

Closed Caption Log, Council Meeting, 11/16/06

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Mayor Wynn: GOOD MORNING, EXCUSE US FOR BEING LATE. I'M AUSTIN MAYOR WILL WYNN, I'M VERY HONORED TO HONOR PASTOR DAVID PEREZ FROM VICTORY CHAPEL WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

FIRST OF ALL, I WOULD LIKE TO START WITH THE SCRIPTURE THAT SAYS IN THE BEGINNING GOD CREATED THE HEAVENS AND THE EARTH. FATHER IN THE NAME OF JESUS, WE THANK YOU FOR THIS BEAUTIFUL DAY. WE ASK THAT YOU TAKE CHARGE AT THE BEGINNING OF THIS MEETING OF THIS WHOLE DAY, THAT YOU HELP OUR CITY COUNCIL WITH ALL OF THE DECISIONS THEY HAVE TO MAKE AND ALL OF THE MEETINGS THAT ARE GOING TO TAKE PLACE, WE PUT THEM IN YOUR HANDS, LORD, THAT YOU HAVE THE WISDOM AND KNOWLEDGE TO GIVE TO OUR LEADERSHIP OF AUSTIN. WE THANK YOU, LORD, WE PUT EVERYTHING IN YOUR HANDS IN THE NAME OF JESUS CHRIST, AMEN.

Mayor Wynn: THANK YOU, PASTOR. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, NOVEMBER 16th, 2006. APPROXIMATELY 10:27 A.M. WE ARE IN THE CITY COUNCIL CHAMBERS THE CITY HALL BUILDING, 301 WEST SECOND STREET. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE AS FOLLOWS: ITEM NO. 4, WE SHOULD NOTE THAT THIS COMES RECOMMENDED BY THE WATER AND WASTEWATER COMMISSION. AS WITH ITEM NO. 5, ALSO RECOMMENDED BY

THE WATER AND WASTEWATER COMMISSION. ITEMS NUMBER 13 AND 14 ARE TO BE POSTPONED TO OUR NEXT MEETING, WHICH IS NOVEMBER 30th, 2006. ON ITEM NO. 15, WE SHOULD INSERT THE WORDS APPROVE AN, THEREFORE IT WILL BE APPROVE AN ORDINANCE RELATED TO THE HIGHLAND MALL TOD. ITEM NO. 19, WE SHOULD ALSO NOTE THAT IT IS RECOMMENDED BY THE WATER AND WASTEWATER COMMISSION. ON ITEM NO. 20, WE SHOULD INCLUDE THAT IT'S RECOMMENDED BY THE AIRPORT -- AUSTIN AIRPORT ADVISORY COMMISSION, AS IS ITEM NO. 28, RECOMMENDED BY THE AUSTIN AIRPORT ADVISORY COMMISSION. ON ITEM NO. 46, WHERE WE ARE SETTING A PUBLIC HEARING, WE ARE GOING TO CHANGE THAT DATE TO DECEMBER 14th, 2006. ALSO AT 6:00 P.M. HERE AT CITY HALL. ON ITEM NO. 76, WE SHOULD NOTE THAT THE PLANNING COMMISSION'S RECOMMENDATION IS TO GRANT FAMILY RESIDENT HISTORIC NEIGHBORHOOD PLAN, OR SF 3 H, NP, COMBINING DISTRICT ZONING. ON ITEM NO. 77, WE SHOULD STRIKE THE WORD TO AND INSERT THE WORD AND. SO THE BEGINNING OF THE SUMMARY WILL READ CONDUCT A PUBLIC HEARING AND CONSIDER VARIANCE REQUEST. THEN ALSO, MR. SMITH, HELP ME ON THIS, ITEM NO. 36, WE HAVE SORT OF A STRANGE VERB IN OUR POSTING AND SO I -- I THINK THAT I CAN JUST READ THIS INTO THE RECORD AS THE CORRECTION, WHICH WOULD BE: REGARDING ITEM NO. 36, THE MOTION ON THE CONSENT AGENDA WOULD BE TO APPROVE A RESOLUTION AUTHORIZING A SURCHARGE APPLICATION FILED BY TEXAS GAS SERVICE TO RECOVER UTILITY RELOCATION COSTS.

THAT IS CORRECT, MAYOR. IN COUNCIL'S BACKUP THERE IS A RESOLUTION DRAFTED THAT READS THE: THE CITY COUNCIL APPROVES THE SURCHARGE APPLICATION.

Mayor Wynn: CORRECT. THEN BASED ON THAT, MS. GENTRY, ITEM 36 CAN REMAIN ON THE CONSENT AGENDA. SO FAR, COUNCIL, LET'S SEE, WE HAVE -- FOR OUR TIME CERTAINS TODAY, AT NOON WE WILL BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS, AT 2:00 WE WILL HAVE DISCUSSION AND POSSIBLE BOND SALES, 2:00 WE WILL ALSO HAVE OUR AFTERNOON BRIEFING FOR THE CITY STAFF, 4:00 WE TAKE UP OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, AND 5:30 WE

HAVE LIVE MUSIC AND PROCLAMATIONS, AT 6:00 WE WILL BEGIN CONDUCTING OUR PUBLIC HEARINGS. WE WILL NOTE NOW THAT STAFF WILL BE REQUESTING THAT ITEM NO. 77, A PUBLIC HEARING, TO BE POSTPONED TO NOVEMBER 30th, 2006. TECHNICALLY WE CAN'T TAKE UP THAT POSTPONEMENT UNTIL AFTER 6:00 P.M., BUT IF YOU ARE WATCHING OR LISTENING, NOTE THAT -- THAT ITEM NO. 77 LIKELY WILL BE POSTPONED LATER THIS EVENING. SO, COUNCIL, SO FAR, WE HAVE.... HAVE -- WE HAVE THREE ITEMS PULLED OFF THE CONSENT AGENDA, ITEM NO. 6 NEEDS TO BE TAKEN OFF PER THE CITY CLERK WHO HAS TO WALK THROUGH A SIMPLE STATE REQUIREMENT ON HOW WE CANVASSED OUR RECENT CITY BOND ELECTION RESULTS. THEN ITEM NO. 40, AND ITEM NO. 81, HAVE -- HAVE BEEN PULLED BY -- BY THE MAYOR. ANY ADDITIONAL ITEMS PULLED OR ADDED TO THE CONSENT AGENDA, COUNCIL? IF NOT, THEN I WILL READ OUR CONSENT AGENDA THIS MORNING NUMERICALLY. IT WILL BE -- TO APPROVE -- ITEMS 1, 2, 3, 4 AND 5 PER CHANGES AND CORRECTION, 7, 8. 8, 9, 10, 11, 12, AGAIN NOTING THAT ITEMS 13 AND 14 TO BE POSTPONED TO NOVEMBER 30th, 2006, APPROVING ITEM NO. 15 PER CHANGES AND CORRECTION, 16, 17, 18, 19 PER CHANGES AND CORRECTION, 20 PER CHANGES AND CORRECTION, 21, 22, 23, 24, 25, 26, 27, 28, PER CHANGES AND CORRECTION, 29, 30, 31, 32, 33, 34, 35, 36, WITH CHANGES AND CORRECTION, 37, 38, WHICH ARE OUR BOARD AND ECONOMICS.....COMMISSION APPOINTMENTS THAT I WOULD READ INTO THE REGARD. DAY LABOR SITE LAY ADVISORY COMMITTEE, THERESA PATEH SORRY IF I'M MISPRONOUNCING THAT A CONSENSUS APPOINTMENT. SHE'S A REPRESENTATIVE OF THE COMMISSION ON IMMIGRANT AFFAIRS. FOR OUR DOWNTOWN COMMISSION, BRIAN RUIZ [INDISCERNIBLE], A CONSENSUS APPOINTMENT, REPRESENTING THE GREATER AUSTIN HISPANIC CHAMBER OF COMMERCE. FOR OUR MUSIC COMMISSION, DON PITTS, COUNCILMEMBER MCCRACKEN'S APPOINTMENT. AND TO OUR RESIDENTIAL DESIGN COMPATIBILITY COMMISSION, HEIDI GABLE IS A CONSENSUS APPOINTMENT AND SHE REPRESENTS THE RESIDENTIAL DESIGN PROFESSIONALS. AND TO OUR RESOURCE MANAGEMENT COMMISSION, LIZ CUNNINGHAM IS A CONSENSUS APPOINTMENT. THAT'S ITEM NO. 38 ON OUR CONSENT AGENDA. WE WILL ALSO BE

APPROVING ITEMS 39, 41, 42, 43, 44, 45.. 45, 46 PER CHANGES AND CORRECTION, 47, 48, 49, 50, AND ADDENDUM ITEMS 80, AND THAT WILL BE OUR CONSENT AGENDA. SO, COUNCIL, I WILL ENTERTAIN A MOTION ON THE PROPOSED CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS?

MAYOR?

Martinez: THANKS, MAYOR. ON ITEM 13 AND 14 I KNOW WE ARE POSTPONING TO THE 30th.... 30th, BUT I WANTED TO POINT OUT THE REASON WHY. THESE ARE TWO CRITICAL APPOINTMENTS TO THE FIRE AND POLICE AND THE SERVICE COMMISSION AND WHAT I WOULD LIKE TO DO IS JUST GIVE THE TWO ASSOCIATION, EMPLOYEE ASSOCIATION GROUPS THE OPPORTUNITY TO GET TO KNOW THESE TWO APPOINTEES A LITTLE BIT BIT, POSSIBLY HAVE A CONVERSATION WITH THE CITY MANAGER ON THESE APPOINTMENTS.

Futrell: THAT'S THE REASON OBVIOUSLY THAT WE PULLED IT IS BECAUSE IT IS CORRECT AS POINTED OUT TO US BY SEVERAL MEMBERS OF THE ASSOCIATIONS THAT IN THE PAST THEY HAVE BEEN ABLE TO INFORMALLY GIVE FEEDBACK ON THESE POSITIONS AND WE DID NOT DO THAT. SO WE ARE PULLING IT IN ORDER TO RECTIFY THAT.

Martinez: THANK YOU. ONE MORE ITEM, MAYOR.

Mayor Wynn: YES.

Martinez: IF I MAY. ON ITEM NO. 39, THIS IS AN ITEM FROM COUNCILMEMBER COLE AND I AND I JUST -- I WANT TO SPEAK TO THIS ITEM BECAUSE IT'S ABOUT THE USE OF CITY HALL AND HOW THE PUBLIC IS ABLE TO USE IT. I REALIZE THAT WE -- THAT WE DID GO THROUGH A PROCESS AND WE HAVE A POLICY IN PLACE, BUT ONE OF THE COMMENTS OR SEVERAL OF THE COMMENTS THAT WE RECEIVED WAS THAT THERE WASN'T A PUBLIC INPUT PROCESS. SO ALL THAT WE ARE ASKING IS THAT WE TAKE THIS POLICY AND -- AND THAT WE HAVE IT EVALUATED THROUGH A PUBLIC INPUT PROCESS ON ONE OF OUR BOARDS AND COMMISSIONS AND

THE RESOLUTION ACTUALLY I WOULD LIKE TO MAKE ONE AMENDMENT, FITS OKAY WITH COUNCILMEMBER COLE -- IF IT'S OKAY WITH COUNCILMEMBER COLE, THAT'S JUST ONE WORD WHERE IT SAYS THE EVALUATION SHOULD INCLUDE AND I WOULD LIKE TO CHANGE THAT SHALL INCLUDE. JUST TO MAKE SURE THAT IT GOES THROUGH THE BOARD AND COMMISSION AND THAT CITIZENS HAVE AN OPPORTUNITY TO COME FORWARD AND SPEAK ON THIS ISSUE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN TECHNICALLY MADE THE MOTION TO APPROVE THE CONSENT AGENDA. IS THAT A FRIENDLY AMENDMENT? COUNCILMEMBER COLE --

YES.

Mayor Wynn: CO-SPONSOR. COUNCIL WILL SLIGHTLY AMEND THE CONSENT AGENDA TO INCLUDE COUNCILMEMBER MARTINEZ'S FRIENDLY AMENDMENT. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER COLE?

Cole: I WOULD LIKE TO RECOGNIZE JEANETTE PEYTON BEING HERE, THE WONDERFUL SERVICES THAT AUSTIN PROVIDES TO OUR COMMUNITY. THOSE SERVICES ARE PROVIDED INCLUDING LOAN AND LOAN ASSISTANCE AND SMALL BUSINESS START-UP ASSISTANCE AND IT'S CRITICAL, ESPECIALLY TO OUR LOW INCOME AND MINORITY COMMUNITY. I APPRECIATE THAT.

Mayor Wynn: THANK YOU, COUNCILMEMBER COLE. ITEM NO. 31, ON THE CONSENT AGENDA, WILL BE IN FACT TO APPROVE OUR CONTRACT WITH BIG AUSTIN. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCIL? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Mayor Wynn: COUNCIL, I THINK WE CAN QUICKLY TAKE UP ITEM NO. 6, OUR CANVASSING OF THE RESULTS OF THE NOVEMBER 7th, 2006 SPECIAL MUNICIPAL ELECTION.

MAYOR, YOU HAVE THE RESOLUTION IN FRONT OF YOU, IF YOU WOULD JUST READ THAT INTO THE RECORD, PLEASE.

Mayor Wynn: THANK YOU. COUNCIL, ON ITEM NO. 6, AGAIN WHICH IS THE CANVASSING OF OUR SPECIAL CALLED MUNICIPAL ELECTION, ALTHOUGH OF COURSE WAS IT WAS THE -- IT WAS THE GENERAL ELECTION DATE, I WILL READ THE RESULTS INTO THE RECORD AND THEN I GUESS WE WILL TAKE A MOTION TO -- TO APPROVE THE CANVASSING. THIS RESOLUTION READS, ITEM NO. 6: WHEREAS ON NOVEMBER 7th, 2006, A MUNICIPAL SPECIAL ELECTION WAS HELD TO PRESENT TO THE VOTERS SEVEN BOND PROPOSITIONS, IN WHICH THE VOTERS WERE GIVEN THE OPTION OF INVESTIGATE YES OR NO AGAINST EACH PROPOSITION. WHEREAS THE RETURNS FROM THE SPECIAL ELECTION HAVE BEEN MADE TO THE COUNCIL AND SHOW THAT THE VOTES FROM THE PROPOSITION WERE CAST AS AS FOLLOWS: PROPOSITION 1, 112,493 VOTES IN FAVOR. 43,377 VOTES AGAINST. PROPOSITION NUMBER 2, 106,477 VOTES IN FAVOR, 48,781 VOTES AGAINST. ON PROPOSITION NUMBER 3, 113,468 VOTES IN FAVOR; 42,683 VOTES AGAINST. PROPOSITION 4, 89,616 VOTES IN FAVOR; 66,706 VOTES AGAINST. PROPOSITION 5, 97,486 VOTES IN FAVOR; 58,080 VOTES AGAINST. PROPOSITION 6: 93,438 VOTES IN FAVOR; 62,060 VOTES AGAINST. PROPOSITION NUMBER 7: 110,647 VOTES IN FAVOR; 45,201 VOTES IN OPPOSITION. WHEREAS THE MAJORITY OF ALL VOTES CAST IN THE SPECIAL ELECTION WERE CAST FOR PROPOSITIONS 1, 2, 3, 4, 5, 6 AND 7, NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN THAT COUNCIL THE RECITALS CLAIMED IN THIS RESOLUTION ARE TRUE AND ADOPTS THEM AS FINDINGS OF FACT. THE COUNCIL FINDS THAT THE RESULTS OF THE SPECIAL ELECTION ARE TABULATED AND CANVASSED REFLECT THE VOTES CAST IN THE ELECTION AND COUNCIL ACCEPTS AND APPROVES THEM AS TABULATED AND CANVASSED AND DECLARES THAT PROPOSITIONS 1, 2, 3, 4, 5, 6 AND 7 ARE ADOPTED. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCILMEMBER LEFFINGWELL.

SECOND.

SECONDED BY COUNCILMEMBER COLE TO APPROVE THIS

RESOLUTION CANVASSING THE RESULTS OF OUR NOVEMBER 7th MUNICIPAL SPECIAL ELECTION -- JUST A COUPLE OF COMMENTS. A MOTION AND A SECOND ON THE TABLE. I WILL SAY TECH CEAM THIS IS CONSIDERED A -- TECHNICALLY THIS IS CONSIDERED A SPECIAL MUNICIPAL ELECTION, HELD DURING THE GENERAL ELECTION. NOTING EVEN THOUGH WE CALLED THIS A SPECIAL ELECTION THERE WERE POSSIBLY THREE TIMES MORE VOTES CAST IN THIS ELECTION THAN OUR MUNICIPAL ELECTIONS THAT WE HOLD IN MAY. THE FACT OF THE MATTER IS THERE WAS A VERY LARGE TURNOUT FOR A CITY ISSUE, MUNICIPAL ISSUES, AND VERY PROUD OF THE FACT THAT WE HAD THAT LARGE OF A TURNOUT AND FOLKS WORKED THEIR WAY DOWN A LENGTHY BALLOT TO GIVE US THE INPUT, VERY IMPORTANT INPUT ON SEVEN IMPORTANT PROPOSITIONS AND PERSONALLY I WILL JUST SAY THAT I'M VERY PLEASED THAT ALL SEVEN OF THEM PASSED. FURTHER COMMENTS ON OUR MOTION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO, COUNCIL, THAT LEAVES US WITH THE -- WITH A COUPLE OF ITEMS, BUT ONE SPECIAL ONE. AND I SEE THAT WE ARE JOINED BY SOME -- A COUPLE OF SPECIAL GUESTS. SO, COUNCIL, I WOULD LIKE TO TAKE UP ITEM NO. 40, WHICH -- AS POSTED, APPROVE AN ORDINANCE NAMING THE CONGRESS AVENUE BRIDGE AND WAIVING ANY APPLICABLE REQUIREMENTS OF CHAPTER 14-1 OF THE CITY CODE, ITEM FROM COUNCIL THAT TECHNICALLY HAS -- HAS THREE SPONSORS, BUT AS WE HAVE SEEN OUR COLLECTIVE QUOTES IN THE PAPER AND THE CONVERSATIONS THAT HAVE BEEN HELD AROUND TOWN, THESE PAST FEW DAY THERE'S -- THERE'S REMARKABLE SUPPORT FOR THE ITEM. AND OF COURSE THAT IS TO RENAME THE CONGRESS AVENUE BRIDGE THE ANN W. RICHARDS CONGRESS AVENUE BRIDGE. VERY PROUD TO BE JOINED BY DAN RICHARDS, ONE OF ANN'S CHILDREN. I GUESS WHAT I WOULD LIKE TO DO FIRST IS PERHAPS ENTERTAIN A MOTION ON ITEM NO. 40 AND THEN TAKE SOME COMMENTS. I WILL SAY THAT WE ARE GOING TO -- AS SOON AS THEY ITEM IS VOTED UPON, WE ARE GOING TO RECESS THE CITY COUNCIL MEETING, WHICH

WE WOULD NORMALLY DO ANYWAY TO GO INTO CLOSED SESSION, GOING TO INVITE FOLKS TO GO UP ON TO THE BALCONY UPSTAIRS WHICH OVERLOOKS THE BRIDGE, NICE LITTLE CEREMONY, A CHANCE TO VISIT WITH THE PRESS BEFORE WE TAKE OUR -- OUR LUNCH TIME EXECUTIVE SESSION BREAK. SO, COUNCIL, I WILL ENTERTAIN A MOTION ON ITEM NO. 40. MOTION MADE BY MAYOR PRO TEM DUNKERLY, SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE ITEM NO. 40. FURTHER COMMENTS? I THINK THIS WOULD BE AN APPROPRIATE TIME FOR US TO SAY A FEW WORDS ON THE RECORD FOR THIS ITEM, THEN I THINK WE ARE GOING TO INVITE DAN TO COME SAY A FEW WORDS AND -- ON BEHALF OF THE FAMILY. MAYOR PRO TEM?

Dunkerly: THIS IS CERTAINLY A WAY TO RECOGNIZE A TRULY INSPIRING FIGURE IN OUR COMMUNITY. I THINK THAT SO MANY OF US HAVE SEEN GOVERNOR RICHARDS AS SHE RAN THE HIKE AND BIKE TRAIL FROM TIME TO TIME AND SO NAMING A BRIDGE THAT SHE MUST HAVE SEEN, MUST HAVE WALKED ON AND CERTAINLY GIVES A GREAT VIEW OF THE CAPITOL IS I THINK A FITTING TRIBUTE TO HER. AGAIN, ON BEHALF OF -- OF THE MANY TIMES THAT SHE WAS AN INSPIRATION TO ME, I'M SO HAPPY TO BE A PART OF THIS.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, LIKEWISE I'M PROUD TO BE A PART OF THIS. AND I NOTED FROM READING THE RESOLUTION THAT SHE WAS A TEACHER, SOCIAL STUDIES AT FULMORE JUNIOR HIGH SCHOOL. APPROXIMATELY THE SAME TIME FRAME THAT I WAS AT THAT SCHOOL, ALTHOUGH UNFORTUNATELY SHE WAS NOT MY TEACHER. I THINK I COULD HAVE BENEFITED FROM THAT EXPERIENCE. BUT LIKE COUNCILMEMBER DUNKERLY I THINK THIS IS A FITTING TRIBUTE. WHEN WE FIRST STARTED TALKING ABOUT SOME WAY TO -- TO HONOR HER MEMORY, THERE WERE A NUMBER OF IDEAS THAT SURFACED AND I REALLY THINK THE CONGRESS AVENUE BRIDGE IS THE MOST APPROPRIATE FOR SOME OF THE REASONS THAT HAVE ALREADY BEEN MENTIONED. IT IS THE FOCAL POINT OF AUSTIN. YOU CAN STAND ON THAT BRIDGE AND SEE MOST OF THE PROMINENT FEATURES THAT -- THE CAPITOL, TOWN LAKE TRAIL, THE

MANY NEW BUILDINGS THAT WE HAVE. IT -- IT IS WHERE -- WHERE VISITORS COME TO SEE AUSTIN, TOO. AND SO -- SO AGAIN I THINK OF ALL OF THE ITEMS -- ALL OF THE PLACES THAT WE CONSIDERED TO HONOR HER MEMORY, THIS IS THE MOST APPROPRIATE. I THINK THE MAYOR HAS ALSO SAID THAT -- AND OTHERS HAVE NOTED THAT THIS IS WHERE SHE BEGAN HER FAMOUS MARCH. TO THE CAPITOL WHEN SHE WAS INAUGURATED IN 1991. AGAIN, I'M VERY PLEASED TO BE A PART OF THIS.

Mayor Wynn: THANK YOU, COUNCILMEMBER MARTINEZ?

Martinez: THANKS, MAYOR. I ALSO JUST WANT TO -- TO EXPRESS MY SUPPORT FOR THIS RESOLUTION. YOU KNOW, THIS IS NOT JUST A RESOLUTION ABOUT SUPPORTING SOMEONE FOR BEING A POLITICAL FIGURE. GOVERNOR RICHARDS WAS A PUBLIC SERVANT. SHE STARTED OUT AS A TEACHER, CONSTANTLY GAVE TO OUR COMMUNITY AND I THINK THAT IT'S ABSOLUTELY APPROPRIATE THAT WE HONOR HER LEGACY AND THAT WE -- THAT WE USE SOMETHING APPROPRIATE LIKE THE CONGRESS AVENUE BRIDGE TO CONSTANTLY REMIND US, SHE CREATED BRIDGES TO GOVERNMENT FOR PEOPLE WHO DIDN'T HAVE ACCESS TO IT. SHE WAS THE CHAMPION OF WOMEN AND MINORITY ISSUES AND I'M HONORED AND PROUD TO NAME THE CONGRESS AVENUE BRIDGE AFTER GOVERNOR RICHARDS.

Mayor Wynn: THANK YOU. COUNCILMEMBER KIM?

Kim: TO ME TO HONOR GOVERNOR RICHARDS, SHE HAD INCREDIBLE ACCOMPLISHMENT, SHE WAS AN INCREDIBLE SPARK PLUG, WITTY WOMAN, A SHARP TONGUE, A SHARP MIND. I'M THRILLED THAT I WILL BE ABLE TO THINK OFFER EVERY TIME I'M NEAR CONGRESS AVENUE BRIDGE, SINCE IT WILL BE NAMED AFTER HER. ONE OF THE THINGS THAT SHE DID THAT REALLY SPOKE VOLUMES FOR ME OF HOW SHE CARED ABOUT THE COMMUNITY, REALLY CARED ABOUT GIVING PEOPLE AND UNDERSERVED, UNDERREPRESENTED COMMUNITIES A CHANCE IS THAT SHE APPOINTED THE FIRST CHAIRED PUBLIC UTILITY COMMISSION AS AN ASIAN AMERICAN, A VERY SIGNIFICANT APPOINTMENT, SHE MADE RECORD APPOINTMENTS OF ASIAN AMERICANS TO STATE

OFFICES, BOARDS AND AGENCIES. SO I HOPE THAT -- THAT I'LL BE ABLE TO -- TO SEE THAT -- MORE OF THAT KIND OF WORK THAT'S DONE AS A RESULT OF HER BEING A PIONEER AND INCLUDING PEOPLE OF DIVERSE BACKGROUND TO BE LEADERS IN THE STATE OF TEXAS.

Mayor Wynn: THANK YOU, COUNCILMEMBER MCCRACKEN?

McCracken: I THINK ONE OF THE THINGS THAT MAYBE IS NOT REALLY WIDELY KNOWN IN THE CITY IS THAT AIRED WAS -- ANN RICHARDS WAS ALSO VERY ACTIVE IN CIVIC AFFAIRS. A LOT OF US HAVE AN OPPORTUNITY TO KNOW THAT. A HUGE SUPPORTER OF OUR LOCAL FILM SECTOR, REALLY A LEADER THERE. BUT ALSO I GOT A CALL ONCE AT OUR HOUSE, IT WAS ANN RICHARDS, SHE SAID I WANT TO MAKE SURE THAT YOU ARE NOT GOING TO WIDEN MOPAC. I WAS LIKE NO I'M NOT IN FAVOR OF THAT. SHE WAS ALWAYS FOCUSED ON THE BOTTOM LINE. I THINK FOR A LOT OF US, WHEN SHE GAVE HER SPEECH IN THE 1998 DEMOCRATIC CONVENTION I HAD BEEN OUT OF COLLEGE ABOUT TWO MONTHS AT THAT POINT. I SAW SOMEONE WHO I COULD LOOK UP TO AS A TEXAN WHO WAS A GREAT ROLE MODEL AND SHE PROVED THAT SHE COULD BE OPTIMISTIC, FUNNY AND PRINCIPLED AND MAKE A DIFFERENCE IN POLITICS. AT A TIME WHEN WE HAD A LOT OF NEGATIVING IN POLITICS, SHE'S A REAL SHINING EXAMPLE OF THE GOODNESS AND INCREDIBLE POSSIBILITY THAT CAN COME FROM PUBLIC SERVICE. FOR THAT ABOVE ALL THINGS WE REALLY OWE HER A DEBT OF GRATITUDE.

Mayor Wynn: AGREED. COUNCILMEMBER COLE?

Cole: GOVERNOR ANN RICHARDS WAS TRULY A SPARK PLUG TO THIS COMMUNITY AND ALL OF TEXAS. I WAS PARTICULARLY MOVED BY THE NUMBER AND HIGH APPOINTMENTS THAT SHE MADE OF MINORITIES. SO IT SEEMS PARTICULARLY FITTING THAT A BRIDGE WOULD BE NAMED AFTER HER BECAUSE I THINK THAT THE BRIDGE HAS TRULY BEEN BUILT ON HER LEGACY AND ALL THAT SHE'S DONE AND MANY OF THOSE PEOPLE STILL SERVE IN HIGH LEVELS OF GOVERNMENT AND CARRY HER PRINCIPLES FORWARD. SHE IS PARTICULARLY INSPIRING TO ME BECAUSE SHE HAS MORE KIDS THAN I DO. [LAUGHTER] AND I

HOPE THAT SHE WILL HAVE AS MANY GRANDKIDS. THANK YOU.

Mayor Wynn: THANK YOU, JUST INCLUDING OUR COMMENTS I WILL JUST -- CONCLUDING OUR COMMENTS, I WILL SAY OBVIOUSLY WE ARE NOT DOING THIS LIGHTLY. AS SOON AS WE WERE ALL STRUCK BY THE -- WHAT SEEMED FOR SO MANY OF US THE SUDDEN PASSING OF GOVERNOR RICHARDS IN SEPTEMBER, WE WERE OVERWHELMED BY SUGGESTIONS FROM THE COMMUNITY AS TO HOW WE COULD HONOR HER. THERE WAS A NUMBER OF VERY GOOD SOUND SUGGESTIONS MADE. WE HAVE TAKEN I THINK APPROPRIATE AMOUNT OF TIME TO -- TO GO THROUGH THEM ALL AND TO TALK TO THE FAMILY AND THINK ABOUT WHAT IT IS THAT WE AS A COUNCIL, WE AS A CITY WOULD LIKE TO -- TO DO TO HONOR GOVERNOR ANN RICHARDS MEMORY. I THINK THIS IS VERY APPROPRIATE. I DO WANT TO SAY, ALSO, THAT -- THAT I WAS STRUCK FREQUENTLY BY -- BY DESPITE THE FACT OF ALL SHE HAD ACCOMPLISHED IN HER STATURE, THERE LATE IN HER LIFE, HOW SHE WOULD STILL VOLUNTEER ON SUCH A -- A SMALL LEVEL TO HELP THE COMMUNITY. SOME OF YOU ALL KNOW THAT SHE LED A BOOK CLUB DISCUSSION OF THE MAYOR'S BOOK CLUB LAST YEAR AT A LOCAL BRANCH LIBRARY. DURING THE HURRICANE KATRINA EXERCISE AT THE CONVENTION CENTER, SHE CAME DOWN AND ASKED FOR AND I GLADLY GAVE HER A TOUR OF EVERYTHING THAT WE WERE DOING, FROM THE CHILD CARE FACILITIES TO THE ALL FAITH CHAPEL TO THE POST OFFICE TO THE BRANCH LIBRARY TO THE -- TO THE FOOD SERVICE, TO THE CLOTHING FUNCTION WE HAD, TO THE MEDICAL TRIAGE. SHE VERY CAREFULLY LOOKED AT ALL OF THAT AND THEN THOUGHT THAT SHE COULD SERVE BEST SORTING AND DONATING CLOTHES. FOR HOURS AND HOURS ON END, SHE ROLLED UP HER SLEEVES AND HANDLED PILES AND PILES OF OLD, DIRTY, OFTENTIMES FILTHY CLOTHES FOR US TO GO THROUGH THAT PROCESS OF FIGURING OUT HOW TO DISSEMINATE THE APPROPRIATE SIZED CLOTHES TO FOLKS WHO NEEDED IT THERE IN THE AUSTIN CONVENTION CENTER. SO -- SO IT STRUCK ME HOW THERE WAS NOTHING SORT OF BENEATH HER AND THERE'S ALSO OF COURSE WITH HER LOFTY TALENTS THERE WAS -- THERE WAS NOTHING TOO LARGE FOR HER TO ACCOMPLISH

AS WELL. SO IT'S A REMARKABLE, REMARKABLE WOMAN. VERY PLEASED AND NON-MORED THAT AUSTIN WAS -- HONORED THAT AUSTIN WAS FUNDAMENTALLY HER HOME AND I JUST THINK HOW APPROPRIATE IT IS THAT, YOU KNOW, THE BRIDGE WILL BEAR HER NAME. SO BEFORE WE ACTUALLY TAKE OUR VOTE, THOUGH, ELLEN RICHARDS NOW JOINED US, TOO, I WOULD LIKE TO SEE IF DAN AND/OR ELLEN WOULD LIKE TO SAY A FEW WORDS ON BEHALF OF THE FAMILY, WE ARE VERY HONORED TO HAVE YOU HERE.

THANK YOU, MAYOR WYNN AND COUNCIL. I HAVE BROKEN MY ANKLE, I AM KIND OF HOBBLE KNOWLEDGE UP -- HOBBLING UP HERE. I'M NOT THE PUBLIC SPEAKER MY MOM WAS, WE ARE ALL HONORED, MY KIDS, NIECES, BROTHERS AND SISTERS, THAT YOU ALL WOULD DO THIS. WE'VE HAD KIND OF A ROUGH TIME. THIS HAS MADE IT MUCH NICER FOR US. I JUST WANT YOU TO KNOW HOW MUCH WE APPRECIATE IT. THANK YOU.

Mayor Wynn: THANK YOU, DAN. AGAIN, WELCOME, ELLEN. COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE RENAMING OF THE CONGRESS AVENUE BRIDGE, THE ANN W. RICHARDS CONGRESS AVENUE BRIDGE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. [APPLAUSE] NOW, TECHNICALLY WE ARE GOING TO -- WE ARE GOING TO TAKE THIS OPPORTUNITY, WHICH WE WOULD NORMALLY DO ANYWAY TO GO INTO CLOSED SESSION, FOR THE RECORD I'M GOING TO READ THAT PURSUANT TO SECTION 551.074 OF THE OPEN MEETINGS ACT WE WILL GO INTO CLOSED SESSION TO TAKE UP POTENTIALLY ITEMS NUMBER 2 RELATED TO OUR MUNICIPAL COURT -- 82, RELATED TO THE MUNICIPAL COURT JUDGES. BEFORE WE ACCOMPLISH THAT, AS WE LEAVE THE DAIS, I WOULD INVITE EVERYBODY TO JOIN US UP ON THE BALCONY ABOVE US HERE, WHICH HAS A NICE VIEW OF THE ANN W. RICHARDS CONGRESS AVENUE BRIDGE. WE HAVE A PODIUM SET UP, EVEN SORT OF THE COMMEMORATIVE MOCKUP OF -- OF A PLAQUE FOR THE BRIDGE. AND SO NOW THAT -- AS WE GO

INTO CLOSED SESSION, I WOULD INVITE EVERYBODY TO GO UP ON TO THE BALCONY TO ENJOY A FEW MINUTES LOOKING AT, ADMIRING, REFLECTING ON THE ANN W. RICHARDS CONGRESS AVENUE BRIDGE, WE ARE NOW IN CLOSED SESSION. RICHARDS,.

Mayor Wynn: EVERYBODY READY? THANK YOU VERY MUCH FOR JOINING US, WE ARE ACTUALLY IN A SHORT RECESS FROM THE AUSTIN CITY COUNCIL GOING ON DOWNSTAIRS. JUST A MINUTE OR TWO AGO, WE TOOK UP ITEM NO. 40, THE COUNCIL AFTER SOME NICE COMMENTS VOTING UNANIMOUSLY TO RENAME THE CONGRESS AVENUE BRIDGE THE ANN W. RICHARDS CONGRESS AVENUE BRIDGE IN HONOR OF A VERY GREAT WOMAN. WHAT I THOUGHT WE WOULD DO IS WITHOUT HAVING TO REPEAT ALL OF THOSE COMMENTS HERE FORMALLY, WE WILL BE ABLE TO HAVE SOME ONE ON ONE INTERVIEWS WITH THE PRESS. BUT WE ARE SO HONORED TO HAVE ELLEN AND DAN RICHARDS, TWO OF THE GOVERNOR'S CHILDREN HERE WITH US. SO WHAT I WOULD LIKE TO DO NOW IS TO ASK -- ON -- ASK DAN AND ELLEN TO UNVEIL THE COMMEMORATIVE PLAQUE THAT WE WILL HAVE PLACED ON THE ANN W. RICHARDS CONGRESS AVENUE BRIDGE. [APPLAUSE] JUST BRIEFLY YOU ALL HAVE SEEN THE GREAT ANALOGIES MADE ABOUT THIS RENAMING. GOVERNOR RICHARDS WAS A BRIDGE BUILDER HERSELF. SHE WAS A FREQUENT USER OF THE TOWN LAKE HIKE AND BIKE TRAIL, SHE OF COURSE BEGAN HER GLORIOUS INAUGURAL PARADE ON THAT BRIDGE AS SHE SAID SHE WOULD DURING THAT GUBERNATORIAL CAMPAIGN. JUST THE COMBINATION OF HAVING THIS REMARKABLE BRIDGE IN THE HEART OF OUR CITY, ON WHAT I CALL THE MAIN STREET OF TEXAS, CONGRESS AVENUE, TO NOW BEAR THE NAME OF ANN W. RICHARDS I THINK IS VERY FITTING. MY COUNCIL COLLEAGUES JOIN ME IN UNANIMOUSLY SUPPORTING THE NAME CHANGE AND WE HOPE THAT FOR GENERATIONS AND GENERATIONS TO COME AUSTINITES, TEXANS, AMERICANS OF THE WORLD WILL CONTINUE TO RECOGNIZE THE GREAT LEGACY THAT ANN W. RICHARDS HAS GIVEN US. THANK YOU ALL VERY MUCH FOR BEING HERE, WE ARE AVAILABLE FOR ONE ON ONES, AS I THINK THE FAMILY WILL BE IF YOU NEED SOME. THANK YOU. [APPLAUSE]

Mayor Wynn: NO FORM AM DECISIONS WERE MADE. WE HAVE

NOW ENDED OUR CLOSED SESSION AGENDA FOR THE DAY AND NOW GO TO OUR NOON GENERAL CITIZEN COMMUNICATION. OUR FIRST SPEAKER SIGNED UP IS JOHN KIM. JOHN KIM? WELCOME, MR. KIM. YOU CARE TO COME ADDRESS US? HERE AT THE PODIUM. AND YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY SYLVIA BENEFIT BENINI.

HELLO. HOW DO YOU DO, MY HONORABLE MAYOR WILL WYNN AND HONORABLE LADIES AND GENTLEMEN. MY HONORABLE MAYOR WILL WYNN IN THE FIRST SESSION MENTIONED SHINING EXAMPLE. I HAVE ANOTHER SHINING EXAMPLE FOR YOU ALL OF THE AUSTIN CITY COUNCIL AND AMERICAN GOVERNMENT AND AMERICAN PEOPLE WHO ARE GREATLY AND PROMINENTLY SHINING. MY NAME IS JOHN K. KIM. I HAVE LIVED HERE IN TEXAS FOR 24 YEARS, AND IN SIX MONTHS IN AUSTIN. I REALLY APPRECIATE FOR THAT. AND AS A SHINING EXAMPLE, I PROVE AMERICAN GOVERNMENT IS -- AMERICA IS BETTER THAN HEAVEN. AND NOW I'M GOING TO PROVE AUSTIN CITY COUNCIL IS BETTER THAN HEAVEN. AND WHEN I PROVE AMERICA IS BETTER THAN HEAVEN, I PUBLISHED AN ARTICLE. IN THAT ARTICLE I PROVED THAT WAS PUBLISHED IN THE NEWSPAPER MAY 7, 1997. AND I GREATLY APPRECIATE THE AUSTIN CITY COUNCIL WHO AUTHORIZED ME TO SPEAK HERE AND SPECIALLY FOR -- AND ESPECIALLY I APPRECIATE CITY COUNCILMEMBER -- CITY COUNCIL CLERK MADAME LINDA FARRELL WHO AUTHORIZED ME TO SPEAK HERE. BUT I PRAY TO GOD, GOD DID NOT AUTHORIZE ME TO SPEAK HERE. THAT'S WHY I SAID CITY COUNCIL IS BETTER THAN HEAVEN. AND I REALLY APPRECIATE ALL OF AMERICANS AND AMERICAN GOVERNMENT AND ESPECIALLY THE LAW ENFORCEMENT PEOPLE AND THE SOLDIERS AND THE POLICE AND STATE -- STATE -- STATE POLICE. AND ALL OTHER LADIES AND GENTLEMEN WHO WORK FOR LAW ENFORCEMENT ESPECIALLY. AND I HAVE A WONDERFUL, GREAT, LADIES AND GENTLEMEN, IF I MAY SAY THE PERSON'S NAME, WONDERFUL LAWYER, GRETCHEN DILLON AND E MI. L COATES AND OTHER LADIES AND GENTLEMEN. [INAUDIBLE] THEY WORK GREATLY FOR TEXAS AND FOR THE GOVERNMENT AND FOR THE PEOPLE. [BUZZER SOUNDING] I REALLY APPRECIATE YOU.

Mayor Wynn: THANK YOU, MR. KIM. THE NEXT SPEAKER IS SYLVIA BENINI. YOU WILL BE FOLLOWED BY CAROL ANNE ROSE KENNEDY.

MAYOR WYNN, THERE'S THREE OF US SIGNED UP FOR CITIZENS COMMUNICATIONS THAT WE WOULD LIKE TO SPEAK WITH YOU IN A BLOCK, IF THAT IS ALLOWABLE.

Mayor Wynn: THAT'S FINE. STEVE AND WHO ELSE WILL JOIN YOU?

STEVE BROOKS, PAULA HELD, HART VIGES.

Mayor Wynn: HART AND STEVE ARE SIGNED UP. WHY DON'T I GO SEQUENTIALLY IF YOU WOULD LIKE OR TAKE ALL 9 MINUTES. HOWEVER YOU WOULD LIKE TO DO IT.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. MAY I INTRODUCE MR. STEVE BROOKS, WHO IS A MUSICIAN, ACCOMPANIED BY MS. PAULA HELD. (music)(music)

THIS IS THE FIRST TIME I'VE EVER WRITTEN A SONG FOR A CITY COUNCIL MEETING. [SINGING] [APPLAUSE]

THESE TWO FINE MUSICIANS ARE ALSO PARTICIPATING MEMBERS OF INSTRUMENTS FOR PEACE. WE CAME TO VISIT WITH YOU A WHILE BACK AND WE'VE RETURNED. TODAY WE'VE RETURNED TO UPDATE YOU WITH SIMPLE FACTS FROM THE COST OF WAR.COM. THESE NUMBERS ARE BASED ON CONGRESSIONAL APPROPRIATIONS. AS OF 12:01 A.M. THIS MORNING, THE ESTIMATED COST OF WAR TO AUSTIN, TEXAS IS \$943,528,840 AS OUR SHARE OF THE NATIONAL TOTAL. WE ARE APPROACHING \$1 BILLION DRAINED FROM OUR COMMUNITY IN PURSUIT OF THIS WAR. INSTEAD PLEASE CONSIDER THESE MONEYS COULD HAVE PAID FOR 124,931 CHILDREN TO ATTEND A YEAR OF HEAD START, OR WE COULD HAVE INSURED 56,481 #- 564,811 CHILDREN FOR ONE YEAR OR BUILT 8,495 ADDITIONAL AFFORDABLE HOUSING UNITS. OR WE COULD HAVE PROVIDED 45,740 FOUR-YEAR SCHOLARSHIPS AT PUBLIC UNIVERSITIES. HOW WOULD THESE CHOICES AFFECT OUR CITY? IMAGINE FOR A MOMENT. AS OF THIS MORNING THE NUMBERS OF HUMAN COST IN IRAQ ARE 28,063 -- EXCUSE ME, 2,863 U.S.ES..

SOLDIERS KILLED IN ACTION. 21,083 WOUNDED U.S. SOLDIERS. AND NEARLY A QUARTER OF A MILLION IRAQI CIVILIANS KILLED. WHAT FOR? PLEASE JOIN US IN COMMUNICATING TO WASHINGTON, D.C. THAT WE THE CITIZENS OF AUSTIN AND YOUR DIRECT CONSTITUENTS RECOGNIZE THAT IT IS TIME TO MAKE A PLAN TO BRING OUR TROOPS HOME NOW AND THEN PLEASE DO SO. PLEASE JOIN US OR AT LEAST SEND REPRESENTATIVES TO ATTEND THE FREE EVENT OPEN TO ALL HERE IN AUSTIN ON THANKSGIVING WEEKEND AT AN EVENT CALLED LAST SUNDAY. I'VE PROVIDED YOU A PERSONAL INVITATION AT EACH OF YOUR SEATS. IT'S ON SUNDAY, NOVEMBER 26th, FROM 6:00 TO 8:00 P.M. NEXT TO SCHULTZ GARDEN. THIS IS A COMMUNITY CONVERSATION. THERE WILL BE MUSIC. PLEASE COME AND ACTIVELY ENGAGE WITH THE LARGER COMMUNITY IN THIS NECESSARY DIALOGUE IN A SEARCH FOR SOLUTIONS TO THIS ENDLESS WAR. MR. HART VIGES FROM IRAQ VETERANS FOR PEACE.

HELLO, MAYOR AND COUNCILMEMBERS. THANK YOU FOR LISTENING TO US TODAY. MR. KIM PUT A SMILE ON MY FACE. IT'S HARD TO COME UP HERE AND RETELL THE HORRORS OF WAR. BUT REALLY WHAT WE ARE PLANNING TO DO AS VETERANS FOR PEACE IS BUILD A MEMORIAL FOR THE -- AS OF OCTOBER, 261 TEXANS WHO HAVE DIED IN IRAQ AND AFGHANISTAN. WE HAVE ALREADY CONSTRUCTED OVER 300 CROSSES IN LIEU OF THE CONTINUING WAR, AND WE WISH TO HAVE A MEMORIAL SET UP IN ZILKER PARK, PEACE GROVE, PEASE PARK, EITHER ONE THAT COULD PROVIDE SPACE TO SHOW THESE CROSSES. WE ALSO PLAN TO HAVE A TENT WITH NO LITERATURE WHATSOEVER PROVIDING LEFT OR RIGHT-WING PROPAGANDA, SO TO SPEAK, AND TO JUST BASICALLY LET THE MEMORIAL STAND AS IT IS. WE PLAN TO ALSO HAVE A LIST OF TOTAL NUMBER OF NAMES WHO PASSED AWAY IN AFGHANISTAN AND IRAQ AND A SIGN WITH THE TOTAL NUMBER OF WOUNDED, DEAD AND CIVILIAN DEAD FROM THE WAR IN IRAQ AND AFGHANISTAN. AND THIS IS-AND THAT WILL BE THE TOTAL OF OUR VISUALS TO THIS MEMORIAL. AND WE WISH TO HAVE HELP FROM CITY COUNCIL, THE MAYOR, TO DROP A LINE DOWN TO THE PARKS AND RECREATION DEPARTMENT TO HELP THIS THING GO SMOOTHLY. I'VE ALREADY VISITED WITH THEM ONCE AND

THE GENTLEMAN I TALKED TO WAS VERY KIND AND UNDERSTANDING, BUT HE SEEMED TO DIGRESS FROM MY MESSAGE AND TO AN IDEA OF PLANTING A FEW TREES. AS A SOLDIER MYSELF, SOMEONE WHO HAS LOST FRIENDS IN IRAQ, WE NEED TO DO MORE THAN JUST PLANT A FEW TREES. YOU KNOW, WE NEED TO HAVE A MEMORIAL FOR EACH AND EVERY PERSON WHO HAS DIED AND GIVEN THEIR LIFE FOR THIS WAR. AND I TRULY BELIEVE GIVING A CROSS FOR EACH NAME, AT LEAST FOR THE TEXANS WHO HAVE PASSED, WOULD PROVIDE A PROPER MEMORIAL FOR EVERYONE WHO HAS GIVEN THEIR LIFE. AND WE'VE ALSO TOOK INTO CONSIDERATION IF WE GET A CALL FROM A FAMILY SAYING WE WISH NOT TO HAVE A CROSS OR IF A PERSON OF JEWISH FAITH OR MUSLIM, WE HAVE CROSSES OF DAVID WITH CRESCENTS FOR PRELIMINARIES, AND WE ALSO ARE NOT GOING TO PUT THE NAMES OF THE FALLEN ON THE CROSSES DUE TO SENSITIVITY OF FAMILIES WHO MAY NOT FEEL THAT WOULD BE PROPER. BUT WE WILL HAVE PLAQUES THAT PEOPLE CAN WRITE NAMES OF THEIR FRIENDS OR BROTHERS OR FATHERS OR MOTHERS, WHOEVER THAT'S PASSED, AND THEY CAN PLACE THEM ON THE CROSSES. [BUZZER SOUNDING]

THAT'S ALL I HAVE TO SAY, I GUESS. THANK YOU VERY MUCH FOR LISTENING.

Mayor Wynn: THANK YOU, HART. THANK ALL OF YOU ALL, SYLVIA. WELL DONE, STEVE. OUR NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY. YOU WILL HAVE 3 MINUTES AND YOU WILL BE FOLLOWED BY DON WILLIAMSON.

I HAVE A THANKSGIVING PRAYER AND I WANTED TO THANK YOU ALL FOR LISTENING. I THANK YOU FOR RUNNING WATER AND A SAFE PLACE TO FALL ASLEEP. I THANK YOU FOR THE FREE LUNCH. I THANK YOU FOR THE EMERGENCY ROOM VISIT WHERE I WAITED FOR FIVE HOURS SO YOU COULD SAVE THE MAN WITH THE AX IN HIS HEAD. I THANK YOU FOR THE RAIN THAT SAVED MY GRASS. I THANK YOU FOR THE EXPRESS LINE AT H.E.B. WHERE I WAITED BEHIND THE MAN WHO WAS TWICE MY AGE AND HALF MY SIZE WHO HAD 11 ITEMS AND FOOD STAMPS AND COUPONS. I THANK YOU FOR THE EYES I WAS BORN WITH AND THE SUBSEQUENT TO BIN LADENNESS TO THE COLORS OF THE SKINS OF ALL OF

HUMANKIND AND ALL KINDS OF HUMANS. I THANK YOU FOR THE NEIGHBOR WHO WORKS ON HIS TRUCK AT 3:00 IN THE MORNING AND STILL PRESERVING THE SILENT NIGHT. I THANK YOU FOR THE LATCHKEY KIDS WHO CAN WALK ON NEIGHBORS' DOORS OR COME IN THROUGH THE BATHROOM WINDOW 24/7/366. I THANK YOU FOR THE AUSTIN COPS CONSIDERING THE LAWS OF THE GODS BEFORE THE LAWS OF THE LAND. I THANK YOU FOR THE VETERANS AND THE PRISONERS OF FOREIGN WARS AND DOMESTIC WARS FOR FIGHTING THEIR WAY BACK HOME AND ARRIVE LIVE AND KICKING. I THANK YOU FOR THE HIGH SCHOOL DROPOUT WHO COULD BE OUR PRESIDENT IN MY LIFE TIME. I THANK YOU FOR THE DAD WHO SAYS HERE'S YOUR HAT, WHAT'S YOUR HURRY. I THANK YOU FOR THE MOTHER WHO SAYS I'LL PUT SOME CLEAN UNDERWEAR AND SOCKS IN YOUR BROWN BAG. I THANK YOU FOR THE SISTER WHO SAYS DON'T FORGET TO WRITE. I THANK YOU FOR THE BROTHER WHO SAYS DON'T FORGET TO DO RIGHT. I THANK YOU FOR THE SUN TO TURN OUT ALL RIGHT. I THANK YOU FOR THE SIZE OF THE MAN BEHIND THE TRIGGER. I THANK YOU FOR THE WOMAN BEHIND THE SILVER BULLET. I THANK YOU FOR THE LEADER WHO ASKED HIMSELF WHAT HE CAN DO FOR HIS COUNTRY AND NOT WHAT HIS COUNTRY CAN DO FOR HIM. I THANK YOU FOR THE PREACHERS WHO PRACTICE WITH A PENNY IN THEIR POCKET. I THANK YOU FOR THE MAN WHO STANDS UP TO, STANDS BEHIND AND STANDS BESIDE THE MOTHER OF HIS CHILD. I THANK YOU FOR THE MOTHER WHO STANDS ALONE. I THANK YOU FOR FORGIVENESS AND THE SECOND CHANCE THAT FOLLOWS. I THANK YOU FOR AMERICAN IMMIGRANTS WHO GIVE TO RECEIVE AND START BY SPEAKING ENGLISH. I NG... THANK YOU FOR THE LEGAL IMMIGRANTS AND ILLEGAL AMERICANS WHO HAVE MADE UNFORESEEN CONTRIBUTIONS TO UNIVERSAL FREEDOM AND PEACE. I THANK YOU FOR THE ONE WHO CAN SETTLE OUR DIFFERENCES BY CELEBRATING OUR DIFFERENCES. I THANK YOU FOR THE SCHOOL CHILDREN WHO STAND UP TO THE RELIGIOUS RESISTANCE AT SCHOOL BY HONORING THEIR TEACHER AND OTHER STUDENTS AND TAKE ADVANTAGE OF THE MULTIPLE OPPORTUNITIES FOR A SILENT MOMENT OF PRAYER. I COULD GO ON INTO THE MIDDLE OF NEXT WEEK, BUT AFTER THREE MINUTES I THINK EVERYONE'S ATTENTION HAS REFOCUSSED ON THE OTHER

TURKEY. THANK YOU.

Mayor Wynn: THANK YOU, MS. KENNEDY. OUR LAST SPEAKER IS DON WILLIAMSON. DON WILLIAMSON.

PARENT.....APPARENTLY HE IS NOT WITH US TODAY. THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION. WE ACTUALLY HAVE NO -- WE HAVE ONE ITEM TO TAKE UP PRIOR TO OUR 2:00 BRIEFINGS, BUT WITHOUT OBJECTION WE CAN NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL. I ANTICIPATE US COMING BACK APPROXIMATELY 1:45 P.M. TO TAKE UP A SINGLE DISCUSSION ITEM AND GO RIGHT INTO OUR 2:00 BRIEFINGS AND BOND SALES. WE'RE NOW IN RECESS FOR APPROXIMATELY AN HOUR AND 25 MINUTES. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL BACK TO ORDER THIS MEETING OF THE CITY COUNCIL. WE HAVE BEEN IN RECESS FOR ABOUT 90 MINUTES, IT'S A LITTLE BIT AFTER 2:00 P.M. AT THIS TIME WE CAN GO TO OUR 2:00 ITEMS, THE FIRST OF WHICH, ITEM NO. 51, A POSSIBLE ACTION ON BOND SALES. I WOULD WELCOME A BRIEF PRESENTATION FROM MR. BILL NEWMAN.

GOOD AFTERNOON, I'M BILL NEWMAN. CHRIS ALLEN IS GOING TO HAND OUT A BOOK, I WILL WALK THROUGH IT VERY QUICKLY, IT REGARDLESS THE 135 MILLION WATER AND WASTEWATER REVENUE REVENUE RESYSTEM REFUNDING BONDS. WE ARE TAKING OUT SOME COMMERCIAL PAPER AND TAKING IT LONG IN THIS CASE. ON PAGE 3 YOU WILL SEE IT'S A COMPETITIVE BOND SALE. BOND COUNCIL IS FULBRIGHT AND JAROWSKI, ENSURED WITH FSA, PURCHASER WAS MERRILL LYNCH, WE WILL TALK ABOUT IN A MINUTE. BOB WITH FULBRIGHT IS HERE WITH US TODAY. THE MARKET UPDATE ON PAGE 4, BASICALLY SAYS THAT THE MARKET WAS A LITTLE BIT FIRMER , FUEL PRICES HAVE HELPED THINGS SOME AND NEEDLES CAME DOWN A LITTLE BIT. THEY HAVE BEEN SOMEWHAT STATIC DURING THE COURSE OF THE MONTH. THE SUPPLY WAS ABOUT \$7 BILLION WHICH IS ABOUT NORMAL FOR THIS TIME OF YEAR. PAGE 5 THE TWO INDEXES WE NORMALLY SHOW YOU ON REVENUE BOND INDEXES IS SHOWN THERE, THE 30 YEAR TREASURY AND THE REVENUE BOND INDEX AT 460 AND 468 RESPECTIVELY. PAGE 6 YOU WILL SEE YOUR SIZE WAS 135

MILLION, SOME OF THE OTHER SIZINGS THERE AT 120 TO 190, WAS PRETTY MUCH IN THE SAME CATEGORY, THE SALES WERE SPREAD NATIONWIDE. PAGE 7, THE MATURITY ON THIS THING WAS 30 YEARS LONG. THE ULTIMATE TRUE INTEREST COST WAS 4.41%. YOU WILL SEE ON THE NEXT PAGE, HOWEVER, THAT THE TIC AWARDED TO MERRILL LYNCH WAS A 438. THE DIFFERENCE BETWEEN THOSE 8 BIDS WAS A 438 VERSUS A 442 WHICH IS ONLY FOUR BASIS POINTS, WHICH TELLS YOU THAT YOU HAVE A VERY CLOSE SPREAD IN THE MARKET, YOUR BIDS WERE VERY COMPETITIVE, VERY CLOSE AND YOU ARE SELLING AT MARKET RATES. I WOULD MENTION AT THE BOTTOM OF THE PAGE TO LOOK AT 7 UPGRADE. THE CITY HAS ON ITS CO BONDS, AUSTIN ENERGY, EVEN MORE SO ON THE WATER AND WASTEWATER BONDS RECEIVED UPGRADES DUE TO THE GOOD CREDIT THAT YOU ARE. IN THIS CASE IN THE LAST SIX MONTHS, FITS WHAT YOU NOW AT A DOUBLE A MINUS, MOODIES DOUBLE A 3, [INDISCERNIBLE] DOUBLE A PLUS, I DON'T HAVE ALL OF THE REMARKS IN FRONT OF ME, BUT I WILL TELL YOU FOR THE MOST PART THE REASONS WERE THAT YOUR STRONG FISCAL AND STRONG MANAGEMENT IN THIS AREA. THE FACT THAT YOUR COVERAGE IS EXCELLENT. THE FACT THAT YOU HAVE A MANAGEABLE C.I.P. PLAN AND THE FACT THAT YOU HAVE KEPT UP THOSE RATES VERY GOOD. IT'S ALL BEEN VERY STRONG PROPONENTS IN THEIR RATINGS. I WOULD ALSO MENTION THAT THAT YOUNG MAN IN THE BACK SEAT, ALONG WITH DAVE, HAVE DONE AN EXCELLENT JOB WITH DOING THESE PRESENTATIONS, GOING OVER YOUR CAPITAL PLAN, FINANCIALS AND THEY SHOULD DESERVE SOME CREDIT AS WELL. I WILL PUT IT THAT WAY. IN ANY EVENT, WE WOULD RECOMMEND THE COUNCIL APPROVE THE MERRILL LYNCH BID AT 4.38% AND STAND BY FOR ANY QUESTIONS.

THANK YOU, MR. NEWMAN. JUST CONFIRMING, SO THE NEW BOND RATING, ALL THREE OF THE BOND RATING AGENCY, THOSE ARE ALL THREE OF THOSE ARE UPGRADES FROM WHERE WE WERE PREVIOUSLY.

IN THE LAST SIX MONTHS, YES, SIR.

ALL RIGHT. GOOD, QUESTIONS OF MR. NEWMAN OR STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NO. 51,

THESE WATER AND WASTEWATER SYSTEM REVENUE REFUNDING BONDS. MOTION MADE BY COUNCILMEMBER COLE. SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS BOND SALE AS PROPOSED AND PRESENTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

MAYOR AND COUNCIL, THANK YOU VERY MUCH, CONGRATULATIONS.

Mayor Wynn: THANK YOU, MR. NEWMAN. COUNCIL, THAT TAKES US TO ITEM NO. 52, THE PRESENTATION BY THE AUSTIN MUSIC COMMISSION RELATED TO RECENT AND FUTURE PROJECTS. I SEE A COUPLE OF MEMBERS OF OUR COMMISSION HERE. AND EACH OF US HAVE A -- A HANDOUT HERE AT OUR SEAT.

HELLO, MAYOR, COUNCILMEMBERS. I'M THERESA FERGUSON, THE CHAIR OF THE MUSIC COMMISSION. THANK YOU FOR INVITING US TO SPEAK TO YOU TODAY. FIRST OF ALL, I WANT TO SAY THANK YOU FOR YOUR SUPPORT OF THE LIVE MUSIC INDUSTRY IN AUSTIN. WHETHER AT PATRICE PIKE'S HOMECOMING CELEBRATING HER SUCCESS OR CELEBRATING CLIFFORD ANTONE'S MEMORY, WE REALLY APPRECIATE IT. YOU ARE HELPING TO BUILD A ONE BILLION DOLLAR INDUSTRY. HERE IN AUSTIN. WHICH IS VERY EXCITING. WELL, THAT'S NOT TO SAY THAT WE DON'T HAVE CHALLENGES, THOUGH, WE DO HAVE A FEW. WE THINK AND WE BELIEVE AND I THINK THIS IS GROUNDED IN GOOD FACTS IS THAT LIVE MUSIC VENUES ARE THE INCUBATORS OF OUR LIVE MUSIC INDUSTRY, THEY ARE HAVING TROUBLE. ESPECIALLY AS BUSINESS COSTS AND THE ENTERTAINMENT DISTRICTS CONTINUE TO RISE, PROFIT MARGIN BEGINS FOR THE VENUES ARE REDUCED. OTHER CHALLENGES, FIRE CODE RESTRICTIONS, PUBLIC WATER ORDINANCE, SOUND ORDINANCE, SMOKING ORDINANCE, PARKING, BARRICADING POLICIES ARE EXAMPLES OF LOCAL REGULATIONS THAT HAVE HAD A DIRECT IMPACT ON MUSICIANS AND LIVE MUSIC VENUES. INCREASED DENSITY DOWNTOWN MEANS THERE'S

INCREASED POTENTIAL FOR TENSION BETWEEN PEOPLE WHO ARE THERE TO SLEEP AND PEOPLE WHO ARE THERE TO BE ENTERTAINED. MUSICIAN SUPPLY EXCEEDS DEMAND. THE RESULT IS THAT AUSTIN MUSICIANS MAKE LESS MONEY THAN THEIR COLLEAGUES ELSEWHERE. ANOTHER CHALLENGE IS THAT MUSICIAN SUPPORT IS WIDE-SPREAD. LOTS OF NON-PROFITS DOING WONDERFUL THINGS BUT THEIR EFFORTS AREN'T COHESIVE AND THEY ARE NOT WELL PUBLICIZED. SO THE ACTIVITIES THAT YOU HAVE BEFORE US THAT WE HAVE BEEN WORKING ON AS THE MUSIC COMMISSION, I WON'T GO INTO RIGHT NOW. BUT I HAVE A GREATER PURPOSE I GUESS. WE HAVE REQUESTS OF YOU AS THE CITY COUNCIL OF AUSTIN. FIRST OF ALL, WE HAVE NOW ONE VACANCY ON OUR COMMISSION. IT'S A CONSENSUS APPOINTMENT AND SO IF YOU CAN HELP US TO FILL THAT THAT WOULD BE WONDERFUL. DOWNTOWN DEVELOPMENT, ENSURING THAT NEW DOWNTOWN DEVELOPMENT, I KNOW THAT MANY OF YOU SHARE THIS INTEREST, ENSURING THAT THE NEW DOWNTOWN DEVELOPMENT BRINGS TANGIBLE PUBLIC BENEFITS TO OUR COMMUNITY AND SUPPORTS CULTURAL VITALITY AS ONE OF OUR MAIN CONCERNS, AS CITY STAFF AND LEADERS DEVELOP PLANS TO GUIDE DOWNTOWN DEVELOPMENT AND EXPAND CULTURAL ARTS INITIATIVES WE REQUEST THAT THE MUSIC COMMISSION BE GIVEN REGULAR OPPORTUNITIES TO OFFER IDEAS AND FEEDBACK TO CITY STAFF AND CONSULTANTS. THAT THE MUSIC INDUSTRY BE CONSIDERED IN DOWNTOWN POLICY DEVELOPMENT AND IMPLEMENTATION AND THAT PRESERVATION OF LIVE MUSIC VENUES DOWNTOWN BE ENCOURAGED AND MONITORED. I WOULD LIKE TO SAY THAT WE DO HAVE SUCCESS STORIES. FOR EXAMPLE, THE CLB PARTNERS PROJECT IN RANCH 616 INTEGRATING, THOSE DEVELOPMENTS THAT ARE ASSISTING NEIGHBORHOOD VENUES OR NEIGHBORING VENUES, FOR EXAMPLE THE 360 CONDOS, THE AUSTIN MUSIC HALL, THOSE PROJECTS THAT ARE WORKING TO PRESERVE PARKS, FOR EXAMPLE, ZILKER PARK MUSIC EVENT THAT WE HAVE RECENTLY HAD AND ENJOYED. ANOTHER THING THAT WE REQUEST IS THAT IN THE AREA OF MONEY MAKING OPPORTUNITIES FOR MUSICIANS, WE'LL CONTINUE TO EXPLORE WAYS TO MAKE ECONOMIC GAINS FOR OUR MUSICIANS THROUGH INCREASED NUMBER OF

PERFORMANCES, NEW MEDIA OUTLETS, NEW TECHNOLOGIES, WE WELCOME ALL IDEAS AND ASSISTANCE FROM CITY COUNCILMEMBERS AND STAFF. MUSIC RECEIPTED NON-PROFIT, AUSTIN MUSIC FOUNDATION AND OTHER, WE ENCOURAGE CITY STAFF AND LEADERS TO DO THE SAME, WHETHER THROUGH PERSONAL APPEARANCES, E-MAIL, MAYBE A LINK ON A CITY WEBSITE, THOSE THINGS ARE VERY IMPORTANT TO US AND TO THEM. THEN ONE MORE REQUEST. I WILL LEAD INTO IT. A MUSICIAN'S MEMORIAL AT THE LONG CENTER. CURRENTLY WE ARE WORKING WITH CITY STAFF, COMMUNITY LEADERS AND THE LONG CENTER TO ESTABLISH A MUSICIAN'S MEMORIAL. AND COPIES OF THE PROJECT AND PLANNED PROPOSAL ARE WITH YOU AND OUR MUSIC COMMISSION SPOKESPERSON IS BRAD STEIN. SO IT'S ALL RIGHT WITH YOU, I WILL TURN IT OVER TO BRAD, THANK YOU.

