

Closed Caption Log, Council Meeting, 04/14/05

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Mayor Wynn: GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT MY PRIVILEGE TO WELCOME REVEREND BUD ROLAND, A RECTOR AT SAINT MARY'S WHO WILL LEAD US IN OUR END VOCATION, PLEASE -- INVOCATION, PLEASE RISE.

GOOD AND LIVING GOD, ASSIST WITH YOUR SPIRIT OF COUNSEL AND FORTITUDE OUR MAYOR AND THE MEMBERS OF THE AUSTIN CITY COUNCIL. THAT THEIR ADMINISTRATION MAY BE CONDUCTED IN RIGHTEOUSNESS AND GOODWILL TOWARDS ALL. MAY THEY ENCOURAGE DUE RESPECT FOR VIRTUE AND RELIGION AND MAY -- MAY THEY IN THEIR DELIBERATIONS SEEK TO PRESERVE PIECE AND THE MONDAY GOOD. AMEN.

Mayor Wynn: THANK YOU, REVEREND. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, APRIL 14th 14th, 2005, APPROXIMATELY 10:13 A.M. IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST SECOND STREET IN AUSTIN. WE HAVE A COUPLE OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THE FIRST CORRECTION IS THAT ON -- ON BOTH ITEM NO. 8 RELATED DID A PROFESSIONAL SERVICES AGREEMENT AND ITEM NO. 20, AN ITEM FROM COUNCIL, BOTH OF THESE ITEMS HAVE BEEN POSTED INDEFINITE -- HAVE BEEN POSTPONED INDEFINITELY. ITEM NO. 8 AND 20. ITEM NO. 5, WE NEED TO CORRECT SOME FIGURES INVOLVED, WE WILL STRIKE THE AMOUNT \$360,000 AND

CORRECT IT TO READ \$300,000. AND THEREFORE A -- THE POTENTIAL TOTAL CONTRACT AMOUNT WILL BE CORRECTED TO READ: 16,335,377.09. THIS IS ITEM NO. 5, WHICH IS A CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION, LIMITED PARTNERSHIP, REGARDING THE 45th STREET RECONSTRUCTION PROJECT FROM DIVISION DRIVE TO AIRPORT BOULEVARD. OUR TIME CERTAIN ITEM TODAY, I'LL ANNOUNCE NOW THAT WE -- THAT MANY OF US WILL BE ATTENDING A FUNERAL, THE FUNERAL FOR MS. DOROTHY TURNER, WHICH WILL BE HELD TODAY AT NOON. AND SO IN LIEU OF HAVING OUR TYPICAL NOON GENERAL CITIZEN COMMUNICATION, WE HAVE POSTED THAT FOR A 2:00 TIME CERTAIN. SO I'LL ANNOUNCE NOW THAT THE COUNCIL WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL SOMEWHERE AROUND 11:30 OR SO IN ORDER FOR SOME OF US TO ATTEND THE FUNERAL. AND WE'LL DO OUR BEST TO RECONVENE AT APPROXIMATELY 2:00 AND TAKE UP OUR GENERAL CITIZEN COMMUNICATION. WE APOLOGIZE FOR ANY INCONVENIENCE THAT MAY HAVE CAUSED FOLKS, BUT -- BUT MANY OF US FELT STRONGLY ABOUT ATTENDING MS. TURNER'S FUNERAL. AT 2:00 WE WILL HAVE OUR CITIZEN GENERAL COMMUNICATION, AT 3:30, WE WILL HAVE A TIME CERTAIN ITEM NO. 27. AT 4:00, WE BREAK FOR OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW ON THIS WEEK'S AGENDA AS ITEMS 28 AND 29. AND ZONING CASES, PUBLIC HEARING CASES, Z-1 THROUGH Z-8. WE WILL ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING A POSTPONEMENT OF ITEM NO. 29, WHICH IS THE PIONEER CROSSING P.U.D., POSTPONEMENT REQUEST TO APRIL 28th, 2005. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 WE HAVE OUR PUBLIC HEARINGS AND POSSIBLE ACT. THOSE SHOW AS ITEMS NUMBER 30 THROUGH 32, I WILL ALSO ANNOUNCE NOW THERE HAVE BEEN A POSTPONEMENT REQUEST FOR ITEM NO. 32 TO BE POSTPONED TO APRIL 28th, 2005. COUNCIL, THE ONLY ITEM WE HAVE PULLED OFF THE CONSENT AGENDA IS ITEM NO. 15. WHICH I'VE PULL. ANY OTHER ITEMS TO BE PULLED IN THE CONSENT AGENDA? HEARING NONE WITH THAT I WILL READ THE CONSENT AGENDA NUMERICALLY. THE CONSENT AGENDA WILL BE ITEMS 1, 2, 3, 4, 5, PER CHANGES AND CORRECTION, 6, 7, 8 FOR AN INDEFINITE POSTPONEMENT, 9,

10, FIRST READING ONLY ORDINANCE, 11, ALSO FIRST READING ONLY, 12, 13, 14, 16, 17, 18, 19, ARE OUR BOARDS AND COMMISSIONS APPOINTMENT, I WILL READ INTO THE RECORD. TO OUR ARTS COMMISSION, MEL ZIGER IS THE MAYOR PRO TEM'S REAPPOINTMENT. TO OUR FEDERALLY QUALIFIED HEALTH CENTER BOARD, HENRY NAVES IS THE DAVID POWELL CLINIC REPRESENTATIVE, A CONSENSUS REAPPOINTMENT. AND TO OUR M.B.E. W.B.E. ADVISORY COMMITTEE, LUIS [INDISERNIBLE] IS A CONSENSUS REAPPOINTMENT. ITEM NO. 19 ON THE CONSENT AGENDA. ITEM NO. 22 IS TO BE POSTPONED INDEFINITELY. I'M SORRY, ITEM NO. 20 IS TO BE POSTPONED INDEFINITELY. ITEM 21, 22, 23, AND 24. THAT'S OUR CONSENT AGENDA AND I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE THE CONSENT AGENDA AS READ.

SECONDED BY COUNCILMEMBER THOMAS. COMMENTS, COUNCILMEMBER SLUSHER?

Slusher: MAYOR, I WANTED TO SAY ON 20 -- THAT'S THE BLUE RIBBON COMMITTEE, LISTED ON CHANGES AND CORRECTIONS AS POSTPONED INDEFINITELY, I THINK A BETTER DESCRIPTION WOULD BE WITHDRAWN.

Mayor Wynn: IN FACT THAT IS A BETTER DESCRIPTION. I THINK WE -- OUR NOMENCLATURE IS POSTPONE INDEFINITELY, BUT THE INTENT IS THAT HAS NOW BEEN WITHDRAWN. COUNCILMEMBER MCCRACKEN?

McCracken: I JUST WANTED TO NOTE ON AGENDA ITEM 2, IS -- CONCERNS THE POLLING LOCATIONS FOR THE MAY 7th MUNICIPAL ELECTIONS, BUT ALSO FOR EARLY VOTING SITES AN THIS IS NOTABLE THROUGH THE FINE WORK OF SHIRLEY BROWN THAT -- THAT WE WILL FOR THE FIRST TIME IN THE -- IN THE CITY OF AUSTIN BE ABLE TO OFFER JOINT EARLY VOTING LOCATIONS FOR THE ROUND ROCK I.S.D. SCHOOL BOARD ELECTIONS AND THE CITY OF AUSTIN ELECTIONS AND ONE OTHER ADDITIONAL INTERESTING NOTE ABOUT THAT IS WE'LL FOR THE FIRST TIME HAVE AN EARLY VOTING LOCATION FOR CITY OF AUSTIN VOTERS THAT WILL BE LOCATED OUTSIDE OF THE CITY LIMITS OF AUSTIN. BY -- BY DEMOGRAPHERS AND ANALYSTS TELL US BY THE END OF THIS DECADE, THAT AUSTIN WILL BE THE LARGEST CITY IN

WILLIAMSON COUNTY, ALSO. AND SO AS WE SEE AUSTIN BECOME A GROWING WILLIAMSON COUNTY, THIS IS A GREAT PARTNERSHIP BETWEEN VARIOUS GOVERNMENTS AND SURELY GREAT WORK ON MAKING THIS HAPPEN. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. ALSO, ON CONSENT IS A -- IS A RESOLUTION DIRECTING STAFF TO GO FORWARD WITH A MODIFIED PROCESS ON CULTURAL ARTS. MAYOR PRO TEM GOODMAN AND COUNCILMEMBER DUNKERLY AND MYSELF HAVE BEEN WORKING WITH THE GUIDELINES COMMITTEE AT THE ARTS COMMISSION TO -- TO STRENGTHEN THE PROGRAM. THAT WAS ESTABLISHED DURING THE LAST CYCLE. AND WE HAVE MADE A LOT OF PROGRESS, BUT NOT QUITE AT THE POINT WHERE WE WENT ALL OF THE ISSUES. WE CAME UP WITH A MODIFIED PLAN MOVING FORWARD THAT WOULD BILL ON -- BUILD ON THE PROCESS FROM LAST YEAR AND PRESERVE THE SCORES THAT WERE AWARDED TO THE VARIOUS GROUPS, TO THE PANEL PROCESS AND JUST CARRY THOSE SCORES FORWARD WITH THE UNDERSTANDING THAT WE ARE GOING TO COME UP WITH A NEW FORMULA AND A -- AND THE SCORES ARE GOING TO BECOME PART OF THAT FORMULA AND THAT -- THAT REALLY THE NEW FORMULA IS WHAT DETERMINED THE SCORES, ALSO BEING CARRIED FORWARD, HAVING A GREAT -- GREATLY INFLUENCED THE OUTCOME OF THE ALLOCATIONS AND AS YOU CAN SEE, WE DON'T HAVE A -- A LARGE NUMBER OF FOLKS HERE TO SPEAK ON THIS FUNDING ISSUE AS WE NORMALLY DO. SO WE'VE HAD A VERY GOOD RESPONSE AT THE ART COMMISSION STAGE AND NOW WANTED TO BRING THIS FORWARD TO COUNCIL. AND SO THAT, WESTBOUND THE NEXT COUPLE OF MONTHS, WE WILL PROBABLY SEE AN ACTUAL FUNDING RECOMMENDATION FROM THE COMMITTEE GO TO THE ARTS COMMISSION AND THEN TO COUNCIL FOR APPROVAL. BUT -- BUT THE OTHER -- THE OTHER THING THAT I WOULD NOTE IS THE GUIDELINES COMMITTEE AND THE ARTS COMMISSION AND THEN THE FOLKS WHO SPOKE ABOUT THE WAY WE WERE APPROACHING THIS FELT THAT IT WAS IMPORTANT THAT WE DO HAVE SOME FUNDING FOR NEW APPLICANTS NEXT YEAR.

I THINK ONE OF THE -- ONE OF THE CHANGES TO THE PROCESS THAT WE WERE -- THAT WE WERE SUGGESTING FOR NEXT YEAR IS THAT -- THAT BECAUSE IT WOULD BE ANOTHER YEAR OF TRANSITION, THAT WE LIMIT NEW APPLICATIONS, BUT EVERYONE FELT THAT -- THAT IF THERE IS ADDITIONAL MONEY BEYOND WHAT OUR PROJECTIONS ARE, THAT -- THAT THOSE FUNDS, YOU KNOW, AT LEAST A CERTAIN PERCENTAGE OR AN AMOUNT OF THOSE FUNDS BE SET ASIDE FOR NEW APPLICANTS. SO WHAT WE WOULD ALSO BE DOING IS DEVELOPING A MODIFIED APPLICATIONS PROCESS FOR THE -- FOR THE NEW APPLICATIONS AS WELL. SO THAT WE WOULDN'T NEEDS BE A CLOSED PROCESS, WE WOULD -- WOULDN'T NECESSARILY BE A CLOSED PROCESS, WE WOULD HAVE TO WAIT AND SEE IF WE HAVE FUNDS BEYOND WHAT WE CURRENTLY PROJECTED. IF SO WE TRY TO SET ASIDE SOME OF THAT FOR NEW APPLICATIONS SO WE DON'T CLOSE THE PROCESS FOR APPLICANTS OR APPLICANTS WHO DIDN'T GET FUNDED BECAUSE OF THEIR SCORE, WHO WERE NOT PLUGGED INTO THE SYSTEM. IT BEEN GOING VERY WELL. AS YOU IMAGINE IT'S A VERY TEDIOUS PROCESS. THIS IS JUST A STEP TO -- TO MOVE US FORWARD ONCE, YOU KNOW -- ONE STEP AT A TIME. BUT WE SHOULD COME BACK IN A COUPLE OF MONTHS WITH SOME -- SOME VERY SPECIFIC RECOMMENDATIONS ON THE FUNDING SIDE. BUT IT'S -- SO FAR EVERYTHING SEEMS TO BE GOING VERY SMOOTHLY. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. IT DOES SPEAK VOLUMES TO THE FACT THAT THERE AREN'T A NUMBER OF ARTISTS HERE TO TALK ABOUT THIS ISSUE. THANK YOU FOR THE GOOD WORK. COUNCIL, WE HAVE A COUPLE OF CITIZENS WHO WOULD LINING TO ADDRESS US ON ITEMS ON THE CONSENT AGENDA. AND SO WITHOUT OBJECTION, MR. PAT JOHNSON, WELCOME, SIR, MR. JOHNSON WOULD LIKE TO SPEAK TO US REGARDING THE CONSTRUCTION CONTRACT, ITEM NO. 6, OUR TWO TAXICAB FRANCHISE FIRST READING OF THEIR ORDINANCES. WELCOME, MR. JOHNSON, YOU WILL HAVE THREE MINUTES.

THIRD TIME YOU DID THAT, MAYOR. SPEAKING ON WHICH ONE? I'M SIGNED UP ON 3?

Mayor Wynn: I WOULD ASK YOU TO ADDRESS ALL THREE.

ITEM NO. 6 IS THE CONSTRUCTION CONTRACT AND 10 AND 11 ARE THE FIRST READING OF OUR TAXICAB FRANCHISE ORDINANCES.

ON THE CAB PART, OKAY. I HAVE SOME SERIOUS QUESTIONS HERE IN REFERENCE TO -- IF THE CITY IS REALLY GOING TO BENEFIT AS WE SHOULD IN REFERENCE TO THESE FRANCHISE PERMIT FEES. NOW, WHO COMES TO THAT DOLLAR AMOUNT, \$400 PER CAB. THAT'S ONLY GOING TO BRING ON THE YELLOW CAB, \$121,000. I HAVE SPOKEN TO RECEIVER CAB DRIVERS, SEVERAL OWNERS OF CAB, THEY SAY THEY PAID \$400 PER WEEK FOR A CAB PERM, 400 PER WEEK. THAT'S \$1,600 A MONTH. THAT'S \$19,200 THAT YELLOW CAB COLLECTS FROM THE DRIVER ON A \$400 PERMIT THAT WE ARE CHARGING THEM \$400 FOR. NOW, IF YOU MULTIPLY THAT TIMES \$293, THAT MEANS YELLOW CAB IS RAKING IN -- CLOSE TO \$6 MILLION IN FEES THAT WE ARE ONLY CHARGING \$400 A PERMIT. MOST CABS HAVE TWO PEOPLE PER SHIFT IN THE CAB. THAT'S OVER \$10 MILLION IN THE CITY OF AUSTIN, WE ARE ONLY COLLECTING \$121,000. THAT'S -- THIS REMINDS ME OF THE SOUTH SIDE CONTRACT. ANOTHER ISSUE I FOUND OUT. YOU KNOW, YOU WOULD THINK THAT WE WOULD HAVE LEARNED AFTER 9/11, BUT PUBLIC WORKS, THEIR LICENSING OF THOSE TAXICAB DRIVERS IS NOT SATISFACTORY. ACCORDING TO WHAT [INDISCERNIBLE] I WAS TOLD YESTERDAY, THEY SEND IN AN APPLICATION, GO TO THE DEPARTMENT OF PUBLIC SAFETY AND GET A COPY OF THEIR CRIMINAL HISTORY RECORD. I SAID WHAT ABOUT THE PEOPLE WHO HAVE ONLY BEEN IN THE COUNTRY FOR THREE MONTHS? WELL, WE REQUIRE THEM TO TELL US SOME BACKGROUND. I SAID DO YOU VERIFY THAT? WE DON'T HAVE THE RESOURCES. NOW, CONSIDERING I THINK WE DESERVE MORE BECAUSE -- WE HAVE A LOT -- I'M NOT TRYING TO RACIAL PROFILE, BUT ALL OF THE HIJACKERS TO 9/11 WERE -- HAS ARABIC LAST NAMES. ACCORDING TO THE F.B.I., SOME OF THE HIJACKERS USED FALSE IDENTITIES, POSSIBLY EVEN NAMES OF PEOPLE WHO WERE STILL ALIVE. THAT THEY SAID THEY WERE KILLED IN THE 9/11 ATTACKS. THIS COUNCIL SHOULD MANDATE THAT THE STAFF [BUZZER SOUNDING] DO A BETTER JOB AT LICENSING THESE CAB DRIVERS. THEY ARE GOING OUT TO THE AIRPORTS, PICKING UP ALL OF THESE CORPORATE

CITIZENS THAT COME TO AUSTIN FROM ALL OVER THE WORLD.

PLEASE CONCLUDE.

ANOTHER THING, I TALKED TO MR. POE ABOUT, THE COMPLAINT PROCESS THROUGH THE PUBLIC WHEN THEY ARE RIDING A CAB.

Mayor Wynn: MR. JOHNSON, YOUR TIME IS UP. WE ARE ALLOWING YOU TO SPEAK EVEN THOUGH FIVE CITIZENS DIDN'T SIGN UP TO THIS TAKE ITEM OFF THE CONSENT AGENDA. I WANT YOU TO ALWAYS ADDRESS NOW ITEM NO. 6 WHICH YOU HAVE ALSO SIGNED UP TO TALK ABOUT WHICH IS THE CONSTRUCTION CONTRACT.

WITH THE NEXT CAB COMPANY? I CALLED UP ITEMS 10 AND 11 SIMULTANEOUSLY SO YOU HAD THREE MINUTES TO ADDRESS THIS, YOUR TIME IS UP. YOU NOW HAVE THE ABILITY TO TALK ABOUT ITEM NO. 6 IF YOU WOULD CARE TO DO THAT.

NUMBER 6, I HAVE A CONCERN ON THIS ISSUE HERE. THIS CONCRETE COMPANY, HOW CAN WE BE SURE THAT THESE EMPLOYEES WORKING FOR THAT COMPANY, USING ACTUALLY DOCUMENTED WORKERS. WE HAVE A LOT OF PEOPLE HERE IN OUR CITY THAT DON'T HAVE JOBS. I ASKED HOW ARE WE GOING TO VERIFY THAT. THEY TALK ABOUT CERTIFIED PAYROLL RECORDS. BUT I WOULD LIKE TO SEE HOW MANY OF THOSE EMPLOYEES ACTUALLY HAVE PAYROLL TAXES COMING OUT OF THEIR CHECKS. THOSE ARE MY TAX DOLLARS, LIKE THEY ARE YOURS, WE HAVE A RIGHT TO MAKE SURE THAT MONEY IS BEING PAID TO -- TO DOCUMENTED WORKERS. I TALKED TO MR. ATKINS ABOUT THAT. WE ARE MAKING SURE OUR TAX DOLLARS ARE GOING INTO THE POCKETS OF PEOPLE THAT LIVE HERE THAT HAD THE RIGHT TO LIVE HERE AND PEOPLE THAT HAVE SOCIAL SECURITY CARDS. THAT'S IT ON THAT SUBJECT. THE NEXT ISSUE ON ITEM NO. 15, CONTRACT WITH PEPSI COLA.

Mayor Wynn: ACTUALLY, MR. JOHNSON, ITEM NO. 15 WAS PULLED OFF THE CONSENT AGENDA. IT WILL BE CALLED UP

FOR DISCUSSION AT SOME POINT LATER.

THOSE ARE JUST SOME ISSUES THAT I WOULD LIKE TO HAVE ANSWERED, YOU KNOW, YOU ALREADY VOTED ON IT SO-- BUT WE NEED TO GET A HANDLE ON THESE TAXICAB DRIVERS. WE -- WE REGULATE THE -- THE LICENSING OF WRECKER DRIVERS MORE THAN WE DO CAB DRIVERS.

Mayor Wynn: THANK YOU, MR. JOHNSON.

THANK YOU.

Mayor Wynn: COUNCIL, ALSO ON ITEM NO. 13 ON THE CONSENT AGENDA, MR. ROBERT MARQUIS, SORRY IF I'M MISPRONOUNCING THAT. WELCOME, YOU'LL HAVE THREE MINUTES.

I'M NOT SO SURE -- THANK YOU FOR HEARING ME OUT. I'M NOT SURE THREE MINUTE IS GOING TO GET IT. BUT BASICALLY I TRY TO GET RIGHT TO THE POINT. ITEM 13 IS A -- IS AN AUSTIN ENERGY SECURITY GUARD CONTRACT AWARDED TO U.S. SECURITIES. U.S. SECURITY ASSOCIATES INCORPORATED. THE FIRST ITEM IS THERE WAS NO MINORITY GOAL OR MINORITY PARTICIPATION REQUESTED ON THIS CONTRACT. FROM AND I THINK THAT'S SHAMEFUL BECAUSE IF YOU SEE THE AMOUNT OF THIS CONTRACT, IT'S OVER \$4 MILLION OVER THE TERM OF THE CONTRACT, ONE YEAR, FOUR OPTIONS. I WANT YOU TO PAY CLOSER ATTENTION TO THAT. THERE IS A GREAT OPPORTUNITY FOR SMALL BUSINESS, MINORITY BUSINESS INVOLVEMENT, NO ONE CHECKED IT THAT I'M AWARE OF. I REPRESENT AMERITEX GUARD SERVICES BY THE WAY, I'M A FOREIGNER, I'M FROM RICHARDSON, TEXAS. BUT WHEN -- WHEN THIS WAS BROUGHT TO MY ATTENTION, I IMMEDIATELY JUMPED ON IT. I HAVE SPOKEN WITH YOUR CITY ATTORNEY, I HAVE SPOKEN WITH KAREN WILLIAMS, THE BUYER, THE PURCHASER AND I WAS SUPPOSED TO GET A COUPLE OF CALLS FROM AUSTIN ENERGY ATTORNEYS, WHICH I DID NOT. THE PURPOSE THIS, MEETING GETTING IN FRONT OF YOU, IS TO ASK YOU TO POSTPONE THIS RATHER THAN CONSENT TO IT, JUST POSTPONE IT UNTIL SOME DISCUSSION CAN BE HAD ON WHAT WE ARE GOING TO DO WITH ALL OF THIS MONEY. IT DOESN'T HAVE TO COME TO US, AMERITEX GUARD SERVICES

WHICH IS A MINORITY, WOMAN, HISPANIC, SMALL DISADVANTAGED COMPANY. WHICH IS A SMALL BUSINESS ADMINISTRATION 8 A APPROVED SMALL DISADVANTAGED BUSINESS. NOW, AMERITEXAS GUARD SERVICES BUSINESS IN AUSTIN INCLUDES 120102 PEOPLE. IF -- 1023 PEOPLE. IF WE -- EMPLOYS 102 PEOPLE, IF WE INCLUDE SAN ANTONIO IT MAY HAVE 170 PEOPLE. I KNOW THE 102 DOES HAVE AN ECONOMIC IMPACT IN AUSTIN. AGAIN, WHAT I WOULD LIKE TO DO IS JUST REQUEST THAT THIS BE TABLED, POSTPONED, WHATEVER WORDS YOU WANT TO USE UNTIL THERE COULD BE FURTHER DISCUSSION AS TO HOW A SMALL MINORITY COMPANY CAN PARTICIPATE IN THIS CONTRACT. THAT'S ALL THAT I HAVE. I MEAN, I CAN GET INTO FURTHER DETAIL, BUT I DON'T THINK THAT I HAVE ENOUGH TIME. SO ...

Mayor Wynn: MR. MARQUIS, THERE MIGHT BE SOME QUESTIONS OF COUNCIL.

I DON'T KNOW IF I CAN ANSWER THEM.

Mayor Wynn: THERE MIGHT BE -- COUNCILMEMBER THOMAS?

Thomas: FROM STAFF. STAFF, IF YOU DON'T MIND.

Mayor Wynn: COUNCIL, I NOTICED THAT WE DO HAVE A MEMO HERE IN FRONT OF US RELATED TO ITEM NO. 13 FROM THE CITY MANAGER. I'M SORRY, FROM THE PURCHASING OFFICER.

WELCOME.

OKAY. COUNCIL, MY NAME IS JEFF TREVILLIAN, THE DIRECTOR OF SMALL AND MINORITY BUSINESS RESOURCES. A ZERO GOALS REQUEST WAS MADE ON THIS PARTICULAR ITEM. IT DID GO THROUGH OUR NORMAL PROCESS AND IT WAS APPROVED. NOW, THERE WERE NO SUBCONTRACTING OPPORTUNITIES THAT WERE DEEMED AVAILABLE IN THIS PROCESS. HOWEVER --

I OBJECT TO THAT.

EXCUSE ME?

Mayor Wynn: NO, MR. MARQUIS, LET HIM RESPOND TO COUNCILMEMBER THOMAS. THEN YOU MAY HAVE THE CHANCE TO RESPOND.

BASICALLY THERE WERE 12 OPPORTUNITIES, 12 NOTICES SENT TO 12 FIRMS THAT WERE ABLE TO BID ON THIS CONTRACT. OF THOSE FIRMS THERE ARE 12 M.B.E. FIRMS, ONE W.B.E. FIRM ALSO LISTED, NO SOLICITATIONS OR NO BIDS WERE MADE BY THOSE FIRMS. SO WE DID GO THROUGH OUR PROCESS. WE DID REVIEW. THIS WAS ONE THAT -- THAT MINORITY FIRMS HAD THE OPPORTUNITY TO BID AS PRIMES. AND BASICALLY WE DID MAKE THOSE OPPORTUNITIES AVAILABLE.

Mayor Wynn: COUNCILMEMBER, QUESTIONS?

Thomas: I WAS LOOKING AT THE BACKUP. I WAS READING. YOU SAID 12 [INDISCERNIBLE], [INDISCERNIBLE] 1 W.B.E.

CORRECT, YES, SIR.

ALL RIGHTY.

MS. GRANGER, PERHAPS YOU COULD WALK US THROUGH YOUR MEMO BRIEFLY SO THAT THE PUBLIC COULD HEAR WHAT WE ARE BEING ADVISED ON. OR MAYBE SOME COMMENTS.

GOOD MORNING, MAYOR, CITY COUNCIL. I'M DEANNA GRANGER, THE PURCHASING OFFICER. WE ISSUED A REQUEST FOR PROPOSALS FOR THESE SECURITY GUARD SERVICES FOR AUSTIN ENERGY ON JANUARY THE 17th OF THIS YEAR. THERE WAS A MANDATORY PREPROPOSE CONFERENCE THAT WAS -- PREPROPOSAL CONTRACT THAT WAS HELD, AMERITEX WAS PRESENT AT THAT CONFERENCE. I UNDERSTAND THAT THE REQUIREMENTS FOR SUBMITTING A NOTICE OF A PROTEST, WHICH IS REQUIRED WITHIN THREE DAYS OF THE DATE THAT THEY KNOW WHAT THE RECOMMENDED AWARD IS GOING TO BE, IS REQUIRED. THAT WAS EXPLAINED AT THAT -- AT THAT PREPROPOSAL CONFERENCE. AS PART OF THE PROCESS, ONCE THE

PROPOSALS WERE RECEIVED, WE HAD AN EVALUATION COMMITTEE THAT WENT THROUGH THE EVALUATION AND SCORED ALL OF THE FIRMS. PART OF THE PROCESS REQUIRES THAT WE LOOK AT THE STAFF QUALITY AND THE MINIMAL UTILITY EXPERIENCE THAT THE DIFFERENT FIRMS HAVE, ALSO THE REFERENCES THAT ARE OFFERED BY THE DIFFERENT PROPOSERS. IN LOOKING AT ALL OF THESE FACTORS AND OTHERS, THESE ARE SCORED BY THE EVALUATION COMMITTEE. WE HAVE ONE OF THE MEMBERS, I THINK IT THE HEAD OF THE EVALUATION COMMITTEE PRESENT IN CASE YOU HAVE ANY ADDITIONAL QUESTIONS. WE DID NOT HEAR FROM AMERITEX WHO WAS NOT RECOMMENDED UNTIL LAST NIGHT. WE WERE NOTIFIED VIA E-MAIL THAT THEY WERE PROTESTING THE RECOMMENDATION, EVEN THOUGH A LETTER WENT OUT, WHICH IS OUR PRACTICE, THAT A LETTER GOES OUT TO ALL OF THE PROPOSERS. ONCE RECOMMENDATION IS MADE FOR AWARD OF A CONTRACT. THE FRIDAY BEFORE IT GOES TO COUNCIL. THAT WAS FAXED OVER TO ALL OF THE PROPOSERS, SO THAT THEY WOULD KNOW WHO WAS RECOMMENDED, WHO WOULD BE BEFORE THE COWBOY SO THEY WOULD HAVE AN OPPORTUNITY TO PROTEST IF THERE WAS A CONCERN. AS I SAID, WE DID NOT HEAR ANYTHING FROM AMERITEX OR ANYBODY ELSE WITHIN THE THREE-DAY PERIOD. THE PRIMARY CONCERNS EXPRESSED BY THEM ARE THE ONES MENTIONED BY MR. MARQUIS. HE SAID THAT THERE WERE NO M.B.E. GOALS ESTABLISHED AND THAT THE CITY SHOWED A REFERENCE FOR THE INCUSTOM I -- I DON'T KNOW IF HE MENTIONED IT IN THE PROTEST OR MENTIONED BEFORE THAT THE INCUMBENT HAD THE CONTRACT FOR -- I THINK HE SAID 20 YEARS, 19 YEARS. AND THE FACT IS THAT THE INCUMBENT HAS GONE THROUGH THE PROCESS PREVIOUSLY. AND THROUGH THIS PROCESS OF BEING SELECTED HAS HAD THE CONTRACT ONLY SINCE 1996. BUT IN FACT THERE WAS A PREVIOUS AWARDEE SELECTED. AND THEN WHEN THAT PROPOSER WITHDREW FROM SERVICES, THEN THE SECOND BEST -- NOT AMERITEX, BUT THE INCUMBENT WAS SELECTED TO STEP INTO THE PLACE OF THE PREVIOUS CONTRACT AWARDEE. SO IT HAS NOT HELD THE CONTRACT STEADILY FOR THAT LONG PERIOD OF TIME. AND THE CURRENT CONTRACT THAT -- THE UTILITY HAS EXPIRES MAY THE 2nd. SO IT IS VERY IMPORTANT THAT WE

BRING THIS ITEM FORWARD. WE ARE GLAD TO SPEAK TO AMERITEX ABOUT THE ISSUES AND THE PROCESS IF THERE ARE ANY QUESTIONS ABOUT THE PROCESS. BUT AS I SAID AT THE PREPROPOSAL CONFERENCE, AMERITEX 1R WAS PRESENT, THERE ARE DIFFERENT STAFF FROM DIFFERENT DEPARTMENTS PRESENT TO EXPLAIN THE PROCESS. ALL PROPOSER ARE GIVEN AN OPPORTUNITY TO ASK QUESTIONS AND WE TRY TO EXPLAIN THE PROCESS. BUT WE WILL BE GLAD TO MEET WITH MR. MARQUEE OR AMERITEX TO ANSWER ANY QUESTIONS.

THANK YOU, THE FLEE DAY PROTEST WINDOW AFTER THE LETTERS -- THREE DAY PROTEST WINDOW AFTER LETTERS GO OUT FROM STAFF IDENTIFYING THE RECOMMENDED AWARDING.

THREE BUSINESS DAYS.

THREE BUSINESS DAYS.

Mayor Wynn: SO THAT EXPIRED TUESDAY OR WEDNESDAY.

CORRECT.

Mayor Wynn: ALL RIGHT.

I'M SORRY, CALENDAR DAYS.

FIT GOES OUT ON A FRIDAY.

WE FAXED IT. WE WANT TO MAKE SURE THAT THEY HAVE SUFFICIENT NOTICE.

THANK YOU, MS. GRANGER. FURTHER COMMENTS, QUESTIONS?

I HAVE ONE OTHER COMMENT, SIR. IN THE ESTABLISHMENT OF GOALS, THERE WAS A REQUIREMENT IN THE SOLICITATION THAT THE FIRM EMPLOY AT LEAST 200 GUARDS PRIOR TO RESPONDING TO THE SOLICITATION. WHEN SMBR LOOKED AT THE CERTIFIED FIRMS, THEY IDENTIFIED ONLY TWO FIRMS IN THE SIGNIFICANT LOCAL BUSINESS PRESENT AREA THAT HIRED OR EMPLOYED THAT

MANY PEOPLE. SO THAT WAS ANOTHER REASON THAT NO GOALS WERE ESTABLISHED IS THEY DIDN'T HAVE ENOUGH AVAILABILITY TO ESTABLISH GOALS.

Mayor Wynn: THANK YOU, FURTHER COMMENTS, QUESTIONS?

Thomas: I WOULD LIKE THE OPPORTUNITY -- SIR, TO HEAR --

THAT'S A LOT OF STUFF. FIRST OF ALL THE NOTICE WAS FAXED ON A FRIDAY. IN REFERENCE TO THE THREE CALENDAR DAYS, I DON'T KNOW WHERE THAT'S SPELLED OUT, BUT I'M SURE IT IS BECAUSE THERE WAS NO MENTION OF PROTEST OTHER THAN GOING TO THE PURCHASING WEBSITE TO FIND OUT HOW TO PROTEST. SO LAST NIGHT AT 6:00 OR 7:00 OR WHATEVER TIME IT WAS, THAT'S HOW COME WE SENT IN OUR PROTEST. BUT I DON'T RECALL SEEING ANYTHING THERE ABOUT THREE CALENDAR DAYS. 200 PEOPLE? GIVE ME A BREAK! THAT'S A LOT OF PEOPLE. AND IS THAT 200 PEOPLE IN AUSTIN? BECAUSE IF YOU ARE TALKING ABOUT JUST GENERALLY 200 PEOPLE, WE HAVE OVER 200 PEOPLE. SPECIFIC EXPERIENCE IN ENERGY SECURITY? THAT FAVORS THE INCUMBENT, EXCUSE ME, THAT FAVORS THE INCUMBENT. NOW, IF THERE WAS A SMALL SET ASIDE OR INCLUSION OF A MINORITY FIRM, I HATE TO USE THAT WORD, BUT OF A SMALL BUSINESS FIRM, THEN THAT SMALL BUSINESS IS GOING TO CREATE, IS GOING TO GET SOME EXPERIENCE. AND THAT'S USUALLY HOW IT'S DONE. YOU GUYS HAVE FAILED. I MEAN, EXCUSE ME, WITH ALL DUE RESPECT, YOU ALL HAVE FAILED. 1996, WHEN U.S. SECURITY ASSOCIATES PICKED UP THIS CONTRACT, WAS IT U.S. SECURITY ASSOCIATE OR WAS IT ADVANCED SECURITY? BECAUSE IF YOU ARE GOING TO INCLUDE ADVANCED SECURITY, THAT WAS PURCHASED BY U.S. SECURITY ASSOCIATES, THEN THEY ARE GOING TO HAVE OVER 20 YEARS ON THIS CONTRACT. AND I DON'T CARE WHAT THE REASON IS, AS FAR AS, WELL THIS OTHER FIRM BACKED OUT. YOU KNOW, IF YOU -- IF YOU CAN FORMULATE AN R.F.P. TO ELIMINATE PEOPLE AND WHEN -- TO ELIMINATE PEOPLE, WHEN YOU USE WORDS SUCH AS ISO 9000 CERTIFIED, WE CAN'T DO THAT. THAT'S THOUSANDS OF DOLLARS TO GET ACCOMPLISHED. WHAT WE DID SAY WAS THAT WE WERE WILLING TO GO THROUGH THE PROCESS THAT WE WERE TO GO DO THAT. OKAY. I -- I DON'T HAVE -- NOW WE WERE

WORKING -- WE WERE WILLING TO DO THAT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: IN THIS CASE WE HAVE A PARTICULAR REQUEST FROM AUSTIN ENERGY IN THAT THE CURRENT CONTRACT EXPIRES MAY 2nd AND THEY OBVIOUSLY WANT TO HAVE A NEW CONTRACT IN PLACE IN ADVANCE OF THAT TO MAKE SURE THERE'S NO GAP OF TIMING OR SECURITY AND OTHER SERVICES.

AND I CAN ALSO POINT OUT THAT THE PROTEST PROCEDURES ARE SPELLED OUT IN OUR BID SPECIFICATIONS. SO THAT WAS SOMETHING THAT ALL PROPOSERS COULD READ WHEN THEY REVIEWED THE RFP. IT WASN'T SIMPLY ON OUR WEBSITE.

Mayor Wynn: FURTHER COMMENT, QUESTIONS, COUNCIL? COUNCILMEMBER THOMAS.

Thomas: WHERE I'M HAVING TROUBLE IS WHEN WE'RE DOING CONTRACTS LIKE THIS AND IT COMES UP TO US AND WE'RE PRESSURED TO MAKE A DECISION LIKE THIS. IS THERE ANY WAY WE CAN IMPROVE OUR PROCESS A LITTLE BIT AND SAY THAT WE CAN'T SIT ANOTHER WEEK OR POSTPONE IT BECAUSE THE DEADLINE, BECAUSE WE'RE PRESSURED. I THINK IT'S FAIRNESS TO ME, AND I UNDERSTAND WHAT THE PROCESS IS, BUT THIS HAS HAPPENED FOR THE FIVE YEARS THAT I'VE BEEN HERE SOMETIMES. WE'RE PRESSURED TO THE POINT THAT WE HAVE TO MAKE A DECISION ON THE CONTRACT AND THEY HAVE SOME THINGS THAT ARE NOT REALLY COMPLETELY CLEAR TO EITHER THE PROPOSER OR SOME OTHER PERSON. AND IT PUTS ME -- I'M SPEAKING FOR THIS COUNCILMEMBER. I HAVE A PROBLEM WITH THAT BECAUSE WHAT HAPPENS IS IT'S LIKE WE'RE PUSHING STUFF THROUGH. AND I KNOW YOU IN THE FIELD HAVE A LOT OF WORK TO DO, BUT I WOULD SUGGEST THAT WE DO A BETTER -- MAYBE A WEEK AHEAD.

