

Closed Caption Log, Council Meeting, 08/24/06

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Mayor Wynn: GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN. IT'S MY PRIVILEGE TO WELCOME PASTOR BOB BOLENDER FROM AUSTIN BIBLE CHURCH WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

SHALL WE PRAY? ALMIGHTY FATHER, WE HUMBLE OURSELVES IN YOUR PRESENCE THIS MORNING, WE THANK YOU FOR YOUR FAITHFULNESS. WE ASK FOR YOUR BLESSING TO BE UPON THIS BODY AS WE GATHER TODAY FOR DECISIONS THAT ARE REACHED FOR DISCUSSIONS THAT TAKE PLACE. FATHER, WE THANK YOU THAT THIS PRACTICE CONTINUES IN AN AGE WHERE THERE IS MORE AND MORE EFFORT TO DRIVE ACKNOWLEDGMENT OF GOD OUT OF OUR PUBLIC LIFE. FATHER, WE WOKE UP THIS MORNING TO FIND OUT THAT A VOTE HAD BEEN TAKEN BY VIRTUE OF A HUMAN VOTE, THE PLANET PLUTO IS NO LONGER TO BE CONSIDERED AS A PLANET. FATHER, I DON'T KNOW HOW SERIOUSLY THOSE PEOPLE TAKE THEIR VOTE OR HOW SERIOUSLY YOU TAKE THEM. IT SEEMS AMUSING THAT THE CREATOR OF THE PLANETS WOULD BE SUBJECT TO A VOTE. BUT FATHER I GIVE TO YOU THIS MORNING OUR MAYOR AND OUR CITY COUNCIL AND FATHER IN ALL SERIOUSNESS FOR THE MATTERS THAT THEY MUST DECIDE, THEY PRAY THAT THE DISCUSSION WOULD BE GUIDED BY YOUR HAND OF PEACE, THAT THE DECISIONS WOULD BE GUIDED BY YOUR HAND OF WISDOM, WE COMMIT THESE THINGS TO YOU, FATHER, NOT IN OUR OWN NAME, BY OUR OWN MERIT, BUT BY THE NAME AND MERIT OF OUR LORD

AND SAVIOR, JESUS CHRIST, AMEN.

THANK YOU, PASTOR. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, AUGUST 24th, 2006, APPROXIMATELY 10:15 A.M., WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE NOTING THAT ITEM NO. 1, ADOPTION OF THE MINUTES FOR AUGUST 10th, 2006, INCLUDES THE CHANGE TO ITEM NO. 76, WHICH WAS INCLUDED IN OUR LATE BACKUP. WE WILL NOTE THAT ITEMS 9 AND 17 HAVE BEEN WITHDRAWN BY STAFF. AND ITEM NO. 11 WE SHOULD STRIKE THE ENDING PHRASE ECONOMIC DEVELOPMENT FUND AND INSERT THE PHRASE LIABILITY RESERVE FUND. ITEM NO. 59, WE SHOULD -- WE SHOULD STRIKE THE WORD DIRECT THE CITY AUDITOR AND INSERT THE PHRASE APPROVING THE RESOLUTION OF THE CITY AUDITOR. ITEM NO. 60 WE SHOULD STRIKE THE WORD SUBCOMMITTEE AND INSERT THE WORD COMMITTEE AS A FACT THAT IS THE COUNCIL AUDIT AND FINANCE COMMITTEE, NOT SUBCOMMITTEE. OUR TIME CERTAINS AT 11:00, SHORTLY THEREAFTER, AFTER WE FINISH THE CONSENT AGENDA THIS MORNING, WE WILL HAVE OUR MORNING BRIEFINGS, WHICH WILL BE THE PART OF THE CITY MANAGER'S PROPOSED '06-'07 BUDGET THAT SPECIFICALLY RELATES TO OUR PUBLIC SAFETY DEPARTMENTS. AND AT NOON WE WILL BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS, AT 2:00 WE HAVE DISCUSSION AND POSSIBLE ACTION ON SOME BOND SALES. WE WILL ALSO TAKE UP THE MUELLER LOCAL GOVERNMENT CORPORATION MEETING, TO HANDLE SOME ITEMS WITH THE OLD AIRPORT. AT 2:30 WE HAVE OUR AFTERNOON BRIEFINGS FROM STAFF. AT 4:00 WE TAKE UP OUR ZONING HEARINGS, APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 A SERIES OF PUBLIC HEARINGS AND POSSIBLE ACTIONS. SO HOSE ARE OUR TIME CERTAINS. WE HAVE A NUMBER OF ITEMS PULLED OFF THE CONSENT AGENDA THIS MORNING, COUNCIL. ITEM NO. 3, RELATED TO OUR FOURTH WATER TREATMENT PLANT HAS BEEN PULLED BY COUNCILMEMBER LEFFINGWELL. WE WILL HAVE SOME DISCUSSION ON THAT ITEM. ITEMS

NUMBER 16, PULLED BY COUNCILMEMBER MARTINEZ. ITEM 17 PULLED BY COUNCILMEMBER LEFFINGWELL. I HAVE PULLED ITEMS 23 AND 24, RELATED TO -- TO TREE TRIMMING. ITEM NO. 59 ALSO BEEN PULLED BY COUNCILMEMBER LEFFINGWELL. ANY ADDITIONAL ITEMS TO BE PULLED OR PERHAPSES ADDED BACK TO IT? HEARING NONE, TO BE APPROVE ITEMS 1 WHICH INCLUDES CHANGED ITEM NO. 76 ON THE MINUTES TO OUR AUGUST -- AUGUST 10th MEETING. ALSO APPROVING ITEM NO. 2, ITEMS 4, 5, 6, 7, 8, 9, 10, 11 PER CHANGES AND CORRECTIONS. 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 OR OUR BOARD AND ECONOMICS APPOINTMENTS THAT I WILL READ INTO THE RECORD. WE HAVE A NUMBER OF THEM. TO OUR AIRPORT ADVISORY COMMISSION, STEVEN HART IS A CONSENSUS APPOINTMENT. TO OUR ANIMAL ADVISORY COMMITTEE, [INDISCERNIBLE] IS A CONSENSUS APPOINTMENT. REPRESENTING THE MUNICIPAL OFFICE SPOT. TO OUR ARTS COMMISSION, SUE GRAYS IS MY REAPPOINTMENT. TO THE ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD, MICHAEL MA IS A CONSENSUS APPOINTMENT. WITH THE COMMISSION ON IMMIGRANT AFFAIRS, JOSE FUENTES IS A CONSENSUS APPOINTMENT. TO OUR DESIGN COMMISSION, RICHARD WEISS IS MY REAPPOINTMENT AND JEANIE [INDISCERNIBLE] IS COUNCILMEMBER COLE'S APPOINTMENT. TO THE ELECTRIC BOARD, GILBERT [INDISCERNIBLE] IS MY REAPPOINTMENT. TO OUR ELECTRIC UTILITY COMMISSION, SHUDDE FATH IS COUNCILMEMBER LEFFINGWELL'S APPOINTMENT AND CHIP WOLF, TO OUR ETHICS REVIEW COMMISSION, KATHRYN KYLE IS A CONSENSUS ARE CONFIRMATION, REPRESENTS THE AUSTIN BAR ASSOCIATION AND TIM SULAC IS MY NOMINATION. TO THE FEDERALLY QUALIFIED HEALTH CENTER BOARD, KAREN FROMBERG, MAYOR'S COMMITTEE ON PEOPLE WITH DISABILITIES, RON LUCEY IS MY REAPPOINTMENT. TO THE PARKS AND RECREATION BOARD, MAKE..... MARK VAIN IS COUNCILMEMBER MCCracken'S REAPPOINTMENT. TO THE PLANNING COMMISSION, SID GALINDO MY REAPPOINTMENT, TO THE RESOURCE MANAGEMENT COMMISSION, RICHARD AMATO MY REAPPOINTMENT, TO THE URBAN TRANSPORTATION CONVENTION, CARL TEMPER, THOSE ARE BOARD AND

COMMISSION APPOINTMENTS NUMBER 58 ON THE AGENDA. CONTINUING ON, ITEM 60, PER CHANGES AND CORRECTION, ITEM 61, 62, 63, AND 64. I WILL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

EXCUSE ME, MAYOR. THERE'S A COUPLE OF CORRECTIONS.

YES.

ITEMS 9 AND 17 SHOULD BE ON CONSENT AS WITHDRAWN AND 61 SHOULD BE PULLED BY COUNCILMEMBER LEFFINGWELL.

THANK YOU. SO 9 AND 17 AS READ INTO THE CHANGES AND CORRECTION ARE WITHDRAWN BY STAFF, BUT ACTUALLY COUNCILMEMBER LEFFINGWELL WOULD REFER TO KEEP 61 ON THE CONSENT AGENDA, I THINK THAT HE WILL SPEAK TO HERE IT HERE IN A MINUTE. 9 AND 17 READ INTO THE RECORD ON CORRECTIONS HAS BEEN WITHDRAWN FROM THE AGENDA COMPLETELY AND WON'T OF COURSE BE ON THE CONSENT AGENDA. SO I WILL ENTERTAIN A MOTION ON THE CONSENT AGENDA AS READ AND AMENDED.

MAYOR, PLEASE SHOW ME ABSTAINING FROM NUMBER 9.

OKAY.

IT'S BEEN WITHDRAWN FOR DISCUSSION?

OKAY. THANKS.

MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED [INDISCERNIBLE] TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: I JUST WANTED TO MENTION THE WATER CONSERVATION TASK FORCE WHICH WE HAVE FORMED NOW HOPEFULLY WILL APPROVE BY CONSENT THE FORMATION OF AND THIS IS IN RESPONSE TO A LONG STANDING NEED, I BELIEVE, IN THIS COMMUNITY TO IMPROVE AND ENHANCE OUR WATER CONSERVATION MEASURES, SOMETHING THAT I BELIEVE SHOULD BE DONE

WITHOUT REGARD TO -- TO ANY KIND OF IMPENDING WATER CRISIS OR NOT. BUT IT WILL IN FACT RESPOND TO AN ESTIMATED GAP IN OUR PEAK PLUS 10% WATER SUPPLY AVAILABILITY IN THE YEAR 2011. THE GOAL OF THE WATER CONSERVATION TASK FORCE WILL BE TO REDUCE BY ONE PERCENT PER YEAR FOR 10 YEARS OUR PEAK DEMAND WATER USAGE. I BELIEVE THIS IS AN ATTAINABLE GOAL, BUT EVEN IF WE ARE ONLY ABLE TO DO ONE-HALF% FOR 20 YEARS, WE ARRIVE AT THE SAME POINT AND ACCOMPLISH THE SAME GOAL. AND SO -- SO I'M -- I'M VERY PROUD TO BE A SPONSOR OF THIS RESOLUTION AND ALSO WILL BE -- WILL BE A MEMBER OF THE WATER CONSERVATION TASK FORCE AND, MAYOR, DID YOU READ INTO THE RECORD THE MEMBERS OF THE TASK FORCE? DO WE -- ARE -- SHOULD WE DO THAT AT THIS POINT?

Mayor Wynn: I DON'T HAVE IT HERE IN FRONT OF ME. I PRESUME IT WAS PART OF THE BACKUP ON THE AGENDA.

WELL, I WOULD JUST --

I WILL JUST FROM MEMORY THE WATER CONSERVATION TASK FORCE WILL CONSIST OF THREE MEMBERS OF COUNCIL, THAT WILL BE MAYOR WYNN, MYSELF AND COUNCILMEMBER COLE. AND THERE WILL BE A MEMBER AT THE PLANNING COMMISSION, CHRIS RILEY, A MEMBER OF THE ENVIRONMENTAL BOARD, WHICH WILL BE THE CHAIR DAVE ANDERSON. A MEMBER OF THE RESOURCE MANAGEMENT COMMISSION, CHRIS HERBERT AND A MEMBER OF THE WATER AND WASTEWATER COMMISSION, THAT WILL BE MICHAEL WARNER. THAT WILL BE THE COMPOSITION OF THE TASK FORCE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. GOOD MEMORY. OTHER COMMENTS ON THE CONSENT AGENDA? IF NOT ALL OF THOSE IN FLAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, WE HAVE A HANDFUL OF DISCUSSION ITEMS THAT WE CAN NOW TAKE UP BEFORE OUR 11:00 BRIEFING. I THINK WE CAN TAKE A FEW OUT OF SEQUENCE, GET SEVERAL DONE REAL QUICKLY. NO CITIZENS HERE FOR A NUMBER OF ONE THAT'S WE PULLED OFF THE CONSENT AGENDA. ITEM NO. 16 WAS PULLED BY COUNCILMEMBER

MARTINEZ RELATED TO OUR TAXICAB FRANCHISE. I WILL RECOGNIZE COUNCILMEMBER MARTINEZ.

Martinez: THANKS, MAYOR. I WANTED TO ASK STAFF A FEW QUESTIONS ABOUT THE -- ABOUT THE PROPOSED ORDINANCE THAT'S BEFORE US TODAY.

GOOD MORNING MAYOR AND COUNCIL, I'M SONDRRA CREIGHTON, DIRECTOR OF THE PUBLIC WORKS DEPARTMENT. OF COURSE THE ITEM WE HAVE TODAY IS TO APPROVE AN ORDINANCE AMENDING THE CITY CODE SO THAT WE ARE REALLY CHANGING THE PROCEDURE FROM HOW WE SELECT A TAXICAB FRANCHISE TO A LOTTERY SYSTEM TO A CRITERIA BASED PROCESS.

Martinez: THANKS, MS. CREIGHTON. I JUST HAD A COUPLE OF QUESTIONS ON WHAT THE PROPOSAL IS. YOU -- YOU PROVIDED US WITH THIS MATRIX OF ITEMS THAT YOU USE FOR QUALIFYING AND ITEMS THAT YOU USE FOR RANKING. SO I HAD SOME QUESTIONS BECAUSE -- BECAUSE ON SOME OF THE QUALIFIERS, YOU -- YOU INDICATE THAT -- THAT WE ARE GOING TO USE A PARTICULAR ITEM SUCH AS EXPERIENCE IN THE INDUSTRY AS SOMETHING USED FOR RANKING AND SOMETHING USED FOR QUALIFYING.

SURE, WHAT WE WOULD BE LOOKING AT IS -- IS AS A STARTING BASIS, WE WANT TO MAKE SURE THAT SORT OF MINIMUM STANDARDS ARE MET. AND THAT THE MINIMUM CODE REQUIREMENTS ARE MET. SO THAT THE APPLICANT DOES HAVE SOME EXPERIENCE IN THE INDUSTRY. THEN WE GO TO THE RANKING PROCESS PORTION OF IT WE WILL ACTUALLY BE LOOKING AT WHAT THE APPLICANT OFFERS ABOVE WHAT THE MINIMUM STANDARD MIGHT BE. SO WHAT ADDITIONAL VALUE MIGHT THEY OFFER THAT WOULD HELP IN PROVIDING TAXICAB SERVICE IN AUSTIN.

DO WE HAVE -- WILL THE CAB INDUSTRIES OR THOSE FRANCHISES THAT ARE APPLYING, THOSE COMPANIES THAT ARE APPLYING FOR A FRANCHISE, WILL THEY KNOW WHAT IT IS THAT CAN GAIN THEM THAT EXTRA CREDIT PRIOR TO SUBMITTING THEIR APPLICATION FOR A FRANCHISE?

WE WILL BE MEETING WITH ALL OF THE APPLICANTS NEXT

WEEK AND WE ARE GOING TO GO OVER ALL OF THE CRITERION, OF COURSE THEY HAVE BEEN INVOLVED IN DEVELOPING THE CRITERIA. THEY WILL HAVE AN OPPORTUNITY AT THAT TIME TO MAKE ANY KIND OF CLARIFICATIONS AND WE'LL BE IN ADDITION TO WORK WITH THEM TO TWEAK THE CRITERIA OR MORE IF NEED BE TO MAKE THOSE CLARIFICATIONS AND EVERYTHING. BUT FOR EXAMPLE, YOU KNOW, IF ONE HAS ONE YEAR OF EXPERIENCE IN THE INDUSTRY, AND ANOTHER MAY HAVE 20 YEARS, YOU KNOW, THAT WOULD BE THE KINDS OF THINGS THAT WE WOULD BE LOOKING AT, WHICH ONE MAYBE HAS THE MOST EXPERIENCE. THEN YOU KNOW ANOTHER EXAMPLE WOULD BE FOR EXAMPLE ON -- ON FACILITY MAINTENANCE, YOU KNOW, THERE OBVIOUSLY WOULD WANT ALL OF THE CABS TO HAVE REALLY GOOD MAINTENANCE AND SO WE WOULD BE LOOKING AT -- AT MORE HOW THAT COME MIGHT -- HOW THE APPLICANT MIGHT PROVIDE THE BEST FLEET MAINTENANCE. WE ARE NOT SO MUCH INTERESTED IN EXACTLY HOW THEY ARE GOING TO DO THAT.

ONE COMPANY MIGHT SAY CONTRACT THAT OUT, ANOTHER ONE MAY HAVE THEIR OWN GARAGE, WE ARE NOT REALLY GOING TO BE RANKING THEM ON HOW THEY DO THAT, SO MUCH AS WHAT KIND OF VALUE THEY ARE ADDING, WHAT THEY TRY TO GET TO. TO IMPROVE THE SERVICE AGAIN, IT'S ALL GOING TO BE LOOKED AT HOW THAT RELATES TO BETTER SERVICE IN AUSTIN. AGAIN WE WILL WORK CLOSELY WITH THE APPLICANTS IF THEY HAVE ANY QUESTIONS ON THAT, THEY NEED FURTHER CLARIFICATION. NEXT WEEK WE WILL BE MEETING WITH THEM. THEY WILL ALSO HAVE AN OPPORTUNITY TO SUBMIT A NEW APPLICATION AS A SUBMITTAL TO AMEND THE APPLICATIONS THEY ALREADY HAD TO KIND OF FLESH OUT ALL OF THIS CRITERIA. BE ABLE TO CONDEMN STRAIGHT HOW THEY ARE GOING TO PROVIDE THAT SERVICE.

SO ARE WE GOING TO -- TO ELIMINATE SOME OF THIS AMBIGUITY AND HAVE IT CLEARLY DEFINED BEFORE WE BEGIN ACCEPTING APPLICATIONS UNDER THIS SYSTEM?

WELL, YOU KNOW, IF THERE ARE AMBIGUITIES, THEY CERTAINLY DO WANT TO ELIMINATE THOSE, WE ALSO HAVE

TO UNDERSTAND THAT WE ARE LOOKING AT VALUE AND BEST QUALIFIED AND SO TO THE EXTENT THAT'S GOING TO BE -- THERE IS A LITTLE BIT OF SUBJECTIVITY THERE, WE CAN'T DEFINE IT EXPLICITLY, IF YOU DO THIS, YOU WILL BE RANKED NUMBER ONE. YOU KNOW, WE WILL DO OUR BEST TO CLARIFY WHAT TYPES OF THINGS WE ARE LOOKING AT.

WHAT SPECIFICALLY WOULD ADD TO THAT VALUE, THAT WOULD CREATE MORE VALUE IN THEIR APPLICATION.

YES.

THE LAST TIME THIS CAME BEFORE US, I THINK IT WAS ON AUGUST THE 10th, SOMETHING LIKE THAT. WHEN WE ASKED YOU TO TAKE THIS BACK AND COME UP WITH THIS SYSTEM, WE ASKED THAT IT BE SENT BACK THROUGH THE URBAN TRANSPORTATION COMMISSION BEFORE IT CAME BACK TO US.

THAT'S RIGHT.

THAT THAT HAPPENED?

WE HAVE NOT GONE BACK TO THE UTC. IN ORDER TO HAVE DONE THAT WE WOULD HAVE -- THEY WOULD HAVE HAD TO CALL A SPECIAL CALLED MEETING. SO WHAT WE DID IS WE ASKED THEM IF THEY WANTED US TO HOLD UP BEFORE WE GO BACK TO THE COUNCIL SO THAT THEY COULD HAVE THAT SPECIAL CALLED MEETING AND THEY FELT COMFORTABLE WITH THE MINOR CHANGES THAT WE HAD MADE TO THEIR CRITERIA THAT THEY HAD DEVELOPED. SO THEY DIDN'T FEEL LIKE IT WAS NECESSARY TO HOLD A SPECIAL CALLED MEETING. WE DID WORK WITH THE KEY MEMBERS WHO WERE PRIMARILY INVOLVED IN DEVELOPING THE CRITERIA.

SO ARE YOU RECOMMENDING THAT WE ADOPT THIS ON FIRST READING AND THEN MAYBE SEND IT BACK TO UTC?

THEY HAVE THE CRITERIA. THERE WHERE THE CHANGES -- IN THE ACTUAL CODE, I BELIEVE THAT IT STATES THAT YOU DON'T SPECIFICALLY HAVE TO APPROVE THE MATRIX, RATHER THAT YOU ARE APPROVING THE CHANGE IN THE

PROCESS FOR THE SELECTION.

RIGHT. WHAT I WANTED THEM TO --

YOU WANT THEM TO OFFICIALLY BLESS IT?

..

Martinez: I JUST WANT THEIR INPUT, WHETHER THEY ARE FOR IT OR AGAINST IT, THEY ARE THE URBAN TRANSPORTATION COMMISSION AND HAVE DONE A LOT OF WORK ON THIS AS WELL.

ABSOLUTELY.

I WOULD LIKE TO GET THEIR INPUT ON HOW WE ARE MOVING FORWARD WITH THIS. GOING BACK TO WHAT WE ARE TALKING ABOUT EARLIER, I HAD ONE MORE QUESTION ON -- THERE'S SOME QUESTIONS ABOUT -- ABOUT THE -- THE VALUE THAT WE ARE PUTTING IN, THE FLEET AND MAINTENANCE STANDARDS. AND I WANTED YOU TO -- TO EXPLAIN TO ME OR EXPAND ON YOUR EXPLANATION EARLIER OF HOW DO WE VALUE THAT. ARE WE LOOKING AT THIS FROM A PERSPECTIVE OF DOES THE APPLICANT HAVE - - HAVE A GARAGE THAT'S ABLE TO SERVICE THE FLEET OR DOES THE APPLICANT HAVE ACCESS OR CONTRACT WITH SOMEONE WHO IS PROVIDING THAT SERVICE FOR THEM.

WHAT WE WOULD BE LOOKING AT GROUP WE DON'T WANT TO SAY TO THE APPLICANT YOU MUST GET A GARAGE AND IF YOU DON'T GET A GARAGE YOU WILL BE RANKED NUMBER 3. RATHER WHAT WE ARE LOOKING AT IS -- IS IF YOU HAVE A GARAGE, HOW WOULD THAT ENHANCE YOUR FLEET MAINTENANCE. HOW WOULD THAT HELP YOU HAVE A MORE CONSISTENT, RELIABLE, FLEET THAT WOULD BE OUT -- BE ABLE TO SERVICE THE CITIZENS BETTER? SO -- SO THE APPLICANTS ARE FREE TO -- TO DEVISE WHATEVER KIND OF SYSTEM THEY WANT TO MAKE SURE THAT THE FLEET IS RELIABLE. WE ARE REALLY LOOKING AT THE OUTCOME. RATHER THAN HOW SPECIFICALLY THEY DO THAT. SO WE DON'T WANT TO RESTRICT THE APPLICANTS AND SAY YOU MUST DO THIS SPECIFIC THING.

WE JUST WANT THEM TO MEET THE MINIMUM STANDARDS THAT WE HAVE AND THE CRITERIA, WHICH I --

AND PROVIDE RELIABLE SERVICE. THAT'S THE KEY.

EXACTLY. WE HAVE LIKE STANDARDS FOR THEIR METERS, STANDARDS FOR DISPATCH SYSTEMS, THE RADIOS. ARE THOSE GOING TO BE A PART OF THIS MAINTENANCE COMPONENT?

THE -- WE HAVE STANDARDS, SAY, FOR THE EQUIPMENT. FOR EXAMPLE, FOR VEHICLES THEY CANNOT BE MORE THAN EIGHT YEARS OLD. AND THEY HAVE TO BE A FOUR-DOOR SEDAN, A STATION WAGON, AN S.U.V. OR A VAN, THEY HAVE TO HAVE A MAXIMUM CAPACITY OF FIVE, INCLUDING A DRIVER. SO WE WOULD WANT TO MAKE SURE THAT EVERYONE IS MEETING THOSE MINIMUM STANDARDS.

OKAY.

THERE ARE OTHER STANDARDS SIMILAR TO THAT. THAT ARE CALLED DOWN IN THE CODE.

I GUESS WHAT I'M LOOKING FOR IS -- IS AN OPTION TO GET THIS BACK TO UTC, GET A RECOMMENDATION FROM THE -- SO COULD WE JUST ADOPT THIS ON FIRST READING, SEND IT BACK, CONTINUE TO WORK ON IT.

REALLY TODAY YOUR ACTION WOULD BE TO VOTE TO AGREE TO HAVE A -- TO HAVE A CRITERIA BASED PROCESS AND THEN YOU CAN JUST GIVE US DIRECTION THAT BEFORE WE ACTUALLY IMPLEMENT THIS, WE GO BACK TO THE UTC. BUT I DO WANT TO STRESS THAT WE HAVE DEFINITELY BEEN IN CONTACT WITH THE UTC MEMBERS AND THE ONLY REASON WE DIDN'T -- WE DIDN'T GO SPECIFICALLY TO IT IS BECAUSE THEY WOULD HAVE HAD A SPECIAL CALLED MEETING AND THERE SEEMED TO BE A SENSE OF URGENCY TO GET A NEW FRANCHISE ON BOARD. SO IT WAS NOT TO -- YOU KNOW AT ALL NOT GIVE THEM AN OPPORTUNITY TO WEIGH IN. IT WAS MORE THAT -- THAT THEY WANTED US TO GET ON WITH GETTING THE APPROVAL AND EVERYTHING. SO WE CAN ABSOLUTELY GO TO THEM AND -- IN SEPTEMBER OR WE CAN ASK THEM TO CALL A SPECIAL CALLED MEETING AND SEE IF

THEY WILL DO THAT.

WHEN DO YOU ANTICIPATE, WHAT KIND OF TIME LINE DO YOU HAVE FOR US COMPLETING THIS PROCESS AND ACTUALLY ACCEPTING THE APPLICATIONS?

WHAT OUR PLAN WAS IS -- IS TO MEET NEXT WEEK WITH -- WITH ALL OF THE APPLICANTS, THE THREE APPLICANTS, AND GO THROUGH ALL OF THIS CRITERIA, GIVE THEM A CHANCE TO ASK ANY QUESTIONS THEY HAVE WANTING TO CLARIFY IT, AND THEN WE WERE GOING TO ASK THEM HOW LONG THEY NEED TO -- TO SUBMIT THEIR APPLICATIONS AGAIN TO UPDATE THEM, USING THIS NEW CRITERIA. AND I'M THINKING THAT PROBABLY TO TO THREE WEEKS. SO THAT WOULD PUT US IN THE TIME FRAME OF THEM UPDATING THEIR APPLICATIONS IN SEPTEMBER, AND THEN IN -- IN OCTOBER WHEN WE WOULD BE ABLE TO DO THE ACTUAL SELECTION PROCESS, GO TO THE UTC, WITH OAT OWE WITH THE -- WITH THE TOP RANKED FRANCHISE, THEN COME BACK TO COUNCIL AND AT THIS POINT WE BEGIN THAT 90 DAY PROCESS WHERE THERE HAS TO BE THREE READING. THE THIRD READING HAS TO BE 30 DAYS AFTER THE FIRST READING AND THEN THE FRANCHISE ACTUALLY GOES INTO EFFECT 60 DAYS AFTER COUNCIL AWARDS IT. SO -- SO UNDER THIS SCHEDULE, WE WOULD ACTUALLY HAVE A NEW FRANCHISE IN JANUARY.

BY ADOPTING THIS AGENDA ITEM, DO WE PROHIBIT OURSELVES FROM -- FROM CHANGING THIS MATRIX THAT YOU ARE PROPOSING TODAY?

NO.

THANKS.

Mayor Wynn: FURTHER COMMENTS OR QUESTIONS ON ITEM 16?

Martinez: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MARTINEZ TO APPROVE ITEM NO. 16, ESTABLISHING THE ORDINANCE THAT CREATES THE -- THE MATRIX BASED SCORING SYSTEM

FOR A FRANCHISE AND DIRECT THE CITY STAFF TO ENSURE THAT THE URBAN TRANSPORTATION COMMISSION REVIEWS THAT MATRIX BEFORE IT COMES BACK TO COUNCIL FOR FINAL APPROVE.

SECOND.

SECONDED BY COUNCILMEMBER COLE. FURTHER COMMENTS?

EXCUSE ME. ACTUALLY WE ARE NOT COMING BACK TO GET THE ADOPTION OF THE NEW MATRIX, IT'S THE NEW FRANCHISE THAT WE WOULD BE SELECTING. AND WHAT I HEARD FROM -- FROM COUNCILMEMBER MARTINEZ IS THAT YOU WOULD LIKE US TO -- TO -- WOULD YOU LIKE US TO GO TO THE UTC BEFORE WE EVEN MEET WITH THE APPLICANTS ABOUT THE CRITERIA? AND ASK THEM TO CALL A SPECIAL CALLED MEETING.

YES.

OKAY. WE WILL DO THAT. BUT ALSO APPROVAL ON THE FINAL MATRIX THAT WE ARE GOING TO USE.

WOULD YOU ASK THEM TO COME BACK WITH AN ITEM THEN TO APPROVE THE MATRIX?

YES.

I BELIEVE THAT WAS ALSO --

I SAID THAT.

THAT'S FINE. JUST SO THAT YOU KNOW THAT WILL -- THAT WILL SLOW IT DOWN A LITTLE BIT. SO -- SO WHAT WE WILL DO IS WE WILL COME BACK THEN SEPTEMBER 28th, TO GET APPROVAL FROM COUNCIL OF THE SELECTION MATRIX, THEN AFTER THAT, WE WILL THEN START THE PROCESS FOR THE APPLICANTS --

I THINK IF WE GET IT DONE BY JANUARY, THAT'S LIGHTNING SPEED FOR THIS BUILDING.

OKAY. [LAUGHTER]

Mayor Wynn: THANK YOU, AGAIN A MOTION AND A SECOND ON THE TABLE, APPROVING ITEM NO. 16 WITH FURTHER DIRECTIONS. FURTHER COMMENTS?

I WOULD JUST LIKE TO THANK MS. CREIGHTON FOR HER HARD WORK ON THIS ISSUE. I KNOW IT HASN'T BEEN EASY, THAT YOU ALL WERE DEALING WITH THE TAXICAB ISSUE EVEN BEFORE COUNCILMEMBER MARTINEZ AND I TOOK THE DAIS, I RESPECT ALL OF THAT HARD WORK AND I ALSO RESPECT THE FACT THAT WE HAVE DECIDED TO MOVE FROM A LOTTERY SYSTEM TO A MERIT BASED SYSTEM. I HAVE REVIEWED THAT CRITERIA AND FIND IT VERY IMPRESSIVE.

ACTUALLY I THINK THE UTC DESERVES MOST OF THAT CREDIT FOR DEVELOPING THAT CRITERIA. THEY DID A GREAT JOB. THEY WERE ABLE TO GET IT DONE VERY QUICKLY.

THANK YOU.

THANK YOU.

MOTION AND A SECOND ON THE TABLE, FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. OKAY. ITEM -- COUNCIL, EARLIER ITEM NO. 3 WAS PULLED BY COUNCILMEMBER LEFFINGWELL, WHICH IS OUR -- ONE OF OUR ITEMS FROM OUR AUSTIN WATER UTILITY, SPECIFICALLY REGARDING WATER TREATMENT PLANT NUMBER 4. PERHAPS IF STAFF COULD -- COULD WALK US THROUGH UNION A PRESENTATION OF -- YOU KNOW, A PRESENTATION OF WHERE WE HAVE BEEN LATELY WITH THIS DISCUSSION. BOARDS AND COMMISSIONS, BCP, OUR PARTNERS IN TRAVIS COUNTY AND OTHER, THEN WE WILL TAKE UP SOME DISCUSSION,

WELCOME, MR. GARZA.

MAYOR, I'M JUAN GARZA, GENERAL MANAGER OF AUSTIN ENERGY. AND ACTING ASSISTANT CITY MANAGER FOR A FEW MORE DAYS. I -- I BRING TO YOU -- WE WILL TRY TO GET THROUGH THIS VERY QUICKLY, IT IS IMPORTANT THAT WE BE THOROUGH. WHAT WE HAVE TODAY IS A PROPOSAL TO BUILD WATER TREATMENT PLANT 4 ON A TRACT OF LAND IN THE BALCONES PRESERVE KNOWN AS THE CORTANA 1R TRACT. WHAT WE ARE DEALING -- CORTANA TRACT. WE ARE DEALING WITH ONE WHERE TWO GREAT PRIORITIES CONFLICT. NUMBER ONE, WE HAVE TO HAVE, WE KNOW FROM OUR ON OWN STUDIES AND FROM INDEPENDENT STUDIES THAT WE NEED TO HAVE ADDITIONAL CAPACITY BY 2011. TNRCCABLE WATER. FRESH, DRINKABLE WATER. WE HAVE EXTENDED THAT TO 2013 THROUGH THE CONSERVE VACATION DIRECTIVE THAT YOU GAVE US. WE TEND TO HAVE AS GOOD OF A CONSERVATION PROGRAM AS THERE IN THE COUNTRY. IF WE START BUILDING NOW TO TO BUILD A PLANT, WE CAN PROBABLY MAKE IT, BUT IT'S GOING TO BE INTERESTING TO SEE IF CAN HE MAKE THAT DEADLINE. WE HAVE DIRECTION FROM THE COUNCIL TO BUILD ON LAKE TRAVIS, THAT'S FINE, THE CLEANEST, DEEPEST, LARGEST BODY OF WATER THAT SERVES THIS COMMUNITY AND WE SIMPLY HAVE TO HAVE A STRAW INTO INTO THAT LAKE TO SERVE THE NEEDS OF OUR COMMUNITY WAY INTO THE FUTURE. IT PRESENTS REAL ADVANTAGES IN MOVING FORWARD. WE HAVE AN ORIGINAL SITE THAT IS FULLY MITIGATED, FULL.....FULLY COMMITTED, WE PURCHASED IT FOR \$20 MILLION BACK IN 1984. KNOWN AS THE BULL CREEK SITE. LOCATED RIGHT THERE IN THE HEAD WATERS OF THE BULL CREEK, BUT IT IS FULLY MITT GATED. WE HAVE HAD MANY COMMUNITY CONCERNS BROUGHT FORWARD REGARDING THAT -- THAT SITE, BUT WE STILL HAVE IT -- WE KEPT IT IN ABEYANCE. WE HAVE GOT CONCERNS ABOUT THE JOLLYVILLE PLAT TO SALAMANDER AND AS WELL AS CONCERNS ABOUT THE GOLDEN CHEEKED WARBLER WHICH OCCUPIES THE -- THAT SITE AT THE -- AT THE BULL CREEK. SO THE COUNCIL DIRECTED US TO GO SEE IF THERE WAS ANY ADDITIONAL LAND WHERE WE COULD POTENTIALLY LOCATE WATER TREATMENT PLANT 4. WE HIRED APAI TO CONDUCT A VERY EXTENSIVE SITE EVALUATION STUDY AND

THEY -- THEY STARTED THAT BACK IN THE SUMMER OF 2005. WE GOT INPUT FROM -- FROM AS MANY OF THE -- OF THE PARTICIPANTS IN THE PROCESS AS WE COULD. ANYBODY THAT HAD A STAKE IN IT, INCLUDING THE ENVIRONMENTAL BOARD AND THE -- THE -- THE WATER AND WASTEWATER COMMISSION. THEN WE ESTABLISHED THE CRITERIA, THEN WE USED A TWO STEP PROCESS IN GOING THROUGH THE ENTIRE PROCESS THAT GOT US TO A POINT TO WHERE WE COULD MAKE A DECISION ON THE SPECIFIC SITE. NOW, WE ARE GOING TO GO THROUGH THAT FOR YOU. WE ARE ALSO GOING TO -- WE WILL DEAL VERY SPECIFICALLY WITH THE SITE COLLECTION STUDY. WE WILL DEAL VERY SPECIFICALLY WITH THE IMPACT OF THE ACTUAL HABITAT AND THE SPECIES OF -- THAT ARE AFFECTED OUT AT THE SITE. ALSO TALK TO YOU ABOUT WHAT WE DID IN TERMS OF TAKING IT TO THE VARIOUS BOARDS AND ADVISORY COMMISSIONS THAT YOU HAVE IN VETTING THIS PROCESS, WE WILL SHOW YOU NEXT STEPS, SOME OF THE CONDITIONS THAT ACTUALLY WERE IMPOSED BY THOSE ADVISORY BODIES. LET ME TURN IT OVER TO -- TO STEVE [INDISCERNIBLE] FROM [INDISCERNIBLE]

THANK YOU, MR. GARZA, MY NAME IS STEVE KUNAN, WITH ALLAN PLUMBER ASSOCIATES. WE DID CONDUCT THE ALTERNATIVE EVALUATION FOR ALTERNATIVE SITES, I WANT TO STEP THROUGH KIND OF THE PROCESS THAT WE WENT THROUGH AND DO THAT PRETTY QUICKLY. I HAVE SOME DISPLAY MAPS HERE, WHICH YOU HAVE COPIES OF AS WELL. ON THE DAIS. I KNOW THEY ARE VERY SMALL, THERESA IS PROBABLY GOING TO PROJECT THEM. WE STARTED OFF WITH KEY CRITERIA, THAT WAS THAT THE ALTERNATIVE SITE HAD TO BE WITHIN FIVE MILES OF THE EXISTING INTAKE LOCATION. STUDIED QUITE EXTENSIVELY, DETERMINED THAT THAT WAS THE BEST SPOT TO TAKE WATER OUT OF LAKE TRAVIS. ALSO AN ELEVATION CRITERIA DUE TO THE FLUCTUATION OF THE LAKE LEVELS. WE COULDN'T GO BELOW 750 FEET IN ELEVATION. WE NEEDED 50 ACRES OF DEVELOPABLE LAND TO PUT ALL OF THE FACILITIES NEEDED TO FULLY TREAT THE WATER. THAT HAD TO BE ON LAND THAT HAD SLOPES LESS THAN 10%. THEN THE FINAL CRITERIA WAS THAT THE LAND HAD TO BE UNDEVELOPED. UNTIL WE DID THAT USING THE GIS PROCESS WHERE WE

INITIALLY TOOK A LOOK AT WHAT ARE ALL OF THE TRACT OUT IN THAT AREA THAT ARE 20-ACRES OR LESS THAT WE COULD BUILD INTO AT LEAST 50 ACRES OF DEVELOPABLE. SO THAT CUT DOWN OUR SEARCH AREA FROM -- FROM THE ORIGINAL FIVE MILE RADIUS TO FOCUS ON ON SOME MORE SPECIFIC TRACTS. AGAIN WE LOOKED AT, ONLY WANTED UNDEVELOPED TRACTS. WE DELETED OUT THOSE TRACTS DEVELOPED THAT WOULD FURTHER NARROW OUR SEARCH. WE ALSO HAD OTHER CRITERIA? THE SITE SLOPE, WHERE WE HAD -- WHERE WE HAD -- THE MINIMUM 10% REQUIREMENT AND THAT'S SHOWN IN THE MAP ON THE WHITE AND THE DARK GREEN. ANYTHING THAT IS LIGHT GREEN, ORANGE OR RED IS AN UNACCEPTABLE SLOPE SO THAT AREA IS NOT ACCEPTABLE OR SUITABLE FOR A WATER TREATMENT PLANT. AND ONE OF THE PRIMARY CONCERNS IS MR. GARZA MENTIONED WAS THE JOLLYVILLE SALAMANDER PLEAT..... PLATEAU. WE WANTED TO PICK A SITE THAT WASN'T AS CLOSE AS WE ALREADY WERE. WE TOOK ALL OF THE SIGHTINGS, PUT A 1,000-FOOT BUFFER AROUND THOSE, SAID THOSE ARE AREAS THAT WE DON'T WANT TO BE IN. FINALLY WE OVERLAID ALL OF THOSE, WE CAME UP WITH WHAT YOU SEE HERE IN THE TAN COLOR AS ACCEPTABLE PHYSICAL LAND WITH ACCEPTABLE PHYSICAL CHARACTERISTICS AND WHAT YOU SEE IN THE BLUE CROSS HATCH ARE THE PARCELS THAT ARE UNDEVELOPED AND OVER 20 ACRES IN SIZE. AND IF WE GO BACK TO THE SLIDE PRESENTATION. THEN ONCE WE IDENTIFIED I HAD PUT TOGETHER, WE WERE GOING TO EVALUATE THE -- THE SITES THAT WE IDENTIFIED USING A CRITERIA THAT WE WORKED WITH MEMBERS OF THE ENVIRONMENTAL BOARD, WATER AND WASTEWATER COMMISSION, THERE WAS A GOOD DEAL OF DISCUSSION ON -- ON, YOU KNOW, WHAT THE WEIGHTING SHOULD BE, A LOT OF THE DISCUSSION WAS SURROUNDED AROUND THE COST ELEMENT AND WHETHER OR NOT IT SHOULD BE THE -- A HIGH-RATED ELEMENT. SO WHAT WE DID WAS WE DECIDED THAT WE NEEDED TO DEVELOP SUBTOTALS SO THAT U.S. POLICY MAKERS COULD LOOK AT AND IN A JUDGMENT ON -- ON WHICH -- WHICH WAS MOST IMPORTANT TO THE CITY AS A WHOLE. SO SITE CHARACTERISTICS, PHYSICAL CHARACTERISTICS WERE 39% OF THE OVERALL WEIGHTING MATRIX. ENVIRONMENTAL CONCERNS WERE 43% OF THE OVERALL MATRIX AND THE

SITE DEVELOPMENT COST WAS 18%. SO BASED ON THAT HAVING THE CRITERIA, GOING THROUGH THE EVALUATION TO SEE WHERE WE WERE, WE IDENTIFIED A TOTAL OF 7 SITES THAT MET OUR SPECIFICATIONS. TWO OF THOSE SITES WE WERE ABLE TO ELIMINATE FROM FURTHER CONSIDERATION, THE FIRST WAS -- WAS THE SPISO TRACT IN THE FOR NORTH END OF OUR SEARCH AREA. WE ELIMINATED THAT BECAUSE IT WAS VERY DIFFICULT TO GET TO. WE WOULD HAVE TO CROSS MANY BCP TRACTS TO GET THERE. WE DIDN'T HAVE ACCESS TO THE -- TO THE TRACT. AND THEN THE OTHER ONE WAS A SITE THAT IS -- THAT IS ADJOINING THE EXISTING BULL CREEK SITE. WHEN WE LOOKED AT IT, IT HAD MANY OF THE SAME OR ALL OF THE SAME ENVIRONMENTAL CONSTRAINTS AND LOOKED JUST LIKE THE EXISTING SITE, SO MOVING TO THAT SITE REALLY WOULDN'T BE A DIFFERENCE IN THE PROCESS AND THAT SITE ACTUALLY WAS IN BCP WHERE THE EXISTING SITE IS NOT IN BCP. THE FIVE THAT WE DID IDENTIFY, THE CORTANA TRACT, PARK WEST, REIBLAND AND SLUMBERJAY, THREE OF THOSE ARE IN THE MOST APPRECIATE SHOWS MICROSITE, THREE ARE IN THE BCP ALREADY OR PARTS OF THE SITES WERE, ALL OF THE SITES ARE IN HABITAT AND DESIRED BCP LAND. WHEN WE RANKED ALL OF THOSE FIVE THROUGH THE MATRIX, WE DETERMINED THAT THE CORTANA SITE AND THE EXISTING SITE RECEIVED VERY SIMILAR SCORES AND DUE TO THE SENSITIVITY ANALYSIS THAT WE DID, WE DETERMINED THAT ESSENTIALLY THEY WERE EQUIVALENT. HOWEVER, AS WE WENT THROUGH THE PUBLIC PROCESS, WE GOT A LOT OF COMMENTS FROM CITIZENS AND VARIOUS OTHER ENTITIES THAT WE NEEDED TO LOOK AT OTHER SITES, THERE WERE SPECIFIC ITEMS THAT THEY ASKED US TO DO. ONE OF WHICH WAS THE SITES DOWN BELOW 20 ACRES. SO WE DID THAT. WHAT YOU SEE ON THIS MAP THEN IS THE ADDITION OF TRACTS BELOW 20 ACRES..... ACRES, THAT ROUGHLY REPRESENTED 7%, WASN'T CONCENTRATED IN ANY ONE AREA. HOWEVER IT DID BY FILLING IN A GAP THAT PREVIOUSLY EXISTS, WE DID SEE ANOTHER AREA THAT LOOKED LIKE IT WOULD FIT THE CRITERIA. AND WHEN WE -- WHEN WE FURTHER INVESTIGATED THAT, WE FOUND THAT WELL IT'S A SITE THAT WAL-MART IS BUILDING ON ALREADY, SO IT'S NOT AVAILABLE. IN TERMS OF SPECIFIC TRACTS, LUCAS TRACT HAS BEEN MENTIONED NUMEROUS

TIMES BY NUMEROUS ENTITIES. WHEN WE ORIGINALLY DID THE EVALUATION, WE IDENTIFIED THAT IT DID NOT MEET THE MINIMUM CRITERIA OF HAVING 50 DEVELOPABLE ACRES. WHEN WE WENT BACK TO LOOK AT IT. WE CAME TO THE SAME CONCLUSION. HOWEVER THE UTILITY ASKED COROLLA ENGINEERS SPECIFICALLY TO GO BACK AND SEE WHETHER THEY COULD FIT THE UNITS PHYSICALLY ON IT. THEY DID THAT EVALUATION, DEMMED THAT THEY COULD NOT FIT IT ON THERE. IN ADDITION TO NOT HAVING ENOUGH SIZE, THERE ARE A NUMBER OF ENVIRONMENTAL CONSTRAINTS ON THAT TRACT. HISTORY RIM BLACK CAPPED VIREO, CULTURAL RESOURCES IDENTIFIED ON THE SITE, NUMEROUS KARST FEATURES AS WELL AS BEING GOLDEN CHEEKED WARBLER HABITAT. THE RABBIT EARS, WE DETERMINED THAT CAN HE COULDN'T FIND ANY AREAS AGAIN THAT MET THE MINIMUM SIZE REQUIREMENTS OF 50-ACRES OF DEVELOPABLE LAND. IN ADDITION WHEN YOU GET DOWN INTO LOWER CORTANA YOU HAVE REAL SITE ACCESS ISSUES. THE SHAPE OF WHAT LAND IS AVAILABLE IS LONG AND NARROW AND NOT CONDUCIVE TO A WATER TREATMENT PLANT. THERE WOULD BE A SIGNIFICANT NEIGHBORHOOD ISSUES, SO THOSE AREAS WERE DEEMED TO BE NOT FEASIBLE. AS WE PROCEEDED, WE FREQUENTLY STILL HERE A NUMBER OF CITIZENS SAY THEY COULDN'T UNDERSTAND WHY WE COULDN'T FIND ANOTHER SITE OUT THERE THAT WAS NOT IN BCP, NOT IN THE BULL CREEK MACRO SITE. WE WANTED TO LOOK AT THAT, COME UP WITH STATISTICS OF THE SEARCH AREA THAT WE ARE LOOKING AT. OVER 50% -- THE SEARCH AREA IS 52 SQUARE MILES, A VERY EXTENSIVE SEARCH AREA. HOWEVER 51% OF THAT AREA IS ALREADY IN BCP OR TARGETED FOR BCP ACCUSATION. 27% ALREADY DEVELOPED. 65% OF THE AREA HAS UNACCEPTABLE SLOPES. 24% IS IN THE BULL CREEK MACRO SITE. THE IDEAL SITE THAT EVERYONE WANTS US TO FIND IS LIMITED TO 4% OF OUR ENTIRE SEARCH AREA. WHEN WE ACTUALLY DO THE GIS, THAT 4% IS DIVIDED UP INTO VERY SMALL SEGMENTS THAT WE CAN'T BUILD INTO THE 50 ACRES OF DEVELOPABLE LAND. SO WE BELIEVE, ARE CONFIDENT THAT AFTER A THOROUGH INVESTIGATION, WE BELIEVE THAT THERE IS NOT A BETTER SITE THAN CORTANA WITHIN OUR SEARCH AREA. WITH THAT I THINK THAT I WILL HAVE LISA COME UP AND TALK SPECIFICALLY ABOUT SOME

OF THE SPECIES ISSUES THAT THE PEOPLE ARE ALSO ADDRESSING. COARZ,.

GOOD MORNING, I'M LISA O'CONNELL, A BIOLOGIST WITH THE WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT. I WANTED TO TOUCH A LITTLE BIT ON SOME OF THE ENDANGERED SPECIES RAISE RECENTLY, PARTICULARRED WITH THE BLACK CAPPED VIREO, THE QUESTION OF ARE WE REALLY JUST DEALING WITH TWO SITES, ANOTHER SITE THAT WOULD BE LESS ENVIRONMENTALLY SENSITIVE. NOT BEING AN ENGINEER AND HAVING LIMITED GIS CAPABILITIES, I CAN'T ADDRESS THOSE ISSUES BUT FROM AN ENDANGERED SPECIES PERSPECTIVE, I HAVE BEEN WORKING ON ENDANGERED SPECIES IN THIS AREA FOR OVER 19 YEARS, I KNOW THE AREA VERY WELL. WHEN I LOOK AT A MAP OF THE SEARCH AREA, I SEE A SEA OF ENDANGERED SPECIES. IT'S HARD FOR ME TO IMAGINE, I HAVE NOT BEEN ABLE TO LOOK AT A MAP AND SEE A PLACE WHERE IT'S NOT HABITAT FOR SOMETHING. ONE RARE ENDANGER DANGERED SPECIES OR ANOTHER, KARST INVERTEBRATE, ONE OF THE BIRDS, SALAMANDERS, THE WHOLE AREA IS VERY, VERY SENSITIVE. GOLZ,.

THE TRACT WAS BROUGHT UP BEFORE, AN AREA THAT I'M FAMILIAR WITH. IT'S ALL GOLDEN CHEEKED WARBLER, CAVES, CAVES ARE SOMETHING THAT YOU CAN'T RECREATE ONCE THEY ARE GONE, THAT'S IT. AT THAT TIME, INTERESTINGLY ENOUGH, WE AT LEAST 7 BLACK CAPPED VIREO ALONG COMANCHE BETWEEN THE OASIS AND HIGHWAY 60, ALL WASH BLES HABITAT, BUT SURVEY CUTS PROVIDED ENOUGH NESTING NESTING HABITAT THAT WE ACTUALLY HAD THE TWO SPECIES IN THE SAME AREA NESTING SIDE BY SIDE. I -- I WAS SURVEYING ... WE DIDN'T HAVE THEM IN 1RS AT THAT PARTICULAR TIME. ONE OF THE PLACES THAT I WAS SORT OF INTERESTED IN FOR THE WATER TREATMENT PLANT WAS THE SOUTHERN PART OF THE CORTANA TRACT. I HAVE KEPT ASKING THE QUESTION CAN WE BUILD IT DOWN THERE, YOU ARE OFF OF VIREO, AWAY FROM KARSTS, BUT YOU HAVE OTHER ENVIRONMENTAL IMPACTS BECAUSE YOU ARE -- YOU ARE RIGHT IN THE MIDDLE OF THAT PRESERVE SYSTEM AND THERE'S ADDITIONAL HABITAT FRAGMENTATION AND THERE

IS WARBLER HABITAT. IT'S NOT THAT THERE WOULD NOT BE IMPACTS IF YOU WERE IN THE SOUTHERN PART, THE RABBIT EARS OR THE AREA AROUND THE RABBIT EARS TRACT. REALLY SUCH A DELICATE BALANCE BETWEEN ENDANGERED SPECIES ISSUES AND NEIGHBORHOOD ISSUES, THE BCP ENGINEERING AND GIVEN THAT ANY SITE COULD SUPPORT ENDANGERED SPECIES WE ARE IN SUCH A DIFFICULT POSITION OF HAVING TO PRIORITIZE. TRYING TO CHOOSE THE LEAST ENVIRONMENTALLY SENSITIVE SITE. IN THIS PARTICULAR CASE, THE SCIENCE IS ALL LAID OUT, ORIGINAL ADVISORY TEAM REPORT FOR THE BCP, BOULDIN CREEK IS SO SENSITIVE, ESSENTIAL TO THE SURVIVAL OF THE GOLDEN CHEEKED WARBLER, ALSO FOR THE JOLLYVILLE PLATEAU SALAMANDER. WHILE THERE WILL BE IMPACT TO THE BLACK CAPPED VIERO ON CORTANA, DEFINITELY A VERY DIFFICULT SITUATION, AT LEAST WE HAVE A SPECIES THAT HAS A LITTLE MORE FLEXIBLE THAN THE WARBLER AND SALAMANDER AND THAT IT OCCUPIES A TRANSITIONAL HABITAT, BETWEEN GRASSLAND AND WOODLAND. BECAUSE IT IS OCCUPIED TRANSITIONAL HABITAT, IT'S EVOLVED TO CON LONE UNITED STATES AND SEARCH OUT -- COLONIZE AND SEARCH OUT NEW AREAS. A LITTLE MORE FLEXIBLE THAN THE OTHER TWO. A LITTLE BIT OF BACKGROUND ON THE BLACK CAPPED VIERO. THE NESTING RANGE EXTENDS FROM OKLAHOMA TO TEXAS INTO MEXICO. HERE IN TRAVIS COUNTY THE HABITAT IS LIMITED IN SMALL PATCHES AND BREEDING HABITAT CAN AS I JUST SAID CAN BE CREATED, POTENTIALLY OCCUPIED WITHIN A FEW YEARS, AGAIN BECAUSE IT'S THAT MID SUCCESSIONAL STAGE OF HABITAT. ONE THING IS THAT WITH THE CORTANA TRACT THE PROPOSED WATER TREATMENT PLANT WOULD BE PHASE UNDERSTAND DECADES, NOT ALL OF THE HABITAT WOULD BE LOST, AN ESTIMATED 70 ACRES OF CURRENTLY OCCUPIED HABITAT. NOT ALL OF THAT WOULD BE LOST, IT WOULD BE LOST OVER A LONG PERIOD OF TIME. AND AGAIN BECAUSE THIS IS A TRANSITIONAL SPECIES, THE HOPE IS THAT -- THAT IT COULD POTENTIALLY MOVE. IT MAY NOT. IT'S IMPOSSIBLE THAT WE MAY IMPACT THE TERRITORIES THAT ARE THERE, BUT AT LEAST THERE'S A POSSIBILITY THAT THEY COULD MOVE.

SALAMANDER. IT'S NOT COVERED UNDER THE BCP, BUT

COVERED FOR LISTING ON THE SAVE OUR SPRINGS ALLIANCE. ONE OF THE VERY BEST SITES IS DOWNSTREAM FROM THE ORIGINAL WATER TREATMENT PLANT FOUR SITE IN THE BULL CREEK WATERSHED. THIS IS A SPECIES AS I WAS SAYING IF YOU JUST CAN'T RECREATE HABITAT. FOR THE LAKE AUSTIN WATERSHED WE HAVEN'T FOUND ANY SALAMANDER POPULATIONS AT THIS TIME. THE GOLDEN CHEEKED WARBLER NESTS ONLY IN MATURE JUNIPER WOODLANDS IN CENTRAL TEXAS AND IT LOOKS LIKE IT HAS A FAIRLY BIG RANGE, BUT IT'S ACTUALLY NOT. ONE OF THE SMALLEST RANGES OF ANY NORTH AMERICAN SONG BIRD. AND WITHIN THIS VERY SMALL RANGE, SOME OF THE BEST HABITAT IS HERE IN TRAVIS COUNTY. YOU FIND HABITAT PRIMARILY SOME OF THE BEST HABITAT ALONG THE BALCONES ESCARPMENT WAS IN THAT URBANIZING CORRIDOR BETWEEN AUSTIN AND SAN ANTONIO. AND SO THAT WHOLE AREA IS -- IS DEFINITELY UNDER EXTREME THREAT FROM URBANIZATION AND THE BCP IS JUST SO CRITICAL TO THE SURVIVAL OF THIS SPECIES BECAUSE THIS HABITAT IS SO IMPORTANT. I GUESS ONE POINT HERE IS THE WOODLAND, IT'S NOT -- OLD GROWTH, NOT SOMETHING THAT YOU CAN RECREATE HABITAT. IT TAKES MANY, MANY, MANY YEARS. I THINK AT THIS POINT I WILL TURN IT OVER TO WILLIE CONRADT.

Mayor Wynn: WELL, MR. CONRADT.

GOOD MORNING, EXCUSE ME, GOOD MORNING, MAYOR, COUNCILMEMBERS, I'M WILLIE CONRADT, WATER MANAGER FOR THE UTILITY. YOU HAVE HEARD THE DISCUSSION ABOUT HOW COMPLEX THE DECISION IS THAT YOU ARE FACING TODAY. YOU HAVE HEARD DISCUSSION ABOUT THE COMPLEXITY OF THE PLAN SITE, RECOVERY OF THE SPECIES THAT WE'RE TALKING ABOUT. TODAY I WANT TO TAKE A VERY SHORT TIME TO TALK TO YOU ABOUT THE COMPLEXITIES INVOLVED WITH OUR BALCONES CANYONLAND PRESERVES AND PERMITS ASSOCIATED WITH IT. AND WHAT I WANT TO TALK ABOUT IS IN THE PRIORITIES THAT ARE ESTABLISHED FOR US IN OUR HABITAT CONSERVATION PLAN. THE HABITAT CONSERVATION PLAN IS OUR BROADEST GOVERNING POLICY DOCUMENT WITH RESPECT TO BCP, AUTHORIZED BY A FEDERAL PERMIT ALSO REQUIRED TO BE IMPLEMENTED BY A FEDERAL PERMIT. IN

THE HCP WHEN IT TALKS ABOUT BLACK CAPPED VIREO, IT BASICALLY REMINDS US THAT BCP CONTRIBUTES TO THE RECOVERY OF BLACK CAPPED VIREO, BUT IT'S NOT CONSIDERED CRITICAL TO THE RECOVERY. SPECIFICALLY IT REMINDS US THAT ENOUGH VIREO HABITAT IN TRAVIS COUNTY TO PROVIDE FOR A MINIMUM VIABLE POPULATION OF THIS SPECIES. THAT IT REQUIRE CONSERVATION ACTIVITIES IN A SIGNIFICANT RANGE OUTSIDE OF TRAVIS COUNTY. AN AN EXAMPLE, WE ALL KNOW THAT FORT HOOD WE HAVE HEARD IN DISCUSSIONS WITH THIS, THAT FORT HOOD MANAGES 8,000 PAIRS OF BLACK CAPPED VIREO ON THEIR HABITAT. FURTHERMORE OUR HABITAT CONSERVATION PLAN REMINDS US THAT THE GOLDS HAS BEEN REFERRED TO AS THE GOLDEN CHEEKED WARBLER HAS BEEN REFERRED TO AS THE DRIVING FORCE FOR BCCP. WITH CONCERNS FOR THE WASH WASH PLER'S VIABILITY OCCUPYING CENTER STAGE IN THE REDESIGN PROCESS. WE HAVE BEEN TOLD THAT THE WARBLER, THAT BCP IS CRITICAL TO THE WARBLER'S RECOVERY. FURTHERMORE WE KNOW FROM OUR HABITAT CONSERVATION AND VICE FROM OUR SCIENTIST, THAT BULL CREEK MACRO SITE IS THE MOST CRITICAL IN BCP WITH RESPECT TO THE GOLDEN CHEEKED WARBLERS. AS WE FACE THIS DECISION TODAY, WE ARE LOOKING AT A CHANGE THAT WILL ASSURE THAT 102-ACRE HOLDING IN THIS MOST CRITICAL MACRO SITE IS PROTECTED. FURTHER IT WILL PROTECT THE GOLDEN CHEEKED WARBLER, THE BLACK CAPPED VIREO AND MEET THIS PRIORITY EXPECTATION AS DEFINED IN OUR HABITAT CONSERVATION PLAN. THANK YOU.

MR. CONRADT.

ONE LAST PIECE, I BELIEVE, WHO IS GOING OVER THE BOARD AND COMMISSION RECOMMENDATIONS.

THERE LIPPE.

GOOD MORNING, MAYOR AND COUNCIL, MY NAME IS CHRIS LIPPE, DIRECTOR OF AUSTIN WATER UTILITY. AS YOU KNOW, THIS -- THIS ISSUE HAS BEEN SUMMARIZED AND PRESENTED BEFORE A NUMBER OF BOARDS AND COMMISSIONS AND ALLOW ME TO WALK THROUGH THE -- THE RECOMMENDATIONS AND SOME OF THE CONDITIONS THAT

WERE RECOMMENDED BY THESE BOARDS, COMMISSIONS AND COMMITTEES. FIRST THE WATER AND WASTEWATER COMMISSION, MET ON AUGUST 2nd AND APPROVED THE -- THE CITIZENS -- BCP CITIZENS ADVISORY COMMITTEE MET ON THE 8th AND APPROVED WITH CONDITIONS, BCP SCIENTIFIC ADVISORY COMMITTEE TOOK -- CONSIDERED THIS ON THE 15th OF AUGUST AND APPROVED WITH CONDITIONS. AND FINALLY THE BCP COORDINATING COMMITTEE ON JUST THIS LAST MONDAY ON THE 21st MET AND APPROVED WITH CONDITIONS. THE ENVIRONMENTAL BOARD CONSIDERED THIS ON THE 16th AND THEY DID NOT RULE OUT, BUT THEY DID RECOMMEND CONTINUING TO LOOK FOR AN ALTERNATE SITE, THAN CORTANA ALSO A NUMBER OF CONDITIONS IN THEIR DRAFT MOTION. SO NOW LET ME SUMMARIZE THE RECOMMENDED CONDITIONS FOR APPROVAL BY THESE VARIOUS GROUPS, BOARDS, COMMITTEES AND COMMISSIONS. FOR YOUR CONSIDERATION TODAY IN YOUR DECISION. IT NOTEWORTHY THAT A LOT OF THESE CONDITIONS OVERLAP, WE STARTED SEEING SOME CONSISTENCY AND SIMILAR TYPES OF CONDITIONS IN THE APPROVALS OF THE VARIOUS BOARDS. FIRST, IS THAT THE -- THAT THE CITY RECOMMIT TO COMPLETION OF THE BCP AND THAT WE BRING TOGETHER THE BCCP PARTNERS TO DEVELOP A PLAN BY MARCH 2007 ROUGHLY SIX MONTHS FROM NOW. TO PRESERVE 2,000 ACRES OF BLACK CAPPED VIREO HABITAT. ALSO RECOMMENDED THAT THE BCP MUST HAVE 1,000 ACRES OF BLACK CAPPED VIREO HABITAT UNDER ACTIVE MANAGEMENT IN THESE YEARS. CURRENTLY AT ABOUT APPROXIMATELY 700 ACRES BETWEEN THE VARIOUS PARTNERS. SO THIS IS VERY DOABLE. NEXT MANAGE FIVE ACRES OF BLACK CAPPED VIREO HABITAT FOR EACH ACRE TAKEN WITH THE GOAL OF TWO ACRES SUITABLE FOR OCCUPATION. AND WE ARE -- WE ARE CURRENTLY MANAGING HABITAT WITH THOSE GOALS IN MIND. AUSTIN WATER UTILITY SHOULD DEDICATE THE EXISTING 102-ACRE SITE TO THE BCP AND THAT HAS BEEN COMMITTED TO, THAT HAS BEEN OUR STATED PLAN. FINALLY DEDICATE THE LITTLE BARTON TRACT TO THE BCP UNDER TALL MANAGEMENT, MAINTAIN -- DO... DO..... OWE DUAL MANAGEMENT. STAFF IS PREPARED TO IMPLEMENT THESE CONDITIONS GIVEN DIRECTION TODAY. AT THIS POINT I WILL TURN IT BACK TO

JUAN GARZA FOR A SUMMARY.

THANK YOU, MR. LIPPE.

FINALLY WE GET TO THE NEXT STEPS. THE TRAVIS COUNTY COMMISSIONERS COURT WILL CONSIDER THIS PROPOSAL AT THEIR MEETING NEXT WEEK. WE NEED TO COMPLETE THE KARST INVESTIGATIONS, TO DO THAT THE NESTING PAIRS HAVE TO LEAVE. AND WE HAVE -- WE VISIT THEM DAILY TO MAKE SURE THEY ARE STILL THERE. WHEN THEY LEAVE WE WILL BE OUT THERE IMMEDIATELY. THEN WE NEED TO DEFINE THE NEEDED CHANGES TO THE INFRASTRUCTURE CORRIDORS THAT WILL BE NEEDED FOR THE DEVELOPMENT. WE WILL SUBMIT THE AMENDMENT TO THE U.S. FISH AND WILDLIFE, NOT UNTIL ALL OF THOSE INVESTIGATIONS ARE COMPLETED AND OF COURSE WE WILL CONTINUE WITH THE -- WITH THE PRELIMINARY ENGINEERING. CHAPTER 26, ALL OF YOU ARE FAMILIAR WITH OR INTERLOCAL AGREEMENT THAT WE HAVE WITH OUR PARTNERS, TRAVIS COUNTY. IN -- IN THAT AREA OR WITHIN THE PRESERVE, WE HAVE BUILT IN THE PAST A WATER TREATMENT PLANT BY THE LCRA. WE HAVE CONSTRUCTED ELECTRIC FACILITY, BOTH BY THE LCRA AND THE CITY OF AUSTIN, AUSTIN ENERGY, WE HAVE ACCESS ROADS AND THE INTERLOCAL PROVIDES EVEN FOR OTHER INFRASTRUCTURE. AND WE HAVE NOT HAD A -- HAD A -- A PUBLIC HEARING AS REQUIRE UNDER CHAPTER 26. HOWEVER --

Futrell: JUST SO EVERYONE UNDERSTANDS, CHAPTER 26 TYPICALLY WE TALK ABOUT THAT, ALTHOUGH IT'S NOT JUST A CONSTRAINED TO THAT, BUT TYPICALLY WE TALK ABOUT THAT WHEN WE ARE USING PARKLAND TO PUT INFRASTRUCTURE THROUGH. YOU HAVE TO MEET A CRITERIA, YOU DO NOTICE, YOU HOLD A PUBLIC HEARING AND YOU ASSERT THAT THE COUNCIL BELIEVES AS A POLICY THAT THERE'S NO OTHER VIABLE OR BETTER ALTERNATIVE.

THAT'S CORRECT.

ALL RIGHT.

> WE DO THESE VERY ROUTINELY. VERY ACTIVE CITY IN

THAT REGARD. VERY, VERY FAMILIAR WITH THE PROVISIONS.

ONE ON THE AGENDA TODAY.

THAT'S CORRECT. ONE ON THE AGENDA TODAY EVEN....
EVEN. BUT BECAUSE WE HAVE ATTEMPTED TO DEAL WITH
EVERY SINGLE CONCERN THAT THE PUBLIC AND
INTERESTED PARTIES HAVE BROUGHT TO US IN AN TOMATO
HE-- TO CONVINCE OUR CONSTITUENTS THAT THIS IS THE
WISEST DECISION TO MAKE AT THIS TIME. WE ARE
RECOMMENDING TO THE CITY COUNCIL THAT WE MOVE
AHEAD WITH THE CHAPTER 26 NOTICE AND HEARING
REQUIREMENTS BEFORE WE COMPLETE THE PROCESS.

SO WE WOULD RUN THAT PARALLEL AS WITH COMPLETING
THE KARST STUDY, JUST GO ON AND MAKE THE NOTICE AND
END THAT DEBATE.

SHOULD NOT DELAY OUR PROCESS AT ALL.

Futrell: THANKS.

Mayor Wynn: THANK YOU, MR. GARZA. COUNCIL -- MS. TERRY?

MARCH..... PARDON, I DID FORGET ONE THING IN THE NEXT
STEP FOR THE COUNCIL, MAYOR.

MAYOR AND COUNCIL, MARTHA TERRY, ASSISTANTS CITY
ATTORNEY. YOU HAVE ON THE DAIS TWO SEPARATE
MOTIONS --

Mayor Wynn: WE CAN TAKE UP A MOTION IF COUNCIL WANTS
TO AT A LATER TIME MS. TERRY.

THAT'S FINE.

Mayor Wynn: THANK YOU, COUNCIL WE HAVE A HANDFUL OF
CITIZENS WHO HAVE -- COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WOULD LIKE TO ASK A QUESTION OF THE
ENVIRONMENTAL STAFF. I GUESS MR. CONRADT? PROBABLE
BELABORING THE OBVIOUS. WHAT I UNDERSTOOD FROM A
STRICTLY ENVIRONMENTAL POINT OF VIEW, WITH BGHT OF

THE BCP, THE BULL CREEK MACRO SITE IS MUCH MORE VALUABLE FOR THE BCP THAN THE CORTANA SITE, IS THAT CORRECT?

WHAT YOU HAVE TO SPECIFICALLY REMEMBER THAT IT'S VALUABLE, THE MOST VALUABLE TO THE BCP BECAUSE GOLDEN CHEEKED WARBLERS ARE CONSIDERED THROUGH OUR HCP AS THE MOST CRITICAL ELEMENT.

Leffingwell: I WAS GOING TO GET TO THAT.

THEN THAT BULL CREEK IS MOST CRITICAL TO THE RECOVERY FOR THE GOLDEN CHEEKED WARBLERS.

SO -- I GLEANED FROM THE DISCUSSION THERE THAT -- THAT WHEN YOU GO ABOUT BUILDING OR RESTORING VIREO HABITAT, THAT'S ABOUT A THROW TO FIVE YEAR PROCESS.

IN GENERAL TERMS. KEEP IN MIND THAT RESTORING AND MANAGING VIREO HABITAT IS REALLY A PROCESS OF MANAGING THE -- THE GROWTH OF THE WOODY PLANTS, TREES AND SHRUBS.

Leffingwell: SO THAT'S A YES.

YES, SIR.

Leffingwell: OKAY. AND A WARBLER HABITAT, WHICH WE ARE ACTUALLY MUCH MORE CONCERNED WITH, IN CENTRAL TEXAS, IS THE ONLY HABITAT FOR THE GOLDEN CHEEKED WARBLER AS UNDERSTOOD FROM THE DISCUSSION.

FOR THEIR NESTING HABITAT, YES, SIR.

RESTORING HABITAT TO FOR THAT BIRD TAKES ABOUT 50 YEARS IS WHAT I HEARD IN THE DISCUSSION?

YES, SIR. I WOULD SAY RECOVERY WE REALLY DON'T WORK TO RESTORE BECAUSE IT'S TOO DIFFICULT.

Leffingwell: YEAH. FINALLY WITH THE RECOMMENDATIONS INCLUDED IN THIS RESOLUTION THAT WE WILL CONSIDER LATER, WHICH INCLUDES PROVISIONS FOR -- FOR WORKING

EARNESTLY TOWARDS COMPLETION OF THE BCP, TOWARDS RESTORATION OR BUILDING OF BLACK CAPPED VIREO HABITAT, WOULD YOU CONSIDER RELOCATING THIS WATER TREATMENT PLANT FROM THE BULL CREEK FULLY PERMITTED BULL CREEK SITE TO THE CORTANA SITE, WOULD YOU CONSIDER THAT AN OVERALL BENEFIT TO THE BCP?

YES, SIR. I THINK THAT IT IS IN THE BEST INTERESTS OF COMPLYING WITH OUR PERMIT.

Leffingwell: THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WE HAVE A NUMBER OF CITIZENS SIGNED UP WISHING TO SPEAK. I THINK IT MIGHT BE MORE PRODUCTIVE FOR US IF WE GET SOME OF THAT FEEDBACK AND THEN WE SORT OF TIE SOME OF THEIR CAN.... QUESTIONS AND FEEDBACK INTO OUR COMMENTS WITH STAFF AND OTHERS. SO WITHOUT OBJECTION, WE WILL GO TO THOSE CITIZENS. OUR FIRST SPEAKER MELODY LEITEL, WISHING TO SPEAK. WELCOME, MS. LITEL, THREE MINUTES FOLLOWED BY MARY ORIGIN.....ARNOLD FOLLOWED BY JUSTIFY MUNDY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] BALANCE BALANCE. '

CAN THERE REALLY ONLY BE TWO SUITABLE SITES FOR THIS SNEAR ARE WE TO BELIEVE THAT IN AN AREA THIS SIZE THAT THE ONLY TWO POSSIBLE SITES ARE TWO OF WHAT HAVE TO BE TWO OF THE MOST SENSITIVE AREAS IN THE BCP. BOWS ARE DESCRIBED AS KEY. NOT...ANNUAL.....IT IS KEY IN ENVIRONMENTAL IMPACT STATEMENT. THEN THERE ARE THE LEGAL ISSUES, ONLY TWO OF WHICH ARE CHAPTER 26 AND WHETHER THIS IS A MINOR AMENDMENT TO THE FEDERAL PERMIT. I'M NOT A LAWYER, SO I'M NOT GOING TO GO INTO THIS, BUT I KNOW THAT YOU'VE CONSIDERED THEM. HERE'S MY QUESTION. WE HAVE BEEN TOLD THAT THIS PROJECT IS IN A TEARING HURRY. THIS PROJECT THAT HAS BEEN ON THE TABLE MORE THAN 20 YEARS IS IN A HUGE HURRY. WE'RE MAYBE AS MUCH AS A YEAR BEHIND. IS THERE A BACK UP-PLAN FOR WHEN THIS PROJECT IS HELD UP BY LITIGATION? I KNOW THAT YOU'VE CONSIDERED THOSE ISSUES VERY CAREFULLY, AND FOR THAT I THANK

YOU.

Mayor Wynn: THANK YOU. THE NEXT SPEAKER IS MARY ARNOLD. WELCOME, MARY. AND ROBERT SINGLETON HAS OFFERED TO DONATE HIS TIME TO YOU, SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME.

THANK YOU VERY MUCH, MAYOR WYNN AND MEMBERS OF THE COUNCIL. FIRST MY NAME IS MARY ARNOLD. FOR THE RECORD, THE LISTING OF THIS AGENDA ITEM DOES INCLUDE MENTION OF THE ALREADY PERMITTED SITE. AND THEN IT GOES ON TO SAY THAT THIS WAS RECOMMEND BY THE VARIOUS BOARDS. I'D JUST LIKE TO POINT OUT FOR THE RECORD THAT NONE OF THE ADVISORY GROUPS RECOMMENDED THE USE OF THE ORIGINAL SITE. SO I HOPE THAT THAT WILL BECOME VERY CLEAR, THAT THE ORIGINAL SITE WAS NOT RECOMMENDED BY ANY OF THE BOARDS AND COMMISSIONS AS THEY WERE DISCUSSING THIS. NOW, ON THE PUBLIC HEARINGS, I REALLY HOPE THAT THE CITY COUNCIL WILL AGREE TO HOLD A REAL PUBLIC HEARING AT A TIME CERTAIN WHEN PEOPLE CAN COME AND SPEAK ABOUT THIS ISSUE. I WAS PULLING UP SOME INFORMATION FROM THE AMERICAN WATER WORKS ASSOCIATION, AND I FOUND A GOVERNMENT AFFAIRS AMERICAN WATER WORKS ASSOCIATION POLICY WITH REGARD TO THE ENDANGERED SPECIES ACT. AND THEY HAVE A SECTION ON PUBLIC PARTICIPATION, WHICH SAYS PUBLIC PARTICIPATION AT ALL STAGES OF ESA PROCESSES SHOULD BE EXPANDED. IT SEEMS TO ME THAT AN AMENDMENT TO OUR PERMIT IS A PART OF THE ESA PROCESS. THE AMERICAN WATER WORKS ASSOCIATION RECOMMENDS SUBSTANTIALLY INCREASED PUBLIC PARTICIPATION IN ACTIVITIES SUCH AS LISTING, CRITICAL HABITAT DESIGNATION, DEFINITION OF REASONABLE AND PRUDENT ALTERNATIVES, RECOVERY PLANS AND EFFORTS TO RECOVER THE SPECIES. REQUIRES SEVERAL PUBLIC HEARINGS TO BE HELD IN THE AREA OF POTENTIAL IMPACT TO PROMOTE BLIG PARTICIPATION -- PUBLIC PARTICIPATION AND TUPT TO COMMENT. SO I HOPE THAT WE WILL HAVE SOME REAL PUBLIC HEARINGS ON THIS ISSUE. WITH REGARD TO THE LITTLE BARTON CREEK TRACT, I STILL DON'T UNDERSTAND WHAT THE \$2.5 MILLION IS THAT KEEPS BEING MENTIONED. IT HASN'T BEEN EXPLAINED IN ANY OF THE PUBLIC MEETINGS I HAVE ATTENDED. I HOPE

THAT YOU ALL HAVE HAD AN OPPORTUNITY TO REVIEW THE REPORT BY CHUCK SEXTON THAT WAS DATED AUGUST THE 16TH, THE DAY AFTER THE SCIENTIFIC ADVISORY COMMITTEE MET. DR. SEXTON IS A WONDERFUL, SIGN.....SCIENTIFIC PERSON WHO HAS STUDIED THESE ISSUES FOR MANY YEARS AND HE COMMENTS IN HIS REPORT ABOUT THE LESSER CHANCES OF VIRIO HABITAT BEING RECREATED ON THE LITTLE BARTON CREEK TRACT. SO I HOPE YOU WILL READ THAT REPORT. I DON'T THINK THE ENVIRONMENTAL BOARD GOT IT BEFORE THEIR DELIBERATIONS. I'M NOT IN FAVOR OF MOVING THE LITTLE BARTON CREEK TRACT TO THE BCP. I DON'T MIND HAVING IT MANAGED FOR ENDANGERED SPECIES, BUT TO TRY TO U LAND THAT'S ALREADY BEEN CONSERVED WILL DECREASE OVERALL THE AMOUNT OF LAND THAT WE'RE ALE TO CONSERVE. LET'S GO AHEAD AND COMPLETE THE BCP WITH NEW LAND TO BE ACQUIRED. WE'VE ALREADY GOT THE LITTLE BARTON CREEK. LET'S GET MORE LAND RATHER THAN LESS. THE RESOLUTION LANGUAGE, I UNDERSTAND YOU HAVE TWO REZ LIEWTIONZ. WE -- RESOLUTIONS. WE DON'T KNOW WHAT THEY SAY. WE'RE NOT SURE ABOUT THE CONDITIONS THAT YOU ALL WILL AGREE TO ADD IF YOU DO VOTE FOR THE CORTANA SITE. ONE THING NOT MENTIONED IN THE PRESENTATION WAS THAT THE ENVIRONMENTAL BOARD IS REQUESTING THAT \$350,000 BE MADE AVAILABLE FOR THAT BLACK-CAPPED VIRIO RESTORATION. YOUR PROPOSED RESOLUTION BACK A COUPLE OF WEEKS AGO ONLY MENTIONED 120,000. SO THAT'S A DETAIL THAT'S IMPORTANT. AGAIN, THE ALTERNATE SITE SEARCH EXTRA INFORMATION HAS BEEN PRESENTED TODAY, BUT WE HAVEN'T HAD AN OPPORTUNITY TO REALLY LOOK AT IT AND GIVE YOU ANY INPUT. I'M CONCERNED ABOUT THE TIMING OF THE DESTRUCTION OF THE VIRIO HABITAT IF CORTANA IS DECIDED ON AND HOPE THAT IT CAN BE WORKED IN SUCH A WAY THAT THERE IS AN OPPORTUNITY TO FIND OUT WHETHER OR NOT THOSE PAIRS WILL RELOCATE TO SOMEPLACE ELSE. IF THE PERMIT AMENDMENT WILL NOT BE SUBMITTED UNTIL YOU GET THE CARst RESULTS, I HOPE THAT THOSE RESULTS WILL BE PRESENTED TO ENVIRONMENTAL BOARD AND THE OTHER ADVISORY GROUPS PRIOR TO ACTUALLY PUTTING THAT PERMIT AMENDMENT IN THE ENVELOPE AND SENDING IT TO THE U.S.

FISH AND WILDLIFE. I STILL DON'T UNDERSTAND HOW THE TAKE IS BEING ACCOUNTED FOR. FOR INSTANCE, THE CORTANA LAND THAT YOU'RE PROPOSING TO USE THAT HAS VIRIO ON IT NOW WAS ORIGINALLY REQUIRED AS PART OF A SEPARATE 10 HN A PERMIT BY SOMEBODY ELSE. SO WHAT HAPPENS TO THAT PERMIT. IF YOU'RE GOING IN TO TAKE SOMETHING THAT WAS REQUIRED IN ANOTHER PERMIT, I HOPE YOU'LL THINK CAREFULLY ABOUT THAT. THANK YOU VERY MUCH.

Mayor Wynn: JEFF MONEY DI, YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JACKIE DAVIS.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL AND MANAGER FUTRELL. I AM HERE TODAY, MY NAME IS JEFF MUNDY, I'M ON THE BOARD OF DIRECTORS OF THE TRAVIS AWD....AUDOBON SOCIETY. I E-MAILED EACH OF YOU LAST EVENING OR REVISED POLICY STATEMENT WITH RESPECT TO THIS ISSUE AND I WILL SUMMARIZE THAT, BUT IT HAS BEEN E-MAILED TO EACH OF YOU AND THE MANAGER AND THE VARIOUS COUNTY COMMISSIONERS. MOST IMPORTANTLY, THE TRAVIS COUNTY AUDOBON SOCIETY THINKS THIS NEED TO BE OFF THE TABLE. NUMBER TWO, WE DO NOT SUPPORT THE CITY'S CURRENT POSITION OF REQUIRING A CHOICE OF ONLY BETWEEN CORTANA AND BULL CREEK. AND THIS IS IN ESSENCE THE CITY'S ENVIRONMENTAL BOARD'S POSITION. WE'VE ADOPTED THAT. WE WOULD RECOMMEND THAT THE CITY CONTINUE TO LOOK FOR OTHER SUITABLE HABITAT OUTSIDE OF THE BCP, BUT IF THE DECISION IS THIS AND WE'RE AT THE FORK IN THE ROAD AND IT'S ONE OF THESE TWO, WE FIND THE CORTANA TRACT TO BE LESS OBJECTIONABLE TO THOSE TWO. SO WE WOULD THEN GO TO OUR THIRD POINT, WHICH IS ME AND TO THE GROUP, THE SINGLE MOST IMPORTANT ISSUE IN THIS ENTIRE DISCUSSION, WHICH IS THE MITIGATION, AND WE HAVE TO UNDERSTAND THE BASIC FRAMEWORK, THIS PERMIT CHRTION CREATED THE BALCONES CANYONLAND PRESERVE, THIS ISN'T JUST A VOLUNTARY ACT OF CITIZENS AND PUBLIC INTEATS FEELING GOOD AND CREATED PARK LANDS, THIS WAS A FEDERAL PERMIT WHICH WAS GRANTED TO THE CITY AND TO THE COUNTY TO SET UP MITIGATION PROPERTIES TO ALLOW DEVELOPMENT FWOORGD AND THERE BY COMPLY WITH THE ENDANGERED SPECIES ACT

MITIGATION RIRMENTZ. WHAT THIS DID.... DEBATE AND DIALOGUE HAS BROUGHT TO LIGHT IS THAS A SERIOUS SHORTFALL ON THE PERMITS REQUIREMENT TO CREATE 2,000-ACRE OF SUITABLE BLACK-CAPPED VIRIO HABITAT. AND THE SCIENTIFICRY ADVISORY COMMITTEE SAID THAT WE'RE WORSE OFF TODAY THAN THE DAY THEY START THAT HAD PERMITTING PROCESS. SO TRAVIS AUDOBON SOCIETY AGAIN WOULD SAY WE FIND THE CORTANA TRACT LBT LESS OBJECTIONABLE AND WOULD ENDORSE THAT. IF THESE ARE THE TWO CHOICES, GO WITH CORTANA, BUT THAT IS SPECIFICALLY CONDITIONED ON THE COUNCIL ADOPTING THE CONDITIONS AS SET FORTH BY THE VARIOUS ADVISORY COMMITTEES. AND I KNOW EVERYBODY IS CONCERNED ABOUT FISCAL ISSUES AND THINK THESE COMMITTEES ARE REQUIRING US TO SPEND MORE MONEY, BUT I WOULD POINT OUT THE COMMITTEE CONDITIONS ARE ACTUALLY NOT IMPOSING ANY NEW REQUIREMENTS ON THE CITY WHATSOEVER. WHAT THEY ARE IS MERELY A PATHWAY OR A BLUEPRINT TO COMPLIANCE WITH THE MANDATORY PERMIT REQUIREMENTS THAT ARE ALREADY IN PLACE. THEY ARE LAYING OUT FOR YOU THE WAY TO GET TO COMPLETION AND COMPLIANCE OF THAT PERMIT. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU AND ALL THAT YOUR GROUP DOES FOR US AS A PARTNER. JACKIE DAVIS? YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY DAVE ANDERSON, WHO WILL BE FOLLOWED BY COLIN CLARK.

GOOD MORNING, MAYOR, COUNCILMEMBERS AND TOBY FUTRELL. MY NAME IS JACKIE DAVIS. I WORK FOR THE CITY OF AUSTIN AS A WILDLIFE BIOLOGIST FROM 1993 UNTIL I RETIRED IN 2004. IT LOOKS TO ME AS THOUGH THE COUNCIL NOW IS BETWEEN A ROCK AND A HARD PLACE. IF YOU CHOOSE TO GO BACK TO THE ORIGINAL BULL CREEK SITE, YOU WILL HAVE A LOT OF OPPOSITION. AND IF YOU CHOOSE TO BUILD THIS WATER TREATMENT PLANT ON THE CORTANA SITE, YOU WILL HAVE LOTS OF OPPOSITION. I PERSONALLY AM VERY MUCH OPPOSED TO PUTTING A YOUR INFRASTRUCTURE, THIS WATER TREATMENT PLANT, ON CORTANA BECAUSE WE HAVE SET THESE LANDS ASIDE IN PERPETUITY. I CAN UNDERSTAND MINOR INFRASTRUCTURE GOING ACROSS PRESERVE LANDS, BUT WHEN YOU TAKE

THIS LARGE A TRACT OUT OF PRESERVE, I'M GOING TO OPPOSE IT. I WOULD LIKE TO SEE THAT THE CITY AND TRAVIS COUNTY AND THE SCHOOL DISTRICT SIT DOWN AND TRY TO FIGURE OUT A COUNTY WIDE SOLUTION. WHY DO I BRING IN THE LEANDER SCHOOL DISTRICT? WELL, IT'S JUST COME TO OUR ATTENTION THAT THEY HAVE PURCHASED A PORTION OF THE RIEBELIN TRACT UP ON ON 2222 TO BUILD A HIGH SCHOOL. AND ANYONE WHO HAS BEEN HERE IN AUSTIN FOR MORE THAN JUST A COUPLE OF YEARS KNOWS HOW SERIOUS THE TRAFFIC PROBLEM THAT HILL UP ON 2222 HAS. ALL OF THE SERIOUS ACCIDENTS THAT HAVE BEEN GOING ON THRVMENT WHAT I WOULD LIKE TO SEE IS SOMEONE TAKE THE COURAGE AND THE INITIATIVE AND THE WISDOM TO SIT DOWN AND TRY TO WORK THIS OUT ON A COUNTY WIDE BASIS FIND 'ADEQUATE WATER, ADEQUATE WATER TREATMENT PLANTS, TO FIND A PLACE FOR SCHOOLS, AND ALSO TO MAINTAIN OUR PRESERVES INTACT. IF WE CAN FIND A SOLUTION COUNTY WIDE, THEN IT'S A WIN-WIN SITUATION. THE PEOPLE WIN AND THE WILDLIFE WIN. SO I DO URGE YOU CALL TO CONSIDER, TO CONTINUE CONSIDERING ALTERNATIVE SITES. EVEN THOUGH I HAVE NOT HAD A CHANCE TO LOOK AT THIS NEW MAP, I STILL CANNOT BELIEVE THAT THERE AREN'T SITES AVAILABLE. AND PERHAPS THE RIEBELIN TRACT IS A MORE APPROPRIATE SITE FOR A WATER TREATMENT PLANT AND PERHAPS WE CAN FIND ANOTHER SITE FOR THE LEANDER HIGH SCHOOL. THANK YOU FOR YOUR CONSIDERATION.

Mayor Wynn: DAVE ANDERSON? WELCOME, DAIVMENT YOU WILL BE FOLLOWED BY COLIN CLARK.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, CITY MANAGER, MY NAME IS IS DAVE ANDERSON AND I'M HERE TO REPRESENT THE ENVIRONMENTAL BOARD THIS MORNING. AS YOU KNOW, THE ENVIRONMENTAL BOARD CONSIDERED THIS ISSUE LAST WEEK, I THINK, AND VOTED UNANIMOUSLY THAT AS A BOARD WE FELT THAT NEITHER OPTION THAT'S ON THE TABLE TODAY, NEITHER THE BULL CREEK MACRO SITE OR THE CORTANA TRARKTS IS.....TRACT,IS REALLY THE BEST ENVIRONMENTALLY. AND THAT WE OWE IT TO THE CITIZENS TO CONTINUE TO LOOK UNTIL WE FOUND WHAT'S BEEN CALLED THE MAGIC BULLET, NEEDLE IN A HAYSTACK. FWRANTED THIS IS A -- GRANTED THIS IS A DIFFICULT PIECE

OF LAND TO FIND, BUT I THINK WE'RE DEALING WITH PRECEDENT SETTING. IT'S A PRECEDENT SETTING ISSUE AND WE NEED TO TAKE THE TIME TO DO THE SIGHT THE RIGHT WAY TO END UP WITH THE RIGHT SOLUTION. I'LL END WITH THIS NOTE. STAFF HAS MENTIONED SEVERAL -- SEVERAL DIFFERENT STAFF MEMBERS TODAY MENTIONED COMPLEXITY. THIS IS A COMPLEX ISSUE. THIS IS A COMPLEX SPECIES ISSUE. THIS IS A COMPLEX PLANT ISSUE FROM A SITING, ENGINEERING STANDPOINT. THAT SHOULD DRIVE US TO TAKE THE TIME NECESSARY TO DO THIS THE RIGHT WAY. THANKS. COLIN CLARK, WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD MORNING, MAYOR, MEMBERS OF COUNCIL. COLIN CLARK WITH SAVE OUR SPRINGS. SUBSEQUENT YOU A LETTER YESTERDAY REQUESTING, AS MANY OF THE SPEAKERS HERE HAVE BEFORE ME, ADDITIONAL TIME FOR COMMUNITY INPUT REGARDING THIS VERY IMPORTANT DECISION FOR THE BCP AND FOR OUR CITY'S WATER FUTURE. MOST IMPORTANTLY I THINK IS THE QUESTION OF RUSH. THERE IS NONE. HAD THERE'S A PRETENSE OF RUSH THAT IS NOT ACCURATE. THE BIGGEST -- LAST TIME Y'ALL BROUGHT THIS UP, THE BACKUP THAT THE UTILITY HAD IN WAS THAT, QUOTE, BASED ON CURRENT DEMAND PROJECTIONS, THE AUSTIN WATER UTILITY HAS DETERMINED THAT A NEW WATER TREATMENT FACILITY HAD BEEN ON LINE BY 2013 TO MEET FUTURE SUMMER PEAK DAY DEMANDS. SO THE BIG WORRY, THE SKY IS FALLING MESSAGE, IS IF WE DON'T GET THIS THING ONLINE BY 2013, WE'LL NOT BE ABLE TO WATER OUR LINES EXCESSIVELY IN THE SUMMER OF 2013. THAT'S IT. THAT'S THE WORST CASE SCENARIO IF WE SLOW DOWN AND IT DO SOME MORE PUBLIC INVOLVEMENT. WE AREN'T GOING TO BE ALE TO WATER OUR LAWNS EXCESSIVELY PERHAPS IN 2013. SO A BIG QUESTION IS, IS THIS CITY WILLING TO COMMIT TO CONSERVATION BEYOND WHAT YOU'VE ALREADY ADOPTED, WHICH WE APPRECIATE THE ONE PERCENT PEAK DAY REDUCTION. I HEARD MR. GARZA SAY WE WANT TO HAVE THE BEST WATER CONSERVATION PROGRAM IN THE COUNTRY. WELL, JUST A REMINDER, AUSTIN USES ABOUT 185 GALLONS PER CAPITA PER DAY. 75 MILES DOWN THE ROAD IN SAN ANTONIO, THEY USE ABOUT 1 FRRT. SO IF WE

WERE ABLE TO GET CLOSE TO SAN ANTONIO ON AN AVERAGE DAY USE, WE MIGHT NOT NEED A NEW TREATMENT PLANT FOR 20 YEARS. SO WE'RE GLAD YOU'RE DOING THE NUMBER ONE PEAK DAY PRODUCTION, BUT WE WANT TO BE REALLY SERIOUS ABOUT CONSERVATION AND REDUCE OUR OVERALL DEMAND, WE MIGHT NOT NEED THREEMENT PLANT ANY TIME SOON. COMPLEXITY HAS BEEN MENTIONED. AGAIN, MR. ANDERSON STATED THAT ONLY LENDS ITSELF TO MORE PUBLIC INVOLVEMENT. THE UTILITY'S OWN LONG RANGE PLANNING DOCUMENT SPECIFIES PUBLIC INVOLVEMENT AS A KEY COMPONENT. THAT HAS BEEN LACKING IN THE DECISION MAKING, BUT ALSO THE OVERALL PLANNING OF WHERE DO WE NEED NEW INFRASTRUCTURE, HOW MUCH IS IT GOING TO COST, ETCETERA. THE CARst STUDIES FOR THE SPECIFIC CORTANA SITE HAVE NOT BEEN DONE. IT SEEMS LIKE THAT IS INFORMATION THAT OUGHT TO COME BEFORE THE DISISMGHTS WHY NOT INVESTIGATE THE SITE, FIND OUT WHAT'S THERE BEFORE WE DECIDE ON BUILDING IT. AND WE ARE GLAD THAT THE UTILITY IS NOW GOING AHEAD WITH THE CHAPTER 26... 26 HEARING. LAST POINT ON WRAP UP, AS MS. ARNOLD STATED, PLACING LITTLE BARTON CREEK LAND IN THE BCP BRINGS UP ITS OWN HOST OF QUESTIONS THAT COULD BE ADDRESSED IF WE HAVE MORE TIME FOR PUBLIC INPUT IN THIS VERY IMPORTANT DECISION. THANK YOU.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I THINK THIS MAY REQUIRE A RESPONSE FROM MR. LIPPE. FROM WHAT I KNOW, THERE'S NOT EXACTLY AN APPLES TO APPLES COMPARISON BETWEEN AUSTIN AND SAN ANTONIO BECAUSE OF THE DIFFERENT TYPES OF USERS. AND I WONDER IF MR. LIPPE COULD ADDRESS THAT. RIRKS THANK.....

THANK YOU, COUNCILMEMBER. IT'S TRUE. WE'VE TALKED BEFORE ABOUT COMPARISONS BETWEEN THE CITY OF AUSTIN AND THE CITY OF SAN ANTONIO AND THE WATER CONSERVATION MEASURES. ONE OF THE KEY DIFFERENCES IS THERE ARE A LOT OF PRIVATE WELLS IN SAN ANTONIO WHICH DO NOT GET RECORDED AS PART OF THE WATER SYSTEM'S WATER USAGE. SO I BELIEVE THE BOTTOM LINE IS IS THAT THE PER CAPITA USE IN THE CITY OF SAN ANTONIO

IS ARE GREATER THAN 140, AND IN ADDITION TO THAT IT'S IMPORTANT TO COMPARE YOUR OWN CITY -- THE STATE RECOMMENDS THAT YOU COMPARE YOUR OWN CITY'S WATER USAGE AND WHAT'S IMPORTANT IS THE TREND OF ARE YOU DECREASING YOUR WATER USAGE OVER TIME OR NOT? AND SO THE ACTION THAT COUNCIL HAS TAKEN RECENTLY AND THE TASKFORCE THAT WAS SET UP THIS MORNING IS GOING TO GREATLY IMPROVE AND REDUCE AUSTIN'S PER CAPITA WATER USAGE OVER TIME. BUT IN TERMS OF COMPARING ONE CITY TO THE OTHER, IT IS DIFFICULT TO DO, AND SAN ANTONIO'S THE EXAMPLE WHERE MAJOR TRIZ AND MAJOR CAMPUSES COMMONLY DRILL THEIR OWN WELLS, SO THAT'S NOT COUNTED OFF OF THE PUBLIC WATER SYSTEM.

Futrell: AND CHRIS, JUST TO HELP LAY A FOUNDATION FOR PEOPLE WHO ARE LISTENING, WE JUST RECENTLY GOT SOME DATA OFF OF A SURVEY IN OUR COMMUNITY THAT HOW FEW PEOPLE UNDERSTAND WHERE OUR WATER ACTUALLY COMES FROM. AND THIS IS PART OF THE DISCUSSION CHRIS IS FRAMING FOR YOU RIGHT NOW IN THAT SAN ANTONIO IS PRIMARILY A GROUNDWATER SOURCE APPEARED AUSTIN IS PRIMARILY A SURFACE WATER SOURCE. THAT'S WHY THE WELLS AND NOT BEING COUNTED TOWARDS THE MUNICIPAL CONSTRUCT OF HOW MUCH WATER IS BEING USED IS NOT SOMETHING THEY CAN ACCURATELY TRACK.

Leffingwell: THANKS FOR THAT SEPARATION. I DON'T WANT THAT TO BE CONSTRUED IN ANY WAY AS A CRITICISM. WE DO APPRECIATE YOUR INPUT AND WE ARE GOING TO LOOK AT EVERY POSSIBLE WAY TO CONSERVE WATER DURING THE COURSE OF THIS WATER CONSERVATION TASKFORCE.

Leffingwell: COUNCILMEMBER, ALSO, ROY WHALEY SIGNED UP WISHING TO SPEAK, IN OPPOSITION, AS OUR FINAL SPEAKER. 'COUNCILMEMBER MARTINEZ?

...

Martinez: DO WE HAVE INFORMATION THAT WE CAN ADD THOSE COMPONENTS TO SAN ANTONIO'S DAILY USE SO THAT WE CAN GET A FAIR COMPARISON OR FAIRER

COMPARISON?

THAT'S GOING TO BE DIFFICULT TO DO BECAUSE THEY'RE PRIVATE WELLS ADD THE REPORTING ON THOSE WATER CONSUMPTION AMOUNTS IS NOT READILY AVAILABLE, BUT WE COULD DO SOME -- I WOULD THINK THAT AS PART OF THE TASKFORCE, PART OF THE RESEARCH THAT GOES INTO THE WORK COMING UP THAT WOULD BE SOMETHING TEEMENT TO DO, TO SEE WHAT KIND OF ERROR CAN BE OBTAINED. IF THERE'S SOME WAY OF ESTIMATING THE AMOUNT OF PRIVATE WELL WATER TO ADD INTO THE EQUATION.

Mayor Wynn: THANK YOU, MR. LIPPE. I HAVE A COUPLE OF QUESTIONS AND I THINK IT WILL TAKE MS. PLUMMER, MR. LIPPE AND MAYBE A FEW OTHERS, BUT IN ADDITION TO THE PRESENTATION WE HEARD EARLIER, SOME OF THE CITIZEN FEEDBACK NOW HAS TRIGGERED A FEW QUESTIONS. I GUESS I WANT TO START WITH MS. PLUMMER. IF YOU CAN HELP -- I KNOW MOST OF THIS BECAUSE I SERVE AS CHAIRMAN OF THE BCP COORDINATING COMMITTEE, BUT THE ORIGINAL CITY-COUNTY INTERLOCAL, ESSENTIALLY THAT'S SET UP THE FUNDAMENTAL FRAMEWORK FOR THE BCP, I GUESS EACH OF US AS PARTNERS HAD A TARGET REQUIREMENT ON SEVERAL THINGS, INCLUDING FIRST AND FOREMOST JUST RAW ACREAGE TO BE ACQUIRED AND SET ASIDE FOR THE BCP, CORRECT?

RIGHT.

Mayor Wynn: AND CAN YOU METROPOLITAN REMEMBER IN WE HAD DIFFERENT TARGETS. THE CITY WAS 11,000 ACRES?

IT WAS RIGHT AROUND 11,000 APPEARED WE'VE ACCOMPLISHED OVER 13,000 ACRES AS PART OF OUR CONTRIBUTION TWARZ..... TOWARDS BCP.

SO OUR SIGNED INTERLOCAL WITH THE COUNTY, WE AGREED STO TRY TO ACQUIRE 11,000 ACRES. TODAY WE'RE AT 13. TEG IN THIS.....TECHNICALLY IF ALL THE THINGS THAT WE'VE TALKED ABOUT WERE TO GO FORWARD AND THE LITTLE BARTON CREEK IS ADDED AS DUAL MANAGED LAND, THAT'S ACTUALLY AN ADDITIONAL 2,000 ACRES, JUST

BY OUR ORIGINAL RECOMMENDATION OF MOVING THE SITES
RTION WE'RE PICKING UP ANOTHER 60 ACRES OR GOING
FROM OVER 100-ACRE PREAPPROVED, PERMIT.....
PREMITIGATED PERMITTED SITE TO A MUCH SMALLER SITE,
SO THE ACTION THAT WE HAVE SCHEMATICALLY
FORMATTED OVER THESE LAST COUPLE OF MONTHS, ONCE
AGAIN GOES ABOVE AND BEYOND WHERE WE ALREADY ARE,
WHICH ALREADY IS ABOVE AND BEYOND OUR INTERLOCAL
WITH THE COUNTY ON LAND ACQUISITION.

AND SOMETHING ELSE I'D LIKE TO ADD ABOUT THE LITTLE
BARTON CREEK TRACT. WITH THE WATER QUALITY PROJECT
WE WERE ABLE TO ACCOMPLISH A WATER CONSERVATION
EASEMENT. AND THAT LITTLE BARTON CREEK OF 928 ACRES
IS AJAY STOANT 6,000 ACRES OF THE SHIELD RANCH, SO
YOU NOW HAVE A BLOCK OF LAND OF ALMOST 7,000 ACRES
TOGETHER. THE SHIELD RANCH IS NOT WILLING TO COME
UNDER BCP PROPER, BUT THEY ARE WILLING TO MANAGE
ACCORDING TO BCP. SO I THINK THAT'S IMPORTANT TO ADD
TO THE BCP COMPONENT.

Mayor Wynn: AND YOU MAY NOT BE INVOLVED WITH THIS, BUT
SORT OF THE OFFER THAT CONSTITUENT WAS -- HAS BEEN
CONTEMPLATING, WE IN NO WAY WERE LIMITING OUR
ADDITIONAL BLACK-CAPPED VIRIO RESFORD HABITAT TO
LITTLE BARTON CREEK, CORRECT? WE'RE JUST
SUGGESTING HERE'S ANOTHER THOUSAND ACRES THAT
WITH DUAL MANAGEMENT IS ANOTHER OPPORTUNITY, BUT
NO NO WAY WERE WE SUGGESTING THAT THAT WOULD BE
THE ONLY PLACE WHERE WE AS A CITY THROUGH OUR
COORDINATING COMMITTEE WOULD WORK HARD TO
CREATE MORE HABITAT.

THAT IS CORRECT. IT DOES PROVIDE A NEW OPPORTUNITY.
AND I BELIEVE THAT THE VIRIO HABITAT THERE WAS
EXPERIMENTAL AND SO WE WILL LOOK AT IT AND ADDRESS
THAT AND WILLIE AND HIS CREW WILL CONTINUE TO
MANAGE AND LOOK AT THAT OPPORTUNITY, SO THE LITTLE
BARTON CREEK TRABLGT -- THERE'S ALSO BEEN SOME
VIRIO ON THE SHIELD RANCH, SO THAT WILL ALSO CONTINUE
TO MAYBE COMPLIMENT EACH OTHER.

THE SHIELD RANCH BEING RIGHT NEXT TO LITTLE BARTON

CREEK.

AND THERE ARE SOME WARBLER HAS.... HABITAT. WE'VE HAD STUDIES LOOKED AT AND ALSO DREASD EVEN THE WARBLER ON LITTLE BARTON CREEK.

Futrell: MAYOR, JUST AS AN ASIDE HERE, THERE WAS A CONCERN THAT WE HEARD ABOUT THE DUAL MANAGEMENT OF THE LAND, BUT NFG WE HAVE A NUMBER OF TRACTS -- DO WE HAVE FIVE, SEVEN TRACTS THAT WE'RE DULY MANAGING RIGHT NOW? SEVEN? ADD THE COUNTY IS IS DOING ANOTHER FIVE, THREE? SO IT'S A PRACTICE THAT DOESN'T WORK IN ALL CASES, BUT WHERE WE CAN WE TRY TO GET BIGGEST BANG FOR THE BUCK OUT OF THE LAND THAT WE DO HAVE. ALSO, MS. PLUMBER, SO THE ORIGINAL INTERLOCAL WITH TRAVIS COUNTY, THE CITY WAS TO SET ASIDE 11,000 ACRES. WE'RE AT THIRP THOUSAND PLUS TODAY, -- 13,000 PLUS TODAY, AND THE COUNTY'S GOAL WAS -- I REMEMBER IT BEING SIGNIFICANTLY LESS THAN THE CITIES.

I'M SO SORRY I DON'T REMEMBER THAT NUMBER RIGHT OFF THE TOP OF MY HEAD.

I THINK WILLIE COULD ANSWER BEHIND YOU. JAEND ANY, THAT'S THE FIRST TIME I'VE HEARD YOU SAY YOU COULDN'T REMEMBER A NUMBER.

I COULD HAVE GUESSED.

WILLIE CONRAD. THE COUNTY'S GOAL WAS ABOUT 4500 ACRES.

AND WHERE IS THE ACRE TOWARDS THAT GOAL SO FAR?

I'M NOT SURE TODAY. THEY'RE SOMEWHERE UNDER 4 THU ACRES, 3900, 3800, SOMEWHERE THERE. AND THEN THERE'S AN ADDITIONAL COMMITMENT FOR LANDS PURCHASED WITH PARTICIPATION CERTIFICATES, THE PRIVATE FUNDING.

WHICH WE SHARE IN THE CITY AND COUNTY.

AND THERE'S NOT BEEN SIGNIFICANT PURCHASES MADE

ABOUT THAT YET.

Mayor Wynn: I'LL 98 DEFENSE OF MY COLLEAGUES AT THE COUNTY, SO THE CITY WAS ABLE TO HOLD A SUCCESSFUL BOND ELECTION BACK IN THE EARLY '90'S -- '92, THANK YOU VERY MUCH, MS. PLUMMER.

SHE'S TRYING TO REDEEM HERSELF.

Mayor Wynn: WHICH ENALE US TO PURCHASE THE VAST MAJORITY OF THE 13,000 ACRES THAT WE HAVE NOW DEEDED AND SET ASIDE AS BCCP. TRAGICALLY THE COUNTY'S BOND ELECTION FAILED AND THERE'S A COUPLE OF PEOPLE IN THIS ROOM ACTUALLY THAT LED THE OPPOSITION TO THAT ELECTION. AND, OF COURSE, THE OBVIOUS DISINGENUOUS WITH APPROACH THAT THEY TOOK WAS THAT -- THESE WERE OF COURSE ENVIRONMENTALISTS, WAS THAT IF IN FACT THE COUNTY'S BOND PROPOSITION PASSED AT THE TIME, THERE WOULD BE ENOUGH REVENUE AM, RESOURCES FOR THE COUNTY TO BUY ENOUGH LAND TO THEN SATISFY ESSENTIALLY AT LEAST ON THE RAW ACREAGE STANDPOINT, THE BCCP 10-A PERMIT. THEN WE CAN START TALKING ABOUT ALL THE MANAGE THE HABITAT AND THE ACREAGE TARGETS PER HABITAT AND THOSE TYPE THINGS. BUT, OF COURSE, THERE'S SOME FOLKS THAT DIDN'T WANT TO SEE THE -- ENVIRONMENTALISTS SUPPOSEDLY, WHO DIDN'T WANT TO SEE THE BCCP COMPLETED. BECAUSE WITH THE COMPLETED 10-A PERMIT, OF COURSE, IT ALLOWED FOR THE CONTINUED INFRASTRUCTURE IN WESTERN TRAVIS COUNTY, SCHOOLS WOULD GET BUILT WRKS ROADS IMPROVED, HOMES BUILT, SO IT'S REALLY DIFFICULT FOR ME TO SWALLOW, PARTICULARLY AS I'M TRYING TO LEAD A BOND CAMPAIGN TO HAVE 50 MILLION MORE DOLLARS APPROVED BY OUR TAXPAYERS TO BUY MORE OPEN SPACE ON NOVEMBER 7 ITS. WHEN YOU YOU THINK ABOUT THE LAND THAT COULD HAVE BEEN PURCHASED BY THE COUNTY WITH THOSE BONDS IN 1992, THEY WERE BUYING LISTENED FOR ABOUT ONE THOUSAND DOLLARS AN ACRE AT THE TIME. THIS SAME LAND NOW SELLS FOR ABOUT 30 ON DOLLARS AN ACRE. SO HAD TRAVIS COUNTY VOTERS APPROVED, HAD THERE NOT BEEN OPPOSITION BY THE AUSTIN ENVIRONMENTAL COMMUNITY TO TRAVIS COUNTY

APPROVING THEIR BONDS, SAY THE \$20 MILLION TO THE COUNTY COULD HAVE HAD TO BUY LANDS, THAT'S ESSENTIALLY A 600-MILLION-DOLLAR VALUE. THAT LAND TODAY WOULD HAVE BEEN WORTH 6 HUPP MILLION DLAMPLTZ -- \$600 MILLION. SO THE COUNTY HAS BEEN BEHIND THE CURVE ALL THIS TIME TRYING TO BUY THEIR LAND WITH U.S. FISH AND WILDLIFE SECTION 6 AND 9 FUNDED DOLLARS THAT ARE COMING MORE SCARCE AND MORE SCARCE, TRYING TO BUY THEIR LAND WITH PARTICIPATION CERTIFICATES, TRYING TO SET OWE SOCIETYING UP A VERY OWE SOCIETYING UP A VERY CLEVER TIF FORMAT. NOW THEY'RE BUYING LAND AT 15, 20, 30 ACRES AT A POP, AND IT'S SUCH A SIN THAT THE SET OF TIME MILKS..... DYNAMICS OCCURRED THAT HAVE US STRUGGLING TO BUY MORE OPEN SPACE WHEN WE COULD HAVE BOUGHT A LOT TF FOR A THOUSAND BUCKS AN ACRE.

AND MAYOR TORKS....., TO PUT A CAP ON THE FACT THAITS HARD TO BUY TRACTS OF LAND, THE BULL CREEK SITE THAT WE BOUGHT THAT IS SO CONTROVERSIAL TODAY, WE PAID 20 MILLION IN 1984, AND TODAY, GIVE YOUR BEST ESTIMATE OF WHAT THAT LAND WOULD SELL AT TODAY BECAUSE WE KNOW THERE ARE SOME TRACTS THAT HAVE SOLD.

PROBABLY IN THE 80-MILLION-DOLLAR RANGE. WHEN YOU LOOK AT THE RIEBELIN TRACK I THINK THAT WAS REFERENCED EARLIER, THAT WAS A 742-ACRE SITE, 320 ACRES WAS PURCHASED BY TRAVIS COUNTY. 250 ACRES OF THAT SITE WAS REQUIRED TO BE SET ASIDE. THEY HAD 172 ACRES REMAINING. I DON'T KNOW WHAT LEANDER INDEPENDENT SCHOOL DISTRICT IS PAYING FOR 112 ACRES OF THAT SITE, BUT THE REMAINING 60 ACRES IS -- 60 ACRES IS 24 MILLION FOR THE ASKING PRICE. SO YOU'RE AT ABOUT 400,000 AN ACRE FOR THAT REMAINING 60 ACRES.

Mayor Wynn: WHILE WE'RE STILL ON THE PAINFUL.

OF MONEY, MR. LIPPE, THERE IS THE QUESTION OF WHAT IS IS THIS \$2.5 MILLION. WE TALK ABOUT IT FREQUENTLY, MONEY THAT WE HAVE BORROW FRD YOUR UTILITY ABOVE AND BEYOND WHAT THE VOTERS EXPECTED TO US DO. SO COULD YOU REMIND US THE 2.5-MILLION-DOLLAR DEBT THAT

WE STILL OWE.

JENNY HAS SPENT A CAREER OF WORKING ON BCP LAND AND PROPERTY, SO SHE'S VERY FAMILIAR WITH THIS.

SHE'S BEEN THE KEEPER OF THIS DEBT FROM HAVING BORROWED MONEY FROM THE UTILITY. SO EXPLAIN -- WE HAVE EXPLAINED IT TO OUR BOARDS AND COMMISSIONS, BUT WALK THROUGH THE 2.5 MILLION THAT WAS REFERENCED EARLY.

IN THE SPRING OF 2000 WE EA LOCATED TO MOVE FORWARD ON A TRACT KNOWN AS THE RUTHER FORD RANCH AND THAT TRACT WAS IN THE RECHARGE ZONE, A LITTLE OVER 1700 ACRES AND AT THAT TIME WE WOULD HAVE BEEN FIVE MILLION DOLLARS SHORT OUT OF THE WATER QUALITY FUNDS TO HAVE PLEETD THE PRVMENT.

WE HAD AN OPPORTUNITY FOR VERY VALUABLE, VERY SENSITIVE TRACT OF MIND THAT WE DIDN'T HAVE MONEY LEFT.

THAT'S CORRECT. SO WE WENT FIVE MILLION IN DEVMENT AND AS PART OF THE REA PAYMENT OF THAT DEBT WE LOOKED AT IT THREE TRACTS AND WE ULTIMATELY SOLD THOSE THREE TRACTS SUBJECT TO THOSE CONSERVATION EASEMENTS AND WE CONTINUED TO LOOK AT WHAT TRACTS WE WOULD SELL TO MEET THAT DEBT. AND WE LOOKED AT TRACTS AND IFER TIME WE LOOKED IT WAS A DIFFICULT DECISION AND WE LOOKED AT SHOOTING FAST TRACK AND EXPLORED THAT.

BEFORE WE NAMED IT THE -- DON'T GET UPSET.

THAT WAS KNOWN AS THE HE BRODIE TRACT AT THAT TIME. WE HAD PAID FIVE DPLARLZ FOR THAT PARTICULAR PIECE, IT'S 84 ACRES, RIGHT AT THE INTERSECTION OF 360 AND MOPAC AND SO WE TRIED TO SEE WHAT THE MOST IMPORTANT AND IT BECAME A VERY DIFFICULT SITUATION. SO WE LOOKED AT THE LITTLE BARTON CREEK TRACT AND WE'VE EXPLORED THAT. SO AS THIS OPPORTUNITY TO DO DUAL MANAGEMENT, HAD THE UTILITY PAY WHAT WE

NEADED --

OR FORGIVE THE DEBT WHVMENT SHE SAID WE WENT FIVE MILLION DOLLARS IN DEBT, WHAT SHE'S STAYING IS THE UTILITY PAID FIVE MILLION DOLLARS MORE THAN WAS ALLOCATED. WE BORROWED THE MONEY FROM THE UTILITY.

I THINK THE EXACT WORD IS CONSIDERATION. FOR ME IT'S PAYING IT BACK AND BEING SURE THAT THAT OBJECT LA DISBAITION MET. SO WE LOOKED AT LITTLE BARTON CREEK AND AS THIS OPPORTUNITY CAME UP, WE LOOKED AT WHAT WOULD BE A GOOD WAY TO CONTINUE TO PARTNER WITH BCP, BE ABLE TO FORGIVE THAT DEBT, HAVE THAT CONSIDERATION PAID AND HAVE DUAL MANAGEMENT. SO THAT IT WAS NOT SOMETHING THAT WAS GIVEN AWAY. WE'VE ALWAYS SAID IT WAS A WATER QUALITY DEBT WE NEEDED TO MAKE SURE THAT WE SOLD THEM SUBJECT TO CONSERVATION EASEMENT, SO THIS IS A DUAL USE WITH THE CONSIDERATION BEING PAID FOR THAT DEBT.

AND I'LL SAY THAT WE HAVE TO TAKE THAT CONSIDERATION VERY SERIOUSLY. AS WITH AUSTIN ENERGY, PEOPLE THINK WE'RE THE SAME PEOPLE. WE'RE NOT. AUSTIN ENERGY'S RATE..... RATEPAYERS ARE NOT THE SAME AS AUSTIN PROPERTY TAXPAYERS. THE SAME GOES WITH OUR WATER TIVMENT THERE'S A FIDUCIARY RESPONSIBILITY FROM THAT UTILITY TO ITS RATE PAYERS. SO QUH WE..... WHEN WE ESSENTIALLY BORROW MONEY FROM THAT UTILITY, THEN WE HAVE A SERIOUS OBLIGATION TO PAY IT BACK. IN THIS CASE THE WATER UTILITY IS GETTING A BENEFIT FROM THIS BROAD TRANSACTION. SO THIS WATER UTILITY CAN THEN RELEASE THAT DEBT, THAT CONSIDERATION TO US, BUT IT'S NOT THAT -- OTHERWISE WE CAN'T SIMPLY ERASE THIS 2.5-MILLION-DOLLAR DEBT THAT WE HAVE TO THIS UTILITY. AND WE TAKE THAT VERY SERIOUSLY. BOND RATING AGENCIES KNOW ABOUT THIS TRANSACTION. AND WE HAVE A FIDUCIARY TO THOSE WATER UTILITY RATEPAYERS TO MAKE SURE THAT MONEY IS PAID BACK.

LET ME SAY ONE LAST THING BECAUSE ARE I'VE HEARD, AS I'VE HEARD FOLKS STRUGGLING THROUGH THIS DECISION, THAT SOMEHOW THIS IS WHAT DRIVING OUR OFFER OF THE LITTLE BARTON CREEK TRACT AS DUAL MANAGEMENT. THE

FACT OF THE MATTER IS IF THIS IS NOT WHERE THE COUNCIL GOES, THEN WE WILL CONTINUE TO DO EXACTLY WHAT WE WERE DOING, HAVING PAID BACK 50% OF THAT DEBT. WE WILL SELL A CONSERVATION EASEMENT ON EXISTING WATER QUALITY LAND TO PAY IT BACK. IT IS NOT -- THIS 2.5 MILLION IS NOT DRIVING THIS DECISION. THERE'S ANOTHER WAY TO DO IT. IT WILL BE PAINFUL IN ANOTHER WAY, BUT IT IS JUST ONE WAY THE UTILITY HAS TWO CHOICES ON HOW THEY CAN HAVE THAT MONEY REPAID.

Mayor Wynn: AND A COUPLE MORE QUESTIONS. SO ON THE QUESTION OF WHO HAS SEEN THIS ELABORATE SITE ASSESSMENT.....ASSESSMENT OR ALTERNATIVE SITE ASSESSMENT, IT'S MY UNDERSTANDING THAT ALL OF OUR BOARD AND COMMISSION PROCESS, BOTH THE SCIENTIFIC AND THE CITIZEN ADVISORY COMMITTEE TO MY BCCP COMMITTEE WERE FULLY BRIEFED ON THE ALTERNATIVE SITE ASSESSMENT THAT WE'VE SEEN HERE TODAY.

THAT'S GREAT. ENVIRONMENTAL BOARD, WATER AND WASTEWATER COMMISSION, THE CITIZENS ADVISORY COMMITTEE AND THE SCIENTIFIC ADVISORY COMMITTEE AND THEN THE FULL COORDINATING COMMITTEE OF THE BCP HAVE ALL SEEN IT.

SO ALL DURING AUGUST THE SITE ASSESSMENT WAS PRESENTED AT ALL FIVE OF THE DIFFERENT BOARDS AND COMMISSIONS THAT WE WENT TO.

I'LL JUST SAY BEFORE I YIELD THE FLOOR HERE, I PERSONALLY -- THERE'S ALSO A LOT OF SUPPORT FOR IT.

Mayor Wynn: I PERSONALLY WILL ENDORSE ALL OF THOSE CONDITIONS BY THE DIFFERENT BOARDS AND COMITONZ AND ADVISORY COMMITTEES OF THOSE BOARDS AND COMMISSIONS THAT APPROVED THE CORTANA SITE, I WANT TO AND WILL SUPPORT US INCLUDING THOSE CONDITIONS IN A POTENTIAL RELOCATED SITE. AND TO SPEAK TO THE ISSUE OF MINOR AMENDMENT, THE BCCP, THE BEAUTY OF WHAT A COMPLEX, MULTISPECIES, MULTITRACT PRESERVE SYSTEM, REALLY THE FIRST OF ITS KIND IN THE COUNTRY. THERE ARE SEVERAL NOW THAT HAVE BEEN MODELED AFTER BCCP, BUT THIS WAS A FIRST, IS HOW INCLUSIVE AND

HOW HOLISTIC WERE THE CONCEPT OF TAKINGS OF UTILITIES AND OF INFRASTRUCTURE AND OF CORRIDORS INSIDE THE BOUNDARIES OF THE BCCP. IT THE 10-A PERMIT THAT THE BCP IS UNDER FULLY CONTEMPLATED ANY NUMBER OF THESE THINGS. FOR INSTANCE, WITH THE FULLY MITIGATED, PREAPPROVED CURRENT SITE THAT WE HAVE, THERE ARE A NUMBER OF PARAMETERS BUILT INTO THIS PERMIT, INCLUDING THERE'S ALREADY AN AGREEMENT AS TO HOW MUCH ENDANGERED SPECIES HABITAT CAN IN FACT BE TAKEN WHEN THERE IS A UTILITY OR INFRASTRUCTURE NEED. IT'S ALREADY PREAPPROVED, PRESET OUT. THAT'S THE BEAUTY OF HOW ELABORATE WAS THE INITIAL WORK OF THE BCCP PLAN AND THAT 10-A PERMIT BY FISH AND WILDLIFE. BASED ON THAT ALONE, LET ALONE BASED ON THE FACT OF HOW SIGNIFICANT AN IMPROVEMENT FROM A HOLISTIC STANDPOINT, THIS POTENTIAL TRADE IS, WE'VE HAD A NUMBER OF CONVERSATIONS AS THE BCCP CHAIRMAN. I'VE HAD A NUMBER OF PERSONAL CONVERSATION WATER AND WASTEWATER FISH AND WHILE LIFE DIRECTORS, ALL OF WHOM REALLY, REALLY LIKE THE IDEA OF THE CITY IN FACT BUILDING HIS PLANT ON THE CORTANA SITE, NOT ON THE BULL CREEK SITE, BUT EVEN OUTSIDE OF THEIR STRONG SCIENTIFIC AND PERSONAL PREFERENCE FOR THE PLANT TO BE MOVED TO CORTANA BASED ON THE TECHNICALITIES OF THIS PREAPPROVED 10-A PERMIT WITH ALL OF ITS INHERENT FLEX ILLUSTRATE BUILT INTO IT, THEY HAVE ALL TOLD ME THAT THIS IS A MINOR AMENDMENT, THAT THE WHOLE MULTISPECIES, MULTITRACT PRESERVE PLAN WAS BUILT WITH THIS..... FLEXIBILITY BUILT IN MIND. SO WE HAVE BEEN TOLD IN NO UNCERTAIN TERMS FROM THREE DIFFERENT OFFICES OF FISH AND WILDLIFE, AND IT'S THEIR DECISION TO MAKE, THAT THIS IS A MINOR AMENDMENT. AS DRAMATIC AS THE IMPROVEMENT IS, IT'S STILL TECHNICALLY A MINOR AMENDMENT TO THE TECHNICALITIES OF THAT 10-A PERMIT. SO WITH THAT I'LL YIELD THE FLOOR. I HAVE A LOT OF THIS BACKGROUND, SO I WANTED TO TRY TO USE SOME OF THAT TO HELP WALK STAFF THROUGH SOME OF THE QUESTIONS THAT I HAVE HEARD OVER THE LAST COWSM MONTHS AND EVEN THAT WE HEARD HERE THIS MORNING. FURTHER COMMENTS, QUESTIONS?

Cole: I HAVE A COUPLE OF QUESTIONS. BECAUSE WE'VE HEARD SO MUCH PUBLIC TESTIMONY ABOUT THE FACT THAT WE'RE MOVING FAST, I WOULD LIKE SOMEONE TO MAKE A COMMENT AND BRIEFLY OUTLINE WHEN WE BEGAN THE PRESS OF USING WATER TREATMENT PLANT 4?

I'LL JUST GIVE A BRIEF HISTORY. AS FAR BACK AS 1975 I KNOW THAT THERE ARE REPORTS THAT IDENTIFY THE NEED AND THE OPTION, THE BEST PLAN FOR THE CITY OF AUSTIN TO HAVE A WATER TREATMENT PLANT ON LAKE TRAVIS. IN 1984 I THINK -- MAYBE 1982 BONDS WERE PASSED. 1982 THE SITE WAS -- 1984 THE BULL CREEK SITE WAS PURCHASED THAT WE TALKED ABOUT TODAY, APPROXIMATELY \$20 MILLION. THE PROJECT WAS ACTUALLY UNDER DESIGN FOR AWHILE IN THE '80'S, BUT AN ALTERNATIVE OF EXPANDING ONE OF THE OTHER AUSTIN TREATMENT PLANTS TOOK PRIORITY, AND SO THAT ALLOWED TO US POSTPONE THE LAKE TRAVIS PLANT, THE TREATMENT PLANT 4 FOR A NUMBER OF YEARS. WATER CONSERVATION IN ADDITION, WE'VE MENTIONED THIS BEFORE, HELPED POSTPONE THAT PLANT FLEER OR FOUR YEARS. THAT'S THE IMPACT OF AUSTIN'S CURRENT WATER CONSERVATION PROGRAM. OUR DEMAND PROJECTIONS AND OUR PLANS FOR MULTIPLE -- ADDITIONAL CAPACITY OF TREATMENT PLANTS SHOW THAT WE NEEDED A PLANT, SO THE ULRICH WATER TREATMENT PLANT WAS COMPLETE..... COMPLETED AND UP AND RUNNING. BUT WE'VE RECENTLY BEEN LOOKING AT THE PROJECTIONS THAT SHOW 2011 WITHOUT ANY SPECIAL ACTION. THE WATER CONSERVATION PROGRAM THAT THE COUNCIL CONSIDERED A COUPLE OF MONTHS AGO HELPS US GET TO THE YEAR 2013 WITH SOME LESS RISK. THAT'S WHAT'S ALLOWS US TO GET TO 2013.