THANK YOU, MS. FERGUSON. WELCOME, MR. STEIN.

I WAS TELLING YOU TODAY ABOUT THIS ROAM FOR THE LONG CENTER. IN THE WAY OF BACKGROUND, A MUSIC MEMORIAL IS SOMETHING THAT THE AUSTIN MUSIC COMMISSION HAS BEEN WORKING ON FOR OVER SIX YEARS. WE HAVE WANTED TO FIND A WAY TO HONOR THOSE IN THE COMMUNITY WHO HAVE CONTRIBUTED AND PROVIDED SO MUCH TO -- TO THE MUSICAL HERITAGE IN THE CITY. WE HAVE HAD A NUMBER OF CHALLENGES, PROBABLY THE BIGGEST CHALLENGE HAS BEEN FINDING A HOME FOR THIS PROJECT. THERE'S BEEN RENEWED INTEREST WITH THE RECENT PASSINGS OF SOME FOLKS IN OUR COMMUNITY WHO WERE INVOLVED IN MUSIC AND THIS RENEWED INTEREST HAS CAUSED US TO FOCUS AGAIN ON A MUSIC MEMORIAL AND I APPROACH CLIFF RED, WHO IS HERE ON BEHALF OF THE LONG CENTER, AND ASKED HIM ABOUT THE LONG CENTER'S INTEREST IN THIS PROJECT AND THE RESPONSE THAT WE HAVE RECEIVED FROM THE LONG CENTER HAS JUST BEEN TREMENDOUS. WE HAVE THIS PROPOSAL IN FRONT OF YOU THAT WAS UNANIMOUSLY APPROVED BY THE MUSIC COMMISSION LAST WEEK. PRESENTED TO THE LONG CENTER AT THEIR BOARD OF TRUSTEES MEETING LAST WEDNESDAY WHERE THEY OVERWHELMING VOTED IN FAVOR OF CLIFF MOVING FORWARD WITH THIS PROPOSAL. AS I SAID THE LONG

CENTER HAS BEEN ABSOLUTELY INSTRUMENTAL IN THIS. THEY HAVE PREPARED SKETCHES ATTACHED TO THE BACK OF THIS PROPOSAL AND THE SKETCHES IDENTIFY A SPACE ON THE CITY TERRACE WHICH IF YOU HAVE SEEN DRAWINGS OF THE LONG CENTER, A BEAUTIFUL OUTDOOR SPACE THAT OVERLOOKS DOWNTOWN. AND THE -- IF YOU EVER TO THE SKETCH, THERE WOULD BE AN IDENTIFIED SPACE FOR THESE MEMORIALS, WHICH WOULD BE EMBEDDED IN THE GROUND, THEY WOULD BE PLACED BETWEEN THE COLUMNS ON THE CITY TERRACE, THERE WOULD BE ROOM FOR GROWTH AS MANY AS 150 OR 180 OF THESE, POSSIBLY EVEN MORE. WE HAVE DISCUSSED WITH THE LONG CENTER HAVING A DESIGN THAT'S CONSISTENT WITH THEIR ARCHITECTURE AND THEIR AESTHETICS. THE LONG CENTER WOULD INSTALL AND MAINTAIN THESE MEMORIES. THESE MEMORIALS, AN IMPORTANT ELEMENT IS THAT THEY WOULD BE OPEN TO THE PUBLIC. THEY WOULD BECOME A MAJOR CULTURAL AT... ATTRACTION. THE CONCERNS FROM THE LONG CENTER'S POINT OF VIEW, THERE'S ANOTHER BODY THAT ACTUALLY DETERMINES WHO GETS MEMORIALIZED. AND THAT THE COST OF THE MEMORIALS THEMSELVES, ABOUT 500 TO \$700 PER MEMORIAL THAT THOSE COSTS ARE PICKED UP BY ANOTHER PARTY. THIS IS WHY WE COME BEFORE YOU NOW. I WOULD LIKE TO TALK A LITTLE BIT MORE ABOUT THE CONCEPT ITSELF AND JUST SUMMARIZE THIS PROPOSAL. THE CONCEPT IS TO HAVE AN INDUCTION CEREMONY WHERE WE WOULD HOPEFULLY HAVE THE FIRST 10 INDUCT YES CONCURRENT WITH THE OPENING OF THE LONG CENTER ON MARCH 28th, 2008 THEN EACH YEAR WE WOULD HAVE A -- AN INDUCTION CEREMONY WHICH WOULD BE REALLY A CITY-WIDE CELEBRATION. NOW THE PROCESS FOR DETERMINING THESE INDUCTIONS IS VERY IMPORTANT AND SOMETHING THAT WE ARE WORKING ON. IF YOU REFER TO THE SECOND PART OF THIS PROPOSAL IT TALKS ABOUT RULES AND PROCEDURES FOR HOW WE WOULD DETERMINE WHO IS INDUCTED. WHAT WE WOULD WANT TO DO IS WORK WITH THE CITY AND WORK WITH CITY STAFF, HAVE THE CITY STAFF PERHAPS ESTABLISH A TASK FORCE OF MUSICIANS, OF PEOPLE INVOLVED IN MUSIC EDUCATION, MUSIC HISTORY AND THE ARTS, TO PROVIDE INPUT ON THE CRITERIA FOR HOW WE DETERMINE THE INDUCT YES, THEN WE WOULD -- INDUCTEES. THEN WE WOULD SEEK A VERY CONSISTENT

AND FAIR NOMINATION AND SELECTION PROCESS THAT WOULD BE IN WRITING. THIS PROCESS WOULD ENCOURAGE GUESS COMMUNITY OF MUSICAL STYLES, DIVERSITY OF THE BACKGROUND OF THE INDIVIDUALS. THE EVALUATION OF THE NOMINEES WOULD BE OPEN AND PUBLIC, PERHAPS IN THE MUSIC COMMISSION MEETINGS. IT WOULD TAKE INTO ACCOUNT THE PERSONS ACHIEVEMENTS, THEIR CONTRIBUTIONS TO MUSIC IN AUSTIN AND WHETHER AS A MUSICIAN OR NOT NECESSARILY AS A MUSICIAN, AND THE DIVERSITY ELEMENTS AS WELL. THIS SELECTION WOULD THEN CULMINATE IN AN ANNUAL INDUCTION CEREMONY THAT WE WOULD HAVE TO HONOR AND CELEBRATE NOT ONLY THE CITY OF AUSTIN BUT THESE INDIVIDUALS. SO I.. I MAKE THE FOLLOWING THREE REQUESTS TO THE CITY COUNCIL. FIRST, I WOULD ASK FOR YOUR OFFICIAL ENDORSEMENT OF THE AUSTIN MUSIC MEMORIAL AT THE LONG CENTER. SECONDLY, I WOULD ASK THAT YOU CONSIDER THE FEASIBILITY OF BUDGETING FOR THESE NOMINAL COSTS FOR THE AUSTIN MUSIC MEMORIAL PLAQUES AND FUTURE BUDGET PERIODS PERHAPS UP TO 10 A YEAR. AND LASTLY, I WOULD ASK THAT YOU SUPPORT THE REQUEST OF THE LONG CENTER AND THE AUSTIN MUSIC COMMISSION TO AUTHORIZE THE AUSTIN MUSIC COMMISSION AS THE BODY TO DETERMINE THE INDUCTEES INTO THE MUSIC MEMORIAL BASED ON THE RULES AND PROCEDURES AND GUIDELINES ESTABLISHED BY THE CITY APPOINTED TASK FORCE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. STEIN. QUESTIONS FOR MR. STEIN? COUNCIL? MAYOR PRO TEM?

Dunkerly: I JUST WANT TO THANK THE MUSIC COMMISSION AND YOU, BRAD, FOR BRINGING THIS PROPOSAL FORWARD. I THINK THIS IS REALLY A -- A WONDERFUL WAY TO RECOGNIZE SOME VERY IMPORTANT PEOPLE IN AUSTIN -- IN THE HISTORY OF MUSIC HERE IN AUSTIN. AND I WOULD LIKE TO ASK THE CITY MANAGER IF YOU CAN BY NEXT WEEK TO BRING BACK A RESOLUTION TO COUNCIL TO ACTUALLY DO THESE THREE THINGS AND INCLUDE AN ITEM THAT WE WILL CONSIDER IN AN ONGOING BUDGET FOR THE NEXT FEW YEARS. THE COST OF ABOUT 10 PLAQUES IN THAT BUDGET. SO -- SO IF YOU COULD DO THAT --

Futrell: JUST TO PUT IT BACK ON THE MIC, I WILL DO THAT WITH PLEASURE.

Dunkerly: GREAT. I WOULD CERTAINLY APPRECIATE IT. I KNOW THAT I HAVE SEVERAL COUNCILMEMBERS IF NOT EVERYBODY UP HERE THAT WOULD BE INTERESTED IN THAT, TOO.

THANK YOU.

Dunkerly: THANK YOU.

Mayor Wynn: THANKS YOU MR. STEIN. FURTHER QUESTIONS OR COMMENTS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: I GUESS IS THERE WON'T BE ANY SHORTAGE OF SUPPORT FOR SOMETHING LIKE THIS. BUT YOU ARE SUGGEST BEING THAT THE CITY -- SUGGESTING THAT THE CITY FUND THE FIRST 10 OF THESE MEMORIALS; IS THAT CORRECT? THAT'S YOUR RECOMMENDATION?

THAT WOULD BE IDEAL FOR US TO HAVE THE FIRST 10 SO THAT WHEN WE HAVE THIS -- THIS INAUGURAL INDUCTION, MARCH 28th OF 2008, THAT THERE IS AT LEAST 10 MEMORIALS FOR INDIVIDUALS THAT WE HAVE CHOSEN AND THEN IT WOULD CERTAINLY BE NICE ON AN ONGOING BASIS TO HAVE ABOUT 10 PER YEAR.

SO THAT'S FIVE TO 7,000 PER YEAR? AT TEN A YEAR?

THAT'S CORRECT.

Leffingwell: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IT'S AGREED. THIS IS A FABULOUS IDEA. APPRECIATE MR. RED AND THE LONG CENTER BEING SO AGREEABLE TO THIS. I THINK THAT IT'S A FABULOUS COMPLEMENT TO THE BREADTH OF THE PERFORMANCE THAT WILL BE OCCURRING OVER THERE BEGINNING IN 2008 AND I THINK THAT WE'LL FIND -- UNFORTUNATELY I THINK WE ALSO HAVE A BACKLOG OF A NUMBER OF FOLKS WE WOULD LIKE TO HONOR WHO WE HAVE LOST OVER THE YEARS AND HOPEFULLY THAT --

YOU KNOW, THIS WILL ALL WORK OUT.

OKAY.

THANK YOU, MR. STEIN.

THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? ON OUR PRESENTATION BY THE MUSIC COMMISSION? THANK YOU ALL VERY MUCH AND FOR YOUR SERVICE. COUNCIL, THAT -- THAT CONCLUDES THE 2:00 BRIEFINGS. WE NOW GO BACK AND TAKE UP ITEM NO. 81, WHICH WAS OUR LONE DISCUSSION ITEM LEFT FROM THIS MORNING'S AGENDA. TECHNICALLY AN ADDENDA, AN ORDINANCE SETTING THE MAYOR AND COUNCIL'S SALARIES AND COMPENSATION, REPLACING A PRIOR ORDINANCE. THE ORDINANCE THAT I HAVE HERE IN FRONT OF ME, WHICH I THINK IS THE LATEST I WILL RIGHT TO READ THIS INTO THE RECORD TO SEE IF THERE IS A MOTION AND/OR AMENDMENTS. SO THIS WILL PROVIDE FOR ANNUAL COST OF LIVING INCREASE OF 3.5% FOR EACH YEAR. [INDISCERNIBLE] INCREASE SINCE 2000, THIS WOULD BE -- WHICH WOULD BE FOUR OF THOSE SIX YEARS, I BELIEVE. AND -- FURTHER INCREASE OF 8% IN BASAL RATHER EQUAL TO THE CONTRIBUTIONS THAT THE CITY MAKES TO THE EMPLOYEE RETIREMENT SYSTEM ON BEHALF OF ITS NON-CIVIL SERVICE EMPLOYEES. THEREFORE THE MAYOR'S SALARY SET AT 67,981 ANNUALLY, AUTOMOBILE ALLOWANCE OF \$5,400 ANNUALLY AND TWO THE COUNCILMEMBER'S SALARIES ARE SET AT \$57,736 ANNUALLY, AN AUTOMOBILE ALLOWANCE OF \$5,400 ANNUALLY. THEN FURTHERMORE THE COST OF LIVING ADJUSTMENT WILL BE CONSIDERED IN THE ANNUAL BUDGET PROCESS BEGINNING OF EACH FISCAL YEAR AND NOT AUTOMATICALLY RENEWED. THAT THE CITY MANAGER IS DIRECTED TO TAKE THE NECESSARY ADMINISTRATIVE ACTIONS TO IMPLEMENT THE SALARY ADJUSTMENT EFFECTIVE AS OF THE BEGINNING PAY PERIOD FOR FISCAL YEAR '06-'07, SO THIS WOULD BE REPLACING ORDINANCE 000511-71. COUNCIL, I BELIEVE THAT'S -- THAT'S THE ORDINANCE THAT YOU HAVE IN FRONT OF YOU, WHICH I BELIEVE REFLECTS THE LATEST THINKING ON THE -- ON THE DISCUSSIONS. I'LL ENTERTAIN COMMENTS, QUESTIONS OR A

MOTION.

Dunkerly: MAYOR, I WOULD LIKE TO MAKE THAT MOTION.

SECOND.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM DUNKERLY, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE IN... THIS ORDINANCE AS PRESENTED ITEM NO. 81.

Dunkerly: I WOULD LIKE TO MAKE A COMMENT. I THINK PART OF THE ISSUE WITH THIS PARTICULAR SALARY ADJUSTMENT IS THAT IT IS A CATCH UP. RATHER THAN CONSIDERING THE COST OF LIVING RAISES OR COST OF LIVING INCREASES EACH YEAR AS WE HAVE DONE FOR OTHER CITY EMPLOYEES, WE ARE PLAYING CATCH UP FROM 2000. FROM THE YEAR 2000. I HOPE IN THE FUTURE THIS WILL BE CONSIDERED ON AN ANNUAL BASIS AND JUST BE INCLUDED AS PART OF A BUDGET PROCESS. SO -- SO THIS REALLY DOES REPRESENT A THREE AND A HALF PERCENT, ONLY FOR THOSE YEARS THAT THE NON-CIVIL SERVICE EMPLOYEES RECEIVED COST OF LIVING INCREASES. SO -- SO I'M VERY PLEASED TO SEE THIS -- THIS GET DONE HOPEFULLY.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS? SKID MARK.

.....COUNCILMEMBER MCCRACKEN?

McCracken: I THINK A LITTLE BACKGROUND ON THIS, STARTING THE CITY COUNCIL ON SEPTEMBER 11, 2001, ON THAT MORNING, APPROVED A BUDGET AND THEN AS WE ALL KNOW WHAT HAPPENED, THE EVENTS OF SEPTEMBER 11TH, THERE WAS A VERY SIGNIFICANT BUDGET ATROPHY IN THE MUNICIPAL BUDGETS ACROSS THE COUNTRY, INCLUDING THE CITY OF AUSTIN. AND THE FACT -- IN FACT WE ENDED UP CUTTING OVER \$125 MILLION FROM THE CITY'S BUDGET DURING THAT PERIOD AND LOST NEARLY A THOUSAND EMPLOYEES IN OUR WORKFORCE. WE IMMEDIATELY FROZE ALL SALARIES, INCLUDING THE COUNCILMEMBERS AT THAT TIME, MANAGEMENT, THEN STARTED A COUPLE OF YEARS

AFTER THAT WE WERE ALTO START REESTABLISHING FISCAL STABILITY IN THE SYSTEM OF THE CITY OF AUSTIN. UNLIKE OTHER LEVELS OF OTHER GOVERNMENTS IN THIS METRO AREA, PROVIDING ONGOING COST OF LIVING ADJUSTMENTS WITH THEIR ELECTED OFFICIALS AND SENIOR MANAGEMENT, THE DIRECTION WE CHOSE INSIDE THE CITY OF AUSTIN WAS TO HAVE US ALL GO LAST COST OF LIVING ADJUSTMENTS SO THE CITY AUDITOR LAST YEAR RECEIVED A BACKUP, CATCH UP ON THIS COST OF LIVING ADJUSTMENTS EARLIER THIS YEAR THE CITY MANAGER DID AND WE ARE LAST IN LINE. WE THINK THAT'S APPROPRIATE. WE HAD TO LOOK OUT FOR THE ENTIRE WORKFORCE FIRST AND SAVE LINES IN THE CITY'S REVENUE MAKING SURE THAT EVERYBODY WAS KEEPING THE PACE OF INFLATION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? I WILL JUST SAY THAT I TRUST PEOPLE RECOGNIZE THAT NO ELECTED OFFICIAL RELISHES THE OPPORTUNITY TO VOTE FOR ONE'S OWN PAY. THAT'S THE SITUATION WE HAVE FOUND OURSELVES IN OVER THESE YEARS AS HAS PREVIOUS COUNCILS AND I THINK COUNCIL HAS TAKEN AN APPROPRIATE ACTION THIS AFTERNOON. 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, I BELIEVE, MS. GENTRY, THAT CONCLUDES ALL OF OUR POTENTIAL DISCUSSION ITEMS PRIOR TO OUR 4:00 TIME CERTAIN ON ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. SO WE NOW STAND IN RECESS UNTIL 4:00 P.M., IT IS APPROXIMATELY 225 NOW. THANK YOU.

THERE BEING A QUORUM PRESENT, I WILL CALL BACK THE MEETING OF THE CITY COUNCIL, WE HAVE BEEN RECESSED THE LAST 90 MINUTES OR SOME WE WILL NOW GO TO OUR 4:00 ZONING HEARINGS, APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS AND WELCOME MR. GREG GUERNSEY.

GOOD AFTERNOON, MAYOR AND COUNCIL. LET ME GO TO

OUR 4:00 GLOBING ORDINANCES. AND RESTRICTED COVENANTS FOR THE PUBLIC HEARINGS HAVE BEEN CLOSED. THE FIRST ITEM I WOULD LIKE TO OFFER IS NUMBER 53 THIS IS CASE C814-04-0187. SH. THIS IS KNOWN AS THE GOODNIGHT RANCH PLANNING DEVELOPMENT LOCATED ON THE EAST OLD SIDE HIGH, BETWEEN NUCKOLS CROSSING AND CAPITOL VIEW DRIVE. THIS IS I-RR TO PUD DISTRICT ZONING WITH SOME CONDITIONS. THIS IS READY FOR CONSENT APPROVAL WITH THREE READINGS. JUST TO REMIND COUNCIL THIS IS APPROXIMATELY A 703-ACRE PLANNING AND DEVELOPMENT WITH APPROXIMATELY 3500 UNITS AND 260,000 SQUARE FEET OF RETAIL OFFICE AND COMMERCIAL SPACES. THE OWNERS WORKED WITH ASD TO CREATE TWO SCHOOL SITES AND A FIRE STATION SITE ON THIS PROPERTY. SINCE YOUR SECOND READING THERE HAVE BEEN TWO SLIGHT MODIFICATIONS THAT THE OWNER HAS ASKED. ONE IS TO ACTUALLY DECREASE THE NUMBER OF WHAT IS CALLED MANSION HOUSES ON THE PROPERTY FROM FOUR TO TWO AND THEN ALSO TO ALLOW THE TREES TO BE LOCATED LESS THAN 35 FEET ON CENTER SO THEY CAN ACTUALLY HAVE MORE TREES ALONG SOME STREET FRONTAGES WITH THAT STAFF CAN OFFER THIS FOR CONSENT APPROVAL ON THIRD READING.

> THE NEXT ITEM IS NUMBER 54, C14-06-0182, THORNTON BUNGALOWS, AT 2206-2210 THORNTON ROAD. THIS IS A QUESTION FROM FAMILY RESIDENCE SF-3 DISTRICT ZONING TO URBAN FAMILY RESIDENCE SF-5 DISTRICT ZONING. CONDITIONAL OVER LAY ON THIS PROPERTY THERE. WERE CONDITIONS OUTLINES IN FIRST READING I WILL NOTE THAT YOUR ORDINANCE, YOU RECEIVED A REVISE THE ORDER ORDINANCE THAT NOTES THEY WILL PROVIDE PARKING AS REQUIRED BY THE CODE WITHOUT HAVING A DISCOUNTED NUMBER OF SPACES FOR BEING IN THE URBAN CORE. SO WITH THAT, THAT ITEM CAN BE OFFERED FOR SECOND AND THIRD READING APPROVAL. ITEM NUMBER 55, 56, 57, 58 ARE ASSOCIATED WITH THE EAST RIVER SIDE, COMBINED NEIGHBORHOODS. THERE WILL BE DISCUSSION ITEMS SO THOSE WERE THE ONLY TWO OF THE NONPUBLIC HEARING ITEMS I CAN OFFER AS CONSENT AT THIS TIME.

THANK YOU, GREG GUERNSEY SOME OF COUNCIL OUR PROPOSED CONSENT AGENDA ON THESE CASES WHERE

WE'VE ALREADY CLOSED THE PUBLIC HEARING WILL BE TO APPROVE ON THIRD READING ITEM NUMBER 53 AND APPROVE ON SECOND AND THIRD READING ITEM NUMBER 54. I'LL ENTERTAIN THAT MOTION.

MOTION MADE BY COUNCIL MEMBER MARTINEZ AND SECONDED BY COLE TO APPROVE THE CONSENT AGENDA AS PROPOSED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, COMPLETION SAY AYE. AYE, OPPOSED? MOTION PASS ON A VOTE OF 7-0.

THANK YOU. LET ME CONTINUE ON WITH MY PUBLIC HEARING ITEMS. ITEM NUMBER 59, C14-05-0112, RIVERSIDE NEIGHBORHOOD PLAN, TRACT 9, LOCALLY KNOWN AS 1708, 1712 AND 1720 LAKESHORE DRIVE. WE WILL HAVE THAT AS A DISCUSSION ITEM. ITEM NUMBER 60 IS C14-06-0178, TEXMECS RESEARCH LTD. LOCALLY KNOWN AS 6012 WEST WILLIAM CANNON DRIVE. THIS IS A CHANGE FROM NEIGHBORHOOD COMMERCIAL LR DISTRICT ZONING TO COMMUNITY COMMERCIAL GR DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 61 IS C14R-84-443RCA. THE PROPERTY KNOWN AS NORTH FORK AT 3107 NORTH CREEK DRIVE. I WILL NOTE FOR THE RECORD THE PRIVATE AGREEMENT BETWEEN THE PROPERTY OWNER AND THE NEIGHBORHOOD HAS BEEN SIGNED AND EXECUTED. IT HAS NOT BEEN RECORDED BY IT HAS BEEN SIGNED, AND THERE IS ALSO A LETTER AGREEMENT THAT I BELIEVE THAT YOU HAVE TRANSMITTED TO YOU BY E-MAIL THAT I ALSO HAVE A SIGNED VERSION OF THAT LETTER. SO WITH THAT, THIS CAN BE FOR CONSENT APPROVAL FOR THIS RESTRICTIVE COVENANT. ITEM NUMBER 62, C14H-04-0006, SPLITROCK. 2815 WOOLDRIDGE DRIVE. FAMILY RESIDENCE SF-3 DISTRICT ZONING TO FAMILY RESIDENCE- HISTORIC SF-3-H COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. THE NEXT ITEM IS NUMBER 63, C14H-06-0021, HERBERT AND ALICE BOHN HOUSE. 1301 W. 29TH STREET SHOAL CREEK WATERSHED FROM FAMILY RESIDENCE SF-3 DISTRICT ZONING TO FAMILY RESIDENCE-HISTORIC SF-3-H COMBINING DISTRICT ZONING. FAMILY RESIDENCE-HISTORIC SF-3-H COMBINING DISTRICT ZONING. DID GRANT APPROVAL TO THE HISTORIC ZONING AND STAFF, I WOULD LIKE TO KNOW THAT THE AREA BEING REZONED, STAFF WOULD

SUGGEST THAT AFTER TALKING TO THE PROPERTY OWNER THAT ONLY THE EAST 132 FEET OF THIS PROPERTY BE REZONED. THERE IS A POOL AREA THAT THE PROPERTY OWNER WISHES TO ACTUALLY REDEVELOP ON THE WESTERN PORTION OF THIS PROPERTY AND THE AREA THAT IS ACTUALLY BEING ZONED, THAT STAFF LAST HAS ASSESSED IS ONLY THE EASTERN PORTION THAT ACTUALLY HAS THE HISTORIC HOME. THIS IS ONLY READY FOR FIRST READING ONLY. ITEM NUMBER 64, C14H-06-0024, CLOUD-KINGSBERY HOUSE. 1001 E. RIVERSIDE DRIVE TOWN LAKE WATERSHED FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN SF-3-NP COMBINING DISTRICT ZONING TO FAMILY RESIDENCE-HISTORIC-NEIGHBORHOOD PLAN SF-3-H-NP COMBINING DISTRICT ZONING. THE PLANNED COMMISSION RECOMMENDATION WAS TO GRANT THE FAMILY RESIDENT, NEIGHBORHOOD PLAN OR SF-3-H-NP COMBINING DISTRICT ZONING. AND THIS IS READY FOR APPROVAL ON ALL THREE READINGS. ITEM NUMBER 65 C14H-06-0025, VICTORY GRILL, 1104 E. 11TH STREET. OFFICE-HISTORIC-CONDITIONAL OVERLAY- NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN GO-H-CO-NCCD-NP COMBINING DISTRICT ZONING. TO GENERAL OFFICE HISTORIC CONDITIONAL OVER LAY, NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN GO-H-CO-NCCD-NP COMBINING DISTRICT ZONING. THE PLANNING COMMISSION DID RECOMMEND THIS REZONING REQUEST. I WILL NOTE THAT THE OWNER ACTUALLY WANTED TO PEEK TO THE COUNCIL BRIEFLY ON THIS ITEM IS IN SUPPORT AND WE CAN OFFER THIS FOR CONSENT APPROVAL ON THREE READINGS BUT THE OWNER WANTED TO SAY A FEW WORDS TO COUNCIL. ITEM NUMBER 66, C14-06-0066, FURROWS NORTH, 13427 POND SPRINGS ROAD. EXCUSE ME. WE HAVE AN AGREEMENT THEY JOINTLY AGREE, THEY ARE STILL WORKING ON THE PRIVATE AGREEMENT AND SOUGHT POST MOANMENT TO THE EDGE OF THIS MONTH OR NOVEMBER 30 AND WE CAN OFFER A POSTPONEMENTNAL DATE. ITEM AVERAGE NUMBER 67 AND 68 DEALING WITH A DENTAL CLINIC AT 4711 RED BLUFF ROAD. THOSE ARE DISCUSSION ITEMS. AS WELL AS 69 AND 70 WITH PROPERTY KNOWN AS ARDENT ONE AND TWO, THOSE ARE ALSO DISCUSSION ITEM, 1500 SOUTH LAMAR BOULEVARD WEST AND ITEM NUMBER 72 1 , C14-06-0078, SOUTH IH-35 TRANSIT FACILITY. 7902-7926

SOUTH IH-35 SERVICE ROAD SOUTHBOUND SOUTH BOGGY CREEK. WATERSHED FROM COMMUNITY COMMERCIAL GR DISTRICT ZONING TO LIMITED INDUSTRIAL SERVICE-PLANNED DEVELOPMENT AREA LI-PDA COMBINING DISTRICT ZONING. THE ZONING PLANNING COMMISSION DID TROLLEN GRANT THE LIMITED INDUSTRIAL SERVICE PLANNED DEVELOPMENT AREA, OR LI-PDA DISTRICT ZONING, I WOULD LIKE TO KNOW IN 71 THERE IS A NOTATION FOR A VARIANCE WITHED FOR ALL DRIVEWAYS TO CROSS SLOPED GREATER THAN 15% THAN REQUEST HAS BEEN REMOVED ALTHOUGH IT IS STILL REFERENCED IN YOUR BACK UP AND IS NOT PART OF THIS REQUEST REQUEST. WITH THAT IT CAN BE OFFERED FOR CONSENT APPROVAL ON FIRST READING. ITEM NUMBER 72 IS C14-06-0029, 620 NORTH. 15400-15402 NORTH FM 620 LAKE CREEK WATERSHED FROM -- THIS IS A DISCUSSION ITEM. EXCUSE ME. ITEM NUMBER 73 IS C14-06-0172, ARBORETUM RETIREMENT COMMUNITY. LOCALLY KNOWN AS 11601 JOLLYVILLE ROAD. A ZONING REQUEST FROM LIMITED OFFICE LO DISTRICT ZONING TO COMMUNITY COMMERCIAL-MIXED USE GR- MU COMBINING DISTRICT ZONING FOR TRACT 1 AND LIMITED OFFICE-MIXED USE LO-MU COMBINING DISTRICT ZONING FOR TRACT 2. WE HAVE A POSTPONEMENT REQUEST FROM THE APPLICANT'S NEW AGENT. AND THAT IS POSTPONEMENT REQUEST TO DECEMBER 14.

ITEM NUMBER 74, C14H-05-0017, BAUGH-COLBY HOUSE, 1102 ENFIELD ROAD. I UNDERSTAND FROM SPEAKING WITH THE OWN THERE ARE MIGHT BE A POSTPONEMENT REQUEST THERE. WE HAVE A VALID PETITION, WE HAVE TWO VALID PETITIONS, ONE FILED BY HIM OBJECTING TO THE HISTORIC ZONING AND WE JUST VERIFIED EARLIER TODAY, SHORTLY AFTER THE LUNCH HOUR, WE HAVE ANOTHER PETITION THAT STANDS AT 69.98% WHICH OBJECTED TO ANY ZONING THAT DOES NOT EITHER, A, COMBINE THE HISTORIC, COMBINING DISTRICT TO THE EXISTING ZONING FOR COUNCIL SO CHOOSES TO DOWN ZONE THE PROPERTY, IT WOULD NOT OBJECT TO DOWN ZONING IT TO SF-3, SF-2 OR SF-1, IF COUNCIL ELECTED TO DO A DOWN ZONING TO A DIFFERENT CATEGORY, FOR INSTANCE SF-5, SM-6, MF-1, OR MF-2, THERE WOULD BE THE NEED FOR A SUPER MAJORITY VOTE TO OVERRIDE THIS PETITION TO ADJACENT OWNER I MENTIONED BEFORE, HE WAS HERE OR MR. BENNETT HIS

REPRESENTATIVE HERE TO PEEK TO THE POSTPONEMENT REQUEST.

WELCOME MR. BENNETT.

THANK YOU, MR. MAYOR, COUNCIL. IN AS MUCH AS WE JUST RECEIVED THE VALID PETITION WE WOULD REQUEST THAT COUNCIL POSTPONE THIS ITEM UNTIL THE 14th OF DECEMBER.

AND AS FAR AS YOU KNOW, MR. BENNETT, IS THIS THE APPLICANT'S FIRST REQUEST FOR A POSTPONEMENT IF.

MR. MAYOR, I BELIEVE WE DID REQUEST ONE OTHER POSTPONEMENT UNRELATED TO THE PETITION THAT THEY RECEIVED TODAY.

WE WILL DUALY NOTE YOUR REQUEST, MR. BENEFIT.

ITEM APPLE NUMBER 73, I BELIEVE IT IS THE PROPERTY OWNER'S FIRST I BELIEVE THE LAST POSTPONEMENT REQUEST YOU HAD, ITEM NUMBER 73, THERE WAS AN ADJOINING PROPERTY OWNER THAT HAD FILED A PETITION IN OPPOSITION TO THE REZONING REQUEST. AT THAT TIME, THE OWNER BASICALLY ASKED COUNCIL OR TOLD COUNCIL THAT THEY WOULD NOT OBJECT TO THE POSTPONEMENT TO EITHER, I BELIEVE WAS THE SECOND OR THE 16th. BECAUSE IT WAS A COUNCIL MEMBER THAT I THINK WAS BEABSENT ON THE SECOND IT WAS ACTUALLY THEN POSTPONED TO THE 16th AND THAT IS ON THE RETIREMENT COMMUNITY PROPERTY.

LET ME CONTINUE. ITEM NUMBER 75 IS C14H-05-0021, NOYES SMITH HOUSE, 911 W. 21ST STREET. A REZONING QUESTION FROM MULTI-FAMILY RESIDENCE-MODERATE HIGH DENSITY-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN MF-4-CO-NP COMBINING DISTRICT ZONING TO MULTI-FAMILY RESIDENCE, MODERATE HIGH DENSITY-HISTORIC CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN MF-4-H-CO-NP COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO RECOMMEND DENIAL OF THE HISTORIC ZONING AND THEN UPON COMPLETION OF A DOCUMENTATION STUDY, KNOWN AS AN HBS LEVEL 2

DOCUMENT STATION STUDY AND ALLOW THE RELOCATION OF THE HOUSING STARTS. SO STAFF IS ACTUALLY RECOMMENDING AND THE COMMISSION, PLANNING COMMISSION ACTUALLY, RECOMMENDING THAT TO YOU, THE LANDMARK COMMISSION RECOMMENDED HISTORIC ZONING ON THE PROPERTY. IF YOU WISH, COULD YOU EITHER DO ONE OF TWO THINGS AND TAKE THIS ON CONSENT, YOU CAN EITHER APPROVE THE LANDMARK COMMISSION'S RECOMMENDATION, YOU CAN APPROVE THE STAFF'S AND THE PLANNING COMMISSION'S RECOMMENDATION AND THEN WHAT HAPPENED WOULD BE IF YOU DID SELECT THE PLANNING COMMISSION'S RECOMMENDATION THAT BASICALLY YOU WOULD DENY THE ZONING AND WE WOULD NOT ISSUE THAT RELOCATION PERMIT UNTIL WE HAVE THAT STUDY COMPLETED. IT DEPEND ON WHAT COUNCIL WOULD LIKE TO DO ON ITEM NUMBER 75. ITEM APPLE NUMBER 76, C14H-06-0030. FARQUHAR-SCHRIBER HOUSE. 1207 E. LIVE OAK STREET. WE HAVE A POSTPONEMENT REQUEST TO POSTPONE TO NOVEMBER 30 AND THIS IS THEIR FIRST REQUEST. LET ME BACK UP BEFORE YOU TAKE THE CONSENT AGENDA, ITEM NUMBER 63, MAYOR AND COUNCIL, WE DO HAVE AN ORDER THAN COWS APPROVE THIS EVENING TO APPROVE HISTORIC ZONING ON THE WESTERN 132 FEET OF THE PROPERTY SO WE CAN OFFER THAT BY CONSENT --

WESTERN OR EASTERN.

EXCUSE ME, EASTERN, THANK YOU MAYOR, THE EASTERN PART OF THE PROPERTY AND THAT WOULD BE READY FOR CONSENT APPROVAL ON THREE READINGS. MAYOR, ON THE LAST ITEM, NUMBER 76, THE OWNER WOULD ACTUALLY LIKE A LONGER POSTPONEMENT TO THE 14th OF DECEMBER.

THANK YOU. COUNCIL, A COUPLE OF DECISIONS HERE BEFORE I READ THROUGH THE CONSENT AGENDA. THOSE TWO BEING ON ITEM NUMBER 74, THERE IS REQUEST BY THE OWN ARE FOR POSTPONEMENT, AND NUMBER 75, I THINK BOTH OF THE RECOMMENDATIONS ARE INTENDED TO PRESERVE THE HOUSE, HOWEVER, THE PLANNING COMMISSION AND STAFF I, MY PERCEPTION IS THAT IT IS AN ANTICIPATION OF A RELOCATION OF THE HOUSE.

THAT'S CORRECT. THE LAND MARK COMMISSION SUGGESTION TO ZONE HISTORIC WHERE IT IS, THE STAFF AND COMMISSION WOULD ALLOW THE HOUSE TO BE RELOCATED AFTER DOING THIS STUDY AND HAVING IT DOCUMENTED.

AND SO IF THAT WOULD TO BE THE WILL OF THE COUNCIL, REMIND ME, HOW DOES THE, SO ONE, A DEMOLITION PERMIT DOESN'T GET ISSUES SO THE HOUSE DOESN'T GET DEMOLISHED AND WE SOMEHOW MAKE SURE THAT THE OPENER DOES, IN FACT, COMPLETE THIS STUDY AND PURSUANT TO THE STUDY THEN WE ALLOW FOR THE HOME TO BE RELOCATED?

WELL, THE FIRST ONE ON THE HISTORIC PLAN MARK COMMISSIONS RECOMMENDATION TO ZONE IT HISTORIC AND IT WOULD REMAIN. THE PLANNING COMMISSION RECOMMENDATION WOULD HAVE THE STUDY AND THE HOUSE WOULD BE MOVED.

POSSIBLY.

YEAH.

AND SO IF COUNCIL WERE TO ACCEPT THE STAFF AND PLANNING COMMISSION RECOMMENDATION OF NOT GLOBING THIS HISTORIC --

IT WOULD BE DENIED ZONING AND --

DENIED THE HISTORIC ZONING.

AND NOW THE STUDY WITHIN DONE BEFORE THE RELOCATION WOULD OCCUR.

AND THEN WOULD THIS COUNCIL HAVE THE ABILITY TO REVIS THOUGHT DECISION IF, FOR WHATEVER REASON THAT STUDY CAME BACK WITH INFORMATION WOULD CAUSE US TO RETHINK THE POTENTIAL RELOCATION?

LET ME ASK THE HISTORIC PRESERVATION OFFICER, STEVE SIBOWI, HE IS WORKING WITH THE INDIVIDUALS IN THAT STATE AND HE MIGHT BE ABLE TO CLARIFY, IF WE REQUIRE

ANYTHING GNAW MAY REQUIRE COUNCIL ACTION IN THE FUTURE.

GOOD AFTERNOON, MAYOR AND MEMBERS OF COUNCIL. THE STUDY IS MEASURED DRAWINGS OF THE HOUSE. WE'VE DONE THE RESEARCH ON THE HOUSE, GOT THE ARCHIVAL FORECAST OF THE HOUSE SO LEVEL TWO WOULD BE ARCHITECTURAL DRAWINGS OF THE HOUSE TO SCALE AND ARCHIVED AT THE AUSTIN HISTORY CENTER, UPON COMPLETION OF THAT DOCUMENTATION, WE WOULD RELEASE THE RELOCATION PERMIT FOR THE HOUSE TO BE MOVED OFF THE SITE.

REMIND ME, WHEN WE DO A THOUGH TO OCCUR, WHAT, DO WE EVER FOLLOW-UP ON THESE HOMES WHEN THEY GET RELOCATED, DO WE VERIFY THEY WERE MOVED AND PLEASED SOMEWHERE AND IN THEORY RESTORED ON SITE SOMEWHERE ELSE THIS ONE IS GOING TO BE MOVED OUT OF THE CITY IS THE CURRENT PLAN SO WE WOULD NOT HAVE CONTROL OVER IT BUT WE WOULD HAVE THE DOCUMENT TAKES AT UT AND THE HISTORY CENTER.

AND THIS IS STAFF'S RECOMMENDATION WITH THE PLANNING COMMISSION.

YES, SIR.

THANK YOU. QUESTIONS OF MR. GUERNSEY COUNCIL ON ITEM 75? HISTORIC ZONING CASE?

SO EVIDENTLY THIS COULD GO ON CONSENT IN ALL THREE READINGS BUT WE HAVE TO SELECT WHICH RECOMMENDATION TO FOLLOW, WHETHER IT BE THE PLANNING COMMISSION RECOMMENDATION OR THE HIS 120R I CAN LANDMARK COMMISSION -- HISTORIC LANDMARK COMMISSION RECOMMENDATIONS SYSTEM THAT CORRECT?

YOUR OPTIONS ARE THAT YOU COULD EITHER GO WITH THE LANDMARK COMMISSION'S RECOMMENDATION AND THAT WOULD BE FOR APPROVAL ON FIRST READING ONLY, ZONING IT HISTORIC, OR, B, YOU CAN SELECT A PLANNING COMMISSION'S RECOMMENDATION WHICH IS TO DENY THE HISTORIC ZONING, HAVE THE DOCUMENTATION STUDY

DONE, AND THOSE ARE THE TWO OPTIONS.

SO THE OPTION IS TO KEEP IT ON CONSENT UNDER EITHER ONE OF THESE SCENARIOS? IS THAT --

YOU HAVE THE OPTION OF DOING EITHER ONE. I THINK IF YOU DID ETHROAKT DO THE LANDMARK COMMISSION'S RECOMMENDATIONS, ZONE IT HISTORIC, I'M SURE THAT THE OWNER MOST LIKELY WOULD LIKE TO SPEAK TO THAT. BECAUSE THE DESIRE IS TO NOT HAVE THE PROPERTY ZONED HISTORIC AND GO ON WITH THE DIFFERENT DEVELOPMENT FOR THE PROPERTY.

COUNCIL MEMBER, WE HAVE NO CITIZENS SIGNED SIGNED UP ON THIS CASE.

WELL, I'M A LITTLE BIT CONFUSED ABOUT HOW TO PROCEED BUT I WOULD SUGGEST WE OFFER IT FOR CONSENT DISAPPROVAL NONE WITH THE PLANNING RECOMMENDATION ON THE CONSENT AGENDA BUT I'M SURE THAT WOULD HAVE TO BE DONE WITHOUT OBJECTION.

UNDERSTOOD, WHICH I HAVE NONE. SO COUNCIL, OUR OTHER DECISION THEN ON THE POTENTIAL CONSENT AGENDA IS THE POSTPONAL REQUEST ON ITEM 74, THE BAUGH-COLBY HOUSE.

MAYOR --

TECHNICALLY WE'VE CLOSED THE PUBLIC HEARING, EXCUSE ME, WE CLOSED THE PUBLIC HEAR, CONDUCTED AND CLOSED THE PUBLIC HEARING THE LAST TIME WE HEARD THE CASE SO BECAUSE OF THAT, NO CITIZENS WERE SIGNED UP FOR THIS CASE.

IF IT IS POSSIBLE TO LEAVE THIS ON CONSENT ALSO, IN LIGHT OF THE NEW INFORMATION AND HONOR YOUR REQUEST OF THE APPLICANT BECAUSE OF THE NEWLY-DETERMINED INFORMATION AND POSTPONE UNTIL DECEMBER 14, I WOULD OFFER THAT.

COUNCIL, WITHOUT OBJECTION. SO OUR CONSENT AGENDA ON THESE PUBLIC HEARING CASES WILL BE TO CLOSE THE

PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEMS 60, TO CLOSE THE PUBLIC HEARING AND APPROVE THE RESTRICTIVE COVENANT AGREEMENT ON ITEM 61, CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM 62, 63, 64 AND 65, NOTING THAT ON ITEM 63 THE HISTORIC ZONING IS FOR THE EASTERN IS 32 FEET OF THE PROPERTY. -- 132 FEET OF THE PROPERTY. TO POSTPONE ITEM 66 TO NOVEMBER 30, 2006. TO CLOSE THE PUBLIC HEARING OR APPROVE ON A FIRST READING ONLY ITEM 671, NOTING COMMENTS FROM STAFF DURING THEIR PRESENTATION. -- 61. POSTPONE ITEM 73 AND 74 TO DECEMBER 14, 2006. AND ITEM 75 TO ACCEPT STAFF COMMISSION RECOMMENDATION TO DENY HISTORIC ZONING. AND ITEM 76 TO POSTPONE TO DECEMBER 14, 2006. I WILL ENTERTAIN THAT MOTION. MOTION BY COUNCIL MEMBER LEFFINGWELL. SECOND BY COUNCIL MEMBER COLE TO APPROVE THE CONSENT AGENDA AS READ. NOTE ON ITEM NUMBER 65, I BELIEVE OUR OWNER WOULD LIKE TO BRIEFLY ADDRESS THE COUNCIL. NOTING THAT IT IS ABOUT TO BE APPROVED -- [LAUGHTER]

GOOD AFTERNOON.

GOOD AFTERNOON.

MAYOR WYNN, COUNCIL MEMBERS. MY NAME IS EVA LINDSEY AND I WANTED TO TAKE A MOMENT, MY PERSONAL PRIVILEGE, TO THANK THE CITY STAFF, PARTICULARLY TOBY FUTRELL'S OFFICE, STEVE'S OFFICE, AUSTIN CONVENTION AND VISITOR'S BUREAU, MY THANKS RELATED TO THE IMPORTANCE AND THE MILESTONE THAT WE'VE HIT WITH MAKING THIS AN ASSET TO THE CITY. THE VICTORY GRILL IS A NATIONAL ASSET AND IT IS CERTAINLY A 3450USCLE ASSET TO THIS CITY AND I AM LOOKING FORWARD TO BEING LOVED BY THE CITY OF AUSTIN AS MUCH AS WE LOVE THE ROSA AND AS MUCH AS WE LOVE THE AUSTIN MUSIC HALL AND AUSTIN CITY LIMITS SO THIS IS MY OPPORTUNITY TO PUBLICLY SAY THANK YOU.

YOU ARE WELCOME AND THANK YOU FOR THE NICE COMMENTS. COUNCIL, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS

READ. FURTHER COMMENTS? COUNCIL MEMBER MARTINEZ.

MAYOR, I WANTED TO ASK QUESTIONS ON ITEM 73, THE PROPOSED RETIREMENT COMMUNITY. NOT SURE IF THIS IS FOR STAFF OR THE APPLICANT BUT I WANTED TO TODAY ASK FOR AN UPDATE BECAUSE WE SPECIFICALLY POSTPONED IT TO TONIGHT BECAUSE COUNCIL MEMBER McCracken WAS GOING TO BE ABSENT LAST WEEK AND NOW WE ARE SEEING ANOTHER POSTPONEMENT AND IT IS MY UNDERSTANDING WE HAVE A NEW AGENT THAT HAS MEANT WITH THE NEIGHBORHOODS, AND THEY SEEM TO BE WORKING WELL TOGETHER, AT LEAST THAT IS WHAT WAS TOLD TO ME SO I JUST WANTED AN UPDATE ON WHERE WE ARE AT AND WHAT THE REQUESTED POSTPONEMENT ENTAILS.

COUNCIL MEMBER, THAT IS CORRECT. THERE IS A NEW AGENT, MR. LINEHAN, HE IS HERE THIS EVENING AND HE CAN ADDRESS WHERE ANYTHING IS WITH THE ADJACENT PROPERTY IN THE NEIGHBORHOOD.

WELCOME.

THANK YOU, MAYOR COUNCIL MEMBERS, MY NAME IS PAUL LINEHAN AND HERE REPRESENTING THE OWNERS OF THE PROPERTY WITH CONCERN TO PROPERTY RIGHTS MIKE ASKED ME TO TAKE OVER AS AGENT ON THIS PROPERTY. THERE IS A MEETING SCHEDULED, TO MY UNDERSTANDING, ON WEDNESDAY NOVEMBER 22 WITH THE PROPOSED DEVELOPER ON THIS PROPERTY TO DISCUSS ISSUES SUCH AS WHAT HIS PLANS ARE, THE HEIGHT ISSUES AND OTHER CONCERNS THAT HE HAS. AND WE NEED THE GUIDANCE FROM HIM IF WE ARE GOING TO GO FORWARD WITH HIM TO DEVELOP THIS PROPERTY. AND WE LOOK FORWARD TO HAVING THAT MEETING AND THEN WE NEED THE ASSOCIATED TIME AFTER THAT MEETING TO MEET WITH THE NEIGHBORHOODS AND COME FORWARD BACK TO YOU AND ADDRESS THE ISSUES THAT YOU MIGHT HAVE SO THAT IS WHY WE ASKED FOR THE POSTPONEMENT.

OKAY. IS THE DEVELOPER STILL MR. DENUCCI, ONE QUESTION ASKED BY THE NEIGHBORHOODS IF HE WAS STILL

THE DEVELOPER AND I DON'T KNOW THAT.

WE WERE PLANNING ON HAVING A MEETING WITH HIM, WEDNESDAY THE 22-7BD, TO SEE IF HE WOULD BE THE DEVELOPER OF THE PROPERTY.

ARE YOU WORKING WITH THE NEIGHBORHOOD ON THE POTENTIAL DIFFERENT TYPE OF PROJECTS? ONE THING MENTIONED IN THE MEETING WAS THEY MET WITH YOU AND HAD A MEETING OR QUUFERTION AT SOME POINT AND YOU TALKED ABOUT A POTENTIAL DIFFERENT --

I TALKED TO THE NEIGHBORHOOD AND INFORMED THEM ABOUT THE BOARD OF ADJUSTMENT MEETING AND THIS POSTPONEMENT AND NOT AT ALL ABOUT ANY POTENTIAL PLANS OTHER THANKSGIVING WHAT HAS BEEN PRESENTED. I TOLD THEM ONCE THIRD MEETING I WOULD BE BACK IN TOUCH WITH THEM TO LET THEM KNOW WHAT WE ARE PROPOSING AND HOW WE ARE PROPOSING GOING ABOUT DOING IT AND BRINGING THIS BACK TO THE COUNCIL.

GREAT, THANKS.

THANK YOU.

APPRECIATE IT.

THANK YOU MR. LINEHAN. FURTHER QUESTIONS OR COMMENTS COUNCIL? WE HAVE A MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA IS READ. COMMENTS?

HEARING NONE, ALL IN FAVOR SAY AYE? OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. NEIGHBORHOOD PLANS.

MOVE ON TO ITEMS NUMBER 55, 56, 57 AND 58. THESE ARE ITEMS THAT PEEK TO THE EAST RIVER SIDE COMBINED NEIGHBORHOOD PLAN WITH THE EXCEPTIONS OF THE TRACKS THAT WE REMOVED AT FIRST READING, AS YOU MAY RECALL, WE HAD CONCERNS CONCERNS THAT WERE RAISED BY THE NEIGHBORHOOD THAT THERE WAS A LARGE AMOUNT OF MULTIFAMILY ZONING, THERE WASN'T A LOT

MUCH MIXED USE, AND SO AFTER MUCH DISCUSSION AND MEETING WITH THE NEIGHBORHOOD WE PRESENTED AT EARLIER COUNCIL MEETING THREE OPTIONS FOR COUNCIL TO CHOOSE AMONG, AND AT THAT TIME, COUNCIL ELECTED ONE OF THE OPTIONS THAT WERE REMOVED, THE MAJORITY OF THE MULTIFAMILY TRACKS FROM THE FIRST READING ACTION SO WE WOULD ACTUALLY OFFER THOSE THIS EVENING, IN ADDITION, MELISSA WILL COME UP HERE IN A MOMENT AND ACTUALLY SPEAK TO THE REMOVAL ALSO OF AN ITEM THAT IS RELATED BUT IS A PUBLIC HEARING ITEM ON YOUR AGENDA THIS IS ITEM NUMBER 59, FOR NOW THAT STAFF WOULD NOT OFFER THAT AS PART OF THE NEIGHBORHOOD PLAN. FUTURE LAND USE MAP, THIS TRACT, ITEM NUMBER, TRACT NINE IN THE RIVER SIDE AREA WOULD BE ONLY READY FOR FIRST READING SO WE ARE SUGGESTING THAT BE REMOVED FROM SECOND AND THIRD READING CONSIDERATION FROM A FUTURE LAND USE MAP IN THE NEIGHBORHOOD PLAN AND I WILL LET HER GO INTO MORE DETAIL ON THAT. RELATED ZONING ITEMS THAT SPEAK TO THIS AREA, INCLUDE ITEM NUMBER 56 WHICH IS C 16-05-0111, PARKER LANE NEIGHBORHOOD COMBINING DISTRICT WHICH INCLUDES PROPERTIES FOUND NORTH BY OLTORF STREET, AND WEST 35. AND WOULD ALSO INCLUDE THE EAST RIVER SIDE KC 14-05-1112 IN THE RIVER SIDE NEIGHBORHOOD, PLANNED COMBINING DISTRICT NEIGHBORHOOD AREA BY TOWN LAKE TO THE NORTH. PLEASANT VALLEY ROAD TO THE EAST, SOUTH BY OLTORF STREET AND WEST BY 35. I WILL NOTE THERE IS ONE PROPERTY IN HERE THAT WAS BROUGHT TO OUR ATTENTION RECENTLY THAT THERE WAS A NOTIFICATION ERROR. AND THAT WHEN THIS CASE COMES UP WE WILL NOTE THAT THAT PARTICULAR PROPERTY, I THINK IT IS 1818 LAKE SHORE BOULEVARD, BE REMOVED AS WELL. ITEM NUMBER 58 IS KC 4-0113, PLEASANT VALLEY NEIGHBORHOOD PLAN COMBINING DISTRICT AREA, WHOSE BOUNDARIES ARE GENERALLY TO THE NORTH OF COLORADO RIVER, EAST BY GROVE BOULEVARD, SOUTH BY OLTORF AND WEST BY PLEASANT VALLEY. SO WE WILL BRING THESE FORWARD TO BE BY SECOND AND THIRD READINGS. AS I MENTIONED BEFORE THEY DO DELETE THE AREAS NOT INCLUDED IN FIRST READING AND STAFF IS SUGGESTING THAT TWO PARTIALS BE REMOVED, ONE BECAUSE OF A NOTICE YOU

AT 1818 LAKE SHORE, THE OTHER ONE IS A RELATED ITEM ON YOUR AGENDAX ITEM APPLE NUMBER -- ITEM NUMBER 59 THAT YOU WILL HAVE A PUBLIC HEARING ON AFTER THESE ITEMS. AT THIS TIME I WILL TURN IT OVER TO MELISSA AND MARK AND THEY CAN SPEAK TO THE REMAINDER OF THE ACTION.

I UNDERSTAND THERE MAY BE A REQUEST BY COUNCIL TO TAKE SELF-OF THE INDIVIDUAL PARCEL TOGETHER FOR A VOTE, I WILL JUST LET COUNCIL KNOW THERE MAY BE INDIVIDUAL PROPERTY OWNERS OR ADJACENT PROPERTY OWNER, ALL THOUGH THE PUBLIC HEARING IS CLOSED AND COUNCIL CAN TAKE ACTION ON THOSE WITHOUT COMMENT FROM THE PUBLIC, YOU PLAY INDIVIDUALS THAT WOULD LIKE TO SPEAK TO THEIR PARTICULAR PROPERTIES OR ADJACENT PROPERTY OWNERS THAT WOULD LIKE TO SPEAK TO THOSE INDIVIDUAL PROPERTIES.

THANK YOU. WELL COME MS. LAURSEN.

FOOD AFTERNOON. IN YOUR PACK --

GOOD AFTERNOON. IN YOUR PACKET THERE IS A MOTION SHEET WE WILL BE GOING OVER AND THERE ARE TRUCK MAPS, ZONING MAPS, THE FUTURE LAND USE MAP THAT IS ILLUSTRATED FROM FIRST READING AND THEN OTHER INFORMATION. I WOULD LIKE TO START WITH MOTION ONE ON THE MOTION SHEET WHICH IS AGENDA ITEM 55. IT IS TO APPROVE THE EAST RIVER SIDE OLTORF COMBINED NEIGHBORHOOD PLAN, SAVE AND EXCEPT FOR THE FOLLOWING, FIRST THE CONTESTED TRACTS THAT WILL BE DISCUSSED AS SEPARATE MOTIONS LATER, TRACKS 203, 222, 37, 39, 41, 43, 43-A, 44, 45, 45-A, 45-B, 46, 47, 49, 50 AND THE IRS SITE. SECOND ARE TRACKS TO BE WITHDRAWN FROM THE NEIGHBORHOOD PLANS FOR FUTURE DISCUSSION AT A LATER DATE. AS ARE LISTED IN ATTACHMENTS A-1 IN YOUR PACT. NEXT WE ALSO SUGGEST THAT TWO ADDITIONAL TRACKS BE WITHDRAWN FROM THE PLAN AS GREG MENTIONS, FIRST IS TRACK 9 WHICH IS 108, 1712 AND 1820 SOUTH LAKE SHORE BOULEVARD. IT WILL BE DISCUSSED LATER UNDER ITEM 59 FOR FIRST READING. SECONDLY, A PROPERTY AT 1818 SOUTH LAKE SHORE BOULEVARD. EARLIER THIS WEEK DID RECEIVE A PHONE

CALL THAT NOTES THE PROPERTY OWNER THERE DID NOT RECEIVE NOTIFICATION. AFTER RESEARCHING THE ISSUE, WE DISCOVERED THAT THE COUNTY'S TAX PLAT MAPS WE USE FOR NOTIFICATION HAD NOT BEEN UPDATED SINCE THE APARTMENTS HAD BEEN CONVERTED TO CONDOS SO WE WOULD LIKE TO RENOTIFY FOR THAT FOR ALL OF THE CONDOMINIUM PROPERTY OWNERS AND WE SUGGEST THAT 1818 SOUTH LAKE SHORE ALSO BE WITHDRAWN FROM THE PLAN AT THIS TIME FROM THE FLUM AND THE NPCD. AND WE HAVE THE FUTURE LAND USE MAP. THIS IS A RESULT OF FIRST READING OF CITY COUNCIL, AS YOU CAN SEE, THERE ARE IN WHITE, THERE ARE TRACKS THAT HAVE BEEN WITHDRAWN AND EACH OF THE PLANNING AREAS AND THE MAJORITY OF THOSE ARE THE MULTIFAMILY PROPERTIES WHICH WE WANT TO DISCUSS IN THE FUTURE TO DEVELOP SOME SORT OF TOOL FOR THOSE TO PROVIDE OTHER OPTIONS SUCH AS COMMERCIAL. THE OTHER TRACKS WITHDRAWN ARE HATCHED AND THOSE ARE, WILL BE DISCUSSED IN THE FUTURE AS A POSSIBLE CORE TRANSIT CORRIDORS. VOTES REQUIRED, SECOND READING IS FOUR VOTES AND SECOND AND THIRD READING IS FIVE VOTES. DO YOU HAVE ANY QUESTIONS FOR ME?

QUESTIONS FOR STAFF, COUNCIL? COMMENTS? IF NOT, I WILL ENTERTAIN THIS MOTION NUMBER ONE, ITEM APPLE 55, AGAIN TO APPROVE THEEES RIVER SIDE OLTORF COMBINED NEIGHBORHOOD PLAN, SAVE THE, ALL THE CONTESTED TRACKS AS OUTLINES BY STAFF, AS WELL AS B, THOSE TRACKS TO BE WITHDRAWN ARE SHOWN ON ATTACHMENT-A BUT ALSO ADDING TRACK NUMBER 9 WHICH WILL TAKE UP AS ITEM NUMBER 59 AS WELL AS 1818 SOUTH LAKE SHORE BOULEVARD. MOTION MADE BY COUNCIL MEMBER McCRACKEN. SECONDED BY PRO TEM TO APPROVE ON SECOND AND THIRD READING. THIS PLAN IS OUTLINELED. COMMENT, COUNCIL MEMBER KIM.

MISS LAURSEN DOES THIS INCLUDE THE TRACKS THAT ARE EAST OF PLEASANT VALLEY.

MULTIFAMILY EAST OF PLEASANT VALLEY?

UM-HUM. I'M LOOKING AT YOUR MAPS HERE. THE SECOND

MAP.

YOU ARE LOOKING AT THE TRACK MAP.

YES. 307, 308.

THERE ARE NO --

THIS IS NOT BEING CONSIDERED IN THIS MOTION?

THERE ARE NO MULTIFAMILY TRACKS EAST OF PLEASANT VALLEY THAT ARE PROPOSED TO BE REZONED.

IN THIS MOTION?

YES.

OKAY. AND THEN, YOU SAID CONTESTED TRACKS TO BE DISCUSSED IN SEPARATE MOTIONS HERE. ARE THOSE TRACKS ON THIS FIRST MAP? I'M TRYING TO LINK UP THE MOTIONS AND AGENDA ITEMS WITH THE GLOBING CASE, THAT IS WHERE I'M GETTING CONFUSED.

MOTION ONE IS APPROVING THE PLAN AND THE FUTURE LAND USE MAP SO WE ARE NOT DESIGNATEING ANYTHING THAT IS A CONTESTED TRACK. AT THIS TIME, THE FUTURE LAND USE MAP.

I'M GOING TO --

SO SOME OF THESE ARE, ON THE TRACK MAPS THAT YOU ARE LOOKING AT, SOME ARE CONTESTED AND SOME ARE UNCONTESTED.

ALL RIGHT. MAYOR, PLEASE SHOW ME ABSTAINING BECAUSE IT DOES INCLUDE MULTIFAMILY TRACKS THAT I WANTED TO BE FULLING OUT -- PULLING OUT FOR CONSIDERATION FOR DAIRCHT LAND USE SO I WILL BE ABSTAINING FROM THIS GROUP OF COMBINED MOTION INTO ONE MOTION. I WILL BE ABSTAINING FROM THIS ONE.

OKAY. AND SO ON THIS MOTION CAN YOU HELP ME, SO THIS MOTION, NUMBER ONE, ITEM APPLE NUMBER 55, THIS IS THE

-- ITEM NUMBER 55 THIS IS THE PLAN AS WELL AS THE
FUTURE LAND USE MAP.

YES.

SO IT IS THE ZONING AND THE --

IT IS NOT THE ZONING, IT IS ACTUALLY THE PLAN DOCUMENT
AND THE FUTURE LAND USE MAP THAT IS ON THE --

MAYOR.

COUNCIL MEMBER, YES.

JUST TO GIVE THE REST OF THE COUNCIL A LITTLE
BACKGROUND OF WHAT MAYOR PRO TEM DUNKERLEY AND
COUNSEL MEMBER AND I HAVE DISCUSSED IN THE
COMMITTEE MEETING REGARDING THE MULTIFAMILY TOOL,
IT IS IN A BROAD CONCEPT LOOKING AT TAKING THE SAME
APPROACH WE'VE USE WITH THE VERTICAL MIXED USE
ZONING CATEGORY WHICH IN APPLYING THE MULTIFAMILY
CONTEXT SO IT WOULD BE, YOU KNOW, SIMILAR TO HAVING
NOW, ENHANCED DESIGN REQUIREMENTS, NO GATES
AROUND THE APARTMENTS, ABILITY TO TRADE OFF DENSITY
CAPS AND BUILDING MASS COVERAGE AND IF THERE ARE
LIMITS IN EXCHANGE FOR AFFORDABILITY FOR THE PUBLIC
BENEFITS AND FINALLY LOOKING AT WHETHER WE SHOULD
GO WITH A DIFFERENT HEIGHT DISTRICT IN THIS AREA TO,
SO WE CAN CAPTURE A MORE, SOMETHING SIMILAR TO THE
PEARL DISTRICT, IN PORTLAND WHERE HAVE YOU THE
TRADE OFF OF BIGGER SIDEWALKS AND MORE OPEN SPACE
IN EXCHANGE FOR HIGHER QUALITY REDEVELOPMENT. AND I
PERSONALLY BELIEVE IT ALSO COULD BECOME A TOOL WE
USE FOR MULTIFAMILY, IN OTHER QUARTERS OF THE CITY
AS WELL. THE STAFF DID A REALLY GOOD JOB AND WANTED
TO MAKE SURE WE WERE ALL HIGHLIGHTED IN WHERE WE
WERE MOVING ON THAT.

COUNCIL MEMBER. WE HAVE A MOTION TO SECOND ON THE
TABLE TO APPROVE MOTION ONE WHICH IS ITEM NUMBER 55
ON SECOND AND THIRD READING THIS COMBINED
NEIGHBORHOOD PLAN. NOTE ANY EXCEPTIONS. FURTHER
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE

SAY AYE. AYE. OPPOSED. MOTION PASSES ON A VOTE OF 7-0, MORGAN STANLEY, 6-0 WITH COUNCIL MEMBER KIM NOT VOTING.