TYPICALLY WE TRY TO BRING ALL OF THESE ITEMS THEN. I THINK THIS ONE WAS JUST PUSHING TOWARDS THE LIMITS OF THE TERM OF THE PREVIOUS CONTRACT. WE WERE VERY CLOSE. THAT'S WHAT HAPPENED IN THIS CASE.

Thomas: THANK YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I THINK MAYBE IF STAFF COULD SPEAK TO JUST THE ISSUE OF HAVING NO SUBCONTRACTING GOALS. I THINK THAT ISSUE COMES UP IN MANY DIFFERENT KINDS OF ACTIVITIES BECAUSE, AGAIN, THERE'S NO IDENTIFIED ROLE FOR SUBCONTRACTORS TO PLAY. SO MAYBE IF YOU CAN JUST EXPLAIN WHAT ACTIVITY ACTUALLY ARE WE SOLICITING THROUGH THIS PROPOSAL PROCESS AND WHY THERE ISN'T OPPORTUNITY FOR -- FOR A SMALL BUSINESS SUBCONTRACTING OPPORTUNITIES. BECAUSE AGAIN, WE SEE THESE FOR MANY DIFFERENT KINDS OF CONTRACTS AND TYPICALLY THERE IS JUST NO WORK TO BE SUBSUBCONTRACTED. SO I DON'T KNOW IF YOU COULD SPEAK TO THAT PARTICULAR ISSUE FOR THIS ITEM.

WELL, BASICALLY YOU'RE LOOKING AT THE NUMBER OF SCOPES OF WORK THAT CAN BE PERFORMED BY ANY GIVEN ENTITY ON A CONTRACT. AND THIS DOES NOT LEND ITSELF TO BE SEGMENTED. THAT IS THE ISSUE. YOU'RE BRINGING IN PEOPLE TO PROVIDE SECURITY, YOU'RE BRINGING IN A CERTAIN NUMBER OF PEOPLE. AT ANY GIVEN TIME WE'RE USING AT LEAST 100 SECURITY EMPLOYEES AT ONE TIME. SO THE PARAMETERS ARE SUCH THAT IT DOESN'T LEND ITSELF TO BE SEGMENTED. SO SOMETIMES WITH CONTRACTS THERE ARE A NUMBER OF SCOPES OF WORK IF YOU'RE DEALING WITH A BUILDING CONTRACT, FOR EXAMPLE, THERE ARE 10 TO 15 SCOPES OF WORK THAT YOU CAN SEGMENT. IN THIS THEY'RE NOT AVAILABLE. IT LENDS ITSELF TO ONE CONTRACT. AND WE TRIED TO MAKE SURE THAT WE CONTACTED ALL OF THE DIFFERENT FIRMS THAT WERE AVAILABLE TO PRODUCE THIS SIZE FORCE AND BE ABLE TO PROVIDE FOR THAT SCOPE OF WORK.

Alvarez: SO THEN ANY FIRM INTERESTED IN THIS TYPE OF WORK WITH THE CITY OR WITH THIS PARTICULAR DEPARTMENT THEN JUST HAS TO GO THROUGH THE -- COME IN AS A PRIME THEMSELVES AND THEN WE GO THROUGH THE PROCESS AND EVALUATE BASED ON THOSE PROPOSALS WITH EVERYONE OBVIOUSLY BEING EVALUATED

ON THE SAME CRITERIA.

CORRECT.

Alvarez: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS, COUNCIL?
THEN ITEM 13 WILL REMAIN ON THE CONSENT AGENDA.
AGAIN, WE HAVE A MOTION AND A SECOND TO APPROVE THE
CONSENT AGENDA AS READ. FURTHER COMMENTS?
HEARING NONE --

Thomas: STAFF IS GOING TO GET IT?

Mayor Wynn: YES. 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 ALL VERY MUCH. COUNCIL, I
SUSPECT WE HAVE TIME TO TAKE UP ITEM NUMBER 15,
WHICH IS OUR SOLE ITEM PULLED OFF THE CONSENT
AGENDA. ITEM 15 IS A FIVE-YEAR REVENUE AGREEMENT
WITH PEPSI BOTTLING COMPANY. IF WE COULD PERHAPS
HAVE A BRIEF STAFF PRESENTATION.

GOOD MORNING, MAYOR, MAYOR PRO TEM AND
COUNCILMEMBERS. MY NAME IS VICKY SCHUBERT, THE
DEPUTY CHIEF FINANCIAL OFFICER FOR THE CITY AND I'M
HERE TO PROVIDE A BRIEF -- SOME BACKGROUND ON THE
PROPOSED CONTRACT THAT WE HAVE BEFORE YOU. WHEN
THE ECONOMIC SLOPE IMPACTED THE CITY SEVERAL YEARS
AGO, WE LOOKED FOR WAYS TO INCREASE CITY FUNDING.
OTHER CITIES -- ONE OF THE INITIATIVES THE CITY HAS
UNDERTAKEN IS TO PURSUE A BEVERAGE VENDING PIP.
SUCH PARTNERSHIPS USUALLY INVOLVE AN UP FRONT
MARKETING PAYMENT, AND HIGHER THAN NORMAL
SPENDING OF COMMISSIONS ON VENDING SALES IN RETURN
FOR EXCLUSIVE VENDING RIGHTS AT CITY FACILITIES.
OTHER CITIES HAVE UNDERTAKEN SUCH INITIATIVES AND
HAVE SEEN SIGNIFICANT INCREASES IN THEIR REVENUES AS

A RESULT.

Goodman: MAYOR, COULD I INTERRUPT FOR A MINUTE?
THERE IS OBVIOUSLY A LOT OF DISCUSSION THAT'S GOING
TO HAVE TO GO ON WITH THE PREVIOUS ITEM, BUT COULD
WE MOVE IT OUT OF THE CHAMBERS?

Mayor Wynn: THANK YOU, MAYOR PRO TEM. IF Y'ALL COULD,
PLEASE TAKE YOUR DISCUSSIONS INTO THE FOYER. THANK
YOU.

OTHER BENEFITS OF THESE AGREEMENTS INCLUDE
INCREASED CONTROL OVER THE ASSOCIATED REVENUES,
BETTER ACCOUNTABILITY OVER SALES AND THE ABILITY TO
AUDIT THE CONTRACTS. AT THE TIME THE CITY MADE THE
DECISION TO PURSUE THIS SORT OF ARRANGEMENT, WE
ENTERED INTO A CONTRACT WITH A CONSULTANT THAT HAD
EXPERIENCE IN THIS AREA, THE PATHFINDER GROUP, TO
ASSIST US IN THE PROCESS. PATHFINDER HAS ASSISTED
OTHER CITIES SUCH AS SAN DIEGO AND DALLAS WITH
SIMILAR BEVERAGE VENDING AGREEMENTS. MR. HE HAD
AUGUSTINE AND FORMER MAYOR BRUCE TODD ARE HERE
WITH US TODAY REPRESENTING PATHFINDER. WE ALSO
ENLISTED THE HELP OF OUR PREVIOUS PURCHASING
OFFICER, SUE BRUBAKER, WHO WAS HERE WHEN THIS
PROCESS BEGAN. LAST YEAR WE ISSUED AN R.F.P.
SOLICITING THE BEVERAGE VENDING COMPANIES. THREE
RESPONDED, PEPSI, COKE AND AUSTIN VENDING SERVICES.
BECAUSE THIS PROPOSED CONTRACT WAS PART OF A
REVENUE INITIATIVE, ONE OF THE MOST HEAVILY WEIGHTED
FACTORS IN EVALUATING THE CONTRACT WAS THE
ESTIMATED VALUE OF THE ENTIRE CONTRACT. OTHER
FACTORS INCLUDED PROJECT CONCEPT, OPERATIONAL
PLANS, CONTRACT MANAGEMENT, EVIDENCE OF GOOD
ORGANIZATION AND MANAGEMENT PRACTICES. THE
EVALUATION TEAM MET WITH THE VENDORS TO DEVELOP
COMMON ASSUMPTIONS ABOUT THE NUMBER OF MACHINES
THAT THE CITY HAS AND SALES VOLUMES AND PRICING. THE
COMMISSIONS THAT WERE PROPOSED BY EACH OF THE
VENDORS WERE THEN APPLIED TO THE SUMS SO THAT WE
COULD GET AN APPLES TO APPLES COMPARISON BETWEEN
THE VENDORS. OVER THE PAST SEVERAL MONTHS THE
TEAM MET WITH THE VENDORS TO PROVIDE ADDITIONAL

INFORMATION TO THEM TO HELP THEM COME TO THEIR BEST AND FINAL OFFERS THAT WE HAVE BEFORE US TODAY. CURRENTLY IT'S ESTIMATED THAT VENDING MACHINES AT CITY LOCATIONS RAISE ABOUT 75 TO \$100,000 PER YEAR, AND MOST OF THOSE MACHINES PAY COMMISSIONS IN THE 10 TO 15 PERCENT RANGE. SOME MACHINES PAY NO COMMISSIONS AT ALL. GENERALLY THIS IS DONE IN RETURN FOR A LOWER PRICE. UNDER THE PROPOSED CONTRACT WITH PEPSI, THESE COMMISSIONS WOULD AVERAGE ABOUT 43% BECAUSE OF THE EXCLUSIVE NATURE OF THE CONTRACT. IN ADDITION, THE CITY WOULD RECEIVE AN ANNUAL UP FRONT AMOUNT OF \$50,000 IN THE FIRST YEAR, WHICH WOULD ESCALATE SLIGHTLY IN THE NEXT FOUR YEARS. WE WOULD ALSO RECEIVE SOME FREE PRODUCTS AND TWO 1,000-DOLLAR SCHOLARSHIPS THAT WE COULD USE EVERY YEAR. THE TOTAL ESTIMATED VALUE OF THE PROPOSED CONTRACT IS \$3.37 MILLION OVER THE FIVE YEARS. AND ABOUT 550,000 IS ASSUMED IN THE FIRST YEAR. THE MAJORITY OF THE INCREASE OVER OUR CURRENT VENDING SALE REVENUES IS DUE TO THE CHANGE IN COMMISSIONS AND THE UP FRONT PAYMENT, AND ALSO TO THE IMPROVED CONTROLS WE BELIEVE WE'LL HAVE FROM HAVING A SINGLE VENDOR. HOWEVER, WE DID ASSUME SOME ADDITIONAL MACHINES AND INCREASED VOLUME DUE TO MORE STRATEGIC PLACEMENT OF THOSE MACHINES SO THAT MAYBE THE PUBLIC COULD SEE THEM MORE THAN THEY DO RIGHT NOW. COUNCIL HAS HAD SEVERAL DIFFERENT QUESTIONS ABOUT THE CONTRACT AND I WANTED TO TRY TO ADDRESS THOSE REAL QUICKLY. FIRST, HOW WILL THE MONEY BE USED? THE MONEY THAT THE CITY RECEIVES FROM THIS CONTRACT WILL BE USED FOR CITY-WIDE EMPLOYEE REWARD AND RECOGNITION PROGRAMS. THERE WILL BE SEVERAL MINOR EXCEPTIONS TO THAT. THE FIRST AND MAJOR ONE WOULD BE AT PARK RECREATION CENTERS. CURRENTLY THE ADVISORY BOARDS AT THOSE CENTERS ARE ABLE TO TAKE VENDING COMMISSION RECEIPTS AND ALLOCATE THOSE FOR PROGRAMS OR SUPPLIES AT THE CENTERS. AND WE WOULD PROPOSE THAT THEY BE HELD HARMLESS IN THIS PROPOSITION SO THAT THEY'RE CURRENTLY GETTING 20% OF COMMISSIONS, THEY WOULD CONTINUE TO GET 20% OF COMMISSIONS AND BE ABLE TO USE THOSE AT THEIR CENTERS. THERE ARE ONE

OR TWO OTHER MINOR EXCEPTIONS LIKE OUR FEE TECH FACILITY, WHICH HAS OTHER GOVERNMENTAL ENTITIES PARTICIPATING AND HAS SOME AGREEMENTS ABOUT HOW THOSE FUNDS WOULD SPECIFICALLY BE USED. SO THE MONEY IS NOT GOING TO BE USED TO FUND O AND M COSTS, IT'S GOING TO BE USED FOR OUR EMPLOYEES AND OUR RECREATION CENTERS: AVAILABILITY OF HEALTHY CHOICES IS ALWAYS AN ISSUE NO MATTER WHO THE VENDOR IS. UNDER THE PROPOSED CONTRACT, PEPSI WOULD PROVIDE A RANGE OF BEVERAGES, OF COURSE INCLUDING THEIR STANDARD PEPSI AND MOUNTAIN DEW PRODUCTS,, BUT THELTD ALSO OFFER WATER, T.E.A., JUICE DRINKS, GARRETT AID, STARBUCKS ICED COFFEE DRINKS. PRICE CONTROLS AND INCREASES IS ANOTHER ISSUE. CURRENTLY MOST OF THE 20-OUNCE BEVERAGES SOLD AT CITY LOCATIONS COST ONE DOLLAR. THIS CONTRACT WOULD PRESET PRICE AT ONE DOLLAR FOR TWO YEARS. AFTER THAT IT WOULD RISE TO A LEVEL OF ABOUT 1.25, WHICH IS CONSISTENT WITH MOST CONVENIENCE STORES AND WHAT THEY'RE CHARGING AT U.T. RIGHT NOW UNDER THEIR EXISTING CONTRACT. 12-OUNCE BEVERAGES ARE CURRENTLY SOLD FOR BETWEEN 50 AND 70 CENTS. THOSE WOULD INCREASE TO 75 CENTS, WHICH IS CURRENTLY THE MARKET RATE. THERE WAS A QUESTION ABOUT INABILITY TO PERFORM UNDER THE CONTRACT. AS WITH MOST CITY CONTRACTS, THERE WILL BE A CLAUSE THAT IF THE VENDOR IS NOT ABLE TO PROVIDE THE MCHSES THEY NEED OR TO STOCK THE MACHINES ON A TIMELY BASIS OR ADEQUATELY THAT THEY CAN PROVIDE THEM NOTICE AND A CURE PERIOD AND IF THEY DON'T CURE THE PROBLEM WE CAN TERMINATE THE AGREEMENT. THERE IS ALSO A QUESTION ABOUT CHOICE. AND THIS IS A DIFFICULT ONE TO TALK ABOUT AND A DIFFICULT ONE TO ADDRESS. BECAUSE THERE'S A CONFLICT BETWEEN MAXIMIZATION OF REVENUES AND CHOICE. AND IN THIS CASE THE RECOMMENDATION WAS LOOKING AT MAXIMIZATION OF REVENUE, WHICH MEANS LIMITING CHOICE. EMPLOYEES COULD STILL BRING THEIR OWN BEVERAGES IF THEY DO NOT LIKE THE CHOICE, WHICH MANY EMPLOYEES CURRENTLY DO ANYWAYS EITHER BECAUSE THEY DON'T LIKE THE CHOICES AVAILABLE OR BECAUSE THEY BRING THEIR OWN BEVERAGE AND IT MORE ECONOMICAL. AND CURRENTLY WE HAVE SOME LOCATIONS

THAT DON'T HAVE CHOICES. IT'S INCONSISTENT FROM LOCATION TO LOCATION. AND THE FINAL ISSUE THAT I AM AWARE OF IS A DISPUTE BETWEEN PEPSI AND THE TEAMSTER'S UNION. PEPSI RESPONDED TO THAT IN WRITING EVERYDAY AND WE GOT YOU A COPY OF THEIR RESPONSE. WE DO HAVE A GENTLEMAN FROM PEPSI, MR. JIM HEAD, WHO COULD ALSO ANSWER QUESTIONS ABOUT THAT ISSUE IF YOU HAVE MORE QUESTIONS. AND WITH THAT I WILL CONCLUDE MY COMMENTS. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS, COUNCIL? WE HAVE A COUPLE OF CITIZENS WHO HAVE SIGNED UP IN ADDITION. IF I CAN FIND MY DOCUMENT HERE. THE FIRST SPEAKER IS MR. PAT JOHNSON. I'M NOT SURE IF MR. JOHNSON STAYED WITH US OR NOT. PAT JOHNSON SIGNED UP WISHING TO SPEAK, NEUTRAL. LEWIS MALFERO? WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD MORNING. I'M THE PRESIDENT OF THE AUSTIN CENTRAL LABOR COUNCIL. WE'RE THE UMBRELLA ORGANIZATION THAT REPRESENTS ORGANIZED LABOR HERE IN AUSTIN, INCLUDING YOUR FIREFIGHTERS AND CITY WORKERS THROUGH ASME. I'M HERE TODAY TO ASK YOU TO POSTPONE THIS ITEM, THIS CONTRACT WITH PEPSI, FOR A MINIMUM OF SIX WEEKS. AND I'D JUST LIKE TO GIVE YOU A SHORT SYNOPSIS OF THE EVENTS FROM OUR PERSPECTIVE THAT HAVE BEEN HAPPENING WITH PEPSI. THE DRIVERS AT PEPSI VOTED TO FORM A UNION OUT THERE IN NOVEMBER OF 2002. AND PEPSI HAS BEEN DEALING WITH THEM IN BAD FAITH. I'M GOING TO SHARE WITH YOU TODAY SEVEN COMPLAINTS THAT HAVE BEEN MADE TO THE NATIONAL LABOR RELATIONS BOARD REGARDING UNFAIR LABOR PRACTICES, COMPLAINTS THAT RESULTED IN PEPSI HAVING TO POST NOTICES IN ITS WORKPLACE ASSURING WORKERS THAT IT WOULD NOT COERCE WORKERS, THAT IT WOULD NOT DENY PROMOTIONS FOR UNION ACTIVITY, THAT IT WOULD NOT DENY WAGES TO WORKERS FOR JOINING A UNION, THAT IT WOULD NOT CHANGE WORKING CONDITIONS WITHOUT CONSULTING WITH THE WORKERS FIRST. THAT IT WOULD NOT DISCRIMINATE AGAINST WORKERS FOR UNION ACTIVITIES AND THAT IT WOULD NOT ENGAGE IN DILATORY PRACTICES, WHICH IT HAS BEEN DOING FOR THE LAST TWO YEARS, WHICH IS WHY THEY'VE BEEN UNABLE TO REACH AN

AGREEMENT WITH THEIR WORKERS. PEPSI HAS PULLED ITS LABOR RELATIONS VICE-PRESIDENT OUT OF THE TALKS FOR THE LAST YEAR. THIS IS THE PERSON THAT WOULD BE NEEDED TO SEAL THE DEAL WITH THE WORKERS. PEPSI HAS COLLECTIVELY BARGAINED AGREEMENTS WITH WORKERS ACROSS THE COUNTRY, INCLUDING IN CALIFORNIA AND ARKANSAS AND IN ALABAMA. AND THE WORKERS HERE HAVE ASKED PEPSI FOR A SIMILAR CONTRACT WITH SIMILAR CONDITIONS. AUSTIN IS THE ONLY PEPSI DISTRIBUTION PLANT RIGHT NOW IN TEXAS THAT HAS UNION REPRESENTATION, AND PEPSI HAS MADE IT CLEAR THAT THEY DO NOT WANT TO REACH A BARGAINING AGREEMENT WITH THE WORKERS HERE. RECENTLY PEPSI CIRCULATED A LETTER TO WORKERS IN ANOTHER CITY WHERE WORKERS ARE DECIDING ON WHETHER OR NOT TO VOTE FOR UNION REPRESENTATION, SPECIFICALLY CITING AUSTIN AND THE FAILURE OF THE COMPANY AND THE UNION TO REACH AN AGREEMENT OVER TWO YEARS AS A GOOD REASON WHY WORKERS SHOULDN'T DECIDE TO JOIN THE UNION. I'M GOING TO SHARE THAT LETTER WITH YOU AS WELL AS A LETTER FROM THE RELIGION AND LABOR NETWORK, WHICH IS A GROUP HERE IN AUSTIN OF FAITH LEADERS WHO HAVE MET WITH THE PEPSI WORKERS, HAVE TRIED TO MEET ONCE WITH THE MANAGEMENT AT PEPSI, AND ARE DISCOURAGED AT THE WAY THESE WORKERS ARE BEING TREATED. HERE'S OUR CONCERN: WE'RE NOT HERE TO WORRY ABOUT WHETHER THE PEOPLE CAN BUY COKE OR PEPSI AND WE'RE NOT ASKING YOU TO SPIKE THE DEAL. WHAT WE ARE CONCERNED ABOUT IS THIS: WE DON'T WANT OUR TAX DOLLARS BEING OFFERED TO A COMPANY IN AN EXCLUSIVE ARRANGEMENT, A COMPANY WHO IS DEALING IN BAD FAITH WITH AUSTIN WORKERS AND WITH AUSTIN CITIZENS. WE'RE ASKING YOU TO POSTPONE THIS ACTION TO ALLOW THE WORKERS AND THIS COMPANY TIME AT THE TABLE TO REACH A MUTUAL AGREEMENT. WE WANT YOU TO SEND A MESSAGE, AND THIS CITY COUNCIL SPENDS A LOT OF TIME TALKING TO CORPORATE LEADERS ABOUT THE KIND OF CITY WE WANT TO HAVE. SEND A MESSAGE THAT THIS CITY RESPECTS ITS CITIZENS, EXPECTS ITS COMPANIES TO RESPECT THE LAW, AND TO DEAL IN GOOD FAITH. AND I'M HAPPY TO ANSWER QUESTIONS. AND AS I MENTIONED, I WILL LEAVE THE NATIONAL LABOR RELATION BOARD NOTICES

FOR YOU. THE LETTER FROM THE RELIGION AND LABOR NETWORK AS WELL AS PEPSI'S LETTER BRAGGING ABOUT THE FACT THAT IT HAS FAILED TO REACH AN AGREEMENT HERE IN AUSTIN.

Mayor Wynn: THANK YOU. QUESTIONS FOR MR. MALFERO? MAYOR PRO TEM.

Goodman: SO WHAT'S MAGICAL ABOUT SIX WEEKS?

NO, THERE'S NOTHING MAGICAL ABOUT SIX WEEKS. IT'S YOUR FEELING THAT IN THAT AMOUNT OF TIME -- IT ALLOWS ENOUGH TIME THAT WE THINK WE CAN MAKE SOME FORWARD MOTION BETWEEN THE WORKERS AND THE COMPANY. IT MAY BE THAT IN SIX WEEKS WE'RE COMING BACK TO YOU SAYING WE NEED A LITTLE BIT MORE TIME. WE DO NOT WANT TO ASK THE CITY COUNCIL NOT TO ENTER INTO AN AGREEMENT WITH PEPSI. THAT'S NOT OUR INTENTION HERE, WE SIMPLY WANT SOME TIME.

Mayor Wynn: THANK YOU, SIR.

THANK YOU.

Mayor Wynn: I BELIEVE MS. SCHUBERT DID NOTE THAT THERE'S SOMEBODY FROM PEPSI HERE WHO IS AT LEAST PREPARED TO TALK ABOUT THE LABOR ISSUE AND MIGHT BE AVAILABLE FOR FURTHER QUESTIONS.

THEY CAN ADDRESS ANY NUMBER OF ISSUES.

Mayor Wynn: WELCOME, SIR. PLEASE STATE YOUR NAME FOR THE RECORD.

HI, JIM HEAD. I'M THE SAYS MANAGER HERE IN AUSTIN. AND I HAVE BEEN IN THE AUSTIN AREA FOR THE LAST TWO YEARS. WE DEFINITELY LOOK FORWARD TO AN OPPORTUNITY TO WORKING WITH YOU. THIS BID WILL INCREASE OUR REVENUE, IT WILL INCREASE OUR JOBS, IT WILL INCREASE OUR COMMISSIONS TO OUR EMPLOYEES. I CAN TELL YOU MY 180 EMPLOYEES ARE VERY EXCITED ABOUT TODAY, EXCITED ABOUT THE OPPORTUNITY TO INCREASE THEIR REVENUE AND THEIR JOB SECURITY. I'M NOT SURE THIS IS THE FORUM

TO DEBATE WHAT THE LAST GENTLEMAN CAME UP AND TOLD YOU. I WILL SAY THAT IN THE LAST YEAR, YEAR AND A HALF, MY REPRESENTED EMPLOYEES, WHICH IS ABOUT 70 EMPLOYEES, HAVE TURNED IN A DECERTIFICATION NOTICE THAT WAS BLOCKED BY THE LABOR BOARD. I THINK IT MY TOWN MEETINGS AND IN MY EXPERIENCE, I'VE GOT VERY HAPPY EMPLOYEES THAT ARE WELL PAID, THAT THINGS ARE A LOT DIFFERENT THAN THEY ARE IN AUSTIN THAN THEY WERE IN 2002. AND I WAS BROUGHT IN AFTER THE VOTE AND HAVE DONE A SATISFACTORY JOB TO MY EMPLOYEES. WE LAST YEAR WERE PROBABLY THE TOP FIVE LOCATIONS IN THE UNITED STATES AS FAR AS PEPSI LOCATIONS. AND YEAR TO DATE, I AM CURRENTLY NUMBER FIVE OUT OF 10 STATES. AND YOU DON'T GET THAT KIND OF SUCCESS AND MOMENTUM FROM HAVING 180 DISGRUNTLED EMPLOYEES. SO ANY ISSUES THAT YOU HAVE -- QUESTIONS THAT YOU HAVE. I KNOW YOU HAVE THE LETTER IN FRONT OF YOU, BUT I'M WILLING TO ANSWER ANYTHING THAT YOU HAVE OUTSTANDING.

Mayor Wynn: THANK YOU. QUESTIONS? MAYOR PRO TEM.

Goodman: SINCE WE DON'T HAVE ANY OF THE DETAILS, I'D LIKE TO KNOW IF WE COULD GET THOSE. BECAUSE TYPICALLY WE DO FIND OUT FROM THE FOLKS WE CONTRACT WITH WHETHER THEIR EMPLOYEES HAVE BENEFITS AND SO ON, WHICH ENHANCES THE CITY'S ABILITY TO GIVE SERVICES TO OTHERS. THOSE WHO CAN'T AFFORD IT ARE SERVED BY THE -- BY THE HEALTH DISTRICT, BUT IN OTHER WAYS AS WELL, WE PROVIDE. SO IT'S IN OUR BEST INTEREST THAT THE CITY EMPLOYEES OF ALL STRIPES AND SHAPES ARE PAID AS WELL AS POSSIBLE AND HAVE THE BENEFITS AND THE RESPECT THAT WORKERS EARN.

RIGHT. IN THE LAST TWO YEARS, AS YOU CAN SEE, WE DID IN 2004 GIVE THEM PAY RAISE AND RETRO THE BACK PAY BACK TO FEBRUARY. AND THIS YEAR THEY RECEIVED ANOTHER RAISE IN FEBRUARY. ALL MY FULL-TIME EMPLOYEES HAVE FULL HEALTH BENEFITS. WE HAVE ONE OF THE BEST BENEFITS PACKAGES IN THE INDUSTRY. I'D PUT IT UP AGAINST ANY COMPANY OUT THERE. WE HAVE A MATCHING 401K, AND AS THE SHEET SAYS, I AM -- I PAY ABOVE MARKET AVERAGE WHERE MY EMPLOYEES RIGHT NOW AVERAGE

ABOUT \$42,000 IN THE AUSTIN AREA.

WELL, WHAT IS THE DISPUTE THEN?

WHAT HAS THE UNION DISPUTED?

Goodman: WHAT ARE THE ISSUES OR ISSUES THAT ARE UNRESOLVED?

I WOULD SAY THERE'S PROBABLY THREE, ONE BEING THE RIGHT TO MOVE WORK. IF WE OPENED UP A DIFFERENT SATELLITE LOCATION, WHICH WE CURRENTLY HAVE SEVERAL SATELLITE LOCATIONS THAT WE ARE IN THE PROCESS, THAT IS BEING DISPUTED. ALSO IN THE CONTRACTS BEING DISPUTED, HOW MANY PART-TIME EMPLOYEES I CAN HAVE. BUT PEPSI'S INTENTION IN THAT WHOLE NEGOTIATION IS TO RESOLVE THIS. I DO NOT LIKE, NOR DOES PEPSI LIKE, HAVING THIS GO ON FOR 22 MONTHS, SINCE I'VE BEEN HERE. AND WE JUST FEEL ADAMANT ABOUT THREE OR FOUR ISSUES, AND THEY FEEL ADAMANT ABOUT THREE OR FOUR ISSUES. AND WE'RE LOOKING FORWARD TO GETTING INTO THE ECONOMIC DISCUSSIONS OF OUR CONTRACT VERY SOON. WE DO HAVE A MEDIATOR THAT IS WORKING WITH US RIGHT NOW. BUT THE DISPUTE ISSUES ARE LABOR RELATED ISSUES AND THERE WE'RE DOWN TO ABOUT PROBABLY BETWEEN THREE TO FIVE MAJOR ISSUES THAT NEITHER ONE OF US HAVE GIVEN IN ON YET. BUT IT'S A TWO-SIDE STREET. SOME OF THE UNFAIR WORK PRACTICES THAT HE WAS TALKING ABOUT, I DOUBLED THEIR SAFETY BONUSES, BUT I DIDN'T TALK TO THE UNION ABOUT IT. SO I CAN PROVIDE YOU MORE DETAILS, I JUST DON'T THINK -- I THINK IF THEY'RE ACTUALLY REPRESENTING MY EMPLOYEES, THEY WOULD WANT ME TO HAVE THIS CONTRACT. THEY WOULD WANT MY EMPLOYEES TO HAVE MORE COMMISSIONS, THEY WOULD WANT ME TO HAVE MORE MOMENTUM; THEREFORE, HELPING OUT THE PEOPLE THAT THEY ALLEGEDLY REPRESENT.

Goodman: I DON'T THINK YOU CAN CHARACTERIZE IT QUITE SO BLACK BLACK AND WHITE AS YOU JUST DID.

I'M NOT SURE HE COULD EITHER WHEN HE DID.

Goodman: WELL, I WASN'T TALKING TO HIM.

OKAY. WELL TAKEN.

Goodman: BUT IF OTHER COUNCILMEMBERS HAVE QUESTIONS OR DON'T, I'D LIKE TO ASK MR. MALFERO A QUESTION LATER.

Mayor Wynn: ADDITIONAL QUESTIONS FOR MR. HEAD? THANK YOU, SIR. THERE MAY BE SOME ADDITIONAL QUESTIONS LATER ABOUT THE PROPOSAL. MR. MALFERO? WELCOME BACK. MAYOR PRO TEM.

Goodman: THANKS. YOU SAID YOU HAD A LETTER OR DOCUMENTATION. WHAT ARE THE ISSUES? I'M REALLY UNCLEAR ON WHAT ISSUES HAVE TAKEN TWO YEARS TO COME TO GRIPS WITH OR WHAT WAS THE CHRONOLOGICAL ORDER? WHAT KIND OF EMPLOYER --

MAYOR PRO TEM, THE DOCUMENTS THAT I'VE PROVIDED YOU ARE COMPLAINTS THAT THE NATIONAL LABOR RELATIONS BOARD RECEIVED. THE WAY THAT THE NLRB WORKS IS THAT EITHER SIDE IN A COLLECTIVE BARGAINING SITUATION IS TO IF EITHER SIDE IS VIOLATING THE LAW CAN GO TO THE NLRB MUCH LIKE YOU GO TO THE DISTRICT ATTORNEY. AND JUST LIKE THE DISTRICT ATTORNEY I AM PANELS A GRAND JURY TO SEE IF THERE'S A CAUSE TO INDICT, SO DOES THE NLRB. THE COMPLAINTS, SEVEN OF THEM FROM THE UNION, MADE THEM THAT FAR. THE LABOR DEPARTMENT DETERMINED THERE WAS GOOD CAUSE TO PROCEED WITH A HEARING. ONE OF THOSE COMPLAINTS, BY THE WAY, WAS FAILURE TO PAY A RAISE FOR ALMOST TWO YEARS. AND THE GENTLEMAN REFERENCED A BACK PAYING OF WAGES, AND THAT DID INDEED OCCUR AFTER THE LABOR DEPARTMENT TOLD THE COMPANY THEY WERE ACTING IN GOOD FAITH BY WITHHOLDING RAISES AND ORDERED THEM TO PAY THOSE RAISES. THIS IS WHAT THE COMPANY'S BEEN TELLING ITS WORKERS, YOU'RE NOT GOING TO GET ANYTHING OUT OF US, INCLUDING THE RAISES WE'RE GIVING GUYS IN OTHER CITIES, IF YOU HAVE A UNION. AND THAT'S COERCE SIEVE AND IT'S ILLEGAL. AND THE LABOR DEPARTMENT HAS TOLD THEM THAT. THE OTHER DOCUMENT I SHARED WITH YOU IS A LETTER THAT PEPSI IS

CIRCULATING AND I BELIEVE IT'S IN A CITY IN CALIFORNIA TO ITS WORKERS WHERE IT ACTUALLY TOLD THE WORKERS, DO YOU KNOW WHAT, THOSE GUYS IN AUSTIN, THEY VOTED FOR A UNION AND IT'S BEEN ALMOST TWO YEARS AND THE UNION HASN'T BEEN ABLE TO GET THEM ANYTHING. NOW, THAT BELIES TO ME AN ATTITUDE ON THE PART OF PEPSI NOT OF WANTING TO REACH AN AGREEMENT, BUT WANTING TO USE THE FACT THAT THEY CAN PUSH THE WOSHERS -- AND YOU HEARD HIM MENTION A DECERTIFICATION ELECTION. THE COMPANY HAS CLEARLY BEEN TRYING TO STALL UNTIL IT CAN ASK THE WORKERS TO VOTE AGAINST HAVING A UNION. AND THEY'VE ALREADY TRIED THAT ONCE AND THE LABOR BOARD HAS SAID NO, YOU CAN'T DO THAT. YOU HAVEN'T BARGAINED IN GOOD FAITH. GOOD BACK TO THE TABLE. SO THE CHARACTERIZATION THAT THE COMPANY REALLY WANTS TO HAVE AN AGREEMENT HERE HAS NOT BEEN MATCHED BY ITS BEHAVIOR. AND THIS ISN'T JUST THE OPINION OF THE LABOR REPRESENTATIVES AND THE WORKERS, IT IS THE FINDINGS OF THE NATIONAL LABOR RELATIONS BOARD. THOSE ARE THE CONCERNS THAT ARE SPELLED OUT FOR YOU THERE IN GREATER DETAIL, THE DOCUMENTATION THAT I'VE LEFT WITH YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: FIRST, WHERE DO WE HAVE THE DOCUMENTATION?

I'M SORRY. I LEFT IT WITH YOUR CLERK.

McCracken: I JUST WANTED TO CLARIFY. IS THIS THE SAME PEPSI BOTTLER THAT WE'RE CONTEMPLATING HAVING A CONTRACT WITH?

YES, WITH THE PEPSI BOTTLING COMPANY HERE IN AUSTIN. YEAH, THE UNIT THAT'S BEING REPRESENTED IS COMPRISED OF JUST THE WORKERS THAT WORK OUT OF THE AUSTIN BOTTLING FACILITY. AND THEY'VE BEEN RECOGNIZED AS A AN INDEPENDENT BARGAINING UNIT. THE NLRB RECOGNIZES SEPARATE PEPSI DISTRIBUTION CENTERS AS SEPARATE BARGAINING UNITS AND SO THERE ARE MANY, MANY PLACES AROUND THE COUNTRY WHERE PEPSI WORKERS DO INDEED HAVE COLLECTIVELY BARGAINED A CONTRACT AND AUSTIN

IS A PLACE WHERE THE VOTERS HAVE VOTE -- WHERE THE WORKERS HAVE VOTED TO DO THE SAME THING.

McCracken: I THINK IT'S IMPORTANT -- THAT IS AN IMPORTANT CLARIFICATION. THIS IS NOT A NATIONAL LABOR ISSUE, IT'S A LABOR ISSUE INVOLVING THE BOTTLER WITH WHOM WE ARE CONTEMPLATING DOING THE CONTRACT SPECIFICALLY HERE IN AUSTIN.

THAT IS ABSOLUTELY CORRECT.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? THANK YOU, MR. MALFERO. COUNCIL, PERHAPS WHILE YOU ALL LOOK AT THAT INFORMATION, I ACTUALLY HAVE A COUPLE OF QUESTIONS RELATED TO JUST THE STRUCTURE OF THE BUSINESS PROPOSAL ITSELF. MS. SCHUBERT, IS IT -- IS THE MATH AS SIMPLE AS THE PEPSI BOTTLING GROUP HAVE OFFERED, FOR LACK OF A BETTER TERM, A HIGHER COMMISSION TO THE CITY THAN DID THE MAJOR COMPETITOR, THAT BEING THE COKE/DR. PEPPER COMBINATION. SO JUST BASED ON THAT AND MAKING SOME ASSUMPTION AS TO HOW MANY SOFT DRINKS WILL BE PURCHASED BY OUR EMPLOYEES AND VISITORS OVER A PERIOD OF YEARS, THEN THE MATH WORKS -- THE MATH IS MUCH BETTER -- THE REVENUE FROM THE PEPSI CONTRACT IS MUCH BETTER THAN THE PROPOSED OTHER CONTRACT. BUT DID WE TAKE INTO ACCOUNT -- MY UNDERSTANDING IS THAT THE COKE/DR. PEPPER COMBINATION, IF YOU WILL, HAS A SUBSTANTIALLY HIGHER MARKET SHARE IN THE AUSTIN AREA THAN DOES PEPSI. AND I DON'T MAKE ANY VALUE JUDGMENTS ON THAT AT ALL, BUT I'M TOLD THAT THAT'S THE CASE. PERHAPS AS MUCH AS THREE TO FOUR TO ONE AS A COMBINATION. DID YOU ALL MAKE A CONSIDERATION OF IF THAT'S THE CASE, IF IN SOME FORM OR FASHION IN THE AUSTIN AREA FOR WHATEVER REASON CONSUMERS TEND TO BUY A LOT MORE COKE AND DR. PEPPERS THAN THEY DO PEPSI, CAN WE MAKE THE ASSUMPTION THAT THERE WOULD BE MORE COKE/DR. PEPPER SOFT DRINKS PURCHASED IN CITY FACILITIES THAN PEPSI. NOW, IF THAT'S THE CASE, WAS THERE A LEVELING OUT, IF YOU WILL, OF THE POTENTIAL REVENUE BASED ON PERHAPS MORE SOFT DRINKS BEING PURCHASED THAN

WITH THE OTHER CONTRACT?

