

Closed Caption Log, Council Meeting, 11/02/06

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at 974-2210.

GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME DR. JACQUELYN DONALD-MIMS, FOUNDER AND PASTOR OF IMANI COMMUNITY CHURCH TO LEAD OUR INVOCATION. PLEASE RISE.

GOOD MORNING, LET US LOOK TO THE LORD IN PRAYER. I HOPE IN AGES PAST AND I HOPE FOR YEARS TO COME OUR SHELTER FROM A STORMY BLAST AND OUR ETERNAL HOME, ETERNAL GOD OUR LORD, WE PRAISE YOU FOR PLACING IN THE HEARTS OF THESE A DESIRE TO INVOKE YOUR PRESENCE IN THIS PLACE. OH, GOD, WE INVOKE YOUR PRESENCE BECAUSE YOU UNDERWROTE THE BUDGET OF THIS DAY AND BECAUSE EVERYTHING COMES FROM YOU. WE GATHER IN THANKSGIVING FOR THE LIVES AND FOR THOSE IN THIS CITY. AND, GOD, WE COME ASKING YOUR PRESENCE FOR US AS A CARING, GOVERNING BODY. KNOWING THAT FOR MOST IN THIS CITY, ALL IS WELL. BUT ALSO REMINDING US THAT THERE ARE THOSE WHOSE FACES REPRESENT THOSE WHO ARE LONELY AND BEREAVED, THOSE WHO ARE BROKEN AND HURT AND BRUISED, UNEMPLOYED AND THOSE WHO ARE DEPRESSED, THOSE WHO ARE SUFFERING FROM VARYING DISABILITIES, BOTH PHYSICAL AND OTHERWISE. SOME LIVE IN POVERTY IN OUR CITY, LORD AND HAVE NO PEACE, CERTAINLY WE COME KNOWING THAT THERE ARE THOSE IN OUR SOCIETY WHO LIVE HERE IN WHICH THERE IS ALL TOO OFTEN TOO MUCH HATRED AND CERTAINLY VIOLENCE IS MORE RAMPANT THAN IT SHOULD BE. BUT STILL, LORD, WE COME. BECAUSE YOU

ARE STILL GOD AND YOU HAVE THE POWER TO DO SOMETHING ABOUT IT AND OUR HOPE IS IN YOU. SO, GOD, THIS DAY WE ASK YOU TO BE WITH THIS COUNCIL, LORD, WITH THIS CITY, WITH THOSE WHO INFLUENCE DECISIONS, THESE DECISION MAKERS WITH THIS MAYOR AND YOUR COMMUNITY, LORD. GIVE US A SENSE OF CLAIRITY, A SENSE OH, LORD OF COMPASSION, OF FAIRNESS, GOD, AN DISABILITY TO DISCERN TRUTH AND GIVE US, LORD, AN UNPRECEDENTED PASSION FOR THOSE WHO ARE IN NEED. GIVE US THE DESIRE AND THE ACTIVISM TO DO JUSTICE, TO LOVE MERCY, TO WALK HUM ASSEMBLY WITH OUR -- HUMBLY WITH OUR GOD. WE PRAY THIS IN THE NAME OF THE FATHER, SON, HOLY SPIRIT, AMEN. I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, THURSDAY, NOVEMBER 2nd, 2006, WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET, APPROXIMATELY 18 MINUTES AFTER 10:00 IN THE MORNING. WE HAVE ONE CHANGE AND CORRECTION TO OUR POSTED AGENDA. ON ITEM NO. 6 WE NEED TO STRIKE THE TERM "OPERATING BUDGET" AND INSERT THE PHRASE "FISCAL YEAR 2006-2007 CAPITAL IMPROVEMENT BUDGET. THIS IS ITEM NO. 6 REGARDING WATER TREATMENT PLANT NUMBER 4. OUR TIME CERTAIN ITEMS TODAY, AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATIONS, AT 2:00 WE HAVE OUR AFTERNOON BRIEFINGS, AND TODAY IS GOING TO BE A PRESENTATION BY MR. CHARLES HEIMSATH REGARDING HIS FINANCIAL ANALYSIS OF THE DOWNTOWN CIRCULATOR STUDY. AT 4:00 WE GO TO OUR ZONING CASES. AT 5:30, LIVE MUSIC AND PROCLAMATIONS, OUR MUSICIAN TODAY IS PARIS 49, AT 6:00 WE HAVE OUR PUBLIC HEARINGS AND POSSIBLE ACTIONS. WE WILL NOTE, ALTHOUGH WE CAN'T TAKE UP THE POSTPONEMENT ACTION UNTIL THE 6:00 TIME CERTAIN, SHORTLY THEREAFTER, BUT ITEM NO. 65 IS ANTICIPATED TO BE POSTPONED UNTIL FURTHER NOTICE. COUNCIL, AS OF THIS MORNING, WE HAD NO ITEMS PULLED OFF THE CONSENT AGENDA, BUT YOU ARE WELCOME TO DO SO NOW IF YOU WOULD LIKE. ANY ITEMS TO BE PULLED OFF THE CONSENT AGENDA? HEARING NONE, I WILL READ THIS MORNING'S CONSENT AGENDA NUMERICALLY. SO WE WILL BE APPROVING UNANIMOUSLY ON OUR CONSENT AGENDA THIS MORNING ITEMS NUMBER 1, 2, 3, 4, 5, 6 PER CHANGES AND CORRECTION, 7,, 8, WHICH IS OUR CITY COUNCIL

MEETING SCHEDULE FOR CALENDAR YEAR 2007, NUMBER 9, 10, 11, 12, 13, 14 WILL PULLED OFF THE CONSENT AGENDA AS WE HAVE MORE THAN FIVE CITIZENS SIGNED UP WISHING TO ADDRESS US, CONTINUING ON WITH THE CONSENT AGENDA WE WILL BE APPROVING ITEMS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 OUR BOARD AND COMMISSION APPOINTMENTS. THAT I WILL READ INTO THE RECORD. TO OUR ARTS COMMISSION, CARMEN CANEN COUNCILMEMBER KIM'S APPOINTMENT; TO THE AUSTIN COMMUNITY TECHNOLOGY AND TELECOMMUNICATIONS COMMISSION, PR SANCHEZ IS COUNCILMEMBER KIM'S APPOINTMENT. TO THE COMMISSION FOR WOMEN, DARLENE LANHAM IS COUNCILMEMBER KIM'S APPOINTMENT. TO THE COMMUNITY DEVELOPMENT COMMISSION, ROBERT HANNAH, ALSO COUNCILMEMBER KIM'S APPOINTMENT AS IS BRIAN THOMPSON TO OUR HUMAN RIGHTS COMMISSION. TO THE MUSIC COMMISSION, NIKKI ROLLING IS COUNCILMEMBER LEFFINGWELL'S APPOINTMENT. TO OUR PARKS AND RECREATION BOARD, STEVEN SHANG IS COMMITMENT'S APPOINTMENT. TO OUR RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION, KEVIN COLLINS IS A CONSENSUS APPOINTMENT. AND JAMES STEVENS IS COUNCILMEMBER LEFFINGWELL'S APPOINTMENT. AND FINALLY TO THE TRAVIS CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS, ELEANOR PAL IS A CONSENSUS REAPPOINTMENT PURSUANT TO RESOLUTION NUMBER 2006, 1102-030. THOSE ARE OUR BOARD AND COMMISSION APPOINTMENTS, ITEM NO. 30 FROM THE CONSENT AGENDA. CONTINUING ON. ITEM 31, 32, 33, 34, 35, 36, AND 37. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER KIM?

Kim: I WOULD LIKE TO MAKE A FEW COMMENTS ABOUT ITEM NO. 32. LITTLE A -- REGARDING PLAN IMPROVEMENTS TO HOMES ALONG THE MOPAC EXPRESSWAY. THIS IDEA CAME ABOUT JUST TALKING TO THE RESIDENTS THERE WHO HAVE BEEN PROMISED SOUND WALLS BY TXDOT FOR MANY, MANY YEARS BECAUSE OF THE FREEWAY NOISE ENTERING THEIR NEIGHBORHOOD, ADJACENT TO THE FREEWAY. THEY DID

COME FROM LOOKING AT OUR VERY SUCCESSFUL ENERGY STAR PROGRAM, WHICH ALLOWS PEOPLE TO RECEIVE REBATES FOR INSULATING THEIR HOMES, ATTIC INSULATION AS WELL AS REPLACING WINDOW DOORS AND DOOR INSULATION. THAT'S BEEN SHOWN TO IMPROVE THE ENERGY EFFICIENCY OF THE HOME, BUT ALSO HELPS TO BLOCK OUT UNWANTED NOISE. AND SO THIS IS TO ASK THE CITY MANAGER TO COME BACK TO COUNCIL WITH RECOMMENDATIONS TO ANALYZE HOW THE CITY CAN IMPROVE ON THE EXISTING PROGRAM AND TO EXPAND ENERGY CONSERVATION PROGRAM PUTTING -- LOOKING AT INCREASING THE REBATES, PARTICULARLY FOR WINDOWS, TO HELP BRING SOME RELIEF TO THESE NEIGHBORS. THIS IS AN IDEA FOR -- FOR THESE HOMES IN THIS AREA, BUT I THINK IT'S ALSO A PROGRAM THAT COULD WORK FOR THE REST OF AUSTIN, SO POSSIBLY COULD PILOT IN THIS AREA, I'M OPEN TO OTHER SUGGESTIONS FOR OUR OTHER AREAS IN AUSTIN AND FROM THE STAFF AS WELL AS FROM THE OTHER COUNCILMEMBERS. SO I WOULD LIKE TO THANK COUNCILMEMBERS COLE AND MARTINEZ TO HELPING BRING THIS FORWARD FOR THIS RESOLUTION, I'M SURE IT WILL HELP IMPROVE THE SITUATION FOR THESE NEIGHBORS, AS WELL AS IMPROVE THE ENERGY EFFICIENCY OF HOMES IN ALL OF AUSTIN.

THANK YOU. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I HAVE A COUPLE OF QUESTIONS ON THAT ITEM. THE FIRST IS, IS THIS GOING TO BE HANDLED, THIS WILL BE FOR STAFF, I GUESS. IS THIS GOING TO BE HANDLED IN HOUSE OR IS ANY KIND OF FISCAL NOTE REQUIRED FOR THIS ITEM?

BECAUSE WE DON'T HAVE A FISCAL NOTE IDENTIFYING ANY OTHER FUNDING SOURCE, WE WILL HANDLE ALL OF THIS IN-HOUSE.

Leffingwell: SECOND, I DO HAVE A QUESTION, WHICH I SUPPOSEMENT BE ANSWERED -- I SUPPOSE WILL BE ANSWERED, I KNOW IT'S SCHEDULED TO GO TO THE RESOURCE MANAGEMENT COMMISSION AND ALSO TO THE ELECTRIC UTILITY. I AM CONCERNED ABOUT THE DIVERSION OF FUNDS THAT ARE -- THAT ARE PLANNED AND ALLOCATED

FOR ENERGY CONSERVATION BEING DIVERTED. I CERTAINLY HAVE NO OBJECTION TO THERE BEING AN ANCILLARY PURPOSE OF NOISE MITIGATION. BUT I'M ALSO CONCERNED THAT THIS IS A CITY-WIDE PROGRAM. WILL THESE OWE OWL THESE FUNDS -- WILL THIS PROGRAM CONTINUE TO BE AVAILABLE EQUALLY TO ALL RESIDENTS OF THE CITY AND NOT JUST THOSE WHO LIVE ON -- ON MAJOR TRANSPORTATION CORRIDORS.

Futrell: THE PROGRAM JUAN YOU CAN COME UP AND HELP ME WITH THIS. THE PROGRAM IS AVAILABLE TO ALL CITIZENS IN THE CITY OF AUSTIN. WHAT WE WERE REALIZING IS THAT OBVIOUSLY AS YOU SAID IT COULD HAVE AN AN CELLULAR BENEFIT WITH NOISE. WE MAY -- ANCILLARY BENEFIT WITH NOISE, WE MAY DO MARKETING AROUND THE TRANSPORTATION CORRIDOR, CURRENTLY A VERY SUCCESSFUL PROGRAM. OPEN CITY-WIDE. ITS PRIMARY FOCUS IS ENERGY CONSERVATION. JUAN, ANYTHING THAT YOU CAN ADD?

TOBY, THAT'S EXACTLY A GOOD DESCRIPTION OF THE PROGRAM. I CAN ASSURE YOU THAT WE WILL PROMOTE THE ENERGY EFFICIENCY ASPECTS OF THE PROGRAM. BUT IT HAS SOME VERY NICE SIDE BENEFITS THAT WE SHOULDN'T SHY AWAY FROM. THAT -- BECAUSE THEY COULD BENEFIT, BUT IT NEED TO BE MARKETING FOR THE ENTIRE COMMUNITY.

Leffingwell: I AGREE WITH THE IDEA OF DOING SPECIAL OUTREACH FOR IT. BUT I AM CONCERNED THAT THIS PROGRAM WOULD CONTINUE TO BE AVAILABLE TO EVERYONE IN THE CITY ON AN EQUAL BASIS.

ABSOLUTELY, YES.

Kim: COUNCILMEMBER, WHAT I UNDERSTAND THE WAY THE REBATES WERE PRICED AND MR. GARZA MAYBE CAN ADD SOME INFORMATION TO THIS. THE WAY THE REBATES WERE PRICED WAS BASED ON THE WINDOW REBATES. AS WE KNOW THEY LAST FOR MUCH LONGER THAN THAT. THERE'S A CONTINUING BENEFIT OF HAVING THE WINDOW THERE'S FOR THE HOME IN TERMS OF SAVING ENERGY. ANOTHER THING IS THE FUNDING IS FROM ENERGY STAR, THE

FEDERAL PROGRAM, THE MONEY THAT WE RECEIVE FOR THIS PROGRAM, THERE'S AN OPPORTUNITY HERE TO ADD MORE TO THAT BECAUSE REPLACING A WINDOW IS QUITE EXPENSIVE. THERE'S A LOT OF LABOR COSTS INVOLVED. LABOR COSTS GO UP, AS WELL AS THE BRICK AROUND A HOME. IT'S VERY, VERY EXPENSIVE TO REPLACE. AND SO -- SO WHAT I HOPE TO SEE IS THAT IF WE INCREASE THE REBATE, WE WILL HAVE MORE USAGE OF THIS PROGRAM AND THAT BECAUSE IT WILL BE ACTUALLY SOMETHING THAT PEOPLE WILL BE ABLE TO AFFORD MORE.

ALL RIGHT. WE WILL -- WE WILL CERTAINLY INVESTIGATE ALL OF THOSE IDEAS. I HAVE NO -- NO RESERVATIONS ABOUT THAT. BUT I WILL -- I AM VERY FOCUSED ON MAKING SURE THAT WE RETAIN THE TIE TO THE ENERGY EFFICIENCY BECAUSE THAT'S REALLY WHERE THE FOCUS SHOULD BE.

ABSOLUTELY. THANK YOU.

Mayor Wynn: THANK YOU, FURTHER COMMENTS?
COUNCILMEMBER COLE?

Cole: YES, MAYOR. I WANTED TO LET YOU KNOW THAT I WILL NOT BE VOTING ON ITEM 7 OF THE CONSENT AGENDA, BUT OTHERWISE I WILL BE BECAUSE I HAVE A CONFLICT OF INTEREST REPRESENTED TO REAL ESTATE TRANSACTIONS.

Mayor Wynn: THANK YOU. COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WOULD JUST LIKE TO CALL ATTENTION TO ITEM NO. 31 WHICH IS AN ORDINANCE DESIGNATING A SOLID WASTE SERVICES FACILITY TO BE NAMED AFTER ONE OF OUR FORMER EMPLOYEES, KENNETH GARDNER. HE HAD A LONG HISTORY OF SERVICE AND HE'S A SECOND GENERATION SOLID WASTE SERVICES EMPLOYEE. I'M NOT GOING TO GO INTO IT BEYOND THAT, BECAUSE HE WILL BE RECOGNIZED WITH A DISTINGUISHED SERVICE AWARD LATE TONIGHT AT PROCLAMATIONS, I WILL CERTAINLY BE THERE, PROUD TO BE A SPONSOR OF THIS ITEM. SECONDLY, ON ITEM 26, WHICH IS ANOTHER AS I SAY SMALL STEP TOWARDS IMPROVING AIR QUALITY IN THE CITY, WE HAVE TAKEN SEVERAL OF THESE IN THE PAST, THIS IS YET ANOTHER ONE AND I WOULD LIKE FOR STAFF TO BRIEFLY, VERY BRIEFLY

OUTLINE WHAT THIS IS AND WITH PARTICULAR EMPHASIS ON WHY WE NEED A CONSULTANT TO COORDINATE THIS.

GOOD MORNING, BYRON JOHNSON, PURCHASING OFFICER, FINANCIAL SERVICES. THIS CONTRACT REALLY HAS FIVE THINGS TO ACCOMPLISH. THE FIRST IS WE'RE GOING TO HAVE A COMPREHENSIVE ASSESSMENT OF VEHICLES AND EQUIPMENT. SECOND, WE ARE GOING TO HAVE THEM IDENTIFY OPTIONS TO ADDRESS THE AIR QUALITY AND HOW THEY CAN APPLY TO OUR EQUIPMENTS AND OUR STANDARDS ON OUR EQUIPMENT. THIRD, THEY ARE GOING TO HELP US IN DEVELOPING AND IMPLEMENTING A STRAP,..... STRATEGIC PLAN, GIVES US AN OUTSIDE LOOK THAT WOULD BE FROM OTHER JURISDICTIONS. FOURTH, WE ARE BRINGING ON A NEW CNG FUELING STATION IN THE NEXT YEAR, THEY ARE GOING TO BE ASSISTING US IN THE IMPLEMENTATION OF THAT. FIFTH AND LAST AND MOST IMPORTANTLY IS THEY ARE GOING TO BE LOOKING AT SOME GRANT FUNDING AND SEEING IF THEY CAN HELP US IDENTIFY GRANT FUNDING TO BE ABLE TO BRING OUR STRATEGIC PLAN INTO PLACE.

THANK YOU VERY MUCH. AND I CONGRATULATE FLEET SERVICES FOR THESE CONTINUING EFFORTS. AS I SAID, ONE MORE SMALL STEP TOWARDS IMPROVING AIR QUALITY. COUNCILMEMBER MARTINEZ?

Alvarez: I HAVE A COUPLE OF QUESTIONS, IS BIO DIESEL GOING TO BE A PART OF --

YES, ALTERNATIVE FUELS, VERY SPECIFICALLY IS ONE ELEMENT THAT WE ARE GOING TO ASK THEM TO LOOK AT IT. NOT JUST THE FUELS THEMSELVES BUT ACTUALLY WHAT EQUIPMENT MIGHT MEET BETTER TERMS WITH DIFFERENT TYPES OF FUELS.

.....FUELS.

Martinez: THANKS.

Mayor Wynn: FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER MCCracken.

McCracken: I DON'T KNOW IF YOU MENTIONED THIS EARLIER, BUT IT'S MY UNDERSTANDING THAT THE PUBLIC HEARING 7 BE POSTPONED. TXDOT HAS COME FORWARD WITH A THIRD PROPOSAL THAT'S BEING MODELED AT THE MOMENT. THE CONSENSUS EMERGED OUT OF THE NEIGHBORHOOD THAT MEETING THAT OVER 250 PEOPLE ATTENDED IS TO EXPLORE THIS THIRD OPTION FIRST, WHICH WOULD PRESERVE EMERGENCY ACCESS WITHOUT DOING THE RAMP. THAT WILL COME BACK PROBABLY IN DECEMBER IS MY UNDERSTANDING.

Mayor Wynn: THANK YOU, COUNCILMEMBER. GENETICALLY WE CAN'T MAKE THAT POSTPONEMENT, TAKE THAT POSTPONEMENT ACTION UNTIL AFTER OUR 6:00 TIME CERTAIN POSTING, BUT WE WILL TAKE THAT ACTION THEN. FURTHER COMMENTS, COUNCILMEMBER COLE?

Cole: MAYOR, I HAVE ONE COMMENT THAT I WANT TO DIRECT EVERYBODY'S ATTENTION TO ITEM NO. 5, WHICH IS AN INTERLOCAL AGREEMENT THAT WE CONDUCT WITH TRAVIS COUNTY THAT HAS BEEN VERY, VERY SUCCESSFUL. IT INVOLVES MINORITY TRAINING FOR FIREFIGHTERS CERTIFICATION. AND I JUST THINK THAT IT'S A GOOD PROGRAM AND WE HAVE TO RECOGNIZE WHEN WE ARE CONDUCTING VERY SUCCESSFUL PROGRAMS WITH THE COUNTY.

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

..

MARTINEZ: I HAVE A COUPLE OF QUESTIONS ON ITEM NO. 6 AS IT RELATES TO WATER TREATMENT PLANT 4. I JUST HAVE A CONCERN WITH WHAT APPEARS TO BE AN EXPENDITURE OF LEGAL FEES FROM BOND REVENUE. AND I'M WONDERING HOW WE ARE ABLE TO DO THAT IF WE HAVE ASKED THE VOTERS TO APPROVE BONDS FOR A WATER TREATMENT PLANT, HOW ARE WE ABLE TO SPEND FEES ON -- ON POTENTIAL THREAT OF LAWSUIT FROM AN ENVIRONMENTAL STANDPOINT?

Futrell: I WILL LET OUR CHIEF FINANCIAL OFFICER JOHN

STEPHENS SPEAK TO IT. SEE IF THERE'S ANYTHING ELSE WE NEED TO BRING DOWN FOR YOU.

COUNCILMEMBER, WE FOLLOW GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND STANDARD ACCOUNTING PRACTICES OR PROCEDURES IN TERMS OF WHAT WE CHARGE TO ALL OF OUR C.I.P. PROJECTS. AND ESSENTIALLY IN A NUTSHELL, GENERALLY ACCEPTED ACCOUNTING PRINCIPLES SAY THAT ANYTHING THAT IS RELATED TO PUTTING THE ASSET IN PLACE, WHETHER IT'S ENGINEERING SERVICES, ARCHITECTURAL SERVICES OR WHATEVER, INCLUDING LEGAL SERVICES, CAN BE AND SHOULD BE CHARGED TO THE C.I.P. PROJECT. SO WE HAVE DONE THAT AS STANDARD PRACTICE AS LONG AS I HAVE WORKED FOR THE CITY.

Martinez: ARE WE SAYING WHEN WE ONLY ASK VOTERS TO APPROVE A BOND, IS THAT PART OF THE ASSUMPTION IS IF WE FACE POTENTIAL LITIGATION THEN WE TAKE THE LEGAL FEES OUTS OF THAT BOND REVENUE?

WE TAKE OUT AGAIN WE HOMEOWNER OUT OF THAT BOND REVENUE, WE TAKE ANY EXPENDITURES THAT ARE RELATED TO PUTTING THE PARTICULAR PROJECT IN PLACE. WHETHER IT'S A ROAD PROJECT OR A DRAINAGE PROJECT OR A BUILDING OR WHATEVER. WE CHARGE PROJECT MANAGERS, ENGINEER'S TIME, INDIRECT, ADMINISTRATIVE COSTS AND WE CHARGE DIRECT EXPENDITURES WHERE WE IDENTIFY --

Futrell: YOU SEE REAL ESTATE COSTS, CONDEMNATION COSTS. LITERALLY ANYTHING FROM FRONT TO FINISH THAT'S PART OF PUTTING THAT INVESTMENT ON THE GROUND.

Martinez: OKAY. I HAVE SOME CONCERNS FROM START TO FINISH WE SEEM TO HAVE -- I SAY WE, WE ARE ALL INVOLVED IN THIS, FUMBLED AROUND WITH WATER TREATMENT PLANT 4. WE HAVE AN INVESTIGATION TODAY IN THE AUSTIN CHRONICLE THAT I JUST WANT TO MAKE SURE THAT WE ARE GOING DOWN THE RIGHT PATH AND NOT PUTTING OURSELVES IN A POSITION WHERE WE INVITE MORE LITIGATION AND MORE LEGAL CHALLENGES. AND THAT WAS MY CONCERN WAS THAT WE WERE EXPENDING FUNDS THAT

WE ASKED THE VOTERS TO APPROVE FOR A WATER TREATMENT PLANT AND IT APPEARS THAT WE ARE ALLOCATING THESE FUNDS FOR A THREAT OF A POTENTIAL LAWSUIT ON JOLLYVILLE SALAMANDER OR BLACK CAPPED VIREO, I WANT TO MAKE SURE THAT THAT'S A LEGAL EXPENDITURE. FOR WHAT WE HAVE ASKED.

Futrell: I THINK THE ANSWER TO THAT IS YES. THE ANSWER IS IT'S A AGAIN READILY ACCEPTED ACCOUNTING PRINCIPLE. WE HAVE CONFERRED WITH ON BOND COUNSEL. I'M NOT SURE HOW ELSE TO ANSWER IT BESIDES TO SAY IT NOT ONLY HAS HAD TO OCCUR IN THE PAST. LUCKILY THAT'S NOT A FREQUENT OCCURRENCE THAT YOU HAVE TO USE BOND DOLLARS FOR LEGAL DEFENSE. BUT IT HAS OCCURRED. AND IT IS BOTH ALLOWED, BOTH THE ACCOUNTING SIDE AND THE LEGAL SIDE.

Martinez: GREAT, THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. ANY FURTHER COMMENTS OR QUESTIONS. MOTION AND A SECOND TO APPROVE THE CONSENT AGENDA, WHICH TECHNICALLY WILL BE ALL OF THE ITEMS ON OUR AGENDA EXCEPT FOR ITEM NO. 14. WE WILL TAKE THIS ONE MOMENT WHILE WE HAVE A MODEST CROWD HERE IN THE AUDIENCE TO REMIND FOLKS THAT WE HAVE A SIGNIFICANT CITY OF AUSTIN BOND ELECTION THAT'S PART OF THAT -- THE VERY BOTTOM OF THE BALLOT ON TUESDAY, NOVEMBER 7th. EARLY VOTING IS CONTINUING THROUGH LATE IN THE DAY THIS COMING FRIDAY. ENCOURAGING ALL CITIZENS TO GO OUT AND MAKE SURE THAT THEY VOTE. AS A REMINDER, VERY LENGTHY BALLOT. THE CITY OF AUSTIN BOND PROPOSITION SETTING OF THEM ARE THE VERY BOTTOM OF YOUR BALLOT, EARLY VOTING ENDS FRIDAY AND OF COURSE ELECTION DAY IS NEXT TUESDAY, NOVEMBER 7th. SO PLEASE VOTE. AGAIN A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. WE WILL GIVE THE CROWD A

MANUSCRIPT OR SO TO CLEAR THE CHAMBERS, THEN WE WILL TAKE UP ITEM NO. 14.

[INDISCERNIBLE]

Mayor Wynn: YOUR EYEBROW WAS A REMINDER TO ME TO DO THAT.

OUR COUNTRY DISCUSSION ITEM THIS MORNING WILL BE ITEM NO. 14, WHICH TECHNICALLY WAS PULLED OFF THE CONSENT AGENDA BECAUSE WE HAD MORE THAN FIVE CITIZENS, SIX TECHNICALLY ASSIGNED -- SIGNED UP WISHING TO SPEAK OR DONATE TIME TO SOMEBODY. OKAY. FOR JUST A VERY BRIEF STENOGRAPH PRESENTATION AS TO WHAT THIS ITEM TECHNICALLY IS. ACTUALLY ITEM BROUGHT FROM STAFF. WELCOME ASSISTANT CITY MANAGER RUDY GARZA.

GOOD MORNING, MAYOR, COUNCIL, RUDY GARZA ASSISTANT CITY MANAGER, ITEM NO. 14 IS IN FACT -- AN ORDINANCE ALLOWING US TO -- TO CHANGE THE -- OR ADD TO OUR ORDINANCE TO WHERE RUNNING A RED LIGHT THAT IS CAUGHT THROUGH A PHOTO ENFORCEMENT WOULD BE A CIVIL PENALTY. IT IS NOT AWARDING THE CONTRACT, IT IS NOT ACTUALLY THE FINAL DECISION ON IMPLEMENTING, BUT IT DOES ALLOW US TO PROCEED IN THAT MANNER AND WE'LL BE IN A POSITION THAT WE CAN PROCEED WITH OUR PILOT AND MOVE FORWARD WITH IMPLEMENTATION OF RED LIGHT CAMERAS.

THANK YOU, MR. GARZA. QUESTIONS OF STAFF, COUNCIL? IF NOT WE WILL GO TO OUR CITIZEN TESTIMONY. THE FIRST SPEAKER IS DEBBIE RUSSELL. LET'S SEE, IS KEVIN PIERCE HERE? HOW ABOUT --

[INDISCERNIBLE] SIX.

SO YOU HAVE UP TO SIX MINUTES, FOLLOWED BY WES BENEDICT. WELCOME.

THANK YOU. THANK YOU, MAYOR, COUNCIL. AS YOU KNOW THE ACLU IS IN EXTREME OPPOSITION TO THIS MEASURE AND TO THIS PROGRAM. TWICE NOW THEY HAVE ALREADY

WON IN CASE LAW AGAINST THE DUE PROCESS ASPECT IN OTHER STATES. I WOULD LIKE TO EMPHASIZE IN TEXAS WE ARE UNIQUE. IN TEXAS, UNFORTUNATELY LINDA HARPER BROWN SOLD US OUT AT THE LEGISLATURE, SNUCK THIS IN A BACK DOORWAY, AND TOLD THAT A LOT OF THE LEGISLATORS DID NOT KNOW WHAT THEY WERE VOTING ON WHEN THEY LOWERED THIS TO CIVIL PENALTY. THE -- I WOULD LIKE TO ALSO EMPHASIZE AT THIS POINT I'M NOT A LAWYER, SO I'M SPEAKING AS -- AS I'VE CONSULTED WITH LAWYERS AND I'VE TALKED TO A LOT OF THEM, I'VE GOTTEN SOME ADVICE. BUT WE ALSO HAVE NO CLIENTS AT THIS POINT. BUT WE DO WANT TO EMPHASIZE THE POSSIBILITIES THAT -- THAT THERE MIGHT BE SOME LEGAL ACTION BECAUSE OF THIS -- BECAUSE OF THIS AGAIN DROP TO THE CIVIL -- TO CIVIL DEFENSE. BUT -- THIS IS ACTUALLY A CRIMINAL JUSTICE ISSUE. CRIMINAL JUSTICE LAW WHEN YOU RUN A RED LIGHT. TO DROP IT TO CIVIL OFFENSE, WE FEEL THAT THAT IS JUST OBVIOUS ON ITS FACE THAT -- THAT THE ENTITIES THAT ARE PASSING THESE PROGRAMS ARE JUST TRYING TO -- TO GET AWAY WITH NOT ABIDING BY ALL OF THE GOVERNMENT RESTRICTIONS THAT ACTUALLY APPLY TO -- THAT APPLY WHEN YOU ARE ACTUALLY ENFORCING CRIMINAL JUSTICE OR CRIMINAL LAW. TO THAT END WE -- I DON'T KNOW IF YOU ARE AWARE, BUT IN HOUSTON, THE MAYOR HAD ACTUALLY SAID IN JULY, THAT HE WANTED TO WAIT TO SEE HOW HOUSTON'S PROGRAM PLAYED OUT FIRST. WE'VE ONLY HAD A MONTH OF THAT PROGRAM. SO I FEEL LIKE WE ARE REALLY PREMATURE IN PUSHING THIS THING FORT AT THIS POINT. BECAUSE WE HAVEN'T HAD A CHANCE TO SEE HOW THAT PLAYED OUT. WE DO HAVE ONE NEW PIECE OF INFORMATION IS THAT 90 PERCENT OF HOUSTONIANS THAT HAVE RECEIVED THESE TICKETS IN THE MAIL HAVE NOT PAID THEIR FINES. THEY ARE FIGHTING THEM OUT. THE ACLU WILL CALL ON ANYBODY IN TEXAS WHO IS RECEIVING ONE OF THESE TICKETS, OF COURSE IN AUSTIN HERE, TO PROTEST THIS -- PROTEST ALL THE WAY THROUGH COURT, MAKE THEM PROVE IT AS THEY WOULD HAVE TO DO WHEN THEY PULL YOU OVER, THAT AN OFFICER ACTUALLY HAS TO WITNESS YOU COMMITTING THE ACT. ALL RIGHT. SO LET ME MOVE ON TO ANOTHER ISSUE THAT WE ARE CONCERNED ABOUT. THE ACLU IS NOT JUST CONCERNED ABOUT -- ABOUT TAKING A PICTURE OF -- OF

THE CAR WITH THE LICENSE PLATE. THAT IS ACTUALLY COUNCILMEMBER NOT OUR ONLY CONCERN. WE ACTUALLY HAVE A WHOLE HOST OF CONCERNS THAT WE BROUGHT THROUGH TO YOU, I WAS TOLD THAT WE WEREN'T -- THAT THE COUNCIL WAS NOT INTERESTED IN HEARING ANYTHING ABOUT SAFETY FROM OUR ORGANIZATION. BUT I NOTED IN THE RECORDS REQUEST THAT THERE HAS BEEN NO MEETINGS BETWEEN COUNCIL AND SAFETY ORGANIZATIONS, TRIPLE A HAS DONE REPORTS, TEXAS TRANSPORTATION INSTITUTE, I PUT THE NUMBER ON THE BOTTOM OF THE REPORT. HE INVITES YOU TO CALL HIM. TO DISCUSS THAT THERE ARE ALTERNATIVES THAT WILL DEFINITELY AND HAVE BEEN PROVEN TO DECREASE COLLISIONS AND INCREASE SAFETY AT INTERSECTIONS. AND THAT -- THAT I THINK IS THE BEST NUMBER THAT WE HAVE RIGHT NOW IS 40% DECREASE IN COLLISIONS AT INTERSECTIONS WHEN WE INCREASE THE YELLOW LIGHT TIME BY 1%. IF WE ARE NOT TRYING THAT FIRST, THEN WE HAVE TO QUESTION WHY WE ARE MOVING SO QUICKLY FORWARD INTO A PROGRAM THAT'S CONTROVERSIAL, THAT HAS BEEN PROVEN TO BE A BROKEN PROGRAM, \$10,000 IN FINES IN CALIFORNIA WHERE -- WERE SENT OUT WRONGLY, THEY HAVE ALREADY PROVEN THAT MUCH OF IT. THIS IS OBVIOUSLY THERE IS SOMETHING GOING ON BEHIND CLOSED DOORS. I HAVE BEEN AGAIN EXPLORING THAT. EVERYTHING THAT YOU MIGHT NOT BE AWARE OF, THE COUNCIL HAS MET WITH TWO ENTITIES AT THIS POINT, TWO VENDORS, ATS, ACS. ACS IS ACTUALLY ON TRIAL CURRENTLY IN EDMONTON, CANADA, IN BRIBING POLICE OFFICER TO SECURE A RED LIGHT CAMERA CONTRACT. EDMONTON. SO I WARN YOU WHEN YOU MOVE FORWARD WITH THESE VENDORS TO NOT TIE YOURSELVES TO ALREADY PROVEN CORRUPT VENDORS WHO OBVIOUSLY ARE JUST IN THIS FOR THE MONEY. IF THIS REALLY WERE A SAFETY ISSUE, I CONTEND THAT WE WOULD HAVE ALL OPTIONS ON THE TABLE. I CONTEND THAT WITH INCREASE IN YELLOW LIGHT TIME, PUTTING METAL BACKINGS, DO THE RED LIGHT INTERVALS, ALL OF THE WAY THAT I HAVE LAID OUT IN MY REPORT WOULD BE ON THE TABLE AS OPTIONS. I THINK WE REALLY JUST HAVE TO BE VERY CAREFUL WHEN WE MEET WITH LOBBYISTS AND THEY TELL US THAT THEY HAVE A QUICK AND EASY FIX, NOT GOING TO HAVE ANY

COST TO THE CITY, I THINK WE NEED TO LOOK AT WHAT THE COSTS ARE GOING TO BE WHEN WE TRACK DOWN PEOPLE WHO AREN'T PAYING THEIR FINES, THAT THERE'S GOING TO BE A LOT OF LAWSUITS BECAUSE PEOPLE ARE WRONGLY BEING TICKETED. I THINK WE NEED TO BE VERY CAREFUL WHEN WE ARE PRESENTED WITH THINGS TOO GOOD TO BE TRUE. I THINK THAT'S ALL THAT I AM GOING TO GO ON FOR NOW. IF YOU HAVE QUESTIONS. I WOULD ADVISE YOU TO PLEASE CONTACT ALL OF THE ENTITIES THAT ARE NOT TIED TO LOBBYIST GROUPS SUCH AS GARRY MAURO WHO HAVE INVESTMENT IN ATS AND VENDORS THAT YOU ARE TALKING TO PLEASE USE THE INDEPENDENT STUDIES. LOOK AT THOSE STUDIES, TALK TO THOSE OFFICIALS, THOSE REPRESENTATIVES FROM PROVEN, TRIED AND TRUE UNBIASED ENTITIES AND SEE WHAT OTHER OPTIONS THERE MIGHT BE.

