

## Closed Caption Log, Council Meeting, 4/22/04

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TO THE ATTENTION OF THIS COUNCIL, TODAY, FATHER WITH CLARITY. I WOULD ASK THAT AT THE END OF THE DAY, FATHER THAT WE ALL MAY BE ABLE TO LOOK BACK UPON THIS DAY AND SAY THAT YOUR WILL HAS BEEN DONE. IN JESUS NAME WE PRAY, AMEN.

THANK YOU, POST STAR LAY. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, APRIL 22nd 22nd, 2004. FIVE MINUTES AFTER 10:00 IN THE MORNING, WE ARE AT THE LCRA BOARD ROOM, 3700 LAKE AUSTIN BOULEVARD. AT THIS TIME, I'LL READ THE CHANGES TO THIS WEEK'S POSTED AGENDA. THEY ARE, LET'S SEE, ITEM NO. 4 -- I'M SORRY, EXCUSE ME, WRONG LIST. CHANGES AND CORRECTIONS: ITEM NO. 11, POSTPONED TO MAY 6th, 2004. ITEM 15, STAFF HAS REQUESTED TO BE POSTPONED INDEFINITELY. ON ITEM NO. 25 THE WORDS FIRST READING OF SHOULD BE INSERTED SO THE SUMMARY WILL NOW READ APPROVE FIRST READING OF AN ORDINANCE. ITEM 28, POSTPONED TO MAY 6th, 2004. ITEM NO. 30, THE ITEM HAS BEEN WITHDRAWN. ON ITEM 52, MAYOR PRO TEM.

**Goodman:** SHOULD BE ADDED AS A CO-SPONSOR. ITEM NO. 38 WE SHOULD STRIKE THE WORD THIRD AND REPLACE IT WITH THE WORD FOURTH. AND THE SUMMARY WILL THEN BE DISCUSS LEGAL ISSUES RELATED TO THE FOURTH SPECIAL CALLED SESSION OF THE 78th STATE LEGISLATURE. ON ITEM NO. 49, WE SHOULD STRIKE THE -- THE FACT THAT ON APRIL 13th, 2004, THE PLANNING COMMISSION PASSED THE

ORDINANCE ON CONSENT. AND IT SHOULD SIMPLY READ RECOMMENDED BY THE PLANNING COMMISSION. ITEM NO. 50, THIS ITEM HAS BEEN WITHDRAWN. AND ITEM 51, HAS BEEN POSTPONED TO MAY 13th, 2004. AT THIS TIME, I WILL READ OUR TIME CERTAINS FOR TODAY'S AGENDA. AT NOON, WE WILL BREAK FOR OUR GENERAL CITIZENS COMMUNICATION. AT 2:00 WE WILL HAVE A BRIEFING THAT TODAY SHOWS AS ITEM 43, WHICH IS A PRESENTATION FROM THE HISTORIC PRESERVATION TASK FORCE. AT 3:00, WE WILL HAVE A BRIEFING THAT SHOWS AS ITEM NO. 44, WHICH IS A BRIEFING BY OUR CHIEF OF POLICE REGARDING CRIME RATES, STRATEGIES AND STATISTICS HERE IN AUSTIN. AND 4:00, WE HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW THIS WEEK AS ITEMS 45 THROUGH 48. ZONING CASES Z-1 THROUGH Z-7. I WILL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING THAT WE POSTPONE ON BEHALF OF A NEIGHBORHOOD REQUEST ITEM Z-5 UNTIL MAY 6th, 2004. AGAIN THAT FORMAL POSTPONEMENT VOTE WON'T BE HELD UNTIL AFTER 4:00 P.M. TODAY. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 PUBLIC HEARINGS AND POSSIBLE ACTIONS. THIS WEEK THOSE ITEMS SHOW AS ITEM 49 THROUGH 51. AND AS I READ EARLIER, STAFF IS WITHDRAWING ITEM NO. 50 AND REQUESTING A POSTPONEMENT OF ITEM 51 UNTIL MAY 13th, 2004. AT THIS TIME, I WILL READ THE ITEMS, COUNCIL, THAT HAVE BEEN PULLED OFF THE CONSENT AGENDA. EITHER BY ONE OF US OR BY THE FACT THAT WE HAVE AN EXECUTIVE SESSION ITEM RELATED TO THE TOPIC. ITEM NO. 4 HAS BEEN PULLED BY COUNCILMEMBER SLUSHER. ITEM NO. 8 HAS BEEN PULLED DUE TO THE FACT THAT WE HAVE AN EXECUTIVE SESSION ITEM, 36, RELATED TO THAT. I WILL PULL ITEM NO. 10 FOR A BRIEF DISCUSSION. SEEING THAT WE HAVE BEEN DELIVERED A -- A PETITION BY NEIGHBORS REGARDING THAT PROJECT. ITEM NO. 24 PULLED BY COUNCILMEMBER ALVAREZ. ITEM NO. 29 HAS BEEN PULLED BY COUNCILMEMBER SLUSHER AS HAS ITEM NO. 31. AGAIN THE ITEMS TWHOONT BE ON THE CONSENT AGENDA CURRENTLY ITEMS 4, 8, 10, 24, 29, 31, ALSO COUNCIL ITEM NO. 42 NEEDS TO BE PULLED OFF THE CONSENT AGENDA AS IT'S RELATED TO EXECUTIVE SESSION ITEM 40.

**Slusher:** MAYOR, THANK YOU, I WILL PUT NUMBER 4 BACK ON, MY QUESTION HAS BEEN ANSWERED BY B THAT ONE.

**Mayor Wynn:** THANK YOU, ITEM NO. 4 IS BACK ON THE CONSENT AGENDA. ANY FURTHER ITEMS COUNCIL? AGAIN THE ITEMS PULLED OFF THE CONSENT AGENDA WILL BE ITEMS 8, 10, 24, 29, 31, AND 42.

Clerk Brown: MAYOR ITEM 15 IS ON CONSENT BUT FOR AN INDEFINITE POSTPONEMENT.

**Mayor Wynn:** CORRECT. COUNCILMEMBER MCCRACKEN?

**McCracken:** ON ITEM 34, THERE WAS ONE OF THE ROADS THAT -- THAT -- THE PUBLIC HEARING THAT HAS BEEN REQUESTED THAT THAT ROAD BE DELETED. I DON'T KNOW BECAUSE THERE'S -- THERE'S CONVERSATION APPARENTLY NEGOTIATIONS BETWEEN TEXDOT AND THE STAKEHOLDER IN THAT AREA, NORTHWEST AUSTIN. RELATED TO LAKE CREEK PARKWAY. I DON'T KNOW IF THE -- IF IT WOULD BE APPROPRIATE TO PULL ITEM 34 OR TO -- TO HAVE IT GO FORWARD AS AMENDED WITHOUT ITEM 6.

ITEM 34 IS MERELY TO SET A PUBLIC HEARING. YOU ARE NOT POSTED FOR ACTION OTHER THAN TO SET A PUBLIC HEARING. WHAT YOU CAN DO IS, WHEN THE STAFF WILL BRING THIS FORWARD, THEY WILL MAKE ALL OF THE APPROPRIATE ADJUSTMENTS AT THE PUBLIC HEARING AND AT THAT TIME IT CAN BE DELETED.

**McCracken:** IT COULD BE DELETED PRIOR TO PUBLIC HEARING THEN?

WHEN THE STAFF -- THE STAFF WILL BRING FORWARD A RECOMMENDATION FOR YOU AND IF WE NEED TO ADJUST THE POSTING WE WILL. NORMALLY THE POSTINGS ARE EXACTLY IDENTICAL, BUT THE BOTTOM LINE IS THAT ANY FINAL ACTION TO DELETE OR ADD OR RATHER TO DELETE CAN BE HANDLED AT THAT TIME. THIS IS JUST MERELY SETTING THE HEARING ON ALL OF THESE ISSUES.

**McCracken:** OKAY, I'M FINE. IT WAS REQUESTED, BUT

[INDISCERNIBLE] WE CAN ACHIEVE THE RESULT.

WE WILL GET THERE. THANK YOU, SIR.

**Mayor Wynn:** THANK YOU, MS. TERRY. WITH THAT, COUNCIL, I WILL READ WHAT I BELIEVE TO BE THE CONSENT AGENDA NUMERICALLY. ITEM 1, 2, 3, 4, 5, 6, 7, 9, 11 TO BE POSTPONED TO MAY 6th, 2004, 12, 13, 14, 15, FOR AN INDEFINITE POSTPONEMENT, 16, 17, 18, 19, 20, 21, 22, 23, 25 FOR CHANGES AND CORRECTION -- PER CHANGES AND CORRECTION, 26, 27, 28 TO BE POSTPONED TO MAY 6th, 2004, ITEM NO. 30 HAS BEEN WITHDRAWN, 32, 33, 34, AND 35. THANK YOU. JUMPING DOWN TO ITEM 52. PER CHANGES AND CORRECTIONS, COUNCIL, I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS READ. COUNCILMEMBER ALVAREZ?

**Alvarez:** ITEM 24 CAN BE -- ON CONCEPT, BUT IT'S A CHANGE IN THE POSTING LANGUAGE. THIS IS A -- THIS IS AN EVENT, AN EVENT PERMIT TO CLOSE -- THE STREET CLOSURE. ITEM 24. AND IT ALLOWS THE CLOSURE OF THE STREET AND IT SPECIFIES THE TIMES THERE. IN PARENTHESES IT SAYS TWO LANES WILL REMAIN OPEN BETWEEN 9:00 A.M. AND 6:00 P.M. FULL CLOSURE BETWEEN 6:00 AND 11:00 P.M. I WOULD WANT TO CHANGE THAT TO ONE LANE WILL REMAIN OPEN BETWEEN 9:00 A.M. AND 6:00 P.M. LAST YEAR WE CLOSED THE ENTIRE STREET AND CLEARLY DIDN'T WORK. BUT THIS IS A PRETTY LARGE EVENT. I THOUGHT IT WOULD BE APPROPRIATE TO GO AND SEE WHAT THE EFFECT OF ADDING ONE LANE WOULD BE AND IF WE NEED TO CHANGE HOW WE APPROACH THIS EVENT IN THE FUTURE WE CAN DO THAT THE FOLLOWING YEAR OR MAYBE TRY TO FIND ANOTHER LOCATION, BECAUSE I THINK THIS EVENT HAS PROBABLY OUTGROWN THE LOCATION HERE. THAT WOULD BE MY PROPOSAL ON 24. MY INTENTION ORIGINALLY WAS TO PULL IT FOR DISCUSSION, BUT I DON'T KNOW SINCE THERE IS NO ORDINANCE HOW THAT WOULD WORK.

**Mayor Wynn:** COUNCILMEMBER ALVAREZ HAS AMENDED HIS MOTION TO APPROVE THE CONSENT AGENDA BY ADDING 24 BACK ON TO THE CONSENT AGENDA, BUT CHANGING THE POSTING OF THAT ITEM TO READ: ONE LANE TO REMAIN

OPEN BETWEEN 9:00 A.M. AND 6:00 P.M., FULL CLOSURE OF THE STREET BEGINNING AT 6:00 P.M. COUNCILMEMBER DUNKERLY IS -- IS THAT A FRIENDLY AMENDMENT?

**Dunkerley:** YES.

**Mayor Wynn:** THANK YOU? FURTHER COMMENT ON THAT ITEM OR THE CONSENT AGENDA? COUNCILMEMBER SLUSHER?

**Slusher:** I WOULD LIKE TO HEAR OUR PUBLIC WORKS STAFF, TRAFFIC FOLKS SPEAK TO THE ONE LANE ISSUE, ONE LANE VERSUS TWO AND ONE LANE VERSUS NONE. ANYBODY HERE?

OUR TPS ASSISTANT DIRECTOR IS HERE.

TOM FOREST ASSISTANT DIRECTOR OF TRANSPORTATION PLANNING AND SUSTAINABILITY.

**Slusher:** GO AHEAD.

I THINK WE WOULD REMAIN THAT WE WOULD LIKE TO KEEP TWO LANES OPEN. THIS DID NOT WORK LAST YEAR CLOSING ALL OF THEM. I THINK OUR RECOMMENDATION WOULD STILL BE TWO LANES. IF IT IS THE COUNCIL'S WISH THAT WE TRY IT WITH ONE LANE, WE WILL SURE DO THAT. BUT WE DO FEEL LIKE THIS IS AN IMPORTANT TRAFFICWAY DURING THIS TIME, CLOSING IT ON THE 6th OF MAY WILL MAKE IT A DIFFICULT SITUATION FOR TRAFFIC. IT IS OUR RECOMMENDATION THAT WE KEEP AT LEAST TWO LANES OPEN.

**Slusher:** WHAT HAPPENED LAST YEAR WITH EVERYTHING CLOSED?

YES. IT WAS CLOSED COMPLETELY, IT JUST SHUT DOWN TRAFFIC THROUGH THERE, CREATED A LOT OF TRAFFIC PROBLEMS IN THE DOWNTOWN AREA. THERE ON FIFTH STREET. ONE LANE WOULD BE BETTER THAN NO LANES, STILL GOING TO BE A PROBLEM FOR THAT DAY. WE WILL TRY TO MAKE WHATEVER THE COUNCIL SAYS WORK, BUT IT'S GOING TO MAKE IT A DIFFICULT SITUATION.

**Slusher:** OKAY. THAT'S A TOUGH ONE.

I THINK THE ONE POINT THAT I WOULD MAKE IS THAT SINCE I'VE BEEN ON THE COUNCIL, SEEMS LIKE EVERY -- EVERY YEAR WE'VE HAD A DIFFERENT RECOMMENDATION FROM STAFF AND I CERTAINLY WAS SURPRISED LAST YEAR WHEN STAFF RECOMMENDED FULL CLOSURE. SO I -- SO THAT CREATES EXPECTATIONS FOR FUTURE YEARS. SO I'M TRYING TO LET'S GET BACK TO -- TO THE SITUATION WHERE MAYBE THIS BECOMES WORKABLE. NEXT YEAR WHAT WE MIGHT TRY IS TO HAVE THEM START THE EVENT LATER SO THAT CLOSURE DOESN'T HAPPEN UNTIL LATER IN THE EVENING BECAUSE I THINK THAT'S PART OF THE PROBLEM THAT'S -- YOU KNOW WHAT I MEAN THAT WE ARE FACED WITH THIS PARTICULAR SITUATION FOR THIS YEAR. FURTHER COMMENTS? COUNCILMEMBER DUNKERLY?

**Dunkerley:** ON ITEM 50, I WAS POSTPONING THAT INDEFINITELY. RATHER THAN WITHDRAWING IT. SO MS. BROWN WE WILL CHANGE THE CHARACTERIZATION, ITEM NO. 15 HAS BEEN AN INDEFINITE POSTPONEMENT. ITEM 50, I'M SORRY. ITEM 50 AS OPPOSED TO SHOWING IT AS WITHDRAWN, THIS WILL BE AN INDEFINITE POSTPONEMENT. FUFT COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS.

MAYOR, ON BOTH 50 AND 51, BECAUSE THEY ARE POSTED FOR 6:00 P.M., WE WILL HAVE TO TAKE THE ACTUAL ACTION AT THAT TIME.

GREAT. THANK YOU MS. BROWN FOR THE CLARIFICATION. COUNCIL, WITHOUT OBJECTION, I HAVE PULLED ITEM NO. 10 IN PART BECAUSE WE HAD A COUPLE OF CITIZENS SIGNED UP WISHING TO SPEAK, BUT ALSO AT LEAST THIS MORNING I WAS DELIVERED A -- A PETITION SIGNED BY -- BY APPARENTLY DOZENS OF NEIGHBORS REGARDING THIS HIKE AND BIKE TRAIL. WITH THAT IF STAFF IS PREPARED TO GIVE US A -- A VERY BRIEF PRESENTATION OR SUMMARY OF ITEM NO. 10.

GOOD MORNING, COUNCIL, I'M SONDRRA CRAYTON WITH THE PUBLIC WORKS DEPARTMENT. THE ITEM BEFORE YOU IS THE BOGGY CREEK TRAIL IMPROVEMENTS. AND WE ARE RECOMMENDING CONSTRUCTION CONTRACT AWARD TO PRISM DEVELOPMENT. THIS PROJECT IS FUNDED THROUGH TEXDOT'S SURFACE TRANSPORTATION PROGRAM. AND THE PURPOSE OF THE PROJECT IS TO UPGRADE AN EXISTING HIKE AND BIKE TRAIL ALONG THE BOGGY CREEK GREENBELT. THE PROJECT PROVIDES FOR APPROXIMATELY 2100 LINEAR FEET OF TRAIL ALONG THE BOGGY CREEK CORRIDOR. AND IT ALSO INVOLVES REPLACEMENT OF THREE BRIDGES. THE PAVING OF THE TRAIL WILL ASSIST IN PREVENTING WATER DEGRADATION AND POLLUTION. IT IS GOING TO BE AN ASPHALT TRAIL, 10-FOOT WIDE. AND I WOULD BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

**Mayor Wynn:** QUESTIONS OF STAFF, COUNCIL? IF NOT, WE'LL GO TO OUR CARDS. BILL GERT RIVERA -- BILL GERT RIVERA. IS JANE HERE, WELCOME, YOU ARE DONATING YOUR TIME TO GILBERT, YOU WILL HAVE SIX MINUTES.

THANK YOU, GOOD MORNING, COUNCIL, MY NAME IS GILBERT RIVERA, A MEMBER OF THE ROSEWOOD NEIGHBORHOOD PLANNING TEAM, ALSO A MEMBER OF THE ROSEWOOD GLEN OAKS NEIGHBORHOOD ASSOCIATION, WHICH IS IMMEDIATELY WITHIN TWO BLOCKS OF THE BOGGY CREEK HIKE AND BIKE TRAIL. WE WERE NOTIFIED APPROXIMATELY A YEAR AND A HALF AGO THAT THE HIKE AND BIKE TRAIL WAS GOING TO BE PAVED WITH ASPHALT. WHICH IS BASICALLY THE MATERIAL USED IN ROADS WE DID NOT SEE HOW PAVING THE TRAIL WHICH IS APPROXIMATELY 400 LINEAR FEET LONG IS AN UPGRADE OR AN ASSET TO THAT PARTICULAR, OUR PARK. AS YOU NOTICE WE PROVIDED YOU GUY GOES WITH APPROXIMATELY 195 SIGNATURES OF PEOPLE THAT LIVE IMMEDIATELY NEAR THAT HIKE AND BIKE TRAIL. WE DON'T SUPPORT BEING THE FURTHEREST ONE -- EVERYBODY LIVES WITHIN TWO BLOCKS FROM THERE. IT IS USED CONSTANTLY BY CHILDREN, ADULTS, THE ELDERLY, THE ROSEWOOD, CONLEY-GUERRERO NEIGHBORHOOD CENTER IS THERE WHERE SENIOR ACTIVITIES HAPPEN, IF YOU NOTICE IN THE BACK OF THOSE PETITIONS THERE'S ABOUT 30 OR 40 OF THEM WHO

SIGNED THAT PETITION. WE WERE TOLD THAT THE TRAIL AS IT EXISTS TODAY INITIALLY THAT IT WAS NOT A.D.A. COMPLIANT. WE WERE TOLD THAT THE ELDERLY, IE THE PEOPLE FROM CONLEY-GUERRERO AND MANY OTHERS, WOULD HAVE DIFFICULT TIMES WALKING IN THE TRAIL AS IT IS TODAY IN ITS NATURAL STATE. WE WERE ALSO TOLD THAT WE REALLY -- REALLY THE CITY AND BASICALLY US HAD NO RECOURSE AS TO WHAT I SAID EARLIER THAT THE TRAIL MONEY GOES FROM THE FEDS TO THE STATE TO THE CITY OF AUSTIN WHEN WE APPLIED THROUGH PUBLIC WORKS, I WOULD IMAGINE, FOR THESE MONEYS. WE SUGGEST SINCE EVERYBODY IN THE NEIGHBORHOOD IS TOTALLY OPPOSED. WE HAD NO IDEA IT WAS GOING ON UNTIL AFTER THE FACT, THEY SAY THIS IS WHAT WE DID, THIS IS WHAT WE ARE GOING TO DO, THAT THIS WHOLE THING BE THROWN OUT. MAYBE WITH THE EXCEPTION OF SOME OF THE MONEY THAT'S COULD ACTUALLY BE USED TO FIX THE THREE BRIDGES THAT ARE THERE. WE'VE HAD A BRIDGE THAT HAS - - POLES ON THE TOP ON THE WALKWAY, TWO OF ITS PILLARS OFF, BROKEN OFF, SINCE ABOUT 1991. WE HAVE BEEN TOLD SINCE 1991 THAT THAT PARTICULAR BRIDGE WOULD COST ALMOST \$90,000 TO REPAIR. I'M ASSUMING THE STAFF WAS WAITING UNTIL WE GOT THIS GRANT GOING TO BE ABLE TO REPAIR. OR OUR POSITION IS SEND THE MONEY BACK, LEAVE WHATEVER YOU CAN TO FIX THE BRIDGES, LEAVE THE TRAIL ALONE. WHAT'S WRONG WITH A LITTLE BIT OF GRASS GROWING OVER THAT TRAIL? WE ALSO ASK WHY THE TRAIL ALONG TOWN LAKE WAS NOT PAVED WITH 10 FEET OF ASPHALT? STAFF STATED THAT BECAUSE IT WAS -- HAD BEEN DESIGNATED AN URBAN WILDERNESS TRAIL. WELL, A FEW WEEKS LATER, WE MET WITH ASSISTANT CITY MANAGER I THINK McDONALD. WE RECEIVED A LETTER FROM HIM ASKING US WHERE WE HAD GOTTEN THE IDEA OF AN URBAN WILDERNESS TRAIL. FROM YOUR STAFF. OBVIOUSLY THERE'S NO SUCH THING OR ELSE THEY WOULDN'T HAVE BEEN ASKING THE QUESTION. AGAIN, WHY IN OUR NEIGHBORHOODS DO WE GET ATTEMPTS TO PUT IN 10-FOOT WIDE, 2400 LINEAR FEET OF ASPHALT THAT WILL QUITE CLEARLY WILL ALLOW FOR WATER TO MORE -- MOVE CLOSER TO, INTO THE CREEK QUICKER THAN IT WOULD IF IT WAS AN ACTUAL TRAIL WHERE THE TRAIL ITSELF WOULD ABSORB THE RUNOFF. 24,00024,000 SQUARE FEET OF

IMPERVIOUS COVER AND THIS TRAIL SEEMS TO US THE IDEA IS NOT NECESSARILY TO FIX THE TRAIL, BUT WE HAVE ALSO BEEN TOLD THERE IS NOTHING THAT WE CAN DO ABOUT IT, BECAUSE STATE RULES, REGS, SUPERSEDES THE CITY. IT SEEMS TO ME THAT WE ARE THE OWNERS OF THAT TRAIL, NOT THE STATE. IT SEEMS TO ME, ALSO, THAT THIS IS A CASE OF THE -- OF THE TAIL WAGGING THE DOG. WE ARE PRETTY MUCH VICTIMS OR BEING KEPT PRISONERS, IF YOU WILL, FROM OUR OWN GUIDELINES BECAUSE WE HAVE TO -- WE HAVE TO DO WHAT THE STATE TELL US. 10 FEET OF -- OF ASPHALT TRAIL IS -- CAN BE ALSO EXTREMELY DANGEROUS. WE ARE TALKING ABOUT KIDS AND GO CARTS FLYING UP AND DOWN THAT TRAIL. 10-FOOT WIDE. MY FORD RANGER IS LESS THAN 10-FOOT WIDE. SOMEBODY COULD DECIDE THAT THEY WANT TO DRIVE THEIR TRUCK THROUGH THERE OR THEIR CAR OR OTHER ITEMS THAT CAN BE USED THAT ARE DANGEROUS FOR PEOPLE. ELDERLY PEOPLE USE THAT TRAIL EVERYDAY. WE USE IT EVERY DAY. WE WALK OUR DOGS, OUR NEIGHBORS OUR CHILDREN ARE PLAYING ON IT THERE. TO PUT THIS SWATCH OF BLACK TAR ASPHALT ON THAT TRAIL IS NOT AN UPGRADE THAT WAS MENTIONED A FEW MINUTES AGO, BUT IN OUR POINT OF VIEW DEGRADATION OF THAT. WE FEEL STRONGLY THAT THE TRAIL SHOULD BE -- SHOULD BE KEPT AS IS. WE FEEL THAT SOME OF THOSE MONEYS, AT LEAST THE 20% THAT WAS PUT UP BY THE CITY THROUGH C.I.P. FUNDS FROM 1998 SHOULD BE USED TO FIX THE BRIDGES, BUT THE TRAILS SHOULD STAY AS IS. [BUZZER SOUNDING]

WE ALSO UNDERSTAND THAT ONE OF THE REASONS IS HIGH COST FOR MAINTENANCE. WELL, EVERY OTHER PARK IS BEING KEPT LIKE -- MAINTAINED LIKE OURS. AGAIN WE SINCERELY REQUEST THAT THE MONEYS FROM TEXDOT BE SENT BACK AND C.I.P. FUNDS BE USED TO REPAIR THE THREE BRIDGES. THANK YOU.

**Mayor Wynn:** THANK YOU, MR. RIVERA. I WOULD LIKE TO MOO A FEW COMMENTS, MICHAEL McDONALD, ACTING CITY MANAGER. LAST YEAR WE MET WITH THE NEIGHBORS TO DISCUSS THE GRANTS AND FUNDS WE ARE PROPOSING TO TRY TO RECEIVE FROM TEXDOT. THERE WERE FOUR -- FOUR PRIMARY ISSUES THAT CAME UP. THE TYPE OF SURFACE, AS HE JUST SPOKE ABOUT, THE WIDTH, THE -- THE BRIDGES

BEING A HAZARD BECAUSE THEY WERE DETERIORATING AND THEN SAFETY BECAUSE THE WIDTH OF THE BRIDGE THAT WAS CONCERNED THE VEHICLE OR TRAFFIC WOULD BE ALLOWED ON THERE. I MEAN COULD POSSIBLY BE ON THERE. SO WHAT WE DISCUSSED WITH THE NEIGHBORHOOD, WITH REGARDS TO JUST WORKING BACK WITH REGARDS TO VEHICLES BEING ABLE TO ENTER ON TO THE TRAIL BECAUSE OF THE WIDTH AND SURFACE, WE ACTUALLY SHOWED THEM EXAMPLES OF BARRICADES THAT WE COULD PUT UP TO KEEP THAT FROM OCCURRING. WITH REGARDS TO THE WIDTH, WE EXPLAINED THAT WE HAD TO SUBMIT THE APPLICATION TO RECEIVE THE FUNDS TO THE STATE, BUT WE WOULD BE FORMALLY PUTTING IN A REQUEST THAT WE COULD REDUCE THE WIDTH FROM 10 TO 8 FEET. AND THEN, OF COURSE, THE BRIDGES, AS PART OF WHAT WOULD GO INTO THE REPAIRS. WHAT WE EXPLAINED TO THE NEIGHBORHOOD IS THAT THE REASON, THE DIFFERENCE BETWEEN USING THE SURFACES HERE ON THIS PROJECT AND WHAT WE DO ON THE HIKE AND BIKE TRAIL HAD TO DO WITH THE FUNDING, THE STATE DESIGNATED WHAT TYPE OF SURFACE WE NEEDED TO USE IF WE WERE GOING TO TAKE ADVANTAGE OF THEIR GRANT. FURTHERMORE, WHAT WE ALSO EXPLAIN IS THAT THIS WAS A GOOD OPPORTUNITY FOR THE -- FOR THE CITY BECAUSE THE STATE WAS PROVIDING THE FUNDS BECAUSE WE DID NOT HAVE THE FUNDS TO DO THE -- TO DO THE NEEDED REPAIRS TO THE BRIDGE. SO THAT WAS PRETTY MUCH THE GIST. WE MET WITH THE ENTIRE NEIGHBORHOOD, WE HAD PARKS AND PUBLIC WORKS IN THE MEETING BEFORE WE SUBMITTED THE APPLICATION. AND WE LET THEM KNOW THAT WE WOULD BE PUTTING IN A FORMAL REQUEST TO REDUCE THE WIDTH AND WE DID.

MIKE, LET ME JUST ASK FOR TWO CLAIRE FIRES HERE. CLARIFIERS HERE.

**Futrell:** IT'S MY UNDERSTANDING THAT THE SURFACE OF THIS TRAIL WAS STATED IN THE 2001 NEIGHBORHOOD PLAN; IS THAT CORRECT?

I'M NOT CERTAIN OF THE SUR-- IF THE SURFACE WAS STATED. BUT WHAT WE HAD TO FOLLOW WERE ASHTO STANDARDS, IF WE DON'T FOLLOW THOSE STANDARDS THEN

THE FUNDING WOULD NOT BE AVAILABLE.

**Futrell:** THAT WOULD BE HELPFUL TO KNOW BECAUSE OF THE ACCEPTS THAT THE NEIGHBORHOOD DIDN'T KNOW OR UNDERSTAND WHAT WAS HAPPENING HERE WOULD BE -- WELL, I WOULD LIKE TO ACTUALLY JUST GET THE NEIGHBORHOOD PLAN PULL AND WE WILL SEE EXACTLY WHAT THE PLAN IS, THE REAL ACTION HERE SEEMS TO BE IF THE COUNCIL CHOOSES WE HAVE ABOUT \$375,000 OF STATE MONEY THEY HAVE DICTATED HOW IT HAS TO BE USED. WE COULD RETURN THE MONEY AND NOT DO THIS TRAIL SYSTEM OR IF WE USED THE MONEY WE MUST DO A HARD SURFACE. IS THAT JUST THE BOTTOM LINE?

THAT'S CORRECT.

**Futrell:** IS THERE ANY PORTION OF THAT MONEY THAT WE CAN BE RETAINED TO DO PART OF THE BRIDGES?

THE PORTION THAT WE ARE MATCHING WE COULD USE FOR THE BRIMS.

**Futrell:** WE COULD USE OUR MATCH, OUR 20%?

CORRECT.

**Futrell:** OKAY.

**Slusher:** THIS TRAIL IS LONGER THAN THIS THROUGH THE PARK, ISN'T IT?

IT'S 2100 FEET AND IT CONNECTS TO OTHER PORTIONS OF THE OVERALL TRAIL THE THE CITY HAS.

**Slusher:** IS IT ONLY THE PORTION THROUGH THE PARK THAT'S BEING PAVED?

THIS IS THE BEGINNING OF THE OVERALL BOGGY CREEK TRAIL AND THE UPPER BOGGY CREEK TRAIL WHICH REALLY EXTENDS FROM THIS PARK ALL THE WAY TO ROUND ROCK. SO THIS IS A LONG EXTENSIVE BIKE TRAIL THAT -- THAT WE HAVE GOT FUNDING FROM SEVERAL DIFFERENT SOURCES AND ACTUALLY ARE IN THE PLANNING STAGES NOW FOR

THE FIRST PHASE OF THE UPPER BOGGY CREEK THAT PART NORTH OF 12 STREET THAT RUNS ALONG THE RAILROAD RIGHT-OF-WAY THERE --

**Slusher:** I'M SORRY, GO AHEAD.

BUT IT IS PART OF THE -- OF AN EXTENDED BIKE TRAIL THAT RUNS FROM HERE ALL THE WAY TO ROUND ROCK.

**Slusher:** ARE THESE STATE FUNDS FOR THAT WHOLE TRAIL OR JUST THIS PORTION OR SOME PART OF --

WE HAVE FUNDS FROM DIFFERENT SOURCES. THERE'S SOME QUARTER CENT FUNDING FOR THE OTHER PARTS OF IT. I THINK SOME OF THE MATCHING FUNDS FROM THIS COME FROM QUARTER CENT FUNDS, BUT THEY ARE DIFFERENT TYPES OF FUNDS. WE DO ANTICIPATE AND SUBMITTED FUNDS THIS -- THIS REQUEST FOR THIS YEAR FOR STPMM FUNDS FOR EXTENSION OF THE UPPER BOGGY CREEK PART OF THIS. SO WE ANTICIPATE MORE FEDERAL FUNDS COMING IN. THERE ARE FEDERAL FUNDS, BUT THE STATE REALLY ADMINISTERS THE MONEY.

**Slusher:** WELL, WOULD THE REST OF THAT BE THE SAME TYPE OF SURFACE AS IS PROPOSED THERE.

IT HAS TO BE. IF WE USE THE FEDERAL MONEY FOR THESE BIKEWAYS THEY HAVE TO BE PAVED.

**Slusher:** COULD WE USE THESE FEDERAL STATE FUNDS FOR ANOTHER PORTION OF IT AND LEAVE THIS UNPAVED AND THIS -- THE PART OF THE TRAIL THAT COMES THROUGH THE PARK HERE WOULD NOT BE THIS PAVED SURFACE?

I DON'T KNOW THAT WE COULD USE THESE FUNDS. THESE HAVE BEEN DESIGNATED AND APPROVED FOR THIS AND THIS IS ACTUALLY BEING -- BECAUSE OF THE -- SOME OF THE DIFFICULTIES OF GETTING THIS THROUGH TEXDOT ORIGINALLY, THESE FUNDS HAVE BEEN HELD UP FOR I THINK ABOUT SIX YEARS NOW THAT THIS PROJECT HAS BEEN IN THE MILL AND TRYING TO GET IT. WE HAD ORIGINALLY HAD A SMALLER SECTION APPROVED AS AN 8-FOOT PATH, THE PROJECT WAS DESIGNED AS SUCH AND WENT FORWARD.

WE -- BECAUSE WE WERE ABLE TO DO IT AT 8-FOOT, WE EXTENDED IT, BUILT A LITTLE MORE WITH -- WITH CITY MONEY. THEY CAME BACK AND SAID YOU CAN'T DO THAT, IT NEEDS TO BE A 10-FOOT PATH. AND THIS HAS GONE BACK AND FORTH. WE HAD TO REDESIGN IT. IT'S BEEN A DIFFICULT PROCESS WORKING WITH TEXDOT ON THIS. BUT WE FINALLY GOT TO THIS POINT TO WHERE IT'S READY TO BE BUILT NOW. AND MY UNDERSTANDING IS THAT IT IS A PART OF THE NEIGHBORHOOD PLAN AS A PAVED BIKEWAY. I'M GLAD THAT WE'RE CHECKING THAT TO MAKE SURE.

**Futrell:** SONDRRA, DO WE HAVE AN ANSWER TO THAT?

WE DON'T HAVE AN ANSWER. WE KNOW THIS WAS PART OF THE NEIGHBORHOOD PLAN TO HAVE A BIKEWAY, BUT WE ARE STILL TRYING TO GET CONFIRMATION ON THE SURFACE, TO SEE IF THAT WAS INCLUDED IN THE NEIGHBORHOOD PLAN.

**Mayor Wynn:** COUNCIL, IF YOU WILL EXCUSE ME, ONE ADDITIONAL CARD SIGNED UP FOR ITEM NO. 10, MR. MICHAEL VAN OHLEN. IF YOU WOULD LIKE TO ADDRESS THIS, YOU'LL HAVE 3 MINUTES.

THANK YOU, MAYOR. MY NAME IS MICHAEL VAN OLEN, I OWN PRISM DEVELOPMENT. I BID THIS PROJECT. IF I'M NOT MISTAKEN, MAYOR, BASED ON THE PRINTS, I HAVE JUST RAN -- I WAS WATCHING YOU IN MY OFFICE, I RAN OUT, I DIDN'T HAVE A CHANCE TO ROLL THEM OUT AGAIN. IF I'M NOT MISTAKEN THE ASPHALT PORTION OF THAT TRAIL IS SIMPLY THE APPROACHES, THE EGRESS AND DEGRESSS OF THE BRIDGE ARE ASPHALT. THERE'S A TWO AREAS WHERE WE ARE GOING TO BE PULLING OUT, WE ARE GOING TO BE EXCAVATING PUTTING SOME RCP FOR DRAINAGE OVER THE TOP OF THAT IS ASPHALT, TO THE BEST OF MY KNOWLEDGE NOT THE ENTIRE TRAIL. UNLESS SOMETHING HAS CHANGED SINCE THE BID ORIGINALLY TRANSPIRED. BUT I DIDN'T BRING MY PRINTS WITH ME RIGHT AWAY, BUT I JUST CAME TO OFFER IN CASE THERE WERE ANY QUESTIONS ON MEANS AND METHODS OF HOW WE WERE APPROACHING THIS. BUT THOSE -- THE ASPHALT TRAILS IN THERE OR THE ASPHALT PORTIONS OF IT IS WHERE WE ARE GOT THREE BRIDGES GOING IN. TO ANSWER COUNCILMEMBER SLUSHER'S

QUESTION, IT COMES ALL THE WAY FROM BEHIND -- STARTS ON BOGGY CREEK RIGHT BEHIND THE -- I HATE TO THIS -- CONLEY-GUERRERO, THANK YOU, YOU SAVED ME, COMES ALL THE WAY DOWN, REPLACES THE BRIDGE THAT HAS BEEN BLOWN OUT OF THERE A COUPLE OF TIMES BY WATER, IT GOES FURTHER DOWN WOULD BE REPLACING THAT BRIDGE WITH A STEEL BRIDGE, GOES FURTHER DOWN, CROSSES THE STREET AGAIN AND IT GOES DOWN UNDERNEATH THE OVERPASS THERE OFF OF CHESTNUT IN THAT AREA, THEN CROSSES THE STREET AGAIN AND GOES RIGHT BEHIND THE -- THERE'S ANOTHER BRIDGE THAT GOES IN PLACE BEHIND THE -- THE MILLENNIUM CENTER. BUT -- BUT AGAIN TO -- TO THE BEST OF MY KNOWLEDGE, THE ASPHALT IS ON THE APPROACHES AND THE END OF THE BRIDGES.

**Mayor Wynn:** THANK YOU, FURTHER QUESTIONS, COMMENTS?

**Slusher:** I THINK THAT WE NEED TO GET THAT CLEARED UP.

**Futrell:** SONDRRA, CAN YOU CLARIFY PLEASE WHETHER THE WHOLE LENGTH IS ASPHALT OR NOT?

MY UNDERSTANDING IS THAT THE ENTIRE LENGTH OF ASPHALT.

**Futrell:** I DIDN'T WANT TO LEAVE A MISUNDERSTANDING THAT IT WAS NOT.

**Slusher:** THAT BOTHERS ME IF THE CONTRACTOR THINKS THAT HE'S NOT PAVING.

**Futrell:** YOU SAID THAT YOU RACED OUT OF THERE WITHOUT HAVING A CHANCE TO LOOK AT THE WHOLE PLAN.

ACTUALLY IT'S CHEAPER FOR ME TO DO ASPHALT THAN CRUSH GRANITE ALL THE WAY THROUGH, SO IT MAKES NO DIFFERENCE TO OUR PRICE.

**Alvarez:** MAYOR?

**Mayor Wynn:** COUNCILMEMBER ALVAREZ?

**Alvarez:** IF YOU COULD ALSO BREAK DOWN THE COST OF THE BRIDGE REPAIRS WHEN WE COME BACK WITH MORE INFORMATION.

I ALSO HAVE A CONFIRMATION THAT THE PLAN -- THE NEIGHBORHOOD PLAN DID CALL FOR AN 8-FOOT ASPHALT TRAIL. AND OF COURSE WE ARE PUTTING IN 10 BECAUSE THAT'S THE REQUIREMENT FROM ASHTO.

**Slusher:** MAYOR? WHAT'S THE -- I THINK EVERYBODY REALIZES THIS IS A STATE REQUIREMENT NOT THE CITY, BUT COULD YOU EXPLAIN TO ME WHAT THEIR PHILOSOPHY IS ON THIS OR -- ALL TRAILS NEEDING TO BE 10 FEET WIDE AND ASPHALT.

WELL, THE ASHTO GUIDELINES ARE ALWAYS SAFETY RELATED. SO THEY HAVE VARIOUS STANDARDS THAT THEY COME UP WITH. THEY DO A LOT OF TESTING, THAT SORT OF THING TO DETERMINE WHAT THESE STANDARDS SHOULD BE. AND THEY ARE -- THEY ARE BASED ON THE EXPERIENCE AND HISTORICAL DATA THAT NOVEMBER. SO I'M SAYING THAT THE WIDTH OF THE TRAIL IS RELATED TO A SAFETY ISSUE AND AS FAR AS THE HARD SURFACE, THAT COULD ALSO BE SAFETY RELATED AND ALSO MAINTENANCE RELATED.

**Slusher:** OKAY, SAFETY FOR CYCLISTS?

RIGHT.

**Slusher:** OKAY. SO I GUESS THE HIKE AND BIKE TRAIL IS NOT - - DIDN'T GET STATE FUNDS OR WHAT? I MEAN I KNOW THAT IT'S A WHILE BACK, BUT IT DOESN'T SEEM TO BE UNSAFE.

AGAIN, YOU KNOW THE ASHTO STANDARDS ARE PRETTY STRINGENT. THEY MAY BE LOOKING AT EROSION THAT CAN OCCUR IF YOU HAVE FLEXIBLE BASE AND POTHOLES CREATE AND THE LIKELIHOOD OF THAT BEING LESS FOR AN ASPHALT OR A HARD SURFACE.

**Slusher:** OKAY. THANK YOU.

**Mayor Wynn:** COUNCIL, SEEMS TO ME THERE'S STILL A COUPLE OF OUTSTANDING QUESTIONS. ALTHOUGH WE THINK THAT WE UNDERSTAND THAT IT'S AN ENTIRE -- THAT THE ASPHALT IS FOR THE ENTIRE PAVEMENT, BUT I GUESS IT WOULD BE GOOD TO CONFIRM THAT. AND ALTHOUGH WE -- WE THINK THAT WE HAVE THE CONFIRMATION OUT IN LANGUAGE IN THE NEIGHBORHOOD PLAN. BUT I WOULD BE COMFORTABLE WITH DELAYING THIS EITHER FOR, YOU KNOW, FOR THE REST OF THE DAY TO CONFIRM SOME OF THOSE THINGS OR PERHAPS EVEN POSTPONE THE ITEM FOR -- FOR THE NEXT MEETING.

**Slusher:** MAYOR, I THINK POSTPONE IT TO THE NEXT MEETING BASE WE DON'T WANT TO KEEP THE NEIGHBORS SITTING DOWN HERE WAITING UNTIL WE GET ALL THE INFORMATION.

**Futrell:** CAN WE SEE SOME CONSTERNATION, WE DON'T HAVE A MEETING NEXT WEEK, THAT WOULD BE A TWO-WEEK DELAY.

MAYOR, IF YOU WOULD LIKE, WE CAN GET THE INFORMATION RATHER QUICKLY FOR THIS -- BEFORE THE END OF THE CONSENT AGENDA. SO IF YOU WOULD LIKE FOR US TO CONFIRM THE TWO THINGS, NUMBER ONE, WHAT AREAS --

**Futrell:** EXPLAIN WHY THE PROBLEM IS WITH THE TWO WEEK DELAY, IF COUNCIL DESIRES A TWO-WEEK DELAY. WHAT'S THE EFFECT OF A TWO-WEEK DELAY?

I'M NOT SURE THAT THERE IS A PROBLEM WITH THE TWO WEEK. I JUST WANTED TO POINT OUT IT WOULD BE A TWO WEEK RATHER THAN A ONE WEEK DELAY BECAUSE WE DON'T MEET NEXT WEEK.

THE FOUR PIECES OF INFORMATION THAT WE COULD CONFIRM FOR YOU, YOU ALL LET US KNOW HOW LONG YOU WANT TO DELAY IT. WE COULD CONFIRM AND BRING YOU THE PLAN LANGUAGE, WE COULD CONFIRM THE AMOUNT OF THE 20% MATCH AND HOIFLLY THE AMOUNT OF THE BRIM REPAIRS SO YOU COULD SEE WHETHER OUR 20% WOULD BE

ENOUGH TO DO THE BRIDGE REPAIRS. WE COULD CONFIRM THE FULL PAVEMENT OF THE TRAIL AND CONFIRM THAT THE MONEY COULD NOT BE TRANSFERRED TO ANOTHER PORTION OR ANOTHER TRAIL PROJECT. THOSE SEEM TO BE THE FOUR QUESTIONS. I WOULD LIKE TO SEE, TOO, I KNOW THE STAFF HAS ALREADY BEEN THROUGH A LOT OF THIS, BUT I WOULD LIKE TO SEE IF THERE'S ANY WAY THAT WE CAN TRANSFER THIS TO ANOTHER PART OF THE TRAIL AND STILL HAVE THE STATE FUNDING -- JUST TO SEE IF THERE'S ANY KIND OF -- BECAUSE I WOULD HATE TO CREATE A SITUATION WHERE YOU HAVE THE -- WHERE YOU HAVE THE NEIGHBORHOOD, GOING AGAINST WHAT THE -- SEEMED LIKE A LOT OF PEOPLE IN THE NEIGHBORHOOD WANT AND IT MIGHT CREATE SOME RESENTMENT BETWEEN THE NEIGHBORHOOD AND PEOPLE COMING THROUGH ON BICYCLES. I WOULD JUST LIKE TO DO EVERYTHING THAT WE CAN TO AVOID THE SITUATION LIKE THAT IF POSSIBLE. WOE JUST HAVE TO CHOOSE TO DO THIS OR NOT DO IT THEN WE WOULD MAKE THAT DECISION, I WOULD LIKE TO HAVE MORE TIME TO CONSIDER THAT.

MAYOR, WE CAN POSTPONE IT FOR TWO WEEKS.

I WOULD MOVE TO DO THAT.

MOTION MADE BY COUNCILMEMBER SLUSHER TO POSTPONE ITEM 10 FOR TWO WEEKS. AND -- UNTIL -- LET'S SEE. MAY 6th, 2004. SECONDED BY COUNCILMEMBER MCCRACKEN.  
FURTHER COMMENTS?

**Thomas:** MAYOR, IF YOU DON'T MIND. WHEN STAFF DOES THE BRIEFING, I WOULD LIKE TO NOTE HOW MANY -- HOW MANY ON THIS PETITION, IT WAS ABOUT 100, YOU SAID? THESE PEOPLE ALL LIVE IN THE NEIGHBORHOOD RIGHT.

THAT APPEARS TO BE THE CASE, YES, SIR.

[INDISCERNIBLE] [INAUDIBLE - NO MIC]

OKAY. JUST WANT TO LOOK AT IT MORE BECAUSE I DON'T -- I UNDERSTAND THAT SAFETY -- THAT WE ARE TALKING ABOUT A TRAIL THAT MIGHT ENHANCE THE COMMUNITY, ALSO. I UNDERSTAND ABOUT -- ABOUT THE SAFETY PART. BUT I

WANT TO LOOK AT IT MORE MYSELF. I WANT TO GO DOWN AND LOOK AT WHAT'S GOING ON.

**Futrell:** IS THERE ANYTHING THAT YOU WOULD LIKE TO US DO IN ANALYZING PETITION --

**Thomas:** NO, THE PETITION IS OKAY. I JUST NEED TO KNOW WHERE -- WHERE EXACTLY -- I KNEW HE WAS DESCRIBING A LITTLE BIT ABOUT MILLENNIUM AND ALL BACK IN THERE.

**Futrell:** GOOD DEAL.

**Mayor Wynn:** MOTION ON THE TABLE AND SECONDED TO POSTPONE ITEM NO. TO MAY 6, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 ABOUT THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. COUNCIL, I APOLOGIZE, WE HAVE ACTUALLY A COUPLE OF VISITORS HERE TODAY. AND I SHOULD HAVE TAKEN THIS UP BEFORE WE STARTED THAT DISCUSSION. THANK YOU ALL. ITEM NO. 27 THAT WAS PASSED EARLIER WAS AN AUTHORIZATION OF THE USE OF TOWN LAKE FOR A WATER EVENT. I WOULD LIKE TO ASK MR. PAUL ELLIS, WHO IS STILL WITH US, TO -- TO COME TO THE PODIUM AND JUST GIVE US A BRIEF DESCRIPTION OF YOUR EVENT AND YOUR --

FIRST OF ALL, THANK YOU VERY MUCH TO ALL OF THE COUNCILMEMBERS FOR ALLOWING ME TO SWIM TOWN LAKE, ESPECIALLY MAYOR PRO TEM GOODMAN AND COUNCILMEMBERS ALVAREZ AND SLUSHER FOR BEING KIND ENOUGH TO SPONSOR IT. I REALLY APPRECIATE THE ATTENTION FOR SWIM TO FOR THE REEVE. IT'S A SWIM -- SWIM FOR THE REEF. IT'S A SWIM ACROSS THE YUCATAN CHANNEL, IT WILL TAKE ME PROBABLY ABOUT 13 TO 14 HOURS TO ACCOMPLISH IT. IT'S BEEN AN IMMENSE FOUR AND A HALF YEAR EFFORT FOR ME TO PREPARE MYSELF FOR THIS EVENT. I DO IT TO BRING ATTENTION TO THE PLANETARY NEED FOR CHANGES NEEDED IN HUMAN BEHAVIOR FOR THE OCEANS OF THE WORLD. I AM -- MY HOPE IS TO RAISE MILLIONS OF DOLLARS TO SUPPORT THE

RECENTLY RELEASED PEW OCEAN REPORTS. THE FIRST REPORT THAT IS OF INTERNATIONAL NATURE IN ALMOST 50 YEARS. THE FINDINGS PRESENT A MOST DIRE CHALLENGE TO ALL OF US ON THIS PLANET EARTH. AND MY SWIM IS AN ATTEMPT TO SHED SOME LIGHT ON THIS VERY IMPORTANT ISSUE. THE TOWN LAKE SWIM EXPRESSES MY LOVE FOR MY CITY AND ALSO I'M USING AUSTIN AS A -- AS A MODEL FOR THE COLLABORATIVE NATURE OF OUR ISSUES THAT WE DEAL WITH. AND AS REPRESENTED BY THE COMMUNITY ACTION NETWORK, THE RESOURCE COUNCIL, THE COMMUNITY COUNCIL, THE ADMINISTRATIVE TEAM PRESENTS AN IMMENSELY WONDERFUL MODEL FOR HOW THESE DIFFICULT NEGOTIATIONS ARE GOING TO HAVE TO BE HANDLED AS RELATES TO THE SUSTAINABILITY OF OUR PLANET'S OCEAN, THE ONE OCEAN OF MANY NAMES THAT WE HAVE. THE THEME OF THE SWIM IS DIFFICULT BUT POSSIBLE. IT'S A VERY DIFFICULT NEGOTIATIONS OF SO MANY USES FOR THE OCEANS, BUT IT IS POSSIBLE AND THAT IS WHAT I'M PUTTING ON MY T-SHIRT FOR AFTER THE SWIM IS OVER. I THANK YOU SO MUCH FOR ALLOWING ME TO BE THE PERSON TO SWIM DOWN TO THE DAM ON TOWN LAKE AND REMIND US ALL THAT THERE'S NOTHING MORE IMPORTANT THAN CLEAN, PURE WATER. THANK YOU SO MUCH, MAYOR, AND THE CITY COUNCIL.

**Mayor Wynn:** THANK YOU, MR. ELLIS. COUNCILMEMBER SLUSHER?

**Slusher:** I WANT TO THANK MR. ELLIS. I THINK THE SLOGAN IS PARTICULARLY APPROPRIATE. NOT ONLY FOR WHAT YOU ARE TRYING TO DO BUT FOR -- BUT FOR ALLOWING ANY KIND OF ENDEAVOR IN PUBLIC LIFE OR PUBLIC ISSUES, I THINK, I JUST WANTED TO THANK YOU FOR BEING A GREAT REPRESENTATIVE OF THE CITY OF AUSTIN.

YOU ARE VERY KIND, THANK YOU, COUNCILMEMBER SLUSHER.

**Mayor Wynn:** THANK YOU, MR. ELLIS, ALSO, COUNCIL, WE HAVE WITH US MR. DAVID HARPER WHO IS PRESIDENT OF THE ANDERSON MILL M.U.D. BOARD. DAVID WE WOULD LIKE TO RECOGNIZE YOU AND FIRST AND FOREMOST THANK YOU

FOR 30 YEARS OF --

THANK YOU. MAYOR WYNN AND CITY COUNCIL AND CITY MANAGER MS. FUTRELL. THANK YOU, THE RESIDENTS OF ANDERSON MILL WILL CELEBRATE 30 YEARS OF PARTNERSHIP WITH OUR SISTER AND GREAT FRIEND THE CITY OF AUSTIN. AND I JUST CAME DOWN THIS MORNING TO EXPRESS THE THANKS THAT WE THE RESIDENTS OF ANDERSON MILL HAVE FOR THIS GREAT PARTNERSHIP. IT IS - IT IS -- AND I WOULD ESPECIALLY LIKE TO -- TO TELL THE CITY MANAGER FUTRELL THAT WE HAVE SUCCESSFULLY GOTTEN TWO WATER AND WASTEWATER DEPARTMENTS WORKING FABULOUSLY TOGETHER. AND THAT -- AS A RESULT THE -- THE WHOLESALE CUSTOMER, YOUR MANAGER, MR. JENNINGS, IS NOW REQUESTING ANDERSON MILL TO SUPPLY OUT OF DISTRICT SERVICE TO THE CITY THAT YOU CURRENTLY CANNOT SERVE. AND IT IS JUST WORKING PERFECTLY. AND I DON'T KNOW WHETHER IT'S SUNDAY OR MONDAY, BUT AGAIN THANK YOU, THANK YOU, THANK YOU FOR ALLOWING US TO -- TO HAVE 30 YEARS OF HAPPY AND GOOD LIFE AT ANDERSON MILL, THANK YOU.

**Slusher:** MAYOR?

**Mayor Wynn:** COUNCILMEMBER SLUSHER?

**Slusher:** I WANTED TO SAY I SERVE ON THE CAPITAL METRO BOARD, COUNCILMEMBER THOMAS AND MYSELF BOTH ALONG WITH PRESIDENT HARPER, HE DOES A GREAT JOB THERE FOR REPRESENTING WILLIAMSON COUNTY. AND I JUST WANTED TO THANK HIM, HE'S -- HE'S VERY MODEST IN HIS APPRAISAL OF THE REALLY THE RELATIONSHIP HE'S BEEN THE MAIN ONE IN HELPING BUILD. IT'S BEEN A TEAM EFFORT ON BOTH SIDES, BUT PROBABLY WOULDN'T HAVE GOTTEN DONE WITHOUT HIM AND ANDERSON MILL HAS BEEN GREAT NEIGHBORS TO THE CITY OF AUSTIN. AND ALSO GREAT PARTNERS. SO WE REALLY APPRECIATE AND CONGRATULATIONS ON THE 30 YEARS.

THANK YOU FOR THOSE KIND WORDS, THANK ALL OF YOU, AGAIN, THANK YOU.

**Mayor Wynn:** THANK YOU MR. HARPER. COUNCILMEMBER

SLUSHER, YOU HAD PULLED ITEM NO. 29 RELATED TO OUR SOUND ORDINANCE. I BELIEVE PERHAPS THE DISCUSSION WON'T BE THAT LENGTHY. WOULD YOU LIKE TO --

**Slusher:** I REALLY DID THAT AS A DESIGNATED ITEM PULL FOR THE COUNCIL [LAUGHTER] BUT I FIGURED THAT WE WOULD WANT TO HAVE A LITTLE DISCUSSION ON IT. AND ONE THING WAS THE -- WHAT I SAW YESTERDAY AFTERNOON SEEMED TO EXPAND THE BOUNDARIES AND I WOULD LIKE TO GET THAT CLARIFIED, WHAT THAT MEANS.

**Slusher:** MAYOR?

**Dunkerley:** COUNCILMEMBER DUNKERLY?

**Dunkerley:** MAYOR?

**Mayor Wynn:** COUNCILMEMBER DUNKERLY?

**Dunkerley:** I WOULD TRY TO TRY THAT PARTICULAR ITEM. MY POINT IN SUPPORTING THIS ITEM IS TO CORRECT AN OMISSION THAT I THOUGHT WE HAD MADE WHEN THE ORDINANCE WAS ORIGINALLY PASSED. I THOUGHT -- THAT WE HAD EXEMPTED SOUTH-BY-SOUTHWEST FROM THE DOWNTOWN MUSIC AREA. AND WHEN WE LOOKED AT THE ORDINANCE, WE HAD NOT. SO MY ATTEMPT AT THIS POINT IS TO -- WAS TO MAKE THAT EXEMPTION. IF YOU COULD CLARIFY WHERE THE BOUNDARIES OF THE -- YOU KNOW, I -- I WAS SURPRISED WHEN I LOOKED AT IT, BUT I DIDN'T RECOGNIZE THE BOUNDARIES OF THE CENTRAL BUSINESS DISTRICT. BUT IF YOU COULD ELABORATE ON THAT, I WOULD APPRECIATE IT.

YOU BET. LET ME PROVIDE A LITTLE BIT OF CLARIFICATION BECAUSE THE ORDINANCE THAT YOU PASSED LAST YEAR DOES CONTAIN A SOUTH-BY-SOUTHWEST EXEMPTION, BUT RECALL LAST YEAR WHAT WE WERE TALKING ABOUT IS OUTDOOR MUSIC VENUES. WE CREATED SOME 2, WHAT WE CALL CARVEOUTS ONE IN THE SIXTH STREET ONE IN THE WAREHOUSE DISTRICT. IN THOSE AREAS WE ALLOWED THE OUTDOOR MUSIC VENUES TO HAVE LATE NIGHT HOURS FOR PLAYING MUSIC. THEN BECAUSE WE KNEW THAT OUTDOOR MUSIC VENUES WERE USED PRETTY WIDELY DURING THE

SOUTH-BY-SOUTHWEST EVENT, WE SUSPENDED THE TIMES FOR OTHER OUTDOOR MUSIC VENUES DURING SOUTH-BY-SOUTHWEST. BUT WHAT THAT DIDN'T CAPTURE WAS MUSIC THAT WAS BEING PLAYED INSIDE OF THE CLUBS. SO WHAT YOU HAVE BEFORE YOU TODAY IS AN EXEMPTION THAT WITHIN THE CENTRAL BUSINESS DISTRICT, WHICH DOES HAVE A WIDER SET OF BOUNDARIES THAN THOSE TWO VERY NARROW CARVEOUTS, WE SIMPLY SUSPEND THE ORDINANCE DURING THE WEEK OF SOUTH-BY-SOUTHWEST, SO THAT BOTH THE INDOOR MUSIC VENUES AN THE OUTDOOR MUSIC VENUES HAVE THE ADVANTAGE OF THE LATE-NIGHT HOURS.

**Dunkerley:** OKAY. DOES THAT ANSWER YOUR QUESTION, COUNCILMEMBER?

**Slusher:** WHAT ARE THOSE BOUNDARIES THEN?

THERE'S SEVEN BOUNDARIES, LET ME WALK YOU THROUGH THEM. AT CESAR CHAVEZ AT LAMAR, THAT'S THE BEGINNING. NORTH ON LAMAR BOULEVARD TO 29th STREET. EAST ON 29th STREET TO GUADALUPE. SO IT TAKES YOU ALL TO THE UNIVERSITY AREA. SOUTH ON GUADALUPE STREET TO DEAN KEETON STREET. EAST ON DEAN KEETON TO I-35. COME DOWN SOUTH ON 35 FROM DEAN KEETON TO CESAR CHAVEZ. AND WEST ON CESAR CHAVEZ FROM I-35 TO LAMAR. WHICH IS BACK TO THE BEGINNING POINT.

**Slusher:** OKAY. WAS -- IS THIS PART OF WHAT -- WHAT WENT BEFORE THE MUSIC COMMISSION THIS -- THIS PARTICULAR CHANGE?

YES.

**Slusher:** THEY RECOMMENDED IT?

YEAH, THEY RECOMMENDED THIS. IN FACT THE MUSIC COMMISSION WOULD LIKE OTHER KINDS OF EXEMPTIONS AS WELL. BUT THEY ARE CERTAINLY IN FAVOR OF THIS. WE HAVE TALKED TO THE ORGANIZERS OF SOUTH-BY-SOUTHWEST AND I THINK THIS PICKS UP ALL OF THEIR OFFICIAL VENUES EXCEPT FOR TWO. I BELIEVE THERE'S ONE

ON SOUTH CONGRESS THAT THIS WOULDN'T PICK UP.