MOTION NUMBER TWO, AGENDA ITEM 56, APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICTS FOR THE PARKER LANE NEIGHBORHOOD PLANNING AREA, SAVE AND EXCEPT FOR, A, CONTESTED TRACTS TO BE DISCUSSED AS SEPARATION MOSES, TRACKS 203 AND 222. AND SECONDLY THE TRACKS WITH DRAWN FRONT NPCD FOR FUTURE DISCUSSION AT A LATER DATE AS LIST ON ATTACHMENT A-2. PLANNING COMMISSION STAFFS PROPERTY OWNERS AND THE ADVICE RECOMMITTEE ARE IN AGREEMENT FOR THE PROPOSED-ONLY RECOMMENDATIONS FOR THE UNCONTESTED TRACKS. SECOND READING IS 4 VOTES, SECOND AND THIRD READING IS 5 VOTES. AND THAT IS THE END OF MY PRESENTATION.

MR. MISS LAURSEN. QUESTIONS FOR STAFF, COUNCIL? IF NOT I WILL ENTERTAIN ITEM NUMBER 56 AS OUTLINED BY STAFF, THOSE BEING NONCOULD BE TESTED VOTING CASES.

I WILL MOTION FOR SECOND AND THIRD READINGS.

SECONDED BY COUNCIL MEMBER McCracken TO PROVIDE FOR 56 ON SECOND AND THIRD READINGS.

FOR THE RECORD, 57 AND 57 A AND 58 SO THE THIRD AND FOURTH MOTION AS WELL.

THANK YOU. FURTHER COMMENTS ON OUR MOTION. ALL THOSE IN FAVOR, PLEASE SAY AYE, OPPOSED? MOTION PASSES ON A VOTE 6-0, COUNCIL MEMBER KIM NOT VOTING.

MOTION THREE IS AGENDA ITEM 57. APPROVE THE UNDERSTOOD PLAN COMBINING DISTRICT FOR THE RIVER SIDE NEIGHBORHOOD PLANNING AREA. SAVE AND EXCEPT FOR THE TRACKS DISCUSSED SEPARATELY 37, 39, 41, 43, 43-A, 44, 45, 45-A, 45-B, 46, 47, 49 AND 50. ALSO, THE TRACKS WITH DRAWN FROM THE NPCD FOR FUTURE DISCUSSION AT A LATER DATE AS LISTED IN ATTACHMENT A-3. AND FINALLY, AS DISCUSSED PREVIOUSLY, TRACK NUMBER 9 AND 1818 SOUTH LAKE SHORE BOULEVARD. PLANNING COMMISSION

STAFF PROPERTY OWNERS AND ADVICE RECOMMITTEE ARE IN AGREEMENT ON -- ADVISORY COMMITTEE ARE IN AGREEMENT FOR THE PROPOSAL ON THE UNCONTESTED TRACKS.

THANK YOU MISS LAURSEN. QUESTIONS OF STAFF, COUNCIL? AGAIN AS WITH OUR PREVIOUS MOTION ON 56, THIS MOTION FOR ITEM APPLE NUMBER 57 AS OUTLINED BY STAFF, THESE ARE NONCONTESTED ZONING CASES FOR THE RIVER SIDE PLANNING AREA. I WILL ENTERTAIN THE MOTION. MOTION MADE BY MAYOR PRO TEM.

SECOND.

SECOND BY COUNCIL MEMBER McCracken TO APPROVE ITEM NUMBER 57 ON SECOND THIRD READING AS OUT LINED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0, COUNCIL MEMBER KIM, AGAIN NOT VOTING.

MOTION NUMBER FOUR FOR SAY GENDAH ITEM 58, APPROVE A NEIGHBORHOOD PLAN DISTRICT FOR THE PLEASANT VALLEY NEIGHBORHOOD COME BINGE AREA, SAVE AND EXCEPT FOR THE TRACKS WITHDRAWNED FROM THE NPCD FOR FUTURE DISCUSSION AT A LATER DATE AS LIST ON ATTACHMENT A-4. PLANNING COMMISSION AND ADVISORY COMMITTEE IS ON AGREEMENT ON THE UNCON TOASTED TRACKS.

THANK YOU. QUESTIONS FOR STAFF, COUNCIL? IF NOT, I WILL ENTERTAIN THIS MOTION. MOTION MADE BY COUNCIL MEMBER LEFFINGWELL, BE SECONDED BY COUNCIL MEMBER McCracken TO APPROVE ON SECOND AND THIRD READING THESE NONCONTESTED ZONING CASES IN THE PLEASANT VALLEY NEIGHBORHOOD AREAS AS OUTLINED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION AGAIN HAS ON A - - PASSES ON A VOTE OF 6-0, COUNCIL MEMBER KIM NOT VOTING.

NEXT IS MOTION FIVE, AGENDA ITEM 55. APPROVE THE FUTURE LAND USE MAP DESTINATION OF I CAN FOR THE IRS

SITE -- CIVIC FOR THE IRS SITE INSTEAD OF COMMERCIAL. PLANNING DID RECOMMEND CIVIC ON FIRST READING AND PLANNING RECOMMENDED COMMERCIAL. AND THAT IS THE END OF MY PRESENTATION IF YOU HAVE ANY COMMENTS.

QUESTIONS FROM COUNCIL? I GUESS MY FUNDAMENTAL QUESTION IS, THEN PRESUMING THAT SOME TIME IN THE FUTURE, SHOULD THE FEDERAL GOVERNMENT WANT TO SELL THAT PROPERTY AND THE BUYER WOULD THEN, SELL ARE OR BUYER WOULD HAVE TO REZONE THE PROPERTY FOR IT TO BE USED FOR ANYTHING OTHER THAN A CIVIC OR GOVERNAL USE.

CORRECT.

SO WE ARE JUST MAKING THEM AWARE OF THAT.

THANK YOU.

NO MULTIFAMILY. QUESTIONS OF STAFF, COUNCIL? IF NOT, I WILL ENTERTAIN THIS MOTION ON ITEM NUMBER 55. MOTION MADE BY COUNCIL MEMBER KIM. SECONDED BY COUNCIL MEMBER McCRACKEN TO APPROVE ON SECOND AND THIRD READING THE FUTURE LAND USE MAP DESIGNATION OF CIVIC FOR THIS IRS SIDE. FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

NEXT ARE THE CONTESTED TRACKS AS GREG MENTIONED EARLIER THERE IS TWO WAYS TO DO THIS. I CAN EITHER GO THROUGH ALL THE TRACKS, READ THEM INTO THE RECORDS A ONCE AND YOU CAN MAKE A MOTION AT THE END, THERE IS, I BELIEVE THERE IS 15 CONTESTED TRACKS. OR I CAN GO THROUGH THEM INDIVIDUALLY AND YOU CAN MAKE INDIVIDUAL MOTIONS AFTER EACH ONE. SNY.

MAY I, I WOULD APPRECIATE THAT.

THE FUN QUESTION WITH THAT HOWEVER IS -- FUNDAMENTAL QUESTION WITH THAT, HOWEVER, IS GOING THROUGH THIS, ARE THE RECOMMENDATIONS FROM THE DIFFERENT, YOU KNOW, STAKE HOLDERS SIMILAR IN A SENSE IN THAT, YOU KNOW, TO MAKE THE COMBINED, THE

FINAL COMBINED MOTION AFTER WE'VE READ ALL 15 OF THESE INTO THE RECORD, YOU KNOW, HOW SIMPLE MIGHT IT BE TO THEN HAVE A MOTION ON ALL 15 PROPERTIES?

UM, I BELIEVE THERE ARE SOME STAKE HOLDERS AND THERE ARE SOME AGENTS HERE THAT IF THEY GET THE OPPORTUNITY WOULD LIKE TO DISCUSS THEIR TRACK. SO THAT COULD CAUSE A LITTLE CONFUSE. KEEPING THAT STRAIGHT. BUT --

WELL, WITHOUT OBJECTION COUNCIL, WHY DON'T WITH HAVE STAFF READ ALL 15 INTO THE RECORD AND WE WILL FIGURE OUT HOW WE MIGHT HAVE TO ADJUST, SHOULD THEREBY DIFFERENCES OF OPINION.

OKAY.

THANK YOU MISS LAURSEN.

OKAY. ON PAGE 4 OF YOUR MOTION SHEET, TRACK 222 IS CONTESTED ZONING TRACK. THE LAND USE HAS ALREADY BEEN DESIGNATED AT CIVIC. THE CURRENT ZONING IS SF-2. IT IS CURRENTLY CHURCH. CITY COUNCIL RECOMMENDED GOCONP WITH A SET BACK OF 50 FEET FROM THE CREEK CENTER LINE. PLANNING COMMISSION RECOMMENDED LOCONT WITH A SET BACK BUILDING SET BACK OF 50 FEET FROM THE CREEK CENTER LINE. STAFF RECOMMENDED LO-CO-NT WITH A BUILDING SET BACK OF 50 FEET FROM THE CREEK CENTER LINE. THE PROPERTY OWNER SUPPORTS GO-MNP. GROUP ONE, WHEN I REFER TO THEM, THEY ARE RECOMMENDATIONS FROM THE NEIGHBORHOOD PLANNING MEETINGS THAT TOOK PLACE FROM AUGUST OF '04 THROUGH MARCH OF '05. THEIR SUPPORT WAS SPLIT BETWEEN GO-NP AND LO-NP. WHEN I REFER TO GROUP TWO, THAT IS MEMBERS OF THE ADVISORY COMMITTEE WHO MADE RECOMMENDATIONS AFTER MARCH OF 2005. THEY HAVE RECOMMENDING SF-2 CONP WITH A 150-FOOT SET BACK FROM CREEKS.

I SATURDAY RECOMMENDATION, WE HAVE ALL THIS IN FRONT OF US. I THINK IF WE CAN READ THE ACTUAL ITEM NUMBERS IN THERE BECAUSE WE'VE ALREADY APPROVED AND DEBATED THIS ON FIRST READING. WE MAY HAVE

QUESTIONS ABOUT SOME OF THEM.

SO JUST READ THE ITEM NUMBERS.

YES.

OKAY, GREAT. NEXT ARE THE CONTESTED ZONING AND FUTURE LAND USE. WHEN YOU MAKE, SO WHEN YOU ARE MAKING A MOTION IT WILL BE FOR THE ZONING AND LAND USE IN THE FUTURE INTO RIGHT, THANK YOU.

TRACK 203. I DO NEED TO DO THE ADDRESSES OR JUST -- OKAY, GREAT. TRACK 37, TRACK 39, TRACK 41, TRACK 43, TRACK 43-A, TRACK 44, TRACT HAD 5, TRACT 45-A, TRACT 45-B, TRACT 46, TRACT 47, TRACT 49 AND TRACT 50. ARE ALL OF THE CONTESTED ZONING AND FUTURE LAND USE TRACTS.

MAYOR?

MAY I DON'T REMEMBER PRO TEM.

I HAVE A -- MAYOR PRO TEM.

I HAVE A QUESTION BACK ON 45-A THERE WAS SOME CONFUSION OR WE HAD SOME QUESTIONS ON THE TOTAL.

OKAY.

PROPERTY THAT WAS SUPPOSED THAT WOULD BE REZONED TO CS-1. I THINK THE STAFF HAD A LARGER TOTAL AND I BELIEVE WHAT WE PASSED LAST TIME THERE WAS SOME QUESTION AS IF WHETHER OR NOT THE PERMITS HAD BEEN, HAD BEEN, COULD BE IDENTIFIED AND I WONDERED IF MAYBE COUNCIL MEMBER MARTINEZ OR THE AGENT COULD SORT OF TELL US WHAT THEY, MAYBE IT IS THE AGENT, TELL US WHAT THEY FOUND WHEN THEY WENT BACK AND LOOKED. THEY WERE TRYING TO CONSOLIDATE ALL THE CS-1 IN ONE AREA BUT THERE WAS A SMALL DIFFERENCE IN, OR DIFFERENCE, IN THE TWO AMOUNTS AND WE ASKED THE AGENT TO GO BACK AND TRY TO SEE IF CO RECONCILE THOSE DIFFERENCES. AND ANDREW MARTIN, THE AGENT IS HERE TO SPEAK ABOUT THAT HE DOES HAVE NEW

INFORMATION FOR KNEW OKAY. THANKS.

COUNCIL MEMBER MARTINEZ.

THAT IS CORRECT, MAYOR, WE DID PASS ON FIRST READING A LIMITED AREA FOR CS-1 AND AT THE TIME WHEN I MADE THAT MOTION IT WAS MY UNDERSTANDING THAT THIS PORTION THAT WE EXCLUDED FROM CS-1 WAS AN OFFICE USE AND IT IS ACTUALLY A PART OF THE STAGE WHERE THE BANDS SET UP AND PLAY. AND SO THERE IS NO EXISTING CALL THERE AND -- WALL THERE AND IF WE DIDN'T ZONE IT CS-1 IT IS MY UNDERSTANDING THERE WOULD HAVE TO BE A WALL BUILT AND SECLUDED FROM THE REST OF THE FACILITY IF IFS THAT WAS THE CASE THAT WAS NOT MY INTENTION AND MAKE THAT IS A QUESTION STAFF CAN ANSWER IF WE LEAVE IT THE WAY WE ZONED IT ON FIRST READING CAN IT REMAIN THE STAGE FOR A CS-1 ESTABLISHMENT.

ACTUALLY, TRACK TRACT 45-A, THE WAY WAS NETSED AND THE WAY IT IS ON THE NOTION SHEET IS FOR 600,049 SQUARE FEET, NOTICED IN 1971, THE ORDINANCE APPROVED A REZONING FOR CS-1 FOR 6500 SQUARE FEET SO FOR 45-A YOU ARE MAINTAINING CS-1 AND ADDING, THE NEIGHBORHOOD URBAN SEN. I'M SORRY, YES, THEN YOU WOULD BE, YOU WOULD BE ADDING THE EXTRA SQUARE FOOT AND TO 7,699 SQUARE FEET. I'M SORRY. BUT YOU SAID FIRST READING YOU JUST WANTED TO MAINTAIN THE 6,490.

THAT'S CORRECT. BUT AT THAT TIME IT WAS MY UNDERSTANDING THAT --

OKAY.

THE LITTLE PINK PORTION ON THE BOTTOM OF THE SCREEN WAS USED FOR OFFICE AND NOT PART OF THE ESTABLISHMENT, AND IT IS MY UNDERSTANDING NOW THAT IT IS, IT IS A STAGE FOR --

OKAY, YES. AND HE CAN CLARIFY IT.

GOOD EVENING, MAYOR, COUNCIL. I REPRESENT RAYDEK MANAGEMENT, THE MANAGING CHAP MANAGES THIS

SHOPPING CENTER AND HAS DONE SO SINCE 2003. THE PINK AREA, 1971, THERE WAS A FOOTPRINT CS-1 ZONING FOR 6,490 SQUARE FEET. THAT IS OUTLINED BY THE YELLOW ON THAT GRAPHIC THAT YOU SEE. WHEN WE TOOK OVER MANAGEMENT OF THE PROPERTY THE EXISTING CONFIGURATION WAS 7,627 SQUARE FEET WHICH IS WHAT WE DETERMINED AFTER A SURVEY OF THAT ACTUAL SPACE. THERE HAS BEEN NO CHANGE IN THAT, IN THE THREE YEARS AND WE HAVE NO EXPLANATION OR HISTORY OF WHEN OR EVEN IF THERE WAS A CHANGE IN CONFIGURATION SINCE 1971. BUT THE CURRENT CLUB USES THE ENTIRE SPACE OF BOTH THE YELLOW OUTLINE AND THE PINK. AND THAT IS WHY WE WOULD REQUEST THAT THE CS-1 FOOTPRINT ZONING BE FOR THE 7,627 SQUARE FEET INSTEAD OF THE 6,490. I DO HAVE A POWER POINT THAT INCLUDES PICTURES OF THE CLUB, THE INTERIOR, IF YOU WANT TO SPEND THE TIME LOOKING AT THAT BUT IF THAT IS SUFFICIENT INFORMATION I'M HAPPY TO STOP RIGHT NOW.

QUESTIONS OF AGENT? COUNCIL MEMBER MARTINEZ.

I WANTED TO SEE IF I COULD GET AN ANSWER TO THE QUESTION OF WHETHER OR NOT QUO EXCLUDE THE STAGE AREA AND STILL REMAIN A PART OF THE ESTABLISHMENT FROM CS-1 ZONING. AS WE DID ON FIRST READING.

I WOULD LIKE TO CLARIFY ALSO, SINCE IT WAS NOTICED FOR ONLY THE EXISTING, THE 6,490 SQUARE FEET, DUE WANT TO APPROVE UP TO 7,699 SQUARE FEET, PER THAT DRAWING, IF YOU WANT TO APPROVE THE PINK AREA, WE WOULD HAVE TO RENOTICE BECAUSE THAT WASN'T INCLUDED IN THE NOTICE. SO THAT PORTION WOULD HAVE TO COME BACK BETH TO COMMISSION AND YOU AND ALSO IF DO YOU APPROVE CS-1 OR WANT TO DO THAT IN THE FUTURE, THEY WOULD HAVE TO COME BACK FOR A CONDITIONAL USE PERMIT FOR THAT ADDED SPACE ALSO THAT WOULD BE ANOTHER STEP THAT THEY TAKE. QUESTIONS OR --

I DON'T THINK SO. QUESTION CURRENTLY HAVE CS-1 ZONING ON 6,400 SQUARE FEET.

YES.

BUT THE PINK PORTION AT THE BOTTOM OF THE PAGE IS A STAGE OPEN TO THE REST OF THE ESTABLISHMENT. IS THAT A VIOLATION OF CODE USE LEAVING IT OUT OF CS-1? IN ORDER FOR IT TO LEGALLY OPERATE. IF IT WERE TO HIT CS-1 ZONING THEY WOULD HAVE TO COME BACK IN AND AS WE DISCUSSED AT FIRST READING THEY WOULD HAVE TO GET A CONDITIONAL USE PERMIT TO OCCUPY THAT SPACE. I'M SURE AND MAYBE MR. MARTIN DO ALSO PEEK TO THAT AREA IF IT WAS PART OF THE ORIGINAL APPLICATION, I'M NOT SURE IF THAT WAS DISCUSSED AND I'M NOT AWARE IF THERE IS ANY OCCUPANCY, LOAD CARD, THAT IS FOR THE COCKTAIL LOUNGE, WHETHER THAT INCLUDES THE CURRENT OCCUPANCY WOULD INCLUDE THAT PAYS BECAUSE OF FIRE SAFETY ISSUES FOR EXITING AND THE NUMBER OF PEOPLE GETTING SAFELY IN AND OUT OF THE ESTABLISHMENT. BUT IF YOU WERE TO APPROVE CS-1 ZONING FOR THIS AND THEY SAID LAST TIME THEY WOULD NEED A PERMIT AND WE WOULD WORK WITH THE PROPERTY OWNERS TO MAKE SURE IT IS SAFE, SECURE SO PEOPLE CAN GET IN AND OUT. OTHER ISSUES ABOUT WHAT YOU SEE THE OWNER WOULD HAVE TO DISCUSS THAT WITH THE STATE IN MAKING SURE THEIR PERMITS ARE PROPER FOR THE ENTIRE SQUARE FOOTAGE THAT SOMEBODYING DISPLAYED HERE. -- THAT IS BEING DISPLAYED HERE.

COMMENTS OR QUESTIONS, MAYOR PRO TEM.

I'M CONFUSED NOW WHY THE STAFF RECOMMENDED THE FULL 7,700 IF IT WOULD HAVE HAD TO BE NOTICED.

THE CONDITIONAL USE PERMIT?

YEAH.

FIRST READING WE WERE RECOMMENDED THE ENTIRE 7600 SQUARE FEET AND WE CUT IT DOWN TO 6 -- WHATEVER, 6400, WHY WERE WE RECOMMEND BY STAFF TO ZONE 7600 CS-1 ON FIRST READING IF WE HAD TO NOTICE EVERYONE.

I GUESS THAT WITH A WAS AN OVERSIGHT ON OUR PART IF NOT HAVE THAT AREA INCLUDED IN OUR NOTICE BUT QUO BRING THAT AREA BACK TO YOU AFTER RENOTICE. I THINK

MR. MARTIN WANTS TO SAY SOMETHING.

I'M DIEING TO SAY SOMETHING.

MR. MARTIN IN.

A WHOLE BUNCH OF ISSUES THAT DIDN'T EVER COME FORWARD H. SPACE HAS BEEN USED FOR A CLUB FOR MANY, MANY YEARS. I'M NOT SURE WHEN IT WAS INITIATED AS A USE BUT THERE HAS NEVER BEEN ANY NOTICE FROM THE TABC THAT THEY ARE IN VIOLATION OF THEIR PERMIT, NEVER ANY NOTICE FROM THE CITY THEY ARE IN VIOLATION OR HAVE FAILED TO BE TAKEN THE RECOGNIZE WHICH ISITY PERMITS SO ALL OF THOSE ISSUES MAY NEED TO BE INVESTIGATED BY THEY ARE ALL BASED ON AN ASUMTION THERE MAY NOT BE A NONCONFORMING CONTINUING USE THAT WAS INITIATED A AS WHAT TIME IT IT WAS ALL PERFECTLY LEGAL. IT WAS ZONED IN '71. THERE HAS BEEN A CLUB THIS THERE AS FAR AS WE KNOW FOREVER, NOBODY HAS REALLY TOLD US WHEN. MY CLIENT TOOK OVER THE MANAGEMENT OF THIS PROPERTY IN 2003 AND IT HAS BEEN A CLUB, LICENSED BY THE TABC DURING THAT ENTIRE PERIOD AND IT WAS AT THE TIME WE TOOK IT OVER SO A LOT WHAT HAVE I THINK GREG IS SAYING, IF WE WERE STARTING FROM GROUND-ZERO IT MIGHT BE A BASIS FOR CONCERN BUT IT IS ENTIRELY POSITIVABLE THAT EVERY USE IN THERE WAS ESTABLISHED AT A TIME IT WAS PERFECTLY LEGAL AND IS CONTINUING SO NOT WITHSTANDING THE CHANGES IN ZONING REGULATIONS THAT HAVE HAPPENED EVERT YEARS. WE ARE SIMPLY ASK THAT EXISTING USE THAT HAS BEEN THERE, ALL THOSE ISSUES CAN BE RESOLVED AT LEAST WITH RESPECT TO THE CS-1 BY ZONING THE PROPERTY FOR THE 7,627 SQUARE FEET AS WAS PART THE ORIGINAL STAFF RECOMMENDATION THAT CAME TO YOU THE FIRST TIME.

THANK YOU. FURTHER COMMENT, QUESTIONS?

MORGAN STANLEY.NO CARRIERRINGCONNECT 57600 WHERE THE BAND KIND OF GOES BETWEEN SETS AND THINGS LIKE THAT, BUT I GUESS THE QUESTION IS, CAN WE GO AHEAD AND ZONE IT CS-1 AND GET IT ALL CONFORMING OR SINCE IT IS USED AS A BAND STAND CAN IT OPERATE LEGALLY LIKE IT

IS NOW IN THE ZONING WE CAN DO TODAY.

FIRST READING IT WAS APPROVED FOR I UNDERSTAND 6490 SQUARE FEET.

I'M SORRY, WHAT?

6,490 SQUARE FEET.

THAT'S CORRECT THAT WAS DONE AT FIRST READING. I DON'T BELIEVE WE HAVE AN ORDINANCE PREPARED THAT ADDRESSES THE LARGER SQUARE FOOTAGE SO IF YOU AND POSTING IS GENERAL ENOUGH THAT I THINK IT PEEKS TO ALL THE CATEGORIES IN YOUR POSTING SO WE COULD DO, I GUESS, SECOND READING ONLY ON THIS PARTICULAR TRACT AND BRING BACK THIS PARTICULAR TRACT AND ANOTHER MEETING, NEXT MEETING THAT WOULD ADDRESS THE LARGER SQUARE FOOTAGE, WE CAN STILL WORK WITH MR. MARTIN TO VERIFY THE, I GUESS THE NONCONFORMING USE STATUS FOR THIS ADDITIONAL AREA THAT IS BEYOND THE PINK OR IN THE PINK AREA. AND WE CAN WORK WITH HIM AND HIS CLIENT TYPICALLY THE CITY OF AUSTIN DOES NOT GO IN AND, UNLESS THERE IS A COMPLAINT, PROACTIVELY GO INVESTIGATE THE ZONING ISSUES OF HOW MUCH SPACE IS LEGALLY OR ILLEGALLY BEING USED. AND I'M NOT AWARE THAT THERE WAS AN ISSUE, A ZONING ISSUE AT LEAST THAT WAS BROUGHT UP THAT THIS WAS A PROBLEM UNTIL WE STARTED DOING PROCESS.

MY QUESTION IS, IF WE CAN WE GO AHEAD AND APPROVE THE ORIGINAL STAFF RECOMMENDATION FOR THIS TODAY?

NO, I THINK WE WOULD HAVE TO PREPARE THE ORDINANCE TO REFLECT THAT ADDITIONAL SQUARE FOOTAGE.

DID WE JUST DO THIS ON SECOND READING AND BRING BACK THE STAFF RECOMMENDATION ON THIRD READING.

WE CAN DO THAT, YES. AND THAT WOULD BE JUST FOR THIS TRACT AND WE WOULD BRING BACK IN, I GUESS TWO WEEKS.

I WOULD APPRECIATE THATMENT WAS CONFUSING LAST

TIME BECAUSE IT HAS BEEN THERE FOR SO LONG AND WE REALLY DIDN'T KNOW THE STRUCTURE OF THE BUILDING AND THAT IS WHY COUNCIL MEMBER MARTINEZ AND I WENT FOR THE SMALLER SIZE AND ASKED THE AGENT TO TRY AND FIGURE ALL THIS OUT.

IS IT LESS CONFUSING TONIGHT?

SECOND WILL STAY AND BRING BACK THIRD WITH STAFF RECOMMENDATION.

COUNCIL MEMBER MARTINEZ AND THEN McCracken.

IF I COULD GET AN ANSWER TO MY QUESTION, WE MIGHT BE ABLE TO PASS THIS ON SECOND AND THIRD READING. IF WE ADOPT ON SECOND AND THIRD READING WHAT WE ADOPTED ON THE FIRST READING WHAT HAPPENED TO THE ESTABLISHMENT AND STAGE AREA.

IF IT IS A LEGAL CONFORMING USE, NOTHING, IT KEEPS OPERATING AND IT KEEPS OPERATING. AND IF IT IS ILLEGAL USE IT WOULD NEED CS-1 ZONING TEXAS WOULD NEED THE CONDITIONAL USE PERMIT FAN THERE IS CHANGES WOULD WANT THE PROPER BUILDING PERMITS THE OWNER WOULD HAVE TO COME IN AND VERIFY THEY ARE IN COMPLIANCE WITH THE HEALTH SAFETY CODES.

BASED ON WHAT YOU KNOW ABOUT ITS CURRENT USE BEING A STAGE DO YOU BELIEVE IT IS A NONCONFORMING USE IF WE ZONE THE 6400 SQUARE FEET THAT WE APPROVED ON FIRST READING?

COUNCIL MEMBER, I DON'T HAVE ENOUGH KNOWLEDGE OF THE PROPERTY TO KNOW WHEN THAT ADDITION WAS DONE AND EVEN MR. MARTIN AGREES THAT HE AND HIS CLIENT AREN'T PRECISELY SURE WHEN THAT AREA WAS ADDED TO IT SO I DON'T KNOW. I KNOW THAT FOR MANY YEARS THE CITY OF AUSTIN HAS HAD IN ITS ORDINANCE REQUIREMENTS TO HAVE WHAT WAS CALLED A CONDITIONAL USE PERMIT OR SPECIAL USE PERMIT FOR BARS AND COCKTAIL LOUNGES AND IT DOES NOT A -- LOUNGES LOUNGES AND IT DOES NOT APPEAR THAT IT IS READILY AVAILABLE THAT

THIS PROPERTY FOR THAT PORTION HAS ONE.

I WOULD MORE COUNCIL MEMBER'S SUGGESTION OF SECOND READ AND TRYING TO FIX IT.

I HAVE A QUESTION, NOT ON 45-A, AND IT IS ON THE NUMBER OF THESE WE HAVE THE ITALICS OF MIXED USE. DOES THAT REQUIRE A MIXED USE OR IS THAT THE MULTIPLE CHOICE MIXED USE IN OUR CURRENT CODE.

THE TOP PORTION.

YEAH.

IS THE FUTURE LAND USE DESIGNATION.

GOT IT OKAY SO FOR INSTANCE BECAUSE THESE RIVER SIDE TRACTS ARE IN THE RIVER SITE QUARTER, THEY WOULD, TO BE MIXED USE, THEY WOULD HAVE TO BE A PROJECT. THEY HAVE A MECHANICKED USE.

RIGHT NOW WE DESIGNATED THEM AS MIXED USE ON THE NUMBER BECAUSE WE ARE PROPOSING MIXED USE BUILDINGS SO THAT WAS OUR REASONING BEHIND THIS TIME, BEHIND DESIGNATEING IT AS MIXED USE.

LET ME ASK YOU SOMETHING DIFFERENT, TO DO MIXED -- LET'S TAKE EXAMPLE ITEM 41, WHICH I'M LOOKING AT. IT IS AN EXAMPLE BECAUSE THERE IS A LOT OF THESE. BUT IT HAS CS-1-MU-CO-MP, SO WOULD THAT ALLOW THE OLD MULTIPLE CHOICE MIXED USE OR WOULD THAT REQUIRE THE MU?

IT DOES NOT REQUIRE THE MU RIGHT NOW, NOW THAT DISTRICT IS THE MULTIPLE CHOICE.

GOT IT OKAY. COUNCIL MEMBER MARTINEZ HAS INSPIRED DESCRIPTION OF RMU, I LOVE IT I KEEP REPEATING IT, I WILL KEEP GIVING HIM CREDIT TOO. THEN ON THESE, WOULD WE, WOULD THEY HAVE TO COME BLIGH DESIGN STANDARDS? -- COMPLY WITH DESIGN STANDARDS?

THAT WAS A RECOMMENDATION, IT CAN'T BE PART OF THE IN

ORDER NABS NOW BUT IT WAS RECOMMENDED IT COMPLY WITH DESIGN STANDARDS IN JANUARY AND OF COURSE THE NEIGHBORHOOD WOULD GET THE OPTION TO OPT OUT IF THEY CHOOSE.

WELL, REMEMBER, THE OPT OUT IS OF A DENSITY BONUS, NOT ON THE DMU OVER LAY.

OH, I'M SORRY.

THERE IS NO OPT OUT ON DESIGN STANDARDS. WE'VE RUN INTO SITUATIONS RECENTLY WHERE THERE IS SOME EFFORT TO GET AROUND, NOT IN THESE PROJECTS BY THE WAY THAT I'M AWARE OF BUT I WOULD LIKE TO SPECIFY IF WE TRY TO BUILD THIS DENSITY IT IS A VERY FAIR COMMENT THE NEIGHBORHOOD HAS HAD AND IT HAS BEEN CONFIRMED THAT ON THESE CORRIDORS WE ACTUALLY WANT MIXED USE OPPOSED TO THE HOLD MULTIPLE CHOICE DESIGNATION SO I THINK AS PART OF THAT WE NEED TO MAKE SURE THERE IS COMPLIANCE OF SIGN STANDARD ORDINANCE WHICH IS THE WAY WE HAD THE CONSENSUS OF NEIGHBORHOOD LEADERS AND DEVELOPERS AND PLANNERS ON THE BEST WAY TO DO THIS SO, HOW DO WE ENSURE THE DESIGN STANDARDS HAS TO BE COMPLIED WITH, IF SOMEONE TRIED TO SLIP A SITE PLAN IN THE NEXT TWO MONTHS.

UM, GREG?

WE CAN -- THE ONLY THING I CAN THINK OF IS THE OWNER COULD ENTER INTO A RESTRICTED COVENANT FOR THE CITY REGARDING THOSE STANDARDS. I'VE GOT THE OPENER'S REPRESENTATIVE AND SELF- --

I'M NOT TALKING PARTICULARLY ABOUT 41, I WAS USING 41 AS AN EXAMPLE, THERE IS ABOUT 15 OF THESE AND ABOUT 14 ARE DESIGNATED MIXED USE. I JUST WANT TO MAKE SURE, HERE WE ARE, WE HAVE AN OPPORTUNITY TO SEAT TRANSFORMATION OF THIS GATEWAY CORRIDOR IN AUSTIN AND I DON'T WANT TO SCREW IT UP TOO MUCH BUT DESIGN STANDARDS GOOD MORNING PLAY SO HOW DO WE MAKE THAT HAPPEN IS WHAT I'M TRYING TO FIGURE IT OUT.

RIGHT NOW IF THEY WERE TRYING TO TURN INSPECT PROJECT PART OF THOSE DATES, THEY WOULD BE GRAND PHATTERRED.

WE HAVE A COUPLE ZONING CAS TODAY WHERE WE REQUIRE COMPLIANCE TO DESIGN STANDARDS DO YOU REMEMBERING THE MOTION.

AND WE CAN INCORPORATE SOME OF THOSE STANDARDS BY CONDITIONAL OVER LAY OR RESTRICTED COVENANT WITH THE OWNERS BUT I'M NOT SURE. I THINK WHAT HAVE IN YOUR ORDINANCE IS THE FIRST PART OF THIS BE A THE LATTER PART IS NOT SPECIFICALLY PART OF YOUR ORDINANCE AS DRAFTED BUT IT COULD WORK WITH THE OWNER AND CREATE A COVENANT THAT WOULD INCORPORATE SOME OF THOSE STANDARDS.

IT SOUNDS LIKE WE ARE READY FOR SECOND READING ON THESE ONLY. BECAUSE I JUST HAPPENED TO SORT OUT WHAT COULD HAVE BEEN, YOU KNOW, 43 OR 47, YOU KNOW, I'M NOT TRYING TO SINGLE ONE OUT. NONE SEEM TO REQUIRE THAT AND THAT IS WHAT I'M TRYING TO FIGURE OUT. THE OWNER'S REPRESENTATIVE ON THIS PARTICULAR TRACT WOULDN'T BE AGREEABLE. I'M NOT SURE IF THAT WOULD PERTAIN TO THE OTHER ONES OUT THERE.

WHICH TRACT ARE YOU TALKING ABOUT?

41.

41, COMPLY WITH DESIGN STANDARDS.

41, 43 AND 44.

BUT NOT GROW DESIGN STANDARDS.

NO THEY WOULD.

THEY WOULD, OKAY. YEAH. I DON'T THINK IT WOULD BE A BIG DEAL BUT READY FOR A MOTION I WILL SUGGEST TWO THINGS ON THE QUARTERS THE MIXED USE REQUIRE VERTICAL MIXED USE AND WE REQUIRE COMPLIANCE WITH

DESIGN STANDARDS ON ALL COMMERCIAL PROPERTIES.

WE CAN WORD IT INTO THE COVENANT, WITH THE LAW DEPARTMENT.

THANK YOU. GOOD SUGGESTION COUNCIL MEMBER. COUNCIL MEMBER KIM?

SO COUNCIL MEMBER McCracken, when you say that on the major transportation corridors you want to have VMU, that also means require 10% affordability of MFI that opt in/opt out for the neighborhood?

YEAH, HA IS HOW WE HANDLE THE OPT IN/OPT OUT PROCESS, TRAILED OFF FOR AFFORDABILITY.

IF THE NEIGHBORHOOD OPTS IN, IT WOULD HAVE TO BE 10% AT 60% FMI?

OR 80, WHICH EVER THE NEIGHBORHOOD ELECTS. BUT THAT IS AN ISSUE EXCLUSIVE NEIGHBORHOOD'S DESCRIPTION.

IF THEY WOULD NOT OPT IN IT WOULD NOT HAVE AN AFFORDABILITY REQUIREMENT.

CORRECT.

AND STILL HAVE TO HAVE AN CUES.

AN EXEXECUSE.

FOR REQUIRED MIXED USE.

THANKS.

FURTHER COMMENT, QUESTIONS? COUNCIL MEMBER KIM?

WAS THERE A MOTION?

NOT YET.

OKAY, NEVER MIND.

COUNCIL MEMBER McCracken.

I will make a motion to approve on second reading, it appears, approve on second reading the items as adopted by council on first reading that for 45-A, which would allow from 45-A a CS-1, is that right? Yes. And then also to require that all commercially-zoned properties comply with design standards, and also, require that property, that mixed use properties be vertical missioned use under the DMU ordinance.

To clarify, you are talking about all the properties in, on the core transit corridor comply with commercial --

all commercially-zoned properties --

on the core transit corridor comply with the commercial design standards.

No, just blanket all commercially-zoned properties.

Okay, all commercial.

Mayor and council we are going to have to explore how we can create that mechanism because we may not be appropriate for conditional overlay, it may have to be a restrictive covenant that would be a negotiation situation with the owners of each one of these tracks.

On third reading?

I think we only do second reading.

If I could try clarify again, 45-A, council member and/or mayor pro tem, how might this second reading --

I'm looking at our staff we do second reading, do we need to do second reading as we did first

READING OR CAN WE GO AHEAD AND DO SECOND READING WITH THE LARGER FOOTPRINT. SINCE WE DON'T QUITE KNOW WHAT TO DO. I WOULD LIKE TO DO IT WITH A LARGER FOOTPRINT, UNLESS WE CAN'T.

ARE WE SPEAKING OF THE CASE OF MR. ANDREW MARKET TEN IS REPRESENTING.

YES.

I THINK IF THE COUNCIL WOULD DESIRE TO TAKE IN THE ADDITIONAL SQUARE FOOTAGE --

TO DO WHAT NOW IN.

IF THE COUNCIL WOULD LIKE TO TAKE IN THE ADDITIONAL SQUARE FOOTAGE WE CAN APPROVE THAT ON SECOND READING AND BRING THAT BACK FOR A THIRD READING AT A LATER DATE THAN INCLUDES A LARGER AREA.

THAT WOULD BE MY MOTION ON SECOND READING AND THEN YOU WILL COME BACK WITH SOME DEFINITIVE ANSWERS SO WE WILL KNOW WHAT IT DO ON THE FINAL READING.

WE CAN --

THE FINAL RECOMMENDATION.

WE CAN ASK MR. MARTIN IN REGARDS TO, THAT THE REMAY UNDERSTANDER OF THAT AREA AND TRY TO DETERMINE IN THIS TIME --

THE INTENT HERE IS TO TRY TO GET IT CONFORMING AND SO WHATEVER WE HAVE TO INCLUDE AT LAST READING, A THIRD READING TO MAKE IT CONFORM,, IF WE CAN GET AWAY THAT INCLUDING ALL OF IT, THAT IS FINE, IF WE CAN'T I WOULD LIKE TO DO THAT SO SECOND READING INCLUDES. THAT WOULD BE MY PROPOSAL.

AND THEN THE MOTION AS I UNDERSTAND ALSO WOULD SAY TO ALL COMMERCIALY-ZONED PROPERTIES COMPLYING

WITH COMMERCIAL DESIGN STANDARDS.

YEAH. WHAT I SUGGEST IS WE START BUILDING THAT INTO STAFF RECOMMENDATIONS FROM NOW ON. THE REASON WHY, I DISCOVERED SOME THINGS, THERE WAS CONFUSION ABOUT THAT NOT JUST IN THIS NEIGHBORHOOD PLAN BUT GOING FORWARD WE'VE ALREADY ADOPTED IT SO I DON'T WANT TO SEE A SITUATION WHERE WE MISS OUT ON THAT.

THE ONLY THING I MIGHT POINT OUT IS ONE PROPERTY OWNER'S REPRESENT THAT I HAVE CAME FORWARD THAT IS NOT IN THE CORE TRANSIT CORE AND WANTED TO SEEK MORE INFORMATION, THE ONLY SECOND READING WE CAN MEET WITH HIM AND PROJECT COMING BACK AND EXPLAIN WHAT THE POTENTIAL IMPACT MAY BE. THAT WAS MR. HE JEFF HOLLARD REPRESENTING A PROPERTY OWN THEIR OWN AS TRACT ON 356789 THAT IS NOT LOCATED IN THE CORE TRANSIT CORRIDOR.

THE APPLICATION OF DESIGN ON AN OFFICE PROPERTY HIGHWAY IS VERY NEGLIGIBLE SO WE CAN TWO THROUGH. PROBABLY PEEK TO THE LIGHTING AND LANDSCAPE ORDINANCES, THAT WOULD BE THAT -- ANY PROPERTY WITH THE MIXED USE DISTRICT YOU WOULD LIKE THAT TO BE VM YES.

OKAY, THANK YOU.

IF WE DISCOVER THERE IS SOME BIG GLAICH EMERGES IN A PROPERTY BEFORE THIRD READING WE CAN GET THAT SORTED OUT.

OKAY.

WE HAVE A MOTION ON THE TABLE, SECONDED BY, A MOTION BY COUNCIL MEMBER McCracken, SECONDED BY MAYOR PRO TEM TO APPROVE ON SECOND READING ONLY ALL THESE ZONING CASES AS APPROVED ON FIRST READING, WITH THE EXCEPTION OF 45-A, WHERE THE INTENT IS TO INCLUDE THE LARGER COMPLYING FOOTPRINT AND ALSO REQUIRING THAT ALL COMMERCIAL-ZONED PROPERTY COMPLY WITH THE COMMERCIAL DESIGN STANDARDS AND THAT OUR MIXED USE DESIGNATION IN

FACT, REQUIRE THE VERTICAL MIXED USE, VMU. --
VERTICAL MIXED MIXED USE.

I WILL ABSTAIN FROM THIS BECAUSE THERE ARE A NUMBER
OF CASES I VOTED IN ON BUT TO SAVE EVERYONE'S TIME I
AM GOING TO BE A STAIN GIVE A LIST 6 THE TRACTS TO THE
CITY CLERK.

THANK YOU, FURTHER COMMENT, QUESTIONS? COUNCIL
MEMBER LEFFINGWELL.

EYE WANT TO MAKE SURE I'M CLEAR ON THIS FIRST OF ALL I
GUESS WE ARE ONLY ON SECOND READING BECAUSE IT
TAKESTAKES TIME TO PREPARE IN WRITING ALL THESE
CONDITIONS, IS THAT CORRECT?

YES.

NOW, ON THE ONE CONDITION WHERE IT SAYS, IF I
UNDERSTOOD CORRECTLY, EVERYTHING DESIGNATEAS
MIXED USE WOULD BECOME VERTICAL MIXED USE, IS THAT
WHAT I UNDERSTOOD?

YES, THAT WAS COUNCIL MEMBER McCracken.

OKAY VERTICAL MIXED USE HAS THE OPT OUT PRIVILEGE
CAN IN T? YOU CAN OPT OUT OF VERTICAL MIXED USE SO IF
YOU CHOOSE TO OPT OUT OF VMU, WHERE DOES THAT PUT
NEW.

YOU CAN OPT OUT OF THE DENSITY BONUS OR
DEVELOPMENT BONUS PORTION SO IN OTHER WORDS, IF
THEY WERE GOING TO BE BUILT AS MIXED USE, SHETHEY
WOULD HAVE TO BE VERTICAL MIXED USE.

I DON'T THINK YOU ARE ON.

YEAH, I WILL START TALKING IN MY MICROPHONE THOUGH.
IT WOULD HAVE TO, THE OPTING OUT IS EXCLUSIVELY
ABOUT THE PARKING RATIOS AND ABOUT THE DENSITY CAPS
THAT THERE ARE WAIVERS AND THE AFFORDABILITY,
RESPONSIBILITIES THAT COME WITH THE ENHANCED

DEVELOPABILITY.

BUT WITH A IT NOT ALSO REQUIRE THAT ALL THESE MIXED USE BE TRUE MIXED USE?

THAT DID NOT ONE WAY OR THE OTHER. IN OTHER WORDS, YOU CAN DEVELOP THE BASIC VERTICAL MIXED USE PROJECT AND THEN IF YOU WANT TO DEVELOP MORE OF THAT, THEN THE RESPONSIBILITY COMES WITH IT TO HAVE THE AFFORDABILITY COMPONENT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] MOTION MOTION PASSES ON A VOTE OF 6-0 WITH COMMITMENT..... COUNCILMEMBER KIM ... WE ARE NOW IN RECESS AND WILL CONTINUE WITH PROCLAMATIONS AND LIVE MUSIC.

Mayor Wynn: OKAY, FOLKS, IT'S TIME FOR OUR LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL. JOINING US TODAY IS THE MOTLEY CREW OF STRING BANDS AS WE LIKE TO REFER TO THEM. WHO PLAY EACH YEAR AT A PHENOMENAL HALLOWEEN PARTY, THE MAYOR GETS LOTS OF E-MAILS THE NEXT COUPLE OF DAYS AFTERWARDS. JOINING US IS WHITE GHOST SHIVERS, GAINING A REPUTATION FOR THEIR ENERGY ACTIVE LIVE SHOWS, THEIR DISTINCTIVE JAZZ, SWING, 1920'S HILL BILLY RAG TIME. THEIR ORIGINAL TRACK ENTITLED EVERYBODY HAS GOT 'EM, THEY PLAYED AT THIS YEAR'S AUSTIN CITY LIMITS MUSIC FESTIVAL AND ALSO WON A 2006 AUSTIN MUSIC AWARD FOR BEST NONE OF THE ABOVE CATEGORY [LAUGHTER] PLEASE JOIN ME IN WELCOMING WHITE GHOST SHIVERS.

HEY Y'ALL! [(music) MUSIC PLAYING (music)(music)] [(music) SINGING (music)(music)] [(music) SINGING (music)(music)] [APPLAUSE]

WELL, THANKS FOR HAVING US.

OKAY, WHERE DOES ONE GO GET EVERYBODY'S GOT 'EM? HOW DOES ONE GET THE NEW RELEASE?

OOH, WEBSITE, YOU CAN GO TO OURS, www.whiteghostshivers.com OR MY SPACE, OF COURSE, HEAD ON OVER TO CHEAP-O DISCS, WATERLOO, BACK OF THE

TRUCK.

ALWAYS THE BACK OF THE TRUCK.

SO OTHER THAN NEXT HALLOWEEN, WHERE CAN WE HEAR YOU NEXT.

MY GOODNESS, YOU WEREN'T AT THE HALLOWEEN BALL THIS YEAR. [LAUGHTER] ALTHOUGH I DO HAVE SOME SWAG FOR YA.

.....YA.

> SOME WHAT?

YOU CAN SEE US TONIGHT ACTUALLY AT THE BIRTH OF THE SHIVERS AT BEER LAND. WE ARE GOING TO REVISIT THE HOMELAND THERE. AND WE HAVE GOT A GREAT NIGHT OF MUSIC, SO COME ON BY BEER LAND TONIGHT. WE ARE ALSO THE ARTIST IN RESIDENCE AT THE AUSTIN LYRIC OPRAH, WE HAVE TWO SHOWS WITH THEM THIS WEEKEND, www.austinlyric.com..... www.austinlyricopera.org, BUT WE ARE OPENING FOR MADAM BUTTERFLY, BE PREPARED.

SO WHERE WILL THE HALLOWEEN PARTY BE NEXT YEAR?

WE DON'T KNOW. HOPEFULLY SOMEWHERE. WE LIKE TO CHANGE IT UP EVERY TIME. POSSIBLY CITY HALL.

NOW THAT I'M TERM LIMITED I THINK THAT I WILL GO THIS YEAR. BEFORE YOU LEAVE WE HAVE A SPECIAL PROCLAMATION THAT READS: BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY, AND WHEREAS THE DEDICATED EFFORTS OF AUSTIN'S ARTISTS FURTHER OUR STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD, NOW THEREFORE I WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM TODAY, NOVEMBER 16th, 2006 AS A WHITE GHOST SHIVERS DAY IN AUSTIN [APPLAUSE] AND CALL ON ALL AUSTINITES TO JOIN ME IN CONGRATULATING THEM. [APPLAUSE]

THANK YOU VERY MUCH. I HAVE A GOODIE FOR YOU.

THANK YOU.

HERE YOU GO.

PERFECT. [LAUGHTER] EXCELLENT. THE REST OF THE DAY,
HOW ABOUT A WHOLE YEAR?

SIX HOURS LEFT.

THANK YOU VERY MUCH.

THANK YOU.

YEA!

THANKS, EVERYBODY. [APPLAUSE]

CAN HE WE PLAY AGAIN?

NO. [LAUGHTER]

CHECK IT OUT.

FREE PARKING. AS THEY BREAK DOWN, WE WILL USE THIS
PODIUM TO DELIVER A FEW PROCLAMATIONS. THIS FIRST
ONE IS PARTICULARLY FUN FOR ME PERSONALLY, I'M GOOD
TO GIVE AN HONORARY GIFT CERTIFICATE TO OUR GOOD
FRIEND MORE RAY WHO HAPPENS TO SERVE AS THE
CONSUL GENERAL OF MEXICO. I WILL JUST SAY THAT AUSTIN
HAS BEEN VERY, VERY BLESSED OVER THE LAST REALLY
GENERATION OR SO, WE'VE HAD A SIGNIFICANT,
SPECTACULAR SERIES OF CONSUL GENERALS ASSIGNED TO
US. BY MEXICO CITY. NONE FINER THAN OUR FRIEND JORGE.
WHAT'S BEAUTIFUL AND FUN ABOUT OFFERING HIM HIS
HONORARY CITIZENSHIP HERE IN AUSTIN IS THAT HE AND
HIS WIFE ARE EXPECTING, I THINK IN -- ANY DAY NOW?

ACTUALLY APRIL. A WAYS TO GO, SKILL. BUT OF COURSE AS
THE -- THE OTHER ONE WILL BE BORN HERE IN AUSTIN, SHE
WILL BE AN AUSTIN AND U.S. CITIZEN, OF COURSE, WE THINK
THAT IT'S WHOLLY APPROPRIATE THAT DAD GET HIS

HONORARY CITIZENSHIP WITH THE LITTLE ONE. A FEW WORDS ABOUT MORE..... JORGE, FROM MONTERREY, A BACHELOR FROM GEORGETOWN, A MASTER'S IN PUBLIC POLICY FROM HARVARD UNIVERSITY'S KENNEDY SCHOOL OF GOVERNMENT. FROM '94 TO '97 HE WORKED IN THE WASHINGTON D.C. OFFICES OF TWO OF THE COUNTRY'S, ACTUALLY THE WORLD'S LARGEST PUBLIC AFFAIRS FIRMS BASED IN D.C. FROM YOU.... '97 TO 2000 THE DIRECTOR OF COMMUNICATIONS FOR THE GOVERNOR OF LEON. APPOINTED BY PRESIDENT FOX AND SWORN IN AS CONSUL GENERAL HERE IN AUSTIN. MARRIED AND HAS A TWO-YEAR-OLD SON ALREADY NAMED JORGE AND VERY EXCITED OF COURSE ABOUT THE SECOND ONE ON THE WAY.

IT READS: ON THE 16th DAY OF NOVEMBER, 2006, PLEASE JOIN ME IN CONGRATULATING AND WELCOMING OUR NEWEST HONORARY CITIZENS, MORE..... JORGE. [APPLAUSE]

I GUESS BEFORE I THANK YOU, I GUESS WHERE DO I PAY MY TAXES? NOW THAT I'M A CITIZEN I'M RESPONSIBLE FOR THAT, THANK YOU VERY MUCH.

PAY YOUR PARKING TICKETS NOW.

I HAVE -- THIS IS QUITE AN HONOR FOR ME, AS THE MAYOR MENTIONED, MY WIFE AND I ARE EXPECTING. WE FOUND OUT TODAY A DAUGHTER WHO IS GOING TO BE AN AUSTINITE. OF COURSE OUR SON IS MEXICAN, AS ARE WE, SO IT'S QUITE AN HON FOR TO KNOW THAT I'M ALSO GOING TO SHARE CITIZENSHIP WITH MY DAUGHTER AND ALSO IT'S AN HONOR FOR ALL OF MEXICO AND ALL MEXICANS WHO LIVE HERE FOR ME TO RECEIVE THIS DISTINCTION BY YOU, MAY. I VERY MUCH APPRECIATE IT. IT'S A GREAT OPPORTUNITY. THANK YOU VERY MUCH. [APPLAUSE]

THANK YOU.

TO KEEP WITH OUR THEME, OUR FIRST -- NOW BEGINNING WITH OUR PROCLAMATIONS AND CERTIFICATES OF CONGRATULATIONS AND THE LIKE, WE ARE ACTUALLY HERE CELEBRATING THE INTERNATIONAL TRADE WITH MEXICO CERTIFICATE PROGRAM GRADUATES. WE HAVE A NUMBER

OF STUDENTS WHO ARE GETTING THESE CERTIFICATES. JUST A COUPLE HERE ARE WITH US. I'M GOING TO READ ONE OF THESE CERTIFICATES, I WILL READ THE NAMES OF THE STUDENTS WHO WILL BE RECEIVING THEM AND THEN ALY WILL SAY A FEW WORDS ABOUT HER PAST EXPERIENCE AND ALSO THE PROGRAM AND WHAT WE ARE ACCOMPLISHING HERE IN AUSTIN WITH THE CITY. SO I GUESS THAT I SHOULD FIRST JUST GO AHEAD AND READ THE NAMES OF THE STUDENTS. AS BEST I CAN. WHO WILL BE RECEIVING THESE CERTIFICATES. SARAH BOREL, I'M SORRY IF I MISPRONOUNCED SOME OF THESE, SANDRA DEL DAGO, ... GREG HAMILTON, RAY, CECILIA BLANCEZ, BETTER THAN INDEPENDENT COUNSEL KENNETH -- BERNADO LOPEZ, TAYLOR THOMAS, MILTON TORRES AND HAROLD WASH ARE ALL RECEIVING THE FOLLOWING CITY OF AUSTIN CERTIFICATES OF CONGRATULATIONS. AND THEY -- THEY ALL READ: -- WITH OF COURSE THE NAMES CHANGED. THIS IS TO CERTIFY THOSE STUDENTS HAVE SUCCESSFULLY COMPLETED THE INTERNATIONAL TRADE WITH MEXICO'S CERTIFICATION PROGRAM SINCE 2002, THE GREATER AUSTIN HISPANIC CHAMBER OF COMMERCE AND IN PARTNERSHIP WITH THE AUSTIN COMMUNITY COLLEGE AND THE CITY OF AUSTIN HAVE HELPED SMALL BUSINESSES AND INDIVIDUALS BECOME PLAYERS IN THE EXPANDING INTERNATIONAL MARKET. WE ARE PLEASED TO CONGRATULATE THIS YEAR'S CERTIFICATE PROGRAM GRADUATES AND TO WISH THEM WELL IN THEIR TRADE EFFORTS WITH MEXICO. AND THE REST OF LATIN AMERICA. PRESENTED THIS 16th DAY OF NOVEMBER, 2006, SIGNED BY ME, MAYOR WYNN, BUT ALSO ACKNOWLEDGED BY THE ENTIRE CITY COUNCIL. MAYOR PRO TEM BETTY DUNKERLY AND COUNCILMEMBERS LEE LEFFINGWELL, MIKE MARTINEZ, JENNIFER.

Kim:, BREWSTER MCCRACKEN AND SHERYL COLE, CERTIFICATES OF CONGRATULATIONS TO OUR GRADUATES THIS YEAR. PLEASE JOIN ME IN CONGRATULATING THEM ALL. [APPLAUSE] NOW I WOULD LIKE TO ASK NAOMI TO COME SAY A FEW WORDS ABOUT HER EXPERIENCE IN THE PROGRAM.

