

Closed Caption Log, Council Meeting, 01/25/07

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Dunkerley: GOOD MORNING, EVERYONE, I'M BETTY DUNKERLEY AND I'M MAYOR PRO TEM AND I'M SITTING HERE IN THE MAYOR'S SEAT THIS MORNING BECAUSE HE'S IN WASHINGTON AT THE U.S. CONFERENCE OF MAYORS MEETINGS. AND BESIDES THAT THERE'S A NICE BIG SCREEN HERE THAT I CAN SEE, SO I TOOK THE LIBERTY OF SITTING IN HIS PLACE. AT THIS TIME IT'S MY PRIVILEGE TO WELCOME THE REVEREND I HAVE VIR BERG, PASTOR FROM THE FIRST SPIRITUALIST CHURCH, TO LEAD NUS OUR INVOCATION, SO LET'S PLEASE RISE.

DEAR GOD IN WHOM WE LIVE AND MOVE AND HAVE OUR BEING, WE THANK YOU FOR THE OPPORTUNITY TO COME TOGETHER TO WORK AS YOUR SERVANTS, TO BRING YOUR PEFB..... PERFECT PLAN TO THE CITY OF AUSTIN. AS WE DEBATE THE ISSUE BEFORE US TODAY, HELP US TO REMEMBER THAT WE ARE PART OF A SHRINKING WORLD. AS WE MEET AND LEARN TO LIVE WITH THOSE OF OTHER CULTURES AND RELIGIOUS BELIEFS, HELP US TO CONTINUE TO UNDERSTAND OUR OWN TRADITIONS MORE DEEPLY. HELP US TO LEARN TO LISTEN TO THOSE WITH DIDN'T POINTS OF VIEW -- DIFFERENT POINTS OF VIEW. WE LIVE IN THE GREATEST COUNTRY ON EARTH, BUT OUR SCIENTIFIC ACHIEVEMENTS HAVE OUT DISTANCED OUR ABILITY IN HUMAN RELATIONS. THOSE WHO LISTEN IN THE CURRENT WORLD WORK FOR PEACE. A PEACE NOT BUILT UPON POLITICAL EMPIRES, BUT BUILT ON MUTUAL INVOLVEMENT IN THE LIVES OF OTHERS. FOR LISTENING BRINGS RESPECT AND RESPECT PREPARES THE WAY FOR A HIGHER POWER, THAT OF LOVE. LOVE IS THE ONLY POWER THAT CAN QUENCH THE FLAMES OF FEAR, SUSPICION AND PREJUDICE AND PROVIDE THE MEANS BY WHICH THE PEOPLE OF AUSTIN CAN BECOME EVEN MORE UNITED. UNDERSTANDING BRINGS LOVE AND LOVE BRINGS UNDERSTANDING, SO WE MUST LISTEN TO ONE ANOTHER TO BRING THE PEACE THAT WE ALL SO DESPERATELY NEED. IT IS IMPOSSIBLE TO LOVE ONE ANOTHER IF WE DO NOT LISTEN TO ONE ANOTHER. IF WE ARE TRUE TO OUR OWN SELVES, WE MUST GIVE OUR FULL ATTENTION TO OTHERS WHEN THEY SPEAK AS COMPLETELY AND ALERTLY AS WE HOPE THEY WILL LISTEN TO US WHEN WE SPEAK. HELP US TO HAVE THE GRACIOUSNESS TO RECEIVE AS WELL AS TO GIVE. JESUS SAID DO UNTO OTHERS AS YOU WOULD HAVE THEM DO UNTO YOU. HELP US TODAY TO FOLLOW THE MASTER'S INSTRUCTIONS AND THUS BRING THE PEACE THAT PASSES UNDERSTANDING TO OUR DAILY INTERACTIONS FOR OURSELVES AND FOR THOSE THAT WE

SERVE. AMEN.

Dunkerley: THANK YOU VERY MUCH, REVEREND BERG. THERE BEING A QUORUM PRESENT AT THIS TIME, I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, JANUARY THE 25TH, 2007, APPROXIMATELY 10:15 A.M. WE ARE IN THE CITY COUNCIL CHAMBERS OF THE AUSTIN-BERGSTROM INTERNATIONAL CITY HALL, 301 WEST SECOND STREET. AND BEFORE WE GO TO THE CHAIRS.....CHANGES AND CORRECTIONS AND CONSENT AGENDA FOR TODAY, I WANTED TO ASK IF ANY OF THE COUNCILMEMBERS HAD ANY UPCOMING ITEMS IN THE NEXT FEW WEEKS THAT THEY WANTED TO MENTION AT THIS TIME? COUNCILMEMBER KIM.

Kim: THERE ARE TWO ITEMS RIGHT NOW THAT MY OFFICE IS WORKING ON. FIRST IS ON TARGETED ENERGY AUDITS OF HOMES THAT HAVE HIGH ENERGY BILLS AS COMPARED TO THEIR SQUARE FOOTAGE TO MAKE SURE THAT THOSE OLDER HOMES ARE ENERGY EFFICIENT. AS MANY OF THEM ARE RENTED OUT TO TENANTS WHO PAY THE ENERGY BILL, THE HOMEOWNER MAY NOT NECESSARILY HAVE AN INCENTIVE TO TAKE ADVANTAGE OF OUR WEATHERIZATION PROGRAMS. ANOTHER POSSIBILITY IS LOOKING AT DOWNTOWN RECYCLING AND OFFERING THAT TO THE DOWNTOWN COMMUNITY. WE DON'T PROVIDE SERVICE RIGHT NOW AND WE'RE LOOKING AT SINGLE STREAM RECYCLING FOR THE FUTURE FOR OUR CITY AS WELL AS CONDO RECYCLING.

Dunkerley: ANYONE ELSE? THANK YOU VERY MUCH. WE HAVE A FEW CHANGES AND CORRECTIONS TODAY. IF YOU'LL NOTE THESE BEFORE WE DO THE CONSENT AGENDA, ITEM NUMBER 14 IS TO BE POSTPONED TO MARCH THE FIRST, 2007. ITEM 15 PROPOSED TO MARCH THE FIRST, 2007. ITEMS 16 HAS NOW BEEN REVIEWED BY THE LAND USE AND TRANSPORTATION SUBCOMMITTEES AND RECOMMENDED BY THE URBAN TRANSPORTATION COMMISSION. ITEM 17 IS POSTPONED TO FEBRUARY THE 15TH, 2007. ITEM 34... 34 POSTPONED TO FEBRUARY THE 1st, 2007. AND ITEM 35... 35 POSTPONED TO FEBRUARY THE 1st. SO AT THIS TIME THEN LET'S GO TO -- LET ME MENTION THE TIME CERTAINS. AT 10:30 THERE'S A BRIEFING OF THE TRAFFIC RELATED FATALITIES AND MITIGATION EFFORTS TO MINIMIZE THEM. AT 12 THE GENERAL CITIZENS COMMUNICATION. 3:00, A BRIEFING ON THE SEAHOLM STATION STUDY REPORT. 4:00 O'CLOCK WE'LL TAKE UP ZONING. 5:30 LIVE MUSIC AND PROCLAMATIONS. AND 6:00 O'CLOCK, PUBLIC HEARINGS. ITEM 44 WE WILL -- THE STAFF WILL BE REQUESTING A POSTPONEMENT FOR THAT ITEM TO FEBRUARY THE FIRST. AND ALTHOUGH TECHNICALLY WE CAN'T POSTPONE IT UNTIL 6:00, I WOULD LIKE TO GIVE YOU A HEADS UP ON THAT. IN ADDITION, WE HAVE TWO ITEMS THAT WILL BE PULLED FOR DISCUSSION, ITEM 3 AND ITEM 7 BY COUNCILMEMBER MARTINEZ. ARE THERE ANY OTHER ITEMS THAT A COUNCILMEMBER WOULD LIKE TO PULL BEFORE WE GET GOING. WE'LL SCROLL THROUGH THE CONSENT AGENDA RIGHT NOW. ON THE SCEBL AGENDA WE HAVE ITEM NUMBER ONE, THE APPROVAL OF THE MINUTES. NUMBER TWO, NUMBER THREE HAS BEEN PULLED BY COUNCILMEMBER MARTINEZ. NUMBER 4, 5, 6 ARE ALL CONSENT ITEMS. NUMBER # 7 HAS BEEN PUG BY COUNCILMEMBER MARTINEZ. NUMBER 8 IS CONSENT. 9 AND 10 ARE CONSENT. AND I SKIPPED A LOT HERE. 11, 12, 13 ARE CONSENT

ITEMS. 14 PER CHANGES AND CORRECTIONS POSTPONED TO MARCH THE 1st. 15, CONSENT, BUT POSTPONED TO MARCH THE 1st PER CHANGE AND CORRECTIONS. 16 PER CHANGES AND CORRECTIONS THAT HAS BEEN APPROVED BY THE LAND USE COMMITTEE. 17 POSTPONEMENT TO FEBRUARY THE 15TH. 18 ACTION 19 AND 20 ARE CONSENT. 21, 22, 23, 24 CONSENT. 25, 26, 27 ARE CONSENT. 28, 29 ARE CONSENT. LET'S GO BACK UP TO THE BORES AND COMMISSIONS. THE APPOINTMENTS THAT WE HAVE TODAY TO THE BOND OVERSIGHT COMMITTEE, DAVE ANDERSON, WHICH IS COUNCILMEMBER KIM'S APPOINTMENT. MICHAEL CSAIS, COUNCILMEMBER MARTINEZ. BEVERLY SILAS, COUNCILMEMBER COLE. AND TO THE ANIMAL ADVISORY COMMISSION, LANE ACCUSER FOR COUNCILMEMBER KIM AND TOM OLIVER BY COUNCILMEMBER MCCracken. SO I WOULD LIKE TO OFFER THESE ON CONSENT.

MAIP, YOU COULD PUT -- MAYOR PRO TEM, YOU COULD PUT 34 AND 35 AS POSTPONED. THEY ARE EXECUTIVE SESSION ITEM, BUT YOU COULD PUT THEM ON CONSENT AS POSTPONEMENT.

Dunkerley: THOSE TWO ITEMS WILL BE POSTPONED. DO I HAVE A MOTION ON THE CONSENT AGENDA? SECOND? OKAY. MOTION AND SECOND ON THE CONSENT AGENDA. ALL OF THOSE IN FAVOR, PLEASE SAY AYE.

Leffingwell: MAYOR, I HAVE A QUESTION ON ONE OF THE ITEMS. I DON'T WANT TO PULL IT, BUT I WANT A QUESTION ANSWER ODD THE RECORD. ON ITEM NUMBER 4, WHICH IS A SERVICE EXTENSION REQUEST FOR THE 176TH GPM SERVICE TO CIRCLE C AREA. AND THE QUESTION HAS COME UP AND I'D JUST LIKE TO HAVE -- THIS IS SCHEDULED TO SERVE AN S.O.S. COMPLIANT SUBDIVISION, IS THAT CORRECT?

MAYOR PRO TEM, COUNCILMEMBERS, I'M THE ACTING DIRECTOR FOR AUSTIN WATER UTILITY. YES, SIR, THIS ITEM IS SUBJECT TO S.O.S. IT WAS REVIEWED BY THE WATERSHED PROTECTION DEPARTMENT AND THEY HAVE APPROVED IT.

Leffingwell: THANK YOU VERY MUCH. WE CAN LEAVE THAT ON ACCIDENT THEN. DUNK -- ON CONSENT THEN.

Dunkerley: THANK YOU. DOES THAT MEAN WE NEED TO TAKE ANOTHER VOTE? OKAY. TO MAKE SURE THAT WE'VE GOT EVERYTHING PROPERLY DONE, LET'S HAVE ANOTHER VOTE ON THE CONSENT AGENDA. MOTION? OKAY. SECOND? OKAY. ALL THOSE IN FAVOR, PLEASE SAY AYE. THANK YOU.

MAIP, CAN WE JUST -- MAYOR PRO TEM, CAN WE JUST CLARIFY ONE THING. FOR 34 AND 35 THEY ARE POSTPONED TO FEBRUARY 1st.

Dunkerley: THANK YOU VERY MUCH. WE'LL PUT THAT CLARIFICATION IN THE RECORD. WE HAVE A 10:30 BRIEFING -- WE HAVE TWO DISCUSSION ITEMS, AND THE 10:30 BRIEFING ON --

FROM A.P.D. ON THE TRAFFIC RELATED FATALITIES. I'D LIKE TO PERHAPS ASK MR. MARTINEZ FOR HIS COMMENTS ON THOSE TWO ITEMS THAT ARE PULLED.

Martinez: SURE. HOPEFULLY WE CAN GET THROUGH IT IN 10 MINUTES. I DON'T THINK IT WILL TAKE THAT I DON'T THINK. THANKS. I JUST HAD QUESTIONS ON ITEM 3 AND 7 BECAUSE THEY'RE RELATED, BUT THIS DEALS WITH OUR CLEAN WATER ACTION PROGRAM, AND GETTING OUR SEWER LINES IN COMPLIANCE WITH AN ADMINISTRATIVE ORDER FROM THE E.P.A. AND THE QUESTIONS I HAVE REALLY ARE ABOUT PROCESS. I THINK YOU GUYS ARE DOING AN INCREDIBLE JOB AND WE'VE BEEN RECOGNIZED FOR THE WORK THAT WE'VE DONE THROUGH THIS PROGRAM, AND I'M FULLY SUPPORTIVE OF IT, BUT WE'RE ABOUT TO NOTICE 10,000 RESIDENTS OF SOME ISSUES THAT WE FOUND IN THEIR PRIVATE SEWER LINES, AND THEY'RE GOING TO BE TOLD THAT THEY HAVE 60 DAYS TO REPAIR THESE -- REPAIR THEIR LINES. AND I THINK FOR ME I WANT TO KNOW WHAT KIND OF PROCESS WE HAVE IN PLACE FOR THINGS LIKE PROTESTS AND APPEALS ACTION.....,EXTENSIONS. YOU GUYS HAVE PUT TOGETHER A WONDERFUL PROGRAM FOR ASSISTANCE FOR LOW INCOME. I WANT TO TALK A LITTLE BIT ABOUT THAT. BECAUSE I REALLY AM NOT SURE THAT THE 10,000 PEOPLE THAT ARE GOING TO GET NOTICED ARE AWARE OF WHAT'S ABOUT TO HAPPEN AND WHY. AND SO IF YOU COULD JUST HELP ME EXPLAIN WHAT WE'RE ABOUT TO GET INTO AND ANSWER SOME OF THOSE QUESTIONS, I'D APPRECIATE IT.

ONCE AGAIN, MAYOR PRO TEM, COUNCILMEMBERS, I'M THE ACTING DIRECTOR FOR AUSTIN WATER UTILITY. COUNCILMEMBER MARTINEZ HAD REQUESTED A SHORT BRIEFING. I HAD PREPARED THAT, SO IF IT'S OKAY WITH COUNCIL, I COULD PROCEED WITH THAT. THAT WOULD CLEARLY LAY OUT THE PROCESS AND ANSWER MOST OF YOUR QUESTIONS AND TOWARDS THE END WE COULD GO INTO MORE DETAIL IF YOU WOULD LIKE.

Martinez: THANK YOU.