**Slusher:** OKAY. WELL, I'M -- MAYBE SOME OF THE OTHER COUNCILMEMBERS HAVE QUESTIONS. I DON'T WANT TO HOG THE FLOOR ON THIS ONE.

**Thomas:** SO WHEN YOU SAID -- EXPLAIN -- YOU EXPLAINED THE AREA, WHAT IS THE TIME LIMIT HERE.

THERE WOULD NOT BE A TIME LIMITATION. RIGHT NOW AT 2:00 A.M., THE STANDARDS BECOME GOES IF THE ADJACENT PROPERTY OWNER CAN HEAR MUSIC, THEN IT IS A VIOLATION OF THE ORDINANCE. THIS REMOVES THE TIME RESTRICTION. BUT THERE IS STILL ANOTHER BACK STOP IN PLACE HERE AND THAT'S STATE LAW. AND STATE LAW DEFINES A NUISANCE AND DAVID I WON'T BE THE ATTORNEY HERE, BUT THEY DO SAY 85 DECIBELS IN THE STATE LAW. THOSE OF YOU THAT REMEMBER WHEN WE WERE ENFORCING NOISE USING ONLY THE STATE LAW, WILL REMEMBER THAT IT ALSO INCLUDES A PROVISION THAT YOU PROVIDE A NOTICE. SO YOU HAVE TO TELL SOMEONE TO TURN IT DOWN AND THEN YOU CAN COME BACK AND ISSUE THE TICKET. BUT THAT STATE LAW IS STILL IN PLACE.

**Thomas:** SO YOU ARE SAYING SOUTH-BY-SOUTHWEST IS GOING TO BE EXEMPTED. WHAT ABOUT OTHER VENUE THAT'S MIGHT WANT TO DO THIS? ARE WE JUST EXEMPTING SOUTHWEST?

ACTUALLY, WHAT WE DO IS WE -- WITH -- WE ARE WITHHOLDING THE ORDINANCE DURING THE PERIOD OF SOUTH-BY-SOUTHWEST, I DON'T THINK THAT YOU WOULD BE HAVE -- HAVE TO BE AN OFFICIAL VENUE TO GET THE ADVANTAGE OF THE SUSPENSION, IT WOULD BE ALL VENUES DURING THAT TIME FRAME.

**Thomas:** OF SOUTH-BY-SOUTHWEST.

THE WAY WE WORDED THAT DURING THE ANNUAL SOUTH-BY-SOUTHWEST MUSIC EYE VENT, DURING THAT TIME FRAME THIS CHAPTER DOES NOT APPLY IN THE CENTRAL BUSINESS DISTRICT.

**Thomas:** NOW I'M GOING TO ASK WHY ARE WE DOING THIS TODAY? THIS IS --

[INDISCERNIBLE]

**Mayor Wynn:** COUNCILMEMBER MCCRACKEN?

**McCracken:** .

**Futrell:** ALTHOUGH I THINK IT WOULD BE GOOD TO HAVE LAURA ANSWER THAT QUESTION. THAT'S A JOKE.

YOU WANT ME TO TAKE A SHOT AT THAT?

**Futrell:** NO, NO, NO.

**McCracken:** I HAVE A GRAPHIC DISPLAY, I KNOW THAT COUNCILMEMBER DUNKERLY --

**Thomas:** I JUST NEED AN ANSWER OF WHY ARE WE DOING THIS TODAY. I DON'T NEED A GRAPHIC. THE REASON WHY I'M HITTING YOU -- [MULTIPLE VOICES]

**Thomas:** I KNOW YOU BROUGHT IT UP TODAY. I'M SAYING WHAT IS THE PURPOSE OF DOING THAT. LOOK LIKE WE EXEMPT ONE AREA, YOU ARE NOT FAIR TO ANYBODY ELSE. I UNDERSTAND ABOUT SOUTH-BY-SOUTHWEST, HOW LARGE IT IS AND HOW -- HOW IT BENEFITS THE CITY. BUT IT'S MORE TO THIS THAN JUST EXPANDING IT. I THINK TO ME, PERSONALLY, I'M NOT GOING TO SUPPORT IT ANYWAY, BUT I'M GOING TO SAY THIS. IS BECAUSE WE OPENING UP SOMETHING THAT I DON'T THINK WE SHOULD BE OPENING UP. HOW WE MISSED THIS I DON'T KNOW HOW WE COULD HAVE MISSED THIS WHEN WE WERE DOING THE NOISE ORDINANCE. BUT I THINK THAT IT PLAYS MORE THAN TO JUST MISSING THIS IN THE NOISE ORDINANCE WHEN WE WERE DOING THIS. TO ME I DON'T THINK IT'S FAIR. I THINK THAT WE NEED TO LEAVE IT LIKE IT IS. ALLOWING THEM TO PLAY MUSIC THAT LONG -- THERE ARE PEOPLE IN THOSE AREAS THAT YOU ARE NAMING THAT LIVE THERE AND AFTER 2:00 I THINK THAT IS -- I THINK THAT IS PRETTY NEED ENOUGH NO. 2:00 A.M. IN THE MORNING. WHEN YOU GO PAST THAT, AND THEN YOU HAVE PEOPLE LIVING IN THAT

GENERAL AREA, AND WE HAVE -- WE HAVE A HARD TIME ENFORCING IT NOW, YOU GO PAST 2:00, I THINK THAT WE OPEN UP SOMETHING THAT IS NOT FAIR TO THE REST OF THE CITIZENS LIVING IN THAT GENERAL AREA. I'M THROUGH. YOU CAN GO TO YOUR CHARTS NOW.

COUNCILMEMBER MCCRACKEN?

MAYOR, WHILE COUNCILMEMBER MCCRACKEN IS SETTING UP HIS POSTER, LET ME CLARIFY. THE MUSIC COMMISSION DID NOT SPECIFICALLY CONSIDER THE WORDING OF THIS LANGUAGE. THERESA FERGUSON IS HERE, IF YOU HAVE QUESTIONS SHE CAN ANSWER THEM. BUT I DO KNOW THAT THEY ARE IN FAVOR OF A VARIANCE PROCESS. I BELIEVE THEY WERE IN FAVOR OF RELAXING THE MUSIC ORDINANCE DURING SOUTH-BY-SOUTHWEST AND SHE'S NODDING.

**McCracken:** OUR TECHNOLOGY IS GETTING BETTER. THIS THING IS FALLING, I NEED SOME HELP HERE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

**McCracken:** AND THEN ANNA -- I HOPE I'M PRONOUNCING HER NAME RIGHT, ANNA EGGY, AT ONE IN THE MORNING. THERE'S A ONE HOUR INCREMENTS FROM EIGHT TO NINE, NINE TO 10. AND SO ON. AND ONE TO TWO IN THE MORNING. THE SAME AT ANTONE'S. AND THERE WERE A NUMBER OF OTHER CLUBS AT THAT TIME AS WELL. THIS IS THE ONLY TIME OF THE YEAR IN AUSTIN WHERE VIRTUALLY EVERY MUSIC CLUB IN THE CITY IS RUNNING ON THIS TIGHT, ONE-HOUR PER BAND SCHEDULE FROM EIGHT IN THE EVENING, ENDING AT 2:00 A.M. NOW, WHAT HAPPENED WITH THE OAS SUE MOTLEY SITUATION IS THIS. ONE MANNED RAN BEHIND BY 10 MINUTES AND ANOTHER BAND RAN BEHIND BYNER 10 MINUTES. AND IN THE CASE OF OAS SO MOTLEY -- OZU MOTLEY, THEY DID NOT TAKE THE STAGE UNTIL ONE IN THE MORNING. THERE WAS A BACKUP FOR EACH OF THE BANDS DURING THE EVENING. AND IN FACT, BOB SCHNEIDER, FOR INSTANCE, WHO PLAYED AT ANTONE'S THAT EVENING, POTENTIALLY COULD HAVE BEEN IN THE SAME SITUATION OF FACING CRIMINAL SANCTION IF HIS SHOW WENT ON PAST TWO IN THE MORNING AT ANTONE'S DURING SOUTH BY SOUTHWEST. SO THIS IS THE ONLY TIME DURING THE YEAR THAT ALL THESE MUSIC CLUBS ARE GOING UNTIL -- ON

THESE TIGHT ONE-HOUR SCHEDULES. AND IF WE HAVE A SITUATION WHERE THERE'S ANY DEVIATION BY EVEN A FEW MINUTES, THEN THE HEADLINE ACT IN ANY OF THESE CLUBS FACES CRIMINAL SANCTION DUE TO OUR NOISE ORDINANCE BASED ON THE FACT THAT THEY WOULD BE PLAYING PAST 2:00 A.M. WHAT COUNCILMEMBER DUNKERLEY AND I ASKED CITY STAFF TO COME UP WITH IS A LEGISLATIVE PROPOSAL TO MAKE SURE THAT THIS NEVER HAPPENS AGAIN. THAT WE ARE PROMOTING AUSTIN'S LIVE MUSIC CAPITOL OF THE WORLD, AND THIS IS THE MOST INTERNATIONAL ATTENTION THAT AUSTIN RECEIVES AT ANY TIME OF THE YEAR. FOR INSTANCE, THERE WERE SIX BRITISH BROADCASTING CORPORATION CREWS HERE. SOUTH BY SOUTHWEST WAS BEING BROADCAST ALL OVER THE GLOBE. THERE WERE FOREIGN PRESS FROM ALL OVER THE COUNTRY. WE WANT TO MAKE SURE THAT WE ARE ADDRESSING SPECIFIC ISSUES. I AM NOT SPECIFICALLY WE HAD TO ANYTHING OTHER THAN THIS. LET'S FIX THIS PROBLEM TO MAKE SURE THAT IT NEVER HAPPENS AGAIN. AFTER WHAT HAPPENED WITH ONE OF THE BANDS, OZU MOTLI, FACING CRIMINAL SANCTIONS BECAUSE THEIR SHOW RUN FROM 1:30 TO 2:30 IN THE MORNING THROUGH NO FAULT OF THEIRS, I HEARD THIS ALL OVER THE CITY, GOSH, WE NEVER MEANT FOR THE SOUND ORDINANCE TO LEAD TO THIS RESULT. SO TODAY IS THE COUNCIL'S OPPORTUNITY TO DECIDE WHETHER WE MEAN THAT. DO WE MEAN THE SOUND ORDINANCE TO PRODUCE A RESULT WHERE THE HEADLINE BANDS EACH EVENING DURING SOUTH BY SOUTHWEST FACE CRIMINAL SANCTIONS BECAUSE OF THE CITY NOISE ORDINANCE IF THE PREVIOUS BANDS RAN OVER SCHEDULE AND THERE BY PUT THEM AT RISK OF CRIMINAL SANCTIONS. IT WOULD HURT THE CITY'S REPUTATION. THIS IS A VERY NARROWLY TAILORED RESPONSE TO ADDRESS A SPECIFIC PROBLEM THAT WE HAVE BECOME AWARE OF. AND I KNOW THAT I AND COUNCILMEMBER DUNKERLEY, WE DON'T INTEND TO GO BEYOND ANYTHING OTHER THAN FIXING THIS NARROW PROBLEM THAT IS UNIQUE TO THE WEEK OF SOUTH BY SOUTHWEST. YOU WILL STILL HAVE NOISE ORDINANCE PROTECTION FROM STATE LAW, BUT IT'S THE OLD DEAL LIKE -- THE OLD HIGH SCHOOL PARTIES WHERE THE POLICE COME OUT AND SAY TURN DOWN THEIR NOISE AND THEY COME BACK OUT AGAIN AND CITE YOU. PEOPLE CAN

COMPLAIN, THE SITUATION CAN GET SOLVED, BUT WE WILL NOT HAVE A CITY NOISE ORDINANCE THAT IMPOSES CRIMINAL SANCTIONS ON MUSICIANS DURING SOUTH BY SOUTHWEST FOR PLAYING MUSIC AFTER 2:00 A.M. THROUGH NO FAULT OF THEIRS. MATURE MAYOR COUNCILMEMBER DUNKERLEY?

I THINK ONE OTHER ISSUE THAT HELPS US PERHAPS IN THIS ARENA IS THAT UNDER STATE LAW ALCOHOL SALES STOP AT 2:00 O'CLOCK. SO WE'RE REALLY TRYING TO LOOK AT THAT PERIOD OF TIME, RELATIVELY SHORT PERIOD OF TIME WHERE THESE BANDS COULD ACCIDENTALLY RUN OVER. BUT I DON'T THINK THERE IS A LIKELIHOOD OF MUSIC CONTINUING TO THE WE HOURS, ESPECIALLY IF THERE ARE NO ALCOHOL SALES.

**Thomas:** MAYOR? COULD I ASK ONE OF THE DEPARTMENTS -- A.P.D. HOW WE'RE GOING TO -- HOW WOULD IT AFFECT THE ENFORCEMENT OF THE NOISE ORDINANCE ON THE STATE LEVEL.

RICK COY, ASSISTANT CHIEF OF POLICE WITH THE POLICE DEPARTMENT. COUNCILMEMBER, IF THERE IS ANY VIOLATION OF LAW, IT WOULD ONLY PERTAIN TO A STATE VIEWLTIION OF DISORDERLY CONDUCT. AND I BELIEVE AS COUNCILMEMBER MCCRACKEN STATED, AS YOU'RE FAMILY, DOC, UNREASONABLE NOISE WITH A COMPLAINANT AND THE WAY WE HANDLE THOSE IS THE FIRST TIME WE GET A CALL IT'S A VERBAL WARNING TO CEASE AND DESIST. THE SECOND CALL WOULD BE SOME TYPE OF CITATION. ONLY THEN IF IT'S REPEATED WOULD THERE BE ANY TYPE OF ARREST SITUATION.

**Thomas:** THAT'S A THREE-PHASE PROCESS, RIGHT?

YES, SIR.

**Thomas:** AND HOW DO YOU THINK IT'S GOING TO EFFECT -- ARE WE GOING TO BE ABLE TO ENFORCE THAT IF WE CONTINUE TO EXPAND THE HOURS PAST 2:00 O'CLOCK?

WOULD WE BE ABLE TO ENFORCE THE DISORDERLY

CONDUCT?

**Thomas:** RIGHT.

CERTAINLY. THE SAME WAY WE DID WITH THE SAME CITYWIDE. IT WOULD BE THE SAME CITYWIDE. THE ONLY DIFFERENCE I THINK WOULD BE ANYTHING LIKE THE -- WITH THE BOOM BOXES WOULD BE EXEMPT ON MY UNDERSTANDING DURING THIS TIME PERIOD, AND THE ONLY OTHER SITUATION WOULD BE SOMETHING LIKE WE'VE HAD CONSTRUCTION NOISES, THINGS LIKE THAT, BUT WE HAVE COOPERATION WITH THOSE PEOPLE WHEN WE DO THAT.

**Thomas:** OKAY. THANK YOU.

**Mayor Wynn:** FURTHER COMMENTS? COUNCILMEMBER SLUSHER.

**Slusher:** SO CHIEF COY, COME BACK UP. I HAD TO BE OFF FOR JUST A SECOND. SO THE PROCEDURE IS IF SOMEBODY CALLS, THE OFFICERS COME OUT AND FIRST THEY WOULD GIVE A WARNING?

YES. THE FIRST TIME WOULD BE A VERBAL WARNING TO TRY TO STOP THE PROBLEM. ONLY THEN IF IT CONTINUED WOULD A CITATION BE ISSUED.

**Slusher:** OKAY. HOW IS THAT SIMILAR OR DIFFERENT THAN WHAT WOULD TAKE PLACE UNDER THE CITY ORDINANCE?

I WOULD HAVE TO ASK SOME OF THE WALKING BEAT OFFICERS ON THAT ONE WITH THE CITY ORDINANCE. MY UNDERSTANDING, THOUGH, IS IT REALLY WOULDN'T BE MUCH DIFFERENT FROM MY OWN PERSONAL EXPERIENCE, BUT THAT WAS MANY YEARS AGO WHEN I WAS INVOLVED AT THAT LEVEL.

**Slusher:** OKAY. BUT RIGHT NOW ARE YOU RESPONDING JUST TO COMPLAINTS OR -- WELL, THE OWES SUE MOTDLY THING ON SIXTH STREET, ONE OF THE COMPLAINTS IS WHERE THE OFFICERS WERE DOWN THERE AS PART OF THE PUBLIC SAFETY ON SIXTH STREET. OZU MOTLI. SO WHAT HAPPENED HAPPEN, FOR INSTANCE, IF THE SAME SITUATION UNDER

THE STATE LAW, IF WE HAD THE SAME TYPE OF THING OCCUR WHERE IT DID ON -- DURING THE SOUTH BY SOUTHWEST?

UNDER THE STATE LAW IT WOULD BE JUST LIKE I TALKED ABOUT. WE WOULD TRY TO RESOLVE THE PROBLEM. IF IT CONTINUED THERE WOULD BE A CITATION. I KNOW WE'VE HAD -- I CAN TELL YOU FROM EXPERIENCE WE'VE HAD A PLACE RIGHT HERE THE POLICE STATION, EIGHTH AND RED RIVER, WE HAD SOME SOUND PROBLEMS THERE. WE WERE ABLE TO WORK WITH THOSE WITH VERBAL, THERE WAS NO CITATIONS. I CAN REMEMBER WALKING WITH THE CITY MANAGER A COUPLE OF MONTHS AGO ON A SATURDAY NIGHT AND WE ENCOUNTERED A SITUATION AND THE OFFICERS GAVE A VERBAL AND WERE ABLE TO GET IT STOPPED WITHOUT ANY CITATIONS OR ARRESTS.

**Slusher:** BUT YOU'RE TELLING ME, THOUGH, THAT THE SAME SITUATION COULD OCCUR UNDER THE STATE LAW AS UNDER THE CITY LAW? I MEAN, DIFFERENT PEOPLE HAVE DIFFERENT OPINIONS ON HOW THIS WAS HANDLED, AND LET'S JUST SET THAT ASIDE AND WE WON'T DEBATE THAT HERE AND THE COURT WILL DECIDE THAT. BUT IT COULD HAVE ENDED UP IN THE SAME TYPE OF SITUATION, WHETHER YOU HAD THE CITY ORDINANCE OR NOT?

THAT'S CORRECT. AND THERE'S NOTHING -- WHEN AN OFFICER GOES OUT, IF THE PERSON FLAT REFUSES, JUST TOTALLY UNCOOPERATIVE OR THE OFFICERS BELIEVE THAT A VERBAL WILL NOT WORK, THEY HAVE THE RIGHT TO TAKE OTHER ENFORCEMENT ACTION SUCH AS CITATION OR ARREST.

**Slusher:** OKAY. SOUNDS LIKE WE COULD HAVE THE SAME SITUATION UNDER THE STATE -- UNDER THE STATE LAW.

THERE IS A DIFFERENCE IN THE LANGUAGE FOR THE PRESUMPTION OF GUILT AND THE CASE IN COURT. UNDER THE DISORDERLY CONDUCT IT'S UNREASONABLE NOISE. WHAT'S UNREASONABLE TO A REASONABLE PERSON THAT YOU HAVE TO MEET. UNDER THE CITY ORDINANCE, THERE'S SPECIFIC LIMITATIONS PUT IN PLACE BY TIME, AND IT'S VERY FINITE AND DEFINED ON WHAT THOSE VIOLATIONS ARE. IT'S

MORE GENERALIZED UNDER THE DISORDERLY CONDUCT STATUTE.

**Slusher:** WE COULD HAVE THE SAME THING HAPPEN ON SIXTH STREET? WE COULD HAVE CITIZENS CALLING IN AND IF IT'S AFTER 2:00, WE COULD HAVE -- I DON'T WANT TO DRAG YOU INTO THE DEBATE, BUT IT SEEMED LIKE TO ME YOU COULD HAVE EVEN MORE INSTANCES OF THE POLICE COMING TO MUSIC VENUES BECAUSE IT WOULD BE ALLOWED TO GO ON LONGER AND THEN PEOPLE WOULD START CALLING IN POTENTIALLY.

IF SOMEBODY CALLED IN UNDER THE DISORDERLY CONDUCT STATUTE, AND I WAS TOLD BY CITY LEGAL THIS MORNING THAT 85-DECIBEL IS THE THRESHOLD WE WOULD USE FOR THAT, SO IT COULD HAVE -- I GUESS WHAT YOU'RE SAYING, A SIMILAR SITUATION WITH THAT IF YOU HAD A COMPLAINT ON IT, WE WOULD RESPOND AND DEAL WITH IT.

ONE KEY DIFFERENCE WOULD BE THAT BEFORE 2:00 A.M. THE ENFORCEMENT CRITERIA WOULD BE VERY SIMILAR BETWEEN STATE LAW AND OUR CODE. IT'S THE 85-DECIBEL CRITERIA, BUT AFTER 2:00 A.M. UNDER CITY ORDINANCE, YOU'RE NOT EVENING ALLOWED TO PLAY MUSIC THAT CAN BE HEARD IN AN ADJACENT BUSINESS. AND THAT 85-DECIBEL CRITERIA WOULD BE WHAT STATE LAW HAS. SO IT WOULD BE THE SAME BEFORE 2:00 A.M., BUT IT WOULD BE RELAXED AFTER 2:00 A.M. AND -- BUT THE OTHER PIECE OF IT IS THE ENFORCEMENT PROCEDURES ARE THE SAME UNDER STATE LAW AS THEY ARE UNDER CITY ORDINANCE, WHICH IS THAT THERE'S A WARNING SYSTEM.

**Slusher:** SO YET THE ORDINANCE GOES NOT IN EFFECT AFTER 2:00 A.M. AT SOUTH BY SOUTHWEST OR NOT, ANY TIME. IT WOULD KICK IN -- THE STATE LAW WOULD KICK IN SO YOU HAVE A LOT SIMILAR SITUATION -- YOU HAVE A VERY SIMILAR SITUATION.

CORRECT.

**Slusher:** OKAY.

**McCracken:** MAYOR --

**Slusher:** I'VE GOT ANOTHER LINE OF QUESTIONS.

**McCracken:** I WANT TO FOLLOW UP ON THAT LINE TOO. UNDER CURRENT LAW, CHIEF COY, IT'S A COMPLAINT-DRIVEN MEANS OF ENFORCEMENT AFTER 2:00 A.M. CURRENTLY FOR THE CITY NOISE ORDINANCE?

YES, IT IS, AFTER 2:00 A.M. IT WOULDING COMPLAINT DRIVEN.

**McCracken:** SO ONE GOOD THING TO KNOW IS THEN THAT THERE'S NOT SUPPOSED TO BE ENFORCEMENT OF THE NOISE ORDINANCE AFTER 2:00 A.M. UNLESS THERE IS A SPECIFIC COMPLAINT MADE BY A CITIZEN?

NOT NECESSARILY. I CAN -- I KNOW OF ONE SITUATION -- THE PROBLEM WHEN YOU HAVE THE ORDINANCES AND THE LAWS LIKE THIS, TO BE FAIR, THERE'S SO MANY BUSINESS OWNERS THAT TRY TO COMPLY AND LIVE WITHIN THE ORDINANCE THAT'S DRAFTED, IF OFFICERS ARE AWARE THAT SOMEONE IS VIOLATING THAT AND GOING ON, IF THEY DON'T HAVE A COMPLAINT, THEY WILL TRY TO STOP IT AND MAKE THEM CONFORM. SO IT'S NOT NECESSARILY ALWAYS, BUT USUALLY THE NORM IS A COMPLAINT.

**McCracken:** UNDER STATE LAW WOULD IT HAVE TO BE A COMPLAINT OR WOULD IT -- BEFORE THERE WOULD BE ANY EFFORT TO ENFORCE IT?

MOST LIKELY YES, IT WOULD BE COMPLAINT-DRIVEN ON DISORDERLY CONDUCT. BUT THE OFFICER HAS UNDER STATE LAW THE AUTHORITY TO ENFORCE ANY DISORDERLY CONDUCT ON HIS OWN, BUT THE NORM WOULD BE A COMPLAINT.

**McCracken:** BUT CURRENTLY THEN THE RULE IS THAT IF ANY ADJACENT NEIGHBOR CAN HEAR MUSIC AFTER 2:00 A.M. UNDER THE CITY'S NOISE ORDINANCE, THAT'S A VIOLATION OF THE NOISE ORDINANCE?

AS IT'S WRITTEN NOW.

**McCracken:** FOR INSTANCE, WHEN BOB BOB SCHNEIDER TOOK THE STAGE, IF HE WENT ON TO 2:05 AND YOU COULD HEAR HIM THE NEXT BUSINESS OVER DURING SOUTH BY SOUTHWEST, HE WOULD BE VIOLATING THE CITY'S CRIMINAL LAWS ON NOISE AFTER 2:00 A.M.?

CURRENTLY THE WAY IT'S WRITTEN, NECESSARY. YES, SIR.

**Slusher:** OKAY, MAYOR. ONE, I WANTED TO -- I WANTED TO HAVE THE MUSIC COMMISSION CHAIR COME UP AND TALK A LITTLE BIT ABOUT WHAT THEY CONSIDERED. ANOTHER THING THAT OCCURS TO ME, I KNOW THAT ONE OF THE PRINCIPALS IN SOUTH BY SOUTHWEST HAD AN ARTICLE OR EDITORIAL OR WHATEVER IN THE CHRONICLE LAST WEEK AND HE SAID, WELL, IF WE SIT DOWN AND TALK TO THE CITY, WE CAN PROBABLY WORK SOMETHING OUT. THAT'S ALWAYS HAPPENED BEFORE. AND SO THAT'S ONE THING. ANOTHER THING IS WHEN YOU GO CHANGING LAWS, PASSING LAWS, YOU SOMETIMES GET UNINTENDED CONSEQUENCES. AND I'M WORRIED THAT COULD HAPPEN HERE AND THEN WE'LL HAVE SOME OF THE NEIGHBORS THAT NOW GET AFFECTED BY THIS CHANGE AND THEN WE HAVE TO CONSIDER IT AGAIN. I HAVE MIXED FEELINGS ABOUT WHAT TO -- THE NOISE ORDINANCE -- WHETHER TO VOTE FOR THE NOISE ORDINANCE THE FIRST TIME, BUT I VOTED AFTER IT BECAUSE WE WENT THROUGH A LONG DELIBERATIVE PROCESS AND WE CAME UP WITH A FAIRLY GOOD COMPROMISE, I THOUGHT. SO I'M CONCERNED ABOUT THAT. AND IT OCCURS TO ME AS FAR AS WORKING SOMETHING OUT, MAYBE IT'S A RADICAL IDEA AND I'M CERTAINLY NOT INVOLVED IN RUNNING SOUTH BY SOUTHWEST, BUT IF THERE'S THIS PROBLEM OF THEY RUN UP TO 2:00 O'CLOCK, MAYBE THEY COULD START 20 OR 30 MINUTES EARLIER RATHER THAN CHANGE THE LAW. AND IF THE PRINCIPALS OF SOUTH BY SOUTHWEST ARE SAYING WE CAN SIT DOWN WITH THE CITY AND WORK SOMETHING OUT, THERE'S JUST AN IDEA TO THROW ON THE TABLE. MR. FERGUSON, I JUST WANTED TO KNOW IF -- I WANT TO HEAR FROM YOU DIRECTLY WITH A Y'ALL CONSIDER -- I KNOW YOU WANTED TO GO BEYOND IT AND I THINK WE MIGHT WANT TO LOOK AT THAT OR SEND IT TO A TASKFORCE OR SOMETHING. BUT I THINK WHAT THE SPONSOR IS WANTING TO DO AND THE COUNCIL IS KEEP IT MORE NARROWLY FOCUSED ON THIS

ITEM RIGHT NOW. WHEN Y'ALL CONSIDERED THIS, WERE YOU THINKING ABOUT JUST THESE CORRIDORS THAT THE CITY MANAGER REFERRED TO EARLIER OR WERE YOU TALKING ABOUT THIS WHOLE AREA THAT'S BEFORE US RIGHT NOW?

ONE OF THE PROVISIONS OF THE RESOLUTION THAT WE ADOPTED A COUPLE OF WEEKS AGO HAS THREE PROVISIONS, TO EXPAND THE CARVEOUT AREAS OF THE ENTERTAINMENT DISTRICT BECAUSE, FOR EXAMPLE, THE CARVEOUT AREA THAT IS THE WAREHOUSE DISTRICT DOESN'T ENTAIL ALL OF IT. IT EXCLUDES TWO LIVE MUSIC OUTDOOR VENUES, OPAL DIVINES AND MOTHER EGANS. AND THEN TO GIVE SPECIAL CONSIDERATION FOR LARGE EVENT'S LIKE SOUTH BY SOUTHWEST, THAT WAS THE OTHER. AND THEN TO SOMEHOW ADOPT A VARIANCE PROCESS. BECAUSE WE BELIEVE THAT IF YOU TAKE SOUTH BY SOUTHWEST OFF THE TABLE THAT WE BELIEVE THAT THERE ARE GOING TO BE VENUES IN AUSTIN THAT WILL BE VERY -- THAT COULD BE VERY VIABLE TO HAVE LIVE MUSIC OUTDOORS PAST, SAY, 10:30 ON A SUNDAY NIGHT. FOR EXAMPLE, NORTH BY NORTHWEST UP IN THE 183/360 AREA. WE REALLY DO BELIEVE THAT A VARIANCE PROCESS IS NECESSARY, BUT GOING BACK TO THE PROVISION OR WHAT YOU HAVE TO VOTE ON TODAY, IT SEEMS THAT FROM WHAT I UNDERSTAND, I JUST HEARD IT FOR THE FIRST TIME TODAY, IT SEEMS THAT THIS WOULD ALLOW CONSISTENCY OF ENFORCEMENT. BOBBY OLIVER, COMMANDER BOBBY OLIVER, SPOKE TO US AT OUR COMMISSION MEETING A COUPLE OF WEEKS AGO AND WE TALKED A LOT ABOUT THE OZU MOTLI CASE. AND IT SEEMED THAT INCREASED COMMUNICATION BETWEEN THE OFFICERS DOWN ON SIXTH STREET AND JUST THE ASPECT OF CONSISTENCY WAS VERY IMPORTANT. AND SO THIS PROVISION COULD ALLOW FOR THAT.

**Slusher:** SO THIS SOUNDS REASONABLE TO YOU, BUT THE COMMISSION DOESN'T LOOK AT WHAT'S BEFORE US RIGHT NOW?

NO.

**Slusher:** OKAY. DID YOU HAVE ANYTHING ELSE?

NO, THAT'S IT.

**Slusher:** OKAY. THANK YOU. I'LL YIELD FOR NOW.

**Mayor Wynn:** COUNCILMEMBER DUNKERLEY, THEN ALVAREZ. I'M SORRY, COUNCILMEMBER ALVAREZ.

**Alvarez:** THANKS, MAYOR. A FEW QUESTIONS FOR STAFF. REALLY, WHAT DID THE ORDINANCE THAT EXISTS NOW SAY ABOUT SOUTH BY SOUTHWEST? BECAUSE I WAS UNDER THE IMPRESSION THAT THERE WERE ALREADY SOME PROVISIONS TO LESSEN THE IMPACT DURING THAT TIME PERIOD?

THE CURRENT ORDINANCE HAS ONE PROVISION THAT RELATES TO SOUTH BY SOUTHWEST AND IT ATTACHES ONLY TO OUTDOOR MUSIC VENUES. WHAT IT SAYS IF YOU ARE AN OUTDOOR MUSIC VENUE THAT SAYS IF YOU YOU ARE NOT IN THE DOWNTOWN DISTRICT CARVEOUT, DURING SOUTH BY SOUTHWEST YOU GET THE ADVANTAGE OF THE LATE NIGHT HOURS, SO YOU GET TO PLAY UNTIL 2BG A.M. IT APPLIES ONLY TO THE OUTDOOR MUSIC VENUES, THOUGH, AND IT GIVES THEM THE 2:00 A.M. STOP TIME.

**Alvarez:** SO WITH THIS PROPOSAL THEN YOU'RE ELIMINATING THE 2:00 A.M. STOP TIME AND THEN YOU'RE EXPANDING THE AREA?

CORRECT. SO WHAT THIS PROVISION DOES IS IT ELIMINATES THE TWO A.M. DEADLINE FOR BOTH INDOOR AND OUTDOOR MUSIC VENUES AND APPLIES IT TO THE CENTRAL BUSINESS DISTRICT.

**Alvarez:** THAT STARTED BECAUSE OF THAT INCIDENT. DURING SOUTH BY SOUTHWEST THIS WEEK, THAT PARTICULAR PART WAS ALREADY UNDER THE ORDINANCE, SO IT'S NOT LIKE THE EXPANSION OF THE CBD WOULD HAVE HELPED THAT SITUATION.

WHAT WOULD HAVE HELPED THAT SITUATION IS THAT THE NOISE ORDINANCE WASN'T APPLICABLE AND IT WAS AFTER 2:00 A.M. SO WHAT WOULD HAVE BEEN IN PLACE WAS STATE

LAW.

**Alvarez:** WHAT I'M SAYING IS EXPANSION OF THE ZONE WOULDN'T HELP THAT PARTICULAR SITUATION.

THAT'S TRUE.

**Alvarez:** AND THEN -- SO WE HAVE THE TIME ISSUE, EXTENDING BEYOND 2:00 A.M. AND REALLY I'M UNCOMFORTABLE. I DON'T KNOW WHY THE PROPOSAL WOULDN'T BE TO JUST GO TO STATE LAW AND MAKE SURE OUR ORDINANCE AT LEAST WAS IN LINE WITH STATE LAW. WHY DO WE HAVE TO AT LEAST GIVE THE IMPRESSION THAT WE'RE SOMEHOW ALLOWING PEOPLE AND THUS ENCOURAGING THEM TO PLAY BEYOND 2:00 A.M. BECAUSE I THINK THAT'S PRETTY LATE. I DON'T KNOW THAT I WOULD BE COMFORTABLE EXPANDING IT BEYOND 2:00 A.M. AND THE OTHER ISSUE IS ABOUT THE OUTDOOR SOUND -- PERMIT FOR OUTDOOR MUSIC. AND SO CURRENTLY FOR OUTDOOR MUSIC YOU HAVE TO GET A SOUND PERMIT?

CORRECT.

**Alvarez:** AND THEN IN THE CBD AS DEFINED IN THIS PROPOSAL, YOU WOULDN'T ARE TO APPLY FOR ONE?

NO, YOU WOULD NOT HAVE TO APPLY FOR ONE TO QUALIFY FOR THE SOUTH BY SOUTHWEST EXEMPTION. THE REASON THAT WE CREATED A PERMITTING PROCESS FOR THE OUTDOOR MUSIC VENUE LAST YEAR WAS SO THAT IT IMPROVED OUR ENFORCEMENT CAPABILITIES. SO IF WE FOUND THAT OVERTIME OUTDOOR MUSIC VENUES WERE AGAIN AND AGAIN VIOLATING THE PROVISIONS OF THE NOISE ORDINANCE, WE WOULD HAVE THE ABILITY TO WITHHOLD A PERMIT IN THE FOLLOWING YEAR. WE HAVEN'T HAD THAT SITUATION, BUT --

BUT IF THERE IS NO REQUIREMENT FOR A PERMIT IN THE CBD AS DEFINED HERE, WHICH I THINK FOR ME MY PERCEPTION IS THAT AS CBD THIS GOES A LONG WAY BEYOND THAT, ALL THE WAY TO 29TH STREET. BUT IF YOU DIDN'T HAVE TO GET A PERMIT, WHAT DOES THAT MEAN? DOES THAT MEAN ANY CLUB OWNER OUT THERE COULD SET

UP AN OUTDOOR STAGE?

OUTDOOR OR INDOOR. WITHIN THE BOUNDARIES OF THE CENTRAL BUSINESS DISTRICT, WHAT THIS PROVISION WOULD ALLOW IS ANY VENUE TO BE ABLE TO PRODUCE NOISE AS LONG AS IT STAYS WITHIN THE STATE LAW CRITERIA OF NUISANCE AND THEN THE ENFORCEMENT PROCEDURES THAT ARE IN STATE LAW. WHICH DOES NOT REQUIRE A COMPLAINANT, BUT IT DOES REQUIRE A WARNING. IT IS JUST THAT WHAT TYPICALLY HAPPENS AS A MATTER OF FACT IS THAT THE POLICE RECEIVE A COMPLAINT. I THINK WHAT WOULD HAPPEN ON A PRACTICAL MATTER IF THIS WENT INTO PLACE, WE WOULD SIMPLY PROVIDE THOSE DOWNTOWN OFFICERS WITH DIRECTION PRIOR TO THE WEEK OF SOUTH BY SOUTHWEST THAT HERE'S THE PROVISION THAT'S IN PLACE FOR THE FOLLOWING WEEK. AND I THINK THERESA MADE THE POINT THAT THIS WOULD REQUIRE SOME IMPROVED COMMUNICATION DURING THAT WEEK AND THAT'S HOW WE WOULD HANDLE THAT. AND THE POLICE DEPARTMENT PARTLY BASED ON EVENTS OF THIS YEAR, HAVE ASKED AND THE ORGANIZERS OF SOUTH BY SOUTHWEST ARE GOING TO INCLUDE THE POLICE DEPARTMENT IN COMING YEARS ON THEIR PLANNING TEAM.

**Alvarez:** BUT DURING -- I'M TRYING TO FIGURE OUT HOW DO WE COORDINATE OR HOW DO WE KNOW THAT THERE'S GOING TO BE -- NOT GOING TO BE FIVE BANDS ON SIXTH STREET OR THE WAREHOUSE DISTRICT? HOW DO WE -- HOW ARE WE GOING TO KNOW HOW MUCH OUTDOOR MUSIC THERE'S GOING TO BE AT ANY GIVEN TIME.

WE WOULD NOT KNOW.

**Alvarez:** IS THAT EVEN SOMETHING -- IS THAT SOMETHING THAT'S BENEFICIAL WHEN WE HAVE A PERMIT PROCESS OR REQUIREMENT?

UNDER THIS EXEMPTION WE WOULDN'T KNOW WHO'S PLANNING TO PLAY AT WHAT HOURS OF THE EVENING. WHAT WE WOULD KNOW IS WHAT SOUTH BY SOUTHWEST IS DOING, BECAUSE THEY'RE GOING TO INCLUDE US IN THEIR PLANNING ORGANIZATION, BUT THE ORDINANCE ITSELF

WOULD NOT REQUIRE PEOPLE TO REPORT TO US HOW THEY'RE STRUCTURING THEIR MUSIC EVENTS THAT WEEK.

**Alvarez:** I UNDERSTAND WE'LL KNOW WHAT SOUTH BY SOUTHWEST IS DOING, BUT DOES THAT PREVENT SOMEONE ELSE FROM ANOTHER OWN HER THAT'S NOT PART OF SOUTH BY SOUTHWEST, ANOTHER CLUB OWNER TO HAVE OUTDOOR MUSIC AND NOT HAVE TO REQUEST A PERMIT? IT SEEMS LIKE IT WOULD BE --

IF YOU'RE ASKING THE QUESTION WOULD SOMEONE BE ABLE TO CREATE AN OUTDOOR MUSIC VENUE DURING THE WEEK OF SOUTH BY SOUTHWEST JUST TO GET THE ADVANTAGE OF THE LATE NIGHT HOURS, THERE ARE OTHER CITY PROCESSES, -- DAVID, YOU MAY HAVE TO HELP ME OUT HERE -- THAT WOULD CAUSE THEM TO HAVE TO IDENTIFY THEMSELVES. YOU CAN'T -- YOU CANNOT BECOME AN OUTDOOR MUSIC VENUE UNDER THIS EXEMPTION, IN OTHER WORDS. CREATE YOURSELF DURING THE WEEK OF SOUTH BY SOUTHWEST AND THEN FOR THE REST OF THE YEAR YOU'RE AN OUTDOOR MUSIC VENUE. I DO THINK THE OVERALL PERMITTING PROCESS IS STILL INTACT. SO FOR THOSE -- MAYBE THIS IS A BETTER WAY TO ANSWER IT. FOR THOSE VENUES THAT ARE NOT OFFICIAL SOUTH BY SOUTHWEST VENUES, BUT ARE OUTDOOR MUSIC VENUES, THEY ALREADY HAVE A PERMIT. SO UNDER THIS EXEMPTION, THEY WOULD STILL GET THE ADVANTAGE OF THE LATE NIGHT HOURS, BUT WE ALREADY KNOW WHO THEY ARE BECAUSE THEY'VE ALREADY GOT PERMITS WITH THE CITY. WHAT WE DON'T KNOW IS HOW LATE THEY'RE GOING TO PLAY.

**Alvarez:** WHAT YOU'RE SAYING IS THAT ONLY THE PEOPLE WHO HAVE SELF-IDENTIFIED AS OUTDOOR MUSIC VENUES ARE GOING TO ACTUALLY COME FORWARD AND GET PERMITS?

WE MAY HAVE A LEGAL ANSWER TO THE RESCUE HERE, COUNCILMEMBER.

I'M DAVID DOUGLAS WITH THE LAW DEPARTMENT. YOUR QUESTION WAS WHETHER UNDER THE PROPOSED SOUTH BY SOUTHWEST EXEMPTION, WHICH WOULD SAY THAT THE

SOUND ORDINANCE DOES NOT APPLY AT ALL DURING SOUTH BY SOUTHWEST WITHIN THAT GEOGRAPHICAL BOUNDARY, COULD A PERSON HAVE AN OUTDOOR MUSIC VENUE WHO DID NOT HAVE A PERMIT BEFORE? AND I THINK THE ANSWER IS YES, WE THEY COULD HAVE AN OUTDOOR MUSIC VENUE UNLESS THEY VIOLATED SOME OTHER LAW RELATING TO THE FACILITY ITSELF. IF THEY BUILT SOMETHING THAT REQUIRED A BUILDING PERMIT, THAT WOULD BE ANOTHER MATTER. BUT JUST PLAYING MUSIC OUTDOORS WOULD NOT BE IN VIOLATION OF THE PERMIT REQUIREMENT. THERE IS NO PERMIT REQUIREMENT IN THAT GEOGRAPHICAL AREA DURING SOUTH BY SOUTHWEST UNDER THIS PROPOSAL.

LET ME ADD TO THAT. WHAT IN TERMS OF THE RECENT EVENTS, AS WE'VE CALLED IT, IN TERMS OF OZU MOTLI, WHAT CAUSED THEM TO VIOLATE THE NOISE ORDINANCE BEFORE THE PROGRESSION OF THE EVENTS WAS THAT THEY WERE PLAYING MUSICAL INSTRUMENTS AFTER A CERTAIN TIME THAT WERE AUDIBLE AT AN ADJACENT BUSINESS OR RESIDENCE. IT HAD NOTHING TO DO WITH VENUES OR PERMIT PROCESS OR WHATEVER. AND I THINK THAT COMPLETELY ANSWER THE QUESTION WE NEED TO ADDRESS THE ISSUE OF THE PROPOSAL THAT'S BEFORE THE COUNCIL TODAY IN EXEMPTING ENFORCEMENT OF THE NOISE ORDINANCE DURING THIS TIME PERIOD. THAT DOES AWAY WITH THAT NARROW ASPECT OF OUR NOISE ORDINANCE. DO YOU SEE WHAT I'M SAYING?

YES, IT DOES. IT LEAVES STATE LAW IN PLACE, AS MS. HUFFMAN WAS SAYING.

**Alvarez:** SO I'LL FOLLOW UP THAT. ANYONE CAN HAVE OUTDOOR MUSIC WITHOUT A PERMIT AT ANY TIME. IF THIS ORDINANCE GOES INTO EFFECT.

WELL, JUST TO BE CLEAR, DURING SOUTH BY SOUTHWEST THE NOISE ORDINANCE WOULD NOT APPLY IN THAT CENTRAL BUSINESS DISTRICT AS DEFINED THERE, AND SO THERE WOULD NOT BE THE STRICT CUTOFF TIMES THAT WE HAVE UNDER OUR NOISE ORDINANCE, BUT STATE LAW COULD BE APPLIED VIRTUALLY AT ANY TIME OF DAY IF IT MET THE REQUIREMENTS OF STATE LAW, THAT IS IF THE MUSIC WAS SO LOUD AS TO BE UNREASONABLE AND THE

PERSON DID NOT COMPLY WITH THE WARNING.

**Alvarez:** I GUESS THE OTHER QUESTION IS IN TERMS OF WHAT CAN HAPPEN RIGHT NOW IS ANY BAND COULD PLAY OUTDOORS ON SIXTH STREET WITHOUT A PERMIT.

I'M NOT FOLLOWING YOU WHEN YOU SAY "RIGHT NOW".

**Alvarez:** RIGHT NOW WITH THE ORDINANCE ORDINANCE. -- THE CURRENT ORDINANCE. I WAS TRYING TO RELATE BACK TO WHAT MR. SMITH SAID ABOUT WHAT THE BAND VIOLATED WHEN THEY PLAYED OUTDOORS IS BECAUSE YOU COULD HEAR MUSIC IN AN ADJACENT PROPERTY, BUT IF IT WAS BEFORE 2:00 A.M., I ASSUME THAT THE 2:00 A.M. PROVISION THAT SAYS IF YOU CAN HEAR IT AT AN ADJACENT PROPERTY, THAT PREVAILS. BUT IF IT'S BEFORE 2:00 A.M. YOU'RE SAYING YOU DON'T NEED A PERMIT TO PLAY OUTDOORS.

IF IT IS AN OUTDOOR MUSIC VENUE, THAT IS AN ESTABLISHED PLACE OF BUSINESS, AND SOUND AMPLIFICATION IS BEING USED, YES, A PERMIT IS REQUIRED. IF A BAND IS JUST AD HOC PLAYING OUTDOORS, THE ISSUE BECOMES WHETHER THEY ARE MAKING AN UNREASONABLE NOISE. AND BEFORE 2:00 A.M. THERE IS STILL A GENERAL PROVISION IN BOTH OUR NOISE ORDINANCE AND STATE LAW ABOUT MAKING AN UNREASONABLE NOISE AND PROHIBITING THAT.

**Alvarez:** ALL RIGHT, THANK YOU.

**Mayor Wynn:** COUNCILMEMBER DUNKERLEY.

**Dunkerley:** I'M TRYING TO THINK OF SOMETHING THAT'S FAIR. AND IT'S HARD TO DO. I DON'T KNOW -- AT THE PRESENT TIME YOU'VE GOT YOUR VENUES BEING BOOKED, RIGHT UNTIL 2:00. AND MOST OF THE ISSUES WE'RE HAVING IS THEY'RE RUNNING OVER 10 MINUTES, 15 MINUTES, 30 MINUTES, SOMETHING LIKE THAT. I GUESS MY ORIGINAL RECOMMENDATION WAS TO SAY LET'S JUST TRY TO HAVE THE BANDS -- THE 2:00 TIME GO INTO EFFECT ABOUT 2:30 OR 2:45, NOT LONG ENOUGH TO THEM THEM ANOTHER HOUR OF VENUE AND THEN HAVE THEM RUN OVER, BUT LOGICALLY I

GUESS THEY COULD DO THINGS ON THE HALF HOUR AND I WOULD BE RIGHT BACK WHERE I STARTED.

COUNCILMEMBER SLUSHER, IS THIS SOMETHING THAT YOU MAYBE WANT TO HAVE THE MUSIC COMMISSION LOOK AT AGAIN? THAT WAS GOING TO BE MY SUGGESTION IS IF WE COULDN'T GET A CONSENSUS, IN ORDER TO AVOID THOSE FIVE, 10, 15-MINUTE INADD VARY TENT OVERRUNS TO TRY TO DO SOMETHING LIKE THAT THAT WOULDN'T ALLOW ANOTHER FULL HOUR OF MUSIC.

**Slusher:** YEAH, COUNCILMEMBER. I THINK THAT MAKES -- THAT DOES MAKE MORE SENSE THAN JUST US MAKING THAT DECISION HERE OR JUMPING BEYOND THE CORRIDORS THEY LOOKED AT AS THE WHOLE CBD OUT TO 29TH STREET. I'M CONCERNED IF WE'RE OPENING THE -- ARE WE OPENING THE WHOLE THING AGAIN. DO WE WANT TO OPEN THE WHOLE THING AGAIN. DO WE JUST WANT TO SEND THEM A NARROW CHARGE ON THIS ONE ISSUE? DO WE WANT TO RECREATE THE TASKFORCE THAT DID THE NOISE ORDINANCE?

**Dunkerley:** WELL, I'LL DELL YOU, I AM NOT WILLING ON THE DAIS, AT LEAST I'M NOT WILLING, TO OPEN UP ANY OTHER PROVISIONS LIKE BRINGING ADDITIONAL SPACE IN OR A VARIANCE WITHOUT IT GOING BACK TO A STAKEHOLDER GROUP BECAUSE THAT WAS A VERY LONG PROCESS. AND AGAIN, WHAT WE WERE TRYING TO DO IS TO ADDRESS REALLY A SIMPLE ISSUE, I THOUGHT, OF NATIONAL BANDS OR ANY BAND RUNNING OVER FIVE OR 10 OR 15 MINUTES AND HAVING THAT STRICTER ENFORCEMENT, NOT BEING -- BEING ABLE TO BE HEARD IN THE NEXT -- IN THE ADJACENT BUILDING BEING PLAYED. AND I THINK THAT LED TO A LOT OF OUR RECENT PROBLEMS. SO IF YOU ALL WANT TO CONSIDER PERHAPS MAKING THAT ONE SMALL ADJUSTMENT, SAY 30 MINUTES OR 45 MINUTES, NOT ENOUGH TO GET A WHOLE OTHER HOUR OF MUSIC, AND THEN IF THE MUSIC COMMISSION WOULD LIKE TO CONSIDER ALL OF THIS IN THE LIGHT OF THE STAKEHOLDER PROCESS, I WOULD BE FINE WITH THAT. I JUST DIDN'T WANT US TO OPEN IT ALL UP WITHOUT THE ADVANTAGES OF BOTH THE MUSIC COMMUNITY AND THE NEIGHBORHOOD COMMUNITY GETTING TOGETHER AGAIN AND SEEING IF THEY COULD COME UP WITH ADDITIONAL THINGS. I DON'T MIND MAKING

AN ADJUSTMENT ON IT.

**Slusher:** RIGHT. THE NEIGHBORHOOD GROUPS HAVEN'T HAD A SHOT AT THIS. I KNOW IN WE'RE GOING TO OPEN IT UP, THERE'S ONE I WOULD LIKE TO HAVE FOLKS LOOK AT. I MEAN, YOU KNOW, LIKE I SAID, I WAS RELUCTANT TO VOTE FOR IT THE FIRST TIME, BUT IT DID GO THROUGH THAT LENGTHY, DELIBERATIVE PROCESS, BUT SINCE THEN I HAVE VISITED WITH SOME FOLKS THE OTHER DIFFICULT THAT LIVE RIGHT OFF SOUTH CONGRESS AND I THINK THEY'VE VISITED THE MUSIC COMMISSION TOO. AND THEY REALLY, I THOUGHT, MADE A GOOD CASE THAT THEY'RE RIGHT BEHIND A CLUB THAT'S STARTED UP IN RECENT YEARS, AND THE STAGE IS BUILT FACING THEIR HOUSES AND THEY'VE TALKED TO THE CLUB ABOUT PUTTING UP SOME KIND OF SOUND BARRIERS OR SOMETHING LIKE THAT, AND ACCORDING TO THEM, NOTHING HAS HAPPENED AND THEY PLAY UNTIL MIDNIGHT IT DURING THE WEEK AND THEY HAVE SCHOOL AGE KIDS THAT CAN'T GET TO SLEEP. I KNOW WE'RE THE LIVE MUSIC CAPITOL OF THE WORLD AND I'M HAPPY THAT WE ARE AND I LIKE TO ENJOY IT MYSELF, BUT THEY DID, THOUGH, GET -- I FEEL FOR THEM. SO MAYBE THERE'S SOMETHING WE COULD HAVE WHERE CLUBS THAT ARE IN THAT SITUATION, THAT CLOSE TO A NEIGHBORHOOD, HAVE TO PUT IN SOME SORT OF SOUND PROTECTION OR SOMETHING. IF WE'RE GOING TO OPEN IT UP, I WOULD LIKE TO LOOK AT THAT BECAUSE THAT REALLY CONCERNS ME THAT THERE'S SOME KIDS OUT THERE THAT AREN'T GETTING A GOOD SLEEP. AND THEY PROBABLY AREN'T BECOMING REAL MUSIC FANS WHEN THEY DON'T GET TO CHOOSE WHAT THEY'RE GOING TO LISTEN TO. SO ANYWAY, I THINK THERE'S A NUMBER OF ISSUES THAT COULD BE ADDRESSED IF WE OPEN IT BACK UP. IT IS GOING TO BE OPENING IT BACK UP. AND IT STARTED OUT DOING -- ALL IT STARTED OUT DOING WAS JUST TRYING TO -- A COUNCILMEMBER TRYING TO DEAL WITH THIS SITUATION THAT HAPPENED DURING SOUTH BY SOUTHWEST.

**Mayor Wynn:** COUNCILMEMBER MCCRACKEN.

**McCracken:** COUNCILMEMBER DUNKERLEY AND I HAVE BROUGHT FORWARD A PROPOSAL TO ADDRESS A KNOWN PROBLEM. AND WE KNOW WE HAVE A PROBLEM. WE FOUND

OUT TO OUR EMBARRASSMENT THAT WE HAD A PROBLEM THIS YEAR. SO I AM REALLY RELUCTANT TO GO BEYOND THE KNOWN PROBLEM WE HAVE. THE MUSIC COMMISSION AND OTHER STAKEHOLDERS, I'M CERTAINLY ALWAYS INTERESTED IN CONSIDERING SOLUTIONS TO OTHER PROBLEMS, BUT WE KNOW WE HAVE A PROBLEM RIGHT NOW, AND IT HURT OUR CITY'S REPUTATION AROUND THE WORLD, SO I WOULD PREFER TO THE EXTENT THAT WE'RE GOING TO DEAL WITH THIS THAT WE FIX THE PROBLEM WE KNOW WE HAVE. BECAUSE I THINK WE ALL AGREE THAT THE STATUS QUO OF PUTTING FOLKS LIKE BOB SCHNEIDER AND OZU MOTLI AT CRIMINAL RISK BECAUSE THEY DON'T HAPPEN TO TAKE THE STAGE AT 1:30 THROUGH NO FAULT OF THEIR OWN, I DON'T THINK THERE'S A SATISFACTORY STATUS QUO AND I WANT TO SOLVE THAT PROBLEM.

**Thomas:** MAYOR? WHAT DO YOU MEAN BY THE CRIMINAL RISK? EVERYBODY THAT COMES TO THIS CITY KNOWS THERE'S AN ORDINANCE -- IF THEY VIOLATE IT THAT IT WILL BE ENFORCED. I THINK ANYBODY KNOWS THAT. ANYBODY THAT WALKS ON THIS EARTH KNOWS THERE'S THERE ARE RULES AND REGULATIONS WHEREVER YOU GO. WHEN YOU KEEP SAYING CRIMINAL RISK, I DON'T UNDERSTAND WHAT YOU'RE SAYING. NUMBER ONE. AND NUMBER TWO, I NEED TO ASK WHAT KIND OF PHYSICAL IMPACT IS THIS GOING TO HAVE ON MORE OFFICERS THAT HAVE TO STAY DOWNTOWN PAST 2:00 O'CLOCK? WHAT IS THE IMPACT ON THE OVERTIME AND IS IT GOING TO COST US MORE THAT OFFICERS HAVE TO BE DOWNTOWN OR IN THE GENERAL AREAS, DEAN KEATON, GUADALUPE AND ALL THOSE OTHER AREAS? COULD SOMEBODY ANSWER THAT FOR ME?

**Mayor Wynn:** COUNCILMEMBER MCCRACKEN?

**McCracken:** ON THE CRIMINAL DEAL, I MEAN, IT IS NOT DISPUTED THAT WE HAVE CREATED A CRIMINAL SANCTION FOR PLAYING MUSIC AFTER 2:00 A.M. THAT CAN BE HEARD EVEN IN THE NEXT BUSINESS NEXT DOOR. IT DOES NOT NECESSARILY LEAD TO AN ARREST, ALTHOUGH IT APPEARS TO BE A PART OF DISORDERLY CONDUCT STATUTE OR FIT INTO IT AND THEREFORE -- YOU KNOW THAT POLICE OFFICERS ARREST FOLKS FOR DISORDERLY CONDUCT ALL THE TIME. AND IN FACT, THE WAY WE BECAME AWARE THAT

WE HAD A PROBLEM WITH THE OZU MOTLI SITUATION IS THAT THE POLICE APPROACHED OZU MOTLI ON THE BASIS THAT -- AND IT APPEARS ACCURATELY FROM THE -- THE POLICE WERE JUST DOING THEIR JOB, FOR STARTERS. THIS IS ABOUT COUNCIL POLICY. IT'S NOT ABOUT -- THE POLICE WERE CARRYING OUT THEIR JOB. BUT THE QUESTION IS WHAT IS OUR POLICY ON THAT? SO THE POLICY WAS THAT IT'S A VIOLATION OF THE LAW TO BE PLAYING MUSIC THAT CAN BE HEARD NEXT DOOR AFTER TECHNIQUE A.M. WE -- 2:00 A.M. WE JUST DISCOVERED IT'S ONE OF THOSE THINGS THAT WE'LL GET SURPRISED BY THINGS ALL THE TIME. AND ONE IS THAT WE FOUND OUT AFTER 2:00 A.M. THAT THESE BANDS GET BOOKED UNTIL 2:00 A.M. AND IF THEY'RE LATE, THEY'RE VIOLATING A CRIMINAL PROVISION. AND DURING SOUTH BY SOUTHWEST THERE'S SOME UNIQUE SCHEDULING ISSUES. AND THE OTHER THING, COUNCILMEMBER, IS THAT IT WOULD ACTUALLY, I BELIEVE, REDUCE THE ISSUE OF POLICE OVERTIME. POLICE ARE ALREADY DOWN THERE AT 2:30 IN THE MORNING ON THE EVENING OF WEDNESDAY, MARCH 17TH, SO UNDER THE CURRENT ORDINANCE, THEY WERE DOWN THERE AT 2:30 ANYWAY. BUT WHEN IT BECOMES A COMPLAINT DRIVEN SYSTEM, YOU DON'T HAVE TO HAVE POLICE -- YOU COULD HAVE POLICE FOCUSING ON PUBLIC SAFETY AS OPPOSED TO FOCUSING ON BEING NOISE POLICE. I KNOW THAT OUR POLICE OFFICERS DO NOT WANT TO HAVE TO BE CARRYING OUT COUNCIL POLICY AND BEING NOISE POLICE. THEY WANT TO PROTECT THE PUBLIC FROM DRUNK DRIVERS AND RAPISTS AND CRIMINALS. SO TO THE EXTENT WE FREE THE POLICE UP FROM BEING NOISE POLICE AND PROTECT THE PUBLIC FROM -- PUBLIC SAFETY ISSUES, I THINK WE HAVE LESS OVERTIME AND THEY KEEP THE PUBLIC SAFETY.

**Thomas:** THE SECOND ANSWER I WILL LET THAT ALONE. IF IT GOES PAST THAT, THEN MAYBE WE WILL HAVE TO DO SOME MORE ENFORCEMENT, BUT GO AHEAD. THAT'S GOING TO TAKE THEM AWAY FROM DOING THE REST OF THE WORK THEY SHOULD BE DOING, BUT GO AHEAD. ON THE OVERTIME, IS THAT GOING TO --

I REALLY DON'T SEE IT IMPACTING OUR OVERTIME. RIGHT NOW WE HAVE OTHER CLUBS DOWNTOWN THAT GO -- STAY OPEN UNTIL 4:00 A.M. IT'S A BUSY ENTERTAINMENT DISTRICT.