MAYOR, WE DID NOT MAKE ANY ASSUMPTIONS ABOUT RELATIVE SALES MOVING UP OR DOWN DEPENDING UPON WHICH VENDOR WAS SELECTED. I CERTAINLY UNDERSTAND THE THOUGHT PROCESS YOU'RE USING. I THINK THAT WOULD BE VERY DIFFICULT TO QUANTIFY. IN ADDITION, OUR CONSULTANTS HAVE TOLD US THAT IN SOME OF THE OTHER CITIES WHERE THIS HAS OCCURRED, TYPICALLY WHAT THEY HAVE SEEN IS THE FIRST FEW MONTHS OF THE CONTRACT OR MAYBE THE FIRST HALF YEAR THEY'LL SEE A DIP, BUT THEN THEY'LL SEE IT COME BACK UP AND LEVEL OUT. THAT HAS JUST BEEN THEIR EXPERIENCE IN OTHER CITIES. I COULDN'T GUARANTEE THAT THAT WOULD BE THE CASE HERE. AND IN FACT, THERE COULD BE A FACTOR ASSOCIATED WITH LOWER BEVERAGE VENDING IF PEOPLE JUST DIDN'T WANT TO BUY THE PEPSI PRODUCTS.

Mayor Wynn: AND BY CHANCE, DO WE KNOW -- I'VE HEARD SOME SUGGESTIONS. DO WE KNOW TECHNICALLY WHAT THE MARKET SHARE BETWEEN THE TWO MIGHT BE IN THE AREA? DID SOMEBODY EVEN TRACK THAT?

I DO NOT KNOW.

GOOD MORNING, MAYOR, MEMBERS OF THE CITY COUNCIL. MY NAME IS DONNIE McDANIEL, I'M THE SALES MANAGER FOR THE PEPSI BOTTLING GROUP HERE IN AUSTIN AND SOUTH TEXAS. THE STATISTICS YOU WERE TALKING ABOUT REFERRING TO REGARDING COKE, DR. PEPPER, PEPSI COLA, A VERY SPECIFIC BRAND. AND WE DO RECOGNIZE THAT THOSE TWO PRODUCTS HAVE STRONG MARKET SHARE AS WELL AS PEPSI COLA PRODUCTS. BUT WHAT'S UNIQUE ABOUT OUR PROPOSAL VERSUS OUR COMPETITOR'S, AND MAYOR WE KNOW YOU REALLY PUSHED THE AUSTIN IN MOTION INITIATIVE AND THAT'S REALLY TARGETED AROUND A HEALTHIER LIFE-STYLE. OUR PORTFOLIO IS REALLY UNIQUELY QUALIFIED --

Mayor Wynn: SIR, I ASKED WHAT IS THE MARKET SHARE OF PEPSI IN AUSTIN TODAY. IF YOU'RE NOT GOING TO ANSWER THAT QUESTION, SIT DOWN! THIS IS NOT A CHANCE FOR YOU TO COME LOBBY THIS COUNCIL. I ASKED OUR STAFF -- I'M

TOLD THAT COKE, DR. PEPPER HAS A 79% MARKET SHARE IN THE CITY OF AUSTIN AND PEPSI HAS A 21% MARKET SHARE. THAT WAS MY QUESTION. THANK YOU.

GOOD MORNING, MAYOR.

Mayor Wynn: AND OUR CITIZENS DON'T GET FIT BY DRINKING A LOT OF DR. PEPPERS, COKES OR PEPSIS.

GOOD MORNING, MAYOR, MAYOR PRO TEM, CITY COUNCIL. MY NAME IS ED AUGUSTINE, I'M WITH THE PATHFINDER GROUP THAT WORKED WITH YOUR STAFF TO BRING THIS CONTRACT TO YOU. YOU ARE CORRECT IN TERMS OF COKE AND DR. PEPPER HAVING A HIGHER MARKET SHARE THAN PEPSI, DEPENDING UPON THE STATISTICS THAT YOU READ, IT COULD BE AS MUCH AS TWO TO THREE TIMES AS MUCH. TO LET YOU KNOW, THOUGH, WHERE THAT STATISTICS COME FROM, THOSE STATISTICS ARE GATHERED FROM CONVENIENCE STORES AND FROM SUPERMARKETS WHERE THE CUSTOMER COMES IN AND THERE'S A HUGE CHOICE OF ALL KINDS OF PRODUCTS. AND SO THAT'S WHERE THOSE STATISTICS ARE DERIVED FROM. IN THE PARTICULAR SITUATION WITH THE CITY OF AUSTIN AND WITH OTHER CITIES, WE'RE TALKING ABOUT A CAPTIVE AUDIENCE. A SITUATION WHERE TWO MARKETS ARE SERVED, CITY EMPLOYEES AND THE PUBLIC. THE PUBLIC WHO VISITS CITY BUILDINGS WHERE THERE IS ACCESS TO VENDING MACHINES AND THE PUBLIC THAT GOES TO RECREATION CENTERS AND THE CITY EMPLOYEES THAT ARE HERE MOST OF THE TIME. IN SITUATIONS IN WHICH THEY'RE A CAPTIVE AUDIENCE, GENERALLY SPEAKING, THE MARKET SHARE INFORMATION KIND OF GOES OUT THE WINDOW BECAUSE IF YOU'RE COMING TO A RECREATION CENTER OR YOU'VE JUST FINISHED PLAYING A SOFTBALL GAME OR YOU'RE TIRED AND YOU'RE THIRSTY, YOU'RE GOING TO GO TO THE MACHINE AND YOU'RE GOING TO BUY ONE OF THE PRODUCT SELECTIONS THAT'S THERE. YOU'RE NOT GOING TO GO DOWN -- GET IN YOUR CAR AND GO DOWN TO THE CONVENIENCE STORE OR TO THE SUPERMARKET. SO WHAT THE EXPERIENCE HAS BEEN WITH OTHER CITIES IS THAT GENERALLY THE SAME AMOUNT OF PRODUCT IS PURCHASED, ALTHOUGH IT MIGHT BE A DIFFERENT PRODUCT. FOR EXAMPLE, FOR SOMEONE WHO REALLY,

REALLY IS WE HAD TO COKE PRODUCTS OR DR. PEPPER PRODUCTS, THE PERSON MAY BUY WATER. OR THE PERSON MAY BUY A SPORTS DRINK. SO THE SALES IN THE CAPTIVE AUDIENCE SITUATION GENERALLY HAVE NOT DIPPED EXCEPT AS MS. SCHUBERT WAS SAYING, IN THE FIRST COUPLE OF MONTHS WHILE THE SHIFTOVER HAS GONE OVER. BUT GENERALLY THEY HAVE STAYED LEVEL OR EVEN INCREASED. WE'VE ALSO SEEN IN THE PRIVATE SECTOR WHERE A PEPSI PRODUCT IS SOLD IN A PARTICULAR MASSIVE OFFICE COMPLEX OR A COKE PRODUCT IS SOLD IN A MASSIVE OFFICE COMPLEX AND SOMEONE DIFFERENT GETS THAT CONTRACT, A DIFFERENT BRAND IS SOLD. WE HAVEN'T SEEN DROPOFFS BECAUSE AGAIN, THAT'S A CAPTIVE AUDIENCE SITUATION. SO WHILE YOU ARE CORRECT THE STATISTICS ARE THERE THAT THE -- THAT COKE AND THE DR. PEPPER DO HAVE A LARGER MARKET SHARE WHEN THERE IS A COMPLETE CHOICE IN A SUPERMARKET OR IN A CONVENIENCE STORE, IT DOES NOT HOLD -- IT DOES NOT HOLD TRUE IN THE CAPTIVE AUDIENCE SITUATION LIKE WE'RE TALKING ABOUT.

Mayor Wynn: SO WE DON'T HAVE THE EXACT STATS, BUT THE IMPLICATION OR THE TRACK RECORD IS BASED ON THE -- IS THE NATURE OF WHAT THESE REVENUE CONTRACTS REPRESENT. YOU WOULDN'T RECOMMEND THAT WE MATHEMATICALLY ADJUST A COMMISSION PERCENTAGE BASED ON WHAT SEEMS TO BE A LARGER REGIONAL CONSUMER DEMAND.

WELL, HERE'S WHAT YOU HAVE. YOU HAVE TWO REVENUE STREAMS COMING FROM THIS CONTRACT. YOU HAVE A GUARANTEED REVENUE STREAM AND YOU HAVE A COMMISSION REVENUE STREAM. THE COMMISSIONS ARE PROJECTIONS. NOBODY CAN REALLY SAY FOR SURE HOW MUCH IS GOING TO BE SOLD, BUT BASED ON THE RESEARCH THAT WE'VE DONE IN THE MEETINGS WITH THE THREE COMPANIES, WE BASICALLY TOOK THEIR AVERAGES OF WHAT THEY SAID WOULD BE SOLD. BUT THE GUARANTEE IS WHAT YOU KNOW YOU WILL GET. AND IN THE PEPSI PROPOSAL, THE GUARANTEE IS TWICE AS MUCH AS IN THE COKE PROPOSAL. THE DIFFERENCE BETWEEN 250,000 PLUS GUARANTEED TO YOU IN ANNUAL PAYMENTS VERSUS 125,000 IN THE COKE PROPOSAL, THAT'S GUARANTEED

MONEY REGARDLESS OF THE SALES. AND THEN THE SALES COMMISSIONS ARE HIGHER SO THAT WHATEVER IS SOLD, YOU WILL GET A HIGHER PERCENTAGE OF THAT.

Mayor Wynn: THANK YOU, SIR. COUNCILMEMBER ALVAREZ.

Alvarez: IT'S KIND OF A RELATED OR FOLLOW-UP QUESTION. WE'RE TALKING ABOUT BRANDS AND IT HAS AN EFFECT ON HOW MUCH PRODUCT IS PURCHASED. AND IF YOU DO PRICE IN THIS PARTICULAR CASE, DID WE DICTATE THAT A CERTAIN PRICE HAD TO BE CHARGED OR IS THAT -- THAT ALSO CREATES A DECISION ON HOW MUCH FOLKS COME AND TAKE PART IN THE CONCESSION. IS THERE A DIFFERENTIATION IN THAT REGARD AS WELL?

WELL, THE PRICE ISSUE IS ONE OF THE THINGS THAT'S LACKING NOW WITH YOUR PRESENT STRUCTURE BECAUSE YOU HAVE A DOZEN OR MORE VENDING COMPANIES THAT ARE ON SITE HERE. THERE ARE NO PRICE CONTROLS WHATSOEVER, SO THE PRICES THAT YOU HAVE RIGHT NOW ARE ALL OVER THE PLACE, AND THERE'S NO WAY TO CONTROL THEM. SO WHAT WE DID WAS WE WENT OUT INTO THE MARKET AND WE RESEARCHED WHAT THIS PARTICULAR MARKET -- AND IT DIFFERS IN DIFFERENT MARKETS. WE LOOKED AT WHAT THIS PARTICULAR MARKET AND WHAT PEOPLE WERE CHARGING IN THE CONVENIENCE STORES AND IN OTHER SIMILAR PLACES. AND WE CAME UP WITH SOME ASSUMPTIONS THAT WERE SLIGHTLY BELOW WHAT THE CURRENT MARKET RATE IS. AND WE GAVE THE THREE PROPOSERS THESE SEMTIONS SO THAT -- THOSE ASSUMPTIONS SO THAT THE BEGINNING OF THIS CONTRACT STARTED WITH SLIGHTLY BELOW MARKET, BUT IN SOME CASES BECAUSE THE PRICES ARE ALL OVER THE BOARD, SLIGHTLY HIGHER THAN WHAT THEY ARE CURRENTLY. SO ONE GROUP OF EMPLOYEES MIGHT HAVE WORKED OUT AN ARRANGEMENT WITH A VENDOR FOR 50-CENT 12-OUNCE CANS. THAT'S PRETTY -- THAT'S A GREAT ARRANGEMENT FOR THEM. BUT THE MARKET IS REALLY 75 CENTS OR A DOLLAR. SO WE STARTED THE 12-OUNCE CANS AT 75 CENTS. AND IN SOME CASES YOU'VE GOT 20-OUNCE BOTTLES OF WATER AND CARBONATED SOFT DRINKS AT 75 CENTS, AND SOME ARE CHARGING A DOLLAR AND A QUARTER. WE STARTED THOSE OFF AT A DOLLAR. AND THEN WE

ESCALATED THOSE PRICES IN THE THIRD YEAR OF THE CONTRACT SO THEY ACTUALLY MET MORE OF WHAT THE MARKET WAS IN SOME CASES NOW AND WHAT IT WOULD BE IN THE FUTURE. BUT EVERYBODY WAS GIVEN THE SAME ASSUMPTIONS AND EVERYONE WAS ASKED WHAT THEY WOULD CHARGE IN THE IDEAL SITUATION TO MAXIMIZE THE REVENUES SO THAT NOBODY WOULD BE TURNED OFF BY THE PRICE, YET IT -- THE REALITY IS IT IS IN CERTAIN CASES SLIGHTLY HIGHER. BUT IT'S ALSO IN MANY CASES LOWER, BUT THE IDEA IS THAT YOU -- WITH A CONSOLIDATED GROUP OF -- CONSOLIDATING YOUR MACHINES AND WORKING WITH ONE VENDOR. FIRST OF ALL, THE CITY GETS ALL THE REVENUE. IT'S NOT SEGMENTED OUT INTO DIFFERENT PLACES. YOU CAN DECIDE WHAT TO DO WITH IT. YOU'RE DEALING WITH ONE COMPANY SO THAT NOW YOU CAN GET BETTER SERVICE BECAUSE YOU'RE DEALING WITH ONE COMPANY. AND THIRD, YOU CAN CONTROL PRICES. SO THAT'S THE ADVANTAGE.

BUT IT IS CONSTANT FOR ALL THE PROPOSALS. IT'S NOT SOMETHING THAT YOU CAN DIFFERENTIATE THE PROPOSALS ON?

NO. ALL THREE PROPOSALS ARE APPLES TO APPLES ON -- WE AGREED ON -- THAT WHEN THEY PROPOSED, WE AGREED ON THE NUMBER OF MACHINES, THE PRICES, THE AMOUNT THAT THEY PROJECTED THAT WOULD BE SOLD, EVERYTHING IS APPLES TO APPLES SO THAT WE CAN COMPARE FAIRLY EACH OF THE PROPOSALS.

Alvarez: AND FINALLY, SINCE YOU DID MENTION THERE WERE THREE PROPOSERS AND EVERYONE PROBABLY CAN GUESS WHO TWO OF THEM ARE, CAN YOU JUST SAY WHO THE THIRD ONE IS?

THE THIRD ONE IS A COMPANY AWLD AVS, WHICH IS AN INDEPENDENT COMPANY THAT BASICALLY WORKS WITH COKE AND WORKS WITH FEP SI AND IT BUYS -- PEPSI AND IT BUYS THEIR PRODUCTS. AND IT STOCKS MACHINES SOMETIMES WITH THE SAME -- WITH THE SAME BRANDS.

I WAS CURIOUS AND I'M SURE ANYONE WHO HEARD THAT PROBABLY AT HOME IS PROBABLY CURIOUS TOO. ANYWAY,

THANK YOU. THAT'S ALL.

Mayor Wynn: COUNCILMEMBER SLUSHER. AND COUNCIL, I JUST NEED TO REMIND YOU ALL, WE'RE GOING TO NEED TO RECESS THE COUNCIL MEETING WITHIN THE NEXT 10 MINUTES. SLUSH

Slusher: I DON'T THINK I'LL BE THAT LONG. LET ME ASK THE CITY ATTORNEY. THE WAY I UNDERSTAND THIS PROCUREMENT, THIS IS SOMETHING THE CITY DOESN'T HAVE TO DO, IT'S JUST THE CITY'S CHOICE, RESPONDING TO THIS COMPANY THAT THE CITY MIGHT BE ABLE TO BRING SOME EXTRA MONEY IN ALL THE VENDING MACHINES, BUT WE WOULD BE ABLE TO RAISE WHATEVER ISSUE WE WANTED IN RELATION TO WHETHER TO REWARD THE CONTRACT BECAUSE IT'S TOTALLY DISCRETIONARY, LIKE LABOR PRACTICES.

THAT IS CORRECT, COUNCILMEMBER.

Slusher: IS SOMEBODY HERE FROM PEPSI THAT COULD ANSWER ME A COUPLE OF QUESTIONS ABOUT THIS -- WHAT MR. MALFERO PASSED OUT CALLED FACTS, FLASHBACK, THE TRUTH ABOUT COLLECTIVE BARGAINING?

YES, SIR.

Slusher: THERE ARE ABOUT FIVE POINTS ON HERE, I WON'T GO THROUGH EVERY ONE OF THEM, BUT IT'S BASICALLY SAYING THE UNION PROMISES GUARANTEE NOTHING, THE UNCERTAIN PROCESS OF COLLECTIVE BARGAINING AND NOT UNION PROMISES TYPICALLY DETERMINES WHAT MIGHT HAPPEN IN CONTRACT NEGOTIATIONS. YOU SKIP DOWN TO THE END. IT SAYS THERE IS NO LEGAL GUARANTEE THAT EMPLOYEES CANNOT LOSE THINGS THEY ALREADY HAVE AS A RESULT OF AND AFTER CONTRACT NEGOTIATIONS. SO I'M WONDERING IF PEPSI IS TRYING TO TAKE AWAY PAY OR BENEFITS THAT THE WORKERS ALREADY HAVE AS PART OF YOUR NEGOTIATIONS.

IS THE LETTER THAT YOU HAVE FROM A CALIFORNIA COMPANY LOCATION?

Slusher: IT SAYS THE PEPSI BOTTLING GROUP, APRIL 5TH, 2005, CARL MOYA, SENIOR RESOURCES MANAGER. YOU'RE WELCOME TO SEE A COPY.

[INAUDIBLE - NO MIC].

I'M NOT QUITE SURE WHO CARL IS. THIS MAY HAVE BEEN -- I THINK THE REFERENCE IS IT WAS SOMEWHERE IN CALIFORNIA. I DO KNOW --

Slusher: THIS SAYS AUSTIN IN THE TEXT OF IT. ABOUT MIDWAY DOWN IT TALKS ABOUT HOW NEGOTIATIONS IN AUSTIN HAVE BEEN GOING ON FOR TWO YEARS.

TWO YEARS. AND WE ARE STILL BARGAINING IN FW -- GOOD FAITH. I KNOW THE REFERENCE IS IF EVERYTHING IS GUARANTEED AS FAR AS THE WAGES AND THE 401 K AND THE BENEFITS. WHEN YOU ENTER INTO A CONTRACT, THOSE ARE ALL POINTS OF NEGOTIATION.

Slusher: THAT'S TRUE. THAT'S A FACTUALLY TRUE STATEMENT, BUT THAT ALSO SOUNDS LIKE TO ME -- IT COULD BE PERCEIVED, LET'S SAY, AS A THREAT TO TAKE AWAY WORKERS' PAY AND BENEFITS IF THEY'RE ASSOCIATED WITH THE UNION OR IF THEY GET BEHIND THE UNION. THEY WOULD CERTAINLY NOT BE THE FIRST TIME THAT'S HAPPENED IN THE UNITED STATES OR IN TEXAS, BUT SINCE I'M SITTING UP HERE VOTING ON WHERE -- WHETHER TO GIVE AN EXCLUSIVE CONTRACT TO THIS COMPANY, THOSE KIND OF PRACTICES WOULD CONCERN ME GREATLY.

AND RUNNING THE COMPANY HERE, THAT WOULD CONCERN ME TOO BECAUSE IT WOULD BE HARD TO RUN THE COMPANY WITHOUT EMPLOYEES THAT ARE TAKEN CARE OF. SO ALL THOSE POINTS ARE NEGOTIABLE IN CONTRACTS. LIKE I SAID, THEIR PAY HAS INCREASED THE LAST TWO YEARS. WE DID NOT GIVE THEM A PAY RAISE, BUT NOR DID WE KNOW THAT IT WAS GOING TO BE A TWO-YEAR NEGOTIATION PROCESS. SO WHEN THE LABOR BOARD CAME BACK AND SAID, IF IT'S GOING TO LAST THIS LONG, YOU HAVE TO PAY THEM. LIKE I TOLD YOU, WE RETRO PAID THEM AND GAVE THEM THE PAY INCREASE THIS YEAR. THEIR BENEFITS HAVE ALL STAYED THE SAME OR IMPROVED SINCE

WE BEGAN NEGOTIATIONS. I GUESS 60, 70 FOLKS OUT OF MY 180 ARE THE ONLY ONES IN THIS GROUP REPRESENTED.

Slusher: OKAY. BUT WHAT WOULD BE THE PURPOSE OF SENDING OUT A LETTER LIKE THIS TO EMPLOYEES.

SIR, I DON'T THINK WE SENT THIS OUT. I THINK THIS WAS LOCAL 386 -- I THINK THIS IS A CALIFORNIA COMPANY, A CALIFORNIA LOCATION THAT MIGHT BE HAVING A UNION BID. THIS IS THE FIRST TIME I SAW IT. IF THEY'RE MAKING A REFERENCE TO THOSE EMPLOYEES SAYING YOU'RE GOING TO GET MORE IF YOU GO WITH THE TEAMSTERS, THEY MIGHT HAVE MADE A REFERENCE TO AUSTIN THAT SAYS, HEY, THEY'VE BEEN NEGOTIATING FOR TWO YEARS. I'M NOT -
- I CAN'T TELL YOU EXACTLY --

Slusher: I TELL YOU WHAT, SINCE YOU JUST SAW IT, I DON'T THINK WE'RE GOING TO ACT ON THIS TODAY. COULD YOU SEND ME AN ANSWER IN WRITING?

I SURE CAN.

Slusher: OKAY. THANK YOU.

NO PROBLEM. ANY OTHER QUESTIONS?

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER DUNKERLEY.

Dunkerley: I JUST HAVE A VERY MUNDANE QUESTION OF VICKY. IT DOES SOUND LIKE WE NEED TO POSTPONE THIS A LITTLE WHILE AND GET SOME QUESTIONS ANSWERED. MINE IS JUST A REALLY SIMPLE QUESTION. ON MANY OF OUR DEPARTMENTS -- MANY OF OUR DEPARTMENTS DO HAVE VENDING MACHINES THAT THEY USE FOR VARIOUS THINGS IN THEIR DEPARTMENT. HOW DID YOU ADDRESS THAT IN THIS PARTICULAR CONTRACT?

THE MAJORITY OF THE DEPARTMENTS WHO HAVE VENDING MACHINES USE THEM FOR EMPLOYEE THINGS, LIKE RETIREMENTS OR OTHER SUCH AWARDS. AND WHAT WE ARE PROPOSING IS TO GO AHEAD AND TAKE THE PROCEEDS FROM THIS CONTRACT AND DISTRIBUTE IT TO ALL

EMPLOYEES. THERE'S SOME INEQUITY RIGHT NOW BECAUSE, FOR INSTANCE, IF THERE'S A BUILDING WITH SEVERAL DIFFERENT DEPARTMENTS IN IT, BUT A SINGLE DEPARTMENT OWNS THAT BUILDING, A SINGLE DEPARTMENT TAKES ADVANTAGE OF THOSE RECEIPTS FROM THE VENDING MACHINES AND THE OTHER DEPARTMENT DOESN'T GET TO PARTICIPATE. SO THIS WOULD EVEN THE PLAYING FIELD A LITTLE BIT IN TERMS OF REWARDING RECOGNITION. AND AS I MENTIONED, IN SPECIAL SITUATIONS LIKE THE PARKS BOARD, THE C TECH AND THERE MAY BE ONE OR TWO OTHERS, WE WOULD ALLOW THOSE FOLKS TO USE THE SALES FOR THEIR --

IN THE FIRST YEAR --

Dunkerley: IN THE FIRST YEAR, WHAT ARE YOU ESTIMATING WOULD COME IN TO BE ALLOCATED?

THE ENTIRE CONTRACT IS ABOUT \$550,000. THERE WOULD BE SOME ADMINISTRATIVE EXPENSES. I WOULD THINK THAT SOMEWHERE IN THE 500,000-DOLLAR RANGE. SO MAYBE \$50 PER EMPLOYEE , BETWEEN 45 AND 50.

Dunkerley: BUT IT WOULD BE USED FOR EMPLOYEE RECOGNITION PROGRAMS AND THINGS LIKE THAT?

YES, MA'AM.

Dunkerley: OKAY. THANKS.

Mayor Wynn: COUNCIL, I HATE TO DO THIS, BUT I THINK WITHIN THREE OR FOUR MINUTES WE WILL NEED TO RECESS. FURTHER COMMENTS, QUESTIONS? MECHANIC.

COUNCILMEMBER MCCRACKEN?

McCracken: I JUST WANTED TO MAKE AN OBSERVATION THAT THERE ARE SERIOUS LABOR ISSUES HERE. WHAT I DO HEAR IS THAT THE TEAMSTERS WANT THIS CONTRACT TO GO THROUGH, BUT WE NEED TO MAKE SURE THAT WE ARE ADHERING TO OUR VALUES HERE IN THE COMMUNITY. SO I THINK THAT WE DO GIVE OURSELVES THE SIX-WEEK DELAY THAT WAS PROPOSED, IT WOULD GIVE EVERYBODY A

CHANCE TO WORK TOGETHER, THEN IT SOUNDS LIKE EMPLOYEES ARE WANTING THE CONTRACT AWARDED TO PEPSI. I THINK IT'S A POSITIVE THING AND SOMETHING TO BUILD ON, BUT I THINK BASED ON THAT, I WOULD ALSO SUPPORT THAT WE POSTPONE THIS FOR SIX WEEKS.

MAYOR, CAN WE ASK MS. SCHUBERT HOW LONG THE OFFER FROM THE SERVICE PROVIDER IS GOOD FOR?

CURRENTLY THE PROCESS HAS BEEN GOING ON FOR A WHILE. THE EXISTING OFFERS ARE GOOD UNTIL THE END OF THIS MONTH, BUT WE CAN ASK THE VENDORS TO EXTEND THOSE FOR SIX WEEKS AND HOPEFULLY THEY WOULD BE AMENABLE DOING THAT. BUT WE WILL HAVE TO GET THAT CONSENT FROM THE VENDORS WHO ARE PARTICIPATING.

Mayor Wynn: SO COUNCIL, WE HAVE NO MEETING NEXT WEEK. WE MEET THE LAST THURSDAY OF APRIL, THE 28TH. THEN WE'RE OFF THE FIRST WEEK IN MAY AND THEN WE MEET THE REST OF THE MONTH OF MAY. SO WE HAVE A NUMBER OF OPPORTUNITIES BEGINNING THE MIDDLE OF MAY IF THERE'S A MOTION. COUNCILMEMBER SLUSHER.

Slusher: I THOUGHT COUNCILMEMBER MCCRACKEN ALREADY MADE A MOTION.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

Slusher: THAT WOULD BE MAY 26TH BY MY COUNT.

McCracken: I'LL MOVE TO POSTPONE IT TO MAY 26TH.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER SLUSHER TO POSTPONE ITEM NUMBER 15 TO MAY 26TH, 2005. AND INSTRUCT CITY STAFF TO HOPEFULLY EXTEND THAT OFFER. FURTHER COMMENTS? MAYOR PRO TEM.

Goodman: HOPEFULLY WE CAN GET THE QUESTIONS ANSWERED ABOUT WHAT'S THE PARTICULAR STICKING POINTS OF THE CONTRACT, IF IT'S WORKPLACE SAFETY, WORKPLACE CONDITIONS, OVERTIME, SPECIFICS. AND HOW LONG PEPSI BELIEVES IT WOULD TAKE SOME RESOLUTION

ON THE CONTRACT.

Mayor Wynn: YES. AGAIN, FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE. ALL THOSE IN FAVOR OF THE POSTPONEMENT, SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COUNCIL, THAT CONCLUDES ALL OF OUR DISCUSSION ITEMS PRIOR TO OUR 2:00 O'CLOCK GENERAL CITIZEN COMMUNICATION TIME CERTAIN, SO AT THIS TIME WE WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL. THANK YOU. SERVICES.

GOOD AFTERNOON, I'M MAGIC LINDER, I WAS ASKED TO COME HERE TO SPEAK ABOUT MIDTOWN LIVE. MY EXPERIENCE AT MIDTOWN LIVE HAS ALWAYS BEEN POSITIVE. WHEN I FIRST CAME TO THIS CITY I WAS INTRODUCED TO MIDTOWN LIVE FROM A FUNDRAISER FOR ONE OF THE D.J.'S AT KGS. PASSED ON. MY EXPERIENCE WAS NOTHING BUT POSITIVE. YOU KNOW A LOT OF PEOPLE SAY IT'S A BLACK CLUB OR -- I DON'T RECOGNIZE IT AS A BLACK OR WHITE OR -- IT'S JUST A CLUB. I THINK THAT IT'S A POSITIVE INFLUENCE IN THE COMMUNITY. AND MY EXPERIENCE WAS POSITIVE. SO I THINK IT WOULD BE A GREAT THING FOR US TO -- TO HELP IN ANY WAY WE CAN TO REBUILD MIDTOWN LIVE BECAUSE IT'S -- TO ME IT'S A STAPLE IN THE COMMUNITY. BEING RELATIVELY NEW TO THE AUSTIN AREA, IT'S BEEN A WONDERFUL THING IN MY EXPERIENCE.

Mayor Wynn: THANK YOU, MAGIC. MR. NELSON LINDER. NELSON MAY BE EN ROUTE. WE SAW HIM A FEW MINUTES AGO. LAWRENCE CRANBERG. LAWRENCE CRANBERG. I HAVE HERE ON MY NOTES THAT HE HAD TO LEAVE, HE ASKS US, ME TO ANNOUNCE THAT EACH OF YOU, I PRESUME COUNCILMEMBERS, HAVE RECEIVED HIS PROPOSED RESOLUTION. HE WILL CONTACT EACH MEMBER INDIVIDUALLY. JENNIFER GALE. JENNIFER GALE. WELCOME, MR. LINDER. I JUST CALLED YOUR NAME, GOOD TIMING. I SAW SOME BAD TRAFFIC ON I-35 COMING BACK. MR. LINDER, TAKE YOUR TIME, CATCH YOUR BREATH.

LET ME FIRST SAY GOOD AFTERNOON, CITY COUNCIL, MAYOR, MAYOR PRO TEM. AND ALSO CITIZENS. MY NAME IS NELSON LINDER FROM THE AUSTIN NAACP. AND I COME TO YOU TODAY ON A MOST SERIOUS NOTE. IN MY OPINION, AT A MOST SERIOUS TIME IN THIS CITY'S HISTORY. ON MARCH 24th THE CITY OF AUSTIN LEASED A -- RELEASED A SCORE CARD THAT LISTS ISSUES THAT AFFECT BLACK PEOPLE IN THIS CITY AND HAVE AFFECTED BLACK PEOPLE FOR QUITE SOME TIME. ONE OF THE PREMISES WE ARE VERY CONCERNED ABOUT HOW AFRICAN-AMERICANS IN THE CITY HAVE BEEN TREATED IN TERMS OF A SECOND CLASS STATUS, LIKE A CULTURAL INFRASTRUCTURE AND BUSINESS DEVELOPMENT. BUT IT'S BEEN ONGOING KIND OF PROBLEMS. I CAME HERE TODAY TO SHORT OF CHALLENGE THAT PREMISE AND ENCOURAGE YOU TO TAKE A MUCH BROADER LOOK AT THE ISSUE IN GENERAL. ALSO REVISIT AND RESURRECT MIDTOWN LIVE. BECAUSE IN JUST THIS CONVERSATION MIDTOWN IS ABOUT WHAT WE ARE TRYING TO DO HERE TO ADDRESS ISSUES IN THE BLACK COMMUNITY THAT AFFECT DEVELOPMENT INFRASTRUCTURE AND EQUAL OPPORTUNITIES. WHEN YOU TALK ABOUT A SCORE CARD FOR AFRICAN-AMERICANS, LET'S GO BACK TO 1998 AND VISIT THE REPORT CARD THAT WAS GIVEN DURING THE CHAMBER OF COMMERCE THAT SAID THAT THE CITY OF AUSTIN HAD THE HIGHEST RACIAL INCOME INEQUALITY IN THIS WHOLE REGION. LET'S VISIT THE SHARP REPORT IN 2000 THAT SAID THERE WAS A SENSE OF MISTRUST THROUGHOUT IN COMMUNITY, ESPECIALLY IN THE BLACK COMMUNITY. LET'S VISIT THE AUSTIN EQUITY COMMISSION WHO HAD A HUGE REPORT THAT ADDRESSED DISPARITIES THAT WE WANT TO STUDY TODAY ONCE AGAIN. FINALLY, LET'S EXAMINE THE HISTORY OF THIS SURROUNDING MIDTOWN LIVE AS A METAPHOR, FOR COMMUNITY CONCERNS IN THIS COMMUNITY. I HAVE SEEN '91, 2000, 2001, NOW THERE'S ANOTHER REPORT CARD THAT SHOWS THE VERY SAME ISSUES. I'M GOING TO CHALLENGE YOU TO ALSO LOOK AT THE ENTIRE ISSUE OF ECONOMIC DEVELOPMENT BECAUSE IN THIS CITY WE'VE HAD THINGS LIKE SEMATECH, THING LIKE FREESCALE THAT MR. MCCracken ARGUED VERY PASSIONATELY FOR AND EVEN OTHER PROJECTS THAT TALK ABOUT INCENTIVES AND TAX ABATEMENTS. YET IN THIS COUNTRY THAT'S AN OPPOSING ARGUMENT TO TAX

INCENTIVES. IN MANY CASES THEY TAKE AWAY FROM COMMUNITY INFRASTRUCTURE, EDUCATION, FOOD PROGRAM, OTHER PROGRAMS. YET, WE DON'T HEAR THE OTHER SIDE OF THE ISSUE. SO WE CAN TALK SEMATECH AND BIG CORPORATIONS, EVERYBODY TALKS ABOUT HOW CHAMBERS WORK TOGETHER, COME OUT WITH A VERY POSITIVE ATTITUDE. NOTHING SAYS A NEGATIVE TO THIS COMMUNITY. BUT WHEN IT COMES TO THE PLAQUE COMMUNITY, MIDTOWN LIVE, ANY OTHER ISSUE, ALL OF A SUDDEN IT HAS TO BE DIVISIVE AND SO IN THE WORST, WORST POSSIBLE WAY. WHAT YOU DO IS YOU INCREASE PEOPLE'S FEARS AND YOU PLAY INTO OLD STEREOTYPES THAT HAVE NEVER BEEN ADDRESSED. I'M HERE TO SHARE WITH YOU [BUZZER SOUNDING] AND ENCOURAGE YOU TO LOOK AT SERIOUS ISSUES THAT ARE RELEVANT HOW IT AFFECTS OUR PEOPLE. WE DON'T WANT ANOTHER STUDY DONE THAT LOOKS AT ISSUE OF ECONOMIC DISPARITIES. WE WANT ACTUALLY TO CREATE OPPORTUNITY THAT AFFECTS ALL OF OUR PEOPLE. IN CLOSING, IF YOU GO TO YOUR -- TO YOUR WEBSITE, THEY GIVE -- YOU SEE THE CITY OF AUSTIN, WHITE OWNED, WAREHOUSE STREET, ALL WHITE BUSINESSES, YOU CAN'T FIND A BLACK NIGHTCLUB, RESTAURANT OR BUSINESS. ON YOUR CITY WEBSITE. NOW, THOSE ARE TAX DOLLARS THAT ARE PAID FOR. MY POINT IS YOU ARE SELLING THIS CITY IMPROPERLY TO THE REST OF THE NATION. THOSE ARE THINGS THAT YOU CAN DO TODAY. THEY DON'T COST ANY MONEY, TAKE CONSIDERATION, COURAGE AND COMMITMENT. SO I'M GOING TO CHALLENGE YOU TODAY TO REVISIT, THE WHOLE IDEA OF ECONOMIC DEVELOPMENT, FOR EVERYBODY NOT JUST WHITE PEOPLE. BECAUSE WHEN WHITE PEOPLE GET IT IT'S CALLED AS MS. DUNKERLY SAYS INVESTMENTS. WHEN WE GET IT, IT'S ALL OF A SUDDEN A HANDOUT. IT'S A FALSE PREMISE. AND A MISNOMER. HOPEFULLY IN THIS BRIEF TIME I'VE BEEN GIVEN, I MAY SUM UP, BECAUSE THIS ISSUE IS NOT GOING TO DIE DOWN. UNTIL BLACK FOLKS IN THIS CITY GET PAIRTY AND FAIRNESS AND EQUAL OPPORTUNITY IT'S ONLY GOING TO GET WORSE AND WORSE AND WORSE. ONE FINAL COMMENT AS LONG AS WE IGNORE THOSE KIND OF ISSUES, WE HAVE DISCUSSED THEM AND HOW -- 60 DAYS KNOWING FULL WELL THEY DESERVED OUR FULL TREATMENT, MISTRUST, HATRED, SCAPEGOATING, THOSE THINGS ARE GOING TO

CONTINUE, EVEN GET WORSE, SO THIS COUNCIL IS AT A CROSS ROAD. INCOLN WAS AS A CROSS ROAD ONCE. WHEN HE DID THE EMANCIPATION OPERATION THE PUBLIC WAS AGAINST IT. HE DID IT ON PINS PEOPLE. L.B.J. DID THE GREAT SOCIETY THE PUBLIC WAS AGAINST IT. HE DID IT BASED ON PRINCIPLE, NOT BASED ON POLITICAL EXPEDIENCY. I ENCOURAGE YOU TO BE COURAGEOUS AND WHILE YOU ARE AT A CROSS ROAD, DON'T MAKE A U-TURN, DON'T MAKE A LEFT TURN, DON'T MAKE A RIGHT TURN, GO FORWARD AND BRING THE ENTIRE CITY INTO THIS 21st CENTURY WHERE EQUITY, FAIRNESS, OPPORTUNITY, AND UNDERSTANDING CHARACTERIZE THE ENTIRE CITY. THANK YOU VERY, VERY MUCH.