WHAT I WOULD LIKE TO COVER IS THE PROGRAM INCENTIVES, THE PROGRAM INCENTIVES, THE PLOAS WE FOLLOWED AND THE ACTIONS THAT HAVE BEEN TAKEN BY OTHER COMMITTEES AND STAKEHOLDERS TODAY. JUST AS A BACKGROUND, IN 1999 THE CITY OF AUSTIN WAS ISSUED AN ADMINISTRATIVE ORDER BY THE ENVIRONMENTAL PROTECTION AGENCY. THE ORDER BASICALLY SAYS THE CITY OF AUSTIN MUST ELIMINATE ALL SANITARY SEWER OVERFLOWS BY THE YEAR 2009. SO WE'VE BEEN OPERATING UNDER THIS ADMINISTRATIVE ORDER SINCE THEN, AND ACCORDING TO -- IN RESPONSE TO THIS ADMINISTRATIVE ORDER, THE CITY OF AUSTIN CREATED A PROGRAM CALLED AUSTIN CLEAN WATER PROGRAM. WE HAVE EMBARK ODD THIS PROGRAM SINCE 1999. IT'S ABOUT A 300 TO 350-MILLION-DOLLAR WASTEWATER SYSTEM IMPROVEMENT PROGRAM. AS PART OF THIS PROGRAM WE HAVE BEEN WORKING ON MAKING IMPROVEMENTS TO OUR COLLECTIONS SYSTEM, WASTEWATER MAINS, MANHOLES, LIFT STATIONS ACTION THE ENTIRE COLLECTION SYSTEM. WE'RE NOW ABOUT TO TAKE ON THE PRIVATE LEVEL REPAIR PROGRAM. PRIVATE LATERAL IS THE PIPE THAT COMES OUT FROM HOMES AND BUILDINGS AND CONNECTS TO THE CITY'S SEWER MAIN. THERE ARE TWO PIECE S TO THIS PIPE. THE

SEGMENT OF THE PIPE THAT IS ON THE PRIVATE PROPERTY IS CALLED OR IS KNOWN AS THE PRIVATE LATERAL. THE SEGMENT OF THE PIPE THAT IS ON THE RIGHT-OF-WAY OR IN THE EASEMENT IS THE CITY'S RESPONSIBILITY AND IT IS THE CITY'S LATERAL. SO WHAT WE'RE TALKING HERE TODAY IS RESPONDING TO ONLY THE PRIVATE LATERAL PIECE OF THE SEWER PIPE THAT COMES FROM HOME OR BUILDINGS AND CONNECTS TO THE SEWER SYSTEM. THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING ACTION KEEPING UP WITH THE SEWER LATERAL. THE PRIVATE PORTION OF THAT PIPE. AND REPLACING IT WHEN IT'S NEEDED. THE NEXT SLIDE GIVES YOU -- GIVES A GRAPHIC DEPICTION OF WHAT A PRIVATE LATERAL LOOKS LIKE. THIS IS A PICTURE OF A HOME OR A BUILDING. THERE'S A SEWER PIPE COMING OUT FROM THE BUILDING. THERE'S A VERTICAL LINE THAT DIVIDES BETWEEN THE PRIVATE PROPERTY OWNER'S RESPONSIBILITY AND THE CITY'S RESPONSIBILITY. TWO THINGS I WOULD LIKE TO POINT OUT HERE IN THIS PICTURE IS YOU'LL NOTICE THAT ITS PIPE IS POSITIONED NOT FLAT, IT IS AT A SLOPE. AND THE REASON FOR THAT IS WASTE WATER STREET FLOWS BY GRAVITY IN MOST CASES -- WASTEWATER FLOWS BY GRAVITY. AND THIS PIPE HAS JOINTS. SO OVER TIME WHAT HAPPENS IS THIS PIPE DETERIORATES AS GROUND SHIFTS OR AGES -- SHIFTS OR AGES. THE PRIVATE LATERAL WHEN THEY BECOME DEFECTIVE, THEY MAY HAVE STORM WATER ENTERING OUR SEWAGE SYSTEMS AND INFILTRATION IS WHEN YOU HAVE A DEFECTIVE PRIVATE LATERAL YOU MIGHT HAVE GROUNDWATER SEEP INTO THE SANITARY SEWER SYSTEMS. WHEN YOU HAVE DEFECTIVE PRIVATE LATERAL IT RESULTS IN SEWER OVERFLOWS, SEWER BACKUPS. IT CREATES ENVIRONMENTAL HAZARD, CREATES PUBLIC HEALTH AND SAFETY CONCERNS, ALSO CREATES REGULATORY COMPLIANCE ISSUES BOTH AT THE STATE AND FEDERAL LEVEL. DEFECTIVE PRIVATE LATERALS ALSO CAUSE CAPACITY CONSTRAINTS. WHEN YOU HAVE STORM WATER AND SEWAGE SURGES BECAUSE OF RAINWATER OR STORM WATER ENTERING INTO THE SEWER SYSTEM, THE CAPACITY IN THE SEWER MAINS AS WELL AS TREATMENT PLANTS ARE TAKEN UP BY STORM WATER THAT WE SHOULD NOT BE TREATING IN THE FIRST PLACE. IT ALSO INCREASES THE OPERATING COST FOR THE UTILITY AND IT INCREASES CAPITAL COSTS. WE HAVE TO DESIGN AND BUILD EXTRA CAPACITY TO TAKE ON INFILL AND INFILL INFILTRATION. HERE ARE A FEW EXAMPLES OF PRIVATE LATERAL DEFECTS. THIS IS A CORRODED SEWER LATERAL, WHAT IT LOOKS LIKE ONCE IT'S TAKEN OUT FOR REPLACEMENT. ON THE RIGHT OF YOUR SCREEN IS AN INSIDE VIEW OF A LATERAL LINE THAT HAS ROOT BLOCKAGE IN IT. ROOTS HAVE GOTTEN INTO THIS SEWER LATERAL BECAUSE IT HAS CRACKS. ROOTS ARE NOTORIOUS LOOKING FOR NUTRITION AND WHEN THEY DO FIND CRACKS IN PIPES AND THEY FIND ANY SOURCE OF WATER, THEY WILL TEND TO GO IN THAT DIRECTION. SO THIS PIPE, WHICH LOOKS ABOUT A SIX-INCH DIAMETER PIPE, IS 75% BLOCKED BY ROOTS IN THE PIPE. THIS NEXT SLIDE HAS A COUPLE MORE EXAMPLES OF WHAT WOULD BE CONSIDERED A LATERAL DEFECT. ON THE LEFT YOU SEE GREASE BUILDUP INSIDE THE LINE. THIS IS AN INSIDE VIEW OF THE LIERNS THE WASTEWATER LINE. ON THE RIGHT OF YOUR SCREEN IS AN EXAMPLE OF WHAT SOME OF OUR CUSTOMERS HAVE DONE. THIS IS A CLEANOUT TO A WASTEWATER PRIVATE LATERAL LINE WHERE THE DOWNSPOUT FROM THE GUTTER IS LITERALLY PUT INTO THE SEWER SYSTEM. SO EVERY TIME IT RAINS, THE RAINWATER HARVESTED FROM THIS ROOF

GOES STRAIGHT INTO OUR WASTEWATER COLLECTION SYSTEM. EXAMPLES OF SEWER OVERFLOWS, I HAVE A NUMBER OF OTHER SLIDES, BUT WE WERE DOING THIS PRESENTATION RIGHT BEFORE LUFNLG, SO I TOOK -- BEFORE LUNCH, SO I TOOK SOME OF THOSE OUT. THIS IS A WASTE WALL STREET MANHOLE THAT IS SURCHARGING BECAUSE WE HAD TOO MUCH STORM WATER GOING INTO THE PIPE FROM (INDISCERNIBLE). LITERALLY THERE IS SO MUCH PRESSURE AND VOLUME THAT IT LITERALLY LIFTS THE MANHOLE COVER TAND SURGES OUT. SO WHAT ARE THE OBJECTIVES FOR PRIVATE LATERAL REPAIR PROGRAM? IT WILL ASSIST PROPERTY OWNERS TO IDENTIFY AND REPAIR DEFECTIVE PRIVATE LATERALS. IT WILL HELP REDUCE SEWER OVERFLOWS AND INFLOW AND INFILTRATION. IT WILL PROTECT OUR ENVIRONMENT AND WATERWAYS. IT WILL HELP US COMPLY WITH E.P.A. ADMINISTRATIVE ORDER. IT WILL HELP US REDUCE WASTEWATER OPERATING AND CAPITAL COSTS. AND WE WILL ALSO BE ABLE TO HELP PROVIDE FINANCIAL ASSISTANCE TO HOMEOWNER. THE ESTIMATED NUMBER OF DEFECTIVE PRIVATE LATERALS BASED ON THE PRELIMINARY NUMBER OF STUDIES WE HAVE DONE, WE HAVE ABOUT 190 SEWER LATERALS IN OUR SYSTEM. WE ESTIMATE THAT BASED ON THOSE NUMBERS WE WILL SEE ABOUT 10,000 OF THOSE PRIVATE LATERALS TO BE DEFECTIVE. THESE DEFECTS WILL RANGE FROM MINOR REPAIRS TO MAJOR REPAIRS. THE SLIDE I SHOWED YOU A FEW SECONDS AGO WHERE THE DOWNSPOUT WAS GOING INTO THE SEWAGE SYSTEM WOULD BE A GOOD EXAMPLE OF A SIMPLE REPAIR THAT WOULD COST NO MORE THAN \$20 TO REALIGN THE GUTTER SYSTEM AND PUT A CLEANOUT CAP THAT COSTS MAYBE THREE OR FOUR DOLLARS AT HOME DEPOT OR LOWE'S. IT IS ESTIMATED IN THE WASTEWATER INDUSTRY THAT 50% OR CLOSE TO 50% OF INI, INFLOW AND INFILTRATION, COMES FROM DEFECTIVE PRIVATE LARLSES. WE'RE -- LATERALS. WE'RE ESTIMATING THAT IN AUSTIN A DEFECTIVE PRIVATE LATERAL, THE REPAIR COSTS WOULD RANGE ANYWHERE FROM \$10 UP TO \$3,000. SO WE'RE ESTIMATING ON AN AVERAGE IT WILL COST ABOUT \$2,000 TO REPAIR A DEFECTIVE PRIVATE LATERAL. GIVEN THE ESTIMATE OF 10,000 DEFECTIVE LATERALS THAT WE MAY FIND IN OUR SYSTEM WHEN ALL THE STUDIES ARE COMPLETED, WE THINK THE ESTIMATED COST OF REPAIRING ALL PRIVATE LATERALS IN OUR SYSTEM WOULD BE AROUND \$20 MILLION. IT IS IMPORTANT TO NOTE THAT THESE IDENTIFICATION REPAIRS WILL NOT HAPPEN ALL OVER THE NEXT TWO OR THREE MONTHS. IT WILL TAKE US A NUMBER OF YEARS TO COMPLETE THE INSPECTIONS, THE STUDIES AND TO CONTACT THOSE PRONE THEARZ HAVE DEFECTIVE LATERALS. IT IS OUR ESTIMATE THAT THESE WOULD BE PBED OVER A THREE TO FIVE-YEAR PERIOD. WE ESTIMATE THAT -- THIS IS FROM TALKING TO OTHER CITIES WHO HAVE UNDERGONE PRIVATE LATERAL REPAIR PROGRAMS - - THAT 60 TO 70 PERCENT OF THOSE PROPERTY OWNERS THAT WE IDENTIFY TO HAVE DEFECTIVE PRIVATE LATERALS WILL REPAIR THOSE WITH THEIR OWN PERSONAL FUNDS. THESE WILL BE TOTALING AROUND 12 TO \$14 MILLION. SO ABOUT 6,000 TO 7,000 OF THOSE 10,000 THAT WE ESTIMATE WOULD BE TAKEN CARE OF IN THIS MANNER. 20 TO 25% WILL BE REPAIRED BY PROPERTY OWNERS USING LOW INTEREST LOAN PROGRAMS THAT ITEM NUMBER 3 IS ON YOUR AGENDA FOR TODAY. WE ESTIMATE THAT THE PRINCIPAL AMOUNT FOR THESE LOANS WOULD RANGE FROM FOUR TO FIVE MILLION DOLLARS. THEN THE THIRD CATEGORY, 10 TO 15 PERCENT OF THOSE DEFECTIVE LATERALS WOULD BE OWNED BY

PROPERTY OWNERS WHO WOULD REQUIRE SOME FINANCIAL ASSISTANCE BEYOND LOW INTEREST LOAN PROGRAMS. SO FOR THOSE CUSTOMERS OR THOSE RESIDENTIAL PROPERTY OWNERS WE HAVE A GRANT PROGRAM IN PLACE AND WE ESTIMATE THAT THIS WILL COST US ABOUT TWO TO THREE MILLION DOLLARS OVER A THREE TO FIVE-YEAR PERIOD. ITEM 7 ON YOUR AGENDA IS AN ORDINANCE THAT AMENDS CHAPTER 15 OF THE CODE. BASICALLY THIS CODE -- CHAPTER 15 ADDRESSES UTILITY REGULATIONS. IT HAS COMPONENTS SUCH AS CROSS CONNECTIONS, FIRE HYDRANTS ACTION WASTE WALL STREET REGULATIONS. WHAT WE ARE ASKING COUNCIL TO APPROVE IS A NEW CHAPTER WITHIN THE CITY CODE THAT WOULD EXCLUSIVELY ADDRESS PRIVATE LATERAL REQUIREMENTS. THE PROPOSED REVISIONS TO THE CITY CODE WILL CONSOLIDATE KEY PROVISIONS REGARDING DEFECTIVE PRIVATE LATERALS. IT WILL HELP CLARIFY AND STRENGTHEN THE CITY'S AUTHORITY TO TEST AND INSPECT PRIVATE SEWER LATERALS. IT WILL IDENTIFY THE NOTIFICATION PROCESS FOR OUR CUSTOMERS. IT WILL ESTABLISH FINANCIAL ASSISTANCE AND OTHER INCENTIVES. IT WILL ALSO PROVIDE PROVISIONS FOR ENFORCEMENT OR COMPLIANCE REQUIREMENTS. THE UTILITY WILL PROVIDE TWO TYPES OF FINANCIAL ASSISTANCE, SO THIS IS -- 60 TO 70% OF THE FOLKS WILL TAKE CARE OF THEIR OWN PRIVATE LATERALS USING THEIR OWN FUNZ, SO THE REMAIN THE TWO CATEGORIES OF PEOPLE WHO WILL PROVIDE TWO TYPES OF FINANCIAL ASSISTANCE, LOW INCOME GRANT ASSISTANCE FOR RESIDENTIAL CUSTOMERS. WE HAVE EARMARKED USING THE H.U.D. STANDARDS USING 80% OF MEDIAN FAMILY INCOME AS A GUIDELINE, SO FOR A FAMILY OF FOUR IN AUSTIN, AROUND 57,000-DOLLAR INCOME OR LESS WOULD MAKE THEM ELIGIBLE FOR GRANTS. WE'RE PLANNING OR WE'RE ESTIMATING THAT A MAXIMUM AMOUNT FOR REPAIRING THESE LARLZ WOULD BE AROUND \$3,000. THESE GRANTS WOULD ONLY BE USED TO REPAIR THE LATERAL. THEY WOULD NOT BE USED FOR SUCH THINGS AS LANDSCAPING OR ANY OTHER TYPE OF HOME IMPROVEMENT. THE LOW INTEREST LOAN PROGRAM, WHICH IS ALSO ON YOUR AGENDA, AGENDA ITEM NUMBER 3, IS DESIGNED FOR RESIDENTIAL CUSTOMERS ALSO. IT WILL BE MANAGED BY THE VELOCITY CREDIT UNION. WE WENT OUT ON AN R.F.P. PROCESS SEEKING PROPOSALS BACK FROM FINANCIAL INSTITUTIONS TO HELP US GET THIS PROGRAM UNDER WAY. VELOCITY CREDIT UNION WAS THE ONLY FINANCIAL INSTITUTION THAT RESPONDED TO THIS R.F.P. THE CITY OR THE UTILITY WILL NOT GUARANTEE ANY REPAYMENT OF THE LOAN PRINCIPAL. THE MINIMUM AMOUNT THE CREDIT UNION HAS SET IS A THOUSAND DOLLARS, AND BASED ON OUR CRITERIA, THE MAXIMUM IS 3,000. WE WILL BUY-DOWN THE INTEREST RATE DOWN TO 2.9%. THE CURRENT UNCOLLATERALLIZED LOAN ISSUED BY CREDIT UNION RANGES ANYWHERE FROM 10.9 PERCENT TO 17.9 PERCENT. BUYING DOWN TO 2.9% WE'RE LOOKING AT AN INTEREST SPREAD OF EIGHT PERCENT TO 15 PERCENT. AND THESE LOANS WILL RANGE ANYWHERE FROM 24 MONTHS UP TO 60 MONTHS DEPENDING ON THE RESIDENTIAL OWNER'S INTEREST AND MEANS. SO WHAM THIS PROGRAM -- SO WHAT WILL THIS PROGRAM IN TERMS OF PROCESS WILL HAVE IN PLACE? THE UTILITY WILL CONDUCT -- THESE ARE IN GENERAL STEPS, COUNCIL. THERE WILL BE A LOT OF DETAILED STEPS WE WILL DEVELOP AS WE MOVE THROUGH THIS PROCESS. ON SITE INSPECTION AND TESTING WILL OCCUR FIRST. AS PART OF THAT INSPECTION AND TESTING, WE WILL BE USING SMOKE