THERE'S A LOT GOING ON. WE STAFF FOR THAT. I DON'T SEE IT BEING AN IMPACT ON ADDITIONAL PERSONNEL BECAUSE OF THAT. I DO APPRECIATE COUNCILMEMBER MCCRACKEN RECOGNIZING THE OFFICERS ARE DOING THEIR JOB. AND ONE THING THAT WE WANT TO DO IS TO MAKE THIS SOUTH BY SOUTHWEST A SUCCESS AND THE CITY OF AUSTIN A SUCCESS, AND FROM NOW ON WE WILL HAVE A MANAGER FROM THE POLICE DEPARTMENT WORKING WITH THE SOUTH BY SOUTHWEST GROUP TO MAKE SURE THEY UNDERSTAND THE LAWS, MAKE SURE THEY UNDERSTAND THE PARAMETERS THAT WE WORK UNDER SO THAT WE CAN HAVE A BETTER RELATIONSHIP AND MAKE IT A SUCCESS.

**Thomas:** OKAY. THANK YOU.

**Mayor Wynn:** FURTHER COMMENTS OR QUESTIONS?

**Alvarez:** ONE MORE. TO THE SPONSORS, SINCE THE BOUNDARIES WOULD UNDER THIS PROPOSAL EXTEND TO LAMAR NOW AND 29TH STREET, DO WE HAVE RESPONSE FROM THE NEIGHBORHOOD ASSOCIATIONS, OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION, UNIVERSITY AREA ASSOCIATIONS, TO GET THEIR FEEDBACK ON THIS?

**Mayor Wynn:** COUNCILMEMBER DUNKERLEY.

**Dunkerley:** WELL, THIS IS THE CENTRAL BUSINESS DISTRICT AND WE'RE NOT EXPANDING THOSE BOUNDARIES AT ALL. LET ME ASK THIS QUESTION. IS THERE ANY INTEREST IN MY 45-MINUTE DELAY? I DIDN'T HEAR ANYBODY RUSHING TO SUPPORT THAT. SO THAT IT WOULD GIVE TIME FOR FOLKS TO WIND DOWN AND TO GET THEIR BANDS PACKED UP AND LEAVE IF THERE ARE OVERRUNS. I THINK THAT WOULD BE A VERY MODEST SUGGESTION THAT I THINK COULD ALLEVIATE SOME OF THESE THINGS. AND THEN AS THE POLICE WORK WITH SOUTH BY SOUTHWEST TO TRY TO ENSURE THAT -- AT LEAST ENCOURAGE THEM NOT TO BOOK ANYTHING PAST 1:00 O'CLOCK SO THAT WE WOULD HAVE A NATURAL WIND DOWNTIME.

**Mayor Wynn:** FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 29.

**McCracken:** MOVE APPROVAL.

**Dunkerley:** SECOND.

**Mayor Wynn:** MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE ITEM NUMBER 29. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED?

NO.

**Mayor Wynn:** MOTION FAILS ON A VOTE OF THREE TO THREE, WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. COUNCIL, IF WE CAN, I WAS A LITTLE CONFUSED BY OUR AMENDMENT DISCUSSION ON ITEM NUMBER 24, AND WITHOUT OBJECTION, I WOULD ENTERTAIN A MOTION TO RECONSIDER ITEM NUMBER 24 TO HAVE FURTHER CLARIFICATION AS TO THE VARIANCE REQUESTED?

I WOULD DO THAT, BUT FIRST CAN I COMMENT? IT JUST FAILED ON A THREE-THREE VOTE. I'LL TELL YOU, I JUST THINK I WASN'T REALLY -- IT WASN'T REALLY READY FOR THE AGENDA YET, FRANKLY, BECAUSE THE NEIGHBORHOODS HASN'T BEEN TALKED TO THAT IT WAS GOING TO AFFECT. IT WAS GOING TO AFFECT THEM MORE THAN -- BECAUSE IT WAS AN EXPANSION OF THE AREA THAT'S EXEMPT AND EVEN THE MUSIC COMMISSION DIDN'T HEAR THAT. WE HAVE PEOPLE AT SOUTH BY SOUTHWEST SAYING THAT THEY'RE WILLING TO TALK TO THE CITY TO TRY TO WORK OUT A SOLUTION. I FEEL LIKE WE HAVEN'T BEEN THROUGH THAT PROCESS YET, INSTEAD JUST HAVING THE ITEM ON THE AGENDA. SO I WASN'T READY TO VOTE TO CHANGE THE LAW BECAUSE I DON'T THINK WE'VE DONE -- WE'VE LOOKED AT ANY OF THE POTENTIAL UNINTENDED CONSEQUENCES OR VERY FEW OF THEM, SO I WOULD HOPE THERE WOULD BE SOME DISCUSSIONS TO TRY TO COME UP WITH SOMETHING BECAUSE I DO THINK IT'S UNFORTUNATE WHAT HAPPENED THERE, BUT EVEN IF IT'S A SIMPLE THINKING OF STARTING THEM EARLIER. THAT HASN'T BEEN DISCUSSED. I WOULD

LIKE TO SEE THESE THINGS EXPLORED BEFORE THEY GO PASSING LEGISLATION OR CHANGING LEGISLATION. SO THAT'S WHY I VOTED NO. SO I WOULD HOPE THERE WOULD STILL MAYBE BE SOME DISCUSSIONS THAT GO ON ABOUT THAT. AND IF NOBODY ELSE WANTS TO SAY ANYTHING, WHAT'S THE NUMBER, MAYOR, 24, IS THAT THE FIFTH STREET?

**Mayor Wynn:** ITEM 24 IS THE MEXICARTE.

**Slusher:** OKAY. I WOULD MOVE TO RECONSIDER.

**Mayor Wynn:** ABOUT YOUR COMMENTS, IF WE NEED TO CLARIFY YOUR COMMENTS ON ITEM NUMBER 29 --

**Slusher:** SEE, I WAS RELUCTANT TO JUST SEND THAT NARROW ISSUE BACK TO THE MUSIC COMMISSION BECAUSE I'M NOT SURE IT'S A GOOD USE OF THEIR TIME. I WOULD RATHER -- OR IF WE'RE GOING TO ASK THEM TO THEN TALK WITH ALL THE NEIGHBORHOOD GROUPS. I'M NOT SURE WHAT WE'RE GETTING THEM INTO. I'M NOT SURE THAT IT'S FAIR TO THEM. IT WOULD SEEM TO ME A WISER THING TO DO WOULD BE TO POSTPONE IT FOR A FEW WEEKS BUVMENT IF THE MEMBERS JUST WANT TO TRY TO GET IT THROUGH, THEN THAT'S FINE, BUT I WASN'T ABLE TO VOTE FOR IT, SO MAYBE THAT WOULD JUST SERVE AS A POSTPONEMENT. I JUST THINK IT WAS NOT THE WAY TO GO ABOUT TRYING TO DEAL WITH THE PROBLEM, JUST PASS THE LEGISLATION AND THEN EXPAND IT A WHOLE LOT BEYOND EVEN WHAT THE ONE COMMISSION THAT LOOKED AT IT DID.

**Dunkerley:** I AGREE. PERHAPS WHAT WE CAN DO IS ASK THE MUSIC COMMISSION TO DISCUSS THIS AT THEIR NEXT MEETING AND SEE IF THEY WANT TO START THE PROCESS OVER AGAIN WITH THE STAKEHOLDERS, AND THEN WE CAN PERHAPS DIRECT THE CITY MANAGER TO START THE PROCESS OVER THEN.

**Slusher:** I WOULD ASK THEM TO DISCUSS WHETHER THEY WANT TO LOOK AT THINGS LIKE I BROUGHT UP, THE SITUATION ON SOUTH CONGRESS. THAT WAS ON THE EAST SIDE OF SOUTH CONGRESS. MAYBE IT APPLIES TO SOME OTHER AREAS AS WELL. BUT I DON'T WANT TO GET THEM

INTO A SITUATION WHERE JUST BECAUSE COUNCILMEMBERS PUT AN ITEM ON THE AGENDA, NOW THE MUSIC COMMISSION HAS TO LISTEN TO THE NEIGHBORHOODS AFFECTED AND EVERYTHING. IF THAT'S WHAT WE WANT TO DO, BUT I DON'T WANT TO -- HAVE AN UNINTENDED CONSEQUENCE OF GETTING THEM INTO THAT SITUATION EITHER. THAT'S WHY I WAS RELUCTANT TO MAKE A MOTION LIKE THAT. IF THEY WANT TO PUT AN ITEM ON ABOUT WHAT THEY WOULD WANT TO DO AND HOW THEY WOULD GO ABOUT IT, I GUESS THAT'S WHAT I'M SAYING.

**Dunkerley:** I THINK THAT'S VERY TRUE, BUT I DO THINK THE MUSIC COMMISSION VERY CLEARLY EXPRESSED SOME DESIRES THEY HAD TO SEE SOME CHANGES.

**Slusher:** THAT'S TRUE.

**Dunkerley:** SO MY QUESTION TO THEM IS IS THERE ENOUGH DESIRE THERE TO STOP THE PROCESS. AND I'M NOT TRYING TO PUNT, BUT I GUESS I AM ALSO. AT THIS POINT I'M LIKE THE REST OF THE COUNCILMEMBERS. I DIDN'T WANT TO MAKE ANY MAJOR CHANGES TO THE ORDINANCE BECAUSE I KNOW HOW LONG AND HOW DIFFICULT THOSE FIRST NEGOTIATIONS WERE. SO I WAS JUST AGAIN TRYING TO FIND A NARROW LITTLE FIX OR HOPEFULLY A NARROW LITTLE PROBLEM. I KNOW YOU ALL HAVE OTHER ISSUES, SO I WOULD LIKE AT LEAST TO INDIVIDUALLY HEAR FROM YOU IF I COULD. THANK YOU.

**Mayor Wynn:** ESSENTIALLY, I GUESS, MY THE MOTION FAILING, THE FACT THAT THIS ITEM FROM COUNCIL SIMPLY SERVES AS A POSTPONEMENT AND ANY COUNCILMEMBERS CAN BRING A RELATED ITEM BACK AT THEIR CONVENIENCE. THANK YOU. SO AGAIN, COUNCIL, I WAS CONFUSED BY THE -- BY WHAT I BELIEVE TO HAVE BEEN THE AMENDMENT ON ITEM NUMBER 24. AND I WOULD LIKE TO -- WITHOUT OBJECTION, I WOULD LIKE TO HAVE A LITTLE FURTHER DISCUSSION ABOUT THAT? IF WE COULD TAKE A RECONSIDERATION VOTE.

**Slusher:** SO MOVE.

**Mayor Wynn:** I'LL SECOND THAT. MOTION TO RECONSIDER

ITEM NUMBER -- THE AMENDED ITEM NUMBER 24 MADE BY COUNCILMEMBER SLUSHER. I'LL SECOND THAT. FURTHER COMMENT? ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION TO RECONSIDER PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBER MCCracken AND THE MAYOR PRO TEM TEMPORARILY OFF THE DIAS. NOW, ITEM NUMBER 24. MY QUESTION WAS I KNOW THAT THERE HAS BEEN SOME DISCUSSION PERHAPS BETWEEN SOME COUNCIL OFFICES JUST IN THE LAST DAY OR SO ABOUT THE REQUEST BY THE MUSEUM TO EXPAND THEIR LANE CLOSURES, EITHER PHYSICALLY WITH AN ADDITIONAL LANE, AND/OR ADDITIONAL HOUR OR SO AS RELIEF. AND SO WITHOUT OBJECTION, I WOULDN'T MIND HAVING A BRIEF PRESENTATION BY STAFF AGAIN ON WHAT THE STAFF'S RECOMMENDATION HAS BEEN AND THEN WE'LL SEE IF WE WANT TO CHANGE THAT.

AND TOM, JUST QUICKLY BEFORE YOU STEP UP, I DON'T KNOW IF THE COUNCIL ALL HAD A CHANCE TO SEE IN THE BACKUP -- IT MAY HAVE BEEN LATE BACKUP, BUT IN YOUR BACKUP IS A MEMO FROM AUSTINLY BRACK, DIRECTOR -- AUSTAN LIBRACH, DIRECTOR OF TRANSPORTATION, DATED APRIL 20TH, AND IT ADDRESSES HIS CONCERN ABOUT THE PROPOSAL ON THE LANE CLOSURE. JUST AS AN OVERVIEW TO THIS ISSUE, WE HAVE A NUMBER OF THINGS GOING ON THAT ARE EXACERBATING THE INCREASING FRUSTRATION WITH TRAFFIC IN OUR COMMUNITY. WE HAVE A GREAT DEAL OF NEW CONSTRUCTION WITH BUILDING GOING ON, PARTICULARLY IN OUR DOWNTOWN AREA. -- PARTICULARLY IN OUR AREA THAT CAUSE LANE CLOSURES. WE HAVE A GROWING NUMBER OF STREET EVENTS THAT ARE NO LONGER JUST ASKING FOR WEEKEND LANE CLOSURES, BUT ARE ASKING NOW FOR LANE CLOSURES DURING THE WEEK AND DURING RUSH HOUR. AND IN ADDITION TO THAT, WE ARE IN THE MIDDLE OF A MASSIVE PROGRAM OF STREET AND ROAD RECONSTRUIONS AFTER 20 YEARS OF DELAYED ROAD MAINTENANCE. AND IF YOU PUT ALL THREE OF THESE THINGS TOGETHER, IT SPELLS FRUSTRATION WITH A CAPITAL F ALL OVER THIS TOWN. SO I AM VERY CONCERNED ABOUT THE NUMBER OF LANE CLOSURES THAT WE ARE

PERMITTING. THIS IS NOT A DISCUSSION OF THIS PARTICULAR EVENT. MEXICARTE'S EVENT IS AN EVENT I GO TO EVERY YEAR. IT'S ONE I WOULD NOT MISS. IT'S A WONDERFUL EVENT, BUT I DO WANT THE COUNCIL TO HEAR THE LEVEL OF CONCERN WE HAVE ON THE TRAFFIC IMPACT ON EACH AND EVERY ONE OF THESE. AND I WAS CONCERNED THAT YOU MAY HAVE MISSED THE MEMO IN THIS BACKUP. SO TOM, IF YOU WILL JUST GO THROUGH WHAT THOSE CONCERNS ARE.

**Alvarez:** MAYOR, WE ACTUALLY DID DISCUSS THIS ALREADY, CITY MANAGER, AND THAT WAS ALREADY EXPLAINED AND ARTICULATED, SO I'M NOT SURE WHY WE'RE REVISITING ALTOGETHER THIS ISSUE. I THINK THE MAYOR AND COUNCILMEMBER SLUSHER HAD A PARTICULAR CHANGE THEY WANTED TO MAKE, BUT I'M WILLING TO MAKE THE SAME ARGUMENTS I'VE MADE IN THE PAST ABOUT HOW CONFUSING THIS PROCESS IS BECAUSE OF THE MIXED MESSAGES THAT THIS GROUP HAS RECEIVED FROM STAFF OVER THE LAST THREE OR FOUR YEARS AND REQUIRING A DIFFERENT CONFIGURATION ALMOST EVERY YEAR THAT I'VE BEEN ON THE COUNCIL. AND REALLY THIS PROPOSAL, WHAT IT DOES, IT GOES FROM WHAT WE DID LAST YEAR WITH SORT OF STAFF'S BLESSING, WAS TO CLOSE THE WHOLE STREET, AND ACTUALLY GOES TO AT LEAST OPENING ONE LANE. AND SEEING WHAT THAT IMPACT MIGHT BE, WHICH IS CERTAINLY AN IMPROVEMENT FROM LAST YEAR. SO AGAIN, THIS HAS ALREADY BEEN -- THIS HAS ALREADY BEEN DISCUSSED, BUT IF YOU WANT TO HASH IT OUT AGAIN, I CERTAINLY WILL.

**Mayor Wynn:** COUNCILMEMBER ALVAREZ, I APOLOGIZE, I KNOW I WAS THINKING THAT THE ONE LANE ISSUE -- I REMEMBER YESTERDAY EVENING SOME DISCUSSION AMONGST SOME COUNCIL OFFICES ABOUT THE DIFFERENCE BETWEEN 6:00 P.M. AND 5:00 P.M. AND THAT THE MUSEUM NEEDED THAT TIME TO SET UP AN EVENT, THEIR ACTUAL EVENT. I WAS UNDER THE IMPRESSION THAT THE ONE-LANE CLOSURE WAS FOR THAT MOVING -- MOVING UP THE CLOSURE OF ONE LANE ONE HOUR EARLIER FROM 6:00 P.M. TO FIVE P.M. AND I THINK YOU'VE CONFIRMED WITH ME THAT WASN'T THE INTENT OF YOUR AMENDMENT, SO I

NEEDED TO OPEN UP THIS DISCUSSION AGAIN.

AND LET'S DO TALK ABOUT IN THE PRESENTATION LET'S TALK ABOUT WHY IT CHANGES FROM YEAR TO YEAR. YOU ARE ABSOLUTELY RIGHT. AS THESE EVENTS GROW IN A CHANGING CONFIGURATION OF DOWNTOWN, AS MAJOR ARTERIALS ARE BEING CLOSED FOR RECONSTRUCTION, WE ARE HAVING TO CHANGE UP THE PLANS FOR THESE EVENTS FROM YEAR TO YEAR. THEY ARE NOT THE SAME FROM YEAR TO YEAR. AND THE REASON IS OUR TRAFFIC PATTERNS ARE NOT THE SAME FROM YEAR TO YEAR. CURRENTLY WE HAVE SEVERAL MAJOR ARTERIALS THAT ARE VIRTUALLY CHOKED DOWN, AND IT CHANGES TRAFFIC PATTERNS. LAST YEAR YOU HAD A FULL CLOSURE, IF I'M CORRECT, TOM. IS THAT CORRECT?

THAT IS CORRECT. THAT IS NOT WHAT STAFF RECOMMENDED OR INTENDED TO DO, BUT BECAUSE OF THE WAY IT WAS WRITTEN AT THE TIME -- AND IF I COULD, PLEASE, AGAIN, TOM FOREST, ASSISTANT DIRECTOR OF TRANSPORTATION, PLANNING AND SUSTAINABILITY. AND I FEEL MAYBE THAT WHEN WE DISCUSSED THIS BEFORE I WAS NOT QUITE STRONG ENOUGH ABOUT STAFF'S RECOMMENDATION THAT WE NOT REDUCE THIS DOWN ANY MORE THAN THE TWO LANES IN TRYING TO DO THIS. WE DO HAVE THE NUMBERS AND I WOULD LIKE TO ASK ELLEN HUGHES, WHO IS SUPERVISING TRAFFIC ENGINEER IN TRANSPORTATION AND ENGINEERING AND IS BOTH FAMILIAR WITH WHAT HAPPENED LAST YEAR AND THE NUMBERS AND SPECIFIC NUMBERS THIS YEAR. AND I WOULD LIKE TO ASK ALLEN IF HE WOULD TO COME UP AND GO THROUGH THE NUMBERS WITH YOU. I APOLOGIZE AGAIN. I THOUGHT EVERYONE HAD SEEN THE BACKUP AND DIDN'T REALIZE THAT HAD GOTTEN TO YOU LATE ADD YOU HADN'T SEEN THE NUMBERS THAT WE PROVIDED ALREADY. BUT LET ME ASK ALLEN TO COME UP AND GO THROUGH THOSE NUMBERS REAL QUICK.

GOOD MORNING, MAYOR AND COUNCIL. MY NAME IS ALLEN HUGHES WITH THE TRANSPORTATION DIVISION. STAFF'S RECOMMENDATION IS TO KEEP TWO LANES OPEN ON FIFTH STREET THROUGH THE P.M. PEAK. WE FEEL VERY STRONGLY ABOUT THIS. THE CITY MANAGER IS ABSOLUTELY

RIGHT. WE HAVE MULTIPLE LANE CLOSURES DOWNTOWN, MAKING IT VERY DIFFICULT TO GET OUT OF THE CBD DURING THE P.M. PEAK HOUR. THE NUMBERS -- THE LATEST NUMBERS WE HAVE ON FIFTH STREET INDICATE APPROXIMATELY 1300 VEHICLES EASTBOUND IN THIS BLOCK BETWEEN THE HOURS OF FIVE A.M. AND SIX P.M. ONE LANE SIMPLY CAN'T HANDLE THAT AMOUNT OF TRAFFIC. YOU'LL BE LUCKY WITH THE ON STREET PARKING ON THE NORTH SIDE AND THE LEFT TURNS THAT ARE MIXED IN WITH THAT SINGLE LEFT LANE BECAUSE THIS LANE THAT WILL REMAIN OPEN WILL BE ON THE NORTH CURB LINE. YOU WOULD BE LUCKY TO GET 800 VEHICLES THROUGH THAT LANE, WHICH MEANS 500 VEHICLES ARE GOING TO BACK UP, DOWN FIFTH STREET, OR AS MOTORISTS TEND TO BE IMPATIENT AND GETTING MORE SO, THEY'LL BE TURNING IN THE INTERSECTION, THE LIGHT WILL TURN, AND THEN CONGRESS IS GOING TO BACK UP BECAUSE THERE'S NO PLACE FOR THEM TO GO IN THOSE BLOCKS ON CONGRESS AVENUE BOTH NORTH AND SOUTH OF FIFTH STREET. SO THERE'S NO PLACE FOR THEM TO GO, THEY BACK UP FIFTH STREET, THEY BACK UP CONGRESS AVENUE. BECAUSE CONGRESS AVENUE, LET'S FACE IT, RIGHT NOW IT'S FULL. THERE'S NO EXTRA CAPACITY ON CONGRESS AVENUE. IT SIMPLY CAN'T AREA THAT ADDITIONAL 500 VEHICLES. SO WE FEEL VERY STRONGLY THAT THE TWO LANES NEED TO REMAIN OPEN ON FIFTH STREET THROUGH THE PEAK HOUR AT 6:00 OAK.

**Futrell:** AND ALLEN, DESCRIBE LAST YEAR WITH THE FULL CLOSURE. ALTHOUGH THAT WAS NOT OUR RECOMMENDATION AND THAT IS WHAT PASSED LAST YEAR, WHAT HAPPENED WITH THE FULL CLOSURE LAST YEAR? DESCRIBE THE EFFECT OF THE FULL CLOSURE LAST YEAR.

WELL, ON FIFTH STREET THE FULL CLOSURE CAUSED TRAFFIC TO BACK UP THROUGH LAVACA. THAT'S THREE BLOCKS BACK ON FIFTH STREET. CONGRESS AVENUE BECAME GRIDLOCKED. AGAIN, MOTORISTS -- AFTER YOU'VE WAITED SO LONG TO GET TO CONGRESS AVENUE, YOU PULL IN THE INTERSECTION, THE LIGHT TURNS, THEN CONGRESS AVENUE CAN'T GO ANYWHERE. IT JUST SHUT DOWN. IN A WORD, IT WAS BAD.

**Mayor Wynn:** SO THIS MAY BE SURPRISING TO SOME FOLKS

HOW MUCH TRAFFIC THERE IS EASTBOUND ON FIFTH STREET DURING THE RUSH HOUR. I GUESS THOSE ARE FOLKS ULTIMATELY TRYING TO GET OVER TO I I-35 PERHAPS OR MAYBE LEAVING DOWNTOWN ULTIMATELY OVER ON SEVENTH STREET TO THE EAST. YOU SAY 1300 CARS BETWEEN FIVE P.M. AND SIX P.M. AND THIS IS A LITTLE LESS THAN THAT BETWEEN FOUR AND FIVE AND A LITTLE LESS THAN THAT BETWEEN SIX AND SEVEN? IS FIVE TO SIX THE PEAK HOUR?

YES, THAT'S CORRECT.

**Mayor Wynn:** SO IT TAPERS OFF BETWEEN SIX AND SEVEN AND IT'S NOT QUITE AS HEAVY BEFORE FIVE P.M.?

YES, THAT'S CORRECT.

**Mayor Wynn:** FURTHER QUESTIONS?

**Alvarez:** I WILL ADD THAT THIS WAS STAFF'S RECOMMENDATION LAST TIME. STAFF AT THE LAST MINUTE BEFORE WE VOTED CHANGED THEIR RECOMMENDATION, BUT I WAS REALLY AMAZED AS WE STARTED ASKING QUESTIONS ABOUT THIS THAT IT CAME FORWARD. AND I HAVE THE E-MAILS TO BACK IT UP WHERE STAFF SAID WE GREE WITH THE FULL CLOSURE AND THE WEEK THAT WE DECIDED TO PUT IT ON THE AGENDA FOR APPROVAL, THEN THERE WAS A CHANGE IN THE RECOMMENDATION. AND AGAIN, BECAUSE WE ALL KNOW HOW IMPORTANT FIFTH STREET IS IN TERMS OF THE DOWNTOWN CIRCULATION, AND WHAT I'M OFFERING HERE IS AN IMPROVEMENT FROM LAST YEAR, AND REALLY, YOU KNOW, A COMMITMENT TO WORK WITH THE ORGANIZATION HERE TO MAKE OTHER ACCOMMODATIONS OR CHANGE THE TIMING OR SOMETHING SO THAT WE DON'T HAVE TO EVERY YEAR DEBATE THIS PARTICULAR ISSUE BECAUSE OF THE IMPORTANCE OF THIS ARTERIAL.

COUNCILMEMBER, YOU'RE RIGHT AND I KNOW THIS IS FRUSTRATING TO GET SOMETHING DIFFERENT. AND I WANT TO ACCEPT SOME BLAME FOR THIS ON OUR PART. I THINK THAT IN OUR DESIRE TO TRY TO ACCOMMODATE THESE EVENTS, WE HAVE NOT BEEN AS STRONG AS WE NEED TO

BE IN STRESSING THE IMPACT ON TRAFFIC ON THESE LANE CLOSURES. AND LISA, CAN YOU ADD SOME INSIGHT INTO HOW WE HAVE MOVED ON THOSE RECOMMENDATIONS?

I THINK WHAT I UNDERSTAND FROM STAFF IS THAT AS THEY WERE DISCUSSING THE EVENT, THERE WAS DISCUSSIONS ABOUT PARTIAL CLOSURE. AND IN THE FINAL RESOLUTION IT SAID FULL CLOSURE. SO THE DAY OF THE EVENT STAFF THOUGHT WHAT WAS APPROVED WAS THE PARTIAL CLOSURE AND THE DAY OF THE EVENT WHEN THE RESOLUTION WAS ACTUALLY READ IT SAID FULL CLOSURE. SO INSTEAD OF HAVING THAT DEBATE ON THAT DAY, THEY ALLOW THE FULL CLOSURE. AGAIN, I AGREE WITH YOU, I THINK MAYBE WE CAN HAVE A MORE STANDARDIZED FORMAT TO PROVIDE COUNCIL THE IMPACT OF CARS COMING IN AND OUT OF FIFTH STREET, WHAT -- MAYBE A MAP AND PROVIDE THAT ADDITIONAL INFORMATION WITH THE OTHER STREET CLOSURES. SO VISUALLY COUNCIL UNDERSTANDS WHAT THE IMPACT IS. I THINK ONCE CONSTRUCTION CLEARS UP AND THERE'S OTHER ALTERNATIVE ROUTES WE MIGHT BE IN A POSITION TO BE MORE LIBERAL, BUT RIGHT NOW WE'RE HAVING TO BE FACED WITH MULTIPLE CLOSURES AND CONSTRUCTION. SO MAYBE SOME KIND OF STANDARDIZED MAP AND FORMAT AND IMPACTS CAN BE PROVIDED TO COUNCIL FOR BETTER INFORMATION BY WHICH TO MAKE THESE DECISIONS.

**Mayor Wynn:** FURTHER COMMENTS, QUESTIONS? IF NOT, AGAIN, I'LL PRACTICE ENTERTAIN A MOTION -- I'LL ENTERTAIN A MOTION REGARDING ITEM NUMBER 24.

**Alvarez:** Y'ALL KNOW WHAT I WOULD RECOMMEND. IT'S GOING TO BE DIFFERENT, SOMEBODY ELSE WOULD PROBABLY MAKE --

**Mayor Wynn:** AGAIN, ITEM NUMBER 24 IS POSTED AS A TWO-LANE FULL CLOSURE -- MAKE SURE I'M READING THIS CORRECTLY. TWO LANES WILL REMAIN OPEN BETWEEN 9:00 A.M. AND 6:00 A.M., FULL CLOSURE BETWEEN 6:00 P.M. AND 11:00 P.M. SO I GUESS WHAT THIS MEANS IS THAT TWO LANES WILL BE CLOSED FROM 9:00 A.M. TO 11:00 P.M., AND ADDITIONAL LANES AS IS POSTED WOULD BE CLOSED AGAINING AT 6:00 P.M. SO THAT'S A POSTED LANGUAGE ON

ITEM 24. AND I'LL ENTERTAIN A MOTION.

**Slusher:** MAYOR, I'LL MOVE. I'LL MOVE THE STAFF RECOMMENDATION.

**Mayor Wynn:** MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE ITEM NUMBER 24 AS POSTED. I'LL SECOND THAT. FURTHER COMMENTS?

**McCracken:** CLARIFICATION, MAYOR. ARE WE VOTING ON CLOSING THE LANES OF TRAFFIC ON FIFTH STREET ON A THURSDAY? IS THAT WHAT THE PROPOSAL IS?

**Mayor Wynn:** YES. THIS WAS TECHNICALLY ON OUR CONSENT AGENDA. IT WAS AMENDED ON OUR CONSENT AGENDA TO INCREASE AN ADDITIONAL LANE TO BE CLOSED ALL DAY. WE NOW HAVE A MOTION BACK ON THE TABLE AND A SECOND TO APPROVE STAFF RECOMMENDATION ON THE LANE CLOSURE ISSUE.

**McCracken:** JUST TO MAKE IT CLEAR, I WANT TO MAKE SURE THAT THE STAFF RECOMMENDATION IS TO CLOSE THE LANE OF TRAFFIC ON A THURSDAY ON FIFTH STREET?

**Mayor Wynn:** THE STAFF RECOMMENDATION -- THE POSTED LANGUAGE IN THE STAFF RECOMMENDATION IS TO CLOSE TWO LANES ON EAST FIFTH STREET BEGINNING 9:00 A.M. ON THURSDAY, RUNNING ALL THE WAY THROUGH 11:00 P.M. THEN BEGINNING AT 6:00 P.M. THE REMAINING TWO LANES WILL BE CLOSED UNTIL 11:00 P.M. FOR THIS STREET EVENT.

**Slusher:** MAYOR, MAYBE IT WOULD HELP IF THE -- THIS IS SORT OF WHAT IS TRYING TO RAISE BEFORE AND I WENT ALONG WITH THE MOTION, BUT IF THE STAFF WOULD EXPLAIN THE DIFFERENCE BETWEEN WHAT THE COUNCIL VOTED FOR UNANIMOUSLY EARLIER IN THE MEETING AND HOW MANY LANES THAT CLOSED AS COMPARED TO WHAT THE STAFF RECOMMENDATION IS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] MEXICAN-AMERICAN,.

**Futrell:** THE CONCERN WAS THAT THAT THE ONE LANE OPEN, THAT THE ALLEN'S PRESENTATION ON WHAT, 1300

VEHICLES?

YES, MA'AM, 1300 VEHICLES.

**Dunkerley:** I HAVE ANOTHER QUESTION. MARES COUNCILMEMBER

**Mayor Wynn:** .

**Dunkerley:** WHAT'S THE DEFERENCE ON WHAT IS ACTUALLY WRITTEN ON THE AGENDA ITEM AND WHAT WE PASSED?

YOU CHANGED THE LANES FROM TWO LANES BEING OPEN TO ONLY ONE LANE BEING OPEN.

**Dunkerley:** SO COUNCILMEMBER ALVAREZ'S AMENDMENT CHANGED THIS TO ANOTHER LANE?

**Futrell:** YES.

**Dunkerley:** OKAY. WELL, I WAS CONFUSED ABOUT THAT.

**Mayor Wynn:** AGAIN THE MOTION ON THE TABLE AND SECONDED TO APPROVE STAFF'S POSTED LANGUAGE ON ITEM NO. 24.

**Dunkerley:** THIS IS STAFF'S?

**Futrell:** THE STAFF ITEM ON THE AGENDA, COUNCILMEMBER, IS TWO LANES OPEN, TWO LANES SHUT UNTIL RUSH HOUR IS DONE, THEN ALL LANES CLOSE.

**Dunkerley:** THAT WAS MY CONFUSION. I THOUGHT THE POSTING WAS COUNCILMEMBER ALVAREZ'S MOTION.

**Futrell:** OKAY.

**Thomas:** I'M SORRY, LAST YEAR WE HAD EVERYTHING CLOSED, RIGHT?

**Futrell:** WE DID HAVE EVERYTHING CLOSED.

**Thomas:** I DON'T WANT YOU TO HAVE TO GO BACK. HOW BIG

OF AN IMPACT DID THAT REALLY HAVE? I KNOW LAST YEAR WE HAD A LOT OF CONSTRUCTION IN THAT GENERAL JURY, FROST BANK WAS NOT COMPLETED. FROST BANK IS COMPLETED TODAY, RIGHT? WHAT OTHER -- I DON'T REMEMBER ANY OTHER IN THAT BLOCK OF EAST FIFTH THAT WE HAVE RIGHT NOW. I DON'T SEE ANYTHING THERE. MAYBE I'M MISSING SOMETHING.

ALLEN TWO OR THREE THINGS FOR US. TALK ABOUT WHAT HAPPENED LAST YEAR, TALK ABOUT WHY WITH THE CHANGING, BECAUSE YOU'RE RIGHT OUR ROAD CLOSURES DOWNTOWN ARE MOVING AROUND LIKE DOMINOES ON A BOARD. ONE DAY IN THE MIDDLE OF THIS WEEK. I GO ANYWHERE IN THIS TOWN, ANY MEETING, ANY GROUP, THE NUMBER ONE FRUSTRATION IS THE GRIDLOCK THAT WE HAVE IN OUR URBAN CORE AREA. WE HAVE THREE MAJOR THINGS GOING ON AT THE SAME TIME.

THIS IS ON A THURSDAY, RIGHT.

THURSDAY.

**Thomas:** HALF OF THEM WILL BE OUT HEATER AT THE COUNCIL MEETING RIGHT? [LAUGHTER] TO

**Futrell:** ACTUALLY, I THINK WE'LL HAVE OUR 20 STANDARD PEOPLE.

IF YOU CLOSE THE ROAD THEY WILL BE DOWN HERE.

**Thomas:** THAT WILL BE A GOOD TIME TO TALK.

**Futrell:** MY ONLY CONCERN, OBVIOUSLY THIS IS GOING TO BE YOUR POLICY DECISION. I WANT YOU TO BE AWARE OF WHAT HAPPENED TO US LAST YEAR, THE NUMBER OF CARS THAT ARE GOING TO TRAVEL THAT, AND WHAT'S GOING TO HAPPEN WHEN YOU NARROW IT TO ONE LANE. IT WAS NOT OUR INTENT TO RECOMMEND A FULL CLOSURE LAST YEAR. IT WAS AN ERROR. WE HAVE NOT BEEN AGGRESSIVE ENOUGH IN TRYING TO ACCOMMODATE ALL OF THE EVENT STREET CLOSURES AND WE HAVE PROBABLY OVERSTEPPED IN OUR RECOMMENDATIONS. WE BACKED UP THREE BLOCKS, ALLEN, TALK ABOUT WHAT HAPPENED LAST YEAR,

TALK THE NUMBER OF CARS.

WHAT HAPPENED LAST YEAR WITH THE FORECLOSURE WAS THAT DURING THE PEAK HOUR, P.M. PEAK, THE TRAFFIC EASTBOUND TRAFFIC ON FIFTH STREET BACKED UP THROUGH LAVACA STREET, WHICH IS THREE BLOCKS AWAY. THE TRAFFIC ON CONGRESS AVENUE FROM -- FROM FOURTH STREET TO SIXTH STREET WAS GRIDLOCKED. THERE WAS NO PLACE FOR THE FIFTH STREET TRAFFIC TO GO ONCE THEY GOT TO CONGRESS. THEY EITHER HAD TO TURN LEFT OR TURN RIGHT AND CONGRESS AVENUE WAS ALREADY FULL. SO THAT INTERSECTION WAS COMPLETELY FULL OF CARS, CARS TRYING TO TURN, LIGHTS TURNING RED, NO PLACE FOR THEM TO GO, SO THEN THE OTHER TRAFFIC CAN'T GO. CONGRESS AVENUE COULDN'T MOVE. JUST DOMINOD BACK. SO IT QUAWS CAUSED A GREAT DEAL OF DIFFICULTY, I CAN'T TELL YOU HOW MANY COMPLAINTS WE GOT THE FOLLOWING WEEK ABOUT ALLOWING SOMETHING LIKE THAT TO HAPPEN.

**Futrell:** SPEAK TO THE FACT THAT THE IMPACT OF FROST BANK, FROST BANK NOW IS FINISHED. WHY ARE WE EXPECTING A PROBLEM WITH ONE LANE OPEN THIS YEAR?

WELL, FROST BANK WAS DOWN ON FOURTH STREET. THEY WEREN'T -- FOURTH STREET CARRIES VERY MINIMAL AMOUNT OF TRAFFIC. THE PROBLEM WITH THIS PARTICULAR EVENT IS IT IS ON FIFTH STREET. IF IT WERE ON FOURTH STREET THAT WOULDN'T BE THAT MUCH OF AN ISSUE. FIFTH STREET BEING A MAJOR ARTERIAL, A MAJOR OUTLET FROM DOWNTOWN CAUSES US CONCERN. ALSO REMEMBER THAT THE FEDERAL BUILDING HAS CLOSED 9th STREET. SO EASTBOUND TRAFFIC REALLY DOESN'T HAVE A LOT OF OPTIONS. EN7th, NOT 9th, FIFTH STREET IS A VERY IMPORTANT ROOTEDROADWAY BECOMING MORE SO. TWO LANES UNTIL 6, THEN FULL CLOSURE FOR THE REST OF THE NIGHT FOR THE EVENT. JUST ENOUGH LANES TO ALLOW THE RUSH HOUR TRAFFIC TO HAVE A WAY IN AND OUT OF DOWNTOWN. WITH THAT I THINK WE'VE PROBABLY SAID IT NOT ONCE, NOT TWICE BUT FIVE TIMES, I THINK IT'S TIME FOR US TO REST ON THE ISSUE.

**Mayor Wynn:** COUNCILMEMBER ALVAREZ?

**Alvarez:** OBVIOUSLY THERE SEEMS TO BE A LOT OF CONCERN ON THE COUNCIL. I CERTAINLY THINK MY PROPOSAL WAS AN IMPROVEMENT FROM LAST YEAR AT LEAST. WHETHER HOW BAD IT WILL GET THIS YEAR IS A DIFFERENT STORY. THIS IS WHAT'S GOING TO PASS THEM. I WANT TO GET A COMMITMENT FROM THE CITY MANAGER THAT THEY ARE NOT GOING TO CHANGE THE STORY FROM YEAR TO YEAR. BECAUSE REGARDLESS OF WHAT'S GOING ON IN DOWNTOWN, FIFTH STREET IS A MAJOR ARTERIAL, SO I JUST DON'T UNDERSTAND, YOU KNOW, WHY WE HAVE SEEN DIFFERENT RECOMMENDATIONS AND THAT IF THIS IS WHAT WE ARE TELLING THEM, JUST TWO LANES, TO SHUT DOWN DURING THE DAY, AT 6:00 YOU CAN SHUT THE WHOLE THING DOWN, THEN LET'S SEND THAT MESSAGE CONSISTENTLY SO THAT AGAIN WE DON'T HAVE A -- A FALSE -- FALSE EXPECTATIONS OUT THERE OF FOLKS THINKING, WELL, MAYBE WE CAN GET ANOTHER LANE THIS YEAR OR MAYBE WE CAN GET THE WHOLE THING CLOSED SOONER. SO REALLY I WOULD LIKE TO HAVE CONSISTENCY ON THIS BECAUSE IT SEEMS LIKE EVERY YEAR THAT IT COMES UP, YOU KNOW, WE HAVE TO TRY TO NEGOTIATE SOMETHING AT THE LAST MINUTE WHEN I THINK THERE REALLY SHOULD BE A STANDARD WAY OF DEALING WITH THIS PARTICULAR ARTERIAL WHEN IT COMES TO CLOSING. SO ...

AND LET ME OFFER THIS AS AN ABSOLUTE COMMITMENT. WHAT I CAN'T GUARANTEE, COUNCILMEMBER, IS THAT WHAT'S GOING TO BE OCCURRING DOWNTOWN MAY NOT REQUIRE SOMETHING DIFFERENT. WITH -- FOR EXAMPLE, ONCE LAMAR IS COMPLETE, THE NEXT PLANS FOR A MAJOR ROAD ARE GUADALUPE. THERE ARE -- THERE COULD BE ANOTHER CONSTRUCTION PROJECT, THERE COULD BE A MAJOR LINE RECONSTRUCTION. AS WE ARE REDEVELOPING, AS ISSUES HAPPEN, I CANNOT GUARANTEE YOU THAT AN EVENT OR AN ISSUE IS NOT GOING TO REQUIRE A DIFFERENT RECOMMENDATION IN DOWNTOWN. BUT I DO THINK WHAT WOULD BE FAIR IS AN EARLIER START WITH A STANDARDIZED WAY OF GAUGING TRAFFIC SO THAT THEY HAVE ENOUGH TIME TO PLAN AND THERE AREN'T SURPRISES AT THE LAST MINUTE. AND I DO THINK THAT WOE NEED TO BE MORE -- THAT WE NEED TO BE MORE

CONSISTENT WITH THE COUNCIL AND WITH THE PUBLIC ON EXPLAINING THE CONCERN AND STANDING FIRM ON THE CONCERN ON TRAFFIC. I DON'T THINK WE ARE SERVING ANYONE WELL AS EVERYONE IS TRYING TO FIND THEIR WAY TO GUIDE TRAFFIC IN AND OUT OF DOWNTOWN RIGHT NOW. SO, YES, I THINK WE NEED A MORE STANDARDIZED WAY AND MORE TIME FOR EVEN VENTS EVENTS TO PLAN.

**Mayor Wynn:** MOTION AND SECOND ON THE TABLE TO APPROVE ITEM NO. 24, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. THANK YOU, COUNCIL. WITH THAT, THAT TAKES US TO OUR NOON GENERAL CITIZEN COMMUNICATIONS. OUR FIRST SPEAKER TODAY IS MR. JIMMY CASTRO. WELCOME, SIR, YOU'LL HAVE THREE MINUTES.

GOOD AFTERNOON, I DO HAVE SLIDE TO SHOW YOU, I'M HERE TO SPEAK ON MY OWN BEHALF, ALSO I'VE SERVED AS A VOLUNTEER WITH THE GREATER HISPANIC CHAMBER OF COMMERCE. I'M HERE TO REMIND EVERYONE OF THE UPCOMING CINCO DE MAYO CELEBRATIONS. THE 5th OF MAY 1862 INVOLVED THE HISTORIES AND DISSUSTAINS OF BOTH THE UNITED STATES AND MEXICO. THEIR LEADERS WERE ABRAHAM LINCOLN AND BENITO JUAREZ. IN 1862 THE SOLDIERS CAME FROM FRANCE TO CAPTURE THE CAPITAL OF MEXICO, MEXICO CITY AND THE REST OF THE CITY WOULD HAVE SURRENDERED. THE FRENCH WERE NOT AFRAID OF ANYONE SINCE THEY HAD NOT LOST A WAR IN 50 YEARS, THE UNITED STATES WAS EMBROILED IN A CIVIL CAR. ON MAY 5th, 1862, 10,000 FRENCH ARMY SOLDIERS ARMED WITH CANNONS AND RIFLES TOOK ON THE AZTEC INDIANS ARMED ONLY WITH PRIDE AND MACHETES. WHEN THE MEXICAN PEASANTS REALIZED WHAT WAS HAPPENING, THEY WERE EAGER TO FIGHT ALONGSIDE THEIR INDIAN PRESIDENT, JUAREZ. MANY ARMED FARM WORKERS DIED TO MEXICO COULD REMAIN INDEPENDENT. THE MEXICANS KNEW THEY HAD TO FIGHT FOR ALL OF THEIR WORTH. IF THEY LOST THEY KNEW THEY WOULD BECOME PART OF

FRANCE. THIS AND MEXICAN FARMERS WOULD -- THIS THE MEXICAN FARMERS WOULD NOT TOLERATE. ON THIS DAY, MAY 5th, 1962, GENERAL ZARAGOSA AND HIS RAG TAG SOLDIERS WERE VICTORIOUS IN THEIR FIGHT AGAINST THE FRENCH ARMY. WHAT CAME TO BE KNOWN AS THE BALLOTS OF THE PUEBLA ON THE FIFTH OF MAY. THE CITY IS NOW NAMED IN HONOR OF THIS VICTORY. AMERICAN UNION FORCES WERE THEN RUSHED TO THE TEXAS-MEXICO BORDER UNDER GENERAL SHERIDAN WHO MADE SURE THAT THE MEXICANS GOT ALL OF THE WEAPONS AMMUNITION THEY NEEDED TO EXPEL THE FRENCH. IN GRATITUDE, THOUSANDS OF MEXICANS CROSSED THE BORDER AFTER PEARL HARBOR TO JOIN THE U.S. ARMED FORCES. MEXICANS, YOU SEE, NEVER FORGET WHO THEIR FRIENDS ARE, AND NEITHER DO AMERICANS. [SPEAKING IN SPANISH] THAT'S WHY CINCO DE MAYO IS SUCH A PARTY. A PARTY THAT CELEBRATES FREEDOM AND LIBERTY. [SPEAKING IN SPANISH] THIS IS WHAT MEXICO IS ALL ABOUT. [SPEAKING IN SPANISH] THANK YOU, MAYOR WYNN.

THANK YOU, MR. CASTRO. MR. JASON CONTINUE -- JASON J. THIBODEAUX, THREE MINUTES FOLLOWED BY MARY LEHMANN.

I HAVE A HANDOUT THAT I WOULD LIKE TO PASS OUT TO YOU GUYS.

**Mayor Wynn:** PLEASE DO. IF SOMEBODY COULD TURN THE LIGHTS BACK ON.

WE ARE HAVING A PROBLEM WITH THE LIGHTS.

I WILL JUST GO AHEAD.

SORRY, MR. TIBIDEUAX.

SAN FRANCISCO CALIFORNIA, OREGON, NEW YORK, NEW MEXICO AND ASH BURY PARK, NEW JERSEY, WITH WHEN WILL AUSTIN, TEXAS AND TRAVIS COUNTY JOIN THE LIST OF COUNTRIES AND COUNTIES ACROSS THE UNITED STATES THAT HAVE JOINED IN FOR THE FIGHT FOR MARRIAGE EQUALITY. MY NAME IS JASON J. THIBODEAUX, I CAME HERE TODAY SPEAKING ON BEHALF OF THE AUSTIN COALITION

FOR MARRIAGE EQUALITY. A NEW FORM OF GRASS ROOTS CAMPAIGN TO FIGHT FOR THE ATTEMPTS TO MAKE MARRIAGE EQUAL FOR ALL CITIZENS IN THE STATE OF TEXAS. ONE OF THE MAIN GOALS OF OUR ORGANIZATION AT THIS POINT IS TO HAVE A RESOLUTION PASSED WITHIN THE CITY COUNCIL AND WE HAVE SPOKEN WITH SEVERAL CITY COUNCIL MEMBERS AND WE INTEND TO SPEAK TO ALL OF YOU EVENTUALLY ABOUT GATHERING SUPPORT FOR THIS RESOLUTION. AS AUSTIN, TEXAS MOVES FORWARD TO BECOME ONE OF THE LEADERS IN THE NATION IN SUPPORT FOR SAME SEX MARRIAGE AND MARRIAGE EQUALITY. YOU WILL LATER BE HEARING FROM A GAY COUPLE THAT WOULD LIKE TO SPEAK TO YOU ABOUT THEIR OWN EVENTS IN THEIR LIVES AS THEY TRY TO FIGHT FOR MARRIAGE IN THEIR LIFE. AND IN CONCLUSION, I WANT TO REMIND YOU, THAT SEPARATE IS NEVER EQUAL. WITNESS WITNESS THANK

**Mayor Wynn:** THANK YOU,. MARY LEHMANN, FOLLOWED BY ROBERT SINGLETON.

MEMBERS OF THE CITY COUNCIL, BY NOW YOU HAVE RECEIVED AND READ THE LETTER FROM THE APPRAISER, AUSTIN VALUATION CONSULTANTS WHOSE SERVICES WE SECURED TO PROVIDE THE CITY COUNCIL WITH THE MISSING ESTIMATE, THE ESTIMATE OF REVENUE SECURED FROM GROUND LEASES, WHETHER BY PHASE OR THE WHOLE MUELLER TRACT. THAT IS ESSENTIAL AND YET WAS NOT PROVIDED. THE -- LONG OVERDUE BEFORE THE -- BEFORE THAT YOU SELECTED A DEVELOPER, A MASTER DEVELOPER. BUT AFTER YOU DECIDED TO -- TO REDEVELOP THE MUELLER AIRPORT, WHY IT WASN'T BETTY DUNKERLY TOLD US THAT ORIGINALLY THERE WAS NO THOUGHT OF LEASING MUELLER AND THAT IS AWESOME. CONSIDERING THAT THE CITY HAS TO PAY FOR EVERY BIT OF INFRASTRUCTURE FOR EVERY BIT OF PRIVATE LAND WHEN IT OPENS OWNS THE LAND THERE WOULD BE NO END SENT INCENTIVE TO SELL BECAUSE THE CITY IS NOW FINALLY BENEFITING. IT CERTAINLY WOULDN'T PAY FOR THE INFRASTRUCTURE BY SELLING ASSETS. THERE ARE OTHER WAYS TO PAY FOR THE INFRASTRUCTURE. AS ROBERT SINGLETON WILL GO INTO AFTER ME. WELL, FINALLY, WE HAVE THESE FIGURES TO -- FOR YOU TO USE BEFORE YOU MAKE THIS DECISION. WHETHER TO LEASE OR SELL.

BECAUSE OF RECENT CONCERN OVER LAND USE CONTROL, THE IDEA OF GETTING AN ESTIMATE FOR LEASING BY PHASES HAS THE INTEREST -- THE INTEREST IN THIS HAS BEEN INCREASING BECAUSE IT MEANS THAT YOU CONTROL BY OWNING THE LAND THE USE OF IT RIGHT UP THROUGH BUILDOUT. THEN YOU COULD DECIDE WHETHER TO SELL. BUT THE REVERSE WON'T WORK. YOU CAN'T SELL AND THEN DECIDE OH, MAYBE WE SHOULD BE LEASING. AND THE BENEFIT, IF YOU DO IT THIS WAY, IS THAT YOU WILL HAVE REAL FIGURES TO CONSIDER AS WELL. AND THERE IS NO ARGUMENT THAT WE CAN GIVE THAT WOULD EVER BE AS GOOD AS THAT FOR THE BENEFITS OF LEASING. AND THIS IS A SITUATION WHICH -- WHICH THE PUBLIC WILL BE WATCHING, TO BE ASSURED THAT THE CITY COUNCIL IS ACTING IN THE PUBLIC INTEREST. NOT LOSING CONFIDENCE IN YOUR ABILITY TO DO THAT. SO IT IS OUR HOPE THAT YOU WILL PROCEED TO TAKE THIS ESTIMATE -- [BUZZER SOUNDING] -- INTO CONSIDERATION. THANK YOU FOR YOUR ATTENTION.

**Mayor Wynn:** THANK YOU, MARY, MR. ROBERT SINGLETON, WELCOME.

IT'S BEEN A WEEKEND FOR LITTLE EPIPHANIES, I'M HAVING ANOTHER ONE WHILE I'M STANDING HERE. I AM GOING TO TALK TO YOU ABOUT PAYING FOR THE SEWER, THE SOUTH AUSTIN OUTFALL, THE SEWER, ALWAYS SAYING DON'T BUILD THAT SUER. IT -- SEWER. IT SUDDENLY OCCURRED TO ME IF THE PREVIOUS COUNCIL HAD TAKEN THE APPROACH TO INFRASTRUCTURE THAT THE CURRENT COUNCIL LOOKS INCLINED TO TAKE, WHEN THE SOUTH AUSTIN OUTFALL WAS BEING ASK YOU D, THAT 48-INCH PIPE UNDER ZILKER PARK THAT WAS GOING TO SERVE DEVELOPMENT ALONG BARTON CREEK, SOMEBODY PROBABLY RONNEY REYNOLDS WOULD HAVE SAID ON WON'T Y DON'T WE JUST SELL THE PARK, THAT WAY WE CAN GET THE SEWER BUILT AND WE WON'T HAVE TO PAY FOR IT. IT'S VERY MUCH THE SAME THING WITH MUELLER. WHEN I SAY SEWER UNDERSTAND THAT I ALSO KNOW THERE ARE ROADS, WATER LINE, ALL OF THE OTHER INFRASTRUCTURE INVOLVED HERE. BUT BASICALLY WE ARE TALKING ABOUT WAYS TO FINANCE THE SEWER AND OTHER INFRASTRUCTURE. I THOUGHT ABOUT CALLING THIS 50 WAYS TO BUILD A SEWER, I HOPE MAYBE SOMEONE BILL

OLIVER IS STARTING TO WORK ON THE SONG. WE WERE ASKED AT THE RMA MEETING ON TUESDAY NIGHT, DON'T YOU WANT THIS DEVELOP TO PAY FOR ITSELF? MY ANSWER TO THAT OF COURSE IS NOT IF WE HAVE TO SELL THE PROPERTY IN ORDER TO GET IT DEVELOPED. MARY HAS TALKED TO YOU A NUMBER OF TIMES ABOUT THE FOOLISH FARMER WHO CAN'T AFFORD TO HAVE IT LAND PLOWED SO HE SELLS IT IN ORDER TO GET IT PLOWED. THERE ARE A NUMBER OF WAYS FOR PAYING FOR THE SEWER, USUALLY DONE BY THE ISSUANCE OF BONDS. AND FROM WHAT MARY HAS FOUND OUT FROM TALKING TO LENDERS, THAT MANY LENDERS SAY, YEAH, WE ARE WILLING TO LOAN MONEY ON A PROJECT FOR INFRASTRUCTURE IF YOU CAN SHOW US THERE'S GOING TO BE A REVENUE STREAM. WELL, I THINK 700 ACRES OF IN CITY LAND IS GOING TO BE A GUARANTEED REVENUE STREAM, WHICH IS GOING TO MAKE THIS AN EASY SELL IF YOU DECIDE TO -- TO BUILD THE INFRASTRUCTURE THROUGH BONDS. AND THE SECOND IS CREATIVE FINANCE DISTRICTS. WHY DON'T WE USE THE SAME SORT OF CREATIVITY IN -- IN FINANCING INFRASTRUCTURE THAT THE PEOPLE THAT GOT M.U.D. LEGISLATION PASSED THROUGH THE LEGISLATURE DID. THAT IS SET UP A DISTRICT THAT HAS BONDING AUTHORITY THAT'S SEPARATE FROM THE CITY IN ORDER TO FINANCE THE INFRASTRUCTURE FOR THIS DEVELOPMENT. I DON'T KNOW, MAYBE THAT COULD BE A TAX INCREMENT FINANCING DISTRICT. SEEMS LIKE THERE OUGHT TO BE SOME WAY OTHER THAN SELLING THE LAND TO GET THE INFRASTRUCTURE BUILT. MY FINAL SUGGESTION ON THIS IS THAT YOU COULD SET IT UP AS AN ENTERPRISE FUND VERY MUCH THE WAY THE OLD AIRPORT WAS SET UP BEFORE IT CEASED TO BE AN AIRPORT, WHICH IS MAKE MONEY SPENT THERE WENT BACK IN THERE AND IT WAS A SEPARATE ITEM IN THE BUDGET. THE LAST THING, 22 SECONDS TO SAY THIS TO YOU, ONE OF THE ARGUMENTS FOR BUILDING REGIONAL RETAIL ON THE NORTHWEST CORNER OF THE MUELLER SITE HAS BEEN THAT THE OFFICE MARKET IS NOT GOING TO RECOVER FOR 8 YEARS. WELL, THE OFFICE MARKET ACCORDING TO THE AUSTIN AMERICAN-STATESMAN TODAY IS GOING TO RECOVER IN THREE YEARS. THE PERSON WHO SAID THAT IS CHARLES HEIMSATH, THE SAME PERSON IN MARCH WAS SAYING 8 YEARS, YOU ARE NOT [BUZZER SOUNDING] GOING TO GET

ANYTHING PUT ON THE GROUND IN THREE YEARS.  
CONSIDER BACK TO THE ORIGINAL PLAN OF OFFICE AND  
SOME RETAIL ON THIS CORNER RATHER THAN BIG BOX.  
THANKS.

THANK YOU, MR. SINGLETON, MAE HARRIS MARION.  
WELCOME, YOU WILL HAVE THREE MINUTES.