THANK YOU, MR. LINDER. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

AND STILL TO THIS DAY, THERE ARE SOME IN THIS TOWN WHO ARE WANTING HANDOUTS, CLAIMING AS THEIR TENETS, SPECIAL, SEPARATE, BUT EQUAL. IN THIS TOWN WE COMPLAIN OF RACIAL PROFILING INSTEAD OF TAKING CHARGE OF OUR OWN CHILDREN INSTEAD OF STOPPING THEM FROM BEING IN THE STREETS AFTER 2:00 A.M. WHEN THE BAD GUYS ARE REALLY OUT. THEY COMPLAIN OF UNFAIR POLICIES AND TREATMENT. THEY FAIL TO TEACH YOUNG BLACK MEN ABOUT CHARACTER AND HOW TO BE MEN. NOW WE WANT A TAKEOUT LOAN TO BUILD A CLUB INSTEAD OF TEACHING BLACK CHILDREN THEY CAN GO ANYWHERE, ANY TIME THEY WANT IN AUSTIN, A TOWN THAT IS THEIR HOME. THE TIME HAS COME FOR BLACK AUSTINITES -- FOR AUSTIN'S BLACK POPULATION TO QUIT BLAMING OTHER RACES FOR THEIR SHORT SHORTCOMINGS AND STEP UP TO THE PLATE AND TAKE CHARGE OF THEIR LIVES, TAKE CHARGE OF THEIR FAMILIES AND THEIR SECURITY AND RACE. IT IS TIME FOR AUSTIN'S BLACKS TO TAKE CHARGE OF EACH OTHER INSTEAD OF BLAMING THE MEN FOR THE RACIAL DIVIDE IN THE OPPORTUNITY. WE CAN HELP ALL PEOPLE AND RACES TO BE ABLE TO UTILIZE AND CROSS A DIVIDE WITH EASE. BLACKS NOT ONLY IN AUSTIN, BUT ALL ACROSS AMERICA CAN BECOME WHATEVER IT IS THEY WANT TO BECOME. THIS WAS MADE POSSIBLE ONLY BECAUSE OF THE STRIDES MADE BY OUR PARENTS AND OUR PARENTS' PARENTS. BUT THE OLD HEADS IN THIS TOWN

E.P.A. KEEP PUSHING THESE OLD AGENDAS AND FAIL TO SEE THE PATH YOUNG BLACK AUSTINITES NEED TO FOLLOW TO ENSURE THE SURVIVAL, SECURITY AND HAPPINESS OF BLACKS IN AUSTIN. WHO WILL SHOW THEM THE WAY? PRESENT AND FUTURE PRESENTATIONS OF BLACKS IN AUSTIN DEPEND ON IT AND LOOK TO THEIR LEADERSHIP FOR GUIDANCE, BUT THAT WILL NEVER HAPPEN IF BLACK LEADERSHIP AND BLACKS IN AUSTIN IN GENERAL CAN'T EVEN GET PAST SOMETHING SO TRIVIAL AS THE ROOF OF A CLUB BEING ON FIRE. WHEN IS ENOUGH ENOUGH? 300 YEARS IS LONG ENOUGH. OUR TIME HAS COME, BUT WHO WILL LEAD THE WAY? THAT'S ALL I HAVE.

Mayor Wynn: THANK YOU, MR. REED. ANTHONY WALKER? ANTHONY WALKER? AGAIN, WE APOLOGIZE FOR THE TIMING OF THE CITIZEN COMMUNICATIONS. SOME FOLKS, I'M SURE, DIDN'T GET THE MESSAGE AND/OR HAD TO LEAVE EARLY. HE WILL MOW HOUSTON? -- ELMO HOUSTON? AND MR. RICK WATSON. WELCOME, MR. WATSON. COME FORWARD. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JENNIFER GALE.

THANK YOU, MR. MAYOR, MAYOR PRO TEM AND CITY COUNCILMEMBERS. I'M HERE TODAY TO TALK ABOUT OPPORTUNITY. I'M REPRESENTING A PROJECT MANAGEMENT COMPANY FIRST AND FOREMOST INCORPORATED, AND OUR PROJECT, THE SEAHOLM PROJECT AND THE AMERICAN CENTER FOR ENTREPRENEURSHIP. LAST APRIL I SPOKE BEFORE YOU TO THANK YOU FOR STARTING THE PROCESS, AND LAST SUMMER I SUBMITTED A PROPOSAL FOR SEAHOLM. IN FEBRUARY I WAS SENT A LETTER FROM THE PURCHASING DEPARTMENT SAYING THAT MY TEAM WAS NOT QUALIFIED TO PRESENT FOR THE SEAHOLM PROJECT. I'D LIKE TO POINT OUT THAT I'M NOT SURPRISED. I DON'T THINK I'M QUALIFIED TO BUILD A ONE-STORY HOUSE. I DO, THOUGH, HAVE A UNIQUE ABILITY FOR CREATING ELEGANT SOLUTIONS, SO I'M TOLD. AND I'VE SHOPPED THE IDEA FOR THE AMERICAN CENTER FOR ENTREPRENEURSHIP AROUND FOR SPECIFIC LEADERS, THROUGH THREE MAYORS, LOCAL BUSINESS LEADERS AND UNIVERSITY DEANS. THEY ALL THINK IT A GOOD IDEA. IT NEEDS A HOME. AND THEN ALONG COMES SEAHOLM. ONE OF THE EARLY PROPONENTS FOR USING

SEAHOLM WAS A SCIENCE AND TECHNOLOGY MUSEUM, AND THEY SPENT \$40,000 ON A FEASIBILITY STUDY AND FOUND THAT IT WOULD ATTRACT 350,000 VISITORS A YEAR. AND THAT'S EVEN WITH 87 OTHER SCIENCE AND TECH MUSEUMS IN THE NATION. THESE VISITORS SPEND MONEY TO GET INTO THE MUSEUM, TO EAT AND STAY AND SHOP IN THE CITY. EVERYONE'S HAPPY ALMOST. AGAIN, I'M HERE TODAY TO TALK ABOUT MISSED OPPORTUNITY. I'VE LOWERED THAT ESTIMATE FROM THE SCIENCE AND TECHNOLOGY MUSEUM FROM 350 DOWN TO A QUARTER MILLION JUST FOR CONSERVATIVE SAKE, BUT THE AMERICAN CENTER FOR ENTREPRENEURSHIP LOCATED HERE, THOSE QUARTER MILLION VISITORS WHO ARE FOCUSED ON STARTING A NEW VENTURE, THEY WOULD DO MORE THAN SPEND THEIR MONEY TO ACCESS THE CENTER, TO EAT, SLEEP AND SHOP IN AUSTIN. SOME OF THEM WOULD LIKE IT HERE SO MUCH THAT THEY WOULD STAY HERE TO START THEIR BUSINESS IN AUSTIN. ONES THAT DO LEAVE WOULD HAVE BEEN INTRODUCED THROUGH THE CENTER'S WEBSITE TO AUSTIN BUSINESSES THAT CAN HELP THEM OUT SOURCE IN AUSTIN SERVICES AND GOODS. THE SAME FOLKS ARE HAPPY, BUT SOME ARE EVEN HAPPIER. DOLLARS FROM AROUND THE NATION STAY IN THE LOCAL ECONOMY, AND IT GETS SPENT ABOUT SEVEN TIMES. THE OTHER SEAHOLM PROPOSALS SUGGEST BUILDING SOMETHING TO COME TO FOR ENJOYMENT. THIS IS AUSTIN. THERE'S ALREADY PLENTY TO ENJOY. I'M SUGGESTING BUILDING A PLACE THAT WILL CHANGE LIVES, THE LIVES OF OUR CHILDREN AND OUR LIVES. I'M ASKING YOU TO IMAGINE 2,000 JOBS IN THE NEXT 10 YEARS AND STILL HAVE THE MUSIC VENUE PROPOSED BY ALL FOUR FINALIST SEAHOLM DEVELOPERS SINCE MY PROPOSAL INCLUDES A SITE THAT INVITES BANDS AND MUSICIANS FROM AROUND THE COUNTRY TO COME TO THE LIVE MUSIC CAPITOL TO LEARN HOW TO GET INTO THE MUSIC INDUSTRY. I'D ASK YOU TO CONSIDER INCLUDING THE AMERICAN CENTER FOR ENTREPRENEURSHIP IN WITH ONE OF THE DEVELOPERS THAT YOU CHOOSE TO DEVELOP SEAHOLM. I APPRECIATE YOUR TIME TODAY.

Mayor Wynn: THANK YOU, MR. WATSON. YOU ARE AWARE TECHNICALLY OF WHAT THE CITY COUNCIL WILL BE DOING IN THE NEXT PROBABLY MONTH IS WE WILL BE CHOOSING A

DEVELOPMENT TEAM FOR THAT BUILDING AND THE LAND AROUND IT. WE TECHNICALLY DIDN'T ASK FOR REQUESTS FOR PROPOSALS. WE DIDN'T ASK FOR TEAMS TO COME FORWARD WITH INDIVIDUAL IDEAS, ALTHOUGH MANY DID. OUR CHALLENGE IS TO CHOOSE THOSE BASED -- A TEAM BASED ON QUALIFICATIONS, SO IT'S QUITE POSSIBLE THAT ONCE A TEAM IS CHOSEN FOR THAT REDEVELOPMENT OPPORTUNITY, THAT THEY CAN IN FACT BE IN CONTACT WITH ANY NUMBER OF USERS TO PULL TOGETHER THE FINAL PRODUCT THAT WE'LL AGREE TO LATER. THANK YOU. JENNIFER GALE, WELCOME, YOU WILL HAVE THREE MINUTES.

THANK YOU. HI, AUSTIN. IT'S TIME TO WALK AWAY FROM YOUR SHOPPING, WALK AWAY FROM YOUR CHURCHES, WALK AWAY FROM YOUR FAMILIES, WALK AWAY FROM YOUR JOBS. IT'S TIME TO WALK AWAY FROM OUR CITY COUNCIL MEETINGS. IT'S TIME TO GO AND VOTE. THERE'S NOTHING MORE IMPORTANT THAN MAKING THE DECISION TO VOTE. YOU WILL NOT HEAR ANYTHING IN THE "AUSTIN AMERICAN-STATESMAN" OR THE AUSTIN CHRONICLE. THEY SAT THIS ONE OUT. CITY MANAGER JOE CANALES, MAYOR, CITY COUNCILMEMBERS, MY WONDERFUL OPPONENT, BETTY DUNKERLEY, COUNCILMEMBER BREWSTER MCCrackEN AND FORMER POLICE OFFICER DANNY THOMAS, AND HARD WORKING STAFF AND CITY EMPLOYEES, THANK YOU FOR INVITING ME HERE TODAY. THERE IS A LEAGUE OF WOMEN VOTERS GUIDE ONLINE AT WWW.LEAGUE WV.AUSTIN.US. AND YOU CAN READ AND COMPARE THE AND CANDIDATES. I WANT TO PROVIDE LEADERSHIP IN THE CITY OF AUSTIN. I WANT TO HAVE A COUNCIL OFFICE THAT'S OPERATING 24 HOURS A DAY. I WANT PEOPLE TO KNOW THAT ON THE FIRST DAY I TAKE OFFICE ON JUNE 15TH, I WANT EVERYONE TO GIVE ME A CALL AND THE MEMBERS OF MY OFFICE. LEADERSHIP INCLUDES HAVING SOMEONE USING A WHEELCHAIR, WORKING IN MY OFFICE. REALIZING THAT MIDTOWN LIVE NEEDS TO HAVE THE MONEY FOR THE CASH FAMILY. LET'S MAKE THEM RICH ON THEIR DIME INSTEAD OF OUR MAKING THEM RICH ON OUR DIME. WE NEED TO SHOW THEM THAT WE SHOULDN'T HAVE TO FACE LAWSUITS FOR NOT HAVING FIRED THOSE EMERGENCY PERSONNEL, 911 AND POLICE, FOR THEIR COMMENTS, BUT THEY SHOULD BE

FIRE NONETHELESS. LEADERSHIP IS MY ASKING FORMER MAYOR AND MAYOR PRO TEM JACKIE GOODMAN, A BEAUTIFUL HEARTED PERSON, TO WORK IN MY OFFICE AND HER AIDES, JERRY, WILL HAVE AN IMMENSE TEAM. THAT MEANS I WILL BE HAVING TWO -- AS IF TWO MORE COUNCIL WOMEN WILL BE ON THE CITY COUNCIL. I WANT YOU TO KNOW THAT I'LL BE THERE FOR YOU. THAT WE'RE GOING TO WORK TOGETHER. THAT THE CITY STAFF IS MORE THAN HAPPY TO WORK WITH YOU AND THAT I WILL BRING THOSE TWO TOGETHER. A MEMBER OF THE CITY COUNCIL IS THE GLUE BETWEEN THE DIFFERENT COMMUNITIES AND CONSTITUENCIES THROUGHOUT AUSTIN. AND WE'RE GOING TO BRING THEM ALL TOGETHER. I'M GOING TO COME TO YOUR AREA. WE'RE GOING TO WORK ON YOUR PROBLEMS. PLEASE FEEL FREE TO CALL MY OFFICE ON JUNE 15TH. WE'RE GOING TO HAVE A WONDERFUL CITY. PLEASE CONSULT THE LEAGUE OF WOMEN VOTERS GUIDE. AND THE BALLOT IS ALREADY UP. I'M ON THE BOTTOM OF THE BALLOT. THEY TOLD ME TO START AT THE BOTTOM. I'M RIGHT THERE AT THE BOTTOM FOR THE PLACE FOR IT. THANK YOU, MAYOR WYNN, CITY COUNCIL.

Mayor Wynn: THANK YOU, JENNIFER. AGAIN, A NUMBER OF FOLKS WHOSE NAME I CALLED WEREN'T IN THE AUDIENCE, BUT THEY MAY HAVE ARRIVED SINCE THEN. IS ANTHONY WALKER OR ELMO HOUSTON? THANK Y'ALL VERY MUCH. COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP WISHING TO ADDRESS US AT THE CITIZEN COMMUNICATION. WE HAVE NO MORE PUBLIC DISCUSSIONS UNTIL AFTER 3:30 AND 4:00 POSTED TIME CERTAIN, SO WITHOUT OBJECTION, WE WILL NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT AND TAKE UP A SINGLE ITEM, AGENDA ITEM NUMBER 26, REAL ESTATE MATTER RELATED TO THE SEAHOLM POWER PLANT AND/OR BLOCK 21. WE ARE NOW IN CLOSED SESSION. AND IN CLOSED SESSION WE MAY ALSO TAKE UP UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT AGENDA ITEM 25 RELATED TO PROPOSED LEGISLATION IN THE 79TH LEGISLATIVE SESSION. WE ARE NOW IN CLOSED SESSION.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION AS ANNOUNCED EARLIER, WE TOOK UP ONE REAL ESTATE MATTER, ITEM NUMBER 26 RELATED TO

THE SEAHOLM POWER PLANT PROPERTY. NO DECISIONS WERE MADE. AND WE TOOK UP A LEGAL ISSUE RELATED TO PROPOSED LEGISLATION, ITEM NUMBER 25. NO DECISIONS WERE MADE. WE NO GO TO OUR 4:00 O'CLOCK ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS -- EXCUSE ME, COUNCIL. WE HAVE A 3:30 ITEM. WE APOLOGIZE FOR RUNNING LATE. WE HAD A FUNERAL THAT MANY OF US ATTENDED TODAY AND WE'VE BEEN CATCHING UP EVER SINCE. ITEM 27 IS A 3:30 TIME CERTAIN RELATED TO THE COMMUNITY PRESERVATION AND REVITALIZATION ZONE AND PROGRAM. AND PERHAPS FIRST I'LL RECOGNIZE COUNCILMEMBERS ALVAREZ AND/OR THOMAS TO INTRODUCE THE ITEM AND LIKELY GET A PRESENTATION. COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. AND BEFORE I GET INTO THE PROPOSAL, I THINK WE'RE GOING TO BE RELATIVELY BRIEF TODAY. I DID WANT TO TAKE A POINT OF PERSONAL PRIVILEGE AND RECOGNIZE SOME FRIEND IN THE AUDIENCE FROM OUT OF TOWN THAT ARE HERE FOR AN EXCITING EVENT. I WOULD LIKE TO WELCOME THEM FROM DALLAS AND SUPER DJ ROBBIE FROM LOS ANGELES THAT ARE HERE FOR THE AMERICAN AIRLINES SOUTHWEST CONVENTIONS 2005 TOUR THAT IS IN AUSTIN FOR THE NEXT FEW DAYS. WELCOME. AND THIS IS A CONVENTION THAT PREVIOUSLY HAD ONLY HAPPENED IN NEW YORK, LA AND IN EUROPE, AND THEY'RE STARTING TO BRANCH OUT TO OTHER COMMUNITIES, AND SO WE WERE VERY PROUD THAT THEY'VE SELECTED AUSTIN TO COME. AND REALLY THE NEXT FOUR DAYS WILL BE EVENING EVENTS AT COPA RESTAURANT AND BAR, SO IF YOU WANT TO GO OUT AND DO SOME DANCING AND MAYBE LEARN A STEP OR TWO, YOU CAN DO THAT. AND SATURDAY AND SUNDAY THEY WILL ALSO BE DOING WORKSHOPS DURING THE DAY ALSO AT THAT RESTAURANT. AND SO THEY HAVE PROFESSIONAL DANCERS FROM LA, NEW ORLEANS, OKLAHOMA, AMSTERDAM AND ALL OVER TEXAS, AND SO REALLY THE FOCUS, OBVIOUSLY, AS THE NAME SUGGESTED, SALSA MUSIC AND SALSA DANCING. SO I'M REALLY HONORED THEY CAME BY TO SAY HELLO TODAY AND I WANT TO ENCOURAGE EVERYONE TO SUPPORT THE EVENT IF THEY'RE ABLE TO FOR THE NEXT FEW DAYS. THANK YOU FOR BEING HERE.

Mayor Wynn: AGREED, WELCOME. THANK YOU.

Alvarez: OKAY. SO IN TERMS OF THE CPNR, COMMUNITY PRESERVATION AND REVITALIZATION ZONE FOR EAST AUSTIN, I'M GOING TO PASS OUT JUST A LITTLE BIT OF INFORMATION THAT KIND OF BRINGS US UP TO SPEED ON WHERE WE ARE IN TERMS OF THE PUBLIC INPUT PROCESS BECAUSE WE ACTUALLY, I THINK, INITIATED THE PROCESS BACK IN OCTOBER. AND I THINK WE HAD A TOWN HALL MEETING IN DECEMBER. THERE'S BEEN SEVERAL MEETINGS WITH THE COMMUNITY DEVELOPMENT COMMISSION. SO WHAT YOU'RE GETTING IS A PACKET WITH THE ORIGINAL PROPOSAL, QUESTION AND ANSWER DOCUMENT BASED ON THE TOWN HALL MEETING, THE COMMENTS WE RECEIVED AT THE TOWN HALL MEETING SO THAT YOU CAN GET A SENSE FOR WHAT THE CONCERNS ARE. AND THEN FINALLY, WE HAVE THE COMMUNITY DEVELOPMENT COMMISSION RECOMMENDATIONS TO THE COUNCIL ON THIS SPECIFIC PROPOSAL BASED ON THE PUBLIC INPUT THAT THEY HAVE RECEIVED. AND WHAT WE'LL HEAR TODAY MAINLY IS A PRESENTATION FROM STAFF ON SOME RECOMMENDATIONS THEY HAVE BASED, AGAIN, ON THE PUBLIC INPUT RECEIVED THUS FAR. AND I ANTICIPATE THAT WE'LL COME BACK IN A COUPLE OF WEEKS AND TRY TO INCORPORATE SOME OF THE SUGGESTIONS FROM STAFF INTO SOME OF THE IDEAS THAT COUNCILMEMBER THOMAS AND I HAVE BEEN CONSIDERING IN ORDER TO STRENGTHEN THE PROGRAM, AGAIN, BASED ON WHAT WE'VE BEEN HEARING FROM THE COMMUNITY. BUT YOU MAY RECALL THAT THE -- SORT OF THE APPROACH WE'RE TAKING WITH THIS IS TO CREATE A SORT OF ECONOMIC DEVELOPMENT PROGRAM FOR EAST AUSTIN WHERE YOU PROVIDE FINANCIAL INCENTIVES IS FOR CERTAIN TYPES OF DEVELOPMENTS, AND FOR THE MIXED USE PROJECTS YOU PROVIDE INCENTIVES FOR PROJECTS THAT PROVIDE AFFORDABLE HOUSING AND ALSO FOR ANY PROJECT RECEIVING INCENTIVES, YOU AS PART OF THE AGREEMENT WITH THE DEVELOPER ASK THEM TO INVEST IN A HOMEOWNER'S ASSISTANCE FUND THAT CAN BE USED TO PROVIDE SUPPORT AND RESOURCES TO EXISTING RESIDENCES. AND SO THAT'S KIND OF VERY BASIC OVERVIEW OF THE PROPOSAL, BUT BASICALLY THE IDEA BEHIND THIS AND BASED ON THE CONCERNS WE'VE HEARD

IS THAT FOLKS WANT TO SEE INVESTMENT IN EAST AUSTIN, BUT THEY ARE CONCERNED ABOUT THE WHOLE ISSUE OF GENTRIFICATION, AND SO THIS APPROACH IS ALSO -- ALSO TRIES TO PROVIDE OR IDENTIFY RESOURCES TO ADDRESS ISSUES OR PROVIDE RESOURCES TO EXISTING NEIGHBORHOODS, EXISTING HOMEOWNERS, AND TO EXISTING SMALL BUSINESSES, AND THAT'S TO A CERTAIN EXTENT WHAT YOU SEE IN THE QUESTION AND ANSWER IS FOLKS WANT -- THAT'S THE RELIEF THEY'RE ASKING FOR. THAT IF WE'RE GOING TO BE -- THE CITY IS GOING TO BE INVOLVED IN PROMOTING DEVELOPMENT, THEY WOULD LIKE TO TRY TO IDENTIFY SOME RESOURCES TO HELP THE EXISTING NEIGHBORHOODS. AND SO THAT'S THE BASIC PREMISE THAT WE'RE WORKING UNDER, AND I BELIEVE STAFF WILL BE TALKING A LITTLE BIT ABOUT THE AFFORDABLE HOUSING SIDE AND SOME THINGS WE MIGHT BE ABLE TO DO TO HELP EXISTING RESIDENTS TO PROMOTE AFFORDABLE HOUSING DEVELOPMENT WITHIN THE BOUNDARIES OF THE ZONE, AND THAT CERTAINLY ONE THING COUNCILMEMBER THOMAS AND I HAVE BEEN FOCUSED ON, BUT WE ALSO -- NEXT WEEK I THINK MAYBE WE'LL FOCUS MORE TIME ON ADDITIONAL RESOURCES FOR SMALL BUSINESS DEVELOPMENT FOR SUPPORTING THE EXISTING BUSINESSES IN THE ZONE, AND IDENTIFYING RESOURCES TO GET THAT DONE. BUT I THINK FOR TODAY I JUST WANTED TO KIND OF TAKE THE NEXT STEP AND HEAR WHAT STAFF IS RECOMMENDING BASED ON WHAT WE'VE BEEN HEARING FROM THE COMMUNITY AND FROM OUR COMMUNITY DEVELOPMENT COMMISSION. AND SO WE'LL -- WE'VE DECIDED NOT TO MOVE FORWARD WITH THE FINAL ACTION SO THAT WE CAN KIND OF TAKE IN THE RECOMMENDATIONS AND INCORPORATE THEM INTO THE FINAL RECOMMENDATION FOR ADOPTION FOR COUNCIL, AND WE ANTICIPATE THAT THAT WOULD HAPPEN AT THE NEXT MEETING IN A COUPLE OF WEEKS. SO THAT BEING SAID, I'LL GO AHEAD AND HAND IT OVER TO PAUL HILGERS, MR. HILGERS, TO DISCUSS A LITTLE BIT ABOUT SOME OF THE RECOMMENDATIONS AND OBSERVATIONS THAT THEY HAVE ABOUT THE PROGRAM.

Mayor Wynn: BY THE WAY, COUNCIL, I SAW MR. HILGERS' EYES PERK UP WHEN WE TALKED ABOUT SALSA LESSONS

LATER THIS WEEK. [LAUGHTER] WELCOME.

YOU WERE LOOKING AT SOMEBODY ELSE, MAYOR. BUT -- THAT'S A SCARY THOUGHT. [LAUGHTER] THANK YOU, I'M PAUL HILGERS, DIRECTOR OF COMMUNITY HOUSING AND NEIGHBORHOOD DEVELOPMENT. AND I AM GOING TO BE UNCHARACTERISTICALLY BRIEF TODAY ON SUCH A VERY COMPLICATED TOPIC, BUT I DO WANT TO DO A COUPLE OF THING. ONE, I WANT TO THANK THE COUNCILMEMBERS, PARTICULARLY ALVAREZ AND THOMAS, FOR KEEPING THE ISSUE OF GENTRIFICATION ON THE AGENDA. THE GENTRIFICATION MOST SIMPLY IS DEFINED AS THE INVOLUNTARY DISPLACEMENT OF RESIDENTS FROM THEIR HOMES, PRIMARILY BY HIGHER INCOME, INVOLUNTARY DISPLACEMENT OF LOWER INCOME RESIDENTS BY HIGHER INCOME RESIDENTS. AND THAT'S PRIMARILY DUE TO HIGHER PROPERTY VALUES. THE SECOND THING I'D LIKE TO DO IS TO ACKNOWLEDGE THE WORK OF THE COMMUNITY COMMISSION. THEY HAVE WORKED VERY DILIGENTLY HEARING AN AWFUL LOT OF PUBLIC TESTIMONY ON THIS ISSUE. THERE WAS A SPECIAL SUBCOMMITTEE OF THE CDC THAT WORKED ON THIS, AND THEY HAVE DONE A REMARKABLE JOB OF HEARING PUBLIC TESTIMONY AND THE DOCUMENTS THAT COUNCILMEMBER ALVAREZ PROVIDED TO YOU ARE IN FACT A SUMMARY OF ALL OF THOSE ISSUES. AND SO IN ALL OF THE PUBLIC TESTIMONY THAT WAS RECEIVED. AND I COMMEND THAT TO YOU. WE REALLY BELIEVE THAT THE WORK OF THE CDC IS IMPORTANT WORK TO IMPROVE PUBLIC POLICY. THE ISSUES THAT WERE RAISED INDICATE THE COMPLICATED NATURE OF THIS PROBLEM FACING URBAN AMERICA, AND WE'RE TRYING TO DO SOMETHING ABOUT IT HERE IN AUSTIN. WHAT I'D LIKE TO DO IS BRIEFLY OUTLINE FOR YOU FOR THE RECORD THE ACTUAL RECOMMENDATIONS OF THE COMMUNITY DEVELOPMENT COMMISSION. THERE ARE SIX OF THEM. AND THEN GIVE YOU A BRIEF STAFF RESPONSE TO THOSE RECOMMENDATIONS, AND THEN GO INTO A BRIEF DISCUSSION AS COUNCILMEMBER ALVAREZ SAID, OF SOME OF THE WORK THAT WE WILL BE TAKING UP IN THE NEXT COUPLE OF WEEKS TO REFINE OUR RECOMMENDATIONS. BUT RECOMMENDATION NUMBER ONE FROM THE COMMUNITY DEVELOPMENT COMMISSION IS THE CITY

COUNCIL TO DIRECT STAFF TO DO AN OUTREACH PROGRAM ON TAX EXEMPTIONS AND TAXPAYER RIGHTS AVAILABLE TO RESIDENTIAL PROPERTY OWNERS IN THE COMMUNITY PRESERVATION REVITALIZATION ZONE, INCLUDING CITY NEIGHBORHOOD CENTERS, LIBRARIES AND MAILOUTS TO PEOPLE IN THE AREA. RECOMMENDATION NUMBER TWO, THE CITY OF AUSTIN WILL ADD TO ITS LEGISLATIVE PACKAGE THE PURSUIT OF LEGISLATIVE INITIATIVES INTENDED TO PRESERVE AND ENHANCE THE ABILITY OF LONG TIME RESIDENTS AND BUSINESS OWNERS IN THE COMMUNITY PRESERVATION REVITALIZATION ZONE TO CONTINUE TO LIVE AND WORK IN THE ZONE. SUCH INITIATIVES INCLUDE, BUT ARE NOT LIMITED TO COMMUNITY LAND TRUST, PROPERTY TAX EXEMPTIONS, COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, HOMESTEAD PRESERVATION DISTRICTS, AND WHAT'S CALLED CIRCUIT BREAKER PROGRAMS, WHICH IS ANOTHER CREATIVE AND INNOVATIVE PROGRAM. RECOMMENDATION NUMBER THREE, MAJOR EMPLOYERS RECEIVING INCENTIVES UNDER THE COMMUNITY PRESERVATION AND REVITALIZATION ORDINANCE MUST AGREE TO PAY LIVEABLE WAGES AND BENEFITS TO ALL EMPLOYEES WORKING WITHIN THE CPNR AREA. LIVEABLE WAGES AND BENEFITS ARE THOSE AS GIEND BY THE CITY OF AUSTIN. CDC RECOMMENDATION NUMBER FOUR IS TO BE ELIGIBLE FOR THE TAX ABATEMENT. 10% OF THE RESIDENTIAL UNITS AND MIXED USE DEVELOPMENTS WILL BE AFFORDABLE TO PEOPLE AT 40 PERCENT AND BELOW OF MEDIAN FAMILY INCOME. RECOMMENDATION NUMBER FIVE, INSTEAD OF A PROPOSED UTILITY VOUCHERS, CREATE A SEPARATE FUND TARGETED TO EXISTING OR NEW BUSINESSES WITHIN THE ZONE, LIMITED TO BUSINESSES THAT EMPLOY 24 OR FEWER EMPLOYEES, WHICH WOULD PROVIDE LOW INTEREST LOANS REVIEWED ON INDIVIDUAL MERITS, INCLUDING, BUT NOT LIMITED TO LIVEABLE WAGES PAID TO EMPLOYEES FOR REHABILITATION OF EXISTING BUSINESSES OR FOR WORKING CAPITAL FOR NEW BUSINESSES. PRIORITY IS TO BE GIVEN FIRST TO EXISTING OWNERS, THEN TO RESIDENTS OF THE ZONE FOR START-UP BUSINESSES. AND LASTLY TO NEW BUSINESSES LOCATING IN THE ZONE. RECOMMENDATION NUMBER SIX, ALL APPLICATIONS MUST INCLUDE INFORMATION ABOUT WHETHER HOUSING EXISTS

ON THE CURRENT SITE, AND IF SO, A DESCRIPTION OF SUCH HOUSING. THE COMMUNITY DEVELOPMENT OFFICER WILL CONDUCT AN AFFORDABILITY REVIEW AND DISCUSS REPLACEMENT WITH THE APPLICANT IF THE HOUSING IS ACCEPTABLE AND OF A REASONABLE PRICE AS WELL AS PROVIDE A RECOMMENDATION TO THE COUNCIL CONCERNING THE PROVISION OF INCENTIVES NOTIFYING THE CDC AT LEAST ONE WEEK BEFORE THE COUNCIL ACTS ON THE PROJECT. THE COMMUNITY OFFICER IS RESPONSIBLE THAT THE REQUIRE REQUIRES REASONABLY PRICED HOUSING AS PART OF THE INCENTIVE PACKAGE APPROVED. THESE ARE VERBATIM THE WAY THAT THESE RECOMMENDATIONS CAME TO THE COMMUNITY DEVELOPMENT COMMISSION. THEY ARE AN INDICATION OF, AS I SAID, THE ISSUES THAT WERE BROUGHT UP IN THE PUBLIC AND THEIR ABILITY TO TRY TO RESPOND. THERE ARE MANY COMPONENTS OF THESE RECOMMENDATIONS THAT STAFF ARE SUPPORTIVE OF. IN FACT, THERE ARE A COUPLE THAT WE HAVE ALREADY TAKEN STEPS TO STRENGTHEN OUR EFFORTS. FOR EXAMPLE, AN OUTREACH AND WITH REGARD TO LEGISLATIVE REVIEW FOR THIS KIND OF ACTION THAT HAS BEEN CALLED ON BY THE CDC. WITH REGARD TO RECOMMENDATIONS LIKE LIVEABLE WAGES AND THE LEVEL OF AFFORDABILITY OF HOUSING, WE RECOGNIZE THE NEED TO RAISE THE WAGE STANDARDS IN THE AREA. WE'RE CONCERNED THAT THE REQUIREMENT COULD CREATE A DISINCENTIVE FOR LOCATING IN THE CPNR ZONE. WE'RE SUPPORTIVE OF THE RECOMMENDATIONS TO INCREASE OUR SUPPORT OF SMALL BUSINESS EFFORTS IN THE CPNR ZONE, BUT WE WANT TO TAKE INTO CONSIDERATION THE POTENTIAL OF EXPANDING AND IMPROVING OUR EXISTING PROGRAMS DESIGNED FOR THIS PURPOSE. AND WE'D LIKE TO EXPLORE THE OPTION OF RATHER THAN CREATING A NEW FUND, RECOMMENDING STRENGTHENING THOSE PROGRAMS AND FIGURE OUT A WAY TO BETTER MARKET THOSE PROGRAMS, PARTICULARLY IN THIS AREA. AND CONTINUALLY TRY TO ASSIST BUSINESSES TO BECOME MORE BANKABLE SO THAT THEY CAN TAKE ADVANTAGE OF THE EXISTING PROGRAMS WE HAVE. WE FEEL THERE'S A NEED TO FURTHER STUDY ALL THESE RECOMMENDATIONS TO ENSURE THAT THEY DO NOT HAVE THE EFFECT OF MINIMIZING THE NUMBER OF DEVELOPMENTS THAT WOULD

ATTEMPT TO INCLUDE RESIDENTIAL UNITS. THEREFORE WE REQUEST AN OPPORTUNITY TO CONTINUE TO WORK ON THESE SET OF RECOMMENDATIONS THAT MAY IMPROVE OUR ABILITY TO RESPOND TO THIS ISSUE. WE PROPOSE TO STRENGTHEN OUR INVESTMENTS IN ECONOMIC DEVELOPMENT AND AFFORDABLE HOUSING. THREE PRIMARY STRATEGIES WE WOULD LIKE TO CONTINUE TO DEVELOP, PRESERVE PUBLIC INVESTMENTS AND PROTECT AFFORDABILITY. TO ACHIEVE A BALANCE BETWEEN AFFORDABILITY REQUIREMENTS AND THE EXPECTATIONS OF THE PRIVATE INVESTOR. TO STRENGTHEN NEIGHBORHOOD BASED PLANNING AND DEVELOPMENT. A LITTLE MORE SPECIFICALLY ON THOSE THREE GOALS, STAFF WOULD LIKE TO WORK ON A STRATEGY THAT COULD INCLUDE ADOPTING A TAX ABATEMENT POLICY TO MITIGATE GENTRIFICATION PRESSURES. STAFF RESEARCH INDICATES THAT WE HAVE PRECEDENCE FOR SUCH A POLICY. AND IT MAY BE APPROPRIATE TO ESTABLISH SUCH A POLICY IN THE CPNR ZONE. IT COULD ALLOW US TO HOLD CITY OF AUSTIN AND POTENTIALLY ANY OTHER TAXING JURISDICTIONS WHO WOULD BE CONSENTING, THEIR TAXES CONSTANT AS SURROUNDING PROPERTY VALUES HE ESCALATE. WE WOULD NEED TO EXPLORE OTHER ISSUES OF ELIGIBILITY FOR SUCH AN ABATEMENT, BUT IT IS CLEAR AND IT'S IMPORTANT TO STATE THAT THIS INVESTMENT, THE INVESTMENT OF SOME KIND IN THE PROPERTY, WOULD BE NECESSARY TO TRIGGER SUCH AN ABATEMENT. YOU CANNOT HAVE AN ABATEMENT ON EXISTING PROPERTY AS IT STANDS. IT WOULD HAVE TO BE FOR SOME KIND OF IMPROVEMENT, EXPANSION OR REHABILITATION TO THE PROPERTY TO ALLOW FOR SUCH AN ABATEMENT, AND WE'D LIKE TO EXPLORE THAT AS A POSSIBILITY. WE'D ALSO LIKE TO CONTINUE TO EVALUATE OUR HOUSING PROGRAM GUIDELINES TO EVALUATE NEIGHBORHOOD-BASED AFFORDABILITY INVESTMENTS, INCLUDING SOME THINGS THAT WE AGAIN ARE ALREADY WORKING ON, EXPANDED TECHNIQUES FOR EQUITY SHARING AND MAINTAINING AFFORDABILITY. THERE'S CURRENTLY, AS YOU KNOW, AN EFFORT GOING ON THAT WE ARE PARTICIPATING IN TO ESTABLISH A COMMUNITY LAND TRUST IN AUSTIN. THIS COULD PROVIDE A MECHANISM TO PROTECT OR RECOVER A PUBLIC INVESTMENT IN A PARTICULAR PROPERTY. IN

ADDITION, THE LAND MAY BE PARTIALLY OR FULLY EXEMPT FROM TACKS, DEPENDING UPON HOW IT'S STRUCTURED. THE POSSIBILITY OF HAVING LAND ON WHICH A HOUSE SERVING LOW AND MODERATE INCOME HOMEOWNERS IS BUILT IS AN ATTRACTIVE ARRANGEMENT THAT SUGGESTS THAT WE NEED TO GIVE IT FURTHER ATTENTION. ADDITIONAL STRATEGIES ALSO FOLDING INTO THE OTHER THINGS THAT THIS COUNCIL IS DOING IN THIS AREA WITH REGARD TO TRANSIT-ORIENTED DEVELOPMENT AND THOSE PARTICULARLY ARE HOW WE WOULD OFFER INFRASTRUCTURE REIMBURSEMENT TO ACHIEVE NEIGHBORHOOD-BASED HOUSING AFFORDABILITY GOALS, CONTINUE TO EXPLORE DENSITY BONUSES AS WE'VE DONE IN THE UNIVERSITY NEIGHBORHOOD OVERLAY PLAN AND OTHER AREAS AND LINK THOSE TO HOUSING AFFORDABILITY GOALS. AND THEN CONTINUE THE WORK WE'VE DONE TO EXPAND AND ENHANCE THE SMART HOUSING PROGRAM AND TO INCREASE OUR EFFORTS TO REMOVE REGULATORY BARRIERS TO HOUSING AFFORDABILITY IN EAST AUSTIN. AND PARTICULARLY IN THE CPNR ZONE. WE WOULD LIKE TO COME BACK TO COUNCIL PROBABLY IN ABOUT 30 DAYS, AND WE COULD, BUT WE WOULD CONTINUE TO WORK ON THIS DAILY AND GIVE UPDATES, BUT WE THINK THAT THIS IS AGAIN AN EXCITING OPPORTUNITY FOR US TO ADDRESS THESE ISSUES, AND I'D BE GLAD TO TRY TO ANSWER ANY QUESTIONS, BUT THAT'S WHERE WE ARE. SO WITH THAT I'LL TURN IT BACK TO YOU, COUNCILMEMBER.