AND PAUSE THERE FOR A SECOND BECAUSE WHEN WE FIRST CAME OUT WITH THE PROJECTIONS FOR 2011 IT WAS ABOUT TWO YEARS AGO WHEN WE REALIZED ULRICH WAS GOING TO BE COMING, THAT EXPANSION WAS GOING TO BE FINISHING AND WE WERE GOING TO HAVE TO MAKE THE DECISION, AND WE HAVE GONE WITH SOME CHANGES IN COURSE, CHANGES IN DIRECTION OVER ABOUT THE LAST TWO YEARS WE HAVE BEEN TRYING TO LOCK DOWN AN ALTERNATE SITE FOR OUR NEXT PLAN WITH SOME CHANGES

OF DIRECTION.

THAT'S CORRECT. THE YEAR 2010, 2011 WAS ACTUALLY -- HAS BEEN SHOWN ON OUR PROJECTIONS FOR SOME TIME. SO WE'VE KNOWN, BUT ABOUT TWO YEARS AGO, ACTUALLY THREE YEARS AGO, IT WAS TIME TO CRANK UP ACTIVITY ON THE NEXT WATER TREATMENT PLANT, TREATMENT PLANT 4, AND A ENGINEERING FIRM WAS HIRED MORE THAN THREE YEARS AGO. THEY DID SOME RELOOK AT SOME INFORMATION ON THE CURRENT SITE AND ABOUT A YEAR AND A HALF AGO WE WERE READY TO TAKE THE NEXT STEP FORWARD IN AN AMENDMENT TO THE CONTRACT FOR MORE OF A HARD PRELIMINARY ENGINEERING PHASE FOR THIS PLANT. AND THAT'S WHEN A LOT OF GOOD QUESTIONS WERE COMING UP 'ABOUT THE CURRENT SITE. THAT'S WHEN THE COMMUNITY CONCERNS ABOUT CARst, JOMLYVILLE SALAMANDERS, GLAND.....CAME.

AND LAST THING, IN THE COURSE OF THAT YEAR AND A HALF WRKS SOME SHIFTS, INCLUDING EVEN TRYING TO SEE COULD WE SUBSTITUTE AN... AN ALTERNATIVE EAST PLANT TO BUY ADDITIONAL TIME, THAT IS WHEN AN ENHANCED CONSERVATION PROGRAM INITIATIVE THAT THE COUNCIL BROUGHT FORWARD HAS LOUD US TO PRY -- ALLOWED US TO TRY TO MOVE OUR PROJECTION TO 2013. EVEN WITH THAT WE ARE NOW AT THE CUSP ON THIS DECISION. AND REMEMBER IN WATER, WATER PLANNING IS A 50 YEAR WATER PLANNING HOR RIE. HORIZON. SO WHEN CHRIS TALKS ABOUT TALK BEING THIS IN THE '70'S, LOCKING IT DOWN IN THE '80'S, MITIGATING IT IN THE SNOOIRNTS AND..... '90'S AND THEN BEGINNING THE PROCESS OF WHERE IS THAT PLANT GOING TO BE IN THIS DID DECADE. I GUESS THAT SORT OF SUMS IT UP. CHRIS, ANYTHING ELSE YOU CAN ADD?

I CAN'T THINK OF ANYTHING. ANY OTHER QUESTIONS?

I HAVE ONE OTHER QUESTION. BECAUSE WE'VE HEARD A LOT OF TESTIMONY ALSO ABOUT THE NEED TO HAVE STILL MORE TIME FOR A POTENTIAL ALTERNATE SITE, BUT NONE HAVE BEEN MENTIONED EXCEPT I HEARD TESTIMONY ABOUT THE ROBINS TRACT IN AISD. DID YOU HEAR THAT OR ARE

YOU FAMILIAR FW W. ANYTHING ABOUT THAT?

PROBABLY JUNEY PLUMBER WILL BE MORE FAMILIAR WITH THAT SITE.

AGAIN, THOOTS....., THAT'S THE RIEBELIN TRACT THAT IIOUS DISCUSSED ABOUT THE 742 AND THAT OUT OF THAT 172 ACRES THAT'S DEVELOPABLE OUT OF THAT TRACT, 112 WILL CLOSE WITH THE LEANDER INDEPENDENT SCHOOL DISTRICT IN OCTOBER. AND THE REMAINING 60 IS NOT ONE CON.... CONTIGUOUS PIECE.

Cole: THE ONLY OTHER QUESTION I HAVE IS ON THE LUCAS TRACT. IT STATES THAT ONLY 25 TO 30 ACRES IS AVAILABLE AND THAT TWO SEPARATE TRACTS CANNOT BE DONE FOR A WATER TREATMENT PLANT. I WOULD LIKE MORE TESTIMONY ABOUT CUE LOOU CASS AND WHY IT IS NOT A VIABLE ALTERNATIVE.

I WILL TURN..... TURN OVER THAT STEVE, BUT 20 ACRES IS THE DEVELOPABLE PORTION THAT. SITE IS 321 ACRES. TRAVIS COUNTY CURRENTLY HAS A GRANT WITH THE FISH AND WILDLIFE SERVICE FOR 1.. 140 ACRES THAT HAVE SITE. SO THE REMAINING 200 IS WHAT WE LOOKED AT. MR. KUNAN, WHO WAS PART OF THAT CONSULTANT STUDY.

[INAUDIBLE - NO MIC].

MY NAME IS JAY HE WILLRY, THE CITY'S PROJECT MANAGER, THE ONE RESPONSIBLE FOR GETTING IT DONE FOR YOU. WHEN THE ISSUE OF THE LUCAS TRACT CAME UP WITH HAD OUR ENGINEERS WHO WERE DOING THE DESIGN FOR THE ORIGINAL PLANT GO BACK AND SEE IF WE COULD LAY OUT A PLANT ON THE LUCAS TRACT ON THE TWO TRACTS. AND THERE ARE ISSUES WITH THE FEATURES SUCH AS AN ARCHAEOLOGICAL SITE, THROOD CARst FEATURES RKS ALL SORTS OF FEATURES, AS WELL AS THE SIZE OF THE SITE IS SO SMALL WE CAN'T REALLY LAY A WATER PLANT ON THERE.

Cole: WHEN YOU TALK ABOUT THE SIZE OF THE SITE BEING SO SMALL, CAN YOU ROLL THAT INTO WHAT OUR PROJECTIONS ARE ABOUT THE SUPPLY OF WATER THAT WE

WILL NEED?

YES, MA'AM. THE SITE IS LAID OUT FOR 300 MGD ULTIMATE BUILDOUT. WHEN WE LAY THAT OUT ON THAT SIZE SITE, WHICH HAS ABOUT A 30-ACRE TRACT THAT'S AVAILABLE ON THE LUCAS TRACT, THE FACILITIES WILL NOT FIT ON THAT TRACT WITH PROPER BUFFERS AND SECURITY FEATURES.

Cole: THANK YOU, MAYOR, I HAVE NO FURTHER QUESTIONS.

Mayor Wynn: COUNCILMEMBER MARTINEZ?

Martinez: SINCE WE'RE BEATING A DEAD HORSE, I ON -- A DEAD HORSE, I THOUGHT I WOULD TAKE A FEW SHOTS AT IT. IN A PREVIOUS COUNCIL MEETING I.. I ASKED MR. CONRAD ABOUT OUR HABITAT, I GUESS, RESTORATION WITH REGARD TO THE CORTANA SITE AND I WANTED TO KNOW IF YOU HAD A TIME LINE FOR HOW WE WOULD START THE MITIGATION PROCESS AND CREATING MORE HABITAT ON THAT SITE.

YES, SIR, WE DO HAVE A BASIC TIME LINE IN PLACE. AS YOU RECALL, OUR ORIGINAL PROPOSAL WAS TO ACCELERATE RESTORATION OF 400 ACRES OF HABITAT OVER THE NEXT FOUR YEARS. IN VAPS OF THAT WE'VE ALREADY GOT A BID DOCUMENT OUT FOR 70 ACRES OF HABITAT RESTORATION ON THE LIME CREEK TRACT, WHICH IS JUST NORTH OF THERE. SIMILARLY WE HAVE IDENTIFIED A 30-ACRE SITE ON THE CORTANA TRACT THAT IS NEARBY THIS SITE THAT WE ARE CEDING A RESTORATION PROJECT FOR FISCAL YEAR '07. SO I'VE GOT OUR STAFF ACTUALLY WORKING ON THE PLAN, THE RESTORATION PLAN FOR THAT. WE'LL TAKE THAT PLAN, CONVERT IT INTO A BID SPECIFICATION AND WE EXPECT TO MOVE FORWARD WITH THAT THIS FALL.

ARE WE GOING TO BE CONSULTING WITH OTHER FOLKS WHO HAVE HAD SUCCESS WITH DEVELOPING BLACK-CAPPED VIRIO HABITAT?

YES, SIR, WE ACTUALLY DO THAT REGULARLY. WE'VE CULTED WITH OUR -- CONSULTED WITH OUR SCIENTIFIC ADVISORY COMMITTEE. WE ARE CONSULTING WITH MR. SEXTON, DR. SEXTON, WHO WAS SPOKEN OF IN ONE OF THE EARLIER PRESENTATIONS. HE'S BEEN CONSULTING WITH US

ON HOW TO ENHANCE OUR RESTORATION PLANS AND MAKE THEM MORE AVAILABLE. DR. SEXTON IS THE PERSON POSSIBLE FOR HABITAT RESTORATION PLANNING ON THE BALCONES NATIONAL WILDLIFE REFUGE IN WILLIAMSON COUNTY IS. SO YOU'VE BEEN TOLD INACCURATELY THAT HABITAT RESTORATION IS ALSO COMPLEX. SO WE TYPICALLY REACH OUT TO OTHER EXPERTS IN THIS FIELD. TO OUR SCIENTIFIC ADVISORY COMMITTEE AND THROUGH OUR PROFESSIONAL NETWORKS DO THIS KIND OF PLANNING.

AND THROUGH OUR PARTNERSHIP WITH THE COUNTY BECAUSE WE EMPLOY SCIENTISTS, ENVIRONMENTAL SIGN TIFTZ ON BOTH STAFFS, AND THEY WORK TOGETHER, AS WE HAVE A JOINT PERMIT ON ALL THIS LAND.

Martinez: I WANTED TO ASK, MAYOR, YOU ASKED EARLIER THAT YOU SUPPORTED ADOPTING THE RECOMMENDATIONS OF THE BOARDSABLE....ABLE COMMISSIONS. -- BOARDS AND COMMISSIONS. DOES THAT INCLUDE THE 350,000-DOLLAR SET ASIDE FOR MITIGATION TO THE ENVIRONMENTAL BOARD RECOMMENDED?

IT.....

Mayor Wynn: IT INCLUDES WHATEVER COST TZ TYKES GET TO THE TARGET NUMBER. THEFT FIVE TO ONE LONG-TERM TARGET, THE TWO TO ONE IMMEDIATE TAR GEVMENT MY STRONG SUSPICION IS WE SPEND THAT MUCH MONEY PROBABLY EASILY DOING THAT. SO ESSENTIALLY BY ADOPTING THE ACREAGE TARGETS, IT'S MY STRONG SUSPICION THAT FRANKLY WE'RE GOING TO SPEND MORE THAN THAT.

ANOTHER WAY I MIGHT TRY TO ANSWER IS THAT RIGHT NOW WILLIE BELIEVES WE NEED ABOUT \$30,000 A YEAR IN ADDITION TO THE STAFF THAT WE HAVE ADDED TO HELP HIM WITH THIS. WHAT WE HAVE CURRENTLY PLANNED ON IS LESS THAN WHAT THE ENVIRONMENTAL BOARD ASKED FOR. WHAT YOU SEE IN THE CONDITIONS IS THAT WE TOOK ALL THE CONDITIONS FOR ALL FOUR OF THE BOARDS AND COMMISSIONS THAT APRAFD THE CORTANA SITE. BUT I WILL TELL YOU THIS. OUR COMMITMENT, BECAUSE THIS IS A

MULTI-YEAR COMMITMENT, IS THAT WE'RE GOING TO DO WHAT IT TAKES TO CREATE THAT ADDITIONAL HABITAT, THAT COMMITMENT FOR -- WILLIE, IS IT 400 ACRES? 400 ADDITIONAL AIRKZ OF BLACK-CAPPED VIRIO HABITAT. TWHAFAER TAKES IS WHAT -- WHATEVER IT TAKES IS WHAT WE'RE GOING TO DO.

Mayor Wynn: COUNCILMEMBER, A FUNDAMENTAL COMPONENT OF BOTH THE SIT CITIZEN ADVISORY COMMITTEE AND THE SCIENTIFIC ADVISORY COMMITTEE OF THE BCP RECOMMENDATION TO US WAS THAT BY MARCH OF 2007, WORKING WITH ALL OF OUR PARTNERS WHERE ARE, VERY MUCH APPROPRIATELY THE SCIENTIFIC ADVISORY COMMITTEE, WE COME BACK WITH THE PLAN AS TO WHERE THE ACREAGE WILL BE, WHAT WILL BE THE TIMING OF THE ACREAGE, AND MY STRONG SUSPICION IS IS THAT THAT PLAN WHRKS WE PRICE THAT PLAN IS GOING TO BE MORE EXPENSIVE THAN THAT.

Martinez: I WANTED TO ASK ON THE PERMITTING ON THE BULL CREEK SITE, IF WE BUILD ON TORE TANYA, -- CORTANA, DOES THE PERMITTING -- IS THERE SOMETHING IN THE PROCESS THAT REQUIRES THE 102 ACHE OTHERS BULL CREEK TO GO BACK TO BCP AUTOMATICALLY?

IT.....

Mayor Wynn: THAT HAS BEEN OUR OFFER. WE GIVE THE BCP 102 ACHE FOARZ THE HEAD WATERS OF BULL CREEK FOR THE 45 THAT WE PREDICT AT CORTANA?

Martinez: WOULD WE HAVE TO COME BACK AND TAKE FURTHER ACTION OR WOULD THIS BE PART OF THAT DECISION?

Futrell: I'LL LET WILLIE TALK ABOUT THE NEXT STEPS HERE.

I THINK IT'S A MATTER OF THE DECISION YOU WANT TO MAKE TODAY, BUT THE PROPOSAL THAT WE HAVE ON THE TABLE AT THIS POINT IS FIRST THAT -- IS PART OF THE DECISION MOVE THE WATER TREATMENT PLANT. THE TECHNICAL ISSUE IN OUR PERMIT THAT WE HAVE TO TO RESOLVE THROUGH THE PERMIT COMMITMENT UNDER THE BCP

INFRASTRUCTURE PLAN TO THE 45-ACRE SITE. THAT WOULD ALLOW US TO WITHDRAW THE 45 ACRES FROM BCP. THEN WE WOULD IN TURN THROUGH OUR PROPOSAL NOT REQUIRED BY FIRKS BUT THROUGH OUR PROPOSAL DEDICATE THE 102-ACRE SITE BACK TO BCP AS PART OF OUR COMMITMENT.

Futrell: LET ME SEE IF I CAN SUMMARIZE IT. I THINK WHAT WE'RE ASKING FOR TODAY IS TO GIVE US DIRECTION TO MOVE FORWARD ONE WAY OR THE OTHER. WE'RE ASKING FOR PERMISSION TO DO THAT IF IT IS CORTANA AS THE SITE.

Martinez: ONE LAST COMMENT, MAYOR. THE COUPLE OF TIMES WHEN WE'VE TALKED ABOUT WATER TREATMENT PLANT 4, WE'VE TALKED ABOUT FORT HOOD BEING A SITE WHERE THERE'S A LARGE HABITAT OF BLACK-CAPPED VIRIO. I KNOW THAT YOUR MESSAGE WASN'T MEANT TO SOUND LIKE THIS, BUT THE WAY IT CAME ACROSS TO ME AND THE WAY I DON'T WANT PEOPLE TO PERCEIVE IT IS THAT THERE'S TREES AND WATER AT FORT HOOD TOO. THAT DOESN'T MEAN WE FORESAKE OUR ENVIRONMENT HERE. WE HAVE AN OBLIGATION IN MY VIEW TO PROTECT WHAT WE HAVE HERE IN AUSTIN UNDER OUR AUTHORITY AND I WANT TO MAKE IT VERY CLEAR THAT WE WILL DO EVERYTHING THAT WE CAN. SO THAT'S JUST A COMMENT. IT'S NOT A IS CRITICISM.

AND IT'S TAKEN AS AN ABSOLUTE GIVEN. OUR COMMITMENT IN THE INTERLOCAL NAND THE PERMANENT IS A THOUSAND ACRES -- PERMIT IS A THOUSAND AIRKZ. OUR COMMITMENT WAS 11,000. THAT'S WHY YOU'VE SEEN -- THE LEVEL OF COMMITMENT THAT YOU WILL SEE IN THIS STAFF AND IN THIS COUNCIL HAS BEEN EXTRAORDINARY. THAT'S WHY WE'RE OVER WHAT WE COMMITTED TO AND WE WILL CONTINUE. THOSE AMOUNTS ARE FLOORS, THEY'RE NOT CEILINGS. AND I THINK YOU WILL SEE IN EVERY ACTION THAT THIS COUNCIL AND EVERY COUNCIL HAS TAKEN HAS BEEN AT EVERY CHANCE WE GET TO ADD ADDITIONAL LAND AND ADDITIONAL PRESERVATION. WE TRY TO ACCOMPLISH IT HERE BECAUSE WE ALL RECOGNIZE IT'S A KEY PART OF WHAT MAKES OUR COMMUNITY SPECIAL.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: CAN SOMEONE TELL ME WHAT WE'RE GOING TO DO TO VERIFY THAT THE BIRD PAIRS WILL BE SUCCESSFULLY RELOCATED OR WHAT WILL BE THE -- WHAT WILL HAPPEN TO THOSE BIRDS IS THERE ANY WAY TO VERIFY THEIR WELL-BEING THROUGH THIS WHOLE PROCESS?

COUNCILMEMBER KIM, WE CAN'T PREDICT THAT IN ADVANCE, BUT PART OF OUR PROPOSAL. IF THERE IS A TAKE, A REGULATORY TAKE ASSOCIATED WITH WITH..... WHAT WE DO HERE, WE DOCUMENT IT FOR FISH AND WILDLIFE?

Kim: IF THE BIRDS DON'T MAKE IT?

WE CAN'T PREDICT IF THE BIRDS WILL MAKE IT. I DON'T THINK THAT ANYBODY CAN STAND UP HERE AND SAY THAT THESE FIVE PAIRS OF BIRDS ARE GOING TO PAY RISK. WHAT WE BELIEVE IS IS GOING TO HAPPEN IS THEY'RE GOING TO MOVE AND LOOK FOR NEW TERRITORY. WHETHER THEY MOVE INTO BCP AND LOOK FOR TERRITORY OR THEY MOVE OUT OF OUR AREA AND GO TO SOMEPLACE SUCH AS FORT HOOD, WE CAN'T PREDICT THAT AT THIS POINT. OUR EXPECTATION IS THE BIRDS -- EVERYTHING WE'VE LEARNED, THESE BIRDS WILL LOOK FOR THE NEXT AVAILABLE HABITAT. BUT WE CAN'T SAY THAT WITH ANY DEDICENT RIGHT NOW, SO WHAT WE WANT TO DO IS BAND THESE BIRDS, MONITOR THEIR MOVEMENTS AND KNOW HOW THEY PERFORM. BUT THE TAKE WILL REALLY BE THE LOSS OF OCCUPIED HABITAT. SO IF THESE BIRDS DON'T MOVE ON TO ADDITIONAL BCP HABITAT, THEY MOVE SOMEWHERE ELSEWHERE WE CAN'T FIND THEM AND TRACK THEM, THEN THAT WOULD BE CONSIDERED OUR REGULATORY TAKE AND WE WANT TO BE ABLE TO DEDICENT THAT. DEFINE THAT. KIM WHEN WE BAND THESE BIRDS HOW DO WE FIND THEM IN THE FUTURE? DO WE HAVE THE TECHNOLOGY --

IT'S BEHAVINGLY BOOTS ON THE GROUND, PEOPLE ON THE GROUND OBSERVING. AND WHAT YOU MAY NOT HAVE HEARD IN THIS DISCUSSION IS TYPICALLY FROM MARCH ONE TO THE END OF AUGUST WE HAVE ALL OUR BIOLOGICAL FIELD STAFF ON THE GROUND MONITORING THESE BIRDS AS WELL AS THE GOLDEN CHEEKED WARBLERS AND OTHER

SPECIES. IT'S REQUIRED AS PART OF OUR PERMIT THAT WE MON THEERZ SPECIES, DOCUMENT THEIR PRESENCE, THEIR TERRITORIES, THEIR TESTING CES. SO THAT'S WHAT WE DO ON AN ONGOING BASIS. THAT WILL CONTINUE. WHAT WE'RE GOING TO DO IS WE'LL EXPAND THIS FROM MONITORING WARBLERS AND VIRIOS IN YES OR NO TO ON SH SITE WE'RE GOING TO BAND THOSE SPECIFIC BIRDS AND DOCUMENT HOW WE THINK THEY PERFORM ON BCP.

Kim: I HAVE A QUESTION ABOUT THE REQUEST FROM THE ENVIRONMENTAL BOARD CHAIR THAT THE CARst RESULTS GO BEFORE THEM BEFORE WE WALLY SEND 'THE PERMIT OR -- I THINK THE REQUEST IS FROM MARY ARNOLD THAT WE GIVE THE ENVIRONMENTAL BOARD AN OPPORTUNITY TO LOOK AT THE CARst....st RESULTS BEFORE WE LOOK AT THE PERMIT AMENDMENT. IS THAT SOMETHING WE CAN DO?

THE SHORT ANSWER TO THAT IS THAT WE INTEND TO KEEP COMMUNICATING WITH ALL THE AFFECTED BOARDS AND COMMISSIONS, WITH ALL THE INFORMATION THAT WE GET AS WE MOVE THROUGH THIS. WE ARE ASKING YOU TODAY, THOUGH FORKS THE PERMISSION TO SUBMIT FOR THE MINOR AMENDMENT AND ONLY IF THERE'S SOMETHING THAT WE CANNOT BUILD AROUND OR MOVE FROM WOULD WE BE ASKING TO COME BACK FOR A SEPARATE ACTION. THAT'S OUR ASK. IT WILL BE UP TO YOU FOR HOW YOU FRAME THE MOTION.

Kim: HOW CAN WE MAKE SURE THEY GET THIS INFORMATION ON THE CARst FEATURES?

I WILL GUARANTEE YOU THEY WILL GET THE INFORMATION. WE WILL SHARE ALL INFORMATION AS WE MOVE THROUGH STH WITH ALL THE AFFECTED BOARDS AND COMMISSIONS.

Kim: AND IF THERE'S SOMETHING THAT WE FIND THAT WE DETERMINE THAT WE NEED TO REASSESS THE DECISION, IT WILL COME BACK TO THE COUNCIL.

IF THERE'S ANYTHING WE FIND THAT SPRENTS US FROM SUBMITTING A MINOR AMENDMENT, WE WILL BRING IT BACK TO COUNCIL.

Kim: GREAT. I'D JUST LIKE TO RELAY THE SERIES OF EVENTS THAT BROUGHT US HERE TODAY. FIRST IS COUNCIL WANTED TO LOOK FOR A NEW GREEN SITE AND THERE WAS A PROPOSAL TO PUT IT IN THE PARK, ROY GUERRERO PARK, AND WE HEARD LOUD AND CLEAR THAT THE COMMUNITY DIDN'T WANT TO DO THAT. SO WE PROCEEDED TO LOOK FOR PRIVATE SITE THAT WOULD NOT BE IN THE PARK. THEN WITH A CHANGE OF PERSPECTIVES, WE STARTED TO LOOK AT A SITE ON LAKE TRAVIS. THERE WERE CONCERNS THAT I RAISED AND MANY OTHERS HAD RAISED ABOUT POTENTIAL ENVIRONMENTAL IMPACTS WITH THE LAKE TRAVIS SITE AND HERE WE ARE TODAY LOOKING AT TWO SITES, BOTH I THINK THAT ARE NOT GOODITES.... SITES FOR PLANTS. WE HAVE AN ENVIRONMENTAL BOARD THAT HAS BEEN ASKING FOR INFORMATION FOR MANY MONTHS NOW IT AND WATER TREATMENT PLANT NUMBER 4. HAVEN'T RECEIVED IT. THIS COUNCIL PROCEEDED WITH AN ACTION AND I FEEL THAT A LOT OF THE MEMBERS FEEL JADED AND THEY FEEL COMPLETELY DISMISSED. AND I HOPE THAT WE WILL LEARN SOMETHING FROM THIS ABOUT WHERE WE NEED TO GO AND HOW FWHEED TO GET THERE. AND I HOPE THAT PEOPLE WILL TAKE THIS INTO PERSPECTIVE THAT WE COULD HAVE DONE A BETTER JOB AS COUNCIL AND STAFF TO DO OUR DUE DILIGENCE AND SHARE INFORMATION WITH EVERYONE. I THINK THE QUESTIONS THEY RAISE ARE VALID. I THINK IT'S UNFORTUNATE THAT WE HAD TO STEP BACK AND GO THROUGH THIS VERY PAINFUL PROCESS. I THINK WE COULD HAVE DONE A BETTER JOB.

Mayor Wynn: MAYOR PRO TEM?

Dunkerley: I'M PREPARED TO OFFER A MOTION. AND THAT IS THAT WE HAVE BEEN WORKING ON THIS SITE FOR A LONG TIME. THIS IS NOT A NEW SITE FOR US TO LOOK AT IN THE NORTHWEST. AND WE'VE BEEN ABLE TO DELAY THE IMPLEMENTATION TO THAT SOMEWHAT BECAUSE OF REALLY SOME VERY ACTIVE CONSERVATION METHODS AND SOME EXPANSIONS OF OTHER PLANTS AND WE'RE VERY GLAD AND VERY HAPPY THAT THAT'S HAPPENED. BUT I THINK EVEN AS WE MOVE FORWARD ON MAKING A DITION ON THIS -- A DECISION ON THIS SITE THAT WE'VE GOT TO REMEMBER THAT WE'VE GOT TO CONTINUE SOME VERY AGGRESSIVE CONSERVATION PLANS IN ORDER JUST TO HAVE WATER TO

WATER THE LAWNS, BUT TO HAVE WATER FOR A HEALTH AND SAFETY PER PEKT SPIF BECAUSE WE HAVE DELAYED A LOPG TIME. LONG TIME. HE RECENTLY SEVERAL OF THE COUNCILMEMBERS WERE OUT WITH LCRA AS THEY KICKED OFF THEIR WATER CONSERVATION EDUCATION PROGRAM, THE WATER IQ. YOU WILL SEE THAT AD ON THE TV AND OTHER PLACES. THAT'S ALL OF THIS MONTH. AND TODAY THE MAYOR AND COUNCILMEMBERS COLE AND LEFFINGWELL HAVE BROUGHT TO US AND THE COUNCIL APPROVED WITH A 7-0 VOTE THE FORMATION OF A CONSERVATION TASKFORCE. THIS IS VERY, VERY CRITICAL BECAUSE EVEN IF WE APPROVE A SITE TODAY, WE'RE GOING TO NEED THAT EXTRA CONSERVATION BEFORE IT'S ACTUALLY OPERATIONAL I THINK FOR THE PROTECTION OF THIS COMMUNITY. SO IT IS SOMETHING THAT ALL OF US NEED TO GET BEHIND AND REALLY SUPPORT. WITH THAT COMMENT I WOULD LIKE TO OFFER A RESOLUTION. I THINK I CAN SUMMARIZE IT IN REALLY FIVE POINTS. AND THAT WOULD BE I WOULD MOVE TO APPROVE A RESOLUTION THAT, NUMBER ONE, AUTHORIZES THE CONSTRUCTION OF WATER TREATMENT PLANT NUMBER 4 AT ITS CURRENT AND FULLY PERMITTED SITE IN THE EVENT THAT ALL NECESSARY APPROVALS ARE NOT RECEIVED FROM TRAVIS COUNTY BY SEPTEMBER 27TH OF 2006 FOR CONSTRUCTION OF THE PLANT ON THE ALTERNATE CORTANA SITE. NUMBER TWO WOULD BE TO AUTHORIZE THE CONSTRUCTION OF WATER TREATMENT PLANT 4 AT THE ALTERNATIVE CORTANA SITE CONTINGENT UPON THE RECEIPT OF ALL APPROPRIATE APPROVALS FROM TRAVIS COUNTY BY SEPTEMBER 27TH..TH, 2006 FOR THE CONSTRUCTION. NUMBER 3, AUTHORIZE THE SUBMITTAL OF AN AMY TO THE UNITED STATES FISH AND WILDLIFE DEPARTMENT FOR A MINOR AMENDMENT TO THE FEDERAL FISH AND WHILE LIFE PERMIT TO CRUKT THE PLANT AT THE -- CONSTRUCT THE PLANT AT THE CORTANA SITE. NUMBER 4, ADOPT AN ACTION IMPLEMENTATION PLAN AS RECOMMENDED BY THE BOARDS AND COMMISSIONS THAT HAVE REVIEWED AND RECOMMENDED THE ALTERNATIVE SITE AS OUTLINED. AND NUMBER FIVE, TO DIRECT THE CITY MANAGER TO BEGIN THE PROCESS OF A PUBLIC HEARING UNDER CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE IN RECOGNITION OF THE INTERESTS EXPRESSED BY MEMBERS OF THE PUBLIC FOR A

CHAPTER 26 HEARING. IN RECOGNITION OF THE UNIQUE CIRCUMSTANCES SURROUNDING THE USE OF THE CORTANA SITE AND OUT OF AN ABUNDANCE OF CAUTION THAT A CHAPTER 26 HEARING IS APPROPRIATE.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM THAT I'LL SECOND AS OUTLINED WELL BY HER. I'D JUST LIKE TO ADD A LITTLE CONFIRMATION. ITEM NUMBER 4, WHICH ADOPTS THE ACTION PLAN AS RECOMMENDED BY THE BOARDS AND COMMISSIONS, I'D ALSO LIKE TO MAKE SURE IT ALSO INCLUDES COMMITTEES, THOSE BEING THE SCIENTIFIC ADVISORY COMMITTEE AND THE CITIZEN ADVISORY COMMITTEE OF THE BCP STEERING COMMITTEE. IS THAT ACCEPTABLE TO YOU AS THE MAKER? MAYOR PRO TEM?

..MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER KIM.

Kim: I HAVE A QUESTION FOR THE CITY MANAGER SOMEWHAT RELATED TO LCRA'S PLANS. I KNOW THEY'RE HELPING US WITH THE WATER CONSERVATION PROJECT, WHICH I SUPPORT. I THINK IT'S IMPORTANT THAT WE LEARN BETTER WAYS TO CONSERVE WATER. BUT THEY HAVE A REPORT FOR ROUND ROCK AND CEDAR PARK AND LEANDER FOR GREEN WATER, WATER TREATMENT CAPACITY TO THOSE COMMUNITIES. AND SITE THEY HAVE FOR THEIR INTAKE IS A SHALLOW INTAKE, AND THAT IS I BELIEVE A TEMPORARY MEASURE, BUT THEY HAVE LONG-TERM IN THEIR PLAN AS A PRELIMINARY ENGINEERING REPORT THAT WAS RELEASED IN JANUARY 2006 TO A SITE FOR E.P.A. WATER INTAKE. AND IT THAT IS A CITY OF AUSTIN'S PROPERTY. AND I WAS WONDERING HOW DID THIS HAPPEN. WE'VE BEEN DISCUSSING WITH LCRA ABOUT A E.P.A. WATER INTAKE? BECAUSE I HAVE NOT HAD DISCUSSION WATER AND WASTEWATER THEM ABOUT THIS?

THAT DECISION CAME OUT OF -- ACTUALLY, WE TALKED TO COUNCIL ABOUT IT ALMOST A YEAR AGO, WHICH WAS MEETING WITH LCRA IN A DIFFERENT COLLABORATIVE FASHION TO SEE WHERE WE COULD FIND COMMON GROUND. THE DISCUSSION STARTED WITH THE CONCEPT OF WHETHER OR NOT WE COULD HAVE A SHARED WATER TREATMENT PLANT. THAT DID NOT -- FOR A VARIETY OF

REASONS, WE TREAT OUR WATER DIFFERENTLY, WHAT THEIR NEED VERSUS OUR NEED. THAT DID NOT PAN OUT. BUT WHAT DID COME OUT OF THAT DISCUSSION, AMONG SEVERAL OTHER THINGS, LIKE TRYING TO JOIN IN TOGETHER ON THE WATER CONSERVATION PROGRAM, THIS IS A REGULAR GROUP THAT MEETS OF STAFF BETWEEN LCRA AND THE CITY. IT DOES NO DECISION MAKING AUTHORITY, IT IS ONLY TO SUGGEST THINGS BACK TO THE TWO BOARDS, YOU AS A COUNCIL AND THE LCRA BOARD. IF WE HAVE AREAS OF COMMON GROUND. WE DIDN'T FIND IT ON THE SHARED PLANT. WE DID FIND THAT THEY COULD HAVE BIG ADVANTAGES FOR JOINING THIS IN ON US WITH THE DEEP INTAKE WE HAVE AND THEY COULD USE. THEY WANTED TO DO WORK IT. I'M ASSUMING THEY DID THEIR PRELIMINARY ENGINEERING TO SEE IF IT WOULD WORK, WHAT WOULD IT COST, WHAT COULD IT SAVE US. THEY'RE IN THE PROCESS OF THOSE DISCUSSIONS ONLY. IF WE FIND THERE IS A COST SAVINGS TO US AND A BENEFIT TO THEM, THEN WE'LL BE BRINGING IT BACK TO BOTH BOARDS TO SEE IF THERE IS INTEREST. IT DOES NOT CHANGE OUR PLANS, IT IS ONLY WHETHER OR NOT THEY CAN COLLABORATE WITH US ON THAT PLAN. AND THERE IS NO FORMAL ACTION OR AUTHORIZATION THAT'S ON THE TABLE.

...

Kim: RIGHT. THANK YOU, CITY MANAGER. IIOUS WANTED TO GET MORE INFORMATION ABOUT THAT AS WE'RE LOOKING AT ALL THE DIFFERENT OPTIONS FOR THIS PLANT AS WELL AS THE SITE FOR THE INTAKE. WITH THERE ARE A LOT OF PARTS THAT GO INTO THE PLANT, NOT JUST ACTUAL LOCATION OF THE PLANT, BUT THE INTAKE AS WELL AS THE TRANSMISSION DISTRIBUTION LINES. AND I THINK THE COMMUNITY NEEDS TO BE AWARE OF HOW BIG A PROJECT THIS IS, HOW COMPLICATED IT IS. THERE ARE A LOT OF DIFFERENT JURISDICTIONS THAT HAVE INTERESTS IN THIS DECISION. BUT AGAIN, I DO NOT THINK THAT THIS IS A PLACE -- THE PLACE WHERE WE NEED TO GO, SO I WILL NOT BE SUPPORTING THE MOTION AS PROPOSED BY THE MAYOR PRO TEM.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AND I AGREE WITH YOUR COMMENTS ABOUT THE POTENTIAL

SHARED.....SHARED OPPORTUNITIES WITH LCRA. MOTION AND A SECOND ON THE TABLE REGARDING ITEM NUMBER 3. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M GOING SUPPORT THE MOTION. I WILL THAT GIVEN THE TWO CHOICES FOR A WATER TREATMENT PLANT AND THE RESPONSIBILITY WE HAVE TO THE CITY OF AUSTIN, THE CITIZENS OF THE CITY OF AUSTIN TO PROVIDE A PLAN..... PLAN FOR THE FUTURE TO PROVIDE AN ADEQUATE WATER SUPPLY, GIVEN THE RESTRICTION OF THESE TWO SITES ADD THE PREFERENCE FOR THE CORTANA SITE IN THE MOTION, I BELIEVE THAT IF THIS MINOR AMENDMENT IS SUBMITTED AND APPROVED TO USE THE CORTANA SITE WITH THE CONDITIONS IMPROVED -- APPROVED BY ALL THE BOARDS THAT SUPPORTED THE CORTANA SITE THAT ARE EMBODIED IN THE FINAL RESOLUTION, THIS WILL BE A SIGNIFICANT IMPROVEMENT TO THE BCP ITSELF AND IT WILL ALSO RENEW OUR COMMITMENT. CERTAINLY MY COMMITMENT TO ENSURE THAT WE MEET OUR REQUIREMENTS UNDER THE ACREAGE REQUIREMENTS UNDER THE BCP AND WORK TO IMPROVE BLACK-CAPPED VIRIO HABITAT. THAT BEING SAID, THE COUNCIL WILL -- IF THIS MOTION IS APPROVED, IT IS STRAIGHTLY AT THIS POINT IN THE HANDS OF THE TRAVIS COUNTY COMMISSIONERS. IT IS THEIR DECISION TO MAKE AFTER TODAY.

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

AYE.

Mayor Wynn: OPPOSED?

Kim: NO.

Mayor Wynn: MOTION PASS OZ A VOTE OF STOKS..... SIX TO ONE WITH COUNCILMEMBER KIM VOTING NO. THANK YOU VERY MUCH. I APOLOGIZE TO THE FOLKS WHO ARE HERE FOR CITIZEN COMMUNICATION, BUT IT WAS A VERY IMPORTANT DISCUSSION AND I DIDN'T WANT TO BREAK THAT TRAIN OF COMMUNITY THOUGHT. OKAY. SO WITH THAT WE WILL GO TO OUR NOON YES OR NO..... NOON GENERAL

CITIZEN COMMUNICATION. OUR FIRST PERSON WHO SIGNED UP IS FORMER COUNCILMEMBER RAUL ALVAREZ. I HAVEN'T SEEN -- OH, HE IS IN THE ROOM. WELCOME, COUNCILMEMBER. SORRY TO KEEP YOU WAITING.

GOOD AFTERNOON, MAYOR, COUNCIL, CITY MANAGER, THANK YOU FOR THIS TOWNT ADDRESS THE COUNCIL. I'M HERE AS ONE OF THE PARENTS OF CHILDREN IS AT THE CHILD CARE CENTER NEXT DOOR TO LAS MANITAS THAT ALSO STANDS TO BE DISPLACED BY THE PROPOSED DEVELOPMENT THAT WAS ANNOUNCE UNDERSTAND JULY. AND THERE ARE SEVERAL OTHER PARENTS HERE WHO MAY WANT TO RAISE THEIR HANDS. ALSO TO REALLY MAKE THE PARENTS' PLEA FOR ASSISTANCE FROM THE COUNCIL. AT THIS POINT IT'S -- WHAT WE'RE TRYING ACHIEVE IS AN EXTENSION OF OUR CURRENT LEASE WHICH ENDS AT THE END OF THE YEAR, WHICH IS THE MIDDLE OF THE COOL YEAR. SO AS PARENTS THERE'S A LOT OF CONCERN ABOUT WHAT WILL HAPPEN IF THIS LEASE ISN'T EXTEND AND WE'RE LEFT TRYING TO FIND CHILD CARE MIDYEAR WITH ALL THE -- THE WAITING LISTS THE WAY THEY ARE. AND CERTAINLY THERE'S NOT MANY TUTS IN DOWNTOWN, BUT JUST TO GET INTO ANY CHILD CARE CENTER, BUT I KNOW YOU'VE HEARD FROM ME ABOUT A LOT OF ISSUES IN THE PAST, MAYOR, AND IF IT'S ACCEPTABLE TOWRKS I HAVE A PARENT HERE WHO WOULD LIKE TO SHARE THEIR THOUGHTS AS WELL.

HELLO AND THANK YOU FOR YOUR TIME TODAY. MY NAME IS GRETCHEN BRUCE AND I'M HERE TO SPEAK ON BEHALF OF MY FAMILY AND FELLOW PARENTS, THOSE WHO SUPPORT DIVERSITY IN CHILD CARE, THOSE OF US WHO SUPPORT AUSTIN AND DOWNTOWN DEVELOPMENT, AND THOSE WHO ARE CONCERNED ABOUT THE POSSIBLE LOSS OF A SMALL, MINORITY-OWNED CULTURAL INSTITUTION. ESCUELITA IS ONE OF THOSE ESTABLISHMENTS THAT MAKES AUSTIN ONE OF THOSE PLACE THAT HAPPEN DRAWS BUSINESSES AND FAMILIES FROM ALL OVER THE COUNTRY. WE CURRENTLY HAVE ONE CHILD WHO ATTENDS THRVMENT OUR FOUR-YEAR-OLD HAS ATTEND THERE HAD SINCE HE WAS 14 MONTHS OLD AND WE ALSO HAVE FIVE-OLD-MONTH TWINS WHO ARE CURRENTLY AT HOME AND WE PLAN TO PUT IN THERE NEXT YEAR. MY HUSBAND AND I CHOSE 'ESCUELITA WITH HIS CARE FOR MANY REASONS. THE FIRST BEING THE

BILINGUAL SPANISH IMMERSION PROGRAM. MY HUSBAND AND I DO NOT SPEAK SPANISH VERY WELL, BUT WE RECOGNIZE THE IMPORTANCE OF LEARNING A SECOND LANGUAGE, ESPECIALLY IN TEXAS. OUR SON IS ONLY FOUR, BUT ALREADY HE'S BILINGUAL, AND WE'RE VERY PROUD OF THE FACT THAT OUR SON CAN UNDERSTAND AND SPEAK SPANISH. SECOND L.I.,..... L.I.LY, THE DIVERSITY OF THE CLASSROOM. IT'S IMPORTANT FOR OUR CHILDREN TO BE IN AN EDUCATIONAL ENVIRONMENT WHICH REFLECTS THE DIVERSITY OF AUSTIN AND TEXAS. THIRD LINKS THE NUTRITIONALLY BALANCED HOME COOKED MEAL PROVIDED BY LAS MANITAS. DON'T YOU WISH YOU COULD EAT THERE EVERYDAY AND MAYBE RIGHT NOW? THE CHILDREN GET NUTRITIOUS SNACKS AND A HOT LUNCH PROVIDED BY LAS MANITAS EFERLD. AND LASTLY, A DOWNTOWN CHILDREN'S LEARNING CENTER. I WORK FOR A COMPANY JUST ACROSS THE STREET. IT'S NOT ONLY CONVENIENT TO MY OFFICE, IT ALLOWS ME TO ATTEND FIELD TRIPS, SPECIAL HOLIDAY EVENTS, DANCES AND RECITE ALS, HALLOWEEN.

TRICK OR TREATING AT THE DOWNTOWN BUSINESSES, AND JUST TO CHECK IN AND SAY HI THROUGHOUT THE DAY. I'M SURE THE SAME IS TRUE FOR A LOT OF OTHER DOWNTOWN PARENT. WE THE PARENTS OF ESCUELITA, ARE CERTAINLY NOT AGAINST DWOAVMENT WE BELIEVE IN GROWTH AND CHANGE ADD WE BELIEVE POSSIBLE TO HAVE IS A DOWNTOWN BUILDING DEVELOPMENT AND DOWNTOWN CHILD DEVELOPMENT. WE HOPE YOU WILL WORK WITH THE DEVELOPER AND THE CITY TO MAKE SURE THAT THEY ARE ABLE TO KEEP TEACHING OUR CHILDREN. YOU CAN LEARN PORE ABOUT OUR CAMPAIGN ON IS SAVE DLEES ESCU. -- SAVEESCUELITA DORG. .ORG. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] WE HAVE DONE BRAINSTORMING AND DESIGNATED SOME STAFF TO HELP WITH ANY IDEAS THAT HAVE SFASDZ. I WAS READY TO GIVE UP THE CITY STORE SPACE ON THE EDGE OF CITY HALL IF WE COULD HAVE AN ON-SITE DAY CARE, BUT IT TURNS OUT IT'S TOO SMALL A SPACE, BUT I WAS GOING FOR IT. WE WOULD HAVE LOVED TO HAVE HAD AN ON-SITE DAY CARE HERE AND WE HOPE TO FIND OTHERS IF IT CANNOT STAY IN DOWNTOWN AREA. WE HAVE TALKED TO THE SCHOOL DISTRICT. THEY HAVE A MOALTIONDZ WHERE THEY HAVE SOME ON-SITE DAY

CARE. THEY HAVE TOLD US AND WE HAVE PASSED THIS ALONG TO THE GROUP THAT THEY ARE WILLING TO TALK ABOUT THE IDEA AT POSSIBLY BECKER. FOR YOU, THAT IS NOT DOWNTOWN, AND THAT'S OBVIOUSLY THE PREFERENCE TO TRY TO FIND A DOWNTOWN SPACE, SO WE'RE TRYING TO STAY OPEN AND FLEX I WILL AND BRAINSTORM IDEAS.

McCracken: TOBY, I'M INTERESTED IN THE NOMPLS THE INFORMATION OF HOW TO KEEP THEM WHERE THEY ARE NOW IN THOSE SPACES BECAUSE I DO -- I THINK YOU SEE A BROAD SENTIMENT ACROSS THE COMMUNITY THAT THE DOWNTOWN PROGRESS THAT WE ALL BELIEVE IN DOES NOT INCLUDE TEARING DOWN THE PLACES THAT GIVE OUR COMMUNITY ITS ACCEPTS OF BEING A GREAT PLACE TO BE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] BIPARTISAN,.

I KNOW THERE ARE TIMING ISSUES, BUT WE HAVE A TEAM STANDING READY. AS IDEAS COME UP, WE WILL LOOK?

TO ME IT STRIKES ME RIGHT OFF THE BAT WE HAVE HISTORIC ZONING AS AN OPTION, RIGHT? ALSO DENIAL OF AIL LEE VACATIONS, INCREASES IN PHARR, WAIVERS OF FAR. I HOPE WE DON'T HAVE TO GET IT TO A BATTLE APPROACH BUT CAN HAVE A WIN-WIN APPROACH. SINCE MARRIOTT HAS THE OPPORTUNITY TO HAVE, HOW MANY CORPORATE HOTELS CAN SAY THAT THEY ARE ROOT UNDERSTAND THE IDENTITY OF THEIR COMMUNITY, IT'S A GREAT WINNING OPPORTUNITY FOR A NATIONAL CHAIN HOTEL. BUT I WOULD LIKE TO HAVE SOME IDEAS OF THIS -- OF THE STEPS WE HAVE, STEPS INCLUDING LEGAL MECHANISMS IN CASE WE ARE NOT ABLE TO REACH THE VERY COMMON SENSE AND FAIR SOLUTION THAT'S JUST WAITING OUT THERE.

THE TWO OBVIOUS THINGS THAT STRIKE ME, ARE THAT -- THAT WHEN AND IF A DEVELOPER COMES TO YOU AND ASKS FOR A VARIANCE, A CHANGE TO THE LAND DEVELOPMENT CODE, THAT'S -- THAT IS A GENERALLY A DISCRETIONARY ACT BY COUNCIL AND COUNCIL COULD MAKE A DECISION ON WHETHER THE PROJECT IS THE KIND OF PROJECT THEY WANT TO GIVE A VARIANCE TO. SO SHORT FORM THAT'S ONE OF YOUR TOOLS. WHAT WE NEED TO SEE IS WHAT KIND OF VARIANCES, IF ANY, ARE GOING TO BE REQUESTED. BUT

THOUGHT THAT WE -- WE HAVE OPENED OUR DOORS, WE HAVE A GROUP OF PEOPLE LOOKING AT THIS, WE ARE GOING TO DO EVERYTHING THAT WE CAN TO BRAINSTORM AND TRY TO HELP.

McCracken: WOULD IT BE HELPFUL FOR US TO GIVE YOU SOME KIND OF POLICY DIRECTION, I DON'T KNOW WHAT THE DISCUSSIONS HAVE BEEN AND I -- I FOUND IT KIND OF -- VERY LIMITED EXTENT THAT I HAVE BEEN PART OF IT, ANY OF US HAVE FOUND IT TO BE KIND OF A LITTLE FRUSTRATING TO DATE. MAYBE GIVE US A SENSE AS TO WHETHER WE AS A COUNCIL CAN GIVE YOU PARAMETERS, I THINK IT KIND OF MISSES THE POINT TO MOVE THEM ELSEWHERE. SO.

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I WILL BE GLAD TO, OBVIOUSLY WE WOULDN'T BE POSTED FOR ANY KIND OF AN ACTION. BUT ALSO THAT EVEN OUR ROLE OF WHERE WE HAVE A ROLE AND OTHER THAN AS COMMUNITY MEMBERS, CLEARLY WANTING THE -- TO HAVE LANDMARKS STAY IN PLACE. BUT LET ME GET FROM ADVICE FOR YOU ALL, WE WILL BE BACK WITH YOU ON IT.

COUNCILMEMBER KIM.

Kim: CITY MANAGER, HAS THE CITY STAFF BEEN APPROACHED BY THE OWNER OF THE PROPERTY AS TO THEIR INTENTIONS OR THEIR PLANS FOR -- FOR THEIR SITE?

Futrell: NO, NOT FORMALLY. THERE HAS BEEN INFORMAL DISCUSSION WITH SOMEONE WHO REPRESENTS THE DEVELOPER. REMEMBER THEY ARE IN THE EARLY STAGES, SO WE DON'T HAVE SUBMITTALS, ANYTHING TO LOOK AT YET. I FRAMED THE ISSUE OF WHETHER OR NOT WE HAVE SPACE HERE AT CITY HALL THAT COULD BE USED. FORGIVE ME FOR HOPING THAT YOU MIGHT MOVE HERE DOWNTOWN AS OPPOSED TO SOMEONE ELSE. IT DID NOT WORK OUT IN SIZE, OUR SPACE, SIGNIFICANTLY TOO SMALL. I WAS HOPING MENTALLY TO STRETCH THE SPACE, MAKE IT LOOK BIGGER. IT DIDN'T WORK. OUTSIDE OF THAT DISCUSSION, NO, NOT BY THE DEVELOPER. WE HAVE BEEN APPROACHED BY REPRESENTS.....REPRESENTATIVES FROM DIFFERENT

GROUPS, BOTH THE RESTAURANT AND CHILD CARE, THAT'S WHO WE HAVE BEEN TALKING TO AND BRAINSTORMING WITH.

Kim: AS FAR AS HAVING THE CHILD CARE, BECAUSE I THINK THE RESTAURANT COULD POSSIBLY BE INCORPORATED INTO THE DEVELOPMENT, THE CHILD CARE CENTER IT MAY BE HARDER BECAUSE OF A STATE -- BECAUSE OF STATE LAWS. COULD I GET SOME INFORMATION ON WHAT KIND OF SPACE WOULD BE APPROPRIATE, WHAT WOULDN'T BE APPROPRIATE? ESPECIALLY HAVING TO DO WITH THE LEVEL OF THE FLOOR. DOES A CHILD CARE CENTER HAVE TO BE ON THE GROUND FLOOR, CAN IT BE ABOVE THE GROUND FLOOR? IS THERE A PROCESS FOR THAT? WHO APPROVES THAT? WHAT IS THE STATE COMMISSION THAT WOULD APPROVE OR DISAPPROVE THAT? I WOULD LIKE SOME INFORMATION ON THAT. MAYBE WE COULD SHARE THAT WITH THE DEVELOPMENT COMMUNITY AS WELL, THEY CAN BRAINSTORM. I KNOW THAT A LOT OF DOWNTOWN PROPERTY OWNERS WOULD LIKE TO SEE THE DAYCARE FIT INTO THE COMMUNITY DOWNTOWN AND I THINK THAT -- THAT ANY INFORMATION WE COULD SHARE WITH THEM WOULD HELP THEM KIND OF LOOK AT SITES THAT THEY KNOW OF THAT MAYBE COULD BE RETROFITTED OR COULD BE -- THEY INCORPORATE THE DAYCARE INTO THEIR DEVELOPMENTS.

COUNCILMEMBER, I WILL GET YOU CHILD CARE STANDARDS AND ALSO SHARE WITH YOU THE DIMENSIONS THAT THE -- THAT THIS ACTUAL DAYCARE SHARED WITH US IN TERMS OF THEIR NUMBER OF CHILDREN, THE SPACE THEY NEED, THAT'S ALSO TIED TO THE STATE LAW, SPACE FOR CHILD. THEY HAVE ASKED US QUESTIONS, FOR EXAMPLE, THAT WE ARE EXPLORING WITH THEM ON WHAT HAPPENS IF THERE'S A ROOF TOP VENUE OR THE ROOF TOP SCREEN..... VENUE IS PART OF A VENUE, WHAT WOULD THE SAFETY FEATURES BE. BAIN....WE ARE BRAINSTORMING ON THOSE, I WILL GET YOU THE BASIC REQUIREMENTS.

MAYBE WE CAN ASK FOR HELP FROM THE STATE COMMUNITY AS WELL, BECAUSE THEY ARE LOOKING AT PROPERTIES DOWNTOWN, WHAT WOULD BE AVAILABLE.

THANK YOU.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER SIGNED UP WAS I LIE LUZ SUAREZ WALLACE. THANK YOU. OKAY. WELL, THANK YOU ALL VERY MUCH. I THINK -- I WILL JUST SAY, ALSO, THERE'S ALSO BEEN A NUMBER OF MEETINGS, SEVERAL MORE SCHEDULED, I DON'T KNOW -- I HAVE ALSO SAT DOWN AND VISITED WITH THE TESOROS TRADING COMPANY, I KNOW DOWNTOWN AUSTIN ALLIANCE PART OF THE PHASE 2, THE SECOND STREET RETAIL DISTRICT, THERE'S A LOT OF STRONG INTEREST TO KEEP TESOROS TRADING AS A MAJOR HIGH PROFILE RETAILER SPECIFICALLY ON CONGRESS AVENUE AS WELL. THERE'S A NUMBER OF MOVING PARTS AND SIGNIFICANT CENTER OF GRAVITY ON SUPPORTING THE CONCEPT OF THESE THREE GREAT BUSINESSES AND MAINTAINING THEIR LANDMARK PRESENCE. THANK YOU ALL.

THANK YOU ALL.

NEXT SPEAKER IS CAROLANNEROSE KENNEDY, TO BE FOLLOWED BY TERRI NAIL. WELCOME, YOU WILL HAVE THREE MINUTES.

THANK YOU. AT THIS TIME, I ADDRESS ALL UNITED STATES BUSINESS LEADERS WHO SPEND TIME AND MONEY PROVIDING SPANISH INTERPRETERS FOR AMERICANS. WHEN WE TAKE A LOOK INSIDE THE GREAT AMERICAN MELTING POT, WE FIND A UNIQUE AND EVER-CHANGING BLEND OF CULTURES, THE LONG-STANDING ENVY OF THE ALIENS. THE ABILITY TO CELEBRATE OUR DIFFERENCES IS AMERICA'S GREATEST STRENGTH. ANY AILIAN COMING TO LIVE IN AMERICA WITHOUT THE ABILITY OR THE MOTIVATION TO LEARN ENGLISH IS ABOUT AS BRILLIANT AS ME, PARACHUTING INTO AFGHANISTAN EXPECTING TO GET ALONG WITH OSAMA BIN LADEN AND HIS BOYS. THE STRENGTH OF ALL RELATIONSHIPS BEGINS, CONTINUES OR NOT AND ENDS, WITH THE SUCCESS OR FAILURE IN COMMUNICATION. EACH PARTNER OWNS HALF OF THE PROBLEM AND HALF OF THE SOLUTION. AS FREE AMERICANS, WE HAVE COME TO RELY HEAVILY ON OUR UNIVERSAL LANGUAGE. THE LOOK IN YOUR EYES FROM ACROSS THE DESK, THE COURTROOM, THE ALTAR, THE

DEPOT, THE RISING CREEK, THE BEDROOM, THE BOARD ROOM, THE BARS, THE PLAIN OR THE TOUCH GIVEN OR RECEIVED. OR THE SOUND OF A SONG IN A HEART OR A SWORD IN A SOUL OR THE INSTANT DETERMINATION OF MY ABILITY TO STAND ALONE OR THE NEED TO STAND ASIDE ME AND GUIDE ME AT ANY GIVEN POINT IN TIME. WE HAVE GOT A LOT OF LEARNING TO DO. AS FREE AMERICANS, OUR GREATEST ASSET IS OUR ENGLISH LANGUAGE. THE ENGLISH LANGUAGE ALONE IS MORE FEARFUL, EFFECTIVE AND POWERFUL THAN ALL OF THE BELLS AND WHISTLES, BOMBS AND MISSILES IN THE WORLD. THE UNACCOUNTABLE AND INCREDIBLE OPPORTUNITIES AFFORDED TO ME AS AN ENGLISH SPEAKING WOMAN BORN, RAISED AND LIVING IN AMERICA HAVE ALREADY BEEN MORE THAN A BASIC HUMAN DESERVES. Y'ALL HAVE LEFT ME HUMBLLED AND ETERNALLY GRATEFUL. TO ALLOW AND ENCOURAGE ANY AMERICANS TO RELY SOLELY ON THEIR FOREIGN LANGUAGE IS A DISSERVICE. IT COMPROMISES HOMELAND SECURITY. IT CRIPPLES US AND IT CRIPPLES THEM. THE RESULTING DEPENDENCE NOT ONLY RESTRICTS THEIR ABILITY TO TAKE ADVANTAGE OF ALL OPPORTUNITIES FOR A NEW AND BETTER LIFE IN AMERICA, BUT IT LIMITS THE SCOPE OF THEIR CULTURAL CONTRIBUTIONS TO THE GREAT AMERICAN MELTING POT. MONEY BEING SPENT ON SPANISH INTERPRETERS COULD BE RECHANNELED TO ENGLISH CLASSES FOR ALIENS. WE WOULD ALL BE IMMENSELY ENRICHED. IT'S HIGH TIME FOR AMERICANS TO GET ON THE ROAD TO THE RE.. REUNITED STATES. AUSTIN HAS AN OPPORTUNITY TO SET A PRECEDENT FOR TEXAS, THE NATION AND THE WORLD. THANK YOU.

Mayor Wynn: THANK YOU, MS. KENNEDY. TERRI NAIL. OKAY. TO BE FOLLOWED BY DOUG HOLFELDT.

HELLO. MY NAME IS TERRI NAIL AND I'M VERY CONCERNED ABOUT -- I MOVED HERE LAST MONTH, THE FIRST THING THAT I DID WAS FIND MY DOCTORS, IT WAS VERY IMPORTANT. THE THING THAT I HAD TO DO WAS FIND I NEEDED SHOTS IN HI LEGS, SO I FOUND DR. [INDISCERNIBLE] HE IS 3003 BEE CAVES ROAD. HE WAS THE ONLY ONE THAT I COULD FIND THAT I COULD FIND -- THAT WOULD GIVE ME BOTOX SHOTS. HE SENT ME TO AUSTIN SURGICAL HOSPITAL. WHICH STS WOULDN'T GO THAT FAR. WOULD NOT TAKE ME.

WE ALMOST GOT KILLED GETTING THERE. ME AND [INDISCERNIBLE] THERE'S SOME PLACES, OTHER PLACES THAT -- HE WOULDN'T TAKE -- HE JUST WOULDN'T GET IT, HE WON'T TAKE THAT BUS, STS WON'T TAKE US. LIKE FOR INSTANCE 4th OF JULY WE WANTED TO GO SEE SOME CONCERTS AT THE BACK YARD, THEY WOULDN'T TAKE US THERE. IGUANA GRILL, CARLOS AND CHARLIE'S, THEY WON'T TAKE US, OASIS, STS WON'T TAKE US. THEY SAY IT'S TOO FAR FOR THEM TO GO. YOU KNOW, EVERYONE LOVES MUSIC. WE LOVE MUSIC. YOU KNOW, WE ARE JUST LIKE EVERYBODY ELSE. NOW, WE WANT TO HEAR MUSIC AND THEY SAY IT IS TOO FAR FOR THEM TO TAKE US. BUT THOSE SHOTS WERE VERY IMPORTANT FOR ME TO HAVE. SO I HAVE TO FIND ANOTHER DOCTOR, SURGEON, SEARCH, SEARCH, SEARCH, TOOK ME A LONG TIME. I DON'T UNDERSTAND WHY STS WON'T TAKE US WHERE WE NEED TO GO.

Mayor Wynn: THANK YOU, MS. NAIL. I -- ALTHOUGH A COUPLE OF COLLEAGUES OF MY MINE SIT ON THE CAPITAL METRO BOARD, MY STRONG, STRONG SUSPICION IS THAT CAPITAL METRO IS ACTUALLY PRECLUDED FOR DELIVERING SERVICE, SPENDING THEIR TAX DOLLARS OUTSIDE OF THEIR SERVICE AREA. MANY OF THOSE PLACES THAT YOU HAVE DESCRIBED AREN'T INSIDE THE BOUNDARIES OF THE CAPITAL METRO TAXING JURISDICTION. SO IT'S -- MY STRONG SUSPICION IS THAT THEY ARE PRECLUDED FROM USING THE STS SERVICES, JUST LIKE THEY ARE PRECLUDED FROM RUNNING BUSES OUT OF THEIR SERVICE -- GEOGRAPHIC SERVICE BOUNDARY. BUT I'LL ASK THAT QUESTION OF THEM.

BECAUSE HOW ELSE WAS I GOING TO GET TO THE HOSPITAL? IT'S NOT WORTH US TRYING TO GET KILLED TO GET THERE TO THE HOSPITAL. YOU KNOW?

Mayor Wynn: UNDERSTOOD.

AND THE PLACES THAT WE WANT TO GO, HEAR SOME MUSIC, WE COULDN'T GET THERE. THEY SAY IT'S TOO FAR.

Futrell: MY ASSISTANT WHO IS RIGHT BEHIND YOU, JASON, WILL GET SOME INFORMATION FROM YOU. WE WILL SEE WHAT WE CAN DO TO GET BOTH ANSWERS TO YOU AND HOOK YOU UP WITH WHATEVER RESOURCES WE CAN FIND,

EITHER IN OR OUT OF OUR JURISDICTION, OKAY?

OKAY.

THANKS.

ALSO I WANTED TO SAY SOMETHING ELSE. I HAVE TO GO TO AUSTIN DIAGNOSTIC CLINIC A LOT. A I LIVE SOUTH, BUT I HAVE TO GO NORTH. THEY HAVE LEFT ME STRANDED THERE. THEY WON'T -- I ALWAYS GIVE THEM THE SUITE NUMBER, EVERYTHING, THEY LEFT ME STRANDED THERE. THEY SHOULD COME UP AND MAKE SURE THAT THEY COME AND GET ME IN THAT SUITE NUMBER. THEY SHOULDN'T JUST TAKE OFF. LEAVE ME THERE. I'M WITHOUT A PHONE OUT THERE. YOU KNOW, ALL'S THAT I HAVE IS THE LAND LINE. I DON'T HAVE A CELL PHONE. I CAN'T AFFORD A CELL PHONE LIKE EVERYBODY ELSE CAN.

Futrell: WHEN YOU SAY THEY, YOU ARE SPEAKING OF THE CAPITAL METRO SPECIAL TRANSIT SOME.

YES, MA'AM.

OKAY.

COUNCILMEMBER LEFFINGWELL.

Leffingwell: MAYOR, I AM ON THE CAPITAL METRO BOARD. AS IS COUNCILMEMBER MCCracken. AND I BELIEVE WHAT YOU SAID IS CORRECT, THEY ARE LEGALLY PROHIBITED FROM PROVIDING SERVICE OUTSIDE THE AREAS THAT ARE PARTICIPATING IN CAPITAL METRO. BUT JUST AS A SUGGESTION, THERE IS A -- THERE ARE SERVICES PROVIDED IN AUSTIN, THAT PROVIDE TRANSPORTATION FOR PEOPLE THAT NEED IT WHO ARE -- WHO ARE DISABLED FOR ONE REASON OR THE OTHER AND I WOULD SUGGEST THAT YOU CALL 211. THAT'S A SERVICE I BELIEVE --

I HAVE.

Leffingwell: YOU HAVE TRIED THAT?

YES, SIR.

Leffingwell: YOU DIDN'T HAVE ANY SUCCESS WITH THAT.

NO, SIR.

Leffingwell: WELL, I DON'T KNOW WHAT TO SAY TO THAT EXCEPT I WOULD SECOND THE CITY MANAGER'S SUGGESTION THAT WE LOOK INTO IT AND SEE WHAT ELSE CAN BE DONE.

PLEASE, BECAUSE THERE ARE PLACES THAT I NEED TO GO AND I WANT TO GO.

Futrell: JASON IS STANDING READY TO TAKE YOUR INFORMATION, WE WILL -- WE WILL WORK INDIVIDUALLY TO TRY TO MATCH YOU UP, PAIR YOU UP WITH EITHER A SERVICE PROVIDER OR SOME SERVICE. WE HAVE A VERY GOOD NETWORK THROUGH OUR CLINICS AND OUR PUBLIC HEALTH DEPARTMENT, SERVICE PROVIDERS, ALL OVER THE REGION. SO LET'S SEE WHAT WE CAN DO TO CUSTOMIZE A RESPONSE FOR YOU.

OKAY.

Futrell: ALL RIGHT.

ESPECIALLY ON THESE RESTAURANT, TOO. I WOULD LIKE TO GO TO.

Mayor Wynn: THANK YOU, MS. NAIL.

THANK YOU.

NEXT SPEAKER SIGNED UP WAS DOUG HOLFELDT, WELCOME, THREE MINUTES.

WELL, EXCUSE ME, I'M DISABLED, STS IS ABOUT THE ONLY ONE THAT I CAN GET AROUND TOWN. I FAKE IT PRETTY GOOD, HERE WE GO. STS HANDLES THOUSANDS OF PEOPLE, DO VERY GOOD. BUT THERE ARE PLACES THAT YOU HAVE GOT TO KEEP IN MIND THAT TAKES FIVE ATTABOYS TO MAKE UP FOR ONE MESS UP. WHAT I'M TALKING ABOUT IS IT HAS

HAPPENED TO ME, YOU ARE SCHEDULED TO BE PICKED UP, YOU ARE THERE, YOU DON'T GET RIGHT THERE AHEAD OF TIME, AND YOU GET LEFT OR THEN THE LAST MONTH I HAD BEEN LEFT TWICE. I'M NOT COMPLAINING ABOUT IT. IT'S JUST, IT HAPPENS ONCE IN A WHILE. YOU SHOULD KNOW IT'S GOING TO HAPPEN. NOT TRYING TO NAIL ANYBODY. THAT'S NOT THE POINT. BUT BE AWARE OF THINGS LIKE THAT. PEOPLE GET SET, CALL IN, ON TIME, YOU DON'T QUITE MAKE IT. THAT KIND OF STUFF. JUST BRINGING IT UP, NOT GOING TO EXPLAIN, JUST BRINGING IT UP, THANK YOU.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS PAUL AVINA. SORRY IF I'M MISPRONOUNCING THAT FOLLOWED BY PHILLIP DICK.

THANK YOU. MAYOR, COUNCILMEMBERS, I'M HERE TO ASK YOU TO REVIEW RAUL ALVAREZ ORDINANCE [INDISCERNIBLE] HE TOOK TWO WEEKS FOR THIS RACIST BILL FROM INTRODUCTION TO PASS. IT WAS DRAFTED BY INSTITUTIONS ALIEN ON TO POLICY MAKING, \$1,500 TICKETS WERE ISSUED FOR DEVIATION PURPOSE. MR. ALVAREZ WAS SIGNED. A COUPLE OF [INDISCERNIBLE] TAKEN FROM [INDISCERNIBLE] ALMOST WORD BY WORD. ONE OF OUR INSTITUTIONS HAS ACTIVELY PUT PRESSURE ON THE SCHEMES SUCH AS FINES FOR LEAVING KEYS IN YOUR CAR, FEES FOR PARKING ON THE BRIDGE AT 7:00, THE TRAFFIC FINES, TRAFFIC RAIDS IN EAST AUSTIN AND EVEN SETS UP POLICE TRAVELS. THE ACTIVITIES ARE TRADITION OF NATURES THAT TRAIN PEOPLE THE HARD WAY IN BASICS THAT CDC OR BAG NOT EVEN BOTHER. AND IT'S BETTER TO GO OUT AND WORK ON ANY SIZE BUSINESS THAN SIT AND WATCH HOW THE MAYOR AND THE CITY MANAGER HAND OUT JOBS AND CONTRACTS TO OUTSIDERS. I NEED TO MENTION THIS SPANISH RADIO STATION THAT HAS BEEN LURING YOUNG WOMEN TO NEW PREGNANCY LEVELS AT REAGAN, L.B.J., JOHNSTON AND TRAVIS. THAT MR. DEWHURST FOUND SO AMUSING. HE COMPLAINED IN SPAN -- HE CAMPAIGNED IN SPANISH FOR THE LIEUTENANT GOVERNOR SPOT RIGHT IN BETWEEN DESCRIPTIONS OF ORAL SEX, THREESOMES, WIFE ON WIFE, SON HUSBAND, WHILE THE CHILDREN WERE LISTENING. I HAD THE CHANCE TO SPEAK WITH THE OWNER OF THIS STATION, FROM CALIFORNIA, AND HE WAS ALSO ASSOCIATED WITH THIS

NON-PROFIT ORGANIZATION THAT HELPED DRAFT MR. ALVAREZ' BILL. WE ARE NO MATCH FOR YOUR POLICIES. WHEN HE DECIDE TO SEND POLICE TO RAID FOR TICKETS THIS SUMMER, TO PAY INCREASES FOR A [INDISCERNIBLE] OR THE MUNICIPAL JUDGES OR THE POLICE DEPARTMENT WHICH I JUST MENTIONED, DON'T HAVE THE POWER TO INCREASE [INDISCERNIBLE] SO MY PETITIONS HERE ARE TO REVIEW THIS RACIST BILL, DEVELOP A PLAN TO SUPPORT MICRO BUSINESSES, BAN ALL POLICE DONORS, PLEASE. BAN THE NON-PROFIT, NON-GOVERNMENTAL ORGANIZATIONS FROM POLICY MAKING. YOU ARE SUPPOSED TO DO THAT BY YOURSELVES. THANK YOU.

Mayor Wynn: THANK YOU, MR. AVINA. PHILLIP DICK. WANTED TO ADDRESS CITY ISSUES TO BE FOLLOWED BY SUSANA ALMANZA.

HELLO. MY NAME IS MS. PHILLIP A. DICK. AND WELCOME BACK, MAYOR WEN. I'M GLAD TO SEE THAT -- THAT YOU ARE DOING MUCH BETTER. FROM YOUR INCIDENT BIKE -- YOU KNOW, BIKE INCIDENT.

Mayor Wynn: DOING REMARKABLY BETTER, ACTUALLY.

I AM HERE TODAY TO -- TO TALK ABOUT MY -- MY DRIVER'S LICENSE AND I HAVE BEEN IN CONTACT WITH THIS -- WITH -- WITH MS. TOBY CATRELL [SIC] AND I LOST MY LICENSE IN BEHIND A CAR WRECK THAT I WAS CLEARED OF. AND THESE ARE THE -- WERE THE CHARGES THAT WAS GIVEN TO ME. A LETTER CAME AND FROM THE CITY OF AUSTIN AND IT SAID THAT I COULD GO AND OBTAIN MY LICENSE. SO I WENT OUT THERE, WITH MY \$100, I'M A DISABLED PERSON, TO OBTAIN MY LICENSE. BUT THE LADY TOLD ME THAT -- THAT I COULD PAY FOR MY LICENSE, GET THEM REINSTATED, BUT SHE COULDN'T ISSUE THEM TO ME, EVEN WITH YOUR LETTER OF PLEB TOBY..... -- OF MS. TOBY CATRELL, AS YOU CAN SEE, I WAS NOT THE CAUSE OF THE WRECK. THE OFFICER WHO WROTE THE TICKETS AND EVERYTHING, IF YOU CAN SEE THESE PICTURES CLAIMED THAT I BACK UP AND STRUCK OUT OF MY DRIVEWAY, I BACKED UP, YOU KNOW, NOT LOOKING AND STRUCK THIS CAR GOING DOWN THE STREET. WELL, THAT'S JUST NOT TRUE. THE LADY WAS COMING UP THE STREET, SHE PLOWED INTO MY NICE CAR. I WAS A

STUDENT THEN AT AUSTIN COMMUNITY COLLEGE. AND AS YOU CAN SEE, ALL MY DAMAGES ARE IN THE SIDE OF MY CAR. NOT FROM BEHIND. SO THAT'S ANOTHER REASON THAT I LOST MY LICENSE. I WAS TRYING TO SEE IF THE CITY, YOU KNOW, THE CITY BOARD COULD PLEASE HELP ME. GET MY -- OBTAIN MY LICENSE BACK SO THAT I CAN, YOU KNOW, BE LEGAL ON THE STREETS TRYING TO, YOU KNOW, DRIVE OR WHENEVER I DO DRIVE, IT CANCELED MY INSURANCE, IT'S JUST NOT THAT EVERYTHING. I'M AN INNOCENT VICTIM. I DON'T FEEL THAT MY LICENSE SHOULD HAVE BEEN TAKEN FROM ME. WHEN I WASN'T ACTUALLY THE CAUSE OF THE WRECK. AND HERE'S WHERE -- WHERE I WENT TO COURT WITH MUNICIPAL COURT AND THIS IS WHERE I HAVE THE CHARGES DISMISSED, THE JUDGE SIGNED THE -- THE ORDERS TO DISMISS THOSE TICKETS AS BEING THE CAUSE OF THE WRECK. SO -- SO AFTER BEING, YOU KNOW, TICKETS BEING DISMISSED AND EVERYTHING, WHY DID I STILL GET MY LICENSE TAKEN AWAY FROM ME.

THANK YOU.

Futrell: YOU ARE VERY FORTUNATE, RIGHT BEHIND YOU IS A MIRACLE WORKER PROBLEM SOLVING NAMED JASON WHO IS LOOKING HORRIFIED AS I'M CALLING HIM OUT. I CAN'T OBVIOUSLY GUARANTEE WITHOUT KNOWING ALL OF THE FACTS THAT WE ARE GOING TO BE ABLE TO GET YOUR LICENSE BACK. I WILL TELL YOU TOUCH BASE WITH JASON RIGHT BEHIND YOU, WE WILL GET THE FACTS, TRY TO PROBLEM SOLVE THIS FOR YOU.

THANK YOU SO MUCH. THANK YOU, THANK YOU, MAYOR WYNN. GOOD TO HAVE YOU BACK.

Mayor Wynn: THANK YOU, MS. DICK. INTRODUCE YOURSELF TO JASON THERE. SUSANA ALMANZA, WELCOME, THREE MINUTES, FOLLOWED BY PAT JOHNSON.

AGAIN, MAYOR, MY NAME IS SUSANA ALMANZA, I'M WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES. TODAY I COME BEFORE YOU AS AFFILIATE MEMBER OF THE SOUTHWEST NETWORK FOR ENVIRONMENTAL AND ECONOMIC JUSTICE. THESE FEW DAYS WE ARE HAVING ALTERNATIVE BORDER CONFERENCE

AS YOU KNOW. THE MEXICO-U.S. BORDER GOVERNOR'S CONFERENCE IS HAPPENING HERE IN AUSTIN. WE WILL BE HAVING A PRESS CONFERENCE AT 2:00. IN FRONT OF THE STATE CAPITOL. AND THEN A RALLY AT 5:00 AT THE GOVERNOR'S MANSION. AND FOR THOSE LISTENING, I JUST WANT TO SAY THAT THERE ARE NO -- I JUST WANT TO SAY THERE ARE NO ALIENS. PEOPLE WHO LOOK LIKE ME, WE ARE HERE DOCUMENTED OR UNDOCUMENTED ACCORDING TO THE NEW LAWS, BUT WE WERE HERE, THE BORDER CROSSED US, WE DIDN'T CROSS THE BORDER. HERE IS AN OPEN LETTER THAT WE HAVE SENT TO THE GOVERNORS AND ARE REQUESTING A MEETING WITH THEM. DISTINCT GOVERNORS, WHILE YOU ARE MEETING BEHIND CLOSED DOORS, DISCUSSING THE FUTURE OF THE BORDER REGION, WE THE PEOPLE, COMMUNITY, MIGRANT WORKERS AND INDIGENOUS NATURES OF THE BORDER ARE LIVING WITH THE THEY HAVE STATING EFFECTS OF THE BORDER POLICIES THAT YOU SUPPORT. WE ARE THE ONES AFFECTED BY YOUR SUPPORT OF INTERNATIONAL TRADE AGREEMENTS LIKE NAFTA. THE MILL..... MILITARIZATION OF THE BORDER, THE CRIMINALIZATION OF IMMIGRANTS. THESE POLICIES DON'T WORK. WE DEMAND AN END TO BAD AID APPROACHES TO MUCH -- TO MORE FUNDAMENTAL PROBLEMS. YOUR SO-CALLED SOLUTIONS HAVE BROUGHT NOTHING BUT DEATH, ENVIRONMENTAL DISASTERS AND MISERY TO OUR COMMUNITIES AND WORKPLACES. IT'S TIME YOU LISTENED TO THE VOICE OF THE PEOPLE. WE LIVE IN THESE COMMUNITIES AND WE HAVE SOMETHING TO SAY ABOUT HOW THINGS SHOULD BE RUN. THE SECOND BORDER PEOPLE, CALL ON THE 14th ANNUAL BORDERS CONFERENCE TO PASS RESOLUTIONS CALLING FOR THE FOLLOWING, THE REMOVAL OF FAILED BORDER ENFORCEMENT POLICIES KNOWN AS OPERATION GATE KEEPER, HOLD THE LINE,RY GRND AND SAFEGUARD. WHICH HAVE INCLUDED THE CONSTRUCTION OF STADIUM LIKE DRAG ROADS AND CHECK POINTS. INTO THE DEPTHS OF -- DEATHS OF MIGRANTS ALONG THE U.S. MEXICO BORDER. AN IMMEDIATE HALT TO THE CONSTRUCTION OF WALLS, IMMEDIATE REMOVAL OF THE U.S. NATIONAL GUARD FROM THE BORDER, AND INVESTIGATION OF THE EFFECTS OF BORDER ENFORCEMENT POLICIES AND BORDER COMMUNITIES. PARTICULARLY FROM ENVIRONMENTAL AND HEALTH

PERSPECTIVE THAT CREATION OF INDEPENDENT ENTITY WITH FULL INVESTIGATORY POWERS TO LOOK INTO ALLEGATIONS OF ABUSE BY LAW ENFORCEMENT OFFICIALS UNDER THE DEPARTMENT OF HOMELAND SECURITY. AN ALTERNATIVE TO NAFTA THAT PROTECTS THE ENVIRONMENT, WORKERS RIGHTS, HUMAN RIGHTS..... RIGHTS. WE APPRECIATE THE ATTENTION GIVE VERY MUCH TO THIS DOCUMENT, HOPE THAT THESE RESOLUTIONS ARE INCLUDE UNDERSTAND THE WORK OF THE WORKING GROUPS DEVELOPED WITHIN THE FRAMEWORK OF THE BORDER GOVERNOR'S CONFERENCE, WE DEMAND JUSTICE FOR THE COMMUNITIES IN THE BORDER REGION, WITH YOUR SUPPORT WE CAN ACHIEVE THIS, SIGNED BY RICHARD MOORE EXECUTIVE DIRECTOR OF THE SOUTHWEST NETWORK AND ALL OF THE ALLEVIATE MEMBERS. [BUZZER SOUNDING] SO WE CONTINUE OUR STRUGGLE FOR JUSTICE AND HUMAN RIGHTS, THANK YOU SO MUCH.

Mayor Wynn: THANK YOU, MS. ALMANZA. PAT JOHNSON, WELCOME, FOLLOWED BY JENNIFER GALE.

I WOULD SAY MORNING, BUT NOW IT'S AFTERNOON, ISN'T IT. ALL RIGHT, COUNCIL, I MADE THIS PROMISE I WASN'T GOING TO TALK ABOUT TOWING ISSUES AT THE LAST MEETING, NOW I'M FORCED TO HAVE TO COME UP HERE AND GIVE YOU ALL AN UPDATE ON THIS. NOW, THERE IS NOTHING TO DATE REGARDING THE NEW TOWING FEES. [READING GRAPHIC] DOCUMENTED OVERCHARGING OF THE NEW FEES, AVERAGE TOWING CHARGED THIS GUY 2173 TO GET HIS TRUCK BACK. THAT'S ONE DAY STORING. YOU SET THE FEE AT \$800. THAT'S JUST TOTALLY OUTRAGEOUS. ASSURED TOWING, ONE OF THEIR DRIVERS, CHARGED A HISPANIC COUPLE SITTING IN THEIR VEHICLE \$50 TO RELEASE THEIR VEHICLE. NOW THE ONLY THIS WOULD HAVE EVEN BEEN BROUGHT ABOUT WAS I WAS SITTING ACROSS THE STREET WATCHING THEM, FORCED DETECTIVE GANN WITH THE A.P.D., THEY REVOKED THAT MAN'S WRECKER LICENSE, CORINGED TO ASSURED THEY FIRED HIM, BUT THE PEOPLE ARE STILL OUT THEIR MONEY. NEXT. THIS IS AN EXAMPLE FOR THE PUBLIC TO SEE. IF YOUR VEHICLE IS HOOKED UP, THIS METHOD, HOOKED UP OFF THE GROUND, GRAFFITI THERE, STILL GOT GRAFFITI PROBLEMS IN TOWN. OR IF YOU ARE GOING BACK UP ON A ROLLBACK OR THERE'S A TOW TRUCK BACKED UP

TO YOUR VEHICLE, THEY DON'T HAVE TO PAY THE WRECKER DRIVER ANYTHING. BUT THERE'S NOTHING OUT THERE FOR THE PUBLIC TO SEE. WHAT THE FEES ARE. WE DON'T HAVE NOTHING TO THE CITY WEBSITE. THERE IS NOT EVEN NOTHING UNDER THE POLICE DEPARTMENT'S WEBSITE, ON THE CITY'S WEBSITE. WHY CAN'T WE GET THIS INFORMATION TO THE PUBLIC SINCE THEY ARE THE ONES OUT THERE HAVING TO PAY THESE HIGH FEES. NEXT. YOU KNOW, HAVING TO PAY \$193 OR \$251 TO RETRIEVE THEIR VEHICLE CREATES FINANCIAL HARDSHIP. DON'T THINK IT DOESN'T. NOT EVERYBODY MAKES SIX FIGURES LIVING IN OUR COMMUNITY. STAFF NOR THE MEDIA HAS YET TO DO ANYTHING TO INFORM THE PUBLIC OF THESE FEES APPROVED BY COUNCIL BACK ON JUNE 19th. TWO MONTHS AHEAD OF TIME INTO THE YEAR. SO I'M GOING TO ASK THIS COUNCIL, LISTEN, WE HAVE GOT TO DO SOMETHING FOR THE CITIZENS. WE HAVE GOT TO HAVE SOMETHING ON THE CITY WEBSITE AND IN ENGLISH AND SPANISH. THE SPANISH PEOPLE ARE STILL GETTING TARGETED LEFT AND RIGHT. AND A AND J TOWING TOPS THE LIST WITH THE MOST COMPLAINTS WITH A.P.D. CAN SOMEBODY PLEASE EXPLAIN TO ME WHY IT IS THAT J AND J TOWING IS ALLOWED TO BE USED AS A SUBCONTRACTOR WHEN THEY ARE KNOWINGLY TOWING VEHICLES ILLEGALLY AROUND TOWN. IT'S VERY OBVIOUS ACTIVE THAT OUR TAX DOLLARS IS PAYING CENTRAL PARKING SYSTEMS TO MANAGE A PARKING LOT UNDERNEATH THE FREEWAY WHEN THEY ARE TOWING CARS ILLEGALLY FROM THEIR OWN MANAGED PARKING LOTS. DON'T YOU FIND THAT OFFENSIVE? SO COUNCIL IT'S REAL SIMPLE HERE. [BUZZER SOUNDING] WE HAVE TO HAVE SOMETHING PUT OUT THERE IN THE PUBLIC TO TELL THE PEOPLE ABOUT THESE NEW REGULATIONS THAT WE ARE USING. JUST LIKE TRAFFIC INCIDENT MANAGEMENT, COUNCILMEMBER MCCracken. THIS IS YOU AND MAYOR WYNN'S BONE. THE PUBLIC HAS THE RIGHT TO KNOW WHAT THE TOWING COMPANY CAN CHARGE THEM. GIVE THEM A \$60 RATE INCREASE, SOME COMPANIES ARE HAVING NO OTS, NO ON THE SPOT RELEASE. PEOPLE COME OUT HERE AND GET THEM, TAKE THEIR CAR INTO THE YARD. THE PUBLIC DOESN'T KNOW THE WRECKER DRIVER HAS TO GIVE THEM 30 MINUTES TO GET THE MONEY.

Mayor Wynn: THANK YOU.

COUNCIL THAT'S IT. I MAY NOT BE HERE NEXT WEEK. I'M GOING TO FLORIDA. MY BIRTHDAY IS NEXT WEDNESDAY. 50 YEARS OLD, I SURE DON'T FEEL LIKE IT. LET'S HAVE A WHOLE ANOTHER GOOD YEAR.

Futrell: PAT, WE WILL GET INFORMATION UP ON THE WEBSITE THAT'S EASY TO ACCOMPLISH A LITTLE HARD ON THE PROGRAMMING ON THE WEBSITE RIGHT NOW, BUT THAT WILL BE IMPROVED SOON. WE WILL GET THAT UP ON THE WEBSITE, REMEMBER SPECIFIC TOWING COMPLAINTS WE HAVE AN ASSISTANT CHIEF IN THE BACK WHO CAN TAKE ANY SPECIFIC COMPLAINTS AND HELP YOU RUN IT DOWN.

Mayor Wynn: THANK YOU, WELCOME, JENNIFER GAIL, THREE MINUTES.

HI AUSTIN, AUSTIN COMMUNITY COLLEGE, UNIVERSITY OF TEXAS, CONCORDIA AND ST. EDWARD'S UNIVERSITY ARE COMING BACK AUGUST 28th AND GOING TO TRY TO CATCH UP WITH THE HIGH SCHOOLERS, MIDDLE SCHOOLERS, ELEMENTARY. HAPPY BIRTHDAY TO MR. JOHNSON. CITY COUNCIL MEMBERS, CITY MANAGER TOBY FUTRELL, MAYOR WYNN, COUNCILMEMBERS MARTINEZ, KIM, MCCracken, COLE, LEE LEFFINGWELL, BETTY DUNKERLY, HARD WORKING CITY STAFF MEMBERS AND CITY EMPLOYEES, I'M JENNIFER GAIL. I'M TRYING TO RUN FOR CONGRESS, I WASN'T AND THE TO GET THE 500 SIGNATURES, ALTHOUGH I GOT HUNDREDS, NOT ALL OF THEM WERE GOOD, SO I NEED THE \$3,215, I WILL BE THE SECRETARY OF STATE'S OFFICE TOMORROW BEFORE THE 5:00 DEADLINE. THE -- HE WANT TO THANK ALL OF MY VOLUNTEERS ON THAT. I'M STILL ASKING FOR THE 40 THOWNGDZ OWED TO ME -- \$40,000 OWED TO ME BY THE CITY COUNCIL FOR THE -- FOR THE TWO TICKETS ON THE SLEEPING ORDINANCE THAT YOU LOST IN OPEN COURT FOR A JURY TRIAL. I DON'T SEE ANY CHECK SO I'M GOING TO ASSUME THAT YOU ARE NOT PAYING ME THIS WEEK. BUMPS IT UP TO 60,000 BECAUSE I HAD TO GO TO BOTH OF THOSE JURY TRIALS. THE TICKETS DON'T ALLOW FOR DUE PROCESS. AS JUDGE JIM CORONADO SAID. STILL AMBIGUOUS, SO AN OFFICER CAN MAKE UP ANYTHING, AND CHARGE SOMEBODY. IT DOESN'T STIPULATE THAT YOU CAN

LAY DOWN BETTING, WHICH IS WHAT MAYOR GOODMAN HELPED TAKE OUT OF THE GOODNESS SO PEOPLE CAN LAY DOWN BEDDING SO THAT THEY COULD GET SOME SLEEP. IT'S CLEARLY UNCONSTITUTIONAL. AS COUNTY MAGISTRATE JIM CORN.....CORONADO SAID. A PERSON DOES HAVE A RIGHT TO SLEEP. TICKETS AND A FINE. IF YOU ARE NOT PAYING THIS \$60,000, I'M GOING TO CHARGE 10 TIMES THAT AMOUNT. IF IT'S NOT PAID BY THE NEXT COUNCIL MEETING. JAMIE PEDRO, THE OFFICER THAT YOU MET WHEN YOU COME IN THE DOOR CONTINUES TO HARASS ME. I BROUGHT THIS UP LAST TIME. HE FELT MORE THAN HAPPY TO LAUGH IN MY FACE TODAY. I HAVE BEEN ASKING HIM TO HAVE HIM FIRED FOR AT LEAST EIGHT YEARS NOW. THE AUSTIN AMERICAN-STATESMAN, THE AUSTIN CHRONICLE DOES NOT COVER CITY ELECTIONS. MAYORAL ELECTION, CITY COUNCIL ELECTIONS. WE HAVE GOT TO PUT OUT IN EVERY.....EVERYBODY'S MAILBOX INFORMATION ON ALL OF THE CANDIDATES. RIGHT NOW NONE OF THE PEOPLE KNOW WHO THEY SHOULD VOTE FOR AT EACH ELECTION. I HAVE SOMETHING FOR SAVE OUR SPRINGS. IT SAYS THERE AS EXPEDITIOUSLY AS POSSIBLE TO THE GREATEST EXTENT PRACTICAL MAKE ALL PUBLIC INFORMATION ONLINE IN REAL TIME. IT DOESN'T SAY IN REAL TIME. [BEEPING] CLEARLY THE ORDINANCE WAS -- THE WRITTEN LANGUAGE WAS UNTRUE. I AM ASKING, ALL I'M ASKING IS FOR A NEW ELECTION COMING UP IN NOVEMBER, THAT'S ALL THAT I'M ASKING FOR. A NEW ELECTION. SO LET'S SCHEDULE A NEW ELECTION ON PROPOSITION 1 AND PROPOSITION 2, AND LET'S SETTLE, LET'S LET THE PEOPLE DECIDE. LET THEM HAVE THE RIGHT INFORMATION BEFORE THEY MAKE THEIR DECISION. THANK YOU. HAVE A GREAT DAY. BYE BYE.

THANK YOU, COUNCIL THAT CONCLUDES OUR CITIZENS COMMUNICATION SPEAKERS, WE APPRECIATE EVERYBODY'S EVERYBODY'S PATIENCE AS WE ARE RUNNING LATE THIS AFTERNOON. COUNCIL, WE TECHNICALLY HAVE NO DISCUSSION ITEMS I THINK TO TAKE UP PRIOR TO WHAT WOULD HAVE BEEN OUR BUDGET DELIBERATIONS. MY RECOMMENDATION WOULD BE THAT WE -- WE ALSO DON'T HAVE ANY CLOSED SESSION ITEMS TO TAKE UP TODAY. SO MY RECOMMENDATION WOULD BE FOR US TO -- TO RECESS FOR A FEW MINUTES, PERHAPS HALF AN HOUR, GRAB A BITE

FOR LUNCH, COME BACK, THEN TAKE UP OUR A.P.D. OR OUR PUBLIC SAFETY BUDGET BRIEFINGS, AND THEN ROLL INTO BOND SALES, MUELLER DEVELOPMENT CORPORATION, AND THE PRESENTATION ON COMBINED PUBLIC SAFETY AGENCIES. SO WITHOUT OBJECTION, WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND I ANTICIPATED US RECONVENING IN APPROXIMATELY 30 MINUTES. THANK YOU.

THERE BEING A QUORUM PRESENT, I WILL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, WE HAVE BEEN AT RECESS FOR ABOUT 30 MINUTES TO GRAB A QUICK BITE TO EAT, NOW WE HAVE A SERIES OF ISSUES TO TAKE UP THIS AFTERNOON BEFORE WE CAN START CONDUCTING PUBLIC HEARINGS THIS EVENING. EARLIER, I PULLED A COUPLE OF ITEMS OFF THE CONSENT AGENDA, ITEMS 23 AND 24 BOTH RELATE TO -- TO AUSTIN ENERGY'S TREE TRIMMING PROGRAM. PLANS A BRIEF PRESENTATION OF WHERE WE ARE CURRENTLY. I SUSPECT COUNCIL MAY ARE HAVE QUESTIONS.

SHE RECALL IS GOING TO RUN YOU -- SHERYL IS GOING TO RUN YOU THROUGH A VERY SHORT PRESENTATION, SUMMARIZES FOR YOU SOME OF THE KEY CHANGES THAT WE HAVE MADE IN OUR PRACTICES AND POLICIES AS A RESULT OF THE TREE TRIMMING TASK FORCE.

THANK YOU. GOOD AFTERNOON, MAYOR AND COUNCIL. AS TOBY SAYS WE ARE RESPONDING TO ITEMS 23 AND 24, ALSO REVIEWING SOME OF THE KEY ISSUES THAT WE HAVE ADOPTED IN THE PLANS, ARE GOING TO WORK ON GOING FORWARD. I THINK THE -- THE FIRST ISSUE THAT WE SHOULD TALK ABOUT IS WHAT EXACTLY IS IN OUR TREE TRIMMING CONTRACTS. JUST SO EVERYBODY KNOWS THE TYPE OF CONTRACT THAT THEY ARE. A LITTLE BIT ABOUT THE FUNDING ON THOSE CONTRACTS. THE TERM THAT WE ARE ASKING FOR IS 36 MONTHS, WITH TWO 12-MONTH EXTENSIONS. THESE ARE REQUIREMENTS BASED CONTRACTS, MEANING THAT IT'S NOT A GUARANTEE TO ANY OF THE CONTRACTORS THAT THEY RECEIVE THE FULL AUTHORITY THAT WE ARE ASKING FOR TODAY. AS WE NEED THE WORK DONE, WE ISSUE WORK TO THEM. ANOTHER THING TO NOTE IS THAT OUR BUDGET, WHICH WILL BE

COMING TO YOU I GUESS IN ANOTHER WEEK OR SO, REALLY DOESN'T HAVE THE FUNDS WITHIN IT TO EXPEND ALL OF THE CONTRACT AUTHORITY THAT WE ARE ASKING FOR. WE MAKE PROVISIONS IN OUR PLANNING THAT IN THE EVENT THAT WE HAD A YEAR WE HAD SEVERAL SIGNIFICANT STORMS WE MIGHT NOT HAVE THE CONTRACT AUTHORITY AVAILABLE WITHIN THOSE SERVICE CONTRACTS TO BE ABLE TO RESPOND EFFECTIVELY TO THOSE EVENTS.

JUST TO PAUSE THERE FOR A SECOND, ONE OF THE QUESTIONS HAS BEEN THAT THERE'S SOME DISCREPANCY IN THE AMOUNT OF MONEY BUDGETED FOR TREE TRIMMING, VERSUS WHAT'S IN THIS CONTRACT. THE EXPLANATION BEING YOU ALWAYS HAVE A CONTRACT WHICH -- WHICH IS LIKE A SERVICE SUPPLY AGREEMENT, THEY ARE AVAILABLE FOR YOU IN THE CASE OF AN EMERGENCY, SO SHOULD WE HAVE A SERIES OF STORMS, THE CAPACITY IN THE CONTRACT IS THERE. IT DOESN'T MEAN THAT YOU HAVE TO SPEND IT AND IN FACT THE MONEY IS NOT BUDGETED FOR ALL OF IT.

RIGHT.

WE CAN GET SOME OF THE CITY MANAGER RECOMMENDATIONS AFTER REVIEWING THE TASK FORCE. THE CITY MANAGER RECOMMENDS TWO NEW FUNDING INITIATIVES, 1..\$1.1 MILLION IN THE UPCOMING FISCAL YEAR '07 BUDGET. ONE MILLION FOR STREET AND PARK TREE MAINTENANCE. THAT WILL BE ADDED TO THE AUSTIN ENERGY BUDGET. AND \$100,000 ADDITION ALSO FROM THE STRATEGIC ADD-BACKS IN THE GENERAL FUND. TO APPLY TOWARDS TREE PLANTING. HOWEVER YOU SPEND THAT MILLION DOLLARS IS UPWARDS THAT WE WILL COORDINATOR WITH WATERSHED PROTECTION TO FOCUS ON WHAT'S THE BEST USE OF THAT MONEY FOR THE CITY. CAN WE COLLECTIVELY COME UP WITH THE BEST WAY TO SPEND THAT. MAKE IT BE PRUNING NEEDS ON THE STREETS, IN THE PARKS, IT MAY BE STUDIES. WE HAVE TALKED A LOT ABOUT WANTING A TREE INVENTORY, I THINK THAT FUNDING WOULD BE AVAILABLE TO ASSIST US IN DOING THAT TASK AS WELL. WE WILL COORDINATE WITH THE OTHER DEPARTMENTS IN THE URBAN FORESTRY BOARD, MAKE

RECOMMENDATIONS ON HOW TO USE THAT MONEY.

IN FACT THE PARKS DEPARTMENT HAS PUT A PROPOSAL TOGETHER AS WE HAVE ASKED, BOTH WATERSHED AND PARKS, TO WORK WITH US ON WHAT THIS WOULD LOOK LIKE IN ONE CONSOLIDATED FASHION. THEY HAVE A PLAN THAT WOULD GET OUTSIDE A SEVEN-YEAR CYCLE OF MAINTENANCE AND SHAPING AND PRESERVATION OF OUR PARK TREES.

REVIEW OF AUSTIN ENERGY AND VEGETATION MANAGEMENT. I THINK THIS IS A SIGNIFICANT CHANGE THAT THE CITY MANAGER HAS DIRECTED US TOWARDS IS THAT WE ALL AGREE THAT WE NEED TO DO A REGROWTH STUDY HERE FOR THE CITY OF AUSTIN ON OUR TREES TO DETERMINE HOW MUCH DO THESE TREES REGROW. IN THE ABSENCE OF HAVING THAT STUDY COMPLETED WE ARE GOING TO CHANGE OUR PRUNING PRACTICES OUT IN THE FIELD. OUR FAST GROWING SPECIES FORMALLY GOING UP TO 13 FEET IN THE CLEARANCE, DEPENDING ON THE SPECIES, WE ARE GOING TO LIMIT THAT TO 18 FEET OR TO 8 FEET. SLOW GROWING SPECIES FROM NINE FEET MAXIMUM DOWN TO FOUR FEET. WE WILL TURN AROUND AND KICKOFF AND COMPLETE WITHIN 18 MONTHS A REGROWTH STUDY OF THE TREES HERE IN THE CITY OF AUSTIN. IF WE NEED TO GO BACK AND MAKE ANY ADJUSTMENTS TO THOSE, IF THOSE DISTANCES ARE NOT ADEQUATE TO PROVIDE THE CLEARANCES, THEY WILL GO BACK AND MAKE SOME TRIMMING ADJUSTMENTS ON THAT WORK THAT IS DONE IN THE NEXT 18 MONTHS WITH THE NEW STANDARDS THAT WILL APPLY.

SINCE THIS IS ONE OF THE MOST MAJOR CHANGES THAT WE PUT IN PLACE, I WANT TO EXPLAIN THE DISTANCES JUST A LITTLE BIT. OUR CONCEPT SHE WILL HELP ME WITH THIS. THE OSHA IS ABOUT 2 FEET 9 INCHES.

APPROACH DISTANCE FOR SAFELY PUTTING PEOPLE IN THERE TO DO THE WORK IF WE ARE CONTACTING THE WIRES.

ROUND THAT TO THREE FEET. IF YOU GO TO YOUR SLOW GROWING SPECIES, WE KNOW THAT WE ARE GOING TO BE

BACK WITHIN A YEAR AND HAS HALF TO -- AND A HALF TO TWO YEARS WHEN THE GROWTH STUDY IS FINISHED AND IMPLEMENTED. WE WILL DO THAT REQUIRED CLEARANCE PLUS ONE MORE FOOT FOR THAT YEAR AND A HALF TO TWO YEAR PERIOD. FOR THE FAST GROWING SPECIES IT'S ONCE AGAIN THAT THREE FEET, BUT THEN YOU HAVE ABOUT FIVE FEET FOR YOUR FAST GROWING SPECIES FOR THE ONE AND A HALF YEAR TO TWO YEAR I'M FRAME THAT WE ARE GOING TO BE BACK AROUND FOR THESE TREES.

ANOTHER AREA THAT THE TASK FORCE STRONGLY RECOMMENDED IS THAT WE LOOK AT OFFERING REDESIGN OPTIONS AS OPPOSED TO TREE TRIMMING. WE ARE GOING TO ADD ON TO OUR FEE SCHEDULE THIS YEAR A \$100 FEE FOR CONSULTATION AND PRELIMINARY COST ESTIMATES. WE WILL PROVIDE TO ANY RESIDENT WHO ASKS IN VERY GROSS BALLPARK FIGURES, IF I WANT TO VARY THIS LINE, PUT IN TALLER POLES, HAVE SOME OTHER TYPE OF CABLE, HOW MUCH WILL IT COST. GENERIC BALLPARK NUMBERS FOR THAT. FOR ANYBODY THAT'S REALLY INTERESTING IN PURSUING IT AFTER LOOKING AT THOSE BALLPARK NUMBERS, WE WILL ASK THEM TO COMMIT A \$100 FEE. THAT FEE WILL FULLY GO TOWARDS THE WORK THAT WE WILL COMPLETE FOR THEM IF THEY OPT TO PURSUE THAT. WE ALSO WANT TO LOOK AT AFTER WE COMPLETE OUR REGROWTH STUDY A CUSTOMER DIRECTED ALTERNATIVE PROGRAM, WHERE WE WOULD MAKE ONLY A ONE-YEAR PRUNE AND THE CUSTOMER WOULD SUPPORT THAT EFFORT BY PAYING FOR THAT ADDITIONAL TIME FOR US TO VISIT THEIR PROPERTY FOUR TIMES DURING THAT FIVE YEAR PERIOD OR FIVE TIMES DURING THAT FIVE YEAR PERIOD. WE REALLY NEED TO GET THESE NUMBERS FROM THE REGROWTH STUDY BRUS BEFORE WE CAN FINALIZE THAT PROGRAM, THAT WILL BE COMING BACK AS WELL DURING THAT 18 MONTH PERIOD. WE AGREED DURING THE TASK FORCE THAT WE WOULD DO SOME PILOTS OF THE ALTERNATIVES THAT WE JUST TALKED ABOUT. WE HAVE COMPLETED ONE OF THOSE AND THAT IS THE USE OF INSULATED TYPICALLY A URD CABLE USED FOR UNDERGROUND INSTALLATIONS, WE HAVE APPLIED THAT TO AN EXISTING OVERHEAD SINGLE PHASE LINE. THE COST WE DISCOVERED IN THAT DEMONSTRATION PROJECT IS ABOUT

\$4,400 PER LOT. SO THIS IS NOT BURYING THE LINES, BUT TAKING A CONDUCTOR THAT IS INSULATED, PUTTING IT UP IN THE AIR WITH THE INTENT THAT WE NOW LIMIT THE AMOUNT OF TREE TRIMMING THAT WE HAVE TO DO THERE. NOW IT'S AN INSULATED CONDUCTOR, WE DON'T HAVE TO HAVE AS MUCH DISTANCE FROM THAT. WE DO HAVE SOME LONG ONGOING CONCERNS, THINGS THAT WE NEED TO LEARN ABOUT THAT TO SAY THAT IT'S EXPOSED TO THE WEATHER, WHAT ABOUT RUBBING ON TREE LIMBS, THINGS LIKE THAT, WE STILL NEED SOME AMOUNT OF TREE TRIMMING, WE THINK THIS IS AN ALTERNATIVE THAT WILL ENABLE US TO DO LESS TRIMMING WHERE CUSTOMERS WANT THIS OPTION. ALSO A PILOT ON RAISING THE TREES, RAISING THE POLES HIGHER SO THAT WE CAN CLEAR TREES. THESE THINGS I THINK ARE GOING TO BE MORE COST EFFECTIVE THAN THE UNDERGROUND APPROACH, WHICH I HAVE TALKED ABOUT BEFORE, \$12,000 PER LOT. AVERAGE 60-FOOT PER LOT. CUSTOMER CONTRIBUTION ALSO IF YOU GO UNDERGROUND TO CONVERT THAT SERVICE TO AN UNDERGROUND SERVICE.

ALL RIGHT. ON THE ISSUE OF THE RAISING LINES ABOVE THE TREES, CAN YOU -- CAN YOU, SHERYL, DESCRIBE FOR US WHAT ARE THE COST ISSUES THAT WE ARE LOOKING AT? WHAT ARE THE FACTORS?

ON RAISING? IT'S GOING TO BE DEPENDENT ON EXACTLY IT'S -- YOU KNOW, WE HAVE A BALLPARK, A REAL GROSS BALLPARK WOULD BE NOT LESS THAN \$2,000 PER POLE, PER SPAN. BUT THAT MEANS THAT YOU HAVE SINGLE PHASE ON YOUR PROPERTY, AND, YOU KNOW, YOU MAYBE HAVE ONLY ONE OR TWO POLES, IT HARD TO SAY WHAT IT WOULD BE FOR A PROPERTY OWNER. THAT'S HOW WE LIKE TO PICK A BLOCK, DO IT FOR A DEMONSTRATION.

WE ARE TALKING ABOUT USING A DIFFERENT KIND OF POLE OBVIOUSLY.

A TALLER POLE. IF YOU CURRENTLY HAVE INNER CITY TYPICALLY PROBABLY 45-FOOT POLES AS OUR STANDARD, I HAVE PICTURES IN HERE, YOU DON'T MIND I WILL MOVE FORWARD TO THAT PICTURE. THIS IS AN EXAMPLE ON BANISTER LANE WHERE A PROPERTY OWNER DID NOT WANT

HIS OAK TREES PRUNED. SO WE CONSTRUCTED I BELIEVE IT WAS THREE POLES THAT WE CHANGED OUT, THREE TO FOUR POLES IN THIS CASE, AND AS YOU CAN SEE WE CLEARED THOSE OAK TREE, WE DO 70-FOOT POLES.

ARE THOSE -- I CAN'T REALLY TELL FROM THE --

YOU HAVE A PICTURE COUNCILMEMBER IN YOUR PACKET.

McCracken: THESE ARE THE CREOSOTE.

THESE WERE WOOD POLES, I BELIEVE, THERE WERE WOOD POLES IN THE LINE AND WE CONTINUED ON WITH THE WOOD POLES.

McCracken: IN THAT SENSE, WHAT WAS THE COST OF THAT INSTANCE.

THE COST ON THIS WAS ABOUT \$24,000, THAT I RECALL. THIS WAS AN APARTMENT COMPLEX, THE PROPERTY OWNER REALLY FELT LIKE IT WOULD DIMINISH HIS DRIVE-BY VALUE, THINGS LIKE THAT. HE WANTED TO MAKE THAT INVESTMENT IN THE PROPERTY.

McCracken: THEN IF -- IF THE I'M TRYING TO GET A LITTLE BETTER SENSE NOW BECAUSE THAT APPEARS TO BE A -- TO BE A -- YOU KNOW, IN THE RANGE OF OPTIONS POTENTIALLY A COST EFFECTIVE WAY AS OPPOSED TO THE TREE APPROACH AND WE HAVE OUR NATIONAL COMPETITION COMING UP, THAT THE COUNCIL HAS AUTHORIZED, YOU ALL ARE PUTTING TOGETHER, WE APPRECIATE THAT. THAT SATURDAYS IN THE JANUARY SEMESTER NATIONALLY. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] SOY

WE'RE GOING TO PICK A BLOCK OR TWO ON TREAT AND DO IT AS A PILOT AND TEST AND SEE COSTS AND THOUSAND WORKS WITH HOMEOWNERS. WE PICKED EAST 46TH STREET FOR A VARIETY OF REASONS AS ONE WAY TO START TEFGHT THE COSTS. AND WE'LL WORK ON THAT COST BENEFIT ANALYSIS AS WE DO THIS.

I WOULD LIKE TO SEE THAT COME PRETTY QUICKLY BECAUSE FOLKS -- AS WE ALL KNOW NOW AND IF YOU DIDN'T

KNOW FROM FIRSTHAND EXPERIENCE, BUT THAT'S SUCH A VALUABLE PART OF YOUR PROPERTY VALUES AND PROPERTY OF LIFE AND ELECTRIC BILLS, SO I THINK IT MAKE SENSE TO FIND THIS INFORMATION OUT ON AN EX-PIED BASIS.

I THINK THE TASKFORCE DID A GOOD JOB OF FINDING WHAT ARE THE OTHER POSSIBILITIES BESIDES UNDERGROUNDING. WE APPRECIATE THAT. ANOTHER THING THE TASKFORCE WAS REALLY INTERESTED IN WAS THE SIZE OF SPECIES THAT --

LET'S BACK UP FOR A SECOND BECAUSE YOU ALSO HAD HERE -- THERE WAS A LOT OF DISPUTE ABOUT WHAT THE ACTUAL COST OF BURYING LINES WERE. SO ONE OF THE THINGS WE DID IS WE GOT COST ESTIMATE OZ BURYING LINES.

THESE COST ESTIMATES ARE OURS. WE'RE IN THE PROCESS OF GETTING INDEPENDENT BIDDING BY A CONTRACTOR. WE'RE JUST GOING TO DEFINE FOR THEM A FIVE-BLOCK NEIGHBORHOOD AREA AND ASK THEM TO GIVE US SOME COST TO GO VALIDATE OUR COSTS AND MAKE SURE THAT WE'RE NOT IN ANY WAY REPORTING ANYTHING THAT'S NOT CORRECT. SO WE ARE FOLLOWING THROUGHOUT THAT ACTIVITY TOO AND WE'LL REPORT THAT BACK AS WELL.

AND WE HAVE ONE LAST PILOT THAT'S NOT MENTIONED ON THE SLIDE, BUT WE WERE IN THE PREPLANNING PROCESS OF TAGGING TREES IN TWO URBAN CORE NEIGHBORHOODS THAT HAPPEN TO BE SIDE BY SIDE. ONE OF THE THINGS WE'VE AGREED TO IN HERE THAT SHE WILL TALK ABOUT LATER IS TICKET-TO-WORK IN TREE TRIMMING PLANS NEIGHBORHOOD-WIDE THROUGH THE NEIGHBORHOOD PLANNING PROCESS. THAT COULD BE DONE BY AMENDMENT, IT COULD BE DONE AS YOU'RE GOING THROUGH OUR NEIGHBORHOOD PLANNING PROCESS. WE WANT TO TEST WHAT THAT WOULD LOOK LIKE AND FEEL LIKE, AND WE'RE GOING TO USE THE TWO NAIDS THAT WE WERE JUST ABOUT TO START WORK IN, PULL THEM BACK AND PUT THEM THROUGH AN AMENDMENT TO THE NEIGHBORHOOD PLAN FOR A NEIGHBORHOOD-WIDE TREE TRIMMING PLAN. THIS WOULD BE HANCOCK AND HYDE PARK.

THEY WERE THE ONES BEING TAGGED RIGHT NOW IN A PREPLANNING EXERCISE.

RIGHT. I THINK THAT WILL BE A SUCCESSFUL PILOT AS WELL. AND THIS IS WHERE THE MITIGATION TREES COME IN. IN UP FRONT PLANNING LIKE TOBY IS TALKING ABOUT, CAN WE DO A BETTER JOB, RATHER THAN WORKING THROUGH PROPERTY OWNER BY PROPERTY OWNER, CAN WE COME UP WITH A MORE COHESIVE PLAN WHERE WE GO IN AHEAD OF TIME AND LOOK AT THE AREAS WHERE WE'LL BE PRUNING, WHETHER ON RIGHT-OF-WAYS OR IN PARKS, BUT LOOK AT PLACES WHERE WE CAN REPLENISH THE STOCK OF TREES SO WE KNOW WE CAN OFFSET WHAT WE WILL BE REMOVING. AND THE OTHER PART IS WHY DON'T YOU GIVE US BIGGER TREEVMENTZ I'VE BROUGHT SOME TODAY. THESE ARE THE TYPES OF TREES THAT WE WOULD BE PROVIDING TO CUSTOMERS IN THE 15-GALLON RANGE. SOME OF THEM ARE FIVE TO 10-GALLON RANGE, BUT THESE ARE ALL DROUGHT TOLERANT, UTILITY COMPATIBLE TREES. THEERZ THE TYPES OF TREES THAT WOULD REPLACE WHEN THEY'RE UNDER THE POWER LINES. THE OTHER THING THE TASKFORCE RECOMMENDED IS WHY DO YOU HAVE TO LIMIT THOSE TYPES OF TREES WHEN YOU'RE PLANTING ON THE PARKLAND? WE DON'T. WE'LL LOOK ALSO AT WHAT TYPES OF TREES DID HE PROVIDE. AUSTIN ENERGY ALSO HAS HEAT ISLAND INITIATIVES AND OTHER FORMS OF PROGRAMS THAT WE'RE UTILIZING WHERE WE CAN GET OTHER TREES IN PLACE INTO THE PARKS AND HAVE MORE OF AN IMPACT. HANCOCK IS ONE AREA I KNOW IN HYDE PARK THAT WILL BENEFIT FLA TYPE OF PROGRAM.

PART OF WHAT WE'VE AGREED TO HERE IS LARGER SPECIMENS OF TREES. WE WERE OFFERING FIVE TO 10-GALLON TREES. WE'RE GOING TO OFFER UP TO 15-GALLON TREES. WE'LL DO THIS ON REQUEST AND WE'LL PUT IT IN THE HOMEOWNER BILL OF RIGHTS INFORMATION THAT WE HAND OUT. WE FOUND THAT SOME HOMEOWNERS DON'T WANT TO HANDLE TRYING TO PLANT THE BIGGER TREES OR MAYBE CAN'T HANDLE PLANTING OF THE BIGGER TREES, BUT IF YOU CAN AND WANT, WE'LL PROVIDE THE BIGGER SPECIMEN. ALSO, BIGGER SPECIES WHERE APPROPRIATE, PARTICULARLY IN PARTS, PUBLIC RIGHT-OF-WAY. WE HAVE SAMPLES ALONG THE BACK, AND BEFORE SOMEONE COMES

UP AND SAYS THAT'S NOT A TREE, ONE OF THOSE OVER THERE THAT WE GIVE YOU A SAMPLE OF IS AN ORNAMENTAL SPECIMEN. WE HAVE SOME PROPERTY OWNERS THAT DON'T WANT A TREE BACK, BUT THEY WANT SOMETHING, SOME LANDSCAPING AND IT'S AN EXAMPLE OF WHAT WE CAN MAKE AVAILABLE ALSO.

McCracken: SO WHAT KIND OF TREES ARE WE TALK BEING TALKING -- TALKING ABOUT HERE.

THAT'S A FLOWERING SENNA. THE NEXT ONE IN LINE IS A POSSUM LINE HOLLY. THERE'S A RED BUD TREE BEHIND RUDE DIVMENT THEN OVER BEHIND BYRON AND JEFF IS IS ACTUALLY A DESERT WILLOW. IN BETWEEN THEM IS A SUMAC. SO MOST OF THEM ARE NATIVE TREES, SOME ARE ADAPTED. THE DESERT WILLOW IS AN ADAPTED. BUT THE OTHERS ARE ALL NATIVE TO OUR AREA. AND THEIR SURVIVAL RIGHT WILL CERTAINLY BE BETTER THAN SOME OF THE OTHER TREES THAT WE MIGHT TRY. LAST TREE WE HAVE OVER HERE IS IS A MEXICAN PLUM.

> HOW MANY ARE SHADE TREES AS COMPARED TO ORNAMENTAL?

THESE ARE ALL TREES COMPATIBLE WITH THE OVERHEADLINE, SO THEY SHOULD NOT EXCEED 20 FEET IN HEIGHT AT MATURITY.

McCracken: THEY'RE ALL ORNAMENTAL?

THIS IS WHEN YOU PLANT UNDER THE LINE. AS PART OF WORKING THROUGH THIS WITH HOMEOWNERS, IF YOU WANT LARJER TREE AND PLANT IT DIFFERENT LIRKS PLANT IS JUST IN YOUR YARD, NOT UNDER THE LINE, THEN WE'LL WORK ON THAT BECAUSE THEN YOU COULD GET A BIRG TREE.

McCracken: I THINK THAT SPEAKS THE NEEDS TO GET FAST ANSWERS ON THE COMPARE..... COMPARATIVE COST OF HIGHER LINES. AN ORNAMENTAL TREE FROM A FUNCTIONAL STANDPOINT DOESN'T ACCOMPLISH VERY MUCH. IT'S AN ORNAMENT AS OPPOSED TO ACTUALLY PROVIDING SHADE, WHICH WAS PART OF THE -- OF OUR COMPREHENSIVE EFFORT TO AVOID HAVING TO BUILD BILLION DOLLAR POWER

PLANTS IS IS IF YOU CAN HAVE SHADE IN PEOPLE'S YARZ WE DON'T HAVE TO RUN THEIR AIR CONDITIONING SO MUCH. SO ORNAMENTAL TREES DON'T MEET THAT INTEREST. THAT WOULD BE -- IF WE'RE REPLANTING ORNAMENTAL TREES IN ADDITION TO THE TREE TRIMMING COSTS, THAT WOULD APPEAR TO BE AN ADDITIONAL COST TO FACTOR WHEN COMPARING HIGHER LINES TO CUTTING DOWN PEOPLE'S TREES.

THERE'S NO DOUBT THAT HIGHER LINES IN MANY CIRCUMSTANCES IS IS A VERY, VERY GOOD ALTERNATIVE, BUT JUST BEFORE WE DISMISS ON ORNAMENTAL TREES, WE'RE TALKING ABOUT TREES THAT CAN GET UPWARD OF 20 FEET WERKS NOT TALKING ABOUT SHRUBS OR SAPLINGS, WE ARE TALKING ABOUT SIGNIFICANT TREES, BUT THEY ARE NOT YOUR TOWERING OAKS AND SHADE TREES. THERE'S NO DOUBT ABOUT THAT.

EVEN ABOUT RAIGZ THE LINES, SOME OF THE PROGRAMS WE WORK ON IS IF SOMEBODY REALLY WANTS THE TREES UP BY THEIR HOUSE TO PROVIDE THE SHADING, WE'LL GIVE OUT THAT TYPE. OUR GREEN BUILDING PROGRAM ALSO ACKNOWLEDGES THAT THERE'S FWINT TO THE SHADING, ESPECIALLY WELL PLACED SHADING, OAMPL THE AIR CONDITIONERS AND OVER THE....HOUSE. GREATER COORDINATION WILL PROVIDE GREATER BENEFIT AS WE DO THE REPLANTING.

SHERYL IS JUST HITTING HIGHLIGHTS HERE, BUT FOR EXAMPLE, ONE OF THE QUESTIONS WE HEARD WAS WHAT ARE WE DOING TO PUBLICIZE THIS, MAKE PEOPLE AWARE THEY HAVE THESE OPTIONS? WE'RE TALKING ABOUT ADDING THOSE ON TO THE NOTIFICATION DOCUMENT, BASICALLY YOUR CUSTOMER BILL OF RIGHTS. WHEN THIS IS HAPPENING IN YOUR NEIGHBORHOOD, WHAT CAN YOU EXPECT, WHAT CAN YOU ASK FOR, WHAT CAN WE DO FOR YOU?

WE'RE GOING TO ADD THAT TO THE DOOR HANGER. WE THINK THAT'S THE WAY TO ENSURE THIS EVERYBODY GETS THAT. WE'LL ADD IT ON TO THE CUSTOMER BILL OF RIGHTS JUST TO MAKE PEOPLE AWARE THAT CAN YOU GET A TREE. THERE WERE CONCERNS VOICED THAT NOT EVERYBODY KNOWS THEY CAN GET A TREE BECAUSE THEY DON'T ASK

AND GET ONE. WE WANT TO BE VERY FORTHCOMING WITH THAT. WE WANT TO GET AS MANY TREES PLANTED AS WE CAN.

Mayor Wynn: REMAINED ME, SO WHERE ALL -- REMIND ME, WITH ALL OF THESE ISSUES, RAISING THE POLE HEIGHT, BURYING UNDERGROUND AND/OR THE ISSUE OF REPLANTING EVEN ORNAMENTAL ORNAMENTAL TREES IN THE RIGHT-OF-WAY, WHAT ABOUT THE OTHER UTILITIES OR SERVICE PROVIDERS ON OUR POLES? I DRIVE AROUND TOWN AND YOU CAN NOTICE THE TELEPHONE AND/OR CABLE LINES BEING FAR LOWER THAN OUR POWER LINES. AND IF WE'RE FOCUSED SOLELY ON THE ELECTRIC ISSUE, WHAT ABOUT ALL THE OTHER PROVIDERS ON OUR POLES?

THE OTHER PROVIDERS UNFORTUNATELY DON'T HAVE THE ISSUE OF ELECTRICAL CONTACT WITH THEM. WHEN WE RAISE THE POLES UP, THEIR THINGS ARE ALSO RAISED UP. IF WE'RE ADDING 20 FEET OF POLE HEIGHT, WE'LL BE RAISING THEM.

...

Mayor Wynn: BUT IF WE LIFT THE CABLE OR PHONE LINES INTO THE TREASURE OF... -- STRUCTURE OF A TREE, I KNOW IT'S NOT THE LIFE SAFETY ISSUE THAT WE HAVE WITH OUR LINES, BUT AT SOME POINT THERE'S AN ISSUE OF HAVING TREE LIMBS LEANING ACROSS TIME WARNER'S LINES OR SOMEBODY ELSE'S, RIGHT?

THEY ACTUALLY DON'T HAVE A MANAGED VEGETATION PROGRAM. TIME WARNER, SOUTHWESTERN BELL, AT&T, THEY WILL GO OUT AND PRUNE THE TREE TO INSTALL THEIR SERVICES, BUT THEY DON'T HAVE A VEGETATION MANAGEMENT PROGRAM. SO IF THE TREE LIMB FALLS OFF AND KNOCKS THEIR WIRE ON TO A GROUND, WE'LL PICK IT BACK UP, BUT THEY DON'T REMOVE THE VEGETATION FROM THEIR SERVICES. SO THE INTERFERENCE THAT THEY HAVE IS GENERALLY NOT SOMETHING THAT THEY DON'T NOOZ CHOOZ TO LIVE WITH.

THAT'S ONE OF THE REASONS WE'RE TALKING ABOUT DOING PILOTS BLOCK LONG. WE NEED TO SEE WHAT WILL WE DO

WITH THE OTHER PROVIDERS' LINES THAT ARE TYPICALLY HUNG LOWER. THIS IS PART OF WHAT WE WANT TO EXPLORE AS WE LOOK INTO WHAT ARE THE ISSUES GOING TO BE.

AND SEEKING THE RIGHT SIZE POLE SO WE CAN CLEAR THEM INITIAL SHROU THE CONSTRUCTABILITY IS THERE. SO AS THE TREE GOES UP, THEY GENERALLY DON'T FIND THAT A PROBLEM FOR THEIR BUSINESS. THE NOTIFICATION PROCESS, THIS ISSUE IS ONE THAT WE CONTINUE TO IMPROVE ON. WE WANT TO MAKE EVERY EFFORT. WHEN WE LEFT THE TASKFORCE, WE SAID WE WOULD RESUME THE PRUNING IN HYDE PARK AND USE NOTIFICATION. THIS IS WHAT TOBY TALKED ABOUT THAT ADVANCED COORDINATION. WE WANT TO GET IN FRONT OF OUR PREPLANNING PROCESS YIELD THE NEIGHBORHOOD GROUP AND GO BACK AND WORK IN THE NEIGHBORHOOD UP FRONT SO THAT WE CAN GET A PLAN THAT WORKS FOR THEIR NEIGHBORHOOD, THAT GETS TREES WHERE THEY WANT THEM, THAT WORKS SOMEHOW OF THE PUBLIC AREAS PERHAPS THAT THOSE GET SHOWCASED IN THAT COMMUNITY BEFORE WE COME THROUGH. SO WE WILL PUSH OUR NOTIFICATION PROCESS WAY FORWARD. WE WILL ALSO TRY TO NOTIFY AND I THINK WE'VE MADE A COMMITMENT HERE TO FIVE BUSINESS DAYS PRIOR TO THE THE WORK ON CIP PROJECTS. THAT MEANS SOMEBODY IS BUILDING A NEW HOUSE AND WE HAVE TO PUT IN TWO POLES TO SERVE THAT HOUSE. WE WANT TO MAKE NOTIFICATION TO THE NEIGHBORHOOD ASSOCIATION SO THEY KNOW WHY WE'RE THERE AND WILL BE WORKING THAT. AND FOR OTHER CAPITAL IMPROVEMENT PROJECTS, IF WE'RE GOING TO GO RECONSTRUCT A FEEDER DOWN THROUGH A NEIGHBORHOOD, WE'LL GET INVOLVED WITH THAT NEIGHBORHOOD ASSOCIATION UP FRONT BEFORE WE START THE WORK TO PLAN THAT AND LOOK AT THE TYPES OF THINGS THAT MIGHT WORK BETTER WHILE WE BUILDING, SHOULD WE BE RAISING THE POLES. WHAT IS THEIR INTEREST. THAT'S ANOTHER COMMITMENT THAT WE'RE WILLING TO MAKE ON THE NOTIFICATION SIDE THAT I THINK WILL ACTUALLY EASE A LOT OF OUR WORK GOING TOWARD.

AND THERE'S BEEN A LOT OF CONTROVERSY WITH THE NOTIFICATION PIECE, WHICH IS WHY WE'RE MOVING TO

CERTIFIED MAIL, WE'RE GOING TO USE THE NEIGHBORHOOD ASSOCIATION PRESIDENT AS LISTED ON THE AMC WEBSITE. WE'RE GOING TO MAKE THAT VERY CLEAR IN NEIGHBORHOOD NEWS LETTERS SO THAT WE CAN MAKE SURE THE LISTS STAY UPDATED, THE RIGHT PERSON GETS THE CERTIFIED NOTICE. WE'RE GOING TO BACK IT UP AND GUARANTEE A CERTAIN AMOUNT OF TIME BEFORE EACH OF THESE. AND WE HAD SNAFU NOT LONG AGO BECAUSE NOTICE WAS NOT GIVEN ON SOMETHING THAT WAS A CIP PROJECT, BUT IT CAUSED A LOT OF ALARM IN THE NEIGHBORHOOD. SO WE'RE ADDING CIP PROJECTS TO THE NOTICE PROCESS.

I THINK THAT WAS MY LAST SLIDE. I'D BE HAPPY TO TAKE ANY MORE QUESTIONS YOU MIGHT HAVE. I THINK WE'VE TOUCHED ON THE KEY POINTS AND I THINK THIS IS A REALLY GOOD VARIETY OF THINGS WE'LL BE WORKING WITH THAT THE TASKFORCE RECOMMENDED AND TRY TO INCREASE THE COMMUNICATION BETWEEN ALL DEPTZ. THERE IS REALLY MORE OPPORTUNITY FOR US TO WORK TOGETHER.