TO THE MAYOR AND COUNCIL, I HOPE Y'ALL ARE FEELING  
BETTER THAN I AM, BECAUSE I FEEL REAL SICK. I WENT IN  
THE CLOSET, A LOT OF GIFTS, THE MIRROR WAS IN THERE,  
STUCK IN MY FOOT, I CAME HERE IN 2001 ABOUT MY LITTLE  
COCAINE GRANDSON. WELL, HE'S -- HE GOT OUT OF  
CHILDREN'S HOSPITAL LAST WEEK. AND HE HAS A NURSE, HE  
HAS THREE NURSES FROM 7:00 TO MIDNIGHT. AND HE CAN'T  
SIT UP, HE CAN'T CRAWL BECAUSE OF HIS COCAINE MAMMA.  
HE'S STILL REAL BAD OFF. HE'S REAL SICK. I SEE HIM AND I  
DON'T HAVE NO MONEY, WELFARE SAY THEY ARE GOING  
BROKE. WE DON'T HAVE ANY MONEY TO PAY THIS \$500, JUST  
THREE NIGHTS. ANYWAY, I'M HERE BECAUSE OF MY LIGHT  
BILL. YOU JUST RUN OVER A SENIOR CITIZEN. NOT YOU ALL  
EXACTLY. I TOOK THAT BUDGET, NO ONE IN MY  
NEIGHBORHOOD WOULD DO IT. \$40 FOR THE BUDGET.  
LIGHTS GOING TO BE \$40. I DON'T CARE WHAT. SO I DID THAT  
FOR A YEAR, PAID IT ON TIME. THEN I GOT THIS BILL FOR --  
[INAUDIBLE - NO MIC] -- THE BILL -- I DON'T HAVE NO  
COMPUTER, WE JUST HAVE ONE T.V. AND \$90, \$80. THEY  
HAVE DID THAT, THEY HAVE DONE THAT WITHOUT TELLING  
ME. I'M REAL MAD AND ONE CAME LAST WEEKEND, I HAVEN'T  
PAID IT. BECAUSE I ONLY GET MY HUSBAND'S PENSION,  
MEDICARE. I CUT MY FOOT, I HAD TO PAY THE DOCTOR \$150  
JUST TO LOOK AT IT. SO YOU JUST NOT -- THE CITY IS JUST  
NOT TREATING THE SENIOR CITIZENS RIGHT. I REALLY WANT  
MY MONEY BACK. SOMEBODY PAY FOR IT FOR ME. GIVE ME  
THE REST OF IT BACK. I'M HERE FOR THE SILVER HAired  
LEGISLATURE. I'M RUNNING BECAUSE THE SENIORS NEED  
HELP. THESE NEIGHBORHOOD CENTERS THEY CAME YOUR  
MONEY, THEY DON'T HELP YOU. THEY DON'T CARE NOTHING  
ABOUT YOU. A LOT OF ORGANIZATIONS DON'T EVEN -- YOU  
CALL THEM, THEY WON'T EVEN CALL YOU BACK. I'M JUST  
ANGRY. I AM RUNNING FOR THE SILVER HAired  
LEGISLATURE MAY THE 25th, AND I HAVE ABOUT 10  
CONVALESCENT HOMES, ANYBODY THAT'S 60 YEARS OLD,

PLEASE TAKE THEM, DON'T TELL THEM GO OVER THERE TO VOTE FOR MAE HARRIS MARION, TAKE THEM PLEASE FOR ME. I NEED HELP BECAUSE I GET WITH THE SENATORS AND REPRESENTATIVES, WE CAN GET MORE DONE FOR THE SENIOR CITIZENS, SOME OF THEM GO TO MEXICO AND GET THEIR PRESCRIPTIONS. NOW I'M ON THREE BLOOD PRESSURE MEDICINES, I TAKE MY CHECK THAT MY HUSBAND LEFT ME TO GET SOME PRESCRIPTION. THE DOCTOR DON'T CARE. THEY DON'T EVEN PUT THE NAME OF WHAT THE -- THE MEDICINE IS FOR. I HAD TO GO TO THE PHARMACY AND WALGREEN, SAY WHAT IS THIS FOR? THEY JUST WRITE IT OUT, GET THE MONEY. WE NEED HELP YOUR HONOR. COUNCILMEN, CITY COUNCIL PEOPLE, PEOPLE IF HERE, MAYBE THEY CAN HELP THE SENIOR CITIZENS BECAUSE I'M TIRED OF PEOPLE RUNNING OVER ME, I'M REALLY TIRED. MY TIME IS UP? GOT ONE MORE MINUTE? [BUZZER SOUNDING]

**Mayor Wynn:** ONE MORE SECOND [LAUGHTER]

**Mayor Wynn:** THANK YOU, I'M SURE THE CITY MANAGER OR SOMEBODY WILL HELP US LOOK INTO -- [INAUDIBLE - NO MIC]

**Mayor Wynn:** YES, MA'AM. ELLEN HOBBS WHO WILL BE FOLLOWED BY PAT JOHNSON.

THANK YOU. I'M -- MY PARTNER KRYE HAVE DECIDED TO HAVE OUR WEDDING IN AUSTIN. I DON'T KNOW HOW MANY OF YOU HAVE PLANNED A WEDDING BEFORE IT'S NOT CHEAP. I RECENTLY READ IN FORBES IN GAY PEOPLE WERE ALLOWED TO GET MARRIED THERE WILL BE A \$16.8 BILLION WINDFALL TO THE WEDDING INDUSTRY. BUT I DON'T THINK REALLY IT'S THAT HIGH BECAUSE A LOT OF GAY AND LESBIANS PEOPLE HAVE ALREADY HAD THEIR WEDDINGS, TALKING TO CATERERS, JEWELERS, SITE LOCATIONS NOBODY SEEMS VERY SHOCKED. IT SEEMS TO BE OLD HAT TO THEM THAT WE ARE GOING TO GET MARRIED. THE PLANNING IS GOING WELL, GOT THE SITE, TOLD THE FOLKS, MY GRANDMOTHER HAS IT ON HER CALLED DOOR SO SHE WOULDN'T BE SCHEDULING A BRIDGE GAME. WE HAVE GOT EACH OTHER, WE ARE IN LOVE. AFTER YEARS OF BEING TOGETHER, WE BELIEVE THAT WE ARE READY TO TAKE THE NEXT STEP. WE REALLY THINK THAT WE HAVE EVERYTHING THAT WE NEED TO HAVE A GREAT MARRIAGE. AND WE WILL

HAVE A MARRIAGE. BUT WHAT WE WON'T HAVE IS EQUAL RIGHTS UNDER THE LAW. THE FOLKS WHO WANT TO BAN GAY CIVIL MARRIAGE WILL TELL YOU THAT OUR COMMUNITIES AREN'T READY FOR IT. BUT MY COMMUNITY IS READY FOR IT. MY FAMILY, FRIENDS AND CO-WORKERS ARE THRILLED THAT I'M GETTING MARRIED. THE PEOPLE WHO PROVIDE WEDDING SERVICES HERE IN AUSTIN SEEM READY FOR IT, NOBODY HAS BALKED WHEN WE HAVE OPENED UP OUR CHECKBOOKS. THE FOLKS THAT TELL YOU THAT GETTING A CIVIL MARRIAGE LICENSE IS BAD BECAUSE THE RELIGIOUS COMMUNITIES DON'T SUPPORT IT SEEM TO BE A LITTLE OFF, TOO. THERE SEEM TO BE MORE THAN ENOUGH CHURCHES THAT WILL ACCEPT US AS LEGITIMATE MEMBERS OF THEIR CONGREGATIONS AND WILL ALLOW US TO LIVE IN THEIR CONGREGATIONS AS A COUPLE. LAWS BANNING EQUAL MARRIAGE RIGHTS FOR ME AND MY PARTNER WOULD ESTABLISH A VERY NARROW VIEW OF CHRISTIANITY AND AS THE LAW OF THE LAND. IT WILL MAKE OUTLINES OF THOSE CHRISTIANS LIKE FOR EXAMPLE THE CONGREGATIONS AT TRINITY UNITED METHODIST, UNIVERSITY BAPTIST, FIRST ENGLISH LUTHERAN WHO BELIEVE IN OUR CIVIL RIGHTS. BUT FRANKLY, EVEN IF EVERY CHRISTIAN IN THIS COUNTRY THOUGHT THAT I WAS GOING TO HELL THAT WOULDN'T JUSTIFY UNEQUAL TREATMENT UNDER THE LAW. WE HAVE LIVED IN AUSTIN FOR YEARS, I HAVE BEEN HERE MORE THAN A DECADE, LIVED IN TEXAS MY WHOLE LIFE EXCEPT FOR A FEW UNFORTUNATE YEARS AT THE BEGINNING IN OKLAHOMA. THIS IS OUR HOME AND COMMUNITY, AS REPRESENTATIVES OF OUR COMMUNITY WE ARE ASKING TO YOU TAKE ACTIVE STEPS TO ESTABLISH MARRIAGE EQUALITY UNDER THE LAW. WE NEED YOUR REPUTATION. THERE ARE PEOPLE WHO SHARE THEY ARE REPRESENTING US IN WASHINGTON AND IN OUR LEGISLATURE, BUT THEY ARE NOT REPRESENTING OUR VIEWS ACCURATELY AND I BELIEVE THAT YOU KNOW THIS AS WELL. THAT'S WHY WE ARE ASKING FOR YOUR HELP, WE NEED YOU TO SPEAK UP FOR US, WE NEED YOU TO ACTIVELY RESOLVE TO SUPPORT CHANGES IN THE LAW THAT WOULD ELIMINATE DISCRIMINATION AND ESTABLISH EQUAL MARRIAGE AND WE ASK YOU TO TAKE THE INITIATIVE THAT WILL MAKE THESE CHANGES HAPPEN. WE ASK YOU TO PUBLICLY DENOUNCE THROUGH A RESOLUTION ANY ATTEMPTS TO ADD

DISCRIMINATORY AMENDMENT TO THE U.S. OR THE STATE CONSTITUTION. THANK YOU. I'VE GOT A COPY OF MY STATEMENT FOR YOU.

**Mayor Wynn:** THANK YOU, MS. HOBBS, YOU ARE WELCOME TO PASS THAT TO US NOW. PAT JOHNSON WHO WILL BE FOLLOWED BY JUN YEH.

GOOD AFTERNOON, I WILL COVER TWO ASSUMPTIONS TODAY SINCE I ONLY GOT THREE MINUTES. I STAYED UP ALL NIGHT LONG TRYING TO GET ALL OF THIS IN THREE MINUTES. IN THE PAMPHLET THAT I HANDED OUT TO Y'ALL, ON PAGE 3, TALKS ABOUT CRIMINALIZATION OF 684 VIOLATIONS, I WOULD ASK THE COUNCIL TO ASK THE CITY ATTORNEY TO EXPLAIN TO ME AND THE PUBLIC WHY THE POLICE DEPARTMENT IS NOT ALLOWED TO ENFORCE THESE CRIMINAL OFFENSES AGAINST TOWING COMPANIES, THAT'S ONE ISSUE. THE SECOND ISSUE IS IT'S 2:00 A.M. MONDAY MORNING, THE MAJORITY OF PEOPLE ARE ASLEEP IN THEIR HOMES OR IN THEIR HOTEL ROOMS. PICTURE THIS A TRACTOR-TRAILER LOADED WITH GASOLINE OVERTURNS ON MOPAC. WE ASSUME THAT MOST PEOPLE ARE WARNED. I THINK NOT. THEIR EMERGENCY BROADCAST SIGNAL, EBS ON TIME WARNER CABLE ACTIVATES, BUT YOU CAN BARELY HEAR IT. THE WARNING NOISE IS A -- IS OF NO VALUE IF PEOPLE CANNOT HEAR IT. THE BLUE SCREEN AND FLASHING YELLOW WORDING WORKS WELL AS YOU CAN -- IF YOU CAN SEE. WHAT ABOUT OUR CITIZENS THAT ARE VISUALLY IMPAIRED? I HAVE COMPLAINED TO TIME WARNER NUMEROUS TIMES OVER THE PAST FOUR MONTHS TO NO AVAIL. I WAS TOLD THIS MORNING AFTER THE EBS WARNING TEST AT 2:00 A.M., WHICH I WAS WATCHING A MOVIE, BY TEXAS -- A CABLE EMPLOYEE ANSWERED THE PHONE, NUMEROUS COMPLAINTS ABOUT THE LOUD NOISE, THEY WERE INSTRUCT BID THE CITY TO REDUCE THE LEVEL OF THE VOLUME. MY TV GOES FROM ONE TO 32, I HAVE IT ON 25. I CANNOT EVEN HEAR THE NOISE. EBS IS TO WARN THE PUBLIC. WHO IN THEIR RIGHT MIND WOULD ALLOW THIS TO HAPPEN. THIS IS A DISASTER WAITING TO HAPPEN. I REQUEST THAT SOMETHING BE DONE TO CORRECT THIS BLATANT DISREGARD FOR PUBLIC SAFETY. THAT'S WHAT EBS IS FOR TO WARN PEOPLE. IF I CAN'T HEAR, WHAT ABOUT THE PEOPLE THAT ARE BLIND. IF THEY CAN'T HEAR

ANYTHING. I THINK THAT'S A RELATIVE ISSUE THAT NEEDS TO BE ADDRESSED, MAYOR WYNN. CAN I GET A RESPONSE IN REFERENCE TO -- TO MR. SMITH THE CITY ATTORNEY AND THE PUBLIC WHY THE POLICE DEPARTMENT IS NOT ENFORCING NOT CRIMINALLY PROSECUTING FOR TOWING COMPANIES FOR RIPPING THEM OFF?

**Mayor Wynn:** I WOULD ASK THE CITY ATTORNEY TO PLEASE RESPOND REGARDING IF THERE'S BEEN ANY INSTRUCTION TO OUR POLICE DEPARTMENT REGARDING THAT.

YES, MAYOR, CITY MANAGER. I'M NOT AWARE OF ANY INSTRUCTION TO THE POLICE DEPARTMENT NOT TO ENFORCE THIS PARTICULAR PROVISION OF THE TRANSPORTATION CODE. THE PROVISION THAT YOU ARE REFERENCING RELATES TO PARKING FACILITY OPENERS GETTING KICK BACKS FROM TOWING COMPANIES FOR UTILIZING THAT TOWING COMPANY. BUT I WOULD ASK ALSO DAVID DOUGLAS FROM MY OFFICE TO -- WHO PROBABLY HAS MORE SPECIFIC KNOWLEDGE ABOUT THE ENFORCEMENT OF THIS PROVISION TO ADDRESS YOUR QUESTION.

THANK YOU, DAVID DOUGLAS WITH THE LAW DEPARTMENT. THE CITY ATTORNEY'S OFFICE IS NOT -- HAS NOT ADVISED THE POLICE DEPARTMENT NOT TO ENFORCE CHAPTER 684 OF THE TRANSPORTATION CODE. MR. SMITH IS CORRECT, THAT'S THE SUBJECT MATTER. PART OF THE SUBJECT MATTER OF THAT CHAPTER. THE POLICE DEPARTMENT HAS AN ENFORCEMENT POLICY FOR ALL TYPES OF OFFENSES THAT PRIORITIZES THEM AND -- AND A PARTICULAR VIOLATION, I THINK THAT MR. JOHNSON HAS BEEN REFERRING TO IF I'M CORRECT HAS TO DO WITH -- WITH BUSINESS RELATIONSHIPS BETWEEN TOWING COMPANIES AND PRIVATE PARKING FACILITY OWNERS. THE OFFENSE THAT IS SET OUT IN THE TRANSPORTATION CODE IS A CLASS C MISDEMEANOR. IT'S NOT SOMETHING THAT YOU CAN SPOT ON THE STREET AND WRITE A TICKET FOR. IT REQUIRES SIGNIFICANT AMOUNT OF INVESTIGATION. I THINK MR. JOHNSON HAS BEEN TOLD IN THE PAST THAT -- THAT THAT TYPE OF VIOLATION SPECIFICALLY IN THE LAW IS -- IS SUBJECT -- ALSO SUBJECT TO CIVIL INJUNCTION AS A NUISANCE OR AS A -- AS AN IMPROPER BUSINESS PRACTICE. THAT IS -- THAT IS UNDER THE JURISDICTION OF THE -- OF

THE COUNTY PROSECUTORS AND THE STATE ATTORNEY GENERAL. NOT THE CITY ATTORNEY'S OFFICE. SO NO THERE HAS NOT BEEN ADVICE FROM THE CITY ATTORNEY'S OFFICE NOT TO ENFORCE THE LAW. [BUZZER SOUNDING]

CAN I MAKE A REBUTTAL.

PLEASE CONCLUDE.

MR. DAVIS -- IS THAT YOUR NAME, MR. DAVIS?

DOUGLAS.

A LOT OF TIMES POLICE OFFICERS RESPOND, GET CALLS TO 311 WHEN PEOPLE ARE HAVING AN ARGUMENT WITH THE TOW TRUCK DRIVER OUT THERE ON THE PRIVATE PROPERTY. WHEN THE OFFICER GETS DOWN THERE TO THEIR PROPERTY, HE CAN -- THEY CARRY THE CODE LAW BOOK AND THE TRANSPORTATION CODE BOOK AND THE PENAL CODE IN THE TRUNKS OF THEIR POLICE CARS. WHAT'S HAPPENING IS -- ACCORDING TO DETECTIVE HANLON TOLD ME THIS MORNING IT'S A PRIORITY ISSUE. THE POLICE DEPARTMENT TELLS THE PUBLIC, WELL IT'S A CIVIL MATTER. BUT YET JOHN CORNYN BEFORE HE LEFT TO BECOME ISN'T IT TRUE SAID IT'S A CRIMINAL MATTER. WHICH IS IT?

**Mayor Wynn:** YOUR TIME IS UP. IF YOU WOULD BE KIND ENOUGH TO PERHAPS PUT THIS IN WRITING, SEND IT TO ANY OF US AND/OR CITY STAFF --

I HAVE BEEN COMING HERE SINCE THE FIRST OF THE YEAR. AND I HAVE NOT HAD A RESPONSE FROM ANY STAFF MEMBER ABOUT ANY SUBJECT THAT I HAVE TALKED TO EXCEPT PURCHASING AND THE ONLY REASON I GOT SOME INFORMATION OUT OF PURCHASING IS BECAUSE THEY WERE SOME VETERAN EMPLOYEES IN PURCHASING THAT BROUGHT STUFF TO MY ATTENTION THAT WASN'T CORRECT.

**Mayor Wynn:** IF YOU WOULD BE KIND ENOUGH TO SEND YOUR REQUESTS TO MY OFFICE, I WILL FORWARD IT ON --

I UNDERSTAND THAT, MAYOR. JUST LIKE YOU WOULDN'T LET ME SPEAK WHEN YOU ALL AWARDED THE CONTRACT TO

[INDISCERNIBLE] TOWING, PURCHASING SEPTEMBER THEM A CANCELLATION TAKING THEM OUT OF THE BID.

**Mayor Wynn:** THAT ITEM IS ON THE CONSENT AGENDA. WHEN IT'S NOT PULLED WE DON'T HAVE DISCUSSION.

IT'S STAFF RELATED. THEY GIVE A CONTRACT TO PUBLIC WORKS, DON'T EVEN HAVE WORKERS' COMP.

**Mayor Wynn:** THANK YOU, SIR. JUN YEH, I'M SORRY IF I'M MISPRONOUNCING THAT, YOU WILL HAVE THREE MINUTES, FOLLOWED BY MEI-CHIH HUANG.

HI, HOW ARE YOU, DEAR HONORABLE MAYOR AND HONORABLE CITY COUNCIL MEMBERS, MY NAME IS ACTUALLY DANIEL WONG, I'M A STUDENT AT U.T. AUSTIN STUDYING CIVIL JERLG, SENIOR. CIVIL ENGINEERING, SENIOR. I'M A MEMBER OF THE PRACTICE MEDITATION GROUP FALL FALUN GONG WHICH MOST OF YOU ALREADY KNOW, THREE PRINCIPLES, TRUTHFULNESS, COMPASSION, FORBEARANCE. NEED[INDISCERNIBLE] WAS A VICTIM OF THIS -- WAS A VICTIM OF THIS REALLY, REALLY BRUTAL PERSECUTION AND TODAY I WOULD LIKE TO ADDRESS MY FATHER'S STORY. IN 1999, JULY 20th, MY DAD WAS DRAGGED AWAY BY THE CHINESE POLICE. HE HAS BEEN SECURED FOR THREE MONTHS. AFTER LONG TIME WAS DISAPPEARED -- DISAPPOINTMENT AND DESPAIR. I WAS INFORMED, SAW HIS INMATE ON TV THAT HE WAS SENTENCED TO 16 YEARS OF JAIL TIME. AND SO FAR, YOU KNOW, I HAVEN'T EVEN HEARD FROM HIM, ANY WORDS FROM HIM. BUT HE BELIEVE THOSE THREE WORDS, TRUTHFULNESS, COMPASSION, FOREBEARIANS. THAT'S NOT THE ONLY MEMBER OF MY FAMILY MEMBERS SUFFERED. MY GRANDPA INSIDE OF CHINA, WHICH IS AN ELDERLY MAN, HE WAS HARASSED BY THE CHINESE POLICE CONSTANTLY. AND FOR -- FOR TRYING TO PERCENT EXECUTE HIM TO GIVE UP FALUN GONG. HE WAS SCARED TO A SICK BED. AND AFTER A YEAR OF SUFFERING, HE PASSED AWAY ABOUT TWO YEARS AGO. AND I WAS [INDISCERNIBLE] TO GO BACK TO CHINA. I CAME HERE ABOUT SIX YEARS AND I HAVEN'T BEEN SPOKEN TO BY FAMILY FOR LIKE AFTER I CAME TO AMERICA. LIKE LAST YEAR I JUST GOT MY CITIZEN SHIP, WHICH I'M SO GRATEFUL THAT I CAN BE HERE AND BE, YOU KNOW, FREE TO TALK

ABOUT MY SITUATION AND EVERYTHING. BUT MY DAD HE'S STILL SUFFERING INSIDE OF CHINA. AND OH, HE BELIEVED IN THOSE THREE WORDS. AND -- AND, YOU KNOW, THEY CONTACT ME THROUGH MY FAMILY RELATIVE, THEY SAID OKAY THE MORE I SPEAK OUT, THE MORE THEY WILL PUT ON MY DAD. AND I MISS HIM SO MUCH. BECAUSE I'M THE ONLY CHILD LIKE IN MY FAMILY AND I WAS BROUGHT UP IN A SINGLE PARENT FAMILY. AND I WAS DREAMING OF COMING TO AMERICA AFTER I GRADUATED. I WANT TO, YOU KNOW, PAY RESPECT TO MY FAMILY, PAY BACK EVERYTHING MY DAD GAVE TO ME. BUT SINCE THERE'S NO CHANCE FOR ME TO GIVE HIM BACK, WHAT I AM HAVING RIGHT NOW, WHAT [INDISCERNIBLE] OF, SO ON BEHALF OF MY FAMILY [BUZZER SOUNDING] AND PRACTITIONERS SUFFERING IN CHINA, I HOPE, YOU KNOW, THE CITY CITIZENS AND AMERICANS HELP ME TO SUPPORT FALUN GONG, TO SUPPORT TRUTHFULNESS, COMPASSION, FORBEARANCE, THANK YOU SO MUCH.

**Mayor Wynn:** THANK FOR YOU SHARING THAT WITH US, OUR THOUGHTS ARE WITH YOU. MEI-CHIH HUANG. SORRY IF I MISPRONOUNCED THAT.

THAT WAS CORRECT. GOOD AFTERNOON MAYOR AND MEMBERS OF THE COUNCIL. IMAGINE CHILDREN REGARDLESS OF AGE BEING STRIPPED OF EDUCATION, DRIVEN TO HOMELESSNESS, SENT TO BRAINWASHING SESSIONS, SHOCKED WITH ELECTRIC BATONS, FORCE FED WITH HARMFUL DRUGS AND EVEN MURDERED. WELL, THIS AND OTHER UNIMAGINABLE FORMS OF TORTURE ARE USED TO TARGET AN ESTIMATED 10 MILLION CHILDREN IN CHINA TODAY. THE CHILDREN ARE SUFFERING BECAUSE THEY AND THEIR PARENT ARE UPHOLDING ONE OF THE VERY BASIC HUMAN RIGHTS THE FREEDOM OF BELIEF. THEIR FREEDOM CAME UNDER ATTACK ALMOST FOUR -- MORE THAN FOUR YEARS AGO IN 1999. WHEN THE FORMER CHINESE PRESIDENT, FALUN GONG IS AN ANCIENT CHINESE FORM OF MEDITATION AND EXERCISES WITH TEACHINGS BASED ON THE UNIVERSAL PRINCIPLES OF TRUTHFULNESS, COMPASSION AND FORBEARANCE. DUE TO THE OVERWHELMING POPULARITY OF FALUN GONG, THE PRESIDENT LAUNCHED THE PERSECUTION WITH THE MISSION TO ERADICATE ITS FOLLOWERS -- TO ERADICATE ITS

FOLLOWERS. IT HAS BEEN -- MORE THAN 950 CONFIRMED DEATHS FROM TORTURE BY POLICE HAVE BEEN REPORTED AND THE TRUE NUMBER IS 10 TIMES GREATER. THAT IS TO SAY AN AVERAGE OF SIX OR SEVEN PEOPLE ARE KNOWN -- ARE TORTURED TO DEATH EACH AND EVERY DAY. MORE THAN 100,000 PRACTITIONERS ARE KNOWN TO HAVE BEEN DETAINED UNDERSTAND PRISONS -- DETAINED UNDERSTAND PRISON AND LABOR CAMPS WHERE THEY FACE BRUTAL VIOLENCE DESIGNED TO DESTROY THEM MENTALLY AND PHYSICALLY. BEFORE THE PERSECUTION OF FALUN GONG BEGAN THERE WERE 70 TO 100 MILLION PEOPLE IN CHINA PRACTICING IT. ADD TO THIS ALL OF THEIR FAMILIES AND FRIENDS AND ONE CAN SEE THE EFFECT OF THIS PERSECUTION IS ENORMOUS. THIS PERSECUTION HAS EVEN EXTENDED OVERSEAS WITH IMPRISONMENT OF CITIZENS IN OTHER COUNTRIES, INCLUDING AMERICAN. THERE ARE CURRENTLY 16 LAWSUITS AROUND THE WORLD, INCLUDING THE U.S., CHARGING THE FORMER PRESIDENT AND A FEW SENIOR OFFICIALS WITH TORTURE, CRIMES AGAINST HUMANITY AND GENOCIDE. APRIL 25th MARKS A FIVE YEAR ANNIVERSARY OF THE BEGINNING OF OUR PEACEFUL APPEALS INSIDE AND OUTSIDE OF CHINA. WE WILL BE HOLDING A RALLY AT U.T. TO COMMEMORATE THE SIGNIFICANT DAY IN HISTORY. WE SINCERELY INVITE YOU TO SPEAK AT THE RALLY, TO STAND UNITED WITH US AS WE SEND OUR VOICES OF JUSTICE ACROSS THE WORLD WITH ONLY ONE MISSION, THAT IS TO STOP THE GENOCIDE IN CHINA. AS MARTIN LUTHER KING, JR. ONCE SAID, INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE. THANK YOU.

**Mayor Wynn:** THANK YOU. AND KYRE OSBORN.

YES. THANKS. YOU HEARD FROM MY PARTNER ELLEN. AND I'M HERE TO TALK ABOUT THE SAME ISSUE. THIS PAST SATURDAY SHE AND I WERE IN KERRVILLE VISITING WITH HER FAMILY. HER DAD JIM WHO IS 68 AND RETIRED FROM A LIFETIME OF WORK AT PHILLIPS PETROLEUM, HIS COMPANION ANN, 70 RETIRED FROM THE PERSON LEGION AND HER GRANDMOTHER LUCILLE CHEESE 96, LUCKILY FOR US ABLE TO MAINTAIN HER OWN APARTMENT. ALL THREE OF THEM OFFERED US THEIR BLESSING ON WHAT WE ARE CALLING OUR WEDDING, WHICH AS SHE MENTIONED IS

COMING UP ABOUT A YEAR FROM NOW. LEGALLY SPEAKING, WHAT WE ARE GATHERING OUR COMMUNITY FOR WON'T BE A WEDDING OF COURSE BECAUSE WE WON'T GET ANY OF THE LEGAL BENEFITS OF MARRIAGE FEDERAL OR STATE. IT WILL SIMPLY BE A COMMITMENT CEREMONY AND ALL WEDDING OF COURSE ARE, BUT LEGAL LIENGZ OUR RELATIONSHIP IS SOMETHING OUR PRESIDENT AND LEGISLATORS ARE TELLING US THE COUNTRY IS NOT READY FOR. THEIR VIEW OF THE COUNTRY APPARENTLY ISN'T WIDE ENOUGH TO SEE US AND OUR READY PHONES MARRIAGE EQUALITY WHICH IS BEING IGNORED. WE WON'T GAIN THE CIVIL STATUS ENJOYED BY OPPOSITE COUPLE WHO'S HOLD WEDDINGS WHICH MEANS AN AWFUL LOT. AS MANY OF YOU PROBABLY KNOW THE COST OF A MARRIAGE LICENSE HERE IN TRAVIS COUNTY IS \$41. WITH THAT \$41 PROBABLY MANY OF YOU HAVE RECEIVED WHAT STRAIGHT COUPLES DO WHEN THEY APPLY FOR A MARRIAGE LICENSE, THAT'S ABOUT 138 RIGHTS AND RESPONSIBILITIES AT THE FEDERAL LEVEL. IN CONTRAST WE PLAN TO RETAIN AN ATTORNEY TO PUT TOGETHER SOME DOCUMENTS FOR US TO PROXIMATE A FEW OF THOSE RIGHTS. BUT WE WILL NEVER BE ABLE TO GET ANYWHERE NEAR THE OVER 1,000 THAT YOU ALL GET WHO ARE MARRIED. IN ADDITION OF COURSE THE INITIAL PAPERWORK ALONE WILL COST US \$3,000, \$3,000 COMPARED WITH 41. BUT THE COSTS DON'T STOP THERE. WE CAN'T ASSUME THAT WE CAN PLAN FOR OUR FUTURE AND FAMILY LIKE A STRAIGHT FAMILY WOULD. IF GOD FORBID ELLEN DIED I COULDN'T ACCESS HER SOCIAL SECURITY OR FEDERAL PENSION. TEXAS LAW DOESN'T ALLOW COMPANIES THAT ARE BASED HERE TO ENSURE DOMESTIC PARTNERS, SO INSURING OUR FAMILIES WOULD BE ANOTHER EXPENSE FOR US. NO JOINT TAXES IF WE HAD A CHILD WHICH WE PLAN TO DO WE WILL BE PENALIZED AT TAX TIME IF ONE OF US STAYED HOME TO TAKE CARE OF THE BABY. WE ARE ALSO, IMAI FAMILIES ARE ALSO PENALIZED BY STATE AND GIFT TAXES BEING TAXED ON GIFTS AS OPPOSED TO INHERITANCE BECAUSE WE CAN'T BE MARRIED. BASICALLY, EVERY NUANCE OF OUR FINANCIAL AND LEGAL LIVES HAVE TO BE EVEN MORE CAREFULLY AND STRATEGICALLY NEGOTIATED AND SAVED FOR. IT AN EXTRA BURDEN TO SAY THE LEAST. SPEAKING OF TAXES, THE REFRAIN OF OUR AMERICAN REVOLUTIONARIES, TAXATION WITHOUT

REPUTATION IS TYRANNY OCCURS TO ME, WE ARE TAXED AS GAY PEOPLE THE SAME AS ANYONE ELSE, NOT REPRESENTED EQUALLY BY FEDERAL OR STATE MARRIAGE LAWS. INSTEAD MOST DEMOCRATS AND SOME REPUBLICANS ARE FOR THE CONCEPTS OF CIVIL UNIONS, AS BROWN VERSUS THE BOARD OF ED POINTED OUT, SEPARATENESS IS NEVER EQUAL SHOULD BE CONSIDERED SUSPECT ESSENTIALLY IN THE CASE OF GOVERNMENT SEPARATING OUT MINORITIES AND THEIR CIVIL RIGHTS. WE HAVE COME TO SAY WE WANT YOUR LEADERSHIP ON THIS ISSUE [BUZZER SOUNDING] WE ASK THAT YOU SPEAK UP FOR US AND FOR THIS COUNTRY. IN CLOSING I WILL SAY THAT POLITICIANS ARGUE THAT MARRIAGE MUST REMAIN TRADITIONAL. AS WE KNOW TRADITION IS NOT VIRTUOUS IN AND OF ITSELF. TRADITION INCLUDE NO SUFFRAGE FOR WOMEN AND SEGREGATION IN SCHOOLING. AS WE KNOW TRADITION DOESN'T EQUAL GOOD AS A MATTER OF COURSE. I'M GOING TO SHARE WITH YOU MY STATEMENT SO HOPEFULLY YOU CAN READ THE LAST COUPLE OF STATEMENTS. ALSO I WANT TO SAY THAT I DON'T CLAIM THAT AUSTIN IS SAN FRANCISCO OR TEXAS IS CALIFORNIA, THAT DOESN'T MEAN THAT WE SHOULDN'T DO ANYTHING, YOU ARE THE CITY COUNCIL OF THE CAPITAL OF ONE OF THE MOST IMPORTANT STATES IN THE NATION, I HOPE THAT YOU WILL TAKE LEADERSHIP ON THIS ISSUE. THANK YOU.

**Mayor Wynn:** THANK YOU, PLEASE DO PASS OUT YOUR STATEMENT. COUNCIL, THAT'S ALL OF THE CITIZENS SIGNED UP FOR GENERAL CITIZENS COMMUNICATION. AT THIS TIME, WE CAN GO INTO EXECUTIVE SESSION BUT BEFORE THAT, I BELIEVE THE MAYOR PRO TEM WANTED TO HAVE A QUICK STATEMENT OR CLARIFICATION ON AN ITEM THAT WAS ON THIS MORNING'S CONSENT AGENDA. MAYOR PRO TEM?

THANKS, MAYOR. BECAUSE SO MANY PEOPLE ARE AFRAID OF ANY CHANGES THAT TAKE CARE OF OUR HEALTH CARE PROVISION AND CLINIC OPERATIONS AND SO ON, SO FORTH, I JUST WANTED STAFF TO BE ABLE TO MAKE A QUICK STATEMENT ABOUT HOW AFTER PASSAGE OF ITEM NO. 5 THIS MORNING, THAT DOESN'T CHANGE THE PAYABLE AMOUNT, THE \$35 AND SO -- SO I JUST WANTED TO REASSURE SOME PEOPLE WHO WANT TO MAKE SURE THEY

KNOW WHAT THAT ITEM MEANT.

THAT'S CORRECT. DAVID LEE, CHIEF OPERATING OFFICER FOR THE FQHC SYSTEM. AND THE -- THE CHANGE WAS AN INTERNAL ACCOUNTING PROCEDURE, IT WILL HAVE NO IMPACT ON THE COMMUNITY.

**Goodman:** THANKS, I JUST WANTED TO HEAR YOU SAY THAT OUT LOUD.

**Mayor Wynn:** THANK YOU DAVID AND MAYOR PRO TEM. AT THIS TIME, WITHOUT OBJECTION WE WILL GO IN PRIVATE -- INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 36 RELATED TO HYDE PARK BAPTIST CHURCH VERSUS CITY OF AUSTIN, 38 RELATED TO THE ANTICIPATED FOURTH SPECIAL CALLED SESSION OF THE LEGISLATURE, 39 RELATED TO THE NEW CITATION PROGRAMS AND AMENDMENTS AND POTENTIALLY TAKE UP UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT REAL ESTATE ITEMS RELATED TO ITEM NO. 40 TO ROBERT MUELLER AIRPORT SITE AND 41 RELATED TO INTEREST IN REAL PROPERTY ACQUIRED FROM THE BARTON SPRINGS CLEAN WATER PROJECT, THE BALCONES CANYONLAND PRESERVES AND/OR WATER QUALITY LANDS PROJECT. WE ARE NOW IN CLOSED SESSION. THANK YOU. TEST TEST HIRKS HIRKS HISTORIC PERSERVATION TASK FORCE 2:00 BRIEFING. MARES.

**Mayor Wynn:** IN CLOSED SESSION WE RECEIVED PRIVATE CONSULTATION FROM YOUR ATTORNEY UNDER SECTION 551.071, WE DISCUSSED ITEMS 36 AND 38. WE HAVE NOT TAKEN UP ITEM NO. 39. ALSO, UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT, WE GOT ADVICE FROM OUR ATTORNEY REGARDING ITEM 40, RELATING THE DISPOSITION OF THE FORMER MUELLER AIRPORT SITE, CATELLUS, AUSTIN LLC, AGAIN NO DECISIONS WERE MADE. WE HAVE NOT TAKEN UP ITEM 41. COUNCIL, AT THIS TIME WE CAN TAKE UP ITEM NO. 43, WHICH IS A PRESENTATION FROM THE HISTORIC PERSERVATION TASK FORCE. AND WE WILL -- WE WILL START WITH THE STAFF PRESENTATION. MR. SADOWSKY, WELCOME.

ACTUALLY, I DON'T BELIEVE THIS IS GOING TO BE A STAFF PRESENTATION.

NO IT'S NOT.

**Futrell:** THIS IS GOING TO BE AN INTRODUCTION.

AN INTRODUCTION.

**Futrell:** AND WHO WOULD LIKE TO DO THE HONORS? STEVE, WOULD YOU LIKE TO DO THE HONORS?

OF INTRODUCING THE SPEAKER?

WHY DON'T WE INTRODUCE MS. BETTY BAKER.

THE SPEAKER IS MS. BETTY BAKER, THE CHAIR OF THE HISTORIC PRESERVATION TASK FORCE.

THANK YOU, STEVE. MAYOR, CITY COUNCIL MEMBERS, CITY MANAGER: IT'S AN HONOR TO PRESENT TO YOU THE REPORT OF THE HISTORIC PERSERVATION TASK FORCE. IT REFLECTS SOME OVERDUE AND MUCH NEEDED RECOMMENDATIONS FOR AMENDING AND UPDATING THE CURRENT ORDINANCE. WHICH IS 30 YEARS OLD, ACTUALLY, THIS MONTH. ALMOST AS OLD AS I AM. THERE HAVE BEEN SOME MODIFICATIONS AND ADDITIONS TO THE ORIGINAL ORDINANCE, BUT TO MY KNOWLEDGE THE -- THERE HAVE BEEN -- THIS IS THE FIRST ATTEMPT FOR A REVAMPING THE PROGRAM IN ITS ENTIRETY. I MUST COMPLIMENT YOU ON THE MEMBERS THAT YOU APPOINTED TO THE TASK FORCE. WE HAVE FOUR OF THEM HERE THIS EVENING, IF THEY WILL STAND AS I CALL THEIR NAMES, THREE I THINK, JOSEPH MARTINEZ, TERRY O'CONNELL, JOHN PHILLIP DENECEY, ANYONE ELSE? I SHOULD HAVE STEVE JUST WAVE AT YOU BECAUSE HE THOUGHT HE WAS A MEMBER [LAUGHTER] AND HE DID AN EXCELLENT JOB FOR US. WE COULDN'T HAVE DONE IT WITHOUT HIM. YOU APPOINTED A VERY SHY GROUP OF -- THEY ARE VERY RELUCTANT TO SPEAK AND I WOULD SAY THAT EVERYBODY WAS VERY, VERY PARTICIPATORY AND WE ALL -- WE ALL SPOKE OUR PIECE. I THINK PERHAPS THE GREATEST THING THAT WE DID, WE COMPLETED OUR ASSIGNMENT ON TIME, FOR THAT WE'RE REALLY PROUD. I'M

GOING TO BRIEFLY GO THROUGH THE COUNCIL'S RESOLUTION AND EXPLAIN WHAT WE BASICALLY, HOW WE APPROACHED IT. AND I CAN'T SEE WHAT HE'S GOT AND EVEN IF I WERE STAYING OVER THERE -- STANDING OVER THERE I PROBABLY COULDN'T SEE IT. BUT WE BASICALLY LOOKED AT A GENERAL REVIEW -- THANK YOU -- OF THE LANDMARK COMMISSION'S CRITERIA. WE CHANGED IT VERY BRIEFLY AND GROUPED TOGETHER THE DESIGNATION CRITERIA TO CONTAIN ARCHITECTURAL SIGNIFICANCE, SUBSTANTIAL HISTORICAL ASSOCIATIONS, ARCHAEOLOGICAL SIGNIFICANCE, COMMUNITY VALUE, SIGNIFICANT LANDSCAPE OR OTHER SIGNIFICANT FEATURES OF THE SITE. THE TASK FORCE, OF COURSE, APPRECIATES THE AND UNDERSTANDS THE -- THE EXEMPTION INCENTIVES. AND CERTAINLY UNDERSTANDS THOSE IN PLACE. AND THERE'S AN INCREASING AWARENESS OF THAT PROGRAM. IT WAS APPARENT THAT SOME TREATMENT OF A PROGRAM HAD TO BE ADDRESSED. AND IN FAIRNESS WE FELT THAT THE PROPERTY OWNERS ALREADY ELIGIBLE IN RECEIVING TAX EXEMPTION WERE ENTITLED TO CONTINUE. NO CHANGES WERE PROPOSED. AND THEY REMAIN GRANDFATHERED. CRITERIA WAS ESTABLISHED FOR HISTORICALLY ZONED PROPERTIES THAT THEY COULD NOT APPLY UNTIL THE STRUCTURE WAS MINIMALLY 75 YEARS OF AGE. OTHER THAN THE 75 YEAR AGE REQUIREMENT, THERE WERE NO CHANGES. EXCEPT FOR PERCENTAGES FOR RESIDENTIAL AND INCOME PRODUCING. FOR RESIDENTIAL PROPERTIES THERE'S A CAP SET THAT PROVIDES A LIMITATION ON THE TOTAL EXEMPTION, IMPROVEMENTS NO MORE THAN 2,000 OR 50% OF THE TOTAL TAX LEVY. SOME QUESTIONS WERE RAISED AS TO WHAT REVENUE THIS WOULD RETURN TO THE CITY. HOPEFULLY THAT'S SOMETHING THAT THE BUDGET OFFICE WILL PROVIDE YOU. BUT WE HAVE A REALLY EXCEPTIONAL COMMISSIONER WHO HAS DONE SOME ACCOUNTING AND IT LOOKS LIKE IT WOULD BE IN EXCESS OF 60,000 ANNUALLY. RECOMMENDATION WAS MADE FOR THE ESTABLISHMENT OF LOCAL HISTORIC DISTRICT WITH SPECIFIC CRITERIA, I BELIEVE THAT'S LISTED, I'M NOT GOING TO SPECIFICALLY, INDIVIDUALLY GO THROUGH IT. OTHER THAN TO SAY AN APPLICATION MUST CONTAIN AN INVENTORY, THERE HAS TO BE BOUNDARY MODIFICATIONS, THIS OF COURSE WOULD COME TO THE COUNCIL AS ANY

PLAN, AND FOR THE [INDISCERNIBLE] EACH LOCAL DISTRICT WOULD HAVE THE HISTORIC DISTRICT PRESERVATION PLAN DEFINING THE CHARACTER OF THE DISTRICT AND IDENTIFICATION OF THE IMPORTANT STRUCTURAL FEATURES FOR PRESERVATION. WE WOULD GO ON DOWN, LOCAL HISTORIC DISTRICTS, I BELIEVE THAT YOU HAVE A SHEET BEFORE YOU THAT LISTS THE VARIOUS AND SUNDRY OTHER ITEMS. FOR LOCAL DISTRICTS THE TASK FORCE RECOMMENDED INSENT ACTIVES RATHER THAN TAX EXEMPTION TO ENCOURAGE REDEVELOPMENT. THE RECOMMENDATION PROPOSALS IF A PROPERTY OWNER INVESTS 25% OF THE PREIMPROVEMENT VALUE OF THE STRUCTURE WITH AT LEAST FIVE PERCENT OF THAT EXPENDITURE FOR QUALIFIED EXTERIOR REDEVELOPMENT THAT THE PROPERTY WOULD BE FREEZED FOR A SEVEN YEAR PERIOD FOR TAX ASSESSMENTS. WE FEEL THAT THAT -- THAT WOULD REALLY GENERATE MORE REVENUE TO THE CITY AT THE END OF THAT FREEZE BECAUSE THE PROPERTY WOULD BE VALUED MORE AND ALSO WOULD ENCOURAGE OTHER REDEVELOPMENT WITHIN THE DISTRICT. FOR OWNERS OF INCOME PRODUCING PROPERTIES WITHIN THE LOCAL DISTRICTS, THE INVESTMENT WOULD BE 40% OF THE PREIMPROVEMENT VALUE AND AT LEAST 5% AGAIN FOR THE EXTERIOR AND THE FREEZE PERIOD WOULD BE 10 YEARS BEGINNING THE YEAR AFTER APPROVAL OF THE COMPLETED PROJECT. WE LOOKED AT THE REVIEW OF THE NATIONAL REGISTER DISTRICTS, THEY ARE CURRENTLY 14. THE TASK FORCE RECOMMENDED THAT THE REVIEW APPLY ONLY TO DEMOLITION OR REMOVAL PERMITS FOR PROPERTIES IDENTIFIED AS CONTRIBUTING. WE ADDRESSED THE MEMBERSHIP OF THE COMMISSION, CURRENTLY IT'S 11 MEMBERS. AND THE TASK FORCE RECOMMENDED A -- RECOMMENDED A TOTAL OF NINE WITH TWO FIELD OF EXPERTISE. ONE BEING A REGISTERED STATE OF TEXAS ARCHITECT AND A BOARD MEMBER IN GOOD STANDING OF THE HERITAGE SOCIETY. THE TASK FORCE SUGGESTED THAT COUNCIL COULD CONSIDER SPECIFIC AREAS OF HISTORIC PRESERVATION IN MAKING ITS APPOINTMENTS AND PROVIDE A LIST THERE. THE TASK FORCE ALSO RECOMMENDED THAT COMMISSIONERS SERVE TWO-YEAR TERMS AND BE LIMITED TO FOUR CONSECUTIVE TERMS. JACKIE, THAT DOES NOT APPLY TO COUNCILMEMBERS.

[LAUGHTER] AS FOR ALL COMMISSIONERS AND BOARDS, THE COMMISSIONERS SERVE AT THE WILL OF THE COUNCIL AND TASK FORCE HAS RECOMMENDED MINOR HOUSE KEEPING TYPE OF MODIFICATIONS TO THE OVERALL AGENDA PROCESS. AND I'M GOING TO SORT OF WRAP UP BECAUSE I'M GETTING TO THE END OF THIS REPORT. AND DEFER TO MR. DENICEY IF HE WILL COME UP, I WILL EVEN LET HIM HAVE MY CHAIR. BUT BEFORE HE COMES I'M GOING TO SAY THAT THE TASK FORCE STRONGLY RECOMMENDED AN UPDATE AND AN EXPANSION OF THE CITY'S HISTORIC STRUCTURE LIST OR ITS INVENTORY. IT'S SOMETHING ALL OF YOU KNOW THAT WOULD KEEP US OUT OF A LOT OF TROUBLE. SOMEONE GOES AND BUYS SOMETHING, THEY HAVE NO HINT, NO INDICATION THAT ANYONE CARES ABOUT IT OR THAT IT HAS ANY SIGNIFICANCE AND THEY GO IN FOR THEIR DEMOLITION PERMIT AND ARE HIT WITH A VERY EXPENSIVE SURPRISE BECAUSE OF THE DELAYS AND THEN SOMETIMES THEY ARE EVEN GIFTED WITH HISTORIC ZONING AND DESERVEDLY SO, I WOULD SAY. ALSO, BEFORE MR. DENICEY SPEAKS, THE MINORITY REPORT, CURRENTLY BECAUSE OF THE DISPARITIES OF THE APPRAISALS FOR THE TAX EXEMPTION, THERE'S AN INFORMAL PROCESS BY THE TRAVIS CENTRAL APPRAISAL DISTRICT WHICH GROUPS TOGETHER HISTORIC PROPERTIES. SORT OF PUTS THEM ALL IN ONE BIG POT, IF YOU WILL. AND IT SEEMS THAT IT WOULD BE FAIR, IT WOULD MAKE -- IT WOULDN'T MAKE SOMEONE IN EAST AUSTIN HAVE TO PAY MORE TAXES BECAUSE THE HOUSE NEXT DOOR WAS HISTORIC AND GREATLY IMPROVED. BUT WHEN YOU PUT THAT HOUSE NEXT DOOR AND YOU PULL IT OUT OF THE NEIGHBORHOOD'S POT AND PUT IN THE POT WITH PEASE MANSION OR WITH THE DRISKILL HOTEL TO NAME A FEW STRUCTURES, IT REALLY DISPROPORTIONATELY INCREASES THE TAX FOR THE HISTORIC PROPERTIES. WE HAVE HEARD NUMERALROUS PROPERTY OWNERS -- NUMEROUS PROPERTY OWNERS SAYING BY THE INFORMAL PROCESS THAT'S IN PLACE NOW, THEIR TAXES HAVE RISEN CONSIDERABLY, EXORBITANTLY, IF YOU WILL. THE TASK FORCE RECOMMENDED THAT YOU GROUP THEM AND PUT THEM TOGETHER GEOGRAPHICALLY RATHER THAN PLACING EVERYBODY AND ALL OF THE STRUCTURES IN ONE POT. MR. DENICEY? BY THE WAY, HE

WAS A GREAT MEMBER OF THE TASK FORCE.

THANK YOU, MADAM CHAIR.

> YOU ARE SUPPOSED TO SAY SOMETHING NICE ABOUT ME NOW.

THANK YOU, I VERY MUCH ENJOYED SERVING ON THE TASK FORCE AND I DID -- I WANTED TO THANK YOU FOR THAT AND TO THANK COUNCILMEMBER THOMAS FOR GIVING ME THE OPPORTUNITY TO SERVE. MAYOR AND COUNCILMEMBERS, WE PROVIDED YOU WITH A MINORITY REPORT. FIVE OF 8 MEMBERS SIGNED ON TO THE PROPERTY REPORT. IT ADDS THE ISSUES OF MIXED INCOME IN AFFORDABLE HOUSING IN LOCAL HISTORIC DISTRICTS. IT PROVIDES, SUGGESTS THAT THE OWNERS OF SINGLE FAMILY OWNER OCCUPIED RESIDENTIAL PROPERTIES AT OR BELOW 80% OF THE MEDIAN FAMILY INCOME WITHIN LOCAL HISTORIC DISTRICTS BE AVAILABLE TO RECEIVE A PROPERTY TAX EXEMPTION OF 20% OR \$200 ANNUALLY, WHICHEVER IS GREATER, FOR A 10-YEAR PERIOD BEGINNING IN THE TAX YEAR FOLLOWING DESIGNATION. THE PURPOSE OF THIS IS TARGETED INCENTIVE IS TO ASSIST IN ALLEVIATING THE POTENTIAL BURDEN TO LONG-TERM OWNER OCCUPANTS AND HELP STEM DISPLACEMENT OF THAT POPULATION THAT IS IN -- THAT IS IN MIXED INCOME AND AFFORDABLE HOUSING WITHIN THOSE DISTRICTS. VERY TARGETED TO TRY TO DEAL WITH THAT ISSUE. LET ME ADDRESS QUICKLY WHY IT WAS IN A MINORITY REPORT. WE OBVIOUSLY WORKED VERY QUICKLY TO TRY TO GET THIS FULL REPORT READY FOR YOU AND HEEXTINGUISHEXPEDITIOUSLY, WE DIDN'T WANT TO HOLD UP THE FULL TASK FORCE REPORT, BUT WE DID WANT THERE TO BE AT LEAST A PROPOSAL FOR THE COUNCIL TO CONSIDER BECAUSE WE THOUGHT THIS ISSUE WAS VERY IMPORTANT.

WE WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

IF YOU HAVE ANY QUESTIONS, MR. DENICEY WOULD RESPOND.

**Mayor Wynn:** ANY QUESTIONS.

**Goodman:** I DO HAVE ONE, I THOUGHT THIS WAS A BETTY BAKER QUESTION. LET ME FIND THE PAGE REAL QUICK, THE TERM LIMITATIONS, I DON'T BELIEVE THAT ANY FUTURE COUNCILS SHOULD BE LIMITED BY AN ARBITRARY CONSTRICTION OF TERM LIMITATIONS ON ANY BOARD OR COMMISSION APPOINTMENT. IF THERE'S A GOOD PEPPER, THEY CAN SERVE FOR 30 YEARS, IN MY OPINION. IF THERE'S ONE WHO IS NOT APPROPRIATE OR INTERESTED, THEN ONE TERM SHOULD DO IT. COUNCILMEMBERS ARE BIG BOYS AND GIRLS AND I THINK CAN HE CAN DECIDE THAT. I WANTED TO ASK YOU ABOUT, ONCE WE FIGURE OUT HOW TO LEGALLY PUT THESE LOCAL HISTORIC DISTRICTS AND OTHER DISTRICTS TEAGUE, I -- DISTRICTS TOGETHER, I NOTICED THERE'S AN ADMINISTRATIVE OVERCITED ON DEMOLITION AND PERMITS FOR -- WELL, I GUESS THE-- LET'S SEE. OKAY, THERE'S TWO PAYMENTS THAT I'M GOING TO TRY TO CORRELATE HERE. IF THE STRUCTURE IS NOT HISTORIC, THEN DEMOLITION IS ADMINISTRATIVE, RIGHT?

YES.

**Goodman:** ON THE RECOMMENDATION.

IF IT'S A NON-CONTRIBUTING STRUCTURE.

**Goodman:** RIGHT. SO WHAT -- HOW, YOU DON'T CONTEMPLATE THAT A DISTRICT WOULD SORT OF INCORPORATE THE EXISTING CHARACTER, EVEN IF A -- IF AN HISTORIC STRUCTURE IS NEXT DOOR TO ONE THAT'S NOT NECESSARILY HISTORIC BUT CONTRIBUTES STILL THAT -- THAT ONE WHO IS NOT TECHNICALLY HISTORIC COULD BE DELETED FROM THE -- FROM THE STOCK ADMINISTRATIVELY.

I COULD STALL MY ANSWER AND ASK YOU TO REPEAT THE QUESTION, BUT I WON'T. I'M GOING TO ASK STEVE TO HELP, BUT I THINK THAT I'VE GOT AN ANSWER. IF IT'S -- IF IT HAS NOT BEEN IDENTIFIED IN THE INVENTORY AT THE TIME THE DISTRICT WERE FORMED, IT WOULD BE PRESUMED TO BE A NON-CONTRIBUTING STRUCTURE. AND ACCORDING TO THE RULES, SET OUT BY THE DISTRICT, IF IT WERE PERMITTED, THE HISTORIC PRESERVATION OFFICE COULD RELEASE THE DEMOLITION PERMIT. BUT ANYONE IN THAT DISTRICT COULD APPEAL AND ASK THAT THEY TO GO THE FULL COMMISSION

PRIOR TO ITS BEING RELEASED BECAUSE THE APPEAL PROCESS WOULD BE SET UP WITHIN ANY DISTRICT. SO IT WOULDN'T NECESSARILY BE AUTOMATIC AND THERE WOULD BE -- I WOULD -- I DON'T THINK IT WOULD DEPEND ON THE MECHANISM SET UP, WHETHER IT WOULD BE A FIVE DAY PERIOD OR A 10-DAY PERIOD. YOU JUST COULDN'T GO IN AND WALK OUT WITH A PERMIT THE NEXT DAY, THEN THERE WOULD BE SOME SIGN POSTED OR SOMETHING THAT A DEMOLITION -- SHAKE YOUR HEAD IF I'M SAYING THIS RIGHT - - IF A DEMOLITION PERMIT WERE REQUESTED, SO THERE WOULD BE SOME AWARENESS OF IT.

**Goodman:** BUT THEY WOULD HAVE NO ABILITY TO DENY THAT DEMOLITION PERMIT IF IT WAS NOT IN FACT HISTORIC LEGITIMATELY ENOUGH TO SEND THROUGH FOR ITS OWN HISTORIC ZONING, RIGHT?

STEVE, IF YOU'LL COME. IF IT WERE SUFFICIENTLY IMPORTANT TO THE CHARACTER OF THE DISTRICT, I'M PRESUMING THE CERTIFICATE OF APPROPRIATENESS COULD BE REQUIRED. AND THEY COULD SAY -- YOU CAN'T DEMOLISH IT, YOU CAN MODIFY IT, YOU CAN -- YOU CAN MAKE AN ADDITION BUT YOU CAN'T DEMOLITION IT, DO YOU THINK THAT I SAID IT WRONG?

THAT'S CORRECT. IT WOULD BE INDEPENDENT ON THE DISTRICT, EACH INDEPENDENT DISTRICT RULE WOULD BE.

**Goodman:** SO THE DETAILS OF THAT I GUESS WOULD HAVE TO BE WORKED OUT BY LEGAL. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

SO THERE WOULD BE NO REVIEW FOR BUILDING PERMITS OF THAT MINOR, HOUSEKEEPING, MAINTENANCE PROCESS. DO YOU WANT TO GO BEYOND IT? I'M ASSUMING UNLESS IT WAS DEMOLITION, RELOCATION OR MAJOR RENOVATION, THAT NO REVIEW WOULD BE REQUIRED.

**Goodman:** OKAY. JUST THE LAST THING I WOULD LIKE TO SAY, MAYOR, IS I WAS VERY IMPRESSED BY YOU ALL AND THE DETERMINATION AND TENACITY THAT I SAW ON THAT TASKFORCE. AND PRETTY MUCH A COMPREHENSIVE LOOK I THINK AT ALL THE ISSUES THAT COUNCILMEMBERS WERE

WONDERING ABOUT BEFORE WE WENT INTO IT.

THANK YOU. I THINK WE ENJOYED IT, BUT IT WAS VERY INTERESTING AND WE LEARNED A LOT FROM EACH OTHER. THANK YOU.

**Mayor Wynn:** COUNCILMEMBER ALVAREZ?

**Alvarez:** I NOTICE WE MAY BE GRANDFATHERING THE EXISTING PLAN IN TERMS OF THE EXEMPTIONS, SO -- I THINK THE PROPOSAL FOR THE NEW STRUCTURES OR NEW LANDMARKS IS 100% OF THE VALUE AND 50% OF THE VALUE OF THE LAND. IS THAT --

OWNER-OPENED.

**Alvarez:** SO HOW DOES THAT DIFFER FROM WHAT WE DO NOW? IS IT 100 AND 100?

THE DIFFERENCE, COUNCILMEMBER, IS THAT IT CANNOT EXCEED A TOTAL OF 50% OF THE TOTAL TAXES.

**Alvarez:** THAT'S CURRENT? THE NEXT LINE THAT SAYS MAXIMUM OF THE GREATER IN 2000 OR 50%.

THE DIFFERENCE.

**Alvarez:** OKAY. THAT'S HELPFUL. AND IN TERM OF THE INCOME-PRODUCING PROPERTIES, HOW ARE ARE THOSE BEING HAND HERE? IS THAT THE SAME WAY?

THE PERMGZ REMAIN THE SAME. AGAIN, THEY CANNOT RECEIVE ABATEMENT FOR MORE THAN 50% OF THEIR TOTAL TAXES. I'M SORRY, WAIT A MINUTE. STEVE IS CORRECTING ME.

FOR INCOME-PRODUCING PROPERTIES, THERE WOULD BE NO MAXIMUM COUNT ON THE AMOUNT OF THE EXEMPTION.

**Alvarez:** THAT'S WHAT WE CURRENTLY DO.

NO. -- THAT'S RIGHT.

**Alvarez:** IN TERMS OF THAT PARTICULAR CATEGORY.

LET ME TRY TO DEFEND THE IDEA THAT THE TASKFORCE AND EVEN SOME OF OUR DISCUSSIONS POINTED OUT ON THAT, COUNCILMEMBER. WHEN YOU THINK OF THE LITTLEFIELD BUILDING OR YOU THINK OF THE SCARBOROUGH BUILDING, YOU DON'T SEE THOSE BUILDINGS -- YOU DON'T SEE ADDITIONAL ONES COMING IN AS HISTORIC. AND THE INVENTORY DOWNTOWN -- AND ALSO THE 75-YEAR WOULD APPLY. SO THERE'S FEW -- IT'S PROBABLY LESS THAN A DOZEN FOR THE WHOLE DOWNTOWN CENTRAL BUSINESS DISTRICT.

**Alvarez:** THANK YOU. AND ON THE MINORITY REPORT, MR. SIESI? IS THAT CORRECT? THERE WERE SEVERAL DIFFERENT ISSUES I THINK THAT KIND OF LED TO THE CREATION OF THIS TASKFORCE AND SOME OF THE CHALLENGES WE WERE HAVING IN TERMS OF JUST A CRITERIA AND THE PROCESS BY WHICH WE WERE DESIGNATING THE HISTORIC PROPERTIES AS WELL AS THIS CLAIM THAT WAS ALLEGED AND THAT I THINK WE STUDIED TO A GREAT DEGREE ABOUT THE -- HOW HISTORIC PROPERTIES EITHER CONTRIBUTE OR DON'T TO GENTRIFICATION. BUT I GUESS IN TERMS OF TRYING TO LOOK AT WHAT THE MINORITY REPORT SAYS AND THE CRITERIA THAT THE TASKFORCE AS A WHOLE SORT OF CAME UP FOR IN TERMS OF HISTORIC DISTRICTS, WHAT WE'RE SAYING IN TERMS OF THE MINORITY REPORT IS THAT THERE IS AN HISTORIC DISTRICT CREATED AS THE BIGGER TASKFORCE ENVISIONS, THEN WE WOULD ADD SOMETHING ON THERE IN TERMS OF ADDRESSING THE PARTICULAR SITUATION YOU WERE DISCUSSING OR DOES THIS CHANGE THAT WHOLE CONCEPTION FOR LOCAL HISTORIC DISTRICTS THAT THE OVERALL TASKFORCE CAME UP WITH?

COUNCILMEMBER, IT IS IN ADDITION TO WHAT THE PROPOSAL WAS BY THE FULL TASKFORCE. IT IS A VERY NARROWLY TAILORED INCENTIVE THAT WOULD APPLY ONLY TO A SPECIFIC LOCAL HISTORIC DISTRICT THAT WAS CREATED IN AN AREA THAT HAD A NUMBER, A SIGNIFICANT NUMBER OF RESIDENTS THAT WERE AT OR BELOW 80% OF THE MEDIAN FAMILY INCOME.

**Alvarez:** BUT YOU STILL IN THAT DISTRICT NEED TO HAVE THE 51% OF PROPERTIES THAT ARE CONTRIBUTING TO THE DISTRICT ITSELF.