Mayor Wynn: THANK YOU, QUESTIONS? COUNCILMEMBER LEFFINGWELL?

Leffingwell: THIS IS ACTUALLY A QUESTION FOR STAFF. MR. SMITH, PARTICULARLY BUT JUST THIS IS A CLARIFICATION. I UNDERSTOOD MS. RUSSELL TO SAY THAT SHE UNDERSTOOD WE WERE DROPPING WHAT WAS A CRIMINAL OFFENSE TO A CIVIL OFFENSE. IT'S MY UNDERSTANDING THAT THERE IS STILL A CRIMINAL OFFENSE FOR RUNNING A RED LIGHT IF YOU ARE ARRESTED BY AN OFFICER. THIS IS AN ADDITIONAL CIVIL OFFENSE, IS THAT CORRECT?

I BELIEVE THAT IS CORRECT. BUT I WILL ASK RANDY FROM MY OFFICE TO ADDRESS IT IN MORE DETAIL.

COUNCILMEMBERS, MR. MAYOR, MADAM CITY MANAGER. I WORK HERE ON THE LEGAL STAFF. THIS PARTICULAR -- IT'S NOT IN LIEU OF A CRIMINAL DEFENSE. IN FACT I HEARD COUNCILMEMBER KIM THIS MORNING ON THE RADIO, SHE CORRECTLY STATED IF AN OFFICER CITES AN INDIVIDUAL FOR RUNNING A RED LIGHT, THAT OFFICERS WHO CITED THAT INDIVIDUAL THAT TAKES PRECEDENT OVER ANY TYPE OF CIVIL PENALTY. IN FACT IT'S AN AFFIRMATIVE DEFENSE AGAINST A PENALTY UNDER OUR ORDINANCE.

Leffingwell: THAT'S WHAT I WANTED TO CLARIFY. THE

CRIMINAL OFFENSE FOR RUNNING A RED LIGHT IS STILL THERE. THERE'S NO CHANGE IN THAT.

YES, SIR.

Leffingwell: THE ADDITIONAL CIVIL OFFENSE FOR RUNNING A RED LIGHT AND BEING CAUGHT BY A CAMERA. IT WOULD BE SIMILAR IN THE WAY IT'S HANDLED TO A PARKING TICKET.

IT WOULD BE HANDLED SIMILAR TO A PARKING TICKET, SIR. WHAT I WOULD LIKE TO CLARIFY I WOULDN'T CALL IT AN ADDITIONAL PENALTY. IF YOU --

Leffingwell: I UNDERSTAND THAT. ONE OR THE OTHER, NOT BOTH.

YES. ABSOLUTELY.

Leffingwell: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER MARTINEZ?

Martinez: I DON'T HAVE ANY QUESTION FOR YOU, I APPRECIATE THE RESPONSE. I JUST THINK THAT -- THAT THE ASSUMPTIONS THAT ARE BEING LID OUT THAT THIS IS SOME KIND OF BACK ROOM DEAL WITH THE LOBBYISTS, I THINK IT'S FAIRLY SHORT SIGHTED. TO LOOK AT COUPLE AND SAY THAT WE HAVE ONLY DEATH..... DEALT WITH THE LOBBYISTS, WE HAVEN'T LOOKED AT ALL OPTIONS THEY SHOULDN'T BE ON THE TABLE. I DON'T THINK YOU HAVE BEEN LISTENING. WE ARE TALKING ABOUT REAL ISSUES, REAL TRAFFIC PROBLEMS. TRYING TO COME UP WITH A MULTI-FACETED APPROACH. THIS IS SIMPLY ONE TOOL, ONE OPTION THAT HOPEFULLY WILL REDUCE TRAFFIC INJURIES, PEOPLE RUNNING RED LIGHTS AND IMPROVE PUBLIC SAFETY. THIS IS NOT THE ONLY THING THAT WE ARE LOOKING AT. YOU KNOW, LOOKING AT POLICE STAFFING, LOOKING AT -- AT HOW WE CLEAR UP INTERSECTIONS IN TERMS OF SIGHT LINES. THERE ARE SO MANY THINGS THAT WE CAN AND WILL BE DOING. THIS IS ONE COMPONENT OF THAT. SO I'M ABSOLUTELY IN SUPPORT OF THIS. THIS IS ONLY A 60-DAY TRIAL PERIOD THAT WE ARE GOING TO ASK MULTIPLE VENDORS TO COME IN AND -- AND WE ARE GOING TO PICK

THE BEST ONE. THE ONE -- THE TOOL THAT'S THE MOST EFFECTIVE. SO I JUST -- YOU KNOW, I JUST DON'T THINK THAT THE CONCERNS THAT ARE LAID OUT ARE -- ARE IN ANY WAY SUBSTANTIVE AND I REALLY APPRECIATE COUNCIL AND STAFF'S WORK ON THIS BECAUSE I THINK THAT WE HAVE SOMETHING THAT -- THAT CAN BE OF BENEFIT TO THIS COMMUNITY AND IT DOESN'T COST THE TAXPAYERS ANYTHING.

Futrell: MAYOR, IF I COULD JUST ADD ON TOP OF THAT, BECAUSE WHAT I THINK NEEDS TO BE CRYSTAL CLEAR THAT COUNCILMEMBER MARTINEZ RAISED WE ARE GOING OUT IN ON A COMPETITIVE PROCESS THAT WILL ASK ALL VENDORS THAT SUPPLY THESE SERVICES TO COME FORWARD AND PRESENT THEIR PROPOSAL TO US. THIS IS NOT ABOUT ANY ONE OR TWO VENDORS OUT THERE. WE WILL GO THROUGH A TYPICAL AND THOROUGH AND AGGRESSIVE COMPETITIVE PROCESS.

Mayor Wynn: THANK YOU. ACTUALLY, WE HAVE ONE MORE SPEAKER, COUNCIL, BEFORE WE CONTINUE OUR QUESTIONS. WES BENEDICT SIGNED UP WISHING TO ADDRESS US. WES BENEDICT? ITEM NO. 14. SO COUNCIL THAT ENDS THE CITIZEN TESTIMONY. FURTHER QUESTIONS, COMMENTS, COUNCILMEMBER KIM?

Kim: JUST AS WE WERE GOING FORWARD WITH THIS, WITH THE PILOT PROGRAM IN SELECTION OF THE VENDOR, THERE'S A COUPLE OF THINGS THAT I WANTED TO ASK OF STAFF. FIRST OF ALL I WANT TO THANK THEM FOR THEIR HARD WORK AND DOING THE RESEARCH, ESPECIALLY SINCE WE HAVE THE ATTORNEY GENERAL OPINION IT'S ALLOWING US TO DO SOMETHING THAT I THINK IS GOING TO IMPROVE THE SAFETY ON OUR CITY STREETS. THERE ARE A FEW THINGS THAT I WOULD LIKE TO SEE INCLUDED IN THE IMPLEMENTATION PLAN. FERTION AFTER THE VENDOR SELECTED, FIRST, AFTER THE VENDOR SELECTED I WOULD LIKE TO SEE A BILINGUAL AWARENESS AND INFORMATION CAMPAIGN, THIS CAMPAIGN SHOULD OCCUR BEFORE DRIVERS START RECEIVING CITATIONS IN THE MAIL, THEREFORE WE WILL KNOW WHAT IS HAPPENING ABOUT THE CAMERAS THAT THEY CAN EXPECT TO SEE THESE ON THE STREETS AND WHAT TO EXPECT. I ALSO WOULD LIKE TO

HAVE A SPANISH LANGUAGE AS WELL. SECOND, I WOULD LIKE TO SEE LOCALLY AND MINORITY OWNED BUSINESSES, ESPECIALLY IN THE OUTREACH AND ED EDUCATION. SOMEONE WHO -- A FIRM THAT WOULD KNOW MORE ABOUT OUR CITY'S CULTURE, ESPECIALLY WITH THE BILINGUAL ASPECTS OF THE AWARENESS CAMPAIGN. NEXT, I WOULD LIKE TO SEE SOME -- SOME CRITERIA TWO INCLUDE DANGEROUS INTERSECTIONS THAT HAVE NOT NECESSARILY SEEN A HIGH FREQUENCY IN ACCIDENTS. THERE ARE INTERSECTIONS IN OUR CITY THAT ARE DANGEROUS BECAUSE THEY HAVE MANY CLOSE CALLS, I WOULD LIKE THOSE TO BE EVALUATED AS WELL FOR THE PROGRAM. I WOULD ALSO LIKE TO USE THE -- LET'S SEE. ALSO I WOULD LIKE TO SEE REPORTS ON THE PROGRAMS EFFECTIVENESS. AND I THINK WAITING FOR A FULL YEAR FOR A REPORT IS TOO LONG GIVEN THAT PEOPLE WANT TO KNOW MORE ABOUT THE PROGRAM. SO I WOULD LIKE TO SEE PRELIMINARY STATISTICS AT THE THREE-MONTH MARK AND AN IN DEPTH REPORT AFTER SIX MONTHS SO WE CAN DEMONSTRATE WHETHER OR NOT THE CAMERAS ARE WORKING, IF THEY ARE ACTUALLY REDUCING THE RATE OF T-BONE CRASHES AND PEOPLE RUNNING RED LIGHTS. ALONG THE LINES OF REPORTING, I WOULD LIKE TO ASK THE STAFF TO RUN THE BASELINES FOR VIOLATIONS AND CRASHES AT THE 15 INTERSECTIONS THAT WILL BE STARTING OFF AFTER WE MAKE THE AWARD. THAT WAY WE CAN USE THE BASELINE TO LATER COMPARE STATISTICS BEFORE AND AFTER [INDISCERNIBLE] AT THOSE SAME INTERSECTIONS. FINALLY I WANT TO MAKE SURE THAT THE ORDINANCE LANGUAGE REGARDING THE TRAFFIC SAFETY FUND ACCOUNT IS BROAD ENOUGH TO ENCOMPASS ALL OF THE MONEY SAFETY AND TRAFFIC PROJECT THAT'S THE CITY COULD BENEFIT FROM THEM. IF -- IF IT GENERATES REVENUE, AT LEAST SOME OF THE FUNDING TO BE USED IS TO THE METHODS OF IMPROVING INTERSECTION SAFETY AND INCLUDING THOSE THAT MAY HAVE SOME ENGINEERING FLAWS THAT CREATE HAZARDS OR LESS THAN DESIRABLE CONDITIONS. SO THOSE ENGINEERING IMPROVEMENTS COULD INVOLVE IMPROVING OR INCREASING THE -- THE LENGTH OF THE YELLOW LIGHTS AT APPROPRIATE INTERSECTIONS AND INCREASING THE DURATION OF ALL WAY REDS IF THAT'S APPROPRIATE AS WELL. FURTHER

QUESTIONS OF STAFF? COMMENTS, COUNCIL? HEARING NONE, I WILL ENTERTAIN A MOTION ON ITEM NO. 14. MOTION MADE BY COUNCILMEMBER MARTINEZ TO APPROVE ITEM NO. 14 AS POSTED. SECONDED BY COMMITMENT, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6 CASH 0. THANK -- OF 7-0, THANK YOU ALL VERY MUCH. COUNCIL, THAT CONCLUDES OUR POTENTIAL DISCUSSION ITEMS BEFORE OUR NOON GENERAL CITIZENS COMMUNICATION. SO WITHOUT OBJECTION WE CAN GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEM NO. 38 REGARDING LEGAL ISSUES CONSIDERING ECONOMIC AND ENVIRONMENTAL IMPACTS IN ZONING AND WE MAY ALSO TAKE UP REAL ESTATE MATTERS PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT, THAT BEING ITEM NO. 39, RELATED TO -- TO REAL ESTATE MATTERS REGARDING PARKLAND AND/OR OPEN SPACE. AS FUNDED BY THE PROPOSED 2006 BONDS. WE ARE NOW IN CLOSED SESSION AND I ANTICIPATE US BEING BACK AT NOON FOR OUR GENERAL CITIZENS COMMUNICATION. THANK YOU.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEM 38, SOME LEGAL ADVICE FROM OUR ATTORNEYS. AND ITEM NUMBER 39, REAL ESTATE MATTERS. NO FORMAL DECISIONS WERE MADE. WE'RE DONE WITH EXECUTIVE SESSION FOR THE DAY. WE'RE NOW BACK FOR CITIZEN COMMUNICATION. WE HAVE A SLIGHTLY TRUNCATED LINEUP TODAY, BUT WE WILL BEGIN WITH JIMMY CASTRO AND BE FOLLOWED BY CAROL ANNE ROSE KENNEDY.

THANK YOU, WILL. GOOD AFTERNOON, MAYOR WYNN, COUNCILMEMBERS AND MS. FUTRELL. I'M HERE TO SPEAK ON MY OWN BEHALF, HERE TO REMIND EVERYONE TO VOTE IN A VERY IMPORTANT ELECTION. THE NOVEMBER 7.. 7TH CITY OF AUSTIN BOND ELECTION. EARLY VOTING IS FROM OCTOBER 23rd TO FRIDAY, NOVEMBER THIRD. PROPOSITION ONE, TRANSPORTATION. THIS PROPOSITION INCLUDES

FUNDING FOR STREETS, SIDEWALKS, BICYCLE AND PEDESTRIAN STRUCTURE AND I AM.....IMPROVING SIGNALS. PROPOSITION ONE TOTAL AMOUNT IS \$103 MILLION.

PROPOSITION TWO, DRAINAGE AND WATER QUALITY PROTECTION. THIS INCLUDES FUND TO GO IMPLEMENT THE WATERSHED PROTECTION MASTER PLAN. PROPOSITION TWO TOTAL AMOUNT IS \$145 MILLION. PROPOSITION THREE, PARK FACILITIES AND PARKLAND. THIS PROPOSITION INCLUDES FUNDING TO RENOVATE AND IMPROVE PARK FACILITIES AND PARKLAND. PROPOSITION THREE TOTAL AMOUNT IS \$84 MILLION. PROPOSITION FOUR, COMMUNITY AND CULTURAL CENTER FACILITIES. THIS PROPOSITION INCLUDES FUNDING TO CONSTRUCT, RENOVATE AND IMPROVE COMMUNITY AND CULTURAL CENTER FACILITIES. PROPOSITION FOUR TOTAL AMOUNT IS \$31 MILLION. PROPOSITION FIVE, AFFORDABLE HOUSING. THIS PROPOSITION INCLUDES FUNDING FOR RENTAL HOUSING DEVELOPMENT AND HOME OWNERSHIP PROGRAMS. PROPOSITION FIVE TOTAL AMOUNT IS \$55 MILLION. PROPOSITION SIX, CENTRAL LIBRARY. THIS PROPOSITION INCLUDES FUND TO GO CONSTRUCT A NEW CENTRAL LIBRARY. PROPOSITION SIX TOTAL AMOUNT IS \$90 MILLION. PROPOSITION SEVEN, PUBLIC SAFETY FACILITIES. THIS PROPOSITION INCLUDES FUNDING TO CONSTRUCT, RENOVATE AND IMPROVE PUBLIC SAFETY FACILITIES. PROPOSITION SEVEN TOTAL AMOUNT IS \$58 MILLION. THE BOND PACKAGE TOTAL AMOUNT IS \$567 MILLION. FINALLY, LET'S DO THE RIGHT THING AND LET'S PASS ALL SEVEN BOND PROPOSITIONS FOR AUSTIN'S FUTURE SO AUSTIN CAN MAINTAIN ITS STATUS AS THE MOST LIVEABLE CITY IN AMERICA. THANK YOU, MAYOR WYNN.

Mayor Wynn: THANK YOU, MR. CASTRO. OUR NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAT JOHNSON, WHO WILL BE FOLLOWED BY JENNIFER GALE.

THANK Y'ALL FOR SERVING AND FOR LISTENING. THIS IS MY FIRST DRAFT OF THE INTRA NATIONAL ANTHEM. (music) JOSE CAN YOU SEE PAST THE BORDER AT NIGHT. (music) WE'RE NOT TRYING TO KEEP Y'ALL OUT, WE'RE JUST CONTAINING OUR FRIGHT. (music) JOSE, WE LOVE YOU AND YOUR KIDS

AND YOUR MOMMA WHO'S HID IN A COUNTRY THAT'S FOREIGN, JUST LIKE WHAT WE DID. (music) SO I'M LEARNING ESPANOL, BUT IT'S TAKING A TOLL ON MY TAX BILLS AND MORTGAGE, BUT I CAN STILL SAY LET'S ROLL. (music) AND THE TEMPER'S THEY FLARE, BUT YOU'RE DOING YOUR SHARE 'CUZ THERE'S PROOF DAY AND NIGHT THAT YOUR FLAG IS STILL HERE. (music) JOSE, IS DID YOUR FREEDOM TURN INTO A GRAVE? (music) IN THE LAND OF THE -- THAT'S CRAVE. (music) IN THE LAND OF THE -- (music) IN THE LAND OF DEBRIS AND THE HOME OF OUR GRAVE.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS PAT JOHNSON. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JENNIFER GALE.

GOOD DAY, COUNCIL, MAYOR. DURING THE LAST COUNCIL ELECTION I VOTED FOR YOU ON COUNCIL TODAY BECAUSE I BELIEVE THAT YOU HAD THE INTEGRITY TO REPRESENT THE STIP SIT SENZ OF -- CITIZENS OF AUSTIN. IT SEEMED THAT CENTEX HAS BEEN CALLING CERTAIN MEMBER OF COUNCIL, INCLUDING THE MAYOR, BECAUSE THE CITY STAFF, THE WATERSHED INSPECTORS, WOULD NOT GIVE THEM THE FINAL APPROVAL ON A DEVELOPMENT PLAN ON RIVERSIDE MET DOUGHS AND TWO OTHER -- MEADOWS AND TWO OTHER SUBDIVISIONS. BECAUSE WHENEVER WE GIVE THE FINAL INSPECTION TO THESE DEVELOPERS, THE CITY TAKES OVER THE UPKEEP OF THE STORM WATER FACILITIES. OUT AT RIVERSIDE MEADOWS, ONE OF OUR SUBDIVISIONS, THEY HAVE ANOTHER ONE OFF OF ROSS ROAD AND ONE UP NORTH, THE WET POND LADDER IS RIPPED AND FILLED FULL OF SEDIMENT. AND CENTEX SEEMS TO THINK THAT THEY CAN SCREW US OVER HERE ON THE EAST SIDE AND LET THE TAXPAYERS PICK THIS UP. SO COUNCIL, WE HAVE SOME DEDICATED EMPLOYEES, SOME DEDICATED INSPECTORS WHO WERE THAT'S LOOKING OUT FOR THE TAXPAYER. SO WHAT I'M ASKING THIS COUNCIL TO GIVE ME A COMMITMENT, GIVE THE CITY EMPLOYEES A COMMITMENT FROM COUNCIL THAT YOU'RE NOT GOING TO GO BEHIND THEIR BACK AND PUT HEAT ON THOSE INSPECTORS AND THOSE DEPARTMENT HEADS NOT TO ENFORCE CERTAIN RULES. THIS IS FOR OUR ENVIRONMENT. WE DON'T NEED ANY MORE SEDIMENT IN OUR CREEKS AND RIVERS. COULD I GET A COMMENT PLEASE FROM STAFF?

MAYOR? YOU KNOW, I JUST ASK -- THIS IS COMING FROM THE INSPECTORS OUT THERE THAT DO THESE INSPECTIONS ON THESE JOB SITES IS THEY WANT TO KNOW THAT YOU'RE GOING TO BACK THEM BECAUSE Y'ALL ADOPTED THESE RULES THAT THE DEVELOPERS HAD TO OBEY BY. THEY CANNOT BE ALLOWED TO GET WATER TAPS, ELECTRIC METERS UNLESS THEY GET THE STORM WATER FACILITIES COMPLETED. BECAUSE EVERY HARD RAIN THE WATER COMES UP OUT OF THE CREEK RIGHT NEXT DOOR TO MY HOUSE OUT THERE. SO DO WE GET ANY COMMENT, PLEASE? THIS IS STRICTLY THEY ASKED ME TO COME UP HERE AND TALK TO Y'ALL BECAUSE CITY EMPLOYEES CAN'T COME UP HERE AND SPEAK TO COUNCIL?

THERE IS APPROXIMATELY A MINUTE LEFT ON YOUR TIME. I WILL BEGIN A RESPONSE BY SAYING I HAVE NEVER HEARD OF A MAYOR OR A MEMBER OF THE CITY COUNCIL, PAST OR PRESENT, WHO HAS EVER GONE TO A CITY STAFF PERSON AND SUGGESTED, ASKED OR DEMANDED THAT THEY APPROVE SOME ELEMENT OF ANY TYPE OF REGULATORY APPROVAL AGAINST EXISTING CODE.

MAYOR, I HAVE 100% FAITH IN YOU BECAUSE I KNOW YOU HAVE A HIGH LEVEL OF INTEGRITY, BUT THE STAFF HAVE BEEN E-MAILING ME AND SAY THAT WE'RE WORRIED THAT THE CITY COUNCIL -- THESE DEVELOPERS ARE CALLING COUNCIL AND THE MAYOR AND WE CAN'T DO ANYTHING. THEY'RE FOLLOWING THE RULES THAT Y'ALL ADOPTED. AND THESE DEVELOPERS, THEY JUST NEED TO REALIZE THIS IS THE WAY IT'S GOING TO BE IN AUSTIN, TEXAS, AND IF YOU DON'T LIKE IT, GO BUILD SOMEWHERE ELSE. WE WANT YOUR BUSINESS, BUT YOU'VE GOT TO OBEY THE RULES. AND LIKE I SAY, MAYOR, I VOTED ABSENTEE LIKE YOU DID, AND I SUPPORTED ALL SEVEN OF THE PROPOSITIONS. AS A MATTER OF FACT, I TOOK 63 PEOPLE TO THE POLLS TO VOTE BECAUSE THEY DIDN'T HAVE TRANSPORTATION. IT WOULD BE YOUR PART TO BE PART OF THE COMMUNITY. AND THAT'S THE REASON THE COUNCIL HAS TO UP HOLD THE RULES SET BY YOU AND THE STAFF WILL DO THEIR JOB AND THEY'VE DONE A HELL OF A JOB SO FAR. THANK YOU.

Mayor Wynn: THANK YOU.

Futrell: AND I NEED TO MAKE THE COMMENT HERE, PAT, IT IS -
- YOU JUST NEED TO KNOW, OUR COUNCIL HAS THE
ABSOLUTE RIGHT AND AUTHORITY TO ASK QUESTIONS ON
ISSUES THAT ARE GOING ON IN OPERATIONS, BUT WE DO
NOT HAVE COUNCIL PRESSURE TO OVERTURN ISSUES AT
THE CITY STAFF LEVEL. OUR CITY STAFF WORKS UP
THROUGH THEIR ASSISTANT CITY MANAGERS AND OUR
COUNCIL WORKS DOWN THROUGH OUR OFFICE. OUR STAFF
ALWAYS STAND BY THEIR PROFESSIONAL
RECOMMENDATIONS AND WE ARE NOT PRESSURED BY OUR
COUNCIL TO CHANGE THAT.

THAT'S WHAT THEY WANTED TO HEAR, COUNCIL. THANK
YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON. LET'S SEE, OUR
NEXT SPEAKER IS YES OR NOFER GALE. -- JENNIFER GALE.
SHE HAS SIGNED UP WISHING TO ADDRESS US. TO BE
FOLLOWED BY EDWARD SLEDGE. ED, I SAW YOU HERE
EARLIER. WE HAVE A NICE LETTER FROM YOU. WELCOME.
YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY
MARIA RANKINS.

THANK YOU, MAYOR WYNN. MAYOR WYNN AND CITY
COUNCILMEMBERS, MY NAME IS EDWARD.....EDWARD
SLEDGE. I HAVE BEEN A MEMBER OF THE AUSTIN HUMAN
RIGHTS COMMISSION SINCE LATE 2000. 'I WAS NOMINATED
TO THE COMMISSION BY THEN COUNCILMEMBER JACKIE
GOODMAN. MY PRESENT TERM IS UP THIS MONTH, AND THAT
AS SUCCESSOR IN PLACE 3, COUNCILMEMBER KIM, WILL
NOMINATE SOMEONE OF HER CHOICE TO THE COMMISSION. I
WOULD LIKE TO CONTINUE ON THE COMMISSION AND TO
CONTINUE TO SERVE IF POSSIBLE. I HAVE A GOOD
ATTENDANCE RECORD AND HAVE BEEN AN ACTIVE
PARTICIPANT IN AHRC BUSINESS AND FUNCTIONS. AS THE
ONLY REMAINING MEMBER FROM THE AUSTIN HUMAN
RIGHTS COMMISSION OF 2000, I BELIEVE I COULD ALSO
PROVIDE CONTINUITY AND SOME PERSPECTIVE. I BELIEVE
THAT AT PRESENT THERE ARE ONE OR MORE OPEN SEATS,
AND THAT'S SOME CITY COUNCILMEMBERS HAVE OPEN
SEATS TO FILL ON THE COMMISSION. AND THERE ARE ALSO
FOUR AT LARGE POSITIONS, BUT I DON'T BELIEVE THERE
ARE ANY VACANT AT THIS TIME. IF IT IS NOT POSSIBLE TO

CONTINUE AT THIS TIME, I WILL KEEP MY APPLICATION ON RECORD SO THAT I MIGHT BE ABLE TO FILL ANY FUTURE VACANCIES. I HAVE FOUND THIS EXPERIENCE VERY INTERESTING AND REWARDING. I HAVE WITNESSED ITS EVOLUTION AND TRANSFORMATION AS NEW MEMBERS ARRIVE AND WE HAVE SOUGHT TO FIND MEANINGFUL WAYS TO CONTRIBUTE TO THE COMMUNITY DIALOGUE ABOUT HUMAN RIGHTS ISSUE. AND I THANK YOU FOR ANY ATTENTION AND CONSIDERATION YOU CAN GIVE TO THIS MATTER. THANK YOU.

Mayor Wynn: THANK YOU, MR. SLEDGE FOR YOUR SERVICE AND WILLING TO CONTINUE TO SERVE. MARIA RANKINS SIGNED UP WISHING TO SPEAK. MARIA RANKINS? AM I UNDERSTANDING -- MY UNDERSTANDING IS THE FOLLOWING FOLKS WHO HAD SIGNED UP TO SPEAK HAVE SENT US NOTES THAT THEY WILL NOT BE HERE TODAY, THOSE BEING VICTOR CARL HONEY, NAILAH SANKOTFA, JON HUGHES AND JESSEMER CERTIFY. NONE OF THOSE FOLKS ARE HERE. SO COUNCIL, THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION. WE HAVE ENDED ALL DISCUSSION ITEMS OFF OUR POSTED AGENDA, SO WITHOUT OBJECTION, WE'RE GOING TO NEED TO RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL. OUR NEXT POSTED POTENTIAL ITEM WOULD BE OUR 2:00 O'CLOCK AFTERNOON BRIEFING BY CHARLES HAMSATH ON THE DOWNTOWN CIRCULATOR STUDY. SO WE ARE NOW IN RECESS AND WILL RECONVENE AT 2:00 O'CLOCK. THANK YOU VERY MUCH.

THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS 10 MINUTES AFTER 2:00 P.M., WE HAVE BEEN IN RECESS NOW SINCE AROUND 12:30 P.M. OUR AGENDA NOW TAKES US TO OUR 2:00 BRIEFING, WE HAVE A SINGLE BRIEFING THIS AFTERNOON. A PRESENTATION BY CHARLES HEIMSATH ON THE DOWNTOWN CIRCULATOR STUDY. FIRST I WILL RECOGNIZE LAURA HUFFMAN.

THANK YOU MAYOR, MAYOR PRO TEM, CITY COUNCIL MEMBERS, I WOULD LIKE TO BRIEFLY INTRODUCE CHARLES WHO THE CITY HIRED TO DO A STUDY FOR US OF WHAT THE IMPACT WOULD BE IF THERE WAS A CIRCULATOR SYSTEM FOR RAIL TAKING THE RAIL FROM THE DROPOFF POINT AT

THE CONNECTION WITH CENTER AND -- AT THE CONVENTION CENTER AND THROUGH THE DOWNTOWN. THE STUDY WE ASKED HIM TO CONDUCT WAS TO EVALUATE FOR US WHAT IS HAPPENING RIGHT NOW IN TERMS OF DEVELOPMENT. WHAT IS UNDERWAY OR PLANNED IN TERMS OF DEVELOPMENT. AS ALL OF YOU ALL KNOW, DOWNTOWN IS UNDERGOING A STRONG DEVELOPMENT CYCLE. HELP US PREDICT WHAT WE WOULD SEE IN DOWNTOWN AS FAR AS HAVING THE CIRCULATOR SYSTEM. WHAT IS THE DIFFERENTIAL VALUE FOR HAVING A CIRCULATOR SYSTEM. CHARLES IS HERE TODAY TO PRESENT THAT ANALYSIS TO YOU, ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE ABOUT THE BENEFIT OF HAVING A CIRCULATOR SYSTEM IN THE DOWNTOWN W. THAT I WILL ASK CHARLES HEIMSATH TO PRESENT HIS FINDINGS.

WELCOME, I'M SORRY SO INTERRUPT, A LITTLE PAUX PAS HERE. FROM A PROTOCOL STANDPOINT. I WOULD LIKE TO RECOGNIZE MIKE KRUSEE, WHO IS IN THE ROOM, IN ADDITION TO INTRODUCING A MEASURABLE SWATH OF FAR NORTH AUSTIN, REPRESENTATIVE KRUSEE SERVES AS TRANSPORTATION CHAIRMAN. WOULD YOU LIKE TO SAY A FEW WORDS IS THIS THANK YOU FOR BEING HERE.

THANK YOU FOR THIS OPPORTUNITY. I JUST WANT TO SAY YOU KNOW THERE WAS A TIME WHEN THE AUSTIN REGION WAS KNOWN FOR DOING A LOT OF FIGHTING. NONE OF US COULD EVEN SPELL REGIONALISM. I'M REALLY GLAD THOSE TIMES ARE BEHIND US. I HAVE REALLY ENJOYED MY TIME WITH THE COUNCIL, THE TRIPS THAT BEV TAKEN. GOING TO PORTLAND, MANY OF US THERE TOGETHER. I THINK THAT THE COOP OPERATOR BETWEEN AUSTIN -- COOPERATION BETWEEN AUSTIN AND THE SUBURBS IS VERY VALUABLE FOR EVERYBODY. A LOT OF PEOPLE ASKED ME MIKE, WHY ARE YOU WORKING ON DOWNTOWN AUSTIN, WHY IS THAT IMPORTANT? THE REASON IT'S IMPORTANT IS THAT, YOU KNOW, WILLIAMSON COUNTY IS NOT AN ISLAND. IT CANNOT SUCCEED BY ITSELF. THE MORE SUCCESSFUL AUSTIN IS, THE MORE SUCCESSFUL EVERYBODY IN THIS ENTIRE REGION IS GOING TO BE. I THINK ALL OF US HAVE COME TOGETHER TO TRY TO DEVELOP A REGIONAL OR COMPREHENSIVE TRANSPORTATION PLAN. THERE USED TO BE A TIME WHEN WE WOULD ARGUE ABOUT THE ROAD

WARRIORS THE TRANSIT PEOPLE AND BOTH WERE EXCLUSIVE CAMPS. I THINK A LOT OF US HAVE COME TO REALIZE THAT -- YOU KNOW, THERE IS NO ONE SOLUTION. WE ARE GOING TO HAVE TO DO RAIL, WE ARE GOING TO HAVE TO DO ROADS, WE ARE ALL WORKING TOGETHER. THANK YOU.

Mayor Wynn: THANK YOU, MR. CHAIRMAN. I'M SORRY, MR. HEIMSATH, I WANTED TO TAKE THE OPPORTUNITY TO HEAR FROM THE CHAIRMAN, WELCOME BACK.

THANK YOU VERY MUCH. I WANT TO START OFF BY REITERATING WHAT THE PURPOSE OF THIS ANALYSIS WAS OR IS, THAT IS TO DETERMINE WHAT THE POTENTIAL ECONOMIC BENEFIT WILL BE IF A STREET CAR IS EXTENDED THROUGH A STREET CAR CIRCULATOR SYSTEM THAT IS DEVELOPED AND EXTENDED THROUGH DOWNTOWN AUSTIN. JUST A LITTLE BIT OF BACKGROUND. I'M SHOWING HERE ON THE MAP THE STUDY AREA BOUNDARY, THE BOUNDARY IS ROUGHLY ABOUT A THREE BLOCK WALKING..... WALKING DISTANCE FROM THE PROPOSED STREET CAR LEGITIMATE. GIVEN TO ME BY CAPITAL METRO BACK IN -- BACK IN I THINK IT WAS JUNE OR JULY, IT WAS AT THAT TIME CONSULTANTS RECOMMENDATION TO HAVE THE LINING THROUGH DOWNTOWN. PAST DOWNTOWN, PAST THE STATE CAPITOL, THROUGH THE UNIVERSITY OF TEXAS, OUT MANOR ROAD AND TERMINATES AT THE NEW DELL HOSPITAL AT MUELLER AIRPORT. BUT THIS IS JUST A PORTION OF THAT LINE THAT WE ARE ANALYZING, THE PORTION THAT RUNS THROUGH DOWNTOWN. THERE HAVE BEEN SOME PROPOSED MODIFICATIONS TO THE ALIGNMENT IN DOWNTOWN. IT'S NOT EXACTLY THE WAY IT'S SHOWN ON THE MAP CURRENTLY. BUT FOR EXAMPLE THAT LITTLE LOOP AT 9th AND 10th STREET IS NOW CONTEMPLATED TO BE MOVED UP TO 11th STREET, THERE BE A TWO-WAY PAIR AS OPPOSED TO A LOOP THAT GOES AROUND 9th AND 10th STREET AS IT MOVES FROM CONGRESS OVER TO SAN JACINTO. BUT JUST WITH THAT CONTEXT, THIS IS A PORTION OF AN OVER.... OVERALL STREET CAR SYSTEM, WE ARE JUST ANALYZING THE IMPACTS ON DOWNTOWN. AS I MENTIONED EARLIER, WE ARE LOOKING AT AN AREA THAT'S ABOUT A 3 BLOCK..... 3 RADIUS, 3 BLOCK RADIUS, 3 BLOCK WALKING DISTANCE FROM THE STREET CAR. IN ALL OF THE RESEARCH THAT I

HAD DONE, IT'S OFTEN REFERRED TO AS BEING A QUARTER MILE DANCE FROM A PLATFORM OR A STATION IS THE AREA OF INFLUENCE OF RAIL AROUND -- ON THE SURROUNDING LAND VALUES AND LAND USES. AND SINCE THE STREET CAR SYSTEM CONTEMPT PLATES A STOP EVERY TWO OR THREE BLOCKS, INSTEAD OF HAVING KIND OF DISTINCT NODES, IF YOU WILL, THIS IS REALLY A CORRIDOR ANALYSIS. IT'S A CORRIDOR OF -- OF IMPACT. IT ENCOMPASSES APPROXIMATELY 105 BLOCKS OF DOWNTOWN. THIS SHOWS THE LAND USES ACCORDING TO T CAD AND -- IN 2005 AND IN THAT AREA. WITHIN THE STUDY AREA, AS -- AS YOU ALL KNOW, THERE ARE MANY BLOCKS DOWNTOWN THAT ARE OFF THE TAX ROLLS THAT ARE EITHER OWNED BY THE STATE, THE CITY OR THE COUNTY. OR A NON-PROFIT ENTITY. WITHIN THIS 105 BLOCK AREA, 36 OF THE BLOCKS ARE OFF THE TAX ROLLS CURRENTLY. SOME OF THEM ARE CONTEMPLATED TO COME ON TO THE TAX ROLLS AS THE GREEN WATER TREATMENT PLANT IS REDEVELOPMENT, AS SEAHOLM AND OTHER LOCATIONS COME ONLINE. SO WE WOULD -- WE COULD ADD TO THAT -- TO THAT TAXABLE AREA OVER TIME. IN 2005, THE -- THE ASSESSED VALUE OF THAT AREA WAS \$1.4 BILLION. AGAIN RECOGNIZING 36 OF THE BLOCKS ARE TAX EXEMPT. THIS -- THIS SLIDE GIVES YOU JUST THE BROAD BRUSH OVERVIEW AND THEN I'M GOING TO DRILL DOWN INTO SOME OF THE DETAILS OF THE REPORT. IN 2005 AS I JUST MENTIONED, \$1.4 BILLION IN ASSESSED VALUE. CURRENTLY UNDER CONSTRUCTION THERE ARE PROJECTS, THIS WAS AS OF JUNE WHEN WE DID THE ANALYSIS, PROJECTS CURRENTLY UNDERWAY, \$334 MILLION WORTH OF PROJECTS. AMONG THOSE ARE THE CONDOMINIUM TOWER 360, THE MONARCH WHICH IS AN APARTMENT BUILDING OVER HERE AT 101 COLORADO, THE COURTYARD, MARRIOTT, WHICH IS SUBSEQUENTLY OPENED, AMLI WHICH IS JUST TO THE NORTH AND WEST OF US. A.B.C. BANK BUILDING, A NUMBER OF OTHERS. TAKEN TOGETHER, A CONSERVATIVE ESTIMATE OF VALUE OF THOSE PROPERTIES WOULD BE \$334 MILLION. IN ADDITION TO THAT, WE WERE ABLE TO IDENTIFY WELL OVER A BILLION DOLLARS WORTH OF PLANNED PROJECTS IN DOWNTOWN. WE ARE NOT TALKING ABOUT JUST KIND OF CONCEPTUAL PLANS. WE ARE TALKING ABOUT PEOPLE THAT ARE ACTIVELY WORKING ON PROJECTS THAT HAVE BEEN UNDERWAY FOR A WHILE.