MAYOR WYNN: COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MR. HILGERS. NOW, WERE YOU SAYING IN TERMS OF WHEN YOU WOULD LIKE TO COME BACK, IS THAT WITH FINAL RECOMMENDATIONS OR COULD YOU HAVE FOR THE NEXT TWO WEEKS JUST SORT OF A POLICY -- DIFFERENT POLICY OPTION THAT THE COUNCIL COULD ENDORSE OR ADOPT AND THEN ASK STAFF TO DETERMINE THE BEST WAY TO MOVE TOWARDS IMPLEMENTATION? IS THAT SOMETHING THAT YOU WOULD BE READY FOR IN A COUPLE OF WEEKS?

IN A DRAFT POLICY STATEMENT OF SOME KIND, THE NEXT COUPLE OF WEEKS.

Alvarez: NOT NECESSARILY --

YES, SIR.

Alvarez: BUT SO THAT WE HAVE AN INDICATION OF, AGAIN, THE ISSUES THAT HAVE BEEN RAISED THROUGH THIS PUBLIC INPUT PROCESS AND HOW WE ARE GOING TO GO ABOUT ADDRESSING THOSE ISSUES AND UNDERSTANDING THAT IT MIGHT TAKE SOME TIME TO IMPLEMENT SOME OF THESE STRATEGIES THAT WE'VE IDENTIFIED.

AND WE CAN COME BACK TO YOU WITH MORE DETAILS OF THE SPECIFIC ALTERNATIVES THAT I'LL TALK TO YOU ABOUT IN THE NEXT COUPLE OF WEEKS, HAVE THEM TO YOU IN WRITING.

Alvarez: WE'VE BEEN TALKING ABOUT SOME OTHER IDEAS OR POLICY IDEAS THAT OBVIOUSLY WOULD REQUIRE SOME TIME FOR IMPLEMENTATION, BUT IT WOULD BE NICE TO GO AHEAD AND ADOPT THEM AS -- AS A UNIFORM OR A COMPREHENSIVE VIEW OF THE ISSUE, AND THEN TO PROVIDE THE COMMUNITY AN INDICATION OF WHERE WE'RE HEADED WITH THESE -- WITH THIS ISSUE BECAUSE WE'VE BEEN TALKING ABOUT IT. I KNOW THE FIVE YEARS I'VE BEEN ON THE COUNCIL --

YES, SIR, WE'LL BE FWLAD TO DO THAT.

Alvarez: EITHER A TASKFORCE OR A PUBLIC INPUT PROCESS ON THE ISSUE THAT HASN'T BEEN GOING ON DURING THAT TIME, AND SO THAT WOULD BE, I THINK, WHAT I WOULD BE HOPEFUL OF IS WE COULD HAVE MAYBE A LIST OF SOME POLICY RECOMMENDATIONS TO PROVIDE -- THAT WE WOULD BE PROVIDING TO STAFF TO MOVE FORWARD AND DETERMINE HOW TO IMPLEMENT BECAUSE AGAIN, I THINK SO FAR THE RESPONSE HAS BEEN RELATIVELY POSITIVE EXCEPT, AGAIN, FOR THOSE COUPLE OF ISSUES I'VE RAISED. AND I THINK THERE ARE SOME REAL STRONG SUGGESTIONS THAT STAFF HAS MADE ON THE HOUSING SIDE, AND I THINK WE CAN PROBABLY HAVE SUCCESS IN IDENTIFYING SIMILAR APPROACHES ON THE SMALL BUSINESS SIDE WITH TAKING SOME ADDITIONAL TIME ALSO TO LOOK AT THAT, BUT RELATING VERY CLEARLY THAT THAT'S SOMETHING THAT

WE WANT TO MAKE SURE IT'S PART OF THIS COMPREHENSIVE APPROACH TO ECONOMIC DEVELOPMENT IN EAST AUSTIN. SO I GUESS I'LL OPEN IT UP TO QUESTIONS FROM COUNCIL EITHER FOR MR. HILGERS OR FOR COUNCILMEMBER THOMAS AND I ABOUT WHERE WE ARE AND WHAT EXACTLY WE'RE TALKING ABOUT IN TERMS OF THE PROGRAM THAT'S BEING DISCUSSED.

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

Thomas: YES. MR. HILGERS, WITHIN TWO WEEKS YOU CAN COME BACK AND WE CAN SIT DOWN AND HASH OUT SOME STUFF?

IF I'M REQUESTED TO BE BACK HERE IN TWO-WEEK, WE'LL BE BACK.

Thomas: I'M TALKING ABOUT WITH ME AND THE REST OF THE COUNCIL.

YES, SIR.

Thomas: ONG.

Mayor Wynn: FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: MR. HILGERS, ON THE FINAL CDC RECOMMENDATIONS, NUMBER FIVE TALKS ABOUT AN INCENTIVE FUND FOR BUSINESSES, SMALL BUSINESSES. DOES THIS ANTICIPATE THAT IT WILL BE BASED ON NEED? FOR INSTANCE, IF A STARBUCKS OR SOMEBODY WERE OVER THERE, I ASSUME THEY WOULD NOT NEED IT EVEN THOUGH - - OR SOMEONE WEALTHY, THEY MIGHT NOT NEED THESE TYPE OF INCENTIVES.

ONE OF THE THINGS WE WOULD LIKE TO EXPLORE IS HOW WOULD THIS FOLD INTO OUR EXISTING PROGRAMS THAT WE HAVE TO ASSIST SMALL BUSINESSES. WOULD THIS BE JUST AN ENHANCEMENT? WOULD THEY SIMPLY HAVE ANOTHER FUNDING SOURCE TO CONTINUE TO EXPAND THE POTENTIAL LOAN POOL OR THE TECHNICAL ASSISTANCE THAT WOULD

BE PROVIDED TO THE SMALL BUSINESSES? AND THOSE OF COURSE ARE BASED ON NEED. AND SO THAT'S HOW I'M ASSUMING WE WOULD FOLD THOSE INTO THEM. THOSE ARE THE KIND OF DETAILS WE WOULD CONTINUE TO EXPLORE.

THAT'S GOOD.

McCracken: IT DIDN'T MENTION NEED IN THIS PARAGRAPH AND I THINK THAT WOULD BE AN IMPORTANT COMPONENT. AT LEAST I DIDN'T PICK UP THAT IT MENTIONED NEED AS ONE OF THE CRITERIA. AND THEN LOOKING AT THE GENTRIFICATION ISSUE, IT REMINDS ME OF SOMETHING THAT PRESIDENT CLINTON HAD IMPLEMENTED, THE EARNED INCOME TAX CREDIT, IF THOSE FOLKS ARE WORKING HARD AND PLAYING BY THE RULES, THAT YOU WOULDN'T LIVE IN POVERTY. SO PERHAPS FROM A GENTRIFICATION STANDPOINT, A SIMILAR APPROACH COULD BE TAKEN WHERE IT WOULD BE THAT A REBATE OF TAXES COULD BE GIVEN BASED ON DEMONSTRATED NEED THAN BY INCOME. OBVIOUSLY WHAT HAMMERS PEOPLE WITH GENTRIFICATION IS WHEN THEIR INCOME IS STABLE AND THEY'RE PROPERTY TAXES ARE ESCALATING.

IT REMINDS ME OF SOMETHING THAT STATE REPRESENTATIVE RODRIGUEZ SAID WHEN WE HAD THE FIRST PRESS EVENT, AND THAT WAS -- IT REALLY SPEAKS TO EXACTLY THE POINT YOU'RE MAKING IS AS LONG AS WE'RE A STATE THAT'S TOTALLY RELYING UPON PROPERTY TAXES FOR ITS LOCAL AND STATE REVENUE AND TO RUN ITS GOVERNMENT, AND THE PRESSURES OF INCREASED PROPERTY VALUES ARE THEN TAXED, THEN WE ARE GOING TO CONTINUE TO SEE THESE PRESSURES AND WE HAVE TO LOOK AT NEW AND CREATIVE WAYS TO ADDRESS THOSE COMPETING EFFORTS AND COMPETING AGENDAS ESSENTIALLY, THE ABILITY TO RAISE REVENUE AND RAISE PROPERTY VALUES, WHICH IS A GOOD THING, BUT THE IMPACT THAT THAT HAS ON THE PEOPLE AND ON THE COMMUNITY IS A REAL COMPLICATING FACTOR. SO YOU'RE CORRECT, IF WE COULD FIND SOME CREATIVE TAXING STRUCTURES AND EXPLORE WHAT IS POSSIBLE, WE THINK THAT WITH REGARD TO THE HOMEOWNERS -- AND AGAIN, ONE OF THE THINGS THAT IN THIS PARTICULAR INITIATIVE THAT WAS SO IMPORTANT TO THE COUNCILMEMBERS WAS

TO TRY TO DO SOMETHING FIRST AND FOREMOST FOR HOMEOWNERS WHEN THEY WENT TO THE COMMUNITY. AND THE OTHER THING WAS THAT SMALL BUSINESSES NEED HELP AS WELL. SO THE CHARGE IS ALSO NOW WHAT DO WE DO FOR SMALL BUSINESSES? SO THE ISSUE OF HOW WE CAN LOOK AT SOMETHING LIKE YOU'RE SUGGESTING AND INCORPORATE THAT IS SOMETHING THAT WE'RE GOING TO NEED A LITTLE MORE TIME TO WORK WITH AND THE LEGAL STAFF TO SEE WHAT WE COULD STRUCTURE TO MAKE THAT HAPPEN IF AT ALL HAPPEN.

Alvarez: COUNCILMEMBER, ALSO THINKING ABOUT THAT AS WELL, WE ON THE SMALL BUSINESS SIDE, I THINK ONE OF THE IDEAS BEHIND THE SMALL BUSINESS PROGRAMS THAT WE HAVE THAT ARE FUNDED BY THE FEDERAL GOVERNMENT THROUGH THE CDBG IS YOU HAVE TO HAVE JOB CREATION IN ORDER TO BE QUALIFIED FOR THE KINDS OF MICRO LENDING INSTITUTIONS. SO IT'S NOT JUST I NEED A LOAN TO FIX UP A BUILDING OR IMPROVE THE INFRASTRUCTURE. YOU HAVE TO DEMONSTRATE THAT. SO IN DOING YOU WILL BE ABLE TO HIRE OR CREATE MORE JOBS. SO I THINK THE IDEA HERE -- AGAIN, WE'RE TALKING ABOUT HELPING EXISTING BUSINESSES, IT'S WE'RE KIND OF HAMPERED IN TERMS OF THE USE OF SOME OF THE FEDERAL DOLLARS OR GRANT DOLLARS, BUT IF WE CAN FIND A FUNDING SOURCE THAT'S NOT FROM AND DOESN'T HAVE THOSE TIES, MAYBE WE CAN BECOME A LITTLE MORE CREATIVE IN CREATING A LOAN POOL THAT CAN FUND THINGS THAT WILL HELP THE EXISTING BUSINESSES THAT HAVE BEEN STRUGGLING TO SURVIVE OR MAYBE DOING VERY WELL WITHIN THE BOUNDARIES OF THE ZONE, BUT COULD DO BETTER IF THEY'RE PROVIDED SOME RESOURCES BUT AREN'T EXPECTED TO CREATE JOBS. THAT IS ONE OF THE THINGS WE HAVE TO DECIDE, IS THAT SOMETHING THE CITY WANTS TO DO. HOW CAN YOU HELP THEM IN TERMS OF THE ADMINISTRATIVE PART OF THE BUSINESS? IS THERE A WAY TO HAVE A LOT OF THESE SMALL BUSINESSES KIND OF POOL THEIR RESOURCES ON THE ADMINISTRATIVE SIDE SOMEHOW AND MAYBE USE SOME NEW POOL OF FUNDS TO KIND OF HELP IN THAT REGARD. AND CERTAINLY LOOKING AT IF WE CAN HAVE LIKE A SMALL BUSINESS DIRECTORY OR SOME WAY TO PROMOTE BUSINESSES IN THE ZONE, BUT

THOSE SORTS OF THINGS WHERE WE CAN HELP EXISTING BUSINESSES AND THEN WITHOUT NECESSARILY HAVING TO TIE IT TO JOB CREATION AND THE FORMULA THAT WE MIGHT USE THAT SAYS FOR EVERY JOB CREATED YOU CAN QUALIFY FOR X AMOUNT OF THE LOAN. AND SO THAT'S SOMETHING THAT OBVIOUSLY AGAIN IS JUST LIKE THE TAX ABATEMENT PART ON THE RESIDENTIAL SIDE, IT'S SOMETHING THAT WE WILL HAVE TO WORK THROUGH TO FIGURE OUT HOW WE GET DONE BECAUSE, AGAIN, THOSE ARE THE QUESTIONS WE GET ASKED. SURE, YOU'RE PROVIDING FINANCIAL INCENTIVES FOR THE NEW BUSINESSES THAT ARE COMING INTO EAST AUSTIN, BUT WHAT ARE WE DOING TO HELP THE RESIDENTS THAT HAVE LIVED THERE FOR DECADES UPON DECADES AND BUSINESSES THAT HAVE OPERATED IN THE AREA DECADES UPON DECADES. SO I THINK WE'RE TRYING TO RESPOND TO THAT SORT OF VERY LOUD MESSAGE WE'VE HEARD OVER THE LAST SIX MONTHS AND JUST GET CREATIVE. AND I THINK WE'VE HEARD SOME CREATIVE SOLUTIONS FROM STAFF AND HOPEFULLY WE CAN CONTINUE DOWN THAT ROAD AND CONTINUE TO IDENTIFY MORE THAT CAN BE DONE BECAUSE AGAIN THE ISSUES ARE CRITICAL ALREADY. IT'S NOT SOMETHING THAT WE NEED TO WAIT FOR. WE HAVE TIME TO WORK THROUGH SOMETHING THAT I THINK REQUIRES IMMEDIATE ACTION AND THE SOONER ON SOME OF THESE THINGS THE BETTER. WE'RE THINKING ALONG THE SAME LINES AS WHAT YOU WERE SAYING AND WE ARE LOOKING AT HOW TO TARGET THE ASSISTANCE TO, LIKE YOU WERE TALKING ABOUT, IN TERMS OF NEED OR IN TERMS OF OTHER CRITERIA THAT RELATE TO THE CHALLENGES THAT THE BUSINESSES OR THE RESIDENTS HAVE HAD IN THAT -- IN THIS PARTICULAR ZONE THAT WE'RE PROPOSING.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? HEARING NONE, THANK YOU, MR. HILGERS.

Alvarez: AGAIN, MAYOR, I THINK OUR INTENT IS TO BRING IT BACK IN A COUPLE OF WEEK WITH SOME SPECIFIC RECOMMENDATIONS AND BASED ON ON THE CDC RECOMMENDATIONS, STAFF RECOMMENDATIONS, AND GET THE WHEELS ROLLING IN TERMS OF SOME OF THESE

DIFFERENT POLICIES THAT WE WANT TO PURSUE AND HOPEFULLY THAT'S SOMETHING WE CAN TAKE UP IN A COUPLE OF WEEKS AND JUST CONTINUE THIS PROCESS. THANK YOU, MAYOR.

Mayor Wynn: SO COUNCIL, COUNCILMEMBER ALVAREZ MAKES A MOTION TO POSTPONE ACTION ON ITEM NUMBER 27 TO APRIL 28TH, 2005. SECONDED BY COUNCILMEMBER THOMAS.

Thomas: IF I CAN SAY, I DO COMMEND STAFF CONTINUE WORKING AND I DO APPRECIATE THE HARD WORK OF THE CDC, THEY KEEP ME INFORMED. I'M SURE THE REST OF YOU WILL KEEP ME INFORMED. BUT I APPRECIATE THE HARD WORK. BECAUSE THIS IS SOMETHING THAT HAS BEEN -- LIKE COUNCILMEMBER ALVAREZ SAID, FOR FIVE YEARS THAT WE'VE BEEN ON THE COUNCIL, INCLUDING THE MAYOR AND THE REST OF US, IS THAT IT'S SOMETHING THAT WE'VE BEEN HEARING ABOUT GENTRIFICATION, AND THIS IS HOPEFULLY A TOOL TO HELP SOME OF THE CONCERNS AND SOME OF THE CONCERNS OF THE CITIZENS THAT WERE AT THE TOWN HALL MEETING. SO THE MAYOR AND THE REST OF THE COUNCIL SUPPORT AND WE HOPE WE CAN GET TO THOSE GOALS. THANK YOU.

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

AYE.

Mayor Wynn: OPPOSED? MOTION TO POSTPONE PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU VERY MUCH. OKAY, COUNCIL. NOW THAT GETS US TO OUR ZONING CASES, PERHAPS WE HAVE TIME TO GET THROUGH OUR POSTPONEMENTS AND/OR CONSENT AGENDA. WELCOME MS. ALICE GLASGO.

GOOD AFTERNOON.

BEFORE YOU SPEAK, IS JOYCE HUNT STILL HERE? JOYCE HUNT WAS ON OUR CITIZEN COMMUNICATION SIGN-UP SHEET, HAD TO LEAVE, AND WE MISSED HER -- I WAS TOLD SHE CAME BACK INTO THE BUILDING. JOYCE HUNT? OKAY.

THANK YOU. MISS GLASGO, GO AHEAD.

THANK YOU, MAYOR, COUNCILMEMBERS. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS: WE HAVE TWO ITEMS UNDER THE SEGMENT WHERE YOU HAVE ALREADY CLOSED THE PUBLIC HEARINGS. STARTING OFF WITH ITEM NUMBER 28. THIS IS A REQUEST TO AMEND ORDINANCE NUMBER 041021-Z-18 TO SUBSTITUTE THE CORRECT ZONING MAP FOR THE PROPERTY KNOWN AS WILLIAMSON SQUARE PROJECT LOCATED AT 10700 ANDERSON MILL ROAD AND DESCRIBED IN ZONING CASE C-14-040112. ITEM NUMBER 29, CASE C-14--96-0003, PIONEER CROSSING PLANNED UNIT DEVELOPMENT. STAFF IS REQUESTING A POSTPONEMENT TO APRIL THE 28TH IN ORDER TO CONTINUE REFINING LEGAL DOCUMENTS WITH THE POLITIC. MAYOR, THAT CONCLUDES THOSE TWO ITEMS WHERE YOU HAVE ALREADY CLOSED THE PUBLIC HEARING.

Mayor Wynn: THANK YOU, MS. GLASGO. SO COUNCIL, THE CONSENT AGENDA ON THESE ZONING CASES WHERE WE'VE ALREADY HELD A PUBLIC HEARING WOULD BE TO APPROVE ITEM NUMBER 28, ALTHOUGH IT JUST SAYS AN ORDINANCE, BUT THAT WOULD BE ALL THREE READINGS -- SECOND AND THIRD READING, ITEM 28. AND ON ITEM 29 TO POSTPONE TO APRIL 28TH, 2005. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

OUR NEXT ITEMS ARE THOSE WHERE YOU ARE HEARING THE PUBLIC HEARING FOR THE FIRST TIME. WE START OFF WITH ITEM NUMBER Z-1, CASE C-14-04-0202. THIS PROPERTY IS LOCATED AT 102 HERRERA STREET. THE EXISTING ZONING IS SINGLE-FAMILY 3 AND THE APPLICANT IS SEEKING A CHANGE TO GR, WHICH STANDS FOR COMMUNITY COMMERCIAL. THE ZONING AND PLATTING COMMISSION RECOMMENDS GR-CO, WHICH ADDS A CONDITIONAL OVERLAY, AND THIS CASE IS

READY FOR ALL THREE READINGS. ITEM Z-2, C-14-05-10, THE PROPERTY IS LOCATED AT 5805 NANCY DRIVE. THE EXISTING ZONING IS SINGLE-FAMILY 3 AND THE APPLICANT IS REQUESTING -- IS ZONED MOBILE HOME AND THE APPLICANT IS REQUESTING SINGLE-FAMILY 3, WHICH IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NUMBER Z-3, C-14-04-0210, THE PROPERTY IS LOCATED AT 502 WEST 17TH STREET, AND 1700 THROUGH 1704 SAN ANTONIO STREET. THE EXISTING ZONING IS GO, WHICH STANDS FOR GENERAL OFFICE. THE APPLICANT IS REQUESTING DMU, WHICH STANDS FOR DOWNTOWN MIXED USE WITH A CONDITIONAL OVERLAY. AND THE CASE IS READY FOR ALL THREE READINGS FOR DMU-CO. ITEM NUMBER Z-4, CASE C-14-H-05-0001, THIS IS THE JOHN T. PATTERSON HOUSE LOCATED AT 1908 CLIFF STREET. THE EXISTING ZONING IS SINGLE-FAMILY 3 WITH A CONDITIONAL OVERLAY, AND A NEIGHBORHOOD PLAN COMBINING DISTRICT. THE APPLICANT IS REQUESTING THE HISTORIC DESIGNATION, WHICH HAS BEEN RECOMMENDED BY BOTH THE HISTORIC LANDMARK COMMISSION AND THE PLANNING COMMISSION. AND THE CASE IS READY FOR ALL THREE READINGS FOR THE HISTORIC DESIGNATION. ITEM Z-5 WILL BE A DISCUSSION ITEM. ITEM Z-6, CASE C-14-H-05-0002, THE NELSON AND TEXANNA DAVIS HOUSE, LOCATED AT 1621 WEST 12TH STREET. THE APPLICANT -- THE OWNER OF THE PROPERTY IS REQUESTING A POSTPONEMENT TO JUNE THE 23rd. THIS IS THE OWNER'S FIRST REQUEST. ITEM NUMBER Z-7, C-14-05-00015, THE JELSON COMMERCIAL DEVELOPMENT, LOCATED AT 6941 WEST HIGHWAY 290. THIS CASE WAS ON YOUR AGENDA LAST WEEK, AND COUNCILMEMBER SLUSHER ASKED US TO LOOK INTO THE ADJOINING PROPERTY STATUS AS RELATES TO WHICH WATERSHED REGULATIONS ARE APPLICABLE. WHILE THE SUBJECT TRACT BEFORE YOU TODAY DOES NOT HAVE PRIOR APPROVAL OR PRIOR PERMITS TO GRANT IT, THE ADJOINING PROPERTY, WHICH IS NOT PART OF THE REZONING, WE HAVE, WE HAVE FOUND THAT THE PRELIMINARY SUBDIVISION PLAN WAS APPROVED IN 1967. THE FINAL PLAT WAS APPROVED IN 1992, WHICH PREDATES THE SAVE OUR SPRINGS ORDINANCE. SO THE PROPERTY TO THE WEST OF THE SUBJECT TRACT IS SUBJECT TO THE WILLIAMSON CREEK WATERSHED

ORDINANCE AND THE COMPOSITE WATERSHED ORDINANCE WHICH ALLOWS FOR 65% IMPERVIOUS COVER.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: MS. GLASGO SAID THAT THE 1992 FILING PREDATED THE S.O.S. ORDINANCE. JUST OUT OF CURIOSITY, HOW LONG DID IT PREDATE IT BY?

BY ONE DAY.

Slusher: ONE DAY?

IT WAS FILED ON AUGUST THE SEVENTH OF 1992, ONE DAY BEFORE THE SAVE OUR SPRINGS BECAME EFFECT SIEVE.

Slusher: THANK YOU. I MAY HAVE MORE TO SAY ABOUT THAT.

I HOPE THAT WE ANSWERED THE QUESTIONS YOU NEEDED ON THAT ONE, COUNCILMEMBER SLUSHER. IF SO, WE CAN OFFER IT AS A CONSENT ITEM ON ALL THREE READINGS FOR THE RECOMMENDATION SENT FORTH TO YOU BY THE ZONING AND PLATTING COMMISSION OF CS-CO, WHICH STANDS FOR GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY. ITEM NUMBER Z-8, THIS IS GOING TO BE A DISCUSSION ITEM. COUNCILMEMBER SLUSHER WANTED A PRESENTATION SO HE CAN HEAR THE STAFF PRESENTATION. MAYOR, THAT CONCLUDES THE CONSENT ITEMS. UNDER THIS SEGMENT OF THE AGENDA.

Mayor Wynn: THANK YOU, MS. GLASGO, SO COUNCIL, THE CONSENT AGENDA ON OUR ZONING CASES FOR PUBLIC HEARINGS WILL BE ITEMS Z-1, 2, 3, 4 TO APPROVE ON ALL THREE READINGS. AND ON ITEMS Z-6 TO POSTPONE TO JUNE 23rd, 2005. AND COUNCILMEMBER SLUSHER, WOULD YOU PREFER TO HAVE Z-7 ON THE CONSENT AGENDA OR PULLED?

Slusher: I'M NOT GOING TO VOTE FOR IT. IF THEY WANT TO TRY TO PERSUADE ME, THEY CAN HAVE A HEARING. I DON'T KNOW HOW THE OTHERS FEEL.

Mayor Wynn: THEN I'LL RECOMMEND US KEEP IT OFF THE

CONSENT AGENDA.

Slusher: I HAD A QUESTION ON Z 1 ALSO.

Mayor Wynn: LET'S GET A MOTION IF YOU DON'T MIND ON THE CONSENT AGENDA. SO THE CONSENT AGENDA WILL BE TO APPROVE A ALL THREE READINGS, Z-1, 2, 3, 4 TO APPROVE AND TO POSTPONE Z-6 TO JUNE 23rd, 2005. GOOD DID MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ. COUNCILMEMBER SLUSHER?

Slusher: MS. GLASGO, ON Z-1, 102 HERRERA, THIS IS JUST OFF OF 183 BUT IT COMES REAL CLOSE TO A SINGLE-FAMILY NEIGHBORHOOD. AND STAFF HAD RECOMMENDED NEIGHBORHOOD OFFICE, IS THAT CORRECT?

THAT'S CORRECT.

Slusher: BUT THE STAFF TOOK IT UP TO LR RETAIL. I'M WONDERING COULD YOU TELL ME THE REASONS BEHIND THE STAFF'S RECOMMENDATION OF N.O.?

THE STAFF RECOMMENDATION FOR NEIGHBORHOOD OFFICE IS SIMPLY BECAUSE OF THE PROXIMITY TO THE RESIDENTIAL NEIGHBORHOOD. AND THIS IS WHERE WE FEEL LIKE THE NEIGHBORHOOD OFFICE DISTRICT IS.

PROPRIATE. I KNOW, SOMETIMES THAT QUESTION ARISES IS IT APPROPRIATE. AND ALSO, IT'S ON -- IT'S CLOSE TO A MAJOR HIGHWAY; HOWEVER, THE PROPERTY HAS BEEN USED WITH AN AUTOMOTIVE REPAIR USE, AND THAT REQUIRES GR ZONING. AND I BELIEVE THAT'S WHY THE ZONING AND PLATTING COMMISSION RECOMMENDED GR ZONING AS REQUESTED BY THE APPLICANT. SO THAT'S --

SLUSHER: BUT THE APPLICANT COULD CONTINUE WITH THE NONCONFORMING USE, CORRECT?

IT APPEARS FROM OUR RECORDS THAT IT IS A NONCONFORMING USE, AND YES, IT COULD CONTINUE IN THAT MANNER AND COULD BE USED IF YOU WERE TO

SELECT THE STAFF RECOMMENDATION, BUT N.O. OFFICE WOULD ALLOW FOR OBVIOUSLY OFFICE USES, BUT --

Slusher: I'M SORRY, GO AHEAD.

BUT WOULD NOT MAKE THE USE LEGAL. IT'S NOT ILLEGAL RIGHT NOW, IT JUST DOESN'T CONFORM TO OUR ZONING CASE BECAUSE IT PREEXISTED -- IT PREDATED OUR ZONING REGULATIONS, IF YOU WILL.

I'M LOOKING --

Slusher: I'M LOOKING AT THIS. IT DOESN'T APPEAR FROM AERIAL PHOTOGRAPH TO HAVE DIRECT ACCESS TO 183, BUT INSTEAD IS ACCESSED OFF THE NEIGHBORHOOD STREET, IS THAT CORRECT?

IT WOULD APPEAR THAT EVEN ON THE PLAT THE ACCESS WOULD BE ON TO THE RESIDENTIAL STREET ON TO HERRERA STREET, YES.

Slusher: OKAY. SO IN THE PROPERTY THAT'S -- THAT'S OWNED AND THE SUBJECT OF THIS DOESN'T COME OVER TO 183, SO IT'S NOT LIKE THEY HAVE -- THEY COULD CUT A DRIVEWAY ACROSS THEIR OWN PROPERTY OR ANYTHING. IF IT WAS RETAIL USE IT WOULD HAVE TO BE ACCESSED THROUGH THE NEIGHBORHOOD?

CORRECT. THE ACCESS WILL HAVE TO BE ON TO HERRERA STREET FOR THE DEVELOPMENT. ON TO HIGHWAY 183, I DON'T THINK THAT ACCESS WOULD BE FEASIBLE THERE. GIVEN YOU CAN SEE HOW THE INTERCHANGE --

Slusher: I WOULD MAKE A FRIENDLY AMENDMENT TO DO THE STAFF RECOMMENDATION ON THAT ONE OF N.O. I WOULD OFFER THAT AS A FRIENDLY AMENDMENT.

Mayor Wynn: I WILL SAY BEFORE I ASK THE MAYOR PRO TEM AS A MAKER OF THE MOTION IF SHE CONSIDERS THAT FRIENDLY, THE CITY ATTORNEY HAS REQUESTED THAT IF THAT WERE TO BE THE CASE, THEN WE WOULD HAVE TO GO ON FIRST READING ONLY AS THE ORDINANCE ISN'T READY FOR THE CHANGE IN ZONING. MAYOR PRO TEM, DO YOU

CONSIDER THAT FRIENDLY? AND COUNCILMEMBER
ALVAREZ. THIS WOULD BE FOR FIRST READING ONLY.

Alvarez: MAYOR, JUST TO CLARIFY, IT WAS ONE WHERE THE
STAFF'S ORIGINAL RECOMMENDATION WAS N.O. AND IT'S
STILL N.O.?

I'M SORRY? AM.

Alvarez: THE STAFF'S RECOMMENDATION WAS ORIGINALLY
N.O. AND IT'S STILL N.O.

YES.

Alvarez: AND IT WAS THE ZAP OR PLANNING COMMISSION
WAS WHAT?

THE ZONING AND PLATTING COMMISSION
RECOMMENDATIONS IS FOR GR-CO.

Alvarez: FOR GR-CO.

Mayor Wynn: SO YOU ACCEPT THAT, COUNCILMEMBER?

Alvarez: I WILL.

Mayor Wynn: THEN THE AMENDED CONSENT AGENDA WILL BE
Z-1 1 FIRST READING ONLY, AND THEN APPROVAL OF ALL
THREE READINGS, Z-2, Z-3, Z-4 AND TO POSTPONE Z-6 TO
JUNE 23rd, 2005. 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 VERY MUCH. SO MISS GLASGO,
WE HAVE FIVE OR EIGHT MINUTES HERE BEFORE OUR 5:30
BREAK. PERHAPS COUNCILMEMBER SLUSHER COULD HAVE
SOME COMMENTS ON Z-7 BEFORE WE POTENTIALLY TAKE
ACTION THERE? THE MOTION ON CONSENT AGENDA ALSO
INCLUDED CLOSING THOSE PUBLIC HEARINGS. THANK YOU
VERY MUCH. COUNCILMEMBER SLUSHER, IF YOU THINK
YOUR COMMENTS MIGHT BE LENGTHY AND CREATE

DISCUSSION ON Z-7 OR A NEED FOR A PUBLIC HEARING, WE CAN CERTAINLY JUST -- WE PULLED IT OFF THE CONSENT AGENDA. IF YOUR PREFERENCE IS TO HAVE A QUICKLY -- QUICKLY CALL UP A PUBLIC HEARING AND HAVE A DISCUSSION, MY RECOMMENDATION WOULD BE THAT WE GO AHEAD AND RECESS NOW AND TAKE THAT UP IMMEDIATELY AFTER.

Slusher: I THINK IT WOULD BE BEST TO HAVE THE APPLICANTS DO YOUR PRESENTATION.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, WE WILL HAVE TWO -- THREE DISCUSSION ITEMS AFTER OUR BREAK, CASE Z-5, Z-7 AND Z 8, BUT WITH ONLY FIVE MINUTES BEFORE OUR BREAK FOR LIVE MUSIC AND PROCLAMATIONS, WITHOUT OBJECTION, I RECOMMEND WE GO AHEAD AND RECESS THE MEETING AND CONVENE IMMEDIATELY AFTER PROCLAMATIONS TO TAKE UP THE ZONING HEARINGS. MAYOR PRO TEM?

Goodman: ONE CLARIFICATION. ON THE EARLIER MOTION, I DON'T KNOW IF THAT WAS TO INCLUDE CLOSING THE PUBLIC HEARINGS.

MAYOR WYNN: YES. I MADE THAT CORRECTION. THANK YOU VERY MUCH. SO WITHOUT OBJECTION, WE ARE NOW IN RECESS. THANK YOU ALL VERY MUCH. STAY TUNED FOR LIVE MUSIC. I SAY THAT. IT'S SOLID WASTE DEPARTMENT'S SERGEANT BIN. OKAY, FOLKS, SINCE THIS IS THE LAST CITY COUNCIL MEETING BEFORE EARTH DAY, WE ARE GOING TO CELEBRATE IT EARLY. WE HAVE WITH US SERGEANT BIN OF SOLID WASTE SERVICE, SATURDAY BIN AND CAPTAIN CAN HAVE WORKED FOR MORE THAN FOUR YEARS EDUCATING CHILDREN ABOUT THE ENVIRONMENT THROUGH THE USE OF MUSIC. PLEASE JOIN ME IN WELCOMING SERGEANT BIN.

CITY OF SAN ANTONIO TURN BOLTS INTO A BALL, A BALL SO BIG, A BALL SO SMALL, TURN THIS BOTTLE INTO A CUP, GET SOME WATER AND DRINK IT UP. TURN THIS BOTTLE INTO A DOLL, YOU CAN DO IT IN NO TIME AT ALL. TURN THIS BOTTLE INTO A CAT -- NO WAY YOU CAN'T DO THAT. THINK ABOUT THE THINGS THIS BOTTLE CAN BE, IT'S WAITING FOR YOU, IT'S WAITING FOR ME. IT CAN CHANGE ITS SHAPE, IT CAN

CHANGE ITS SIZE, WHAT IT BECOMES, NOW THAT'S A
SURPRISE (music)(music) (music) TURN THIS PAPER INTO A
CARD, NOW THAT WASN'T SO VERY HARD. (music) TURN THIS
PAPER INTO A MAP, A PIRATE NEVER TAKES A NAP.
(music)(music) ARRG.

TURN THIS PAPER INTO A BOOK, OPEN IT UP, AND TAKE A
LOOK, TURN THIS PAPER INTO A CAT -- NO WAIT, YOU CAN'T
DO THAT. (music) THINK ABOUT THE THINGS THIS PAPER CAN
BE. (music) IT'S WAITING FOR YOU, IT'S WAITING FOR ME. IT
CAN CHANGE ITS SHAPE, IT CAN CHANGE ITS SIZE, WHAT IT
BECOMES, NOW THAT'S A SURPRISE (music)(music) (music)
TURN THIS CAN INTO A BAT, THIS PUT ON YOUR BASEBALL
HAT. (music) TURN THIS CAN INTO A BIKE, RIGHT IT AROUND
ALL YOU LIKE. (music) TURN THIS CAN INTO A CAR, THAT WILL
TAKE YOU VERY FAR, TURN THIS CAN INTO A CAT -- NO,
WAIT, YOU CAN'T DO THAT. NO, WAIT, YOU CAN'T DO THAT.
NO WAIT, YOU CAN'T DO THAT (music)(music) CHA-CHA-CHA. [
APPLAUSE]

OKAY, SERGEANT BIN TELL US A LITTLE BIT ABOUT YOUR
TOUR AND YOU KNOW WHERE AND HOW KIDS CAN SEE YOU,
HEAR ABOUT THE PROGRAM.

WELL, YOU'VE SEEN IT.