THAT IS CORRECT.

**Alvarez:** OKAY. I JUST WANTED TO MAKE SURE THAT THAT WAS CLEAR. I APPRECIATE IT.

**Mayor Wynn:** COUNCILMEMBER DUNKERLEY.

**Dunkerley:** I TOO WANT TO SAY THANK YOU FOR A JOB WELL DONE. I REALLY APPRECIATE IT. THERE WERE A COUPLE OF COMMENTS AND MAYBE SOME CLARIFICATION. ON THE CURRENT -- THE PROPOSAL YOU'RE MAKING IS TO CURRENTLY GRANDFATHER ALL THE STRUCTURES THAT ARE CURRENTLY RECEIVING ABATEMENTS. HOWEVER, FROM READING THE REPORT, IT APPEARS THAT IF THE PROPERTY CHANGES HANDS AND IS SOLD, THEN IT COMES UNDER THE NEW CRITERIA.

THE OWNERSHIP CHANGES, YES.

**Dunkerley:** OKAY. SECONDLY, AND STEVE, THIS MAY BE FOR YOU. THIS IS REALLY A BASIC NOVICE QUESTION. AS WE READ THROUGH THE REPORT, WE TALK A LOT ABOUT LOCAL HISTORIC DISTRICTS AND WHETHER THEY'RE CONTRIBUTING OR NOT CONTRIBUTING AND WHAT HAVE YOU. IN A DISTRICT, WE HAVE A SIGNIFICANT -- SIGNIFICANT STRUCTURES THAT ARE DESIGNATED AS HISTORIC. YOU HAVE OTHER STRUCTURES THAT ARE DESIGNATED AS CONTRIBUTING AND OTHER STRUCTURES THAT ARE NOT CONTRIBUTING, IS THAT CORRECT?

THAT'S CORRECT.

**Dunkerley:** SO WHEN WE READ THROUGH THIS WE HAVE TO KEEP THAT STRAIGHT IN OUR MINDS BECAUSE SOME OF THESE THINGS APPLY TO BOTH CONTRIBUTING AND NON-CONTRIBUTING, AND SO THAT MIGHT BE SOMETHING THAT AS WE DO OUR DELIBERATION THAT WE MIGHT WANT TO CONSIDER. I JUST WANT TO MAKE SURE THAT I

UNDERSTOOD WHAT ALL THAT MEANT.

THAT IS CORRECT, COUNCILMEMBER. I THINK THE EASIEST WAY TO REMEMBER IT IS IF YOU SEPARATE OUT HISTORIC LANDMARKS, WHICH ARE INDIVIDUALLY DESIGNATED BY THE CITY AS A SEPARATE CATEGORY OF BUILDINGS ALTOGETHER.

**Dunkerley:** AND THEN THE REST OF THEM ARE CONTRIBUTING TO THE NATURE OR NON-CONTRIBUTING?

CORRECT.

**Dunkerley:** WHAT WAS THE THIRD THING I WANTED TO ASK? OH. MAYBE THIS IS ON THE CITY MANAGER. IN THE NEAR FUTURE I'D LIKE TO BRING THIS BACK FOR DISCUSSION, BUT I WOULD LIKE TO POINT OUT I WOULD LIKE TO MAKE SURE WE HAVE AN ANALYSIS FROM THE BUDGET OFFICE ON THE FINANCIAL IMPACT AND THEN ANY OTHER COMMENTS FROM STAFF THAT THEY WOULD NEED TO GIVE US IN OUR DELIBERATIONS AS WELL.

**Futrell:** I THINK THAT WE CAN COME BACK WITH AN ANALYSIS AND REPORT IN TWO WEEKS. WE APPRECIATE THE WORK AS WELL.

**Dunkerley:** THANK YOU SO MUCH.

**Mayor Wynn:** FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER SLUSHER.

**Slusher:** I JUST HAD A MATH QUESTION. HOW DID A MAJORITY OF THEM GET TO BE IN THE MINORITY REPORT? THERE WERE FIVE MEMBERS THAT SIGNED THAT?

**Futrell:** SHOULD I BRING IN THE BUDGET OFFICER NOW?

**Slusher:** LET'S SEE IF WE NEED THEM.

IT'S NOT THAT TECHNICAL, COUNCILMEMBER. AS I EXPLAINED, WE -- THIS ISSUE CAME UP, WE FELT IT WAS VERY IMPORTANT TO PRESENT AN OPTION TO YOU, BUT WE DIDN'T HAVE THE OPPORTUNITY REALLY TO GET INTO IT IN

DETAIL LIKE WE SHOULD HAVE DURING THE TIME THAT WE HAD FOR THE FULL TASKFORCE. SO WE ROLLED THIS INTO A MINORITY REPORT SO THAT IT WOULD BECOME PART OF THE RECORD TO FORWARD ON TO THE COUNCIL.

**Slusher:** THANK YOU. DID YOU WANT TO COMMENT ON THAT, MS. BAKER?

I DIDN'T KNOW I WOULD GET SO CHOKED UP ABOUT IT. MY COMMENT WOULD BE, COUNCILMEMBER, THAT IN REVIEWING IT AND IN LOOKING AT THE GENTRIFICATION ISSUES, THE AFFORDING HOUSING ISSUE, I PERSONALLY HAD A PROBLEM IN THAT I FEEL HISTORIC IS HISTORIC WHEREVER IT IS. WHETHER IT'S IN EAST AUSTIN, WEST AUSTIN OR PFLUGERVILLE, IT'S EITHER HISTORIC OR IT ISN'T. AND THAT GENTRIFICATION, MODERATE INCOME OR LOW INCOME DOES NOT ADD OR CONTRIBUTE OR TAKE AWAY WHETHER A STRUCTURE IS HISTORIC. I DIDN'T FEEL LIKE MIXING IT TOGETHER. WE TREATED IT FAIRLY. I NOTICED ALSO -- AND THIS WILL CERTAINLY BE AN ISSUE FOR THE BUDGET OFFICE. THAT IT'S AROUND 16 OR \$17 A MONTH, THE 200-DOLLAR ANNUAL PAYMENT. I'M SORRY, THAT'S NOT HELPING VERY MUCH. I'M SORRY THAT IT COULD NOT BE BETTER, THAT IT COULD NOT BE MORE. AND I DID NOT FEEL COMFORTABLE IN SIGNING IT. I CANNOT ANSWER FOR THE ONES WHO DID NOT SIGN IT ALSO.

**Mayor Wynn:** MAYOR PRO TEM.

**Goodman:** RELATIVE TO THE RECOMMENDATIONS OF THE TASKFORCE, I WOULD LIKE TO ASK THE CITY MANAGER TO -- AND I THOUGHT I SAW LISA GORDON A MINUTE AGO. TO PURSUE SOMETHING THAT IS A RECOMMENDATION. SO TOTALLY ASIDE FROM WHATEVER WE DO AS A PACKAGE. I GUESS IT'S BEEN ABOUT FOUR YEARS AGO, I CAN'T REMEMBER NOW EVEN HOW LONG, MS. STOCKLAND WAS OUR HISTORIC OFFICER. IT WASN'T TOO LONG AFTER SHE GOT HERE, MAYBE A YEAR, WHERE I HAD ASKED IS THERE A LIST OR EVEN BETTER, HAVING AKIN TO A HARD COPY GIS OF OUR HISTORIC STRUCTURES, DESIGNATED, POTENTIAL, YOU KNOW, WHATEVER WE KNEW ABOUT, SO THAT FOR THE MOMENT AND THE FUTURE WE WOULD KIND OF KNOW WHAT KIND OF SITUATION WE WERE LOOKING AT. AND IT WOULD

HAVE BEEN HELPFUL BACK THEN BECAUSE WE WOULD HAVE HAD A LITTLE BIT BETTER OF AN IDEA ABOUT THE POTENTIAL TAX BREAKS OR OTHER KIND OF INCENTIVES. AND I WAS TOLD BACK THEN THAT IT WOULD BE MORE -- IT WAS BEING WORKED OUT. THAT THERE WAS ONLY ONE MAP INTACT AND IT WASN'T -- AT THE MOMENT INFORMATION COMES IN AS IT COMES IN. BUT THAT AN INVENTORY AND A COMPLETED MAP WILL BE WORKED ON FOR AT LEAST THE KNOWLEDGE AT THE MOMENT AND THAT THERE WOULD IN FACT BE SOMETHING THAT WOULD BE TRANSLATED INTO AN EIGHT AND A HALF BY 11 LIST AND SORT OF PINPOINT SOMETHING ELSE ON A MAP, THE PACKAGE OF INFORMATION. WELL, THAT NEVER HAPPENED. AND SO EVERY NOW AND THEN I NEED TO CHECK ON THAT. AND I WOULD LIKE TO CHECK ON WHETHER IN FACT WE DO HAVE ANY KIND OF HANDLE ON AN IN-HAND ESTIMATION OF EXISTING AND/OR POTENTIAL HISTORIC DESIGNATED FACILITIES OR BUILDINGS...

**Futrell:** I'M GOING TO ASK LISA TO HELP ME. LIKE YOU, I REMEMBER THIS DISCUSSION. FOR SOME REASON I REMEMBER U.T. BEING INVOLVED IN THIS. LISA, WHAT --

I THINK FOR SOME TIME WE'VE BEEN TRYING TO UPDATE THE INFORMATION. WHAT WE HAVE IS NOW FROM 1984, SO IT'S OLDER AND IT DOESN'T INCLUDE SOME OF THE ELEMENTS, SO WE'VE BEEN WORKING WITH U.T. AND WE HAVE A STUDY ONGOING NOW WHERE THEY'RE GOING FROM THE '84'84 AND UPDATING IT AND DOING INFORMATION ABOUT WHO LIVED THERE, WHAT'S THE SIGNIFICANCE, A LOT MORE DETAIL THAN WE'VE HAD IN THE PAST. AND THERE'S LIKE A THREE YEAR SCHEDULE TO GET ALL THE INVENTORIES IN THE CITY DONE. IN REGARD TO THE GIS, I WASN'T AWARE OF THAT, BUT I CAN LOOK. WHAT WE HAVE EXISTING ON THE GROUND, WE KNOW THOSE PROPERTIES AND ADDRESSES, SO THAT'S JUST A MATTER OF TIME OF PLOTTING THEM OUT. IT DOESN'T SEEM LIKE THAT WOULD BE THAT DIFFICULT TO PUT THAT MAP TOGETHER. IT WOULD BE THE FUTURE ITEMS AND THE PRIORITIES BECAUSE THEY HAVE PRIORITY ONE, TWO AND THREE. AND I THINK THE '84 INVENTORY HAS BEEN PROBLEMATIC, AND THAT'S ONE OF THE ISSUES WE'VE BEEN DEALING WITH. BUT WE HAVE A PARTNERSHIP WITH U.T. AND WE EVEN HAD A 10,000-DOLLAR DONATION TO U.T. TOWARDS THE HISTORIC PRESERVATION,

AND UPDATING THAT INVENTORY.

**Futrell:** SO WHY DON'T YOU GET US A STATUS REPORT THEN OF WHERE THEY ARE IN IN THAT PROJECT, WHAT THEIR ESTIMATED COMPLETION DATE IS AND THEN WHAT, IF ANYTHING, WE CAN DO IN TERMS OF THE GIS MAP MAP. DO YOU KNOW WHETHER THE U.T. WORK WAS GOING TO PRIORITIZE THE PROPERTIES IN ADDITION TO UPDATING THE HISTORY?

I THINK THE INVENTORY -- THE INTENT WAS THAT YOU COULD TAKE THAT INFORMATION AND YOU COULD PUT IN A CATEGORY. BECAUSE THEY WOULD HAVE INFORMATION ON THE ARCHITECTURE, THE STRUCTURE, AND IT'S ACTUALLY THE GRADUATE SCHOOL AT U.T., THEIR HISTORIC PRESERVATION, THEY HAVE A PROGRAM, AND SO THEY'RE WORKING WITH US ON THAT. SO THE STUDENTS AND THE PEOPLE WORKING ON IT ARE DOING A LOT MORE RESEARCH THAN WHAT WE GENERALLY HAVE FROM OUR 84 STUDY. BUT THAT'S PART OF THAT.

**Goodman:** THAT WOULD BE GREAT AND IT WOULD ALSO BE GOOD TO KNOW WHEN THE THREE YEARS START AND WHEN THE THREE YEARS END. BUT WHAT I WAS LOOKING FOR IS MORE LIKE WHAT YOU SAID THERE SHOULDN'T BE A PROBLEM IN, IN THE FACT -- DEJA VU AGAIN, THAT'S WHAT THEY SAID YEARS AGO. SO AT ANY GIVEN MOMENT WE KNOW WHERE WE ARE, I ASSUME, BECAUSE EVEN WITH A ZONING MAP KIND OF BACKGROUND, YOU CAN HAVE A RED PUSH PEN FOR ALREADY HISTORIC, GREEN ONE FOR LEGITIMATE AND COMING THROUGH THE PROCESS AND YELLOW FOR IFFY OR POTENTIAL.

WE CAN CERTAINLY GET YOU A REPORT AND SEE HOW SOON WE CAN GET SOMETHING LIKE THAT DONE. I THINK GIS AND WITH EVERYTHING WE HAVE, WE SHOULD BE ABLE TO ACCOMMODATE YOU. I'M NOT SURE WHY IT WASN'T DONE.

**Futrell:** I'LL FOLLOW UP IN A WEEK. WE'LL TELL YOU WHAT WE CAN DO RIGHT NOW AND WHEN WE CAN HAVE IT TO YOU. AND I'LL LET YOU KNOW WHAT'S IN THE PROCESS AND WHEN THEY THINK IT GOING TO BE FINISHED.

**Goodman:** OKAY. AND ALSO AN ASSESSMENT OF WHETHER WE THINK WE KNOW ABOUT 75% OF THE POSSIBILITIES, 100%. I'M SURE NOT 100, BUT MAYBE 98.

WE COULD BRING THAT BACK WITH A STAFF REPORT AND ALSO WITH A NEW ELIGIBILITY GUIDELINES WE WILL HAVE, WE WILL KNOW WHAT STRUCTURES ARE WITHIN 75 YEARS OLD WHICH WOULD BE ELIGIBLE UNDER THE NEW CRITERIA. SO WE CAN CERTAINLY GET AS MUCH INFORMATION AS WE CAN FOR THE MEETING WHEN WE BRING THIS BACK.

**Mayor Wynn:** COUNCILMEMBER MCCRACKEN.

**McCracken:** KAREN BAKER, I HAD SOME QUESTIONS ABOUT THE HISTORIC DISTRICTS. IN TERMS OF THE PROCEDURE FOR SETTING UP HISTORIC DISTRICTS, WHAT PROCEDURES ARE THERE RELATING TO THE FORM OF REPLACEMENT STRUCTURES, SAY IF SOMEONE TORE DOWN A HOUSE AND BUILT A NEW ONE?

COUNCILMEMBER, THAT COULD DIFFER FROM DISTRICT TO DISTRICT. IF THERE WERE A HOUSE IN A DISTRICT THAT WERE NON-CONTRIBUTING AND THEY WANTED TO TO REPLACE IT, THAT'S THE RULE, SO THAT DISTRICT MAY SAY THAT IT COULD BE ADMINISTRATIVELY APPROVED. IF IT DID NOT EXCEED A CERTAIN PERCENTAGE OF THE SQUARE FOOTAGE TO WHAT WAS CURRENTLY THERE, OR IT MIGHT SAY IF YOU'RE BUILDING A NEW HOME AND IT EXCEEDS THE SQUARE FOOTAGE OF THE CURRENT RESIDENCE, IT WOULD HAVE TO GO TO THE FULL COMMISSION, BUT THERE WOULD BE PROVISIONS FOR IT SET OUT IN THE PLAN. AND EACH PLAN WOULD HAVE DIFFERENT RULES.

**McCracken:** AT LEAST THEY WOULD HAVE THE POWER, AS THE TASKFORCE RECOMMENDATION IS PRESENTED TO -- RECOMMENDATION IS PRESENTED TO US, EACH DISTRICT WOULD HAVE THE OPPORTUNITY TO CREATE THEIR OWN RULES RELATING TO THE FORM OF THE STRUCTURES?

YES.

**McCracken:** WITH THE AUTHORITY TO DO THINGS LIKE

CHANGE SET BACK REQUIREMENTS AS WELL?

COMPATIBILITY STANDARDS WOULD BE ONE AND PROBABLY THE ONLY THING THAT COULD NOT BE CHANGED WOULD BE SAFETY, HEALTH, WELFARE TO THE PUBLIC.

**McCracken:** I THINK THAT WOULD BE TREMENDOUS PROGRESS. ONE OF THE THINGS I'VE SEEN HERE IN MY FIRST YEAR UP HERE IS THAT ONE OF THE ISSUES THAT I THINK HAS REALLY GUMMED THIS UP HAS BEEN THAT WHEN STRUCTURES THAT ARE NOT HISTORIC COME UP TO BE LABELED HISTORIC, BUT IT'S USED AS A WAY TO PROTECT THE COMPATIBILITY THAT BUILDS THE ENVIRONMENT OF THE NEIGHBORHOOD, BECAUSE AUSTIN ZONING CODE, LIKE MANY OTHER AMERICAN COMMUNITY'S ZONING CODES, ARE A COMPLETE MESS IN THAT THEY RELATE TO THINGS LIKE USE AND SET BACK, AND THEY DON'T RELATE AT ALL TO THE QUALITY OR THE STRUCTURE BUILT ENVIRONMENT. I THINK THIS WOULD BE A BIG STEP FORWARD IN EASING A LOT OF THESE TENSIONS THAT HAVE CONFRONTED ALL OF US.

COUNCILMEMBER, TO ALL OF YOU, WE PROBABLY HAVE HAD MENTIONED TO US AT LEAST A HALF DOZEN TIMES AND PEOPLE TESTIFYING TO THE TASKFORCE, WE HAVE MISUSED THIS, WE AIM CAME FOR HISTORIC ZONING BECAUSE THERE WAS NO PLACE ELSE TO GO. AND THE PUBLIC ADMITTED IT.

**McCracken:** BUT THE FAULT ON THAT, MS. BAKER, ONE OF THE THINGS I'VE LEARNED RECENTLY IS GEORGE WASHINGTON BEFORE HE WAS THE PRESIDENT OF THE UNITED STATES IS HE HAD A PLAN FOR ALEXANDRIA, VIRGINIA AND HE AND OTHER PLANNERS WENT TO INCREDIBLE DETAIL ABOUT WHAT THE BUILT ENVIRONMENT COULD LOOK LIKE. AND THAT ATTENTION ON THE FRONT END HAS MADE A TREMENDOUS -- PLAYED A BIG PART IN THE FACT THAT ALEXANDRIA, 350 YEARS LATER IS STILL IN THE NATION'S MOST HISTORIC AND MOST AESTHETICALLY PLEASING COMMUNITY. THE FACT THAT WE'RE GIVING PEOPLE TOOLS IN AUSTIN TO DO THIS WOULD BE A GREAT ADVANCEMENT IN OUR LAND USE PLANNING.

WE HOPE SO.

**Mayor Wynn:** FURTHER COMMENTS, QUESTIONS? THANK YOU ALL VERY MUCH, THE TASKFORCE.

THANK YOU. TWO WEEKS?

**Mayor Wynn:** IN TWO WEEKS?

**Futrell:** WE'LL COME BACK ON MAY 6TH.

**Mayor Wynn:** OKAY. COUNCIL, AND MS. BROWN, I SHOULD HAVE NOTED THAT WE WILL NOT BE TAKING UP ITEM NUMBER 42 42 42 TODAY. IT WAS POSTED AS A POTENTIAL, BUT 42 WILL NOT BE TAKEN UP TODAY. AND COUNCIL, WE DISCUSSED ITEM NUMBER 36 IN EXECUTIVE SESSION REGARDING THE HYDE PARK BAPTIST CHURCH VERSUS THE CITY OF AUSTIN, AND SO I BELIEVE WE ARE PROBABLY ABLE TO QUICKLY TAKE UP ITEM NUMBER 8 IF STAFF IS READY. WELCOME, MR. DAVID SMITH, ITEM NUMBER 8, MR. SMITH.

COUNCIL, CITY MANAGER, ITEM 8 RELATES TO A CONTRACT WITH OUTSIDE LEGAL COUNSEL TO HANDLE A LAWSUIT THAT'S BEEN FILED AGAINST THE CITY. IT'S NOT AN INCREASE IN THE AMOUNT THAT THE COUNCIL ORIGINALLY APPROVED. THE LAWYERS HANDLING THE CASE HAVE CHANGED LAW FIRMS, AND APPROVING THIS ITEM WILL ALLOW US TO EXECUTE A NEW CONTRACT FOR NO GREATER AMOUNT, BUT FOR THE NEW LAW FIRM. AND, OF COURSE, WE RECOMMEND APPROVAL.

**Mayor Wynn:** QUESTIONS OF STAFF, COUNCIL? SO, MR. SMITH, AGAIN, THIS ISN'T ADDITIONAL MONEY TOWARDS THIS LAWSUIT, IT'S SIMPLY SHIFTING TO THE NEW LAW FIRM?

THAT'S CORRECT, MAYOR.

**Mayor Wynn:** COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 8.

SO MOVE.

**Mayor Wynn:** MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE ITEM NUMBER 8. FURTHER COMMENTS? HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED?

**Thomas:** NO.

**Mayor Wynn:** MOTION PASSES ON A VOTE OF FIVE TO ONE, COUNCILMEMBER MCCRACKEN TEMPORARILY OFF THE DAIS AND COUNCILMEMBER THOMAS VOTING NO. THANK YOU, MR. SMITH. COUNCIL, WE CAN NOW TAKE UP OUR ITEM NUMBER 44, WHICH IS A BRIEFING BY THE CHIEF OF POLICE REGARDING CRIME RATES, STRATEGIES AND STATISTICS IN AUSTIN. AND I'LL RECOGNIZE MS. LAURA HUFFMAN, THE ASSISTANT CITY MANAGER.

THANK YOU, MAYOR AND COUNCIL. TODAY WE'RE POSTED TO TALK ABOUT CRIME RATES, STRATEGY AND STATISTICS IN THE AUSTIN POLICE DEPARTMENT. THIS IS A LITTLE BIT UNUSUAL FOR YOU TO GET A MIDYEAR REPORT FROM THE POLICE DEPARTMENT AND I JUST WANTED TO CREATE A BRIEF FRAMEWORK FOR YOU. WE'RE REALLY HERE FOR TWO DIFFERENT REASONS. THE FIRST IS THAT WE HAVE SEEN AN INCREASE IN SOME OF OUR STANDARD CRIME STATISTICS, INCLUDING ROBBERIES, WHICH YOU'VE BEEN HEARING ABOUT, AND TRAFFIC FATALITIES. AND WE WANT TO TALK TO YOU ABOUT WHAT'S GOING ON IN THESE AREAS SPECIFICALLY AND WHAT SOME OF OUR AT THAT TIME TICKS AND STRATEGIES ARE TO ATTACK THESE CRIME STATS. AND SECOND, WHAT WE'VE HAD IN THE PAST YEAR I A LIVELY COMMUNITY DEBATE ABOUT ANOTHER KIND OF POLICING STATISTIC THAT I THINK ARE MORE ABOUT POLICING ACCOUNTABILITY. AND WHAT WE ARE DOING TODAY IS RELEASING A DRAFT REPORT, WHICH YOU NOW HAVE ON THE DAIS, THAT PULLS TOGETHER SOME ACCOUNTABILITY DATA. SO I'D LIKE TO START BY TALKING A LITTLE BIT ABOUT THESE TWO DIFFERENT KINDS OF STATISTICS THAT WE COLLECT. WHAT ARE THE NUMBERS IN THE AUSTIN POLICE DEPARTMENT? WELL, HERE ARE A FEW. WE'RE THE SECOND SAFEST MAJOR CITY IN THE COUNTRY WITH REGARD TO VIOLATE CRIME. WE'VE HAD 22 TRAFFIC FATALITIES THIS YEAR, 24 BANK ROBBERIES. 13% OF THE TIME WE FIND

ILLEGAL CONTRABAND IN CONSENT SEARCHES. ONLY 1.7% OF ALL ARRESTS EVEN INVOLVE USE OF FORCE. THESE ARE SOME OF THE STATISTICS THAT WE COLLECT IN THE AUSTIN POLICE DEPARTMENT. THE REAL QUESTION IS WHAT DO THEY MEAN AND WHAT DO THEY TELL US ABOUT THE AUSTIN POLICE DEPARTMENT? TODAY WE WANT TO TALK TO YOU ABOUT THE DATA THAT WE COLLECT AND HOW WE ANALYZE IT AND WHY. THE WHY PART IS THE SIMPLEST. WE COLLECT AND ANALYZE THE DATA TO PROVIDE BETTER POLICING. IT'S THAT SIMPLE. WE USE THE DATA SO THAT WE CAN MAKE STRATEGIC INVESTMENTS IN EQUIPMENT AND IN TRAINING, AND YOU READ IN TODAY'S PAPER WE HAVE A GROUP ON A TRAINING TRIP TODAY WHO'S EVALUATING SOME TRAINING PROGRAMS ON DIVERSITY. WE USE THE DAY TO TO ADJUST OUR TACTICS AND OUR POLICIES, AND CHIEF KNEE IS GOING TO TALK ABOUT THAT WHEN HE DISCUSSES THE ROBBERY STATISTICS WITH YOU. AND WE USE THE DATA TO IMPROVE COMMUNITY ACCOUNTABILITY. THIS IS HOW WE USE THE INFORMATION. DATA COLLECTION AND ANALYSIS IS NOT NEW IN POLICING. IN FACT, IT'S VERY OLD. BUT WHAT WE HAVE SEEN IS A DRAMATIC CHANGE AND SHIFT IN WHAT WE COLLECT EVEN IN THE LAST FIVE YEARS. TODAY WE WANT TO TALK A LITTLE BIT ABOUT OUR TRADITIONAL MEASURES, AND YOU THINK OF THESE AS CRIME STATS. MURDER RATES, RAPE RATES, VIOLENT CRIME RATES, AS WELL AS A MUCH NEWER SET OF MEASURES. AND THESE ARE USE OF FORCE, TRAFFIC STOPS AND SEARCHES. THE MOST FAMILIAR REPORTING IN EVERY COMMUNITY WITH REGARD TO POLICING IS CRIME STATS. WE'RE ALL USED TO HEARING ABOUT TRAFFIC FATALITIES, VIOLENT CRIME RATES AND MURDER RATES. THESE HAVE DECADES WORTH OF HISTORY IN EVERY COMMUNITY IN OUR COUNTRY, AND THE REASON THEY'RE SO FAMILIAR TO US IS BECAUSE THE DEPARTMENT OF JUSTICE REQUIRES ALL DEPARTMENTS, EVEN COLLEGE CAMPUSES, TO REPORT ON THESE CRIME STATS ON A MONTHLY BASIS. THE DATA IS COLLECTED NATIONALLY. IT'S STANDARDIZED. EVERYONE REPORTS THE SAME WAY. WE DO THIS THROUGH THE DEPARTMENT OF PUBLIC SAFETY HERE IN TEXAS. THE ANALYSIS IS ALSO VERY STRAIGHTFORWARD. WE COUNT. WE COUNT THE CRIMES. AND EVEN THE QUIRKS IN THE DATA ARE NOW FAMILIAR. MAYOR AND COUNCIL, WHEN YOU ALL SEE AN INCREASE IN

SOMETHING LIKE RAPES AND OUR NUMBERS, YOU ALREADY KNOW TO ASK US ARE WE SEEING AN INCREASE IN REPORTING HERE OR AN INCREASE IN THE ACTUAL INCIDENTS? THE DATA IS KNOWN. THE QUIRKS ABOUT THE DATA IS KNOWN. IT'S A FAMILIAR CONVERSATION IN COMMUNITIES ALL ACROSS THE COUNTRY. IT'S COLLECTED NATIONALLY. WE ALL DO IT THE SAME WAY, SO WE CAN COMPARE OURSELVES. YOU CAN LOG ON TO THE DEPARTMENT OF JUSTICE WEBSITE RIGHT NOW AND SEE WHERE WE STAND AGAINST OTHER CITIES IN THE COUNTRY. IT'S THAT FAMILIAR. A MUCH NEWER CONVERSATION. AND IN AUSTIN THIS CONVERSATION STARTED ONLY ABOUT FIVE YEARS AGO, IS ABOUT POLICE ACCOUNTABILITY. THERE ARE SEVERAL KEY MEASURES THAT WE'VE BEEN TALKING ABOUT HERE IN AUSTIN, AND THEY INCLUDE USE OF FORCE, TRAFFIC STOPS AND SEARCHES. WE LOOK AT THIS DATA TO DETERMINE IF PEOPLE ARE BEING TREATED FAIRLY AND CONSISTENTLY AND WITHOUT BIAS. BUT AGAIN, IT'S ABOUT THE SAME THING, COLLECTING DATA TO IMPROVE POLICING. IT'S JUST A DIFFERENT KIND OF DATA. COUNCIL, YOU HAVE ASKED US INDIVIDUALLY AND AS A GROUP TO GIVE TO YOU A COMPREHENSIVE LOOK AT THIS ACCOUNTABILITY DATA. AND THAT'S WHAT YOU HAVE BEFORE YOU TODAY. WE'RE DOING IT IN A LITTLE BIT DIFFERENT WAY, AND WHAT YOU HAVE IS STAMPED DRAFT. WE'VE DONE THAT DELIBERATELY AND I WANT TO TALK ABOUT WHY. BUT FIRST I WANT TO TALK TO YOU ABOUT THESE NEWER MEASURES AND HOW THEY'RE DIFFERENT. LET'S TAKE A LOOK AT USE OF FORCE. FORCE OCCURS ON A CONTINUUM FOR THOSE THAT AREN'T AWARE OF IT, BEGINNING WITH SOMETHING POLICE CALL A SOFT HAND GRIP AND ENDING WITH DEADLY FORCE. AND IN BETWEEN YOU WILL SEE THINGS LIKE PEPPER SPRAY AND TASERS AND OTHER KIND OF FORCE THAT ARE USED AS PART OF POLICE WORK. THERE IS ABSOLUTELY NO STATE OR NATIONAL STANDARD REQUIRING US TO COLLECT THIS DATA, NONE. AND MANY DEPARTMENTS DON'T COLLECT INFORMATION ON WHEN THEIR OFFICERS USE FORCE. WE DO. SOME OF THE DEPARTMENTS THAT COLLECT THE INFORMATION DO IT IN A VERY NON-STANDARDIZED WAY. THEY ASK OFFICERS TO SEND A MEMORANDUM UP THE CHAIN OF COMMAND WHEN SERIOUS FORCE IS USED. NOW, THAT'S A JUDGMENT CALL. WE'RE VERY CONSERVATIVE IN

AUSTIN ABOUT HOW WE COLLECT THIS INFORMATION. WE REQUIRE OFFICERS TO REPORT ANY USE OF FORCE, AND THEY DO SO VERY AGGRESSIVELY. THAT'S ONE OF THE THINGS WE'VE BEEN LEARNING IN THE LAST SEVERAL MONTHS AND OFFICERS HAVE TOLD US QUITE POINT-BLANK THAT THEY BELIEVE THEY REPORT VERY AGGRESSIVELY IN THIS AREA. BUT THERE'S NO UNIFORM DATA COLLECTION AND THEREFORE A CITY TO CITY COMPARISON IN THIS AREA IS VIRTUALLY IMPOSSIBLE. BEYOND THAT, THERE IS NO CLEAR METHODOLOGY FOR HOW TO EVALUATE THE DATA. SOME CITIES, FOR EXAMPLE, COMPARE USE OF FORCE TO ALL POLICE REPORTS. OTHER CITIES COMPARE USE OF FORCE JUST TO ARRESTS. THAT'S HOW WE DO IT IN AUSTIN TRADITIONALLY BECAUSE MOST FORCE OCCURS IN THE CONTEXT OF AN ARREST. WHAT'S IMPORTANT HERE ISN'T FOR NOW THE EXACT METHODOLOGY THAT WE'VE USED. THE POINT I'M TRYING TO MAKE IS THAT THERE'S NO DEFINITIVE WAY TO EVALUATE THE DATA. AND WHAT WE SAW THIS YEAR IN AUSTIN IS WE HAD SEVERAL INTERESTED PARTIES EVALUATING THE DATA DIFFERENTLY. AND NO ONE METHODOLOGY WAS RIGHT OR WRONG. EACH OF THOSE METHODOLOGIES IS USED BY OTHER CITIES ACROSS THE COUNTRY, THERE'S JUST NOTHING THAT TELLS US DEFINITELY HOW TO LOOK AT IT. THE SECOND AREA THAT WE LOOK AT IS TRAFFIC STOPS AND SEARCHES. YOU'RE USED TO HEARING THIS DESCRIBED AS RACIAL PROFILING DATA. NOW HERE WE HAVE A LITTLE BIT DIFFERENT SITUATION. SAME CONCEPT. WE'RE LOOKING AT THIS DATA TO DETERMINE IF THERE'S A BIAS IN POLICING, AND THE APD BEGAN COLLECTING THIS DATA IN 2001. BY THE WAY, WE STARTED COLLECTING USE OF FORCE DATA IN 1998, WHICH AS FAR AS POLICE DEPARTMENTS IN THE COUNTRY GO IS A PRETTY EARLY START DATE ON THIS KIND OF INFORMATION. NOW TEXAS STATE LAW REQUIRES US TO COLLECT OUR RACIAL PROFILING DATA, SO IN TEXAS HOW WE COLLECT RACIAL PROFILING DATA IS STANDARDIZED, SO WE AT LEAST HAVE THAT ABILITY TO MAKE SOME CITY TO CITY COMPARISONS WITHIN THE STATE. BUT AGAIN, THERE'S NO CLEAR STANDARD FOR HOW YOU EVALUATE THAT DATA, AND THERE ARE DIFFERENCES. SOME DEPARTMENTS -- AND WE'RE ONE OF THEM -- COMPARE TRAFFIC STOPS AND THE DEMOGRAPHICS OF STOPS TO OUR OVERALL POPULATION.

OTHER CITIES COMPARE TRAFFIC STOPS TO PEOPLE CARRYING LICENSES. AND THERE ARE OTHER VARIATIONS FROM THERE. WE KNOW THAT THERE ARE WEAKNESSES TO THE METHODOLOGY THAT WE USE, AND I'LL GIVE YOU A PRETTY SIMPLE EXAMPLE. CONSIDER PEDESTRIAN STOPS IN THE DOWNTOWN BUSINESS DISTRICT. IF WE BREAK THAT DOWN BY RACE AND COMPARE IT TO OUR COMMUNITY DEMOGRAPHICS, WE KNOW RIGHT NOW THAT THAT'S NOT THE RIGHT COMPARISON. AND THE REASON IS OUR DOWNTOWN DOES NOT MIRROR OUR GENERALIZED POPULATION. FOR ONE, WE'VE GOT A LOT OF VISITORS DOWNTOWN. FOR TWO, WE HAVE A LOT OF SOCIAL SERVICES CONCENTRATED DOWNTOWN WHICH WILL SKEW THE DEMOGRAPHIC BREAK DOWN OF THAT POPULATION. SO EVEN THE METHODOLOGY THAT WE USE, WE ACKNOWLEDGE HAS SOME WEAKNESSES TO IT. ON THE OTHER HAND, IF YOU'RE LOOKING AT THOSE WHO ARE CARRYING DRIVER'S LICENSES AND YOU LIVE IN A CITY LIKE AUSTIN WITH A LARGE IMMIGRANT POPULATION, YOU ALSO KNOW THAT THAT METHODOLOGY HAS WEAKNESSES BECAUSE AN IMMIGRANT POPULATION MAY OR MAY NOT HAVE A LEGAL DRIVE'S LICENSE. WE HAD THAT CONVERSATION LAST YEAR WHEN WE TALKED ABOUT THE IDENTIFICATION CARDS IN AUSTIN. THE BOTTOM LINE IS THAT THIS NEWER SET OF MEASURES IN POLICING IS STILL EVOLVING AND QUICKLY. WE ARE PROUD OF THE FACT THAT WE COLLECT THE DATA. WE WERE ONE OF THE FIRST AGENCIES IN THE COUNTRY TO START COLLECTING THIS KIND OF DATA. WE WERE COLLECTING RACIAL PROFILING DATA BEFORE THE STATE ASKED US TOO, BUT WE ALSO ACKNOWLEDGE THAT WE MIGHT NEED TO TAKE A STEP BACK AND LOOK DIFFERENTLY AT HOW WE ANALYZE THE DATA. TO THIS END I WANT TO TALK ABOUT A COUPLE OF THINGS THAT HAVE BEEN IN PLAY. LAST YEAR YOU ALL MAY REMEMBER US TALKING ABOUT THE GAP -- THE GUIDANCE ADVISORY SYSTEM. YOU ALL MAY HAVE THOUGHT ABOUT IT AS THE RED RED FLAG SYSTEM OR THE EARLY WARNING SYSTEM FOR THE POLICE OFFICERS. THIS IS THE SYSTEM THAT HELPS US IDENTIFY AN OFFICER BEFORE WE HAVE PROBLEMS. INITIALLY THIS SYSTEM WAS DESIGNED AROUND A SINGLE CRITERIA, INTERNAL AFFAIRS COMPLAINTS. WHAT WE HAVE DONE IS OVERHAULED THAT SYSTEM. AND AGAIN,

THIS IS AN EARLY INTERVENTION PROGRAM. THIS IS DESIGNED TO CATCH OFFICERS BEFORE THERE'S A PROBLEM. SO THAT SYSTEM, WE HAVE ADDED CRITERIA LIKE USE OF FORCE REPORTS. WHAT THIS WILL HELP US DO IS THIS WILL HELP US WITH THAT INDIVIDUAL ACCOUNTABILITY PIECE OF THIS DATA. TO IMPROVE OUR OVERALL DEPARTMENTAL ACCOUNTABILITY, BECAUSE THE WAY WE THINK ABOUT THIS DATA IN GENERAL IS THIS IS TO IMPROVE AN INDIVIDUAL ACCOUNTABILITY, BUT IT IS ALSO TO IMPROVE DEPARTMENTAL ACCOUNTABILITY. AND ON THE DEPARTMENTAL ASPECT, WHAT WE HAVE DONE IS WE HAVE ASKED THE POLICE EXECUTIVE RESEARCH FORUM, AND THERE'S A PROFESSOR THERE, DR. LAURIE FRIDEL, WHO HAS BEEN HERE ONCE, SOME OF YOU HAVE MET HER, TO TAKE A LOOK AT THE REPORT THAT YOU HAVE BEFORE YOU AND HELP US TO SETTLE IN ON THE METHODOLOGY THAT IS CURRENT AND CONSISTENT WITH WHAT THE NATIONAL EXPERTS SAY IS THE BEST WAY TO ANALYZE USE OF FORCE, STOPS AND SEARCHES. SHE WILL BE BACK IN TOWN THE WEEK OF MAY 10th AND SHE'S GOING TO HELP US AT THAT POINT. WHAT WE WANT TO DO THEN TOO -- AND THIS IS ONE OF THE REASONS WHY WE CALL THIS A DRAFT DOCUMENT. WE WANT TO PAUSE AND HAVE A CONVERSATION ABOUT HOW WE'RE LOOKING AT THAT DATA. SO WE INTEND TO KEEP THIS DOCUMENT IN A DRAFT FORMAT. AND WHEN DR. FRIDEL COMES BACK, WE WILL HAVE HER MEET WITH OTHER STAKEHOLDER IN THE COMMUNITY THAT HAVE EXPRESSED AN INTEREST IN OR HAVE ALREADY REPORTED ON OUR CRIME DATA. SO, FOR EXAMPLE, SHE'S GOING TO MEET WITH THE PRINT MEDIA AND THE ACLU AND THE NAACP SO THAT BEFORE WE PUSH OUT ANOTHER REPORT, WE'VE ALL TALKED ABOUT THIS ISSUE, TALKED ABOUT THE DIFFERENT METHODOLOGIES THAT ARE AVAILABLE AND THEIR RELATIVE STRENGTHS AND WEAKNESSES. AGAIN, THE REASON YOU COLLECT DATA IS TO IMPROVE POLICING. WE WANT TO MOVE THE CONVERSATION BEYOND THE DATA AND TALK ABOUT HOW YOU USE THE INFORMATION. AND SO WE ARE TRYING TO SEND A SIGNAL HERE BY CALLING THIS A DRAFT, SO WE WANT TO HAVE THE CONVERSATION, WE WANT TO SETTLE IN ON A METHODOLOGY. AND ONCE WE'VE DONE THAT, YOU CAN EXPECT TO SEE STANDARDIZED REPORTS JUST LIKE YOU'VE SEEN FOR YEARS AND YEARS ABOUT

CRIME STATS. SO FOR THE NEXT SEVERAL WEEKS, WE'RE GOING TO BRING THIS CONVERSATION BACK TO YOU. WE'RE GOING TO START WITH SOME REPORTING FROM THE CHIEF ON CRIME STATISTICS. AGAIN, THE FAMILIAR A WAY THAT WE LOOK AT THE POLICE DEPARTMENT. HE'S GOING TO TALK TO YOU ABOUT ROBBERIES, TRAFFIC FATALITIES AND VIOLENT CRIMES, THREE AREAS THAT WE'VE SEEN INCREASES IN AUSTIN. AND WHAT WE'RE GOING TO TRY AND DO HERE IS LINK THE DATA TO THE TACTICS, TO THE POLICING OUTCOME, SO THAT YOU CAN SEE HOW WE USE THAT INFORMATION. WE'RE ALSO GOING TO PRESENT TO YOU IN A COMING COUNCIL MEETING THE KEY FINDINGS FROM THE REPORT THAT YOU HAVE BEFORE YOU TODAY AND GIVE YOU AN OPPORTUNITY TO ASK QUESTIONS, WEIGH IN AND MAKE COMMENTS. WE THINK THAT THIS DIALOGUE WILL HELP MOVE THE BALL FORWARD IN AUSTIN AND THAT IT'S TIME TO DO THAT. OUR GOAL AND OUR MESSAGE IS THE SAME THAT IT HAS BEEN FOR YEARS NOW, AND THAT IS WE COLLECT AND ANALYZE THE DATA TO IMPROVE POLICING IN AUSTIN. WE WANT TO HAVE THAT BE A BROADER CONVERSATION. IT'S TIME ON THE ACCOUNTABILITY STATISTICS TO HAVE THAT CONVERSATION WITH THE COMMUNITY. AND WE ARE LOOKING FORWARD TO HAVING THE EXPERTS COME IN AND SHARE WITH US WHAT THE NATIONAL TRENDS ARE AND USE OF FORCE AND THE OTHER REGIONAL PROFILING DATA. SO WITH THAT I'D LIKE TO TURN IT OVER TO CHIEF KNOW, WHAT'S GOING TO -- CHIEF KNEE, WHO IS GOING TO TALK TO YOU ABOUT ROBBERIES AND WHAT WE'VE BEEN SEEING IN AUSTIN. WE'VE HAD SOME GOOD NEWS HERE LATELY, BUT WE WANT TO SHOW YOU HOW WE'VE LOOKED AT THIS DATA.

**Thomas:** MAYOR -- MAYOR PRO TEM, COULD I ASK MS. HUFFMAN, BEFORE SHE LEAVES, WHEN THE ANALYSTS COME BACK, YOU NAMED TWO GROUPS, YOU SAID ALCU AND THE NAACP. ARE YOU AMENABLE ANY OTHER GROUPS MEETING WITH HER?

ABSOLUTELY. ABSOLUTELY.

**Thomas:** OKAY.

ACLU HAS THE STRONGEST INTEREST IN THE RACIAL

PROFILING DATA. THEY PUT OUT A REPORT THIS YEAR THAT USES A SLIGHTLY DIFFERENT METHODOLOGY THAN WE DID AND SHE HAS ALREADY MET WITH THEM. WE MET WITH HER AND THE AC LU THE LAST TIME SHE WAS IN TOWN. BUT ABSOLUTELY. AND THE PRINT MEDIA WAS MORE INTERESTED IN USE OF FORCE, BUT WE WOULD THRIEK SEE PEOPLE JOIN US. WE PLAN TO MIKE THESE EASY TO ACCESS WORKSHOPS.

**Futrell:** AND COUNCILMEMBER, WE WOULD LIKE TO YOU JOIN IN, AND AS WE DID WHEN SHE CAME TO TUNE THE FIRST TIME, WE'LL LET YOU KNOW WHEN SHE'S IN TOWN SO YOU CAN JOIN US. AND IF YOU HAVE IDEAS OF OTHER STAKEHOLDER GROUPS WHILE SHE'S IN TOWN, BUT WE'RE INCLUDING DIFFERENT MEDIA GROUPS, DIFFERENT STAKEHOLDER GROUPS. THE IDEA BEING CAN WE COME TO A CONSENSUS ON METHODOLOGY. AND IF WE CAN'T, AT LEAST EXPLAIN THE METHODOLOGY WE'RE LEANING TOWARDS AND WHY WE'RE USING IT.

**Goodman:** IF I CAN ANSWER THAT. THERE ARE ALSO OTHER FORMS BEING GENERATED BY THE COMMUNITY ITSELF THAT ARE GOING ON AT THE SAME TIME. AND THEY HAVE STAKEHOLDERS AT THE TABLE TOO. IN FACT, THEY'RE BEING VERY LONG-TERM ORIENTED AND THEY'RE NOT INTERESTED IN A TOWN MEETING WHERE THE OBJECT IS TO DOMINATE OR TO MONMON OPEN APPLIES, BUT TO GO GROUP BY GROUP AND WHERE'S THE OPPORTUNITY TO TALK AND BRAINSTORM WITHOUT CONFLICT AND CONFRONTATION. AND I THINK THEY'VE BEEN VERY HELPFUL AND THE FEEDBACK THAT'S ABLE TO IN A NON-PERSONALIZED, NON-EMOTIONAL WAY, FEED INTO OUR KNOWLEDGE OF WHAT WE NEED TO DO WITH THIS.

**Futrell:** IN ADDITION TO OUR REGULAR FORMAT LIKE THE COMMANDER FORUM AND OTHER KIND OF TOWN HALL MEETINGS, WE'VE BEEN WORKING WITH SEVERAL GROUPS THAT HAVE KIND OF A LONGER TERM COMMUNITY DIALOGUE FORM GOING. ONE IS AUSTIN LISTEN. AND THERE'S SEVERAL OTHERS THAT WE'VE BEEN WORKING WITH. WE'RE REALLY TRYING TO CAST A BROAD NET AND GET AS MANY DIFFERENT PER PEKTTIVES -- PERSPECTIVES AND

DIFFERENT INSIGHTS INTO THIS.

TOBY, PART OF THEIR WORK WHEN THEY COME BACK IS THAT THEY WILL BE INTERVIEWING THESE GROUPS AND ALSO INDIVIDUALS, PARTLY JUST TO GET A HANDLE ON WHAT PEOPLE'S EXPECTATIONS ARE. NOW, THIS IS SEPARATE AND APART FROM A DISCUSSION ABOUT DATA COLLECTION ANALYSIS. THEY'RE TRYING TO GET INTO COMMUNITY AND UNDERSTAND WHAT ARE THE COMMUNITY POLICING EXPECTATIONS IN AUSTIN. BECAUSE WHEN THEY LOOK AT TRAINING AND THINGS LIKE THAT, THEY NEED TO UNDERSTAND WHAT THIS COMMUNITY WANTS.

**McCracken:** MS. HUFFMAN, HAVE THERE BEEN ANY MOD IN A INDICATIONS ON OUR PROCEDURES FOR FOLLOWING UP ON DATA COLLECTION AND USE OF FORCE AND ALL THE SERIES OF NEWSPAPER ARTICLES THAT CAME OUT SIX WEEKS AGO?

ON THE DATA COLLECTION?

**McCracken:** YES. YOU KNOW WE HAD THE -- THE "AUSTIN AMERICAN-STATESMAN" AND AUSTIN CHRONICLE HAD THEIR VARIOUS TAKES ON THE DATA. WHAT I WAS WONDERING IS HAS THERE BEEN SOME CHANGE IN THE CITY'S PROCEDURES FOR ANALYZING AND FOLLOWING UP AND ACTUALLY BEING PROACTIVE TO THE DATA THAT WE DO COLLECT REGARDING USE OF FORCE?

PROBABLY THE SIGNIFICANT CHANGE THAT WE'RE GOING TO MAKE IS TO LOAD IT INTO THAT EARLY WARNING SYSTEM. SO THAT EACH REPORT BECOMES A PART OF AN OFFICER'S FILE. AND WHAT THEY'LL DO IS THEY'LL DEVELOP A CRITERIA. AND I THINK THEY'RE IN THE FINAL STAGES OF SETTING THIS UP AND THEY'RE GOING TO MOVE INTO IMPLEMENTATION. IN ADDITION TO THAT, A SUPERVISOR REVIEWS THAT INFORMATION AT THE TIME OF THE INCIDENT. BUT IT WILL GO INTO THE FORMAL SYSTEM AS WELL AS THE ONGOING DAY-TO-DAY REVIEW OF THE INCIDENT AND THE REPORT.

**Futrell:** THAT'S JUST ONE EXAMPLE FOR ONE SET OF THE DATA, BUT USE OF THE FORCE IS WHAT YOU USED AS AN EXAMPLE. AND THAT'S ONE WAY WE'VE CHANGED HOW THAT

INFORMATION FLOWS IN THE DEPARTMENT.

**McCracken:** SO WE'RE NOT CURRENTLY LOADING DATA IN, BUT WE'RE IN THE PROCESS OF STARTING THAT?

THE SYSTEM IS BEING COMPLETELY REVAMPED. WE'VE BROUGHT IN A CONSULTANT, A GENTLEMAN WHO IS CONSIDERED -- HE'S PART OF THE BEST PRACTICE MODEL NATIONALLY. SO RATHER THAN JUST LEAP INTO IT, WE DID ASK HIM TO COMPLETELY LOOK AT ALL THE DIMENSIONS WE USE IN THAT EARLY WARNING SYSTEM. HE'S ADDED SEVERAL OTHER THINGS, NOT JUST THE USE OF FORCE DATA. FOR EXAMPLE, CAR ACCIDENTS ARE NOW BEING INCLUDED IN THAT DATA. THE USE OF SICK LEAVE IS BEING INCLUDED IN THAT SYSTEM. SO THERE ARE A NUMBER OF DIFFERENT DIMENSIONS THAT ARE BUILDING INTO THE SYSTEM. CHIEF, YOU MIGHT KNOW WHEN THAT SYSTEM IS GOING TO BE UP AND RUNNING?

WE HOPE TO HAVE IT UP AND RUNNING IN THE NEXT 90 DAYS. ONE OF THE OTHER ISSUES IS THAT -- THAT I BELIEVE THE COUNCILMEMBER IS BRINGING UP, IS THAT THE FORUMS THEMSELVES, WHERE BEFORE WE DID NOT REQUIRE SUPERVISOR, FOR INSTANCE, TO MAKE NOTATIONS ON THE FORMS, NOW THE SUPERVISOR AND FIRST LINE MANAGER IS REQUIRED TO REVIEW THOSE FORMS, INITIAL THOSE FORMS. WE ALSO HAVE AN ISSUE I THINK THAT WAS BROUGHT UP IN THE PAPER OR IN THE MEDIA ABOUT THE OFFICERS. NOT ALL OFFICERS -- WE WERE OVERREPORTING. IN OTHER WORDS, YOU COULDN'T GO TO THE SOUTH, CENTRAL AND NORTH, GIVE THE SAME SCENARIO AND SAY WOULD YOU DO A USE OF FORCE REPORT AND GET THE SAME ANSWER? WE'RE CLEANING THAT UP. SO WE'RE CLEANING THE FORM UP, WHICH I THINK WILL GIVE US BETTER INFORMATION TO MAKE BETTER DECISIONS ON.

**McCracken:** WHO IS DOING THE REVIEW OF OUR EARLY WARNING SYSTEM WITH THE DIFFERENT -- TONY, YOU MENTIONED A GENTLEMAN?

DR. WALKER, SAMUEL WALKER. HE'S OUT OF THE UNIVERSITY OF NEBRASKA AT OMAHA. WE BROUGHT HIM IN.

HE ACTUALLY CAME IN AND REVIEWED OUR WORK. AND THEN WE HOSTED A CENTRAL UNITED STATES CONFERENCE HERE THAT HE HAD A GRANT FROM THE FEDERAL GOVERNMENT ABOUT A MONTH AGO THAT REVIEWED OUR PROCESS AND WHAT OTHER CITIES WERE DOING. AND SO IT GAVE US A CHANCE TO TALK ABOUT WHAT WE'RE DOING ALONG WITH SOME OF THE OTHER MAJOR CITIES IN THE MIDWEST.

**McCracken:** BECAUSE I HAD RECEIVED SOME STUFF FROM PEOPLE IN NEW YORK AND PITTSBURGH ABOUT THEY'RE DOING THE SAME STUFF. AND THERE DOES SEEM TO BE AN EMERGING CONSENSUS ON VARIOUS CRITERIA DATA POINTS. ARE THERE -- IN TERMS OF ON THE PROCEDURES FOR ANALYZING THE DATA, THE EARLY WARNING SYSTEM, WILL THERE BE LIKE A CONTINUOUS RED FLAG SYSTEM OR WILL IT BE LIKE A FOLLOW-UP EVERY TWO WEEKS? HOW WILL THIS WORK?

YOU KNOW, WHAT I WOULD LIKE TO DO IS -- WELL, IT'S A CONTINUING PROCESS. WHAT IT REALLY DOES IS THE PROCESS BEFORE WAS BASED ONLY ON CITIZEN COMPLAINTS. AND IT INVOLVED THE OFFICERS IN THE CHAIN OF COMMAND TO COME TO INTERNAL AFFAIRS, REVIEW THOSE COMPLAINTS, WHETHER THEY WERE SUSTAINED OR NOT. AND THEN MAKE A DECISION IF YOU NEEDED TO DEVELOP A PERSONAL IMPROVEMENT PLAN, A PIP ON THAT OFFICER. WHAT THIS NEW PROCESS DOES IS IT INCLUDES A NUMBER OF DIFFERENT CATEGORIES IN WHICH TO EVALUATE AN OFFICER'S PERFORMANCE. AND IF IN FACT THERE ARE ISSUES, AND THOSE ISSUES ARE BROUGHT BEFORE A BOARD, AND THAT BOARD CAN USE THOSE ISSUES, THAT WHOLE SYSTEM WILL BE THE RESPONSIBILITY OF A MANAGER. THAT WILL BE HIS ENTIRE RESPONSIBILITY. AND THEY WILL RECOMMEND A COURSE OF ACTION INVOLVING THAT PERSON. IT MAY BE AS SIMPLE AS A COMMUNICATIONS COURSE. IT MAY BE, PERHAPS, SOME COUNSELING. IT MAY BE A DRIVER TRAINING COURSE SINCE ACCIDENTS ARE PART OF THAT. AND THEY WILL RECOMMEND THAT. AND WE WILL MOVE FORWARD FROM THERE.

**McCracken:** DO YOU HAVE SOME SENSE OF RECEIVING A

RECOMMENDATION FROM DR. WALKER ABOUT LIKE THE RANGE, THE TIME, FOR INSTANCE, THAT WILL BE INVOLVED IN FINDING RED FLAG ITEMS THAT WOULD LEAD TO SOME KIND OF EARLY WARNING ALERT COMING UP?

I THINK THAT'S ONE OF THE CONCEPTS THAT AS WE GAIN MORE KNOWLEDGE OF HOW TO DEAL WITH EMPLOYEES THAT MAY NOT BE -- MAY HAVE DEFICIENCIES, THAT SETTING A TIME PERIOD IS NOT THE BEST COURSE OF ACTION. WE DID THAT. YOU HAD TO HAVE X NUMBER OF CITIZEN COMPLAINTS IN THIS SET OF TIME. AND WHAT HAPPENED IS THAT BY THE TIME WE GOT TO THAT EMPLOYEE, HE MAY EACH HAVE ANOTHER CITIZEN COMPLAINT WHICH CAUSED A SECOND TIME. IT'S AN EVOLVING PROCESS THAT CREATE THE ABILITY OR THE -- OF THE DEPARTMENT TO CONTINUOUSLY UPDATE ITS RECORDS AND CONTINUOUSLY WORK WITH AN EMPLOYEE, MAKING HIM A BETTER EMPLOYEE.

**McCracken:** THE POINT I'M GETTING AT IS IN SOME OF THE CITIES THAT HAVE DONE THESE DIGITAL GOVERNMENT INITIATIVES IS IN HOW TO USE IT IS THE IMPORTANCE OF THIS RELENTLESS FOLLOW-UP. BECAUSE, FOR INSTANCE, YOU MAY HAVE SOMEONE WITH A LOT OF -- LET'S SAY THAT HYPOTHETICALLY THIS IS A PERSON WHO IS DOING A GANG DETAIL. THESE PEOPLE ARE MAKING UNFOUNDED CHARGES. IF YOU'RE ABLE TO HIT THOSE QUICKLY WHILE EVERYBODY IS STILL FRESH IN EVERYBODY'S MIND, THAT MAY SHOW A FALSE POSITIVE, WHEREAS THERE MAY BE TRUE POSITIVES, BUT THERE IS AN IMPORTANT IN HAVING CLOSE IN TIME FOLLOW-UP, AS OTHER CITIES HAVE STOFERD, TO MAKE SURE THAT WE KNOW SOME OF THE UNDERLYING FACTS BEHIND SOME OF THE DATA POINTS MAY BE TRIGGERING AN EARLY WARNING ALARM ON THIS.

ABSOLUTELY, YOU'RE CORRECT. AND WHAT I WOULD LIKE TO DO IS PREPARE A TWO-PAGE DOCUMENT FOR MAYOR AND COUNCIL THAT WILL GIVE YOU A CLEAR OUTLINE AS TO WHERE WE'RE AT ON THAT PROCESS. BECAUSE I THINK IT IS -- DR. WALKER BELIEVES IT IS ONE OF THE BEST IN THE UNITED STATES. WE HAVE QUERIED THE PITTSBURGH PROCESS. THEY HAD THEIRS DESIGNED BY THE FEDERAL GOVERNMENT BECAUSE THEY WERE UNDER COURT ORDER

TO CHANGE THEIR POLICE PROCEDURES AND PRACTICE. SO WE HAVE DONE A LOT OF TRAVEL AND LOOKED AT DIFFERENT SYSTEMS AND ASKED FOR A LOT OF HELP FROM A LOT OF DIFFERENT PEOPLE. SO WE CAN PRESENT THAT CONCEPT PAPER TO YOU AND WE WOULD INVITE YOUR COMMENTS.

**McCracken:** I KNOW THAT WE'RE ABOUT TO HAVE A VERY SIGNIFICANT EXPANSION OF OUR DIGITAL GOVERNMENT CAPABILITIES THROUGH ACCESS THROUGH 311 OR BY THE INTERNET, AND THIS WILL ALSO GIVE US THE ABILITY TO HAVE DIGITAL MAPPING AT THE CITY. IS THERE ANY CONTEMPLATION OF VARIOUS SERVICES -- LIKE YOU MAYBE ABLE TO CULL UP SERVICES ON THE INTERNET THIS YEAR AND SEE WHERE THE TRASH PICKUP IS DOING NOT AS WELL OR RAT ERADICATION OR SLICK. IS THERE ANY CONTEMPLATION RIGHT NOW OF MAKING A -- MAKING IN A GENERAL FASHION DATA AVAILABLE SAY OVER THE CITY'S WEBSITE TO THE GENERAL PUBLIC ON THESE ISSUES?

**Futrell:** WHAT IS AVAILABLE RIGHT NOW ON THE INTERNET IS ALL THE DIFFERENT PERFORMANCE MEASUREMENTS IN THE -- MEASUREMENTS IN THE POLICE DEPARTMENT ARE UP AND AVAILABLE ON THE WEB. THAT INCLUDES CRIME STATISTICS AND ALL PROGRAM PERFORMANCE MEASUREMENTS. AND AS WE MOVE THROUGH WITH THE 311 REPORTING SYSTEM, THERE WILL BE ADDITIONAL PERFORMANCE INFORMATION THAT WILL BE AVAILABLE.