MANY OF THEM HAVE SUBMITTED SITE PLANS TO THE CITY THAT ARE CURRENTLY UNDER REVIEW. WE ARE TALKING ABOUT THINGS LIKE THE -- LIKE THE PROPOSED CONDOMINIUM AND APARTMENT PROJECT AT THE FOUR SEASONS, BLOCK 21, A NUMBER OF OTHER PROJECTS DOWNTOWN THAT -- THAT WE SEE ARE -- HAVE A VERY STRONG PROBABILITY OF OCCURRING AND ALTOGETHER THEY -- THEY ADD UP TO ABOUT A BILLION DOLLARS OF ADDITIONAL ASSESSED VALUE. SO JUST WITH WHAT'S UNDER CONSTRUCTION AND WHAT'S IN THE IMMEDIATE PIPELINE THAT -- THAT WE CAN FORESEE HAPPENING, WE'LL DOUBLE THE VALUE WITHIN THIS 105 BLOCK MARKET AREA AND THAT'S -- THAT'S JUST WHAT'S GOING ON TODAY. SO I USE THAT AS A BASE AND THEN I BEGAN TO DO FORECASTS OF A RECOVERY TO THE OFFICE MARKET AND A CONTINUATION OF THE DEVELOPMENT OF APARTMENTS AND CONDOMINIUMS IN DOWNTOWN. AND JUST LOOKING AT THE -- AT THE RECOVERY OF THE OFFICE MARKET, NEW CONSTRUCTION ASSOCIATED WITH THAT RECOVERY, THE CONSTRUCTION OF NEW OFFICE, CONSTRUCTION OF NEW CONDOMINIUM BUILDINGS, NEW APARTMENTS, ALL TOLD IN 2015 WE EXPECT THIS MARKET AREA WILL HAVE ALMOST \$6 BILLION WORTH OF ASSESSED VALUE. IF WE IMPLEMENT A STREET CAR SYSTEM AS CONTEMPLATED, AS OUR FINDINGS THAT THERE WOULD BE AN ADDITIONAL \$700 MILLION, I'M SORRY, IT'S 2.2, 5-POINT 2 WITHOUT, IT'S ADDITIONAL 700 MILLION WITH THE STREET CAR INFLUENCE TO TOTAL OF ALMOST \$6 BILLION IN ASSESSED VALUE IN 2015. THAT'S KIND OF THE HIGH LEVEL BOTTOM LINE ANALYSIS. I WILL JUST MOVING QUICKLY TO -- TO DISCUSS THE METHODOLOGY. WHEN I FIRST CONSIDERED THIS ANALYSIS IT WAS-- THERE ARE A NUMBER OF DIFFERENT WAYS OF VALUING PROPERTY SO I CALLED THE APPRAISAL DISTRICT AND TALKED TO THE CHIEF APPRAISER, ART COREY AND POSED THE PROBLEM TO HIM. I SAID "ART, HOW DO YOU DO A MASS APPRAISAL IN DOWNTOWN AND CONTEMPLATE A DIFFERENCE THAT MIGHT OCCUR AS A RESULT OF THE STREET CARS?" . AND HE SAID THAT WHAT THEY LOOK AT IN COMMERCIAL DISTRICTS IS PRIMARILY NOT NET OPERATING INCOME. AND THAT -- THAT N.I.O. IS A MAJOR DETERMINANT IN PROPERTY VALUE. SO USING THAT AS A KIND OF GUIDE, WHAT I DID WAS -- CONDUCT AN ANALYSIS THAT REALLY

LOOKS AT FROM AN OFFICE OR APARTMENT STANDPOINT THE NET OPERATING INCOME THAT MIGHT BE GENERATED WITHIN THIS MARKET AREA OVER TIME. N.O.I. IS OF COURSE A FUNCTION OF THE RENTAL RATES AND THE AMOUNT OF SPACE AND OCCUPANCY OF THAT SPACE. SO I LOOKED AT THE BASELINE IN 2005. AND THE OCCUPANCY RATE WAS 78%. THE NET OPERATING INCOME BASED ON 11.52 AVERAGE RENTAL RATE FOR OFFICE BUILDINGS DOWNTOWNED GENERATED AN NOI OF ABOUT \$60 MILLION. IF YOU CAP THAT AT 1%, YOU GET AN IMPROVEMENT VALUE OF ABOUT 1.1 BILLION. THE VALUE IN THIS AREA IS IN THE OFFICE MARKET. WE THEN FORECASTED THE DEMAND FOR OFFICE SPACE CITY WIDE AND -- AND DERIVED A CAPTURE RATE FOR DOWNTOWN FOR THE OFFICE MARKET BASED ON THE LAST 15 YEARS WORTH OF -- OF ABSORPTION IN DOWNTOWN. AND DOWNTOWN HAS -- HAS -- IN SPITE OF THE NEW CONSTRUCTION, DOWNTOWN HAS REALLY BEEN LOSING GROUND TO THE SUBURBAN MARKETS OVER THE LAST 15 YEARS. AND IT IS -- IT IS A SMALLER, HAS A SMALLER AND SMALLER PERCENTAGE OF OFFICE SPACE IN DOWNTOWN AS A PERCENT OF TOTAL NOW THAN IT DID IN THE '80S, RIGHT AFTER THE BOOM IN THE MID '80S. SO WE FELT LIKE THAT TREND WOULD CONTINUE ABSENT THE IMPLEMENTATION OF A STREET CAR SYSTEM. WE USED KIND OF A HISTORICAL ABSORPTION, CAPTURE RATE OF ABOUT 19%, BUT UNDER A STREET CAR SCENARIO WE INCREASED DOWNTOWN'S ABSORPTION RATE BECAUSE THE OFFICE BUILDINGS REALLY HAVE ACCESS TO A MUCH LARGER LABOR POOL. SOME PEOPLE REFER TO IT AS A LABOR SHED. WHERE YOU CAN -- BECAUSE OF THE CONNECTIVITY TO -- TO THE COMMUTER RAIL LINE, YOU CAN PULL FROM PEOPLE WAY UP IN NORTHERN WILLIAMSON COUNTY, BRING THEM DOWN THROUGH TRAVIS COUNTY AND INTO DOWNTOWN, IN A RELATIVELY SHORT PERIOD OF TIME. SO PEOPLE THAT MIGHT NOT NECESSARILY CONTEMPLATE WORKING DOWNTOWN WOULD CONSIDER IT IF THERE'S A RAIL OPTION THAT WASN'T THERE OR THAT ISN'T THERE NOW. SO IT WAS OUR SENSE THAT THE OFFICE MARKET WOULD BENEFIT TREMENDOUSLY FROM THE RAIL SYSTEM. IN CALCULATING -- AND IN USING THE DIFFERENCE IN ABSORPTION AND NOT CHANGING THE RENTAL RATES, WE WERE ABLE TO CALCULATE A DIFFERENCE IN CONSTRUCTION ACTIVITY IN

DOWNTOWN OF ABOUT 880,000 SQUARE FEET OF ADDITIONAL -- ADDITIONAL OFFICE SPACE THAT WOULD BE BUILT. AND THAT TRANSLATES INTO -- INTO USING THE SAME NUMBERS AS BEFORE, TRANSLATES INTO \$142 MILLION OF ADDITIONAL ASSESSED VALUE. WE DID -- WE THEN DID THE SAME TYPE OF ANALYSIS USING NOI, BASED ON INVENTORY OF -- CURRENTLY WE HAVE ABOUT 600 UNITS OF APARTMENTS DOWNTOWN. NOT DOWNTOWN, BUT WITHIN THIS CORRIDOR AREA. WITHIN 105 BLOCKS. WE HAVE 600 APARTMENT UNITS, 96% OCCUPANCY RATE, CITY-WIDE THAT -- THIS IS KIND OF A STUNNING FIGURE, BUT CITY-WIDE THE AVERAGE RENT IS 87 CENTS. DOWNTOWN WHEN WE DID OUR -- OUR ANALYSIS, THE AVERAGE RENT DOWNTOWN WAS \$1.84 PER SQUARE FOOT, MORE THAN TWICE AS MUCH AS THE CITY-WIDE AVERAGE RENT. AGAIN, LOOKING AT THE NET OPERATING INCOME, ON THOSE UNITS, AND USING A CAP RATE OF 5%, WE CAME UP WITH A LAND AND IMPROVEMENT VALUE IN THE BASELINE OF \$88 MILLION. WE THEN FORECASTED ADDITIONAL APARTMENT CONSTRUCTION, WITHOUT THE RAIL. 2800 UNITS, IN 2015, WITH THE RAIL. OUR ESTIMATE IS THAT IT WOULD GO UP TO 33 UNITS FOR A NET CHANGE OF 461 UNITS AND \$200 MILLION IN -- IN ASSESSED VALUE. WE THEN TURNED OUR ATTENTION TO THE CONDO MARKET. BACK IN JUNE WE HAD 600 UNITS IN DOWNTOWN. BECAUSE CONDOS DON'T GENERATE INCOME THE WAY THAT OFFICE BUILDINGS AND APARTMENTS DO, THERE'S -- THERE'S SALES, BASICALLY. WE LOOKED AT THIS ONE DIFFERENTLY, THE AVERAGE UNIT VALUE FOR CONDOMINIUMS DOWNTOWN IS CURRENTLY ABOUT \$500,000. THAT'S -- THAT WAS THE AVERAGE UNIT ON THE MARKET IN JUNE. AND THAT -- THAT HAS BEEN THE AVERAGE VALUES IN CONDOMINIUMS IN THE CENTRAL MARKET AREA HAVE BEEN GOING UP ABOUT 6% ANNUALLY. FOR THE LAST SIX OR SEVEN YEARS. AND WE USED THAT ESCALATION RATE TO PREDICT WHAT WE THOUGHT THE AVERAGE VALUE OF FUTURE UNITS WOULD BE DOWNTOWN AND IN 2015 THAT WOULD BE ABOUT 700,000. THERE ARE -- THERE ARE -- THE CONDO MARKET AS YOU ALL KNOW, HAVE SEEN MANY PROJECTS COME BEFORE YOU, BUT WE DID AN INVENTORY OF MANY OF THOSE PROJECTS THAT ARE PLANNED WITHIN THE KIND OF CENTRAL CORE AREA, JUST NORTH OF THE RIVER UP TO MLK... MLK. AND BASICALLY

FROM I-35 OVER TO LAMAR. THERE ARE 24 PROJECTS UNDER CONSIDERATION IN THAT MARKET. A TOTAL OF 3,000 UNITS, WHICH IS PRETTY AMAZING NUMBER. SOME OF THOSE PROJECTS WON'T GET BUILT. OTHERS WILL COME TO TAKE THEIR PLACE, THE ONES THAT DROP OFF. BUT THAT'S AN AMAZING STATISTIC. WE FELT VERY COMFORTABLE IN FORECASTING APARTMENTS DOWNTOWN WITHOUT THE RAIL IN THIS AREA OF ABOUT 3200 UNITS. THE ESTIMATE WOULD BE IF YOU DID IMPLEMENT THE RAIL SYSTEM THAT THE DIFFERENCE WOULD BE ABOUT 470 ADDITIONAL UNITS AND \$350 MILLION WORTH OF ASSESSED VALUE. TO SUMMARIZE, CURRENT ASSESSED VALUE, 1.4 BILLION. PROJECTS UNDERWAY, UNDER CONSTRUCTION AND PLANNED, MANY IN THE SITE PLANNING PHASE WOULD ADD ANOTHER 1.4 BILLION. SO -- SO WE WOULD COME UP WITH 2.5 BILLION. JUST WITH WHAT'S UNDERWAY CURRENTLY. OUR FORECAST IS THAT -- IS THAT ASSESSED VALUE WITHOUT THE RAIL WOULD -- WOULD INCREASE TO 5 MILLION, \$5.27 BILLION, WITH THE RAIL AND ADDITIONAL ROUGHLY \$700 MILLION IN ASSESSED VALUE. IF YOU ADD UP ALL OF THE PROJECTS THAT I JUST WENT THROUGH. IN RESPONSE TO COUNCILMEMBER DUNKERLY'S REQUEST, WE -- WE LOOKED AT THE DIFFERENCE BETWEEN CONSTRUCTION OF -- I MEAN WE LOOKED AT THE TOTAL VALUE DIFFERENCE AND KIND OF PARSED OUT THAT WHICH WAS ATTRIBUTABLE TO NEW CONSTRUCTION VERSUS THAT WAS WHICH WAS ATTRIBUTABLE TO -- TO INCREASES IN VALUE. MOST OF WHICH OCCURRED IN THE OFFICE MARKET AS A RESULT OF THE INCREASE IN OCCUPANCY OF 78% TO 94%. IF YOU LOOK AT THE NUMBERS, OVERALL NEW CONSTRUCTION, NEW PHYSICAL STRUCTURES WITHIN THE MARKET AREA WOULD CONTRIBUTE 85% OF THE TOTAL VALUE INCREASE OR 85% OF THAT \$700 MILLION. HERE'S A GRAPH THAT SHOWS IN YELLOW THE BASELINE, WHERE WE ARE TODAY IN GREEN IS SHOWS WHERE WE ARE WITH THE PROJECTS THAT ARE CURRENTLY UNDER CONSTRUCTION AND IN THE SITE PLANNING PHASE. THE RED SHOWS THE MARKET RECOVERY AND NEW CONSTRUCTION AND THEN THE BLUE FINALLY SHOWS THE DIFFERENCE THAT'S ATTRIBUTABLE TO -- TO THE IMPLEMENTATION OF THE STREET CAR. THIS IS A SLIDE THAT SHOWS JUST VERY BRIEFLY SOME OF THE OTHER CITIES THAT CURRENTLY

HAVE AN ACTIVE STREET CAR SERVICE IN OPERATION. THERE IS A LIST PROBABLY HALF AGAIN AS LONG AS THIS, CITIES LIKE OURSELVES THAT ARE CONSIDERED THE IMPLEMENTATION OF STREET CAR SERVICE. THAT'S THE END OF MY PRESENTATION, I WILL BE GLAD TO ENTERTAIN ANY QUESTIONS.

THANK YOU, MR. HIM.... HEIMSATH. QUESTIONS FOR MR. HEIMSATH? I ALSO NOTE THAT WE HAVE SOME CITY STAFF HERE. I THOUGHT THAT I SAW SOME DOWNTOWN AUSTIN ALLIANCE REPRESENTATIVES, I DON'T KNOW IF ANYBODY WITH CAPITAL METRO IS HERE OR NOT. QUESTIONS, COMMENTS? THE FIRST ONE THAT I HAVE, I KNOW AND CAN REMEMBER ELEMENTS OF THIS, FOR THE HISTORY OF THE DEVELOPMENT OF THIS PARTICULAR ALIGNMENT, YOU MENTIONED THERE'S -- IT'S MODERATELY FLUID RIGHT NOW STILL. BUT REMIND IT SEEMS LIKE I REMEMBER A LARGE WEEKEND GATHERING AT THE CONVENTION CENTER EARLY THIS CALENDAR YEAR, JANUARY OR FEBRUARY PERHAPS. WHERE -- WHERE DOZENS, MAYBE HUNDREDS OF, YOU KNOW, SORT OF STAKEHOLDERS WERE IN A LARGE ROOM WITH MAPS, AROUND TABLES ALL OF THAT. CAN YOU HELP ME REMEMBER OAT OWE THE DEVELOPMENT OF THIS PARTICULAR -- THE DEVELOPMENT OF THIS PARTICULAR ALIGNMENT.

WELL, I'M PROBABLY NOT THE BEST PERSON TO ANSWER THE QUESTION. MY RECOLLECTION IS THAT CAPITAL METRO HIRED PARSONS SPRINGERHOFF OR PB CONSULTANTS I BELIEVE IS THE FIRM NAME, TO DO, THIS IS SHORTSLY AFTER THEY PASSED THEIR ELECTION, IN RESPONSE TO A GREAT DEAL OF INTEREST OF DOWNTOWN ADVOCATES AND OTHERS, TO DO A CIRCULATOR SYSTEM THAT CONNECTS ALL OF THE DOTS, CONNECTS U.T., THE STATE CAPITAL COMPLEX, MUTUAL, DOWNTOWN. THEY DID SOME KIND OF HIGH LEVEL ENGINEERING ANALYSIS TO DETERMINE WHAT THE DEMAND WOULD BE AMONG THOSE DIFFERENT NODES OF ACTIVITY, THEN CAME OUT WITH A -- WITH A RECOMMENDED PRELIMINARY LEGITIMATE. THEY THEN TOOK THAT TO THE PUBLIC AND PRESENT..... PRESENTED IT IN NUMEROUS PUBLIC MEETING, INCLUDING THE CHARETTE THAT I THINK THAT YOU ARE REFERRING TO WHERE THERE WERE OVER 200 PEOPLE IN ATTENDANCE. AS

A RESULT OF THAT INPUT, THEY MADE ADDITIONAL ADJUSTMENTS TO THE LEGITIMATE. THAT'S WHERE THEY WERE IN JUNE WHEN THEY GAVE ME THE -- THE PRELIMINARY ALIGNMENT AND ALL OF -- ALL OF MY UNDERSTANDING IS THAT ALL OF THE PROCESSES THAT CAPITAL METRO IS FOLLOWING ARE TO COME UP WITH WHAT IS CALLED A LOCALLY FEDERAL ALTERNATIVE, MANDATED BY THE FEDERAL GOVERNMENT. IF YOU WANT TO APPLY FOR FEDERAL FUNDS, YOU HAVE TO GO THROUGH THIS ALTERNATIVES ANALYSIS AND COME UP WITH A LOCALLY PREFERRED ALTERNATIVE OR YOU DON'T EVEN GET TO SUBMIT AN APPLICATION, THAT'S MY UNDERSTANDING.

I DON'T WANT TO GET TOO HUNG UP ON VISUAL, IN YOUR PRESENTATION THERE ARE A NUMBER OF PHOTOGRAPHERS ON EXISTING STREET CARS. COULD YOU PULL -- I DON'T KNOW IF YOU CAN PULL THEM UP OR NOT. ON OUR HARD COPY HERE, THE FIRST FWRAF, IF YOU CAN TELL US WHICH CITY THESE PHOTOGRAPHS REPRESENT.

> THIS IS A TRICK QUESTION.

Mayor Wynn: NO. I DON'T RECOGNIZE ANY OF THEM.

YOU KNOW, I'M NOT -- I THINK SOME OF THEM ARE FROM PORTLAND, HAD SOME OF THEM ARE FROM NASHVILLE. I DIDN'T DO THE VISUALS, THEY WERE PULLED TOGETHER BY THOMAS FROM THE DAA.

Mayor Wynn: OKAY.

THE FIRST ONE I REALLY DON'T KNOW. THE OTHERS ARE AVAILABLE.

PORTLAND IS THE FIRST ONE?

OKAY.

I'M SORRY.

THAT'S FINE. ALSO THE -- SO THAT THE GEOGRAPHIC BOUNDARY OF YOUR STUDY ESSENTIALLY ENDED AT 11th

STREET?

WELL, YEAH, IT KIND OF -- IT BLEEDS UP A LITTLE BIT, ONE MORE BLOCK, UP TO 12th ON THE OTHER SIDE OF THE CAPITAL, ON LINE ON EITHER SIDE. WE ACTUALLY TRUNK INDICATED -- TRUNCATED IT ON THE EAST, WE SHOULD HAVE PARTICULARLY IN THE NORTHERN END OF THE STUDY AREA, WE SHOULD HAVE CONTINUED, EXTENDED IT OVER TO THE EAST A LITTLE BIT FURTHER. BUT I WAS AWARE THAT THE CITY IS ALSO LOOKING AT WALLER CREEK. CONTEMPLATING THE POSSIBILITY OF HAVING A TIF THAT WOULD SUPPORT THE WALLER CREEK TUNNEL. I DIDN'T WANT TO --

DOUBLE COUNT.

I DIDN'T WANT TO DOUBLE COUNT. I CUT IT AT TRINITY SO THAT WALLER CREEK COULD --

Mayor Wynn: YOU ANTICIPATED MY NEXT QUESTION. ONE, YOU DID RECOGNIZE THAT POTENTIAL ISSUE, BUT SUMMIT TALE, 11th.

12th STREET THERE ALONG SAN ANTONIO, THE VAST MAJORITY OF THE REST OF THE PROPERTY THERE FOR A NUMBER OF BLOCKS IS OWNED BY THE STATE. I GUESS THERE'S AN INDEPENDENT OPPORTUNITY FOR STATE PROPERTY THERE. OF COURSE AS YOU CROSS MLK YOU ARE ON THE UNIVERSITY OF TEXAS CAMPUS ALL THE WAY TO AND THROUGH DEAN KEETON. BUT THEN OF COURSE THE -- THE AM... ALIGNMENT THAT HAS BEEN SHOWN QUITE FREQUENTLY AROUND TOWN GOES FROM DEAN KEETON TO MANOR TO THE NEW MUELLER DEVELOPMENT. SO YOUR STUDY DIDN'T TAKE INTO ACCOUNT ANYTHING ALONG MANOR ROAD OR THE DELTA OF THE EXISTING PLAN THAT MUELLER REPRESENTS AS WELL?

WELL, I KNOW IN THE MUELLER AGREEMENT THERE ARE... ARE -- THERE ARE DENSITY BONUSES THAT COULD BE ACHIEVED AT MUELLER IF A CIRCULATOR SYSTEM, STREET CAR OR LIGHT RAIL, COMMUTER RAIL, WHATEVER, ARE PUT THERE THE MUELLER DEVELOPMENT AND SO -- IT'S ALL TIED TO TRAFFIC IMPACTS. I DO KNOW A VERY HIGH LEVEL OF ANALYSIS, NOT TO THE DEPTH THAT WE DID HERE IN

DOWNTOWN, BUT TO A HIGH LEVEL OF ANALYSIS, CAPITAL METRO HAS DONE A PRELIMINARY ESTIMATE OF THE IMPACT THAT THE STREET CAR WOULD HAVE ON MANOR ROAD AND MUELLER. THEY ESTIMATED IT ABOUT \$300 MILLION. BUT IT'S NOT AS FINE OF A GRAINED ANALYSIS AS THE ONE THAT WE DID.

Mayor Wynn: AGAIN YOUR \$700 MILLION DELTA IS WHAT I WOULD CALL THE CORE OF THE CDB, 11th AND 12th STREET SOUTH AND DOESN'T POTENTIAL GEOGRAPHICALLY DOUBLE COUNT ANY OPPORTUNITIES FOR FUNDING THE WALL..... WALLER CREEK TUNNEL.

CORRECT.

Mayor Wynn: ALL RIGHT. IMPRESSIVE. FURTHER QUESTIONS, COMMENTS, COUNCILMEMBER COLE?

MR. HEIMSATH, I WANT TO SAY THAT I APPRECIATE THE DETAIL OF WORK THAT YOU HAVE DONE THUS FAR. BUT I AM PARTICULARLY SENSITIVE TO US BEING CAREFUL ABOUT NOT USING THE CURRENT GOOD TIMES THAT WE HAVE NOW TO PROJECT INTO THE FUTURE AS IF THEY WOULD ALWAYS BE THAT WAY. I'M GOING TO ASK YOU A COUPLE OF QUESTIONS RELATED TO THAT GENERAL PREMISE AND WITH THAT UNDERSTANDING.

OKAY. FIRST, THE MARKET FORECAST THAT YOU DID UNTIL 2015 UNDER EXISTING CONDITIONS, CAN YOU BRIEFLY TELL US WHAT YOU CONSIDERED THIS THAT MARKET FORECAST?

WELL, OUR MARKET FORECAST IS BASED ON AN EMPLOYMENT GROWTH RATE, THAT IS OVER THAT 10-YEAR TERM APPROXIMATELY 2.5% ANNUAL GROWTH. AND THAT WILL FLUCTUATE. I'M NOT AN ECONOMETRICIAN, BUT I RELY ON JOHN HOCKENYOS'S WORK THAT HAS DONE AN ANALYSIS IN THE AUSTIN REGION, WHICH I USED THAT, CONTEMPT PLATES A PRETTY RAPID GROWTH THIS YEAR AND NEXT, 2007, THEN A LEVELING OFF TO LIKE I SAID ABOUT TWO AND A HALF PERCENT GROWTH OVER THE REST OF THE TERM. EVERYTHING THAT WE DO IS BASED ON CONTINUED EMPLOYMENT GROWTH.

OKAY. SO I UNDERSTAND THERE WAS A SEPARATE ECONOMIST TO ACTUALLY DO THE PROJECTION WORK. DO YOU HAVE ANY IDEA WHAT -- WHAT THE TREND HAS BEEN, SAY, FOR THE LAST FIVE PREVIOUS YEARS? WAS IT 1.5 TO 2% IN JOB CREATION OR --

WELL, WE HAVE JUST COME OUT OF A DOWN CYCLE. IN 2000, I THINK OUR JOB GROWTH RATE WAS CLOSER TO 6% AND THEN WE WENT TO NEGATIVE JOB GROWTH IN 2002 AND 3. THEN SLIGHT INCREASE IN 2004, PRETTY ROBUST GROWTH LAST YEAR, THIS YEAR ABOUT 22 TO 24,000 JOBS -- [MULTIPLE VOICES] WE JUST WENT THROUGH A PRETTY DRAMATIC DOWNTURN AND IF YOU -- IF YOU DO SICKLE ANALYSIS, IF THAT'S KIND OF YOUR THING, WE ARE -- WE ARE HERE ON THE WAY BACK UP.

SO IT WOULD BE FAIR TO SAY THAT MOST OF YOUR BASELINE DATA FOR THE FORECAST IS BASED ON A PROJECTED AVERAGE THROUGH THE TIME PERIOD TO 215?

YES, MA'AM, THAT'S CORRECT.

OKAY. WITH THAT AVERAGE, DID YOU ALSO CONSIDER THE TIME PERIOD SAY FROM 1990 TO 1995 WHEN WE REALLY EXPERIENCED A DOWNTURN, IS THERE ANY WAY TO FACTOR THAT IN? WELL, JUST REVIEWING THE EMPLOYMENT HISTORY OVER THE LAST 20 YEARS, WE'VE HAD TWO ECONOMIC BUSTS. ONE OCCURRED IN 1987, WHERE WE ALSO HAD NEGATIVE JOB GROWTH. THE OTHER OCCURRED IN 2001 AND 2002 WHEN WE HAD THE DOT-COM BUST. OVER THAT LONG PERIOD OF TIME WE HAVE GONE THROUGH TWO CYCLES. WE HAD A VERY PROLONGED PERIOD OF INCREASING JOB EMPLOYMENT ACTIVITY THROUGHOUT THE DECADE OF THE 90s, REALLY, FOR STARTING IN 1989-90, ALL THE WAY THROUGH 2,000. IT'S LIKE WE HIT THE WALL, THE BULB BURST, EVERYTHING FELL APART, CAME BACK DOWN AGAIN. I'M SENSING SOME CONCERN FROM YOU ABOUT THE JOB GROWTH PROSPECTS IN THE REGION. I ROUTINELY TALK TO PEOPLE WHO COME INTO AUSTIN TO INVEST IN SOME OF THESE MAJOR PROJECTS. AND ONE OF THE THINGS THAT THEY ARE FRANKLY VERY EXCITED ABOUT, ABOUT AUSTIN RIGHT NOW, IS THAT WE ARE GROWING IN MANY SECTORS OF THE ECONOMY, NOT JUST IN HIGH TECH,

ALTHOUGH WE HAVE SAMSUNG AND FREESCALE A.M.D., WE HAVE SOFTWARE DEVELOPMENT, MOVIE MAKING, PRETTY HEALTH MANUFACTURING, HEALTH CARE, GOVERNMENT, ALL OF THESE DIFFERENT SECTORS, FINANCIAL SERVICES, THEY ARE ALL GROWING, S WE ARE NOT REALLY, WE ARE NOT A ONE-HORSE TOWN LIKE DETROIT OR SEATTLE, YOU KNOW, WHEN IT WAS BASED ON BOEING I GUESS. THEY VIEW THAT AS BEING VERY POSITIVE. THE FACT THAT WE HAVE A TOWNS COMMUNITY OF EMPLOYMENT. WE HAVE EMPLOYMENT -- DIVERSITY OF EMPLOYMENT, EMPLOYMENT GROWTH IN ALL OF THOSE SECTORS IS VIEWED AS A POSITIVE. THE OTHER THING THAT I WOULD JUST POINT OUT IS THAT UP LIKE I WOULD SAY IN THE '90S, I DON'T MEAN TO CAST DISPARASMS AT THE -- AT THE CHAMBER FOR THEIR EFFORTS, THEY ARE MAKING HEROIC EFFORTS NOW WITH THEIR OPPORTUNITY AUSTIN CAMPAIGN TO GO OUT AND SOLICIT JOBS. THEY ARE ENTERTAINING SITE SELECTION CONSULTANTS FROM AROUND THE COUNTRY. THEY ARE GOING ON RECRUITING TRIPS TO CITIES ALL OVER THE COUNTRY AND IN FACT OUTSIDE OF THE COUNTRY. TO TRY TO ATTRACT JOBS TO THIS REGION AND THEY HAVE BEEN VERY SUCCESSFUL. RAISED \$13 MILLION, I BELIEVE, IN THEIR CAMPAIGN TO HIRE ADDITIONAL STAFF TO IMPLEMENT THEIR PROGRAM. SO I THINK THAT'S -- I MEAN I THINK THAT'S WORTH NOTING BECAUSE IT'S VERY DIFFERENT, WE ARE MUCH MORE PROACTIVE IN TERMS OF OUR JOB RECRUITMENT NOW THAN WE WERE 10 YEARS AGO.

OKAY. SO I'M UNDERSTANDING YOU TO SAY THAT THE DIVERSITY OF THE ECONOMY NOW AS OPPOSED TO THE LATE 90s WOULD IN ESSENCE HEDGE US AGAINST A POTENTIAL FOR A DOWNTURN THAT WE COULDN'T ACCOMMODATE WITH THE 700 MILLION THAT YOU HAVE ESTIMATED.

YES, SIR.

IS THAT CORRECT? THE FINAL THING THAT I WANT TO ASK US IS ABOUT WHETHER YOU CONSIDERED OTHER CITIES IN YOUR PROJECTION ABOUT -- ABOUT WHETHER YOU LOOKED AT OTHER CITIES IN MAKING YOUR FORECAST AND WHAT OTHER CITIES WERE THEY?

I DID LOOK AT OTHER CITIES, IN THE REPORT, I DON'T KNOW IF YOU HAVE A COPY OF THE WHOLE REPORT VERSUS THE SUMMARY.

I THINK WE JUST HAVE A SUMMARY. THE REPORT ITSELF I THINK IT'S JUST 100 PAGES LONG. I BELIEVE IT'S GOING TO BE AVAILABLE --

IT'S FINE IF YOU JUST GIVE US THREE CITIES OR THAT'S FINE.

SOME OF THE CITIES THAT I LOOKED AT ARE DALLAS, DALLAS, TEXAS, WASHINGTON D.C., SAN DIEGO, SANTA CLARA CALIFORNIA, PORTLAND, OREGON, CHICAGO, THOSE ARE SOME OF THE CITIES THAT I USED TO BENCHMARK. NOT THAT THOSE ARE THE ONLY CITIES THAT HAVE RAIL SYSTEMS, BUT THOSE ARE THE CITIES WHERE OTHER PEOPLE HAD ACTUALLY DONE ECONOMIC IMPACT STUDIES. THEY CONDUCTED ANALYSES OF THE POTENTIAL OR NOT THE POTENTIAL BUT THE REAL IMPACT OF RAIL ON SURROUNDING LAND VALUES. AND LAND USE. WAS THAT ON SURROUNDING LAND VALUE AND USE WITHIN THEIR DOWNTOWN AREA?

IN SOME CASES IT WAS DOWNTOWN. SOME CASES FOR EXAMPLE IN THE DALLAS STUDY THEY LOOKED AT STATIONARY AS I THINK 16 DIFFERENT STATION AREAS THAT WERE NOT JUST DOWNTOWN BUT WENT OUT INTO SOME OF THE SUBURBAN AREAS AS WELL.

Cole: YOU FEEL LIKE YOU LOOKED AT ENOUGH PROPERTIES SIMILAR TO AUSTIN TO BASE YOUR FORECAST?

YES. JUST FOR CONTEXT, THE RANGE OF IMPACTS ON A PERCENTAGE BASIS FROM THOSE OTHER CITIES WAS FROM 2% TO 120%. THE AVERAGE WAS 52% IMPACT ON LAND USE WITHIN A QUARTER MILE RADIUS OF THE STATIONS. THE VALUE THAT WE ARE ANTICIPATING, THE VALUE INCREASE THAT WE ARE ANTICIPATING IS 13%. SO IT'S A VERY CONSERVATIVE ESTIMATE.

THANK YOU, I APPRECIATE THAT. THANK YOU? FURTHER

COMMENTS, QUESTIONS? COUNCILMEMBER MCCracken?

CHARLES, THANKS FOR THIS EXCELLENT REPORT. THIS IS A VERY GOOD LEVEL OF DETAIL. WHAT I WANTED TO ASK ON THE HOUSING SIDE, WHAT PRICE ASSUMPTIONS DID YOU MAKE FOR MEDIAN RENTAL RATES AND MEDIAN CONDOMINIUM SALES PRICES.