I HAVE. IN FACT MY SIX-YEAR-OLD KNOWS ALL THE WORDS,
UNFORTUNATELY. [LAUGHTER]

WE ACTUALLY I JUST DID A PERFORMANCE THIS AFTERNOON
FOR ABOUT -- ABOUT 100 KIDS OVER AT JORDAN
ELEMENTARY. I GOT THE BEST CRITIQUE THAT ANY ACTOR
COULD EVER GET, THAT IS A HUG, I GOT A GROUP HUG. LAST
YEAR WE DID SOMETHING LIKE 80 OF THESE
PERFORMANCES ALL OVER AUSTIN, ALL OVER -- JUST ABOUT
EVERY SCHOOL IN AUSTIN. FOR ABOUT 18,000 CHILDREN.

JUST REMARKABLE. FOLKS, I CAN'T GO ANYWHERE,
PARTICULARLY FORMALLY LIKE A U.S. CONFERENCE OF
MAYOR'S MEETING, WITHOUT BEING PULLED ASIDE BY
DOZENS OF MAYORS ASKING US ABOUT OUR RECYCLE
PROGRAM THROUGH OUR SOLID WASTE DEPARTMENT, PAY
AS YOU THROW PROGRAM, PAY BASED ON THE SIZE OF

YOUR GARAGE CAN COMPLEMENTED BY HOW MUCH RECYCLING YOU AND YOUR FAMILY PUT OUT, IT'S REMARKABLY RENOWNED PROGRAM ACROSS THE COUNTRY, VIRTUALLY WHEREVER I GO I GET ASKED ABOUT IT. IT'S ONLY THROUGH GREAT OUTREACH AND EDUCATION OF ALL OF US, NOT JUST CHILDREN, THAT ENABLES IT TO BE SUCH A RENOWNED PROGRAM. BEFORE SERGEANT BIN GETS AWAY, WE HAVE A PROCLAMATION THAT READS: BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC, CULTURAL DIVERSITY, WHEREAS THE DEDICATED ARTISTS FURTHER AUSTIN'S MUSIC STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD, THEREFORE I WILL WYNN, MAYOR OF THE STATE OF TEXAS, CALL ON AND YOU ARE CITIZENS TO JOIN ME IN THANKING A GREAT MAN AND A GREAT PROGRAM. [APPLAUSE]

Mayor Wynn: OUR FIRST PROCLAMATION IS AN OFFICIAL CERTIFICATE OF APPRECIATION. I'M JOINED BY SEVERAL EXECUTIVES FROM A.M.D. AS WELL AS CHIEF STAN KNEE AND OTHER FOLKS FROM THE AUSTIN POLICE DEPARTMENT. AFTER I READ THE CERTIFICATE OF APPRECIATION, I'LL ASK THOMISONERMAN OF A.M.D. TO SAY A WORD ABOUT THIS GIFT AND THEN CHIEF KNEE WILL SPEAK ABOUT HOW THE GIFT WILL BE USED. THE CERTIFICATE OF APPRECIATION READS: THIS IS TO CERTIFY THROUGH THEIR DONATION OF \$20,000 TO THE AUSTIN POLICE DEPARTMENT THROUGH THE GREATER AUSTIN CRIME COMMISSION, A.M.D. HAS MADE A VALUABLE CONTRIBUTION TO THE CITY OF AUSTIN. AT THE REQUEST OF A.M.D.'S GARY HEARSON BEFORE HIS DEATH, THESE FUNDS ARE BEING USED TO PURCHASE ELECTRONIC SURVEILLANCE EQUIPMENT FOR A.P.D. THIS CERTIFICATE IS PRESENTED WITH OUR DEEP APPRECIATION TO A.M.D. AS WELL AS TO HONOR MR. HEARSON'S LEGACY OF COMMITMENT TO OUR COMMUNITY, THIS 14th DAY OF APRIL, 2005, SIGNED BY ME, BUT ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, PLEASE JOIN ME IN WELCOMING TOM SONARMAN AND THANKING A.M.D. FOR THIS GIFT. TOM?

GOOD AFTERNOON. ON BEHALF OF A.M.D., I WOULD LIKE TO THANK MAYOR WYNN, THE AUSTIN POLICE DEPARTMENT, AND THE CITY OF AUSTIN FOR GIVING US THE OPPORTUNITY

TO ACKNOWLEDGE GARY HEARSON'S COMIEWTION TO THE AUSTIN COMMUNITY. GARY WAS AN EXTRAORDINARY INDIVIDUAL WHO BELIEVED PASSIONATELY IN BOTH TECHNOLOGY AND PEOPLE. HE TRULY WAS A HUMANITARIAN. A.M.D. BELIEVES IN THE POWER OF TECHNOLOGY TO CHANGE PEOPLE'S LIVINGS. WITH THIS CONTRIBUTION, THE AUSTIN POLICE DEPARTMENT WILL NOW HAVE AVAILABLE LEADING EDGE HIGH-TECH SURVEILLANCE EQUIPMENT TO SAVE LIVES AND PROTECT OUR COMMUNITY. MAKING THIS GRANT TO THE AUSTIN POLICE DEPARTMENT WAS GARY'S VISION AND IS NOW PART OF HIS ENDURING LEGACY. I WANT TO ESPECIALLY RECOGNIZE JIM CARTIER FOR HIS EFFORTS IN MAKING THIS GIFT A REALITY. JIM IS ALSO A HUMANITARIAN AND WAS A VERY DEAR FRIEND OF GARY'S. AS I MENTIONED, GARY NOT ONLY BELIEVED IN TECHNOLOGY, BUT PEOPLE. IT IS MY HONOR TO ANNOUNCE THE ESTABLISHMENT OF THE GARY HEARSON MEMORY SCHOLARSHIP FOR ELECTRONICS AT AUSTIN COMMUNITY COLLEGE. THIS SCHOLARSHIP IS A TESTAMENT TO GARY'S STRONG COMMITMENT TO EDUCATION IN THE AUSTIN COMMUNITY AND WILL KEEP HIS VISION ALIVE SO THAT MANY OTHERS CAN BENEFIT FOR YEARS TO COME. THANK YOU. [APPLAUSE]

THANK YOU.

CHIEF KNEE, IF YOU COULD SPEAK BRIEFLY TO THE USE OF THESE FUNDS AND JUST THE WHOLE CONCEPT AND USE OF TECHNOLOGY NOW IN PLANNING COMMISSIONING.

THANK YOU. FIRST OFF, LET ME SAY THAT A.M.D. HAS BEEN A PARTNER AT THE AUSTIN POLICE DEPARTMENT SINCE SHORTLY AFTER MY ARRIVAL IN 2000. WE HAVE IN THE POLICE ACADEMY, FOR INSTANCE, COMPUTERS THAT OUR OFFICERS TRAIN ON, GETTING READY TO GO OUT ON THE STREET AND UTILIZE ALL OF OUR COMPUTER SYSTEMS DONATED BY A.M.D. IN ADDITION TO THAT, OUR FORENSIC COMPUTER UNIT, THE EQUIPMENT THAT'S UTILIZED IN THAT EQUIPMENT, IN FACT THE EQUIPMENT THAT ALLOWED US TO START THAT UNIT UP, THAT UNIT DOES INVESTIGATIONS ON CHILD PORN WHERE CROOKS USE COMPUTER SYSTEMS TO ENTICE YOUNG CHILDREN AND COMMIT FRAUD. THAT EQUIPMENT CAME FROM A.M.D. EARLIER THIS YEAR WHEN

THEY ASKED US ABOUT NEED, THE NEED WAS IN COMPUTER DRIVEN SURVEILLANCE EQUIPMENT THAT WOULD ALLOW US TO DO A BETTER JOB AND ULTIMATELY REACH OUR GOAL OF MAKING AUSTIN SAFER. IT'S FOLKS LIKE A.M.D. AND THE GREATER AUSTIN CRIME COMMISSION THAT REALLY MAKE AUSTIN THE COMMUNITY THAT THE. STEPPING UP TO THE PLATE AND HELPING OUT WHEN THERE IS A NEED. WE REALLY TRULY WANT TO THANK ALL OF THE FOLKS AT A.M.D. FOR ALL OF THEIR SUPPORT AND THE FOLKS OF THE GREATER AUSTIN CRIME COMMISSION. THANK YOU.

THAT WAS OUR CERTIFICATE OF APPRECIATION. WE HAVE A COUPLE OF PROCLAMATIONS. AGAIN WE DO THESE EACH WEEK AS A WAY TO FIRST AND FOREMOST SAY THANK YOU OFTENTIMES TO FOLKS THAT HELP THIS CITY IN MANY WAYS, BOTH TECHNICALLY WITH THE CITY OF AUSTIN AND THE LARGER SENSE THE BROADER COMMUNITY. WE ALSO GET A CHANCE TO HIGHLIGHT GOOD PROGRAMS AND GOOD SERVICES THAT OFTENTIMES WE SIMPLY TAKE FOR GRANTED. THIS IS A WAY TO GIVE GOOD RECOGNITION. THIS OPERATION IS ABOUT RECORDS AND INFORMATION MANAGEMENT MONTH. AND SCOTT WILRICH WILL SAY A FEW WORDS AFTER I READ THE OPERATION. IT READS: BE IT KNOWN WHEREAS THE MANAGEMENT OF RECORDS AND INFORMATION IS INCREASINGLY CRITICAL TO EVERY BUSINESS, ORGANIZATION AND GOVERNMENT AGENCY BECAUSE TECHNOLOGY IS ALLOWING US TO STORE GROWING AMOUNTS OF INFORMATION AND TO RETAIN IT FOR LONGER PERIODS OF TIME. WHEREAS CONTROL OF RECORDS AND INFORMATION IS NECESSARY FOR REDUCTION OF RISK AND LIABILITY AS WELL AS FOR COMPLIANCE WITH GLOBAL STANDARDS. SO WE ARE PLEASED TO RECOGNIZE THE IMPORTANT SERVICES PERFORMED BY RECORDS AND INFORMATION PROFESSIONALS THIS MONTH. WHEREAS SERVICE TO CITIZENS DESIRING TO DESTROY PRIVATE INFORMATION SAFELY, THE LOCAL CHAPTER OF THE ASSOCIATION OF RECORD MANAGERS AND ADMINISTRATORS IS OFFERING FREE SHREDDING SERVICES ON APRIL 16th AT AUSTIN EYE SCHOOL. NOW THEREFORE I WILL WIN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM APRIL 2005 AS RECORD AND INFORMATION MANAGEMENT MONTH IN

AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN THANKING THE PROFESSIONALS HERE AND ASK SCOTT TO COME SAY A FEW WORDS. SCOTT? THANK YOU. [APPLAUSE]

ON BEHALF OF THE ASSOCIATION OF RECORDS MANAGERS AND ADMINISTRATORS, ESPECIALLY THE AUSTIN CHAPTER, I WOULD LIKE TO THANK THE MAYOR AND COUNCIL FOR THIS RECOGNITION OF THE IMPORTANCE OF RECORDS AND INFORMATION MANAGEMENT AND ALSO I WANT TO ENCOURAGE EVERYBODY TO COME OUT ON SATURDAY, TO AUSTIN HIGH, FROM 8:00 TO 2:00 AND BRING UP TO TWO BOXES OF YOUR PERSONAL RECORDS THAT YOU NO LONGER NEED. TAKE THE OPPORTUNITY TO HAVE THOSE SECURELY SHREDDED BY US AND MAKE SURE THAT YOU TAKE CARE OF YOUR -- OF THE THREAT OF IDENTITY THEFT. AGAIN FROM 8:00 TO 2:00 AUSTIN HIGH SCHOOL THIS SATURDAY, THANK YOU VERY MUCH.

RIGHT, THANK YOU ALL. [APPLAUSE]

TAKE THE PROC WITH YOU. THANKS. IS THAT OUR NEXT OPERATION REGARDING U.T. AUSTIN VOLUNTEER RECOGNITION CEREMONY, GLEN IS WITH US AND GOING TO SAY A FEW WORDS AFTER I READ THE PROCLAMATION. THE PROCLAMATION READS BE IT KNOWN WHEREAS MOST YOUNG PEOPLE WHO VOLUNTEER AS YOUTH CONTINUE SERVING THROUGHOUT THEIR LIFETIMES BECAUSE THEY FIND THEIR OWN LIVES ENRICHED BY HELPING OTHERS IN NEED. WHEREAS THE U.T. VOLUNTEER AND SERVICE LEARNING CENTER PROVIDES VOLUNTEER OPPORTUNITIES TO STUDENTS AS AN EFFECTIVE WAY TO PUT CLASSROOM THEORIES INTO PRACTICE WHILE SERVING THE NEEDS OF OUR COMMUNITY AT THE SAME TIME. WHEREAS WE JOIN WITH U.T. IN CONGRATULATING THE STUDENTS WHO WILL BE RECEIVING OUTSTANDING VOLUNTEER AND SERVICE LEARNING AWARDS IN A SPECIAL RECEPTION IN THEIR HONOR. WHEREAS -- SO NOW THEREFORE I, WILL WIN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM APRIL 20th 20th, 2005 AS THE 2005 U.T. AUSTIN VOLUNTEER RECOGNITION CEREMONY AND AGAIN CALL ON YOU ALL TO JOIN ME IN THANKING NOT ONLY THE U.T. STUDENTS WHO DO VOLUNTEER THOUSANDS AND THOUSANDS OF HOURS THROUGHOUT OUR COMMUNITY,

BUT ALSO THE ORGANIZATION AT U.T. THAT BOTHERS TO HELP THEM FIND A PLACE TO VOLUNTEER THROUGHOUT OUR COMMUNITY. WE ASK MR. GLEN BOMGARDEN TO SAY A FEW WORDS.

THANK YOU, MAYOR WILL WYNN, CITY COUNCIL AND THE CITY OF AUSTIN. THIS IS A GREAT HONOR FOR THE STUDENTS OF THE UNIVERSITY AND ESPECIALLY FOR OUR OFFICE TO GET RECOGNITION. FOR THOSE OF YOU WHO DON'T REALIZE, U.T. STUDENTS GIVE A LOT TO THIS CITY. WE DID A STUDY A FEW YEARS AGO AND FOUND IN 2002 THAT AN AVERAGE OF 47% OF ALL U.T. STUDENTS, VOLUNTEERED IN THE CITY OF AUSTIN, AN AVERAGE OF 111 HOURS PER YEAR. RECENTLY, THIS YEAR WE DID A STUDY OF OUR FRESHMEN INCOMING STUDENTS SHOWING 98% HAD VOLUNTEERED IN THEIR HOMETOWNS AND HAD EVERY INTENTION OF VOLUNTEERING IN THE CITY OF AUSTIN WHILE THEY WERE ATTENDING U.T. IT GOES ON WITH -- WITH GREAT HONOR THAT THE CITY HAS THAT WE KNOW AT U.T. THAT THE CITY AND THE CITIZENS OF AUSTIN REALLY LOVE THE UNIVERSITY. AND BY -- BY KNOWING SOME OF THE STATS ABOUT STUDENTS AND THEIR VOLUNTEERISM, HOPE THAT EVERYBODY IN THE CITY OF AUSTIN REALIZES HOW MUCH U.T. STUDENTS REALLY LOVE THE CITY OF AUSTIN. THANK YOU FOR THE OPPORTUNITY TO COME HERE AND WE REALLY APPRECIATE IT. [APPLAUSE] I'M JOINED BY A NUMBER OF FOLKS FROM THE CITY'S HOUSING DEPARTMENT BECAUSE THIS PROCLAMATION IS REGARDING FAIR HOUSING MONTH. IF YOU WERE HERE A FEW MINUTES AGO WE HAD A PRESENTATION THAT IS JUST ANOTHER EXAMPLE OF HOW WE STRUGGLE AS A COMMUNITY TO TRY TO ADDRESS THAT LARGE CONTINUUM AND SPECTRUM OF HOUSING NEEDS THROUGH OUR COMMUNITY, BOTH ON THE AFFORDABILITY FRONT, ON THE ACCESSIBILITY FRONT. TRYING TO COMBAT GENTRIFICATION THROUGHOUT PARTS OF OUR COMMUNITY AND IT ULTIMATELY COMES DOWN TO HOUSING PROFESSIONALS AND FAIR HOUSING PRACTICE. SO WE ARE VERY PLEASED TO RECOGNIZE FAIR HOUSING MONTH. I THINK CHARLES GORHAM IS GOING TO SAY A FEW DAYS AFTER I READ THE OPERATION. WHICH READS: BE IT KNOWN WHEREAS SAFE AND AFFORDABLE HOUSING IS PART OF THE AMERICAN DREAM AND THE FAIR HOUSING ACT OF

1968 AND THIS AMENDMENT IN 1988 OPENED THAT POSSIBILITY TO EVERYONE, REGARDLESS OF RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, DISABILITY OR FAMILIAL STATUS. WHEREAS AT CITY OF AUSTIN IS LIKEWISE DEDICATED TO ENSURING THAT ALL CITIZENS RECEIVE EQUAL TREATMENT WHEN BUYING OR RENTING A HOME. WHEREAS WE ENCOURAGE EVERYONE TO RECOGNIZE THE IMPORTANCE OF FAIR HOUSING PRACTICES AND TO CONTINUE TO WORK TO CHANGE ATTITUDES AND REMOVE BARRIERS THAT LIMIT ACCESS AND CHOICE. NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM APRIL 2005 AS FAIR HOUSING MONTH IN AUSTIN, WILL CALL ON CHARLES TO SAY A FEW WORDS ABOUT THE MANY DIFFERENT PROGRAMS AND ELEMENTS THAT WE TRY TO ADHERE AND ADDRESS HERE IN THE AUSTIN COMMUNITY. BUT ALSO JOIN ME IN THANKING A FINE GROUP OF HOUSING PROFESSIONALS AS WE CALL ON CHARLES TO SAY A FEW WORDS, THANK YOU ALL. [APPLAUSE]

THANK YOU, MAYOR. THE FAIR HOUSING MONTH HAS BEEN RECOGNIZED NOT ONLY HERE LOCALLY, BUT ALSO IN THE STATE AND AS FAR AS UNITED STATES IS CONCERNED, THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HAS ALSO ESTABLISHED APRIL FAIR HOUSING MONTH. SO IT'S BEING CELEBRATED NATIONWIDE. HERE LOCALLY OUR OFFICE IS PRIMARILY RESPONSIBLE IN ENFORCING THE ORDINANCE ON FAIR HOUSING AND DOING INVESTIGATIONS, WHERE IT CONCERNS PERSONS BEING DISCRIMINATED AGAINST WITH THOSE PROTECTED CLASSES THAT HAVE BEEN IDENTIFIED IN THE -- IN THE OPERATION ITSELF. IN THE PROCLAMATION ITSELF. WE ARE THE ENFORCEMENT ARM, WE HAVE WITH US ALWAYS THE AUSTIN TENANTS COUNCIL, NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT, WHICH IS ALSO AN OFFICE WITH THE CITY THAT WE HAVE PARTNERED TOGETHER IN ORDER TO BE ABLE TO PROVIDE THE SEVENS THAT ARE REQUEST -- THE SERVICES THAT ARE REQUESTED FROM THE CITY OF AUSTIN WHEN IT COMES TO FAIR HOUSING. I WOULD LIKE TO CALL ON THE OTHER MEMBERS, IF THEY WOULD LIKE TO SAY ANYTHING TO PLEASE COME FORWARD AND TO ALSO, YOU KNOW, SAY SOMETHING.

HI, MY NAME IS KATHRYN STARK, THE DIRECTOR OF THE AUSTIN TENANTS COUNCIL. I WOULD LIKE JUST TO TAKE THIS CHANCE TO SAY THANK YOU TO THE CITY FOR SUPPORTING AND ENCOURAGING FAIR HOUSING. WE RECEIVE SOME MONEYS STRAIGHT FROM WASHINGTON TO EDUCATE AND TRY TO ENFORCE AND ADVOCATE FOR PEOPLE WHO HAVE BEEN DISCRIMINATED OR FEEL THEY HAVE BEEN DISCRIMINATED AGAINST, BUT WE ALSO RECEIVE MAJOR SUPPORT AND ENCOURAGEMENT FROM THE CITY THROUGH THE HOUSING COMMUNITY SERVICES AND -- I CAN'T EVER REMEMBER THE NAME --

[INDISCERNIBLE]

THERE. THEY JUST CHANGED THEIR NAME. I'M SORRY. AND I WOULD JUST LIKE TO SAY THAT WE HAVE A LONG WAY TO GO IN AUSTIN TO ASSURE THAT EVERYBODY HAS SAVED DECENT -- HAS SAFE, DECENT AFFORDABLE HOUSING, BUT HOPEFULLY WORKING TOGETHER WE'LL GET THERE SOME DAY. THANK YOU.

I WANT TO THANK CHARLES FOR THE OPPORTUNITY. I WANT TO THANK THE COUNCIL PRIMARILY. IT IS REALLY -- WE ARE HAVING A NATIONAL CONFERENCE, A NATIONAL ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES HERE IN AUSTIN TODAY. ONE OF THE THINGS THAT WE TALK ABOUT IS IN THIS CITY, FAIR HOUSING ISSUES ARE COMPLETELY AND TOTALLY SUPPORTED BY THIS CITY COUNCIL. THERE ARE OTHER CITIES IN THIS STATE AND IN THIS COUNTRY WHERE THAT IS NOT THE CASE. IF THE ISSUE IS ONE OF FAIR HOUSING, THIS COUNCIL IS ALWAYS -- IS ALWAYS ONE THAT IS ON THE SIDE OF ENFORCING AND SUPPORTING THOSE PROTECTED CLASSES AND THOSE FOLKS WHO DESERVE A SAFE, DECENT AND AFFORDABLE PLACE TO LIVE. I REALLY APPRECIATE THE WORK OF KATHY STARK AND HER HOUSING COUNSELORS, IT'S AMAZING HOW MANY PEOPLE THEY HELP WITH AS FEW RESOURCES WE GIVE THEM. WHAT CHARLES GORHAM IS TRYING TO DO IS INCREASING THE LEADERSHIP AND PROFESSIONALISM OF THIS OFFICE WITH THE CITY IS TO BE COMMENDED, I APPRECIATE BEING ABLE TO BE HERE TODAY AND PARTICIPATE IN AN IMPORTANT MONTH. IT'S UNFORTUNATE THAT WE HAVE TO SUPPORT, CONTINUE TO RECOGNIZE AND

IDENTIFY FAIR HOUSING AS SOMETHING THAT -- THAT HAS TO BE ENFORCED. BUT THAT IS THE REALITY AND SO AS LONG AS IT IS, WE WILL CONTINUE TO DO THAT. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THANKS VERY MUCH. WE ARE JOINED BY A NUMBER OF DISTINGUISHED FOLKS IN THE SOLID WASTE DEPARTMENT BECAUSE WE ARE HERE TO GIVE A DISTINGUISHED SERVICE AWARD TO JOHNNIE GARDNER. BEFORE I DO THAT, I GET TO TELL A QUICK LITTLE PERSONAL STORY AS I LIKE DOING. MY FATHER ROGER WYNN HAS WORK FOR THE SAME LITTLE COMPANY IN EAST TEXAS FOR 55 YEARS, HE'S GOING TO RETIRE NEXT MONTH, ACTUALLY, IN MAY AFTER 55 YEARS. BEING WITH THE SAME COMPANY. HE CALLED IN SICK A COUPLE OF DAYS DURING THE 70s, SO HE HAD TWO DIFFERENT 20 SOME ODD YEAR RUNS OF NEVER MISSING A DAY OF WORK. BUT WE ARE HERE TO SAY CONGRATULATIONS, THANK YOU, TO JOHNNIE GARDNER, WHO HAS SPENT 33 YEARS WITH THE CITY OF AUSTIN WITHOUT MISSING A SINGLE DAY OF WORK. [APPLAUSE] SO AFTER I READ THE DISTINGUISHED SERVICE AWARD, I'M GOING TO CALL ON WILLIE RHOADES, OUR DEPARTMENT DIRECTOR TO COME UP AND PRESENT AN EVEN BETTER LOOKING ONE. THIS -- THIS CITY OF AUSTIN DISTINGUISHED SERVICE AWARD READS: FOR HIS UNTIRING SERVICE AND COMMITMENT TO OUR CITIZENS DURING HIS 33 YEAR TENURE AS A DEDICATED EMPLOYEE OF THE CITY OF AUSTIN, JOHNNIE GARDNER IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, DURING HIS THREE DECADES WITH THE SOUTHWEST SERVICES DEPARTMENT, MR. GARDNER HAS NEVER TAKEN A SICK DAY OR BEEN INVOLVED IN A PREVENTABLE ACCIDENT. THE CERTIFICATE IS PRESENTED IN ACKNOWLEDGMENT AND APPRECIATION OF HIS EXCEPTIONAL EMPLOYMENT AND SAFETY RECORD, THIS 14th DAY OF APRIL, 2005, SIGNED BY ME, ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL AND BEFORE WE GET A CHANCE TO HEAR FROM JOHNNY AND THANK HIM, I WOULD LIKE TO WELCOME MR. WILLIE RHOADES WHO HAS ANOTHER PRESENTATION, WILLIE?

THANK YOU, MAYOR. ON BEHALF OF SOLID WASTE SERVICES, I WOULD LIKE TO SAY THANKS TO JOHNNIE GARDNER. BECAUSE OF EMPLOYEES LIKE HIM, IT MAKES MY

JOB A HECK OF A LOT EASIER. JOHNNY HAS BEEN WORKING IN A VERY HARSH ENVIRONMENT FOR 33 YEARS. TO COME TO WORK EVERY DAY WITH A SMILE ON HIS FACE AND GIVES THE CITIZENS OF AUSTIN EXEMPLARY CUSTOMER SERVICE IS SOMETHING THAT HE CAN BE PROUD OF, I'M PROUD TO BE KNOWING JOHNNIE GARDNER. SO ON BEHALF OF SOLID WASTE SERVICES I WOULD LIKE TO GIVE HIM THIS PLAQUE THAT SAYS IN APPRECIATION OF JOHNNIE GARDNER FOR 33 YEARS OF OUTSTANDING SERVICE TO THE CITIZENS OF AUSTIN, FROM 1972 TO 2005. FOR A JOB WELL DONE. THANK YOU. [APPLAUSE]

I JUST WANTED TO SAY HOW MUCH I APPRECIATE WORKING FOR SOUTHWEST SOLID WASTE SERVICES AND THE CITY OF AUSTIN. I WORK WITH SOME FINE, FINE PEOPLE. THESE GENTLEMEN HERE. I ENJOY WORKING FOR THEM. THEY WERE REALLY NICE. I -- I APPRECIATE THAT EVERYTHING EVERYBODY HAS DONE AND I ALSO -- WILL I -- I AM PLEASED TO BE RECOGNIZED LIKE THIS. IT MAKES ME FEEL GOOD. AND I JUST WANTED TO SAY THANKS TO EVERYBODY AND ALL OF THE PEOPLE AT SOLID WASTE SERVICES, AND THE CITY COUNCIL AND THE MAYOR. I APPRECIATE IT. THANK YOU. [APPLAUSE]

Mayor Wynn: FOR OUR LAST PROCLAMATION, I WOULD LIKE TO RECOGNIZE COUNCILMEMBER BETTY DUNKERLY.

Dunkerly:.

I'M HAPPY TO RECOGNIZE MY NEIGHBORHOOD AND HAPPY TO HAVE THEM HERE TODAY. THIS IS A CERTIFICATE OF APPRECIATION WHICH CERTIFIES THAT THROUGH THEIR DONATION OF \$3,000 TO THE AUSTIN PARKS FOUNDATION, FOR THE PARKS AND RECREATION DEPARTMENT, THE OAK HILL BUSINESS AND PROFESSIONAL ASSOCIATION HAS BESTOWED A VALUABLE GIFT ON THE CITIZENS OF AUSTIN AND HELPED TO ENHANCE THE PARK FACILITIES AT GAINS CREEK PARK. THIS CERTIFICATE IS PRESENTED IN RECOGNITION THEREOF DATED THIS 14th DAY OF APRIL, IN THE YEAR 2005. AND IT'S SIGNED BY OUR MAYOR, WILL WYNN, AND PRO TEM JACKIE GOODMAN AND ALL OF THE OTHER CITY COUNCIL, I JUST WANT TO SAY THANK YOU

VERY MUCH. [APPLAUSE]

DO WE HAVE A MICROPHONE?

SURE.

HI, MY NAME IS SHEILA YORK. I'M FORMER PRESIDENT OF THE OAK HILL BUSINESS AND PROFESSIONAL ASSOCIATION. AND BACK IN THE LATE '90S, THE OAK HILL BUSINESS AND PROFESSIONAL ASSOCIATION HAD A DREAM TO IMPROVE THE GAINS CREEK PARK AND WORK ON THE BEAUTIFICATION OF IT. IN THE YEAR 2001, WE PRESENTED THE CITY WITH THE CHECK FOR \$10,000. [APPLAUSE] TO HELP -- TO HELP GET STARTED. ON BEAUTIFYING THAT PARK. THIS 3,149.71 IS THE BALANCE OF WHAT WE HAVE AND OUR NET PROCEEDS FOR OUR FUNDRAISING ACTIVITIES. SO GO OUT THERE AND TAKE A PEEK AT THE PARK. [APPLAUSE]

SHEILA THANK YOU, I'M WARREN STRUSS, DIRECTOR OF THE PARKS AND RECREATION DEPARTMENT. IT SUCH AN HONOR TO HAVE AN OPPORTUNITY TO WORK WITH WONDERFUL PARTNERS SUCH AS THE OAK HILL BUSINESS AND PROFESSIONAL ASSOCIATION. ALSO JIM OSS THE PRESIDENT OF THE BOARD OF THE AUSTIN PARKS FOUNDATION, ROSEY WEAVER RUNNING THE PROGRAM AT THIS TIME. WE'RE SO GLAD AND HAPPY THAT WE COULD HAVE YOU ALL HERE AT AS WELL AS WELL. THE MONEY IS GOING TO BE USED, SHEILA FOR BENCHES AS I THINK WE TALKED ABOUT AND OTHER BEAUTIFICATION PROJECTS IN THE GAINS CREEK PARK. ALSO NEAR AND DEAR TO MY HEART AS WELL. I'M NOT TOO FAR FROM THERE EITHER. THANK YOU SO MUCH ON BEHALF OF THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF AUSTIN. [APPLAUSE][APPLAUSE]

I'M JIM ALSOP THE PRESIDENT OF AUSTIN PARKS FOUNDATION, I WANT TO EXPRESS GRATITUDE FOR THE GIFT. IT'S OUR MISSION TO PUT PEOPLE, FINDS PARTNERS FOR THE CITY LIKE WE HAVE HERE. THIS PROGRAM IS SOMETHING THAT WE ARE VERY PROUD OF. WE ARE JUST HAPPY TO HAVE BEEN ABLE TO MAKE A CONTRIBUTION TO THE PROCESS WITH THIS GREAT GIFT. THANK YOU. [

APPLAUSE]

Mayor Wynn: THE COUNCIL WILL RECONVENE AFTER A SHORT RECESS. THANK YOU VERY MUCH.

Mayor Wynn: THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. COUNCIL, EARLIER BEFORE WE TAKE UP OUR PUBLIC HEARING AND OTHER DISCUSSIONS, WE SNENDZ PASSED ON FIRST READING ONLY ONLY CASE Z-1 BUT CHANGED SORT OF THE POSTED RECOMMENDATION. BASED ON THE FACT THAT THE OWNER IS HERE, WE DIDN'T TECHNICALLY HAVE A PUBLIC HEARING OF A CASE, THAT HE WOULD LIKE TO MAKE A PRESENTATION FOR, I WOULD ENTERTAIN A MOTION TO RECONSIDER THE VOTE ON Z-1. MOTION MADE BY COUNCILMEMBER SLUSHER TO RECONSIDER Z-1, SECONDED BY COUNCILMEMBER DUNKERLY. ALL IN FAVOR OF THE RECONSIDERATION PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? RECONSIDERATION OF THE MOTION PASSES ON A VOTE OF 5-0 WITH THE MAYOR PRO TEM AND COUNCILMEMBER THOMAS OFF THE DAIS.

LEASE TAKE UP Z-1.

Gurensey:: THANK YOU, MAYOR. CASE C14-04-0202 IS ITEM Z-1 ON YOUR AGENDA AT 102 HERRERA STREET. THE APPLICANT AND AGENT IS MR. WAYNE BROWN. THIS IS A REZONING REQUEST FROM SF 3 TO GR, WHICH IS COMMUNITY COMMERCIAL DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION DID RECOMMEND THAT GR-CO ZONING WITH A CONDITIONAL OVERLAY THAT WOULD LIMIT THE PROPERTY TO 300 VEHICLE TRIPS PER DAY, AND WOULD PROHIBIT DRIVE-THROUGH SERVICES IF THE AUTO REPAIR USE, WHICH IS AN EXISTING USE CEASES, THAT THE PROPERTY BE REZONED TO LR. THE ORDINANCE HAS BEEN PREPARED FOR THE PLANNING COMMISSION RECOMMENDATION. AND THE RESTRICTIVE COVENANT THAT WOULD SPEAK TO THE ROLLBACK HAS ALSO BEEN SIGNED AND EXECUTED BY THE OWNER. THE STAFF RECOMMENDED NO-CO ZONING ON THE

PROPERTY. THE APPLICANT, HOWEVER, AGREES WITH THE ZONING AND PLATTING COMMISSION RECOMMENDATION. THE PROPERTY IS CURRENTLY DEVELOPED WITH AN AUTO BUSINESS. IT IS ON -- LOCATED ON A STREET THAT -- THAT DID -- THAT IS -- DEAD END STREET THAT DOES NOT HAVE DIRECT ACCESS TO 183. YOU WOULD HAVE TO GO DOWN, MAKE A TURN, GO DOWN ANOTHER LOCAL STREET BEFORE YOU WOULD REALLY GET BACK TO THE ROADWAY. I WILL -- I WILL LET MR. BROWN SPEAK TO HIS INTENTIONS ON THE PROPERTY. BUT IT'S MY UNDERSTANDING THAT THERE'S AN EXISTING SLAB ON THE PROPERTY AND HE WOULD JUST LIKE TO EXPAND HIS BUSINESS BRIEFLY OR EXPAND HIS BUSINESS A LITTLE BIT ON THE PROPERTY. HE HAS BEEN IN TOUCH WITH HIS ADJACENT PROPERTY OWNERS AND WE ARE NOT AWARE OF ANY OBJECTION TO THE ZONING CASE AT THIS TIME FROM THOSE PROPERTY OWNERS. WITH THAT I'LL STOP AND PAUSE AND LET MR. BROWN COME FORWARD. TO MAKE HIS PRESENTATION BEFORE YOU. THANK YOU.

Mayor Wynn: THANK YOU. NORMALLY WE GIVE A FIVE MINUTE PRESENTATION. BUT COUNCIL THERE'S NO CITIZENS SIGNED UP IN OPPOSITION OR FAVOR FOR THAT MATTER. SO MR. -- TAKE YOUR TIME, BUT MAKE YOUR CASE, WELCOME.

THANK YOU. I'VE OWNED THIS PLACE FOR 23 YEARS AND AS YOU MENTIONED YOU DO HAVE TO DRIVE DOWN HERGOT STREET TO GET TO US. HERRERA STREET IS PROBABLY 200 FEET. ON THE OTHER SIDE OF THE STREET FROM ME THERE'S TWO HOUSES THAT FACE MY SHOP, ONE THAT FACES THE OTHER WAY. THESE FOLKS ARE GONE DURING THE DAY, THEY WORK DURING THE DAY, I'M THE ONLY ONE AROUND. FOR THE LAST 23 YEARS I WATCHED OVER THEIR PLACE DURING THE DAY AND THEY HAVE BEEN NICE ENOUGH TO WATCH OVER MINE AT NIGHT. THE ONLY REASON I APPLIED FOR THIS REZONING, I DIDN'T KNOW THAT I NEEDED TO UNTIL I WANTED TO GET A PERMIT TO BUILD ON AN EXISTING SLAB THERE ON THE PROPERTY SO THAT I COULD KEEP ALL OF THE VEHICLES UNDERCOVER ALL THE TIME. THEY TOLD ME IT WAS SINGLE FAMILY AND I COULDN'T DO IT. LIKE I SAID, I WOULD LIKE TO BE ABLE TO PUT A 40 BY 40-FOOT BUILDING THERE ON THE SLAB THAT'S ALREADY THERE. SO I WENT AROUND TO ALL OF THE NEIGHBORS AND I ASKED THEM DO YOU HAVE ANY KIND OF PROBLEM WITH

THAT. EVERYONE SAID NO, IT'S FINE. SO WHEN THE CITY MAILED OUT THE -- MENTIONED THAT THIS WAS GOING TO COME UP, SEVERAL MORE PEOPLE CALLED, APPARENTLY THEY LIVED A LITTLE FURTHER AWAY, ASKED WHAT IT WAS ALL ABOUT. I EXPLAINED WHAT I WANTED TO DO, IT WAS FINE. AS FAR AS I KNOW, NO ONE OBJECTED. THAT'S ABOUT ALL I CAN SAY. I WOULD APPRECIATE IF YOU LET ME BUILD THE LITTLE BUILDING THAT I NEED. RIGHT NOW I'M CONFINED TO ONE BUILDING. IT WILL HOLD ABOUT THREE CARS. I'M CURRENTLY ADVERTISING TO THE SWAT TEAMS ON THE POLICE DEPARTMENTS AROUND THE COUNTRY, THEY HAVE A VEHICLE CALLED A PEACE KEEPER THAT THE AIR FORCE ORIGINALLY HAD AND GAVE THEM TO THE SWAT TEAMS. WE DID ONE FOR THE CITY OF KILLEEN. THEY WERE BUILT IN THE EARLY '80S AND THE CHASSIS ARE WORN OUT. THE BODIES ARE FINE BECAUSE THEY ARE ARMORED BODIES. MY -- I'M TREEG TO GET MORE OF THAT BUSINESS. THERE'S OVER 700 OF THESE VEHICLE OUT ALL OVER THE UNITED STATES. THE ONE CAN KILLEEN WORKED FINE. WE TOOK THE BODY OFF, PUT A BRAND NEW DODGE RAM PICKUP WITH A HEMI ENGINE, THE WHOLE CHASSIS UNDERNEATH IT. THAT'S WHAT I WOULD LIKE TO DO. BUT I CAN'T HAVE THESE VEHICLES OUTSIDE. YOU CAN IMAGINE THE KIND OF ATTENTION THAT WOULD ATTRACT. THEY WOULD HAVE TO BE UNDERCOVER ALL THE TIME. SO THAT'S THE PURPOSE OF THIS LITTLE BUILDING SO I WOULD APPRECIATE IT IF YOU WOULD GO ALONG WITH IT, PLEASE.