TESTING, WE WILL BE USING TELEVISED LINE INSPECTIONS, DEPENDING ON THE SITUATION AND THE TYPE OF PRIVATE LATERAL WE'RE DEALING WITH. THOSE TWO TYPES OF METHODS WOULD BE THE PRIMARY TYPES OF INSPECTION METHODS WE WOULD BE USING. AS PART OF THAT PROCESS, WE WILL THEN IDENTIFY IF THERE ARE ANY DEFECTIVE LATERALS. WE WILL THEN NOTIFY OUR PROPERTY OWNER. THIS NOTIFICATION WILL AT LEAST AT A BARE MINIMUM WILL INCLUDE PICTURE OF THE DEFECT THAT WE FOUND, WHETHER IT'S SMOKE COMING OUT OF GROUND WHERE THE PRIVATE LATERAL IS, OR A PICTURE OF WHERE THE CLEANOUT CAP IS MISSING OR WHERE THE RAIN GUTTER SPOUT IS GOING INTO THE CLEANOUT CAP, SO IF WE HAD A TELEVISED LINE SNNGS DONE AND IT HAS BLOJ IN IT OR A DPLAK THE PIPE OR PARTS ARE MISSING, WE WILL HAVE ACTUAL PICTURE OF THE INSPECTION ATTACHED TO THE NOTICE. WE WILL PROVIDE DETAILS ABOUT THE FINANCING OPTIONS AVAILABLE TO THE CUSTOMER, ABOUT THE LOAN PROGRAM, ABOUT THE GRANT PROGRAM. WE WILL PROVIDE DETAILED LIST OF CONTACTS FOR THEM TO CONTACT US. FOR THE GRANT PROGRAMS, WE WILL ALSO ADVISE THEM THAT THE UTILITY WILL TAKE ON AND MANAGE THAT REPAIR AND REPLACEMENT OF THE LATERALS. THE HOMEOWNER WOULD NOT HAVE TO WORRY OR BE CONCERNED ABOUT TAKING BIDS, ABOUT FINDING PLUMBERS. THE UTILITY WILL TAKE CARE OF THAT PROCESS. THE UTILITY WILL WORK WITH THE PROPERTY OWNERS TO COMPLETE REPAIRS. THE NOTIFICATION WILL ALSO INCLUDE THAT 60 DAYS IS REQUIRED TO REPAIR THE LATERAL ONCE IT'S IDENTIFIED, BUT HERE, COUNCIL, WE WILL WORK WITH THE HOMEOWNERS. IF THEY REQUIRE 80 DAYS BECAUSE THEY HAVE SPECIAL SIKZ, SPECIAL NEEDS, WE WILL ACCOMMODATE THAT. AS A LAST RESORT, WE WILL ONLY USE THE ENFORCEMENT PROVISION 'IN THE NEW ORDINANCE IF FOR WHATEVER REASON WE CANNOT GET THE HONETORY RESPOND. IF SEWAGE IS EXPOSED OR IF THERE'S RAW SEWAGE COMING OUT OF THE PRIVATE LATERAL LINE, THERE ARE SPECIAL REQUIREMENTS FOR THAT. IT HAS TO BE ADDRESSED WITHIN 24 HOURS AND THE REPAIRS MUST BE COMPLETED WITHIN 30 DAYS. THE PUBLIC AND STAKEHOLDER PROCESS IS VERY EXTENSIVE, VERY INVOLVED. WE HAVE WORKED WITH VARIOUS STAKEHOLDER GROUPS. THIS INCLUDES CITY DEPARTMENTS, AUSTIN CLEAN WATER PROGRAM'S CITIZEN'S ADVISORY GROUP. THIS IS A GROUP MADE UP OF 28 VOLUNTEERS FROM DIFFERENT NEIGHBORHOODS, EDWARD'S AQUIFER CONSERVATION DISTRICT, CIVIC CLUB, A NUMBER OF DIFFERENT ORTIONZ, AUSTIN NEIGHBORHOOD COUNCIL. WE WORKED WITH THE MECHANICAL PLANNING AND SOLAR BOARD WEVMENT WORKED WITH THE ENVIRONMENTAL BOARD, WATER AND WASTEWATER COMMISSION. ALL THREE BOARDS AND COMMISSIONS HAVE UNANIMOUSLY APPROVED THIS PROPOSAL. YOU THE MECHANICAL, PLUMBING AND SOLAR BOARD APPROVED IT ON DECEMBER 19TH. WE GOT POSITIVE OVERRUNNING FEEDBACK AT THEIR NOVEMBER 13TH MEETING. THE ENVIRONMENTAL BOARD UNANIMOUSLY APPROVED ON DECEMBER 6TH. WATER AND WASTEWATER COMMISSION APPROVED ON DECEMBER 20TH. AND HERE WE ARE BEFORE COUNCIL ON JANUARY 25TH. IN CLOSING, I WOULD LIKE TO ADD THAT THE INTENT OF THIS PROGRAM IS TO HELP OUR CUSTOMERS, PROTECT OUR ENVIRONMENT AND WATERWAYS, HAVE A PERMANENT PROGRAM IN PLACE TO MITIGATE SANITARY SEWER OVERFLOWS, COMPLY WITH THE E.P.A. ADMINISTRATIVE ORDER, REDUCE OUR COSTS FOR

OPERATION AND MAINTENANCE AND CAPITAL, AND MOST IMPORTANTLY, THE IDENTIFICATION OR REPAIRS WILL OCCUR OVER AN EXTENDED PERIOD OF TIME. WE ANTICIPATE THIS WILL TAKE US THREE TO FIVE YEARS. THAT CONCLUDES MY PRESENTATION. I'LL GLAD TO ANSWER ANY QUESTIONS. COUNCILMEMBER MARTINEZ, I MAY NOT HAVE ANSWERED --

Dunkerley: THANK YOU VERY MUCH. I'D LIKE TO SEE IF COUNCILMEMBER MARTINEZ HAS ANY FOLLOW-UP QUESTIONS.

Martinez: I DO HAVE A COUPLE. I WANTED TO ASK ABOUT THE DATA THAT YOU'RE USING, THAT YOU USED TO NOTICE THESE FOLKS AND I WANTED TO FIND OUT HOW OLD IS THAT DATA?

WE HAVE NOT NOTIFIED ANY SCUMZ. WE WERE WAITING FOR COUNCIL AUTHORIZATION TO PROCEED. THE DATA IS ABOUT TWO YEARS OLD. WE HAVE COMPLETED SURVEYS, PRELIMINARY SURVEYS OF OUR WASTEWATER SYSTEM. ABOUT A FIFTH OF OUR SYSTEM HAS BEEN COMPLETED. SO WE HAVE TO GO BACK AND VERIFY FOR SPECIFIC DEFECTS BECAUSE SOME OF THOSE CUSTOMERS OR SOME OF THOSE PROPERTY OWNERS MAY NOT ALREADY ADDRESSED THOSE DEFECTS.

Martinez: SO IF A PROPERTY OWNER -- LET'S SAY A PROPERTY OWNER REMODELS THEIR HOME AND REBUILDS A NEW HOME AND THEY'VE REPLACED THE INFRASTRUCTURE, LARLT.....THE LATERAL LINES, AND THEY ARE NOTICED AS SOMEONE YOU FOUND A DEFECT IN, HOW DO THEY GO ABOUT APPEALING THIS NOTICE THAT YOU SENT SO THEY CAN PROVE OR VERIFY THAT THEY HAVE REPLACED THEIR LATERAL LINES AND THEY ARE IN COMPLIANCE?

WE WILL KEEP IT VERY SIMPLE, COUNCILMEMBER. IN THIS NOTIFICATION WE WILL HAVE THE CONTACT NABZ IF YOU HAVE RECEIVED THIS NOTICE IN ERROR AND YOU HAVE TAKEN OR ADDRESSED THE PRIVATE LATERAL DEFECT, PLEASE CONTACT THIS NUMBER. IT WILL BE AS SIMPLE AS THAT. AND ALL WE HAVE TO DO IS JUST REVERIFY IT AND CLOSE THAT CASE.

Martinez: IN YOUR PRESENTATION YOU TALKED ABOUT THIS IS PART OF A PROGRAM THAT WAS AN ADMINISTRATIVE ORDER FROM THE E.P.A. THAT REQUIRES US TO COME INTO COMPLIANCE BY 2009. IS THAT ADMINISTRATIVE ORDER, DOES IT SPEAK TO PRIVATE LATERAL LINES OR DOES IT JUST SPEAK TO THE PUBLIC LINES THAT WE IMPLEMENT AND OPERATE?

THE ADMINISTRATIVE ORDER VERY SPECIFICALLY SPEAKS TO THAT THE CITY SHALL ELIMINATE ALL SANITARY SEWER OVERFLOWS FROM ITS SYSTEM BY 2009. PRIVATE LATERALS ARE PART OF THAT. IT DOES NOT SPECIFICALLY SAY PRIVATE LATERALS.

Martinez: OKAY. SO I GUESS WHAT WE'RE SEEING HERE TODAY IS BASICALLY A

RECOMMENDATION FROM STAFF IN TERMS OF PUNITIVE FINES IF THERE'S NONCOMPLIANCE BECAUSE WE'RE TRYING TO ACHIEVE THIS COMPLETE GOAL OF COMPLYING WITH THE ADMINISTRATIVE ORDER BY 2009. WHAT....

YES, SIR.

Martinez: WHAT HAPPENS IF WE GET TO THE UNFORTUNATE SITUATION WHERE WE HAVE TO ISSUE A CITATION? IS THAT A ONE TIME CITATION UNTIL COMPLIANCE OR IS IT COMPOUNDED DAILY, MONTHLY, YEARLY?

IN THE ORDINANCE, THE STANDARD LANGUAGE IN ORDINANCE FOR SUCH OFFENSES, IT DOESN'T HAVE TO BE JUST WATER AND WASTEWATER, OTHER CODE ENFORCEMENT HAVE SIMILAR REQUIREMENTS, IT'S ON A DAILY BASIS.

Martinez: WOULD STAFF EXPLAIN THE IDEA OF POTENTIALLY GIVING A LITTLE BIT MORE TIME THAN 60 DAYS? I JUST FEEL LIKE WE'RE IN PROPERTY TAX SEASON AND THEN FOR SOME OF US WE'RE GOING TO BE IN FEDERAL INCOME TAX SEASON, THOSE OF US WHO OWE. AND I THINK IF YOU END UP HAVING A 3,000-DOLLAR REPAIR AND YOU'RE GIVEN A NOTICE THAT HAVE YOU 60 DAYS TO COMPLY, I'D LIKE TO SEE IF THERE'S ANY WAY POSSIBLE THAT WE CAN EXTEND THAT MAYBE TO 120 DAYS OR 180 DAYS?

THE REASON WE CAME UP WITH THE 60 DAY REQUIREMENT, THE CURRENT ORDINANCE HAS 60 DAYS IN IT, SO WE SIMPLY CARRY THAT FORWARD. THE OTHER REASON WE WANTED TO STAY WITH THE 60 DAY IS IT ENCOURAGES PEOPLE TO RESPOND. HOWEVER, THE UTILITY IS OPEN. WE WILL WORK WITH OUR SCUM. IF IT TAKES THEM 80 DAYS, WE WILL NOT BE CITING THEM OR TAKING THEM TO MUNICIPAL COURT. IF COUNCIL WANTS TO MAKE IT 120 DAYS, IT WOULD NOT NEGATIVELY IMPACT OUR PROGRAM.

Martinez: WHAT IS THE START DATE OF THE NOTIFICATION PROCESS? WHEN IS OUR PLAN TO START NOTIFYING?

IT WILL TAKE US AT LEAST 60 TO 90 DAYS TO HAVE THE VENDORS IN PLACE. WE WILL BE COMING BACK TO COUNCIL WITH A CONTRACT FOR THE GRANTS PROGRAM TO REPAIR THOSE LATERALS. SO IT WILL BE AT LEAST 90 DAYS. FOR THE INITIAL LETTERS TO BE GOING OUT TO CUSTOMERS AFTER THE REVERIFICATION OF THE FIRST SECTION OF THE STUDY, WE ANTICIPATE THOSE LETTERS WOULD NOT BE GOING OUT UNTIL MAYBE JUNE, JULY TIME FRAME.

Martinez: AND HAVE WE CONSIDERED THE FACT THAT ONCE THEY GO OUT OBVIOUSLY THERE WILL BE A RUSH TO FIND A CONTRACTOR WHO CAN PROVIDE THE REPAIRS THAT ARE NECESSARY. DO WE BELIEVE IN ANY WAY THAT THERE COULD BE ADDITIONAL DELAYS BECAUSE OF AVAILABILITY OF A PLUMBER OR A CONTRACTOR?

YES, SIR, THERE IS A VERY GOOD POSSIBILITY THAT MAY OCCUR. THE UTILITY IS OKAY ACTION IF COUNCIL WANTS TO CHANGE IT TO 120 DAYS, IT WOULD NOT NEGATIVELY IMPACT OUR PROGRAM.

Martinez: I REALLY APPRECIATE YOU ANSWERING ALL THESE QUESTIONS IN THE PRESENTATION. FOR ME IT'S JUST A MATTER OF TRYING TO MAKE SURE THE PUBLIC KNOWS WHAT'S ABOUT TO LAND IN THINK MAILBOX. I THINK THAT THE WORK THAT WE'RE DOING IS ABSOLUTELY NECESSARY. I REALIZE THAT WE'RE -- THAT A LOT OF RUNOFF WATER IS GETTING INTO OUR WASTEWATER LINES THAT CAUSES A LOT OF PROBLEMS AND ADDITIONAL COSTS, AND BY NONCOMPLIANCE IT ALSO CAWS ADDITIONAL FINES FROM THE E.P.A. SO I'M COMPLETELY SUPPORTIVE OF THAT, BUT I WOULD LIKE FOR TO US CONSIDER, IF IT'S OKAY WITH STAFF, TO ADD A LITTLE BIT MORE TIME TO THE COMPLIANCE, BECAUSE I THINK WE ARE GOING TO RUN INTO SOME PROTEST ISSUES, SOME QUESTIONS AND PROBABLY EVEN VAINLT OF CONTRACTORS AND PLUMBERS. AND I WANT TO GIVE ENOUGH TIME FOR THE COMPLIANCE TO HAPPEN AND FOR THOSE FOLKS TO GET THEIR LINES WE PAIRED. THANK YOU.

Dunkerley: COUNCILMEMBER KIM.

Kim: AND MAYOR PRO TEM, COUNCILMEMBER, THAT IS YOUR DISCRETION --

COUNCIL, THAT IS YOUR DISCRETION. IF YOU WOULD LIKE TO MAKE IT 90 OR 120, THAT IS AT COUNCIL'S DISCRETION AND WE WILL FOLLOW SUIT.

Dunkerley: COUNCILMEMBER KIM.

Kim: I WANTED TO ASK IN PARTICULAR FOR MULTI-FAMILY DWELLINGS WHAT WILL BE THE NOTIFICATION PROCESS? I HAVE A REQUEST FROM AN APARTMENT TENANTS THAT THEY'VE ASKED THE OWNERS OF THAT COMPLEX TO FIX THE PRIVATE LATERAL SEWAGE PROGRAM AND THEY -- PRIVATE LATERAL SEWAGE PRAB..... PROBLEM AND THEY HAVEN'T DONE THAT.

THE PROCESS IS EXACTLY THE SAME FOR COMMERCIAL, RESIDENTIAL, MULTI-FAMILY, THEY WOULD GET THE SAME NOTIFICATION. THEY WOULD HAVE THE SAME REQUIREMENTS FOR COMPLIANCE. THE ONLY DIFFERENCE IS THAT THE GRANTS AND LOAN PROGRAMS ARE AVAILABLE ONLY TO RESIDENTIAL HOMEOWNERS.

Kim: SO THEY'RE NOT AVAILABLE FOR MULTI-FAMILY COMPLEXES? WHICH IS FINE BECAUSE WE NEED TO MAKE SURE THAT GOES TO HOMEOWNERS THAT ARE -- IT'S THEIR HOMESTEAD.

WHATEVER THE FINAL NUMBER OF DAYS FOR COMPLIANCE WOULD BE PUT IN THE ORDINANCE, THEY WOULD HAVE TO COMPLY BY THAT.

Kim: HOW MUCH IS THE FINE PER DAY THAT WE WERE FACED WITH BY THE E.P.A. UNDER THE ADMINISTRATIVE ORDER? I REMEMBER IT WAS IN THE THOUSANDS. DO YOU RECALL?