THE CONDOMINIUM SALE PRICE BEGINS AT \$500,000, WHICH IS THE AVERAGE DOWNTOWN TODAY. INCREASES TO 700 -- I DON'T RECALL EXACTLY. 709, THAT'S THE AVERAGE PRICE OF A CONDO UNIT CONTEMPLATED IN DOWNTOWN.

\$709,000?

YES.

OKAY.

THE AVERAGE PRICE FOR AN APARTMENT UNIT IS \$1.84 PER SFOOT. IF YOU ASSUME A THOUSAND SQUARE FOOT APARTMENT UNIT, WHICH IS PROBABLY JUST A LITTLE LARGER THAN AVERAGE, THAT'S \$1,800 A MONTH. SO -- SO EXPENSIVE.

WHAT HAS BEEN IN OTHER COMMUNITIES THAT HAVE PUT IN PLACE A STREET CAR SYSTEM, DO YOU HAVE ANY INFORMATION ON WHAT THE -- WHAT THE HOUSING PRICE RANGES WERE FOR INSTANCE WHETHER THEY HAD SOME AFFORDABILITY ISSUE, AFFORDABILITY INITIATIVES AS PART OF FUNDING A RAIL SYSTEM DOWNTOWN SOME.ANCE THAT QUESTION OFF THE TOP OF MY HEAD. I CAN GO BACK THROUGH MY RESEARCH MATERIALS AND SEE IF THE HOUSING -- THE ACTUAL PRICES ARE DISCUSSED, BUT I DON'T RECALL OFF THE TOP OF MY HEAD. ON THE FINANCIAL ANALYSIS, DID YOU CONSIDER PROPERTY TAX -- THE PROPERTY TAX IMPACT AS OPPOSED TO THE UTILITY TRANSFERS, IMPACT ON THE PROFITABILITY OF THE WATER AND ELECTRIC UTILITIES, SALES TAX REVENUE, STUFF LIKE THAT?

YEAH, I HAVE ONE MORE SLIDE THAT -- THAT WHEN MY.. MY -
- IF YOU WOULDN'T MIND POPPING THAT UP. THIS SHOW, I

DON'T TAKE CREDIT FOR THIS. THIS WAS DONE BY YOUR BUDGET OFFICE OR USING MY NUMBERS. BUT -- BUT THIS SHOWS AT 8 A PERCENT, CONTEMPLATING NEW CONSTRUCTION, THE PROPERTY TAX RATE REVENUE STREAM IN THIS MARKET AREA MY UNDERSTANDING IS THAT IN 2016 THAT THE \$2.4 MILLION ANNUAL, THAT'S PROPERTY TAXES BASED ON THE CURRENT RATE. THAT IF YOU WERE TO ISSUE 20 YEAR BONDS BASED ON THAT RATE, THAT YOU COULD GENERATE A \$30 MILLION ROUGHLY, \$30 MILLION WORTH OF -- OF BONDING CAPACITY. SO THIS REVENUE STREAM RIGHT HERE WOULD PRODUCE THE ABILITY TO BOND \$30 MILLION.

AT 2016.

OKAY.

THEN -- SO IN OTHER WORDS..... WORDS --

THAT IS CORRECT THAT -- THAT THE NUMBER THAT IS SORT OF THE FULLY STABILIZED NUMBER, IF YOU WERE, TO CALL THAT IN 2016 WOULD BE ABLE TO SUPPORT ABOUT \$30 MILLION IN DEBT NOW. NOW, THERE ARE WAYS THAT WE COULD ISSUE THE DEBT EARLIER, YOU KNOW, THROUGH A COMBINATION OF REIMBURSEMENT RESOLUTIONS THAN JUST SIMPLY THE WAY THAT WE STRUCTURE THE DEBT IF WE WANTED TO DO THAT EARLIER IN THE -- IN THE PROCESS. THIS ALSO ASSUMES THAT THE MONEY, PARTICULARLY BEGINNING IN 2011, YOU KNOW, WHERE THERE IS A SIGNIFICANT INCREASE IN PROPERTY TAX REVENUE FROM 22 TO 2011, THESE OR A FISCAL YEAR YEAR BASIS. IT ALSO ASSUMES THAT THE MONEY IS DEVOTED AT THAT TIME TO THE PROJECT RATHER THAN TO SOMETHING ELSE.

McCracken: BECAUSE I CAN SEE THE CHICKEN AND THE EGG SITUATION THAT WE HAVE, WHICH IS YOU DON'T GET THE REVENUE UNLESS YOU DO THE RAIL. AND THE RAIL HAS TO BE PAID FOR RIGHT OFF THE BAT. AND -- AND SO WHAT -- WHAT DO YOU DO WITH THOSE EARLY YEARS.

WELL, I'M NOT SURE THAT I WOULD AGREE WITH THAT PREMISE. I THINK THAT YOU DO GET REVENUE. IT'S NOT RAIL

-- IT'S NOT RAIL GENERATED REVENUE, BUT YOU DO GET REVENUE FROM THIS AREA. BASED ON -- ON THE CONSTRUCTION THAT'S CURRENTLY CONTEMPLATED.

YEAH.

AND NEW CONSTRUCTION THAT'S LIKELY TO OCCUR AS WE HAVE SHOWED IN OUR BASELINE FORECAST.

THE -- JUST TO CLARIFY, IS THAT BASED ON 85% OF THE INCREMENT.

THAT IS.

OKAY.

McCracken: THEN I'M LOOKING AT THE STUDY AREA ON THE -- ON THE SECOND PAGE, SECOND SLIDE AND THAT SHOWS THE AREA, IT'S BASICALLY THE AREA OF DOWNTOWN, SOUTH OF THE CAPITOL. AND WHAT ASSUMPTIONS DO YOU MAKE ABOUT THE GOVERNMENT OWNED LAND IN... IN THE SEAHOLM AREA IN PARTICULAR?

SINCE MY ANALYSIS WAS -- IS AN AREA-WIDE ANALYSIS AND WAS BASED ON ABSORPTION, IT DOES NOT -- I DID NOT -- WITH THE EXCEPTION OF THOSE PROJECTS THAT ARE UNDER CONSTRUCTION AND IMMINENT, I DIDN'T TRY TO DETERMINE WHICH BLOCKS WOULD TURN AND WHICH WOULDN'T.

McCracken: YOU JUST MEASURED GROSS ABSORPTION.

CORRECT. I LOOKED AT THE AREA AS AN AGGREGATE, AS IF IT WERE ONE PROJECT.

McCracken: OKAY. IS IT WHAT WE ARE SEEING IN SOME OF THE ANALYSES ABOUT DOWNTOWN IS THAT THE CONSTRAINT ON THE ABILITY OF DOWNTOWN MAY BE THE LACK OF LAND.

OH, ABSOLUTELY. NO QUESTION.

IT APPEARS ON THIS -- ALONG THOSE LINES THAT IF YOU -- IF

WE REINTRODUCE INTO THE TAX BASE THE GREEN WATER TREATMENT SITE AND THE -- THE ELECTRIC SUBSTATION AND CONTROL CENTER SITES AND SEAHOLM SITE, THAT WILL INCREASE THE AVAILABLE STOCK OF DEVELOPABLE LAND DOWNTOWN THAT GO TOWARD THE TIF.

WELL, YOU AS I MENTIONED EARLY ON, THERE ARE 34 BLOCKS OFF THE TAX ROLLS. I THINK -- 36 BLOCKS OFF THE TAX ROLLS. I THINK AT LEAST A DOZEN ARE IN THAT AREA THAT IS SEAHOLM LIC GREEN WATER TREATMENT PLANT. WE MEASURED IT AS IF IT WERE ALREADY CUT INTO BLOCK SEGMENTS FORD TO COME UP WITH 105. YEAH, MAYBE AS MUCH AS HALF OF THE -- OF THE LAND THAT'S CURRENTLY OFF THE TAX ROLLS CAN COME BACK ON IF YOU WERE TO REDEVELOP THAT AREA.

I GUESS THAT RAISES I GUESS THE QUESTION OF -- OF HOW MUCH OF THE ABSORPTION POTENTIAL IS, YOU KNOW, IF WE PUT FOR INSTANCE LET'S SAY WE PUT QUITE A BIT OF THIS GOVERNMENT LAND BACK IN THE TAX ROLLS, WHICH IS DEFINITELY WHAT WE ARE IN THE PROCESS OF RIGHT NOW. IS THE DEMAND SO HIGH THAT IT WOULD ABSORB ALL OF THE -- OF THE GOVERNMENT OWNED LAND AND THEN SOME OR IS IT EVEN -- IN OTHER WORDS IS THE ABSORPTION RATE BASICALLY ALMOST AS MUCH AS -- AVAILABLE OR IS -- ARE THERE LIMITS --

I DIDN'T EXAMINE THAT FOR ALL OF THE LAND USES, BUT I DID LOOK AT THE CONDOMINIUM USES. AND OF THE 24 PROJECTS IN PROCESS, 80% OF THEM ARE WITHIN WALKING..... WALKING DISTANCE OF THIS PROPOSED RAIL TODAY. 80%. IN DOING MY FORECAST GOING TOWARD UNDER THE BASELINE SCENARIO, I ASSUME THAT ONLY -- THAT THE CAPTURE RATE DOWNTOWN WOULD ONLY BE 40%, NOT 80%. THAT WITH THE RAIL IT WOULD GO UP TO 60%. IF YOU WOULD -- THAT WAS BASED ON LAND AVAILABILITY JUST IF GENERAL, CONSTRAINTS TO DEVELOPMENT AND VERY HIGH PRICES. BUT IF YOU WERE TO INTRODUCE ADDITIONAL LAND, I THINK THAT YOU COULD SEE A LOT MORE DEVELOPMENT.

BECAUSE SO IN OTHER WORDS THE -- IF WE PUT MORE GOVERNMENT OWNED LAND WITHIN THE -- CAPTURE AREA,

IT COULD HAVE A POSITIVE IMPACT ON THE ABSORPTION?

RIGHT.

OPPORTUNITIES.

EXACTLY.

THIS ACTUALLY RAISES A PRETTY FUNDAMENTAL QUESTION. LOOKING AT THESE PRICE RANGES FOR CONDOS AND APARTMENTS, YOU KNOW, I THINK ONE IMMEDIATE CONCERN THAT OBVIOUSLY JUMP OUT FOR ALL OF US IS IT'S TWOFOLD. FIRST IS HOW BIG IS THE MARKET FOR PEOPLE WHO WANT TO SPEND \$700,000 FOR A CONDO IN DOWNTOWN AUSTIN? HOW BIG -- I MEAN --

WELL, WE HAVEN'T HIT THE LIMIT YET. WE HAVE A LOT OF PEOPLE -- WHAT WE ARE SEEING NOW WHEN THE MARKET FIRST STARTED TO GET OFF THE GROUND IT WAS MOSTLY EMPTY NESTERS, IF YOU LOOK AT NOKONA AND AUSTIN CITY LOFTS, THE MAJORITY OF PEOPLE THAT BOUGHT IN THERE WERE EMPTY NESTERS. WE HAVE ADDED TO THAT SOME OF THE YOUNG PROFESSIONALS AT TYPICALLY LOWER PRICE POINTS. BUT NOW IN -- IN -- AT 555 ON THE HILTON, WE ARE GETTING IN EXCESS OF 30% OF THE SALES IN THAT -- IN THAT CONDOMINIUM ARE TO OUT OF TOWN AND SECOND HOME BUYERS WHO DON'T LIVE IN AUSTIN. SO WE ARE -- IT'S NOT JUST WHAT WE CAN AFFORD AND WHAT -- WHAT, YOU KNOW, THE EMPTY NESTERS CAN AFFORD AND WHAT THE -- YOU KNOW, THE ATTORNEYS CAN AFFORD IN TERMS OF THE DOWNTOWN. BUT ALSO GETTING AN INFLUX OF OUT OF TOWN BUYERS AS WELL. CERTAINLY AFFORDABILITY DOWNTOWN IS A HUGE ISSUE. AND DEVELOPING WORKFORCE HOUSING, I THINK, WOULD BE -- SHOULD BE A PRIORITY OF THE CITY. IT'S NOT -- WHAT I'M SHOWING HERE IS KIND OF A MARKET BASED ANALYSIS.

YEAH.

THAT SHOWS YOU THE TRENDS ABSENT SOME GOVERNMENT INTERVENTION WITH RESPECT TO -- TO, YOU KNOW, ENCOURAGING WORKFORCE HOUSING, IT'S NOT

GOING TO HAPPEN.

IS -- IN YOUR ANALYSIS, NOT JUST THIS PROJECT, BUT MORE BROADLY, IS THERE A PENT UP DEMAND AT LOWER PRICE POINTS FOR CONDOMINIUMS IN DOWNTOWN AUSTIN OR APARTMENTS WHERE IF THEY DID COME ON THE MARKET FOR FOLKS AT ONE HUNDRED OR 80% MFI OR 150% MFI, IS THERE PENT UP DEMAND --

I THINK ABSOLUTELY. THE ANSWER TO THAT QUESTION. THE MILAGO SOLD OUT I THINK THEY -- THEY ARE ABOUT 80% SOLD OUT. THEIR PRICES ARE MUCH LOWER, THE MILAGO OVER ON RAINEY STREET. THEIR PRICES ARE MUCH LOWER THAN THE REST OF THE -- OF OUR UNITS DOWNTOWN AND THEY ARE SELLING A LOT FASTER.

SO I THINK THIS RAISES A KIND OF A RELATED FUNDAMENTAL POINT, WHICH IS IF WE ARE TALKING ABOUT SPENDING TAX DOLLARS FOR A TRANSPORTATION SYSTEM THAT WILL SERVE FOLKS FROM OUT OF TOWN AND FOLKS WHO ARE SPENDING AN AVERAGE OF \$700,000, I MEAN, THERE'S TWO RELATED -- I MEAN THERE'S ISSUES THAT CROP UP OUT OF THAT IS ARE WE HAVING A TAXPAYER SUBSIDIZED RICH PERSON'S TRANSPORTATION SYSTEM, YOU KNOW, IT'S KIND OF HARD I THINK WE ARE GOING TO NEED TO HAVE A BROADER, YOU KNOW, COMMUNITY THAT REALLY FEELS TO HAVE AN OPPORTUNITY TO BE PART OF THIS SYSTEM IF WE ARE ALL GOING TO BE PAYING FOR IT. AND A SECOND POINT IS THAT IT IS -- IT IS RELATED IS ON THE ISSUE OF DENSITY IS -- I THINK IT'S VERY VALID. A RAIL SYSTEM IMPACTS LAND USE THERE BE FOR INSTANCE PEOPLE THAT YOU CAN ENCOURAGE DENSITY, BUT THE DRIVERS IN SUBURBAN SPRAWL ARE THE FOLKS IN THE 60 TO 140 MFI RANGE WOULD NEED HOUSING THAT THEY CAN LIVE IN. SO IF YOU HAVE -- IF THE RAIL IS PRODUCING \$700,000 CONDO, IT DOESN'T STOP SPRAWL BECAUSE THE SPRAWL IS NOT IN THE \$700,000 PRICE RANGE, RIGHT? IT'S FOLKS WHO NEED HOUSING AT DIFFERENT PRICE RANGES. LAND AS A RAIL USE TOOL WILL WORK IF WE ARE PROVIDING HOUSING THAT IS A DRIVER OF SUBURBAN SPRAWL. SO IT'S A -- I DO THINK THAT THIS QUESTION OF WHETHER WE NEED TO HAVE HOUSING IN THIS -- THAT'S AFFORDABLE TO FOLKS IN ALL PRICE RANGES THAT A LOT OF THE BENEFITS THAT

COME FROM A RAIL SYSTEM WILL JUST NOT BE ACHIEVED IF WE CONTINUE TO -- WITH THIS VERY PREMIUM HOUSING PRICE MODEL AND IT'S A PRETTY BIG DEAL. TOO WE HAVE AN IDEA OF WHAT WOULD BE THE COST SYSTEM TO CONSTRUCT THIS RAIL, I THINK 13 ROUTE MILES, SOMETHING LIKE THAT.

I THINK THE LATEST NUMBER, THERE'S A WIDE -- THERE'S AN ELEMENT THAT IS FLUCTUATING, A UTILITY RELOCATION COMPONENT TO THAT THAT COULD BE A WIDE RANGE. BUT INCLUDING THE UPPER END OF THAT UTILITY RELOCATION ESTIMATE I THINK THAT THE CURRENT NUMBER IS \$230 MILLION. IS THAT CORRECT?

McCracken: DO WE KNOW HOW MUCH OF THAT IS BROKEN DOWN BY -- BACK UP A SECOND. SO FOR \$230 MILLION, HOW MUCH IS CAPITAL METRO ASKING THE CITY OF AUSTIN TO CONTRIBUTE, DO WE KNOW?

THERE'S ONLY BEEN INFORMAL DISCUSSION OF THAT, BUT THEY HAVE TALKING ABOUT SPLITTING IT UP I THINK FOUR DAYS. I DON'T HAVE IT WITH ME COUNCILMEMBER A VERY ROUGH BREAK OUT OF THAT 230 MILLION THAT WE DISCUSSED JUST RECENTLY WITH CAPITAL METRO. IT DOES HAVE SEVERAL VERY HIGH END PIECES IN IT THAT ARE ALL BASED ON THE WORST CASE UTILITY RELOCATION. SO ONE OF THE THINGS THAT WE HAD INTENDED TO DO IS DIG INTO THAT A LITTLE BETTER, HAVE A CLEARER IDEA OF THAT COST. I THINK IT WILL PROBABLY BE LOWER.

DO YOU THINK THAT THE 230 MILLION FIGURE IS LOW.

Futrell: NO, I THINK THAT IT'S HIGH, YES.

I HAVE A PRESENTATION THAT WAS GIVEN TO CAPITAL METRO ON MONDAY.

THAT ACTUALITY IS WHERE A DRAFT OF THAT EXACT -- WHERE WE WENT THROUGH THIS DISCUSSION.

I LEFT IT UP IN MY OFFICE. [MULTIPLE VOICES]

THE UTILITY RELOCATION COMPONENT, \$65 MILLION TOTAL. 15

OF THAT IS PRIVATE. 50 IS ESTIMATED TO BE THE -- THE CITY OF AUSTIN OR PUBLIC UTILITY COMPONENT. BUT AGAIN THAT'S A VERY ROUGH ESTIMATE.

THEN IS -- THIS IS THE QUESTION WHAT IS THE ANNUAL DEBT SERVICE FOR A \$230 MILLION FINANCIAL SYSTEM AS YOU TRY TO FIGURE OUT --

ALL RIGHT, JOHN.

RAISED IN A YEAR.

I AM STEPPING ASIDE FOR THAT ONE.

THE NUMBER AND -- COUNCILMEMBER, THIS IS VERY, VERY EARLY AND ROUGH. IT WAS 50 MILLION IN PUBLIC UTILITY RELOCATIONS, PLUS ABOUT 30 MILLION TOWARD THE CONTRIBUTION OF THE REST OF THE SYSTEM, THERE WAS ONCE AGAIN, VERY PRELIMINARY, A DISCUSSION OF ABOUT \$80 MILLION AND ONCE AGAIN I BELIEVE THAT NUMBER IS HIGH BECAUSE I'M NOT -- I DON'T HAVE DETAILED INFORMATION ON THE UTILITIES. BUT, JOHN, IF WE WERE TO LOOK AT 08 MILLION, WHAT WOULD THAT REQUIRE IN DEBT SERVICE A YEAR? GIVE ME JUST A ROUGH CUT. I PROMISE THAT I WON'T HOLD YOU TO IT. I ALWAYS SAY THAT THEN ACTUALLY HOLD THEM TO IT. HE'S PULLING IT UP ON A SYSTEM THAT HE HAS.

COULD I MAKE A COMMENT BACK TO HOUSING ISSUE? I THINK IT'S WORTH NOTING THAT THE RAIL SYSTEM, THE COMMUTER RAIL SYSTEM IS ACTUALLY GOING THROUGH A LOT OF SUBURBAN AREAS WHERE THERE IS CURRENTLY AFFORDABLE HOUSING. AS TALKED ABOUT EARLIER, HAVING ACCESS TO THOSE PEOPLE IN DOWNTOWN I THINK IS PART OF THE DRIVER FOR INCREASING THE ABSORPTION IN THE OFFICE BUILDINGS, WHICH IS -- SO IT'S NOT JUST CONDOS THAT ARE BEING BUILT AT THE VERY HIGH PRICES, BUT ALSO OFFICE BUILDINGS THAT WILL HOUSEWORKERS AT ALL RANGES OF INCOME LEVELS.

ABSOLUTELY. THAT -- THAT DOESN'T REALLY IMPACT LAND USE PATTERNS QUITE SO MUCH. I MEAN, YOU KNOW, THERE'S TWO ARGUMENTS. YOU GET EFFICIENCIES. IT'S

ACTUALLY CHEAPER PER PERSON TO RUN FOLKS BY RAIL WHEN YOU ADD IN ALL OF THE RIGHT-OF-WAY COSTS AND ALL OF THAT FOR HIGHWAYS TYPICALLY. ON THE DENSITY BENEFITS, THEY DON'T REALLY GET ACHIEVED, IT DOESN'T SEEM LIKE, DOESN'T SEEM LIKE WE ARE GOING TO ACHIEVE OUR DENSITY BENEFITS IF THE HOUSING IS SO EXPENSIVE THAT THE VERY MARKETS FOR -- THAT ARE PRODUCING SPRAWL ARE PRICED OUT OF DOWNTOWN. YOU KNOW, THEY ARE NOT GOING TO LIVE DOWNTOWN, SO WE ARE NOT GOING TO GET ANY IMPACT FOR DENSITY PURPOSES, YOU KNOW, THAT'S WHAT I'M SAYING..... SAYING. ANOTHER THING TO THINK ABOUT, IT'S A REAL PROBLEM, ISSUE, AS A MEMBER OF THE DOWNTOWN AUSTIN ALLIANCE, NOT THIS HAT THAT I'M WEARING, MY OTHER HAT, ONE OF MY OTHER HATS, WE TRIED TO GET A WORKFORCE HOUSING PROJECT OFF THE GROUND WHERE THE -- BEFORE THE ICE HOUSE IS CURRENTLY, THAT WAS ABOUT 3 TO 4 YEARS AGO. DUE TO CHANGES IN FEDERAL REGULATIONS WE WERE NEVER ABLE TO GET THAT DONE. IT'S A CRITICAL ISSUE. NO QUESTION ABOUT IT. MAYBE IN SOME OF THAT LAND THAT THE CITY OWNS COULD BE RELEASED FOR, YOU KNOW, THE LIBRARY AND OTHER USES, MAYBE SOME OF THAT COULD BE -- COULD BE USED TO ENCOURAGE AFFORDABLE HOUSING AS WELL.

McCracken: THAT SPEAKS TO THAT -- KIND OF THAT RUBIX CUBE IN A WAY THAT WE ARE WORKING WITH. YOU TWIST A DIAL AND ADD MORE AFFORDABLE HOUSING, THAT CHANGES THE COMPLEXITY. ON THE OTHER HAND IF PART OF THE ABSORPTION LIMITS ARE THAT IT'S JUST RICH PERSONS AND OUT OF TOWNERS HOUSING AT THE MOMENT. IF YOU SUDDENLY PUT GOVERNMENT LAND BACK ON THE TAX ROLLS THAT PUT IT AS A APPLIES, A MUCH BROADER FOLKS HAVE THE OPPORTUNITY TO LIVE DOWNTOWN, YOUR ABSORPTION OPPORTUNITIES ARE A LOT HIGHER, TOO, RIGHT? SO THERE'S THAT KIND OF MIX SOMEWHERE IN THERE. AGAIN, I THINK JOHN MAY HAVE AN ANSWER ON THE ANNUAL DEBT --

THE DEBT SERVICE ON 80 MILLION AT THE CURRENT INTEREST RATES WOULD BE SOMEWHERE BETWEEN 6 AND 6.5 MILLION A YEAR.

McCracken: OKAY. 6 TO 6.5 MILLION A YEAR DEBT SERVICE. AND GRANTED WE ARE TALKING ABOUT A SYSTEM THAT -- THAT IS -- THAT IS GOING TO BE A LOT -- WE HAVE ONLY LOOKED AT A PORTION OF THIS AREA. THAWSES SOUTH OF THE CAPITAL, NORTH OF THE UNIVERSITY, DOWN MANOR TO MUELLER. SO I RECOGNIZE THERE'S OTHER THERE -- TOBY, CAN YOU TELL US WHAT THE TALKS TO DATE WITH CAPITAL METRO, WHAT'S HAPPENED SO FAR? IN THEIR.

WHAT HAVE THEY COMMUNICATED WITH US?

IN RESULT TO CONSULTATION ON ALIGNMENT ISSUES, ALSO ON -- ON CONSULTATION ON FUNDING STRUCTURES.

ALIGNMENT, WE HAVE NOT HAD A GREAT DEAL OF DISCUSSION ON THAT, THE PRESENTATION IN FRONT OF CAPITAL METRO JUST THE OTHER DAY WAS WHERE I BELIEVE THEY LAID OUT SORT OF THEIR THOUGHT PROCESS ON ALIGNMENT, WHY THE CHOICES ARE MADE ON THE PROPOSED ALIGNMENT RIGHT NOW. I DID HAVE A CHANCE JUST RECENTLY A WEEK OR SO AGO TO GO OVER THAT PRESENTATION A LITTLE BIT IN ADVANCE. SO I KNEW WHAT THAT WAS GOING TO BE. IT EXPLAINS THE PROCESS THAT THEY HAVE GONE THROUGH TO GET TO THAT ALIGNMENT. I BELIEVE THAT THEY HAVE IN MIND NOW TO HAVE A PUBLIC PROCESS SORT OF TALK THROUGH THAT ALIGNMENT. AND MOVE FORWARD. BUT YOU PROBABLY HAVE A BETTER SENSE OF THAT FROM THE CAPITAL METRO PRESENTATION. ON FUNDING, MOST OF THE DISCUSSION HAS BEEN ABOUT FINDING A SHARED WAY TO FINANCE THE DOWNTOWN [INDISCERNIBLE] STREET CAR SYSTEM. THERE ARE CLEARLY MANY DIFFERENT WAYS THAT YOU CAN FINANCE THOSE, THEY HAVE TALKED ABOUT THIS IN THE SENSE OF A PARTNERSHIP, HOPING THAT THE CITY, COUNTY, THE STATE POTENTIALLY UNIVERSITY OF TEXAS COULD ALL PARTICIPATE IN THAT. THAT SORT OF LED TO THE BREAKOUT THAT CHARLES JUST GAVE YOU OF THEIR UPPER END COST ESTIMATE WITH PULLING OUT THE UTILITY RELOCATIONS WHICH THEY SEE AS THE CITY'S OBLIGATION, POSSIBLY ABOUT 30 MILLION ON TOP OF THAT. BEING A SHARE THEY WOULD LIKE ASSIGNED TO THE CITY.

I KNOW ON THIS -- ON THIS STUDY AREA IT SHOWS AGAIN

THE -- THE LINE GOING RIGHT THROUGH THE ELECTRIC -- THE CONTROL CENTER LOT -- I CANNOT RECALL FROM THE CAPITAL METRO TWO MEETING ON MONDAY WHETHER THAT PROPOSAL IS STILL SHOWING UP IN THEIR PREFERRED ALIGNMENT.

I SPECIFICALLY ASKED ABOUT THAT. I WILL TELL YOU I DON'T KNOW WHY THAT WOULD BE IN THIS PRESENTATION NOW. THE BOTTOM LINE WAS THAT WAS AN IDEA THAT HAD FLOATED OUT THERE. WHEN THEY WERE TALKING RECENTLY ABOUT REGULAR RAIL GOING ALL THE WAY THROUGH. THAT IS NOT WHAT IS PROPOSED TODAY. NOT WHAT WILL BE USED FOR STREET CAR. THEY WERE VERY CLEAR WITH ME ON THAT. WE'VE HAD THAT DISCUSSION ALREADY ABOUT I THINK WHAT HAPPENS WHEN MAPS FLYING AROUND THAT SHOW SOMETHING --

YEAH.

Futrell: NO, THEY WERE VERY SPECIFIC WITH ME THAT THAT WAS RULED OUT QUITE SOME TIME AGO.

MY FINAL ONE WAS ON THE QUESTION SHOULD THERE BE, WHEN THERE'S AN ELECTION, THE -- THE ISSUES OF -- ABOUT LANGUAGE AND -- OF BALLOT LANGUAGE, THE NEED FOR AN ELECTION, ARE THERE -- MY QUESTION IS TWOFOLD. FIRST IS -- IF WE WERE TO -- TO PARTNER WITH CAPITAL METRO AND THE COUNTY AND THE STATE, I GUESS THE UNIVERSITY, TOO, WOULD WE BE REQUIRED TO -- TO IDENTIFY A SPECIFIC LINE OR COULD WE IDENTIFY A -- A -- A BASICALLY A -- A PARTNERSHIP STRUCTURE WITH LIMITS? FOR INSTANCE, YOU KNOW, WE MAY FIND FROM THE DOWNTOWN PLAN THAT THERE IS A -- A -- A BETTER PREFERRED ALIGNMENT DOWNTOWN OR, YOU KNOW, THROUGH THE PROCESS OF WORKING WITH THE STATE GOVERNMENT IN THEIR OPPORTUNITY TO SELL OFF A LOT OF GOVERNMENT OWNED LAND. WE MAY FIND THAT THERE ARE ALIGNMENT OPPORTUNITIES OR EXPANSIONS OF THE DOWNTOWN CIRCULATOR SYSTEM BASED ON THE SALE OF STATE OWNED LAND THAT REALLY WORK WELL. TO BASICALLY PROVIDE THAT OPERATING FLEXIBILITY UNDER THE PROPER PARAMETER. WOULD IT BE PROPER TO STRUCTURE A BALLOT ITEM LIKE THAT AS OPPOSED TO

SIMPLY SAYING ONE LINE?

Futrell: I HONESTLY AM NOT EXACTLY SURE. MY GUESS IT THAT COULD YOU BE NOT AS SPECIFIC AND I'M -- I THINK WE CERTAINLY HAVE IN SOME OF OUR BONDS BEEN MORE GENERAL AS WE HAVE GONE OUT FOR ELECTIONS ON BONDS. YOU ARE REALLY TALKING ABOUT A STRATEGY WHETHER PEOPLE KNOW WHERE IT'S GOING WHEN IT'S DEFINED THAN WHEN IT'S NOT.

McCracken: RIGHT. ALONG THOSE LINES THEN, DO WE NEED AN ELECTION, THE COUNTY AND THE STATE AND THE CITY REACH A PARTNERSHIP OF OPERATING AGREEMENT ON CONSTRUCTING THE LINE.

Futrell: IT IS MY UNDERSTANDING THAT YOU DO. CHARLES, ARE YOU IN SYNC WITH ME ON THAT?

IT'S MY UNDERSTANDING THAT THE STATE LEGISLATION REQUIRES -- REQUIRES IT.

Futrell: I GOT A NOD FROM REPRESENTATIVE KRUSEE.

McCracken: DOESN'T JUST THAT APPLY TO THE TRANSIT AGENCY ITSELF? WE WOULD --

Futrell: THERE'S ANOTHER NOD, YES, THAT IT DOES APPLY TO THE TRANSIT AGENCY.

IT DOESN'T APPLY TO THE CITY OF AUSTIN, FOR INSTANCE.

NO, IF YOU DID SOMETHING LIKE PORTLAND DID -- WITH PRIVATELY OPERATED SYSTEM THAT GOES THROUGH THE PAROLE DISTRICT, THAT'S -- THAT'S, YOU KNOW, I MEAN I DON'T KNOW -- I DON'T KNOW IF THAT WOULD HAVE TO GO TO THE VOTERS. I JUST DON'T KNOW.

BUT I KNOW THE LANGUAGE PERTAINS TO CAPITAL METRO.

Futrell: I DON'T THINK THE LEGISLATURE WAS THINKING IN TERMS OF ANYBODY ELSE PUTTING THE RAIL LINE IN. SO I'M SURE THAT YOU ARE RIGHT THAT IT'S SPECIFICALLY TIED.
[ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

QUHAING CHANGE.....[ONE MOMENT PLEASE FOR
CHANGE IN CAPTIONERS]

Dunkerley: I'M NOT SURE, YOU PROBABLY ASKED IT
CORRECTLY, BUT I DIDN'T HEAR. ON ONE OF YOUR SHEETS
WHERE YOU'VE SUMMARIZED THE INCREASE IN NEW
CONSTRUCTION, THE INCREASE IN THE VALUE, THE
APARTMENTS AND CONDOS FOR A TOTAL INCREASE OF 697
MILLION, THAT PAGE, --

IS THAT THE ONE THAT BREAKS IT OUT PERCENT NEW
CONSTRUCTION?

...

Dunkerley: YEAH. AND THE 85% OF THAT REPRESENTS NEW
CONSTRUCTION. NOW STHARKS THE SAME 85% -- IS THAT
THE SAME 85... 85% THAT YOU'RE TALLYING THE TAX
REVENUE OVER HERE?

YES.

SO IT'S 100% OF THE 85%?

YES. I BELIEVE THAT'S RIGHT.

Dunkerley: ALL RIGHT. SO THAT'S OUR TOTAL INCREMENT ON
NEW CONSTRUCTION. IT'S THE INCREMENT ON 100% OF A
NEW CONSTRUCTION, NOT THE PART THAT INCREASES
VALUE.

....

McCracken: AND THE OTHER SIX OF US KNOW NOT TO
QUESTION THE ANALYSIS OF OUR FINANCIAL GURU. THAT'S
WHY HAVE YOU TO ASK THESE QUESTIONS.

Dunkerley: I JUST HAVE TO MAKE SURE THAT I GOT THAT
STRAIGHT IN MY MIND. I DO APPRECIATE YOU BREAKING OUT
THE NEW CONSTRUCTION FROM THE INCREASE IN VALUES
BECAUSE THOSE DIFFERENT NUMBERS AFFECT OUR
EFFECTIVE TAX RATE CALCULATIONS DIFFERENTLY. WE
NEED TO KNOW THAT BEFORE WE COME BACK AND DECIDE

ON WHAT KIND OF POLICY WE WANT TO PUT IN PLACE AS FAR AS HOW MUCH WE PARTICIPATE OR HOW WE PARTICIPATE. WE MAY DECIDE IF WE WANT TO DO THIS THAT OUR CONTRIBUTION MAY COME IN A DIFFERENT WAY. I WANTED TO CLARIFY THAT. I REALLY APPRECIATE YOU BREAKING THAT OUT BECAUSE IT GIVES US BOTH TOOLS THAT WE NEED AS WE THINK THROUGH HOW THOSE CALCULATIONS WORK. AND IT DOESN'T MEAN WE WILL OR WON'T DO IT, FWU MEANS WE'LL HAVE A BETTER HANDLE ON HOW TO GO ABOUT DOING IT. I APPRECIATE IT. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: IT REALLY DOESN'T FIT INTO THIS DISCUSSION, BUT SINCE COUNCILMEMBER MCCRACKEN BROUGHT IT UP AND SAID I WAS GOING TO TALK ABOUT IT, I GUESS I'LL HAVE TO. WE ALL BELIEVE THAT ONE OF THE KEY ISSUES TO BE RESOLVED BEFORE EMBARKING ON THIS EXTENDED RAIL PROJECT IS RESOLUTION OF THE LABOR PROBLEMS AT CAP METRO. AND KEY TO THAT, COUNCILMEMBER MCCRACKEN AND MYSELF ON THE BOARD AGREE THAT A KEY PART THAT HAVE IS THAT ALL THE EMPLOYEES OPERATING THE TRAIN SHOULD BE CAPITAL METRO OR STAR TRAN EMPLOYEES. UNFORTUNATELY, THE R.F.P. TO OUTSOURCE ALL OF THIS WAS APPROVED TO GO OUT AT THE LAST CAPITAL METRO BOARD MEETING. I THINK IT'S PROBLEMATIC THAT CERTAINLY SPEAKING FOR MYSELF AND PERHAPS OTHERS THAT THE CITY COULD PARTICIPATE ON THAT BASIS IF THE RAIL OPERATIONS ARE OUTSOURCED AND NOT CONTROLLED THROUGH LOCAL EMPLOYEE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THANK YOU VERY MUCH, CHERYL. THIS GIVES US -- THANK YOU VERY MUCH, CHARLES. THIS GIVES US THE AMMUNITION AND DATA THAT WE NEED TO SEE WHAT ROLE WE CAN PLAY TO MAKE SURE WE MOVE FORWARD WITH EFFECTIVE MASS TAN SIT IN IT TOWN.

