

Closed Caption Log, Council Meeting, 12/16/04

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Mayor Wynn: GOOD MORNING, I'M AUSTIN MAIL WILL WYNN, IT'S MY PRIVILEGE TO WELCOME REVEREND ROSIE JOHNSON FROM UNIVERSITY UNITED METHODIST CHURCH WHO WILL LEAD US IN OUR INVOCATION. REFUSE REVEREND JOHNSON? PLEASE RISE.

FIRST OF ALL, I GREET YOU WITH THE GRACE AND PEACE THIS MORNING AND INVITE YOU TO BOW YOUR HEADS, LET US PRAY. ALMIGHTY GOD, GOD OF ALL NATIONS, RACES AND PEOPLE: WE INVITE YOU TO COME AND BE PRESENT WITH US TODAY AND PRESENT IN THESE PROCEEDINGS. WE HAVE FELT YOU NEAR AND BESIDE US IN THE EXPERIENCE OF WORSHIP IN THE VARIOUS SANCTUARIES IN WHICH WE WORSHIP. MAKE US NOW FEEL YOUR NEARNESS IN THE BUSINESS OF THIS DAY. AND IN THIS PLACE. GRANT TO THE MEMBERS OF THIS BODY AND THOSE WHO COME BEFORE THEM A SACRED MOMENT OF QUIET AS THEY PREPARE TO TAKE UP THE DUTIES AND RESPONSIBILITIES OF THEIR OFFICES AND OF THIS DAY. TURN THEIR THOUGHTS TO YOU AND OPEN THEIR HEARTS TO YOUR SPIRIT. THAT THEY MAY KNOW YOUR DIVINE GUIDANCE, HAVE WISDOM IN THEIR DECISIONS, UNDERSTANDING IN THEIR THINKING, LOVE IN THEIR ATTITUDES, AND MERCY IN THEIR JUDGMENTS. IN THEIR DELIBERATIONS, MAY THEY CONSIDER ALL QUESTIONS CALMLY, UPHOLD THAT WHICH IS RIGHT, AND PERFORM THAT WHICH IS JUST. WE ASK ALL OF THESE THINGS IN YOUR NAME, AND FOR YOUR SAKE. AMEN.

Mayor Wynn: THANK YOU REVEREND JOHNSON. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT'S APPROXIMATELY 10 MINUTES AFTER 10:00 IN THE MORNING, IN THE BOARD ROOM OF THE LCRA, HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD, THIS BY THE WAY IS OUR LAST MEETING HERE AT THE LCRA CHAMBERS AND THE GOOD NEWS FOR THE LCRA IS THE IN-LAWS ARE LEAVING AFTER A LONG STAY. WE ARE ACTUALLY GOING TO HAVE A -- A BRIEF CEREMONY LATER AT OUR PROCLAMATIONS TO THANK OUR NEIGHBORS HERE AT THE LCRA FOR THEIR HOSPITALITY. COUNCIL, WE HAVE A NUMBER OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. I'LL GO THROUGH THOSE NOW. ITEM NO. 16, THE AMOUNT \$921,000 SHOULD BE CORRECTED TO READ \$961,000. ON ITEM NO. 25, THE ORDINANCE NUMBER SHOULD BE CORRECTED, THE NEW ORDINANCE NUMBER SHOULD BE 040913-02. THE SAME ORDINANCE NUMBER NEEDS TO BE IN EFFECT FOR ITEM NO. 27, AGAIN THE NUMBER SHOULD BE CORRECTED TO READ NUMBER 040913-02. SAME THING FOR ITEM NO. 29, SAME CORRECTED ORDINANCE NUMBER AS WELL AS ITEM NO. 31. ITEM NO. 41 RELATED TO A CONSTRUCTION CONTRACT, THIS ITEM WILL BE POSTPONED TO JANUARY 13th, 2005. WHICH WILL BE AT THE NEW CITY HALL COUNCIL CHAMBERS, BY THE WAY. ITEM 46, WE ARE SETTING A PUBLIC HEARING. WE SHOULD DENOTE ALSO, THAT PUBLIC HEARING, JANUARY 13th, 2005, 6:00 WILL ALSO BE AT THE NEW COUNCIL CHAMBERS. ITEM NO. 48 POSTPONED INDEFINITELY. ITEM 52, THE DOLLAR AMOUNT SHOULD BE CORRECTED, WE WILL STRIKE THE DOLLAR AMOUNT 82,744 AND REPLACE IT WITH \$120,922. THIS IS AN EXPENDITURE REGARDING OUR SAM HILL POWER PLANT, ITEM 52. ON ITEM NO. 66 WE SHOULD STRIKE THE WORDS WAIVER OF AND INSERT THE WORDS AN ORDINANCE WAIVING AND ADD REQUIREMENTS AND AUTHORIZING, THEREFORE THIS ITEM SUMMARY WILL READ APPROVE AN ORDINANCE WAIVING CERTAIN FEES AND REQUIREMENTS AND AUTHORIZING PAYMENT OF CERTAIN COSTS UNDER CHAPTER 14 ASSOCIATED WITH THE CANDLELIGHT HOLIDAY AT THE GOVERNOR'S MANSION. ON ITEM NO. 67, COUNCILMEMBER ALVAREZ SHOULD BE INCLUDED AS A CO-SPONSOR. ON ITEM NO. 70, WE SHOULD CORRECT AND

STRIKE THE WORD LAKE AND REPLACE IT WITH LANE. BECAUSE THIS SOUTHWEST KEY PROPERTY IS ACTUALLY ON JANE LANE, NOT JANE LAKE. AND ITEM NO. 75, THE CAUSE NUMBER SHOULD BE CORRECTED, STRIKING THE LETTERS GN AND REPLACING IT WITH GB. SO THIS LAWSUIT IS CAUSE NUMBER GB-400101. THOSE ARE OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. OUR TIME CERTAINS, WE ACTUALLY HAVE A COUPLE OF CHANGES TO OUR TIME CERTAIN SCHEDULE. WE NORMALLY BREAK FOR A 12:00 GENERAL CITIZEN COMMUNICATION AT NOON, AND TAKE A 30 MINUTE WINDOW TO HEAR FROM 10 DIFFERENT CITIZENS. BUT AT APPROXIMATELY THAT TIME WE WILL RECESS THE COUNCIL MEETING IN ORDER FOR A NUMBER OF US TO ATTEND A FUNERAL THIS AFTERNOON AT 1:00. SO INSTEAD THE CITIZEN COMMUNICATIONS WILL BE MOVED TO 3:00 P.M. WE LIKELY WON'T NEED TO ACTUALLY RECESS THE COUNCIL MEETING AND LEAVE THE CHAMBERS UNTIL ABOUT 12:15. SO IN CASE A CITIZEN OR TWO ARRIVES MISTAKENLY, WE WILL BE ABLE TO HEAR BRIEFLY FROM SOME CITIZENS. IN A SECOND WE WILL ACTUALLY TAKE UP ONE OF THOSE CITIZENS THIS MORNING. AT 3:00 WE ALSO HAVE OUR BOARD OF DIRECTORS MEETING FOR THE AUSTIN HOUSING AND FINANCE CORPORATION. AND THAT -- THAT AHFC AGENDA ITEMS 1 THROUGH 3 WILL BE TAKEN UP AFTER 3:00 P.M. AT 4:00 OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, THOSE SHOW THIS WEEK AS ITEMS 76 THROUGH 81. ZONING CASES Z-1 THROUGH Z-12. AT 5:30 OF COURSE WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTIONS, THIS WEEK'S AGENDA HAS THREE ITEMS, ITEMS 82 THROUGH 84. SO THOSE ARE THE CORRECTIONS. AND THE RESCHEDULING OF TODAY'S MEETING. COUNCIL, SO FAR WE HAVE ONE ITEM PULLED FROM THE CONSENT AGENDA. THAT'S ITEM NO. 18, WHICH IS PULLED BY COUNCILMEMBER SLUSHER. SO ARE THERE ANY ADDITIONAL ITEMS TO BE PULLED OR PERHAPS ADDED BACK TO THE CONSENT AGENDA? COUNCILMEMBER ALVAREZ?

Alvarez: WELL, I JUST HAD SOME COMMENTS TO MAKE ON A COUPLE OF ITEMS, MAYOR. AND JUST A COUPLE OF QUESTIONS TO ASK ABOUT NUMBER 2, BUT WE MIGHT BE ABLE TO LEAVE THAT ON CONSENT.

Mayor Wynn: THANK YOU. PERHAPS WE WILL TAKE A MOTION AND HAVE SOME DISCUSSION AND SOME COMMENTS ABOUT THE AGENDA. ANY MORE ITEMS TO BE PULLED? COUNCILMEMBER THOMAS?

Thomas: ON ITEM 67, I GUESS I NEED SOME QUESTIONS ANSWERED. I DON'T KNOW IF THE SPONSORS CAN ANSWER IT, YOU CAN LEAVE IT ON CONSENT BUT I NEED TO CLARIFY SOMETHING BEFORE I VOTE. IS THIS THE APPROPRIATE TIME OR DO YOU WANT TO DO IT LATER?

Mayor Wynn: LET'S GO AHEAD AND TAKE A MOTION, GET OUR CONSENT AGENDA. WE WILL HAVE A NUMBER OF SMALL ITEMS LIKE THAT. AGAIN, ANY ADDITIONAL ITEMS TO BE PULLED? SO HEARING NONE, I WILL READ THE CONSENT AGENDA NUMERICALLY. MY FIVE-YEAR-OLD AND I HAVE BEEN WORKING ON THIS FOR WEEKS [LAUGHTER] ITEMS NUMBER 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, PER CHANGES AND CORRECTIONS, 17, 19, 20, 21, 22, 23, 24, 25, PER CHANGES AND CORRECTIONS, 26, 27, PER CHANGES AND CORRECTIONS, 28, 29 PER CHANGES AND CORRECTIONS, 30, 31, PER CHANGES AND CORRECTIONS, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, TO BE POSTPONED TO -- 40, 41 TO BE POSTPONED TO JANUARY 13th, 2005, 42, 43, 44, 45, 46, PER CHANGES AND CORRECTION, 47, 48, TO BE POSTPONED INDEFINITELY, 49, 50, 51, 52, PER CHANGES AND CORRECTIONS, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, WHICH ARE OUR BOARD AND COMMISSION APPOINTMENTS, I WILL READ THOSE INTO THE RECORD NOW. TO OUR AIRPORT ADVISORY COMMISSION, BETTY TAYLOR IS A CONSENSUS APPOINTMENT. TO OUR ARTS COMMISSION, SUE GRAZE IS MY REAPPOINTMENT AND KATHLEEN HARMON IS COUNCILMEMBER MCCRACKEN'S REAPPOINTMENT. TO OUR CHILD CARE COUNCIL, JILL McCRAY IS COUNCILMEMBER SLUSHER'S REAPPOINTMENT. TO OUR COMMUNITY DEVELOPMENT COMMISSION, IVAN JAVIER NJARANO IS COUNCILMEMBER ALVAREZ'S REAPPOINTMENT. TO THE DOWNTOWN COMMISSION, PERRY LORENZ AND BETH ANN SPRINGHOLE ARE BOTH CONSENSUS REAPPOINTMENTS. BETH ANN REPRESENTS THE CHAMBER OF COMMERCE'S SPOT. TO OUR ENVIRONMENTAL BOARD, RODNEY AHART IS COUNCILMEMBER SLUSHER'S REAPPOINTMENT. TO OUR RESOURCE MANAGEMENT

COMMISSION RICHARD AMADO IS MY APPOINTMENT. TO THE TELECOMMUNICATIONS COMMISSION, STEVEN MARTIN IS COUNCILMEMBER DUNKERLY'S APPOINTMENT. TO THE TRAVIS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS, ELEANOR POW POWELL IS A CONSENSUS REAPPOINTMENT. URBAN RENEWAL BOARD, DR. FLOYD DAVIS IS MY APPOINTMENT. TO OUR WATER AND WASTEWATER COMMISSION, CHEN LEE IS MAYOR PRO TEM GOODMAN'S REAPPOINTMENT. AND TO THE HOUSING AUTHORITY AT THE CITY OF AUSTIN, HENRY FLORES IS MY REAPPOINTMENT. THOSE ARE OUR BOARD OF -- COMMISSION APPOINTMENTS, ITEM NO. 65 ON THE CONSENT AGENDA. CONTINUING ON: ITEM 66 PER CHANGES AND CORRECTION; 67 PER CHANGES AND CORRECTION; 68, 69, 70, PER CHANGES AND CORRECTION. 7 COUNCIL, I BELIEVE THAT IS THE FULL CONSENT AGENDA. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER DUNKERLY. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. NOW FOR COMMENTS. WE WILL START WITH COUNCILMEMBER ALVAREZ. COMMENT OR QUESTIONS.

Alvarez: THANK YOU, MAYOR. FIRST JUST A COUPLE OF QUESTIONS ON ITEM NO. 2, I THINK THAT WE HAVE STAFF AVAILABLE. THIS IS THE -- THIS IS THE EMISSION ALLOWANCE POLICY. THANK YOU. JUST A COUPLE OF MAINLY ISSUES TO CLARIFY ABOUT -- ABOUT THE INTENT BEHIND THIS POLICY OR HOW WE MIGHT UTILIZE ANY ADDITIONAL REVENUES OR RESOURCES THAT ARE SECURED, YOU KNOW, THROUGH THIS NEW POLICY. BUT SO IF YOU CAN TALK A LITTLE BIT ABOUT THAT.

SURE.

IF YOU WERE TO SELL SOME OF THESE ALLOWANCE THAT'S WE HAVE ACCUMULATE AND THAT ACCUMULATE ON A YEARLY BASIS, THEN WHAT WOULD BE THE PROPOSED USE OF THOSE FUNDS.

SURE.

WE HAVE COVER UNDERSTAND THE RESOLUTION THE PROPOSED USE WOULD BE TO DEDICATE THESE FUNDS FOR

RENEWABLES AND CONSERVATION PROGRAMS AND TO INVEST IN TECHNOLOGIES TO FURTHER REDUCE EMISSIONS FROM FOSSIL FUEL. IT WOULD BE OUR INTENT FOR THESE MONEYS TO SUPPLEMENT OUR EXISTING BUDGET. SO IN OTHER WORDS WE ARE NOT HOPING TO REPLACE MONEYS THAT ARE CURRENTLY BUDGETED, BUT RATHER BE IN ADDITION THERETO FOR THE FUTURE. IT WOULD ALSO BE OUR INTENT, OBVIOUSLY, TO BRING THESE MATTERS BACK TO THE CITY COUNCIL AT THE TIME THAT WE ARE DEALING WITH THEM SO THAT YOU ARE INFORMED OF WHAT WE INTEND TO DO WITH THE PROCEEDS AT THAT TIME.

Alvarez: OKAY. YEAH, THOSE WERE TWO KEY ISSUES I THINK IS REALLY I THINK ENSURING THAT THROUGH THIS NEW POLICY WE ARE ABLE TO SECURE ADDITIONAL RESOURCES FOR CONSERVATION AND RENEWABLES. AND ALSO BEING ABLE TO -- TO HAVE THE COUNCIL BE INVOLVED IN THE DECISION ABOUT, YOU KNOW, HOW THE PROCEEDS WILL BE INVESTED ONCE -- ONCE WE GET TO THE POINT WHERE WE MIGHT BE -- BE ACTUALLY ABLE TO SELL SOME OF THE ALLOWANCES AND HAVING A PRESENTATION TO COUNCIL ABOUT -- ABOUT HOW THAT TIES INTO OUR LONG-RANGE PLAN AND --

WE CERTAINLY WILL DO THAT.

Alvarez: FINALLY, I BELIEVE THE RESOURCE COUNCIL DID TAKE AN ACTION ON THIS.

YES, THEY DID. THEY PASSED IT UNANIMOUSLY.

Alvarez: THEY DID APPROVE IT?

YES, SIR.

Alvarez: THANK YOU, MR. GARZA.

Mayor Wynn: THANK YOU, COUNCILMEMBER SLUSHER? COUNCILMEMBER SLUSHER THANK YOU, MAYOR. I JUST WANTED TO SAY A FEW WORDS ABOUT ITEM 44, THE AUSTIN CLEAN WATER PROGRAM, WHICH IS UP FOR RENEWAL TODAY WITH THE -- WITH THE CONTRACT RENEWAL. THIS IS SORT OF A LOW PROFILE PROGRAM BUT IT'S -- BUT IT'S VERY

IMPORTANT. IT'S UNDER THE NOTICE THAT -- THAT SOME OF OUR ENVIRONMENTAL ISSUES -- DIDN'T GET SOME OF THE NOTICE THAT OUR ENVIRONMENTAL ISSUES DO. BUT WHAT THIS IS CLEANING UP, PATCHING OR REPAIRING I SHOULD SAY EXISTING SEWER PIPES THAT ARE LEAKING AND IT'S BEEN VERY SUCCESSFUL IN OUR EPA ORDER, THE CITY OF AUSTIN UNDER THE EPA ORDER TO DO THIS. EARTH TECH HAS BEEN THE CONTRACTOR ON THIS. OUR CITY WATER AND WASTEWATER UTILITY HAS DONE AN INCREDIBLE JOB, ALSO, WORKING WITH THE WATERSHED PROTECTION DEPARTMENT, THE LAW DEPARTMENT, PARKS AND REC DEPARTMENT IN PARTICULAR. STARTED OUT THE ESTIMATE WAS \$250 TO \$300 MILLION. WORKING WITH THE CONTRACTORS, THE CITY AND THE CONTRACTORS WORKING TOGETHER, ABLE TO GET THAT DOWN TO 200 MILLION ON -- PAYS TO BEAT THAT. ALSO TO MEET OUR CITY'S INTERNAL DEADLINE OF MARCH 2007 WHICH IS SIX MONTHS AHEAD OF THE MANDATED DEADLINE FROM THE EPA. THIS 200 MILLION IS LESS THAN DALLAS, WHICH IS 216 MILLION, FORT WORTH 272 MILLION, HOUSTON 1.5 BILLION. FOR THE SAME SORT OF E.P.A. ORDER. AND ONE THING, A COUPLE OF THINGS HAVE BEEN ABLE TO HAPPEN AS PART OF THIS REPLACING AND ELIMINATING OLD LIFT STATIONS THAT WERE OLD, MECHANICAL, BARTON SPRINGS LIFT STATION ADJACENT TO BARTON SPRINGS POOL WILL BE DECOMMISSIONED IN 2006, THAT'S VERY IMPORTANT. A NUMBER OF OTHER ONES ARE BEING REPLACED AS WELL. THEN THERE'S THE SHOAL CREEK TUNNEL UNDERNEATH SHOAL CREEK, THAT'S GOING TO BE REPLACED AS PART OF THIS PROGRAM AND THE SEWER MOVED TO A DIFFERENT LOCATION. NOT IN THE CREEK BED WHICH IS A -- WHICH IS A PRACTICE OF THE PAST AND THEN THAT'S GOING TO BE REPLACED WITH NATURAL BOULDERS, NATIVE GRASSES, A BEAUTIFICATION OF THE CREEK. SO I JUST WANTED TO TAKE THIS OPPORTUNITY TO THANK AND COMPLIMENT EVERYONE BOTH ON THE PRIVATE INDUSTRY SIDE AND THE CITY SIDE THAT'S BEEN INVOLVED IN THIS PROJECT. THANK YOU.

THANK YOU, COUNCILMEMBER SLUSHER. IF I COULD ADD, AS PART OF THIS PROJECT, ALSO, AT A PREVIOUS COUNCIL ACTION REGARDING EXTENSION AND SORT OF REAUTHORIZATION OF THESE MANY PROJECTS ACROSS THE

CITY, THERE WAS SOME CONCERN AND QUESTIONS ABOUT TRAFFIC AND TRAFFIC MANAGEMENT. BECAUSE OF THAT, ON THE CITY OF AUSTIN'S WEBSITE, www.cityofAustin.org, WE NOW HAVE A TRAFFIC ADVISORY ASPECT. CITIZENS ANYWHERE CAN LOG TO THE WEBSITE TO UNDERSTAND THE TRAFFIC IMPLICATIONS AND PROCESSES AROUND MANY OF THESE IMPORTANT PROJECTS AROUND TOWN. THANK YOU, COUNCILMEMBER. MORE COMMENTS OR QUESTIONS? COUNCILMEMBER THOMAS?

Thomas: MAYOR, JUST ON ITEM NO. 67, I WANT TO LET PEOPLE KNOW THAT IT'S AN EXCELLENT PROJECT. BUT I WANTED TO KNOW HOW DID WE COME TO THE POINT OF WAIVING THE FEES ON THIS PARTICULAR PROJECT. WHEN THERE ARE OTHER GROUPS THAT HAVE CAME AND -- FIRST OF ALL, IS THIS GOING TO BE AN ANNUAL THING OR IS IT JUST A ONE-TIME. 67. THAT'S FOR STAFF SPONSOR WHOEVER.

Mayor Wynn: THE FIRST NIGHT AUSTIN EVENT. TECHNICALLY THE ITEM IS SPONSORED BY THE MAYOR PRO TEM AND COUNCILMEMBER DUNKERLY. I HAPPENED TO SEE ONE OF THE TEAM MEMBERS, MS. ANN GRAM IS ALSO IN THE AUDIENCE, PERHAPS ONE OF THE SPONSORS COULD SPEAK TO THE COUNCILMEMBER'S QUESTION. MY UNDERSTANDING IS THIS CERTAINLY IS -- WE CERTAINLY WANT THIS TO BE AN ANNUAL EVENT. THIS FIRST EVENT WOULD BE DECEMBER 31st, 2005. SO A LITTLE MORE THAN A YEAR AWAY. THE EVENTS ACROSS THE COUNTRY HAVE BEEN MARKEDABLY SUCCESSFUL, THERE'S NO -- REMARKABLY SUCCESSFUL. THERE'S NO REASON TO DOUBT THAT AUSTIN'S WOULDN'T BE AS SUCCESSFUL AS WE SEE ACROSS THE COUNTRY. PERHAPS DRUNK?

Dunkerly: DO YOU -- PERHAPS COUNCILMEMBER DUNKERLY?

Dunkerly: DO YOU WANT ME TO GO FIRST? YES, WE HOPE THIS WILL BE AN ANNUAL EVENT, THE SPONSORS OR THE PEOPLE THAT ARE GOING TO BE PUTTING THIS EVENT ON ARE RAISING MONEY NOT ONLY FOR THE CITY OF AUSTIN BUT FROM THE PRIVATE SECTOR AS WELL. MOST OF THE MONEY RAISED WILL ACTUALLY GO TO ARTISTS AS THEY COMMISSION THEM TO PROVIDE SOME OF THE ACTIVITIES

ON FIRST NIGHT. THIS IS A NON-ALCOHOLIC ENDEAVOR,
VERY, VERY SUCCESSFUL --

Thomas: NOT TO CUT YOU OFF. I UNDERSTAND THE
PROGRAM. IT'S AN HE WILL EXCELLENT PROGRAM. I'M
SAYING IS THIS GOING TO BE AN ANNUAL CO-SPONSOR, IS
THE CITY GOING TO CO-SPONSOR THIS ANNUALLY. LET ME
GIVE YOU THE SECOND B TO THE QUESTION IS THAT I DON'T
KNOW IF WE HAVE EXISTING LISTS, BUT THERE HAVE BEEN
OTHER ORGANIZATIONS THAT HAVE CAME TO US SEVERAL
TIMES AND WE HAVEN'T RESPONDED TO THIS. I WANTED TO
KNOW IF IT'S GOING TO AN AN ANNUAL. TO ME IT WOULDN'T
BE FAIR, THERE'S SEVERAL OTHER PEOPLE, I DID ASK WHEN
THE GROUP CAME TO ME, I EXPLAINED TO THEM HOW I FELT
ABOUT THAT. BECAUSE THERE ARE SEVERAL OTHER
GROUPS THAT HAVE BEEN, SINCE I'VE BEEN ON THIS
COUNCIL, HAVE REQUESTED VERBALLY THAT WE CO-
SPONSOR AND WE --

Dunkerly: WELL, LET ME RESPOND IN THIS WAY. EACH
COUNCIL HAS TO DECIDE EACH YEAR WHETHER OR NOT
THEY ARE GOING TO PARTICIPATE. THIS PARTICULAR EVENT,
IF IT'S SUCCESSFUL, WILL BE ONE OF THE MAJOR ECONOMIC
DEVELOPMENT ACTIVITIES IN AUSTIN AND THOSE CITIES
THAT HAVE AND SPONSOR FIRST NIGHTS, THEY HAVE BEEN
AS SUCCESSFUL REALLY AS SOMETHING LIKE AUSTIN CITY
LIMITS IS HERE. EVERY HOTEL ROOM IN BOSTON IS -- IS
FILLED FOR THIS EVENT. AND SO REALLY IT'S NOT SO MUCH
SPONSORING THIS PARTICULAR EVENT TO ME. PITS THE
BEGINNING OF A SPONSORSHIP OF AN ECONOMIC
DEVELOPMENT ACTIVITY THAT CAN REALLY HELP THIS
COMMUNITY AT A TIME WHEN THERE IS VERY LITTLE
ACTIVITY. ENTERTAINMENT ACTIVITY IN THAT NEW YEAR'S
EVE AREA TIME FRAME AT THIS TIME OF DAY. THIS WILL BE
EARLY IN THE EVENING. BEFORE THE SIXTH STREET
ACTIVITIES TAKE UP. SO I GUESS EACH YEAR WE'LL HAVE TO
MAKE THAT DECISION. BUT THIS YEAR I WOULD BE
RECOMMENDING IT AS THE KICKOFF OF A VERY MAJOR ARTS
CELEBRATION THAT HAS TURNED INTO A GIGANTIC
ECONOMIC DEVELOPMENT ACTIVITY IN ALL OF THE CITIES
THAT SO -- SO FAR THAT HAVE PARTICIPATED. AND LET ME
TURN -- ASK THE MAYOR PRO TEM, SHE PROBABLY HAS

SOME THINGS TO SAY, TOO.

Mayor Wynn: MAYOR PRO TEM?

Goodman: WELL, I WAS JUST GOING TO SAY THAT WE ARE ALL LOOKING FORWARD TO THE BENEFITS THAT THIS HAS THE POTENTIAL FOR IN THE COMMUNITY AND A LITTLE BIT DIFFERENT FROM OTHER THINGS THAT WE HAVE DONE. BUT, YEAH, EVERY YEAR IS A CLEAN SLATE. AND ALL OF THE EVENTS AND PROGRAMS THAT ASK FOR SPONSORSHIP HAVE THEIR CHANCE EACH YEAR. WE CAN'T COMMIT FUTURE COUNCILS TO A SPONSORSHIP YEAR. BUT I THINK THAT THE BENEFITS WILL BE SUCH THAT FUTURE COUNCILS WILL PROBABLY BE INCLINED TO BUT I CAN'T SPEAK FOR THEM OF COURSE. OTHER EVENTS AS WELL THAT I HOPE WE GO SPONSORING EACH YEAR.

Mayor Wynn: THANK YOU, MAYOR PRO TEM.

Thomas: I JUST THINK THAT WE -- THAT IT'S A GOOD IDEA. I SUPPORT IT. BUT I THINK WE ARE -- WE SHOULD BE MORE -- LET PEOPLE KNOW -- LET THE PUBLIC KNOW, SINCE WE SAID THIS TODAY, FOR THE PURPOSE OF THE -- OF THE CO-SPONSORING-SHIP, BECAUSE THERE'S OTHER GROUPS THAT'S BEEN -- I KNOW EVERYBODY ON THIS COUNCIL KNOW THERE'S OTHER GROUPS THAT HAVE CAME TO US ABOUT CO-SPONSORING SOMETHING ANNUAL. AT THE BEGINNING OF THE YEAR LAST YEAR WE GOT JUMPED ON ABOUT THE INDEPENDENCE OF TEXAS. SO WE DOING CARE OF THAT. BUT I DO THINK THAT IT'S A GOOD IDEA, BUT I AM JUST KIND OF A LITTLE CONCERNED. BUT YOU EXPLAIN IT AND THE PUBLIC WILL -- I THINK THAT'S -- THAT WILL CLARIFY WHY WE ARE DOING IT AND THE REASON THAT WE ARE DOING IT BECAUSE A LOT OF PEOPLE ARE STILL ASKING FOR US TO DO IT AND WE HAVEN'T BEEN ABLE TO DO IT. SO ... I GUESS I CAN SUPPORT IT. BUT GO AHEAD.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER SLUSHER?

Slusher: I WANT TO SAY THAT I THINK COUNCILMEMBER THOMAS I'M GLAD HE RAISED THE ISSUE BECAUSE WE ARE, EVEN THOUGH WE CAN'T COMMIT TO FUTURE COUNCILS,

ISN'T THIS COMMITTING, SAYING THAT WE ARE GOING TO PUT MONEY, SPEND MONEY IN NEXT YEAR'S BUDGET, WHICH IS SORT OF AN UNUSUAL MOVE.

Mayor Wynn: WELL, IF I CAN -- I'LL ADDRESS THAT. I DON'T SEE THIS AS A -- AS A COMMITMENT FOR FUTURE DOLLARS. THIS IS A -- FRANKLY A COMMITMENT FOR DOLLARS RIGHT NOW FOR THIS -- FOR THIS YEAR'S FUNDRAISING FOR NEXT YEAR'S EVENTS. EACH YEAR IT WILL BE UP TO THE COUNCIL WHAT, IF ANY, FUNDING WAS TO GO TO ANY OF THESE EVENTS, WHAT THIS DOES DO. MY UNDERSTANDING IS THAT IT ADDS THIS -- THIS EVENT TO OUR CALENDAR OF CITY CO-SPONSORED EVENTS. YOU KNOW, MLK DAY, CINCO DE MAYO, JUNETEENTH, TEXAS INDEPENDENCE DAY, FOURTH OF JULY, THERE'S A HANDFUL OF CALENDAR EVENTS THAT EACH YEAR WE ARE TECHNICALLY SORT OF A CO-SPONSOR OF. SO THIS WOULD ADD THAT AS A FORMALITY TO THAT CALENDAR OF CO-SPONSORED EVENTS, BUT THIS IS JUST A ONE-TIME FINANCIAL NOTE ON THIS.

Slusher: SO WE ARE PULLING \$44,000 OUT OF THIS REAR'S BUDGET?

Mayor Wynn: SOMETIME DURING THE COURSE OF THIS YEAR, THESE MONEYS ARE BEING RAISED -- MY UNDERSTANDING IS THAT THE ARTISTS ARE BEING COMMISSIONED SORT OF NOW FOR THE BIG PROJECTS THAT WILL BE HAPPENING NEXT DECEMBER 31st.

Slusher: WHERE IS THAT MONEY COMING FROM?

Dunkerly: THERE'S A MEMO FROM -- JOHN STEPHENS CAN SPEAK TO WHERE WE HAVE IDENTIFIED FUNDING.

COUNCILMEMBER, WE HAVE IDENTIFIED FUNDING THAT WE ARE ABLE TO GET FROM THIS YEAR'S BUDGET OUT OF THREE DEPARTMENTS. 19,500 WILL COME FROM THE CONVENTION CENTER. 19,500 FROM ECONOMIC DEVELOPMENT AND REDEVELOPMENT SERVICES. AND \$5,000 FROM THE PARKS AND RECREATION DEPARTMENT.

Futrell: COUNCILMEMBER, THESE WILL BE PULLED FROM

FUNDS THAT ARE USED FOR EVENT PLANNING.

OKAY. I JUST THINK WE'RE -- I THINK, TOO, I SAW THE PRESENTATION OR HEARD IT AND I THINK THAT IT'S A GOOD EVENT. BUT I THINK THAT WE ARE ALSO INVITING A LOT MORE REQUESTS. , I'LL ONLY HAVE TO DEAL WITH THAT FOR SIX MONTHS, OF COURSE. [LAUGHTER]

Dunkerly: IF THOSE REQUESTS WOULD RESULT IN SOMETHING LIKE BOSTON'S FIRST WHAT IS IT FIRST NIGHT, WE OUGHT TO DO ALL OF THEM.

Slusher: SO YOU HAVE NOW SET THE BAR THERE.
[LAUGHTER]

MAYOR PRO TEM.

WE DO GET ASKED TO SPONSOR A LOT OF EVENTS. SOME OF THEM I THINKING WITHOUT QUESTIONS EVERY YEAR, LIKE THE VETERAN'S DAY PARADE. BUT -- ESPECIALLY AS OUR ECONOMIC SITUATION I AM I AM IMPROVES, YOU ALL WILL JUDGE EACH ONE ON ITS MERITS. THOSE THAT WE ARE ABLE TO DO AND THAT ARE JUSTIFIABLE BECAUSE OF THE BENEFIT AND THE INVESTMENT RETURN, I'M SURE COUNCILS WILL CONTINUE TO -- SO THIS IS NOT A SPECIAL ONE, IT'S JUST A VERY DIFFERENT ONE WITH A VERY HIGH POTENTIAL AND --

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

Alvarez: JUST TO ADD, I THINK THIS IS A -- HAS A UNIQUE OPPORTUNITY AND IT IS THE FIRST YEAR, I MEAN IT'S A -- IT'S AN UNPROVEN SORT OF EVENT. BUT I THINK THAT GREAT ASPIRATIONS, I CERTAINLY -- THE INTENT IS TO RAISE A SIGNIFICANT AM OF DOLLARS TO DO -- AMOUNT OF DOLLARS TO DO A LOT OF FUNDRAISING TO SUPPORT THESE ACTIVITIES AND SUCH THAT I CERTAINLY BELIEVE THAT OUR -- THAT WHATEVER RESOURCES THE CITY IS PUTTING FORWARD ARE GOING TO BE GREATLY LEVERAGED AND CERTAINLY NEXT YEAR AFTER THE EVENT HAPPENS WE'LL KNOW WHERE -- HOW SUCCESSFUL WE HAVE BEEN AND REALLY I THINK IT'S JUST -- AGAIN, SOMETHING WITH GREAT

POTENTIAL THAT CAN BE ANOTHER GREAT TRADITION FOR AUSTIN AND I THINK THAT IT'S SOMETHING THAT -- THAT SHOULD REALLY TRY TO -- TO ENGAGE THE COMMUNITY IN TRYING TO HAVE THIS KIND OF ARTS FESTIVAL, MUSIC AND ARTS FESTIVAL THAT BRINGS IN A LOT OF ARTISTS, A LOT OF ORGANIZATIONS AND HOPEFULLY IN THAT WAY CAN BRING IN THE ARTS COMMUNITY TOGETHER BECAUSE WE REALLY DON'T HAVE AN EVENT THAT DOES THAT CURRENTLY. IN THE MIDDLE OF ALL OF THESE CULTURAL ARTS DISCUSSIONS THAT WE'VE BEEN HAVING, I THINK THIS IS ONE POSITIVE WAY IN WHICH I THINK WE CAN SUPPORT THE ARTS, SO I WANT TO CERTAINLY WOULD APPROACH THE COUNCIL'S SUPPORT OF THIS.

Mayor Wynn: THANK YOU, COUNCILMEMBER ALVAREZ.
COUNCILMEMBER MCCRACKEN?

McCracken: YEAH, I'M ACTUALLY ONE OF THE -- WANTED TO HIGHLIGHT THREE ITEMS IN A DIFFERENT AREA AND THIS IS ONCE AGAIN MORE GOOD NEWS FROM AUSTIN ENERGY, WHICH IS GULF OF BECOME -- WHICH IS BECOMING A WELCOME HABIT. ITEMS 2, 3, 54. THESE ALL SPEAK TO FURTHER INNOVATIONS THAT THE NATION'S NUMBER ONE CLEAN UTILITY IS PROVIDING. LAST YEAR AUSTIN, TEXAS THE 39th LARGEST METRO AREA IN THE NATION WAS THE NUMBER 1 CITY IN THE NATION FOR PUBLIC UTILITY PROVIDING CLEAN ENERGY. WE FOUND THERE ARE SOUND ENVIRONMENTAL BENEFITS FOR PROVIDING CLEAN ENERGY AND ALSO VISIONARY PLANNING BY AUSTIN ENERGY, WHICH IS SOMETHING NOT TYPICALLY ASSOCIATED WITH THE PUBLIC UTILITY, BUT IT IS AUSTIN ENERGY. BUT TODAY WE FIND OUT THERE ARE ALSO OUTSTANDING VALUES FOR THE RATEPAYERS. ITEM NO. 2 IS THE EMISSION ALLOWANCE POLICY. THE EFFECT OF THIS IS, THE EMISSION TRADING IS WHAT LED TO THE ELIMINATION OF ACID RAIN AS AN ENVIRONMENT TAM ENVIRONMENTAL PROBLEM. ALSO THAT THOSE UTILITIES THAT ARE MORE EFFICIENT GOT TO ACTUALLY PROFIT FROM THEIR ENVIRONMENTALLY SOUND PRODUCTION. THAT'S WHAT THE RATEPAYERS, SEE THE BENEFIT OF TODAY, IS THAT WE ARE GETTING A VIETNAM AND PROFITABILITY FROM GOING WITH CLEAN ENERGY. THE SECOND PART IS WIND POWER, WHICH IS WHAT STILL WIND POWER IS STILL THE CHEAPEST SOURCE OF NEW ELECTRIC

POWER IN THE UNITED STATES. AND BECAUSE OF THE FORESIGHT THAT AUSTIN ENERGY USED LAST YEAR, EARLIER THIS YEAR NEGOTIATING SOME WIND CONTRACTS. WE HAVE BEEN ABLE TO EXPAND OUR PURCHASE OF WIND POWER, WHICH BRINGS US TO THE THIRD ITEM, WHICH IS ITEM 54, WHICH IS AUSTIN ENERGY IS ENTERING INTO AN CONSORTIUM WITH CAM DAIMLER CHRYSLER ELECTRIC POWER RESEARCH INSTITUTE, WITH A NUMBER OF UTILITIES AROUND THE COUNTRY TO DO PLUG-IN HYBRID CARS, WHICH IS A TYPICAL HYBRID CAR. WHICH IS ODD TO SAY TYPICAL HYBRID CAR. THESE YOU PLUG IN AT NIGHT, EXTRA JUICE UP TO 100 MILES A GALLON. IF YOU ARE A GREEN CHOICE CUSTOMER OF AUSTIN ENERGY, YOU WOULD BE POWERING YOUR CAR WITH PART WIND POWER. IT'S A GREAT OPPORTUNITY FOR AUSTIN AS WE STILL STAY IN THE CUTTING EDGE. CONGRATULATIONS TO AUSTIN ENERGY AND I THINK ALSO WE HAVE TO GIVE THE CONGRATULATIONS TO COUNCILMEMBER SLUSHER, MAYOR PRO TEM GOODMAN WHO WERE PART OF THE LEADERSHIP TO KEEP THIS AS A PUBLIC UTILITY THAT MADE IT POSSIBLE. THE OLD INDUSTRY PRIVATE SECTOR IS WAY BEHIND THE CURVE ON THIS. THANKS A LOT.

Mayor Wynn: THANK YOU, COUNCILMEMBER AND AGAIN TO BUILD ON THE POINT THAT COUNCILMEMBER MCCracken MADE REGARDING THE PLUG IN HYBRIDS, SO THE BIG CHALLENGE THAT WE HAVE WITH OUR WIND PURCHASES IS THAT THE MAJORITY -- THAT GENERALLY SPEAKING MORE WIND BLOWS AT NIGHT IN WEST TEXAS THAN DURING THE DAYTIME WHEN WE NEED OUR PEAK POWER. HERE'S A CASE WHERE THE WIND IS BLOWING, GENERATING ENERGY IN WEST TEXAS AND WE ARE NOT USING IT. LITERALLY IT GOES UNUSED. SO TO THE EXTENT THAT WITH LITERALLY, INEVITABLE IN THE FUTURE, BUT WITH FLEETS OF PLUG-IN HYBRIDS THAT GET POWERED AT NIGHT WHEN THE WINDS IS BLOWING IN WEST TEXAS, WHEN WE ARE NOT USING NEARLY OUR CAPACITY OF ELECTRICITY, THEN WE USE THAT POWER DURING THE DAYTIME, SO IT'S CLEAN ENERGY, CLEAN AIR ISSUE, HELPS AUSTIN ENERGY CONTINUE TO SORT OF DE-- REINVEST IN DIFFERENT ASPECT OF THEIR BUSINESS PLAN THAT MAKES THEM FAR MORE SUSTAINABLE AND PROFITABLE AND VALUABLE TO US AS A COMMUNITY.