WELL, FIRST OF ALL, ON BEHALF OF THE GREATER AUSTIN HISPANIC CHAMBER OF COMMERCE, AND MEXICO TRADE

CENTER AND OUR STUDENTS, I WOULD LIKE TO THANK THE MAYOR FOR HAVING US HERE TONIGHT. AND FOR RECOGNIZING OUR STUDENTS AT THE MEXICO TRADE CENTER. THE GOAL OF THE MEXICO TRADE CENTER IS TO FOSTER AND PROMOTE COMMERCE BETWEEN MEXICO AND THE UNITED STATES, ESPECIALLY AUSTIN, TEXAS. AND WELL FIRST OF ALL I WOULD LIKE TO INVITE TWO OF THE STUDENTS THAT ARE SITTING THERE, SANDRA AND BLANCA TO JOIN US. I AM THE DIRECTOR OF THE MEXICO TRADE CENTER AND I ALSO HAD THE PLEASURE TO TAKE THE INTERNATIONAL TRADE WITH MEXICO CERTIFICATION PROGRAM AND AS THE MAYOR SAID THIS IS A PROGRAM THAT IS PARTNERSHIP BETWEEN AUSTIN COMMUNITY COLLEGE AND THE MEXICO TRADE CENTER. AND THE CERTIFICATION PROGRAM IS ONE OF THE MANY PROGRAMS ON INTERNATIONAL BUSINESS THAT THE MEXICO TRADE CENTER HAS. AND IT WAS FOUNDED -- THE MEXICO TRADE CENTER WAS FOUNDED IN '02 IN A PARTNERSHIP BETWEEN THE CITY OF AUSTIN, A.C.C., AND THE HISPANIC CHAMBER TO -- TO HELP SMALL BUSINESSES AND INDIVIDUALS TO ENTER THE INTERNATIONAL MARKET. THESE STUDENTS HAVE SUCCESSFULLY COMPLETED THE PROGRAM. JUST FINALLY I WOULD LIKE TO INVITE YOU ALL TO -- TO JOIN THE CHAMBER OR VISIT US AT THE CHAMBER AND LEARN MORE ABOUT OUR PROGRAMS AND SERVICES. YOU CAN CALL US AT 476-7502 OR VISIT YOU US AT OUR WEBSITE www.hispanicAustin.com. [APPLAUSE]

Mayor Wynn: THANK YOU. I'M JOINED BY AT LEAST A QUORUM IT LOOKS LIKE OF THE DESIGN COMMISSION. WE ARE HERE TO ISSUE A DISTINGUISHED SERVICE AWARD FOR JOHN PATTERSON AND UNFORTUNATELY JOHN COULDN'T BE WITH US BECAUSE OF ILLNESS, BUT WE ARE GOING TO HEAR SOME WORDS ABOUT HIS GREAT SERVICE TO THE CITY. I'LL READ THE DISTINGUISHED SERVICE AWARD AND ELEANOR OR GERARD OR SOMEBODY ELSE CAN STEP UP AND SAY A FEW WORDS ABOUT JOHN. THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD READS: WE ARE PLEASED TO RECOGNIZE AND HONOR JOHN PATTERSON AIA FOR HIS OUTSTANDING PUBLIC SERVICE AND LEADERSHIP DURING HIS NINE YEAR TENURE AS A MEMBER OF THE CITY OF AUSTIN DESIGN COMMISSION, WHICH INCLUDED SERVICE AS

PARLIAMENTARIAN, VICE CHAIR AND CHAIR. WE APPRECIATE HIS HELP IN DRAFTING THE DOWNTOWN DESIGN GUIDELINES, ADD ADVOCACY FOR THE HOMELESS AND PUBLIC ART. THE CERTIFICATE IS PRESENTED IN GRATITUDE FOR HIS SERVICE TO OUR CITY, THIS 16th DAY OF NOVEMBER, THE YEAR 2006, SIGNED BY ME, BUT ACKNOWLEDGED BY THE ENTIRE CITY COUNCIL, THE CITY OF AUSTIN DESIGN DISTINGUISHED SERVICE AWARD FOR MR. JOHN PATTERSON, AIA. [APPLAUSE]

WELL, THERE'S NO WAY I CAN STAND IN FOR JOHN, BUT THESE ARE HIS WORDS, HE WANTED ME TO READ THEM TO YOU TONIGHT. GOOD EVENING, MAYOR AND COUNCIL. IT IS WITH SINCERE REGRET THAT I AM UNABLE TO ATTEND THIS SERVICE ACKNOWLEDGMENT AND RECOGNITION DUE TO A RECENT ILLNESS. ON MY BEHALF THE CURRENT DESIGN COMMISSION CHAIR GRACIOUSLY AGREED TO SUBMIT THIS STATEMENT INTO YOUR RECORD. I WISH TO THANK YOU AND COUNCIL FOR THIS RECOGNITION OF MY VOLUNTEER EFFORTS AND THE OPPORTUNITY TO HAVE SERVED ON THE DESIGN COMMISSION SINCE APPOINTMENT IN 1998 THROUGH 2006. I WOULD ALSO LIKE TO PERSONALLY THANK COUNCILMEMBERS WILLIE LEWIS AND DANNY THOMAS FOR THEIR SUPPORT IN THIS ENDEAVOR AND FOR THEIR SERVICE TO THE COMMUNITY. PLEASE NOTE THAT THIS RECOGNITION OF COUNCILMEMBER EFFORTS HAS ALSO BOLSTERED BY MY CONFIDENCE IN THE NUMEROUS CITY STAFF AND OTHER CONTRIBUTORS WHO PARTICIPATE UNDERSTAND THE SUCCESS ATTAINED DURING MY SERVICE ON THE ECONOMY. A GREATER LESTING OF SUCH INDIVIDUALS AND OTHER PLANNING PROFESSIONALS WOULD REQUIRE MORE TIME THAN APPROPRIATE THIS HOUR. IN RESPECT TO THE LEGACY OF THE PAST DESIGN COMMISSIONS AND EFFORTS ON ALL CURRENT MEMBERS ON SUBJECTS FACED BY OUR COMMUNITY, REGARDING THE BUILT ENVIRONMENT AS EVIDENCED THROUGH THE ADOPTED DESIGN GUIDELINES AND FOCUS SUBJECTS, CHARGED THE COMMISSION WITH PROVIDING A UNIQUE AND DIVERSE SETTING FOR CIVIC DIALOGUE, A EXTEND AND WARM DEEP NOTE OF APPRECIATION AND ENCOURAGEMENT TO THE COMMISSIONERS FOR THEIR CONTINUING SERVICE TO THE COMMUNITY. I TRUST THAT IN

SOME SMALL WAY MY CONTRIBUTIONS TO ENHANCING THE QUALITIES OF OUR COMMUNITY WILL BENEFIT THE CITY IN ITS CONTINUING TRANSFORMATIONS AS A GREAT CIVIC PLACE AND URBAN SETTING. MAYOR AND COUNCIL, THANKS FOR OFFERING THE SERVICE ON THE DESIGN COMMISSION AND FOR YOUR CONSIDERATION AT THIS MOMENT. WITH SINCEREST THOUGHTS, JOHN C. PATTERSON, ARCHITECT. [APPLAUSE]

OUR FIRST OFFICIAL PROCLAMATION IS GOING TO BE THE THANKSGIVING IMAGE PROJECT. THOSE OF US WHO SPEND A DISPROPORTIONATE AMOUNT OF TIME DOWNTOWN WE HAVE SEEN THESE IMAGES IN THE HEART OF OUR CITY, SIXTH AND CONGRESS, SO PROUDLY DISPLAYED, USUALLY IN THE SCARBOROUGH BUILDING WINDOWS, FUNDAMENTALLY THE ART IS DISSEMINATED THROUGHOUT THE COMMUNITY. DOING THIS NOW FOR SIX YEARS. ANOTHER GREAT EXAMPLE OF CITIZENS STEPPING UP IN A PHILANTHROPIC WAY. SAYING THAT PUBLIC ART DOES INDEED MATTER AND MAKES OUR LIVES AND CITIES THAT MUCH MORE LIVEABLE AND ENJOYABLE. I WILL READ THE PROCLAMATION AND OUR FRIEND DENNIS McDANIEL WILL COME UP AND SAY A FEW WORDS AND INTRODUCE JOHNNY WALKER OUR ARTIST. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS THE THANKSGIVING IMAGE PROJECT WAS COMMISSIONED BY THE AUSTIN FAIR CHILD ART FOUNDATION TO ENCOURAGE THE EXPRESSION OF GRATITUDE BY VISUALLY CONVEYING THE SPIRIT OF UNIVERSAL THANKSGIVING; WHEREAS THIS YEAR'S WORK ENTITLED THE MESSAGE BY JOHNNY WALKER IS 700 PAGES OF WORDS AND IMAGES OF GRATITUDE ARRANGE UNDERSTAND A LOOSE GRID SO THEY CAN BE VIEWED AT ONCE, THE SENTIMENTS FROM CHILDREN, SOLDIERS, FRIENDS, PRESIDENTS, BUSINESSMEN, CLERGY AND OTHERS. WHEREAS THE INSTALLATION CREATES A PORTRAIT OF THE WORLD THAT ENCAPSULATES BOTH THE HARDSHIP AND STRUGGLE OF LIFE AND THE KINDNESS AND GRACE OF THOSE WHO REACH OUT TO HELP. IT WILL REMAIN ON VIEW THROUGH FIRST NIGHT, OUR COMMUNITY CELEBRATION, DECEMBER 31st OF THIS YEAR. NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM NOVEMBER 2006 ALL THE WAY

THROUGH THE NEW YEAR'S AS THANKSGIVING IMAGE PROJECT IN AUSTIN, AND PLEASE JOIN ME FIRST IN THANKING DENNIS McDANIEL AND THE FAIR CHILD ART FOUNDATION FOR BRINGING US THIS GIFT NOW FOR SIX YEARS, WE WILL LET DENNIS INTRODUCE JOHNNY AND TALK ABOUT THE PROJECT. DENNIS, THANK YOU. [APPLAUSE]

GOOD EVENING, EVERYBODY, I'M DENNIS McDANIEL, CO-DIRECTOR OF THE AUSTIN FAIR CHILD ART FOUNDATION, MY WIFE JILL THE OTHER CO-DIRECTOR WOULD BE HERE, SHE'S IN OHIO WITH OUR DRIVER WHO JUST DELIVERED OUR FIRST GRANDCHILD. SO THAT'S GOOD. THE AUSTIN FAIR CHILD ART FOUNDATION WAS FORMED 22 YEARS AGO. FOR THE LAST SIX YEARS OUR THANKSGIVING IMAGE PROJECT WE HAVE CHOSEN AN ARTIST TO DEVELOP A PIECE OF ART FOR PUBLIC DISPLAY THAT EXPRESSES THE UNIVERSAL QUALITIES OF GRATITUDE AND THANKSGIVING. AND THEN WE TAKE THOSE IMAGES AND WE PRINT THEM ON CARDS AND POSTERS AND WE GIVE THEM TO NON-PROFIT ORGANIZATIONS LIKE MEALS ON WHEELS AND CARITAS AND SETTLEMENT HOME, HABITAT FOR HUMANITY, IMAGINE ART, AUSTIN MILES, ET CETERA. FOR THOSE OF YOU THAT AREN'T NON-PROFIT, IF YOU GO TO www.austinfairchild.org WE WILL BE GLAD TO SELL YOU SOME AT COST. THAT'S A GOOD THING. THE WESTBOUND DISPLAY THIS YEAR IS GOING TO BE A LOT CLOSER TO YOU HERE AT CITY HALL. I WOULD LIKE TO INTRODUCE THIS YEAR'S ARTIST, JOHNNY WALKER TO TELL YOU A LITTLE BIT ABOUT IT. [APPLAUSE]

HI, I WANT TO THANK JILL AND DENNIS McDANIEL. THEY HAVE BEEN NOT ONLY ECONOMICSED THE WORK, BUT -- COMMISSIONED THE WORK, BUT GUIDED ME THROUGH THIS WHOLE PROCESS. THIS IS THE SECOND PROJECT THAT I HAVE DONE WITH THEM, THEY'RE WONDERFUL. I ALSO WANT TO MAKE SURE THAT EVERYBODY KNOWS THE PROJECT THIS YEAR IS NOT AT 6th AND CONGRESS. WE HAVE MOVED IT. IT'S IN TWO LOCATIONS. IT WILL BE OVER HERE AT 2nd AND GUADALUPE, AND THEN IT WILL ALSO BE DOWN ACROSS FROM THE CHILDREN'S MUSEUM ON 2nd STREET. WE HAVE ALSO INSTEAD OF THE 700 IMAGES, IT'S NOW 1200 IMAGES. AND THEY ARE ALL MESSAGES OF GRATITUDE FROM ALL AROUND THE WORLD. THEY WILL BE UP FROM -- UNTIL TOMORROW I'M GOING TO FINISH PUTTING SOME UP

TOMORROW, I WILL PUT THE REST UP TOMORROW MORNING. THEY WILL BE UP STARTING TOMORROW, BE HERE FOR THANKSGIVING, RUN UNTIL NEW YEARS, WHICH IS WHEN FIRST NIGHT AUSTIN ENDS, SIX WEEKS. IF YOU GO GET OUT TO FIRST NIGHT AUSTIN THAT WOULD BE WONDERFUL. I NEED TO SAY THANK YOU TO HANOVER COMPANY, THEY STEPPED UP TO ALLOW US TO PUT THE WORK IN THERE, ALSO AMLI DEVELOPMENT RIGHT HERE ON SECOND AND GUADALUPE. PLEASE COME OUT AND SEE THE WORK. I APPRECIATE IT. THANK YOU GUYS VERY MUCH. [APPLAUSE]

IF YOU HAVEN'T GUESSED, I'M JOINED BY THE CROCKETT HIGH SCHOOL PALS, I HAVE A PROCLAMATION REGARDING THE AMERICAN CANCER SOCIETY'S GREAT AMERICAN SMOKEOUT, T.J. PAL FROM THE PALS IS GOING TO TALK TO US ABOUT HOW STUDENTS AT CROCKETT HIGH ARE HELPING OUT. BEFORE I DO, I WILL JUST SAY THAT -- THAT WE HERE IN AUSTIN HAVE HAD A GOOD RENICED FOCUS ON FITNESS AND HEALTH IN THIS COMMUNITY. WE ALL HAVE RECOGNIZED THE COST OF HEALTH CARE IN THIS COMMUNITY. YOU KNOW, WE PROBABLY CAN'T DO MUCH ABOUT THE COST OF -- OF PRESCRIPTION DRUGS, WE PROBABLY CAN'T DO MUCH ABOUT THE COST OF -- OF DIFFERENT SURGICAL PROCEDURES IN OUR HOSPITALS. BUT WE CAN DO SOMETHING ABOUT OUR PERSONAL FITNESS AND HELP. WE CAN REDUCE THE COST OF HEALTH CARE IN THIS COMMUNITY BY REDUCING THE NEED FOR HEALTH CARE. OUR MAYOR'S FITNESS COUNCIL ACTUALLY HAS NOW CREATED AN AUSTIN FITNESS INDEX. IT MORE THAN FITNESS, IT'S ABOUT HEALTH. WE HAVE FOUR BIG PILLARS ON THAT INDEX. CERTAINLY PHYSICAL ACTIVITY AND ONE'S FITNESS LEVEL IS A PART OF IT. SO IS NUTRITION, YOUR BODY WEIGHT. OUR FIRST SORT OF FOURTH AND FUNDAMENTAL PILLAR OF THAT INDEX IS IN FACT CESSATION OF TOBACCO USE. DISPROPORTIONATELY IF WE CONTINUE TO HAVE PEOPLE STOP SMOKING, MAKE SURE THEY DON'T START TO BEGIN WITH, THEN WE WILL HAVE A POSITIVE IMPACT ON THE NEED FOR HEALTH CARE AND THEREFORE HAVING A REDUCTION IN THE COST OF HEALTH CARE IN THIS COMMUNITY. AND VERY PROUD OF THE -- OF THE 30 YEARS NOW I GUESS THAT THE AMERICAN CANCER

SOCIETY HAS HAD ITS GREAT AMERICAN SMOKEOUT TO TRY TO ENCOURAGE AND HELP PEOPLE TO STOP SMOKING. NOW WE HAVE GOOD LOOKING YOUNG PEOPLE HELPING WITH THAT CAUSE. SO LET ME READ THE PROCLAMATION AND T.J. WILL STEP UP AND TALK ABOUT CROCKETT HIGH. THE PROCLAMATION READS: BE IT KNOWN WHEREAS FOR 30 YEARS THE AMERICAN CANCER SOCIETY'S GREAT AMERICAN SMOKEOUT HAS ENCOURAGED SMOKERS TO QUIT FOR A LIFETIME BY STARTING WITH JUST ONE DAY; WHEREAS MORE AMERICANS DIE EVERY YEAR FROM TOBACCO RELATED DISEASES THAN FROM AIDS, ALCOHOL, CAR ACCIDENTS, FIRE, ILLEGAL DRUGS, MURDERS AND SUICIDE COMBINED; AND INCREASING NUMBERS OF TEENS ARE EXPERIMENTING WITH AN ADDICTIVE SUBSTANCE THAT CAUSES INCREASED RISK OF CANCER. WHEREAS WE ENCOURAGE ALL SMOKERS TO DEMONSTRATE TO THEMSELVES AND OUR CHILDREN THAT THEY CAN QUIT AND WE URGE CHILDREN NOT TO START SMOKING BY JOINING TODAY'S GREAT AMERICAN SMOKEOUT. NOW THEREFORE I WILL WYNN, MAYOR OF THE AUSTIN, DO HEREBY PROCLAIM TODAY NOVEMBER 16th AS THE AMERICAN CANCER SOCIETY'S GREAT AMERICAN SMOKEOUT IN AUSTIN AND CALL ON T.J. TO COME TALK TO US ABOUT HOW YOUNG PEOPLE ARE GETTING THIS MESSAGE, GOING TO HELP US SPREAD THE MESSAGE, PARTICULARLY WHAT THEY ARE DOING AT CROCKETT HIGH. T.J.? [APPLAUSE]

HI, YOU GUY, HOW IS EVERYBODY DOING? I'M T.J., BEHIND ME I HAVE THE CROCKETT HIGH SCHOOL PALS AND WE ARE REPRESENTING NOT ONLY OUR SCHOOL BUT ALL AISD PALS ORGANIZATIONS AND WE ARE HERE BECAUSE AS PALS WE ARE REQUIRED TO PLEDGE TO BE TOBACCO AND DRUG FREE AND WE FIND THAT ALL STUDENTS, HIGH SCHOOL STUDENTS, ANYONE COULD SUPPORT THIS -- EXCUSE ME, I'M FREEZING UP. NERVOUS. WE -- AS WE ARE DRUG FREE AND WE SUPPORT ANY CAUSE THAT PREVENTS, STOPS, SLOWS DOWN, DOES ANYBODY TO HELP US -- ANYTHING TO HELP US AND REDUCE THE NUMBER OF STUDENTS WHO EXPERIMENT WITH TOBACCO AND DRUGS AND ALCOHOL AND EVERYTHING ELSE. HERE WE HAVE A COUPLE OF FACTS THAT I WOULD LIKE TO READ OFF. THERE'S BEEN GREAT PROGRESS BUT THERE IS MUCH MORE TO ACCOMPLISH TO

SIGNIFICANTLY REDUCE TOBACCO RELATED CANCER, DIAGNOSIS AND DEATHS. SMOKING IS UNDOUBTEDLY THE MOST PREVENTIBLE CAUSE OF DEATH IN THE UNITED STATES AND YET THERE'S AN ESTIMATED 45.4 MILLION CANCER RELATED TOBACCO DEATHS IN THE UNITED STATES. SMOKING PREVALENCE IN THE UNITED STATES IS INCREDIBLY HIGH, YOUTH SMOKING, WAY MORE THAN IT SHOULD BE. 21.9% OF HIGH SCHOOL STUDENTS, 21.9% OF THE PEOPLE THAT I GO TO SCHOOL WITH THAT I'M WITH SMOKE. AND THAT'S JUST HORRIBLE. WHEN I READ THAT, MY MIND WAS LITERALLY BLOWN. LUNG CANCER IS THE LEADING CAUSE OF CANCER DEATH FOR MEN AND WOMEN THIS YEAR AND THIS YEAR ALONE THERE'S APPROXIMATELY 438,000 DEATHS CAUSED BY CANCER FROM -- FROM TOBACCO SMOKING. AND I WAS -- WHEN I HEARD THIS, I WAS SHOCKED, APPALLED, I DIDN'T UNDERSTAND IT. I'M PROUD THAT CROCKETT PALS AND AISD PALS IN GENERAL IS STANDING UP TO DO SOMETHING AGAINST THIS. LIKE THE BACK OF OUR SHIRTS SAY, PALS IS NOT JUST A CLASS, IT IS A WAY OF LIFE. WE THANK YOU VERY MUCH FOR ACKNOWLEDGING THIS CAUSE, THANK YOU. [APPLAUSE] [APPLAUSE]

I'M NOW GOING TO TURN THE PODIUM OVER TO COUNCILMEMBER COLE.

Cole: PLEASE COME UP, GENTLEMEN. HISTORY WILL JUDGE US NOT BY THE THINGS THAT WE HAVE DONE RIGHT, BUT HOW WE HANDLED SOME OF THE THINGS THAT'S GONE WRONG. AND ONE OF THE THINGS THAT WE KNOW HAS GONE WRONG, EVEN TODAY, IN WONDERFUL AUSTIN, TEXAS, TRAVIS COUNTY, IS THE PLIGHT OF AFRICAN AMERICAN MALES. THEY ARE 42% OF THE DROPOUT RATE, ONE THIRD OF THE NUMBER INCARCERATED. THEY HAVE THE HIGHEST HEALTH -- DEATH RATES THAN ANY OTHER GROUP IN AMERICA. DESPITE THESE TRENDS, THERE'S A BEACON OF HOPE IN OUR COMMUNITY. HIS NAME IS MICHAEL LOFTON. AND HE STARTED AN ORGANIZATION CALLED THE AFRICAN-AMERICAN MEN'S AND BOYS' CONFERENCE. THIS HAPPENS EVERY MONTH WHERE HE INVITES AN ARRAY OF SPEAKERS, I HAVE SPOKEN THERE, ALSO, AND ACTUALLY GETS PEOPLE ENGAGED ON SOLVING MANY OF THESE PROBLEMS. DROPOUT, UNEMPLOYMENT, UNDEREMPLOYMENT, A WHOLE

GREAT HOST OF ISSUES THAT FACE OUR COMMUNITY THAT NEED ATTENTION. ONE OF THE THINGS THAT IS PARTICULARLY EXEMPLARY ABOUT THIS ORGANIZATION AND THE EFFORTS THAT HAVE BEEN PUT IN BY ALL OF THESE PEOPLE IS THAT IT'S DONE WITHOUT GOVERNMENT. I CAN'T SAY THAT THE CITY PARTICIPATES IN ANY ORGANIZED WAY OTHER THAN WHEN I GO AND SPEAK. AND THEY HAVE MADE TREMENDOUS PRESENCE IN THIS COMMUNITY AND MANY, MANY HOURS OF PUBLIC SERVICE. SO IT'S WITH GREAT PLEASURE THAT I WOULD LIKE TO READ THE PROCLAMATION FROM THE CITY OF AUSTIN, FOR A COMMUNITY SERVICE AWARD, TO ALL OF YOU, THE AFRICAN-AMERICAN MEN AND BOYS CONFERENCE IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITIONS. PROBLEMS LIKE HIGH DROPOUT RATES, HEALTH CARE AND EMPLOYMENT ISSUES AND HIGH INCARCERATION RATES LEAD TO THE DEVELOPMENT -- LED TO THE DEVELOPMENT OF MONTHLY MEN AND BOYS CONFERENCES TO ADDRESS THESE TOPICS AND INVOLVE THE COMMUNITY IN SOLVING THEM. THE CONFERENCES USE A WORKSHOP FORMAT TO DISCUSS AND PROVIDE STRATEGIES TO DEAL WITH SUCH ISSUES AS STUDY HABITS, RESPECT, CONFLICT WITHOUT VIOLENCE AND DECISION MAKING. THERE ARE WORKSHOPS FOR STUDENTS AND PARENTS WITH SOME DESIGNED ESPECIALLY FOR SINGLE MOTHERS RAISING SONS. MEN IN THE COMMUNITY HAVE STEPPED FORWARD TO FACILITATE PRESENTATIONS AND SERVE AS MENTORS. IT'S A COMMUNITY'S SELF HELP PROGRAM THAT IS WORKING. THIS CERTIFICATE IS PRESENTED IN RECOGNITION THEREOF AND WITH BEST WISHES FOR CONTINUED SUCCESS, THE 16th DAY OF NOVEMBER, IN THE YEAR 2006, MAYOR WILL WYNN AND THE COUNCILMEMBERS OF THE CITY OF AUSTIN. [APPLAUSE]

FIRST OF ALL, I WANT TO SAY THAT IT'S AN HONOR TO BE HERE. I AM GLAD THAT I'M NOT HERE ALONE. ON A MONTHLY BASIS I'M NOT ALONE. I WANT TO SAY THANK YOU TO COUNCILMEMBER COLE, THANK YOU TO MAYOR WYNN AND ALL OF THE OTHER CITY COUNCIL MEMBERS. I WANT TO SAY THIS HERE ON BEHALF OF THE FOLKS THAT YOU SEE HERE TODAY, THAT -- THAT WHAT WE ARE DOING ON A MONTHLY BASIS IS PHENOMENAL. WE HAVE OVER THE LAST SEVERAL MONTHS HAVE HAD OVER 500 OR SO MEN, WOMEN, BOYS,

GIRLS, THERE IN THE AREA HIGH SCHOOLS. I WOULD BE REMISS IF I DIDN'T THANK AISD. I WOULD BE REMISS IF I DIDN'T THANK THE CITY OF AUSTIN. AND ESPECIALLY SOMEBODY AND I'M NOT GOING TO HOG THE MIC, BECAUSE THERE'S SOMEBODY HERE THAT I WANT HIM TO COME UP AND SAY A COUPLE OF THINGS. BUT I WANT TO SAY WHAT WE'RE DOING ON A MONTHLY BASIS IS -- IT WOULD HAVE BEEN EASY FOR US TO SIT BACK AND THROW STONES AT THE CITY OF AUSTIN OR AT AISD. BUT DUE TO A LOT OF THINGS THAT WE ARE SEEING HAPPENING WITH OUR KIDS, BUT THERE COME A POINT IN TIME IN YOUR LIFE WHERE YOU HAVE TO TAKE RESPONSIBILITY FOR YOUR OWN ACTIONS AND SO RATHER THAN CAST STONES, YOU KNOW, WE WENT TO DR. FORGIONE AND A NUMBER OF FOLKS AND SAID WHAT CAN WE DO TO HELP? SO IN DOING THIS, WE BEGAN TO HOST CONFERENCES AND WE ARE HOSTING THE CONFERENCES ON A MONTHLY BASIS AND IT'S A GRASS ROOTS EFFORT AND FOLKS FROM THE COMMUNITY LIKE THESE FOLKS. THOUGH I MAY BE RECEIVING THE AWARD, BUT IT'S FOLKS LIKE YOU SEE HERE, STARTING WITH COUNCILMEMBER COLE AND I GO ON AND ON, BECAUSE THESE ARE THE FOLKS THAT ARE BEING IN -- HAVE BEEN AN VERY INSTRUMENTAL ROLE IN NOT ONLY ORGANIZING, FACILITATING, HOSTING THE WORKSHOPS, THESE ARE THE FOLKS HERE BEHIND THE SCENE. I WOULD BE REMISS IF I DIDN'T SPECIFICALLY CALL OUT MR. LARRY JACKSON OF EAST SIDE STORY FOUNDATION, BECAUSE LARRY IS MY NEIGHBORHOOD AND TOO MANY TIMES WHEN I GET BOGGED DOWN WITH THINGS, I HAVE QUESTIONS IN THE BACK OF MY MIND, I GO OVER TO HIS HOUSE AT 10:00, 11:00, 12:00 AT NIGHT, JACK GET UP WE NEED TO TALK. I COULD GO ON AND ON FOR DAYS. ONE OTHER PERSON IS MY SIGNIFICANT OTHER, DOLORES COFFEY, SHE ASSISTS ME WITH COMPUTER WORK. IT'S A LOT OF WORK TO HOST A CONFERENCE ON A MONTHLY BASIS. I WANT TO SAY THE PRINCIPAL FROM MCCALLUM HIGH SCHOOL, I DON'T SEE HIM IN HERE, MIKE GARRISON. HEY. BLENDED RIGHT IN. ALL OF YOU -- I WANT TO TELL YOU SOMETHING. THE NEXT MEN AND BOYS CONFERENCE, AFRICAN-AMERICAN MEN AND BOYS CONFERENCE IS GOING TO BE THIS SATURDAY AT 10:00 AT MCCALLUM HIGH SCHOOL. WE DEFINITELY WANT TO THANK YOU, MR. GARRISON, FOR ALLOWING US TO HAVE IT THERE.

Y'ALL GIVE HIM A HAND BECAUSE IT TAKES A LOT FOR FROM HIS STAFF AND EVERYTHING SO I WANT TO RECOGNIZE HIM. AND SO ON THAT -- ON THAT NOTE THERE, I WANT TO THANK EACH AND EVERY ONE OF YOU PERSONALLY BECAUSE THIS IS Y'ALL'S AWARD. SINCE LARRY IS REALLY MY PARTNER WITH THIS HERE, I WOULD LIKE TO ASK MR. JACKSON TO COME UP ON BEHALF OF EAST SIDE STORY FOUNDATION AND SAY A FEW WORDS.

FIRST I WANT TO THANK THE COUNCILMEMBER AND IT'S A VERY GOOD THING SHE WON THE ELECTION. SHE HAS DEDICATED HERSELF TO IDENTIFYING THIS AS A PRIME ISSUE. MY GOAL IS THE PERSON THAT SHOULD GET THE ACCOLADES FOR THIS. I AM VERY, VERY GRATEFUL TO SUPPORT SOMEONE. I KNOW HOW IT IS BEING OUT THERE ON AN ISLAND BY YOURSELF TO WHERE YOU DON'T HAVE PROPER SUPPORT SYSTEM. I HAVE TRIED TO DO FOR MICHAEL WHAT IN SOME SITUATIONS I HAVE LACKED, THE KIND OF SINCERE OPEN AND DEDICATED SUPPORT. THIS EFFORT IS GOING TO WORK BECAUSE WE ARE PLACING THE RESPONSIBILITY IN THE HOME. THIS IS NOT AN EFFORT FOR WHICH WE EXPECT GOVERNMENT TO DO ANYTHING EXCEPT GET OUT OF THE WAY. [LAUGHTER] [APPLAUSE]

ANYBODY ELSE WANT TO SAY ANYTHING? I SEE ONE GENTLEMAN SITTING OUT THERE AND THAT'S MR. SHANNON JONES. SHANNON JONES WITH THE CITY OF AUSTIN HEALTH AND HUMAN SERVICES, IT WAS HIS E-MAIL THAT ACTUALLY STARTED THE FIRST CONFERENCE BECAUSE HE RESPONDED BACK WHEN IT WAS JUST A THOUGHT AND A PERCEPTION OF WHEN I SENT IT OUT, HE CAME BACK AND SAID IF YOU ALL WANT TO HOST THIS CONFERENCE, YOU ALL CAN USE THE CITY OF AUSTIN FACILITIES, ZARAGOSA, WHEN I GOT THAT E-MAIL I KNEW IT WAS TIME. MR. JONES, THANK YOU VERY MUCH. [APPLAUSE]

McCracken: THIS IS MY FAVORITE TIME EVERY OTHER MONTH, WE ANNOUNCE THE UNITED WAY'S VOLUNTEER OF THE MONTH. SO TO TELL US ALL ABOUT IT, WE HAVE ALL OF OUR VOLUNTEERS OF THE MONTH, CAN YOU TELL BUS THE VOLUNTEER OF THE MONTH PROGRAM AND HOW TO VOLUNTEER AT UNITED WAY.

SURE. I'M WITH HANDS ON CENTRAL TEXAS, WHICH IS THE CIVIC ACTION PART OF UNITED WAY CAPITAL AREA. EVERY MONTH WE RECOGNIZE AN OUTSTANDING VOLUNTEER IN OUR COMMUNITY AND WE HAVE TWO VOLUNTEERS THIS MONTH THAT WE ARE RECOGNIZING, THEY ARE FROM SEPTEMBER AND OCTOBER ACTUALLY. AND THEY HAVE DONE JUST INCREDIBLE WORK AND IF YOU ARE INTERESTED IN FINDING OUT HOW YOU CAN VOLUNTEER GO TO OUR WEBSITE AT www.handsonCentralTexas.org.

McCracken: OUR FIRST VOLUNTEER OF THE MONTH IS MARJORIE BRONK, WITH A NAME LIKE BRUS STEER MCCRACKEN, I ALWAYS MAKE SURE YOU CAN PRONOUNCE EVERYBODY ELSE'S NAME.

CAN YOU TELL US ABOUT YOURSELF FIRST AND HOW YOU CAME TO VOLUNTEER.

ACTUALLY I HAVE BEEN A NURSE FOR MANY, MANY YEARS AND RETIRED AND HAD A LOT OF SPARE TIME AND WE MOVED FROM AUSTIN WHERE WE HAD LIVED FOR 27 YEARS, TO BURNET, WHICH IS A GREAT PLACE TO LIVE AND I TELL YOU THAT TRAFFIC IS MUCH NICER THERE. [LAUGHTER] ANYWAY I'VE HAD THE OPPORTUNITY TO VOLUNTEER WITH MANY ORGANIZATIONS. THE ORGANIZATION THAT DID SPONSOR ME FOR THIS AWARD IS OUR SETON HIGHLAND LAKES HOSPICE PROGRAM. I'VE HAD A GREAT OPPORTUNITY TO WORK WITH SOME WONDERFUL STAFF AND SOME WONDERFUL CLIENTS AND I'VE REALLY ENJOYED IT. THANK YOU SO MUCH FOR THIS HONOR.

McCracken: THANK YOU, I'M GOING TO READ THE PROCLAMATION. IT'S A CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE SEPTEMBER 2006 VOLUNTEER OF THE MONTH, MARJORIE BRONK IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. SHE IS A RETIRED RN AND LENDS HER CONSIDERABLE PROFESSIONAL AND ORGANIZATIONAL SKILLS TO THE SETON HIGHLAND LAKES HOSPICE IN NUMEROUS CAPACITIES. SHE IS LEAD SEVERAL GRIEF SUPPORT GROUPS, BEREAVEMENT PACKETS, TRAINS NEW VOLUNTEERS IN GRIEF SUPPORT AND HELPED PLAN THE ANNUAL HOSPICE MEMORIAL SERVICE. MARJORIE IS

CONSIDERED A VOLUNTEER EXTRA NARROW, ALSO PROVIDES ASSISTANCE IN ALZHEIMER'S SUPPORT GROUP. AND HER CHURCH. SHE IS THE BACKBONE OF SETON HIGHLAND LAKES BEREAVEMENT PROGRAM THIS 16th DAY OF NOVEMBER, 2006, FROM MAYOR WILL WYNN AND THE CITY COUNCIL OF AUSTIN, THANK YOU AND CONGRATULATIONS. [APPLAUSE] I ALWAYS PROBABLY EVERYONE FEELS VERY PERSONALLY INADEQUATE WHEN WE HEAR ALL OF THE CONTRIBUTIONS OF OUR VOLUNTEERS OF THE MONTH. THANK YOU VERY MUCH FOR WHAT YOU ARE DOING. AND NOW I'M GOING TO HAVE A LITTLE PAROCHIAL HOME TEAM FAVORITISM HERE FOR MAYRE ARTUSI, AND HOW MANY TEAM DEAL IS THAT MY WIFE MINDY IS A PROSECUTOR ASSIGNED TO THE CENTER FOR CHILD PROTECTION, SO SHE OFFICES OUT OF CHILD PROTECTIVE SERVICES, I KNOW WHAT YOU ALL ARE DOING YOU WOULD BE AMAZED -- I GUESS THE GREAT STORY THERE DISTRICT ATTORNEY RONNIE EARLE ALWAYS TELLS IS WHEN THEY FIRST STARTED TRYING TO PUT TOGETHER THE CHILD PROTECTION TEAM -- YOU CAN TELL THE STORY. SANDRA MARTIN.

RONNIE EARLE HAS LOTS OF STORIES. WHICH ONE WOULD THAT BE?

JUST HOW IT CAME TO BE. RESISTANCE OF THE POLICE INITIALLY.

YEAH. THIS -- OUR PROGRAM STARTED WITH THE DEATH OF A SMALL BOY AND AN ATTENTION TO THE FACT THAT CHILD VICTIMS NEEDED EXTRA SUPPORT. AND SO WHEN RONNIE EARLE CALLED ALL OF THOSE PEOPLE WHO INTERVENED WITH CHILD ABUSE VICTIMS TOGETHER TO SAY THAT THERE WAS NO RESISTANCE IS A GROSS UNDERSTATEMENT. NOBODY LIKED THE IDEA OF WORKING TOGETHER. AND SO WHEN HE FIRST TOLD THEM THEY WERE GOING TO BE DOING THAT THEY SAID NO WAY. A FEW MONTHS LATER THEY WERE ALL DATING EACH OTHER [LAUGHTER] SO EVERYONE HAS LEARNED TO WORK TOGETHER COLLABORATIVELY IN THE BEST INTERESTS OF CHILDREN.

McCracken: ALSO TELL US ABOUT MAYRE ARTUSI AND THEN

TELL US ABOUT YOURSELF, TOO.

OKAY.

I'M THE VOLUNTEER COORDINATOR, I HAVE BEEN OUT FOR A LITTLE WHILE, BUT I CAN TELL YOU THAT MAYRE IS A WONDERFUL VOLUNTEER. SHE'S BEEN WITH US FOR ALMOST FIVE YEARS. IN FEBRUARY. DONE AN AMAZING JOBS. SHE WORKS WITH A DIFFICULT PROGRAM, WORKING WITH CHILDREN WHO HAVE BEEN SEXUALLY ABUSED, BASICALLY COMING IN FOR A MEDICAL EXAM. SHE REALLY HELPS THE DOCTOR OR PEDIATRICIAN MAKES THE CHILDREN FEEL AT EASE, HELPS THEM IN A DIFFICULT SITUATION. DOES IT WITH SUCH GRACE, SUCH A WONDERFUL PRESENCE WE LOVE HAVING HER THERE. WE CAN'T IMAGINE LIFE WITHOUT HER THERE AT THE CENTER. IT'S A GREAT PLEASURE THAT SHE WON THIS AWARD.

TELL US ABOUT HOW YOU CAME TO BE INVOLVED.

WELL, IN A KIND OF ROUNDABOUT WAY, IT WAS MY HUSBAND THAT PUSHED ME INTO IT. HE MET SANDRA, SHE WAS DOING A -- THROUGH UNITED WAY AND HE VISITED SEVERAL AGENCIES AND THE CENTER FOR CHILD PROTECTION WAS ONE OF THEM. AND MET SANDRA, WAS VERY IMPRESSED WITH THE CENTER AND WITH WHAT THEY WERE DOING THERE. CAME HOME AND SAID WEREN'T YOU LOOKING FOR SOMETHING TO DO?!! AND GAVE ME ALL OF THE INFORMATION AND I GOT IN CONTACT WITH MELISSA, WHO WAS WONDERFUL AND CONVINCED ME THAT YES THAT WAS EXACTLY WHAT I WANTED TO DO. AND IT HAS BEEN FOR THE LAST ALMOST FIVE YEARS. AND I JUST WANT TO SAY THAT -- THAT I ENJOY WHAT I DO THERE WHICH SOUNDS A LITTLE ODD, BUT IT'S TRUE. I DO ENJOY WHAT I DO THERE. AND THE MAIN REASON I THINK IS THE WONDERFUL PEOPLE THAT I GET TO WORK WITH. SO -- I'M PRIVILEGED. THANK YOU.

McCracken: I'M GOING TO READ THE PROCLAMATION, CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE OCTOBER 2006 VOLUNTEER OF THE MONTH, MAYRE ARTUSI IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. EVERY WEDNESDAY FOR THE PAST FOUR YEARS SHE HAS

PROVIDED SUPPORT AND COMFORT TO CHILDREN WHO HAVE BEEN VICTIMS OF PHYSICAL OR SEXUAL ABUSE WHILE THEY UNDERGO THEIR MEDICAL EXAMS THROUGH THE CENTER FOR CHILD PROTECTION CHILD ASSESSMENT PROGRAM. HER PROFICIENCY IN SPANISH HAS BEEN VERY HELPFUL, BUT ALSO HAS ENABLED HER TO PROVIDE ASSISTANCE WITH HOME VISITS AND SPANISH PARENTING CLASSES. THE ENTIRE FAMILY IS SUPPORTIVE OF HER INVOLVEMENT AND ARE LEARNING FROM HER THE VALUE OF COMMUNITY INVOLVEMENT. THIS CERTIFICATE PRESENTED IN RECOGNITION OF HER COMMITMENT TO THE TINIEST VICTIMS OF CRIME WITH OUR ADMIRATION FROM THE 16th DAY OF NOVEMBER IN THE YEAR 2006, FROM MAYOR WILL WYNN, THE CITY COUNCIL OF AUSTIN, THANK YOU VERY MUCH AND CONGRATULATIONS. THANKS A LOT. [APPLAUSE] BEFORE WE GO THROUGH OUR ZONING CASES, WE ANNOUNCED EARLIER THIS MORNING OUR INTENTION TO POSTPONE I BELIEVE IT WAS PUBLIC HEARING NUMBER 77. ALTHOUGH, YOU KNOW, TECHNICALLY WE CAN'T TAKE THAT POSTPONEMENT VOTE UNTIL AFTER THE POSTED TIME CERTAIN OF 6:00 P.M. JUST A CONFIRMATION BY STAFF THAT THE RECOMMENDATION IS TO POSTPONE PUBLIC HEARING 77.

YES, SIR, MY NAME IS GARY [INDISCERNIBLE], WITH WATERSHED PROTECTION, AT THE REQUEST OF A COUNCILMEMBER WE ARE REQUESTING POSTPONEMENT OF ITEM 77 TO DECEMBER 7th. THE APPLICANT HAS AGREED TO THE POSTPONEMENT.

Mayor Wynn: GREAT. SO COUNCIL I WILL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER LEFFINGWELL TO POSTPONE PUBLIC HEARING NUMBER 77 TO DECEMBER 7th, 2006. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 4-0 WITH POSTPONE WITH COUNCILMEMBERS KIM, MCCRACKEN AND COLE TEMPORARILY OFF THE DAIS.

THANK YOU, MAYOR.

MR. GUERNSEY THAT TAKES US BACK TO OUR DISCUSSION ITEMS ON ZONING. THAT BRINGS US BACK TO ITEM NO. 59, C14-050112 IN EAST RIVERSIDE, 1708, 1712, 1720 LAKE SHORE DRIVE. THIS IS A REZONING REQUEST FROM MULTI-FAMILY RESIDENCE MEDIUM DENSITY OR MF 3 DISTRICT ZONING TO COMMUNITY COMMERCIAL GR DISTRICT ZONING. THE STAFF RECOMMENDATION WAS TO GRANT THE GR DISTRICT ZONING AND THE PLANNING COMMISSION RECOMMENDATION WAS TO FORWARD THIS WITHOUT A FORMAL RECOMMENDATION BECAUSE THEY COULD NOT REACH A QUORUM ON THEIR MOTION. AS WE MENTIONED EARLIER THIS EVENING, THIS IS IN THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD AREA, WE SUGGESTED THIS AREA BE REMOVED AS MENTIONED EARLIER FROM THE FUTURE LAND USE MAP. THIS TRAVIS COUNTY..... TRACT AND THE APPLICATION OF THE NEIGHBORHOOD COMBINING DISTRICT ALSO BE, THIS TRACT BE REMOVED FROM THAT. IF YOU ACT ON THIS CASE THIS EVENING, WHICH IS ONLY READY FOR FIRST READING, WE WOULD BRING BACK THE FUTURE LAND USE MAP, ALSO THE [INDISCERNIBLE] ON THE FLUM AT THAT TIME. CURRENTLY THE USE, ZONING IS MULTI-FAMILY RESIDENTIAL AND AS YOU CAN SEE, IT ADJOINS TOWN LAKE AND IS IMMEDIATELY SOUTH OR EXCUSE ME NORTH OF EAST RIVERSIDE DRIVE JUST DOWN THE STREET ON LAKE SHORE. THE PROPERTY IS ZONED MF 3. AND THE PROPERTY OWNER HAS A DESIRE FOR GR ZONING IN THEIR REQUEST TO CONSTRUCT 375 RENTAL APARTMENT UNITS AT 55 FEET AND THEN ADDITIONAL TOWNHOUSES PLUS OR MINUS 50 TOWNHOUSES AT THREE STORIES. APPROXIMATELY 10,000 SQUARE FEET OF RETAIL. FUL ALLOWS -- APPROXIMATELY ALLOWS 60 PERCENT IMPERVIOUS COVER. THE GRR DISTRICT ALLOWS 90% IMPERVIOUS COVER GR. ALSO LOCATED IN THE WATERFRONT OVERLAY DISTRICT. MIXED USE IS ALLOWED. BY WAY OF THE WATERFRONT OVERLAY, THEY WOULD BE ABLE TO ZOO IT WITHOUT HAVING MIXED USE APPLY TO THIS PROPERTY. AS I MENTIONED BEFORE, THE PLANNING COMMISSION MOTION FAILED. THE FIRST MOTION IS TO APPROVE WITH 375 UNITS AND TO PROHIBIT GATED DRIVEWAYS, THAT MOTION FAILED ON A VOTE OF 4-3, THEY

NEEDED FIVE FOR A MAJORITY VOTE. THIS FORWARD THIS UNANIMOUSLY TO THE COUNCIL WITHOUT A RECOMMENDATION. THE PROPERTY OWNERS REPRESENTATIVE IS HERE THIS EVENING. THIS IS A PUBLIC HEARING. MAYOR, AS SAID BEFORE, THIS WOULD ONLY BE READY FOR FIRST READING. NOTING IF YOU DO DECIDE TO MOVE FORWARD ON THIS CASE, WE WOULD BRING BACK THE FUTURE LAND USE MAP AND THE APPLICATION OF THE NP COMBINING DISTRICT AT A LATER DATE WITH SECOND AND THIRD READINGS.

QUESTIONS FOR STAFF, COUNCIL?

MAYOR.

COUNCILMEMBER MARTINEZ?

SINCE THE CO FAILED AT PLANNING, WOULD THAT BE SOMETHING THAT WE ARE GOING TO BE ENTERTAINING TONIGHT AS A COUNCIL.

Guernsey: YES. IF YOU WANTED TO LIMIT THE NUMBER OF UNITS TO THAT SAME NUMBER, 375, YOU COULD DO THAT TO A GREATER NUMBER OR TO A LESSER NUMBER, THE COUNCIL COULD CERTAINLY ADD A CONDITIONAL OVERLAY THAT SPEAKS TO THAT.

Martinez: THAT 375 UNITS IS THAT TOTAL ON THE ENTIRE SITE OR.

Guernsey: TOTAL NUMBER OF APARTMENT UNITS ON THE PROPERTY. IF YOU RECALL THERE'S A LOT OF CONCERNS THAT'S BEEN RAISED BY THE EAST RIVERSIDE OLTORF COMBINED THEY ARE NOT AGAINST APARTMENTS, BUT THEY ARE NOT SEEKING A NET INCREASE IN THE NUMBER OF APARTMENT UNIT OUT THERE. THAT'S WHAT THEIR CONCERN IS. MAY HAVE BEEN PARTLY WHY THAT ISSUE CAME UP.

Martinez: IS THERE AN OWNERSHIP COMPONENT TO THIS DEVELOPMENT? I KNOW IT'S MIXED USE, BUT IS IT --

Guernsey: EXCUSE ME.

Martinez: MIXED USE?

Guernsey: MIXED USE WOULD BE ALLOWED. WHAT MELISSA WAS HANDING ME IS THAT THE COMMISSION HAD A DESIRE TO APPLY THAT 375 UNIT LIMITATION OVER THE ENTIRE PROPERTY. LET ME PUT THIS UP SO YOU CAN SEE IT. WE ARE ONLY ZONING A PORTION OF THE PROPERTY THAT THE APPLICANT OWNS. AND SO THE DESIRE WAS TO MAKE THAT APPLICATION OF THE UNIT LIMITATION OVER BOTH THE PINK AND THE GREEN AREA. WHICH WOULD COMPRISE THE ENTIRETY OF THE PROPERTY. BUT SPEAKING TO YOUR QUESTION ABOUT THE MIXED USE, MIXED USE WOULD BE ALLOWED ON THIS PROPERTY, THEY COULD DO A MIXTURE OF RETAIL, OFFICE, RESIDENTIAL USES. THEY DO NEED SOME OF THE RETAIL ZONING OR THE COMMERCIAL ZONING, EVEN THOUGH IT IS JUST COMMERCIAL, IT'S SUBJECT FOR THE FRONT -- WATERFRONT OVERLAY DOES ALLOW RESIDENTIAL USES. SO THEY WOULD NEED TO HAVE AN MU WITH THAT PARTICULAR PROPERTY. IT WOULD BE ALLOWED BY RIGHT UNDER THE WATERFRONT OVERLAY DISTRICT.

Martinez: IT WAS ALSO REPRESENTED THAT A PORTION OF THE UNITS WOULD BE FOR SAME. FOR SALE. NOT APARTMENT UNITS --

Guernsey: THEY WERE SPEAKING TO DOING TOWNHOUSE UNITS THAT WOULD REQUIRE SUBDIVISION, THOSE COULD BE OWNERSHIP OWNED.

Martinez: HOW DO WE ENSURE THAT'S GOING TO HAPPEN? ONE OF THE THINGS THAT WAS TOLD TO ME WAS THAT AMLI DOESN'T GET INTO THE BUSINESS OF FOR SALE, THEREFORE THEY WOULD ENTER INTO AN AGREEMENT WITH A DEVELOPER TO DEVELOP FOR SALE CONDOS. COULD WE DO THAT IN A CONDITIONAL OVERLAY TO ENSURE THAT THOSE UNITS ARE ACTUALLY FOR SALE IN...?

Guernsey: I WOULD LIKE THE APPLICANT'S AGENT TO COME FORWARD TO SPEAK TO HOW THEY MIGHT SUGGEST DOING THAT. WE CAN CERTAINLY ALLOW IT MAKING IT MANDATORY THAT THEY HAVE A CERTAIN NUMBER OF PROPERTY OWNER

UNITS. I WOULD HAVE TO PROBABLY PURSUE THAT WITH THE LAW DEPARTMENT PRIOR TO SECOND AND THIRD READING IF THERE WAS A WAY TO DO THAT.

Mayor Wynn: MY RECOMMENDATION IS TO CONDUCT THE PUBLIC HEARING AS PART OF THE APPLICANT'S PRESENTATION, THEN WE CAN FOLLOW UP WITH ANY SPECIFIC QUESTIONS SHOULD WE HAVE THEM.

Martinez: YES, MAYOR.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COUNCIL BEFORE WE CONDUCT OUR PUBLIC HEARING? HEARING NONE, WE WILL BEGIN THE PUBLIC HEARING PROCESS. AS A REMINDER, WE START OUT ALLOCATING FIVE MINUTES FOR A -- FOR AN APPLICANT PRESENTATION AND THEN WE HEAR FROM FOLKS IN SUPPORT OF THE ZONING CASE AT 3 MINUTES PER PERSON AND THEN WE HEAR FROM FOLKS IN OPPOSITION, ALSO AT 3 MINUTES PER PERSON AND THE APPLICANT HAS A ONE-TIME, 3-MINUTE REBUTTAL. MR. HARRIS YOU ARE GOING TO BE THE -- THE APPLICANT'S AGENT AND PRESENTER THIS -- THIS EVENING. I SEE A COUPLE OF FOLKS WANTED TO DONATE THEIR THREE MINUTES TO YOU WHO ARE ALL IN SUPPORT OF THE ZONING CASE. JUD WILLMAN HERE. HOW ARE YOU? AND SOMETHING MARCH SEES OR MARCY SOMETHING? CRAIG BROCKMAN, HELLO, CRAIG. SO MR. HARRIS YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT. AND THEN YOU WILL BE FOLLOWED BY STEPHEN TIDDELL.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. I HOPE THAT I WON'T NEED THAT MUCH TIME. I DON'T PLAN TO TAKE IT. I'M JERRY HARRIS REPRESENTING AMLI IN THIS CASE. OTHER REPRESENTATIVES OF AMLI ARE HERE AND I'M REQUIRED UNDER CITY ORDINANCES TO ANNOUNCE THAT ANOTHER CONSULTANT ON THE CASE IS ALICE GLASGO, WHO IS A FORMER DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD PLANNING AND DEVELOPMENT. I'M GOING TO TALK ABOUT THREE THINGS DURING MY HOPEFULLY FIVE MINUTES AND ONE OF THEM I WANT TO TALK ABOUT THE EXISTING ZONING, NUMBER TWO THE EXISTING DEVELOPMENT, AND NUMBER THREE I WANT TO TALK ABOUT AMLI'S REDEVELOPMENT PLAN AND THEIR ENHANCEMENTS.

ON THE SCREEN YOU CAN SEE A MAP OF THE PROPERTY DIVIDED INTO TWO PARCELS. THE YELLOW PARCEL IS THE PARCEL THAT'S UP FOR REZONING FROM MF 3 TO GR. THE PINK, RED OR ORANGE PARCEL THERE IS AN EXISTING GR PARCEL WHICH IS NOT UP FOR ZONING AND AMLI INTENDS TO DEVELOP BOTH THESE TRACTS AS A UNIFIED MIXED USE DEVELOPMENT WITH RENTAL, COMMERCIAL AND WITH FOR SALE TOWNHOMES. THE -- THEN IF WE CAN GET THEM BOTH TO BE GR, WE WILL HAVE AND YOU OF THE SAME DEVELOPMENT STANDARD AND -- ALL OF THE SAME DEVELOPMENT STANDARDS AND IT WILL WORK OUT VERY NICELY. ONE OTHER THINGS ABOUT THE EXISTING ZONING, IN THE WATERFRONT OVERLAY DISTRICT, RIVERSIDE SUBDISTRICT, THAT MEANS THAT MIXED USE IS ALLOWED ON THE SITE AUTOMATICALLY. THE FINAL THING THAT I WANT TO SAY ABOUT THE EXISTING ZONING IS THAT UNDER THE EXISTING ZONING, INCLUDING THE WATERSHED FRONT OVERLAY, WATERFRONT OVERLAY, SOMEONE COULD GO IN AND GET A SITE DEVELOPMENT PERMIT FOR 300 TO 350 APARTMENTS WITHOUT SEEKING A ZONING CHANGE AND WITHOUT OFFERING ENHANCEMENTS THAT ARE IMPORTANT TO THE COMMUNITY AND WITH JUST GOING THROUGH THE ADMINISTRATIVE PROCESS OF A SITE DEVELOPMENT PERMIT. THAT'S THE EXISTING ZONING. THE -- THE EXISTING DEVELOPMENT COMPONENT, IF I CAN -- IF I WENT TOO FAR EXCUSE ME. THIS IS A MAP ON BOTH OF THE COMBINED TRACTS. AS YOU CAN SEE, THE -- THE APARTMENT HOUSES ARE SORT OF IN THE MIDDLE THERE. NOTE THAT ALONG THE LAKE IN WHAT WOULD BE THE WATERFRONT OVERLAY PRIMARY SETBACK THERE ARE EXISTING IMPROVEMENTS. TENNIS COURT, SWIMMING POOL AND OTHER FACILITIES AND I THINK THAT IT'S GOING TO BE IMPORTANT WHEN WE TALK ABOUT THE REDEVELOPMENT COMPONENT THAT AMLI WILL REMOVE THOSE IMPROVEMENTS. ALONG RIVERSIDE DRIVE AND LAKE SHORE BOULEVARD YOU CAN SEE THE SCATTERED COMMERCIAL BUILDINGS ON THE SITE. KEEP IN MIND THIS IS GOING ON A 40-YEAR-OLD PROJECT. BEEN THERE A LONG TIME. YOU CAN TELL BY THE WAY THAT IT'S DEVELOPED AND IT'S -- IT'S SITUATION TOWARDS THE LAKE, NOT A MODERN DEVELOPMENT AT ALL. THIRDLY ON THE AMLI DEVELOPMENT PLAN, I WANT TO PUT IT ON THE SCREEN. I WANT TO START LAKESIDE HERE TO SHOW THAT

THERE'S A 100-FOOT PRIMARY SETBACK AS REQUIRED BY THE WATERFRONT OVERLAY ZONE. YOU CAN SEE THE IMPROVEMENTS WILL BE REMOVED, LANDSCAPING THERE. [INDISCERNIBLE] NOT REQUIRED TO DO, THEY HAVE BEEN WORKING WITH THE PARKS DEPARTMENT, THEY INTEND TO CONVEY TO THE CITY WITHOUT COST THE 30-FOOT HIKE AND BIKE TRAIL EASEMENT ACROSS THEIR PROPERTY. IN ADDITION, IT'S THEIR INTENTION AND THEIR COMMITMENT TO BUILD THAT HIKE AND BIKE TRAIL AT NO COST TO THE CITY. IN CONNECTION WITH THAT, ALONG BOTH THE EAST SIDE OF THEIR PROPERTY AND THE WEST SIDE OF THE PROPERTY, AMLI IS COMMITTED TO PROVIDE PEDESTRIAN ACCESS FOR THE PUBLIC FROM RIVERSIDE DRIVE SO THAT THE PUBLIC WILL BE ABLE TO GET ACCESS TO THE HIKE AND BIKE TRAIL AND TO THE RETAIL THAT WE'LL TALK ABOUT IN JUST A MOMENT. YOU WILL SEE JUST -- JUST MOVING A LITTLE BIT MORE THAN AMLI IS COMMITTED BY CONDITIONAL OVERLAY OUR RESTRICTIVE COVENANT, HOWEVER ELSE THE CITY WANTS TO DO IT TO HAVE A MINIMUM OF 45 FOR SALE TOWNHOMES ON THE SITE. ALONG THE WATERFRONT OVERLAY SETBACK AND ALONG THE EASTERN BOUNDARY OF THE PROPERTY. IT IS TRUE THEY WILL BE FINDING A FOR SALE DEVELOPER BECAUSE THAT'S NOT WHAT THEY DO, BUT THEY ARE VERY FAMILIAR WITH THE QUALITY FOR SALE BUILDERS AND WILL INVOLVE THEM IN THAT PART OF THE PROJECT. MOVING CLOSER TOWARDS RIVERSIDE DRIVE, THEN YOU SEE THE -- IN THE DARKER ROWS OR PINK COLOR, THOSE WILL BE THE APARTMENTS. AND AMLI IS COMMITTED TO NO MORE THAN 375.... 375 RENTAL UNITS ON THIS SITE. ALL OF THE BUILDINGS ON THE SITE WILL EITHER BE THREE OR FOUR STORIES. SO WELL WITHIN THE 60-FOOT REQUIREMENT OF THE ZONING DISTRICT. YOU WILL NOTICE THAT THE BUILDINGS SURROUND THE PARKING, WHICH IS IN A CLOSE PARKING STRUCTURE -- ENCLOSED PARKING STRUCTURE. A VERY VISUAL ENHANCEMENT TO THE PROJECT. THEN AMLI IS COMMITTED AND OBJECT.....OBLIGATED TO DO AT LEAST 10,000 SQUARE FEET OF RETAIL ON THE RIVERSIDE DRIVE FACING RIVERSIDE DRIVE PORTION OF THE PROJECT. AND IT'S NOTED THERE ON THE SCREEN. WE WOULD GET A LITTLE CLOSER TO RIVERSIDE DRIVE. BUT ON THAT SCREEN YOU CAN SEE A COUPLE OF YELLOW LINES RIGHT UP ALONG THE

ROADWAY. THOSE ARE SUBSTANTIAL WATER AND WASTEWATER LINE EASEMENTS WITH THE FACILITIES ON THEM. IF WE CAN WORK OUT, WE CAN MOVE THOSE OR RELOCATE THEM, WE CAN GET THE BUILDING CLOSER TO RIVERSIDE DRIVE AND AMLI IS PERFECTLY WILLING TO DO THAT. THIS WAY OUT WAS REALLY DICTATED BECAUSE OF THOSE EASEMENTS. AMLI IS DEDICATED TO MAKING THIS A NICE PART OF RIVERSIDE DRIVE AND LAKE SHORE BOULEVARD, SO THEY ARE COMMITTED TO DO LANDSCAPING UNDER CITY AGREEMENTS IN THE MEDIAN IN RIVERSIDE DRIVE SHOWN IN GREEN, THEY WANT TO DO A PLAZA AT THE CORNER, THEY WANT TO ENHANCE THE CROSS WALKS ON RIVERSIDE DRIVE AND ON LAKE SHORE BOULEVARD. THEY ARE GOING TO DO WATER QUALITY FOR THE TREATMENT OF STORM WATER RUNOFF ON THEIR SITE. AS AN ADDITIONAL ENHANCEMENT, THEY HAVE WORKED OUT A PLAN BY WORKING WITH CITY STAFF TO CAPTURE AN ADDITIONAL STORM WATER RUNOFF OF ABOUT 10 ACRES OFF-SITE OF STREETS AND PIPE IT TO OUR FACILITIES AND CLEAN IT UP BEFORE IT GOES INTO THE LAKE. AND ADDITIONALLY, AS AN ENHANCEMENT, AMLI IS COMMITTED AND WILL OBLIGATE ITSELF TO PROVIDE FIVE PERCENT OF THE RENTAL UNITS FOR AFFORDABLE HOUSING AT THE 80% MFI LEVEL, MEDIAN FAMILY INCOME LEVEL, FOR A PERIOD OF 40 YEARS. THE SITE LENDS ITSELF TO THE HIKE AND BIKE TRAIL AND THE PUBLIC ACCESS TO THE HIKE AND BIKE TRAIL AND TO BE DEVELOPED AT A THREE OR FOUR STORY LEVEL IN COMPLIANCE WITH THE COMMERCIAL DESIGN STANDARDS AND PARTICULARLY IN WE COULD GET RID OF THOSE EASEMENTS AND SO WE THINK THIS IS A -- A GREAT INTRODUCTION OF A MIXED USE PROJECT. WHICH WILL BE MIXED USE COMMERCIAL FOR SALE UNITS AND APARTMENTS AND WE WOULD BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

Mayor Wynn: THANK YOU, MR. HAIRS, QUESTIONS OF THE -- MR. HARRIS, QUESTIONS OF THE APPLICANT'S AGENT, COUNCIL? DON'T GO TOO FAR.

Cole: MAYOR, I HAVE A QUESTION. HELLO. I JUST WANTED TO UNDERSTAND, YOU HAD MENTIONED IF YOU WERE NOT COMING BEFORE US FOR A ZONING CHANGE YOU COULD USE THE MF 3 DESIGNATION TO PUT A CERTAIN NUMBER OF

APARTMENTS, I DIDN'T REMEMBER WHAT YOU SAID.

OUR CONSULTANTS TELL US THAT DEPENDING ON THE USE MIX, UNDER THE EXISTING ZONING REGULATIONS, WE CAN GO GET A SITE DEVELOPMENT PERMIT FOR SOMEWHERE BETWEEN 300 AND 350 AND MAKE IT ENTIRELY RENTAL COMPLEX WITHOUT SEEKING ANY ZONING CHANGES OR OFFERING ANY OF THESE ENHANCEMENTS LIKE TAKING THE IMPROVEMENTS OUT OF THE SETBACK AND THOSE SORTS OF THINGS.

I ALSO WANTED TO ASK YOU THE QUESTION ABOUT AFFORDABILITY. DO YOU HAVE ANY DESIGNATION OR PLANS ON AFFORDABLE HOUSING FOR THIS UNIT?

YES. AMLI HAS COMMITTED JUST AS THEY DID ON DOWNTOWN PROJECTS TO HAVING 5% OF THE RENTAL UNITS SET ASIDE FOR AFFORDABLE HOUSING FOR -- FOR 40 YEARS.

THANK YOU.

YOU'RE WELCOME.

MR. HAIRS I'M SORRY. YOU SAID THAT THE CONSULTANT'S ESTIMATE OF 300, 350 APARTMENTS WITHOUT THE ZONING CHANGE ON THAT BACK --

NO, I'M SORRY THANK YOU MAYOR, IT'S ON THE COMBINED SITE. IF SOMEONE AMLI OR SOMEONE WOULD BUY BOTH THE GR SITE AND THE MF 3 SITE AND COMBINE THEM JUST LIKE AMLI WANTS TO DO, THEY COULD, BECAUSE THEY ARE IN THE WATERFRONT OVERLAY THAT ALLOWS MIXED USE ON BOTH OF THOSE TRACTS IF THEY ARE COMBINED, THEY COULD GET SOMEWHERE -- IF THEY WERE GOING TO DO ALL EFFICIENCIES WHICH MORE THAN LIKELY THEY WOULDN'T. THEY COULD MAYBE INCH UP THERE TOWARDS THE 350. MIX OF EFFICIENCIES, ONE BEDROOMS, TWO BEDROOMS, YOU KNOW, SOMEWHERE BETWEEN 300 AND 350 APARTMENT UNITS AS ZONED.

Mayor Wynn: THANK YOU, MR. HARRIS.

THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: KIND OF FOLLOWING ON THAT A LITTLE BIT. YOU COULD GET SOMEWHERE BETWEEN 300 AND 350 APARTMENTS NOW, BUT WHAT YOU ARE PROPOSING IS YOU SAID 375 APARTMENTS MAX AND 45 CONDOS FOR SALE MINIMUM. THAT SOUNDS LIKE 420. CAN YOU EXPLAIN HOW YOU GET ROUGHLY 100 MORE UNITS WITH THE ZONING CHANGE?

WE GET A LITTLE MORE HEIGHT FOR ONE THING. MF 3 IS THREE STORIES. 40 FEET IN HEIGHT. THAT'S PART OF THE REASON WE WANT TO GET THE GR. THE HEIGHT ACROSS THE SITE BECOMES 60 FEET. SO THAT'S -- THAT'S PART OF IT. AND I THINK THAT IT'S REALLY IMPORTANT TO SAY THAT THE 375 IS ALSO DEPENDENT ON WHAT ULTIMATELY IS THE UNIT MIX. IF YOU WERE, YOU KNOW -- I'M SAYING IT MAY NOT GET TO 375 BECAUSE OF THE UNIT MIX. BUT SINCE, YOU KNOW, WE DON'T GET THE ZONING, THERE'S FOR USE DOING THE SITE PLANNING AND WHAT HAVE YOU, WE WANT THE 375 AS A FLEXIBILITY. IT MAY END THAT WE MAY DO A FEW MORE TOWNHOMES AND LESS APARTMENTS, BUT SINCE IT HASN'T BEEN DESIGNED THAT'S WHERE WE ARE.

Leffingwell: CAN WE SEE THAT LAYOUT THAT SHOWS THE TWO DIFFERENT ZONING CATEGORIES?

SURE.

THERE WE GO. SO -- SO ON THE GR YOU HAD 60 FEET, BUT THE MF 3 IT WOULD BE LIMITED TO 40. THAT'S THE DIFFERENCE?

YES, THAT'S PART OF THE DIFFERENCE. PLUS, YOU KNOW, THE 375 IS FOR FLEXIBILITY..... FLEXIBILITY PERIOD OF -- PLANNING. WE ARE PROBABLY GOING TO END UP WITH LESS THAN THAT QUITE FRANKLY.

Leffingwell: THANK YOU.

YOU'RE WELCOME.

Mayor Wynn: FURTHER QUESTIONS OF THE APPLICANT'S AGENT? IF NOT WE WILL CONTINUE THE PUBLIC HEARING BY TESTIMONY FROM FOLKS WHO ARE IN FAVOR OF THE ZONING CASE, OUR NEXT SPEAKER IS STEPHEN TIDELL. SORRY IF I'M MISPRONOUNCING THAT. STEVEN, WELCOME, PHILIPPE PAY, KRISTINE IN A WILLINGHAM. UP TO NINE MINUTES IF YOU NEED IT.

THANK YOU COUNCILMEMBERS, MAYOR. I APPRECIATE SPEAKING THIS EVENING. FIRST OF ALL, MY NAME IS STEVE TIDELL, THE REPRESENTATIVE OF THE HOMEOWNERS ASSOCIATION WHICH IS THE WATERFRONT CONDOMINIUM HOMEOWNERS ASSOCIATION. IT'S LOCATED AT 1818 LAKESHORE BOULEVARD. I HAVE BEEN A RESIDENT THERE FOR THE LAST TWO YEARS. I HAVE OTHER NOT ONLY RESIDENT BUT OTHER UNITS THERE. THE HOA HAS BEEN ACTIVE FOR FOUR MONTHS. THE SUTTON COMPANY ORIGINALLY SUBDIVIDED OR CONDOD THE COMPLEX. IN WHICH WHEN A CERTAIN NUMBER OF CONDOS SOLD THEY WOULD CONVERT LIKE ANY HOA CONDO CONVERSION. ANYWAY, THAT HAPPENED FOUR MONTHS AGO. AND SINCE THEN AND AS YOU ALL MAY BE VERY AWARE OF, THERE WAS A -- A VERY DISTINCT DISCONNECT BETWEEN NOTIFICATION OF THE OWNERS AND THAT SORT OF A THING AND YOU ALL ADDRESSED THAT IN THE ITEM 55 AND I APPRECIATE THAT. BUT ALSO THERE WAS A DISCONNECT IN OUR ABILITY TO NEGOTIATE WITH AMLI OR COMMUNICATE WITH THEM. FORTUNATELY, WE WERE ABLE TO START COMMUNICATION AND WE'VE HAD ONE MEETING AND THAT WAS YESTERDAY MORNING. SO THIS -- THIS ENTIRE PLAN I'VE HAD 20 HOURS TO REVIEW. AND SO I'M LEFT HAVING TO -- TO SPEAK FOR OR AGAINST IT. AT THE KIOSK IT ASKED ME IF YOU ARE FOR OR AGAINST OR NEUTRAL. THE PROBLEM WITH THAT IS I AM FOR REDEVELOPMENT AND I AM FOR PROPERTY OWNERS RIGHTS. I REALLY WOULD NOT ASK THE AMLI CORPORATION TO STOP THEIR EFFORTS TO DEVELOP THEIR PROJECT EXCEPT IF IT WERE NOT FOR THAT DISCONNECT. I'M NOT ASKING THEM NOW. THAT BEING SAID LIKE I SAY I'M FOR PROPERTY RIGHTS AND THAT GOES WITH THE -- WITH THE OWNERS THAT CHOOSE NOT TO -- NOT TO GRANT OR CONVEY WATERFRONT ACCESS. LIKE I SAY, WE'RE A

HOMEOWNERS ASSOCIATION, WE HAVE 48 UNITS, AND EXCEPT FOR TWO UNITS THAT ARE UNDER CONTRACT RIGHT NOW, WE HAVE 46 INDIVIDUAL OWNERS. AND AT THE PRESENT, WE DO NOT FORESEE ANY CONVEYING OF RIGHT-OF-WAYS OR EASEMENTS FOR THAT SECTION AT THE WATERFRONT. THE AMLI HAD A -- HAD AN EXCELLENT PRESENTATION. LIKE I SAY I'M FOR DEVELOPMENT. UNFORTUNATELY WE HAVE NOT HAD ENOUGH TIME TO GET INTO THE MEAT OF THE DOCUMENT. SO WHEN I SAY AT THE KIOSK AM I FOR OR AGAINST OR NEUTRAL, I AM FOR, I AM AGAINST AND I AM NEUTRAL. THERE'S SPECIFIC ITEMS IN THEIR PLAN AND IT HAS TO DO WITH THE HIKE AND BIKE TRAIL. IT HAS TO DO WITH THE HIKE AND BIKE TRAIL CONNECTIVITY AND SOME OF THEIR ROADWAYS AND THEIR PLAN THAT THEY ARE SHOWING -- I GUESS IT'S NOT UP ANYMORE, THE PLAN THAT THEY WERE -- HAD SHOWN SHOWS THE 30-FOOT -- THANK YOU -- SHOWED THE 30-FOOT HIKE AND BIKE TRAIL WHICH IN MY MIND HAD A VERY VISUAL IMPACT OF IMPLIED RIGHT-OF-WAY AT OUR -- [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

GIVEN TIME I FEEL THAT AMLI CORPORATION AND HOMEOWNERS IT WOULD BE ABLE TO RESOLVE THIS EXCEPT FOR THE HIKE AND BIKE. IF AMLI IS PUT IN A POSITION OF GRANTING OR CONVEYING BY THE MERE EXISTENCE OF THAT, THAT IMPLIES CONNECTIVITY. LIKE I SAY, AT THIS TIME WE ARE NOT PLAN TO GO REDEVELOP, WE'RE NOT PLAN TO GO CONVEY A RIGHT-OF-WAY TO THAT END. I HAVE MANY OTHER SUGGESTIONS CONCERNING THE HIKE AND BIKE TRAIL. IT COULD GO BETWEEN THE APARTMENT UNITS AND THE TOWNHOMES, IT COULD GO IN A VERY IMPROVED PATHWAY BETWEEN THE APARTMENT BUILDING AND THE ROADWAY. I WOULD LIKE TO HAVE THE ABILITY TO EXPLORE THOSEMENT I WOULD ALSO PUT BEFORE CITY COUNCIL THE AT THE HEART OF THE ISSUE, THE HIKE AND BIKE TRAIL CONNECTIVITY, WHICH WILL BE REVISITED TIME AND TIME AGAIN FOR AS LONG AS WE'RE HERE, I IMAGINE. I BELIEVE THERE'S A SOLUTION TO PROTECTING THE OWNERS' RIGHTS AND THE COMMUNITY'S NEED OR DESIRE, I SHOULD SAY MORE POIGNANT LIRKS A DESIRE TO ACCESS TO THE WATERWAY OR TO THAT HIKE AND BIKE TRAIL. GIVEN TIME TO EXPLORE OTHER

ALTERNATIVES, THERE ARE MANY. IMPROVING THE I WANT 35 CONNECTION -- AND I KNOW I'M GOING OFF SUBJECT NOW, BUT THERE WERE MANY OPPORTUNITIES AND SOLUTIONS TO THAT. SO IN A NUTSHELL IF I HAVE TO SAY THAT I'M FOR OR AGAINST THIS PLAN, GIVEN THOSE CONDITIONS, I WOULD HAVE TO BE AGAINST THE PLAN, BUT I AM FOR AMLI'S ABILITY TO RESUBDIVIDE. THANK YOU. I'LL ANSWER ANY QUESTIONS CONCERNING THE HISTORY IF THERE ARE ANY. THE HISTORY OF THE COMPLEX, HOW WE GOT TO THIS POINT.