Mayor Wynn: QUESTIONS, COUNCIL? WE DO HAVE A NUMBER OF SPEAKERS, BUT COUNCILMEMBER LEFFINGWELL?

Leffingwell: I JUST WANT TO GO OVER A LITTLE BACKGROUND ON THIS, BECAUSE THIS HAS BEEN A LONG-TERM, ONGOING PROCESS. WE STARTED GETTING COMPLAINTS FROM NEIGHBORHOOD ASSOCIATIONS AND NEIGHBORHOOD PEOPLE BACK IN JANUARY OR FEBRUARY ABOUT THIS PROCESS AS THE AUSTIN ENERGY CREWS BEGAN TO MOVE INTO CERTAIN NEIGHBORHOODS IN CENTRAL AUSTIN THAT HAVE A LOT OF OLDER TREES. SO THESE COMPLAINTS REALLY WERE ABOUT POLICY AND ABOUT THE PROCESS AND IMPLEMENTATION OF AUSTIN ENERGY'S POLICY. SO IN RESPONSE TO THAT WE FORM, THE COUNCIL FORMED A TREE TRIMMING TASKFORCE WHICH WAS MADE UP OF AUSTIN ENERGY PARKS, WATERSHED PROTECTION, SOLID WASTE SERVICES, AND A LOT OF PRIVATE ARBORISTS AND CITY ARBORISTS. AND IRONICALLY AS IT HAPPENED THEY COMPLETED THEIR WORK AND IT WAS PRESENTED TO THE CITY COUNCIL I THINK THE DAY AFTER WE HAD THESE MAJOR STORMS WITH MAJOR ELECTRICAL OUTAGES AND IT WAS KIND OF A BAD TIME TO PRESENT IT. BUT I DO WANT TO

POINT OUT THAT WE'VE BEEN WORKING MOST OF THIS YEAR, MY STAFF, SPEAKING FOR MYSELF, HAS DEVOTED A LOT OF TIME, ONE PERSON WORKING ON IT AT LEAST PART OF EVERYDAY AND ONE PERSON PART OF EVERY WEEK, ONE DAY A WEEK, WORKING WITH THIS GROUP TO TRY TO COME UP WITH A BUNCH OF SOLID RECOMMENDATIONS. I THINK THAT WE'VE DONE THAT. I THINK THE TASKFORCE CAME UP WITH SOME GOOD SOLID RECOMMENDATIONS. THE CITY MANAGER HAS MADE A ABOUT SET OF RESPONSES TO THESE RECOMMENDATIONS. AND AS I GET -- AFTER THE DISCUSSION HERE I HAVE SOME SUGGESTIONS FOR CHANGES AND DAITIONZ, WHICH WE'LL GET TO. BUT BASICALLY I THINK THE PROBLEM BOILS DOWN TO A LACK OF COMMUNICATION BETWEEN, FANGLY, AUSTIN ENERGY AND -- FRANKLY, AUSTIN ENERGY AND I DON'T KNOW WHAT LEVEL IT BREAKS DOWN, BUT THE GUY ON THE GROUND WITH THE NOTICE AND THE GUY WITH THE CHAINSAW. WE CAN FORMULATE THE BEST POLICIES IN THE WORLD FOR CONTROLLING TREE VEGETATION AND LINE CLEARANCE AND SO FORTH, BUT IF THAT POLICY ISN'T IMPLEMENTED AT GROUND LEVEL, WE'VE GOT A PROBLEM. THAT IS WHAT WE REALLY HAVE TO FOCUS ON ADDRESSING. WE NEED A LOT MORE SUPERVISION OF THIS PROCESS IS AND WE NEED OVERSIGHT. GIEJ TO MAIG A PROPOSAL -- I'M GOING MAKE A PROPOSAL WITH REGARD TO OVERSIGHT ON THIS. THIS IS WHERE WE ARE NOW. A MONTH OR SO AGO WE IMPLEMENTED SOME INTERIM RECOMMENDATIONS THAT WERE SPOTSED TO ADDRESS COMMUNICATION, BUT WHERE ARE WE? LET ME GIVE AWE FEW ANECDOTES FROM THE LAST COUPLE OF WEEKS SINCE THIS PROCESS WAS I AM PLEMENTD. PEOPLE GOING OUT IN THE MORNING TO GET THEIR PAPER, FINDING RIBBONS ON TREES WITH NO EXPLANATION OF WHAT THE RIBBONS MEAN OR WHAT THEY CAN EXPECT FROM THAT. ONE RESIDENT TOLD NECESSITY THAT SOMEBODY CAME BY AND GAVE HIM A FREE TREE AND HE WAS VERY GRIEFLT THAT, SOMEBODY GAVE HIM A FREE TREE, BUT HE FOUND OUT LATER THEY CAME BY TO TAKE OUT HIS OLD TREE. HE DIDN'T KNOW THAT THAT WAS THE TRADE AT THE TIME. ONE RESIDENT TOLD ME THAT HIS SIGNATURE HAD BEEN FORGED ON THE FORMS APPROVING THE I AM APPROXIMATE.....-- THEIMPLEMENTATION PLAN OF THE TREE TRIMMING PROCESS. I TALKED TO A RESIDENT

YESTERDAY, I SAW HIM EARLIER TODAY, I DON'T SEE HIM
HERE NOW WHORKS HAS THE MEANS AND INCLINATION TO
HIRE A SECURITY FIRM TO GUARD HIS PROPERTY 24 HOURS
A DAY FROM AUSTIN ENERGY. SO THAT IS A PROBLEM THAT
WE HAVE. WE CAN HERE TODAY IMPLEMENT GOOD
POLICIES, BUT WE HAVE TO MAKE SURE THAT CAN FOLLOW
UP WITH CLOSE SUPERVISION OF THIS PROCESS AND MAKE
SURE IT'S ACTUALLY WORKING. AND I INTEND TO KEEP ON
WORKING TO DO THAT. I REALIZE THAT WE'RE UNDER A TIME
CRUNCH HERE TO GET SOME KIND OF TREE CONTRACT
FLAIS BECAUSE..... --CONTRACT IN PLACE BECAUSE
WE'RE OUT OF MONEY. I UNDERSTAND WE COULD NOT
RESPOND NOW IF WE HAD A MAJOR STORM. I GUESS WE'RE
APPROACHING HURRICANE SEASON. IT'S POSSIBLE. WE
DON'T HAVE THE MONEY TO PAY PEOPLE TO GO OUT AND
CLEAR OUR POWER LINES RIGHT NOW. SO I'M GOING TO
SUGGEST AT THE APPROPRIATE TIME THAT WE REDUCE THE
TERM OF THIS CONTRACT TO THE MINIMUM FEASIBLE WITH
ONE-YEAR EXTENSIONS AS WE WORK OUR WAY THROUGH
THIS PROCESS THAT WOULD BE APPROVED BY COUNCIL.
AND I JUST WANT TO STATE THOSE THINGS UP FRONT. MY
IDEA AT THIS POINT, FOR EXAMPLE, I'M GOING TO BE
REQUESTING THAT WE HAVE AN OVERSIGHT PROCESS TO
BEGIN WITH THAT INCLUDES QUARTERLY BRIEFINGS TO
BOTH THE REQUIREMENT AL BOARD AND THE URBAN
FORESTRY BOARD. TOIPT HEAR FROM THE CITIZENS HAVE
TO SAY AND THEN WE'LL HAVE DISCUSSION AMONG THE
COUNCIL AFTERWARDS AND SEE WHAT WE CAN DO TO TRY
TO IMPLEMENT A ABOUT TREE TRIMMING POLICY WITH
GOOD, CLOSE SUPERVISION, COMMUNICATION AND
FOLLOW-UP.

Mayor Wynn: THANK YOU, COWFNLT [APPLAUSE] SO
WITHOUT OBJECTION, COUNCIL, WE'LL HEAR FROM CITIZENS
AND TAKE UP ADDITIONAL COMMENTS. AND ALSO WITHOUT
OBJECTION I'LL TECHNICALLY CALL UP ITEMS 23 AND 24
JOINTLY. ESSENTIALLY IT'S THE SAME PEOPLE SIGNED UP
FOR THE TWO. SO OWSH FIRST SPEAKER WILL BE TIM
MAHONEY. YOU WILL HAVE THREE MINUTES AND YOU WILL
BE FOLLOWED BY HEATH WILLIAMSON.

GOOD AFTERNOON. I'M TIM MAHONEY, CHAIR OF THE URBAN
FORESTRY BOARD. AND TO MAKE A HEALTHY URBAN

FOREST IS IS A GENERATIONAL ENDEAVOR. AS I WAS MAKING MY NOTES HERE, I JUST CAN'T TELL YOU HOW SURPRISED AND PLEASED I AM THAT WE ARE AT THIS PARTICULAR POINT IN THIS PROCESS. THIS IS SO CONSTRUCTIVE. THIS IS MY DREAM OF WHERE WE WOULD BE FOR DEVELOPING AN URBAN FOREST COMPREHENSIVE MANAGEMENT PLAN A COUPLE OF YEARS AGO. THIS IS A REALLY GREAT PROCESS. A HEALTHY URBAN FOREST HAS A DIRECT RELATIONSHIP TO A HEALTHY COMMUNITY. AND ALSO IT SAVES US DOLLARS. YOU TALKED ABOUT ENERGY EFFICIENCY, AND IT'S FAR MORE -- TO IMPLEMENT IT TAKES A LOT MORE COORDINATION THAN IT DOES JUST MONEY. AND THIS PROCESS HAS REALLY DEVELOPED A DEEP DIALOGUE WITHIN THE TAF AND THE CITIZENS. WE NEED MORE STRUCTURE. I LOVE THE IDEA OF INCORPORATING THIS INTO NEIGHBORHOOD PLANNING. I KNOW SOMETHING ABOUT NEIGHBORHOOD PLANNING. AND IT'S ABSOLUTELY CORRECT. WE NEED TO HAVE A FAR MORE SOPHISTICATED STRUCTURE TO COME UP WITH PLANS, TO EVALUATE THEM, TO DEAL WITH AN APPEAL SO THAT AUSTIN ENERGY CAN PROCEED IN A BUSINESSLIKE FASHION. AND WE DON'T HAVE THAT STRUCTURE. SO I'M LOOKING FORWARD TO CREATING THAT IN THE NEXT YEAR. IT..TO GET THE RIGHT TREE IN THE RIGHT PLACE THERE'S A LOT OF LITTLE THINGS WE CAN DO OVER TIME TO MAKE SURE TA THIS ISSUE IS LESS CONTENTIOUS AND THE HEALTHY COMMUNITY PRODUCES A HEALTHY FOREST. AS THE URBAN FORESTRY BOARD SAID IN OUR YARN 2006 REPORT -- JANUARY 2006 REPORT, THE URBAN FOREST PROBABLY HAS BEEN DECLINING IN THE LAST NUMBER OF YEARS, BUT DUE TO A LACK OF INVENTORY DATA, WE DON'T KNOW HOW OR WHY. AND I THINK FOR THE FEBRUARY RESOLUTION THAT THE COUNCIL SAID TO HAVE THAT -- THE CITY MANAGER LOOK AT THE DATA ON THE NEED FOR AN INVENTORY AND FWRI IT BACK TO THE LAND USE AND TRANSPORTATION SUBCOMMITTEE. I THINK WE'VE ALREADY DONE THAT. WITH THE CITY MANAGER'S RESPONSES TO THE TASKFORCE AND WE'RE GOING TO BE PROCEEDING WITH THE INVENTORY. AT LEAST THIGH MY UNDERSTANDING WITH TALKING TO ME. THE CITY MANAGER'S SPOBLD PROVIDES AN OVERALL STRUCTURE TO FIND THE HEALTH OF OUR URBAN FOREST. SUCH AN EFFORT REQUIRES COORDINATION AND COOPERATION ACROSS

DEPARTMENTS. THIS MANAGER'S RESPONSE HAS BAD STRUCTURE, THE BEGINNING OF IT IN PLACE AND MANDATES A PROCESS WORKING WITH THE URBAN FORESTRY BOARD AND PLANNING COMMISSION, AND I THINK THE ENVIRONMENTAL BOARD IS SOMETHING THAT WOULD BE APPROPRIATE AS WELL. [BUZZER SOUNDS] IF I COULD HAVE JUST A COUPLE MORE MINUTES. FROM SOMEBODY WHO SIGNED UP.

Mayor Wynn: JUST TAKE THEM.

AS PART OF THE STRUCTURE TO BEGIN MOVING FORWARD IN TERM OF BUILDING THE COMPETENCY OF THIS PROCESS, THE URBAN FORESTRY BOARD NEEDS ADDITIONAL TRAINING. NOT ONLY DO -- SINCE WE'RE TRYING TO CREATE NEW POPPING, WE NEED TO ARE OUTSIDE TRAINING, THE TREE CONFERENCE THAT'S OFFERED BY THE FOREST SERVICE IS GOING TO BE OFFERED IN ROUND ROCK THIS SEPTEMBER. I'VE LEARNED MOST OF WHAT I KNOW ABOUT INVENTORY WORK, WHICH IS A NEW SCIENCE FOR TREE FORESTRY MANAGEMENT, AT LAST YEAR'S MEETING IN WACO. IN ADDITION, THE URBAN FORESTRY BOARD NEED TO KNOW WHAT THE CURRENT CITY POLICY IS. AND SUCH THINGS AS THE GREEN BUILDING PROGRAM THAT AUSTIN ENERGY OFFERS ON A SATURDAY WOULD BE REAL GOOD FOR FIRE DEPARTMENTING HOW CHANGES IN THE URBAN FOREST WOULD BE APPROPRIATE FOR EXISTING CITY POLICY. THE NEIGHBORS BEING CONCERNED ABOUT THE TREE CUTTING ISSUES ARE WELL DOCUMENTED IN THE TREE REPORT AND IT'S SOMETHING THAT TREE CUTTING TASKFORCE REPORT AND SOMETHING THAT I TAKE VERY SERIOUSLY AND WILL BE WORKING ON THE NEXT YEAR AS WE BUILD THE COMPETENCY OF THIS PROCESS. BUT THAT REPORT WAS REALLY A REPORT WITHOUT A PROGRAM, WITHOUT A PROCESS. AND THE MANAGER'S RESPONSE MAY BE THE MOST IMPORTANT STEP IN THE DEVELOPMENT OF A HEALTHY URBAN FOREST SINCE THE URBAN FORESTRY BOARD WAS CREATED OVER 10 YEARS AGO. THAT'S ALL I HAVE TO SAY FOR NOW.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST WANT TO SAY I SUPPORT SENDING THE

URBAN FORESTRY BOARD TO ROUND ROCK ON AN ALL
EXPENSE PAID TRIP. [LAUGHTER]

YOU BIG SPENDER.

Mayor Wynn: BUT DOES ROUND ROCK SUPPORT THAT? [LAUGHTER] JUST KIDDING. THANK YOU, MR. MAHONEY.
NEXT SPEAKER IS HEETSZ IS HEATH WILLIAMSON.

I'LL START BY SAYING THANK YOU, MAYOR WYNN AND COUNCILMEMBERS FOR GIVING ME THE OPPORTUNITY TO SPEAK TO YOU GUYS ABOUT THIS ISSUE. THIS IS IN CONCERN ABOUT SOME OF THE PRACTICES OF CONTRACTORS WITH THE CITY OF AUSTIN, AUSTIN ENERGY. (INDISCERNIBLE) TREE HAS IGNORED RULES, REGULATIONS AND THEIR OWN WRITTEN STATEMENTS. AS AN AFRICAN-AMERICAN CERTIFIED CONTRACTOR IN THE AUSTIN AREA THERE HAVE BEEN MANY TIMES WHEN I FACED DISCRIMINATION. SOME FEEL THEY HAVE NO NEED TO USE AFRICAN-AMERICAN CERTIFIED BUSINESSES. IT'S NOT FAIR TO ALLOW PRIME CONTRACTORS TO DEVELOP THEIR OWN RULES AND REGULATIONS AT THE IS EXPENSE OF MINORITIES. DAVID TREE HAS DELIBERATELY NOT BEEN FORTHCOMING IN COMPLYING WITH AFRICAN-AMERICAN PARTICIPATION. ALMOST SITION AND A HALF YEARS LATER UNDER CURRENT CONTRACTS THEY HAVE FAILED TO RECOGNIZE AFRICAN-AMERICAN BUSINESSES. NOW DAVID TREE HAS THE AUDACITY TO BID AGAIN BECAUSE THEIR EXTENSION RUNS OUT IN SEPTEMBER. DAVID TREES, AFTER ALL THESE YEARS, HAS YET AGAIN FAILED TO ALLOW AFRICAN-AMERICAN CERTIFIED CONTRACTORS TO PARTICIPATE ON POTENTIAL WORK. I REFORMLY AM REQUESTING THE -- RESPECTFULLY REQUESTING YOU NOT AWARD THE CONTRACT TO DAVID TREE UNLESS THEY RECOGNIZE THE AFRICAN-AMERICAN CERTIFIED COMPANIES OF THEIR INSTRUMENTS RECEIVED. AS MAYOR AND COUNCIL, YOU HAVE THE OPPORTUNITY OF GIVING FAIR WARNING TO POTENTIAL PRIME CONTRACTORS THAT THEY MUST INCLUDE ALL NATIONALITIES. HERE I HAVE SOME NUMBERS HERE. I'M SURE YOU HAVE THESE ALSO ABOUT THE TOTAL FOR THREE YEARS AND THE EXTENSION FOR TWO YEAR. IF YOU SEE, AS PLUND IS MUCH, MUCH LOWER. I DON'T HAVE ANY PROBLEM WITH THE WAY THEY DID THEIR

BUSINESS. THEY DO NOT INCLUDE ME IN THE PROJECT, BUT THEY MET THEIR GOALS AND THEY DID MORE THAN EXCEEDED. WE HAVE A DIFFERENCE OVER THE THREE-YEAR TIME PERIOD OF ALMOST 9.. \$9 MILLION. AS..ASPLUNDH WAS LOWER. MY PROBLEM WITH THIS IS MAYBE IF DAVID TREE WOULD HAVE INCLUDED MINORITIES, WE WOULD HAVE SAVED THE CITY EIGHT MILLION DOLLARS. WHAT THEY DID IS IS THEY SUBTRACTED FROM THE MINORITIES THAT SUBMITTED ESTIMATES AND THEN ADDED THEIR OWN NUMBERS THIS THRRKS WHICH INFLATED IT. THEY ONLY ACCOMPLISHED 4.2% OF AFRICAN-AMERICAN PARTICIPATION, 4.38, I'M SORRY. THAT'S A LONG..... LONG WAY FROM 11.84. AND THEY HAVE THE NUMBERS TO REFLECT THESE ESTIMATES. THE NUMBERS ARE JUSTIFIED. THEY ARE NOT BALLOON PRICES. [BUZZER SOUNDS] JUST IN CLOSING AND I'LL BE FINISHED, MAYOR WYNN, COUNCILMEMBERS, PLEASE RECOGNIZE THIS. THIS IS HOW BUSINESSES DON'T PROCEED, MINORITY BUSINESSES. YOU CAN MAKE THE BUSINESSES PLAY BY THE RULES OR DON'T PLAY AT ALL. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. PERHAPS IF SOMEBODY FROM PURCHASING OR AUSTIN ENERGY OR SOMEBODY COULD HELP CONFIRM FOR US -- I JUST TRUST THAT AUSTIN ENERGY HAS TO FOLLOW THE SAME PURCHASING GUIDELINES THAT WE HAVE CITYWIDE, AND WELCOME.

OUR DEPARTMENT OF SMALL AND MINORITY BUSINESS. AND BYRON, I DON'T KNOW IF THERE'S ANYTHING YOU CAN ADD ON THIS, BUT IF YOU WOULD STIP DOWN IN CASE WE HAVE SOME QUESTIONS.

JEFF TRAVILLE ONAND I AM THE DIRECTOR OF THE DEPARTMENT OF SMALL AND MINORITY BUSINESS RESOURCES. AND WE'RE REFERRING TO ITEM NUMBER 24, WHICH IS THE DISTRIBUTION OF VEGETATION MANAGEMENT CONTRACT. AND ON IT DAVID TREE WAS FOUND COMPLIANT BY CONDUCTING GOOD FAITH EFFORT. WHAT WE DID WAS WE REVIEWED THEIR GOOD FAITH EFFORT. WE WERE ASSURED THAT THEY CONTACTED THE FIRMS THAT WERE LISTED ON THE -- NOT LISTED ON THE COMPLIANCE WEB, BUT WERE LISTED AS AVAILABLE IN THE AREA TO DO BUSINESS. SO THEY DID CONTACT ALL OF THOSE FIRM, THEY

DID MAKE BID OPPORTUNITIES AVAILABLE. THE WORK THAT WAS DONE -- THE WORK THAT THE GENTLEMAN LISTED, THE 4.38%, IS ANOTHER FIRM THAT IS DOING THE SAME SCOPE OF WORK. WE DID VIE THE BID THAT WAS MADE. THE BID THAT WAS SUBMITTED WAS HIGHER THAN THE BID THAT WAS ACTUALLY ACCEPTED. ON THE COMPLIANCE PLAN. SO ALL OF THE FIRMS WERE CONTACTED, ALL OF THE RULES WERE FOLLOWED, AND YES, THEY DO HAVE IS TO FOLLOW THE RULES OF GOOD FAITH EFFORT AS DOES THE REST OF THE CITY.

Mayor Wynn: THANK YOU. QUESTIONS OR COMMENTS, COUNCIL? STICK AROUND. THERE MIGHT BE MORE QUESTIONS, COMMENTS, LATER ON.

MAYOR WYNN, I'M NOT THOMAS POLIMA, BUT HE LEFT HIS STATEMENT WITH ME. MY NAME IS JOHN MOORE. I THINK I HAVE SIX TO NINE MINUTES SCHEDULED DURING WHICH I WOULD LIKE TO PRESENT MY OWN REMARKS. DR. POLIMA'S STATEMENT APPEARED A BRIEF MESSAGE FROM LEE WALKER, WHO ALSO HAD TO LEAVE EARLY.

Mayor Wynn: HANG ON. FOLKS HAD SIGNED UP TO DONATE TIME TO YOU, JOHN, BUT OUR RULES ARE THEY HAVE TO BE PRESENT IN ORDER TO DO SO.

IF YOU DON'T MIND I WOULD LIKE TO START WITH MY OWN AND FINISH UP WITH THE OTHER TWO. ONE THING, AS A FORMER DIRECTOR OF THE UNIVERSITY OF TEXAS SYSTEM MINORITY BUSINESS ENTERPRISE PROGRAM, I'M INTERESTED TO SEE IN THIS BID FROM ASPLUNDH A CONTRACT WITH A MINORITY CONTRACTOR FOR TREE TRIMMING. IT HAS BEEN AN OBJECT OF FAITH THROUGHOUT THIS PROCESS THAT ONLY DAVEY AND ASPLUNDH WERE QUALIFIED TO TRIM TREES. I'M WONDERING WHY WE COULDN'T CONTRACT ON A PRIME BASIS WITH LOCAL COMPANIES TO DO THIS WORK IF INDEED THEY ARE NOT THE ONLY VENDORS IN THE FIELD. WE CAN TALK ABOUT THAT LATER. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] LET ME SAY THIS WEEK THE ITEM IN THE PAPER ABOUT FREESCALE MADE ME THINK THAT SOME MORE OF WHAT YOU'VE SEEN BEFORE IS PROBABLY DUE TO BE SHOWN AGAIN. I WENT THROUGH THE SEVEN

YEARS OF OFFICIAL REPORTS THAT AUSTIN ENERGY IS REQUIRED TO FILE WITH THE PUBLIC UTILITY COMMISSION OF TEXAS AND FOUND THAT THE CAUSES OF OUT.... OUTAGES AS REPORTED IN THESE OFFICIAL REPORTS HAVE BEEN REMARKABLY CONSISTENT OVER THE YEARS, BOTH IN TERMS OF RANK AND PROPORTION. TO REDUCE THIS LITTLE CHART DOWN SOMETHING CLEAR -- [BUZZER SOUNDS] -- 26% OF THE OUT STAGES OVER THAT SEVEN-YEAR PERIOD AS REFLECTED IN THESE REPORTS WERE CAUSED BY AUSTIN ENERGY'S OWN EQUIPMENT. 22% BY ANIMALS AND BIRDS. 17 PERCENT UNKNOWN, WHICH IN OTHER JURISDICTIONS HAS BEEN FOUND TO BE ANIMALS AND BIRDS. THE WEATHER 16 PERCENT AND VEGETATION THE FIFTH LEADING CAUSE AT 14 PERCENT. IF WE'RE SPENDING OUR RELIABILITY MONEY HERE AND TALK BEING THIS 60-MILLION-DOLLAR CONTRACT FOR TREE TRIMMING, THEN I LOOK FORWARD TO SEEING A 90-MILLION-DOLLAR CONTRACT FOR CONTROL OF THE ANIMALS THAT ARE CAUSING THE OUT OUTAGES BECAUSE THEY'RE TIME AND A HALF THE CAUSES THAT ARE REPORTED TO THE STATE. AND OF COURSE I'D BE DELIGHTED AND I'M SURE AUSTIN ENERGY WOULD BE TOO, TO SEE UPWARDS OF 100 MILLION INVEST UNDERSTAND NEW EQUIPMENT TO SOLVE THESE OUTAGES IN A WAY THAT MAKES SENSE IN TERMS OF THE RISK PRIORITIES THAT ARE THERE. I WOULD SAY ALSO THAT OVER THE SEVEN-YEAR PERIOD THE EF EFFICACY OF TREE TRIMMING DOESN'T SEEM TO BE THERE. AS A MATTER OF FACT, 1999 WAS THE BEST YEAR ON RECORD IN TERMS OF THE AVERAGE DURATION OF AUSTIN ENERGY OUTAGES AND HOW LONG IT TAKES TO RESTORE THEM. THE CHART YOU CAN SEE ALSO THAT DURATION PERIOD HAS BEEN GOING UP FOR THE PAST TWO YEARS. IF THE TREE TRIMMING HAD THE KIND OF EFFICACY THAT I THINK WE SHOULD EXPECT FOR \$60 MILLION EXPENDITURE OR ONE MILLION DOLLARS A MONTH, THEN I WOULD EXPECT THAT WE COULD SEE SOME MOVEMENT IN THIS CHART. AND THE MOVEMENT IN THIS CHART IS IN THE WRONG DIRECTION.

Mayor Wynn: MR. MOORE, PLEASE CONCLUDE. YOUR TIME HAS EXPIRED. WE ALSO WANT TO HEAR FROM MR. POLIMA AND WALKER.

THANK YOU, SIR. ONE LAST SLIDE AND PILE FINISH. YOU ARE

FAMILIAR WITH THIS STATUE. HERE'S WHAT HE HAD TO SAY ABOUT THIS ISSUE IN 1947. MUNICIPALITIES WOULD BE WELL TO EXERCISE IMMEDIATE PRFTION OVER UTILITIES -- SUPERVISION OVER UTILITIES WHICH SOMETIMES BECOME POSSESSED FOR CUTTING AND TRIMMING, APPARENTLY IMAGINING A MENACE IN EVERY BRANCH OF EVERY TREE WAVING INNOCENTLY IN THE WIND. THANK YOU. THOSE ARE MY REMARKS. LET ME NOW READ HIS REMARKS.

Mayor Wynn: HOPEFULLY THEY'RE BRIEF.

MAYOR, CITY COUNCIL. COUNCILMEMBER MARTINEZ SAID EARLIER WE HAVE A RIGHT TO PROTECT WHAT WE HAVE. THIS APPLIES TO THIS AGENDA ITEM AS WELL. THE AUSTIN TREE TASKFORCE WORKED COOPERATIVE THROI COME UP WITH SOLUTIONS THAT WERE ECONOMICALLY AND IN LINE WITH BEST PRACTICES USED SUCCESSFULLY WITH OTHER CITIES FOR DELIVERING POWER SAFELY AND WITH REASONABLE REGULARITY WHILE PROTECTING OUR VITAL URBAN TREE CANOPY. TWO OR THREE WEEKS AGO THE AMERICAN-STATESMAN RAN AN ARTICLE ON PLANTING AND EARG FOR TREES THAT WAS STILL SITE CROOIGHT THE OUTDATED 1996 STATISTICS OF 34% TREE COVER FOR AUSTIN. OUR RAPID GROWTH AND UNPARALLELED SEVERE TRIMMING AND REMOVAL OF TREES HAS REDUCED THAT CANOPY ACCORDING TO ESTIMATES TO 23-POINT -- 24.23 PERCENT, CITY OF AUSTIN 2000, OR 29%, AUSTIN ENERGY. WHO KNOWS WHAT IT HAS DWINDLED TO NOW? TO REVIEW THE CONTRACTS LONG-TERM WITHOUT HAVING A PLACE IN THE COOPERATIVE AND CITIZEN FRIENDLY PROCEDURES FOR NEIGHBORHOOD AND CITIZEN INVOLVEMENT PROPOSED BY THE TREE TASKFORCE WITHOUT THE CITY COUNCIL'S ACTIVE FUTURE VIGILANCE AND SETTING AND ADHERING TO POLICIES AND PROCEDURES WILL LEAD TO MORE IRREVERSIBLE DAMAGE DONE TO ONE OF AUSTIN'S MOST DISTINCTIVE AND INVITING FEATURES, ITS TREES. IT IS YOUR DUTY TO SEE TO IT THAT ATROCITIES, AND THAT IS ALSO NOT TOO STRONG A WORD, SUCH AS THE CUTTING DOWN OF THE 192 TREES IN KEVIN WE'RE'S NEIGHBORHOOD OR THE REMOVAL OF THE SOLE SHADE TREE IN DIANE HOGUE'S BACKYARD ARE NOT PERPETUATED AND CITIZENS DO NOT HAVE IS TO FIGHT BATTLES ONE BY ONE WITH AUSTIN ENERGY AND THE CUTTING TREES AND

REPRESENTATIVES. WE ARE TOLD IN DOCUMENTS THAT HE MADE IT VERY CLEAR THAT THE CONSERVATION OF WOOD AND TREES WAS, QUOTE, A VERY PRESSING PROBLEM IN THE OPINION OF THE PALACE. THOSE WHO FAIL TO IMPLEMENT CONSERVATION WERE TO BE TREATED LIKE AN ENEMY OF THE CHIEF GOD. FINALLY IT WAS DID HE DECLARED CLEAR UP THIS MATTER. HE DID NOT WANT CITIZENS TO CUT AND RUN. TO MAKE SURE ALL THE OFFICIALS UNDERSTOOD THE SERIOUSNESS OF HIS RESOLVE HE ISSUED A PROCLAMATION THAT TOLD THEM WHEN I SEE DAMAGE DONE I WILL NOT SUFFER THE MAN CHARGED WITH THE CRIME TO LIVE. WE'RE NOT PREPARED TO GO THAT FAR. WE'RE NOT RECOMMENDING SUCH AN EXTREME MEASURE. AUSTIN CITY COUNCILMEMBERS CAN DO EVERYTHING WITHIN YOUR POWER TO SEE THAT THE TREES OF AUSTIN ARE CARED FOR.

Mayor Wynn: AND I TRUST MR. WALKER IS NOT NEARLY AS LONG-WINDED?

NO, SIR. HE'S ACTUALLY VERY BRIEF. HE LEARNED OF THE PILOT PROGRAM IN HYDE PARK AND HANCOCK AND HE ASKED ME TO ASK YOU SPECIFICALLY IF IT'S TRUE THAT THIS IS A NEW ERA IN THE WAY THAT WE'RE GOING TO PLOW ON THIS ISSUE -- PROCEED ON THIS ISSUE. HE WOULD VERY MUCH LIKE TO HAVE THE TREES -- THE TAGS ON THE TREES AND THE TAGS WE'RE TALKING ABOUT ARE THE PINK ONES, AND IN OUR NEIGHBORHOOD IT'S PINK MEANS EXTINCT AND GREEN MEANS OBSCENE. WE WANT ALL THOSE RIBBONS, AND MR. WALKER ASKED THAT IT ALL THOSE RIBBONS BE REMOVED FROM OUR TREES AND THEN WE CAN START OVER.

Mayor Wynn: THANK YOU, MR. MOORE. COUNCILMEMBER MCCracken.

McCracken: BASED ON THE INFO THAT ANIMALS CAUSE MORE OUTAGES THAN TREES, IT SOUNDS LIKE THAT AUSTIN'S SQUIRREL POPULATION SHOULD BE EXTREMELY NERVOUS RIGHT NOW. FUTURE MR. MOORE, AS I --

MR. MOORE, AS I SAID WITH HAN ROCK AND HYDE PARK BEING OUR PILOT PROJECT, WE WILL BE REMOVING THE

TAGS, I'LL UNDERSTAND THAT LEE HAS ALREADY REMOVED HIS TAGS, AND WE WILL BE WORKING THROUGH A PLAN AMENDMENT IN THAT AREA.

Mayor Wynn: SHREE THE ONLY GUY WHO COULD REACH THE TAGS TO REMOVE THEM. JOYCE (INDISCERNIBLE)? AND SYLVIA SCIEND UP WISHING TO ME, BUT ALSO WISH TO GO DONATE TIME TO YOU. IS IT YOUR PREFERENCE THAT YOU WOULD HAVE JOYCE SPEAK?

NO, LET SYLVIA SPEAK FOR OURSELF. MAYOR WYNN AND CITY COUNCIL, MY NAME IS JOYCE, I AM A MEMBER OF THE URBAN FORESTRY BOARD AND I WAS ALSO ATTENDING THE TASKFORCE MEETINGS, IEFLS NOT ALLOWED -- ALTHOUGH I WAS NOT ALLOWED TO PARTICIPANT. AND I WANT TO THANK THE AUSTIN ENERGY AND OTHER CITY STAFF AND OUR CITY MANAGER FOR THEIR HARD WORK IN CREATING IMPLEMENTATIONS FROM THE TREE TASKFORCE IMPLEMENTTATIONS. THEY WERE MOST YES OR NO RUSS. GENERAL. THE LOW JIS TICKS STILL NEED TO BE WORKED OUT AND CERTAINLY I WOULD EXPECT THE CITY MANAGER'S OFFICE TO MONITOR THE PROGRESS OF THE IMPLEMENTATION FOR THE COST EFFECTIVENESS. IT MAY TURN OUT THAT CREATING A FORESTRY UNIT TO MAINTAIN STREET AND RIGHT-OF-WAY TREES WITHIN A LESS CONTENTIOUS DEPARTMENT SUCH AS PUBLIC WORKS IS THE BIGGEST BANG FOR OUR BUCK, OR MAYBE OTHER COST EFFECTIVE THINGS. WE SHOULD NOT BE LEFT WITHOUT TREE MAINTENANCE CAPACITY HERE IN AUSTIN, PARTICULARLY DURING HURRICANE SEASON. WE NEED A COMMITMENT, A CONTRACT GUARANTEEING US THIS COVERAGE. IF WE DON'T HAVE SUCH A CONTRACT, WE COULD WIND UP COMPETING WITH OTHER CITIES AND STATES FOR TREE SERVICES AFTER WE ARE HIT BY A STORM. LET'S NOT NEGOTIATE CONTRACTS DURING AN EMERGENCY. LET'S SIGN SOME CONTRACTS TODAY AND MOVE ON. THANK YOU.

Mayor Wynn: SYLVIA. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, MAYOR WYNN AND CITY COUNCIL AND MS. FUTRELL. THANK YOU FOR THESE MOMENTS. I WANT MY RELIABLE AUSTIN ENERGY POWER WITHOUT INCURRING

DAINGTORY THE AUSTIN ENERGY EMPLOYEES WHO MUST WORK THOSE LINES. A FEW OBSERVATIONS AND COMMENTS. THE CURRENT 5.5 YEAR TRIM CYCLE HAS BARELY KEPT PACE WITH TREE TRIMMING NEEDS AS MANY OF US WITNESSED EARLIER THIS YEAR IN THE AFFECTED NEIGHBORHOODS DURING THE SPRING STORM EVENT. FOUR DAYS WITHOUT POWER CAN BE VERY MISERABLE. THE TREE TASKFORCE HAD NO REPRESENTATION FOR OVER 200 NEIGHBORHOODS, INCLUDING MY OWN, THE WEST AUSTIN NAID GROUP. IT WAS A CLOSED PROCESS WITH APPOINTED CITIZENS FROM A VERY FEW NEIGHBORHOODS AND CARRIED OUT IN EXCLUSION OF CITYWIDE PARTICIPATION. I ATTENDED THOSE MEETINGS. I HAVE DOUBTS AND DIFFICULTIES WITH SUCH CLOSED PROCESSES BEING USED TO CREATE PUBLIC POLICY FOR EVERYONE IN OUR CITY. I WOULD NOT DESCRIBE THAT TASKFORCE PROCESS AS A DEMOCRATIC PROCESS. I REMIND YOU WE ALL LIVE IN A DEMOCRACY. I CAN SUPPORT PARTS OF THE FINAL REPORT FROM THE CITY MANAGER. IT'S A NEW PROGRAM UNDER AUSTIN ENERGY'S DIRECTION IS KEPT TRANSPARENT, ACCOUNTABLE, AND WITH AUDITTABLE RESULTS FOR ALL PARTICIPATING DEPARTMENT ON A YEARLY BASIS. I BELIEVE A GREAT CHANCE OF ECONOMIC SAVINGS IS BEING MISSED BY NOT CREATING A FORETRIS PROGRAM OR DIVISION WITHIN PUBLIC WORKS TO TREAT ALL THE NEEDS OF THE RIGHT-OF-WAY TREES, INCLUDING REFORERECITATION AS REMOVALS OCCUR. AUSTIN ENERGY'S RIGHT TREE IN THE RIGHT PLACE PROGRAM SHOULD BE MUCH MORE WIDELY PROMOTED AND BECOME THE MAIN INTERFACE FOR THE GENERAL PUBLIC ALONG WITH THE CITY'S WEBSITE FOR EDUCATIONAL PURPOSES. ANOTHER APPROACH NO ONE IS MENTIONING IS A ONE-TIME FIVE-YEAR CYCLE OF COMPLETE REMOVAL OF ALL TREES DIRECTLY UNDER THE POWER LINE EASEMENTS. REVEGETATION WITH SHRUBS ONLY AND BARRING FUTURE TREE PLANTINGS WITHIN THOSE EASEMENTS. REFOREST PROPERLY FOR THE NEXT 75 YEARS. THE SAVINGS TO THE PRUNING PROGRAM COULD BE AT LEAST 80% OR BETTER AS AFTER THAT CYCLE FEW TREES WOULD SPROUT WITHIN THOSE EASEMENTS FROM NATURAL OCCURRENCE AND WOULD NEED TO BE REMOVED. MANY CITIES IN TEXAS AND OTHER STATES PROHIBIT TREES BEING PLANTED IN THE

POWER EASEMENTS AS WAS DISCOVERED, BUT UNACKNOWLEDGED IN THE FINAL TTF REPORT. WHAT IS 80% OF THE SIX MILLION CURRENTLY BUDGETED FOR WITH PRUNING..... PRUNING IN THE RIGHT-OF-WAYS? NEIGHBORHOOD TEAMS SHOULD BE REPORT TO GO THE AUSTIN ENERGY PROGRAM ON A TWICE A YEAR BASIS, SPRING AND FALL, THE IDENTIFIED GAPS IN THE SHADE ALONG ALL RIGHT-OF-WAYS, ESPECIALLY WHERE TREES ARE REMOVED EITHER BY INTENSE NEW INFILL AND DEVELOPMENT OR BY NATURAL DIEOFF. THE MASSIVE TREE PLANTING PROGRAM RECOMMENDED IN THE URBAN HEAT ISLAND INITIATIVE OF 2001 IS ONCE AGAIN MISSING FROM THIS NEW PLAN AND UNACCOUNTED FOR. THERE ARE FUNDS NOT BEING IMPLEMENTED WHERE THE TREES ARE BEING TAKEN OUT ALL OVER THE CITY. LOWERING THE SIZE OF PROTECTABLE CLASS ONE TREES TO EIGHT INCHES DBH. I FULLY SUPPORT THE OTHER IDENTIFIED SOLUTION I FULLY SUPPORT. THANK YOU.

SYLVIA DID SUCH A GOOD JOB, I DON'T KNOW WHAT TO SAY. I'M HAPPY THAT YOU RECOVERED FROM THE FORMER MAYOR'S INJURIES. VERY GRATIFYING. A LITTLE SHAME TO BENEFIT FROM A TERRIBLE THING AND WHAT FLAPD THE TREE TRIMMING WAS A TERRIBLE THING, BUT I'M VERY HAPPY THAT TREES OR THE AGENDA AND I HOPE THAT WE CAN REVISIT THEM FURTHER. WE HAVE IN ADDITION TO THE PROBLEMS THAT HAVE BEEN IDENTIFIED, WE HAVE ENORMOUS TROUBLE IN THE URBAN FOREST OF AUSTIN. OUR FRIENDS -- DOES ANYBODY KNOW PAUL ROBINS? ANYBODY? FREQUENT VISITOR. HE ESTIMATED FOR ME SEVERAL MONTHS AGO THAT THE TREE TRIMMING ACTIVITY, TREE REMOVALS, LINE CLEARING, REMOVES THE EQUIVALENT MASS OF ABOUT 14,000 TREES OVER YEAR. THAT DOESN'T INCLUDE DEVELOPMENT ACTION....., REDEVELOPMENT, ILLEGAL TREE REMOVALS. CITY OF AUSTIN IS REMOVING ABOUT 14,000 TREES' WORTH OF WOOD EVERY YEAR. WE ALSO -- THE ELEPHANT IN THE LIVING ROOM IS THE VAST TRACKS OF TEMPORARY TREES THAT WERE PLANTED IN SUBDIVISIONS IN THE '70'S AND '80'S. ARIZONA ASH ARE REACHING THE END OF THEIR USEFUL LIFE AND WHAT WE IDENTIFY AS TREE COVER NOW WILL BE CRUMBLING DOWN VERY SOON. A GREAT DEAL OF THE

NEIGHBORHOOD PROGRAM THAT'S FUNDED BY AUSTIN ENERGY INVOLVES REPLACING THOSE TREES AND THEY'RE SPREAD ALL OVER CONSTITUENT AND IT'S A TICKING TIME BOMB. TOWARD THE END OF CORRECTING THAT, WE NEED A COMPREHENSIVE TREE INVENTORY, AND I KNOW THAT'S A WILD CARD ITEM IN THIS EXCELLENT PROPOSAL, BY WAIT. BUT I THINK IT NEEDS TO BE A VERY HIGH PRIORITY SO CAN YOU LOOK FROM A SATELLITE AND SEE TREE COVER, BUT IF YOU DON'T QUALIFY IT, YOU DON'T KNOW WHAT'S THERE FOR A LONG TIME AND WHAT'S VERY TEMPERATURE AND IT SHOULD BE A HIGH PRIORITY. WE'RE DESPERATELY BEHIND MANY RECOMMENDATIONS MADE MANY YEARS AGO, HAVE NEVER BEEN MET, AND WE STILL DON'T REALLY HAVE A WINDOW TO FUND AND FACILITATE. THE ONE THING THAT I WOULD RECOMMEND THAT WE LOOK AT WITH RESPECT TO REPLACEMENT TREES IS UPPING THE SIZE OF THE MITIGATION TREES. THE NEIGHBOR WOODS PROGRAM COSTS EXACTLY \$38 PER FIVE GALLON TREE. 4,000, FIVE GALLON TREES. WE HAD A PILOT PROJECT THAT BASICALLY EXACTLY MIRRORED NEIGHBOR WOODS, AND BECAUSE 15 AND 20-DOLLAR TREES ARE GROSSLY MORE EXPENSIVE, THE COST WAS ABOUT \$200 PER TREE. [BUZZER SOUNDS] FWHEED TO LOOK AT THE COUNCILMEMBER ALVAREZ AND COUNCILMEMBER ALVAREZ OF -- AT THE ECONOMIES AND THE ECONOMIES OF SCALE.

Mayor Wynn: DONNA, WELCOME. YOU LOOK WELL. DONALD.

GOOD AFTERNOON, THANK YOU, MAYOR WYNN. CITY COUNCILMEMBERS AND OUR FINE CITY MANAGER. I'M (INDISCERNIBLE) WOMACK AND I REPRESENT THE EAST EASTWOODS NEIGHBORHOOD ASSOCIATION. AND I WAS DELETED TO HEAR THE COMMENTS FROM OUR CITY MANAGER THAT THE PILOT PROGRAM WILL START IN HYDE PARK AND HANCOCK, SO DOES MEAN, I HOPE NOT THAT, RIBBONS WILL BE ON OUR TREES IN EASTWOODS IN THE MORNING? [LAUGHTER] I WOULD LIKE TO ECHO ONE MORE THING THAT COUNCILMEMBER LEFFINGWELLTATED IN.....AT A TIME STATED IN THAT I WOULD REALLY HOPE THAT SWHOFER CALLING ON THE PEOPLE IN THESE NEIGHBORHOODS AND NOTIFIES THOSE PEOPLE THAT SOMEONE IS INSTRUCTING THEM ON THE PROPER WAY TO SPEAK TO PEOPLE. A PUBLIC RELATIONS COURSE, EVEN IF

IT'S WUSS JUST ONE MEETING FOR ONE HOUR OF EMPLOYEES OR WHOEVER IS MAKING THE PRESENTATION TO A CITIZEN, I THINK WOULD BE VERY USEFUL BECAUSE I THINK THERE IS A LOT OF MISUNDERSTANDING. I APPRECIATE YOUR TIME AND EVERYTHING THAT YOUR DOING.

CAROLYN PLOMA. WELCOME.

I WOULD LIKE TO FIRST INTRODUCE MYSELF, I AM CAROLYN POLIMA AND DID SERVE AS THE CHAIR OF THE TREE TASKFORCE AND I WOULD LIKE TO ECHO JOHN PAUL MOORE'S COMMENTS TO THE -- THANK YOU'S TO THE COUNCILMEMBERS THAT HELPED US, PARTICULARLY LEE LEFFINGWELL AND FOR THEIR CHARMING STAFF. IT REALLY MADE THIS WHOLE PROCESS MUCH MORE FUN. I WOULD LIKE TO ADDRESS ITEM 24, THE INTRT. I WOULD SAY THAT WE'RE AT A POINT WHERE IT WILL GREATLY AFFECT THE CHARACTER AND LIVEABILITY OF AUSTIN. I WOULD LIKE TO THINK OF THIS AS AN OPPORTUNITY, AND TOBY FUTRELL HAS CERTAINLY SHOWN IT TO BE ONE TORKS CORRECT EXCESSIVE POLICIES AND REPLACE THEM WITH STANDARDS THAT CLEARLY ADDRESS ELECTRICAL STAINLT STABILITY AND ARE RIGHT FOR AUSTIN. WITH AUSTIN ENERGY WE ARE LOOKING AT A SYSTEM THAT HAS LOST BALANCE AND ACCOUNTABILITY. WE HAVE FOUND AS YOU SAW IN JOHN PAUL'S RESEARCH THAT THERE'S VERY LITTLE EF... EFFICACY IN THIS POLICY IN REDUCING OUTAGES AND THAT VEGETATION IS REALLY ONLY A SMALL PERCENT OF THE CAUSES. IN ADDITION, WE FOUND THAT AUSTIN ENERGY'S LACK OF INVESTMENT IN INFRASTRUCTURE HAS LED TO OUTAGES NOT BY TREES RESULTING IN 20 MILLION IN LASS FOR FREE -- LOSSES FOR FREESCALE, THREATENING THEIR A LOT TO STAY HEADQUARTERED IN AUSTIN. WHERE AUSTIN ENERGY IS SPENDING EXCESSIVE AMOUNTS OF MONEY TO TRIM OUR URBAN FOREST, THEY'RE MAKING THE CITIZENS ANGRY. THEY ARE MAKING AUSTIN BUSINESS PARTNERS ANGRY. IN BOTH CASEYS, THE RESULTS TAINT AUSTIN'S REPUTATION. IN THE FIRST CASE ITS REPUTATION AS AN ENVIRONMENTAL ASTUTE CITY. IN THE SECOND AS AN ATTRACTIVE CITY FOR HIGH-TECH COMPANIES TO LOCATE. THIS LEADS ME TO QUESTION WHETHER AUSTIN ENERGY IS PUTTING FUNDS WHERE THEY CAN MOST EFFECTIVELY AND

EFFICIENTLY REDUCE OUTAGES, PARTICULARLY WHEN YOU INCLUDE MANY OF THE HIDDEN COSTS OF TREE LOSS, SUCH AS INCREASED ENERGY CONSUMPTION, INCREASED POLLUTION, LOWER PROPERTY VALUES, AND AS WE'VE SEEN TODAY, TREES AND WATER CONSERVATION.

TREE TRIMMING AND REMOVAL DOES NOT ADDRESS 68% OF THE PROBLEM. -- 68% OF THE PROBLEM. AUSTIN ENERGY CLEAR-CUT A STAND OF TREES THAT WAS A BARRIER TO HOMES. BUT WE KNEW OF ONLY TWO OUTAGES AND THOSE WERE CAUSED BY SQUIRRELS. ONE BRIEF WRAP-UP. PEOPLE UNDERSTAND THAT MANAGEMENT NEEDED FOR THE POWER LINES, BUT APPROVAL OF THE 60-MILLION-DOLLAR ASPLUNDH CONTRACT FOR CLEARING DISTRIBUTION LINES PROVIDES NO INCENTIVE TO CHANGE AUSTIN ENERGY'S DESTRUCTIVE AND MOSTLY INEFFECTUAL PRACTICES. BEFORE 60 MILLION IS COMMITTED, AUSTIN ENERGY NEEDS TO SHOW INNOVATION, A WILLINGNESS TO LOOK TO INFRASTRUCTURE INVESTMENTS AND TO BE HELD ACCOUNTABLE THAT FUNDS ARE WELL SPENT. U.T.....OUR NEXT SPEAKER IS CATHERINE MOORE. WELCOME, CATHERINE.

I'M CATHERINE MOORE AND I LIVE IN HYDE PARK WITH JOHN MOORE, BUT YOU HAVEN'T HEARD FROM ME YET IN THIS PROCESS. I HAVE HAD A REAL FRONT ROW SEAT IN IT. FOR THE LAST 30 YEARS I'VE BEEN LICENSED TO PRACTICE LAW IN TEXAS, AND DURING THAT TIME I'VE BECOME SOMETHING OF A STUDENT OF GOVERNMENT. THE GOVERNMENTAL REALITY THAT I LEARNED DURING THIS PROCESS IN WATCHING MY NEIGHBORS IN HYDE PARK AND HANCOCK STRUGGLE WITH THE TREE TRIMMING PROCESS IS THAT THIS IS ONE OF THOSE TIMES WHEN GOVERNMENT INTERACTS WITH CITIZENS IN A VERY PERSONAL AND INTIMATE WAY. YOU AS THE CITY OF AUSTIN IS LEADING THAT GOVERNMENT, THE CITY MANAGER AND HER STAFF LEADING THAT GOVERNMENT, HAS THE UNIQUE UTILITY. YOU ARE WALKING INTO PEOPLE'S YARDS WITHOUT NOTICE, WITHOUT PERMISSION, CONFRONTING THEM IN THEIR HOMES, CALLING THEM AT NIGHT TO SAY THEY'LL BE OUT TO TRIM TOMORROW. THEY'RE GOING IN THERE AND THEN THEY'RE MARKING THEIR PROPERTY FOR DESTRUCTION OR MUTILATION WITH A RIBBON WITH NO EXPLANATION.

SOMETIMES THEY'RE STANDING AND ARGUING ABOUT TRIMMING PLANS. THIS IS A REAL AREA WHERE CITY GOVERNMENT MEETS THE AVERAGE LAW-ABIDING CITIZEN. AND IT STRIKES ME AS STRANGE THAT UNLIKE AREAS OF PUBLIC SAFETY, OF FIRE, OF POLICE, OF SANITATION, IT PUBLIC HEALTH, THERE ARE MANY -- THIS IS AN AREA WHERE YOU HAVE CONTRACTED OUT THIS INTERACTION. YOU'VE OUTSOURCED IT. SO WHAT I'M HERE TODAY TO CAN YOU TO DO IS TO VERY CAREFULLY BEFORE YOU SIGN THIS NEW 60-MILLION-DOLLAR, ONE MILLION LAR A MONTH POTENTIAL CONTRACT WITH ASPLUNDH AND DAVE.Y TO TAKE INTO CONSIDERATION THE SUGGESTION OF A SHORTER TERM, WITH BETTER QUALITY CONTROL, AND TO CONSIDER A SYSTEM LIKE SOME OTHER MUNICIPALITIES, SOME OTHER ACTIVITIES, INCLUDING, I WILL, HOUSTON, WHERE YOU HIRE AND TRAIN OUR OWN WORKERS. BUT WE'VE OUTSOURCED THIS VERY LOADED INTERACTION WITH YOUR CITIZENS AND THIS MAY BE THEIR MOST DIRECT CONTACT WITH YOU AND I ENCOURAGE YOU TO DO WHATEVER YOU CAN TO IMPROVE THAT.

Mayor Wynn: THANK YOU, MS. MOORE. COUNCIL, I BELIEVE THAT CONCLUDES ALL OF OUR CITIZEN SPEAKERS ON ITEMS 23 OR 24. COMMENTS OR QUESTIONS? COUNCILMEMBER MARTINEZ?

Martinez: I HAD QUESTIONS FOR STAFF ABOUT MINORITY PARTICIPATION RATES UNDER ITEM 24. I A POLICY YIEZ FOR NOT BEING ON THE DAIS A MINUTE AGO. I KNOW SOME POINTS WERE RAISED. I WANTED TO ASK ABOUT THIS PARTICULAR ITEM BEFORE US. WE HAVE A VERY LARGE CONTRACT, AND THE COPY OF WORK IS IDENTICAL FOR BOTH COMPANIES THAT BID. ONE COMPANY IS SUBSTANTIALLY HIGHER, THOUGH, IN THEIR RATES TO ABOUT 22% HIGHER THAN THE OTHER, AND THEIR MINORITY PARTICIPATION RATE IS 20% LOWER IN THEIR SUBCONTRACTING. AND I WANTED TO ASK HAD THEY MET THEIR GOOD FAITH EFFORTS, AND IF SO, WHAT ELSE ARE THEY DOING? IT'S CONFUSING TO ME TO THINK THAT ONE COMPANY CAN COME IN WITH 24% PARTICIPATION FROM MINORITY-OWNED SUBCONTRACTING, YET THE OTHER COMPANY DOING THE SAME EXACT WORK IN THE SAME TOWN CAN ONLY COME UP WITH FOUR PERCENT. AND I

HAVE SOME CONCERNS OVER THAT. ESPECIALLY WHEN THIS ONE COMPANY IS GOING TO BE AWARDED 27 DPLARLZ. \$27 MILLION.

I UNDERSTAND. THERE WERE SIX SCOPES OF WORK BEING CONSIDERED, SIX THINGS THAT COULD BE DONE. AND WHEN YOU LOOK AT THE TYPES OF WORK THAT WERE BEING DONE, YOU HAVE -- THE FIRST THING THAT WE LOOK AT, NUMBER ONE, IS THE SCOPES OF WORK. AND THE SECOND THING WE LOOK AT IS THE CONTACT THAT WAS MADE WITH THE PEOPLE THAT WERE AVAILABLE TO DO THE WORK, AND THEN WHETHER THOSE PEOPLE THAT ARE AVAILABLE TO DO THE WORK ACTUALLY MAKE A BID AND SHOW AN INTEREST IN DOING THE WORK. NOW, SOMETIMES THERE ARE CAPACITY ISSUES. SOMETIMES THE CAPACITY ISSUE IS I'M DOING BUSINESS WITH ONE FIRM AND I'M DOING A CERTAIN AMOUNT OF WORK, AND THIS IS ALL I CAN DO. NOW, IN OTHER INSTANCES WHAT WE DO IS WE LOOK AT THE QUALITY OF THE CONTACT, WHETHER THE CONTACT WAS MADE, IF THAT CONTACT WAS MADE, AND A BID WAS MADE, HOW IS IT RESPONDED TO. AND SO WHAT WE FOUND WAS THE GOOD FAITH EFFORT WAS MADE. WHAT WE FOUND WAS, FOR EXAMPLE, WHEN THE GENTLEMAN IDENTIFIED THE SCOPE OF WORK THAT HE WAS INTERESTED IN, THERE WAS ANOTHER BIDDER IN THAT SAME COPY..... SCOPE OF WORK AND THE BID THAT THEY SUBMITTED WAS A LOWER BID AND THAT BID WAS RECEIVED AND ACCEPTED BY THAT FIRM. SO AS WE LOOK AT WHETHER THE FIRMS WERE MADE CONTACT WITH, THEN WHETHER THE PEOPLE THAT WERE INTERESTED WERE ACTUALLY GIVEN AN OPPORTUNITY TO NEGOTIATE, WHEN THOSE THINGS OCCUR, THEN WE LOOK AT THE PARTICIPATION ITSELF. IF A BID WAS MADE, WERE YOU CONTACTED. WAS -- DID A NEGOTIATION OCCUR? SO ONCE THOSE THINGS ARE DONE THAT IS THE EXTENT OF AUTHORITY THAT WE HAVE TO ASSESS.

Martinez: UNDERSTOOD. AND I REALIZE THAT WE CAN'T MANDATE ANY TYPE OF, I GUESS, PARTICIPATION GOALS. THEY'REIOUS GOALS, THAT'S WHAT THEY ARE. BUT I WANT TO MAKE IT KNOWN VERY CLEAR TO THIS COMPANY THAT IF THEY'RE GOING TO BE COMING INTO AUSTIN, TEXAS AND DOING BUSINESS WITH THIS CITY THAT THIS IS A PRIET FOR....PRIORITY FOR US. AND I CERTAINLY HOPE THAT WE

DON'T HAVE TO KEEP BRINGING THIS UP WEEK AFTER WEEK WITH FOLKS WE DO BUSINESS WITH. WE HAVE PRIORITIES AS A CITY, AND THE COMPANIES THAT ARE COMING INTO THIS TOWN DOING THIS WORK NEED TO UNDERSTAND THAT. AND I WOULD LIKE TO SEE SOME MEASURABLE BENCHMARKS AND REPORTING SYSTEMS THAT COME BACK, ESPECIALLY IN A CONTRACT THAT'S THIS LARGE. IT'S MY UNDERSTANDING THAT THERE MAY BE A MOTION MADE IN A LITTLE WHILE AND I WANT TO TRY TO ADD A COMPONENT WHERE WE REPORT BACK TO COUNCIL ON THE SUCCESS OR FAILURE RATE OF REACHING OUT TO THOSE MINORITY SUBCONTRACTING OPPORTUNITIES.

I UNDERSTAND YOUR CONCERN. THIS IS SOMETHING THAT WE TAKE VERY SERIOUSLY -- TAKE VERY SERIOUSLY. ON A DAILY BASIS THIS IS OUR REASON FOR OPERATING. SO WE DO IN A VERY RIGOROUS WAY. AND I THINK THAT'S DEMONSTRATED IN THE DOCUMENTATION THAT WE PRODUCE. WE CONTACTED EACH AND EVERY FIRM, NOT ONLY TO SEE WHETHER THEY WERE CONTACTED, BUT IF THEY DID SUBMIT A BID THAT SERIOUS DISCUSSION OCCURRED AFTER THAT POINT. SO WE DO TAKE IT VERY SERIOUSLY. AND WE CAN DEMONSTRATE THROUGH OUR DOCUMENTATION PROCESS EXACTLY WHO WAS CONTACTED, EXACTLY WHO THEN GETS IT. I THINK IN OUR EXECUTIVE SESSION AT AN MWBE SESSION, WE COULD SIT DOWN AND TALK ABOUT THE PROCESS ITSELF. YOU CAN SEE IT IS RIGOROUS AND WE DO TAKE IT VERY SERIOUSLY AND THAT WE HAVE SENIOR STAFF ASSIGNED HERE THAT REALLY -- SENIOR STAFF ASSIGNED HERE THAT REALLY UNDERSTAND THE ORDINANCE AND WE MAKE SURE WE DO OUR VERY BEST TO ENSURE PARTICIPATION.

Martinez: I WANT TO MAKE SURE THAT I'M NOT CRITICAL OF DSMBR. THE EXAMPLE YOU CITE TO ME IS A DIRECT EXAMPLE OF WHERE A COMPANY HAS THE OPPORTUNITY TO TAKE AN AFFIRMATIVE RESPONSE AND TELL THIS OTHER COMPANY THAT WAS UNDERCUT SO TO SPEAK BY ANOTHER COMPETING FIRM THAT MAYBE WITH SOME OTHER SUBCONTRACTING OPPORTUNITIES. EVEN THOUGH WE'VE MET OUR GOALS, EVEN THOUGH WE'VE COMPLIED WITH THE SPIRIT OF THE ORDINANCE, HERE'S ANOTHER OPPORTUNITY. SO WE DO HAVE A LARGE SCOPE OF WORK

HERE THAT NEEDS TO BE DONE OVER A LONG PERIOD OF TIME. I THINK WE NEED TO MAKE STRONG STATEMENTS TO THESE FIRMS THAT THAT'S THE KIND OF PEOPLE WE WANT TO DO BUSINESS WITH. WE'RE NOT SETTING THESE GOALS JUST TO MEET THE BARE MINIMUM. WE'RE SETTING THE GOALS ESTABLISH INSTITUTIONAL CHANGE AND I GUESS A CHANGE IN VALUES WHEN YOU DO BUSINESS IN AUSTIN. SO MY MESSAGE IS MORE TO THEM, NOT TO YOU. SO I APOLOGIZE FOR I CAME ACROSS AS CRITICAL OF DSMBR. IT'S NOT WHAT I MEANT.

DIDN'T COME ACROSS AS THAT WAY AS ALL. WE KNOW YOU'RE COMMITTED AND CONCERNED AND WE WANT TO DEM STRAIGHT THAT WE ARE IMPLEMENTING FULLY THE POLICIES THAT HAVE BEEN PUT IN PLACE BY COUNCIL.

Martinez: THANKS.

MORE DIRECTLY IN RESPONSE TO A QUESTION, WE'LL REPORT BACK TO YOU, COUNCILMEMBER, QUARTERLY ON THE RESULTS OF OUR RELATIONSHIP WITH THEM.

Mayor Wynn: THANK YOU. COUNCILMEMBER COLE?

Cole: I ALSO SHARE COUNCILMEMBER MARTINEZ'S CONCERNS, ESPECIALLY OVER A CONTRACT OF THIS BREADTH AND SCOPE AND LENGTH OF TIME. I THINK WE HAVE TO REALLY SORT OF LOOK AT CONTRACTS THAT AREIOUS TEMPORARY AND -- THAT ARE JUST TEMPORARY AND SMALL IN ONE WAY AND ESPECIALLY SCRUTINIZE LARGE CONTRACTS BECAUSE WE HAVE THE TIME TO EVALUATE WHAT WE'RE DOING WITH THE MINORITY PARTICIPATION. AND I'D ALSO LIKE TO ASK MR. WILLIAMS TO STEP UP BECAUSE RARELY DO WE HAVE A CONTRACTOR HERE IN THE MIDDLE OF THE DAY, AND WE HAVE THE OPPORTUNITY TO GET SOME INPUT FROM HIM ABOUT WHAT WOULD HAVE MADE A DIFFERENCE IN TERMS OF YOUR EXPERIENCE WITH THIS CONTRACT?

MA'AM, LET ME JUST START BY SAYING ABOUT THIS PARTICULAR AREA WRKTS PERCENTAGES AS YOU WERE -- WITH THE PERCENTAGES YOU WERE BRINGING UP ABOUT THE 20 AND 24 PERCENT. IF LUKE AT THE TOTALS FROM

DAVY TREE TOTALING 1.2 MILLION, THEY HAVE THREE OF THE SAME CONTRACTORS FOR ASPLUNDH, THREE OF THE SAME CONTRACTORS FOR DAVY TREE. WHAT DAVY TREE DID IS CALL THEM UP AND SAY WE'LL GIVE YOU SOME WORK, BUT NOT THAT MUCH. WHAT'S THE DIFFERENCE? THEY'RE GOING OUT OF THEIR WAY NOT TO ALLOW AFRICAN-AMERICAN COMPANIES TO PARTICIPATE IN THIS WORK OUT HERE THAT'S MADE FOR EVERYBODY. THAT'S WHAT IT IS.

Cole: I APPRECIATE YOUR COMMENTS AND I CALLED YOU UP JUST BECAUSE SO YOU COULD GIVE US A PRACTICAL LOOK FROM YOUR PERSPECTIVE. AND WHAT I THINK WE MIGHT NEED TO DO AT THE NEXT MBE SUBCOMMITTEE MEETING IS LOOK AT WAYS WE MIGHT CONSIDER EVEN IN EXECUTIVE SESSION AJUTION THE MATRIX WHERE A COMPANY MAKES AN AFFIRMATIVE ACTION TO INCLUDE MORE MINORITY CONTRACTING VERSUS A COMPANY THAT DOESN'T.

MR. TREVILL ONBROUGHT UP THE GOOD FAITH EFFORT. I DESCRIBE GOOD FAITH EFFORT AS YOU SENT OUT 100 LETTERS OR 200 LETTERS OF FAXES AND E-MAILS AND YOU GET SOME RESPONSE. AND YOU WEIGH THOSE RESPONSES AND YOU DO YOUR BEST TO MEET THOSE GOALS. SOMETIMES YOU MIGHT HAVE TO HELP OUT MINORITY COMPANIES. BUT IF YOUR INTENTIONS ARE TO SEND OUT 2 OR 300 E-MAILS AND FAXES AND MAIL JUST TO PICK UP A SMALL PERCENTAGE OF A HUGE CONTRACT, THAT IS NOT GOOD FAITH EFFORT. THEY HAVE WENT DELIBERATELY OUT OF THEIR WAY NOT TO MEET THESE GOALS. AND IF YOU GUYS AWARD THEM THIS CONTRACT, YOU'RE OPENING UP THE DOOR FOR EVERY CONTRACTOR OUT HERE. AND THE MBE ISN'T WORTH THE PAPER IT'S PRINTED ON. SO WHERE DOES THAT LEAVE US? WE HAVE NOTHING TO STAND ON. \$60 MILLION AND ALL THEY CAN COME UP WITH IS 1.2 MILLION IN.

I UNDERSTAND. AND I SHARE YOUR CONCERNS AND I APPRECIATE YOUR COMMENTS.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I JUST WANT TO MAKE SURE -- COULD YOU CRIEB THE DIFFERENT -- COULD YOU DESCRIBE THE DIFFERENT

APPROACHES THAT YOU'VE RECEIVED FROM ASPLUNDH AND DAVY?

THEY WERE BASICALLY THE SAME. I HAD CERTIFIED MAIL, I THINK I MADE YOU A COPY OF THAT, AND I THINK IT WAS JUST REGULAR POSTAGE MAIL FROM DAVY TREE. THERE WAS A TIME DISPUTE BECAUSE USUALLY THEY SEND IT OUT AT THE LAST MINUTE IF THEY DON'T GET THE NUMBERS THEY WANT. AND THAT'S WHAT YOU'RE SUPPOSED TO DO IF YOU THINK THE NUMBERS ARE TOO HIGH OR A CONTRACT IS TOO LOW AND YOU KNOW IT'S NOT RIGHT, THE SCOPE OF WORK WILL NOT GET DONE CORRECTLY. SO THEY CONTACTED ME, I GAVE THEM SOME NUMBERS VERBALLY ON THE TELEPHONE AND I GOT A LETTER BACK SAYING THEY WERE GOING TO SUBMIT MY NAME FOR APPROVAL FOR 2.7 MILLION. THAT WOULD HAVE PUT THEM OVER -- THEY WOULD HAVE BARELY EXCEEDED THE MBE GOAL. BUT YET THEY TOOK ME OFF THE BOARD AND CALLED ME UP AND ASKED IF I WOULD PROVIDE A LITTLE BIT OF WORK, WHICH WAS NOWHERE NEAR 2.7 MILLION. AND I EVEN AGREED TO THAT. AND THEN THEY WANTED TO PUT ME ON A 60 DAY TRIAL CONTRACT AND I SAID ABSOLUTELY NOT. ONCE THAT INK IS DRY I'M OUT OF HERE. THAT'S ARE UNFAIR PRACTICES.

...

McCracken: IF SOMEONE WERE TO DO A 60-DAY TRIAL CONTRACT, WOULD THAT BE A WAY THAT A CONTRACTOR COULD SHOW AS HAVING HIT A CERTAIN GOAL AND IF THEY DIDN'T KEEP DOING THE WORK AFTER 60 DAYS?

Mayor Wynn: ACTUALLY, MR. SMITH?

WE'VE DONE A COUPLE OF THINGS TODAY IT OUT OF AN OVERABUNDANCE OF CAUTION, COUNCILMEMBER. IN ONE HERE, YOUR CITY ATTORNEY AND THE DIRECTION THAT THIS CONVERSATION IS HEADING, WOULD SUGGEST THAT THE KIND OF QUESTION THAT YOU'VE JUST ASKED MIGHT NEED SOME LEGAL ADVICE TO BE TAKEN UP IN CLOSED SESSION.

I DIDN'T HEAR YOU, I'M SORRY.

Mayor Wynn: OUR ATTORNEY IS SUGGESTING THAT WE SHOULD NOT BE ASKING SOME VERY SPECIFIC LEGAL QUESTIONS REGARDING OUR ORDINANCE KNOWING THAT PEOPLE ARE WATCHING. [LAUGHTER]

MAYOR, THAT'S WHAT I MEANT TO SAY. [LAUGHTER]

McCracken: MAYOR ORKS THE QUESTION I WAS JUST ASKING, THE QUESTION I WAS ASKING WERE TECHNICAL PERSPECTIVE OF FACTUAL INFORMATION ON WHICH WE RECEIVE, SOMEONE OFFERING A 60 DAY CONTRACT THAT IS NOT KEPT AFTER 60 DAYS, HOW IS IS THAT REPORTED TO THE COUNCIL IN TERMS OF -- IN TERMS OF THE INFORMATION WE RECEIVE?

THE DEPARTMENT REVIEWS THE ITEMS ON THE COMPLIANCE PLAN ITSELF. SO OUR EXPECTATION IS THAT ON THE COMPLIANCE PLAN IT WILL DESCRIBE EXACTLY THE TYPE OF WORK AND HOW IT SHOULD BE DONE. SO OUR EXPECTATION IS IS THAT WE REVIEW EXACTLY WHAT IS GIVEN WITH THE COMPLIANCE PLAN. AND THE DISCUSSION THAT WAS OCCURRING BETWEEN THE GENERAL CONTRACTOR AND THE SUBCONTRACTOR WAS HAPPENING OUTSIDE THE SCOPE OF OUR REVIEW. SO THAT WAS NOT A PART OF THE COMPLIANCE PLAN IT THAT WAS SUBMITTED TO US. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] TRYING TO FIGURE OUTLET FROM AN INFORMATIONAL STANDPOINT, HOW DO WE RECEIVE THAT INFORMATION. IS THERE -- IS THAT INFORMATION THAT'S JUST FOR 60 DAYS.

THEY DIDN'T WANT TO GIVE ME A LONG-TERM CONTRACT BASICALLY.

THAT WAS THE DISCUSSION THAT MR. WILLIAMSON IS REFERRING TO WAS NOT A PART OF THE COMPLIANCE PLAN. IT WAS IN THE CONTEXT OF NEGOTIATIONS OUTSIDE OF THE COMPLIANCE PLAN.

THAT'S CORRECT.

IT WAS NOT REVIEWED BY US.

IS -- FOR INSTANCE, IN THE CASE OF -- MR. -- MR. WILLIAMSON, IS HIS PARTICIPATION INCLUDED IN THE M.B.E./W.B.E. NUMBERS IN THE PROPOSAL FROM DAVEY.

NO, A DIFFERENT VENDOR WAS SELECTED BY DAVEY TO DO THAT SCOPE OF WORK AS IT WAS HIT....SUBMITTED IN THE COMPLIANCE PLAN. THE DISCUSSION THAT'S OCCURRED, WHERE NEGOTIATIONS OCCURRED AFTERWARDS.

THE ONLY THING THAT I'M STATING HERE -- I'M SORRY.

MAYOR, I THINK WHAT -- WHAT'S -- WHAT'S BEING MADE PAINFULLY OBVIOUS IS THAT WE STILL HAVE A LOT OF WORK WE NEED TO DO. THERE ARE A LOT OF QUESTIONS THAT NEED TO BE BROUGHT FORWARD, WE NEED TO HAVE THOSE ANSWERS, IF SOMEONE LIKE MR. WILLIAMSON IS -- WERE TO BE GIVEN A 60 DAY TRIAL PERIOD CONTRACT, WOULD THAT PERCENTAGE SHOW UP ON AN AGENDA ITEM FOR US AS A PARTICIPATION PERCENTAGE? I WOULD HAVE SOME SEVERE CONCERNS IF THAT WERE THE CASE BECAUSE ANY COMPANY COULD COME IN SET A TEMPORARY AGREEMENT WITH SOMEONE SO THAT THEY COULD GET A BID AND LOOK GOOD ON PAPER BUT NOT MEET ANY KIND OF GOALS. I THINK COUNCILMEMBER COLE AND COUNCILMEMBER KIM ARE FULLY COMMITTED TO THAT. WE WILL TAKE IT UP IN OUR M.B.E. W.B.E. COUNCIL SUBCOMMITTEE.

Mayor Wynn: AGREED. COUNCILMEMBER LEFFINGWELL?

Leffingwell: WELL, I'M GOING TO BE READY TO MAKE A MOTION, BUT FIRST I WANT TO SAY THANK YOU TO ALL OF THE TASK FORCE MEMBERS WHO TOOK THE TIME OUT OF THEIR BUSY SCHEDULES TO COME DOWN AND WORK ON A PROBLEM THAT'S IMPORTANT TO ALL OF US HERE IN AUSTIN. IT WOULD BENEFIT THE ENTIRE CITY AND TO GET A LITTLE SAP PEE HERE, GENERATIONS TO COME EVEN, I DO MEAN THAT SINCERELY. I ALSO WANT TO THANK THE CITY MANAGER AND THE STAFF OF AUSTIN ENERGY AND PARKS AND PUBLIC WORKS AND ALL OF THOSE PEOPLE FOR PARTICIPATING IN THE PROCESS AND I REALLY APPRECIATE YOUR EFFORTS. SO I'M GOING TO MAKE A MOTION TO -- TO APPROVE THE CONTRACTS IN ITEMS 23 AND 24. WITH THE FOLLOWING CONDITIONS. THAT -- THAT THE CONTRACT

TERMS BE REDUCED TO -- TO TWO YEARS AND THE REASON THAT I SAY TWO YEARS IS BECAUSE A LOT OF THESE STUDIES THAT WE HAVE COMMITTED TO DO ARE GOING TO TAKE ABOUT A YEAR AND A HALF. TWO YEARS WITH AN OPTION TO RENEW AT THE CITY COUNCIL'S OPTION. IN OTHER WORDS THE COUNCIL DECIDES TO -- TO INVOKE THAT PRIVILEGE THAT THEY CAN, OTHERWISE IT WOULD RUN. SECOND TO IMPLEMENT THE CITY MANAGER'S RECOMMENDATIONS, INCLUDING THE NEW PILOT PROJECTS AND INTEGRATION OF TREE ISSUES INTO THE NEIGHBORHOOD PLANNING PROCESS AND AMENDMENT PROCESS FOR THOSE NEIGHBORHOODS WHO ALREADY HAVE PLANS. AND THIRD A COMMITMENT TO BETTER COMMUNICATION INCREASED OVERSIGHT OF ALL PHASES OF THE PROCESS WITH QUARTERLY REPORTS MADE TO BOTH THE ENVIRONMENTAL BOARD AND THE URBAN FORESTRY BOARD..... BOARD. AND SO THAT WOULD BE MY MOTION. I UNDERSTAND THAT COUNCILMEMBER MARTINEZ IS GOING TO HAVE A FRIENDLY AMENDMENT TO OFFER IF I CAN GET A SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE TO APPROVE THIS ITEM, AN AMENDED ITEM AS STATED. COUNCILMEMBER MARTINEZ?

Martinez: I WILL BE SUPPORTING THE MOTION BECAUSE WE ARE CUTTING THIS DOWN TO TWO YEARS AND WE ARE GOING TO TAKE A LOOK AT THIS AND MAKE SURE WHAT WE ARE IMPLEMENTING ON ANY KIND OF LONG-TERM AGREEMENT IS SOMETHING THAT WE ALL SHARE IN TERMS OF IT BEING FRUITFUL FOR THE CITY, IT BEING -- MEETING THE POLICIES AND GOAL THAT'S WE HAVE SET WITH THE TASK FORCE AND THE COMPONENT THAT I WANT TO ADD AS A FRIENDLY AMENDMENT THAT WE ALSO RECEIVE QUARTERLY FEEDBACK ON OUR M.B.E. W.B.E. PARTICIPATION RATES AND THAT STAFF REACH OUT TO THOSE FIRMS AND LET THEM KNOW HOW STRONGLY I FEEL ABOUT THIS. AND THAT WE FEEL ABOUT THIS.

Leffingwell: I ACCEPT.

Mayor Wynn: COUNCILMEMBER COLE DO YOU ACCEPT THAT

AS A MARRY OF THE SECOND.

Cole: YES.

Kim: MAYOR, WHEN WE WERE CLEARING ALL OF THE TREES AFTER THAT FOUR DAY STORM EVENT, THERE WERE A NUMBER OF COMPANIES THAT WE CALLED IN, LOCAL COMPANIES TO HELP WITH THAT. I HAVE MET SOMEONE WHO WAS AN AFRICAN-AMERICAN CONTRACTOR, HE WAS TRIMMING THE TREES NEXT TO WHERE I LIVE AND HE SEEMED TO BE DOING A VERY GOOD JOB. DO WE HAVE A LIST OF THOSE COMPANIES? I WOULD JUST LIKE TO KNOW THAT WERE ABLE TO HELP US OUT DURING THAT TIME THAT WERE MINORITY AND WOMAN OWNED BUSINESSES?

I DON'T HAVE THAT LIST WITH ME, CERTAINLY WE COULD SEND THAT TO YOU AS FOLLOW-UP, TO LET YOU KNOW WHO THE SUBCONTRACTORS WERE THAT WERE WORKING WITH THE PRIMES DURING THAT TIME PERIOD.

Kim: HOW DID THEY GET THE WORK, WHAT PROCESS -- [MULTIPLE VOICES] IF THEY WERE JUST YELLOW PAGES OR IF THEY WERE ON A LIST ALREADY TO GET WORK, DURING THAT STORM EVENT THERE WERE A LOT OF LOCAL COMPANIES THAT DID HELP OUT THAT WERE MINORITY WOMEN OWNED BUSINESSES.

I DON'T KNOW THE SPECIFICS WITH THAT. IF THEY WERE WORKING WITH ASPLUNDH DAVEY THEY WERE PROBABLY ALREADY ON THE LIST. BUT WE WILL GET THAT INFORMATION BACK TO YOU.

WE SHOULD BE ABLE TO TRACK THE EXPENDITURE REPORTS AND DETERMINE WHO WAS BEING PAID.

IT WOULD BE GREAT TO KNOW WHAT THE AVAILABILITY IS OUT THERE, JUST TO GET AN INDICATION OF THAT. BUT I AGREE WE NEED TO TAKE A LOOK AT THIS FURTHER. WE WILL CONTINUE TO DO THIS IN THE SUBCOMMITTEE, BUT JUST KNOW WHEN WE GET BIG CONTRACTS LIKE THIS, THE FULL COUNCIL IS GOING TO TAKE IT UP AS WELL. SO I APPRECIATE THE STAFF'S HARD WORK ON THIS.

COUNCILMEMBER MCCRACKEN.

FIRST I'M GOING TO -- GOING TO COMMEND AND THANK OUR COLLEAGUE LEE LEFFINGWELL AND THEN HIS STAFF NANCY WILLIAMS, ANDY MORE MAN AND EVERYBODY IN THIS OFFICE FOR WHAT THEY HAVE DONE, IT'S A LOT OF HARD WORK, I KNOW THAT ANDY, NANCY, COUNCILMEMBER LEFFINGWELL PERSONALLY ATTENDED THE TASK FORCE MEETINGS. I THINK ONE OF THE THINGS THAT'S NOT WELL RECOGNIZED IS THAT I THINK IN THE SAME EXACT MEETING THAT WE CREATED THE RESIDENTIAL INFILL McMANSION TASK FORCE, WE CREATED THE TREE TASK FORCE. TREE TRIMMING TASK FORCE. THIS TASK FORCE HAS NOW WORKED JUST AS LONG AS OUR RESIDENTIAL TASK FORCE, BOTH IN THEIR FINAL STAGES. BUT CAROLYN POLAMA EVERYBODY IN THE TASK FORCE, A LOT OF YOU ARE HERE TODAY THAT YOU GAVE A LOT OF YOUR TIME AS CITIZEN VOLUNTEERS, HAVE DONE GREAT WORK, MOVED US FORWARD I KNOW WE ALL KNOW THAT WE ARE NOT WHERE WE WANT OR EXPECT TO BE YET. I THINK THAT WE HAVE MADE A GREAT STEP FORWARD. BUT LEE, THANK YOU, THANKS TO ALL OF THE TASK FORCE MEMBERS AT AUSTIN ENERGY.

THANK YOU.

WE HAVE A MOTION, AN AMENDED MOTION AND A SECOND ON THE TABLE TO APPROVE THIS AMENDED POSTED ITEM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Mayor Wynn: COUNCIL, THAT TAKE US TO OUR 11:00 A.M. BUDGET PRESENTATION, I SAY THAT, I SEE OUR BOND FOLKS DESPERATELY TRYING TO GET OUT OF HERE. SO COUNCIL THAT THEN TAKES US TO OUR 2:00 POSTED BOND POTENTIAL BOND SALES. TECHNICALLY WHAT WE NEED TO DO IS CALL UP OUR LGC MECHANIC FIRST. SO I BELIEVE THE PROCEDURE WOULD BE FOR ME TO RECESS THIS MEETING

OF THE AUSTIN CITY COUNCIL, AND CALL TO ORDER THIS MEETING OF THE BOARD OF DIRECTORS OF THE MUELLER LOCAL GOVERNMENT CORPORATION, LGC, TO TAKE UP A COUPLE OF POSTED AGENDA ITEMS, INCLUDING SOME BOND DISCUSSIONS, THEN BACK TO OUR POTENTIAL BOND SALES. WELCOME, MS. SCHUBERT.

GOOD AFTERNOON, MAYOR, COUNCIL, VICKI SCHUBERT WITH THE FINANCIAL SERVICES DEPARTMENT. ITEM NO. 2 ON YOUR AGENDA IS APPROVAL -- APPROVING THE APPOINTMENT OF THE BOARD CHAIR VICE CHAIR AND THE PRESIDENT AND VICE-PRESIDENT OF THE CORPORATION. I BELIEVE THAT I LEFT ON YOUR CHAIRS A-- A RECOMMENDED SLATE OF OFFICERS, THIS IS ACTUALLY THE SAME SLATE OF OFFICERS THAT WAS ORIGINALLY APPROVED IN APRIL, WHICH WOULD BE THE MAYOR AS CHAIRMAN, MAYOR PRO TEM AS VICE CHAIRMAN, TOBY FUTRELL AS PRESIDENT, AND LESLIE BROWDER, OUR OTHER DEPUTY CHIEF FINANCIAL OFFICER AS VICE-PRESIDENT. IF SOMEONE COULD TAKE ACTION ON THAT ITEM.

SO MOVE.

Mayor Wynn: MOTION MADE BY BOARD MEMBER MARTINEZ, SECONDED BY BOARD MEMBER MCCracken, FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THE NEXT ITEM OF BUSINESS IS APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 27th, 2006.

THOSE ARE ATTACHED, I WILL ENTERTAIN A MOTION. MOTION MADE BY VICE CHAIR, SECONDED BY BOARD MEMBER MCCracken, FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

THANK YOU. THE LAST ITEM ON THE CORPORATIONS AGENDA IS THE APPROVAL OF THE BONDS FOR MUELLER AND WHAT I WANT TO DO IS TAKE ONE MINUTE TO JUST KIND OF FRAME THIS ISSUE BEFORE MR. NEWMAN STEPS UP. IN DECEMBER OF 2004 COUNCIL APPROVED THE AGREEMENT WITH CATELLUS DEVELOPMENT CORPORATION. FOR THE REDEVELOPMENT OF ROBERT MUELLER AIRPORT. LAST AUGUST, THEY FILED A SITE PLAN FOR THE REGIONAL RETAIL IN THE NORTHWEST QUADRANT OF THE PROJECT ALONG I-35, THAT ACTION TRIGGERED THE CITY'S FIRST FINANCIAL OBLIGATION UNDER THE AGREEMENT. THE CITY AND THE BOARD ARE OBLIGATED TO ISSUE \$12 MILLION IN DEBT TO BE SUPPORTED BY THE SALES TAXES GENERATE ODD THIS PROPERTY. GENERATED ON THIS PROPERTY. ACTUALLY THE ENTIRE DEVELOPMENT. THE MAJORITY WILL COME FROM REGIONAL RAIL. DEVELOPMENT IS PROCEEDING AT A GOOD PACE, NUMEROUS PARCELS BEING DEVELOPED. IN ADDITION LARGE PUBLIC AREAS OF THE PROPERTY SUCH AS THE NORTHWEST GREEN WAY AND THE LAKE PARK ARE BEING CONSTRUCTED. THE BOND PROCEEDS FROM TODAY'S ISSUANCE WILL SERVE AS AN EARLY FUNDING SOURCE FOR THIS INFRASTRUCTURE AND FOR OTHER INFRASTRUCTURES SUCH AS STREETS, DRAINAGE AND UTILITIES TO THE PROPERTIES OUT ON THE SITE. THE COUNCIL ESTABLISHED THE BOARD AND THE BOARD IS THE ENTITY RESPONSIBLE FOR ISSUING THE DEBT. LAST APRIL THE COUNCIL AND THE CORPORATIONS BOTH VOTED TO ENTER INTO A 380 ECONOMIC DEVELOPMENT AGREEMENT. TO ISSUE THIS DEBT. THE CORPORATION COMMITTED TO ISSUE THE DEBT TO USE IT FOR THE PROCEEDS OF THE INFRASTRUCTURE COSTS AND THE COUNCIL AGREED TO PROVIDE AN ANNUAL GRANT TO THE CORPORATION TO COVER THE COST OF THE DEBT. THIS GRANT IS BEING RECONFIRMED TODAY AS PART OF YOUR ACTIONS OF THE PROPOSED ACTIONS. I ALSO WANTED TO LET YOU KNOW THAT CATELLUS HAS MET ALL OF THE OBLIGATION THAT'S THEY ARE REQUIRED TO MEET BEFORE WE ISSUE THIS DEBT. FINALLY BOND COUNCIL HAS RECOMMENDED THAT BOTH COUNCIL AND THE LOCAL GOVERNMENT CORPORATION ACT ON THE ISSUANCE, SO YOU WILL FIRST BE ACTING AS THE BOARD THEN AS THE

COUNCIL. IF YOU HAVE NO FURTHER QUESTIONS I WILL
TURN YOU OVER TO MR. NEWMAN. COUNCILMEMBER
MCCRACKEN?

McCracken: CAN YOU DESCRIBE FOR US, I KNOW YOU
SPECIFIED THESE BONDS WILL BRING -- ARE BEING USED TO
PAY FOR INFRASTRUCTURE. CAN YOU RUN THROUGH THE
TYPES OF INFRASTRUCTURES THAT BEING USED TO PAY
FOR?

YES. FIRST OF ALL, WHEN THE CITY ENTERED INTO THE
AGREEMENT WITH CATELLUS, TO BUILD THE
INFRASTRUCTURE ON THE PORTION OF THE PROJECT
WHERE THE RETAIL DEVELOPMENT AND THE HOSPITAL IS
SITTING, WE DIDN'T HAVE SUFFICIENT FUNDS, THE SALES
FROM THAT LAND, PROCEEDS, WERE NOT SUFFICIENT TO
COVER ALL OF THAT INFRASTRUCTURE. SO WE WILL BE
USING A PORTION OF THIS TO PAY FOR THE REST OF THE
INFRASTRUCTURE, SOME OF THE ROADS AND STREETS AND
DRAINAGE WORK THAT'S ALREADY BEEN DONE ON THE SITE.
FROM HERE ON OUT, THE MONEY WILL BE USED FOR
ADDITIONAL INFRASTRUCTURE SUCH AS THE LAKE PARK
THAT'S BEING BUILT, OTHER STREETS, UTILITIES, DRAINAGE,
LIGHTING, ALL -- ALL SORTS OF PUBLIC INFRASTRUCTURE.

THE TOTAL PROJECTED AMOUNT OF BOND ISSUANCE AS I
RECALL AROUND \$50 MILLION, IS THAT CORRECT?

IT WAS BETWEEN 45 AND 50 MILLION.

THE REASON THAT I BRING THIS UP IS IF -- WE LEARNED
EARLIER THAT IF WE HAD NOT MADE THIS PUBLIC
INVESTMENT AT THE REDEVELOPMENT WE WOULD HAVE
EXPECTED -- WE COULD HAVE EXPECTED A NORMAL
MARKET FORCES ABOUT A 200 MILLION-DOLLARS IN
COMMERCIAL BUILDOUT WITH 0 AFFORDABLE HOUSING, NO
M.B.E. W.B.E. PARTICIPATION GUARANTEED. INSTEAD WHAT
WE HAVE IS FOR THIS \$50 MILLION PUBLIC INVESTMENT IN
PUBLIC INFRASTRUCTURE, THE KINDS OF THINGS WE
NORMALLY DO, WE ARE GETTING A 1 BILLION PLUS DOLLAR
BUILDOUT OR IS IT 2 BILLION.

SEVERAL YEARS AGO IT WAS 1 BILLION. I'M SURE IT'S

APPRECIATED SINCE THEN. BUT I DON'T THINK WE HAVE RE-EVALUATED THAT.

1 BILLION-DOLLAR PLUS INVESTMENT, WE CONVERTED A 200 MILLION-DOLLAR BUILDOUT TO A 1 BILLION-DOLLAR BUILDOUT WITH 25% AFFORDABLE HOUSING AND A -- A VERY, VERY STRONG M.B.E.-W.B.E. PERCENTAGES IN THE CONSTRUCTION. THE REASON I POINT THAT OUT WE ARE ABOUT TO ENTER INTO THE FIRST STAGE OF RAIL MASS TRANSIT. MUELLER IS A TRANSIT ORIENTED DEVELOPMENT, HOPEFULLY COUNCILMEMBER LEFFINGWELL AND I ARE GOING TO BE ABLE TO PERSUADE OUR CAPITAL METRO COLLEAGUES AND THE VOTERS WILL APPROVE, WILL HAVE THAT ACTUALLY BECOME A SERVED BY RAIL MASS TRANSIT. AS WE LOOK AT ANOTHER TRANSIT ORIENTED DEVELOPMENTS, THIS IS A MODEL WE CAN TURN TO TO SAY THIS IS HOW YOU CAN GET THAT INCREDIBLE LEVELS OF DENSITY WITH LOTS OF AFFORDABLE HOUSING AND ALSO WITH VERY STRONG M.B.E./W.B.E. PARTICIPATION AND ALSO GET AN INCREDIBLE RETURN TO THE TAXPAYERS TO INVEST IN THAT PUBLIC INFRASTRUCTURE. SO I THINK THAT IT'S SOMETHING THAT WE NEED TO REMAIN MINDFUL OF, THIS IS A VERY SUCCESSFUL MODEL FOR US FOR THE TRANSIT ORIENTED DEVELOPMENT ZONES. GREAT WORK.

FURTHER COMMENTS OR QUESTIONS? WELCOME, MR. NEWMAN.

GOOD AFTERNOON, MR. PRESIDENT, MEMBERS OF THE BOARD, MY NAME IS BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT, SERVICE FINANCIAL ADVISOR TO THE CORPORATION AND THE CITY. I WOULD TALK TO YOU ABOUT ITEM NO. 67 FOR THE CITY, 68 FOR THE CORPORATION TO SELL SOME \$12 MILLION IN MUELLER LOCAL GOVERNMENT CORPORATION REVENUE CONTRACT REVENUE BONDS SERIES 2006. YOU HEARD MS. SCHUBERT THEY ARE BEING ISSUED TO PURCHASE INFRASTRUCTURE IMPROVEMENTS FOR THE REINVESTMENT ZONE. ON PAGE TWO OF THE HANDOUT THAT YOU HAVE THERE IN FRONT OF YOU --

Mayor Wynn: EXCUSE ME. I WANT TO CLARIFY FROM A LEGAL STANDPOINT. WE STILL ARE -- WE HAVE RECESSED THIS MEETING OF THE AUSTIN CITY COUNCIL, SO WE ARE NOT ON

THAT AGENDA. WE ARE CURRENTLY ON THE LGC AGENDA.
ITEM NO. 4.

I'M SORRY, I HAVE THE WRONG NUMBERS, I APOLOGIZE, I SHOULD BE BETTER WITH NUMBER, SHOULDN'T I? ON PAGE 2 OF YOUR HANDOUT THERE, THE RATINGS PARTICULARLY I WOULD LIKE TO CALL TENSION TO THAT, WE -- CALL ATTENTION TO THAT. WE EXPECTED WHEN WE DID OUR ORIGINAL ESTIMATES FOR THIS BUILDOUT THAT THESE BONDS WOULD BE RATED A AS THE NORMAL COURSE OF THINGS, WHEN YOU LOOK AT A CONTRACT REVENUE BOND YOU SEE IT'S RATED ONE FULL NOTCH BELOW YOUR OUTSTANDING GENERAL OBLIGATION BONDS. I HAVE TO GIVE A LOT OF CREDIT TO VICKI SCHUBERT, JOHN STEVENS, GREG, LESLIE ON THIS THING. WE CALLED THE RATING FOLKS DOWN ON HERE, ONE ON ONE FACE-TO-FACE MEETINGS WITH THEM, SOME CASES OUT TO THE SITE TO SHOW THEM THE SITE. I THINK THAT EFFORT PAID OFF IN THIS CORPORATION ON IT'S FIRST BOND ISSUE DOUBLE A DOUBLE A 3 AND DOUBLE A BY S AND P, MOODIES AND FITCH. WHAT THAT DID FOR YOU IS A COUPLE OF THINGS. NUMBER ONE BECAUSE OF THE STRENGTH OF THIS CREDIT, WHERE THE STRUCTURE, YOU HAVE TO HAVE A RESERVE FUND, SAVES YOU MONEY, ALLOWS MORE MONEY TO GO INTO THIS PROJECT ITSELF. IN ADDITION AS A RESULT OF THIS BETTER RATING, WHEN WE COME DOWN TO LOOKING AT THE CASH FLOWS, BEFORE VERSUS NOW, ABOUT A \$23,000 A YEAR SAVINGS AS A RESULT OF THAT LOWER BORROWING COST, VERY COMMENDABLE. PAGE 3. I WILL RUSH RIGHT THROUGH THIS. THE PLAYERS IF YOU WILL, WHO YOU WOULD EXPECT, THERE IS SOMEONE HERE FROM [INDISCERNIBLE] BOND COUNCIL ON THIS PROJECT. BRIEFLY ON PAGE FOUR TALKING ABOUT THE MARKET. MARKET VERY STABLE HAS BEEN THIS WEEK AT LEAST. PRETTY MUCH UNCHANGED, DURABLE GOODS, OTHER INDICATORS THAT CAME IN LOWER THAN EXPECTED AND THEREFORE FLATTENED THE MARKET, HAD A BIG DROP IN VOLUME IN THE MARKET BY 2.5 OR 2.2 BILLION. IN BONDS. ON PAGE 5, THIS IS AGAIN A REVENUE BOND. SO WHAT WE SHOWED HERE WITH THE REVENUE BOND INDEX AS COMPARED TO THE TREASURY, YOU SEE THOSE LEVELS AT 497, 492 RESPECTIVELY. PAGE 6 SHOWED YOU THERE WASN'T A LOT

OF VOLUME IN THE MARKET. PAGE -- LAST PAGE SHOWS YOU THE RESULT OF THE BOND SALE, QUITE FRANKLY VERY COMMANDABLE. THIS IS A 20 YEAR BOND ISSUE. YOU RECEIVED TOTAL INTEREST COST OF 4.45%. WE THINK THAT IT'S A VERY FAIR INTEREST RATE AND WOULD RECOMMEND APPROVAL.

QUESTION GOES..... QUESTIONS FOR MR. NEWMAN, BOARD? SO WE ARE POSTED FOR -- FOR APPROVING THIS RESOLUTION. WE HAVE A MOTION AND A SECOND BY THE BOARD. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU, THANK YOU, MR. NEWMAN, THAT BEING ALL OF THE BUSINESS BEFORE THIS BOARD OF DIRECTORS OF THE MUELLER LOCAL GOVERNMENT CORPORATION WE NOW STAND ADJOURNED. WITH THAT I WILL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. I BELIEVE WE CAN NOW TAKE UP POSTED ITEM NO. 67. REGARDING BOND SALES. MS. SCHUBERT DO YOU WANT TO REMIND US TECHNICALLY HOW WE ARE DOING THIS.

MAYOR, I BELIEVE ALL THAT YOU NEED TO DO IS MOVE APPROVAL. THIS IS EXACTLY THE SAME BOND SALE, JUST BEING APPROVED BY BOTH BODIES.

Mayor Wynn: QUESTIONS, COUNCIL? MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS ITEM NO. 67 THE MUELLER LOCAL GOVERNMENT CORPORATION BOND SALES. ALL IN FAVOR?

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO NOW WE CAN GO TO OUR 11:00 A.M. BUDGET BRIEFING ON OUR ESSENTIALLY OUR PUBLIC SAFETY DEPARTMENTS. AND MY INSTINCT IS THAT MY ROLL DIRECTLY INTO THE 2:30 POSTED BRIEFING, WHICH IS ON THE FEASIBILITY STUDY REGARDING THE COMBINED PUBLIC

SAFETY EFFORTS. WELCOME, MR. GARZA.

GOOD AFTERNOON, MAYOR AND COUNCIL. BECAUSE HE ALWAYS FEELS LIKE THE INVISIBLE MAN, GOOD AFTERNOON TO OUR CITY ATTORNEY, HE SAYS NOBODY EVER RECOGNIZES HIM. THIS AFTERNOON WE WILL BE PROVIDING YOU AN OVERVIEW OF THE PUBLIC SAFETY DEPARTMENT. MY PART OF THE PRESENTATION WILL JUST BE AN OVERVIEW OF THE PROPOSED EXPENDITURES, STAFFING LEVELS, FUNDING FOR STRATEGIC ADDS AS WELL AS THE RESULTS OF OUR CITIZEN SURVEY.

THE OVERVIEW IS SHOWN HERE ON THIS GRAPH. AS YOU WILL NOTICE, THE PUBLIC SAFETY DEPARTMENTS MAKE UP THE LARGEST COMPONENT OF THE GENERAL FUND BUDGET AT 68%, \$355.8 MILLION. IN FACT CURRENT YEAR BUDGET ALSO MADE UP 68% OF THE BUDGET. OF THAT 355, THE LARGEST COMPONENT IS THE POLICE DEPARTMENT WHICH COMPRISES 55% OF THAT 355 WITH A PROPOSED BUDGET OF \$197 MILLION. THE SECOND LARGEST COMPONENT OF THAT IS THE FIRE DEPARTMENT, WITH 30% OF THAT AMOUNT, WITH THE PROPOSED BUDGET OF 106 MILLION. FOLLOWED BY E.M.S. AT THE 11% WITH A PROPOSED BUDGET OF \$38.1 MILLION. THIS SLIDE SHOWS THE SUMMARY CHANGES WITHIN EACH DEPARTMENT WITHIN THE PUBLIC SAFETY DEPARTMENTS. EACH DEPARTMENT DIRECTOR WILL PROVIDE YOU MORE DETAILS ON THEIR BUDGETS, INCLUDING THE CHANGES. YOU WILL NOTICE HERE THE MOST SIGNIFICANT CHANGE ON A PERCENTAGE BASIS IS THE PUBLIC SAFETY AND EMERGENCY MANAGEMENT BUDGET. IF YOU RECALL, THIS YEAR, 2006, WAS THE FIRST YEAR OF THE CONSOLIDATION OF THE AIRPORT PARK POLICE AND AIRPORT POLICE, PARK POLICE. WE DID THAT IN THE CURRENT YEAR OBVIOUSLY FOR STANDARDIZING TRAINING, PROCEDURES, GAINING SOME EFFICIENCIES, BUT MOST OF ALL TO IMPROVE OUR CUSTOMER SERVICE. THE MAJORITY OF THE CHANGES IN THE PUBLIC SAFETY AND EMERGENCY MANAGEMENT DEPARTMENT ARE -- ARE DRIVEN BY SALARY ADJUSTMENTS, PAY ADJUSTMENTS, WITHIN THOSE DEPARTMENTS. IN FACT, OF THE OVERALL INCREASE OF \$28.4 MILLION FOR THE PUBLIC SAFETY DEPARTMENTS, 27 AND A HALF MILLION OF THAT IS ALL DRIVEN BY PERSONNEL, SALARY AND BENEFITS

COSTS FOR EXISTING POSITIONS AS WELL AS THE PROPOSED NEW POSITIONS. THE OVERVIEW OF THE F.T.E.'S, PROPOSED 3933 POSITIONS IN THE BUDGET. OF THAT 76% FOR 2,981 ARE UNIFORM POSITIONS. OBVIOUSLY PRIMARILY DRIVEN BY THE UNIFORM PERSONNEL IN THE PUBLIC SAFETY DEPARTMENTS. THE CHANGE OF 60 NEW TEETHES FOR THE PROPOSED BUDGET IS BROKEN DOWN BY 23 ADDITIONAL UNIFORM POSITIONS, 23 UNIFORM POSITIONS ARE FOUR ADDITIONAL FIREFIGHTERS, 12 NEW PARAMEDIC, SEVEN NEW UNIFORM POSITIONS WITHIN THE POLICE DEPARTMENT. PUBLIC SAFETY STRATEGIC ADDS OF 2.7 MILLION MAKE UP JUST UNDER HALF OF THE ENTIRE PUBLIC SAFETY GENERAL FUND STRATEGIC ADDS OF \$6.1 MILLION. AGAIN THE DEPARTMENTAL PRESENTATIONS WILL PROVIDE YOU GREATER DETAIL OF THE ADDS, I DO WANT TO HIGHLIGHT SOME -- SOME OF THOSE. OF THE 2.7 MILLION THAT YOU SEE BEFORE YOU, YOU WILL NOTICE THAT -- THAT E.M.S., MOST OF IT IS COMMITTED TO E.M.S. AT \$1.6 MILLION. THE -- THE HIGHLIGHTS OF SOME OF THE STRATEGIC ADDS FOR PUBLIC SAFETY IS IN E.M.S. IS AN ADDITIONAL PEAK LOAD UNIT, ADDITIONAL FUNDING AND POSITIONS TO -- TO WORK ON TRAINING, TRAINING NEEDS TO ADDRESS OUR QUALITY ASSURANCE, QUALITY CONTROL ISSUES WITHIN OUR CLINICAL OPERATIONS. THE FUNDED STRATEGIC ADD IS A VOLUNTEER COORDINATOR. YOU RECALL ABOUT A YEAR AGO TODAY, WE WERE DEALING WITH COORDINATING VOLUNTEERS THROUGHOUT THE COMMUNITY, WE ARE PROPOSING A POSITION TO COORDINATE THOSE EFFORTS WITHIN THE DEPARTMENT, SOME OF THE HIGHLIGHTS IN THE FIRE DEPARTMENT, SOME OF THE -- SOMETHING WE ARE ALL VERY EXCITED ABOUT IS THE FIREFIGHTER ACADEMY WORKING IN PARTNERSHIP WITH AISD THAT'S ACTUALLY IN PLACE AT L.B.J. HIGH SCHOOL. YOU UNFUNDED STRATEGIC ADDS TOTAL \$1.9 MILLION. AGAIN AS YOU SEE ON THE SLIDE HERE, THE MAJORITY OF THOSE FOR E.M.S., PRIMARILY WITHIN THE E.M.S. DEPARTMENT THOSE UNFUNDED NEEDS ARE THE BIGGEST, MOST SIGNIFICANT COMPONENT IS FOR DEVELOPMENTAL ACADEMY. AS YOU KNOW, WITHIN OUR FIRE AND POLICE DEPARTMENTS WE HAVE TRAINING ACADEMIES, BASICALLY REQUIRING NO EXPERIENCE TO COME INTO OUR DEPARTMENT, WE TRAIN THEM, THEY BECOME A PART OF OUR UNIFORMED STAFF. E.M.S. DOES

NOT HAVE THAT TUPTD EVER WITHIN THE DEPARTMENT. THE MOST SIGNIFICANT UNFUNDED NEED IS TO BEGIN THE DEVELOPMENT OF THE ACADEMY TO IN FACT RECRUIT SOMEBODY WITH NOT VERY HIGH PREREQUISITES ON BEING A PARAMEDIC, OUR CURRENT REFRESH MY MEMORY. WE ARE ABLE TO RECRUIT FOLKS COMING INTO THE DEPARTMENT, WE WILL TRAIN THEM TO BECOME PARAMEDICS. IN ADDITION TO THAT, WE ALSO ARE PROPOSING SIMILAR TO THE FIRE DEPARTMENT, E.M.S., IN PARTNERSHIP WITH AISD, AISD HAS ALLOWED US, IS PREPARED TO ALLOW US TO EXPAND THIS WITHIN THEIR HIGH SCHOOL PROGRAMS. THE RANKING OF THE CITY SERVICES, WE HAD AN OVERVIEW OF THIS DURING THE INITIAL PRESENTATION OF THE PROPOSED BUDGET, BUT CLEARLY IT'S NO SURPRISE THAT FIRE, POLICE, E.M.S. CONTINUE TO RANK IN THE TOP 3 MOST IMPORTANT SERVICES BASED ON OUR CITIZEN SURVEY. AND THE COUNCIL YEAR AND YEAR OUT REFLECTS THAT COMMITMENT BY HAVING ALMOST 70% OF THE BUDGET BEING FOR PUBLIC SAFETY, WHICH REPRESENTS THE RESULTS OF THE CITY SERVICES, CITIZENS SURVEY. I WILL BE TURNING IT OVER TO THE DEPARTMENT DIRECTORS AND THE CHIEFS THOUSAND TO GIVE YOU THEIR DEPARTMENTAL PRESENTATION'S OVERVIEW, THE DEPARTMENT OF PRESENTATIONS BASICALLY WILL INVOLVE AN OVERVIEW OF THE PROPOSED REVENUES AND EXPENDITURES FOR EACH DEPARTMENT, WILL PROVIDE A DESCRIPTION OF THEIR STRATEGIC ADDS AS WELL AS THE UNFUNDED STRATEGIC ADDS, TALK ABOUT THEIR STAFFING LEVELS AND WE WILL CLOSE OUT WITH A DISCUSSION ON THEIR KEY MEASURES, THE KEY PERFORMANCE MEASURES IN THE PROPOSED BUDGET INCLUDING A COMPARISON OF SOME OF OUR KEY MEASURES AND RESULTS USING THE 2005 ICMA COMPARISONS. FINALLY, EACH DEPARTMENT WILL ALSO REVIEW THE -- THE RESULTS OF THEIR CITIZEN SURVEY. WITH THAT I'M GOING TO TURN IT OVER TO THE COURT CLERK. REBECCA.

THANK YOU, MR. GARZA, WELCOME, MS. STARK.

I'M REBECCA STARK, THE COURT CLERK FOR THE CITY OF AUSTIN MUNICIPAL COURT. WITH ME TODAY EVELYN MCKEE, THE PRESIDING JUDGE IN THE MUNICIPAL COURT, GREG

TUNE KNEE, THE COORDINATOR FOR THE DOWNTOWN AUSTIN COMMUNITY COURT. MAYOR, MAYOR PRO TEM AND MEMBERS OF THE COUNCIL, WE ARE PLEASED TO PRESENT COURT'S BUDGET, PROPOSED BUDGET FOR FISCAL YEAR '07. FIRST WE ARE VERY PLEASED, THOUGH, TO ANNOUNCE THAT THE RESULTS OF THE CITIZEN SURVEY FOR 2006 SHOWS A SIGNIFICANT IMPROVEMENT IN BOTH COURT ARE SERVICES AND ACCESSIBILITY. ALMOST 83% ON BOTH OF THEM, FRANKLY GIVEN OUR BUSINESS AND GIVEN OUR POPULARITY, WE ARE REAL PLEASED WITH THAT.

YOU MEAN THE FACT THAT EVERYBODY IS DOWN THERE BECAUSE THEY GOT ARRESTED OR -- [LAUGHTER]

YEAH. THAT WOULD BE IT. AND ANYWAY SOME OF THAT MAY BE DUE TO OUR NEW COMPUTER SYSTEM. BUT I THINK WE HAVE TO GIVE THE BULK OF THE CREDIT TO THE 250 EMPLOYEES THAT WORK VERY HARD THERE DAY IN AND DAY OUT. THE REVENUE PROPOSED FOR FISCAL YEAR 17.3 MILLION. THAT'S ONLY A SLIGHT DIFFERENCE, THERE'S NO SIGNIFICANT CHANGES TO FINE, FEES OR COSTS, THE GENERAL FUND EXPENDITURES OF \$10.1 MILLION. GENERALLY DUE TO INCREASED PERSONNEL COSTS. PERSONAL COSTS HAVE TRADITIONALLY BEEN THE BULK. THE BUDGET PROPOSES 156 GENERAL FUND F.T.E.'S, AN INCREASE OF 8.75, ENHANCED SUPPORT AND OPERATIONAL F.T.E.'S. THE POSITIONS ARE IN THE SIEWSH SHERRI, THE DACC, THE MUNICIPAL COURT OPERATIONS. IN ADDITION TO THE GENERAL FUND, THE PIEWPCAL COURT COLLECTS REVENUE FOR SPECIAL PURPOSE FUNDS. STATE LAW MANDATES THAT WE COLLECT COURT COSTS AND FEES PAID -- AND THEY ARE PAID BY DEFENDANTS UPON CONVICTION. COURT WILL ACTUALLY COLLECT OVER \$29 MILLION NEXT YEAR. 19.7 MILLION WILL BE RETAINED BY THE CITY AND 9.5 MILLION OR OVER A THIRD PAID TO THE STATE. EVER THE 19.7 MILLION THAT'S -- THAT'S RETAINED BY THE CITY, 17 PONY 3 MILLION IS IN THE GENERAL FUND AND THE REMAINDER, FOR [INDISCERNIBLE] SPECIAL FUNDS. THE SECURITY FUND IS EXCLUSIVELY FOR COURT SECURITY. THE REVENUE IS A \$3 COURT COST, THE EXPENSES ARE GENERALLY FOR CONTRACTED SECURITY GUARDS AND TO SUPPLEMENT THE SECURITY SERVICES OF THE MARSHALS. THE TECHNOLOGY FUND FOR NEW COURT TECHNOLOGY,

THE MAINTENANCE FOR IT. THE REVENUE IS A \$4 COURT COST AND THE EXPENSES FOR NEXT YEAR INCLUDE SOFTWARE AND HARDWARE MAINTENANCE, SOME MINOR SOFTWARE ENHANCEMENTS AND ROUTINE HARDWARE PLACEMENTS. WE HAVE MORE EXPENDITURES THAN REVENUE NEXT YEAR, BY \$200,000. THAT'S TO CONTINUE OUR PROGRAM OF SCANNING OUR OLD PAPER FILES INTO THE NEW COURT'S COMPUTER SYSTEM. THIS IS A REVOLVING FUND. IT ACTUALLY STARTED WITH A REVENUE OF \$362,000. WE ARE STILL GOING TO END WHERE \$200,000 IN NET FUND. THE JUVENILE CASE MANAGER IS TO GET CASE MANAGERS FOR YOUTH CASES, COLLECTED THROUGH A \$4 COURT COST. THE EXPENSES ARE FOR CASE MANAGERS, SALARY AND BENEFITS, TO PROVIDE EFFECTIVE CASE MANAGEMENT TO DEVELOP OPTIONS FOR ALTERNATIVES STEPSING AND TO DEVELOP MORE COLLABORATIVE EFFORT AMONG OUR LOCAL COURTS, SCHOOLS, SOCIAL SERVICES AND LAW ENFORCEMENT TO ENHANCE YOUTH ACCOUNTABILITY. LASTLY THE CHILD SAFETY FUND IS COLLECTED THROUGH COURT COSTS OF \$5 UP TO \$25 DEPENDING UPON THE VIOLATION AND ALL OF THE FUNDS ARE USED BY PUBLIC WORKS TO SUPPORT THEIR CHILD SAFETY PROGRAM. AND NOW I'M GOING TO ASK JUDGE MCKEE TO TALK ABOUT THE EXPENDITURES AND THE JUDICIARY. ALL RIGHT, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M EVELYN MCKEE, THE PRESIDING JUDGE AT THE AUSTIN MUNICIPAL COURT. I'M HERE TODAY TO TALK ABOUT THE PROPOSED BUDGET FOR THE JUDICIARY PORTION OF THE MUNICIPAL COURT. OF THE NEARLY \$10 MILLION IN EXPENDITURES, THE JUDICIARY PART MAKES UP 1.7. THAT WILL CONSIST OF 13 -- 13 F.T.E.'S, REPRESENTING AN INCREASE OF 1 PONY 5. WE ARE GOING TO -- TO HAVE STRATEGIC ADDS OF ABOUT \$300,000. THIS WILL SUPPORT ADDITIONAL COURT DOCKETS AT NIGHT, WE WILL HAVE -- ONE NEW ASSOCIATE JUDGE, WE WILL ALSO HAVE SUPPORT FOR CODE ENFORCEMENT, WE WILL BE DOUBLING THE DOCKETS THAT ARE SET ASIDE SPECIFICALLY FOR CODE ENFORCEMENT. WE ALSO WILL BE SUPPORTING THE CONTRACT THAT YOU APPROVED RECENTLY TO TAKE OUR MAGISTRATE SERVICES WITH -- THROUGH AN INTERLOCAL WITH TRAVIS COUNTY TO 24/7, SO WE WILL NEED AN ADDITIONAL POSITION AND THEN A HALF

ONE TO -- TO SUPPORT THAT FOR SEVEN DAYS A WEEK, ONE SHIFT. I WILL NOW TURN IT OVER TO GREG TOOMEY, THE DIRECTOR OF THE DOWNTOWN AUSTIN COMMUNITY COURT.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. THE -- THE COMMUNITY COURT BUDGET THIS YEAR IS APPROXIMATELY \$1,432,506. TWO OF THE SIGNIFICANT EVENTS THAT WILL BE OCCURRING UNDER THE PURVIEW, WITH THE PARTICIPATION OF THE COURT ARE THE IMPLEMENTATION STAGE FOR PROJECT RECOVERY, WHICH IS THE REHABILITATION CAMPUS INVOLVING A 90 DAY TREATMENT PROGRAM FOR THOSE CHARGED WITH CLASS B ENHANCED P.I., IN THE IMPLEMENTATION STAGES. DURING THE ORIGINAL ASSESSMENT, WE IDENTIFIED A TARGET POPULATION OF APPROXIMATELY 200 INDIVIDUALS, ALMOST EXCLUSIVELY MALE, AND SUFFERING FROM ADDICTION AND CO-OCCURRING MENT ILLNESSES. OUR TARGET DATED FOR OPENING THAT CAMPUS IS OCTOBER 1st... 1st. THE CITY OF AUSTIN CONTRIBUTION TOWARDS THAT PROGRAM IS \$423,000. AND OVER THE COURSE OF THE PAST SEVERAL MONTHS, WE HAVE APPEARED SEVERAL TIMES IN FRONT OF THE COUNTY COMMISSIONERS AND THEY HAVE ADDED FUNDING IN THE AMOUNT OF \$150,000 TO THE INITIATION OF -- OF THIS PROGRAM. THE OTHER THING THAT WE HAVE ALREADY BEGUN IS GRAFFITI ABATEMENT. WE HAVE AN ADDITIONAL FULL-TIME EMPLOYEE, SUPERVISING A FULL-TIME COMMUNITY SERVICE CREW OF FIVE TO SEVEN WORKERS AND THIS -- THIS PARTICULAR CREW IS EXCLUSIVELY DEDICATED TO ABATEMENT. ALSO A SUPPLY BUDGET THAT ALLOWS FOR THE CITY SUBSIDY OF PAINT SUPPLIES AND EQUIPMENT FOR VICTIMS WHO ARE FINANCIALLY INCAPABLE OF DEFERRING THE COSTS OF ABATEMENT AND THE REMEDIATION OF THEIR PRIVATE PROPERTY. AND JUST AS AN ASIDE, ONE OF THE THINGS WE ARE RESEARCHING RIGHT NOW, WE ARE TRYING TO COME UP WITH -- WITH A MORE AESTHETICALLY PIGMENTED PAINT THAT WILL ALLOW FOR ABATEMENT THAT IS MORE APPEALING TO THE EYE. AND THEN OUR FINAL STRATEGIC ADD IS ONE CLERK, COURT SUPPORT AND THAT'S JUST IN SUPPORT OF -- OF A CASELOAD THAT OVER THE PAST TWO YEARS HAS DOUBLED, WE ARE ANTICIPATING BETWEEN 13 AND 14,000 CASES FILED IN COMMUNITY COURT DURING '07.

THAT'S ALL THAT I HAVE.

THE TOTAL EXPENDITURE FOR MUNICIPAL COURT OPERATIONS AND SERVICES \$6.9 MILLION. AGAIN THE INCREASE IS ALMOST EXCLUSIVELY PERSONNEL COSTS WITH THE MARGARET ADJUSTMENTS THAT PAY FOR PERFORMANCE INSURANCE AND NEW POSITIONS. THE TOTAL NUMBER OF F.T.E.'S IS PROJECTED TO BE 128, AN INCREASE OF 5.25. THE 5.25 NEW POSITIONS, THE FIRST ONE IS DUE TO RECENT, RECENT YEARS BUDGET REDUCTIONS COURT HAD NINE FRONT LINE SUPERVISORS AND NOW HAS FIVE WITH AN -- WITH A EMPLOYEE SUPERVISOR RATIO OF 20-1. THIS SUPERVISOR WOULD PROVIDE MUCH NEEDED OVERSIGHT, ESPECIALLY IN EVENINGS NOW THAT WE ARE GOING TO HAVE MORE PEOPLE THERE AND BRING THE RATIO DOWN TO 17 TO 1. THREE OF THOSE F.T.E.'S WILL -- WILL PROVIDE THE THIRD SHIFT CLERICAL SUPPORT NEEDED TO INCREASE THE CENTRAL BOOKING MAGISTRATION TO 24 HOURS A DAY, SEVEN DAYS A WEEK FROM THE CURRENT 16 HOURS A DAY, 7 DAYS A WEEK. ALSO FOR THE EVENING DOCKETS AT MUNICIPAL COURT, JUDGE MCKEE DISCUSSED EARLIER WILL BE ADDING ONE F.T.E. TO SUPPORT THE JUDGE AND THE PROSECUTORS. REVENUE AND EXPEND YOU ARES ARE TWO OF THE MAJOR INDICATORS OF PERFORMANCE AT MUNICIPAL COURT. REVENUE STILL FAR EXCEEDS THE EXPENDITURES, AS WE DISCUSSED EARLIER, THERE'S NOT MUCH OF AN INCREASE IN REVENUE, BUT WE HAVE ALSO INDICATED A SLIGHT INCREASE IN THE NUMBER OF CASES FILED BASED ON OUR ANTICIPATED ADDITIONAL CODE ENFORCEMENT. I HAVE INCLUDED THE NUMBER OF EMPLOYEES SERVED AT THE SOUTH SUBSTATION BECAUSE IT DIRECTLY RELATES TO OUR REQUEST THAT YOU CONSIDER APPROVAL OF OUR UNFUNDED STRATEGIC ADD WHICH IS ONE CLERK. AS A MEASURE INDICATES WE ARE ANTICIPATING AN ADDITIONAL 7,000 CUSTOMERS IN '07 COMPARED TO '05. THE COURT HAS CLERKED MORE AND MORE REVENUE EVERY YEAR WITH NO DECREASE IN SERVICE. WE CANNOT CUT OUR SERVICES. WE DON'T CONTROL OUR WORKLOAD AND WE REGULARLY HAVE TO ADJUST TO CHANGES BY THE LEGISLATURE OR LAWS OR OTHER POLICIES. SO WE ARE SCABTLY REARRANGING -- CONSTANTLY REARRANGING OUR STAFF AND STRETCHING

THEM TO ADEQUATELY ACCOMMODATE ALL SERVICES. WE JUST DON'T HAVE ANY MORE STRETCH LEFT IN OUR STAFF. WE HAD THREE CLERKS DOWN AT THE SOUTH SUBSTATION, WE REALLY NEED THREE CLERKS DOWN THERE, AND REQUEST YOUR CONSIDERATION TO APPROVE THAT STRATEGIC ADD. THAT CONCLUDES OUR PRESENTATION AND WE ARE AVAILABLE TO ANSWER QUESTIONS.

THANK YOU. COUNCILMEMBER MCCRACKEN?

THE -- I'M NOT SURE WHO -- PROBABLY JUDGE MCKEE. THE VOTERS OF AUSTIN OVERWHELMING APPROVED A CHANGE IN TERMS TO FOUR YEARS FOR MUNICIPAL COURT JUDGES AND WHEN -- I THINK WHAT WE NEED TO FIGURE OUT, INCLUDING OUR LAWYER CORNER HERE, OF THE DAIS, COUNCILMEMBER COLE AND MYSELF IS -- IS WHAT -- WHAT WE NEED TO DO TO MAKE SURE THAT -- THAT OUR CURRENT JUDGES ARE PART OF THIS FOUR YEAR TERMS. DO WE NEED AN ORDINANCE CHANGE TO CONFIRM THE OVERWHELMING MANDATE FOR THE VOTERS OR DOES THAT HAPPEN AUTOMATICALLY?

DAVID, THIS IS YOURS, HOW WE ARE GOING TO MOVE FROM THE CHARTER.

YOU NEED TO SIT DOWN HERE?

JOIN ALL OF US LAWYERS OVER HERE.

HOW WE ARE GOING TO MOVE FROM THE CHARTER CHANGE TO IMPLEMENTATION. I BELIEVE IN THE BUDGET WE HAS THAT CHANGE, BUT CORRECT ME IF I'M WRONG.

IF YOU WOULD PLEASE ASK THE QUESTION AGAIN.

YEAH. TALKING ABOUT THE FOUR YEAR TERMS APPROVED BY THE VOTERS IN THE MAY ELECTION, FOR MUNICIPAL COURT JUDGES, DOES THAT TAKE EFFECT AUTOMATICALLY FOR OUR JUDGES OR IS THERE AN ORDINANCE CHANGE REQUIRED?

COUNCILMEMBER, I DO NOT KNOW THE ANSWER TO THAT QUESTION. I CAN FIND OUT FOR YOU AS QUICKLY AS

POSSIBLE. AND GET BACK TO YOU. I.

I BELIEVE THE ANSWER IS THAT WE ARE GOING TO HAVE TO CHANGE THE TERMS IN AN ORDINANCE IN THE BUDGET, THAT WAS HOW IT WAS ANTICIPATED TO BE ISM THEMENTED. BUT WE WILL GET BACK WITH AN ANSWER.

I KNOW THAT -- THAT COUNCILMEMBER COLE AND I HAD BEEN -- SOME ORDINANCE IF NECESSARY, SO IF AN ORDINANCE IS NECESSARY, I THINK GET READY FOR US, INTRODUCE IT, IF IT'S PART OF THE BUDGET EVEN BETTER. I HAVE ONE OTHER QUESTION, THIS IS ON -- ON GRAFFITI POLICY. WE LEARNED IN OUR PREVIOUS COUNCIL MEETING THAT THE NATIONAL BEST PRACTICES STANDARD IS THE GRAFFITI TO BE REMOVED 24 TO 48 HOURS AFTER IT'S SUPPORTED. AND -- THE CITY OF AUSTIN RIGHT NOW IS TAKING 10 DAYS ON AVERAGE TO GET THE GRAFFITI REMOVED. WHAT I WOULD LIKE TO KNOW FIRST IS HOW -- HOW -- HOW THE -- WHAT IS THE -- WHAT IS EXPECTED OUT OF THE BUDGET ADDITIONS ON GRAFFITI ABATEMENT REMOVAL, OF WHERE THAT WOULD GET US.

I'M GOING TO GIVE YOU A VERY ROUGH CUT AT THIS. REMEMBER WE HAVE THIS IN TWO DIFFERENT PLACES, THE REASON THAT YOU ARE HEARING, THE PRIMARY DISCUSSION OF IT WITH THE HEALTH AND HUMAN SERVICES DEPARTMENT BUDGET, BUTT REASON GREG AND IN HIS VERY CREATIVE WAY IS AUGMENTING THE PROGRAM IS WORKING WITH HIS COMMUNITY REST.....RESTITUTION PROGRAM. TO HELP AUGMENT. OUR EXPECTATION IS THAT YOU WILL INCREASE THE AMOUNT OF GRAFFITI THAT YOU HAVE REMOVED BY ALMOST, NOT QUITE, BUT ALMOST 100%. SO YOU COULD LOOK AT THAT ONE OF TWO WAYS. WE ARE GOING TO BE ABLE TO GET TO A WHOLE LOT MORE OF IT OR MOVE TO IT IN ABOUT HALF THE TIME. I WILL -- WE WILL FOLLOW UP ON A BUDGET Q AND A WITH YOU TO SEE IF I CAN GET YOU A BETTER RESPONSE THAN THAT. IT WILL DEFINITELY NOT GET US TO A ONE DAY TURN AROUND. THAT IS A -- A MUCH BIGGER INVESTMENT. NOW THIS IS A HUGE CHANGE IN THE INVESTMENT. WE ARE PUTTING OUT A LOT OF ADDITIONAL RESOURCES HERE. ALMOST DOUBLING WHAT WE CAN DO. BUT IT DOES NOT GET YOU TO THAT

STANDARD.

IN -- I DO THINK THAT -- THAT IF THE STANDARD NATIONALLY IS 24 TO 48 HOURS, IT WOULD BE REASONABLE FOR A POLICY, 48 HOURS. BUT I GUESS ANOTHER QUESTION IS WE HAVE IT KIND OF PLACED IN A COUPLE OF DIFFERENT AREAS. PERHAPS AS MANY AS THREE. SINCE IT HAS A LAW ENFORCEMENT COMPONENT AS WELL. WHO WOULD -- WHO IS RESPONSIBLE FOR ALL OF THAT? WHO IS -- ULTIMATELY THE PERSON IN CHARGE OF THE EFFORT.