SO IT'S A GREAT SERIES OF -- OF COUNCIL ITEMS. MY HAT IS OFF TO THE LEADERSHIP AT AUSTIN ENERGY. ALSO, WE ARE ABOUT TO APPROVE ITEM NO. 70, FEE WAIVERS IN EAST AUSTIN BY THE SOUTHWEST KEY FOLK. THIS IS A GREAT PROJECT THAT WE HAVE BEEN TRYING TO FIGURE OUT HOW TO GIVE EVEN MORE SUPPORT TO. ULTIMATELY I THINK WE WILL. BUT I WANT TO RECOGNIZE FORMER MAYOR GUS GARCIA IS IN THE AUDIENCE, GUS, WELCOME, THANK YOU.

[INDISCERNIBLE] HYBRID CAR.

MAYBE YOU CAN INCLUDING IT IN SOON. PLUG IT IN SOON. IF I WOULD ASK THE MAKER AND SECOND OF THE MOTION TO APPROVE THE CONSENT AGENDA, WE ARE GOING TO HAVE A LITTLE BIT OF DISCUSSION ON ITEM NO. 22 AND ITEM NO. 56 WE HAVE A -- WE HAVE A FUN AND INFORMATIVE DEMONSTRATION THAT MIGHT TAKE A FEW MINUTES. SO I WOULD LIKE TO ASK THE MAKER AND THE SECONDER OF THE MOTION, COUNCILMEMBER DUNKERLY AND THOMAS IF WE COULD GO AHEAD AND PULL ITEM 22 AND 56 OFF THE CONSENT AGENDA. DID 2 AND 56 -- ITEM 22 AND 56 TAKEN UP IMMEDIATELY AFTER THE CONSENT AGENDA. COUNCILMEMBER ALVAREZ?

Alvarez: ONE MORE ITEM THAT I WANTED TO JUST NOTE IS ITEM 69 THAT RELATES TO THE COMMUNITY PRESERVATION AND REVITALIZATION ZONE PROPOSAL THAT COUNCILMEMBER THOMAS AND I HAVE BEEN WORKING ON. WE HAD A PUBLIC HEARING DECEMBER 7th WITH GOOD ATTENDANCE, GOT A LOT OF GREAT COMMENTS ON THE PROPOSAL. THE COMMITTEE SET UP BY THE COMMUNITY DEVELOPMENT COMMISSION JUST ACTUALLY STARTED TO MEET AT THE END OF NOVEMBER BEGINNING OF DECEMBER. SO THEY NEEDED A LITTLE MORE TIME TO GET PUBLIC INPUT FROM THE COMMUNITY DEVELOPMENT COMMISSION TO THE COUNCIL, SO WE ARE JUST EXTENDING THE PUBLIC INPUT TIME FOR THE COMMISSION. THE ORDINANCE WILL GIVE THEM UNTIL THE END OF FEBRUARY TO PROVIDE THEIR RECOMMENDATIONS TO THE COUNCIL AND THEN GIVES ANOTHER FOR TO THE CITY MANAGER TO PROVIDE THEIR RECOMMENDATIONS TO THE -- TO THE FULL CITY COUNCIL. THAT'S WHEN WE MIGHT CONSIDER THIS FOR DISCUSSION

AND POSSIBLE ACTION IF WE ARE READY AT THAT TIME. BUT JUST WANTED TO UPDATE EVERYONE ON THE STATUS OF THAT PROPOSAL. THANKS, MAYOR.

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

Goodman: JUST WANT TO SAY WHEN WE GET TO THE VOTE, I WILL BE VOTING NO ON 68.

Mayor Wynn: THANK YOU. MS. BROWN WILL DULY NOTE THAT. COUNCIL WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ WITH THE EXCEPTION OF -- WE NOW WILL BE PULLING ITEM 22 AND 56 OFF THE CONSENT AGENDA. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: YES, SHOW ME VOTING NO ON 68 AS WELL.

Mayor Wynn: OKAY, TWO NO VOTES ON 68. ALVAREZ AND THE MAYOR PRO TEM. MS. BROWN?

Thomas: ONE MORE THICK BEFORE WE -- ONE MORE THING BEFORE WE -- I NEED TO SAY THIS BECAUSE IT'S ON MY MIND AND SPIRIT TO SAY IT IS THAT WHEN WE HAVE -- WHEN THE OTHER GROUPS COME TO US, I THINK WE NEED TO BE AS A COUNCIL, MAYOR AND COUNCIL, TO BE MORE SENSITIVE TO TRYING TO RESPOND TO THEIR CO-SPONSORSHIP. I DON'T FEEL COMFORTABLE VOTING FOR 67, SO SHOW ME VOTING NO. I THINK IT A GREAT IDEA. I THINK WHEN IT COMES DOWN TO PEOPLE THAT HAVE BEEN REQUESTING FOR YEARS THAT WE HAVE KIND OF JUST -- WE DIDN'T ANSWER THAT RESPONSE, WE DIDN'T ANSWER, THIS I -- I THINK THIS IS A SHORTED PERIOD OF TIME, I'M NOT COMFORTABLE VOTING FOR THIS TODAY. BUT I WISH THE -- THE FIRST AUSTIN NIGHT SUCCESS, SUPPORT IT ANY WAY THAT I CAN, BUT I WON'T BE ABLE TO SUPPORT IT AS FAR AS WAIVING THE FEES FOR THAT AMOUNT OF MONEY. ESPECIALLY WHEN WE PULL IT OUT OF A BUDGET THAT WE DIDN'T BUDGET IT FOR. THANK YOU. MARES THANK YOU --

Mayor Wynn:, THANK YOU COUNCILMEMBER. AGAIN A MOTION

AND A SECOND TO APPROVE IT.

Slusher: MAYOR, I WOULD LIKE TO BE SHOWN VOTING NO ON 67 AND 68.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS? MS. BROWN WILL DULY NOTE THAT WE HAVE THREE NO VOTES ON SETTING THE PUBLIC HEARING, ITEM NO. 68. COUNCILMEMBER SLUSHER, ALVAREZ AND THE MAYOR PRO TEM AND ITEM NO. 67 COUNCILMEMBER THOMAS AND COUNCILMEMBER SLUSHER ALSO VOTING NO. MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ AND AMENDED. ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 WITH THE -- WITH THOSE NEGATIVE VOTES DULY NOTED. THANK YOU ALL VERY MUCH. LET'S TAKE UP ITEM NO. 56, I WANTED TO LET SOME FOLKS GO ABOUT THEIR BUSINESS. IT RELATES TO A -- TO A PUBLIC SAFETY PURCHASE REGARDING THE DEFIBRILLATORS. I THINK WE ARE GOING TO HAVE A BRIEF PRESENTATION FROM THE CITY MANAGER RUDY GARZA.

GOOD MORNING, MAYOR AND COUNCIL. THIS MORNING I WOULD LIKE TO INTRODUCE OUR MEDICAL SERVICES DIRECTOR, DR. ED RACT TO GIVE YOU A BRIEF PRESENTATION ON ITEM 56 FOR THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS.

Mayor Wynn: IF YOU COULD TAKE YOUR CONVERSATIONS OUT IN THE FOYER WE WOULD APPRECIATE IT.

Futrell: ALL RIGHT. WE HAVE POSITIVE ENERGY ON THIS ITEM.

ABSOLUTELY. MAYOR, COUNCILMEMBERS, GOOD MORNING, HAPPY HOLIDAYS, I'M ED RACHT MEDICAL DIRECTOR FOR E.M.S. AND FIRE. WE WASHINGTONED TO VERY -- WE WANTED TO VERY BRIEFLY PROVIDE QUICK EDUCATION, VERY GOOD NEWS ABOUT THE CITY OF AUSTIN AND WHAT YOU HAVE DONE TO IMPROVE SURVIVAL IN CARDIAC

ARRESTS. WHAT YOU MAY NOT KNOW IS THAT CARDIAC ARRESTS, WHEN THE HEART STOPS, A PATIENT STOPS BREATHING, THOSE PATIENTS NEED TO BE TREATED WITHIN MINUTES. THAT HAPPENS IN OUR COMMUNITY EVERY 18 HOURS, IT'S NOT SOMETHING THAT'S A RARE EVENT. NATIONAL SURVIVAL STATISTICS ARE THAT ABOUT FOUR TO FIVE PERCENT OF THAT POPULATION SURVIVES, WE ARE FORTUNATE IN THIS COMMUNITY THAT ALMOST 10% OF THAT POPULATION SURVIVES. WE ARE EVEN MORE FORTUNATE THAT THE KIND OF PATIENT THAT CAN GET SHOCKED BY A DEFIBRILLATOR, A SHOCK BOX, SURVIVAL NATIONALLY, THAT GROUP IS ABOUT 22%, WE ARE AT ALMOST 27% AND IF YOU HAPPEN TO BE AT THE AUSTIN-BERGSTROM INTERNATIONAL, YOUR SURVIVAL STATISTICS ARE 71.4% IN THAT POPULATION. AND WE OFTEN JOKE IN MEDICINE, THE SAFEST PLACE IN AUSTIN, TO HAVE A CARDIAC ARREST IS OUR AIRPORT. INCLUDING THE HEALTH CARE FACILITIES AROUND. WE HAVE DONE A VERY NICE JOB AS A COMMUNITY. YOU'VE APPROVED THE IMPLEMENTATION OF PUBLIC ACCESS DEFIBRILLATION THROUGHOUT THE CITY FACILITIES AND WHAT THAT MEANS IS THAT YOU WILL START TO SEE AUTOMATED DEFIBRILLATORS ON THE WALL AVAILABLE FOR THE PUBLIC, AVAILABLE FOR USERS WHEN PATIENTS HAVE CARDIAC ARREST. IF A PATIENT ARRESTS, IF THEIR HEART STOPS FOR EVERY MINUTE THAT WE DON'T SHOCK THEM, THEIR SURVIVOR DECREASES BY 10 10 PERCENT. IMAGE THAT WE HAVE A TREMENDOUS RESPONSIBILITY INTERVAL TO THIS FACILITY OF SAY FOUR MINUTES. IF WE WERE ABLE TO PUT A DEFIBRILLATOR ON A PATIENT TWO MINUTES EARLIER, WE HAVE IMPROVED THEIR SURVIVAL BY 20%. YOU HAVE APPROVED PLACES THESE DEVICES IN BUILDING, THERE IS A GROUP THAT'S PRIORITIZING BUILDINGS THROUGHOUT THE CITY. ALSO OF INTEREST THAT WHOLE INITIATIVE ORIGINATED FROM -- FROM A GROUND -- FROM GROUND LEVEL EMPLOYEES WITHIN THE CITY, WITHIN WATER, ENERGY DEPARTMENTS, OTHER DEPARTMENTS IN THE CITY TO PUT THOSE DEVICES FORWARD AND WHAT I WANTED TO SHOW YOU AND WHAT WE LIKE TO SHOW YOU IN THE PUBLIC IS HOW VERY SIMPLE IT IS TO USE AN AUTOMATED EXTERNAL DEFIBRILLATOR. A DEVICE THAT WILL SHOCK A PATIENT'S HEART BACK TO NORMAL FUNCTIONING. I WOULD LIKE TO ASK MAYOR WYNN

IF HE WOULD MIND BEING OUR USER OF THE
DEFIBRILLATOR. THAT WOULD BE THE USER, NOT THE
RECIPIENT. [LAUGHTER]

Mayor Wynn: THANK YOU FOR CLARIFYING THAT.

HE GIVE OUR MEDICAL DIRECTOR A DIRTY LOOK TO BE
SURE, MAYOR, THAT WAS YOU WHO WAS DOING THE TEST.
[LAUGHTER]

Mayor Wynn: I CAN CONFIRM THAT I -- I HAVE NEVER USED OR
REALLY SEEP ONE OF THESE, THIS IS A TRUE TEST TO SEE IF
THEY ARE AGGIE PROOF OR NOT. [LAUGHTER]

IF WE COULD -- THANK YOU, RUDY. IF WE COULD PRETEND
FOR JUST A SECOND THAT THE MAYOR HAS -- HAS COME
UPON A PATIENT WHO IS LYING ON THE GROUND, WHO IS
NOT BREATHING, WHO DOESN'T HAVE A PULSE, HE HAS NOT
BEEN TRAINED IN USE OF THE DEFIBRILLATOR, SO YOU WILL
SEE HOW VERY SIMPLE THE DEVICE IS. EVEN FOR AGGIES I
THINK. SO -- [LAUGHTER] SO THIS IS A DEFIBRILLATOR. WE
WILL JUST OPEN THAT UP. WE WILL PRETEND THAT THAT
PATIENT IS IN CARDIAC ARREST. AND YOU'VE GOT THE -- THE
BOX.

THAT WAS CHEATING TO OPEN IT UP. [LAUGHTER]

NUMBER ONE, TURN IT ON.

MACHINE: APPLY PADS TO PATIENT'S BARE CHEST. PLUG IN
PAD'S CONNECTORS NEXT TO FLASHING LIGHT.

THE DEVICE ITSELF ACTUALLY --

GO, MAYOR, GO?!!

Mayor Wynn: THIS GOES ON THIS SIDE.

ACTUALLY, THOSE ARE STICK-ON.

MACHINE: APPLY PADS, PLUG IN CONNECTOR.

Mayor Wynn: THIS IS WORSE THAN A ZONING CASE.

[LAUGHTER] MORE STRESSFUL.

MACHINE: APPLY PADS. INSERT CONNECTOR FIRMLY,
ANALYZING HEART RHYTHM. DO NOT TOUCH THE PATIENT.
SHOCK ADVISED. CHARGING. STAY CLEAR OF PATIENT.
DELIVER SHOCK NOW. PRESS THE ORANGE BUTTON NOW.
SHOCK DELIVERED.

WHAT OUR MAYOR HAS JUST DONE IS BASICALLY
DELIVERED A SHOCK WITHOUT ANY TRAINING ON AN
AUTOMATED DEFIBRILLATOR THAT POTENTIALLY WOULD
SAVE A PATIENT'S LIFE IN ABOUT A MINUTE AND 21 SECOND.
THANK YOU.

Futrell: WHOO, ALL RIGHT, MAYOR! [APPLAUSE]

Futrell: I THINK THAT BOAT OUR FIRST RESPONDER TIME,
DIDN'T IT?

THEY ARE COMING.

THANK YOU, THAT ILLUSTRATES HOW EXTREMELY EASY
THESE DEVICES ARE TO USE. THE DRAMATIC EFFECT THAT
IT WILL MAKE ON PATIENT'S LIVES. YOU WILL START TO SEE
THEM IN CITY BUILDINGS ON THE WALLS WITH APPROPRIATE
SIGNAGE. THIS SENDS A POWERFUL MESSAGE TO OUR
COMMUNITY TO THE PRIVATE SECTOR OF THE COMMUNITY
THAT SAYS THIS IS GOOD FOR PATIENT CARE. MORE OF OUR
CITIZENS WILL LEARN HOW TO USE IT. IT'S A TREMENDOUS
INVESTMENT IN OUR WORKFORCE AND BECAUSE THEY ARE
IN CITY BUILDINGS AS WELL AS OUR PUBLIC AND IT JUST
HELPS US CONTINUE TO -- TO BUMP THAT SURVIVAL
PERCENTAGE FORWARD. SO FROM ALL OF US ON THE
MEDICAL SIDE OF THINGS, THE MEDICAL COMMUNITY AND
THE RESPONDERS, WE REALLY, REALLY APPRECIATE YOUR
EFFORTS TO GET THOSE OUT THERE AND WE APPRECIATE
THAT THIS CAME FROM GRASS ROOTS CITY EMPLOYEES
AND MOVED UP AND THEY PUT THE PLAN TOGETHER TO PUT
THEM OUT THERE. SO THANK YOU VERY, VERY MUCH. WE
APPRECIATE IT.

Futrell: THANKS, DOCTOR.

Mayor Wynn: COUNCIL WE HAVE AGENDA ITEM NO. 56, TO AUTHORIZE THE EXECUTION OF THE 12-MONTH SUPPLY AGREEMENT THAT IN FACT WILL DELIVER THESE -- THESE DEFIBRILLATORS ALL ACROSS OUR CITY. I'LL ENTERTAIN A MOTION.

Thomas: SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NO. 56 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, WITHOUT OBJECTION, EARLIER WE READ INTO THE RECORD THE CHANGES AND CORRECTIONS TO OUR TIMING OF THE CITIZEN COMMUNICATIONS THAT IN FACT WE WON'T BE TAKING UP GENERAL CITIZEN COMMUNICATION UNTIL AFTER 3:00 P.M. DUE TO OUR FUNERAL ARRANGEMENTS TODAY. HOWEVER, MS. JUDY LEARY IS HERE NOW AND SHE WAS GOING TO BE ONE OF OUR SPEAKERS AT NOON. SO WITHOUT OBJECTION, WE CAN CERTAINLY JUST HEAR FROM MS. LEARY AND GIVE HER AN EXCUSED ABSENCE FOR NOT BEING AT THE TIME CERTAIN CITIZENS COMMUNICATION. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU VERY MUCH. IT IS QUITE OF COURSE THAT THERE'S TREMENDOUS PRESSURE ON THE CITY COUNCIL MEMBERS BY THE VARIOUS BUSINESS GROUPS TO ELIMINATE THE POOR AND THE HOMELESS FROM THE DOWNTOWN AREA. THAT BANNING PANHANDLING OR SITTING ON THE SIDEWALK WOULD ELIMINATE ALL OF THEIR PROBLEMS SIMPLY IS NOT TRUE. THE DOWNTOWN BUSINESS GROUPS SHOULD CALL THE POLICE TO ENFORCE THE EXISTING ORDINANCES AND STOP PUTTING PRESSURE ON OUR ELECTED OFFICIALS TO DO THEIR DIRTY WORK BY ADDING MORE ORDINANCES. IT IS ALSO QUITE OBVIOUS THAT THE VARIOUS BUSINESS GROUPS ARE DISCRIMINATING BETWEEN THE POOR WHO HAVE NO MONEY TO SPEND AT THEIR BUSINESS ESTABLISHMENTS AND THOSE THAT DO

HAVE MONEY. THE PRESSURE ON OUR CITY COUNCIL IS SO GREAT THAT NOW THEY HAVE -- THE ASSISTANT CITY MANAGER AND ATTORNEY JENNIFER GILCHRIST WORKING ON LEGAL TERMINOLOGY REGARDING PANHANDLING, ROADSIDE SOLICITATIONS, SITTING ON THE SIDEWALK THAT WOULD STAND UP IN COURT IF SUED OVER THESE ISSUES. THEY WERE NOT ASKED TO RESEARCH WAYS THAT WOULD NOT HURT 501 C 3'S SUCH AS MYSELF. BANNING ROADSIDE SOLICITATIONS AND PANHANDLING WOULD ALSO BAN FIRE DEPARTMENT COLLECTIONS AND NON-PROFIT CORPORATIONS. I AM HERE TODAY TO ASK THE CITY COUNCIL TO REFRAIN FROM VOTING ON THIS ISSUE FOR AT LEAST ANOTHER YEAR UNTIL I AND OTHERS HAVE THE TIME TO RESEARCH A BETTER WAY. THE DOWNTOWN BUSINESS LEADERS WOULD ABSOLUTELY LOVE TO SEE THE ARC, SALVATION ARMY AND CARITAS MOVE TO A PIECE OF LAND IN RURAL AREA OWNED BY THE COUNTY WITH THE PARTNERSHIP OF THE CITY. A PLACE THAT WOULD NOT ONLY HOUSE THE HOMELESS ON A TEMPORARY BASIS, BUT SEVERAL ONE-PERSON OFFICES THAT WOULD ENCOMPASS PERMANENT HOUSING, JOBS, CLINIC AND HOT MEALS. THE HOMELESS THAT DO NOT WISH TO LIVE IN STRUCTURES WOULD BE ALLOWED TO LIVE OUTSIDE TO CATCH SOME SUN OR WATCH THE STARS. A METRO SHUTTLE BUS WOULD BE USED TO BRING THOSE WHO WISH TO WORK INTO AUSTIN. FOR THOSE WHO REFUSE WORK OR PERMANENT HOUSING A ONE-WAY BUS TICKET OUT OF TOWN PERMANENTLY. IF YOU CONTINUE TO ALLOW THE ARC, SALVATION ARMY AND CARITAS TO FEED THESE HOMELESS AND POOR, YOU WILL SEE THOUSANDS OF HOMELESS COMING TO AUSTIN. VERY FEW OF THE HOMELESS PANHANDLE. THE ONE THAT'S I SEE ARE THE USUAL EVERYDAY PANHANDLERS. BUT THEY -- THE HAVE I INDICATED BUILDING BETWEEN 7th AND 8th STREET CAN THEN BE PURCHASED BY THE DOWNTOWN BUSINESS ALLIANCE OR BY THE CITY TO DEVELOP INTO MONEY MAKING PROJECTS. AFTER ALL IT IS ALL ABOUT THE MONEY, ISN'T IT? IN THE FUTURE I HOPE TO HAVE MORE SUGGESTIONS FOR YOU. THANK YOU.

Mayor Wynn: THANK YOU, MS. LEARY, THANK YOU FOR YOUR PATIENCE WHILE WE GET THROUGH SOME OTHER ITEMS. I WILL SAY THERE IS CURRENTLY NO SCHEDULE TO BRING

ANY ORDINANCE BACK, ALTHOUGH CITY STAFF IS HELPING A NUMBER OF US ANALYZE, YOU KNOW, WHAT IS A COMPLICATED ISSUE. RANGES FROM A NUMBER OF PUBLIC ORDER ISSUES AND I WILL ALSO SAY THAT AT LEAST PERSONALLY I GET REQUESTS AND E-MAILS FROM RANDOM CITIZENS VIRTUALLY DAILY ABOUT THE LARGER ISSUE OF PANHANDLING. NOT JUST FROM DOWNTOWN ORGANIZATIONS OR EVEN PROPERTY OWNERS, A NUMBER OF CITIZENS HAVE BEEN ASKING US TO TRY TO ANALYZE THIS IN A -- IN A FAIR, JUDICIOUS WAY TO DEAL WITH WHAT IS A LARGE ISSUE.

WE DO HAVE A GROUP THAT COMES IN FROM DALLAS, TEXAS IN VANS AND THEY STAY AT THE MOTELS AT NIGHT AND THEN THEY DROP OFF TWO GUYS AT EACH CORNER, THEY ARE VERY AGGRESSIVE. IT'S A DRUG REHAB -- THEY GIVE CARDS OUT, I HAVE ONE IN MY BRIEFCASE THAT I BROUGHT. THEY ARE EXTREMELY AGGRESSIVE, THEY GET IN THE STREETS AND THEY REFUSE TO LISTEN TO THE ORDINANCES. I TRY TO EDUCATE THEM ON. AND THEY ARE THE ONES THAT I HAVE NOTICED HAVE GIVEN THE CITIZENS A HARD TIME. KNOCKING ON THE WINDOWS, SHOVING THEIR -- THE CANS INTO THE WINDOWS. SO -- SO THAT IS ONE OF THE PROBLEMS WITH DALLAS PEOPLE COMING DOWN HERE.

Mayor Wynn: THANK YOU.

THANK YOU FOR ALLOWING ME TO SPEAK EARLY. NO ONE CALLED ME ABOUT THE DELAY.

Mayor Wynn: WE APOLOGIZE.

THANK YOU VERY MUCH.

Mayor Wynn: COUNCIL THAT GETS ONE OF OUR CITIZEN COMMUNICATIONS OUT OF THE WAY FOR LATER. WE HAD A COUPLE OF DISCUSSION ITEMS STILL TO TAKE UP COUNCIL. ITEM NO. 22 I ASKED THAT WE TAKE IT OFF THE CONSENT AGENDA BECAUSE I WOULD LIKE TO -- THERE'S A PROPOSED AMENDMENT THAT I THINK WE WOULD LIKE TO TRY TO INCLUDE IN THIS ORDINANCE. SO IF I COULD ON ITEM NO. 22 PERHAPS JUST A BRIEF EXPLANATION OR INTRODUCTION BY

RUDY GARZA.

ITEM NO. 22 IS AMENDING THE CURRENT SKATE BOARDING ORDINANCE TO EXPAND THE PROHIBITION OF SKATE BOARDING TO INCLUDE THE -- THE BLOCK WHERE CITY HALL IS CURRENTLY STANDING AND THAT'S A DIRECT RESULT OF OUR CONCERN OF CURRENT STANDING IN CITY STRUCTURE. AS WELL AS PERMANENT DAMAGE THAT HAD BEEN CAUSED. THE AMENDMENT IS EXPANDING THE ORDINANCE TO INCLUDE JUST THE BLOCK WHERE CITY HALL IS CURRENTLY SITTING IN.

REMIND ME, JUST HELP US UNDERSTAND ON SORT OF THE LARGER ISSUE, ARE WE HAVING TO TAKE THIS ACTION BECAUSE TECHNICALLY THAT IS THE PUBLIC PROPERTY AND BECAUSE I GET ASKED BY PRIVATE PROPERTY OWNERS MY PRESUMPTION WAS THAT A PRIVATE PROPERTY OWNER CAN SIMPLY PLACE A SIGN ON HIS OR HER PROPERTY COULD TAKE SOME TYPE OF PRIVATE LEGAL ACTION. IS THE CASE HERE BECAUSE SINCE THIS IS PUBLIC PROPERTY WE ARE HAVING TO EXPAND THE ORDINANCE TO MAKE SURE THAT WE PREVENT THIS?

DAVID DOUGLAS, I'M GOING TO LET HIM RESPOND TO THAT, ONE OF OUR ASSISTANT CITY ATTORNEYS.

THANK YOU, MAYOR AND COUNCIL, DAVID DOUGLAS, THE CURRENT SKATE BOARD ORDINANCE ONLY APPLIES TO SPECIFIC LOCATIONS. THAT ARE NAMED BY BLOCK IN THE DOWNTOWN AREA. THIS WOULD ADD ANOTHER SPECIFIC LOCATION TO THAT ORDINANCE. JUST THE BLOCK CONTAINING THE NEW CITY HALL, BOTH -- IT WOULD ALSO REFER TO ARCHITECTURAL FEATURES AS WELL AS PEDESTRIAN AREAS.

Futrell: DAVID SPEAK TO THE QUESTION OF THE -- THE MAYOR IS ASKING A BROADER QUESTION WAS JUST TAKE A PIECE OF PRIVATE PROPERTY DOWNTOWN, TAKING THE ORDINANCE OUT OF IT AS A PRIVATE PROPERTY OWNER COULD YOU POST A SIGN AND SAY ON YOUR PRIVATE PROPERTY NO SKATE BOARDS ALLOWED?

ABSOLUTELY. THAT COULD BE ENFORCED UNDER THE

STATE LAW RELATING TO CRIMINAL TRESPASS.

Mayor Wynn: SO THIS ORDINANCE, WE HAVE THIS ORDINANCE IN PLACE BECAUSE OF -- WE ALSO HAVE THE -- HAVE THE RESPONSIBILITY FRANKLY TO PROTECT PUBLIC PROPERTY AS WELL.

RIGHT. AND THE EXISTING ORDINANCE RELATES TO PEDESTRIAN SAFETY AS WELL AND -- AND THE SPECIFIC AREAS THAT ARE CURRENTLY LISTED ARE FAIRLY CONGESTED WITH PEDESTRIANS. SO IT ALSO INVOLVES PEDESTRIAN SAFETY.

DAVID THE DISTINCTION BETWEEN THE PENALTY AND THIS ORDINANCE AND THE PENALTY FOR CRIMINAL TRESPASS.

THIS ORDINANCE HAS A MAXIMUM OF A \$500 FINE. CRIMINAL TRESPASS IS A CLASS B MISDEMEANOR WITH POTENTIAL JAIL TERM OF UP TO SIX MONTHS PLUS A FINE.

Futrell: THAT'S IMPORTANT, MAYOR. THAT WAS ANOTHER PIECE. THE CRIMINAL TRESPASS, WHICH WAS AVAILABLE TO US ON CERTAIN PORTIONS OF THE PROPERTY, ALSO HAD A MUCH HEAVIER PENALTY AND -- THAT WOULD HAVE HAD TO HAVE BEEN USED TO HAVE USED THAT TOOL. THE OTHER THING THAT I WANT TO POINT OUT ABOUT THIS IS THE CITY HALL HAS A VERY PARTICULAR BUILDING MATERIAL, WHICH IS A VERY SOFT LIMESTONE THAT'S USED. WE HAVE SHOWN THE PICTURES TO THE COUNCIL MEMBERS. BUT THAT'S ANOTHER PARTICULAR REASON THE DAKOTA DAMAGE HAS BEEN SO EXTENSIVE. THE LIMESTONE ITSELF WE ARE LITERALLY HAVING TO SAND THE DAMAGE TO THE EDGES OF THE LIME STOP, IT'S HAPPENED SO QUICKLY AND EXTENSIVELY IN JUST A WEEK OR TWO.

Mayor Wynn: MAYOR PRO TEM?

Goodman: CAN I ASK IF THOSE PICTURES WERE ANYWHERE WHERE THE GENERAL PUBLIC COULD SEE THEM? WERE THEY IN THE PAPER OR SOMETHING OR ON OUR WEBSITE?

I'M NOT SURE HOW -- I KNOW THAT SOME OF THE NEWS CAMERAS DID COME OUT AND I GUESS DEPENDING ON

WHAT CHANNEL YOU SAW, I'M NOT SURE WHAT THE NEWSPAPER USED. BUT I KNOW SOME OF THE TV CAMERAS DID SHOW --

THE PICTURES THEMSELVES I DO NOT BELIEVE WERE POSTED MAYOR PRO TEM. THAT'S EASILY DONE, WE CAN DO THAT. I HAVE THEM ELECTRICALLY, I CAN SEND -- ELECTRONICALLY, I CAN GIVE THEM TO THE WEB FOLKS AND HAVE THEM PLACE ODD THE WEBSITE.

SOME OF THE GENERAL PUBLIC, MY FIRST THOUGHT WAS WOW THE SKATE BOARDER CAN DAMAGE THE BUILDING, HOW LONG IS IT GOING TO STAND? BUT -- BUT IF THE SKATEBOARDERS WEREN'T CAUSING ANY DAMAGE BY WHAT THEY DO, WE WOULDN'T BE HAVING THIS CONVERSATION AND IT'S BECAUSE IT'S A VERY FOCUSED POINT OF PRESSURE FOR THEM OVER AND OVER AND OVER AND HEAVY PRESSURE AND THEN SLIDING SIDEWAYS WHERE YOU ARE NOT ACTUALLY SKATE BOARDING, YOU ARE ACTUALLY TRYING TO -- TO SAND OFF THE FINISH AND SURE ENOUGH THEY ARE ABLE TO DO THAT. SO I THINK PEOPLE WILL UNDERSTAND WHAT WE'RE TALKING ABOUT IF WE HAVE THOSE PICTURES AVAILABLE AND THEY SEE HOW THE DISCOLORATION FROM FRICTION FLAT SURFACE, FLAT SURFACE AND PRESSURE POINTS FROM THE -- FROM THE JUMPS AND LOOPS.

WE'LL GET THOSE POSTED TODAY, MAYOR PRO TEM.

THANKS.

Mayor Wynn: THANK YOU, MR. GARZA. I WILL SAY ON SORT OF A LARGER SCALE, YOU KNOW, A PET PROJECT OF MINE FRANKLY HAS BEEN TRYING TO DELIVER AN IN GROUND CONCRETE SKATE PARK FOR SEVERAL YEARS. WE HAVE MADE PROGRESS. IN FACT WE HAVE STARTED A FACILITY DOWN AT MABEL DAVIS PARK NEAR SOUTHEAST AUSTIN. WE BELIEVE THAT FACILITY MAY BE AVAILABLE BY NEXT SUMMER. THIS COMING SUMMER, 2005. SO, ONE, I WANT TO ALSO NOTE THAT WE ARE ALSO WORKING ON THE -- SORT OF THE DEMAND SIDE OF THIS PROBLEM, WHICH IS WE NEED STATE PARK FACILITIES IN THIS COMMUNITY, COMMUNITIES ACROSS THE COUNTRY THAT HAVE BUILT THESE FACILITIES.

THEY ARE AS -- USED AS A -- AS USED OF A PARK FACILITY THAT EXISTS IN THIS COUNTRY. WE ARE GOING TO BE ABLE TO DELIVER A COUPLE OF THOSE IN RELATIVELY SHORT ORDER FOR OUR SKATE BOARDING PUBLIC. THE SECOND ISSUE THAT WE HAVE ALSO LEARNED I GUESS, WE IMMEDIATELY RESPONDED TO I GUESS SORT OF THE SKATE BOARDING ASPECT OF THE DAMAGE DONE AT THE NEW CITY HALL. BUT WE LEARNED THAT THERE WAS ALSO SOME BMX BICYCLING DAMAGE DONE AS WELL. ON THE SAME VEIN WE HAVE BEEN WORKING WITH A GROUP OF BMX BIKERS, WE WILL SOON HAVE A -- HAVE A PRETTY REMARKABLE BMXMOTOCROSS BIKE FACILITY AND EVEN AN OPPORTUNITY PERHAPS FOR A SECOND ONE. BUT BASED ON THAT, MY UNDERSTANDING IS THAT WE DO HAVE LANGUAGE AVAILABLE TO AMEND THIS ORDINANCE TO MAKE SURE THAT WE ALSO INCLUDE WHAT FRANKLY HAS BEEN SOME DAMAGE AND POTENTIAL PROBLEMS DONE BY -- BY MOTOCROSS BIKE RIDING ON THE ARCHITECTURAL ELEMENTS OF THE CITY HAM. I DON'T KNOW IF -- IF AS CHAIR I CAN DO THIS OR NOT, BUT I WOULD LIKE TO SUGGEST AN AMENDMENT TO THE POSTED ORDINANCE ON ITEM NO. 22, AND I THINK -- I THINK THE LAW DEPARTMENT HAS BEEN WORKING ON THIS. ESSENTIALLY WE ARE GOING TO BE ADDING THE NOTATION OF BICYCLE, MOTOCROSS BICYCLES TO THE USE ISSUE AND IN FACT THE -- THE -- THE SPECIFIC ITEM B WOULD BE A PERSON MAY NOT RIDE A BICYCLE, MOTOCROSS BICYCLE ON AN ARCHITECTURAL FEATURE IN THE AREA BOUNDED BY CESAR CHAVEZ, LAVACA, SECOND AND GUADALUPE. THAT IS STILL WELCOME TO RIDE BICYCLES ON THE SIDEWALK, OBVIOUSLY IN THE BIKE LANES, BUT THIS ELIMINATES THE PROBLEM OF WHAT WE SAW WHICH WAS THE DAMAGE TO THE ARCHITECTURAL ELEMENTS. THE SAME PIECES FRANKLY THAT WERE DAMAGED BY THE SKATEBOARDERS. SO I WOULD OFFER THAT AS -- AS AN AMENDMENT TO THE POSTED ORDINANCE. ITEM NO. 22. FURTHER COMMENTS? ON THIS ISSUE?

YEAH, MAYOR, IF YOU DON'T MIND. I GUESS ASK THE CITY MANAGER COULD WE ALSO I GUESS SURVEY THE REST OF THE PROPERTIES, CITY PROPERTIES THAT WE MIGHT HAVE PROBLEMS, NEW STRUCTURES GOING UP THAT MIGHT HAVE THE SAME PROBLEM AS FOR ARCHITECTURAL DAMAGING,

COULD WE SURVEY NEW BUILDINGS THAT WE ARE PUTTING UP LIKE CARVER AND THE MAC WHEN IT GETS THERE, HOW CAN WE ADDRESS THAT IF WE HAVE THE SAME PROBLEMS.

YES. I WILL BE GLAD TO DO THAT.

OKAY.

THANK YOU. MAYBE, MAYOR, MAYBE IF WE NEED TO -- I DON'T KNOW THE JARGON, MAYBE YOU DO, OF SKATERS. FEATS? MAYBE THAT'S A WAY TO LOOK AT IT, TOO. POSSIBLY SOME SKATE BOARDING IS POSSIBLE FOR A MODE OF TRANSPORTATION FOR SOME, BUT THE SPECIAL OLYMPIC STUFF IS NOT APPROPRIATE ON PUBLIC RIGHT-OF-WAY OR ON PUBLIC BUILDINGS OR ANY OTHER BUILDING.

Futrell: WE HAVE HAD A LOT OF INTEREST IN THIS SINCE WE TALKED ABOUT THIS. I'M REALLY NOT AWARE OF OTHER DAMAGE. THAT'S SOMETHING UNIQUE ABOUT THE DESIGN OF THE CITY HALL, HONESTLY IT ALMOST LOOKS LIKE ONE OF THE SKATE BOARD PARKS THAT ARE BEING CREATED. THE DESIGN OF IT. SO WE HAVE ALMOST CREATED THE PERFECT URBAN SKATE BOARD PARK HERE IN A STRANGE WAY. WE MADE IT NOT OUT OF CONCRETE BUT OUT OF LIMESTONE, HENCE IT'S BEING DAMAGED. TWO SKATE BOARD PARKS IN THE MAKING, A BMX BIKE TRACK IN THE MAKING. WE WILL ELEVATE THE OTHER BUILDINGS AND TAKE A LOOK AT THE LARGER ISSUE.

Mayor Wynn: BUT THE SKATE PARKS WON'T COST \$44 MILLION.

Futrell: NO, THEY WON'T [LAUGHTER]

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? COUNCIL, I GUESS THAT I WILL ENTERTAIN A MOTION ON ITEM NO. 22, THE -- THE AMENDED ORDINANCE AS PRESENTED BY THE LAW DEPARTMENT.

Thomas: MAYOR YOU HAVE --

Mayor Wynn: THANK YOU, SIR, ACTUALLY LET'S GET A MOTION. YOU'RE RIGHT. MR. ART SOLS, I MEANT TO MENTION

WE HAD A CITIZEN THAT WOULD LIKE TO ADDRESS US.

I WOULD LIKE TO SAY GOOD MORNING AGAIN TO EVERYONE, THE HOLIDAY SEASON COMING UP. MY NAME IS SATURDAY ART SOLS, PRESIDENT OF THE GEORGE WASHINGTON CARVER AMBASSADORS. I AM HERE THIS MORNING TO HOPE THAT WE CAN ADD THE GEORGE WASHINGTON CARVER MUSEUM AND THE LIBRARY TO THIS ORDINANCE BECAUSE WE ARE HAVING THAT PROBLEM ALREADY AND THE MUSEUM HAVE NOT BEEN OFFICIALLY OPENED TO THE PUBLIC ALTOGETHER TO PROTECT THE GROUNDS WHERE THEY ARE ALREADY SKATING ON THE PROPERTY. SO I WOULD LIKE TO SEE IF THEY COULD BE ADDED TO THIS ORDINANCE TO PROTECT THE MUSEUM AND THE LIBRARY.

Mayor Wynn: THANK YOU, MR. SOLS, THAT BEGS THE QUESTION HOW -- HOW EASILY CAN WE --

Futrell: WELL, TWO QUESTIONS. ONE IS CAN YOU MAKE THAT AMENDMENT. I BELIEVE -- I'M NOT SURE, THAT'S A LEGAL QUESTION. DAVID WILL ANSWER THAT. THE LARGER QUESTION IS I WASN'T AWARE THERE WAS DAMAGE THERE.

NO, NO, IT IS NOT DAMAGE. NOT YET. I'M JUST SAYING HERE THAT.

Futrell: GOOD.

-- WE DO HAVE SECURITY TELLING THE PEOPLE TO GET OFF THE PROPERTY. BUT BEFORE THE DAMAGES GET THERE, WE WOULD LIKE TO SEE IF WE CAN'T HAVE AN ORDER TO PROTECT THE AREA. TO MAKE SURE THAT WE DON'T HAVE THE DAMAGES. WE WOULD LIKE TO BE ADDED TO THIS ORDINANCE OR TO BE MADE UP FOR THE MUSEUM AND THE LIBRARY TO PROTECT AS FAR AS -- AS FAR AS CHECKING THESE PEOPLE OUT AND PROSECUTING THEM.

Futrell: I THINK THIS IS AS COUNCILMEMBER THOMAS WAS JUST ASKING, FOR AN ASSESSMENT OF CARVER, THE LIBRARY, WHEN -- FOR US TO COME BACK AND SEE COULD WE CREATE AN ORDINANCE THAT WOULD DO THIS EXACT SAME THING THEN FOR CARVER.

YES, I HEARD THAT. I WANTED TO MAKE SURE THAT I WAS HEARD. I HAD MY NAME ON TO MAKE SURE THAT YOU HEARD ME AND PUT US IN.