THANK YOU. QUESTIONS OF STEVE, COUNCIL? THANK YOU, SIR. OKAY. WE'LL NOW GO TO FOLKS WHO HAVE SIGNED UP DEFINITELY IN OPPOSITION, AND OUR FIRST SPEAKER IS FRED SCHMIDT. WELCOME. YOU WILL BE FOLLOWED BY DANIEL YANEZ.

THANK YOU, MR. MAYOR. I ACTUALLY ALSO SIGNED UP FOR ITEMS 69 AND 70, AND I WAS WONDERING IF IT WOULD BE POSSIBLE TO HAVE A COUPLE MORE MINUTES NOW AND FOREGO THAT ADDITIONAL TIME LATER BECAUSE MY OPPOSITION TO THIS PARTICULAR PROJECT IS ALSO RELATED TO ITEM 69 AND 70 AS YOU WOULD HEAR IN WHAT I HAVE TO SAY.

Mayor Wynn: YOU'RE SIGNED UP TO SPEAK ON BOTH 69 AND 70. WE'RE GOING TO TAKE THOSE UP AS A COMBINED CASE, SO WITHOUT OBJECTION, COUNCIL, WE COULD OFFER HIM AN ADDITIONAL THREE MINUTES NOW.

I COULDN'T EDIT DOWN TO THREE MINUTES, BUT I GOT IT DOWN TO FIVE MINUTES.

SIX YOU SHALL HAVE. WELCOME, FRED.

THANK YOU VERY MUCH. HELLO, MY NAME IS FRED SCHMIDT. I AM A DOWNTOWN BUSINESS OWNER AND A SEVEN YEAR RESIDENT OF WHAT I CALL THE 04 RIVERA, THE SOUTH SHORE OF TOWN LAKE. I'M HERE TO SPEAK IN OPPOSITION TO THIS AND THE PROPOSED STONE RIDGE DEVELOPMENT AND ALSO SIMILAR OTHER DWOAMENTZ WORKING THEIR WAY THROUGH THE CITY DEVELOPMENT PROCESS. I AM A PROPONENT OF NEW DEVELOPMENT AND ON THE SURFACE

ALL OF THESE PROJECTS SEEM LIKE QUALITY DEVELOPMENTS BY COMPETENT COMPANIES, BUT SEVERAL THINGS ARE TROUBLING ME. MY REASONS FOR OPPOSITION ARE THREE FOLD. THE FIRST IS STRATEGIC. IN TERMS OF A LARGER, VERY DISTURBING TREND THAT I SEE EVOLVING. THE SECOND ONE IS CONCERN FOR THE SENSELESS DISPLACEMENT OF HUNDREDS OF PEOPLE. AND THE THIRD ONE IS ALARM AT THE PROPOSED SCALE OF MANY OF THE PROJECTS THAT ARE COMING FORWARD. SO ELABORATE ON THE STRATEGIC FRONT, HOW IS IT THAT SOUTH AUSTIN ACTION A LONG ESTABLISHED RESIDENTIAL BEDROOM COMMUNITY, HAS SUDDENLY BECOME TARGETED FOR MASSIVE RESIDENTIAL REDEVELOPMENT AS PART OF AUSTIN'S GOAL OF CREATING 25,000 NEW DOWNTOWN RESIDENTS IN THE NEXT 10 YEARS. SOUTH AUSTIN IS NOT DOWNTOWN AND SHOULD NOT BE CONFUSED AS SUCH. I THINK THE MAJORITY OF SOUTH AUSTIN RESIDENTS WOULD AGREE THAT THIS IS NOT A GOAL FOR OUR COMMUNITY, YET WE SUDDENLY FIND OURSELVES FACED WITH MULTIPLE PROJECTS OF ENORMOUS SCALE AND IMPACT INVADING OUR NEIGHBORHOODS WHERE PEOPLE ARE ALREADY LIVING IN THESE EXACT SAME SPACES. FROM THE HUGE PROPOSED PROJECTS ON LAKE SHORE BOULEVARD TO THE PROPOSED 18 STORY SKYSCRAPERS IN THE CWS RIVERSIDE DRIVE PROJECT TO THE PROPOSED STONE RIDGE REDEVELOPMENT AND OTHERS NO DOUBT YET NOT ON RADAR THERE'S CLEARLY A PATTERN OF NEW DEVELOPMENT ACTIVITY EMERGING WHICH REALLY NEEDS TO BE ADDRESS ODD A STRATEGIC LEVEL. WHY? BECAUSE IT SIMPLY MAKES NO SENSE, WHICH TAKES ME TO REASON NUMBER TWO, CONCERN FOR THE AFFECTED PEOPLE THAT WILL BE PERMANENTLY DISPLACED BY SUCH PROPOSED REDEVELOPMENT. COLLECTIVELY WE ARE NOW LOOKING AT SHOVING OUT HUNDREDS OF FAMILIES AND RESIDENTS WHO CURRENTLY CALL THE EXISTING COMPLEXES HOME. SURE THEY MAY JUST BE BE RENTERS AND THUS FEEL LIKE THEY HAVE NO VOICE, BUT GUESS WHAT, THEY'RE STILL RESIDENTS AND VOTERS. YESTERDAY IT WAS STATED IN AN ARTICLE IN THE STATESMAN ON THE STONE RIDGE COMPLEX THAT THAT COMPLEX IS PAST ITS PRIME AND WILL BECOME AN EYESORE IF NOT REDEVELOPED. WHAT? STONE RIDGE, LIKE OTHER PROJECT I MENTIONED UNDER THIS

REDEVELOPMENT GUN, ARE ALL DELIGHTFUL COMMUNITIES OF PEOPLE WITH WELL MAINTAINED BUILDINGS THAT ARE CASH COWS FOR THEIR RECENT COMMERCIAL OWNERS HAVING RETIRED DEBT FROM THE 1970'S OR EARLIER DEVELOPMENT. THEY RENT FOR ONLY SIX HUNDRED BUCKS A MONTH, NOT A THOUSAND DOLLARS PLUS, NOR AS HALF-MILLION-DOLLAR CONDOS AS PROPOSED IN THE OTHER PROJECTS. THAT MEANS THAT THE AFFECTED RESIDENTS. IN THE PATHS OF THESE DEVELOPMENTS WILL BE PERMANENTLY DISPAISED FROM HER LOCATIONS BECAUSE THEY ARE NOT THE SAME FOLKS ECONOMICALLY WHO CAN AFFORD TO BUY INTOOK THE REPLACEMENT BUILDINGS. IT'S A WHOLE OTHER CROWD, AND SO IT JUST DOESN'T MAKE ANY SENSE. THIRD, LET'S LOOK AT SCALE. IN SOME CASES LIKE THE CWS RIVERSIDE DRIVE PROJECT IN THE HYATT REDEVELOPMENT PROPOSAL, SOUTH AUSTIN AND THE OPEN SOUTH SHORE OF TOWN LAKE ARE NOW BEING ASSAULTED BY PROPOSED SKY SCRAPERS. SUCH VERTICAL DEVELOPMENT IS ENTILE APPROPRIATE FOR THE CENTRAL BUSINESS DISTRICT AND ALONG I THREE ACTION BUT DOES THIS MAKE ANY SENSE WHATEVER FOR THE WONDERFUL AND UNIQUE TAPESTRY OF SMALLER SCALE RESIDENTIAL NEIGHBORHOODS SURROUNDING THE CBD IN ALL DIRECTIONS? AND CERTAINLY THE BEAUTIFUL JEWEL OF TOWN LAKE WITH ITS OPENNESS AND ACCESSIBILITY ABSOLUTELY MUST BE TREASURED AND PROTECTED BY THE CITIZENS AND ELECTED LEADERS. BY CONTRAST ON THE SENSIBLE SIDE OF LAND USE AND REDEVELOPMENT ARE THE ONES LIKE THE PROJECT ONEST RIVERSIDE DRIVE WHERE A CRANE TRUCK COMPANY SOLD OUT AND IS NOW BEING REDEVELOPED AS A FIVE STORY MIXED USE AND RESIDENTIAL CONSUMER PROJECT. VERY COOL, WELCOME. AND THERE'S THE NEW SIX STORY MIXED USE PROJECT BEING BUILT AT SARNL AND RIVERSIDE, THE BRIDGES, REPLACING THE PREVIOUS FAST FOOD RESTAURANT AND SMALL OFFICE BUILDING. ROCK ON. THAT MAKES SENSE. BY CONTRAST THOSE SENSELESS OTHER PROJECTS THAT ARE ATTEMPTING TO TOSS OUT ONE GROUP OF RESIDENTS IN TRADE FOR ANOTHER MAKES NO SENSE WHATSOEVER. SO HERE'S IS WHERE WE ALL LOOK TO YOU, MR. MAYOR, SMART MEMBERS OF COUNCIL AND THE STAFF AND MEMBERS OF ZONING AND PLANNING, TO DO YOUR JOBS AS STEWARDS

OF OUR COMMUNITY. WE REALLY AND URGENTLY NEED YOUR HELP RIGHT NOW. WHAT WE HAVE GOING ON HERE ARE SOME VERY SHARP AND ZEALOUS DEVELOPERS WHO HAVE SET THEIR SIGHTS ON A SIGNIFICANT GROUP OF AUSTIN APARTMENT RESIDENTS. THESE DEVELOPERS HAVE ONLY ONE OPERATIVE LIMB ON THEIR BODY IT SEEM AND THAT IS A SINGLE FOOT FULLY PRESSED ON THE ACCELERATOR OF DEVELOPMENT. WHAT THEY AND WE NEED IS FOR YOU TO ALL PROVIDE THEM A STEEG WHEEL TO BETTER GUIDE THESE DEVELOPMENT EFFORTS IN DOLLARS TO VACANT LOTS, WAREHOUSES AND UNDERUTILIZES COMMERCIAL PROPERTIES THAT COULD BE REDEVELOPED INTO RESIDENTIAL MIXED USE PROJECTS AND WHILE SO DOING ALSO PROVIDE CAIRNL USE OF A SECOND FOOT TO PUMP THE BRAKE A LITTLE AND KEEP THOSE PROPOSED DEVELOPMENTS AND EXISTING RESIDENTIAL NAIDS IN SENSIBLE SCOPE AND SCALE. SOUTH AUSTIN RESIDENTS ARE COUNTING ON YOU TO GET INTO THE DRIVER'S SEAT ON THIS TREND AND GET THE VEHICLE POINTED IN THE RIGHT DIRECTION. PLEASE DON'T LET US DOWN. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU. DANIEL YANEZ. HE SIGNED UP IN OPPOSITION. THERE HE IS. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED GI GALE GOFF, WHO WILL BE FOLLOWED BY DON SEIZEMAR.

GOOD EVENING. WHAT HE SAID! I ECHO AND REITERATE THAT. IT'S SCARY HERE BECAUSE OF THE TREND THAT IS HAPPENING. AND YOU SAID ONE VERY IMPORTANT THING, THAT TOWN LAKE IS VERY UNIQUE PLACE, AND WE HAVE ALWAYS ENDEAVORED TO PROTECT TOWN LAKE. IN WEST AUSTIN WHEN I WAS WITH OWANA THERE WE WORKED REALLY HARD TO KEEP TOWN LAKE FROM BECOMING AN AMUSEMENT PARK, SO HERE ON THE EASTERN SIDE OF I-35..... I-35, TOWN LAKE IS VERY PRECIOUS. I AM ALSO CONCERNED ABOUT THE WHOLE NOTION THAT WE'RE GOING TO GET A LOT OF HEIGHT AND DEVELOPMENT RIGHT ALONG THE SHORE. A FEW YEARS AGO WHEN THIS PLANNING AREA STARTED, I WAS IN OUT MEETINGS WHERE A COUPLE OF DEVELOPERS WERE JUST REALLY GOING LIKE THIS WAITING TO EVEN GET THE PARKLAND. THEY WERE SAYING, WE COULD PUT HIGH..... HI-RISES ON THE PARKLAND. MY

PROBLEM WITH THIS DEVELOPMENT AS WITH ANY DEVELOPMENT IS THE HEIGHT. FOR ONE. CLOSER TO THE LAKE WE SHOULD HAVE IT LOW. BECAUSE IF YOU TAKE IT UP HIGH RIGHT AT THE LAKE ACTION THEN YOU DEPRIVE EVERYBODY ELSE OF THE VIEW AND OF ACCESS TO. ONE THING THAT I WILL SAY ABOUT THIS DEVELOPMENT, I LIKE THE IDEA OF THE HIKE AND BIKE TRAIL AND I RESPECTFULLY DISAGREE WITH THE HOMEOWNERS NEAR THERE IN THAT THIS IS TEXAS AND ALL OUR WATERWAYS ARE PUBLIC. AND I AM CURIOUS AS TO WHY IT IS THAT A COUPLE OF THESE PLACES ACTUALLY HAVE ACCESS ALL THE WAY UP TO THE LAKEFRONT AND WE DON'T HAVE PUBLIC ACCESS. SO I THINK PUTTING A HIKE AND BIKE TRAIL THROUGH THERE WOULD BE GREAT. THE OTHER PART OF THIS IS THE HOUSING EQUATION. WE NEED DIVERSITY, YOU KNOW. LET'S NOT FORGET IN THE URBAN SETTING WE ARE STILL PART OF NATURE, AND NATURE THRIVES WHEN THERE'S DIVERSITY. SO DIVERSITY AT EVERY SINGLE, DIVERSITY OF HOUSING. NOT JUST HIGH DOLLAR HOUSING, BUT ALL LEVELS. AND NOT JUST LOW INCOME HOUSING, BUT ALL THE LEVELS OF HOUSING SO THAT WE HAVE DIVERSE ECONOMICS WITHIN ANY PROJECT. AND AS FAR AS AFFORDABLE HOUSING, I THINK THAT THE AFFORDABLE HOUSING EQUATION IN AUSTIN IS TOTALLY UPSIDE DOWN. AND I WOULD LIKE FOR Y'ALL TO THINK ABOUT THAT BECAUSE MOST OF THE HOUSING STOCK, NEW HOUSING STOCK IN AUSTIN IS FOR THE UPPER MAYBE 15, AT THE MOST, 20 PERCENT, MORE LIKE 10 PERCENT OF THE ECONOMIC SCALE. HOUSING FOR THE MAJORITY OF AUSTINITES, AND YOU ALL TELL ME IF I'M WRONG, BUT THE MAJORITY OF AUSTINITES CANNOT AFFORD CURRENT NEW HOUSING STOCK. YOU KNOW, SO IT BECOMES LIKE ARE WE GETTING -- IS THIS A CLASSISM WAR IN DISGUISE? IS THIS ABOUT LETTING ONLY WEALTHY PEOPLE COME INTO THE CENTRAL CITY AND DRIVING AWAY NOT JUST -- [BUZZER SOUNDS] NOT JUST LOW INCOME PEOPLE, BUT THE AVERAGE AUSTINITE. THE LAST THING I WANT TO SAY IS -- WELL, THAT'S IT. THANK YOU VERY MUCH. I APPRECIATE YOUR TIME.

Mayor Wynn: THANK YOU. [APPLAUSE] WELCOME GALE. YOU WILL HAVE SIX MINUTES. I SAW JEFF JACK HERE EARLIER. WELCOME BE. SO GALE, YOU HAVE SIX MINUTES TO BE

FOLLOWED BY DON SEIZEMAR.

GOOD EVENING. I'M GALE GOFF, I'M A 30 YEAR RESIDENT OF THE EROK NEIGHBORHOOD PLANNING TEAM. I WANT TO REMIND EVERYBODY OF SOME CENSUS DATA THAT I DON'T THINK YOU'VE FULLY PROCESSED. ALSO FROM THE CITY DEMOGRAPHER. AND THAT'S THAT THE RIVERSIDE NEIGHBORHOOD PLANNING AREA HAS OVER 21 PEOPLE PER ACRE. THAT'S 16,000 PEOPLE PER SQUARE MILE IN OUR LITTLE RIVERSIDE AREA. AND YES, THAT'S GROSS DENSITY BECAUSE WE HAVE NO PARKLAND, SO WE NEED TO FIGURE IT AS GROSS DENSITY. IT'S PRETTY GROSS. THIS IS ALREADY MANY MORE TIMES THAN EVEN THE TARGETED DENSITY INCREASES YOU'RE PRESCRIBE FOR OTHER AREAS OF TOWN. AND THE SECOND THING IS THAT DEVELOPERS CONTINUE TO OFFER WHAT THEY COULD DO UNDER CURRENT REGULATIONS AS THREATS. WE WOULD WELCOME REDEVELOPMENT ON THE MF-3 TRACT AT MF-3 STANDARDS AND RESPECTING THE WATERFRONT OVERLAY. [APPLAUSE] AND THEN TO GO ON TO THE CASE THAT'S BEFORE YOU TONIGHT, YOU JUST PASSED ON SECOND READING BARELY AN HOUR AGO THE PLAN FOR EROC, AND THIS PROJECT AS PRESENTED DOESN'T MEET THE GOALS AND VISIONS OF THE PLAN, SPECIFICALLY PAGE 10, PAGE 33, PAGE 40, GOALS FOUR AND SIX. PAGE 12, ISSUES ONE AND EIGHT. AND IT DOESN'T MEET THE VISIONS OF THE WATERFRONT OVERLAY, WHICH SEEKS TO PROVIDE MAXIMUM BENEFIT OF TOWN LAKE SHORELINE FOR ALL THE CITIZENS OF AUSTIN. THE PROJECT INCREASES THE NUMBER OF MULTI-FAMILY UNITS AND OUR ALREADY SATURATED MULTI-FAMILY AREA. YOU ALREADY ACKNOWLEDGED THIS IS A SERIOUS PROBLEM. THIS ONLY FURTHER INCREASES THE LAND IMBALANCE. THE PROJECT OBJECT BLIT RATES WITHOUT REPLACING SOME OF THE FEW RETAIL SERVICES AND OFFICES AVAILABLE WE HAVE IN THE PLANNING AREA. AGAIN, FURTHER INCREASING THE LAND USE IMBALANCE. THE PROJECT PROVIDES NONE OF THE COMMERCIAL USES LISTED IN THE LAND CODE DESCRIPTION OF WATERFRONT APPROPRIATE USES OTHER THAN APARTMENTS AND TOWNHOMES. THE PROJECT DOESN'T RESPECT THE WATERFRONT OVERLAY IMPERVIOUS COVER LIMITATIONS. THESE LIMITATIONS WERE IMPOSED TO PROTECT THE

AUSTIN SHORELINE OF TOWN LAKE. THE PROJECT DESTROYS 120 TRULY AFFORDABLE RENTAL UNITS IN AUSTIN'S CENTRAL CITY AREA. SO THE PROJECT DOESN'T EMBODY THE VISION OF THE WATERFRONT OVERLAY OR THE EROC NEIGHBORHOOD PLAN. IT'S JUST REALLY MORE BASICALLY APARTMENTS. DO YOU WANT TO FURTHER NEGATE THE PLANNING PROCESS? BY VOTING TO CONTRADICT THE PLAN YOU PASSED BARELY AN HOUR AGO? PLEASE VOTE AGAINST THIS ZONING CHANGE TO SUPPORT THE PLAN AND THE WATERFRONT OVERLAY. THANKS. [APPLAUSE]

Mayor Wynn: THANK YOU. DON SEIZEMAR. WELCOME. IS PATTY SPRINKLE STILL HERE? HI. AND HELEN FLEMING? SO HAVE YOU TO UP NINE MINUTES IF YOU NEED IT. AND YOU WILL BE FOLLOWED BY LORRAINE ATSZERTON.

GOOD EVENING, COUNCILMEMBERS. MY NAME IS DAWN SEIZEMAR. I AM A LONG TIME RESIDENT OF CENTRAL AUSTIN TO THE TUNE OF ABOUT 30 YEARS. EVENTUALLY AFTER BEING A RENTER FOR MANY YEARS AND BEING PUSHED OUT OF VARIOUS NEIGHBORHOODS WAS ABLE TO SETTLE AND BUY A HOME IN THE AREA VERY NEARBY HERE AND HAVE LIVED THERE FOR OVER 14 YEARS. I AM REPRESENTING THE SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION. THIS DEVELOPMENT FALLS WITHIN THE BOUNDARIES OF THE SOUTH RIVER CITY CITIZENS AREA. I'M ALSO THE AREA COORDINATOR FOR THIS AREA WHICH WE REFER TO AS AREA SIX OF SOUTH RIVER CITY CITIZENS. I'M ALSO A MEMBER OF THE EAST RIVERSIDE OLTORF PLANNING TEAM AND I NEFF THOUGHT IT WOULD TAKE OVER THREE YEARS TO -- I DIDN'T KNOW IT WOULD BECOME A FULL-TIME JOB TO BECOME PART OF A COMMUNITY PARTICIPATION PROJECT, BUT I'M VERY PROUD AND I ASK YOU TO UP HOLD THE TRUST THAT THE CITIZENS HAVE PLACED IN YOU, THE CITY COUNCIL, AND ABOUT THE NEIGHBORHOOD PLANNING PROCESS. ALL THE NEIGHBORHOODS IN AUSTIN ARE WATCHING WHAT YOU, OUR CITY COUNCIL, DO TONIGHT TO SEE IF YOUR DECISIONS WILL SHOW WHETHER OR NOT THE NEIGHBORHOOD PLANNING PROCESS IS A FRAUD. THOSE OF US WHO ARE VERY CLOUD TO HAVE SOME KIND OF PARTICIPATION, CITIZEN INVOLVEMENT IN THE NEIGHBORHOOD PLANNING PROCESS IS ONE OF THE

STRONGEST ASPECTS AND IT IS A SHOW OF FAITH BY VOLUNTEERING IN SOME CASES HUNDREDS OR THOUSANDS OF HOURS FREE TO THE CITY AND SOME OF OUR MEMBERS HAVE BECOME EXPERTS IN SUCH THE INTRICACIES OF ZONING AND CITY ORDINANCES AND SO FORTH. MANY OF -- THIS DEVELOPMENT HERE IS A LITTLE STRAIBILITY IN THE WAY IT'S LISTED. IT'S A SO-CALLED PLAN AMENDMENT FOR OUR NOT YET APPROVED NEIGHBORHOOD PLAN. AND I UNDERSTOOD THAT PLAN AMENDMENTS NEEDED TO GO THROUGH THE NEIGHBORHOOD PLANNING CONTACT TEAM, WHICH I'M A MEMBER, AND THAT THERE WOULD BE A PROCESS FOR THAT. ALSO, THE WAY IT WAS LISTED IN...IN THE AGENDA WOULD MAKE IT VERY HARD FOR CITIZENS TO KNOW WHO WAS APPLYING FOR WHAT SINCE THE APPLICANT AND AGENT IS LISTED AS THE NEIGHBORHOOD PLANNING ZONING DENT. DEVMENT WHILE THEY ARE REQUESTING GR ZONING IN ORDER TO AS THEY SAY HAVE SOME KIND OF UNIFORM ZONING, IT IS IRRELEVANT..... IRRELEVANT IRRESPONSIBLE TO APPROVE GR WHEN IN FACT IT IS MULTI-FAMILY ZONING. THEY DID AFTER SOME CRITICISM FROM THE PLANNING COMMISSION WHO NOTICED THAT THEY WERE NOT DOING MIXED USE HERE T THEY'RE CLAIMING NOW THEY'RE GOING TO DO SOME MIXED USE, AND I'M REALLY GLAD THAT THEY WERE RESPONSIVE IN HEARING THAT THERE NEEDS TO BE CONNECTIVITY. WE HAVE TOO LONG HAD LARGE BLOCKS OF LAND TAKEN AWAY FROM NORMAL CITY ACCESS AND ALSO THAT THE PRIVATIZING OF TOWN LAKE, THIS IS AN EXAMPLE WITH ALL DUE RESPECT TO THE HOMEOWNER THERE WHO HAS LIVED THERE TWO YEARS AND NOW IS CONCERNED THAT THEY SWROANT THE EXCLUSIVE ACCESS THEY'VE ALWAYS HAD. WE AS CITIZENS HAVE ALWAYS HOPED TO CORRECT MISTAKES MADE BY THE CITY IN THE PAST, AND WEREN'T COUNCILMEMBERS THEN, BUT BY ALLOWING PRIVATE AND EXCLUSIVE ACCESS TO OUR NATURAL RESOURCE AND AS THE SPEAKER POINTED OUT, IN TEXAS WATERWAYS ARE PUBLIC. WE HAD HOPED TO AVOID IN THE REDEVELOPMENT THE BUYOUT BY THE WEALTHY OR THE PROFITEERS FOR THE TOWN LAKE SHOREWAY. ABOUT THE TRAIL. FOR YEARS I HAVE BEEN INVESTIGATING THE AREA. IT'S VERY FRUSTRATING THAT THERE IS NO TRAIL THERE. AND THERE IS EASEMENT, THERE HAS BEEN FOR A LONG TIME, BUT IT'S

PRIVATE. AND THERE ARE FENCES. THERE'S LAKE SHORE PARK, WHICH IS IN THE RIVERSIDE PLANNING AREA. THE PEDESTRIAN ACCESS IS VERY DIFFICULT. IT'S PRETTY FRUSTRATING WHEN I WALK THERE WITH MY FAMILY OR FRIENDS THAT THERE IS A GIANT CHAIN-LINK BLOCKING OFF THE PRIVATE AREAS OF GREEN SPACE AND SO FORTH FOR THESE PAMENT..... APARTMENT COMPLEKSZ THAT ARE GOING CONDO NOW, BUT WE HAD ALWAYS EXPECTED THAT THE TRAIL WOULD BE CONTINUED TO ALLOW A PARK-LIKE ATMOSPHERE NEAR TOWN LAKE. AS IT IS IN MOST AREAS WEST OF CONGRESS. SO CREATING THE TRAIL IS EXPECTED FOR ANY DEVELOPMENT ALONG THE PORTION OF TOWN LAKE THAT DOES NOT HAVE A TRAIL AND PUBLIC ACCESS TO THE PARK AND THE TRAIL IS ALSO EXPECTED. AT THIS POINT IT'S A RESPONSIBILITY OF ANYONE WHO COMES INTO THIS AREA TO CREATE THE TRAIL. IT'S RELATIVELY CHEAP AND EASY FOR THEM TO DO THAT AND I'M SURE THERE ARE TAX BREAKS FOR THEM CONVEYING PART OF THE LAND TO THE CITY WHICH IN FACT SHOULD HAVE I BELIEVE BELONGED TO THE CITY BEFOREHAND. SO IT'S SIMPLY SAD THAT IN THE PAST PEOPLE WERE ABLE TO GAIN ACCESS AND WALL IT OFF FOR THEIR OWN PRIVATE BENEFIT AND SHUTTING OUT MUCH OF EAST AUSTIN'S RESIDENTS FROM HAVING ACCESS TO THE TRAIL. WE HAVE BEEN IN THIS PROIS FOR A LONG TIME. THE NEIGHBORHOOD PLANNING PROCESS. AND NOT ONLY DID AMLI NOT PARTICIPATE, BUT WHAT THEY'RE SUGGESTING IS CONTRARY TO EVERYTHING OUR PLANNERS AND OUR COMMUNITY RESIDENTS AND THE PLANNING TEAMS HAVE GONE AWAY. IN AN AREA THAT IS OVERBURDENED WITH MULTI-FAMILY, IT IS UNREALISTIC TO ASK MORE MULTI-FAMILY BE PUT IN. DOWNTOWN DENSITY IS APPROPRIATE, BUT MANY OF US FEEL THAT IT SHOULD NOT SWALLOW UP TOWN LAKE AND MOVE WITH THE SAME OVERRIDING PRINCIPLES OF DENSITY ANYWHERE AND EVERYWHERE. SO AMLI DOWNTOWN BUILDING AND THE NEW ONE THEY'RE BUILDING, THAT'S APPROPRIATE FOR THE NEW VISION OF DOWNTOWN, BUT FOR THOSE OF US WHO HAVE LONG TIME LIVED IN SOUTH AUSTIN OR AUSTIN IN GENERAL WANT THERE TO BE A TRAIL, WANT THERE TO BE PARKLAND ALONG TOWN LAKE, ALL OF AUSTIN WILL PARTICIPATE IN THIS AND I RECOMMEND HIGHLY THAT YOU SEE THROUGH THE SHORT-TERM KINDS OF STATEMENTS THAT ARE BEING

MADE BY THE AMLI PEOPLE WHO I RESPECT. THEY WERE WILLING TO MEET WITH US. WE MET WITH THEM MANY TIMES. AND I WOULD JUST REALLY LIKE TO YOU UNDERSTAND THAT THIS IS NOT AN APPROPRIATE -- I FEEL THIS IS NOT AN APPROPRIATE TYPE OF DEVELOPMENT PARTICULARLY IN THIS LOCATION BECAUSE IT IS TAKING AWAY MUCH NEEDED AND USED COMMERCIAL AND RETAIL THINGS, SOME OF THE THINGS THAT WILL BE DISPLACED BY THIS ARE A BANK, A RESTAURANT, USED TO BE A GAS STATION, BUT NOW IT'S A FINANCIAL INSTITUTION, THE SCOTTISH RITE LEARNING CENTER, RADIO SHACK, AND THESE ARE THINGS THAT YOU WOULD AGREE YOU WOULD WANT IN A NEIGHBORHOOD. SO I ASK YOU TO BECOME FAMILIAR WITH THE AREA AND TAKE A COMPREHENSIVE VIEW OF TOWN LAKE AS A CITIZEN RESOURCE AND A RESOURCE FOR THE STATE OF TEXAS BECAUSE MANY PEOPLE COME TO AUSTIN SPECIFICALLY TO ENJOY MUCH OF WHAT IS ADVERTISED AS OUR QUALITY OF LIFE, AND THAT SHOULD BE AVAILABLE TO ALL CITIZENS. AND IN THIS CASE IT'S RELATIVELY EASY TO DO. WE GET A TRAIL, WE GET SOME IMLIK ACCESS AND RETURN TO THE -- PUBLIC ACCESS AND RETURN TO THE CITIZENS THE ACCESS TO THE LAKE, WHICH IS BY RIGHT A CITIZEN'S RIGHT. I WOULD LIKE TO POINT THIEW THE SETBACK -- POINT OUT THAT THE SETBACK THAT THEY ARE PREPARED TO DO IS A BARE MINIMAL SET BACK FROM TOWN LAKE. I'M NOT EXACTLY SURE WHAT HAPPENED, BUT THE STANDARD SET BACK WEST OF I-35 ON THE TOWN LAKE WATERFRONT OVERLAY IS 200 FEET. AND SOMEHOW EAST OF 35 IT'S A BARE MINIMUM OF 100 FEET, INCLUDING THE TRAIL. THANK YOU VERY MUCH AND PLEASE PLAN FOR THE HEALTHY A FUTURE OF AUSTIN RATHER THAN SHORT-TERM PROFITS. [APPLAUSE]

Mayor Wynn: LORRAINE. WELCOME. YOU HAVE THREE MINUTES AND WILL BE FOLLOWED BY TONY HOUSE.

MR. MAYOR, COULD YOU ASK IF THERE ARE ANY RIVERSIDE NEIGHBORS WHO WOULD LIKE SOME DONATED TIME? FOLLOWING ME. I'M WILLING TO DONATE MY TIME TO A RIVERSIDE NEIGHBOR. NO?

...

Mayor Wynn: YOU DID A GOOD JOBMENT.

I'M LORRAINE ATHERTON. I JUST WANTED TO POINT OUT THAT YOUR NEW DESIGN STANDARDS CALL FOR PEDESTRIAN ACCESS TO NEW BUILDINGS TO BE DIRECT AND NOT SEPARATED FROM THE BUILDING BY CARS, BY DRIVEWAYS, BY PARKING SPACES, BUT DIRECT ACCESS. PLEASE LOOK AT THE DIAGRAM OF IT THIS PROJECT AND NOTE THAT THE ENTIRE BUILDING IS SURROUNDED ENTIRE BY A DRIVEWAY. ALTHOUGH THERE'S A NICE PRETTY SIDEWALK ACROSS THE FRONT, THERE'S NO WAY TO GET TO THE BUILDING COMPETENT BY WALKING ACROSS A LARGE DRIVEWAY. YOU AND.... AND ALTHOUGH THE ACCESS TO THE HIKE AND BIKE TRAIL DOWN THE EAST SIDE OF THE PROPERTY LOOKS VERY NICE AND ACCESSIBLE FOR THOSE OF US COMING FROM ELSEWHERE, NOTE THAT THE HIKE AND BIKE TRAIL IS ACTUALLY GOING TO BE INACCESSIBLE TO THE PEOPLE WHO LIVE IN THE PROJECT. THESE ARE ALL INDICATIONS THAT THE PROJECT IS ENTIRELY CAR ORIENTED. THIS IS A HOUSING PROJECT DESIGNED FOR PEOPLE WHO DRIVE CARS. AND I HOPE THAT AT THE VERY LEAST YOU WOULD REQUIRE THIS DEVELOPER TO APPLY YOUR LATEST DESIGN STANDARDS AND PROVIDE AT LEAST ONE DIRECT PEDESTRIAN ACCESS TO THE BUILDING SO THE RESIDENTS CAN WALK OUT TO THE STREET AND MAYBE CATCH A BUS ONCE IN AWHILE. THANK YOU.

THANK YOU, LORRAINE. TONY HOUSE, WELCOME. IS SUSAN AND WILLIAM CUNNINGHAM HERE? HELLO, FOLKS. HOW ARE Y'ALL? LINDA LAND? HI. AND SAGE WHITE. WHY I ASK IS MOST OF YOU ARE FAMILIAR THAT THE RULES ARE FOLKS HAVE TO BE PRESENT IN THE CHAMBERS IN ORDER TO DONATE THEIR THREE MINUTES TO THE SPEAKER. SO TONY YOU WILL HAVE UP TO 15 MINUTES IF YOU NEED IT.

I CAN ASSURE YOU I WILL NOT NEED IT. GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. MY NAME IS TONY HOUSE. I'VE LIVED IN THE REQUIRE SIDE PLANNING AREA FOR APPROXIMATELY 20 YEARS. I'M A MEMBER OF THE EROC PLANNING TEAM AND CO-VICE-PRESIDENT OF SOUTH RIVER CITY CITIZENS NEIGHBORHOOD ASSOCIATION. PLEASE SUPPORT THE EROC NEIGHBORHOOD PLAN AND THE WATERFRONT OVERLAY BY DENYING THIS ZONING

CHANGE. YOU HAVE ACKNOWLEDGED THAT EROC HAS AN UNHEALTHY BALANCE IN LAND USE. TOO MUCH MULTI-FAMILY, NOT ENOUGH COMMERCIAL AND OFFICE SPACE AND NOT ENOUGH OWNER OCCUPIED HOUSING OPPORTUNITIES. INCREASING THE NUMBER OF EROC'S MULTI-FAMILY RENTAL UNITS DOES NOT BENEFIT OUR COMMUNITY. THE AMLI PROJECT WILL DO EVEN MORE HARM BY REMOVING 120 AFFORDABLE RENTAL UNITS FROM OUR AREA ALONG WITH EXISTING RETAIL COMMERCIAL SERVICES AND OFFICE SPACE THAT EROC DESPERATELY NEEDS. THE PLANNING COMMISSION HAD A PROBLEM WITH THE NUMBER OF APARTMENT UNITS. IT GOES AGAINST OUR NEIGHBORHOOD PLAN. THEY'RE ALSO CONCERNED ABOUT THE LACK OF COMMERCIAL SERVICES. A LEASING OFFICE IS NOT THE TYPE OF COMMERCIAL THAT WE NEED. THIS PROJECT FURTHER ARMS EROC BECAUSE APPLICANT DOES NOT INTEND TO COMPLY WITH THE WATERFRONT OVERLAY AND WILL SEEK A VARIANCE TO THE IMPERVIOUS COVER LIMITATIONS. THIS IS IN THE RIVERSIDE NEIGHBORHOOD, WHICH IS ONE OF THE MOST DENSELY POPULATED AREAS IN THE CITY, YET WE HAVE ONLY A TINY THREE PERCENT OF OPEN GREEN SPACE. THAT'S IT. WITHOUT A CLEAR MANDATE FROM THE COUNCIL THAT DEVELOPERS MUST ADDRESS NEEDS SPECIFIC TO THE EROC PLANNING AREA WHEN THEIR PLANNING PROJECT IN OUR AREA, NOTHING IS GOING TO CHANGE FOR THE BETTER. EROC WILL CONTINUE TO SUFFICIENT FROM THE HIGHEST CRIME RATE IN THE CITY. MINIMAL EMPLOYMENT OPPORTUNITIES AND VAST SPANS OF CONCRETE AND ASPHALT. REPLACING PARKING LOTS WITH WALL TO WALL BUILDINGS DOES NOT INCREASE OPEN GREEN SPACE. PLEASE DENY THIS ZONING CHANGE. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, TONY AND FOR THE DONATED TIME BACK TO US. MALCOLM YATES. BECOME WELCOME. YOU WILL HAVE THREE MINUTES.

MY NAME IS MALCOLM YATES. I AM THE REGISTERED REPRESENTATIVE FOR THE SUN RIDGE NEIGHBORHOOD IN THE EROC PLANNING AREA. I HAVE BEEN ACTIVE IN THE NEIGHBORHOOD PLAN PROCESS SINCE THE BEGINNING. I AM A MEMBER BE OF THE EROC NEIGHBORHOOD PLAN CONTACT TEAM. THIS TEAM WHICH INCLUDES

REPRESENTATIVES OF EVERY NEIGHBORHOOD IN THE EROC AREA CREATED A LIST OF PLANNING PRINCIPLES THAT IS PART OF THE NEIGHBORHOOD PLAN THAT YOU PASS TONIGHT. TWO OF THE MOST IMPORTANT GOALS IN THIS LIST ARE NO NET INCREASE IN RENTAL UNITS IN THIS AREA AND PROTECTION OF TOWN LAKE FROM EXCESSIVE DEVELOPMENT. THE DEVELOPMENT PROPOSED FOR THIS TRACT VIOLATES BOTH OF THESE PRINCIPLES. PLEASE SUPPORT THE EROC NEIGHBORHOOD PLAN AND PROTECT TOWN LAKE BY DENYING THIS REQUEST. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU, MALCOLM. COUNCIL, FOLKS WHO HAVE SIGNED UP ALSO IN OPPOSITION, BUT NOT WISH TO GO SPEAK, OPPOSITION TO THIS CASE, WOULD INCLUDE BO McCARVER, BOG ANY RIGNEY AND CAROL GIBBS. SO THAT CONCLUDES THE FOLKS WHO HAVE SIGNED UP IN OPPOSITION. SO NOW WE WELCOME BACK MR. HARRIS TO GIVE A THREE-MINUTE REBUTTAL.

THANK YOU, MAYOR. I'D LIKE TO GET OUR DEVELOPMENT PLAN BACK ON THE SCREEN HERE IN JUST A MINUTE. I'D LIKE TO ADDRESS TWO OR THREE THING. THE FIRST THING I'M GOING TO ADDRESS IS TOWN LAKE AND ITS PROTECTION AND RESPECT GIVE NEN THIS AMLI PLAN. THEN I'M GOING TO TALK ABOUT A LITTLE BIT ON INTROWTION THE FOR SALE UNITS AND FINALLY TO RESPOND A LITTLE BIT TO THE RETAIL PART OF THIS PLAN. AS FAR AS TOWN LAKE IS CONCERNED, I'D LIKE TO START OUT FIRST BY RECALLING THAT ONE OF THE VERY IMPORTANT THINGS WE'RE GOING TO DO IS REMOVE THE EXISTING IMPROVEMENTS OUT OF THE PRIMARY SET BACKS IN THE WATERFRONT OVERLAY. SO WE'RE GOING TO RESPECT THAT WATERFRONT OVERLAY, WE'RE GOING TO REPLANT VEGETATION IN IT. AND I THINK VERY IMPORTANTLY ON VERY, VERY EXPENSIVE WATERFRONT LAND TO PROVIDE A FREE EXTENSION OF THE HIKE AND BIKE TRAIL, AND IN ADDITION PROVIDE ACCESS ROUTES ON EACH SIDE OF THE TRACK BACK TO THE HIKE AND BIKE TRAIL. IN ADDITION, WE'RE NOT BUILDING HI-RISE BUILDINGS RIGHT NEXT TO TOWN LAKE. THREE OR FOUR STORY BUILDINGS. I THINK THAT'S RESPECTING TOWN LAKE AT THIS PARTICULAR SITE. YOU'LL RECALL ALSO THAT WE WERE GOING ABOVE AND BEYOND WHAT ANYONE WOULD

ASK US TO DO AS FAR AS CAPTURING SOME STORM WATER RUNOFF NOT ONLY FROM OUR PROPERTY AND TREATING IT WITH WATER QUALITY TREATMENT, BUT ALSO SOME OFF SITE AREAS THAT WOULD NEVER BE REQUIRED TO DO ANY WATER QUALITY BEFORE THEIR WATER WENT INTO THE CREEKS AND WENT INTO TOWN LAKE. WE THINK THAT WE HAVE REALLY RESPECTED TOWN LAKE AND WILL BE AN ENCOURAGEMENT TO OTHERS TO DO THE SAME AND WE'RE DOING IT ON VOLUNTARILY AT OUR COST BASIS. AS FAR AS THE RETAIL, THERE'S ABOUT 10,000 TO 12,000 SQUARE FEET OF RETAIL OUT THERE NOW IN THESE 40-YEAR-OLD BUILDINGS. WE'RE REPLACING IT WITH 10,000 SQUARE FEET OF RETAIL. AND IT WILL BE OPEN TO EVERYBODY THAT'S THERE AND OTHER USES EXCEPT THE PAWN SHOP FKS AND THE WATERFRONT OVERLAY ALLOWS PEDESTRIAN USES ON THIS PROPERTY, BUT I DON'T THINK IT ALLOWS PAWN SHOPS AND SO WE WILL BE HONORING THAT. WE'RE TAKING OUT SOME COMMERCIAL AND WE'RE ADDING SOME MULTI-FAMILY, THAT'S TRUE, BUT WE'RE ALSO INTRODUCING A MINIMUM OF 45 OWNER-OCCUPIED UNITS. THERE ARE NO OWNER-OCCUPIED UNITS ON THE SITE AT THE CURRENT TIME, AND 45 OWNER-OCCUPIED UNITS, THAT'S A LOT OF OWNER-OCCUPIED UNITS ON THIS PARTICULAR SITE. AND MAYBE WE'LL GET 50, BUT IT'S GOING TO BE SOMEWHERE LIKE THAT. [BUZZER SOUNDS] AND ALL THOSE PEOPLE WILL HAVE ACCESS TO THE HIKE AND BIKE TRAIL THROUGH THE TRAILS OR WALKING OUT THEIR BACK DOOR AND GET TO GO IT. THERE'S NO PROBLEM WITH ACCESS FROM PEOPLE ON THE SITE TO THESE IMMUNITIES. APPRECIATE IT VERY MUCH. APPRECIATE EVERYBODY COMING AND SPEAKING AND WE'RE GOING TO CONTINUE TO WORK WITH OUR NEIGHBORHOODS AND WITH THE CITY ON THIS PARTICULAR PLAN. AND I'LL BE GLAD TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: QUESTIONS OF MR. HARRIS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: MR. HARRIS, IT WAS JUST PLANNED... STATED THAT YOU PLAN TO SEEK A VARIANCE TO THE WATERFRONT OVERLAY. ARE YOU GOING TO DO THAT?

THERE IS A POSSIBILITY THAT WHEN WE GET TO THE SITE

PLAN STAGE THAT WE HAVE TO ASK FOR VARIANCES THROUGH THE VERY PUBLIC PROCESS THAT THE CITY OF AUSTIN HAS. WE CANNOT SPEND THE DESIGN DOLLARS ON THIS PROJECT AND SEE HOW EVERYTHING IS GOING TO FIT UNTIL -- IF WE DON'T HAVE THE ZONING, YOU KNOW, THERE WON'T BE ANY USE IN GOING INTO THAT SORT OF THING. SO ANY VARIANCES WE ASK FOR WILL BE WELL DOCUMENTED. THEY WILL BE PRESENTED TO THE NEIGHBORHOOD AND THE NEIGHBORS AND TO THE CITY STAFF AND TO THE PLANNING COMMISSION AND PERHAPS TO THE COUNCIL. WE'RE JUST NOT THAT FAR -- WE DO KNOW THIS, AND I THINK WE'RE DOING A REDEVELOPMENT. WE'RE GOING TO REDUCE THE IMPERVIOUS COVER AND WE'RE GOING TO DO EVERYTHING WE CAN TO GET THE IMPERVIOUS COVER AS LOW AS WE CANMENT. AND THERE'S 16 SUBDISTRICTS IN THE WATERFRONT OVERLAY, AND ONLY ABOUT FOUR OF THEM HAVE ANY IMPERVIOUS COVER STANDARDS WHATSOEVER. SO IT'S PRETTY RESTRICTIVE TO HAVE FOUR OF THE SUBDISTRICTS THAT HAVE SOME UNUSUAL IMPERVIOUS COVER DIMENSIONS. WE'VE BEEN STRUGGLING WITH THAT TO THE EXTENT WE CAN. BUT WE HAVE NOT DESIGNED OUR PROJECT, AND -- BUT WE WILL COMPLY WITH ALL THE CITY'S PROCESSES. SO I CAN'T ANSWER THE QUESTION WITH 100% CERTAINTY.

Leffingwell: SO WHAT KIND OF VARIANCES WOULD YOU CONTEMPLATE YOU MIGHT NEED? IMPERVIOUS COVER?

WE COULD NEED SOME IMPERVIOUS COVER VARIANCE, YES.

Leffingwell: AND THAT WOULD BE POSSIBLY IN THE -- BEYOND 100 FEET SET BACK, BETWEEN 100 AND 150? I BELIEVE YOU'RE RESTRICTED ON IMPERVIOUS COVER.

THE ONLY IMPERVIOUS COVER WE'D BE PUTTING IN THE -- IN THE PRIMARY SET BACK THERE, THAT'S THE ONLY SET BACK WE HAVE ON THE WATERFRONT OVERLAY ORDINANCE ON THIS TRACT OF LAND WOULD BE WHATEVER THE CITY TOLD US THEY WANT THEED THE LAND FOR THE HIKE AND BIKE TRAIL, WE DO NOT PLAN ANY IMPERVIOUS COVER THERE AT ALL. AND THAT CREATES A LITTLE BIT OF A MORE CHAL..... CHALLENGE BECAUSE THE CITY SAYS YOU CAN'T COUNT THAT IN YOUR NET SITE AREA WHEN YOU'RE CALCULATING

YOUR IMPERVIOUS COVER. SO WE JUST HAVE TO ACT LIKE THAT 100 FEET IS GONE, NOT A PIECE OF OUR PROPERTY FOR CALCULATING IMPERVIOUS COVER. IT WOULD BE VERY, VERY HELPFUL TO US IF WE COULD COUNT THAT AS PART OF OUR NET SITE AREA IN CALCULATING IMPERVIOUS COVER, BUT WE HAVE TO DEDUCT THAT LIKE DO YOU OTHER THINGS. I'M JUST STATING WHAT THE FACT IS. AND WE CERTAINLY DON'T PLAN ANY IMPERVIOUS COVER IN THE WATERFRONT OVERLAY. HAD LF....

Leffingwell: WHERE WOULD YOU BE LOOKING TO INCREASE IMPERVIOUS COVER POSSIBLY?

WE WOULD BE -- WE WOULD BE REDUCING OVERALL IMPERVIOUS COVER FROM WHAT YOU SEE ON THE EXISTING DEVELOPMENT, SO SOMEWHERE BACK OF THE WATERWAYS -- RIGHT-OF-WAY LINES AND SOMEWHERE BEYOND THE 100-FOOT SET BACK IN THE DEVELOPMENT PROPER, IT COULD LEAD TO SOME IMPERVIOUS COVER CONSIDERATIONS WHEN WE START DESIGNING THE PROJECT. BUT WE WILL NOT BE PUTTING ANY IMPERVIOUS COVER IN THE HIKE AND BIKE TRAIL AREA ON THE WATERFRONT. WE WILL BE REMOVING IMPERVIOUS COVER THERE. THE SWIMMING POOL, FACILITIES, WE'LL BE SUBSTANTIALLY REDUCING THE IMPERVIOUS COVER IN THAT AREA.

FURTHER QUESTIONS OF MR. HARRIS OR ANYBODY ELSE?
COUNCILMEMBER MCCRACKEN.

McCracken: THE FIRST QUESTION IS ON COMPLYING WITH DESIGN STANDARDS AND I KNOW THAT THE ISSUE OF THE EASEMENT HAS COME UP, BE AND SO I GUESS I NEEDED SOME CLARIFICATION. IS THERE ACTUALLY -- ARE THERE ACTUALLY WATERWAYS THERE NOW OR NOT OR IS IT JUST AN EASEMENT?

IT'S OUR UNDERSTANDING AT THIS POINT THAT THERE'S ACTUALLY SUBSTANTIAL WATER AND WASTEWATER LINE FACILITIES IN THOSE EASEMENTS.

McCracken: SO HOW DO WE GO ABOUT MAKING THE VERTICAL MIXED USE IN THE SIDEWALKS HAPPEN WITH WATER PIPES ABOVE THEM? HOW DO WE MAKE THAT

HAPPEN? I GUESS THAT'S A STAFF QUESTION. I DON'T KNOW.
Y'ALL HELP ME OUT.

WE CAN SEE IF THERE ARE WAYS TO RETHROAKTZ
EASEMENTS AND -- LOCATE THOSE EASEMENTS AND LINES
THAT COME ALONG THE FRONT OF THE PROJECT THAT
PRECLUDE THE BUILDINGS FROM BEING BUILT OVER THEM. I
THINK ON THE EXHIBIT THAT MR. HARRIS HAS AND IT'S UP ON
YOUR SCREEN, YOU CAN SEE THE EASEMENTS THERE IN
YELLOW THAT ACTUALLY WRAP ALONG THE FRONTAGE OF A
PORTION OF EAST RIVERSIDE AND FOLLOW LAKE SHORE
DRIVE, WHICH HAMPERS THEM FROM ACTUALLY BUILDING IN
THAT AREA. SO WE CAN SPEAK TO WATER AND
WASTEWATER. I'M NOT SURE THE EXACT SIZING OF THE
LINES THAT ARE WITHIN THOSE EASEMENTS, BUT WE CAN
TALK WITH THE PROPERTY OWNER AND TALK WITH WATER
AND WASTEWATER AND SEE WHAT ONGSES WE HAVE BF --
OPTIONS WE HAVE BEFORE YOU HAVE FINAL ACTION.

McCracken: SO I GUESS WE WOULD NEED TO FIGURE OUT
FOR INSTANCE CAN YOU PUT A SIDEWALK OVER THAT?
BECAUSE IF WE MAKE THIS A CORE TRANSIT CORRIDOR --

TYPICALLY YOU CAN HAVE SIDEWALKS AND DRIVEWAYS AND
THOSE TYPES OF THINGS OVER THESE EASEMENTS. IT
BECOMES MORE DIFFICULT WHEN YOU'RE ACTUALLY
TALKING ABOUT CONSTRUCTING BUILDINGS.

SURE.

McCracken: AND THEN THE -- I GUESS THAT KIND OF WRAPS
IN MY MINE ISSUES ABOUT THE EASEMENT AND THE
COMPLIANCE, THE DESIGN STANDARDS, CHING IS VERY
IMPORTANT TO THIS PROJECT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: FOLLOW-UP WITH STAFF ON THAT EASEMENT
QUESTION. WHETHER OR NOT THERE ARE PIPES IN THE
GROUND, THE EASEMENT WOULD PRECLUDE ANY KIND OF
STRUCTURE EXCEPT FOR A SIDEWALK OR A DRIVEWAY
OVER THAT EASEMENT, WOULDN'T IT?

IT WOULD, BUT THERE MAY BE WAYS -- IT IF THERE ARE NO ACTUAL PIPES IN THERE, THEN WE CAN PROBABLY RELOCATE EASEMENTS EASIER THAN IF THE LINES ARE ACTUALLY EXISTING.

Leffingwell: SO IF THERE ARE NO PIPES IN THE GROUND, THE CONSIDERATION WOULD BE TO TRY TO RELOCATE THE EASEMENTS IN A WAY THAT WOULD PROVIDE CONNECTIVITY WITH THE ADJACENT PROPERTIES EASEMENTS ON THE ADJACENT PROPERTIES.

THAT'S CORRECT. IF THE OWNER IS SEEKING TO CONSTRUCT 45 TOWNHOUSES ON THE PROPERTY, WE'LL HAVE TO GO THROUGH THE SUBDIVISION PROCESS WHERE ALL THE EASEMENTS THAT TRAVERSE THE SITE WILL BE LOOKED AT AGAIN BY OUR WATER AND WASTEWATER AND OTHER UTILITIES.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, THEN I'LL ENTERTAIN A MOTION ON ITEM 59.
COUNCILMEMBER MCCRACKEN.

McCracken: YEAH, I'LL START OFF BY SAYING I THINK THAT THIS IS OBVIOUSLY SOMETHING THAT HAS BEEN A REAL TARGET AREA. WE'RE SEEING WHAT -- I BELIEVE WHEN WE LOOK BACK ON ALL THIS WE'LL SEE A VERY EXCITING TRANSFORMATION OF THIS CORRIDOR AND WE NEED TO MAKE SURE DWOA IT RIGHT IN THE FRONT END AND BUILD IN OUR PUBLIC VALUES, BUT ALSO HAVE QUALITY REDEVELOPMENT. I THINK WE HAVE A TREMENDOUS OPPORTUNITY HERE. SO WHAT I'M GOING TO DO IS MOVE TO APPROVE THE -- WHAT IS THE RECOMMENDATION FROM STAFF? I WANT TO MAKE SURE YOU TRACK THAT LANGUAGE.

THE STAFF RECOMMENDATION WAS FOR GR. THE WATERFRONT OVERLAY ALREADY ALLOWS MIXED USE ON THE PROPERTY AND AGAIN THE PLANNING COMMISSION RECOMMENDATION WAS FORWARDED WITHOUT A RELIGIOUS.

McCracken: SURE. I'LL MOVE TO APPROVE THE STAFF RECOMMENDATION ON FIS READING ON THE FOLLOWING CONDITIONS: THAT TO REQUIRE COMPLIANCE AND DESIGN

STANDARDS, TO REQUIRE VMU, ACTUAL VERTICAL MIXED USE ON THE PORTIONS OF THE SIDE ALONG RIVERSIDE, AND TO REQUIRE NO GATES. THEN I'D LIKE AN ANALYSIS TO COME BACK FOR SECOND READING AND THE AFFORDABILITY STANDARDS BECAUSE IF WE DO THE -- WHAT WOULD BE BE THE ABILITY TO BUILD A LOT MORE ON THE MF-3 PORTIONS, THAT WOULD TRIGGER THE SAME KIND OF DEVELOPMENT BONUS THAT WE HAVE IN THE VMU OVERLAY. I THINK WE NEED AN ANALYSIS ON THAT. THIS....THAT WOULD BE 10% AT 80% MFI AND ON FOR SALE IT WOULD BE FIVE PERCENT AT 100, FIVE PERCENT AT 80.

MOTION BY COUNCILMEMBER MCCRACKEN. SECONDED BY MAYOR PRO TEM TO APPROVE ON FIRST READING ONLY STAFF RECOMMENDATION OF GR WITH CONDITIONS, AND THOSE BEING THAT THE PROJECT COMPLY WITH THE COMMERCIAL DESIGN STANDARDS. THE REQUIREMENT OF VERTICAL MIXED USE ALONG THE RIVERSIDE PORTION OF THE TRACT. AND THAT THERE BE NO GATES. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WOULD LIKE TO OFFER UP SOME ADDITIONAL CONDITIONS, EITHER AS RESTRICTIVE COVENANTS OR CONDITIONAL OVERLAY, WHICHEVER APPLIES, AS A FRIENDLY AMENDMENT. AND THOSE WOULD BE NO DEVELOPMENT WITHIN 100 FEET OF THE SHORELINE. 60-FOOT HEIGHT LIMIT OVERALL. THAT WOULD BE A CO, WHICH WOULD BAIFB BASICALLY PRECLUDE A VARIANCE FOR THAT. A 30-FOOT EASEMENT BE GRANTED FOR THE TRAIL AND ACTUALLY CONSTRUCT THE TRAIL. PEDESTRIAN ACCESS FROM THE STREET TO TOWN LAKE BE PUBLIC ON BOTH THE EAST AND WEST SIDES. THERE WOULD BE A MINIMUM OF 45 FOR SALE UNITS, TOWNHOMES, 375 APARTMENTS MAXIMUM, AND 10,000 SQUARE FEET OF RETAIL ON RIVERSIDE DRIVE MINIMUM.

Mayor Wynn: SO COUNCILMEMBER MCCRACKEN, DO YOU CONSIDER THOSE ADDITIONAL CONDITIONS AS A FRIENDLY AMENDMENT?

McCracken: THE ONLY -- I ONLY HAVE A REAL QUESTION ABOUT ONE OF THEM, AND THAT IS THE 100-FOOT -- IS THAT

THE WATERFRONT OVERLAY DISTANCE?

THAT'S CORRECT.

McCracken: THEN THESE ALL SOUND FINE TO ME.

Mayor Wynn: MAYOR PRO TEM?

Dunkerley: I HAVE A QUESTION. I'M NOT SURE I HEARD THE ORIGINAL, ALL OF THE ORIGINAL CONDITIONS, BUT HAS ANYBODY INCLUDED THE EXTRA WATER QUALITY, THE 10 ACRES OR SO THAT THEY HAD AGREED TO TREAT? IF THAT ISN'T INCLUDED, I'D LIKE TO ADD THAT.

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I DIDN'T HEAR THAT AS ONE OF THE MOTIONS.

Mayor Wynn: THE QUESTION TO YOU IS IS THAT APPROPRIATE?

WE HAVE HAD CONDITIONS IN THE PAST THAT INCREASE THE AMOUNT OF WATER QUALITY CAPTURED AND THIS IS APPROPRIATE.

MS. TERRY IS SHAKING HER HEAD THAT SHE WILL FIGURE OUT THOUSAND DO IT. SO COUNCILMEMBER MCCRACKEN DO YOU CONSIDER THAT AN ADDITIONAL FRIENDLY AMENDMENT?

McCracken: YES.

Kim: I HAVE A QUESTION FOR STAFF. MR. GUERNSEY, SOMEONE SAID THAT THE WATERFRONT OVERLAY REQUIRES ONLY 100-FOOT SET BACK EAST OF I-35, BUT IT'S WEST OF I-35, IT'S 200 FEET. IS THAT TRUE?

IT VARIES. I KNOW IN THIS AREA IT'S 100-FOOT SET BACK. AND THEN THERE'S A FWIT% IMPERVIOUS COVER -- 50% IMPERVIOUS COVER LIMITATION WITHIN THIS PARTICULAR SEGMENT. IT DOES VARY AND I CAN'T SAY IN PARTICULAR IF

IT'S 200 IN OTHER PLACES SPECIFICALLY OR NOT BECAUSE IT DOES VARY, BUT 200 IS AN AMOUNT THAT I HAVE HEARD BEFORE IN SOME OTHER SUBDISTRICTS. I'M NOT SURE IF IT'S IN THE NORTH DISTRICT OF TOWN LAKE OR THE SOUTH SHORE.

Kim: CAN YOU GET ME INFORMATION BEFORE THIRD READING THAT?

YES. WE CAN PROVIDE THAT ALONG THE ENTIRE SOUTH SHORE OF TOWN LAKE.

Kim: ALL RIGHT. THANK YOU.

Mayor Wynn: WE HAVE AN AMENDED MOTION AND SECOND ON THE TABLE, FIRST READING ONLY, GR WITH SEVEN ADDITIONAL CONDITIONS. MR. GUERNSEY?

I JUST WANT TO ASK FOR CLARIFICATION. I THINK ONE OF THE MOTIONS SPOKE TO NOTHING WITHIN 100 FEET. TYPICALLY WE DO ALLOW FOR UTILITY CROSSINGS AND ALSO THERE'S THE HIKE AND BIKE TRAIL, BUT THEY WOULD NORMALLY BE ALLOWED IF WE HAVE NOTHING IN THAT AREA THAT MAY PRECLUDE US FROM DOING THE HIKE AND BIKE TRAIL, THAT WE ARE SEEKING. SO IF IT'S 100 FEET, THERE ARE NO STRUCTURES OR IF IT'S TO ALLOW UTILITY CROSSINGS, DRAINAGE, WATER QUALITY AND HIKE AND BIKE TRAIL, THEN I THINK THAT WOULD ACCOMPLISH SOME OF THE THINGS THAT THEY ARE SUGGEST HUMAN BEING THAT THEY WOULD LIKE TO DO AND MAYBE THE CITY WOULD LIKE TO DO ALSO IN THE FUTURE.

...

Leffingwell: WHAT I SAID WAS NO DEVELOPMENT WITHIN 100 FEET, TROAFER IF YOU GOT A BETTER TERMINOLOGY FOR THAT SUCH AS THE STRUCTURE, NO STRUCTURES WITHIN 100 FEET.

IF WE SAID NO BUILDINGS OR WE SIMPLY SAID WITHIN 100 FEET THERE'S NO DEVELOPMENT WITHIN THE EXCEPTION OF UTILITY CROSSINGS, DRAINAGE AND WATER QUALITY IMPROVEMENTS, AND THE PASSIVE RECREATION HIKE AND

BIKE TRAILS. I THINK THAT WOULD COVER JUST ABOUT EVERYTHING.

Leffingwell: THAT SOUNDS GOOD.

Mayor Wynn: THAT SEEMS TO BE THE INTENT, YES.
COUNCILMEMBER MCCRACKEN?

McCracken: I WANT TO MAKE SURE THAT WE'RE GETTING THIS ISSUE OF THE EASEMENT RESOLVED, HOW FAR IT NEEDS TO BE RESOLVED SO THAT WE CAN HAVE COMPLIANCE OF DESIGN STANDARDS ON THIS. WE..

WE WILL GET BACK WITH WATER AND WASTEWATER ON THAT EASEMENT.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I DON'T KNOW MUCH ABOUT THE TOPOGRAPHY OTHER THAN WHAT SHOWN EARLIER. IT DOESN'T LOOK LIKE IT WAS VERY STEEP WHERE THE SWIMMING POOL IS RIGHT NOW, AND I DON'T KNOW WHAT HAPPENS WHEN TOWN LAKE, THE LEVEL OF TOWN LAKE RISES? WILL THAT HIKE AND BIKE TRAIL STILL BE THERE OR WILL IT BE UNDERWATER? WHO CAN GIVE ME INFORMATION ON THAT?

UNLESS WE HAVE A FLOOD IT IS A CONSTANT LEVEL LAKE, SO IT SHOULDN'T BE AN ISSUE SAVE AND EXCEPT A LARGE FLOOD EVENT THAT ALL PROPERTIES ALONG ALL THE -- IN THE CHAIN OF LAKES WITHIN THIS CORRIDOR MAY BE SUBJECT TO FLOODING IF THERE'S ENOUGH RAINWATER THAT COMES DOWN. BUT THIS IS A CONSTANT LEVEL LAKE, SO THERE SHOULDN'T BE AN ACCESS PROBLEM.