RIGHT NOW IT'S BEING COORDINATED THROUGH HEALTH AND HUMAN SERVICES. GRAFFITI PROGRAM IS HEALTH AND HUMAN SERVICES, THEY WORKING TO DO THE AUGMENTATION, WORKING IN CLOSE COLLABORATION WITH GREG TO BE ABLE TO WORK OFF OF HIS COMMUNITY RESTITUTION PROGRAM. JUST LIKE GREG DID FOR US IN RIGHT-OF-WAY MODE.

HEALTH AND HUMAN SERVICES IS KIND OF THE --

THEIR POINT.

McCracken: POINT PERSON.

THEY ARE.

THEN POINT OF CONTACT. I WILL MAKE A QUICK POINT. WE HAVE DIVIDED ACCORDING TO SKILL LEVEL. COMMUNITY SERVICE WORKERS ARE MOST ADEPT AND QUALIFIED TO DO PAINT OVER AS OPPOSED TO -- TO OTHER CREWS THAT ARE ACTUALLY CITY EMPLOYEES TAKE CAN BE INVOLVED AND HANDLE MORE ADD DETROITLY THE CHEMICAL PROCESS THAT ELIMINATES SOME GRAFFITI. SO WHAT WE ARE LOOKING TO DO OR PROBABLY THE LARGER PROJECT THAT'S WE CAN PAINT OVER. I HAVE LEARNED MORE ABOUT PAINT IN THE PAST THREE WEEKS THAN I EVER WANTED TO KNOW. BUT WE ARE GOING TO GET SOME MATCHING SHADES SO IT WILL AESTHETICALLY BE MUCH MORE APPEALING WHEN PEOPLE GO BY.

AS SILLY AS THAT MAY SOUND TO BE TALKING ABOUT THE SHADE, THE FACT IS ONE OF THE VERY BIG ISSUES

BUSINESS OWNERS HAVE NOT WANTED US TO COME AND DO THE PAINTOVER BECAUSE THEY DON'T LIKE THE OUTCOME, THE WAY IT LOOKS. WE ARE LOOKING AT WAY HIS TO CUSTOMIZE THE AESTHETICS OF THE FIX.

McCracken: YEAH I HAVE SEEN FIRSTHAND EXAMPLE WITHOUT NAMING THE SPOT, I DOUBT TAGGERS ARE WATCHING THIS, BUT UNION DOWNTOWN TWO BUILDINGS NEXT TO EACH OTHER ONE OF THEM IS BRICK THE OTHER STUCCO BUILDING. THE BRICK ANY KIND OF PAINT WOULD BE KIND OF A DETRACT FROM THE BUILDING AND THE OTHER BUILDING STUCCO, SO ANYTHING OWNERSHIP THE STUCCO COLOR WOULD BE A PROBLEM TOO.

BY THE WAY WE HEAR THAT TAGGERS REALLY LIKE CHANNEL 6.

THEN THEY HAVE DEEPER ISSUES THAN GRAFFITI
[LAUGHTER]

I TOO THINK THAT IT WOULD MAKE ACCEPTS -- LET'S RECONCENTRATE HERE FOR A SECOND.

RHYTHM IS THROWN OFF.

BUT IF WE COULD COME UP WITH A POLICY THAT COULD BE USED AS A BENCHMARK TO GUIDE US, SOUNDS LIKE WE DON'T HAVE A COUNCIL AND ACTIVE POLICY AT THE MOMENT OF WHAT OUR EXPECTATION IS. SO -- SO I GUESS PERHAPS MAYBE HANDLE THIS SAY THROUGH THE BUDGET THAT THE COUNCIL ADOPT POLICY OF SAY 48 HOURS. THEN WE CAN USE THAT AS A BENCHMARK TO GUIDE TO SEE HOW WE ARE MEETING OUR RESPONSIBILITY TO THE COMMUNITY. BUT PART OF THAT OBVIOUSLY IS INFORMATION ABOUT -- ABOUT WHAT WE EXPECT THE -- I THINK THE VERY IMPORTANT BUDGET ADDITIONS IN THIS BUDGET WILL ACCOMPLISH.

Futrell: ACTUALLY, COUNCILMEMBER REALLY THE WAY TO DO IT, IT IS DONE THROUGH THE BUDGET IS REMEMBER EVERY PROGRAM THAT WE HAVE. WE HAVE A PROGRAM BASED BUDGET. EVERY DEPARTMENT BROKEN INTO ALL OF THE DIFFERENT PROGRAMS WITHIN THE PROGRAM BY ACTIVITY HAVE A SET OF FOUR DIFFERENT MEASURES. THAT GETS

YOU WHERE YOU NEED TO BE. WHAT WE NEED TO DO IS CHANGE OUR MEASURE. OUR GOAL. THEN YOU GET A REPORT ON THAT. IT'S UP ON THE WEB. WHAT YOU ARE ASKING IS FOR IS TO CREATE A REALLY GOOD STRETCH GOAL. DECIDE WHAT THE STANDARD IS, USE THAT AS OUR STRETCH GOAL, YOU WILL ALWAYS SEE EVERY TIME WE REPORT TO YOU, QUARTERLY, HOW OFTEN, HOW WE ARE PERFORMING AGAINST THAT GOAL.

YEAH. I WOULD SAY MORE THAN THE STRETCH GOAL BECAUSE FOR INSTANCE AS WE ENTER NEXT YEAR'S BUDGET CYCLE, WE LOOK AT WHERE WE ARE FAILING TO FULFILL OUR RESPONSIBILITIES TO THE COMMUNITY WHERE WE ARE SHORT, IF WE ARE NOT AT OUR POLICY OF 48 HOURS FOR INSTANCE, IF THAT'S OUR POLICY. THEN THAT WOULD BE IN A TARGETED AREA WHERE WE WOULD NEED TO BE MAKING THE INVESTMENTS TO MEET OUR POLICY. BECAUSE ANY TIME THAT WE HAVE A POLICY,ER NOT MEETING OUR RESPONSIBILITIES, THAT -- THAT BECOMES MORE THAN -- I KNOW A LITTLE BIT OF TERMINOLOGY, BECOMES A LITTLE BIT MORE THAN SIMPLY STRETCH GOALS. BECOMES A GOOD BENCHMARK FOR US IF WE ARE FAILING TO MEET OUR RESPONSIBILITIES.

Futrell: MANY TIMES OUR GOALS ARE EXACTLY THAT, NATIONAL OR INDUSTRY STANDARDS THAT WE ADOPT AS OUR GOAL. BUT WE WILL ADAPT AND ADJUST SO YOU CAN SEE EXACTLY HOW WE ARE PERFORMING. FURTHER QUESTIONS, COMMENTS? THANK YOU, MS. STARK.

THEN I WILL TURN THIS PRESENTATION OVER TO CHIEF BRUCE MILLS, THE DIRECTOR OF THE PUBLIC SAFETY AND EMERGENCY MANAGEMENT DEPARTMENT.

ALL RIGHT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] OVER 12,000 HOURS IN THE DEPARTMENT. THAT FAR EXCEEDS THE STATE STANDARD WHICH IS A -- 40 HOURS EVERY TWO YEARS FOR OFFICERS, WE DID A LOT OF KIND OF CATCH UP TRAINING, ONE CERTIFICATION TYPE OF TRAINING. ONE AREA THAT WE ARE PROUD OF. IN THE MEDICAL AREA. WE ARE CURRENTLY JUST IN THIS PAST YEAR TRYING TO -- TRAINED 15 MEDICAL FIRST RESPONDERS, EMERGENCY CARE ATTENDANT

CERTIFICATION. CURRENTLY HAVE NINE, WE HAVE ABOUT HALF OF IT, EMERGENCY CARE ATTENDANTS. THE -- THE -- SO FROM THE COMPENSATION STANDPOINT, WE HAVE STANDARDIZED OUR STIPEND PAY FOR THE OFFICERS. IN THE CITIZENS SURVEY, ONE OF THE MEASUREMENTS THAT WE USE, WAS HOW SAFE AND QUICK, HOW SAFE DO YOU FEEL IN THE CITY PARKS? THAT SATISFACTION ANSWER WAS 81.4%. SATISFIED. FEEL SAFE IN THE PARKS. COMING YEAR OUR FOCUS WILL CONTINUE TO BE ON THE VISIBILITY IN THE PARKS ON THE TRAILS AND ON THE LAKE. ALSO WORKING WITH OUR PRIVATE PARTNERS, DURING SPECIAL EVENTS, DEVELOPING SPECIAL EVENTS TO KEEP A SAFE ENVIRONMENT DURING THOSE TIMES. ALSO WANT TO CONTINUE EXPLORING FURTHER PARTNERSHIPS WITH ONE AREA IS THE AUTOMATICS SCHOOL DISTRICT. WE HAVE AN OFFER TO -- FOR THEIR OFFERS TO WORK WITH US IN THE SUMMERTIME AND JUST TO INCREASE THAT VISIBILITY. BOTH IN THE PARKS AND ON THE TRAILS AND SCHOOLS WERE OUT IN THE PARKS AND TRAILS. BUSIEST TIMES. OUR TOTAL PROPOSED BUDGET IS 123 FULL TIME GIVE HOUSE OF REPRESENTATIVES, ONE TIME CAPITAL EQUIPMENT COSTS FOR \$9,000, THAT REPRESENTS THE AUTOMATED EXTERNAL DEFIBRILLATORS WE PURCHASED TO PUT IN THE PARKS AND THE LAKE PATROL AREA. YOU WILL SEE THIS 3 MOTIONS, 2.8 AND TWO SEPARATE POSITIONS. PRIMARY TO THOSE ARE GRANT TO PERMANENT POSITIONS, AT THIS TIME I WOULD LIKE TO INTRODUCE OTIS, OUR DIRECTOR OF OFFICE OF EMERGENCY MANAGEMENT. OTIS IS GOING TO DESCRIBE WHAT THOSE POSITIONS ARE WHAT THEY REPRESENT WITH HIS DEPARTMENT.

THANK YOU, BRUCE. GOOD AFTERNOON MAYOR, COUNCIL. AS YOU CAN SEE, OUR MISSION STATEMENT IS TO PRESERVE LIFE AND PROPERTY FROM THE EFFECTS OF MAJOR EMERGENCIES AND DISASTER AND HELP IT TO MAKE AUSTIN BE THE MOST LIVEABLE COMMUNITY IN THE COUNTRY. WE PERFORM THIS MISSION BY COORDINATING THE CITY-WIDE RESPONSES TO LARGE SCALE EMERGENCIES AND DISASTERS. THIS INCLUDES PLANNING FOR PREPAREDNESS AND RESPONSE AND RECOVERY PHASES OF DISASTER. WE HAVE 8 OF THOSE F.T.E.'S THAT WAS ON THE PREVIOUS SLIDE. 2.8 OF THOSE F.T.E.'S WERE

GRANT FUNDED IN PREVIOUS BUDGET YEARS AND WE ARE REQUESTING TO PROVE THESE GRANT FUNDED POSITIONS TO PERMANENT F.T.E. POSITIONS IN THE SUPPORT SERVICES PART OF THE BUDGET. THERE WOULD BE MONTH PHYSICAL IMPACT BECAUSE GRANT FUND WOULD STILL BE USED TO REIMBURSE THE GENERAL FUND FOR THESE SALARIES, THAT EQUATES TO SIX OF OUR STAFF POSITIONS. ADDITIONALLY, WE HAVE ONE TEMPORARY GRANT FUNDED POSITION THAT'S A VOLUNTEER SERVICES COORDINATOR THAT WE ARE REQUESTING TO BE CONVERTED TO A FULL-TIME F.T.E. THAT VOLUNTEER SERVICES COORDINATOR PROVIDES PROGRAM SUPPORT TO THE CENTRAL TEXAS CITIZEN COUNCIL AND OUR CERT PROGRAM WITHIN AUSTIN, PROMOTES VOLUNTEER INVOLVEMENT ACROSS THE COMMUNITY AND HELPS COORDINATE VOLUNTEER RESOURCES, DEVELOPS AND DISSEMI.....DISSEMINATES EDUCATION MATERIAL ON PUBLIC SAFETY AND DISASTER PREPAREDNESS. OUR FINAL POSITION WHICH BRINGS US TO 8 F.T.E.'S WE ARE REQUESTING A -- A NEW POSITION WHICH WILL BE A STRATEGIC ADD, THIS POSITION WILL BE OUR COMMUNITY PREPAREDNESS MANAGER. IT WILL COST -- HAVE A PHYSICAL IMPACT OF \$64,832. THIS POSITION WILL FOCUS ON VOLUNTEER INITIATIVES THROUGHOUT THE CENTRAL TEXAS CITIZEN CORPS COUNCIL AND THE CITIZENS EMERGENCY RESPONSE TEAM WHICH IS OUR CERT PROGRAM. WE WILL ALSO -- THIS PERSON WILL ENHANCE A PUBLIC EDUCATION AND PUBLIC INFORMATION PROGRAMS. WILL OVERSEE THE CITY-WIDE VOLUNTEER MANAGEMENT SOFTWARE PROGRAM THAT WE HAVE. WITH THAT, I WILL RETURN IT TO -- TO BRUCE. I WOULD LIKE TO ALSO HIT ON A COUPLE OF BUDGET HIGHLIGHTS ON THIS NEXT SLIDE. YOU WILL SEE THAT THE FULL YEAR FUNDING CONVERSION OF FIVE OF OUR PARK OFFICERS ORMNALLY TEMPORARY EMPLOYEES, THE COST OF THAT 192,000. ALSO CONTINUE PROVIDING SECURITY AND CUSTOMER SERVICE IN MORE THAN 205 PARKS AND 50 PLUS ACRES OF HIKE AND BIKE TRAILS. CURRENTLY WE HAVE 16,682 ACRES OF LAND CONTAIN UNDERSTAND THESE 205 PARKS, 4,762 ACRES OF GREENBELTS AND THE DEPARTMENT CURRENTLY MAINTAINS MORE THAN 75 MILES OF HIKE AND BIKE TRAILS AND 40 MILES ON THE LAKES. WE WANT TO CONTINUE OPERATING IN THAT AREA. I HAVE ALREADY DESCRIBED THIS

WITH THE STRATEGIC ADD FOR THE EMERGENCY PREPAREDNESS MANAGER FOR THE AUSTIN EMERGENCY MANAGEMENT. IF OUR KEY PERFORMANCE MEASURES, THE FIRST ONE, AVERAGE RESPONSE TIME BETTER THAN FOR ALL CALLS AND SERVICES AT AUSTIN-BERGSTROM INTERNATIONAL TO KEEP THAT BETTER THAN FOUR MINUTES. OUR CURRENT YEAR ESTIMATE IS FOUR MINUTES WITH THE 2007 GOAL OF 3.5 MINUTES FOR ALL CALLS. SECOND IS THE PERCENT OF CITIZENS THEY DIDN'T THINK FEEL SAFE, PARK AND RECREATION FACILITIES, OUR GOAL FOR THAT IS 85%. WE WILL SEE THE PERCENT OF CLASS C MISDEMEANOR WARRANTS CLEARED BY MARSHAL'S. ACHIEVE OF -- A GOAL OF 11%.

THE UNFUNDED STRATEGIC ADD BACK, WE ARE REQUESTING FIVE ADDITIONAL LAKE OFFICERS TO PUT IN PATROLLING OUR LAKES. PRIMARILY FOR THE INCREASED OFFICER SAFETY AS WELL AS INCREASED OVERALL SAFETY ON THE AREA LAKES. OVER THE LAST YEAR WE'VE HAD INJURIES ON LAKE AUSTIN ALONE, DOUBLED GONE FROM SIX TO 12 REPORTED INJURIES, AN INCREASE IN BOATING ACCIDENTS, NEARLY 100% INCREASE IN REPORTS TAKEN FROM THE LAKE IN THE PAST YEAR AS WELL. THAT CONCLUDES MY PRESENTATION.

QUESTIONS FOR CHIEF MILLS. AT THIS TIME I WOULD LIKE TO INTRODUCE THE CHIEF FROM THE FIRE DEPARTMENT.

YES, SIR.

WELCOME BACK, CHIEF. MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. MY NAME IS J.J., I HAVE BEEN YOUR FIRE CHIEF FOR APPROXIMATELY SIX MONTHS NOW, ALSO JOINING ME HERE THIS AFTERNOON IS ASSISTANT CHIEF JIM EVANS, OUR CHIEF OF STAFF, ASSISTANT CHIEF OUR CHIEF OF TRAINING AND RECRUITING. AND ASSISTANT CHIEF GREG KIESS YOUR FIRE MARSHAL, AMY CHIEF ADMINISTRATION OFFICER, JUSTICE MYERS OUR FINANCIAL MANAGER.

CHIEF, AFTER SIX MONTHS YOU DON'T LOOK ANY WORSE FOR WEAR.

THANK YOU, MAYOR.

SINCE JOINING THE AUSTIN FIRE DEPARTMENT, I HAVE BEEN VISITING FIRE STATIONS AND MEETING WITH COMMUNITY LEADERS. THE ONE THING THAT STAND OUT, IS THAT AUSTIN HAS SOME OF THE MOST PROFESSIONAL AND DEDICATED FIREFIGHTERS THAT I HAVE SEEN ANYWHERE SERVING THIS COMMUNITY.

OUR FOLLOWING SLIDE, THE CITIZEN SURVEY RESULTS, BARES THAT OUT. MEN AND WOMEN AUSTIN FIRE DEPARTMENT, PROBABLY SERVICE COMMUNITIES, AUSTIN CITIZENS HAVE CONSISTENTLY RATED THEM WITH HIGH SATISFACTION RATINGS AS SHOWN BY THIS SLIDE. IN FACT SINCE 2003 OUR RATINGS HAVE NEVER DROPPED BELOW 96%. THE PROPOSED BUDGET FOR THE FIRE DEPARTMENT SHOWS A SLIGHT INCREASE IN REVENUES, MAINLY DUE TO IMPLEMENTING FEES ASSOCIATED WITH AN UPDATED FIRE CODE AND ALSO DEMAND ASSOCIATED WITH DEVELOPMENT IN THE CITY OF AUSTIN. IN ADDITION OUR EXPENDITURES ARE PROJECTED AT 10.5% HIGHER THAN THE CURRENT YEAR. OF THE \$10.1 MILLION INCREASE, \$9.3 MILLION IS DUE TO PERSONNEL COSTS. SUCH AS MARKET STUDY, PAY FOR PERFORMANCE, HEALTH INSURANCE INCREASES, STEP IN LONGEVITY AND WAGES AND BENEFITS ASSOCIATED WITH THE COLLECTIVE BARGAINING AGREEMENT. THIS BUDGET ALSO RESTORES FOUR FIREFIGHTER POSITIONS AND CONVERTS FIVE CIVILIAN POSITIONS FROM GRANT FUNDED TO GENERAL FUND TO SUPPORT THE WELLNESS CENTER OPERATIONS, WHICH I WILL DISCUSS LATER IN MY PRESENTATION. ALSO INCLUDED ONE TIME FUND FOR OVERTIME TO COVER VACANCIES UNTIL CLASS 109 GRADUATES NEXT SPRING. THIS BUDGET ALSO CONTINUES TO SUPPORT ENHANCED TASK FORCE STAFFING. THIS IS A STRATEGY UTILIZED TO PROVIDE NECESSARY RESOURCES AND MANPOWER TO THE FIRE SCENE WHILE ENSURING FIREFIGHTERS SAFETY. THIS YEAR WE WILL ALSO BE OPENING SPICEWOOD SPRINGS FIRE STATION IN NORTHWEST AUSTIN, AND LAST MONTH WE COMPLETED OUR HIRING PROCESS USES THE PROVISIONS OF THE MOST RECENT COLLECTIVE BAR GANG AGREEMENT, WE EXPECT TO HIGHER APPROXIMATELY 120 CADETS FOR TWO CLASSES THIS YEAR. ONE BEGAN THIS WEEK AND THE SECOND ONE

WILL BEGIN NEXT SPRING. THE OVERTIME FUNDING IS INCLUDED TO COVER VACANCIES UNTIL THIS -- UNTIL THIS CLASS GRADUATES NEXT SPRING. THE BUDGET ALSO INCLUDES FUNDING FOR WAGES, PROMOTION AND HIRING ASSOCIATED WITH THE SECOND YEAR OF OUR COLLECTIVE BARGAINING AGREEMENT. ALONG WITH STEP AND LONGEVITY INCREASES. LAST SPRING WE OPENED THE PUBLIC SAFETY WELLNESS CENTER, AND BEGAN PROVIDING PHYSICALS FOR FIREFIGHTERS AND PARAMEDICS. THIS BUDGET CONVERTS FIVE RAMP FUNDED POSITION TO THE GENERAL FUND TO CONTINUE THE CENTER OPERATIONS. THIS BUDGET ALSO FUNDS THE REPLACEMENT OF FOUR PUMPERS AS PART OF A MULTI-YEAR REPLACEMENT PLAN TO REMAIN IN COMPLIANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION'S STANDARDS FOR PUMPERS. THE FIRE DEPARTMENT PROPOSED BUDGET INCLUDES STRATEGIC ADDS TOTALING \$227,000. INCLUDING FOUR FULL-TIME EQUIVALENT. THE FIRST ITEM RESTORES FOUR FRONT LINE FIREFIGHTER POSITIONS TO BUILD FRONT LINE OPERATIONS. THE RECLASSIFICATION OF THESE FOUR POSITIONS WAS APPROVED EARLIER THIS SPRING TO FOCUS ON FIRE DEPARTMENT MEDICAL SERVICE DELIVERY AND OUR -- OUR PARTNERSHIP WITH THE AUSTIN INDEPENDENT SCHOOL DISTRICT ON THE FIRE ACADEMY -- ON THE FIRE ACADEMY TARGETING HIGH SCHOOL STUDENTS. ANOTHER STRATEGIC ADD IS ASSOCIATED WITH OUR RECRUITING AND DIVERSITY EFFORTS. WE PROPOSE TO UTILIZE \$50,000 TO ENHANCE OUR PROFESSIONAL DEVELOPMENT PROGRAM, WITH CULTURAL AWARENESS TRAINING FOR FIREFIGHTERS TO PROMOTE RESPECT AND UNDERSTANDING OF THE INCREASING CULTURAL DIFFERENCES AND -- WE ENCOUNTER IN OUR WORKFORCE IN THE COMMUNITY THAT WE SERVE. IT'S THE NEXT ITEM THAT I'M VERY EXCITED TO SHARE WITH YOU. THIS MONTH, IN PARTNERSHIP WITH THE AUSTIN INDEPENDENT SCHOOL DISTRICT, WE BEGIN THE L.B.J. HIGH SCHOOL FIRE SCIENCE ACADEMY. THIS IS A TWO-YEAR PROGRAM THAT WILL TRAIN 20 HIGH SCHOOL STUDENTS FOR TWO YEARS IN THE ART AND TECHNOLOGY OF FIGHTING FIRES. AT THE END OF THE TWO YEAR PROGRAM, THOSE STUDENTS WILL HAVE ALL OF THE KNOWLEDGE THEY NEED TO BECOME STATE CERTIFIED FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS.

THIS FIRST CLASS WILL INCLUDE SEVEN FEMALES, SICK AFRICAN-AMERICANS, 11 HISPANICS, TWO ASIANS AND ONE WHITE. THIS PROGRAM IS AN EXTRAORDINARY OPPORTUNITY TO MAKE A DIFFERENCE IN YOUNG PEOPLE'S LIVES THAT MIGHT NOT OTHERWISE SEE A CAREER IN THE FIRE SERVICE AS AN OPTION FOR THEM. CHIEF SOLIS ALSO INFORMED ME THIS MORNING THAT WE HAD TWO ADDITIONAL STUDENTS JOIN THE PROGRAM. SO JUST THE WORD OF MOUTH THAT'S GETTING OUT ALREADY, WITH THIS PROGRAM IS -- IS STARTING TO GENERATE A LOT OF INTEREST OUT THERE. THIS FISCAL YEAR WE WILL CONTINUE WITH OUR PLANS TO PROVIDE A FIRE STATION TO SERVE THE AVERY RANCH DAFTON SPRINGS AREA. THE SITE WILL BE PURCHASED WITHIN THE NEXT TWO MONTHS. IN FISCAL YEAR '07 THE DESIGN WILL BE COMPLETED AND THE CONSTRUCTION BID WILL BE ISSUED. THE STATION CONSTRUCTION WILL BEGIN IN THE FALL OF 2007 AND WE WILL TAKE APPROXIMATELY 12 MONTHS TO COMPLETE. THE PERFORMANCE MEASURES, THE PERCENT OF EMERGENCY INCIDENTS WHERE THE AMOUNT OF TIME BETWEEN THE CALL RECEIPT AND ARRIVAL OF AUSTIN FIRE DEPARTMENT E.M.S. ON THE SCENE IS 8 MINUTES OR LESS, WHILE OUR -- WHILE OUR PERFORMANCE IN THIS AREA REMAINS RELATIVELY STATIC, IN LIGHT OF THE -- IN LEGITIMATE OF THE INCREASING POPULATION, TRAFFIC AND ROAD CONSTRUCTION IN THIS AREA, WE HAVE ALSO EXPERIENCED 23% INCREASE IN THE NUMBER OF FIRES OVER LAST YEAR. ALSO THE FULL YEAR OF OPERATION OF A SPICEWOOD SPRINGS IN FISCAL YEAR '08 IS EXPECTED TO HAVE A SLIGHTLY POSITIVE IMPACT ON OUR PERFORMANCE IN THIS AREA.... AREA. THE NEXT ITEM MEASURES OUR PERFORMANCE AS -- AS MEDICAL FIRST RESPONDERS. IT DEMONSTRATES OUR USE OF THE AUTOMATIC EXTERNAL DEFIBRILLATORS TO GET A VIABLE PULSE. DR. ROCK OUR MEDICAL DIRECTOR WILL TELL YOU THIS SHOWS THAT WE ARE VERY SUCCESSFUL IN OUR UTILIZATION OF THIS LIFE SAVING EQUIPMENT. THROUGH OUR PARTNERSHIP WITH E.M.S., 130 AED'S HAVE BEEN INSTALLED IN PUBLIC ASSEMBLIES THROUGHOUT THE AREA, WE ALSO PLAN TO INSTALL 50 ADDITIONAL UNITS THIS FISCAL YEAR. THE -- THE LAST ITEM IS THE NUMBER OF FIRE DEATHS AND RAPE PER 100,000 RESIDENTS. ALTHOUGH WE WERE BLESSED WITH

ONLY ONE FIRE DEATH IN FISCAL YEAR '05, '04 AND '05 WE EXPERIENCED, WE HAVE EXPERIENCED EIGHT SO FAR THIS YEAR. AND FIVE OF THOSE HE WERE SMOKING RELATED. AND ONLY ONE OF THOSE HAD A -- HAD A WORKING SMOKE DETECTOR. WE PLAN TO CONTINUE OUR PREVENTION IN PUBLIC EDUCATION EFFORTS TO REDUCE THIS RATE. THE MOST NOTICEABLE PROGRAM IS GET YOUR BUTT OUT OF BED. CAMPAIGN DIRECTLY FOCUSING ON SMOKING, NO SMOKING IN BED.

THAT'S -- THE MAYOR'S FITNESS COUNCIL HAS THE SAME SLOGAN.

I JUST LIKE TO HEAR HOW THE CHIEF SAYS IT, ACTUALLY.
[LAUGHTER]

YOU THREW ME OFF, MAYOR [LAUGHTER]

WE HAVE ONE UNFUNDED STRATEGIC ADD. WE ARE REQUESTING \$100,000 TO STANDARDIZE A REPLACEMENT SCHEDULE OF -- OF PROTECTIVE FIREFIGHTER GEAR. THIS IS A HIGHLY REGULATED -- THIS IS HIGHLY REGULATED TO THE NATIONAL STANDARDS OF STATE LAW. BASED ON ANNUAL EVALUATION, THE TEXAS COMMISSION ON FIRE PROTECTION CONSIDERS OUR BUNKER GEAR MANAGEMENT SYSTEM TO BE A BEST PRACTICE..... PRACTICE. THIS IS THE FIRST OF A THREE YEAR PROGRAM TO GET OUR BUNKER GEAR INTO A STANDARDIZED REPLACEMENT SCHEDULE. WITH REGARD TO -- TO DIVERSITY, THE CURRENT MAKEUP OF THE AUSTIN FIRE DEPARTMENT, ALONG WITH THE REPRESENTATION WITHIN THE COMMUNITY IS ILLUSTRATED. ALTHOUGH WE MADE SOME PROGRESS IN OUR 2006 HIRING EFFORTS, WE KNOW THAT WE ARE NOT WHERE WE NEED TO BE. WE ARE ALSO REACHING A POINT WHERE SOME OF OUR LARGER CLASSES THAT WERE HIRED IN THE 1980S ARE REACHING RETIREMENT AGE. OVER 200 FIREFIGHTERS ARE ELIGIBLE TO RETIRE OVER THE NEXT FIVE YEARS AND OF THESE 71 ARE MINORITY FIREFIGHTERS AND THREE ARE WOMEN. THE CURRENT MAKEUP OF THE 2006 -- THIS IS A CURRENT MAKEUP OF THE 2006 HIRING PROCESS ELIGIBILITY LIST. LAST MONTH THE CIVIL SERVICE COMMISSION CERTIFIED AN ELIGIBILITY LIST OF 32 INDIVIDUALS WHO SUCCESSFULLY PASSED ALL COMPONENTS OF THE HIRING PROCESS. WE

ARE EXCITED THAT THIS LIST INCLUDES 15 WOMEN. IF ALL OF THE WOMEN ARE HIRE AND COMPLETE THE TRAINING IN THE ACADEMY, WE HAVE THE OPPORTUNITY TO INCREASE OUR DEPARTMENT FEMALE REPRESENTATION BY 29%.

THAT'S STARTING FROM A LOW BASE, THOUGH, CHIEF. THAT 29%.

THIS YEAR FOR THE FIRST TIME WE SEPARATE ADMINISTRATION OF THE HIRING PROCESS FROM THE RECRUITING PROCESS. THIS WILL ALLOW OUR RECRUITING STAFF TO FOCUS SOLELY ON -- ON RECRUITING STRATEGIES. THE HIRING PROCESS BEGAN -- THIS HIRING PROCESS BEGAN IN FEBRUARY OF 2006. WITH OVER 3200 APPLICANTS AND AFTER A FIVE-MONTH PROCESS WE HAVE A -- WE HAVE A FINAL ELIGIBILITY LIST OF 135, 132 QUALIFIED CANDIDATES, INCLUDING 15 -- 15 WOMEN. OUR PLAN IS TO SHIFT THE FOCUS TO RECRUITING AND SOME OF THE STRATEGIES THAT WE WILL EMPLOY ARE AS WE PREPARE FOR THE UPCOMING RECRUITING SEASON, WE WILL CONCENTRATE ON IMPROVING OUR RECRUITING EFFORTS, WE REALIZE THAT OUR RESULTS UP TO THIS POINT HAVE NOT BEEN ENOUGH. WE BELIEVE THAT WITH A STRONGER RECRUIT KNOWLEDGE STRATEGY AND THE SAME FOCUS WE HAVE BEEN ABLE TO GIVE OUR HIRING PROCESS, OUR RESULTS CAN -- CAN IMPROVE. THERE ARE THREE COMPONENTS TO THE PRIME IMPROVEMENT WE BELIEVE THAT WE NEED TO FOCUS ON. FIRST, SHORT-TERM EFFORTS FOR THE NEXT HIRING PRICE WILL -- HIRING PROCESS WILL FOCUS ON HIGH SCHOOLS, COLLEGES, UNIVERSITIES AND MILITARY BASES, SECOND LONG-TERM EFFORTS TO -- TO EXPAND OUTREACH PROGRAMS TO ENGAGE MINORITY YOUNG ADULTS AND WOMEN TO BECOME INTERESTED IN FIREFIGHTER CAREER OPPORTUNITIES, INCLUDING THE NEW AISD FIRE ACADEMY AND THE CONTINUATION OF PASS THE TORCH EVENTS. THIRD, CULTURAL AWARENESS TRAINING FOR CURRENT AUSTIN FIRE DEPARTMENT FIREFIGHTERS..... FIREFIGHTERS. WE INTEND TO DO WHATEVER IS POSSIBLE TO BRING OUR RECRUITING EFFORTS UP TO THE SAME LEVEL OF SUCCESS AS OUR HIRING PROCESS. THE -- AS WITH REGARD TO THE -- TO THE FIRE DEPARTMENT, COMMUNITY SCORE CARD, THE FIRE DEATHS AS SHOWN HERE, AUSTIN'S FIRE DEATH RATE WAS

SIGNIFICANTLY LOWER THAN OTHER COMPARABLE CITIES IN 2005. HOWEVER, WITH THE EIGHT FIRE DEATHS WE'VE HAD SO FAR THIS YEAR OUR RATE WOULD HAVE BEEN 1.13, THE THIRD HIGHEST IN THIS -- IN THIS ICMA INQUIRY. AS I MENTIONED EARLIER, THIS IS AN AREA THAT WE WILL BE PAYING ADDITIONAL ATTENTION TO THIS YEAR AND PRIMARILY WITH OUR PREVENTION EFFORTS AS WELL AS OUR PUBLIC EDUCATION PROGRAMS. AND YOU CAN SEE OUR GET YOUR BUTT OUT OF BED CAMPAIGN LOGO AT THE UPPER RIGHT-HAND CORNER OF THE SCREEN, WHICH WE WILL CONTINUE TO FOCUS ON. MY FINAL SLIDE IS THE PERCENTAGE OF RESIDENTIAL STRUCTURE FIRES CONFINED TO ROOM OF ORIGIN. THIS MEASURES RESPONSE TIME ONCE FIRE IENTS ARE AWARE OF THE CALL, SHOWS HOW AGGRESSIVELY AUSTIN FIREFIGHTERS FIGHT FIRE. AGAIN AUSTIN PERFORMS VERY WELL WHEN COMPARED TO OTHER CITIES. THIS SUCCESS IS DUE TO OUR EXTENSIVE TRAINING AND PROFESSIONAL DEVELOPMENT PROGRAMS, STATE-OF-THE-ART EQUIPMENT, THE USE OF THE INCIDENT COMMAND SYSTEM AND A STRONG COMMITMENT TO THE JOB AND TO THE AUSTIN COMMUNITY. MAYOR, THIS CONCLUDES MY PRESENTATION.

THANK YOU, CHIEF, QUESTIONS FOR THE CHIEF?
COUNCILMEMBER KIM?

Kim: CAN YOU GIVE US A BREAKDOWN OF THE DIVERSITY FOR THE CLASSES? THAT ARE ENROLLED RIGHT NOW.

THAT ARE IN PLACE RIGHT NOW? YES, MA'AM. CURRENT -- OF THE CURRENT, 132 -- 132 FOLKS THAT WERE -- THAT WERE CERTIFIED BY THE CIVIL SERVICE COMMISSION, 86 ARE WHITE OR 65.2%, 22 HISPANIC OR 16.7%, 6 AFRICAN-AMERICAN, 4.5%, FOUR ASIANS, 3%, FOUR MULTI-ETHNIC 3%, A CATEGORY OF OTHER WAS 3, WITH 2.3%. AND UNDESIGNATED WAS 7, 5.3%.

THANK YOU.

ALSO, CAN YOU TELL ME ABOUT -- ABOUT THE FITNESS STANDARDS FOR -- FOR THOSE FIREFIGHTERS THAT ARE ALREADY WORKING FOR THE CITY. WHAT DO WE DO TO

ENSURE THAT THEY REMAIN FIT TO DO THE JOB.

THE WELLNESS CENTER WHICH WAS OPENED THIS YEAR SETS UP A -- A -- A -- A FITNESS REVIEW PROGRAM. WE STARTED OUT WITH I BELIEVE EVERYBODY OVER 40. IS THAT -- EVERYBODY OVER 40 IS -- WE ARE STARTING OUT. IT'S A -- THEY GO THROUGH THE -- WE HAVE A MEDICAL DOCTOR ON STAFF. AND THE DOCTOR REVIEWS THE -- THE FIREFIGHTERS MEDICAL HISTORY WITH THEM, ALSO THERE'S SOME TESTS THAT THEY ARE REQUIRED TO UNDERGO AND IT'S -- IN KEEPING WITH THE -- WITH THE NATIONAL FIRE PROTECTION ASSOCIATION'S MEDICAL STANDARDS THAT'S REQUIRED FOR FIREFIGHTERS. SO -- SO IT'S -- IT'S A VERY GOOD PROGRAM. ONE OF THE FEW IN THE COUNTRY. I CAN ONLY THINK ABOUT ONLY TWO OTHER THREE OTHER CITIES IN THE COUNTRY THAT HAVE A PROGRAM SUCH AS THIS. BUT IT'S -- IT'S A -- IT'S A NON-PUNITIVE, REQUIRED OF ALL FIREFIGHTERS.

SO THERE IS A PHYSICAL FITNESS REQUIREMENT FOR FIREFIGHTERS THAT THEY HAVE TO MEET?

YES, THAT'S CORRECT.

BECAUSE THERE'S A NATIONAL STANDARD FOR THIS?

IT WAS THE DRIVING FORCE. ADDS VALUE TO THE EMPLOYEES, YOU KNOW, THE WAY WE THINK OF OUR EMPLOYEES.

OKAY. THANK YOU VERY MUCH. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THE OVERALL TOTAL REVENUE ESTIMATE IS 9.5 PERCENT HIGHER THAN THE CURRENT YEAR. THE PROPOSED GENERAL FUND OPERATING BUDGET IS 38.1 MILLION, WHICH SUPPORTS 30 E.M.S. GROUND UNITS STATIONED THROUGHOUT TRAVIS COUNTY, 438 EMPLOYEES AND ALL THE DEPARTMENT'S SERVICE SUPPORTING SERVICES. IT ALSO INCLUDES 16 NEW F.T.E.'S, 12 OF WHICH ARE UNIFORMED, FOUR ARE NOT UNIFORMED. THE GENERAL FUND ALSO INCLUDES HALF A MILLION DOLLARS IN ONE TIME CAPITAL FOR AMBULANCES, PATIENT VENTILATORS. THIS

FUND IS EXCLUSIVE TO THE SISTER FLIGHT PROGRAM AND -- STARFLIGHT PROGRAM AND REIMBURSED THE CITY FOR THE COST OF THE MEDICAL FLIGHT CREWS AND THE STARFLIGHT PROGRAM MANAGEMENT. \$586,000 IN ANNUALIZED FUNDING TO OPEN TWO NEW STATIONS NEXT YEAR. THESE ARE CIRCLE C AND DEL VALLE. BOTH OF THESE STATIONS WERE INCLUDED FOR PARTIAL YEAR FUNDING THIS YEAR, BUT WE'VE NOT BEEN ABLE TO OPEN THEM DUE TO CHALLENGES THAT WE AND MOST OTHER E.M.S. SYSTEMS NATIONWIDE ARE HAVING IN HIRING QUALIFIED PARAMEDICS. HOWEVER, BASED UPON THE RECENT SUCCESS OF OUR LAST TWO PARAMEDIC ACADEMIES, WE ANTICIPATE OPENING THE TWO STATIONS IN THE FIRST QUARTER OF NEXT YEAR. \$100,000 IS INCLUDED FOR YEAR THREE OF THE CITY PROGRAM TO GET AUTOMATIC DEFIBRILLATORS. THIS IS THE PROGRAM THAT WE SPOKE ABOUT EARLIER. IS E.M.S. STRATEGIC ADD BACKS TOTAL 1 FISCAL YEAR 6 MILLION. E.M.S. CONSISTENTLY HAS ONE OF THE HIGHEST ON THE JOB INJURY RATES THROUGHOUT THE CITY. DURING THE LASTTY.. CITY AUDIT, E.M.S. NEEDED TO FOCUS MORE ON PROGRAMS AND AN ANALYSIS OF TRENDS AND POSSIBLY PROVIDE REMEDIAL ACTION. INCLUDED IN THE STRATEGIC ADDS AT \$125,000 TO HIRE AN OCCUPATIONAL HEALTH AND SAFETY COORDINATE TOUR WORK THE WELLNESS CENTER AND A RESOURCE ANALYST TO PROVIDE THE DATA ANALYSIS WE NEED TO REDUCE INJURIES. \$543,000 IN ONE TIME COSTS PRIMARILY IN AMBULANCE, EMERGENCY RADIO EQUIPMENT AND THE MOBILE DATA COMPUTERS THAT GO IN THE AMBULANCE? THIS IS FOR PEEK LOAD UNIT. THIS IS A UNIT THAT WILL BE OPERATED EVERYDAY DURING THE PEAK CALL VOLUME AREAS IN THE BUSIEST AREAS OF TOWN. THIS IS ESSENTIALLY A ROVING UNIT THAT MOVES TO FILL IN AREAS WHERE THE PRIMARY AMBULANCES ARE BHIZ ON OTHER CALLS. THE ACTUAL HOURS OF OPERATION WILL VARY BY THE DAY OF THE WEEK WITH FRIDAY AND SATURDAYS BEING ON EARLY IN THE MORNING AND MOST OF THE OTHER TIMES THOSE COME ON AT 12 NOON AND PROBABLY GET OFF AT 12 MIDNIGHT.

> DURING THE DOWNTURN E.M.S. MADE SIGNIFICANT CUTS IN OUR TRAINING PROGRAM. THERE'S \$378,000 THAT'S INCLUDED TO RESTORE THE PARAMEDIC TRAINING CLOSER

TO WHERE IT NEEDS TO BE. INCLUDED IN ON PROGRAM ARE THREE F.T.E.'S DEDICATED TO PARAMEDIC AND COMMUNICATIONS MEDIC TRAINING, PLUS AN ADDITIONAL 135,000 IN ADDITIONAL OVERTIME TO ALLOW E.M.S. TO PROVIDE EACH PARAMEDIC WITH 48 HOURS OF TARGETED MEDICAL TRAINING NEXT YEEMPLT..... YEAR. IT INCLUDES MONEY FOR OFFICE OF THE MEDICAL DIRECTOR AND ALSO ASSOCIATE MEDICAL DIRECTOR. THE OFFICES OF MEDICAL DIRECTOR IS RESPONSIBLE FOR THE MEDICAL DREFKTS ENTIRE AUSTIN-TRAVIS COUNTY E.M.S. SYSTEM, WHICH INCLUDES ALL OF THE MEDICAL RESPONDERS WITHIN TRAVIS COUNTY, INCLUDING THE AUSTIN FIRE DEPARTMENT, THE PARAMEDICS AT AUSTIN-TRAVIS COUNTY E.M.S., EMERGENCY ARE SERVICE DISTRICTS AND FIRST RESPONDERS OUTSIDE THE CITY. PRESENTLY THE EMERGENCY MEDICAL DIRECTOR RELIES ON STAFF FROM BOTH E.M.S. AND FIRE. INCLUDED IN THIS BUDGET ARE FUNDS FOR TAF FOR THE MEDICAL DRERKT. A SYSTEM QUALITY IMPROVEMENT COORDINATOR AND PARTIAL YEAR FUNDING FOR THE ASSOCIATE MEDICAL DIRECTOR.

..SOME OF OUR KEY PERFORMANCE MEASURES, ONE IS TOTAL RESPONSES. CALL VOLUME CONTINUES TO INCREASE, BUT THANKFULLY NOT AT 26% GROWTH RATE WE EXPERIENCED BETWEEN 2004 AND 2006. BASED UPON CURRENT PATTERNS WE'RE ESTIMATING NEXT YEAR'S CALL VOLUMES TO INCREASE TO APPROXIMATELY 111,000 CALL. E.M.S. HAS SEEN INSTEAD DIM PROOVMENT IN OUR RESPONSE TIMES OVER THE LAST YEAR. OUR PRIMARY RESPONSE TIME GOAL IS DERIVED AS LIFE-THREATENING CALLS WHICH WE CALL PRIORITY ONE CALLS AND LESS THAN 10 MINUTES 90% OF THE TIME FWHIEWMPLT WE WERE AT 81.3%. THE ACTUAL FOR 2005 WAS 81.15%. TO DATE THIS FISCAL YEAR, WE'RE CONSISTENTLY AT OR AROUND 87%, WHICH IS A CONSIDERABLE IMPROVEMENT AND WE ARE ESTIMATING WITH THE ADDITION TO CIRCLE C, DEL VALLE AND PEAK LOAD UNITS THAT THEY WILL MEET OR EXCEED OUR RESPONSE TIME GOAL OF 90% NEXT YEAR. TWO OF OUR KEY CLINICAL MEASURES IS CARDIAC ARREST, PULSE ON DELIVERY TO THE EMERGENCY DEPARTMENT AND THE OTHER IS PATIENT IN CARDIAC ARREST THAT'S IT DISCHARGED ALIVE FROM THE HOSPITAL. OF THOSE TWO,

WE CONTINUE TO SHOW IMPROVEMENT AND BOTH MEASURES ARE AT THE HIGH END OF THE BENCHMARKS. THERE ARE TWO UNFUNDED E.M.S. STRATEGIC ADDS TOTALING APPROXIMATELY ONE MILLION WITH 15 ADDITIONAL F.T.E.'S. THE LARGEST COMPONENT, 7 IT \$37,000, IS TO ESTABLISH AN E.M.S. DEVELOPMENTAL ACADEMY. PRESENTLY E.M.S. ONLY HIRES NATIONALLY CERTIFIED OR LICENSED PARAMEDICS. WITH TODAY'S EXTREMELY TIGHT NATIONAL PARAMEDIC MARKET, WE NEED FIND AN ALTERNATIVE HIRING PATHWAY. THIS WILL ALLOW US TO GROW OUR OWN PARAMEDICS MUCH LIKE FIRE DEPARTMENTS AND POLICE DEPARTMENTS DO. THE L.B.J. FIRE ACADEMY, IF THIS PROGRAM IS FUNDED, E.M.S. WILL BE PARTNERING WITH THE AUSTIN INDEPENDENT SCHOOL DISTRICT AND AUSTIN COMMUNITY COLLEGE TO PROVIDE PROVIDE EMT AND ULTIMATELY PARAMEDIC TRAINING IN THE AISD HEALTH SCIENCE PROGRAMS. THUS WHEN THEY GRADUATE FROM HIGH SCHOOL THEY WILL ALREADY BE EMT'S AND CAN BE HIRED AS CADETS BY E.M.S. THEN THEY CAN ENTER THE A.C.C. ACCELERATED PROGRAM AND EMERGE 14 MONTHS LATER AS CERTIFIED PARAMEDICS WORK FOG STINT. THIS PROGRAM WOULD ALSO HAVE A SIGNIFICANT IMPACT ON I AM PROOFS THE DIVERSITY OF THE PARAMEDICS SINCE WE WOULD NOT BE CONSTRAINED TO ONLY HIRING PLIGHTS THAT ALREADY HAVE THEIR PARAMEDIC LICENSE. INCLUDED IN THIS PACKAGE ARE TWO CADETS, AN INSTRUCTOR DORD NATE.....COORDINATE TRAINING WITH AISD AND A.C.C. THE TWO SCHOOLS ARE AKINS AND LANIER. THERE'S \$285,000 TO ADD THREE COMMANDERS TO ALLOW US TO MOVE OUR DISTRICT COMMANDERS, WHICH ARE THE FRONTLINE SUPERVISORS TO THE 48 HOUR SCHEDULE. ON JULY 23rd, E.M.S. CONVERTED 11 OF OUR BUSIEST STATIONS FROM A 24 ON, 48 HOUR OFF SCHEDULE TO A SHORTER 12 HOURS ON DUTY SCHEDULE TO REDUCE FEE DUE TO EXCESSIVE WORKLOADS. TO DO THIS EXTRA PARAMEDICS WERE ADDED LAST WEEK. 'WE'VE NOT MOVED THE DISTRICT COMMANDERS TO THAT SCHEDULE YET. WE HOPE TO MOVE THEM AT THE BEGINNING OF THE NEW FISCAL YEAR AND THAT CONVERSION REQUIRES THE ADDITION OF THREE ADDITIONAL DISTRICT COMMANDERS. AS OF BOTH FIRE AND POLICE, E.M.S. FACES MANY CHALLENGES WITH DIVERSITY,

NEM THE UNIFORM POSITIONS. AS YOU CAN SEE FROM THE PIE CHART, 85% OF THE UNIFORM POSITIONS ARE WHITE, 12% HISPANIC, 1.5% AFRICAN-AMERICAN, ONE PERCENT ASIAN. WE HAVE BEEN MORE SUCCESSFUL IN RECRUITING WOMEN AT E.M.S., WHICH CAN BE..... CAN BE SEEN WITH 24% OF OUR UNIFORM POSITIONS ARE CURRENTLY WOMEN. AS I MENTIONED EARLIER, THE E.M.S.'S CURRENT APPLICANT POOL IS RESTRICTED TO CURRENT OR LICENSED PARAMEDICS TO APPLY WITH US. MOST PARAMEDICS THAT APPLY WITH US HAVE RECEIVED THEIR PARAMEDIC TRAINING THROUGH A COMMUNITY COLLEGE TECH..... TECHNOLOGY TRAINING PROGRAM. THESE CHARTS COMPARE THE SCOTION.....COMPOSITION OF OUR CADET CLASSES DURGH T PAST 12 MONTHS WITH THE RECENT PARAMEDIC CLASS AT AUNT COMMUNITY COLLEGE. CAN YOU SEE IT'S PREDOMINANTLY WHITE, NO AFRICAN-AMERICANS. WE DID BETTER WITH HISPANICS, BUT STILL WE HAVE A LOT OF WORK TO DO. THE LACK OF DIVERSITY WITHIN THE PARAMEDIC TECHNOLOGY PROGRAMS IS WHY THE DEPARTMENTAL ACADEMY PROPOSED APPEARS TO OFFER A BETTER WAY TO GET MINORITIES INTO A PARAMEDIC CAREER. WE HOPE TO GENERATE INTEREST IN MAKING E.M.S. A VIABLE CAREER INTEREST EARLY IN A STUDENT'S HIGH SCHOOL EXPERIENCE. THE 2005 'DATA ON TOTAL E.M.S. SHOWS AUSTIN BEING THE SECOND HIGHEST, THE SAME POSITIONS WE HAD LAST YEAR. TUCSON WENT FROM FIRST TO THIRD AND SAN ANTONIO WENT FROM FOURTH TO FIRST OVER THE PAST YEAR. ARE I REALLY DON'T KNOW WHY IT IS -- IN TALKING TO TUCSON AND SAN ANTONIO BOTH, WE REALLY THINK IT'S BECAUSE THE TOP FOUR SYSTEMS ARE PUBLIC E.M.S. SYSTEMS, WHICH PROBABLY HAVE CASEY INTO SYSTEMS A LITTLE EASIER THAN SOME OF THE OTHERS THAT ARE PRIVATELY BASED. THIS SLIDE ILLUSTRATES WHERE AUSTIN FELL IN THE DATA ON PERCENTAGE OF CARDIAC ARREST PATIENTS THAT WERE DELIVERED TO THE HOSPITAL WITH A PULSE. THESE REPRESENT INDIVIDUALS THAT WERE PULSELESS WHEN WE ARRIVED ON THE SCENE, BUT THROUGH MEDICAL INTERVENTIONS, THEY HAD A PULSE BY TIME THEY ARRIVED AT THE HOSPITAL. THIS CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MR. HARRINGTON? COMMENTS,

QUESTIONS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: IT SOUNDED LIKE YOU WERE ON FAST FORWARD THERE FOR AWHILE, AND I MIGHT HAVE MISSED IT. BUT STARFLIGHT, YOU'RE SHOWING THAT TRAVIS COUNTY REIMBURSED FUND, ON PAGE 42, THIS DOES NOT REFLECT THE COST OF STARFLIGHT, DOES IT?

NOT THE TOTAL COST. THE COST IS BORNE BY THE CITY FOR THE FLIGHT NURSE, FLIGHT MEDICS AND THE PROGRAM MANAGER. A LITTLE JOINT VENTURE WITH TRAVIS COUNTY. THEY FUND THE PILOTS, THE MECHANICS AND ALL OF THE DEBT SERVICE OF THE AIRCRAFT, THE MAINTENANCE OF THE AIRCRAFT IS IN THE TRAITGHT BUDGET. TRAVIS COUNTY BUDGET.

Leffingwell: TAR FLIGHT SERVES A -- STARFLIGHT SERVES A WIDE AREA HEERKS NOT JUST TRAVIS COUNTY, RIGHT?

CORRECT.

Leffingwell: DO WE HAVE ANY WAY OF BREAKING OUT THOSE COSTS? ARE WE GETTING FULLY REIMBURSED FOR THE SERVICE WE PROVIDE TO THE OTHER COUNTIES, STARFLIGHT SERVICE?

THE CITY IS GETTING 100% REIMBURSED FOR OUR DIRECT COSTS ON IT. THE OTHER COUNTIES, WE DON'T CHARGE COUNTIES PER SE, WE CHARGE PATIENT FEES, WHICH OFFSET THE COST OF THE STARFLIGHT PROGRAM TO THE OVERALL SYSTEM.

Leffingwell: AND THAT'S 100%?

THE CITY'S COSTS ARE 100% REIMBURSED BY TRAVIS COUNTY. TRAVIS COUNTY, SINCE IT'S A PUBLIC AGENCY, IT IS -- THE PROGRAM IS PARTIALLY SUBSIDIZED THROUGH TAXPAYER DOLLARS.

Leffingwell: MY QUESTION ON THIS RESPONSE TIME, YOU SAID YOU HAD A GOAL OF 90%, YOUR STANDARD GOAVMENT WHERE DOES THAT COME FROM?

...THERE REALLY IS NO -- IT OUR BOARD HAS BEEN ASKING THE SAME QUESTION. THERE IS NO STANDARD FOR E.M.S. RESPONSE TIME WRVMENT WE TOOK THIS FROM IS LOOKED WHAT THE LITERATURE WAS OUT THERE AND ACTUALLY I THINK WE USED A GOLD STANDARD HERE BECAUSE THE ONLY THING WE COULD FIND WE EXCEED BECAUSE IT DOESN'T INCLUDE THE TIME INTERVAL THAT A CALL WAS ACTUALLY IN THE DISPATCH CENTER ITSELF. OUR CLOCK STARTS WHEN THE CALL HITS THE E.M.S. CENTER UNTIL THE AMBULANCE ARRIVES AT THE SCENE.

Leffingwell: SO YOUR GOAL IS 90% IN LESS THAN 10 10 MINUTES.

OUR GOAL IS TO BE AT ALL PRIORITY ONE CALLS IN LESS THAN 10 MINUTES.

Leffingwell: AND YOU EXPECT TO BE THERE WITH THE FUND.....FUNDING PROPOSED IN THIS BUDGET NEXT YEAR.

YES, SIR.

Leffingwell: HOW DO WE COMPARE WITH OTHER CITIES SAY HERE IN TEXAS?

FUNNY YOU SHOULD ASK. WE JUST DID SURVEY FOR OUR BOARD AND WE COULD NOT FIND A SINGLE E.M.S. SYSTEM THAT WE SURVEYED THAT MEASURED THEIR RESPONSE TIMES THE SAME. THE CLOCK STARTED AND -- AT LEAST STARTED AT DIFFERENT TIMES. SOME OF THEM MEASURED ALL EMERGENCY RESPONSES, SOME OF THEM ONLY MEASURED THE LIFE-THREATENING THINGS, BUT WE THINK OUR STANDARD IS REALLY A VERY GOOD STANDARD BASED ON THE RESEARCH THAT WE'VE BEEN ABLE TO DO.

Leffingwell: I'M REALLY SURPRISED THAT THERE ISN'T A NATIONAL STANDARD OR A STATE. YOU SORT OF SET YOUR OWN GOAL APPARENTLY. IS THAT THE WAY IT WORKS?

OUR GOAL IS SET ON WHAT WE COULD FIND OUT THERE AND WE BENCHMARKED AGAINST IT, BUT THERE IS NO GOAL OTHER THAN AFP 1710 AND THAT'S A GUIDELINE AND WE COULDN'T FIND A LOT OF PLACES THAT WERE APPLYING

THAT CONSISTENTLY.

Futrell: I KNOW THAT SOUNDS TRAIPG, BUT I THINK YOU WOULD BE PRIZED AT HOW FEW CITIES AND DIFFERENT DEPARTMENTS WITHIN THOSE CITIES ACTUALLY DO THE LEVEL OF PERFORMANCE MEASUREMENTS THAT WE TRY TO DO HERE. AND BECAUSE OF THAT WE INCREASINGLY HAVE TROUBLE FINDING BENCHMARKS. WE'RE LUCKY IF WE CAN FIND AN INDUSTRY STANDARD. SOMETIMES WE BENCHMARK AGAINST OURSELVES OVER TIME, CAN WE MAKE AN IMPROVEMENT OVER WHERE WE ARE. AND SOMETIMES WE'RE ONE OF THE VERY FEW REMAINING MAJOR CITIES IN THE NATIONAL ICM PERFORMANCE MEASUREMENT SYSTEM, AND TIMES WE TRY TO GET THAT DATA OUTSIDE OF THAT SYSTEM BY JUST CALLING ADVERTISE AND TRYING TO PICK THROUGH IT WITH THEM TO GET DATA.

....

I THINK THAT LAST POINT, COUNCILMEMBER, IS SIGNIFICANT BECAUSE MOST YOUR CITIES USE FIRE SERVICE IN CONJUNCTION WITH E.M.S. AS OPPOSED TO A SEPARATE ENTITY. AND SO THE STANDARDS THAT ARE CREATED AS COMMANDER HARRINGTON MENTIONED, THEY'RE BASED ON NFPA GUIDELINES, WHICH IS NATIONAL FIRE PROTECTION STANDARDS, AS ONSED TO A STAND ALONE E.M.S. SYSTEM.

Leffingwell: YOU JUST SUGGESTED ANOTHER QUESTION TO ME. [LAUGHTER]

THANK YOU, COUNCILMEMBER.

Leffingwell: IS THE RESPONSE TIME BASED ON THE FIRST ARRIVAL AT THE SCENE, WHICH WOULD NORMALLY BE A FIRE TRUCK OR IS IT BASED ON ARRIVAL AT THE SCENE OF E.M.S. UNITS?

OURS IS BASED ON ARRIVAL OF THE E.M.S. UNIT. WE DO TRACK NOW JOINTLY FOR OUR BOARD THE FIRE DEPARTMENT'S RESPONSE TO THE SAME CALLS. BUT THE STANDARD I JUST GAVE, THE LESS THAN 10 MINUTES IS SIMPLY THE E.M.S. COMPONENT OF THAT RESPONSE. ON MOST CALLS IN THIS COMMUNITY THERE'S -- ON LIFE-

THREATENING CALLS THERE'S SOMEONE THERE LESS THAN 10 MINUTES.

Leffingwell: YEAH. IT'S NORMALLY A FIRE TRUCK, MOST OF THE TIME. IMAWS YOU DON'T HAVE -- BECAUSE YOU DON'T HAVE AN E.M.S. ROUTE AT EVERY FIRE TRAITION.

THEIR RESPONSE TIMES ARE MUCH QUICKER THAN OURS ARE.

IN YOUR RECENT ANALYSIS THAT SUBSEQUENT YOU ON RESPONSE TIMES, WE BROKE OUT FOR YOU -- BECAUSE REMEMBER OUR SYSTEM FOR PEOPLE WHO ARE TRYING TO FOLLOW THIS CONVERSATION, OUR SYSTEM IS BASED ON A TWO-TIERED, TWO SEPARATE STANDING SYSTEMS. THE FIRE DEPARTMENT IS OUR FIRST RESPONDER IN THIS COMMUNITY. THEY DO BASIC LIFE SUPPORT AND ARE THE FIRST RESPONDER. E.M.S. FOLLOWS AS THE NEXT RESPONDER AND THEY ARE OUR ADVANCED LIFE SUPPORT. SO WHEN WE DID OUR ANALYSIS ON RESPONSE TIMES, FOR EVERY INCIDENT WE TIERED FOR YOU. WHEN THE FIRE TRUCK GOT THERE FIRST AND WHEN THE AMBULANCE THERE FIRST. IT'S REALLY CRITICAL ON PRIORITY CALLS.

Kim: DO WE HAVE A PHYSICAL FITNESS STANDARD FOR E.M.S. TECH..... TECHNICIANS?

WE DO NOT HAVE AN ONGOING PHYSICAL FITNESS PROGRAM. WE'RE WORKING WITHIO CRAIG AND THE OCCUPATIONAL THERAPIST AND THE DOCTOR TO COME UP WITH STZ FOR E.M.S. UNLIEKT FIRE SERVICE, THERE REALLY ARE NO -- ONCE AGAIN THE LACK OF STANDARDS IN E.M.S., THERE ARE NO NATIONAL STANDARDS FOR PHYSICAL FITNESS WITHIN E.M.S. FOR TO US BENCHMARK AGAINST.

BUT THAT'S WHY WE'RE PIGGYBACKING WITH THE FIRE DEPARTMENT RIGHT NOW AND WORKOGTHAT SAME WELLNESS PROGRAM. IT'S ALSO A VERY GOOD QUERKS COUNCILMEMBER, BECAUSE OF THE INJURY RATE.

Kim: RIEVMENT I LOOKED AT THE NUMBER OF HEALTH INSURANCE CLAIMS BY DEPARTMENT AND A SIGNIFICANT AMOUNT OF THEM ARE FROM E.M.S. TECHNICIANS. SO AS WE

TRY AND KEEP OUR HEALTH INSURANCE RATES DOWN AND ALSO SPRENT INJURIES, I THINK IT IS APPROPRIATE TO LOOK AT GUIDELINES OR FITNESS STANDARDS FOR THE TECHNICIANS, FOR THEIR HEALTH AND SAFETY AS WELL AS THE LONGEVITY OF THEIR CAREERS.

I PLEATLY AGREE WITH YOU. THE ITEM THAT YOU APPROVED EARLIER FOR THE TRIEKER TRIEKER STRETCHERS, MOST OF THE INJURIES COME FROM LIFGHT THE PATIENTS ON TO THE STRETCHERS. SO THESE ARE SPOIRD THE CREW DISRINT TO LIFT AS MUCH.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: I HAD A COUPLE MORE QUESTIONS. I WANTED TO GO BACK, MR. HARRINGTON, TO I GUESS IT'S PAGE 48 ON THE DIVERSITY WITHIN THE WORKFORCE. AND I SEE THAT WE ARE VERY FAR BEHIND IN REGARDS TO OUR WORKFORCE REFLECTING OUR COMMUNITY. BUT YOU MENTIONED IN YOUR PRESENTATION THAT WHEN YOU LOOKED AT THE A.C.C. PARAMEDIC PROGRAM, YOU SAW THE GRADUATES FROM THAT PROGRAM VIRTUALLY MIRROR THE DEMOGRAPHICS OF OUR COMMUNITY.

NOT OF THE COMMUNITY, THEY MIRROR -- E.M.S., OUR HIRING PRACTICES.

Martinez: OUR HIRING PRACTICE TODAY?

IF YOU LOOK AT THE SLIDE OF A.C.C. PARAMEDIC GRADUATIONS, 86% OF THEIR GRADUATING CLASS WAS WHITE WITH SEVEN PERCENT HISPANIC, 7.1% ASIAN. OUR PAST 12 MONTHS WERE YEAH% WHITE, HISPANICS WERE 13 PERCENT, ZERO PERCENT ASIAN AND ZERO PERCENT AFRICAN-AMERICAN. THE POINT I WAS TRYING TO MAKE WAS THAT THE DILEMMA WE FACE IT S. THAT THE SCHOOLS WHERE WE'RE GETTING OUR LICENSED PARAMEDICS FROM ARE NOT DIVERSE AT ALL, SO OUR HIRING POPULATION COMES IN AS BEING A NON-DIVERSE WORKFORCE.

IN FACT, WE'RE HAVING EVEN A LARGER ISSUE OF JUST RECRUITING AT ALL, ALTHOUGH SINCE THE SHIFT CHANGE WE HAVE SEEN A MUCH BETTER NUMBER IN OUR NEXT

CLASS, SO WE'RE FEELING POSITIVE ABOUT BEING ABLE TO BOTH DRAW, RECRUIT MORE EASILY AND HOPEFULLY WITHIN THAT THEN BEGIN FIND SOME DIVERSITY. ALSO WE'RE WORKING WITH THE AISD PROGRAM TO SEE IF WE CAN DESIGN SOMETHING VERY SIMILAR TO WHAT WE'VE TALKED ABOUT WITH FIRE AS A WAY TO START GROWING OUR OWN AS ANOTHER WAY TO TRY TO IMPROVE DIVERSITY.

Martinez: MY QUESTION WAS WHAT IS OUR SPECIFIC STRATEGY FOR IMPACTING OUR DIVERSITY NUMBERS? I SEE THAT WE'RE INVESTING A SIGNIFICANT AMOUNT THIS YEAR, BUT WHAT IS THE ACTUAL SPECIFIC PLAN? IF YOU'RE SHOWING ME THAT THE AVERAGE GRADUATING CLASS -- PARAMEDIC CLASS DOESN'T HAVE THE DIVERSITY WE NEED AND THAT WE'RE TRUG WILLING WITH OUR OWN RECRUITING EFFORTS, WHAT ARE WE GOING TO DO WITH -- 'I THINK PUTTING A TRAINING CENTER IN PLACE IS A GOOD MEASURE, BUT HOW DOES THAT CORRELATE TO IMPROVING OUR DIVERSITY?

IT ALLOWS US TO HAVE A COMPLETELY DIFFERENT APPLICANT POOL, WHICH IS THE DIFFERENT POP THRAITION WE CAN CHOOSE FROM IN THESE HEALTH SIENS PROGRAMS INSTEAD OF A MUCH MORE NARROWER POPULATION COMING OUT OF THE COMMUNITY DPLEFNLGHT WE DON'T EXPAND OUR ENTRY BASE WE'LL NEVER GET TO ANYWHERE NEAR WHERE WE NEED TO BE. SO IF WE RELY ON THE OPEN MARKET RIGHT NOW -- THIS IS NOT JUST A PROBLEM IN AUSTIN, BUT A NATIONWIDE PROM. E.M.S. IS NOT A DIVERSE WORKFORCE. WE DO BETTER FOR WOMEN ON THE FEMALE SIDE THAN A LOT OF SYSTEMS, BUT AFRICAN-AMERICANS ARE HISTORICALLY UNDERREPRESENTED THROUGHOUT, ASIAN AMERICANS UNDERREPRESENTED AND WE'RE NOT WHERE WE NEED TO BE ON HISPANICS. SO WE'RE HOPING TO BE ABLE TO GET INTO THE COOLS AS A PILOT PROCESS AND EXPAND THE BASE AND TARGETING TRY TO GET HISPANICS INTERESTED IN THIS AS A CAREER. FRANKLY RIGHT NOW, YOU DON'T SEE MANY KIDS WHEN THEY'RE FIVE YEARS OLD SAY THEY WANT TO BE A PARAMEDIC. WE'VE GOT TO GET IN THERE EARLIER AND START TRYING TO BUILD THAT. IT'S NOT A SHORT-TERM SOLUTION. THIS WILL BE A LONG-TERM PLAN TO GETS MOVING IN THE RIGHT

DIRECTION.

ALTHOUGH IN YOUR UNFUNDED STRATEGIC ADDS THAT YOU'RE CONSIDERING, THERE'S A FAIRLY SUBSTANTIAL PACKET ALL ABOUT RECRUITING AND TRAINING DIFFERENTLY, BOTH FOIL OUR CLASS AND TRY TO FILL IT WITH DIVERSE APPLICANTS.

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Cole: I HAVE A QUESTION, MAYOR. I NOTICE ON THAT SAME POINT ON SLIDE 48 I NOTICED THAT THE AFRICAN-AMERICAN HIRINGS WERE 1.5%. CAN YOU GIVE ME THAT EXACT NUMBER, FLEAS?

....PLEASE?

I DON'T HAVE THAT WITH ME. I CAN GET IT TO YOU, THOUGH?

.....

I'D APPRECIATE THAT.

QUESTIONS, COMMENTS, MR. HARRINGTON? THANK YOU, RICHARD.

I'D LIKE TO INTRODUCE, TURN IT OVER TO ACTING POLICE CHIEF, KATHY ELLISON. IS.

Mayor Wynn: BEFORE CHIEF ELLISON STARTS, FOR THOSE OF YOU HERE WAITING FOR THE ZONING HEARINGS, WE ARE RUNNING SEVERAL HOURS BEHIND. WE HAD SEVERAL LENGTHY PRENGSZ. WE STILL HAVE POLICE AND SEVERAL OTHER PRESENTATIONS REGARDING PUBLIC SAFETY FUNDING. MY INSTINCT IS THAT THIS MAY TAKE US RIGHT UP UNTIL THE 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, BUT WE MAY BE ABLE TO GET THE CONSENT AGENDA DONE BEFORE THE 5:30 BREAK. WELCOME, CHIEF.

WELCOME, MAYOR, MAYOR PRO TEM DUNKERLEY, TO OUR CITY MANAGER AND TO THE OTHER CITY COUNCILMEMBERS, MY NAME IS KATHY ELLISON AND I'M THE ACTING POLICE

CHIEF AND I HAVE BEEN FOR THE FLECKS MONTHS. I'M WAITING FOR THE MAYOR TO SAY IF I LOOK ANY WORSE FOR THE WEAR. JUST FOR A SIDE NOTE, I SAW CHIEF KNEE THIS MORNING AND I SAID YOU GOT HERE JUST IN TIME TO DO THE BUDGET. HE SAID SHURKS I'LL DO IT, BUT I'LL CHARGE YOU OVERTIME. [LAUGHTER] I SAID DON'T HAVE ANY. HE REALLY DIDN'T SAY THAT.

HE ALSO HAD A BAND-AID ON HIS FACE.

HE SAID HE WOULD DO IT FOR A FEE.

I THOUGHT IT WAS AFGHANISTAN, BUT NOW I'M WORRIED IT WAS YOU.

NO. I WANT TO SAY A FEW THINGS BEFORE I GET INTO THE BUDGET PRESENTATION. AND I JUST WANTED TO REMIND YOU ALL ADD THE CITIZENS OF AUSTIN THAT WE ARE THE THIRD SAFEST CITY FOR POPULATION OVER 500,000 AND THAT IS A GREAT FEAT THAT WE HAVE GREAT OFFICERS WHO ARE DOING A GREAT JOB.

Mayor Wynn: THERE ARE 40 CITIES IN THE U.S. WITH OVER 500,000 PEOPLE AND WE'RE THE FIRST.

AND THAT ALSO HAS TO DO A LOT WITH OUR COMMAND STAFF. TOIPT INTRODUCE THEM. WE HAVE LOLITA SLAGLE. SHANNON NICHOLS IS OUR FINANCIAL OFFICER AND THEN CHIEF O'BRYAN AND CHIEF CARTER AND CHIEF ORTIZ ARE HERE ALONG WITH ED HAIR RIRKS DRERKT.....HARRIS,DIRECTOR OF OUR TECHNICAL SERVICES. I WANT TO HIGHLIGHT A FEW THINGS THAT HAPPENED THIS FISCAL YEAR. AUSTIN POLICE SET THREE GOALS AND I WANT TO TALK ABOUT TWO OF THOSE. THE FIRST ONE IS IS IN VIOLENT CRIME. ONE OF THE THINGS THAT THA WE NOTICED AT THE BEGINNING OF THE YEAR IS VIOLENT CRIME STARTED TO RISE, PARTICULARLY IN ROB RIZ. SO THE CRIME ANALYSIS -- ANALYSTS GOT TOGETHER AND LOOKED AT THE TREND OF THOSE ROB RIZ. ONE OF THE THINGS WE NOTICED IS A LOT OF OUR ROBBERIES WERE OCCURRING IN AND AROUND GAME ROOMS. LAST YEAR WE HAD 25 ROBBERIES IN AND AROUND A BECAME ROOM. AND THIS YEAR WE HAD ALREADY HAD SIX. SO OUR CRIMINAL

INVESTIGATION BUREAU AND TRAVIS COUNTY AND THE ATTORNEY GENERAL'S OFFICE GOT TOGETHER AND DEVELOPED A PLAN AND IN 81 WE..... JUNE WE EXECUTED 23 SEARCH WARRANTS OF THOSE BUSINESSES. AND THAT WAS THE SECOND OPERATION OF ITS SORT. AND SINCE THAT OPERATION WE HAVE ONLY HAD ONE ROBBERY IN AND AROUND A GAME ROOM. THE OTHER THING I WANT TO LET YOU KNOW IS THAT WE'VE INCREASED OUR -- THE SIZE OF OUR IMMIGRANT PROTECTION TEAM. WHEN THAT TEAM STARTED THERE WERE ONLY TWO DIRECT. WE'VE ADDED ANOTHER DETECTIVE AND A SERGEANT IN THAT UNIT, REALIZING THAT A LOT OF OUR ROBBERIES, THE VICTIMS OF THOSE ROBBERIES WERE A SPANISH-SPEAKING...ING POPULATION. THE OTHER THING THAT WE WORKED ON IS OUR TRAFFIC ENFORCEMENT. WE BEGAN TO IMPLEMENT AN -- ENHANCED TRAFFIC CLEARING PROGRAM, AND THE GOALS OF THAT PROGRAM ARE TO RAPIDLY CLEAR THE ROADWAYS, TO HELP REDUCE FATAL AND SERIOUS INJURY COLLISIONS AND TO HELP WITH OUR TRAFFIC CONGESTION. AS YOU LOOK AT THE SURVEY, SOME OF THE INCREASES ARE MINIMUM EXCEPT WHERE IT COMES TO NEIGHBORHOOD POLICE, AND THAT HAS TO DO WITH THE FACT THAT THE CITIZENS AGREE WITH THE FACT THAT OUR OFFICERS ARE LISTENING TO THEIR CONCERNS AND ADDRESSING THOSE CONCERNS. ONE OF THE THINGS WE CONTINUE DO TO HELP ADDRESS THOSE CONCERNS ARE HAVE OUR COMMANDERS' FORUMS, WE DO OPERATION RESTORE HOPE. WE HAVE OUR MARTIN LUTHER KING BREAKFAST. WE HAVE 410.... 410 NATIONAL NIGHT OUT PARTIES THIS YEAR. WE HAD OUR COMMUNITY NETWORK CONFERENCE THAT HAD OVER 400 ATTENDEES AND THIS YEAR WE'VE MADE OVER A THOUSAND COMMUNITY MEETINGS. THIS SIDE TALKS ABOUT OUR REVENUE AND EXPENDITURES. OUR REVENUE WILL BE THE SAME. ONE OF THE THINGS WE GET MOST OF OUR REVENUE FROM IS FROM ALARM PERMIT VIOLATIONS. THOSE HAVE DONE WELL. THAT'S A GOOD THING BECAUSE THE VAST MAJORITY OF OUR ALARMS ARE FALSE, SO IF THOSE ARE DONE WELL WE DON'T HAVE TO -- DECREASING WE DON'T HAVE TO RESPOND. 10-POINT \$1 MILLION ARE RELATED TO SALARY AND PERSONNEL INCREASES FOR EXISTING PERSONNEL AND \$7.5 MILLION IS RELATED

DIRECTLY TO OUR MEET AND CONFER WAGES. WE WILL BE ADDING SIX NEW POLICE OFFICERS TO OUR CURRENT AUTHORIZED STRENGTH, THAT WOULD BRING US UP TO 1442 OFFICERS, ALSO INCLUDING AN ASSISTANT CHIEF AND I'LL TALK ABOUT THAT LATER. WE CURRENTLY HAVE 59 VACANCIES AS OF YESTERDAY. WE'RE ALSO RESTORING A POLICE CALL TAKER. LAST YEAR WE USED THAT POSITION TO CONVERT INTO A VICTIM SERVICES COUNSELOR, SO WE'RE NOW RESTORING THAT CALL TAIGER. WE'RE HAVING SIX AND A QUARTER POSITIONS RETURNED -- GO FROM TEMPORARY TO PERMANENT. SIX OF THOSE POSITIONS ARE CALL TAKERS AND TWO ARE RELATED TO ADMINISTRATIVE SERVICES AND ANOTHER ONE IS IS A POLICE DISPATCHER. WE HAVE EIGHT FULL-TIME GRANT CONVERSIONS. ONE OF THOSE PEOPLE IS A PROJECT COORDINATOR WHO IS OUR LANGUAGE TRANSLATOR. AND FIVE ARE DISPATCHERS. IN ADDITION TO THOSE FIVE DISPATCHERS, WE WILL BE UPGRADING FIVE OF OUR CALL TAKERS IN JANUARY OF '07 FROM CALL TAKERS TO DISPATCHERS WHEN THE NEW CALL CENTER COMES ON LINE. THE CAPITAL EQUIPMENT IS FOR PATROL CARS FOR OUR FORENSICS, BIO ROBOT, FOR SOME HEALTH SERVICES EQUIPMENT AND FOR THE EVIDENCE LOCKERS. WE'RE INCREASING OUR CIVILIAN STAFF BECAUSE WITH -- WITHIN AUSTIN WE DID A POLL OF SOME MAJOR CITIES HERE RECENTLY AND AUSTIN IS IN THE TOP TWO CITIES WHEN IT COMES TO CIVILIANS AS IT RELATES TO POLICE OFFICERS. AND ONE OF THE THINGS THAT WE TRY TO DO AT THE POLICE DEPARTMENT IS IS TO PUSH THE POLICE DUTIES BACK TO POLICE OFFICERS AND TO THE INVESTIGATIVE FUNCTION. WITH OUR BUDGET HIGHLIGHTS -- OUR BUDGET HIGHLIGHTS ARE WITH THE NEW OFFICERS WE MAINTAIN OUR 2.0 STAFFING PER 100 RESIDENTS. WHEN WE SURVEYED OUR POLLED THOSE 11 CITIES, WE FOUND THAT SIX OF THE 11 ARE NEAR, AT OR BELOW THE CURRENT RATIO PER ONE THOUSAND RESIDENTS. I'VE ALREADY TALKED TO YOU ABOUT THE SEVEN AND A HALF MILLION DOLLARS FUND THE FOURTH YEAR OF THE MEET AND CONFER AGREEMENT, KEEPING OUR OFFICERS AMONG THE HIGHEST PAID IN THE STATE. THE TRAFFIC INCIDENT MANAGEMENT PROGRAM THAT WE'RE STARTING, WE HIRED FOUR RETIRED OFFICERS TO MONITOR THE INTERSECTIONS AND DISPATCH REQUEST WRECKERS TO COMMON

LOCATIONS ON THE WRECKER CHANNEL WHERE WE'VE
CLITIONZ WE'LL BE WORKING WITH TXDOT, THE CITY OF
AUSTIN PUBLIC WORKS AND CAPITAL METRO. WHEN IT
COMES TO MULTIAGENCY RESPONSES. AS CAN YOU SEE
THERE'S A JAIL INCREASE OF \$165,000. AND THEN WE'RE
ASKING TO RESTORE AN ASSISTANT POLICE POSITION,
ASSISTANT CHIEF POSITION, AND THAT'S TO HELP US TO
EFFECTIVELY MANAGE OUR NINE AREA COMMANDS, WHICH
IS ALL OF PATROL. OVER 70% OF OUR OFFICERS ARE IN
PATROL AND THAT PROVIDES STRONGER OVERSIGHT. THE
TWO AREAS OF RECENT CONCERN ARE STAFFING AND ARE
OVERTIME AND OUR RESPONSE TIMES RELATE DIRECT
THROI PATROL. SO THIS WILL HELP WITH THE STRONGER
OVERSIGHT. WE WILL RETURN TO THE NUMBER OF
ASSISTANT CHIEFS WE HAD IN PLACE BEFORE 2003. WHEN I
WAS PROMOTED IN 2003 THERE WERE SIX ASSISTANT
CHIEFS AND NOW THEY'RE LEE. AND -- THERE ARE THREE.
AND I KNOW THE CHIEF IN TYLER AND WE KNOW TYLER IS IS
A SMALLER CITY WITH A SMALLER DEPARTMENT AND
THREEF ASSISTANT CHIEFS. THE NEXT SLIDE TALKS TO YOU
ABOUT OUR SWORN OVERTIEVMENT AS YOU HAVE SEEN, IT
HAS EXCEED THE BUDGET AMOUNTS. EACH OF THOSE
YEARS WE HAVE STAYED IN BOWRJT..... BUDGET AND NOT
GONE OVER. WE HAVE COVERED IT BY AGENCY SAVINGS
AND PURCHASES FROM ACTUALS AND COMMODITIES. WITH
THE PROPOSED BUDGET OUR PROPOSED OVERTIME
INCREASE IS AROUND 43%. WITH THAT INCREASE IT'S \$2.1
MILLION. ONE-MILLION-DOLLAR INCREASE WILL BE OVERTIME
AND 1. WHEN WE DECREASE OUR ACCURATE TRAL END
COMMODITIES. WITH THIS INCREASE WE'RE SEEK TO GO
TRUE UP THE OVERTIME BUDGET WITH THE PRIOR YEAR
EXPERIENCES. WE WILL MANAGE OUR OVERTIME A
MULTITUDE OF WAYS. ONE IS WE'RE MAKING PATROL OUR
FIRST PRIORITY. IN THE PAST MOST OF OUR PATROL
VACANCIES HAVE BEEN HELD ON PATROL. NOW WE WILL
HOLD SOME OF THOSE VACANCIES IN THE SUPPORT IEWPTS.
WE HAVE A CLEAR STANDARDIZED DEFINITION OF OUR
MINIMUM STAFFING POLICY. BECAUSE OF THE DIFFERENT
INTREPTIONZ IT HAS RELATED IN AN INADVERTENT
OVERSTAFFING IN SOME AREA COMMANDS. AND I WANT TO
ALSO LET YOU KNOW THAT WE'RE ONE OF THE ONLY CITIES
THAT HAVE A MINIMUM STAFFING FOR POLICE. WE ALSO

HAVE LOWER VACANCIES PROJECTED TO THE LARGE CADET CLASS. AND THEN I JUST WANT TO SAY THAT AUSTIN RANKS FIVE WHEN IT COMES TO MAJOR CITIES WITH OUR VACANCY RATE COMPARED TO NUMBER OF WALL FIELD POSITIONS -- NUMBER OF ACTUAL FIELD POSITIONS. IN THIS SLIDE YOU'LL SEE A NEGATIVE, WHICH IS A POSITIVE BECAUSE THOSE ARE ALL DECREASES FOR US. AIZ SAID EARLIER THAT THERE'S A SLIGHT TICK IN THE NATIONAL TREND OF AN INCREASED VIOLENT CRIME, BUT WE ARE THE THIRD SAFEST CITY, STILL THERE. OUR VIOLENT CRIME -- WHEN WE COMPARE TO THOSE CITIES, SIX OUT OF EIGHT OF THOSE CITIES WE SURVEYED HAD HIGHER VIOLENT CRIME PER ONE THOUSAND THAN AUSTIN. THE OTHER THING IS OUR RESPONSE TIMES THAT HAVE GOTTEN A LOT OF ATTENTION. I JUST WANT TO SAY THAT OVERALL CITYWIDE RESPONSE TIMES OR PRIORITY ONE CALLS HAVE DECREASED DESPITE A 19 PERCENT INCREASE IN CALLS FOR SERVICE. OUR RESPONSE TIMES START FROM THE INITIAL TAKING OF THE CALL FROM THE CALL TAKER TO THE ARRIVAL ON SCENE. ONE OF THE THINGS THAT WE DID WHEN WE DECIDED TO GO A SEVEN-MINUTE GOAL AS A RESPONSE TIME, TWO YEARS AGO OUR RESPONSE TIME WAS ALMOST NINE MINUTES, SO CHIEF KNEE LOOKED AT THE STANDARD AND SAID IT SHOULD TAKE US ONE MINUTE TO PROCESS THE CALL FROM THE TIME IT COMES IN AT 91, ONE MINUTE FOR THE..... DISPATCHER TO FIND AN OFFICER TO DISPATCH THAT CALL TO AND FIVE MINUTES FOR TRIES TO GET THERE THROUGH THE AUSTIN TRAFFIC. OUR UNFUNDED STRATEGIC ADDS TOTAL \$479,000. AGAIN, WE'RE INCREASING OUR CIVILIAN STAFFING. DURING THE DOWNTURN WE HAD TWO POSITIONS THAT WENT TO PART-TIME STATUS. WE'RE BRINGING THOSE BACK TOWP FULL TIME. WE'RE ADDING NINE NEW FORENSIC PERSONNEL. ONE OF THOSE PEOPLE WILL BE A FORENSICS QUALITY ASSURANCE MANAGER. WE ARE THE LARGEST LAB WITHOUT AN ASSURANCE MANAGER. THAT MANAGER WILL SUPPORT THE INTEGRITY OF THE LAB BY AUDITS AND REGULAR INSPECTIONS. WE'RE ADDING TWO PROPERTY CRIME TECHS. THOSE PEOPLE ARE RESPONSIBLE FOR RESPOND TO GO PROPERTY CRIMES IN THE FIELD. THIS FREES UP THE OFFICERS. ONE OF THE THINGS THAT WE'VE LEARNED IS IS THAT EVERY TIME A PROPERTY CRIME TECHNICIAN TAKES A CALL IT SAVES AN

OFFICER AN HOUR AND A HALF. WE'RE HIRING ONE LATENT PRINT EXAMINER, AND THAT PERSON WILL EVALUATE THE PRINTS TO DETERMINE IF THEY'RE ENTERED INTO OUR SYSTEM, AND THEN DEVELOP TECH NITIONZ WHO WILL ENTER THOSE PRINTS ONCE THEY'VE BEEN EVALUATED BY THE LATENT EXAMINER. WE'RE HIRING A CRIME KEEN SUPERVISOR AND THEN TWO CRIME SCENE SPECIALISTS WHICH RESPOND TO FATALITIES AND HOMICIDES. ONE OF THE THINGS I WANT TO SAY ABOUT THE LATENT PRINT EXAMINERS AND THE TECHNICIANS THAT WE'RE HIRING IS THAT WE HAVE A THREE-MONTH BACKLOG WHEN IT COMES TO ENTERING PRINTS INTO OUR SYSTEM. THIS BACKLOG RESULTS IN -- IT DELAYS THE RELATES OF THE INVESTIGATORS CLEERGH T CASES AND-- CLEARING THE CASES AND THEREFORE THE CRIMINAL COULD STILL BE ACTIVE OUT IN THE FIELD. THIS IS OUR DIVERSITY SLIDE. AS YOU CAN SEE, THIS IS OUR SWORN TO THE COMMUNITY AND THEN OUR MALE TO FEMALE RATIO. ONE OF THE THINGS THAT WE NEED TO WORK ON IS OUR ASIAN POPULATION. WE HAVE OUTREACH -- CONTINUED OUTREACH TO THAT COMMUNITY. WE USE OUR ASIAN OFFICERS TO HELP WITH THAT RECRUITING. WE HAVE AN ASIAN COMMUNITY LIAISON OFFICER. AS FAR AS OUR HISPANIC SFERKSZ LAST YEAR WE WERE AT 18% AND WE'RE AUTOPSY 19 AND A HALF -- WE'RE UP 19 AND A HALF PERCENT THIS YEAR. THE NEXT SLIDE SHOWS OUR CLASS R THE 111th IS THE CLASS THAT GRADUATE UNDERSTAND JUNE OF THIS YEAR. THE NEXT TWO DIAGRAMS ARE OF THE CLASS THAT'S GOING TO START SEPTEMBER 17TH. WE HAD 1 -- WE SENT OUT 114 OFFERS. WE HAVE TO THIS DATE HAVE 109 ACCEPTED. OF THOSE THO.... WHO HAVE ACCEPTED, 89 AND A HALF PERCENT, ALMOST 90 PERCENT ARE MALE, 10 PERCENT ARE FEMALE, AND OF THAT 44% HAVE FOUR-YEAR COLLEGE DEGREES. 38% HAVE 30 COLLEGE HOURS OR MORE. 12 HAVE PRIOR -- 12% HAVE PRIOR LAW ENFORCEMENT AND FOUR PERCENT ARE QUALIFIED AS BILINGUAL. THE SLIDES HAVE MEN TO WOMEN RATIO. THE NATIONAL AVERAGE IN LAW ENFORCEMENT FOR MEN TO WOMEN IS ABOUT 12 PERCENT, AND CAN YOU SEE THAT AUSTIN IS WELL ABOVE THAT PERCENT AT 20 PERCENT. AUSTIN IS THIRD BEHIND SAN JOSE AND NASA COUNTY WHEN IT COMES TO VIOLATE CRIMES. WE HAVE THE LOWEST OF ALL THESE CITIES OTHER

THAN THOSE TWO PER ONE THOUSAND. YOU PROPERTY CRIME, WE'RE A LITTLE HIGHER. IN THE TEXAS CITIES WE'RE THE SECOND HIGHEST WHEN IT COMES TO PROPERTY CRIME IN THIS CITY PER ONE THOUSAND. AND OUR TRAFFIC FATALITIES, YOU SEE THAT WE HAVE THE LOWEST HE OUT OF THE TWO TEXAS CITIES, BUT AGAIN WE'RE BEHIND NASSAU AND SAN JOSE WHEN IT COMES TO THE NUMBER OF TRAFFIC FATALITIES PER 100,000 RESIDENTS. THE LAST SLIDE IS SORT OF OUR OWN SLIDE OF TALKING ABOUT THE AUSTIN MODEL OF THE POLICE DEPARTMENT BECAUSE WE JUST WANT STHOAD YOU WHAT YOU GET FOR YOUR MONEY. YOU GET HIGHLY COMPENSATED POLICE FORCE. THE STAFFING RATIO IS IN LINE WITH OUR PEER CITIES. WE'RE OWN OF THE ONLY CITIES OR THE ONLY CITY THAT WE COULD FIND THAT HAD A CONSTANT STAFFING POLICY. WE HAVE THE HIGHEST CIVILIAN STAFF TO OFFICER RATIO. WE THINK IT'S A GOOD THING WHEN WE CAN GET MORE OFFICERS DOING POLICE WORK. AND THE OUTCOME IS YOU'RE THE THIRD SAFEST CITY IN THIS NATION WITH POPULATION OF 500,000 OR MORE. THIS CONCLUDES MY PRESENTATION AND I'LL STAY FOR QUESTIONS.

Mayor Wynn: THANK YOU, CHIEF. QUESTIONS FOR CHIEF? COMMENTS? COUNCILMEMBER MARTINEZ.

Martinez: HI, CHIEF. I WANTED TO GO BACK TO YOUR PROPOSED OVERTIME BUDGET. DID LOOKS LIKE THIS YEAR WE'LL END AROUND NINE AND A HALF MILLION DOLLARS IN EXPENDITURES FOR OVERTIME.

RIGHT.

Martinez: AND IN THE PROPOSED BUDGET YEAR YOU'RE PROPOSING THAT WE'RE GOING REDUCE THAT BY 2.4 MILLION.

SAY THAT AGAIN?

...

Martinez: YOUR PROPOSAL FOR 2007 IS THAT THAT NUMBER WILL DECREASE BY ALMOST TWO AND A HALF MILLION SNIRKS AND THAT IS GOING TO BE OUR GOAL, NOT TO SAY

THAT WE'LL ACHIEVE IT, FWUL BE OUR GOAL DO THAT. AND THAT WILL BE NOT BINOT HOLDING ALL OF OUR PATROL VACANCIES IN PATROL. IN THE PAST WE HAVE DONE THAT, WE HAD HELD THEM IN PATROL AND THEN BACKFILL THOSE POSITIONS. NOW WE'LL HOLD THEM IN SOME OF OUR SUPPORT POSITIONS. DON'T HAVE A LOT OF POLICE OFFICER POSITIONS NOT IN PATROL, BUT THE ONES THAT WE DO NEVER CARRY THE VACANCIES AND NOW THEY WILL.

..

Martinez: HOW MANY VACANCIES DO WE HAVE IN PATROL RIGHT NOW?

RIGHT NOW ALL VACANCIES AT THE POLICE DEPARTMENT ARE POLICE OFFICER VACANCIES. SO THERE ARE 59 VACANT POLICE OFFICER POSITIONS CURRENTLY. ON PATROL THEY WOULD ALL BE THERE IF WE WOULD ALLOW THEM TO BE THERE NOW, BUT WHEN OFFICERS PROMOTE IT THIS LAST TIME TO DETECTIVE IF THEY WERE ON PATROL WE LET THEM STAY ON PATROL. WE DIDN'T -- AND OTHER TIMES WE WOULD REMOVE ALL THOSE DETECTIVES AND PLACE THEM IN THEIR REGULAR POSITIONS, BUT WE FROZE THAT AND THEY'RE STILL ON PATROL.

Martinez: WHAT IS ONE F.T.E. BUDGETED AS FOR 2007? WHAT IS THE COST OF ONE F.T.E.? NEXT YEAR?

FOR A POLICE OFFICER? I DON'T KNOW THE TOTAL AMOUNT. I'M SORRY. 43,000.

Martinez: SO IF YOU WERE TO -- IN ORDER TO GET TWO AND A HALF MILLION, YOU WOULD LITERALLY HAVE TO FILL 59 VACANCIES BASED ON THAT RATE, BASED ON THE 43,000. YOU WOULD HAVE MAKE SURE THAT THOSE 49... 49 VACANCIES NEVER EXIST AND THAT THEY WERE ALL IN PATROL, AND I JUST DON'T SEE HOW YOU'RE GOING DO THAT. YOU'RE SAYING THAT RIGHT NOW THERE'S 59 VACANCIES AND THAT WHAT YOU'RE PLANNING FOR NEXT YEAR IS IS THAT YOU'RE GOING TRY TO FILL -- YOU'RE GOING TO TRY TO MAKE SURE THAT NO VACANCIES IN PATROL REMAIN VACANT.

NO, THAT CAN'T HAPPEN. IN THE PAST WE WOULD HAVE HELD ALL 59 OF THOSE VACANCIES IN A PATROL FUNCTION. SO WE'RE NOT GOING TO DO THAT ANYMORE. SO WE'RE GOING HOLD VACANCIES IN SOME OF OUR SUPPORT POLICE OFFICER POSITIONS, MAKING PATROL OUR FIRST PRIORITY. AND SO THAT WILL DECREASE THE NUMBER OF OFFICERS WE WILL HAVE TO BECOME FILL TO. -- BACKFILL TO. AND WE AVERAGE A LOSS OF THREE TO FOUR OFFICERS A MONTH, SO WE'RE GOING TO STEADY.ILY INCREASE IN THE NUMBER OF VACANCIES. THAT'S ONE REASON THIS CLASS IS SO BIG SO THAT BY THE TIME THEY GRADUATE WE WILL HAVE ENOUGH TO COVER THE VACANCIES THAT WE WILL HAVE FROM NOW UNTIL THEY GRADUATE.

Martinez: I WOULD LIKE TO SEE A SPECIFIC PLAN ON HOW MANY VACANCIES YOU PLAN ON MAKING SURE THAT THEY STAY FILLED IN PATROL AND HOW YOU COME ONE THAT TWO AND A HALF MILLION DOLLARS. I JUST DON'T SEE US BEING TIEBL DO THAT AT 43,000 PER F.T.E. WHEN WE ONLY HAVE 59 VACANCIES AS IT IS. WE WOULD NEED MANY MORE VACANCIES TO COME UP WITH THAT TYPE OF SAVINGS.

WE COULD HAVE MORE VACANCIES BY THE END OF THE WEEK AND USE THAT MONEY TO PAY FOR THAT OVERTIME COST. WE LOSE ABOUT THREE TO FOUR FERZ A MONTH.

THE FIRST ONE WAS THE STANDARD FOR CONSTANT STAFFING. SO PRIOR TO US HAVING A REAL CLEAR DEFINITION ON THAT, SOME OF THE COMMANDERS WERE OVERHIRING IN THEIR YEAR TIME.....84
TIME.....OVERTIMEOFFICERS. AND THE OTHER ISSUE IS WE'LL WATCH THE OVERTIME AND THE BACKFILL. THE OTHER THING WE'LL DO IS THERE'S NOT ANY REASON, APPEARED WE HAVE DONE THIS IN THE PAST, IS IS TO USE OFFICERS, FOR EXAMPLE, STREET RESPONSE IS UNIT THAT IS FILLED WITH OFFICERS. AND IF WE GET SHORT STREET RESPONSE CAN BE IN THEIR REGULAR WORKDAY.

AND OART ONE, COUNCILMEMBER, IS WE'RE ALSO MOVING BACK TWO CADET CHAS. MOVING BACK FROM ONE TO TWO CADET CLASSES WILL ALSO GIVE US SOME ADDITIONAL FLEXIBILITY. I THINK THE BOTTOM LINE HERE IS KATHY UNDERSTANDS THAT SHE WILL HAVE AND USE AS MUCH

OVERTIME AS IS NECESSARY TO MAINTAIN PUBLIC SAFETY AND TO MAINTAIN OUR POLICY. WHAT WE AREN'T SURE OF WHEN YOU LOOK AT THIS HISTORY, WHICH IS WHY WE LAID IT OUT, WE'VE BEEN KEEPING IT BUDGETED IN THE FOUR MILLION REGARDLESS OF WHAT INTENT ADD YET NEVER GOING OVER BUDGET IN ANY YEEMPLT ALL WE'RE TRYING TO DO HERE IS NOT JUMP TO 9.5 AS THE STANDARD UNTIL WE KNOW THAT WAS MANAGED APPROPRIATELY, HANDLED APPROPRIATELY HAVE TWO CADET CLASSES. JUMP THAT UP SIGNIFICANTLY, 40 PLUS PERCENT AND SEE WHERE WE FALL. BUT AT THE END OF THE DAY WE ARE NOT GOING TO JEOPARDIZE ANY PUBLIC SAFETY OR ANY NEED THAT THE CHIEF HAS FOR OVERTIME.

AND I REALIZE THAT WE ARE NOT GOING TO DO THAT. WHAT I WANT TO PRESENT, THOUGH, IS A TRUE PICTURE IN THE BUDGET. AND I'M TRYING TO MAIG SURE THAT THAT'S WHAT WE'RE DOING BECAUSE I THINK IT'S GOING TO BE VERY DIFFICULT TO SAY THAT THIS YEAR WE SPENT NINE AND A HALF MILLION ON OVERTIME AND NEXT YEAR WE CAN CUT THAT BY TWO AND A HALF MILLION.

AND WE HAD THOSE VACANCIES LAST YEAR. WE'RE NOT ANTICIPATING THAT MANY VACANCIES. THAT'S WHAT WE'RE HOPING TO BY USING THE VACANCY SAVINGS FROM THAT. AND I DID FORGET ABOUT THE SECOND CLASS, BECAUSE AS SOON AS THIS CLASS GRAWRKTS SIX WEEKS LEGISLATOR THE NEXT CLASS. -- SIX WEEKS LEGISLATOR THE NEXT CLASS.

LET US SKETCH IT OUT TO YOU HOW WE GOT TO THIS NUMBER. WE'RE TRYING TO GET TO THE EXACT SAME THING YOU DID WITH TRUTH IN BUDGETING, WHICH WE HADN'T DONE IN THE LAST THREE YEARS WITH THAT OVERTIME BUDGET. SO WE'LL SKETCH IT OUT FOR YOU AND WITH ALL THE DIFFERENT FACTORS HOW WE THINK THAT WILL PLAY INTO LOWERING THAT NUMBER AND GETTING US CLOSER TO WHAT WE BUDGETED.

THAT WOULD BE HELPFUL.

I HAVE ANOTHER QUESTION THAT YOU WERE GOING WITH

ADD ANOTHER ASSISTANT CHIEF.

Martinez: DO YOU APPOINT ASSISTANT CHIEFS, IS THE QUALIFIERS BASED ON THE CONTRACT?

NO, THEY'RE APPOINTED BY THE CHIEF. SO YOU'RE ASKING THE PROCESS?

YEAH. WHAT IS OUR POLICY FOR APPOINTMENTS TO ASSISTANT CHIEF IN THE POLICE DEPARTMENT? I KNOW IN FIRE IN TERMS OF RANKS AND STUFF, WHAT RANG YOU HAVE TO BE?

THE POLICE DEPARTMENT YOU CAN CHOOSE FROM A POLICE OFFICER RANG IF YOU CHOOSE TO. THAT HASN'T BEEN THE PRECEDENT HERE. WE'VE CHOSEN THE LIEUTENANT APPEARED THE COMMANDER RANG. THE ASSISTANT CHIEF WOULD BE FROM THE COMEARND RANKS.

WHY WOULDN'T WE LOOK AT THE LIEUTENANT RANG?

WE COULD DO THAT. WE HAVE, AND WE LOOK AT THE COMMANDER RANG. WE HAVE 18 OUTSTANDING COMMANDERS, SO THE POOL IS GREAT TO LOOK FROM, SO WE START THERE. AND WE COULD LOOK AT THE LIEUTENANT RANG, SO THERE IS NO REASON NOT TO.

COUNCILMEMBER LEFFINGWELL?

I WANT TO GO BACK TO SOMETHING I'M NOT QUITE SURE WHAT YOU HAD IN RESPONSE AND ONE OF COUNCILMEMBER MARTINEZ'S QUESTIONS ABOUT OVERTIME, YOU SAID YOU HAD OVERHIRED FOR OVERTIME, WHAT --

WE HAD -- OUR MINIMUM STAFFING WAS BASED ON DISTRICTS. AND SO, FOR EXAMPLE, THERE MIGHT BE 11 OFFICER POSITIONS, THAT AREA COMMAND HAS 11 OFFICER POSITIONS. SO SOME OF THE COMMANDERS WERE BASING THE 80 PERCENT STAFF OGHT 11 OFFICERS IN THE 10 DISTRICTS. SO THEY WERE OVERHIRING IN THAT MANNER. DI CONFUSE YOU MORE?

...

Leffingwell: NO, I THINK I UNDERSTAND. IS GOING BACK TO THE BASIS OF THIS, HOW DO YOU BUDGET FOR OVERTIME? CAN YOU EXPLAIN THAT TO ME? HOW DO YOU COME UP WITH \$7.1 MILLION?

THIS IS PROBABLY A BUDGET QUESTION.

I CAN SUBMIT IT IN WRITING IF IT'S COMPLICATED.

WHAT WE TRY TO DO, IF HAVE YOU THAT PAGE UP, 57, WHAT WE TRIED TO DO IN THE PAST AS YOU CAN SEE FROM 2004 AND ON, WE HAVE USED QUITE A BIT OF OVERTIME IN THOSE ASPECTS. SO WHAT WE TRIED DO IS... WAS TO TRUE IT UP AND HAVE ME MANAGE THE CURRENT \$7.1 MILLION. IN THE PAST WE'VE NEVER GOTTEN THE AMOUNT THAT WE'RE GETTING THIS TIME AS FAR AS THE INCREASES IN OVERTIME. BUT WE'VE MANAGED WITHIN OUR BUDGET TO NOT GO OVER BUDGET IN OUR OVERTIME.

BUT THE NECESSITY FOR OVERTIME OCCURS WHEN YOU DON'T MEET A CERTAIN MINIMUM STAFFING LEVEL?

CORRECT, WHEN OFFICERS ARE IN TRAINING, WHEN THEY'RE SICK OR ON VACATION. WE HAVE OFFICERS WHO ARE OVERSEES.

.....OVERSEES SPECIAL VEENTS, THINGS LIKE THAT GOING ON, SO WE BACKFILL THO FO THOSE OFFICERS ON PATROL TO MAKE SURE WE HAVE THE LEVEL OF POLICING THAT WE NEED AT ANY GIVEN TIME.

...

Leffingwell: SO YOU HAVE A MINIMUM STAFFING LEVEL AND ONCE YOU FALL BELOW THAT MINIMUM STAFFING LEVEL, THEN YOU PAY OVERTIME.

CORRECT.

Leffingwell: AND THAT IS ENTIRELY YOUR DISCRETION WHEN YOU MAKE THAT -- BASED ON YOUR POLICY, TO ASK POLICE

OFFICERS TO WORK OVERTIME, IS THAT CORRECT?

CORRECT. BUT WE HAVE A SET STANDARD THAT EVERYDAY, EVERY NIGHT, EVERY SHIFT WE WANT A MINIMUM STAFFING ON PATROL.

BUT IT IS AN INTERNAL POLICY. IT'S NOT A NATIONAL POLICY. NO ONE HAS IT. THAT'S JUST OUR POLICY.

Leffingwell: I'M JUST HAVING A HARD TIME UNDERSTANDING HOW INDIVIDUAL POLICEMEN ARE BLAMED FOR WORKING TOO MUCH OVERTIME WHEN THEY DO IT BECAUSE YOU ASK THEM TO DO IT.

THAT IS A GOOD POINT. YOU'RE RIGHT.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: THANKS, MAYOR. I HAVE A BUNCH OF QUESTIONS HERE AND I MAY SAVE THEM FOR LATER TONIGHT WHEN WE TAKE UP THE DISCUSSION OF THE AUDIT AND THE STUDY, BUT CAN YOU JUST EXPLAIN THE POLICY DECISION ABOUT TWO OFFICERS PER ONE THOUSAND. IS THERE A RELATIONSHIP BETWEEN THE NUMBER OF OFFICERS AND THE CRIME RATE IN CITIES?

I DO NOT BELIEVE THERE'S A RELATIONSHIP BETWEEN THE OFFICERS AND THE CRIME RATE.

AND WE CAN SHOW IT TO YOU AGAIN. WE'VE DONE THAT SEVERAL YEARS IN A ROW. ACTUALLY, YOU WILL SOMETIMES FIND AN ABSOLUTE INVERSE RELATIONSHIP BETWEEN STAFFING LEVELS AND CRIME RATES, WHICH IS NOT WHAT IS INTUITIVE.

FOR EXAMPLE, WASHINGTON, D.C. PROBABLY HAS THE HIGHEST -- FOUR OR FIVE --

PER ONE THOUSAND, AND THEY STILL HAVE A VERY HIGH CRIME RATE. SO IT DOESN'T CORRELATE.

Kim: I HOPE WE WOULDN'T TAKE WASHINGTON, D.C. AS A MODEL BECAUSE I'VE HEARD THE OFFICERS GO EVERYDAY

WITH A VEST ON AND THEY WILL NOT APPROACH HI-RISES BECAUSE THEY HAVE THINGS THROWN DOWN AT THEM OR THEY'RE SHOT AT. AND THAT'S WHAT TO NOT DO WITH A COMMUNITY IN TERMS OF RACE RELATIONS AND COMMUNITY RELTIONZ. IS RELTIONZ. SO I HOPE THAT WE LOOK AT THROUGH THE STUDY AND GOING FORWARD WHATNOT TO DO IN A STUDY AND MAYBE WASHINGTON, D.C. CAN BE CASE IN POINT ON THAT. I WAS WONDERING IF YOU COULD EXPLAIN TO ME SOME MORE ABOUT THE MINIMUM STAFFING OF 80% AND THIS MEMO WE RECEIVED FROM THE CITY MANAGER, AND WAIT I UNDERSTAND IT IT IS IF WE HAVE 10 OFFICERS SCHEDULED, WE ONLY NEED EIGHT OFFICERS ON DUTY. SO IF THAT'S THE CASE YRKS DO WE NEED THE LAST TWO. BECAUSE IT SOUNDS LIKE ANY ACTUAL STAFFING ABOVE 80% WOULD BE A SURPLUS.

OUR GOAL IS 100%. SO WHEN YOU HAVE 10 DISTRICTS AND THERE ARE EIGHT OFFICERS, THERE ARE TWO DISTRICTS THAT AREN'T COVERED. SO WE DO NEED THOSE OFFICERS TO COVER THOSE DISTRICTS. THERE ARE PEOPLE THERE, THINGS GOING ON, SO WE WOULD NEED THOSE OFFICERS. WE THINK THAT EIGHT OFFICERS CAN COVER ALL 10 OF THOSE DISTRICTS. KNOW THAT AT CERTAIN TIMES OF THE DAY THERE ARE TWO SHIFTS ON, SO, FOR EXAMPLE, IF BOTH OF THOSE SHIFTS HAVE MET THEIR STAFFING, THERE'S 16 OFFICERS ON PART OF THE TIME, AND AT PEAK TIMES THERE WOULD BE 24... 24 OFFICERS ON TO COVER THOSE 10 DISTRICTS. AND THAT'S WHAT OUR GOAL IS, TO HAVE 100%, BUT WE WOULD NEED ALL THOSE OFFICERS SO THAT THE DISTRICT THAT DOESN'T HAVE AN OFFICER CAN HAVE THE SAME LEVEL OF SERVICE THAT THE DISTRICT THAT DOES HAVE AN OFFICER. SO WE WOULD NEED THOSE.

Kim: WHY DON'T OTHER TEXAS CITIES GIERN A CONSTANT LEVEL LIKE AUSTIN DOES?

I'M NOT REALLY SURE. I THINK THAT'S ONE OF THE REASONS THAT SOUTH AUSTIN ONE OF THE SAFEST CITIES BECAUSE WE DO WANT TO MAINTAIN A HIGH LEVEL OF SERVICE. WHEN WE CHECKED NO ONE DID. IF YOU HAD 10 DISTRICTS AND FOUR OFFICERS SHOWED UP, YOU HAD FOUR OFFICERS. DON'T WANT TO POLICE LIKE THAT. AND THAT'S WHY WE

CHOOSE TO HAVE A MINIMUM STAFFING.

Kim: I NOTICE THAT A LOT OF OFFICERS ARE GOING TO HAVE TO GO THROUGH TRAINING AS WE HAVE NEW SYSTEMS ONLINE. DO WE... WE FACTOR THAT TRAINING INTO THE SCHEDULING TO FULFILL THE TRING REQUIREMENT?

WE DO. WE PAROLE NEED TO DO A BETTER JOB AT MAKING SURE THAT WE HAVE ENOUGH PEOPLE ON BEFORE WE ALLOW PEOPLE TO GO TO TRAINING, BUT SOMETIMES STUFF HAPPENS. FOR EXAMPLE, WE COULD HAVE TWO OFFICERS SCHEDULED TO GO TRYING AND WE TRY NOT TO LET MORE THAN TWO PEOPLE OFF AT A TIME, THEN SOMEBODY COULD CALL IN SICK, THERE COULD BE AN EMERGENCY AND SO WE TRY TO COVER THOSE THINGS. REMEMBER THAT MOST OF OUR WORKFORCE WORKS NIGHTS. YOU ONLY VT DAY SHIFT. SO OUR TRAINING STAFF WORKS DURING THE DAY SO THEY CAN HELP COVER WITH THE CADET TRAINING. SO OFFICERS HAVE TO COME IN AT NIGHT. THOSE WHO WORK NIGHTS AND EVENINGS HAVE TO COME IN DURING THE DAY TO DO THEIR TRAINING. WHEN THEY'RE GONE, IF SOMEONE HAS TO BACKFILL THOSE SHIFTS, AND THAT'S WHY. BUT WE DO TRY TO DO THAT THE BEST THAT WE CAN. ONE OF THE THING THAT WE DO SOMETIME DURING THE YEAR IS WE HAVE NEW TRAINING. WHEN WE DECIDED TO CHANGE OUR FTO PROGRAM, WE DECIDED THAT WE WANTED ALL THE FTO'S TO COME NAND HAVE AN ADDITIONAL 80 HOURS OF TRAINING. 'FIELD TRAINING OFFICERS. WE DECIDED TO SEND THEM TO AN ADDITIONAL 80 HOURS OF TRAINING THAT WASN'T SCHEDULED FOR THE YEAR. THAT'S IN ADDITION TO ALL THE REQUIRED TRAINING.

Kim: BACK ON OVERTIME. DO WE SOMETIMES GET COMPENSATED FROM OUTSIDE AGENCIES FOR THAT OVERTIME? IF THEY HAVE A SPECIAL REQUEST DO WE GET PAID BACK FOR SNA.

CORRECT.

Kim: CAN WE BREAK THAT DOWN INTO OVERTIME THAT IS RECOMMEND BURSED AND OVERTIME THAT IS NOT?

I DID THAT FOR YOU. DO YOU STILL HAVE THAT MEMO THAT

HAS \$11 MILLION AS THE TOTAL OVERTIME BUDGET. 2.2 OF THAT IS REIMBURSED OVERTIME.

SO WHEN WE DID THAT ANALYSIS FOR YOU BECAUSE OF WHAT YOU'RE THINKING, WE BROKE THAT OUT FOR YOU ON THE ANALYSIS.

IT SEEMS THAT EVERY NEW F.T.E. BRINGS AN ADDITIONAL AMOUNT OF MONEY. THAT NEW F.T.E. BRINGS BENEFITS, INSURANCE, RETIREMENT BENEFIT PACKAGE. THAT PERSON ALSO GETS LEAVE, SICK TIME, SO WHEN THAT NEW HIRE TAKES OFF, WE WOULD HAVE TO BACKFILL FOR THAT PERSON. SO EACH NEW PERSON BRINGS AN ADDITIONAL AMOUNT WITH IT.

IT'S REALLY JUST AT A TIMING THAT STANDARD, COUNCILMEMBER, THAT EVERY PERSON IS NOT GOING TO BE ON THE JOB 100% OF THE TIME EVERY TIME YOU HIRE SOMEBODY.

..

Kim: DO WE BUILD THIS TIME INTO THEIR SCHEDULE SO DON'T HAVE TO PAY OVERTIME AS MUCH WHEN THEY'RE IN COURT.

OUR OFFICERS ATTEND THREE DIFFERENT COURTS. MUNICIPAL COURT HAS WORKED VERY WELL WITH US IN TRYING TO SCHEDULE OFFICERS TO ATTEND COURT WHILE ON DUTY. AND SO THE EVENING OFFICERS OFFICERS -- NIGHT OFFICERS CAN COME IN EARLIER, THE EVENING OFFICERS ARE ON DUTY APPEARED THE MORNING OFFICERS ARE THERE. BUT WHEN IT COMES TO DISTRICT AND COUNTY COURT, WHEN AN OFFICER IS CALLED, LIKE I SAID, MOST OF OUR FORCE WORKS EVENS AND NIGHTS, COURT IS DURING THE DAIRKS THOSE OFFICERS HAVE TO RESPOND TO THOSE COURT CASES AND THEY HAVE TO COME BACK ON OVERTIME BECAUSE THEY'RE NOT ON THEIR REGULAR SHIFT.

AND THEY HAVE TO SHOW UP IN COURT BECAUSE OF A CASE.

ALL OF OUR OFFICERS ARE ARE SUBPOENAED TO COURT.

Kim: I DON'T KNOW IF WE DO THIS RIGHT NOW, BUT DO WE HAVE ANY SYSTEM FOR ROVING OFFICERS THAT ARE NOT ASSIGNED TO A DISTRICT SO IS THAT THERE ARE THAT WE ALWAYS HAVE AN OFFICER OR -- I DON'T KNOW HOW MANY OFFICERS WE NEED, WHO WOULD AN ROVER IN TERMS OF HELPING SCHEDULING FOR OVERTIME?

WE DON'T HAVE ANY ROVING OFFICERS. ALL OUR OFFICERS ARE ASSIGNED TO A DISTRICT. THE ONLY ROVING OFFICER WE WOULD HAVE WOULD BE A CORPORAL WHO A LOT OF TIMES WOULD ACT AS A SUPERVISOR. SO DON'T HAVE AN EXTRA OFFICER TO ROVE AND TO MOVE TO ANOTHER AREA OF COMMAND. WHAT HAPPENS A LOT IS THAT IF AN AREA COMMAND IS TIED UP, ALL THE OFFICERS ARE TIED UP AND THERE IS A PRIORITY ONE CALL IN THAT AREA OF COMMAND, THE DISPATCHERS WILL GET FOUR OFFICER FROM THE ADJOINING AREA COMMAND AND THEN THEY CAN -- AND TO RESPOND TO THAT CALL AND THEY BACK EACH OTHER UP. SO THEY CROSS BOUNDARIES ALL THE TIME. AND THEY ALSO -- REMEMBER, THERE ARE SEVERAL OFFICERS THAT ARE TWO SHIFTS THAT ARE ON ORKS THE EVENING TIME, EVERYDAY OF THE WEEK EXCEPT ONE DAY OF THE WEEK. BUT THEY ALREADY MOVE ACROSS THE BOUNDARIES TO BACK EACH OTHER UP AND TAKE CALLS IN OTHER AREAS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] IN ONE AREA OF COMMAND, AND SO WE'RE TRYING TO EXPAND THAT PROGRAM TO ANOTHER AREA OF COMMAND THAT HAS A HIGH SPANISH SPEAKING POPULATION AND THAT'S A POSITION WE FELT WE WANTED TO KEEP PERMANENTLY.

WHAT DO YOU DO WHEN THERE'S SOMEONE A POLICE OFFICER ENCOUNTERS WHO SPEAKS AN ASIAN LANGUAGE?

WE HAVE OFFICERS WHO SPEAK ASIAN, VARIOUS THAI, AND WE PAY AS A PART OF THE CONTRACT, OFFICERS WHO SPEAK A SECOND LANGUAGE, BUT WE WILL ALSO CALL THROUGH OUR LANGUAGE LINE, IF THOSE OFFICERS AREN'T WORKING, CALL FOR THE LANGUAGE LINE AND TELL THEM THAT WE NEED A PERSON WHO SPEAKS FRENCH, GERMAN, WHATEVER THE LANGUAGE MIGHT BE, SO THAT WE CAN GET

THE SITUATION RESOLVED.

HOW DOES THAT WORK WITH THE LANGUAGE LINE?

ALL I KNOW IS THAT -- ED HARRIS WOULD PROBABLY HAVE TO HELP ME OUT WITH THIS. IS ED HERE? IN COMMUNICATIONS YOU CAN CALL -- APPARENTLY YOU CAN CALL TO THE LANGUAGE LINE, AND ED WILL HAVE TO COME UP -- AND THEN THEY WILL BE ABLE TO SEND ANYBODY WHO SPEAKS A LANGUAGE. WE EVEN DO SIGN LANGUAGE THROUGH THIS SITUATION. AND SO ED WILL HAVE TO HELP ME WITH THAT.

COUNCIL MEMBER, WE HAVE A CONTRACT WITH A SERVICE, FOR BOTH 911 SERVICES AND FIELD OPERATION SERVICES. IT'S A CONTRACT. THERE ARE SOME 80 LANGUAGES THAT THEY PROVIDE THE SERVICES WITH. IF AN OFFICER NEEDS INTERPRETATION, THEY SIMPLY CALL THE LANGUAGE LINE NUMBER. THEY ADVISE THEM OF WHAT LANGUAGE THEY NEED INTERPRETATION FOR, AND THE PERSON GETS ON THE LINE AND YOU HAND IT TO THE PERSON THAT YOU HAVE THERE WITH THEM AND THEY DO THE INTERPRETATION FOR YOU.

YOU.

OKAY. THANK YOU. I WAS JUST WONDERING ABOUT THAT. FINALLY MY LAST.

I JUST WANTED -- I WAS REMINDED THAT WE DID HAVE ONE GRANT POSITION THAT WE DIDN'T CONVERT BECAUSE THE PROGRAM WASN'T SUCCESSFUL, SO WE ONLY DO THAT WITH SUCCESSFUL PROGRAMS, AND POLICE OFFICERS ALWAYS CONVERT OVER FROM A GRANT POSITION.

POSITION.

OKAY. SO THE POLICE OFFICERS ALWAYS CONVERT OVER.

CORRECT.

IT'S GOOD FOR US TO KNOW THAT BECAUSE THROUGHOUT THE YEAR WE GET -- WE GET ITEMS ON THE AGENDA TO

ACCEPT A GRANT FOR APD, AND SO I THINK WE NEED TO KNOW THAT IF WE'RE GOING TO APPROVE THAT GRANT, WE ARE BASICALLY APPROVING THE BUDGET IN THE YEAR FOR FTES FOR THE COMING YEAR. SO KIND OF FULL DISCLOSURE ON THAT I THINK IS IMPORTANT. AND MY FINAL QUESTION HAS TO DO WITH PHYSICAL PHYSICALNESS, AND I.....FITNESS, AND I WAS WONDERING IF THERE IS A RIGHT-OF-WAY OR SOME STANDARD THAT POLICE OFFICERS HAVE TO MAINTAIN WHEN THEY'RE IN THE FORCE?

NO, JUST FOR THE ENTRY LEVEL ONLY.

OKAY. AND ARE THERE OTHER POLICE DEPARTMENTS THAT DO HAVE PHYSICAL STANDARD REQUIREMENTS?

, YOU KNOW, I REALLY JUST DON'T KNOW BUT WE CAN FIND OUT AND GET BACK TO YOU.

ALL RIGHT. THANK YOU.

YOU'RE WELCOME.

THANK YOU. COUNCIL, I KNOW WE HAVE A NUMBER OF ADDITIONAL QUESTIONS OF COURSE AND THEN LATER WE'RE GOING TO TAKE UP EVEN A MORE -- A LARGER ISSUE REGARDING CONSOLIDATED EFFORTS. MY RECOMMENDATION WILL BE FOR US TO GO AHEAD AND TAKE OUR LIVE MUSIC AND PROCLAMATION BREAKS AND THEN WE CAN TAKE UP A LOT OF EXTERNAL CUSTOMERS, CITIZENS HERE FOR THE ZONING CASES, WE CAN TRY TO KNOCK OUT AT LEAST THOSE CONSENT AND ZONING CASES AS SOON AS WE GET BACK FROM OUR BREAK.

I PROBABLY HAVE THREE MINUTES OF STUFF AND I DON'T KNOW HOW MY COLLEAGUES, AND WE CAN GET DONE WITH THIS PORTION.

COUNCIL MEMBER MCCRACKEN? YOU HAVE THREE MINUTES.

MCCRACKEN: [LAUGHTER]

MCCRACKEN: EVERYBODY SAID FINE. YOU DON'T HAVE TO

LIVE BY OUR RULES.

SOMEBODY MAKE A BEEPING SOUND.

MCCRACKEN: CHIEF, I'VE BEEN ABLE TO GET KIND OF A FAMILY PERSPECTIVE ON THE OVER TIME ISSUE BECAUSE OF MY WIFE, MIND EYE, BEING WITH THE DA'S OFFICE ON THE CHILD PROTECTION TEAMS AND WHAT I'VE LEARNED FROM THAT IS REALLY HOW HARD THE OFFICERS WORK AND A STORY THAT REALLY CAUGHT MY ATTENTION ON ALL THAT WAS ONE OFFICER -- THERE WAS A CHILD WHO WAS BADLY BEATEN BY HER STEPFATHER. THIS WAS CAUGHT ON TAPE, DISCOVERED ON A SUNDAY EVENING, AND THIS OFFICER AT 2:00 IN THE MORNING, WHENEVER THE JUDGE -- THE JUDGE WAS ALSO VERY HARDWORKING IN THE MORNING. AND SO THIS OFFICER LEFT HER HOME IN BUDA, DROVE UP, SIX MONTHS PREGNANT, GOT THE ARREST WARRANT AND THEY WENT AND ARRESTED THIS PERSON, THEY WERE UP THERE ALL NIGHT. AND LIKE YOUR CHILD ABUSE OFFICERS. I KNOW THIS IS FOR A LOT -- REALLY ALL YOUR OFFICERS, IT'S DRIVEN BY THE JOB. AND SO YOU'LL HAVE THE CHILD ABUSE PROTECTION OFFICERS. IF A KID IS BEATEN SO BADLY BY -- OR -- HER MOTHER OR FATHER, THEY GET ADMITTED TO THE EMERGENCY ROOM AT BRACKENRIDGE. YOU HAVE THE OFFICERS THERE IN THE HOSPITAL WITH THEM AND MAKING SURE THAT THE PERSON WHO DID THIS IS ARRESTED. THEY'LL WAIT BY THE HOSPITAL FOR THE KIDS. THIS IS -- THIS IS TOP-NOTCH POLICING AND I THINK IT'S A GOOD INVESTMENT BY THE TAXPAYERS OF AUSTIN TO LOOK OUT FOR OUR CHIROPRACTIC VICTIMS, EVEN IF IT MEANS SPENDING SOME OVER TIME. SO YOUR FOLKS HAVE -- I'VE SEEN FIRSTHAND ARE DOING AN AWESOME JOB AND IT'S NOT JUST REFLECTED IN THE THIRD SAFEST CITY IN AMERICA BUT BY UNBELIEVABLE LEVELS OF COMMITMENT. SO YOU-ALL ARE DOING A GREAT JOB. I APPRECIATE THAT.

THANK YOU.

I CAUGHT A COUPLE THINGS. I CAN TELL YOU FROM FIRSTHAND EXPERIENCE WHEN I WAS A PROSECUTOR AND I WAS ONE OF THOSE BAD DA'S WHO WOULD HAVE TO SUBPOENA THE OFFICERS, IS WHEN THE JUDGE SAID IT'S TIME FOR THE OFFICER TO TESTIFY IN FRONT OF THE JURY

AND THAT COULD BE WHENEVER, BUT -- SO HE'D HAVE OFFICERS COMING IN BLEER..... BLEARY EYED, BUT ALSO BY THE DISTRICT COURT AND THE COUNTY COURT JUDGES. AND SO FINALLY THE ISSUE OF OFFICERS TO CRIME RATE -- I THINK WE'VE SEEN THAT HOUSTON AND DALLAS ARE AMONG THE TEN MOST DANGEROUS CITIES IN MERKS AMERICA AND MAYBE IN THE TOP THREE OR FOUR HIGHEST CRIME RATE IN THE NATION, AND THEY HAVE HIGHER OFFICER TO CITIZEN RATIOS THAN AUSTIN OR SAN ANTONIO DOES, BOTH HAVE LOWER CRIME RATES. SO WE'RE GETTING A LOT OF BANK FOR OUR BUCK AND WE'RE GOING TO BE LOOKING HERE IN THE AUTOMATIC HEREAFTER THE BREAK, STARGD THAT PROCESS TO GET.....START THATPROCESS TO GET A HANDLE ON WHAT'S THE BEST MIX OF STAFFING LEVELS, BUDGET, WHAT TAXPAYERS SHOULD BE INVESTING IN, WHAT WE CAN AFFORD. BUT I DO HAVE A LOT OF CONFIDENCE WE'RE GETTING A GREAT VALUE IN TERMS OF THE OUTSTANDING JOB YOU'RE DOING.

THANK YOU VERY MUCH. WE TALKED ABOUT THIS IN A LOT OF DIFFERENT FORMS BUT WE'VE CHOSE THAN TO BE MORE IN THE MIDDLE OF THE PACK. IT'S MORE IN THE MIDDLE OF THE PACK, OF OFFICERS PER THOUSAND BUT TO HAVE ONE OF THE HIGHEST PAID, BEST TRAINED, AND THE OUTCOME OF THAT IS WE'RE THE THIRD SAFEST CITY IN THE COUNTRY. SO AS A STRATEGY IT HASN'T BEEN BAD.