Futrell: IT'S A BEAUTIFUL FACILITY, TOO, ISN'T IT?

WE WANT TO KEEP IT THAT WAY.

Futrell: I WAS VERY PROUD OF IT WHEN WE WENT TO SEE IT THE OTHER DAY.

Mayor Wynn: THANK YOU, MR. SOLS.

CITY MANAGER ON THE ISSUE OF COULD IT BE ATTACHED TO THIS ORDINANCE, I WOULD HAVE CONCERNED BECAUSE WE MADE THE POSTING LANGUAGE PRETTY SPECIFIC TO THE NEW CITY HALL. MY ADVICE WOULD BE THAT WE INVESTIGATE IT AND COME BACK LATER.

ALL RIGHT. BUT OUR COMMITMENT WILL BE THAT WE WILL TAKE A LOOK AT THAT AND WILL WORK WITH COUNCILMEMBER THOMAS' OFFICE WHEN WE ARE BACK IN JANUARY.

Mayor Wynn: THANK YOU, MR. SOLS. COUNCIL, I WILL ENTERTAIN A MOTION ON ITEM NO. 22.

Thomas: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER DUNKERLY TO APPROVE THE AMENDED ORDINANCE FOR ITEM NO. 22 REGARDING SKATE BOARDS AND BICYCLES, MOTOCROSS BICYCLES AT THE NEW CITY HALL PROPERTY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU. COUNCIL, THAT LEAVES US WITH ONE DISCUSSION ITEM, ITEM NO. 18 WAS PULLED BY COUNCILMEMBER SLUSHER. REGARDING AN E.T.J. RELEASE.

Slusher: I WAS JUST TOLD THAT STAFF IS -- IS TALKING ABOUT THIS WITH THE OWNERS ON THE RESTRICTIVE COVENANT. THEY HAVE SOM MINOR CHANGES. THEY ARE MAKING, SO THEY WANTED US TO LEAVE THAT OFF MOMENTARILY.

Mayor Wynn: FAIR ENOUGH, NO DISCUSSION ITEMS TO TAKE UP AT THIS TIME. WITHOUT OBJECTION, WE WILL GO INTO CLOSED SESSION TO RECEIVE PRIVATE CONSULTATION FROM OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEMS 71 RELATED TO THE 79th TEXAS LEGISLATIVE SESSION, 72, REGARDING COLLECTIVE BARGAINING WITH THE FIREFIGHTERS, 73 REGARDING LEASE AMENDMENT WITH THE LONG CENTER, 74 RELATED TO THE LOCATION OF THE AUSTIN MUSEUM OF ART, 75 RELATED TO CITY OF SUNSET VALLEY, SAVE OUR SPRINGS IT AT VERSUS THE CITY OF AUSTIN AND LOWE'S. I ANTICIPATE US BEING IN CLOSED SESSION FOR APPROXIMATELY ONE HOUR AND AT ABOUT 12 OR 12:15, WE WILL RECESS THE CITY COUNCIL IN ORDER FOR US TO ATTEND THE FUNERAL EARLY THIS AFTERNOON. THANK YOU VERY MUCH.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM 72 CONCERNING COLLECTIVE BARGAINING WITH OUR FIREFIGHTERS. NO DECISIONS WERE MADE. IT IS NOW 12 MINUTES AFTER NOON. WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, MOST OF THE COUNCIL, I BELIEVE, AND SENIOR MANAGEMENT, WILL BE ATTENDING A FUNERAL. I ANTICIPATE US BEING BACK SOMETIME BEFORE 3:00 P.M. THANK YOU.

WE'RE BACK AND WE WILL RETURN TO CLOSED SESSION. WE WILL BE DISCUSSING ITEM NUMBER 72, ISSUES RELATED TO COLLECTIVE BARGAINING WITH THE AUSTIN ASSOCIATION OF PROFESSIONAL FIREFIGHTERS. WE WILL TRY TO BE BACK BY 3:00.

AT THIS TIME WE'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN, CITY COUNCIL. WE HAVE BEEN UNDER CLOSED SESSION UNDER SECTION 551.071 TO RECEIVE PRIVATE CONSULTATION FROM IEWR ATTORNEYS ON ITEM 72, RELATED TO COLLECTIVE BARGAINING WITH THE

PROFESSIONAL FIREFIGHTERS. NO DECISIONS WERE MADE. I
THANK THE CITIZENS WHO HAD SIGNED UP FOR CITIZENS
COMMUNICATION WHO WERE PATIENT ENOUGH TO WAIT
FOR 3:00 O'CLOCK. THE ENTIRE COUNCIL, THE CITY
MANAGER AND A NUMBER ATTENDED A FUNERAL A FEW
MINUTES AGO FOR RETIRED AUSTIN POLICE DEPARTMENT
DETECTIVE CURT JACOBSON AND HIS WIFE, SHAUNA
JACOBSON. OUR CONDOLENCES TO THEIR FAMILY AND THE
ENTIRE A.P.D. FAMILY. THIS HAS BEEN A DIFFICULT YEAR
FOR THE A.P.D. AND IT WAS A TRAGIC AND MOVING DAY FOR
ALL OF US. SO NOW AT 3:00 O'CLOCK WE CAN TAKE UP OUR
TIME CERTAIN CITIZENS GENERAL COMMUNICATION. OUR
FIRST SPEAKER IS MR. JIMMY CASTRO. WELCOME, SIR.

GOOD AFTERNOON, MAYOR WYNN, COUNCILMEMBERS, AND
MS. FUTRELL. I DO HAVE SOME SLIDES TO SHOW YOU
TODAY. I'M HERE ON MY OWN BEHALF. THIS FIRST SLIDE
SHOWS DURING THE 2005 LEGISLATIVE SESSION THERE WILL
BE A PUSH TO SECURE FUNDING FOR BIO TECHNOLOGY
CENTER WITH A MEDICAL SCHOOL AS ITS FOUNDATION IN
THE AUSTIN AREA. THE LEGISLATIVE RECEIVES 100 MILLION
TO 200 MILLION IN INITIAL FUNDING. A MEDICAL SCHOOL IN
THE AUSTIN AREA COULD CREATE 50,000 JOBS IN LESS THAN
A DECADE. THE FORMATION OF THE CENTRAL TEXAS
INSTITUTE FOR RESEARCH AND EDUCATION AND MEDICINE
AND BIO TECHNOLOGY WAS RECENTLY ANNOUNCED BY THE
UNIVERSITY OF TEXAS. THE GROUP COMPRISES ESSENTIAL
VETERANS TEXAS HEALTH CARE NETWORK, THE GREATER
CHAMBERS OF COMMERCE, THE SETON HEALTH CARE PIP,
U.T.'S AUSTIN CAMPUS, THE U.T. HEALTH SCIENCE CENTER
IN HOUSTON. THE U.T. MEDICAL BRANCH AT GALVESTON.
THE INSTITUTE PLANS TO DEVELOP JOINT MEDICAL AND
DEGREE PROGRAMS BETWEEN UTMB AND THE AUSTIN
CAMPUS. AND UTMB AND U.T. SCHOOL OF PUBLIC HEALTH.
THE GROUP ALSO WILL FOCUS ON DEVELOPING THE REGION
HEALTH CARE WORKFORCE. THE INSTITUTE'S EFFORTS,
WHICH ARE CRITICAL SCHOLARS, MEDICAL STUDENTS AND
MEDICAL RESIDENTS ACCORDING TO UNIVERSITY OF TEXAS.
THE LACK OF A MEDICAL SCHOOL AND TEACHING HOSPITAL
IS CERTAINLY A DETRIMENT TO THE BIO SECTOR IN AUSTIN
ACCORDING TO A CHAMBER OF AUSTIN REPORT. TO MEET
THE DEMANDS OF CONTINUING GROWING POPULATION,

SETON PROJECTS THAT CENTRAL TEXAS WILL NEED MORE THAN 600 NEW PHYSICIANS OVER THE NEXT FIVE YEARS. IN SOME AREAS OF MEDICINE, DEMAND OUT GROWS SUPPLIES ESPECIALLY WHEN IT COMES TO HIGHLY TRAINED EMERGENCY ROOM SURGEONS. BRINGING MORE MEDICAL STUDENTS AND YOUNG DOCTORS TO AUSTIN IS GOOD FOR ALL HEALTH CARE PROVIDERS AND PATIENTS. THANK YOU, MAYOR WYNN.

Mayor Wynn: THANK YOU, MR. CASTRO. OUR NEXT SPEAKER IS MICHELLE HUANG, SORRY FOR I MISPRONOUNCED THAT. SORRY, MA'AM. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, MAYOR AND MEMBERS OF THE COUNCIL. I'M HERE TODAY ON BEHALF OF ALL FALUN DAFA PRACTITIONERS HERE IN AUSTIN TO THANK YOU ALL FOR YOUR ATTENTION AND SUPPORT THROUGHOUT THE YEAR. AS YOU MAY KNOW, FALUN DAFA, ALSO KNOWN AS FALUN GANG IS A CHINESE DISCIPLINE THAT INCLUDES EXERCISE AND MEDITATION. ITS PRINCIPLES ARE BASED ON TRUTH, COMPASSION AND TOLERANCE. PEOPLE WHO PRACTICE IT REGULARLY OBTAIN BETTER HEALTH, REDUCED STRESS, INNER PEACE AND IMPROVEMENT IN MORAL CHARACTER. WHEN I START PRACTICING FALUN DAFA TWO YEARS AGO I HAD JUST RESIGNED MY JOB DUE TO COMPLICATIONS ASSOCIATED WITH LIVER DISEASE. SHORTLY INTO THE PRACTICE, ALL SYMPTOMS WENT AWAY AND I'VE SINCE RETURNED TO WORK. I, ALONG WITH MY FELLOW AUSTIN PRACTITIONERS, HAVE BENEFITTED SO MUCH FROM THE PRACTICE THAT WE VOLUNTEER OUR TIME EVERY WEEKEND TO TEACH THE EXERCISES AT A PARK IN NORTH AUSTIN AND AT TOWN LAKE. ALL TEACHINGS ARE ABSOLUTELY FREE. AND MORE AND MORE PEOPLE HAVE COME TO APPRECIATE THE PRACTICE. TO FURTHER SHARE THIS WONDERFUL PRACTICE, WE PARTICIPATED IN THE PARADE THIS YEAR AND THE MOST RECENT CHRISTMAS PARADE AT CANYON LAKE. MANY OF OUR OTHER ACTIVITIES AROUND AUSTIN THROUGHOUT THE YEAR HAVE HELPED RAISE AWARENESS ABOUT THE PERSECUTION OF OUR FELLOW PRACTITIONERS IN CHINA. THE PERSECUTION HAS LASTED OVER FIVE YEARS AND THE NUMBER OF CONFIRMED TORTURE DEATHS NOW STANDS AT 1,170 WITH A TRUE DEATH TOLL ESTIMATED TO BE 10 TIMES HIGHER. WE'VE HELD SEVERAL APPEALS

OUTSIDE THE STATE CAPITOL. A RALLY AT U.T. OF WHICH COUNCILMEMBER MR. DARYL SLUSHER CAME AND SPOKE TO SHOW HIS SUPPORT. AND RECENTLY TWO ANTI-TORTURE EXHIBITIONS AT U.T. THE EXHIBITION SHOWED ONLY THE TIP OF THE ICEBERG. THE METHOD OF TORTURE USED BY THE FORMER CHINESE PRESIDENT AND MS. FOLLOWERS TO PERCENT CUTE FALUN DAFA PRACTITIONERS ARE MUCH MORE BRUTAL THAN THE ONES WE'VE DEMONSTRATED. MY FELLOW AUSTIN PRACTITIONERS AND I WILL CONTINUE TO SHARE THE BEAUTY OF FALUN DAFA WITH THE PEOPLE IN AUSTIN AND RAISE AWARENESS ABOUT THE PERSECUTION. WITH A GROWING NUMBER OF LAWSUITS AROUND THE WORLD, CHARGING THE FORMER CHINESE LEADERS AND HIS FOLLOWERS WITH GENERAL SIDE, TORTURE AND CRIES GEENS HUMANITY, WE ARE CONFIDENT THAT THE PERCENT CUTERS WILL BE TRIED AND BROUGHT TO JUSTICE VERY SOON. AGAIN, ON BEHALF OF ALL FALUN DAFA IN PRACTITIONERS IN AUSTIN, I THANK YOU FOR YOUR CONTINUED ATTENTION AND SUPPORT. THANK YOU.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS MR. PAT JOHNSON. MR. PAT JOHNSON. WHO IS TO BE FOLLOWED BY PATRICIA BRADY. WELCOME, MS. BRADY. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. MY NAME IS TRISH BRADY AND I'M HERE TO DISCUSS THE PERSECUTION OF FALUN DAFA PRACTITIONERS IN CHINA AND HERE IN AMERICA. I HAVE GIVEN YOU THREE LETTERS. ONE IS AN OBSERVANCE LETTER GIVEN TO US BY THE SAN ANTONIO MAYOR HOWARD PEAK. I'M FROM CANYON LAKE. IT SIMPLY SAYS THAT THROUGH SPIRITUAL MEDITATION AND DISCIPLINE ARE A MEANS OF ENCOURAGING GOOD HEALTH THROUGH EXERCISE AND HELP WITH REDUCTION OF STRESS. IT IS DATED NOVEMBER 20TH OF 1999. THE SECOND LETTER IS A RESPONSE TO THE OBSERVANCE GIVEN BY MAYOR PEAK TELLING HIM THAT MR. LEE HONG INJURY JUR IS A CULT LEADER AND JEOPARDIZING SOCIAL STABILITY. THE THIRD LETTER IS A REPLY FROM THE CITY OF SAN ANTONIO SAN ANTONIO TELLING THEM THAT THE INFORMATION THAT THEY, THE CHINESE CONSULATE HAVE IS NOT CORRECT. I BRING THIS TO YOUR ATTENTION TO HELP YOU UNDERSTAND WHY FALUN DAFA PRACTITIONERS

CLARIFY THE TRUTH TO ALL LEVELS OF GOVERNMENT. THE CHINESE GOVERNMENT NOT ONLY I AM IMPRISONS SOME CITIZENS BY PLACING THEM IN LABOR CAMPS AND INSANE ASYLUMS, IT COMES TO AMERICA AND GOES TO GREAT LENGTHS TO TRY TO PERCENT CUTE AMERICANS ON THEIR OWN SOIL. AND THERE ARE ABOUT 10,000 AMERICANS WHO PRACTICE FALUN DAFA. FIVE YEARS HAVE GONE BY SINCE THIS CORRESPONDENCE BETWEEN THE SAN ANTONIO MAYOR AND THE CHINESE CONSULATE HAVE TAKEN PLACE AND NEVER HAS THERE BEEN A SINGLE INCIDENT OF A FALUN DAFA PRACTITIONER CREATING A DISTURBANCE. BUT TO THE CONTRARY, THE CHINESE GOVERNMENT HAS CAUSED MANY DISTURBANCES HERE IN AMERICA. APARTMENTS HAVE BEEN BROKEN INTO, A CAR SET ON FIRE, PRACTITIONERS IN CHICAGO HAVE BEEN HARASSED AND A PRACTITIONER IN NEW YORK PHYSICALLY ASSAULTED IN PUBLIC. EVEN THE NATIONAL ARTS CLUB IN NEW YORK CITY COULD NOT ESCAPE A BOMB THREAT WHEN WE HELD AN ART EXHIBIT CALLED UNCOMPROMISING COURAGE. THE ARTS CLUB DID NOT BEND TO THE PRESSURE AND THE PERSON RESPONSIBLE FOR THE BEATING WAS CHARGED AND CONVICTED. I PERSONALLY HAVE BEEN PRACTICING FOUR AND A HALF YEARS AND HAVE BECOME A BETTER PERSON BY FOLLOWING THE PRINCIPLES OF TRUTHFULNESS, TOLERANCE AND COMPASSION. I HOPE MY BEING HERE TODAY HAS HELPED YOU TO UNDERSTAND AND I WISH EVERYONE A MERRY CHRISTMAS AND A HAPPY NEW YEAR.

Mayor Wynn: THANK YOU, MS. BRADY. OUR NEXT SPEAKER IS LAWYER CHEN. WELCOME, LAURA, YOU WILL HAVE THREE MINUTES. YOU WILL BE POLICIED BY PAT VALUES TRELLES.

GOOD AFTERNOON. I WOULD LIKE TO GIVE YOU A BRIEF ABOUT THE PERCENT CUTTERS OF FALUN DAFA. IT HAS TRIGGERED A WORLDWIDE LAWSUIT AGAINST THE CHINESE LEADER. HE IS A FORMER CHINESE COMMUNIST LEADER. THE LAWSUIT WAS ALSO FILED AGAINST OTHER HIGH-RANKING OFFICIALS. TO DATE THERE ARE OVER 10 LAWSUITS IN DIFFERENT COUNTRIES. THEY PRACTICE CIEMZ CRIMES AGAINST HUMANITY IN PERSECUTION OF FALUN DAFA. THE LAWSUITS HAVE BEEN FILED IN MANY COUNTRIES. ONE OF THE MOST SIGNIFICANT LAWSUITS IS

THE ONE FILED IN THE U.S. AGAINST THE FORMER CHINESE LEADER. HE HAS USED MANY DIPLOMATIC, ECONOMIC AND POLITICAL STRATEGIES TO PRESSURE THE U.S. GOVERNMENT TO INTERVENE AND STOP THE LAWSUIT, THEREFORE ALTHOUGH THE DISTRICT COURT AND COURT OF APPEAL JUDGES AGREED THAT HE IS RESPONSIBLE FOR THE PERSECUTION, THEY GRANTED HIM FOREIGN SOVEREIGN IMMUNITY. FALUN DAFA PRACTITIONERS ARE PREPARING TO TAKE THIS CASE TO THE SUPREME COURT. IN THE MEANTIME, THE FEDERAL HIGH-RANKING OFFICIALS WHO ARE RESPONSIBLE FOR THE PERSECUTION HAVE BEEN GIVEN GUILTY VERDICTS. FOR EXAMPLE, A CHINESE CONSULATE OFFICIAL IN CANADA WAS FOUND GUILTY BY A LOCAL COURT, SO THE OFFICIAL ESCAPED BACK TO CHINA. ANOTHER CASE INVOLVES A CHINESE OFFICIAL WHO WAS A DEPUTY PRO VICE-MAYOR OF A PROVINCE. IN 2003 A JUDGE IN CALIFORNIA DISTRICT COURT DENIED HIM SOVEREIGN IMMUNITY AND HANDED HIM A GUILTY VERDICT FOR HIS ROLES IN THE PERSECUTION OF A FALUN DAFA PRACTITIONER. I WANT TO EMPHASIZE THIS CASE BECAUSE A FEW MONTHS AGO THIS CRIMINAL WAS GIVEN AN HONORARY CITIZENSHIP OF HOUSTON AND TEXAS, BUT THE CITY OF HOUSTON AND HARRIS COUNTY. LATER WE FOUND OUT THAT THIS CERTIFICATE WAS GIVEN TO THIS CHINESE OFFICIAL WITHOUT PRIOR KNOWLEDGE OF HIS CRIMINAL BACKGROUND. TO AVOID SIMILAR SITUATIONS, I'M OFFERING IN OUR -- SITUATIONS FROM HAPPENING IN OUR CITY, I WILL PROVIDE YOU A LIST OF CHINESE OFFICIALS WHO HAVE BEEN IDENTIFIED AS CRIMINALS FOR PROSECUTING FALUN DAFA. IN 2004 THE HOUSE OF REPRESENTATIVES UNANIMOUSLY PASSED A RESOLUTION 304 CONDEMNING THE CHINESE GOVERNMENT PERSECUTION OF FALUN DAFA IN BOTH THE UNITED STATES AND CHINA. THIS RESOLUTION ALSO URGED LOCAL GOVERNMENT OFFICIALS TO REPORT INCIDENTS OF PRESSURE OR HARASSMENT BY CHINESE AGENTS TO CONGRESS, THE ATTORNEY GENERAL AND THE SECRETARY OF STATE. [BUZZER SOUNDS] I WOULD NOW LIKE TO GIVE YOU COPIES OF THE RESOLUTION AND A LIST OF CHINESE OFFICIALS WHO PARTICIPATE IN THE PERSECUTION OF FALUN DAFA. THANK YOU VERY MUCH.

THANK YOU.

Mayor Wynn: THANK YOU. PAT VALLS TRELLES. TO BE FOLLOWED BY RICHARD TROXELL, WHO WILL BE FOLLOWED BY JENNIFER GALE. RICHARD, YOU HAVE THREE MINUTES. THANKWELCOME.

HELLO, FOLKS. PLEASE GET YOUR PENS OUT. WE'RE GOING TO TELL YOU HOW YOU CAN HELP THE HOMELESS THIS WINTER HERE IN AUSTIN. HI, WHO ARE YOU?

ME? WHY, I'M ONE OF SANTA'S MANY VOLUNTEERS HELPING OUT WITH HOUSE THE HOMELESS THERMAL UNDERWEAR DRIVE. I'M HERE WITH THE OTHER HELPERS.

REALLY? THAT SOUNDS VERY IMPORTANT. HAVE YOU EVER DONE THIS BEFORE?

SURE. IT'S OUR FIFTH ANNUAL THERMAL UNDERWEAR DRIVE.

EXCELLENT. WHAT SORT OF GIFTS ARE YOU GOING TO BE GIVING THE GUYS AND GALZ THIS YEAR?

WELL, WE'LL HAVE LOTS AND LOTS OF THERMAL UNDERWEAR FOR HUNDREDS OF FOLKS. WE'LL ALSO HAVE SNUGGLY HATS AND GLOVES FOR COLD FINGERS AND TOASTY SOCKS FOR ICY COLD TOES.

OH! DID YOU SAY HUNDREDS?

OH, YES. 500 COMPLETE SETS OF THERMAL TOPS AND BOTTOMS. 500 PAIRS OF SOCKS, PLUS 900 HATS AND 900 PAIRS OF GLOVES.

WOW. THAT -- I'M NOT SURE THE BUDGET CAN HANDLE ALL THAT. AND I'VE HEARD THAT YOU FOLKS AT HOUSE THE HOMELESS ARE ALL VOLUNTEERS. EXACTLY HOW DO YOU PLAN TO PAY FOR THIS GOOD STUFF?

WELL, WE WON'T TRY AND USE OUR TELEPHONE CARD LIKE YOU DID WHEN YOU FILLED UP SANTA'S SLEIGH LAST WEEK.

NOW, THAT WAS AN HONEST MISTAKE. IT WORKED OUT OKAY.

IT WAS A GOOD THING THE GUY AT THE SERVICE STATION FELT SORRY FOR YOU. I SUSPECT HE MAY HAVE REALIZED THAT RICHARD MAY HAVE TOO MUCH REINDEER BUTT ON THE BRAIN. ANYWAY, WE'RE ASKING THE FOLKS AT HOME TO HELP WITH JUST \$10, SO PULL OUT YOUR ICE SICK HE WILL PENS AND JOT DOWN OUR ADDRESS.

OKAY, FOLKS, HERE YOU GO. SEND IT TO HOUSE THE HOMELESS, P. O. BOX 2312 RIGHT HERE IN AUSTIN, 78768.

THAT'S EASY TO REMEMBER BECAUSE THAT'S WHAT WE WANT IN OUR STOCKINGS, YOU KNOW, TO HOUSE THE HOMELESS.

IT'S JUST \$10, RIGHT?

YES. FOR JUST \$10 YOU CAN HELP A GAL.

OR A GUY.

HELP KEEP A WE BIT WARMER THIS WINTER. HAPPY HOLIDAYS. HOUSE THE HOMELESS!

Mayor Wynn: THANK YOU, MR. TROXELL. AND I MAILED IN MY 100-DOLLAR CHECK TWO DAYS AGO. THANK YOU. OKAY. ACTUALLY, I SAW PAT TRELL ES ARRIVE. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR. MAYOR AND MAYOR PRO TEM, CITY COUNCILMEMBERS AND CITY MANAGER, MY CONDOLENCES TO ALL OF YOU AND TO THE AUSTIN POLICE DEPARTMENT AND TO THE FAMILIES OF -- THE FAMILY AND FRIENDS OF THE JACOBSONS. I KNOW IT MUST BE HARD TO BE HERE TODAY. THE ANIMAL ADVISORY COMMISSION MEETS ON THE THIRD TUESDAY OF EVERY MONTH. I'VE BEEN SERVING ON THE COMMISSION SINCE 1991, WHICH IS A LONG TIME. THANK YOU FOR APPOINTING ME. THANK YOU, JACKIE, FOR YOUR SUPPORT OF ANIMAL ISSUES OVER THE YEARS. AND I ALSO WANT TO THANK DARRYL FOR HIS YEARS OF PUBLIC SERVICE AND WISH YOU BOTH THE BEST WHEN YOU'RE NO LONGER ON THE CITY COUNCIL. I WANT TO LET YOU KNOW THAT YOU WILL BOTH BE MISSED. I'D LIKE TO TALK ABOUT WHAT'S GOING TO BE ON OUR AGENDA FOR THE NEXT TWO

MEETINGS. YOU CAN FIND THE AGENDA ON MY WEBSITE, WHICH IS WWW.PATVT.COM. BUT BASICALLY I WOULD LIKE TO START WITH CRUELTY INVESTIGATIONS. A COUPLE OF MONTHS AGO YOU HEARD FROM MISSY MCCOLLOUGH AND SOME OTHER ANIMAL ADVOCATES ABOUT THIS IMPORTANT ISSUE. AND YOU WERE VERY SUPPORTIVE. MAYOR, I THINK YOU MADE SOME COMMENTS. BREWSTER, I THINK YOU DID TOO. AND I APPRECIATE THAT. I ALSO APPRECIATE THAT, TOBY, I BELIEVE YOU STEPPED OUTSIDE AND SPOKE TO PEOPLE. I WOULD LIKE TO SAY THAT THIS PROBLEM HAS NOT BEEN FIXED AND WE NEED YOUR CONTINUED ATTENTION TO IT. AND I HOPE YOU CONTINUE TO SUPPORT US IN TRYING TO IMPROVE THE WAY CRUELTY INVESTIGATION IS DONE. WE WILL BE HAVING THAT ISSUE COME UP AT THE FEBRUARY 15TH MEETING OF THE ANIMAL ADVISORY COMMISSION. I'D LIKE TO ENCOURAGE YOU TO GIVE YOUR SUPPORT TO YOUR APPOINTEES TO POSSIBLY CONSIDER SENDING A STAFF MEMBER OR JUST COMMUNICATE WITH US ABOUT THAT ISSUE SO THAT IT STAYS IN THE FOREFRONT AND IT'S AN IMPORTANT ISSUE THAT WE WILL NOT TOLERATE THAT LEVEL OF CRUELTY IN THIS CITY. WE ALSO HAVE ANOTHER IMPORTANT ISSUE THAT'S COMING UP, WHICH IS SPAY/NEUTER. YOU MAY HAVE HEARD THAT CORPUS CHRISTI JUST PASSED A PRETTY STRONG ORDINANCE THIS WEEK REQUIRING SPAYING AND NEUTERING OF ANIMALS. WE'VE BEEN TALKING ABOUT A SIMILAR THING FOR QUITE SOME TIME NOW, AND THAT'S GOING TO BE ON THE AGENDA FOR OUR JANUARY 18th MEETING. AND AGAIN, I WOULD LIKE TO ENCOURAGE YOU TO COMMUNICATE WITH US ABOUT THAT, LET US KNOW YOUR THOUGHTS AND LET US KNOW WHAT YOU WOULD LIKE US TO DO HERE IN AUSTIN. [BUZZER SOUNDS]. I RAN OUT OF TIME BEFORE I GOT TO MY OTHER ISSUES. THEY CAN BE FOUND ON MY WEBSITE, WWW.PVT.COM. THANK YOU VERY MUCH AND HAVE A GOOD HOLIDAY.

Mayor Wynn: THANK YOU VERY MUCH. I GOT YOUR E-MAIL ON THESE ISSUES.

AND ASSISTANT CHIEF RUDY MEN DARE REZ HAS GETTING TOGETHER WITH FOLKS TRYING TO WORK ON THE ANIMAL ISSUES AND I BELIEVE WE ARE GOING TO MAKE SOME

HEADWAY ON THESE ISSUES.

Mayor Wynn: THANK YOU. OUR LAST SPEAKER, MS. JENNIFER GALE. WELCOME. YOU WILL HAVE THREE MINUTES.

(music) FE FE FELIZ NAVIDAD. (SINGING FELIZ NAVIDAD).
MAYOR WYNN, CITY MANAGER FUTRELL, COUNCILMEMBERS,
DARYL SLUSHER AND JACKIE GOODMAN, THANK YOU FOR
YOUR SERVICE TO OUR CITY OVER THESE YEARS.
COUNCILMEMBER MAC CRACK EN, DUNKERLEY, THOMAS
AND AL VER REZ, CITY OF AUSTIN EMPLOYEES AND
FAMILIES, MERRY CHRISTMAS AND HAPPY NEW YEAR. I'M
JENNIFER GALE. THIS CHRISTMAS AT CHARLIE'S AT 12TH AND
LAVACA AT 1:00 O'CLOCK THERE'S DINNER FREE FOR ALL.
NOW YOU CAN SEE 1:50 RUIZ. I'M CHANGING AS THE
SHOPPERS RUSH HOME WITH THEIR FAVORS AND PEOPLE
RUSH HOME FROM THEIR CHURCHES. FOR A NEW YEAR'S
RESOLUTION, LET'S KEEP AUSTIN-AUSTIN. FOR SAFE
TRAVEL, EIGHT HOURS OF SLEEP OR DON'T DRIVE. REST
EVERY 100 MILES. LET'S KEEP OUR OFFICERS SAFE. CITY
COUNCIL, LET'S GIVE THEM A VACATION EVERY SIX MONTHS
SO THEY CAN RELIEVE THE STRESS SO THEY'RE NOT DOING
IT IN INAPPROPRIATE WAYS. THE AUSTIN POLICE
ASSOCIATION IS ALLOWING HORRIBLE THINGS TO HAPPEN
TO OUR OFFICERS. I'M ASKING EVERYONE TO CALL
CONGRESSMAN LLOYD DOGGETT AT 916-5921, AND TELL HIM
TO IMPEACH PRESIDENT GEORGE BUSH FOR THE
SLAUGHTER OF THE MILITARY AND THE PEOPLE OF THE
REPUBLIC OF IRAQ TO BE TRIED IN THE SENATE FOR
MURDER. ALL THOSE WHO SPROATED FOR PRESIDENT BUSH
-- VOTED FOR PRESIDENT BUSH ARE GUILTY OF MURDER
AND SHOULD BE TRIED UNDER TEXAS LAWS, BUT I'M FOR --
I'M NOT FOR CAPITAL PUNISHMENT. THAT'S 916-5921. KEEP
CALLING UNTIL HE ANSWERS YOU BACK. OR WWW.ASKDR.
LINDSEY.COM. I'M ALSO ASK YOU TO GET MORE JOBS FOR
OUR HOMELESS. SWEET 16 FOR VOLLEYBALL. GOOD LUCK
TO THE UNIVERSITY OF TEXAS FOR THE ROSE BOWL. AND
LET'S SING SILVER BELLS. IS EVERYONE READY? (CITY
SIDEWALKS, BUSY -- (music) CITY SIDEWALKS, BUSY
SIDEWALKS -- COME ON EVERYBODY. THANK YOU TO THE
MAYOR FOR HIS TASKFORCE ON BUSINESS. YOU CAN RUN
AT A BUS STOP, IN FRONT OF THE TV WHILE YOU'RE
WATCHING TV OR SINGING SILVER BELLS. TOGETHER,

EVERYONE. (music) CITY SIDEWALKS, BUSY SIDEWALKS -- [BUZZER SOUNDS] -- DRESSED IN HOLIDAY STYLE. (music) IN THE AIR THERE'S A FEELING OF CHRISTMAS. (music) CHILDREN LAUGHING, PEOPLE PASSING, MEETING SMILE AFTER SMILE. (music) AND AROUND EVERY CORNER YOU'LL HEAR... [BUZZER SOUNDS] (music) SILVER BELLS, SILVER BELLS. IT'S CHRISTMAS TIME IN THE CITY. (music) HEAR THEM RING, RING A LING. SOON IT WILL BE CHRISTMAS DAY. (music) STREAMS OF STOPLIGHTS BLINK A BRIGHT RED AND GREEN. [BUZZER SOUNDS] AS THE FAITHFUL RUSH HOME FROM THEIR CHURCHES. (music) HEAR THE SNOW CRUNCH, SEE THE KIDS BUNCH, THIS IS SANTA'S BIG SCENE. (music) AND ABOVE ALL THE BUSTLE YOU'LL HEAR... (music) SILVER BELLS, VILLE SILVER BELLS, IT'S CHRISTMAS TIME IN THE CITY. CINCINNATI HEAR THEM -- (music) HEAR THEM RING, RING A LING, SOON IT WILL BE CHRISTMAS DAY. MERRY CHRISTMAS EVERYONE. [APPLAUSE]

Mayor Wynn: MERRY CHRISTMAS MS. GALE. MR. HILGERS, A TOUGH ACT TO FOLLOW. [LAUGHTER] WITH THAT WE'LL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, CALL TO ORDER THIS MEETING OF THE BOARD OF DIRECTORS OF THE AUSTIN AUSTIN HOUSING FINANCE CORPORATION, AND MR. HILGERS HAS BEEN TUNING UP.

I WILL SPARE YOU THAT, PLPT MR. PRESIDENT, BUT I WILL PAUL HILLERS OF THE AUSTIN HOUSING FINANCE CORPORATION. WE HAVE THREE THINGS BEFORE YOU TODAY. THIS IS THE LAST MEETING OF 2004. ITEM 1 IS TO APPROVE THE MINUTES OF NOVEMBER 18th, 2004 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: SO I'LL ENTERTAIN A MOTION ON AHFC 1, THE APPROVAL OF OUR MINUTES. MOTION MADE BY VICE-PRESIDENT, SECONDED BY BOARD MEMBER MCCracken. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

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

THANK YOU, MR. PRESIDENT, AHFC NUMBER 2 IS TO

APPROVE THE NEGOTIATION AND EXECUTION OF A DEFERRED PAYMENT FORGIVABLE LOAN AGREEMENT WITH THE GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION IN AN AMOUNT NOT TO EXCEED \$360,000 TO FUND THE GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION'S CONSTRUCTION OF SIX AFFORDABLE RENTAL HOUSING UNITS LOCATING IN THE GUADALUPE NEIGHBORHOOD AT 10 ON 3 LYDIA, 907 SPENCE, 1009 EAST 10th, AND 809 SAN MARCOS AND 2320 SANTA RITA. MARK WALTERS IS HERE IF YOU HAVE ANY QUESTIONS, BUT I WOULD LIKE TO GO OVER A LITTLE BIT ABOUT WHAT THIS LOAN WOULD PROVIDE. AS YOU KNOW, WE'VE HAD A LONG-STANDING RELATIONSHIP WITH GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION TO BUILD AFFORDABLE HOMES IN A PART OF TOWN THAT IS BECOMING MUCH, MUCH MORE EXPENSIVE TO ALLOW FOR AFFORDABILITY. THIS PARTICULAR DEVELOPMENT IS TO ALLOW THE CONSTRUCTION OF SIX NEW RENTAL HOUSING UNITS IN THE NEIGHBORHOOD. ALL SIX UNITS WILL SERVE FAMILIES WITH YEARLY INCOMES OF 60% OR BELOW THE AREA'S MEDIAN FAMILY INCOME, WHICH IS 42,650 FOR A FOUR-MEMBER FAMILY, OF WHICH FOUR UNITS WE RECEIVE FOR FAMILIES WITH YEARLY INCOMES OF OR BELOW 50% OF THE MEDIAN FAMILY INCOMES, INCLUDING TWO UNITS FOR FAMILIES WITH YEARLY INCOMES BELOW 30% OF MEDIAN FAMILY INCOMES. AGAIN, GNDC IS WORKING VERY HARD IN THIS PARTICULAR DEVELOPMENT TO HAVE A VERY LOW AFFORDABILITY OF FAMILIES SERVED. MONTHLY RENTS IN THIS DEVELOPMENT -- THESE UNITS WILL BE RANGING FROM \$225 FOR ONE BEDROOM, ONE BATH UNITS TO \$525 FOR THREE-BEDROOM THREE BATH UNITS. AND TWO UNITS WE RESERVE FOR SECTION 8 TENANTS. ALL SIX UNITS WILL BE DEVELOPED WITH -- IN ACCORDANCE WITH THE SMART HOUSING STANDARDS AND AT LEAST ONE UNIT WILL BE FULLY ACCESSIBLE FOR PERSONS WITH MOBILITY DISABILITIES AND ONE UNIT WILL BE ACCESSIBLE FOR PERSONS WITH HEARING AND VISION DISABILITIES. FUNDING IS AVAILABLE THROUGH THE BUDGET ALLOCATIONS, THROUGH THE RENTAL HOUSING ASSISTANCE PROGRAM. AND WE'RE VERY PROUD TO BRING THIS ITEM BEFORE YOU TODAY. THE THE LOAN OF \$360,000 WILL BE LEVERAGED WITH MONEY FROM PRIVATE FINANCING AND \$150,000 IN

OWNER EQUITY. SO A TOTAL OF THIS WILL BE \$640,000, AND WE RECOMMEND IT FOR YOUR APPROVAL.

Mayor Wynn: SO THE SIX UNITS, I SEE FIVE ADDRESSES. IS THERE A DUPLEX? WHAT IS THE COMBINATION OF THE PRODUCT?

ONE IS A DUPLEX.

Mayor Wynn: ONE DUPLEX AND FIVE FREESTANDING SMALL HOMES?

MARK, DO YOU WANT TO TALK ABOUT IT FOR A SECOND?

AFTERNOON. ONE OF THE UNITS WILL BE -- TWO OF THE UNITS WILL BE A DUPLEX AND THE OTHER FOUR UNITS WILL BE SINGLE-FAMILY. ONE KIND OF A STANDARD, A THREE-BEDROOM HOUSE, AND THE OTHER WILL BE -- I DESCRIBE AS COTTAGE UNITS ON PROPERTY WE ALREADY HAVE.

Mayor Wynn: I'M SURE THEY'LL BE GOBBLED UP.

WE'VE GOT A WAITING LIST OF ABOUT 100 FAMILIES RIGHT NOW. JUST MOVED A FAMILY INTO A HOUSE THAT'S BEEN WAITING SINCE 2004. SO A THREE OR FOUR YEAR WAIT IS NOT UNCOMMON.