...

McCracken: ARE YOU SAYING IF IT FLOODS WE NEED TO GET ON THE SECOND FLOOR OF THIS BUILDING TOO?

MAY BE.

Mayor Wynn: WE HAVE AN AMENDED MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

AND MAYOR AND COUNCIL, I'LL REMIND YOU THAT WHEN WE BRING THIS BACK, THE FUTURE LAND USE MAP AND ALSO THE APPLICATION OF THE NEIGHBORHOOD COMBINING DISTRICT WILL BE BROUGHT BACK AT THE SAME TIME FOR CONSIDERATION FOR SECOND AND THIRD READING.

Mayor Wynn:TY, MR. GUERNSEY.

THE NEXT TWO ZONING CASES, I WOULD LIKE TO OFFER NUMBER 67 AND 68 TOGETHER. 67 IS A NEIGHBORHOOD PLAN AMENDMENT THAT'S CASE NPA-06-0016.01. THIS IS FOR A DENTAL CLINIC PROJECT LOCATED WITHIN THE GOVALLE JOHNSON TERRACE NEIGHBORHOOD PLANNING AREA FOR THE PROPERTY LOCATED AT 4711 RED BLUFF ROAD. THIS IS A REQUEST TO CHANGE THE FUTURE LAND USE MAP FROM SINGLE-FAMILY TO MIXED USE. THE RELATED CASE IS ITEM NUMBER 68, WHICH IS A ZONING CASE, WHICH IS C-14-06-143 AND THIS IS THE SAME PROPERTY AT 4711 RED BLUFF ROAD, AND THIS IS A VOANING CASE FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION'S RECOMMENDATION WAS TO DENY THIS FUTURE LAND USE MAP CHANGE AND ALSO THE REZONING REQUEST. AND THAT WAS ON A VOTE OF SEVEN TO ZERO. THE PROPERTY IS .3 ACRES APPROXIMATELY, AND THE USE OF THE PROPERTY OR THE CURRENT ZONING ON THE PROPERTY IS SINGLE-FAMILY. THERE HASN'T BEEN A SIGNIFICANT CHANGE IN THIS AREA SINCE THE ADOPTION OF THE NEIGHBORHOOD PLAN. I'LL POINT OUT THAT THE JOHNSON, GOVALLE TERRACE NEIGHBORHOOD PLANNING TEAM HAS VOTED TO OPPOSE BOTH THE REZONING REQUEST AND THE NEIGHBORHOOD PLAN AMENDMENT, AND I BELIEVE YOU HAVE IN YOUR BACKUP MATERIAL INFORMATION REGARDING THAT AS WELL.

THE PROPERTY IS JUST SOUTH OF CESAR CHAVEZ AND IT IS WEST OF SHADY LANE ON RED BLUFF ROAD. AND IT ACTUALLY HAS WATER FRONTAGE AND ALSO STREET FRONTAGE ON RED BLUFF ROAD. THERE ARE COMMERCIAL USES THAT DO EXIST A LITTLE BIT TO THE WEST OF THIS PROPERTY AND RESIDENTIAL USES THAT EXIST TO THE WEST. TO THE NORTH THERE ARE SOME COMMERCIAL USES THAT EXIST AND THEN TO THE SOUTH IS THE COLORADO RIF. I GUESS I'LL PAUSE AT THIS TIME AND LET THE APPLICANT'S AGENT COME FORWARD AND SPEAK TO THE REQUEST. I'LL ALSO NOTE THAT STAFF DID NOT RECOMMEND THIS ZONING CHANGE NOR THE PLAN AMENDMENT.

Mayor Wynn: THANK YOU. QUESTIONS FOR STAFF, COUNCIL? IF NOT, THEN WE'LL TAKE UP THIS COMBINED CASE 67-68 AND WE'LL WELCOME OUR OWN ARE OTHER APPLICANT AND/OR THE AGENT. PERHAPS MR. GARCIA? I SHOW MANUEL GARCIA BEING THE AGENT AND APPLICANT FOR THE PROPERTY. I'LL JUST SAY, COUNCIL, WE HAVE ONE PERSON HERE IN OPPOSITION, DANIEL YANEZ WANTED TO SPEAK IN OPPOSITION. WE HAVE STAFF RECOMMENDED DENIAL 7-0 VOTE, PLANNING COMMISSION DENIAL. DENIAL.

MAYOR, IF YOU REMEMBER, THE APPLICANT AND APPLICANT'S AGENT WAS NOT PRESENT, THE NEIGHBORHOOD IS NOT PRESENT. I UNDERSTAND THE NEIGHBORHOOD DID SHOW UP AT SIX AND THEY APPEARED LATE. THERE IS A REPRESENTATIVE FROM THE NEIGHBORHOOD HERE TONIGHT THAT'S SPEAKING IN OPPOSITION. WE DID CONTACT THE APPLICANT WITH REGARDS TO THIS CASE AND ALSO THE NEIGHBORHOOD REPRESENTATIVES, SO STAFF -- WE DID OUR BEST TO TRY TO GET PEOPLE HERE FOR TONIGHT'S HEARING AND TRY TO MAKE THEM AWARE OF IT. THAT'S ALL I CAN TELL YOU AT THIS TIME.

Mayor Wynn: THANK YOU. THAT'S ABOUT ALL WE CAN DO AS WELL. SO COUNCIL, GALE GOFF WAS HERE IN OPPOSITION, DONATING HER TIME TO DANIEL YANEZ, WHO IS SPEAKING IN OPPOSITION. MS. TERRY, IS THERE A PROBLEM WITH US IN A SENSE NOT FORMALLY CONDUCTING THE PUBLIC HEARING

BECAUSE OF A LACK OF AN APPLICANT OR AGENT?

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MAYOR AND COUNCIL, WHAT YOU HAVE ARE FOLKS APPEARING HERE IN OPPOSITION. IF IT IS THE WILL OF THE COUNCIL TO CLOSE THE PUBLIC HEARING AND DENY THE ZONING, YOU'RE FINE.

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Mayor Wynn: THANK YOU VERY MUCH. MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER MCCRACKEN TO CLOSE THIS PUBLIC HEARING AND TO DENY BOTH CASES 67 AND 68. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO DENY PASS OZ A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. MR. GUERNSEY, ANOTHER COMBINED CASE PERHAPS?

YES, WE HAVE ANOTHER COMBINED CASE. THE NEXT TWO ITEMS, ITEM NUMBER 69 AND ITEM..... ITEM NUMBER 70 ARE RELATED. 69 IS ZONING CASE C-14-06-0123, ARREST DENT ONE. THIS IS THE PROPERTY LOCATED AT 1500 SOUTH LAMAR BOULEVARD. THIS IS A REZONING REQUEST FROM COMMUNITY COMMERCIAL OR GR AND GENERAL COMMERCIAL SERVICES DISTRICT ZONING TO COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE RELATED CASE WHICH IS LOCATED TO THE NORTH OF THIS PROPERTY IS CASE C-14-06-0124, ARREST. ARDENT NUMBER TWO AT 1418 SOUTH LAMAR BOULEVARD. THIS IS A REZONING FROM MULTI-FAMILY DISTRICT ZONING AND GENERAL COMMERCIAL SERVICES DISTRICT ZONING TO COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE PLANNING COMMISSION ALSO RECOMMENDED THIS REZONING

REQUEST. AS I MENTIONED BEFORE, THESE CASES ARE ADJACENT TO EACH OTHER. IN BETWEEN THEM IS AN EXISTING STREET THAT I BELIEVE THE APPLICANT IS GOING THROUGH THE PROCESS TO SEEK A VACATION. IF THE VACATION IS SUCCESSFUL, THE ZONING OF THE ADJOINING PROPERTIES WILL GO TO THE CENTER LINE OF THE RIGHT-OF-WAY, SO A SUBSEQUENT REZONING TO THE PROPERTY THAT WOULD BE VACATED WOULD NOT BE NECESSARY. YOU THE AREA THAT WE'RE TALKING ABOUT FOR BOTH TRACTS COMBINED IS APPROXIMATELY 3.306..... 3.306 ACRES WITH AN ACRE AND A HALF BEING PRIMARY FLOI THE SOUTHERN TRACT. AND APPROXIMATELY 1.75 ACRES FOR THE NORTHERN PIECE. AS I SAID BEFORE, THE ZONING REQUEST IS FOR GR-MU-CO, WHICH IS A MIXED USE DISTRICT THAT WOULD ALLOW FOR COMMERCIAL AS WELL AS RESIDENTIAL USES. THE STAFF RECOMMEND THE CASES WITH A TWO THOUSAND TRIP LIMITATION, AND THERE'S A LIST OF PROHIBITED USES AND THE APPLICANT AGREED TO THOSE PROHIBITED USES, LIST OF PROHIBITED USES WOULD BE AUTO RENTAL, AUTO REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOBILE WASHING OF ANY TYPE, BAIL BONDS, COMMERCIAL OFF STREET PARKING, DROP OFF COLLECTION FACILITY, EXTERMINATING SERVICES, FUNERAL SERVICES, INDOOR SPORTS AND RECREATION, OUTDOOR SPORTS AND RECREATION. PAWN SHOP SALES, SERVICE STATION, LOCAL UTILITY SERVICES, THEATER, TELECOMMUNICATION TOWER AND RESIDENTIAL TREATMENT. THE PLANNING COMMISSION RECOMMENDATION WAS TO APPROVE THE STAFF RECOMMENDATION AGAIN ON A VOTE OF #- 7 TO ZERO. THE PROPERTY IS CURRENTLY DEVELOPED WITH APARTMENTS AND A MIXTURE OF GENERAL COMMERCIAL USES. THE ADJACENT PROPERTIES ARE SURROUNDING ARE AUTO RELATED, SOME RESTAURANT, SEVERAL APARTMENT PROJECTS. THE CASES WERE SUBMITTED IN MAY OF 2006. THE APPLICANT REQUESTED THAT THEY NOW BE SCHEDULED FOR PUBLIC HEARING BY THE PLANNING COMMISSION UNTIL THEY HAD TIME TO MEET WITH THE NEIGHBORS. I I BELIEVE YOU DO HAVE QUITE A FEW NEIGHBORS HERE THIS EVENING TO SPEAK TO THIS CASE, AND I GUESS AT THIS POINT I WILL PAUSE AND IF HAVE YOU ANY QUESTIONS...

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? BEFORE WE CONDUCT OUR PUBLIC HEARING?

THESE ARE ONLY READY FOR FIRST READING ONLY, MAYOR AND COUNCIL.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: ON THE STREET BEING REQUESTED FOR VACATION, ABOUT WHEN DO YOU THINK THE CITY'S ASSESSMENT OR WILL BE AVAILABLE?

I DON'T KNOW THE PRECISE DATES THAT WOULD COME BACK FOR THE VACATION. THE APPLICANT'S AGENT WILL PROBABLY TELL YOU BETTER EXACTLY WHERE THEY ARE IN THE PROCESS, AND IF THERE'S ANY CONCERNS WITH THE VACATION AT THIS TIME. THE TRACT AJAY STOANT THIS PROPERTY ALREADY HAS ACCESS ON COLLIER, THERE SHOULDN'T BE TOO MANY IMPEDIMENTS TO THE VACATION OF THE RIGHT-OF-WAY, SO THERE SHOULD NOT BE A PROBLEM VACANTING IT THAT I CAN SEE BY MERELY LOOKING AT THE ADJACENT PROPERTIES.

Dunkerley: I'LL ASK A QUESTION LATER ABOUT THE VALUE OF THE VACATION.

JERRY JUST CAME FORWARD AND TOLD ME WE ARE READY FOR ALL THREE READINGS AND THE VACATION WAS APPROVED BY THE COMMISSION LAST MONTH FOR THE RIGHT-OF-WAY. SO IT WILL PROBABLY BE COMING TO YOU NEXT MONTH.

Mayor Wynn: THANK YOU, MR. GUERNSEY. SO COUNCIL, WE'LL CONDUCT OUR PUBLIC HEARING NOW. YOU REMEMBER WE'LL SET THE CLOCK FOR FIVE MINUTES FOR THE APPLICANT PRESENTATION AND THEN COMBINE THAT WITH FOLK WHO ARE HERE TO SPEAK IN FAVOR. THEN WE'LL HEAR FROM FOLKS IN OPPOSITION. IT LOOKS LIKE OUR STEVE METCALF, I GUESS, WILL BE SERVING AS OUR APPLICANT. AND IS MICHELLE ROBERTSON HERE AND ASHLEY MCNABB. SO WELCOME. STEVE, YOU WILL HAVE UP TO 11 MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY CHRIS

BRADFORD.

AND ACTUALLY, I THINK BRETT BENTON IS GOING TAKE A FEW OF THE APPLICANT TIME HERE AT THE END. MY NAME IS STEVE METCALF. I'M AN ATTORNEY REPRESENTING ARDENT ON THIS DEAL. THE STAFF HAS DESCRIBED THE SITE IS ON SOUTH LAMAR. AS YOU CAN SEE, THERE'S BEEN SOME DISCUSSION ABOUT WHETHER THIS IS REALLY PART OF THE CORE. IT'S DEFINITELY A CORE TRANSIT CORRIDOR AND YOU CAN TELL BY THIS AERIAL LOOKING AT THE SITE IT'S NOT FAR OUT OF DOWNTOWN. I MEAN, THIS IS AN AREA THAT HAS BEEN TARGETED FOR REDEVELOPMENT BY ALL THE PLANNING ORGANIZATIONS ON A CORE BE TRANSIT CORRIDOR. IF YOU LOOK AT THE CURRENT ZONING ON THE SITE, YOU WILL SEE IT'S A MIX OF CS, GR AND A LITTLE BIT OF MF-3. THE REASON WE HAVE A REZONING CASE AT ALL IS BECAUSE IT HAS A LITTLE BIT OF MF-3. AS YOU GUYS KNOW ON THE NEW DESIGN STANDARDS ON THE VMU REQUIREMENTS, YOU CAN DO A VMU ON GR OR CS PROPERTY, BUT WE DO HAVE A PIECE OF MF-3 HERE AND THAT'S WHY WE'RE ASKING FOR THE ZONING CHANGE. SO WHAT WE'RE ASKING FOR IS A GR ON ALL OF IT WITH VMU OVERLAY, SO WE'RE REALLY DOWN ZONING THE CS PIECES AND ACTUALLY DOWN ZONING THE GR BECAUSE WE'RE ALSO AGREEING TO A BUFNLG OF PROHIBITED USES. THERE'S A NEIGHBORHOOD PLAN PROCESS GOING ON. THERE'S A BUDGE OF ITERATIONS OF THEIR FLUM. THEY'LL SHOW A MIX OF EITHER MULTI-FAMILY OR MIXED USE ON THE PROPERTY. SO THERE'S DIFFERENT MAPS. THESE ARE THE PROHIBITED USES WE'RE TALKING ABOUT. WE'RE PROHIBITING THESE FROM THE GR ZONING CASE, BUT ALSO KEEP IN MIND WHEN YOU'RE LOOKING AT THESE, THESE ARE PERMITTED USES TODAY ON THE SITE. SO IF THE APARTMENT USE WAS TO CHANGE HERE, ANY OF THESE YIEWSUSES YOU SEE LISTED HERE ARE USES THAT WOULD COME UP OR IF THE PARDON MES ARE REPLACED COULD COME IN. FOR EXAMPLE, PAWN SHOP SERVICES, OOBLG RENTALS, SALE, THE KIND OF THINGS THAT NEIGHBORHOODS TYPICALLY DON'T WANT TO SEE. ONE OF THE THINGS THAT MAKES THIS SITE A REALLY GOOD REDEVELOPMENT SITE IS WE REALLY DON'T HAVE A COMPATIBILITY STANDARD PROBLEM. ON A LOT OF THESE

REDEVELOPMENTS IN ITS URBAN CORE YOU RUN INTO THESE COMPATIBILITY ISSUES. IF YOU LOOK AT THIS MAP HERE, WE REALLY DON'T HAVE ANY OF THAT. THERE'S NOT ANY SITE -- THERE'S NOT ANY SF ZONED OR SF USES WITHIN THAT 540-FOOT CIRCLE THAT WILL AFFECT THIS PROJECT. ALSO ACTION THIS PROJECT IS GOING TO JUST FRONT AND PUT TRAFFIC OUT TO O. TO LAMAR. IT'S NOT GOING TO PUT TRAFFIC INTO ANY SURROUNDING NEIGHBORHOODS, WHICH IS ANOTHER PROBLEM WE HAVE WITH INFILL PROJECTS. THIS IS THE CURRENT PROJECT. THIS IS THE STONE RIDGE APARTMENTS AS THEY EXIST TODAY. THE PROJECT WE'RE PROPOSING WOULD BE APPROXIMATELY 300 UNITS, 10,000 SQUARE FEET OF STOREFRONT RETAIL. THERE.....IT WILL BE A FOUR-STORY APARTMENT BUILDING, ALTHOUGH THERE WILL BE SOME FIRST LEVEL RETAIL THAT'S SUNKEN, ALMOST LIKE A BASEMENT. AND THEN IT WILL BE STRUCTURED PARKING. SO THERE WILL BE STRUCTURED PARKING, A LITTLE BIT OF SURFACE PARKING FOR SOME OF THE RETAIL. THIS IS A SITE PLAN WE'RE LOOKING AT. YOU CAN SEE IT'S A STRUCTURED PARKING GARAGE, MINIMAL AMOUNT OF SURFACE PARKING. THIS IS A FULLY VMU STZ PROJECT. MEETING ALL THOSE REQUIREMENTS. WE HAVE THE PEDESTRIAN ORIENTED STREET FRONT WITH THE 15-FOOT SIDEWALK. WE'LL HAVE THE ACTIVE USES OUT FRONT. THIS WILL BE -- IF YOU LOOK IN THE BOOK AND YOU LOOK IN THE PIKS OF THE VMU PROJECTS AND THE DIAGRAMS, THIS IS IT. THIS IS EXACTLY THE WAY THEY LOOK IN THE VMU ORDINANCE. THIS LITTLE CUTOUT SHOWS HOW THAT RETAIL REALLY IS ALMOST LIKE A BASEMENT. WE'VE KIND OF CUT IN TO WE CAN HAVE IT AT GRADE LEVEL WITH LAMAR. ALL THE DISCUSSION WE'VE HAD WITH EVERYBODY ON THIS PROJECT RELATES TO AFFORDABLE HOUSING. I THINK THE KEY THAT -- OUR KEY POINT HERE IS THAT WE'RE DOING WHAT'S PRESCRIBED BY THE ORDINANCE. WE'RE GOING TO MEET ALL THE RIMENTS OF THE DESIGN STANDARDS IN THE VERTICAL MIXED USE ORDINANCE, WHICH AS YOU KNOW IS A REQUIREMENT OF 10 PERCENT OF THE UNITS AFFORDABLE AT 80% MFI. THAT REQUIREMENT CAME OUT OF MONTHS OF CUSHION WITHIN THE DESIGN STANDARD AND VMU TASKFORCE. THERE WAS PEOPLE FROM THE NEIGHBORHOODS, PEOPLE FROM THE AFFORDABLE HOUSING GROUPS, DEVELOPERS, STAFF, ALL INVOLVED

WITH IT. I'LL TELL YOU THE DEVELOPERS WEREN'T REALLY HAPPY WITH THE NUMBER BE AND MAYBE EVERYBODY ELSE WASN'T REALLY HAPPY WITH THE NUMBER, BUT THIS WAS THE COMPROMISE NUMBER THAT WE AGREED TO. IF YOU SAID -- WHAT WE DISCUSSED AND IF YOU SET THAT AFFORDABLE HOUSING RIMENT TOO STRONG, WHAT YOU WILL END UP WITH ASK A DISINCENTIVE TO DO THE VMU'S. WE WANT THE VMU'S AND WE WANT THE AFFORDABLE HOUSING, BUT THE COMPONENTS HAVE TO MATCH AND IT HAS TO BE AT LEVELS THAT THE DEVELOPERS WILL REALLY BE ABLE TO BUILD THESE THINGS. OTHERWISE YOU WON'T GET THE AFFORDABLE HOUSING IN THEM AND YOU WON'T GET THE VMU'S. THERE'S BEEN SOME DISCUSSION ABOUT UPPING THAT REQUIREMENT, EITHER REPLACING ALL 138 AFFORDABLE UNITS OR SOME SIMILAR POLICY THAT WOULD REQUIRE SOME TYPE OF REPLACEMENT OR SOMETHING ABOVE THE 10% AT 80%. AND THROUGH ALL THE STZ WE'VE DONE, IT JUST DOESN'T SEEM TO BE ECONOMICALLY VIABLE ONE OF THE RESULTS YOU GET IS WE JUST WOULDN'T BE ABLE TO REDEVELOP THESE PROJECTS. THAT'S PROBABLY NOT THE MOST LIKELY RESULT, THOUGH. BECAUSE THESE APARTMENTS HAVE A LIFE CYCLE. THIS PROJECT, FOR INSTANCE, IS 33 YEARS OLD. IT'S SORT OF PAST IT'S PRIME. IT'S NOT A.D.A. COMPLIANT, SO HANDICAPPED PEOPLE DON'T HAVE ACCESS TO IT. IT'S WAY BEHIND IN FIRE SAFETY. NO SPRINKLERS. IT'S JUST OLD. IT'S NEAR THE END OF THAT LIFE CYCLE. WHEN IT'S TIME FOR SOMETHING ELSE TO HAPPEN WITH IT. AND REALLY THAT THING THAT'S GOING TO HAPPEN WITH IT IS PROBABLY -- IF THIS ZONING CASE WERE TO BE TURNED DOWN AND SOMETHING ELSE WAS GOING TO HAPPEN HERE, IT'S PROBABLY A REHAB. AND WHEN DO YOU A REHAB, YOU GO IN AND YOU SPEND A BUNCH OF MONEY AND THE UNITS ARE STILL UNAFFORDABLE. YOU DON'T GET ANY AFFORDABILITY AT ALL BECAUSE THERE'S NO AFFORDABILITY REQUIREMENT IF DO YOU A REHAB. THERE'S NO WAY TO LEGALLY ENFORCE THAT. SO WHAT YOU END UP WITH IS YOU END UP WITH A PROJECT THAT HAS NO AFFORDABLE UNITS AND IT'S NOT A VERTICAL MIXED USE, IT DOESN'T MEET COMMERCIAL DESIGN STANDARDS, IT DOESN'T HAVE PEDESTRIAN ORIENTED RETAIL, NO STRUCTURED PARKING, NO WATER QUALITY CONTROLMENT YOU GET THE SAME PROJECTS HAVE YOU

TODAY, ESPECIALLY IN -- AND NO AFFORDABLE HOUSING. YOU BASICALLY GET THIS IN W. A FRESH COAT OF PAINT ON IT AND NO AFFORDABLE HOUSING. AND NONE OF THE OTHER GOALS WE HAVE IN DESIGN STANDARDS IN VMU. WE'VE ALSO DONE SOME STUDIES ON WHAT THE AFFORDABILITY REALLY IS IN THE AREA. AND THESE AFFORDABILITY NUMBERS I THINK DIFFERENT ECONOMISTS LOOK AT THEM IN DIFFERENT WAYS. WE HAD CHARLES HEIMATH DO A STUDY AND HE DID AN... A STUDY. AND IN THAT STUDY WHAT WE FOUND IS THAT WE FOUND THAT THERE'S 53 APARTMENT UNIT COMPLEXES IN THE AREA, ABOUT 9,000 UNITS. ABOUT 60% OF THOSE UNITS ARE AFFORDABLE AT THE SAME LEVELS THAT ARE IN STONE RIDGE TODAY. ABOUT 91 PERCENT ARE AFFORDABLE AT 80% MFI AND ABOUT 79% ARE AFFORDABLE AT 60% MFI. SO WHAT WE FOUND IS THERE'S A PRETTY LARGE AFFORDABLE STOCK IN THIS AREA AS IT EXISTS TODAY. THIS PROJECT ALSO PRODUCED A LOT OF ECONOMIC BENEFITS. INCREASE IN SALES TAX -- SALES TAXES DON'T EXIST BECAUSE THERE'S NO INCREASE TODAY. AN INCREASE IN AD VALOREM TAXES, TAXES ON THE CONSTRUCTION MATERIALS, PERMIT FEES AND ALSO THE (INDISCERNIBLE) THAT WE'VE BEEN TALKING ABOUT. ALL THESE THINGS ARE CURRENTLY GOING INTO THE GENERAL FUND, BUT ANY OF THEM COULD BE SLATED -- WE COULD FIGURE OUT A WAY TO SLATE THEM TOWARDS AFFORDABLE HOUSING. SO ANY OF THE DOLLARS PRODUCED BY THIS PROJECT WHICH JUST THE NUMBERS WE HAVE UP HERE WITHOUT EVEN THE SING CO-VACATION BEING PUT INTO IT COULD BE EARMARKED FOR AFFORDABLE HOUSING. PREA WE ALSO PLAN TO HELP THE TENANTS WITH RELOCATION. WE'VE HIRED ONE OF THE APARTMENT LOCATORS THAT HELPED TO RELOCATE HURRICANE KATRINA VICTIMS. HE'S GOING TO MEET WITH EACH PERSON ON SITE. WE'LL ALSO REFUND EVERYBODY'S DEPOSIT. SO EVERYBODY WILL GET A FULL REFUND OF THEIR DEPOSIT WHICH WILL HELP THEM IN MOVING INTO THE NEXT APARTMENT. I'M GOING TO LET BRAD -- I'M GOING TO LET BRAD COME UP AND SAY A FEW THINGS TOO, BUT BASICALLY WHAT WE'VE TRIED TO DO, AND I THINK THE POLICY TRIES TO DO IS STRIKE THAT BALANCE BETWEEN AFFORDABLE HOUSING AND VMU'S. AND WE WANT THEM BOTH AND WE BELIEVE THAT THIS PROJECT IS THE RIGHT PLACE, THE RIGHT TIME AND THE RIGHT BALANCE TO

GET THAT.

Mayor Wynn: THANK YOU, MR. METCALF. YOU HAVE A LITTLE BIT LESS THAN TWO MINUTES REMAINING.

HELLO, COUNCILMEMBERS ACTION MY NAME IS BRETT DENTON, A PRINCIPAL WITH ARDENT RESIDENTIAL, BE THE DEVELOPER OF THE PROJECT. THREE MONTHS AGO YOU UNANIMOUSLY APPROVED THE COMMERCIAL DESIGN STANDARDS AND THE VERTICAL MIXED USE ORDINANCE. WE'RE EXCITED TO BE ONE OF THE FIRST PROJECTS TO TAKE ADVANTAGE OF THIS NEW PROGRAM. OUR PROJECT WILL INCLUDE -- IS LOCATED ON SOUTH LAMAR, WHICH IS A CORE TRANSIT CORRIDOR AND CONTAINS VERTICAL MIXED USES OF RETAIL AND RESIDENTIAL. IT INCLUDES STRUCTURED PARKING TO ACCOMMODATE THE PROJECT. IT INCLUDES AFFORDABLE HOUSING WITH 10% OF THE UNITS AT 80% MFI AS PRESCRIBED BY THE ORDINANCE. I'D LIKE TO POINT OUT THAT MR. METCALF AND I WERE VERY INVOLVED IN THE COMMERCIAL DESIGN STANDARDS IN THE VMU PROCESS. THE PROCESS INCLUDED AFFORDABLE HOUSING ADVOCATES, NEIGHBORHOOD LEADERS, DEVELOPERS, ATTORNEYS, CITY STAFF AND OTHERS IN ABOUT A TWO AND A HALF YEAR EFFORT. THE ORDINANCE THAT THIS BODY APPROVED WAS THE RESULT OF NUMEROUS EXHIBITIONS THAT CAME OUT OF THOSE DISCUSSIONS. IT'S IMPORTANT ALSO TO KNOW THAT THE UNO ORDINANCE THAT PRECEDED THIS AND WAS ABOUT A TWO AND A HALF YEAR PROCESS PROVIDES FOR AFFORDABLE HOUSING AT 10% AT 80% WITH OTHER PROVISIONS AND SOME OF OUR DISCUSSIONS AS PART OF THE AFFORDABLE HOUSING INCENTIVES TASKFORCE OF WHICH I'M A MEMBER, SOME OF THOSE DISCUSSIONS ALSO INCLUDE 10%, 80%, ALTHOUGH WE HAVE OTHER RECOMMENDATIONS THAT WE'RE WORKING ON. AFFORDABLE HOUSING IS IMPORTANT TO THE CITY OF AUSTIN. IT'S ALSO IMPORTANT TO US. WE'VE HAD NUMEROUS MEETINGS WITH AFFORDABLE HOUSING ADVOCATES, AND JUST TODAY MET WITH AN AFFORDABLE HOUSING LEADER TO TRY TO FIGURE OUT WAYS TO ACHIEVE GREATER LEVELS OF AFFORDABILITY. SOME HAVE SUGGESTED THE CITY PARTICIPATE FINANCIALLY IN BUYING MORE AFFORDABILITY AND WE WELCOME THE OPPORTUNITY TO WORK WITH THE CITY TO DO SO. PLEASE

KEEP IN MIND THAT THE VMU ORDINANCE PROVIDES COUNCIL THE OPPORTUNITY TO BUY ADDITIONAL AFFORDABILITY. THESE ARE IMPORTANT ISSUES TO AUSTIN. WE NEED TO FIND THE RIGHT BALANCE OF AFFORDABLE HOUSING AND DEVELOPMENT, KEEPING IN MIND THE TOO HIGH OF A RIMENT OF AFFORDABLE HOUSING WITHOUT CITY OR OTHER FINANCIAL INVOLVEMENT WILL LIKELY RESULT IN LESS DEVELOPMENT AND THEREFORE LESS NEW AFFORDABLE HOUSING. AFFORDABLE HOUSING IS A COMMUNITY-WIDE ISSUE NOT JUST A DEVELOPMENT ISSUE. AGAIN, THIS PROJECT FULLY COMPLIES WITH THE COMMERCIAL DESIGN STANDARDS AND THE VERTICAL MIXED USE ORDINANCE THAT YOU ALL APPROVED THREE MONTHS AGO AND WE RESPECTFULLY REQUEST YOUR APPROVAL OF THE ZONING THIS EVENING. THANK YOU.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IN FAVOR IS CHRIS BRADFORD. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY RICHARD WEISS.

THANK YOU, MAYOR. I DON'T REPRESENT ANYBODY, JUST A HOMEOWNER WHO LIVES ON SOUTH LAMAR. I DO SUPPORT THIS PROJECT. I'M EXCITED ABOUT THE PROJECT. I THINK SOUTH LAMAR BADLY NEEDS PROJECTS LIKE THIS. IT'S AN UNWALKABLE STREET AND IF YOU'RE NOT BUYING A USED CAR OR GETTING YOUR CAR FIXED EVERY OTHER DAY THERE'S REALLY NOT A LOT TO DO ON THE STREET. I DO WANT TO SPEND MORE TIME ON AFFORDABLE HOUSING BECAUSE I EXPECT YOU WILL HEAR A COUPLE OF PEOPLE IN OPPOSITION RAISE IT. THE STATESMAN YESTERDAY DID PORTRAY THIS AS KIND OF A FALSE CHOICE BETWEEN AFFORDABLE HOUSING AND DENSER DEVELOPMENT. AS THE AGENT MENTIONED, THESE UNITS ARE PROBABLY BOUND FOR CONVERSION ANYWAY AND OBVIOUSLY I DON'T KNOW ANYTHING ABOUT THE OWNER'S INTENT, BUT I WILL SAY THERE IS SOME OTHER GOOD EVIDENCE FROM THE SURROUNDING AREA AT LEAST FOUR DIDN'T PAMENT COMPLEXES IN THE AREA HAVE IN THE LAST YEAR OR SO BEEN CONVERTED TO CONDOS. CONDOS WITH BAMBOO FLOORS, STAINLESS STEEL APPLIANCES THAT LIST FOR BETWEEN 150 AND 2.. \$200 PER SQUARE..... SQUARE FOOT. NOT AFFORDABLE UNITS. THIS IS GOOD EVIDENCE THAT THE BEST AND HIGHEST USE FOR THIS PROPERTY IS

UNFORTUNATELY NOT GOING TO BE AFFORDABLE UNITS ANYMORE. SO THE CHOICE IS BETWEEN 141 UNITS EITHER AS CONDOS OR MORE EXPENSIVE HOUSES OR APARTMENT UNITS OR AN EXTRA 159 APARTMENTS THAT SOUTH LAMAR ALSO BADLY NEEDS. I MEAN, SOMEONE OF COURSE NEEDS TO SPEAK ON FO THE 159 HOUSEHOLDS THAT WILL NOT BE ABLE TO LIVE ON SOUTH LAMAR IF THIS PROJECT IS DENIED. SO IN CONCLUSION I WOULD ASK THAT YOU FOLLOW THE SENSIBLE RELIGIOUS OF STAFF AND OWE ROAMTION OF STAFF AND PLANNING COMMISSION AND APPROVE THE PROPOSED APPLICATION.

Mayor Wynn: THANK YOU. RICHARD WEISS, WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD EVENING, MAYOR, COUNCIL, AND STAFF. MY NAME IS RICHARD WEISS AND I'M HERE TO SPEAK IN FAVOR OF THE ARDENT RESIDENTIAL PROJECT AS A MODEL FOR THE RECENTLY PASSED COMMERCIAL DESIGN STANDARDS. AS A MEMBER OF THE DESIGN COMMISSION AND A MEMBER OF THE COMMERCIAL DESIGN STANDARDS TASKFORCE, I PARTICIPATED IN THE DRAFTING OF THE COMMERCIAL DESIGN STANDARDS WHICH ADVOCATE DENSITY AND A MIX OF USES ALONG CORE TRANSIT CORRIDORS SUCH AS SOUTH LAMAR. THE DESIGN STANDARDS STRESS THE IMPORTANCE OF PEDESTRIAN FRIENDLY AMENDMENTS INCLUDING WIDE SIDEWALKS, GROUND FLOOR RETAIL, PEDESTRIAN SHADE AND PARKING HIDDEN FROM THE STREET. EITHER BEHIND BUILDINGS OR IN STRUCTURED PARKING AND STRUCTURED PARKING ALLOWS FOR GREATER DENSITY. THE VMU ORDINANCE REQUIRES GREATER DENSE OI OR THE REMOVAL OF SITE REQUIREMENTS WHILE MAINTAINING THE SPECIFIED HEIGHT REQUIREMENTS IN EXCHANGE FOR MEETING THE COMMERCIAL DESIGN STANDARDS AND ADDITIONAL VMU REQUIREMENTS INCLUDING THE AFFORDABILITY REQUIREMENT THAT WAS ESTABLISHED OVER COUNTLESS HOURS OF MEETINGS BY THE COMMERCIAL DESIGN STANDARDS TASKFORCE. THE ARDENT RESIDENTIAL PROJECT EXEMPLIFIES THE GOALS OF THE COMMERCIAL DESIGN STANDARDS AND GUARANTEES AFFORDABLE UNITS ON SITE FOR THE NEXT 40 YEARS. AS AN ARCHITECT AND URBAN PLANNER IT'S EXCITING TO SEE THE FOWNTS THE

GOALS OF ENVISION CENTRAL TEXAS AND THE GOALS OF THE COMMERCIAL DESIGN STANDARDS COME TO FRUITION. AND THIS PROJECT SERVES AS A MODEL FOR THESE GOALS. THANK YOU.

Mayor Wynn: COUNCIL, THAT CONCLUDES FOLKS WHO HAVE SIGNED UP TO SPEAK IN FAVOR OF THE CASE. WE NOW GO TO FOLKS IN OPPOSITION. OUR FIRST SPEAKER IS BOBBY RIGMY, WHO I SAW EARLIER. WELCOME. AND IS DANIEL ANAIA HERE. HELLO. YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY LORRAINE ATHERTON.

THANK YOU. MY NAME IS BOBBY. I'M THE VICE-PRESIDENT OF ZILKER NEIGHBORHOOD ASSOCIATION. WE JUST HEARD THAT THIS WOULD BE A GOOD MODEL FOR THE NEWLY PASSED DESIGN GUIDELINES FOR HIGHER DENSITY, AND IT WOULD BE A GOOD PLACE ON SOUTH LAMAR. IMAGINE HOW GOOD THAT MODEL WOULD BE IF THIS DIDN'T DISPLACE 141 UNITS, MORE PEOPLE, AND INSTEAD DISPLACED, OH, A COUPLE HUNDRED CARS AT A USED CAR LOT OR SOMETHING LIKE THAT. THIS IS -- NOBODY'S AGAINST DENSITY. ANYWAY, APPROPRIATELY THIS CASE HAS HAD A LOT OF PUBLIC CONCERN AND ATTENTION AND THE TV COVERAGE AND THE STATESMAN COVERED IT. I THINK IT'S FAIR TO SAY THE AVERAGE WORKING PERSON CAN IDENTIFY STRONGLY WITH THE AFFORDABILITY COMPONENT. LAST OCTOBER 23rd, THE ZILKER NEIGHBORHOOD ASSOCIATION, AT OUR GENERAL MEETING THERE WAS A GROUND SWELL OF CONCERN VERBALIZED ABOUT THE AFFORDABILITY OF PROPOSITION FIVE. THE DISCUSSION WENT INTO THIS PARTICULAR ZONING REQUEST CHANGE AT THE STONE RIDGE APARTMENTS. THERE WAS A MOTION FROM THE AUDIENCE AND TO OPPOSE THAT ZONING CHANGE AND IT WAS SECONDED THE LOSS INCLUDED THE LOSS OF 141 TRULY AFFORDABLE UNITS AND ALTHOUGH 10% OF THE PLANNED 300 UNITS INCLUDED AFFORDABLE, WHAT THEY CALLED AFFORDABLE, THEY ACTUALLY WILL COST MUCH MORE THAN THE EXISTING AFFORDABLE ONES. I PERSONALLY NOTED THAT THERE WERE PLENTY OF USED CAR LOTS THAT THEY COULD GET GREAT SUPPORT FOR IF THEY PUT IT THERE. THE VOTE H. HAS ZERO FOLKS VOTING OR SPEAKING IN FAIR OF THIS PROJECT FOR THAT REASON.

THE OPPOSITION HAD NOTHING TO DO WITH GETTING DENSITY ON OUR PORTION OF SOUTH LAMAR WHICH HAS FAIR. THE OPPOSITION WAS IN RARZ REGARDS TO THE NOTION OF TEARING DOWN 140 UNITS BY ANY DEVELOPER WHO CLAIMED THEY COULD FURNISH REAL AFFORDABILITY USING CITY INCENTIVES WHEN THE CITY CAN IN FACT VOTE NO. SOME TAKE THE POSITION THAT THEY SHOULD BE TIEBL DO WHAT THEY WANT TO WITH THEIR OWN PROPERTY. THEY SHOULD. AND THEY CAN. BUT THEY'RE ASKING FOR A ZONING CHANGE. I THINK COUNCIL SHOULD AND CAN SAY NO. IF THIS LOCATION WAS NOT AVAILABLE, DEVELOPMENT OF MIXED USE HIGH DENSITY WILL NOT GO AWAY. THEY WILL DO WHAT DEVELOPERS DO AND THEY WILL DO IT PROFESSIONALLY. THEY MAY EVEN SEARCH AND FIND A SUITABLE NONRESIDENTIAL USED CAR LOT OR WAREHOUSE THAT DOES NOT LENS THE AFFORDABILITY. THIS IS WHAT ZILKER NEIGHBORHOOD WANTS. THIS IS WHAT THE AUSTIN COMMUNITY WANTS WHEN THEY VOTED -- WHEN THEY PASSED PROPOSITION 5. IF YOU STAY CONSISTENT BY SAYING NO HERE, YOU WILL BE SAYING YES TO A BETTER MODEL FOR DENSIFICATION TO A GRATEFUL COMMUNITY IT WHO KNOWS WHAT REAL AFFORDABILITY MEANS. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: LORRAINE ATHERTON. WELCOME. OKAY. WELCOME. AT SOME POINT WE'LL DO THAT. THERE'S A NUMBER OF FOLKS WHO WANTED TO DONATE TIME TO YOU, MS. ATHERTON. THEY'RE NOT HERE? OKAY. WE'LL READ THEIR NAMES INTO THE RECORD AS BEING IN OPPOSITION AS WELL. THE NEXT SPEAKER IS AMY DOCKENS. AND IS MICHAEL WILLIAMS HERE? OUR RULES BEING THAT FOLKS HAVE TO BE PRESENT IN THE CHAMBERS IN ORDER TO DONATE THEIR TIME TO YOU. SO YOU WILL HAVE THREE MINUTES AND BE POLICY FOLLED BY ROBERT SINGLETON.

THANK YOU. MY NAME IS AMY DOCKENS. I'M 45, A SINGLE MOTHER WORKING TWO JOBS. I PAY \$440 A MONTH FOR AN EFFICIENCY AT THE STONE RIDGE APARTMENTS. I CANNOT AFFORD A CAR ON MY SALARY OF 8.50 AN HOUR. I TAKE THE BUS EVERYWHERE, WHICH RUNS RIGHT IN FRONT OF THE APARTMENT. THE UNITS ARE IN GOOD SHAPE. WE HAVE BEAUTIFUL GARDENS THERE AND IT HAS A LOT OF SOUTH AUSTIN CHARACTER. PLEEP, MAYOR WYNN, -- PLEASE,

MAYOR WYNN, COUNCILMEMBERS, WE ELECTED YOU TO HELP US. PLEASE HELP US BY OPPOSING ITEMS NUMBER 69 AND 70 AND TELLING THE OWNER/DEVELOPER OF STONE RIDGE THAT THEY CANNOT TEAR IT DOWN AND BUILD MORE EXPENSIVE APARTMENTS. THE PLANNING COMMISSION AND THE OWNER HAS NOT MET WITH THE APARTMENT DWELLERS AS THEY MENTIONED EARLIER. NO ONE HAS DISCUSSED IT WITH US. THEY'RE JUST GOING TO DO IT, TRY TO DO IT WITHOUT OUR OKAY. IT SEEMS TO ME WE COULD PUT IN HANDICAPPED RAMPS AND SPRINKLERS AND BRING EVERYTHING UP TO DATE AND STILL HAVE THE BEAUTIFUL APARTMENTS LEFT OVER. I AM A MEMBER OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW, OTHERWISE KNOWN AS ACORN. THANK YOU FOR YOUR TIME AND I KNOW YOU WILL MAKE THE RIGHT DECISION.

Mayor Wynn: THANK YOU. [APPLAUSE] ROBERT SINGLETON, WELCOME. IS MICHAEL LIDD HERE. HELLO. HOW ABOUT MARTIN MONTERO. YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

I'VE GOT A PETITION HERE FROM ABOUT 40 SOME-ODD PEOPLE WHO LIVE IN THE APARTMENT COMPLEX THAT I WOULD LIKE TO GIVE YOU ALL. MY NAME IS ROBERT SINGLETON AND I HAVE LIVED AT STONE RIDGE FOR ALMOST FOUR YEARS. I'M ALSO A MEMBER OF THE ZILKER NEIGHBORHOOD ASSOCIATION EXECUTIVE COMMITTEE AND AS OF LAST NIGHT A MEMBER OF ACORN. MAKE NO MISTAKE ABOUT WHAT A VOTE FOR THIS ZONING CASE MEANS. IF YOU APPROVE THIS, YOU'RE VOTING TO EJECT OVER 200 PEOPLE FROM THEIR HOMES. AND NO AMOUNT OF DRESSING THAT UP IS GOING TO CHANGE. THE PRESENTATION YOU GOT FROM THE DEVELOPER SHOULD DRIVE THAT HOME. THEY'RE PLANNING TO OFFER ALL OF US RELOCATION ASSISTANCE. NOBODY WHO CURRENTLY LIVES IN STONE RIDGE THAT I KNOW OF IS GOING TO BE ABLE TO MEET THE RENTS AT 80% OF MFI. THE RENTS ARE SIGNIFICANTLY BELOW THAT NOW AND THERE'S A REASON WHY THE PEOPLE WHO LIVE THERE LIVE THERE. AND I WAS VERY INTERESTED IN HEARING THAT THERE ARE -- IS AFFORDABLE HOUSING IN THE NEIGHBORHOOD BECAUSE WHEN I WAS LOOKING FOR AN APARTMENT FOUR YEARS AGO, I WENT ALL THROUGH THIS

NEIGHBOR AND I COULDN'T FIND ANYTHING THAT WAS EVEN FAINTLY COMPARABLE TO THE AFFORDABILITY OF STONE RIDGE. I DON'T KNOW WHO'S GOING TO LIVE AT ARDENT, BUT IT'S NOT GOING TO BE THE CURRENT RESIDENTS. I PAY \$430 A MONTH FOR AN EFFICIENCY. THE HANDFUL OF AFFORDABLE NIEWNTS ARDENT'S PLAN ARE GOING TO RENT FOR TWICE THAT AMOUNT, TWICE THAT AMOUNT. IT'S HARD TO EXPLAIN TO SOMEONE WHO IS STRUGGLING TO MAKE THEIR RENT AT THE CURRENT RATE HOW AFFORDABLE HOUSING CAN BE TWICE AS EXPENSIVE AS WHAT THEY'RE PAYING. I KNOW YOU'RE TRYING TO TAKE A LARGER VIEW AND THAT THE IMPORTANT ISSUE TO YOU IS VERTICAL MIXED USE TRANSIT COREIENTED DEVELOPMENT, BUT THERE ARE GOOD WAYS AND BAD WAYS TO ACCOMPLISH THIS AND I WANT TO TALK ABOUT THAT FOR A MINUTE. NEW URBANISM IS A WONDERFUL THING, BUT IT HAS TO BE DONE RIGHT. THE CENTRAL CONCEPT OF NEW URBANISM AT LEAST AS I UNDERSTAND IT IS THAT WE'RE ATTEMPTING TO INCREASE DENSITY IN THE CENTRAL CITY AND ALSO MAKE IT TRANSIT ORIENTED DEVELOPMENT. AND THE MODEL THAT'S USUALLY CITED FOR WHAT WE'RE LOOKING FOR IS EUROPEAN CITIES WHERE PEOPLE WALK TO WORK AND BICYCLE TO WORK AND ALSO SHOP AND PLAY IN THE AREA AND DON'T OWN CARS. THAT MAY NOT BE ENTIRELY AN ADEQUATE DESCRIPTION FOR WHAT WE'RE TRYING TO DO HERE. IF LUKE DOWNTOWN, THOUGH, WE HAVE ON BOTH SIDES OF CONGRESS AVENUE THE BASIC MODEL OF WHAT WE SHOULD BE LOOKING AT FOR NEW URBANISM. WE HAVE SOME OLDER UNITS THAT -- WE HAVE SOME OLDER SPACES DOWNTOWN THAT COULD BE MADE AFFORDABLE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

NOBODY WHO LIVES THERE NOW MAKES THAT KIND OF MONEY..... MONEY. AND IT'S KIND OF IRONIC THAT THE MODEL FOR -- FOR NEW URBANISM IS -- IS TRANSIT ORIENTED DEVELOPMENT. BECAUSE CURRENTLY A LOT OF THE PEOPLE THAT LIVE AT STONERIDGE ARE BIG USERS ARE OF THE ONLY MASS TRANSIT THAT'S AVAILABLE TO THEM WHICH IS THE BUS. THE REASON THAT I FIND IT IRONIC IS THAT YOU ARE GOING TO REPLACE THOSE RESIDENTS WITH PEOPLE WHO BY AND LARGE I DON'T THINK ARE GOING TO USE MASS TRANSIT. AGAIN WE HAVE THE FORM OF NEW

URBANISM, BUT WE DON'T HAVE THE FUNCTION. WE DO NOT HAVE A COMMUNITY THAT INCLUDES MIXED INCOMES WHERE ANYBODY CAN LIVE THAT IS TRULY TRANSIT ORIENTED. THIS IS GOING TO BE THE WORST EXAMPLE OF WHAT I CALL FAUKS NEW URBANISM, THE TRIANGLE DEVELOPMENT. IN EUROPE YOU HAVE A LOT OF BRICKED UP WINDOWS BECAUSE YOU HAVE GOT VERY OLD BUILDINGS, SOME OF THEM A THOUSAND YEARS OLD, SOMETIMES FOUNDATIONS SHIFT AND WINDOWS HAVE TO BE BRICKED UP.

THE TRIANGLE DEVELOPMENT HAS AT LEAST TWO ROWS OF BRICKED UP WINDOWS THAT WERE DESIGNED THAT WAY FROM THE VERY BEGINNING. THEY ARE DESIGNED, BRICKED UP BECAUSE IT MAKES IT LOOK OLDER. LOOKS LIKE THE EUROPEAN MODEL THAT EVERYONE THINKS THAT NEW URBANISM THINKS IT SHOULD BE. NONE OF THOSE -- NONE OF THOSE APARTMENTS AS FAR AS I KNOW ARE AFFORDABLE. IF THEY ARE THEY ARE AFFORD AT 80% MFI. I REALLY THINK SOMETIMES WHAT WE NEED TO DO IS ELECT SOME POOR PEOPLE TO COUNCIL [APPLAUSE] BECAUSE I -- I HONESTLY DON'T KNOW IF YOU KNOW WHAT IT'S LIKE TO TRY TO WORK A MINIMUM WAGE JOB AND TRY TO KEEP A ROOF OVER YOUR HEAD. 80% MFI IS NOT GOING TO CUT IT. 10% OF 300 UNITS IS STILL ONLY 30. YOU ARE GOING TO LOSE 100 MORE THAN 100 UNITS AND THEY ARE GOING TO BE TWICE AS EXPENSIVE AS THEY ARE NOW. YOU HAVE HEARD A LOT ABOUT HOW AWFUL AND RUN DOWN THESE APARTMENTS ARE. WHEN I SAW THE BANNER OUT FRONT, OUT THE WINDOW OF THE NUMBER THREE BUS THAT SAID MOVE IN SPECIALS, WE WILL TALK ABOUT THE MOVE-IN SPECIAL AGAIN IN A MINUTE. WHEN I SAW THAT BANNER, WENT AND LOOKED AT THE APARTMENTS WERE APARTMENTS WHERE LANDSCAPING WAS AN IMPORTANT PART OF TRYING TO MAKE THIS A LIVEABLE PLACE. THERE ARE FLOWERBEDS, THERE ARE BUSHES, THEY SPEND A LOT OF MONEY ON KEEPING AND MAINTAINING OR SPENT A LOT OF MONEY IN THE PAST IN KEEPING AND MAINTAINING THIS TO BE AS NICE AS VERY AFFORDABLE APARTMENTS CAN BE. THEY DON'T GET A LOT FROM US IN RENT SO THEY CAN'T POUR WHOLE LOT INTO IT, BUT THERE WAS A LOT OF CARE TAKEN IN THINGS LIKE MAINTENANCE AT ONE TIME. I HAVE

GOT TWO EXAMPLES FOR YOU OF SOMETHING THAT I THINK MAY ACCOUNT FOR WHY THE -- THE APPLICANT IS STRESSING THE FACT THAT THESE APARTMENTS ARE RUN DOWN. THERE WAS A CAR THAT RAN THROUGH THE RETAINING WALL ON LAMAR UNDER -- THIS IS BEFORE THE CURRENT OWNERSHIP AND KNOCKED THE STONES ON TO THE SIDEWALK. IT'S A VERY NARROW SIDEWALK. THE MANAGEMENT OF THE COMPLEX AT THE TIME THE OWNERS AT THE TIME GOT SOMEBODY OUT THERE RIGHT AWAY WHO REBUILT THAT WALL AND IT WAS FINE WITHIN A WEEK. ABOUT THREE MONTHS AGO, SOMEONE HIT THE RETAINING WALL AND THAT DAMAGED THE RETAINING WALL HAS NOT BEEN ADDRESSED YET. SO WHEN THE NEW OWNERS TELL YOU THAT THE APARTMENTS ARE RUN DOWN, ASK YOURSELF ARE THEY CONCERNED WITH PUTTING MONEY INTO MAINTENANCE OR ARE THEY CONCERNED WITH CONVINCING YOU THAT THIS IS A HORRIBLE APARTMENT COMPLEX WITH MAJOR PROBLEMS THAT ARE GOING TO TAKE BIG MONEY TO FIX. I THINK THEY ARE LETTING THE PLACE RUN DOWN IN ORDER TO STRENGTHEN THEIR CASE TO YOU AND -- TO TEAR IT DOWN. FINALLY, I WANT TO TALK ABOUT -- ZONING IS A DISCRETIONARY FUNCTION. I KNOW THAT I HAVE SAID THIS TO YOU A LOT OF TIMES BEFORE. YOU ARE UNDER ABSOLUTELY NO LEGAL OBLIGATION TO VOTE FOR A ZONING CHANGE. AND IT WAS EVEN MORE THAN THAT, BECAUSE THEY WERE ASKING FOR IT AND NOW APPARENTLY HAVE GOTTEN THE VACATION OF THE STREET. YOU CAN SAY NO TO THIS. AND IT DOESN'T MEAN THAT THE PROJECT WILL GO AWAY. IT MEANS THAT THEY WILL HAVE TO, IS IT A YEAR THEY HAVE TO GO AWAY FOR BEFORE THEY CAN COME BACK IN WITH ANOTHER REQUEST. A YEAR MIGHT BE TIME FOR THEM TO ACTUALLY COME UP WITH THE PROJECT THAT DOESN'T DISPLACE THE RESIDENTS THAT ARE THERE. [APPLAUSE] BASIC IT IT ALL COMES DOWN TO MONEY AND -- AND -- THERE'S GOING TO BE A BETTER WAY THAN WHAT'S HAPPENING IN THIS. I WANT TO SAY ONE LAST THING ABOUT PROCEDURE. IT'S -- I'VE HEARD AN INKLING THAT WHAT'S GOING TO HAPPEN IS THAT YOU ARE GOING TO PASS THIS ON FIRST READING [BUZZER SOUNDING] THEN NEGOTIATE WITH THE APPLICANT FOR BUYING DOWN PART OF THE DEVELOPMENT. I WANT TO REMIND YOU ABOUT YOUR RULES THAT STRESS -- THERE ARE CHANGES

BETWEEN FIRST AND SECOND READING, THAT YOU HAVE TO REOPEN THE PUBLIC HEARING AND TAKE MORE PUBLIC COMMENT WHEN THAT HAPPENS. IT'S NOT FAIR THAT CHANGES BE MADE AFTER FIRST READING IF WE ARE NOT GIVEN A CHANCE TO COMMENT ON THEM. THANK YOU MR. SINGLETON. [APPLAUSE] NEXT SPEAKER IS JEFF JACK. BY THE WAY THERE IS NO RULE THAT REQUIRES US TO REOPEN A PUBLIC HEARING AS THINGS CHANGE BETWEEN 1st, 2nd AND/OR THIRD READING. MR. JACK, WELCOME. A NUMBER OF FOLKS WANTED TO DONATE TIME TO YOU. IS DIDN'T..... DANIELIAN JEZ, SUSAN AND WILLIAM CUNNINGHAM. HELLO, HIN DID A LAND. ACTUALLY JEFF THAT MAXIMUMS YOU OUT AT 15 MINUTES. WELCOME. FOLLOWED BY VELMA CARVER.

MAYOR, MEMBERS OF COUNCIL, I APPRECIATE THE OPPORTUNITY. WHILE STANDING IN BACK OF THE ROOM I HAD A FLASHBACK TO MY CHILDHOOD, FLASHBACK TO LISTENING AND WATCHING THE WISDOM STARRED..... WIZARD OF OZ AND DOROTHY GOING DOWN THE YELLOW BRICK ROAD TO THE EMERALD CITY. AND ALONG THAT PATH SHE ENCOUNTERED THREE CHARACTERS. THE STRAW MAN, THE TIN MAN AND THE LION. I THINK ALL OF YOU PROBABLY HAVE HEARD THAT STORY OR SEEN THAT MOVIE, AND I WANT TO COME BACK TO THOSE THREE CHARACTERS AT THE END OF THIS. I AM JEFF JACK AND I'M PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. THIS CASE IS ABOUT 141 AFFORDABLE UNITS, THE RENT CLEARLY SHOWN BY THEIR OWN FLIER 440 TO \$640 A MONTH. AND THE VACATION OF THE CINCO STREET. THE DEVELOPERS PROPOSE 300 NEW UNITS, 80% MFI, 10% OR 30 QUOTE UNQUOTE AFFORDABLE UNITS. 10,000 SQUARE FEET OF RETAIL IN A MASSIVE PARKING GARAGE. THE PROBLEM WE ARE LOSING 111 AFFORDABLE UNITS. PEOPLE ARE GOING TO BE DISPLACED AS ROBERT SAID, PEOPLE ARE GOING TO LOSE THEIR HOMES. AND REPLACEMENT FOR THEM WE ARE OFFERED 30 UNITS AT 80% MFI. I THINK THE INFORMATION THAT HEATHER WAY PROVIDED YOU IS CONCLUSIVE THAT 80% MFI JUST DOESN'T CUT IT. I HAVE SOME FLIERS OF RECENT RENTAL UNITS IN MY NEIGHBORHOOD. ONE ON RAB ROAD. 1500 SQUARE FEET, \$1,500 A MONTH. 900 SQUARE FEET, \$900 A MONTH. 1400 SQUARE FEET, ABOUT \$1,400 A MONTH. THAT'S MARKET RATE. AND LOOK AT WHAT MFI AT

80% GIVES US. \$990 A MONTH? TO ALMOST \$1,200 A MONTH. SO 80% MFI IS ESSENTIALLY MARKET RATE IN OUR NEIGHBORHOOD. MFZ. THE ZILKER NEIGHBORHOOD ASSOCIATION'S POSITION ON THIS IS FAIRLY SIMPLE. WE BELIEVE THAT THE COUNCIL HAS THE DISCRETION TO GRANT THIS ZONING. AND THE DISCRETION TO GRANT THE VACATION OF THE STREET. YOU DON'T HAVE TO. WE THINK IN EXCHANGE FOR SUCH ENTITLEMENTS AND USE OF CITY LAND THERE SHOULD BE A SIGNIFICANT COMMUNITY BENEFIT. WE BELIEVE THAT EVENTUALLY THE CITY HAS TO REALIZE, AS RELOSE AFFORDABLE HOUSING, WE NEED A POLICY FOR ONE TO ONE REPLACEMENT OF THE EXISTING UNITS. WE MAY NOT BE ABLE TO GET THERE, WITH THIS PROJECT, BUT THERE'S CERTAINLY A LOT OF THINGS THAT WE CAN DO. I WANT TO TALK ABOUT SOME OF THE MYTHS AROUND THIS PROJECT. AS NOTED EARLIER, THE PAPER SORT OF -- SORT OF POSED THIS PROBLEM AS AN EITHER/OR. DENSITY OR AFFORDABILITY. IT IS NOT. WE CAN HAVE BOTH. THEY SAID THESE UNITS ARE OLD. YEAH. THEY ARE NOT AS OLD AS ME. [LAUGHTER] YOU KNOW, IN 1972, WHEN THESE UNITS WERE BUILT, I WAS DESIGNING APARTMENT BUILDINGS. THEY ARE STILL UP. SO ARE THESE. SO AM I. THEY CAN BE UP FOR ANOTHER 20 YEARS IF SOMEBODY WOULD SIMPLY MAINTAIN THEM. [APPLAUSE] THEY SAY THE LOST UNIT CAN BE MADE UP WITH OTHER VMU PROJECTS. WE LOSE 140, WE GET 30 BACK, THEN MAYBE THE NEXT PROJECT WE GET A FEW AND THE NEXT PROJECT WE GET A FEW. THOSE ARE ALL MAYBES. WE HOPE -- WE KNOW IF WE APPROVE THE ZONING IT'S AN ABSOLUTE CERTAINTY WE ARE GOING TO LOSE THE UNIT. THEY SAY THERE'S OTHER AFFORDABLE UNITS IN THE AREA. IF YOU LOOK AT THEIR DATA, IT'S ALL BASED ON AN MFI THAT'S NOT AFFORDABLE. YOU DON'T TAKE INTO CONSIDERATION UTILITIES. IF YOU LOOK AGAIN AT HEATHER WAY'S NUMBERS IT SHOWS THAT WE HAVE A SIGNIFICANT LACK OF AFFORDABLE HOUSING IN 78704. NOT ONLY THAT, WHEN YOU TALK ABOUT THE NUMBER OF UNITS, TONIGHT THE ONLY CASE THAT YOU JUST HAD, YOU JUST WIPED OUT 120 AFFORDABLE UNITS ON RIVERSIDE. WHERE DO THOSE PEOPLE GO? THEY ARE GOING TO BE IN COMPETITION WITH THESE PEOPLE FOR WHATEVER VACANCIES THERE ARE IN 78704. IT'S THE CUMULATIVE EFFECT. THE NUMBERS MIGHT

SEEM LIKE THERE'S A LOT OUT THERE. BUT THERE'S NOT. THEY ALSO SAY, WELL, YOU KNOW IF WE DON'T GET THE ZONING, WE CAN REFURBISH THESE THINGS AND TURN THEM INTO HIGHER DOLLAR CONDOS ANYWAY. AGAIN, THAT'S A MAYBE. THE REALITY IS THAT THEY PROBABLY CAN PUT SOME MONEY INTO IT, CHANGE THE -- FORMICA OUT FOR, YOU KNOW, SOMETHING LIKE MARBLE, BUT BECAUSE OF THE FOOTPRINT OF THE BUILDINGS, THE SIZE OF THE BUILDINGS, THEY CAN'T SINK ENOUGH MONEY INTO THEM TO BRING THEM UP TO A CLASS A APARTMENT, THE RENTAL RATES WON'T SUPPORT IT. EVEN IF THEY DID IT, IT'S PROBABLY LIKELY THAT THE RENTAL RATES FOR REFURBISHED UNITS ARE GOING TO BE LESS THAN 80% MFI THAT THEY ARE OFFERING YOU. THEY SAID THIS IS AN AGREEMENT WITH OUR FLUM. THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA HAS NOT COME TO ANY AGREEMENT ABOUT OUR FLUM. THERE IS NO AGREEMENT. THEY SAID OF THE AFFORDABLE HOUSING STOCK, THEY ARE GOING TO HELP THESE PEOPLE RELOCATE. WHERE ARE THEY GOING TO RELOCATE TO. ARE THEY GOING TO BE ON A MAJOR ARTERIAL LIKE SOUTH LAMAR THAT PROVIDES BUS SERVICE SO THEY DON'T HAVE TO AFFORD A CAR? THE LADY THAT SPOKE THE FIRST -- WHAT IS SHE GOING TO DO IF THE UNITS THEY FIND FOR THEM ARE SOMEWHERE WHERE THERE'S NO BUS SERVICE? ONE OF THE BIG MYTHS HERE IS THAT WELL THEY CAN'T MAKE IT FINANCIALLY WORK. IF THEY PROVIDE MORE AFFORDABILITY. BECAUSE OF THE LAND COSTS. IS THE COUNCIL OBLIGATED TO COVER THE RISK OF A DEVELOPER PAYING TOO MUCH FOR LAND SOME.....? WE'VE HEARD SOME OTHER COMMENTS. WE HAVE HEARD THAT THE ZILKER NEIGHBORHOOD ASSOCIATION IS JUST AGAINST DENSITY. FOLKS, WE'VE HAD NINE PROJECTS IN 2006 ON THE SOUTH LAMAR CORRIDOR. THIS IS THE ONLY PROJECT THAT WE HAVE OPPOSED. WE ARE NOT OPPOSED TO DENSITY ALONG THE CORRIDOR. WE ARE NOT OPPOSED TO THE APPROPRIATE USE OF VMU. AND I SAID EARLIER, WE HAVE GOT A LOT OF USED CAR LOTS, WE HAVE A LOT OF BODY SHOPS AND WE HAVE GOT SOME PLACES THAT MAKE PERFECT SENSE FOR VMU. THIS PROJECT IS NOT THE POSTER CHILD FOR VMU. WHEN IT TAKES OUT AFFORDABILITY IN OUR NEIGHBORHOOD, DISPLACES OUR PEOPLE. AS AN ARCHITECT, I SUBSCRIBE TO A LOT OF

PUBLICATIONS. THIS ONE CAME TO MY DOOR JUST YESTERDAY. APARTMENT FINANCE, SOMETHING THAT OUR REGULARLY SUBSCRIBE TO, IN THE EDITORIAL THIS MONTH, THE COMMENT IS THIS, PLAYERS IN THE MULTI-FAMILY INDUSTRY SHOULD NOT WAIT UNTIL CITIES AND COUNTIES FORCE THEM TO POWERS PATRIOT IN AFFORDABLE HOUSING SOLUTIONS. THAT'S WHAT THE TRADE JOURNAL IS SAYING. FURTHER ON, IN THE ARTICLE -- THE GENTLEMAN WHO PREDICTED THE CONDOMINIUM CRASH AND THE BOOM IN MIXED USE HAS ONE OTHER PREDICTION TO LOOK TO. HE'S SAYING TIME IS RIGHT TO BUILD MORE LOW COST RENTAL UNITS. [APPLAUSE] WE LOOK AT THE SITUATION FROM -- FROM HISTORIC EYES. I WAS ON THE COMMITTEE THAT HELPED WRITE THE -- THROUGH THE ROOF REPORT IN 1999. THE RECOMMENDATIONS OF THIS REPORT HAVE NOT BEEN CARRIED THROUGH BY THE CITY, WE HAVE NO PLANNING POLICY WITH REGARD TO MAINTAINING AFFORDABILITY. WE PASSED 500 -- EXCUSE ME, \$55 MILLION WORTH OF AFFORDABLE BONDS. WE -- THE DESTRUCTION OF THESE 141 UNITS, WOULD TAKE ABOUT 12 TO \$15 MILLION TO REPLACE OVER 20% OF THAT BOND PACKAGE WOULD BE GONE WITH A YES VOTE ON THIS ZONING CASE. WE HAVE A PROBLEM. IT'S NOT JUST THIS PROJECT. THE CASE EARLIER TONIGHT AND CASES THAT YOU WILL HEAR IN THE FUTURE WE ARE SETTING PRECEDENT ON HOW WE ARE GOING TO KEEP NICK'S ECONOMIC DIVERSITY IN OUR COMMUNITY. HOW ARE WE GOING TO DO THAT? WE NEED A POLICY. FROM THE CITY. I KNOW THAT -- I KNOW THAT AFFORDABLE HOUSING INCENTIVES GROUP IS WORKING ON THINGS. WORKFORCE HOUSING IS CERTAINLY AN IMPORTANT ISSUE AND SOME PEOPLE SAY WELL THIS ISN'T AFFORDABLE HOUSING, THIS IS JUST OLD. IF THAT'S YOUR CASE, THINK OF IT AS WORKFORCE. THESE PEOPLE WORK. THEY NEED A PLACE TO LIVE. [APPLAUSE] I WANT TO GO BACK TO THE WIZARD OF OZ. WHAT WAS THE LION LOOKING FOR. HE WAS LOOKING FOR COURAGE. WHAT WAS THE STRAW MAN LOOKING FOR. HE WAS LOOKING FOR BRAINS. BUT MOST OF ALL, WHAT WAS THE TIN MAN LOOKING FOR? HE WAS LOOKING FOR A HEART. IT'S GOING TO TAKE COURAGE TO OVERCOME THE COMMON WISDOM THAT WE HAVE TO JUST GO ALONG WITH DEVELOPMENT BECAUSE IT'S GOOD FOR THE TAX BASE. OR WE CAN'T MAKE IT WORK FINANCIALLY.

