ONE COULD SPEAK FOR A LONGER PERIOD OF TIME AS A SECOND TESTIMONIAL.

MAYOR, GIVEN THE TIME AND THE NATURE OF THIS CASE, I'M HOPING I WON'T NEED THE EXTRA TIME.

Mayor Wynn: OKAY. FIVE MINUTE PRESENTATION AND FOR THE RECORD THESE FOLKS WILL BE WELCOME TO SPEAK IF THEY WOULD LIKE, THEY WANTED ON TO DONATE TIME TO THE AGENT, MR. SUT THEY, EVANS WILLIAMS IN FAVOR, AS DID MARK BANTA AND TOM WALTERS AND JULIUS SERGEANT. WELCOME, MR. SUTTLE.

MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS RICHARD SUTTLE. I'M HERE ON BEHALF OF A GROUP OF DOCTORS THAT HAVE THE TEXAN EYE CARE CENTER, STEVEN DELL, TOM WALTERS, JULIUS SERGEANT. THESE DOCTORS BOUGHT THIS EXISTING BUILDING HERE ON MOPAC AND BALCONES, IT'S ZONED SF 3 BECAUSE THEY BOUGHT IT FROM THE STATE, THE STATE DIDN'T NEED TO GET IT ZONED WHEN THEY BUILT IT. IT'S AN EXISTING 18,000 SQUARE FOOT BUILDING. WE FILED A ZONING CASE FOR GR-CO, SO THAT THE DOCTORS COULD OPERATE OR LOOK INTO OPERATING THEIR TYPE OF DOCTORING, WHICH IS EYE DOCTORING, ALSO HAVE THE ABILITY TO SELL GLASSES AND CONTACTS AND VARIOUS EYE WEAR. THAT'S KIND OF HOW THE PRACTICE IS GOING. THE EYE DOCTOR PRACTICE IS CHANGING CONSTANTLY AND THIS BUILDING FITS THEM, BUT THEY ARE ALSO -- THEY ALSO HAVE AS AN INVESTMENT, SO WE DON'T ZONE FOR ONE SPECIFIC USE. SO WHAT WE TRIED TO DO WAS FIND THE ZONING THAT WOULD FIT THEIR USE, BUT THEN ALSO FIT WITHIN THE OTHER USES UP AND DOWN MOPAC AND BALCONES HERE. THE -- THE ZONING MAP THAT YOU SEE HERE SHOWS THE -- THE SITE THAT WE ARE TALKING ABOUT HERE WITH THE EXISTING BUILDING AND TO THE NORTH IT'S ZONED GR AND TO THE SOUTH WHERE YOU HAVE THE CONVENIENCE STORE AND THE GAS STATION IT'S ZONED LR, FARTHER DOWN MOPAC AS YOU CAN SEE ON

YOUR ZONING MAP, IT'S CS, GR, ALL UP AND DOWN MAKE MOPAC. WHAT WE DID WAS -- WENT WITH STAFF RECOMMENDATION TO PROHIBIT ALL OF THE USES, WE HAVE NARROWED IT DOWN TO WHERE THE USES, GR USES THAT WE ARE ASKING FOR WOULD ALLOW THESE DOCTORS TO HAVE THEIR PRACTICE AND ALSO HAVE THE ABILITY TO HAVE THE -- THE RETAIL SPACE SO THAT THEY COULD SELL EYE WEAR WITHIN THEIR PRACTICE. WE AGREE WITH THE STAFF RECOMMENDATION. WE AGREE WITH THE PLANNING COMMISSION OR ZAP CO-RECOMMENDATION. WE KNOW TRAFFIC WAS AN ISSUE WITH THE NEIGHBORS. RATHER THAN DO A TIA WHICH I SUSPECT WOULD HAVE SUPPORTED A LOT MORE TRIPS. WE FILED THE ZONING CASE AND AGREED TO NOT ONLY LIMIT THE HEIGHT, IMPERVIOUS COVER, FLOOR TO AREA RATIO BUT ALSO 2,000 TRIPS PER DAY. THE CITY DETERMINED THAT IT'S A DIM MINIMUM UNANIMOUS AMOUNT THAT YOU DON'T HAVE TO DO A TIA BECAUSE IT DOESN'T AFFECT TRAFFIC. WE HAVE AGREED TO THAT AS PART OF THE ZONING. AGAIN WE ARE ASKING FOR THE DOCTORS TO HAVE THESE PRACTICES, HAVE THE RETAIL USE THAT THEY WOULD NEED TO SELL THE EYE WEAR, IN ADDITION WITHOUT JUST NARROWING IT DOWN TO ONE USE, BECAUSE I KNOW THAT THE COUNCIL DOESN'T LIKE TO ZONE FOR ONE USE, WE HAVE LEFT SOME OF THE L.R. USES IN THERE, ONLY ASKED FOR TWO GR USES WE AGREE WITH STAFF AND ZAP CO ON THIS. THE VALID PETITION OF COURSE WE DON'T THINK THAT IT'S VALID BECAUSE THERE'S A CONDOMINIUM ASSOCIATION THAT HAS INDIVIDUALS AND THEIR BOARD MEMBERS SIGN, BUT IT'S A LEGAL ARGUMENT THAT WON'T REALLY CONCERN YOU, BUT BASICALLY AN OFFICE CONDO THAT IS GIVEN THE NEIGHBORHOOD THE VALID PETITION ON THIS. BE HAPPY TO ANSWER ANY QUESTIONS, IT'S THERE ON MOPAC AND BALCONES, SURROUNDED BY LR, GR, WE HAVE LIMITED IT DOWN TO THE SAME RESTRICTIONS ON THE -- ON THE PROPERTY THAT'S NEXT TO US ON THE McDONALD'S AND THE CONVENIENCE STORE. BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE ABOUT THE RATIONALE AND WHY WE FILED IT THE WAY WE DID, HOW WE CAME ABOUT AGREEING WITH STAFF AND Z.A.P. ONE MORE THING THAT I WOULD LIKE FOR YOU TO KNOW IS THAT THIS CASE WAS FILED I BELIEVE BACK IN JULY. IT'S BEEN AROUND A

LONG TIME, BEEN A LOT OF TACTICS USED TO HANG IT UP AT Z.A.P., WE ARE FINALLY GETTING TO YOU TONIGHT AFTER A PRETTY LENGTHY PROCESS ON WHAT AND TO BE A PRETTY STRAIGHTFORWARD CASE ON MOPAC, THANK YOU.

Mayor Wynn: YOU ARE WEARING YOUR GLASSES FOR IMPACT I GUESS ON THIS CASE.

I HAVE GOTTEN TO THE AGE WHERE I HAVE GOT TO WEAR THEM.

Mayor Wynn: SOME OTHER FOLKS SIGNED UP OFFERING TO DONATE TIME TO MR. SUTTLE. ANY OF THOSE FOLKS ARE WELCOME TO ADDRESS US NOW IF THEY LIKE, EVAN WILLIAMS, MARK BANTA, TOM WALTERS, JULIUS SERGEANT. IF NOT WE WILL SHOW THEM BEING SUPPORTIVE. NOW WE WILL GO TO THE FOLKS WHO WISH TO SPEAK IN OPPOSITION TO THE CASE. AND WE WILL START WITH -- CARLA VILON, SORRY IF I'M MISPRONOUNCING THAT. FOLLOWED BY MR. BEN LUKENS.

GREAT. MAYOR, COUNCIL, MY NAME IS CARLA VILLAONE, NEW PRESIDENT OF THE AUSTIN NORTHWEST CIVIC ASSOCIATION, ABOUT 430 MEMBERS AND GROWING. LET ME FIRST THANK YOU FOR YOUR GRACIOUS POSTPONEMENT TWO WEEKS AGO. WE HAD HOPED TO COMBINE THIS CASE WITH ANOTHER CASE, A SIMILAR ZONING CASE NEARBY FOR THE EASE OF OUR RESIDENTS. WE DO INDEED HAVE A VALID PETITION. AND THAT HAS BEEN AFFIRMED BY YOUR STAFF MEMBERS. WHAT IS UNUSUAL ABOUT THIS PETITION IS THAT IT IS SIGNED BY MANY BUSINESS OWNERS ALONG THE SITE. IN ADDITION TO OUR NEIGHBORHOOD RESIDENTS. THE APPLICANT HAD FILED FOR STRAIGHT GR ZONING AS FAR AS I CAN TELL. GIVEN THE PROXIMITY OF THIS SITE TO OUR NEIGHBORHOOD, THE FACT THAT THE ENTIRE WEST SIDE OF BALCONES TO ALLEN PARK IS L.O. AND THE CURRENT COSMETOLOGY BUILDING HAD AN LR USE AND SITE DEVELOPMENT STANDARDS, WE WERE ASKING FOR L.O. SINCE OUR INITIAL DISCUSSIONS WITH THE APPLICANT, WE HAVE CONSIDERED MOVING FROM L.O. TO GO WITH THE CONDITIONAL OVERLAY. THE APPLICANT HAD NOT MOVED FROM GR STRAIGHT GR AT ALL, IN OUR DISCUSSIONS WITH US, UNTIL TONIGHT, UNTIL HE LEARNED, UNTIL THEY KNEW

WE HAD A VALID PETITION. WE BELIEVE THAT THEY CAN MEET THEIR STATED NEEDS WITHIN L.O. OR GO AND STILL HAVE SOME REASONABLE FLEXIBILITY. WE DO NOT WISH TO ZONE THIS -- WE DO NOT WISH TO ZONE FOR THIS PROPOSED USE ALONE AS WE ARE LOOKING LONGER TERM. BOTH OUR RESIDENTS AND THESE BUSINESSES PRIMARILY OBJECT TO THE INTENSITY REQUESTED BECAUSE OF THE LEVEL OF RETAIL INVOLVED. RETAIL DRIVES TRAFFIC AND TRAFFIC IS SOMETHING THAT WE ARE ALREADY OVERWHELMED WITH ON BALCONES DRIVE. THIS SITE FRONTS ALONG MOPAC ACCESS ROAD. BUT IN FACT NEVER WILL HAVE ACCESS TO THE FRONTAGE ROAD. THUS ALL TRAFFIC WILL CONTINUE TO DUMP ON BALCONES. BALCONES IS A NEIGHBORHOOD COLLECTOR. IT HAS FUNCTIONED AS A BACKUP ACCESS AND EGRESS STREET FOR OUR HIGHLAND HILLS NEIGHBORS, BECAUSE THEIR PRIMARY ACCESS POINTS ARE DROWNED BY TRAFFIC, ON NORTH LAND AND 2222. BALCONES HAS LITERALLY BEEN OVERWHELMED IN COMMERCIALIZATION CAUSING SERIOUS CONGESTION. CURRENTLY, WE ARE SEEING 12,000 AVERAGE DAILY TRIPS AND ARE EXPECTING 5,000 MORE TO COME ONLINE WITH THREE OTHER NEW DEVELOPMENTS. SO NOW WE WILL SEE 17,000 AVERAGE DAILY TRIPS ON A STREET DESIGNED FOR TWO TO SIX THOUSAND. IT'S ROUGHLY TRIPLE ITS MAXIMUM CAPACITY. OUR NEIGHBORHOOD WELCOMES AN EYE CARE OR MEDICAL FACILITY OR OFFICE, BUT WE ARE WARY OF UNRESTRICTED RETAIL THAT WILL DRIVE MORE TRAFFIC. ORIGINALLY THE APPLICANT IN JULY TOLD US IN WRITING THAT THEY NEEDED JUST TWO PERCENT OF THE BUILDING SPACE FOR RETAIL. SOMETHING THAT CAN BE ACCOMPLISHED IN L.O. AT Z.A.P., THEY STATED THEY NEEDED MORE THAN 10% FOR RETAIL, MORE THAN 1800 SQUARE FEET FOR SELLING EYE GLASSES, OR THE SIZE OF SOME THREE BEDROOM HOMES. A SURVEY OF EXISTING EYE CARE CENTERS, RETAIL SPACE IN AUSTIN SHOWS THAT THIS IS EXTRAORDINARY FOR MEDICAL EYE CARE FACILITIES. OUR CONCERN IS THE TRAFFIC THAT CAN BE GENERATED WITH UNRESTRICTED RETAIL UNDER GR, WHETHER IT'S WITH THIS OWNER OR ANOTHER. UNRESTRICTED RETAIL CAN ADD A CONVENIENCE STORE, FAST FOOD VENUE, ATM MACHINES AND MORE. THE APPLICANT STATED THIS SITE IS BOOK ENDED BY GR. THEY

DIDN'T TELL YOU THAT THOSE SITES ARE EXTREMELY LIMITED, AND THEY HAVE MOPAC ACCESS, AND ONE OF THOSE SITES WAS AGREED TO BY THE NEIGHBORHOOD BECAUSE IT PROVIDED FOR TRAFFIC RELIEF. THIS SITE DOES NOT HAVE MOPAC FRONTAGE [BUZZER SOUNDING] AND ALL TRAFFIC WILL BE DUMPED ON TO BALCONES. WE BELIEVE THAT THERE ARE FLAWS IN THE INFORMATION THAT WAS FORMED THE BASIS -- FORMED THE BASIS OF THE STAFF RECOMMENDATION REGARDING TRAFFIC AND WE BELIEVE THAT THIS LED Z.A.P. TO MISS THE SIGNIFICANT IMPACT THAT CAN BE GENERATED ON BALCONES BY RETAIL. THIS EXISTING SITE AS THE STATE -- EXISTING SITE AS THE STATE COSMETOLOGY BUILDING GENERATED APPROXIMATELY 260 DAILY AVERAGE TRIPS NOT THE GENERIC 1250 DAILY TRAFFIC TRIPS PULLED OUT OF THE MANUAL.

Mayor Wynn: PLEASE CONCLUDE YOUR TIME IS UP.

IN SUM WE THINK THE GREATER OF RETAIL COMPONENT, THE MORE TRAFFIC IS DRIVEN TO THE SITE AND WE THINK IT WOULD JUST WORSEN AN ALREADY BAD SITUATION. WE WOULD APPRECIATE YOUR SUPPORT DENYING THIS APPLICATION. THANK YOU.

Mayor Wynn: THANK YOU. YOU DON'T WANT TO TAKE TIME FROM MR. BEN LUKENS. WELCOME BEN. FOLLOWED BY COMMANDER JAMES O'LEARY. YOU DIDN'T BRING A MAP WITH YOU OR ANYTHING.