**McCracken:** BUT MY QUESTION, IS THERE ANY CONTEMPLATION OF MAKING THIS PARTICULAR RANGE OF DATA THAT WE WILL BE HAVING REFORM IN, IS THAT -- NOT IDENTIFYING SPECIFIC OFFICERS. THAT'S A PERSONNEL ISSUE AND I DO NOT THINK THAT WOULD BE APPROPRIATE, BUT A COLLECTION OF THE GENERAL DATA THAT THERE'S SOME CONTEMPLATION OF HOW WE MIGHT RESPONSIBLY MAKE THIS AVAILABLE TO THE PUBLIC?

**Futrell:** GO AHEAD, CHIEF. I WANT TO SAY THAT THE INFORMATION ON THE RED FLAG SYSTEM IS A VERY SENSITIVE ISSUE THAT ARE UNDER DISCUSSION RIGHT NOW. BUT GENERAL INFORMATION ON RACIAL PROFILING DATA, SEARCH DATA, STOCK AT THAT TIME DATA, USE OF FORCE

DATA IS GOING TO BE AND IS AVAILABLE. IS THERE ANYTHING YOU CAN ADD TO THAT?

WE ARE RIGHT NOW -- THE AGGREGATE INFORMATION CAN BE MADE AVAILABLE, WE BELIEVE. WE'RE GOING THROUGH THE CITY ATTORNEY'S OFFICE TO MAKE SURE WE'RE NOT RELEASING INFORMATION THAT IS PROTECTED UNDER THE LAW, BUT WE BELIEVE THAT THE AGGREGATE TOTAL, THOSE KINDS OF FACTS CAN BE MADE PUBLIC. AND I BELIEVE THAT WAS ONE OF THE ISSUES THAT THE NAACP BROUGHT FORTH THAT A COUPLE OF OTHER GROUPS, AND WE'VE WORKED CLOSELY WITH THE CITY ATTORNEY ON THAT.

**McCracken:** MY FINAL TWO OR THREE QUESTIONS HERE IS ON DR. FRIDEL. I KNOW SHE'S COMING IN MAY 10th. IS THERE SOME PLAN TO DO A PEER REVIEW OF HER RECOMMENDATIONS?

BY PEER, WHAT DO YOU MEAN?

**McCracken:** OTHER ACADEMICS IN THE FIELD.

WELL, WE ARE WORKING WITH OTHER ACADEMICS IN THE FIELD. WE HAVE BEEN IN TOUCH WITH SOME STATISTICIANS WHO DO CRUNCH NUMBERS FOR THE FEDS OR NUMBERS THAT THEY GET FROM THE FEDERAL GOVERNMENT THAT WE TURN IN TO THE FEDERAL GOVERNMENT. SO WE ARE LOOKING AT DIFFERENT WAYS. OF COURSE, I WANT TO EMPHASIZE WHAT MS. HUFFMAN POINTED OUT, AND THAT IS THAT THIS IS VERY NEW INFORMATION WE'RE COLLECTING. AND THAT IT TOOK 30 YEARS TO GET THE UNIFORM CRIME REPORTING SYSTEM STANDARDIZED. I DON'T THINK IT WILL TAKE THAT LONG, BUT CLEARLY THE LEVEL EXPERTISE AND AGREEMENT AMONG SCHOLARS ON HOW TO LOOK AT THIS DATA IS, IS JUST NOT THERE AT THIS TIME. NOW, THE POLICE EXECUTIVE RESEARCH FORUM, THE ORGANIZATION THAT LAURIE DOES WORK FOR, HAS RECEIVED AND WILL BE DOING STUDIES, AND WE MAY BE AMONG THOSE CITIES THAT THEY STUDY WITH REGARD TO USE OF FORCE IN TRYING TO SET SOME STANDARD WAYS OF COLLECTING THE DATA AND SOME STANDARD WAYS OF LOOKING AT IT TO SEE IF IN FACT YOU'RE OUT OF -- YOU'RE OUTPACING OTHER CITIES OR YOU'RE BETTER THAN OTHER CITIES. AND THEY

ARE BEGINNING TO WORK ON THAT THIS YEAR. AND I BELIEVE THAT OVER THE NEXT YEAR THEY'LL BE DEVELOPING SOME VERY GOOD RESEARCH ON THAT.

**Futrell:** THE ONLY THING I WOULD LIKE TO ADD THERE IS THAT MS. FRIDEL WORKS AS A PART OF A TEAM OF OTHER STATISTICIANS THAT ARE GOING ON THIS WORK. SHE WORKS AS A PART OF A NATIONAL ORGANIZATION THAT IS TRYING TO DEVELOP A NATIONAL STANDARD. IN ADDITION, AUSTIN IS OFFERING TO BE -- TO BE A PEER CITY, TO VOLUNTEER AS A CITY, TO SERVE AS ONE OF THOSE THAT GOES OUT FRONT WITH A HANDFUL OF OTHER CITIES TO ESTABLISH A STANDARD.

**McCracken:** I WAS WONDERING IN TERMS OF THE FOLLOW-UP THAT A LOT OF TIMES A BIG PART OF THIS IS WE NEED TO MAKE SURE WE HAVE PUBLIC CONFIDENCE AND WE HAVE THE BEST SYSTEM IN THE COUNTRY. I KNOW THAT IS WHAT YOU ALL SEE AS A POLICY GOAL AND THAT IS FANTASTIC. AND WHAT I WANT TO MAKE SURE IS THAT IN BUILDING PUBLIC CONFIDENCE AND IN GETTING IT RIGHT THAT WE DO HAVE OTHER EYEBALLS ON IT. IT APPEARS INTERNALLY WITHIN THAT SYSTEM THAT WE DO, TOO, BUT I DO THINK IT WOULD BE IMPORTANT AT LEAST TO RUN THE TRAPS ON HOW WE MIGHT HAVE SOME PEER REVIEW BECAUSE IF WE CAN GET A GOOD CONSENSUS COMING OUT OF OTHER EXPERTS IN THIS FIELD THAT DR. FRIDEL HAS IN FACT CREATED THE NATIONAL MODEL SYSTEM, THAT WOULD GIVE US A BETTER SYSTEM AND MORE PUBLIC CONFIDENCE IN IT.

**Futrell:** AND COUNCILMEMBER, I AGREE. THE WHOLE POINT OF BOTH HER COMING BACK AND OUR NEXT STEP IS TO TRY TO DEVELOP A CONSENSUS. THAT'S THE PROCESS THAT WE'RE GOING TO BE TRYING TO PUT INTO PLACE. AND FAILING THAT, IT WILL BE TO AT LEAST EXPLAIN AND HAVE VERY PUBLICLY STATED THE METHODOLOGY WE'VE CHOSEN AND WHY. SO IT'S CLEAR AND UP FRONT AND THERE ARE NO QUESTIONS OR SURPRISES ABOUT HOW WE'RE MOVING FORWARD WITH THE DATA.

I JUST WANT TO MAKE SURE THAT WHEN SOMETHING IS PRESENTED THAT THAT IS NOT THE FINAL WORD TO THE COMMUNITY OF TAKE IT OR LEAVE IT. THAT IN FACT WE SAY

HERE'S WHAT WE BELIEVE IS THE NATIONAL MODEL. NOW, FOLKS, GO HAVE A GO AT IT AND GIVE US YOUR SENSE OF IT. THIS MIGHT HELP DR. FRIDE L REASSESS HER RECOMMENDATIONS OR MIGHT REASSURE EVERYBODY, BUT I THINK IT WILL RESULT IN A BETTER PRODUCT AND MORE PUBLIC CONFIDENCE.

**Futrell:** I THINK WE'RE ALL ON THE SAME PAGE. AS MS. HUFFMAN SAID WHY THIS HAS DRAFT ALL OVER IT IS BECAUSE WHAT WE INTEND TO DO IS NOT PUT OUT AS A GIVEN, BUT TO SAY HERE'S WHERE WE ARE, NOW GIVE US YOUR THOUGHTS, LET'S THINK THROUGH ARGUMENTS, PROS AND CONS AND SEE IF WE CAN REACH CONSENSUS ON IT.

**Mayor Wynn:** COUNCILMEMBER DUNKERLEY.

**Dunkerley:** ONE COMMENT. I WOULD ENCOURAGE ALL OF COUNCIL IF THEY HAVE AN OPPORTUNITY TO COME TO THE FORUMS WHEN THE DOCTOR IS HERE. I WAS FORTUNATE ENOUGH TO HAVE SOME TIME TO GO TO THE FIRST ONE, AND IT'S QUITE EVIDENT THAT SHE PROBABLY IS THE PEER GROUP IN THE COUNTRY BECAUSE I THINK MANY, MANY GROUPS ARE LOOKING TO HER AND TO THIS TEAM TO HELP DEVELOP SOME STANDARDIZED WAYS OF DEALING WITH THIS. AND I THINK MOST OF THE CITIES THAT ARE KIND OF OUT HAVE EITHER PARTICIPATED IN OR WILL BE PARTICIPATING IN THES EFFORTS. ON AGAIN, SHE WAS QUITE OPEN, SHE WAS QUITE INCLUSIVE AND VERY, VERY IMPRESSIVE IN HER WORK AND IN THE CREDENTIALS THAT SHE BROUGHT. BUT BY NO MEANS DID I SAY THAT IT WAS A CUT AND DRIED DEAL AND IT WAS OVER. SHE IS BRINGING IN I THINK ALL OF THE TOP PEOPLE IN THE COUNTRY, AND THEY'RE LOOKING MOST -- MOST EVERYBODY IS LOOKING TO HER AND TO HER GROUP TO HELP THEM GET MOVING DOWN THE ROAD. AND I THINK IF WE CAN BE AND ARE LUCKY ENOUGH TO BE ABLE TO PARTICIPATE IN THIS NATIONAL EFFORT, IT WILL REALLY HELP OUR DEPARTMENT. SO I'D LIKE TO ENCOURAGE ALL OF YOU TO -- THAT CAN TO MAKE SURE YOU GET THAT ON YOUR SCHEDULE. I THINK COUNCILMEMBER THOMAS AND I WERE BOTH THERE AND -- I HAVEN'T CHECKED WITH HIM, BUT I WAS REAL IMPRESSED WITH NOT ONLY HER ATTEMPT TO GET A METHODOLOGY

SET UP, BUT HER OPENNESS AND BEING INCLUSIVE.

**Mayor Wynn:** WELL, THEN LET'S HEAR SOME STATS. CHIEF?

THANK YOU. I'D LIKE TO TALK ABOUT BANK ROBBERIES AND THEN VERY BRIEFLY ABOUT ROBBERIES. TWO WEEKS AGO TODAY, AS I DO HE HAVE THURSDAY MORNING, I TAKE MY TRASH OUT. AND AS I APPROACHED THE CURB LINE WITH MY TRASH CAN AND MY REPSYCHABLES, MY NEIGHBOR IS ALSO TAKING HIS OUT. NORMALLY THIS OCCURS IN MY NEIGHBORHOOD QUITE FREQUENTLY. WE NORMALLY TALK ABOUT FAMILY AND FRIENDS. HE YELLS FROM ACROSS THE STREET, NOT EVEN WANTING TO COME TO THE MIDDLE OF THE STREET TO TALK TO ME, HEY, STAN, WHAT'S HAPPENING WITH ALL THESE BANK ROBBERIES? I TURNED AROUND AND WENT IN THE HOUSE. I COME FROM SOUTHERN CALIFORNIA, WHICH IS THE BANK ROBBERY CAPITAL OF THE UNITED STATES. AND IN MY 35 YEARS, 29 YEARS IN SOUTHERN CALIFORNIA, I HAVE NEVER SEEN THE EXPLOSIVE INCREASE IN NUMBERS THAT I HAVE HERE THE FIRST OF THE YEAR IN THE CITY OF AUSTIN. WE NORMALLY AVERAGE 16 BANK ROBBERIES A YEAR OVER THE LAST THREE YEARS. TO DATE WE HAVE HAD 24 BANK ROBBERIES -- ACTUALLY, 23 -- 22 ACTUAL BANK ROBBERIES AND TWO ATTEMPTS. DURING THE SAME PERIOD OF TIME WE HAD FOUR BANK ROBBERIES LAST YEAR. WE HAVE BEEN SUCCESSFUL IN THAT WE HAVE MADE ARRESTS IN 16 OF THE 24 INSTANCES. WE HAVE ABOUT A 70% CLEARANCE RATE WITH REGARD TO BANK ROBBERIES, WHICH IS ALMOST 15 TO 20% ABOVE THE NATIONAL AVERAGE. I'D LIKE TO SHOW YOU AN OVERHEAD ABOUT WHERE THEY'RE OCCURRING. IT DOESN'T TAKE AN EXPERT TO SEE THAT THE I-35 CORRIDOR, THE 183 CORRIDOR APPEARS TO BE THE THREAD THAT HAS IMPACTED OUR BANK ROBBERY RATE. AND TO THE RIGHT OF THAT MAP IS A LIST OF THE INDIVIDUALS THAT WOULD HAVE ARRESTED AS A RESULT OF THAT. THERE'S A COUPLE OF KEY THINGS ABOUT THE SUSPECTS. GENERALLY THEIR INVOLVEMENT IN NARCOTICS, AND THAT BEING THE REASON WHY THEY'VE COMMITTED THE BANK ROBBERIES. SEVERAL OF THE SUSPECTS HAVE COMMITTED BANK ROBBERIES OUTSIDE OF AUSTIN, IN SUCH CITIES AS DALLAS, CORPUS CHRISTI. FOR THE FIRST TIME THAT ON OWE WE'VE GONE BACK THREE YEARS. FOR THE FIRST TIME IN AT LEAST

THREE YEARS, WE'VE SEEN WHAT WE REFER TO AS SERIAL BANK ROBBERS. WE'VE TWO OF THOSE LISTED UP ON THE SCREEN. MR. RODRIGUEZ AND MR. THOMAS. MR. THOMAS IS AN AUSTIN RESIDENT, MR. RODRIGUEZ IS A SAN ANTONIO RESIDENT, AND HE WAS INVOLVED IN A GROUP OF INDIVIDUALS WHO WERE DOING ROBBERIES IN TEXAS. EIGHT OF THE ROBBERIES WERE COMMITTED BY A GROUP UP THERE. MR. RODRIGUEZ AND MR. TAYAMO BOTH ARE FROM SAN ANTONIO. WE BELIEVE SOME OF THE UNSOLVED ROBBERIES ARE ALSO -- HAVE OOMS BEEN COMMITTED BY SAN ANTONIO RESIDENTS. OUR RESPONSE TO THE BANK ROBBERIES. WHAT WE DID FROM THE VERY BEGINNING IS THE BANK ROBBERIES BEGAN TO CLIMB IS WE WORKED WITH OUR PATROL TO ENSURE THAT THEY HAD THE INFORMATION. IN MANY INSTANCES, THE DISTRICT REPS AS WELL AS PATROL MEN WENT OUT AND DID A REVIEW OF SECURITY PROCEDURES AND WHAT TO DO IF IN FACT A BANK ROBBERY OCCURRED. IN SOME CASES WE MADE AN EFFORT TO INCREASE UNIFORM PATROL OFFICERS PRESENCE IN THE BANKS TO PREVENT ROBBERIES. AND THEN WE CREATED AN INTERNAL TASKFORCE. AT TIMES THIS TASKFORCE NUMBERED OVER 60 OFFICERS AND DETECTIVES. AND WE BEGAN TO DO SOME OF THE TRADITIONAL KINDS OF SURVEILLANCE AND STAKEOUTS AND GATHERING INFORMATION FROM OTHER CITIES IN TEXAS WHEN IT BECAME APPARENT THAT OUR SUSPECTS WERE GOING MORE THAN JUST ROBBING AUSTIN BANKS. OUR CRIME ANALYSIS PLAYED A KEY ROLE IN OUR SUCCESS TO DATE IN APPREHENDING THE SUSPECTS. IT IS PART OF MODERN POLICING TO BE ABLE TO TRACK TRENDS AND DO ANALYSIS WITH THAT SO THAT WE CAN PLACE OUR RESOURCES WHERE WE THINK THERE'S HIGH PROBABILITY OF CRIMES OCCURRING, AND I THINK THAT THAT IS WHAT LED TO THE ARREST OF THE COWBOY ROBBERY SUSPECT LAST WEEK. WE'VE WORKED CLOSELY WITH THE BANKS. AS YOU KNOW, WE BELIEVE THERE ARE ABOUT 176 BANKS AND FINANCIAL INSTITUTIONS IN THE CITY OF AUSTIN. WE'VE WORKED CLOSELY WITH THEM. WE HAVE SOME CONTACT, DAILY CONTACT ALMOST WITH 74 BANKS AND THEIR SECURITY PERSONNEL, WHO THEN PROVIDE INFORMATION TO THE INDIVIDUAL BANKS AND THEIR OWN INCERTAINLY ALERT SYSTEM. ONE OF THE KEYS IS WORKING WITH OTHER

LAW ENFORCEMENT AGENCIES SINCE YOU NOTICE THAT SERIAL BANK ROBBERS DON'T JUST ROB IN AUSTIN, THEY ROB IN CORPUS, THEY COME UP TO SAN ANTOINE AND THEY MAY ROB IN NEW BRAUNFELS, AUSTIN AND DALLAS. AND SO WORKING WITH THE FEDERAL BUREAU OF INVESTIGATIONS, THE U.S. MARSHALS PROVIDE A TREMENDOUS ASSISTANCE AND CONTINUE TO PROVIDE TREMENDOUS ASSISTANCE. LOCAL AGENCIES SUCH AS SAN ANTOINE AND DALLAS AND AS WELL AS THE NEW BRAUNFELS POLICE DEPARTMENT, THEY ACTUALLY PROVIDED SOME VERY KEY PIECES OF INFORMATION THAT HELPED US ARREST TWO OF THE SERIAL ROBBERS. TECHNOLOGY PLAYS AN IMPORTANT ROLE IN TODAY'S LAW ENFORCEMENT. WE'VE WORKED WITH THE BANKS, MANY OF THE BANKS WHO HAVE NOT BEEN SUBJECT TO THE SMALLER BANK SYSTEMS WHO HAVE NOT BEEN SUBJECT TO ROBBERIES. THIS HAS BEEN SOMEWHAT OF A STARTLING NEW ERA FOR THEM, SO WE ARE WORKING WITH THEM ON ADVISING THEM OF THE NEW TECHNOLOGY THAT WOULD HELP US IDENTIFY THE PERPETRATORS AS WELL AS IN SOME CASES LOCATE THE THUGZ AFTER THEY HAVE COMMITTED THEIR ROBBERIES. I AM NOT GOING INTO A LOT OF DETAIL BECAUSE I DON'T WANT THOSE PERSONS WHO MAY BE WATCHING CHANNEL OF TO THINK THAT THEY KNOW EVERYTHING THAT WHAT WE'RE GOING TO DO, BUT THAT IS A SIGNIFICANT EFFORT, IT IS A SIGNIFICANT COST TO THE BANKS, BUT WE'VE SEEN SOME GREAT ASSISTANCE IN THAT. UNDER TIPS AND REWARDS, CRIMESTOPPERS, WHICH IS A STATEWIDE AGENCY, HAS PROVIDED TREMENDOUS ASSISTANCE. IN FACT, AS I SPEAK, THEY ARE PUTTING OUT SOME OF THE PHOTOGRAPHS OF OUR WANTED SUSPECTS THAT WE'VE HAD THAT WE'VE NOT BEEN ABLE TO IDENTIFY OVER THEIR STATEWIDE SYSTEM. AND THIS INCLUDES A SYSTEM WHERE THEY'RE ACTUALLY PUT INTO PRISONS, SO THE PRISONERS ON A DAILY BASIS CAN SEE THOSE PICTURES AND THAT THEY KNOW THEIR SUSPECTS CAN CALL IN AND RECEIVE AN AWARD. WE ACTUALLY SOLVE A LOT OF ROBBERIES WITH THE ROBBERY TIP LINE WHERE PEOPLE CALL IN AND JUST SAY, YOU KNOW, I THINK I HEARD FROM SO AND SO OR HEARD FROM SO AND SO THAT SO AND SO DID A ROBBERY. SOS THAT HAS PROVEN TO BE A VALUABLE ASSET. OUR INTELLIGENCE UNIT, WHICH IS ONE OF THE STRONGEST IN THE STATE, HAS

BEEN WORKING WITH OTHER AGENCIES IN TAKING OUR CRIME PATTERN TO THEIR AGENCIES AND SAYING DO YOU HAVE ANYBODY THAT FITS THIS BILL AND WE'VE COME UP WITH GOOD INFORMATION. AND AS YOU KNOW, WELLS FARGO HAS POSTED A FIVE THOUSAND DOLLAR REWARD FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A BANK ROBBER OF THEIR BUSINESSES. WE TRADITIONALLY DO A LOT OF TRAINING AMONG COMMERCIAL RETAIL BUSINESSES. AS YOU KNOW, AS THE BANK ROBBERIES CONTINUE, THERE WAS A GREAT DEMAND. WE'VE TALKED TO AND WORKED WITH OVER 150 EMPLOYEES OF THE BANKING SYSTEM. ALL OF THE BANK MANAGERS, FOR INSTANCE, AS AN EXAMPLE FROM THE BANK OF AMERICA, MET WITH US. WE WENT THROUGH AN EDUCATIONAL PROCESS. THERE ARE TWO INTERNET SYSTEMS THAT WE UPDATE ON A DAILY BASIS WITH INFORMATION, TRENDS, PICTURES, WHATEVER WE'VE GOT THAT HAS SUBSCRIBERS, THE BANKS AND THE CREDIT UNIONS HERE IN AUSTIN AND OTHER LOCATIONS IN THE STATE. AND THEY'VE BECOME QUITE IMPORTANT. THE BANKS THEMSELVES CAN CONTACT US OVER THOSE INTERNET CHANNELS AND REQUEST ADDITIONAL INFORMATION. AND SO THAT NEW TECHNOLOGY HAS BEEN EXTREMELY HELPFUL IN GETTING THE WORD OUT. SO THE TELLERS KNOW WHO TO LOOK FOR AND THE MODE DUS OPEN RAN DA OF SERIAL BANK ROBBERS. OUR HOPE IS THAT WE'VE MADE A NUMBER OF GOOD ARRESTS. WE'RE PUTTING THE WORD OUT AND REMINDING FOLKS THAT THERE MAY BE PETTY CRIMINALS THAT EACH TIME THEY ROB A BANK THEY FACE UP TO 20 YEARS FOR EACH COUNT. IN ORDER, THE COWBOY BANDIT WHO HAS DONE FIVE HERE, I BELIEVE AT LEAST THREE OTHERS IN OTHER CITIES, IS FACING EIGHT TIMES 20, UP TO 160 YEARS IN FEDERAL PRISON. WE'RE TRYING TO MAKE SURE THAT PEOPLE UNDERSTAND THAT ROBBING BANKS IS NOT A SIMPLE PROCESS WITH NO ACCOUNTABILITY AFTER YOU DO THAT. WE'RE HOPEFUL THAT THE RECENT ARRESTS AND THE ARRESTS THAT WE ANTICIPATE MAKING DOWN THE ROAD ON THE BANK ROBBERIES THAT HAVE ALREADY OCCURRED WILL CURTAIL THOSE NUMBERS. CERTAINLY THAT'S OUR HOPE. WE'LL CONTINUE TO DO WHATEVER IS NECESSARY IN ORDER TO PROTECT THOSE INSTITUTIONS FROM BANK

ROBBERS. WITH THAT I'D LIKE TO TAKE A QUICK MINUTE AND REMIND EVERYBODY THAT WE HAVE OTHER TYPES OF ROBBERS, OTHER KIND OF VICTIMS AND ROBBERIES OTHER THAN BANKS. AND I KNOW IN TWO WEEKS I'LL BE TALKING ABOUT VIOLENT CRIME, OF WHICH ROBBERY IS. BUT I WOULD LIKE TO BRIEFLY TALK A LITTLE BIT ABOUT ROBBERIES OF INDIVIDUALS. AS YOU KNOW, THREE YEARS AGO WE -- THERE WAS A SIGNIFICANT EFFORT TO INCREASE REPORTING AMONG RECENTLY ARRIVED IMMIGRANTS, SPECIFICALLY HISPANICS. CITYWIDE WE HAVE ABOUT 90 ROBBERIES A MONTH, ABOUT 80% OF THOSE ARE OF INDIVIDUALS. ABOUT 52% OF ALL OUR VICTIMS OF STREET ROBBERIES REMAIN HISPANICS. THAT'S DOWN SLIGHTLY FROM PREVIOUS YEARS, BUT IS STILL FAR TOO HIGH. AND IN ADDITION, WEAPONS ARE USED IN ROUGHLY 50% OF THESE INCIDENTS. WE'VE REALLY OVER THE LAST SEVERAL YEARS HAVE TAKEN A LOT OF TIME AND PUT FORTH A LOT OF EFFORT IN WHICH TO ADDRESS THIS ISSUE. RECENTLY WE ADDED TWO ADDITIONAL DETECTIVES TO THE ROBBERY UNIT. WE'VE INCREASED THE NUMBER OF SPANISH-SPEAKING DETECTIVES IN THE ROBBERY UNIT AS WELL AS SUPPORT PERSONNEL, VICTIM SERVICES PERSON IS BILINGUAL AS IS THE ADMINISTRATIVE PERSON. SO YOU'LL SEE ON THE OVERHEAD THAT WE ARE DOING A LOT OF WORK, ESPECIALLY WITH THE SPANISH MEDIA, EDUCATING THAT POPULATION, REACHING THEM DIRECTLY THROUGH THE MEDIA, ENCOURAGING THEM TO REPORT VIOLATIONS AS WELL AS PARTICIPATE IN THE CRIMINAL JUSTICE SYSTEM ONCE AN ARREST IS MADE. PROBABLY ONE OF THE MOST IMPORTANT ASPECTS OF THIS WHOLE THING IS -- ARE SPANISH-SPEAKING DISTRICT REPS DOING OUTREACH AS WELL AS OUR CIVILIAN IMMIGRANT SPECIALISTS WORKING WITH THE OFFICERS. AND THEY'VE DONE A LOT OF WORK. AS YOU KNOW, WE'VE RECEIVED SOME RECOGNITION FOR DEVELOPING OUR BANKING SYSTEM FOR RECENTLY ARRIVED IMMIGRANTS. THEY'VE WORKED HARD IN AN APARTMENT COMPLEX WHERE MANY OF THESE CRIMES OCCUR. OVERALL OUR GOAL IS TO REDUCE THE NUMBER OF HISPANIC SUBJECT TO ROBBERY BELOW 50% THIS YEAR. I BELIEVE IF WE CONTINUE TO FOCUS ON THESE ISSUES WE WILL IN FACT BE SUCCESSFUL. LET ME END UP BY POINTING OUT IN THE AUDIENCE THREE PEOPLE THAT HAVE WORKED

TIRELESSLY WITH REGARD TO THE BANK ROBBERIES AND ROBBERIES IN GENERAL. FIRST IS LIEUTENANT BLACK, WHO IS SEATED THERE, CHARLES BLACK. SERGEANT ARVELLO, WHO HAS WORKED TIRELESSLY AS THE SUPERVISOR OF ROBBERY TO BRING ABOUT THE ACCOUNTABILITY ON BEHALF OF THOSE -- THAT ARE PULLING THESE CRIMES. AND OUR CRIME ANALYST, WHO PROVIDES THAT CRITICAL LINK AND TELLS US WHERE TO PUT THOSE OFFICERS WHEN WE DO STAKEOUTS AND SURVEILLANCE, SHEILA HARKINS, AND THEY DO A TREMENDOUS JOB. WITH THAT I CAN ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

**Mayor Wynn:** QUESTIONS OF THE CHIEF, COUNCIL? THANK YOU VERY MUCH, CHIEF KNEE.

**Futrell:** AND OUR PERSONAL THANKS TO YOU ALL. IT THAT WAS A TREMENDOUS JOB. WE APPRECIATE EVERYTHING YOU'RE DOING.

**Mayor Wynn:** OKAY. COUNCIL, THAT TAKES US TO OUR 4:00 O'CLOCK ZONING HEARING AND APPROVAL OF ORDINANCES AND RIKTS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] ITEM NO. 46, JACK BROWN CLEANERS. THIS CASE IS LOCATED ON 1152111521 RM 620 NORTH. CHANGE IN ZONING FROM G.R.-C.O. TO C.S., WHICH STANDS FOR GENERAL COMMERCIAL SERVICES, READY FOR SECOND AND THIRD READINGS. ITEM NO. 47, CASE SO YOU C 1403137 140-3137 READY FOR SECOND AND THIRD READINGS, WE HAVE PREPARED AN ORDINANCE THAT REFLECT THE ZONING THAT YOU APPROVED ON FIRST READING WHICH IS C.S.-C.O. FOR TRACT 1 AND L.O.-C.O. FOR TRACT 2. ITEM NO. 48 IS A DISCUSSION ITEM, THEREFORE, MAYOR, THAT CONCLUDES THE CONSENT ITEMS UNDER THE -- UNDER THOSE ITEMS THAT I JUST READ.

**Mayor Wynn:** THANK YOU, THE CONSENT AGENDA FOR ITEMS WHERE WE HAVE ALREADY HAD THE PUBLIC HEARINGS WILL BE ITEMS 45, 46 AND 47 ON -- ALL ON SECOND AND THIRD READINGS. I'LL ENTERTAIN A MOTION. REERZ MOVE APPROVAL, MAYOR.

**Mayor Wynn:** MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE

CONSENT AGENDA.

**Slusher:** CAN WE PULL 46? I CAN PROBABLY DO IT PRETTY QUICKLY, BUT NOT ON CONSENT.

**Mayor Wynn:** AGAIN -- I'M SORRY, COUNCILMEMBER ALVAREZ THAT A FRIENDLY AMENDMENT? COUNCILMEMBER THOMAS? CONSENT AGENDA WILL BE ON SECOND AND THIRD READINGS, BOTH CASES 45 AND 47. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MCCracken TEMPORARILY OFF THE DAIS. LET'S TAKE UP ITEM NO. 46 QUICKLY IF WE CAN, COUNCILMEMBER SLUSHER?

**Slusher:** I JUST I HAVE SOME INFORMATION ABOUT DRY CLEANING, THE WAY THAT'S HANDLED. MS. GLASGO, WHAT I'M UNDERSTANDING FROM THE BACKUP MATERIAL FROM THE WATERSHED PROTECTION DEPARTMENT, INDUSTRIAL WASTE DIVISION, WATER AND WASTEWATER AND FIRE DEPARTMENT IS THAT NO CHEMICALS ARE ALLOWED TO DRAIN IN THE STORM SEWER SYSTEM NOR THE WASTEWATER SYSTEM, THEY HAVE TO BE CONTAINED ON SITE AND IN A PROTECTED, ENCLOSED FACILITY OR CONTAINER AND THAT IS TRANSPORTED TO APPROVED OFFSITE FACILITY AFTER THAT.

THAT'S CORRECT. IN ADDITION TO THAT, BEFORE A DRY CLEANER CAN BE OPENED OF THIS TYPE, A -- THE PERMISSION: PLANS WITH CITY REQUIREMENTS.

**Slusher:** OKAY. SO WE THEN THERE WOULD BE NOTHING LEAVING THE SITE, THIS IS THE BULL CREEK WATERSHED. MS. CROCKER, THERE SHE IS.

YES, SIR, I'VE READ WHAT STAFF HAS GIVEN YOU IN THE BACKUP. WE WILL HAVE TO MEET ALL OF THESE REQUIREMENTS.

**Slusher:** OKAY. THANK YOU, THAT'S ALL THAT I HAVE MAYOR.

**Mayor Wynn:** FURTHER QUESTIONS ON ITEM NO. 46?  
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY CERTAIN A  
MOTION. MOTION MADE BY COUNCILMEMBER DUNKERLY,  
SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEM  
NO. 46 ON SECOND AND THIRD READING. FURTHER  
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE  
SAY AYE.

AYE.

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

LET'S GO TO A PUBLIC HEARING CONSENT AGENDA.

Glasgo: WE WILL COME BACK ON ITEM NO. 48. WE NEED TO  
MAKE A STAFF PRESENTATION, MR. MURPHY IS ON HIS WAY  
FROM THE COURTHOUSE, HE WILL BE JOINING US SHORTLY.  
WE WILL PROCEED WITH THOSE ITEMS THAT ARE ON FOR  
THE FIRST TIME AS PUBLIC HEARINGS, STARTING  
AUTOGRAPH WITH Z--- STAFFING OFF WITH Z-1 A REQUEST  
TO AMEND THE MONTOPOLIS NEIGHBORHOOD PLAN, MY  
UNDERSTANDING IS THAT COUNCIL WOULD LIKE TO  
POSTPONE ITEM Z-1 AND THE RELATED ZONING CASE Z-7 TO  
MAY THE 27th. AND MOVING ON TO THE CONSENT ITEMS, Z-2,  
C14-04-31, DAVENPORT VILLAGE. THIS PROPERTY IS  
LOCATED AT 3801 NORTH CAPITOL OF TEXAS HIGHWAY. THE  
CHANGE IN ZONING IS FROM INTERIM COMMERCIAL --  
INTERIM G.R., WHICH IS INTERIM COMMUNITY COMMERCIAL  
ZONING, TO C.S.-1 WHICH STAND FOR COMMERCIAL ZONING  
LIQUOR SALES. THE COMMISSION IS TO GRANT C-1-C.O.  
READY FOR ALL THREE READ BEING. ITEM NO. Z-3, C14-04-32,  
DAVENPORT VILLAGE, ALSO LOCATED AT 3801 NORTH  
CAPITOL OF TEXAS HIGHWAY. THE CHANGE IN ZONING IS  
FROM C.S.-1-C.O., WHICH STANDS FOR COMMERCIAL LIQUOR  
SALES CONDITIONAL OVERLAY, TO G.R.-C.O., WHICH STANDS  
FOR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY.  
BASICALLY WHAT IS OCCURRING HERE AT THE SAME  
SHOPPING CENTER, A LIQUOR STORE IS BEING OPENED IN A  
DIFFERENT SUITE AND THE PREVIOUS SCOTT & WHITE THAT  
IS NOT GOING TO BE USED FOR LIQUOR SALES IS BEING

REZONED TO NON-LIQUOR SALES ZONING. THAT ONE IS READY FOR ALL THREE READINGS. ITEM NO. Z-4, C14-04-25, RIVER PLACE SECTION 17 LOCATED AT 8600-8795 [SIC] BIG VIEW DRIVE. THE CHANGE IN ZONING FROM CR COMMERCIAL RECREATION FOR LA, WHICH STANDS FOR LA. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANTS LA ZONING, THIS CASE IS READY, I BELIEVE, FOR ALL THREE READINGS. ITEM NO. Z-5, THE HOUSE OF TUTOR, C14-03-49, AT 2400 PARALLEL STREET, THERE'S A REQUEST -- PEARL STREET THERE'S A REQUEST FROM UNIVERSITY AREA PARTNERS ASSOCIATION TO POSTPONE ON MAY 6 SO THIS CAN BE HEARD WITH THE UNIVERSITY AREA NEIGHBORHOOD PLAN. ITEM NO. Z-6 IS GOING TO BE A DISCUSSION ITEM. Z-7 THERE'S A REQUEST TO POSTPONE THIS CASE TO MAY THE 27th AND THAT CONCLUDES THE CONSENT ITEMS, MAYOR.

Glasgo: THANK YOU, MS. GLASGO. ON Z-5 THE POSTPONEMENT REQUEST BY THE NEIGHBORHOOD PARTNERS, IS THIS --

Glasgo: THERE IS -- THIS IS THE SECOND REQUEST FROM THE UNIVERSITY PARTNERS, WE'VE HAD A PREVIOUS REQUEST FROM THE LANDOWNER AND FROM A DIFFERENT ASSOCIATION. SO YOU HAVE HAD NUMEROUS REQUESTS FROM DIFFERENT ENTITIES.

**Mayor Wynn:** WE HAVE POSTPONED THIS ONE SORT OF IN EACH DIRECTION, IF YOU WILL, COUNCIL. HOWEVER IN TWO WEEKS ON MAY 6th WE ARE SET TO HEAR THE -- ON MAY 6th WE ARE SET TO HEAR THE UNIVERSITY NEIGHBORHOOD OVERLAY I GUESS THAT'S BEING DESCRIBED, CORRECT?

YES, THAT'S CORRECT.

**Mayor Wynn:** I WOULD CERTAINLY BE AGREEABLE TO THE COORDINATING THOSE TWO HEARINGS. SO WITHOUT OBJECTION, THEN THE CONSENT AGENDA ON OUR ZONING PUBLIC HEARINGS WILL BE Z-1 FOR POSTPONEMENT TO MAY 27th, 2004, Z-2, Z-3 AND Z-4 ON ALL THREE READINGS, Z-5 POSTPONEMENT TO MAY 6th, 2004. AND Z-7, A POSTPONEMENT TO MAY 27th, 2004. A COUPLE OF CARDS SIGNED UP ARE ONLY IF COUNCIL HAS QUESTIONS ON Z-2

AND Z-3, WHICH ARE READ READY FOR ALL THREE READINGS AND A CARD IN FAVOR OF POSTPONEMENT ON Z-5. I'LL ENTERTAIN A MOTION.

**Goodman:** SO MOVE MAYOR, AS YOU READ THEM.

**Mayor Wynn:** THANK YOU, MOTION MADE BY THE MAYOR PRO TEM, SECONDED DID I COUNCILMEMBER DUNKERLY TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? ALL IN FAVOR.

AYE.

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

Glasgo: WELL, MAYOR, THAT TAKES US TO Z-6, THEN WE CAN COME BACK TO 48 ONCE MR. MURPHY ARRIVES. MR. SADOWSKY WILL PRESENT ITEM NO. Z-6.

GOOD AFTERNOON, MR. MAYOR, MEMBERS OF COUNCIL, STEVE SADOWSKY OF THE HISTORIC PRESERVATION OFFICE. ITEM Z-6 IS A HISTORIC ZONING CASE, THAT COMES TO YOU FROM A RECOMMENDATION OF THE HISTORIC LANDMARK ECONOMICS FOR HURRICANE ZONING TO CHANGE THE PROPERTY FROM S.F. 3 TO S.F. 3 H. THE CASE HAD GONE TO PLANNING COMMISSION AND PLANNING COMMISSION DID NOT RECOMMEND THE PROPOSED ZONING CHANGES. STAFF ALSO DOES NOT RECOMMEND THE PROPOSED ZONING CHANGE OF THE LANDMARK COMMISSION. THIS CASE INVOLVES A SMALL HOUSE ON TRAVIS HEIGHTS BOULEVARD. THE ADDRESS IS 1204 TRAVIS HEIGHTS. IT WAS BUILT AROUND 1921. AND IS A FRAME BUNGALOW, VERY TYPICAL HOUSING TYPE IN THE CITY. IT DOES HAVE A VERY PROMINENT LOCATION BEING UP ON A LITTLE BIT OF A RISE ON TRAVIS HEIGHTS BOULEVARD. A VERY NOTICEABLE HOUSE. BUT THE HOUSE ITSELF IS VERY COMMON TYPE. REALLY ITS ONLY ARCHITECTURAL DISTINCTION IS THAT IT'S GOT SOME TUTOR REVIVAL STYLE HALF TIMBERING IN THE TRIANGLEULAR PIECE OF THE GABLE. THE HOUSE WAS BUILT IN 1921. THE FIRST OCCUPANT ALSO OWNED IT. HE WAS A DISPATCHER FOR THE SOUTHERN PACIFIC RAILROAD AND HE ONLY LIVED

THERE FOR TWO YEARS. HE SOLD IT. THE NEXT OWNER OCCUPANT LIVED IN THE HOUSE FOR ABOUT A YEARMENT AND THE NEXT OWNER OCCUPANT WAS ORIN METCALF WHO SERVED AS THE CITY ENGINEER. HE AND HIS FAMILY LIVED THERE FOR ABOUT SEVEN YEARS, WHICH TAKES UP TO 1933 AND THE HOUSE HAS BEEN A RENTAL PROPERTY SINCE 1933. THERE HAVE BEEN A SERIES OF RENTERS IN THE HOUSE. NONE OF THE RENTERS LIVED THERE FOR MORE THAN FOUR YEARS AT A TIME. SO IN OUR EVALUATION OF WHETHER THIS PROPERTY MEETS THE HISTORIC LANDMARK CRITERIA, WE KIND OF RULED OUT THE POSSIBILITY THAT THERE WAS A SIGNIFICANT ASSOCIATION FOR THIS PROPERTY TO HAVE ANY ASSOCIATION WITH ANYBODY WHO CONTRIBUTED TO THE CITY BECAUSE NOBODY LIVED THERE LONG ENOUGH. THE HOUSE WAS CONVERTED TO A DUPLEX IN 1949 ACCORDING TO CITY BUILDING RECORDS. AND THERE WERE SOME ADDITIONS THAT WERE MADE TO THE HOUSE. THE HOUSE, AS I SAID, SITS INTO A LITTLE BIT OF A RISE ON THE PROPERTY. AND THE BASEMENT OF THE HOUSE SEEMS TO BE -- SEEMS TO HAVE BEEN CONVERTED TO A WORK SPACE OR A LIVING SPACE. BY THERE'S NO -- THERE'S NO BUILDING PERMIT RECORDS OF THAT. WHEN WE DID OUR INITIAL EVALUATION OF THE PROPERTY, WE DETERMINED THAT THE HOUSE DID MEET HISTORIC LANDMARK DESIGNATION CRITERIA 1, 3 AND 6, WHICH REFER TO CHARACTER, INTEREST OR VALUE AS PART OF THE DEVELOPMENT OF THE CITY. EMBODIMENT OF DISTINGUISHED CHARACTERISTICS OF AN ARCHITECTURAL TYPE OR SPECIMEN AND RELATIONSHIP TO OTHER DISTINCTIVE BUILDINGS OR AREAS WHICH ARE ELIGIBLE FOR PRESERVATION. OUR JUSTIFICATION FOR THAT IS THAT IT IS A CRAFTSMAN STYLE BUNGALOW. IT HAS TUTOR REVIVAL DETAILING. IT'S ON TRAVIS HEIGHTS BOULEVARD LITERALLY ACROSS THE STREET FROM A DESIGNATED LANDMARK AND IT HAS THE POTENTIAL TO BE CONTRIBUTING TO A POTENTIAL HISTORIC DISTRICT IN TRAVIS HEIGHTS IF ONE WERE EVER CREATED. THE HISTORIC LANDMARK COMMISSION COMMISSION ADDED TWO MORE CRITERIA. THEY FELT IT MET CRITERION SEVEN THAT PORTRAYS AN ENVIRONMENT OF A GROUP OF PEOPLE IN A GIVEN AREA CHARACTERIZED BY A DISTINCTIVE ARCHITECTURAL STYLE. IT IS TRUE THIS HOUSE IS A FRAME BUNGALOW, REALLY DESIGNED FOR THE

MIDDLE CLASS AND THE MIDDLE CLASS PEOPLE OCCUPIED THIS PROPERTY. THEY ALSO FELT THAT IT MET CRITERION 12, WHICH IS THE BUILDING OR STRUCTURE BECAUSE OF ITS LOCATION HAS BECOME OF VALUE TO A NEIGHBORHOOD COMMUNITY AREA OR THE CITY. AND AGAIN THIS HIGHWAYS HAS A VERY PROMINENT LOCATION ON TRAVIS HEIGHTS BOULEVARD. SO STAFF DOES NOT CONTEST THESE TWO CRITERIA BY THE HISTORIC LANDMARK COMMISSION COMMISSION, HOWEVER I STILL FEEL IT DOESN'T MEET ANY OF THESE SQUARELY ENOUGH TO REALLY WARRANT LANDMARK DESIGNATION FOR THIS PROPERTY. THERE ARE HUNDREDS OF HOUSES JUST LIKE THIS ALL OVER THE CITY. PROBABLY -- A VAST PERCENTAGE OF THOSE HAVE GREATER HISTORICAL ASSOCIATIONS OR SOME REASON THAT WOULD MAKE THEM STAND OUT ABOVE THE CROWD IN ORDER TO REALLY JUSTIFY A LANDMARK DEPOSITION NATION FOR THIS HOUSE. DESIGNATION FOR THIS HOUSE. THAT IS THE ROPE THE REASON THAT STAFF DOES NOT RECOMMEND HISTORIC ZONING FOR THIS PROPERTY AND THAT CONCLUDES MY PRESENTATION.

**Mayor Wynn:** THANK YOU MR. SADOWSKY. COUNCIL WILL CONSIDER THAT TO BE THE APPLICANT PRESENTATION. AT THIS TIME WE WILL HEAR FROM THOSE CITIZENS SIGNED UP IN FAVOR -- IN FAVOR OF THE APPLICATION AND THEN THOSE IN OPPOSITION. WE WILL START WITH -- LOOKS LIKE KARL MENTONCOUNT.

[INAUDIBLE - NO MIC]

**Mayor Wynn:** ALL RIGHT. DONATED TO BARBARA, BARBARA, WELCOME, YOU WILL HAVE UP TO SIX MINUTES.

[INAUDIBLE - NO MIC]

**Mayor Wynn:** SURE, KENNY HILLMAN, COME ON UP.

THANK YOU, MAYOR.

**Mayor Wynn:** YOU'RE WELCOME, YOU WILL HAVE THREE MINUTES FOLLOWED BY BARBARA WHO WILL HAVE UP TO SIX MINUTES.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS, MY NAME IS CONTEND HEE HILL BILLIONS BIG PRESIDENT OF THE SOUTH RIVER CITY NEIGHBORHOOD ASSOCIATION, WE DO SUPPORT THIS HISTORIC ZONING OF THE DRIVER-METCALF HOUSE. THIS REPRESENTS SOME OF THE ORIGINAL FABRIC OF OUR NEIGHBORHOOD. WE BELIEVE MOVING THE STRUCTURE TO ANOTHER NEIGHBORHOOD WOULD DIMINISH OURS. TRAVIS HEIGHTS BOULEVARD IS THE GATEWAY TO OUR NEIGHBORHOOD. RETAINING THE ORIGINAL STRUCTURE THAT IS LOCATED NEAR THE INTERSECTION OF RIVERSIDE AND TRAVIS HEIGHTS IS PARTICULARLY IMPORTANT BECAUSE IT SETS THE IMPRESSION FOR THE ENTIRE NEIGHBORHOOD. WE WANT THE NEIGHBORHOOD TO RETAIN THE OVERALL CHARACTERISTICS OF THE BUNGALOW STREET THAT SHOWS THE HOPES AND ASPIRATIONS OF A MIDDLE CLASS NEIGHBORHOOD OF THE 20S. WHILE THE STRUCTURE IS IN POOR CONDITION, THERE IS GENERAL AGREEMENT THAT IT CAN BE SUCCESSFULLY RESTORED AND REUSED. THERE ARE MANY EXAMPLES IN OUR NEIGHBORHOOD WHERE EXISTING STRUCTURES HAVE BEEN RESTORED AND THE SQUARE FOOTAGE EXPANDED. THE BUNK ALTHOUGH LOCATED NEXT DOOR IS A GOOD EXAMPLE OF RETAINING THE ORIGINAL STRUCTURE AND ADDING ON. WE WANT TO RETAIN AN ARCHITECTURALLY DIVERSE NEIGHBORHOOD THAT CONTAINS MODEST AS WELL AS LARGER STRUCTURES. IT IS THIS ECLECTIC DIVERT COMMUNITY THAT HAS ATTRACTED GENERATIONS OF RESIDENTS TO TRAVIS HEIGHTS AND HAS ALLOWED THE NEIGHBORHOOD TO FLOURISH OVER TIME. WE BELIEVE THERE IS A CASE FOR HISTORIC ZONING AND WE HOPE THAT THE COUNCIL WILL VOTE TO SEPARATE THE RECOMMENDATIONS FOR HISTORIC ZONING.

**Mayor Wynn:** THANK YOU, MS. SILLY, YOU WILL HAVE UP TO SIX MINUTES IF NEEDED FOLLOWED BY JEAN MATHER. I'M SORRY JEAN SIGNED UP NOT WISHING TO SPEAK BUT IN FAVOR.

MAYOR, MEMBERS OF COUNCIL, I WANT TO TAKE JUST A SECOND TO TELL I I APPRECIATE THE STAFF WORK ON THIS. AND I APPRECIATE HOW GRACIOUS THEY WERE ABOUT ALLOWING US A POSTPONEMENT. I'VE LIVED IN THIS

NEIGHBORHOOD FOR 32 YEARS. I LIVE ON TRAVIS HEIGHTS BOULEVARD. AND IN THE WHOLE TIME THAT I'VE LIVED THERE, WE'VE NEVER HAD A STRUCTURE TORN DOWN OR MOVED. SO I WANT TO START OFF WITH THIS BECAUSE I WANT YOU TO UNDERSTAND WHAT A PRECEDENT THIS IS GOING TO CREATE. IN THE JUDGMENT OF OUR NEIGHBORHOOD GROUP, NOT A VERY GOOD ONE. THIS NEIGHBORHOOD WAS PLATTED IN 1913, AND AS AN INCENTIVE TO GET PEOPLE TO BUILD THEY GAVE THEM AN ADDITIONAL LOT. AND SO THIS LITTLE HOUSE, WHICH WAS BUILT IN 1921, IS ACTUALLY ON A DOUBLE LOT. SO IT'S A VERY DESIRABLE LOCATION IN TERMS OF BUILDING. AND SO YOU CAN DO A LOT WITH IT. BUT AGAIN THAT LAND USE PATTERN WAS SET IN 1913 AND HAS STILL STAYED WITH US TO THIS DAY. SO I WANT TO IMPRESS UPON YOU HOW STABLE THIS AREA OF THE NEIGHBORHOOD HAS BEEN. TRAVIS HEIGHTS IS THE COLLECTOR STREET FOR THE NEIGHBORHOOD. IT IS THE GATEWAY FOR THE NEIGHBORHOOD. OUR NEIGHBORHOOD PRESIDENT REFERRED TO THE IMPRESSION. I CAN'T TELL YOU WHEN YOU TURN OFF RIVERSIDE DRIVE ON TO TRAVIS HEIGHTS, YOU ACCELERATE UP A HILL, WHEN YOU DO, YOU DON'T SEE HUGE MANSIONS. YOU SEE THESE LITTLE BUNGALOWS FROM THE '20S AND THAT'S TRAVIS HEIGHTS NEIGHBORHOOD. AND THAT'S WHAT WE WANT TO RETAIN. AND THAT'S WHAT WE DON'T WANT YOU TO TAKE AWAY. NOW, I'M GOING TO ARGUE WITH MR. SADOWSKY, BASED ON NEIGHBORHOOD KNOWLEDGE. MY NEXT DOOR NEIGHBOR OWNED THIS HOUSE IN HER ESTATE SINCE THE '40S. SHE BOUGHT THE HOUSE FOR HER DAUGHTER TO LIVE IN WHILE HER SON-IN-LAW WAS GOING TO COLLEGE AND THEN THEY TURNED IT INTO RENT PROPERTY. MRS. BOHM DIED AT 101 AND SHE OWNED THIS HOUSE AND MANAGED IT UP UNTIL UNTIL SHE WAS ABOUT 95 ACTUALLY. [CHUCKLES] HER FAMILY, THE BOHM FAMILY HAS BEEN A VERY PROMINENT ONE IN AUSTIN. THEY OWN A DEPARTMENT STORE, I BELIEVE ON CONGRESS AVENUE, AND THEIR FAMILY DONATED ALL OF THE LAND OR MOST OF THE LAND THAT THE SAGARUNDE HALL SITS ON AND VARIOUS RELATIVES DID LIVE THERE DOWN THROUGH THE YEARS. THEY WERE SOME OF THE RENTERS. SO THIS -- THIS HOUSE DOES HAVE A STRONG ASSOCIATION AND WITH THE NEIGHBORHOOD. AND I WANT

TO GO BACK TO MR. METCALF, TOO. I MEAN NOT ONLY WAS HE A CITY ENGINEER, BUT HE WAS THE COUNTY AND THAT WAS AN ELECTED OFFICE THAT WE NO LONGER HOLD, SO YOU KNOW HERE YOU HAVE ASSOCIATIONS WITH THIS HOUSE, PEOPLE WHO WERE THE MIDDLE CLASS OF THIS AREA. THERE WERE PEOPLE WHO DONATED LAND, THEY WERE PEOPLE WHO SURVEYED LOTS. YOU KNOW, THEY WERE -- THEY WERE THE PEOPLE WHO MADE THIS COMMUNITY WHAT IT IS RIGHT NOW. AND THAT'S THE PROBLEM WITH A LOT OF TIMES ARCHITECTURAL RECOMMENDATIONS. THEY TEND TO BE BIAS UNDERSTAND FAVOR OF HIGH STYLE. IT'S EASY TO GO AND LOOK AT A REALLY NICE VISIBILITY ATTORNEY COLLEGE AND -- VICTORIAN COTTAGE AND SAY LET'S ZONE THAT HISTORIC. EVERYBODY CAN AGREE ON THAT. WHAT HAPPENS IS FOR THE NEXT GENERATION TO COME ALONG, THEY THINK THAT'S WHAT IT WAS LIKE. THEY THINK IT WAS A BEAUTIFUL HOUSE DESIGNED BY AN ARCHITECT AND THAT'S REALLY NOT WHAT THE 20'S WAS ABOUT. IT WAS ABOUT PEOPLE LIKE THESE PEOPLE WHO -- WHO LIVED AND WORKED IN THIS COTTAGE. SO -- SO WE WANT TOO PRESERVE THE ARCHITECTURAL FABRIC OF THE NEIGHBORHOOD. WE WANT THIS TO BE KNOWN AS NEIGHBORHOOD FOR BUNGALOWS, WE WANT IT TO BE KNOWN AS A NEIGHBORHOOD THAT HAS A TRADITION OF ADAPTIVE REUSE OF EXISTING STRUCTURES. SO I HOPE THAT YOU WILL LOOK AT THIS AND REALIZE THAT IT DOES HAVE ASSOCIATIONS WITH AUSTIN FAMILIES THAT MADE A DIFFERENCE, THAT IT DOES MAKE A DIFFERENCE TO OUR COMMUNITY BECAUSE IT IS PART OF OUR HURRICANE FABRIC AND WE WILL BE LESS WHEN IT'S MOVED AWAY AND SOME McMANSION IS BUILT IN ITS PLACE. PART OF OUR HISTORIC FABRIC.

**Mayor Wynn:** THANK YOU MS. SILLY. AT THIS TIME WE WILL NOW HEAR FROM FOLKS SIGNED UP IN OPPOSITION. WE HAVE RUST COMMUNITY BANNERMAN. WELCOME, YOU WILL HAVE THREE MINUTES.

MEMBERS OF THE CITY COUNCIL AND MR. MAYOR, THANK YOU FOR YOUR ATTENTION. THIS IS OBVIOUSLY A DELICATE MATTER. MY NAME IS RUST COMMUNITY BANNERMAN, I'M THE OWNER OF THE PROPERTY AT 1204 TRAVIS HEIGHTS. I JUST HAVE A BRIEF STATEMENT ABOUT THE PROPERTY AND

THE PROPOSED ZONING CHANGE. FIRST OF ALL, I ASK THAT YOU VOTE AGAINST THE PROPOSED ZONING CHANGE. THE REASONS FOR THIS ARE THE LANDMARK COMMISSION VOTED AGAINST THE CITY STAFF RECOMMENDATION BY A VERY SLIM MARGIN IN FAVOR OF ONE AND ONLY ONE COUPLE THAT SHOWED UP AT THAT MEETING. THE PLANNING COMMISSION VOTED UNANIMOUSLY, 7-0, IN MY FAVOR, NOT ONE NEIGHBORHOOD WAS THERE TO VOICE ANY OPPOSITION. THE CITY STAFF'S OWN RECOMMENDATION IS NOT TO APPROVE HISTORIC ZONING. THERE'S SOME OTHER ISSUES THAT I WOULD LIKE TO GET INTO BUT I PROBABLY DON'T HAVE TIME WITH ONLY 3 MINUTES. THIS PARTICULAR HOUSE HAS BEEN A RENTAL UNIT FOR ABOUT 70 YEARS. IT'S IN A SERIES STATE OF DECAY. IT IS NOT ON THE INTERSECTION OF RIVERSIDE AND TRAVIS HEIGHTS. IT'S FOUR OR FIVE HOUSES UP THE ROAD. I HAVE COLOR PICTURES AS WELL AS I THINK YOU ALL HAVE SOME BLACK AND WHITE PICTURES OF THE DECAY IN THIS HOUSE. I'VE INJECTED A TREMENDOUS AMOUNT OF -- INVESTED A TREMENDOUS AMOUNT OF MONEY INTO THIS PROJECT AND IT DOES NOT JUSTIFY SPENDING ANOTHER 50 OR \$100,000 TO IMPROVE IT. I HAVE LETTERS OF SUPPORT FROM MY NEXT DOOR NEIGHBOR, I HAVE A LETTER FROM THE GUY THAT LIVES ACROSS THE STREET, AND I HAVE ANOTHER RESIDENT THAT LIVES ABOUT TWO BLOCKS AWAY. ALL SUPPORTING WHAT I WOULD PROPOSE TO DO. I'VE HIRED AN ARCHITECT TO DESIGN A HOUSE THAT WOULD FIT INTO THE FABRIC OF THE NEIGHBORHOOD THAT WOULD NOT CONFLICT WITH THE DESIGN, THAT'S THE BEST PREMIERE THING THAT I ASKED HIM TO DO. I'M NOT TRYING TO BUILD A MANSION. I'M TRYING TO FOLLOW WHAT THE CITY CALLS THE SMART GROWTH INITIATIVE. WE ARE LOCATED IN A DESIRED DEVELOPMENT ZONE, I'M SEEKING TO DO THE THREE THINGS THAT THAT SMART GROWTH INITIATIVE TALKS ABOUT, IMPROVE THE QUALITY OF LIFE BY ENHANCING THE NEIGHBORHOOD, WHICH WOULD BE TEARING DOWN OR NOT TEARING DOWN, BUT RELOCATING AN OLD SERIOUSLY DECAYED HOME, ENHANCING THE NEIGHBORHOOD, STIMULATE THE LOCAL ECONOMY AND INCREASE THE TAX BASE. IT FALLS UNDER ALL OF THE GOALS OF THE REDEVELOPMENT IN THE DESIRED DEVELOPMENT ZONE. THERE'S NO ONE OF HISTORICAL SIGNIFICANCE THAT LIVED

IN THIS HOUSE. THERE IS NO ONE OF HISTORICAL SIGNIFICANCE THAT BUILT THIS HOUSE [BUZZER SOUNDING] THERE IS NO ARCHITECTURAL UNIQUENESS, AS MR. SADOWSKY STATED AND I'M OPEN TO ANY QUESTIONS, I THANK YOU FOR YOUR TIME.

**Mayor Wynn:** THANK YOU, MR. BANNERMAN. COUNCIL, I SAW THE CARDS SIGNED UP IN OPPOSITION. I DON'T THINK MR. SADOWSKY NEEDS A REBUTTAL OF ANY TYPE. SO -- SO QUESTIONS OF STAFF? COUNCILMEMBER DUNKERLY?