CHIEF KNEE BEFORE HE LEFT SAID YOU-ALL ARE DOING SUCH A GOOD JOB WE'RE ON TRACK TO GET A HIGHER RANKING. MAYBE NO. 1. GOOD STUFF.

MAYOR WYNN: THANK YOU COUNCIL MEMBER. THANK YOU CHIEF.

WE'LL NOW BREAK FOR OUR LIVE MUSIC AND PROK LITIGATIONS. STAY TUNED FOR WHAT MADE MILWAUKEE FAMOUS AND THEN WE'LL COME BACK AND TAKE UP ZONING CASES IMMEDIATELY AFTER THE PROCLAMATIONS. THANK YOU. NOTES.....(music) (music) (music) [GUITAR PLAYING]

OKAY. IT'S TIME FOR OUR GIG AT THE AUSTIN CITY COUNCIL. JOINING US TODAY IS ADAM AARONS. ADAM HAS BEEN WORKING IN THE AUSTIN MUSIC SCENE SINCE 1993, BOTH AS

A PERFORMER AND A RECORDING ARTIST. HIS PRIMARY, FINGER STYLE, HAWAIIAN FLAT KEY, AND ORIGINAL COMPOSITIONS ARE AS A RESULT OF STUDYING WITH GUITAR LEGENDS. HE HAS PERFORMED IN MUSICAL THEATER AND IS A FEATURE GUITAR PLAYER, AS WELL AS TOURING EUROPE, WITH TRISH HIN A HOSE A, WILL. HIS CD WILL BE RELEASED IN OCTOBER. PLEASE JOIN ME IN WELL COMING ADAM AARONS. [SINGING] (music) (music)

HERE'S A WORD TO THE WISE IF YOU TAKE THAT SUNDAY DRIVE, LEAVE THE PHONE BEHIND AND USE A LAND LINE. [MUSIC]

WE,. WELL, IT'S NOT FAIR FOR ME TO SAY, THAT YOU WANT ME ANYWAY, YOU STILL CALL ME TO LET ME KNOW YOU SEE ME EVERYWHERE I GO. IF I HAD MY FINAL SAY, THAT PHONE AND YOU WOULD GET ESTRANGED. IT'S RINGING EVERY DAY THAT I WANT TO GO AWAY. FOUR LITTLE FINGERS AND A THUMB, ONE ON THE RIGHT HAND, THE OTHER ONE, CALL MY NUMBERS, ONE BY ONE. HERE'S A WORD TO THE WISE, IF YOU TAKE THAT SUNDAY DRIVE, LEAVE THE CELL PHONE BEHIND, USE THE LAND LINE BY AND BY. [APPLAUSE]

OKAY. SO ADAM, TELL US -- SO WHERE -- CAN WE GET THE CD AS SOON AS IT'S RELEASED? ARE YOU GIGGING IN TOWN? HOW CAN WE SEE YOU?

IT'S AT WATER LOOK..... WATERLOO RECORDS, AND I WILL BE PLAYING OCTOBER AT SEVERAL PLACES HERE IN TOWN, AMONG THEM THE CONTINENTAL CLUB ON THE 28TH.

WHAT NIGHT OF THE WEEK IS THAT?

I THINK IT'S A SATURDAY AFTERNOON.

GOOD.

AND THE CARDIAC CUSTOMER..... CACTUS CAME..... CAFE IN MID-OCTOBER.

BEFORE YOU GET AWAY, WE HAVE AN OFFICIAL PROCLAMATION THAT READS, THE LOCAL COMMUNITY MAKES CONTRIBUTIONS TO AUSTIN'S ECONOMIC AND

CULTURAL DIVERSITY AND THE EFFORTS OF ARTISTS
FURTHER AUSTIN'S STATUS AS MUSIC CAPITAL OF THE
WORLD, I MAYOR WILL WYNN DO HERE BY CLAIRE, AUGUST
24, AD ADAM AARONS DAY IN AUSTIN, AND CALL ON ALL
CITIZENS TO CON GRAT..... CONGRATULATE THIS FINE
TALENT. [APPLAUSE]

SPOFERTD SPOFERTD ARE ARE

FOR OUR FIRST PROCLAMATION WHICH IS ACTUALLY A
SLIGHT TWIST. THE CITY OF AUSTIN IS RECEIVING A
PROCLAMATION OR A DESIGNATION SO I GUESS I'D LIKE TO
TURN IT OVER TO ONE OF THE DOCTORS WHO HAS JOINED
US, JENNIFER, TO WALK US THROUGH A PROCLAMATION FOR
THE CITY.

THANK YOU, MR. MAYOR. I AM DR. MICHAEL HAWKINS. I'M
THE CHAIR OF THE TEXAS COUNCIL ON CARDIOVASCULAR
DISEASE AND STROKE AND WE'RE HERE TO PRESENT AN
AWARD TO THE CITY, SPECIFICALLY IT'S AN AWARD FOR
HEART HEALTHY AND STROKE HEALTHY CITY RECOGNITION
AWARD. THE COUNCIL IS CHARGED WITH EDUCATING,
FACILITATING, PROMOTING HEART AND BRAIN HEALTH
THROUGHOUT THE STATE OF TEXAS. ONE OF THE WAYS WE
HAVE DONE THIS IS DEVELOP THE HEART AND STROKE
HEALTHY CITY RECOGNITION AWARD PROGRAM TO
RECOGNIZE THOSE CITIES THAT ARE GOING OUT AND DOING
THINGS THAT WILL HELP ALL OF US LEAD A HEALTHIER LIFE.
AND, YOU KNOW, YOU THINK OF THAT INITIALLY AND YOU
THINK, YOU KNOW, HOW DO WE DO THAT? HOW CAN A
MAYOR AND THE CITY COUNCIL AFFECT OUR HEALTH? WELL,
THEY CAN IN A LOT OF WAYS, AND THERE ARE PROVEN
WAYS THAT WILL AFFECT HOW WE LIVE, WILL AFFECT OUR
HEALTH, AND THE MAYOR AND HIS LEADERSHIP AND THE
COUNCIL HAVE TAKEN STEPS IN THAT DIRECTION AND WE'RE
HERE TO GIVE THEM AN AWARD. I'M GOING TO INTRODUCE
DR. KNEEL RUDLEDGE WHO HAS BEEN SITTING ON THAT
COMMITTEE THAT HELPED DEVELOPMENT THIS
RECOGNITION AND DR. KNEEL CAN GO INTO MORE DETAIL.

THANKS. HEART DISEASE AND STROKE ACCOUNT FOR TWO
OUT OF FIVE DEATHS OF TEXANS. HEART DISEASE IS NO. 1
AND STROKE IS NO. 3. PRETTY SIMPLY, RISK FACTORS ARE

PRETTY WELL-KNOWN. LOW PHYSICAL ACTIVITY, POOR DIET, OBESITY, TOBACCO USE, HIGH CHOLESTEROL, HIGH BLOOD PRESSURE AND DIABETES. WHAT THE TCCDS HAS DONE IS THAT WE'VE DEVELOPED A LIST OF INDICATORS HELPED BY COMMUNITIES, HEALTH CARE FACILITIES, BUSINESSMEN, AND WITH THESE LIST OF INDICATORS WHAT WE'VE DONE IS GONE ABOUT RATING CITIES AT THEIR REQUEST, AND AUSTIN, I'M VERY PROUD TO SAY, HAS WON A BRONZE LEVEL, AND IT'S MY PLEASURE -- OUR PLEASURE, ACTUALLY, TO AWARD AUSTIN THIS PLAQUE. [APPLAUSE]

MAYOR WYNN: WELL, THANK YOU VERY MUCH. , IN FACT, THERE ARE LOTS OF THINGS THAT MARES AND COUNCILS CAN DO FROM A.. A POLICY STANDPOINT. FIRST AND FOREMOST IS SUPPORTING A VERY ACTIVE SET OF PROFESSIONAL MEN AND WOMEN WHO MAKE UP OUR PUBLIC HEALTH DEPARTMENT. SO WITH THAT I'D LIKE TO RECOGNIZE AND INTRODUCE DAVID LOR EYE, WHO IS THE DEPARTMENT DIRECTOR, WHO CAN TALK ABOUT OUR STEPS PROGRAM, WHERE WE ARE USING CENTERS FOR DISEASE CONTROL PREVENTION DOLLARS TO STEP UP AND HELP US ATTACK, OBESITY, DIABETES, WE CAN TALK ABOUT HOW WE ARE NOW IMPACTING LIVES WITH THE SMOKING ORDINANCE, WHAT WE'RE DOING FROM THE MAYOR'S FITNESS COUNCIL WHEN IT COMES TO CREATING AN AUSTIN FITNESS INDEX, SCIENTIFICALLY BENCHMARK IMPROVING HEALTH AND WHEN IT COMES TO PHYSICAL ACTIVITY, AND AVOIDING RISKY BEHAVIOR. SO I'D LIKE TO ASK DAVID LOR EYE TO SAY A FEW WORDS.

I APPRECIATE THIS AND YOU COVERED IT EXTREMELY WELL, MAYOR WYNN. OUR CITY HAS BEEN VERY ACTIVE. I THINK OBVIOUSLY THE CRITERIA THAT ARE USED IN TERMS OF THIS RECOGNITION IS THE FULL GAMUT IN TERMS OF THE THINGS YOU HEARD ABOUT, PREVENTION, AND RESPONDING QUICKLY AS IT RELATES TO HEART DISEASE AND STROKE AND WE'RE VERY EVERY..... FORTUNATE TO HAVE A ROBUST SYSTEM AND PARTNERSHIP. OUR COMMUNITY PARTNERS, THE AMERICAN HEART ASSOCIATION. WITHIN THE CITY, A TREMENDOUS EMS SYSTEM LED BY RICHARD HAIR I THINK TON.....INCORPORATING TON AND DR. BROK, THE THE ADVANCES THEY HAVE HAD IN RESPONSE AND INTERVENTION, ALSO OUR COMUNTD CARE DEPARTMENT,

WHICH DOES A LOT OF GREAT WORK IN TERMS OF SCREENING AND EARLY DETECTION AND TREATMENT, AND AS THE MAYOR MENTIONED, ARE VERY ACTIVE HEALTH DEPARTMENT AS IT RELATES TO SOME OF THE ROOT CAUSES, SUCH AS PHYSICAL ACTIVITY AND NUTRITION. RICK IS HERE THIS EVENING FROM OUR STEPS GRANT PROGRAM AND WE'RE WORKING CLOSELY WITH THE MAYOR'S FITNESS...NESS COUNCIL AND WE REALLY APPRECIATE VERY MUCH THIS RECOGNITION. HEART DISEASE, HOWEVER, STILL IS THE NUMBER ONE KILLER IN OUR COMMUNITY, SO THERE'S A LOT OF WORK YET TO BE DONE, BUT WE'VE GOT AN EXCELLENT SYSTEM HERE AND A GREAT FOUNDATION AND WE'LL CONTINUE WITH THE EFFORT. THANK YOU ALL VERY MUCH.

THANK YOU [APPLAUSE]

MAYOR WYNN: OKAY, FOR OUR FIRST PROCLAMATION I'M JOINED BY DON A EVERY SON WHO IS WITH THE TEXAS MUNICIPAL LEAGUE PAYROLL DEPARTMENT, TECHNICALLY, BECAUSE WE ARE PRODUCT CLAIMING NEXT WEEK ACTION OR THE WEEK AFTER, I GUESS, AS NATIONAL PAYROLL WEEK, AND I'LL READ THE PROCLAMATION AND DON A CAN SAY A FEW WORDS ABOUT THE IMPORTANCE OF THIS PROGRAM. THE PROCLAMATION READS, BE IT KNOWN WHEREAS PAYROLL PROFESSIONALS SUPPORT OUR WORKERS BY PAYING WAGES, REPORTING WORKER EARNINGS AND WITHHOLDING FEDERAL EMPLOYMENT TAXES IN COMPLIANCE WITH FEDERAL AND STATE LAW. AND WHEREAS PAYROLL PROFESSIONALS ALSO PLAY A KEY ROLE IN MAINTAINING AUSTIN'S ECONOMIC HEALTH BY PAYING INTO THE EMPLOYMENT INSURANCE SYSTEM, PROVIDING INFORMATION FOR CHILD SUPPORT ENFORCEMENT, AND CARRYING OUT TAX WITHHOLDING REPORTING AND DEPOSITING AND WHEREAS IT'S PARTICULARLY IMPORTANT TO REALIZE THE VALUE OF THE WORK OF PAYROLL SOASHTSZ ON BEHALF OF OUR 140 MILLION WORKERS DURING THE WEEK THAT INCLUDES LABOR DAY, WE ESPECIALLY HONOR THOSE BEING HERE AT OUR LOCAL TEXAS CHAPTER OF THE AMERICAN PAYROLL ASSOCIATION. SO THEREFORE, NOW, I.. I, WILL WIN, MAYOR OF THE CITY OF AUSTIN TEXAS DECLARE SEPTEMBER 4 THROUGH 8 AS NATIONAL PAYROLL WEEK AND ASK DONNA

TO COME SAY A FEW WORDS ABOUT THE PROFESSION.

THANK YOU, MAYOR WYNN, FOR THIS PROCLAMATION. THIS IS THE 10TH ANNIVERSARY THAT THE AMERICAN PAYROLL ASSOCIATION HAS SET THE FIRST WEEK IN SEPTEMBER AS NATIONAL PAYROLL WEEK TO RECOGNIZE PAYROLL PROFESSIONALS. PAYROLL PROFESSIONALS ACROSS THE COUNTRY CALCULATE AND PAY 156 MILLION AMERICAN WORKERS EACH PAY PERIOD. WE ACTUALLY COLLECT, DEPOSIT AND REPORT 71% OF THE REVENUE FOR THE U.S. TREASURY. SO ZEN TEXT CHAPTER, THE AMERICAN PAYROLL ASSOCIATION AND ALL THE PAYROLL PROFESSIONALS OF THE CITY OF AUSTIN, ONCE AGAIN SAY THANK YOU.

THANK.....YOU.

MAYOR WYNN: THANK YOU, DONNA. [APPLAUSE]

MAYOR WYNN: FOR OUR NEXT PROCLAMATION I'M JOINED BY ROB LEDBETTER, WHO'S PRESIDENT OF BOAM A. THE BUILDING OWNERS AND MANAGERS ASSOCIATION. USED TO BE A PROUD DUES PAYING MEMBER BACK IN MY PREVIOUS LIFE. I'LL READ THE PROCLAMATION AND THEN ROD WILL TELL US ABOUT THIS REMEMBRANCE DAY THAT BOAM A BEGAN HERE WITH US FOLLOWING THE SEPTEMBER 11, 2001 TRAGEDY AND MIGHT EVEN SAY A FEW WORDS ABOUT SOME OTHER EVENTS THAT MIGHT BE HAPPENING THAT DAY AS WE THINK ABOUT THAT TRAGEDY BUT ALSO TRY TO, YOU KNOW, BUILD ON IT. THE PROCLAMATION READS: BE IT KNOWN WHEREAS THE BUILDING OWNERS AND MANAGERS ASSOCIATION OF AUSTIN, OR BOMA AUSTIN, WITH THE SUPPORT OF THE CITY MANAGER, THE OFFICE OF EMERGENCY MANAGEMENT, POLICE AND FIRE DEPARTMENTS, AUSTIN TRAVIS COUNTY EMS, CENTRAL TEXAS CITIZEN CORE COUNCIL, TEXAS BUILDING PROCUREMENT COMMISSION AND UT AUSTIN ARE SPONSORING A DAY OF THE TRAGIC EVENTS OF SEPTEMBER 11, 2001, WHEREAS THE LIGHTING OF THE SKY LINE OF AUSTIN, BY OUR DOWNTOWN PROPERTY OWNERS IS TO REMIND OWNERS THAT UNFORESEEN EMERGENCIES MAY OCCUR AT ANY TIME AND THAT EVERYONE SHOULD BE PREPARED TO RESPOND TO SUCH EMERGENCIES. AND

WHEREAS DURING THIS DAY THE REMEMBERS THE 9/11 TRAGEDY IT IS ALSO PROPONENT THAT WE REMEMBER THE EMERGENCY RESPONDERS WHO KEEP OUR CITY SAFE AND PREPARED FOR SUCH TIMES. THEREFORE I, WILL WIN, MAYOR OF AUSTIN, DO HERE BY PRODUCT CLAIM SEPTEMBER 11, 2006 AS A DAY OF PREPARATION AND REMEMBRANCE IN AUSTIN AND CALL ON ROD TO TALK ABOUT THE WORK THAT BOMA IS DOING AND TALK ABOUT HOW MUCH WE APPRECIATE HIS ORGANIZATION'S RECOGNITION OF FIRST RESPONDERS. THANK YOU.

THANK YOU, MAYOR WYNN AND ALL THE MEMBERS OF THE CITY COUNCIL. I AM HONORED TO RECEIVE THIS PROCLAMATION FOR THE IMPORTANCE OF PREPARATION FOR EMERGENCY SITUATIONS WITHIN THE CITY AND IN OUR SURROUNDING COMMUNITIES. AS YOU KNOW, EVENTS LIKE KATRINA HAVE AN EFFECT ON US AND EACH DAY WE ALL NEED TO PLAN FOR THE WORST AND HOPE FOR THE BEST, AND WE AT BOMA AUSTIN WANT TO CONTINUE THAT TRADITION, AS THE MAYOR SAID, ON SEPTEMBER 11 WE WILL BE DOING OUR ANNUAL LIGHTING OF THE TOP FLOORS OF MANY OF THE DOWNTOWN BUILDINGS IN CONJUNCTION WITH THE UNIVERSITY OF TEXAS, THEY WILL BE LIGHTING THE TOWER, THE CAPITAL WILL BE ILLUMINATED AND I UNDERSTAND THE CITY, PAUL..... HALL HERE WILL HAVE SOME SPECIAL LIGHTING, SO WE'D LIKE TO THANK..... THANK EVERYONE FOR THIS AND PLEASE DON'T FORGET WHAT HAPPENED ON THAT DAY AND JUST BE PREPARED. THANK YOU AGAIN. [APPLAUSE]

THANK YOU. IF I CAN, I'M JUST TAKE THE OPPORTUNITY TO REMIND CITIZENS THAT THAT MORNING, EACH MORNING, WE HAVE A SPECIAL EVENT WITH OUR FIREFIGHTERS HERE AT THE TOWER ACROSS THE STREET WHERE AT THE EXACT MOMENT OF THAT TRAGEDY OUR FIRE DEPARTMENT LEADS A VERY MOVING CEREMONY. THEN, IN THE EVENING OF SEPTEMBER 11 WE'RE GOING TO HAVE ACTUALLY A PLAZA PARTY HERE AT CITY HALL. THE IRON ANY IS THAT ON SEPTEMBER 11, 50 YEARS AGO, 1956, WAS THE -- WAS THE DAY THAT PRESIDENT EISENHOUR CREATED AND SIGNED THE LAW -- SIGNED THE LAW THAT CREATED SISTER CITIES INTERNATIONAL, AND THAT WAS PRESIDENT EISENHOUR'S EFFORT TO TRY TO ON A SORT OF PERSON TO PERSON

BASIS SPREAD GOODWILL AND UNDERSTANDING AMONGST MANY POEMS AND CULTURES. OF COURSE HIS EXPERIENCE BEING THE ALLIED COMMANDER DURING..... DURING THE WORLD WAR II. SO THE IRONY BEING THAT SEPTEMBER 11 IS THE 50TH AND VERSERS VESHRY OF FOSMING SISTER CITIES INTERNATIONAL, AND SO WE HERE AT AUSTIN WILL BE HOLDING A GALA HERE AT OUR PLAZA WITH ALL OF OUR SISTER COMMITTEES THAT REPRESENT CITIES AND COUNTRIES, LIKE GERMAN JEARNS, SOTO AND KOREA AND MEXICO AND MANY OTHERS. SO IT... IT WILL BE AN INTERNATIONAL EVENT COMEMORATING WHAT PRESIDENT EISENHOWER WANTED IT TO BE ABOUT, SO IT'S VERY APPROPRIATE AND FUN TO JOIN BOMA, JOIN OUR FIREFIGHTERS AND OUR SISTER CITIES INTERNATIONAL COMMITTEES TO EXPAND A DAY OF REMEMBRANCE. SO THANK YOU ALL VERY MUCH. [APPLAUSE].....

MAYOR WYNN: SPELL, SPEAKING OF REMEMBER ANZ AND FIRST RESPONDERS AND HEROES, THIS IS A SPECIAL DISTINGUISHED SERVICE WAR AWARD. I'M GETTING THE STORY HERE ABOUT OFFICER BOB DIKES ABOUT HIS VERY MUCH BELATED PURPLE HEART THAT HE RECEIVED IN THE MAIL YESTERDAY. I'LL RECEIVE THE DISTINGUISHED SERVICE AWARD. PROBABLY SPEAKS FOR ITSELF AND THEN WE'RE PROBABLY GOING TO HEAR A MOVING STORY ABOUT A MINI HERE ROW IN OUR MID-TOWN THAT FOR MANY YEARS HAS GONE OVERLOOKED AND NOT FULLY APPRECIATED. SO THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD READS: FOR HAVING RECENTLY BEEN AWARDED A PURPLE HEART FOR WOUNDS RECEIVED AS A RESULT OF HOSTILE ACTION ON APRIL 5, 1970, WHILE HE WAS SERVING IN VIETNAM, OFFICER BOB DIKES IS DESERVING OF PUBLIC ACKNOWLEDGE CLAIM..... A CLAIM AND RECOGNITION. DURING HIS CAREER IN THE ARMY HE RISES TO THE HIGHEST RANK OBTAINABLE FOR ENLISTED PERSONNEL AND EARNED NUMEROUS SERVICE MEDALS AND.... AND A. HE HAS CONTINUED IN PUBLIC SERVICE AS A PAST MEMBER OF THE A BIA, BERGSTROM AIRPORT, PUBLIC SAFETY TEAM. HE HOLDS A MASTER'S PEACE OFFICER CERTIFICATION AND TEACHES MANDATORY SPANISH LAW COURSE IN ADDITION TO HIS REGULAR PATROL ASSIGNMENTS. WE ARE PLEASED TO PRESENT THE CERTIFICATION IN RECOGNITION OF HIS

HONORABLE AND HEROIC SERVICE, AS WELL AS FOR HIS ADMIRABLE RECORD OF SERVICE TO OUR CITY ON THIS 24TH DAY OF AUGUST, 2006, AS SIGNED BY ME, MAYOR.....MAYOR WILL WYNN, MAYOR PRO TEM DUNKERLEY, KIM, MCCracken, AND COAL, A VERY BELATED DISTINGUISHED SERVICE AWARD FOR BOB DIKES.

THANK YOU VERY MUCH, MAYOR WYNN. I WANT TO THANK THE CITY COUNCIL COUNCIL. THIS BRINGS BACK A LOT OF BAD MEMORIES, THE REASON I NEVER ASKED FOR THIS AWARD WAS BECAUSE IT WAS A VERY BAD TIME. I LOST MY BEST FRIEND. BUT LIFE GOES ON, AND I -- UNTIL SOMEONE IN WASHINGTON LOOKED AT AN AWARD AND ASKED HOW COME I WAS NOT AWARDED A PURPLE HEART FOR THAT ACTION. AND AGAIN, I HAD TO REVISIT THIS ACTION. I WANT TO THANK YOU, MAYOR WYNN. IT'S NOT THAT I DON'T PRECIALT APPRECIATE IT BUT IT COMES WITH A LOT OF HEARTACHE. THANK YOU VERY MUCH AND I'D LIKE TO THANK MY FRIENDS FOR COMING HERE TODAY. [APPLAUSE]

SO THE COUNCIL WILL RETURN AFTER A VERY BRIEF BREAK. THANK YOU. [BREAK] SUSPEND.....

MAYOR WYNN: THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN SCUB. WE'VE BEEN IN BREAK FOR 45 MINUTES TECHNICALLY. WE WILL NOW GO TO OUR ZONING HEARINGS, APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS AND WELCOME MR. GREG GUERNSEY.

GUERNSEY: THANK YOU MAYOR AND COUNCIL. THE FIRST ITEM I'D LIKE TO ORDER ON THE 4:00 ITEM. THE HEARINGS HAVE BEEN CLOSED, C 14-05-0080, CCTS OFFICES FOR THE PROPERTY LOCATED AT 3921 MEDICAL PARKWAY. THIS IS A REZONING REQUEST FOR NEIGHBORHOOD COMMERCIAL OR LR DISTRICT ZONING AND FAMILY RESIDENCE OR SF-3 DISTRICT ZONING, TO NEIGHBORHOOD COMMERCIAL, LR DISTRICT ZONING. THIS IS READY FOR SECOND READING AND THIRD READING APPROVAL ON CONSENT. AND THAT IS THE ONLY ITEM THAT WE HAVE UNDER HEARINGS CLOSED.

MAYOR WYNN: I'LL ENTERTAIN A MOTION.

MOTION MADE BY COUNCIL MEMBER COLE, SECONDED BY COUNCIL MEMBER LEAF, LEFFINGWELL, TO APPROVAL CASE NO. 70 ON SECOND AND THIRD READING AS PRESENTED BY STAFF. ANY COMMENTS? HEARING NONE, ALL FOR SAY AYE.

AYE.

MOATION MOTION PASSES ON A VOTE OF 5 TO SEF ON WITH COUNCIL MEMBER.....COUNCILMEMBER MCCRACKEN OFF THE DAIS.

PUBLIC HEARING ITEM, ITEM NO. 71, WHICH IS CASE C 14... 140179, SPRING LAKE SUBDIVISION AND I BELIEVE WE HAVE EIGHT PEOPLE SIGNED UP FOR THAT ITEM. ITEM NO. 72, WHICH IS CASE C 14-06-0065, WHICH IS LOCATED AT 2923 AND 2933 PECAN SPRINGS ROAD, HAS BEEN WITHDRAWN BY THE OWNER. NO ACTION IS REQUIRED. ITEM NO. 673 IS CASE C 14-06-0070, THE LAKES AT NORTHTOWN TRACT 1. THIS IS A PROPERTY LOCATED AT EAST HOWARD LANE, AND IT'S A EZONING ACROSS FROM LIMITED INDUSTRIAL SERVICES, CONDITIONAL OVERLAY, OR LICO, DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE STANDARD LOT OR SF-2 DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT SINGLE-FAMILY RESIDENT, COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 74 IS CASE C 14-06-0076, THE STONE GAIT PHARMACY FOR.... FOR A PROPERTY LOCATED AT 2501 WEST WILLIAM CANNON DRIVE. THIS IS A ZONING REQUEST FROM LIMITED OFFICE CONDITIONAL OVERLAY OR LO-CO, COMBINING DISTRICT ZONING, TO NEIGHBORHOOD COMMERCIAL CONDITIONAL OVERLAY OR LR-CO COMBINING DISTRICT ZONING. STAFF IS RECOMMENDING A POSTPONEMENT OF THIS ITEM TO OCTOBER 19 ITEM NO. 75 IS CASE C 14-06-0079, BLUEBONNET CREEK AT 2215 BLUEBONNET LANE. THIS IS A DISCUSSION ITEM AND, MAYOR, I BELIEVE YOU HAVE, I THINK, FOUR OR FIVE SPEAKERS ON THIS ITEM.

MAYOR WYNN: SIX.

GUERNSEY: SIX. ITEM NO. 76 IS CASE C 14-06-0080, SAN JOSE LOFTS AT 108 WEST GIBSON STREET. THIS IS A REZONING REQUEST FOR MULTIFAMILY RESIDENCE, MODERATE HIGH

DENSITY, NEIGHBORHOOD PLAN OR MF 4 NP COMBINING DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES, MIXED USE, CONDITIONAL OVERLAY, NEIGHBORHOOD PLAN OR CS-MU-CO-NP COMBINING DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION IS TO GRANT GENERAL COMMERCIAL SERVICES MIXED USE, CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THIS IS READY FOR FIRST READING. THERE IS A PRIVATE AGREEMENT THAT'S BEING NEGOTIATED BETWEEN THE PROPERTY OWNER AND THE ADJOINING NEIGHBORHOOD, AND ALTHOUGH WE HAVE AN ORDINANCE READY TONIGHT, WE WOULD LIKE TO BRING THIS ITEM BACK NEXT WEEK FOR SECOND AND THIRD READING APPROVAL NEXT WEEK SO THEY CAN FINALIZE THEIR PRIVATE AGREEMENT FOR BOTH PARTIES, AND BOTH PARTIES ARE IN AGREEMENT FOR FIRST READING THIS EVENING ITEM NO. 77 IS CASE C 14-060113, THE LEE .27 TRACT AT 1129 PLAINS TRAIL. THIS IS A REZONING REQUEST FROM NEIGHBORHOOD OFFICE OR NO DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL OR LR DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION WAS TO GRANT THE NEIGHBORHOOD COMMERCIAL OR LR DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READS.

ITEM NO. 78 IS C 14-06-0116, 1017 WEST SLAUGHTER LANE. THIS IS A REZONING REQUEST FROM REDEVELOPMENT RESERVE FROM DR DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL OR LR DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION IS TO GRANT NEIGHBORHOOD COMMERCIAL, CONDITIONAL OVERLAY, OR LR-CO COMBINING FOR TRACT ONE, AND LIMITED OFFICE CONDITIONAL OVERLAY OR LO-CO FOR TRACT TWO. STAFF WOULD LIKE TO POSTPONE THIS FOR ONE WEEK TO AUGUST 30. THIS IS TO ADD A MIXED USE OVERLAY TO YOUR POSTING. THE OWNER IS AGREEABLE TO ADDING A MIXED USE OVERLAY FOR THIS PROPERTY. THAT'S A POSTPONEMENT FOR ONE WEEK BY STAFF. ITEM NO. 79 IS CASE C 14-06-0122, THE SADDLE CREEK APARTMENTS FOR THE PROPERTY LOCATED AT 10801 OLD MANCHACA ROAD. THIS IS A ZONING CHANGE FROM INTERIM RR OR RURAL RESIDENT, DISTRICT ZONING TO MULTIFAMILY RESIDENTS,

LOW DENSITY OR MF 2 DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT MULTIFAMILY RESIDENCE LOW DENSITY CONDITIONAL OVERLAY OR MF 2 C..... 2 CO COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

EXCEPT WE HAVE A SPEAKER IN OPPOSITION SO WE'LL --

GUERNSEY: OH, WE DO. THAT WOULD BE A DISCUSSION ITEM ITEM NO. 80 IS CASE C 14-06-016126, THE WHITE..... WHITE HOUSE SOON, PROPERTY LOCATED AT 4110 TERRY OH LANE, PLANNED DEVELOPMENT AREA, NEIGHBORHOOD PLAN OR LIP M. TO COMMERCIAL LIQUOR SALES NEIGHBORHOOD PLAN, COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDS TO GRANT THE COMMERCIAL LIQUOR SALE WITH CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING AND THIS IS READY FOR ALL THREE READING. ITEM NO. 81 IS CASE C 14-06-0132, RAT GE BETTER VILLAGE PROPERTY LOCATED AT MANOR ROAD. SF-3, DISTRICT ZONING AND PLANNED UNIT DEVELOPMENT OR PUD, DISTRICT ZONING TO GENERAL OFFICE MIXED USE, CONDITIONAL OVERLAY OR GO-MU-CO COMBINING DISTRICT ZONING AND THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY OR GO-MU-CO COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT AND APPROVAL ON FIRST READING ONLY. ITEM NO. 82 IS CASE C 14-06-0136, FOR THE PROPERTY AT 1701 AND 1703 WINDOAK. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE OR -- SF-3 DISTRICT ZONING FOR TOWNHOUSE CONDOMINIUM OR SF-6 DISTRICT ZONING. WE HAVE A REQUEST FROM THE NEIGHBORHOOD TO POSTPONE THIS ITEM. THE APPLICANT IS IN AGREEMENT AND THIS WILL BE A ONE WEEK POSTPONEMENT TO AUGUST 31. ITEM NO. 83 IS CASE C 14-06-0139 MPLGHT THIS..... THIS IS THE MILLIONS AVENUE PARKING REZONING FOR THE PROPERTY LOCATED AT 31 MILS AVENUE. THIS IS -- WHICH IS LOCATED BETWEEN WEST THREE OR FOUR 34E STREET AND WEST 35TH STREET. THIS IS A REZONING ACROSS FROM PUBLIC OR P DISTRICT ZONING FOR GENERAL OFFICE, CONDITIONAL OVERLAY OR GOCO COMBINING DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT

THE GENERAL OFFICE OR GOCO COMBINING DISTRICT ZONE AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NO. 84, WHICH IS C 14-06-0141, THE CHILDREN'S COURTYARD, SOUTHWEST PARKWAY. THIS IS A DISCUSSION ITEM. AND FINALLY NO. 8 5 IS CASE C 14 H-05-0017. THIS IS BAUGH COLORADO BY HOUSE FOR THE PROPERTY LOCATED AT 1102 ENFIELD ROAD AND THE PROPERTY OWNER HAS REQUESTED A POSTPONEMENT TO YOUR AUGUST 31 MEETING AND THAT CONCLUDES ALL ITEMS I CAN OFFER FOR CONSENT THIS EVENING.

THANK.....

MAYOR WYNN: THANK YOU, MR. GUERNSEY, ON ITEM NO. 84 YOU DESCRIBED IT AS A DISCUSSION ITEM YET WE ONLY HAVE ONE PERSON SIGNED UP TO SPEAK AND HE IS IN FAVOR, TO... TOM MCDEAL.

YES, HE IS IN FAVOR FOR LR DISTRICT ZONING BUT HE IS NOT IN FAVOR OF WHAT BOTH THE STAFF RECOMMENDATION AND THE PLANNING COMMISSION RECOMMENDATION IS FOR LO-CO DISTRICT ZONING, SO HE WOULD LIKE TO DISCUSS THAT ITEM.

MAYOR WYNN: FAIR ENOUGH. OKAY. SO COUNCIL, OUR POTENTIAL CONSENT AGENDA ON THESE ZONING CASES YET HOLD A PUBLIC HEARING WILL BE TO NOTE THAT ITEM NO. 72 HAS BEEN WITHDRAWN FROM THE AGENDA, TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS, CASE NO. 73, TO POSTPONE CASE NO. 74 TO OCTOBER 19, 2006, TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE 76, CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS, CASE 77, TO POSTPONE 78 TO AUGUST 31, 2006, TO CLOSE TO PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE NO. 8 0. CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE 81, TO POSTPONE CASE 82 TO AUGUST 31, 2006, TO CLOSE TO PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE NO. 8 3, AND TO POSTPONE CASE NO. 8 5 TO AUGUST 31, 2006. I'LL

ENTERTAIN A MOTION.

APPROVAL.

MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCIL MEMBER MARTINEZ TO APPROVE THE CONSENT AGENDA AS OUTLINED. FURTHER COMMENTS? COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: MAYBE, IT'S MY UNDERSTANDING, I JUST WANT TO CHECK ON THIS, THAT ITEM NO. 71, THE APPLICANT IS REQUESTING A POSTPONEMENT; IS THAT CORRECT, OR --

GUERNSEY: NO, I THINK THE APPLICANT TOOK A LOOK AT THE AGENDA AND WOULD BE AGREEABLE TO A POSTPONEMENT BUT IS NOT ASKING FOR ONE.

LEFFINGWELL: HE'S NOT ASKING FOR ONE. SO HOW DOES THAT WORK? DO WE HAVE TO ASK FOR IT THEN?

GUERNSEY: IF COUNCIL WOULD LIKE TO REQUEST A POSTPONEMENT, THE OWNER WOULD NOT OBJECT. I THINK THERE ARE SEVERAL NEIGHBORHOOD PEOPLE HERE, THOUGH, THAT MAY ALSO WANT TO SPEAK TO THAT. I DON'T KNOW WHAT THE FOLKS THAT ARE HERE ARE FROM THE NEIGHBORHOOD, IF THEY WOULD BE OPEN TO A POSTPONEMENT OR NOT. I KNOW THAT PREVIOUSLY THIS CASE HAS BEEN POSTPONED AS REQUESTED BY STAFF BECAUSE WE COULDN'T HAVE AN ENVIRONMENTAL REPRESENTATIVE HERE THAT COULD SPEAK TO A CRITICAL WATER FEATURE -- A CRITICAL ENVIRONMENTAL FEATURE ON THE PROPERTY AND HE IS PRESENT THIS EVENING.

LEFFINGWELL: OKAY.

MAYOR WYNN: SO WE'LL DISCUSS THAT ONE. THANK YOU. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: IT'S MY UNDERSTANDING THAT ON ITEM 76 THAT THE -- THERE'S AN AGREEMENT ON THE SIDEWALKS, THAT IT'S GOING TO BE 12-FOOT SQUAWKS ON ONE SIDE OF THE DEVELOPMENT AND THEN 8-FOOT SIDEWALKS ON THE

OTHER.

MAYOR.....

GUERNSEY: I'M NOT AWARE OF THE SIDEWALKS THAT HAD BEEN PROPOSED ON THIS PROJECT BUT I KNOW THE APPLICANT'S AGENT IS HERE. MAYBE THEY COULD COME UP AND SPEAK TO THE WIDTH OF THE PROPOSED SIDEWALKS ON THE PROJECT. AND I CAN'T REMEMBER WHICH -- GIBSON, THERE'S ANOTHER STREET OFF OF CONGRESS, IS THAT RIGHT, OR -- CAN YOU -- I KNOW THERE HAVE BEEN SOME DISCUSSIONS -- MY UNDERSTANDING THAT THERE WAS AN AGREEMENT, THERE'S GOING TO BE 12-FOOT SIDEWALKS ON ONE SIDE OF THE LOFTS ON ONE STREET, AND 8-FOOT ON THE OTHER SIDE.

YES, MY NAME IS AMANDA MORE ON AND I'M HERE ON BEHALF OF THE APPLICANT. WE DID AGREE TO DO THE 12 FEET ALONG GIBSON STREET AND THE 8 FEET ALONG JAMES STREET AND IF THAT'S -- HOWEVER YOU GUYS WOULD LIKE TO GERNS GESHS.....

GUERNSEY: GERNS THAT'S A GREAT ADDITION TO -- EXACTLY WHAT WE'RE TRYING TO ACHIEVE IN THE COMMUNITY.

MAYOR WYNN: SO THAT WILL BE PART OF THE RESTRICTIVE COVENANT THAT WILL BE INCLUDED NEXT WEEK ON SECOND AND THIRD READING?

YES, WE CAN WORK THAT IN. ACTUALLY IT'S A PRIVATE RESTRICTIVE COVENANT. WE DON'T HAVE A PUBLIC RESTRICTIVE COVENANT. WE'VE WORKED EVERYTHING INTO THE ZONING ORDINANCE.

MAYOR WYNN: OKAY. THANK YOU. AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE SENT AGENDA AS OUTLINED.

MAYOR.

MAYOR WYNN: YES, SIR.

THE NEIGHBORHOOD REPRESENTATIVE HAS INDICATED THAT SOMEONE HERE NOT FROM THE NEIGHBORHOOD BUT THOUGHT THEY HAD ACTUALLY SIGNED IN ON THIS ITEM. MAYBE THEY SIGNED UP ON A DIFFERENT ITEM BY MISTAKE.

MAYOR WYNN: NOBODY SIGNED UP ON 76. IS THAT THE RIGHT -- WELL, ONCE YOU --

MAYOR WYNN: FAIR ENOUGH, WHY DON'T YOU STEP UP.

GUERNSEY: AND MAYOR, MAYBE THAT IS THE INDIVIDUAL -- HE MAYBE ACCIDENTALLY PUSHED THE BUTTON FOR THAT ONE ITEM I THAT THOUGHT THAT WOULD BE CONSENTMENT ITEM NO. 79, AND IF IT'S THE SAME PERSON MAYBE WE COULD STILL TAKE THAT ITEM BY CONSENT THEN.

MAYOR WYNN: LET'S FIND OUT.

MY NAME IS JOHN.

MAYOR WYNN: WELCOME.

AND I MIGHT HAVE SCREWED THAT WHOLE THING UP OUT THERE IN THE LOBBY.

MAYOR WYNN: YOU'D BE FIRST PERSON THAT HAS DONE THAT.

I'M...I'M GOING TO TELL YOU HONESTLY WHAT I THINK ABOUT A LOT OF THIS STUFF.

MAYOR WYNN: WHAT'S YOUR NAME?

MY NAME IS JOHN PESTRANDA. BORN AND RAISED IN OPT, FIRST BABY BORN IN BRACKENRIDGE HOSPITAL, TRAVIS COUNTY. MY FOLKS IS LIVED IN THE SAME HOUSE FOR 50 YEARS. I LIVED IN THE NEIGHBORHOOD WE'RE TALKING ABOUT RIGHT NOW FOR 20 YEARS. THAT HOUSE THAT I LIVE IN, I'VE BEEN THERE 11 YEARS AND THE HOUSE NEXT DOOR TO IT LIVED THERE FOR 9 YEARS. NOW THEY'RE GOING TO PUT 75 CONDOMINIUMS RIGHT BEHIND IT. 50 YEARS AGO SOMEBODY BOUGHT A PIECE OF PROPERTY AND THEY PUT A BUILDING ON IT AND AS THEY WENT THROUGH TIME THEY

ENJOYED THE NEIGHBORHOOD, THEY PUT A BUILDING WHERE THEY THOUGHT THE BUILDING SHOULD BE. NOT RIGHT UP NEXT TO THE ALLEY. THEY PUT A BUILDING DOWN THERE THAT'S 50 FEET AWAY FROM THE NEIGHBORHOOD. IT'S A CHURCH, BUT LEAVE IT UP TO PEOPLE WHO BUILT THE CHURCH TO THINK ABOUT THE NEIGHBORHOOD. THIS CHURCH HAS BEEN THERE A LONG TIME, BEEN COURTED BY PEOPLE, NOW IT'S BEING SOLD. DEVELOPMENT IS GREAT FOR THIS CITY. I'VE SEEN IT COME A LONG WAY IN ALMOST 50 YEARS. I'VE SEEN WHERE A LITTLE CONGRESS AVENUE PEOPLE USED TO RIDE UP AND THROW HEY OUT THE BACK OF THE PICKUP TRUCKS IN CENTRAL MACIALGHT MARKET. NOW THEY SELL TACOS DOWN THERE. A LOT OF THOSE PLACES ON SIXTH STREET. MY DADDY WORKED DOWN THERE. SO I'VE SEEN A LOT OF COMING AND GOING. I'M NOT AGAINST DEVELOPMENT AT ALL, NOT AGAINST A DEVELOPER WHO'S BUILDING THE PROJECT. HE'S COME A LONG WAY FROM WHEN HE STARTED WITH ONE BIG UGLY BUILDING LIKE THE STATE SCHOOL TO A NICE LOOKING PROJECT THAT CAN ENHANCE THE CITY, CAN DO GOOD FOR THE COMMUNITY, BUT THE PROBLEM THAT HE HAS WITH ME IS THAT HE'S DECIDED NOT TO PUT HIS BUILDING FARTHER AWAY FROM MY HOUSE. YOU HEAR A BUNCH OF PEOPLE COMPLAINING IN SOME OF THESE NEIGHBORHOODS ABOUT TWO STORY AND THREE STORY HOUSES BEING BUILT NEXT DOOR TO THEM. A LOT OF RUCKUS OVER IT A FEW MONTHS AGO. YOU-ALL KIND OF FELL ON THE RIGHT SIDE, I BELIEVE. TODAY YOU GOT 75 CONDOMINIUMS ARE GOING TO BE BUILT BEHIND MY HOUSE. THEY WANT TO BUILD THEM 9 FEET ON THE OTHER SIDE OF AN ALLEY, AN OLD ABANDONED DIRT ROAD ALLEY. THE ONLY PEOPLE THAT KEEPS UP THAT ALLEY FOR THE CITY ANYMORE IS ME. NOW THEY WANT TO MOAF THE PROJECT ALL THE WAY BACK, AS FAR AS THEY CAN ON THE PROPERTY. I'VE BEEN TO THREE MEETINGS WITH THEM. THEY SAID THEY'VE BEEN MEETING WITH THE NEIGHBORHOOD ASSOCIATION FOR NINE MONTHS. I'VE ONLY BEEN TO THREE. THREE MEETINGS, ALL I EVER WANTED FROM THEM WAS TO SETBACK THIS PIECE OF PROPERTY, JUST SET IT BACK SO THAT I DON'T FEEL SO CROWDED. BECAUSE RIGHT NOW YOU'VE GOT A PROJECT CATTY-CORNER ACROSS THE STREET THAT'S 50 FEET TALL. ALL YOU CAN SEE THAT BUILDING GOING UP. ONCE YOU PUT

THIS CONDO BEHIND THE HOUSE ALL YOU'RE GOING TO SEE FROM THEN ON ARE THESE TWO BUILDINGS GOING UP. THE PROJECT BEHIND MY HOUSE IS GOING TO BE A LOT NICER THAN THE THING THEY'RE BUILDING ACROSS THE ROAD. SO I'M AGAINST THE ZONING CHANGE. I FIGURE IF A MAN BUYS A PIECE OF PROPERTY HE OUGHT TO KNOW WHAT HE CAN USE IT FOR. HE SHOULDN'T BUY A PIECE OF PROPERTY THAT'S TOO SMALL TO DO WHAT HE WANTS, AND TO CHANGE THE ZONING, WHICH IT LOOKS LIKE IN THIS THING EVERYBODY THAT'S ASKING FOR A ZONING CHANGE, THE STAFF HAS RECOMMENDED TO GRANT IT. I DON'T SEE ONE ITEM IN HERE THAT A ZONING CHANGE HASN'T BEEN AUTHORIZED TO GO AHEAD AND DO. SO I'M NOT SURE HOW THAT ALL WORKS. BUT THAT'S REALLY WHY I'M HERE, BECAUSE I KNOW YOU'RE NOT GOING TO BE ABLE TO DO A WHOLE LOT FOR ME, BUT I DIDN'T FEEL LIKE I COULD JUST SIT AROUND AND NOT AT LEAST COME UP HERE AND TALK TO YOU GUYS, BECAUSE YOU ALL KIND OF EARNED YOUR JOBS, DID A GOOD JOB, YOU GOT HIRED, THAT'S GOOD. [LAUGHTER]

AND THAT'S REALLY ALL I GOT TO SAY TO YOU. I HOPE HE CHANGES HIS MIND AND I HOPE HE DOES A LITTLE SETBACK, BECAUSE IF YOU CAN CHANGE THESE ORDINANCES THAT EASY, MAYBE I CAN CHANGE THE SETBACK CODES AND MOVE THESE CONDOS AWAY FROM THE NEIGHBORHOOD, BECAUSE IT LOOKS LIKE SOUTH CONGRESS IS GOING TO BE YOUR NEXT CONDOMINIUM HEAVEN, ALL UP AND DOWN THE BOULEVARD. THAT'S WHAT IT LOOKS LIKE TO ME. THANK YOU.

MAYOR WYNN: THANK YOU. SO COUNCIL MEMBER, WE HAVE ONE CITIZEN IN OPPOSITION, ALTHOUGH TECHNICALLY IT'S STILL ON THE CONSENT AGENDA. WE -- ONLY -- THE MOTION IS ONLY FOR IT TO BE PASSED ON FIRST READING ONLY, AND SO UNLESS THERE'S AN OBJECTION, IT WOULD STAY ON CONSENT AGENDA FOR FIRST READING ONLY AND PERHAPS WITH SOME DIRECTION OF STAFF THERE COULD BE SOME OUTREACH TO THE NEIGHBORHOOD HERE. COUNCIL MEMBER MCCracken.

MCCRACKEN: MAYBE, I WOULD JUST LIKE THE PORTION OF HIS COMMENTS TO BE PERMANENTLY RECORDED FOR THE

CITY OF AUSTIN ZONING IS TOO EASY AND TOO FAST AND THEN WE COULD JUST SAY IT'S ON THE WEB SITE.

MAYOR WYNN: AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. THAT INCLUDED NO. 76, FOR INSTANCE, TO APPROVE ON FIRST READING ONLY, ADDITIONAL DIRECTION OF STAFF. FURTHER COMMENTS?

MAYBE, BY CHANCE, DID JOHN SIGN UP FOR ITEM NUMBERS?

MAYOR WYNN: NO, NO SUCH LUCK. FURTHER COMMENTS?

ADD 79 ON [INAUDIBLE]

MAYOR WYNN: NO, THIS IS A DIFFERENT PERSON SIGNED UP.

OH, IT'S A DIFFERENT PERSON. OKAY.

MAYOR WYNN: ALL THOSE IN FAVOR OF THE CONSENT AGENDA PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 6 TO ZERO WITH COUNCIL MEMBER KIM OFF THE DAIS. THANK YOU ALL. AND SO PERHAPS, BEFORE WE GET INTO THE DISCUSSION ITEMS I WANT TO TRY TO OUTLINE THE REST OF THE EVENING FOR FOLKS WHO ARE HERE. IN THE SCHEME OF THING, THIS IS A RELATIVELY LIGHT ZONING AGENDA FOR US, THAT WE TECHNICALLY HAVE FOUR DISCUSSION OF ZONING CASES, TWO OF THEM ONLY HAVE ONE SPEAKER AND ONE SPEAKER, IN THEORY, IS EVEN IN SUPPORT OF THAT CASE. SO THESE WILL BE -- IN THE SCHEME OF THINGS, RELATIVELY SHORT ZONING CASES FOR THE AUSTIN CITY COUNCIL, AT LEAST. THEN WE HAVE FIVE PUBLIC HEARINGS TO CONDUCT THIS EVENING ONCE WE'VE FINISHED OUR ZONING CASES. BUT THE GOOD NEWS IS TWO OF THOSE FIVE PUBLIC HEARINGS HAVE NO SPEAKER SIGN-UP AND TWO OF THEM ONLY HAVE ONE PERSON SIGNED UP TO SPEAK TO US. SO THOSE FOUR PUBLIC HEARINGS WE'RE GOING TO BREAK THE LAND SPEED RECORD ON THOSE AND BE DONE IN AUSTIN..... JUST A FEW MINUTES AND THEN WE

HAVE, OF COURSE, A LOT OF -- DOZENS OF FOLKS SIGNED UP ON ITEM NO. 89 REGARDING THE BICYCLE HELMETS..... HELMETS, ABOUT 37 PEOPLE WANTING TO SPEAK, 46 NOT SPEAKING. SO IF I WERE TO BET, I WOULD SUGGEST THAT WE ARE GOING TO GET THROUGH THESE FOUR ZONING CASES HERE IN THE NEXT HOUR. THEN WE WILL KNOCK OUT FOUR PUBLIC HEARINGS WITH VIRTUALLY NO CITIZEN INPUT -- VOLUNTARY CITIZEN INPUT, UNSOLICITED CITIZEN INPUT, AND THEN WE WILL TAKE UP OUR, FAR AND AWAY THE MOST LENGTHY PUBLIC HEARING WILL BE BICYCLE HELMETS. MY INSTINCT THAT IS A.. A LITTLE MORE THAN AN HOUR AWAY SO IF YOU WANT TO PLAN YOUR EVENING ACCORDINGLY AND WE'LL BE HERE LATE ONCE WE START THAT. SO MR. GUERNSEY, DISCUSSION ITEMS?

GUERNSEY: THE FIRST ONE I'LL PRESENT IS OUR DISCUSSION ITEM NO. 71, C 14-05-0179 FOR THE PROPERTY AT 9,009 SPRING LAKE DRIVE. THIS PROPERTY IS A REQUEST FOR A REZONING --

LEFFINGWELL: MAYOR, EXCUSE ME.

MAYOR WYNN: MR. LEFFINGWELL.

LEFFINGWELL: THAT CASE HAS A VALID PETITION ON IT. I REQUEST THAT WE TABLE IT UNTIL WE HAVE A FULL COUNCIL.

MAYOR WYNN: GOOD SUGGESTION. WITHOUT OBJECTION, WE WILL TABLE -- OR SET ASIDE 71, UNTIL WE HAVE A FULL COUNCIL NOTING THAT IT WILL TAKE A SUPER MAJORITY TO APPROVE THIS. WE CAN NOW GO TO ITEM 75.

GUERNSEY: 75 IS CASE C 14, 0079. THIS IS FOR THE PROPERTY LOCATED AT 2215 BLUEBONNET LANE. THIS IS A REZONING REQUEST FROM ASSET THREE OR FAMILY RESIDENCE ZONING TO MF 3 ZONING R ZONING CHT THE PLANNING COMMISSION RECOMMENDATION WAS TO APPROVE THE MF 3 CO ZONING WITH A 25-FOOT SETBACK, WHICH WOULD BE FROM THE FRONT PROPERTY LINE, THAT WOULD BE FROM BLUEBONNET LANE AND LIMITED TO A MAXIMUM 30 FEET IN HEIGHT OR TWO STORIES FOR THE FIRST 75 FEET FROM THAT SAME PROPERTY LINE. THE

PROPERTY IS LOCATED, AGAIN, ON BLUEBONNET LANE, AND THERE'S AN EXISTING SINGLE-FAMILY RESIDENCE ON THE PROPERTY. TO THE NORTH ARE SOME LOW DENSITY APARTMENTS ZONED MF 3, TO THE SOUTH MF 3 AND CS AND CONTAIN RESIDENTIAL AND. TO THE EAST THERE'S AND TO THE WEST IS SF-3 AND SINGLE-FAMILY HOMES ACROSS THE STREET. AS I MENTIONED BEFORE, THERE ARE SOME PERSONS HERE THAT ARE SPEAKING IN OPPOSITION OF THIS REQUEST. AT..AT THIS TIME I'LL PAUSE AND IF YOU HAVE ANY OTHER QUESTIONS I'LL BE HAPPY TO ANSWER THEM AT THIS TIME.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF? COUNCIL? IF NOT, WE WILL CONDUCT OUR PUBLIC HEARING ON ITEM NO. 75. THE MEMBER WILL HAVE A FIVE-MINUTE PRESENTATION FROM THE APPLICANT AND/OR OWNER AGENT. WE WILL THEN HEAR FROM FOR FOLKS HARRY IN FAVOR OF THE ZONING CASE AND HEAR FROM FOLKS WHO ARE IN OPPOSITION. THE APPLICANT WILL HAVE A ONE TIME THREE MINUTE REBUTTAL. SO WE'LL WELCOME MR. DAVID WARD, PERHAPS?

MAYOR WYNN: YOU HAVE FIVE MINUTES.

THANK YOU, MAYOR, MAYOR PRO TEM AND COUNCIL MEMBERS. MY NAME IS DAVE WARD. I'M THE OWNER CURRENTLY OF THE PROPERTY AT 2215 BLUEBONNET. I'VE APPEARED BEFORE YOU IN THE PAST WHEN THE PROPERTY WAS UNDER CONTRACT, AND I HAD TO CLOSE THE DEAL OR ELSE RISK LOSING A SUBSTANTIAL AMOUNT OF DEPOSIT MONEY WHICH WAS TIED TO THE ZONING CHANGE, SO I DON'T HAVE THAT OPTION ANYMORE. I DO OWN THE PROPERTY CURRENTLY, AND IF I -- IF I COULD -- LET'S SEE, DO YOU HAVE AN AERIAL THERE OF THE PROPERTY? LET ME PUT -- PROPERTY IS OUTLINED OBVIOUSLY, FACES BLUEBONNET ON THE UPPER PORTION OF THE PHOTOGRAPH IS SOUTH LAMAR. BACKS UP TO A PARKING LOT THAT HAS SEVERAL BUSINESSES, INCLUDING BATTERIES PLUS ON.... ON THE SOUTH SIDE OF THE PROPERTY IS A THREE-STORY APARTMENT BUILDING. ON THE NORTH SIDE IS LOW INCOME HOUSING, TWO STORIES, AND ONE-STORY. I'M PROPOSING A THREE-STORY APARTMENT BUILDING, PROVIDING JOBS AND INCOME TO A

NUMBER OF WORKERS. I'M PROVIDING APARTMENTS GEARED TOWARDS THE AVERAGE INCOME INDIVIDUALS, WORKING CLASS PEOPLE, IN THE CITY OF AUSTIN WHO CAN'T AFFORD THE PROPERTY VALUES IN THE ZILKER NEIGHBORHOOD. THERE'S STILL A GREAT DESIRE FOR MANY PEOPLE TO LIVE CLOSE INTO DOWNTOWN, BUT THEY CAN'T AFFORD TO BUY A HOUSE IN OUR NEIGHBORHOOD ANYMORE. SO THESE APARTMENTS WILL ADDRESS -- THERE WILL BE TEN UNITS TOTAL, EIGHT TWO BEDROOM AND BETWEEN TWO ONE BEDROOM UNITS. IT WILL ADDRESS THE NEED FOR ADDITIONAL IN FILL IN THE CITY. IT WILL ADDRESS THE NEED FOR MODERATELY PRICED DWELLINGS, LIVING UNITS. I'VE -- I DO NOT WANT TO CUT DOWN A 36-INCH PECAN TREE. I'M SURE THE CITY WOULD NOT LIKE ME ON... TO CUT IT DOWN BUT IT'S A VERY NICE PART OF THE PROPERTY. BUT BECAUSE IT IS IN THE LOWER PHOTOGRAPH -- OR LOWER PART OF THAT DRAWING, YOU CAN SEE THE CIRCLE, ABOUT A THIRD OF THE WAY BACK INTO THE PROPERTY, THAT IS A 36-INCH PECAN. WE ARE GOING TO SAVE THAT TREE, BUT THAT MANDATES, I DEVELOPED THE BUILDINGS THE WAY I HAVE THEM THERE. THE AUSTIN FIRE DEPARTMENT HAS INFORMED MY ENGINEER AND ARCHITECT. THEY HAVE WANTED A 30-FOOT THROAT ON THE DRIVEWAY FOR SAFETY ISSUES. I CANNOT MOVE THE BUILDINGS BACK. THEY'RE AT MAXIMUM FROM THE STREET. I DO NOT HAVE THE ABILITY TO -- I DON'T HAVE THE SPACE TO PUT IN A FIRE TRUCK TURNAROUND. IF YOU WILL, I WOULD ALSO LIKE TO -- I HAVE SOME PHOTOGRAPHS OF THE SURROUNDING PROPERTIES FACING ON BLUEBONNET AND THEN THE BACK OF THE PROPERTY WHICH IS -- IN THE BACK OF THE PROPERTY IS A PARKING LOT FOR THE BUSINESSES ON SOUTH LAMAR. THE - - THE --... IT IS SURROUNDED BY MF 3 ZONING. THAT ZONING, AS FAR AS I KNOW, HAS BEEN IN PLACE FOR YEARS, IF NOT DECADES. IT HAS NOT POSED A PROBLEM ABOUT CREEP-IN TO THE NEIGHBORHOOD. THAT'S ONE OF THE CONCERNS. I HAVE BEEN IN ALMOST CONSTANT CONTACT WITH THE NEIGHBORHOOD ASSOCIATION, WITH -- THESE ARE THE PHOTOGRAPHS SHOWING THE UNIT ITSELF IN MY UPPER LEFT. THE LOW INCOME HOUSING TWO-STORY UNITS NORTH OF THE PROPERTY, THE PECAN TREE, AND THEN FROM MY BACKYARD LOOKING SOUTH IS THE THREE-STORY APARTMENT BUILDING. GETTING BACK TO THE

NEIGHBORHOOD -- IF YOU WOULD CHANGE THAT TO THE SECOND PAGE, PLEASE. I'VE ANSWERED NUMEROUS EMAILS FROM JEFF JACK AND THE NEIGHBORHOOD ASSOCIATION. I'VE ADDRESSED ALL OF THE ISSUES THAT THEY HAVE BROUGHT OUT IN THEIR EMAILS. I FEEL LIKE I'VE ADDRESSED EVERYTHING APPROPRIATELY. THE TOP LEFT PHOTOGRAPH, AGAIN, IS THE APARTMENT BUILDING IMMEDIATELY TO THE SOUTH OF MY PROJECT. I THINK IT'S A GOOD PROJECT. I'VE ACCOMMODATED A 35-FOOT HEIGHT LIMIT VERSES A 40-FOOT HEIGHT LIMIT AT MF 3 ZONING, ALLOWS 40 FEET. THE 35-FOOT HEIGHT LIMIT ON THE FRONT OF THE FRONT BUILDING IS SF-3 HEIGHT. SO AGAIN, I'VE TRIED TO FIT IN A GREAT PROJECT IN A NEIGHBORHOOD, PROVIDING JOBS AND THEN LIVING SPACE FOR AVERAGE FOLKS.

MAYOR WYNN: THANK YOU, MR. WARD. YOUR FIVE MINUTES HAS EXPIRED. QUESTIONS FOR THE APPLICANT? COUNCIL MEMBER MARTINEZ?

MARTINEZ, I WANTED TO ASK, YOU TALKED ABOUT YOU'RE GOING TO BE CREATING MUCH NEEDED RENTAL UPTS. I WANTED TO ASK WHAT KIND OF PRICE RANGE THOSE RENTAL UNITS WERE GOING TO BE IN.

IN OUR NEIGHBORHOOD RIGHT NOW THEY RANGE FROM \$900 TO \$1,100 A MONTH FOR A TWO-BEDROOM UNIT, SO IT'S VERY DIFFICULT TO ESTABLISH AN EXACT FIGURE AT THIS POINT, BUT THAT IS -- FROM OTHER PEOPLE THAT DEAL IN APARTMENT UNITS IN MY NEIGHBORHOOD, THAT IS WHAT THEY'VE TOLD ME,. THAT THEY WILL BE PRICED AT OR PROBABLY BE PRICED AT.

MARTINEZ: THANK YOU.

MAYOR WYNN: FURTHER QUESTIONS, COUNCIL MEMBER MCCracken?

MCCracken: ONE THING I CAN TELL FROM THE PROPOSAL, DENSITY, THAT'S JUST LIKE BIGGER SIDEWALKS. DO YOU HAVE A -- ANY PROPOSAL ON THE SIDEWALK WIDTH IN THAT AREA? I DON'T KNOW WHAT'S THERE CURRENTLY.

I BELIEVE THERE IS A STANDARD RESIDENTIAL SIDEWALK,

WHICH OF COURSE I WILL MAINTAIN. I HAVE NOT ADDRESSED A.. LARGER-TYPE SIDEWALKS. I THINK TO THE SOUTH OF THE PROPERTY WHERE THE APARTMENT BUILDING IS THERE'S A STANDARD 3-FOOT, 3 1/2 FOOT SIDEWALK AND THEN THREE RING CIRCUMSTANCE UZ SOUTH OF THAT AND ART'S RIB HOUSE IS SOUTH OF THAT AND THEN IT INTERSECTS WITH LAMAR. SO I WILL MAY NOT THOSE SIDEWALKS, OF COURSE.

I THINK ONE OF THE THINGS YOU MIGHT WANT TO LOOK AT, WHEN YOU DO PUT A LOT MORE DENSITY, WHICH WE THINK IS A GOOD THING IF YOU DO IT RIGHT, IT'S IMPORTANT TO HAVE THE SIDEWALK WIDTH AND THE BUILDING ORIENTATION, SO IF IT'S A THREE FOOT SIDEWALK, THAT WILL NEED TO COME UP WITH SOMETHING WIDER THAN THAT, JUST FOR MORE DENSITY, BUT THOSE THINGS ALL WORK WELL TOGETHER AND SO I GUESS WE'LL NEED SOME GUIDANCE EITHER FROM YOUR STAFF ON HOW -- YOU KNOW, WHAT -- WHAT THE RESPONSIBLE WIDTH MAY BE. WE SAW THE PREVIOUS -- PREVIOUSLY, 12-FOOT SIDEWALKS -- THE OTHER SIDE.

YES.

SOME OF THIS MAY BE ABOUT HOW MUCH AREA YOU HAVE, BUT I THINK WE NEED TO LOOK AT SOMETHING WIDER THAN 3 FEET.

I WOULD BE WILLING TO WORK WITH STAFF ON THAT, ABSOLUTELY. I AGREE.

THE SECOND ISSUE ON THE DENSITY IS THE ORIENTATION IS A PROPOSAL TO HAVE -- IT LOOKS LIKE THE BUILDING WAS ORIENTED AWAY FROM THE STREET, OR AT LEAST WERE SOME OF THE UNITS ORIENTED TOWARD THE STREET?

THE UNITS ARE NOT ORIENTED TOWARDS THE STREET. THEY'RE ORIENTED SOUTH AND NORTH BECAUSE OF THE RESTRICTION OF THE LOT ITSELF. IT'S A LONG, NARROW LOT, AND I'M DOING LESS THAN WHAT CODE ALLOWS IN TERMS OF NUMBER OF UNITS, AND I'M PROVIDING -- I'M PROPOSING TO PROVIDE ONE MORE PARKING SPACE THAN WHAT IS REQUIRED OF ME. BUT AGAIN, THAT WILL ALL BE

DETERMINED WHEN THE ENGINEER AND ARCHITECT SIT DOWN. ONCE I HAVE OBTAINED ZONING, IF I DO, IN FACT, OBTAIN MF 3, AND DETERMINE THAT LAYOUT. BUT I BELIEVE AN OFF STREET PARKING. I BELIEVE IN A LARGER SIDEWALK TO ACCOMMODATE, YOU KNOW --

WELL, MAYBE IT WOULD BE APPROPRIATE -- I THINK IF WE CAN WORK THROUGH THIS HERE TONIGHT OR NEXT -- AT THE NEXT -- BEFORE THE NEXT READING, BUT ON THINGS LIKE AT LEAST HAVING WINDOWS, YOU DON'T WANT BLANK WALLS FACING NEIGHBORHOOD STREETS.

WOULD YOU BE ABLE TO PUT UP THAT FIRST SCHEMATIC, THE LINE DRAWING? I THINK THIS ADDRESSES THE ISSUE. I WAS NOT -- I WAS NOT -- THE TOP LEFT --

IT'S KIND OF CAN.... CUT OFF ON OUR SCREEN.

WOULD YOU BE ABLE TO MOVE THAT? MY ARCHITECT AND I SPENT A NUMBER OF HOURS, I THINK IT WAS SIX, MAYBE SEVEN RENDITIONS, TO ADDRESS THAT VERY ISSUE, COUNCIL MEMBER MCCrackEN. WE'VE ADDED WINDOWS TO THE WEST EXPOSURE. THERE ARE FOUR DIFFERENT TYPES OF SIEGD, HARDY BACKER, SPLIT ROCK, STUCCO AND SUSTAIN CEDAR, AND AS YOU CAN SEE ON MY RIGHT ON THE PHOTOGRAPH, WE'RE DISGUIISING THE STAIRWAY. SO THE PROPERTY TO THE SOUTH IT'S EXTERIOR STAIRWAY AND THEN A BRICK WALL. WE HAVE WANTED TO MAKE THIS NEIGHBORHOOD FRIENDLY. WE'VE REDUCED THE HEIGHT AGAIN FROM 30 TO 45 FEET.

I'LL SUGGEST TO YOU THAT I DON'T WANT ANY OF US, MYSELF INCLUDED, TO GET IN THE BUSINESS OF DESIGNING YOUR PROJECT FOR YOU, SO I THINK THE LIMIT TO WHERE WE -- OUR ROLE IS JUST TO MAKE SURE THAT THE URBAN PLANNING PRINCIPLES ABOUT RELATIONSHIPS OF BUILDING TO PUBLIC SPACES, SO MAYBE WE COULD JUST HAVE OUR URBAN DESIGN OFFICER WITH YOU, JUST TO MAKE SURE WE'RE GETTING OUR SIDE, THE PUBLIC SPACES AND THE PLANNING PRINCIPLES IN THERE BUT STAY AWAY FROM DESIGNING YOUR PROJECT OTHERWISE.

VERY GOOD. THANK YOU.

MAYOR WYNN: THANK YOU, MR. WARD. SO WE NORMALLY NOW WOULD HEAR FROM FOLKS IN SUPPORT OF THE ZONING. THERE ARE NONE. WE KNOW GO TO THE FOLKS --

THAT WOULD BE ME, MAYOR.

MAYOR WYNN: THANK YOU, MR. AWARD. WE NOW HEAR FROM FOLKS IN OPPOSITION. THE FIRST SPEAKER IS LORRAINE@ER TON? IS ROBERT SINGLETON HERE? AND PAULA BEARD. IS PAULA HERE? LORRAINE, YOU'VE GOT SIX MINUTES, AND YOU'LL BE FOLLOWED BY ANDREW ELDER.

MAYOR.....

MAYOR WYNN: WELCOME, LORRAINE, YOU HAVE SIX MINUTES.

DID YOU SAY SIX MINUTES?

MAYOR WYNN: UH-HUH.

OKAY. YES. ACTUALLY ANDY ELDER ISN'T HERE SO I MAY HAVE TO DO --

MAYOR WYNN: HAVE YOU GIVEN YOUR TIME UP TO?

MAYOR WYNN: OKAY, SO YOU'LL HAVE NINE MINUTES IF YOU NEED IT, LORRAINE.

OKAY. THE STAFF ANALYSIS ON THIS CASE HAS MISCHARACTERIZED THE ADJACENT HOUSING AUTHORITY PROJECT AS APARTMENTS. THE PHOTOGRAPHS IN FRONT OF YOU SHOW THE -- THE TOP LEFT PHOTOGRAPH IS THE ACTUAL DUPLEX. HOUSING AUTHORITY DUPLEX THAT IS RIGHT NEXT TO THE SUBJECT PROPERTY. THE TOP RIGHT IS THE PROPERTY ITSELF, THE EXISTING HOUSE, WHICH IS VERY, VERY SIMILAR TO THE HOUSING AUTHORITY'S HOUSES. THEN THERE IS THE APARTMENT BUILDING THAT'S THE SOURCE -- ACTUAL SOURCE OF THE CONTENTION THAT THIS IS AN MF, MULTIFAMILY AREA, AND NEXT TO THAT IS THE THREE-RING SERVICE, WHICH IS ACTUALLY A VERY,

VERY NICE STONE HOUSE. YOU'LL NOTE THAT IN FRONT OF THE HOUSING AUTHORITY, IN THE DOORWAY TO THE HOUSING AUTHORITY DUPLEX ARE CHILDREN. THERE ARE ALSO CHILDREN STANDING IN FRONT OF..... FRONT OF THREE-RING SERVICE. THERE ARE A LOT OF FAMILIES WITH CHILDREN IN THIS AREA. THE -- THERE ARE LOTS OF TREES BETWEEN THE TWO PROPERTIES, BETWEEN THE HOUSING AUTHORITY PROPERTIES, A HUGE SHADE TREE, CANOPY. NOTICE THAT THE EXISTING APARTMENT BUILDING HAS ESSENTIALLY NO TREE CANOPY AROUND IT. AND THERE ARE NO CARS AT THE HOUSING AUTHORITY -- AROUND THE HOUSING AUTHORITY DUPLEXES. THIS IS AN EXCELLENT, IDEAL PLACE FOR THESE CHILDREN TO LIVE AND GO TO ZILKER ELEMENTARY, WHICH IS A FEW BLOCKS AWAY ON BLUEBONNET. THE CHARACTER OF THE SURROUNDING PROPERTIES IS OVERWHELMING LINK LY SINGLE-FAMILY DUPLEXES. COULD YOU SHOW THE NEXT SET OF PHOTOS? WELL, THAT'S ACTUALLY THE -- THE HOUSING AUTHORITY -- THE BACK SIDE OF THE HOUSING AUTHORITY PROPERTY SHOWING THAT THEY ARE SINGLE-FAMILY SCALE, MOSTLY ONE STORY, AND THEN THE NEXT SET OF PHOTOS IS -- THESE ARE THE HOUSES ACROSS THE STREET, WHICH ARE ALL MOSTLY SINGLE STORY, SINGLE-FAMILY HOUSES OR DUPLEXES. AND BECAUSE OF ITS LOCATION CLOSE TO ZILKER ELEMENTARY, THIS HOUSE SG OCCUPIED.....HOUSING IS OCCUPIED PREDOMINANTLY BY FAMILIES WITH CHILDREN. HERE IN ZILKER WE THINK THAT IS A GOOD THING. COMPATIBILITY REQUIREMENTS ARE SUPPOSED TO BE BASED ON THE EXISTING LAND USE, NOT ON 20 OR 30-YEAR-OLD MAP DESIGNATIONS, IF STAFF WOULD COMPLY COMPATIBILITY STANDARDS ONLY TO THESE FAMILIES ACROSS THE STREET, THE CHILDREN IN THE PUBLIC HOUSING, WHO WILL BE MOST AFFECTED BY THE PROPOSED APARTMENTS LOOMING OVER THEIR BEDROOM WINDOWS, ARE NOT CONSIDERED WORTHY OF THE SAME PROTECTION. HERE IN ZILKER WE THINK THAT'S UNCONSCIONABLE. Z AND A HAS LONG RELIED ON THE CITY'S COMPATIBLE STANDARDS TO MEDIATE TWO IMPORTANT ELEMENTS AFFECTING THE LIVABILITY OF OUR NEIGHBORHOOD. ONE, WE WANT TO CULTIVATE A VIABLE, WALKABLE COMMERCIAL CORRIDOR ALONG SOUTH LAMAR WITH A MIX OF LOCAL RETAIL AND

MULTIFAMILY HOUSING. TWO, WE ALSO WANT TO PRESERVE THE QUALITY OF LIFE OF OUR EXISTING RESIDENTS AND CONTINUE TO ATTRACT A WIDE DIVERSITY OF FAMILIES WITH CHILDREN WHO WILL ATTEND ZILKER ELEMENTARY. THE FAMILIES AT GOODRICH PLACE ARE A VITAL PART OF THE ZILKER COMMUNITY AND THEIR HOUSING MUST BE AFFORDED THE SAME COMPATIBILITY PROTECTIONS IF THAT COMMUNITY IS GOING TO REMAIN VIABLE. THE BEAUTIFUL STONE HOUSE ADJACENT TO THE EXISTING APARTMENTS WITH THREE-RING SERVICE IN IT HAS OFFICE ZONING, BUT IT IS ESSENTIALLY A HOME OCCUPATION. SOMEONE OPERATES A BUSINESS OUT OF HIS HOME THERE WITHIN CITY CODE AND IN ZILKER WE THINK THAT'S A GOOD THING TOO. THERE'S ALSO A ROW OF GARAGE-STYLE APARTMENTS BEHIND THAT MAIN HOUSE. THEY ARE, BY THE WAY, MUCH MORE ATTRACTIVE THAN MR. WARD'S 'S PROPOSAL. IT PROVIDES AN EXCELLENT TRANSITION BETWEEN THE HEIGHT ON SOUTH LAMAR AND THE FAMILY FRIENDLY HOUSING ON BLUEBONNET. THAT IS WHERE THE LINE SHOULD BE DRAWN. THE EXISTING APARTMENTS WERE A MISTAKE. THEY SHOULD BE REDEVELOPED UNDER MORE THAN SF #- 5 OR SF-6 STANDARDS, AND THIS SF-3 PROPERTY SHOULD NOT BE BUMPED UP FOUR ZONING CATEGORIES TO MF 3. AND SINCE ANDY IS NOT HERE -- I THINK HE HAD A PET EMERGENCY -- I WILL HAVE TO MOVE ON TO THE SORT OF NUTS AND BOLTS OF OUR NEIGHBORHOOD'S COMPROMISE PROPOSAL TO ZONE THE FRONT PART OF THIS LOT SF-3 WITH MF 3 ON THE BACK. THE PROPOSAL THAT YOU SAW FROM MR. WARD FOR THE BIG APARTMENT BUILDING, WHICH IS ESSENTIALLY THE SAME -- SAME SCALE AS THE OLD NOT VERY ATTRACTIVE AND NOT VERY WELL OCCUPIED APARTMENT BUILDING -- THAT PROPOSAL DOESN'T EVEN ADDRESS THE LIMITS THAT THE PLANNING COMMISSION TRIED TO PUT ON IT WITH THE 75-FOOT SETBACK FOR THE SECOND STORY AND ALL OF THAT. WE WERE JUST ASTOUNDED WHEN WE SAW WHAT HE WAS PROPOSING IN THAT IT DIDN'T EVEN ADDRESS THE PLANNING COMMISSION PROPOSAL. BUT YOU'LL SEE IN YOUR STAFF -- THE STAFF ANALYSIS ON COMPATIBILITY STANDARDS THAT THERE ARE A GREAT MANY COMPATIBILITY LIMITS TRIGGERED BY THE SINGLE-FAMILY HOUSES ACROSS THE STREET, AND WE WOULD PROPOSE THAT JUST PUTTING AN SF-3 LOT ON THE

FRONT OF THIS ZONING, LEAVING THE ZONING ON THE STREET SF-3, WOULD BE A MUCH SIMPLER WAY TO HAVE A FRIENDLY -- A NEIGHBORHOOD-FRIENDLY, NEIGHBORHOOD SCALE, BECAUSE IT WOULD NOT -- IT WOULD NOT TRIGGER ALL THE COMPATIBILITY REQUIREMENTS. MR. WARD COULD BUILD A NICE DUPLEX ON THE FRONT, HAVE HIS MF-3 PROJECT ON THE BACK, AND MAINTAIN THE RESIDENTIAL SCALE ON THE STREET. SO AS YOU'VE SEEN FROM THE LETTER -- I HOPE -- I HOPE YOU-ALL GOT THE EMAIL WITH THE LETTER FROM THE ZILKER NEIGHBORHOOD ASSOCIATION. OUR FOUR MAIN POINTS ARE THAT THE CONVERSION -- IS THAT IT?

MAYOR WYNN: THAT'S IT.

I WILL -- I WILL REFER YOU TO THE LETTER FROM JEFF JACKSONVILLE, THE ZILKER NEIGHBORHOOD ASSOCIATION.

MAYOR WYNN: FAIR ENOUGH. THANK YOU, MS. AFERTON AND I THOUGHT YOU SAID ANDY ELDER MAY NOT BE HERE. HE SIGNED UP IN OPPOSITION. HOW ABOUT GARDENER SUMNER? YOU'LL BE OUR NEXT SPEAKER. YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY MICHAEL MEYER.

THANK YOU, MAYOR, MEMBERS OF COUNCIL. MY NAME IS GARDENER SUMNER. I LIVE IN THE ZILKER NEIGHBORHOOD, AND THIS IS OF COURSE THE LOCATION ON BLUEBONNET WHERE THE PROPERTY UNDER QUESTION IS LOCATED AT 2215. THE OWNER OF THE PROPERTY ASSERTS, QUOTE, "THESE ARE RENTAL UNITS ADDRESSING THE AVERAGE INCOME AND THE INDIVIDUALS WHO WOULD LIKE TO LIVE CLOSE TO DOWNTOWN, PROVIDING NECESSARY ALTERNATIVES TO TODAY'S COSTLY HOUSING MARKET. IT IS A TYPE OF HOUSING THAT ADDS DIVERSIFICATION TO THE ZILKER NEIGHBORHOOD HOUSING INVENTORY," UNQUOTE. NOW, THERE ARE TWO PROBLEMS WITH THIS ASSERTION. NUMBER ONE, THIS SITE IS CLOSE TO ZILKER ELEMENTARY SCHOOL, NOT TO DOWNTOWN, AND THEREFORE IT SHOULD BE DEVELOPED FOR FAMILIES WITH CHILDREN. NUMBER TWO, ZILKER IS ALREADY OVERBURDENED WITH POORLY PLACED AND POORLY DESIGNED MULTIFAMILY HOUSING AND OUR NEIGHBORHOOD PLAN IS DIRECTED AT

SUPPORTING THE CONVERSION OF COMMERCIAL PROPERTIES ON SOUTH LAMAR TO MULTIFAMILY RESIDENTIAL WITH MIXED USE, WHICH IS ALREADY TAKING PLACE. IF I MAY HAVE THE DIAGRAM I LEFT. HERE IS A MAP -- HERE IS A MAP OF THE MF UNITS IN PLACE IN 2001 IN YELLOW. IT'S DIFFICULT TO SEE THE NUMBERS IN THERE, BUT I'LL EXPLAIN THE NUMBERS IN A BIT. JUST LOOK AT THE COLORS. THERE ARE 1134 OF THEM, MF UNITS UNITS. PLANNED UNITS ARE CIRCLED IN RED. THERE ARE 642 OF THESE. THE GRAND TOTAL IS 1,776 MF UNITS, AND THAT'S MORE THAN HALF THE TOTAL HOUSEHOLDS CURRENTLY IN THE NEIGHBORHOOD. WE HAVE A SHORTAGE OF AFFORDABLE HOUSING SUITABLE FOR FAMILIES WITH CHILDREN. THERE IS NO SHORTAGE OF HOUSING FOR YOUNG PROFESSIONALS WHO WOULD RATHER BE LIVING DOWNTOWN. THE PLAN BEFORE YOU, THEREFORE, NOT SUITABLE FOR FAMILIES WITH CHILDREN. CITY PLANNING STAFF BEGAN OUR NEIGHBORHOOD LAND USE MAP AND EXERCISE BY ANNOUNCING THAT THE SINGLE-FAMILY HOUSING WITHIN THE ZILKER AREA WOULD REMAIN UNTOUCHED, AND WE PROCEEDED TO FOCUS ON FINDING RESIDENTIAL OPPORTUNITIES ON THE BASIS -- I MEAN, ON THE COMMERCIAL CORRIDOR ALONG SOUTH LAMAR. WE THOUGHT THAT WE AND STAFF AND THE COUNCIL WERE ALL ON THE SAME PAGE. JUST ONE MORE MINUTE IF I MAY, PLEASE. IN SUMMARY, THE ILL CONSIDERED STAFF RECOMMENDATION BEFORE YOU TODAY CONTRADICTS AND UNDERMINES OUR NEIGHBORHOOD PLANNING EFFORTS, AND WE URGE YOU TO DENY THIS AND ANY OTHER UP ZONING REQUESTS IN BLUEBONNET. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MR. SUMNEAR. THANK YOU MICHAEL MEYER.

HI, I'M MIKE MEYER. I THOUGHT I HEARD, AND CORRECT ME IF I'M WROPG, BUT DIDN'T MR. WARD SAY THAT HE COULDN'T PROVIDE ACCESS FOR FIRE DEPARTMENT VEHICLE? I MEAN, IT SEEMS TO ME THAT'S THE BALL GAME. IF YOU'RE BUILDING AN APARTMENT COMPLEX NEXT TO ANOTHER APARTMENT COMPLEX WITH ACCESS IN BETWEEN THE TWO THAT FIRE DEPARTMENT VEHICLES WOULD NEED TO FIGHT A FIRE, IT SEEMS LIKE THAT'S AN UNTENABLE SITUATION.

SEEMS LIKE THAT TELLS YOU THAT THIS SITE IS INAPPROPRIATE FOR THIS DENSITY. THANK YOU.

MAYOR WYNN: THANK YOU.

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MARTINEZ: I THINK WHAT I HEARD IS THEY REQUEST A 30... 30-FOOT WIDE ENTRY..... ENTRYWAY INTO THE PROPERTY AND THE OWNER APPLICANT WAS COMPLYING WITH THAT.

MAYOR WYNN: WE'LL HEAR FROM HIM IN A SECOND, I'M SURE. ALLISON VON STIEM HAS SIGNED UP NOT WISHING TO SPEAK, ALSO IN OPPOSITION. SO THOSE ARE OUR CITIZENS IN OPPOSITION. NOW, MR. WARD HAS A ONE TIME THREE MINUTE REBUTTAL. WELCOME BACK, MR. WARD.

MAYOR, COUNCIL MEMBERS, THANK YOU AGAIN. HOW DO I LOOK SINCE THE LAST TIME YOU SAW ME, MAYOR? YOU HAD ASKED THE FIRE CHIEF THAT AND DO I LOOK ANY WORSE FOR WEAR?

MAYOR WYNN: YOU LOOK A LITTLE MORE NERVOUS THAN --

WELL, YES, HE'S A MUCH BETTER SPEAKER THAN I AM. THE PROPERTY IS UNIQUE IN THAT IT'S LONG AND NARROW, AND THE 30-FOOT WIDE REQUEST BY THE FIRE DEPARTMENT IS TO ACCOMMODATE FIRE TRUCKS FOR FIRE FIGHTING. WHAT I SAID WAS I COULD NOT -- BECAUSE OF THE NARROWNESS OF THE LOT, I COULD NOT GIVE THEM A TURNAROUND, A HAMMER HEAD, TO TURN A TRUCK AROUND, SO I HAVE HAD TO PUT MY BUILDINGS WHERE THEY ARE SO THAT THEY ARE COVERED BY FIRE PROTECTION, BY THE FIRE HOSE LENGTH. I HAVE -- ALSO, BECAUSE I HAVE THAT PECAN TREE, THE 36-INCH PECAN TREE. SO ALL OF THOSE ARE REQUISITE TO THE CONDITIONS OF THE SITE. NOW, I GREW UP IN A WORKING CLASS FAMILY. MY MOTHER WAS A SINGLE MOTHER WHO RAISED THREE KIDS IN A TWO BEDROOM APARTMENT UNTIL I WAS 12 12 YEARS OLD. NOW, TO SAY THAT THERE ARE NOT GOING TO BE ANY FAMILIES IN MY UNITS I THINK IS PRESUMPTUOUS. I GREW UP THAT WAY AND OF COURSE PEOPLE ARGUE I GREW UP OKAY, BUT I DID GROW UP IN AN APARTMENT FOR THE FIRST 12 YEARS OF MY LIFE, WITH A

SINGLE MOM. SO I DON'T BELIEVE IT'S JUST FOR THE YOUNG FOLKS WHO WANT TO LIVE DOWNTOWN. THESE ARE UNITS THAT CAN ACCOMMODATE ALL AGES, WITH CHILDREN, WITHOUT CHILDREN. IT IS CLOSE PROXIMITY TO THE SCHOOL. I THINK IT'S ABOUT TWO BLOCKS AWAY. SO I -- I DON'T BELIEVE THAT'S A VIABLE CONCERN. THE ONLY OTHER THING I'D LIKE TO SAY IS THAT AFTER SEEING THE GENTLEMAN WHO SPOKE ABOUT THE NUMBER OF UNITS, I BETTER GET BUSY AND GET IT DONE FAST. SO I DON'T HAVE ANYTHING ELSE.

MAYOR WYNN: THANK YOU, MR. WARD. QUESTIONS OF MR. WARD? COUNCIL? THANK YOU. THANK YOU SIR.

THANK YOU.

MAYOR WYNN: WELL, COUNCIL, THAT CONCLUDES THE PUBLIC HEARING ASPECT OF THIS CASE. QUESTIONS OF STAFF? COMMENTS? COUNCIL MEMBER MCCRACKEN.

MCCRACKEN: I HAVE A QUESTION, ACTUALLY FOR LORRAINE ATHERTON. GET YOUR PHOTOS UP HERE AGAIN. THEY MAY ALREADY BE UP THERE. RIGHT NOW I WANTED TO TURN TO THE FIRST SET OF PHOTOS YOU HAD. THERE'S ONE OF THAT APARTMENT BUILDING THERE.

THAT SORT OF PURPLE ONE WITH THE --

BOTTOM LEFT PHOTO WAS THE AN APARTMENT.

MCCRACKEN: THERE YOU GO. YOU MADE A COMMENT, THE NEIGHBORHOOD RECOMMENDATION WAS TO SINGLE-FAMILY ON THE FRONT AND THEN MF BEHIND, AND CAN YOU TELL ME WHY IT IS THAT THAT'S -- THAT'S WHAT THE NEIGHBORHOOD WANTS?

THAT PREFERS THE SINGLE-FAMILY -- SINGLE-FAMILY CHARACTER OF THE STREETESCAPE AND IS COMPATIBLE WITH THE SURROUNDING HOUSING AND IT ALSO ALSO -- THE WAY -- THE WAY ZONING RECOMMENDATIONS ARE MADE IS ESSENTIALLY STAFF GETS OUT -- OR THE DEVELOPER GETS OUT A MAP AND STARTS LOOKING FOR ISOLATED, YOU KNOW, MF OR COMMERCIAL PROPERTIES AND SAYS, "OH,

THERE'S ONE RIGHT THERE, SO THAT MEANS WE CAN HAVE THE SAME ZONING, DO THE SAME UP-ZONING ACROSS THE STREET."

MCCRACKEN: LET ME ASK YOU SOMETHING REAL QUICK. THE REASON WHY I PICKED UP ON YOUR COMMENT ABOUT THE SINGLE-FAMILY WITH THE MULTIFAMILY BEHIND, AS I RECALL, YOU ALSO SAID THAT THAT MEANT THAT THERE COULD BE A DUPLEX, BE THAT SINGLE-FAMILY, THAT FRONTED THE LOT, THAT IT WOULD OPEN UP ONTO THE STREET AND IT WOULD PRESERVE THE NEIGHBORHOOD FEEL. BUT WHAT I'M GATHERING SINCE YOU-ALL ARE FINE WITH THE MULTIFAMILY ON-SITE, THAT IT'S NOT THE DENSITY THAT'S THE OBJECTION, IT'S JUST THAT THE BUILDINGS ARE GOING TO BE KIND OF LIKE THAT BOTTOM LEFT, EVEN IF THEY'RE DRESSED UP; IS THAT CORRECT?

WELL, I -- I AM NOT HAPPY WITH MF, MELT I FAMILY, AT ALL ON THE SITE. BUT GIVEN THAT CITY STAFF HAS DECIDED NOT TO APPLY COMPATIBILITY STANDARDS ON THIS SITE, WE HAVE TO LOOK FOR WHATEVER WE CAN TO PRESERVE THE -- THAT RESIDENTIAL QUALITY.

MCCRACKEN: I GUESS MY NEXT QUESTION TO YOU, CRAIG, WE'RE KIND OF GETTING A LESSON ABOUT SOMETHING WE SEE AS A COMMON THREAD. THAT'S WHY I BRING IT UP. DENSITY, MAKING SURE THAT AS WE DO DENSITY WE DO IT IN A WAY THAT ENHANCES THE NEIGHBORHOOD AND THAT'S IMPORTANT PLANNING PRINCIPLES. IN LOOKING AT THIS BOTTOM LEFT PHOTO OF THE APARTMENT THAT'S ON THE SCREEN, WHAT I'M GATHERING IS, IS THERE A WAY TO -- MAYBE WORK ON THE CITY'S URBAN DESIGN OFFICER BEFORE A SECOND READING, EVEN WHETHER IT'S MULTIFAMILY -- I GUESS IT COULD BE ALL MULTIFAMILY 3, TO SIMPLY SAY LET'S MAKE SURE THE DEVELOPMENT IS COMPATIBLE WITH THE NEIGHBORHOOD STREET IN TERMS OF HAVING AT LEAST ONE OF THE UNITS TURNED OPEN ONTO THE STREET, WHICH WOULD BE KIND OF FUNCTIONALLY THE SAME AS SAYING A DUPLEX SF-3 BUT IT COULD BE AN APARTMENT, JUST AS LONG AS IT OPENS ON THE STREET AS OPPOSED TO ONE OF THESE SIDEWALL DEALS. DO YOU UNDERSTAND?

YES, COUNCIL MEMBER, AND THERE HAVE BEEN CASES IN THE ZILKER NEIGHBORHOOD WHERE ZILKER HAS WORKED WITH THE DEVELOPER AND AGREED TO A SMALLER STRUCTURE IN THE FRONT, LIKE A TWO STORY STRUCTURE IN THE FRONT, AND HAVING LARGER STRUCTURES IN THE BACK. YOU WOULD NEED TO STILL MAINTAIN MULTIFAMILY ZONING AT LEAST FOR A PORTION OF THE PROPERTY, BECAUSE YOU NEED TO HAVE --

MCCRACKEN: I'M JUMPING ON YOU RIGHT THERE, BECAUSE I DON'T CARE ABOUT THE USE DESIGNATION BECAUSE -- BUT WHAT WE'RE HEARING ABOUT IS DAVE HAS GOT, YOU KNOW, TO BE ABLE TO EARN ENOUGH TO MAKE THE PROJECT WORK AND THE NEIGHBORHOODS UNDERSTANDABLY CARE ABOUT HOW THE PEOPLE -- WHATEVER ITS SIZE, RELATES TO THE STREET, SO IT SEEMS LIKE THERE'S A FAIR APPROACH. LET'S FOCUS ON THE HOUSE. AT LEAST IF WE HAVE ONE OF THOSE TEN UNITS IS ORIENTED TO THE STREET, WHETHER IT'S A DUPLEX OR ACTUALLY AN APARTMENT IS AN ENTIRELY MF BUILDING BUT OPEN ON THE STREET, THAT WOULD PRESENT A DIFFERENT PROFILE FROM WHAT WE SEE IN THE BOTTOM LEFT OF THIS PICTURE, WHICH IS A NEIGHBORHOOD UNFRIENDLY DESIGN, SINCE WE DO DENSITY, MAKE SURE WE DO IT RIGHT BECAUSE WE HAVE THE BUILDING -- AT LEAST ONE PART OF THE APARTMENT BUILDING ORIENTED TO THE STREET, GIVES IT MORE OF A NEIGHBORHOOD FOCUS AS -- FOCUSED WAY. MAYBE WERE WE..... WHAT WE COULD DO IS SAY, LET'S HAVE MR. WARD CONSULT WITH THE CITY'S URBAN DESIGN OFFICER BEFORE A SECOND READING TO MAKE SURE THAT URBAN PLANNING PRINCIPLES INVOLVED IN THIS PROJECT ARE MEETING THE VERY LEGITIMATE INTERESTS OF THE NEIGHBORHOOD ABOUT -- SPEAKS TO THE NEIGHBORHOOD AS OPPOSED TO THESE BLANK WALL THINGS LIKE WE SEE IN THAT PHOTO.

AND COUNCIL MEMBER, I THINK THE PLANNING COMMISSION TOOK THAT IN CONSIDERATION,. IN THEIR RECOMMENDATION ASKING FOR A 25-FOOT SETBACK, WHICH IS THE SAME AS AN SF-3 ZONING DISTRICT, AND THEN LIMITED THE HEIGHT OF THE PROPERTY FOR THE FIRST 75 FEET TO BE TWO [INAUDIBLE] FEET IN HEIGHT.

MCCRACKEN: I'M TALKING ABOUT SOMETHING IN ADDITION TO THAT. THOSE ARE ALL IMPORTANT.

THE ORIENTATION OF THE BUILDING TO FACE THE STREET, SO THE DOORWAY WOULD FACE THE STREET FOR INSTANCE.

MCCRACKEN: THIS WILL BE DAVE'S DECISION, THEY COULD ORIENT INWARD, THAT'S A VERY CONSTRAINED LOT, BUT IF YOU'RE GOING TO HAVE A BUILDING THAT'S PART OF THE FAMILY NEIGHBORHOOD, AT LEAST IT NEEDS TO ORIENT TO THE NEIGHBORHOOD AS OPPOSED TO THAT APARTMENT BUILDING ORIENTED TO THE SIDE. SO I THINK IF WE CAN GET JIM ROBERTSON AND DAVE WARD TOGETHER BEFORE SECOND AND THIRD READING WE CAN GET A PERSONAL OPINION, IS GET SOMETHING THAT HAS THE EXACT SAME NUMBER OF UNITS, EXACT SAME COST, SPEAKS TO WHAT LORRAINE WAS TALKING ABOUT THE ZILKER NEIGHBORHOOD, WHICH WE'RE DEFINITELY INTERESTED IN AND EVERYBODY WINS. THAT'S ABOUT ABOUT DOING DENIES DIFFICULT WITH URBAN PLANNING AND DOING SOMETHING BETTER THAN WHAT WE SAW IN THAT PHOTO, WHICH IS THE OLD SCHOOL.

LET ME POINT OUT THE APPLICANT, DAVID, HAS BASICALLY INDICATED HE'S NOT IN FAVOR OF THE COMMISSION'S RECOMMENDATION, HE...HE WAS BASICALLY ADVOCATING FOR A 35-FOOT HEIGHT, STARTING 25 FEET BACK FROM THAT PROPERTY LINE AND IT'S MY UNDERSTANDING THE NEIGHBORHOOD WAS OPPOSED TO THE MF-3 ZONING, SO BOTH THE NEIGHBORHOOD AND THE APPLICANT BOTH DISAGREE WITH THE COMMISSION'S RECOMMENDATION, BUT THAT -- THE COMMISSION'S 'S RECOMMENDATION APPEARS CLOSEST TO WHAT YOU ARE --

THE PLANNING COMMISSION -- I MEAN, IF EVERYBODY HAS TO GIVE A LITTLE BIT, THE MAIN THINGS WE'RE INTERESTED IN.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I WANT TO TALK ABOUT THE -- ABOUT THE CO, THE PLANNING COMMISSION -- THAT IS THE

RECOMMENDATION OF THE CO IS A 30-FOOT HEIGHT LIMIT, WHICH -- IS THAT -- THAT'S THE SAME AS SF-3, IS IT NOT?

WELL, THE SF-3 HEIGHT ON IT TODAY IS 35 FEET.

LEFFINGWELL: 35. SO THIS IS LESS THAN THE SF-3.

THAT'S CORRECT. AND THEY ALSO PLACED A TWO STORY HEIGHT LIMITATION, WHICH GOES BEYOND WHAT WOULD NORMALLY BE ALLOWED IN THE SF-3 DISTRICT. THERE'S NOT A STORY LIMITATION, BUT THIS MIGHT BE SIMILAR TO THE LARGER HOUSE ORDINANCE THAT COUNCIL IS CONSIDERING AS WELL.

LEFFINGWELL: OKAY. SO WE HAVE ANOTHER CO FOR 25-FOOT FRONT SETBACK. AGAIN, IT'S THE SAME AS SF-3.

THAT'S CORRECT.

LEFFINGWELL: SO WHAT WE HAVE HERE IS WE HAVE MF-3 WITH SF-3 BUILDING RESTRICTIONS, BOTH WITH REGARD TO SETBACK AND HEIGHT. IS THAT NOT TRUE -- OR ACTUALLY WE'VE GOT LESS THAN SF-3 ON THE HEIGHT.

THAT'S CORRECT.

LEFFINGWELL: OKAY. NOW, I WANT TO ADDRESS THE QUESTION, THE STATEMENT WAS MADE BY MS. ATHERTON THAT YOU'RE NOT -- YOU'RE INCORRECTLY APPLYING COMPATIBILITY STANDARDS. WOULD YOU EXPLAIN THAT TO US?

YES. THE APPLICATION OF COMPATIBILITY STANDARDS DEALS WITH THE USE OR ZONING, AND IN THIS CASE THE ZONING NEXT DOOR IS MF-3, AND THE USE OF THE PROPERTY IS MULTIFAMILY. AND EVEN THOUGH THE STRUCTURES THEMSELVES MAY RESEMBLE A DUPLEX OR A SINGLE-FAMILY-TYPE DWELLING, MAY ONLY BE ONE STORY OR TWO STORIES IN HEIGHT, COMPATIBILITY IS LOOKED AT BASED ON THE USAGE OF THE PROPERTY, AND THERE IS MORE THAN THREE UNITS ON THE PROPERTY. SO STAFF DOES NOT HAVE THE DISCRETION TO APPLY CAPACITY IBILITY.....COMPATIBILITY STANDARDS ON THIS

PROPERTY AS BEING TRIGGERED BY THE PROPERTY NORTH, SIMPLY BECAUSE THE OWNER OR THE HOUSING AUTHORITY PROPERTY DEVELOPED WITH SMALLER MULTIFAMILY STRUCTURES. THERE'S STILL THREE OR MORE DWELLING UNITS ON THE NORTH PROPERTY. -- AND THAT WOULD NOT TRIGGER COMPATIBILITY ON THIS PROPERTY.

LEFFINGWELL: IF IT WAS ZONED MF-3 BUT IT WAS A SINGLE-FAMILY HOUSE, THEIR COMPATIBILITY STANDARDS WOULD APPLY?

THAT'S RIGHT, OR MULTIFAMILY OR SINGLE-FAMILY, IT WOULD TRIGGER COMPATIBILITY.

LEFFINGWELL: I THOUGHT THAT'S WHAT I SAID. MAYBE I DIDN'T. SO THERE'S NO COMPATIBILITY PROBLEM WITH THE HOUSES ACROSS THE STREET, WHICH ARE SF-3?

THERE WOULD NOT BE WITH RESPECT TO THE HEIGHT THAT ARE BEING PROPOSED. THERE WOULD BE COMPATIBILITY STANDARDS TRIGGERED BY THE PROPERTIES IF HE WERE TO TRY TO BUILD A BUILDING TALLER AND CLOSER TO THE FRONT. THERE WOULD BE SCREENING REQUIREMENTS FOR MECHANICAL EQUIPMENT, SCREENING REQUIREMENTS FOR LIGHTING, SCREENING OF THE ACTUAL DUMPSTER DUMPSTERS OR GARBAGE COLLECTION, TRASH COLLECTION AREAS. SO EXAT..... COMPATIBILITIES APPLICABLE TO THIS PROPERTY BUT NOT BY THE PROPERTY TO THE NORTH.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS FROM STAFF? OR ANYBODY ELSE? IF NOT I'LL ENTERTAIN A MOTION ON ITEM 75, WHICH WOULD INCLUDE TO CLOSE THE PUBLIC HEARING. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: YEAH, I'LL MOVE TO CLOSE THE PUBLIC HEARING AND PER THE APPROVE THE PLANNING COMMISSION RECOMMENDATION ON FIRST READING AND ALSO DIRECT THE CITY'S URBAN DESIGN OFFICE TO WORK WITH THE APPLICANT ON ISSUES OF HOW THIS PROJECT WILL RELATE TO THE STREET IN THE NEIGHBORHOOD, INCLUDING SIDEWALK WIDTH AND ORIENTATION, AT LEAST,

OF THE UNITS IMMEDIATELY FACING BLUEBONNET.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCrackEN, SECKED BY COUNCIL MEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY. PLANNING COMMITTEE RECOMMENDATION WITH FURTHER RECOMMENDATION OF STAFF. ANY FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

PASSES ON FIRST READING ONLY ON A VOTE OF 7-0. THANK YOU, MR. GUERNSEY.

THANK YOU. WE CAN CONTINUE AND GO BACK TO THE ITEM WE HAD EARLIER, ITEM NO. 71. THIS IS CASE C 14-05-0179 FOR THE PROPERTY AT 9,009 SPRING LAKE DRIVE. THIS IS A REZONING BETWEEN ARE RESIDENTIAL TO RR, TO SF 1, WHICH STANDS TO SINGLE-FAMILY LARGE LOT DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO APPROVE SF 1 C. CO ZONING LIMITED TO TWO RESIDENTIAL UNITS TO...ON THE PROPERTY. SINCE THE ZONING AND PLANNING COMMISSION MEETING, THERE HAS BEEN INVESTIGATION BY STAFF OF THE PROPERTY, AND LOOKING AT A CRITICAL ENVIRONMENTAL FEATURE, NAMELY A WET LAND, ON THE PROPERTY THAT HAS BEEN IDENTIFIED THAT WOULD SEVERELY LIMIT THE DEVELOPMENT POTENTIAL OF THIS PROPERTY AND WOULD MOST LIKELY REQUIRE AN ENVIRONMENTAL VARIANCE. I KNOW THAT THERE'S BEEN DISCUSSIONS BETWEEN THE APPLICANT AND ENVIRONMENTAL STAFF, AND IN ADDITION, THE APPLICANT HAS COME BACK EARLIER THIS MONTH AND HAS AGREED TO REDUCE THE SIZE OF THE REZONING REQUEST, ALTHOUGH WE DON'T HAVE A SPECIFIC SET OF FIELD NOTES, BUT TO BE APPROXIMATELY 15,700 15,700 SQUARE FEET, OR .36 ACRES OF LAND, WHICH IS QUITE A BIT OF REDUCTION, ALMOST AN ACRE REDUCTION FROM THE ORIGINAL REQUEST. ALSO, THAT THE PROPOSED SINGLE-FAMILY LOT THAT WOULD BE DEVELOPED WOULD HAVE A 50-FOOT BUILDING SETBACK FROM THE WETLAND LOCATION, THAT THE MAXIMUM PERVIOUS COVER ALLOWED ON THE LOT WOULD BE ABOUT 2,500 SQUARE FEET, AND THE MAXIMUM BUILDING

FOOTPRINT WOULD BE LIMITED TO APPROXIMATELY 1500 SQUARE FEET. AND WE DO HAVE A VALID PETITION IN OPPOSITION TO THIS REZONING REQUEST, AND THAT WOULD REQUIRE A TWO FORTS MAJORITY VOTE. THE PETITION STANDS AT APPROXIMATELY 36.46%. HOWEVER, THIS IS ONLY READY FOR FIRST READING. IF YOU GO FORTHWITH THE APPROVAL TODAY AND IT WOULD NOT REQUIRE A SUPER MAJORITY VOTE TODAY. AT THIS TIME I THINK I'LL PAUSE. OUR ENVIRONMENTAL SPECIALIST, MIKE VLADAY IS HERE, WHO HAS BEEN ON-SITE AND LOOKED AT THIS LOT, IS AVAILABLE IF YOU HAVE ANY QUESTIONS. AND I WILL PAUSE AT THIS TIME.

MAYOR WYNN: I GUESS MY FIRST QUESTION THEN BEFORE WE GET INTO THE DETAILS OF THE CASE IS STAFF READY FOR THIS PUBLIC HEARING IN THIS CASE IF THERE'S ENVIRONMENTAL STAFF DEBATE OR ONGOING ANALYSIS ABOUT WHAT IS A PRETTY FUNDAMENTAL DEFINITIONAL PART OF THIS CASE?

GUERNSEY: THAT'S CORRECT, BUT THIS WOULD BE THE FIRST STEP IN THE PROCESS, AND THE ENVIRONMENTAL VARIANCE WOULD REALLY BE DISCUSSED AT TIME OF SUBDIVISION, AND THAT WOULD BE THE APPROPRIATE TIME WHEN THIS ACTUALLY WOULD COME UP. YOUR DECISION WOULD BE IF THE LAND USE WOULD BE APPROPRIATE, BUT THE DECISION ABOUT THE SEVERITY OF THE WETLAND AND THE LOCATION OF ANY STRUCTURE, IF IT COULD BE LOCATED ON THIS PROPERTY, WOULD BE THEN GOING BEFORE THE ENVIRONMENTAL BOARD FOR THEIR CONSIDERATION, ONGOING THEN TO THE ZONING AND PLANNING COMMISSION FOR THEIR CONSIDERATION ON ENVIRONMENTAL VARIANCE. HOWEVER, THE INFORMATION IS IN THE BACK UP ABOUT THAT WET LAND BY OUR WATER SHIP PROTECTION STAFF.

MAYOR WYNN: OTHER QUESTIONS OF STAFF? . IF NOT, THEN WE CAN GO TO OUR PUBLIC HEARING. WE'LL HAVE A FIVE-MINUTE PRESENTATION BY THE AGENT. THEN WE'LL HEAR FROM FOLKS IN FAVOR OF THIS ZONING CASE. THERE ARE SEVERAL, AND.... AND THEN FOLKS IN OPPOSITION. WELCOME,...

THANK YOU MAYOR, COUNCIL MEMBERS, MAYOR PRO TEM.
MY NAME IS JIM WITLIF AND I'M HERE ON BEHALF OF RAUL
AND, DASHMIEW WHO PURCHASED THIS PIECE OF
PROPERTY IN JULY 2005 WITH THE HOPE OF BUILDING THEIR
HOME ON IT AND RAISING THEIR FAMILY THERE. MAYOR, I
THINK A COUPLE PEOPLE DO...DONATED TIME TO ME BUT IN
THE INTEREST OF YOUR BUSY SCHEDULE I'M GOING TO TRY
AND NOT USE MORE THAN THE FIVE MINUTES I HAD, AND I
THINK GREG DID HAVE HALF MY.....HALFMY PRESENTATION.
CAN YOU PUT THE FIRST EXHIBIT UP FOR ME? THIS IS A
PICTURE OF WHAT MR. GUERNSEY DESCRIBED TO YOU, THE
ORANGE AREA IS THE .36 ACRES THAT WE WANT TO REZONE
TO SF 1, OF COURSE THE BIG TRIANGLE THERE THERE IS
THE 1.35-ACRE TRACT. SO WE'RE REDUCING IT TO ABOUT A
QUARTER OF THE SITE. COULD YOU DO THE NEXT ONE,
LARRY? AND THIS IS A LITTLE DETAIL OF WHAT IT WOULD
LOOK LIKE. WE HAD A TREE SURVEY DONE AFTER WE WENT
TO THE ZONING AND PLATTING COMMISSION PUBLIC
HEARING, SEVERAL OF THE NEIGHBORHOOD RESIDENTS
THERE ON SPRING LAKE DRIVE EXPRESSED CONCERN
ABOUT WHAT ONE GENTLEMAN REFERRED TO AS HERITAGE
OBSERVES ON THE.....OBSERVATION. SO MY CLIENT
PAID TO HAVE A TREE SURVEY DONE BECAUSE HIS
ATTRACTION TO THIS PROPERTY WAS NOT TO GET IN THERE
AND CUT DOWN THE TREES. HE WAS.....ATTRACTED
BECAUSE IT HAD BEAUTIFUL TREES, SO HE WANTED TO
MAKE SURE THAT HE WASN'T GOING TO, YOU KNOW,
ADVERSELY IMPACT THE TREE COVER, THE HABITAT ON THE
SITE, AND HE ALSO WANTED TO BE ABLE TO PROVIDE SOME
ASSURANCE ON THE NEIGHBORS, BECAUSE IF HE'S
SUCCESSFUL IN THIS, THESE ARE GOING TO BE HIS
NEIGHBORS, HE DOESN'T WANT PEOPLE THAT ARE ANGRY
OR UPSET WITH HIM. SO WHAT WE HAVE HERE IN THIS
PICTURE IS A HOUSE FOOTPRINT THAT IS -- EVERYTHING IS
KIND OF DESIGNED BY DEFAULT HERE. YOU CAN SEE THE
WETLAND UP IN GRAY AT THE TOP OF THE PROPERTY AND I
TOOK THAT EXACTLY OFF THE CITY MAPS. THE CITY CODY
SAYS YOU HAVE TO HAVE A 50-FOOT SETBACK MINIMUM FOR
RESIDENTIAL LOTS PROPERTY LINE FROM A WET LANDS
BOUNDARY SO THAT'S WHAT WE DID, WE DREW A LINE 50 FEET
OVER AND THEN THE SF 1 ZONING SAYS YOU HAVE TO HAVE
10,000 SQUARE FEET OF LOT AREA, SO WE CAN MAKE IT.

WE'VE GOT ABOUT 15,000 FEET HERE, BUT SOME OF IT IS -- THERE'S A CREEK THAT RUNS THROUGH THE PROPERTY ALSO, SO, YOU KNOW, NET, I THINK WE'LL MAKE IT. WE'RE LOOKING AT DOING ABOUT 25% % IMREFER YUS COVER, WHICH IS 2500 SQUARE FEET. , IN FACT, IT WILL BE LESS THAN 25 FEET.....25% AND WE'LL LIMIT THE BUILDING FOOTPRINT TO 1500 SQUARE FEET AND WE'VE GOT A GARAGE OFF THE STREET TO THE SOUTH. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.] THIS INFORMATION. WE DID GO OUT THERE IN NOVEMBER 2005 AND TAKE A LOOK AT THE PROPERTY. NOW UNBELIEVABLY ON THE DAY I WENT OUT AND LOOKED AT THAT PROPERTY IT WAS POURING RAIN. BECAUSE IF I WAS OUT THERE TODAY I WOULD SAY HMM, EVERYTHING'S BROWN, THAT AREA'S GREEN, WHAT'S UP. BUT IN I WAS OUT THERE IT WAS IN THE MIDDLE OF A POURING RAINSTORM. I DID NOT NOTICE THAT SOME PORTION OF THIS PROPERTY WAS YOU A WET LAND. NOW, WE WENT TO CITY DEVELOPMENTAL STAFF AT THE CITY ASSISTANCE CENTER, TALKED TO THEM. THEY SEEMED TO THINK THAT THERE WERE NO ISSUES WITH BUILDING AT THE TIME THAT WE WERE PROPOSING THREE HOME SITES ON THE PROPERTY. I TOLD RAUL THAT HE COULD PROBABLY UNDER CODE GET FOUR HOME SITES, BUT HE SAID HE WANTED TO LIMIT IT TO THREE. WENT TO THE PLANNING COMMISSION. AT THE CONCERNS OF THE NEIGHBORHOOD THEY SAID LIMIT IT TO TWO. THEN AFTER THAT HAPPENED -- THAT WAS IN NOVEMBER OF 2005 -- WE HAD THE TREE SURVEY DONE BECAUSE WE WANTED TO REPORT TO THE NEIGHBORS THAT WE WERE GOING TO PRESERVE THE TREES. THEN IN DECEMBER 2005 MR. LIDAY, WHO IS HERE FROM YOUR ENVIRONMENTAL STAFF, ISSUED A REPORT AND SAID -- AND THAT WAS ON DECEMBER 14TH, I BELIEVE, AND HE SAID THERE'S A WET LAND ON HERE. AND THAT WET LAND WAS DULY NOTED SOME N. SOME WASTEWATER PLANS THAT THE CITY HAD PREPARED WHEN THEY ANNEXED THIS AREA INTO THE CITY IN 1999. THE PLANS WERE -- THIS IS A COVER SHEET FROM THOSE PLANS, IT WAS 118 PAGE SET OF WASTEWATER PLANS. AND IF IMOW TO PAGE 44 OWE GO TO PAGE 44 OF THAT 18 PAGE SET OF WASTEWATER PLANS, THERE'S A NOTE ON THERE THAT SAYS THERE'S A CRITICAL ENVIRONMENTAL FEATURE. WE BLEW THAT UP ON THE NEXT SHEET HERE. THIS IS MY POOR

MANPOWER POINT PRESENTATION HERE. SO WE BLUE BLOO
IT UP, IT SAYS CRITICAL ENVIRONMENTAL FEATURE
BOUNDARY, FIELD LOCATED BY ENVIRONMENTAL
CONSULTANT AND IT SHOWS THE LINE. THAT'S THE ONLY
PUBLIC RECORD. I WISH WE WOULD HAVE KNOWN ABOUT IT.
I KNOW MY CLIENT WOULD NOT HAVE BOUGHT THIS
PROPERTY IF HE KNEW THAT IF HE TWOANT..... WENT TO A
1999 SET OF WASTEWATER PLANS AND WENT TO PAGE 44 OF
118 THAT IT WAS CLEARLY MARKED THAT THIS WAS AN
ENVIRONMENTAL FEATURE. SO HERE HE WAS, HE BOUGHT
THE PROPERTY AND HE'S GOT A CRITICAL ENVIRONMENTAL
FEATURE. EXACTLY THE OPPOSITE WHAF HIS INTENTION
WAS. I WENT TO MR. LIDAY THE DAY AFTER HE ISSUED HIS
REPORT, DECEMBER 15TH, MET WITH HIM, AND I SAID WHAT
CAN WE DO? HE SAID IT'S BEST IF YOU DO NOTHING. WE
AGREED TO THAT AS A PLAN. I SAID TEXAS REAL ESTATE
LAW PROBABLY SAYS IF THE SELLER KNEW ABOUT THIS WE
CAN UNDO THE SALE BECAUSE HE WITHHELD CRITICAL
INFORMATION. SO FOR THE NEXT FOUR MONTHS MY CLIENT
-- HE HIRED AN ATTORNEY AND I HAD MY STAFF, AT NO
SPEPS TO MY CLIENT, I DIDN'T CHARGE HIM FOR THE TIME,
WE SPENT OVER \$2,000 OF MY COMPANY'S TIME DIGGING
THROUGH THE REAL ESTATE DIVISION'S FILES, THEIR
ARCHIVES LOOKING FOR A SMOKING GUN. WE WERE
LOOKING FOR A DHIEWMENT SHOWED THAT THE BALCONES
COUNTRY CLUB KNEW OR SHOULD HAVE KNOWN THAT THIS
WAS A WET LAND AND THAT SHE SOLD HIM A PIECE OF
PROPERTY THAT WAS IN EFFECT TAINTED. WE COULDN'T
FIND THAT DOCUMENT. WE LOOKED FROM JANUARY
THROUGH APRIL. IN MAY MY CLIENT MET WITH HIS
ATTORNEY. HIS LAWYER SAID YOU WILL HAVE TO
SIEWVMMENT THE BALCONES PEOPLE SAID THEY DIDN'T
KNOW ABOUT IT. WE NEVER BOUGHT THE PROPERTY UNTIL
2003 AND THE WET LAND WAS DESIGNATED IN 2001. SO MY
CLIENT'S ATTORNEY SAID, YOU'RE GOING TO HAVE TO SUE.
IT'S GOING TO COST YOU A LOT OF MONEY AIND REALLY
CAN'T IMAIRN TEE YOU'RE GOING TO WIN. IN MAY HE ASKED
ME TO GO BACK AND MEET WITH CITY STAFF AGAIN AND ASK
IF THERE WAS A WAY TO BUILD ONE HOME ON THIS
PROPERTY WITHOUT IMPACTING THE ENVIRONMENT. I WENT
BACK AND MET WITH MIKE AGAIN -- CAN YOU PUT UP THE
NEXT EXHIBIT? AND I POINTED TO YOU MR. LIDAY THAT THE

AREA IN ORANGE ON THIS DRAWING IS ACTUALLY
DOWNSTREAM FROM THE WET LAND AND DOES NOT DRAIN
INTO THE WET LAND, AND EVEN THOUGH IT'S WITHIN THE
150-FOOT PROPOSED SET BACK, THE DRAINAGE WOULD NOT
ADVERSELY AFFECT WET LAND. AND MR. LIDAY ISSUED
ANOTHER REPORT THAT YOU HAVE IN 81 AND IN EFFECT
WHAT HE TOLD ME, AND I AGREE WITH THIS, IS HE WASN'T
GOING TO SAY YES YOU CAN, NO, YOU CAN'T, BECAUSE AS
GREG GUERNSEY POINTED OUT, THE PROPER VENUE IS FOR
US TO FILE SUBDIVISION APPLICATION AND FOR THE
ENVIRONMENTAL BOARD TO MAKE A RECOMMENDATION
AND THEN THE ZONING AND PLATTING COMMISSION TO
MAKE A DECISION ON WHETHER OR NOT TO APPROVE ANY
SET BACK VARIANCES. [BUZZER SOUNDS] I THINK I CAN
WRAP UP. SO MR. LIDAY SAID IF YOU WERE GOING TO BUILD
A HOUSE DOWNSTREAM NEAR THE CORNER OF THE
INTERSECTION WOULD BE THE BEST PLACE TO DO IT. THAT'S
WHAT WE WANT TO DO. AND WE WANT TO DO EVERYTHING
IN OUR POWER TO BE ENVIRONMENTALLY FRIENDLY, AND
IT'S MY BELIEF THAT WE WILL NOT ADVERSELY IMPACT THE
ENVIRONMENT IF WE DO BUILD THIS HOUSE, IF THE
VARIANCE IS APPROVED. WE'RE ASKING FOR YOU THE SF-1
ZONING. THANK YOU.

Mayor Wynn: THANK YOU. I DID MISS YOU MS. DESHMUKH
TIME. WE WILL NOW CONTINUE WITH THE FOLKS WHO WISH
TO SPEAK IN FAVOR OF THE ZONING CASE. RAHUL. AND YOU
WILL BE FOLLOWED BY MRUDULA YADAV.

MAYOR AND CITY COUNCILMEMBERS, THANK YOU FOR
GIVING ME OPPORTUNITY. I HAVE A TWO-YEAR-OLD AND HE
WAS BORED, SO SHE HAD TO TAKE HIM HOME, SO I'M JUST
GOING TO TAKE THE THREE MINUTES, NOT GOING TO TAKE A
LOT OF TIME. BUT THIS IS A VERY UNFORTUNATE SITUATION
FOR US. LET ME BEGIN WITH THIS. WE DID DUE DILIGENCE
WHEN WE WERE TRYING TO BUY THE PROPERTY. WE WENT
THROUGH ALL ERRORS TO FIND IS THERE SOMETHING
WHICH IS ENVIRONMENTALLY CRITICAL THAT WILL PREVENT
US FROM BUILDING A HOME, AND WE COULD NOT FIND
ANYTHING. AND WITH THAT WE BOUGHT THE PROPERTY. IF I
WOULD HAVE KNOWN THAT THIS WAS THERE, I WOULD HAVE
NEVER BOUGHT THIS PROPERTY. IT'S AS SIMPLE AS THAT.
WE WERE TRYING TO BUILD A HOME FOR OUR KIDS, TO

RAISE THE KIDS, AND WE DON'T WANT TO DO ANYTHING WHICH IS ADVERSELY GOING TO AFFECT THAT ENVIRONMENT. SO HERE WE ARE PAYING TAXES, WE OWN THE PROPERTY, WE'VE PAID THE MONEY, AND IF YOU DECIDE THAT THIS PROPERTY IS USELESS, SOMEONE NEEDS TO REALLY OWN UP AND SAY, HEY, WE MISSED THIS AND WE DID NOT COMMUNICATE OR DISCLOSE THIS, EITHER THE SELLER OR THE CITY OF AUSTIN MAKING IT AS A PUBLIC RECORD. SO ALL I'M ASKING FOR IS REALLY SOMETHING THAT WE CAN DO TO MITIGATE THIS. WHEN WE FIRST LOOKED AT THAT TIME, WE WERE LOOKING AT THREE SITES TO BE BUILT OUT OF THIS PROPERTY. LOOKING AT EVERYTHING, WE REALLY CHANGED IT TO TWO PROPERTIES. I MET THE NEIGHBORS. THEY HAVE SOME CONCERNS, WE CHANGE IT HAD TO ONE PROPERTY AND THAT'S WHAT WE'RE GOING TO PROPOSE IS JUST ONE PROPERTY WITH THE DIFFERENT RESTRICTIONS THAT THE NEIGHBORS WANTED. SOMEONE SAID OUR HOMES WILL FLOOD. OKAY, WE'LL MAKE A CHANGE EXACTLY WHAT YOU GIEPTZ. IT'S NOT PART OF ALL THE DOCUMENTS, BUT I HAVE SIGNED SOME DOWNLTS THAT WILL CLEAR LIP NOT ADVERSELY EFFECT THE ENVIRONMENT. AND THAT'S EXACTLY WHAT I WANT TO SAY. WE'VE KIND OF BEEN THROUGH A LOT OF ROUGH PHASE WITH NO PART OF OURS AND WE DON'T WANT TO MAKE ANYTHING WHICH IS GOING TO ADVERSELY AFFECT THE ENVIRONMENT. SO GIVE US WHAT YOU NEED TO GIVE ONLY ONE HOME AND WE WILL COMPLY WITH ALL THE ENVIRONMENTAL LAWS WHEN WE BUILD THE PROPERTY. ANY QUESTIONS?

Mayor Wynn: QUESTIONS? THANK YOU, SIR. AGAIN, FOR THE RECORD, MRUDULA SIGNED UP WISH TO GO SPEAK IN FAVOR. AND EARLIER LARRY HAROLD WAS VOLUNTEERING TO DONATE TIME. SO WE'LL NOW IMO TO FOLKS IN OPPOSITION OF THE ZONING CASE. OUR FIRST SPEAKER IS MICHAEL RYAN.

[INAUDIBLE].

Mayor Wynn: THEN CAROL IT IS. AND IS ANTHONY (INDISCERNIBLE) HERE? SO CAROL, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. IF YOU SEE A COUNCILMEMBER OR MYSELF OR A CITY MANAGER OR ATTORNEY LEAVE

QUICKLY FOR ONE REASON OR ANOTHER, WE HAVE AUDIO VIDEO BACK BEHIND THE DAIS HERE, SO WE SEE AND HEAR THE TESTIMONY. DON'T BE OFFENDED, PLEASE.