THANK YOU VERY MUCH.

COUNCIL, THAT INCLUDES OUR DISCUSSION BUSINESS UNTIL OUR 4:00 O'CLOCK ZONING CASES, SO ONCE AGAIN WE ARE

NOW GOING TO RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS NOW 3:20. WE WILL RECONVENE AT 4:00 FOR ZONING. WE'RE FOR YOU IN RECESS. WE'RE NOW IN RECESS. MAYOR PAIR THERE BEING --

Mayor Wynn: THERE BEING A QUORUM PRESENT, I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT..4:07 AND WE WILL GO TO OUR ZONING ORDINANCES AND APPROVAL OF RESTRICTIVE COVENANTS. I'LL GO TO MR. GREG GUERNSEY.

GOOD AFTERNOON. LET ME WALK THROUGH THE 4:00 O'CLOCK ZONING ITEMS AND RESTRICTIVE COVENANTS WHERE THE HEARINGS ARE CLOSED. THE FIRST ITEM EYE LIKE TO OFFER IS ITEM NUMBER 41, CASE C-14-05-85, THE POWERS 20 PROPERTY. THIS IS APPROVE ON SECOND AND 'THIRD READINGS FOR THE PROPERTY LOCATED AT 11520 'NORTH I-35 SERVICE ROAD SOUTHBOUND. THIS IS A ZONING REQUEST FROM GENERAL OFFICE DISTRICT ZONING TO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. YOU MAY REMEMBER AT THE LAST MEETING WE HAD A DISCUSSION WITH THE APPLICANT'S AGENT. I THINK AS A RESULT OF THAT, I UNDERSTAND --

MAYOR?

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I BELIEVE THERE'S A BIT OF A MISUNDERSTANDING AND TO CORRECT IT, IT SHOULD BE THE ZAP RECOMMENDATION ON SECOND AND THIRD READINGS AND NOT THE STAFF RECOMMENDATION. I BELIEVE IT WOULD BE LR INSTEAD OF GR AND ALL PARTIES ARE IN AGREEMENT WITH THE ADDITION OF ONE ADDITIONAL PROHIBITED USE, AND THAT WOULD BE SERVICE STATION. I BELIEVE EVERYBODY IS IN AGREEMENT, CORRECT, MR. GUERNSEY?

THAT'S MY UNDERSTANDING AS WELL. I WOULD NOTE THE ZONING CHANGE WOULD BE TO NEIGHBORHOOD COMMERCIAL COMBINING DISTRICT ZONING. AS MENTIONED BEFORE, THE ZONING AND PLATTING COMMISSION

RECOMMENDATION WITH THE ADDITIONAL PROHIBITION AGAINST SERVICE STATION USE. AND THAT CAN ACTUALLY BE APPROVED FOR SECOND A THIRD READING AND I UNDERSTAND LAW HAS ALREADY ACKNOWLEDGED THAT THE ORDINANCE AND DIRECTION IS CLEAR ENOUGH THAT WE CAN DO THAT. ITEM NUMBER 42 IS ALSO -- WE CAN OFFER AS A CONSENT ITEM. THIS IS CASE C-14-05-1 IS 51. THIS IS THE FLEX 15 PROPERTY AT 8420 LONGVIEW ROAD. THIS IS A REZONING REQUEST TO TOWNHOUSE CONDOMINIUM CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE LIMITATION WOULD BE ON THE PROPERTY TO 130 UNITS. AS YOU MAY RECALL PREVIOUSLY THERE WAS ONCE A VALID PETITION AGAINST THIS. SEVERAL INDIVIDUALS HAVE REMOVED THEIR NAMES FROM THE PETITION AND IT IS NO LONGER A VALID PETITION. IN ADDITION, THERE'S BEEN A PRIVATE, MUTUAL COVENANT RESTRICTION THAT HAS BEEN SIGNED, BE AGAIN, BE THAT IS A PRIVATE AGAIN. THIS IS FOR CONSENT APPROVAL FOR THIRD READING. THAT CONCLUDES THE ITEMS WHERE THE HEARING ARE CLOSED FOR CONSENT APPROVAL AT THIS TIME, MAYOR.

Mayor Wynn: THANK YOU. COUNCIL, OUR CONSENT AGENDA FOR THESE CASES WILL BE TO APPROVE ITEM 41, BUT INSTEAD OF HOW IT'S POSTED TO APPROVE THE ZONING AND PLATTING COMMISSION RECOMMENDATION, THAT BEING LR-CO ON SECOND AND THIRD READING WITH THE ADDITIONAL PROHIBITION OF SERVICE STATIONS. AND ITEM NUMBER 42, APPROVE ON THIRD READING AS POSTED. I'LL ENTERTAIN A MOTION.

Leffingwell: I'LL MOVE APPROVAL OF THE CONSENT AGENDA.

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

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBERS MCCracken AND KIM

TEMPORARILY OFF THE DAIS.

THANK YOU, MAYOR. LET ME CONTINUE ON TO THE REMAINING 4:00 O'CLOCK ITEM. THESE ARE PUBLIC HEARING ACTION ITEMS ZONING AND NEIGHBORHOOD PLAN AMENDMENTS AMENDMENTS. THE FIRST IS ITEM 43, CASE C-14-06-127. THIS IS REZONE OGRUNDBERG AT 10 IS 1 EAST RUNDBERG LANE FROM FAMILY RESIDENTIAL DISTRICT ZONE TO GO LIMITED OFFICE COMBINING DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION IS TO GRANT LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. THE NEXT ITEM IS ITEM NUMBER 44, THIS IS CASE NPA-06-00008.01 IS, MOUNT ZION. THIS IS IN THE ROWE ROSEWOOD NEIGHBORHOOD PLANNING AREA AND THIS IS AN AMENDMENT TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM SINGLE-FAMILY TO CIVIC USE IF FOR THE PROPERTIES LOCATED AT 2935 AND 2937 EAST 13 ITS STREET. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT CIVIC USE FOR THIS PROPERTY. THERE ARE TWO RELATED ZONING CASE S TO THIS ITEM ON THE PLAN AMENDMENT. THE FIRST IS ITEM 45, CASE C-14-06-0165, MOUNT ZION, FOR THE PROPERTY LOCATED AT 2935 AND 2941 EAST 13TH STREET. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN OR SF-3-NP GIENING DISTRICT ZONING TO GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION IS IS TO GRANT GENERAL OFFICE, MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READING. THE SECOND MOUNT ZION CASE FOR REZONING IS ITEM NUMBER 46. THIS IS CASE C-14-06-01 IS SCWIKS FOR THE PROPERTIES LOCATED AT 2922, 2946 AND 2948 EAST 13TH STREET. THIS IS FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE A PLANNING COMMISSION RMTION.....RECOMMENDATION WAS FOR GRANT THAT

ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 47 IS CASE C-14-06-0168, THE CLAWSON SOUTH EIGHT. THIS IS A REQUEST FROM FAMILY RESIDENCE TO URBAN FAMILY RESIDENCE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT URBAN FAMILY RESIDENCE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING AND THIS IS READY FOR ALL THREE READINGS. I'LL NOTE THAT THE PROPERTY WAS LIMITED TO A TOTAL OF EIGHT DWELLING UNITS. ITEM NUMBER 48 IS CASE C-14-06-0170, THE JOY MOVES PROPERTY AT 2501 IS CAPITAL OF TEXAS HIGHWAY SOUTH. THIS IS A REZONING REQUEST FROM LIMITED OFFICE OR LO DISTRICT ZONE TO GO GENERAL OFFICE CONDITIONAL OVERLAY OR GOCO COMBINING DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION WAS TO GRANT GENERAL OFFICE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING AND THIS IS READY FOR SUBSEQUENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 49 IS CASE C-14-06-0176, WEST END PILATES AT 504 OAKLAND AVENUE. THIS IS A REZONING REQUEST FROM MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT LIMITED OFFICE MIXED USE NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READING. ITEM NUMBER 50 IS CASE C-14-06-0.0177 FOR THE PROPERTY AT 807 WEST AVENUE. THIS WAS A REZONING REQUEST FROM MULTI-FAMILY RESIDENCE MODERATE HIGH DENSITY DISTRICT ZONE TO GO DOWNTOWN MIXED USE DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT DOWNTOWN MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING AND THIS IS READY FOR ALL THREE READINGS. ITEM NUMBER 51 IS CASE C-14-06-0180, FOUR PAWS AT FOUR POINTS FOR THE PROPERTY LOCATED AT 8610 NORTH FM 620. THIS IS A REZONING REQUEST FROM INTERIM RURAL RESIDENCE OR IRR DISTRICT ZONING TO COMMUNITY COMMERCIAL OR GR DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION IS

TO GRANT NEIGHBORHOOD COMMERCIAL CONDITIONAL OVERLAY COMBINING DISTRICT ZONING AND THIS IS READY FOR ALL THREE READINGS. ITEM NUMBER 52 IS CASE C-14-06-01 IS 84, THE AUSTIN CHRISTIAN FELLOWSHIP II PROPERTY AT 6401 IS RIVER PLACE BOULEVARD. THIS IS A REZONING REQUEST FROM DEVELOPMENT RESERVE DISTRICT ZONING AND SINGLE-FAMILY RESIDENCE LARGE LOT CONDITIONAL OVERLAY COMBINING DISTRICT ZONING TO NEIGHBORHOOD OFFICE OR N.O. DISTRICT ZONING. THE...THE RESTRICTIONS HAVE BEEN PLACED INTO A COVENANT OF PUBLIC RESTRICTIVE COVENANT WHICH HAS BEEN EXECUTED AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. AND SO THERE WOULD NOT BE A CONDITIONAL OVERLAY, THERE WOULD BE A PUBLIC RESTRICTIVE COVENANT ASSOCIATED WITH THAT PARTICULAR ITEM. ITEM NUMBER 53 IS IS CASE C-14-06-0182, THORNTON BUNK GA LOWS AT 2206 TO 2210 THORNTON ROAD. THIS IS A VOANING REQUEST FROM SF-3 DISTRICT ZONE TO GO URBAN FAMILY RESIDENCE DISTRICTING ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT URBAN FAMILY RESIDENCE DISTRICT ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM....ITEM NUMBER 54, MAYOR, I BELIEVE WE HAVE A SPEAKER THAT MAY HAVE BEEN SIGNED UP REGARDING THAT ONE, THAT THAT WILL BE A DISCUSSION ITEM. ITEM 55 IS CASE C-14-06-0029, 620 NORPSD FOR THE PROPERTY AT 15400 TO 15402 NORTH FM 620. THIS IS A REZONING REQUEST FROM INTERIM RURAL RESIDENCE DISTRICT ZONING AND DEVELOPMENT RESERVE DISTRICT ZONE TO GO COMMUNITY COMMERCIAL SERVICES DISTRICT ZONING. THIS HAS A REQUEST FOR POSTPONEMENT TO NOVEMBER 16TH. ITEM NUMBER 56 AND 57 ARE RELATED CASES. 56 IS CASE C-14-06-0123, THE ARDENT ONE PROPERTY. ITEM SFWEFN CASE C-14-06-124, THE ARDENT TWO PROPERTY. THERE'S A REQUEST FROM THE NEIGHBORHOOD, FIRST REQUEST FOR POSTPONEMENT ON BOTH OF THESE ITEMS, ITEM 56 AND 57, TO NOVEMBER 16TH. THE APPLICANT AGREES. FUM NUMBER 58 IS CASE C-14--06-01 BE 77 ON CHANNEL ROAD. THE APPLICANT HAS REQUESTED A POSTPONED OF THIS CASE TO NOVEMBER 13TH. IT'S THEIR FIRST REQUEST. ALSO I'LL NOTE THAT THERE WAS A VALID PETITION IN OPTICIAN SO... TO THIS --

OPPOSITION TO THIS REQUEST. MAYOR, I BELIEVE ITEMS 59, 60 AND 61 WE HAVE OPPOSITION. IS.

WE HAVE NO ONE SIGNED UP IN OPPOSITION ON 59 OR 60.

ON ITEM 59, IS VICTOR GARCIA PRESENT? MANUEL MAR.....MANUEL GARCIA? MAYOR, I WOULD SUGGEST THAT WE ACTUALLY POSTPONE ITEMS 59 AND 60. WE UNDERSTOOD THE -- THAT THEY WOULD BE HERE THIS EVENING. THE STAFF DIDN'T RECOMMEND -- THE PLANNING COMMISSION DIDN'T RECOMMEND IT AND WE WERE AWARE THERE WAS NEIGHBORHOOD OPPOSITION TO IT, BUT IF THERE'S NO ONE HERE AT ALL, THEN I WOULD SUGGEST WE POSTPONE IT.

TO THE 16TH?

TO THE 16TH. THAT WOULD BE ITEMS 59 AND 60. ' IS THAT CONCLUDE THE CONSENT -- THAT CONCLUDES THE CONSENT ITEMS THAT WE CAN OFFER AT THIS TIME. BE.

Mayor Wynn: A COUPLE OF QUICK NOTES. ITEM 54 YOU SUGGESTED THAT IT MIGHT BE A DISCUSSION ITEM; HOWEVER, ALSO WITH THAT ITEM NO CITIZENS HAVE SIGNED UP.

OKAY.

..THEN LET ME READ THAT INTO THE RECORD. ITEM 54 IS CASE C-14-06-0018 FOR THE PROPERTY LOCATE BED AT 6203 BERKMAN DRIVE. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. AND I'LL NOTE THAT THERE WERE ACTUAL REQUEST FOR PURPOSES IS FOR LR-MU, WHICH IS ONLY NEIGHBORHOOD COMMERCIAL MIXED USE COMBINING DISTRICT ZONING. 'THERE IS NO CONDITIONAL OVERLAY. THE PLANNING COMMISSION'S 'S RECOMMENDATION WAS TO GRANT NEIGHBORHOOD COMMERCIAL MIXED USE COMBINING DISTRICT ZONEOGTHIS PROPERTY AND THIS IS ONLY READY FOR FIRST READING ONLY. I'LL ADD THAT ONE FOR FIRST READING ONLY ON ITEM 54. AND MAYOR, I'VE JUST BEEN TOLD THAT WE HAVE A

CITIZEN THAT DOES NOT OBJECT TO TWO OF THE ITEMS BEING LEFT ON THE CONSENT IF THEY COULD SAY JUST A COUPLE OF WORDS WITH REGARDS TO ITEM NUMBER 47 --

...

Mayor Wynn: AND 51. GAIRL.....CAROL GIBBS AND OSCAR LIPCHAP?

53 AND 47... 47 I WAS OLD.

Mayor Wynn: YES. WHY DON'T I GET A MOTION AND A SECOND AND THEN WE'LL HAVE -- WE HAVE SEVERAL FOLKS WHO WOULD LIKE TO TALK ABOUT SOME OF THESE ITEMS ON THE CONSENT AGENDA. SO COUNCIL, I.. THE PROPOSED CONSENT AGENDA THEN FOR THE PUBLIC HEARING ZONING CASES WOULD BE ON ITEMS WHERE WE TAKE VOTING ACTION TO CLOSE THE PUBLIC HEARINGS AND APPROVE ON ALL THREE READINGS ITEMS 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 AND 53. TO CHOSE THE PUBLIC HEARING AND APPROVE ON FIRST HEARING ONLY ITEM NUMBER 54. TO POSTPONE ITEMS 55, 56 AND 57 TO NOVEMBER 16TH, 2006. TO POSTPONE ITEM 58 TO NOVEMBER 30TH, 2006. AND TO POSTPONE ITEMS 59 AND 60 TO NOVEMBER 16TH, 2006. I'LL ENTERTAIN A MOTION. MOTION MADE BY THE MAYOR PRO TEM, SECOND BED BY COUNCILMEMBER COLE TO CLOSE THE PUBLIC HEARING AND APPROVE THE CONSENT AGENDA AS READ. WE HAVE A FEW FOLKS WHO WOULD LIKE TO ADDRESS US ON A COUPLE OF THESE CONSENT ITEMS. LET'S START WITH THE COMBINED ITEMS 44, 45 AND 46. AS WE HEARD EARLIER, THEY RELATE TO OUR MOUNT ZION MISSIONARY BAPTIST CHURCH CASE. I BELIEVE DUSTY MCCORMICK WOULD LIKE TO ADDRESS US. MR. MCCORMICK?

THANK YOU, MAYOR, COUNCIL. I'M GOING TO DEFER. MY PASTOR IS HERE, SO I'M GOING TO GIVE WHATEVER TIME WAS GIVEN TO ME TO HIM. THANK YOU VERY MUCH.

...

Mayor Wynn: WISE MOVE, MR. MCCORMICK. WELCOME DR.

CLARK. GLAD TO HAVE YOU BACK.

THANK YOU, COUNCIL. LET ME FIRST THANK COUNCIL FOR CONSIDERING THESE REQUESTS. WE AT THE MOUNT ZION CHURCH, MANY OF YOU KNOW THIS CHURCH IS AN ENTITY IN AUSTIN FOR A LONG TIME. WE HAVE FOR A NUMBER BE OF YEARS BEEN WORSHIPPING IN A FACILITY WHERE WE DO MANY OF THE MINISTRIES AT THE SAME TIME. WE HAVE SINCE DRIVEN TO EXPAND OUR FACILITY TO INCLUDE A FAMILY LIFE CENTER THAT WOULD HOUSE ALSO A GYM , EXERCISE ROONL, NUMEROUS CLASSROOMS AND SOME OFFICE SPACE. ALL OF THIS IS IS TO DESIGN AND ENHANCE OUR MINISTRIES, NOT JUST TO THE CHURCH, BUT TO THE COMMUNITY. MOUNT ZION FOR A NUMBER OF YEARS HAS PROVIDED SPACE FOR AT COMMUNITY REQUEST FOR SPECIAL MEETINGS AT NO CHARGE TO THE PERSON WHO USES OUR FACILITY. THE NEW FACILITY WOULD ENABLE US NOT ONLY TO ENHANCE OUR MINISTRIES, BUT ALSO TO PROVIDE SOME HELP FOR SOME OF THE YOUNG PEOPLE IN THE NEIGHBORHOOD WHO ARE ON THE STREETS THERE WITH NOWHERE TO GO IN THE COMMUNITY. WE KNOW THAT THE MILLENIUM CENTER IS NEAR, NOT FAR AWAY, BUT TRANSPORTATION BECOMES A CHALLENGE EVEN IN THE EVENING, SO WE HOPE TO INITIATE PROGRAMS THAT WOULD ALSO ALLOW THIS MINISTRY TO EVOLVE. WE WOULD THANK THE COMMISSION, THANK THE COUNCIL, RATHER, FOR YOUR FAVORABLE CONSIDERATION TO OUR REQUEST.

..

Mayor Wynn: THANK YOU, DR. CLARK. YOU LOOK WELL. THESE ARE CASES ON THE CONSENT AGENDA AND THEY WILL BE APPROVED UNANIMOUSLY HERE IN A MINUTE OR TWO. OUR OTHER ITEMS, COMBINED ITEMS 47 AND 53 WE HAD A COUPLE OF FOLKS SIGN UP NEUTRAL WHO WOULD LIKE TO ADDRESS US, CAROL GIBBS AND OSCAR LIPSHACK. WELCOME.

THANK YOU, MAYOR AND COUNCILMEMBERS. I'M CAROL GIBBS, I'M THE PRESIDENT OF THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION AND I APOLOGIZE FOR RUNNING IN AT THE LAST MINUTE. I NORMALLY DON'T HAVE TO BE AT WORK UNTIL FIVE, SO I HAD TROUBLE GETTING

AWAY. WE WOULD REALLY LIKE TO DISCUSS ITEM NUMBER 53. AFTER I RAN UP HERE AND TOLD GREG I WAS OKAY WITH JUST ADDRESSING IT BEFORE Y'ALL GO ON CONSENT, THE APPLICANT AND I DID SPEAK LATE THIS MORNING, EARLY THIS AFTERNOON AFTER I HAD MET WITH STAFF ABOUT THIS CASE, AND THEY ARE ALSO PREPARED TO HAVE TO SIT HERE A LITTLE ABOUT THIS EVENING SO THAT WE CAN DISCUSS THIS CASE. WITH WE REALLY DO WANT TO DISCUSS THAT ONE. ITEM 47, I BASICALLY JUST WANTED TO GET ON RECORD THIS IS THE CLAWSON ROAD 8 PROJECT. HE HAS ALREADY JUST -- THE APPLICANT JUST SHOWED ME THE PLANS FOR THAT. 'HE HAS NO MORE UNIT THAN HE CAN DO IN SF-3, SO I THINK THAT'S BASICALLY KIND OF OUR MODUS OPERANDI IS WE ARE EXPECTING A WHOLE LOT OF REDEVELOPMENT IN OUR NEIGHBORHOOD BECAUSE WE'VE GOT LOTS OF PROPERTIES LIKE HIS THAT ARE CLOSE TO OR OVER AN ACRE ZONED SF-3 WITH ONE HOUSE SITTING ON THEM. SO THIS IS A GOOD EXAMPLE OF HOW WITHOUT UPZONING HE COULD PUT EIGHT TIMES AS MANY UNITS ON A PROPERTY AS CURRENTLY EXISTS. SO IF WE DO THAT EXCUSE THE BOARD IN -- ACROSS THE BOARD IN OUR NEIGHBORHOOD WITH EXISTING ZONING, WE COULD EASILY MEET THIS SUPPOSED 20% DENSITY INCREASE THAT THE NEIGHBORHOODS ARE FEELING WE NEED TO ANTE UP TO. IN THIS CASE WHERE I'M PERSONALLY -- WE HAVE NOT TAKEN NEIGHBORHOOD POSITION ON THIS, BUT I AM PERSONALLY NOT OPPOSED TO THIS UP ZONING BECAUSE OF THE AGREEMENT TO DO THE CO LIMITING IT TO THE SAME NUMBER OF UNITS THAT HE COULD DO WITH SF-3, BUT THE FIVE IS IS BOEING TO ALLOW HIM TO BE -- IS GOING TO ALLOW HIM TO BE MORE CREATIVE WITH THE FRONTAGE AND NOT HAVING THE FLAG LOT, ETCETERA, AND I UNDERSTAND FROM STAFF THAT WE ARE ON THE RIGHT TRACT TOWARD GETTING LOTS THAT ARE ZONED SF-5, BUT WITH CO'S LIMITING THEM TO SF-3 DENSITY ON OUR NEIGHBORHOOD PLAN FUTURE LAND USE MAPS IT WILL STAY YELLOW, WHICH IS OUR MAIN CONCERN ABOUT THIS UPZONING STUFF IS WE WANT THE FUTURE LAND USE MAP TO REPRESENT WHAT THE USE IS, WHICH IS SINGLE-FAMILY USE, BASICALLY THE EQUIF THROANT WHAT -- THE EQUIVALENT TO WHAT CURRENT ZONING ALLOWS IN TERMS OF THE NUMBER BE OF UNITS. [BUZZER SOUNDS] THANK

YOU FOR LETTING ME ADDRESS THAT.

Mayor Wynn: THANK YOU. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Mayor Wynn: AGREED, A REMARKABLE CHURCH, A COMMUNITY PARTNER. FURTHER COMMENTS ON OUR CONSENT AGENDA MOTION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH COUNCILMEMBERS MCCRACKEN AND KIM TEMPORARILY OFF THE DAIS. THANK YOU ALL VERY MUCH.

Guernsey: MAYOR AND COUNCIL THAT BRINGS US BACK TO ITEM NO. 53. YOU HAVE APPROVED THE REMAINING ITEMS ON CONSENT OR POSTPONEMENT PRIOR TO THAT ITEM. ITEM NO. 53 IS C 14-06-182 FOR THE THORNTON BUNGALOWS, 2206 TO 2210 THORNTON ROAD. CURRENTLY ZONED FAMILY RESIDENCE OR SF 3 ZONING THE REQUEST WAS TO SF 6 BUT THE APPLICANT IS AGREEABLE TO THE SF 5 DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO APPROVE THE REZONING REQUEST TO SF 5 DISTRICT ZONING ON A VOTE OF 8-0. THE PROPERTY IS RIGHT NOW SURROUNDED BY CS ZONING -- [NOISES]

Guernsey: I WILL PAUSE. C14-06- ,.

Mayor Wynn: I APOLOGIZE, MR. GUERNSEY, WE WILL STILL WAIT A COUPLE MINUTES FOR COUNCILMEMBER LEFFINGWELL OR COLE TO RETURN.

McCracken: I THINK THEY WENT OFF TO ARDMORE, MAYOR.

Mayor Wynn: OKAY, A QUORUM IS PRESENT AGAIN, EXCUSE US, MR. GUERNSEY. LET ME CONTINUE THEN THE PROPERTY AGAIN AT 2206 TO 2210 THORNTON. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT SF 5 DISTRICT ZONING. THE PROPERTY CURRENTLY ZONED SF 3 FOR SINGLE FAMILY, EXISTING APARTMENTS AND RETAIL TO

THE SOUTH, SF 3 AND CS WITH SOME UNDEVELOPED LAND AND SINGLE FAMILY HOMES. TO THE EAST AND TO THE WEST ARE SINGLE FAMILY HOMES AND THE PROPERTY IS IN USE FOR SF 3 TO THE EAST AND SF 3 AND MF 2 TO THE WEST. THIS IS IN THE SOUTH LAMAR NEIGHBORHOOD PLANNING AREA, STILL UNDERGOING ITS NEIGHBORHOOD PLAN. I WILL PAUSE AND YOU CAN HEAR -- I WILL HEAR FROM THE APPLICANT -- APPLICANT'S AGENT, ALSO FROM THE NEIGHBORHOOD. AND IF YOU HAVE ANY QUESTIONS, I WILL BE HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: THANK YOU, QUESTIONS FOR STAFF, COUNCIL? IF NOT, WE WILL CONDUCT OUR PUBLIC HEARING, WHICH USUALLY BEGINS WITH THE FIVE MINUTE PRESENTATION FROM THE APPLICANT. WE THEN HEAR FROM FOLKS IN SUPPORT OF THE ZONING CASE, FOLKS IN OPPOSITION, AND THERE'S A REBUTTAL BY THE APPLICANT AND WE CONTINUE DISCUSSION. SO WELCOME.

GOOD OF NOON, I'M GLEN STANESBERRY WITH STANESBERRY ENGINEERING AND REPRESENTING THE OWNER OF THIS PROJECT. LET ME FIRST START OFF AND SAY THAT OUR INTENT IS ACTUALLY SF 4 B ZONING FOR THIS PROJECT. OUR APPLICATION WAS ORIGINALLY SUBMITTED FOR SF 4 B AND INTERESTINGLY ENOUGH..... ENOUGH, YOU CAN'T GO FROM SF 3 FOR SF 4 B. YOU HAVE TO BE EITHER SF 5 OR HIGHER ZONING AND GO DOWN TO SF 4 B. SO THAT WAS WHY WE ORIGINALLY REQUESTED SF 6, WE HAVE AGREED TO THE SF 5, KNOWING THAT WE ARE GOING TO DO THE SF 4 B ULTIMATELY. I WOULD BE SUBMITTING THAT APPLICATION MONDAY, WE HOPE THAT YOU WILL BE HEARING THAT BY CHRISTMAS. THAT IS OUR INTENT IS TO BE A MEDIUM DENSITY ZONING FOR THIS PROJECT. THIS PROJECT IS ONE AND A HALF ACRES, WILL CONSIST OF 18 UNITS. THESE UNITS ARE GOING TO BE -- AS MANY SALVAGED COTTAGES THAT WE CAN FIND IN THE AUSTIN AREA. THE OWNER OWNS ABOUT HALF OF THEM NOW AND THEY RANGE, THEY WILL RANGE IN SIZE FROM 900 SQUARE FEET TO 1400 SQUARE FEET APPROXIMATELY, SO THEY WILL BE FAIRLY SMALL LITTLE COTTAGES. NEW CONSTRUCTION WILL BE COMPATIBLE WITH THE COTTAGE STYLE AND WILL CONSIST OF -- MEET THE GREEN BUILDER REQUIREMENTS. SO THESE IMAGES THAT YOU SEE NOW ARE -- ARE THE LOOK

THAT THE OWNER AND THE ARCHITECT ARE GOING FOR, FOR THIS PROJECT. THE -- THE SF 5 ZONING, SF 4 B ZONING WILL ALLOW SOME CREATIVITY IN THE DESIGN OF THIS PROJECT WHERE WE CAN HAVE A CENTER GARDEN, COMMUNITY GARDEN IN THE CENTER AND KEEP ALL OF THE PARKING OFF TO THE SIDE. IF WE DEVELOPED WITH THE SF 3 ZONING THAT WE HAVE CURRENTLY, WE COULD DO 14 DUPLEX UNITS ON SEVEN FLAG LOTS. AND THAT -- THE FLAG LOT CONFIGURATION WOULD ELIMINATE THE CENTER GARDEN, BECAUSE WE WOULD HAVE TO PUT THE SHARED DRIVEWAY UP THE CENTER. SO THAT IS THE WHOLE PURPOSE FOR THE REZONING IS TO HAVE THIS VERY COMMUNITY-ORIENTED CENTER GARDEN, ALONG WITH THESE SALVAGED COTTAGES. SO IT WOULD BE VERY DIFFERENT. WE MET WITH THE NEIGHBORHOOD BEFORE WE EVEN SUBMITTED THE ZONING APPLICATION AND THEIR CONCERNS, FIRST OF ALL, WERE PARKING ON THE STREET. WE SAID THAT WE WOULD NOT TAKE ADVANTAGE OF THE 20% URBAN PARKING REDUCTION. WHICH AT THIS TIME WE WOULD LIKE TO ADD THAT INTO OUR ZONING AS A CONDITIONAL OVERLAY. THAT WE WOULD NOT UTILIZE THAT 20% URBAN PARKING REDUCTION. THEIR SECOND CONCERN WAS DENSITY. WITH THE -- WITH THE SF 3, WE WOULD HAVE 14 DUPLEX UNITS. THE SF 4 B, I REALIZE THAT -- THAT I'M TALKING A LITTLE BIT OUT OF CONTEXT HERE BECAUSE WE ARE NOT DOING 4 B, WE ARE DOING 5. SF 4 B WOULD ALLOW 18 UNITS. SF 5 WILL ACTUALLY LIMIT THE CONDO REGIME TO 10 UNITS ONLY. SO ULTIMATELY WHEN WE GO FOR SF 4 B WHAT HE WOULD LIKE TO DO AS A CONDITION IS LIMIT OUR IMPERVIOUS COVER TO 50%. SF 3 ALLOWS 45%, SF 5 ALLOWS 55%, SF 4 B ALLOWS 60. WE HAVE THE SMALLER UNITS HERE SO WE DON'T NEED ALL OF THE IMPERVIOUS COVER. SO WE WOULD BE HAPPY TO LIMIT THAT TO 50% TO HELP ADDRESS THE NEIGHBORHOOD'S CONCERNS ON -- ON DENSITY. THEIR LAST CONCERN WAS AFFORDABILITY. AND ALTHOUGH THESE ARE NOT GOING TO BE -- TO BE AFFORDABLE BY DESIGNATION, THESE SMALLER TYPE OF UNITS WILL LEND THEMSELVES TO -- TO SMALLER FAMILIES AND SUCH AND BE MORE AFFORDABLE THAN A LARGER SIZED UNIT. THAT CONCLUDES THE PRESENTATION, ARE THERE ANY QUESTIONS?

QUESTIONS, COUNCIL? COUNCILMEMBER LEFFINGWELL?
WHAFG THE.....WHAT WAS THE THIRD ITEM?

AFFORDABILITY. BEING THAT THEY ARE SMALLER UNIT, 900
SQUARE FOOT UNITS WOULD --

Leffingwell: THAT WASN'T A CONDITION THAT YOU
SPECIFICALLY --

NO.

Leffingwell: THERE ARE TWO ITEMS THAT YOU ARE OFFERING
UP FOR CO.

YES, SIR.

Leffingwell: OKAY.

Dunkerly: CAN YOU CLARIFY HOW MANY UNITS YOU WOULD
LIKE IN THE END.

THE SF 4 B WITH THE 18 UNITS THAT ARE ALLOWED.

THERE WAS A LITTLE BIT OF A RISK HERE WITH THE SF 5
SINCE THAT LIMITS US TO 10 UNITS FOR A CONDO REGIME.

Leffingwell: YOU ARE ASKING FOR SF 5 NOW WHICH IS 10.
SOMETIME IN THE FUTURE YOU MIGHT ASK FOR 4 B, IS THAT
CORRECT?

YES, WE WILL BE DOING THAT ON MONDAY, WE HOPE THAT
YOU WILL HEAR US BY CHRISTMAS.

Mayor Wynn: FURTHER QUESTIONS OF THE APPLICANT'S
AGENT? THANK YOU, MS. STANSBERRY.

TWO SPEAKS WHO WOULD LIKE TO ADDRESS US, THE FIRST
IS OSCAR LIPCHECK. WELCOME. OKAY. WELCOME BACK MS.
GIBBS, UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU MAYOR AND COUNCILMEMBERS, I AM STILL
CAROL GIBBS APPROXIMATED OF THE SOUTH LAMAR
NEIGHBORHOOD -- PRESIDENT OF THE SOUTH LAMAR

NEIGHBORHOOD ASSOCIATION. WE WANTED THIS TO BASICALLY GO ON RECORD BECAUSE IT IS SUCH A STRANGE CASE GOING UP TO SF 5, WHICH HAS DIFFERENT RESTRICTIONS AND THEN GOING BACK DOWN TO SF 4 WHICH ALLOWS MORE UNITS. OUR CONCERN IS -- IS DUE TO A TOUGH LESSON THAT WE HAVE LEARNED WITH OTHER CASES IN OUR NEIGHBORHOOD, WHICH IS THE OWNER CAN TURN AROUND AND SELL BEFORE HE -- BEFORE HE FINISHES OUT THAT REZONING BACK TO SF 4 B. AND SO -- SO WITHOUT -- WE CAN'T REALLY LOOK AT THE 4 B PROSPECT YET. LOOKING JUST AT SF 5 WE NEEDED TO BE SURE THAT OUR CONCERN AGAIN IS ON RECORD THAT -- WE WOULD LIKE YOUR SUPPORT IN LIMITING THE DENSITY, THE IMPACT OF THE DEVELOPMENT, IF IT WERE TO GO FORWARD UNDER SF 5 ZONING TO BE NO MORE INTENSE THAN SF 3. WOULD BE. GRANTED -- WE VERY MUCH APPRECIATE THIS APPLICANT, HIS AGENTS, WE HAVE NOT MET THE OWNER, WE HAVE MET WITH BLAINE AND [INDISCERNIBLE], THE ARCHITECT. I PERSONALLY AM VERY COMFORTABLE WITH THEM. HAVE NO REASON NOT TO TRUST THEM, BELIEVE THEM OR TO WORK TOTALLY WITH THEM. AGAIN, PREVIOUS EXPERIENCE HAS TAUGHT US TO BE A LITTLE DEFENSIVE, THINGS THAT MAY HURT THESE INDIVIDUALS FEELINGS, I THINK THEY UNDERSTAND THAT WE ARE HAVING TO LOOK AT FOR EVERY POSSIBLE VEER IN THE ROAD. WE DO APPRECIATE THE CONDITIONAL OVERLAYS THEY ARE WILLING TO PUT ON THIS POSSIBLY INTERIM SF 5 ZONING. OUR MAIN CONCERN IS IF FOR WHATEVER REASON THEIR AGENT OR THEIR CLIENT CHOOSES TO FOREGO THE SF 4 B, I DON'T KNOW JUST FROM MY LIMITED LAYPERSON EXPERIENCE, I DON'T SEE THIS CASE COMING BACK HERE BEFORE CHRISTMAS AS SF 4 B, SO IF YOU DECIDE TO -- HE DOESN'T WANT TO WAIT THAT LONG, WANTS TO PROCEED WITH SF 5 OR AGAIN IF HE SELLS IT, WE WOULD LIKE YOU ON YOU ON UTILITY I'M GOING TO READ THIS TERMINOLOGY HERE. WE WOULD LIKE THE NUMBER OF NON-CONDO RESIDENTIAL UNITS ON THIS PROPERTY, IF IT'S SF 5, TO BE FOR MORE THAN 14 UNITS, WHICH IS MY UNDERSTANDING FROM STAFF, WHAT THEY COULD DO WITH DUPLEXES IN SF 3. HOPE THAT MAKES MORE SENSE OF YOU ALL THAN IT DOES TO ME. MAYOR PRO TEM?