IN ROUND NUMBERS IT WAS ABOUT \$30,000 A DAY.

Kim: OKAY. AND WE'VE GOT UNTIL 2009. AND THAT'S ONLY BECAUSE OF APPEALS AND REQUESTS FOR EXTENSIONS BY OUR CITY AND SHOWING THAT WE'VE MADE PROGRESS IN FIXING THE LEAKING SEWAGE PROBLEMS.

THAT'S CORRECT.

Kim: IS IT TRUE THAT ABOUT 50% OF THE SEWAGE THAT WE'RE LEAKING IS IN THE PRIVATE LATERAL LINES? I THINK THAT'S WHAT I WAS TOLD.

IT IS AN ESTIMATE BASED ON THE NUMBER OF OVERFLOWS WE HAVE SEEN IN OUR SYSTEM. IT'S ABOUT HALF AND HALF.

Kim: SO IF WE TAKE CARE OF THAT, IN ADDITION TO ALL THE PROGRAMS AND THE CONSTRUCTION PROJECTS WE SEE AROUND THE CITY, IF WE TAKE CARE OF THAT, IT WILL BE AT LEAST HALF OF THE PROBLEM RIGHT THERE.

THAT'S CORRECT. IT IS IMPORTANT TO NOTE -- IT'S VERY INTERESTING TO NOTE THAT WE HAVE JUST AS MANY NUMBER OF MILES OF PIPES ON THE PRIVATE LATERAL SIDE AS IT IS ON THE CITY SIDE. ON THE CITY SIDE WE MAY HAVE BIGGER PIPES, BUT IF YOU WERE TO LAY TIP TO TIP ALL PRIVATE LATERALS AND CITY OF AUSTIN SYSTEM --

...

Kim: FROM OUR MAIN LINE TO THEIR HOUSE BASICALLY. OKAY. WHERE THEY CONNECT.

THAT'S CORRECT.

Kim: I'M IN SUPPORT OF EXTENDING IT TO 90 DAYS. I DON'T KNOW ABOUT 120. I THINK YOU'VE MADE IT CLEAR THAT THE STAFF HAS THE FLEXIBILITY TO STAY IF YOU CONTACT A CONTRACTOR AND YOU'RE WAIT FOR SOMEONE, YOU CAN SHOW PROOF OR SOMETHING LIKE THAT, THAT THERE'S A GOOD FAITH EFFORT TO GET THAT REPAIRED IN A TIME MY MANNER, THAT THEY CAN STILL NOT HAVE TO GO THROUGH MUNICIPAL COURT ACTIONS AND FORCE THEM TO PAY A FINE IF THEY SHOW THEY ARE MAKING PROGRESS.

OUR GOAL IS TO HELP MAKE THE CUSTOMERS COMPLY.

Dunkerley: COUNCILMEMBER LEFFINGWELL.

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Leffingwell: THERE'S NO QUESTION IN MY MIND THAT WE HAVE TO DO THIS FOR HEALTH AND ENVIRONMENTAL ISSUES, BUT ALSO TO COMPLY WITH THE OAO FROM THE E.P.A. YOU SAID WE'RE PLAN TO GO DO THIS IN THREE TO PHI YEARS AND YET WE HAVE THE DEADLINE NOW OF 2009. FIVE YEARS WOULD BE 2012, WOULD IT NOT? I ASSUME YOU SAID THAT THE AO ONLY REFERS TO OVERFLOWS, BUT ALSO WE KNOW THAT OVERFLOWS IN THE LATERALS CONTRIBUTE TO OVERFLOWS IN THE MAIN LINES. I'M WONDER FG WE DON'T REPAIR THE LATERALS UNTIL 2012, WILL WE BE IN COMPLIANCE WITH THE E.P.A.'S ORDER, ADMINISTRATIVE ORDER, TO HAVE OVERFLOWS ELIMINATED BY 2009?

COUNCILMEMBER, WE'VE BEEN WORKING WITH THE E.P.A. AND THEY UNDERSTAND AND THEY RECOGNIZE THAT FIXING THIS NUMBER.....MANY NUMBER OF LARLZ, WORKING WITH PROPERTY OWNERS, THEIR EXPERIENCE HAS BEEN THAT IT WOULD BE AN UNREALISTIC EXPECTATION TO THEIR PART FOR THE CITY TO FIX ALL THESE PARTS BY 2009. THEY'RE WILLING TO WORK WITH US. AS LONG AS THEY'RE SEEING PROGRESS MADE BY THE CITY, WE'RE MAKING EFFORTS, WE'VE DONE A GREAT JOB ON THE CITY'S SIDE OF THE SEWER MAINS, SO THEY'RE COMFORTABLE WITH ALLOWING US TO TAKE THREE TO FIVE YEARS.

SO WILL THEY GIVE YOU A FORMAL EXTENSION UNTIL THESE LATERAL REPAIRS ARE COMPLETED OR IS THIS JUST A HANDSHAKE AGREEMENT OR HOW DOES IT WORK?

BASED ON OUR UNDERSTANDING IN OUR LAST MEETING WITH THE E.P.A. OFFICIALS, IF WE ARE TO FINISH THE 14 SPECIFIC TASKS THAT THEY HAVE LISTED IN THE E.P.A. ORDER AND WE FULLY COMPLY WITH THOSE, THEY WILL LIFT THAT ADMINISTRATIVE ORDER AND THEY WILL GIVE US TIME TO WORK ON THESE.

SO BASICALLY YOU'RE GOING TO WORK ON AN EXTENSION IF AND WHEN IT BECOMES NECESSARY BEFORE 2009? OR SOME KIND OF FLEXIBILITY --

THE PRIVATE LATERALS WOULD NOT REQUIRE ANY EXTENSION.

Leffingwell: OKAY. ANOTHER QUESTION ON THE LOANS, WHICH I THINK IS A GOOD IDEA THROUGH VELOCITY CREDIT UNION. I'M JUST CURIOUS HOW THAT WORKS. NORMALLY WHEN YOU GO TO THE BANK AND ASK FOR A LOAN, HAVE YOU TO MAKE AN APPLICATION AND HAVE YOU TO BE APPROVED FOR IT. IS THAT PROCESS -- DOES THAT PROCESS APPLY AND WHAT HAPPENS IF YOU DON'T GET APPROVED FOR YOUR LOAN?

THE CREDIT UNION IS GOING TO FOLLOW THEIR STANDARD PROCESS, COUNCILMEMBER. SO WHEN A HOMEOWNER OR PROPERTY OWNER COMES TO US, WE'LL SEE IF THEY'RE ELIGIBLE TO THE GRANT. IF THEY'RE NOT WE'LL DIRECT THEM TO VELOCITY CREDIT UNION. THEY WOULD HAVE TO QUALIFY ON THEIR OWN CREDITWORTHINESS AND THEIR CREDIT SCORE. SO THEY WOULD GO THROUGH THE REGULAR PROCESS OF APPLYING FOR THE

LOAN AND GETTING APPROVED. WE ANTICIPATE THAT AT LEAST 60% OF THOSE CUSTOMERS WILL GET APPROVED. THOSE CUSTOMERS THAT DO NOT HAVE THE FINANCIAL MEANS TO TAKE CARE OF IT ON THEIR OWN, THEY DON'T QUALIFY FOR THE GRANT AND THEY DON'T GET APPROVED BY THE CREDIT UNION FOR WHATEVER REASON, WE THINK THERE WILL BE A SMALL GROUP OF THOSE CUSTOMERS. WE WILL WORK DILIGENTLY WITH THAT SMALL GROUP OF CUSTOMERS TO-- IF THEY REQUIRE EXTRA TIME TO MAIBLG TO MAKE THOSE REPAIRS, WE'LL WORK WITH THEM.

Leffingwell: IT DOES LEAVE AN OPEN QUESTION ABOUT WHAT HAPPENS TO THESE REPAIRS FOR PEOPLE WHO DON'T QUALIFY FOR THE GRANTS AND ALSO CAN'T QUALIFY FOR THE LOAN. IT'S KIND OF A WE'LL WORK WITH THEM ANSWER, RIGHT?

AT THIS POINT WE DON'T HAVE ANY OTHER MEANS TO PROVIDE TO THEM OTHER THAN GIVE THEM MORE TIME TO EITHER SAVE MONEY OR BE ABLE TO USE THEIR LINE OF CREDIT IF THEY HAVE FREED UP SOME BY THAT EXTENSION OF TIME.

Dunkerley: COMMISSIONER.

Leffingwell: THANK YOU.

Kim: ISN'T THERE SOME WAY THAT A HOMEOWNER CAN DO THIS HIM OR HERSELF? THAT THEY DON'T NEED A MASTER PLUMBER? I REMEMBER HEARING THAT, RECALLING THAT INFORMATION. I'M NOT SAYING THAT EVERYONE WILL WANT TO DO THAT, BUT IS THAT AN OPTION AS WELL?

THE CITY'S PLUMBING CODE, AS I UNDERSTAND, IF YOU ARE A HOMEOWNER YOU CAN GET A HOMESTEAD EXEMPTION AND DO YOUR OWN WORK. SO YES, IT DOES NOT HAVE TO BE A MASTER PLUMBER TO PULL A PERMIT FROM THE CITY. THOSE ARE THE ONLY TWO WAYS YOU CAN DO IT. IF YOU'RE A HOMEOWNER AND YOU'RE OCCUPYING THE RESIDENCE AND YOU CAN PROVE IT AND PULL A PERMIT, YOU CAN DO THE WORK YOURSELF, IF NOT YOU NEED A MASTER PLUMBER.

Kim: AND IT WOULD STILL HAVE TO PASS INSPECTION?

RIGHT. THE FINAL INSPECTION WILL HAVE TO BE PASSED NO MATTER WHO DOES IT.

Kim: SO IF SOMEONE HAS SOME BASIC PLUNLING SKILLS AND THEY WANT TO DO IT THEMSELVES, THAT'S AN OPTION THAT THEY CAN DO THAT.

THAT'S CORRECT.

Kim: THANKS.

Dunkerley: DO YOU HAVE ANOTHER QUESTION, COUNCILMEMBER LEFFINGWELL?

Leffingwell: I JUST WANT TO SAY THAT I DON'T PLAN TO TRY TO HOLD THIS PROGRAM UP AT ALL, BUT I AM CONCERNED ABOUT THAT SCENARIO THAT I OUTLINED ABOUT A PERSON THAT CAN'T GET A GRANT OR A LOAN. SO AS WE GO FORWARD, I WANT TO TRY TO WORK WITH YOU TO SEE IF WE CAN EXPLORE HOW TO FORMALLY SOLVE THAT PROBLEM.

COUNCILMEMBER, WHEN WE WERE EXPLORING ALL THESE OPTIONS, WE HAVE NEVER DONE THIS BEFORE. WE ARE NOT AWARE OF ANY OTHER TEXAS CITY DOING IT. WE HAVE TALKED TO SABLS, DALLAS, HOUSTON, EL PASO, FORT WORTH. THEY'RE ALL WAITING FOR AUSTIN TO BE OUT THERE AND GET THIS IN PLACE. SO THEY'RE LOOKING FOR WHAT SOLUTION.....SOLUTIONS WE COME UP WITH SO THAT THEY CAN FOLLOW SUIT. WHEN WE WERE EXPLORING --

DID YOU CHECK WITH CORPUS?

YES, WE DID.

I'M JUST TEASING YOU.

THERE'S A WIDE RANGE OF OPTIONS. THIS PRIVATE LATERAL ISSUE IS NOT UNIQUE TO AUSTIN. IT'S A NATIONWIDE ISSUE. WHAT WE HAVE FOUND IS THERE'S A BROAD RANGE OF WHAT CITIES AND TOWN SHIPS ARE DOING. WE FOUND A TOWNSHIP IN PENNSYLVANIA THAT THE CITY OR THE TOWNSHIP HAS TAKEN ON THE RESPONSIBILITY OF REPAIRING THE PRIVATE LATERAL. THERE'S A CITY IN CALIFORNIA THAT -- CALIFORNIA OR KANSAS THAT ADDS AN INSURANCE FEE ON THE PROPERTY TAX, SO IF YOUR PRIVATE LATERAL GOES OUT, YOU CAN CALL THE CITY, THE CITY COMES OUT AND FIXES IT. IT'S A 50-DOLLAR ANNUAL ASSESSMENT. SO THERE'S A BROAD RANGE OF THESE OPTIONS. WHAT WE THOUGHT WE WOULD DO IS LET'S SEE HOW THIS WORK. WE'LL COME BACK TO COUNCIL. IF WE FIND A WHOLE BUNCH OF CUSTOMERS THAT FALL IN THIS CATEGORY, WE WILL COME BACK TO COUNCIL WITH THE SOLUTION.

COUNCILMEMBER, THAT'S WHAT I WAS GOING TO SUGGEST TOO. WHAT WE'LL BE DOING IS REPORTING BACK TO YOU ON WHAT WE'RE FINDING AND WHO'S FALLING INTO WHAT CATEGORY AND IF IT'S NOT WORKING, WE'LL BRAINSTORM ANOTHER WAY TO WORK THROUGH IT.

Leffingwell: AND I WOULD LIKE TO FORMALLY ASK FOR A REPORT ON HOW THE PROGRAM IS WORKING A YEAR FROM NOW.

ABSOLUTELY.

Dunkerley: IF THERE ARE NO OTHER QUESTIONS, COULD WE HAVE A MOTION ON ITEMS 3

AND 7?

Martinez: MAIP, I'LL MOVE -- MAYOR PRO TEM, I'LL MOVE APPROVAL, BUT ASK FOR THE 60 DAY COMPLIANCE TO BE EXTENDED TO 120 DAY COMPLIANCE.

Dunkerley: IS THERE A SECOND? THERE IS A MOTION AND A SECOND ON ITEM NUMBER 3 WITH THE 60-DAY CHANGE TO 120. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Kim: I THINK 120 DAYS IS A BIT GENEROUS AND I WOULD SUPPORT 90 DAYS, BUT NOT 120 DAYS, SO I'LL ABSTAIN FROM THIS ONE.

Martinez: THE ONLY REASON I'M MAKING IT 120 DAYS IS BECAUSE STAFF SAID THEY'RE COMPLETELY FINE WITH THAT. IF THEY WOULD HAVE HAD A PROBLEM WITH IT, I WOULDN'T HAVE A PROBLEM WITH 90 DAYS EITHER, BUT IF STAFF DOESN'T HAVE AN ISSUE WITH 120 DAYS -- COMPLIANCE IS WHAT WE WANT WITH THAT. IT'S WHAT WE'RE STRIVING FOR. I THINK GIVING HOMEOWNERS MORE TIME TO COME UP WITH THE FUNDS NECESSARY IS A GOOD THING AND I APPRECIATE YOUR WORK ON THIS.

Dunkerley: A MOTION ON ITEM NUMBER 7, WHICH IS CHANGING OUR CODE TO REFLECT THIS NEW PROGRAM. DO WE HAVE A MOTION ON THAT? SECOND? MOTION AND A SECOND FOR ITEM NUMBER 7. ALL IN FAVOR? THANK YOU VERY MUCH. AT THIS TIME THE CITY CLERK HAS NOTIFIED ME THAT THERE WERE TWO PEOPLE SIGNED UP ON ITEM NUMBER 21 THAT NOT ANYBODY SAW ON THE SIGN JUNE SHEET. SO IF WE COULD HAVE A RECRTD OF THAT ITEM HE -- RECONSIDERATION OF THAT ITEM, COULD WE HAVE A MOTION TO REOPEN ITEM NUMBER 21? HOW DO I DO THAT, CITY ATTORNEY?

YOU SIMPLY MAKE A MOTION TO RECONSIDER. ANY MEMBER OF COUNCIL WHO VOTED IN FAVOR OF THE AGENDA ITEM CAN MOVE TO HAVE IT RECONSIDERED.

Dunkerley: SINCE EVERYBODY VOTED IN FAVOR OF THE CONSENT ITEM, CAN I HAVE A MOTION TO RECONSIDER ITEM 21? SECOND? OKAY. ALL RIGHT. WE HAVE TWO SPEAKERS -- ALL IN FAVOR? ALL RIGHT. WILL THE TWO SPEAKERS COME FORWARD ON ITEM NUMBER 21.