ALL RIGHT. I'VE GOT A POWERPOINT. MY NAME IS CAROL LOZANO AND I LIVE AT 9100 SPRING LAKE DRIVE AND I KNOW THE AGONY THAT THESE PEOPLE ARE GOING THROUGH BECAUSE IN NOVEMBER OF 2003 WE BOUGHT OUR DREAM HOME THAT SAT ON THE HILL LOOKING DOWN AT THE PROPERTY THAT THESE PEOPLE ARE LOOKING AT. WE DIDN'T REALIZE THAT WE LIVED DOWNHILL TO TWO OTHER PROPERTIES THAT BECAUSE NOW THAT THE CITY PUT THE SEWAGE IN, WE NO LONGER HAD TO HAVE SEPTIC TANKS, SO IT ALLOWED THE TWO LOTS DOWN US TO BE BUILT ON. WE NOW HAVE TO KEEP SUMP PUMPS DOWN IN THE BOTTOM OF OUR HOUSE BECAUSE ANY TIME THAT IT RAINS MORE THAN SIX INCHES WITHIN A COUPLE OF DAYS' PERIOD OUR BOTTOM STORY DOES FLOOD. NO ONE'S FAULT, BUT WHAT THEY DID IS THEY COVERED UP SPRINGS ON THE TWO LOTS THAT WERE ABOVE US. THEN ALSO DOWN THE STREET FROM THERE THERE'S ANOTHER HOUSE THAT BE... THEY BUILT ON THE LOT KNOWING THAT THAT HOUSE FLOODS ALSO. SO WE KNOW HAVE EXISTING PEOPLE LIVING THERE THAT EVERY TIME WE BUILD WE'RE CAUSING FLOODING. THE ENVIRONMENTAL IS IMPORTANT, BUT WHAT'S MORE IMPORTANT IS THE PEOPLE THAT LIVE THERE NOW AND OUR HOUSES AND THE NEGATIVE EFFECT ON IT. AND WE DOBEL THAT WE HAVE UNCOVERED DOCUMENTATION THAT WILL HELP HIM AND THE FAMILY BECAUSE, I AGREE, THEY SHOULD HAVE -- THEY SHOULD HAVE RECOURSE, THAT WITH THIS THERE IS KNOWLEDGE THAT THE PROPERTY ACROSS THE WAY THERE, THAT THERE'S A LOT MORE THAN -- AND EACH SPEAKER WILL BE SPEAKING TO THIS, BE TALKING ABOUT THE INADEQUATE DRAINING, WHICH IS A HUGE ISSUE THERE. THE CRITICAL ENVIRONMENTAL FEATURE, THE WATERWAY THRESHOLD AND THE IMPERVIOUS COVER. WHAT I WILL BE SHOWING YOU IS AT THE BEGINNING, BECAUSE IT'S A LITTLE DIFFICULT TO UNDERSTAND, AND THIS IS WHAT HAPPENED WHEN IT WAS IN FRONT OF THE ZONING COMMISSION, WE DIDN'T HAVE PICTURES. SO IT WAS REALLY DIFFICULT FOR THEM TO UNDERSTAND HOW THIS PROPERTY, WHAT IT LOOKS LIKE

WHEN IT RAINS AND THE PROBLEMS WITH THE DRAINAGE AND THE THANKS WERE NOT DONE CORRECTLY IN THAT AREA. SO IF -- HAVE YOU GOT THE CLICKER? WHAT THIS IS IS THIS IS THE PROPERTY, AND YOU'RE LOOKING DOWN, YOU'RE STANDING AT THE CORNER OF JOLLY HOLLOW AND SPRING LAKE, WHICH IS AT THE CORNER THAT HE'S TALKING ABOUT BUILDING, AND YOU'RE LOOKING DOWN AND CAN YOU SEE THAT IT GOES DOWN. AND IF YOU'LL LOOK RIGHT WHERE THERE'S SOMEONE STANDING RIGHT THERE, THAT IS RIGHT WHERE THE INADEQUATE CULVERT IS THAT CAUSES THE ISSUE. YOU CAN SEE WHERE THIS -- IT GOES ACROSS AND FLOODS BECAUSE THIS IS WHERE THEY'RE TALKING ABOUT BUILDING, THIS IS THE CORNER THAT THEY'RE TALKING ABOUT BUILDING AT, AND YOU CAN SEE THAT EVEN WITH A SMALL RAIN -- AND THIS WAS LIKE AN INCH AND THREE-FOURTHS, HOW AFTER THE RAIN STOPS, STILL THE DRAINAGE SIN ADEQUATE AND IT FLOODS ACROSS THERE AND A LOT OF TIME IT'S IMPASSABLE ACROSS THAT PROPERTY THERE. AND GERNGS JUST..... AGAIN, JUST GIVING YOU A LOOK OF WHAT THEIR PROPERTY LIKES LIKE. IT'S RIGHT THERE AT THE CORNER AND IT STANTS DOWN INTO -- SLANTS DOWN INTO WHERE THE DRAINAGE COMES FROM AND CAUSES DRAINAGE PROBLEMS. AND AGAIN, THAT'S JUST SHOWING THAT. AND IF WHAT YOU CAN SEE IS ON THE OTHER SIDE OF THE TREE YOU CAN SEE WHERE -- THIS IS WHERE IT WAS AFTER IT HAD FINISHED RAINING AND YOU CAN SEE WHERE THE FLOODING IS COMING DOWN INTO THE STREET AND YOU'LL BE TIEBL SEE THE RIVER OF WATER THAT COMES THROUGH THERE BECAUSE IT'S NOT DIRECTED ARE. DIRECTED. THAT'S WHAT I'M TRYING TO SHOW THERE. NEXT SLIDE. OKAY. AGAIN, THIS IS THE AMOUNT OF WATER THAT IS COMING THROUGH THAT AREA RIGHT WHERE I'M SHOWING THE FLOODING IS. AND THIS IS AFTER THE NEXT DAIVMENT THIS IS THE AMOUNT OF WATER COMING STILL THROUGH THAT AREA BECAUSE THE AMOUNT OF WATER THAT'S BROUGHT DOWN FROM OTHER AREAS. AND THEN AGAIN, TRYING TO GET YOU TO SEE HOW THEIR PIECE OF PROPERTY, THEY'RE DOWN IN A VALLEY THERE, AND THAT ALL OF THE OTHER HOUSES THAT ARE ALREADY FLOODING ARE ABOVE IT, SO THEY'RE BUILDING DOWN IN A VALLEY THERE OR WANTING TO BUILD IN A VALLEY THERE, WHICH IS GOING CAUSE ISSUES FOR THEM AND FOR OTHER PEOPLE.

THIS HOUSE THAT I'M SHOWING YOU RIGHT HERE WAS THIS IS THE ONE THAT WAS BUILT AND IT WAS BUILT ABOVE ANY FLOODING ISSUE. THIS THE ENVIRONMENTAL AND THIS IS THE WETLANDS THAT WE'RE TALKING ABOUT THERE, WHICH AT THE TIME -- AND THEN THIS AREA, THIS IS WHERE THE SPRINGS ARE. AND THE NEXT SLIDE WILL SHOW WRU YOU CAN SEE WHERE THOSE THINGS ARE, AND THOSE ARE NATURAL. THESE PICTURES ALL TAKEN THIS YEAR, EVEN DURING THIS DROUGHT THESE ARE SPRINGS THAT ARE THERE AND THIS IS THE AMOUNT OF WATER THERE.

Mayor Wynn: YOUR TIME HAS EXPIRED. EITHER SOMEONE ELSE CAN CONTINUE YOUR TESTIMONY OR THEY CAN DONATE THEIR TIME TO YOU.

[INAUDIBLE].

Mayor Wynn: I'VE ALREADY COUNTED YOUR THREE MINUTES. SHE'S ALREADY SPOKEN FOR SIX.

[INAUDIBLE - NO MIC].

Mayor Wynn: CATHERINE MCDONALD IT IS. YOU HAVE THREE MORE MINUTES.

WE'RE GOING TO GO THROUGH THIS BECAUSE WE HAVE 159 ACRES THAT IS DRAINING DOWN INTO THIS SMALL AREA. I JUST WANT YOU TO SEE THAT THIS IS A SHOPPING CENTER THAT STARTS THE BEGINNING AND THEN IT TAIGZ THE WHOLE SUBDIVISION THAT GOES DOWN THERE. STHOAZ YOU THE CULVERT THAT COMES THROUGH THERE THAT'S BRINGING THE WATER THROUGH THERE, AND THAT'S JUST A PICTURE SO YOU CAN SEE HOW LARGE THAT CULVERT IS AND THE AMOUNT OF WATER THAT COMES THROUGH. IS. THIS APPEARS TO BE JUST A LITTLE LAKE. THIS IS ACTUALLY DAM. YOU WILL SEE THE OTHER SIDE OF THE DAM THERE. AND THIS IS THE OTHER SIDE. AND DOWN HERE IS WHERE THE WATER -- THIS IS THE SPILLWAY OVER -- YOU CAN SEE THAT EVEN WHEN WE'RE IN THE DROUGHT LIKE THIS, IF IT RAIN AT ALL, HOW MUCH WATER IS COMING THROUGH THIS AREA, AND IT'S JUST NOT -- THERE'S NOT ADEQUATE DRAINING THAT'S BEEN PLANNED WITH THIS. AND THAT'S BASICALLY WHAT WE'RE TRYING TO SHOW THERE THAT

THERE JUST ISN'T -- THERE ISN'T ENOUGH IMPERVIOUS COVER THERE TO COVER THAT AREA AND FOR THE DRAINAGE THAT'S GOING ON IN THAT AREA. AND WE'LL STOP THERE.

Mayor Wynn: OUR NEXT SPEAKER IS MICHAEL RYAN. AND IS ROBERT MCDONALD HERE? OKAY. MICHAEL, ROBERT WAS OFFERING TO DONATE TIME TO YOU, SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU. MAYOR, MEMBERS OF THE COUNCIL, I'M HERE TO CONTINUE ACTUALLY WHERE CAROL STARTED ON THE INADEQUATE DRAINAGE ISSUE. GERNGS MY NAME IS MICHAEL RYAN. I OWN THE PROPERTY AT 9007 SPRING LAKE, WHICH IS A88 SENT TO THE PROPERTY IN QUESTION. WE DIDN'T HAVE ANY PICTURE UP THERE. THE FIRST PICTURE THAT CAROL SHOWED YOU, THE SPEED LIMIT SIGN ON THE RIGHT-HAND SIDE IS MY PROPERTY AND THE PROPERTY IN QUESTION ON THE LEFT OF THAT. YOU CAN SEE SOME OF THE WATER DRAINING OVER THE STREET THERE. THAT'S REALLY WHERE THE INADEQUATE DRAINAGE IS. AS MY SLIDE STATES UP HERE, I WANT TO TALK ABOUT TWO LETTERS AND WE HOPE THAT THIS WILL ALSO HELP THE HOMEOWNERS IN THEIR CAUSE. THE PROPERTY OWNERS AND THEIR CAUSE. THERE WERE ACTUALLY TWO LETTERS WRITTEN TO THE CITY OF AUSTIN BY THE SPACE WOOD DEVELOPMENT CORPORATION REFERENCING DRAINAGE ISSUES AT THE PROPERTY. THE FIRST ONE FROM AUGUST 16TH OF 1983 ACKNOWLEDGED THAT THERE WERE INADEQUATE EASEMENTS, INADEQUATE CULVERTS, ETCETERA. YOU HAVE THOSE LETTERS I BELIEVE IN THE PACKETS THAT WE DISTRIBUTED. THE SECOND LETTER WAS FROM AUGUST 18th WHICH ACTUALLY INCLUDED PLANS FOR THE REMEDIATION FOR THE CHANGES THAT THEY NEEDED TO MAKE IT TO ADDRESS THAT. UNFORTUNATELY THOSE IMPROVEMENTS WERE NEVER COMPLETED. UNFORTUNATELY THE IMPROVEMENTS WERE NEVER ACTUALLY COMPLETED. ONE OF THE OTHER THINGS THAT CAROL SHOWED THERE WAS THE EXISTING 72-INCH STORM PIPE DRAIN THAT DRAINS FROM THE BALCONES -- THE GALLERIA OAKS SHOPPING CENTER AT THE TOP OF THE NEIGHBORHOOD. THERE ARE ALSO CULVERTS THROUGHOUT THE NEIGHBORHOOD THAT FEED INTO THAT

DRAIN THAT. DRAIN THEN FEEDS ON TO THE PROPERTY IN QUESTION. THAT'S SOME OF THE RUNOFF THAT OFF OF THERE. WHEN SPICEWOOD DEVELOPMENT RECOGNIZED THESE ISSUES THEY DID MAKE SOME CHANGES AND ACTUALLY MR. WHIT LIVE HAD A GREAT PICTURE OF WHERE THEY MADE THEIR CHANGES ON THE SOUTH SIDE OF SPRING LAKE WHERE THE 100 YEAR FLOODPLAIN WAS COMING UP. THEY REPAIRED THE CULVERTS THRRKS ALSO MADE SOME CHANGES TO THE DETENTION POND THRVMENT UNFORTUNATELY THEY DIDN'T MAKE ANY CHANGES RIGHT IN THE EASEMENT IN BETWEEN THE TWO PROPERTIES IN QUESTION. SO WHAT ENDS UP HAPPEN THRG IS THOSE CULVERTS ARE INADEQUATE AND THE WATER ENDS UP BACK UP. OBVIOUSLY THERE ARE SPRINGS IN THE WET LAND THRRKS FWHAW BACK UP-FURTHER EX-SASS CERTIFY BATES THAT PROBLEM. IF THERE IS ANY MORE IMPERVIOUS COVER THAT'S PLACED THERE, ANY VOANING AND RESULTING CONSTRUCTION THAT GOES ON THERE IS CERTAINLY GOING TO DIVERT THAT WATER SOMEWHERE. I'M NOT AN ENGINEER, BUT CERTAINLY THAT SEEMS TO BE THE CASE, THAT WATER'S GOT TO GO SOMEWHERE AND I'M IMMEDIATELY DOWNSTREAM FROM IT. AGAIN, I THINK YOU'LL HEAR FROM TH FROM ALL OF US, WE'RE VERY SYMPATHETIC WITH THE SITUATION THAT THE PROPERTY OWNERS ARE IN. WE JUST DON'T BELIEVE THAT IT'S PRUDENT TO BUILD ON THIS PROPERTY. THANK YOU.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS PETER JOHNS. ALL RIGHT. I'LL JUST GO TO THE ORDER YOU SIGNED UP. JERRY LOZANO IT IS. AND IT LOOKS LIKE PERHAPS MRS. BARBRETI... SO PAUL FISHMAN?

PAUL DEMASSEY.

.....

Mayor Wynn: STATE YOUR NAME FOR THE RECORD AND YOU'LL HAVE THREE MINUTES.

OKAY. AND I THINK SOMEONE DONATED SOME OF THEIR TIME TO ME.

Mayor Wynn: THEY HAVE TO BE HERE AND IDENTIFY

THEMSELVES IN ADVANCE. WHO MIGHT THAT BE?

CHRISTINA RYAN.

Mayor Wynn: YOU WILL V. SIX MINUTES.

OKAY. GOOD EVENING, MAYOR AND COUNCILMEMBERS. MY NAME IS PAUL DEMASSEY. MY WIFE AND I HAVE LIVED ON SPRING LAKE DRIVE FOR ABOUT 20 YEARS. I'LL BE ADDRESSING THE ITEM NUMBER 3, WHICH ON THE AGENDA -- OUR AGENDA REGARDING THE WET LAND AND THE CEF, CRITICAL ENVIRONMENTAL FEATURE SET BACK. I'LL BE REFERRING TO THE MAP PREPARED BY THE CITY OF AUSTIN ENGINEERS AFTER BALCONES VILLAGE WAS ANNEXED AND THE REQUIRED SEWER LINES INSTALLED. AND CAN YOU SEE ON THIS LINE. OUR POSITION IS THAT THE 150-FOOT SET BACK REQUIRED BY THE LAND DEVELOPMENT CODE, SECTION 25-8-281, SHOULD BE RETAINED. BY TAKING THIS POSITION WE ARE IN AGREEMENT WITH CITY OF AUSTIN'S MIKE LIDAY, SENIOR ENVIRONMENTAL SCIENTIST'S MEMO OF JUNE 5TH WHERE HE STATES, I RECOMMEND THE STANDARD 150-FOOT SET BACK FOR THE CRITICAL WET LAND CRITICAL ENVIRONMENTAL FEATURE SUPPORTED ON THE SUBJECT TRACT. THEREFORE THE ENTIRE PROPERTY WOULD BE INCLUDED IN THE SET BACK. IF THE COUNCIL DECIDED TO GO WITH A 50 OR EVEN 75-FOOT SET BACK FROM THE CEF, THERE WOULD STILL NOT BE ENOUGH ROOM FOR EVEN ONE HOME TO BE BUILT, AGAIN REFERRING TO MIKE LIDAY'S LETTER WHERE HE STATES, THIS WET LAND WAS ORIGINALLY IDENTIFIED BY AN ENVIRONMENTAL CONSULTANT DURING THE CONSTRUCTION OF THE WASTEWATER LINE ALONG SPRING LAKE DRIVE IN MAY 2001. AT THIS TIME THE SETBACK FOR THE WET LAND WAS PROPOSED TO BE 75 FEET FOR THE WASTEWATER CONSTRUCTION. THE POTENTIAL IMPACT TO THE WET LAND CRITICAL ENVIRONMENTAL FEATURE IS GRADED WITH COMMERCIAL OR RESIDENTIAL CONSTRUCTION BECAUSE MORE LAND IS COVERED THAN WITH A WASTEWATER LINE. THIS IS WHY I RECOMMEND THE STANDARD 100-FOOT -- 150-FOOT SET BACK IN THIS CASE. NEVERTHELESS, I DON'T THINK THERE WOULD BE ROOM FOR A HOME WITH EVEN A 75-FOOT WET LAND SET BACK. IT'S A SHAME -- HE STATES, IT'S A SHAME THAT THE APPLICANT PURCHASED THE

PROPERTY WITHOUT KNOWLEDGE OF THE WET LAND ISSUE. AND WE'RE ALL SYMPATHETIC WITH HIM. WE ALL FEEL FOR WHAT HE'S GOING THROUGH, BUT WE JUST DON'T FEEL THERE'S ENOUGH ROOM. NOW, BASED ON THE RECOMMENDATION IN THIS MEMO, WE RESPECTFULLY REQUEST THAT YOU NOT APPROVE THE CHANGE FROM RURAL RESIDENTIAL TO SF-1?

Mayor Wynn: THANK YOU, SIR. SO THE NEXT SPEAKER IS JERRY LOZANO. YEAR, SHE'S OFFERING HER THREE MINUTES TO YOU, SO YOU WILL HAVE SIX MINUTES IF YOU NEED IT.

I LIVE AT 9100 SPRING LAKE DRIVE AND I'M GOING TO READ THIS TO YOU BECAUSE ONCE YOU HEAR IT YOU'LL REALIZE THAT I COULD NEVER MEMORIZE THIS AT ALL. I'M GOING TO TALK ABOUT THE PROPERTY IN QUESTION IS BELIEVED TO BE A WATER SUPPLY RURAL WATERSHED, BUT IN FACT WE ARE IN A SUBURBAN WATER SUPPLY WATERSHED BASED ON THE FACT THAT WE ARE IN AN AREA THAT IS GREATER THAN THE 128 ACRES NEEDED FOR THIS DESIGNATION. BECAUSE OF THE DRAINAGE FIELD, THIS AREA BECOMES A MINOR WATERWAY. THE BOUNDARIES OF THIS CRITICAL WATER QUALITY ZONE ARE LOCATED NOT LESS THAN 50 FEET AND NOT MORE THAN 100 FEET FROM THE CENTER LINE OF THE WATERWAY. THE 159-ACRE DRAINAGE FIELD COMES FROM THREE PROJECTS CONSTRUCTED IN EARLY 1980'S. CHANGING THE WATERSHED BOUNDARY, THE PLAZA 183 SHOPPING CENTER LOCATED AT THE SOUTHWEST CORNER OF ANDERSON MILL ROAD AND HIGHWAY 183 WAS CONSTRUCTED UNDER WATERWAY DEVELOPMENT PERMIT R THE PLAZA, 183 SHOPPING CENTER, WAS CONSTRUCTED IN THE LAKE CREEK WASTEWATER. BY CONCENTRATING DRAINAGE TO AN EXISTING 8 BY 3 BOX CULVERT UNDERNEATH HIGHWAY 183, SUBSEQUENTLY TWO PROJECTS WERE BUILT THAT REDIRECTED THE ORIGINAL LAKE CREEK WATERSHED BOUNDARY. THE FIRST WAS KNOWN AS THE BALCONES DRAINAGE IMPROVEMENTS AND WAS CONSTRUCTED UNDER WATERWAY DEVELOPMENT PERMIT. THIS PROJECT CONSTRUCTED A SERIES OF STORM SEWERS IN BALCONES CLUB DRIVE AND THE BALCONES GOLF COURSE TO REDIRECT APPROXIMATELY 77 ACRES OF STORM DRAINAGE AWAY FROM THE EXISTING 8 BY 3 BOX

CULVERT. AND THAT IS THE YELLOW YOU SEE THERE IS WHAT REDIRECTED. THE DRAINAGE WAS IN ESSENCE SHIFTED FROM LAKE CREEK WATERSHED TO BULL CREEK WATERSHED. SUBSEQUENTLY THE CORNER SHOPPING CENTER WAS CONSTRUCTED UNDER A WATERWAY PERMIT. IN THIS DWOIMENT DEVELOPMENT DRAINAGE FROM THE SHOPPING CENTER AND THE CORNERS NORTH SHOPPING CENTER WERE DIRECTED AWAY FROM THE EXISTING BOX CULVERT AS MENTIONED BEFORE TO THE STORM SEWERS IN BALCONES CLUB DRIVE. THE UNPLATTED PARCEL LOCATED ACROSS THE STREET FROM US ORIGINALLY A TOTAL CONTRIBUTING AREA OF 82 ACRES, WHICH IS THE FINK OR RED YOU SEE THERE. THEY DOINLT POSE ENVIRONMENTAL RESTRICTIONS UPON THE PROPERTY IN QUESTION. SINCE THE LAND DEVELOPMENT CODE IS SILENT REGARDING MAN-MADE DIVERSIONS OF STORM DRAINAGE PATTERNS, PAT MURPHY WAS APPROACHED. HE SAYS THAT YOU HAVE TO FOLLOW DRAINAGE PATTERNS THAT ARE ESTABLISHED AT THE TIME OF YOUR DEVELOPMENT. SINCE IN THIS CASE WHEN YOU ADD THE ADDITIONAL 77... 77 YOU ACRES TO THE TRIBUTARY TO BULL CREEK, WHAT ORIGINALLY DID NOT CONTAIN A CREDIT CEAL WATER QUALITY ZONE NOW HAS TO CONSIDER 159 ACRES. FOR THIS CONSIDERATION THE PROPERTY IS NOW TOTALLY ENVELOPED WITH UNDEVELOPABLE LAND. IT'S NOT JUST THE WETLANDS THERE. AS WELL WE HAVE A MIDDLE EASTERN WATERWAY THAT US -- A MINOR WATERWAY THAT RUNS WILL.....THROUGH. APPROXIMATE U.T. THANK YOU.

Mayor Wynn: SO I THINK THAT LEAVES US WITH PETER JOHNS. AND THE QUESTION IS IS AL CURBMAN HERE? OKAY. HOW ABOUT SUSAN SEFFE? SO PETER, VUL NEWS 8 AUSTIN MINUTES IF YOU NEED IT -- PETER, YOU WILL HAVE NINE MINUTES IF YOU NEED IT.

CITY COUNCIL, MAYOR, THANK YOU FOR HAVING US TO DISCUSS THIS IMPORTANT MATTER FOR OUR NEIGHBORHOOD. MY NAME IS PETER JOHN, A MECHANICAL ENGINEER BY EDUCATION. I ALSO SERVE AS THE ENVIRONMENTAL ENGINEER FOR THE COMPANY I WORK FOR THAT BUILDS CRANES IN THE GEORGETOWN AREA. THEY'VE ASKED ME TO TAKE THE PINCH HITTER SPOT IF YOU WILL. WE'D LIKE TO CONTINUE TO DISCUSS SECTION 4 IN YOUR

HANDOUTS IS THE QUESTION OF HOW MUCH AVAILABLE IMPERVIOUS COVER IS REALLY THERE FOR THIS PROPERTY. ARE OUR CONTENTION IS BECAUSE OF THE CALCULATIONS THAT NEED TO BE PERFORMED TO TAKE INTO ACCOUNT THE ROADWAY ITSELF, THERE ACTUALLY IS NOT ENOUGH AVAILABLE IMPERVIOUS COVER TO EVEN BUILD A HOUSE. IT SHOWS THE SLICE OF LAND. I'LL ASK YOU TO BACK UP IN JUST A MANIPULATE. SO THIS SLIDE SHOWS IN THE PINK COLOR THE LAND THAT HAS TO BE CONCLUDED IN THE CALCULATIONS DUE TO THE COVERAGE OF THE CONCRETE OVER THE LAND IF FOR THE IMPERVIOUS COVER. AND THE JOY THE LAND THAT'S AVAILABLE OUT OF THE 1.53-ACRE TRACT THAT'S USABLE IN THE CALCULATIONS. AND YOU WILL SEE AT THE END OF ALL THESE NUMBERS TWLEAL IS NOT ENOUGH SPACE THERE TO BUILD A HOUSE ON WHEN YOU GO BY THE RULES OF ENGAGEMENT IN THE CITY OF AUSTIN CODES. THE CRITICALITY CODES, WE'VE DISCUSSED SEVERAL OF THEVMENT THE FIRST ONE IS THE ROADWAYS THAT, THE IMPERVIOUS COVER CALCULATION HAS TO CONSIDER THE ROADWAY. AND THAT ROADWAY IS 25 FEET WIDE ON A 50-FOOT BED. NUMBER TWO, ALSO AGAIN THIS DEVELOPMENT IS BEING REQUESTED TO BE DONE IN A CRITICAL WATER QUALITY ZONE, SO AGAIN THAT LAND CANNOT BE USED FOR DEVELOPMENT. NUMBER 3, ALSO THAT THIS LAND IS LOCATED IN A WATER -- IT HAS A WATER QUALITY TRANSITION ZONE AND IT DOES NOT LIE OVER THE ST. EDWARD'S RECHARGE OWN AND THEREFORE THE SITE MAY NOT EXCEED 18% OF THE AVAILABLE AREA. NOW, THERE'S ONE MORE AS I WAS GOING THROUGH MY NOTES WALKING UP TO -- THIS EVENING IS THERE'S ANOTHER SECTION WHICH CAN COVERS FWEN CRITICAL REQUIREMENT AL FEATURES THAT REQUIRES A BUFFER ZONE TO BE ESTABLISHED AROUND EACH OF THE CRITICAL ENVIRONMENTAL FEATURES, IE, THE SWAMP AREA. AND AGAIN UNDER SECTION C 1 A OF THAT CODE, THE WIDTH OF THE BUFFER ZONE IS REQUIRED TO BE 150 FEET FROM THE EDGE OF THE ENVIRONMENTAL FEATURE, THE WET.... WETLANDS. SO IF CAN YOU SWING TO THE CANNED COPY, I WANT YOU TO GO TO THE OVERHEAD SLIDE, PLEASE. ON THE OVERHEAD SLIDE YOU SEE THE YELLOW LINE AT THE LOWER SECTION, WHICH IS THE EDGE OF THE CRITICAL WATER FEATURE, AND THEN THERE'S A HEAVY PEN LINE

THAT SHOWS A 75-FOOT ZONE BEYOND THAT WHICH IS WHAT THE CITY ELECTED TO USE WHEN THEY SET THEIR GUIDANCE ON PUTTING IN THE SEWER LINE. THE 150-FOOT ZONE IS THE YELLOW LINE AT THE TOP OF THAT PAGE WHICH CLEARLY IS IN THE MIDDLE OF THE ROADWAY, MEANING THERE WOULD BE NO LAND AVAILABLE IN THE MIDDLE TO LAND ON. IF WE FOLLOWED THE CITY'S PRECEDENT, YOU STILL HAVE NO PLACE TO PUT A HOUSE. NOW IT GETS -- IF YOU WOULD DISWROWMP THE CALCULATIONS -- JUMP TO THE CALCULATIONS AND I'LL COME BACK TO THE CONCLUSION. ESSENTIALLY BECAUSE OF THE WAY THE CALCULATIONS ARE DONE, THERE IS NO AREA AVAILABLE UP LANDS TO USE FOR THIS CALCULATION FOR AVAILABLE IMPERVIOUS COVER. IF YOU WILL COME DOWN TO THE MIDDLE OF THE PAGE WHERE IT TALKS ABOUT THE PERCENT REDUCTION OF 42 PERCENT AND IT GIVES A NUMBER OF .205 ACRES THIS IS THE AREA THAT'S BEEN DEDUCTED FOR RIGHT-OF-WAY COVERAGE. THAT WAS DEDUCTED BECAUSE OF THE ROADWAY. IF YOU COME DOWN TO THE CALCULATIONS FOR THE ACTUAL 18 PERCENT OF THE 1.05 ACRES THAT'S AVAILABLE TO CALCULATE AGAINST, THAT ONLY GIVES YOU .185 ACRES. SO THE SPACE AVAILABLE FOR PUTTING A HOUSE ON IT, .15 ACRES IS COMPLETELY EAT UNUP BY THE SPACE TAKEN UP BY THE ROADWAY. SO THERE IS ACTUALLY NEGATIVE SPACE AVAILABLE ACCORDING TO THE CODES TO PUT A HOUSE ON. SO THAT'S A VERY CRITICAL POINT. ACCORDING TO THE CITY'S CODES THERE'S NO SPACE AVAILABLE TO PUT A HOUSE THERE. SO AGAIN, OUR CONCLUSIONS, BECAUSE OF THE POSITION OF THE CRITICAL FEATURE AND SETBACKS REQUIRED, THERE'S NO LAND AVAILABLE FOR UP-LAND ON THE FEATURE FOR CONSTRUCTION. THE MAXIMUM IMPERVIOUS COVER BY THE CITY CODES MAY NOT BE ALLOWED TO EXCEED 18 PERCENT. THE ROADWAY HAS TO BE CONSIDERED AS IMPERVIOUS COVER. AND AGAIN WHEN THE CALCULATIONS ARE COMPLETE, THERE IS -- THERE'S LITERALLY NO SPACE AVAILABLE FOR CONSTRUCTION. OUR RECOMMENDATION AGAIN IS THIS THE ZONING REMAIN AS RURAL BECAUSE OF ALL THESE NEGATIVE FACTORS AND THAT IT NOT BE TAKEN ANY FURTHER TO BE CONSIDERED FOR A FURTHER SUBDIVISION. AND AGAIN, OUR RECOMMENDATION IS THAT THIS PROPERTY NEVER BE

BUILT UPON. AND AGAIN, WE EMPATHIZE FOR THE OWNERS, BUT THE FACTS ARE THE FACTS AND WE ARE WHERE WE ARE. QUESTIONS?

Mayor Wynn: THANK YOU PLRKS JOHNS. QUESTIONS FOR MR. JOHNS, COUNCIL.....COUNCIL? THANK YOU VERY MUCH. THE LAST PERSON THAT I SHOW SIGNED UP THAT WISHED TO SPEAK WAS PAULA CURBMAN? WELCOME. YOU WILL HAVE THREE MINUTES.

MY NAME IS PAULA CUSHMAN AND MY HUSBAND AND I LIVE ON SPRING LAKE DRIVE. I'M HERE TO BASICALLY SUMMARIZE WHAT THE NEIGHBORS HAVE PROVIDED FOR YOU TONIGHT. FIRST THERE IS AN EXISTING DRAINAGE INFRASTRUCTURE THAT IS INADEQUATE. SECOND, THAT A SUBSTANTIAL CRITICAL ENVIRONMENTAL FEATURE IS ON THE PROPERTY, WET LAND. THIRKSD THE UPSTREAM DRAINAGE IS 159 ACRES, WHICH IS OVER THE 1 WAY ACRE REQUIRED MINOR WATERWAY THRESHOLD. FOUR, ONCE YOU DIKT THE CRITICAL QUALITY ZONE, ONCE YOU DEDUCT THE MINOR WATERWAY AND ONCE YOU DEDUCT THE AREA FOR THE CRITICAL ENVIRONMENTAL FEATURE, THE WET LANZ, AND ONCE YOU DEDUCT THE BOUNDARY STREET IMPERVIOUS COVER, YOU'RE LEFT WITH A NEGATIVE QUAIRJ OF AVAILABLE -- SQUARE FOOTAGE OF AVAILABLE IMPERVIOUS COVER. WE SYMPATHIZE WITH THE SITUATION; HOWEVER, IT DOES NOT MAKE SENSE TO ENDANGER THAT AREA BY ALLOWING AN EVEN GREATER VARIANCE FROM THE REQUIRED 150 SET BACK AND TO ALLOW CONSTRUCTION OF A PERMANENT STRUCTURE WITH ONGOING FAMILY ACTIVITY IN THIS SENSITIVE AREA TO THE DETRIMENT OF THE ENVIRONMENT AND TO THE REST OF THE COMMUNITY. WE BELIEVE THE PROPERTY SHOULD REMAIN AS A RURAL RESIDENT DISTRICT DUE TO THE ABOVE REASONS AND BELIEVE THE PROPERTY SHOULD NEVER BE BUILT ON. I ALSO ASK YOU TO NOTE ON THE FIRST -- IN THE PACKET THAT WE'VE PROVIDED TO YOU A LETTER FROM THE BALCONES SPICEWOOD HOMEOWNERS ASSOCIATION OPPOSING THE REZONING OF THIS PROPERTY. IF I MAY READ THE FIRST PARAGRAPH OF THE LETTER. THE BALCONES, SPICEWOOD HOMEOWNERS ASSOCIATION OPPOSES THE CITY COUNCIL'S 'S APPROVAL OF THE REZONING OF 9009 SPRING LAKE DRIVE RURAL SUCH

REZONING IS NOT IN THE BEST INTEREST OF OUR NEIGHBORHOOD. THIS WAS SIGNED BY THE PRESIDENT OF THE BALCONES SPICEWOOD HOMEOWNERS ASSOCIATION. THANK YOU.

Mayor Wynn: THANK YOU. COUNCIL, THAT CONCLUDES ALL THE FOLKS WHO SIGNED UP IN OPPOSITION. THE AGENT NOW HAS A ONE-TIME THREE-MINUTE REBUTTAL. WELCOME BACK, MR. WHITMAN.

THANK YOU, MAYOR. FIRST I WANT TO SAY WOW TO THE NEIGHBORHOOD'S GRAPHICS. I'M HIRING THEM ON MY NEXT CASE BECAUSE MY STUFF'S NOT LOOKING SO GOOD. I'VE BEEN DOING THIS 54 -- 24 YEARS. THIS IS NOT MY FIRST RODEO. BELIEVE ME RLTD I APPRECIATE THEIR COUNSEL ON PERIMETER ROADWAY DIKSES, CRITICAL WATER QUALITY ZONE, WATER QUALITY TRANSITION ZONES, FLOODPLAINS, THOSE ARE ALL THE ISSUES THAT WE LOOKED AT. BACK TO THE DRAWING HERE, THE DRAWINGS THAT -- PHOTOS THAT THEY HAD THAT SHOWED THE WATER COMING THROUGH THERE, THIS IS A DRAINAGE WAY THAT DRAINS AN AREA UPSTREAM. THEY SAID IT'S 159 ACRES. I DISPUTE THAT. WE'VE GOT A MAP HERE -- WOULD YOU GO TO THAT OVERHEAD MAP FOR ME? WE'VE GOT A MAP HERE, ONE OF THE FIRST THINGS WE DID IS WE HIRED A CIVIL ENGINEER TO MAP THE UPSTREAM WATERSHED. AND HERE IT IS, IT'S 94.84 ACRES. AND HE WENT THROUGHOUT AND DROVE THE WHOLE NEIGHBORHOOD, HE CONSULTED TOPOGRAPHIC MAPS. NOW, IF WE'RE WRONG, THAT'S GOING OUR PROBLEM, BUT THIS IS AN ISSUE THAT WE HAVE TO PROVE WHEN A SUBDIVISION APPLICATION IS SUBMIT ODD THIS CASE. WE HAVE TO PROVE THAT THE -- IF THE WATERWAY IS CLASSIFIED THAT QUEF..... WE HAVE TO PROVE THAT. WE'LL STAND ON THE MERIT OF WHAT THE CIVIL ENGINEER WHO I HAVE WORKED WITH MANY TIMES ON PROBABLY 100 PROJECTS, AND I'VE FOUND HIM TO BE A COMPETENT INDIVIDUAL, AND HIS MAP, TO RESPECTFULLY DISAGREE WITH THE NEIGHBORHOOD, IT'S 94.84 ACHENERS THE UPSTREAM WAWRD. BECAUSE IF WE FOUND IT WAS CLASSIFIED AS A MINOR WATERSHED, I WOULD HAVE TOLD HIM DON'T BUY THE PROPERTY. SO I DISPUTE THAT ISSUE. AS FAR AS THE FLOODING ISSUE, AGAIN, I'LL JUST REFER BACK TO THE EXISTING AND THE PROPOSED FEMA FLOOD

MAPS. DOES WATER GO THROUGH THERE? YES, IT DOES. THERE'S A WUL VERT THERE. IS IT UNDERSIZED IN I BELIEVE IT PROBABLY S THAT'S SOMETHING MAYBE THE CITY WOULD ADDRESS IN THE FUTURE, BUT EXISTING FLOODPLAIN IS NOT ON THIS PROPERTY, THE PROPOSED FLOODPLAIN IS EVEN FURTHER FROM THE PROPERTY. NOW, ONE OF THE THINGS IS THAT WHEN I WENT THROUGHOUT AND LOOKED THERE WAS ALL KINDS OF VEGETATIVE DEBRIS IN THE CULVERT. YOU GET MAY A TREE STUCK IN THERE AND IT'S NOT GOING TO THROW WATER THE WAY IT'S SUFFICIENTLY DESIGNED. SO THE OWNER WILL KEEP THE CULVERT CLEAN AS PART OF HIS MAINTENANCE OF THE PROPERTY. BACK TO ISSUES ABOUT HABITAT DESTRUCTION. WE'RE CUTTING DOWN ONE NINE-INCH HACKBERRY TREE. THAT'S THE ONLY TREE WE'RE REMOVING ON THE PROPERTY. WE'RE DONATING OVER -- .99 ACRES AS A CONSERVATION EASEMENT TO THE CITY IF THEY'LL HAVE IT. THE ISSUES THAT ARE HEERKS THE PERIMETER ROADWAY DEDUCTION, I CALCULATED THE PERIMETER ROADWAY REDUCTION. IF WE DID THIS -- [BUZZER SOUNDS] IF WE DID THE WHOLE THING AS ONE LOT I AGREE WITH THEIR NUMBERS, BUT THAT'S NOT HOW WE WOULD DO IT. AND TRUST ME, IF I DIDN'T KNOW I COULD GET TO THE FINISH LINE I WOULDN'T HAVE COME THIS FAR. I HOPE YOU WILL GIVE HIM HIS SF-1 ZONING AND LET THE SUBDIVISION QUESTIONS BE ANSWER WHEN HAD WE SUBMIT A SUBDIVISION APPLICATION AND A VARIANCE. THANK YOU.

Mayor Wynn: IF YOU. COUNCIL, THAT CONCLUDES THE PUBLIC HEARING PART OF THIS CASE NUMBER 71. QUESTIONS OF STAFF? COUNCILMEMBER KIM.

Kim: I THINK MAYBE STAFF FROM THE WATERSHED PROTECTION DIVISION CAN GIVE US SOME INFORMATION ABOUT THE FLOODING IN THE AREA AND PARTICULARLY THE DRY CREEK AND THE PURPOSE OF THE DRY CREEK.

GOOD EVENING, MAYOR AND COUNCIL. I'M MIKE LIDAY WITH WATERSHED PROTECTION. I'M AFRAID I DON'T HAVE A GOOD ANSWER ABOUT THE FLOODPLAIN ISSUES. I'M THE CITY'S WET LAND SPECIALIST, SO I CAN ANSWER QUESTIONS ABOUT THAT. I DON'T KNOW THAT WE HAVE ANOTHER WATERSHED PROTECTION PERSON THAT COULD ADDRESS

THE POTENTIAL FLOODING QUESTION. CM KIM THERE'S NO ONE ELSE? OKAY. MAYOR DISMAIR THAT GET

Mayor Wynn: DOES THAT GET ADDRESSED AS PART OF THE SUBDIVISION PROCESS? DO YOU AND YOUR COLLEAGUES GET THE RESOURCES NEEDED TO MAKE THAT ALL OF THE OVERLAID TECHNICAL ANALYSIS AS PART OF THE SUBDIVISION? YOU.

DWOA HAVE EXPLAIN -- WE DO HAVE FLOODPLAIN SPECIALISTS IN OUR DEPARTMENT TO ANSWER THE QUESTION, BUT THEY'RE NOT HERE TONIGHT.

Kim: IS THERE STAFF FROM ANOTHER DHEAPT CAN TELL US -
- MAYBE THE SUBDIVISION AND THE WAY THE WATER FLOWS? WAS IT DELIBERATELY DESIGNED THIS WAY OR IS IT -- IT THE FLOODING PROBLEM THAT NEEDS TO BE CORRECTED IN...?

WE COULD ANSWER THAT QUESTION IN WRITING, I'M SURE.

I DON'T THINK WE HAVE THE INFORMATION THIS EVENING. WE COULD CERTAINLY COME BACK WITH YOU WITH SOME INFORMATION. GIVEN THAT IT'S NOT WITHIN THE 100 YEAR FLOODPLAIN OR THE PROPOSED 100 YEAR FLOODPLAIN, WE DIDN'T HAVE A DRAINAGE STAFF PERSON HERE THAT COULD ANSWER THAT QUESTION. OUR MAIN CONCERN WAS DEALING WITH THE CRITICAL WATER -- THE CRITICAL REQUIREMENT AL FEATURE REGARDING THE WET LAND. IF YOU WENT FORWARD WITH THIS CASE ON FIRST READING, WE COULD INVITE THE DRAINAGE FOLKS AT WATERSHED PROTECTION TO LOOK AT THOSE ISSUES ABOUT HOW THE ORIGINAL SUBDIVISION WAS DENIED.

Kim: RIGHT. BECAUSE I DON'T WANT TO PENALIZE THIS APPLICANT IF IT WAS DISBROIRND THE ENTIRE SUBDIVISION, IT'S JUST ONE SINGLE-FAMILY HOME WHERE THE PROBLEM IS WITH THE HUNDREDS OF HOMES IN THE AREA. SO I'M LOOKING AT THE CONDITIONS THAT THE APPLICANT HAS AGREED TO AND, MR. GUERNSEY, CAN YOU KIND OF LAY OUT WHAT THE CONDITIONS ARE COMPARED TO WHAT WOULD NORMALLY BE REQUIRED?

MR. WHITLIFF HAS OUTLINED SOME ADDITIONAL CONDITIONS THEY WOULD BE AGREEABLE TO AND MOST OF THESE WE COULD PUT IN THE FORM OF A CONDITIONAL OVERLAY OR A PUBLIC RESTRICTIVE COVENANT. AND IT WOULD BEHAVINGLY LIMIT THE PROPERTY FROM -- LIMIT THE PROPERTY FROM BUILDING A SINGLE RESIDENCE, PROVIDING A 50-FOOT SET BACK FROM THE WET LAND AREA, REDUCING THE SIZE OF THE REZONING REQUEST ALMOST BY AN ACRE DOWN TO .36 ACRES FROM ITS 1.35 ORIGINAL REQUEST, TO LIMIT THE IMPERVIOUS COVER TO ONLY 2,500 SQUARE FEET, TO ALSO REDUCE THE BUILDING COVERAGE DOWN TO 1500..... 1500 SQUARE FEET. AND THAT WOULD BE ONLY 10% OF THIS PROPERTY. THERE ARE SOME ADDITIONAL CONDITIONS THAT JIM HAD REFERENCED THAT THERE WOULD BE ONE TREE THAT WOULD BE REMOVED AND WE COULD PROBABLY SPEAK TO THE TREES ON THE PROPERTY. AND I THINK THERE WAS ONE ADDITIONAL CONDITION THAT HE HAD IN HIS BACKUP LETTER PROVIDED COUNCIL THAT THERE BE A PIER AND BEAM CONSTRUCTION AND NOT A SLAB ON GRADE. AND WITH THOSE ITEMS WE COULD EITHER ADDRESS THOSE IN A COVENANT OR A CAN CONDITIONAL OVERLAY AND FLENLT BACK TO YOU -- PRESENT THEM BACK TO YOU AS CONDITIONS ON THIS PROJECT IF IT GOES FORWARD.

Kim: ALL RIGHT. I EMPATHIZE WITH THE APPLICANT, IELS EMPATHIZE WITH THE NEIGHBORS IN TERMS OF FLOODING. I DON'T KNOW HOW RELATED THEY ARE. SO I'M GOING TO MOVE FOR APPROVAL ON FIRST READING ONLY WITH A REQUEST FOR INFORMATION ON THE FLOODING IN THE AREA, SEE WHAT IS THE CAUSE OF THAT, IS THERE ANYTHING THAT NEEDS TO BE DONE, IF THERE IS A PROBLEM THAT NEEDS TO BE RECTIFIED.

..

Mayor Wynn: SO COUNCILMEMBER, THAT WOULD BE APPROVAL OF THE --

Kim: IT WOULD BE THE ZAP'S RECOMMENDATION OF THE SF-1-CO ZONING.

THE ORIGINAL STAFF RECOMMENDATION WAS SF-1 WITH NO

CONDITIONAL OVERLAY. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS SF-1.1 LIMITED TO RESIDENTIAL UNITS AND I THINK WHAT MR. WHITLIFF IS OFFERING IS SF-1 ZONING LIMITED TO ONE UNIT WITH THE CONDITIONS THAT I OUTLINED.

Kim: CAN WE CHANGE BETWEEN FIRST AND SECOND READING?

YES. WE COULD LEAVE IT AS AN UNRESTRICTED INCOME OF UNITS AND ADDRESS THE ADDITIONAL LIMITS THAT MR. WHIT LIVE HAS, PUT THEM IN A COVENANT OR CONDITIONAL OVERLAY AND BRING THEM BACK TO THE COUNCIL.

Kim: WHAT IS THE DIFFERENCE 29 THE ZAP'S CONDITIONS AND WHAT THE APPLICANT HAS AGREED TO?

ZAP LIMITED IT TO TWO DWELLING UNITS AND THE SPLIKT NOW WILLING TO LIMIT TO A SINGLE DWELLING.

Kim: WHICH IS MORE STRICT ACTIVE THAN TWO UNITS. SO I CHANGE MY MOTION TO WHAT APPLICANT HAS FWREAD TO, WHICH IS ONE UNIT.

WITH THOSE OTHERS CONDITIONS THAT I OUTLINED.

Kim: YES.

Mayor Wynn: MOTION BY COUNCILMEMBER KIM TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY, SF-1-CO WITH THE SINGLE LOT LIMITATION, SINGLE UNIT LIMITATION AND WITH THE ADDITIONAL SIXTH STREETS AS OUTLINED BY STAFF -- ADDITIONAL RESTRICTIONS AS OUTLINED BY STAFF. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL. IT.

Leffingwell: YEAH, MY VIEW ON IT, I'M VERY SYMPATHETIC TO ALL THE WORK THE NEIGHBORHOOD HAS DONE WITH REGARD TO ANALYZING THE CRITICAL ENVIRONMENTAL FEATURES AND THE FLOODPLAINS AND THE DRAINAGE AREAS, ETCETERA. BUT THESE ARE REALLY ALL SITE PLAN ISSUES. IT REALLY DOESN'T MATTER WHAT WE ZONE THIS PROPERTY. IF THEY CAN'T GET APPROVAL OF THE SITE PLAN

WITH REGARD TO THESE ENVIRONMENTAL FEATURES, THEY'RE NOT GOING TO BE TIEBL BUILD ANYTHING ANYWAY. SO I'M GOING TO SUPPORT THIS ON FIRST READING WITH THE -- I'LL SUPPORT THE MOTION AS OUTLINED WITH THE ONE DWELLING ONLY AND THE CONDITIONS THAT WERE ENUMERATED BY YOU. AM.

Mayor Wynn: FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE, FIRST READING ONLY, SF-1-CO, SINGLE CRIEWNT RESTRICTION WITH ADDITIONAL RESTRICTIONS AS OUTLINED BY TAF. STAFF. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH.

THANK YOU, MAYOR AND COUNCIL. THAT BRINGS US TO ITEM NUMBER SPINE, CASE C-14-06-0122 FOR THE PROPERTY LOCATED AT 10701 OLD MANCHACA ROAD. THIS PROPERTY IS KNOWN AS THE SADDLE CREEK APARTMENTS AND THIS IS PROPERTY THAT'S ALREADY DEVELOPED WITH A 224 224 UNIT APARTMENT COMPLEX, AND THE PROPERTY OWNER IS SCA GENERAL AND IS SEEKING REZONING TO BRING THE PROPERTY IN COMPLIANCE WITH OUR ZONING REGULATIONS. THAT IS THE REASON FOR THE MF-2 REQUEST. THE ZONING AND PLATTING COMMISSION RECOMMENDED TO APPROVE THE STAFF RECOMMENDATION WITH A CONDITIONAL OVERLAY LIMITING IT TO 2,000 FRIENDSHIPS PER DAY AND APPROVE THIS ON A 6-0 VOTE BY CONSENT. AT THIS POINT I'LL PAUSE AND IF YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER THEM.

Mayor Wynn: QUESTIONS OF STAFF? IF NOT, I'LL CONDUCT OUR PUBLIC HEARING, ITEM NUMBER 79. I'LL HAVE A PRESENTATION FROM THE APPLICANT. VUL FIVE MINUTES IF YOU NEED IT, WELCOME.

I'LL TAKE A LOT LESS TIME THAN THAT. MY NAME IS MIKE DALLAS. I'M THE AGENT FOR THE APPLICANT. LIKE STAFF POINTED OUT, THIS IS AN EXISTING APARTMENT COMPLEX. THEY GOT EVERYTHING APPROVED BY THE CITY, EVERYTHING IS IN COMPLIANCE. THE CITY ANNEXED THE PROPERTY FOUR OR FIVE YEARS OONGD WE JUST FOUND OUT ABOUT IT, SO WE'RE JUST LOOKING FOR ZONING THAT

COMPLIES WITH WHAT'S THERE. THEY HAD ORMLY DEVELOPED A 72-ACRE TRACT BEHIND THIS APARTMENT COMPLEX AS A SINGLE-FAMILY SUBDIVISION. HE BUILT THE APARTMENTS, THEN THE SINGLE-FAMILY SECTION WAS BUILT. REALLY JUST LOOK FOR ZONING THAT COMPLIES WITH THE EXISTING USE.

Mayor Wynn: THANK YOU. QUESTIONS FOR THE AGENT, COUNCIL? WE HAVE NOBODY HERE FOR THE ZONING CASE, ONE PERSON AGAINST. IS ED CUSHEL STILL HERE? HE SIGNED UP WISHING TO SPEAK, IN OPPOSITION. AND DENISE CUSHEL SIGNED UP NOT WISHING TO SPEAK, IN OPPOSITION. SO I DOUBT MR. DALLAS NEEDS A REBUTTAL. MR. GUERNSEY, JUST -- I WAS LISTENING. STAFF RECOMMENDS UNANIMOUS COMMISSION APPROVAL?

AND THE COMMISSION RECOMMENDED APPROVAL. WE HAVE AN ORDINANCE PREPARED THAT FLEGHTS THE COMMISSION STAFF RECOMMENDATION.

McCracken: MAYOR, I'VE GOT A MOTION. I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS THE STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM INCOME FINE, STAFF RECOMMENDATION ON ALL THREE READLINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THANK YOU. THAT BRINGS US TO OUR LAST ZONING, PUBLIC HEARING ITEM. THIS IS ITEM NUMBER 84 ON YOUR AGENDA, CASE C-14-060141 NEENZ CHILDREN'S COURTYARD. IT'S A PROPERTY LOCATED AT 5811 SOUTHWEST PARKWAY. A LITTLE REQUEST TO LR-CO. ZONING AND PLATTING COMMISSION RECOMMENDED LO-CO, AND THE CITY COUNCIL -- THE PLANNING COMMISSION RECOMMEND CONSENT APPROVAL OF THIS LO-CO ZONING. AT THE TIME MR. McDILL CAME INTO STAFF AND SAID THAT HE WOULD ACCEPT LO ZONING BECAUSE IT WAS HIS UNDERSTANDING THAT HIS CLIENT -- THE POTENTIAL BUYER WAS CHILDREN'S

COURTYARD AND THEY COULD BASICALLY BUILD THE PROPOSED USE ON THE PROPERTY. I THINK THAT THERE ARE SOME ISSUES REGARDING THAT THAT HAVE NOW BEEN RAISED RECENTLY BEEN THE POTENTIAL BUYER AND TOM HAS LOCATED TO MAINTAIN THE LR-CO ZONING AS HE ORIGINALLY REQUESTED. AND THAT IS THE REASON WHY THIS IS A DISCUSSION ITEM, ALTHOUGH HE DID SAY LO -- LR COMING IN, HE WOULD LIKE TO REQUEST LR OF THE CITY COUNCIL. THE PROPERTY IS A ROUGHLY THREE ACRE TRACT AND IT'S DEVELOPED WITH AN EXISTING MOBILE HOME PARK. THIS IS BEFORE THE PROPERTY IS ZONED AS DEVELOPMENT RESERVE. IT DOES CONTAIN EXISTING IMPERVIOUS COVER. IT IS OVER THE RECHARGE ZONE. AND IT'S ADJACENT TO A PRIVATE HIGH SCHOOL. THERE ARE APARTMENTS LOCATED TO THE NORTH OF THE PROPERTY. IT IS LOAGHTED MID BLOCK, ALSO YOUR ZONING MAP INDICATES THAT THERE'S A POTENTIAL ROAD CONSTRUCTION BETWEEN SOUTHWEST PARKWAY AND CAPITAL OF TEXAS HIGHWAY THAT DOES NOT EXIST, AND ACROSS THE STREET ARE APARTMENT COMPLEXES. MR. McDILL HAS GIVEN YOU LETTERS OF POART FROM SOME OF THE -- SUPPORT FROM SOME OF THE ADJACENT PROPERTY OWNERS. THE CLOSEST INTERSECTION TO THIS PROPERTY IS FOSTER RANCH ROAD, WHICH IS FURTHER TO THE WEST AND IT IS A SIGNALIZED INTERSECTION. STAFF WOULD STILL RECOMMEND LO ZONING GIVE N ITS MID BLOCK CONFIGURATION AND FIGURE THAT IT WOULD BE A USE THAT COULD BE DEVELOPED ON THIS PROPERTY. AT THIS POINT I'LL PAUSE AND I'LL LET TOM COME FORWARD AND MAKE HIS CASE.

Mayor Wynn: THANK YOU, MR. GUERNSEY. QUESTIONS OF STAFF? COUNCILMEMBER LEFFINGWELL.

Leffingwell: IS THIS PROPERTY SUBJECT TO THE S.O.S. ORDINANCE?

IT WOULD BE SUBJECT TO S.O.S., BUT THERE'S A CONSIDERABLE AMOUNT OF IMPERVIOUS COVER EXISTING ON STH PROPERTY, AND I KNOW TOM HAS ACTUALLY SPOKEN TO SOME OF OUR ENVIRONMENTAL STAFF ABOUT UTILIZING THE EXISTING IMPERVIOUS COVER. I DON'T BELIEVE THE PROPERTY IS SUBDIVIDED, SO IT DOESN'T

HAVE A PERMIT TO ESTABLISH A CHAPTER 245 CLAIM. IT IS ALREADY DEVELOPED WITH A MOBILE HOME PARK, SO THAT PROJECT WOVB COMPLETE FLFSD A PREVIOUS PROJECT. SO THERE'S NO CHAPTER 245 CLAIM TO BE GRANDFATHERED. I THINK TOM HAD MENTIONED BEFORE THAT HE INDICATED HE HAD HAD DISCUSSION FROM ENVIRONMENTAL STAFF UTILIZING THE EXISTING COVER K. IMPERVIOUS COVER ON THE PROPERTY. THE AMOUNT OF IMPERVIOUS COVER ALREADY EXCEEDS SOVMENTS.

.....SOVMENTS.

Leffingwell: OLD OR NEW IT HAS NO GRANDFATHER CLAIM, IT'S SUBJECT TO THE S.O.S.

THAT'S RIGHT.

Mayor Wynn: THANK YOU, MR. GUERNSEY. MR. McDILL IN.....
DILL? YOU WILL HAVE FIVE MINUTES IF YOU NEED IT.

MAYOR WYNN, MEMBERS OF THE COUNCIL, MY NAME IS TOM McDILL. I DO REPRESENT THE EXISTING OWNERS AND THE PROSPECT SPIF PURCHASERS. I'LL START OFF BY SAYING WE HAVE NO WET LAND FEATURES, NO CRITICAL WATER QUALITY ZONES AND ALL THE NEIGHBORS NR AGREEMENT WITH WHAT I'M GOING ASK FOR TONIGHT. IT'S NOT THAT COMPLEX. THE POTENTIAL PURCHASERS DO DESIRE TO PUT AN UPSCALE CHILD CARE FACILITY AND PRESCHOOL ON THIS SITE, BUT THERE ARE SOME VERY CONFUSING AND COMPLEX REDEVELOPMENT IMPERVIOUS COVER FORMULAS THAT IT IT SEEMS LIKE ANY TIME I WORK THROUGH THEM WITH ANY MEMBER OF THE STAFF IT TURNS TOWB A DIFFERENT NUMBER EVERY TIME IEVMENT NOT SURE WE'LL BE ABLE TO PUT THE CHILD CARE FACILITY ON THIS SITE. THAT'S WHY WE THEN WENT AROUND TO THE NEIGHBORS AND SAID IF YOU HAD YOUR CHOICE, WOULD LO OR LR BE MORE FAVORABLE TO YOU? AND I'VE TALKED TO THE OWNERS OF THE APARTMENT BUILDING AND THE MANAGERS OF THE APARTMENT COMPLEX ACROSS THE STREET. THEY SPECIFICALLY SAID THEY WOULD MUCH RATHER SEE LR, AND TWHOOS THAT LETTER IN THE FILE INDICATES. I HAVE ANOTHER LETTER THAT I GAVE TO GREG TONIGHT FROM THE NEIGHBOR TO THE EAST OR THE LOWER

SIDE OF THAT PROPERTY. HE ALSO SPECIFICALLY INDICATED THAT HE WOULD RATHER SEE LR. AND THE REASON -- AND I VISITED WITH THE HIGH SCHOOL AND THEIR BOARD OF DIRECTORS. THEY WON'T HAVE A DIRECTORS' MEETING FOR 10 DAYS, BUT THEY ALSO VERBALLY DATED THEY WOULD RATHER SEE LR IF THE CHILD CARE FACILITY WON'T MAKE IT BECAUSE OF IMPERVIOUS COVER. AND THEIR RATIONALE FOR THAT IS THAT IT IS ABOUT SIX OR SEVEN MILES FROM THIS PARTICULAR SITE TO THE NEXT SPOT WHERE YOU CAN GET A CUP OF COFFEE OR BUY A LOAF OF BREAD OR ANY KIND OF LOCAL CONVENIENCE STORE ITEM OR GET A SANDWICH BECAUSE THEIR NEIGHBORHOOD SHOPPING CENTER IS WAL-MART, AND ANOTHER DIRECTION, ANOTHER EXTRA MILE IS ALBERTSON'S AND H.E.B. SO IF THIS DOES NOT QUALIFY FOR IMPERVIOUS COVER THAT WE WOULD FROIR THE CHILD CARE FACILITY,, WE WOULD THEN HAVE TO SLIDE THE BUILDING FARTHER FORWARD AND PUT THE PARKING UNDER THE BUILDING, AND THAT WILL DISQUALIFY FOR THE CHILD CARE FACILITY BECAUSE HAD THEY NEED FIRST FLOOR ENTRANCES FOR THE LITTLE KIDS AND BABIES AND STUFF. SO THAT'S WHY I'M HERE REQUESTING THE LR AS OPPOSED TO THE LO. WE DID NOTICE EVERYBODY THROUGHOUT FOR LR AND THAT WAS OUR CHOICE. WHEN I FOUND OUT THERE WAS NO OPPOSITION I THOUGHT THRAFS NO PROBLEM, BUT THEN WHEN I FOUND OUT THAT IT REALLY HAD BEEN APPROVED FOR LO, THAT'S WHY I'M HERE TONIGHT REQUESTING THAT THE COUNCIL APPROVE IT FOR LR BECAUSE THAT'S WHAT QUESTION REQUESTED, THAT'S WHAT WE NOTICED FOR, AND ALL OF THE NEIGHBORS AROUND US HAVE AGREED WITH US AND WOULD RATHER HAVE LR. BUT I'D BE GLAD TO ANSWER ANY QUESTIONS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] THERE'S A SIGNIFICANT AMOUNT OF STAFF THAT IT WOULD BE TOO LARGE FOR THE ALLOWED AMOUNT OF IMPERVIOUS COVER THEY HAVE ON THIS PROPERTY.

McCracken: MAKE IT TWO STORY AT THAT POINT?

MOST DAY CARES ARE ONE STORY. THERE ARE SOME CONSTRAINTS ON THE PROPERTY BECAUSE IT'S IN THE HILL COUNTRY CORRIDOR SO THERE MIGHT BE SETBACKS AND HEIGHT LIMITATIONS OFF SOUTHWEST PARK WAY. THIS IS

JUST DOWN THE STREET FROM THE PROPOSED A.M.D. FACILITY THAT'S GOING ON THE OLD STRATUS PROPERTY. SO YOU DO HAVE HILL COUNTRY ALONG THIS PARTICULAR CORRIDOR. I THINK THAT'S THE REASON WHY TOM HAS COME BACK AND ASKED FOR L.R. TO PROVIDE FOR FLEXIBILITY IF THE DAY CARE CHOOSES NOT TO GO ON THIS PROPERTY.

McCracken: WHY IS STAFF -- IS STAFF OPPOSED TO L.R.?

STAFF WOULD STILL RECOMMEND L.O. ZONING ON THIS PROPERTY. THE INTERSECTION OF WILLIAM CANNON AND SOUTHWEST PARKWAY IS A SHORT DISTANCE AWAY. WHETHER IT'S A TREMENDOUS AMOUNT OF COMMERCIAL ZONING AVAILABLE. I WON'T DISPUTE MAYBE THE DISTANCE TO THE WAL-MART IS QUITE FAR AWAY, BUT IF YOU JUST GO A LITTLE WAYS DOWN THE STREET, YOU CAN MAKE A LEFT AND GET DOWN TO THE INTERSECTION OF HIGHWAY 290 AND WILLIAM CANNON. THERE ARE SOME RESTAURANTS THERE AND CONVENIENCE STORES JUST UP THE STREET FROM THAT THAT ARE NOT TOO FAR AWAY.

McCracken: COULD YOU DO LIKE A COFFEE SHOP OR SANDWICH SHOP UNDER L.O.?

NO, YOU COULD NOT. YOU COULD DO IT IN G.R. WHICH IS FURTHER TO THE WEST -- AT THE INTERSECTION OF WILLIAM CANNON AND SOUTHWEST PARK.

McCracken: ONE OF THE PLANNING PROBLEMS IS WE BASICALLY NOW REQUIRE EVERYBODY TO GET ON A HIGHWAY TO DO BASICALLY EVERYTHING IN YOUR LIFE. SO I CAN SEE THAT THERE'S A GOOD -- THERE'S A GOOD CASE YOU MAKE THAT IF THE DAY CARE DIDN'T GO THERE THAT IT WOULD BE A VERY GOOD NEIGHBORHOOD ADDITION TO HAVE LIKE A COFFEE SHOP, A SANDWICH SHOP. I GUESS WE MAY NEED GUIDANCE ON IS THERE SOME USES IN L.R. THAT MAY BE INAPPROPRIATE OR ARE THERE?

WELL, IN THE R DISTRICT, I KNOW CONCERNS OF COUNCIL PAST HAVE BEEN SOME USES LIKE SERVICE STATION ON A RECHARGE ZONE THAT HAVE VARIOUS CONCERNS IN THE PAST WITH SOME COUNCILS. BUT MOST OF THE L.R.

DISTRICT USES ARE NEIGHBORHOOD ORIENT. IT WOULD ALLOW FOOD SALES THAT YOU WOULD COMMONLY HAVE WITH A TYPE OF CONVENIENCE STORE THAT WOULD ALLOW SOME PERSONAL SERVICES, DRY CLEANER PICKUP. IT WOULD ALLOW FOR OFFICE USES. MEDICAL OFFICE NOT EXCEEDING 5,000 SQUARE FEET. I THINK WHERE STAFF WOULD SUGGEST THERE ARE MORE APPROPRIATE LOCATIONS ALONG SOUTHWEST PARKWAY WHERE THERE ARE INTERSECTIONS POSSIBLY NEAR THE INTERSECTION OF FOSTER RANCH ROAD WHICH IS SIGNALIZED JUST UP THE STREET. THE LOCATION OF THIS PROPERTY, IT DIDN'T LIMIT ITSELF AND STAFF HAS RECOMMENDED AND COUNCIL HAS APPROVED OTHER L.O. ZONING MID-BLOCK JUST DOWN THE STREET FROM THIS PROPERTY.

Mayor Wynn: MR. GUERNSEY, ESSENTIALLY ALL THE ADJACENT VACANT LAND AND MUCH OF THE LAND ACROSS THE STREET, THE ZONING ON THAT PROPERTY IS WHAT?

THE ADJACENT PROPERTY ACROSS THE STREET IS ZONED MULTI-FAMILY AND DEVELOPED WITH APARTMENTS. THERE'S A VERY LARGE TRACT OF LAND IMMEDIATELY TO THE EAST OF THIS PROPERTY WHICH IS D.R., DEVELOPMENT RESERVE. I WOULD EXPECT AT SOME POINT THE PROPERTY OWNER WOULD PROBABLY COME IN AND SEEK A REZONING REQUEST AND THAT'S ADJACENT TO AN OFFICE PROPERTY. THERE'S A SCHOOL THAT IS NEXT DOOR WHERE -- I THINK IT'S SAINT MICHAEL'S ACADEMY IS LOCATED, AND IT'S A PRIVATE HIGH SCHOOL AND THEY HAVE LARGE SOCCER FIELDS THAT ARE LOCATED IMMEDIATELY TO THE EAST. AND THAT PROPERTY WAS ORIGINALLY PART OF OUR PROPERTY EXTENDED ALL THE WAY FROM SOUTHWEST PARKWAY DOWN TO 290. WHEN IT WAS REZONED TO ACCOMMODATE THAT PRIVATE HIGH SCHOOL USE WHEN IT WAS REZONED I BELIEVE BACK IN THE '90s. OR '80s.

Mayor Wynn: ALL RIGHT.

THE GENERAL AREA AROUND IT, THERE'S A GREAT DEAL OF UNDEVELOPED LAND, BUT THE PROPERTY IMMEDIATELY TO THE NORTH ACROSS SOUTHWEST PARKWAY AND TO THE WEST IS DEVELOPED.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF STAFF? COUNCIL, COMMENTS? COUNCILMEMBER McCRACKEN.

McCracken: I'LL MAKE A MOTION TO APPROVE ON FIRST READING ONLY THE L.R. ZONING. LR-CO ZONING THAT -- TO PROHIBIT DRIVE-THROUGHS AND AUTO ORIENTED LIKE SERVICE STATION USES, GAS STATIONS. AND THEN DO YOU HAVE ANY QUESTIONS ABOUT THAT THAT COULD COME BACK FOR SECOND READING TO GET THAT CLARIFIED.

Mayor Wynn: SO WITH THAT, MR. GUERNSEY, STAFF WOULD GENERALLY ALREADY HAVE A LIST OF L.R. USES THAT IT WOULD RECOMMEND BE RESTRICTED IN THE FORM OF A CONDITIONAL OVERLAY, I PRESUME, CORRECT?

WE COULD PRESENT COUNCIL A LIST OF THE L.R. USES. AS I SAID BEFORE, I THINK STAFF WAS RECOMMENDING THE L.O., BUT WE COULD PROVIDE COUNCIL WITH A LIST OF THE L.R. USES WHEN WE BRING THIS BACK. AND IF THERE ARE OTHER USES WE COULD SPEAK WITH TOM ABOUT, IF HE WOULD BE WILLING TO OFFER POSSIBLY THE CONDITIONAL OVERLAY TO PROHIBIT IN ADDITION TO THE SERVICE STATION USE.

Mayor Wynn: SO MOTION BY COUNCILMEMBER McCRACKEN SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY LR-CO WITH DIRECTION TO STAFF TO COME BACK ON SECOND READING WITH A LIST OF LIKELY RESTRICTIVE USES IN THAT CONDITIONAL OVERLAY. COUNCILMEMBER LEFFINGWELL.

Leffingwell: I AM LOOKING FORWARD TO THE USES. MAYBE -- EXCEPT FOR THE FOLLOWING L.R. USES, SOMETHING LIKE THAT. AND/OR YOU COULD GO THE OTHER WAY, LIST OF PROHIBITED USES, I REALLY DON'T CARE WHICH. THE OTHER THING I WANTED TO ASK COMING BACK FOR SECOND READING, COULD WE ADD TO TO C.O. THAT THE -- ANY DEVELOPMENT WILL COMPLY WITH THE S.O.S. ORDINANCE? I KNOW THAT NOW THERE IS NO CLAIM, BUT POTENTIALLY THERE COULD BE IN THE FUTURE. SO IF WE COULD GET THAT AS A C.O. IF APPROPRIATE, I WOULD LIKE TO ADD THAT AS A FRIENDLY AMENDMENT.

STAFF COULD INVESTIGATE THAT FURTHER AND WHEN WE COME BACK WE COULD EXPLAIN --

Leffingwell: LET'S DO THAT ON SECOND.

I CONSIDER THAT A FRIENDLY AMENDMENT.

Mayor Wynn: SO AMENDED MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY WITH A VOTE OF 7-0. THANK YOU, MR. GUERNSEY.

THAT CONCLUDES OUR ZONING ITEMS THIS EVENING.

Mayor Wynn: I WAS HOPING IT DID. [LAUGHTER]

Mayor Wynn: OKAY. SO, FOLKS, WE HAVE THREE OR FOUR PUBLIC HEARINGS WITH ESSENTIALLY VERY FEW, IF ANY, CITIZENS SPEAKERS SO WE CAN GET THOSE OFF THE AGENDA AND SAVE US FOR OUR LENGTHY TESTIMONY REGARDING BIKE HELMETS. SO LET'S TAKE UP PUBLIC HEARING ITEM NUMBER 86, IF STAFF CAN QUICKLY WALK US THROUGH THIS. I'LL DO. THIS THIS IS CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT FROM THE CITY OF AUSTIN FISCAL YEAR '06-'07 PROPOSED BUDGET INCLUDING MUNICIPAL COURT, THE PUBLIC SAFETY AND EMERGENCY MANAGEMENT DEPARTMENT, THE AUSTIN FIRE DEPARTMENT, THE EMERGENCY MEDICAL SERVICES DEPARTMENT, AND THE AUSTIN POLICE DEPARTMENT. WE HAD THE STAFF PRESENTATION THIS AFTERNOON. AND THIS IS OUR TIME FOR CITIZENS WHO WOULD LIKE TO ADDRESS US REGARDING THE PROPOSED BUDGET OF THESE DEPARTMENTS TO COME FORWARD. WE HAVE ONE CITIZEN SIGNED UP. CHIBAN TIGER. SIGNED UP WISHING TO SPEAK IN FAVOR. WHO ACTUALLY IS OUR E.M.S. EMPLOYEES ASSOCIATION PRESIDENT. WE WILL NOTE HIS SUPPORT FOR THE BUDGET. SO COUNCIL, WITH THAT I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER MARTINEZ TO CLOSE ITEM 86. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER McCRACKEN OFF THE DAIS. THANK

YOU ALL VERY MUCH. ITEM NUMBER 87 IS TO CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED MAXIMUM AD VALOREM TAX RATE FOR FISCAL YEAR '06-'07. I GUESS THE LEGAL DEPARTMENT HAS SCRIPTED ME ONCE AGAIN BUT PERHAPS A QUICK PRESENTATION REMINDING US WHY WE'RE DOING THIS, HOW IT'S DIFFERENT THAN WE DID IT EVEN TWO YEARS AGO.

MAYOR, COUNCILMEMBERS, JEANNIE GILCHRIST WITH THE CITY LAW DEPARTMENT. TWO YEARS AGO THE STATE LEGISLATURE CHANGED THE LAW RELATING TO HOW A LOCAL GOVERNMENT CAN RAISE THE TAX RATE, AND IF THE CITY IS THINKING OF RAISING THE TAX RATE ABOVE THE EFFECTIVE RATE, WE ARE NOW REQUIRED TO HAVE TWO PUBLIC HEARINGS AND MAKE A PARTICULAR ANNOUNCEMENT ABOUT WHEN THE CITY MAY ADOPT ITS TAX RATES. SO TODAY'S HEARING IS THE FIRST OF THE TWO REQUIRED PUBLIC HEARINGS BECAUSE THE CITY COUNCIL HAS VOTED TO PROPOSE A MAXIMUM TAX RATE THAT WAS ABOVE THE EFFECTIVE RATE.

Mayor Wynn: THANK YOU VERY MUCH. AND SO MY SCRIPT HERE SAYS COUNCIL WILL NOW TAKE UP AGENDA ITEM 87 TO CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON THIS PROPOSED AD VALOREM TAX RATE OF '06,-07. AUGUST 10 CITY COUNCIL ADOPTED A MOTION TO CONSIDER A PROPOSED MAXIMUM AD VALOREM TAX RATE OF 41.26 CENTS PER \$100 VALUATION. THIS HEARING IS THE FIRST OF TWO PUBLIC HEARINGS TO RECEIVE COMMENT ON THE PROPOSED RATE. THE SECOND PUBLIC HEARING ON THE PROPOSED RATE WILL BE HELD HERE AT 6:00 P.M. ON THURSDAY, AUGUST 31, 2006. THE CITY COUNCIL MAY ADOPT A TAX RATE THAT IS LOWER THAN THE PROPOSED MAXIMUM TAX RATE BUT WILL NOT CONSIDER OR ADOPT A TAX RATE THAT EXCEEDS THAT TAX RATE. THE COUNCIL WILL VOTE ON THE AD VALOREM TAX RATE FOR FISCAL YEAR '06-'07 AT THE ANNUAL BUDGET MEETINGS TO BE HELD 10:00 A.M. MONDAY, SEPTEMBER 11, 2006. ALSO 10 A.M. TUESDAY, SEPTEMBER 12 AND/OR WEDNESDAY, SEPTEMBER 13 AT AUSTIN CITY HALL, 301 WEST SECOND STREET, AUSTIN, TEXAS. IF THE COUNCIL ADOPTS THE RIGHT ON MONDAY, SEPTEMBER 11th, THE AD VALOREM TAX RATE ITEM WILL NOT BE CONSIDERED AT THE MEETINGS ON TUESDAY, SEPTEMBER 12, OR WEDNESDAY,

SEPTEMBER 13. SO WE NOW WILL TAKE PUBLIC COMMENT ON THIS ITEM NUMBER 87. OUR FIRST SPEAKER IS RUDOLPH WILLIAMS. WELCOME, RUDOLPH. AND ANTOINETTE McGALLUMS.

THANK YOU, CITY COUNCIL. LAST TIME I WAS HERE WAS A WHILE BACK WE WERE TALKING ABOUT THE QUALITY OF LIFE FOR AFRICAN-AMERICANS. UNFORTUNATELY MY PARTICULAR PERSPECTIVE OF THAT SITUATION WASN'T VERY GOOD. I TOLD YOU AT THAT TIME THAT THERE WERE THREE PRIMARY ISSUES THAT I THOUGHT WERE CRITICAL FOR EAST AUSTIN AND FOR AFRICAN-AMERICANS AND MEXICAN-AMERICANS IN THIS TOWN, ALONG WITH THE POLICE AND BEING SHOT BY THE POLICE. THE CRIMINALIZATION OF OUR YOUTH AND THE [INAUDIBLE] TAXES. I WOULD LIKE TO SAY THAT THE POLICE ARE DOING A BETTER JOB. I THINK THAT THERE'S A FEW THINGS THAT THEY COULD DO MORE SUCH AS ALTERNATIVE SENTENCING FOR OUR CHILDREN, YOUTH COURT, EXPUNGEMENT FOR GOOD BEHAVIOR AND JOB TRAINING. IN A JOB. AND I BELIEVE IF THERE WAS SOME WAY THAT THEY CAN CONNECT WITH SOME OF THOSE DEPARTMENTS IN ITEM 86 WHERE THEY COULD RECEIVE TRAINING THAT THAT WOULD HELP THEM ALSO. I THINK THE CITY, THE COUNTY, THE POLICE, THE PROSECUTORS, ALL THESE PEOPLE HAVE TO WORK TOGETHER TO ENSURE THAT OUR YOUTH HAVE THAT OPPORTUNITY. THE LOSS OF OUR YOUTH IN TERMS OF THEIR IMPACT IN THE NEIGHBORHOOD MEANS THAT THEY CANNOT STAY IN THE NEIGHBORHOOD, THEY CANNOT OWN A HOME, THEY CANNOT BECOME PART OF THE COMMUNITY. THEN THE OTHER PART OF THIS IS TAXES. THE TAX APPRAISALS, THE INCREASED TAX APPRAISALS, THE EXPLOSION IN TAXES HAS AFFECTED EAST AUSTIN DRAMATICALLY. IT HAS CAUSED I WOULD ALMOST SAY A HURRICANE KATRINA-LIKE SITUATION EXCEPT IN A VERY SLOW MOTION WAY. YOU DON'T GET TO SEE THE TOTAL DEVASTATION, BUT THERE IS A SUBSTANTIAL IMPACT UPON OUR COMMUNITY. I THINK NO MORE THAN TWO TO THREE WEEKS AGO IT COULD HAVE BEEN SHORTER. I BELIEVE THERE WAS LIKE 6500 PEOPLE WHO SHOWED UP FOR HOUSING ASSISTANCE. THOSE WEREN'T KATRINA VICTIMS. THOSE WERE OUR PEOPLE. THOSE WERE EAST AUSTINITES

WHO CAN NO LONGER AFFORD TO LIVE IN THEIR OWN NEIGHBORHOODS. WHAT WE NEED, WHAT I THINK WE NEED IS WE NEED A HOMESTEAD EXEMPTION. THE CITY NEEDS A HOMESTEAD EXEMPTION. THERE HAS TO BE A SIGNIFICANT HOMESTEAD EXEMPTION. I DON'T KNOW WHAT IT IS FOR THE COUNTY AND THE SCHOOL BOARD RIGHT NOW, BUT IT'S NOT SIGNIFICANT. MORE AND MORE OLDER, 65 YEARS AND OLDER AND DISABLED PEOPLE ARE SAY, WELL, I USED TO NOT HAVE TO PAY TAXES AND NOW I HAVE TO PAY TAXES AND I DON'T HAVE THE MONEY TO PAY TAXES. THEY ALSO HAVE MEDICAL EXPENSES. THEY HAVE TO SURVIVE. AND SO THE TAXES THAT -- ON THEIR HOME THAT USED TO BE APPRAISED AT 80,000 OR 90,000, NOW THEIR HOUSES ARE APPRAISED AT 200,000. AND NOW THEY HAVE TO DECIDE WHAT DO THEY DO. AND MOST OF THESE PEOPLE, THEY PUT ROOTS DOWN IN EAST AUSTIN, AND THEY WANT TO STAY IN THE NEIGHBORHOOD. THEY FOUGHT TO STAY IN THE NEIGHBORHOOD. AND AFTER BEING MOVED OUT OF SOME OTHER NEIGHBORHOODS. SO THERE SHOULD BE SOME PROTECTION AND SIGNIFICANT PROTECTION FOR OUR ELDERLY AND DISABLED, AND IT'S NOT THERE RIGHT NOW. ALSO, OUR LOW-INCOME RESIDENTS. AS I SAID BEFORE, 6500 PEOPLE -- AND THAT'S JUST THE TIP OF THE ICEBERG IN TERMS OF PEOPLE WHO NEED NOT JUST ASSISTANCE BUT WHO WANT TO STAY IN THE INNERCITY. THAT HAS BEEN THE -- EVEN THOUGH IT HAS BEEN SEGREGATED, IT'S ALSO BEEN A BLESSING THAT MINORITIES AND LOW-INCOME PEOPLE COULD STAY IN THE INNERCITY. BUT THAT IS BECOMING PRACTICALLY IMPOSSIBLE. AND I SEE VERY THOUGHTFUL, EMPATHETIC AND SMART PEOPLE UP HERE ON THIS COUNCIL. AND I KNOW THAT YOU ALL CAN COME UP WITH CREATIVE TOOLS AND MECHANISMS AND USES OF OUR TAXING SYSTEM THAT WILL ENSURE THAT DIVERSITY WILL REMAIN IN THIS CITY, IN THE CITY PROPER, AND THAT AFFORDABILITY WILL REMAIN IN THIS CITY, AND THAT BLACK PEOPLE AND HISPANIC PEOPLE THAT HAVE LIVED IN THESE NEIGHBORHOODS AND WHO WERE SEGREGATED AT ONE TIME IN THESE NEIGHBORHOODS AND WHO HAVE SUFFERED UNDER THE CITY AND THE COUNTY AND THE AISD'S POLICIES WILL ALSO NOW REAP THE REWARDS OF THE SYSTEM. DIVERSITY IS IMPORTANT. I HEAR YOU ALL SAY IT ALL THE TIME. SO NOW I WOULD LIKE TO SEE THE ACTIONS

COME FORTH FROM THE CITY, THE COUNTY AND THE SCHOOL BOARD AND THE OTHER TAXING AUTHORITIES THAT WILL MAKE THIS HAPPEN. AFFORDABILITY SHOULD BE A PRIORITY. I KNOW WE HAVE A BOND PROPOSAL AND THAT'S ALL GREAT AND GOOD, BUT SOME OF THE THINGS THAT ARE HAPPENING IN TERMS OF AFFORDABILITY ARE MISSING US AND THEY ARE MISSING A BROAD NUMBER OF PEOPLE. AND ALSO HOMESTEADS ARE CRITICAL. HOMESTEAD IS THE FOUNDATION OF THE CITY. IT'S THE FOUNDATION OF THE SCHOOL SYSTEM. WE NEED TO RECOGNIZE THAT. A SINGLE-FAMILY HOME IS A PRECIOUS ITEM. [BUZZER SOUNDING] AND WE SHOULD DO EVERYTHING IN OUR MEANS TO ENSURE THAT PEOPLE CAN ESTABLISH HOMES, NOT LOFTS, NOT CONDOS, NOT APARTMENTS, BUT CAN ESTABLISH HOMES AND HOMESTEADS IN THE CITY PROPER. I WOULD HOPE THAT WHEN YOU LOOK AT TAXES, THAT YOU USE TAXES AS A TOOL NOT JUST TO BRING BUSINESS INTO TOWN AND GIVE TAX BREAKS TO BUSINESSES AND OTHER EXOTIC THINGS, BUT ALSO UTILIZE IT TO ENSURE THAT WE HAVE A CITY THAT REMAINS DIVERSE AND REMAINS AFFORDABLE AND THAT TRULY ENCOMPASSES THE DIVERSITY THAT WE HAVE NOW. INSTEAD WHAT I SEE IN THE FUTURE IF WE DO NOT TURN OUR ATTENTION TOWARDS MAINTAINING THESE THINGS ARE SITUATIONS LIKE SAN FRANCISCO WITH ONLY 17% OF THE POPULATION IS CHILDREN OR SITUATIONS LIKE HOUSTON WHERE WHOLE NEIGHBORHOODS ARE BEING RAZEED AND THERE'S NOTHING BUT LOFTS AND CONDOS AND IT'S NOT TRULY A NEIGHBORHOOD ANYMORE. SO I ASK YOU AND I ONCE AGAIN BESEECH YOU TO LOOKED AT YOUR TAX SYSTEM, WORK WITH THE COUNTY, WORK WITH THE SCHOOL BOARD, COME UP WITH COMPREHENSIVE HOMESTEAD PROTECTIONS FOR OUR CITIZENS AND OUR POOR. THANK YOU.

Mayor Wynn: THANK YOU, MR. WILLIAMS. TOMAS PENTIUM. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU. TOMAS PANTENE. I'M SECONDING MR. WILLIAMS. IN EAST AUSTIN WE HAVE A LOT OF PEOPLE THAT [INAUDIBLE] BECAUSE OF PROPERTY TAXES. I GUESS IT TAKES AN AMOUNT OF HOMESTEAD EXEMPTION OR SOMETHING LIKE THAT. RECENTLY YOU'VE SEEN ME AROUND HERE A LOT AND WE HAVE BEEN GOING THROUGH

[INAUDIBLE] TO HAVE AFFORDABLE HOUSING. AND EVERY MEETING FOR AFFORDABLE HOUSING THEY TALK ABOUT THE PROPERTY BEING TOO EXPENSIVE. BUILDING THE BUILDINGS IS TOO EXPENSIVE. THEN WHEN YOU BUILD ALL THAT, YOU DON'T KNOW IF YOU ARE STILL GOING TO HAVE SOME KIND OF GENTRIFICATION. IN THIS CASE WE HAVE PEOPLE THAT ALREADY HAVE THEIR LAND, ALREADY HAVE THEIR BUILDINGS. SO I REALLY RECOMMEND AND I URGE YOU TO FIND A SOLUTION TO THIS PROBLEM. THANK YOU.

Mayor Wynn: THANK YOU, TOMAS. SO COUNCIL THAT IS CORRECT CONCLUDES THE FOLKS WHO HAVE SIGNED UP WISH TO GO ADDRESS US ON THIS PUBLIC HEARING. AS I STATED EARLIER, THE SECOND PUBLIC HEARING ON THE PROPOSED RATE WILL BE HELD HERE 6:00 P.M. THURSDAY, AUGUST 31, 2006. THE COUNCIL WILL VOTE ON THE AD VALOREM TAX RATE FOR FISCAL YEAR '06-'07 AT THE ANNUAL BUDGET MEETING TO BE HELD 10:00 A.M. MONDAY, SEPTEMBER 11th, 2006. OR 10:00 A.M. TUESDAY, SEPTEMBER 12, OR 10 A.M. WEDNESDAY, SEPTEMBER 13 AT THE AUSTIN CITY COUNCIL CHAMBERS, 301 WEST SECOND STREET, AUSTIN, TEXAS, 78701. IF THE COUNCIL ADOPTS THE TAX RATE ON MONDAY, SEPTEMBER 11th, THE ANNUAL AD VALOREM TAX RATE ITEM WILL BE CONDUCTED AND NOT BE CONSIDERED AT THE MEETING SCHEDULED FOR TUESDAY THE 12th OR WEDNESDAY THE 13th.... 13th. I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING.

SO MOVED.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER McCRACKEN TO CLOSE THIS PUBLIC HEARING. WE WILL NOW VOTE ON COUNCILMEMBER COLE'S MOTION AND COUNCILMEMBER McCRACKEN'S MOTION TO CLOSE THE PUBLIC HEARING. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES 7-0. THIS PUBLIC HEARING IS ADJOURNED. THANK YOU ALL VERY MUCH. PUBLIC HEARING ITEM NUMBER 88 HAS NO SPEAKERS SIGNED UP. WELCOME.

THANK YOU. ITEM NUMBER 88 IS A CHAPTER 26 PUBLIC HEARING AND THE LEGAL FACT FINDING IS THAT THERE IS NO OTHER FEASIBLE AND PRUDENTIAL TERN.....

ALTERNATIVE TO MINIMIZE HARM TO THE PARK.

Mayor Wynn: AND THIS IS RECOMMENDED BY THE PARKS BOARD.

CORRECT.

Mayor Wynn: CORRECT. QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND ADOPT THIS RESOLUTION AUTHORIZING THIS USE IN ACCORDANCE WITH SECTION 26.001. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU.

Mayor Wynn: THANK YOU. OKAY. SO FOLKS THAT LEAVES WITH US THE TWO FINAL PUBLIC HEARINGS. WE TECHNICALLY ARE GOING TO CONDUCT -- THERE'S A PUBLIC HEARING TO RECEIVE COMMENT ONLY, PUBLIC COMMENT ONLY ON A PROPOSED FULL-PURPOSE ANNEXATION OF THE PENINSULA AREA THAT HAS FIVE FOLKS SIGNED UP WISHING TO SPEAK, AND THEN WE HAVE OUR HELMET PUBLIC HEARING THAT HAS A LOT MORE PEOPLE THAN THAT. SO WITHOUT OBJECTION, QUICKLY WE'LL TAKE UP ITEM 90, CONDUCT A PUBLIC HEARING, RECEIVE COMMENTS ON THE FULL-PURPOSE ANNEXATION ON THE PENINSULA ANNEXATION AREA. WELCOME, MS. LAURA HUFFMAN.

THANK YOU, MAYOR. YOU ARE HERE TONIGHT TO HOLD THE FIRST OF TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF THE PENINSULA. NEXT WEEK'S PUBLIC HEARING WILL BE HELD ON SITE, AUGUST 29th, AT THE EPISCOPAL CHURCH OF THE GOOD SHEPHERD AT [INAUDIBLE] ROAD. THAT'S NEXT TUESDAY. WE'RE HERE TONIGHT TO JUST DO SEVERAL THINGS BEFORE WE LISTEN TO THE RESIDENTS OF THE PROPOSED ANNEXATION AREA. THE FIRST IS TO TALK VERY GENERALLY ABOUT WHY CITIES ANNEX. WHAT WE WANT TO DO IS PRESENTED THE PROPOSED SERVICE PLAN. OUR PURPOSE TONIGHT IS REALLY TO INTRODUCE THAT SERVICE PLAN AND TO KICK

OFF WHAT AMOUNTS TO A THREE-YEAR STATE-MANDATED PROCESS TO DISCUSS WITH THE RESIDENTS HOW CITY SERVICES WILL BE PROVIDED DURING ANNEXATION. PROBABLY THE ONLY REAL DIFFERENCE BETWEEN WHAT WE'RE GOING TO BE DOING WITH THE PENINSULA AREA RESIDENTS AND WHAT WE DISCUSSED SEVERAL WEEKS AGO WITH LOST CREEK IS THAT BECAUSE LOST CREEK IS A M.U.D., THE M.U.D. BOARD FUNCTIONS AS A NEGOTIATING TEAM FOR THE ANNEXATION. AND THIS AREA BECAUSE THERE IS THERE IS NOT A NOTICEABLE GROUP OF NEGOTIATORS, ANYONE INTERESTED SITTING TO TEAM CAN LET EARTH US OR THE COUNTY KNOW AND THE COUNTY IS RESPONSIBLE FOR APPOINT AGO FIVE-MEMBER NEGOTIATING TIME FROM THE NEIGHBORHOOD. SO WITH THAT, I WANT TO JUST TALK VERY GENERALLY WILL ANNEXATION. AT TOOL THAT IS IMPORTANT TO MOST TEXAS CITIES, CITIES IN TEXAS USE ANNEXATION AS A WAY TO EXTEND THEIR NATURAL BOUNDARIES. THERE ARE A WHOLE VARIETY OF REASONS THAT CITIES USE THIS TOOL. SOME OF THEM INCLUDE EXTENDING CITY'S ABILITY TO CONTROL LAND USES TO PROVIDE INFRASTRUCTURE LIKE WATER AND WASTEWATER PLANNING, TO ELIMINATE ANY REDUNDANCY OR CONFUSION WITH SERVICE PROVISION. TO ESTABLISH REGULATORY CONTROLS LIKE ENVIRONMENTAL CONTROLS. CITIES ALSO ANNEX TO CREATE TAX EQUITY FOR ALL RESIDENTS WHO ENJOY THE SERVICES ASSOCIATED WITH THE QUALITY OF LIFE THAT TEXAS CITIES HAVE ACHIEVED. AUSTIN IS VERY PROUD OF ITS QUALITY OF LIFE AND AS A REVENUE PRODUCING ANNEXATION AND THIS PARTICULAR ANNEXATION IS ESTIMATED TO PRODUCE AN ESTIMATED \$3.5 MILLION OVER 25 YEARS. THAT IS THE PRIMARY REASON THAT WE ARE PROPOSING ANNEXATION OF THE PENINSULA AREA. STUDY AFTER STUDY HAS SHOWED THAT ANNEXATION IS AN IMPORTANT TOOL FOR CITIES TO REMAIN HEALTHY AND VITAL AS THEY GROW. SEVERAL YEARS AGO DR. RAY PERRYMAN DID A STUDY ON BEHALF OF THE STATE EVALUATING WHAT WOULD HAPPEN TO TEXAS CITIES WERE THIS TOOL TO BE MINIMIZED OR ELIMINATED. AND WHAT HE FOUND WAS AFTER A VERY DETAILED ANALYTICAL APPROACH TO THIS PROBLEM WAS THAT TEXAS CITIES WOULD SUFFER AND SUFFER DRAMATICALLY IF THEIR ABILITY TO USE THE TOOL OF ANNEXATION WERE EITHER

REDUCED OR ELIMINATED. SO IT HAS BEEN ESTABLISHED THAT IN A STATE WHERE THERE IS VERY LITTLE IF ANY MONEY COMING FROM THE STATE TO CITIES, ANNEXATION BECOMES A VERY KEY TOOL FOR CITIES TO PLAN FOR THEIR GROWTH. THAT IS ONE OF THE REASONS WHY AUSTIN HAS ANNEXED OVER THE PAST, IT IS WHY YOU ARE SEEING THE ANNEXATION PROGRAM BEFORE YOU TODAY. HAVING SAID THAT, THE STATE HAS PUT IN PLACE SOME CONTROLS SO THAT ANNEXATION CAN TAKE TIME, SO THAT WE CAN MAKE SURE THAT THE RESIDENTS ARE BEING PROPOSED FOR ANNEXATION HAVE ACCESS TO FULL INFORMATIONMENT AND IN THIS CASE SO THAT THE RESIDENTS CAN HELP PARTICIPATE IN THE CREATION OF THE SERVICE DELIVERY PLAN. THE STATE DELIBERATELY PUT IN PLACE A THREE-YEAR PROCESS. IT IS INTENDED TO BE COLLABORATIVE BETWEEN THE CITY AND THE RESIDENTS SO THAT AS WE MOVE THROUGH A SERVICE PLAN, WE ARE RESPONDING TO CITIZENS' CONCERNS. THAT IS ESSENTIALLY WHY WE ARE HERE THIS EVENING, TO LISTEN TO THE RESIDENTS. IN ORDER TO MAKE SURE THAT RESIDENTS HAVE THE INFORMATION THAT WE HAVE AVAILABLE TO US, WE'LL PUT UP A WEBSITE THAT INCLUDES THE SERVICE PLAN AND OUR FINANCIAL ANALYSIS AS WELL AS THE CITY OF AUSTIN'S PERSPECTIVE ON WHY ANNEXATION IS SUCH AN IMPORTANT TOOL. WITH THAT I WOULD LIKE TO TURN IT OVER TO VIRGINIA COLLIER WHO MANAGES OUR ANNEXATION PROCESS AND SHE IS GOING TO WALK THROUGH YOU THE PROPOSED SERVICE PLAN FOR THIS AREA.

Mayor Wynn: THANK YOU, MS. HUFFMAN. WELCOME, MS. COLLIER.

THANK YOU. GOOD EVENING. I'D LIKE TO JUST MAKE ONE MAIN POINT TONIGHT BEFORE I GO INTO THE SERVICE PLAN DISCUSSION. THE CURRENT JURISDICTIONAL BOUNDARIES IN THIS AREA SPLIT LOTS COMPLICATING SERVICE DELIVERY AND REVENUE COLLECTION. IN THE PROPOSED CITY LIMITS RESULTING FROM 24... THIS ANNEXATION WILL ACHIEVE A MORE LONLS CAL BOUNDARY. IN 1986 THE CITY COUNCIL ADOPTED AN ORDINANCE IN ATTEMPT TO CLAIRE THE STATUS OF CERTAIN PROPERTIES THAT HAVE BEEN IN THE CITY BY VIRTUE OF THE ORIGINAL 1891 AUSTIN CITY LIMIT WHICH IS DESCRIBED AS THE 504.9 CONTOUR LINE. THIS

ESTABLISHED AN EXEMPTION FROM CITY PROPERTY TAXES FOR THE PORTION OF THOSE PROPERTIES BEFORE THE CONTOUR LINE DUE TO THE DIFFICULTY OF PROVIDING FOR MUNICIPAL SERVICES TO PROPERTIES LOCATED ALONG LAKE AUSTIN'S 21-MILE SHORELINE. IN JULY 2003 THE AUDITOR RECOMMENDED CONDUCTING AN ASSESSMENT OF THE COST AND BENEFITS OF PROVIDING SERVICES AND TAXING THOSE PROPERTIES THAT ARE CURRENTLY EXEMPT AS WELL AS EVALUATION OF POTENTIAL -- THE POTENTIAL TO ANNEX ADJOINING AREAS. AFTER EVALUATING EXHIBITING INFRASTRUCTURE AND AVAILABLE SERVICES, THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT RECOMMENDED THE ADDITION OF THE PENINSULA AREA TO THE CITY'S MUNICIPAL ANNEXATION PLAN. COUNCIL APPROVAL OF THIS AMENDMENT TO THE MAP IN DECEMBER 2005 INITIATED A THREE-YEAR PROCESS CULMINATING IN THE ANNEXATION OF THE PENINSULA AREA IN DECEMBER OF 2008. THE AREA WE ARE PROPOSING FOR ANNEXATION COVERS APPROXIMATELY 432 ACRES AND IS LOCATED WEST OF LAKE AUSTIN, NORTH OF BEE CREEK, AND SOUTH OF THE INTERSECTION OF WEST LAKE DRIVE AND TRAIL VIEW MACE MESA. THE AREA HAS A CURRENT ESTIMATED POP.... POPULATION OF 1086 PERSONS AND WAS INCLUDED IN THE THREE-YEAR PROCESS BECAUSE IT HAS MORE THAN 100 TRACTS. CONCURRENT WITH THE ANNEXATION, STAFF WILL RECOMMEND THE AUSTIN CITY COUNCIL ALSO CONSIDER THE PROVISION OF FULL MUNICIPAL SERVICES TO PROPERTIES ALONG LAKE AUSTIN AND THE INCLUSION OF THOSE PROPERTIES ON THE PROPERTY TAX ROLL. AFFECTED PROPERTY OWNERS WILL BE NOTIFIED BY MAIL PRIOR TO COUNCIL ACTION. BOTH THE ANNEXATION AND INCLUSION OF THE LAKE AUSTIN PROPERTIES WOULD BE EFFECTIVE DECEMBER 31, 2008 IF APPROVED BY THE COUNCIL. I'LL BRIEFLY WALK YOU THROUGH THE SERVICE PLAN AND OUTLINE THE NEXT STEPS IN THE THREE-YEAR PROCESS THAT WILL BE COMPLETED OVER THE NEXT TWO YEARS. IN COMPLIANCE WITH STATUTORY REQUIREMENTS, THE DRAFT SERVICE PLAN INCLUDES THREE MAIN COMPONENTS. THE FIRST IS THE EARLY ACTION PROGRAM WHICH INCLUDES SERVICE THAT WILL BE PROVIDED IN THE AREA COMMENCING ON EFFECTIVE DATE OF ANNEXATION INCLUDING POLICE AND

FIRE PROTECTION, EMERGENCY MEDICAL SERVICE, SOLID WASTE COLLECTION, MEANT OF WATER AND WASTEWATER FACILITIES, ROADS AND STREETS, STREET LIGHTING AND PARKS AND PLAYGROUNDS. THE SECOND COMPONENT IS THE ADDITIONAL SERVICES WHICH INCLUDES THOSE SERVICES NOT REQUIRED BY STATE LAW BUT AVAILABLE CITY-WIDE SUCH AS WATERSHED PROTECTION AND DEVELOPMENT REVIEW, USE OF CITY LIBRARIES, HEALTH AND HUMAN SERVICES BENEFITS AND A BUNDLE OF SERVICES COMMONLY REFERRED TO AS ANTI-LITTER SERVICES. AND FINALLY THE CAPITAL IMPROVEMENT SECTION OF THE SERVICE PLAN IS THE SEX WHERE WE WOULD INCLUDE INFORMATION ABOUT ANY CAPITAL IMPROVEMENTS NECESSARY TO PROVIDE MUNICIPAL SERVICES TO THIS AREA. IN GENERAL, THE CITY WOULD BEGIN PROVIDING SERVICES CURRENTLY PROVIDED BY OTHER ENTITIES SUCH AS THE COUNTY AND WILL BEGIN PROVIDING SERVICES NOT CURRENTLY AVAILABLE TO RESIDENTS IN AREAS WHO LIVE IN AREAS OUTSIDE THE CITY LIMITS. IN ADDITION, RESIDENTS OF THE CITY ARE ELIGIBLE TO VOTE IN ALL AUSTIN ELECTIONS, INCLUDING THE ELECTION OF COUNCILMEMBERS, CHARTER AMENDMENTS AND BOND ISSUES. FINALLY, THROUGHOUT THE ANNEXATION PROCESS, THE CITY WOULD BE UPDATING INFORMATION AND POST THAT ON OUR WEB PAGE, AS LAURA MENTIONED. AFTER THE HEARINGS, CITY STAFF WOULD NEGOTIATE A SERVICE PLAN WITH REPRESENTATIVES OF THE PROPERTY OWNERS. IF YOU ARE INTERESTED IN REPRESENTING THE ANNEXATION AREA AS A NEGOTIATOR, CONTACT BOB MOORE AND COMMISSIONER GERALD DAUGHERTY AT 854-9333 TO REQUEST AN APPOINTMENT. AND THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, MS. COLLIER. QUESTIONS FOR STAFF, COUNCIL. IF NOT, WE'LL GO TO OUR CITIZEN SPEAKERS. JUST A HANDFUL OF THEM. FIRST SPEAKER IS DANNY GILLESPIE. APPRECIATE EVERYBODY'S PATIENCE. WELCOME, MR. GILLESPIE. YOU HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY ROBERT BROOKS.

THANK YOU, MAYOR. COUNCILMEMBERS. THANK YOU FOR MOVING US AHEAD OF THE BIKE HELMET CONVERSATION. MY KIDS APPRECIATE THAT. I'M HERE ON BEHALF OF THE

WEST RIM HOMEOWNERS ASSOCIATION AND JUST TO REGISTER OUR OPPOSITION TO THE ANNEXATION FOR OUR NEIGHBORHOOD. WE ALREADY HAVE AUSTIN SEWER AND WASTEWATER SERVICES AND AS MANY OF YOU KNOW WE ARE IN AN AREA THAT ALREADY HAS A LOT OF SERVICES BOTH FROM THE COUNTY AND THE CITY. AND HAVING WORKED FOR DR. PERRYMAN, I WOULD LOVE TO SEE HIS DATA ON THE BENEFITS OF THE CITY ANNEXING AREAS OUTSIDE OF THE CURRENT JURISDICTION, PARTICULARLY THOSE THAT ARE SURROUNDED BY EXISTING INFRASTRUCTURE AND NOT THOSE OUTLYING THOSE AREAS. WE WILL BE PUTTING TOGETHER SOME OF OUR DATA TO TALK WITH YOU ALL A LITTLE BIT FURTHER WITH DATA AND NOT EMOTION, OBVIOUSLY, BUT WANT TO MAKE SURE WE REGISTER OUR OPPOSITION NOW AND I THINK YOU WILL HEAR FROM A COUPLE OF OTHER FOLKS THIS EVENING AND ALSO ON TUESDAY.

Mayor Wynn: FAIR ENOUGH.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. GILLESPIE. ROBERT BROOKS. WELCOME, MR. BROOKS. YOU HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY SAM CHIBAN.

MAYOR, CITY COUNCILMEMBERS, THANK YOU FOR ALLOWING ME TO SPEAK TONIGHT. I'M ONE OF THE HOMEOWNERS IN THE WEST LAKE DRIVE AREA. WE'VE BEEN IN CONTACT WITH FOUR PROPERTY RIGHTS ATTORNEYS, AND THE CONSENSUS IS THAT THIS IS GOING TO BE A MAJOR UPHILL BATTLE FOR US BECAUSE WE ARE NOT REALLY AT ALL IN FAVOR OF THIS ANNEXATION. WE RECOGNIZE THAT THIS IS THE ONLY WAY THAT THE CITY DEPARTMENT HEADS CAN INCREASE THEIR DOLLARS, AND THIS IS AN ABSOLUTE TRAVESTY FOR US OUT THERE. WE TAKE A LOOK AT YOUR FINE [INAUDIBLE] ACROSS THE STREET HERE, STARTED OUT AS A PROJECT OF \$2.8 MILLION, ENDED UP AT 9.5 MILLION. WE TAKE A LOOK AT ADDITION VILLAGE. THE TOTAL COST ON THAT WAS ONE MILLION 250,000 AND I BELIEVE THE CITY GOT ONE OUT OUT OF THAT. THIS WONDERFUL BUILDING STARTED OUT AT 34 MILLION AND ENDED UP AT 56.6 MILLION. AS I UNDERSTAND IT ABOUT 300 CITY EMPLOYEES WORKING

OUT TO ABOUT 188,000 PER CITY EMPLOYEE IN THIS AREA. THEN LASTLY, THE GREAT HOMELESS SHELTER ISSUE. THE CITY DECIDED TO GET INVOLVED IN THAT. THEY SPENT \$7.8 MILLION FOR 100 BEDS WHEN I BELIEVE THAT IT WAS PURPORTED TO BE THERE WERE OVER 4,000 HOMELESS PEOPLE IN THE CITY. AVERAGES OUT TO ABOUT \$78,000 A BED. TRUTHFULLY, WOULD YOU FEEL COMFORTABLE BEING ANNEXED TO A CITY WITH THE HISTORY OF POOR FINANCIAL RESPONSIBILITY AND ACCOUNTABILITY AS THIS. WE'RE NOT VERY COMFORTABLE WITH THIS AT ALL. THE INCREASES IN COSTS TO OUR SERVICES OUT THERE, AND IN FACT I THINK WE ALL JUST NOTICED IN THE AUSTIN AMERICAN-STATESMAN TODAY WHERE THE CITY ON TOP OF EVERYTHING ELSE IS NOTIFYING US ALL OF A 9% INCREASE IN THE MAINTENANCE AND OPERATIONS COSTS. 6% INCREASE IN DEBT SERVICE COVERAGE. AND ADDITIONAL 7.5 IN EXPENDITURES FOR A TOTAL OF 17.1% INCREASE. ON TOP OF ALL THESE OTHER FEES THAT WE'RE GOING TO BE HIT WITH. FINALLY, THIS IS AN OUTRIGHT WARNING TO OUR NEIGHBORS TO THE WEST AND THE EXTENDED WEST LAKE CORRAL CANYON AND HIGH ROAD AREAS THAT THIS ANNEXATION IS JUST A PRELUDE TO THE CITY OF AUSTIN ACQUIRING THE JEWEL OF ALL DISTRICTS, PARTICULARLY THE AREA INCLUDING THE HOME OF MICHAEL DELL AND HIS NEIGHBORS, AND THEY SHOULD BE PLACED ON HIGH ALERT AS YOU ALL ARE IN THE NEXT ONES TO BE PLACED ON THE HIT LIST WHEN THE CITY PLEETSD THIS TRAVESTY. THANK YOU.

Mayor Wynn: THANK YOU, MR. BROOKS. ANN CHIBAN. AND IS MICHAEL MISIKOF HERE. SAM, YOU WILL HAVE SIX MINUTES IF YOU NEED IT.

[INAUDIBLE]

Mayor Wynn: OFFERED YOU THREE MINUTES.

GOOD EVENING. MY NAME IS SAM CHIBAN. I LIVED IN AUSTIN FOR 19 YEARS AND THEN I MOVED THREE YEARS AGO TO THE PENINSULA AREA OF THE WEST LAKE. I SHOULD BE FLATTERED THAT YOU MISSED ME SO MUCH THAT YOU CAME AFTER ME TO ANNEX ME AND BE PART OF THE CITY AGAIN, BUT I'M NOT. THE REASON I'M NOT IS BECAUSE I

MOVED TO THIS AREA BECAUSE IT IS A SAFE AREA THAT GETS EXCELLENT SERVICES FROM THE COUNTY, FROM THE CITY OF WEST LAKE AS FAR AS EMERGENCY, FIRE, WASTE COLLECTION, AND FROM WHAT I'M FINDING OUT FROM THE INFORMATION AVAILABLE IS THAT MY TAXES WILL GO UP ABOUT \$500 A MONTH. AND IN RETURN FOR THAT, THE TIME THAT IT WILL TAKE FOR THE POLICE TO GET TO MY HOUSE WILL BE MULTIPLIED BY FIVE TIMES. SAME THING FOR THE FIRE. THE GARBAGE COLLECTION WILL BE REDUCED FROM TWICE A WEEK TO ONCE A WEEK. ALSO -- AND WHEN I QUOTED THE FIVE TIMES IT WILL TAKE FOR EMERGENCY TO GET THERE, ASSUMING THERE IS NO TRAFFIC AND NO OTHER CONDITIONS. THERE'S ONLY THREE WAYS TO GET TO OUR NEIGHBORHOOD. I REPRESENT THE HOMEOWNERS ASSOCIATION. AND ONE OF THEM IS FROM LOOP 360 VIA WEST LAKE DRIVE, AND THAT ROAD IS WINDY AND A LOT OF TOPOGRAPHY. WHEN IT RAINS, THAT ROAD GETS FLOODED. THE OTHER WAY IS RED BUD TRAIL COMING FROM LAKE AUSTIN BOULEVARD, AND THAT ROAD ALSO GETS FLOODED WHEN WE HAVE SEVERE RAIN. SO THE ONLY WAY TO GET THERE IF THERE IS A FLOOD IS FOR THE EMERGENCY VEHICLES TO GO THROUGH WEST LAKE HILLS AND ALSO THROUGH THE SOUTH PART OF AUSTIN THROUGH ROLLING WOOD TO GET THERE WHICH WILL MEAN 20 TO 25 MINUTES IF I HAVE AN EMERGENCY AT MY HOUSE. THANK YOU VERY MUCH. RIGHT NOW THE FIRE DEPARTMENT GETS THERE IN ABOUT 2 MINUTES. IT'S ABOUT 2 MILES AWAY. LESS THAN 2 MILES AWAY. THE POLICE DEPARTMENT IS RIGHT NEXT DOOR. AND FOR THOSE EMERGENCY VEHICLES TO GET TO MY HOUSE VIA THAT ROUTE AT THE LAST TWO MILES OF THEIR TRAVEL THEY ARE GOING TO PASS BY THE FIRE DEPARTMENT AND THE POLICE DEPARTMENT THAT WE GET OUR SERVICES FROM RIGHT NOW. SO I LOVE AUSTIN, BUT IN THIS CASE, PLEASE, WHAT WE HAVE RIGHT NOW IS NOT BROKE. IT IS FUNCTIONING VERY WELL. PLEASE DON'T TRY TO FIX IT BECAUSE YOU ARE GOING TO MAKE IT WORSE. AND IF I TAKE THE NUMBER THAT THE LADY THAT SPOKE AT THE BEGINNING FROM THE CITY THAT THEY ESTIMATE WOULD GENERATE \$3.5 MILLION OVER THE NEXT 20 YEARS, ALL THE SERVICES REQUIRED TO MATCH WHAT WE HAVE NOW, NOT TALKING ABOUT EXCEEDING, BUT TO MATCH WHAT WE HAVE NOW WILL DEFINITELY COST MUCH, MUCH MORE THAN THAT.

THERE'S NO WAY THIS COULD BE A VALUE ADDING PROPOSITION FOR THE CITY. IT IS DEFINITELY NOT A VALUE ADDING PROPOSITION FOR US. IT IS JUST GOING TO CREATE MEANINGLESS WORK FOR A LOT OF PEOPLE AND COST US MORE TAX, AND I DON'T SEE THE POINT OF IT. I WANT TO ASK ANYONE HERE FROM THE CITY WHO KNOWS HOW THEY WILL IMPROVE WHAT WE GET RIGHT NOW TO PLEASE EXPLAIN TO US BECAUSE I TALKED TO AT LEAST 70 PEOPLE. WE HAVE 63 RESIDENCES IN THE CENTRAL BAY HOMEOWNERS ASSOCIATION. NONE OF THEM IS EXCITED ABOUT THIS. EVERYONE HATES IT. AND I'VE TALKED TO OTHER PEOPLE THAT LIVE IN NEIGHBORING AREAS. EVERYBODY HATES IT. EVERYBODY THINKS IT'S GOING TO DEGRADE THE LEVEL OFFER... SERVICES WE GET NOW, WE'RE GOING TO BE PAYING A LOT MORE TAXES, AND I THINK YOU SHOULD LOOK FOR SORRY SOURCES FOR TAXES THAN TO TAKE MONEY FROM US AND GIVE US LESSER SERVICES THAN WE GET NOW. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, SAM. AND JUST TO ANSWER THE QUESTION SO THE PROCESS NOW AS WE UNDERSTAND IT IS STAFF TAKES A COUPLE OF YEARS WORKING WITH GROUPS OF HOMEOWNERS UP THERE TO DO ALL THAT MATH, TO FIGURE OUT WHETHER IN FACT THE SERVICES COST MORE THAN THE REVENUE WOULD BE AND/OR OR... SERVICES ARE WORSE THAN THEY ARE TODAY. MICHAEL, 30... 30 SECONDS.

I'LL BE BRIEF. I HAVE A QUESTION MORE THAN A COMMENT. AND TO GET WITHIN THE 30 SECONDS, I'M GOING TO MAKE A SUM OF ASSUMPTIONS. THE FIRST IS THE PEOPLE IN THE AREA THAT'S TO BE ANNEXED ARE BASICALLY SATISFIED WITH THE SERVICES THEY ARE RECEIVING NOW. WHETHER THEY COULD BE IMPROVED UPON OR NOT, THEY ARE SATISFIED WITH WHAT THEY ARE RECEIVING NOW. SECOND ASSUMPTION IS THAT WE WOULD ALL BE PAYING MORE TAXES AFTER THE ANNEXATION THAN WE ARE BEFORE. WITH THOSE ASSUMPTIONS, I'M GOING TO TELL YOU MYSELF AS A HOMEOWNER AND THE MAJORITY OF PEOPLE WOULD SAY, WELL, I WOULD RATHER HAVE MY SERVICES I'M GETTING NOW WITHOUT THE TAX INCREASE. MY QUESTIONS FOR COUNCIL IS THAT IF A SIGNIFICANT MAJORITY OF THE RESIDENTS IN THE AREA TO BE ANNEXED FEEL THAT WAY,

DOES IT MATTER.

Mayor Wynn: THE ANSWER IS THE STATE OF TEXAS SPECIFICALLY SETS UP THIS PROCESS KNOWING THAT EVERYONE WHO GETS ANNEXED WOULD VOTE NOT TO BE ANNEXED AND SO THE STATE OF TEXAS HAS VERY, VERY LIBERAL ANNEXATION LAWS SPECIFICALLY ALLOWING EVERY CITY IN THE STATE TO ANNEX PEOPLE AGAINST THEIR WILL, NOT ALLOWING THEM TO VOTE BECAUSE THE STATE OF TEXAS OUT OF 50 STATES RANKS 50th, LAST PLACE, WHEN IT COMES TO SHARING REVENUE WITH CITIES. IT'S A PHILOSOPHICAL CHOICE THAT OUR ANTIQUATED, ARCAINE STATE CONSTITUTION MAKES. AND SO IN LIEU OF THE STATE GIVING CITIES ANY MONEY WHATSOEVER FOR ANYTHING, IN FACT MANY, MANY TIMES DEMANDING UNFUNDED -- CREATING UNFUNDED MANDATES FOR US, THEY CREATE VERY LIBERAL IN THE SCHEME OF THINGS, LIBERAL ANNEXATION LAWS THAT CREATE THIS CRUMMY DYNAMIC. EVERY PLACE THE CITY OF AUSTIN ANNEXES OF COURSE DON'T WANT TO BE ANNEXED. BUT THE STATE PUTS CITIES IN THIS SPOT SPECIFICALLY TO -- IN LIEU OF STATE HAVING ANY REVENUE THAT THEY WILL SHARE WITH LOCAL GOVERNMENTS TO FUND STATE MANDATED SERVICES. SO IT'S A CRUMMY SITUATION AND WE'VE DONE IT SEVERAL TIMES OVER THE LAST DECADE OR SO AS HAS EVERY GROWING TEXAS CITY.

I TAKE THAT AS A NO.

Mayor Wynn: NO. THANK YOU. NEXT -- ACTUALLY TWO FOLKS SIGNED UP WISH TO GO SPEAK IF WE HAD QUESTIONS. I DOUBT WE'RE GOING TO ASK ANY. WITTON MOSS AND [INAUDIBLE] SIGNED UP NOT WISHING TO SPEAK BUT HERE TO ANSWER QUESTIONS. COUNCIL, THOSE ARE THE FIVE FOLKS WHO SIGNED UP WISH TO GO SPEAK AT THIS PUBLIC HEARING. KNOWING WE'RE GOING TO HAVE ANOTHER ONE TUESDAY NIGHT. I APOLOGIZE, IT'S NOT TECHNICALLY IN THE AREA. I'M OCCUR..... CURIOUS -- I'M NOT SURE WHY THE CHURCH OF GOOD SUBURBAN WAS CHOSEN. THEY ARE LOANING US THEIR CHURCH HALL AND SO WE WILL HAVE ANOTHER PUBLIC HEARING THAT TUESDAY NIGHT. AND REMIND ME, SO AFTER TWO PUBLIC HEARINGS, COUNCIL

DOESN'T TAKINGS FOR YEARS.

AFTER THE SECOND PUBLIC HEARING, WE WILL ENTER INTO A PERIOD OF TIME WHERE WE NEGOTIATE WITH THE NEIGHBORHOOD. ONE THING I WANT TO POINT OUT ABOUT THAT IS BECAUSE THIS IS NOT A M.U.D., THE COUNTY IS RESPONSIBLE FOR APPOINTING A COMMITTEE THAT WILL BE REPRESENTING THE NEIGHBORHOOD IN THE NEGOTIATIONS. SO ANYONE WHO IS INTERESTED IN PARTICIPATING IN THAT PROCESS CAN EITHER CONTACT US AT THE CITY OR THE COUNTY COMMISSIONERS TO INDICATE THEIR INTEREST IN THAT PROCESS. AND WE HAVE THREE YEARS, THE EARLIEST POSSIBLE DATE FOR ANNEXATION WOULD BE DECEMBER 2008. THE STATE INTENDED THAT PERIOD OF TIME TO BE A TIME WHEN WE COULD ADDRESS CONCERNS SUCH AS THE ONES THAT WERE RAISED THIS EVENING ABOUT HOW WE WILL ASSURE THAT SERVICES ARE PROVIDED AT ADEQUATE LEVELS FOR THE NEIGHBORHOOD AND ULTIMATELY THIS WILL COME BEFORE CITY COUNCIL IN THE FORM OF A SERVICE PLAN THEY APPROVE WITH AN ANNEXATION.

Mayor Wynn: THANK YOU, MS. HUFFMAN. FURTHER QUESTIONS OF STAFF, COUNCIL? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING.

SO MOVED.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER LEFFINGWELL SECONDED BY COUNCILMEMBER.

Martinez:. ALL THOSE IN FAVOR PLEASE SAY AYE. MOTION TO CLOSE THE PUBLIC HEARING PASSES 6-0 WITH COUNCILMEMBER McCRACKEN OFF THE DAIS. OKAY, COUNCIL, ITEMS NUMBER 59, WHICH IS AN ITEM FROM COUNCIL REGARDING DIRECTING THE CITY AUDITOR TO DO A PUBLIC SAFETY ANALYSIS AND/OR AUDIT, AND ITEM 69, WHICH IS A STAFF BRIEFING OF THE FEASIBILITY OF CONSOLIDATION OF PUBLIC SAFETY DEPARTMENTS, THERE IS A RECOMMENDATION THAT THOSE BE POSTPONED FOR ONE WEEK TO AUGUST 31st. MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER LEFFINGWELL TO POSTPONE THESE TWO ITEMS ONE WEEK TO AUGUST 31,

2006. ALL IN FAVOR? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST SAY I SECOND THAT SUPPORT POSTPONEMENT ONLY BECAUSE OF THE LATENESS OF THE HOUR. THERE'S NO OTHER REASON.

Mayor Wynn: UNDERSTOOD. ALL THOSE IN FAVOR OF POSTPONEMENT PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0. THAT LEAVES US WITH ITEM NUMBER 89. 76 FOLKS SIGNED UP WISHING TO SPEAK. BUT THE REAL MESSAGE HERE IS THAT 146 PEOPLE SIGNED UP NOT WISHING TO SPEAK, CLEARLY TRYING TO CURRY FAVOR WITH THE CITY COUNCIL. [LAUGHTER] WELCOME, MR. RUDY GARZA.

GOOD EVENING, MAYOR AND COUNCIL, RUDY GARZA, CITY MANAGER. TONIGHT WE WILL BE HOLDING A PUBLIC HEARING. ON JUNE 22 THE CITY COUNCIL SET TONIGHT AS PUBLIC HEARING TO CONSIDER -- ACTUALLY TO GET FEEDBACK ON CONSIDERATIONS FOR AMENDING THE CREPT ORDINANCE FOR THE -- CURRENT ORDINANCE FOR THE HELMET ORDINANCE. THERE IS NO DRAFT TONIGHT, NO ACTION PLANNED TONIGHT. THIS IS STRICTLY AN OPPORTUNITY TO HEAR FROM OUR PUBLIC ON THIS ISSUE. WITH THAT, I'LL TURN IT OVER.

Mayor Wynn: THANK YOU, MR. GARZA. COUNCILMEMBER MARTINEZ.

Martinez: DOES THAT PRECLUDE US FROM TAKING ACTION ON THIS ISSUE?

Mayor Wynn: MR. SMITH.

COUNCILMEMBER, YES, IT DOES. WITHOUT BEING POSTED, COUNCIL COULD NOT LEGALLY TAKE ANY ACTION.

Martinez: THANK YOU.

Mayor Wynn: BUT I SUSPECT INDIVIDUAL COUNCILMEMBERS COULD CERTAINLY VOICE THEIR INDIVIDUAL OPINIONS ON THE MATTER AFTER TAKING THIS TESTIMONY.

THAT'S CORRECT, MAYOR.

Mayor Wynn: THANK YOU VERY MUCH. SO COUNCIL, A COUPLE OF RECOMMENDATIONS. WITH ONLY 76 OF THE 222 CITIZENS WISH TO GO SPEAK, THAT'S STILL BECAUSE OF DONATED TIME REPRESENTS 468 MINUTES OF TESTIMONY. I WON'T EVEN BOTHER TO DO THE MATH. [LAUGHTER] I'LL JUST SAY THIS IN THE END, JUST THE NATURE OF OUR SIGN-UP SYSTEM OUT HERE AND, YOU KNOW, FOLKS, FRANKLY, HAVE BEEN SIGNING UP FOR QUITE SOME TIME. MUCH EARLIER AT LEAST IN TODAY IF NOT BEFORE TODAY. WE HAVE A BUNCH OF PEOPLE IN A ROW WHO ARE..... WHO HAVE SIGNED UP -- SIGNED UP AT LEAST IN FAVOR OF THIS POTENTIAL ORDINANCE. THE -- YOU KNOW, THE MAIN ADVOCATES, FRANKLY, OF THIS ORDINANCE WERE KIND ENOUGH TO GIVE ME A LIST OF A SEQUENCE THAT IS SIGNIFICANTLY SHORTER THAN THE WHOLE LIST OF FOLKS WHO HAVE SIGNED UP CONSECUTIVELY BEGINNING WITH ONE TO SPEAK IN FAVOR. MY RECOMMENDATION IS TO TRY TO BE AS EQUITABLE AS WE CAN. EVERYBODY WHO WANTS TO SPEAK WILL GET A CHANCE TO SPEAK, BUT TO BE EQUITABLE WITH BEING ABLE TO SPEAK IN A RELATIVELY EARLIER TIME IS THAT WE TAKE THE PROPOSED SEQUENCE OF THE ADVOCATE SIDE OF THIS ORDINANCE, THE FOLKS WHO ARE HERE SPEAKING IN FAVOR -- TECHNICALLY THERE'S 18 OF THEM -- AND THEN WE WOULD, I WOULD HOPE AT THAT POINT, I COULD SCROLL DOWN AND IF THIS IS OKAY WITH FOLKS, WE COULD TAKE THE NEXT 18 PEOPLE ON EQUAL AMOUNT OF TIME, FOLKS WHO WERE THEN IN OPPOSITION, AND THEN WE CAN SIMPLY GO TO THE ELECTRONIC SIGN-UP AND BY THAT.....BY THAT TIME IT STARTS TO ALTERNATE FREQUENTLY. FOLKS WHO GOT HERE THIS EVENING STARTED SIGNING UP, IT'S VERY RANDOM. IT'S -- IT SKIPS ALL OVER THE BOARD FOR AND AGAINST. I THINK THAT WOULD ALLOW FOR A SLIGHTLY MORE CONCISE PRESENTATION FROM FOLKS WHO HAVE BEEN WORKING ON THIS FOR A LONG TIME. BUT THEN WE COULD IMMEDIATELY GO TO AN EQUAL AMOUNT OF TIME OF FOLKS IN OPPOSITION AND WE COULD -- I KNOW IT'S PROBABLY, FRANKLY, LESS ORGANIZED, BUT THEY COULD TAKE THE TIME THAT THESE FOLKS WILL BE SPEAKING, THE NEXT 18 SFOAX OF FOLKS WHO WILL BE SPEAKING, THEY

CAN TAKE THAT TIME TO FIGURE OUT IF THEY WANT TO SEQUENCE IT, OTHERWISE IF I COULD TAKE THE FIRST 18 PEOPLE SIGNED UP IN OPPOSITION. THEN WE COULD JUST GO AS LATE AS WE ALL CAN GO. WITHOUT OBJECTION FROM COUNCIL, I WOULD -- WE'LL CONDUCT THE HEARING THAT DAY. TECHNICALLY THAT'S PROBABLY A SLIGHT WAIVER OF OUR PUBLIC HEARING RULES. ONLY A COUPLE OF THEM HAVE A COUPLE OF MINUTES DONATED EACH. SO WHOSE HEAD IS CLEAR ENOUGH TO -- 18 TIMES 3. ACTUALLY BE ABOUT --

AN HOUR.

Mayor Wynn: YEAH. YOU KNOW, THEY WERE KIND ENOUGH TO -- CONFUSING. LET'S TAKE THESE 18 FOLKS, AND AGAIN, THAT CUTS OFF THE ADVOCATES LONG BEFORE THEY GET TO -- YOU KNOW, THERE'S STILL A BUNCH OF PEOPLE WHO SIGNED UP SEQUENTIALLY IN FAVOR, BUT THEN WE COULD TAKE UP 18 FOLKS IN OPPOSITION AND KEEP IT AS EQUITABLE THE REST OF THE NIGHT AS WE CAN. SO WITHOUT FURTHER ADO, LET'S STARTING HEARING SOME PUBLIC TESTIMONY ON AMENDING CHAPTER 12-2 OF THE CITY CODE TO REQUIRE HELMETS FOR ALL BICYCLE RIDERS. OUR FIRST SPEAKER IS FORMER MAYOR BRUCE TODD. WELCOME, MAYOR. YOU ARE SIGNED UP FOR THREE MINUTES AND YOU WILL BE FOLLOWED BY DR. PAT CROCKER.