WE ARE GOING TO HAVE TO HAVE BRAINS TO COME UP WITH A POLICY THAT REALLY KEEPS AFFORDABLE HOUSING IN OUR COMMUNITY. BUT IT ALL BEGINS WITH HEART. CARING ABOUT THE PEOPLE THAT LIVE HERE NOW. THAT WILL BE LOST. WHEN YOU VOTE FOR THE ZONING CASE. [APPLAUSE]

THANK YOU, MR. JACK, THE NEXT SPEAKER IS BILL McCARVER. BO MAC CARVER, WELCOME, FOLLOWED BY HEATHER WAY, FOLLOWED BY BOBBY RIG BEE.

MAYOR WYNN, COUNCILMEMBERS, IT'S MY HONOR TONIGHT TO REPRESENT AUSTIN NEIGHBORHOOD COUNCIL. I'M BEAU McCARVER, USUALLY IDENTIFIED WITH THE BLACK LAND NEIGHBORHOOD AND THE UPPER BOGGY CREEK PLANNING TEAM. TONIGHT WE HAVE A SITUATION THAT REALLY IS CITY-WIDE. AND I'M PLEASED TO KNOW THAT 66 NEIGHBORHOODS REPRESENTING 80% OF THE POPULATION OF OUR CITY HAS RECENTLY PASSED A RESOLUTION ON AFFORDABLE HOUSING FROM ANC AND ONE MAJOR PLAN CALLS FOR ONE FOR ONE REPLACEMENT FOR ALL REDEVELOPMENT UNITS. THAT MEANS FOR EVERY UNIT THAT THEY WOULD BULLDOZE, THEY NEED TO PUT ANOTHER ONE IN. MORE IMPORTANTLY, AS YOU KNOW FROM THE STATISTICS THAT HAVE BEEN PRESENTED. THOSE NEED TO NOT ONLY BE AT 80% MFI LEVEL WHICH IS ABOVE WHAT THOSE FOLKS CAN NOW AFFORD, THEY NEED TO REACH DOWN FURTHER AND DEEPER TO THE 50% AND THE 30% MFI. [APPLAUSE] I HAVE BEEN PLEASED TO BE IN -- APPOINTED TO THE AFFORDABLE HOUSING INCENTIVE TASK FORCE. I WORK WITH DENTON AND SOME OTHER VERY BRIGHT AND TALENTED DEVELOPERS. I THINK THAT THEY ARE CAPABLE OF DOING BETTER THAN 80% MFI. I KNOW THEY ARE, WE NEED TO PRESS THEM. I PUSH THE COUNCIL TO PLEASE SET A NEW BENCHMARK SO EVERY DEVELOPER WHO COMES BEFORE YOU TO REDEVELOP WILL REACH AND HAVE TO LOOK AT THIS ONE FOR ONE REPLACEMENT STANDARD, A STANDARD FOR THIS CITY. IF THEY KNOW THAT'S GOING TO BE IN PLACE AND MANY OTHER DECISIONS WILL BE MADE BEFORE THEY EVEN COME BEFORE YOU. THAT WILL AFFECT THE LONG-TERM VITALITY OF OUR COMMUNITY. VITALITY OF OUR COMMUNITY. WE HEAR MANY TIMES IT TAKES A VILLAGE TO RAISE A CHILD. I WOULD SUGGEST THAT IT TAKES CHILDREN TO DEVELOP A COMMUNITY AND IT TAKES ELDERLY, AND IT

TAKES CLERKS AND FIREFIGHTERS AND SCHOOL TEACHERS AND JANITORS AND PEOPLE WHO WORK WITH THEIR HANDS AND HEARTS AND WHEN YOU BEGIN TO DESIGNATE, SYSTEMATICALLY, AFFORDABLE HOUSING LIKE THIS ONE TONIGHT, YOU ARE GOING TO EVENTUALLY PLACE THESE PEOPLE SOMEWHERE AROUND MANOR OR SOMEWHERE OUT OF THE CITY AND THE REAL QUESTION CAN THE WORKFORCE IN AUSTIN AFFORD TO LIVE IN AUSTIN ANYMORE. THAT IS THE BASIC DECISION OF -- OUR PLEA, FIND A WAY TO MAKE THIS WORK. I THINK THE DEVELOPERS CAN DO BETTER. LET'S MAKE THEM. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU, MR. McCARVER. WELCOME HEATHER. YOU WILL BE FOLLOWED BY BOBBY RIG BEE, THREE MINUTES. WELCOME.

HI, MEMBERS OF COUNCIL. MAYOR PRO TEM AND MAYOR. THANKS FOR LISTENING TO US THIS EVENING. I'M HERE JUST TO MAKE A FEW VERY BRIEF POINTS. I KNOW A LOT OF PEOPLE ARE HITTING ON THE SAME POINTS I AM THIS EVENING. I HAVE ALSO HANDED YOU A FACT SHEET ABOUT REALLY IMPORTANT AFFORDABLE HOUSING TO REBUT SOME OF THE MYTHS ABOUT AFFORDABLE HOUSING THAT HAVE BEEN SHRED IN CONJUNCTION WITH THE ZONING CASE AND TO -- TO MAKE SURE THAT YOU ARE AWARE OF -- OF WHAT THE REAL ISSUES ARE OF AFFORDABILITY IN THIS CASE AND THE NEED. THE ONE POINT THAT I REALLY WANT TO HIT ON NOW THAT SEVERAL OF THE SPEAKERS HAVE HIT ON, THE THING THAT FRUSTRATES ME THE MOST ABOUT THE ZONING CASE IS THE CITY POLICY THAT RENTS AT 80% MEDIAN FAMILY INCOME, RENTS OF \$900 AND \$1,100 A MONTH ARE AFFORDABLE. I THINK IT'S DISSENT AGAIN CROSS FOR THE CITY COUNCIL TO SAY THAT IT'S ABLE TO MEET THE DUAL GOALS OF BOTH DENSITY AND AFFORDABLE HOUSING BY A 10% SET ASIDE OF UNITS AT RENTS OF 80% MEDIAN FAMILY INCOME WHICH IS \$900, \$1,100 A MONTH. THOSE RENTS ARE \$500 A MONTH HIGHER THAN THE AVERAGE RENTS THAT ARE CURRENTLY IN PLACE AT STONE RIDGE APARTMENTS. THERE ARE 26,000 HOUSEHOLDS IN OUR CITY. WHO MAKE INCOMES AT 50% PEEDIAN FAMILY INCOME BELOW RENTERS WHO ARE CURRENTLY PAYING MORE THAN 50% OF THEIR INCOME FOR RENT. 26,000 HOUSEHOLDS. FOR NOW -- WE

ARE NOW ADDING TO THAT MIX AN ADDITIONAL 141 HOUSEHOLDS LOSING THE OPPORTUNITY FOR AFFORDABLE SAY DECENT HOUSING. JUST -- I WOULD LIKE TO SAY IN CLOSING SEVERAL OF YOU HAVE MENTIONED TO ME THIS IS NOT AN EASY PROBLEM. IT'S NOT AN EASY PROBLEM TO FIX. AFFORDABLE HOUSING IS NEVER EASY. IT DOES TAKE COURAGEOUS LEADERSHIP, A HEART, I HOPE THAT ALL OF YOU WILL LIVE UP TO THAT CHALLENGE. I LOVE THIS CITY. I KNOW THAT YOU LOVE OUR CITY. I'M THE PRESIDENT OF ZILKER NEIGHBORHOOD. I LOVE OUR NEIGHBORHOOD. I DON'T WANT TO SEE THE CITY BE A PLACE WHERE PERSONS OF ALL DIFFERENT INCOMES DON'T HAVE THE OPPORTUNITY TO LIVE AND WORK AND WORSHIP AND PLAY ALTOGETHER. THANKS FOR YOUR CONSIDERATION ON THIS ISSUE. [APPLAUSE]

THANK YOU. BOBBY RIGBY, RECOMMEND BACK.

[INDISCERNIBLE]

FAIR ENOUGH. SAGE WHITE SIGNED UP WISHING TO SPEAK IN OPPOSITION, WELCOME, SAGE, YOU WILL HAVE THREE MINUTES FOLLOWED BY EDUARDO MEGALONI.

GOOD EVENING, MAYOR. EXCUSE ME. MY NAME IS SAGE WHITE. IF YOU GOOGLED URBAN REDEVELOPMENT, AMONG THE MANY HITS THAT YOU WILL GET YOU WILL SEE A LOT OF ARTICLES AND REPORTS ON -- ON DISPLACEMENT OF RESIDENTS. THIS IS JUST A FACT. YOU HAVE URBAN REDEVELOPMENT AND YOU HAVE THE KIND OF -- REPLACE WHATEVER THAT'S OLDER, THAT'S CHEAPER WITH SOMETHING THAT'S NEWER AND INVARIABLY MORE EXPENSIVE. THERE'S DISPLACEMENT OF THE RESIDENTS. DISPLACEMENTS OF RESIDENTS IS A REAL PROBLEM, YET THEY ARE FOR YOU DEVOTING A LOT OF MONEY, A LOT OF MONEY, A LOT MORE THAN 58 MILLION TO TRY TO -- TO MAKE SOME PROVISION FOR THOSE RESIDENTS THAT HAVE ALREADY BEEN DISPLACED AND TRIED TO PREVENT OTHERS FROM BEING DISPLACED. I KNOW THAT -- THAT YOU ALL DO VALUE AFFORDABLE HOUSING. YOU CRAFTED THE PROPOSITION AND PUT IT ON THE BALLOT. AND I KNOW THAT THE VOTERS IN AUSTIN VALUE AFFORDABLE HOUSING BECAUSE WE VOTED FOR IT. YOU KNOW WE VOTED

OURSELVES A TAX INCREASE. SO THAT THERE WOULD BE SOME MONEY FOR AFFORDABLE HOUSING. THE QUESTION IS WE VALUE THIS, YOU DO, WE DO. BUT WHAT DOES THAT MEAN IN TERMS OF ALL OF THE DECISIONS WE MAKE? WHAT DOES IT MEAN IN TERMS OF THE ZONING DECISIONS, THE DECISION TONIGHT? YOU KNOW, AFFORDABLE HOUSING IS -- IS THE ONLY WAY WE CAN MAINTAIN AUSTIN'S DIVERSITY. DO YOU THINK MOST OF THE MUSICIANS IN AUSTIN MAKE 80% OF MFI? THEY DON'T. [APPLAUSE] A FEW MUSICIANS HAVE BECOME FAMOUS MAKE A GOOD LIVING, BUT THOSE ARE THE FEW. MOST MUSICIANS, ARTISTS, POETS, MOST OF THOSE CREATIVE FOLKS REALLY DON'T MAKE A VERY GOOD LIVING. AND THEN THERE'S JUST THE REST OF US. TEACHERS AIDES, NURSES AIDES, CLERKS, FOLKS WHO WORK AT WENDY'S, FOLKS WHO WORK MINIMUM WAGE OR BARELY ABOVE THAT, THERE ARE A LOT OF THOSE FOLKS IN AUSTIN AS OTHER PEOPLE HAVE TOLD YOU. LATELY I HAVE THOUGHT A LOT ABOUT MY SON, I WONDERED IF I HAVE GIVEN HIM THE KIND OF SPIRITUAL GROUNDING AND VALUES THAT -- THAT WILL SUSTAIN HIM IN HIS LIFE. [BUZZER SOUNDING] ONE THING I DO KNOW CHILDREN PAY MUCH MORE ATTENTION TO WHAT WE DO THAN WHAT WE SAY. IF YOU TRULY VALUE DIVERSITY, TRULY VALUE AFFORDABLE HOUSING, THEN WE ALL HAVE TO FIND SOME WAY TO MAINTAIN IT. AND WE HAVE TO DO THAT EVERY DAY AND EVERY DECISION. AND I KNOW IT'S NOT EASY, BUT -- BUT I ASKED YOU THAT IF YOU SHARE THESE VALUES, PLEASE DO THE BEST THAT YOU CAN TODAY. TO MAKE SURE THAT THERE IS AFFORDABLE HOUSING AND WE DON'T DISPLACE 141 MORE FAMILIES.

THANK YOU, MS. WHITE. EDUARDO -- [APPLAUSE]

WELCOME, SIR, YOU WILL HAVE THREE MINUTES, FOLLOWED BY GREG SELLS.

GOOD EVENING, MAYOR, AND COUNCILMEMBERS. THANK YOU FOR GIVING US THIS OPPORTUNITY TO SPEAK BEFORE YOU. I'M A NEW CITIZEN OF AUSTIN. AND I HAVE TO COMMEND THE DIVERSITY OF AUSTIN, THEY HAVE -- CITIZENRY OF AUSTIN, THEY HAVE BEEN FABULOUS. I CAME TO SPEAK BECAUSE I HEARD AN ISSUE ABOUT PRESERVATION OF AFFORDABLE HOUSING. IN AFFORDABLE

HOUSING PRESERVATION IS NOT ABOUT HISTORY RIG, IT IS ABOUT MAINTAINING THE AFFORDABILITY THAT -- AT THE -- AT LEVELS THAT THE PEOPLE CAN CONTINUE TO AFFORD. WHEN YOU HEAR OF A RENT OF \$900 A MONTH, THAT'S MINIMUM WAGE AT 40 HOURS A WEEK. THAT'S THEIR ENTIRE SALARY, THEIR TAKE HOME. 80% AMI DOES NOT MEET THE NEEDS OF THE COMMUNITY, THE WORKING COMMUNITY THAT IS REPRESENTED HERE IN THIS SPEAKING UP HERE AGAINST THIS. I HAVE HEARD SOME WONDERFUL THINGS ABOUT AUSTIN, I HAVE EXPERIENCED SOME WONDERFUL THINGS HERE IN AUSTIN. AUSTIN IS THE BEST CITY TO LIVE IN AMERICA. IT IS SO BECAUSE IT IS DIVERSE. IT IS DIVERSE ETHNICALLY AND IN THE SOCIO-ECONOMIC SCALES. IT TAKES ALL OF US TO MAKE THIS COMMUNITY. ALL OF US DESERVE THE OPPORTUNITY TO ENJOY WHAT THIS COMMUNITY PROVIDES. YOU AS THE COUNCIL ARE THE STEWARDS OF OUR PUBLIC TRUST. YOU ARE THE STEWARDS OF THE POLICY THAT DRIVES WHERE PEOPLE CAN ACHIEVE THEIR AMERICAN DREAM. WE HAVE PASSED ALL OF THE BOND INITIATIVES BECAUSE WE TRUST AND -- IN THE LEADERSHIP, WE TRUST THAT THE RIGHT THINGS WILL BE DONE, THIS DEVELOPMENT DOES NOT MEET THE NEEDS OF THE RESIDENTS IN THAT APARTMENT COMPLEX. IT DOES NOT MEET THE NEEDS OF THE LOW INCOME FAMILIES. AND I HAVE MOVED HERE AND IN EIGHT MONTHS I SAW HOUSES FROM -- INITIALLY BEING SOLD FOR \$150,000..... \$150,000. TODAY I DROVE BY A DUPLEX WITH ONE FOR SALE SIGN SO I CALLED. THEY ARE ASKING \$280,000 PER SIDE. IN THIS THE SAME NEIGHBORHOOD. 8 MONTHS AGO, I COULD BUY A HOUSE. TODAY I CANNOT AFFORD TO LIVE IN THE NEIGHBORHOOD THAT I MOVED INTO. I LIVE IN AN APARTMENT COMPLEX BECAUSE I WANTED TO LEARN ABOUT AUSTIN AND WHERE TO LIVE. SO THIS IS WHAT I'M FACING. I CAN BUY A HOUSE ON THE OTHER SIDE OF THE AIRPORT. I CAN BUY A HOUSE WAY NORTH IN ANOTHER CITY, NOT AUSTIN. OR SOUTH IN OTHER CITY NOT AUSTIN. I WILL NOT HAVE THE TRANSPORTATION AVAILABLE MADE AVAILABLE TO ME, THE PEOPLE HERE AT THIS APARTMENT COMPLEX HAVE. I HAVE TO HAVE A CAR. SO I'M LUCKY THAT I CAN AFFORD THAT.

BUT THAT IS NOT THE GOAL, MY UNDERSTANDING IS THAT IS

NOT THE GOAL THAT THIS COUNCIL PASSED THREE MONTHS AGO.

KEEP YOUR PUBLIC TRUST. BE THE GOOD STEWARDS THAT YOU WERE ELECTED TO BE AND VOTE THIS DOWN. THANK YOU. GREG SELLS. WELCOME MR. SELLS, YOU WILL HAVE THREE MINUTES, YOU WILL BE FOLLOWED BY COREY WALTON, FOLLOWED BY DAVID HUGH WET.

OKAY. I'M GREG SELLS, I HAVE LIVED AT STONE RIDGE SINCE 1988. I AM CERTAINLY VOTING YOU TO -- URGING YOU TO VOTE AGAINST THIS ORDINANCE BECAUSE THEY DO BELIEVE IN KEEPING AUSTIN AS DIVERSE AS POSSIBLE FOR ALL SORTS OF PEOPLE. MIC ON? BECAUSE I DO -- I CAN CITE SOMETHING ABOUT HOW DEVELOPERS OFTEN LOOK AT JOB GROWTH IN DECIDING WHETHER R TO BUILD THEIR APARTMENTS. BUT I HAVE ALSO SEEN THE LOOKS AT THAT JOB GROWTH AND FOUND IT HERE IN AUSTIN, THE MAJORITY OF THOSE JOBS ARE AT THE LOW END OF THE SCALE. YOUR SERVICE INDUSTRY WORKERS, I MYSELF WORK FOR THE FEDERAL GOVERNMENT. AND I AM CERTAINLY CONCERNED ABOUT BEING ABLE TO AFFORD IN THIS CITY ON MY SALARY. IT DOES SEEM TO BE THAT A LOT OF DEVELOPERS KIND OF LOOKING MORE AT THE HIGH END. WE HAVE TO KNOW THAT NOT EVERYBODY MOVING TO AUSTIN IS A \$60,000 A YEAR TECHIE WITH STOCK OPTIONS. WHERE -- OR SOMEBODY CASHING IN ON THEIR MILLION DOLLAR HOUSE IN CALIFORNIA. WE DO NEED TO KEEP AS MUCH -- OUR CIVILLER VAPTS, TEACHERS, PUBLIC SAFETY AND OUR SERVICE AND THE CREATIVE CLASS WHICH IS THE MAJOR REASON WHY I CHOSE TO LIVE IN AUSTIN. WELL, I DON'T KNOW IF I CAN THINK OF ANYTHING ELSE. IF I CAN I CERTAINLY DO AGREE WITH A LOT OF PEOPLE WHO HAVE SPOKEN BEFORE ME, AGAINST THIS ZONING CHANGE. THAT WE WOULD HAVE THE CHALLENGE ON WHERE WOULD WE GO IF THEY -- IF THEY TEAR US DOWN. WELL, I GUESS I WOULD LIKE TO GO AHEAD AND WRAP IT UP, VOTE NO TO THIS ORDINANCE. LET THE DEVELOPER GO BACK TO THE DRAWING BOARD. CERTAINLY THERE ARE OTHER PLACES WHERE YOU COULD PUT IT AND IF THEY SAY THERE ARE PLENTY OF AFFORDABLE HOUSING UNITS IN OUR AREA, I WOULD LIKE TO KNOW WHERE AND -- WHERE THEY ARE. [

APPLAUSE]

Mayor Wynn: THANK YOU.

Mayor Wynn: WELCOME, MR. WALTON. THREE MINUTES FOLLOWED BY DAVID HEWITT, FOLLOWED BY THURMON JACKSON.

THANK YOU, GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M COREY WALTON, VICE-PRESIDENT OF BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. I WILL TRY NOT TO REPEAT EVERYTHING THAT'S BEEN SAID TONIGHT. BUT THE BOLDEN CREEK NEIGHBORHOOD ASSOCIATION DID VOTE TO OPPOSE THIS REZONING..... REZONING. WE ARE VERY MUCH SUPPORTIVE OF THE VMU, PRESENTLY SURVEYING OUR NEIGHBORHOOD FOR APPLICABLE PROPERTIES FOR THAT STANDARD. BUT THIS CASE DOESN'T SEEM TO GET IMPLEMENTATION OF VMU OFF TO A GOOD START OR GIVE THAT -- GIVE THAT A GOOD NAME. AS YOU ALL KNOW, AFFORDABLE HOUSING IN OR NEAR URBAN NEIGHBORHOODS IN DOWNTOWN AND PRESERVATION OF OUR ECONOMIC ETHNIC DIVERSITY IS AN INCREASINGLY IMPACTFUL ISSUE. WE -- WE ARE STILL AT RISK OF LOSING OUR NEIGHBORHOOD ELEMENTARY SCHOOL. LARGELY DUE TO THE REPLACEMENT OF -- OF AFFORDABLE FAMILY HOUSING TO -- TO HIGHER PRICED EMPTY NEST HOUSING. AND WE'RE NOT ARGUING I THINK AGAINST REDEVELOPMENT OF MULTI-FAMILY COMPLEXES LIKE THIS ONE. BUT DOING SO WITH NO PROVISION FOR THE TENS AND DOZENS OF AFFORDABLE HOUSING, HOUSEHOLDS AND FAMILIES I THINK IT IS RATHER SHORT SIGHTED PLANNING MODEL FOR A GROWING CENTRAL AUSTIN. GRANTING THE APPROPRIATE ZONING FOR -- FOR A MULTI-FAMILY DEVELOPMENT ON THIS SITE COULD BE APPROPRIATE BUT NOT WITHOUT REQUIRING THE BALANCE OF -- OF SOCIAL RESPONSIBILITY. SO I WILL -- BCNA THINKS THAT WE CAN DO BETTER ON THIS ONE. THANKS FOR YOUR TIME. [APPLAUSE]

DAVID HEWITT, THREE MINUTES TO BE FOLLOWED BY THURMON JACKSON.

MY NAME IS DAVID HEWITT. I HAVE LIVED AT STONE RIDGE FOR THE LAST NINE YEARS. I WORK IN THE AREA. AND I'VE

EVEN WORKED RIGHT HERE ON 4th AND LAVACA. SEEN EVERYBODY HERE AT LEAST A COUPLE OF TIMES, STOP BY CAMPAIGNS AND EVERYTHING, SEEN THEM. THE THING THAT I HAVE TO SAY TO MOST IF I COULD AFFORD TO LIVE SOMEWHERE ELSE, LIKE MOUNT BONNELL OR SOMETHING, I WOULD BE THERE IN A NEW YORK MINUTES BUT I CAN'T AFFORD IT. I'M A SIMPLE MECHANIC. I FIX CARS. I CAN'T AFFORD TO -- TO MOVE ANYWHERE ELSE. SO I MEAN I'M KIND OF LUCKY THE ONE -- I HAVE A CAR. ACTUALLY I HAVE A TRUCK AND PEOPLE ASK ME TO MOVE THEIR STUFF FOR THEM, MOVE THEM AND EVERYTHING. THE ONLY THING THAT I'M ASKING IS THAT YOU VOTE NO ON THIS JUST TO GIVE US A CHANCE TO FIND SOMEPLACE TO LIVE. YOU KNOW, I DON'T -- I CAN'T AFFORD ANYWHERE ELSE. AND I KNOW MR. WYNN YOU WERE CARRYING A MAGAZINE ON NOVEMBER 7th SAYING AUSTIN THE BEST PLACE TO LIVE. I JUST WISH THAT YOU WOULD SHOW ME THAT GOOD AUSTIN. THAT'S ALL THAT I GOT TO SAY.

Mayor Wynn: FAIR ENOUGH. [APPLAUSE]

Mayor Wynn: THURMON JACKSON, YOU HAVE THREE MINUTES.

MY NAME IS THURMON JACKSON, COMMUNICATION ORGANIZATION FOR REFORM NOW. I ACTUALLY WANTED TO ASK MR. METCALF WHO SAID THAT BASICALLY STONE RIDGE WAS FALLING APART, AND IT'S AFFORDABLE IN THAT AREA AND YOU CAN FIND SOMETHING FOR 650 IN THAT PRICE RANGE, IS THAT TRUE? YOU ACTUALLY FOUND SOMETHING LIKE THAT OR ARE YOU EVEN FROM HERE? ME AND MY WIFE HAVE ACTUALLY BEEN LOOKING, WE CAN'T FIND ANYTHING LESS THAN CLOSE TO A THOUSAND. WE HAVE BEEN LIVING THERE OVER FIVE YEARS. IT'S LIKE THIS WEIRD THING THAT WE HAVE BEEN THERE FOR FIVE YEARS. IT'S LIKE WE HAVE BEEN TRAPPED IN THIS BUBBLE. WE TRIED TO COME OUT AND LOOK FOR SOMEWHERE TO LIVE BECAUSE THEY WOULD ONLY DO A SIX MONTHS LEASE ON OUR APARTMENT COMPLEX ONCE OTHER LEASE CAME UP. WE STARTED SEARCHING, APARTMENT LOCATORS, FRIENDS, PHONE CALLS, EVERYWHERE. WE DIDN'T FIND THIS AFFORDABLE HOUSING THAT HE'S TALKING ABOUT. WE DIDN'T FIND IT. AND THE FUNNY THING ABOUT IT IS THAT ALL OF THE PEOPLE

THAT IN MY APARTMENT COMPLEX WE SERVE YOUR FOOD, WE FIX YOUR CARS, DISH -- WASH YOUR DISHES, SERVE YOUR DRINKS, WHERE ARE WE GOING TO LIVE? YOU KNOW WHAT I MEAN? IT'S ALMOST LIKE I'M TIRED OF AUSTIN, I HAVE BEEN HERE 11 YEARS, 11 YEARS, I'M A PART OF THIS PLACE. I'M A PART OF AUSTIN. I FEEL LIKE I'M BEING SQUEEZED OUT. HONESTLY BEING SQUEEZED OUT OF WHERE I'VE LIVED FOREVER. I'M ASKING YOU GUYS TO PLEASE NOT PASS THIS. YOU DON'T HAVE TO. THANK YOU. [APPLAUSE]

Mayor Wynn: THANK YOU MR. JACKSON. COUNCIL, THE FOLLOWING FOLKS HAVE SIGNED UP NOT WISHING TO SPEAK BUT ALSO IN OPPOSITION. ELIZABETH YVITCH, JED HOWELL TWICE REALLY OPPOSED, ALBERT [INDISCERNIBLE], EVELYN FUENTES, JOHN [INDISCERNIBLE], ELIZABETH HUGHES, PAMELA JACKSON, RICHARD TROXELL, GARY BROWN, OSCAR LIPCHECK, GALE GOVERNOR, MATTHEW [INDISCERNIBLE] [READING, CAROL GIBBS, GENESIS [INDISCERNIBLE], TONY HOUSE AND ROBIN RATHER SIGNED UP NOT SPEAKING IN OPPOSITION. SO WE NOW GO BACK TO OUR APPLICANT OR OUR AGENT FOR A THREE MINUTE REBUTTAL. BEFORE COUNCIL OPENS UP THE QUESTIONS. WELCOME BACK, MR. METCALF.

THANK YOU, MAYOR. THERE'S BEEN -- THERE'S BEEN A LOT OF TALK ABOUT IF YOU VOTE THIS ZONING CASE DOWN, YOU ARE VOTING FOR AFFORDABLE HOUSING AT THIS SITE. THAT MAY BE TRUE ON A VERY TEMPORARY BASIS. BUT THAT'S NOT TRUE OVER THE LONG RUN. IF THIS -- IF THIS PROJECT IS NOT REDEVELOPED WITH THE PROJECT OR A PROJECT LIKE OURS WE ARE PROPOSING, THERE'S REALLY THREE OTHER ALTERNATIVES. WHAT YOU END UP WITH IS AN APARTMENT COMPLEX THAT CONTINUES TO DETERIORATE BECOMES SUBSTANDARD HOUSING. I WILL SUGGEST TO YOU THAT'S NOT GOING TO HAPPEN. THE OWNER HERE WHICH BY THE WAY WE DON'T REPRESENT THE OWNER, I'M REPRESENTING A DEVELOPER, BUT THE OWNER HAS TOLD US EVEN BEFORE THIS CASE STARTED THAT -- THAT THEY HAD A THREE YEAR HORIZON FOR THIS PROJECT OF WHAT -- THAT THEY WERE GOING TO DO SOMETHING ELSE WITH IT AND WE CAME IN AND WE ARE PROPOSING ONE OF THE THINGS THAT THEY DO WITH IT. SO -- SO THAT'S NOT GOING TO HAPPEN. WHAT'S GOING TO HAPPEN IS ONE OF TWO

OTHER THINGS. THERE'S EITHER GOING TO BE A REHAB BEFORE YOU GO IN AND REDO THE APARTMENTS OR IT'S GOING TO BE TORN DOWN AND BE A RESIDENTIAL USE. EITHER WAY YOU ARE FOR THE GOING TO GET AFFORDABLE HOUSING ON THE SITE.

A PRIME EXAMPLE OF THE REHAB SITUATION IS THE PARK TERRACE APARTMENTS THAT ARE BEHIND THE TREE HOUSE. THOSE APARTMENTS WERE VERY SIMILAR TO STONE RIDGE. IN FACT THEY HAD LOWER RENTS THAN STONE RIDGE DOES NOW. IN 1999 BEFORE THE RENOVATION THEY WERE RENTING AT 88 CENTS A FOOT. THEY SHUT THEM DOWN, THEY DID A RENOVATION. THE MINUTE IT OPENED BACK UP, THE RENTS WERE ALREADY UP TO \$1.51, NOW AT 1.70 A FOOT, WELL ABOVE THE PROPOSED RATES OF STONE RIDGE ON BOTH SIDES. SO BASICALLY WHAT YOU ENDED UP WITH WAS YOU ENDED UP WITH AN OLD STYLE APARTMENT COMPLEX, THAT LOOKS VERY SIMILAR TO ONE OF THE ELEVATIONS OF STOP RIDGE BY THE WAY, BUT THAT'S PARK TERRACE. IT WAS RE... REHABBED AND THAT'S WHAT HAPPENS. PUT THE MONEY IN ONE OF THESE OLD APARTMENT COMPLEXES TO DO IT THEY BECOME UNAFFORDABLE. THE THE OTHER ALTERNATIVE BESIDES A REHAB IS TO CONVERT TO SOMETHING ELSE. RIGHT NOW WITH THE CURRENT ZONING AS WE POINTED OUT YOU CAN DO ANY OF THESE GR USES BUT THE OTHER THING IS THAT REMEMBER THERE'S CS OUT FRONT ON THIS PIECE. SO YOU COULD ALSO DO ANY OF THE CS USES THAT YOU SEE UP HERE. THIS IS NOT A COMPLETE LIST BUT THIS IS SOME OF THE ALL STAR KIND OF THINGS THAT EVERYBODY LOVES TO SEE. CONVENIENCE STORAGE, WAREHOUSE DISTRIBUTION, AUTO LOT, JUST THE TYPE OF THING THAT NO ONE REALLY WANTS TO SEE DONE WITH THIS PROJECT. BUT THOSE ARE ALL AVAILABLE. SO IF YOU DON'T REBUILD THIS PROJECT AS AN APARTMENT COMPLEX, YOU ARE EITHER GOING TO HAVE A REHAB OR SOMETHING ELSE BECAUSE IT'S NOT JUST GOING TO SIT THERE ANDY TEAR RATE FOREVER. DETERIORATE FOREVER. I THINK WE ALL WANT AFFORDABILITY. I THINK IT'S IMPORTANT TO EVERYBODY. IT'S A GOAL OF AUSTIN, IT'S A GOAL OF THE VMU ORDINANCE. BUT IT'S NOT A DEVELOPER PROBLEM. IT'S A COMMUNITY WIDE PROBLEM [BUZZER SOUNDING] AND IT

CAN'T BE SOLVED ON A PROJECT BY PROJECT BASIS. IN FACT IF I -- IF YOU PENALIZE THE CURRENT OWNER OF THIS BY SAYING THANKS FOR PROVIDING AFFORDABLE HOUSING BUT NOW YOU GET TO PROVIDE IT FOREVER, THAT DOESN'T SEEM FAIR. THAT IS A DISINCENTIVE FOR ANYBODY TO PROVIDE AFFORDABLE HOUSING BECAUSE YOU ARE TELLING THEM THEY HAVE TO HAVE IT FOREVER. WE WILL BE HAPPY TO ANSWER ANY QUESTION.

QUESTIONS OF THE APPLICANT'S AGENT OR ANYBODY ELSE FOR THAT MATTER. COUNCILMEMBER KIM?

DO ANY OF THE RESIDENTS OF THIS UNIT QUALIFY FOR SECTION 8 HOUSING? ARE ANY OF YOUR UNITS BEING PAID FOR WITH SECTION..... SECTION 8 VOUCHERS THAT YOU ARE AWARE OF.

WE ARE NOT AWARE OF THAT.

IS THE COMPLEX QUALIFIED RIGHT NOW TO ACCEPT SECTION 8 VOUCHERS.

I DON'T KNOW, I'M NOT SURE.

OKAY. DO YOU HAVE A SENSE OF THE DEMOGRAPHICS OR CAN YOU GIVE US A SENSE OF THE DEM GRAPHS OF WHO LIVES IN THE COMPLEX, HOW MANY OF THOSE ARE STUDENTS, HOW MANY ARE ELDERLY, THE AGE, INCOME?

I'M NOT SURE THAT I HAVE INCOME LEVELS, BUT I CAN TELL YOU THE DEMOGRAPHICS. I HAVE A SLIDE I CAN SHOW YOU. THAT'S 35 -- WE HAVE 138 APARTMENTS. YOU HAVE GOT BASICALLY 150 LEASEHOLDING RESIDENTS. AS FAR AS WE KNOW, ONLY FOUR CHILDREN IN THIS PROJECT SO WHEN PEOPLE KEEP TALKING ABOUT FAMILIES I'M SURE THERE'S SOME FAMILIES IN THERE. THERE'S A FEW CHILDREN. ALL OF THE RESIDENTS ARE IMPORTANT. I'M NOT SAYING ANYBODY IS NOT IMPORTANT. BUT THE DEMOGRAPHICS ARE SORT OF A YOUNG POPULATION, SOME PEOPLE THAT HAVE BEEN THERE FOR A LONG FINAL, BUT VERY FEW. MOST OF THESE APARTMENTS ARE VERY SMALL, 64 STUDIOS, 41 BEDROOMS, OUT OF THE 138, 134 OF THEM, EXCUSE ME OUT OF THE 138, 104 OF THEM, 75% ARE VERY SMALL. YOU COULDN'T EVEN

PUT A FAMILY IN THEM. ALSO IF YOU LOOK AT THE PEOPLE IN THIS COMPLEX, IF YOU LOOK AT THIS PIE CHART, THE RED AREAS, THE PEOPLE WHO HAVE BEEN IN THERE ONE YEAR OR LESS, 85% OF THE PEOPLE IN THIS PROJECT HAVE BEEN THERE ONE YEAR OR LESS. ONLY 15% HAVE BEEN THERE FOR LONGER THAN -- FOR TWO YEARS OR LONGER. IT'S NOT -- IT'S NOT A PROJECT WHERE PEOPLE HAVE BEEN -- EXCEPT FOR A FEW, HAVE BEEN LIVING THERE FOR A LONG TIME. MOST OF THE RESIDENTS IN THIS PROJECT ARE VERY NEW TO THE PROJECT.

FURTHER QUESTIONS, COMMENTS? SKID MARK?

.....COMMENTS.

COUNCILMEMBER MCCRACKEN.

McCracken: I WAS PART OF THE GROUP OF FOLKS, ALONG WITH PEOPLE THAT WE HAVE SEEN ON ALL SIDES OF THIS THIS EVENING THAT CAME UP WITH THIS POLICY AND ONE OF THE THINGS THAT WAS A COMMON PRINCIPLE AMONG ALL OF US WAS THAT WE -- WE ALL BELIEVED ON THE DESIGN STANDARDS TASK FORCE THAT WE NEEDED TO FIND A WAY TO EMBED MORE AFFORDABILITY INTO REDEVELOPMENTS. IN FACT WE DID SOMETHING THAT HAD NEVER BEEN DONE BEFORE IN THE CITY OF AUSTIN, A WHOLE BUNCH OF FOLKS TOGETHER, REQUIRE THAT THE AFFORDABILITY BE PUT INTO THE ACTUAL REDEVELOPMENT AS OPPOSED TO DOING IT THERE YOU A FEW IN LIEU OF APPROACH. BY THE WAY, I THINK WE NEED OTHER OPTIONS WHICH MAY BE AVAILABLE HERE AND ANOTHER PROJECTS SUCH AS THE OPPORTUNITY TO GET 20% AFFORDABLE HOUSING BY BUYING DOWN THE COST OF THE ADDITIONAL 10% OF THE UNITS. ALSO I DO THINK THAT A LOT OF THE NEIGHBORS HERE TONIGHT HAVE MADE IT VERY -- ARE VERY ACCURATE IN SAYING THEY HAVE BEEN VERY STRONG SUPPORTERS OF DENSITY AND REDEVELOPMENT IN THE URBAN CORE. THAT IS A TOTAL FACT. THE NEIGHBORHOOD ALONG SOUTH LAMAR AND SOUTH CONGRESS HAVE BEEN VERY GOOD AND PROGRESSIVE ABOUT BEING THE FIRST NEIGHBORHOODS TO ACCEPT VERTICAL MIXED USE PROJECTS AND MORE DENSITY. I THINK THIS IS HOW DO WE BEST GET AFFORDABILITY IN HERE. THE BACKGROUND ON

WHERE WE ARE ON THIS SPECIFIC PROJECT IS THAT WE SPEND ABOUT THREE MONTHS, PRETTY MUCH THE HARDEST THING THAT WE ENDED UP DOING ON ON THE DESIGN STANDARDS TASK FORCE FIND THIS EQUATION OF WHAT WAS IT POSSIBLE TO GET IN A PROJECT WITHOUT A DIRECT FINANCIAL SUBSIDY. AND WHAT WE ENDED UP WITH, WE HAVE REPRESENTATIVES FROM ANC, LIVEABLE CITY, AFFORDABLE HOUSING REPRESENTATIVES, RECA, PLANNERS, COMMISSIONERS AND WHEN WE ALL RAN THE NUMBERS, THE DIFFERENCE WAS THAT SOME FOLKS CAN GET 10% AND SOME -- OUTSIDE PEOPLE GET 15%. WE HAD A VERY NARROW RANGE. WE RAN THE NUMBERS. ANOTHER THING THAT'S IMPORTANT IS THAT WE ACTUALLY LOOKED AT -- WE MODELED THIS PROJECT, ALL OF US AND ALL OF US ON OUR TASK FORCE, INCLUDING REPRESENTATIVES FROM ALL OF THE ORGANIZATIONS THAT TOLD YOU LOOK AT THE ECONOMICS OF THIS SPECIFIC PROJECT AND AGREED THAT YOU COULD NOT YET SOMEWHERE ABOVE THE 10 TO 15% RANGE AND THAT REALISTICALLY BECAUSE WE HAD -- WHAT WE HAD DONE WAS WE ORIGINALLY HAD THE VERTICAL MIXED USE PROVISIONS, WE DID THE AFFORDABLE HOUSING PORTION IN MID STREAM. PEOPLE THAT STARTED PROJECTS SUDDENLY HAD ALL OF THE EVALUATIONS CHANGE ON THEM MID STREAM. EVERY SINGLE ONE, A MEMBER OF THE TASK FORCE, INCLUDING ALL OF THE MEMBERS FROM RECA, ANC, LIVEABLE CITY. EVERY ONE UNANIMOUSLY AGREED THAT THE PROJECTS THAT HAD ZONING APPLICATIONS, FILED SITE PLANS, SHOULD BE PERMITTED TO GO FORWARD AT 10 AND 80% BECAUSE WE CHANGED THE RULES IN MID STREAM. I REALLY THINK THAT IT'S SUPER IMPORTANT THAT WE HONOR THE UNANIMOUS COMPROMISE THAT EVERY SINGLE ONE OF US FROM A BROAD OPEN PROCESS COMMUNITY LEADER GOT BEHIND. I HAVE HEARD SOME INTERESTING INNOVATIONS THAT -- THAT MAYOR PRO TEM DUNKERLY AND COUNCILMEMBER MARTINEZ ARE TALKING ABOUT. IT DOES SEEM VERY WORKABLE. I WILL LET THEM DESCRIBE IT. BUT [INDISCERNIBLE] LEVERAGE FUNDS SUBSIDIES. WE ARE GOING TO NEED TO BE VERY INNOVATIVE, GOING TO BE. ABILITY FOR AFFORDABLE HOUSING BONDS, ABILITY TO LEVERAGE THE NEW DEVELOPMENT TO ACHIEVE AFFORDABILITY. BUT WITHOUT -- THERE WAS ONLY SO MUCH AN INDIVIDUAL PROJECT CAN

SUPPORT. WE ALL ACROSS THE BOARD WANT THIS PROJECT, FIGURED OUT IT WAS 10% AT 80%. I THINK WE NEED TO STICK TO THAT UNANIMOUS COMPROMISE.

MAYOR PRO TEM?

Dunkerly: IN LOOKING AT THIS PROJECT, I THINK ONE THING IS TRUE. IF WE SAY NO WE ALWAYS DON'T GUARANTEE THESE UNITS STAY AFFORDABLE FOR VERY LONG. I TALKED TO ONE OF OUR PREMIERE DEVELOPERS, NON-PROFIT DEVELOPERS OF AFFORDABLE HOUSING, FOR A LONG TIME TODAY. WE WENT OVER THE ECONOMICS OF THIS PROJECT. AND AS HE POINTED OUT, YOU HAVE GOT PROBABLY SEVEN TO 10 YEARS ON THIS PROJECT BEFORE YOU HAVE TO DO A MAJOR REHAB AND BY MAJOR REHAB WE ARE NOT TALKING ABOUT PAINT AND WE ARE NOT TALKING ABOUT NEW COUNTERS. WE ARE TALKING ABOUT SOME SIGNIFICANT REDEVELOPMENT OF THE APARTMENT WHICH MEANS THAT YOU HAVE TO BRING IT UP TO CITY CODE. AND THAT'S WHAT DRIVES THE COST. THAT'S WHAT WILL DRIVE THE RENTS UP IF IT STAYS EVEN AS AN APARTMENT BUILDING. CERTAINLY WE HAVE THE OPTION TO DO THE REDEVELOPMENT AS A COMMERCIAL CENTER BECAUSE THAT'S HOW IT'S CURRENTLY ZONED. SO WHEN YOU LOOK AT THAT, I THINK 141 UNITS THAT HAVE ABOUT AT THE MOST 10 YEARS OF USEFUL LIFE ARE NOT EQUIVALENT TO 141 UNITS AT -- FOR A NEW PROJECT FOR 30 YEARS. THAT'S -- THAT'S NOT AN EQUIVALENT THING. SO WE HAVE STARTED PLAYING WITH THAT. AND CONFIGURATION, IT LOOKED LIKE THE EQUIVALENT WOULD BE ABOUT 35 UNITS AT 50% MFI FOR 30 TO 40 YEARS. WOULD BE ABOUT THE EQUIVALENT OF 141 UNITS FOR THE NEXT 10 YEARS. SO I DON'T KNOW HOW MUCH BUY DOWN WE CAN GET ON THESE APARTMENTS. I DON'T KNOW THAT WE CAN EVEN BEGIN TO APPROACH THAT LEVEL. BUT I SPOKE WITH THE CITY MANAGER EARLIER TODAY AND I. I -- WITH THE APPROVAL OF THE REST OF THE CITY COUNCIL WANT.....WANTED HER STAFF, WHETHER IT'S HOUSING STAFF OR WHOEVER, TO GET WITH THESE -- THE DEVELOPERS AND SEE WHAT TYPE OF SUBSIDY WE COULD OFFER THAT WE BEGAN TO BUY DOWN SOME OF THE -- SOME OF THE BUY DOWN THAT AFFORDABILITY AS WE WERE ALLOWED TO DO IN THE TRUE VMU DEVELOPMENTS. SOME OF THE THINGS THAT WE COULD USE AS SOON AS THE --

THE APPRAISALS ARE IN ON THE VACATED STREET, DEPENDING I DON'T KNOW WHETHER THAT WILL BE \$5 OR \$10, WHATEVER THAT VALUE IS THAT'S ONE POT OF MONEY THAT WE COULD PUT TOWARD WORKING WITH THE DEVELOPERS ON THIS ISSUE. WE CAN ALSO LOOK AT THINGS LIKE FEE WAIVERS. OR OTHER TYPE OF INFRASTRUCTURE COMPONENTS OF THEIR PRESENT COST PRO FORMA. SHE HAS AGREED TO DO THAT, TO SEE HOW MUCH OF THOSE TYPES OF -- OF INCENTIVES THAT WE COULD USE TOWARD BUYING DOWN OR BUYING MORE AFFORDABILITY IN THIS UNIT. I THINK AS OUR BOND PROJECTS AND THE BOND GUIDELINES ARE BEING DEVELOPED, NEXT MONTH, THAT THESE ARE SOME OF THE THINGS THAT WE PROBABLY WANT TO LOOK AT AS SOME OF THE POTENTIAL USES FOR SOME OF THOSE DOLLARS. IN THE MEANTIME, SHE'S AGREED TO SIT WITH DEVELOPERS AND LOOK AT THEIR COST STRUCTURE TO SEE, WHAT IS AVAILABLE WHAT WE CAN DO. I THINK THAT IS ONE OF THE THINGS THAT WE NEED TO DO. IT'S REALLY HARD IN THIS KIND OF DEVELOPMENT FOR THE DEVELOPMENT ITSELF TO CARRY MORE THAN 10% -- OF MFI TO 85%. TO GET LOWER THAN THAT REQUIRES SOME KIND OF SUBSIDY.

COUNCILMEMBER KIM?

Kim: I HAVE A QUESTION FOR MR. GUERNSEY ABOUT -- ABOUT JUST APARTMENTS IN OUR CITY THAT ARE REACHING THEIR END OF THEIR USE LIFE. THERE -- THE REASON WHY I WANT TO KNOW IS BECAUSE THIS -- THIS IF WE ARE GOING TO USE AFFORDABLE HOUSING MONEY I'M JUST -- I JUST WANT TO KNOW WHAT KIND OF PRECEDENT THAT WE WOULD BE SETTING, WHAT IS THE INVENTORY OUT THERE IN THE CITY. WHERE -- WHERE THEY ARE APPROACHING THE END OF THEIR USE LIFE, THERE'S GOING TO BE SOME SORT OF RENOVATION OR SOME SORT OF VMU OR ZONING CHANGE, HOW MANY -- HOW MANY, DO YOU HAVE ANY SENSE AS TO HOW MUCH IS OUT THERE? BECAUSE WE COULD EXHAUST, WE COULD JUST SPEND THE MONEY LIKE THAT OVERNIGHT.

I DON'T HAVE A NUMBER THAT I CAN GIVE YOU OFF THE TOP OF MY HEAD. THERE'S A LOT THAT MAYBE JEFF JACK ACTUALLY SPOKE TO. ON THE MAINTENANCE -- OF SOME OF

THE APARTMENT COMPLEXES THAT WE HAVE IN THIS CITY IF THEY ARE WELL MAINTAINED THEY CAN -- THEY CAN GO LONGER THAN THOSE THAT AREN'T MAINTAINED WELL AT ALL. WHEN WE DID THE EAST RIVERSIDE PLAN, WE WERE HERE JUST ABOUT A MONTH OR TWO AGO, NEIGHBORHOOD HOUSING CAME FORWARD SAID THAT LIFE WAS ABOUT 40 YEARS, WHICH I THINK YOU HEARD ECHOED TONIGHT. THOSE THAT -- THOSE UNITS THAT WE IDENTIFIED THAT WERE OLDER PREMID 80s, PARTICULARLY THOSE THAT WERE BUILT IN THE 70s, HAVE ASBESTOS, LEAD BASED PAINTS, THE COSTS TO REHAB THOSE UNITS ARE HIGHER AND MORE LIKELY TO BE TORN DOWN THAN ACTUALLY REMODELED OR REBUILT. SO -- SO NO I DON'T HAVE AN ANSWER. I THINK THAT WE COULD TRY TO GET YOU ANSWER OF THE LIFE, THE AGE OF CERTAIN APARTMENT COMPLEXES IN THE CITY, TALKING TO OUR CITY DEMOGRAPHER, SEE WHAT INFORMATION WE CAN GET FROM THE APPRAISAL DISTRICT RECORDS TO GENERALLY GIVE YOU AN IDEA WHEN WE TALKED ABOUT THE -- THE EAST RIVERSIDE AREA, IT WAS AT LEAST SEEMED TO BE ON THE MAP, AT LEAST HALF OF THE APARTMENTS WERE PRE19 -- MID 1980S AS OPPOSED TO THE OTHER HALF, NEWLY CONSTRUCTED. BUT THE AREA WE ARE TALKING ABOUT IN THIS AREA OF AUSTIN IS MUCH OLDER THAN -- THAN WHAT YOU SEE IN EAST RIVERSIDE AREA. HAVING THAT KIND OF [INDISCERNIBLE]

KEPT..... KEEPING THE UNITS AFFORDABLE, IS THERE SOME KIND OF GUIDE LINES IF WE WERE TO DO THAT, GET THE DEVELOPER TO DO THAT. IS IT REALLY GOING TO THOSE WHO HAVE LIMITED INCOME AND LIMITED MEANS. I'M -- I DON'T KNOW WHO THOSE PEOPLE ARE, THAT HAVE BEEN THERE FOR THREE YEARS, FIVE YEARS OR LONGER. WHAT IF SOME OF THOSE PEOPLE CAN -- CAN REALLY NEED AFFORDABLE HOUSING, THEY WOULD QUALIFY FOR THAT. BUT SOME OF THESE PEOPLE DON'T. SMART HOUSING, BY THE DEVELOPER, IS IT BY JUST KEEP THE RENTS LOW ON THE UNIT, WHOEVER SIGNS UP FOR THEM, WHOEVER LIVES THERE GETS IT FIRST? DOES ANYONE HAVE ANY KIND OF INFORMATION ON THAT?

GOOD EVENING, MR. MAYOR. MAYOR PRO TEM,
COUNCILMEMBERS, MY NAME IS MARGARET SHAW, THE
DEPUTY DIRECTOR OF THE NEIGHBORHOOD HOUSING

OFFICE. TYPICALLY, COUNCILMEMBER KIM WHEN YOU REACHING TO BELOW 50% OF MEDIAN FAMILY INCOME OF 30 THAT INVOLVES ANY NUMBER OF PUBLIC SUBSIDIES, TYPICALLY A PUBLIC SUBSIDY, SET BY APARTMENT COMPLEX SO YOU HAVE INCOME GUIDELINES BY THAT APARTMENT COMPLEX. YOU ADDRESS SECTION 8 AS ONE THAT THE HOUSING AUTHORITY RUNS IN A PROGRAM THAT THEY RUN. THAT PROGRAM CAN RUN BY TENANT SO IT FOLLOWS A PERSON OR IT FOLLOWS A BUILDING, H.U.D. HAS ACTUALLY STARTED TO PHASE OUT PROJECT BASED SECTION 8 WHICH I THINK THAT YOU WERE REFERRING TO. THE FEDERAL GOVERNMENT ABOUT 10 YEARS AGO STARTED TO PHASE OUT ACTUALLY FUNDING DEVELOPMENTS AND FUNDING PEOPLE INSTEAD SO THAT VOUCHER COULD MOVE WHEREVER THAT PEPPER WANTED TO MOVE. BUT ANY OF THE CONCEPTS THAT YOU ARE TALKING ABOUT ARE TYPICALLY RUN ON FEDERALLY MANAGED PROGRAMS. SO YOU HAVE TO MEET, THE WHOLE PROPERTY HAS TAX CREDIT GUIDELINES, PROJECTS THAT WE JUST OPENED LAST WEEK HAS SPECIFIC INCOME GUIDELINES THAT WHOLE PROJECT NEEDS TO MEET.

DO YOU HAVE ANY SENSE WHAT THE VMU, IF WE ARE GOING TO SAY 10% AND 80%, OR IF THE NEIGHBORHOODS OPT IN LATER FOR THOSE THAT ARE ZONED COMMERCIAL, WHICH THIS IS NOT, I UNDERSTAND THAT. BUT FOR THOSE THAT ARE ZONED COMMERCIAL ON MAJOR TRANSPORTATION CORRIDORS, THEY WANT 10% OR 80% OR 60% MFI, WHO IS GOING TO MONITOR THAT? IF THEY COME THROUGH, I DON'T THINK WE HAVE SET THE RULES AND REGULATIONS FOR THE VMU ORDINANCE YET, MY GUESS WOULD BE THAT WOULD COME THROUGH NEIGHBORHOOD HOUSING. WE MONITOR SMART HOUSING FOR THAT. LOW INCOME HOUSING CREDITS IS ACTUALLY MONITORED BY THE TREASURY, I.R.S.

OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS, COUNCILMEMBER MARTINEZ?

Martinez: I JUST WANTED TO MAKE A COUPLE OF COMMENTS. I DON'T WANT TO TAKE A WHOLE LOT OF TIME. I HAVE MET

WITH THE AGENT OF THE DEVELOPER AND THE DEVELOPERS AND I DO REALIZE THAT, YOU KNOW, YOU GUYS ARE WILLING TO COMPLY WITH 10% AT 80% MFI. LIKE I MENTIONED TO YOU, I WOULD JUST FEEL MUCH BETTER ABOUT A STRONGER AFFORDABILITY COMPONENT. THE REASON IS NOT JUST BECAUSE YOU ARE COMPLYING WITH THE MODEL THAT WAS DISCUSSED IN DESIGN STANDARDS. YOU GUYS WERE APPARENTLY THE MODEL THAT WAS USED TO COME UP WITH THIS FORMULA. I'M CURIOUS AS TO WHETHER OR NOT VACATING A PIECE OF PUBLIC LAND WAS A PART OF THAT MODEL. I THINK THAT THAT ADDS VALUE TO THIS PROJECT THAT'S NEVER GOING TO BE SEEN IN AN APPRAISAL IF THAT'S WHAT YOU PAY FOR IT. THE VALUE OF THAT PIECE OF LAND, OF THAT AREA OF LAND AT 60 FEET HEIGHT I THINK IS GOING TO BE MORE THAN WHAT YOU MIGHT PAY THE CITIZENS OF AUSTIN VIA AN APPRAISAL. AND SO THAT'S WHY I WOULD FEEL MORE COMFORTABLE IF YOU GUYS COULD MAKE AN EXTRA EFFORT OF MORE AFFORDABILITY IN YOUR PROJECT. I THINK THE CITIZENS OWN THAT LAND AND THE CITIZENS ARE SELLING THAT LAND TO YOU. WE GET TO MAKE THAT DECISION BUT WE'RE THE STEWARD FOR THE CITIZENS AND THEY NEED TO GET MAXIMUM RETURN ON WHAT -- ON WHAT WE, IF WE CHOOSE TO SELL THAT TO YOU. SO I -- I KNOW THAT WE ARE GOING TO WAIT FOR THE APPRAISAL TO COME BACK AND POTENTIALLY ADD TO THE BUY DOWN OF THIS. BUT I DO APPRECIATE THE INFORMATION THAT WAS SHARED HERE, I APPRECIATE ALL OF THE COMMENTS FROM THE NEIGHBORHOODS. WE DO HEAR YOUR CONCERNS, ONE OF THE GRAPHS THAT I THINK FOR ME WAS IMPACTFUL WAS SEEING THE TENURE OF RESIDENTS AND HOW MANY THAT IS. I THINK IF WE CAN GET TO 60% MFI AT 10% OF THE UNITS STATISTICALLY MOST OF THE FOLKS WHO ARE PLANNING ON STAYING AT STONE RIDGE WOULD HAVE THE OPPORTUNITY TO STAY THERE AFTER IT'S REDEVELOPED IN A BRAND NEW VERTICAL MIXED USE DEVELOPMENT. I THINK THAT'S A GOOD THING. I THINK THAT'S A GOAL THAT WE WOULD LIKE TO ACHIEVE. I DON'T THINK THAT IT'S REALISTIC TO LOOK AT, AS REMOVE FORWARD, REPLACING UNITS ON A ONE FOR ONE BASIS. YOU ARE NOT GOING TO BE ABLE TO DO THAT. IT'S NOT ECONOMICALLY FEASIBLE. BUT STATISTICALLY WHEN YOU LOOK AT THE CHART THAT SAYS WHO HAS LIVED

HERE MORE THAN TWO YEARS, STATISTICALLY WHO POTENTIALLY WILL BE THERE IN THE SUBSEQUENT YEARS, IF WE CAN CREATE A LITTLE BIT MORE AFFORDABILITY, I THINK THOSE LONG-TERM RESIDENTS HAVE A TRUE OPPORTUNITY TO STAY THERE AND BE A PART OF THIS COMMUNITY AND IN THE CENTRAL CORE OF AUSTIN FOR A LONG TIME. SO THAT'S THE GOALS THAT I WOULD LIKE TO SEE US TRY TO ACHIEVE FOR SOME OF THOSE LONG-TERM RESIDENTS THAT WE KNOW ARE GOING TO BE THERE BECAUSE THE NUMBERS SHOW IT. I'M NOT SAYING THAT ANY RESIDENT IS NOT VALUABLE OR THAT WE SHOULD NOT BE TRYING TO HELP THEM. BUT WHEN YOU LOOK AT TRUE INFORMATION AND YOU ARE TRYING -- WE ARE TRYING TO MAKE DECISIONS IN A DIFFICULT SITUATION, YOU REALLY HAVE TO -- YOU KNOW TO DISSECT THIS AND FIND OUT WHO WE ARE IMPACTING THE MOST. I THINK IF WE CAN COME UP WITH MORE AFFORDABILITY AT 35 UNITS, I THINK WE WILL BE ABLE TO HELP PROBABLY EVERYONE IN THAT COMPLEX WHO POTENTIALLY WOULD HAVE STAYED THERE OVER THE NEXT TWO TO FIVE, 10 YEARS.

Mayor Wynn: COUNCILMEMBER COLE?

Cole: I ECHO THE SENTIMENT THAT WE NEED TO WORK TOWARD A LITTLE BIT MORE AFFORDABILITY. BUT IT FEELS LIKE WE HAVE HEARD A WHALE OF A PROPER AND WE ARE LOOKING AT BIT SIZED SOLUTIONS. I WOULD LIKE TO ASK MARGARET A COUPLE OF LITTLE QUESTIONS BECAUSE I THINK WE NEED TO PERFECT SOME OF THE POLICY ISSUES GOING ON HERE BECAUSE FROM THE -- FROM THE TESTIMONY THAT I HEARD FROM THE RESIDENTS THERE WERE SOME I THINK THAT COULD POTENTIALLY TAKE 80%, MIGHT BE AS LOW AS 50% MFI. I KNOW IN OTHER PARTS OF THE COUNTRY WE TALK NOT JUST ABOUT MIXED USE BUT MIXED INCOME. AND I WOULD LIKE US TO BE ABLE TO HAVE SOME TYPE OF PACKAGE AVAILABLE TO THAT WHEN WE HAVE REACHED THESE POLICY DECISIONS THROUGHOUT THE CITY.

YES, MA'AM, I THINK WHAT YOU ARE HEARING TONIGHT IS THE DISTINCTION OF AFFORDABILITY VARIOUS BY WHO YOU ARE AND WHERE YOU WORK, WHERE YOU WANT TO LIVE. IT'S ONE OF THE CHALLENGES AS POLICY MAKERS THAT WE

HAVE OF CREATING A BROAD SPECTRUM THAT SERVES A NUMBER OF PEOPLE. BECAUSE WE ALSO DON'T WANT TO BE A COMMUNITY LIKE MANY LARGER METROPOLITAN AREAS. WE ARE THE ONLY PEOPLE AS -- AS WE SAID THAT MR. JACK REFERRED TO THAT I WAS A CO-AUTHOR ON, WE DON'T WANT TO BECOME A LARGE METROPOLITAN CITY WHERE THE ONLY PEOPLE WHO CAN AFFORD TO LIVE THERE ARE THE VERY RICH AND THE VERY POOR. WE WANT TO INCENT OUR WORKING FAMILIES OUR MIDDLE CLASS ALSO TO LIVE THERE. SO I CAN -- I AGREE WITH YOU, THERE NEEDS TO BE MIXED INCOME, THERE NEEDS TO BE MIXED USE. THE CITY AND NEIGHBORHOOD HOUSING ARE CREATING A VARIETY OF PROGRAMS, INCLUDING THE SMART HOUSING PROGRAM WHICH AS YOU KNOW, WE ACCEPTED AN INTERNATIONAL AWARD FOR THE PRODUCTION OF HUNDREDS IF NOT THOUSANDS OF UNITS OVER THE LAST FIVE YEARS. AT MULTIPLE INCOME LEVELS, ALL BELOW 80%, MOST OF THOSE EVEN BELOW 50%, BUT THERE'S NO DOUBT ABOUT IT, THAT THESE ARE TREMENDOUS CHALLENGES AND MEETING THE NEEDS.

OKAY. WELL LET'S TRY TO WORK TOGETHER AS WE -- AS WE PASS ON THIS CASE FOR A POLICY THAT ADDRESSES A WIDE RANGE OF ISSUES THAT THEY HAVE RAISED.

YES, MA'AM, WE WOULD BE HAPPY TO.

FURTHER COMMENTS, QUESTIONS? COUNCIL? IF NOT I'LL DEPARTMENT OBTAIN A -- I WILL ENTERTAIN A MOTION ON THIS COMBINED CASE, 69 AND 70. COUNCILMEMBER MCCRACKEN.