NO, I DIDN'T. BUT I THINK YOU ALL HAVE MAPS IN YOUR BACKUP. GOOD EVENING, MY NAME IS BEN LUKENS. I'M A CONSULTING CITY PLANNER AND MEMBER OF THE NORTHWEST AUSTIN CIVIC ASSOCIATION, I WAS JUST THINKING HOW RICHARD AND I WERE PROBABLY PRESENT AT ALICE'S FIRST ZONING CASE. SO IT'S GOOD TO BE BACK HERE. GR AS PROPOSED BY THE APPLICANT IS NOT AN APPROPRIATE ZONING FOR 5717 BALCONES. BEFORE I WOULD LIKE TO GO BACK AND CORRECT CARLA ON SOMETHING SHE MAY NOT HAVE BEEN AWARE OF. BACK IN AUGUST A NUMBER OF US MET WITH MR. SUTTLE ON THIS AND DID -- SPENT SOME TIME NEGOTIATING BUT WERE UNABLE TO COME TO AN AGREEMENT. SO WE DID MEET IN

AUGUST AND WE DIDN'T GET ANYWHERE UNFORTUNATELY. BUT LET'S LOOK AT THE SITUATION. BECAUSE THERE ARE LAND USE ZONING AND TRANSPORTATION ISSUES ASSOCIATED WITH THIS CASE. FIRST, THE LAND USE AND ZONING ISSUES, I ASK YOU TO GO BEYOND THE ZONING MAP, THE GR-CO ZONING TO THE NORTH, WAS GRANTED CONTINGENT UPON MOPAC ACCESS AND THE ZONING PROVIDED FOR REVISION TO L.O. IF ACCESS WASN'T PROVIDED, THE [INDISCERNIBLE] IS ON THE OTHER SIDE OF BALCONES WITHOUT MOPAC ACCESS ARE L.O. THE LR TRACT TO THE SOUTH IS AT THE PHYSICAL INTERSECTION OF BALCONES AND NORTH LAND HAS ACCESS TO BOTH ROADS. THE GR PURPOSE STATEMENT FOR THE LAND DEVELOPMENT CODE STATES THAT GR GENERAL IS ACCESSIBLE FROM MAJOR TRAFFIC WAYS, THIS SITE IS NOT DIRECTLY ACCESSIBLE FROM A MAJOR TRAFFIC WAY, BUT IT WAS RATHER AS A SOLE ACCESS FROM A SUBSTANDARD COLLECTOR STREET. AS WE KNOW, THE LAND USE DRIVES TRANSPORTATION AND GR AND L.O. USES, CONVENIENCE STORES, RESTAURANTS, PLACES WITH ATM MACHINES AND THE LIKE ALL EXAMPLES THAT EXACERBATE THE EXISTING CONGESTION ON BALCONES, THE BALCONES NORTH LAND INTERSECTION. L.O. MEETS THE APPLICANT'S PROPOSED MEDICAL OFFICE USE AND ALLOWS FOR 1800 SQUARE FEET OF ACCESSORY RETAIL SALES AND THIS AMOUNT OF RETAIL IS NOT [INDISCERNIBLE] BUSINESS, THIS AMOUNT OF RETAIL IS CONSIDERABLY ABOVE THE SIZE, RANGE OF TYPICAL EYE CARE RETAIL OUTLETS. LENS CRAFTERS IN THE ARBORETUM IS ROUGHLY 1200 SQUARE FEET. GIVEN ITS CURRENT ACCESS AND LOCATION, THE SITE IS LOGICALLY AN L.O. SITE. APPARENTLY THE STATE ACTING IN ACCORDANCE WITH THIS LOGIC WHEN THEY CONSTRUCTED AN L.O. SCALE BUILDING FOR THE COSMETOLOGY BOARD, EVEN THOUGH THEY WERE NOT CONSTRAINED BY CITY ZONING. NOW LET'S LOOK AT THE TRANSPORTATION ISSUES. YOU KNOW THAT THE SITE HAS SIGNIFICANT ACCESS PROBLEMS. IT ONLY HAS BALCONES DRIVE ACCESS AND THAT ACCESS IS AT A POINT WHERE BALCONES BECOME AS TWO LANE STREET. THE SITE IS JUST NORTH WHERE THE RIGHT LANE DROPS OFF AND NORTHBOUND DRIVERS JOCKEY FOR POSITION AS THEY TRY TO MERGE LEFT. AT THE SAME TIME THIS IS GOING ON, THE SOUTHBOUND DRIVERS ARE QUEUEING UP TO TURN ON

NORTH LAND. WHEN THIS BUILDING REOPENS, THE DRIVERS LEAVING WILL EXIT AND JOIN THE SOUTHBOUND QUEUE. THE MORE INTENSE THE USE, THE MORE DRIVERS GOING INTO AN ALREADY HECTIC AND DANGEROUS SITUATION. Z.A.P., THE ZONING AND PLATTING COMMISSION RECOMMENDED A 2,000 TRIP CAP ON THIS. THIS WILL BE -- THIS IS STILL TOO MANY TRIPS [BUZZER SOUNDING] SOME PEOPLE ARE GOING TO GIVE ME SOME TIME, I THINK.

Mayor Wynn: THANK YOU, MS. DINKERS.

THIS IS STILL TOO MANY TRIPS ON A TWO-LANE STREET THAT HAS ALREADY NEARLY 12,000 TRIPS, ANOTHER 5,000 TRIPS TO COME. THE CITY DID STATE THE -- DID A STUDY THAT SHOWED A 11 [INDISCERNIBLE] TRIPS IN THE 700 BLOCK OF BALCONES. 2,000 IS GOING TO ADD TO WHAT EVENTUALLY WILL VERY SOON BE 19,000 TRIPS, EXCUSE ME, 17,000 TRIPS. THIS IS ON A -- THIS IS ON A STREET THAT BASED ON ITS WIDTH IS A NEIGHBORHOOD COLLECTOR STREET, CAPACITY OF ONLY 5,000, SO WE ARE STARTING OFF WITH -- WITH 12,000, ADDING 5,000 MORE, AND Z.A.P. WOULD SUGGEST PUTTING 2,000 MORE ON IT. I SUGGEST THAT'S TOO MANY. THE OWNERS' PROPOSED USE MEDICAL OFFICE WITH ACCESSORY RETAIL WILL ACTUALLY GENERATE CONSIDERABLY FEWER TRIPS. I SUGGEST THAT THE RANGE ALLOWABLE TRIP CAP BE CONSIDERABLY DROPPED DOWN TO THE 1, 1200 RANGE. EVEN THAT, IF YOU NOTE IS AN CONSIDERABLE INCREASE IN THE TRAFFIC ACTUALLY GENERATED BY THE PREVIOUS USER, WHICH PROBABLY WAS IN THE RANGE OF 500 TRIPS. SO THIS SITE IS NOT APPROPRIATE FOR GR USE, DOESN'T HAVE ADEQUATE ACCESS, DOESN'T FIT THE GR PURPOSE STATEMENT, THE APPLICANT DOESN'T NEED IT FOR THE PROPOSED MEDICAL OFFICE USE, IF GRANTED HAS A POTENTIAL TO CAUSE EXTREME NEGATIVE IMPACT IN THE BALCONES DRIVE AND BALCONES NORTH LAND INTERSECTION. I WOULD LIKE TO POINT OUT HAVING SAID ALL OF THIS, I DON'T WANT THIS BEING CAST AS OUR BEING AGAINST INCREASED DENSITY IN THE CENTRAL CITY. ALL OF US MADE AND PAID A CONSIDERABLE AMOUNT OF MONEY TO LIVE INSIDE THE LOOP 360. TO BE PART OF THE CENTER CITY. ALL THAT WE ARE ASKING FOR YOU TO DO IS NOT TO FURTHER INCREASE TRAFFIC ON AN OVERBURDENED STREET UNTIL THAT

STREET IS WIDENED TO ACCOMMODATE THE TRAFFIC. SO THAT'S THE -- THAT CONCLUDES MY PRESENTATION, I WILL ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. LUKENS.

YES, SIR.

Mayor Wynn: WELCOME, BACK. JAMES O'LEARY. WELCOME. YOU WILL BE FOLLOWED BY BILL BRADLEY, TO BE FOLLOWED BY AL GREEN.

MAYOR, COUNCILMEMBERS, I APPRECIATE THE OPPORTUNITY TO STAND BEFORE YOU AND SPEAK IN OPPOSITION TO THE PROPOSAL. I WOULD LIKE TO JUST SPEND A FEW MOMENTS DISCUSSING SOME -- SOME MORE SPECIFIC TRAFFIC CONCERNS THAT I HAVE. I DON'T COME BEFORE YOU TO SPEAK AS A TRAFFIC EXPERT. BUT AS A PEACE OFFICER OF -- OF 27 YEARS, LIVING IN THIS PARTICULAR NEIGHBORHOOD FOR 28 YEARS. I'M FAMILIAR WITH NOT ONLY THE TRAFFIC EXPLOSION IN THE AREA OF BALCONES AND NORTH LAND, BUT ALSO OTHER TRAFFIC INTERSECTIONS AROUND THE CITY. IT'S BEEN SUGGESTED TO ME THAT TRAFFIC IS A MAJOR CONCERN IN ANY INTERSECTION IN THIS CITY, I WOULD SUGGEST THAT MOST OF US ARE FAMILIAR WITH THAT. BUT I WOULD -- I WOULD SUGGEST TO YOU THAT NORTH LAND AT BALCONES HAS BEEN CONTINUES TO BE AND WILL REMAIN A MAJOR EAST-WEST THOROUGHFARE, AT LEAST NORTH LAND FOR PROPERTIES FURTHER WEST AND NORTH OF -- OF OUR NEIGHBORHOOD. MY CONCERN VERY -- VERY SUCCINCTLY IS JUST BASED ON THE CURRENT ESTIMATES, THE APPLICANT'S PROPOSAL, WE ARE TALKING ABOUT AN INCREASE IN TRIPS OUT OF THAT TRACT OF SOMEWHERE IN THE NEIGHBORHOOD OF 11 TO ABOUT 16 TIMES INCREASE. I AM ALSO VERY CONCERNED ABOUT THE VERY CLOSE PROXIMITY OF THE TRACT THAT WE ARE DISCUSSING THIS EVENING AND IT'S VERY CLOSE PROXIMITY TO AN OVERBURDENED, ALREADY OVERBURDENED INTERSECTION AT NORTH LAND AND BALCONES. BASED ON MY RESEARCH THIS AFTERNOON, I'VE BEEN ABLE TO LOCATE AT LEAST 53 INTERSECTION COLLISIONS AT THAT PARTICULAR INTERSECTION OVER THE LAST THREE YEARS. THAT IS A

CONSIDERABLE -- CONSIDERABLY HIGHER FOR SUCH A --
FOR SUCH A SIMILAR SIZE INTERSECTION IN OTHER PARTS
OF THE CITY. AS INDICATED BEFORE, THE MAJORITY OF THE
TRAFFIC LEAVING THAT PARTICULAR TRACT OF LAND,
WOULD MIGRATE FURTHER SOUTH, OR ON TO NORTH LAND
DRIVE, AND FURTHER PROCEED DOWN TO -- DOWN TO
MOPAC TO -- TO MAKE A LEFT TURN OR TO PROCEED NORTH
WOULD ONLY BRING THAT TRAFFIC INTO A NEIGHBORHOOD.
SO I THINK THAT IT'S REASONABLE TO EXPECT THAT THE
MAJORITY OF THAT TRAFFIC LEAVING THAT TRACT OF LAND
WOULD GO ONE DIRECTION AND PRIMARILY ONE DIRECTION
THAT'S SOUTH INTO NORTH LAND DRIVE. IN -- IN
CONCLUSION, I WOULD JUST SIMPLY SAY THAT IN THAT
NEIGHBORHOOD, WHERE I HAVE LIVED FOR 27 YEARS, I
HAVE SEEN THE INCREASE IN TRAFFIC THAT HAS BURDENED
THAT PARTICULAR INTERSECTION WITH THE
COMMERCIALIZATION GROWTH [BUZZER SOUNDING] AND I
AM -- I AM SINCERELY CONCERNED ABOUT THE INCREASE IN
THE GROWTH TO OUR NORTH AND WEST ALONG THE 2222
CORRIDOR AND 360 AND THIS PROPOSAL IT SEEMS TO ME
JUST EXACERBATES AN ALREADY SERIOUS SITUATION,
THANK YOU FOR YOUR ATTENTION.

THANK YOU, COMMANDER. BILL BRADLEY, WELCOME, THREE
MINUTES FOLLOWED BY ALLEN GREEN.

GOOD EVENING COUNCILMEMBERS. FIRST I WOULD LIKE TO
SAY THAT CARLA BECAME PRESIDENT AS -- OF OUR
ASSOCIATION AS PART OF THIS ONGOING DISCUSSIONS AND
SHE WAS NOT IN SOME OF THE EARLY TALKS THAT WE HAD
WHERE WE HAD SOME DISCUSSIONS WITH RICHARD SUTTLE,
JUST CORRECTING A POINT SHE MADE EARLIER. IN THE
PAST WE HAVE WORKED WITH DEVELOPERS ON VARIOUS
SITES ALONG BALCONES HERE. THIS IS A PICTURE OF THE
BUILDING AS TAKEN FROM MOPAC. I WOULD LIKE TO POINT
ON IT THAT WHILE WE ARE LOOKING AT IT, IT'S, YOU KNOW,
COMMONLY SAID THIS IS ON MAKE PACK. WELL, YES, IT'S ON
MOPAC, BUT THIS WILL NEVER HAVE ACCESS TO MOPAC, IT
DOESN'T MEET THE STATE OF TEXAS ACCESS MANAGEMENT
MANUAL REGULATIONS TO HAVE ANY SORT OF ACCESS,
WHILE IT'S THERE NO ONE CAN EVER ACCESS THE SITE
FROM THE MOPAC SERVICE ROAD. SO THE ONLY OPTION
WOULD BE TO ACCESS IT THROUGH BALCONES DRIVE. IN

THE PAST WE HAVE WORKED WITH VARIOUS DEVELOPERS AS THEY BUILD NEW BUILDINGS. WE WORKED WITH THE CS SITE THAT HAS BEEN MENTIONED PREVIOUSLY JUST NORTH OF HERE, PART OF OUR WORKING WITH THAT DEVELOPER AND NOT CONTESTING WAS THAT NO ACCESS WOULD BE PROVIDED ON TO BALCONES AS PART OF THAT MINI STORAGE DEVELOPMENT THAT'S CURRENTLY HAPPENING, WE WILL BE COMING ONLINE SOMETIME IN 2006 WITH I GUESS A TRIP CAP OF 2,000. THE OTHER SITE IS TWO BLOCKS UP, WHICH IS 68,000 SQUARE FEET OF MEDICAL OFFICE, INCLUDES GR EXCUSE ME AN LR BANK AND SOME GO AND WE WORKED WITH THEM ON THAT. BUT YOU HAVE HEARD HERE TONIGHT THAT WE ARE BOOK ENDED ON ONE SIDE OF THIS BUILDING TO THE SOUTH BY GR, IT'S A GR FOOTPRINT ZONED FOR A COMMERCIAL CAR WASH, A ONE STALL CAR WASH, THE REST OF IT IS LR. TO THE NORTH IT'S ONE GR USE WHICH IS THE FAST FOOD. THE REST OF IT IS LR, I BELIEVE IT'S LR DEVELOPMENT STANDARDS. AND AS PART OF RECEIVING THAT ONE GR USE, THE OWNER OF THE PROPERTY PROVIDED A BYPASS TO GO FROM BALCONES DRIVE ON TO THE SERVICE ROAD RIGHT WHERE THAT RED CAR IS. SO THAT TRAFFIC FOR THAT SITE CAN CURVE AROUND TO GO BACK OUT AS WELL AS IT HAS NUMEROUS EXITS ON TO BALCONES, THE SITE IMMEDIATELY NORTH OF THIS. SO WHEN YOU HEAR BOOK ENDED, YEAH, IT IS BOOK ENDED, BUT THERE ARE VERY LIMITED ZONING CATEGORIES OR VERY LIMITED USES. AND ALSO THEY ALL HAVE ACCESS TO A MAJOR THOROUGHFARE ON THE SOUTH. THEY HAVE ACCESS TO 2222. AND ON THE NORTH THEY HAVE ACCESS TO BALCONES AND THE SERVICE ROAD. SO JUST KEEP IN MIND THAT THIS SITE IS -- IS VERY DIFFERENT THAN THE OTHERS THAT'S BEING COMPARED TO AS AN EQUAL. [BUZZER SOUNDING] THAT'S ALL THAT I HAVE GOT. I URGE YOU TO DENY THIS REQUEST. THANK YOU.