**Dunkerley:** JUST A SECOND. I'M ASSUMING THERE'S A VALID PETITION?

THERE IS. AND MR. MAYOR, MEMBERS OF COUNCIL, I WOULD LIKE TO POINT OUT TO YOU, JUST ON THE NEIGHBORHOOD'S BEHALF, THAT AT THE -- THERE WAS SOME CONFUSION AS TO WHETHER THIS CASE SHOULD GO TO THE ZONING AND PLATTING COMMISSION OR THE PLANNING COMMISSION BECAUSE SOUTH RIVER CITY IS -- STARTED THEIR NEIGHBORHOOD PLANNING PROCESS, SO IT WENT TO PLANNING COMMISSION, BUT I THINK A LOT OF PEOPLE IN THE NEIGHBORHOOD FELT THAT THEY WERE -- THAT THE CASE WAS GOING TO GO TO ZONING AND PLATTING COMMISSION. I JUST WANTED TO MAKE SURE THAT YOU ALL UNDERSTOOD THAT THE NEIGHBORHOOD SUPPORT FOR THIS HAS BEEN CONSISTENT.

**Mayor Wynn:** THANK YOU, SIR. FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER MCCRACKEN?

**McCracken:** I MISSED -- MAYBE YOU CAN TELL US ABOUT WHAT THE PLANS ARE FOR THE PROPERTY.

WELL, THE HOUSE IS A TWO BEDROOM, ONE BATH WITH A BASEMENT THAT WAS ADDED ON AT SOME POINT YOU KNOW IT'S A DISASTER. NOTHING FITS CODE. IT'S -- IT ENCROACHES EVERYWHERE. SO WHAT I HAD PLANNED ON DOING IS -- IS BUILDING A TWO-STORY THAT WOULD HAVE -- THAT WOULD HAVE YOU KNOW THE HARDY SIDING, CONSISTENT IN THE NEIGHBORHOOD, KIND OF A COZY FEEL TO IT, BUT NOT A BIG MANSION OR ANYTHING LIKE THAT. IT'S A LITTLE TINY LOT. IT'S 50 FEET WIDE. IT'S 150 FEET DEEP. BUT IT SLOPES

DRAMATICALLY. ON 50 FEET YOU CAN'T PUT A HUGE HOUSE. IT'S -- IT'S GOING TO BE A -- YOU KNOW.

**McCracken:** ARE YOU SAYING THAT THE LOT CURRENTLY THE HOUSE ON THE LOT WOULD VIOLATE CURRENT SETBACK RULES?

YES, YES. ON ONE SIDE IT'S RIGHT ON THE PROPERTY LINE. FROM THE STREET IT'S SUPPOSED TO BE 25 FEET BACK. IT'S NOT. IT ENCROACHES ON THE STREET. TO THE NEXT DOOR NEIGHBORHOOD, JEFF WHO I GOT A LETTER FROM, IT'S -- IT'S WITHIN THE FIVE FEET, YOU ARE SUPPOSED TO HAVE FEET FEET ON BOTH SIDE, 25 FEET IN THE FRONT. IT VIOLATES ALL THREE.

**McCracken:** NOW, ONE OF THE THINGS THAT --

THE CURRENT BUILDING.

**McCracken:** YEAH. I THINK ONE OF THE THINGS THAT WE HAVE DISCOVERED SEVERAL TIMES RECENTLY IS THAT THE SETBACKS THAT WERE IN OUR HISTORIC NEIGHBORHOODS, WE DON'T ALLOW THOSE ANYMORE. SO WE ARE ACTUALLY MAKING ILLEGAL A LOT OF THE THINGS THAT WE LOVE ABOUT OUR OLDER NEIGHBORHOODS. SO, YOU KNOW, TO THE EXTENT THAT THERE'S A -- A NEW HOUSE BUILT ON THIS PROPERTY, YOU KNOW, I WOULD DEFINITELY ENCOURAGE EVERYONE TO WORK TOGETHER IF IT'S POSSIBLE TO BUILD A HOUSE, YOU KNOW, COMPLETELY IN KEEPING WITH THE CURRENT NEIGHBORHOOD AND IF THAT INVOLVES CHANGES TO THE SETBACKS AND EVERYBODY CAN WORK TOGETHER ON THIS, I THINK THAT WOULD BE A VERY POSITIVE RESULT FOR THE NEIGHBORHOOD. WE HAD SOMETHING LIKE THAT LAST WEEK OR TWO WEEKS AGO, SOMEONE USED M.F. 2 ZONING TO GET A SETBACK IN KEEPING WITH THE NEIGHBORHOOD BECAUSE THE CURRENT SETBACK RULES MAKE THE NEIGHBORHOOD ILLEGAL FOR THAT LOT. I WOULD ENCOURAGE EVERYBODY TO WORK TOGETHER TO ADDRESS THOSE ISSUES.

NOT TO ADD TOO MUCH MORE, BUT IT NOT JUST SETBACKS, BUT IT'S ALSO LOW CEILINGS, LOW ELECTRICAL, POOR PLUMBING, POOR EVERYTHING. SO I MEAN IT'S -- IF AN

INSPECTOR WENT IN THERE, THEY WOULD SHUT IT DOWN,  
THAT'S HOW BAD IT IS.

**Goodman:** MAYOR?

**Mayor Wynn:** COUNCILMEMBER SLUSHER?

**Slusher:** YOU HAVE A LETTER IN SUPPORT FROM THE NEXT  
DOOR NEIGHBORHOOD?

I HAVE THREE. ONE FROM THE NEXT DOOR NEIGHBOR, HIS  
NAME IS JEFF DREWETT. ONE FROM -- ONE FROM -- FROM  
MARK HERON WHO LIVES ON -- ACTUALLY, MARK HAS TWO  
PROPERTIES LISTED. HE LISTED THE ONE THAT HE LIVED IN  
AND THEN SOLD AND THEN THE CURRENT ONE THAT HE  
OWNS.

**Slusher:** HE STILLS LIVES THERE ON THE STREET.

YES. THEN ROSS ALLEGRO, WHICH LIVES DIRECTLY ACROSS  
THE STREET FROM ME.

**Slusher:** SO YOU HAVE GOT THE NEXT DOOR  
NEIGHBORHOOD, THE ACROSS THE STREET AND THEN THE  
OTHER GENTLEMAN IS WHERE?

HE'S ABOUT -- HE'S ABOUT ONE BLOCK OVER AND ONE  
BLOCK DOWN.

**Slusher:** OKAY.

HE'S JUST A FRIEND OF MINE.

OKAY. THANK YOU.

BUT I DON'T KNOW ABOUT THESE OTHER TWO PEOPLE  
REALLY.

**Slusher:** YOU JUST KNOW THEM THROUGH --

I JUST MET THEM ON THE WEEKEND. I SAID WOULD YOU BE  
INTERESTED, THIS IS WHAT I WANT TO DO. WOULD YOU

SUPPORT ME IN THAT?

**Slusher:** DID YOU TALK TO THEM ABOUT WHAT YOU ARE GOING TO BUILD THERE?

(NODDED HEAD).

THANK YOU.

**Mayor Wynn:** MAYOR PRO TEM?

**Goodman:** I WOULD LIKE TO GET A LITTLE CLEARER AND HEAR FROM BOTH THE PROPERTY OWNER AND THE NEIGHBORHOOD ABOUT THE ISSUES INVOLVED. ARE YOU PLANNING THEN TO KEEP THE SAME IMPERVIOUS COVER AS EXISTS RIGHT NOW BUT SIMPLY TO GO HIGHER?

I'M NOT SURE WHAT THE FOOTPRINT -- IF YOU TOOK THE HOUSE AS IT SITS NOW, AND, YOU KNOW, FIT -- SO THE SETBACKS WOULD AGREE, THEN THE NEW FOOTPRINT THAT I HAVE PAID MY ARCHITECT TO DESIGN WOULD PROBABLY BE PRETTY SIMILAR. IT A 2800 SQUARE FOOT HOUSE THAT -- SO IT'S LIKE 1400 UP AND 1400 DOWN. THE HOUSE THAT'S THERE IS PROBABLY 1400 FEET.

**Goodman:** SO YOU WOULDN'T COMPLY WITH SETBACKS EITHER, YOU WOULD HAVE TO GO TO THE BOARD OF ADJUSTMENT?

NO, NO, NO, NO. WE'VE HAD THE HOUSE DESIGNED TO BE A MINIMUM OF FIVE FEET AWAY FROM THE PROPERTY LINES ON BOTH SIDES AND 25 FEET BACK FROM THE STREET. THE HIGHWAYSTHE HOUSE THAT'S THERE NOW IS IN VIOLATION OF ALL THREE INSTEAD OF IT BEING THIS WAY ON THE LOT THEY PUT IT WIDE ON THE LOT. AND THEY -- THEY GOT AWAY WITH IT BACK THEN BUT --

**Goodman:** WELL, YEAH, THERE WASN'T ANYTHING NOT TO COMPLY WITH BACK THEN.

YEAH.

**Goodman:** OKAY, COULD I ASK EITHER THE NEIGHBORHOOD

PRESIDENT OR BARBARA, WHOEVER OR MS. MATHER, I BET, KNOWS A LOT ABOUT THIS. TO COME TALK ABOUT WHAT THE PARTICULAR FEATURES ARE THAT YOU THINK WILL BE NEGATED WITH THE NEW BUILDING, WITH INSTITUTE HOUSE AND IF YOU HAVE SEEN THE PLANS, DOES HIS -- DOES HIS --

I'M SORRY. THEY HAVE NOT SEEN MY PLANS.

**Goodman:** BEG YOUR PARDON?

I'M SORRY, THEY HAVE NOT SEEN MY PLANS, I'VE HAD NO COMMUNICATION WITH THEM AT ALL.

**Goodman:** WHY IS THAT?

I THOUGHT THIS WAS JUST ABOUT THE HOUSE BEING HISTORICAL OR NOT HISTORICAL AND I DIDN'T KNOW IT WAS A PLAN REVIEW ON --

**Goodman:** TYPICALLY WHEN YOU HAVE AN ITEM THAT COMES ON THE AGENDA, BOTH PLANNING COMMISSION AND COUNCIL, ALL OF THE INTERESTED PARTIES TRY TO GET TOGETHER AND SEE IF THERE'S ANY WAY TO BUILD CONSENSUS OR AGREE OR LAY OUT BOTTOM LINES OR WHATEVER. THAT DIDN'T HAPPEN FOR YOU IN.

NO. AS I STATED BEFORE, THERE WAS ONLY ONE COUPLE THAT SHOWED UP TO SPEAK IN OPPOSITION. AND SINCE THE PLANNING COMMISSION WAS A 7-0 VOTE, IT THE STAFF WAS ON MY SIDE IT WAS A SPLIT ON THE --

**Goodman:** NONETHELESS THE COURTESY -- COURTESY FOR EVERY CASE, IF I CAN JUST MENTION FOR A SECOND, FOR -- FOR I GUESS 0 OR 30 YEARS NOW -- 20 OR 30 YEARS NOW, WHEN AN APPLICANT COMES FORWARD ON ANY SIDE, IT'S ALWAYS GOOD TO TALK TO ALL OF THE INTERESTED PARTIES IN AN AREA. SO THAT NOBODY IS BLIND SIDED. AND IT HAS BECOME A TRADITION AND SOMETHING BOTH THE PLANNING COMMISSION AND ZONING AND PLATTING, EVERY COMMISSION AND THE COUNCIL EXPECTS, I'M REALLY SURPRISED I DON'T KNOW THAT WAS HAPPENING OR NOT HAPPENING. BUT LET ME ASK MS. SILLY THEN OR WHOEVER.

I WANT TO MAKE ONE THING CLEAR.

IF YOU ASKED HIM ABOUT HIS PLANS.

NO, WE DIDN'T. WE SORT OF TALKED IT, YOU KNOW THE -- YOU KNOW AT THE LANDMARK COMMISSION, BUT HE NEVER CONTACTED US OR NEVER OFFERED. WE DISCUSSED THIS TWICE ON OUR NEIGHBORHOOD, AT OUR NEIGHBORHOOD MEETINGS. I WANT TO MAKE CLEAR AT THE FIRST NEIGHBORHOOD MEETING I THINK WE HAD 50 PEOPLE AND THE SECOND ONE WE HAD ABOUT 100. SO WE HAVE DISCUSSED THIS AND EVEN THOUGH YOU ARE JUST SEEING FOUR OF US THERE, IT WAS A UNANIMOUS -- WELL, WAIT A MINUTE. WE HAD TWO PEOPLE AT THE NEIGHBORHOOD ASSOCIATION VOTE AGAINST IT. OUT OF ABOUT 100. YEAH. THAT'S RIGHT. SO I MEAN --

**Goodman:** WELL, LET ME ASK A QUESTION. DID YOU KNOW WHAT YOU WERE VOTING AGAINST? HAD YOU EVER HEARD OR --

NO. WE HADN'T SEEN THE PLANS.

**Goodman:** IF THINK IN FACT FIT THE CHARACTER OF THE NEIGHBORHOOD WOULD YOU STILL BE OPPOSED?

YES, BECAUSE THIS IS SETTING A PRECEDENT. A REALLY TOUGH PRECEDENT. WE WANT TO PRESERVE THE HISTORIC FABRIC. WE DON'T WANT OUR NEIGHBORHOOD TO BECOME DISNEYLAND AND THAT'S REALLY WHAT HAPPENS TO A LOT OF HISTORIC NEIGHBORHOODS. YOU MOVE -- YOU LOOK AT - - THIS IS A PIER AND BEAM STRUCTURE, EASY TO MOVE. THEY ARE GOING TO -- I MADE THIS POINT, I SHOULD MAKE THIS POINT. IF THIS STRUCTURE IS IN SUCH BAD SHAPE THEN THEY WOULD BE ASKING TO TEAR IT DOWN AND NOT MOVE IT AND RESTORE IT IN ANOTHER NEIGHBORHOOD. WHICH IS WHAT'S GOING TO HAPPEN WITH THIS STRUCTURE. SO ... IN TERMS OF THE HISTORIC PRESERVATION MOVEMENT, AND WHAT THEY WOULD SAY TO YOU IS IT'S REALLY IMPORTANT TO KEEP THESE STRUCTURES, IF YOU CAN POSSIBLY DO IT, ON SITE BECAUSE THAT'S PART OF THE MEANING OF THE STRUCTURE. AND IN THE -- THE REAL CASE FOR THIS IS NOT THAT THIS ONE STRUCTURE HAS SUCH

TERRIFIC MERIT. IT'S PART OF OUR OVERALL FABRIC IN OUR NEIGHBORHOOD. IT'S THE IMPRESSION OF TRAVIS HEIGHTS BOULEVARD AS A BUNGALOW STREET. AND WHEN YOU TAKE THIS AWAY, YOU ARE SETTING A PRECEDENT THAT I HOPE THAT I'M NOT GOING TO SEE ANOTHER ONE LIKE THIS. AND BY THE WAY, IT IS TWO LOTS.

**Goodman:** RIGHT. I THOUGHT THAT I KNEW ALL OF THE ISSUES AND HAD A GOOD GRASP OF THEM IN THIS CASE, I FIND THAT A LOT OF ASSUMPTIONS THAT I MADE ARE TOTALLY OUT OF THE PICTURE ON THIS ONE. I DON'T FOLLOW THE REAL ISSUE HERE, WHETHER IT'S THE HISTORIC ZONING OR THE CHARACTER OF THE NEIGHBORHOOD WHICH IS SEPARATE.

WELL, THEY ARE --

**Goodman:** NO, THEY DO, THEY OVERLAP, BUT THERE ARE TWO SEPARATE ISSUES HERE. I THOUGHT ONE ABOUT THE HISTORIC ZONING WAS A LITTLE MORE EMEASURED IN THE CHARACTER OF THE -- EMESHED IN THE CHARACTER OF THE NEIGHBORHOOD AND I'M FINDING THOSE SEPARATED FROM EACH OTHER. THE FEELING THAT IT SOUNDS LIKE HE'S WILLING TO CATER TO THE FLAVOR OR THE CHARACTER, THE CULTURE OF THE NEIGHBORHOOD, ISN'T SUPPORTED BY THE NEIGHBORHOOD AND I'M NOT TOTALLY FOLLOWING WHY. AND ON THE OTHER HAND, I'M NOT FOLLOWING WHY STAFF WASN'T, YOU KNOW, MORE HELPFUL FOR THE PROPERTY OWNER TO KNOW THAT WHEN WE LIST NEIGHBORHOOD ASSOCIATIONS OR OTHER PLANNING MECHANISMS AND PROGRESS, THERE'S A REASON FOR THAT. YOU ARE SUPPOSED TO GO MEET WITH PEOPLE AND TALK ABOUT WHAT YOU WANT TO DO. AND SEE WHETHER THERE IS IN FACT ANY CONFLICT TO WORK OUT. SO -- I DON'T KNOW FOR MYSELF WHAT I'M SEEING HERE IS PIECES RIGHT NOW AND NOT -- NOT ANY EFFORT TO EVEN SEE IF THERE IS A WAY TO COME INTO CONVERSATION, LET ALONE CONSENSUS. WITH THE COUPLE'S PERMISSION, I WOULD LIKE TO ASK MS. MATHER IF SHE HAS ANYTHING THAT SHE WOULD LIKE TO SAY HERE, HAVING BONE INVOLVED IN THAT NEIGHBORHOOD AND ISSUES FOR TIME OUT OF MIND. DO YOU WANT TO SAY SOMETHING?

JEAN MATHER. I JUST WANTED TO MAKE THE POINT THAT THERE ARE TWO LOTS, THAT'S WHY THE HOUSE IS BUILT RIGHT ON THE PROPERTY LINE. IT'S NOT -- IT'S NOT -- I MEAN IT COULD HAVE BEEN BUILT OVER THE PROPERTY LINE. IT MEANT TO BE THE TWO LOTS FOR ONE HOUSE. THAT'S THE ONLY POINT THAT I WANTED TO MAKE. ASIDE FROM THE FACT THAT IF, AS YOU SAID, IF THE HOUSE IS IN SUCH BAD SHAPE, HOW CAN IT BE MOVED? AND I OFTEN FEEL THAT TALKING ABOUT RELOCATING A HOUSE IS MAYBE A EUPHEMISM FOR REMOVING A HOUSE. BUT I DO THINK THAT THE CHARACTER OF THE HOUSE DID -- I MEAN, AT THE LANDMARK COMMISSION WE FIGURED IF IT HAD FIVE CATEGORIES, THAT IT SATISFIED, THAT THAT IS HISTORIC AND THE -- THE BUILDING ITSELF HAS BEEN THERE SINCE 1921, IT HAS A DISTINCT ACTIVE STYLE. IT IS -- DISTINCTIVE STYLE. IT IS RIGHT IN KEEPING WITH THE REST OF THE NEIGHBORHOOD AND WHEN THAT HOUSE IS REMOVED, THERE WILL BE TWO SMALLER HOUSES OR BIGGER HOUSES, WHO KNOWS, BUT THEY -- THEY MAY OR MAY NOT BE IN CHARACTER WITH THE NEIGHBORHOOD. THAT'S THE ONLY POINT THAT I WANTED TO MAKE. TWO LOTS MAKES A DIFFERENCE.

**Goodman:** THANK YOU. JUST MY LAST QUESTION, MAYOR, IS WHAT THE OWNER. SO YOUR PLAN IS TO GO FROM ONE HOUSE ALMOST ON THE SECOND LOT, TO ONE HOUSE ON EACH LOT.

THAT -- THAT IS MY PLAN, BUT I DON'T THINK THAT HAS ANY RELEVANCY TO THIS MEETING. THIS -- THIS WHOLE DEBATE IS WHETHER THIS HOUSE IS HISTORIC OR NOT.

**Goodman:** NO, ACTUALLY THERE ARE SEVERAL DEBATES GOING ON AS I NOTED EARLIER.

BUT YES. IN KEEPING WITH THE SMART GROWTH INITIATIVE, THE -- THE DESIRED DEVELOPMENT ZONE, IT TALKS ABOUT REDEVELOPMENT AND INFILL. AND THAT'S WHAT I PLAN ON DOING IS INFILL --

**Goodman:** THANK YOU. THANKS. I APPRECIATE YOUR POSITION. INFILL DOESN'T HAPPEN IN A VACUUM, THOUGH, THERE ARE OTHER ISSUES TO CONSIDER. THANKS. THANKS,

MAYOR.

**Mayor Wynn:** THANK YOU, FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM Z-6.

**Alvarez:** I HAVE A COUPLE OF QUESTIONS FOR STAFF. I THINK IN THE BACKUP IT REFERENCES A POTENTIAL HISTORIC DISTRICT. IS THAT BECAUSE THERE'S SOME KIND OF PROCESS UNDERWAY TO TRY TO ESTABLISH THAT OR -- OR YOU KNOW -- MAYBE YOU CAN ADDRESS THAT QUESTION FIRST AND THEN I WILL HAVE A FOLLOW-UP.

THAT ACTUALLY IS MORE JUST MY OBSERVATION OF THE NEIGHBORHOOD. THAT THERE ARE ENOUGH HISTORIC BUILDINGS IN THAT NEIGHBORHOOD THAT IT HAS THE POTENTIAL TO BE DESIGNATED AS A HISTORIC DISTRICT.

**Alvarez:** OKAY. THEN WE KIND OF HAD THAT DISCUSSION EARLIER ABOUT HISTORIC DISTRICTS AND WHAT -- HOW MANY LAND -- HISTORIC LANDMARKS ARE THERE ON TRAVIS HEIGHTS BOULEVARD? AND IF YOU WERE GOING TO BE CREATING A DISTRICT OF SOME KIND, DO YOU FEEL LIKE THIS PROPERTY WOULD BE PROPERTY THAT CONTRIBUTES TO THAT -- THE HISTORIC NATURE OF THAT DISTRICT?

YES. THERE IS ONE LANDMARK ON TRAVIS HEIGHTS BOULEVARD, IT ACTUALLY IS IN THE 1200 BLOCK, ACROSS THE STREET. THIS PROPERTY WOULD LIKELY BE CONTRIBUTING TO A POTENTIAL HISTORIC DISTRICT BECAUSE IT DOES MAINTAIN ITS INTEGRITY OF DESIGN. AND MATERIALS. SO FROM AN ARCHITECTURAL STANDPOINT, IT WOULD BE CONTRIBUTING TO HISTORIC DISTRICT. I DO WANT TO POINT ON IT, THOUGH, THAT THE THRESHOLD FOR BEING CONTRIBUTING TO A HISTORIC DISTRICT AND THE CRITERIA THAT WE SET OUT FOR DESIGNATING INDIVIDUAL LANDMARKS, THERE'S A BIG DIFFERENCE BETWEEN THE TWO. SO WE COULD SAY THAT YES THIS IS -- THIS WOULD BE CONTRIBUTING TO A TRAVIS HEIGHTS HISTORIC DISTRICT. IT'S UP FOR YOU ALL TO DECIDE WHETHER IT MEETS THE THRESHOLD FOR A LANDMARK DESIGNATION INDIVIDUALLY. EAR BUT THAT CRITERIA FOR CONTRIBUTING VERSUS THE LANDMARK HE IS SPELLED OUT PRETTY CLEARLY OR -- HOW

DO YOU DIFFERENTIATE BETWEEN THE TWO.

FOR THE LANDMARK WE USE THE 13 CRITERIA SET OUT IN THE CODE. FOR HISTORIC DISTRICTS, WHAT THE NATIONAL REGISTER DOES, THE TEXAS HISTORICAL COMMISSION HAS THE NATIONAL GUIDE LINES FOR CONTRIBUTING. BASICALLY THEY COME DOWN TO STRATEGIC PLAN ARCHITECTALLY INTACT. THERE'S REALLY NOT A WHOLE LOT OF DISCUSSION ABOUT HISTORICAL ASSOCIATIONS BECAUSE WHEN PEOPLE ARE DESIGNATED HISTORIC DISTRICTS THEY DON'T RESEARCH EACH PROPERTY LIKE WE DO WHEN WE ARE LOOKING AT INDIVIDUALLY DESIGNATING THE LANDMARK.

**Alvarez:** THANK YOU.

**McCracken:** ACTUALLY, MR. SADOWSKY YOU MAY BE THE BEST PERSON TO ANSWER THIS. IF TRAVIS HEIGHTS WERE GOING TO DO A HISTORIC DISTRICT, I SURE HOPE THEY WILL, HOW LONG WOULD IT TAKE FOR THAT PROCESS TO -- TO BE FINISHED? AND BASED ON -- THEN THE SECOND PART IS BASED ON THE RECOMMENDATION WE RECEIVED TODAY, WHAT OPTIONS WOULD THE NEIGHBORHOOD HAVE TO ENSURE THAT THE INFILL THAT COMES TO THAT NEIGHBORHOOD WOULD HAVE ARCHITECTURAL AND CAPABILITY WITH THE REST OF THE NEIGHBORHOOD.

FOR A NATIONAL REGISTER CENTER DISTRICT, AS I UNDERSTAND THE PROCESS TAKE ABOUTS A YEAR. NATIONAL REGISTER DISTRICT. IT JUST DEPENDS ON HOW MANY PROPERTIES ARE INCLUDED. IN THE HISTORIC DISTRICT AS DO -- AS TO HOW MUCH RESEARCH AND DOCUMENTATION IS REQUIRED. THE MORE PROPERTIES THAT YOU HAVE OBVIOUSLY THE LONGER IT'S GOING TO TAKE. UNDER THE TASK FORCE'S RECOMMENDATIONS FOR A LOCAL HISTORIC DISTRICT, THIS WOULD MOST LIKELY BE CONSIDERED A CONTRIBUTING PROPERTY. FOR THIS WAS REMOVED AND THE TASK FORCE RECOMMENDATIONS WERE ADOPTED, IF THIS WERE TO BE REMOVED IT WOULD REQUIRE A CERTIFICATE OF APPROPRIATENESS FROM THE LANDMARK COMMISSION. IF THE PROPERTY WERE REMOVED, ANY NEW CONSTRUCTION ON THAT SITE WOULD ALSO HAVE TO COMPLY WITH THE DISTRICT DESIGN STANDARDS THAT WOULD BE INCLUDED IN OUR PRESERVATION PLAN. MAIRDZ FURTHER COMMENTS,

QUESTIONS. ONE THING THAT I HAVE NOTICED MR. SADOWSKY, THERE'S NOT BEEN ANY ATTEMPT TO MEDIATE THIS ISSUE YET?

NO, THERE HAS NOT, NOT FORMAL MEDIATION, NO, SIR.

**McCracken:** I THINK THAT MIGHT BE PRETTY HELPFUL BECAUSE IT SOUNDS LIKE THERE'S POTENTIAL FOR COMMON GROUND, PARTICULARLY SOME OF THE TOOLS THAT WE ARE ABOUT TO GIVE NEIGHBORHOODS THAT WILL I THINK HELP PUT AN END TO A LOT OF THESE DISPUTES ABOUT PRESERVING THE INTEGRITY OF THE NEIGHBORHOOD EVEN IF A HOUSE IS -- DOES NOT MEET THE CRITERIA FOR HISTORIC DESIGNATION. I GUESS THAT I'M LOOKING TO YOU, IF WE WERE GOING TO SET A MEDIATION, TYPICALLY HOW MUCH TIME WOULD WE NEED FOR A POSTPONEMENT IF WE WERE TO DO THAT?

THE ONLY ONE THAT WE HAVE MEDIATED WAS -- IT TOOK ABOUT TWO OR THREE WEEKS TO SET UP THE MEDIATION BETWEEN ALL OF THE PARTIES AND THE MEDIATOR. ONCE THAT WAS DONE IT ACTUALLY PROGRESSED FAIRLY QUICKLY.

**McCracken:** 7 I DON'T KNOW IF THERE'S ANY OTHER INTEREST, I THINK IT WOULD BE A GOOD IDEA.

**Mayor Wynn:** FURTHER COMMENTS? QUESTIONS? I'LL ENTERTAIN A MOTION ON THIS HISTORIC ZONING. CASE. ITEM Z-6.

**McCracken:** WELL, I'LL TAKE A STAB AT IT. IT MAY FAIL. BUT TO POSTPONE FOR FIVE WEEKS TO GIVE THE -- AND DIRECT STAFF AND PARTIES TO GET TOGETHER TO NEGOTIATE THROUGH MEDIATION ON A MUTUALLY SATISFACTORY RESOLUTION.

**Mayor Wynn:** MOTION BY COUNCILMEMBER MCCRACKEN FOR A FIVE-WEEK POSTPONEMENT.

Glasgo: WE NEED TO CONFIRM THAT WE HAVE A MEETING ON MAY THE 20th. FIVE WEEKS WOULD TAKE US TO MAY 20th.

**Mayor Wynn:** WE DON'T HAVE A MEETING THAT DAY.

Glasgo: THEN SIX WEEKS. THE 27th.

**McCracken:** THEN SICK WEEKS.

**Mayor Wynn:** MOTION MADE BY COUNCILMEMBER MCCRACKEN TO POSTPONE TO MAY 27th, 2004. NOT HEARING A SECOND, THE MOTION FAILS. I'LL ENTERTAIN ANOTHER MOTION.

**Alvarez:** MAYOR, I'LL SECOND THE MOTION. [LAUGHTER] I MEAN --

**Slusher:** THE ONE THAT FAILED?

**Mayor Wynn:** COUNCILMEMBER MCCRACKEN'S MOTION TO POSTPONE TO MAY TEN, 2004, SECONDED BY -- TO MAY 27th, 2004, SECONDED BY COUNCILMEMBER ALVAREZ.

**Slusher:** MAYOR, I'M CONCERNED. WE HEARD THE FIRST OF THIS THAT -- ABOUT A CONCERN I THINK I HEARD ABOUT A CONCERN ABOUT USING THE HISTORICAL ZONING PROCESS AS A LAND USE TOOL. NOW I CERTAINLY AGREE -- WHAT MR. SADOWSKY LAID OUT SEEMS LIKE A REASONABLE PROCESS IF WE CAN GET TO THAT AND SOLVE SOME OF THE PROBLEMS THAT WE HAVE WHERE YOU HAVE A -- WHERE YOU HAVE -- WHERE YOU ARE SUPPOSED TO DECIDE NARROWLY ON WHETHER THESE ARE HISTORIC PROPERTIES OR NOT. I THINK THE GENTLEMAN IS ABSOLUTELY CORRECT ABOUT THAT. THAT'S WHAT'S BEFORE US. WE HAVE NARROW CRITERIA THAT WE CAN DECIDE THOSE ON. WE HEARD FROM ONE OF THE NEIGHBORHOOD REPS THAT I THINK WHAT SHE SAID WAS EVEN IF THIS MET THE -- IF WHAT HE WAS GOING TO REBUILD MET THE CHARACTER OF THE NEIGHBORHOOD, SHE WOULD STILL BE AGAINST IT. SO I DON'T KNOW -- I DON'T THINK THAT'S A GOOD ENTRY IN THE MEDIATION AND, TWO, AT LEAST AS IT STAND BEFORE US RIGHT NOW, I DON'T THINK THAT FITS INTO WHAT OUR DECISION IS. SO -- SO I DON'T -- I DON'T THINK THAT I CAN SUPPORT IT. I SURE WOULD ENCOURAGE YOU TO BUILD SOMETHING THAT'S IN THE CHARACTER OF THE NEIGHBORHOOD. AND I WOULD

HOPE THAT'S PART OF WHY THE NEIGHBORS, YOUR NEXT DOOR NEIGHBOR AND ACROSS THE STREET WERE IN FAVOR OF IT. I WOULD CERTAINLY HOPE THAT. BUT I WOULD AGREE WITH HIM THAT WE CAN'T LEGISLATE THAT ON THIS ITEM.

**Mayor Wynn:** FURTHER COMMENTS? I WILL SAY THAT I CONCUR WITH COUNCILMEMBER SLUSHER THAT OUR CASE HERE ACE ZONING CASE, WHETHER OR NOT THAT HOUSE IS HISTORIC. AND WE'VE SPLIT EVIDENCE FROM THE HISTORIC LANDMARKS COMMISSION WHO HAS CERTAINLY A STRONG HISTORY IN THE LAST YEAR OR SO OF SENDING US UNANIMOUS RECOMMENDATIONS THAT ULTIMATELY DON'T FALL UNDER Z.A.P. OR PLANNING COMMISSION APPROVAL AND AS WELL AS FROM THE CITY COUNCIL. COUNCILMEMBER DUNKERLY?

**Dunkerley:** I AGREE WITH BOTH THE MAYOR AND COUNCILMEMBER SLUSHER. BUT ON THE OTHER HAND IT -- I WOULD LIKE TO END ENCOURAGE IF THIS IS DEFEATED, ET CETERA, THAT YOU BUILD SOMETHING THAT IT IS IN KEEPING WITH THE NEIGHBORHOOD. I THINK THE OTHER POINT IS IN RETROSPECT IT WOULD HAVE BEEN HAD YOU KNOWN WHO TO CONTACT, IT WOULD HAVE BEEN NICE TO HAVE AT LEAST LET THEM KNOW THAT YOU WERE GOING TO TRY TO KEEP SOMETHING IN CHARACTER WITH THE NEIGHBORHOOD. I KNOW THAT YOU HAD SEVERAL MEETINGS AT SEVERAL DIFFERENT TIMES AND MAYBE NOT ALL OF THE PEOPLE CAME TO ALL OF THE MEETINGS. BUT IT MIGHT HAVE BEEN THAT YOU DIDN'T KNOW WHO TO TALK TO. BUT THAT WOULD HAVE BEEN I THINK THAT WOULD HAVE HELPED THE NEIGHBORHOOD PERHAPS UNDERSTAND YOU KNOW WHAT YOUR PLANS WERE. SO IT'S NOT THAT IT'S NECESSARY FOR HISTORIC, BUT SOMETIMES IT'S NICE AS NEIGHBORS.

**McCracken:** LOOK. I KNOW THIS IS UNCONVENTIONAL. BUT WHAT I HAVE HEARD HERE TODAY IS ACTUALLY THE POTENTIAL FOR SOME COMMON GROUND. WE DON'T -- THROUGH A FAILURE OF OUR CURRENT CODE WE DON'T GIVE FOLKS THE TOOLS TO WORK OUT THESE DISPUTES. SO WE ARE HAVING TO BE A LITTLE UNCONVENTIONAL. BUT I THINK IT'S WORTH THE OPPORTUNITY TO SPEND A FEW WEEKS TO SEE IF WE CAN REACH SOMEBODY SOMETHING THAT MAKES EVERYBODY HAPPY INSTEAD OF A WINNER

TAKE ALL VOTE HERE TODAY. BECAUSE THIS IS A GREAT NEIGHBORHOOD, I THINK THAT IT'S WORTH MAKING THE EFFORT TO BRING EVERYBODY TOGETHER SO THEY CAN -- THEY CAN PRODUCE SOMETHING POSITIVE.

**Goodman:** MAYOR?

**Mayor Wynn:** MAYOR PRO TEM?

**Goodman:** JUST REMIND OURSELVES THIS IS NOT UNCONVENTIONAL. THIS USED TO BE THE CONVENTIONAL WAY OF DOING THINGS OF TRYING TO BRING PEOPLE TOGETHER. AND STAFF MAYBE HAS GOTTEN OUT OF THE HABIT OF MAKING SURE ALL OF THE PARTIES INVOLVED KNOW HOW TO CONTACT, WHO IT IS, AND WHO HAS BEEN TRADITIONALLY AND HISTORICALLY, SPEAKING OF HISTORICALLY, AN INTERESTED PARTY IN CERTAIN ISSUES. IT IS THE OPPORTUNITY TO DO YOUR TALKING AND YOUR INFORMATION GATHERING OUTSIDE OF A VERY CONFRONTATIONAL ARENA. A HEARING HERE AND AT THE PLANNING COMMISSION IS INSTITUTIONALLIZED WARFARE. EACH PARTY KNOWS WHAT POSITION THEY TAKE AND THERE'S REALLY NOT A MECHANISM HERE FOR DISCUSSION, CERTAINLY NOT MEDIATION. CERTAINLY NOT NEW INFORMATION TO PASS FROM PARTY TO PARTY. SO -- SO I WILL SUPPORT YOUR MOTION. BUT WE ICED TO DO THIS ALL -- WE USED TO DO THIS ALL THE TIME. WE USED TO, IN FACT, EVEN HAVE BUDGET AMENDMENTS THAT PROVIDED FOR MEDIATION WITHIN PERSONNEL ON STAFF ALREADY. TO DO IT BEFORE IT GOT TO PLANNING COMMISSION, HISTORIC LANDMARK COMMISSION OR COUNCIL. SO MAYBE WE SHOULD GO BACK AND REASSESS OUR F.T.E.S, FIND OUT WHERE ALL OF THAT WENT BECAUSE IT WAS SUPPOSED TO BE LIKE A CROSS TRAINING KIND OF OPPORTUNITY. TO MAKE THIS A LITTLE BETTER WAY TO COME TO PLANNING DECISIONS. THIS IS ALL VERY EXCITING AND IN SOME WAYS VERY TEDIOUS AND I THINK IT'S THE WORST WAY TO GO ABOUT URBAN PLANNING FOR NEIGHBORHOODS THAT HAVE A CHARACTER TO PRESERVE. EAR LIKEWISE, I THINK --

**Alvarez:** LIKE WAY, I THINK, I'M STILL STRUGGLING WITH THE HISTORIC QUESTION MYSELF. I MEAN IT IS AN 83-YEAR-OLD STRUCTURE. WE HEARD OUR HISTORIC PRESERVATION

OFFICER SAY IT'S ARCHITECTURALLY INTACT. I WOULD LIKE TO HAVE SOME TIME TO LOOK AT THE HISTORIC MERITS. ONCE YOU ALLOW THESE STRUCTURES TO DISAPPEAR, THEY ARE GONE. THAT PART OF YOUR HISTORY IS GONE. SO THAT'S WHY I THINK IT AT LEAST BEARS LOOKING AT IT FOR A LITTLE MORE TIME AND REALLY THAT'S WHY I'M SUPPORTING AT LEAST A -- THE POSTPONEMENT. I THINK -- ON I DON'T KNOW THAT WE NEED SIX WEEKS, PER SE, BUT CERTAINLY I WOULD LIKE AN OPPORTUNITY TO REALLY KIND OF WEIGH THE HISTORIC ISSUES THEMSELVES.

**Mayor Wynn:** FURTHER COMMENTS? I WOULD LIKE TO CONFIRM COUNCILMEMBER MCCRACKEN IS YOUR -- DOES YOUR MOTION INCLUDE CLOSING THE PUBLIC HEARING?

**McCracken:** YES.

**Mayor Wynn:** THANK YOU. COUNCILMEMBER ALVAREZ, MAKER OF THE SECOND.

**Alvarez:** YES.

**Mayor Wynn:** THANK I. THERE'S A MOTION AND A SECOND ON THE TABLE TO POSTPONE -- CLOSE THE PUBLIC HEARING AND POSTPONE THIS CASE UNTIL MAY 27th, 2004. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

AYE.

Wynn: OPPOSED? NO.

**Mayor Wynn:** I'M SORRY, I THINK THAT I MIGHT NEED A SHOW OF HANDS. ALL THOSE IN FAVOR? PLEASE RAISE YOUR HAND AND SAY AYE. OKAY. I'M SORRY. THAT MOTION TO POSTPONE PASSES ON A VOTE OF 4-3 WITH COUNCILMEMBER SLUSHER, DUNKERLY AND THE MAYOR VOTING NO. IMRS MAYOR, THAT TAKES US BACK TO ITEM NO. 48, MR. PAT MURPHY IS GOING TO GIVE YOU A BRIEF OVERVIEW OF THE CRITICAL ENVIRONMENTAL FEATURES ON THIS SITE AND THEN HOPEFULLY COME UP WITH A SOLUTION

FOR YOU TO VOTE ON.

GREAT, THANK YOU.

GOOD AFTERNOON, I'M PAT MURPHY WITH WATERSHED PROTECTION DEVELOPMENT REVIEW. I DID VISIT THIS SITE. THIS SITE HAS SOME CHALLENGES. THERE IS A CREEK THAT BASICALLY WIND THROUGH THE TRACT. IT'S A NARROW TRACT. AND ALSO THERE'S A CRITICAL ENVIRONMENTAL FEATURE PRESENTS ON THE TRACT. SO -- SO WE ARE LOOKING AT THE TRACT, TRYING TO DETERMINE WHAT MIGHT BE THE MOST APPROPRIATE DEVELOPMENT SCENARIO ON IT. MY INITIAL CONCERNS DEALING WITH THE LOOKING AT A PLAT OR A PLAN, A SHEET OF THIS, WAS I WAS CONCERNED ABOUT CROSSING THE CREEK. AFTER -- AFTER EVALUATING IT IN THE FIELD AND LOOKING AT THE CREEK, THAT BECAME LESS OF A CONCERN. IT'S A FAIRLY SHALLOW CREEK. THERE IS SOME AGRICULTURAL USE ON THE TRACT AND THAT BECAME LESS OF A CONCERN. BUT THE TWO MAJOR CONCERNS THAT ENVIRONMENTALLY WE HAVE ON THIS PARCEL ARE PROTECTION OF CRITICAL ENVIRONMENTAL FEATURES AND THERE IS ONE THAT WE ARE AWARE OF ON THE TRACT. AND IT'S A SIGNIFICANT FEATURE AND THAT -- YOU COULD FEEL THE AIR BLOWING OUT OF IT. MOST OF THE UPSTREAM AREA IS ON THE ADJACENT PARCEL. AND IT'S LOCATED -- THE CREEK IS ON THE TRACT, SO IT IS DOWN -- THE CREEK IS DOWNSTREAM OF THE FEATURE, IT'S NEAR THE PROPERTY LINE ABOUT MID-WAY BACK ON THE WEST SIDE. THE SECOND CONCERN THAT WE HAD WAS HAVING TO DO WITH MODIFYING THE FLOODPLAIN. IT IS A BEAUTIFUL, RIPARIAN WOODLAND AREA. THERE ARE SIGNIFICANT TREES, OUR TWO CONCERNS WERE PROTECTION OF CRITICAL ENVIRONMENTAL FEATURE, TRYING TO AVOID ANY CHANNELIZATION OF THAT CREEK. UNDER -- THERE IS A POTENTIAL 1704 CLAIM ON THIS PROPERTY THAT DETERMINATION WOULD NOT BE MADE BY STAFF UNTIL THEY SUBMIT A FULL APPLICATION TO THE CITY. IF THAT WERE TO HOLD AND THEY WERE LOCKED IN UNDER THE REGULATIONS WHEN THEY STARTED, IT WOULD BE THE MID 70s. UNDER OUR 1704 POLICY, IF THERE ARE CRITICAL ENVIRONMENTAL RECHARGE FEATURES ON THE TRACT, WE DO REQUIRE THOSE TO BE PROTECTED. SO THAT WOULD BE PROTECTED. AND ALSO UNDER OUR

REGULATIONS THAT HAVE BEEN IN EFFECT SINCE THE EARLY '70'S, WE HAVE NATURAL AND TRADITIONAL CHARACTER PROTECTION FOR WATERWAYS, THEY WOULD HAVE TO PROTECT THAT. WE HAVE DISCUSSED THIS WITH THE APPLICANT'S REPRESENTATIVE, SARAH CROCKER. AND SHE IS IN AGREEMENT THAT THEY WILL PROTECT THE CRITICAL ENVIRONMENTAL FEATURES AND THEY WILL NOT CHANNELIZE THE CREEK. AND WITH THAT, WE WOULD BE COMFORTABLE WITH THAT. IF YOU HAVE QUESTIONS, I WILL BE HAPPY TO TRY TO ANSWER THOSE.

**Mayor Wynn:** QUESTIONS OF STAFF, COUNCIL?

**Slusher:** I HAVE A QUESTION. I THINK IT'S MORE OF MS. CROCKER. I'M SORRY, LET ME ASK MR. MURPHY SOMETHING FIRST. MR. MURPHY, YOU SAID REGARDLESS OF WHETHER THEY END UP WITH THE GRANDFATHERING CASE, THEY WOULD HAVE TO DO THESE TWO THINGS?

YES. THE CITY HAS CONSISTENTLY REQUIRED THAT RECHARGE FEATURES BE PROTECTED OVER THE SOUTH EDWARD'S AQUIFER EVEN IF THERE ARE 1704 CLAIMS, WE HAVE BEEN CONSISTENT IN DOING THAT. I THINK YOU MAY REMEMBER A CIRCLE C CASE MANY YEARS AGO NOW THAT WE REQUIRED THAT ON.

**Slusher:** UH-HUH.

AND UNDER OUR CREEK ORDINANCE, AND OUR DRAINAGE REQUIREMENTS OF THE CODE, WE DO REQUIRE THAT THE NATURAL AND TRADITIONAL CHARACTER OF THE WATERWAY BE PRESERVED WITH ANY PROPOSED DEVELOPMENT. AND THAT WOULD APPLY HERE, THEY WOULD NOT BE ALLOWED TO -- TO MODIFY THIS CREEK CHANNEL IF IT WERE GOING TO DISTURB OR DESTROY THE NATURAL AND TRADITIONAL CHARACTER.

SO THEY COULDN'T MODIFY THE CREEK CHANNEL. WHAT ABOUT ON THE CEF, CRITICAL ENVIRONMENTAL FEATURE, WOULD IT BE THE SAME PROTECTION AS UNDER S.O.S. REGARDLESS?

YES. WE WOULD BE LOOKING AT PROTECTING THEM IN

ACCORDANCE WITH CURRENTS CODE. AND-- BUT THE CURRENT CODE DOES ALLOW STAFF FLEXIBILITY TO -- TO DETERMINE WHAT THE SETBACKS SHOULD BE AND WHAT IS APPROPRIATE IN THAT GIVEN SITUATION. MOST OF THE UPSTREAM AREA APPEARS TO BE ON THE ADJACENT TRACT. AND ON THE UPSTREAM DRAINAGE WE CAN GO AS MUCH AS 300 FEET. AND THAT WOULD BE TO THE WEST OF THE PROPERTY LINE, PRIMARILY, WHERE THE UPSTREAM DRAINAGE AREA APPEARS TO BE. DOWNSTREAM TYPICALLY THE MAXIMUM WOULD BE 150. BUT WE DO HAVE THE FLEXIBILITY TO TAKE INTO CONSIDERATION THE SPECIFIC SITE CONDITIONS AND ESTABLISH A SETBACK THAT WOULD ALLOW FOR REASONABLE ACCESS, FOR EXAMPLE, ON THIS TRACT.

OKAY. MS. CROCKER? SO YOU ARE AGREEING THAT YOU WOULD HAVE TO SET BACK FROM THE CURRENT CODE FROM THE CRITICAL ENVIRONMENTAL FEATURES AND NO MODIFICATION OF THE CREEK CHANNEL? THE FLOODPLAIN?

I BELIEVE WHAT MR. MURPHY AND I DISCUSSED WAS THAT WE WOULDN'T DO ANY CHANNELIZATION. WE DO HAVE SOME 100 YEAR FLOODPLAIN AND WITH REGARD TO THE 100 YEAR, YOU CAN STILL PUT A HOUSE IN THE 100 YEAR AND BUILD YOUR FOUNDATION UP. SO I WOULDN'T PARTICULARLY WANT THE LANGUAGE THAT I COULDN'T DO ANY MODIFICATION TO THE FLOODPLAIN.

**Slusher:** THAT WOULD BE UNDER CURRENT CODE YOU COULD DO THAT. I SHOULD SAY THE 25 YEAR WHERE YOU CAN'T BUILD. THAT'S THE CURRENT CODE, RIGHT?

RIGHT. WHICH WOULD BE THE 25 YEAR, RIGHT.

**Slusher:** I WOULDN'T ASK YOU TO GO BEYOND THE CODE. SO ARE YOU THEN -- SO IS THIS GOING TO THEN COMPLY WITH THE SAVE OUR SPRINGS ORDINANCE.

NO.

IT'S NOT.

IT WILL NOT.

**Slusher:** OKAY. IT WILL COMPLY WITH CURRENT CODE IN THESE TWO BUT IT WON'T BE IN COMPLIANCE WITH S.O.S. WE HEARD IT WAS GRANDFATHERED OR IT WASN'T --

IT HAS THE POTENTIAL FOR A 1704, THAT DETERMINATION IS NOT MADE UNTIL THE TIME --

**Slusher:** BUT YOU ARE SEEKING THAT.

I AM SEEKING THE 1704.

**Slusher:** I WASN'T CLEAR ON THAT. THANK YOU.

UH-HUH.

**Mayor Wynn:** FURTHER QUESTIONS, COMMENTS? SO STAFF THIS IS BACK FOR THIRD READING, CORRECT? CHARGE HEARING -- HEARING NO COMMENTS OR QUESTIONS, I'LL ENTERTAIN A MOTION. DID YOU THINK DING I MOVE APPROVAL --

Glasgo: I WAS GOING TO LET COUPLE KNOW WHAT IT IS THAT YOU ARE APPROVING IN CASE THERE WAS A QUESTION. I'LL STAND HERE --

**Mayor Wynn:** THAT WOULDN'T HURT MY ANALYSIS.

Glasgo: YOU ARE APPROVING SINGLE FAMILY 6 ZONING AS YOU APPROVED ON FIRST AND SECOND READINGS. MR. MURPHY WAS MERELY CLARIFYING THE POINTS THAT HE MADE REGARDING THE CRITICAL ENVIRONMENTAL FEATURE AND THE OTHER ASPECTS THAT HE EXPLAINED. WHICH DO NOT AFFECT YOUR ORIGINAL POSITION. WHICH WAS TO GRANT THE SINGLE FAMILY ZONING AS S.F. 6 ZONING WITHOUT INTRODUCING ANY NEW CONDITIONS.

**Mayor Wynn:** I'M SORRY, MR. MURPHY A COUPLE OF QUESTIONS THEN. SO WILL YOU HELP ME REMEMBER SO HOW A POTENTIAL 1704 CLAIMS IMPACTS A CASE LIKE THIS WHERE WE ARE ALSO CHANGING THE ZONING. SO THE 1704 CLAIMS WOULD JUST BE -- OBVIOUSLY NOT REGARDING

ZONING, THEY WOULD BE REGARDING OTHER ELEMENTS OF THE DEVELOPABILITY?

YES. THE S.F. 6 ALLOWS FOR SOME CLUSTERING OF THE RESIDENTIAL UNITS. BUT UNDER 1704 THEY WOULD MAKE A CLAIM AT THE TIME THEY SUBMITTED AN APPLICATION FOR SITE PLAN AND AT THAT TIME WE WOULD EVALUATE THAT AND WE WOULD DETERMINE WHETHER OR NOT WE AGREED THAT THAT CLAIM WAS VALID. AND ALSO IT WOULD BE ESTABLISHED WHAT THE SPECIFICS OF [INDISCERNIBLE] REQUIREMENTS WOULD NEED TO BE BEFORE THE CITY ACCEPTED THAT APPLICATION FOR FILING. SO THAT ALL OCCURS DURING THE COMPLETENESS CHECK PROCESS.

**Mayor Wynn:** SO IN THIS CASE WHEN A -- WHEN A PROPERTY OWNER IS ASKING FOR A ZONING CHANGE, IF WE WERE TO GRANT THIS ZONING, OBVIOUSLY S.F. 6 ZONING CATEGORY HAS VERY SPECIFIC PARAMETERS, YOU KNOW, IMPERVIOUS COVER, HEIGHT, PRESUMABLY THE NUMBER OF UNITS, THAT SORT OF A THING.

I'M SORRY. I DIDN'T MEAN TO INTERRUPT YOU. IN THIS CASE, ZONING WOULD CONTROL RELATIVE TO IMPERVIOUS COVER. BUT INDIRECTLY, THE SITE HAS SUCH LIMITED AREA THAT IS OUTSIDE FLOODPLAIN AREAS THAT THAT WILL INDIRECTLY LIMIT HOW MUCH THEY CAN DEVELOP ON THIS SITE. BUT THE MAXIMUMS WILL BE SET BY THE ZONING.

CITY COUNCIL, IT SEEMS TO ME THAT THE SINGLE FAMILY NATURE OF THIS CASE IS APPROPRIATE GIVEN THAT LOCATION. I'M JUST NOW TRYING TO UNDERSTAND THE IMPLICATIONS OF THE POTENTIAL 17034 CLAIM AND -- 1704 CLAIM AND HAS THAT DOES PERHAPS TO THE OVERALL DEVELOPMENT.

Glasgo: MAYOR, JUST TO SIMPLY STATE THE -- THE REASON FOR THE 1704 CLAIM WOULD REALLY RELATE TO WHICH WATERSHED REGULATIONS APPLY. SO YOUR ZONING IS ALLOWING THE USE TO OCCUR, WHICH WOULD BE TOWNHOME, CONDOMINIUMS AND WHATEVER SITE DEVELOPMENT REGULATIONS THE ZONING ORDINANCE OUTLINES AS YOU JUST ARTICULATED, HEIGHT, SETBACKS AND THE IMPERVIOUS COVER WOULD WORK IN

CONJUNCTION WITH WHICH WATERSHED REGULATIONS ARE GOING TO BE DETERMINED TO BE APPLICABLE AT THE TIME THEY SUBMIT AN APPLICATION. REALLY THAT'S WHAT THEY ARE LOOKING APPROXIMATE AT GRAND -- LOOKING AT GRANDFATHERING, WHICH OF THOSE WATER QUALITY REGULATIONS WOULD APPLY AT THAT TIME.

REMIND ME, WHAT WAS STAFF'S RECOMMENDATION ON THIS?

IT'S TO GRANT THE SINGLE FAMILY 6 ZONING. IT'S APPROPRIATE FOR THIS SITE BECAUSE IT WOULD ALLOW FOR CLUST E.R.ING GIVEN -- CLUSTERING GIVEN OUR DESIRE TO PROTECT THOSE FEATURES. THE CLOSER THE RESIDENTIAL DEVELOPMENT IS, THE MORE PROTECTION THAT YOU ARE GOING TO PROVIDE THOSE CRITICAL ENVIRONMENTAL FEATURES. IT'S APPROPRIATE FOR THIS PARTICULAR SITE.

**Mayor Wynn:** THIS CASE WENT TO THE PLANNING COMMISSION OR ZONING AND PLATTING.

ZONING AND PLATTING.

**Mayor Wynn:** THEIR RECOMMENDATION?

Glasgo: WAS TO RECOMMEND THE ZONING, S.F. 6. YES.

**Mayor Wynn:** OKAY. THANK YOU, FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM?

**Goodman:** I'M GLAD ALICE REMINDED ME OF WHY I HAD THOUGHT THIS WAS OKAY. WHEN WE TALK ABOUT SOME THINGS IN A VACUUM IT'S EASY TO SORT OF VISUALIZE A SITUATION IN YOUR MIND THAT DOESN'T REALLY EXIST AND THAT THERE ARE THINGS THAT WILL IMPACT THAT. IN THIS CASE IT WAS THE FACT THAT FLOODPLAINS, DIFFERENT AREAS OF FLOODPLAIN ARE A VERY SPECIFIC AND PHYSICAL REALITY. SO THAT THE -- ON YOUR PAPER EXPECTATIONS OF A ZONING CATEGORY DON'T REALLY TRANSLATE TO THIS KIND OF PROPERTY. SO THAT WAS -- BUT ALSO WE DO HAVE A STAFF -- WE DID HAVE A STAFF MEMBER ONCE WHO LAID OUT FOR A PROPERTY OWNER EXACTLY WHAT THE

CALCULATIONS WERE BASED ON -- ON JUST A CATEGORY FROM OUT OF THE CODE. AND LATER WE HAD TO FIGHT IN COURT THAT THAT DIDN'T MEAN IT WAS APPLIED TO EVERY SINGLE PIECE OF PROPERTY THAT RECEIVED THAT ZONING. SO I GUESS THAT'S ALWAYS SOMETHING TO REMEMBER. AND WE CAN -- WE CAN WRITE IT HERE THAT IT'S QUALIFIED BY WHAT THE ACTUAL TERRAIN AND FLOODPLAIN ALLOWS YOU TO DO. AND THE FACT THAT IT WAS GOING TO BE CLUSTERED AND THAT -- CLUSTERED, OFTEN YOUR IMPACT CAN BE IMPACTED I MEAN CAN BE OF A HIGHER MAGNITUDE EVEN IF IT'S A SMALLER RESIDENTIAL IF YOU DON'T HAVE THAT ABILITY TO COME UNDER A SYSTEM AND A REGIME. I THOUGHT THAT WAS GOOD HERE. AND IN THAT CASE, IT BEAR -- IF THERE'S A NEED FOR -- DID SOMEBODY MAKE A MOTION ALREADY FOR THIRD READING?

**Mayor Wynn:** I THINK COUNCILMEMBER DUNKERLY WAS ABOUT TO DO THAT WHEN I STEPPED IN.

IF I MAY, I NEED TO MAKE A CLARIFICATION ABOUT THE ZONING IMPERVIOUS COVER. UNDER CHAPTER 245, 1704, THE IMPERVIOUS COVER LIMITATIONS IN ZONING ARE CONTROLLED BY GRANDFATHERING RIGHTS BECAUSE THAT IS AN EXCEPTION TO THE -- THAT'S AN EXCEPTION TO THE ZONING REGULATIONS NOT BEING A PERMIT. IF YOU ALL WILL RECALL, LAND USE IS SPECIFICALLY ACCEPTED AND WE CAN GO ON AHEAD AND ZONE THE PROPERTY. HOWEVER, TO THE EXTENT THAT THE ZONING REGULATIONS AFFECT LOT COVERAGE, OR BUILDING COVERAGE, LOT SIZE, IMPERVIOUS COVER, THAT COMES BACK WITHIN CHAPTER 245 AND THE IMPERVIOUS COVER -- IF INDEED THIS PROPERTY IS GRANDFATHERED, I DON'T KNOW WHETHER IT IS OR NOT, THEN THE IMPERVIOUS COVER REQUIREMENTS OR THE IMPERVIOUS COVER LIMITATIONS WILL BE GOVERNED BY THE REGULATIONS THAT WILL BE GOVERNING THE PROPERTY. IT WORKS LIKE THE WATERSHED REGULATIONS IN THAT REGARD. AND I JUST TOUCHED BASE WITH MR. MURPHY BECAUSE I WANTED TO MAKE SURE THAT HE AND I WERE BOTH ON THE SAME WAVELENGTH IN THAT REGARD.

**Mayor Wynn:** THANK YOU, MS. TERRY. FURTHER COMMENTS,

QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION.

SO MOVE.

**Mayor Wynn:** MOTION MADE BY COUNCILMEMBER DUNKERLY DID YOU

**Dunkerley:** TO APPROVE THE STAFF RECOMMENDATION.

MAYOR, I HAD COUNCILMEMBER MCCRACKEN MAKING THE MOTION FOR S.F. 6 FOR THE -- ON NUMBER 48.

**Dunkerley:** IT WAS ME.

Clerk Brown: SORRY.

**Mayor Wynn:** COUNCILMEMBER DUNKERLY, SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? NO.

**Mayor Wynn:** MOTION PASSES ON A VOTE OF 6-1 WITH COUNCILMEMBER SLUSHER VOTING NO.

THANK, COUNCILMEMBERS.

THANK YOU. COUNCIL, THAT CONCLUDES ALL OF OUR ZONING, WE STILL HAVE ITEM 31, WHICH WE HAVEN'T TAKEN UP, PERHAPS WITH 10 MINUTES OF DISCUSSION, WE COULD ACCOMPLISH THAT AT THIS TIME. I WILL RECOGNIZE EITHER THE MAYOR PRO TEM OR COUNCILMEMBER MCCRACKEN TO INTRODUCE ITEM 31 WHICH WAS RELATED TO OUR SMOKING ORDINANCE. FWRS COUNCILMEMBER MCCRACKEN?

**McCracken:** MY UNDERSTANDING IS THAT THERE ARE SOME LOGISTICAL DETAILS TO BE WORKED OUT STILL FOR THIS NEW CITY-WIDE PERMIT THAT'S BEING ISSUED BEING PREPARED BY THE HEALTH DEPARTMENT. SPECIFICALLY IT RELATES TO THE ISSUE OF DUAL VENTILATION SYSTEMS AND ESTABLISHMENTS THAT HAD PREVIOUSLY INSTALLED

THEM, HOW WE ACCOUNT FOR THAT AND GIVE THEM CREDIT. IT'S A COMPLIANCE ISSUE. SUPPORTED ACROSS THE BOARD FROM EVERYBODY FROM THE ACTUAL ESTABLISHMENT OWNERS TOP TOBACCO FREE AUSTIN. I THINK IT SHOULD BE RELATIVELY NON-CONTROVERSIAL. I AGREED TO OFFER ONE 30 DAY POSTPONEMENT. THIS IS THE ONLY ONE THAT I'LL AGREE TO.