WHILE THE SPEAKER IS COMING FORWARD, CLARIFICATIONS FROM THE LAW DEPARTMENT. ITEM NUMBER 7 ON OWE ITEM NUMBER 3 COUNCILMEMBER MARTINEZ ARE.... REFERD TO AS CHANGING THE 60 DAY PERIOD TO 120 DAY PERIOD. ITEM NUMBER 7 IS THE ITEM THAT ACTUALLY APPROVES THE ORDINANCE, SO IT IS MY ASSUMPTION THAT THE PROPOSED CHANGE FROM 60 TO 120 DAYS APPLIED TO THE MOTION ON ITEM 7 AS WELL. IS MY ASSUMPTION CORRECT? THANK YOU.

Dunkerley: WOULD YOU INTRODUCE YOURSELF? AND WELCOME.

THANK YOU VERY MUCH. I AM DR. TED NORRIS, AND I'M AN M.D. AND A Ph.D FROM THE UNIVERSITY OF TEXAS MEDICAL BRANCH. MAY I SAY THE ONLY OTHER BRANCH OF THE UNIVERSITY OF TEXAS EXCEPT AUSTIN. THERE ARE A FEW CENTERS IN TEXAS, BUT AUSTIN AND GALVESTON ARE THE ONLY BRANCHES. AND FOR YEARS WE EDUCATED THE ONLY PHYSICIANS WEST OF THE MISSISSIPPI RIVER. IN 1972 WE APPROVED THE ONGOING CONTRACTS THAT WE ARE ABOUT TO REENACT TODAY BY CONTRACTING FOR CONTINUED FLOR RID.....FLUORIDEATION OF OUR WATERS. THE LAST TIME IT WAS DISCUSSED, 1972. SINCE THAT TIME WE NOW REALIZE THAT THERE IS NO BENEFIT TO FLUORIDEATION AS THE RATIONAL NAIL PUTTING IT IN THE PUBLIC WATER SUPPLY. THERE IS NO BENEFIT TO DENTAL HEALTH. IT DIMINISHES DENTAL HEALTH. THE CASES WHERE PEOPLE HAVE HAD DILL TEAR JUST HEALTH EFFECTS FROM BONE CANCER TO LIVER TOXICITY TO ARTHRITIS, TO HYPOTHYROIDISM. THE MAIN THINGS THAT THE UNITED STATES GOES THROUGH, BECAUSE NOT TOO MANY OF OUR CITIES HAVE GONE AHEAD AND SHUT OFF. BUT MANY HAVE. ALL OF EUROPE, 98% OF EUROPE IS NO LONGER PUTS FLUORIDE IN THEIR WATER. PRETTY MUCH ALL OF THEM HAD STOPPED PUT ING IT IN THE WATER BY MID 1990'S. NO ONE DOES THAT ANYMORE THAT LOOKS AT ANY OF THE SCIENTIFIC DATA. IT IS REPLETE. HIGHLY QUESTIONABLE WHY WE STARTED TO BEGIN WITH. AND SADLY WE KNOW THAT MOST OF OUR SCIENCE TODAY, AND THIS IS WELL DOCUMENTED EVEN IN THE SCIENTIFIC AND MEDICAL JOURNALS, THERE'S NOT MUCH SCIENCE ANYMORE, IT'S BOUGHT BY THE CORPORATIONS. PERHAPS THIS WAS ONE OF THE EARLIEST ONES WHERE A WASTE PRODUCT THAT THE CORPORATIONS WERE HAVING A DIFFICULT TIME GETTING RID OF SAID, OH, LET'S MAKE A PROFIT. LET'S PUT IT IN THE WATER SUPPLY AND SAY IT HELPS. I DON'T KNOW HOW CLOSE I'M GETTING THREE MINUTES, BUT I WOULD GO ON AND ON IN TERMS OF DEPRESSION, FATIGUE, ARTHRITIS, ALMOST EVERY DISEASE. FLUORIDE IS A VERY POWERFUL -- OF A VERY POWERFUL GROUP, IT'S THE MOST POWERFUL CHEMICAL. IT IS THE MOST TOXIC, IT'S THE MOST INTENSE. I URGE YOU TO BEGIN TO LOOK AT THIS AND AT LEAST POSTPONE PUTTING MORE FLUORIDE IN THE PUBLIC WATER SUPPLY.

Dunkerley: THANK YOU. OUR SECOND SPEAKER...

MY NAME IS RICHARD REEVES. I'M GETTING TO BE TOO MUCH OF A REPRESENTING AT THESE EVENTS. I WOULD RECOMMEND A WEBSITE, FLUORIDE ALERT.ORG. AND OF COURSE THE SPELLING OF FLUORIDE IS FLUORIDE ALERT.ORG. SOME OF THE THINGS YOU WILL FIND ON THAT WEBSITE, 10 FACTS ABOUT FLUORIDE, 50 REASONS TO ONS FLUORIDE ATION. THE ABSURDITIES OF WATER WITH FLUORIDE. WHY THE E.P.A.'S HEAD QUARTERS UNION OF SCIENTISTS S OPPOSES IT. WHY I CHANGED MY MIND ABOUT WATER FLUORIDE. FLOR RID ADDITION TIME FOR SECOND LOOK, MAY 10th OF 2001. FLUORIDEATION AND HUMAN RIGHTS. THAT WAS A STUDY IN 2003. THOSE ARE JUST SOME OF THE TOPICS AND HEADLINE OF STORIES THAT YOU WILL FIND AT THIS WEBSITE FLOWER RIDEALERT -- FLUORIDEALERT.ORG. LIKE HE STATED, ABOUT 98% OF WESTERN EUROPE HAS CHOSEN FLUORIDE-FREE WATER FOR THEIR POPULATIONS. FLUORIDE IS THE ONLY CHEMICAL

ADDED TO DRINKING WATER FOR THE PURPOSES OF MEDICATION. FLUORIDE WATER IS NO LONGER RECOMMEND FOR BABIES. IN NOVEMBER OF 2006 THE AMERICAN DENTAL ASSOCIATION ADVISED THAT PARENTS SHOULD AVOID GIVING BABIES FLUORIDE WATER. OTHER RESEARCHERS HAVE MADE SIMILAR RECOMMENDATIONS. AND THERE ARE BETTER WAYS OF ADDING -- DELIVERING FLUORIDE THAN ADDING IT TO WATER. MANY INFANTS AND OTHER AT RISK POPULATIONS ARE PUT IN HARM'S WAY. IT'S NOT ONLY WRONG, BUT UNNECESSARY. AS WESTERN..... EUROPE HAS DEMONSTRATED, THERE ARE OTHER WAYS TO DELIVER IT TO PEOPLE WHO WANT IT. INGESTION OF FLUORIDE HAS LITTLE BENEFITS, BUT MANY RISKS. FLUORIDE'S RISK TO HEALTH, WHICH INVOLVES MANY MORE TISSUES THAN THE TEETH, RESULT FROM BEING SWALLOWED. FOR EXAMPLE, RISK TO THE BRAIN. ACCORDING TO THE NATIONAL RESEARCH COUNCIL, ALSO KNOWN AS THE NRC, FLUORIDE CAN DAMAGE THE BRAIN. ANIMAL STUDIES CONDUCTED IN THE 1990'S BY E.P.A. SCIENTISTS FIND EFFECTS AT THE SAME CONCENTRATION, ONE PART PER MILLION, USED TO FLOR DATE WATER. WHILE HUMAN STUDIES HAVE FOUND ADVERSE AFFECTS ON IQ'S AT LEEFLZ AT THROW AS ONE .9 PARTS PER MILLION. RISKS TO THE THYROID GLAND. FLUORIDE IS AN ENDOCRINE DISRUPTER. YOU MIGHT WANT TO TYPE THAT INTO A SEARCH ENGINE. MOST NOTABLY THE NRC HAS WARNED THAT DOSES OF FLUORIDE ARE ACHIEVABLE BY DRINKING WATER MAY REDUCE THE FUNCTION OF THE THYROID. IS THERE ANY WONDER OR CHILDREN ARE GETTING OVERWEIGHT. I RECOMMEND A POSTPONEMENT ON THIS ITEM AND PLEASE VISIT FLUORIDEALERT.ORG.

Dunkerley: THANK YOU VERY MUCH. COUNCIL, IF THERE ARE NO QUESTIONS, COULD WE RECONSIDER THIS ITEM? THERE IS A MOTION AND SECOND FOR ITEM NUMBER 21. ALL THOSE IN FAVOR, PLEASE SAY AYE? THANK YOU VERY MUCH. NOW IF WE COULD GO TO OUR 10 10:30 PRESENTATION ON THE TRAFFIC RELATED FATALITIES AND MITIGATION EFFORTS. SO I THINK MOST OF YOU HAVE A COPY OF THIS AT YOUR PLACE.

MIKE, I THINK YOU WILL START US OFF.

GOOD MORNING, MAYOR PRO TEM AND COUNCIL, ASSISTANT CITY MANAGER MICHAEL MCDONALD. DURING THE DECEMBER 14TH 2001 MEETING LAST YEAR, COUNCILMEMBER MARTINEZ REQUESTED A BRIEFING ON TRAFFIC FATALITIES. MORE SPECIFICALLY WHAT CAN WE DO TO MITIGATE DEATH ON OUR ROADWAYS. IN 2006 AUSTIN HAD THE SECOND LOWEST TRAFFIC FATALITY RATE PER 100,000 OF POPULATION IN THE STATE OF TEXAS. BUT THAT'S NOT ENOUGH. ANY LOSS OF LIFE DUE TO A TRAFFIC FATALITY IS A TRAVESTY AND WE RECOGNIZE THAT. YEAR TO DATE A.P.D. HAS FIVE ONGOING TRAFFIC INVESTIGATIONS FOR FATALITIES. THIS MORNING ASSISTANT CHIEF OF POLICE DAVID CARTER WILL BE PROVIDING YOU WITH STATISTICS ON TRAFFIC FATALITIES AND HIGHLIGHT A.P.D.'S STRATEGY TO IMPACT AND LESSEN OUR TRAFFIC FATALITY RATE IN THE UPCOMING YEAR. I'LL TURN IT OVER TO ASSISTANT CHIEF CARTER.

GOOD MORNING, MAYOR PRO TEM, COUNCILMEMBERS, CITY MANAGER. I'M DAVID CARTER, ASSISTANT CHIEF OF THE AUSTIN POLICE DEPARTMENT. I'M HERE THIS MORNING TO

BASICALLY TELL YOU OR PROVIDE YOU THE AUSTIN POLICE DEPARTMENT'S VIEW OF WHAT HAPPENED IN 2006 AS IT RELATES TO TRAFFIC FATALITIES AND ALSO OUR ONGOING OPERATIONS REGARDING THE PREVENTION OF ADDITIONAL TRAFFIC FATALITIES THIS YEAR. THE PRESENTATION BASICALLY IS IN TWO PARTS. THE FIRST PART RELATES TO ACTUAL OUR ANALYSIS OF 2006 AND THEN WE'LL TALK ABOUT WHAT WE'RE ACTUALLY DOING THIS YEAR. FIRST OFF, IN 2006 I REGRET TO INFORM YOU 64 PEOPLE LOST THEIR LIVES ON AUSTIN'S ROADWAYS. AS I ALSO OVERSEE THE AUSTIN POLICE DEPARTMENT HOMICIDE UNIT, I NOTE THAT WE SUFFERED 21 HOMICIDES, CRIMINAL HOMICIDES IN 2006, BUT 64 FATAL CRASHES. SO OBJECT..... OBVIOUSLY IT MEANS THAT OUR RESIDENTS AND VISITOR ARE THREE TIMES MORE LIKELY TO DIE IN A FATAL CRASH THAN THEY ARE TO BE MURDERED. THE INTERESTING THING IS THAT IN 2006 WE ACTUALLY HAD FEWER FATAL CRASHES, 54 FATAL CRASHES, IN 2005 WE HAD 57. WE'RE GLAD THAT WE HAD FEWER. WE'RE NOT HAPPY ABOUT ANY FATAL CRASH, BUT WE'RE GLAD WE HAD FEWER FATAL CRASHES, BUT THE PROBLEM WE HAD MORE IN THOSE CRASHES. I'M GOING TO BASICALLY TALK ABOUT OUR ANALYSIS OF THESE CRASH TIMES. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] CAN

... I HAVE A GRAPH THAT EXPLAINS THE COMPARISON GOING BACK TO 1987 AS WE WANT TO SEE WHAT THE TRENDS ARE SO WE CAN BEST ATTACK THOSE TRENDS AND IF YOU'LL NOTICE THAT THE BAR CHART -- THE BARS BASICALLY INDICATE THE ACTUAL NUMBER -- THE ACTUAL NUMBER OF DEATHS EACH YEAR. THE ONE THING THAT WE DO, AND WE ALL UNDERSTAND AND KNOW, THE AUSTIN POPULATION IS GROWING SO WE ALSO KIND OF TRY AND TRACK FATALITIES PER 100,000, AND IN THE PAST YEAR WE SUFFERED NINE PER ONE HUNDRED THOUSAND AND YOU CAN SEE THAT WAS A SLIGHT INCREASE FROM THE YEAR BEFORE. THIS CHART HERE BASICALLY EXPLAINS WHERE AUSTIN RATES WHEN IT COMES TO LARGE CITIES IN TEXAS. WE ALSO ADDED CHARLOTTE MECKLENBERG HERE, IT'S A CITY SOME HAD AN AN INTEREST IN, IN TERMS OF DIVERSITY SIZE, SOME OTHER ISSUES HERE, YOU'LL SEE THAT IT IS AT 9 PER ONE HUNDRED THOUSAND, AT THE TOP OF THE CHART IT SAYS 13.2 PER ONE HUNDRED THOUSAND, JUST FOR REFERENCE CHARLOTTE MECKLENBERG WAS AT 10.3. A LITTLE HIGHER THAN AUSTIN. WE UNDERSTAND THAT TRAFFIC ENFORCEMENT IS ONE OF THE MAJOR COMPONENTS THAT ADDRESSED TRAFFIC FATALITIES AND TRAFFIC SAFETY, THERE'S BEEN CORRELATIONS TO BASICALLY INDICATE THE NUMBER OF CITATIONS THAT ARE WRITTEN MAY HAVE AN EFFECT ON THE NUMBER OF FATALITIES THAT YOU HAVE. JUST KIND OF SELF INTUITIVE, BUT WHAT WE WANT TO DO IS WE WANT TO TRACK OUR TRAFFIC ENFORCEMENT ACTIVITY. SO 2006, IF YOU'LL NOTICE S. THAT OUR COMBINED TRAFFIC ENFORCEMENT ACTIONS WHICH IS THE WRITTEN CITATION WHERE SOMEBODY HAS TO SHOW UP FOR COURT OR PAY THE FINE OR A WRITTEN WARNING WHERE THE PERSON DOES NOT HAVE TO ACTUALLY SHOW UP BUT IS BASICALLY A WARNING OF THEIR CONDUCT COULD BE DANGEROUS IS 252,000 WHICH IS SLIGHTLY BELOW THE YEAR BEFORE, WRITTEN WARNING WARNINGS WERE UP SLIGHTLY. AS I FIRST MENTIONED, IMPAIRMENT OF DRIVERS IS THE MAJOR ISSUE IN TRAFFIC CRASHES OR FATAL TRAFFIC CRASHES AND WE ALSO ARE VERY INTERESTED TO KNOW WHAT WE'RE DOING, AS