Mayor Wynn: KEEP UP THE GOOD WORK. QUESTIONS OF STAFF, BOARD? COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON AHFC 2. MOTION MADE BY COUNCILMEMBER ALVAREZ -- BOARD MEMBER ALVAREZ, SECONDED BY BOARD MEMBER DUNKERLEY TO APPROVE AHFC ITEM 2. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MR. PRESIDENT. AHFC ITEM NUMBER 3 IS TO APPROVE THE NEGOTIATION AND EXECUTION OF A LOAN AGREEMENT BETWEEN MARTIN FEIN INTERESTS LIMITED OF

HOUSTON AND THE AUSTIN HOUSING FINANCE CORPORATION IN AN AMOUNT NOT TO EXCEED \$300,000 TO FUND THE AUSTIN HOUSING FINANCE CORPORATION'S CONSTRUCTION OF 14 AFFORDABLE HOUSING UNITS, AND FUNDING IS AVAILABLE THROUGH LOAN PROCEEDS TO THE AUSTIN HOUSING FINANCE CORPORATION. A LITTLE BACKGROUND ON THIS. ON JUNE SEVENTH, 2001, THE CITY COUNCIL AUTHORIZED THE CITY MANAGER TO NEGOTIATE AND EXECUTE A DEVELOPMENT AGREEMENT AND PASSED A RELATED ORDINANCE WAIVING CERTAIN FEES AND AUTHORIZING ECONOMIC DEVELOPMENT GRANTS WITH PARTNERS FOR THE BENNETT TRACT. ARTICLE 2 OF THAT AGREEMENT REQUIRES THAT A MINIMUM 10% OF ALL HOUSING UNITS BUILT WILL BE AFFORDABLE FOR PERSONS AT OR BELOW MEDIAN FAMILY INCOME. ACCORDING TO THE CURRENT PLAN, MARTIN FEIN PROPOSES TO BUILD 289 UNITS. AFFORDABILITY STIPULATIONS IN THIS PREVIOUSLY AGREED TO AGREEMENT, DEVELOPMENT AGREEMENT, STIPULATES THAT 29 OF THOSE UNITS WOULD BE REQUIRED TO BE AFFORDABLE. 15 OF THOSE UNITS WOULD BE ON SITE AND 14 OF THOSE UNITS WOULD BE OFF SITE. TODAY'S ACTION AUTHORIZES THE AHFC TO NEGOTIATE AND EXECUTE A LOAN AGREEMENT WITH MARTIN FEIN, LIMITED. THE WAY IT WILL WORK IS MARTIN FEIN WILL LOAN THE AUSTIN HOUSING FINANCE CORPORATION \$300,000 TO ASSISTANCE IN THE FINANCING OF THE CONSTRUCTION OF 14 OFF SITE UNITS, WHICH WILL COMPLY WITH THE TERMS OF THE DEVELOPMENT AGREEMENT. WE WILL BUILD THESE UNITS IN THE ANDERSON HILL NEIGHBORHOOD, WHICH COMPLIES WITH THE REQUIREMENT THAT THE OFF SITE UNITS BE BUILT WITHIN EITHER THE 7870 IT OR # 22 ZIP CODE AREAS. THEY HAVE CONCURRED THAT THIS AGREEMENT BETWEEN THE AHFC AND MARTIN FEIN SATISFIES THE OFF SITE REQUIREMENT FOR AFFORDABILITY IN THE DEVELOPMENT AGREEMENT. ESSENTIALLY THE TERMS OF THE AGREEMENT WILL BE NEGOTIATED SO THAT THE LOAN AMOUNT OF \$300,000 FOR AHFC FOR CONSTRUCTION FINANCING, THE TERMS OF WHICH WILL BE FOR THREE YEARS AT ZERO PERCENT INTEREST. REPAYMENT WILL BE \$10,714 PER UNIT, PAYABLE AS EACH UNIT IS SOLD TO HOMEOWNERS. \$150,000 OF THE \$300,000 LOAN WILL BE FORGIVEN AT THE END OF THE TERM AND USED AS

SUBSIDIES TO THE HOME BUYERS TO UNDERWRITE THE COST OF THE HOUSE. AND CONSTRUCTION WILL COMMENCE NO LATER THAN 12 MONTHS AFTER THE EXECUTION OF THE LOAN AGREEMENT. THIS AGREEMENT AND THE REASON -- ONE OF THE REASONS WE'RE BRINGING THIS BEFORE YOU TODAY IS SO THAT THE TERMS OF THE AGREEMENT WOULD BE MORE DEFINED FOR THIS PROJECT TO BE ABLE TO GO FORWARD AND THIS WOULD SATISFY THE AFFORDABILITY OF THAT AGREEMENT.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER ALVAREZ.

YES, MR. HILGERS. I HAD A QUESTION BECAUSE WE -- THE AGREEMENT WITH RIATA ON THAT PARTICULAR PIECE OF PROPERTY REQUIRES THAT 10 PERCENT OF THE UNITS BE AFFORDABLE, AND SO -- SO THEY ARE GOING TO PAY THE \$300,000 BACK? I THOUGHT YOU MENTIONED FORGIVABLE IN PART OF YOUR PRESENTATION? 10 PERCENT OF THE UNITS ON SITE, 15% OF THE UNITS ON SITE WILL BE AFFORDABLE. 15% OF THE UNITS OFF SITE WILL ALSO BE AFFORDABLE. OF THE LOAN THAT THEY ARE PROVIDING TO US, \$150,000 OF THAT WILL BE FORGIVABLE TO US. WE WILL ONLY BE REIMBURSING THEM \$150,000 OF THE \$300,000, THERE BY ALLOWING US TO UNDERWRITE ESSENTIALLY THE -- TO PROVIDE SUBSIDIES TO THE HOME BUYERS FOR ABOUT \$10,000 PER LOT OF THE 14,000-DOLLAR -- OF THE 14 UNITS TO HELP MAKE THE UNITS MORE AFFORDABLE.

Alvarez: AND WHO IS BUILDING THE UNITS?

THE AUSTIN HOUSING FINANCE CORPORATION WILL BE CONTRACTING THROUGH OUR NORMAL PROCESS THE SAME WAY WE DO OUR INFILL BUILDING, WITH SMALL BUILDERS HERE IN AUSTIN THAT ARE ON OUR LIST.

Alvarez: BUT I THINK PART OF THE AGREEMENT WAS THEY WOULD -- THEY WOULD BE PAYING FOR THE CONSTRUCTION OF THOSE UNITS.

AND THAT'S WHAT THIS AGREEMENT IS INTENDED TO HAVE THEM DO, IS TO PAY FOR THOSE -- THE CONSTRUCTION OF THOSE UNIT AND MAKING THAT -- WE'LL BE USING THIS

\$300,000, CONSTRUCTING HOMES, PROVIDING A REVOLVING LOAN ESSENTIALLY, AND SO THAT \$300,000 WILL BE USED TO CONSTRUCT THOSE UNITS. WE'LL FILL ESSENTIALLY THREE LOTS AT A TIME, SELL THEM, BUILD THREE LOTS AT A TIME, SELL THEM, BUILD THREE LOTS AT A TIME AND SELL THEM. SO THEY WOULD BE USING THEIR MONEY TO CONSTRUCT THESE HOMES.

Alvarez: AND THEY OWN THE LOTS ALREADY?

WE OWN THE LOTS ALREADY, THE AUSTIN HOUSING FINANCE CORPORATION OWNS THESE LOTS IN THE ANDERSON HILL REDEVELOPMENT AREA.

Alvarez: SO FOR THOSE 14 LOTS, BASICALLY THEN WE'RE -- WE'RE RECEIVING \$150,000?

ESSENTIALLY THAT'S CORRECT. AND THE ABILITY TO USE \$300,000 UP FRONT TO HELP WITH THE FINANCING CONSTRUCTION FROM BOTH NON-FEDERAL OR NON-GENERAL FUND DOLLARS.

Alvarez: IT SEEMS -- AS WE ALL KNOW, THE LOTS IN EAST AUSTIN ARE WORTH 30, 40,000 EACH, IF NOT MORE IN SOME CASES, SO I'M JUST TRYING TO FIGURE OUT, WELL, AGAIN, THIS IS SOMETHING THAT'S ALREADY REQUIRED PER A DEVELOPMENT AGREEMENT, THEN IT SEEMS LIKE IF THEY HAVE RESPONSIBILITY TO PROVIDE THE UNITS AT A CERTAIN LEVEL OF AFFORDABILITY, SO IF SOMEHOW BRINGING THE LEVEL OF AFFORDABILITY DOWN BELOW 80%?

YES, SIR.

Alvarez: HOW DO WE JUSTIFY US HELPING THEM BASICALLY FULFILL A REQUIREMENT THAT THEY ALREADY ARE REQUIRED TO FULFILL?

ESSENTIALLY WHAT WE'RE TRYING TO DO IS DEVELOP AN AGREEMENT THAT WOULD ALLOW FOR THE CONSTRUCTION OF AFFORDABILITY UNITS IN THIS ZIP CODE BY USING THE \$300 IN A WAY THAT WOULD ALLOW FOR THE FINANCING AND CONSTRUCTION OF THOSE UNITS AND THERE BY ALSO LEAVING \$10,000 IN EACH LOT, WHICH WOULD BRING DOWN

THE COST AND MAKE THEM MORE AFFORDABLE TO MORE FAMILIES, WHICH WE OTHERWISE -- WE DON'T HAVE A FUNDING SOURCE TO DO THAT FOR THOSE PARTICULAR LOTS. SO THAT'S THE -- THAT'S THE AGREEMENT WE'VE BROUGHT BEFORE YOU TO SATISFY THE AFFORDABILITY REQUIREMENT OF THIS PARTICULAR DEVELOPMENT AGREEMENT.

Alvarez: SO WHAT'S THE TARGET LEVEL OF AFFORDABILITY THEN?

IT WOULD CERTAINLY BE BELOW 80% OF MEDIAN FAMILY INCOME. WHAT WOULD HAPPEN IS, AGAIN, THE COST OF -- IT DEPENDS ON THE FAMILIES BECAUSE WE DON'T WANT TO RESTRICT THE FAMILIES FROM BEING ELIGIBLE FOR OTHER BENEFITS OR SERVICES THAT ARE OFFERED TO THEM, EITHER MCC'S OR DOWN PAYMENT ASSISTANCE POTENTIALLY, BUT WHAT WE'RE DOING IS THROUGH THIS AGREEMENT WE'RE ALLOWING FOR THE COST OF EACH UNIT TO BE LESS \$10,000 THAN IT WOULD BE OTHERWISE, \$10,000 LESS THAN IT WOULD BE OTHERWISE. SO IT WILL CERTAINLY BE BELOW 80 PERCENT OF MEDIAN FAMILY INCOME AND THOSE UNITS WILL BE LESS THAN THEY WOULD WITHOUT THIS AGREEMENT.

Alvarez: I WOULD AGREE THAT IF WE'RE PROVIDING THE LOTS, THEN THAT SHOULD BE A DROP OF MORE THAN \$10,000 IS REALLY THE POINT THAT I'M MAKING IN TERMS OF BRINGING THAT LEVEL OF AFFORDABILITY FURTHER DOWN. SO I'M JUST TRYING TO FIGURE OUT HOW DID THE NUMBERS WORK. I DON'T KNOW THAT I'M COMFORTABLE SUPPORTING IT THE WAY THAT IT'S STRUCTURED CURRENTLY, AND I'M NOT SURE WHAT KIND OF A TIME LINE WE HAVE HERE FOR MOVING FORWARD, BUT I CERTAINLY WOULD LIKE TO HAVE A LITTLE MORE TIME TO LOOK AT IT. I DON'T KNOW IF YOU CAN SPEAK TO THE ISSUE OF THE TIMING OF HOW THIS PROCEEDS.

ONE OF THE PROVISIONS -- AND CERTAINLY IT'S THE BOARD'S WILL TO REQUEST MORE TIME, AND THERE'S NOT A DEADLINE OF TIME ON THIS. ONE OF THE CONCERNS OF MARTIN FEIN IN THIS DEVELOPMENT HAS BEEN HOW TO SATISFY THIS PARTICULAR PROVISION THAT WAS

NEGOTIATED SEVERAL YEARS AGO. AND SO THEY'VE COME TO US TO ASK FOR WHAT ARE THE DIFFERENT MECHANISMS WE MIGHT BE ABLE TO USE TO SATISFY THIS. IT'S THE LACK OF CLARITY IN HOW TO SATISFY THE AFFORDABILITY REQUIREMENTS AS ONE OF THE OBSTACLES TO THEM BEING ABLE TO MOVE FORWARD WITH THE DEVELOPMENT. AND SO CERTAINLY IT'S THE WILL OF THE BOARD. WE BELIEVE THAT THIS WOULD SATISFY THOSE AND PROVIDE SOME MORE CERTAINTY TO THE DEVELOPMENT THAT WOULD ALLOW THEM TO MAKE THAT POSSIBLE. MR. FEIN IS HERE IF THERE'S ANY SPECIFIC QUESTIONS, BUT IF YOU WOULD LIKE TO POSTPONE THIS OR IF THAT'S THE WILL OF THE BOARD --

Alvarez: I JUST THINK THIS IS A UNIQUE CASE BECAUSE TYPICALLY WE REQUIRE THE DEVELOPERS TO PROVIDE ALL THEIR HOUSING ON SITE, SO IF THEY WERE PROVIDING ALL OF THE AFFORDABLE UNITS ON SITE, WE WOULDN'T EVEN BE HAVING THIS DISCUSSION, THEY WOULD HAVE TO PAY FOR THE CONSTRUCTION AND PROVIDE THE UNITS AT THAT LEVEL OF AFFORDABILITY. SO WHAT I'M TRYING TO FIGURE OUT IS IN ADDING SOME FLEXIBILITY TO THE DEVELOPMENT AGREEMENT, THEN THAT SHOULDN'T CHANGE THAT, THE REQUIREMENT THAT THE UNITS BE PROVIDED A CERTAIN LEVEL OF AFFORDABILITY, SHOULD STILL BE THERE WITHOUT ANY ADDITIONAL CITY SUPPORT. THAT'S REALLY THE POINT I'M TRYING TO MAKE, TRYING TO FIGURE OUT HOW DO WE MAKE SURE THAT WE CAN COME UP WITH SOME KIND OF AGREEMENT THAT WE'RE GETTING THE RETURN THAT WE REALLY SHOULD BE GETTING BASED ON WHAT WE'RE INVESTING, IN THIS CASE, EMPTY LAND, LOTS, WHICH ARE A PRECIOUS COMMODITY.

AND LET ME BE CLEAR THAT WE'RE NOT -- AT THIS POINT WE HAVE NOT AGREED TO DONATE THE VALUE OF THE LAND BEYOND WHAT THE \$10,000 IS IN THERE. WE WILL LOOK AT WHAT THE FAMILY'S NEEDS ARE. WE ACTUALLY OWN THE LAND. IT DOESN'T SEEM WE WON'T GET SOME REIMBURSEMENT FOR THAT LAND WHEN THE HOUSES SELL DEPENDING ON THE COST OF THE HOUSES AND THE AVAILABILITY OF THE HOUSES. WE CAN LOOK AT THOSE THINGS DIFFERENTLY. THE OTHER THING THAT IS UNIQUE ABOUT THIS PARTICULAR AGREEMENT IS THAT THIS IS A AGREEMENT AGREEMENT THAT WAS -- DEVELOPMENT

AGREEMENT THAT WAS REACHED PRIOR TO SMART HOUSING AND IT WAS DONE IN A WAY THAT SAID THESE ARE THE REQUIREMENTS OF THE AGREEMENT WERE THAT THEY DO IT BOTH ON SITE AND OFF SITE. SO IT IS A UNIQUE AGREEMENT IN THAT REGARD. THAT IS SOMETHING THAT WE DON'T SEE THAT OFTEN IN DEVELOPMENT AGREEMENTS ANY LONGER.

Dunkerley: MAYOR?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: WOULD IT BE BETTER IF WE JUST DID NEGOTIATE IT AND YOU BRING BACK THE AGREEMENT ONE MORE TIME AND MAYBE WE CAN GET SOME OF THESE THINGS RESOLVED TO COUNCILMEMBERS'S BENEFIT.

WHATEVER THE BOARD'S DESIRE IS.

Dunkerley: WELL, IF THAT'S -- COULD WE PERHAPS JUST DO IT, NEGOTIATE IT TODAY?

ALVAREZ: I'D RATHER JUST POSTPONE. WE CAN HAVE MAYBE A BETTER UNDERSTANDING OF WHAT WE MIGHT BE VOTING ON VERSUS DOING THE NEGOTIATION, BUT NOT REALLY KNOWING WHAT IT IS THAT'S GOING TO COME BACK TO US FOR EXECUTION. IF WE CAN ADD TO THE MOTION THAT WE GET FAIR MARKET VALUE FOR OUR LOTS, THEN I'LL BE FINE MOVING FORWARD NOW, BUT I DON'T KNOW THAT THAT'S -- AGAIN, THAT MAY NOT BE WHAT EVERYONE IS ASSUMING IS HAPPENING HERE, BUT I WANT TO MAKE SURE THAT WE HAVE -- IF WE HAVE THESE LOTS IN OUR POSSESSION, THAT WE MAKE THE MOST OUT OF IT. IT'S A VERY VALUABLE COMMODITY, AND WE PROBABLY COULD FIND FOLKS WHO COULD BUILD HOUSING ON THOSE LOTS AT A MUCH LOWER LEVEL OF AFFORDABILITY. SO I WOULD PREFER JUST TO POSTPONE IT UNTIL NEXT MEETING. AND CERTAINLY IF THERE ARE REPRESENTATIVES FROM MARTIN FEIN INTERESTS HERE THAT WOULD LIKE TO SPEAK, THEY'RE WELCOME TO SPEAK TO IT.

IS THERE ANYTHING THAT YOU CAN ADD TO THIS?

Mayor Wynn: FURTHER COMMENT BY BOARD MEMBERS?
BOARD MEMBER THOMAS.

Thomas: BOARD MEMBER ALVAREZ, YOU WANT TO
POSTPONE IT HOW LONG, SIR, UNTIL THE NEXT MEETING?

Alvarez: UNTIL THE NEXT MEETING, WHICH IS A MONTH.
(INDISCERNIBLE).

Thomas: MR. PRESIDENT, ONE MORE QUESTION. MR.
HILGERS, WHAT AREA DID YOU SAY THIS IS IN?

IT'S IN THE ANDERSON HILL REDEVELOPMENT AREA. AND
THESE ARE LOTS THAT WE HAVE ALREADY OWNED IN THAT
AREA WHERE WE ARE PROPOSING TO BUILD THESE LOTS.

Thomas: WE'RE KIND OF BEHIND ON SCHEDULE, RIGHT?

YES, SIR, WE ARE.

Thomas: ALL RIGHT. THANK YOU.

Mayor Wynn: THANK YOU, BOARD MEMBER. FURTHER
COMMENTS? IF NOT, DOES MR. FEIN WANT TO ADDRESS THE
SITUATION?

THANK YOU FOR HAVING US HERE. WE REALLY APPRECIATE
IT VERY MUCH. I'M MARTIN FEIN. I'M PRESIDENT OF MARTIN
FEIN INTERESTS, AND THIS IS TIM WOOTEN, EXECUTIVE
VICE-PRESIDENT. WE'VE BEEN WORKING WITH MR. HILGERS
FOR QUITE A BIT OF TIME NOW TO GET SOME DEFINITION
FOR HOW TO FULFILL THE REQUIREMENT, THE AFFORDABLE
HOUSING REQUIREMENT AS LAID OUT IN THE MEMORANDUM
OF UNDERSTANDING BETWEEN THE CITY AND RIATA IN 2001.
AND BECAUSE IT WAS VAGUE, WE UNDERSTAND THAT THAT
REQUIREMENT COULD HAVE BEEN FULFILLED EITHER WITH
SINGLE-FAMILY HOUSING OR WITH RENTAL HOUSING AS
LONG AS WE PROVIDED THE AFFORDABLE HOUSING. AND AS
MR. HILGERS SAID, IT COULD BE A FIVE PERCENT ON SITE
HOUSING AND FIVE PERCENT OFF SITE. AND SENSE THAT'S A
VERY SPECIFIC REQUIREMENT IN TERMS OF THE FIVE
PERCENT AND FIVE PERCENT, WE'RE HAPPY TO DO THAT.
AND WE HAVE HAD SOME FLEXIBILITY IN HOW TO DO THAT.

WE'VE WORKED WITH MR. HILGERS ON HOW TO DO THAT. THIS IS A WAY TO FACILITATE, WHICH WE UNDERSTOOD THIS TO BE THE KEY PROVISION, TO FACILITATE HOUSING THAT OTHERWISE COULD NOT GET BUILT WITHIN THE SPECIFIC ZIP CODES. THAT'S HOW WE UNDERSTOOD IT TO BE RIGHTLY OR WRONGLY SO, IT WAS AS A FACILITATOR THAT WE OFFERED TO PROVIDE THE 300,000-DOLLAR LOAN, AND FORGIVING HALF OF THAT LOAN TO FACILITATE THE HOUSING. BOTH A LOAN FACILITY AND WHAT IT TAKES TO FACILITATE THE HOUSING.

Alvarez: AND WHAT IS YOUR UNDERSTANDING WITH REGARD TO THE THE LOSS AND HOW THOSE WOULD BE ACQUIRED AND HOW THE VALUE OF THE LOTS WOULD BE HANDLED?

I WASN'T INVOLVED IN THAT IN ANY WAY. DURING THE PROCESS OF DISCUSSION WITH MR. HILGERS, HE MENTIONED THAT THERE WAS ALSO ALREADY OWNERSHIP OF THESE LOTS, AND THAT THE \$300,000 THAT WE CAN PROVIDE WOULD ALLOW THOSE HOUSES, THOSE AFFORDABLE HOUSES TO MOVE FORWARD WITHOUT WHICH THEY COULDN'T MOVE FORWARD THIS TIME BECAUSE IT WASN'T A SOURCE OF FUNDING.

Alvarez: YEAH. I THINK THEY MAY MAY BE IN THE SHORT-TERM, BUT I THINK THERE CERTAIN WILL BE AN ABILITY TO DEVELOP THOSE AT SOME POINT. THE ONLY POINT I'M TRYING TO MAKE IS FOUR OR FIVE YEARS AGO A DEVELOPMENT AGREEMENT WAS STRUCK THAT INVOLVED UPWARDS OF \$20 MILLION, AND ONE OF THE REQUIREMENTS WAS THAT THIS LEVEL OF AFFORDABLE HOUSING OR AMOUNT OF AFFORDABLE HOUSING BE PROVIDED, SO I'M TRYING TO FIGURE OUT WHY WASN'T THAT 20 OR 25 MILLION ENOUGH TO SECURE THE 10% AFFORDABLE UNITS. AND SO IT'S NOT REALLY NECESSARILY YOUR FAULT, PER SE, BUT I'M JUST TRYING TO UNDERSTAND HOW THE PRIOR DECISION WE MADE FITS INTO WHAT'S CONTEMPLATED HERE.

I COULD SPEAK TO THAT. WE'RE JUST TRYING TO UNDERSTAND THE PREVIOUS AGREEMENT.

Alvarez: AND WOULD A ONE MONTH POSTPONEMENT BE -- IF WE POSTPONE, THAT'S THE EARLIEST WE CAN BRING IT

BACK.

A ONE MONTH POSTPONEMENT WOULD NOT KILL THE DEAL,
SO TO SPEAK.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ
TO POSTPONE AHFC 3 UNTIL JANUARY 13TH, 2005 AT THE
NEW CITY HALL CHAMBERS. SECONDED BY BOARD MEMBER
SLUSHER. FURTHER COMMENTS? HEARING NONE, ALL
THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF
SEVEN TO ZERO. THANK YOU, GENTLEMEN.

Alvarez: MR. FEIN, IF YOU CAUGHT THAT, IT WILL BE AT THE
NEW CITY HALL AND NOT HERE ON THE 13TH. THANK YOU
VERY MUCH.

Mayor Wynn: WITHOUT OBJECTION, BOARD, WE WILL
ADJOURN THIS MEETING OF THE AUSTIN HOUSING FINANCE
CORPORATION, CALL BACK TO ORDER THIS MEETING OF THE
AUSTIN CITY COUNCIL. WE HAVE ONE POTENTIAL
DISCUSSION ITEM PRIOR TO OUR 4:00 O'CLOCK ZONING
CASES, AND THAT WOULDING ITEM NUMBER 18 REGARDING
E.T.J. RELEASE THAT WAS PULLED EARLIER BY
COUNCILMEMBER SLUSHER, BUT I BELIEVE WE'RE WAITING
FOR STAFF TO PERHAPS COME UP WITH SOME --

Slusher: MAYOR, ACTUALLY, STAFF, ALONG WITH THE
APPLICANT, SAID THEY WANT TO POSTPONE THAT UNTIL THE
FIRST MEETING OF THE NEW YEAR.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER
TO POSTPONE ITEM 18 TO JANUARY 13TH, 2005 AT THE NEW
CITY HALL CHAMBERS. SECONDED BY COUNCILMEMBER
THOMAS. FURTHER COMMENTS? HEARING NONE, ALL THOSE
IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF

SEVEN TO ZERO. SO COUNCIL, WITH NO DISCUSSION ITEMS PRIOR TO OUR 4:00 O'CLOCK TIME CERTAIN, WE PERHAPS CAN RUN BACK INTO CLOSED SESSION AND TRY TO GET THROUGH SOME OF OUR EXECUTIVE SESSION AGENDA. SO WITHOUT OBJECTION, WE'LL GO BACK IN CLOSED SESSION UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO POTENTIALLY DISCUSS AGENDA ITEMS 71, 73, 74 AND 75. WE SHOULD RETURN SHORTLY AFTER 4:00 O'CLOCK AND TAKE UP OUR ZONING CASES. WE ARE NOW IN CLOSED SESSION.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP ITEM NO. 74, NO DECISIONS WERE MADE, WE ARE BACK IN OPEN SESSION, TO OUR 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. WE WILL WELCOME MR. GREG GUERNSEY.

Gurnsey: HAPPY HOLIDAYS, COUNCIL, I'M GREG GUERNSEY WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. I'M GOING TO GO THROUGH THE ZONING ITEM THAT YOU HAVE TODAY STARTING WITH ITEM NO. 76, THESE WILL BE READING THROUGH THE CONSENT AGENDA. OUR FIRST ITEM IS 76, C 14 H-04-0017, AT 1157 SAN BERNARD A REZONING TO SF 3 H NP WHICH STANDS FOR FAMILY RESIDENCE HISTORIC NEIGHBORHOOD PLANNING COMBINED DISTRICT ZONING. THIS IS CONCEPT ON SECOND AND THIRD READING. THE NEXT ITEM IS 77, C14-04-163 CRESTVIEW, TRACT 133, LOCATED AT 2207 AND 2211 PASADENA DRIVE. REZONING REQUEST TO LR-MU-CO-NP WHICH STANDS FOR NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN, OFFERED ON SECOND AND THIRD READINGS. NEXT ITEM IS 78, A 2222 BUSINESS PARK CASE NUMBER C14-04-63, LOCATED AT DID 10700 RM TWOOU A REZONING REQUEST TO GR-CO COMMUNITY COMMERCIAL OVERLAY ZONING. THERE ARE COVENANTS THAT THE CITY IS WORKING WITH THE PROPERTY OWNER AND THE ADJACENT NEIGHBORHOOD ASSOCIATIONS FOR THE RELEASE OF, INCLUDING VOLUMES 12-7-5-1, 761, COVENANT AT 12791 AND 0717 THAT'S THE PAGE NUMBER, WE ARE WORKING ON THOSE RELEASES FOR THOSE COVENANTS. THEY ARE NOT ON THE AGENDA TODAY, WE ARE WORKING WITH THE APPLICANT ON THOSE, THAT IS ALSO AVAILABLE FOR

CONSENT ON SECOND AND THIRD READINGS. THE NEXT ITEM IS ITEM NO. 9. ZONING CASE C14-04-0100, OLD LAMPASAS TRAIL, LOT 20, LOCATED AT 9001 OLD LAMPASAS TRAIL. THIS IS A REZONING CHANGE TO KNOW-CO, WHICH STANDS FOR NEIGHBORHOOD OFFICE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING, THIS IS READY FOR CONCEPT ON SECOND AND THIRD READINGS. ITEM NO. 80, C14-04-71, APPROVE 2nd READING OF AN ORDINANCE REZONING THE PROPERTY AT 8423 STATE HIGHWAY 71 WEST. THE ZONING CHANGE THAT THE PROPERTY OWNER WOULD DESIRE IS L.O.-CO. WHAT COUNCIL APPROVED ON FIRST READING IS L.O.-CO WHICH IS LIMITED OFFICE CONDITIONAL OVERLAY. AND THE PROPERTY OWNER WOULD LIKE THE COUNCIL TO CONSIDER THE LR-CO AND AT THE LAST COUNCIL MEETING WHEN THE ACTION WAS TAKEN ON THIS, THE COUNCIL ASKED THE APPLICANT TO CONTACT THE ADJACENT PROPERTY OWNERS NEARBY, ONE OF WHICH WAS A SINGLE FAMILIAR PROPERTY OWNER, THEY HAVE COME TO RESOLUTION TO DO LR-CO PROHIBITING SERVICE STATION AS THE ONLY PROHIBITED USE. THE PROPERTY OPENER HAS NOT REACHED A RESOLUTION WITH THE CONDOMINIUM ASSOCIATION, WHICH OWNS THE ADJACENT PROPERTY, THAT I WILL STILL LEFT UNRESOLVED. COUNCIL APPROVED ON FIRST READING L.O.-CO WHICH YOU COULD TAKE ON SECOND READING TODAY OR YOU COULD CONSIDER LR-CO WHICH IS WHAT THE PROPERTY OWNER CHECKED OUT AND MADE THE ARRANGE WMENT THE ADJACENT PROPERTY OWNER.

SECOND READING REGARDLESS?

THAT'S CORRECT, MAYOR.

ALL RIGHT.

ITEM NO. 81, C14-04-0101, ON SOUTH LAMAR BOULEVARD- EVER GREEN, WEST MARY, A CITY INITIATED REZONING CASE TO C.S.-MU-CO. THIS IS READY FOR SECOND AND THIRD READINGS. AND THAT CONCLUDES THE -- THE CONSENT ITEMS. SO THAT THERE NEEDS TO BE A DECISION MADE ON ITEM NO. 80, WHETHER IT'S L.O.-CO OR LR-CO, BUT ALL OF THE OTHER ITEMS CAN GO CONCEPT AS PRESENTED.

Mayor Wynn: THANK YOU, MR. GUERNSEY, IT'S SOMEWHAT ACADEMIC IS N THAT IT'S ONLY SECOND READING, BUT WE NEED TO PROPOSE A ZONING FOR SECOND READING ONLY CASE NUMBER 80 WHILE THERE CONTINUES TO BE NEGOTIATION WITH ADJACENT NEIGHBORS.

Alvarez: MAYOR, I HAD A QUESTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I THINK WE HAD ON NUMBER 79. THE OLD LAMPASAS TRAIL, I THOUGHT THAT THE OWNER WAS GOING TO PRESENT SOMETHING ABOUT THE DESIGN OF THE BUILDING, I DON'T KNOW IF HE'S HERE.

Gurensey:: THE OWNER AND REPRESENTATIVE ARE HERE. THEY ARE READY TO PRESENT SOMETHING. WE HAVE RECEIVED AN E-MAIL FROM THE NEIGHBORHOOD THAT THEY STILL STAND OPPOSED BUT THEY WERE NOT GOING TO COME DOWN HERE. THEY UNDERSTAND THE PUBLIC HEARING IS CLOSED AND THEY UNDERSTAND THE ACTION TAKEN BY COUNCIL ON FIRST READING. IF YOU WOULD LIKE TO TAKE THIS ON CONSENT YOU CERTAINLY CAN. IF YOU WOULD LIKE TO ASK THE APPLICANT AND HIS AGENT TO MAKE A SHORT PRESENTATION, I THINK THEY HAVE SOMETHING THAT THEY CAN PRESENT IF YOU SO DESIRE.

Alvarez: I ESSENTIAL WOULD LIKE TO SEE THAT. I DON'T KNOW IF WE SHOULD DO IT ON CONSENT OR --

Mayor Wynn: WELL, I'LL SUGGEST LET'S PULL 79 OFF THE CONSENT AGENDA. TRY TO GET THROUGH, SEND SOME FOLKS HOME.

Slusher: MAYOR, I WOULD LIKE TO PULL 81 OFF THE CONSENT AGENDA.

Mayor Wynn: THANK YOU. COUPLE, FURTHER CASES TO BE PULLED OFF THE CONSENT AGENDA? OTHERWISE THE CONSENT AGENDA WILL BE: CASE NUMBER 76 TO APPROVE ON SECOND AND THIRD READING, CASE 77 AND 78 TO BE APPROVED ON SECOND AND THIRD READING; CASE NUMBER 80 TO APPROVE ON SECOND READING ONLY, OUR -- OUR

ACTION ON FIRST READING, LO-CO, AND THAT -- THAT CONCLUDES THE CONSENT AGENDA FOR THE CASE THAT'S WE HAVE ALREADY HAD THE PUBLIC HEARING ON. I'LL ENTERTAIN A MOTION?

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MCCracken TEMPORARILY OFF THE DAIS. COUNCIL, LET'S GO BACK TO ITEM NO. 79. AND WE HAVE --

WOULD YOU LIKE ME TO GO THROUGH THE Z CONSENT ITEMS BEFORE WE GO TO THE CONCESSION ITEMS?

Mayor Wynn: HOW MANY DO WE HAVE? LET'S DO THAT.

Gurensey:: OKAY. ITEM Z-1, C14-04-167 I HAVE A POSTPONEMENT REQUEST FROM THE NEIGHBORHOOD ASSOCIATION. THE APPLICANT IS OPPOSED SO WE WILL LEAVE THAT FOR A DISCUSSION OF POSTPONEMENT. ITEM NO. Z-2, THIS IS A CONSENT ITEM, C14-04-175 LOCATED AT 403 TO 413 BASTROP HIGHWAY. A REZONING REQUEST TO C.S.-CO, ZONING WHICH STANDS FOR GENERAL COMMERCIAL SERVICES, CONDITIONAL OVERLAY ZONING, IT'S RECOMMENDED TO YOU BY THE ZONING AND PLATTING COMMISSION. THAT'S RECOMMENDED FOR CONSENT. ITEM Z-3, CASE C 14-04176, COMFORT SUITES, AUSTIN AIRPORT, THIS IS A REZONING REQUEST TO C.S. 1-NP, THE PLANNING COMMISSION RECOMMENDED THE C.S. 1 NP ZONING WHICH STANDS FOR COMMERCIAL LIQUOR SALES, NEIGHBORHOOD PLANNING COMBINED DISTRICT ZONING, READY FOR ALL THREE READINGS. NEXT ITEM IS Z-4, C14-04-134, WHICH IS A KINGDOM HALL ZONING 2, LOCATED AT 801 WEST ST. ELMO, REZONING TO LO-MU-CO RECOMMENDED BY THE ZONING AND PLATTING COMMISSION, THIS IS READY FOR ALL THREE READINGS. Z-5 IS C14-04-151, KNOWN AS THE DOMAIN. THIS

IS LOCATED AT 11400 BURNET ROAD AND 3300 WEST BRAKER LANE. THIS IS REZONING REQUEST FROM MI-PDA TO MI-PDA TO CHANGE SOME CONDITIONS OF THE ORIGINAL ZONING, WHICH STANDS FOR MAJOR INDUSTRIAL PLANNED DEVELOPMENT AND IT WAS RECOMMENDED BY THE COMMISSION, I WOULD LIKE TO POINT OUT ON THE DAIS THIS YOU HAVE A COPY OF THE ORDINANCE AND THE COVENANT AND THE COVENANT HAS BEEN EXECUTED. THAT'S READY FOR ALL THREE READINGS. ITEM NO. Z-6, C14-04-0159 BLACK STONE APARTMENTS LOCATED AT 2910 MEDICAL ARTS STREET, A REZONING REQUEST TO L-MU-CO--NP WHICH STANDS FOR THE NEIGHBORHOOD MIX ... RECOMMENDED TO YOU BY THE PLANNING COMMISSION. THIS IS ON CONSENT FOR FIRST READING ONLY. ITEM Z-7, THIS IS A ZONING CASE C 14 H-04-0019 LOCATED AT 105 WEST 32nd STREET KNOWN AS THE PADGETT PAINT HER HOUSE, TO SF 3-H-NCCD--NP WHICH STANDS FOR FAMILY RESIDENCE NEIGHBORHOOD PLAN HISTORIC CONDITIONAL OVERLAY. NEIGHBORHOOD PLAN COMBINED DISTRICT ZONING, THIS HAS BEEN RECOMMENDED BY THE COMMISSION READY FOR ALL THREE READINGS. NEXT ITEM IS Z-8 WHICH IS CASE C 14 H 04-0023 LOCATED AT 102 LAUREL LANE, AND THIS IS A REZONING REQUEST TO SF 3-H-NCCD-NP. THE PLANNING COMMISSION ALSO RECOMMENDED THIS REQUEST. STAND FOR NEIGHBORHOOD -- FAMILY RESIDENCE, NEIGHBORHOOD CONSERVATION, NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING, READY FOR ALL THREE READINGS. Z-1 IS C 14 HAD-04-0024, A REZONING REQUEST AT 512 EAST 39th STREET, THE OLD GOLF CLUBHOUSE. THIS IS A REZONING REQUEST TO SF 3 H NP. STANDS FOR FAMILY RESIDENT HISTORIC NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING, ALSO RECOMMENDED BY THE COMMISSION. READY FOR ALL THREE READINGS. NEXT CASE IS ITEM Z-10, CASE C 14-0056. KNOWN AS THE FISH TRACT LOCATED AT 13600 TO 142 -- 14224 DESSAU ROAD, THIS IS REZONING REQUEST TO -- TO SF 2 CO. WHICH IS SINGLE FAMILY STANDARD LOT, SF 6 TONIGHT HOUSE CONDOMINIUM RESIDENCE DISTRICT ZONING. MF 3, WHICH STANDS FOR MULTI-FAMILY MEDIUM DENSITY ZONING LR, WHICH STANDS FOR NEIGHBORHOOD COMMERCIAL ZONING, LR MU WHICH STANDS FOR NEIGHBORHOOD COMMERCIAL AND GR. COMMUNITY COMMERCIAL DISTRICT ZONING AND

GR-MU COMMUNITY COMMERCIAL MIXED USE COMBINING DISTRICT ZONING. THIS IS RECOMMENDED TO YOU BY THE COMMISSION AS READY FOR ALL THREE READINGS. ITEM NO. Z-11, C 14-04-147, J.D. CONOCO LOCATED AT DECKER LANE, DECKER LANE ROAD. THIS IS REZONING TO GR-CO, TO GR-CO TO CHANGE THE CONDITION OF ZONING. RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. FOR COMMUNITY COMMERCIAL AND CONDITIONAL OVERLAY OVERZONING AND STAFF WOULD LIKE TO POINT OUT THAT THEY -- THAT WE HAVE RECEIVED A RESTRICTIVE COVENANT THAT WOULD LIMIT TRIPS ON THE ADJACENT PROPERTY NEXT DOOR. AND WITH THAT STAFF IS ABLE TO RECOMMEND THIS FOR ALL THREE READINGS TODAY. WE HAVE BEEN WORKING WITH THE PROPERTY OWNER TO ADDRESS THE PROPERTY NEXT DOOR AND THIS PROPERTY BECAUSE THEY ORIGINALLY WERE LIMITED TO 2,000 TRIPS, A TIA WAS PRESENTS ODD ONE-HALF OF THE PROPERTY, WHICH MEANS THE CITY'S SATISFACTION AS FAR AS ALL OF THE DIFFERENT REQUIREMENTS OF OUR CODE. THE REMAINING PORTION OF THE PROPERTY WAS GIVEN THE PROPORTIONAL SHARE OF 2,000 TRIPS AND WE ARE IN RECEIPT OF THAT ALONG WITH THE RECORDING FEES. SO THAT IS READY FOR ALL THREE READINGS ON ITEM Z-11. Z-12 ACE DISCUSSION ITEM AND THAT CONCLUDES THE CONSENT ITEMS THAT I HAVE TO PRESENT TO YOU.

Mayor Wynn: LET'S SEND SOME PEOPLE HOME. THE CONSENT AGENDA ON THESE ZONING CASES WILL BE ITEMS NUMBER Z-2, Z-3, Z-4 AND Z-5, TO APPROVE ON ALL THREE READINGS, ITEM Z-6 TO APPROVE ON FIRST READING ONLY, ITEMS Z-7, 8, 9, 10 AND 11 TO APPROVE ON ALL THREE READINGS. I'LL ENTERTAIN A MOTION THAT INCLUDES CLOSING THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY THE MAYOR PRO TEM TO CLOSE THESE PUBLIC HEARINGS AND APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENT? COUNCILMEMBER SLUSHER?

Slusher: I WOULD LIKE TO REQUEST THAT Z-4 JUST BE FIRST READING. I WOULD LIKE TO HAVE A LITTLE BIT MORE TIME TO LOOK AT THAT. MAYOR PRO TEM? ITEM Z-48 BE FIRST READING ONLY ON THE CONSENT AGENDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE. K-EYE AYE.

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

Gurensey:: THANK YOU, MAYOR, THAT BRINGS US BACK TO ITEM NO. 79. WOULD YOU LIKE A SHORT PRESENTATION --

Mayor Wynn: ACTUALLY, LET'S TAKE UP ITEM NO. Z-1 QUICKLY. THERE WAS A POSTPONEMENT REQUEST, WE WILL EITHER DECIDE TO KEEP THAT AS A DISCUSSION OR SEND THEM HOME AS WELL. Z-1 IS C14-04-167, THE EUERS OFFICE RETAIL BUILDING LOCATED AT 1235 WEST SLAUGHTER LANE, A REZONING TO GRA-CO AS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION, STAFF IS IN RECEIPT OF A -- OF A LETTER OR AN E-MAIL FROM THE PARK RIDGE HOMEOWNERS ASSOCIATION THAT RESPECTFULLY REQUESTS A POSTPONEMENT OF THE HEARING TO JANUARY 13th. 2005. AND THE APPLICANT, MARTY BROWN OR THE BROWN GROUP, WE UNDERSTAND, IS THE AGENT FOR EUERS IS OPPOSED TO THE POSTPONEMENT. I'M NOT SURE IF THERE'S REPRESENTATIVES HERE OF PARK RIDGE. I KNOW THERE ARE -- THERE IS. OKAY.