**Mayor Wynn:** MAYOR PRO TEM?

**Goodman:** WAS THAT A MOTION?

**Mayor Wynn:** I'LL CONSIDER THAT A MOTION TO APPROVE ITEM NO. 31, ONE-MONTH EXTENSION OF THE EFFECTIVE DATE OF OUR SMOKING IN PUBLIC PLACES ORDINANCE. MAYOR PRO TEM?

**Goodman:** I'LL SECOND THAT WITH ONE QUICK COMMENTS. I AM GLAD TO SEE THAT EVERYBODY CAN BE IN AGREEMENT ON THIS 30 DAY POSTPONEMENT. FOR ME IT WAS AN ISSUE OF -- OF THE CITY AND OUR STAFF NOT BEING ON TOP OF WHAT SOME OF THE QUESTIONS AND PROBLEMS WERE GOING TO BE AND I'M PERFECTLY FINE WITH THAT. IT'S OUR FAULT. WE NEED A LITTLE MORE TIME TO COME INTO THE HELPFUL MODE THAT WE NEED TO GIVE BUSINESS OWNERS AS THEY TRY TO COME INTO COMPLIANCE. BEYOND THAT, IT MAKES ME AT UNCOMFORTABLE. I DON'T FEEL LIKE I'M ACTING IN GOOD FAITH. WE EXTENDED THIS TIME PERIOD FOR THAT VERY REASON AND IF THINGS FALL THROUGH THE CRACKS BECAUSE WE WEREN'T AS COGNIZANT AS WE SHOULD HAVE BEEN, THAT'S FINE, THAT'S OUR FAULT AND WE TO WORK ON THAT -- WE NEED TO WORK ON THAT. PAST THAT I START TO FEEL LIKE I'M -- COULD BE PERCEIVED AS CIRCUMVENTING A GOAL SET AND I'M NOT GOING TO DO THAT.

**Mayor Wynn:** MOTION AND A SECOND ON THE TABLE TO APPROVE ITEM NO. 31. COUNCILMEMBER SLUSHER?

**Slusher:** SO OKAY I'M GLAD TO HEAR THAT IT'S ONLY ONE 30-DAY, ALTHOUGH I DO HAVE TO SAY I DON'T -- I OBJECT TO SIGHING IT THE STAFF'S FAULT, WHICH IS WHAT I THINK THAT I HEARD THAT THEY WEREN'T READY. I THINK THEY WERE

GIVEN A PRETTY COMPLICATED ORDINANCE TO TRY TO PUT TOGETHER THAT WAS COBBLED TOGETHER AS SORT OF A POLITICAL COMPROMISE. BY THE WAY I DIDN'T VOTE FOR IT. BUT -- BUT I JUST DON'T THINK THAT IT'S REALLY FAIR TO THE -- TO THE STAFF AND -- BUT I WOULD -- IS THIS THE ONLY -- I DIDN'T REALLY UNDERSTAND -- I'M -- I THINK THIS IS SOMETHING TO DO WITH THE SMALL BUSINESSES AND THEY WOULD HAVE TO GO INTO SOME EXTRA EXPENSE IF WE PUT IT INTO EFFECT THE DATE THAT IT WAS SUPPOSED TO GO INTO EFFECT. I WOULD CERTAINLY BE IN FAVOR OF KEEPING OUR SMALL BUSINESSES FROM HAVING TO -- TO DO THAT EXPENSE. I'M WONDERING, I'VE HEARD THERE ARE OTHER ISSUES THAT MIGHT COME BEFORE US ABOUT THIS EITHER TO ALTER OR POSTPONE FURTHER. SHOULD I EXPECT TO SEE SOME THINGS LIKE THAT?

MAYOR PRO TEM.

COUNCILMEMBER, THAT'S WHY I MADE THE SPECIFIC COMMENT THAT I DID. CERTAINLY IT WON'T COME FROM ME AND THE MAKER OF THE MOTION CAN SPEAK FOR HIMSELF. I ALSO DON'T WANT ANYBODY TO CHARACTERIZE WHAT I SAID AS SOMEHOW AN ONUS ON STAFF MEMBERS FOR SOMETHING THEY SHOULDN'T HAVE THE RESPONSIBILITY FOR. BUT AS THE CITY WHO HE IS GOING TO -- WHO IS GOING TO DECIDE THE COMPLIANCE IN A COUPLE OF DIFFERENT PLACES I THINK THAT WE WERE NOT PREPARED FOR THE DIFFERENT COMPLICATED REQUESTS AND REQUIREMENTS THAT WERE PART OF THE ORDINANCE THAT -- THAT WE PROBABLY SHOULD HAVE BEEN. AND I DON'T THINK THAT LAYS BLAME OR -- OR IS NEGATIVE TO STAFF. SOMETIMES WHEN YOU ENACT AN ORDINANCE THERE ARE NUANCES THAT YOU ARE NOT GOING TO CATCH AT THE BEGINNING. AND THEN WHEN IT'S TIME TO GO INTO COMPLIANCE THERE ARE THINGS THAT WE SHOULD HAVE DONE TO MAKE LIFE EASIER FOR THOSE TRYING TO COMPLY. AND THAT'S WHAT I WAS SAYING.

**Slusher:** OKAY. ALL RIGHT. IT IS A PRETTY COMPLICATED AND -- FOR THE STAFF TO TRY TO IMPLEMENT. SO WHILE I'VE HEARD THINGS ABOUT, QUESTIONS GOING ON ABOUT HOTEL LOBBY BARS, ABOUT THE RATE OF THE -- WHAT DO YOU CALL THEM, CFM'S, I THINK, ABOUT -- ABOUT INSPECTIONS,

PERMITS, WE -- WE SHOULDN'T EXPECT TO SEE ANY OF THAT COMING BACK TO THE COUNCIL? IS THAT SOMETHING THAT NEEDS TO BE WORKED OUT IN THE NEXT 30 DAYS, TOO?

THIS IS ADD TO ONE ISSUE, AS FAR AS I'M UNDERSTANDING, ONE ISSUE ONLY. THAT'S THE DUAL VENTILATION SYSTEM AND HOW THAT APPLIES IN THE --

**Slusher:** I JUST WANTED TO MAKE SURE.

**McCracken:** I WILL REPEAT AGAIN I WILL NOT SUPPORT ANOTHER EXTENSION BEYOND THIS 30 DAYS.

**Mayor Wynn:** MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, AT THIS TIME WE WILL NOW RECESS AND BREAK FOR THE 5:30 LIVE MUSIC AND PROCLAMATIONS.

**Mayor Wynn:** IF I COULD HAVE YOUR ATTENTION, PLEASE. FOR WELL OVER A MONTH FOLKS HAVE BEEN ANTICIPATING A GRAMMY AWARD WINNING PERFORMANCE AT OUR AUSTIN CITY COUNCIL MEETING. SO HERE TO PERFORM IS SERGEANT BEN ON THIS EARTH DAY. IT'S OUR HONOR TO RECOGNIZE SERGEANT BEN OF THE SOLID WASTE SERVICES. HERE'S HERE WITH US TODAY. HE'S WORKED FOR MORE THAN THREE YEARS EDUCATING CHILDREN THROUGH THE ENVIRONMENT THROUGH THE USE OF MUSIC. SO PLEASE JOIN ME IN WELCOMING SERGEANT BEN. [ APPLAUSE ] [ (music) MUSIC PLAYING (music)(music) ] (music) PLASTIC BOTTLES, SHAMPOO BOTTLES AND JUICE BOTTLES GO IN THE BLUE BOX (music). BLEACH BOTTLES, SODA BOTTLES, EMPTY BOTTLES, BUT NOT YOUR SOCKS(music)(music). (music) WHITE PAPER, BLUE PAPER, THEY ALL GO IN A PAPER SACK. (music) OLD LETTERS, OLD PAPER, BUT NOT THAT JELLO THAT YOU HAD FOR A SNACK. (music) DON'T PUT FREDDIE, HE'S NOT READY. DON'T PUT MOTOR OIL OR IT EATS THE BOX. (music) DON'T PUT PAINT CANS OR FRYING PANS. (music) DON'T DARE PUT IT IN

SMELLY SOCKS. (music) RINSE OUT BOTTLES, MILK BOTTLES. THEY ALL GO IN A BOX THAT'S BLUE. (music) OLD JUNK MAIL, BUT NOT A DOLPHIN'S TAIL, WE ALL RECYCLE, BOTH ME AND YOU, ME AND YOU. (music) NEWSPAPER, OLD PAPER, WE PUT IT IN A BROWN PAPER SACK. (music) THOSE BOTTLES, CLEAN BOTTLES, NOW WE KNOW WE'RE ON THE RIGHT TRACK. (music) NOW WE'RE ON THE REPSYCHABLE TRACK. GET ON BOARD THE RECYCLE TRACK(music)(music). [ APPLAUSE ]

**Mayor Wynn:** OF COURSE AS USUAL WE HAVE OUR OFFICIAL PROCLAMATION FOR OUR LIVE MUSICIANS. BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS LIVE MUSIC ALSO PLAYS AN INTEGRAL ROLE IN HELPING EDUCATE AUSTIN'S YOUTH ABOUT PROTECTING THE ENVIRONMENT. AND WHEREAS THE CITY OF AUSTIN AND SOLID WASTE SERVICES DEPARTMENT, CAPTAIN CAN SHOW, HAS ENTERTAINED AND INFORMED THOUSANDS OF ELEMENTARY SCHOOL STUDENTS ABOUT RECYCLING AND WASTE REDUCTION. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY, EARTH DAY, 2004, AS CAPTAIN CAN AND SERGEANT BEN DAY IN AUSTIN AND CALL ON ALL CITIZENS TO HELP ME CONGRATULATE THIS GREAT SERVICE TO OUR COMMUNITY. [ APPLAUSE ] ACTUALLY, WHILE WE HAVE YOU CAN YOU EXPLAIN HOW YOU CAN BE BOOKED AND HOW ELEMENTARY SCHOOLS OR OTHER YOUTH GROUPS CAN FIND OUT ABOUT YOUR SERVICES.

ABSOLUTELY. WE'VE DONE PROBABLY THIS YEAR ALMOST 80 PERFORMANCES ALL OVER AUSTIN. TODAY I WAS AT COWEN ELEMENTARY AND TRAVIS HEIGHTS ON EARTH DAY, SO IT WAS SO MUCH FUN. YOU CAN CALL THE CITY OF AUSTIN SOLID WASTE SERVICES, AND THAT NUMBER IS 494-9400. AND YOU CAN GET CAPTAIN CAN BOOKED AT YOUR SCHOOL. WE DO SCHOOLS ALL OVER THE AUSTIN AREA, SO WE LOVE TO SEE THE CHILDREN. ONE OF MY FAVORITE ONES, WE DID ONE YTERDAY AT THE TEXAS SCHOOL FOR THE DEAF. AND THE KIDS ASKED ME OVER AND OVER AGAIN, DO YOUR DANCE AGAIN. [ LAUGHTER ] SO THANKS AGAIN. AND WE'LL SEE YOU NEXT TIME. [ APPLAUSE ]

**Mayor Wynn:** I'M JOINED BY FOLKS FROM THE PUBLIC HEALTH DEPARTMENT, INCLUDING DAVID LURIE. THE FIRST ONE IS INFANT IMMUNIZATION AWARENESS WEEK. BE IT KNOWN THAT VACCINES ARE AMONG THE 20TH CENTURY MOST SUCCESSFUL PUBLIC HEALTH TOOLS FOR PREVENTING DISEASE AND DEATH. MOST VACCINE PREVENTABLE DISEASES HAVE BEEN REDUCED BY 99% OR MORE. AND WHEREAS THIS WEEK SERVES AS A CALL TO PARENTS, CAREGIVERS AND HEALTH CARE PROVIDERS TO ADVANCE THE HEALTH OF CHILDREN BY ENSURING THAT THEY RECEIVE THE SERIES OF VACCINATIONS THAT PROTECT THEM AGAINST 12 POTENTIALLY SERIOUS DISEASES. WHEREAS THIS YEAR THE U.S. IS JOINING WITH THE PAN AMERICAN HEALTH ORGANIZATION AND THE U.S.-MEXICO BORDER HEALTH COMMISSION TO PROMOTE IMMUNIZATION IN ALL COUNTRIES IN THE AMERICAS. NOW THEREFORE I, WILL WYNN, MARY OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM APRIL 25TH THROUGH MAY 1st MAY 1st, 2004 AS INFANT IMMUNIZATION AWARENESS WEEK AND CALL ON MR. DAVID LURIE TO PLEASE TELL US ABOUT THE IMPORTANT PROGRAMS THIS PUBLIC SERVICE AND HOW WE CAN GET MORE OF THIS MESSAGE TO OUR PARENTS AND CAREGIVERS ACROSS THIS COMMUNITY. MR. DAVID LURIE. WELCOME AND CONGRATULATIONS FOR ALL YOUR HARD WORK. [ APPLAUSE ]

THANK YOU, MAYOR. I APPRECIATE IT AND I'D ALSO LIKE TO INTRODUCE A COUPLE OF FOLKS FROM OUR DEPARTMENT WHO ARE REALLY INSTRUMENTAL IN ALL THE HARD WORK THAT'S ASSOCIATED WITH GETTING PEOPLE IMMUNIZED THROUGHOUT OUR COMMUNITY, LYNN TREVINO, LYDIA PEREZ AND PAT AUSTIN.

THE THEME FOR THE WEEK FOR THIS YEAR IS LOVE THEM, PROTECT THEM, IMMUNIZE THEM. THE DEVELOPMENT OF VACCINES IS CLEARLY ONE OF THE GREATEST ACCOMPLISHMENTS OF PUBLIC HEALTH DURING THE 20TH CENTURY AND YET DESPITE THIS GREAT PROGRESS, APPROXIMATELY ONE MILLION U.S. CHILDREN ARE NOT ADEQUATELY IMMUNIZED. IN OUR OWN COMMUNITY APPROXIMATELY 70% OF CHILDREN ARE PROPERLY IMMUNIZED BY AGE TWO. WHAT THAT MEANS IS ABOUT 30% ARE NOT. SO WE CERTAINLY CAN DO A BETTER JOB AS A

COMMUNITY IN TERMS OF IMMUNIZING OUR CHILDREN. AND IT REALLY IS AN INDICATION OF THE TRUE LOVE FOR THOSE CHILDREN. AND IN ADDITION TO PREKING INDIVIDUALS, THE IMPORTANCE OF IMMUNIZATIONS IS THAT IT PROTECTS US AS A COMMUNITY. IT ALSO NOT ONLY SAVES LIVES, BUT SAVES MONEY. THE INVESTMENT IN VACCINES AND IMMUNIZATIONS IS CLEARLY MUCH LOWER THAN THE COST OF THE DISEASES ASSOCIATED WITH THESE VACCINE PREVENTABLE DISEASES. THE OTHER THING I WOULD POINT OUT IS THAT ALTHOUGH WE WERE FOCUSED ON IMMUNIZING INFANTS AND YOUNG CHILDREN, IT IS ALSO IMPORTANT THAT ADULTS BE PROPERLY IMMUNIZED. IT'S ESTIMATED THAT ABOUT 36,000 ADULTS NATIONALLY DIE. 36,000 PER YEAR DIE FROM COMPLICATIONS RELATED TO VACCINE PREVENTABLE DISEASES, SPECIFICALLY FLU. DURING THIS MONTH WE DO HAVE A COUPLE OF SPECIAL EVENTS GOING ON. THERE IS A FREE IMMUNIZATION CLINIC. THERE ARE ACTUALLY TWO FREE CLINICS THAT WE WILL BE CONDUCTING WEDNESDAY, APRIL 28TH FROM 1:00 O'CLOCK TO 4:45 FOR CHILDREN AGES 2:00 TO -- I'M SORRY, AGES 2 THROUGH 24 MONTHS. TWO MONTHS TO 24 MONTHS. I'VE GOT A GREAT STAFF HERE TO HELP ME OUT. THANK YOU. THESE WILL BE HELD AT THE FAR SOUTH HEALTH CENTER AT 405 WEST STASSNEY LANE AND ONE AT THE ST. JOHN'S COMMUNITY CENTER, 7500 BLESSING AVENUE. AGAIN, THAT'S ON WEDNESDAY, APRIL 28TH, AND YOU CAN CALL FOR AN APPOINTMENT IF YOU'D LIKE TO SAVE TIME. THE NUMBER IS 972-5524. 972-5524. AND OF COURSE WE OFFER IMMUNIZATION THROUGHOUT THE YEAR AT MANY, MANY SITES, INCLUDING OUR WIC PROGRAM AND NUTRITION PROGRAM AND MANY, MANY OPPORTUNITIES IN THE COMMUNITY FOR THESE YOUNG CHILDREN TO BE IMMUNIZED. SO THANK YOU, MAYOR, FOR THIS PROCLAMATION. WE APPRECIATE YOUR EFFORT TO HEIGHTEN THE VISIBILITY OF THIS IMPORTANT MATTER AND WE ENCOURAGE EVERYBODY TO TAKE FULL ADVANTAGE OF THIS VERY VALUABLE RESOURCE IN OUR COMMUNITY. THANK YOU. [ APPLAUSE ]

**Mayor Wynn:** OUR NEXT PROCLAMATION IS ABOUT CAREER EXPO. I'M JOINED BY A NUMBER OF GOOD WORKFORCE DEVELOPERS HERE. THE PROCLAMATION READS: THE

MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES, A LEADING PROPONENT FOR THE FULL EMPLOYMENT OF AUSTIN'S CITIZENS WITH DISABILITIES AND GOODWILL INDUSTRIES IS THE LARGEST PROVIDER OF CAREER SERVICES FOR PERSONS WITH DISABILITIES AND OTHER BARRIERS TO EMPLOYMENT. AND WHEREAS TOGETHER THESE TWO ENTITIES HOST THE ANNUAL COMMUNITY CAREER EXPO, WHICH PROVIDE EDUCATION ON HIRING QUALIFIED JOB SEEKERS WITH DISABILITIES AND MATCHES EMPLOYERS WITH POTENTIAL EMPLOYEES. AND WHEREAS THE PROGRAMS OF GOODWILL INDUSTRIES HAVE PAID OFF IN USEFUL WORK AND JOBS FOR OUR CITIZENS AND HAVE MAXIMIZED EACH INDIVIDUAL'S ABILITY TO PROVIDE FOR THEMSELVES AND THEIR FAMILY. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM MAY 6TH 2004 AS COMMUNITY CAREER EXPO DAY. IT'S A GREAT EVENT. WE'LL HAVE -- I THINK WE'LL HEAR PROBABLY DOZENS OF POTENTIAL EMPLOYERS THERE, HUNDREDS OF GOOD POTENTIAL EMPLOYEES. IF WE CAN GET MORE INFORMATION ABOUT THE CAREER EXPO DAY AND THIS GREAT SERVICE. SO PLEASE, COME UP AND SAY A FEW WORDS. THANK YOU.

THANK YOU. MY NAME IS JERRY DAVIS. I'M THE PRESIDENT AT GOODWILL INDUSTRIES AND I HAVE SOME GUESTS HERE TODAY THAT ARE TAKING PART IN THIS THAT I'D LIKE TO INTRODUCE. BEHIND ME IS JOE MANAGE -- [ LAUGHTER ] JOE FARMER, WHO IS A SENIOR ACCOUNT MANAGER AT SOLECTRON. HE'S BEHIND HIM IS OLIN CLEMONS, WHO IS THE DIRECTOR OF DEPARTMENT OF HUMAN SERVICES AND HE WILL BE TALKING IN A JUST A MOMENT ABOUT THE MAYOR'S COMMITTEE'S ROLE ON THIS. AND BESIDE HIM IS THE MOST IMPORTANT PERSON HERE IN OUR OPINION, AND THIS IS DAVID, WHO IS A RECRUITER FOR H.E.B. AND I'LL TELL YOU WHY HE'S SO IMPORTANT AND KEEP LOOKING AT HIM INSTEAD OF ME WHILE I'M TALKING. FIRST, THANK YOU, MAYOR. I VERY MUCH APPRECIATE THE OPPORTUNITY TO BE LAUDED FOR THIS WORK. IN OUR COMMUNITY IT'S IMPORTANT THAT ALL PEOPLE MOVE FORWARD. PEOPLE WITH DISABILITIES DESERVE THE SAME CHANCES THAT ANYONE ELSE DESERVES. AND THIS PAST YEAR WE'VE WORKED VERY HARD WITH EMPLOYERS TO INCREASE THEIR

AWARENESS OF THE OPPORTUNITY OF HIRING SOME OF THE FOLKS THAT WE WORK WITH AS WELL AS ANYONE ELSE THAT COMES IN THE DOOR. APPROXIMATELY 20% OF THE FOLKS THAT COME THERE WHO WILL HAVE ANY KIND OF ACCOMMODATION NECESSARY WILL BE DISABLED. IT WILL BE A CHALLENGE FOR YOU TO PICK THAT OUT, THOUGH, BECAUSE THE THING THAT MOST PEOPLE WITH DISABILITIES HAVE IN COMMON WITH PEOPLE WHO AREN'T DISABLED IS THAT WE ALL PRETTY MUCH LOOK THE SAME. AND THAT'S A PRETTY NEAT THING ONCE YOU COME TO UNDERSTAND THAT. EMPLOYEES -- EXCUSE ME. PROSPECTIVE EMPLOYEES THAT WOULD LIKE TO GET A LITTLE BIT OF TRAINING ON HOW TO INTERACT WITH SOME OF THE EMPLOYERS AT THE JOB FAIR CAN COME THE PREVIOUS DAY, MAY 5TH FROM 2:00 TO 5:00 O'CLOCK AT THE CROCKETT CENTER. IT'S JUST LIKE IT'S BEEN FIVE TIMES BEFORE. WE'RE PRETTY EXCITED ABOUT THAT. EACH YEAR WE GET MORE AND MORE EMPLOYERS. THIS YEAR WE ARE VERY, VERY THANKFUL THAT AGAIN WE HAVE H.E.B. AS ONE OF OUR SPONSORS AND ONE OF THE EMPLOYERS. LAST YEAR THEY HIRED SEVEN PEOPLE. AND JUST IF YOU'RE DOING THE NUMBERS, WE HAD OVER 1400 COME THROUGH THE DOOR YESTERDAY -- LAST YEAR. AND THERE WERE AN AWFUL LOT OF GOOD FOLKS IN THERE. THIS YEAR WE SHOULD ALSO HAVE CIRION THERE. WE WILL HAVE SEAR'S THERE, TEXAS PARKS AND WILDLIFE AND PROBABLY ABOUT ANOTHER 50 EMPLOYERS. SO THE CHANCES ARE GOOD IF YOU'RE LOOKING FOR A JOB. WITHOUT FURTHER ADIEU I WOULD LIKE TO INTRODUCE OLIN CLEMONS WHO REPRESENTS THE MAYOR'S COMMITTEE. [ APPLAUSE ]

I'M OLIN CLEMONS AND I'M ASSOCIATE COMMISSIONER ON THE AUSTIN MAYOR'S COMMITTEE OF PEOPLE WITH DISABILITIES. AND I WANT TO THANK THE MAYOR FOR THE PROCLAMATION AND HIS SUPPORT. ONE OF THE REASONS WHY WE IN COLLABORATION WITH GOODWILL PUT ON THESE JOB FARES IS TO PROVIDE AN OPPORTUNITY TO EMPLOYERS SO THEY WILL HAVE AN OPPORTUNITY TO COME OUT AND VISIT WITH SOME VERY, VERY TALENTED JOB SEEKERS. BUT OF EQUAL IMPORTANCE WE WANT TO EDUCATE THE POTENTIAL EMPLOYERS ABOUT THE ADVANTAGES OF HIRING PEOPLE WITH DISABILITIES. A LOT

OF PEOPLE HAVE THE MISCONCEPTION THAT, FOR EXAMPLE, SOME OF THE ACCOMMODATIONS THAT ARE REQUIRED ARE VERY, VERY EXPENSIVE, WHEN IN FACT MOST OF THE PEOPLE WITH DISABILITIES WHO ARE WORKERS REQUIRE NO SPECIAL ACCOMMODATION WHATSOEVER. AND A SPECIAL PRESIDENTIAL COMMISSION INDICATED THAT IN 50% OR MORE OF THE CASES, THE ACTUAL COST OF SPECIAL ACCOMMODATIONS ARE UNDER \$50. SO WHAT WE HOPE TO DO IS -- IT'S BEEN VERY GRACIOUS AND A VERY GOOD RELATIONSHIP WITH GOODWILL, BUT THE REAL KEY RELATIONSHIP, THE REAL KEY COLLABORATION IS WITH PEOPLE LIKE THE GENTLEMAN FROM H.E.B. WE WANT TO HAVE AN ONGOING DIALOGUE WITH THE EMPLOYERS SO THAT WE CAN ACTUALLY REALLY SPIKE THE ECONOMIC DEVELOPMENT AND REGENERATION OF OUR ECONOMY BY PULLING EVERYBODY TOGETHER. THERE ARE MANY, MANY PEOPLE WHO ARE SEEKING EMPLOYMENT WHO HAVE DISABILITIES. THE LAST STATISTIC THAT I HEARD WAS THAT THE UNEMPLOYMENT RATE FOR PEOPLE WITH DISABILITIES WAS SOMEWHERE IN THE NEIGHBORHOOD OF 52%. YET THESE INDIVIDUALS HAVE TREMENDOUS TALENT AND ABILITY TO WORK. MOST OF THE STATISTICS YOU WILL READ SAY THAT THEY ARE VERY, VER EXCELLENT EMPLOYEES. ONCE YOU HIRE THEM THEY STAY ON THE JOB. THEY DO A WONDERFUL JOB. THEY SEEK TO DO EVERYTHING THAT EACH OF US SEEKS TO DO. THEY WANT TO BE INDEPENDENT, THEY WANT TO BE TAXPAYERS. SO AGAIN, COME OUT IF YOU WANT TO LEARN A LITTLE BIT MORE ABOUT THE ADVANTAGES OF HIRING PEOPLE WITH DISABILITIES. AND IF YOU WANT TO REALLY HAVE A POSITIVE EFFECT UPON THE GREATER AUSTIN COMMUNITY. THANK YOU VERY MUCH. [ APPLAUSE ]

**Mayor Wynn:** OUR NEXT PROCLAMATION IN OUR SERIES OF PUBLIC ANNOUNCEMENTS IS FOR DONATE LIFE MONTH. I'M JOINED BY LAURA BALA HERE BESIDE ME. THE PROCLAMATION READS, BE IT KNOWN WHEREAS ALMOST 89,000 AMERICANS ARE ON A NATIONAL WAITING LIST FOR COMPATIBLE DONOR ORGANS, INCLUDING MORE THAN 2,000 HERE IN CENTRAL TEXAS AND 1100 OF WHOM ARE VERY YOUNG CHILDREN. AND WHEREAS AUSTINITES CAN GIVE THE GIFT OF LIFE BY INFORMING THEIR NEXT OF KIN AND BY

REGISTERING AS ORGAN DONORS WITH A MAJOR ORGANIZATION LIKE THE TEXAS ORGAN SHARING ALLIANCE. AND WHEREAS WE ENCOURAGE ALL CITIZENS TO EDUCATE THEMSELVES ABOUT THE EXTREME NEED FOR ORGAN AND TISSUE DONATIONS AND TO CONSIDER GIVING THE GIFT OF LIFE BY BECOMING AN ORGAN, TISSUE OR BLOOD DONOR. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM APRIL 2004 AS DONATE LIFE MONTH AND CALL ON LAURA TO COME GIVE US MORE SPECIFIC INFORMATION ABOUT THE NEED AND HOW WE AS INDIVIDUAL CITIZENS CAN MAKE A DIFFERENCE. LAURA, THANK YOU. [ APPLAUSE ]

THANK YOU SO MUCH, MAYOR WYNN. I'M WITH NORTH AUSTIN MEDICAL CENTER, AND I'M REALLY PROUD THAT WE HAVE IT IN OUR HOSPITAL A RENAL TRANSPLANT PROGRAM. AND WE'VE BEEN ABLE TO PROVIDE RENAL TRANSPLANTS FOR MORE THAN 200 PATIENTS SINCE ITS INCEPTION. ALSO IN AUSTIN IS SETON MEDICAL CENTER THAT HAS A HEART TRANSPLANT PROGRAM. AND WE HAVE COME TOGETHER WITH THE TEXAS ORGAN SHARING ALLIANCE TO HAVE A CELEBRATION FOR TRANSPLANT PATIENTS FROM BOTH OF OUR HOSPITALS. AND WE'LL HAVE THAT THIS SUNDAY. REALLY TO CELEBRATE THEIR LIVES AND THE AMOUNT THAT THEY HAVE BEEN ABLE TO ACCOMPLISH THIS THEIR LIVES SINCE THEIR TRANSPLANTS AND ALSO TO HONOR THOSE PEOPLE WHO HAVE GIVEN THEIR ORGANS FOR NEEDY INDIVIDUALS. IN OUR COUNTRY TODAY, AS OF THIS MORNING THERE WERE 84,700 PEOPLE AWAITING AN ORGAN DONATION. AND BY THE TIME THAT THE COUNCIL MEETING ENDS TONIGHT, 17 OF THOSE PEOPLE WILL STILL BE AWAITING AND HOPING FOR THEIR LIVES. WE THINK THAT PROBABLY BY THE END OF THE COUNCIL MEETING TONIGHT, 17 INDIVIDUALS MAY DIE BECAUSE THEY'RE WAITING FOR AN ORGAN THAT DOES NOT COME. THE KEY REALLY IS AWARENESS. FOR EACH OF US TO TELL LOVED ONES THAT WE WOULD LIKE TO BE ORGAN DONORS, TO SIGN AN ORGAN DONOR CARD. AND I HAVE ENOUGH FOR EACH OF YOU TODAY THAT I WILL PUT AT THE BACK OF THE ROOM. AND WE SO HOPE THAT EACH OF YOU WILL MAKE THAT IMPORTANT DECISION TO BECOME AN ORGAN DONOR AND TO JUST RAISE THE AWARENESS ABOUT IT THAT CAN BE SO

IMPORTANT. THANK YOU SO MUCH, MAYOR WYNN, AND ALL THE COUNCILMEMBERS FOR ALLOWING US TO HAVE THE PROCLAMATION TODAY. [ APPLAUSE ]

**McCracken:** IF WE COULD HAVE OUR UNITED WAY FRIENDS COME UP HERE AND JOIN US SO WE COULD CELEBRATE OUR VOLUNTEER OF THE MONTH. AS MANY OF YOU KNOW, EACH MONTH THE UNITED WAY DOES VOLUNTEER OF THE MONTH TO RECOGNIZE SOMEONE WHO REALLY UP HOLDS THE FINEST TRADITION OF WHAT IT IS TO BE AN AUSTINITE AND LIVE HERE IN AUSTIN. AND WE'RE A DIFFERENT KIND OF COMMUNITY BECAUSE THE PEOPLE OF AUSTIN, WE ALWAYS HAVE AN OBLIGATION GREATER THAN TO OURSELVES. AND UNITED WAY, IF WE DIDN'T HAVE THEM, WE WOULD HAVE TO INVENT THEM. I'M A PROUD FORMER UNITED WAY VOLUNTEER MYSELF AND I'VE GOTTEN A CHANCE TO SEE THE REALLY AMAZING THINGS THAT UNITED WAY DOES TO HELP ALL THE NONPROFITS IN THE COMMUNITY PROVIDE THE KNOWLEDGE AND HOW TO MAKE THINGS WORK BETTER TO PROVIDE SERVICES BETTER AND TO BE REALLY BE THE INFRASTRUCTURE TO MAKE OUR COMMUNITY OF CARING SUCCEED. AND WE COULDN'T DO WITHOUT THE VOLUNTEERS, SO I'M GOING TO TURN IT OVER TO BETH TRACY WITH I.B.M. WHO IS GOING TO TELL US A BIT MORE ABOUT KIM AND RICK, OUR TWO VOLUNTEERS OF THE MONTH.

GOOD AFTERNOON. THANK YOU FOR PROVIDING ME WITH THIS GREAT OPPORTUNITY TO RECOGNIZE TWO VERY OUTSTANDING COMMUNITY VOLUNTEERS, KIM EK EITHER AND RICK JORDAN. I WOULD LIKE TO WELCOME THEIR FAMILY AND FRIEND WHO ARE HERE TODAY FOR THIS CELEBRATION. FIRST OF ALL, I WOULD LIKE TO RECOGNIZE KIM ECKERT. SHE IS AN I.B.M. MAIN FRAME SOFTWARE ARCHITECT. SHE CHAIRED THE AUSTIN FINE ARTS FESTIVAL THIS YEAR AND IS ALSO THE 2005 CHAIR. AS FESTIVAL CHAIR, KIM IS RESPONSIBLE FOR ENSURING THE GILD COMMITTEES GET THEIR JOBS DONE AND ARE UNDERBUDGET. SHE'S IN CONSTANT CONTACT WITH 40 VOLUNTEER COMMITTEE CHAIRS TO ANSWER QUESTIONS AND PROVIDE DIRECTION. SHE LEADS MORE THAN 700 COMMUNITY VOLUNTEERS AS THEY IMPLEMENT THE FESTIVAL, RAISING TENS OF THOUSANDS OF DOLLARS FOR

THE GUILD. WHAT MAKES KIM TRULY REMARK BELIEVE IS FOR REMARKABLE IS FOR THE PAST 19 19 YEARS ON TOP OF THE FULL-TIME JOB AT I.B.M., SHE HAS VOLUNTEERED ON AVERAGE 500 HOURS PER YEAR TO SUPPORT AND PROMOTE THE ARTS IN AUSTIN THROUGH HER ASSOCIATION WITH THE AUSTIN MUSEUM OF ART GUILD. CONGRATULATIONS, KIM. I.B.M. RECENTLY LAUNCHED A NEW INITIATIVE, ON DEMAND COMMUNITY. THIS INTERNET WEBSITE ALLOWS EMPLOYEES AND RETIREES TO DOWNLOAD A MIRROR COPY OF TRAINING MODULES -- MODULES, ENHANCE THE NONPROFIT OR SCHOOL TO WHICH THEY DEVOTE THEIR TIME. TIM IS A RECENT AWARD RECIPIENT OF THIS PROGRAM. I WOULD ALSO LIKE TO RECOGNIZE RICK JORDAN. RICK WAS NOMINATED BY ERIKA LAHOS OF FOUNDATION COMMUNITY. RICK STARTED THIS RELATIONSHIP WITH THE GREAT ORGANIZATION AS A STUDENT IN THE ESL CLASS OFFERED AT SIERRA RIDGE APARTMENTS. HE JOINED THE CLASS OF SPANISH SPEAKERS LEARNING ENGLISH TO PICK UP SOME SPANISH. ONCE AWARE OF THE STUDENTS' DEDICATION, RICK WAS INSPIRED TO SHARE HIS KNOWLEDGE WITH THEM. TEACHING THE ESL CLASS, RICK GAVE A GROUP OF RECENT IMMIGRANTS THE KNOWLEDGE AND CONFIDENCE TO EXPRESS THEMSELVES IN ENGLISH. RICK HAS INITIATED OTHER CLASSES BASED ON COMMUNITY NEEDS. HE TAUGHT A FIVE-WEEK BASIC COMPUTER SKILLS CLASS AND IS NOW LEADING A G.E.D. PREPARATION CLASS. RICK'S INVALUABLE SERVICE TO THE COMMUNITY HAS GIVEN THE RESIDENTS OF SIERRA RIDGE THE TOOLS THAT THEY NEED TO ENRICH THEIR LIVES. WHEN YOU VOLUNTEER YOUR VALUABLE TIME IN THE COMMUNITY, YOU TRULY MAKE A POSITIVE DIFFERENCE. I WOULD ESPECIALLY LIKE TO THANK THE VOLUNTEER CENTER, A SERVICE OF UNITED WAY CAPITAL AREA, THE CENTER CONNECTS PEOPLE WITH HIGH QUALITY VOLUNTEER EXPERIENCES AND ADDRESSES COMMUNITY NEEDS BY LEVERAGING RESOURCES TO NONPROFIT ORGANIZATIONS IN CENTRAL TEXAS. I ESPECIALLY WOULD LIKE TO THANK AMD AND STAFFERS FOR SPONSORING THE VOLUNTEER OF THE MONTH PROGRAM AS OUR PARTNERS, DIRECTORS OF VOLUNTEERS IN AUSTIN AND THE AUSTIN CITY COUNCIL. THANK YOU, MAYOR WYNN, AND COUNCILMEMBERS, FOR RECOGNIZING -- [ LAUGHTER ] FOR ALLOWING ME TO RECOGNIZE THESE EXEMPLARY

COMMUNITY VOLUNTEERS TODAY. THANK YOU. [ APPLAUSE ]

**McCracken:** HOW MISUNDERSTANDINGS BEGIN, RIGHT? [ LAUGHTER ] I'M GOING TO READ THE PROCLAMATIONS AS THE STUNT MAYOR WYNN RIGHT NOW. AND THEN I WILL ASK KIM AND RICK TO TELL US A LITTLE BIT ABOUT THEIR INVOLVEMENT IN THE COMMUNITY, WHICH I THINK YOU'VE SEEN. IT'S REALLY INCREDIBLE. FIRST THE CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AS THE MARCH 2004 VOLUNTEER OF THE MONTH, KIM ECKERT IS DESERVING OF PUBLIC CLAIM AND RECOGNITION. SHE IS A VOLUNTEER WITH THE AUSTIN MUSEUM OF ART GUILD FOR 19 YEARS AND IS THE 2004 AUSTIN FINE ARTS FESTIVAL EVENT CHAIR N THIS CAPACITY SHE HAS BEEN COORDINATING THE WORK FOR 40 COMMITTEE CHAIRS AND 700 COMMUNITY VOLUNTEERS. TO PUT ON WHAT HAS BEEN MADE ONE OF TEXAS' FIVE TOP ART FESTIVALS. WE ARE HONORED TO RECOGNIZE A WOMAN WHO IS SO DEDICATED TO PROMOTING THE ARTS AND FUND-RAISING IN OUR COMMUNITY THAT IN ADDITION TO WORKING FULL TIME SHE DONATES 500 HOURS WE ARE YEAR TO THE AUSTIN ART GUILD. PRESENTED THE 22nd DAY OF APRIL IN THE YEAR 2004, THE CITY COUNCIL OF AUSTIN, TEXAS, WILL WYNN, MAYOR. KIM? [ APPLAUSE ]

THANK YOU VERY MUCH. FIRST I WANT TO THANK MAYOR WYNN AND THE COUNCILMEMBERS AND ALSO THE VOLUNTEER CENTER REPRESENTATIVE AND MY I.B.M. COMMUNITY PERSON HERE, BETH TRACY, FOR THIS WONDERFUL RECOGNITION. I ALSO REALLY WANT TO THANK JAMIE CARPENTER, THE EXECUTIVE DIRECTOR OF THE ART GUILD, BECAUSE WITHOUT HER GRACIOUS NOMINATION, I WOULDN'T BE HERE TODAY. ALSO I AM SO HONORED TO REPRESENT THE NUMEROUS VOLUNTEERS AT THE ART GUILD. AND WITHOUT THEIR SUPPORT AND TIME AND EFFORT, THE AUSTIN MUSEUM OF ART WOULDN'T BE HERE. WE SUPPLY THE MONEY TO CONTINUE TO HAVE OFFERINGS ON SCHOOL EDUCATION FOR CHILDREN AND ART, AND WE HAVE THE ART EXHIBITS. AND IF THE FESTIVAL WEREN'T AROUND WE WOULDN'T BE ABLE TO HAVE ALL THESE THINGS. ALSO, AS THE CHAIR OF THE 2004 AUSTIN FINE ARTS FESTIVAL, I KNOW WHAT IT'S LIKE TO GIVE BACK TO THE COMMUNITY. AND BECAUSE WE WERE ABLE TO INCREASE

FUNDS THROUGH MY ACTIVITIES AND I.B.M.'S GRANT, WE WERE ABLE TO GIVE THE MUSEUM MORE MONEY, AND THEREFORE ENABLING THEM TO HAVE MORE PROGRAMS AND CONTINUING THE MUSEUM'S GOODWILL. ALSO I WANT TO HAVE A SPECIAL THANKS TO MY HUSBAND BECAUSE WITHOUT HIS SUPPORT I WOULDN'T BE ABLE TO DO ALL THIS. AND FINALLY, I DO WANT TO SAY I WANT EVERYONE -- I WANT TO ENCOURAGE EVERYONE TO VOLUNTEER FOR THE FESTIVAL NEXT YEAR, FOR 2005. AND REAP THE REWARDS FROM GIVING BACK TO THE COMMUNITY. THANK YOU. [ APPLAUSE ]

**McCracken:** ALREADY RECRUITING VOLUNTEERS AND THINKING OF NEXT YEAR, KIM. AND NOW I'M GOING TO READ RICK'S PROCLAMATION AND ASK HIM TO SAY SOME WORDS ALSO. THIS IS OUR CERTIFICATE OF CONGRATULATIONS FOR HAVING BEEN SELECTED BY THE UNITED WAY CAPITAL AREA AT THE APRIL 2004 VOLUNTEER OF THE MONTH, RICK JORDAN, IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. INSPIRED BY THE DEDICATION OF SPANISH SPEAKERS IN THE ENGLISH AS A SECOND LANGUAGE CLASS AS THE SIERRA RIDGE APARTMENTS, RICK TOOK ON THE ROLE OF TEACHER. HE IS NOT ONLY VOLUNTEERED TO TEACH ENGLISH TO A GROUP MADE UP OF MOSTLY RECENT IMMIGRANTS, BUT HAS ALSO TAUGHT A FIVE-WEEK BASIC COMPUTER CLASS AND IS NOW LEADING A G.E.D. PREPARATION CLASS. WE ARE HONORED TO RECOGNIZE RICK FOR GIVING THE RESIDENTS AT SIERRA RIDGE THE TOOLS THEY NEED TO ENRICH THEIR LIVES. PRESENTED THIS 22nd DAY OF APRIL IN THE YEAR 2004, THE CITY COUNCIL OF AUSTIN, TEXAS, WILL WYNN, MAYOR. RICK, CONGRATULATIONS. [ APPLAUSE ]

LITTLE DID I KNOW THAT I WOULD BE HERE TODAY, AND I WANT TO START WITH THE UNITED WAY BECAUSE SOME 15 YEARS AGO THEY HAD PROGRAMS BACK THEN THAT VIRTUALLY SAVED MY LIFE. AND SO I CAN SAY I WOULDN'TING HERE TODAY PROBABLY IF I HADN'T GOTTEN THAT HELP. AND I DIDN'T KNOW THIS PATH WOULD LEAD ME THE WAY IT DID. SO I REALLY WOULDN'T BE HERE IF IT WASN'T FOR ERIKA LAHOS BECAUSE SHE NOMINATED ME. AND THERE ARE FOUR MORE PEOPLE PROBABLY DESERVING MORE OF THIS WITHIN THE FOUNDATION

COMMUNITY AND THE SIERRA RIDGE. BUT I DID WANT TO SAY THAT HAVING WORKED AT SIERRA RIDGE AND THE FOUNDATION COMMUNITY, THE PEOPLE ARE SO NICE. AND WHILE THIS REWARD OR AWARD IS SO NICE, AND I'M SO HAPPY TO GET IT, THE REWARD FROM VOLUNTEERING FAR EXCEEDS THIS. AND I'M PREACHING TO THE CHOIR. THERE ARE PLENTY OF OPPORTUNITIES FOR MORE VOLUNTEERS, SO IF YOU HAVE FRIENDS, ASK THEM TO COME OUT. AND IF ANYBODY IS WATCHING THIS ON TV, THEY PROBABLY HAVE TIME TO FIND SOMEPLACE TO VOLUNTEER. AND ALSO -- I ALSO DO SOME VOLUNTEER WORK FOR THE CITY OF AUSTIN, AND THAT HAS NOT BEEN MENTIONED HERE. AND I WANT TO GIVE THEM THE CITY OF AUSTIN A BIG RIGHT ON BECAUSE THEY HAVE SOME PROGRAMS THAT ARE PRETTY NICE TOO, ESPECIALLY LIKE IN THE PARKS AND RECREATION AND OTHER PLACES. THANK YOU VERY MUCH. [ APPLAUSE ]

**McCracken:** DAVID, IF YOU COULD STEP UP REAL QUICK, I WANT TO MAKE SURE THE FOLKS OUT THERE KNOW HOW THEY CAN VOLUNTEER. I CAN TELL YOU AS A FORMER UNITED WAY VOLUNTEER THAT THEY TRAIN THE VOLUNTEERS ON THE OUTCOMES MEASUREMENT WAY OF ENSURING THAT THE NONPROFIT EFFORTS PRODUCE RESULTS AND MAKE A DIFFERENCE TO THE COMMUNITY. I HAVE A LINK TO IT ON MY WEB PAGE. IF YOU'RE MAD AT ME AND WANT TO WRITE ABOUT SOMETHING ELSE, YOU CAN VISIT IT IN THE MEANTIME OR DAVID CAN TELL YOU HOW TO GET AHOLD OF THEM.

YOU CAN EITHER CALL US AT THE UNITED WAY OFFICES AND ASK FOR THE VOLUNTEER CENTER IS OR YOU CAN SIMPLY LOG ON TO THE WEB PAGE, WHICH IS UNITED WAY CAPITAL AREA.ORG AND CLICK ON VOLUNTEER SOLUTIONS AND YOU CAN FILL IN WHAT TYPE OF VOLUNTEER OPPORTUNITIES YOU'RE LOOKING FOR IN THIS COMMUNITY AND CENTRAL TEXAS AND IT WILL ACTUALLY GIVE YOU A NUMBER OF DIFFERENT OPTIONS THAT YOU CAN DO AND IT WILL COME BACK TO YOU ON A REGULAR BASIS. AND THEY CAN TELL YOU HERE ARE ALL THE WAYS YOU CAN GET CONNECTED TO THE COMMUNITY AND MAKE A DIFFERENCE. AND BREWSTER, I WANT TO THANK YOU FOR THE LEADERSHIP YOU HAVE IN VOLUME VOLUNTEERING. [ APPLAUSE ]

JUST A LITTLE BRIEF PRESENTATION HERE. KIM, COME JOIN ME, AND RICK. CONGRATULATIONS, KIM. RICK, CONGRATULATIONS. YOUR VOLUNTEERISM IS INVALUABLE TO THE COMMUNITY. THANK YOU. [ APPLAUSE ]

**Dunkerley:** NOW WE HAVE SOME ADDITIONAL AWARDS FOR GREAT SERVICE TO OUR COMMUNITY, SO WE HAVE FIVE INDIVIDUALS COMING FORWARD. LET'S SEE IF WE CAN GET THEM UP HERE. THESE ARE ALL MEMBERS OF THE CAMPFIRE SAWVMENT BALCONES COUNCIL. AND I'M PARTICULARLY HAPPY TO BE MAKING THIS DISTINGUISHED SERVICE AWARD SINCE I'M AN OLD CAMPFIRE LEADER MYSELF AND KNOW HOW IMPORTANT THEIR SERVICES ARE. SO WHAT I'D LIKE TO DO IS TO READ THE NAMES OF THE YOUNG PEOPLE TO BE RECOGNIZED AND THE -- ALSO THE DISTINGUISHED SERVICE AWARD. AND THEN VERY -- AND THEN ASK ONE OF THE GROUP TO STEP FORWARD AND TELL US A LITTLE BIT ABOUT WHY THEY'RE GETTING THIS AWARD. SO I THINK THAT'S THE MOST INTERESTING PART. SO LET ME READ THIS DISTINGUISHED SERVICE AWARD. FOR HER VALUABLE CONTRIBUTIONS TO THE COMMUNITY AS A MEMBER OF THE CAMPFIRE USA BALCONES COUNCIL, AS WELL AS THE HONOR OF HER ACHIEVEMENT OF THE THE HIGHEST AWARD, CATHERINE VOGELY IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. THIS CERTIFICATE IS ISSUED IN ACKNOWLEDGMENT AND APPRECIATION THE 22<sup>nd</sup> DAY OF APRIL IN THE YEAR 2004. [ APPLAUSE ] A SECOND DISTINGUISHED SERVICE AWARD FOR HER VALUABLE CONTRIBUTIONS TO THE COMMUNITY AS A MEMBER OF CAMPFIRE U.S.A. BALCONES COUNCIL AS WELL AS IN HONOR OF HER ACHIEVEMENT OF THE WAHILA AWARD, RACHEL HALANEY. AND THE NEXT ONE IS THE SAME, MARTHA HURLEY. [ APPLAUSE ] ANGELA KERR. [ APPLAUSE ] AND JACKIE (INDISCERNIBLE). [ APPLAUSE ] WE'RE REALLY HAPPY TO RECOGNIZE THESE YOUNG PEOPLE, SO I WOULD LIKE TO HAVE ONE OF THEM STEP FORWARD AND GIVE YOU JUST A VERY SHORT SYNOPSIS OF WHAT THEY'VE DONE THAT WE'RE RECOGNIZING THEM FOR.

THE WAHILA AWARD IS CAMPFIRE U.S.A.'S HIGHEST HONOR. THE REQUIREMENTS FOR THE AWARD ARE RIGOROUS AND GROUNDED IN DEVELOPING THE STRENGTH OF CHARACTER AND THE REAL WORLD SKILLS NEEDED BY YOUNG ADULTS.

WE HAVE EACH COMPLETED AT LEAST 300 HOURS OF COMMUNITY SERVICE THROUGH PROJECTS OF OUR OWN DESIGNS. SOME OF THE AREAS THEY'VE GIVEN SERVICE IN INCLUDE CHURCHES, HUMANE SOCIETY, CHOIR AND DANCE PERFORMANCES, SAFE PLACE, THE ENVIRONMENT, COMMUNITY OUTREACH AND ALSO TO OUR OWN CAMPFIRE U.S.A. COUNCIL. IT OFTEN TAKES UP TO FOUR YEARS FOR A YOUTH TO COMPLETE REQUIREMENTS. WHILE WORKING TOWARD THIS AWARD, WE HAVE BECOME ACTIVE CONTRIBUTORS TO SOCIETY, AND IN TURN HAVE CONTRIBUTED TO OUR OWN SELVES. [ APPLAUSE ]

**Dunkerley:** SO ON BEHALF OF THE MAYOR AND ALL OF THE COUNCIL, WE WANT TO THANK YOU FOR YOUR SERVICE. ANOTHER GREAT GROUP OF VOLUNTEERS THAT ARE MAKING OUR COMMUNITY BETTER. ANYONE ELSE WANT TO SAY ANYTHING? ALL RIGHT. GREAT. LISTEN, THANK YOU SO MUCH. REALLY APPRECIATE IT. [ APPLAUSE ]

**Mayor Wynn:** COUNCIL, WITHOUT OBJECTION WE WILL NOW GO INTO EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS ITEM 39 RELATED TO SITE PLAN AND AMENDMENTS TO THE CITY CODE. WE ARE NOW IN CLOSED SESSION.

**Mayor Wynn:** WE ARE OUT OF CLOSED SESSION. IN CLOSED SESSION WE TOOK UP ITEM 39, PRIVATE CONSULTATION WITH ATTORNEY UNDER SECTION 551-POINT # 71 OF THE OPEN MEETINGS ACT. NO DECISIONS WERE MADE. COUNCIL, AT THIS TIME WE CAN TAKE UP ITEM NUMBER 39, WHICH IS A PUBLIC HEARING RELATED TO THAT SAME EXECUTIVE SESSION ITEM. AND I'LL RECOGNIZE STAFF FOR A BRIEF PRESENTATION. GOOD EVENING, COUNCIL, I'M CORA WRIGHT WITH NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I'M HERE TO PRESENT THE PLANTATION ORDINANCE FOR TONIGHT. I WANTED TO GIVE YOU JUST A LITTLE BIT OF BACKGROUND INFORMATION. LAST YEAR THE CITY STAFF CONDUCTED AN INTERNAL ASSESSMENT OF CODE ENFORCEMENT AND INSPECTION SERVICES, AND THIS WAS IN AN EFFORT TO IDENTIFY NEW STRATEGIES AND TOOLS THAT WOULD INCREASE OUR ABILITY TO BE EFFECTIVE IN CODE ENFORCEMENT. THIS INCLUDED A

REVIEW OF OUR CODE ENFORCEMENT STRUCTURE AND PRACTICES AS WELL AS WE CONDUCTED A FIELD SITE VISIT TO SEVERAL CITIES IN TEXAS. STAFF MADE FIELD VISITS TO DALLAS AND SAN ANTONIO, AND OUT OF THIS PROCESS CAME SEVERAL RECOMMENDATIONS, ONE OF WHICH WAS TO RECOMMEND THAT AUSTIN LOOK AT CREATING A CITYWIDE CITATION PROGRAM FOR CODE ENFORCEMENT AND INSPECTION SERVICES. YOU MIGHT REMEMBER WE WERE HERE LAST OCTOBER WHEN STAFF PROPOSED AMENDMENTS TO THE SIGN REGULATION AND YOU DID PASS THOSE AMENDMENTS. DURING THIS PROCESS COUNCIL DIRECTED STAFF TO MOVE FORWARD WITH PLANS FOR CREATING A CITATION ORDINANCE CITYWIDE AND ADDITIONALLY YOU ASKED THAT WE EXPEDITE A CITATION PROGRAM FOR BANDIT SIGNS SO THAT WE MIGHT ADDRESS ILLEGAL RIGHT-OF-WAY SIGNS THROUGHOUT THE CITY. PASSAGE OF THIS ORDINANCE, IF IT IS PASSED, ACCOMPLISHES FOUR MAJOR THINGS FOR US FROM A CODE ENFORCEMENT STANDPOINT. FIRST OF ALL, IT CREATES THE FIRST STEP TOWARDS CREATING A LEGAL AUTHORITY FOR THE CITY TO ESTABLISHMENT AND IMPLEMENT A SIGN PROGRAM AS AN ADDITIONAL ENFORCEMENT TOOL FOR FOR INSPECTORS, FOR CODE ENFORCEMENT OFFICERS AND FOR OTHER CITY EMPLOYEES WHO ARE DESIGNATED TO ISSUE OR TO ENFORCE CITY CODES. BASICALLY GIVES CITY EMPLOYEES THE OPPORTUNITY TO ISSUE CITATIONS, ONE OR MORE CITATIONS AT THE TIME TO A PERSON OR A BUSINESS THAT HAS ENGAGED IN CONDUCT THAT VIOLATES CITY ORDINANCES. SECONDLY IT ESTABLISHES ESCALATING FINES FOR REPEAT OFFENDERS UNDER SECTION 10544, WHICH IS OUR LEADER CHAPTER AND 1543 WHO IS OUR SIGN REGULATIONS PERTAINING TO ILLEGAL OBJECTS DESIGNED TO ATTRACT THE ATTENTION OF THE PUBLIC OR ILLEGAL RIGHT-OF-WAY SIGNS ON OR ABOVE PUBLIC PRIVATE OR PUBLIC RIGHT-OF-WAY. THIRDLY IT ESTABLISHES A CIVIL PENALTY UNDER THOSE SECTIONS AGAINST PERSONS OR BUSINESSES THAT FAIL TO REMOVE ILLEGALLY PLACED OBJECTS INCLUDING SIGNS WITHIN A 48-HOUR PERIOD OF TIME AFTER BEING NOTIFIED IN WRITING BY CERTIFIED MAIL. AND THEN LASTLY IT DELETES THE REQUIREMENT FOR PROOF OF CULPABLE MENTAL STATE FOR CONVICTION OF AN OFFENSE. AT THIS POINT I'M GOING TO STOP AND ASK IF

THERE ARE ANY QUESTIONS.

**Mayor Wynn:** QUESTIONS OF STAFF, COUNCIL? APPARENTLY NONE. EXCUSE ME, WE HAVE ONE CARD SIGNED UP FOR ITEM NUMBER 49. GAVINO FERNANDEZ SIGNED UP WISHING TO SPEAK, ALTHOUGH I DON'T SEE MR. FERNANDEZ. HE SIGNED UP NEUTRAL. QUESTIONS, COMMENTS, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. -- I'LL ENTERTAIN A MOTION, INCLUDING CLOSING THE PUBLIC HEARING AND COUNCIL'S WISH ON THE ORDINANCE.

**Thomas:** MAYOR, I MAKE A MOTION TO CLOSE THE PUBLIC HEARING AND PASS ON THE ORDINANCE THAT WAS PRESENTED.

**Mayor Wynn:** THANK YOU, COUNCILMEMBER. MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCES AS PRESENTED. FURTHER COMMENTS? QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO, WITH COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DAIS. THANK YOU, COUNCIL AND STAFF. AND COUNCIL, WE HAVE TWO OTHER POTENTIAL PUBLIC HEARINGS, BUT I BELIEVE WE HAD ANNOUNCED WE WERE GOING TO POSTPONE EACH OF THEM. AND SO I BELIEVE OUR NOTICE EARLIER WAS THAT WE WOULD POSTPONE ITEM 51, WHICH IS CONDUCTING A PUBLIC HEARING REGARDING WASTEWATER LINES AND CRITICAL WATER QUALITY ZONES IN THE HARRIS BRANCH, GILL LAND AND WILBARGER CREEK WATERSHED FOR THE WESTON CREEK STUDY AREA. OUR EARLIER NOTES CONTENDED WE WANTED TO POSTPONE THAT TO MAY 13TH, 2004. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER DUNKERLEY TO POSTPONE ITEM 51 TO MAY 13TH.

**Thomas:** SECOND.

**Mayor Wynn:** SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES AND IS POSTPONED TO MAY 13TH. AND MY NOTES, MS. BROWN, WAS THAT WE ALSO WANTED TO POSTPONE AND/OR EVEN WITHDRAW ITEM NUMBER 50, WHICH IS A PUBLIC HEARING REGARDING FIELD -- IF GOOD I WOULD GO FOR THAT IF YOU SAID FOREVER.

**Dunkerley:** I'M GOING TO HIDE.

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

AYE.

**Mayor Wynn:** OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER ALVAREZ OFF THE DAIS. SO MS. BROWN, I BELIEVE THAT'S ALL OF OUR ACTION ITEMS. JUST CONFIRMING.

THE ONLY THING I HAD LEFT WAS THE EXECUTIVE SESSION ON 41.

**Mayor Wynn:** CORRECT. BUT THERE'S NO ACTION ITEM RELATED TO THAT. SO AT THIS TIME, COUNCIL, WITHOUT OBJECTION, WE'LL GO BACK INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEYS UNDER SECTION 551.072 TO DISCUSS ITEM 41 RELATING TO DISPOSITION OF AN INTEREST IN REAL ESTATE. AND ANNOUNCE THAT THERE ARE NO MORE -- THERE ARE NO FURTHER ACTION ITEMS THIS EVENING, SO WE WILL BE IN CLOSED SESSION AND AT SOME POINT I'LL COME OUT TO ANNOUNCE THAT -- AND ADJOURN THE COUNCIL MEETING. WE ARE NOW IN CLOSED SESSION.

**Mayor Wynn:** IN EXECUTIVE SESSION WE TOOK UP ITEM NO. 41 UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT, MONTH DECISIONS WERE MADE. COUNCIL, THERE'S NO

MORE ACTION ITEMS, ANY OTHER ITEMS ON OTHER AGENDA,  
I ENTERTAIN A MOTION TO ADJOURN, MOTION MADE BY  
COUNCILMEMBER SLUSHER, SECONDED BY  
COUNCILMEMBER THOMAS, ALL IN FAVOR PLEASE SAY AYE?  
OPPOSED? WE ARE ADJOURNED. THANK YOU.

**End of Council Session Closed Caption Log**