FAR AS OUR ENFORCEMENT EFFORTS IN D.W.I., AND IF YOU'LL NOTICE, THE CHART SHOWS A SLIGHT DECREASE, WE HAVE 5600 OR 5666 IN 2006, THAT IS ARRESTS. THE PREVIOUS YEAR WAS 5692, VERY SMALL INCREMENT. I ALSO WOULD NOTE WE DON'T ACTUALLY HAVE ALL THE DATA, I THINK THIS YEAR WOULD BE VERY SIMILAR TO LAST YEAR IN TERMS OF D.W.I. ARRESTS. WE KNOW THAT D.W.I. IS A CONSIDERABLE PROBLEM HERE, AND WHAT I WOULD LIKE TO POINT OUT IS WHERE AUSTIN STACKS UP IN ARRESTS PER ONE HUNDRED THOUSAND COMPARED TO OTHER CITIES IN TEXAS, OTHER LARGE CITIES. HOUSTON, FOR EXAMPLE, HAS 226 ARRESTS PER 100,000 PEOPLE FOR D.W.I., AS YOU CAN SEE, AUSTIN IS 800 NOW. I WOULD STRESS I DON'T THINK NECESSARILY THAT SOMETHING TO BE PROUD OF THAT WE HAVE TO ARREST THAT MANY PEOPLE OUT HERE, BUT IMPAIRED DRIVING IS A PROBLEM, BUT IT DOES SHOW THAT WE'RE SPENDING CONSIDERABLE ASSETS AND EFFORT AND ENERGY ON D.W.I. ENFORCEMENT NOW, LET'S TALK ABOUT 2007, CURRENT CALENDAR YEAR, WHAT WE'RE ACTUALLY DOING. LOOKING AT WHAT WE DID LAST YEAR, IN TERMS OF OUR EFFORTS, SEEING WHAT -- WHERE IF THERE'S ROOM FOR IMPROVEMENT, FINDING THE AREAS THAT WE THINK ARE THE BEST PRACTICES, THINGS THAT WERE SUCCESSFUL, WE KNOW THAT TRAFFIC SAFETY REALLY, YOU KNOW, SOME OF THE MAJOR ISSUES BASICALLY TO COMBAT THIS, YOU HAVE TO HAVE THE ENFORCEMENT THAT I TALKED ABOUT, YOU HAVE TO HAVE GOOD INVESTIGATIONS. SO WE'RE GOING TO CONTINUE OUR EFFORTS ALONG THE MAJOR THOROUGHFARES IN AUSTIN. THAT'S OBVIOUSLY WHERE QUIEN OR THE VAST MA -- QUITE A NUMBER OR THE VAST MAJORITY OF OUR FATAL TRAFFIC ACCIDENTS ARE OCCURRING. ONE AREA WE MIGHT BE ABLE TO IMPROVE UPON JUST A LITTLE BIT IS THE NEIGHBORHOOD TRAFFIC ISSUES AND WE RECOGNIZE THAT THE NEIGHBORHOODS IN AUSTIN, NOW SHOW IN TERMS OF TRAFFIC SAFETY, ARE SAFE, BUT WHAT HAPPENS IS YOU HAVE -- FREQUENTLY HAVE CITIZENS WHO CALL AND COMPLAIN ABOUT SPEEDERS OR ISSUES WITHIN THEIR GIVEN NEIGHBORHOOD, AND WHAT THAT DOES, WE RECOGNIZE THAT CREATES A PERCEPTION -- THAT CREATE AS PER EXCEPTION THEY'RE NOT SAFE IN THEIR NEIGHBORHOOD, SO WE HAVE TO BE ABLE TO ADDRESS THOSE KIND OF ISSUES. ONE OF THE AUSTIN POLICE DEPARTMENT'S PRIMARY MISSIONS IS BASICALLY NOT ONLY TO MAKE SURE THE PEOPLE ARE SAFE, BUT THEY ALSO FEEL SAFE. SO WE LOOKED AT THIS A LITTLE BIT CLOSER, AND WHAT WE THINK, AS WE HAD A SLIGHT DISCONNECT BETWEEN OUR CENTRALIZED TRAFFIC EFFORTS AND OUR NEIGHBORHOOD TRAFFIC EFFORTS, WE'RE GOING TO STRENGTHEN OUR CONNECTION AND OUR INVOLVEMENT OF OUR AREA COMMANDERS, AS YOU'RE WELL AWARE OF, THE CITY IS DIVIDED INTO NINE AREA COMMANDS SO WE'RE LOOKING TO FIGURE OUT WAIPS THAT WE CAN IMPROVE THE COMMUNICATION BETWEEN THE AREA COMMANDER AND PROVIDE THAT AREA COMMANDER WITH ANALYSIS THAT HE OR SHE CAN USE TO GOOD EFFECT. DIFFERENTLY THIS YEAR THAN WE'VE DONE IN THE PAST IS WE ACTUALLY NOW CURRENTLY HAVE A CONTRACT WITH THE SHERRY MATTHEWS ADVERTISING ORGANIZATION AND THEY ARE ACTUALLY GOING TO PRESENT TO US WITHIN A WEEK OR SO SOME SUGGESTIONS ON PSAs, PUBLIC SERVICE ANNOUNCEMENTS AND WE'RE GOING TO HAVE THEM TARGET IMPAIRMENT AND ALSO SPANISH SPEAKING CITIZENS IN AUSTIN AS WELL. AT THE END OF 2006, WE EMBARKED ON SOMEWHAT OF A KIND OF A DIFFERENT AND UNUSUAL PARTNERSHIP WITH

THE UNIVERSITY OF TEXAS. WE REACHED OUT TO THE ADVERTISING DEPARTMENT, AND ASKED THEM TO LOOK AND SEE IF THEY COULD ENTERTAIN SOME IDEAS THAT MIGHT HELP US GET THE MESSAGE OUT ABOUT THE DRIVING CULTURE IN AUSTIN. THE TERM DRIVING CULTURE IS AN EXPRESSION THAT THE AUSTIN POLICE DEPARTMENT USES TO EXPLAIN HOW A CITY OR ABOUT AREA FEELS ABOUT DRIVING. WHAT KIND OF BEHAVIORS ARE ACCEPTABLE. HOW DO CITIZENS FEEL ABOUT THAT? AND WE'VE DISCOVERED USING SOME OF THESE SENIORS IN THE ADVERTISING CLASSES AT THE UNIVERSITY OF TEXAS THAT COME UP WITH SOME DRAMATIC IDEAS AND WE HOPE TO TRY AND DEVELOP THOSE IN THIS CURRENT YEAR. TRAFFIC ANALYSTS COME UP WITH GOOD INFORMATION. WELL -- ONCE WE GET THAT INFORMATION, WE GO AND WE TAKE OUR CENTRALIZED TRAFFIC UNIT AND PLACE THEM IN CONSPICUOUS LOCATIONS IN PLACES WHERE WE THINK THE FATAL TRAFFIC CRASHES ARE LIKELY TO OCCUR. BUT WE RECOGNIZE IN THE NEXT BULLET POINT WE NEED TO EXPAND THE NEIGHBORHOOD TRAFFIC EFFORT AND ONE OF THE WAYS I THINK THAT IS GOING TO BE HELPFUL WHEN WE GIVE THIS ANALYSIS TO THE AREA COMMANDER, HE OR SHE CAN WORK WITH THE CITIZENS TO HELP THEM UNDERSTAND THAT THEIR NEIGHBORHOOD MAY BE SAFE BUT THERE MAY BE AREAS IN IT THAT NEED A LITTLE BIT MORE FOCUS AND THAT IS SOMETHING WE NEED TO WORK ON,.. 45% OF OUR FATAL CRASHES OCCURRING DURING THE DAYLIGHT HOURS. ALSO BETWEEN 6 A.M. AND 7 P.M., THIS IS INTUITIVE, THIS IS WHEN WE HAVE OUR TRAFFIC MANAGEMENT ISSUES THAT WE HAVE TO DEAL WITH, SO WE WILL CONTINUE TO WORK PUTTING OUT OUR CENTRALIZED POLICE UNITS OUT ON THE FREEWAYS, MAJOR ROADWAYS AT THESE CRITICAL TIMES. WE CONTINUE TO USE THE HELICOPTER AND FIXED WING TO ALSO ASSIST US IN TRAFFIC ENFORCEMENT AND ALSO TRAFFIC MANAGEMENT. THE RUSH HOUR ZONES, WHICH WERE CREATED LAST YEAR, ARE BASICALLY REMAIN MUCH THE SAME, WE TRY AND APPLY DURING THESE CRITICAL TIMES FROM 6 A.M. TO 9 A.M. AND 4 P.M. TO 7 P.M., POLICE UNITS OUT IN THESE ZONES AT THE TIME BASICALLY NOT ONLY TO ENSURE THE SAFETY OF THE PUBLIC, CLEAR, MINOR CRASHES AS SOON AS POSSIBLE, BECAUSE SOMETIMES THOSE SECONDARY CRASHES ARE WORST THAN THE FIRST. CRASH REDUCTION ENFORCEMENT ZONES, WHAT THIS REALLY IS. IS THIS..... IS, IS THIS IS ABOUT ATTACKING THE DRIVING CULTURE, ESPECIALLY SPEED, FAILING TO YIELD RIGHT OF WAY, ALL OF THOSE KIND OF ISSUES THAT WE KNOW CREATE SAFETY CONCERNS AND ALSO CAUSE FATAL CRASHES. ONCE AGAIN, I MENTIONED HERE, WE'RE LOOKING AT A SYSTEM OF IMPROVED REPORTING AND ACCOUNTABILITY BETWEEN THE CENTRAL TRAFFIC UNITS AND THE AREA COMMAND UNITS. WE WILL EXPAND AND WORK UPON THE WOLF PACK TEAM, WOLF PACK IS BASICALLY WHERE THE UNIT, EITHER THE MOTORCYCLE UNITS IN CONJUNCTION WITH THE HIGHWAY ENFORCEMENT COME TOGETHER AND SATURATE A GIVEN AREA WITH THE IDEA OF MODIFYING BEHAVIOR IN THAT PARTICULAR AREA. NIGHTTIME ENFORCEMENT STRATEGY BOILS DOWN TO D.W.I. ENFORCEMENT AND -- IT REALLY DOES. AS WE MENTIONED, THIS IS WHEN 55% OF FATAL ACCIDENT AND SERIOUS INJURY OCCURS, AS THE NIGHT GETS LATER HOURS, TOWARD MIDNIGHT AND TOWARD TWO A.M., WE'RE HAVING ISSUES WITH IMPAIRED DRIVERS, SO WE WANT TO BASICALLY STRENGTHEN AS MUCH AS POSSIBLE OUR D.W.I. ENFORCEMENT....MENT TEAMS, THE D.W.I. ENFORCEMENT TEAMS ARE NOT ONLY OUT

THERE ENFORCING THE D.W.I. LAW, BUT ONE OF THE THINGS THEY OPERATE, THE BREATH ALCOHOL TESTING VEHICLE THAT WE CURRENTLY HAVE. WHAT WE'VE FOUND IS THIS HAS BEEN A GREAT SUCCESS. IT HELPS US IN TERMS OF EFFECTIVENESS AND EFFICIENCY AND PROCESSING D.W.I. ARRESTS SO WE CAN GET THE OFFICERS BACK ON THE STREET QUICKER. EACH TIME AN OFFICER PROCESSES A D.W.I. THROUGH THE BREATH ALCOHOL TESTING VEHICLE, ONE AND A HALF HOURS SAVED, AND THEN BASICALLY WE'RE LOOKING AT 3100 MAN HOURS ARE SAVED IN 2006. VERY SUCCESSFUL PROGRAM. WE ALSO PILOTED A PROGRAM LAST YEAR WITH THE USE OF BLOOD SEARCH WARRANTS, BLOOD ALCOHOL SEARCH WARRANTS. ONE OF THE ISSUES THAT COMES UP FREQUENTLY IN TERMS OF COURT, PEOPLE -- YOU KNOW, IT MAY NOT BE IMMEDIATELY KNOWN, BUT PEOPLE SOMETIMES REFUSE TO SUBMIT TO BREATH TESTS, AND THERE ARE SANCTIONS FOR THAT. THERE ARE COURT SANCTIONS, A VARIETY OF THINGS THAT HAVE TO OCCUR THERE, BUT THE TECHNIQUE OF USING A BLOOD SEARCH WARRANT HAS CHANGED THAT CONSIDERABLY SO WE TRY TO PIE -- TRIAD PILOT PROJECT USING OUR CENTRALIZED HIGHWAY ENFORCEMENT D.W.I. TEAMS AND WE'RE LOOKING TO EXPAND THAT THROUGHOUT THE CITY. SEAT BELTS, AS WE MENTIONED, THAT IS OBVIOUSLY A MAJOR CONCERN WHEN IT COMES TO TRAFFIC FATALITIES. AUSTIN, AS I MENTIONED, HAS A HIGH COMPLIANCE RATE. IT'S PRETTY GOOD. 92%. COMPLIANCE RATE COMPARED TO A LOT OF CITIES CONSIDERABLY LOWER THAN THAT, THE PROBLEM IS, AMONG THAT 8% THAT ARE NOT WEARING THEIR SEAT BELTS, A LARGE NUMBER OF OUR FATAL CRASHES, AS WE MENTION RESIDENCE DISTRICT THE RESULT OF NOT WEARING SEAT BELTS, SO WE REALLY NEED TO PUT OUT AN EMPHASIS ON SEAT BELT USAGE TO ALSO LESSEN THAT NUMBER OF TRAFFIC FATALITIES. WE CONTINUE TO DO THAT WITH GOOD EFFECT WORKING WITH THE AREA COMMANDERS FORUMS, SAFETY FAIR, THINGS SUCH AS THAT, TO HELP IMPROVE THE USAGE OF SEAT BELTS. ONCE AGAIN, THE DRIVING CULTURE AWARENESS, AND WHAT THAT IS, IS LIKE I SAID, THAT IS A TERM THAT IS USED WITHIN THE AUSTIN POLICE DEPARTMENT TO KIND OF UNDERSTAND AND DESCRIBE THE DRIVING BEHAVIORS IN THE AUSTIN AREA. SPEED IS ONE OF THOSE, AND SPEED IS OBVIOUSLY ONE OF THE MAJOR FACTORS CONTRIBUTING TO FATAL CRASHES. ONCE AGAIN, I TALK ABOUT THE UNIVERSITY OF TEXAS ADVERTISING CLASS, THE PARTNERSHIP, THAT IS A REPEAT OF SORTS, BUT IT'S A PROGRAM WE THINK WILL HAVE GREAT POSSIBILITIES. VOLUNTARY COMPLIANCE IS REALLY WHAT WE SEEK. I MEAN IT'S NOT ABOUT US WRITING TICKETS OR INITIATING TRAFFIC STOPS, BUT IT'S ABOUT CHANGING AUSTIN'S DRIVING CULTURE TO VOLUNTARY COMPLIANCE, GETTING PEOPLE'S ATTENTION. ALCOHOL ONCE AGAIN. WE ARE WORKING WITH D.W.I. ENFORCEMENT, WE'RE DOING SOME INTENSIVE TRAINING WITH OUR CADETS AND ROOKIES, WE'RE ALSO PARTNERING WITH OTHER LOCAL LAW ENFORCEMENT AGENCIES, AS WELL, AND THIS YEAR I MENTIONED TO YOU ABOUT THE SUCCESS OF THE BREATH ALCOHOL TESTING VEHICLE, WE HAVE A GRANT TO OBTAIN A NEW ONE, SECOND ONE LATER THIS YEAR. WE LOOK FORWARD TO THAT, EXPANDING UPON THE BLOOD SEARCH WARRANT, THE SHERRY MATTHEWS CAMPAIGN, AS I MENTIONED BEFORE. WE'RE REALLY FOCUSING ON IMPAIRED DRIVING AND ALSO SPANISH SPEAKING PUBLIC SERVICE ANNOUNCEMENTS, EDUCATION PIECE PLAYS A ROLE IN THIS. THIS IS -- THESE ARE THINGS

THAT WE THINK ARE VERY, VERY IMPORTANT WE'RE GOING TO CONTINUE, THE TRAFFIC EDUCATION COORDINATOR COMES TO US THROUGH OUR HIGHWAY ENFORCEMENT THROUGH A GRANT AND THAT PERSON BASICALLY WORKS WITH OUR POLICE OFFICERS TO DO COMMUNITY OUTREACH, OUTREACH WITH SCHOOLS. THE PUBLIC AND PRIVATE SECTOR PARTNERSHIPS SUCH AS THE REGIONAL ALCOHOL ISSUES NETWORK IS ONGOING. THAT WAS ESTABLISHED LAST YEAR, WE'RE HOPING TO STRENGTHEN THAT AS WELL AS OUR AFD TEAMS SAFE DRIVING CAMPAIGNS. IN CLOSING BASICALLY CRASHES ARE NOT ACCIDENTS, I'VE SAID THAT BEFORE, THE POLICE DEPARTMENT HAS SAID THAT BEFORE, WHEN WE TALK ABOUT THAT, WE WANT PEOPLE TO UNDERSTAND AN ACCIDENT SUGGESTS SOMETHING FREAKY,...Y SOMETHING THAT IS NOT -- THAT JUST OCCURRED, THAT NOBODY CAN DO ANYTHING ABOUT. OUR ANALYSIS OF THE TRAFFIC CRASHES MAKES IT FAIRLY CLEAR THAT VAST, VAST MAJORITY ARE PREVENTABLE. SO WE PREFER THE TERM CRASHES AND NOT ACCIDENTS. THE SEAT BELTS, THE DRIVING CULTURE SPECIFICALLY, SPEEDING, TAILGATING, FAILURE TO YIELD RIGHT OF WAY, ISSUES LIKE THAT THAT ARE CAUSING PEOPLE TO LOSE THEIR LIVES ON THE HIGHWAY, WE'RE CONTINUING TO FOCUS ON THAT, ADJUSTING OUR DRIVING CULTURE IN AUSTIN TO THE USE OF CREATIVE PUBLIC SERVICE ANNOUNCEMENTS. WE CONTINUE TO WORK ON THAT. WE KNOW THAT PUBLIC AWARENESS IS THE THING THAT WE'VE GOT TO REACH OUT THERE TO. WE'VE GOT TO INTERCONNECT OURSELVES AS WELL, IN OTHER WORDS MAKE SURE WE'RE COMMUNICATING INTERNALLY AS WELL AS E. TECIALLY, THAT WOULD CONCLUDE MY PRESENTATION, I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