FIRST, MR. GUERNSEY, IS THIS THE FIRST REQUEST FOR A POSTPONEMENT.

Gurensey:: THIS IS THE FIRST REQUEST BY THE NEIGHBORHOOD, THAT'S CORRECT.

Mayor Wynn: WELCOME.

MAYOR, COUNCILMEMBERS, I'M RENEE LADA REPRESENTING THE PARK RIDGE NEIGHBORHOOD SEWING. I'M THE PRESIDENT. YESTERDAY IN CONSULTATION WITH THE BOARD, WE AGREED TO NOT REQUEST A POSTPONEMENT, SO I DON'T KNOW WHAT -- WHO SENT THAT E-MAIL. I DON'T KNOW IF THERE'S A NAME ATTACHED TO IT. BUT IT DID NOT COME FROM THE BOARD OR THE PRESIDENT. WHAT SEEMS TO HAVE HAPPENED IS THAT AN ORIGINAL DRAFT OF POSTPONEMENT THAT WE HAD PLANNED TO MAKE WAS ON FILE. AND SINCE THEN WE HAVE TALKED TO THE AGENT FOR

THE EUERS DENTIST'S OFFICE AND THEY HAVE AGREED TO OUR CONDITIONAL OVERLAY REQUESTS SO WE AGREED NOT TO REQUEST A POSTPONEMENT FOR THIS ITEM. SO I APOLOGIZE FOR THE MISUNDERSTANDING. BUT THIS WAS NOT WHAT OUR INTENTION WAS AS OF LATE LAST NIGHT.

Mayor Wynn: OKAY, WELL, THANK YOU. THEN PERHAPS WE'LL GET BACK TO THIS AS A DISCUSSION ITEM THERE SHORTLY UNLESS BY AGREEING TO THIS CONDITIONAL OVERLAY WE CAN -- WE CAN GET THIS DONE --

THAT WOULD BE FINE WITH US. I THINK THE CITY HAS DRAFTED SOME OF THE CONDITIONAL OVERLAYS, THAT'S OUR UNDERSTANDING. IF THAT'S THE CASE WE HAVE NO PROBLEM WITH THE ITEM MOVING FORWARD.

Mayor Wynn: MR. GUERNSEY?

Guernsey: I HAVE ONE OTHER POSTPONEMENT REQUEST THAT STAFF RECEIVED THAT IN CASE THE NEIGHBORHOOD WITHDREW THEIR POSTPONEMENT, THE ADJACENT PROPERTY OWNER, ANDY PASTER WHOSE ATTORNEY IS HERE REPRESENTING HIM, WOULD ALSO ASK FOR A POSTPONEMENT TO WORK OUT SOME TRANSPORTATION ISSUES WITH THE PROPERTY OWNER. MR. RICHARD SUTTLE IS HERE REPRESENTING THE OTHER REQUESTER OF THE POSTPONEMENT. SHOULD YOU LIKE TO SPEAK TO HIM OR HEAR HIS CONCERNS.

Mayor Wynn: WE HAVE A CONFIRMED FIRST REQUEST, BUT MISCOMMUNICATED, BUT UNDERSTANDABLY ANOTHER POTENTIAL GROUP PREPARED TO ASK FOR A POSTPONEMENT, ALTHOUGH THEY ARE PREPARED TO MOVE FORWARD. OUR GENERAL POLICY HAS BEEN ON FIRST REQUEST BY NEIGHBORS OR THE OWNER WE POSTPONE THESE CASES UNLESS I -- UNLESS I HEAR OBJECTION I WOULD ENTERTAIN A MOTION TO POSTPONE ITEM Z-1 TO JANUARY 13th, 2005 AT THE NEW CITY HALL CHAMBERS.

Slusher: MAYOR, USUALLY IT'S THE NEIGHBORHOOD GROWN OR THE APPLICANT BUT IT SEEMS TO ME THAT WE HAVE A -- WE HAVE A NEIGHBOR OF THE PROPERTY THAT SEEMS LIKE A LEGITIMATE REQUEST. SO I WOULD MOVE TO POSTPONE

IT. I'M WORRIED -- CAN ANYBODY TELL ME HOW MANY ITEMS WE HAVE POSTPONED UNTIL THE 13th? I THINK WE ARE HEADING UP TOWARDS AN ALL-NIGHT MEETING, OUR FIRST ONE IN THE NEW CHAMBER, I DON'T KNOW IF THIS IS A GOOD THING.

Mayor Wynn: WELL THE CHAIRS ARE REALLY COMFORTABLE.

Slusher: THEY ARE, THEY ARE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO POERN ITEMPOSTPONE ITEM Z-1 TO JANUARY 13th, 2005.

Slusher: I HAVE RESERVATIONS ABOUT THAT DATE, BUT I'LL GO AHEAD.

Mayor Wynn: I WILL SECOND THAT REQUEST OR MOTION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU, MAYOR.

Gurensey:: THANK YOU, MR. GUERNSEY. THAT BRINGS US BACK TO ITEM 79. WOULD YOU LIKE JUST IT THE APPLICANT TO PRESENT THEIR INFORMATION OR WOULD YOU LIKE A SHORT PRESENTATION?

Mayor Wynn: COUNCILMEMBER ALVAREZ? WE DO HAVE SEVERAL PEOPLE SIGNED UP PREPARED TO SPEAK.

Alvarez: I JUST THOUGHT THAT WE WOULD HAVE A PRESENTATION BY THE PROPERTY OWNER, ABOUT THE PROPOSAL AND -- I THOUGHT THAT WE WOULD CLOSE THE PUBLIC HEARING.

WE CLOSED THE PUBLIC HEARING, BUT WITH THE COUNCIL REQUEST WE CERTAINLY COULD WELCOME MR. JOE WHEELER WHO I THINK IS THE OWNER AND/OR EVAN

TANAGUCHI LIKELY HIS ARCHITECT.

LET ME INTRODUCE THE CASE AND I WILL LET EVAN AND MR. WHEELER COME UP AND PRESENT THE INFORMATION THAT THEY HAVE. 79 IS C14-04-0100, OLD LAMPASAS TRAIL, THIS IS REZONING REQUEST AT 9001 OLD LAMPASAS TRAIL TO NNCO, NEIGHBORHOOD OFFICE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. KNOW-CO. I WILL TURN IT OVER TO MR. TANAGUCHI OR MR. WHEELER TO PRESENT THE INFORMATION THEY HAVE. MAERZ THANK

Mayor Wynn: THANK YOU, MR. GUERNSEY, WELCOME BACK, MR. WHEELER. SINCE THIS IS A REQUEST FROM A COUNCILMEMBER OR REALLY ALL OF US TO BRING BACK INFORMATION, YOU ARE NOT LIMITED TO THREE MINUTES, BUT WE APPRECIATE SOME BREVITY.

WELL, THESE ARE SOME DRAWINGS THAT EVAN DID PURSUANT TO YOUR REQUEST THE LAST TIME ABOUT HOW THIS BUILDING MIGHT FIT ON TO THE AREA, WHAT IT MIGHT LOOK LIKE. I SPOKE THIS MORNING WITH HAL MEYER THE PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION, SPOKE IN OPPOSITION LAST TIME ABOUT THIS PROJECT. HE SENT YOU AN E-MAIL THIS MORNING OR POSSIBLY I GUESS IT WAS THIS MORNING SAYING THAT THEY -- THAT THEY STILL HAVE SOME CONCERNS ABOUT THIS ZONING, BUT IT'S -- IT'S -- A LOT OF THEIR CONCERNS ARE RELATED TO THE IMPACT THIS MIGHT HAVE ON OTHER PEOPLE GOING THROUGH ZONING IN THE AREA. I SPOKE WITH HIM A BIT ABOUT THAT. THERE -- THEIR CONCERNS THEN BECAME WHAT TYPE OF STRUCTURE THAT WE MIGHT PUT ON THIS BUILDING, ON THIS SITE. AND I BRIEFLY TRANSCRIBED TO HIM THE TYPE OF BUILDING THAT WE WERE LOOKING AT AND HE -- HE JUST ASKED THAT WE KEEP THEM BASICALLY IN THE LOOP AS WE GO FORWARD AND I HAVE NO PROBLEM WITH DOING THAT. HE WAS UNABLE TO ATTEND TODAY. IN HIS SMAILT HE TALKED ABOUT THE WAY THE BUILDING WOULD BE POSITIONED THE TYPE OF ROCK WE MIGHT USE. SOME KIND OF HILL COUNTRY PORCH LOOK TO THE FRONT OF IT, SOMETHING LIKE THAT. HE SEEMED TO THINK THAT THAT WAS, YOU KNOW, FINE WITH HIM. SO I'M WILLING TO WORK WITH HIM AS WE GO FORWARD AND Y'ALL NEED ANY OR QUESTIONS ANSWERED? EVAN CAN HELP YOU OUT WITH

MORE DETAIL ABOUT -- ABOUT THE SITE PLAN AND WHATEVER. I -- ACTUALLY I HAVE ONLY SEEN THIS IN THE LAST 30 OR 45 MINUTES. I'M NOT THE EXPERT ON --

YOU ARE WAY AHEAD OF US. IN MATERIALS OF SCALE, THAT'S WHAT YOU ARE -- WHAT YOU ARE AIMING AT, IN TERMS OF THE SCALE, THE STRUCTURE -- APPARENTLY THE DESIGN CHARACTERISTICS.

WHAT YOU SEE IS WHAT WE ARE, WHAT WE ARE LOOKING AT BUILDING, I THINK EVAN, HAVE YOU ALREADY GIVEN THE COPIES TO THEM. DO YOU HAVE THOSE.

WHAT IS THIS -- WHAT IS THE HEIGHT ON THAT --

THE HEIGHT WOULD BE ABOUT NINE FOOT CEILING, NINE, 10, NINE, 10, PROBABLY ABOUT -- ABOUT 28 TO 30 FEET TO THE TOP OF THE ROOF. WHAT WE HAVE ACTUALLY DONE, WE HAD TO START WITH THE SITE PLAN TO SEE WHAT KIND OF FOOTPRINT WE ARE GOING TO HAVE ON THE BUILDING AND WHAT WE HAVE DONE ON THE SITE PLAN IS WE HAVE MOVED IT BACK TO THE EAST PROPERTY LINE TO INMIZE THE IMPACT THAT IT WOULD HAVE ON THE NEIGHBORHOOD AND IT ALSO LET'S US USE AN OPENING BETWEEN THE EXISTING TREES WHERE WE COULD ACCESS THE PARKING LOT AND GETS IT AWAY FROM THE AREA WHERE THERE'S A CURVE IN OLD LAMPASAS TRAIL, I THINK THAT ADDS TO THE SAFETY OF EGRESS FROM THE PARKING LOT THERE. THE ARCHITECTURE IS KIND OF THE HILL COUNTRY VERNACULAR THAT WE HAVE CHOSEN TO USE, STONE, WOOD SIDING, METAL ROOF. WE HAVE TRIED TO KEEP IT TO A RESIDENTIAL SCALE SO IT DOESN'T -- SO IT HAS LESS IMPACT ON THE SURROUNDING AREAS. THE GARDEN HOMES HERE AT BULL CREEK, WE TRY TO PICK UP ON SOME OF THAT VOCABULARY. I THINK THAT'S A VERY NICE DEVELOPMENT THERE. VERY SMART GROWTH ORIENTED. WE TRY TO DO EVERYTHING THAT WE COULD TO MINIMIZE THE IMPACT ON THE NEIGHBORHOOD AND STILL LET MR. WHEELER HAVE AN OPPORTUNITY TO DO SOMETHING WITH THIS LAND. IT'S NOT REALLY A VERY PRETTY PIECE OF PROPERTY. BECAUSE OF THAT --

THE ASSOCIATION --

Alvarez: OKAY. MAYBE IT'S A QUESTION FOR STAFF, BUT WHAT -- UNDER N.O. WHAT IS THE HEIGHT LIMITATION?

IN THE NO DISTRICT, THE MAXIMUM HEIGHT LIMITATION IS 35 FEET. THAT WOULD BE SIMILAR TO WHAT YOU WOULD FIND FOR AN SF-3 DISTRICT.

Alvarez: 35 FEET AS WELL. EVEN IF THEY WENT A LITTLE BEYOND THE 28-FOOT, THEY WOULD BE CAPPED AT 35.

THEY WOULD BE CAPPED AT 35, HEIGHT IN THE CITY OF AUSTIN IS MEASURED TO THE AVERAGE OF THE PEAK TO THE EVE. SO 35 WOULD BE WHERE THE ANGLE, THE MID POINT OF THE ROOF. PEAK TO THE AEVE. THAT WOULD BE THE SAME AS FOR RESIDENTS.

OKAY.

Alvarez: THOSE ARE ALL OF MY QUESTIONS.

Mayor Wynn: COUNCILMEMBERS, FURTHER QUESTIONS, COMMENTS? REMEMBER THIS WAS ACTUALLY PRESENTED FOR APPROVAL ON SECOND AND THIRD READING AS CONSENT ITEM. I WILL ENTERTAIN A MOTION ON ITEM NO. 79.

Dunkerly: SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY. SECONDED BY COUNCILMEMBER ALVAREZ TO APPROVE ITEM NO. 79 ON SECOND AND THIRD READING. FURTHER COMMENTS?

Alvarez: JUST TO REITERATE, I THINK AFTER LOOKING AT THE LANDSCAPE SURROUNDING THIS TRACT, THAT REALLY -- THAT THERE'S REALLY [INDISCERNIBLE] HOSPITABLE OR APPROPRIATE FOR FURTHER RESIDENTIAL DEVELOPMENT. PARTLY WHAT I WAS ASKING WAS TO MAKE SURE THAT THE SCALE AND DESIGN WAS -- WAS IN CHARACTER OF -- IN THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD AREA. WE ARE ON THE RIGHT TRACK. JUST THANK THE PROPERTY OPENER AND THE ARCHITECT FOR SHARING THAT

INFORMATION WITH US.

IN FACT WE HAVE ALSO RECEIVED AN E-MAIL FROM THE PRESIDENT OF THE BULL CREEK FOUNDATION, ALSO, GIVING SUPPORT FOR THE PROJECT. MOTION AND SECOND ON THE TABLE TO APPROVE ITEM NO. 79 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 7-0. THANK YOU ALL. THAT TAKES US TO ITEM NO. 81.

GOOD AFTERNOON, ALICE GLASGO, DIRECTOR OF THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. ITEM NO. 81 IS C14-04-0101 SOUTH LAMAR BOULEVARD EVER GREEN AVENUE. THIS CASE IS READY FOR APPROVAL OF SECOND AND THIRD READINGS. AND COUNCILMEMBER SLUSHER PULLED THE ITEM THE CASE WAS INITIATED BY CITY STAFF AFTER THE DIRECTION OF THE PLANNING COMMISSION. THE ZONING AND PLATTING COMMISSION SINCE THEY HAD RECEIVED NUMEROUS REQUESTS. YOU DID APPROVE THE ZONING AT YOUR FIRST HEARING APPROVING WHAT WAS RECOMMENDED TO YOU BY THE ZONING AND PLATTING COMMISSION. I'LL BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE, COUNCIL.

Slusher: THANK YOU, UNFORTUNATELY I HAD TO BE OUT OF THE BUILDING WHEN THIS WAS HEARD THE FIRST TIME AND I DID WATCH REPLAY OF IT. I ACTUALLY THOUGHT THE ZILKER NEIGHBORHOOD ASSOCIATION MADE DECENT POINTS ABOUT WHY ARE WE ZONING THIS WHOLE THING WHEN WE WEREN'T EVEN ASKED TO INITIALLY. I KNOW IT'S BECAUSE THE Z.A.P. SAID TO. BUT I'M -- TELL ME A LITTLE BIT ABOUT THEIR THINKING IN DOING THAT. BECAUSE I'M NOT SURE THAT I AGREE WITH THAT.

WELL, THE COMMISSIONERS FELT LIKE INSTEAD OF TREATING ONE OR TWO CASES -- TWO APPLICATIONS WERE FILED FOR A ZONING CHANGE. THEY FELT LIKE -- LIKE IT WOULD BE A -- APPROPRIATE FOR THEM TO CONSIDER THE ENTIRE TRIANGLE IN ITS ENTIRETY AND LOOK AT WHAT

SHOULD BE APPROPRIATE FOR THE ENTIRE TRIANGLE AS OPPOSED TO -- TO DOING INDIVIDUAL CASES. SO THAT WAS REALLY WHAT DROVE THEIR DIRECTOR TO LOOK AT IT IN ITS ENTIRETY.

HOW LONG -- THEY ARE RECOMMENDING THE ENTIRETY BE C.S.?

Glasgo: CORRECT. THE RECOMMENDATION IS FOR C.S.-MU-CO FOR THE ENTIRE SIDE.

I'M A LITTLE CONCERNED ABOUT THAT. IS THERE A NEIGHBORHOOD PLAN COMING UP FOR ZILKER.

Glasgo: FAIRLY SOON. IN '05 WILL BEGIN ZILKER AND BARTON HILLS COMBINED.

THE NEIGHBORHOOD DID EXPRESS THE DESIRE THAT FELT LIKE THEY WANTED TO CONSIDER IT TOGETHER. BUT IT'S OBVIOUSLY UP TO THE CITY COUNCIL TO DECIDE. WE HAVE NOT COMMENCED THE PROCESS. IT'S IN LINE FOR NEXT YEAR.

Slusher: THAT COULD BE A LONG TIME. I DON'T WANT TO NECESSARILY HOLD UP THE TWO CASE THAT'S CAME IN, BUT I'M CONCERNED ABOUT THE Z.A.P.'S RECOMMENDATION. HOW MUCH TIME DID THEY SPEND DISCUSSING WHETHER THAT WAS THE APPROPRIATE ZONING FOR THE WHOLE TRIANGLE?

WHEN YOU SAY HOW MUCH TIME --

JUST LIKE A FEW MINUTES ONE EVENING, DID THEY LOOK AT IT A COUPLE OF DIFFERENT TIMES?

Glasgo: THEY HAD A LENGTH THESE DISCUSSION, THE MINUTES WERE VERY LENGTHY, SO THEY DID HAVE A HEALTHY DISCUSSION, IF YOU WILL. ABOUT IT.

Slusher: LET ME ASK THE MAYOR PRO TEM. YOU VOTED NO THE FIRST TIME. WHAT WAS YOUR THINKING ON THAT?

Goodman: I JUST DIDN'T THINK IT WAS A GOOD TIME TO DO

THE WHOLE THING. BECAUSE PLANNING.

Slusher: WHAT DO YOU THINK ABOUT C.S.? ARE YOU SAYING THAT'S TOO EARLY TO DETERMINE IF IT SHOULD ALL BE C.S.?

Goodman: YEAH, I JUST THOUGHT WHAT THEY NEEDED, WE CAN TALK ABOUT WHAT THEY NEED BUT THE WHOLE THING WAS UNNECESSARY. I DIDN'T WANT TO SECOND-GUESS ANYBODY.

Slusher: I TENDED TO AGREE WITH THAT. MAYBE WE CAN GET TO SECOND READING ONLY TONIGHT OR -- ANY OF THE -- WE DO HAVE THE -- COUNCILMEMBER DUNKERLY LIVES SOUTHWEST, OUR ONLY TWO SOUTH CENTRAL RESIDENTS I THINK REALIZING THE IMPORTANCE OF THIS TRIANGLE AND IF -- THIS SEEMS TO BE A SWEEPING MOVE BY -- BY THE APPOINTED BODY TO ALL OF A SUDDEN ZONE THE WHOLE THING C.S. SEEMS A LITTLE BIT RASH TO ME. I THINK THE NEIGHBORHOOD ORGANIZATION MIGHT HAVE HAD SOME GOOD POINTS ON THIS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. THE AGENT IS HERE SIGNED UP WISHING TO SPEAK IF WE HAVE QUESTIONS.

Slusher: HE ONLY HAD TWO LOTS IN HERE ANYWAY.

Glasgo: CREATE. ALSO I WANTED TO POINT OUT SOME OF THE TRACT IS ALREADY ZONED C.S.-CO, NOT ALL OF IT. THERE'S SOME SINGLE FAMILY 23 ZONING SOME TRACTS HAVE C.S. ZONING ALREADY, THAT'S WHERE THE RECOMMENDATION FOR C.S. ZONING SIMPLY BECAUSE OF WHAT WAS ALREADY EXISTING. YOUR MAP DEPICTS THAT. BUT MR. BENNETT IS HERE TO SPEAK TO A CASE THAT HE HAS, A SITE PLAN PENDING CURRENTLY.

Goodman: I'LL WAIT FOR JIM TO TALK.

Mayor Wynn: MR. BENNETT?

MAYOR AND COUNCIL, JIM BENNETT. COUNCIL, WE INITIALLY APPLIED FOR THIS ZONING CHANGE AS REPORTED TO YOU BEFORE. IT WENT BEFORE THE PLANNING COMMISSION IN

APRIL. AT THAT TIME, THAT'S WHEN THE PLANNING COMMISSION RECOMMENDED THIS STAFF INITIATE THE STUDY FOR THIS ISLAND AT EVERY EVER GREEN AND LAMAR. WE HAVE BEEN IN THE PROCESS ABOUT EIGHT MONTHS, AS COUNCILMEMBER SLUSHER SAID THE NEIGHBORHOOD PLAN IS PROBABLY GOING TO TAKE YOU ANOTHER YEAR AND A HALF OR TWO YEARS. I NEED TO GET OUT OF THE MAZE. SO IF COUNCIL WANTS TO DELAY THE -- THE ZONING AND PLATTING COMMISSION'S OVERALL STUDY, IF YOU CAN GO AHEAD AND REZONE MY TWO PIECES WHICH I BELIEVE ARE PROBABLY THE ONLY TWO REMANYING SF TRACTS IN THIS ISLAND THAT WOULD GET US OFF THE CENTER. WHATEVER YOUR ACTIONS ARE, I WISH THAT YOU WOULD TAKE THAT INTO CONSIDERATION AND GET ME OUT OF THE EIGHT MONTH MAZE THAT WE HAVE BEEN IN AND NOT DELAY ME FOR ANOTHER TWO YEARS.

Slusher: IT WASN'T YOUR IDEA TO DO THE WHOLE THING, WAS IT?

NO, SIR, I MADE THAT REAL EXPLICIT TO THE ZONING AND PLATTING COMMISSION ON TELEVISION THAT IT'S NOT ME THAT'S DOING THIS. TAKES THEIR SUGGESTION TO LOOK AT IT. I THINK AT THAT MEETING THEY WERE TRYING TO -- YOU'VE GOT SOME C.S., SOME GR, SOME SF-3, THEY WERE TRYING TO MAKE IT UNIFORM SO IF IT WERE COMING UP FOR REDEVELOPMENT, SOMEONE WOULD BE ABLE TO REDEVELOP IT IN AN ORDERLY MANNER RATHER THAN HAVE A PIECE OF THIS AND A PIECE OF THAT. I THINK THAT WAS WHAT THEY WERE LOOKING AT ON THAT STUDY.

Slusher: THERE IS SOME LOGIC TO THAT. MAYOR PRO TEM, WHAT DO YOU MAKE OF THAT? NOT TO PUT YOU ON THE SPOT OR ANYTHING.

Mayor Wynn: MR. BENNETT, PLEASE DON'T WALK AWAY?

Goodman: YOU MEAN FOR GOING AHEAD WITH THE TWO? THAT WOULDN'T BOTHER ME.

Mayor Wynn: SO DOES -- DOES YOUR CLIENT HAVE ANY SPECIFIC REDEVELOPMENT PLANS NOW?

NO, SIR. WHEN I INITIALLY FILED THIS AS I REPORTED TO YOU, I THINK MY CLIENT WAS AN ELDERLY LADY WHO WAS TRYING TO GET HER AFFAIRS IN ORDER FOR HER ESTATE. SHE HAS SINCE PASSED AWAY, THIS IS FOLLOWING UP ON THAT CONTRACT THAT I HAD FOR THE HE IS IS IT A IT TO FINISH THE ZONING. ESTATE TO FINISH THE ZONING. THERE IS A CONTRACT TO SELL THE RESIDENTIAL PROPERTY WHERE THE -- WITH THE GR ZONING, THERE IS NO PLANS RIGHT NOW TO REDEVELOP IT OTHER THAN TO SELL IT.

Slusher: MAYOR, WHAT'S ON THERE RIGHT NOW?

TWO SMALL RESIDENTIAL LOOKING BUILDINGS AND IF YOU LOOK AT -- I DON'T KNOW IF YOU HAVE THAT INFORMATION ON THOSE TWO ORIGINALS, ONE PORTION THAT WE ARE TALKING ABOUT IS JUST A SLIVER, A VERY SMALL PIECE ON THE BACK OF ONE OF THEIR PIECES THAT FRONTS ON TO LAMAR. AND THE OTHER ONE ACTUALLY HAS A FRONTAGE ON TO EVER GREEN.

Slusher: THE MAP THAT I HAVE SHOWED THE WHOLE TRIANGLE.

I DON'T KNOW IF YOU CAN SEE THIS MAP, SF 3 HERE WITH ONE PORTION OF SF RIGHT HERE. THIS LOT HAS FRONTAGE ON LAMAR AND THE REAR PORTION OF IT, A SMALL PIECE OF IT STILL ZONED SF, THAT'S ONE OF THE APPLICATIONS THAT YOU HAVE BEFORE YOU. THE OTHER APPLICATION IS TO REZONE THAT ONE PIECE ON -- ON EVERGREEN THAT'S CURRENTLY SF. SURROUNDED BY C.S.

STRAIGHT BACK FROM -- FROM THAT ONE? FROM THE ONE THAT YOU JUST POINTED TO ON LAMAR?

YES, SIR.

IT'S ABOUT -- IT'S ABOUT -- IF I'M SEEING THAT RIGHT, IT'S ABOUT HALFWAY DOWN THE BLOCK OF EVERGREEN?

IT'S ABOUT IN THE MIDDLE OF IT, YES. AS YOU CAN SEE FROM THIS MAP, THIS IS C.S., C.S. ON LAMAR, C.S. OVER HERE TO NORTH OF US, WE ARE KIND OF SITTING RIGHT

THERE IN THE MIDDLE OF IT.

Slusher: I COULD GO TONIGHT FOR THOSE TWO. SEEMS FAIR SINCE HE'S BEEN IN THE PIPELINE FOR EIGHT MONTHS NOW. AND THOSE WERE ORIGINALLY RECOMMENDED BY THE STAFF; IS THAT CORRECT, MS. GLASGO? WERE THOSE RECOMMENDED BY THE STAFF?

YES. WE ARE RECOMMENDING FOR -- FOR THE ENTIRE TRIANGLE WE ARE RECOMMENDING C.S. [INDISCERNIBLE]

BEFORE THE Z.A.P., WHEN IT WENT TO THE Z.A.P. BEFORE THEY MADE THAT MOVE, THE STAFF WAS RECOMMENDING APPROVAL OF THESE TWO.

Glasgo: YES, WE WERE RECOMMENDING HIS REQUEST FOR GR ZONING, CORRECT.

Slusher: THANK YOU.

Goodman: WHY DON'T WE GO FOR GR?

ALSO IF THE NEIGHBORHOOD PLAN DOES BECOME REAL IN TWO YEARS AND IT CHANGES THIS ZONING, THEN OF COURSE THAT'S ANOTHER OPPORTUNITY THAT WOULD COME UP DURING THE NEIGHBORHOOD PLANNING PROCESS.

Slusher: I'M NOT GOING TO ARGUE WHETHER YOU ARE ACCURATE OR NOT, BUT YOU KNOW YOU ADDED SIX MONTHS ON YOUR PREDICTION SINCE THE LAST TIME THAT YOU WERE AT THE MIC.

I CHECKED THE DATES TODAY, IT ACTUALLY WENT BEFORE THE ZONING AND PLATTING COMMISSION IN APRIL. IT WAS ACTUALLY FILED BY --

Slusher: I MEAN SIX MONTHS ON TO YOUR PREDICTION ABOUT HOW LONG THE NEIGHBORHOOD PLAN WAS GOING TO TAKE. YOU MIGHT BE RIGHT. I'M NOT GOING TO ARGUE WITH YOU.

I'LL AGREE.

Goodman: CAN I DOUBLE CHECK ON SOMETHING. WHEN MR. BENNETT ORIGINALLY WENT IN AS THE AGENT ON THIS, YOU WERE NOT ASKING FOR C.S., RIGHT? YOU WERE ASKING FOR GR.

WE INITIALLY ASKED FOR C.S. BUT WE AMENDED THE APPLICATION TO GR.

Goodman: THAT'S WHAT I'M COMFORTABLE WITH IS THE GR.

THEN THE INITIATED CASE CAME OUT WHERE THE WHOLE ISLAND SHOULD BE C.S.-MU. WE ARE JUST A PART OF THAT INITIATED CASE.

Goodman: NOW WE ARE TAKING THE TWO PIECES OUT.

Mayor Wynn: MS. TERRY, DO YOU THINK THAT'S SUFFICIENT DIRECTION FOR A MOTION TO SETTLE THIS.

LET ME ASK A COUPLE OF QUESTION, STRAIGHT GR, GR-CO, GR-MU-CO? I THINK THAT I HAVE GOT ENOUGH DIRECTION, BUT I WANT TO MAKE SURE THAT WE ARE CLEAR ON THE RECORD EXACTLY WHAT WE'RE DOING. THE ORDINANCE THAT YOU HAVE IN FRONT OF YOU HAS THE ENTIRE TRIANGLE IN IT. WHAT WE WOULD DO IS WE WOULD CHANGE THE ORDINANCE TO DELETE ALL OF THE PORTION THAT'S REFER TO ANYTHING OTHER THAN THE TWO TRACTS IN QUESTION. AND THEN THE TWO TRACTS IN QUESTION WE WOULD REZONE AS GR. I WANT TO MAKE SURE THAT IT'S STRAIGHT UP GR AND THAT -- THAT THERE'S NO -- THERE ARE NO DETAILS.

Goodman: CAN I THROW SOMETHING IN THERE? MAYBE WE SHOULD GO ON SECOND READING UNTIL WE KNOW THE CO THAT WAS RECOMMENDED FOR THE C.S. ACTUALLY IS RELEVANT TO THE GR.

THAT'S A GOOD IDEA.

THAT WOULD BE FINE. WHAT WE WILL DO IS BRING IT BACK

ON JANUARY THE 13th AT THE NEW CITY HALL.

SEND IT FORWARD --

Glasgo: SO MAYOR PRO TEM'S MOTION -- MAYOR PRO TEM ARE YOU PROPOSING GR-MU-CO WITH CONDITIONAL OVERLAYS THAT ARE UNDER THE CASE, I WILL READ THE TWO CASES THAT WE NEED TO PULL FROM OUR CASE, C14-04-0040, CASE C14-04-0007, THOSE WERE THE TWO CASES THAT MR. BENNETT FILED THAT WAS AMENDED TO GR ZONING AND WE'LL TAKE A LOOK AT THAT AND BRING IT BACK FOR SECOND READING WITH THAT RECOMMENDATION.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM TO APPROVE ON SECOND READING ONLY MR. BENNETT'S CASES AS READ BY MS. GLASGO, GR-MU-CO SECOND READING ONLY, SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. WISH WE HAD SOME BOY SCOUTS HERE TO SEE THIS GOOD GOVERNMENT AT WORK.

WE HAVE ONE.

Slusher: LOOKING OUT FOR SOUTH AUSTIN.

Glasgo: MAYOR, THAT TAKES US TO ITEM NO. Z-12. THIS IS A CASE THAT COUNCIL POSTPONED TO THE LAST MEETING DUE TO A CITIZEN THAT SHOWED UP AND INDICATED THAT THE NEIGHBORHOOD WAS OPPOSED TO THE ZONING CHANGE, MAYOR PRO TEM MADE A MOTION TO POSTPONE SO THERE COULD BE AN OPPORTUNITY TO HAVE A DISCUSSION WITH THE AGENT HERE. THE CASE Z-12 IS CASE C14-04-152, THE PROPERTY IS LOCATED AT 4607 MANCHACA ROAD. THE -- THE APPLICANT IS SEEKING A CHANGE FROM SINGLE FAMILY 3 TO LIMITED OFFICE. THE UNDERSTANDING THAT WE HAVE IS THAT THE PROPERTY OWNER WOULD LIKE TO CONSIDER REDEVELOPING THE TRACT IN THE FUTURE FOR MEDICAL OFFICE SPACE. I KNOW COUNCIL YOU BRIEFLY

INDICATED A -- A CONCERN OR AT LEAST YOU DID ECHO THE SENTIMENTS OF THE -- OF THE RESIDENT WHO SPOKE LAST TIME, I'M JUST GOING TO GO TO THE MAP TO -- TO POINT ON THE TRACT AND WHAT THE TREND SEEMS TO BE IN THE AREA. THE SUBJECT TRACT IS HIGHLIGHTED HERE IN RED, RED OUTLINE. AND AS YOU CAN TELL THIS IS BEN WHITE BOULEVARD, THIS IS MANCHACA ROAD. YOU HAVE A SINGLE FAMILY SUBDIVISION TO THE SOUTH OF THE SUBJECT TRACT, REALLY ONE THAT IS COMPLETELY SUBDIVIDED AS SINGLE FAMILY SUBDIVISION AND THEN TO THE NORTH YOU'VE HAD OBVIOUSLY THE -- THE PRECEDENCE OF COMMERCIAL ZONING, LR AND THEN LO TO THE NORTH OF THE TRACT. YOU COULD ARGUE OBVIOUSLY THAT MAYBE YOU SHOULD STOP THERE, NORTH OF THE TRACT OR YOU COULD EXTEND LO HERE AND OBVIOUSLY THAT WILL SET A PRECEDENT FOR THE NEXT -- THE FUTURE FOR THE PROPERTY TO THE SOUTH WHICH ABUTS THE SINGLE FAMILY SUBDIVISION, SUBDIVIDED SUBDIVISION, I KNOW THOSE ARE SOME OF THE CONCERNS THAT YOU RAISED THAT THERE IS A LOT OF COMMERCIAL ZONING. WHEN WE LOOKED AT THE PROPERTY, OBVIOUSLY THAT WAS A DILEMMA FOR US, TOO. AT WHAT POINT DO YOU DRAW THE LINE AND SAY THIS IS THE END OF COMMERCIAL ZONING AND WE FELT LIKE WHEN YOU GET TO THE POINT OF -- OF ABUTTING THE PROPERTY, THE SINGLE FAMILY SUBDIVISION, WHICH IS CLEARLY SUBDIVIDED, THEN YOU REALLY WOULD NOT OBVIOUSLY WANT TO REZONE THOSE PROPERTIES BECAUSE THEY HAVE ORIENTATION TO THE RESIDENTIAL SUBDIVISION WHEREAS THE PROPERTIES ALONG MANCHACA ROAD HAVE ORIENTATION AND FRONTAGE ON MANCHACA ROAD AND THE ACCESS TO MANCHACA ROAD AND TEND TO LEND THEMSELVES TO PROBABLY BE MORE SUITABLE FOR COMMERCIAL DEVELOPMENT AS OPPOSED TO THE RESIDENTIAL. THE PATTERN [INDISCERNIBLE] TO THE NORTH. WE WOULD FEEL LIKE WHERE WE WOULD DRAW THE LINE WOULD BE SOUTH OF THE TRACT IN THE FUTURE, THAT'S WHERE YOU WOULD STOP FOR ANY MORE OFFICE ZONING. I JUST WANTED TO SHARE THAT WITH YOU, THAT WE DID HAVE THAT DISCUSSION. WE LOOKED AT THE PROPERTY AND WHAT WAS THERE TO THE NORTH AND TO THE SOUTH AND THE EFFECT THAT WOULD HAVE IN THE FUTURE FOR ADJOINING

PROPERTIES. I WILL PAUSE HERE FOR QUESTIONS.

Mayor Wynn: THANK YOU, COUNCIL, WE WILL OPEN UP THIS PUBLIC HEARING BY HAVING A FIVE MINUTE PRESENTATION FROM THE APPLICANT AND HIS OR HER AGENT, THEN FOLKS WHO SIGNED UP IN FAVOR OF THE ZONING CASE, FOLKS IN OPPOSITION. THREE MINUTE REBUTTAL FROM THE APPLICANT. SO WE WILL WELCOME MR. JIM BENNETT. FIVE MINUTES, MR. BENNETT.