Mayor Wynn: THANK YOU, MR. BROWN, QUESTIONS OF THE OWNER? COUNCILMEMBER SLUSHER?

Slusher: I HAVE A QUESTION OF STAFF BASED ON HIS COMMENTS. THANK YOU. WHAT I WANTED TO ASK WAS THE STAFF IF YOU COULD DO THE BUILDING UNDER THE NO?

Mayor Wynn: R. GUERNSEY?

NO, HE WOULD NOT BE ABLE TO MAKE THE EXPANSION OF HIS USE TO CREATE NEW BUILDINGS ON THE PROPERTY. THERE'S CERTAIN PROVISIONS FOR EXPANSION IN THE CODE, BUT EVEN WITH NO ZONING YOU WOULD NOT BE ABLE TO EXPAND THE BUILDING ENOUGH TO ACCOMMODATE HIS

NEW BUILDING ON THE PROPERTY.

Slusher: OKAY. SO I THINK I'M STARTING TO UNDERSTAND WHY THE ZAP DID THE ROLLBACK, GAVE THE ZONING AND DID THE ROLLBACK BECAUSE IT SEEMS LIKE A PRETTY NEIGHBORLY SITUATION. SO TELL ME AGAIN 40 BY --

40 BY 40, LET ME SAY, I FORGOT ABOUT THIS. THE 300 TRIPS PER DAY, I LAUGHED WHEN I FIRST HEARD THAT 300. I DON'T HAVE 10 BETWEEN MYSELF AND ALL OF MY SUPPLIERS. THERE'S NOT 10 DELIVERIES OR YOU KNOW THE MAILMAN COMES MORE OFTEN THAN MOST OF MY SUPPLIERS COME. THERE'S -- IT NOT GOING TO BE A DISTURBANCE. WITH THE GETTING INTO THESE SWAT VEHICLES, THERE WILL BE A LITTLE LESS.

Slusher: IF WE WERE TO CUT IT DOWN TO -- WHAT 150, IS THAT -- THAT WOULD STILL BE MUCH MORE THAN YOU WOULD NEED.

WOULDN'T BREAK A SWEAT. I DON'T HAVE THAT KIND OF TRAFFIC. IT'S NOT A BUSINESS THAT HAS A LOT OF PEOPLE COMING AND GOING.

THEN OF COURSE THE -- WOULD THE IDEA OF A ROLLBACK WAS THAT IF -- IF YOU ARE HAVING TO SELL IT OR MOVE OR WHATEVER, THAT THEN THAT WOULD JUST BE ZONED GR RETAIL AND SOMEBODY COULD COME IN THERE AND PUT IN SOME KIND OF RETAIL USE RIGHT THAT MIGHT NOT HAVE -- BE AS NEIGHBORLY. AS YOU ARE.

I UNDERSTAND. I UNDERSTAND THAT'S WHAT THEY MEANT BY THE CONDITIONAL OVERLAY. THERE WERE CONDITIONS INVOLVED IF I DID DO THAT THEN IT WOULD REVERT TO -- TO MAYBE HE CAN SAY WHAT IT IS. THAT WAS -- YES, I SIGNED THAT AGREEMENT SAYING THAT WAS FINE WITH ME.

Slusher: BUT YOU WOULD BE CUTTING THAT CAR LIMIT DOWN TO 150, YOU DON'T THINK THAT WOULD MESS UP YOUR BUSINESS IN ANY WAY.

WOULDN'T HURT ME.

Slusher: OKAY. THAT MIGHT HELP IN THE FUTURE, TOO. LET ME GET MR. GUERNSEY BACK UP HERE AND SEE IF WE CAN WORK THIS OUT.

THANK YOU.

Slusher: THE ZAP, THEY DID A -- TELL ME WHAT THEY DID AGAIN?

THE ZONING AND PLATTING COMMISSION RECOMMENDED GR-CO ZONING, WITH A CONDITIONAL OVERLAY THAT LIMITED THE PROPERTY TO ONLY 300 VEHICLE TRIPS PER DAY AND THEN IN ADDITION THEY PROHIBITED ALL DRIVE-THROUGH SERVICES. SO YOU WOULDN'T BE ABLE TO DRIVE THROUGH RESTAURANT OR DRIVE THROUGH BANK OR SOMETHING ALONG THAT LINE. IF THE AUTO REPAIR USE WOULD CEASE, THAT THE OWNER WOULD AGREE TO ENTER INTO A COVENANT THAT THEY WOULDN'T OBJECT TO A ROLLBACK OF LR, TO LR ZONING, WHICH IS A MORE RESTRICTIVE DISTRICT. IF THE AUTO REPAIR USE WOULD CEASE, LET'S SAY THEY OPEN A SMALL RETAIL STORE, SPORTING GOODS STORE OR SOMETHING, THAT THE CITY COULD INITIATE A CASE AND THEN THE OWNER OR SUCCESSORS HAVE ACKNOWLEDGED THAT THEY WOULD NOT OBJECT, THAT DOESN'T PROHIBIT THEM FROM FILING A PETITION, BUT IT PUTS THE CURRENT OWNER AND ALL FUTURE OWNERS OF THE PROPERTY ON THE -- ON NOTICE THAT THERE WAS A -- THERE WAS A -- I GUESS AN AGREEMENT BY -- MADE BY A PRIOR OWNER THAT THEY WOULD NOT OBJECT.

Slusher: WELL, WHAT IF IT WENT BACK TO -- TO NO INSTEAD?

THAT CERTAINLY COULD BE DONE. WE NEED TO ASK THE APPLICANT, WAYNE BROWN, IF HE WOULD -- IF HE WOULD AGREE TO THAT. THAT WOULD ALLOW HIS BUSINESS I GUESS TO CONTINUE AND TO EXPAND.

WHAT IS THAT?

THAT'S NEIGHBORHOOD OFFICE. THAT'S ACTUALLY WHAT WOULD PASS THE OTHER TIME, BUT I MEAN THE FIRST -- BEFORE YOU GOT TO TALK, BUT THAT WOULD BE ONLY IF

THE AUTOMOTIVE USE STOPPED.

GIVE ME AN EXAMPLE IF YOU DON'T MIND.

A NEIGHBORHOOD OFFICE USE MIGHT BE A REAL ESTATE AGENT OR A BOOKKEEPER, THESE ARE USES THAT ALLOW NEIGHBORHOOD OFFICE WOULD NOT EXTEND TO A MEDICAL OFFICE, BUT PROFESSIONAL OFFICES LIKE AN ENGINEER OR AN ATTORNEY, BUT IT WOULD ALLOW THOSE RANGE OF OFFICES. IT WOULD NOT ALLOW RETAIL USES. GENERAL RETAIL TYPE OF USE LIKE A HALLMARK STORE OR A PHARMACY, THOSE TYPES OF USES.

Slusher: MAYBE WE SHOULD DO WHATEVER DUE ON FIRST READING WHERE YOU DON'T HAVE TO DECIDE STANDING RIGHT THERE AT THE MICROPHONE. WHAT I'M TRYING TO DO IS TO MAKE IT WHERE IF THE AUTOMOTIVE USE CEASES, YOU MOVE THEN -- THEN YOU THEN HAVE A RETAIL ON THE -- WHERE IT ACCESSES THROUGH THAT NEIGHBORHOOD THROUGH YOUR NEIGHBORS, WHO YOU SEEM TO HAVE A REAL GOOD RELATIONSHIP WITH. BUT I DON'T WANT TO MAKE IT WHERE YOU WE BUILD THIS BUILDING AND THEN IT WOULDN'T BE ABLE TO BE USED IN THE FUTURE. SO -- HELP ME WITH THAT.

MR. BROWN, ALSO, IF HE WERE TO SELL THE PROPERTY AND THERE WAS A SIMILAR AUTO USE THAT CAME IN, HE COULD CERTAINLY DO THAT. BUT IF THAT AUTO USE WOULD CEASE, THEN THERE WOULD BE THE ROLLBACK PROVISION, THE CITY COULD INITIATE A ZONING CASE AND BRING IT BACK BEFORE COUNCIL, IF THE -- IF THE AUTO USE CEASES BECAUSE THE -- BECAUSE THE ZONING DOESN'T RIDE WITH THE -- WITH THE PROPERTY OWNER OR RIDES WITH THE USE. SO AS LONG AS THERE'S AN AUTO REPAIR BUSINESS AND IT'S OPERATING ON THAT PROPERTY, IT COULD CHANGE FROM OPENER TO OWNER.

Slusher: I'M SORRY, GO AHEAD IF YOU WANT TO SAY SOMETHING.

THAT'S FINE.

Slusher: WHY DON'T WE -- WE COULD PASS IT ON ALL THREE I

GUESS ASSUMING THAT THE COUNCIL AGREES WITH WHAT I'M ABOUT TO SAY. BUT I COULD ALSO JUST DO IT ON FIRST READING TO GIVE YOU A LITTLE TIME TO JUST ASSESS WHAT WE HAVE PASSED AND WE CAN BRING IT BACK IN A FEW WEEKS WITH THE FINAL READING.

I DON'T THINK IT WOULD BENEFIT ME TO POSTPONE IT ANY.

Slusher: WHAT I WAS GOING TO SUGGEST IS TO CUT THE CAR LIMIT, DO IT TO GR, WITH THE ROLLBACK TO KNOW NO, AND -
- ROLLBACK TO NO AND 150 CAR LIMIT ON IT.

WE COULD DO THE ORDINANCE BUT THE COUGH INNOCENT HASN'T BEEN PREPARED FOR NO, ONLY FOR LR, I WOULD SUGGEST THAT WE ACTUALLY DO POSTPONE IT. WE COULD BRING IT BACK IN TWO WEEKS.

Slusher: POSTPONE OR DO FIRST READING.

WE COULD DO FIRST READING AND BRING BACK SECOND AND THIRD READING TWO WEEKS FROM NOW --

AT LEAST HE SEES WHERE WE ARE HEADING, I WOULDN'T ANTICIPATE ANY CHANGES. BETWEEN NOW AND THEN, BUT THEY JUST NEED TO GET THE PROPER DOCUMENTS TOGETHER. THAT WILL GIVE YOU TIME TO LOOK THEM OVER, JUST IN CASE YOU FIND ANYTHING THAT YOU DON'T AGREE WITH OR THAT AFFECTS YOU IN ANY UNINTENDED CONSEQUENCES. OKAY. THANK YOU, SIR. THAT'S WHAT I WOULD MOVE.

MOTION BY COUNCILMEMBER SLUSHER TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE Z-1. THE PLANNING COMMISSION RECOMMENDATION OF GR WITH THE CO, HOWEVER THE -- THE CONDITIONAL OR THE CONDITIONS WOULD INCLUDE A ROLLBACK PROVISION TO NO.

IN A PROPERLY DRAFTED RESTRICTIVE COVENANT.

Mayor Wynn: THANK YOU VERY MUCH. AND IF COUNCIL --
YOUR 150 TRIPS PER DAY LIMITATION IS WHILE IT'S ZONED

GR? WOULD THAT STAY WITH -- IF IT ROLLS BACK TO NO --

Slusher: HUM.

Mayor Wynn: I WOULD SEE THAT AS FAIRLY RESTRICTIVE FOR A POTENTIAL OFFICE USE.

Slusher: WHAT WAS THE STAFF RECOMMENDATION ORIGINALLY --

Guernsey: THE STAFF RECOMMENDATION WAS ORIGINALLY FOR 300 VEHICLE TRIPS PER DAY.

Slusher: BECAUSE REMEMBER IT'S ACCESSING OFF OF A NEIGHBORHOOD STREET. SO WE PUT THAT WITH THE ZONING, IS THAT ACCEPTABLE WITH YOU. PUT THE 300 WITH THE NO, 150 WITH THE GR.

Mayor Wynn: THAT'S A GOOD COMPROMISE.

Gurensey:: STAFF WOULD LIKE THE OPPORTUNITY TO LOOT AT 150 -- TO LOOK AT 150. WE WANT COUNCIL AND STAFF TO KNOW, IF IT WAS LIMITED TO 150 TO ACCOMMODATE EXISTING USES AND HIS NEW BUILDINGS.

Slusher: I WOULD APPRECIATE THAT.

Gurensey:: WE WILL BRING THAT INFORMATION BACK TO YOU, LET YOU KNOW ABOUT THAT.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER, THAT I'LL SECOND, AGAIN TO APPROVE ON FIRST READING ONLY AFTER CLOSING THE PUBLIC HEARING. THE GR ZONING -- ZONING IS GR WITH THE APPROPRIATE RESTRICTIONS AND OFFICIAL OVERLAYS THAT INCLUDE A ROLLBACK WITH A TRIP LIMITATION OF 150 CARS WITH THE -- ADDITIONALLY WITH A ROLLBACK PROVISION TO NO, NEIGHBORHOOD OFFICE, WITH THE THEN RESTRICTION OF 300 CARS PER DAY. AND INSTRUCT STAFF TO BRING THIS BACK IN TWO WEEKS ON APRIL 28th. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. FIRST READING ONLY. THANK YOU.

THANK YOU, MAYOR.

Gurensey: ITEM Z-15, JOHN AND JOSEPHINE JANUARY HOUSE, PRESENTED BY STEVE SADOWSKY WITH THE NEIGHBORHOOD ZONING AND PLANNING DEPARTMENT.

GOOD AFTERNOON, MAYOR, COUNCILMEMBERS, STEVE SADOWSKY WITH THE HISTORIC PRESERVATION OFFICE. THIS CASE INVOLVES A HOUSE LOCATED AT 1617 WEST 12th STREET IN CLARKSVILLE. IT IS A 1907 HOUSE. IT WAS LISTED AS A PRIORITY 2 IN BOTH THE CLARKSVILLE SURVEY OF 2000, THE COMPREHENSIVE CULTURAL RESOURCES SURVEY OF 1984 AND IT'S CONTRIBUTING TO THE CLARKSVILLE NATIONAL REGISTER HISTORIC DISTRICT. THE CASE CAME TO THE HISTORIC LANDMARK COMMISSION UPON APPLICATION FOR DEMOLITION. HISTORIC ZONING WAS RECOMMENDED FOR THIS AS DID THE PLANNING COMMISSION. THE HOUSE IS A VERY NICE EXAMPLE OF VICTORIAN STYLE. AS YOU CAN SEE IN THE PARAGRAPH HERE, A PROJECTING FRONT GABLE, FISH SCALE SHINGLES, THE FRONT WINDOW IS A QUEEN ANNE STYLE WINDOW. THE ONLY MODIFICATIONS TO THIS HOUSE REALLY HAVE BEEN THE PORCH AND THE PORCH HAS BEEN SHORTENED FROM WHAT IS SHOWN ON THE 1935 SAN BORN MAP. THE HOUSE WAS PURCHASED IN 1907. BY JOHN AND JOSEPHINE JANUARY. THEY WERE BOTH BORN IN TEXAS, MOVED TO AUSTIN, AND THEY EXEMPLIFIED THE AFRICAN-AMERICAN EXPERIENCE IN AUSTIN IN THE FIRST PART OF THE 20th CENTURY. JOHN JANUARY WORKED AS A PORTER AT SCAR BROWS, HIS WIFE JOSEPHINE WORKED AS A LAUNDRESS AT HOME. IN 1952 SHE LISTED HER OCCUPATION AS A COTTON PICKER WHICH WAS RATHER UNUSUAL. THE HOUSE, AS I SAID, A NICE EXAMPLE OF FAUX VICTORIAN STYLE, BUT REALLY ATTAINS ITS SIGNIFICANCE FOR WHAT IT REPRESENTS. THIS IS ONE OF JUST A HANDFUL OF HOUSES IN CLARKSVILLE THAT REMAINS INTACT WITHOUT LARGE ADDITIONS TO IT. REALLY SHOWS THE STANDARD OF LIVING AND THE LIFE STYLE OF THE RESIDENTS. CLARKSVILLE IS A

FREEDMAN'S TOWN FOUND IN THE 1870'S BY CHARLES CLARK. UNLIKE OTHER PARTS OF THE CITY IN THE 1870S, CLARKSVILLE WAS DESIGNED TO HOUSE THE FREED MEN IN TOWN. SO IT WAS REALLY AN AFRICAN-AMERICAN ENCLAVE IN A CITY THAT WAS HIGHLY INLT RATED UNTIL AROUND THE TURN OF THE CENTURY IN THE 1920S WHERE -- WHERE AFRICAN-AMERICAN SETTLEMENTS LIKE CLARKSVILLE REALLY BECAME THE ESSENCE OF WHERE AFRICAN-AMERICANS LIVED AND THEN IN THE 1928 CITY PLAN ESTABLISHED A -- AN AFRICAN-AMERICAN DISTRICT ON THE EAST SIDE. WHICH LED TO MUCH GREATER SEGREGATION. SO THIS HOUSE REPRESENTS THE EXPERIENCE OF AFRICAN-AMERICANS, IT'S EXTREMELY SIGNIFICANT I THINK FOR THAT AND WE PLACED IT ON THE AGENDA FOR FIRST READING. BECAUSE WHAT -- WHAT WE ARE TRYING TO DO IS ENGINEER A MOVE OF THIS HOUSE TO LAND THE CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION OWNS. THE OWNER ACKNOWLEDGED HIS WILLINGNESS TO RELOCATE THE HOUSE. THE HOUSE MAY HAVE TO BE CUT INTO PIECES TO BE MOVED BUT IT WILL BE MOVED TO A SITE OWNED BY THE CCDC AT 10th AND THERESA AND WILL BE REHABILITATED AND OPERATED BY THE CCDC FOR HOUSING IN THE NEIGHBORHOOD. SO STAFF RECOMMENDS HISTORIC ZONING FOR THIS PROPERTY. FOR THIS HOUSE. AND IT'S ON FIRST READING SO THAT WHEN IT GOES TO BOARD OF ADJUSTMENT TO GET THE VARIANCE TO MOVE IT TO THE PROPOSED SITE, THAT LAND CAN BE ZONED HISTORIC AND THIS HOUSE CAN ENJOY THE STATUS OF A HISTORIC LANDMARK ON THE 10th AND THERESA SITE THAT THE CCDC OWNS.

Mayor Wynn: THANK YOU, COUNCIL WILL CONSIDER THAT TO BE THE APPLICANT PRESENTATION. THE APPLICANT BEING THE HISTORIC LANDMARK COMMISSION TECHNICALLY, ON THESE PUBLIC HEARINGS WE TYPICALLY HEAR FROM FOLKS SIGNED UP IN FAVOR OF THE ZONING CASE. THERE ARE NONE. NOW FOLKS IN OPPOSITION. WE HAVE ONE SPEAKER, MR. JAY BILLIG, I BELIEVE IT IS. WELCOME, JAY, YOU'LL HAVE THREE MINUTES.

I HAVE SOME FURTHER DOCUMENTATION.

SURE.

YOU'LL BE FOLLOWED BY A POTENTIAL REBUTTAL FROM THE APPLICANT.

THANK YOU, MAYOR. THE HOUSE AS YOU SEE IT, AT 1617 WEST 12th IS IN -- IN QUITE POOR CONDITION AS ACKNOWLEDGED BY MR. SADOWSKY OF THE LANDMARK COMMISSION. THE DISREPAIR IS FROM A LONG AND SUSTAED NEGLECT MANY YEARS OF -- OF NOT HAVING ANY REPAIRS DONE TO IT AND ITS SITING ON THE LOT IS DOWN BELOW STREET GRADE AND SO IT HAS CAUSED SIGNIFICANT DECAY BOTH IN THE FOUNDATION AND THE FRONT FACADE OF THE HOUSE AT GRADE LEVEL. AS HE STATED, THE -- THE HOUSE WAS UNALTERED. IN FACT THE SIDING THAT'S ON THE HOUSE WAS ADDED AT SOME UNKNOWN DATE. WE DON'T KNOW EXACTLY WHEN. THESE PHOTOS SHOW REVEALED UNDERNEATH THE ORIGINAL BOARD AND BATTEN SIDING COVERED OVER WITH LAP SIDING. ALSO HE CITED THE WINDOW, IN PREVIOUS PRESENTATIONS HE CITED COLORED GLASS IN THE WINDOW, WHICH HE DID NOT MENTION TODAY. WHICH IS GOOD BECAUSE IT DOESN'T EXIST. THE HISTORIC ZONING AS ITS SOUGHT PLACES RESTRICTIONS THAT THE OWNERS DID NOT SEEK FOR THIS PROPERTY. AND SEEKS TO PRESERVE A STRUCTURE THAT REALLY ISN'T -- IS OF QUESTION QUALITY AND IN VERY POOR CONDITION. THE NEW STRUCTURE THAT IS BEING DESIGNED OR HAS BEEN DESIGNED FOR THE SITE BASED ON THE ZONING AT THE TIME OF THE PURCHASE, NOT ON AN HISTORIC ZONING OF THE SITE WAS IN FACT SUPPORTED BY THE CLARKSVILLE COMMUNITY DEVELOPMENT CORPORATION WHEN PRESENTED TO THEM IN NOVEMBER OF 2004. AT WHICH TIME WE TALKED ABOUT DESTRUCTING THE HOUSE AND GOT SUPPORT AT THAT TIME. THE PLANNING COMMISSION ASKED US TO -- TO SEEK A COMPROMISE AND TO WORK OUT DETAILS OF THAT WITH BOTH THE -- THE CLARKSVILLE COMMUNITY DEVELOPMENT CORP AND THE CITY STAFF. SO WHAT HAS HAPPENED WITH THAT IS A SITE THAT WAS IDENTIFIED BY THE CCDC IS BEHIND THIS EXISTING HOME ON 11th STREET. RELOCATING THE STRUCTURE AS YOU WILL SEE FROM THE LETTERS THAT I PRESENTED TO YOU, ONE IS FROM MR. JUNIOR BROWN IS THE PERSON WHO WOULD ACTUALLY PHYSICALLY

RELOCATE THE HOUSE. INDICATES THAT IN NO WAY CAN IT BE DONE IN ONE PIECE, THAT IT MUST BE TAKEN APART IN AT LEAST A NUMBER OF PIECES TO RELOCATE IT. OTHER MOVERS WHO WERE CONSULTED ON THIS ACTUALLY USED MR. BROWN TO RELOCATE THIS STRUCTURE. ALL THREE OF THEM, HOWEVER, SAID VERBALLY THAT THEY DON'T UNDERSTAND WHY THE HOUSE IS BEING MOVED AND REALLY RECOMMENDED AGAINST IT. IN FACT THE -- THE FIRST -- THE FIRST MOVE TO APPLY FOR A DEMOLITION PERMIT WAS AT THE RECOMMENDATIONS OF ONE OF THE MOVERS THAT -- THAT STAFF IS -- HAS CITED DAVID RODWALLS OF DAR CONSTRUCTION. THE NECESSARY CHANGES DUE TO THE CONDITION OF THE HOUSE AND THE TYPE OF CONSTRUCTION MEANS THAT IT WOULD REALLY HAVE TO BE ALTERED SIGNIFICANTLY EVEN TO GET IT OUT OF THE SITE REPLACING STRUCTURAL ELEMENTS AND BUILDING WALL THAT'S DO NOT EXIST IN SINGLE WALL TYPE OF CONSTRUCTION. REALLY MAKING IT COST INEFFECTIVE TO RELOCATE IT. THE CLARKSVILLE COMMUNITY UNDERSTANDS THAT THE STRUCTURE IS NOT IDEAL, THOUGH THEY WOULD LIKE TO SEE IT PRESERVED. AND THEIR SELECTED SITE IS ALSO NOT IDEAL BECAUSE OF ACCESS TO THE SIDE OF THE HOME THAT I SHOWED YOU IN THE PHOTO IS VERY NARROW REQUIRING THAT THIS BE REDUCED TO SMALLER PIECES THAN JUST A COUPLE TO GET IT INTO THE SITE. FURTHER, THAT THE COMMUNITY DEVELOPMENT CORP DOESN'T HAVE ANY MONEY TO RENOVATE THE HOUSE. AND SO IT'S REALLY -- IT'S UNSURE HOW LONG IT'S GOING TO SIT THERE ON THAT SITE [BUZZER SOUNDING]

MAY I CONTINUE?

Mayor Wynn: YOU MAY, BUT PLEASE CONCLUDE.

THANK YOU.

THEY HAVE STATED THAT THEY WOULD -- THEY WOULD IN FACT BE ABLE TO USE THE MATERIALS FROM THIS -- FROM THIS HOUSE FOR RENOVATIONS OF EXISTING STRUCTURES IN THE CLARKSVILLE COMMUNITY THAT THEY OWN THAT ARE IN THE PROCESS OF RENOVATION AND THEY DON'T HAVE MATERIALS NEEDED FOR THE RENOVATION OF THOSE

STRUCTURES. THEY WOULD -- AS INDICATED BY THE LETTER FROM THE PRESIDENT OF THE CCDC, WOULD ACCEPT AS A COMPROMISE ACCORDING TO OUR DISCRETION A GIFT OF THE -- OF THE MATERIALS AS WELL AS HISTORICAL DOCUMENTATION OF THE HOUSE BY THE OWNERS. SO I ASK YOU TODAY FOR A RESOLUTION THAT WILL ALLOW US TO MOVE FORWARD WITH THIS COMPROMISE THAT WE HAVE BROUGHT FORTH SO THAT WE CAN GIVE TO THE CLARKSVILLE COMMUNITY DEVELOPMENT CORP MATERIALS OF -- OF SOMETHING THAT IS USEFUL FOR THEM AT THE PRESENT TIME. AND NOT SOMETHING THAT WILL SIMPLY SIT TO POTENTIALLY ROT AWAY. THANK YOU.

Mayor Wynn: BEFORE YOU GET AWAY, SO I GUESS I'M CONFUSED NOW. IS THE CLARKSVILLE COMMUNITY DEVELOPMENT CORP, ARE THEY REALLY THANK THE -- RECOMMENDING THAT THE HOUSE BE MOVED AND THEY TAKE OWNERSHIP OR THIS DESTRUCTION MATERIAL USE SCENARIO?

THEY WOULD LIKE TO HAVE THE HOUSE RELOCATED. HOWEVER, THEY ACKNOWLEDGE THAT THEY DON'T HAVE THE RESOURCES TO CARE FOR IT. AND SO WOULD BE FINE WITH THE MATERIALS AS A GIFT. FROM THE HOUSE AS LONG AS DOCUMENTATION WAS PROVIDED OF THE HISTORY OF THE HOUSE. THAT'S STATED IN THE LETTER.

Mayor Wynn: OKAY, THANK YOU. FURTHER QUESTIONS, COUNCIL? BECAUSE IF NOT I HAVE A FEW FOR STAFF, I GUESS. THANK YOU, SIR. SO MR. SADOWSKY, TYPICALLY THERE WILL BE A 3 MINUTE REBUTTAL FROM THE APPLICANT. YOU ARE WELCOME TO -- TO PERHAPS REBUT SOME OF THE THINGS THAT YOU HAVE HEARD OR GIVE US SOME MORE INFORMATION ABOUT SOME POINTS THAT HE MADE.

RATHER THAN REBUT, WHY DON'T I PROVIDE YOU WITH A LITTLE MORE INFORMATION ABOUT CONVERSATIONS THAT I'VE HAD WITH THE FOLK AT CLARKSVILLE CCDC. THEY WOULD VERY MUCH LIKE TO HAVE THE HOUSE. AND THEY FEEL THAT THEY DON'T HAVE THE MONEY RIGHT NOW, BUT THEY ARE IN A POSITION, THEY ARE A NON-PROFIT ORGANIZATION, THEY ARE IN A POSITION TO RAISE SOME

MONEY TO DO THIS. THEY HAVE A SITE FOR IT. THEY FEEL AS -- AS STAFF FEELS THAT THIS IS AN IMPORTANT HOUSE TO CLARKSVILLE JUST BECAUSE OF THE FACT THAT IT IS INTACT. OR MOSTLY INTACT. THEY WOULD LIKE TO HAVE -- THEY WOULD LIKE TO HAVE THE HOUSE, THEY HAVE A PIECE OF LAND, IT'S GOING TO REQUIRE A VARIANCE FROM THE BOARD OF ADJUSTMENT TO MOVE IT BECAUSE OF SETBACK REQUIREMENTS. THERE IS ALREADY A HOUSE ON THAT LOT. SO THEY WILL HAVE TO GO TO BOARD OF ADJUSTMENT FOR IT. THE FIRST BOARD OF ADJUSTMENT MEETING THAT WE CAN GET ON THE AGENDA WILL BE JUNE 13th. BUT FROM MY CONVERSATIONS WITH -- WITH CARTER AND REED AT CLARKSVILLE DEVELOPMENT CONVERSATION, THEY ARE VERY INTERESTED IN HAVING THIS, THEY ONLY WANT THE MATERIALS AS A COMPLETE LAST RESORT. THEY WOULD RATHER HAVE THE HOUSE AND HAVE THE OPPORTUNITY TO REHAB IT.

IS THIS -- I DO RECOGNIZE THAT THE -- THAT THE -- CERTAINLY THE HISTORIC NATURE AND STORY BEHIND THIS HOUSE. IS THE GOAL OF THE HIGH HURRICANE AND MARK COMMISSION, IF THAT'S THE CASE, PERHAPS MR. GUERNSEY CAN HELP US WITH THIS, IS IT THE HOUSE ITSELF? ZONING IS FOR THE LOT, SINGLE FAMILY 3 H IS HOW THE ZONING IS, HOW DOES THAT WORK WHEN THE GOAL IS ACTUALLY TO MOVE THE HOUSE, STAY AT THE HOUSE I GUESS I'M CONFUSED BY THE GOAL OF THE APPLICANT HERE. TO PRESERVE THE HOUSE, SO THE FINAL RESOLUTION OF THIS, HOPEFULLY WOULD BE TO -- TO ZONE THE NEW LOCATION HISTORIC. HAVE EVERY SIMILAR TO THE ROY THOMAS HOUSE, LOCATED WHERE THE VILLAS OF GUADALUPE WENT UP. THAT HOUSE WAS MOVED TO 16th AND SAN ANTONIO, THE NEW SITE WAS ZONED HISTORIC, THE HOUSE WAS REHABILITATED ON THAT SITE.

RIGHT, BUT IN THAT CASE, THE VILLAS OF GUADALUPE SITE WASN'T ZONED HISTORIC, WAS IT?

RIGHT THE NEW SITE WAS. THAT'S THE SAME THING THAT -- THAT WE PROPOSE HERE. THE CURRENT SITE ON 12th STREET WOULD NOT GET THE HISTORIC ZONING. THE NEW SITE WOULD.

I WAS CONFUSED. I THOUGHT THE CASE WAS ACTUALLY FOR THE EXISTING LOCATION.

WELL, THAT'S THE WAY WE HAVE IT SET UP RIGHT NOW BECAUSE THAT'S WHERE THE HOUSE IS, BUT THE GOAL IS TO MOVE IT AND THEN ZONE THE NEW SITE HISTORIC TO ENSURE THE CONTINUED PRESERVATION OF THIS HOUSE. SEEMS TO ME THAT THERE'S SOME SUBSTANTIAL COSTS INVOLVED IN MOVING THE HOUSE. I DON'T NECESSARILY SEE THE RELUCTANCE OF THE EXISTING ZONENER FOR THE HISTORIC ZONING. PRESUMING THAT THE HOUSE GETS MOVED, THEN THAT LOT WOULDN'T BE ZONED HISTORIC. THEN THEY WOULDN'T BOTHER TO KEEP THE LOT ZONED HISTORIC, THEY WOULD THEN -- WHAT WOULD HAPPEN IT WOULDN'T GO THROUGH THREE READINGS OF THE HISTORIC ZONINGS ON THE EXISTING LOT WOULD BE THE CASE.

RIGHT.

COMMENTS, QUESTIONS, COUNCIL?

IF NOT I'LL ENTERTAIN A MOTION TO AT LEAST CLOSE THE PUBLIC HEARING, PERHAPS A MOTION ON THE -- ON THE ZONING, CASE Z-5. MOTION TO CLOSE THE PUBLIC HEARING BY MAYOR PRO TEM. I'LL SECOND. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF 7-0. FURTHER COMMENTS, QUESTIONS COUNCIL? COUNCILMEMBER DUNKERLY?

Mayor Wynn: YES, REQUEST BY STAFF IS FIRST READING ONLY.

MAYOR. I'LL MAKE THE MOTION, ALTHOUGH I'M NOT ENTIRELY CLEAR ABOUT THE ROSE THAT -- THAT WE ARE TAKING PART IN. SO -- SO MOVE HISTORIC ON THE FIRST -- AT THIS LOCATION FOR FIRST READING.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM, SECONDED

BY COUNCILMEMBER DUNKERLY TO APPROVE ON FIRST
READING ONLY Z-5 SF 3, HNP. AS PRESENTED. AS PRESENTED.
FURTHER COMMENTS? A QUESTION FOR STAFF WOULD BE --
YOU KNOW, THE EMPATHY I GUESS I FEEL FOR THE EXISTING
OWNER HERE IS CAN WE PREDICT SOME TIME LINE AS TO
WHAT WILL BE THE NEXT FEW STEPS, HOW DO WE WORK
WITH THE CCDC TO -- TO CONFIRM WHAT WOULD BE THE --
THE NEXT OWNERSHIP?

THE -- YES, SIR. THE -- THE CCDC IS READY TO ACCEPT IT
FOR THIS 10th AND THERESA SITE. STILL IN CLARKSVILLE.
THEY NEED TO GO TO THE BOARD OF ADJUSTMENT TO GET
A VARIANCE BECAUSE THE SETBACKS. FOR MOVING THIS
HOUSE AND ACTUALLY THE HOUSE THAT YOU ALL PASSED
ON -- FOR THE POSTPONEMENT. THE DAVIS HOUSE RIGHT
NEXT DOOR TO THIS ONE IS ALSO GOING TO BE MOVED TO
THAT SITE. SO WE ARE GOING TO NEED VARIANCES FOR
BOTH OF THEM. THE FIRST BOARD OF ADJUSTMENT AGENDA
THAT WE CAN GET ON IT IS JUNE 13th 13th. I WOULD LIKE TO
SEE IT MOVE FASTER THAN THAT, THAT IS THE FIRST
AGENDA THAT WE CAN GET ON.

IS THAT BASED ON SOME REGULATORY ISSUE, IS THERE A
WAY FOR THE CITY COUNCIL TO -- IS THERE A WAY FOR A
COUNCIL DIRECTIVE TO SHOW SPEED THAT UP?

I WOULD PRESUME MAYOR PROBABLY NOTICE ISSUES,
BECAUSE NOTICES HAVE TO GO OUT FOR CASES TO
APPEAR. THERE HAS TO BE SIGNAGE ON THE PROPERTY
ITSELF, YOU KNOW, NOTIFYING. THERE -- THERE IS -- THERE
ARE NOTICE REQUIREMENTS WITH THE NEIGHBORHOOD
ASSOCIATIONS TO GIVE THEM AN OPPORTUNITY TO APPEAR
AND OBJECT FOR THE -- FOR THE BOARD OF ADJUSTMENT
PROCEEDINGS. GIVEN ALL OF THE NOTICE ISSUES
ATTACHED TO THAT, THE TIMING IS SUCH, THAT BOARD
MEETS ONCE A MONTH. SO WITH THE NOTICE ATTACHED TO
THAT, WE WOULD PROBABLY MISS THE MAY MEETING, THE
NEXT MEETING WOULD BE JUNE, THAT'S WITH GETTING ALL
OF THE NOTES.

MOTION AND SECOND ON THE TABLE TO APPROVE ZONING
AS POSTED. FIRST READING ONLY.

ENCOURAGING I GUESS OF STAFF TO -- TO MOVE THE PROJECT ALONG, ONE WAY OR THE OTHER. SO WE COULD GET HELP WITH THE EXISTING OWNER. HEARING NO FURTHER COMMENTS, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

POSSESS

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU VERY MUCH. SO, COUNCIL -- COUNCILMEMBER SLUSHER, THAT TAKES US UP TO CASE Z-7. WHICH YOU HAD A QUESTION ON EARLIER.

Slusher: I WILL LET MS. GLASGO SAY WHAT SHE WAS GOING TO SAY FIRST OR WERE YOU JUST COMING UP TO ANSWER OUR QUESTIONS? DID YOU HAVE SOMETHING TO SAY --

Glasgo: I'M SORRY, COUNCILMEMBER. WE HAVE -- WE WERE HAVING SOME TECHNICAL DIFFICULTIES AND WE ARE CORRECTED THAT.

Mayor Wynn: BEFORE YOU START, MS. GLASGO, MY QUESTION WOULD BE SINCE ESSENTIALLY THIS WAS PROPOSED FOR CONSENT AGENDA, AND IF WE ARE GOING TO TRY TO HAVE A PUBLIC HEARING NOW, IS THE APPLICANT EVEN HERE?

Glasgo: YES. MICHAEL MEADE IS THE AGENT FOR ITEM NO. 7, SHE'S HERE.

NO CITIZENS SIGNED UP EITHER WAY, BUT AT LEAST REPRESENTATION FROM THE PROJECT.