GOING TO SUMMARIZE QUICKLY, TO ME WHAT IS ASTONISHING WHEN YOU LOOK AT THESE FIGURES HOW YOU CAN HONE THIS DOWN TO A FEW KEY THINGS THAT CONTRIBUTE TO THE NUMBER OF FATALITIES WE HAVE IN OUR COMMUNITY, AND SO I'M GOING TO REPEAT WHAT OUR ASSISTANT CHIEF HERE WAS JUST TELLING US. ALCOHOL, ALMOST 50% OF OUR FATALITIES. SPEED, ALMOST 40% OF OUR FATALITIES. AND NOT WEARING YOUR SEAT BELT, ALMOST 60% OF OUR FATALITIES. AND THEN OVERARCHING ALL THREE OF THOSE FACTOR, ALCOHOL, SPEED, AND SEAT BELTS IS A DRIVING CULTURE. INATTENTION, DISTRACTION. JUST NOT PAYING ATTENTION TO THE ROAD. IF WE COULD IMPACT THOSE 4.4 THINGS, THEN WE COULD MAKE A HUGE DIFFERENCE IN THE SAFETY OF OUR COMMUNITY ON THE ROAD. EVEN SO, ALL THE EFFORTS THAT OUR CHIEF HAS JUST DESCRIBED TO YOU HAVE GIVEN US THE SECOND LOWEST RATIO OF FATALITIES IN THE STATE OF TEXAS IN OUR MAJOR CITIES, BUT IT'S NOT GOOD ENOUGH FOR THIS CITY AND WE NEED TO DO BETTER THAN THAT. THE CHIEF HAS DESCRIBED TO YOU ALL THE DIFFERENT TACTIC, SOME VERY CREATIVE, NOT BEING DONE IN OTHER CITIES. CHIEF, ONE THING I WOULD LIKE FOR YOU TO CLARIFY, YOU TALKED ABOUT HOW WE DO THE DATA ANALYSIS AND THEN DEPLOY BASED ON THE DATA ANALYSIS. THAT IS DONE AT LEAST MONTHLY WHERE WE LOOK AT ACCIDENTS AND FATALITIES AND REDEPLOY AND RESTRATEGY JIEZ, CAN YOU EXPAND ON THAT A LITTLE BIT.

THE ANALYSIS IS THE CRITICAL PART HERE, IT REALLY IS AT THAT. IN ORDER TO COMBAT ANY KIND OF ISSUE, YOU HAVE TO HAVE GOODS AND SERVICES ANALYSIS, THE ONE THING

THAT WE'RE DO, WE'RE CONSTANTLY DOING THAT. IT'S AN ONGOING PROCESS. WE'RE LOOKING TO COMMUNICATE THAT, ONE OF THE THINGS WE COMMUNICATED VERY WELL WITHIN OUR HIGHWAY ENFORCEMENT, I THINK WE COMMUNICATED VERY WELL INTERNALLY, BUT WHAT WE HAVE DISCOVERED IS WE HAVE NOT MADE THE MOST EFFECT OF THAT USING OUR AREA COMMANDS, THAT IS SOMETHING WE DO WANT TO ADDRESS, ANALYSIS IS CRITICAL. IN OTHER WORDS, WE WANT TO LEVERAGE OUR RESOURCES THE BEST WE CAN, AND TO MAKE THEM -- TO PUT THEM OUT THERE TO HAVE THE GREAT EFFECT WITH THE GREAT EFFICIENCY.

THANKS, AGAIN, I THINK WE'LL OPEN UP FOR QUESTIONS NOW. QUESTIONS?

COUNCILMEMBER KIM?

Kim: THANK YOU FOR THE BRIEFING. AND I WANT TO THANK APD FOR THEIR PRESENCE AND THEIR ASSISTANCE WHEN SUCH AN ACCIDENT OCCURS, UNFORTUNATELY SOMETIMES IT DOES END IN FATALITIES. I WANTED TO ASK IF THERE WAS SOMEONE WHO COULD PROVIDE AN UPDATE ON THE RED LIGHT CAMERA PROPOSAL, WHERE WE ARE WITH THAT, AND HOW THAT IS GOING RIGHT NOW.

ASSISTANT CITY MANAGER RUDY GARZA CAN PROBABLY GIVE YOU AN UPDATE, AND THEN WE'LL CALL ON ANYONE ELSE WHO CAN HELP US WITH SOME MORE DETAIL.

MORNING, MAYOR PRO TEM, COUNCIL, I'M RUDY GARZA, ASSISTANT CITY MANAGER. COUNCILMEMBER, YESTERDAY WAS THE DUE DATE FOR THE PROPOSALS. WE DID RECEIVE TWO SUBMITTALS. OF THOSE TWO SUBMITTALS, THERE'S ONE THAT HAS BEEN AT THIS POINT WE FEEL IS UNRESPONSIVE. WE'RE WORKING WITH THAT CONTRACTOR, WE BELIEVE IT MAY BE SOME ADMINISTRATIVE ISSUES THAT WE CAN GET OVER. IF WE CAN DO THAT, THEN WE WILL BEGIN THE EVALUATION PROCESS FOR BOTH PROPOSALS. IN FACT TODAY BASICALLY STARTS BACK IN OUR HAND SO WE CAN BEGIN EVALUATION OF THOSE PROPOSALS AND WE SHOULD HOPEFULLY HAVE SOMETHING IN THE NEXT COUPLE OF WEEKS.

Kim: OKAY, WHEN WOULD THE PILOT START AGAIN?

AT THAT POINT WE WOULD HAVE TO COME BACK TO COUNCIL TO DO AN AWARD TO ONE OF THE PROPOSERS. IT'S REALLY DIFFICULT TO SAY UNTIL WE CAN DETERMINE WHETHER OR NOT ANY OF THE CONTRACTORS HAVE ANY ISSUES THAT WE NEED TO WORK WITH.

Kim: OKAY.

AGAIN, YESTERDAY WAS THE DUE DATE, WE DID GET TWO SUBMITTALS WHICH WAS ENCOURAGING, WE HOPE TO GET OVER THE ADMINISTRATIVE ISSUES SO THAT WE CAN IN

FACT REVIEW BOTH PROPOSALS.

Kim: OKAY. THANKS, I HAVE ONE OTHER QUESTION ABOUT THE CHIEF. I HAVE A QUESTION ABOUT CHEF USAGE, I KNOW THAT CELL PHONES ARE A MAJOR DISTRACTION FOR PEOPLE DRIVING AND PEOPLE AREN'T SURE IF IT'S USING HAND FREE DEVICES HELP IN ANY SITUATION -- HELP IN TERMS OF REDUCING THE NUMBER OF ACCIDENTS INVOLVING DISTRACTIONS BECAUSE OF CELL PHONE USE. DO YOU HAVE A STATISTIC? DO YOU TAKE NOTES OF THAT WHEN THERE IS AN ACCIDENT WHEN SOMEONE WAS USING A CELL PHONE AT THE TIME THAT THE ACCIDENT OCCURRED?

WE'RE ACTUALLY LOOKING AT BOTH, HOW TO COLLECT -- BOTH COLLECT THAT DATA. IN OTHER WORDS, I BELIEVE IT WAS LAST YEAR WE STARTED WITH -- EVEN ON OUR CITATION FORM -- HAVE THE OFFICER NOTATE IF SOMEBODY WAS USING A CELL PHONE IN TERMS OF WHETHER THERE WAS A VIOLATION THAT WAS COMMITTED, WE'RE NOT JUST LOOKING AT TRAFFIC CRASHES BUT ALSO THE --

THAT WOULD BE THE PERSON WITNESSING THE ACCIDENT SAYING I SAW THAT PERSON USING THE CELL PHONE FROM THE --

THAT'S CORRECT.

Kim: SOME TIMES THAT INFORMATION WOULD HARD --

EXACTLY, AT THE SAME TIME WE'RE LOOKING AT WHAT OUR OFFICERS ARE OBSERVING AS WELL, ASKING THEM TO NOTATE THAT SO WE CAN FIND OUT WHAT KIND OF ISSUES OR WHAT KIND OF CONCERNS OR HAZARDS THAT DOES CREATE. INTUITIVE, ANY KIND OF DISTRACTION IN THE VEHICLE, WE'RE FINDING A LOT, THERE'S A LOT OF DISTRACTIONS, THAT CELL PHONE USAGE IS ONE OF THEM, YOU CAN BE DISTRACTED BY PEOPLE IN THE VEHICLE. THERE'S PEOPLE THAT ARE EATING OR DRINKING. I'M SURE NOBODY HAS EVER SEEN A YOUNG LADY PUTTING ON MAKEUP IN THE MORNING OR ANYTHING LIKE THAT --

Kim: TEXT MESSAGING.

THOSE KINDS OF ISSUES ARE OUT THERE, THAT ACTUALLY IS ONE OF THE THINGS THAT WE'RE HOPING THAT OUR -- OUR FREDERICKSBURGS.....FRIENDSAT UT, THE YOUNG PEOPLE THERE, ARE THE ONES BRINGING US THOSE KIND OF MESSAGES, THEY HAVE CREATIVE IDEAS ON HOW TO TALK ABOUT THAT. ONE OF THE DRAMATIC THINGS I HEARD WHEN THEY GAVE THEIR PRESENTATION, THEY SAID WE DIDN'T REALIZE WE WERE ACTUALLY DOING THAT, THEY STARTED INTERVIEWING THEMSELVES AND CAME UP WITH CREATIVE CAMPAIGNS, SO I'M LOOKING FOR WAYS TO KIND OF BRING THAT FORWARD, HOPEFULLY IN THE COMING MONTHS WE CAN SHARE THOSE IN TERMS OF THE PSA OR THINGS TO BRING THOSE ISSUES, WHETHER IT'S LEGISLATED OR NOT, THE THING ABOUT IT IS VOLUNTARY COMPLIANCE IS CRITICAL. IN OTHER WORDS, WE CAN PASS LAWS, BUT THE

POINT IS WE WANT PEOPLE TO INTERNALIZE THESE THINGS SO WHEN WE GO TO DRIVING CULTURE AND WE MODIFY THAT, IT'S BECAUSE WE INTERNALIZED IT AND WE RECOGNIZED THE DANGER OF TALKING ON YOUR CELL PHONE OR DOING THESE OTHER THINGS, TEXT MESSAGING.

Kim: RIGHT. WHAT IS THE UT GROUP YOU MENTIONED?

IT IS A SENIOR ADVERTISING CLASS, AND HALF OF THEM GRADUATED IN DECEMBER. HALF OF THEM ARE STILL HERE. I'M GOING TO WORK WITH THE PROFESSOR THERE AND THEY HAVE ACTUALLY DEVELOPED SOME PROPOSALS, VERY IMPRESSIVE PROPOSALS, AND WE'LL COME BACK AND SEE HOW WE CAN PERHAPS PUT THOSE TO GOOD USE.

Kim: THAT'S GREAT. ONE OTHER THING THAT THE CITY MANAGER AND YOU MENTIONED WAS THAT A LOT OF THE ACCIDENTS INVOLVED PEOPLE WHO WEREN'T WEARING A SEAT BELT, I'M REALLY SHOCKED TO HEAR THAT, THAT PEOPLE ARE STILL DRIVING WITHOUT WEARING A SEAT BELT. ARE THESE PASSENGERS IN THE BACK, ARE THESE ACTUAL PEOPLE IN THE FRONT SEAT.

THEY'RE BOTH. THEY'RE ACTUALLY BOTH. WHAT WE'RE TALKING ABOUT IS IN THE FATAL CRASHES, I DON'T HAVE THE ACTUAL STATISTIC FOR YOU IN ALL CRASHES, BUT IN THE FATAL CRASHES, WE KNOW IT'S A HIGH PERCENTAGE OF BOTH THE DRIVER AND THE PASSENGERS. THEY COULD BE IN THE BACK SEAT. SOME COULD BE IN THE BACK SEAT. BUT MOST OF THE TIME THE ONES THAT WE'VE HAD MULTIPLE VICTIMS THAT ACTUALLY DIED WAS SOMEBODY IN THE FRONT SEAT AS WELL, SO, YES, % OF OUR POPULATION IS -- 8% OF OUR POPULATION IS NOT WEARING OUR SET.... SEAT BELT.

Kim: 8%. IS THAT WHAT YOU SAID?

8%. ACTUALLY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION CONDUCTS SURVEYS, THEY GO OUT AND MONITOR INTERSECTIONS, THEY DO THIS, THIS IS ON THEIR OWN, THIS IS COMPLETELY SEPARATE FROM WHAT APD DOES, THEY WILL COME BACK AND REPORT, BASED ON SURVEY SAMPLES, WE BELIEVE THAT 92% OF THE POPULATION ARE USING SEAT BELTS, WHICH IS A GOOD NUMBER, BUT IT'S THAT 8% OF PEOPLE THAT ARE INJURED AND LOSING THEIR LIFE.

CHIEF, I'LL HELP YOU OUT WITH SOME OF THESE STATISTICS. THIS IS OF FATALITIES. 71 -- THIS IS '06. 71% OF PASSENGER FATALITIES WERE SUSPECTED OF NOT USING A SEAT BELT OR CHILD SAFETY SEAT AND 48% OF DRIVER FATALITIES SUSPECTED OF NOT USING A SEAT BELT.

ISN'T IT TRUE THAT EVEN THOUGH THE DRIVER ISN'T WEARING THE SEAT BELT, THEY HAVE SOMEBODY SITTING BEHIND THEM THAT IS NOT, A HIGH IMPACT CRASH COULD ACTUALLY KILL THE DRIVER BECAUSE OF THE IMPACT -- I DON'T KNOW IF THAT IS TRUE. I'VE SEEN

PSAs FOR IT'S IMPORTANT FOR PEOPLE THIS THE BACK TO BEWARING THEIR SEAT BELTS AS WELL.

ABSOLUTELY. WHAT IS ABSOLUTELY POSSIBLE.

I WANTED TO MAKE A COUPLE OF COMMENTS AND MAKE SOME QUESTIONS. BASED ON THOSE STATS, YOU KNOW, IT SEEMS LIKE ONE OF OUR MOST COST EFFECTIVE AND BEST APPROACHES IS OBVIOUSLY ENFORCEMENT OF SEAT BELT LAWS UNTIL THEY GET TO A POINT -- YOU KNOW, I KNOW WE'RE DOING EVERYTHING THAT WE CAN TO MINIMIZE THE IMPACT OF THESE ACCIDENTS AND ENFORCE THE LAWS THAT ARE IN PLACE. SINCE WE'RE THINKING OUT OF THE BOX, I WANT TO THROW A SUGGESTION OUT THERE, I HAVE NOT SPOKEN TO ANYONE ABOUT THIS, SO THIS IS THE FIRST TIME IT'S COMING OUT, BUT I WANT TO MAKE -- I WANT US TO THINK ABOUT THIS AND I KNOW THERE'S GOING TO BE SO MANY HURDLES TO CLIMB, BUT IT LOOKS -- IT SEEMS LIKE WE COULD HAVE SUCH A POSITIVE IMPACT ON THIS IF WE WERE ABLE TO INCREASE OUR PATROL, YOU KNOW, ON THE MAJOR THOROUGHFARES OR STRICTLY JUST HAVE FOLKS THAT ARE ASSIGNED TO CERTAIN HIGHWAYS. AND I KNOW WE DO THAT ALREADY, WITH, YOU KNOW, OUR POLICE DEPARTMENT, BUT I'M TRYING TO FIGURE OUT A WAY WHERE WE CAN MINIMIZE THE COST AND PUT MORE CERTIFIED OFFICERS ON THE STREET, AND SO ONE IDEA THAT I HAD WAS TO LOOK AT POSSIBLY BRINGING BACK RECENTLY-RETIRED POLICE OFFICERS TO ONLY BE STRICTLY PATROL, TRAFFIC ENFORCEMENT, DURING RUSH HOURS, ON MAJOR THOROUGHFARES LIKE IH-35, MOPAC, BEN WHITE, 183, AND WONDERED IF ANYBODY HAD THOUGHT ABOUT THAT AND THE OBSTACLES THAT MAY BE IN PLACE OR WHETHER OR NOT THAT IS SOMETHING THAT IS VIABLE.