THANK YOU, MAYOR, AND HAVING BEEN IN YOUR SEAT, I PLEDGE TO SPEAK AT LEAST LESS THAN THE 400 MINUTES. THAT'S A JOKE. THANK YOU VERY MUCH, COUNCIL AND MAYOR. I THANK YOU FOR YOUR SERVICE AND FOR YOUR BEING HERE ON THESE LATE HOURS. IT'S GREATLY APPRECIATED. MY NAME IS BRUCE TODD. I'M A FORMER MEMBER OF THIS BODY. I'M AN AVID BICYCLIST. AND I'M A VICTIM OF TRAUMATIC BRAIN INJURY. A VERY SERIOUS ONE, AS ARE SEVERAL WHO WILL SPEAK TO YOU TONIGHT. BUT I'M ROMPG AND..... RECOVERING AND THAT'S THE GOOD NEWS. WHEN I WAS MAKING DECISIONS AS ARE YOU TONIGHT THERE ARE BASICALLY FIVE QUESTIONS I WOULD ASK MYSELF. FIRST IS IS THERE A PROBLEM. YOU WILL SEE ON A MAP, WE PUT PINS. THOSE REPRESENT THE 261 CAR-BICYCLE COLLISIONS OVER THE LAST 20 MONTHS THAT ALL

REQUIRED POLICE ATTENTION. AND THAT NUMBER, MOST OF THOSE, ALL BUT 11 ARE INSIDE THE CITY LIMITS ON CITY STREETS, NOT ON HIGHWAYS. AND WE ARE FEARFUL OF THAT REPEATING ITSELF OVER THE NEXT 20 MONTHS. SECOND IS IF NOT, WHY NOT VOLUNTARY, IS THE LAW NECESSARY. WHAT WE FIND NATIONWIDE IS THAT 75% OF THE PEOPLE RIDING BICYCLES UNFORTUNATELY ARE NOT WEARING HELMETS. WE DID A SURVEY OF THREE LOCATIONS WEEK BEFORE LAST, SIXTH AND LAMAR, GUADALUPE AND 24th STREET, BARTON SPRINGS AND LAMAR. THERE WERE 166 RIDERS. THERE WERE -- THERE WERE 124, 75%, WITHOUT HELMETS. THIRD QUESTION DOES THE IMPACT OF A HELMET USE NEGATIVELY AFFECT THE GENERAL PUBLIC. WE KNOW THAT THE COST OF TRAUMATIC BRAIN INJURY OFTEN TIMES SHARED BY THE HOSPITALS AND BY US AS THE PUBLIC CITIZENS IS EXTREMELY LARGE. SOMETHING IN EXCESS LAST YEAR OF \$12 MILLION. AND THAT DOESN'T COUNT THE ONGOING CARE FOR THOSE WHO ARE IN HOMES. FOURTH, DOES THE LAW NEGATIVELY IMPACT ANYONE. I WOULD SAY NO. ALL MAJOR GROUPS, BICYCLE GROUPS, RACING GROUPS OR RIDING GROUPS, NATIONAL, LOCAL, AMATEUR OR PROFESSIONAL, REQUIRE HELMETS. YOU CANNOT GO ON A A.C.A. RIGHT WITHOUT A HELMET. FINALLY, DOES IT IMPINGE ON PERSONAL FREEDOMS. THE ANSWER IS THE SAME AS SEAT BELTS. STOP SIGNS, STOPLIGHTS. CAPS ON MEDICINE BOTTLES TO KEEP CHILDREN FROM GETTING INTO MEDICINE. IT IS THE KIND OF RESTRICTION THAT WE EARN AS A WAY TO USE OUR HIGHWAYS AND THE PUBLIC PROVIDES AS A WAY TO KEEP US SAFE ON THOSE HIGHWAYS. I WOULD SAY THAT THE TWO NEW COUNCILMEMBERS HAVE BEEN VERY AGGRESSIVE ABOUT -- AND APPROPRIATELY SO ABOUT REQUESTING THAT NO ONE GO WITHOUT A HELMET BECAUSE OF LACK OF MONEY. I FOUND -- FOUNDED A NOT FOR PROFIT CORPORATION, I WILL RAISE MONEY, IT WILL GO THROUGH THE COMMUNITY FOUNDATION TO FUND HELMETS FOR EVERYONE WHO NEEDS HELP BUYING A HELMET. [BUZZER SOUNDING] THE LAST THING I WOULD SAY IN CLOSING IS THIS HELMET SAVED MY LIFE. IT WILL SAVE OTHERS OR REDUCE INJURY CONSIDERABLY AND I WOULD HOPE YOU CONSIDER THAT. THERE IS NO REASON FOR DELAY. WE HAVE ENOUGH INFORMATION AND WE HOPE YOU WOULD

TAKE ACTION AS SOON AS POSSIBLE. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MAYOR. AND WE'RE PROUD OF YOUR RECOVERY. DR. PAT CROCKER.

MAYOR AND COUNCILMEMBERS, I'M NOT DR. PAT CROCKER, I'M DR. JIM ESKEW, PAST PRESIDENT OF THE TRAVIS MEDICAL SOCIETY. I TREATED FORMER MAYOR BRUCE TODD FOR HIS FACIAL AND EAR FRACTURES DURING HIS RECENT BRUSH WITH DEATH. I CAN ATTEST THAT HIS SURVIVAL AND RECOVERY CAN ONLY BE ATTRIBUTED TO HIS HELMET USE. DR. PAT CROCKER WAS UNABLE TO BE HERE TONIGHT AND I HAVE BEEN ASKED TO PRESENT HIS COMMENTS WITH WHICH I AM IN COMPLETE AGREEMENT. I QUOTE, MR. MAYOR, COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO COMMENT ON THE PROPOSED HELMET ORDINANCE. HERE WE ARE AGAIN SOME NINE YEARS AFTER THE FIRST HELMET ORDINANCE WAS REPEALED. I THINK A LOOK AT THE DATA ACCUMULATED IN THE TRAUMA CENTER HELPS CLARIFY THE PROBLEM. THE DATA COLLECTION IS LIMITED TO ONLY THOSE PATIENTS WHO EXPERIENCED INJURIES WHILE BICYCLING THAT WERE SEVERE ENOUGH TO BE TRANSPORTED TO THE TRAUMA CENTER AND ADMITTED TO THE HOSPITAL FOR FURTHER CARE. SO WE SIGNIFICANTLY UNDER ESTIMATE THE TOTAL ACCIDENT OF THE INJURIES THAT COULD BE PREVENTED AS ALL OF THOSE WITH LESS SEVERE INJURIES, THOSE TREATED AT OTHER HOSPITALS, THOSE WHO WEREN'T ADMITTED TO THE HOSPITAL, AND THOSE SITTING ON THE SIDEWALK WITH A BROKEN HELMET IN THEIR LAP BUT AN UNBROKEN HEAD ARE NEVER COUNTED. THIS PAST YEAR THERE WERE 64 BICYCLE ACCIDENTS IN PATIENTS 18 YEARS OR OLDER THAT WERE ADMITTED TO THE TRAUMA CENTER. OF THE 64, 39% HAD HEAD INJURIES. 25 PATIENTS. THE UNHELMETED PATIENTS ACCOUNTED FOR ALL THE SEVERE HEAD INJURIES. AND YES, SOME OF THE PATIENTS HAD HEAD INJURIES. SOME 44%. BUT NONE OF THE HELMETED PATIENTS HAD ANY INJURY BEYOND MILD CONCUSSION. IF WE ANNUALIZE THIS VOLUME OF INJURIES BACK THE NINE YEARS SINCE THE FIRST ORDINANCE, WE CAN APPROXIMATE THAT THROUGH OUR COMMUNITY INACTION, WE HAVE ALLOWED 126 PREVENTABLE MODERATE TO SEVERE HEAD

INJURIES. IF WE ANNUALIZE THE RATE TO THE MORE THAN 20 YEARS I HAVE DIRECTED THE BRACKENRIDGE EMERGENCY DEPARTMENT, WE END UP WITH 294 PREVENTABLE HEAD INJURIES. SOME 63 OF THESE WERE SEVERE INJURIES THAT ENDED IN PERMANENT DISABILITY OR UNTIMELY DEATH. HELMETS WORK, BUT YOU HAVE TO WEAR THEM. THIS IS NOT DISSIMILAR TO THE USE OF SEAT BELTS AND COMPLIANCE WITH SEAT BELTS AND THEREFORE A REDUCTION IN INJURIES TOOK A LAW TO CHANGE. WE NEED THIS ORDINANCE NOW, NOT AFTER A 18-MONTH STUDY OF THE PROBLEM. DURING THOSE 18 MONTHS, WE WILL HAVE ANOTHER 37 BICYCLE ACCIDENTS WITH HEAD INJURIES. DO WE WANT TO ALLOW THIS TO HAPPEN? AFTER 26 YEARS IN EMERGENCY MEDICINE, MIKE EXPERIENCE WITH PREVENTABLE INJURIES AND THE HUMAN LOSS HAS CHANGED MY PERSONAL FEELINGS ABOUT SUCH INJURIES. [BUZZER SOUNDING] PREVENTABLE INJURIES ARE FAR MORE COMMON THAN NON-PREVENTABLE TRAUMA. LET'S PREVENT IT. IT'S A FOOL'S ADMISSION TO DELAY THIS LAW. IT WILL PREVENT COSTLY HEAD INJURIES AND IS GOOD FOR THE COMMUNITY. LET'S ACT AS A COMMUNITY TO POSITIVELY AFFECT THIS HEALTH CARE ISSUE.

Mayor Wynn: THANK YOU. ELIZABETH CHRISTIAN. YOU HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY MARY BETH GARCIA. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] YOUR INITIATIVE, MAYOR, TO STUDY AND LOOK AT MENTAL HEALTH. ALSO TO LOOK AT -- AT PHYSICAL HEALTH. YOU KNOW YOU, YOUR EMPHASIS ON EXERCISING AND DIETING, PART OF THAT PARTICULAR POLICY. OF MAKING THIS A HEALTHY COMMUNITY. THE HELMET LAW, WHEN WE PASSED IT IN THE 90s WAS PART OF THAT INITIATIVE. IT WAS REPEALED LATER, I THINK, YOU KNOW, UNJUDICIOUSLY, BUT THAT'S NEITHER HERE NOR THERE. WE ARE HERE NOW, THE HELMETS ARE, YOU KNOW, EASY FOR PEOPLE TO AVAIL THEMSELVES OF. YOU KNOW, IT NOT AN EXPENSIVE PIECE OF EQUIPMENT..... EQUIPMENT. IT SAVES LIVES, CITIES AND CITIZENS MUCH GRIEF. SO I'M BACK HERE, YOU KNOW, THE SECOND OF SLIGHTLY UNDER EMPLOYED MAYORS, THAT ARE COMING TO YOU SAYING LET'S PUT THIS ORDINANCE BACK IN THE BOOKS OF THE CITY OF AUSTIN. IT IS PART OF OUR HEALTHY COMMUNITY

INITIATIVES THAT WE STARTED IN '92 AND THAT YOU, MAYOR, HAVE CONTINUED SO VERY WELL WITH THE MENTAL HEALTH AND THE PHYSICAL HEALTH INITIATIVES. I DON'T THINK WE OUGHT TO WAIT 18 MONTHS, I DON'T THINK WE ARE GOING TO FIND OUT ANYTHING WE DON'T REALLY NOW. THE TIME IS NOW TO PUT IT INTO THE BOOKS AGAIN, THANK YOU VERY MUCH.

THANK YOU, MAYOR. MIKE SHEFFIELD, WELCOME, THREE MINUTES, FOLLOWED BY ANDREW BUCKNALL.

THANK YOU MAYOR AND COUNCIL. AGAIN, THIS IS ABOUT SAVING LIVES, THE AUSTIN POLICE ASSOCIATION I SUPPORT THE HELMET LAW THAT WOULD ENCOMPASS ALL AGES AGAIN. AS A POLICE OFFICER, I HAVE BEEN TO COLLISION SCENES OF BICYCLISTS THAT HAVE BEEN SERIOUSLY INJURED AND A HELMET COULD HAVE MITIGATED THE INJURIES OBVIOUSLY. I AGREE WITH THE MEDICAL COMMUNITY AND SUPPORT ADOPTION OF THE LAW FOR ALL AGES, TO KEEP IT SHORT, I WOULD SUPPORT PASSAGE OF AMENDING THE LAW, THANK YOU.

Mayor Wynn: THANK YOU. ANDREW BUCKNALL, NEXT SPEAKER. OBVIOUSLY IN SUPPORT. VICE CHAIR OF THE URBAN TRANSPORTATION COMMISSION. DIANA CRAWLY. DIANE CRAWLY, SORRY. WELCOME. YOU WILL HAVE THREE MINUTES, FOLLOWED BY KIT MANS CHESTER.

THANK YOU.

I WILL BE SPEAKING THE COMMENTS OF DURING JIM MISCOE WHO COULD NOT BE HERE BECAUSE HIS FATHER IS GRAVELY ILL.

I AM [INDISCERNIBLE] FACILITY. I'M A PAST BOARD MEMBER OF THE BRAIN INJURY ASSOCIATION OF TEXAS AND CURRENT VICE CHAIR OF OF THE NATIONAL BRAIN INJURY CERTIFICATION ASSOCIATION. FIRST OF ALL, LET ME SAY I AM GENERALLY NOT IN FAVOR OF GOVERNMENT INITIATED RESTRICTIONS THAT ENCROACH ON OUR CIVIL RIGHTS. THIS ISN'T ABOUT TELLING A PERSON WHAT THEY CAN OR CAN'T DO IN THEIR HOME OR ON THEIR PROPERTY. THE ROADWAYS ARE A PUBLIC CONVENIENCE, FUNDED BY THE

STATE AND FEDERAL DOLLARS AND MANAGED BY OUR ELECTED OFFICIALS. IT IS THEIR RESPONSIBILITY TO IMPOSE THOSE REGULATIONS NECESSARY FOR SAFE USE AND TO PROVIDE THE LEADERSHIP EVEN WHEN UNPOPULAR SO INHERENT RISKS ARE MINIMIZED FOR BOTH THE INDIVIDUAL AND THE TAXPAYER. SINCE HELMET USE CONCLUSIVELY LESSENS INJURY, MANDATING ITS USE ON PUBLIC ROADWAYS SEEMS A SIMPLE, SMART AND FISCALLY PRUDENT MEASURE. I HAVE HEARD FROM ONE SMALL SEGMENT OF THE WRITE-IN COMMUNITY THAT THIS IMPOSES AN UNDUE BURDEN AND THREATENS BICYCLE RIDERSHIP GROWTH. THIS IS PROFOUNDLY SELFISH AND ABSENT OF ALL COMPASSION. HAVING WORKED IN BRAIN INJURY REHAB FOR 20 YEARS, I CANNOT BEGIN TO ADEQUATELY EXPRESS THE LEVEL OF TRAGEDY INVOLVED. NO ONE EVER UNDERSTANDS JUST HOW DEVASTATING A BRAIN INJURY CAN BE UNTIL THEY ARE PERSONALLY INVOLVED. HOW DO YOU EXPLAIN TO THE UNINITIATED WHAT IT MEANS TO LOSE YOURSELF? AND TO BECOME SOMEONE THAT HAS NO FRIENDS OR FAMILY LEFT BECAUSE THEIR FAMILY -- BECAUSE THEIR PERSONALITY AND BEHAVIOR REPELS THEM? TO BECOME SOMEONE THAT CAN NO LONGER PARTICIPATE IN ANY MEANINGFUL ACTIVITIES, THAT CAN NO LONGER NO LOVE, HAVE SEX, BE VALUED, LIVE INDEPENDENTLY. IF LIKE MOST YOU DON'T HAVE THE RESOURCES FOR DECENT LONG-TERM CARE, YOUR HOME BECOMES THE STREET, THE JAIL OR A NURSING HOME. I AM SICK OF WATCHING BRAIN INJURED FATHERS LOSE THE ABILITY TO PARTICIPATE IN THEIR CHILDREN'S LIVES. TO BE SLOWLY EXCLUDED BY THEIR CHILDREN BECAUSE THEIR DAD ISN'T DAD ANY LONGER. I AM SICK OF WATCHING YOUNG ADULTS FULL OF LIFE'S POTENTIAL BE REDUCED TO A BRAIN INJURY TO ALMOST NOTHING MORE THAN SOMEONE'S BURDEN. AN EVER PRESENT TORMENT OF WHAT HAVE AND SHOULD HAVE BEEN -- SORRY. DOES IT HAVE TO BE THIS BLEAK. PROFESSIONALS IN THIS FIELD WORK EVERY DAY IN THE BELIEF THAT IT DOESN'T. BUT I WILL SHARE A DIRTY LITTLE SECRET. IN EVERY HEALTH CARE FACILITY HAVE WORKED COLLEAGUES IN EVERY DISCIPLINE SAY QUIETLY, THEY WOULD RATHER DIE THAN SUFFER THE LIFE AFTER A SEVERE BRAIN INJURY. FAMILY MEMBERS SAY THE SAME. OFTEN WISHING THAT THEIR LOVED ONE'S LIFE HAD

NOT BEEN SPARED. [BEEPING] I KNOW FEW WILL CHOOSE TO BELIEVE OR COMPREHEND, BUT LET ME HUM ASSEMBLY ASK CITY COUNCIL MEMBERS AND BICYCLING ADVOCATES GO TO A SURVIVOR OR THEIR FAMILY AND TELL THEM THAT THE RIGHT TO RIDE WITHOUT A HELMET IS SIMPLY MORE IMPORTANT THAN PREVENTING THEIR KIND OF TRAGEDY, SEE HOW THAT FEELS. NO HEALTHY MATURE ADULT WHO EXPERIENCED EVEN ONE DAY OF THEIR LIFE, THEIR TRAGEDY, WOULD EVER BE SO UNFEELING OR COLD HEARTED TO SUGGEST THAT THE MEAGER BENEFIT OF WRITING HELMET LIS OUTWEIGHS OF GOOD OF PREVENTING EVEN ONE TRAUMATIC BRAIN INJURY. PLEASE PROVIDE THE KIND OF LEADERSHIP THAT YOU HAVE DEMONSTRATED IN THE PAST AND PASS THIS RESOLUTION. THANK YOU.

THANK YOU, MS. CRAWLY. KIT MANCHESTER. YOU COULD USE ONE OF THE REMOTE MICS IF YOU WOULD LIKE.

THANK YOU.

OKAY. WELCOME, YOU WILL BE FOLLOWED BY WILL GRIER.

[INDISCERNIBLE]

OKAY. I'M KIT MANCHESTER, THE OWNERS OF BIRD JUST WANT TO HAVE FUN. I'M A BUSINESS OWNER AS WELL AS A BICYCLIST. ON APRIL 1st OF THIS YEAR, I FELL FROM MY BICYCLE DURING A TRAINING RIDE IN BLANCO COUNTY. I WAS SERIOUSLY INJURED BUT I WILL RECOVER. THIS HELMET HE IS THE REASON THAT I WILL RECOVER, THE REASON THAT I HAVE AN OPPORTUNITY FOR RECOVERY. IF YOU RIDE A BICYCLE, YOU CAN FALL FROM THE BICYCLE. A BEGINNER CAN FALL ON THE FIRST RIDE, A A CHAMPIONSHIP PROFESSIONAL CAN FALL AFTER TENS OF THOUSANDS OF MILES OF RIDING EXPERIENCE. YOU CAN BE INVOLVED IN AN ACCIDENT THAT IS CAUSED BY CIRCUMSTANCES THAT YOU CANNOT CONTROL. YOU CAN BE INVOLVED IN AN ACCIDENT THAT YOU CANNOT SEE COMING. YOU CAN BE INVOLVED IN AN ACCIDENT SIMPLY BECAUSE YOU WERE IN THE RIGHT PLACE AT THE WRONG TIME. THERE IS NO DOWN SIDE TO THE PROPOSAL TO -- THE PROPOSED ORDINANCE FOR BICYCLE, MANDATORY BICYCLE HELMETS. THE UPSIDE OF THIS PROPOSED ORDINANCE IS THAT IF PROPERLY

ENFORCED IT CAN PREVENT BICYCLISTS FROM DYING. NOW.
I KNOW THAT FOR A FACT. THANK YOU.

Mayor Wynn: WILL GRIER AND SARAH KRAUSE, DONATING SIX
MINUTES IF YOU NEED IT.

THANK YOU. WHEN I WAS 17 CAREERS OLD, I HAD A
TRAUMATIC BRAIN INJURY AS A RESULT OF A BICYCLE
ACCIDENT. I WAS NOT WEARING A HELMET AT THE TIME AND
AS A RESULT OF THE ACCIDENT I HAD AN OPEN SKULL
WOUND. THERE WERE SERIOUS CONSEQUENCES TO THIS. I
WAS IMPATIENT IN THE HOSPITAL FOR THREE MONTHS -- IN
PATIENT IN THE HOSPITAL FOR THREE MONTHS, I WAS
RECOVERING FROM THE ACCIDENT FOR A YEAR, SOME OF
THE LONG-TERM CONSEQUENCES OF THE ACCIDENT ARE --
ARE VISUAL IMPAIRMENT, SEVERE SHORT TERM MEMORY
PROBLEMS. THE ROPE THAT I WAS NOT WEARING A HELMET
IS THAT THERE WASN'T A LAW. NO LAW REQUIRED ME TO
WEAR A HELM, SO I DIDN'T WEAR ONE. I ALSO SAW THAT --
THAT NOBODY ELSE WAS WEARING A HELMET. THE FIRST
SIX MONTHS I WAS RIDING MY BICYCLE, I DID WEAR A
HELMET, THEN WHEN I SAW THAT NOBODY ELSE WORE ONE
AND I HAD BEEN IN AN ACCIDENT I THOUGHT THAT I DIDN'T
NEED TO WEAR ONE. AS FAR AS I COULD SEE THERE WAS
NO EVIDENCE THAT I NEEDED THE PROTECTION OF A
HELMET. TURNED OUT I WAS WRONG. AS I SAID, I HAD -- I
WAS HIT BY A CAR. I HAD THE OPEN SKULL WOUND, THERE
WERE SERIOUS CONSEQUENCES OF THIS ACCIDENT. HAD I
BEEN WEARING A HELMET, THE -- THE RESULTS OF THE
ACCIDENT WOULD HAVE BEEN SEVERELY REDUCED. I
WOULD NOT HAVE BEEN INJURED ANYWHERE NEAR AS
SEVERELY IF I HAD JUST BEEN WEARING A HELMET. THIS IS
WHY I FULLY SUPPORT THE BICYCLE HELMET ORDINANCE.
THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. GRIER. SCOTT SIMMONS.
SCOTT SIMMONS TO BE FOLLOWED BY JONAS
SCHWARZENNEGER. BY -- JONAS SCHWARZ.

THANK YOU, MAYOR, CITY COUNCIL. I'M HERE TODAY, MY
SISTER WAS KILLED APRIL 17th, 2006, ON HIGHWAY 360 HERE
IN AUSTIN. SHE WAS MY BEST FRIEND. SHE WAS A PLAYMATE
TO MY KID, AN INSPIRATION TO EVERYBODY THAT KNEW

HER. SHE WAS WEARING HER HELMET. SHE DID FOLLOW THE LAWS, THE UNWRITTEN LAWS THAT ARE IN THE COMMUNITY AND THE CYCLING COMMUNITY. AND VERY MUCH LOVED THE SPORT. THE ONE REASON THAT I'M HERE TO SUPPORT THE HELMET LAW IS THIS: THERE ARE NO WRITTEN LAWS THAT MAKE MOTORISTS AND CYCLISTS CO-EXIST. THAT'S A CONCERN TO ME BECAUSE STATS DON'T MEAN ANYTHING. I'M THE RESULT, I'M THE OUTCOME OF WHAT HAPPENS WHEN BAD CHOICES ARE MADE -- CHOICES ARE MADE, WHEN LAWS ARE NOT IN PLACE TO KEEP PEOPLE BETWEEN THE DITCH, TO KEEP PEOPLE FROM LOSING FAMILY. I DON'T NEED A STACK TO TELL ME MY EMOTIONS, HOW IT FEELS EVERY DAY THAT I WAKE AND MY SISTER IS NOT IN MY LIFE ANYMORE. I DON'T NEED THAT DIRECTION BECAUSE I FEEL IT, I LIVE IT. ON THE OUTCOME OF THE STATS OF THE -- OF THE STUDIES THAT ARE BEING DONE, WHY WAIT 18 MORE MONTHS TO LOOK INTO THIS AND MAKE A DECISION THAT'S RATIONAL. THE HELMET LAW IS A FOUNDATION, A BASIS IN WHICH MORE CAN BE GROWN FROM. BETTER LAWS IN WHICH TO BUILD FROM, TO KEEP THE CYCLISTS SAFE ON THE HIGHWAYS WHICH IS WHAT I'M AFTER AND THAT'S MY CORE BASIS OF SUPPORTING THE HELMET LAW. THANK YOU.

THANK YOU, MR. SIMMONS, JONAS SCHWARZ, THREE MINUTES, FOLLOWED BY DOUG RICHARDSON.

>.....RICHARDSON.

GOOD EVENING, COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO SPEAK, MY NAME IS JONAS SCHWARZ, I AM HERE TONIGHT ON BEHALF OF THE BRAIN INJURY ASSOCIATION OF TEXAS, I'M A BOARD MEMBER FOR THIS NON-PROFIT ORGANIZATION. I APPRECIATE -- THE OPPORTUNITY TO SPEAK IN FAVOR OF THIS PROPOSED HELMET ORDINANCE. I HAVE WORKED IN THE FIELD OF REHABILITATION AND HUMAN SERVICES FOR THE LAST 14 YEARS. AND WITH -- WITH THE KNOWLEDGE THAT I HAVE GAINED OVER THAT TIME, I HAVE COME TO LEARN A COUPLE OF VERY IMPORTANT THINGS. I'VE HAD THE OPPORTUNITY TO WORK WITH -- WITH MANY INDIVIDUALS WHO HAVE SUSTAINED A TRAUMATIC BRAIN INJURY AND/OR THEIR FAMILIES WHO -- WHO SUPPORT THEM. AND IN WORKING IN HUMAN SERVICES AS I HAVE, THE ONE THING

THAT HAS BECOME EXCEEDINGLY CLEAR TO ME IS THAT -- IS THAT UNLESS YOU ARE AN INDIVIDUAL THAT HAS -- MANY, MANY RESOURCES TO TAKE CARE OF THE RESULT OF HAVING A TRAUMATIC BRAIN INJURY, THEN WHEN THIS HAPPENS THINGS CHANGE DRAMATICALLY IN THEIR LIFE. THIS -- THEY ARE NOT -- WELL FUNDED SERVICES FOR PEOPLE WITH TRAUMATIC BRAIN INJURIES WHO TOO NOT HAVE THEIR OWN RESOURCES. CURRENTLY, THE STATE OF TEXAS HAS -- HAS ONE PROGRAM WHICH IT OPERATES CALLED THE COMPREHENSIVE REHABILITATION SERVICES PROGRAM. IT SERVES BOTH PEOPLE WITH TRAUMATIC BRAIN INJURY AND PEOPLE WITH SPINAL CORD INJURY. RIGHT NOW THERE ARE 446 PEOPLE ON THAT WAITING LIST. 139 OF THEM HAVE BEEN FOUND ELIGIBLE FOR THE PROGRAM, BUT THEY CAN'T BE SERVED BECAUSE THERE'S NO MORE MONEY FOR THIS FISCAL YEAR. SO WE MUST WAIT FOR THE NEXT FISCAL YEAR. THE RESOURCES SIMPLY ARE NOT THERE. STATISTICS TELL US THAT ONLY 5% OF INDIVIDUALS WHO SUSTAIN A TRAUMATIC BRAIN INJURY ALSO HAVE ADEQUATE FINANCIAL RESOURCES TO -- TO GET THE SERVICES THAT THEY NEED. MY SECOND POINT IS THIS, LIFE AFTER A PERSON SUSTAINS A TRAUMATIC BRAIN INJURY CHANGES PERMANENTLY AND FOREVER. AND, YES, YOU CAN RECOVER. BUT THE TIME BETWEEN THE SUSTAINING OF THE INJURY AND THE RECOVERY TO -- TO LIFE AS YOUR COMFORTABLE WITH CAN BE VERY DIFFICULT AND IT TURNS A FAMILY'S LIFE UPSIDE-DOWN. THANK YOU FOR THE OPPORTUNITY TO SPEAK.

THANK YOU, MR. SCHWARZ. DOUG RICHARDSON. WELCOME. YOU WILL BE FOLLOWED BY PAUL LISTER, WHO WILL BE FOLLOWED BY MEREDITH BACKHIN. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] I HAVE AMNESIA FROM EVERYTHING BEFORE JANUARY 2nd, 19.

>.....1992. YOU MIGHT BE THINKING IT'S HARD, BUT I DON'T KNOW WHAT IT WOULD BE LIKE YOWS I DON'T KNOW WHAT IT WOULD BE LIKE TO REMEMBER MY LIFE BEFORE JANUARY 2nd, 1992, BUT IT IS HARD TO GO THROUGH REHAB AND LEARN HOW TO DO, THOUSAND DO YOUR BASIC ONE, TWO, THREE'S. THIS IS EXHIBIT B. DOUG RICHARDSON'S OLYMPIC DREAMS WAS WITHIN HIS GRASP WHEN EVERY BICYCLIST'S NIGHTMARE STRUCK O SUNDAY, 10 DAYS AFTER HIS BIKE

COLLIDED WITH A TURNING VAN, RICHARDSON WAS STILL IN SERIOUS CONDITION IN BRACKENRIDGE HOSPITAL. BRAIN SURGERY HALTED THE BLEEDING, BUT SUCH A MASSIVE HEAD INJURY WILL REQUIRE MONTHS OF REHABILITATION. I'VE NEVER TALKED ABOUT THIS BEFORE IN MY LIFE, SO I'M HAVING A LITTLE TROUBLE. SORRY. FINALLY, I HAVE EXHIBIT 3, WHICH IS ABOUT OUR MOTOROLA RIDER IN 1995 IN THE TOUR DE FRANCE, FABI YOVMENT CORSELLI. HE DECIDE IN AN ASCENT IN THE TOUR. HE WAS ON LANCE ARMSTRONG'S TEAM, THE MOTOROLA TEAM, AND HE WAS NOT COMPETING WITH WITH ANOTHER CAR, WITH OTHER PEDESTRIANS, WITH ANYTHING ELSE, NOT EVEN WITH OTHER CYCLISTS. HE LOST CONTROL OF HIS BIKE AND RAN INTO A STEEL -- HE WAS TRAILING A IT..... AT 55 MILES PER HOUR WHEN HIS BICYCLE HIT A CRON CREATE BLOCK AND HE DIED ON THE SCENE. AND I CAN UNDERSTAND IF CYCLISTS THINK THEY'RE VERY GOOD AND DON'T NEED A HELMET TO RIDE, BUT IF THEY THINK THEY'RE BETTER THAN THE RIDERS IN THE TOUR DE FRANCE, DIFFERENT STORY. THANK YOU.

Mayor Wynn: THANK YOU. PAUL LISTER, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY MEREDITH VEKON.

THANK YOU, MAYOR, COUNCIL. AND I'D LIKE TO SAY TO YOU TO ALL HERE BOTH SIDES. MY NAME IS PAUL LIRS. I'M A CHILD WHO WORKS WITH PHYSICALLY AND EMOTIONALLY, MENTALLY HANDICAPPED CHILDREN. AS AN EDUCATOR I WOULD LIKE TO SAY CHILDREN WILL EMULATE THEIR PARENTS AND ADULT ACTIONS WHETHER IT BE SEAT BELTS OR HELMETS, PERIOD. IF THE PARENTS DO NOT WEAR THEM, THE CHILDREN WILL NOT WEAR THEM WHEN THEY BECOME AN ADULT. IF OUR YOUTH ARE GOING AROUND THE CORNER AND TAKING OUR HELMETS OFF, IT'S BECAUSE THEY SEE ADULTS DOING THE SAME THING. IT'S A SELFISH ASSUMPTION THAT THE HELMET LAW ONLY AFFECTS INDIVIDUALS INVOLVED, FAMILY, FRIENDS AND CO-WORKERS ARE ADVERSELY AFFECTED BY A TRAGIC ACCIDENT AS WELL. AS WELL AS ONE THAT WAS COMPLETELY PREVENTABLE. ARGUMENT NUMBER ONE YRKS NOT OFFER A ONE DAY SAFETY COURSE AS A REPLACEMENT. THIS IS A GREAT IDEA, BAUGH PARTIAL ASSUMPTION THAT IF WE'RE SAFE DRIVERS OF ANY VEHICLE, ACCIDENTS WILL NOT

HAPPEN TO US BECAUSE WE'RE MORE AWARE OF OUR SURROUNDINGS. THE REBUTTAL IS IT IS HUMAN NATURE TO BE DISTRACTED BY EXTERNAL EXPERIENCES THROUGHOUT DATE AND OUR DECISIONS WILL ALWAYS BE AFFECTED BY THOSE STIMULI. A HELMET WILL NEVER BECOME FATIGUED, DISTRACTED OR IRRITATED BY A BAD DAY. SECOND A SAFETY COURSE WILL NEVER PROTECT YOU AGAINST THE AGGRESSIVE DRIVER, DRUNK DRIVER THAT DOES NOT SEE YOU, BUT A HELMET ALWAYS WITH. WEARING BICYCLE HELMETS WILL DECREASE BICYCLE REQUIRED SHIP, THAT'S RIDICULOUS. IT WILL NOT ANY MORE THAN SEAT BELTS DECREASED THE USE OF CARS. IT WILL BECOME THE ACCEPTED NORM JUST AS SMOKING AND WEARING SEAT BELTS IN CARS AND THOSE NOT WEARING HELMETS WILL BE CONSIDERED FOOLISH AND RECKLESS AS WELL. A BICYCLE IS CONSIDERED A MOTOR VEHICLE AND HAS THE PRIVILEGES AND RESPONSIBILITIES OF A MOTOR VEHICLE AND THERE WILL BE RIDING IN AND OUT OF CARS. THE DIFFERENCE IN WEIGHT AND SPEED IS DRAMATIC AND IT CREATES A DANGEROUS SITUATION WITH MOST LIKELY DEVASTATING RESULTS. IF YOU DON'T WANT TO WEAR A HELMET, THEN STAY OFF THE STREET. I PERSONALLY PREVENT THE FACT THAT A BICYCLIST COULD CREATE A SITUATION WHERE HIS OR HER LACK OF JUDGMENT COULD CAUSE ME TO KILL OR SERIOUSLY INJURY THEM. IT COULD AFFECT ME REGARDLESS OF THEIR OWN FLIPPANT ATTITUDE TO THEIR OWN PERSONAL SAFETY. IT'S PART OF BEING A CONCERNED CITIZEN FOR ALL, NOT JUST FOR ONE. FINALLY WHEN SEAT BELT LAWS WERE BEING PASSED, THERE WILL ALWAYS BE VERY VOCAL, PASSIONATE AND SOMETIMES VIRAL OPPONENTS; HOWEVER, FOR THOSE WHO ARE SPEAKING FOR THE HELMET LAWS, THERE ARE THOUSANDS UPON THOUSANDS OF RIDERS, PARENTS AND VOTERS FOR THE LAW. IF THE AUSTIN CYCLING ASSOCIATION CAN REQUIRE HELMETS FOR ALL ORGANIZATIONS OR ALL ORGANIZED RIDES, WHY CAN'T THE CITY COUNCIL DO AS WELL FOR THE EXACT SAME REASONS? I WOULD LIKE TO SEE REMIGHTS AND DOCTORS THAT ARE NOT FOR WIRG HELMETS. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. MEREDITH VACON. WELCOME. YOU

WILL HAVE THREE MINUTES AND BE FOLLOWED BY TYRONE SANDERS.

GOOD EVENING, MY NAME IS MEREDITH. IT IS MY PRIVILEGE TO READ A LETTER TO YOU ALL FROM SENATOR JUDITH ZAFFIRINI AS WELL AS A LETTER FROM DR. JOHN PATRICK. I'LL BEGIN WITH THE LETTER FROM THE SENATOR. DEAR MAYOR WYNN AND COUNCILMEMBERS. THIS IS TO SUPPORT THE REINSTATEMENT OF A BICYCLE HELMET ORDINANCE FOR PSYCHISTS OF ALL AGES. I UNDERSTAND DEEPLY THE IMPORTANCE OF THE ORDINANCE TO KEEP THE AUSTIN COMMUNITY SAFE. HEAD INJURIES CAUSED BY BICYCLE ACCIDENTS ARE NOT ONLY COSTLY, BUT ALSO POSE A SERIOUS HEALTH RISK. IN LIGHT OF THE BENEFITS OF SAVING RELATED COSTS TO TAXPAYERS AND PREVENTING INJURIES, THE SAVINGS OF THIS ORDINANCE WOULD BE GREATLY APPRECIATED. YOUR VERY TRULY, JUDITH, ZAFFIRINI. MOVING ON TO THE LETTER FROM DR. JOHN PATRICK ARKS NEUROSURGEON, LAWYER, EXECUTIVE DRERKT OF THE TEXAS MEDICAL BOARD, MANAGER ON THE TRAVIS COUNTY HEALTH CARE DISTRICT AND APPOINTED MEMBER OF THE AUSTIN TRAVIS COUNTY E.M.S. QUALITY ASSURANCE TEAM. THE SUBJECT OF HELMETS IS DEAR TO MY HEART. I BICYCLE AS A CROSS-TRAINING TECHNIQUE. ON ONE OCCASION I HIT A GRAVEL PATCH AND CRASHED, HITTING MY HEAD IN THE PROCESS. THE DAMAGE TO MY HELMET WAS SEVERE ENOUGH THAT I HAD TO BUY A NEW ONE. HELMETS ARE A LOT CHEER THAN BRAINS, SO I SAVED MYSELF SOME MARBLES THAT DAY. ON ONE OTHER OCCASION, BIKING IN YELLOWSTONE, A HUGE RV ROUNDED A SWITCH BACK SO CLOSE TO THE SHOWLD THEAR IT KNOCKED ME CLEAR INTO A DITCH. MY HEAD PROTECTED BY A 30-DOLLAR HELMET STRUCK A TREE ON THE WAY DOWN. I LOST A LOT OF KIN, BUT HAD TO REPLACE MY BIKE AND HELMET. AS A NEUROSURGEON TAKING CALL AT BRACK HOSPITAL ER FOR 23 YEARS, I TREAT HUNDREDS OF PATIENTS WITH HEAD INJURIES. EARLY ON THEY WERE DUE TO CAR CONSENTS IN COMBINATION WITH NOT WEARING SEAT BELTS. AS TIME PASSED AND THE PUBLIC BEGAN ACCEPTING SEAT BELTZ, MOTORCYCLISTS WERE STILL FIEGHT THE HELMET ISSUE AND STILL ARE. AS TIME PASSED AND CYCLING BECAME MORE PART OF OUR RECREATIONAL,

COMMUTING AND BUSINESS LIVES, THE NUMBER OF HEAD INJURED CYCLISTS BEGAN TO MOUNT. AS PARENTS GANL TO DEMAND THAT THEIR CHILDREN PROTECT THEIR FWRAINZ BRAINZ WITH HELMETS, THE PATIENTS BEGAN SHIFT TO GO THE ADULT POPULATION. WHEN I GO BACK TO THE HORRIBLE WASTE OF HUMAN RESOURCE WHZ WE AS AMERICANS RESISTED WEARING SEAT..... SEAT BELTS, I'M SEEING THE SAME MISTAKES AFFECTING BICYCLE AND MOTORCYCLE RIDERS. SAFETY IS FOR THOSE OTHER GUYS SEEMS TO BE THE RECURRING MANTRA. I BELIEVE WE SHOULD WORK TOGETHER TO ELIMINATE A COMPLETELY PREVENTABLE CONDITION, JUST AS WELL AS WE ALL WORK TOGETHER TO MANDATE SEAT BELTS. THE ROLE -- OWE THE WORLD IS A BETTER PLOIS PLAIS FOR THOSE IN CARS BECAUSE THE MANDATED USE OF SEAT BELTS BEGAN TO BE DEMANDED BY THE GOVERNMENT. HELMETS ARE THE SEAT BELTS FOR DRIVERS AND PASSENGERS. THE DRIERCHS..... DIFFERENCE IS THE SEAT BELT CANNOT PREVENT ALL THE DAMAGE A CAR WRECK CAUSE, BUT A HELMET CAN SPRENT THE LIFE-THREATENING EFFECTS OF BIKE ACCIDENT. I URGE YOU, THE CITY COUNCIL, TO PASS THIS ORDINANCE. THANK YOU, DR. DONALD PATRICK. THANK YOU.

Mayor Wynn: TYRONE SANDERS. HE SIGNED UP WISH TO GO SPEAK OR AS PART OF THIS 18-PERSON PRESENTATION, TO BE FOLLOWED BY HANK GUZMAN. AM JEREMY AND BETSY TODD.

GOOD EVENING. I'M BETTY TODD, I'M BRUCE'S SISTER, HIS YOUNGER SISTER. [LAUGHTER] AND FORTUNATELY FOR Y'ALL, OF THE SIX CHILDREN IN OUR FAMILY, I'M THE ONLY ONE WHO LIVES IN AUSTIN, SO YOU WON'T HAVE TO HEAR FROM THE OTHER FOUR OF US TONIGHT. BRUCE AND I GREW NEWSPAPER A SMALL TOWN. -- GREW UP IN A SMALL TOWN. HE WAS THE MORE STRAITLACED, BUTTON-DOWN TYPE WHO DELIVERED PAPERS AND RODE HIS BIKE ALL OVER TOWN. I WAS THE YOUNGER ONE WHO WAS MORE THE HIPPIE, AND I WAS THE WON WHO WAS ALSO KIND OF THE PROTESTER. AND AT ONE POINT I WROTE A THROART THE EDITOR OF THE PAPER THERE PROTESTING HAVING TO HAVE MY SKIRT LENGTH MEASURED AND HAIR LENGTH AND THAT SORT OF THING, AND I WAS SHOCKED TO GET LETTERS FROM THE MORE MATURE CITIZENS IN OUR TOWN CALLING

ME ANTI-AMERICAN, SOCIALIST. SO CAN YOU IMAGINE MY AMUSEMENT WHEN I STARTED READING THE COMMENTS IN OUR LOCAL PAPER CALLING BRUCE A SOCIALIST AND SUGGESTING HE WAS ANTI-AMERICAN FOR VOEKTING FOR GOVERNMENT REGULATION AND AGAINST FREEDOM OF CHOICE. SO MAYBE THAT KNOCK ON THE HEAD DID GOOD, HE BECAME A RADICAL. THIS RADICAL GREW UP TO BECOME A LAWYER, AND I WANT TO TALK TO YOU A LITTLE BIT ABOUT HOW I THINK YOU SHOULD ANALYZE THIS AS A LAWYER. YOU'RE GOING TO HEAR PERSONAL FREEDOM OVER AND OVER AND OVER AGAIN. THAT'S NOT WHAT THIS IS ABOUT. EVERY LAW YOU PASS AFFECTS PERSONAL FREEDOMS. IT RESTRICTS PERSONAL FREEDOMS. THE QUESTION THAT YOU HAVE BEFORE YOU, AND YOUR LAWYERS WILL TELL YOU, IS ABOUT WHETHER OR NOT THAT RESTRICTION IS JUSTIFIED BY THE SOCIETAL BENEFIT. AND IN THIS CASIC IT IS. I THINK YOUR JOB IS TO LOOK BEHIND THE SIMPLE SLOGANS AND DETERMINE WHAT IT IS THAT IS BEING ASKED OF YOU AND WHAT IS BEING ASKED OF SOCIETY. AND I WANT TO ILLUSTRATE THAT ANALYSIS WITH ONE OF THE ARGUMENTS THAT ARE BEING MADE. AND THAT'S THE DECREASED RIDERSHIP ARGUMENT. THIS IS THE ARGUMENT THAT THE HELMET LAW IS SUCH AN EGREGIOUS SIXTH STREET..... RESTRICTION ON PERSONAL FREEDOM THAT MANY CURRENT RIDERS WILL ABANDON THEIR BIKES, HOP INTO SMALL BULL.....BELL MUCHING HUMMERS AND JUST TO GO AROUND THE CORNER TO BUY CIGARETTES BECAUSE THEY DON'T NEED THEIR LUNG CAPACITY ANYMORE FKS NOW, I DON'T THINK THAT'S GOING TO HAPPEN. BUT THEY SUGGEST THAT THIS HELMET LAW IS BAD BECAUSE IT'S GOING TO DECREASE RIDERSHIP. ALL SIDES OF THIS ARGUMENT WANT MORE RIDERS. [BUZZER SOUNDS] THEY'RE SAYING THAT MORE RIDERS -- THAT HAVING THE HELMET LAW IS WILL DECREASE RIDER SHIP AND SO WE SHOIBILITY HAVE THE HELMET LAW AND WE SHOID HAVE MORE BRAIN INJURIES. WE ARE SAYING THAT BY HAVING A HELMET LAW WE WILL HAVE LESS BRAIN INJURIES AND THAT WILL ALLOW US TO DO THINGS WITH THOSE COSTS THAT WE WOULD OTHERWISE SPEND ON BRAIN INJURIES AND DO THINGS TO IMPROVE THINGS AND THEREFORE INCREASE RIDERSHIP. AND THAT'S THE KIND OF ANALYSIS I THINK YOU SHOULD DO. AND I'M SORRY, I REALIZE I'VE RUN OVER MY

TIME. I HAD SOMEONE WHO IT DONATED, BUT HE HAD TO LEAVE EARLIER. ALL I ASK YOU TO DO IS FOR MY BROTHER'S SAYING, FOR MY FAMILY'S SAKE, TO DO WHAT YOU SHOULD DO AS A RESPONSIBLE COUNCIL, AND THAT IS TO LOOK AT THE FACT THAT THIS LAW, THIS AMENDED LAW, WILL BE MUCH MORE OF A BENEFIT TO SOCIETY THAN THE SLIGHT SIXTH STREET ON ANY PERSONAL FREEDOM THAN IT MIGHT BE FOR ANY CYCLIST. THANK YOU.

Mayor Wynn: THANK YOU. JEREMY, WELCOME.

MR. MAYOR, COUNCIL, THANKS SO MUCH FOR GIVING US THIS TIME. ACTUALLY, ABOUT HALF OF MY SPEECH WAS ACTUALLY GIVEN BY MY AUNT. WE DIDN'T DISCUSS IT, SO I'LL READ THE REST OF IT SLOWLY. I THINK IT'S REALLY IMPORTANT AND I THINK THIS MIGHT HAPPEN THAT NOBODY KIND OF PORTRAYED THIS AS A DEBATE OF BICYCLISTS VERSUS MOTORISTS OR A CERTAIN TYPE OF BICYCLIST. FORETHAT MATTER PEOPLE WHO FAVOR EDUCATION PROGRAMS TO SUPPORT BICYCLE NG AUSTIN AS OPPOSED TO LEGISLATION LIKE THIS. WE NEED BOTH LEGISLATION AND EDUCATION PROGRAMS JUST AS AUSTIN NEEDS MOTORISTS AND BICYCLISTS AND CREATIONAL BICYCLISTS AND TRANSPORTATION BICYCLISTS WORKING TOGETHER. AND THE ONLY WAY WE'LL HAVE A SUSTAINABLE COMMUNITY AND THE KIND OF COMMUNITY THAT I THINK EVERYONE WANTS IS IF WE WORK TWARZ THAT END. WHAT I THINK THE DEBATE ABOUT IS FOR ME ANDIBILITY TBL DIFFERENT FOR EVERYONE THAT SPEAKS TO YOU IS WHETHER OR NOT THE FREEDOMS POSED BY NOT HAVING TO WEAR A HELMET OUT WAY THE COSTS TO THE COMMUNITY AND TO INDIVIDUAL VICTIMS OF BRAIN INJURY. I THINK A LOT OF THE ANECDOTAL EVIDENCE PRODUCED THUS FAR SHOWS IT'S NOT WORTH IT TO PEOPLE WHO HAVE GONE THROUGH A BRAIN INJURY. I THINK I CAN VOUCH FOR EVERY FAMILY MEMBER OF A MODERATE TO SEVERE BRAIN INJURY THAT THE TWO MONTHS YOU SPEND SPEAKING TO DOCTORS WHO EVERYDAY SEE BRAIN INJURIES, IT STOPS BEING AN ANECDOTAL ISSUE. I DON'T THINK YOU WILL SEE MANY DOCTORS, IF ANY, WHO WILL TELL YOU THAT HELMETS DON'T SAVE LIVES. I THINK THE FREEDOM AT STAKE HERE IS ESSENTIALLY THE FREEDOM TO NOT HAVE TO WEAR A HELMET. IT'S THE FREEDOM TO RIDE THE

STREETS WITHOUT SOMEONE TELLING YOU WHAT TO DO AND TO BE ABLE FEEL THE WIND THROUGH YOUR AIR. I SOUPED LIKE I'M TARIFF ALIZING -- TRIVIALIZING THAT. THAT'S ESSENTIALLY THE FREEDOM AT STAKE. YOU'LL SEE THE STATISTICS IN YOUR PACKET THAT THERE ARE LITERALLY MILLIONS OF DOLLARS SPENT EVERY YEAR IN TRAVIS COUNTY BECAUSE OF UNINSURED VICTIMS OF BRAIN INJURIES. THERE ARE PEOPLE WHO DIE EVERY YEAR BECAUSE THEY'RE NOT WEARING A HELMET. EVEN IF IT'S JUST ONE PERSON KEPT FROM HAVING A MORE SEVERE BRAIN INJURY, I'D BE WILLING TO GIVE UP AND I'VE GIVEN UP FOR REST OF MY LIFE THE FREEDOM TO FEEL THE WIND IN MY AIR AS I RIDE DOWN A CITY STREET. IT'S JUST A MATTER OF GOOD POLICY. YES, IT RESTRICTS FREEDOMS, BUT WE NEED TO LOOK AT WHAT FREEDOMS ARE BEING RESTRICTED AND WHAT'S BEING PROTECTED. THANK YOU.

Mayor Wynn: THANK YOU, JEREMY. SO THAT CONCLUDES THE STRUCTURED PRESENTATION FROM AT LEAST THE FIRST 18 PEOPLE WHO ARE HERE SPEAKING IN FAVOR OF THIS AMENDED ORDINANCE. AS THE CHAIR'S PREROGATIVE, I'VE ASKED MY FRIEND PRESTON TYREE WHO HAS SIGNED UP AS NEUTRAL TO CHASE DOWN FOR ME -- THANK YOU VERY MUCH. FOR HIS SERVICE HE GETS TO SPEAK NEXT AS A NEUTRAL ADVOCATE. BUT I KNOW THAT THERE ARE A NUMBER OF DIFFERENT CYCLING ORGANIZATIONS IN TOWN. MUCH OF THE LEADERSHIP OF THOSE ORTIONZS ARE HERE, SO WITH PRESTON'S HELP, HE HAS HELPED ME IDENTIFY FOLKS WHO I THINK IT WOULD BE WHOLLY APPROPRIATE FOR US TO RECEIVE THE NEXT TESTIMONY FROM. BUT MEANWHILE, I, AS MANY OF US DO, CROSS PATHS WITH PRESTON FREQUENTLY AT THE STATE LEGISLATURE, AT CAMPO MEETINGS, BECAUSE HE IS THE LEGISLATIVE ADVOCATE FOR CYCLING IN THIS COMMUNITY. SO WITHOUT OBJECTION, COUNCIL, I WOULD LIKE TO GET PRESTON'S COMMENTARY AND THEN WE'LL GO WITH THIS LIST OF FOLKS WHO ARE HERE TO SPEAK IN OPPOSITION.

[INAUDIBLE - NO MIC].

Mayor Wynn: YEARS I KNOW, BUT THE 18 PEOPLE WHOIOUS DID HAD FIVE PEOPLE PER DOING IT TOO, AND THEY DECIDED TO TAKE THREE MINUTES APIECE, ALTHOUGH TWO

OF THE GENTLEMEN WERE OFFERED SIX MINUTES, NEITHER OF THEM WENT PAST ABOUT FOUR AND A QUARTER. I THINK PRESTON CAN RESPECT THAT.

I GO FAST. THANKS, MAYOR PRO TEM, A MAYOR PRO TEM DUNKERLEY AND COUNCILMEMBERS, MY NAME IS PRESTON TYREE AND I HAVE TAUGHT BICYCLE SAFETY TO MORE CHILDREN AND ADULTS THAN ANYONE IN THE UNITED STATES. I AM A MEMBER OF THE BOARD OF BIKE LEAGUE. I MAKE A LIVING CONSULTING WITH GOVERNMENT ON WAYS TO MAKE OUR ROADS SAFE FOR PEDESTRIANS AND PSYCH LIFTS. I ALSO AM A DRIVER, A CYCLIST, A CITIZEN OF AUSTIN AND A MEMBER OF THE EXECUTIVE MEMBER OF THE AUSTIN CYCLING ASSOCIATION. AND TECHNOLOGY IS WONDERFUL WHEN IT WORKS. THE "AUSTIN AMERICAN-STATESMAN" RAN AN EDITORIAL THIS MORNING ON THE SUBJECT OF BICYCLE HELMET LEGISLATION AND I AM GLAD THEY DID BECAUSE THE EDITORIAL GIVES US MUCH MATERIAL FOR THIS DISCUSSION. I WILL QUOTE FROM THE CONCLUSION OF THAT EDITORIAL. WHATEVER COURSE THE COUNCIL TAKES, IT SHOULD STAY FOCUS ON THE RESPONSIBILITY IT HAS TO ENSURE PUBLIC SAFETY. DRIVERS AND BICYCLISTS SHARE THE ROAD AND ONE FACT IS THAT IN ALL THIS IS WHEN AN AUTOMOBILE AND BICYCLE COLLIDE THE CYCLIST ALWAYS LOSES. THIS SHOULDN'T BE AN ISSUE DECIDED BY WHO YELLS THE LOUDEST. IT IS IN THE END A PUBLIC SAFETY MATTER AND PUBLIC SAFETY SHOULD BE THE HIGHEST PRIORITY OF THIS OR ANY OTHER CITY GOVERNMENT. LADIES AND GENTLEMEN, THE REAL ISSUE OF PUBLIC SAFETY HERE IS NOT IN PASSING AN ORDINANCE THAT MAY INCREASE THE USE OF HELMETS IF IT IS ENFORCED, BUT IN DOING THOSE THINGS THAT WILL HELP US TO AVOID CYCLIST CRASHES IN THE FIRST PLACE. LET ME REPEAT PART THAT I HAVE QUOTED FROM THE EDITORIAL. WHEN AN AUTOMOBILE AND BICYCLIST COLLIDE, THE CYCLIST ALWAYS LOSES. SINCE THE BEGINNING OF 2005, FOUR BICYCLISTS HAVE DIED IN IEWNA. AND SINCE THE BEGINNING OF 2002, 44 HAVE BEEN SERIOUSLY INJURED. A BICYCLE HELMET IS NOT EXPECTED TO -- THE INJURIES TOTALING THE HUNDREDS OR THOUSANDS. WHY ARE WE WILLING TO ACCEPT THIS LEVEL OF MAYHEM ON OUR PUBLIC ROADS? WHAT ARE SOME OF THE THINGS THAT THE CITY CAN DO IN THE INTEREST OF

PUBLIC SAFETY? WE CAN MAKE OUR STREETS SAFE. CYCLISTS ARE CITIZENS AND THROUGH NECESSITY OR CHOICE RIDE OUR PUBLIC ROADWAYS. IT IS THE CITY'S RESPONSIBILITY TO KEEP THESE STREETS SAFE FOR ALL USERS, NOT JUST THE MOTORISTS, BUT ALSO THE CYCLISTS, PEDESTRIANS AND TRANSIT RYEWRS. THIS MEAN SAFE DESIGN, CONSTRUCTION AND MAINTENANCE. ENFORCE THE LAW. GERNGS THE IN THE EDITORIAL FROM THE STATESMAN, AUTOMOBILE DRIVERS ARE NOT FREE TO EXPRESS THEMSELVES BY DRIVING ON THE WRONG SIDE OF PUBLIC ROADS OR IGNORING STOP SIGNS AND RED LIGHTS. NEITHER ARE CYCLISTS. BUT UNTIL WE EDUCATE THOSE WHO DON'T KNOW ANY BETTER AND START ENFORCING THE CURRENT LAWS, SOME CYCLISTS WILL CONTINUE TO TAKE THESE UNSAFE.....UNACTION SAICH ACTIONS. WE NEED TO ENCOURAGE MORE AND SAFER SIEBLG. THE MORE CYCLISTS TO THE ROAD, THE MORE EXPECT TO SEE THEM ADD THE SAFER EACH CYCLIST IS. CYCLING IS GOOD FOR THE ECONOMY GRKS FOR YOUR CITIZENS' HEALTH AND REDUCES JOHN.....CONGESTION AND POLLUTION. WHY WOULDN'T WE ENCOURAGE CYCLING. WE NEED TO EDUCATE OUR CHILDREN AND ADULT PSYCH CYCLISTS, BUT ALSO OUR ELECTED OFFICIALS. UNTIL WE LOOK UPON THE CULTURE THAT LOOKS AT IT AS A CHILD'S BECAME, WE WILL HAVE SITUATIONS ABOUT SAFETY. IF THE PEOPLE CHARGED WITH KEEPING US SAFE DON'T UNDERSTAND THE ISSUES INHAIRPT IN THE PROBLEM, HOW CAN WE EXPECT TO COME UP WITH REALISTIC SOLUTIONS. AND FINALLY WE MUST EVALUATE, THE STATESMAN SAYS THERE WILL BE A CLAMOR FOR FURTHER STUDIES. WE WILL NOT KNOW IF THE ACTIONS WE TAKE MAKE A DIFFERENCE. THE NUMBER OF CRASHES AND FATAL ADVERTISE ARE TOO SMALL TO SHOW A MEANINGFUL DIFFERENCE WITHOUT AN COMPACTING STATISTICAL STUDY. THE NEWSPAPER STAFF IMAIF ME ONE FINAL QUOTE. AS LONG AS THE CYCLIST USES THE CITY'S RIGHT OF WAIRKS THE PUBLIC'S ELECTED REPRESENTATIVES HAVE AN OBLIGATION TO SEE TO IT THAT THE PUBLIC IS AS SAFE AS POSSIBLE. LADIES AND GENTLEMEN, AS SAFE AS POBLG MEANS TAKING MEANINGFUL ACTION TO CHANGE THE WAY WE TREAT CITIZENS WHO CYCLE BY CHOICE OR NECESSITY. EVERY TIME WE HAVE A CYCLIST GO DOWN BECAUSE AUSTIN

ENERGY CHOSE TO LEAVE A POT NOEL A BIKE LANE, EVERY TIME THE CITY CHOOSES NOT TO STRIPE A BIKE LANE BECAUSE PEOPLE WITH TWO CAR GARAGES WANT TO PARK THEIR CARS ON A PUBLIC RIEFT WAY, WHICH IS NOW STILL POLICY, THINK ABOUT THAT OBLIGATION TO SEE TO IT THAT THE PUBLIC IS AS IS SAFE AS POSSIBLE. SEATTLE.....PLEASE RECOGNIZE THAT HELMET LAW ISN'T ALL THAT'S BEEN DONE TO KEEP CYCLISTS SAFE IN SEATTLE. THEY HAVE ACCORDED THE BICYCLE.ISTS EQUAL TRITE TO RIGHTS TO THE ROAD. THE QUESTION WE ARE DEBATE THG EVENING SHOULD BE HOW DO WE AS A CITY KEEP CYCLISTS SAFE. THERE ARE A LOT OF ACTIONS THAT NEED TO BE TAKEN. A HELMET ORDINANCE MAY BE ONE OF THEM. IT MAY NOT BE THE MOST IMPORTANT ONE. THANK YOU, AND I'LL ANSWER ANY QUESTIONS.

Mayor Wynn: SO OUR NEXT SPEAKER WILL BE MIKE LEBRECK. WELCOME. UM HAVE THREE MINUTES TO BE FOLLOWED BY CHRIS RILEY, WHO WILL BE FOLLOWEDLY PATRICK GOETZ.

HOWDY FOLKS. I BROUGHT MINE, AND I THANK YOU FOR HAVING THIS PUBLIC HEARING THAT WAS BETTER TREATMENT THAN WE GOT 10 YEARS AGO WHEN THEY RUSHED THIS IN WITHOUT ANY PUBLIC INPUT. YOU HAVE HER A LOT OF TESTIMONY ABOUT THE VALUE OF HELMETS. YOU'VE HEARD A LOT OF SENTIMENTAL STORIES ABOUT THE VALUE OF MELTS AND HEARD STATISTICS ABOUT THE VALUE OF HELMETS AND THE FUNNY THING ABOUT THIS IS THAT THE MAJORITY OF PEOPLE OPPOSING THIS LAW HAVE NO DISAGREEMENT WITH ANY OF THAT. WE BELIEVE IN THE VALUE OF MELTS TOO. THE PROBLEM IS THE VALUE OF A HELMET LAW AS A MEANS OF PROMOTING HELMETS. WE SHOULD BE PROMOTING HELMETS, WE SHOULD BE PROMOTING ALL ASPECTS OF BICYCLE SAFETY, BUT THE DARN THING IS WE GET NOTHING ABOUT IF, NOTHING AT ALL THE, AND THEN ALL OF A SUDDEN OUT OF THE BLUE THIS POLICY COMES SWOOPING DOWN. IT'S THIS SORT OF BIPOLAR TREATMENT OF IT THAT MANY BICYCLISTS FIND INSULTING. THERE ARE MANY INSULTING ASPECTS OF THIS HELMET LAW AND IT'S JUST ONE WAY OF PROMOTING HELMETS. THERE'S OTHER MEANS OF PROMOTION THAT ARE NOT NEARLY AS INSULTING AS THIS. I THINK YOU GUYS ALL KNOW AS POLITICIANS THAT IF YOU PUSH ANYTHING TOO

HARD, PEOPLE PUSH BACK. EVEN IF IT'S A GOOD THING. AND THAT'S WHAT WE'RE GETTING HERE. ALL OF A SUDDEN WE'RE GETTING THIS GOOD THING APPLIED WITH A HAMMER, AND NATURALLY PEOPLE ARE GOING TO BE RELUCTANT TO EMBRACE THAT. THE THING YOU NEED TO BE CONSIDERING HERE IS HOW WELL A HELMET LAW IS GOING TO WORK. WHAT ARE THE MATTERS OF IMPLEMENTATION? THE PROPONENTS ARE NOT TELLING YOU ANYTHING ABOUT THE IMPLEMENTATION. THEY CAN SAY PASS THIS, BUT THEY'RE NOT DEALING WITH ANY OF THE PROBLEMS THAT ACTUALLY COME WHEN FORCING IT. WE'VE SEEN PROBLEMS OF SELECTIVE ENFORCEMENT, WE'VE SEEN THE PROBLEM THAT PEOPLE JUST RESIST THIS BECAUSE THEY'RE NOT INCLUDED IN THIS PROCESS. NOW, HERE'S MY LITTLE DEMO THAT I LIKE TO SHOW PEOPLE. YOU OFTEN HEAR HELMETS COMPARED TO SEAT BELTS, BUT THERE'S ACTUALLY A LOT OF DISSIMILARITIES THAT AREN'T BEING BROUGHT UP. AND HERE'S ONE OF THEM. OKAY, HERE I AM. I'M THE BICYCLIST. WHEN I APPEARED I HAD MY HELMET ON BECAUSE WE HAVE A HELMET LAW. SO I HAD FASTENED IT IN PLACE AND I GUESS IT LOOKS FINE TO ALL OF YOU. IT WILL MEET WITH THE LAW AND ALL THAT. BUT WHAT ACTUALLY HAPPENS IN THIS CASE WHEN THERE IS A FALL, THE HELMET CAN COME OFF. THE PROBLEM IS IT'S NOT ON TIGHT ENOUGH. THE THING ABOUT SEAT BELTS IS WHETHER YOU LOVE SEAT BELTS OR YOU HATE SEAT BELTS, YOU CLICK THE THING IN PLACE IT WORKS. THE HELMET HAS TO BE KEPT TIGHT, SOMEWHAT UNCOMFORTABLY LIGHT TOO AND IT HAS TO BE RETIGHTENED EVERY COUPLE OF WEEKS. AND IF YOU PASS A LAW SAYING YOU'VE GOT TO WEAR THIS HELMET, YOU'RE NOT GOING TO GET THAT. PEOPLE ARE GOING TO WEAR THESE IMPROPERLY AND THE GREAT THING ABOUT BIKE SAFETY TRAINING, ONE OF THE MANY GOOD THINGS ABOUT SAFETY TRAINING THAT WILL DEAL WITH ALL OF YOUR PROBLEMS IS IT TEACHES PEOPLE HOW TO WEAR THE HELMET PROPERLY AND IT GIVES THEM AN INTEREST IN IT TO ACTUALLY USE IT PROPERLY. OTHERWISE YOU'RE NOT GOING TO GET A REAL INTEREST IN THE HELMET IF YOU DEAL WITH IT WITH A HAMMER. [BUZZER SOUNDS] SO THERE'S MANY WAYS OF DEALING WITH THIS. DON'T CHOOSE THE INSULTING WAY. WORK WITH US. THANK YOU. [APPLAUSE]

GOOD EVENING, MAYOR AND COUNCIL. THANK YOU FOR HAVING THE HEARING. MY NAME IS CHRIS RILEY. I'M A LONG TIME DOWNTOWN RESIDENT. I'M A BICYCLE COMMUTER, AND FOR THE PAST FIVE YEARS I'VE HAD THE HONOR OF SERVING ON THE CITY'S PLANNING COMMISSION. SINCE I'M IN THE HABIT OF LOOKING AT PLANS I WANT TO START BY REFERRING TO THE CITY OF AUSTIN BICYCLE PLAN, WHICH WAS ADOPTED IN APRIL OF 1996, AND THE FIRST THING YOU NOTICE WHEN YOU LOOK AT THAT PLAN, IT JUMPS RIGHT OUT ON PAGE 2, IS THE THE GOAL STATED, GOAL 1.3. AND THEN IT GOES ON TO SAY SPECIFICALLY, THE AUSTIN BICYCLE PLAN PROPOSES TO INCREASE THE MODE AL SPLIT FOR BICYCLES TO FOUR PERCENT BY 2005 AND EIGHT PERCENT BY 2015. I THINK WE ALL UNDERSTAND WHAT A GREAT THING THAT WOULD BE IF WE WERE ABLE TO HIT THOSE KIND OF NUMBERS FOR MANY OF THE REASONS THAT PRESTON MENTIONED. IT WOULD BE GOOD FOR THE ENVIRONMENT, IT WOULD MAKE FLIFG THE CITY MORE AFFORDABLE AND IT WOULD BE GOOD FOR PEOPLE'S HEALTH. UNFORTUNATELY WE'RE NOT THERE. IN FACT, WE'VE BEEN MOVING IN EXACTLY THE OPPOSITE DIRECTION. ALL THE ESTIMATES ARE WE'RE DOWN SOMEWHERE AROUND ONE PERCENT AND WE MAY BE EVEN FALLING FROM THAT. AND THAT'S A REAL SHAME BECAUSE OTHER CITIES ARE DOING BETTER. PORTLAND AS USUAL OFFERS A GOOD EXAMPLE. PORTLAND HAS 10,000 BICYCLE COMMUTERS. THEY'VE POURED ALL SORTS OF EFFORTS INTO CREATING A HUGE NETWORK OF BICYCLE LANES AND BIKE TRAILS AND INSTANT WLAI THEY'VE NOTICED IS AS THOSE WENT INTO EFFECT, WHAT THEY FOUND IS THAT THE RATE OF INJURIES AND CRASHES FELL. MORE CYCLISTS ORTHOPEDIC THE ROAD, PEOPLE WERE MORE AWARE OF THEM, PEOPLE KNEW TO LOOK OUT FOR THEM AND THE RATE OF HEAD INJURIES FELL. YOU SEE EXACT SAME THING IN YOU ARE ROB WHERE YOU HAVE HUGE NUMBERS OF CYCLISTS, NONE OF WHOM WEAR HELMETS AND YET YOU HAVE HEAD INJURY RATES THAT ARE A FRACTION OF WHAT WE'VE HAD HERE. THAT IS REALLY THE VISION THAT WE NEED TO BE AIMING FOR. WE NEED TO BE AIMING FOR A VISION WHERE RIDING IS ACCEPTED AS A REGULAR MOORT OF OUR -- PART OF OUR CULTURE AND PEOPLE CAN DO IT TO ACCOMPLISH JUST TO MEET THEIR DAILY NEEDS. THIS

COUNCIL HAS BEEN MAKING GREAT STRIDES TOWARDS ENABLING PEOPLE TO DO THAT SORT OF THING WITH EFFORTS LIKE THE UNIVERSITY NEIGHBORHOOD OVER LAY, THE DOWNTOWN REDEVELOPMENT, THE MUELLER EFFORT. WE'RE DOING A LOT OF TICKET-TO-WORK CREATE OPPORTUNITIES FOR PEOPLE TO MEET THEIR DAILY NEEDS WITHIN A SHORTER RADIUS. THAT MEANS IT WILL BE EASIER FOR FOLKS TO ACCOMPLISH THEIR NEEDS ON FOOT OR BICYCLE. IF A HELMET ORDINANCE WOULD DISCOURAGE THAT SORT OF TRIP. IT WOULD DISCOURAGE THE CAZ WE WILL CYCLIST WHO JUST NEEDS TO RUN OUT TO THE NEARBY PARK, THE STORE. IT WOULD DISCOURAGE EXACTLY THAT TYPE OF CYCLIST FROM DOING -- FROM MEETING THEIR NEEDS BY CYCLE. MANY OF THEM WE KNOW WOULD JUST SAY I'M JUST GOING TO DO IT BY CAR. WE KNOW WE'RE NOT GOING TO ATTRACT ANYBODY TO CYCLING ARLT OF REQUIRING THEM TO WEAR HELMETS AND IT NATURALLY FOLLOWS THAT IF WE MAKE CYCLING MORE UNCOMFORTABLE, WE CHOOSE TO IMPOSE REQUIREMENTS THAT PEOPLE WOULD NOT IMPOSE THEMSELVES, WE'RE GOING TO DISCOURAGE IT. [BUZZER SOUNDS] I WOULD URGE YOU TO LOOK FOR A VISION TO THOSE CITIES THAT HAVE ACTUALLY ACHIEVED GREAT THINGS WITH THEIR CYCLING PROGRAM. THEY'VE INCREASED THEIR NUMBER OF CYCLISTS AND ACTUALLY REDUCED THE NUMBER OF HEAD INJURIES. THAT'S THE VISION WE OUGHT TO BE AIMING FOR AND NOT ONE THAT ACCOMPLISHES EXACTLY THE OPPOSITE RESULT. THANK YOU. CLAP T. CLAP.....[APPLAUSE] CLAP YOU.

Mayor Wynn: MR. GOETZ, YOU WILL BE FOLLOWED BY JEAN (INDISCERNIBLE).

WE'VE HEARD A LOT TONIGHT ABOUT HEAD DISBRURZ THE PEOPLE WHO ARE PROPONENTS OF THE HELMET LAW AND THERE'S NO QUESTION THAT HEAD..... INJURIES ARE A TERRIBLE THING. WHAT PERCENTAGE OF HEAD INJURIES ARE DUE TO BICYCLE ACCIDENTS? LESS THAN THREE PERCENT. SO ALL THOSE-- ALL THIS TESTIMONY YOU'VE HEARD FROM DOCK TERKSZ KEEP IN MIND THAT THEY SEE 30 NIGHT TEAM HAVE HEAD YOURS -- 30 30 BHEEM HAVE HAD HEAD INJURIES. SECOND POINT, WE KEEP HEARING THAT HELMETS CAN PREVENT HEAD YOURS. HEAD INJURIES. SNEL

CAME UP WITH THE FIRST STANDARD FOR BICYCLE HELMETS WITH HOW MANY.....HELMETS. APPARENTLY THE SNEL B 90 IS NOT A MARKETABLE HELMET. THE STANDARD THAT THE CURRENTLY MANUFACTURED HELMET MEETS IS THE CONSUMER PRODUCT SAFETY COMMISSION. IT IS NOT AS SAFE AS THE SNEL B 90 HELMET. SO LET ME ASK YOU A QUESTION. NRKS A 30 MILES PER HOUR IMPACT WEARING A CPSC HELMET, WHAT IS THE EFFECTIVE COLLISION VELOCITY? THIS IS JUST A FACT ABOUT PHYSICS. 27.5 MILES PER HOUR. SO THAT LEADS ME TO MY NEXT POINT, WHICH IS THAT PEOPLE SIMPLY ASSUME THAT HELMETS DECREASE FATAL ADVERTISE. IS THIS TRUE? I DON'T KNOW. IN A 15-YEAR BICYCLIST STUDY IT WAS SHOWN THAT THEY -- THEY WERE STEEN THERE WERE NO SIGNIFICANT REDUCTIONS IN INJURIES DUE TO BICYCLE HELMETS AND THERE WAS ACTUALLY A SLIGHT INCREASE IN THE NUMBER OF FATALITIES. IN ANOTHER STUDY FROM 1991 TO 2001, THE HELMET USAGE IN THE UNITED STATES WAS COMPARED ACROSS THE ENTIRE UNITED STATES WAS STUDIED COMPARED TO HEAD INJURIES. IN THAT TIME HELMET USAGE 20 FROM 15% TO 50% AND HEAD INJURIES ACTUALLY INCREASED 10%. SOMETHING THAT GOES INTO THE STATISTIC IS THAT DURING THAT TIME PERIOD, BICYCLE USAGE ACTUALLY WENT DOWN BECAUSE PEOPLE STARTED ROLLERBLADING AND STUFF LIKE THAT. SO WE'VE GOT AN INCREASE IN THE HELMET USE FROM 16 TO 50% AND AT THE SAME TIME WE HAVE A COMMENCE..... COMIS SUR RAT. NUMBER. IT'S HARD TO GET ACCURATE SAFETY DATA AND THAT'S ONE REASON WE'RE RECOMMENDING AN 18 MONTH STUDY SO WE CAN STUDY WHERE THE ACCIDENTS HAPPEN AND HOW THE ACCIDENTS HAPPEN AND WHAT THE CIRCUMSTANCES ARE BECAUSE A LOT OF THAT STUFF YOU JUST CAN'T FIND. THE CAT DATA IS JUST NOT AVAILABLE. AS FAR AS WE CAN TELL, DURING THE TIME THE HELMET ORDINANCE WAS IN PLACE IN AUSTIN, HEAD INJURIES INCREASED 50 TO 75%. THE BICYCLIST FATALITIES THAT WERE ACTUALLY DOUBLE WHAT THEY WERE THE PRECEDING YEAR. [BUZZER SOUNDS] I'VE GOT A LOT MORE OF THIS STUFF. I'M SURE WE'LL BE GIVING YOU MORE DATA AS THIS GOES ON. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. JEAN, WELCOME. YOU WILL HAVE

THREE MINUTES AND BE FOLLOWED BY TOM WALL, TO BE FOLLOWED BY TOMMY EDEN.

MY NAME IS JANE DUFFY. I WORK FOR THE CENTER FOR TRANSPORTATION RESEARCH AND I USE THE BICYCLE AS MY PRIMARY MODE OF TRANSPORTATION. I CAME HERE TONIGHT TO OPPOSE THE MANDATORY ORDINANCE FOR HELMETS. 'THIBL.....' I BELIEVE THIS DOES FAR TOO LITTLE. IF ENACTED IT WILL BE NOTHING MORE THAN A DISTRACTION. I READ A LARGE PORTION OF THE LITERATURE ON THE IMPACTS OF HELMETS, AND I CAN SAY THAT THE POSITIVE IMPACTS OF HELMETS, INCLUDING THE OF THE QUOTED 85% AND 88% REDUCTION IN INJURIES ARE GROSSLY OVERSTATED. I'VE ALSO HEARD MANY PEOPLE SAY THAT IT THERE'S NO DIFFERENCE BETWEEN HELMETS AND SEAT BELTS. THAT'S NOT TRUE. SEAT BELT ARE TESTED USING CRASH TEST DUMMIES IN REAL CRASHES. HELMETS ARE TESTED FROM BEING DROPPED FROM A FEW FEET OFF THE GROUND WITH A ROCK IN THEM. IF YOU CARE ABOUT HEAD INJURIES, PUSH FOR MEANINGFUL HELMET STZ. THE FEDERAL HIGHWAY ADMINISTRATION RELEASED A REPORT IN 1999 ANALYZING EMERGENCY ROOM DATA. IT STATES NJ DEPARTMENT PERSONNEL WERE UNABLE TO DETERMINE HELMET USE IN ABOUT 20% OF THE CASES AND MAY HAVE RELIED ON SELF REPORTS. ASSESSING HELMET USE IS CLEARLY A DIFFICULT TASK IN AN EMERGENCY ROOM SETTING. AND IT IS NOT AN APPROPRIATE DATA SOURCE FOR EVALUATING THE EFFECTS OF HELMETS IN PREVENTING THE INJURIES. I'D LOVE TO SEE THE CITY COUNCIL TAKE THE MOMENTUM FROM THIS ORDINANCE AND HAVE A BICYCLE SAFETY TASKFORCE. TO MAKE CLEAR THE POINTS THAT BICYCLE SAFETY CAN BE ACHIEVED WITHOUT A MANDATORY ALL AGES HELMET LAW, I'LL CITE TWO EXAMPLES. ONE, CHRIS ALREADY MENTIONED OF THE PORTLAND, CITY COUNCIL RECOGNIZING A SAFETY PROBLEM. THEY FORMED A TRAFFIC SAFETY COORDINATION COUNCIL COMPLETE WITH FUNDING MECHANISM. ONE PRODUCT OF THIS EFFORT IS A PROJECT THAT COMPILED ALL AVAILABLE NATIONAL AND LOCAL DATA TO DETERMINE HOW CRASHES ARE OCCURRING, WHAT TREATMENT IS GIVEN TO CYCLISTS AFTER A CRASH, TYPES OF INJURIES, AGE, GENDER, LOCATION AND TYPE OF ROADWAY. I'D LOVE TO SEE AUSTIN COMPILE

SIMILAR ATTA AND REALLY STUDY THIS PROBLEM. CALIFORNIA HAS A SHARE THE ROAD PROGRAM AND IT HAS THREE POINTS THAT LEAD TO 90 PERCENT OF DRIVER CAUSED HEAD INJURIES. THE FIRST IS ALLOWING AT LEAST THREE FEET WHEN PASSING A BICYCLE. NUMBER TWO IS IN DRIVER EDUCATION TEACHING DRIVERS TO TREAT A BICYCLE AS YOU WOULD ANY SLOW MOVING VEHICLE AND WAIT FOR A SAFE PLACE TO PASS. AND NUMBER THREE IS TEACHING DRIVERS TO ALWAYS BE ALERT AND LOOK FOR BICYCLISTS. AS WE STATED EARLIER, THIS IS MADE EASIER FLRP MORE BICYCLE LIFTS IN THE CITY. AUSTIN IS FAMOUS FOR ITS PUBLIC PARTICIPATION PROCESS. PLEASE ENGAGE US BICYCLISTS AND IMPROVING BICYCLING CONDITIONS IN AUSTIN THROUGH A COMPREHENSIVE STUDY OF PROBLEMS AND SOLUTIONS. DON'T DISTRACT US WITH AN ORDINANCE THAT WILL NOT HELP THE REAL PROBLEM AND THAT THE CYCLING COMMUNITY CLEARLY DOES NOT SUPPORT. THANK YOU. [APPLAUSE]

Mayor Wynn: TF. WELCOME, TOM. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY TOMMY HE'D DEN.

GEERCHTION MAYOR..... GOOD EVENING. I'M A MINNEAPOLIS NAIF. I HAVE A DEGREE IN PHYSICS, INCLUDING A BACKGROUND IN MATS MATT TICKS AND STATISTICS. SINCE I WAS EIGHT I'VE BEEN AN AINDIVIDUAL TRANSPORTATION CYCLIST AND A FEW COUNTRIES. I OBEY THE LAWS BETTER THAN MOST OF THE MOTOR VEHICLES I ENCOUNTER. I THINK THE DECISION FOR THIS WHETHER OR NOT TO WEAR A BICYCLE HELMET SHOULD REMAIN A PERSONAL CHOICE. I DON'T THINK ADEQUATE ARGUMENTS HAVE BEEN MADE TO JUSTIFY A LAW. WE WANT BICYCLISTS TO BE SAFE, HOWEVER, NO HELMET WILL PREVENT AN ACCIDENT, YET MANY OTHER MORE EFFECTIVE MEASURES CAN BE TAKEN THAT THE CITY HAS INSTEAD ABANDONED TO DATE. STUDIES SHOW THAT BIKE HELMET LAWS TYPICAL REDUCE THE RIDER SHIP WHICH COMPROMISES THE SAFETY OF THE REMAINING BICYCLISTS. DON'T CONFUSE HELMET USE WITH HELMET LAW. THE PROPONENTS HAVE MADE THE ARGUMENT THAT IN ADDITION TO THE SAFETY OF THE BICYCLISTS, WE SHOULD BE CONCERNED ABOUT THE COST DMOWNT AT LARGE R. -- OF THE COMMUNITY AT LARGE. YET WE REALLY WANT EVERYONE TO BE SAFE AND IN THIS

PROPOSAL IS FOR ONE GROUP HAVING A PARTICULAR LAW. WHILE MAYOR TODD QUOTES THE HIGH COST OF CYCLISTS NOT WEARING HELMETS, SUCH A DESCRIBED BURDEN IS NOT UNIQUELY CAUSED BY BICYCLISTS. NEARLY EVERY ACTION THAT REQUIRES MOTION CAN HAVE INJURY. THE MOTHER LOAD IS THE INJURY OF HEAD INJURY, RIDING IN A MOTOR VEHICLE. ACCORDING TO THE CENTERS FOR DISEASE CONTROL IN THE U.S., 2002 FOR EACH CASE AFTER BICYCLIST OCCURRING FROM TRAUMATIC BRAIN INJURY, THERE ARE EIGHT CASES OF VEHICLE OCCUPANTS AND ALSO THREE MOTORCYCLISTS. FOR SINCERE PROMOTION OF BENEFITS, IT SHOULD ALSO APPLY TO MOTOR VEHICLE OCCUPANTS. A SERIOUS STUDY WOULD LIKELY SHOW THAT THE IMPROVEMENTS OF SAFETY WOULD BE COMPARABLE TO THAT OF CYCLISTS. MY DISCUSSION SUTION TO THOSE HERE IS THAT IN THE NEXT MONTH JUST TRY IT OUT. PLEASE, WEAR A HELMET WHEN YOU RIDE IN A MOTOR VEHICLE FOR THE NEXT MONTH. IT'S EASIER THAN WEARING A HELMET ON A BIKE. YOU CAN SIT IT DOWN ON THE BIKE SEAT WHEN YOU'RE DONE WITH IT. I TRIED IT TODAY AND NOTHING ADVERSE HAPPENED. [LAUGHTER] AND I'M SURE THAT THE SAME PHYSICIANS AND SURVIVORS THAT RECOMMEND THAT BICYCLISTS RECOMMEND THAT WEARING A HELMET IN YOUR CAR AND ON THE BUS, YOUR SAFETY WILL BE ENHANCED. MOTOR VEHICLES ARE THE REAL CHANGE R. DAIPGER AND MUCH OF THE FOCUS SHOULD BE PLACE ODD THIS SINCE IT IS THE LEADER FACTOR FOR TRANSPORTATION HEAD INJURIES. [APPLAUSE]

Mayor Wynn: OH, ABOUT EIGHT. EIGHT OF THIS LIST THAT PRESTON GAVE ME.

THANK YOU, MAYOR WYNN AND COUNCILMEMBERS. MY NAME IS TOMMY EDEN. I'M A MEMBER OF THE AUSTIN CYCLING ASSOCIATION AND I RIDE A BICYCLE EVERYDAY ALL OVER AUSTIN AND THROUGHOUT CENTRAL TEXAS. AND I WEAR A HELMET WHEREVER I GO. THIS IS THE HELMET I WEAR. THIS IS A HARD SHELL HELMET, OKAY? I DON'T GO FOR THOSE CRUMMY -- I DON'T GO FOR THE LESS EXPENSIVE WITH STYROFOAM HELMETS THAT REALLY DON'T HAVE THE HARD SHELL. BECAUSE I WANT SOMETHING THAT WILL PROTECT ME IF I HAVE A HEAD INJURY. BUT I

UNDERSTAND THAT MANY OF THE PEOPLE WHO CHOOSE NOT TO WEAR HELMETS WILL SIMPLY STOP RIDING BICYCLES IF THIS SORNS PASSED FOR ALL ADULTS. AND THAT WILL MAKE IT MORE DANGEROUS FOR ALL BICYCLISTS ON THE ROAD. THE EFFECT IF.... OF A MANDATORY HELMET ORDINANCE WOULD BE TO REDUCE THE NUMBER OF CYCLISTS. I'VE RIDDEN A BICYCLE IN 44 STATES AND IN 11 FOREIGN COUNTRIES, AND THE COUNTRY THING THIS I'VE NOTICED, THE OVERALL FACTOR, THE OVERRIDING FACTOR IN BICYCLE SAFETY IS HOW MANY BICYCLISTS ARE ON THE ROADS? IF YOU REDUCE THE NUMBER OF BICYCLISTS, YOU'RE GOING TO MAKE IT MORE DANGEROUS FOR EVERYONE WHO IS RIDING A BICYCLE. I WOULD ASK YOU NOT TO APPLY THIS ORDINANCE TO ALL ADULTS. I FULLY SUPPORT ENCOURAGING PEOPLE TO WEAR BICYCLE HELMETS. WE SHOULD DO ALL WE CAN TO GET PEOPLE TO VOLUNTARILY USE BICYCLE HELMETS FOR THEIR OWN SAFETY. AND I BELIEVE THAT WE HAVE A GREAT DEAL IN COMMON. THERE'S A LOT OF COMMON GROUND BETWEEN THE PROPONENTS OF THIS ORDINANCE AND THE OPPONENTS. NOW, BICYCLING IS NOT AS DANGEROUS AS PEOPLE MIGHT THINK IT IS. HE THERE ARE A LOT OF ACTIVITIES THAT WE THINK OF AS SAFE AND BICYCLING IS EVEN SAFER THAN MANY OF THEM. WE ALL WANT TO IMPROVE BICYCLE SAFETY. I WOULD REALLY LIKE TO WORK TOGETHER WITH THE PROPONENTS OF THIS ORDINANCE TO IMPROVE BICYCLE SAFETY BECAUSE I THINK THAT'S REALLY WHAT WE'RE AFTER. I DON'T THINK PUTTING THIS HELMET ORDINANCE IN FOR ALL ADULTS IS GOING TO IMPROVE BICYCLE SAFETY. THERE ARE A LOT OF THINGS THAT WE CAN DO. LET'S IMPROVE THE DESIGN OF OUR ROADS. LET'S WORK ON EDUCATION. THERE ARE ALL SORTS OF PROVEN WAYS OF IMPROVING BICYCLE SAFETY. THE QUESTION IS WHO'S GOING TO BE TICKETED AND WHO IS GOING HAVE TO GO TO JAIL IF THIS PROPOSED ORDINANCE IS PUT INTO EFFECT? HOW MANY PEOPLE ARE GOING TO BE ARRESTED AND PERHAPS DEPORTED BECAUSE THEY WERE RIDING A BICYCLE TO WORK WITHOUT A HELMET? WE SEE THESE PEOPLE EVERYDAY. AND WHERE MAYBE WE DON'T HAVE A DRIVER'S LICENSE. THANK YOU. [APPLAUSE] WELCOME, HILL.

THANK YOU, MAYOR WYNN, GOOD EVENING,
COUNCILMEMBERS. THANK YOU FOR HAVING US OUT
TONIGHT. I'VE BEEN IN THE BICYCLE BUSINESS HERE IN
AUSTIN, TEXAS FOR 22 YEARS. AND I CURRENTLY OWN TWO
BICYCLE SHOPS. I'M A SPECIALTY BICYCLE RETAILER. OVER
THE COURSE OF THOSE 22 YEARS I'VE HAD THE GOOD
FORTUNE OF SERVING LITERALLY TENS OF THOUSANDS OF
PEOPLE TO GET THEM ON BICYCLES, THEIR FAMILIES AND
TO HELP PROMOTE THE INCREDIBLE ACTIVITY OF CYCLING
HERE IN AUSTIN. AND ONE OF THE CONSTANT FREEZING
RAIN HAZARD THAT I HEAR FROM MY CUSTOMERS IS, YOU
KNOW, HILL, I DON'T RIDE AS MUCH AS I USED TO BECAUSE I
JUST DON'T FEEL SAFE. AND IT'S TRUE, I'VE RIDDEN -- IT'S
TRUE, I'VE RIDDEN THOSE 22 YEARS AND I KNOW A LOT OF
THEM FEEL THAT TOANGTS ROAD AND IT'S A LITTLE MORE
SCARY. AND FORMER MAYOR TODD SPOKE TO THE 261
SERIOUS CYCLING CAR INJURIES THAT OCCURRED IN THE
LAST 20... 20 MONTHS. AND I REALLY QUESTION HOW MANY
OF THOSE ACCIDENTS WOULD HAVE BEEN PREVENTED IF
THAT CYCLIST WORE OR DID NOT WEAR A HELMET? AND I
THINK WHAT IS IMPLICIT UPON CONSTITUENT TODAY IS TO
TAKE A HARD LOOK AT WHAT'S THE REAL ANTIDOTE WHAT I
CONSIDER TO BE THE ILLNESS OF CYCLING IN AUSTIN RIGHT
NOW. TO ME IT'S SIRPLY A BAND-AID AND IT'S NOT
ADEQUATE TO ADDRESS THE PROBLEM THAT WE'RE FACING.
WHAT WE HAVE TO DO IS TO GO BACK TO THE AUSTIN
BICYCLE MASTER PLAN THAT WAS PUT IN PLACE 10 YEARS
AGO, APRIL 11 ITS, 1996. THE CITY STAFF CAME UP WITH AN
INCREDIBLE MASTER PLAN, AND IT HAS SIX GOALS IN IT. AND
THE FIRST GOAL IS TO INSTITUTIONALIZE BICYCLE
TRANSPORTATION IN ALL TRANSPORTATION AND
RECREATION PLANNING, DESIGN AND CONSTRUCTION
ACTIVITIES IN ORDER TO MEET THE NEEDS OF THE CYCLING
PUBLIC. TO ME THAT'S AN INCREDIBLE GOAL, AND IT'S ONE
THAT WE NEED TO FOCUS OUR ENERGIES ON AND NOT BE
SIDETRACKED BY SOMETHING LIKE A HELMET LAW. AND I'LL
BE PERFECTLY HONEST. I'M AMBIVALENT ABOUT A HELMET
LAW. I WEAR A HELMET RELIGIOUSLY. DOUG RICHARDSON,
THE YOUNG MAN WHO WAS JUST UP HERE, WAS RIDING ON
MY CYCLING TEAM WHEN HE WAS 21 YEARS OLD AND HE
WAS SEVERELY INJURED, AND THAT WAS TRAUMATIC FOR
ME AND MANY OF MY FRIENDS. WE KNOW THE

CONSEQUENCES OF RIDING WITHOUT A HELMET, BUT TO ME THAT'S A PERSONAL DECISION. WHAT IS MORE IMPORTANT FOR US, FOR THE CITY LEADERSHIP, FOR THE COMMUNITY HERE IN AUSTIN IS THAT WE BECOME ENGAGED IN A POSITIVE WAY TO MAKE AUSTIN A CYCLING FRIENDLY CITY. BECAUSE AUSTIN IS AN INCREDIBLE, UNIQUE COMMUNITY, AND THIS IS ONE OF THE WAYS THAT WE CAN CONTINUE TO SET OURSELVES APART TO SET THE STANDARD FOR LEADERSHIP IN THE UNITED STATES OF AMERICA. [BUZZER SOUNDS] THANK YOU. [APPLAUSE]

Mayor Wynn: COUNCILMEMBER MARTINEZ MAKES THE MOTION, COUNCILMEMBER COLE SEGDS TO WAVE COUNCIL RULES TO GO PAST 10:00 P.M. ALL THOSE IF FAVOR, PLEASE SAY AYE. OPPOSED?

NO.

Mayor Wynn: YOU CAN'T SAY NO TO YOUR OWN MOTION. MOTION PASSES A O. A VOTE OF SIX TO ZERO WITH COUNCILMEMBER MCCRACKEN OFF THE DAIS. NEXT SPEAKER, BRYAN COWSER. TO BE FOLLOWED BY ROB DEVMENT MIKO. WELCOME. IT TO BE FOLLOWED BY AMY BABAGE.

I'LL KEEP THIS SHORT. I WANT TO THANK THE AUSTIN CYCLING COMMUNITY FOR COMING OUT TONIGHT. CHAP CLAP.....[APPLAUSE] ALL YOU GIERZ AWESOME. THIS IS THE KIND OF SUPPORT WE NEED TO SEE FOR OUR -- SAVING WHAT WE'VE GOT LEFT OF AUSTIN, THE AUSTIN THAT WE KNOW, WHICH IS AN AUSTIN THAT DOESN'T START FROM THE TOP DOWN IT, DOESN'T GET IMPOSED FROM THE TOP TOWN, IT COMES FROM THE GRASSROOTS, THE BOTTOM UP. IT THA MEANS INVOLVING US, PEOPLE WHO RIDE BIKES NRKS DECISIONS LIKE HOW WE'RE GOING TO RIDE THEM, HOW TO GET SAFE STREETS. HOW TO GET MORE PEOPLE INVOLVED IN RIDING THEM AND DIVIDING THE COMMUNITY WITH DEBATES LIKE THIS IS REALLY NOT THE RIGHT WAY TO GO ABOUT IT. I RIDE A BIKE FOR TRANSPORTATION. I DON'T OWN AN AUTOMOBILE. WEARING A HELMET EVERYDAY WHEN I RODE WOULD NOT KEEP ME FROM GETTING HIT BY A CAR. THAT WOULD NOT STOP IT. THERE WOULD BE NOTHING TO STOP IT. IF I GOT HIT BY A CAR AND NIFS THE HOSPITAL, AND

THE -- I WAS GETTING ALL THE EXPENSIVE MEDICAL AID AND WHAT HAVE YOU, THAT WOULD BE TRAGIC, BUT THE SMALL, TINY PORTION OF THE LARGER MEDICAL CRISIS THAT WE'RE ALL GOING THROUGH IN THIS COUNTRY RIGHT NOW THAT I REPRESENT BECAUSE I GOT HIT ON MY BICYCLE WHILE I WAS RIDING WITHOUT A HELMET IS SO -- HELMET IS SO INSIGNIFICANT THAT THE PROponents THIS THEIR FIEFERS OR SIX SPEAKERS COME UP HERE AND SPEAK ABOUT THEIR TRAUMA FROM ACCIDENTS REALLY IS FOCUSING ON THE WRONG PART OF THIS DEBATE. IT SHOULDN'T BE ABOUT EMOTION, IT SHOULD BE ABOUT REASON. LAWS THAT ARE PASSED ON PASSION ARE ALWAYS BAD LAWS. WE NEED TO BE THINKING LIKE THE SPEAKER BEFORE ME WAS LAYING OUT ABOUT THE ENTIRE ENVIRONMENT IN AUSTIN AND RIDING A SAFE ENVIRONMENT. AND THAT MEANS CARS AND BICYCLISTS GETTING ALONG IN THE SAME SPACE. I'D LIKE TO CLOSE WITH A QUESTION ABOUT RESPECT. I WANT TO BE RESPECTED AS A REQUIRED AND AS A CITIZEN. AND I'VE GOT A QUESTION FOR PEOPLE TO PONDER THAT HASN'T BEEN BROUGHT UP, MAYBE JUST BRIEFLY. BEN FORMENTS. AND -- ABOUT ENFORCEMENT. AND WHEN YOU THINK ABOUT HOW THIS LAW WILL BE ENFORCED, WHO WILL MONITOR THE ENFORCEMENT OF THIS LAW? IF EVERYBODY IN THIS CITY HAS TO HAVE A HELMET ON THEIR HEAD, THEN THE POLICE CAN ONLY LOOK AT WHERE THEY'RE AT AND WHO'S IN FRONT OF THEM IN TERMS OF ENFORCING THE LAW. AND I JUST WANT TO KNOW HOW MANY OF THESE TICKETS WILL GET WRITTEN IN TARRYTOWN, HOW MANY OF THESE TICKETS ARE GOING TO GET WRITTEN IN TRAVIS HEIGHTS AND HOW MANY OF THEM ARE GOING TO GET WRITTEN IN MY NEIGHBORHOOD, WHICH IS I-35, WHERE MOST OF THE -- WHICH IS EAST OF I-35, WHICH IS WHERE MOST OF THE POLICE ARE. I JUST WANT TO MAKE SURE IT DOESN'T DISPROPORTIONATELY AFFECT LOW INCOME, MIGHT GRANTS WHO DON'T HAVE A CHOICE ABOUT TRANSPORTATION ISSUES, CAN'T I FORD CARS. AND WE'RE NOT GOING TO GET THE STATE WE WANT. CITY THAT WE WANT TO SEE. OKAY. MY TIME'S UP. THAT'S IT. [APPLAUSE]

GOOD EVENING, HONORABLE MAYOR AND COUNCILMEMBERS. MY NAME IS ROB. I'M WITH THE LEAGUE OF BICYCLING VOTERS AND I'M A FORMER ALTERNATIVE

TRANSPORTATION CONSULTANT. WE'VE HEARD A LOT OF THE HELMET LAW PROPONENTS ASK WHY DELAY? WELL, WE'RE ASKING FOR AN 18 MONTH STUDY FOR SEVERAL REASONS. MOST IMPORTANTLY WE'RE INTERESTED IN A COMPLETE LAUNDRY LIST OF EFFECTIVE SAFETY MEASURES ABOVE AND BEYOND JUST LOOKING AT HELMET USE. AND HERE'S A PARTIAL LIST. I WON'T READ THEM ALL. CREATION OF A FUNDED PUBLIC EDUCATION CAMPAIGN DIRECTED AT BOTH BICYCLISTS AND MOTORISTS TO ENCOURAGE AWARENESS AND SHARING THE ROAD, ANALYSIS OF OPTIONS FOR INCREASING BICYCLE SAFETY WITH NEW BETTER INFRASTRUCTURE, PUBLIC EDUCATION, INCENTIVES FOR BICYCLING AND REGULATIONS REGARDING TRAFFIC SAFETY. TRACKING AND ANALYSIS OF AUTO AND MOTORCYCLE RELATED INJURIES AND THE PRIMARY CAUSES AND THE COSTS ASSOCIATED WITH THEM. TRACKING AND ANALYSIS OF PENALTIES AND LEGAL ACTION ASSESSED TO MOTORISTS AND/OR BICYCLISTS FOR COLLISIONS INVOLVING AUTOMOBILES AND BICYCLES. TRAFFICKING AND ANALYSIS OF HELMET USE BY BICYCLISTS AND MOTORCYCLE RIDERS. COMPREHENSIVE EVALUATION OF THE EXISTING BICYCLE HELMET ORDINANCE FOR THOSE 17 AND UNDER. POLLING AND RESEARCH INTO HELMET USE THAT ANALYZES THE REASONS I DON'T BICYCLISTS DHOOZ WEAR HELMETS AND WHETHER THEY ARE EDUCATED TO WEAR THOSE HELMETS PROPERLY. AND FINALLY, WAYS TO MAKE AUSTIN THE CITY RECOGNIZED FOR ITS COMMITMENT TO PROMOTING BICYCLE USE. FOR THE COMPLETE LIST I URGE YOU TO GO ON TO NO HELMET LAW.ORG TO CHECK OUT OUR SPECIFIC INFORMATION FOR THE 18-MONTH STUDY. SO YOU CAN SEE THAT WE'RE GOING TO LOOK AT THE BEST MEASURES TOMORROW PROOF BICYCLE SAFETY AND WE'RE ALSO GOING TO LOOK AT THE BEST WAYS TO PROMOTE VOLUNTARY BICYCLE HELMET USE, WHICH IN TURN IS THE MOST EFFECTIVE USE. THANK YOU. [APPLAUSE]

Mayor Wynn: THE NEXT SPEAKER IS AMY BABBAGE. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY SCOTT CHORUS. AND THEN MICHAEL (INDISCERNIBLE).

I TALK INTO THIS, I GUESS? WELL, I WISH PEOPLE WOULD

STOP IMPLYING THAT BICYCLING IS SO TERRIBLY DANGEROUS.....
DANGEROUS. ALL I SEEM TO HEAR IS THAT IT'S SO
DANGEROUS THAT NOBODY SHOULD DO IT. BICYCLING IS
ACTUALLY -- IT'S CLEAN, FUN, HEALTHY, SAFE AND CHEAP. I
HAVE READ ARTICLES BY DOCTORS. ONE OF THEM WAS
CALLED DON'T KILL THE GOOSE THAT LAYS THE GOLDEN
EGG. IT WAS ABOUT THE WAY THAT BICYCLING DELIVERS
BIG CARDIO VASCULAR BENEFITS. BICYCLING DELIVERS ALL
KINDS OF HEALTHY THINGS FOR CHILDREN, BUT WHEN YOU
BECOME SO AFRAID OF LETTING CHILDREN RIDE BICYCLES,
THEN YOU DON'T GET THIS ANYMORE. AND THIS WAS A
DOCTOR THAT WORE A HELMET, BUT HE DIDN'T THINK
CANADA SHOULD HAVE A BICYCLE HELMET LAW. THIS IS
WHAT HIS ARTICLE WAS ABOUT. SO I THINK IT DOES -- THIS
HAS BEEN GOING ON SINCE ABOUT 1975 WHERE PARENTS
DON'T EVEN LET THEIR CHILDREN RIDE BICYCLES OR WALK
BECAUSE THEY SAY IT'S SO DANGEROUS. SO WE HAVE BIG
MEDICAL PROBLEMS DUE TO INACTIVITY. OKAY. ALSO WHEN
WE WERE TRYING TO FIND DATA ABOUT THIS, WE WERE NOT
VERY -- IT WAS NOT EASY TO GET LOCAL CRASH DATA. WE
DID FIND OUT THAT AUSTIN SEEMS TO HAVE ABOUT 12,000
TRAFFIC CRASHES PER YEAR WITH, ABOUT 12,000 INJURIES
THAT ARE REPORTED PER YEAR AND ABOUT 60 DEATHS A
YEAR. NOW, WHY DON'T WE EVER HERE HEAR ABOUT ANY
OF THIS? WE HEAR ABOUT TWO OR THREE A WEEK IN THE
NEWSPAPER. HOW ARE WE -- AND I DON'T THINK THE CITY
COUNCIL, I DON'T THINK ANYBODY'S GOT THIS INFORMATION.
I DON'T SEE HOW EITHER CITIZENS OR THE GOVERNMENT
CAN PROBABLY MAKE RATIONAL TRANSPORTATION
DECISIONS WITHOUT HAVING THIS INFORMATION READILY
AVAILABLE TO EVERYBODY. THAT SEEMS LIKE SOMETHING
TO BE DONE DURING THE 18 MONTHS. THERE IS A LOT MORE
TO BICYCLE SAFETY THAN HELMET USE. MOST BICYCLISTS
WILL NEVER FALL ON THEIR HEADS. THE CRASH
PREVENTION IS THE MOST IMPORTANT THING. AND YOU
DON'T JUST PUT ON YOUR HELMET AND SAY, THIS WILL KEEP
ME ALIVE, SO IT DOESN'T MATTER IF I FALL ON MY HEAD. IF
THAT'S YOUR ATTITUDE, YOU'RE IN TROUBLE. OKAY. YOU
NEED TO LEARN HOW TO PROTECT YOURSELF FROM
CRASHING. THERE HAVE BEEN PLACES SUCH AS SEATTLE
WHERE HELMET LAWS WERE PASSED. SEATTLE WAS NOT A
LEADER IN PASSING HELMET LAWS. EVERY CITY IN ITS

COUNTY ALREADY HAS ONE. ALSO, WASHINGTON STATE HAS AN ALL AGES, NO EXCEPTIONS MOTORCYCLE HELMET LAW WHICH AUSTIN DOES NOT HAVE. AUSTIN FRKS IT PASSES AN ALL AGES BICYCLE HELMET LAW, WILL BE IN THE POSITION OF TELLING PEOPLE BASICALLY, IF YOU DON'T WANT TO WEAR A HELMET, JUST WEAR A MOTORCYCLE. [LAUGHTER] SO I THINK YOU SHOULD IS --

Mayor Wynn: SORRY. I CAN'T QUITE READ THE WRITING. SCOTT (INDISCERNIBLE). WELCOME. YOU WILL BE FOLLOWED BY MICHAEL (INDISCERNIBLE).

HONORABLE MAYOR WYNN, MAYOR PRO TEM AND COUNCIL, I'M PRESIDENT OF THE AUSTIN CIEK WILLING ASSOCIATION. IT'S GREAT TO SEE SO MANY PEOPLE THIS EVENING. THANKS FOR STAYING OPEN PAST 10:00. I'M SURE YOU'VE HEARD FROM MANY OF US, YOUR SMAWG BOXES ARE PROBABLY VERY FULL. NOW IMAGINE BEING THE PRESIDENT OF THE LARGEST BIKE CLUB IN AUSTIN. I'VE HEARD FROM TONS OF PEOPLE ON ALL DIFFERENT SIDES OF THE DEBATE. SO GOING WITH, I'M GOING TO SUBMIT THE ACA BICYCLIST SAFETY PROGRAM AND ADULT HELMETS STATEMENT FOR THE PUBLIC RECORD. I'M GOING TO KEEP MY COMMENTS BRIEF AND I'M GOING TO KEEP THEM POSITIVE AND I'M GOING TO FOCUS ON ACTIVITIES THAT THE ACA WILL SUPPORT. THE AUSTIN CYCLING ASSOCIATION WILL SUPPORT A COMMUNITY OUTREACH AND EDUCATION CAMPAIGN WITH THE GOALS OF REDUCING BICYCLIST CRASHES AND STRONGLY ENCOURAGING ADULTS TO VOLUNTARILY WEAR A HELMET. MORE SPECIFICALLY THE ACA WILL SUPPORT THE FOLLOWING ACTIVITIES. ADULT AND CHILD BICYCLIST SAFETY EDUCATION. A WIDESPREAD COMMUNITY AWARENESS CAMPAIGN TO STRONGLY ENCOURAGE BICYCLING AND TO STRONGLY ENCOURAGE VOLUNTARILY WEARING A BICYCLE HELMET. PROVISION OF LOW COST AND NO COST HELMETS TO LOW INCOME ADULTS AND CHILDREN WHO CAN'T AFFORD THEM. ROADWAY DESIGNS THAT ACCOMMODATE BICYCLISTS. A SHARE THE ROAD CAMPAIGN. ENFORCEMENT OF EXISTING SAFETY TRAFFIC LAWS. AND NINE, A BICYCLIST AND MOTORIST TRAFFIC TICKET DIVERSION PROGRAM. I'M SMIGHT THE ACA COMPREHENSIVE BICYCLE SAFETY PROGRAM PROPOSAL FOR THE PUBLIC RECORD. I ENCOURAGE YOU TO FIND

COMMON GROUND WITH EFFECTIVE ACTIVITIES THAT WE CAN ALL SUPPORT. COMMON GROUND DOES EXIST BETWEEN THE DIFFERENT SIDES OF THE DEBATE. BIKE SAFETY EDUCATION AND BIKE FACILITIES, LIKE BIKE LANES, ARE SUPPORTED BY EVERYONE. THEY'RE SUPPORTED BY THE ACA AND SUPPORTED BY FORMER MAYOR TODD. -- MAYOR TODD. IN ADDITION, EACH AND EVERY ONE OF US HERE TONIGHT CAN SUPPORT PREVENTING BIKE CRASHES FROM HAPPENING IN THE FIRST PLACE. THAT'S REALLY IMPORTANT TO US. [BUZZER SOUNDS] IN CLOSING, I'M GOING TO ASK YOU A QUESTION THAT IS ON THE MINDS OF ALL OF US HERE THIS EVENING. THE QUESTION IS WHAT IS THE CITY OF AUSTIN DOING TO PREVENT BIKE CRASHES? AGAIN, WHAT IS THE CITY DOING TO PREVENT BIKE CRASHES. WITH ALL DUE RESPECT AND FOR THE PUBLIC RECORD, I'M REQUESTING THAT COUNCIL RESPOND TO THIS QUESTION WITHIN A MONTH. WE ANXIOUSLY AWAIT YOUR RESPONSE AND WE REALLY LOOK FORWARD TO WORKING WITH YOU. THANKS. [APPLAUSE]

Mayor Wynn: WELCOME, MIGHT COMMENT YOU WILL BE FOLLOWED BY LANE WIMBERLEY, WHO WILL BE FOLLOWED BY LISA WATT COMMENT.

DID I HAVE ANYONE DONATE TIME?

...

Mayor Wynn: WE'RE TRYING TO BE RESPECTFUL THAT THE 18 FOLKS WHO SPOKE IN FAVOR DIDN'T TAKE THEIR MULTIPLE DONATED TIME.

OKAY. WILL SIX MINUTES BE TOO LONG?

...

Mayor Wynn: NO, IT WON'T BE.

FIRST I WANT TO ASK, HOW MANY OF THE SUPPORTERS OF THIS MEASURE BIKE HERE TONIGHT? OKAY. AND HOW MANY OF THE OPPONENTS DID? HOW MANY PEOPLE WHO SUPPORT A HELMET LAW BIKE HERE TONIGHT? ONE? IS THAT IT IN AND HOW MANY OPPOSED? KIND WHAT I

THOUGHT. LIKE HE WAS INTAIGHT HELMETS BEING UNCOMFORTABLE, THE WAY I LIKE TO PUT IT IS ACTUALLY PROPONENTS ARE SAYING THE HELMETS ARE COMFORTABLE. IF IT'S COMFORTABLE, YOU'RE NOT WEARING IT RIGHT. I'M MICHAEL BLUE JAY. I RUN BICYCLE SAFE.COM. I HAVE AN ARTICLE THAT'S BEEN REPRINTED ALL OVER THE WORLD. PEOPLE SEE IT, THEY LIKE IT, THEY REPRINT IT, THEY TRANSLATE IT INTO THEIR NATIVE LANGUAGES. IT'S BEEN LINKED TO AND REPRINTED BY BOYS AND GIRL SCOUT TROOPS, POLICE DEPARTMENTS AND SCHOOLS ALL OVER THE WORLD. IT'S HARD TO TOOT MY OWN HORN, BUT WHAT I'M SAYING IS SOME PEOPLE SEEM TO CONSIDER THAT I KNOW A THING OR TWO ABOUT BIKE SAFETY. IF THAT'S THE CASE I HOPE I CAN PROVIDE SOME INFORMED COMMENT FOR YOU TONIGHT. I WANT TO THANK YOU FOR CONSIDERING A BIKE SAFETY ISSUE BECAUSE SUCH ATTENTION SHRONG OVERDUE. IT MIGHT NOT BE THE BEST WAY, BUT IT CAN'T HURT. BUT IT WILL HURT AND YOU'VE ALREADY HEARD A LOT OF THOSE REASONS WHY IT WOULD BE BAD PUBLIC POLICY, BUT I'M GOING TO EXPLAIN WHY IT WON'T HAVE THE INTENDED EFFECT OF FURTHERING BIKE SAFETY. LET'S TAKE A ADVISE TOIT THE LAND OF UNINTENDED CONSEQUENCES. THE REVENUE ANALYSIS CONSISTED OF THIS. ESTIMATING THE NUMBER OF WINDOWS OUT THERE AND IS IT MULTIPLYING BY THE AMOUNT OF TAX THEY WOULD ASSESS. HERE'S WHAT ACTUALLY HAPPENED, LO AND BEHOLD IF WE GO TO SMALL ENGLISH TOWNS TODAY AND LOOK AT SOME OF THE HOMES, WE WILL SEE OVER AND OVER AGAIN THESE VERY CLEAR WINDOW SHAPED PLACES THAT HAVE BEEN FILLED OVER. WHY? BECAUSE 500 YEARS AGO PEOPLE UNDERSTOOD THAT YOU COULD AVOID TAXES LEGALLY, SO THEY PUBLICED IN THE BEAUTIFUL GLASS WINDOWS ALL ACROSS ENGLAND. OKAY. SO THAT'S THE INTRODUCTION BECAUSE THE HELMET LAW IS THE MOTHER OF ALL UNINTENDED CONSEQUENCES. THE PEOPLE PUSHING THIS ARE THINKING LET'S PASS A HELMET LAW AND PSYCHISTS WILL BE SAFER AND THAT'S LIKE SAYING LET'S PUT A TAX ON WINDOW AND WE'LL MAKE ALL THIS MONEY T IGNORES THE OTHER THINGS THAT WILL HAPPEN WHEN THE LEGISLATION KICKS IN. IF YOU PASS THIS LAW AND THE ONLY THING TO CHANGE WAS MORE CYCLISTS STARTED WEARING HE METS THERE MIGHT

BE A IS PUBLIC SAFETY BENEFIT. BUT TO ASSUME NOTHING ELSE WILL CHANGE IS INCREDIBLY SHORT SIGHTED. LET'S TAKE A LOOK AT THE UNINTENDED CONSEQUENCES. THE MOST IMPORTANT IS THIS. HELMET LAWS DISCOURAGE CYCLING. HERE'S WHAT HAPPENED IN OTHER PLACES. IN AUSTRALIA, BIKE COMMUTING PLUMMETED 50%. IN NEW ZEALAND IT FELL BY 22% N BRITISH COLUMBIA DROPPED 28% AND DROPPED 40 TO 60% IN NOVA SCOTIA. IS MR. LISTER STILL HERE? HE SAID THAT THE UNDERSTAND THAT PEOPLE WOULD STOP BIKE FG THE HELMET LAW WAS IMPOSED WAS REDIG CLUS. I'M CURIOUS IF HE THINKS THESE FIGURES I'M REPORTING DID NOT HAPPEN OR THAT AUSTIN IS UNIQUE AND IT WILL NOT HAPPEN WHEN IT HAPPENED EVERYWHERE ELSE. THAT'S NOT WHAT HAPPENED. FOR EXAMPLE, IN WESTERN AUSTRALIA, CYCLING WAS INCREASING YEAR AFTER YEAR AFTER YEAR ALL THE WAY UP UNTIL THEY PASSED A HELMET LAW AND THEN EVERYTHING WENT TO HELL. KNOWING THAT HELMET LAWS DISCOURAGE CYCLING, THAT BEGS THE QUESTION WHAT DOES IT MATTER IF FEWER PEOPLE RIDE BIKES AFTER YOU PASS THE HELMET LAW? THERE ARE SEVERAL REASONS. THE FIRST IS GLOBAL WARMG. WHEN CLIMATE CHANGE THREAT TENS THE VERY SURVIVAL OF THE SPECIES, WE SHOULD BE DOING EVERYTHING TWOAK ENCOURAGE CYCLING, NOT DISCOURAGE T I HAVE TO FEEL THAT THE THREAT SO EVERY SINGLE PERSON ON THE FACE OF THE PLANET. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] TO CHURCHILL WAS KILLED ON SOUTH LAMAR WHEN BIKING HOME FROM WORK, WHAT PENALTY DID THE AT FAULT DRINK DRIVING WHO HIT HIM GET, NOTHING, NO TICKET, FINE, JAIL TIME, NOTHING. CHURCHILL WAS WEARING A HELMET FOR ALL THE GOOD IT DID HIM. ANOTHER MAN WAS BIKING ACROSS LAVACA, WHEN HIT, KILLED, NO ARREST, NO JAIL TIME, NOT EVEN A TICKET FOR RUNNING THE RED LIGHT. APPARENTLY IS TO KILL A BICYCLIST WHILE YOU ARE DOING IT. OKAY. [APPLAUSE]

I CAN GIVE YOU MORE EXAMPLES OF AT FAULT MOTORISTS, IF I HAD MORE TIME. WHY AM I TELLING YOU THIS? HUGE, HUGE IMPLICATIONS FOR THE HELMET LAW. WE ARE SEEING THE SECOND CLASS CITIZENS ON THE ROAD. WITH THE HELMET LAW IN PLACE, THE NEXT TIME -- WITH THE HELMET

LAW IN PLACE, THE NEXT TIME A MOTORIST BLOWS A RED LIGHT, KILLS A HELMETLESS CYCLIST, WE CAN JUST FORGET ABOUT IT BEING HELD ACCOUNTABLE. THE PUBLIC ALREADY HAS A PERCEPTION THAT CYCLISTS ARE TO BLAME FOR THEIR INJURIES. IF YOU PASS A HELMET LAW YOU ARE JUST THROWING GASOLINE ON TO THAT FIRE, THANK YOU. [APPLAUSE]

THANK YOU, MICHAEL. WELCOME, WAYNE, THREE MINUTES FOLLOWED BY LISA WHAT THELY.

MAYOR, MAYOR PRO TEM, COUNCIL. THANK YOU. I WILL TRY TO KEEP THIS REALLY SHORT. I RIDE A BIKE A LOT. IT'S MY PRIMARY FORM OF TRANSPORTATION. I KNOW A LOT OF PEOPLE WHO ARE HERE TONIGHT RIDE THEIR BIKES A LOT AS WELL. I THINK THAT THEY WILL PROBABLY AGREE WITH ME THAT IF YOU WANT TO MAKE CYCLING SAFER, PLEASE CONSIDER LOOKING AT GETTING CARS OUT OF -- PARKED CARS OUT OF BIKE LANE, EDUCATION, EDUCATION, EDUCATION FOR BOTH MOTORISTS AND CYCLISTS. HOW ABOUT A THREE FOR THE PASSING RULE? AND IN CLOSING I WOULD LIKE TO SAY THAT -- THAT THIS LAW IS -- IS NOT -- IS NOT -- WELL, HELMETS ARE GREAT, BUT THEY ARE NOT -- THE LAW IS ANYTHING BUT. I THINK THERE'S A GOOD CHANCE THAT THE LAW COULD BE DETRIMENTAL. I BEG YOU, PLEASE, LOOK AT THE NUMBERS, DO THE ANALYSIS, DO A BUSINESS CASE ANALYSIS. I THINK THAT YOU WILL FIND THAT THERE ARE BETTER WAYS TO UTILIZE OUR RESOURCES TO MAKE CYCLING SAFER. THANK YOU VERY MUCH. [APPLAUSE]

LISA WATTLY. WELCOME, LISA. APPRECIATE EVERYBODY'S PATIENCE.

THANKS FOR LETTING ME SPEAK. I'M NOT LANCE ARMSTRONG. I'M NOT BRUCE TODD, I'M JUST SOME DORK. ANYWAY, I WANT TO SAY THAT I'M GOING TO SING A SONG AND IT'S NOT A PERSONAL ATTACK. BUT I DON'T -- I DON'T INTEND TO BE DEAD SERIOUS. ANYWAY, I SYMPATHIZE WITH THE VICTIMS OF BIKE ACCIDENTS AND I'VE HAD A FEW MYSELF. LAST ONE IN 1985, IT KIND OF HELPED ME TO GET TO KNOW MY BIKE, WHICH I STILL RIDE. I DO RESPECT THE INDIVIDUAL'S DECISION TO WEAR A HELMET. WHAT I DID NOT

RESPECT IS THE USING MADE OF ONE MAN'S ACCIDENT AS CRITERION FOR AN ADULT HELMET LAW, THE ADVERTISING OF IT ON TV. SO HERE'S A -- HERE'S A LITTLE SONG, SORRY ABOUT THIS. (music)(music) DO-DE-DO.

YOU ARE FUNNY MAYOR TODD, YOU YOU THINK YOU CAN PLAY GOD JUST BECAUSE YOU FELL OFF YOUR BIKE.
(music)(music) (music) YOU ARE THEIR POSTER BOY, THEIR ANECDOTAL PLOY, TO MANDATE HELMETS AND THE LIKE
(music)(music) (music) YOUR STATISTICS GIVE ME PAUSE, YOUR REASONING IS FLAWED, UNDERNEATH YOUR HELMET ARE YOU INSANE? (music)(music) (music) DON'T NEED THESE PHONY SCARES, WE'VE GOT MORE PRESSING CARES, WHY CITY COUNCILMAN WHY? JUST LET THIS HELMET LAW DIE. OKEY DOKEY. WHAT I'M TRYING TO SAY IS THAT A FAMOUS GUY FELL OFF HIS BIKE, WEARING A HELMET, AND NOW IT'S SUDDENLY URGENT TO ENACT AUSTIN'S VERSION OF A FLAG BURNING AMENDMENT. THE SACRED HELMET. IT SAVED MY LIFE. THIS IS UNKNOWABLE. IF YOU THINK ABOUT IT. YOU KNOW, IT SAVED MY LIFE. YOUR LIFE UNTIL THE MOMENT THAT YOU DIE, HOW CAN YOU PROVE ANYTHING SAVED YOUR LIFE. THERE'S SO MANY FACTORS, OKAY? ANYWAY, HERE'S A LITTLE -- HERE'S A LITTLE DID IT TEE DEDICATED TO MY MOTHER WHO DID NOT MAKE ME WEAR A HELMET. I'M 52 YEARS OLD BY THE WAY. I WILL NEVER WEAR A HELMET.
(music) THERE'S SOME FOLKS IN LITTLE AUSTIN TOWN DON'T HAVE A LOT OF DOUGH. THEY ARE NOT USING ALL OF YOUR GASOLINE, THEY LIKE TO GO REAL SLOW. COME AND MEET THOSE PEDALING FEET, DOWN THE AVENUE I'LL TAKE YOU TO AUSTIN CITY STREETS. HEAR THE VOICE OF PEDALING FEET, IT'S THE SONG I LOVE THE MELODY OF, HELMET LAW DEFEAT. LITTLE NIFTIES IN THEIR FORECASTS WINDING THROUGH THE PARK, SEXY LADIES, IN THEIR 80s HAVEN'T LOST THEIR SPARKS. SIDE BY SIDE WE'VE GOT TO RIDE, OUR HEADS ARE BARE, THAT'S NOT YOUR AFFAIR, HELMET GOOD LAW, LAW BAD, HELMET LAW DEFEAT. [LAUGHTER] [APPLAUSE]

NOW I FEEL BAD I ASKED ROSS SMITH WHO SIGNED UP NEUTRAL TO BE THE NEXT SPEAKER.

THAT'S A TOUGH ACT TO FOLLOW. BUT I'LL GIVE IT A SHOT. MAYOR, COUNCIL, MY NAME IS ROSS SMITH. I SIGNED UP

NEUTRAL ON THIS BECAUSE I DON'T BELIEVE THAT IT WILL HAVE VERY MUCH EFFECT AT ALL. I THINK THAT RIDING WITHOUT A HELMET, EVEN IF YOU ARE JUST GOING DOWN TO THE STORE IS A STUPID THING TO DO. THAT SAID, I DON'T BELIEVE THAT YOU CAN LEGISLATE GOOD SENSE. YOU CANNOT ENFORCE IT. ANYONE WITH CHILDREN KNOWS IT'S VERY TOUGH TO TEACH IT. AND I THINK THAT -- THAT AS AN ALTERNATIVE SOMETHING YOU ALL SHOULD LOOK AT IS -- IS WHAT THEY DID WITH MOTORCYCLES. SOMEONE RAISED THE IDEA OF PEOPLE RIDING MOTORCYCLES. WHAT THE LEGISLATURE SAID WAS IF YOU WANT TO RIDE A MOTORCYCLE, YOU HAVE TO HAVE HEALTH INSURANCE. SO THAT -- IF YOU ARE NOT WEARING A HELMET, YOU GO INTO THE EMERGENCY ROOM, THOSE OF US WHO ARE RESPONSIBLE RIDERS AND NON-RIDERS ARE NOT ON THE HOOK FOR YOU. I DON'T KNOW IF YOU HAVE THE AUTHORITY TO DO THIS, BUT YOU SHOULD LOOK INTO IT. IF YOU DON'T HAVE THE AUTHORITY, YOU SHOULD ASK THE LEGISLATURE TO GIVE IT TO YOU. AND I THINK THAT YOU WILL FIND A LOT OF SUPPORT FROM OTHER CITIES. BICYCLE RIDERS WHO WANT TO BE TREATED AS CO-EQUALS ON THE ROAD, EQUAL INSURANCE IS A GOOD PLACE TO START. THANK YOU.

THANK YOU, MR. SMITH. OKAY, SO WE HAVE GONE THROUGH 18, 18 FOLKS WHO PRESTON OUTLINED FOR ME. SO -- SO I GUESS WITHOUT FURTHER ADO, I WILL TRY TO WORK MY WAY THROUGH -- ERIC ANDERSON. YOU SHOULD BE ON THE LIST IF YOU ARE NOT. [APPLAUSE]

I THANK YOU FOR THAT, MAYOR WILL WYNN. MAYOR PRO TEM DUNKERLY AND COUNCILMEMBERS, I REALLY APPRECIATE THE -- THE OPPORTUNITY TO -- TO SPEAK BEFORE YOU. I WEAR A HELMET, I DON'T KNOW IF IT'S HALF THE TIME, MORE THAN HALF THE TIME BECAUSE -- BECAUSE FOR THE LAST -- FOR THE LAST CERTAINLY FIVE YEARS, THE DISTANCES THAT I HAVE BEEN RIDING HAVE BEEN A LOT LESS THAN THEY WERE BEFORE 1998. I HAPPEN TO HAVE JUST CELEBRATED A YEAR AND A HALF ANNIVERSARY OF -- OF -- WITHOUT A KANE. I DO WEAR A HELMET MOST OF THE TIME. WHEN I AM RIDING AROUND IN MY VERY EL... PLACID, SAFE, EAST AUSTIN NEIGHBORHOOD, I'M TYPICALLY NOT WEARING A HELMET BECAUSE I DON'T KNOW I -- I DON'T FEEL LIKE I NEED TO -- THIS WHOLE DISCUSSION SHOULD BE

ABOUT CRASH PREVENTION OR EVEN MORE BROADLY SPEAKING BICYCLE AND PEDESTRIAN SAFETY. IF WE ARE CREATING THAT MORE LIVEABLE CITY, THERE'S A LOT MORE THAT WE NEED TO DO. WE HAVE A -- WE HAVE A HUGE BACKLOG, I BELIEVE, IT WAS ESTIMATED AT -- AT \$800 MILLION AND INCOMPLETE SIDEWALKS IN THIS CITY ALONE..... ALONE. I RIDE FOR TRANSPORTATION, I ALSO DRIVE A CAR, I CAR SHARE. I HAVE DRIVEN PROFESSIONALLY A TRUCK FOR ABOUT EIGHT YEARS OF MY WORKING LIFE. I FINALLY GOT A SPEEDING TICKET IN LAKEWAY. ABOUT FIVE YEARS AGO. I HAVE HAD TWO SERIOUS CRASHES, BOTH -- ONE SERIOUS CRASH, TWO CRASHES TOTAL, BOTH -- BOTH BEING A PROFESSIONAL DRIVER. I HAVE -- I WILL GET INTO BIKE CRASHES IN A MOMENT, BUT I HAVE BENEFITED FROM WEARING A HELMET. A DIFFERENT HELMET PROBABLY SAVED ME FROM A TRAUMATIC BRAIN INJURY. RIDING PROBABLY WAY TOO FAST DOWN MOUNT BONNELL, I HOPE THAT I WASN'T DOING 55, BUT I WAS PROBABLY DOING OVER 45 ON A BRAND NEW ROAD RACING BIKE. IF -- IT PROBABLY SAVED MY HEAD. I HAVE ALSO HAD THE THREE OTHER CRASHES, TWO AS A BREAD STRENGTH, ONE AS A BIKE -- PEDESTRIAN, ONE AS A PEDESTRIAN, TWO AS A BICYCLIST, ALL RIGHT DOWNTOWN OR VERY NEAR DOWNTOWN. FOURTH AND CONGRESS, THE MOTOR VEHICLE WAS -- HAD TO BE GOING THROUGH THE RED LIGHT OR THROUGH THE LIGHT INTERESTING ON RED BECAUSE -- ENTERING ON RED BECAUSE I STARTED MY CRANK GOING WHEN THE LOT TURNED GREEN AND I ONLY GOT AROUND THE CRANK ONCE AND A HALF TIME AND I GOT SIDE SWIPED BY A VOLVO. AT FOURTH AND CONGRESS. AT RUTAMAYA I HAD MY FOOT RUN OVER BY A PICKUP TRUCK, LUCKILY I COULD SCOOT MY TOES INTO THE SHOE. THEN MY SERIOUS ACCIDENT IN YOU....'98 I BROKE MY UPPER FIELDER AS A ROAD RAGE INCIDENT. I WILL FINISH UP HERE REAL QUICK. I HAVE LOST FRIENDS. I KNEW BEN, THIS IS A STORY I HARDLY EVER TELL ANYONE. BUT TWO MONTHS AFTER THIS ACCIDENT, BEN DIED A FRIEND FROM YELLOW BIKE PROJECT. A GAL BLEW THROUGH A RED LIGHT WITH CARS STOPPED AT THE RED LIGHT, THROUGH THE -- THREW THE GUY 75 FEET. WHEN I SPOKE AT THE STATE CAPITOL, THAT FOLLOWING THING WAS A WEEK, WEEK AND A HALF LATER. I SAID, YOU KNOW, WHAT, IT COULD HAVE BEEN ANY ONE OF US. THAT HAS

MOTIVATED ME SINCE. IT'S DEDICATED MY LIFE TOWARD IMPROVING BIKE FACILITIES. THE LANCE ARMSTRONG BIKEWAY MORE RECENTLY THE PFLUGER BRIDGE, NOW RAILS WITH TRAILS. IT'S A LACK OF SAFE FACILITIES AND IRRESPONSIBLE ILLEGAL UNSAFE AND STUPID BEHAVIOR THAT RESULTS IN MANY OF THESE CRASHES. A HELMET WILL SAVE YOU RIDING DOWN MOUNT BONNELL, BUT A HELMET WILL NOT SAVE YOU WHEN YOU ARE MOWED DOWN AND THROWN 75 FEET. I WANT TO SUPPORT THE IDEAS OF THE LEAGUE OF BICYCLING VOTERS AND ACA, I ALSO LOOK FORWARD TO WORKING WITH COUNCIL, CITY STAFF AND THE A.P.D. AND WHOEVER ELSE WANTS TO GET INVOLVED IN CRASH PREVENTION, BIKE SAFETY EDUCATION, MOTOR VEHICLE AWARENESS PROGRAMS. I THANK YOU VERY MUCH FOR THE TIME. [APPLAUSE]

THANK YOU, ERIC. SO NOW IF YOU ALL JUST BEAR WITH ME, I WILL START ROLLING THROUGH THE RANDOM SIGNUPS, I WILL DO MY BEST TO SKIP AROUND BECAUSE THIS SORT OF LUMPED ALL A BUNCH OF FORS, A BUNCH OF AGAINST, MY INSTINCT IS A HANDFUL OF FOLKS HAVE LEFT, EVEN THOUGH THEY SIGNED UP EARLY TO SPEAK. PERHAPS AFTER HEARING TESTIMONY THAT THEY AGREED WITH. SO -- JUST START CALLING NAMES AS YOU HEAR YOUR NAME PLEASE COME FORWARD. FREDDIE GONZALEZ, SIGNED UP WISHING TO SPEAK. AS DID MEREDITH VASHAN, SHE ALREADY SPOKE. DR. McGEE. SIGNED UP WISHING TO SPEAK. AS DID SEBASTIAN WRITTEN. WREN, AS DID MARY INGUINAL, AS DID ROY WAILLY AND MARK LEVIN.