Glasgo: CORRECT. MAYOR AND COUNCILMEMBERS, ITEM NO. Z-7 C14-05-0015, THE PROPERTY IS LOCATED AT 6941 WEST U.S. HIGHWAY 290 WEST. AND THE CURRENT ZONING IS RURAL RESIDENTIAL, THE APPLICANT IS SEEKING CS ZONING, THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT CS-CO AND THIS CASE WOULD BE READY FOR ALL THREE READINGS SHOULD YOU GRANT THE RECOMMENDATION OF THE ZONING AND

PLATTING COMMISSION. LAST WEEK WHEN WE PRESENTED THE CASE, WE INDICATED THAT THE -- THE INTENT OF THE REZONING REQUEST IS TO MAKE IT POSSIBLE FOR THE SUBJECT TRACT AND IF THE MAP COULD BE PULLED UP FOR ITEM NO. 7, PLEASE, WE CAN SHOW YOU THE ADJOINING PROPERTY SO IT'S EASIER FOR ALL OF YOU TO SEE IT. THE SUBJECT TRACT IS FAIRLY SMALL. THE REASON COUNCILMEMBER SLUSHER ASKED THE QUESTIONS HE DID IS SIMPLY BECAUSE IN OUR REPORT WE INDICATE THAT THE SUBJECT SITE COMPRISES 15,246 SQUARE FEET, IT'S FAIRLY SMALL. AND WOULD BE SUBJECT TO THE S.O.S. ORDINANCE. THE S.O.S. ORDINANCE REQUIRES THE IMPERVIOUS COVER WOULD BE 15%, WHICH IS OBVIOUSLY NOT GOING TO BE FEASIBLE FOR DEVELOPMENT ON THIS SITE. THE SITE IS CURRENTLY UNDEVELOPED AND IT HAS A SIGN ON THE SITE, BILLBOARD SIGN. THAT'S ALL THAT IS THERE. THE -- THE PURPOSE FOR THE REZONING, NOW THE MAP IS UP, WE ARE HAVING SOME -- WE HAVE IT. THIS IS THE SUBJECT TRACT. THAT IS IN FRONT OF YOU FOR REZONING. THAT -- IT COMPRISES 15,000 SQUARE FEET. THE S.O.S. ORDINANCE REQUIRES THE SAVE OUR SPRINGS ORDINANCE IMPERVIOUS COVER WOULD BE 15%. THE OWNER OF THE PROPERTY REALIZES THAT -- THAT IT WOULD BE -- IT'S TOO SMALL OF A SITE TO HAVE ANY DEVELOPMENT, AND A ZONING CHANGE THAT IS COMPARABLE TO THE ADJOINING SITE SO IT -- SO THAT THERE CAN BE THE OPPORTUNITY TO COMBINE BOTH TRACTS, ALTHOUGH THERE ARE NO PLANS CURRENTLY TO -- TO -- TO ACQUIRE THE [INDISCERNIBLE] AS I UNDERSTAND IT, MISS MIKHAIL MEADE CAN ELABORATE, THERE WOULD BE THE POSSIBILITY IN THE FUTURE TO COMBINE THIS SITE WITH THE ADJOINING TRACT TO THE WEST WHICH IS CURRENTLY ZONED CS-CO, BUT WAS APPROVED UNDER PRIOR WATERSHED REGULATIONS. AS I INDICATED EARLIER, THE PROPERTY TO THE WEST, WHICH IS NOT SUBJECT TO REZONING TONIGHT, ALREADY HAS ZONING, IT HAS AN APPROVED SUBDIVISION FINAL PLAT THAT WAS -- THAT WAS FILED ON AUGUST THE 7th OF 1992 WAS APPROVED UNDER THE COMPOSITE ORDINANCE. THERE WAS AN ORDINANCE THAT -- THAT PRECEDED THE RESULT OF -- OF NEGOTIATED AGREEMENTS THAT WAS BETWEEN THE COMPREHENSIVE WATERSHED ORDINANCE AND THE SAVE OUR SPRINGS ORDINANCE AND IT'S CALLED

THE COMPOSITE ORDINANCE. UNDER THAT ORDINANCE THE IMPERVIOUS COVER ON THE PROPERTY TO THE WEST WOULD BE 65%. SO -- SO IF THIS SUBJECT TRACT THAT IS BEFORE YOU FOR REZONING IS REZONED AND IT'S COMBINED WITH THE ADJOINING PROPERTY AND ASSUMING DEVELOPMENT OCCURS FOR BOTH TRACTS, THEN THE LITTLE TRACT WOULD BE -- WOULD BE REVIEWED UNDER S.O.S. REQUIREMENTS AND THE BIGGER TRACT WOULD BE SUBJECT TO THE WILLIAMSON COUNTY WATERSHED ORDINANCE FOR WATER QUALITY RELATED REQUIREMENTS THAT ARE CALLED FOR ON THE SUBDIVISION PLAT THAT CALLED FOR CERTAIN COMPLIANCE UNDER THE COMPOSITE WATERSHED ORDINANCE. SO THAT'S THE HISTORY REGARDING THE PART TO THE WEST AND I WILL PAUSE THERE AND TAKE QUESTIONS OR LET THE APPLICANT ELABORATE A LITTLE BIT ON WHAT HER CLIENTS' INTENT ARE. DISTURB MAYOR, THAT'S FINE WE CAN GO AHEAD AND HEAR FROM THE APPLICANT. I GUESS MAYBE THERE'S NOT MUCH TO DO HERE, I'M NOT SURE. BUT IT SEEMS PRETTY CLEAR THAT THE ADJOINING TRACT DOESN'T COMPLY WITH THE COMMUNITY VALUES HERE AND I JUST SEE THE -- THIS IS SOMETHING THAT I HAVE RAISED THE WHOLE NINE YEARS THAT I HAVE BEEN HERE, I SEE THE SITUATION WITH THE SPRINGS GETTING INCREASINGLY SERIOUS. I WOULD LIKE TO TAKE A LOOK AT THIS, MAKE -- SEE IF THERE'S SOME WAY TO IMPROVE THE -- THE ARRANGEMENT ON THAT OTHER TRACT. BUT IF THEY DON'T HAVE AN AGREEMENT YET. I THOUGHT I HEARD LAST WEEK THAT THEY WERE WORKING TOGETHER ALREADY, THAT THEY WERE GOING TO DEVELOP THEM TOGETHER. NOW IT SOUNDS LIKE THEY ARE NOT THERE YET. SO MAYBE THAT'S ONE THING THAT MS. MEADE COULD CLEAR UP IN HER PRESENTATION.

Mayor Wynn: MS. MEADE, WELCOME. WELL CONSIDER THAT YOUR --

MAYOR AND COUNCILMEMBERS, THANK YOU VERY MUCH, MIKHAIL MEADE WITH BROWN McCAROL, REPRESENTING THE APPLICANT AND OWNER OF THE PROPERTY. THIS IS A SMALL TRACT, BUT I DO WANT TO CLARIFY A COUPLE OF ITEMS THAT WERE I THINK INCORRECTLY STATED IN THE STAFF REPORT. I THINK YOUR ENVIRONMENTAL STAFF IS HERE TO CONFIRM IN CASE I SAY SOMETHING WRONG. OUR

SITE IS DEVELOPABLE OUR SITE ON ITS OWN. IT IS CONTRIBUTING IN CONTRIBUTING NOT RECHARGE AND WOULD BE ALLOWED 25% IMPERVIOUS COVER NOT 15. ALSO STATES IN THE STAFF REPORT THAT THERE ARE SOME COMPATIBILITY ISSUES WITH SINGLE FAMILY AROUND US, ACTUALLY WE DON'T HAVE THOSE COMPATIBILITY ISSUES. SO THE SITE IS DEVELOPABLE ON ITS OWN. BUT WHAT WE WERE REALLY ALL WE WERE ATTEMPTING TO DO WAS TO GET THE SITE TO A STATE WHERE SOMETHING COULD BE DONE WITH IT. BECAUSE IT HAS BEEN NOT USED FOR QUITE A WHILE. AND SINCE -- THAT WE HAVE OWNED IT AND TO -- TO TRY TO COME UP WITH A ZONING THAT MADE SENSE FOR THIS AREA SO THAT WHEN ALL OF THIS GOT DEVELOPED, WE WOULD BE -- WE WOULD AT LEAST AS I THINK MS. GLASGO SAID HAVE AN OPPORTUNITY TO DO SOMETHING COMPATIBLE. THE -- THE ARRANGEMENT OR I GUESS RELATIONSHIP BETWEEN THE TWO PROPERTY OWNERS IS NOTHING MORE THAN A DISCUSSION ABOUT THE -- ABOUT THE POTENTIAL OF COMBINING THE TRACTS FOR PURPOSES OF TRYING TO COME UP A DEVELOPMENT THAT MADE SENSE FOR THE AREA. THERE ARE TWO -- THEY ARE TWO TOTALLY SEPARATE OWNERS. ONE HAS NOTHING TO DO WITH THE OTHER. NO ARRANGEMENT, NO AGREEMENT OR ANYTHING OF THAT NATURE. SO BUT WHAT WE -- WHAT WE REALLY WERE, ALL WE WERE REALLY ATTEMPTING TO DO WAS TO TRY TO COME UP WITH ZONING THAT MADE SENSE FOR THIS TRACT. IT'S ON 290, HAS GOOD -- A.

THRAFK -- A GOOD TRAFFIC SITUATION, GOOD ACCESS. OUR LITTLE PARCEL IS COMPLETELY SUBJECT TO S.O.S. WE DON'T HAVE ANY OPPORTUNITY TO BE GRANDFATHERED AT ALL. WE HAVE ALSO AGREED TO AN ANTICIPATION OF WHAT THE COUNCIL WOULD DESIRE, WE HAVE AGREED TO INTEGRATED PEST MANAGEMENT, RESTRICTION, PROHIBITION AGAINST COAL OR TAR BASED SEALANTS. IF SIGN -- SIGNED A RESTRICTIVE COVENANT TO PROHIBIT THOSE THINGS. SO WE THINK THAT WE CAN DO SOMETHING ABOUT WITH THIS TRACT IF -- IF FOR SOME REASON WE HAD TO DEVELOP IT ON ITS OWN, WE WOULD DO THAT. BUT WE THOUGHT IT WOULD MAKE MORE SENSE TO DO SOMETHING THAT WAS GOOD FOR THIS WHOLE CORNER, THIS WHOLE AREA.

Slusher: WITH THAT IN MIND, I WOULD SAY THEN, IF IT'S DEVELOPABLE, WE SHOULD CONSIDER IT ON THE MERITS OF WHAT'S APPROPRIATE ZONING FOR THIS TRACT. NOT NECESSARILY IN RELATION TO NEXT DOOR, BUT WHAT'S THE APPROPRIATE ZONING.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? DID OUR STAFF MAKE THE RECOMMENDATION FOR CS BASED ON COMBINING WITH THE NEXT DOOR PROPERTY?

Glasgo: COUNCILMEMBER SLUSHER, NO. OUR RECOMMENDATION WAS NOT BASED ON THE POSSIBILITY OF IT BEING COMBINED AT ALL. IT WAS JUST INFORMATION WE -- WE THOUGHT WE WERE GIVEN THAT WAS THE POSSIBILITY BUT NOT -- IT WAS NOT THE BASIS OF OUR RECOMMENDATION AT ALL.

Slusher: I THINK I'LL HAND OFF AT THIS POINT, MAYOR.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I'M LOOKING AT THE MAP. WHEN WE SAY THE ADJOINING TRACT, DO WE MEAN THE ADJOINING CS-CO TRACT OR --

THAT'S CORRECT.

Alvarez: OR ADJOINING LR CO.

CS-CO TRACT TO THE WEST OF THE SUBJECT TRACT, YES.

Alvarez: THE ONE THAT'S GRANDFATHERED IS THE ADJOINING TRACT OR THIS TRACT?

Glasgo: THIS TRACT. THEY ARE GOING TO HELP ME PULL UP THE MAP. BE EASIER FOR ME TO POINT TO IT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

> THE SAVE OUR SPRINGS WOULD DICTATE BECAUSE IT'S MORE RETICKET ACTIVE THAN THE ZONING.

SO IT WOULD BE MORE THAN 15%?

THAT'S CORRECT.

REGARDLESS OF THE ZONING PRETTY MUCH BECAUSE THEY'RE ALL 45% OR MORE?

THAT'S CORRECT. TYPICALLY THE WATERSHED REGULATIONS, WHICHEVER IS MORE RESTRICTIVE TAKES PRECEDENCE ON ALL REGULATIONS. IN THIS CASE THAT WOULD BE THE WATERSHED REGULATIONS ARE MORE RESTRICTIVE THAN THE ZONING ORDINANCE AND THEY WOULD BE THE APPLICABLE REGULATION.

Alvarez: OKAY. AND WHAT ARE THE CONDITIONAL USES? ARE THERE A LOT OF COMMITTED USES OR JUST --

THE CONDITIONAL USES ARE AS FOLLOWS: AUTOMOTIVE SALES, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE RENTALS, AUTOMOTIVE WASHING OF ANY TYPE. COMMERCIAL OFF STREET PARKING, CONVENIENCE STORAGE, EQUIPMENT REPAIR, EQUIPMENT SALES, EXTERMINATING SERVICES, HOTEL-MOTEL, KENNELS, OFF SITE ACCESSORY PARKING, PAWN SHOP SERVICES AND SERVICE STATIONS. DRIVE IN SERVICES AS AN ACCESSORY USE TO A RESTAURANT IS ALSO PROHIBITED AND RESTAURANT LIMITED IS ALSO PRONTED. -- PROHIBITED. JUST FOR YOUR INFORMATION, THE PROPERTY TO THE WEST HAS THE SAME CONDITIONAL OVERLAY ALSO SO WE MIRRORED THE CONDITIONAL OVERLAYS.

Alvarez: OKAY. AND MAYBE A QUESTION FOR MS. MEADE. I MIGHT HAVE MISSED IT, BUT WHAT WAS THE PROPOSED USE OR IS THERE A PROPOSED USE?

THERE'S NOT A USE DEFINED AT THIS TIME. THEY WOULD LIKE TO DEVELOP IT WITH RETAIL USE, BUT THERE'S NOT A USE AT THIS TIME. AND JUST FOR CLARIFICATION, THE CONDITIONAL OVERLAYS ARE NOT IDENTICAL. WE ACTUALLY HAVE SOME OF THE AUTOMOTIVE PIECES PROHIBITED, WHEREAS THE ADJACENT TRACT DOESN'T. BECAUSE OF WHAT STAFF ANTICIPATED TO BE COUNCIL'S DESIRE WRAP TO THE LOCATION OF THE TRACT. -- WITH RESPECT TO THE LOCATION OF THE TRACT.

Alvarez: YOU'RE NOT BUILDING A STOP-N-GO THERE, ARE YOU?

IT ACTUALLY WOULD BE PROHIBITED UNDER OUR PROHIBITED USE.

Alvarez: ALL RIGHT. THANKS, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

I'D JUST LIKE TO MAKE A MINOR CORRECTION THAT THE IMPERVIOUS COVER FOR THE SUBJECT TRACT WOULD BE 25% AND NOT 15. IT'S IN THE WILLIAMSON CREEK WATERSHED IS A LITTLE HIGHER THAN THE BARTON CREEK WATERSHED.

Mayor Wynn: CONTRIBUTING VERSUS RECHARGE?

CORRECT, EXACTLY.

Goodman: CAN WE HAVE THE MAP BACK UP?

Mayor Wynn: MAYOR PRO TEM.

Goodman: CAN YOU PUT THE MAP BACK UP?

THERE IT IS. IT'S UP.

Goodman: WHAT LOOKS TO ME LIKE THE APPROPRIATE ZONING WOULD HAVE BEEN HERE ONE OF TWO THINGS OR THREE THINGS ACTUALLY. LR BECAUSE THAT'S WHAT IT IS FROM THE EAST. AND SO IT'S JUST AS EASILY CONJUNCTIVE WITH THE ONE TO THE EAST AS IT IS TO THE WEST. CS, IF YOU WANT TO GO THAT ROUTE, THAT WOULD BE APPROPRIATE FOR THE ONE TO THE WEST. OR GR SINCE ON THE OTHER CORNER OR SORT OF CORNER -- THANKS. SO I WOULD THINK THAT THE VERY MOST YOU WOULD PUT GR HERE, AND THAT WOULD BE SORT OF IFFY BECAUSE I DON'T KNOW WHAT GR USE YOU WOULD REALLY FIND APPROPRIATE FOR THAT SMALL A TRACT. SO LR LOOKS LIKE IT'S THE MOST APPROPRIATE HERE, NOT CS. TO ME. AND SO I MAKE A MOTION -- [LAUGHTER]

SO MOTION BY MAYOR PRO TEM --

Mayor Wynn: MOTION BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING ON Z-7 AND TO RECOMMEND ON FIRST READING ONLY LR.

[INAUDIBLE - NO MIC].

Mayor Wynn: HANG ON, MS. MEADE. LET'S SEE IF WE CAN GET A SECOND.

Slusher: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER SLUSHER. FURTHER COMMENTS? MS. MEADE, DID YOU HAVE A POINT?

ONE THING WE LOOKED AT WHEN WE LOOKED AT ACTUALLY GR FOR THIS TRACT, ONE REASON -- THE DIFFERENCE IS ACTUALLY BETWEEN GR AND CS ARE ACTUALLY PRETTY MINIMAL GIVEN THE USES WE'VE ALREADY RESTRICTED -- AGREED TO PROHIBIT. AND THE DIFFERENCE REALLY IS THAT CS ALLOWS US A GREATER FLOOR TO AREA RATIO, WHICH ALLOWS US ON THIS SMALL TRACT TO HAVE A SMALLER FOOTPRINT, BUT STILL MAINTAIN THE SAME SQUARE FOOTAGE IF WE HAVE TO MAKE THE BUILDING TALLER. IT'S JUST ONE THING TO CONSIDER SINCE REALLY THE CONCERN IN THIS AREA IS ACTUAL IMPERVIOUS COVER ON THE GROUND. ONE THING WE ACTUALLY CONSIDERED WHEN WE LOOKED AT GR FOR THE SITE AND ACTUALLY HAD LOOKED AT LR, BUT GR FOR THE SITE, WAS THAT CS, ALTHOUGH THE OTHER REGULATIONS WERE THE SAME AND IMPERVIOUS COVER WOULD BE HIGHER THAN CS, BUT IT WOULDN'T MATTER IN THIS CASE BECAUSE WE ARE SUBJECT TO CURRENT S.O.S. REGULATIONS, AND ALL THE USES WOULD BE JUST ABOUT THE SAME SINCE WE'VE PROHIBITED MOST OF THE ONES THAT WOULD OTHERWISE BE ALLOWED, WAS THAT IT WOULD ALLOW US A GREATER FLOOR TO AREA RATIO THAT WE THOUGHT WOULD GIVE US THE OPPORTUNITY TO USE LESS SURFACE AREA AND STILL DO A GOOD DEVELOPMENT.

Goodman: THAT'S A GOOD ARGUMENT. AND IF YOU HAD PLANS OR PROOF THAT WAS THE INTENT, I MIGHT BE

SWAYED.

Mayor Wynn: YOU'VE GOT TWO MORE MINUTES, MS. MEADE.

WE'VE SKETCHED IT OUT, SO WE CAN BRING YOU PLANS. AND IF YOU LOOK AT WHAT WAS THE PROHIBITED USES OF WHAT IS ALLOWED BETWEEN GR -- THE DIFFERENCES BETWEEN GR AND CS, REALLY THERE AREN'T VERY MANY DIFFERENCES. I THINK THERE MAY BE ONE OR TWO USES THAT WOULD BE ALLOWED.

Goodman: NO. AND I DON'T THINK THAT THE USES IN THAT PARTICULAR PLACE, IT'S THE ZONING ON THE GROUND. AND THE PRECEDENT OF ADDING TO CS.

I UNDERSTAND.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE TO APPROVE ON FIRST READING ONLY LR FOR Z-7. THAT INCLUDES CLOSING THE PUBLIC HEARING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

OKAY. THAT TAKES US TO ITEM NUMBER Z-8. CASE C-14---

Mayor Wynn: EXCUSE ME, I'M SORRY TO INTERRUPT. I JUST WANT TO NOTE WE HAVE SOME BOY SCOUTS FROM TROOP 5 HERE FROM CENTRAL AUSTIN WHO ARE WATCHING GOOD GOVERNMENT IN ACTION. AND WHAT YOU JUST SAW, WHEN WE HAVE ZONING CASES LIKE THIS BY LAW WE HAVE TO APPROVE THEM ON THREE READINGS, WHICH CAN'T BE DONE ALL AT ONCE. IN THIS CASE YOU HEARD SOME DEBATE AND A LITTLE BIT OF GOOD DEBATE ABOUT WHAT THE FINAL ZONING OF THAT TRACT SHOULD BE, SO WE APPROVED ON FIRST READING ONLY A ZONING, AND YET THE OWNER OF THE PROPERTY WILL NOW WORK WITH INDIVIDUAL COUNCILMEMBERS TO WORK OUT TO SEE IF THAT MAKES SENSE. AND IT COULD BE THAT BY THE TIME THIS IS POSTED

FOR SECOND AND THIRD READING, WE MIGHT EVEN CHANGE THAT ZONING. AND WE'VE AUTOGRAPHED A COPY OF THE AGENDA FOR YOU AND I APPRECIATE Y'ALL BEING HERE. GOOD LUCK. OKAY. MS. GLASGO, Z-8. ICIALTIONIKS Z-8 IS C-14-05-0009, BRAZOS ZONING, LOCATED AT 11410 MANCHACA ROAD. THE EXISTING ZONING IS GR. I'M SORRY, INTERIM RURAL RESIDENTIAL. AND THE APPLICANT IS REQUESTING GR ZONING. THE REASON THIS CASE WAS PULLED AND POSTPONED IS SO WE CAN PROVIDE THE PRESENTATION TO EXPLAIN THE DIFFERENCES BETWEEN THE STAFF RECOMMENDATION AND THAT OF THE PLANNING COMMISSION. AND NOW THAT THE MAP IS UP HERE, YOU CAN GIVE ME MY POINTING CAPABILITY SO I CAN POINT. COUNCIL, THIS IS NEW TECHNOLOGY. WE JUST LAUNCHED THIS THIS THURSDAY, SO WE GET TO POINT TO THE MAP SO WE CAN SEE.

MAYOR WYNN: COUNCIL, THIS IS OUR NEWEST SKY CAM, DIRECTLY ABOVE THE MAP.

THAT'S THE SUBJECT TRACT. I'LL START OFF WITH THE STAFF RECOMMENDATION AND THEN GO TO THE PLANNING COMMISSION RECOMMENDATION.

Mayor Wynn: IF WE COULD GET MR. GURNSEY A WIRELESS HEADSET, WE WOULD BE COMPLETE. I'M SORRY. GO AHEAD.
[LAUGHTER]

ALL RIGHT. IN THIS PARTICULAR CASE, THE STAFF RECOMMENDATION IS LR-CO. TONIGHT IS THE NIGHT FOR LR, ISN'T IT? OUR CONDITIONAL OVERLAY PROHIBITS DRIVE-IN SERVICES AS AN ACCESSORY USE TO COMMERCIAL SERVICES. IT REQUIRES A 25-FOOT WIDE VEGETATIVE BUFFER ALONG THE WEST PROPERTY LINE AND LIMITS DEVELOPMENT OF THE PROPERTY TO 2,000 MOTOR VEHICLE TRIPS A DAY. THE PLANNING COMMISSION, THE ZAP COMMISSION, ZONING AND PLATTING COMMISSION RECOMMENDATION, IS TO GRANT THE APPLICANT'S REQUEST FOR GR-CO. THEIR CONDITIONAL OVERLAY ALLOWS THE FOLLOWING USES: BUSINESS SUPPORT SERVICES, GENERAL RETAIL -- GENERAL PERSONAL IMPROVEMENT SERVICES AND RESTAURANT GENERAL, AND ALL SUBMITTED LR USES. THE CONDITIONS IMPOSED ARE

THE SAME AS STAFF, PROHIBITED DRIVE-IN SERVICES AS AN ACCESSORY USE OR COMMERCIAL USE. AND 2,000 VEHICLE TRIPS PER DAY. THEY DID NOT TAKE UP THE STAFF RECOMMENDATION REQUIRING A 25-FOOT WIDE VEGETATIVE BUFFER TO THE WEST SIDE, AND THAT'S SIMPLY BECAUSE THE -- WE WANTED TO MAKE SURE THAT COMPATIBILITY STANDARDS WOULD APPLY AND NOT ALLOW FOR THIS SEEKING OF A VARIANCE. THAT'S WHY WE RECOMMENDED THE BUFFER FOR THE PROPERTY TO THE WEST OF THE SUBJECT TRACT. THE STAFF RECOMMENDATION WAS BASED ON THE FACT THAT TO THE NORTH OF THE SUBJECT TRACT, WE RECENTLY HAD TWO ZONING CASES THAT ALLOWED FOR LR-CO ON PROPERTIES CLOSER TO MANCHACA ROAD, AND THEN TO THE REAR WHERE THE TRACKS WERE ADJACENT TO SINGLE-FAMILY HOMES, WE RECOMMENDED LO-CO, AND THAT WAS THE BASIS FOR OUR RECOMMENDATION FOR CONSISTENCY IN THIS REGARD. THE ZONING AND PLATTING COMMISSION, HOWEVER, DID ELECT TO RECOMMEND TO YOU GR-CO, WITH THE LIMITATIONS THAT I JUST READ TO YOU A LITTLE WHILE AGO. THE COMMISSION'S RECOMMENDATION ADOPTS ALL OFF-HOUR CONDITIONAL OVERLAYS EXCEPT ONE, WHICH HAS TO DO WITH THE 25-FOOT VEGETATIVE BUFFER TO THE WEST OF THE PROPERTY. MAYOR, THAT CONCLUDES MY PRESENTATION. I WILL PAUSE AND RESPOND TO QUESTIONS AFTER YOU HEAR FROM THE APPLICANT'S REPRESENTATIVE.

Mayor Wynn: THANK YOU, MS. GLASGO. IS THE APPLICANT'S REPRESENTATIVE HERE? WELCOME. COUNCIL, WE HAVE NO CITIZENS SIGNED UP EITHER WAY ON THIS CASE. WE'LL HAVE A FIVE-MINUTE APPLICANT PRESENTATION.

GOOD EVENING, MY NAME IS AMANDA MORROW AND I'M HERE ON BEHALF OF SARAH CROCKER, WHO IS THE ACTING AGENT FOR THE LANDOWNER AT 11410 MANCHACA ROAD. CURRENTLY THIS IS ZONED INTERIM RR. I'M HERE TODAY TO REQUEST THAT YOU APPROVE THAT CODE RECOMMENDATION OF GR-CO, LIMITING THE GR USES TO ONLY FOUR, WHICH WOULD BE PERSONAL SERVICES. IT WOULD ALLOW SOMETHING LIKE A YOGI GA STUDY -- YOGA STUDIO, FURNITURE STORE, PERSONAL -- I'M SORRY, BUSINESS SUPPORT SERVICES WOULD ALLOW A KINKO'S OR LIKE A COMPUTER SHOP. GENERAL RESTAURANT, WHICH

WOULD BE LIKE A THREADGILL'S OR A TEXAS LAND AND CATTLE COULD BE CONSTRUCTED THERE. ALL OTHER USES WOULD BE RESTRICTED TO THOSE ALLOWED IN THE LR ZONING DISTRICT. IF YOU HAVE ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM FOR YOU.

Mayor Wynn: QUESTIONS OF THE APPLICANT?
COUNCILMEMBER SLUSHER?

Slusher: NO, NOT AT THIS TIME. LET ME JUST ASK YOU THIS, I'M SORRY. WOULD YOU BE WILLING TO COMPLY WITH COMPATIBILITY IF YOU GOT THE GR USES?

YES, SIR.

Slusher: OKAY. I THINK WE STILL NEED TO HAVE A DISCUSSION ON THAT BECAUSE OF SOME OF THE THINGS THE STAFF BROUGHT UP. THANK YOU.

THANK YOU, SIR.

Mayor Wynn: THANK YOU. AGAIN, COUNCIL, THERE'S NO CITIZENS SIGNED UP IN FAVOR OR AGAINST, SO NO NEED TO REBUT ANY TESTIMONY. FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL AT LEAST ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THE PUBLIC HEARING. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

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

Alvarez: MAYOR, WHAT'S THE DIFFERENCE BETWEEN ZONING AND PLATTING COMMISSION RECOMMENDATION AND STAFF'S ALTERNATE RECOMMENDATION?

THE STAFF'S RECOMMENDATION IS LR-CO. THAT'S THE DIFFERENCE. AND THE PLANNING COMMISSION IS GR-CO. SO TWO DIFFERENT ZONING DISTRICTS ALTOGETHER.

Alvarez: AND THE REASON IT AN ALTERNATE RECOMMENDATION IS BECAUSE WE ADDED SOME CONDITIONS OR WHAT? WHY ISN'T IT JUST YOUR ORIGINAL RECOMMENDATION?

THE APPLICANT -- THE PROPERTY IS CURRENTLY ZONED INTERIM RURAL RESIDENTIAL. STAFF IS RECOMMENDING LR-CO.

BUT YOU SAID ALTERNATE, SO I DIDN'T KNOW IF IT MEANT YOU RECOMMENDED BUN THING AND THEN CHANGED YOUR RECOMMENDATION.

NO. I MAY HAVE MISSPOKEN. THE STAFF RECOMMENDATION --

Alvarez: THAT'S WHAT IT SAYS IN THE BACKUP. I DON'T KNOW WHY IT SAYS STAFF ALTERNATE RECOMMENDATION.

I'M SORRY, WHERE DOES IT SAY ALTERNATE.

Alvarez: IT'S IN THE BACKUP.

IT SHOULDN'T SAY THAT.

Alvarez: THAT WAS THE ORIGINAL RECOMMENDATION?

IT IS THE ORIGINAL RECOMMENDATION. WE'LL CORRECT THAT. IT'S JUST THE STAFF RECOMMENDATION IS LR-CO. THANK YOU FOR POINTING THAT OUT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM.

Goodman: WELL, I DON'T KNOW THAT THIS WILL MAKE A FINAL VOTE, BUT THIS IS KIND OF OLD STALE 80'S ZONING WHERE WE'RE STRIPPING OUT, AND THERE MAY BE MITIGATING FACTORS, LIKE A BUFFER, BUT THIS IS A PRETTY GOOD START ON THE DOMINO THEORY.

Mayor Wynn: I'M SORRY, MAYOR PRO TEM, I WAS DISTRACTED. MOTION ON Z-8?

Goodman: NO, I DIDN'T HAVE A MOTION.

Mayor Wynn: OKAY. FURTHER COMMENTS, QUESTIONS? I'LL ENTERTAIN A MOTION. MS. GLASGO, STAFF IS READY, LIKELY -- IS STAFF READY FOR THIRD READING ON EITHER POTENTIAL ZONING CASE -- ZONING CATEGORY?

I'M SORRY. THE CASE WOULD BE READY FOR THREE READINGS IF YOU ADOPT THE ZONING AND PLATTING COMMISSION RECOMMENDATION.

Mayor Wynn: WHICH IS GR-CO.

RIGHT. IF YOU CHOSE --

Mayor Wynn: ANYTHING OTHER THAN THAT, FIRST READING ONLY.

Slusher: MAYOR PRO TEM, EVEN THOUGH SHE DIDN'T GO SO FAR AS TO MAKE A MOTION, SHE CONVINCED ME IN HER EXPERIENCE ON THESE ISSUES, ESPECIALLY IN THIS PARTICULAR AREA OF TOWN, SO I WOULD MOVE THE STAFF RECOMMENDATION ON FIRST READING AND WE CAN GO BY AND TAKE A LOOK AND MAKE SURE AND THINK WE'RE DOING THE RIGHT THING BETWEEN FIRST AND THIRD.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO ADOPT ON FIRST READING ONLY Z-8. STAFF RECOMMENDATION OF LR-CO, SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO FIRST READING ONLY. THANK YOU VERY MUCH.

THANK YOU.

Mayor Wynn: THANK YOU, MS. GLASGO. COUNCIL, THAT TAKES US TO A COUPLE OF QUICK PUBLIC HEARINGS, INCLUDING OUR INFAMOUS DISANNEXATION. DISOR DE?

WE'RE POSTED FOR DISANNEXATION. I'M SORRY, ITEM NUMBER 30.

GOOD EVENING, MAYOR AND COUNCIL. MY NAME'S VIRGINIA COLLIER WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THIS IS THE SECOND OF TWO PUBLIC HEARINGS FOR THE JET LANE AREA DISANNEXATION. ORDINANCE READINGS ARE TENTATIVELY SCHEDULED FOR MAY 12TH, 2005. IN 1998 THE CITY ANNEXED APPROXIMATELY 1,122 ACRES IN THE DEL VALLE AREA FOR LIMITED PURPOSES ON THE NON-CONSENSUAL BASIS. IN 2001, THE CITY CONVERTED ALL BUT APPROXIMATELY 6.4 ACRES AT THE END OF JET LANE TO FULL PURPOSE STATUS. BECAUSE OF DIFFICULTIES ASSOCIATED WITH PROVIDING FULL MUNICIPAL SERVICES TO THESE PROPERTIES, IT WAS DECIDED NOT TO ANNEX THOSE TWO TRACTS FOR FULL PURPOSES AND UPON REVIEW OF THIS AREA, CITY STAFF IS RECOMMENDING THAT THE ENTIRE SIX AND A HALF ACRES AT THE END OF JET LANE BE RELEASED FROM THE LIMITED PURPOSE JURISDICTION. THANK YOU.

Mayor Wynn: THANK YOU. WE HAVE NO CITIZENS SIGNED UP TO SPEAK. ARE THERE ANY CITIZENS WHO WOULD LIKE TO ADDRESS US ON ITEM NUMBER 30, THIS DISANNEXATION OF THE JET LANE AREA? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR?

AYE.

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

ITEM NUMBER 31, WHICH IS ALSO THE SECOND OF TWO PUBLIC HEARINGS. THIS IS FOR THE PROPOSED WOODS OF GREEN SHORES LIMITED PURPOSE ANNEXATION AREA AND ORDINANCE READINGS ARE TENTATIVELY SCHEDULED FOR MAY 12TH. THIS AREA INCLUDES APPROXIMATELY 108 ACRES AND IS LOCATED IN TRAVIS COUNTY AT THE EAST INTERSECTION -- EAST OF THE INTERSECTION OF CITY PARK ROAD AND PIERCE ROAD. AN APPROVED PRELIMINARY PLAN

FOR THE WOODS OF GREEN SHORES INCLUDES 95 PROPOSED SINGLE-FAMILY LOTS. AND I BROUGHT COPIES OF THE REGULATORY STUDY -- PLANNING STUDY AND REGULATORY PLAN THIS EVENING IF ANYONE IS INTERESTED. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS, COUNCIL? ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS US ON ITEM 31, THE PUBLIC HEARING ON LIMITED PURPOSE ANNEXATION OF THE WOODS OF GREEN SHORES AREA. HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR?

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COUNCIL, THOSE CONCLUDE THE ANNEXATION AND DISANNEXATION HEARINGS. WE ALSO WERE POSTED ON ITEM 32 FOR THE PUBLIC HEARING OF POTENTIAL APPROVAL OF THE DESIGN STANDARDS, BUT MY UNDERSTANDING WAS THERE WAS GOING TO BE A RECOMMENDED POSTPONEMENT. I'LL ENTERTAIN A MOTION FROM COUNCILMEMBER MCCRACKEN.

McCracken: MOVE TO POSTPONE UNTIL APRIL 28TH.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER THOMAS TO POSTPONE ITEM NUMBER 32 TO APRIL 28TH, 2005.

McCracken: MAYOR, CAN I MAKE A QUICK COMMENT? FOR ANYONE IN THE PUBLIC THAT'S WATCHING THIS, WE WILL BE ADDING A CHARRETTE OPEN HOUSE HERE AT CITY HALL NEXT 30 ON PROPOSED STANDARDS FROM 1:30 TO FIVE IN THE BOARDS AND COMMISSIONS ROOM. SO ANYONE WHO WANTS TO PROTEST THESE PROPOSALS AND SEE HOW THEY WORK, PLEASE COME ON BY.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: I THINK THAT'S A GOOD IDEA TO HAVE THAT. I HAVE

BEEN CONTACTED BY SOME FOLKS AND I WAS JUST WONDERING, ARE WE GOING TO GO AHEAD AND HAVE THE PUBLIC HEARING? IT'S BEEN POSTPONED SEVERAL TIMES AND I THINK IT NEEDS TO STAND STILL LONG ENOUGH FOR FOLKS TO COME DOWN AND COMMENT ON IT SO WE CAN ALL START LOOKING AT IT.

McCracken: YEAH, COUNCILMEMBER. ONE OF THE REASONS WHY WE DID THE POSTPONEMENTS WAS TO MAKE SURE THAT WE HAD AN IN PLACE ORDINANCE WITH BROAD CONSENSUS THAT EVERYBODY HAD TIME TO LOOK OVER AND ACTUALLY ROAD TEST. SO WE HAVE A COMMITMENT FROM THE ORGANIZATIONS THAT HAVE BEEN NEGOTIATING TO HAVE SOMETHING FINAL IN PLACE ON MONDAY AND WE'RE HAVING OUR MEETING ON MONDAY TO COLLATE ALL THAT. EVERYBODY WILL HAVE AN OPPORTUNITY TO REVIEW A FINAL DRAFT, WHICH WILL TEST OUT ON THURSDAY WITH SEVERAL SITE PLANS AND DIFFERENT TYPES OF DEVELOPMENTS IN THE COMMUNITY AND PARTICIPANTS IN THAT WILL INCLUDE REPRESENTATIVES FROM THE AUSTIN INDEPENDENT BUSINESS ASSOCIATION, THE REAL ESTATE COUNCIL, LIVEABLE CITY, AUSTIN NEIGHBORHOOD COUNCIL, AND ANYONE ELSE THE PUBLIC WANTS TO PARTICIPATE.

Slusher: THANK YOU, COUNCILMEMBER.

Mayor Wynn: FURTHER COMMENTS?

Thomas: IT IS WHEN?

McCracken: NEXT THURSDAY, APRIL -- [LAUGHTER]

Mayor Wynn: FURTHER COMMENT? MOTION AND A SECOND ON THE TABLE TO POSTPONE ITEM 32 TO APRIL 28TH. HEARING NONE, ALL THOSE IN FAVOR, PLEASE AR. SAY AYE. OPPOSED? MOTION PASS OZ A VOTE OF SEVEN TO ZERO. COUNCIL, THAT'S ALL OF OUR POSTED ITEMS, WITHOUT OBJECTION, WE STAND ADJOURNED. THANK YOU VERY MUCH.

End of Council Session Closed Caption Log