MIR AND COUNCIL JIM BENNETT, HERE TONIGHT ON BEHALF OF THIS REQUEST TO REZONE THIS RESIDENTIAL PROPERTY TO LO ZONING. LO ZONING IS THE LEAST RESTRICTIVE ZONING THAT WE NEED FOR OUR INTENDED USE, WHICH THE INTENDED USE OF THIS PROPERTY IS FOR A CHILDREN'S REHABILITATION CLINIC. THE SUBJECT PROPERTY IS ALMOST AN ACRE IN SIZE. 43,167 SQUARE FEET. IF YOU LOOK AT THE MAP MS. GLASGO PRESENTED TO YOU, IT IS ONE OF THE LAST REMAINING LARGER TRACTS, WITH FRONTAGE TO MANCHACA ROAD. THE OTHER PROPERTIES PREDOMINANTLY DOWN UNTIL AS MS. GLASGO EXPLAINED TO YOU, FOREST HILL DRIVE AND FOREST GLADE. THERE IS ONE LARGER TRACT ADJACENT TO THIS TO THE SOUTH. THIS PROPERTY IS ADJACENT TO OFFICE ZONING. IT'S ADJACENT TO AN OFFICE BUILDING. I BELIEVE IT'S A THREE-STORY OFFICE BUILDING. THE RESIDENTIAL BUILDING THAT'S ON THIS LOT WILL BE USED FOR THE CLINIC. MANCHACA HE IS AN ARTERIAL, ONE OF THE FIVE LEAVING SOUTH TO GET TO FURTHER SOUTH AUSTIN. BEING THIS SIZE OF A TRACT ON AN ARTERIAL WITH OFFICE ZONING ADJACENT TO IT, IT DOES SEEM TO BE APPROPRIATE ZONING. TO GO THROUGH STAFF AND ZONING AND PLATTING COMMISSION AS APPROPRIATE FOR THIS AREA. WE WOULD -- I HAVE TALKED TO MR. ABEHR, WHICH I BELIEVE IS THE SPEAKER THAT WILL BE SPEAKING TO YOU SHORTLY. IN OUR DISCUSSIONS HE'S CONCERNED ABOUT A PROLIFERATION OF OFFICE ZONING ON MANCHACA ROAD. WHETHER THAT MAY OR MAY NOT HAPPEN SOMEWHERE IN THE FUTURE BEING AN ARTERIAL STREET, YOU KNOW, SOMETHING TO BE SEEN. HOWEVER, FOR THIS TRACT WE FEEL THAT -- THAT THE OFFICE ZONING, LO ZONING FOR CHILDREN'S REHABILITATION CLINIC IS AN APPROPRIATE ZONING BECAUSE OF ITS SIZE, IT'S FRONTAGE TO MANCHACA AND TO NO OTHER RESIDENTIAL STREET AND

WE REQUEST THAT COUPLE APPROVE THE LO ZONING. I WILL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. BENNETT. AT THIS TIME WE WILL NOW HEAR FROM CITIZENS WHO ARE IN FAVOR OF THE ZONING CASE. MR. RON THROWER. RON THROWER ACTUALLY SIGNED UP I'M SORRY NOT WISHING TO SPEAK IN FAVOR. LOOKS LIKE MR. -- ACTUALLY REPRESENTING THE LANDOWNER OF 4609 MANCHACA ADJACENT PROPERTY. NOW WE'LL GO TO THE FOLKS WHO SIGNED UP IN OPPOSITION OF THIS CASE. THE FIRST SPEAKER WILL BE MR. BRYAN HAD HE HEBERT. WELCOME BACK, YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, I'M REPRESENTING THE WESTERN TRAILS NEIGHBORHOOD ASSOCIATION, TO REFRESH YOUR MEMORY, THAT'S THE 500 500 HOMES DIRECTLY ACROSS MANCHACA FROM THE PROPOSED REZONING. WE TALKED LAST TIME ABOUT GENERAL CONCERNS AND THAT RESULTED IN THE POSTPONING UNTIL TODAY. SO I WANT TO REMIND YOU ABOUT SOME OF THE CONCERNS THAT I VOICED LAST TIME. AGAIN, GENERALLY, WE ARE CONCERNED AS AN ASSOCIATION ABOUT THE TRAFFIC INCREASE RESULTING FROM A DOCTOR'S OFFICE AS MS. DAVIS MENTIONED AT THE ZONING COMMISSION HEARING, DOCTOR'S OFFICE TYPICALLY WILL RESULT IN MORE TRAFFIC INCREASE THAN OTHER LOW OFFICE ZONINGS. THE ENVIRONMENTAL IMPACT, SINCE IT'S SO CLOSE TO WILLIAMSON COUNTY, AND WHAT THIS DOES TO THE NEIGHBORHOOD CHARACTER. THERE'S BEEN SOME MENTION EARLIER THAT IT MAY BE SOMEHOW INEVITABLE. I WOULD -- I WOULD POINT OUT HERE THAT IT'S TRUE THAT IMMEDIATELY NORTH THERE'S A STRING OF BUSINESS REZONING TO GET TO THE PROPOSED REZONING. EVERYTHING IMMEDIATELY BEHIND, EVERYTHING IMMEDIATELY SOUTH, EVERYTHING TO THE SOUTHWEST THERE IS STILL ZONED FOR RESIDENTIAL. SOME OTHER CONCERNS THAT I WANTED TO -- TO BE SURE -- TO -- TO POINT OUT SPECIFICALLY. ONE IS THAT ALTERNATIVES DO EXIST FOR MEDICAL OFFICE USE. IN THE NEIGHBORHOOD. THERE ARE CURRENTLY FOR LEASE SIGNS IN FRONT OF -- OF OFFICES ON RED, WESTERN TRAILS, AND -- AND PACK SADDLE PASS WHICH ARE ALL JUST A BLOCK OR TWO TO

THE WEST THERE. WE ARE CONCERNED ABOUT THE PRECEDENT, THIS REZONING SETS. IT'S MR. -- AS MR. BENNETT MENTIONED YES, WE ARE CONCERNED ABOUT THE BIGGER ISSUE OF REZONING IN OUR NEIGHBORHOOD, WHAT IT MEANS TO APPROVE THIS ONE. BUT ALSO THE JUSTIFICATION OF POINTING TO ONE PROPERTY TO THE NORTH AND SAYING THAT'S ENOUGH TO -- TO REZONE THIS PROPERTY. THAT CAUSES US TO STEP UP TO OPPOSE. IF YOU LOOK AT THE EXHIBIT A 2 THAT LAYS OUT ALL OF THE NEIGHBORHOOD PLANS IN AUSTIN, YOU WILL NOTICE THAT SOUTH MANCHACA AND WESTGATE, THE TWO THAT WOULD BE MOST IMMEDIATELY IMPACTED BY THIS REZONING, THERE IS NO NEIGHBORHOOD PLAN IN PLACE. IF WE COULD AT LEAST WAIT UNTIL WE KNOW WHAT THE BIG PICTURE IS GOING TO BE FOR THE AREA, THAT WOULD BE DATE. AS WAS MENTIONED BY THE MAYOR PRO TEM AT THE LAST MEETING, THERE IS ADDITIONAL PRESSURE FROM THE SOUTH. STASSNEY IS NOT THAT FAR AWAY. IF WE ALLOW THIS SORT OF CONSTANT SLOW CONVERGENCE, I'M AFRAID THAT SOONER RATHER THAN LATER IT WILL ALL BE BUSY ZONING. AS WAS SUGGESTED WAS COUNCILMEMBER SLUSHER LAST TIME, THERE IS A NEW RESIDENTIAL DEVELOPMENT RIGHT AT JONES ROAD AND MANCHACA, WHICH MAYBE SHOWS THAT WE'RE SHALL CAN WORK ON MANCHACA. AS TO THIS LOT IN PARTICULAR, IT IS AN ESPECIALLY LARGE LOT. I KNOW SOME PEOPLE HAVE EXPRESSED CONCERNS THAT YOU DON'T WANT TO TO PULL OUT OF YOUR DRIVEWAY OR RIGHT ON TO LOTS OF TRAFFIC ON MANCHACA. BUT IN THIS CASE THERE'S PLENTY OF ROOM TO ENTER AND EXIT THE PROPERTY -- PLENTY OF ROOM TO ENTER AND EXIT. BECAUSE OF THESE CONCERNS THE ASSOCIATION IS OPPOSED TO THE REZONING, WE ASK YOU TO DENY THE APPLICATION.

THANK YOU. ARE YOU FROM SOUTHEAST TEXAS BY CHANCE.

LOUISIANA.

Mayor Wynn: I KNEW IT WAS HEBERT. KATHY, THREE MINUTES, WELCOME.

THANK YOU. I HAVE SOME PICTURES THAT I WOULD LIKE TO SUBMIT TO YOU. AND SOME MAPS. THESE PICKS REPRESENT

JUST SOME OF THE CURRENTLY VACANT COMMERCIAL PROPERTIES THAT ALREADY EXISTS IN THE MANCHACA/BEN WHITE AREA. THE VACANT COMMERCIAL BUILDINGS THAT ARE HERE, ONE OF WHICH WAS PREVIOUSLY USED FOR MEDICAL USE, ARE AT PACK SADDLE PASS AND RED STREET JUST ONE TRAFFIC LIGHT AWAY FROM THE 4607 MANCHACA ROAD PROPERTY. THESE PICTURES WERE TAKEN AT 6:30 THIS MORNING, SO THEY ARE A LITTLE DARK, BUT I GUARANTEE YOU THEY ARE VACANT ALL DAY LONG. THANK UP THESE PROPERTIES HAVEN'T BEEN VACANT JUST FOR DAYS OR WEEKS. THEY HAVE BEEN VACANT FOR MONTHS. OKAY? THEY CAN -- VACANT COMMERCIAL PROPERTIES, ESPECIALLY SUCH AS THOSE AS THE NON-OPERATIONAL GAS STATION PICTURED, A TRANS -- TRANSIENTS BOTH TWO FOOT AND FOUR FOOT. WHEN THIS NEIGHBORHOOD WAS PLANNED COMMERCIAL ZONING WAS INCLUDED. BUSINESSES AREN'T FILLING THE EXISTING COMMERCIAL SPACES. WHY CREATE MORE? I AVIDLY REQUEST THAT YOU DENY THE ZONING CHANGE OF THIS PROPERTY TO ANY COMMERCIAL USE. THANK YOU.

THANK YOU, MS. LENNOX. COUNCIL, THAT'S ALL OF THE CITIZENS SIGNED UP IN FAVOR OR OPPOSED TO THIS ZONING CASE, MR. BENNETT WILL NOW HAVE A THREE MINUTE REBUTTAL.

AS I HAVE INDICATED TO YOU, THIS TO IS TO BE A REHABILITATION CLINIC FOR CHILDREN. IT WILL HAVE TRAFFIC AS THEIR PARENTS BRING THEM TO THIS SITE. HOWEVER IT'S NOT YOUR NORMAL OFFICE WHERE YOU HAVE A SICK CALL IN THE MORNING AND A LOT OF PEOPLE FLOCK TO IT. YOU ARE GOING TO BE COMING TO THIS FACILITY FOR AN APPOINTMENT FOR YOUR CHILD TO HAVE HIS REHABILITATION. THE STRUCTURE THAT'S CURRENTLY ON THE SITE IS A LARGE RESIDENTIAL STRUCTURE. PART OF THE REHABILITATION WILL, OF COURSE, TEACH THE CHILDREN HOW TO -- HOW TO MOBILIZE THEMSELVES IN THEIR HOME SETTING. IT LOOKS LIKE A HOME. IT HAS ROOMS LIKE A HOME. SO THAT'S PART OF THE NEEDS FOR MY CLIENTS TO -- TO ASSIST THE CHILDREN THAT NEED THE REHABILITATION. THE NEWER SUBDIVISION, AS MR. HEBERT MENTIONED TO YOU IS THE ORE SIDE OF JONES ROAD. THE TRAFFIC COMES TO MANCHACA FROM A CUL DE SAC STREET

THAT COMES OUT THE STREET INTERSECTS WITH MANCHACA, NOT THE DRIVEWAY ITSELF. RELATIVE TO THE VACANT BUILDINGS, I DON'T KNOW, I'M NOT IN THE MARKING BUSINESS WAS TO WHY THE BROKERS HAVE NOT LEASED THOSE SPACES, HOWEVER THIS PROPERTY MEETS MY CLIENTS NEEDS. AS FOR THE REHABILITATION CENTER. IT IS ACROSS FROM A CHURCH. AS INDICATED TO YOU, IT'S ONE OF THE LAST REMAINING LARGE LOTS NORTH OF THE CREEK, IF THAT'S A DEMARCATION LINE. NORTH OF THE CREEK. WITH SAVE AND EXCEPT THE ONE LOT ADJACENT TO IT. AND THE CHURCH PROPERTY TO THE WEST SIDE OF THE ROAD. SO THIS PROPERTY IS NOT LIKE THE RESIDENTIAL PLATTED 6,000 SQUARE FOOT LOTS THAT EXIST IN THE SUBDIVISION BEHIND AND FURTHER TO THE SOUTH OF US. THIS IS A ONE ACRE TRACT AND THERE SHOULD NOT BE A PROBLEM WITH ANY COMPATIBLE STANDARDS BECAUSE OF THE OFFICE ZONING TO THE NORTH, THE LOCATION OF THE EXISTING HOUSE, AWAY FROM THE OTHER RESIDENTIAL UNITS, SHOULD NOT IMPACT ANY COMPATIBILITY STANDARDS OR NEEDS. CERTAINLY OUR TRAFFIC WILL GO ON MANCHACA WHICH IS AN ARTERIAL STREET. WE WOULD REQUEST THAT YOU APPROVE THE LO ZONING. THANK YOU.

Mayor Wynn:, COUNCIL THAT'S ALL OF THE SPEAKERS THAT WE HAVE, I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOVED BY COUNCILMEMBER SLUSHER, I'LL SECOND. ANY DISCUSSION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF 7-0. COMMENTS, QUESTIONS, COUNCIL? MAYOR PRO TEM.

Goodman: WELL, I THINK THE POINT MADE IS A GOOD ONE, THAT THERE ARE A LOT OF UNDERUTILIZED HIGHER INTENSITY USES ALONG HERE. AND IT IS REALLY? THE CENTER OF THE NEIGHBORHOOD -- REALLY IN THE CENTER OF THE NEIGHBORHOOD, IT'S MOVED TO A LONGER AND LONGER STRIP OF NON-RESIDENTIAL USES. SO IN THAT INSTANCE THERE'S NO RESIDENTIAL THAT REALLY VIABLY FACES MANCHACA NAME RIGHT THERE. ANYMORE RIGHT

THERE. BUT THERE IS RESIDENTIAL THAT STILL AT THIS POINT LIVES QUITE COMFORTABLY. NOT LIKE ON SOUTH FIRST WHERE IT'S -- WHERE IT'S UNTENABLE TO THINK OF HAVING A RESIDENCE THERE. AND THE PRESSURE THEN ALWAYS IN THAT PART OF TOWN FROM WHEN THERE WAS A HUGE REDEVELOPMENT INITIATIVE FROM IN THE 80s IN THE REAL ESTATE BOOM, WAS TO STRIP OUT QUICKLY WITHOUT LONG-TERM USERS IN PLACE, WITHOUT THE ANCHORS, OVER TIME THOSE RELATIVELY QUICKLY BECAME VERY UNDERUTILIZED AND EMPTY AND ARE JUST NOW STARTING TO REACH SOME POTENTIAL. BUT SO AGAIN IF WE DO THIS, WE ARE LOOKING FOR NEW AREAS WHEN THERE IS A -- PLENTY OF UNDERUTILIZED HIGHER INTENSITY ZONING THERE ALREADY. NOW, I DON'T KNOW WHETHER SOME FORM OF NO OR LO WITH RESTRICTIONS WOULD AT THIS TIME GIVE THE NEIGHBORHOOD THE ABILITY TO USE THIS WITH THE PROPOSAL BECAUSE I'M NOT SURE THAT THIS PROPOSAL IS SO BAD. IF THERE WERE MORE DETAILS TO IT. BUT -- TO GO AHEAD AND GO TO LO, WHICH IS SOMETHING OF A MEDICAL USE, WE NEED TO EXPLAIN TO ME THE NUANCES OF THAT. IS THE VERY KIND OF USE THAT -- THAT SENT HUGE IMPACT INTO THE NEIGHBORHOOD ROSEDALE OFF OF LAMAR, WHEN ALL OF THE MEDICAL USES STARTED GOING IN THERE, ACCESSORY TO THE HOSPITAL, IT'S ALWAYS WHAT WAS A DOMINO EFFECT FOR -- FOR JAMES CASEY FOR THE SOUTH AUSTIN HOSPITAL. SO IT'S A SIGNIFICANT INTRODUCTION OF ZONING AND POSSIBLE USE. AND I -- I WOULD JUST LIKE TO HEAR MORE DETAILS AND WHY -- WHY YOU ARE -- I UNDERSTAND THAT -- THAT I SUPPOSE THAT THIS IS THE OWNER OF THE PROPERTY OWNER THAT'S GOING TO BE DOING SOMETHING AND THE ONES WHO OWN THE ALREADY ZONED AREAS ARE NOT. BUT IS THERE SOME -- SOME WAY THAT -- THAT THE PROPOSER OF THIS USE COULD GO TO PROPERTY THAT'S ALREADY ZONED?

MAYOR PRO TEM, DR. COHEN AND HER FATHER ARE BOTH DOCTORS, AND THEY HAVE OWNED THE PROPERTY, DOCTOR COHEN IS CURRENTLY LIVING ON THE PROPERTY. AND THAT'S THE REASON THEY ARE LOOKING AT THIS IN ADDITION TO THE HOME SETTING VERSUS THE INDUSTRIALIZED BUILDING. AS INDICATED TO YOU FOR THE

USES, THE REHABILITATION CLINIC, THAT WILL HELP TO TEACH THE CHILDREN HOW TO -- IT HAS A KITCHEN IN THIS OFFICE, IF YOU WILL. AND SO THAT THEY CAN -- BE TAUGHT HOW TO PERFORM IN THE HOME SETTING VERSUS THE INDUSTRIALIZED SETTING. THAT'S A PART OF THEIR DESIRE WHEN THEY BOUGHT THIS PROPERTY TO USE IT FOR THAT.

Goodman: CAN YOU REFRESH ME ON HOW MANY VEHICLE TRIPS A DAY, FOR INSTANCE, THAT WOULD -- THAT WOULD TAKE? WITH THEIR PATIENT LOAD? OR THEIR CLIENT LOAD.

I'M SORRY, I DON'T KNOW THEIR CLIENT LOAD RIGHT NOW, BUT IT'S GOING TO BE WELL UNDER 2,000 TRIPS AND BECAUSE YOU HAD TO MAKE APPOINTMENTS RATHER THAN THE GENERAL PRACTITIONER WHERE YOU JUST FEEL SICK THIS MORNING, YOU TAKE YOUR CHILD IN. IT'S AN APPOINTMENT BASIS. AND WITH THE -- WITH THE BUILDING ITSELF IS PROBABLY ABOUT 3,000 SQUARE FOOT BUILDING, HOUSE, SO I DON'T IMAGINE THAT YOU ARE GOING TO HAVE - - TO HAVE, YOU KNOW, HUNDREDS OF PEOPLE. SO I WOULD GUESS THAT IT'S PROBABLY, YOU KNOW, 500 TRIPS A DAY, PROBABLY OR LESS. AND PROBABLY CONSIDERABLY LESS, BUT I DON'T KNOW THEIR PATIENT LOAD.

THAT'S VERY, VERY HIGH NUMBER. 500 A DAY.

I WOULD THINK THAT IT'S HIGH MYSELF. PRESUMING WHEN YOU GO TO -- IT'S PROBABLY GOING TO TAKE AT LEAST 30 MINUTES TO AN HOUR FOR EACH CHILD. WHEN I WENT TO REHABILITATION FOR A SHOULDER DEAL, IT TOOK THREE MINUTES A DEAL. SO -- SO HOW MANY CAN YOU GET IN IN 8 HOURS? COUNTING YOUR STAFF PEOPLE, PROBABLY -- POSSIBLY 20 PATIENTS A DAY WOULD BE A HIGH NUMBER.

OKAY. I DON'T HAVE HAVE THE BACKUP IN FRONT OF ME. DOES THE -- DID THE ZONING AND PLATTING COMMISSION HAVE CONDITIONS? WHAT WERE THE CONDITIONS? I DON'T BELIEVE THERE WERE ANY CONDITIONS.

SO THERE WERE NO PROHIBITED USES OR -- OR ANY CAP?

I DO NOT BELIEVE THERE WERE.

DO YOU HAVE ANY CONDITIONS?

Goodman: OKAY. THAT'S -- THOSE ARE ALL OF MY QUESTIONS.

THANK YOU, MAYOR PRO TEM. FURTHER COMMENTS, QUESTIONS?

I THINK THAT I'M COMING FROM A SIMILAR PLACE, MAYOR PRO TEM. THIS SEEMS LIKE A PRETTY -- LIKE A PRETTY GOOD USE, A DECENT USE HERE. MY UNDERSTANDING -- AM I UNDERSTANDING YOU, MR. BENNETT THAT THE CURRENT OWNER THAT'S LIVING THERE IS THE ONE THAT'S GOING TO BE DOING THIS USE?

YES.

Slusher: OKAY. SO I GUESS WHAT I WOULD BE LOOKING FOR IS SOME WAY THAT WE COULD ALLOW THIS BUT HAVE IT ROLL BACK OR ELSE PUT CONDITIONS ON IT TO WHERE -- TO WHERE -- WHERE IT WOULD BE JUST THIS -- THIS COULD BE, WOULDN'T BE ABLE TO GO TO ANY INTENSIVE LO USE AND ALSO I THINK MS. GLASGO THERE'S 2,000 TRIPS ALLOWED ON THERE UNDER THE PROPOSAL?

Glasgo: THAT'S -- THAT WOULD BE THE THRESHOLD THAT TRIGGERS A TRAFFIC IMPACT ANALYSIS IF YOU ARE AT 2,000 OR LESS WE ARE DO NOT REQUIRE TRAFFIC IMPACT ANALYSIS. BUT OUR TRANSPORTATION PLAN, AS I'VE INDICATED, GEORGE ZAPALAC IS STANDING UP TO ADD TO IT NOW THAT HE KNOWS THE SPECIFIC SQUARE FOOTAGE, WE INDICATED THAT BASED ON THE LAND AREA WE HAVE, PROPOSED CURRENTLY ON THIS TRACT, WE ARE ASSUMING WORST CASE 1,020. THAT'S JUST NOT KNOWING ALL OF THE OTHER REQUIREMENTS THAT WOULD BE TRYING PERKED, -- THAT WOULD BE TRIGGERED, LESS, SQUARE FOOTAGE, NUMBER OF PATIENTS, BUT THAT'S WHAT WE ARE SHOWING AS -- BASED ON THE SIZE OF THE LAND AREA IT WILL BE A THOUSAND, IT WILL BE LESS THAN TWO.

Slusher: THANK YOU, WOULD YOU HAVE ANY SUGGESTIONS ON HOW TO HELP WHERE COUNCILMEMBER GOODMAN OR

MAYOR PRO TEM GOODMAN AND I ARE TRYING TO HEAD?

Glasgo: YES. YOU COULD CONSIDER ALLOWING MEDICAL OFFICES AS THE ONLY LO USE AND PROHIBITING ALL OTHER LO USES, BUT ALLOWING NO USES IN ADDITION TO THE MEDICAL OFFICE UNDER LO AND YOU COULD ALSO REQUIRE N ON-SITE DEVELOPMENT REGULATIONS -- NO SITE DEVELOPMENT REGULATIONS, MR. BENNETT COULD SPEAK TO THAT. IF THE ADJOINING PROPERTY EVER COMES IN, THAT WOULD PROVIDE A PRECEDENT OF WHAT YOU WANT TO SEE IN THE JURY FOR THAT PARTICULAR TRACT TO THE SOUTH. BY THE WAY, WE CURRENTLY ARE DOING A NEIGHBORHOOD PLAN FOR THE AREA. IT'S IN ITS EARLY STAGES SO THERE ISN'T A FUTURE LAND USE MAP, IT'S IN THE EARLY PLANNING STAGES CURRENTLY. THIS ENTIRE AREA ALL THE WAY TOWN TO SLAUGHTER LANE.

Slusher: MAYOR PRO TEM, MAYBE WHAT YOU WERE TALKING ABOUT, THOUGH, AS FAR AS WHAT, ROSEDALE, THAT SORT OF A THING, THAT MAYBE THAT WE WOULD HAVE TO DO A LOWER TRAFFIC LIMIT, TOO, TO ADDRESS THAT IF IT WENT TO MEDICAL OFFICE ONLY.

Goodman: I THINK SO. COUNCILMEMBER ALVAREZ HAD AN IDEA ON -- ON HOW WE CAN ALLOW THAT USE WITHOUT THE POTENTIAL FOR SPREADING AND I THINK IF I CAN INTERSWREKT AT THIS TIME -- IF I CAN INTERJECT AT THIS TIME, ONE THING THAT'S GOING TO BE CUMULATIVELY HARD TO TAKE TRAFFIC-WISE IS BECAUSE 2,000 WOULD BE UNTENABLE BECAUSE THERE ARE TOO MANY ACCESS, EGRESS OPENINGS ALONG THE LITTLE STRIPY OR ONE SPOT SHOP DRIVEWAYS ALL ALONG. IT'S KIND OF RETAINED FROM THE OLD RESIDENTIAL OR RURAL USE. SO -- SO I'M TENDING TO THINK 200 A DAY, THAT'S A PRETTY SUBSTANTIAL CLIENT LOAD. BUT -- BUT THE OTHER THING THAT I WANT TO BRING UP IS THAT WE ARE GETTING A CASE EACH TIME IT SEEMS WITHIN A PLANNING AREA. AT ONE TIME WE ASKED PROPERTY OWNERS WHEN THEY WERE IN SUCH A PLANNING SITUATION TO PARTICIPATE. TO PARTICIPATE BECAUSE YOU ARE SECOND-GUESSING OR CO-OPTING OR PRE-EMPTING THE PLAN. WE ARE GIVING CASES WHERE -- WHERE THE PROCESS IS BEING SKIRTED, THE VERY PROCESS THAT WAS SUPPOSED TO ALLOW THESE KIND OF

THINGS TO BE WORKED OUT WITHIN THEM. SO I WOULD LIKE YOU ALL TO THINK ABOUT -- ABOUT SOME KIND OF POLICY IN THE NEAR FUTURE ABOUT -- ABOUT CERTAIN TIME FRAMES INVOLVED IN CASES THAT HAVE -- THAT HAVE STARTED IN CONJUNCTION WITH THE PLAN. THE NEIGHBORHOOD PLAN BEING STARTED, ALSO. AND THEN IN ESSENCE [INDISCERNIBLE] OUT. SO THAT'S JUST AN ASIDE FOR THE FUTURE.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. THE QUESTION, MS. GLASGO, WAS -- WAS WOULD THE USE BE FEASIBLE IF YOU JUST DID THE FOOTPRINT OF THE STRUCTURE IN -- AND ZONE THAT LO. I DON'T KNOW HOW THAT WOULD WORK IN THE -- IN THE - - IF IT'S SURROUNDED BY THE SF 3.

Glasgo: CORRECT, IT'S SF-3 CURRENTLY.

Alvarez: HOW WOULD THAT AFFECT COMMERCIAL USE.

THEY CANNOT HAVE PARKING IN ALL OF THE RELATED AMENITIES, THAT WOULD BE THE PARKING. ALSO, THE FOOTPRINT ZONING REALLY OVER TIME JUST, YOU KNOW, WHEN YOU ARE TRYING TO -- YOU WOULD HAVE TO ZONING IT TWO DIFFERENT ZONING DISTRICTS. YOU NEEDED A MINIMUM NO TO BE ABLE TO HAVE PARKING TO SERVE THE PRINCIPAL USE. SO -- SO IT JUST MAKES SENSE TO ZONING THE ENTIRE SITE BECAUSE THEY NEED THE ENTIRE SITE TO USE IT FOR -- TO MEET THE CALCULATIONS UNDER THE LO.

Alvarez: I THINK WHAT THE CONCERN IS, ONCE YOU HAVE THE ZONING, SINCE IT'S KIND OF A BIG SITE, CONSTRUCT A BIGGER FACILITY.

Glasgo: YOU CAN LIMIT THE SQUARE FOOTAGE OF THE SITE. IN FACT UNDER MEDICAL OFFICES WE HAVE TWO CATEGORIES. MEDICAL OFFICES EXCEEDING 5,000 SQUARE FEET, AND LOWER THAN 5,000 SQUARE FEET. MR. BENNETT JUST INDICATED THE HOUSE CURRENTLY ON THE SITE IS 3,000 SQUARE FEET. SO YOU COULD ALWAYS HAVE A SQUARE FOOTAGE LIMITATION OF THE SITE TO ACHIEVE

EXACTLY WHAT YOU ARE PROPOSING. THAT'S ONE WAY TO DO IT. NO DOESN'T WORK? DOES NOT ALLOW MEDICAL OFFICES, CORRECT. YOU COULD PROPOSE LO ZONING WITH MEDICAL OFFICES AS THE ONLY LO USE AND [MULTIPLE VOICES] YOU COULD CONSIDER SQUARE FOOTAGE LIMITATION CAP AND MAYBE MR. BENNETT CAN HAVE -- CAN - - CAN SHARE SOME THOUGHTS ABOUT -- ABOUT WHAT WOULD BE APPROPRIATE. GIVEN THEIR USE OF THIS --

Alvarez: THANKS. GOODS YOU'RE WELCOME.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM Z-12. WHETHER THAT WAS -- IT COULD BE MORE THAN THE SQUARE FOOTAGE STATED, HOWEVER HE WOULD BE ACCEPTING OF -- OF THE LIMITATION OF NO MORE THAN 5,000 SQUARE FEET, TO PUT THAT KIND OF A LIMITATION. WE CAN DO IT FOR FIRST READING AND COME BACK WITH AN ORDINANCE TO HELP YOU MOVE FORWARD THROUGH SECOND READING AND THIRD READING.

THANK YOU, MS. GLASGO. COUNCIL?

Goodman: LET ME TRY THIS. LO WITH NO FOR THE FOOTPRINT. FOR THE REST OF THE TRACT. NO FOR THE REST OF THE TRACT -- DEVELOPMENTAL STANDARDS -- STANDARDS RESTRICTED TO NO STANDARDS. AND ALL -- ALL LO USES RESTRICTED EXCEPT FOR MEDICAL OFFICE, ALL NO USES ALLOWED. DOES THAT MAKE ANY SENSE?

Glasgo: LET ME JUST CLARIFY ONE THING. DID YOU -- YOU MENTIONED FOOTPRINT.

Goodman: YEAH. OF THE EXISTING --

YOU ARE GOING TO LIMIT THE SQUARE FOOTAGE. YOU ARE DOING LO-CO PROHIBITING ALL LO USES EXCEPT MEDICAL OFFICES AND -- AND ALLOWING ALL NO USES, PLUS LIMITING THE SIZE, SQUARE FOOTAGE OF THE FACILITY TO THE EXISTING FOOTPRINT? WE'LL GET THE SQUARE FOOTAGE FOR THAT THEN FROM MR. BENNETT. OR ARE YOU SUGGESTING NO MORE THAN 5,000 SQUARE FEET. IT'S -- IT'S 3,000 PLUS, SQUARE FEET, HE DOESN'T EXACTLY -- WE CAN

GET THE SPECIFIC SQUARE FOOTAGE BETWEEN -- WE HAVE TO GET THAT FOR THEM ANYWAY TO WRITE THAT INTO THE ORDINANCE.

Goodman: OKAY. ALSO WE SHOULD CAP THE -- THE -- THE VEHICLE TRIPS TODAY, SO I WOULD THINK NO MORE THAN -- I WOULD THINK IT WOULD BE HUGELY GENEROUS TO SAY 300 A DAY.

LIMIT TO 300 TRIP PERCENT DAY. TRIPS PER DAY.

OKAY.

IF YOU CAN LIMIT IT TO LESS MORE POWER TO THEM.

Mayor Wynn: MOTION BY MAYOR PRO TEM, FIRST READING ONLY. ITEM Z-12.

Slusher: I'D SECOND, MAYOR.

Mayor Wynn: SECONDED FOR COUNCILMEMBER SLUSHER.

Slusher: I DO THINK THAT -- THAT THE -- IT WOULD BE VERY DIFFICULT TO MAINTAIN THIS AS SINGLE FAMILY, ALTHOUGH I WAS THE ONE THAT BROUGHT UP LIKE MR. HEBERT MENTIONED LIKE JONES ROAD WHERE THOSE HOUSES GO BACK INTO THE NEIGHBORHOOD LIKE THIS ONE. SO I'M CONCERNED, I WOULD BE CONCERNED ABOUT CONVERTING IT TO -- TO LO OR SOMETHING, OTHER COMMERCIAL USE THAT WOULD GO WAY BACK IN THE NEIGHBORHOOD WHICH IS GOOD. ANYWAY I'LL -- I THINK THIS IS A GOOD FIRST START. I WILL TAKE A CLOSER LOOK AT IT BEFORE THE NEXT READING TO SEE WHAT WE CAN COME UP WITH. I DO THINK THIS IS A PRETTY GOOD USE, WE WOULD LIKE TO SEE SOMETHING LIKE THIS HAPPEN.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE FOR FIRST READING ONLY ON Z-12 WITH AN AMENDED MOTION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Glasgo: THANK YOU, ONE QUICK COMMENTS REGARDING MAYOR PRO TEM'S STATEMENT ABOUT ZONING CASES THAT COME FORWARD TO YOU WHILE WE ARE IN THE -- IN THE PLANNING STAGES. THE PLANNING COMMISSION IS CONSIDERING THAT AND ONCE THEY COME ONE A PROPOSAL WE WILL SHARE THAT WITH YOU SO THAT YOU CAN CONSIDER WHETHER YOU NEED TO EMULATE A SIMILAR PROPOSAL. THANK YOU.

Mayor Wynn: THANK YOU MS. GLASGO. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] WELL TAKE OUR BRIEF BRA FOR LIVE MUSIC AND PROCLAMATIONS, STAY TUNED FOR MUSIC, WE ARE NOW IN RECESS. WHILE WE ARE TAKING UP LIVE MUSIC AND PROCLAMATIONS, IN EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, WE MAY TAKE UP ITEM NO. 73 REGARDING A SECOND AMENDMENT TO THE LEASE REGARDING THE LONG CENTER, THANK YOU. TEST

Mayor Garcia: OKAY, FOLKS, PATIENCE IS A VIRTUE. BEFORE ANDREA GOT SENT TO THE NEW CITY HALL INSTEAD, SHE DIDN'T REALIZE SHE GETS TO HAVE A STINKS OF BEING THE LAST LIVE MUSIC PERFORMANCE HERE AT THE LCRA BUILDING. UNLESS, OF COURSE, THE LCRA WANTS TO KEEP UP THIS FINE TRADITION AND CONTINUE HAVING GIGS HERE. AND RHEA IS FROM AUSTIN. SHE ATTENDED THE SCHOOL HERE IN AUSTIN BUT NOW SHE ATTENDS THE BERKELEY SCHOOL OF MUSIC IN BOSTON. SHE'S HOME FOR THE HOLIDAYS. PLEASE JOIN ME IN WELCOMING ANDREA WHALEY. [APPLAUSE]. PLA

OKAY. THIS SONG IS CALLED "THERE'S NOTHING BETTER," AND I WROTE IT WHILE I WAS IN BOSTON THINKING OF THE OUTDOORS OF AUSTIN. SO IT'S VERY CEMENT IN BOSTON. SO HERE WE GO. OKAY. (music). AND STARS FILL OUR EYES AS WE WANDER INTO DREAMS (music) (music) THERE'S NOTHING BETTER (music) (music) THERE'S NOTHING BETTER (music) (music) THAN KNOWING THAT YOU'RE ONLY (music) (music) THERE'S NOTHING BETTER (music) (music) THERE'S NOTHING BETTER (music) (music) THAN KNOWING YOU'LL FIND THEE HOME (music) (music) WHEN THE SUN FINDS ITS WAY

(music) (music) THROUGH THE OLD OAK TREES (music) (music)
AND BLUEJAYS SINGS A MELODY (music) (music) WHEN I
SMILE AT ALL (music) (music) SHE SOMEHOW UNDERSTANDS
(music) (music) MUST BE THE TRUST BETWEEN A MOTHER
(music) (music) AND HER CHILDREN (music) (music) THERE'S
NOTHING BETTER (music) (music) THERE'S NOTHING BETTER
(music) (music) THAN KNOWING YOU'RE NOT ALONE (music)
(music) THERE'S NOTHING BETTER (music) (music) THERE'S
NOTHING BETTER (music) (music) THAN KNOWING YOU'RE
FINALLY (music) (music) KNOWING YOU'RE FINALLY HOME
(music) (music) [APPLAUSE].

Mayor Garcia: GREAT JOB. SO TELL US, ARE YOU BY CHANCE
GOING TO BE PLAYING ANYWHERE OVER THE HOLIDAYS OR
WHERE CAN WE HEAR YOU NEXT?

YES, I AM. I AM HAVING A BENEFIT CONCERT JANUARY 9th AT
THE AUSTIN WALDORF SCHOOL WHICH IS OUT IN OAK HILL,
AND IT'S GOING TO BE AT 3:30 ON A SUNDAY, JANUARY 9th.
YOU CAN GO TO MY SITE, ANDREA.WHALEY.COM AND FIND
OUT ALL THE DETAILS. I'M GOING TO HAVE SPECIAL GUESTS,
AUSTIN MUSICIANS AND FRIENDS OF MINE FROM BERKELEY
WHO ARE VERY TALENTED. SO YEAH, IT SHOULD BE GOOD.

Mayor Garcia: WELL, GREAT. WELCOME HOME AND I
ENCOURAGE FOLKS TO COME OUT TO THE BENEFIT AT THE
WALDORF SCHOOL AND SEE ANDREA AND OTHERS
PERFORM. BEFORE YOU GET AWAY, ANDREA, I'VE GOT THIS
PROCLAMATION THAT READS, BE IT KNOWN WHEREAS, THE
LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS
TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL,
ECONOMIC, AND CULTURAL DIVERSITY; AND WHEREAS, THE
DEDICATED EFFORTS OF ARTISTS FURTHER THE LIVE MUSIC
CAPITAL OF THE WORLD THEREFORE I, WILL WYNN, MAYOR
OF THE CITY OF AUSTIN, TEXAS, DO HEREBY DEALT BY
PROCLAIM TODAY, DECEMBER 16th, 2004 AS ANDREA WHAT I
WILLY DAY IN AUSTIN AND CALL ON ALL CITIZENS IN
RECOGNIZING THIS GREAT TALENT AND WELCOMING HER
HOME. [APPLAUSE].

THANK YOU. YEA.

OUR FIRST PROCLAMATION WILL BE A DISTINGUISHED

SERVICE AWARD FOR DOT FREEMAN. [APPLAUSE]. LOTS OF FANS ARE HERE. I'LL READ THE DISTINGUISHED SERVICE AWARD, THEN ASK DAVID, OUR DEPARTMENT DIRECTORS TO COME UP AND SAY A FEW WORDS AND THEN LIKELY HEAR FROM MS. FREEMAN. THE DISTINGUISHED SERVICE AWARD READS: FOR 24 YEARS, NINE MONTHS OF EXTRAORDINARY SERVICE TO THE CITY OF AUSTIN, THROUGH HER WORK AT THE HEALTH AND HUMAN SERVICES DEPARTMENT, DOROTHY L. FREEMAN IS DESERVING OF PUBLIC ACLAIM AND RECOGNITION. DOROTHY HAS DILIGENTLY SERVED OUR CITIZENS IN VARIOUS ADMINISTRATIVE AND FINANCIAL AREAS AND HAS BEEN A VALUABLE SOURCE OF INFORMATION THROUGHOUT HER TENURE. WE ACKNOWLEDGE DOROTHY'S MANY ACCOMPLISHMENTS, HER EXPERTISE AND HER ESTIMATE TO THE CITY OF AUSTIN AND ITS EMPLOYEES. WE THANK HER FOR DMON SHAT SHAT -- DEMONSTRATING AN EXTRAORDINARY SPIRIT OF PUBLIC SERVICE. THIS CERTIFICATE IS PRESENTED IN RECOGNITION OF FINE SERVICE THIS 16th DAY OF DECEMBER 2004, SIGNED BY ME, MAYOR WYNN BUT INCLUDING THE NAMES OF MAYOR PRO TEM GOODMAN, COUNCILMEMBER SLUSHER, ALVAREZ, DUNKERLEY, McCracken AND DANNY THOMAS. I WOULD LIKE TO ASK FOR DAVID TO COME SAY A FEW WORDS BEFORE WE HEAR FROM DOROTHY. DAVID? [APPLAUSE].

THANK YOU, MAYOR. APPRECIATE IT VERY MUCH. IT'S A GREAT HONOR TO BE HERE THIS EVENING TO ACKNOWLEDGE DOT AND HER MANY YEARS OF FINE SERVICE TO THE CITY OF AUSTIN. I WANT TO ACKNOWLEDGE HER FAMILY MEMBERS WHO ARE HERE THIS EVENING, MANY OF THEM ARE HERE. THANK YOU FOR SHARING DOT WITH US FOR ALL THESE YEARS. SHE'S DONE A GREAT JOB. SHE'S WORKED IN MANY AREAS OF THE HEALTH DEPARTMENT, FINANCE, THE OFFICE OF THE DIRECTOR, ADMINISTRATION. SHE'S REALLY KEPT US ONLINE IN TERMS OF PAYING CLOSE ATTENTION TO A LOT OF DETAIL AND MAKING SURE WE DO THE JOB RIGHT. SHE'S EXTREMELY POPULAR IN OUR DEPARTMENT. SHE'S GOING TO BE MISSED IN A BIG WAY. WE'RE VERY PROUD THAT SHE CHOSE TO SPEND HER ENTIRE 25-YEAR CAREER WITH THE CITY OF AUSTIN IN THE HEALTH AND HUMAN SERVICES DEPARTMENT. [APPLAUSE].

DOT REALLY, REALLY KPEFERM FIS THE KIND OF FOLKS WE

HAVE WORKING IN THE DEPARTMENT AND THE FOLKS WHO MAKE IT SUCH A GREAT ORGANIZATION. SO WE'RE REALLY PLEASED TO RECOGNIZE HER THIS EVENING. AND, DOT, AGAIN THANK YOU VERY MUCH AND WE WISH YOU A VERY HAPPY AND HEALTHY RETIREMENT AND AN OPPORTUNITY TO SPEND MORE TIME WITH YOUR FAMILY MEMBERS AND PURSUE SOME OF THE OTHER INTERESTS THAT I KNOW YOU ARE VERY INTERESTED IN PURSUING. SO CONGRATULATIONS, DOT. THANK YOU. [APPLAUSE].

THANK YOU. I JUST WANT TO SAY THANK YOU TO MY FAMILY FOR COMING TO SUPPORT ME AND TO MY SUPERVISOR. I CAN'T SAY ENOUGH ABOUT LAVERNE, WHO HAS GIVEN ME THE OPPORTUNITY TO GROW, AND IT'S WONDERFUL WORKING AT THE HEALTH DEPARTMENT. I'VE REALLY ENJOYED WORKING FOR THE CITY. THANK YOU. [APPLAUSE].