AM I UNDERSTANDING YOU CORRECTLY THAT YOU WOULD SUPPORT THE SF 4 B PROJECT AS ITS CURRENTLY DESIGNED IF WE COULD CONSIDER THAT TODAY?

IF WE COULD CONSIDER SF 4 B, TODAY.

AS THEY HAVE DESIGNED THE PROJECT.

I AM STILL CONCERNED WITH THE NUMBER OF UNITS.

Dunkerly: OKAY. SO YOU ARE NOT --

THAT'S NOT NEWS TO THEM EITHER. BUT MY UNDERSTANDING WAS THAT I KIND OF NEEDED TO NOT GO THERE TONIGHT, THAT WE JUST HAVE TO LOOK AT SF 5. IF YOU ARE ASKING ME TO GO THERE, WE DID --

Dunkerly: I'M JUST ASKING YOU -- YOU ARE ASKING US TO LIMIT THE NUMBER OF UNITS OF THIS INTERIM, SO I WAS JUST ASKING YOU IF YOU HAD REACHED AN AGREEMENT WITH THE OWNER AS FAR AS THE FINAL SF 4 B PROJECT IS CONCERNED.

WE HAVE TOLD THEM AND -- IN THE MEETINGS THAT WE'VE HAD WITH THEM SO FAR, WE WOULD STILL LIKE TO LIMIT IT TO 14 UNITS ALSO.

14.

YES. WE -- SEVERAL PEOPLE IN THE NEIGHBORHOOD REALLY LIKE, I LIKE WHAT IT, YOU KNOW, LOOKS LIKE. IN TERMS OF -- OF THE RENDERING, THE EXAMPLES FROM WASHINGTON STATE THAT THEY HAD IN THE -- IN THE PRESENTATION. AGAIN WE ARE ANTICIPATING ALL OF OUR SF 3 LOTS, NOT TOO MANY NEXT SEVERAL YEARS, TO BE SUBDIVIDED OR CREATIVELY REZONED AND HOPEFULLY WITH THE LIMITS, TO BE SEEING FIVE TO 10 UNITS WHERE THERE ARE CURRENTLY ONE. AND OUR NEIGHBORHOOD JUST, OUR STREETS, WE DON'T HAVE CURBS AND GUTTERS ON TWO OF OUR MAIN STREETS AND -- AND WE ARE CONCERNED ABOUT BEING ABLE TO MANAGE.

Dunkerly: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS FOR MS. GIBBS, COUNCIL? THANK YOU, CAROL. SO MS. STANESBERRY, STIPALLY THERE'S A ONE TIME THREE MINUTE REBUTTAL FROM MY TESTIMONY THAT YOU MAY HAVE HEARD IN OPPOSITION. YOU ARE WELCOME TO -- HEAR MORE IF NEED BE.

I WOULD LIKE TO SAY THAT WITH THE SF 4 B ZONING, WE DO NOT WANT TO LIMIT THE NUMBER OF UNITS TO 14. WE WOULD LIKE 18 UNITS. THESE UNITS ARE SMALLER THAN WHAT WOULD HAPPEN IF WE HAD 14 DUPLEX UNITS AT 1400 SQUARE FEET EACH. SO DENSITY WITH RESPECT TO NUMBER OF UNITS, YES, WE WOULD LIKE FOUR MORE THAN WHAT MS. GIBBS IS SAYING. BUT THEY ARE ON A SMALLER SCALE. SO THAT I THINK THE TOTAL IMPERVIOUS COVER IS POLICY EQUAL. WE WOULD LIKE 50% IMPERVIOUS COVER TO COMPLETE THIS PROJECT AND PARTLY THAT'S DUE TO THE PARKING LOT. AND FIRE DEPARTMENT ACCESS WITH REQUIREMENTS ARE GREATER THAN WHAT -- THERE WOULD BE MORE IMPERVIOUS PAVING THAN WHAT WOULD BE NEEDED WITH THE DRIVEWAY. SO WE ASK THAT THE CONDITIONAL OVERLAY NOT LIMIT THE NUMBER OF UNITS. MY -- MY FEAR ALSO IS, TOO, WHEN THIS COMES BACK FOR SF 4 B WITH THE -- WITH THE 18 UNITS THAT -- THAT THAT CONDITION WOULD CARRY OVER AND LIMIT THE CONDO USE OF 4 B TO 14 UNITS WHICH WE WOULD LIKE NOT TO HAVE PLACED ON THE PROJECT.

THANK YOU, MS. STANBERRY, QUESTIONS FOR MS. STANBERRY, COUNCIL? THANK YOU.

Mayor Wynn: WELCOME BACK, MR. GUERNSEY. THE OBVIOUS QUESTION, CAN YOU CONFIRM THAT -- THAT COUNCIL EITHER WITH THIS POSTING OR JUST THE NATURE OF SOME TECHNICALITIES IN OUR CODE, WE COULD NOT TAKE ACTION THIS EVENING ON SF 4 A --

B.

B.

THAT'S CORRECT. AND MAYOR AND COUNCIL, THIS IS

RATHER UNUSUAL BECAUSE ALTHOUGH THE CREATION OF SN 4 B HASSING -- SF 4 B HAS BEEN IN OUR ORDINANCE FOR OVER 20 YEARS, I CAN'T RECALL A SINGLE PERSON ASKING FOR SF 4 B. I'VE HAD ONE DISCUSSION I THINK IN THE LAST 15 YEARS, OTHER THAN THIS PARTICULAR CASE, WHERE IT'S ACTUALLY BEEN LOOKED AT BEFORE. SO -- SO KIND OF LIKE MF 6 WE ADDED SEVERAL YEARS AGO. IT TOOK ALMOST I THINK 18 YEARS BEFORE ANYONE USED MF 6. MAYBE WE WILL HAVE AN OPPORTUNITY TO USE SF 4 B IN THE FUTURE. THE REQUEST BEFORE YOU TONIGHT IS FOR SF 5 AS I UNDERSTAND IT. IT WOULD ONLY BE READY FOR FIRST READING. WE COULD COME BACK WITH SECOND AND THIRD READINGS AT OUR FIRST READING. THE IMPERVIOUS COVER LIMITATION I UNDERSTAND WOULD LIMIT THE PROPERTY TO 50%. AS I UNDERSTAND FROM BOTH PARTIES OR THE NEIGHBORHOOD AND THE OWNERS. AND THAT THE LIMITATION FOR -- ON RESIDENTIAL UNITS OTHER THAN CONDOMINIUM, NOT CONDOMINIUM USES, BUT OTHER THAN CONDOMINIUM USES, WOULD BE A MAXIMUM OF 14. THAT WOULD BE LIMITATION ON SINGLE FAMILY HOMES, DUPLEXES, BUT NOT A LIMITATION ON CONDOMINIUMS. WOULD BE STATED IN THE ORDINANCE. WOULD NOT BE STATED IN THE ORDINANCE? THERE WOULD BE -- WOULD BE NOT A STATED LIMIT ON THE NUMBER OF CONDOMINIUMS IN THE ORDINANCE. IT WOULD STATE THE LIMIT ON NON-CONDOMINIUM RESIDENTIAL USES, WHICH WOULD BE LIKE SINGLE FAMILY HOMES, TWO FAMILY RESIDENTIAL, DUPLEXES, THAT KIND OF THING. WE CAN WRITE THE ORDINANCE SPECIFICALLY TO SHOW A LIMITATION OF THOSE TYPES OF LAND USES. I THINK BOTH PARTIES ARE IN AGREEMENT WITH THAT. IF COUNCIL WOULD LIKE TO ENTERTAIN A MOTION ON FIRST READ BEING, YOU COULD DO SF 5 ZONING WITH A 50% -- 15% IMPERVIOUS COVER LIMITATION, A LIMIT ON NON-CONDOMINIUM RESIDENTIAL USES, WHICH WE WOULD LIST OUT AS SINGLE FAMILY, TWO FAMILY RESIDENTIAL, DUPLEX, THEY COULD NOT EXCEED A TOTAL OF 14 UNITS FOR THOSE TYPES OF DWELLINGS. AND AS I UNDERSTAND IT, BOTH SIDES WOULD BE IN AGREEMENT WITH THAT THIS EVENING.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I WILL MAKE A MOTION TO CLOSE THE PUBLIC

HEARING AND GRANT THE SF 5 CO WITH THE COS BEING NO PARKING REDUCTION, LIMITING IMPERVIOUS COVER TO 15%, THE DENSITY AS AGREED UPON BY THE PARTIES. AND YOU WILL SPELL THAT OUT ON -- THIS WILL BE THE FIRST READING ONLY AND THAT WILL BE SPELLED OUT ON THE SECOND AND THIRD READING READING.

Dunkerly: SECOND THAT.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL --

50% IMPERVIOUS COVER?

Leffingwell: I MEANT TO SAY 50. IF I SAID 15, I MISSPOKE.

Guernsey:: IT'S MY UNDERSTANDING THAT IT'S 50.

MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE FIRST READING SF 5 WITH THREE CONDITIONS AS OUTLINED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

Guernsey: MAYOR, WE WILL BE BRING BACK SECOND AND THIRD READING ON THIS ITEM IN TWO WEEKS AT YOUR NEXT MEETING.

Mayor Wynn: THANK YOU. THAT BRINGS US TO OUR LAST ZONING RELATED ITEMS, 61, THIS IS CASE C14-06- 061 AT 9200 TO 9251 COHEN LANE. THIS IS THE MEADOWS CENTRAL PROPERTY. GR-CO TO CS 1, FOR THE PURPOSE OF OPENING UP A COCKTAIL LOUNGE. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO APPROVE CS 1 DISTRICT ZONING FOR 15,534 SQUARE FEET. THE PROPERTY IS CURRENTLY DEVELOPED OR UNDERGOING DEVELOPMENT AND IS KNOWN AS SOUTH PARK MEADOWS, LOCATED SOUTH OF SLAUGHTER LANE. THIS WOULD BE TO THE -- TO THE ACTUALLY WEST OF CULLEN LANE, FURTHER WEST THAN I-

35.... I-35. THIS IS AN ADJACENT SINGLE FAMILY NEIGHBORHOOD LOCATED NORTH AND WEST OF THIS PROPERTY. ACROSS SLAUGHTER LANE AND KNOWN AS PARK RIDGE AND THE PARK RIDGE HOMEOWNERS ASSOCIATION REGISTERED THEIR OPPOSITION TO THIS REZONING REQUEST. I UNDERSTAND THAT YOU HAVE AT LEAST ONE INDIVIDUAL HERE THIS EVENING THAT WOULD LIKE TO SPEAK TO THEIR OPPOSITION. THE APPLICANT'S AGENT, MR. SUTTLE, IS HERE TO SPEAK TO THE CASE ON BEHALF OF THE APPLICANT. AT THIS TIME I WILL PAUSE IF YOU HAVE ANY QUESTIONS.

THANK YOU, MR. GUERNSEY, QUESTIONS OF STAFF, COUNCIL? IF NOT, THEN WE WILL CONDUCT THE PUBLIC HEARING. WE WILL START WITH FIVE MINUTE PRESENTATION FROM THE APPLICANT AND/OR THE AGENT AND THEN WE WILL HEAR FROM FOLKS IN FAVOR, FOLKS IN OPPOSITION AND THEN ONE TIME REBUTTAL, WELCOME, MR. SUTTLE.

THANK YOU MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS RICHARD SUTTLE, I'M HERE ON BEHALF OF THE APPLICANT, ENDEAVOR REAL ESTATE. THIS IS THE 400-ACRE SOUTH PARK MEADOWS MIXED USE PROJECT AT THE INTERSECTION OF I-35 AND SLAUGHTER. ASKING FOR CS 1 ZONING TO ALLOW FOR COCKTAIL LOUNGE USE WITHIN THE MIXED USE DEVELOPMENT. THE SOUTH PARK MEADOW AS YOU KNOW HAS ABOUT A MILLION-SIX SQUARE FEET OF COMMERCIAL, PLUS RESIDENTIAL OF VARIOUS TYPES. WE ARE SIMPLY ASKING TO BE ABLE TO ADD AN ADDITIONAL USE IN THE EXISTING APPROVED SITE PLAN ON ONE END OF IT. IT'S COMMON PRACTICE TO DO A FOOTPRINT ZONING FOR A COCKTAIL LOUNGE USE, THAT'S WHAT YOU ARE ASKING FOR TONIGHT. THERE IS NO SINGLE FAMILY NEIGHBORHOOD ADJACENT TO THIS TRACT. THE CLOSEST IS MORE THAN 500 FEET AWAY. AND IS ACROSS SLAUGHTER LANE. THE DEVELOPMENT OF THIS TRACT WILL HAVE TO COME BACK THROUGH THE CONDITIONAL USE PERMIT PROCESS, WHICH IS A LENGTHY PROCESS THAT WE HOPE THAT WE CAN GET THROUGH ONCE WE GET ALL THREE READINGS DONE BY YOU HOPEFULLY TONIGHT. IN AN EFFORT TO GET DONE BEFORE YOUR BREAK, I WILL CLOSE, BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, QUESTIONS OF THE AGENT, COUNCIL? THANK YOU, MR. SUTTLE.

WE DON'T HAVE ANY SPEAKERS IN FAVOR TONIGHT. SHORTENING IT UP.

Mayor Wynn: THANK YOU VERY MUCH.

A HANDFUL OF FOLKS WHO WOULD LIKE TO EXPRESS THEIR OPPOSITION, I WILL START WITH PAULINE ANTWON. WELCOME, GENE VERT HERE? SORRY IF I'M MISPRONOUNCING THAT, WELCOME, HOW ABOUT PAM HIGH.....HIGHSMITH. UP TO NINE MINUTES IF YOU WILL NEED IT. FOLLOWED BY SUSAN AMBRIGHT.

THANK YOU VERY MUCH FOR LISTENING TO US THIS EVENING, MY NAME IS PAULA [INDISCERNIBLE], A RESIDENTS OF PARK RIDGE HOMEOWNERS ASSOCIATION, I DO BELIEVE WITHIN THAT NEIGHBORHOOD ASSOCIATION. IT IS A NEIGHBORHOOD ASSOCIATION, WE ARE VERY ACTIVE AND WE HAVE BEEN ACTIVE. WE HAVE BEEN THERE FOR 10 YEARS. FOR 10 YEARS WE HAVE BEEN COMING BEFORE THIS BODY, WE HAVE BEEN COMING BEFORE THE BODY OF THE STATE, THE COUNTY, BECAUSE WE ARE CONCERNED ABOUT THE GROWTH IN OUR AREA. THE PEOPLE WHO LIVE IN OUR NEIGHBORHOOD ARE VERY INTELLIGENT PEOPLE. THERE'S DOCTORS, THERE'S LAWYERS, THERE'S POLITICIANS, THERE'S TEACHERS, THERE'S PRESIDENTS, PRINCIPALS, THERE'S ALL KINDS OF PEOPLE THAT LIVE THERE. THERE'S ALSO PEOPLE WHO ARE TRYING TO RAISE THEIR FAMILIES. THESE ARE VERY IMPORTANT. SOME OF THEM ARE FIRST HOME OWNER BUYERS, BUT THEY ARE THERE TRYING TO MAKE A LIVING, TRYING TO BE IN A SAFE AREA. I'M SORRY, EVERYBODY WAS LOOKING DOWN, I WASN'T SURE IF ANYONE WAS PAYING ATTENTION.

WE ARE EXCUSE US.

THANK YOU. THE REASON WE HAVE ALWAYS COME BEFORE THE DIFFERENT BODIES IS BECAUSE WE ARE CONCERNED ABOUT OUR AREA. WE ARE SMART ENOUGH TO REALIZE THAT OUR AREA OF TOWN IS DEFINITELY A PRIME AREA FOR DEVELOPMENT AND WE RECOGNIZE THAT. WE ARE ALONG I-

35 AND WE DO KNOW THIS. BUT WE ARE ASKING THAT IT IS CONTROLLED DEVELOPMENT. THAT IT IS LOOKED UPON. EVERY TIME THAT WE HAVE COME BEFORE, WE HAVE NEVER ALWAYS SAID NO WE DON'T WANT ANYTHING. WE HAVE ALWAYS SAID PLEASE LISTEN TO WHAT WE ARE NEEDING. WHAT WE ARE WANTING. BECAUSE WE LIVE THERE. DAY IN, DAY OUT. THIS IS NOT JUST A VOTE TO US. THIS IS WHERE WE TRY TO LIVE AND RAISE OUR FAMILIES. WE ARE NOT PARK RIDGE HOMEOWNERS ASSOCIATION, WE ARE NOT NIMBY'S, NOT IN OUR BACK YARD. WHENEVER WE HAVE COME BEFORE YOU, ONE OF THE MAIN DISCUSSIONS BEFORE YOU BEFORE WAS WAL-MART. WE HAD A VERY BIG CONCERN WITH WAL-MART. THE REASON WHY WE HAD THAT CONCERN, WE DID NOT WANT THE TRAFFIC. WE DIDN'T WANT THE CRIME. MY GOODNESS, IF YOU WILL STOP AND IF YOU WILL LOOK AT THIS AND HAVE YOUR STAFFING BACK AND LOOK AT THE -- THE DAY THAT WAL-MART OPENED UP, THE AMOUNT OF CRIME THAT HAS HAPPENED IN THAT AREA. IT HAS EVEN -- WE ARE RIGHT THERE WITH THE SOUTH SUBDIVISION OF THE POLICE DEPARTMENT, THEY ARE AMAZED AT THE AMOUNT OF CRIME THAT THERE IS. WE HAVE PEOPLE IN OUR -- HOMES AT NIGHT ON A WEEKLY BASIS, PEOPLE GO INTO THE WEEK, CLEAR OUT OUR HOMES, OUR VEHICLES ARE BROKEN INTO. WE ARE ASSAULTED. WE NOW HAVE MS 13. HOW MANY OF YOU ON THIS COUNCIL KNOW WHO MS 13 IS? THAT IS ONE OF THE MOST DANGEROUS AND SCARY GANGS THAT ARE POSSIBLE IN THIS UNITED STATES. AND THEY HAVE ALREADY MARKED THEIR TERRITORY IN OUR NEIGHBORHOOD. AND THAT DID NOT OCCUR UNTIL WE GOT THIS DEVELOPMENT. AND WE ASKED BEFORE THIS BODY THAT WHENEVER YOU ARE LOOKING AT THE DEVELOPMENT IN OUR AREA, THAT YOU -- THAT YOU DO CONTROL DEVELOPMENT, YOU BRING IT, BUT YOU BRING SAFETY TO US AS WELL. WE DO NOT HAVE THAT. THEN WHENEVER THERE WAS THE -- THE FAST FOODS GOING ALONG SLAUGHTER. WE SAID WE DON'T WANT FAST FOODS. AGAIN IT WAS LIKE THE DEVELOPER KNOWS BETTER INSTEAD OF THOSE NEIGHBORHOOD PEOPLE. THEY DON'T KNOW WHAT THEY'RE TALKING ABOUT. WE DO KNOW WHAT WE'RE TALKING ABOUT. THE REASON IS BECAUSE I DON'T SMELL CHICKEN FROM CHICK FILET, IT MIGHT BE A WONDERFUL PLACE, BUT I DON'T GET TO SMELL THE

CHICKEN. INSTEAD I SMELL THE GREASE. LUCKILY ONLY WHENEVER I GO WALKING AT NIGHT, NOT WHENEVER I STEP OUT OF ANY HOUSE EVERY DAY. SOME OF MY NEIGHBORS IT IS. WE ARE CONCERNED ABOUT IT. IN THIS REZONING WE ARE TALKING ABOUT AT -- OUT OF THE WORDS OF THE MOUTH -- OF THE LADY WITH Z.A.P. THAT, THE CHAIR OVER THERE, WE ARE REZONING A PIECE OF DIRT. WE ARE NOT REZONING FOR LITTLE WOODROWS, FOR A BUSINESS, WE ARE REZONING A PIECE OF DIRT AND IT HAS COME OUT OF THE Z.A.P. COMMISSION TO BE PRESENTED TO YOU TO VOTE ON TONIGHT IS THAT IT CAN ACTUALLY HAVE AN ADULT ORIENTED BUSINESS OVER THERE. SUGAR'S? RED ROSE, YELLOW ROW, TRIPLE A TRIPLE X WHATEVER. IT CAN BE THERE WITH THE ZONING THAT IS BEING PRESENTED BEFORE YOU TONIGHT. HAS THERE BEEN ANY CONDITIONAL OVERLAYS? NO. WE ARE TALKING ABOUT THOUSANDS OF SQUARE FEET OUTSIDE THAT WE HAVE TO HEAR THE PEOPLE OUT THERE UNTIL 2:00 IN THE MORNING YELLING AND SCREAMING, HAVING A DRINK. ALL OF THE PLACES WE HAVE GOT MANY GOOD RESTAURANTS IN OUR AREA. THEY SELL ALCOHOL. BUT THEY SELL FOOD. THEY ARE NOT A BAR. AT NO TIME HAVE WE EVER COME BEFORE THIS BODY AND WAIVERRED IN ONE WAY AS FAR AS WE DIDN'T WANT A BAR. WE HAVE ALWAYS SAID WE DO NOT WANT BARS. WE DO NOT WANT ADULT ORIENTED BUSINESS. WHY ARE WE EVEN HERE HAVING THIS DISCUSSION? WHO IS NOT LISTENING TO US? IS IT THE DEVELOPER? THE DEVELOPERS ARE GOING TO GET EVERYTHING THAT THEY POSSIBLY CAN. THEY ARE GOING TO TRY TO IN A BUCK JUST LIKE WE ALL ARE. BUT THEY ARE TRYING TO MAKE A BUCK AT OUR EXPENSE. THEY DO THIS, THEY BUILD IT, THEY LEAVE. THEY DON'T LIVE THERE. WE DO. OKAY? WE HAVE BEEN THERE. WE HAVE SUPPORTED MOST OF EVERYBODY ON HERE. I CAN HONESTLY SAY I HAVE VOTED FOR EVERY MEMBER OF THIS COUNCIL UP HERE. I HAVE BEEN AT THE CALL THAT A LOT OF YOU UP HERE AS FAR AS IN ASSISTANCE, WE ARE ASKING FOR YOUR ASSISTANCE TONIGHT. WE ARE ASKING IF NOTHING ELSE, AT LEAST ONLY TAKE IT TO THE FIRST READING THE ONLY. HAVE YOUR STAFF MEMBERS LOOK AT THE CRIME THAT IS BEING DUMPED ON US. WHERE WE DID NOT GET TO HAVE THAT CHOICE. WE ASKED, WE BEGGED, PLEADED, NOT TO HAVE THIS IN OUR AREA. WE HAVE ASKED THEM AND

PLEADED NOT TO BRING ANOTHER BAR INTO OUR AREA. WE HAVE TO HAVE HUGE BOULDERS GOING INTO OUR ENTRANCE WAY JUST TO BE ABLE TO STOP THE -- THE DRUNK DRIVERS FROM KNOCKING DOWN ALL OF OUR FENCES, WE ARE ASKING YOU TO LOOK AT WHAT ZAP HAS PRESENTED TO YOU. TO VOTE FOR. ALMOST ALL OF YOU SAID THAT YOU ARE CONCERNED ABOUT YOUR NEIGHBORHOODS. WE ARE ASKING YOU TO LOOK AT A NEIGHBORHOOD AND LISTEN TO US AS A NEIGHBORHOOD, AS RESIDENTS AND AS VOTERS. I RECOGNIZE AS FAR AS THE DEVELOPERS THEY ARE HERE, THEY HAVE BEAUTIFUL THINGS TO LOOK AT. WE DON'T, WE JUST HAVE OUR NEIGHBORHOOD. MOST OF THE PEOPLE THAT ARE SELLING, IF YOU WOULD DRIVE THROUGH OUR NEIGHBORHOOD, YOU WOULD SEE THAT THERE ARE -- THERE ARE SO MANY HOUSES UP FOR SALE, NOT BECAUSE OF THE DEVELOPMENT. BECAUSE OF THE CRIME. PEOPLE ARE AFRAID TO HAVE THEIR FAMILIES, LET THEIR CHILDREN OUTSIDE. MY GOODNESS, FOUR DOORS DOWN FROM ME, I HAD TO BE OUTSIDE WHENEVER THERE WAS CHILDREN RUNNING, THEY WERE ACTUALLY GOING IN FOR A HEROIN BUST. DRUG DOGS, SWAT TEAM, ALL KINDS OF POLICE OUT THERE. THAT IS WHAT I GET TO DEAL WITH. ATTORNEY YEARS AGO, FIVE YEARS AGO, EVEN THREE YEARS AGO WE NEVER HAD TO WORRY ABOUT THAT. MY HUSBAND WAS ALWAYS TRAVELLING HE ALWAYS THOUGHT THAT I WAS SAFE THERE. NOW THERE'S A QUESTION OF SAFETY. DO I NEED TO GO OUTSIDE OF MY HOUSE EVERY DAY ARMED? I SHOULDN'T HAVE TO. I NEVER BOUGHT OFF ON TO THAT, I NEVER AGREED TO THAT WHEN I BOUGHT MY HOME. NOR DID ANYBODY ELSE IN OUR NEIGHBORHOOD. IF THIS IS HERE, WE BELIEVE -- WE STILL BELIEVE I STILL BELIEVE THIS IS AN EXERCISE OF DEMOCRACY. IF THIS IS AN EXERCISE OF FUTILITY, YOU ARE NOT GOING TO LISTEN TO THE NEIGHBORHOOD, BE UP FRONT, TELL US, SHOW US THIS TONIGHT, GO AHEAD AND VOTE ON IT ALL THREE WAYS, THREE COUNTS. BUT INSTEAD LISTEN TO US AND ONLY VOTE FOR THE FIRST TIME AND HEAR THE FIRST READING. OTHERWISE I'M GOING TO BE HONEST, NEXT TIME THAT WE COME UP HERE, TELL US THE TRUTH THAT ITS A WASTE OF OUR TIME, HAND US A TUBE OF VASOLINE, WE HAVE OTHER THINGS TO DO. WE NEED TO PROTECT OUR FAMILIES. WE

ARE ASKING YOU AS LEADERS OF OUR COMMUNITY TO HELP US PROTECT OUR FAMILIES. THANK YOU.

Mayor Wynn: THANK YOU, MS. ANTONE. NEXT SPEAKER, SUSAN HAMBRIGHT? WELCOME. THREE MINUTES FOLLOWED BY JIM HANNEMAN.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. I HAVE SOME HANDOUTS HERE. STATISTICS THAT I GOT FROM THE AUSTIN POLICE DEPARTMENT..... DEPARTMENT. THESE STATISTICS SHOW THAT ALCOHOL RELATED INCIDENTS HAVE BEEN ON THE RISE IN OUR AREA, THE COLORS ARE INDICATIVE OF ONE QUARTER OUT, A MILE OUT FROM OUR NEIGHBORHOOD. I THINK IT'S VERY TELLING THAT THIS HAS BEEN OCCURRING SINCE THE VENUES IN SOUTH PARK MEADOWS OPENED. AS PAULINE MENTIONED, I'M REPRESENTING A MUCH BIGGER GROUP OF PEOPLE, OUR NEIGHBORS INCLUDING NURSES DOCTORS, ATTORNEYS, STUDENTS, ENGINEERS, CENTER EMPLOYEES. I BELIEVE THAT YOU HAVE ALL RECEIVED E-MAIL CORRESPONDENCE FROM MANY OF OUR NEIGHBORS. EXPRESSING THEIR OPPOSITION. TO THIS ZONING, WE ARE HERE TONIGHT TO ASK US TO VOTE NO. OUR MAIN CONCERN IS MORE DRUNK DRIVERS WILL BE ON OUR ROADS. I HAD A MAP 7 AT ONE POINT SHOWING OUR NEIGHBORHOOD IN CONJUNCTION TO WHERE THEY PLAN TO PUT THIS BAR. THEY ARE SAYING IT'S IN THE MIDDLE OF THE DEVELOPMENT. IF YOU WILL LOOK AT THE MAP, IT'S RIGHT ACROSS THE STREET FROM US. RIGHT NEXT TO THE LAMAR DEVELOPMENT. IT'S TOO CLOSE TO US. IT'S GOING TO BE A PROBLEM, WE ARE GOING TO BE CALLING THE POLICE, THE POLICE ARE BUSY ENOUGH, DO WE REALLY WANT TO PUT THAT ONUS ON THEM TO ADD ADDITIONAL PROBLEMS TO THEM? I DON'T THINK SO. OUR CONCERN IS THAT THE DEVELOPER HAS NO LONG-TERM COMMITMENT. I ALSO HAVE SLIDES OF RECENT ARTICLES IN THE AMERICAN-STATESMAN, THE AUSTIN BUSINESS JOURNAL. THEY ARE SELLING US ALL OFF. THEY DON'T CARE IF THIS WILL BE A NUISANCE TO US, THEY ARE NOT GOING TO BE THERE. IT'S UP FOR SALE RIGHT NOW. THEY JUST DON'T CARE. OUR FOURTH CONCERN PERHAPS THE MOST IMPORTANT IS THAT THERE ARE NO RESTRICTIONS OR CONDITIONS ON THIS ZONING REQUEST. IF THE PROPOSED VENTURE FAILS TO GO IN, CLOSES AFTER OPENING, THERE

WILL BE NO RECOURSE FOR ANYONE BECAUSE THE ZONING WILL BE THERE FOR ANY TYPE OF BUSINESS SELLING ALCOHOL, INCLUDING ADULT ORIENTED BUSINESSES. IF YOU DO GRANT THE ZONING REQUEST, WHICH WE ASK YOU NOT, WE ASK THAT YOU PLACE STRICT CONDITIONS AS TO NOISE, LIGHTS, HOURS OF OPERATION AND FUTURE USES. ENDEAVOR IS TRYING TO LEAD US TO BELIEVE THAT THE SUCCESS OF THIS DEVELOPMENT IS RIDING ON THE OUTCOME OF THIS ZONING REQUEST. I DON'T BELIEVE THAT'S TRUE. I THINK SOUTH PARK MEADOWS WILL BE QUITE SUCCESSFUL WITHOUT IT. IF THE FUTURE OF THE DEVELOPMENT DEPENDS ON THIS BAR, I THINK IT'S HEAD IN THIS THE WRONG DIRECTION. WE ARE PLEADING WITH YOU TONIGHT TO USE FORESIGHT AND HINDSIGHT AND SAY NO. THANK YOU.

Mayor Wynn: THANK YOU, QUESTIONS FOR SUSAN, COUNCIL? THANK YOU, MA'AM. OUR LAST SPEAKER IS JIM HANNEMAN. WELCOME, JIM, THREE MINUTES.

I WANT TO THANK EVERYONE FOR HAVING US HERE TODAY. MY NAME IS JIM HANNEMAN, I USED TO BE THE VICE-PRESIDENT OF OUR ASSOCIATION. I HAVE WORKED IN THE LAST 10 YEARS WITH MOST OF THE ZONING CASES THAT HAVE HAPPENED IN SOUTH AUSTIN AROUND OUR NEIGHBORHOOD. AS PAULINE AND SUZANNE BOTH SAID. OUR NEIGHBORHOOD HAS WORKED WITH THE CITY IN PRETTY MUCH EVERY CASE. OUR BIGGEST THING THAT WE HAVE NEVER WANTED TO DO IS DRIVE A BUSINESS OUT OF BUSINESS. WE HAVE WORKED WITH CONDITIONAL OVERLAYS TO MAKE SURE THAT ANYONE THAT'S ALREADY OPERATING A BUSINESS CAN CONTINUE TO DO SO. ALL RIGHT? IT'S NEVER BEEN OUR INTENT TO PUT SOMEONE OUT OF BUSINESS. HOWEVER, NOW WE ARE TALKING ABOUT A PIECE OF DIRT THAT WANTS TO BE ZONED AS CS 1. AT ONE POINT OUR NEIGHBORHOOD WAS BEFORE IT WAS BUILT WAS ACTUALLY OPPOSED BECAUSE WE ARE RIGHT NEXT TO CS ONE. THE NEIGHBORHOOD WAS DEVELOPED, WE WORKED WITH THE DIFFERENT BUSINESSES THAT WERE THERE, THEY CONTINUE TO DOING BUSINESS. NOW WE ARE LOOKING AT SOME DEVELOPMENT OUTSIDE THE REALM OF WHAT THE OVERALL SOUTH PARK MEADOWS IS. ALL RIGHT. AT ONE POINT WE ASKED CAN THIS ZONING BE MOVED INTO THE

DEVELOPMENT, THE DEVELOPER SAID ABSOLUTELY NOT. WE WON'T EVEN CONSIDER IT. THAT SAYS TO ME THAT THEIR QUOTE UNQUOTE ANCHOR STORES WITHIN THE DEVELOPMENT DO NOT WANT THIS TYPE OF BUSINESS THERE. NO MORE THAN WE DO. IF YOU TAKE A LOOK, MY HOUSE IS ON THE OPPOSITE SIDE. MY VEHICLE WAS ONE OF THOSE THAT WAS BROKEN INTO. MY KIDS D.V.D. PLAYERS WERE STOLEN. MY NEXT DOOR NEIGHBOR'S HOUSE WAS BROKEN INTO. SINCE THE OVERALL DEVELOPMENT HAS TAKEN PLACE, THE CRIME HAS GONE UP. GRANTED THAT'S GOING TO HAPPEN ANYPLACE WITHIN THE CITY WHENEVER THERE'S DEVELOPMENT TAKING PLACE. THAT'S NOTHING THAT WE ARE GOING TO BE ABLE TO STOP. HOWEVER, WE ARE TALKING ABOUT HERE IS A FACILITY OF 15,000 SQUARE FEET. THAT'S 10 TIMES THE SIZE OF THE MAJORITY OF OUR HOUSES THAT ARE WITHIN OUR NEIGHBORHOOD. WE ARE TALKING ABOUT FAMILIES, RETIRED PEOPLE THAT ARE THERE, SINGLE STUDENTS THAT ARE GOING TO SCHOOL. AND NOW WE WANT TO PUT THIS TYPE OF A DEVELOPMENT RIGHT NEXT TO OUR NEIGHBORHOOD. FOR THE BIG MAP THERE, THERE'S A MOVIE THEATER THAT'S GOING TO BE GOING ON. I'M SURE THAT EVERYONE IN HERE, NOITS THE A BIG SURPRISE -- IT'S NOT A BIG SURPRISE, IF THERE'S KIDS IN OUR NEIGHBORHOOD THEY ARE NOT GOING TO BE DRIVING OVER TO THE MOVIE THEATER. RIDING BICYCLES OVER, WALKING OVER. IF THEY GET OUT AT 9:00 AT NIGHT, DO THEY HAVE TO WORRY ABOUT SOMEONE COMING OUT A BAR RIGHT THERE RUNNING THEM OVER AS THEY ARE TRYING TO GO BACK TO THEIR HOMES? JUST MAJOR CONCERNS. IT WAS BROUGHT UP THE FACT THAT THERE'S NO CONDITIONAL OVERLAYS. THAT'S A MAJOR CONCERN. EVERY SINGLE ONE OF THE ZONING CASES THAT BEV EVER WORKED ON -- WE HAVE EVER WORKED ON THERE'S BEEN TWO MAJOR CONDITIONAL OVERLAYS WE HAVE ALWAYS ASKED TO BE PUT IN PLACE. ONE IS THAT THERE'S NO BARS ASSOCIATED WITH IT, TWO NO ADULT ORIENTED BUSINESSES. WE HAVE ALLOWED CS ZONING NEXT TO OUR PROPERTY BUT WE HAVE ALWAYS PUT IN LO, A -- LOWER CASE NEXT TO IT. [BEEPING]

I TAKE IT THAT'S THE END OF MY TIME.