Mayor Wynn: THANK YOU MR. BRADLEY. WELCOME, ALLEN, THREE MINUTES FOLLOWED BY CINDY VISCA.

THANK YOU MAYOR, MAYOR PRO TEM, MEMBERS OF THE COUNCIL FOR THIS OPPORTUNITY TO DISCUSS WITH YOU THESE IMPORTANT MATTERS TONIGHT. MY NAME IS ALLEN GREEN, I LIVE IN THE HIGHLAND HILLS NEIGHBORHOOD, HAVE FOR 27 YEARS, ACTUALLY 28 YEARS. AND MY

COMMENTS TONIGHT ARE SHARED BY MY WIFE WHO IS CAN WITH ME, CONNIE. WE HAVE LIVED IN THAT SUBDIVISION FOR MOST OF OUR ADULT LIFE AND WORKING DOWNTOWN FOR MOST OF THAT TIME I HAVE USED THE BALCONES DRIVE NORTH LAND DRIVE INTERSECTION ALMOST EVERY DAY DURING THAT TIME. WE DO NOT SUPPORT THE APPLICANT'S REQUEST FOR GR ZONING AS PROPOSED, ALTHOUGH THE APPLICANT'S PROPERTY HAD AN OFFICE BUILDING, YOU ARE KNOWN THAT IT IS SF 3, SINGLE FAMILY. SO SOME FORM OF ZONING IS INDEED WARRANTED TONIGHT. THE AUSTIN POLICE DEPARTMENT SAYS THAT THIS INTERSECTION AT BALCONES AND NORTHLAND IS A HIGHER THAN AVERAGE TRAFFIC ACCIDENT RATE. I PERSONALLY HAVE WITNESSED A NUMBER OF TRAFFIC ACCIDENTS AT THIS INTERSECTION AND COUNTLESS NEAR MISSES. YOU ARE ALSO PROBABLY AWARE THIS A GASOLINE STATION SEPARATES THIS INTERSECTION FROM THE APPLICANT'S PROPERTY. AND I HOPE THAT EACH OF YOU ARE AWARE OF THIS INTERSECTION, WE ALL PROBABLY HAVE TRAVERSED IT A THOUSAND TIMES, EACH OF US, ON OUR WAY TO LAKE TRAVIS. BALCONES DRIVE WAS DEVISED AS A TWO LANE STREET WITH A CENTER TURNING LANE AT A MAXIMUM CAPACITY OF 5,000 CAR TRIPS PER DAY. PUBLIC WORKS TELL US THAT BALCONES DRIVE CARRIES 12,000 CARS TODAY. AFTER THE BUILDING IS CURRENTLY UNDER CONSTRUCTION ON THIS STRETCH OF BALCONES ARE COMPLETED, WHICH WILL TAKE A COUPLE OF MONTHS, 17,230 CARS WILL BE USING BALCONES DRIVE, VERSUS THE 5,000 THAT THE ORIGINAL DESIGNED MAXIMUM CAPACITY. I AM INFORMED THAT THE CURRENT OFFICE USE OF THE PROPERTY CONFORMS TO L.O. LIMITED OFFICE ZONING, TO INCREASE THE POTENTIAL INTENSITY OF THIS SITE WITH GR, COMMUNITY COMMERCIAL ZONING AND THEREFORE ITS POTENTIAL TO GENERATE ADDITIONAL TRAFFIC, IS UNWISE AND UNSAFE. BALCONES DRIVE IS ALREADY DUE TO CARRY SEVERAL TIMES OVER ITS DESIGNED CAPACITY WITH 17,000 CARS. APPROVING A ZONING CLASSIFICATION THAT INCREASES THE DEVELOPMENT POTENTIAL OF THE SITE, OR ITS -- OVER ITS EXISTING USE, WILL EXACERBATE AN EVER WORSENING EXISTING TRAFFIC PROBLEM ON BALCONES DRIVE AND WILL INCREASE THE RISK TO HUMAN SAFETY AT THE INTERSECTION OF BALCONES AND NORTH LAND. ALSO

JUST A BRIEF COMMENT ON MR. SUTTLE'S SUGGESTION THAT 2,000 CAR TRIPS A DAY IS DIMINIOUS. IT MAY BE WHEN YOU ARE SPEAKING OF AN ARTERIAL THAT IS CARRYING 2 TO 5,000 CAR TRIPS PER DAY. AT THE POINT WHERE IT'S ALREADY OVERBURDENED THREE TIMES WHAT IT WAS DESIGNED TO CARRY, 2,000 CAR TRIPS IS ANYTHING BUT DIMINIOUS. I APPLAUD EACH OF YOU FOR DEDICATION AND STAMINA TONIGHT. WITH THAT I HOPE THAT YOU WILL CONSIDER OPPOSING THIS PROPOSAL. THANKS SO MUCH.

Mayor Wynn: THANK YOU, MR. GREEN. CINDY MISKA? THREE MINUTES, FOLLOWED BY DR. HIGH.

GOOD EVENING, I'M CINDY MISKA, I'M ONE OF THOSE DREADED CONDOMINIUM OWNERS THAT SIGNED THE VALID PETITION. THE VALID PETITION WAS SIGNED BY 73% OF THE OWNERS IN OUR CONDOMINIUM PROJECT. IT WAS ALSO SIGNED BY DR. HIME WHO YOU WILL HEAR FROM TO THE SOUTH OF US, ALSO SIGNED BY THE OWNER OF THREE BUILDINGS TO THE NORTH OF US. I'M ON THE EXECUTIVE BOARD AND THE BOARD OF ADMINISTRATION OF OUR CONDOMINIUM PROJECT AND HAVE BEEN FOR SIX OR SEVEN YEARS. I ALONG WITH MANY OF THE OWNERS IN OUR BUILDING ACROSS THE STREET FROM THE SUBJECT PROPERTY WOULD LIKE TO SEE THIS PROPERTY REMAIN -- I'M SORRY, BE ZONED L.O. WHICH IS THE CAPACITY THAT IT'S BEEN OPERATING IN FOR MANY, MANY YEARS. THE MAINLY CONCERN IS TRAFFIC. WE ARE ABOUT TO GET A 40% INCREASE OVER THE 12,000 CARS THAT WE CURRENTLY HAVE. WE DON'T NEED ANY MORE TRAFFIC. IT'S A NEIGHBORHOOD COLLECTOR, DESIGNED FOR TWO TO 5,000 CARS. THE SUBJECT PROPERTY HAS ACCESS ONLY TO BALCONES. ONLY TO BALCONES, NOTHING ELSE. THE -- EVERY OTHER BUILDING ON EITHER SIDE OF BALCONES ON THIS STRETCH OF A TWO-LANE NEIGHBORHOOD COLLECTOR, EVERY OTHER BUILDING THAT HAS ACCESS ONLY TO BALCONES IS ZONED L.O. THERE IS NO OTHER BUILDING WITH ACCESS ONLY TO BALCONES THAT HAS ANY ZONING OTHER THAN L.O. THE APPLICANT HAS SUGGESTED THAT YOU ZONE THE LAND NOT THE USE. IF YOU DO THAT, I ASK THAT YOU PAY PARTICULAR ATTENTION TO THE FACT THAT I JUST MENTIONED, THAT NOTHING ELSE WITH ACCESS TO ONLY BALCONES IS ZONED

ANYTHING BUT L.O. THIS TRACT IS NOT A GR TRACT. IT'S AN L.O. TRACT. THAT'S IT, THANK YOU.

THANK YOU, CINDY. DAVID HIME, WELCOME. THREE MINUTES.

THANK YOU, MAYOR AND CITY COUNCIL. MY NAME IS DAVID HIME, I'M AN ORTHODONTIST, I OWN THE PROPERTY IMMEDIATELY ACROSS THE STREET FROM THE SUBJECT PROPERTY. I ONLY WANTED TO GIVE MY PERSONAL EXPERIENCE OF LIVING DAILY IN MY WORK LIFE IN THE PROPERTY IMMEDIATELY ACROSS THE STREET. MY DRIVEWAY IN FACT IS IMMEDIATELY ACROSS THE DRIVEWAY THAT ACCESSES THIS PIECE OF PROPERTY. JUST TO MAKE SURE THAT YOU ARE CLEAR, THAT THIS -- THIS SECTION OF BALCONES DRIVE, THERE'S ACTUALLY FIVE LANES OF TRAFFIC FUNNELING EITHER INTO OR OUT OF TWO LANES AT THIS POINT. AS MR. LUKENS SAID EARLIER, THE JOKE KEYING FOR JOCKEYING FOR POSITION IS SIGNIFICANT. AS PATIENTS ARE TRYING TO COME INTO MY OFFICE, TRAVELLING NORTH ON BALCONES DRIVE AND THEY STOP, BECAUSE OF ALL OF THE CARS QUEUED UP GOING SOUTH ON BALCONES DRIVE, PEOPLE PULL AROUND AND ACTUALLY USE THE DRIVEWAY TO THIS COSMETOLOGY BUILDING AS A PASSING LANE TO GO AROUND THE CARS WAITING TO TURN INTO MY PROPERTY. IT SEEMS TO BE A RATHER UNSAFE PLACE AND IT'S A LITTLE NERVE RACKING EVEN AT LUNCH TIME TRYING TO COME BACK TO WORK. I WOULD ALSO COMMENT THAT MY EMPLOYEES, ALTHOUGH I'M USUALLY AT THE OFFICE UNTIL AFTER PEAK OFFICE HOURS, MY EMPLOYEES HAVE A VERY DIFFICULT TIME EVEN LEAVING MY OFFICE BECAUSE OF THE QUEUE OF CARS THAT ARE LINED UP INTO THIS INTERSECTION. IT'S VIRTUALLY IMPOSSIBLE TO LEAVE MY PARKING LOT TURNING SOUTH ON TO BALCONES DRIVE, THEN MAKE THE LEFT-HAND TURN TO TRAVEL ON TO NORTHLAND DRIVE. THAT DIVERTS TRAFFIC BACK EITHER AROUND HIGHLAND HILLS OR TRYING TO LOOP BACK THROUGH A PARKING LOT SO YOU CAN GET BACK ON MOPAC. I'M HERE TO GIVE YOU MY EXPERIENCES WITH HAVING A PIECE OF PROPERTY THAT I PROBABLY GENERATE AROUND 150 CAR TRIPS A DAY AND -- IN MY L.O. USE OF MY OFFICE. AND I THINK THAT ANY ZONING THAT CAN ACCOMMODATE THE APPLICANT'S NEEDS, THE LOWEST

ZONING WOULD HELP THE TRAFFIC SITUATION HERE. SO
THANK YOU. FOR YOUR TIME TONIGHT.

Mayor Wynn: THANK YOU, DR. HIME. LET'S SEE. I THINK
EVERYBODY HAS SPOKEN. FILL LITS PHYLLIS WARNER,
WANTING TO SPEAK IN WELCOME. THREE MINUTES.

I SENT AN E-MAIL TO ALL OF YOU LAST NIGHT. I DON'T KNOW
WHETHER --

Mayor Wynn: JUST HAND IT TO COUNCILMEMBER
LEFFINGWELL, HE WILL PASS IT AROUND.

EARLIER I ARGUED THAT L.O. WOULD BE SUFFICIENT. MOST
OF MY POINTS HAVE BEEN COVERED. THERE'S JUST ONE
THAT I WANT TO MAKE. ONE I LIVE IN HIGHLAND HILLS, I'M
WITHIN 2 TO 300 FEET OF THE SITE. GETTING OUT OF
HIGHLAND HILLS DRIVE IS A REAL PROBLEM BECAUSE IT'S
TOO CLOSE TO -- TO THE INTERSECTION OF BALCONES AND
NORTHLAND TO EVER HAVE A TRAFFIC LINE. IT IS THE MAIN
EXIT FROM OUR LARGE NEIGHBORHOOD. THAT IS A SERIOUS
PROBLEM FOR PEOPLE LIVING IN HIGHLAND HILLS. THE
SECOND POINT THAT I WANT TO MAKE IS THAT WHEN WE
FIRST MET WITH [INDISCERNIBLE] AN ASSOCIATE OF MR.
SUTTLE, SHE TOLD US THAT THEY WOULD ONLY NEED 2%,
THAT WAS MENTIONED, THAT'S ONLY 360 FEET. AT Z.A.P., MR.
SUTTLE SAID IN FACT THEY WOULD NEED 12% INSTEAD OF
THE 1800 SQUARE FEET, WHICH WOULD BE 10% ALLOWED IN
LO FOR THE RETAIL USE, AND -- AND THE REASON THAT HE
GAVE FOR THAT WAS THAT THERE MAY BE TECHNOLOGICAL
ADVANCES SOMETIME THAT WOULD MAKE THE
OPHTHALMOLOGISTS NEED TO HAVE MORE SPACE FOR THE
EYE GLASSES AND ADAPTIVE AIDS. THE POINT THAT I
WANTED TO MAKE IS THAT THE TECHNOLOGICAL ADVANCES
IN OPHTHALMOLOGY ARE ACTUALLY REDUCES THE NEED
FOR EYE GLASSES AND CONTACT LENSES. IF THE
TECHNOLOGICAL ADVANCES IN TERMS OF ADAPTIVE AIDS
ARE ALSO TOWARDS MINIMIZING THE SIZE OF THE ADAPTIVE
AIDS AND WHEN WE CALLED SOME OF THE -- WE CALLED A
LARGE GROUP OF 24 OPHTHALMOLOGISTS IN ONE PRACTICE
IN HOUSTON, THEY SAID MOST OF THE ADAPTIVE AIDS WERE
DONE THROUGH CATALOGS SALES. SO I DON'T REALLY
BELIEVE THAT THEY NEED TO HAVE 2100 SQUARE FEET

INSTEAD OF 1800 WHEN THEY ASKED ORIGINALLY FOR 360 FOR RETAIL. THANK YOU.

Mayor Wynn: THANK YOU, PHYLLIS, I BELIEVE THAT'S ALL OF THE FOLKS WHO SIGNED UP WISHING TO SPEAK. AND A BLATANT ATTEMPT TO TRY TO CURRY FAVOR WITH US, A BUNCH OF FOLKS SIGNED UP NOT WISHING TO SPEAK IN OPPOSITION ... [READING NAMES] JOHN BAKER, CECILIA BURKE, CONNIE GREEN, MARIE SUTTLES, ALSO SIGNED UP NOT WISHING TO SPEAK IN FAVOR IS LYNN KARLIE AND STEVEN DELL. COUNCIL, THAT CONCLUDES THE -- I'M SORRY? MR. SUTTLE. YOU HAVE A ONE THREE MINUTE REBUTTAL MUCH ONE TIME. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

NOW, WHAT WE'VE DONE IS WE'VE SAID THOSE ARE THE -- THE MEDICAL OFFICE AND THE HOSPITAL ARE THE ONLY GR USES. THE REFUSE OF THEM ARE -- THE REST OF THEM ARE LR USES, WHICH ARE THE EYE CARE SCALES, AND THOSE SAME RESTRICTIONS ARE THOSE THAT THEY'RE TALKING ABOUT ON THE ADJACENT TRACT. SO THIS IS SIMILAR TO THE ADJACENT TRACT. IT WAS SAID THAT THERE IS NOT A TRACT ON BALCONES THAT IS NOT ADJACENT TO GR. THERE'S NO ACCESS TO MOPAC AND IT'S ZONED GR. WE'RE RIGHT IN THE MIDDLE OF THE APPROPRIATE ZONING HERE. WE URGE YOU TO RECOMMEND THE STAFF RECOMMENDATION AND THE ZAP RECOMMENDATION TONIGHT, ALONG WITH ALL OF THE LIMITS ON THE SITE DEVELOPMENT AND THE LIMITS ON THE TRIPS. WE WOULD URGE YOU TO DO IT ON ALL THREE READINGS TONIGHT. YOUR ORDINANCE IS IN FRONT OF YOU AND AVAILABLE TO YOU ON ALL THREE READINGS TONIGHT. AND WE AGREE WITH ALL OF THOSE LIMITATIONS. I SEE MAR SI SHAKING HER HEAD, BUT IT IS READY FOR ALL THREE READINGS TND WE WOULD URGE YOU TO DO THAT TONIGHT AND I'D BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE ABOUT THIS PARTICULAR CASE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. QUESTIONS FOR MR. SHUTTLE, COUNCIL? OR ANY OF THE NEIGHBORS? STAFF? COUNCILMEMBER ALVAREZ.