STEP RIGHT UP.

WELL, IT'S GOOD TO SEE ALL OF MY FRIENDS UP HERE. AND -
- I WANT TO BE VERY BRIEF, BECAUSE WE HAVE BEEN HERE A WHILE. AS AN ATTORNEY, I THINK THAT I CAN ADDRESS THE LEGAL ASPECT OF THIS. I THINK DEALING WITH ENFORCEMENT. I HAVE ALWAYS BEEN AS MANY OF YOU PROBABLY KNOW THE ATTORNEY IN THE SMOKING BAN CASE, MR. DAVID LURIE THE HEAD OF THE HEALTH DEPARTMENT TESTIFIED IN THAT CASE THAT THE REASON THAT THEY ARE NOT TAKING IN SMOKERS IS THAT POLICE DON'T HAVE THE RESOURCES TO DO SO. I THINK THAT YOU WILL FIND THE SAME THING HERE. IN FACT THERE'S BEEN NO

CITATION ISSUED UNDER THE YOUTH HELMET LAW SINCE 2002. BUT I DRIVE THROUGH MY NEIGHBORHOOD TRAVIS COUNTRY, I SEE YOUTHS ON TRICYCLE, BICYCLES WITHOUT A HELMET. THE FACT THAT THERE'S BEEN NO CITATIONS SINCE 2002 SHOWS THAT THEY ARE UNAVAILABLE TO ENFORCE THE HELMET LAW. IF SOMEBODY IS TICKETED ARE THEY GOING TO BE SCRAILD? I THINK THE U.S. SUPREME COURT IN THE LAGO VISTA CASE PROBABLY PERMITS THEM TO BE JAILED CONSTITUTIONALLY. I THINK IT WAS A 5-4 DECISION. IT'S SOMETHING..... CERTAINLY SOMETHING THAT I THINK IS EXCESSIVE. YOU ARE NOT REQUIRED TO HAVE A DRIVER'S LICENSE TO RIDE A BIKE. ARE PEOPLE'S BIKES GOING TO BE IMPOUNDED, HOW ARE THEY GOING TO FIND THEIR WAY HOME, LIKE WHEN YOUR CAR IS TOWED. THESE ARE ALL ISSUES THAT NEED TO BE ADDRESSED. AND I THINK THAT -- THAT YOU KNOW WHAT YOU WILL FIND IS THAT THE MUNICIPAL COURT IS ALSO OVERLOADED. WE HAD TESTIMONY IN THE SMOKING TRIAL THE OTHER DAY FOR A PROSECUTOR THAT SAID SHE DOESN'T READ THE NOTICES OF VIOLATION BEFORE SHE, YOU KNOW, PROSECUTES THE COMPLAINT IN MUNICIPALCAL COURT. THERE'S NEITHER THE POLICE NOR THE MUNICIPAL COURT RESOURCES TO ADDRESS THIS. SO I DON'T THINK THAT YOU WILL SEE ANY REAL ENFORCEMENT. I DON'T THINK THAT YOU WILL SEE AN INCREASE IN HELMET USAGE AS A RESULT OF CREATING A CRIMINAL OFFENSE. YOU KNOW, OBVIOUSLY I FEEL STRONGLY ABOUT PERSONAL LIBERTY. I KNOW COUNCILMEMBER MCCRACKEN SAID WE ARE A BEACON FOR PERSONAL LIBERTY IN AUSTIN. AN APPROPRIATE ANALOGY, WE COULD BAN OBESITY, BAN PEOPLE FROM ENGAGING IN UNSAFE SEXUAL PRACTICES SAVE TREMENDOUS PUBLIC HEALTH COSTS. BUT IT'S BEEN ARGUED WHILE PEOPLE ON THE ROAD THAT'S UNIQUE BECAUSE WE ARE PAYING FOR THE PUBLIC ROADWAY. BAN PEOPLE USING CELL PHONES THAT CAUSES A TON OF ACCIDENTS. THEY DO HAVE A TREMENDOUS AMOUNT OF SOCIAL UTILITY, I THOUGHT MAYBE THE BEST ANALOGY REALLY IS LISTENING TO LOUD MUSIC IN YOUR CAR. SOMETHING I ADMITLY ENJOY SOMETIMES. BLASTING MUSIC IN YOUR CAR, NO SOCIAL UTILITY, THE ONLY BENEFIT IS THAT YOU ENJOY IT. I'M SURE THAT STUDIES WOULD SHOW, EXTREMELY LOUD MUSIC IN YOUR VEHICLE, HEAVY METAL WHAT HAVE YOU, YOU ARE

GOING TO BE MORE LIKELY TO GET INTO AN ACCIDENT. REALLY THE HARM WOULD BE MORE APPRECIABLE, MORE DIRECT, THIS INDIRECT HEALTH COST ARGUMENT. AGAIN THE POINT IS THAT PEOPLE DO A LOT OF THINGS BECAUSE THEY ENJOY IT. BUNK JOE JUMPING, SOME OF THEM DO INDIRECTLY CONTRIBUTE TO HEALTH CARE COSTS. I BELIEVE IF YOU USE THAT CARGHT WE WILL LOSE THE FREEDOMS THAT WE ENJOY IN OUR SOCIETY. THANKS VERY MUCH. [APPLAUSE]

YOU ARE WELCOME.

THANK YOU. THE LAST TIME, THIS IS THE DEJA VU EXPERIENCE FOR ME. UNFORTUNATELY THE LAST HELMET ORDINANCE GOT ME INVOLVED IN CITY POLITICS, IT'S BEEN DOWNHILL EVER SINCE. [LAUGHTER] THIS A TOPIC THAT'S VERY CLOSE TO MY HEART, TENDS TO BE A BIT OF AN EMOTIONAL TOPIC AND I ACTUALLY WOULD JUST LIKE TO STICK TO SOME BRIEF FACTS AND ALSO SOME PERSONAL EXPERIENCE. I ACTUALLY THINK THAT THE WAY TO PROMOTE BICYCLE USE IS TO PROMOTE SAFER BICYCLE USE. AND THIS KIND OF DEBATE OVER HELMETS ACTUALLY FOSTERS AN IMAGE THAT CYCLING IS DANGEROUS, IT INHIBITS AND REDUCES BICYCLE USE. IT ALSO CREATES A FALSE IMPRESSION OF INVULNERABILITY BY MANDATING HELMET USE FOR ADULTS. I AM SOMEBODY WHO IS A BICYCLE RIDER AND I DON'T CARE TO DISCLOSE FOR HOW LONG I'VE BEEN RIDING A BICYCLE, BUT I'M A LITTLE MORE STABLE ON WHEELS THAN I AM WALKING. IT'S MY MAJOR MODE OF TRANSPORTATION. I'M A CAREFUL RIDER. NOT A WEEKEND RIDER WHO TAKES RISKS. AND I DON'T RIDE AGGRESSIVELY EITHER. PLEASE DO NOT MANDATE HELMET USE FOR THOSE OF US WHO RIDE SENSIBLELY. I DO NOT OBJECT TO WEARING A HELMET. I DID NOT OBJECT TO HELMET USE. I OBJECT TO CITIES MANDATING HELMET USE FOR ADULTS. MANDATING HELMET USE CAUSES A FALSE SENSE OF SECURITY BECAUSE WEARING A HELMET MAY OR MAY NOT PREVENT AN INJURY OR A DEATH, IT IS NOT AN ABSOLUTE CONDITION. I KNOW THIS -- FOR SURE THAT -- THAT I ACTUALLY HAVE A CHOICE OF DRIVING THE CAR OR RIDING A BIKE. I CHOSE TO RIDE A BIKE, BUT IF I'M FORCED TO WEAR A HELMET AT THIS STATEMENT OF THE GAME I

WILL NOT. I WILL DRIVE. [APPLAUSE]

THANK YOU, MARY. LET'S SEE DALLAS MAYHEM? SIGNED UP WISHING TO SPEAK. ROY I THINK I CALLED YOUR NAME EARLIER, ROY WAILLY, STEP UP. AGAINST DALLAS MAYHEM? SEBASTIAN, MARY INGLE JUST SPOKE.

HOWDY Y'ALL. WELL, I HAD SOME GREAT STUFF THAT I WAS GOING TO SAY WHEN I GOT HERE THIS EVENING, BUT A BUNCH OF PEOPLE BEAT ME TO IT. SO RATHER THAN REPEAT THAT, I'LL DEAL WITH A FEW OTHER ISSUES, NORMALLY WHEN I COME DOWN HERE I TELL YOU THAT I AM REPRESENTING THE SIERRA CLUB, BUT TONIGHT I'M SPEAKING AS AN INDIVIDUAL. AFTER HEARING SOME OF THE TESTIMONY I'M TEMPTED TO ASK YOU TO PASS AN ORDINANCE REQUIRING ME TO STAY IN BED IN THE MORNING BECAUSE I JUST THINK THAT I WOULD BE SAFER THERE WITH OR WITHOUT A HELMET. I RIDE RECREATIONALLY AND AS TRANSPORTATION. I WOULD NEVER THINK ABOUT GETTING IN MY CAR WITHOUT PUTTING ON MY SEAT BELT EVEN TO DRIVE RIGHT AROUND THE CORNER. BUT ON THE OTHER HAND I WOULD NEVER THINK TO GET INTO MY CAR AND DRIVE RIGHT AROUND THE CORNER. I WOULD GET ON MY BICYCLE AND RIDE RIGHT AROUND THE CORNER. I WOULDN'T NECESSARILY PUT ON MY HELMET TO DO SO. I'M ONE OF THOSE POOR INDIVIDUALS THAT SUFFERS FROM HELMET HAIR. WHEN I PUT ON MY HELMET AND I RIDE TO A MEETING, WHEN I TAKE OFF MY HELMET, IT LOOKS LIKE I'M STILL WEARING MY HELMET. ONLY INSTEAD OF SILVER AND BLUE IT'S BLACK AND GRAY. SO I THINK THAT IS SOMETHING THAT WOULD DISCOURAGE A LOT OF PEOPLE FROM RIDING. I DO RIDE TO MEETINGS, I WILL BE RIDING HOME THIS EVENING. I'VE GOT ABOUT A 30 MINUTE RIDE BACK HOME TONIGHT. I THINK THAT -- THAT WITH THE MAYOR AND THE COUNCIL HAVING STATED A BOLL OF PUTTING 25,000 RESIDENTS IN DOWNTOWN WE DON'T HAVE THE PUBLIC TRANSPORTATION AND PLACE TO ACCOMMODATE THAT. SO WE ARE GOING TO HAVE TO DEPEND ON -- ON ALTERNATIVE TRANSPORTATION. THAT BEING BICYCLES. AND WALKING. I KNOW THAT YOU LIVE DOWNTOWN. I KNOW THAT YOU WALK WHERE YOU NEED TO GO. A LOT OF PEOPLE ARE GOING TO WANT TO JUST JUMP ON THEIR BIKE AND RUN TO THE STORE AND NOT WEAR

THEIR HELMET. I WOULDN'T EVEN IMAGINE RIDING A LONG DISTANCE WITHOUT MY HELMET. BUT I WILL RIDE AROUND THE CORNER TO SEE A FRIEND OR TO RUN OR RIGHT DOWN THE STREET AND HAVE LUNCH WITHOUT MY HELMET. I WILL RIDE DOWNTOWN TO COME TO A COUNCIL MEETING WITHOUT MY HELMET OR TO GO TO A SIERRA CLUB WITHOUT MY HELMET. I THINK A LOT OF PEOPLE WILL LOOK AT IT THAT WAY. NOW, WE HAVE MADE SOME MISTAKES IN THE PAST REGARDING BICYCLES HERE IN AUSTIN. THE FRANKENCURBS ON SHOAL CREEK COME TO MIND. I THINK THAT IS A SITUATION THAT NEEDED MORE STUDY BEFORE ALL OF THE MONEY WAS SPENT ON IT, ALL OF THE MONEY WAS SPENT TAKING IT OUT. I DO WANT TO SEE THE 18 MONTHS SPENT AND IF YOU ALL DO DECIDE TO MOVE FORWARD WITH THE HELMET ORDINANCE I WOULD HOPE THAT AT THE VERY LEAST YOU DON'T REQUIRE US TO PLANT CREPE MYRTLES ON OUR HELMETS AS TRAFFIC CALMING MEASURES. IT'S BEEN HONEY NOT TO WORK, THANK YOU.

McCracken: MAYOR? I HAVE A QUESTION FOR WALT THAT ARE WE ALLOWED TO DO A LAW THAT REQUIRES ROY WAILLY TO STAY IN BED IN THE MORNING?

SECOND. [LAUGHTER]

YOU OUGHT TO TRY LOOKING AS IF YOU WERE WEARING A HELMET ALL OF THE TIME.

DR. McGEE, WELCOME, THANK YOU FOR YOUR PATIENCE.

THANKS VERY MUCH, THANKS FOR THE OPPORTUNITY TO SPEAK TO THE COUNCIL THIS EVENING. I'M REPRESENTING THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL HERE IN TEXAS AS PRESIDING OFFICER TONIGHT. PROFESSIONALLY I'M A NEUROPSYCHOLOGIST, I WORK IN THE FIELD OF BRAIN INJURY REHAB. WE HAVE APPROXIMATELY 70 INDIVIDUALS IN OUR FACILITY REQUIRING LONG-TERM CARE AS WELL AS FOLKS WHO COME IN FOR MORE INTENSIVE REHAB. AND I WOULD BE HERE TO ADVOCATE FOR PREVENTION OF THEIR INJURIES ALONG WITH THE MANY OTHERS THAT OCCUR IN THE STATE OF TEXAS. ON BEHALF OF THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL, WE ENDORSE THESE BICYCLE HELMETS TO PREVENT TBI. ANNUALLY IN TEXAS 144,000

SUSTAIN A TBI. IF THE THREE PERCENT RULE APPLIES FOR THOSE WHO SUSTAIN A TBI FROM A BICYCLE ACCIDENT, THAT'S 4,320 PER YEAR. 410,000 ARE LIVING WITH A DISABILITY FROM TBI. 3% OF THAT IS 12,300. THERE'S NO CURE FOR A BRAIN INJURY. SOMETIMES HOLLYWOOD AND THE MOVIES LEAD US TO BELIEVE OTHERWISE, BUT THE EFFECTS ARE LIFE-LONG. AN INDIVIDUAL MAY STABILIZE MEDICALLY AND MEDICAL CARE IS QUITE ADVANCED TO THE POINT THAT THEY COULD DO MIRACULOUS THINGS TO KEEP PEOPLE ALIVE AND HAVE US UP AND RUNNING AGAIN PHYSICALLY. BUT THERE IS NO CURE FOR THE EFFECTS OF - - THAT THE INJURY HAS TO THE BRAIN. HAVING INSURANCE IS NOT GOOD ENOUGH. TYPICALLY INSURANCE MAY HAVE CERTIFIED APPROXIMATELY 60 DAYS IN THE HOSPITAL, FOR THOSE SEVERE BRAIN INJURY THEY MAY JUST BE COMING OUT OF THE COMA. THE REHAB TAKES MONTHS, YEARS, AT TIMES A LIFETIME. SO THE COST OF CARE ARE ENORMOUS, IN TEXAS, THE CDC ESTIMATES THAT -- THAT -- THAT THE LIFETIME MEDICAL AND WORK LOSS COST OF THOSE INJURED WITH TBI IS 1.08 BILLION ANNUALLY. THAT'S JUST FOR THE INDIVIDUAL WHO WAS INJURED, IT DOESN'T INCLUDE THE WORK LOSS COST OF CARE TAKERS, FAMILY MEMBER WHO'S HAVE TO QUIT THEIR JOBS TO STAY HOME WITH THAT INDIVIDUAL AND CARE FOR THEM. THERE IS NO LONG-TERM CARE FOR ADULTS WHO WERE INJURED. IF YOU ARE INJURED AS A CHILD OR INJURED BEFORE YOU THE AGE OF 22 WE DO HAVE SYSTEMS IF PLACE, THE WAIT LIST IS 10 YEARS RIGHT NOW. IF YOU ARE INJURED AS AN ADULT, IN YOUR -- YOU ARE MEDICALLY STABLE WHICH IS QUITE OFTEN THE CASE, THERE ARE NO LONG-TERM CARE SERVICES. SO WE INSTEAD GO HOME TO THE -- TO THE DEPENDENT ON OUR FAMILIES, OUR LOVED ONES, IF THEY ARE UNABLE TO CARE FOR US FOR WHATEVER REASON, THEN WE ARE SUBJECT TO -- TO MORE DIRE CIRCUMSTANCES, SOMETIMES HOMELESSNESS AND THE WORST CASES INCARCERATION. BUT THE HIGH COST ASIDE, HELMETS SAVE LIVES AND PREVENT TBI. PRESERVING THE QUALITY OF LIFE FOR MANY WHO WOULD OTHERWISE SUSTAIN UNIMAGINABLE LOSSES. PREVENTION EFFORTS DO MAKE THE DIFFERENCE IN THE INJURY RATE AND PREVENTING.....VENTING TBI WHENEVER POSSIBLE IS MORE

THAN JUSTIFIED. THANK YOU.

THANK YOU, DR. MCKEE. LET'S SEE, THE NEXT WOULD BE
FRED AND -- [INDISCERNIBLE]

Mayor Wynn: BLESS YOU. GARY PRICE. MARK NOWAKI, SORRY
IF I'M MISPRONOUNCING THAT, GARY JACKSON, SETH
JOHNSON. HEAR YOUR NAME STEP RIGHT UP, INTRODUCE
YOURSELF, PLEASE. KEVIN MOUTON. JENNIFER GALE.
WELCOME.

HI, MY NAME IS GARY PRICE, GREW UP IN AUSTIN. MY MAIN
CONCERN IS THAT PASSING A HELMET LAW CREATES THE
ILLUSION OF DOING SOMETHING ABOUT BICYCLE SAFETY. I
KNOW THAT'S A RECURRING THEME. REAL BICYCLE SAFETY
IS PRETTY COM... COMPLEX. I HAVE LIVED IN GERMANY,
BICYCLING THERE IS QUITE SAFE. IT'S NOT ABOUT HELMETS.
IT'S ABOUT GOVERNMENTS, PEOPLE DOING COMPLEX
THINGS THAT ARE DIFFICULT TO -- TO MAKE EVERYBODY
SAFE. PEDESTRIANS, AUTOMOBILES, BICYCLISTS. IN
GERMANY, ALSO, THEY ENFORCE THE LAWS. THERE'S BEEN
A LOT OF EMOTION AND AN NEXT DOTES TONIGHT, I'M SORT
OF WONDERING WHERE IS THE EMOTION AND OUTRAGE
ABOUT THE CARNAGE AND CARS. YOU DRIVE DOWN THE
UPPER DECK, I HAVE SOMEBODY 75 RIDING MY ASS IN A 55
ZONE, AND, YOU KNOW, TO ME THERE'S NO ENFORCEMENT.
EVERYBODY KNOWS TRAFFIC ENFORCEMENT IN AUSTIN IS --
IS NOT WHAT IT USED TO TO BE ARE ELSE PEOPLE ARE
DRIVING WORSE OR SOMETHING, PEOPLE SEEM TO BE
THROWING UP THEIR HANDS ON IT. I MEAN THE IDEA THAT
WE WOULD ADVERTISE WHERE WE HAVE SPEED TRAPS
DAILY IN THE PAPER IS JUST SIMPLY BIZARRE. [APPLAUSE] I
MEAN, I JUST CAN'T CONCEIVE OF WHY WE DO THAT. AND
JUST SORT OF REVEALS BASICALLY A LACK OF COMMITMENT
TO TOTAL ROAD SAFETY. I GET ANGRY THAT MY FAMILY
DOESN'T FEEL SAFE ON THE HIGHWAYS BECAUSE WE
AREN'T ENFORCING THE EXISTING LAWS. I DON'T DOUBT
PROBABLY A HELMET LAW CAN REDUCE TO SOME SMALL
EXTENT IN SOME CERTAIN SITUATIONS HEAD INJURIES.
AGAIN THE WAY IT'S BEING DONE, SORT OF THE FACT THAT
IT'S BEING DONE BY ITSELF IS NOT PART OF A LARGER
PICTURE OF TOTAL ROAD SAFETY, REALLY DISHEARTENING.
TOO OFTEN I THINK THAT IT WILL JUST CREATE THE

ILLUSION OF CREATING SAFETY. WE NEED TO ENFORCE THE LAWS. WHY DO PEOPLE SLOW DOWN IN FRONT OF SCHOOLS, YOU KNOW, I HAVE TALKED TO THE FORMER MAYOR, HE SAYS WELL THERE'S PEOPLE CONCERNED ABOUT KIDS. WELL, I DON'T THINK SO. I THINK THAT IT'S BECAUSE THERE'S A WHOPPING BIG FINE WHEN YOU SPEED IN FRONT OF THE SCHOOL. AND SO IF WE ARE SERIOUS ABOUT ROAD SAFETY, WE WOULD DO THINGS. WHEN PEOPLE DON'T USE THEIR TURN INDICATORS, PEOPLE SEE AS A VERY SMALL VIOLATION OF THE RULES TO A BICYCLIST, I'M ON MY BIKE, LIKE SOMEBODY RUNNING A STOP SIGN. YET NOBODY SEEMS TO TAKE IT SERIOUSLY. EVERYBODY SAYS OH, WE WILL DO ALL OF THESE OTHER THINGS. I DON'T SEE THEM GETTING DONE. AND SO THAT'S WHY I SORT OF SEE THIS EXERCISE AS -- I DON'T MEAN THIS WITH DISRESPECT, A LITTLE BOGUS. SO -- SO I -- I'M VERY GLAD THAT BICYCLE SAFETY IS AN ISSUE THAT EVERYONE IS LOOKING AT. I MAKE MY KIDS WEAR HELMETS. A LOT OF THE TIME I DO WEAR A HELMET. BUT I THINK THAT IT'S JUST BEING LOOKED AT A LITTLE TOO NARROWLY HERE. THANKS. [APPLAUSE]

THANK YOU, SIR.

HOLD FOR A SECOND. I WANT TO RESPOND JUST BRIEFLY, I WON'T DISAGREE WITH MUCH OF WHAT YOU SAID, BUT ON THE ENFORCEMENT SIDE, THE NUMBERS SPEAK FOR THEMSELVES, BEN WEIR FROM THE AUSTIN AMERICAN-STATESMAN REPORTED A FEW MONTHS AGO, AUSTIN A.P.D. WROTE 235,000 SPEEDING TICKETS LAST YEAR. DWARFS ANY OTHER CITY IN THE STATE. A.P.D. WROTE OVER 5 -- MADE OVER 5,000 DWI ARRESTS LAST YEAR. FAR MORE THAN ANY OTHER CITY IN THE STATE. THREE TIMES ANY OTHER CITY IN THE STATE PER CAPITA. I GOT A SPEEDING TICKET LAST YEAR, THE CITY MANAGER GOT A SPEEDING TICKET LAST YEAR. A.P.D. IS HUMMING IT, WE WRITE MORE TICKETS THAN ANYBODY IMAGINABLE. IF YOU SPEED IN THIS TOWN WE ARE GOING TO TRY TO FIND YOU. WE PUT THOSE LISTS IN THE PAPER I TRUST BECAUSE THAT'S NOT WHERE WE ARE, WE ARE GOING TO BE AROUND THE CORNER SOMEWHERE ELSE, WE ARE GOING TO GET YOU FOR SPEEDING IN THIS TOWN. WE ARE -- [MULTIPLE VOICES]

A.P.D. WITH -- WITH LIMITED RESOURCES IS HUMMING IT AND

WE ARE ENFORCING LAWS LIKE NOBODY ELSE IN THE STATE. I WON'T DISAGREE, HOWEVER, THAT WE HAVE LOTS OF CHALLENGES WHEN IT COMES TO THE STRUCTURAL IMPEDIMENTS AND THE LACK OF ENFORCEMENT ON THINGS LIKE, IN JUST ORDINANCES THEMSELVES, PARKING IN BIKE LANES, LACK OF BIKE LANES, GRADE SEPARATIONS SORT OF PRODUCTS THINGS LIKE THAT. BUT WHEN IT COMES TO ENFORCEMENT, THE STAFF SPEAKS FOR THEMSELVES.

I WOULD LIKE TO COMMEND AUSTIN FOR ITS WORK WITH THE LEGISLATURE BECAUSE I UNDERSTAND THE LEGISLATURE HAS BEEN STEPPING ON AUSTIN'S RIGHT TO CONTROL SOME OF THE THINGS THAT'S BEEN GOING ON IN AUSTIN. I WANT TO SAY COUNCIL HAS DONE A GOOD JOB ON SOME OF THE SPEED LIMITS, THINGS LIKE THAT. THERE ARE SOME STATE ISSUES THAT THE CITY CAN ADDRESS. FOR EXAMPLE MY KID JUST GOT A DRIVER'S LICENSE. HE DIDN'T HAVE TO TAKE A TEST. MY SIGNATURE GAVE HIM HIS DRIVER'S LICENSE. YOU CAN'T DO ANYTHING ABOUT THAT. BUT IT'S THE WORLD WE LIVE IN, THERE'S MORE THAN HELMETS. WE NEED TO LOOK AT THE WHOLE PICTURE THAT'S ALL THAT I AM SAYING.

Mayor Wynn: AGREED.

JENNIFER YOU NEED TO WAIT FOR A SECOND. A COUPLE OF PEOPLE STANDING IN LINE BEFORE YOU.

HI THERE, MY NAME IS CAREY JACKSON. WOW I'VE HEARD SOME REALLY SOBERING STORIES TONIGHT, STUFF I WASN'T REALLY EXPECTING TO HEAR. AND THESE GUYS REALLY ILLUSTRATED A POINT THAT I WASN'T THINKING ABOUT EARLIER, THE PEOPLE SPEAKING IN FAVOR OF THE PROPOSED ORDINANCE, BIKING IS DANGEROUS, REALLY DANGEROUS, IT'S ALMOST ENOUGH TO SCARE ME OFF THE ROAD. I WOULD UNDERSTAND IF PARENTS DIDN'T WANT TO LET THEIR KIDS BICYCLE ANYMORE AFTER HEARING INVENTORIES LIKE THAT. STORIES LIKE THAT. FORTUNATELY THAT'S NOT WHAT MY EXPERIENCE HAS BEEN ON A BICYCLE. I'M NOT AN EXPERT, JUST A GUY WHO LIKES TO RIDE HIS BIKE. I THINK THE PROBLEM IS THAT IT'S THE WRONG TOOL FOR WHAT IT'S TRYING TO ACCOMPLISH. I THINK THAT IT'S KIND OF ANALOGOUS TO HAVING A GUN VIOLENCE ISSUE IN

THE CITY, INSTEAD OF DOING SOMETHING TO ADDRESS THE GUN CRIMES TELLING PEOPLE THAT WELL NOW YOU HAVE TO WEAR BULLET PROOF VESTS. IT DOESN'T ADDRESS THE ROOT CAUSES HERE. I THINK IT'S ALSO THE WRONG TOOL BECAUSE IT FOSTERS A WRONG IMPRESSION THAT BIKING IS DANGEROUS INSTEAD OF HEALTHY, WHICH IT IS. IT'S HEALTHY. I THINK THAT IT WOULD DISPROPORTIONATELY AFFECT A CERTAIN SEGMENT OF THE POPULATION. I THINK BASICALLY LIKE WHAT WAS SAID EARLIER, TICKETS ARE NOT GOING TO BE GETTING WRITTEN AROUND CAT MOUNTAIN, AROUND THE UNIVERSITY DISTRICT, AROUND DOWNTOWN ON THE EAST SIDE. THESE -- IT'S AN UNINTENDED CONSEQUENCE. THERE'S OTHER ONES LIKE WHAT LEGALLY CONSTITUTES A BICYCLE. I GOT TO WONDERING ABOUT THIS EARLIER. I WORK DOWN ON SIXTH STREET. AT A RETAIL SHOP. EVERY DAY I SEE THE AUSTIN SEGUE TOURS GOING BY. THE PEOPLE ON THE TOUR ARE WEARING HELMETS, THE GUYS WHO LEAD THE TOURS AREN'T. DOES THE SEGUE COUNT AS A BIKE?

WHAT ABOUT A GUY PUSHING A SCOOTER DOWN THE STREET? WHAT ABOUT A TRYKE, THREE WHEELED BACK, THE PERSON IN BACK, PEDI CAB. DO THE PAYING CUSTOMERS HAVE TO WEAR HELMETS, DOES THE DRIVER HAVE TO CARRY HELMETS SPRAY THEM OUT WITH LYSOL AFTER EVERY SINGLE FARE. THAT'S GOING TO KILL THEIR BUSINESS. I THOUGHT WE WERE TRYING TO FOSTER DOWNTOWN BUSINESS HERE. I THINK WHAT REALLY GOT ME, CAME TO MY MIND, IT'S AN IMAGE OF THIS SEVEN-YEAR-OLD GIRL RIDING THE BIKE WITH STREAMERS ON THE HANDLEBARS WITH THE LITTLE WICKER BASKET IN THE FRONTS, SHE HAS A KITTEN IN THE BASKET. THEY DON'T MAKE KITTEN HELMETS, WHAT ABOUT THE KITTENS? CRIMINALIZING SEVEN-YEAR-OLD GIRLS HERE. I THINK THERE'S ALL SORTS OF ISSUES THAT HAVEN'T BEEN CONSIDERED YET. I REALIZE THAT'S FANTASTICCAL THERE. THESE ARE LEGAL ISSUES THAT ARE GOING TO COME UP. WHAT COUNTS AS A BIKE. I THINK THE LAW AS PROPOSED IS BASICALLY UNENFORCEABLE. I THINK THAT IT'S A WASTE OF OUR RESOURCES THAT COULD BE SPENT BETTER PROMOTING BIKE SAFETY. THANKS.

THANK YOU.

THANK YOU. WELCOME, JENNIFER.

[APPLAUSE]

SETH, WELCOME.

THANK YOU, MAYOR. ALSO COUNCILMEMBERS. THANK YOU FOR TAKING THIS TIME TO LISTEN TO ALL OF OUR INPUT HERE. WHAT I HEARD ABOUT THIS -- THIS POSSIBLE LAW, I WAS DEEPLY OFFENDED THAT -- THAT THE CITY WAS -- WAS EXAMINING THIS AS AN ACTUAL APPROACH TO CREATE SAFETY ON OUR STREETS. THE PROBLEM THAT I'M HEARING THROUGH ALL OF THE HORROR STORIES PRESENTED TODAY IS THAT WE HAVE GOT FOUR WHEEL PREDATORS OUT THERE THAT ARE TAKING DOWN OUR CITIZENS THAT ARE ON BICYCLES OR ON FOOT. AND THE SOLUTION THAT THIS LAW PROPOSES IS TO PUT BUMPERS ON THE CITIZENS. AND HOPE THAT THAT'S GOING TO ALLEVIATE THE PROBLEM. THE DISRESPECT THAT THIS PAYS TO YOU AS A CITY COUNCIL IS JUST ENORMOUS. YOU GUYS ARE NOT THE TYPE OF CITY COUNCIL MEMBERS THAT ARE GOING TO JUST APPLY A BAND-AID TO A PROBLEM AND MAKE IT LOOK AS IF SOMETHING WAS DONE AND BE ABLE TO MOVE ON TO YOUR NEXT EXPENDITURE. WHAT WE REALLY NEED TO DO IS FOLLOW THROUGH WITH OUR COMMITMENT TO THAT BICYCLE MAN THAT WAS LAUNCHED IN 1996. WE NEED TO GO THROUGH AND MAKE THESE CITY STREETS MORE SUPPORTIVE OF BICYCLING. I HAVE BEEN A BICYCLIST, A DAILY BICYCLIST SINCE THE YEAR 2000 WHEN I VISITED THE CITY OF AMSTERDAM. I WAS A TOURIST WHO WAS ABLE TO REPRESENT A BICYCLE AND TRAVEL THE ENTIRE CITY AND I WAS AMAZED BECAUSE I COULD RIDE RIGHT UP TO THE MOVIE THEATER, PARK THE BICYCLE IN FRONT OF THE MOVIE THEATER, GO RIGHT INSIDE. SAID WOW THAT WOULD BE GREAT TO DO IN AUSTIN, THAT'S WHAT I ENJOYED. EVERY TIME THAT I HAVE STRATEGIC.....STRADDLED MY BICYCLE OR STEPPED ON MY SKATE BOARD, I PUT MY HELMET ON THAT THE ONLY PART OF MY BODY THAT THE HOSPITAL IS UP ABLE TO FIX IS MY BRAIN. AS OTHER BICYCLISTS PEOPLE GET ON THEIR BICYCLES, THEY ARE GOING TO HOPEFULLY ALSO FOLLOW THAT POLICY. BUT WHAT I SAW IN

AMSTERDAM, THE CLOSER THAT I EXPERIENCED IN THE BICYCLING WAS THAT THEY HAD ROADS THAT WERE PROPERLY DESIGNED AND SURE IN AUSTIN WE HAVE GOT TO RETROFIT A LOT OF EXPENSIVE PROPERTY TO BE ABLE TO DO THIS. IN AMSTERDAM THEY WERE DEALING WITH BUILDINGS THAT WERE 1300 YEARS OLD. SO I THINK THERE'S A LITTLE BIT OF EXPENSE IN CREATING PROTECTED BIKE LANES THERE. AND LIKE IN AUSTIN, THEY HAVE -- THEY HAVE MOTORISTS THAT ARE INEBRIATED, HIGHER ALCOHOL CONCENTRATION, HIGHER THC CONTENT IN THE MARIJUANA THAT THEIR STONERS ARE SMOKING, YES, SIR THE BICYCLISTS DON'T HAVE TO WEAR HELMETS BECAUSE THERE'S GUARDRAILS AND CONCRETE BRICK THAT'S PROTECT THEM FROM BEING RUN OVER. IN AUSTIN, IT JUST REALLY SURPRISES ME THAT WE DON'T TAKE THAT SERIOUSLY. WE CONTINUE TO MARGINALIZE BICYCLISTS, I'M SO OFFENDED IN THIS MEETING AND SEE THAT THIS ICON OF ACCIDENT PRONE THAT'S SUPPOSED TO EXPRESS THE CITY, WE HAVE THE BICYCLE RACKS ON THE SIDE OF THE BUILDING WHERE THERE'S NOT EVEN AN ENTRANCE, WE ARE TRYING TO PURPORT OURSELVES AS BEING THE FIT CITY. IF WE REALLY WERE THE BICYCLE RACKS WOULD BE IN THE FRONT AND CENTER IN THE LOBBY, THEY ARE NOT. IF WE THINK THAT WE ARE REALLY DOING SOMETHING TO ENCOURAGE PEOPLE TO GET OUT OF THEIR CARS AND USE ALTERNATIVE TRANSPORTATION, WE NEED TO STOP MARGINALIZING LOSING BUSINESS, WE NEED TO SUPPORT THEM WITH SAFE ROADS. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU.

MY BIKE GOT STOLEN OFF THAT BIKE RACK RIGHT THERE TWO YEARS AGO. IF I CALLED YOUR NAME, STEP UP AND INTRODUCE YOURSELF.

MY NAME IS MARK NOWAKE, I WOULD LIKE TO START OFF BY TELLING YOU WHAT HAPPENED TO ME. I HAD AN ACCIDENT LAST MONTH ON BARTON SPRINGS ROAD, I WAS GOING ABOUT 35 MILES AN HOUR, STRAIGHT, SUNDAY MORNING, WOMAN IN THE TURN LANE, PULLS IN FRONT OF ME, I BEND HALF OF HER VAN IN. I'M LAYING ON THE GROUND GO, THEY DON'T WRITE THE WOMAN A TICKET. SHE -- NOTHING HAPPENS TO HER. AND I THINK THAT THAT PROBABLY

ECHOES A LOT OF BICYCLE ACCIDENTS IN THIS TOWN. AND I THINK ONE OF THE CONSIDERATIONS IS THAT -- THAT -- THAT THIS IS HAPPENING HE IS BECAUSE THE AUSTIN BICYCLE PLAN HAS NOT BEEN IMPLEMENTED AND THE HELMET LAWS, DISINAGAINOUS WAY TO DEAL WITH THE PROBLEMS THAT BICYCLISTS HAVE IN THIS TOWN. IT'S A SIMPLE CHEAP FIX. THE PEOPLE THAT ARE GOING TO PAY ARE GOING TO BE THE BICYCLISTS AND IT'S GOING TO BE A LOT OF PEOPLE WHO WERE GOING TO GET PULLED OVER FOR NO ROPE. I WILL GIVE YOU ANOTHER EXAMPLE. IN MY NEIGHBORHOOD, I WALKED ACROSS THE STREET. PICKED UP BY A FRIEND OF MINE. I GET PULLED OVER BY THE POLICE OFFICER. I'M BEING PROFILED. WHAT DID YOU PULL ME OVER FOR? YOU WERE JAY WALKING. CAN I SEE YOUR I.D. A LOT OF PEOPLE THAT AREN'T GOING TO COME HERE THAT ARE GOING TO HAVE THAT SAME PROBLEM. PULLED OVER BECAUSE THEY DON'T HAVE THEIR HELMET. A REALLY INCONVENIENCE. SOMEBODY EARLIER SAID THAT ALL LAWS REMOVE OUR FREEDOMS. THAT IS NOT TRUE. IF I SAY THAT I DON'T WANT LISTERIA IN THE WATER THAT'S NOT TAKING AWAY MY FREEDOM, THAT'S PROTECT BEING MY FREEDOM. THE PROBLEM THAT I THINK THAT WE HAVE ARE OVERLY AGGRESSIVE DRIVERS AND NO LAWS TO ENFORCE THAT PROBLEM AND DEAL WITH THAT SITUATION..... SITUATION. IN TALKING ABOUT -- ABOUT BRAIN HEAD INJURIES, WE COULD TALK ABOUT -- I COULD BRING A LOT OF PEOPLE UP HERE AND SAY WELL WE NEED TO STOP McDONALD'S FROM SELLING HAMBURGERS BECAUSE OF CHOLESTEROL. I COULD BRING PEOPLE IN AND TALK ABOUT ANEURYSMS AND STROKES, STROKE VICTIMS, I COULD HAVE 25 STROKE VICTIMS HERE SAYING THIS IS WHAT HAPPENS WHEN YOU EAT TOO MUCH CHOLESTEROL. I DON'T THINK THERE WOULD BE ANY SUPPORT FOR STOPPING FAST FOOD FROM BEING SERVE. EVEN THOUGH IT'S -- IT'S SIGNIFICANTLY A AREA DANGER, THERE ARE MORE PEOPLE IN HOSPITALS BECAUSE -- HAVING BRAIN PROBLEMS FROM STROKES THAN THEY DO FROM RIDING BICYCLES WITHOUT HELMETS. THERE'S NO -- THERE'S NO SUPPORT FOR THAT IDEA. WHAT I AM RECOMMENDING IS THAT WE STEP BACK FROM A LITIGIOUS SOCIETY, THE ONLY WAY THAT CAN YOU GET PEOPLE TO DO THINGS TO WRITE THEM A TICKET, FINE THEM, THROW THEM IN JAIL. WHAT I AM RECOMMENDING IS THAT YOU BE

UNREASONABLE, IT'S REASONABLE. IT'S AN INCREDIBLY REASONABLE TO PASS A HELMET ORDINANCE. IT IS INCREDIBLY UNREASONABLE TO SAY WE ARE GOING TO INCREASE BICYCLE USE, WE ARE GOING TO DECREASE BICYCLE ACCIDENTS, AND WE ARE GOING TO DO IT WITH EDUCATION. SOME SCHOOLS IN AISD DO WELL, SOME DON'T. IT'S AN ISSUE OF EDUCATION. I THINK THAT IF WE COULD BRING EDUCATION INTO THIS ISSUE, WHETHER ADULT OR CHILDREN OR WHATEVER, FOCUS OUR EFFORTS ON EDUCATION, ENFORCING THE LAWS, STOPPING AGGRESSIVE DRIVING OR SOMEHOW EDUCATING AGGRESSIVE DRIVERS THAT WE ARE ALLOWED TO USE THE ROADS. SOMEBODY ELSE SAID THAT IT'S A -- IT'S LIKE USING THE ROAD IS NOT A RIGHT. WE WERE JUST, YOU KNOW, I CAN'T REMEMBER HOW HE SAID IT.

PLEASE CONCLUDE, YOUR TIME EXPIRED.

OKAY. I THINK I'M FINISHED THANK YOU.

THANK YOU. [APPLAUSE]

MY NAME IS KEVIN MOUTON, I'M OPPOSED TO THE HELMET LAW. I WILL KEEP THIS BRIEF AS A LOT OF OTHER PEOPLE MADE JUST ABOUT EVERY POINT THAT I WANTED TO MAKE, THANKS TO THEM FOR SAVING ME FROM LOOKING LIKE A CHUBBY BILL CLINTON TO MICHAEL BLUE JAY'S TOWERING JFK. JUST ECHOING ALL OF THEIR POINT I WOULD LIKE TO ADD THAT IMPOSING A HELMET LAW IS SORT OF LIKE BLAMING A VICTIM THAT'S PUTTING ALL OF THE BURDEN ON THE BICYCLISTS AS OPPOSED TO PROBLEMS. SO JUST WANTED TO ADD THAT. THANK YOU ACCEPT.

THANK YOU MR. MOUTON. [APPLAUSE]

MAYOR WYNN, CITY COUNCIL MEMBERS, HI AUSTIN, LET'S KEEP AN EYE OUT FOR STUDENTS, CHILDREN, ELDERLY CYCLING DOWN OUR GRAVELING POTHOLED UNFILLED STREETS. ALWAYS BE READY FOR EVASIVE ACTION WHILE DRIVING. MOVING TO THE LEFT LANE IS BEST. I HAVE RUN FOR AUSTIN CITY COUNCIL MANY TIMES AS A BICYCLE ADVOCATE. WHERE ARE THE BIKE AVENUES? WHERE ARE THE BIKE AVENUES I PROPOSED YEARS AGO? I DEMAND AN

ANSWER? HOW MANY POTHOLES ARE YOU GOING TO FIND IN -- ON A BICYCLE AVENUE? NONE. HOW MUCH GRAVEL ARE YOU GOING TO WIPE OUT A BICYCLE AVENUE? NONE. PSYCHISTS AND PEDESTRIANS AND AUTOS SHOULD BE SEPARATED. LIKE THEY ARE IN AMSTERDAM. IF YOU ARE DRIVING MOVE TO THE LEFT LANE, RIDING ON CITY STREETS IS TENUOUS AT BEST. I HAVE WON THE ENDORSEMENT EVERY TIME BECAUSE I BELIEVE YOU DON'T HAVE TO WEAR A HELMET. IF YOU -- IF YOU DON'T WEAR A HELMET, PURCHASE INSURANCE, THE DOCTOR HAS SHOWN THAT WE CLEARLY NEED TO HAVE AN AWFUL LOT OF INSURANCE IF WE ARE GOING TO DRIVE ON OUR STREETS HERE IN TEXAS. BECAUSE YOU CAN GET A VERY SERIOUS BRAIN DAMAGE THAT MAY LAST A LIFETIME. THAT CARE COSTS A LOT OF MONEY, IF YOU ARE NOT GOING TO WEAR A HELMET, WE NEED TO PURCHASE THE INSURANCE. WE ARE PUTTING TOO MANY CARS ON THE ROAD IN ANY GIVEN AREA. IF YOU HAVE A CAR AND SEE A PSYCHIST ON THE ROAD -- CYCLIST ON THE ROAD, IF YOU DON'T THINK THAT YOU CAN PASS THEM, DON'T. CARS LEFT IN BIKE LANES SHOULD BE TOWED AROUND THE CORNER. THE MOST I WANT FROM AN AUSTIN POLICE OFFICER IS TO ONLY ASK IF YOU HAVE INSURANCE IN CASE THAT YOU HAVE A HEAD INJURY. OUR POLICE OFFICERS ARE WELL PAID, WE DON'T HAVE ENOUGH OF THEM TO ENFORCE THE LAWS, BECAUSE WE ARE PAYING THEM NEARLY \$80,000 MEDIAN INCOME. WE NEED HELMETS. IF WE DON'T WEAR HELMET, WE NEED INSURANCE. THE -- THE HUNDREDS OF THOUSANDS AND MMTION OF MILLIONS OF DOLLARS FOR HEAD INJURIES CAN ONLY BE PAID FOR BY INSURANCE BECAUSE AS YOU SEE, MANY OF US DON'T HAVE THAT MUCH MONEY. SO I'M ASKING THAT YOU TAKE THAT INTO YOUR DELIBERATIONS. THANK YOU CITY COUNCIL.

THANK YOU, JENNIFER. JOHN ANDERSON? JAMES CLARK, ERIC MILLS, WELCOME, SIR.

HI. THANK YOU FOR BEING HERE LATE. I WILL BE VERY BRIEF. MOST OF THE OTHER SPEAKERS HAVE ARTICULATED MY CONCERNS. ONE THING THAT I DIDN'T GET A SENSE OF TONIGHT IN THIS DEBATE WAS EXACTLY HOW BIG OF A PROBLEM OUR UNHELMETED CYCLISTS IN AUSTIN. NO ONE IN THIS ROOM IS GOING TO ARGUE THAT A BRAIN INJURY IS A TERRIBLE THING, WE ALL AGREE WITH THAT. BUT CYCLISTS

IN AUSTIN NOT WEARING HELMETS, HOW BIG OF A PROBLEM IS THAT? IS IT A PROBLEM? AND WHERE SHOULD THAT FIT ON OUR PRIORITIES? TOWARD CYCLING SAFETY, TOWARDS HOW WE PROTECT CITIZENS FROM ALL TYPES OF INJURIES. AND I -- I URGE YOU TO DO THE 18 MONTH STUDY AND LOOK AT QUESTIONS LIKE THAT. I THINK WE HAVE A GREAT CYCLING COMMUNITY IN AUSTIN. I THINK THEY ARE SAFE. THEY WANT TO BE SAFE. I DON'T THINK THAT YOU WOULD EVER SEE MOTORCYCLISTS IN HERE CONCERNED ABOUT SAFETY INFRASTRUCTURE, ISSUES LIKE THIS. I URGE YOU TO WORK WITH THEM LISTEN TO THEM. LET ADVOCACY WORK. I THINK IT IS WORKING. IT'S DOING WHAT HELMET LAW CAN'T DO IN THAT IT'S -- IT'S PROPOSING SAFETY AND IT'S NOT DISCOURAGING CYCLING. THANK YOU VERY MUCH FOR LISTENING. [APPLAUSE]

THANK YOU. SIEKZ MY NAME IS JAMES CLARK, I AM HERE TO VOICE MY COMPLETE OPPOSITION TO THE PROPOSED MANDATORY HELMET LAW. MY THESE IS THAT THIS WILL DO THE TO NOTHING TO PROTECT THE PUBLIC SAFETY WHILE SEVERELY AND ADVERSELY IMPACTING THE PROSPECTS FOR SUSTAINABLE URBAN TRANSPORTATION IN AUSTIN AS WELL AS TO CREATE OTHER [INDISCERNIBLE] MASS CRIMINALIZATION OF POOR PEOPLE OF COLOR. PUBLIC SAFETY ISSUE IS IT IS ONE BEING TOUTED BY PROPONENTS. THEIR CASE IS THAT HEAD INJURIES CAUSED BY BIKE CRASHES CAN BE REDUCED IF MORE PEOPLE WORE HELMETS. THE LOGIC IS CORRECT BUT MISSES IT IS THE REAL ISSUES, SHORT OF INCREASING PUBLIC SAFETY, A HELMET LAW UNFAIRLY TARGETS A POLITICALLY WEAK SEGMENT OF SOCIETY, DETRACT FROM MORE PERTINENT SAFETY ISSUES WHILE PLACING SIGNIFICANT OBSTACLES IN THE WAY OF SAFETY SUSTAINABLE TRANSPORTATION. THOUSANDS MORE PEOPLE SUFFER HEAD INJURIES FROM AUTOMOBILE ACCIDENTS THAN BIKE ACCIDENTS EVERY YEAR, TAXPAYERS PAY EVEN MORE FOR IT. NO ONE IS CONSIDERING MAKING HELMETS MANDATORY FOR MOTORISTS. INSTEAD THEY FOCUS ON CYCLISTS. THE REAL GOAL SHOULD BE TO DECREASE CYCLING ACCIDENT BEFORE THEY OCCUR. RATHER THAN TRYING TO PUT AN INCH OF FOAM BETWEEN THE SPEEDING CAR AND THE CYCLISTS HEAD. MOST OF AUSTIN'S BIKE LANES ARE

PATHETIC, AMOUNTING TO A LITTLE MORE THAN TWO FEET OF PAVEMENT, BROKEN GLASS, NAILS, ROCKS, OTHER HAZARDS, MARKED BY FADED WHITE STRIPES THAT ARE BARELY VISIBLE. ULTIMATELY THE BEST WAY TO MAKE CYCLING SAFER IN AUSTIN IS TO GET MORE PEOPLE RIDING BIKES, INCREASE THE NUMBER OF CYCLISTS WILL INCREASE MOTORISTS AWARENESS AND VIGILANCE FOR CYCLES. INCREASING CYCLE -- TO INCREASE CYCLING IN AUSTIN, IMPROVE BICYCLE INFRASTRUCTURE STOP PUTTING OBSTACLES LIKE MANDATORY HELMET LAWS IN THE WAY OF CYCLISTS. THE OTHER THING IS WHO WILL BE THE MOST AFFECTED? THOUSANDS OF LOW INCOME RESIDENTS OF AUSTIN WHO DEPEND ON BICYCLES AS THEIR ONLY FORM OF TRANSPORTATION BECAUSE IT'S ALL THEY CAN AFFORD AND AS YOU KNOW THE FACE OF POVERTY IN AUSTIN IS PREDOMINANTLY BLACK AND HISPANIC. MEAN OF THESE PEOPLE HAVE A HARD ENOUGH TIME MAKING ENDS MEET AS IT IS. CAN'T AFFORD THE ADDED COST OF THE HELMET LAW. BICYCLES CAN BE HAD FOR AS LITTLE AT ODDS 20 OR LESS. LOW END HELMET COSTS ABOUT \$20 WE DOUBLE THE TRANSPORTATION COSTS FOR THESE PEOPLE. AGAIN THIS LAW COULD..... WOULD CO-THE MOST. IMMEDIATELY CRIMINALIZE AN ENTIRE DEMOGRAPHIC. AGAIN MOSTLY POOR PEOPLE OF COLOR AND THE YOUTH. IN AN AGE WHERE RACIAL PROFILING AND ECONOMIC PROFILING IS STILL VERY MUCH A REALITY, THE POLICE ARE GIVEN ONE MORE EXPRESS SCOOS TO STOP POOR PEOPLE OF COLOR. IN CONCLUSION IT OFFERS LITTLE IN PUBLIC SAFETY IT TARGET THE HISTORICALLY MARGINALIZED COMMUNITIES. YOUTH, POOR, PEOPLE OF COLOR, AND CYCLISTS IN GENERAL. AUSTIN NEEDS BICYCLISTS AND CYCLIST, THOUSANDS RELY ON BIKES FOR TRANSPORTATION TODAY, MANY MORE WILL COME TO RELY ON BIKES IN THE FUTURE AS GAS PRICES CONTINUE TO RISE. WE SHOULD WORK HARD TO ENCOURAGE BIKES AND CYCLING AND STOP PLACING OBSTACLES IN THE WAY OF CYCLISTS, THANK YOU. [APPLAUSE] SIL.

MY NAME IS ERIC MILLS, BORN AND RAISED IN AUSTINFUL EVERYTHING THAT I THOUGHT OF HAS ALREADY BEEN SAID. I'M AGAINST THE PROPOSED HELMET LAW. BUT I URGE YOU AS THE COUNCIL TO -- TO IMPLEMENT THE BICYCLE PLAN

AND TO EXAMINE THE SAFETY ISSUE. IT'S -- IT'S A VERY BROAD ISSUE THAT I -- THAT I HAVE -- I THINK THAT NEEDS A LOT OF LOOKING INTO. I THINK MANY HAVE SAID BEFORE THE HELM IS JUST A BAND-AID ON A MUCH BIGGER PROBLEM. THANKS FOR STAYING UP LATE.

[INDISCERNIBLE]

A COUPLE OF TIMES ABOUT MINORITY BEING DISPROPORTIONATELY CITED. IT'S MY UNDERSTANDING SINCE 1997 ONLY TWO CITATIONS HAVE BEEN GIVEN. SO I -- I'M NOT SURE, I THINK WE NEED TO GET OUR FACTS STRAIGHT. I DON'T WANT ANY MISLEADING INFORMATION OUT THERE. I CAN ALMOST GUARANTEE YOU THAT IF THAT MANY MINORITIES HAVE BEEN CITED FOR HELMET VIOLATIONS THAT THERE WOULD BE MANY MORE MINORITY HERE IN PROTEST.

NEMO LOWELL, WELCOME. NAME A FEW NAMES, FOLKS WALK UP, ROBERT PHARR, MARGARET MARGARET, MATTHEW.

THANK YOU FOR YOUR TIME, WE APPRECIATE IT. FOR FOUR AND A HALF YEARS, FROM OCTOBER THE 9th, 1989 UNTIL APRIL THE 12, 1994, I WAS A CROSS COUNTRY BICYCLIST. I RODE AN 18 SPEED MOUNTAIN BIKE FROM VENICE BEACH FLORIDA TO AUSTIN, TEXAS, BACK TO VENICE, FLORIDA THEN I RODE THAT BICYCLE FROM FLORIDA TO VENICE CALIFORNIA AND BACK TO VENICE FLORIDA. THE BICYCLE WAS THE EASY PART. THE THREE AND A HALF FOOT, 200-POUND TRAILER BEHIND THAT BICYCLE MADE IT KIND OF ROUGH. I PUT A TOTAL OF 21,500 RECORDED MILES ON THAT BIKE. SINCE I'VE BEEN IN AUSTIN, AUGUST OF LAST YEAR, I RODE AN 18 SPEED MOUNTAIN BIKE ALL OVER THIS TOWN. FOR THE LAST TWO MONTHS, MY WIFE SITS ON THE BACK OF MY BICYCLE. I BUILT A CARRIER RACK BACK THERE THERE FOR HER. I HAVE NEVER WORN A HELMET. WHY? BECAUSE THE HELMET HAS THE STRAP THAT RUNS RIGHT IN FRONT OF YOUR EARS. WHEN YOU ARE COMING OFF SOUTH CONGRESS HEADED NORTH, IF YOU GO DOWN THEM TWO HILLS WITH 80 POUNDS BEHIND YOUR BIKE, WHICH IS WHAT MY WIFE WEIGHS, BY THE TIME YOU HIT THE BOTTOM OF THEM HILLS YOU ARE DOING APPROXIMATELY 45 MILES AN

HOUR. THOSE TWO STRAPS VERY DISTINCTIONLY IMPAIR THE HEARING. BECAUSE THE WIND VELOCITY WITH THEM STRAPS PREVENT YOU FROM HEARING ANYTHING BEHIND YOU. IF YOU ARE GOING TO PASS AN ORDINANCE, PASS THE ORDINANCE FOR THESE GUYS WHO RUN AROUND HERE WITH THE SET OF HEAD PHONES ON THEIR HEAD, TRY TO RIDE A BICYCLE ANSWERING A CELL PHONE. THE HELMET LAW IS NOT GOING TO HELP US, 21,500 MILES OF RECORDED BICYCLING HAS SHOWN ME THAT A HELMET DOESN'T DO A THING FOR A BICYCLER. AS THE OTHER PEOPLE HAVE SPOKEN TONIGHT, THE ONE THING IT DOES DO SOMETHING FOR A BICYCLER IS TO JACK UP THESE CARS THAT DON'T KNOW HOW TO SLOW DOWN WHEN THEY GET -- WHEN A BICYCLE GETS IN FRONT OF 'EM. BECAUSE I ALMOST GOT WHACKED OUT ONE NIGHT BECAUSE A KID DECIDED TO PULL OUT OF A 7-11 AT 26th AND GUADALUPE AT THE SAME TIME THAT I WAS PULLING OUT OF SAN ANTONIO STREET. ONLY HE WAS FLOORBOARDING IT. AND HE CAME WITHIN 3 FEET OF TAKING ME OFF THE ROAD. ON A BROADSIDE. IF THAT BOY HAD HIT ME THAT NIGHT, THERE AIN'T A HELMET IN THE UNITED STATES THAT WOULD HAVE SAVED MY LIFE. SO IF WE ARE GOING TO ARGUE ABOUT SOMETHING, LET'S ARGUE ABOUT SOMETHING THAT'S WORTH ARGUING ABOUT, QUIT WASTING OUR TAXPAYERS MONEY. THANK YOU.

Mayor Wynn: THANK YOU. [APPLAUSE]

HI, THANK YOU FOR STAYING SO LATE, I KNOW IT'S REALLY HARD BECAUSE I HAVE GOT A JOB IN THE MORNING. I'M A MOM AND A BICYCLIST. AND WE LIKE TO ACTUALLY BE PROUD AND MAKE PEOPLE THINK THAT IT'S GOOD ROPES BUT OUR CAR ONE DAY WOULDN'T GO IN REVERSE ANYMORE. I CAN'T BUY A NEW ONE AND THAT WAS THREE YEARS AGO. AND I HAD A -- SO MY KIDS GROW UP ON A BICYCLE AND EVERY SINCE OUR CHILD WAS OLD ENOUGH TO TRAILER, THEY HAVE BIKED. WE BIKE TO SCHOOL. EVERY DAY. I BIKE TO WORK EVERY DAY. AND MY HUSBAND BIKES TO WORK EVERY DAY. IT'S SOMETHING THAT -- THAT WHEN -- WHEN I HEAR ABOUT PEOPLE'S LOSS, OF COURSE IT HITS HOME. YOU DIE EVERY DAY THAT YOU COME HOME WHEN YOU ARE RIDING BY YOUR KID'S..... KID'S SCHOOL THERE'S A POLICE CAR YOU DON'T KNOW WHY, YOU THINK MAYBE A CAR HAS HIT THEM, WHEN YOU HEAR ABOUT A KID WHO WAS

WALKING HOME FROM OUR SCHOOL WALKING HOME THE DAY BEFORE CHRISTMAS BREAK AND SOMEBODY TURNED RIGHT ILLEGALLY ON RED DURING A SCHOOL ZONE, KNOCKED THE KID DOWN AND NOT GET TICKETED AND DROVE AWAY FROM THE SCENE, I LIVE IN A NEIGHBORHOOD WHERE THERE'S NOT A SAFE WAY FOR KIDS TO WALK TO A SCHOOL THAT IS FOUR BLOCKS FROM OUR HOUSE. BECAUSE THEY WOULD HAVE TO CROSS MANOR ROAD. BECAUSE THEY CAN'T GET TO CAMPBELL BECAUSE THERE'S NO SIDEWALK ON MY SIDE OF MANOR ROAD TO CROSS THE CREEK. AND YOU WOULD EITHER HAVE TO TAKE MLK -- MY SCHOOL BENEFITS FROM THE PACKET THAT I DON'T DRIVE A CAR. BECAUSE WE DON'T HAVE PARKING FOR ALL OF THE TEACHERS. WE PULL UP ON A ROCK LOT, THE OTHER TEACHERS PARK ALL AROUND THE NEIGHBORHOOD. THIS IS IN EAST AUSTIN SCHOOL THAT I TEACH AT. I'M ALSO A MATH TEACHER, WHICH MEANS THAT WHEN I HEAR NUMBERS I SEE THEM AS AN OPPORTUNITY. 4,200 HEAD INJURIES THAT WERE SEVERE QUOTED BY THE DOCTOR FROM BICYCLES FROM THE 3% RULE. THAT'S 76,212 FROM A MOTOR VEHICLE. DO WE REQUIRE HEALTH INSURANCE TO DRIVE A CAR? NO. BECAUSE HEALTH INSURANCE TO DRIVE A CAR WOULD LEAVE A LOT OF PEOPLE UNABLE TO GET TO WORK. A MANDATORY HEALTH -- MANDATORY HELMET LAW ISN'T A SOLUTION. [BEEPING] I WAS STARTING TO -- CAN I FINISH A LITTLE? THEY ARE STILL HERE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] AT DUVAL AND 38TH RTION THE BIKE LANE ENDS AT 39TH. AND IT DOESN'T START UP AGAIN THIS WILL 200 OR SO FEET ON THE OTHER SIDE TO MAKE ROOM FOR THE TURN LANE. SHE DECIDED ONE DAY WITH THAT SHE WAS TIRED OF IT. SHE HAD BEEN YELLING AT ME FOR SIX WEEKS. SHE WANTED TO PASS ME BY GOING INTO THE LEFT TURN LANE SPEEDING AS FAST AS SHE CAN THROUGH THE LIGHT AND CUTTING BACK IN. WELL, WHEN YOU TRY AND PASS DURING AN INTERSECTION, IT'S ILLEGAL BECAUSE THERE'S ANOTHER CAR IN THE LEFT TURN LANE. AND WHEN FACED WITH HEAD ON COLLIDING WITH THAT CAR, SHE PANICS AND SWERVES, ALMOST HITTING ME AND MY DAUGHTER. IT'S RIDICULOUS THAT OUR BIKE LANES..... LANES NR THIS SITUATION. WE HAVE TO DEAL WITH TRASH CANS THAT ARE LEFT IN THE BIKE LANE. I HAVE TO TEACH MY DAUGHTER THOUSAND PASS A CAR SAFELY BECAUSE

THERE ARE CARS IN THE BIKE LANE. WE TAKE -- IT'S INSANE. THE CONDITION OF BICYCLING HERE IN AUSTIN IS REALLY, REALLY SILLY AND THIS HELMET LAW DOES NOTHING AT ALL. THANK YOU. [APPLAUSE]

Mayor Wynn: IF I CALLED YOUR NAME, STEP RIGHT UP, IF I HAVE CALLED IT.

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS ROBERT FARR. I'LL COME AT THIS FROM A SLIGHT DLIRCHT ANGLE. MY 25-YEAR-OLD DAUGHTER WOULD NEVER THINK OF LEAVING THE HOUSE WITHOUT HER EXPENSIVE ITALIAN SHOES AND A NICE DRESS, PERFUME AND ALL THE APPOINTMENTS THAT SHE THINKS ARE ABSOLUTELY NECESSARY TO GO OUT IN PUBLIC. AND THERE'S BIKE RIDERS THROUGHOUT WHO WOULDN'T THINK ON GOING FOR A BIKE RIDE WITHOUT A 2,000-DOLLAR BIKE, A LANCE ARMSTRONG OUTFIT, HELMET AND SHOES AND ALL THAT. AND MY DAUGHTER WOULD ARGUE THAT HER ACCESSORIES ARE ABSOLUTELY NECESSARY AND THE BICYCLIST CZ NECESSARY THAT THEIR GEAR IS NECESSARY FOR SAFETY AND FOR EFFICIENCY. AND THEY CAN MAKE A GOOD CASE FOR IT SOMETIMES, FWU DOESN'T APPLY ALL THE TIME. AND IT DOESN'T FLY EVERYONE. I'VE BEEN A CYCLIST FOR OVER 40 YEARS AND I'D LIKE TO POINT OUT THAT REQUEST JUST IS -- EVEN THOUGH YOU DON'T NEED POINTY SHOES TO GO OUT IN PUBLIC AND LOOK GOOD AND YOU DON'T HAVE TO HAVE A HELMET TO RIDE A BIKE SAFELY. THERE'S OTHER WAYS TO RIDE A BIKE SAFELY. THERE'S MILLIONS OF NON-HELMETED CYCLISTS IN THE NETHERLANDS AND FRANCE APPEARED THE SAFETY STATISTICS ARE ENVIABLE. I THINK CRETION THE NUMBERS OF CYCLISTS WOULD HAVE A FAVORABLE IMPACT ON TRAFFIC CONGESTION, PARKING, STREET MAINTENANCE, AIR QUALITY AND PUBLIC HEALTH. AND WITH THOSE BENEFITS IN MIND I HAVE NO DOUBT THAT THIS COUNCIL WOULD WISH TO ENCOURAGE AS MANY PEOPLE AS POSSIBLE TO CHOOSE IKE WILLING AS AN AL TERN TOIF TO TAKING A CAR SOMEWHERE. IT'S ARGUABLE THAT A MANDATORY HELMET LAW MIGHT DISCOURAGE CYCLING. MAYOR TODD'S PEOPLE WERE SAYING THAT, HEY, IT'S NOT GOING MAKE A DIFFERENCE, BUT IT'S ALMOST IMPOSSIBLE TO ARGUE THAT MANDATORY HELMETS WILL ENCOURAGE ANYONE TO CHOOSE CYCLING INSTEAD OF

RIDE NG A CAR. NOW, I UNDERSTAND HOW ATTRACTIVE IT IS FOR A CITY COUNCIL TO LOOK AT A HELMET LAW LIKE THVMENT IT'S A NO COST WAY TO ADDRESS PUBLIC SAFETY. BUT I REMIND THAW HELMET USE AMONG CYCLISTS RIGHT NOW IS HIGHER THAN IT WAS 10 OR 20 YEARS AGO AND THE INCREASED USE OF HELMETS HADN'T BEEN ACCOMPANIED BY A REDUCTION IN HEAD INJURIES. IN FACT, THERE ARE STUDIES THROUGHOUT THAT SHOW, AND PATRICK GOETZ TRIED TO ADDRESS SOME OF THOSE, THAT SHOW THE OPPOSITE TO BE THE CASE. A MANDATORY HELMET LAW WILL DO LITTLE OR NOTHING TO IMPROVE PUBLIC HEALTH AND SAFETY. IN FACT, IT WILL DISTRACT EVERYONE FROM THE COMPREHENSIVE SOLUTIONS MENTIONED BY AUSTIN CYCLING ASSOCIATION THAT WILL TRULY HELP REDUCE BIKE ACCIDENTS AND HAVE A REAL EFFECT ON SAFETY AND INJURIES. PLEASE DON'T MAKE IT ALL ABOUT HELMETS. WE ENCOURAGE HELMET USE IN AUSTIN WITHOUT A MANDATORY EDICT, AND WE SHOULD CONCENTRATE ON IMPROVING EDUCATION, ENFORCEMENT, FACILITIES AND BEHAVIOR. THAT'S ALL I'VE GOT TO SAY. [APPLAUSE]

GOOD EVENING, HIERM TO SPEAK AGAINST A MANDATORY BICYCLE LAW. FIRST TOIPT THANK THE FORMER MAYOR FOR THE EXAMPLES OF WHY CHOOSING A HELMET IS A ABOUT IDEA. I'M GLAD HE DID THAT. EARLIER TONIGHT YOU GUYS WERE ARGUING THE MERIT YOU HAVE TO DECIDE DOES SOMEONE HAVE THE RIGHT TO BUILD A HOUSE IN THE PLACE TO AFFECT HIS NEIGHBORS. I DON'T THINK THAT THE CITY NEEDS TO LEGISLATE HELMETS. I THINK IT SHOULD BE A CHOICE TO MAKE. I DON'T THINK THE CITY SHOULD BE IN THAT CHOICE. I DON'T THINK IT WILL CUT DOWN ON INJURIES AND I WOULD JUST AS A MATTER OF CIVIL LIBERTIES LET US CHOOSE FOR OURSELVES TO TAKE A CHANCE AND ENCOURAGE BIKING AND PLEASE JUST LET US CHOOSE FOR OURSELVES WHETHER OR NOT WE WEAR HELMETS. ENCOURAGE IT, DON'T LEGISLATE IT. THANK YOU.

Mayor Wynn: KEDRON, STEWART WESHNER.

GOOD MORNING, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS AND STAFF, I'D LIKE TO SAY A FEW WORDS ABOUT THE ANY PROPOSED HELMET ORDINANCE. I'LL BE VERY BRIEF. THE FIRST THING I WOULD LIKE TO SAY

IS THE DEBATE IN FRONT OF THE COUNCIL TODAY IS NOT ON THE TESTIFY CASEY OF HE WILL METS, WHETHER THEY ARE A GOOD THING OR A BAD THING BUT IT'S BLEW WLOO A MANDATORY HELMET LAW IS GOOD PUBLIC POLICY. I AND MANY OF THE PEOPLE WHO SPOKE HERE TODAY DO NOT THINK IT'S GOOD PUBLIC POLICY. EARLIER TODAY THE COUNCIL WITNESSED THE PRESENTATIONS ON THE PUBLIC SAFETY BUDGETS. THERE WERE NO SURPRISES IN THE PRETION. PUBLIC SAFETY HAS TAKEN UP AN EVER GROWING PERCENTAGE OF OUR BUDGETS. PROJECTIONS ARE IN SEVERAL YEARS IT WILL TAKE UP 100% OF OUR BUDGET. AT THE SAME TIME ONE OF THE PEOPLE WHO TESTIFIED EARLIER IN FAVOR OF THE BILL, MR. SHEFFIELD; RUNNING COMMERCIALS ALL AROUND TOWN SAYING THAT WE HAVE A HUGE SHORTAGE IN OUR PUBLIC SAFETY EMPLOYEES SUCH AS PLIRZ. SO BASICALLY WE HAVE A SHORTAGE OF WORKERS AND WHEELS HAVE A SHORTAGE OF MONEY IN BUDGET TO PAY FOR MORE WORKERS. SO HOW WILL WE ACTUALLY ENFORCE THIS BILL IN HOW MANY NEW OFFICERS WILL WE HAVE TO HIRE TO ENFORCE THIS EVERYWHERE AROUND TOWN. MAYOR TODD SAID THAT 75% OF BIKERS IN AUSTIN DO NOT CURRENTLY WEAR HELMETS. JUST BECAUSE WE PASS A LAW DOESN'T MEAN THEY'LL SUDDENLY WEAR THEM. HOW MANY F.T.E.'S DO WE HAVE TO ADD TO THE BUDGET IN ORDER TO GET GOOD ENFORCEMENT OF THIS LAW? A MORE IMPORTANT QUESTION IS IS THIS THE BEST USE OF OUR ALREADY STRAPPED PUBLIC SAFETY BUDGET DOLLARS IF WE DO DECIDE TO GO IN THIS DIRECTION IN I BELIEVE IT IS NOT AND THAIBL THE CITY COUNCIL SHOULD NOT DIRECT THE STAFF TO COME UP WITH A PROPOSED HELMET ORDINANCE. THANK YOU VERY MUCH. [APPLAUSE]

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Mayor Wynn: SARAH (INDISCERNIBLE). JOHN TOMS, CARLY JOE DIXON.

THANK YOU, COUNCILMEMBERS, MAYOR. I RIDE A MOTORCYCLE. I DON'T ACTUALLY RIDE A BICYCLE THAT MUCH. I WANT TO RIDE A BICYCLE. I FIND IT IRONIC THAT I MIGHT BE FORCED TO WEAR A HELMET ON MY BICYCLE AND NOT ON MY MOTORCYCLE, ALTHOUGH I CHOOSE TO WEAR A

HELMET ON MY MOTORCYCLE. IT IS MY CHOICE. I HAVE ONE SHORT THING TO SAY REALLY. 10 YEARS AGO WHEN THE HELMET LAW WAS PASSED, I DID QUIT RIEGD. WENT OUT, I BOUGHT A HELMET, BUT I JUST DIDN'T RIDE. SO IF YOU THINK THAT PEOPLE ARE REALLY -- IT'S NOT GOING TO AFFECT THEM, THAT THEY'LL STILL RIDE ANYWAY, NO, IT WILL AFFECT THEM AND IT WILL ACTUALLY CAUSE PEOPLE TO NOT RIDE BICYCLES. IT WILL AFFECT A LOT OF PEOPLE AND I JUST WANT YOU TO KNOW THAT I'M ONE OF THEM AND I KNOW MANY MORE. IF YOU.

Mayor Wynn: THANK YOU. STEP RIGHT UP.

MAYOR AND COUNCIL, MY NAME IS STEWART WEBNER. I AM AN AUSTIN REZ DERNGTS A REGULAR AND FREQUENT COMMUTING PSYCH..... CYCLIST. I AM DEEPLY DISAPPOINTED BY COUNCIL'S CURRENT PROPOSAL TO REINSTITUTE A MANDATORY ADULT BICYCLE ORDINANCE AT A TIME WHEN THIS CITY FOR A NUMBER OF OBVIOUS REASONS SHOULD BE WORKING HARDER THAN TOFER ENCOURAGE MORE PEOPLE TO RIDE A BICYCLE. STRICTLY ENFORCED, AN ADULT HELMET ORDINANCE WOULD DISCOURAGE CYCLING FOR TWO REASONS. IT WOULD GIFT FALSE IMPRESSION ATION CYCLING IS DANGEROUS, THERE BY DISCOURAGING SOME CURRENT AND POTENTIAL RIDERS. THE NUISANCE FACTOR FOR PEOPLE NOT CURRENTLY USED TO OR COMFORTABLE WITH ALWAYS RIDING WITH A HELMET, IT MAY COMPLETELY DISCOURAGE THEM FROM RIDING AT ALL, ESPECIALLY FOR SHORT UTILITARIAN BICYCLE TRIPS. SUCH TRIPS, IF DONE BY A CAR, ARE VERY POLLUTING, SINCE AN ENGINE NEVER HAS THE CHANCE TO WARM UP FULLY AND BURN CLEANLY. A TRANSPORTATION SURVEY, 25% OF ALL TRIPS ARE NO MORE THAN ONE MILE FROM HOME, ALL CAR TRIPS. AND 40 PERCENT ARE NO MORE THAN TWO MILES FROM HOME. AS A REGULAR AND FREQUENT CYCLIST, I FEAR THAT ANY REDUCTION IN THE NUMBERS OF CYCLISTS WOULD BE A MAJOR THREAT TO THE SAFETY OF THOSE WISHING TO CONTINUE CYCLING. IN ADDITION, SUCH A REDUCTION WOULD WEAKEN ONGOING EFFORTS TO IMPROVE THE OVERALL SAFETY OF ROADWAYS AND INCREASE OTHER RIGHT-OF-WAY FOR AUSTIN OTHER CYCLISTS AS WELL AS PEDESTRIANS. IN THE CONVENIENT THAT SUCH AN ORDINANCE WERE TO PASS AND NOT BE

STRICTLY ENFORCED, THAT WOULD FURTHER ADD TO THE OVERALL CYNICISM AND DISRESPECT THIS PEOPLE HAVE FOR GOVERNMENT BY ADDING YET ONE MORE UNENFORCED LAW TO THE BOOKS. THIS ATMOSPHERE OF APATHY AND CYNICISM IS NOW MANIFESTED DURING ELECTION WHERE'S EXTREMELY LOW VOTER TURNOUTS ARE COMMONPLACE. BUT THE MOST FUNDAMENTAL SHORT COMING MUCH A HELMET ORDINANCE, EVEN IF ALL THE OTHER PROBLEMS COULD BE MAGICALLY RESOLVED, WOULD BE THE FACT THAT A HELMET WORN FOR NO OTHER REASON THAN TO COMPLY WITH THE LAW IS EXTREMELY UNLIKE THROI PROTECT A RIDER FROM INJURY. [BUZZER SOUNDS] IN ORDER FOR A HELMET TO OFFER MAXIMUM PROTECTION TO THE RIDER, ALL THE FOLLOWING MUST BE TRUE, THE HELMET JUST GENERALLY BE NO MORE THAN THREE YEARS OLD. THE STRAPS MUST BE CONSTANTLY MAINTAINED FOR A SNUG FIT. THE INTEGRITY OF THE FEDERAL UNDER THE FOAM MUST BE INTACT AND THE HELMET MUST NOT HAVE PREVIOUSLY ABSORBED ANY OTHER IMPACT N MANY CASES SUCH IMPACTS WILL NOT LEAVE ANY NOTICEABLE MARKS ON THE HELMET OR ITS UNDERSIDE. THIS IS MY LAST -- I'M GOING WRAP IT UP ON THIS PARAGRAPH.

Mayor Wynn: PLEASE DO.

THUS EVEN IF AN ADULT HELMET LAW IS STRICTLY ENFORCED, THOSE SIMPLY WISHING TO GO THROUGH THE MOTIONS TO AVOID GETTING BUSTED BY THE POLICE COZILY WEAR A HELMET THAT WOULD DO LITTLE TO PROTECT THEM IN AN ACCIDENT. AGAIN, I AM OPPOSED TO A MANDATORY HELMET ORDINANCE AND URGE THE COUNCIL TO RECRTS PROPOSAL. THANK YOU. [APPLAUSE] IS MARK MARK SO FOLKS, IT'S --

Mayor Wynn: FOLKS, IT'S 12:15. MY VOICE IS GOING. I CAN SENSE A LOT OF THE FOLKS WHO WERE GOING TO SPEAK ARE NO LONGER HERE, SO FOLKS WHO ARE STILL HERE WHO FEEL THE NEED TO SPEAK, WHY DON'T YOU JUST COME FORWARD. WE'VE GOT TWO PODIUMS. YOU COULD FORM A COUPLE OF LINES AND ALTERNATE TAKING TURNS AND JUST STATE YOUR NAME CLEARLY INTO THE RECORD AND WE'LL TRACK YOU DOWN ON THE CHART AND CHECK YOU OFF. I'D

APPRECIATE YOUR PATIENCE AND FLEXIBILITY. AND AGAIN FRKS YOU OCCASIONALLY SEE SOME OF US LEAVE THE DAIS FOR A SECOND OR BACK IN THE BACK THERE'S VIDEO AND AUDIO AND WE'RE HEARING ALL OF THIS.

MAYOR WYNN, MAYOR PRO TEM, COUNCILMEMBERS, FOR YOU STAYING SO LATE. JUST BE GLAD YOU'RE NOT TALKING ABOUT HELMET USE ALONG BARTON CREEK. I OWN WATERLOO SIGHING ELSE. I'VE BEEN IN THE BICYCLE BUSINESS FOR ABOUT 15 YEARS, ABOUT 20 YEARS IN AUSTIN. UNDER THE LAST HELMET LAW WE DISCOVERED THAT A LOT OF PEOPLE WERE WEARING HELMETS LIKE THIS. THEY DID ABSOLUTELY NO GOOD BUT IT WOULD KEEP THE COPS FROM PULLING YOU OVER. A PROPER FITTING HELMET AS YOU'VE SFREEN A COUPLE OF PREVIOUS DEMONSTRATIONS PUTS IT MORE LIKE SO. IT NEEDS TO BE SNUG PERFECTLY WITH THE LIGHT SO PEOPLE CAN SEE IT IF YOU'RE RIDING AT NIGHT, SO YOU CAN SEE CARS AND OTHER TRAFFIC. I'M NOT ASKING YOU TO MANDATE THAT OR MAKE A LAW ABOUT THAT. EVEN THOUGH IT WOULD POSSIBLY INCREASE MY SALES. I DID SELL A LOT MORE HELMETS, BUT I FOUND THAT I SOLD A LOT LESS BICYCLES UNDER THE LAST TIME THAT THERE WAS A HELMET LAW IN PLACE BECAUSE PEOPLE WEREN'T RIDING AS MUCH. A LOT OF PEOPLE WOULD HAVE A HELMET THEY CARRIED OORND THEIR HANDLEBARS UNTIL THEY SAW A COP AND THEN THEY WOULD SLAP IT ON THEIR HEADS. IT WOULD KEEP THEM FROM BEING PULLED OVER, BUT IT DIDN'T INCREASE THEIR SAFETY AT ALL. AND A HELMET ON THE HANDLEBARS DOES ABSOLUTELY NOTHING. A HELMET WILL ONLY DO GOOD IF IT'S ON YOUR HEAD PROPERLY, IF IT FITS RIGHT FRKS IT'S HOPEFULLY SOLD BY A PROFESSIONAL WHO WILL GET YOU SET UP WITH RIGHT SIZE HELMET. IF YOU GO TO SOMEPLACE LIKE ACADEMY AND BUY A 15-DOLLAR HELMET, IF YOU IT IS Z. THE CLERK THRRKS IS THIS THE RIGHT SIZE FOR ME, THEY HAVE NO CLUE. THEY'VE NEVER FIT ADD HELMET BEFORE. AND TO TELL PEOPLE, OH, IT'S ALL THE SAME, THAT WON'T WORK. IF YOU'RE GOING INCREASE BICYCLE SAFETY, WHICH IS A GOOD THING, DO IT WITH THE AUSTIN CYCLING ASSOCIATION, DO IT THROUGH OTHER CYCLING GROUPS. DON'T DO IT WITH BACK DOOR DEALS LIKE FORMER MAYOR TODD IS TRYING TO RUN THROUGH

THIS TIME. FORTUNATELY WE FOUND OUT ABOUT IT SO THAT WE'RE HERE THIS LATE, BUT LAST TIME AROUND HE JUST SLID IT THROUGH AND IT DIDN'T WORK THAT TIME, AND WE DON'T EVEN KNOW WHAT THE LAW IS THAT'S BEING PROPOSED RIGHT NOW. PLEASE BEFORE YOU DO THIS, STUDY THE SITUATION, WORK WITH TEABED CYCLING GROUPS. [APPLAUSE]

MAYOR PRO TEM DUNKERLEY, COUNCILMEMBERS, I GET FLUMMOXED EASILY, SO I'LL BE VERY BRIEF. HIERM TO SPEAK AGAINST THE MANDATORY HELMET LAW. I'M HERE TO SPEAK FOR A.P.D. ENFORCING TRAFFIC LAW AND TICKETING AT FAULT DRIVERS WHEN BOIFKTS AND CYCLISTS COLLIDE, INCLUDING TICKETING CYCLIST FZ IT'S THE CYCLIST'S FAULT. THE MOST RECENT INCIDENT WAS IN APRIL THAT I'M AWARE OF, NOT OF A BICYCLIST BEING HIT, BUT ANOTHER OCCASION WHERE SOMEBODY RAN A RED LIGHT. IN THIS CASE THEY HIT TWO BICYCLISTS ON PARMER LANE, PART OF A SIX BICYCLIST GROUP. THEY DID NOT TICKET DRIVER WHO FORTUNATELY STAYED AROUND, WHICH IS ALSO A VERY RARE THING. DID NOT TICKET THE DRIVER AND LECTURED THE BICYCLISTS FOR RIDING ON THE SHOULDER OF PARMER LANE, A THREE-LANE HIGHWAY.

MY NAME IS EMILY SCHWARTZ. I LIVE IN AUSTIN. I'VE BAN BICYCLIST FOR MORE THAN 40 YEARS. I DON'T ACTUALLY HAVE A DRIVER'S LICENSE. I KNOW THAT BRAIN INJURIES CAN BE TERRIBLE. I'M NOT ADVOCATING INCREASING THE NUMBER OF BRAIN INJURIES. I BELIEVE THAT HELMETS PROPERLY USE WITHED CAN SAVE LIVES, BUT IT'S REALLY NOT LIKE THE SEAT BELT IN A CAR, AS YOU'VE SEEN. THE QUESTION IS NOT THE MERITS OF MELT. I USED HELMETS. MY I. MADE MY CHILDREN USE HELMETS, AS FAR AS I KNOW THEY STILL DO AS YOUNG ADULTS. WHAT WE'RE TALKING ABOUT HERE IS AN ORDINANCE THAT TRIES TO CHANGE BEHAVIOR. REMEMBER, 75% OF SHIEK LIFTS IN AUSTIN TODAY DO NOT USE HELMETS. WHO IS GOING HAVE TO ENFORCE THIS? WELL.

SUPPOSE THE POLICE. WHERE ARE THE ADDITIONAL RESOURCES GOING TO COME FROM OR ARE THE POLICE GOING TO START IGNORING THOSE THINGS THAT.....WE ALL KNOW ARE IMPORTANT, SPEEDING, TURNING WITHOUT A

TURN SIGNAL, RUNNING A RED LIGHT. WE WANT THE POLICE TO DO THOSE THINGS AND IT'S VERY IMPORTANT. IT'S ALSO IMPORTANT WHAT WAS SAID JFD NOW, THERE'S ANECDOTAL EVIDENCE THAT THE AUSTIN POLICE TEND TO BLAME THE BICYCLIST WHENEVER THERE'S AN INCIDENT INVOLVING A CAR AND A BICYCLE. AND MAYBE THERE SHOULD BE SOME EDUCATION OF AUSTIN POLICE OFFICERS SO THAT THEY CAN MAKE A BETTER DETERMINATION OF WHEN THE BICYCLE IS PROCEEDING LAWFULLY AND WHEN THE SCAR PROCEEDING LAWFULLY. OBVIOUSLY THE WHOLE PURPOSE OF THE TRAFFIC LAWS IS TO PREVENT COLLISIONS OR ANY DISRUPTION OF THE ORDERLY PROGRESS OF TRAFFIC. BUT AS THE POLICE HAVE TO HAVE A VISION OF WHERE THE BICYCLES BELONG IN ALL OF THIS, I DO BELIEVE THAT IF YOU HAVE POLICE ENFORCEMENT OF A HELMET ORDINANCE THAT IT WILL FALL DISPROPORTIONATE LOY THE POOR AND ON MINORITIES. I HONESTLY BELIEVE THAT. NOT NECESSARILY BECAUSE THE POLICE HAVE THAT INTENTION, BUT BECAUSE THOSE ARE THE PEOPLE THAT PROBABLY WON'T HAVE HELMETS AND WILL TRY TO GET AWAY WITHOUT THEM. IN MY OWN OBSERVATION THERE ARE KIDS, ESPECIALLY 13, 14, 15 YEARS OLD, WHO ARE COVERED BY THE PRESENT ORDINANCE, WHO ARE RIDING THE STREETS OF AUSTIN WITHOUT HELMETS. BECAUSE AS WE SAID THERE'S NO ENFORCEMENT OF THAT LAW ANYMORE. IT'S NOT BEING OBSERVED CONSISTENTLY. WHEN HAVE YOU A LAW THAT'S NOT BEING OBSERVED CONSISTENTLY, DO YOU WANT TO EXTEND IT TO MORE PEOPLE? DOES THAT MAKE SENSE. [BUZZER SOUNDS] OR DO YOU WANT TO STUDY WHY IT DOESN'T EFFECTIVE AS IT IS AND MAYBE TRY SOME EDUCATION? I THINK PUBLIC EDUCATION ON BICYCLE SAFETY IS THE MOST IMPORTANT PRIORITY THAT COMES OUT OF THIS, AND SECOND TO THAT WOULD BE IMPROVING FACILITIES, WHICH TAKES MUCH MORE TIME. BUT I CERTAINLY SUPPORT THE PROGRAM OF THE AUSTIN CYCLING ASSOCIATION. I HOPE YOU WILL FOLLOW THROUGH ON THAT. THANK YOU. [APPLAUSE]

HI, EVERYONE. MY NAME IS JAY BEESON. I WOULD LIKE TO SEE THE HANDS OF EVERYONE HERE WHO DID NOT RIDE A BICYCLE WHEN THEY WERE A KID. IS THERE ANYONE HERE? I DON'T SEE -- YOU DIDN'T RIDE A BICYCLE WHEN YOU WERE

A KID IN.

[INAUDIBLE - NO MIC].

WE HAVE ONE PERSON OUT OF THE 100 OR SO FOLKS THAT ARE HERE. OKAY. LISTEN TO GO THE FOLKS THAT WERE -- WANT TO HAVE THIS LAW PASSED, APPARENTLY US NOT ALL HAVING BRAIN DAMAGE IN THIS ROOM IS A MIRACLE. I WENT HOME EARLIER AND RODE -- AND LISTENED TO WHAT THESE PEOPLE WERE SAYING. I ACTUALLY RODE BACK DOWN HERE, IT'S AN EIGHT MILE TRIP FOR ME AND IT'S EIGHT MILES BACK, BUT I COULD NOT LET THIS STAND WHAT THESE FOLKS ARE PROPOSING. YOU'RE GOING TO TURN ME, A LAW....LAW-ABIDING CITIZEN, A TRUE AUSTINITE, SOMEONE WHO WANTS TO DO GOOD FOR THIS CITY, INTO A CRIMINAL, BECAUSE I AM NOT GOING TO WEAR A HELMET. EVEN THOUGH MR. TODD THINKS HE NEEDS TO HAVE IT DURNGS I'M NOT GOING TO DO T IT'S NOT THE RIGHT THING TO DO. THE TWIE MAKE BICYCLING IN AUSTIN SAFER IS TO ENFORCE THE LAWS THAT WE ALREADY HAVE. THAT'S WHAT NEEDS TO BE DONE. THANK YOU VERY MUCH. [APPLAUSE]

GOOD MORNING. MY NAME JOHN GASOLINE. I CHAIR MAYOR WYNN'S STUDENT ADVISORY COUNCIL FOR UNIVERSITY STUDENTS HERE IN AUSTIN.

Mayor Wynn: THANK YOU FOR BEING HERE, JOHN.

NO PROBLEM. I GUESS I'M HERE TODAY BECAUSE THERE ARE OVER 90,000 STUDENTS IN AUSTIN, UNIVERSITY STUDENTS, AND HUNDREDS OF THEM HAVE BIKES, IF NOT THOUSAND. I MYSELF RIDE FROM 38TH STREET DOWN 51st STREET WHERE U.T. BUSINESS SCHOOL IS EVERYDAY I GO SCHOOL. AND I WOULD BE VERY HESITANT TO SAY -- I WOULD BE VERY SKEPTICAL IF JUST COMING FROM A STUDENT PERSPECTIVE THAT ANY STUDENTS WOULD EVEN OBEY THE LAW IF IT WERE PASSED. INSTEAD, WE HAVE -- AND THAT'S FOR A VARIETY OF REASONS. SOME PROBABLY PRETTY AT THE TIME PETROLEUMTY LIKE THEY DON'T THINK THEY LOOK COOL IN A HELMET OR THEY DON'T WANT TO TOTE IT AROUND CAMPUS ALL DAY BECAUSE THERE ARE NO LOCKERS. BUT I THINK WHAT -- AS STUDENT LEADERS WHAT WE'RE ADVOCATING AND HAVE DONE IN THE STUDENT

GOVERNMENT IS CREATE PROGRAMS WITHIN OUR OWN UNIVERSITIES AND WITH THE CITY THAT PROMOTE WEARING HELMETS AND BIKE SAFETY ISSUES LIKE THAT. WE HAVE PROGRAMS THAT TELL US NOT TO WALK HOME LATE AT NIGHT. WE HAVE PROGRAMS LIKE THAT. WHY COULDN'T WE WORK STWIT TO PROMOTE DIFFERENT KINDS OF PROGRAMS THAT PROMOTE BIKE SAFETY AND ROAD SAFETY. SO TO KEEP THIS SHORT, WE WOULD LIKE FOR THERE TO BE A STUDY AND WE WOULD ASK THAT IF THERE IS A STUDY DONE ON THIS ISSUE THAT PLEASE KEEP IN MIND THAT 90,000 UNIVERSITY STUDENTS LIVING IN AUSTIN AND THE VARIOUS BIKE PATHS THEY TAKE FOR U.T. IT'S PLOIS NORTH CAMPUS AND WEST CAMPUS AND OBVIOUS THRIES A LOT OF DIFFERENT CONSTRUCTION, DIFFERENT ROADWORK GOING ON THERE AND THERE'S PROBABLY A LOT TO STUDY AND THERE'S PROBABLY A LOT OF SAFETY ISSUES. WE WOULD LOVE TO HELP WITH THAT. Y'ALL KEEP US IN TOUCH. WE WOULD LOVE TO HELP WITH THAT. AND JUST LET US KNOW. WITH THAT, LET'SIOUS TRY TO BE PROACTIVE. I DON'T REALLY THINK WE NEED A BIKE HELMET ORDINANCE AT THIS POINT WITHOUT A COMPREHENSIVE PLAN FOR BIKE SAFETY. THANKS. [APPLAUSE] WIRKS I JUST WANTED TO SHARE MY EXPERIENCE A LITTLE BIT. I GREW UP IN SEATTLE, WHICH HAS BEEN MENTION FEUD TIMES, AND I HAVE A VERY VIF RID MEMORY FROM SECOND OR THIRD GRADE ABOUT A SCHOOL ASSEMBLY ABOUT SAFETY AND MAN IN A WHEELCHAIR WAS GIVING A PRESENTATION, HE WAS PARALYZED FROM THE WAIST DOWN AND HE CALLED FOR A VOLUNTEER FROM THE AUDIENCE AND I GOT CALLED UP. WHAND HE HAD ME DO WAS DROP A MELON ON THE GROUND AND IT SPLATTERED..ED EVERYWHERE AND THEN HE HAD ME DROP ONE WITH A HELMET ON, AND THAT ONE DIDN'T SPLATTER. THAT PRESENTATION MADE AN IMPRESSION ON ME AND FOR A LONG TIME I WORE A HELMET. THAT WAS EDUCATION IN ACTION. I CONTINUE TO WEAR A HELMET UP UNTIL I WAS IN COLLEGE. I COMMUTED TO THE UNIVERSITY OF WASHINGTON BY BIKE. I'VE NEVER OWNED A CAR. I CAN'T REALLY AFFORD ONE AND I DON'T WANT TO BUY ONE. AND I WORE A HELMET COMMUTING TO THE UNIVERSITY OF WASHINGTON, THEN I TRANSFERRED HERE TO U.T. WHEN I MOVED HERE, AND I WAS BIKING A LOT MORE AROUND THE CITY HERE, AND BASICALLY I WAS CONTINUE TO GO WEAR A

HELMET, BUT THEN I FOUND THAT I DIDN'T NEED TO. I FELT THAT I COULD BIKE PRETTY SAFELY. I FEEL LIKE I WAS KIND OF ADEPT AT COMMUTING TO U.T. AND NAVIGATING AROUND CONSTITUENT WITHOUT A HELMET. AND I JUST FEEL LIKE THAT I WAS ABLE TO MAKE THAT CHOICE FOR MYSELF EVEN KNOWING THAT HELMETS CAN BE VALUABLE AND HAVING THAT EDUCATION GO ON, I THINK THAT EDUCATION WAS VALUABLE. AND I FEEL LIKE MAYOR TODD'S TESTIMONY AND HIS FRIENDS AND FAMILY, THEIR LOSSES, I'M SORRY FOR WHAT HAPPENED TO THEM. I THINK THAT'S COMPELLING AND I THINK IT'S MORE COMPELLING FOR HIM TO TALK ABOUT THAT WITH PEOPLE AND TO TELL PEOPLE THAT STORY RATHER THAN TRY TO FORCE ME TO WEAR A HELMET AND FORCE OTHER PEOPLE TO WEAR A HELMET AND HAVE THE COPS ARREST PEOPLE OR SOMETHING OR TICKET THEM, WHATEVER, FOR NOT WEARING A HELMET. I JUST FEEL LIKE THIS SHOULD BE A CHOICE AND SHOULD BE DONE ON THE BASIS OF COMMUNICATION AND EDUCATION RATHER THAN ENFORCING THROUGH THE GOVERNMENT. I'D RATHER -- I'D LIKE TO SIT DOWN WITH HIM AND HEAR ALL OF HIS REASONS RATHER THAN HAVE A COP PULL ME OVER BECAUSE I'M NOT GOING TO WEAR A HELMET EVEN IF THIS LAW IS PASSED. I DON'T THINK A LOT OF OTHER PEOPLE WILL EITHER. IT'S SOMETHING THAT'S NOT NECESSARY FOR SOME PEOPLE WHO CAN BIKE SAFELY. THANKS. [APPLAUSE]

THANK YOU FOR GIVING YOUR TIME TONIGHT AND LISTEN TO GO ALL OF US HERE. MY NAME IS ADAM PANCHTZ I WAS AN ORIGINAL MEMBER FOR CITIZENS FOR CYCLING FREEDOM, AND I'M ALSO AN ORIGINAL MEMBER OF THE (INDISCERNIBLE) PROJECT, SO I'VE BEEN INVOLVED IN AUSTIN STICK WILLING FOR A LONG TIME AND ACTUALLY THE LAST TIME I STOOD IN FRONT OF Y'ALL WAS DEBATING THIS SAME SUBJECT 10 YEARS AGO ROUGHLY. I HAVE SOME STATISTICS HERE THAT I BELIEVE 'SOMEONE WAS ASKING FOR EARLIER. FROM AUGUST 19TH OF 1996 TO THE FIRST OF FEBRUARY 1997, THERE WERE A TOTAL OF 526 HELMET ORDINANCE VIOLATIONS. 21.84% OF THOSE WERE UNDER 21. AND THE ONE THAT MOST PEOPLE HAVE BEEN QUOTING IS 78.26% OF THE VIOLATORS 16 AND UNDER ARE HISPANIC OR BLACK. WHICH SHOWS AN OBVIOUS CASE OF PROFILING.

THESE ARE FROM A.P.D. RORDZ, RECORDS. I CAN PROVIDE THEM IF YOU WOULD LIKE. BASICALLY THE SECOND THING THAT I WANTED TO TALK ABOUT WAS MEMORY OR PRECEDENCE RATHER. LIKE I SAID BEFORE, THIS IS SOMETHING THAT WE'VE TALKED ABOUT BEFORE, WE BEING THE COLLECTIVE AUSTIN WE. THIS LAW WAS PASSED BEFORE WITH VERY LITTLE COMMENT. AND IT WAS AMENDED WITH MUCH COMMENT. AND UNDER THAT AMENDMENT, PART 6, I WOULD LIKE TO READ THE COUNCIL FINDS THAT THE ADVERSE IMPACT RESULTING FROM THE SIXTH STREETS NOW IN PLACE -- RESTRICTIONS NOW IN PLACE REGARDING THIS SUBJECT MATTER, MEANING THE MANDATORY HELMET LAW FOR ADULTS, POSES AN IMMEDIATE THREAT TO THE NORMAL COMMERCE AND TRANSPORTATION OF THE COMMUNITY WHICH CONSTITUTES AN EMERGENCY. BECAUSE OF THIS EMERGENCY THIS ORDINANCE TAKES IT EFFECT IMMEDIATELY. SO BASICALLY THERE WERE OTHERS THAT SAT UP ON THE COUNCIL AT THE TIME ROUGHLY 10 YEARS PRIOR THAT FELT THE MANDATORY HELMET LAW WAS BAD IDEA AND WERE GIVEN SOME VERY SOUND EVIDENCE AND THEY WORKED WITH THAT EVIDENCE. SAZ...AS LEGISLATORS, YOU KNOW THAT MAKING SOUND LEGISLATION SHOULDN'T BE AFFECTED BY THE PULLING OF HEART STRINGS. THANK YOU. [APPLAUSE]

GOOD EVENING, MAYOR WYNN, MAYOR PRO TEM DUNKERLEY, COUNCILMEMBERS. THIS FEELS A LITTLE STRANGE TO SHARE TIME WITH THE COUNCIL AT THIS TIME OF THE MORNING AGAIN AFTER ALL THESE YEARS.

Mayor Wynn: NOT AS STRANGE AS IT IS FOR US TO SEE YOU HERE AT 12:30.

I THANK YOU FOR OPPORTUNITY TO SPEAK WITH YOU TONIGHT. I THINK REGARDLESS OF WHICH SIDE OF THE ARGUMENT YOU'RE ON, I THINK FORMER MAYOR TODD DESERVES A LOT OF KUDOS AND THANKS FOR RAISING THE ISSUE OF SAFE BICYCLING IN AUSTIN BECAUSE I THINK REALLY IF YOU LOOK BEYOND THE ARGUMENTS ON BOTH SIDES, THAT'S WHAT WE'RE ALL INTERESTED IN, TO BE ABLE TO RIDE BICYCLES IN AUSTIN IN RELATIVE SAFETY REGARDLESS OF WHERE IT IS, WHETHER IT'S DOWNTOWN

OR ON PARMER LANE OR ANYWHERE ELSE. AND FOR THAT MATTER, IN OUR PARKS SUCH AS ALONG THE HIKE AND BIKE TRAIL AT TOWN LAKE. I ELECTRONICALLY BELIEVE PERSONALLY -- I STRONGLY BELIEVE PERSONALLY IN SAFETY MEASURES. THE FIRST ONE I BOUGHT IN 19 CEN WAS A VW BEETLE. THERE WAS NO SEAT BELT LAW IN GERMANY. THE FIRST THING DI WAS INSTALL SEAT BELTZ, WORE THEM RELIGIOUSLY EVER SINCE. THE SAME THING APPLIES TO MOTORCYCLES. I LIVE IN STATE WHERE MOTORCYCLISTS ARE ALLOWED TO RIDE WITHOUT HELMETS. I RODE MY FIRST MOTORCYCLE AT 11. I'VE OWNED THEM EVER SINCE I WAS 16 AND I NEVER RIDE MY MOTORCYCLE WITHOUT A HELMET BECAUSE SOMETIMES SPEED GETS FRARP YOU AND THERE'S AN INHERENT DANGER IN THAT WITHOUT ANY QUESTION. BUT I DO SOMETIMES WONDER WHAT RULES AND REGULATIONS REALLY DO MAKE BEST SENSE IN PUBLIC POLICY. ONE OF THE REASONS WHY I PREFER TO LIVE IN THIS COUNTRY RATHER THAN THE PLACE THAT MY ACCENT MIGHT GIVE ME AWAY IS BECAUSE WHERE I GREW UP EVERYTHING IS FORBIDDEN UNLESS IT'S EXPRESSLY ALLOWED. HERE THE WONDERFUL THING IS THAT FOR THE MOST PART EVERYTHING IS ALLOWED UNLESS IT'S EXPRESSLY FORBIDDEN. AND I THINK PART OF THE DISCUSSION TODAY IS WHETHER SOMETHING NEEDS TO BE EXPRESSLY FORBIDDEN. THERE'S AN IRON ANY TO THIS. THE COUNTRY THAT SEEMS TO PROHIBIT EVERYTHING DOESN'T HAVE A REGULATED SPEED LIMIT. AND THE OTHER STRANGE THING IS IT DOES NOT REGULATE HAVING TO WEAR BICYCLE HELMETS, YET THE SAFETY NUMBERS ON BOTH SIDES IN TERMS OF TRAFFIC ACCIDENTS INVOLVING CARS OR BICYCLES ARE SIGNIFICANTLY BETTER IN TERMS OF OCCURRENCE AND OUTCOME THAN THEY ARE IN THIS COUNTRY. SO I THINK IT'S ANTI-INTUITIVE, BUT I THINK THOSE ARE THINGS THAT SHOULD BE CONSIDERED IN THE EQUATION. SO WHAT I WOULD REALLY ASK FOR IS TO NOTIOUS LOOK AT THIS -- IS TO NOTIOUS LOOK AT THIS IN A LEGISLATIVE WAY, BUT TO USE THIS OPPORTUNITY TO CREATE A COMPREHENSIVE SAFETY APPROACH TO BICYCLE.ING IN AUSTIN AND AS AN ASIDE AS YOU PASS THE ITEMS FOR A FUTURE BOND ELECTION, YOU MAY WANT TO LOOK AT THIS ITEM AND TO WHAT EXTENT ANY KIND OF

BOND FUNDS CAN CONTRIBUTE TO CREATING A SAFER BICYCLING ENVIRONMENT IN AUSTIN. AND THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, PETER. [APPLAUSE]

GOOD MORNING, COUNCIL. THANKS FOR STAYING LAIVMENT MY NAME'S JOHN FISHER. I RUN A LITTLE COMPANY IN TOWN CALLED ROAD KILL PEDI CAB. IT'S A FUNNY NAME AND GETS A LOT OF LAUGHS ON SIXTH STREET, BUT WE ARE PRETTY SAFE. I'M CONCERNED THAT THIS WOULD REALLY AFFECT THE PFK PEDI CAB BUSINESS. I DON'T THINK ANY PASSENGER WOULD WANT TO WEAR A HELMET THAT I HAD SITTING IN THE BACK SEAT. IT WOULD BE LIKE USING SOMEBODY ELSE'S TOOTHBRUSH OR SKIPPING THE PUBLIC RESTROOM AND WAITING UNTIL YOU GOT HOME. THE PEDI CAB BUSINESS WILL JUST DIE AND IT IS A GOOD AMENITY IN TOWN. WE'RE GOOD FOR TOUR. WE DO OFFER A SERVICE LATE AT NIGHT TO FOLKS, KEEPING THEM -- DRIVING PEOPLE TO THEIR HOTEL ROOMS. I ALSO JUST WANT TO SEE THE -- I WOULD LIKE TO COMPARE IT TO THE MOTORCYCLE HELMET COMMENTS THAT WERE MADE. IF EVERYONE HAD TO WEAR MOTORCYCLE HELMETS HERE IN TEXAS AND IN AUSTIN, THE REPUBLIC OF TEXAS BIKER RALLY WOULDN'T COME TO AUSTIN. IT BRINGS 80,000 BIKERS TO THE CITY EVERY YEAR AND IT'S A LOT OF REVENUE THAT THE CITY MAKES. I DON'T THINK ANYBODY WOULD WANT TO BE THE PERSON THAT PROMOTED LET'S NOT LET THE REPUBLIC OF TEXAS BIKER RALLY NOT COME TO AUSTIN ANYMORE. IT'S LUDICROUS TO THINK THAT BICYCLE ACCIDENTS AND HEAD INJURIES FROM BICYCLE ACCIDENTS ARE MORE NUMB RUSS THAN INJURIES -- NUMEROUS THAN INJURIES ON A BICYCLE WITH A HELMET. SO PEOPLE SEE THE HIGH POCK ACCURACY AND THEY NOTICE THIS. I HOPE YOU NOTICE IT TOO. THANK YOU. [APPLAUSE]

Mayor Wynn: I SORT OF HATE ASKING THIS, BUT IS THERE ANYONE ELSE WHO WOULD THRIEK.....LIKE TO ADDRESS US? NOTING THAT WE ARE NOT POSTED FOR ACTION, ONLY FOR CONDUCTING A PUBLIC HEARING TO...,BUT TO JUST RECEIVE INPUT, I'LL ENTERTAIN AN ACTION TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR PLEASE SAY AYE.

...OPPOSED? MOTION CLOSE OZ A VOTE OF SEVEN TO ZERO.
COMMENTS, QUESTIONS? I KNOW WE'RE ALL TIRED AND MY
VOICE IS GONE, SO I'LL JUST LISTEN IF THERE ARE ANY.
COUNCILMEMBER MARTINEZ.

Martinez: CAN STAFF OR SOMEONE GIVE US AN IDEA OF
WHAT HAPPENS NEXT AND TIME LINES, ANYTHING OF THAT
SORT? WE'RE NOT POSTD FOR ANYTHING TONIGHT. DOES IT
TAKE AN ITEM FROM COUNCIL TO TAKE ACTION IN THE
FUTURE OR --

THAT'S CORRECT, WE'RE NOT POSTED FOR ACTION. I THINK
AT THIS POINT ON THE HEARING WE WERE WANTING TO
TAKE COMMENTS. AT THIS POINT WE'LL CONTINUE TO WORK
WITH YOUR OFFICES AND DECIDE IF WE'RE GOING TO BRING
AN ITEM FORWARD.

..

Martinez: THE OTHER QUESTION I HAVE, MAYOR, IS DO WE
HAVE ANY LANGUAGE FOR A PROPOSED ORDINANCE? MY
OFFICE HAS YET TO SEE ANY.

Mayor Wynn: I HAVE NOT SEEN AN ORDINANCE, NO.

Martinez: THANK YOU.

Mayor Wynn: QUESTIONS, COMMENTS? MY INSTINCT IS, AS
CHIEF MCDONALD POINTED OUT; THAT NOW AS THE
COUNCIL HAS RECEIVED ALL OF THIS TESTIMONY -- OF
COURSE, WE'VE HAD A LOT ELECTRONICALLY AND
OTHERWISE OVER THE LAST MONTH OR SO AS THIS HAS
GONE TO NUMEROUS BOARDS AND COMMISSIONS,
COMMUNITY MEETINGS, ETCETERA, BUT HAVING
CONDUCTED THIS PUBLIC HEARING, I BELIEVE NOW THAT
THE WAY IT NORMALLY WORKS, INDIVIDUAL
COUNCILMEMBERS, WE'LL BE TALKING AMONGST
THEMSELVES AND WORKING WITH OTHER OFFICES AND
FRANKLY SEEING WHERE THE CENTER OF GRAVITY MIGHT
BE WITH THIS BODY, AND THEN TO THE EXTENT THAT THAT
BECOMES OBVIOUS TO THE MAJORITY OF US, THEN THIS
COUNCIL WILL POST SOME TYPE OF ACTION AT LEAST TO
GIVE SOME DIRECTION TO CITY MANAGEMENT.

COUNCILMEMBER KIM.

Kim: I THINK WE GOT A LOT OF GOOD IDEAS TODAY FOR BIKE SAFETY IN AUSTIN AND IT IS TRUE THAT IN AMERICA WE DON'T TREAT BICYCLISTS AS FIRST CLASS CITIZENS ON THE ROAD. WE DON'T HAVE DEDICATED LANES FOR THEM AS OFTEN AS WE SEE IN EUROPE. AND AS SOMEONE WHO RODE MY BIKE OFTEN IN EUROPE NRKS GERMANY, THERE ARE DIFFERENT STZ IN TERMS OF MAKING BIKING FOR A PRIMARY MODE OF TRANSPORTATION SAFE. AND I'D LIKE TO ASK OUR URBAN TRANSPORTATION COMMISSION TO TAKE A LOOK AT THIS AND WE CAN TALK ABOUT HOW THEY WOULD DO THIS, TO LOOK FOR RECOMMENDATIONS TO MAKE BICYCLING IN AUSTIN SAFER. I THINK SOME OF THE OTHER ITEMS THAT THE COUNCIL IS WORKOGRIGHT NOW WILL HELP IN THAT REGARD. FIRST IS STREET MAINTENANCE. WE'VE HEARD BAILT THE HAZARD ON THE TREATS, THE POOR CONDITIONS OF CERTAIN STREETS, AND THAT IS AN IMPEDIMENT TO BICYCLISTS GET TO GO SOMEWHERE SAFELY. SO I HOPE THAT WE WILL ADD THE TWO DOLLARS IN OUR BUDGET FOR GETTING STREET MAINTENANCE FROM EIGHT PERCENT TO NINE PERCENT. THE STANDARD IS 10 PERCENT AND IT WILL GET US CLOSETORY WHERE IT SHOULD BE. SECOND, I THINK RED LIGHT CAMERAS WILL HELP US IN MAKING PEOPLE THINK TWICE ABOUT RUNNING RED LIGHTS. WE'VE HEARD INSTANCES HERE WHERE PEOPLE WERE HIT AS PEDESTRIANS AND ON BIKES. I'M HOPING AS WE'VE SEEN IN MANY CITIES THOSE RED LIGHT CAMERAS WILL MAKE IT SAFER BECAUSE WE WILL SEE A REDUCTION IN VIOLATIONS AND CITATIONS INCLUDING ACCIDENTS AND FATALITIES. DUNK DING LISTENING TONIGHT --

Dunkerley: I THINK LISTENING TONIGHT WE'VE HEARD A LOT OF THINGS THAT PEOPLE AGREE ON AND THINGS THAT PEOPLE DIDN'T AGREE ON. AS I WAS LISTENING I THINK THE THING THAT STRUCK ME IS THAT THOSE FOLKS THAT WERE HERE SPOARGHT THE MANDATORY HELMET ORDINANCES TENDED TO BE -- IN FACT I THINK ALMOST EXCLUSIVELY WERE, INDIVIDUALS THAT HAD HAD A SERIOUS BIKE INJURY. THEY WERE FAMILIES WHO SUFFERED THE CONSEQUENCES OF THAT ACTION. THE NURSES AND THE DOCTORS THAT TOOK CARE OF THOSE PATIENTS AS THEY CAME INTO THE

TRAUMA CENTER. THE REHAB ORGANIZATIONS THAT HAVE WORKED WITH THEM OVER MONTHS AND YEARS FOR THEIR REHAB. AND OTHERS IN THE MEDICAL COMMUNITY. AND THEN I THINK THE OTHER SIDE IS MADE UP PRIMARILY OF THOSE THAT HAVE NOT INCURRED THAT SERIOUS HEAD INJURY RELATED TO A BIKE ACCIDENT. SO I THINK THAT WAS THE MAIN DIFFERENCE THAT I SAW JUST LISTENING TONIGHT TO THE TESTIMONY. I THINK EVERYBODY AGREED IT THAT THERE ARE LOTS OF THINGS THAT WE CAN DO TO PREVENT ACCIDENTS, AND I FOR ONE WILL VERY STRONGLY SUPPORT THOSE, WHETHER IT'S SAFER BICYCLE LANES OR BETTER ROAD MAINTENANCE OR BETTER ENFORCEMENT, AND CERTAINLY A LOT MORE EDUCATION. EVERYBODY CAN AGREE I THINK ON ALL OF THOSE THINGS. I FOR ONE WHO COME FROM THAT SAME TYPE OF MEDICAL BACKGROUND SW, I WOULD SUPPORT THE HELMET ORDINANCE, BUT I THINK THE ITS THE EXPERIENCE THAT YOU BRING TO THIS ISSUE THAT DETERMINES WHERE YOU LAND, AND SO I THINK AT LEAST WE CAN ALL AGREE THAT THERE ARE LOTS OF THING WE CAN DO TO IMPROVE BICYCLE SAFETY AND TO REDUCE THE NUMBER OF ACCIDENTS AND CERTAINLY THAT WILL BE A FOCUS FOR ALL OF US REGARDLESS WHERE WE LAND. ON THE ISSUE OF MANDATORY HELMETS.

Martinez: MAYOR, I JUST WANT TO ASK A QUESTION OF THE CITY ATTORNEY BECAUSE IT'S POSTED AS A PUBLIC HEARING AND POSSIBLE ACTIONS. AND THE ACTUAL LANGUAGE FOR ITEM 89 SAYS CONDUCT A PUBLIC HEARING AND CONSIDER AN AMENDMENT TO THE CITY CODE. WHY ARE WE NOT ALLOWED TO TAKE ACTION? WITH RESPECT.....

WITH RESPECT TO THE PROCESS, I THINK THE MEDIA PORTRAYED IT THAT WE WERE GOING TO MOVE IN A DIRECTION TODAY OR TAKE ACTION, AND WE'VE SAT HERE TONIGHT AND MANY FOLKS HAVE COME DOWN HERE TO SPEAK ON THIS ISSUE AND IT LOOKS LIKE OBVIOUSLY I'M NOT AN ATTORNEY, BUT IT LOOKS LIKE IT'S POSTED FOR A HEARING AND POSSIBLE ACTION.

COUNCILMEMBER, I AM PULLING MY AGENDA BACK UP. I HAD OPTIMISTICALLY CLOSED IT. IF CAN YOU BEAR WITH ME AND GET AGAIN TO THE LANGUAGE. AND THE LANGUAGE IS

CONDUCT A PUBLIC HEARING TO CONSIDER AMENDING. AND MY ADVICE IS THAT THAT LANGUAGE AUTHORIZES COUNCIL TO CONDUCT A PUBLIC HEARING, BUT DOES NOT AUTHORIZE ANY ACTION.

Martinez: I MUST HAVE AN OLDER VERSION, AND I APOLOGIZE, BUT MINE IS ITEM 89, IT SAYS CONDUCT A PUBLIC HEARING AND CONSIDER AN AMENDMENT.

MINE DOES NOT SAY AND. IT SAYS TO CONSIDER. MAR DISMAR THAT MAKE A DIFFERENCE?

TO ME IT DOES, YES. THE DIFFERENCE IS THAT IT WILL CONDUCT A PUBLIC HEARING AND THAT IT HAS TOLD THE PUBLIC WHAT THE SUBJECT OF THE HEARING WILL BE. FWHU....BUT IN LOOKING AT THE LANGUAGE IT HAS NOT TOLD THE PUBLIC THAT IT MAY TAKE SOME LANGUAGE.

Martinez: WHY DID WE LIST IT AS PUBLIC HEARINGS AND POSSIBLE ACTIONS?

Mayor Wynn: MINE DOESN'T SAY THAT.

Martinez: SIX P.M., ALL THE ITEMS AFTER THE SIX P.M. TIME BLOCK ON THE AGENDA, MINE SAYS PUBLIC HEARING AND POSSIBLE ACTIONS.

Mayor Wynn:.....

ALL I CAN SAY IS THAT IS JUST A GROUPING OF TITLE. IF YOU COMPARE IT TO ITEM 87, 87 ALSO JUST SAYS CONDUCT A PUBLIC HEARING AND AGAIN DOES NOT TALK ABOUT ACTION.

Mayor Wynn: WHAT DOES THE CITY AGENDA SAY? COULD YOU READ WHAT YOUR AGENDA ITEM NUMBER 89 SAYS?

IT SAYS CONDUCT A PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 12-2 OF THE CITY CODE TO REQUIRE HELMETS FOR ALL BICYCLE RIDERS. IS.

.....

I CAN'T SEE.

THAT'S CORRECT. FIRKS THEN MY ADVICE, COUNCILMEMBER, WOULD NOT CHANGE. I BELIEVE THIS POSTING DOES NOT CLOW..... ALLOW ANY ACTION, IT JUST AUTHORIZES A PUBLIC HEARING TO BE CONDUCTED.

Mayor Wynn: AND FRANKLY, MY ADVICE AT 12:45 IN THE MORNING IS IT'S TOO LATE FOR TO US HAVE THE APPROPRIATE GIVE AND TAKE AND DEBATE TO MAKE A SOUND VOTE NOW. BUT WE APPRECIATE EVERYBODY AGO PATIENCE AS WE CONDUCTED THE PUBLIC HEARING. WE GREATLY APPRECIATE THE INPUT. I KNOW SPEAKING FOR MYSELF, IT WAS A LOT OF BENEFIT FROM THIS TESTIMONY TONIGHT. COUNCILMEMBER MCCRACKEN.

McCracken: COULD WE GO INTO A LITTLE BIT MORE ABOUT WHAT THE URBAN TRANSPORTATION COMMISSION'S RECOMMENDATION WAS? IS THAT STHA THE ONLY BOARD AND COMMISSION THAT CONSIDERED THIS, AND IF SO, WHAT THE RECOMMENDATION?

Mayor Wynn: DOES STAFF HAVE THAT?

MAYOR AND COUNCIL, RUDY GARZA. I APOLOGIZE, COUNCILMEMBER, I DON'T HAVE THAT WITH ME, BUTKY GET THAT SHORTLY AND REPORT BACK IN A FEW MINUTES.

GOOD MORNING, COUNCILMEMBERS. I WAS IN ATTENDANCE ON BEHALF OF THE CITY AT THE URBAN TRANSPORTATION COMMISSION AND THEY VOTED TO I BELIEVE IT WAS A 5-2 VOTE TO RECOMMEND TO POSTPONE ANY ACTION FOR 18 MONTHS AND TO CONDUCT AN OBJECTIVE STUDY TO GET OBJECTIVE DATA ON THE ISSUE. THAT WAS ESSENTIALLY THE MOTION.

Mayor Wynn: THANK YOU. FURTHER COMMENTS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: ARE THE COUNCIL COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES ALSO TOOK COMMENT ON THIS ITEM AND FORWARDED IT TO COUNCIL WITH NO

ACTION.

Mayor Wynn: AND ALSO, I BELIEVE THAT THE MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES HEARD A PRESENTATION OF THE PROPOSAL AND I DON'T KNOW WHETHER THEY TOOK ACTION OR NOT.

McCracken: HOW DOES ANYTHING GET BROUGHT FORWARD NOW.

Mayor Wynn: WELL, MY INSTINCT --

McCracken: IF ANYTHING DOES. WHAT'S THE PROCESS?

Mayor Wynn: I THINK THE PROCESS WOULD BE FOR -- IF THERE'S SUPPORT ON THIS DAIS, IF THERE'S FOUR COUNCIL VOTES WITH, OVER THESE NEXT FEW DAYS AS WE ALL CONTINUE TO TALK THROUGH THIS, IF THERE'S FOUR VOTES TO CERTAINLY TAKE ACTION ON SIMPLE ALL AGE HELMET ORDINANCE, THEN THAT CAN BE BROUGHT AS AN ITEM FROM COUNCIL AS EARLY AS NEXT WEEK. OF COURSE THERE'S ANY NUMBER OF OPTIONS SHORT OF THAT OR EVEN INCLUDING THAT, THINGS LIKE DIRECTING THE CITY MANAGER ON ANY NUMBER OF OTHER FRONTS, INCLUDING STUDIES INCLUDING WE STILL HAVE BEEN WORK THROUGHT THE PLAN OF HOW WE'RE FINALLY GOING TO SPEND THE NOVEMBER 2000..... 2000 BIKE-PED BOND MONEY. PUBLIC WORKS HAS BEEN WORKOGTHAT PLAN FOR A NUMBER OF YEARS NOW ACTUALLY, BUT THERE'S ELEMENTS OF NON-HELMET RELATED BIKE AND EVEN BIKE-PED PROJECTS THAT MY INSTINCT IS THIS DEBATE IS GOING TO INSPIRE.

McCracken: DOES IT -- IS IT GOING COME FROM STAFF OR FROM COUNCIL -- I DON'T KNOW.

..

Mayor Wynn: MY INSTINCT SITS CITY COUNCIL DRIVEN NOW. THE ISSUE ESSENTIALLY HAS BEEN BROUGHT TO US. WE HAVE SAT THROUGH NOT ONLY THIS LENGTHY DEBATE AND TESTIMONY, BUT SEVERAL OTHERS IN DIFFERENT FORMATS. AND I THINK IT'S UP TO THIS COUNCIL NOW TO WORK AMONGST OURSELVES TO SEE WHAT CENTER OF GRAVITY

THER IS AND THEN THIS COUNCIL, IF THERE IS SUPPORT, THEN THIS COUNCIL WOULD BRING FORWARD AN ACTION AT A FUTURE COUNCIL MEETING. SOONER RATHER THAN LATER WOULD BE MY RECOMMENDATION IF THERE IS SUPPORT.

McCracken: IT'S A TRAINING WORLD RIGHT HERE, BUT IS THERE A -- WOULD BE A PUBLIC HEARING FOR AN ORDINANCE?

THERE'S BEEN NOTHING PRELIMINARILY DRAFTED OR ANYTHING. THE INTENT HERE WAS FOR THROB..... THERE TO BE THE PUBLIC HEARING. WE WILL MAKE SURE ALL THE INFORMATION, COMMENTS THAT OCCURRED IN THE VARIOUS DMIZ THAT HAVE HEARD THIS, THE HEALTH COMMITTEE, URBAN TRANSPORTATION, WE'LL MAKE SURE YOUR OFFICES HAVE ALL THAT INFORMATION, BUT AS STAFF WE DID NOT PLAN ON BRINGING AN ITEM FORWARD. WE WERE GOING TO WORK WITH YOUR OFFICES. FREAVERS.

.....OFFICES.

AND COUNCILMEMBER, I MIGHT ADD THAT IF IT IS COUNCILMEMBERS THAT PLACE IT ON THE AGENDA AS AN ITEM FROM COUNCIL, AND THIS IS MORE FOR THE PEOPLE STILL ATTENDING THIS MEETING, THERE WOULD AGAIN NOT BE AN ADDITIONAL PUBLIC HEARING PER SE, BUT CITIZENS WOULD HAVE THE TOWNT SIGN UP TO SPEAK ON THE ITEM ONCE IT WAS PLACED ON THE AGENDA.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? HEARING NONE, AND THERE BEING NO MORE ITEMS BEFORE THE COUNCIL ON THIS AGENDA, WE STAND ADJOURNED. IT IS 12:52 A.M.

End of Council Session Closed Caption Log