Mayor Wynn: THAT'S THE END EVER YOUR TIME. ANY

QUESTIONS FOR MR. HANNEMAN, COUNCIL? THANK YOU ALL. COUNCIL THAT'S THE FOLKS WHO SIGNED UP IN OPPOSITION TO THIS CASE. WE NOW HAVE A ONE TIME THREE MINUTE REBUTTAL FROM THE AGENT. WELCOME BACK, MR. SUTTLE.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. WE ARE HERE BEFORE YOU TONIGHT WITH CITY STAFF, SUPPORTING RECOMMENDING IT. WE ARE HERE BEFORE YOU WITH THE PLANNING AND ZONING COMMISSION SUPPORTING IT. THIS PROJECT WILL COMPLY WITH ALL COMPATIBILITY STANDARDS, ALL SCREENING, ALL NOISE ORDINANCES, ALL LIGHTING ORDINANCES. ALL OF THE BUFFERING AND ALL WITHIN THE SHOPPING CENTER THAT APPLY. COCKTAIL LOUNGE IS STILL A LEGAL USE IN OUR CITY. WHAT ENDS UP BEING THE DILEMMA IS WHERE ARE THEY APPROPRIATE. OUR POSITION IS WITHIN A 400-ACRE, 1.6 MILLION SQUARE FOOT COMMERCIAL DEVELOPMENT AT THE INTERSECTION OF I-35 AND SLAUGHTER THAT A PORTION OF THE SITE PLAN INTEGRATED IN THE PROJECT IS APPROPRIATE FOR THE COCKTAIL USE. HOPEFULLY YOU WILL AGREE WITH THIS. HOPEFULLY WE CAN PASS THIS ON ALL THREE READINGS TONIGHT. I CAN TELL YOU THAT WE DON'T HAVE ANY DESIRE TO DO AN ADULT ORIENTED BUSINESS ON THIS SITE AND IF THAT IS A CONDITIONAL OVERLAY THAT COULD BE PLACED ON THIS TONIGHT, THAT COULD BE DONE ALL THREE READINGS, A SIMPLE EXCLUSION, WE HAVE NO PROBLEM WITH THAT. THANK YOU FOR YOUR CONSIDERATION, I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: QUESTIONS FOR THE AGENT, COUNCIL? THANK YOU, SIR. COUNCIL, THAT CONCLUDES THE -- THE PUBLIC HEARING ASPECT OF THIS CASE. QUESTIONS OF STAFF? COMMENTS? COUNCILMEMBER MARTINEZ?

I DID WANT TO MAKE A COUPLE OF COMMENTS. THERE'S CERTAINLY SOME STRONG SENTIMENT FROM -- THE NEIGHBORS AND THE NEIGHBORHOOD, BUT TO ASSUME THAT BECAUSE -- ANY ONE OF US UP HERE MIGHT NOT VOTE IN THE MANNER THAT YOU WANT US TO VOTE, IS THE COUNCIL NOT LISTENING TO YOU IS A FALSE ASSUMPTION. WE MAY DISAGREE, BUT ALL THAT MEANS IS WE LISTEN TO YOU AND WE DON'T AGREE. IT DOESN'T MEAN THAT I'M IGNORING YOU. IT DOESN'T MEAN THAT I DON'T CARE ABOUT

YOU. SO I WANT TO MAKE THAT REAL CLEAR BECAUSE I HAVE A FEELING THAT I'M GOING TO VOTE IN A MANNER YOU DON'T LIKE TONIGHT. IT DOESN'T MEAN THAT I DIDN'T HEAR YOU OR WE DIDN'T TRY TO MEET WITH YOU. WE UNDERSTAND YOUR CONCERNS. WE HAVE TO LOOK AT THIS PROJECT AND ZONING REQUESTS IN TOTALITY HOW IT AFFECTS HOW TO GROW THE CITY. I REALIZE THAT YOU PRESENTED CRIME STATS THAT INDICATE, YOU KNOW, LEVELS OF CERTAIN CRIMES HAVE INCREASED B. YOU WHAT YOU WILL FIND IS THAT'S PROBABLY TRUE ALL OVER THE CITY. WE ARE GROWING AS A CITY. THERE ARE MULTIPLE SITES WITHIN THIS DEVELOPMENT THAT CURRENTLY YOU CAN GO IN AND SIT DOWN IN A BAR AND BUY UNLIMITED AMOUNTS OF ALCOHOL. AND THERE'S A LIQUOR STORE AND YOU CAN EVEN GO IN THE WAL-MART AND BUY ALCOHOL. WHAT WE HAVE TO DO IS -- IS TRY TO STRIKE A BALANCE OF WHERE THESE TYPES OF ESTABLISHMENTS CAN EXIST AND WHERE WE WANT THEM TO EXIST. I DON'T WANT THEM IN MY NEIGHBORHOOD ANY MORE THAN YOU DO. SO THAT'S WHY I BELIEVE THAT THIS IS AN APPROPRIATE ASK FOR CS I WOULD BE MORE THAN WILLING TO ASK THE APPLICANT TO ACCEPT A -- ACCEPT A -- A RESTRICTIVE COVENANT OR A CO THAT WOULD LIMIT ITS USE. TO A COCKTAIL LOUNGE. BUT I DON'T APPRECIATE THE COMMENTS THAT BECAUSE WE DON'T VOTE THE WAY YOU WANT US TO THAT WE ARE NO LONGER LISTENING TO YOU.

THANK YOU, FURTHER COMMENTS, QUESTIONS? QUESTIONS OF STAFF, MR. GUERNSEY. IT IS A COMMON PRACTICE ACTUALLY TO DO THESE FOOTPRINT ZONINGS, PARTICULARLY ON LARGE MIXED USE SINGLE PROPERTY LIKE THIS. DEVELOPMENT IS. HE IS ALL OF THAT WORK DONE -- IN THE -- IN THE -- YOU KNOW THE DEFINING BOUNDARIES OF THAT FOOTPRINT DONE. IF SO, REMIND ME, IS IT JUST TECHNICALLY THE -- THE SQUARE FOOTAGE WHERE THE BUILDING WILL BE, DOES IT ALSO INCLUDE WHAT MIGHT BE THE -- THE IMMEDIATE PARKING AREA FOR THAT FACILITY? OR WHAT?

THE PARKING AREA WOULD NOT NEED TO BE ZONED. WE ARE TALKING ABOUT THE AREA THAT ALCOHOL COULD BE SERVED. I THINK MR. SUTTLE ALSO INDICATED A WILLINGNESS TO LIMIT THE PROPERTY TO PROHIBIT A -- AN

ADULT ORIENTED BUSINESS, WHICH WAS ALSO I THINK ECHOED BY THE NEIGHBORHOOD. THAT COULD BE DONE ALSO AS THREE READINGS, I THINK THAT IS ENOUGH DIRECTION IF YOU WANT TO PROHIBIT A SINGLE USE, ADULT ORIENTED BUSINESSES.

Mayor Wnn: AS THE ORDINANCE IS CURRENTLY WRITTEN, THAT'S NOT THE CASE.

THAT'S CORRECT. BUT YOU COULD ADD THAT AS A CONDITIONAL OVERLAY IN THIS CASE, MAKE IT A PROHIBITED USE, THEY COULD STILL LET IT GO FOR THREE READINGS IF THAT'S YOUR DESIRE.

FURTHER QUESTIONS OF STAFF? ANYBODY ELSE, COUNCIL?

I THINK THERE COULD BE A BETTER LOCATION IN THE DEVELOPMENT. THERE COULD BE OTHER PLACES FURTHER AWAY FROM THE HOUSES. THIS IS AN AREA WHERE IT'S PRETTY CLOSE TO THE SCOOTION AND THE HOMES AND THE KIDS DO GO THROUGH THE AREA. THIS ESTABLISHMENT LOOKING AT THEIR OTHER ESTABLISHMENT IT IS NOT A SMALL OPERATION AT ALL. IT IS A LOT OF IT IS OUTDOORS, ALREADY POSED ISSUES FOR THE AREAS THAT IT'S ALREADY OPERATING AND SO I AM GOING TO MAKE A MOTION IN DENIAL OF THE REQUEST FOR THE ZONING CHANGE. MOTION BY COUNCILMEMBER KIM TO CLOSE THE PUBLIC HEARING AND TO DENY THIS ZONING CASE, ITEM 61. LET'S GET A SECOND FIRST. MOTION ON THE TABLE, FROM COUNCILMEMBER KIM. MOTION DIES FOR LACK OF A SECOND. FURTHER COMMENTS? COUNCILMEMBER COLE?

Cole: MAYOR, I WOULD LIKE TO MAKE THE MOTION THAT WE ADOPT THE PLANNING COMMISSION AND THE STAFF RECOMMENDATION WITH THE AMENDMENT FOR A CO LIMITING ADULT ORIENTED BUSINESSES.

Mayor Wynn: MOTION BY COUNCILMEMBER COLE AGAIN TO CLOSE THE PUBLIC HEARING AND TO APPROVE STAFF AND ZONING AND PLATTING COMMISSION RECOMMENDATION OF CS 1 DISTRICT ZONING, BUT WITH THE CONDITIONAL OVERLAY OF PROHIBITING --

ADULT ORIENTED BUSINESSES. THAT WOULD LIMIT THE PROPERTY TO THE AREA BEING REZONED ONLY TO 15,534 SQUARE FEET.

Mayor Wynn: THANK YOU, MR. GUERNSEY. SECONDED BY MAYOR PRO TEM. FURTHER COMMENTS? QUESTIONS? AND COUNCILMEMBER, THOSE ARE FOR ALL THREE READINGS.

YES.

Mayor Wynn: FURTHER COMMENTS OR QUESTIONS?

Cole: MAYOR, I ECHO COUNCILMEMBER MARTINEZ'S SENTIMENTS EXPRESSED EARLIER TO THE NEIGHBORHOOD.

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

AYE.

Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 5-1 WITH COUNCILMEMBER KIM VOTING NO AND COUNCILMEMBER MCCracken OFF THE DAIS.

Gurensey:: MAYOR, THAT CONCLUDES THE ZONING ITEMS THAT STAFF WOULD OFFER THIS EVENING.

Mayor Wynn: THANK YOU, MR. GUERNSEY. SO COUNCIL, THEN WE -- WE ARE THREW WITH OUR COUNCIL BUSINESS UNTIL -- UNTIL AT LEAST AFTER 6:00 P.M. WHEN WE HAVE SOME POSTED PUBLIC HEARING AND POSSIBLE ACTIONS..... ACTIONS. AT 5:30 LIVE MUSIC AND PROCLAMATIONS, OUR MUSICIANS ARE PARIS 49 THIS EVENING, SO -- SO TECHNICALLY WE WILL NOW BE IN RECESS UNTIL SHORTLY AFTER 6:00 P.M. THANK YOU. [(music) MUSIC PLAYING (music)(music)] [(music) MUSIC PLAYING (music)(music)] [(music) SINGING (music)(music)]

Mayor Wynn: OKAY FOLKS, IF I COULD HAVE YOUR

ATTENTION, PLEASE. IT'S TIME FOR OUR WEEKLY LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL MEETING. WITH US TODAY IS PARIS 49. FORMED IN AUSTIN IN 2003. A QUINTET WITH A PASSION FOR AMERICAN JAZZ FROM THE 30s AND 40s AND THE ELECTRIFIED BEGIN COMMUNITY GUITAR MADE FAMOUS ABOUT THE [INDISCERNIBLE] THE ALL STAR MEMBERS COMBINE JAZZ, SWING, BEEBOP TO CREATE A ROMANTIC AND INTRICATE SOUND. THE SELF TITLED CD IS CURRENTLY AVAILABLE. YOU CAN CATCH THEM LIVE EVERY MONDAY AND THURSDAY AT THE CONTINENTAL CLUB, SO PLEASE JOIN ME IN BRINGING A LITTLE BIT OF PARIS TO AUSTIN, PLEASE WELCOME PARIS 49. [(music) MUSIC PLAYING (music)(music)] [(music) MUSIC PLAYING (music)(music)]

Mayor Wynn: IN ADDITION TO EARLY MONDAYS AT THE CONTINENTAL CLUB, PARIS 49 EARLY AND DALE WATSON LATE I GUESS, THURSDAY ALSO AT THE CONTINENTAL CLUB. OTHER PLACES AROUND TOWN WE CAN CATCH YOU?

NOT AT THE MOMENT, THOSE ARE THE ONLY TWO SHOWS HAS WE HAVE.

CD'

YOU CAN GET THEM AT THE SHOWS OF COURSE, WATERLOO RECORDS, GET THEM ONLINE ON WEBSITE.

THE WEBSITE IS?

PARIS 49.COM. PARIS49.COM.

WE HAVE A SPECIAL PROCLAMATION THAT READS: BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY, WHEREAS THE DEDICATED ARTISTS FURTHER OUR STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD. I MAYOR WILL WYNN DO HEREBY PROCLAIM TODAY NOVEMBER 2nd 2006 AS PARIS 49 DAY IN AUSTIN, CALL ON AND YOU CITIZENS TO JOIN ME IN CONGRATULATING THIS FINE TALENT. [APPLAUSE]

Mayor Wynn: AS SHE BREAKS DOWN THAT SIDE OF THE

ROOM, WE WILL USE THIS PODIUM TO DO OUR PROCLAMATIONS AND OTHER AWARDS THIS EVENING. WE TAKE THIS TIME EACH WEEK TO SAY THANK YOU TO CERTAIN FOLKS, TO RAISE AWARENESS OF ISSUES OF -- OF OTHER IDEAS, TO ALSO TALK ABOUT DIFFERENT WEEKS AND DAYS AND MONTHS THAT ARE OCCURRING IN AUSTIN TO HELP FOLKS PROMOTE GREAT CAUSES. OUR FIRST PROCLAMATION IS REGARDING GIS DAY. AND I'M GOING TO READ THE PROCLAMATION, THEN KAREN SHARP WILL FOLLOW ME TO TALK MORE ABOUT THIS TECHNOLOGY. I WILL JUST SAY AS A -- AS AN OLD ARCHITECTURE STUDENT AND REAL ESTATE PROFESSIONAL, THAT TECHNOLOGY THAT IS NOW AVAILABLE BOTH IN THE PRIVATE SECTOR, BUT REAL FUNDAMENTALLY FOR THE PUBLIC SECTOR FOR GOVERNMENTS TO ANALYZE THEIR CITIES, ANALYZE TRANSPORTATION ROUTES, ANALYZE FLOODPLAINS, AND OTHER AREAS, OUR ZONING CASES HERE FREQUENTLY IN THE OVERHEADS MAKE THESE CASES FAR MORE UNDERSTANDABLE FOR US AS POLICY MAKERS, ALSO FOR Y'ALL AS CITIZENS BY USING THIS TECHNOLOGY. IT'S ACTUALLY QUITE FUN TO USE, IT'S FUN TO SEE AUSTIN BEING A TECHNOLOGY HUB THAT WE ARE ACTUALLY BENEFITING ON A -- ON A PRIVATE SIDE FROM THIS TECHNOLOGY AS WELL. I WILL READ THE PROK AND PROC AND KAREN WILL FOLLOW UP THE PROCLAMATION READS: EACH YEAR NATIONAL GEOGRAPHY AWARENESS WEEK IS CELEBRATED TO PROMOTE GEOGRAPHIC AWARENESS IN OUR SCHOOLS AND COMMUNITIES. WHEREAS GEOGRAPHIC INFORMATION SYSTEMS OR GIS TECHNOLOGY IS AN IMPORTANT PART OF SPATIAL AWARENESS, WHEREAS THE CITY OF AUSTIN IS COMMITTED TO APPLYING THE USE OF GIS IN SUCH FIELDS AS ENVIRONMENTAL PROTECTION, LAND USE, LONG-RANGE PLANNING, NATURAL RESOURCES, INFRASTRUCTURE MANAGEMENT, AND CRIME PREVENTION, AS WELL AS SHARING THOSE RESULTS WITH THE GENERAL PUBLIC AND WHEREAS THE CITY HAS INVESTED IN GIS TECHNOLOGY AND TRAINING FOR CITY STAFF AS A TOOL FOR ACHIEVING ITS MISSION TO BE THE MOST LIVEABLE CITY IN THE COUNTRY. THEREFORE I WILL WYNN THE MAYOR OF AUSTIN DO HEREBY PROCLAIM NOVEMBER 8th, 2006 AS GIS DAY IN AUSTIN AND ASK KAREN TO TALK ABOUT HOW WE WILL BE CELEBRATING THAT. AGAIN HOW OUR GREAT CITY

EMPLOYEES USE THIS TECHNOLOGY. KAREN?

THANK YOU, MAYOR. I AM KAREN SHARP, THE DEPUTY CHIEF INFORMATION OFFICER WITH THE CITY AND JOINING ME TO SET THE PROCLAMATION ARE LEE PACATTE, THE CORPORATE GIS MANAGER AND PAUL McKNIGHT WHO LEADS GIS FOR AUSTIN WATER UTILITY. THERE ARE LITERALLY DOZENS OF EMPLOYEES ACROSS THE CITY WHO HAVE BEEN WORKING TO PLAN NEXT WEEK'S GIS DAY EVENTS. WE THINK THAT IT WILL BE A REALLY FUN DAY. WE INVITE EVERYONE TO COME OUT FOR GIS DAY. GIS DAY IS ACTUALLY AN INTERNATIONAL EVENT. LAST YEAR 72 COUNTRIES HELD SPECIAL EVENTS FOR GIS WEEK. AND THE FOCUS OF THESE EVENTS IS TO EDUCATE AND RAISE AWARENESS ABOUT THE USE OF THIS SPATIAL TECHNOLOGY. IT'S USED IN SO MANY FIELDS AND PUBLIC SECTOR AND IN PRIVATE SECTOR AND SOME RESEARCHERS SAY THAT ACTUALLY BETWEEN 85 AND 95% OF ALL DATA ACTUALLY HAS A SPATIAL OR GEOGRAPHIC COMPONENT. THIS YEAR'S THEME, THE COMMITTEE HAS PUT TOGETHER A THEME FOR THIS GIS DAY. IT IS KEEP AUSTIN SPATIAL. [LAUGHTER] WHICH, YOU KNOW, GOES RIGHT ALONG WITH KEEP AUSTIN WEIRD AND SPATIAL. SO THE -- THE EVENT WILL BE NEXT WEDNESDAY HERE AT CITY HALL AND THE -- AND THE KICKOFF GUEST SPEAKER IS TROY KIM NECESSARILY. THE LOCAL METEOROLOGIST. ALSO A GEOGRAPHY ENTHUSIAST, HE'S GOING TO KICK-OFF THE DAY. THERE'S A MAP CONTEST AND I THINK IT'S AT 2:00 THAT THE WINNERS WILL BE ANNOUNCED. THIS IS ALWAYS A VERY CREATIVE MAP CONTEST. THE GIS FOLKS LOOK AT ANALYZING UNIQUE PROBLEMS TO COME UP WITH MAPS. IT WOULD BE REALLY FUN TO COME OUT AND SEE THOSE MAPS IF YOU HAVE THE CHANCE. COME SEE FOR YOURSELF NEXT WEDNESDAY AND HAPPY GIS DAY. [APPLAUSE]

THANK YOU.

Mayor Wynn: JOINING ME AT THE PODIUM IS DENISE HYDE. I'M GOING TO PROCLAIM AUSTIN ADOPTION DAY, DENISE WILL FOLLOW UP AND TALK TO US ABOUT THIS IMPORTANT SERVICE HERE IN OUR COMMUNITY. THE PROCLAMATION READS: THERE ARE MORE THAN 178 CHILDREN IN TRAVIS COUNTY WHO ARE CURRENTLY AVAILABLE FOR ADOPTION

THROUGH CHILD PROTECTIVE SERVICES. WITH MANY MORE ENTERING THE FOSTER CARE SYSTEM EACH YEAR. WHEREAS THE AUSTIN BAR ASSOCIATION, THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, GARDNER-BETTS JUVENILE JUSTICE CENTER AND CASA OF TRAVIS COUNTY ENCOURAGE MORE FAMILIES TO GIVE THESE CHILDREN THE SAFE AND PERMANENT HOMES THAT THEY DESERVE AND WHEREAS FAMILIES TAKING PART IN THIS SPECIAL OCCASION, WHICH CELEBRATES AND ENCOURAGES FOSTER CARE AND ADOPTION ARE FINALIZING THEIR ADOPTION OF ONE OR MORE OF 50 CENTRAL TEXAS CHILDREN JOINING THEIR FOREVER FAMILIES ON THIS DAY. THEREFORE I WILL WYNN, MAYOR OF THE AUSTIN, DO PROUDLY PROCLAIM NOVEMBER 16th, 2006, AS AUSTIN ADOPTION DAY I'M GOING TO HAVE DENISE TALK ABOUT THAT, BUT PLEASE FIRST JOIN ME IN CONGRATULATING AND THANKING DENISE AND EVERYBODY IN THIS COMMUNITY WHO TAKES THE TIME AND EFFORT TO TRY TO FIND PERMANENT HOMES FOR THESE YOUNG CHILDREN. DENISE, THANK YOU. [APPLAUSE]

THANK YOU, I'M SO PROUD AND HAPPY TO BE HERE ON BEHALF OF THE AUSTIN BAR ASSOCIATION, ALONG WITH CHILD PROTECTIVE SERVICES, CASA OF TRAVIS COUNTY AND THE GARDNER-BETTS JUVENILE JUSTICE CENTER. WE ARE SO PROUD TO BE PROCLAIMED AGAIN THIS YEAR FOR AUSTIN ADOPTION DAY, WHICH IS NOVEMBER 16th THIS YEAR. AS A PART OF NATIONAL ADOPTION MONTH. WE ARE SO HAPPY THAT WE ARE GOING TO BE GETTING OVER 50 CHILDREN INTO THEIR FOREVER FAMILIES, BUT THERE'S A LOT MORE CHILDREN THAT NEED FAMILIES. AS YOU HEARD THE MAYOR SAY, THERE'S 178 CHILDREN RIGHT NOW WAITING JUST IN TRAVIS COUNTY ALONE FOR THEIR FAMILIES. OVER 2,000 CHILDREN IN TEXAS THAT ARE WAITING FOR THEIR FAMILIES TO A CHILD PROTECTIVE SERVICES. PART OF WHAT AUSTIN ADOPTION DAY DOES, IS NOT ONLY HONORS AND CELEBRATES ALL OF THE FAMILIES AND CHILDREN WHO HAVE COME TOGETHER THIS PAST YEAR AS WELL AS ON AUSTIN ADOPTION DAY, WE ARE ALSO WANTING TO BRING COMMUNITY AWARENESS TO THE NEED FOR MORE FOSTER AND ADOPTIVE FAMILIES. AND YOU HAVE HELPED US TO DO THIS AND WE THANK YOU VERY MUCH,

FOR THAT. IN ADDITION I WOULD LIKE TO SAY THAT ONE OF MY FAVORITE QUOTES, BY MARION WRIGHT EVELYN. SHE STATED IF YOU DON'T STAND UP FOR CHILDREN, YOU DON'T STAND FOR MUCH. THANK YOU FOR STANDING UP FOR CHILDREN WITH THIS PROCLAMATION AND THANK YOU FOR STANDING WITH THE AUSTIN FIRE ASSOCIATION, CASA, C.P.S. AND GARDNER-BETTS JUVENILE JUSTICE CENTER. [APPLAUSE]

Mayor Wynn: WE ARE WAITING FOR ONE ADDITIONAL FAMILY MEMBER. WE ARE GOING TO SKIP DOWN AND TAKE A COUPLE OF THEM OUT OF SEQUENCE. I'M GOING TO HAVE COUNCILMEMBER MARTINEZ TAKE THE PODIUM.

Martinez: SNENGD THANK YOU FOR YOUR PATIENCE. IT GIVES ME GREAT PRIVILEGE TO PRESENT THIS PROCLAMATION THIS EVENING TO THE HISPANIC -- HISPANIC WOMEN'S NETWORK OF TEXAS. AS WE ALL KNOW, HISPANIC WOMEN ARE STRONG AND INDEPENDENT POWERFUL WOMEN, JUST LIKE MY MOM AND GRAND PROCEDURE HAVE ALWAYS BEEN. I OWE EVERYTHING THAT I AM TO THEM. BUT I WANT TO READ THIS PROCLAMATION TO THE HISPANIC WOMEN'S NETWORK OF TEXAS AND PRESENT IT TO THEM THIS EVENING. WHEREAS NOVEMBER 11th, THE ANNIVERSARY -- WRONG ONE. WHEREAS THE HISPANIC WOMEN'S NETWORK OF TEXAS IS CELEBRATING 20 YEARS OF PROVIDING LEADERSHIP, GUIDANCE AND MENTORSHIP TO HISPANIC WOMEN IN TEXAS, WHEREAS THE HISPANIC WOMEN'S NETWORK OF TEXAS IS TO BE COMMENDING FOR PROMOTING A POSITIVE IMAGE AND THE VALUES OF THE HISPANIC CULTURE TO FUTURE GENERATIONS, WHEREAS WE COMMEND THE MEMBERS OF THE HISPANIC WOMEN'S NETWORK OF TEXAS FOR THEIR SERVICE TO THEIR LOCAL COMMUNITIES, ESPECIALLY THE WINNERS OF THE ESTRAS AWARD WHO ARE BEING HONORED DURING THE 20th ANNUAL CONFERENCE IN CORPUS CHRISTI TEXAS THIS WEEKEND, I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM NOVEMBER 3rd THROUGH THE 5th, 2006 AS HISPANIC WOMEN'S NETWORK OF TEXAS AND WE HAVE SOME MEMBERS OF THE HISPANIC WOMEN'S NETWORK. A COUPLE MORE THAT JUST ARRIVED. PLEASE COME DOWN AND JOIN US, WE WANT TO CONGRATULATE THEM ON THEIR 20th ANNUAL CONFERENCE, ALL OF THE

SERVICE THEY PROVIDE TO THE COMMUNITY.

GOOD EVENING, I'M CAROLYN HERNANDEZ, REPRESENTING THE HISPANIC WOMEN'S NETWORK OF TEXAS THIS EVENING. I WOULD LIKE TO THANK THE MAYOR WYNN AND CITY COUNCIL MEMBER MIKE MARTINEZ FOR RECOGNIZING US AND PROCLAIMING TODAY, THIS WEEKEND AS HISPANIC WOMEN'S NETWORK OF TEXAS DAY. IT IS AN HONOR FOR US TO RECEIVE THIS. WE ARE CELEBRATING OUR 20 YEAR ANNIVERSARY THIS WEEKEND AND FROM WHEN IT STARTED WITH JUST THREE WOMEN DISCUSSING THAT -- THAT THERE WAS A NEED FOR SUCH AN ORGANIZATION FOR OUR -- FOR THE HISPANIC WOMEN TO COME TOGETHER AND PROMOTE US WHETHER IT WAS CIVIL OR PROFESSIONALLY OR PERSONALLY, IN WHATEVER WE WANTED TO DO, OUR ORGANIZATION HAS GROWN TO OVER HUNDREDS OF MEMBERS WITH OVER 8 CHAPTERS IN THE STATE OF TEXAS. SO WE ARE VERY PROUD AND WE ARE VERY EXCITED THAT WE HAVE COME A LONG WAY AND WE ARE JUST VERY EAGER TO KEEP ON MOVING AND THIS EVENING I WOULD LIKE TO -- TO ACCEPT THE AWARD WITH ME THIS EVENING ARE SEVERAL OF OUR MEMBERS. ACTUALLY OUR FOUNDING MEMBERS THIS EVENING, JUDGE OR.....JUDGE ORLINDA NAJARANO, PAST MEMBER MARTY CASSIO. [APPLAUSE] AND ONE OF OUR -- ACTUALLY ONE OF THE THREE MEN THAT I WAS MENTIONING EARLIER, IS ONE OF OUR FOUNDERS, TRAVIS COUNTY DISTRICT CLERK AMALIA RODRIGUEZ-MENDOSA. SO THANK YOU EVERYONE AND IF YOU ARE ABLE TO PLEASE JOIN US THIS WEEKEND IN CORPUS CHRISTI FOR OUR CONFERENCE. IT'S NOT TOO LATE TO REGISTER. THANK YOU VERY MUCH. [APPLAUSE]

Martinez: WE ARE GOING TO MOVE ON WITH THE NEXT PROCLAMATION, IN HONOR OF VETERANS DAY. BECAUSE THIS IS THE LAST COUNCIL MEETING BEFORE VETERANS DAY ACTUALLY OCCURS. WHICH IS NOVEMBER 11th. WE HAVE A SPECIAL PROCLAMATION FOR OUR VETERANS TONIGHT. WE WANT TO THANK THEM FOR BEING HERE. AS YOU CAN SEE, WE HAVE MEMBERS, VETERANS HERE FROM THE DIFFERENT BRANCHES OF THE SERVICE. COUNCILMEMBER LEFFINGWELL WILL BE REPRESENTING THE NAVY. THE FLAGS THAT ARE HERE IN THE COUNCIL CHAMBERS WERE PRESENTED TO US BY THE VETERANS

LAST YEAR. AND AFTER THAT CEREMONY, AFTER THAT PRESENTATION, WE DECIDED TO GO AHEAD AND KEEP THOSE FLAGS HERE IN THE COUNCIL CHAMBERS JUST AS A CONSTANT REMINDER OF THE SERVICE THAT THE MEN AND WOMEN OF THE ARMED FORCES GAVE -- HAVE GIVEN FOR US. SO WITH THAT, I WILL LET THESE GUYS GET IN PLACE. MR. SALDANA, IF YOU WILL JOIN ME UP HERE.

WHEREAS NOVEMBER 11 HAS LONG BEEN A DAY TO PAY TRIBUTE TO THE COURAGEOUS MEN AND WOMEN WHO HAVE TAKEN UP ARMS TO SECURE, DEFEND AND MAINTAIN OUR NATION'S FREEDOMS AND WHEREAS TODAY THERE ARE MORE THAN 24 MILLION LIVING VETERANS WHO HAVE SERVED OUR COUNTRY IN TIMES OF PEACE AND WAR, MORE THAN A MILLION MEN AND WOMEN HAVE DIED IN SERVICE TO AMERICA, AND MORE THAN A MILLION AND A HALF HAVE BEEN WOUNDED. AUSTIN AND THE REST OF OUR NATION ARE GRATEFUL FOR THEIR NOBLE SACRIFICES. WHEREAS WE ALL ON ALL AUSTINITES TO JOIN IN RECOGNIZES AND REMEMBERING THE PAST AND PRESENT MEMBERS OF THE ARMY, NAVY, AIR FORCE, MARINES AND COAST GUARD AS WELL AS ALL THE PRISONERS OF WAR AND THOSE MISSING IN ACTION FOR THEIR SERVICE ON OUR BEHALF. NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM NOVEMBER 11th, 2006, AS VETERAN'S DAY. WE WANT TO THANK OUR VETERANS FOR THEIR SERVICE. [APPLAUSE] WE ARE GOING TO TAKE JUST A MOMENT OF PRIVILEGE HERE TO ALLOW SOMEONE TO COME READ A POEM OF VETERAN HAS THAT A POEM THAT WE WOULD LIKE TO READ TO US.