Alvarez: MR. SUTTLE AND THEN MAYBE FOR STAFF. I GUESS

FIRST OF ALL, THE SQUARE FOOTAGE ON THE BUILDING ITSELF IS HOW MUCH?

ABOUT 18,000 FEET.

Alvarez: AND YOU REQUIRED THE GR FOR THE MEDICAL OFFICE BECAUSE THAT PART OF THE OPERATION OR OF THE OCCUPANTS OF THE STRUCTURE IS GOING TO BE GREATER THAN 5,000 SQUARE FEET, I GUESS.

IF YOU WERE JUST DOING MEDICAL OFFICE IN EXCESS OF 5,000 FEET, IT WOULD FIT IN G.O. AND IT WOULD FIT IN L.O. BUT BECAUSE OF THE NATURE OF THE EYE DOCTOR BUSINESS, THEY ARE ALSO COULD BE CATEGORIZED AND AS THE BUSINESS CHANGED AS A HOSPITAL LIMITED. IN ORDER TO GO THERE TO GET IT AS A PERMITTED USE, WE NEED THE EITHER G.O. OR GR. THEN YOU LAYER ON THE ABILITY TO SELL EYE CARE MATERIAL IN EXCESS OF 10% OF YOUR SPACE, THEN YOU NEED THE GR OR THE LR -- ACTUALLY, THE LR USE. I THINK IT'S THE GR THAT ALLOWS YOU TO DO THE HOSPITAL. WHAT WE'VE TRIED TO DO IS NARROW IT DOWN AS MUCH AS WE CAN TO ALLOW THESE DOCTORS TO HAVE THEIR USES.

Alvarez: SO THAT DESIGNATION IS HOSPITAL --

LIMITED.

Alvarez: LIMITED. AND THAT IS BECAUSE OF THE KIND OF ACTIVITIES --

BASICALLY IT'S OUTPATIENT HOSPITAL ACTIVITY, EYE SURGERY AND THOSE TYPES OF THINGS.

Alvarez: AND THEN THE LR, YOU SAY THE RETAIL ACTIVITY, WHICH ACTUALLY ENDS UP BEING THE RETAIL ACTIVITY, IS REALLY THE --

IT WOULD FIT UNDER LR. AND THAT'S WHY UNDER THE CO WE'VE LIMITED -- THE ONLY GR USES WE'VE ASKED FOR, THE MEDICAL OFFICE IN EXCESS OF 5,000 FEET AND THE HOSPITAL, I BELIEVE THAT'S HOW IT'S WORDED IN THE STAFF RECOMMENDATION AND THE PLANNING COMMISSION

RECOMMENDATION. ONLY TWO ALLOWED GR USES, MEDICAL OFFICE EXCEEDING 5,000 FEET AND HOSPITAL LIMITED. THE THE REMAINING USES WOULD BE LR EXCEPT THOSE THAT HAVE BEEN PRECLUDED BY STAFF. AND THEN THE 2,000 TRIP LIMIT, THE HYPOTHETICAL LIMIT ON THE HEIGHT AND LIMIT ON IMPERVIOUS COVER AND THE LIMIT ON THE FLOOR TO AREA RATIO.

Alvarez: AND THE PREVIOUS USE WAS JUST OFFICE.

IT WAS THE COSMETOLOGY COMMISSION. IT WAS A STATE OFFICE BUILDING. WHICH UNDER THE TRAFFIC MANUALS GENERATES 1240 TRIPS A DAY.

Alvarez: FOR THAT AMOUNT OF SQUARE FOOTAGE?

YES.

Alvarez: AND YOU'RE SAYING IT'S ZONED SF-3? AND THE REASON THAT WAS POSSIBLE IS BECAUSE IT WAS A STATE --

THAT'S CORRECT. THEY DIDN'T HAVE TO GO GET ZONING CASES TO BUILD THEIR BUILDINGS.

Alvarez: OKAY. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MCCRACKEN.

McCracken: MR. LIEU LUKE ENS -- LUKENS. IT SEEMS LIKE OLD TIMES BEING HERE AT MIDNIGHT ON A COUNCIL MEETING. I WANTED TO GET YOUR -- YOU HAD GIVEN US INFORMATION COMPARING GR-LO-LR, AND MY NOTES MAY RUN TOGETHER ON VARIOUS SPEAKERS, BUT COULD YOU EXPLAIN FOR US IN YOUR OPINION, AND I'LL ASK MR. SUTTLE NEXT, BUT WHAT ARE THE DIFFERENCES APPLICABLE TO THIS APPLICATION BETWEEN GR-LO AND LR? AND TELL US WHY YOU BELIEVE I GUESS THAT LO IS WHAT YOU'RE ADVOCATING?

RECOGNIZING THAT YOU ZONE THE LAND, NOT THE USE, THIS TRACT BECOMES -- IF IT'S RETAIL, IT COULD POTENTIALLY HAVE A WIDE RANGE OF COMMERCIAL USES, RESTAURANTS AND CONVENIENCE STORES. AND IT'S AN

ESPECIALLY TRICKY LOCATION BECAUSE OF ALL THE --
THERE'S FIVE LANES GOING TO TWO LANES AT THIS POINT.
OFFICE USES, JUST BY THEIR NATURE, DON'T
ATTRACT QUITE AS MANY TRIPS, SO THAT'S THE REASON
WHY WE LOOK AT GO AS OPPOSED TO L.O. OFFICE USE AS
OPPOSED TO RETAIL USES, JUST THE NUMBER OF TRIPS,
THE WAY THE SITE FUNCTIONS. AND IT SEEMED TO US NO
CARRIERRINGCONNECT 57600

GIVE US A SENSE OF WHAT'S LEFT --

CONVENIENCE STORES AND RESTAURANTS.

McCracken: CONVENIENCE STORE, RESTAURANT.

THOSE ARE PROBABLY THE TWO MAJOR TYPES OF TRAFFIC
GENERATORS. AND I COULD SEE WHERE PEOPLE WOULD
INDEED UTILIZE THOSE THINGS. IT'S PROBABLY NOT THE
GREATEST CONVENIENCE STORE LOCATION AT THIS POINT,
BUT IT'S NICE RESTAURANTS POP UP ALL THE TIME IN ODD
PLACES AND PEOPLE PUT UP WITH A LOT OF GRIEF TO GO
TO THEM. JEFFREYS IN CLARKSVILLE, YOU USED TO PARK
ALL OVER THE PLACE. AND AT ONE POINT THERE WERE
TRAFFIC PROBLEMS OVER THERE IN WEST LYNN AND
PEOPLE STILL PUT UP WITH IT, IT CREATED A TRAFFIC
PROBLEM FOR THE RESIDENTS.

McCracken: AND IS THERE ANY OTHER USES THAT ARE
CONTAINED WITHIN G.R. THAT IN YOUR EXPERIENCE YOU
BELIEVE WOULD BE INAPPROPRIATE FOR THIS SITE?

WELL, I THINK VIRTUALLY ALL THE RETAIL USES CAUSE A
TRACT MORE TRIPS AND GENERATE -- ATTRACT MORE
PEOPLE AND GENERATE MORE TRIPS. AND THIS PARTICULAR
SITE DOESN'T HAVE THE KIND OF ACCESS THAT THE -- THAT
THE PURPOSE STATEMENT FOR G.R. SAYS THAT IT SHOULD
HAVE. IT'S ON A TRICKY LOCATION, AND SO I RECOMMEND
THAT IT BE LIMITED TO OFFICE, AND WHATEVER NEEDS TO
BE DONE TO ACCOMMODATE THIS ONE USE, THIS ONE USER.

McCracken: IN EFFECT I GUESS WE COULD BASICALLY SAY
THAT THIS IS GOING TO BE AN OFFICE ZONING, BUT IF WE
WANT TO ALLOW FOR THAT ONE RETAIL USE TO

ACCOMMODATE IT, THAT'S ONE THING, BUT TO ALLOW A NUMBER OF OTHERS THEN GETS INTO THE SIDE ISSUES AND THE ACCESS?

RIGHT. THE WAY THAT USUALLY WORKS IS THAT YOU CAN TAKE THE LOWER -- CAN'T TAKE THE LOWER ZONING AND ADD A HIGHER USE TO IT. AS YOU KNOW, YOU TAKE THE HIGHER USE AND YOU STRIP EVERYTHING AWAY.

McCracken: AND MY FINAL QUESTION FOR YOU, BEN, IS -- BEFORE I ASK MR. SUTTLE, DO WE HAVE THE ABILITY TO LIMIT THE SIZE OF THE RETAIL, WHETHER IT BE PROPOSED TO BE 5,000 SQUARE FEET FOR THE RETAIL PORTION?

NO. I THINK THAT THE -- IT'S 10% OF THE BUILDING IS AN ACCESSORY USE, AND THAT IS 1800 SQUARE FEET OFF OF THAT 18,000. 18,000 SQUARE FOOT BUILDING.

McCracken: IN YOUR EXPERIENCE WOULD THAT BE AN APPROPRIATE SIZE FOR AN ACCESSORY USE SUCH AS SELLING EYEGLASSES IN CONJUNCTION WITH --

I'M KIND OF LIMITED IN THE EYE BUSINESS, BUT USING THE LAND DEVELOPMENT CODE AS AN ACCESSORY USE BY RIGHT OF 10%, SO WE'RE GOING TO THINK THAT THING -- WE KNEW WHAT WE WERE DOING WHEN WE DID THAT, AND WE DID SOME SURVEY OF EYE CARE PROVIDERS, AND I THINK ONE GOOD EXAMPLE WAS LENS CRAFTERS IN ARBORETUM, WHICH THEY'RE IN THE BUSINESS OF SELLING EYEGLASSES AND THEY GET BY WITH 1200 SQUARE FEET.

McCracken: AND I KNOW ANNE DINGLER HAS SOME INSIGHT ON THE SIZE OF THE ACCESSORY RETAIL. ANNE, COULD YOU GIVE ME SOME INPUT ON THAT?

THAT WOULD INVOLVE FINDING THE PIECE OF PAPER, BUT I WILL TELL YOU WE HAD A PROFESSIONAL IN THE BUSINESS THAT WE SAT DOWN WITH AN OPTOMETRIST AND HE KIND OF EXPLAINED THE INS AND OUTS OF OPT TOM TRY AND OPEN THAT MOLG. THE OPTOMETRISTS ARE GENERALLY SELLING EYE EYEGLASSES IN THEIR BUILDING BECAUSE MOST OF THE INSURANCE CARRIERS WANT THEM TO HAVE AT LEAST 100 PAIRS, BECAUSE IT'S MORE CONVENIENT FOR

THEIR CLIENTELE. BUT MOST OF THE OPHTHALMOLOGIST WERE NOT THAT BIG. THE SIZE OF OPERATIONS WERE SMALL. HE CALLED WHAT HE THOUGHT WOULD BE THE BIGGEST OPHTHALMOLOGIST, THE LONGS AND THEIR PROPERTY WAS ABOUT 600 FEET OF RETAIL. AND THEN WE SAID WAIT A MINUTE, 1800 SQUARE FEET, THIS IS THE COUNCIL, THEY'RE GOING TO THINK LENS CRAFTERS, CALL THE LENS CRAFTERS, AND THE LARGEST ONE HE FOUND -- HE DID NOT SURVEY EVERY ONE OF THEM -- WAS 1250 FEET. SO WHAT YOU HAVE IS SOMEONE QUIBBLING OVER 360 FEET. 1800 IS NOT ADEQUATE WHEN THAT'S OVER THE LARGEST ONE THEY FOUND. AND THIS WAS A PROFESSIONAL THAT WAS SAYING, WHAT ARE WE DOING HERE TRYING TO CREATE THE WAL-MART OF EYE GLASS SALES? IT STRUCK HIM AS ODD BECAUSE THE MONEY FOR OPEN THAT MOLG IS IN THE CUTTING OF THE EYES, NOT IN THE RETAIL SALES. NO ONE THAT HE KNEW OF AND NO ONE HE TALKED TO IN SURVEYING SIX SITES HAD ANYTHING PROXIMATING 1800 FEET. AND I'D BE HAPPY TO PROVIDE THAT. I CAN GO TRY TO CALL THEM AND --

McCracken: THAT'S ALL RIGHT.

WAKE THEM UP.

McCracken: YOU ARE AN HONEST SOUL, ANNE. I'M NOT WORRIED.

THANK YOU.

McCracken: I GUESS MY NEXT QUESTION THEN IS FOR MR. SUTTLE. AND THEN -- BECAUSE I UNDERSTAND THE INTEREST OF THE APPLICANT IS TO HAVE OFFICE -- BASED ON WHAT I'VE HEARD THE INTEREST IS TO HAVE OFFICE WITH ACCESSORY ABILITIES TO SELL EYEGLASSES. AM I STATING THAT CORRECTLY?

YES. IT'S MEDICAL OFFICE, LIMITED HOSPITAL, AND THE ABILITY TO HAVE THE RETAIL COMPONENT.

McCracken: DO YOUR CLIENTS HAVE -- I DON'T KNOW IF WE HAVE THE ABILITY TO LIMIT THE SQUARE FEET OF ACCESSORY RETAIL, BUT IF WE DID TO SAY 1200 FEET, IS

THAT --

THAT DOESN'T WORK. AND WHAT THESE PEOPLE ARE MISSING THE POINT IS MY CLIENTS ARE NOT LENS CRAFTERS. THEY DO IT DIFFERENT, AND THEY'RE VERY SUCCESSFUL AT IT. AND THEY HAVE A HIGH -- WHEN THEY HAVE PEOPLE IN GETTING THEIR EYES WORKED ON, THEY DO A DIFFERENT JOB, AND THEY HAVE PEOPLE -- THEY KNOW WHAT THEY NEED TO DO. I JUST DON'T TRY TO GET INTO PEOPLE'S BUSINESS, BUT THEY KNOW THEY NEED ANYWHERE FROM -- THEY NEED 2500 FEET TO SELL THE EYE WEAR THE WAY THEY WANT TO DO IT FOR THEIR CUSTOMERS THAT ARE IN AND OUT OF THEIR BUSINESS. AND ON MOPAC AND BALCONES IT JUST DOESN'T SEEM UNREASONABLE TO THINK THAT YOU COULD HAVE UP TO 2500 SQUARE FEET OF SPACE WITHIN A DOCTOR'S OFFICE TO SELL CONTACT LENSES, EYE WEAR. IT'S ONE OF THE FASTEST GROWING BUSINESSES, I'M TOLD, FOR EYE DOCTORS. AND MY CLIENTS ARE TAKING ADVANTAGE OF THAT.