Mayor Wynn: OKAY. THIS NEXT SERIES OF PROCLAMATIONS IS GOING TO TAKE A FEW MINUTES BUT IT'S A WELL DESERVED SERIES OF PRESENTATIONS. AS WE MENTIONED EARLIER, THIS IS OUR LAST CITY COUNCIL MEETING HERE AT THE LCRA BOARDROOM. WE HAVE BEEN HERE FOR ALMOST FIVE FULL CALENDAR YEARS, AND THIS -- IT HAS BEEN FIVE. I'VE BEEN ON THE DYESS FOR FOUR AND A HALF YEARS AND THIS IS THE ONLY HOME I'VE KNOWN, FOR INSTANCE. INITIALLY I SUSPECT THAT WE DIDN'T ANTICIPATE HAVING TO STAY THIS LONG, BUT WE GREATLY APPRECIATE THE HOSPITALITY SHOWN BY OUR PARTNERS HERE AT THE LCRA. THERE'S A NUMBER OF PEOPLE THAT WE WANT TO RECOGNIZE FOR ALL THE COORDINATION AND ALL THE HARD WORK OVER THESE YEARS. THE FIRST WILL BE A FORMAL PROCLAMATION THAT WE'LL PRESENT TO THE LCRA, GIVE TO JOE BEAL AND HOPEFULLY HE'LL HAVE IT DISPLAYED PROUDLY HERE IN THE BUILDING. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS, THE CITY OF AUSTIN AND THE LOWER COLORADO RIVER AUTHORITY BOTH UNDERSTAND THE PRIVILEGE OF STEWARDSHIP OF AUSTIN'S NATURAL RESOURCES; AND WHEREAS, THE CITY OF AUSTIN AND THE LOWER COLORADO RIVER AUTHORITY HAVE UNDERSTOOD STEWARDSHIP INVOLVES COMMUNITY DIALOGUE AND DEBATE; AND WHEREAS, THE CITY OF AUSTIN NEEDED A LOCATION TO

CONDUCT OUR PUBLIC'S BUSINESS AS IT BUILT A LANDMARK GATHERING PLACE FOR COMMUNITY DISCUSSIONS JUST DOWNSTREAM; AND WHEREAS, THE CITY OF AUSTIN THANKS THE LCRA FOR ITS HOSPITALITY, UNDERSTANDING, AND PATIENCE AS CITY COUNCIL'S MEETINGS FOR THE YEARS 2001, 2002, 2003 AND NOW ALL OF 2004. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN DO HERE DEALT BY PROCLAIM DECEMBER 16th, 2004 AS LOWER COLORADO RIVER AUTHORITY DAY, PRESENT THIS TO OUR DISTINGUISHED COLLEAGUES AND THANK THEM FOR A REMARKABLE SERIES OF HOSPITAL ABLE EVENTS OVER THESE YEARS. THANK YOU SO MUCH. [APPLAUSE].

MAYOR, COUNCILMEMBERS, CITY MANAGERS, WE, TOO, LIKE TO SAY THANK YOU. PARTNERSHIP WITH THE CITY OF AUSTIN IS VERY IMPORTANT TO US. IT'S BEEN A GREAT ARRANGEMENT. I'M GLAD YOU CHOSE THIS PUBLIC MEETING SITE. WE HOPE IT WAS CONVENIENT FOR YOU. IT FELT LIKE THREE MONTHS, NOT FIVE YEARS. WE ONLY ASK THAT YOU DON'T FORGET OUR NEIGHBORS ACROSS THE STREET WHO HAVE DEPENDED ON THE ECONOMY EVERY NIGHT FOR HULA HUT, BOATYARD AND MOTES ART. THEY ARE GOING TO MISS THE EVENTS TONIGHT. SO IT'S BEEN IMPORTANT TO THE LOCAL NEIGHBORHOOD. SO AGAIN YOU ARE WELCOME HERE ANYTIME AND WE REALLY APPRECIATE THE PARTNERSHIP WE HAVE.

BE CAREFUL WITH THAT INVITATION.

BUT CONGRATULATIONS ON THE NEW CITY HALL, AND THE ADDRESS IS? [APPLAUSE].

Mayor Wynn: AND IN ADDITION TO THE FORMER PROCLAMATION, WE'RE GOING TO HAVE SEVERAL INDIVIDUAL CERTIFICATES THAT WEAL READ HERE IN A FEW MINUTES BUT WE WOULD LIKE TO PRESENT THIS GIFT TO THE LCRA. WE HOPE THAT YOU'LL DISPLAY IT PROUDLY.

THANKS.

SHOULD WE HAVE THEM OPEN IT NOW?

YEAH, YEAH.

YOU MIGHT WANT TO STEP BACK WHEN YOU OPEN IT.

OH, YEAH, STEP BACK A LITTLE.

Mayor Wynn: NO, NO, NO.

THANK GOODNESS FOR FIREFIGHTERS. [APPLAUSE].

Mayor Wynn: AND SO NOW WE HAVE A SERIES OF INDIVIDUAL CERTIFICATES. SOME ASSEMBLY REQUIRED APPARENTLY. SO WHAT WE WOULD LIKE TO DO NOW, PEOPLE, BOTH THE LCRA RANGERS AND SECURITY, THE FRONT DESK RECEPTION FOLKS, MOST IMPORTANTLY PERHAPS EVEN THE FACILITY'S PEOPLE HAVE BEEN A TREMENDOUS RESOURCE FOR US HERE AT THE CITY OVER THESE YEARS. SO WE HAVE A HANDFUL OF INDIVIDUAL CERTIFICATES OF APPRECIATIONS, AND WHAT I THOUGHT I MIGHT DO THEN IS JUST READ EVERYBODY'S NAME IN THE DEPARTMENT AND THEN HERE AT THE END WE CAN ALL GIVE THEM A ROUND OF APPLAUSE FOR THE GREAT WORK THAT THEY PRESENTED TO US. I'LL READ THE CERTIFICATE, THEN I'LL READ OFF EVERYBODY'S NAMES. THE CERTIFICATE OF APPRECIATION IS PRESENTED TO THESE FINE FOLKS WITH SINCERE) □ APPRECIATION FOR FRIENDLYNESS, COOPERATION AND EXTRA EFFORTS IN HELPING THE CITY OF AUSTIN FEEL WELCOME WHILE USING THE LCRA FACILITIES FOR CITY COUNCIL MEETINGS DURING THE YEARS 2000 THROUGH 2004, PRESENTED THIS 16th DAY OF DECEMBER IN THE YEAR 2004, SIGNED BY ME BUT PRESENTED BY ALL CITY COUNCILMEMBERS. THESE GO TO, UNDER FACILITIES, CHRISTOPHER KENNEDY, STEVEN POWELL, ALLEN ROGERS, JUNIOR TREVINO, AMY LEZANDO, GRACE AL CANTER, GARY FIS. SORRY FOR MISPRONOUNCING THAT. OUR FRONT DESK RECEPTIONIST LILLIAN MARTINEZ, THE LCRA RANGERS AND SECURITY, JEFFREY MORALES, AND I DON'T KNOW IF CUCO MEDRANO COULD MAKE IT OR NOT. GOOD TO SEE YOU. THANK YOU. LARRY SABIA AND ALLEN SNOTTY. SO PLEASE JOIN ME IN THANKING ALL THESE FINE FOLKS IN THE LCRA FOR THEIR HOSPITALITY. [APPLAUSE].

THANK YOU GUYS SO MUCH FOR PUTTING UP WITH US ALL THIS TIME. [APPLAUSE].

AND WE'RE THINKING FIREWORKS AT THE NEW CITY HALL 4th OF JULY, WHAT DO YOU THINK?

Mayor Wynn: A COUPLE OF LITTLE THINGS. SO CHRISTOPHER'S GOING TO TAKE THE -- I SNUCK INTO JOE BEAL'S OFFICE RECENTLY, THE GENERAL MANAGER HERE AT THE LCRA, AND ON JOE'S CREDENZA A -- CREDENZA, I STUMBLED ACROSS A MEMENTO THAT HE WILL TRULY APPRECIATE BECAUSE ON HIS CREDENZA APPARENTLY FOR THE LAST 250 SOME ODD WEEKS, JOE HAS BEEN COUNTING DOWN THE THURSDAYS UNTIL WE ALL LEFT. I WANTED TO SAVE THAT LAST NUMBER ONE, LAST NUMBER ONE THURSDAY LEFT AND WE'LL GIVE THIS BACK TO JOE BEAL FOR HIS REMARKABLE PATIENCE AND HE NOW KNOWS THAT THERE'S NO MORE THURSDAYS LEFT. [APPLAUSE].

YOU NEED TO TAKE REALLY GOOD CARE OF THIS.

WE WILL.

BECAUSE THIS IS A STERILE ASIAN GRASS CAR, AND WE KNOW HOW IMPORTANT THESE ARE TO OUR PARTNERSHIP AND SO, YOU KNOW, THE CITY OF AUSTIN HAS A BREEDING FACILITY FOR SALAMANDERS, AND WE THOUGHT MAYBE YOU WANTED TO TEST AND SEE THAT INDEED THESE ARE STERILE. SO WE'RE GIVING YOU YOUR OWN LABORATORY WITH WHICH TO DO THAT. SO THERE YOU GO, YOUR VERY OWN. [APPLAUSE].

AND MARIO, COME ON UP HERE. COME ON, MARIO, COME ON. BECAUSE WHAT HOLIDAY GOOD-BYE WOULD BE COMPLETE WITHOUT YOUR VERY OWN HYDRILLA WREATH. SO THINK OF US. OOH, IT EVEN SMELLS LIKE THE LAKE. MY GOODNESS. THANK ALL OF YOU-ALL SO MUCH. [APPLAUSE].

Mayor Wynn: NOW IF WE COULD CALL UP THE CREW OF FIRE STATION 31B AND CREWS OF THE AUSTIN, TRAVIS COUNTY EMS. LADIES AND GENTLEMEN? OKAY, FOLKS, WE'RE GOING TO GET SERIOUS NOW. WE'RE VERY SERIOUS WITH OUR FOLKS AT THE LCRA BUT WE HAD FUN WITH IT. BUT NOW

WE'RE GOING TO GET VERY SERIOUS BECAUSE IF NOTHING ELSE TCITY OF AUSTIN SHOULD BE IN THE BUSINESS OF PROTECTING AND SAVING LIVES AND A REMARKABLE NUMBER OF YOUR EMPLOYEES DO JUST THAT. IN OUR GENERAL FUND BUDGET, 67% OF YOUR GENERAL FUND IS SPENT ON PUBLIC SAFETY, POLICE, FIRE, AND EMS. AND IT'S APPROPRIATE THAT ON THESE OCCASIONS WE GET A CHANCE TO THANK INDIVIDUALS WHO SHOW HEROISM AND SHOW US THAT THAT MONEY IS IN FACT VERY WELL SPENT. WE'RE JOINED BY THE CREW OF AFD -- WE'LL START WITH THE FIREFIGHTERS. WE'LL START WITH THE CREW OF AFD STATION 31B. WE HAVE THE WHOLE CREW HERE OBVIOUSLY, AND MY GUESS IS THESE DISTINGUISHED SERVICE AWARDS PROBABLY ALL READ THE SAME. SO LET ME READ ONE AND I THINK WE'RE GOING TO HEAR FROM ELAINE MAXEY WHO WAS THE INDIVIDUAL INVOLVED WITH THIS RESCUE. BUT LET ME START BY READING. OH, AND WE HAVE VIDEO. WELL, LET ME READ THE DISTINGUISHED SERVICE AWARD FIRST AND THEN LET'S PROBABLY SEE SOME SPECTACULAR VIDEO. THESE ARE CITY OF AUSTIN DISTINGUISHED SERVICE AWARDS, AND IT READS: FOR THE SUCCESSFUL RESCUE OF ELAINE MAXEY FROM THE FLOODWATERS OF BULL CREEK ON NOVEMBER 17th, 2004. THE CREW OF AFD STATION 31-B IS DESERVING OF PUBLIC AC CLAIM AND RECOGNITION. THIS CERTIFICATE IS PRESENTED ACKNOWLEDGMENT OF THEIR QUICK REACTION TO MRS. MAXEY'S LIFE-THREATENING PREDICKMENT AFTER HER CAR WAS WASHED OFF THE ROAD AND BEGAN TO FILL WITH WATER. THEY ASSESSED A SITUATION AND DEVISED AND IMPLEMENTED A PLAN THAT QUICKLY HAD HER OUT OF DANGER. WE JOIN WITH MRS. MAXEY IN THANKING HER HEROES FOR THE THEIR THOROUGH, PROFESSIONAL AND RAPID RESPONSE WHICH BECOME THE STANDARD AMONG EMERGENCY PERSONNEL. PRESENTED IN APPRECIATION FOR A JOB WELL DONE THIS 16th DAY OF DECEMBER 2004, SIGNED BY ME AND PRESENTED BY THE ENTIRE CITY COUNCIL. SO WE HAVE THE OVERALL CREW AWARD HERE FOR AFD, BUT THE INDIVIDUAL DISTINGUISHED SERVICE AWARDS GO TO CAPTAIN KEITH JOHNSON, LIEUTENANT DARRELL CONNER, FIREFIGHTER DEMETRI NICHOLS, FIREFIGHTER RUSSELL WEBER, FIREFIGHTER CARL KITKE, FIREFIGHTER MICHAEL HAS GONELER AND FIREFIGHTER DEAN MURPHY. PLEASE JOIN

ME IN CONGRATULATING THESE HEROES. [APPLAUSE]. AND WE'LL HEAR FROM KEITH JOHNSON, THE SPOKESMAN, AND THEN WE'LL ROLL SOME VIDEO. KEITH?

ON BEHALF OF ALL OF US, I WOULD JUST LIKE TO THANK YOU, MAYOR, COUNCILMEMBERS. THIS STINT WAS SOMEWHAT UNIQUE IN SEVERAL WAYS, PRIMARILY BECAUSE THE AMOUNT OF ATTENTION THAT IT HAS GENERATED WHICH WE CERTAINLY DID NOT EXPECT. IT ALSO WENT EXTREMELY WELL AND PART OF THAT WAS BECAUSE ELAINE DID A LOT OF THINGS RIGHT THAT BOUGHT HER TIME. PART OF IT WAS BECAUSE OF THIS CREW, THROUGH TRAINING AND EXPERIENCE, PERFORMED EXTREMELY WELL AND EXTREMELY QUICKLY IN A VERY TIME-SENSITIVE RESCUE. AND THEN A WHOLE LOT OF THINGS JUST WENT OUR WAY AND SO WE REALLY APPRECIATE AND WE'RE REALLY THANKFUL THAT THE OUTCOME WAS AS SUCCESSFUL AS IT WAS. THANK YOU, MAYOR.

I WOULD JUST LIKE TO SAY THANK YOU TO EACH AND EVERY ONE OF YOU. THANK YOU FOR NOT GIVING UP. YOU TOOK WHAT WOULD APPEAR TO MOST AS A HOPELESS SITUATION AND THROUGH HARD WORK, DETERMINATION, AND COURAGE YOU SAVED A LIFE. SO THANK YOU. [APPLAUSE].

Mayor Wynn: NOW FOR THE VIDEO.

IS STILL DRYING OUT FROM A SERIES OF RAIN STORMS EARLIER IN THE WEEK THAT LEFT PARTS OF THE STATE UNDER WATER. ON WEDNESDAY A FLASH FLOOD IN AUSTIN TRAPPED THIS TERRIFIED WOMAN IN HER CAR. WITH A RIVER OF WATER SWIRLING ALL AROUND, FIRE FIGHTERS MANAGED TO PULL HER TO SAFETY. LIEUTENANT DARRELL CONNER IS THE MAN WHO RESCUED HER. HE IS JOINED BY KEITH JOHNSON AND FIVE OTHER MEN FROM THE AUSTIN FIRE DEPARTMENT WHO ALSO TOOK PART IN THE RESCUE. GOOD MORNING, GENTLEMEN, AND NICE JOB.

THANK YOU. GOOD MORNING.

Reporter: CAPTAIN JOHNSON, LET ME BEGIN WITH YOU. WHEN THE CALL FIRST CAME INTO THE FIRE DEPARTMENT EARLY

TUESDAY MORNING, WHAT DID THE CALLER SAY?

WE DIDN'T TALK TO THE CALLER ITSELF. WE GET IT THROUGH THE DISPATCH SYSTEM. BUT IT CAME IN AS A CAR TRAPPED IN THE WATER.

AND YOU KNEW THAT THERE WAS SOMEBODY THERE, SOMEONE TRAPPED INSIDE?

NO, YOU NEVER KNOW UNTIL YOU GET THERE. ACTUALLY THE REPORT WAS INITIALLY TWO PEOPLE WERE IN THE CAR. WHEN WE GOT THERE, WE COULD JUST SEE THE ONE HEAD SHOWING BUT WE WEREN'T SURE IF THERE WAS ANOTHER, A SECOND VICTIM OR NOT UNTIL WE KPRI INDICATED THE FIRST VICTIM, TALKED WITH HER AND CONFIRMED THAT THERE WAS ONLY ONE PERSON.

Reporter: LIEUTENANT CONNER, WHEN YOU TURNED UP ON THE SCENE, WHAT DID YOU THINK? WHAT DID YOU SEE AND HOW DID YOU REEBLGT? -- HOW DID YOU REACT?

WE COULD SEE THE LADY'S HEAD STICKING UP OUT OF THE WATER. I GUESS SHE WAS STILL IN HER CAR. SO WE DECIDED THAT THE BEST WAY TO DO THAT WOULD BE USE THE AERIAL LADDER, EXTEND IT OUT OVER HER, AND SEND SOME PEOPLE OUT AND RAISE HER UP OUT OF THE CAR AND GET DONE WITH IT.

Reporter: HOW WELL TRAINED ARE YOU IN THIS TYPE OF WATER RESCUE?

WE HAVE SOME TRAINING IN IT. [LAUGHTER].

I WOULDN'T KNOW HOW MANY HOURS OR WHATEVER WE'VE DONE. WE DO HAVE SOME SWIFT WATER TRAINING.

Reporter: AND THIS WHOLE RESCUE TOOK ABOUT HOW LONG FROM WHEN YOU SHOWED UP AND YOU SAW HER HEAD BOBBING?

IT WAS ABOUT 10 MINUTES?

YEAH, FIVE OR TEN MINUTES.

IT WAS A PRETTY QUICK RESCUE. MOST WATER RESCUES TAKE QUITE A BIT MORE TIME AND YOU SPEND MORE TIME PLANNING. THIS WAS A VERY TIME-CRITICAL SITUATION. SHE WAS IN A VERY DANGEROUS PREDICK AMOUNT AND WE KNEW -- AND THE WATER WAS STILL RISING. SO WE KNEW WE HAD TO DO SOMETHING PRETTY QUICK.

RIGHT. THE WATER WAS RISING ABOUT HOW FAST? IN A MATTER OF TEN MINUTES IT WENT UP HOW MANY FEET?

ABOUT TWO MORE FEET FROM THE TIME WE GOT THERE UNTIL WE GOT HER OUT OF THE WATER. IT HAD COME UP ABOUT TWO MORE FEET.

Reporter: NOW, WHEN YOU GOT THIS CLOSE, ONLY AROUND THE BLOCK FROM THE FIRE DEPARTMENT. BECAUSE THE WATER WAS RAPIDLY RISING, THE CURRENT LOOKS REALLY STRONG. IF THIS WAS FARTHER AWAY, WOULD WE HAVE A DIFFERENT OUTCOME THIS MORNING?

THERE'S A LOT OF THINGS THAT COULD HAVE HAPPENED THAT WOULD HAVE CREATED A DIFFERENT OUTCOME. WE HAD A LOT OF LUCK ON THE LADY'S SIDE AND ON OUR SIDE TO ENSURE THAT THIS CAME OUT VERY SUCCESSFULLY.

Reporter: AND LIEUTENANT CONNER, WHAT DID SHE SAY TO YOU AFTER YOU RESCUED HER?

THANK YOU. [LAUGHTER].

Reporter: GOOD JOB.

I WOULD JUST SAY -- THAT WAS ALL, JUST THANK YOU.

Reporter: WELL, GENTLEMEN, IT WAS A JOB WELL DONE AND I'M ADDING THE AUSTIN FIRE DEPARTMENT AS ANOTHER REASON TO MOVE TO AUSTIN. [APPLAUSE].

Mayor Wynn: SO FOLKS, AGAIN FOR OUR FIREFIGHTERS, CAPTAIN KEITH JOHNSON. [APPLAUSE].

Mayor Wynn: LIEUTENANT DARRELL CONNER. [APPLAUSE].

Mayor Wynn: FIREFIGHTER DEMETRI NICHOLS. [APPLAUSE].

Mayor Wynn: FIREFIGHTER RUSSELL WEBER. [APPLAUSE].

Mayor Wynn: FIREFIGHTER CARL KITZKE. [APPLAUSE].

Mayor Wynn: FIREFIGHTER MICHAEL HAGLER. [APPLAUSE].

Mayor Wynn: FIREFIGHTER DEAN MURPHY. [APPLAUSE].

Mayor Wynn: AND NOW FOR OUR FIRST RESPONDER PARTNERS, OUR EMS TEAM. IT'S A VERY SIMILAR DISTINGUISHED SERVICE AWARD. THESE WILL GO TO OUR EMS RESPONDERS. AGAIN DISTINGUISHED SERVICE AWARD FOR THE TREATMENT OF MS. ELAINE MAXEY. I WAS ABOUT TO CALL HER ELIZABETH. AFTER A RESCUE FROM FLOODWATERS AT BULL CREEK ON NOVEMBER 17th, 2004. WE'LL START WITH DISTRICT COMMANDER TRAY COWAN.

NOT AVAILABLE.

Mayor Wynn: NOT AVAILABLE?

THERE HE IS.

Mayor Wynn: COMMANDER? [APPLAUSE].

Mayor Wynn: THE GRAND ENTRANCE. [LAUGHTER].

Mayor Wynn: RESCUE PARAMEDIC TOM HOLMAN. [APPLAUSE].

Mayor Wynn: RESCUE PARAMEDIC SHAWN NORTON. SHAWN COULDN'T ATTEND. SO THANKS. TACTICAL MEDIC PAUL ALVAREZ. [APPLAUSE].

Mayor Wynn: AND HAZARDOUS MATERIALS MEDIC ANDY HORATIA. [APPLAUSE].

Mayor Wynn: FOLKS, ONCE AGAIN PLEASE JOIN ME IN CONGRATULATING OUR FIRST RESPONDING HEROES IN THIS

TOWN. [APPLAUSE].

Mayor Wynn: OKAY. CLEAR OFF, GENTLEMEN. FOR OUR LAST PROCLAMATION, I'LL RECOGNIZE MS. BETTY DUNKERLEY.

Dunkerly: YOU KNOW, THAT'S A HARD ACT TO FOLLOW. BUT OUR NEXT PROC WILL HAVE A TREMENDOUS -- HAS THE POTENTIAL OF HAVING A TREMENDOUS INFLUENCE ON OUR COMMUNITY. WE ALL -- WE'RE ALWAYS REALLY CELEBRATING WHEN WE GET A BIG COMPANY TO COME HERE AND BRING A LOT OF ECONOMIC IMPACT TO OUR COMMUNITY. THIS PARTICULAR AWARD IS GOING TO BE FOR A SERVICE THAT HAS THE POTENTIAL OF BRINGING MORE ECONOMIC IMPACT THAN MOST OF THOSE MAJOR DEVELOPMENTS DO. IT IS A WAY TO ACCESS, FOR PEOPLE IN OUR COMMUNITY TO ACCESS SOME TAX REFUNDS THAT THEY ARE CURRENTLY NOT GETTING, AND IF EVERYBODY THAT WAS ELIGIBLE FOR THESE PARTICULAR REFUNDS, IF WE COULD IDENTIFY THEM AND HAVE THEM PARTICIPATE, THIS AREA WOULD HAVE \$24 MILLION A YEAR IMPACT ON THIS ECONOMY, AND THAT IS REALLY TREMENDOUS. SO TODAY WE WANT TO RECOGNIZE THE FOLKS THAT ARE SPEARHEADING THIS CAMPAIGN, AND I'M SURE IN THEIR RESPONSE, THEY ARE GOING TO BE ABLE TO TELL YOU WHO'S GOING TO BE ELIGIBLE AND WHERE THEY ARE GOING TO GO TO GET THIS REFUND AND THAT WILL BE A TREMENDOUS BOOST TO OUR ECONOMY. SO PROCLAMATION: BE IT KNOWN THAT WHEREAS, COMMUNITY TAX CENTERS ARE ADMINISTERED BY FOUNDATION COMMUNITIES TO PROVIDE FREE INCOME TAX SERVICE TO LOW-INCOME WORKERS BEGINNING AFTER THE FIRST YEAR; AND WHEREAS, THE COMMUNITY TAX CENTERS USE THE SAME ELECTRONIC FILING AS PAID PREPARERS BUT WITHOUT ALL THE FEES, THUS ENABLING LOW-INCOME TAX PAYORS TO CLAIM THEIR EARNED INCOME TAX CREDITS AND USE THE EXTRA INCOME FOR RENT, FOOD, UTILITIES TILTS, HOME IMPROVEMENTS AND OTHER NEEDS; AND WHEREAS, FOUNDATION COMMUNITIES HOPES TO DOUBLE THE NUMBER OF WORKING FAMILIES IT HELPS THIS YEAR BY OFFERING TAX PREPARATION SERVICES AT FIVE LOCATIONS, WHERE CLIENTS CAN ALSO PARTICIPATE IN FINANCIAL LITERACY CLASSES; NOW THEREFORE, WILL WYNN, THE MAYOR OF THE CITY OF AUSTIN, PROCLAIMS

JANUARY THE 15th THROUGH APRIL 15th -- SOUNDS FAMILIAR -- 2005 AS CLAIM AND SAVE COMMUNITY TAX CENTER DAY. AND I WOULD LIKE TO RECOGNIZE WALTER MOREAU, AND HE IS GOING TO TELL US A LITTLE BIT MORE ABOUT HOW THIS IS GOING TO WORK. THANK YOU, WALTER, VERY MUCH. [APPLAUSE].

WE ARE EXTREMELY EXCITED AT FOUNDATION COMMUNITIES ABOUT THE COMMUNITY TAX CENTERS. A YEAR AGO WE DID SOME RESEARCH ABOUT THE EARNED INCOME TAX CREDIT AND WE DISCOVERED TWO AMAZING STATISTICS. THERE ARE ABOUT 14,000 FAMILIES IN AUSTIN THAT WORK HARD, THEY'VE EARNED THE EARNED INCOME TAX CREDIT, AND THEY DON'T CLAIM IT. IT'S ABOUT \$24 MILLION JUST IN TRAVIS COUNTY THAT DOES NOT GO INTO THE POCKETS OF FAMILIES WITH REALLY TIGHT BUDGETS THAT NEED THE HELP. THE SECOND THING WE LEARNED, SO WE CAN DO SOMETHING ABOUT THIS, EIGHT YEARS AGO THE CITY OF TULSA AND THE COMMUNITY ACTION AGENCY CREATED A PROGRAM. THEY RECRUITED VOLUNTEERS, SET UP TAX ASSISTANCE SITES AND TODAY THEY DO ABOUT 14,000 TAX RETURNS. FOUR YEARS AGO THE CITY OF SAN ANTONIO, UNITED WAY, CATHOLIC CHARITIES, A NUMBER OF GROUPS IN SAN ANTONIO GOT TOGETHER AND COPIED THAT MODEL, AND THEY DO NOW LIKE 22,000 TAX RETURNS. THEY ARE SHOOTING FOR 30,000 THIS YEAR. SO OUR BOARD, ALONG WITH SOME REALLY EXCITING INVESTORS, THE SILVERTON FOUNDATION, BANK ONE, CHASE BANK, WASHINGTON MUTUAL, VELOCITY CREDIT UNION AND SOME OTHERS GOT ORGANIZED VERY QUICKLY. WE'VE SET UP FIVE LOCATIONS. I'LL ASK OUR PROGRAM DIRECTOR, ELIZABETH COLVIN, TO TALK A LITTLE BIT MORE ABOUT THAT. AND WE ARE GEARED UP NOW TO MAKE AVAILABLE TO THE COMMUNITY FIVE LOCATIONS WHERE FOLKS CAN GET THEIR TAXES DONE. AND OUR GOAL IS TO SERVE AT LEAST 5,000 FAMILIES THIS YEAR, HOPEFULLY EVEN SURPASS THAT AND GROW THE PROGRAM TO 15,000 FAMILIES. THIS YEAR ALONE, WE THINK THAT'S A \$10 MILLION IMPACT IN THE COMMUNITY. WE'RE USUALLY APPRECIATIVE OF COUNCILMEMBER DUNKERLY'S SUPPORT IN THE CITY COUNCIL AND UNITED WAY'S 211 LINE WHICH IS DOING APPOINTMENTS, A HOST OF OTHER SOCIAL SERVICE

AGENCIES THAT HAVE ALL COME TOGETHER TO MAKE THIS HAPPEN. WE ALSO HAVE 350 VOLUNTEERS GOING THROUGH TRAINING. WE'RE PRETTY EXCITED. I'M GOING TO TURN IT OVER TO ELIZABETH SO SHE CAN SHARE. IF YOU NEED HELP WITH TAXES, WHERE YOU CAN GO TO GET THAT HELP.

OUR FIVE LOCATIONS ARE CONVENIENTLY LOCATED AROUND AUSTIN. THERE IS A LOCATION AT WORKSOURCE ACROSS FROM AIRPORT BOULEVARD; FOUNDATION COMMUNITY'S MAIN OFFICE WHICH IS ON SOUTH FIRST STREET DIRECTLY ACROSS THE STREET FROM DAWSON ELEMENTARY SCHOOL. THAT OFFICE WILL BE OPEN 62 HOURS A WEEK BETWEEN JANUARY 15th AND APRIL 15th. WE'VE REALLY TRIED TO MAKE THE HOURS VERY CONVENIENT FOR EVERYONE TO GET TO WITH DAY, EVENING AND SATURDAY HOURS. ANOTHER EAST AUSTIN LOCATION IS AT DELORES CATHOLIC CHURCH, AND WE WILL ALSO BE AT ALLEN ELEMENTARY SCHOOL OFF SEVENTH STREET IN EAST AUSTIN. AND WE WILL HAVE A DOWNTOWN LOCATION TO SERVE WORKERS IN THE DOWNTOWN AREA AT FIRST UNITED METHODIST CHURCH AT 12th AND LAVACA. PEOPLE INTERESTED IN RECEIVING FREE TAX ASSISTANCE SHOULD CONTACT 211. 211 CAN PROVIDE THE SPECIFIC HOURS OF SERVICE, ALL THE DOCUMENTS YOU NEED TO BRING AND ALL OF THE OTHER INFORMATION THAT YOU HAVE REGARDING APPOINTMENTS, INTERPRETERS, AND THE OTHER RESOURCE IS CLAIMANDSAVE.ORG. OUR WEBSITE HAS ALL THE INFORMATION AS WELL, AND WE REALLY HOPE TO PROVIDE SERVICE TO AT LEAST 5,000 FAMILIES THIS YEAR AND BY 2007 BE SERVING 15,000 WHICH WILL BRING IN \$20 MILLION INTO THE AUSTIN ECONOMY. THANK YOU. [APPLAUSE].

AND FOR ALL OF YOU WHO KNOW FOLKS THAT MIGHT BENEFIT FROM THIS, THESE REFUNDS RUN IN THE RANGE OF ABOUT \$2,000 EACH. SO THEY ARE NOT SMALL POTATOES. SO GET OUT AND GET BUSY AND LET'S BEAT THE BUSHES AND GET ALL THESE PEOPLE IN. THEY ARE GOING TO BENEFIT AND OUR ECONOMY'S GOING TO BENEFIT. SO THANK YOU. [APPLAUSE].

Mayor Wynn: THERE BEING A QUORUM PRESENT, I'LL CALL BACK THE MEETING OF THE AUSTIN CITY COUNSEL. WE DID

NOT TAKE UP ANY ISSUES IN CLOSED SESSION DURING OUR BREAK. AT THIS TIME WE'LL GO TO OUR 6:00 PUBLIC HEARINGS AND POSSIBLE ACTION. WE'LL START WITH ITEM NUMBER 82 AND RECOGNIZE MR. MICHAEL KNOX.

GOOD EVENING, MAYOR AND COUNCIL, I'M MICHAEL KNOX FROM THE ACCOUNT GROWTH AND REDEVELOPMENT SERVICES OFFICE. ITEM NUMBER 82 AND THE RELATED ITEM NUMBER 6 ARE PART OF THE ANNUAL FUNDING PROCESS FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT. ON NOVEMBER 18th THIS YEAR, THE CITY COUNCIL APPROVED THE 2005-2006 BUDGET AND SERVICE PLAN FOR THE DISTRICT. THE COUNCIL ALSO APPROVED THE 2005 PID ASSESSMENT RATE AT 10 CENTS PER \$100 VALUATION IN THE PROPOSED ASSESSMENT ROLL. STATE LAW REQUIRES THE PUBLIC HEARING TO CONSIDER THE PROPOSED ASSESSMENTS. APPROVAL OF THE ASSESSMENT RATE AND PROPOSED ROLL ON NOVEMBER 18th ALLOWED NOTICES TO BE MAILED TO PROPERTY OWNERS IN THE PID AREA TO REVIEW BEFORE THE HEARING. THIS VIEWED THEM TO CHALLENGE THE INDIVIDUAL PROPOSED ASSESSMENTS. FOLLOWING THE PUBLIC HEARING THE COUNCIL WILL CONSIDER APPROVAL OF THE ORDINANCE ADOPTING THE 2005 ASSESSMENT ROLL AND THE LEVYING OF ASSESSMENTS. KOUB SILL ALSO NEEDS TO APPROVE ITEM NUMBER 6 FOR THE PID ACCOUNT.

Mayor Wynn: THANK YOU, MR. KNOX. COUNCIL, WE HAVE NO CITIZENS SIGNED UP FOR THIS ITEM, 82, OR ITEM NO. 6. I SAW MR. CHARLIE BETZ, THE DIRECTOR OF THE DOWNTOWN AUSTIN ALLIANCE. MR. BETZ, DO YOU NEED TO PRESENT ANY FACTS?

I DON'T THINK SO, MAYOR. I THINK THE INFORMATION IS (INAUDIBLE).

Mayor Wynn: THANK YOU, MR. BETZ. QUESTIONS, COMMENTS, COUNCIL IF NOT I'LL ENTERTAIN A MOTION, A COMBINED MOTION FOR ITEM NUMBER 6 AND ITEM NUMBER 82 WHICH WOULD INCLUDE CLOSING THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECOND TO CLOSE THE PUBLIC HEARING ON ITEM NUMBER 82 AND APPROVE THOSE ITEMS 82 AND NUMBER 6. FURTHER COMMENTS?

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.
OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE
MAYOR PRO TEM TEMPORARILY OFF THE BAT. THANK YOU,
MR. KNOX. ITEM NUMBER 83, THE PUBLIC HEARING
REGARDING TAX INCREMENT FINANCING ACT, MS. VICKY
SCHUBERT.

GOOD MORNING, MAYOR AND COUNCIL. I'M DEB UTE
DIRECTOR, OR DEPUTY FO. TONIGHT WE'RE ASKING THAT
YOU CONDUCT A PUBLIC HEARING ESTABLISHING A TAX
REINVESTMENT ZONE WHICH I WILL REFER TO AS TAX
INCREMENT REINVESTMENT ZONE NUMBER 16 AND WILL BE
ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS
TAX CODE. THIS WILL INCLUDE THE SITE OF THE CITY'S
FORMER MUNICIPAL AIRPORT AND IT IS NECESSARY UNDER
THIS LAW THAT A PUBLIC HEARING BE HELD BEFORE THE
ORDINANCE IS ADOPTED. THE ORDINANCE CREATES A
SINGLE ENTITY TIRS, WHICH MEANS THAT THE CITY WILL BE
THE SOLE TAXING ENTITY TO THIS FINANCIALLY
PARTICIPATING IN THE ZONE. THIS MEANS THAT THE CITY'S
AD VALOREM TAXES THAT ARE IN EXCESS OF THE BASE
VALUATION WHICH IS CURRENTLY ZERO WILL BE AVAILABLE
FOR USE TO FINANCE PROJECTS AT THE MUELLER
DEVELOPMENT, TO FINANCE THE INFRASTRUCTURE
PROJECT COSTS THAT WE HAVE BEEN TALKING ABOUT
OVER THE LAST SEVERAL MONTHS AS WE BRIEFED YOU.
ESTABLISHMENT OF THIS ZONE IS A REQUIREMENT OF THE
MASTER DEVELOPMENT AGREEMENT THAT YOU APPROVED
SEVERAL WEEKS AGO AND APPROVAL OF THIS TODAY WILL
ALLOW US TO ESTABLISH THE ZONE PRIOR TO JANUARY 1ST
AND CAPTURE ANY INCREMENT THAT WILL BE DONE DURING
THE NEXT VALUATION CYCLE. WE HAVE DONE
PRESENTATIONS BEFORE THE GOVERNING BOARDS OF ALL
THE OTHER ENTITIES WHO LEVY TAXES IN THE ZONE AND
THAT IS A REQUIREMENT OF LAW, AND WE HAVE RECEIVED A
WAIVER FROM EACH ONE OF THESE BOARDS TO HOLD THE
PUBLIC HEARING TONIGHT. STATE LAW REQUIRES THAT WE
GIVE EACH OF THE TAXING ENTITIES THAT LEVY TAXES IN
THIS ZONE 60 DAYS NOTICE BEFORE THE PUBLIC HEARING.
BECAUSE WE DIDN'T FINISH NEGOTIATING THE DEAL AT
MUELLER UNTIL THE BEGINNING OF NOVEMBER, WE DIDN'T
HAVE 60 DAYS BETWEEN THEN AND THE END OF THE YEAR,

WHICH IS KIND OF OUR TIME LINE FOR GETTING THE VALUATION -- OR GETTING THE TAX INCREMENT IN PLACE. I WOULD LIKE TO THANK EACH OF THOSE OTHER ENTITIES FOR SEEING US DURING THIS BUSY SEASON AND GIVING US THE WAIVER. THE CITY HAS MET ALL THE LEGAL REQUIREMENTS NECESSARY TO HOLD THE HEARING -- REQUIREMENTS TO HOLD THE HEARING AND WHAT THE ORDINANCE WILL DO IS CREATE THE ZONE, IT WILL CREATE THE BOARD FOR THE ZONE, WHICH IS AN 11-MEMBER BOARD, 7 APPOINTED BY THE COUNCIL AND 1 BY EACH OF THE OTHER TAXING ENTITIES SHOULD THEY CHOOSE TO APPOINT A MEMBER. THIS IS A REQUIREMENT UNDER STATE LAW. THEY CAN WAIVE THAT REQUIREMENT IF THEY WISH, BUT BECAUSE WE WERE DOING THIS IN SUCH AN EXPEDITED MANNER, MANY OF THEM EITHER DIDN'T FEEL COMFORTABLE WAIVING THAT REQUIREMENT OR HAD AN INTEREST IN THE ZONE. IF AT SOME POINT THEY WAIVE THAT RIGHT, THEN WE -- EITHER THE COUNCIL CAN APPOINT ADDITIONAL MEMBERS OR WE CAN JUST LEAVE THOSE SEATS VACANT. THE PRIMARY ROLES OF THE BOARD ARE TO ADOPT A FINAL PROJECT PLAN AND FINANCING PLAN FOR THE ZONE INTO ADMINISTER AND MANAGEMENT ZONE. THE BOARD MAY ALSO ENTER INTO A CONTRACT WITH A LOCAL GOVERNMENT CORPORATION TO MANAGE THE ZONE. THAT IN FACT IS OUR INTENT. AND SEVERAL WEEKS AGO WHEN YOU APPROVED THE MASTER DEVELOPMENT AGREEMENT, YOU ALSO APPROVED THE CREATION OF A LOCAL GOVERNMENT CORPORATION FOR THOSE PURPOSES. AND THE ZONE WILL BE IN PLACE UNTIL ALL PROJECT COSTS ARE PAID AND ALL RELATED DEBT IS PAID. IF YOU HAVE ANY QUESTIONS, I'LL BE GLAD TO ANSWER THEM.

Mayor Wynn: THANK YOU, MS. SCHUBERT. COUNCILMEMBER SLUSHER?

Slusher: THANK YOU, MAYOR. MS. SCHUBERT, I DON'T THINK MOST -- I DON'T THINK THAT MOST PEOPLE KNOW WHAT A TIF IS, A TAX INCREMENT FINANCING DISTRICT. SO LET'S SORT OF GO THROUGH A LITTLE BIT.

A LITTLE MORE SLOWLY?

Slusher: YEAH, LET ME TRY. WHAT YOU DO IS YOU TAKE AN

AREA THAT IS NOT GENERATING A LOT OF TAX REVENUE AT THIS POINT, SAY, AND THEN YOU TAKE THE VALUES AT THAT TIME, AT THIS TIME AND DECLARE THE TIF AND THEN ANYTHING, AS THAT AREA RISES IN VALUE FROM DEVELOPMENT LIKE THE FORMER MILLER SITE IS GOING TO DO BECAUSE NOW IT'S NOT TAXED AT ALL BECAUSE IT'S PUBLICLY OWNED BUT AS SOON AS THAT LAND IS SOLD AND IMPROVEMENTS ARE MADE, IT'S GOING TO GO UP IN VALUE. THAT WAS CALLED THE DELTA BETWEEN HOW MUCH TAXES ARE BEING GENERATED THERE NOW AND ABOVE THAT WILL GO INTO THE TIF WHICH WILL BE SPENT IN THAT DESIGNATED AREA. THAT'S A CORRECT EXPLANATION, RIGHT?