I'M GABRIEL GARCIA. I HAD 27 YEARS OF ACTIVE SERVICE, BOTH IN THE PARATROOPERS AND IN THE AIR FORCE. AND RETIRED FROM -- FROM ACTIVE MILITARY SERVICE IN SEPTEMBER OF 1979. I'M HONORED TO READ THIS POEM FOR YOU BY L. LAMAR GILBERT. OH, MY COUNTRY, I REVERED YOU THROUGH 200 YEARS, WAR AND PEACE, FEAST AND FAMINE, I HAVE SEEN THEM ALL THROUGH YOUR TEARS. I HAVE DEFILED THE FACE OF DEATH FOR YOUR HONOR IN THE AIR, ON THE SEA, AND FROM A MUDDY HOLE. FIGHTING WITH A DESPERATE FURRY TO SAVE YOUR SOUL. I HAVE CARRIED YOUR PROUD COLORS, IN A SCORE OF FOREIGN LANDS, NOT TO CONQUEROR ENSLAVE, ONLY TO LET

OTHERS SEE THE SHINING EXAMPLE OF THE LAND OF THE FREE AND THE HOME OF THE BRAVE. AND IN TIMES OF INDECISION, WHERE OTHER'S FAITH MAY HAVE SWERVED, LIKE THE MINUTE MAN AT THE BRIDGE, WHEN MY COUNTRY CALLED, I SERVED. I WOULD LIKE TO -- I REALIZE THAT -- THAT NOT ALL THOSE THAT SERVE IN COMBAT MADE IT BACK. IN FACT TODAY I THINK WE HAVE PROBABLY PEOPLE MISSING IN ACTION IN THE THOUSANDS AND JUST WANT TO MENTION ONE PARTICULAR INDIVIDUAL, THAT'S STILL MISSING IN ACTION, WHICH HAPPENED WHILE HE WAS FLYING A MISSION OVER NORTH VIETNAM. ON THE 31st OF OCTOBER, 1967, AND THAT WAS MAJOR HUGH M. FANNING, THE UNITED STATES MARINE CORPS. THANK YOU. [APPLAUSE]

I JUST WANTS TO THANK THE CITY OF AUSTIN AS WELL AS THE COUNCILMAN AND HIS RIGHT HAND MAN A GUY BY THE NAME OF ANDY MOORE. THEY HELPED US QUITE A BIT IN PREPARATION FOR THIS EVENT TODAY, WHICH IS -- WHICH IS ONE THAT -- THAT WE HAVE TO -- TO KEEP IN MIND OF ALL OF THE VETERANS THAT ARE LIVING HERE IN AUSTIN AND ELSEWHERE. AND LIKE MIKE IS ONE OF THESE GUYS THAT WHEN I MENTIONED TO HIM I GUESS HE HAD BEEN IN OFFICE A COUPLE OF WEEKS, I SAID WHAT ABOUT VETERANS DAY, SAID GET IT READY. SO HERE WE ARE. AND I APPRECIATE THAT VERY MUCH, I ALSO THANK THE MAYOR AND THE CITY MANAGER FOR THEIR INVOLVEMENT AS WELL AS THE OTHER FOLKS AND THIS GUY BACK HERE BEHIND ME, COUNCILMEMBER LEFFINGWELL, FORMER COMMANDER IN THE NAVY, HE'S PROBABLY HOLDING UP HIS FLAG, SO I APPRECIATE THAT VERY MUCH, TOO. SO -- SO WE WILL -- WE WILL TRY TO DO IT AGAIN NEXT YEAR. DO IT LORD WILLING. THANK YOU FOR SHOWING UP THIS EVENING. [APPLAUSE] [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] THE FOUNDATION IS RESPONSIBLE FOR MEND RING AND HELPING YOUTH, AND THEY RECEIVE NO PUBLIC FUNDING. SO IT IS AMAZING WHAT THEY ARE ABLE TO DO IN EAST AUSTIN WITHOUT ANY GOVERNMENT ASSISTANCE. SO I'D LIKE TO RECOGNIZE THEM ON THEIR 35TH ANNIVERSARY AND SAY CONGRATULATIONS. [APPLAUSE]

COLE: SO I'M GOING TO READ THE PROCLAMATION. THE CITY OF AUSTIN ISSUES THE COMMUNITY SERVICE AWARD FOR 35

YEARS OF PROVIDING A SAFE OPTION FOR RECREATION AND COMPETITION AMONG EAST AUSTIN YOUTH. THE US AUSTIN YOUTH FOUNDATION IS DESERVING OF PUBLIC ACKNOWLEDGE CLAIM AND RECOGNITION. IT WAS ESTABLISHED BY GRADUATES OF OLD ANDERSON HIGH SCHOOL WHO WANTED TO CARRY ON THEIR TRADITIONS OF PRIDE, INTEGRITY AND COMMUNITY INVOLVEMENT THE THE INVOLVEMENT OFFERS FOOTBALL, CHEER AND DANCE CLASSES FOR 140 YOUTHS, A THIRD OF WHOM ARE RECOGNIZED AS POPS WARNER LITTLE SCHOLARS EACH YEAR AS WELL. TO HELP IMPROVE THAT NUMBER THE FOUNDATION NOW OFFERS WEEKLY TUTORIAL SESSIONS. THE CITY IS PLEASED TO RECOGNIZE THIS VERY SUCCESSFUL PROGRAM AND THE 40 CITIZENS WHO GIVE THEIR TIME AND TALENT WEEKLY TO HELP INSTILL YELLOW JACKET PRIDE IN A NEW GENERATION OF YOUNG PEOPLE, PRESENTED THIS 2ND DAY OF NOVEMBER IN THE YEAR 2006, THE CITY OF -- COUNCIL OF AUSTIN, TEXAS AND MAYOR WILL WYNN. [APPLAUSE]

THANK YOU. AND BELIEVE IT OR NOT, I WAS ONE OF THE YOUNG FOLKS WHO PLAYED IN THE EAST AUSTIN YOUTH FOUNDATION. THANK YOU, COUNCIL MEMBER COLE, WILL WYNN, PRO TEM, MAYOR PRO TEM AND ALL THE COUNCIL MEMBERS AND STAFF WHO ACKNOWLEDGE THE 35 YEARS OF SERVICE TO OUR COMMUNITY. IT BRINGS ME GREAT PLEASURE TO ACCEPT THIS COMMUNITY AWARD. AS YOU SAID, FIVE MEN WITH..... WITH A VISION, WITH A PURPOSE, CAME TOGETHER MORE THAN 35 YEARS TO TO PUT THIS TOGETHER FOR THE COMMUNITY OF EAST AUSTIN, LAWRENCE M BRITAIN, ANDREW BROWN AND JAMES HOWARD. THE VISION WAS SIMPLE, WAS TO CREATE AN ORGANIZATION IN EAST AUSTIN TO PROVIDE A SAFE, CHALLENGING ENVIRONMENT FOR EAST AUSTIN YOUTH, WHERE WE COULD EXCEL, FOSTER LIFETIME RELATION SHIPPED AND COMPETE AT THE HIGHEST LEVEL. STAY CONNECTED BECAUSE OF OUR HISTORY [INDISCERNIBLE] IN EAST AUSTIN AND THE YELLOW JACKETS. THE EAST AUSTIN YOUTH FOUNDATION WAS FOUNDED OUT OF A SENSE OF SURVIVAL. IN THE DAYS [INDISCERNIBLE] WAS A BENCHMARK FOR FAIRNESS AND [INDISCERNIBLE] FOCUS FOR SERVICE AND COMMITMENT TO UPLIFT OUR COMMUNITY. THE EAST

AUSTIN YOUTH FOUNDATION IS A FAMILY, A FAMILY WITH PRIDE, A FAMILY WITH DIGNITY AND A FAMILY WITH HOPE. WE ARE VERY THANKFUL -- WE ARE VERY THANKFUL FOR ALL OF THOSE PEOPLE WHO COACHED, CHEERED AND GAVE US THEIR TIME TO MAKE THE EAST AUSTIN YOUTH FOUNDATION TODAY. SO WE WANT TO SAY THANK YOU TO ALL OF OUR COACHES AND MANY OF OUR COACHES HAVE COACHED FOR GENERATIONS, AND I SEE THE COACH WHO COACHED ME AND I ALSO COACHED -- WHERE IS KENNY? SO IF I MISSED I DIDN'T..... ANYONE, I APOLOGIZE. BUT WE HAVE NOTHING BUT LOVE FOR -- FOR OUR FOREFATHERS, EXCUSE ME. WE HAVE NOTHING BUT LOVE FOR OUR FOR....FOREFATHERS WHO COMMITTED -- WHO PUT THIS ORGANIZATION TOGETHER FOR THE KIDS OF EAST AUSTIN TO HAVE SOMETHING TO DO EACH AND EVERY DAY. WE HAVE [INDISCERNIBLE] IN OUR COMMUNITY AND THESE [INDISCERNIBLE] ARE A REFLECTION OF THAT, AND I WANT TO ASK THE CURRENT PRESIDENT, MR. [INDISCERNIBLE], TO HAVE A WORD. [APPLAUSE]

GOOD EVENING, I DIDN'T PREPARE ANYTHING BUT HOW LONG DO I HAVE BECAUSE I COULD TALK ABOUT THE EAST AUSTIN YOUTH FOUNDATION ALL NIGHT. WE DON'T GET PUBLIC FUNDING BUT IF THERE'S FUNDS AVAILABLE WE'LL ACCEPT THEM BECAUSE WE ARE -- I GOT INVOLVED ABOUT EIGHT YEARS AGO AND GOT LAWRENCE BRITAIN JR., LD WASHINGTON WHO I CALLED A LEGEND, GUYS LIKE THAT, YOU KNOW, I WANT TO FOLLOW IN THEIR FOOTSTEPS AND I WANT TO LEAVE SOME FOUNDATION BEHIND AND I HAVE A SON OUT IN THE AUDIENCE THAT PLAYED. ALSO, I WANT THEM TO UNDERSTAND THAT IT'S IMPORTANT TO GIVE BACK TO YOUR COMMUNITY, REGARDLESS OF WHERE YOU'RE LIVING NOW. NEVER FORGET WHERE YOU CAME FROM, AND WE HAVE SOME GREAT KIDS. A LOT OF THOSE KIDS ON BORDERLINE IN REGARDS TO WHETHER THEY'RE GOING TO MAKE IT, AS A POSITIVE PERSON IN THE COMMUNITY OR NOT. SO WE'RE TRYING TO MAKE SURE THEY ALL GET THERE. AND WHENEVER YOU GUYS HAVE A THAN OOH AN OPPORTUNITY TO COME SUPPORT OUR PROGRAM, PLEASE DO SO, WE'RE AT YELLOW JACKET STADIUM. WE'RE THERE IN THE FALL EVERY OTHER SATURDAY. WE HAVE SEVERAL -- ONE OF OUR COACHES OUT THERE, FRANK BROWN I DON'T

WANT TO START NAMING NAMES BECAUSE I DON'T WANT TO MISS ANYBODY BUT WE HAVE A COUPLE ALUMNAE FROM OLD ANDERSON AND I WANT TO MAKE SURE THAT YOU GUYS UNDERSTAND THAT THE REASON WE'RE THERE IS BECAUSE OF OLD ANDERSON HIGH SCHOOL. WE WANT TO CONTINUE THAT TRADITION AND BE A POSITIVE INFLUENCE ON THE YOUNG MEN AND WOMEN IN EAST AUSTIN AND THE SURROUNDING COMMUNITIES AND AGAIN, WE THANK YOU FOR.... FOR THIS PROCLAMATION AND WE REALLY APPRECIATE IT AND COME VISIT US SOMETIME. THANK YOU. [APPLAUSE] OKAY. OUR LAST EVENT THIS AFTERNOON IS A DIFFICULT ONE FOR US. IT'S TECHNICALLY IT'S GOING TO BE A CITY OF AUSTIN DISTINGUISHED SERVICE AWARD IN MEMORIAM. I'M JOINED HERE BY KEN ET RAY GARDNER'S ENTIRE FAMILY AND I'D LIKE TO FIRST TURN THIS OVER TO CITY MANAGER TOBY FUTRELL, WHO IS THE CITY MANAGER, WILL TALK ABOUT KENNETH RAY GARDNER AND I'LL PRESENT THE DISTINGUISHED SERVICE AWARD.

FUTRELL: KENNETH GARDNER WAS A CITY OF AUSTIN EMPLOYEE FOR ALMOST 20 YEARS, AND IN THOSE 20 YEARS HE WAS A LEADER NOT JUST BY EXAMPLE, BUT BY ACTION. WHEN YOU CELEBRATE KENNETH TODAY, YOU'RE CELEBRATING NOT JUST A CITY EMPLOYEE WHO'S BELOVED BY THE PEOPLE WHO WORKED WITH HIM AND WELL-KNOWN ACROSS THE CITY BUT YOU'RE ALSO TALKING ABOUT SOMEBODY WHO GAVE TO THE COMMUNITY ON HIS OWN TIME IN MANY DIFFERENT WAYS. IF YOU'RE WYNN SOLID WASTE SERVICES YOU'RE GOING TO REMEMBER KENNETH AS A LEADER, AS A GUY WHO NEVER LEFT HIS CRUISE OUT IN THE FIELD AT THE END OF THE DAY AND WHO FOUGHT TO MAKE THINGS BETTER..... BETTER ?ID.... INSIDE THAT DEPARTMENT. AND IF YOU'RE WITHIN OUR COMMUNITY YOU'RE GOING TO THINK ABOUT KENNETH AS A VOLUNTEER WHO HE...EPITOMIZED PUBLIC SAFETY. HE WAS A KEY PART OF THE RED CROSS EFFORT IN HELPING EVACUEES WITH HURRICANE RITA AND KATRINA AND THAT WAS JUST ONE OF THE MANY WAYS HE GAVE BACK TO THE COMMUNITY. KENNETH HAD A WORK ETHIC THAT SET A STANDARD AND IT MOTIVATED OTHERS. HIS JUDGMENT HELPED RIGHT AND DEVELOPMENTAL DEPARTMENT CHANGES THAT ARE IN

PLACE TODAY. WE'RE A LARGE ORGANIZATION. WEAVER ALMOST 11,000 EMPLOYEES, BUT WE'RE STILL A FAMILY, AND SOLID WASTE SERVICES, BOTH FIGURATIVELY AND LITERALLY ALSO SERVED A FAMILY ROLE FOR THE WHOLE GARDNER FAMILY. KENNETH'S FATHER JOHNNY WHO IS WITH US JUST RECENTLY RETIRED AFTER 32 YEARS OF SERVICE WITH SOLID WASTE SERVICES AND HIS BROTHERS, YES, 32 YEARS. AND HIS BROTHER, DICK AND OCCUR IT ALSO WORK FOR SOLID WASTE SERVICES BUT MOST OF ALL KENNETH WAS A LOVING HUSBAND TO ROSALIND AND HE WAS A DOTING FATHER TO THREE BEAUTIFUL GIRLS, ALLISON, ASHLEY AND AMBER. DID I GET IT WRONG?

ALICIA.

I'M SORRY. WHERE IS SHE? SHE'S LOOKING THE OTHER WAY BECAUSE I DID THAT. SHE'S BEAUTIFULLY DRESSED. TODAY WE HONOR NOT ONLY THE SERVICE HE'S GIVEN TO THE CITY BUT WE HONOR IN CREATING A LEGACY FOR WHAT HE DID FOR OUR COMMUNITY AS A WHOLE. HE PLAIN MADE THIS COMMUNITY BETTER BY HIS WORK AND HIS LIFE AND I WANT TO SHOW YOU JUST THREE PICTURES BECAUSE WE'RE GOING TO HONOR HIM BY AN ACTION THE COUNCIL TOOK EARLIER TODAY THAT NAMES THE SOLID WASTE SERVICE CENTER AFTER KENNETH. SO LET'S SHOW THE CLIP HERE. HERE'S A PICTURE -- ONE OF THE PICTURES OF THE FACILITY, AND I THINK WE HAVE ONE MORE. ANOTHER SHOT OF THE FACILITY, BUT THE BIG ONE IS COMING UP, YOU GUYS, NO. 3. I DON'T KNOW IF YOU CAN SEE THIS, BUT THIS IS A MURAL THAT'S INSIDE THE SERVICE CENTER AND A KEY FIGURE ON THAT MURAL IS JOHNNY, KENNETH'S DAD, AND THIS IS GOING TO BE ONE OF THE LEGACIES THAT WE'RE GOING TO LEAVE HERE WITH KENNETH. ALL MY CONDOLENCES TO THE FAMILY AND FRIENDS OF KENNETH. [APPLAUSE]

THANK YOU, TOBY, AND IT'S WITH A GREAT HONOR THAT I READ THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD OF AUSTIN. HE IS OOH IT'S SIGNED BY ME BY ACKNOWLEDGED BY THE WHOLE CITY COUNCIL WHO HAS JOINED US HERE. IT READS, DISTINGUISHED SERVICE AWARD IN MEMORIAM, FOR HIS EXCEPTIONAL DEDICATION AND LEADERSHIP WITH THE CITY OF AUSTIN SOLID WASTE

SERVICES DEPARTMENT, KENNETH RAY GARDNER WAS DESERVING OF PUBLIC ACKNOWLEDGE CLAIM AND RECOGNITION. MR. GARDNER IMPACTED COUNTLESS LIVES DURING HIS 19 YEAR PLUS TENURE. AS CREW LEADER HE... HE WAS A POSITIVE ROLE MODEL AND A CONTINUOUS SOURCE OF INSPIRATION, INSTILLING A SENSE OF TEAMWORK IN HIS CREW AND STAYING CONSTANTLY FOCUSED ON THE SAFETY AND WELL-BEING IN THE FIELD. AS A COLLEAGUE HE WENT ABOVE AND BEYOND THE CALL OF DUTY, WITH HIS HARD WORK, DEDICATION AND WILLINGNESS TO VOLUNTEER HIS TIME AT ANY FUNCTION OR CELEBRATION. IN 1996 KEEP AUSTIN BEAUTIFUL SELECTED MR. GARDNER AS A SOLID WASTE SUPER HERO FOR HIS COMMITMENT TO CREATING A CLEAN COMMUNITY, AND IN 2005 HIS DEPARTMENT SELECTED HIM AS A REPRESENTATIVE TO THE ORGANIZATIONAL ACTION COMMITTEE. WE HONOR MR. GARDNER'S MEMORY, AND CONTRIBUTIONS AS A LEADER, A HERO, A BELOVED FRIEND, LOVING HUSBAND AND FATHER AND HIS SERVICE TO OUR COMMUNITY AND TO OUR CITIZENS WITH HAD CERTIFICATE PRESENTED THIS 2ND DAY OF NOVEMBER, THE YEAR 2006, AND AUSTIN CITY COUNCIL, MAYOR WILL WYNN, BETTY DUNKERLEY, COUNCIL MEMBER LEE LEFFINGWELL, MIEB MARTINEZ, JENNIFER KIM, BREWSTER MCCRACKEN, SHAIRLD COAL, AGAIN, A DISTINGUISHED SERVICE AWARD IN MEMORIAM TO KENNETH RAY GARDNER. [APPLAUSE]

FIRST VAWLD I'D LIKE TO SAY THANKS FOR ALL THE FAMILY, FRIENDS, COWORKERS AND ALL THE SUPPORT THAT IS OUT THERE TONIGHT FOR THE GARDNER FAMILY. WE APPRECIATE IT AND RECEIVE IT. I DID PREPARE SOMETHING, BUT OF COURSE I FORGOT IT WITH THE RUSH OF GETTING HERE AND DIDN'T KNOW TRAFFIC WAS SO BAD THIS WAY. BUT IF I CAN REMEMBER WHAT I SAID, I SAID I WOULD RECEIVE THIS AWARD, AND WITH AH THAN AND THE APPRECIATION AND SINCERITY ON...WITH WHICH IT WAS GIVEN ON BEHALF OF MY HUSBAND AND OUR THREE CHILDREN. I WAS LOOKING OVER A TABLET THAT RAY HAD WROTE SOME NOTES IN WHEN HE WAS APPLYING FOR SOME POSITION, AND IN THE NOTES WERE THINGS WHERE YOU SHOW YOUR ACCOMPLISHMENTS, AND IT JUST REALLY TOUCHED MY HEART BECAUSE AS I WAS READING IT, I HAVE

TO PARAPHRASE BECAUSE I DON'T REMEMBER IT ALL, BUT HE SAID, AN OLD MAN WAS OUT TRYING TO TIE UP THE YARD TRIMMINGS, THE WAY THEY'RE SUPPOSED TO BE TIED UP, AND DID ALL RIGHT, BUT HE WAS AN OLDER FELLOW AND THE TRUCK WAS COMING, AND HE WASN'T READY, AND THE TRUCK KEPT GOING. WELL, RAY JUST HAPPENED TO SEE IT, I DON'T KNOW HOW, BUT HE STOPPED, HELPED THE GUY TIE THEM UP AND PICKED THE STUFF UP AND THE GENTLEMAN'S DAY WENT FINE. THIS IS ANOTHER OCCASION -- THIS IS HIS ACCOMPLISHMENTS THAT HE'S PUTTING ON HIS APPLICATION. ON ANOTHER OCCASION HE SAID HE WAS GOING BY A HOUSE AND THERE WAS A LOT OF LOUD TALKING AND A YOUNG GIRL CAME OUT SLAMMING A DOOR. THEN AN OLDER WOMAN CAME OUT, SHE'S CRYING. THE GIRL HITS HER AND HE STOPS, CALLS -- THE YOUNG GIRL LEAVES. HE CALLS THE POLICE AND WAITS WITH THE OLDER WOMAN UNTIL ASSISTANCE HAS COME AND SHE'S MADE COMFORTABLE. AND I'M LIKE, WOW, I'M LIVING WITH YOU EVERY DAY, AND I DIDN'T KNOW YOU WERE OUT THERE DOING THAT, AND PLENTY OF FIGHTS -- WHY ARE YOU STILL AT WORK? IT'S 11:00 ALREADY? , YOU KNOW, IT'S GOING TO BE ME OR THE CITY, MAKE A DECISION. [LAUGHTER] BUT HE WAS VERY DEDICATED AND I JUST RECEIVED THIS -- I JUST WISH HE WAS HERE TO RECEIVE THIS HIMSELF, BUT WE'RE BLESSED FOR YOU-ALL'S THOUGHTS. THANK YOU. [APPLAUSE]

AND JUST WHEN YOU THOUGHT YOU COULD STEP AWAY FROM THE MICROPHONE, WILLY ROADS, THE DIRECTOR OF SOLID WASTE SERVICES HAS SOMETHING HE WANTS TO GIVE THE FAMILY ALSO.

OKAY.

ON BEHALF OF SOLID WASTE SERVICES I'D LIKE TO PRESENT TO YOU A COPY OF THE A UNIFORM WITH KENNETH'S NAME AND HAT. [APPLAUSE]

MAYOR WYNN: SO THE COUNCIL WILL RECONVENE AND THE HEARINGS WILL START AFTER A VERY SHORT BREAK.

THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY

COUNCIL. WE HAVE KENTUCKIED ALL OF OUR ZONING CASES. WE NOW GO TO OUR FOUR POSTED PUBLIC HEARINGS, ALTHOUGH EARLIER THIS MORNING WE ANNOUNCED THAT ITEM NO. 65, THE INTENT WAS TO POSTPONE THAT PUBLIC HEARING, ALTHOUGH TECHNICALLY WE CAN'T TAKE ACTION UNTIL AFTER THE POSTED TIME CERTAIN, SO NOW WE CAN, AND SO FIRST AND FOREMOST I'LL ENTERTAIN A MOTION TO POSTPONE ITEM NO. 65, ALTHOUGH I DON'T RECALL THE STAFF'S RECOMMENDATION AS TO THE TIMING OF THE PEOPLE..... POSTPONEMENT. SO MOTION BY COUNCIL MEMBER MARTINEZ TO POSTPONE ITEM NO. 65 INDEFINITELY, OR UNTIL FURTHER NOTICE, SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? CERTIFYING NONE, ALL THOSE IN FAVOR SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 5 TO ZERO WITH COUNCIL MEMBERS COAL AND MCCrackEN OFF THE DAIS. THAT TAKES US TO OUR ITEM NO. 62, A HAD YOU..... PUBLIC HEARING TO RECEIVE COMMENTS ON ISSUES RELATED TO A FULL PURPOSE ANNEXATION OF ANDERSON MILL ANNEXATION AREA AND WOULD RECEIVE A BRIEF STAFF PRESENTATION. WELCOME MS. COLLIER.

THIS EVENING. THANK YOU MAYOR AND COUNCIL. MY NAME IS VIRGINIA COLLIER WITH THE NEIGHBORHOOD ZONING AND PLAN DEPARTMENT. THIS IS THE SECOND OF TWO PUBLIC HEARINGS ON FOR THE ANDERSON MILL ROAD ANNEXATION HEARING. IT..THE FIRST WAS HELDZ ON MONDAY IN THE NEIGHBORHOOD BEING ANNEXED. THERE'S COPIES. IF ANYONE WANTS TO PICK UP A COPY THEY'RE OUT FRONT. I'M HERE TO PRESENT A BRIEF OVERVIEW OF THE SERVICE PLAN. UPON ANNEXATION THE CITY OF AUSTIN WILL PROVIDE FULL MUNICIPAL SERVICES TO THE AREA. WE'D INSTALL WATER AND WASTEWATER FACILITIES TO PORTIONS OF THE AREA NOT CURRENTLY ON CENTRAL WATER AND SEWER, AND PROVIDE UPGRADED WATER SERVICE WHERE IMPROVEMENTS ARE NEEDED. IN GENERAL, THE CITY BEGINS PROVIDING SERVICES CURRENTLY PROVIDED BY OTHER ENTITIES, SUCH AS THE COUNTY, AND WILL BE PROVIDING SERVICES NOT CURRENTLY AVAILABLE TO RESIDENTS WHO LIVE OUTSIDE THE CITY LIMITS. THE AREA CURRENTLY RECEIVES POLICE SERVICE FROM TRAVIS OR WILLIAMSON COUNTY SHERIFFS DEPARTMENT AND FIRE

POKES FROM ECC NO. 4 OR. IN COMPLIANCE WITH STATUTORY REQUIREMENTS THE DRAFT SERVICE PLAN INCLUDES THREE MAIN COMPONENTS. THE FIRST IS THE EARLY ACTION PROGRAM, WHICH INCLUDES SERVICES THAT WILL BE PROVIDED IN THE AREA, COMMENCING ON THE EFFECTIVE DATE OF ANNEXATION, INCLUDING POLICE AND FIRE PROTECTION, EMERGENCY MEDICAL SERVICE, SOLID WASTE COLLECTION, MAINTENANCE OPERATION AND MAINTENANCE, WASTEWATER, ROADS AND STREET, STREET LIGHTING AND PUBLIC PARKS AND PLAYGROUNDS. THE SECOND SECTION OF OUR SERVICE PLAN INCLUDES ADDITIONAL SERVICES SUCH AS WATER SEWER PROTECTION AND DEVELOPMENT REVIEW, USE OF CITY LIBRARIES, HEALTH AND HUMAN SERVICES BENEFITS AND OTHER SERVICE IT..... SERVICES. AND FIN HE..... FINALLY OUR SERVICE PLAN INCLUDES THE CAPITAL IMPROVEMENT SECTION PROGRAM WHERE WE WOULD INCLUDE INFORMATION ABOUT ANY CAPITAL IMPROVEMENTS NECESSARY TO PROVIDE MUNICIPAL SERVICES IN THE AREA. FOLLOWING THIS EVENING'S PUBLIC HEARINGS THE COUNCIL -- OR THE COUNTY COMMISSIONERS COUNTY WILL APPOINT FIVE REPRESENTS..... REPRESENTATIVES FROM THE AREA TO NEGOTIATE THE SERVICE PLAN WITH THE CITY OF AUSTIN. SO IF ANYONE IS WATCHING AND INTERESTED IN BEING APPOINTED AS ONE OF THOSE NEGOTIATORS, PLEASE CONTACT YOUR COUNTY COMMISSIONER. WE'LL BE POSTING MORE INFORMATION ON THE CITY'S WEB PAGE AS WE GO THROUGH THIS PROCESS, AND IN DECEMBER OF 2008 WE LOOK FORWARD TO CONCLUDING THE ANNEXATION PROCESS. AND THAT'S MY STAFF PRESENTATION.

MAYOR WYNN: THANK YOU, MS. COLLIER. QUESTIONS FOR STAFF, COUNCIL? AND WE HAVE NO CITIZENS SIGNED UP ON THIS ANNEXATION PUBLIC HEARING. WELL, SORRY, I GUESS WE DO. SO LET ME CALL UP -- YOU MAY -- YES, MA'AM, APPROACH THE PODIUM. WELCOME.

COUNCIL AND MA'AM, MY NAME IS MANNED A BROWN AND I'M THE PRESIDENT OF ANDERSON REAL ESTATE, AND I JUST WANTED TO COME UP AND SAY THAT WE ARE LOOKING FORWARD TO WORKING WITH THE CITY. DAN HARLEY MAN AND MIKE REGAN ARE GOING TO BE OUR REPRESENTATIVES WORKING WITH THE CITY. AND AS YOU KNOW, WE ARE VERY

EAGER AND EXCITED ABOUT GETTING THE WATER TO OUR AREA AS SOON AS POSSIBLE. THAT IS OUR NUMBER ONE AGENDA ON -- WITH THE ANNEXATION. IT'S THE MOST IMPORTANT THING TO OUR NEIGHBORS. APART FROM THAT, I WANTED TO THANK YOU VERY MUCH FOR HAVING THIS MEETING AND THAT'S ALL I HAVE TO SAY. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MA'AM. QUESTIONS, COUNCIL? THANK YOU VERY MUCH. THE SUPPORT IS DULY NOTED AND APPRECIATED. ARE THERE ANY OTHER CITIZENS WHO WOULD LIKE TO GIVE US TESTIMONY ON THIS POTENTIAL PUBLIC HEARING OF THE ANDERSON MILL ROAD ANNEXATION AREA? HEARING NONE I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER LEFFINGWELL TO CLOSE THIS PUBLIC HEARING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. AYE. OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE TO 6-0 WITH COUNCIL MEMBER MCCracken OFF THE DAIS. THANK YOU ALL VERY MUCH. SO COUNCIL, TAKES US TO PUBLIC HEARING 63 AND 64, BOTH CONSIDERATIONS OF -- ACTUALLY, I'M SORRY, 63 TECHNICALLY IS A CONSIDERATION OF THE -- THE SINGLE-FAMILY RESIDENCE VARIANCE. 64 WILL BE A FLOODPLAIN VARIANCE. WE'LL TAKE IT UP IN A FEW MINUTES.

GEORGE OSWALD, WATERSHED PROTECTION AND DEVELOPMENT REVIEW. THE ACTION BEFORE YOU WITH ITEM 63 IS TO CONDUCT A PUBLIC HEARING AND CONSIDER VARIANCE REQUEST TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT 1115 DESIRABLE DRIVE, AUSTIN, TEXAS, IN THE 25-YEAR AND HUNDRED YEAR FLOODPLAINS OF TANNEHILL BRANCH AND TO WAIVE THE REQUIREMENTS TO DEDICATE AN EASEMENT TO THE FULL 100-YEAR FLOODPLAIN FOR THE PRINT OF THE RESIDENTS. ALL RIGHT. THE APPLICANT DOES..... DESIRES TO CONSTRUCT A NEW TWO STORY SINGLE-FAMILY HOME OF 1870 SQUARE FEET CAPACITY IN THE FLOODPLAIN OF TANNEHILL BRANCH, ABOUT THE 25 AND 100-YEAR FLOODPLAIN AND TO HAVE THE REQUIREMENT FOR DEDICATION OF DRAINAGE EASEMENT WAIVED FOR THE FOOTPRINT OF THE STRUCTURE. THE -- THIS IS A MAP OF

THE AREA. THE RED POLYGON IS THE OUTLINE OF THE LOT AREA. THE CENTERLINE OF TANNEHILL BRANCH IS HERE IN BLUE FLOWING FROM NORTH TO SOUTH. THE DARK BLUE SHADED AREA IS THE LIMITS OF THE 25-YEAR FLOODPLAIN. LIGHTER SHADED AREAS IS THE LIMITS OF THE 100-YEAR FLOODPLAIN. HERE IS THE FOOTPRINT OF THE PROPOSED STRUCTURE AND THE DRIVEWAY ACCESS. STAFF IS RECOMMENDING APPROVAL OF THE VARIANCE BASED ON THE FOLLOWING TWO PRIMARY FINDINGS. THERE IS ADEQUATE EMERGENCY RESPONDER ACCESS. THE DEPTH OF WATER AT THE CURB LINE DURING THE 100 YEAR EVENT IS 1 FOOT. THE DEPTH OF WATER SURROUNDING THE FOUNDATION OF THE STRUCTURE AT THE FRONT OF THE HOUSE IS APPROXIMATELY A FOOT, AND WE FEEL THAT THAT IS -- AT THAT DEPTH OUR FIRST RESPONDERS AND WHO MAY BE RESIDING IN THE HOUSE CAN SAFELY MOVE TO AND FROM THAT STRUCTURE DURING A HIGH WATER EVENT. ALSO, THE LOT IS CURRENTLY UNDEVELOPED, AND THAT PRESENTS AN ECONOMIC HARDSHIP ON THAT LAND. THERE'S NO ECONOMIC USE OF THE LAND WITHOUT ALLOWING THIS VARIANCE TO BE APPROVED. WITH THAT I'LL TAKE ANY QUESTIONS YOU MAY HAVE.

MAYOR WYNN: THANK YOU, MR. OSWALD. QUESTIONS OF STAFF, COUNCIL? ITEM NO. 63 IS A FLOODPLAIN VARIANCE RECOMMENDED BY STAFF. HEARING NO QUESTIONS I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCIL MEMBER KIM. SECONDED BY COUNCIL MEMBER COLE TO CLOSE THE PUBLIC HEARING AND APPROVE THIS VARIANCE AS PRESENTED BY STAFF. FURTHER COMMENTS? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: MAYOR, I'M GOING TO SUPPORT THIS VARIANCE BECAUSE -- MAINLY BECAUSE WITHOUT THE VARIANCE THE LOT WOULD BE TOTALLY UNDEVELOPABLE. IT WOULD BE WORTHLESS TO THE APPLICANT. BUT I WILL CONTINUE TO TRY TO SCRUTINIZE FLOODPLAIN VARIANCES VERY CLOSELY. I HAD THE OCCASION LAST WEEK TO VISIT WASHINGTON WHERE THE CITY IS APPLYING FOR A FEDERAL GRANT FROM THE CORE OF..... CORP. OF ENGINEERS. WE'RE ABOUT TO SPEND LOOTS OF MONEY FOR BUY OUTS IN THE ONION CREEK AREA SO WE WANT TO BE CAREFUL AND LOOK AT THESE CLOSELY. AND I'M REASSURED BY THE

RECOMMENDATION OF STAFF BY THIS, SO I WILL SUPPORT IT.

MAYOR WYNN: THANK YOU COUNCIL MEMBER. FURTHER COMMENTS ON THE MOTION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY... SAY AYE. AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 0 WITH COUNCIL MEMBER MCCracken OFF THE DAIS. AND THERE WAS NO CITIZEN SIGNED UP TO SPEAK AT THE HEARING. WELCOME BACK.

ITEM 64, CONDUCT A PUBLIC HEARING AND CONSIDER A FLOODPLAIN REQUEST BY LOUIS WILLIAMS THE THIRD AND ANDREA WILLIAMS TO ALLOW CONSTRUCTION OF AN DIGS AT A RESIDENCE AT MILLWAY DRIVE IN AUSTIN, TEXAS, 100 YEAR AND 25-YEAR FLOODPLAINS OF SHOAL CREEK AND TO WAIVE THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT OF THE 100 YEAR, BE DELETING FROM THE EASEMENT DEDICATION REQUIREMENT. THE PROPOSED ADDITION HERE IS 663 SQUARE FEET TO AN EXISTING 1442 SQUARE FOOT HOUSE, AND THE 25 AND 100 YEAR FLOODPLAINS OF SHOAL CREEK AND AGAIN REQUESTING A WAIVER OF THE EASEMENT DEDICATION REQUIREMENT FOR THE FOOTPRINT OF THE BUILDING. HERE IS THE CENTERLINE OF SHOAL CREEK. THIS AREA IS NORTH OF ANDERSON LANE, ALONG SHOAL CREEK BOULEVARD OVER HERE TO THE WEST, MILL WAY IS TO THE EAST OF THE CREEK. THE LIMITS -- THE 25-YEAR FLOODPLAIN HAD SHADED IN DARK BLUE. HERE'S THE EXISTING HOUSE STRUCTURE RIGHT HERE AND THE PROPOSED ADDITION AT THE REAR. WE ARE RECOMMENDING APPROVAL OF THIS VARIANCE. THE EMERGENCY RESPONDER ACCESS IS A LITTLE BIT MORE LIMITED HERE. THE DEPTH OF WATER AT THE CURB LINE IS 1.6 FEET. THAT'S THE UPPER LIMIT OF... OF VEHICULAR ACCESS FOR APD EQUIPMENT. WATER IS A BIT SHALLOWER IN FRONT OF THE BUILDING. THE APPLICANT WORKED WITH US TO MINIMIZE THE MAGNITUDE OF THE ADDITION SO IT DID NOT CONSTITUTE SUBSTANTIAL IMPROVEMENT, AND THE ADDITION WILL BE PROPERLY ELEVATED TO MEET ALL OF OUR OTHER FLOODPLAIN REQUIREMENTS. BASED ON THOSE FINDINGS WE'RE RECOMMENDING APPROVAL OF THIS VARIANCE.

MAYOR WYNN: THANK YOU, MR. OSWALD. QUESTIONS OF

STAFF, COUNCIL? IF NOT, WE WILL -- LET'S SEE, IF WE GOT A COUPLE FOLKS SIGNED UP? BOTH -- ANDREA WILLIAMS AND LEWIS WILLIAMS ARE HERE IN SUPPORT AND HERE TO ANSWER QUESTIONS IF NEED BE. MS. WILLIAMS, WOULD YOU LIKE TO ADDRESS US? OKAY. DO YOU HAVE QUESTIONS OF OWNERS, COUNCIL, OR OF STAFF? WE APPRECIATE THE PRESENTATION, MR. OSWALD. SO NO QUESTIONS OR COMMENTS, I'LL ENTERTAIN A MOTION.

DUNKERLEY: MAYOR, I MOVE TO CLOSE THE PUBLIC HEARING AND RECOMMEND THE VARIANCE.

SECOND.

MAYOR WYNN: MOTION BY MAYOR PRO TEM, SECOND BY COUNCIL MEMBER COLE TO CLOSE THIS HAD YOU.....PUBLIC HEARING AND APPROVE THE FLOODPLAIN VARIANCE AS PRESENTED BY STAFF. FURTHER COMMENTS? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: MAYOR, I'M NOT GOING TO SUPPORT THIS VARIANCE BECAUSE THERE'S ALREADY AN EXISTING STRUCTURE, AND IT DOES NOT DEPRIVE THE APPLICANT OF THE USE OF ITS PROPERTY. AND SO I DON'T THINK IT'S ABSOLUTELY NECESSARY, SO I WON'T SUPPORT IT. I WOULD ADD THAT THE NEXT CREEK THAT WE'RE GOING TO BE ASKING FOR FEDERAL MONEY ON AFTER ONION CREEK IS SHOAL CREEK. SO -- AND THIS IS THE ONE WE'RE TALKING ABOUT. SO I WILL OPPOSE IT.

MAYOR WYNN: THANK YOU COUNCIL MEMBER. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

AYE. OPPOSED?

NO.

MAYOR WYNN: MOTION PASSES ON A VOTE OF 5-0 WITH COUNCIL MEMBER LEFFINGWELL VOTING NO AND COUNCIL MEMBER.....COUNCIL MEMBER MCCracken OFF THE

DAIS. THANK YOU VERY MUCH. SO COUNCIL, THERE BEING
NO MORE BUSINESS BEFORE THE CITY COUNCIL WE STAND
ADJOURNED. IT IS 6:41 P.M. THANK YOU ALL VERY MUCH.

End of Council Session Closed Caption Log