McCracken: THAT'S WHAT THE NEIGHBORS ARE SCARED OF.

EXACTLY. BUT THAT'S WHY WE LIMITED IT IN OTHER WAYS, BY LIMITING THE NUMBER OF TRIPS, BY LIMITING THE HEIGHT, THE IMPERVIOUS COVER, AND BY LIMITING IT TO 2,000 TRIPS BECAUSE WE NEVER COULD GET OVER THAT. AND IF CONVENIENCE STORES ARE A WORRY, JUST ADD CONVENIENCE STORE TO THIS ORDINANCE. WE'LL TAKE THAT OFF.

McCracken: IF WE WERE TO DO THE FOLLOWING, SAY MEDICAL OFFICE, LIMITED HOSPITAL, AND THEN THE RETAIL WOULD BE LIMITED TO EYE GLASS SALES, IS THAT WHAT IT'S CALLED OR WHAT IS IT?

WELL, I DON'T THINK IN THE CODE YOU CAN LIMIT IT TO A TYPE OF RETAIL. I DON'T THINK YOU CAN SAY ONLY SELL GLASSES, CONTACTS AND THOSE THINGS ASSOCIATED WITH EYES. I DEFER TO MARCY.

McCracken: I'M SURPRISED YOU DON'T HAVE THAT LIMITATION. WE APPARENTLY HAVE -- LOOKING INTO THIS,

WE HAVE EVERY GRAD ADDITION OF AUTO MOW MOTIVE, BUT -- AUTOMOTIVE, BUT WHAT IS THE APPROPRIATE LIMITATION THAT WOULD FIT THE ACCESSORY EYEGLASSES?

LET ME SEE IF I CAN GET A NOD. IF YOU LIMIT IT TO 2500 FEET OF RETAIL, WOULD THAT DO IT? JUST LIMIT IT TO 2500 FEET OF RETAIL, IT'S GOING TO BE IN A DOCTOR'S OFFICE. WE'VE GOT TO FIT WITHIN THE TRIP LIMITATION AND ALL THE REST OF THE LIMITATIONS.

McCracken: IS THERE -- THIS MAY BE FOR MS. GLASGO OR WHOEVER. IS THERE SOME KIND OF RETAIL HE RELATED TO MEDICAL RETAIL THAT -- IN OTHER WORDS, WHAT I'M PICKING UP IS THAT WE'RE CLOSE TO HAVING SOME OPPORTUNITY FOR AGREEMENT, BUT ONE OF THE PROBLEMS I'M PICKING UP IS THAT THE RETAIL PORTION WITHOUT SOME LIMITATIONS COULD SPREAD. AND I AGREE THE AREA IS APPROPRIATE FOR OFFICE AND NOT FOR RETAIL. AND SO WHAT WE'RE TRYING TO DO IS CREATE A NARROW CARVEOUT TO DEAL WITH THIS ONE ACCESSORY USE. THAT STRIKES ME AS BEING APPROPRIATE TOO, BUT IF WE'RE GOING TO HAVE THE BARN DOOR UP, THAT IT'S AN OFFICE SITE, NOT A RETAIL SITE, SO DO WE HAVE A CARVEOUT WE CAN MAKE FOR THIS TYPE OF RETAIL WITH AN ACCESSORY MEDICAL OFFICE? IS THERE ANY WAY TO LIMIT THAT?

Mayor Wynn: THIS COULD BE YOUR LAST QUESTION TO ANSWER, MS. GLASGO? [LAUGHTER] MAKE SURE IT'S A GOOD ONE.

THAT'S A QUESTION YOU ASKED EARLIER, COUNCILMEMBER MCCRACKEN, ABOUT LIMITING THE RETAIL TO SALE OF GLASSES. A RESTRICTIVE COVENANT CAN EXPLAIN THAT WHILE A CONDITIONAL OVERLAY COULDN'T DO THAT, THIS WOULD USE A RESTRICTIVE COVENANT TO FURTHER LIMIT THE USE THAT EVEN GENERALIZED IN THE CODE. SO YOU WOULD HAVE TO -- SO WHAT YOU WOULD DO IS A RESTRICTIVE COVENANT TO SPECIFY WHAT IT IS THAT YOU'RE DOING.

McCracken: ACCESSORY, YEAH. ONE OF THE POSSIBILITIES

THEN IF WE COULD WORK ON A RESTRICTIVE COVENANT FOR SECOND READING THAT WOULD LIMIT THE RETAIL ON SITE TO RETAIL THAT WAS AN ACCESSORY USE FOR THE MEDICAL OFFICE LIMITED HOSPITAL BECAUSE IF WHAT WE'RE TRYING TO DO IS HAVE AN OFFICE SITE, WHICH I THINK EVERYBODY IS LIKE OKAY WITH OFFICE TO SOME EXTENT AND THERE'S SOME ROUGH AGREEMENT THAT WE COULD LIVE WITH SOME RETAIL THAT'S DIRECTLY ACCESSORY TO MEDICAL, MAYBE WE COULD PUT THAT IN A RESTRICTIVE COVENANT. ANNE, DOES THAT --

[INAUDIBLE - NO MIC]. OKAY. SO LIMITED TO 10% OF THE TOTAL SITE?

WE CAN DO THAT TODAY. COUNCILMEMBER, UNDER CURRENT RULES WE CAN DO UP TO 1800 SQUARE FEET AS AN ACCESSORY USE UNDER OFFICE, BUT WHAT WE'VE TRIED TO CONVEY IS THAT'S NOT ENOUGH, WE NEED 2500 FEET. AND THIS IS A CASE THAT'S BEEN AROUND SINCE JULY. IT'S SF-3. WE CAN'T EVEN PULL A PERMIT TO PLACE A PLUMBING FIXTURE IN THIS BUILDING TODAY WITHOUT A ZONING CHANGE.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: WHY DON'T WE LOOK AT THE GR WITH ALL THE OTHER USES STRIPPED OUT, JUST SO THAT YOU HAVE -- YOUR MEDICAL USES AND YOUR -- LIMITED HOSPITAL, WHATEVER THAT IS. AND COULD WE LIMIT IT TO 2500 SQUARE FEET OF RETAIL?

YES, YOU CAN.

Dunkerley: LIMIT IT THAT WAY AND THEN DO -- IF YOU CHOOSE -- A RESTRICTIVE COVENANT RESTRICTING THE TYPE OF SALES. IT GIVES YOU YOUR SPACE.

IF WE DID ALL THREE READINGS ON THAT TONIGHT AND THEN WORK ON THE COVENANT AS TO WHAT WE COULD SELL IN THERE, THAT WOULD WORK. BECAUSE THEN WE COULD START THE FINISHOUT AND THEN EVEN IF THE COVENANT BROKE DOWN FOR SOME REASON, YOU -- I GUESS WORSE CASE YOU COULD HAVE 2500 FEET OF SOME

OTHER KIND OF RETAIL, BUT YOU'RE LIMITED BY YOUR TRIP COUNT. SO YOU COULDN'T DO WHAT THE NEIGHBORS ARE AFRAID OF, AND THAT'S BLOW THE CAPACITY OF THE ROAD BECAUSE WE'VE AGREED IN THE ORDINANCE TO THE TRIP COUNTS.

[INAUDIBLE - NO MIC].

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I NEVER REALLY HEARD AN ANSWER TO THE QUESTION OF WHAT SPECIFIC USE UNDER LR DO THEY NEED TO BE ABLE TO OPERATE --

RETAIL SALES. WE CAN DO EVERYTHING ELSE UNDER THE G.O. WE CAN'T DO THE RETAIL SALES.

Mayor Wynn: BUT YOU CAN DO 1800 SQUARE FEET OF RETAIL SALES.

UP TO 1800 SQUARE FEET.

Alvarez: SO THE PLANNING COMMISSION RECOMMENDATION OR ZAP OR WHATEVER DIDN'T ALLOW THAT?

NO, IT DID. IT CARVED OUT --

Alvarez: IS THE SUMMARY OF THAT RECOMMENDATION, THE FOLLOWING USES SHALL BE PROHIBITED, AND RETAIL SALES SEEMS TO BE ONE OF THOSE USES. THAT'S WHY I WAS A LITTLE CONFUSED.

THEN IT'S CONVENIENCE RETAIL SALES I THINK IS WHAT THEY'RE CAT CATEGORIZING. IT'S CONVENIENCE RETAIL SALES.

Alvarez: GENERAL IN PARENTHESIS.

AND THAT'S OKAY BECAUSE THERE'S ANOTHER GENERAL RETAIL SALES AND CONVENIENCE AND THAT COVERS THE EYE WEAR. SO IT'S A PERMITTED USE UNDER LR. THAT'S THE

ONE WE NEED.

Alvarez: IS THAT THE ONLY ONE THAT'S PERMITTED OR ARE THERE OTHER LR USES PERMITTED IN THAT RECOMMENDATION?

I THINK THERE ARE PROBABLY SOME OTHER LR USES, BUT I DON'T HAVE THEM MEMORIZED AND I DON'T HAVE THEM LISTED.

Alvarez: I JUST CAN'T PICK THEM OUT SO EASILY.

Mayor Wynn: MS. GLASGO?

WE HAVE A LIST OBVIOUSLY SOME OF THE USES ARE ALREADY PROHIBITED. UNDER LR SOME OF THE USES THAT ARE ALLOWED UNDER RETAIL, I'LL JUST QUICKLY GO THROUGH THE RETAIL. YOU HAVE CONSUMER CONVENIENCE, CONSUMER REPAIR SERVICES, FINANCIAL SERVICES, A BANK WOULD BE ALLOWED, FOOD SALES, A SMALL GROCERY STORE, AND GENERAL RETAIL SALES CONVENIENCE THAT WOULD ALLOW THE SALE OF GLASSES. OBVIOUSLY WE HAVE 27 USES THAT ARE PROHIBITED, AND SOME OF THEM ARE NOT RETAIL RELATED. THOSE ARE THE LR USES.

Alvarez: WHAT I WAS GETTING AT IS THE REQUEST FROM THE NEIGHBORHOOD IS FOR G.O., SO IF WE -- IF THEY'RE ASKING FOR AN LR USE OR A RETAIL USE, THEN YOU JUST ALLOW THAT PARTICULAR USE TO BE THE ONLY RETAIL USE THAT'S PERMITTED.

PLUS SOME OTHER OFFICE USES ALSO.

Alvarez: OF COURSE.

THAT'S AN OPTION TO CONSIDER.

Mayor Wynn: MR. LUKEENS, COULD YOU VERIFY THE VALID PETITION BY THE NEIGHBORHOODS, IT IS AGAINST GR OBVIOUSLY, BUT IS THAT WHERE THE THRESHOLD IS?

[INAUDIBLE - NO MIC].

Mayor Wynn: ANYTHING HIGHER THAN LO, THE VALID PETITION STANDS.

[INAUDIBLE - NO MIC].

THE VALID PETITION WAS FOR LO AND I WOULD BE WILLING TO COMPROMISE WITH G.O.

Mayor Wynn: THANK YOU VERY MUCH. MR. LUKENS.

I MAY HAVE TO POINT OUT THAT ONE OF THE ISSUES WE BROUGHT UP WAS THE 2,000 TRIPS THAT ARE RECOMMENDED BY ZAP. AND THAT WAS THAT 2,000 TRIPS WAS REALLY IN EXCESSIVE AMOUNT AND WE WERE THINKING ABOUT THAT TRIP COUNT BEING MORE IN THE RANGE OF 1500 THAN RETROFIT EVEN LOWER THAN THAT, BUT A THOUSAND TO 1200 DEPENDING ON WHAT WOULD WORK FOR THOSE FOLKS FOR THEIR PARTICULAR USE. THE ISSUE IS TRAFFIC AND WE NEED TO DEAL WITH THAT TRIP COUNT NUMBER.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: MS. GLASGO, I'VE HEARD IT MENTIONED I'VE HEARD IT MENTIONED THAT GR WAS THE ACCESS TO THE MAJOR ROADWAY AND THAT THIS SITE DOES NOT HAVE ACCESS TO A MAJOR ROADWAY. COULD YOU FURTHER ELABORATE ON THAT?

THAT COMES FROM THE PURPOSE STATEMENT IN THE CODE ABOUT GENERALLY WHAT'S APPROPRIATE FROM A ZONING STANDPOINT, FROM A LOCATIONAL STANDPOINT, BUT OBVIOUSLY IT'S A SORT OF HARD AND FAST RULE CITYWIDE THAT YOU CAN TELL THAT THAT OCCURS. IT'S NOT A RESTRICTION OR PROHIBITION AGAINST WHERE YOU LOCATE ZONING BECAUSE AS MR. SUTTLE INDICATED EARLIER, WE HAVE GR ZONING ON MOPAC, BUT THE PROPERTY DOES NOT HAVE ACCESS TO MOPAC. DO WE HAVE A MAP?

Leffingwell: RIGHT. I UNDERSTOOD THE OTHER GR ON MOPAC WAS ZONED GR CONDITIONED UPON ACCESS TO MOPAC. IS THAT CORRECT?

THIS TRACT RIGHT HERE TO THE SOUTH WHERE THE RANDALL'S IS LOCATED, THAT ENTIRE TRACT DOES NOT HAVE ACCESS TO MOPAC.

Leffingwell: IT HAS ACCESS TO 2222 THERE, DOESN'T IT?

SOME OF THAT DOES AFTER 2222 FROM THE STARBUCKS AND THEN THE BANK. CORRECT.

Leffingwell: SO THAT WOULD BE A MAJOR ROADWAY, SO IT WOULD MEET THOSE GUIDELINES.

ACTUALLY, I THINK CAN I HAVE THE MAP UP PLEASE?

ARE YOU TALKING ABOUT THE TRACT TO THE NORTH?

Leffingwell: NO, THE TRACT TO THE SOUTH NOW.

THE TRACT HAS DIFFERENT TRACTS THOR DIFFERENT ZONING DISTRICTS. THE MAJORITY OF THE TRACTS THAT ARE NOT ZONED GR FRONT ON BALCONES DRIVE -- HERE'S A MAP. THIS TRACTITE RITE HERE IS ZONED GR AND IT DOES NOT HAVE ACCESS TO MOPAC. THIS SHOPPING CENTER RIGHT HERE, WHILE YOU CAN OBVIOUSLY DRIVE FROM HERE AND EXIT ON TO BALCONES DRIVE FROM THE CENTER, SO IT WOULD MEET THAT FRONTAGE REQUIREMENT. I DON'T THINK IT'S A DRIVER, BUT IT MIGHT BE. THIS RIGHT THERE.

[INAUDIBLE - NO MIC].

IS IT THE STARBUCKS? BECAUSE I DRIVE BY THERE TOO?

[INAUDIBLE - NO MIC].

THE GR IS A STATEMENT THAT IS A GENERAL GUIDE. IT'S NOT MANDATORY.

Leffingwell: YOU WOULD HAVE TO HAVE SOME COMPELLING REASON TO DISREGARD ONE OF THE GUIDELINES? THE

OTHER FACTORS HAVE TO LINE UP TO DISREGARD THAT GUIDELINE? I'M JUST TRYING TO FIGURE OUT WHAT THE RATIONALE WAS FOR STAFF TO RECOMMEND IT IN SPITE OF THAT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Dunkerly: WHAT I WOULD LIKE TO KNOW IS WHAT KIND OF ZONING DO WE NEED TO GET TO SHE GET THE MEDICAL OFFICES, WE GET THE HOSPITAL LIMITED, WE GET 2500 SQUARE FEET OF RETAIL, WHAT IS THE LOWEST ZONING COMBINATION THAT WE CAN GET TO GET THOSE THREE THINGS. LIMIT IT ANY WAY YOU WANT TO LIMIT IT.