YES, SIR, IT IS. THE ONLY THING I MIGHT ADD IS THAT WE BELIEVE THAT NOT ALL -- THE MONEY, WHILE IT WILL FLOW THROUGH THE TIF, IF IT'S NOT NEEDED TO FUND THE PROJECT COSTS, WILL FLOW THEN TO THE CITY. SO IT FLOWS FIRST TO THE AREA TO PAY FOR INFRASTRUCTURE COSTS AND TO THE EXTENT IT'S NOT NEEDED FOR THAT OR THE DEBT SERVICE TO PAY FOR INFRASTRUCTURE COSTS, THEN IT MAY JUST FLOW THROUGH TO THE CITY'S GENERAL FUND. THAT WAS A VERY GOOD EXPLANATION.

SO IT'S SET UP LIKE THAT IN THIS CASE, AND WE'RE ABLE TO DO THAT UNDER STATE LAW?

THAT'S CORRECT.

OKAY. AND THEN OF COURSE, SINCE IT'S THE CITY'S FUNDS, THE CITY COULD SAY THAT'S HOW WE'RE GOING TO SPEND THESE FUNDS. I MEEB, THE REAL -- I MEAN TREAL VALUE IS IN GETTING MORE THAN ONE JURISDICTION TO PARTICIPATE IN THE TIF, RIGHT? BECAUSE THEN YOU GET MORE MONEY GOING BACK INTO THAT AREA THAN JUST THE CITY OF AUSTIN'S MONEY?

IT CERTAINLY COULD BE BENEFICIAL TO HAVE OTHER ENTITIES PARTICIPATE, SURE.

WELL, BUT THERE'S NOT ANY, RIGHT?

NO. WHEN WE MADE THE PRESENTATIONS, WE TOLD THEM

THAT WE WERE PROCEEDING TO CREATE THIS WITH JUST THE CITY AS THE PARTICIPANT. THAT DOES NOT CLOSE THE DOOR FOR OTHER PEOPLE TO JOIN LATER SHOULD THEY CHOOSE TO DO SO. THE DEDICATION OF OTHER ENTITIES' INCREMENTS IS DONE BETWEEN THE CITY AND THAT ENTITY. SO IT COULD HAPPEN AT A LATER DATE.

Slusher: OKAY. FOR INSTANCE, TRAVIS COUNTY, WHICH IS GOING TO BENEFIT FROM ADDITIONAL TAXES GOING INTO THEIR COVERS BECAUSE OF THE INCREASED VALUE HERE, THEN THEY COULD CHOOSE TO PUT SOME OF THAT BACK INTO THIS AREA AND HELP FUND THE INFRASTRUCTURE AT MILLER, RIGHT?

YES, SIR, THEY COULD.

Slusher: BUT SO FAR THEY HAVEN'T CHOSEN TO DO THAT?

NOT AT THIS TIME. WE HAD SOME PRELIMINARY DISCUSSIONS WITH YOU AND THEN MOVED FORWARD BECAUSE WE WANTED TO GET THAT MASTER DEVELOPMENT AGREEMENT LOCKED DOWN.

Slusher: AND SO THERE'S A BOARD THAT'S SET UP. WHAT KIND OF AUTHORITY THEN WOULD THEY HAVE? THE MONEY IS ALREADY DESIGNATED THAT THE FUNDS ARE GOING TO GO INTO THE INFRASTRUCTURE AND ANYTHING ABOVE THAT WILL GO BACK TO THE CITY GENERAL FUND. WHAT AUTHORITY THEN WILL THEY ACTUALLY HAVE.

THEY PERMANENTLY HAVE AUTHORITY TO APPROVE THE PLAN FOR THE PROPERTY. THE FORMAL AUTHORITY INCLUDING A PROJECT PLAN AND FINANCING PLAN. IT'S A LITTLE BIT UNUSUAL BECAUSE WE'VE ALREADY DONE SO MUCH OF THAT WORK IN DEVELOPING THE DEAL, MOST OF WHAT WE'LL BE DOING IS REPACKAGING WORK THAT'S BEEN DONE, GETTING AN ECONOMIST TO DO AN OFFICIAL FEASIBLE ANALYSIS AND THEN BRINGING THAT TO THE BOARD FOR APPROVAL.

Slusher: WELL, WOULD THEY BE ABLE TO, THIS BOARD, BECAUSE WE HAVE THE TIF THERE WITH ONLY THE CITY OF AUSTIN PARTICIPATING, WOULD THIS BOARD BE ABLE TO

EFFECT THE BUILDOUT OR THE COMPLIANCE WITH THE MASTER PLAN AT MUELLER AIRPORT?

I DON'T BELIEVE SO, SIR, BECAUSE NOTHING REALLY CHANGES. THE BOARD PRIMARILY MAKES RECOMMENDATIONS TO THE CITY COUNCIL, AND THE CITY COUNCIL STILL TAKES THE ACTION.

Slusher: THE ULTIMATE AUTHORITY LIES HERE? OKAY. I'LL JUST LEAVE IT AT THAT. THANK YOU.

THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? WE HAVE NO CITIZENS SIGNED UP ON THIS ITEM NUMBER 83 R. THERE ANY CITIZENS THAT WISH TO ADDRESS US REGARDING THE FORMATION OF THIS TAX INCREMENT REINVESTMENT ZONE? HEARING NONE, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 83.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE, POSTED AS ITEM NUMBER 83. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE..

Mayor Wynn: OPPOSE? MOTION PASSES ON A VOTE OF 7-0. THANK YOU, MS. SCHUBERT. OKAY. COUNCIL, THAT TAKES US TO OUR PUBLIC HEARING, ITEM 84, CONDUCT A PUBLIC HEARING REGARDING A VARIANCE FROM LAND DEVELOPMENT CODE REGARDING ENCROACHMENT ON FLOODPLAIN. WELCOME, MR. GEORGE OSWALT.

WELCOME, COUNCILMEMBERS, WATERSHED PROTECTION AND DEVELOPMENT REVIEW AND THANK YOU FOR THE DISTINGUISHED HONOR OF PRESENTING THE LAST ITEM FOR OUR RESIDENCY OVER HERE AT LCRA. THE PUBLIC HEARING BEFORE YOU IS TO CONSIDER A REQUEST FOR A VARIANCE FROM THE LAND DEVELOPMENT CODE, SECTION 25-7-92 (B)

TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT 10027 WILD DUNES DRIVE WHICH IS LOT 23, AND 4514 WILD DUNES COURT (LOT 22) IN THE 100-YEAR FLOODPLAIN OF ONION CREEK AND TO WAIVE REQUIREMENTS TO DEDICATE A DRAINAGE EASEMENT TO THE LIMITS OF THE 100-YEAR FLOODPLAIN. I WANT TO MAKE SURE THAT THE COUNCIL IS FULLY INFORMED ON THIS REQUEST FOR VARIANCE. THIS IS A VERY UNUSUAL SITUATION AND SO THAT YOU CAN MAKE THE RIGHT, THE CORRECT DECISION FOR THEM, I'M GOING TO GIVE YOU QUITE A BIT OF INFORMATION HERE BEFORE I TURN IT OVER TO YOU-ALL FOR QUESTIONS. IF THE COMBS HAD BOUGHT THIS LOT AND BUILT A HOME ON IT AND GONE TO THE COUNTY BEFORE WE ANNEXED IT IN JANUARY, THEY WOULD NOT HAVE HAD TO GET A VARIANCE FROM ANYONE. AND I WANTED YOU-ALL TO KNOW THAT EVERYTHING CHANGED ON JANUARY 1 WHEN WE ANNEXED THIS AREA. THE ONION CREEK SUBDIVISION WAS PLATTED IN 1985. THERE WAS A FLOODPLAIN STUDY IN EFFECT AT THAT TIME THAT WAS USED IN THE PLAT THAT INDICATED THAT ALL OF THE LOTS OUT THERE -- AND AS ALL OF YOU KNOW, THERE'S QUITE A BIT OF BUILDING OUT THERE IN THE ONION CREEK SUBDIVISION. THERE'S A FEW UNBUILT LOTS, THERE'S A FEW, BUT MOST OF IT'S BUILT OUT. BUT WHEN IT WAS PLATTED, THOSE LOTS WERE PLATTED OUTSIDE OF THE FLOODPLAIN. NOW, THERE WAS SOME MAJOR ERRORS IN THAT STUDY. IT WAS A FEMA STUDY DONE IN THE LATE '80s -- EXCUSE ME, LATE '70s, ADOPTED IN 1982. IT'S BEEN SUPERCEDED SEVERAL TIMES SINCE THEN. NOW, TYPICALLY WHEN A PROPERTY OWNER PURCHASES PROPERTY, THEY USE A TITLE COMPANY AND THESE ISSUES ARE FERRETED OUT AT THAT TIME BUT IT'S MY UNDERSTANDING THAT THE COMBS DID NOT. THEY DID THEIR OWN RESEARCH, THEY LOOKED AT THE PLAT TPLAT SHOWED THE FLOODPLAIN TO NOT BE ON THE PROPERTY. THEY PURCHASED THE PROPERTY, THEY CAME TO -- THEY PURCHASED THE PROPERTY IN MARCH OF '04 JUST A COUPLE OF MONTHS AFTER THE CITY ANNEXATION WAS EFFECTIVE. THEY CAME TO THE CITY IN THE SPRING. THEY PURCHASED TWO LOTS AND THERE WAS A PUBLIC UTILITY EASEMENT ON THE COMMON LOT LINE THAT THEY WANTED RELEASED AND THEY WERE PREPARED AND HAVE RELOCATED SOME UTILITIES IN THAT EASEMENT. WHEN

THAT CAME THROUGH OUR DEVELOPMENT REVIEW STAFF, OUR STAFF INFORMED THE COMBS THAT THE LOTS WERE IN THE FLOODPLAIN AND THEN ADDITIONAL CONFUSION CAME UP. THE COMBS WENT TO THE COUNTY AND FOUND THAT THE COUNTY HAD PROCESSED A REVISION TO THE FLOODPLAIN MAPS UNBEKNOWNST TO THE CITY. THIS IS PRIOR TO ANNEXATION. IT SHOWED THE LOTS TO NOT BE IN THE FLOODPLAIN. WE DID A LOT OF RESEARCH, AND THIS TOOK SEVERAL WEEKS AND MONTHS TO FERRET OUT, BUT IT ENDS UP THAT THE MAP REVISION THAT THE COUNTY HAD DONE, THE INFORMATION THE COUNTY TENDERED WAS ACCURATE, BUT FEMA INACCURATELY TRANSFERRED IT ONTO THE MAPS. AND WE NOW KNOW FOR A FACT THAT THE PROPERTIES, THE TWO LOTS ARE IN THE FLOODPLAIN AND WE HAVE INFORMED FEMA. WE DON'T KNOW IF FEMA AGREES WITH US, BUT WE HAVE A REAL STRONG BASIS FOR THAT JUDGMENT, AND WE HAVE INFORMED FEMA OF THAT ERROR. BUT THAT'S WHERE -- THAT BRINGS US TO WHERE WE ARE TODAY. THE COMBS HAVE -- THE PROBLEM, THE CHALLENGE WITH THIS PARTICULAR SIGHTING THAT UNDER 100-YEAR CONDITIONS, THERE WILL BE 2.4 FEET OF WATER ON THE ROAD OUT IN FRONT OF THEIR HOUSE AND THE DISTANCE TO DRY LAND IS SOMEWHERE BETWEEN 200 AND 300 FEET. AND OUR JUDGMENT TO RECOMMEND, TO NOT ALLOW THE VARIANCES BASED ON THAT DEPTH OF WATER OF PUBLIC SAFETY RESPONDERS TO TRAVEL THROUGH OR THE RESIDENTS OF THE HOUSE TO LEAVE THE RESIDENCE IN A SAFE MANNER. AND THAT'S THE SOLE REASON FOR OUR JUDGMENT TO RECOMMEND AGAINST THE VARIANCE. A COUPLE OF OTHER FACTS THAT NEED CONSIDERATION, THAT THE COMBS ARE ALLOWED TO BUILD ON THIS LOT. THEY WILL ELEVATE THE STRUCTURES, THOUGH ALL OF IT IS A MINIMUM 1 FOOT ABOVE THE FLOODPLAIN ELEVATION. SO IF A 100-YEAR FLOOD DOES OCCUR, NO WATER WILL GET IN THE HOUSE. THEY CAN SECURE FLOOD INSURANCE IF THEY SO WISH AT THE NORMAL RATES THAT ARE AVAILABLE TO ALL PROPERTIES IN AUSTIN. THAT CONCLUDES MY PRESENTATION. I WOULD LIKE TO OPEN TO QUESTIONS.

Mayor Wynn: THANK YOU, QUESTIONS, COUNCIL?
TECHNICALLY WE NEED TO HOLD OUR PUBLIC HEARING. SO WITHOUT OBJECTION LET'S GO AHEAD AND GO TO CARDS

AND COME BACK WITH QUESTIONS FOR MR. OSWALT OR OTHERS. WE NORMALLY HAVE A FIVE-MINUTE PRESENTATION BY THE APPLICANT FOLLOWED BY FOLKS IN FAVOR, FOLKS IN OPPOSITION AND THEN A CHANCE AS REBUTTAL BY THE APPLICANT. WE ONLY HAVE FOLKS SIGNED UP IN SUPPORT OF THE APPLICANT, MR. RAY COMBS AND A NUMBER OF FOLKS HAVE OFFERED TO GIVE TIME TO MR. COMBS. SO RAY? TAKE YOUR TIME. YOU'LL HAVE UP TO FIFTEEN MINUTES IF YOU NEED IT. AND SO FOR THE RECORD, SANDRA COMBS SIGNED UP IN FAVOR ANGELA ROSS SIGNED UP IN FAVOR, DENNIS ROSS IN FAVOR AND TERRY MONAHAN ALSO IN FAVOR MR. COMBS, YOU GET TO BE THE LAST CASE TO BE HEARD BY THE CITY COUNCIL IN THE LCRA BUILDING AFTER FIVE YEARS. YOU'VE ALREADY CARRIED A LOT OF FAVOR WITH COUNCIL, TRUST ME.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, THANK YOU. THANK YOU FOR HAVING ME HERE TONIGHT. I'M RAY COMBS. THIS IS MY WIFE SANDY OVER HERE AND OUR DAUGHTER ANGELA AND MY SON-IN-LAW SEEMS TO -- OH, HE'S HOLDINGS UP OVER HERE. ALSO, RESIDENTS ACTUALLY IN ONION CREEK. MY BROTHER-IN-LAW AND OUR BUILDER IS OVER HERE WHO WE HOPE VERY MUCH WILL BE BUILDING A HOUSE OUT THERE VERY SOON. BROUGHT HIM ALONG IF THERE WAS ACTUALLY ANY QUESTIONS ABOUT HOW WE ARE GOING TO DO THIS. I WANT TO THANK GEORGE AND THE ENTIRE GROUP THAT HE'S GOT WITH THE WATERSHED DEPARTMENT HERE, TOO. I'VE STOOD BEFORE GROUPS BEFORE AND TALKED. THIS IS NOT EXACTLY THE GROUPS THAT I WOULD NORMALLY BE TALKING WITH. I'M A SALESMAN. I'VE KIND OF VIEWED THIS AS A SALES CALL AND KIND OF WORK WITH ME ON THAT. FOR A LONG TIME I KIND OF BELIEVE THAT WE ARE THE STORIES THAT WE TELL, AND THIS IS GOING TO BE A STORY THAT I WILL BE TELLING AND FOR A LONG PERIOD OF TIME. AND THE KEY TO THIS IS I REALLY HOPE IT HAS A HAPPY ENDING. IN SALES I'LL OFTEN WALK THROUGH PROJECTS WITH PEOPLE AND I TRY TO SIT DOWN AND SAY, OKAY, HOW CAN WE ALL BE IN A WINNING POSITION, AND THAT'S REALLY WHERE I WANT TO TRY TO UNDERSTAND WHERE WE CAN ALL BE IN A WINNING POSITION HERE. IT'S A WINNING POSITION FOR THE WATERSHED DEPARTMENT IF NO DAMAGE IS DONE. IF THE

WATERSHED ITSELF STAYS INTACT AND NOTHING ELSE HAPPENS OUT THERE. IF THE POPULATION AND THE PEOPLE THAT THEY HELP ARE SECURE AND SAFE. THAT'S A WINNING POSITION. THE COUNCIL AND THE CITY ARE IN A WINNING POSITION IF WE'RE ABLE TO MOVE FORWARD WITH THIS. WE'RE GOING TO INCREASE THE TAX BASE A LITTLE BIT, JUST A LITTLE BIT. AND YOU'LL HAVE A VERY HAPPY CITIZEN. OBVIOUSLY MY FAMILY WILL BE VERY HAPPY IN A WINNING POSITION ON THIS BECAUSE WE'LL BE ABLE TO BUILD THE HOME THAT WE WISH TO RETIRE IN RIGHT HERE IN AUSTIN. NOW, SANDY AND I ARE LONG TIME RESIDENTS OF AUSTIN. WE'VE HAD A NUMBER OF HOUSES HERE. WE HAVE CONTINUED TO BUILD AND WE'RE GOING TO CONTINUE. GEORGE HAS DONE AN EXCELLENT JOB IN RELATING TO YOU HOW WE GOT HERE. THOSE TWO LOTS WERE OUT THERE. ANGELA ASKED US, TOLD US A WHILE BACK THAT, GEE, WE REALLY NEEDED TO MOVE CLOSE TO THEM SO THAT WHEN WE GOT OLD, SHE COULD TAKE CARE OF US. LITTLE DID SHE KNOW WE'RE TRYING TO BUILD FIVE DOORS DOWN FROM HER. SO SHE'S OUT THERE IN THAT ONION CREEK WILD DUNES AREA, TOO. AS GEORGE MENTIONED, WE BOUGHT THESE LOTS BACK IN MARCH. WE LOOKED AT ALL THE FLOODPLAIN INFORMATION. WE LOOKED AT THE PLATS. I TALKED TO THE NEIGHBORS. WE DISCUSSED FLOODPLAIN ISSUES. MY NEIGHBOR SAID, YEAH, WE BUILT OUR HOUSE WITH THIS LITTLE NOTCH BACK HERE IN THE BACK OF IT RIGHT AT THE LAST MINUTE ON THE FOUNDATION SO WE WOULDN'T BE IN THE FLOODPLAIN. I SAID, GREAT. I GOT ALL THE HELP IN THE WORLD OVER HERE. I LOVE YOU. THANK YOU, JANICE.

Mayor Wynn: MR. COMBS, WE'RE MORE CONCERNED ABOUT OUR EVILS THAN THE FLOODPLAIN RIGHT NOW I'M AFRAID.

I JUST DON'T WANT MY SON-IN-LAW TO GET HURT OVER HERE WITH FALLING EASELS. YEAH, THE PART OF THE STORY IS WE'RE IN THE LAST TIME. AND AS GEORGE SAID, THANK YOU VERY MUCH FOR HAVING US HERE. I WAS ACTUALLY, I THINK, ONE OF THE FIRST PEOPLE TO BE IN COUNCIL MARN SLUSHER'S OFFICE ON TUESDAY AT THE NEW OFFICE AND COUNCIL MARN DUNKERLEY'S OFFICE. I WAS THERE AT 9:30. MET WITH A LOT OF THE STAFF. SO I WAS ONE OF THE FIRST GUYS THERE AND LOOKS LIKE

WE'RE THE LAST GUYS TO CLOSE THE LIGHT AND TURN THE LIGHTS OFF HERE. SO PART OF THE STORY AS IT GOES ON. WHERE WE WERE -- AND YOU HAVE QUITE A BIT OF INFORMATION THAT I THINK YOU AND/OR YOUR STAFF PROBABLY HAS THAT I GENERATED AND PASSED OUT TO Y'ALL. YOU UNDERSTAND WHERE WE ARE ON THE WATERSHED, YOU UNDERSTAND THE ISSUES THAT, WHERE WE ARE ON THIS. JUST TO GIVE YOU A LAY OF THE LAND, SINCE WE'VE GOT THIS UP HERE, THIS IS ACTUALLY A MAP THAT WE GOT FROM THE CITY. I HIRED A ENGINEER, DON WOLFORD WHO IS A CIVIL ENGINEER HERE IN AUSTIN TO DO A IMPACT STUDY ON THE WAURD SHED ON IF THEY BUILT THIS HOUSE. IT CAME BACK ZERO IMPACT AND THAT'S PART OF THAT PIECE. PART OF THE PIECE THAT WE'RE TRYING TO LOOK AT HERE IS, YOU KNOW, WHERE IS ALL THE WATER FLOWING. I MEAN, THIS LITTLE AREA RIGHT HERE IS WHAT WE'RE CONCERNED ABOUT. THAT'S ONION CREEK, THAT'S SLAUGHTER CREEK, THAT'S WHERE IT GOES ON UP TOWARDS 183. I-35 IS SITTING OVER HERE. I TOOK THAT PICTURE. PILE SOME MORE THINGS UP HERE AND SEE IF WE CAN NOT KNOCK IT OVER. OKAY. MY NEW EASEL, WHAT I DID IS I TOOK THIS PICTURE -- I TELL YOU WHAT, TAKE IT OFF THE EASEL. LET'S BE DONE WITH THAT EASEL. AND JUST SET THAT BIG ONE DOWN. JUST HOLD THAT ONE. HERE WE GO. I BROUGHT MY OWN EASEL. THIS IS JUST A BLOWUP OF THAT PICTURE. THESE ARE THE TWO LOTS THAT WE'RE TALKING ABOUT. THIS IS WILD DUNES DRIVE. ONION CREEK IS BACK IN THIS AREA. WE ARE GOING TO -- OUR PLAN WAS TO BUILD A HOUSE RIGHT HERE, A SINGLE-STORY HOUSE. THAT'S WHERE DENNIS LIVES. AND THEN -- AND ANGELA. AND WHAT WE WERE GOING TO DO IS BUILD HERE. NOW, THIS YELLOW LINE IS A SIGNIFICANT LINE FOR ME. THAT LITTLE YELLOW SQUIGGLY LINE IS THE 572 ELEVATION. GEORGE'S, ALL OF THE SURVEY AND EVERYTHING THEY GAVE, IT'S 572.4 IS THE BASE FLOOD ELEVATION FOR THAT AREA. SO THAT'S A SIGNIFICANT NUMBER THAT I HAVE TO BE THINKING ABOUT. THERE'S THE 572 LINE. YOU'LL NOTICE IT KIND OF WIGGLES AROUND, WIGGLES ACROSS THE STREET, GOES ACROSS THE STREET IN MY NEIGHBORS HERE. HERE IS THE 574 BACK HERE. SO SOMEWHERE IN BETWEEN THERE IS 572.4 WHICH, AS GEORGE INDICATED, THAT'S DRY GROUND. NOW, THAT'S SOMEWHERE ABOUT 270 FEET FROM WHERE MY GARAGE

WILL BE TO DRY GROUND. I'VE GOT ABOUT 80 FEET FROM
HERE ACROSS THE STREET, 80 FEET FROM HERE ACROSS
THE STREET, OR ABOUT 160 FEET STRAIGHT DOWN THE
STREET DOWN TO 5 INCHES OF WATER. IN ALL OF THE WORK
THAT WE'VE GONE THROUGH HERE, THERE'S A WHOLE
NUMBER OF ISSUES THAT GET INVOLVED IN A VARIANCE.
GEORGE OUTLINED A LOT OF THOSE. IT'S OUTLINED IN THE
PAPERWORK I'VE GIVEN YOU, AND Y'ALL HAVE IT AND I'M NOT
GOING TO READ IT AGAIN TO YOU. THERE'S FOUR ISSUES OF
PREREQUISITES TO BE GRANTED A VARIANCE. I PASS ALL OF
THOSE. THAT'S NOT IN QUESTION. THERE'S 10 ITEMS
RELATED TO FACTORS OF RELEVANCE. THEY ACTUALLY ARE
ONLY USING 7 OF THOSE, BUT THERE'S 10. I PASS 9, OR 6 OF
THOSE, WHICHEVER WAY YOU WANT TO LOOK AT IT.
THERE'S REALLY ONLY ONE THAT WE CAN'T PASS. AND THE
ONE THAT WE CAN'T PASS -- AND THAT'S WHY WE'RE HERE --
IS AN ISSUE THAT IN THE CASE OF A 100-YEAR EVENT, IT
WOULD BE MORE DIFFICULT FOR FIRST RESPONDERS TO
HAVE ACCESS TO HELP US, SHOULD WE HAVE NEED FOR
THEM THERE. I WAS REALLY ENLIGHTENED WHEN I DROVE
UP AND SAW THE FIRE DEPARTMENT EMS HERE TONIGHT
AND SAW WHAT THEY DID. ONE OF THE GENTLEMEN THAT I
TALKED TO AT EMS AND THE FIRE DEPARTMENT WAS HERE
TONIGHT. AND I SPOKE WITH HIM AGAIN. HIS COMMENT --
AND I ASKED HILL, I SAID, DOES THE EMS, DOES THE FIRE
DEPARTMENT HAVE A POLICY IN REGARD TO SOMETHING
LIKE THIS? AND BOTH OF THEIR COMMENTS -- THAT WOULD
BE JIM EVANS OF THE FIRE DEPARTMENT AND GORDON
BYRD WITH EMS, SAID THEY DON'T HAVE A POLICY THERE.
THEIR POLICY IS TO TAKE CARE OF THE CITIZENSHIP. THAT'S
THEIR POLICY. AND I ASKED HIM, I SAID, I REALIZE THAT
WE'VE GOT WATER AND I REALIZE IT'S MORE DIFFICULT, BUT
IS THIS AN ISSUE THAT IS HARD TO OVERCOME, EASY TO
OVERCOME? AND HE SAYS, WE HAVE A GREAT DEAL MORE
DIFFICULTY WITH ICE STORMS WHICH OCCUR A WHOLE LOT
MORE THAN A 100-YEAR FLOOD HERE IN THE CITY OF
AUSTIN. SO WHAT WE'RE LOOKING AT IS WE'RE SAYING THAT
WE'RE PRETTY CLOSE TO DRY GROUND. WE'RE NOT THAT
FAR. WE GOT HERE NOT OF OUR OWN -- WELL, WE GOT
HERE OF OUR OWN DOING, YES, EVERYTHING PLATTED AND
SHOWED THAT WE WEREN'T IN THE FLOODPLAIN. AS
GEORGE POINTED OUT, FEMA SAYS WE'RE NOT IN THE

FLOODPLAIN. CHANGE CHANGE

PLEASE HOLD FOR CHANGE IN CAPTIONERS.) (

THEY HAD SET THERE FOR AN AWFUL LONG TIME. THERE WAS A P.U.E. THAT ENCIRCLES THE LOTS. THEY WERE VERY DIFFICULT TO TO BUILD ON. WE SPENT ABOUT \$12,000 HAVING THAT P.U.E. VACATED. ONCE WE GOT FORWARD ON THIS PROCESS, WE REALIZED WE WANT TO BUILD HERE. EVERYTHING WE'VE DONE, WE'VE MOVED FORWARD IN GOOD FAITH. EVERYTHING WE'VE DONE, WE HAVE ATTEMPTED TO DO NOTHING MORE THAN TO BUILD A HOME. WE'RE SURROUNDED BY HOMES. THERE'S HOUSES ALL HERE. THERE'S HOUSES YOU ALL THE WAY DOWN. THE CREEK IS BACK HERE. IF IT RISES, IT COMES THIS WAY, AROUND. THIS IS THE LOW-LYING AREA BACK HERE. AND WHAT WE WOULD BE LOOKING AT IS IF IT ROSE TO 5724, IT WOULD BE RIGHT IN THIS AREA AND REMEMBER THIS WATER IS RISING IN THIS DIRECTION. SO WE'RE NOT TALKING ABOUT RUSHING WATER. WE'RE NOT TALKING ABOUT RAMPAGING WATER. WE'RE TALKING ABOUT SLOWLY RISING WATER AND SLOWLY DESCENDING WATER. THAT'S WHERE WE FEEL LIKE THAT THE ISSUE OF -- ONLY ISSUE THAT IS RELEVANT HERE IS THE FACT THAT, DUE TO CODE, WE CAN'T BUILD A HOUSE WITHOUT Y'ALL'S PERMISSION. BETWEEN WHAT GEORGE HAS ALREADY SAID AND WHAT I'VE ALREADY SAID, I THINK YOU KNOW ALL THE FACTS. AS I SAID, I'M A SALESMAN. I CAME TO ASK FOR THE ORDER. IT'S INCREDIBLY IMPORTANT FOR US TO RECEIVE THIS VARIANCE. NOT ONLY THE FACT THAT THE ISSUE OF ONCE WANT TO GO BUILD THIS HOME AND THE FACT THAT WE SORT OF FELL INTO AN ODD HOLE HERE, AND THE FACT THAT THE LAND CURRENTLY IS JUST A REAL PRETTY PARK, IF YOU ALL DON'T GIVE ME THAT VARIANCE, WE CAN BUILD OUR OWN THERE. SO I THANK YOU. I THANK YOU FOR YOUR TIME. I THANK ALL THE COUNCILMEMBERS AND ALL THE STAFF THAT'S ASSISTED ME THROUGH THIS PROJECT. AND AGAIN, I SINCERELY DO ASK FOR YOU TO GRANT THIS VARIANCE. THANK YOU.

Mayor Wynn: THANK YOU, MR. COMBS. COUNCIL, AGAIN, THERE'S NO CITIZENS SIGNED UP IN OPPOSITION TO THIS. I READ INTO THE RECORDS THE FOLKS HERE SUPPORTING THE COKES' VARIANCE REQUEST. -- COMBS' VARIANCE

REQUEST. I'LL JUST SAY, AND IT WAS REMARKABLY POWERFUL TO SEE THE VIDEO DEMONSTRATION OF HOW OUR FIREFIGHTERS AND OUR E.M.S. PARAMEDICS SAVED A WOMAN IN RUSHING WATER. I'LL START BY SAYING THIS TO ME APPEARS TO BE A VERY DIFFERENT TYPE OF CASE. THE FLOOD ISSUES THERE ARE NO COMPARISON TO WHAT WE HAVE WITH THE LOW-WATER CROSSING OF BULL CREEK AS WE SAW EARLIER. AND MY HISTORY HERE ON THE DAIS IS WE TAKE STAFF RECOMMENDATIONS VERY SERIOUSLY ON FLOOD PLAIN ISSUES. WE HAVE A REMARKABLE SAFETY RECORD FROM OUR FIRE DEPARTMENT AND E.M.S. AND FIRST RESPONDERS IN PART BASED ON OUR RELUCTANCE TO ISSUE THESE VARIANCES. HOWEVER, WE HAVE DONE SO ON SEVERAL OCCASIONS AND WE TAKE THEM CASE BY CASE AND STUDY THE LARGER, YOU KNOW, DYNAMICS OF THE PARTICULAR FLOOD PLAIN AND WHAT WOULD BE RESPONSE ISSUES. AND I SEE A VERY POWERFUL CASE PERSONALLY FOR THIS VARIANCE. LET'S OPEN IT UP TO QUESTIONS OR COMMENTS OF COUNCIL. COUNCILMEMBER SLUSHER.

Slusher: MAYOR, I TEND TO AGREE WITH YOU. I JUST WANT TO GET MR. OSWALD UP HERE AND MAKE SURE WE'RE UNDERSTANDING IT CORRECTLY. WHEN THE COMBS WENT THROUGH THIS WHOLE THING UP UNTIL JUST A FEW MONTHS AGO, WITH INITIAL INFORMATION THEY WEREN'T IN THE FLOOD PLAIN.

BASICALLY THEY WERE DOING THEIR OWN RESEARCH ON THE FLOOD PLAIN CONDITIONS, AND, YOU KNOW, SO IT'S A DIFFERENCE OF APPROACH. IN A PERFECT WORLD, IF THEY HAD KNOWN TO COME TO US FROM THE HIGHEST AND BEST INFORMATION, BUT IT DIDN'T HAPPEN. AND IT DID -- AND IT CAUSED CONFUSION WITH US WHEN WE SAW THIS MAP PROVISION THAT WAS -- REVISION THAT WAS PROES PROCESSED BY THE COUNTY, WE DON'T KNOW IT HAD HAPPENED SO WE WERE CAUGHT UP IN THE CONFUSION FOR A WHILE AND WE WENT AND GOT THE FILE TORE FILE FOR THAT AND FOUND OUT THE COUNTY HAD ACCURATELY RECOMMENDED TO FEMA TO HORIZONTALLY REPOSITION THESE LOTS A LITTLE BIT. BUT FEMA WHEN THEY TRANSLATED THAT ON THE MAP MADE AN ERROR THAT LEADS US TO WHERE WE ARE NOW. NO ONE IN THIS ROOM

OR CITY OR STATE WAS RESPONSIBLE FOR WHAT HAPPENED, BUT IT DID CAUSE CONFUSION. THE COMBS HUNG IN THERE WITH US AS WE RESOLVED IT. THEY CONDUCTED A FIELD SURVEY ON THEIR LOT THAT CONFIRMED THE ELEVATION OF THE LAND WITH RESPECT TO THE KNOWN FLOOD PLAIN ELEVATION, AND THAT WAS THE ULTIMATE DETERMINATION THAT THEY ARE INDEED IN THE FLOOD PLAIN AND WE'RE ALSO WORKING WITH FEMA TO PUT OUT MORE ACCURATE MAPS, DIGITAL MAPS, AND THOSE MAPS ALSO CONFIRM THAT FACT. DOES THAT ANSWER THE QUESTION?

Slusher: THAT DOES ANSWER IT. AND THEN SO EVEN WITH THE ACCURATE MAP NOW, ON THE 100-YEAR FLOOD, THEIR HOUSE WOULD NOT BE FLOODED. IS THAT CORRECT?

WELL, IT WOULD BE SURROUNDED BY WATER, BUT THEY WILL BUILD A SLAB AT AN ELEVATION WHERE UNDER 100-YEAR EVENT THEY WILL STILL BE MORE THAN A FOOT OF FREE BOARD. THE WATER WOULD HAVE TO EXCEED A 100-YEAR ELEVATION BY OVER A FOOT TO GET INTO THE INTERIOR OF THE HOUSE.

> SLUSHER: SO THAT MEANS THERE WILL BE A FOOT OF WATER IN THE YARD THEN?

YES. THERE IS SOME -- A GRADIENTS, BUT ONCE YOU GET TO THE STREET, THE WATER -- AS I RECALL, THERE'S OVER A FOOT OF WATER AT ALL POINTS OVER THE LOT, AND THEN AS YOU GO TOWARD THE STREET, IT GETS DEEPER

Slusher: WHAT ABOUT A 25-YEAR EVENT?

THERE WOULDN'T BE ANY WATER ON THE LOT.

Slusher: WHAT ABOUT THE STREET?

IT WOULD BE SAFE ACCESS. THE HISTORY WE HAVE IN THAT AREA DURING THE NOVEMBER '01 FLOOD, THERE WAS ONE HOUSE DOWN AT THE END OF THE STREET THAT GOT SOME WATER IN IT, BUT THAT WAS IN EXCESS OF A 50-YEAR FLOOD.

Slusher: AND THAT HOUSE IS IN THE 100-YEAR FLOOD PLAIN?

AND I HAVEN'T LOOKED AT IT WITH RESPECT TO THOSE ELEVATION, BUT WIT WOULD BE A VERY INFREQUENT -- AS MR. COMBS SAID, A VERY INFREQUENT OCCURRENCE. WHEN THEY HAPPEN, LIKE WE HAD THE FLOODS IN NOVEMBER, IT'S A CHALLENGE FOR EVERYBODY INVOLVED. SO JUST TO KIND OF PUT IT BACK IN A THAT PERSPECTIVE.

> SLUSHER: MR. COMBS, LET ME ASK YOU A QUESTION. THANK YOU, MR. OSWALD. I WANTED TO ASK YOU A QUESTION. SO -- I MEAN WE'RE ALL VERY FAMILIAR WITH THE CASE BY THIS POINT. I JUST WANTED TO ASK YOU IF THERE WAS A REALLY SERIOUS RAIN APPROACHING 100-YEAR EVENT, THAT IF WE WERE TO GRANT THIS VARIANCE, AND I REALIZE THAT, YOU KNOW, YOU WILL PROBABLY BE THERE A LONG TIME, BUT NOT FOREVER, BUT FOR THE DURATION OF WHEN YOU ARE THERE, THAT IF THERE WERE A LARGE RAIN, THEN YOU WOULD USE COMMON SENSE AND TAKE INTO ACCOUNT YOUR DECISION WHETHER TO STAY THERE PAST A CRITICAL POINT IN TIME, YOU WOULD TAKE INTO ACCOUNT NOT ONLY YOUR OWN SAFETY AND SAFETY OF YOUR FAMILY BUT EMERGENCY WORKERS THAT WOULD BE COMING OUT THERE TO DO YOUR JOBS?

IT'S ALWAYS AGAINST MY BETTER JUDGMENT TO JUST GIVE A ONE-WORD ANSWER, BUT YES.

Slusher: YOU ARE WELCOME TO ELABORATE.

NO. DON'T NEED TO.

Slusher: COULD. BUT YOU UNDERSTAND WHAT I MEAN WHEN I LAY ALL THAT OUT.

YES. GEORGE INDICATED ABOUT THE RECENT FLOODS, WE'RE CURRENTLY LEASED OUT IN THE ONION CREEK HOUSE DURING THIS PROCESS. DURING ALL THE RAINS THAT WE CURRENTLY HAD, WE WERE THERE EVERY SINGLE DAY. I WALKED DOWN TO THE CREEK. I WALKED ALL AROUND. THERE WAS NEVER ANY WATER ANYWHERE CLOSE TO US. NEVER AT ALL. ONE OF THE ISSUES THAT HE HAD INDICATED THAT THERE WAS A HOUSE DOWN AT THE OTHER

END, I THINK --

NOVEMBER OF '01.

AND THERE WAS ALSO -- I THINK THERE WAS AN ISSUE ABOUT THE DETENTION POND THAT I'VE HEARD, BUT I CAN'T ADDRESS THAT.

Slusher: BUT IF WE DID GET A 100-YEAR EVENT, I THINK THEIR CALCULATIONS WOULD PROVE TO BE RIGHT.

I WOULD BE AN ISLAND IS WHAT I WOULD BE, BUT I WOULD BE OFF THAT ISLAND.

Slusher: OKAY. THANK YOU, SIR. APPRECIATE YOUR APPROACH TO THIS. MAYOR, I'M GOING TO MOVE APPROVAL WITH ALL THE CONSIDERATION WE'VE HEARD IN MIND. I THINK THAT'S THE FAIREST, MOST APPROPRIATE THING TO DO IN THIS CASE.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE FOR THIS VARIANCE TO THE LAND DEVELOPMENT CODE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES AND THE VARIANCE IS GRANTED ON A VOTE OF 7-0. THANK YOU, MR. COMBS. CONGRATULATIONS. OKAY, COUNCIL, TECHNICALLY WE HAVE ONE MORE ITEM TO GO BACK INTO EXECUTIVE SESSION. PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS AGENDA ITEM 73 REGARDING A LEASE, LEASE AMENDMENT REGARDING THE LONG CENTER. WE ARE NOW IN CLOSED SESSION. AT SOME POINT LATER TONIGHT I'LL COME OUT TO ADJOURN THE MEETING.

WAS THAT THE FINAL VOTE TAKEN IN THE LCRA BUILDING?

Mayor Wynn: THAT WAS THE FINAL VOTE TAKEN IN THE LCRA BUILDING AFTER FIVE YEARS. [APPLAUSE] [EXECUTIVE SESSION]□

Mayor Wynn: WIN WE ARE OUT OF CLOSED SESSION AND EXECUTIVE SESSION. WE TOOK UP ITEM 73. NO DECISIONS WERE MADE. AS A POINT OF PRIVILEGE AS OPPOSED TO TAKING A MOTION TO ADJOURN, WITHOUT OBJECTION WE ARE ADJOURNED.

End of Council Session Closed Caption Log