McCracken: I WILL MOVE ON APPROVE FOR FIRST READING OF THE APPLICANT'S PROPOSAL ON BOTH ITEMS.

Mayor Wynn: MR. GUERNSEY, TECHNICALLY IT'S THE -- IT'S THE PLANNING COMMISSION RECOMMENDATION?

Guernsey: YES. IT'S MY UNDERSTANDING THAT THE PLANNING COMMISSION AGREES WITH THE PLANNING COMMISSION'S RECOMMENDATION. WHICH WAS THE STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY COMRK TO APPROVE ON --
COUNCILMEMBER MCCRACKEN TO APPROVE ON FIRST
READING ONLY SECONDED BY THE MAYOR PRO TEM.
COUNCILMEMBER KIM?

Kim: THIS CASE FOR ME IT'S REALLY IMPORTANT TO FOCUS ON PEOPLE WHO LIVE THERE. BUT IT'S ALSO IMPORTANT FOR US TO THINK ABOUT WHAT'S HAPPENING IN AUSTIN. WE DO HAVE A LOT OF APARTMENTS THAT ARE GETTING OLDER. AS WE HAVE SEEN, JUST ON SOUTH LAMAR, A LOT OF HOSE HAVE BEEN TORN DOWN OR CONVERTED TO CONDOS SO WE ARE LOSING OUR STOCK OF AFFORDABLE HOUSING UNITS IN OUR CITY AS THEY ARE BEING RELEASED, WE DO WANT THEM REMODELED, WE DON'T WANT URBAN BLIGHT AS WE SEE IN OTHER CITIES. WHERE THEY ARE NEGLECTED AND THEY -- THERE IS NO INCENTIVE TO KEEP THEM UP TO THE NEW CODES. SO I'M STRUGGLING WITH THIS ONE BECAUSE THERE ARE PEOPLE WHO -- WHO LIVE THERE, SOME OF THEM MAY BE STUDENTS WHERE THEY COULD AFFORD OR THEY ARE JUST THERE FOR A SHORT WHILE. BUT THEN THERE ARE PEOPLE WHO HAVE BEEN THERE LONGER. I DON'T KNOW INDIVIDUALLY EACH PERSON'S CASEY AND I DON'T KNOW WHAT THE ANSWER IS NOT JUST FOR THIS CASE, BUT ALSO FOR AN ENTIRE CITY. BECAUSE WE DON'T -- AS WE ARE GROWING IN POPULATION, WE ARE GOING TO NEED MORE UNITS. THE REVERSE IS HAPPENING IS THAT WE ARE SEEING A LOSS OF UNITS THAT ARE AFFORDABLE. AT THE SAME TIME WE WANT THEM TO BE RENOVATED, WE DON'T WANT THEM TO BE SUBSTANDARD. SO I'M GOING TO APPROVE -- I'M GOING TO SUPPORT THIS ON FIRST READING, BUT I'M ALSO INTERESTED IN KNOWING WHAT ARE WE GOING TO DO FOR THIS FOR OUR ENTIRE CITY, WHEN YOU THINK ABOUT THIS LONG TERM AS WE HAVE MORE CASES COMING TO US. INVOLVING THIS OR THOSE THAT WE DON'T EVEN HEAR ABOUT. THEY ARE GOING TO RENOVATE THEM OR DO CONDO CONVERSIONS AND THEY DON'T HAVE TO COME TO THE COUNCIL FOR ANY KIND OF ACTION. I'M SURE EVERY MONTH THERE ARE PEOPLE WHO ARE BEING MOVED OUT OR THEIR LEASES ARE NOT CONTINUED BECAUSE THE APARTMENTS THEY LIVE IN ARE AFFORDABLE BUT THEY ARE OLDER AND IT'S TIME TO RENOVATE THEM. SO THEY GET MOVED OUT. THAT'S WHY I'M

GLAD THAT WE WERE ABLE TO INVEST IN AFFORDABLE HOUSING THROUGH A BOND PACKAGE. I DON'T KNOW IF IT'S GOING TO BE ENOUGH. THAT'S WHY I WANT SOME INFORMATION FROM THE STAFF. LET'S LOOK AT THIS IN TERMS OF CRAFTING SOME SORT OF LONG-TERM SOLUTION FOR OUR CITY.

FURTHER COMMENTS, COUNCILMEMBER MARTINEZ?

Martinez: I REALLY DON'T WANT TO BELABOR THIS. I THINK IT'S IMPORTANT TO POINT OUT THAT IT'S BEEN SAID TONIGHT IN ONE FELL SWOOP WE COULD ELIMINATE 130 OR 40 UNITS OF AFFORDABILITY. AND THAT MAY BE TRUE FOR THE NEXT 18 TO 24 MONTHS. BUT -- BUT IN MY VIEW WE ARE DOING EVERYTHING THAT WE CAN TO PRESERVE TRUE AFFORDABILITY LONG TERM FOR A 30 YEAR PERIOD BY -- BY TRYING TO GET -- ESTABLISH AT LEAST 10% AFFORDABILITY AND NOW TRYING TO BUY IT DOWN TO WHERE IT'S EVEN MORE AFFORDABLE. I THINK THAT -- THAT LOOKING LONG TERM WE ARE PRESERVING AFFORDABILITY IN THE CORE OF AUSTIN BECAUSE IF WE DON'T DO THIS TODAY WE COULD -- THE POTENTIAL IS THERE. YOU GUYS HAVE SPOKEN TO IT. EVERYONE THAT'S SPOKEN HERE TONIGHT IN OPPOSITION TO THIS ZONING CASE IS PROVING THAT POINT. THAT PEOPLE ARE BEING PUSHED OUT. EVERY DAY. SO WE HAVE TO STOP THAT AT SOME POINT. IN MY VIEW CREATING POLICIES THAT WE'RE WORKING ON THROUGH THE AFFORDABLE HOUSING TASK FORCE AND CREATING THE VERTICAL MIXED USE STANDARDS, THAT IS -- THAT IS STOPPING THAT LONG TERM. AS IT RELATES TO NEW DEVELOPMENT. SO I WILL SUPPORT THIS ON FIRST READING. I DO SUPPORT THIS PROJECT BUT I DO WANT TO SEE US MAKE IT TRULY AFFORDABLE FOR WHAT I BELIEVE ARE GOING TO BE THOSE FOLKS WHO POTENTIALLY WOULD STAY THERE FOR LONG TERM.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER LEFFINGWELL?

Leffingwell: MAYOR, I JUST WANT TO SAY I'M GOING TO SUPPORT THIS, ALSO, ON FIRST READING. BEFORE IT COMES BACK FOR SECOND AND THIRD READING, WANT TO REALLY TAKE THE OPPORTUNITY TO LOOK AT OTHER WAYS THAT WE

CAN INCREASE THE AFFORDABILITY IN THIS PARTICULAR COMPLEX USING MANY OF THE SUGGESTIONS THAT HAVE ALREADY BEEN MENTIONED BY COUNCILMEMBER DUNKERLY AND COUNCILMEMBER MARTINEZ SUCH AS THE FUNDS FOR CINCO STREETS SUCH AS POSSIBLY FEE WAIVERS, POSSIBLY LOOKING AT -- AT SOME KIND OF -- SOME KIND OF AFFORDABLE HOUSING BOND MONEY COMPONENT, BUT I THINK WE NEED TO FOCUS ON INCREASING THE NUMBER OF UNITS AND I ALSO AGREE WITH -- WITH COUNCILMEMBER MARTINEZ THAT IF WE LOOK AT THE LONG TERM, THE BEST WAY TO PRESERVE AFFORDABLE HOUSING EVEN IN CENTRAL AUSTIN, PARTICULARLY AT THIS LOCATION IS TO -- TO RECOGNIZE THAT THERE ARE OTHER OPTIONS AVAILABLE THAT WOULD -- THAT WOULD IN ANY EVIDENT ACTUALITY THIS PARTICULAR APARTMENT COMPLEX IS GOING TO HAVE TO -- TO EITHER BE CONVERTED TO ANOTHER USE OR BE RENOVATED AND THE AFFORDABLE HOUSING COMPONENT WILL NOT BE THERE, EITHER. WE HAVE TO RECOGNIZE THAT. AND TRY TO ADDRESS IT IN SOME OTHER WAY.

COUNCILMEMBER MCCRACKEN.

McCracken: TO BUILD ON SOME OF THESE COMMENTS, WE HAVE -- WE HAVE ACTUALLY THROUGH THE COMBINATION OF THE -- OF THE RIGHT OF FIRST REFUSAL, THE ADDITIONAL 10%, TO BUY DOWN THE COSTS FOR AFFORDABILITY, ALSO THROUGH THE BOND MONEY, WE HAVE A KIND OF UNIQUE OPPORTUNITY WHICH WOULD BE -- WHICH WOULD BE FOR INSTANCE ONE POSSIBLE WAY TO USE THE AFFORDABLE HOUSING BONDS AMONG THE MANY WAYS TO DO IT, TO BUY DOWN THE -- THE COSTS OF THE EXTRA 10%, STARTING TO GET 20% AFFORDABILITY PER UNIT. BUT THAT -- BUT THAT -- THINK ABOUT THAT. IF WE GO AND TRY TO BUILD OUR OWN APARTMENT COMPLEX AS MR. JACK OBSERVED, THAT WOULD TAKE UP AN ENORMOUS AMOUNT OF MONEY BECAUSE YOU ARE PAYING FOR OLD OF THE ENGINEERING, ALL OF THE ENGINEERING LAND DEVELOPMENT, ARCHITECTURAL FEES. IF YOU BUY DOWN THE INCREMENTAL DIFFERENCES IN COSTS BETWEEN MARKET AND AFFORDABILITY FOR AN ADDITIONAL 10%, ALL OF THOSE OTHER THINGS HAVE ALREADY BEEN TAKEN CARE OF. WE HAVE AN OPPORTUNITY FOR A FAIRLY -- FOR A

FRACTION OF THE COST OF BUILDING OUR OWN APARTMENT COMPLEX, REALLY STRETCH THESE DOLLARS BY LEVERAGING THIS REDEVELOPMENT THAT -- THAT I REALLY DO COMMEND ARDE. EN FOR BEING A CATALYST ON SOUTH LAMAR. I THINK WE ARE ON THE RIGHT TRACK TO INTEGRATE BEING A LOT OF VALUES THAT EMERGE FROM ENVISION CENTRAL TEXAS, REDEVELOPMENT, PEDESTRIAN FRIENDLY NON-SPRAWL TYPE OF DEVELOPMENT AND INTEGRATING AFFORDABILITY INTO THOSE DEVELOPMENTS. ALSO I WANT TO COMMEND ARDEN THE FIRST DEVELOPER THAT HAS PRODUCED AN AFFORDABLE HOUSING PROJECT WITH REQUIREMENTS. THIS IS A PRETTY BIG -- THIS IS A NEW RICK, BASICALLY SAYING IT'S GOT TO BE THIS AFFORDABILITY TARGET FOR THE LIFETIME OF THE ASSET. SO I APPRECIATE EVERYBODY BEING HERE, I APPRECIATE THE -- WHAT THEY ARE PRODUCING IN THE EFFORTS. TO MAKE SURE THAT WE HAVE A FAIR BALANCE AS WE REDEVELOP AND GET A BETTER COMMUNITY.

AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE PLANNING COMMISSION RECOMMENDATION ON FIRST READING ONLY. FURTHER COMMENTS? I HAVE A SINGLE QUESTION FOR MAYOR PRO TEM AND YOUR DISCUSSIONS WITH THE CITY MANAGER AND HER STAFF, IS THERE AN ESTIMATED TIME FRAME TO GO DO SOME OF THE FINANCIAL ANALYSES OF BOTH THE ACQUISITION OR SALE OF THE STREET AS WELL AS OTHER FEE WAIVERS.

I THINK THEY COULD DO -- A MAJOR PORTION OF THE DETERMINING WHAT VALUES WE HAVE TO APPLY TO THE PROJECT RELATIVELY QUICKLY WITH THE DISCUSSIONS WITH THE -- WITH THE DEVELOPERS. AS FAR AS INFRASTRUCTURE AND AS FAR AS FEE WAIVERS AND THIS TYPE OF A THING. WHAT'S GOING TO TAKE A LITTLE BIT LONGER TIME IS THE STREET VACATION RELIES ON AN APPRAISAL. AND SO THERE IS A STANDARD PROCESS IN THE CITY OF GETTING THAT APPRAISAL, DETERMINING THE VALUE TO BE PAID. THAT WOULD BE SOME OF THE OTHER MONEY THAT I WOULD -- WOULD ASSUME THAT SHE WOULD WANT TO ROLL INTO THIS PROJECT. SO THAT'S THE LIMITING TIME SO PERHAPS -- EITHER I'M -- I SEE SOMEONE AT THE PODIUM. I DON'T KNOW HOW TO TELL HOW LONG IT WILL TAKE. MAYBE WE CAN FIND OUT IN -- IN A FEW DAYS OR A

FEW HOURS AT LEAST WHEN THOSE NUMBERS ARE EXPECTED TO BE BACK IN.

HI MAYOR PRO TEM. CHRISTIAN [INDISCERNIBLE] CHIEF OF STAFF. I WAS TALKING TO GREPG AND WHEN THIS -- GREG WHEN THIS COULD COME BACK FOR SECOND AND THIRD READING. WHAT I WILL DO IS WORK WITH NEIGHBORHOOD HOUSING, ALSO WATERSHED AND PUBLIC WORKS SO WE CAN COUPLE THOSE WHEN THIS COMES BACK, WE WILL HAVE MORE INFORMATION FOR YOU.

Dunkerly: I DO THINK THAT YOU ARE GOING TO HAVE TO TALK TO THE DEVELOPER TO SEE WHAT THEIR NEEDS ARE IN THE PROJECT BECAUSE THERE ARE SOME THINGS THAT THE CITY CAN DO THAT WON'T COST US A LOT OF OUT OF POCKET MONEY BUT WILL CERTAINLY REDUCE THE COST OF THE PROJECT WHICH WILL ALLOW US TO INCREASE THE AFFORDABILITY. SO I WOULD THINK AT LEAST WITHIN THE NEXT WEEK TO 10 DAYS THOSE DISCUSSIONS COULD OCCUR. THEY MAY NOT KNOW ALL OF THOSE COSTS AT THIS TIME, BUT WE MAYBE CAN GET A GOOD ESTIMATE.

ABSOLUTELY. WE WILL MEET WITH THE DEVELOPER RIGHT AWAY AND START THOSE DISCUSSIONS AND THEN WE WILL MAKE SURE THAT WHEN WE COME BACK FOR SECOND AND THIRD READING WE HAVE MORE INFORMATION FOR YOU.

Dunkerly: ALL RIGHT.

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

AYE.

Leffingwell: MAYOR JUST TO CONFIRM THE MOTION DID INCLUDE CLOSING THE PUBLIC HEARING?

Mayor Wynn: THANK YOU VERY MUCH, CLOSING THE PUBLIC HEARING, APPROVING ON FIRST READING ONLY, PLANNING COMMISSION RECOMMENDATION, THANK YOU COUNCILMEMBER. HEARING NO FURTHER COMMENTS ALL IN PREFER PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIRST READING ONLY ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IF YOU LOOK AT THE EXHIBIT, YOU'LL SEE WHERE THE LEGEND IS, THAT'S APPROXIMATELY THE AREA WHERE NOW HIGHWAY 45... 45 VEERS OFF AND GOES FURTHER TO THE EAST. THIS PROPERTY DOES HAVE FRONTAGE ON 620, AND THE ROAD ACTUALLY NOW 620 KIND OF BENDS AND CURVES UP IN FRONT -- CURVES UP IN FRONT OF THIS PROPERTY. THE PROPERTY IS DEVELOPED WITH USES THAT UNDERSTAND ARE PREEXISTING, USES THAT ARE GRANDFATHERED. AND IT BORDERS SOME ADJACENT RESIDENTIAL USES THAT ARE FURTHER TO ITS WEST. THE PLANNING COMMISSION IN MAKING THEIR RECOMMENDATION LOOKED AT MANY DIFFERENT ISSUES, BUT IN PARTICULAR THEY LOOKED AT THE UTILITY SITUATION ON THIS PROPERTY. CURRENTLY THE NEAREST WATER AND WASTEWATER LINES IN THIS AREA ARE LOCATED ABOUT A MILE AND A HALF AWAY, AND GIVEN THE LIMITED PURPOSE JURISDICTION THAT PESH TAINZ TO THESE PROPERTIES THEY COULD ASK FOR A SURFACE EXTENSION TO BRING THE UTILITIES CLOSER, BUT IT WOULD BE AT THE PROPERTY OWNER'S EXPENSE. AND SINCE IT'S NOT FULL PURPOSE ANNEXED, THE DELIVERY OF SERVICES WITHIN A THREE-YEAR PERIOD IS NOT PROPOSED AT THIS TIME. THERE IS SELF WELLS IN THE AREA AND PROPERTIES OPERATING OFF OF SEPTIC FIELDS. THE PROPERTY OWNER PROPOSES TO DEVELOP A SMALL SHOPPING CENTER. ORIGINALLY I THINK THERE WAS THE INTENT OF DEVELOPING IT POSSIBLY FOR A RESTAURANT USE DURING THE DISCUSSIONS AT COMMISSION THAT IT'S MORE LIKELY TO BE A RETAIL PROJECT. THEY WOULD HAVE TO COMPLY WITH THE REQUIREMENTS FOR WATER SERVICE AND HAVING THE SEPTIC SERVICE AVAILABLE FOR SERVICING OF THE PROPERTY. THE PROPERTY FURTHER TO THE NORTH OF THESE TRACTS ARE LOCATED IN THE COUNTY. TO THE SOUTH THERE'S ALSO SOME COUNTY AND IT'S VERY CLOSE BY TO THE ROBINSON RAJ, WHICH IS ON THE OTHER SIDE OF 620 AND HIGHWAY 45. I THINK AT THIS TIME I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS I'LL BE MORE THAN HAPPY TO

ANSWER YOU. I BELIEVE THERE ARE SEVERAL INDIVIDUALS THAT SIGNED UP EARLIER THIS EVENING AT 4:00 O'CLOCK THAT WERE SIGNED UP IN OPPOSITION TO THIS REQUEST. AND I BELIEVE THE APPLICANT IS HERE, ALTHOUGH HE DID NOT SIGN IN.

..

Mayor Wynn: HE HAS SIGNED IN, YES. QUESTIONS OF STAFF, COUNCIL? IF NOT, WE WILL CONDUCT OUR PUBLIC HEARING ON IT ITEM NUMBER 72. WE START WITH THE FIVE-MINUTE PRESENTATION FROM THE APPLICANT OR AGENT WHO APPEARS TO BE ALI BAHRAMI. WELCOME.

GOOD EVENING ACTION MAYOR, COUNCILMEMBERS. I'M THE APPLICANT AND OWNER OF THE PROPERTY. AS WAS MENTIONED EARLIER, THE PROPERTY IS LOCATED RIGHT ON 620 AND IS ADJACENT TO A MULTISTORAGE BUILDING THAT HAS PARKED CARS, VEHICLES AND ALSO FOUR STORAGE BUILDINGS TOO. AND ALSO JUST NORTH OF BEING LOCATED JUST NORTH OF THE 45 INTERCHANGE AND FEEDER FOR THE INTERCHANGE. THAT'S WHY I WANT TO BE CHANGE THE ZONING TO CS BECAUSE SOUTH OF THAT 45 IT WAS GRANTED BY THE CITY OF AUSTIN TO BE A CDB AND FOR THE ROBINSON RANCH THAT IT WAS RECENTLY CONVERTED ON THAT. AND THE TRAFFIC ON THAT HIGHWAY 620 IS ABOUT 36,000 AT THIS TIME AND EVENTUALLY IT WILL GROW. THE PROJECTION IS TO BE 46,000 WITHIN THE NEXT YEAR OR TWO, JUST WITH THE 45. IF YOU V. ANY QUESTIONS, I WILL BE GLAD TO ANSWER.

Mayor Wynn: QUESTIONS, COUNCIL? MAYOR PRO TEM?

Dunkerley: I'M SORRY, I DIDN'T HEAR ALL OF YOUR PRESENTATION. THE SOUND WASN'T COMING IN. BUT ON THE AGENDA ITEM, IT SAYS THAT ORIGINALLY YOU WERE REQUESTING CS, BUT MY UNDERSTANDING FROM THE FOLLOWING NOTES IS THAT YOU COULD USE GR.

I SHOULD BE ABLE TO USE A GR, YES, FOR CURRENT USE THAT I HAVE AT THIS POINT. YES, MA'AM.

Dunkerley: THANK YO

YOU'RE WELCOME.

Mayor Wynn: FURTHER QUESTIONS? THANK YOU. STAY CLOSE. WE'LL PROBABLY HAVE QUESTIONS AFTER WE HEAR FROM OTHER FOLKS. SO COUNCIL, LET'S SEE, NO ONE'S SIGNED UP HERE IN FAVOR OF THE ZONING CASE. WE'LL NOW HEAR FROM FOLKS IN OPPOSITION. WE'LL START WITH ROBERT MANN. IS THAT SUE THERE WITH YOU? HELLO. SO MR.MAN, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY RAMON (INDISCERNIBLE).

HE IS NOT HERE THIS EVENING, MAYOR. I HOPE I DON'T BACKFIRE TONIGHT AS THAT YOUNGER GENTLEMAN SAID EARLIER TODAY, BUT I DO APPRECIATE THE OPPORTUNITY TO BE BEFORE THU EVENING. WE'VE MET SEVERAL TIMES WITH THE PLANNING..... PLAN..... PLANNING AND ZONING COMMISSION. THIS WAS ESTABLISHED ON RANCH ROAD 6 TWENLT IN THE EARLY 70'S. IT'S A PLATTED SUBDIVISION IN WILLIAMSON COUNTY FOUNDED IN THEIR..... THEIR RECORDS IN THE EARLY 70'S. THERE'S VOLUME NUMBERS AND PAGE NUMBERS IN THE PLAT ERRORS AND I WON'T BORE YOU WITH THAT. BUT ANYWAY, AS WE PURCHASED OUR LOT, WE WERE ONE OF THE FIRST TO ENTER THAT SUBDIVISION. AND AS SUCH WE FELT THAT WE HAD FOUND OUR REAL HEAVEN. WE WEREN'T IN THE INNER CITY AND WE DIDN'T HAVE THOSE PROBLEMS, BUT WE WERE SO FAR DISPATCHED FROM THE CITY OF AUSTIN THAT WE NEVER KNEW THAT WE WOULD BECOME A PART OF YOU. AND THE FIRST EXAMPLE SHOWS THAT ACTUALLY THE EXTENSION OF THE E.T.J. GOES TO JUST -- AND WE'RE RIGHT AT THE END OF THE 10 TA KEL THERE AS 45 INTERSECTS 620. AND SO WE ARE JUST BARELY -- AND I GUESS WE WENT INTO THE JURISDICTION IN THE MID '80'S, IF I'M NOT WRONG. THE PROPERTY ADJACENT TO US THAT WE'RE DISCUSSING TONIGHT ACTUALLY BELONGED TO A MR. LON TOUNGATE. HE PASSED AWAY, IT STAYED WITH HIS WIFE AND WAS SOLD TO THE CURRENT OWNER IN PROBABLY AROUND 2000. THIS PROPERTY HAD NEVER BEEN ZONED, OTHERWISE THAN RURAL RBLG. IT HAD NEVER BEEN USED FOR COMMERCIAL PURPOSE UNTIL IT WAS TRANSFERRED. AND SO AN ASSUMPTION THAT IT WAS GRANDFATHERED I DON'T

UNDERSTAND THAT ASSUMPTION BECAUSE IT HAS NEVER BEEN ZONED OR PREVIOUSLY USED FOR COMMERCIAL PROPERTY. THE REASON WE COME TONIGHT IS THREE FOLD. WE DON'T LIKE CHANGE. THIS WAS A RURAL AREA. IT WAS PRISTINE, NO DEVELOPMENT, AND DEVELOPMENT ENCROACHING. AS YOU CAN SEE NOW WE ARE RIGHT AT 45, BUT WE STILL ARE RESISTIVE TO CHANGE. THE SECOND THING IS THERE ARE NO SERVICES IN THIS AREA. THERE'S NO WATER AND WASTEWATER AND THERE IS A CONCERN FOR US AS HOMEOWNERS BECAUSE AS HOMEOWNERS WE DEPEND ON OUR PERSONAL WELLS IN THAT AREA. AND IF YOU PUT UP THE SECOND EXAM, THERE'S A SMALLER LAYOUT OF THE SUBDIVISION. THERE ARE ACTUALLY 10 10 HOMES. I'VE PLACED X'S WHERE APPROXIMATE AREA WHERE THE WELLS ARE. ALL THE LOTS HAVE BEEN DEVELOPED EXCEPT THE FIRST TWO THAT ARE RIGHT ON 620. AT THIS TIME THE PROPERTY ADJACENT TO OUR EAST IS THE PROPERTY UP FOR REZONING. LOT TWO THERE IS ACTUALLY THE LOT THAT I OWN OR THAT WE OWN, AND THERE'S A SMALL WELL ON THE BACK CORNER, I GUESS THE SOUTHEAST CORNER OF THAT LOT. THERE'S ALSO A WELL ABOUT WHERE IT SAYS RETAIL SALES THAT IS ALSO MARKED BY AN X. AND IF I'M NOT INCORRECT, THERE'S ZONING OR SET BACK ORDINANCES FROM THOSE WELLS FOR AN AREA IN WHICH FUTURE SEPTIC TANKS AND DEVELOPMENT OF THAT COULD BE USED. TO ME IT LOOKS LIKE IT ALMOST PRECLUDES REDESIGN OF THIS PROPERTY AS LARGE AS IT IS FOR SEPTIC TANK THAT WILL NOT SOB CLOSE TO THE EXISTING WELLS THAT IT WILL CAUSE PROBLEMS. WE'RE CONCERNED WITH THE WELL WATER IN THAT AREA BECAUSE IT IS OUR ONLY SOURCE OF WATER, AND WE THINK WE'RE SELF-SUFFICIENT. SOMEBODY WE HOPE WE CAN BECOME FULL FLEDGED CITIZENS OF AUSTIN AND WE WILL HAVE SERVICES, BUT UNTIL SUCH TIME WE'RE CONCERNED ABOUT THE QUALITY OF OUR WATER AND THE CONTAMINATION OF IT. THESE WELLS WERE MOSTLY PLACED IN EARLY YEARS IN THE 70'S AND EARLY '80'S. MANY OF THEM WERE NOT CASED ALL THE WAY DOWN TO THE WATER LEVEL. SOME OF THEM ARE. BUT WE'RE CONCERNED WITH ANY DEVELOPMENT OF THE PROPERTY THAT WILL INCREASE THE RUNOFF, BUT MORE IMPORTANTLY INCREASE THE WASTEWATER TH IS TO BE TREATED ON SITE. THE AREA

IS PRIMARILY SOLID ROCK. IT HAS PROBABLY TWO TO THREE
INCHES OF TOPSOIL. IT IS NOT CONDUCTIVE TO PLACING A
SEPTIC TANK IN FOR A LARGE SYSTEM SUCH AS A
RESTAURANT OR FOOD SERVICE SYSTEM, AND SUCH USE
WOULD POTENTIALLY RESULT IN A VOLUME OF
WASTEWATER THAT WOULD EXCEED THE WHOLE VOLUME
THAT WE'VE GOT, BUT PRODUCE A HIGH QUALITY
WASTEWATER. AND I GUESS I WOULD SAY A NASTIER
WASTEWATER THAT IS MORE DIFFICULT TO TREAT. THE SOLID
BEDROCK OUT THERE WOULD MORE OR LESS REQUIRE A
LATERAL MOVEMENT OF THAT WASTE AND INEFFICIENT
TREATMENT. SO WE'RE CONCERNED THAT IT WOULD --
CONCERNED THAT IT WOULD RUN DOWN GRADIENT
TOWARD SHADY LANE AND TOWARD THE EXISTING WELLS
THAT ARE THERE. WE ASK THAT IT NOT BE CHANGED FROM
ITS TEMPORARY STATUTORY TUG OR PREDEVELOPMENT
STATUS UNTIL SUCH TIME THAT SERVICES ARE AVAILABLE.
AND THE CITY OF AUSTIN IT SOUNDS LIKE HAS NO PLAN AT
THIS TIME TO CONSIDER SERVICES. THAT IS THE SECOND
SLIDE. THERE'S A THIRD SLIDE THAT ONE -- THIRD SLIDE THAT
ONE OF THE OTHER HOMEOWNERS IS GOING TO TALK
ABOUT. IF YOU COULD TURN THAT 90 DEGREES. YES. THERE
ARE THREE SOURCES OF WATER THAT WE DO HAVE,
RUNOFF WATER. THE WILLIAMSON COUNTY WAS NICE
ENOUGH TO DIVERT ALL OF BRUSHY CREEK
THROUGH OUR DIVISION, SO WE HAVE A LARGE WATER THAT
IS DIVERTED THROUGH OUR SUBDIVISION THAT COME
THROUGH. THEY DEVELOPED A FINAL CHANNEL TO THE
OTHER SIDE THAT DIVERTS THROUGH THE SUBDIVISION AS
WELL. WE'RE CONCERNED WITH RUNOFF FROM THAT AND
ANY POTENTIAL WASTEWATER THAT WOULD COME FROM
THE ADJACENT PROPERTY AND RUNOFF THEREOF. [BUZZER
SOUNDS] I KNOW I'VE BORED YOU TO DEATH WITH
TECHNICALS. I APPRECIATE YOUR TIME AND OTHER
SPEAKERS WILL TALK ABOUT OTHER TOPIC... TOPICS. THANK
YOU FOR YOUR ATTENTION.

Mayor Wynn: IS (INDISCERNIBLE)? WELCOME. YOU WILL HAVE
THREE MINUTES AND BE FOLLOWED BY MARTHA LORD.

I'M A LITTLE NERVOUS, I'VE NEVER DONE THIS BEFORE. IT'S
BEEN A LONG NIGHT. I'M SURE ALL OF US ARE TIRED. THE
ONE THING THAT I WANT TO SPEAK TO -- AM I TOO CLOSE?

GET CLOSER OKAY. IS THE TRANSPORTATION, IN PARTICULAR TRAFFIC FLOW AND WHAT CHANGING OF THE ZONING OF THIS PROPERTY, HOW IT WOULD AFFECT YOUR NEIGHBORHOOD. AND IN PARTICULAR MY -- THE THING I WANT TO COMMENT TO IS THAT I'M THE MOTHER OF FIVE AND I HAVE TWO SMALL KIDS RIGHT NOW. AND I HAVE THE FERRYING HERE AND THERE AND GOING IN AND OUT OF THE NEIGHBORHOOD, AND I ENCOUNTER ON A DAILY, MULTIPLE TIMES A DAY PROBLEMS WITH THE TRAFFIC AS IT CURRENTLY EXISTS. RIGHT NOW MR. MANN, HE SPOKE TO ONE OF THE INFRASTRUCTURE PROBLEMS, AND THAT'S THE LACK OF PUBLICLY PROVIDED WATER AND SEPTIC. ANOTHER INFRASTRUCTURE IS THE ROADS AND THE FACT THAT WE DON'T HAVE TRAFFIC CONTROL MECHANISMS IN PLACE FOR THE COMMUNITY GETTING IN AND NOW A VERY EASY, SAFE MANNER. I SIT THERE MANY TIMES WAITING TWO, THREE MINUTES JUST TO GET OUT IN SUCH A MANNER THAT I DON'T HAVE TO FEAR FOR THE SAFETY OF MYSELF AND MY KIDS TRYING TO GET ACROSS THE INTERSECTION. SO THAT'S ANOTHER INFRASTRUCTURE CONCERN THAT WE HAVE. THIS REZONING OF THIS IS GOING TO BRING MORE TRAFFIC CONCERNS CLOSER TO OUR SMALL COMMUNITY, AND WE HERE AGAIN REQUEST THAT THE ZONING NOT BE CHANGED UNTIL ALL OF THESE FACTORS HAVE BEEN CONSIDERED AND WELL THOUGHT THROUGH. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MS. WRIGHT. MARTHA LORD, WELCOME MA'AM. YOU WILL HAVE THREE MINUTES.

I'M MARTHA LORD AND I'M A HOMEOWNER IN THE OAK PARK SUBDIVISION WITH PROPERTY ADJACENT TO THE TRACT OF LAND BEING DISCUSSED TODAY. WHEN OUR SUBDIVISION WAS DEVELOPED IN THE EARLY 1970'S, WE HAD LITTLE CONCERN FOR WATER RUNOFF DUE TO EXISTING STOCK TANKS THAT CAPTURED THE INCREASED WATER FLOW TO THE NORSES OF US. AS THE BRUSHY CREEK SUBDIVISION DEVELOPED NOFERTS US RESULTING IN THE CONCENTRATION OF WATER RUNOFF AS YOU SAW ON THE PICTURE THROUGH OUR SUBDIVISION INTO THE LAKE CREEK WASTEWATER. THE MEMORIAL DAY RAINS AND FLOODING IN 1982 RESULTED IN THE FIRST SIGNIFICANT WATER RUNOFF THROUGH OUR SUBDIVISION WITH WATER FLOWING OVER

THE TOP OF 620, WHICH WAS A RISE OF APPROXIMATELY 10 FEET. AT THE CULVERT NEXT TO US AT 620 AND SHAW LANE. THIS RESULTED IN SEVERAL OF THE HOMES BEING FLOOD..... FLOODED. ANY FUTURE DEVELOPMENT OF THE PROPERTY BEING DISCUSSED TODAY SHOULD INCLUDE EFFORTS TO CONTROL WATER RUNOFF DUE TO THE INCREASED ROOFTOPS AND ASPHALT PARKING AREAS. WE ARE ASKING THE CITY COUNCIL TO ENSURE THAT ANY FUTURE PLANS FOR THIS AREA BE REVIEWED BY THE CITY ENGINEERING STAFF PRIOR TO FUTURE DEVELOPMENT. I SPEAK FOR OUR WHOLE SUBDIVISION IN SAYING THAT WE'RE OPPOSED TO ANY ZONING CHANGES FOR THIS AREA. THANK YOU.

Mayor Wynn: THANK YOU, MS. LORD. COUNCIL, THAT CONCLUDES THE FOLKS THAT SIGNED UP IN OPPOSITION TO THIS CASEMENT WE NOW HAVE A ONE-TIME THREE-MINUTE REBUTTAL FROM THE APPLICANT, MR. BAHRAMI. WELCOME BACK.

THANK YOU. I'D LIKE TO ADD ON IS THE CHANGES ARE INEVITABLE, AND AS WE SEE ON 620 IT CONTINUES EXPANDING, IT DOES NOT REQUIRE ANY APPROVAL FROM THE HOMEOWNERS ASSOCIATION OVER THERE. THE 620 THIS POINT IS FIVE LANE AND IT'S PLANNED WITHIN THE NEXT FEW YEARS TO CHANGE TO EIGHT LANES AT THIS POINT. SO THIS IS NOT CONSIDERED AS RURAL AREA, IT'S PART OF AUSTIN AND NEEDS TO DEVELOP AS AUSTIN AT ANY OTHER LOCATION. SIMILAR TO I 45 BEING OVER THERE CLOSE BY WITHIN THE PROXIMITY OF THAT AREA. THAT'S ALL I HAVE TO SAY.

Mayor Wynn: THANK YOU. QUESTIONS? COUNCILMEMBER MARTINEZ?

Martinez: I MAY HAVE MISSED IT, I WAS BACK TALKING TO AN AIDE. DID YOU HAPPEN TO MENTION WHAT YOUR POTENTIAL USE FOR THE REQUESTED ZONING WOULD BE?

NOT AT THIS POINT, NO, SIR. INITIALLY I WANTED TO GO AHEAD AND START A RESTAURANT. AT THAT POINT I HAD A CLIENT THAT WAS INTERESTED, WHICH THEY'RE NOT INTERESTED AT THIS TIME. IT IS WITHIN THE EDGE OF THE

CITY OF AUSTIN E.T.J. AND THE CITY OF AUSTIN E.T.J. ENDS AT THE END OF MY PROPERTY AND THAT'S WHY I WANTED TO GO AHEAD AND MEET THE CITY REGULATIONS AND BE READY TO GO AHEAD AND HAVE THE ZONING.

Martinez: I WAS LOOKING UP ON THE BACKUP MATERIAL AND I SAW THAT YOUR E-MAIL ADDRESS WAS FROM A REMCO.COM. AND I LOOKED UP THE WEBSITE AND IT SAID IT'S UNDER CONSTRUCTION. IS THAT RELATED TO THE POTENTIAL USE FOR THIS?

NO, SIR, IT'S NOT. I HAD A CONTRACT MANUFACTURING.

Martinez: THANK YOU.

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

Dunkerley: I HAVE A QUESTION FOR STAFF. I KNOW YOU'RE NOT THE WATER QUALITY EXPERT, BUT YOU'RE AN EXPERT ON JUST ABOUT ANYTHING. SO IF THIS GENTLEMAN WERE TO DEVELOP AT SOME POINT A RESTAURANT OR SOMETHING LIKE THAT, WHAT KIND OF RESTRICTIONS OR REGULATIONS ARE THERE IN PLACE THAT WOULD PREVENT AN IMPACT, THE RUNOFF IMPACT ON THE NEIGHBORHOOD WELLS?

WELL, THERE WOULD BE A SITE PLAN THAT WOULD BE TRIGGERED FOR DEVELOPMENT OVER A THOUSAND SQUARE FEET OF IMPERVIOUS COVER WHETHER IT'S BUILDING OR PARKING AREA. SO IF IT WAS A SMALL COMMERCIAL PROJECT, MOST LIKELY PARKING WOULD BE REQUIRED, HE WOULD BE REQUIRED TO PROVIDE ON-SITE WATER DETENTION, ON-SITE WATER QUALITY PONDS THAT WOULD CAPTURE THAT RUNOFF. BUT HE WOULD ALSO HAVE TO PROVIDE ADEQUATE CAPACITY FOR FIRE PROTECTION ON THE PROPERTY AND WATER SERVICE FOR WHATEVER USE THAT IS ENVISIONED IN THE FUTURE. SO THERE WOULD BE -- RIGHT NOW THERE WOULD AN CONSIDERABLE COST THAT HE WOULD PROBABLY INCUR TRYING TO CAP DHUR THAT WATER OR BRING IT IN FROM A MILE AND A HALF AWAY, WHICH IS THE CLOSEST WATER SOURCE. SO THERE WOULD BE ADDRESSING AT THAT TIME OF THE SITE PLAN,

THE PROXIMITY OF DEVELOPMENT TO ADJACENT WELLS, THE LOCATION OF THE SEPTIC FIELD WOULD BE CONSIDERED WITH THAT -- AT THE TIME OF THE SITE PLAN AS WELL AS LOCATION OF DRAINAGE AND WATER QUALITY PONDS.

SO THE NEIGHBORS COULD BE ASSURED THAT THOSE -- ALL OF THOSE INTERESTS WOULD BE DEVELOPED IF AND WHEN A SITE PLAN WAS EVER DWOND FOR THIS -- DEVELOPED FOR THIS PIECE OF PROPERTY?

THEY WOULD BE ASSURED THAT IT WOULD MEET THE MINIMUM REQUIREMENTS THAT THE CITY WOULD HAVE FOR THOSE TYPES OF THINGS. I'M NOT SURE IF IT WOULD TAKE CARE OF ALL THEIR CONCERNS ABOUT RUNOFF BECAUSE WITH ANY DEVELOPMENT THERE ARE ALWAYS GOING TO BE SOME WATER THAT WILL PROBABLY COME OFF THIS PROPERTY THAT IN A VERY LARGE EVENT, THE ONE THEY WERE MENTIONING FROM 82, THE STORM EVENT THEY WERE TALKING ABOUT WOULD PROBABLY OVERRUN THE SIZE OF RETENTION PONDS.

Dunkerley: HOW FAR WOULD THE OWNER HAVE TO BRING WATER DO YOU BELIEVE?

IT'S MY UNDERSTANDING THE CLOSEST WATER SOURCE IS APPROXIMATELY A MILE AND A HALF AWAY. AND THAT WAS THE REASON WHY THE PLANNING COMMISSION ACTUALLY RECOMMENDED A DEVELOPMENT RESERVE CATEGORY ON THIS PROPERTY.

Dunkerley: AND THE STAFF RECOMMENDED LR?

STAFF RECOMMENDED LR, WHICH WE THOUGHT WAS REASONABLE. IT'S A NEIGHBORHOOD COMMERCIAL TYPE DISTRICT THAT IS APPROPRIATE ADJACENT TO RESIDENTIAL AREAS AND GIVEN THE PROXIMITY OF THE SITE ON A MAJOR ARTERIAL ROADWAY, WE THOUGHT THAT ZONING WOULD BE APPROPRIATE.

Dunkerley: THIS IS RIGHT ON 620, ISN'T IT?

IT IS ON 620 AND AS I SAID BEFORE, ABOUT THREE-FIFTHS

OF A MILE FROM HIGHWAY 45.

Dunkerley: THANK YOU.

Mayor Wynn: SO MR. GUERNSEY, SO ZONING AND PLATTING COMMISSION, DR, DEVELOPMENT RESERVE, DOES THAT MEAN THAT IT'S TRULY JUST AN INTERIM, SO THEN WHEN THE -- WHEN AND IF THERE EVER NEEDS TO BE A PROJECT OR A DEVELOPMENT TO OCCUR, THEN THERE HAS TO BE ANOTHER ZONING CASE?

THAT'S CORRECT. THE DEVELOPMENT RESERVE DISTRICT WAS CREATED IN THE '80'S, PARTICULARLY WHEN THE CITY OF AUSTIN HAD A LOT OF LAND WITHIN ITS JURISDICTION ALONG 620, 2222 AND 2234 IN AREAS THAT WE DIDN'T HAVE A LOT OF UTILITY SERVICE AND FIRE FLOWS WERE POOR. THIS WAS BACK IN THE MID '80'S. AND THE DEVELOPMENT DESERVE DISTRICT WAS CREATED AND WOULD BE APPLIED TO PROPERTY WHICH ADEQUATE PUBLIC SERVICES OR FACILITIES ARE NOT AVAILABLE AND THAT THE LAND USE AND URBAN DEVELOPMENT POLICIES HAVE NOT BEEN COMPLETED. AND SO IT WAS INTENDED FOR AREAS THAT WERE ON THE FRINGE, I GUESS YOU COULD SAY, OF OUR CITY WHERE THESE UTILITY SERVICES WERE NOT AVAILABLE. THEY ARE AVAILABLE, BUT PROBABLY AT A SUBSTANTIAL COST TO THIS PROPERTY OWNER AS FAR AS BRINGING ATTENTIONS OF WATER AND WASTEWATER SERVICE. MAY MAYOR SO THEN THE JUSTIFICATION FOR STAFF'S LR IS THAT IT COULD BE DEVELOPED WITH SEPTIC AND A WELL AND --

ALTHOUGH THE INTENSITY OF THE USE EVEN WITH THE LR ZONING AND GIVEN THE DEVELOPMENT CONSTRAINTS WOULD BE VERY LIMITED, BUT GIVEN THAT IT IS AN ARTERIAL ROADWAY, THE NEIGHBORHOOD COMMERCIAL ZONING IS APPROPRIATE ADJACENT TO SINGLE-FAMILY NEIGHBORHOODS, WE THOUGHT THAT THE LR ZONING CATEGORY WOULD BE ALL RIGHT, WOULD BE CONSIDERED APPROPRIATE FOR THIS PROPERTY.

Mayor Wynn: QUESTIONS, COMMENTS? MAYOR PRO TEM.

Dunkerley: GREG, YOU WILL HAVE TO REMIND ME. CAN THEY

DO A RESTAURANT IN LR OR DO THEY NEED GR FOR THAT?

THEY COULD DO A RESTAURANT IN LR. IT WOULD BE A LIMITED RESTAURANT, ONE THAT WOULD NOT SERVE ALCOHOL. THERE MAY BE LIMITATIONS ALSO ON ITS SIZE GIVEN THE PROXIMITY OF THE RESIDENTIAL USES ADJACENT TO IT. HOWEVER, IF THE COUNCIL WANTED TO PROHIBIT A RESTAURANT, YOU COULD DO THAT THROUGH A CONDITIONAL OVERLAY.

Dunkerley: I WAS WANTING TO ALLOW A RESTAURANT. I THINK THAT WOULD BE -- I JUST WONDERED IF YOU COULD BUILD A GENERAL RESTAURANT IN LR.

NOT A RESTAURANT THAT SERVES ALCOHOL, BUT A RESTAURANT THAT DID NOT SERVE ALCOHOL.

Dunkerley: WHAT ABOUT GR?

GR WOULD BE THE FIRST DISTRICT TO ALLOW A RESTAURANT THAT COULD SERVE ALCOHOLIC BEVERAGES.

Dunkerley: THANK YOU. MAYOR MAY COUNCIL, STAFF ISN'T READY FOR -- COUNCIL, STAFF DOES NOT HAVE AN ORDINANCE PREPARED FOR THIS CASE IS MY UNDERSTANDING.

THAT'S CORRECT. MAY MAYOR FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER COLE.

Cole: YOU MIGHT KNOW THIS, GREG, OR THE APPLICANT, WHETHER THERE WERE PLANS FOR THE RESTAURANT TO SELL ALCOHOL?

HE MIGHT BE ABLE TO COME FORWARD AND SPEAK TO THAT. I THINK WHAT HE HAD MENTIONED EARLIER IS THAT HE HAD A POTENTIAL TENANT TO OPERATE A RESTAURANT, BUT THAT TENANT HAS GONE AWAY.

THAT IS CORRECT. I HAD A POTENTIAL CLIENT AT THAT TIME, BUT I DON'T AT THIS POINT, BUT RIGHT NOW THERE IS A CAR LOT AND ALSO THERE IS A MEXICAN POTTERY AND

FURNITURE AT THIS POINT.

Cole: A CAR LOT AND --

AND MEXICAN POTTERY AND FURNITURE.

Cole: OKAY. SO THERE IS A POTENTIAL THAT YOUR TENANT WOULD OR WOULD NOT NEED AN ALCOHOL PERMIT?

YES, THEY NEEDED ALCOHOL, YES, MA'AM.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION, ITEM NUMBER 72. STAFF DOES NOT HAVE AN ORDINANCE PREPARED. MA MAR MAYOR, IF --

Martinez: MAYOR, IF WE WERE TO ADOPT ON FIRST READING GR ZONING WITH A CO THAT WAS AWRD BY STAFF, WHAT TYPE OF RESTAURANT FACILITY WOULD THAT EVEN -- WOULD THAT ALLOW A POTENTIAL RESTAURANT?

THE LIMITATION THAT STAFF HAD FOR CO SPOKE TO LIMITING TRIP TO TWO THOUSAND TIP PER DAY, -- TRIPS PER DAY, BUT THE GR WOULD ALLOW LIMITED RESTAURANT OR A GENERAL RESTAURANT AND THAT'S BASICALLY GENERAL RESTAURANT IS ONE THAT ALLOWS ALCOHOL. THEY WOULD HAVE TO HAVE A FULL SERVICE KITCHEN, HAVE A MENU, AND THE ALCOHOLIC SALES WOULD BE LIMITED TO NO MORE THAN 50% OF THE GROSS RECEIPTS. SO ONCE YOU EXCEED 50%, THEN YOU ARE OPERATING AS A COCKTAIL LOUNGE AND IT WOULD REQUIRE CS-1 ZONING. SO BAIFBLY THEY WILL TO SELL MORE FOOD THAN ALCOHOL.

Martinez: I'LL MAKE A MOTION TO APPROVE GR ZONEOGFIRST READING ONLY.

Cole: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER COLE TO APPROVE GR ZONING ON FIS READING ONLY. AND WAS THE INTENT TO CONDITION WITH THE CONDITIONAL CONDITIONS THAT STAFF HAD RECOMMENDED AS PART OF THEIR LR ZONING?

COUNCILMEMBER? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WOULD LIKE TO SUGGEST A FRIENDLY AMENDMENT IF I MIGHT. THE GR-CO WITH THE ONLY GR USE BEING RESTAURANT THAT WOULD BE ABLE TO SERVE ALCOHOL AND THE OTHER USES BEING LR USES, ALLOWED USES.

Mayor Wynn: COUNCILMEMBER COLE, SO WE HAVE AN ACCEPTED FRIENDLY AMENDMENT FOR FIRST READING ONLY, A GR, A CONDITIONAL OVERLAY, BUT CONDITIONING THAT RESTAURANT -- GENERAL RESTAURANT WITH ALCOHOL SALES BE THE ONLY ALLOWED GR USE, OTHERWISE ALL L RMENT R USES ARE PERMISSIBLE.

...

DOES THAT INCLUDE THE 2,000 TRIPS PER DAY LIMITATION?

Leffingwell: THAT WAS ALREADY IN THERE, I THOUGHT.

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

AYE.

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

THANK YOU, MAYOR AND COUNCIL. THAT CONCLUDES THE ZONING ITEMS THIS EVENING. COUNCIL, I'LL ENTERTAIN A MOTION TO WAIVE COUNCIL RULES TO GO PAST 10:00 P.M. MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER LEFFINGWELL. FAIF....ALL IN FAVOR? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COUNCIL, THAT TAKES US TO OUR PUBLIC HEARINGS THIS EVENING. IF YOU REMEMBER EARLIER WE HAD POSTPONED ITEM NUMBER 77. THAT WILL TAKE US TO ITEM NUMBER 78, WHICH IS TO CONDUCT A PUBLIC HEARING POTENTIALLY APPROVING A RESOLUTION AUTHORIZING THE USE OF LESS THAN HALF AN ACRE OF PARKLAND FOR ROADWAY IMPROVEMENTS AS PART OF THE CESAR CHAVEZ ROADWAY

CONSTRUCTION PROJECT.

GOOD EVENING. WE'RE HERE TONIGHT FOR A CHAPTER 26 HEARING FOR PROPOSED CHANGES TO CESAR CHAVEZ. AS YOU SAID IT'S ABOUT .42 ACRES. AND THE STAFF FEELS THAT THERE'S NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE USE AND ALL REASONABLE MEASURES ARE BEING USED TO ARREST HARM TO THE PARKLAND. IF HAVE YOU ANY QUESTIONS WE CAN DISCUSS IT.

Mayor Wynn: BY CHANCE DO WE HAVE A VISUAL OF THE APPROXIMATE HALF ACRE?

Martinez: MAYOR? IT'S IN OUR BACKUP. IF THEY COULD BRING UP THE BACKUP MATERIAL, THE EXHIBIT IN THE BACKUP MATERIAL.

Mayor Wynn: IF YOU COULD HELP US WALK THROUGH SO FOLKS WATCHING ALSO COULD UNDERSTAND PRECISELY WHERE THIS IS.

THE CROSS-HATCHED AREA THERE -- BASICALLY WE'LL BE MOVING THE CURB LINE TO THE SOUTH. DUE TO THE PROXIMITY OF THE LADY BIRD JOHNSON GARDEN AND THE BUFORD TOWER THAT'S VERY LIMITED MOVEMENT OF THE CURB LINE IN THOSE AREAS, THE LARGEST MOVEMENT OF THE CURB LINE IS THERE AS YOU CAN SEE OPPOSITE GUADALUPE WHERE WE ADD SOME ADDITIONAL LANES. IF YOU'LL GO TO THE NEXT SLIDE. THERE'S SMALL SLIVERS OF TAKINGS OPPOSITE LAVACA AND THERE'S TAKINGS TO PROVIDE A RIGHT-TURN LANE THERE AS YOU APPROACH CONGRESS. SO THOSE ARE THE AREAS THAT WOULD BE TAKEN.

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

Martinez: DOES THIS TAKE ANY OF -- YOU SAID THAT IT IMPACTS THE BUFORD TOWER. DOES IT IMPACT IT IN A WAY THAT WE WOULD MOVE IT OR MOVE TRAFFIC CLOSER TO IT?

TRAFFIC WILL BE MOVED CLOSER TO IT, THREE TO FOUR FEET. THE TOWER WILL NOT BE BE MOVED. IT WILL BE NOW -

- WE'LL BE REB MOVING THE PARKING THAT'S EITHER SIDE OF THE TOWER AT THE MOMENT AND PUTTING IN A PLAZA THAT WILL BE APPROXIMATELY 50-FOOT RADIUS AROUND IT, SO THERE WILL BE A MEETING AREA THERE. AND IT REALLY SHOULD BRING THE TOWER OUT AS SOMEPLACE WHERE PEOPLE WOULD MEET AND CONGREGATE AND HAVE ACTIVITIES.

Martinez: ON THE ISLAND AREA IN FRONT OF CITY HALL ARE WE IMPACTING ANY OF THE TREES? WOULD WE HAVE TO REMOVE OR RELOCATE ANY OF THOSE TREES?

WOULD YOU GO BACK TO THE PREVIOUS SLIDE? MY UNDERSTANDING IS THE ARBORIST HAS WORKING WITH THE CONSULTANT TEAM TO IDENTIFY THE CRITICAL ROOT ZONES FOR THE TREES ON THERE. IT'S NOT FELT THAT ANY OF THE TREES WILL HAVE TO BE REMOVED. THERE WILL BE SOME PRIEWNG OF THE TREES -- PRUNING OF THE TREES. BECAUSE THE TRUNKS ARE FAR ENOUGH BACK FROM THE STREET, BUT THE CONSULTANT IS WORKING WITH THE ARBORIST AND THE CONSULTANT TEAM TO MAKE SURE THAT THE TREES ARE KEPT ALIVE AND AS GREAT A SHAPE AS POSSIBLE.

Mayor Wynn: THE GRACKLES WILL BE PLEASED.

Martinez: THANKS, MAYOR. COUNCIL, WE ACTUALLY HAVE ONE CITIZEN SIGNED UP WISHING TO ADDRESS US ON THIS ISSUE, JEFF JACK. APPRECIATE YOUR PATIENCE, JEFF.

MAYOR, COUNCILMEMBERS, I'M JEFF JACK. FOR OVER SIX YEARS I PARTICIPATED ON THE TOWN LAKE PARK STAKEHOLDER COMMITTEE, AND SHORTLY AFTER THE COMING OF THE NEW YEAR WE WILL SEE TOWN LAKE PARK REALED. AND IT'S BEEN A LONG STRUGGLE AND WE'RE VERY HAPPY TO SEE IT. ONE OF THE ISSUES ABOUT TOWN LAKE PARK, THOUGH, WAS RIF RIVERSIDE. THE PARK WAS ORIGINALLY DESIGNED THAT RIVERSIDE WOULD BE CLOSED IN ORDER TO FACILITATE THE COMMUNITY'S USE OF THE PARK FROM BARTON SPRINGS ALL THE WAY TO THE LAKEFRONT. PART OF THE ISSUE THAT CAME UP LATE IN DOESN'T WAS WHETHER OR NOT THE TRAFFIC THAT WOULD BE DIVERTED OFF OF RIVERSIDE HAD A PLACE TO GO. AND

THERE WERE FEELINGS THAT WE WOULD NOT CLOSE RIVERSIDE AT THIS POINT, WE WOULD MAKE AN INTERIM SOLUTION AND WE WOULD REVISIT THAT ISSUE AS TIME WENT ON. PARTICULARLY SEE WHAT HAPPENS WHEN THE LONG CENTER COMES ONLINE AND TO LOOK AT WHAT WE COULD DO WITH CESAR CHAVEZ. AND I'M HERE TONIGHT TO SAY THANK YOU TO THE TRANSPORTATION FOLKS BECAUSE IN THIS PLAN THERE IS A LEFT TURN LANE ON THE NORTHBOUND PASSAGE OFF OF DRAKE BRIDGE TO CESAR CHAVEZ, WHICH WAS A MAJOR ISSUE WITH REGARD TO THE TRAFFIC ANALYSIS THAT MAY MAKE CLOSING RIVERSIDE MUCH MORE FEASIBLE. THE OTHER POINT IS THAT WE'RE HAVING A LITTLE BIT OF A TAKING OF PARKLAND, BUT IF YOU THINK ABOUT IT, IF WE'RE ABLE TO IN THE FUTURE TO CLOSE THAT GAP IN RIVERSIDE, WE'LL GET THAT PARKLAND PARK. IT WOULD JUST BE ON THE OTHER SIDE OF THE RIVER. THANKS.

Mayor Wynn: THANK YOU, MR. JACK. SO COUNCIL, THAT'S ALL THE CITIZENS WHO HAVE SIGNED UP ON THIS PUBLIC HEARING, ITEM NUMBER 78. FURTHER COMMENTS OR QUESTIONS FOR STAFF? IF NOT, I'LL ENTERTAIN A MOTION.

Leffingwell: I'LL MOVE APPROVAL OF ITEM NUMBER 78.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL TO CLOSE THE PUBLIC HEARING AND APPROVE THIS RESOLUTION AUTHORIZING THIS USE. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. PEAF OKAY. COUNCIL, THAT TAKES US TO ITEM NUMBER 79. I'M GOING TO READ INTO THE RECORD A CHANGE AND CORRECTION. WE HAVE A MISSTATED ORDINANCE. WE NEED TO STRIKE THE POSTED ORDINANCE NUMBER, WHICH WAS 20060312 AND REPLACE THAT WITH 20060323. AND I'D APPRECIATE A BRIEF STAFF PRESENTATION. PETE COME LIENS, WELCOME. COLINS.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCIL. MY NAME IS PETER COLLINS, I'M THE CHIEF INFORMATION OFFICER FOR THE CITY. ON THE ITEM YOU HAVE BEFORE YOU IS ADDRESSING AN ADDRESS CHANGE FROM LAST

YEAR. AT THE TIME IT WAS IN A DEVELOPMENT THAT WAS IN REFERENCE WITH WILLSHIRE HOMES AND THERE WAS ONE PERSON THAT WAS ACTUALLY LIVING ON THE STREET. WHEN THE DOCUMENT WAS SUBMITTED IT SHOWED 100% IN FAVOR FOR THE NAME CHANGE. IT WAS BROUGHT FORWARD TO COUNCIL, COUNCIL APPROVED IT, BUT AT A LATER TIME AND DATE IT WAS BROUGHT TO OUR ATTENTION THAT THERE WAS A DISCREPANCY ON THE SIGNATURE IN REFERENCE TO WILSHIRE HOME. IN LOOKING AT THAT IT WAS BROUGHT BACK TODAY TO THE POSSIBILITY OF RESCINDING AND REVERTING BACK TO THE ORIGINAL STREET NAME. IN DOING SO, TIME HAS GONE ON AND A NUMBER OF PEOPLE ACTUALLY HAVE MOVED ON TO THIS STREET, AND I'M REFERRING TO CALIFORNIA COVE. THAT IS THE NEW NAME THAT WAS APPROVED LAST YEAR. IN DOING SO, I HAVE PERSONALLY CONTACTED EACH PERSON THAT LIVES ON THAT STREET, ONE, TO VERIFY THAT THEY HAVE SIGNED A DOCUMENT THAT THEY WERE IN AGREEMENT OF THIS, BUT ALSO, TWO, WERE THEY FOR IT OR WERE THEY AGAINST IT? IN DOING THAT THERE WERE SEVEN HOMES, ONE IS STILL UNDER CONSTRUCTION, BUT THE SIX OTHERS THAT HAVE BEEN LIVING THERE FOR I WOULD SAY ALMOST THE PAST YEAR, ALL SAY THAT THEY WOULD RATHER FOR THE STREET NAME NOT TO BE CHANGED BACK, THAT IT REMAINS THE CALIFORNIA COVE. THE LAST LOT, WHICH IS STILL UNDER CONSTRUCTION FROM WILSHIRE HOMES, I CONTACTED THEM AND DISCUSSED THE ISSUE WITH THEM. THEY FELT THAT THEY HAD NO INTEREST IN PARTICIPATING IN WHETHER IT IS CHANGED NOR IT ISN'T. THAT IS A PROPERTY OWNER ISSUE. BUT WHAT THEY DID DO WHEN I TALKED TO MR. NEAL WHO REPRESENTS WILSHIRE HOME, IS I ASKED HIM IF HE COULD CONTACT THE OWNER OR THE POTENTIAL NEW OWNER OF THIS NEW HOME THAT THEY'RE CONSTRUCTING AND WHAT THEIR FEELINGS ABOUT THE NAME CHANGE. IN HEARING THAT THE OTHER SIX RESIDENTS NOW DO NOT WANT THE NAME CHANGED, THAT PERSON STATED THAT HE WOULD RATHER FOR THE NAME TO STAY CALIFORNIA COVE. SO MY RECOMMENDATION TONIGHT IS NOT TO TAKE ANY ACTION, NOR A MOTION, AND LEAVE THE NAME IN THE SPIRIT OF THE COMMUNITY THERE, THE FOLKS THAT LIVE ON THE STREET, NOT TO GO THROUGH ANOTHER NAME CHANGE. REPEATEDLY FROM

EACH PERSON I SPOKE TO THEY DO NOT WANT TO EXPERIENCE IT AGAIN.

Mayor Wynn: THANK YOU, MR. COLLINS. QUESTIONS FOR MR. COLLINS? COUNCILMEMBER MCCRACKEN.

McCracken: YEAH, MAYOR. JUST TO GIVE A QUICK BACKGROUND, MY UNDERSTANDING IS THAT AN APPLICATION WAS SUBMITTED TO THE CITY OF AUSTIN FOR A STREET NAME CHANGE AND THE PERSON WHO SUBMITTED THAT APPLICATION WITH SAID THE OTHER PROPERTY OWNERS IDENTIFICATION ON THAT APPLICATION, WITHOUT THAT PROPERTY OWNER'S KNOWLEDGE, AND IN FACT FORGED THE SIGNATURE. AND WILSHIRE HOMES TOLD US THAT IT WAS NOT THEIR SIGNATURE. SO WE BROUGHT IT FORWARD. SO IT APPEARS THAT IT IS THE WILL OF THE NEIGHBORHOOD NOW THAT WE LET THIS NAME CHANGE STAND. HOWEVER, I DO THINK WE SHOULD TAKE A VERY DIM VIEW OF PROPERTY OWNERS FORGING SIGNATURES ON STREET NAME CHANGES. AND I DON'T THINK IT'S TOLERABLE AND I HOPE WE NEVER SEE IT AGAIN.

COUNCILMEMBER MCCRACKEN, I ALSO LOOKED AT THIS BECAUSE I'VE BEEN OVER THE NAME CHANGE COMPONENT OF THIS CITY FOR A NUMBER OF YEARS AND I'VE NEVER EXPERIENCED THIS BEFORE. AND WE'LL RECEIVE A DOCUMENT THAT HAS 100% PARTICIPATION IN FAVOR, THEN WE CONSIDER THAT NOTIFICATION. OBVIOUSLY IF YOU SIGNED THE DOCUMENT, YOU'RE BEING NOTIFIED THAT THERE IS A STREET NAME CHANGE. WHAT I'M GOING TO DO IS INCREASE -- NOT TO ADD A LOT OF BUREAUCRACY, BUT ONE SAFEGUARD FOR THE FUTURE THAT EVEN THOUGH WE RECEIVE 100% SIGNOFF, I'M GOING TO HAVE ALL THOSE PEOPLE RENOTIFIED OF WHAT'S GOING ON JUST AS A DOUBLE-CHECK FOR US. AND I FEEL THAT'S THE APPROPRIATE ACTION. AND AGAIN, THE PEOPLE THAT I SPOKE, FRUSTRATION DEFINITELY HAS BEEN ON THEIR PART ABOUT THE WHOLE INCIDENT, BUT THEY ALSO FEEL THE RIGHT THING TO DO IS JUST TO LET IT BE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WE HAVE TWO FOLKS SIGNED UP TO SPEAK IF WE HAVE QUESTIONS, BOTH AGAINST. AND I TRUST WHAT THEY MEAN BY THAT IS

AGAINST RESCINDING, THAT IS, THEY AGREE WITH MR. COLLINS' RECOMMENDATION TO ZIPLY CLOSE THIS PUBLIC HEARING AND TAKE NO ACTION.

THAT IS CORRECT, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN THAT MOTION. MOTION BY COUNCILMEMBER COLE, SECONDED BY COMEARN TO CLOSE THE PUBLIC HEARING AND TAKE NO ACTION ON THIS CORRECTED POSTED ITEM NUMBER 79. IT'S LATE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: ONSED? OPPOSED? MOTION TO TAKE NO ACTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. THANK YOU, MR. COLLINS. MS. GENTRY, IS THAT -- SO THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. IT IS 10:30 P.M.

End of Council Session Closed Caption Log