Glasgo: OKAY.

Dunkerly: DO YOU NEED TO GO HUDDLE AND COME BACK?

Glasgo: I WILL POINT OUT SOME USES. MY UNDERSTANDING OF WHAT THE APPLICANT WANTS IS TO BE ABLE TO HAVE SOME MEDICAL OFFICES AND RETAIL. THEN HE CAN JUMP IN. UNDER LR ZONING, OR UNDER -- UNDER L.O., LR ZONING WHICH WOULD ALLOW RETAIL, THE CONVENIENCE STORE, THE --

Dunkerly: 2500 SQUARE FEET OF RETAIL?

Glasgo: RETAIL THERE'S NO LIMITATION ON RETAIL. WE CAN ACCOMMODATE THAT. HOWEVER THE MEDICAL OFFICES TO EXCEED 5,000 SQUARE FEET IT REQUIRES A CONDITIONAL USE PERM. IT'S NOT A PERMITTED USE. THAT'S THE DIFFERENCE. BETWEEN --

Dunkerly: WHAT NOW?

Glasgo: LR ZONING. THE LR ZONING DISTRICT WOULD BE THE LEAST ZONING DISTRICT THAT CAN ACCOMMODATE THE -- THE MEDICAL OFFICE, HOWEVER IT WOULD REQUIRE A CONDITIONAL USE PERMIT. THE PLANNING COMMISSION WOULD HAVE TO APPROVE A SPECIAL PERMIT FOR IT.

Dunkerly: ALL RIGHT MAYBE I NEED TO RESTATE MY REQUEST. WHAT'S THE LEAST ZONING THAT YOU CAN GET FOR THE MEDICAL OFFICES, THE HOSPITAL LIMITED, THE 500 SQUARE FOOT OF RETAIL WITHOUT A -- 2500 SQUARE FOOT

OF RETAIL WITHOUT A CONDITIONAL USE.

Glasgo: IT WOULD BE GR WITH A CONDITIONAL OVERLAY AS RECOMMENDED BY THE COMMISSION.

Dunkerly: YOU COULD STRIP OUT ALL OF THE OTHER USES.

Glasgo: YES.

Dunkerly: THAT -- I THINK MR. LUKENS SAID IT CORRECTLY. YOU CAN'T PUT THE LOWER USES AND ADD A LITTLE BIT EXTRA. YOU HAVE TO PUT THE EXTRA AND STRIP AWAY EVERYTHING ELSE.

Glasgo: CORRECT YOU HAVE TO GO TO GR AND STRIP. YOU CANNOT DO IT THE OTHER WAY AROUND. THAT'S WHAT THE Z.A.P. COMMISSION RECOMMENDS. THEY GAVE YOU GR BUT STRIPPED DOWN.

WE ARE TALKING ABOUT STRIPPING IT DOWN EVEN FURTHER.

I'M SORRY?

WHAT YOU PUT FORT THAT APPEARS TO HAVE SOME CONSENSUS, AS I UNDERSTOOD IT, IT WOULD BE GR-CO LIMITED TO MEDICAL OFFICE, LIMITED TO THE FOLLOWING MEDICAL OFFICE, LIMITED OFFICE, GENERAL RETAIL WITH A RESTRICTIVE COVENANT ONLY ACCESSORY RETAIL FOR MEDICAL -- MEDICAL RETAIL SERVED -- LIMITED TO 2500 SQUARE FEET, 1500 TRIP LIMITATION. IS THAT GETTING US WHERE WE NEED TO BE?

Mayor Wynn: THAT WOULD STILL REQUIRE SIX VOTES.

McCracken: UNLESS THEY AGREE TO IT.

IT'S MY UNDERSTANDING THAT IF THERE'S A RESTRICTIVE COVENANT THE ONLY WAY IT CAN BE INFORCED IS THAT WE WOULD HAVE TO SUE TO GET ENFORCEMENT.

[INDISCERNIBLE]

PARDON ME?

[INAUDIBLE - NO MIC]

WHAT OUR CONCERN AGAIN IS GOING TO BE THE 2500 SQUARE FEET OF RETAIL. WE WOULD AGREE TO -- WE PREFER UP TO 10%, WE DON'T REALLY CARE ULTIMATELY WHAT THEY SELL, WE ARE NOT RESTRICTED TO OH EYE GLASSWARE, BUT IT'S THE PHYSICAL AMOUNT OF RETAIL THAT WOULD DRIVE MORE TRAFFIC.

CARLA, HEARING IT UP HERE, IT STRIKES ME THAT PERSONALLY I WOULDN'T BE CARING SO MUCH ABOUT THE INTERNAL DIVISION OF THE WALL SPACE INSIDE THE BUILDING. I'D BE MORE CONCERNED ABOUT THE AMOUNT OF TRAFFIC GETTING OUT ON THE STREET. IF WE COULD RATCHET IT TO 1500 SQUARE FEET, I PERSONALLY WOULDN'T BE CONCERNED ABOUT THE INTERNAL WALL DIVISION --

THE CRUX OF OUR ISSUE IS TRAFFIC, THAT'S TRUE.

McCracken: IF WE COULD GO FROM 2,000 TO 1500, THE TRADEOFF IS 2500 SQUARE FEET OF RETAIL INTERNALLY, THOSE LIMITATIONS, DOES THAT GET US TO WHERE YOU ALL ARE GOING TO BE COMFORTABILITY? COMFORTABLE?

THERE ARE --

WE WOULD LIKE TO -- [MULTIPLE VOICES]

MORE PUBLIC -- 8 MORE PUBLIC HEARINGS TONIGHT, INCLUDING AN ITEM FROM COUNCIL THAT HAS A LOT OF SPEAKERS SIGNED UP. IF THE COUNCILMEMBER ASKS SOMEBODY IN THIS PUBLIC A QUESTION, THAT PERSON CAN APPROACH THE PODIUM AND ANSWER A QUESTION. COUNCILMEMBER MCCRACKEN?

WE WOULD PREFER A TRIP CAP OF ONE HOW TO BE HONEST WITH YOU. WE BELIEVE ANYTHING MORE IS MORE YOURIOUS TO BALCONES -- INJIEWROUS TO BALCONES.

CAN YOU LIVE WITH 1500.

SPLIT THE DIFFERENCE? I I CAN TELL YOU --

I'M FOR A THOUSAND MYSELF BECAUSE I LIVE IN THE NEIGHBORHOOD, I'M TRYING TO SEE WHAT'S FAIR FOR MY BROADER RESPONSIBILITIES. ALL OF OURS.

IT'S AN EARLIER DISCUSSIONS WITH THE APPLICANT TONIGHT, THEY HAD SUGGESTED 1250 AS A POSSIBILITY.

Mayor Wynn: COUNCIL, OBVIOUSLY THERE'S A BUNCH OF NEGOTIATIONS GOING ON. WE COULD GET AT LEAST FIVE OR SIX OF OUR PUBLIC HEARINGS OUT OF THE WAY OVER THE NEXT HOUR, WHILE THESE FOLKS HUDDLE IN THE BACK OF THE ROOM, SEE IF ANY PROGRESS IS MADE. TAKE UP AN ITEM FROM COUNCIL, THEN COME BACK IN A COUPLE OF HOURS AND SEE IF THEY CAN AGREE TO -- TO -- TO FIRST READING.

Glasgo: MAYOR, I WAS GOING TO ALSO SUGGEST IS MAYBE WHAT WE COULD DO, HAVING HEARD WHAT COUNCIL'S DESIRES ARE, TO DO FIRST READING, GO CRAFT THE INSTRUMENT SO EVERYBODY CAN SEE THE LANGUAGE, COME BACK WITH SOMETHING TO WORK WITH AT 2nd AND 3rd. I BELIEVE THAT MIGHT HELP EVERYBODY TO SEE IT AND THEY CAN JOINTLY WORK ON THE LANGUAGE TO COME BACK FOR 2nd AND 3rd.

McCracken: I WOULD PREFER THAT OPTION. I HAVE ONE FINAL QUESTION MAYOR, THEN WE CAN DISPOSE OF THIS. IS IT POSSIBLE TO FILE AN INTERIM SITE PLAN WHILE THIS HAPPENS, THAT APPEARS TO BE AN INTEREST OF THE APPLICANT. CAN WE SPECIFY THAT AS FIRST READING OR NOT.

AN INTERIM SITE PLAN.

THEY WANT TO BE ABLE TO FILE A SITE PLAN IS ONE OF THE THINGS THAT I PICKED UP ABOUT THE APPLICANT'S INTEREST.

MR. SUTTLE -- I'M SURE HE CAN RESPOND TO THAT.

RICHARD, ARE YOU -- WOULD THAT HELP?

WELL, WHAT WE CAN DO TODAY IS FILE FINISHOUT PERMITS. WE CAN'T GET ANYTHING APPROVED. IF WE COULD GET THAT RUNNING, BRING SECOND AND THIRD READING READING BACK JANUARY 12th, WE COULD GET IT RUNNING CONCURRENTLY.

McCracken: I HAVE A MOTION MAYOR. FOR FIRST READING ONLY. IT WILL BE FOR THE -- FOR THE GR CO WITH THE LIMITATIONS FROM ZAP. BUT WITH AN ADDITIONAL REQUIREMENT THAT -- THAT THE -- THAT THE RETAIL WILL BE NO MORE THAN 2500 SQUARE FEET, THAT RETAIL WILL BE LIMITED THROUGH A RESTRICTIVE COVENANT TO -- TO ACCESSORY MEDICAL RETAIL USES IN THAT FOR THE PURPOSES OF FIRST READING THAT -- THAT WE SET THE TRIP LIMIT AT 1250, AND THAT WE ALSO PERMIT THE FILING OF FINISHOUT PLANS SO THE APPLICANT GETS STARTED AND THAT WE CAN FIGURE OUT IN THE INTERIM IF THERE'S SOME -- THERE'S SOME ISSUE THAT THEY NEED THOSE, WE CAN GET STARTED. SO THAT'S MY MOTION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING ON Z-22 AND APPROVE ON FIRST READING ONLY GR-CO WITH A NUMBER OF LIMITATIONS AS OUTLINED.

Thomas: I'LL SECOND IT.

Mayor Wynn: SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0, FIRST READING ONLY. INSTRUCTIONS TO COME BACK JANUARY 12th, '06. COUNCIL WE HAVE A SERIES OF SEVEN PUBLIC HEARINGS TO CONDUCT AND WE HAVE AN ITEM FROM COUNCIL, I THINK WE CAN GO THROUGH THE PUBLIC HEARINGS IN SHORT ORDER. I'M READY, MR. RUSTHOVEN, WELCOME.

I'M JERRY RUSTHOVEN, HERE TO PRESENT ITEM 1034. 103, TO CONDUCT A PUBLIC HEARING, APPROVE AN ORDINANCE TO ADJUST THE CORPORATE BOUNDARY BETWEEN THE CITY OF AUSTIN AND THE CITY OF SUNSET VALLEY. THE PROPOSED BOUNDARY ADJUSTMENT INCLUDES 2.81 ACRES OF GREENBELT LOCATED EAST OF -- BRODIE LANE AND SOUTH OF OAK DETAIL DRIVE. ON OCTOBER 3rd, 2005 THE CITY OF AUSTIN RECEIVED A REQUEST FROM THE CITY OF SUNSET VALLEY TO TRANSFER LAND OWNED BY THE CITY FROM THE AUSTIN CITY LIMIT TO SUNSET VALLEY JURISDICTION SO SUNSET VALLEY MAY PROCEED TO ANNEX THEIR PROPERTY. THE PROPOSAL REPRESENTS A RELATIVELY MINOR ADJUSTMENT ON BEHALF OF THE NEIGHBORHOOD COMMUNITY. I'M AVAILABLE FOR ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. ROUST HOVE RUSTHOVEN, QUESTIONS OF STAFF, COUNCIL? NO SPEAKERS SIGNED UP ON ITEM 103. I WILL ENTERTAIN A MOTION TO CLOSE THAT HEARING AND APPROVE THE ORDINANCE AS OUTLINED BY STAFF.

SO MOVED.

MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE HEARING AND APPROVE ORDINANCE ITEM NO. 103, ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MR. OSWALT, ITEM NO. 104.

A VARIANCE REQUEST BY JAMES MANSEWER TO ALLOW CONSTRUCTION OF AN ADDITION TO A SINGLE FAMILY RESIDENCE AT 208 WEST NORTH LOOP BOULEVARD IN THE 25 AND 100 YEAR FLOODPLAINS OF WALLER CREEK AND TO WAIVE THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE FULL LIMIT OF THE 100 YEAR FLOODPLAIN FOR THE FOOTPRINT OF THE RESIDENCE. I'M GOING TO GO TO THE OVERHEAD PROJECTOR. THE CONSTRUCTION IS THE ADDITION OF 896 SQUARE FEET TO AN EXISTING 728 SQUARE

FEET RESIDENCE IN THE 25 AND 100 YEAR FLOODPLAINS OF WALLER CREEK AND TO EXCLUDE BUILDING FOOTPRINT DEDICATION OF DRAINAGE EASEMENT FROM THE FULL LIMITS OF THE 100 YEAR FLOODPLAIN. HERE'S THE LOCATION VIEW. THE SUBJECT PROPERTY IS OUTLINED IN RED. THE THE MAIN CHAN CHANNEL OF WALLER CREEK FLOWING FROM NORTH TO SOUTH, NORTH LOOP BOULEVARD AND CHESTERFIELD AVENUE. I'M GOING TO COME BACK LATER AND SHOW YOU PHOTOGRAPHS THAT I TOOK IN THIS LOCATION DURING A STORM EVENT LAST YEAR. THE DARK BLUE AREA IS THE LIMITS OF THE 25 YEAR FLOODPLAIN AND THE LIGHTER SHADED AREA IS THE LIMITS OF THE 100 YEAR FLOODPLAIN. THIS IS THE OUTLINE OF THE EXISTING HOUSE STRUCTURE AND THE PROPOSED ADDITION ON THE BACK OF THE STRUCTURE WHICH BOTH ARE LOCATED WITHIN THE 25 YEAR FLOODPLAIN. ALL RIGHT. THIS IS A SUMMARY OF THE CODE ISSUES THAT ARE ASSOCIATED WITH THE VARIANCE. THE CODE PRECLUDES ENCROACHMENT IN THE FLOODPLAIN, OBVIOUSLY TO ALLOW THE ADDITION TO BE CONSTRUCTED MUST ALLOW ADDITIONAL ENCROACHMENT. THE CODE REQUIRES DEDICATION OF A DRAINAGE EASEMENT TO THE FULL LIMITS OF THE 100 YEAR FLOODPLAIN. AND THIS LOT IS ENTIRELY WITHIN THE LIMITS OF THE FLOODPLAIN. SO THERE'S NO WAY THAT CONSTRUCTION CAN BE -- CAN PROCEED WITHOUT RELAXING THAT REQUIREMENT TO DEDICATE THAT EASEMENT TO THE FOOTPRINT OF THE BUILDING. THE APPLICANT PROPOSES SUBSTANTIAL IMPROVEMENT. HE'S ADDING SIGNIFICANT SQUARE FOOTAGE OVER 800 SQUARE FEET. TO AN EXISTING 700 SQUARE FOOT STRUCTURE. THAT EXCEEDS SUBSTANTIAL IMPROVEMENT. THE CODE REQUIRES THAT THE EXISTING ING STRUCTURE MUST BE ELEVATED UNDER THOSE CONDITIONS, THE APPLICANT DOES NOT DESIRE TO ELEVATE THE EXISTING STRUCTURE. THERE IS NO SAFE DRY ACCESS TO THE STRUCTURE DURING A 100 YEAR STORM EVENT. THERE'S TWO FEET OF WATER IN THE ROADWAY AND THAT WOULD IMPEDE OCCUPANTS OF THE HOUSE LEAVING THE STRUCTURE OR ACCESS BY FIRST RESPONDERS. THE HOUSE ITSELF IS SURROUNDED BY ONE AND A HALF TO THREE FEET OF WATER. THE EXPANSION OF THE STRUCTURE INCREASES THE NON-CONFORMITY OF THE EXISTING STRUCTURE IN THE

100 YEAR FLOODPLAIN. THAT WOULD ALLOW ADDITIONAL OCCUPANT, HUMAN OCCUPANCY IN A HAZARD AREA. THERE ARE NO PROPERTY HARDSHIP CONDITIONS ASSOCIATED WITH THE PROPERTY THAT THE PROPERTY ALREADY HAS BENEFICIAL USE PLUS THERE'S A STANDING OCCUPIED STRUCTURE ON IT. THE BUILDING CODE, ONE OF THE BUILDING CODE PREREQUISITES TO GRANTING A VARIANCE IS THAT HARDSHIP CONDITIONS MUST EXIST ON THE PROPERTY. ADDITIONALLY LAST YEAR IN NOVEMBER WE DID HAVE A SIGNIFICANT FLOOD EVENT FOR THE -- WHERE THE WATER OVERTOPPED NORTH LOOP BOULEVARD BY TWO OR THREE FEET. I'M GOING TO SHOW YOU SOME PICTURES. THAT I TOOK THERE LAST YEAR IN NOVEMBER. THIS IS THE BRIDGE OVER WALLER CREEK ON NORTH LOOP. THE SUBJECT PROPERTY IS APPROXIMATELY 200 FEET TO THE EAST. YOU CAN SEE DURING THIS EVENT THE WATER ACTUALLY GOT OVER THE TOP GUARDRAIL OF THE BRIDGE. AND TO PUT THAT INTO PERSPECTIVE. THIS IS A PICTURE THAT I TOOK EARLIER THIS WEEK AT THE LOCATION. AND IT COMES INTO FOCUS. SAME BRIDGE LOOKING EAST IN THE DOWNSTREAM FACE OF THE BRIDGE, WE HAVE AN ARROW THERE THAT SHOWS THE LOCATION OF THE SUBJECT PROPERTY, I BELIEVE IT'S THE THIRD LOT IN. SO BASED ON THESE FINDINGS, WE ARE RECOMMENDED DENIAL OF THE VARIANCE. ANY QUESTIONS?

Mayor Wynn: THANK YOU, MR. OSWALT. QUESTIONS OF STAFF, COUNCIL? MR. OSWALT, ALSO I SHOW NOBODY SIGNING UP TO SPEAK ON THIS, DOES THAT INCLUDE -- IS THE OWNER OR APPLICANT HERE?

I DO NOT KNOW, MAYOR.

OKAY.

Mayor Wynn: WELL THEN PLEASE COME ADDRESS US. THREE MINUTES. WELCOME.

I WOULD LIKE TO JUST GO AHEAD AND GO TO THIS IN THE FACTORS IN THIS PACKET. FOR CONSIDERATION. AND ADDRESS ONE THE DANGER TO LIFE AND PROPERTY DUE TO FLOODING AND EROSION DAMAGE. I'M GOING TO GO TO NUMBER 5, WHICH IS THE SAFETY OF ACCESS TO THE

PROPERTY DURING TIMES OF FLOOD FOR ORDINARY AND EMERGENCY VEHICLES. THESE TWO ARE THE ONLY ONES THAT CAN'T BE MET SUPPOSEDLY. EVERYTHING ELSE AS FAR AS BUILDING IT ABOVE FLOOD LEVEL OR TO BE ABLE TO WITHSTAND THE FLOOD, THAT'S -- THAT'S KIND OF THE EASY PART OF THIS. IF IT FLOODED UP, ON THE PICTURE THIS ONE -- BACK UP. YOU CAN SEE THE SIX -- HERE'S THE HOUSE. IT WOULD BE COMPLETELY SURROUNDED IF THE WATER WENT THAT HIGH. ON THIS HOUSE, THE -- IF IT WAS COMPLETELY SURROUNDED, IT WOULD BE TWO FEET AT THIS CORNER AND ALMOST THREE FEET AT THIS CORNER. AND SO MY ARGUMENT WITH -- WITH THIS EMERGENCY VEHICLE ACCESS, THIS IS ALL STANDING WATER, IF THAT ABSOLUTE WORST CASE WHICH IS A HUGE FACTOR OF SAFETY I WOULD ASSUME, WORST CASE POSSIBLE I WOULD HAVE ABOUT TWO AND A HALF FEET AT MY FRONT DOOR OF STANDING WATER AND THE -- THE EMERGENCY VEHICLE ACCESS I KIND OF ARGUE RIGHT THERE, BECAUSE THE -- THERE IS ACCESS AND TWO AND A HALF FEET OF STANDING WATER. AND THAT'S ALL THAT I CAN PRETTY MUCH ARGUE FOR THAT. THE OTHER FACTORS THAT YOU MENTIONED GREATER THAN 50%, I DID AT BUILDING MATERIALS, GAVE IT TO RAY. IT WAS ABOUT \$6,000 FORGETTING A FEW THINGS IN THE BUILDING MATERIALS I'M SURE, I'M A CARPENTER, MECHANICAL ENGINEER, I WOULD BE DOING THIS LABOR. SO THAT DOESN'T GO OVER 50% OF THE VALUE OF THE HOUSE. AND THERE'S A COUPLE OF OTHER THINGS. THERE'S -- THAT DON'T APPLY. THE SUSCEPTIBLE, THE PROPOSED CONTENTS TO FLOOD, THAT WOULD JUST BE BUILDING IT A FOOT OVER REGULATORY FLOOD DATUM WHICH WE HAVE DISCUSSED. AND WE HAVE PRETTY MUCH -- I HAVE GONE THROUGH THIS A LOT WITH RAY WINDSOR AND JAY BAKER, WE HAVE COME TO THE POINT THAT THE ONLY THING, THE ONLY REASON THEY WOULDN'T SUGGEST AN ADMINISTRATIVE APPROVAL OR I CAN'T REMEMBER WHAT THEY CALLED IT, THE REASON THAT I'M HERE, THE ONLY REASON THAT I'M HERE WE TALKED ABOUT WAS THE EMERGENCY VEHICLE ACCESS AT THIS FLOOD. AND I CAN'T ARGUE THAT. IT IS COMPLETELY IN THE FLOOD ZONE. THOSE PICTURES DON'T DO JUSTICE BECAUSE THE WATER WAS WAY UP. BUT LOOKING FROM MY FRONT DOOR IT WAS EXTREMELY FAR AWAY. TONY HAS BEEN THERE SINCE THIS HOUSE WAS BUILT SAYS THAT'S AS

FAR AS IT EVER GOES. AND THAT I CAN'T REALLY ARGUE MUCH MORE AGAINST THAT. BUT ANOTHER THING THAT'S STANDING WATER, TWO AN A HAS. FEET DEEP, AT ABSOLUTE WORST CASE SCENARIO AT MY FRONT DOOR. SO I GUESS THAT'S ALL THAT I CAN -- I WAS ACTUALLY HOPING TO TALK A LITTLE BIT MORE. I WAS TOLD THIS MORNING THAT I WOULD BE COMING UP HERE TODAY. SO KIND OF SURPRISED THAT I DON'T HAVE TIME TO SPEAK. I ONLY HAVE THREE MINUTES TO TALK ABOUT THIS. BUT I GUESS YOU LIVE AND LEARN.

Mayor Wynn: WELL, SORRY, ARE YOU MR. MANSEWER.

Mayor Wynn: IT COULD BE A COUNCILMEMBER MIGHT ASK YOU A QUESTION OR TWO, BUT OUR RULES DO ALLOW FOR THREE MINUTE TESTIMONY. QUESTIONS, COUNCIL? COMMENTS? ACTUALLY, MR. OSWALT, HELP US CLARIFY, EVEN IF -- I MEAN, ANY -- REMIND ME, ANY BUILDING PERMIT IN THE 25 YEAR FLOODPLAIN REQUIRES COUNCIL VARIANCE, EVEN IF YOU WERE TO RECOMMEND IT, THERE'S NO ADMINISTRATIVE ABILITY TO --

THERE IS, BUT THERE'S SEVEN CONDITIONS THAT HAVE TO BE MET FOR US TO ADMINISTRATIVELY RECOMMEND OUR DIRECTOR AND THIS PARTICULAR PROPOSAL DOES NOT MEET THAT. DOESN'T HAVE THE SAFE, DRY ACCESS. IT IS SUBSTANTIAL IMPROVEMENT. IT'S NOT -- THE VALUE IS GOING TO BE WHAT AN APPRAISER WOULD SAY THE ADDITION WOULD BE. IT'S NOT GOING TO BE THE MATERIALS THAT GO INTO IT. T CAD VALUE ON THE EXISTING STRUCTURE IS ABOUT \$30,000. HE'S DOUBLING THE SQUARE FOOTAGE, SO T CAD IS GOING TO COME IN THERE NEXT YEAR, THIS IS GOING TO TO BE MORE THAN \$45,000, MORE THAN DOUBLING THE SQUARE FOOTAGE, IT IS SUBSTANTIAL IMPROVEMENT. THE ADDITIONAL OCCUPANCY IN THE FLOODPLAIN IS ALWAYS A CONCERN, PUTTING MORE PEOPLE AT RISK. DURING THIS FLOOD LAST YEAR, WE DID HAVE WATER GET IN HOUSES AND APARTMENTS ON CHESTERFIELD. WE DID HAVE REPORTS OF ACTUAL HOUSE FLOODING IMMEDIATELY ADJACENT, WELL ACTUALLY TWO LOTS AWAY FROM THIS PROPERTY. SO IT IS A REALITY IN THIS LOCATION. THANK YOU MR. OSWALT.

JUST A COMMENT ABOUT THE COMMENT OF TWO TO TWO

AND A HALF FEET OF STANDING WATER. YOU KNOW, OF POTENTIAL BURDEN FOR EMERGENCY VEHICLES AND/OR RESCUE.

WHAT WE TYPICALLY DO FOR OUR APPARATUS IS THE -- THE CENTER OF THE HUB OF THE WHEEL IS WHAT WE TELL OUR APPARATUS OPERATORS TO NOT EXCEED. TYPICALLY THAT'S SOMEWHERE IN THE RANGE OF ABOUT 22 INCHES. THAT IS BECAUSE THE AIR INTAKE FOR THE APPARATUS IS ABOUT THAT HEIGHT OFF THE GROUND.

Mayor Wynn: SO YOUR -- OUR FIREFIGHTERS ARE INSTRUCTED BY STANDARD OPERATING PREARS NOT TO DRIVE A VEHICLE --

THE MAJORITY OF THE VEHICLES THAT WE HAVE, THE BRAND AND TYPE AND MAKE OF THE VEHICLES, 30 INCHES OF WATER WOULD BE MORE THAN WHAT WE WOULD RECOMMEND THEM GOING INTO.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS? STAFF? OR THE OWNER? COMMENTS? THESE ARE ALWAYS, THESE ARE ALWAYS PAINFUL CASES BECAUSE OBVIOUSLY IT'S A DRAMATIC IMPACT ON INDIVIDUAL AND/OR HIS OR HER PROPERTY. AT THE SAME TIME THESE ARE VERY IMPORTANT DECISIONS AND THERE'S A REASON WHY THERE'S A SIGNIFICANT HURDLE OR BURDEN TO BE OVERCOME ON THESE CASES. FURTHER COMMENTS? I'LL ENTERTAIN A MOTION ON ITEM 104. COUNCILMEMBER KIM?

Kim: MAYOR, I WOULD LIKE TO MAKE A HOGS TO SUPPORT STAFF'S -- A MOTION TO SUPPORT STAFF'S RECOMMENDATION TO DENY THE REQUEST.

Mayor Wynn: MOTION BY COUNCILMEMBER KIM TO CLOSE THE PUBLIC HEARING ON ITEM 104 AND DENY THE VARIANCE REQUEST. SUPPORTING STAFF RECOMMENDATION. SECONDED BY COUNCILMEMBER LEFFINGWELL. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MAY I MAKE ONE SMALL COMMENT? I HAVE WORKED WITH THE CITY FOR THREE YEARS ON THIS. AND WAS TOLD THIS MORNING TO COME UP HERE TONIGHT AND I GOT HERE AT 6:00 SO I HAVE BEEN HERE FOR SIX, SEVEN HOURS AFTER YEARS OF THIS AND I GET TO SPEAK FOR THREE MINUTES. I THINK THAT IT'S TOTALLY UNFAIR. AND --

Mayor Wynn: THANK YOU, MR. MANSOUR. ITEM 105 RELATES TO THE PUBLIC HEARING REGARDING CITY FIRE CODE.

GOOD MORNING MAYOR, COUNCIL, I'M LEANN BARBER, THE CITY'S BUILDING OFFICIAL. ITEMS -- ITEMS 105 THROUGH 109 ARE PUBLIC HEARINGS TO APPROVE ORDINANCES TO AMEND THE VARIOUS CODES SO WE CAN ADOPT THE VARIOUS TECHNICAL CODES THAT WE USE IN OUR INSPECTION AND REVIEW PROCESS. THE PARTICULAR CODES THAT WE ARE GOING TO TRY TO ADOPT ARE EXPECTING TO ADOPT TODAY ARE THE 2003 INTERNATIONAL BUILDING CODE, 2003 INTERNATIONAL FIRE CODE, 2003 MECHANICAL CODE, 2005 NATIONAL ELECTRIC CODE, 2003 [INDISCERNIBLE] CODE. WE SPENT ABOUT TWO YEARS WITH THE STAFF AND STAKEHOLDERS TO REVIEW ALL OF THESE CODES AND WE SPENT QUITE A BIT OF TIME IN TRYING TO GET THEIR INPUT, TRYING TO INCORPORATE THEIR COMMENTS AND THEIR THOUGHTS AND THEIR DISCUSSIONS. WE HAVE ALSO HAD SUCCESS WITH THE BOARDS, THEY HAVE ALL SUPPORTED OUR RECOMMENDATIONS. AND WE PROBABLY HAD SOME STAFF HERE AND OTHERS TO SUPPORT OUR RECOMMENDATIONS. WE DO HAVE A PRESENTATION AVAILABLE IF YOU ALL ARE WANTING TO SEE THAT. OKAY. I FIGURED THAT. WE ARE ALSO RECOMMENDING THAT YOU TAKE THESE ALL AT ONE TIME, ALSO. IF YOU ALL HAVE ANY QUESTIONS ... QUESTIONS FOR STAFF, COUNCIL? WE HAVE A COUPLE OF CITIZENS SIGNED UP NOT WISHING TO SPEAK IN FAVOR. AMED, JANE STANSFIELD, GARY DEVIN AND ROBERT [INDISCERNIBLE] WHO REPRESENTS THE AMERICAN INSTITUTE OF ARCHITECTS IS HERE OR WAS HERE TO ANSWER QUESTIONS IF NEED BE.

McCracken: MAYOR I HAVE A MOTION TO CLOSE THE PUBLIC HEARING AND TO APPROVE ITEMS 105, 106, 107, 108, AND 109. WE CAN DO THOSE TOGETHER.

Mayor Wynn: WELL EXCEPT THAT -- ONE SECOND. I THINK THERE WAS SOME FOLKS SIGNED UP WISHING TO SPEAK THOUGH A HANDFUL FOLKS SIGNED UP WANTING TO SPEAK ON ITEM 107. SORRY 106. SO --

McCracken: I MODIFY THAT TO PULL OUT 106.

Mayor Wynn: LET ME CHECK THE OTHER ONES, TOO. 106 IS THE ONE WE HAVE A NUMBER OF FOLKS WISHING TO ADDRESS US. MOTION BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING ON ITEMS 10 -- AND CLOSE THE PUBLIC HEARING AND APPROVE THESE ORDINANCES ITEMS 105, 107, 108, 109.

SECOND. >>

Mayor Wynn: SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. WE WILL TAKE UP ITEM NO. 106 NOW WHICH RELATES SPECIFICALLY TO BUILDING CODE, OUR CITY BUILDING CODE AND LOCAL AMENDMENTS.

ITEM 106 OF COURSE IS OUR MAJOR BUILDING CODE TECHNICAL MANUAL THAT WE USE. IT IS -- IT'S MORE INNOVATIVE THAN WE HAVE EVER HAD BEFORE. IT GIVES US A LOT OF FLEXIBILITY IN OUR DESIGNS FOR THE ARCHITECTS AND -- AND WE HAVE DONE QUITE A BIT OF WORK. LIKE I SAID WE HAVE BEEN OVER TWO YEARS WITH THE STAKEHOLDERS WORKING ON THIS PROCESS, A LOT OF INPUT, WE HAVE INCORPORATED THAT INTO OUR AMENDMENTS.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL. IF NOT WE HAVE A HANDFUL OF FOLKS THAT WOULD LIKE TO

ADDRESS US. [ONE MOMENT PLEASE FOR CHANGE IN
CAPTIONERS]

A LOT OF FOLKS WITH DISABILITIES ARE KIND OF TRAPPED IN
OR OUTSIDE OF HOMES. A LOT OF FAMILIES ARE KEPT
APART FROM ONE ANOTHER, AND THIS IS IMPORTANT AND IS
A GREAT STEP FORWARD FOR THE NEW YEAR.

IT'S BEEN A LONG TIME COMING, HASN'T IT, JENNIFER IN.

IT HAS.

Mayor Wynn: QUESTIONS, COMMENTS? THOSE ARE ALL THE
CITIZENS WISH TO GO ADDRESS US ON ITEM 1506 OF 106. I'LL
-- 106. I'LL ENTERTAIN A MOTION.

McCracken: MOVE TO CLOSE THE PUBLIC HEARING AND
APPROVE BY COUNCILMEMBER MCCRACKEN, SECONDED BY
THE MAYOR PRO TEM TO APPROVE THIS ORDINANCE. ALL
THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASS OR A VOTE OF SIX TO
ZERO WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF
THE DAIS.

BEFORE YOU RACE OFF HERE STEWART, STEWART, WE
WOULD LIKE TO RECOGNIZE THAT THIS HAS BECOME
STEWART'S LIFELONG WORK. STEWART, 20 YEARS? 30
YEARS TRYING TO GET THIS PASSED, SO
CONGRATULATIONS, STEWART. [APPLAUSE]

Mayor Wynn: A SHAME WE COULDN'T GET IT DONE ON A
THURSDAY. [LAUGHTER] COUNCIL, THAT LEAVES US WITH --

McCracken: THE 2:00 O'CLOCK BRIEFING? [LAUGHTER]

Mayor Wynn: DON'T EVEN JOKE ABOUT THAT. DO YOU KNOW
WHAT? PRIOR THEN TO US TAKING UP ITEM NUMBER 55, THE
ITEM FROM COUNCIL, MY UNDERSTANDING IS THERE WAS
SOME CONVERSATIONS HELD EARLIER AND THERE WAS AN
AGREEMENT TO POSTPONE THE TWO 2:00 O'CLOCK

PRESENTATIONS REGARDING TRAFFIC MANAGEMENT AND SOME LEGISLATION. IF THAT'S STILL THE CASE -- I DON'T SEE ANYBODY CHALLENGING THAT OTHERWISE -- I'LL ENTERTAIN -- I GUESS WE NEED A MOTION. I THINK WITHOUT OBJECTION WE CAN HAVE THE CLERK NOTE THAT WE DID NOT TAKE UP THE 2:00 O'CLOCK BRIEFINGS, ITEMS NUMBER 71 AND 72.

WE'LL BE RESCHEDULING THEM FOR YOU, YES.

Mayor Wynn: THEY'RE IMPORTANT, BUT WE COULDN'T GET TO THEM. SO THAT LEAVES US WITH ITEM NUMBER 55. IT WASN'T OUR INTENT TO HAVE TO TAKE IT UP THIS LATE, BUT WE ARE. AND I GUESS I'LL RECOGNIZE ANY OF THE SPONSORING COUNCILMEMBERS. WE HAD 14 PEOPLE SIGNED UP EARLIER IN THE DAY ON THIS ITEM. I DON'T THINK THEY'RE HERE. OR MANY OF THEM. SO PERHAPS JUST A BRIEF PRESENTATION OR SUMMARY BY COUNCILMEMBER ALVAREZ.

Alvarez: I'LL KEEP IT VERY BRIEF, MAYOR. THIS IS A RESOLUTION RELATED TO THE ACTIVITIES OF THE MINUTE MEN. IT'S SOMETHING YOU MAY HAVE READ ABOUT OR SEEN IN THE PAPER ABOUT CITIZEN GROUP THAT'S INTERESTED IN HELPING TO ENFORCE OUR IMMIGRATION LAWS. AND AGAIN THE MEDIA HAS REPORTED ON THE EXISTENCE AND PLANNED FORMATION OF THESE ARMED GROUPS OF INDIVIDUALS WHO ENGAGE IN ACTIVITIES TO PREVENT THE ENTRY OF PEOPLE MIGRATING TO THE U.S. AND ACTIVITIES THAT SEEK OUT IMMIGRANTS RESIDING IN THE U.S. WITH THE INTENT OF FACILITATING THEIR REMOVAL. AND AGAIN, BECAUSE THESE ARE FOLKS WHO ARE NOT TRAINED LAW ENFORCEMENT PERSONNEL, THERE'S A VERY REAL THREAT THAT THEY MAY ENGAGE IN DISCRIMINATORY ACTIVITIES AND RACIAL PROFILING AS WELL AS A POTENTIAL USE OF FORCE OR THREAT OF FORCE IN WAYS THAT VIOLATE THE CONSTITUTIONAL RIGHTS OF CITIZENS AND NON-CITIZENS ALIKE, RESIDENTS OF AUSTIN COULD POTENTIALLY BE AFFECTED IN THIS WAY. AND I THINK THAT -- REALLY I THINK THAT ACTUALLY THE FIRST SPEAKER TODAY I THINK -- WHO MADE A COMMENT ABOUT THAT I SHOULD GO BACK TO MEXICO I THINK KIND OF CALLED ATTENTION TO THE FACT THAT THERE'S SOME FOLKS WITH CITIZENS, FOLKS WHO AREN'T TRAINED TO ENFORCE THE LAWS OF THE UNITED

STATES AND WHO DON'T HAVE A CODE OF CONDUCT THAT THEY AGREE TO FOLLOW CAN DO RACIAL PROFILING, ENGAGE IN DISCRIMINATION AND VIOLATE THE RIGHTS OF OTHER FOLKS. AND WHAT I WOULD SAY ABOUT GOING BACK TO MEXICO IS THAT REALLY MY FAMILY -- THERE'S NO FAMILY IN TEXAS THAT CAN SAY THEY'VE BEEN IN TEXAS LONGER THAN MY FAMILY BECAUSE WE WERE HERE WHEN THIS STATE WAS CREATED. THE WHOLE ISSUE OF WE DIDN'T CROSS THE RIVER, THE RIVER CROSSED US. AND SO OBVIOUSLY THE FACT THAT THE GENTLEMAN MADE THAT COMMENT OBVIOUSLY IS -- JUST POINTS TO A LEVEL OF MISUNDERSTANDING AND MISCONCEPTION OUT THERE. TO SOME DEGREE THAT'S WHAT WE'RE TRYING TO CALL ATTENTION TO AND SAY THAT WE RESPECT THE RIGHT OF THESE GROUPS TO EXPRESS THEIR FREE SPEECH, BUT NOT TO THE EXTENT WHERE THEY VIOLATE THE CONSTITUTIONAL RIGHTS OF OTHER MEMBERS OF OUR COMMUNITY. SO THAT'S REALLY THE GIST OF WHAT THE RESOLUTION SAYS, AND I'LL JUST OPEN IT UP FOR OTHER COMMENTS OR QUESTIONS, BUT OTHERWISE I'M READY TO MAKE A MOTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? I'LL SAY WE HAD 35 CITIZENS SIGN UP, SOME WISHING TO SPEAK, SOME NOT WISHING TO SPEAK. WE WILL RECORD ALL THESE INTO THE RECORD. NINE CITIZENS SIGNED UP IN OPPOSITION TO THIS ITEM. 26 CITIZENS SIGNED UP IN FAVOR. COMMENTS, QUESTIONS? AND I'M ASSUMING THAT NO ONE REMAINS HERE TO TALK ABOUT THIS ITEM, BUT IF ANYBODY HERE WOULD LIKE TO ADDRESS US, PLEASE STEP FORWARD. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER KIM.

Kim: MAYOR, I JUST WANT TO TALK ABOUT THIS RESOLUTION, AND AS COUNCILMEMBER ALVAREZ POINTED OUT, IT HAS TO DO WITH PEOPLE TAKING THE LAW INTO THEIR OWN HANDS, AND THIS VIGILANTISM IS REALLY A PROBLEM WHEN IT IMPEDES ON THE AUTHORITY OF FEDERAL AUTHORITIES AS WELL AS TO ENFORCE IMMIGRATION LAWS. AND ALSO WOULD CREATE A PROBLEM FOR OUR LOCAL ENFORCEMENT AUTHORITY IN TERMS OF WHAT -- WHEN THEY DON'T HAVE THE TRAINING, THESE MINUTE MEN. AND RACIAL PROFILING IS A PROBLEM MANY

TIMES, INCLUDING ASIANS, THEY DON'T EVEN KNOW WHAT ETHNICITY THEY ARE OR THE STATUS OF THEIR CITIZENSHIP. IF THEY DID, IT'S STILL NOT SOMETHING THAT THEY NEED TO TAKE INTO THEIR OWN HANDS IN TERMS OF ENFORCING IMMIGRATION LAWS. SO I SUPPORT THIS MOTION AND I GUESS WE'LL READ THIS INTO THE RECORD, THE RESOLUTION.

Alvarez: I WAS JUST SUMMARIZING AND ASSUMING THAT WOULD BE ENOUGH UNLESS FOLKS WOULD LIKE FOR US TO DO THAT.

Mayor Wynn: FURTHER COMMENT? MAYOR PRO TEM.

Thomas: I JUST WANT TO THANK THE MAYOR AND COUNCIL FOR THE SUPPORT OF THIS RESOLUTION. THANK MY COLLEAGUE, COUNCILMEMBER ALVAREZ AND COUNCILMEMBER KIM SAID ENOUGH, BUT IT JUST LETS US KNOW, LET'S PEOPLE KNOW THAT THE MINUTE MEN AND OTHER PEOPLE THAT WANT TO TAKE THE LAW INTO THEIR OWN HANDS, THAT CITIZENS OF AUSTIN AND THE MAYOR AND COUNCIL OF THIS GREAT CITY SEND A MESSAGE TO LET THEM KNOW THAT THEY'RE NOT TRAINED TO DO THAT AND UNFORTUNATELY THEY DO HAVE A RIGHT TO PACK ARMS THESE DAYS. AND UNLESS THEY PASS A LAW. BUT IT JUST LETS THEM KNOW THAT WE WON'T TOLERATE THEM ABUSING PEOPLE'S RIGHTS BECAUSE EVERYBODY HAS A RIGHT, CONSTITUTIONAL RIGHTS AND WE SHOULD RESPECT THAT. I APPRECIATE Y'ALL'S SUPPORT. THANK YOU.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I JUST WOULD ADD THAT THIS WAS RECOMMENDED BY THE HUMAN RIGHTS COMMISSION, NOT NECESSARILY THIS PARTICULAR WORDING, BUT THAT WAS ONE OF THE GENTLEMEN'S OF THIS -- GENESIS OF THIS RESOLUTION AND ONE OF THE GROUPS THAT SUBMITTED LETTERS IN SUPPORT. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. I'LL JUST SAY I HAVE SORT OF A POLICY AND A RECORD OF NOT VOTING

FOR NONBINDING RESOLUTIONS THAT I THINK ESSENTIALLY ARE DEALING WITH INTERNATIONAL OR EVEN NATIONAL ISSUES, AND THIS HAZELMENTS OF THAT -- AND THIS HAS ELEMENTS OF THAT CLEARLY. HOWEVER WHAT THIS ITEM DOES IS KEEP OUR CITY MANAGER TO KEEP COUNCIL AND OUR CITIZENS INFORMED OF ACTIVITIES IN OUR CITY RELATED TO THIS KIND OF ACTIVITY. AND SO BECAUSE OF THAT I WILL BE SUPPORTIVE OF THE MOTION. IT DOES IN FACT HAVE A LOCAL IMPACT AND I THINK IT BEHOOVES US TO BE COGNIZANT OF ISSUES OCCURRING IN OUR CITY. I WILL STATE -- AND I ALSO HAVE -- FROM WHAT I KNOW OF IT, I SEEM TO AGREE IN A PRETTY SIGNIFICANT WAY WITH WHAT MY UNDERSTANDING OF WHAT OUR PRESIDENT'S GENERAL POSITION IS ON OUR BORDER, AND THAT IS A DRAMATIC NEED FOR DRAMATIC IMMIGRATION REFORM THAT WILL ALLOW FOR, FRANKLY, SIGNIFICANT CROSSINGS OF THE BORDER FOR GUEST WORK PROGRAMS AND OTHER TRADE. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER MCCrackEN.

McCracken: I'LL JUST SAY, MAYOR, I HAVE THE SAME PHILOSOPHY AS YOU DO ABOUT THE RESOLUTIONS. I AGREE THIS IS DIFFERENT TOO. WE'VE SEEN IN VIRGINIA THE LOCAL GOVERNMENTS HAVE HAD TO CONFRONT MINUTE MEN TRYING TO ROUST DAY LABOR SITES AND CHECK ID'S AND INTRUDING INTO THE POLICE FUNCTIONS OF THOSE COMMUNITIES. IT'S SOMETHING WE NEED TO KEEP OUR EYE ON AND SO I'LL ALSO SUPPORT THIS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? SO COUNCILMEMBER ALVAREZ MADE THE MOTION. I THINK COUNCILMEMBER KIM -- WE HAVE A MOTION AND A SECOND? JUST IN CASE, MOTION MADE BY COUNCILMEMBER ALVAREZ TO APPROVE ITEM NUMBER 55 AS OUTLINED AND PRESENTED, SECONDED BY COUNCILMEMBER KIM. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. MS. SPENCE, IS THAT ALL OF OUR -- THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WE

NOW STAND ADJOURNED. IT IS 1:12. MERRY CHRISTMAS,
HAPPY HOLIDAYS AND A SAFE NEW YEAR

End of Council Session Closed Caption Log