COUNCILMEMBER, ONE OF THE THINGS -- A PROGRAM THAT WAS STARTED LAST YEAR UNDER THE DIRECTION AND LEADERSHIP OF COUNCIL, COUNCILMEMBER McCRACKEN WAS OUR TRAFFIC INSTANT MANAGEMENT PROGRAM, IN THAT PROGRAM WE HIRED RETIRED OFFICERS, CURRENTLY THEY'RE STATIONED AT CTEC, THE CENTRALIZED COMMUNICATIONS CENTER, IT ACTUALLY WAS DISCUSSED ABOUT THE POSSIBILITY OF USING THESE PEOPLE OUT ON THE ROADS. THERE WERE A COUPLE OF THINGS, OBSTACLES TO ACTUALLY PUTTING THEM OUT IN CARS. SOME OF IT HAD TO DO WITH SOME LEGAL -- SOME STATE REQUIREMENTS IN TERMS OF THE PATROLLING SORT OF THINGS. IF -- IF A PERSON IS NOT A SWORN POLICE OFFICER, THERE ARE SOME LIMITATIONS IN HOW YOU CAN USE PEOPLE ON THE HIGHWAYS IN TERMS OF ESPECIALLY ENFORCEMENT OR INVESTIGATING CRASHES OR THINGS SUCH OF THAT. WE HAVE DISCUSSED THAT TO SOME DEGREE, THE HIGHWAY ENFORCEMENT COMMAND IS CURRENTLY WORKING ON A VARIETY OF ISSUES THERE, BUT WE'RE OPEN TO HEARING YOUR SUGGESTIONS. WE DO WANT TO THINK OUT OF THE BOX AND WE KNOW, YOU KNOW, WE'RE COPS AND WE'RE NOT ALWAYS GOING TO HAVE THE BEST OF IDEAS, WE HAVE GOOD IDEAS, PEOPLE ARE VERY CREATIVE. THAT'S WHY WE'RE REACHING OUT TO THE PEOPLE AT UNIVERSITY OF TEXAS THAT SEE THINGS DIFFERENTLY.

DO WE SEE BASED ON THE DATA THAT WE HAVE, IS THERE ANY CORRELATION TO FATALITIES OR SEVERE CRASHES OCCURRING ON MAJOR THOROUGHFARES MORE FREQUENTLY AS OPPOSED TO, YOU KNOW, INNERCITY, URBAN, OR NEIGHBORHOOD ROUTES?

YES.

IN FACT, CAN YOU PUT UP MAYBE SLIDE TWO FOR US AGAIN. TAKE A LOOK AT THIS, BECAUSE IT SEEMS PRETTY DRAMATIC, COUNCILMEMBER, WHEN YOU LOOK AT IT.

IF YOU LOOK AT THIS PARTICULAR MAP HERE, WHILE THEY'RE NOT EXACTLY HIGHLIGHTED, YOU'LL NOTICE YOU CAN SEE IH-35, 183, 290, BEN WHITE, OR -- A LARGE MAJORITY OF THE CRASHES ARE ACTUALLY OCCURRING. THEY DO OCCUR AT OTHER LOCATIONS, THOSE THE ONES THAT YOU SEE ON HERE, THEY MAY BE PLACES LIKE 620, PARMER, CAPITOL OF TEXAS HIGHWAY, YES, YOU'RE RIGHT, THE MAJORITY OF THE MAJOR CRASHES DO OCCUR ON THE MAJOR THOROUGHFARES.

THAT'S WHERE I WOULD LIKE TO SEE IF WE CAN GET CREATIVE, MAYBE IT'S SOMETHING THAT WE HAVE TO LOOK AT IN OUR NEXT ROUND OF NEGOTIATIONS, I THINK WE MIGHT BE DEALING WITH STATE STATUTE AS IT RELATES TO CIVIL SERVICE LAW AS WELL AS POTENTIAL PEACE OFFICER CERTIFICATION AND TRAFFIC ENFORCEMENT ON THE STATE LEVEL, BUT THAT'S WHERE I WOULD LIKE TO TRY TO FOCUS ON, JUST ON IH-35 ALONE, LOOKS LIKE THERE WERE 4 FATAL CRASHES IN THE LAST YEAR, AND SO I THINK IF WE CAN COME UP WITH SOME IDEAS TO ADD MORE PATROL ENFORCEMENT ON THOSE MAJOR THOROUGHFARES I WOULD LIKE TO SEE IF WE CAN DO THAT.

WE'RE ABSOLUTELY OPEN TO LOOKING AT BETTER WAYS TO LEVERAGE THE OFFICERS THAT WE HAVE, AND ONE OF THE THINGS I MIGHT HAVE BREEZED OVER IT, THE CRASH ENFORCEMENT ZONES, WE'RE ACTUALLY TARGETING THOSE PARTICULAR LOCATIONS AND THAT IS ONE OF THE THINGS THAT SOUNDS LIKE YOU'RE INTERESTED IN EXPANDING UPON.

YEAH, JUST WHATEVER WE CAN DO. I'M NOT UNREALISTIC IN THINKING THAT WE CAN PUT A POLICE OFFICER, YOU KNOW, EVERY QUARTER OF A MILE ON IH-35, IT WOULD BE NICE, OBVIOUSLY WE CAN'T. BUT WHATEVER YOU CAN DO, I APPRECIATE YOUR EFFORTS. ER YOU KNOW,.....YOU KNOW, FOR ME, I THINK THE ISSUE IS IF WE HAD 64 FATALITIES IN THIS CITY BY ANY OTHER CAUSE, WE WOULD BE GOING NUTS AS A CITY, IF WE HAD 64 FATALITIES FROM BIRD FLU OR FIRES OR FLOODS, WE WOULD BE DOING EVERYTHING WE CAN TO PREVENT THAT. I THINK WE ARE DOING THAT. I WANTED THIS BRIEFING TO ENSURE THE COMMUNITY THAT WE ARE DOING EVERYTHING THAT WE CAN. WE ARE GOING TO CONTINUE TO TRY TO DO MORE. SO I APPRECIATE IT.

THANK YOU, COUNCILMEMBER. ANY OTHER COMMENTS? YES.

CHIEF, I PERSONALLY WANT TO SAY THAT -- THAT I THINK THIS IS A VERY POSITIVE PORTRAIT JOB APD IS DOING. I REALLY APPRECIATE THE THINGS Y'ALL ARE DOING TO GIVE US THE SECOND LOWEST FATALITY RATE IN ALL OF TEXAS AND MAKE US THE NATIONAL LEADER. ONE OF THE QUESTIONS I HAD WAS IS THERE A TIME OF THE YEAR THAT IS THE HIGHEST FOR FATALITIES COMPARED TO OTHER TIMES OF THE YEAR?

ACTUALLY, THE FATALITIES OCCUR YEAR ROUND.

OKAY.

STATISTICALLY WHEN YOU LOOK AT CALENDAR YEAR, THERE'S TIMES OF YEAR NATIONWIDE WHERE MORE FATAL CRASHES MAY OCCUR, THEY TEND TO OCCUR AROUND HOLIDAYS. WE HAVE DURING THE SUMMERTIME, ESPECIALLY GOING INTO SUMMER, MEMORIAL DAY, THEY WILL BE LIKE SPIKES. LIKE TOWARD THE HOLIDAY SEASON, SO, YES, THERE ARE TIMES WHERE WE TRY AND BASICALLY HAVE INITIATIVES OR DEVELOP OUR PARTNERSHIPS WITH OUR LOCAL OTHER AREA LAW ENFORCEMENT AGENCIES TO TRY AND ATTACK THOSE, AT THOSE PARTICULAR TIMES. YOU KNOW, HISTORICALLY IN AUSTIN, IT GOES UP A LITTLE BIT, BUT LIKE I SAID STATISTICALLY NATIONALLY, YOU CAN SEE THOSE SPECIFIC TIMES OF THE YEAR.

AND THIS MAY HAVE BEEN ASKED EARLIER, I DIDN'T CATCH IT, BUT DO WE KNOW HOW MANY OF THESE COME FROM RED LIGHT RUNNING?

I THINK WHAT I WOULD SAY LAST YEAR WE HAD APPROXIMATELY TEN FATAL CRASHES THAT OCCURRED AT INTERSECTIONS. NOW, NOT ALL OF THEM WERE RUNNING A RED LIGHT, THEY MAY HAVE BEEN FAILED TO STOP AT STOP SIGN OR FAILED TO YIELD RIGHT OF WAY, I DON'T HAVE THAT EXACT NUMBER BUT I CERTAINLY CAN GET THAT NUMBER FOR YOU.

YEAH. THE INTERPRETATION THE RED LIGHT CAMERAS PROVIDES AN OPPORTUNITY TO ADDRESS THAT, THAT IS IN ADDITION TO THE RAPID RESPONSE THE COUNCIL HAS AUTHORIZED, MY COLLEAGUE'S LEADERSHIP, THE RED LIGHT CAMERAS, THIS PROVIDES AN ADDITIONAL TOOL WHAT I EXPECT WOULD HELP OUT IN THAT AREA.

THE NUMBER RECALLS 34 YEA AT THAT TIMES..... 34 FATALITIES.

WE HAVE AN OPPORTUNITY TO MAKE A BIGGER DENT ON THIS, AND BRINGS UP-- I THINK THE TIME OF DAY THERE'S APPROXIMATELY 45, 50 DAY VERSUS NIGHT, IS NIGHTS MORE LIKELY ALCOHOL, DAY MORE LIKELY SPEED OR IS THAT ALSO DISTRIBUTED?

ACTUALLIER I APOLOGIZE FOR NOT MAKING THAT CLEAR. YES, THAT'S WHY WE HAVE A DUAL STRATEGY APPROACH. WE LOOK AT THE DAY TIME ENFORCEMENT STRATEGY IS COMPLETELY DIFFERENT THAN AT NIGHTTIME. WE -- ALCOHOL IMPAIRMENT IS THE NUMBER

ONE KIRN. NOW, WHEN YOU SAID 45% DURING THE DAY TIME, THAT IS SERIOUS INJURY AS WELL AS FATAL INJURY, AS WELL AS FATAL CRASHES, THAT'S WHEN WE ADDRESS THE DRIVING CULTURE, WHEN WE HAVE PEOPLE AT NIGHT AND THEY'RE DRUNK, ABOUT THE BEST THING WE CAN DO IS ARREST THOSE PEOPLE AND GET THEM OFF THE STREET FOR THEIR OWN SAFETY AND FOR EVERYBODY ELSE'S SAFETY. WE'RE THINKING THAT DURING THE DAY TIME WHEN YOUR POPULATION IS DRIVING POPULATION BY -- THE VAST MAJORITY ARE SOBER, CONSCIOUS, ALERT, THIS IS THE TIME WE WANT TO REALLY ADDRESS THOSE KIND OF CONCERNS AND BRING IT TO THEIR ATTENTION, HEY, THIS IS -- WE'RE PART OF THIS SOLUTION, I MEAN JUST US, THE OFFICERS -- THE GOOD WORKING MEN AND WOMEN OF THE AUSTIN POLICE DEPARTMENT ARE DEDICATED TO SAIFG LIVES BUT WE ALSO WANT TO GET THAT MESSAGE OUT, WE THINK THAT MESSAGE JUST GOT OUT TO THAT SOBER DRIVING, AND SO SPEED, FAILURE OF RIGHT OF WAY, TAILGATING, FAILING TO USE TURN SIGNAL, ALL OF THOSE KIND OF THINGS, THAT'S WHAT WE ATTACK DURING THE DAY TIME, ALCOHOL ENFORCEMENT AS WELL AS SPEED IS WHAT WE DO AT NIGHT.

I NOTICE THE MAPS SHOWS AN OVERWHELMING CONCENTRATION OF THE FATAL ACCIDENTS ON IH-35, WHICH IS KEEPING OF THE FACT THAT SAN ANTONIO ALL THE WAY UP THROUGH GEORGETOWN, THIS STRETCH OF 35 IS THE MOST DANGEROUS STRETCH OF IH-35 IN THE ENTIRE SYSTEM, AND ONE OF THE MOST DANGEROUS HIGHWAY STRETCHES IN THE NATION, SO THIS IS -- APPEARS TO BE A PROBLEM WITH IH-35, BECAUSE IT GOES FROM SAN ANTONIO ALL THE WAY UP TO GEORGETOWN, DO WE HAVE ANY -- CAN YOU GET US SOME GUIDANCE ON WHAT ARE THE FACTORS WITHIN AUSTIN THAT ARE MAKING IT SO DANGEROUS ON IH-35? AUSTIN?

WELL, THERE'S SEVERAL THINGS. ONE IS THE FACT THAT WE ARE A METROPOLITAN AREA, AND CONGESTION, ROAD CONGESTION, AS WELL AS THE TRAFFIC PASSING THROUGH, VIRTUALLY THE ONLY NORTH/SOUTH CORRIDOR THAT CUTS THROUGH THE STATE FROM NORTH TO HALF. SO YOU HAVE THE METROPOLITAN AREA TRAFFIC. THE TRAFFIC THAT COMES IN AUSTIN, AS WE KNOW OUR POPULATION SWELLS TO EXCESS OF A MILLION EACH DAY AND RETREATS BACK TO 700,000 AT NIGHT. SO YOU HAVE THAT TRAFFIC BASICALLY INCREASE DURING THE DAY AND THAT PUTS TREMENDOUS PRESSURES ON THERE, SO YOU HAVE THAT PRESSURE, YOU HAVE THE ISSUE OF THE DRIVING CULTURE WITHIN AUSTIN, PEOPLE -- DISTRACTIONS DURING THE DAY TIME AND THEN THE ISSUES OF ALCOHOL AT NIGHT.

I HOPE I ANSWERED YOUR QUESTION. I'M NOT SURE.

IT SOUNDS LIKE THEN FOR IH-35 THAT A HUGE CONTRIBUTOR TO IT IS THAT IT HANDLES SO MUCH MORE TRAFFIC THAN EVERYWHERE ELSE IN THE CITY.

THAT'S CORRECT.

THAT'S OUR BELIEF.

ONE OF THE THINGS WE HEAR IS THAT PERHAPS THE FACT THAT IT SPLITS UP THERE AT THE UPPER DECK, LOWER DECK CAUSING BOTTLE NECKS MAY CONTRIBUTE TO IT, THE SHORT ENTRANCE RAMPS, THE PRESENCE OF TRUCKS. IN YOUR EXPERIENCE ARE THESE AT ALL FACTORS ON IH-35 OR IS IT KIND OF HARD TO PEEL THAT OUT COMPARED TO THE OVERALL POPULATION OF TRAFFIC LEVELS.

WELL,,. TO BE QUITE HONEST, THE AUSTIN POLICE DEPARTMENT WORKS HAND IN HAND WITH TXDOT SINCE THE 35 IS ACTUALLY A STATE-MAINTAINED HIGHWAY. I WOULD PROBABLY HAVE TO, YOU KNOW, DEFER TO THE ENGINEERS TO EXPLAIN SOME OF THAT INTUITIVELY AND AN TECH DOTELY I WOULD SAY YES, ANY TIME THAT YOU HAVE A FORCED CHANGE OF THIS KIND, WHETHER ON RAMPS OR OFF RAMPS WHERE TRAFFIC MERGES, THAT WHERE THE PROBLEMS ARE LIKELY TO OCCUR.

YEAH, THIS INFORMATION WOULD BE HELPFUL FOR US, NOT SIMPLY FOR OUR POLICY OVERSIGHT AND WHAT IS HAPPENING WITHIN OUR JURISDICTION, BUT ALSO FOR THE FOUR OF US ON CAMPO, IT CAN HELP US UNDERSTAND DESIGN PROBLEMS OR PROBLEMS WITH IH-35 THAT CAN CAUSE THE FOUR CAMPO MEMBERS, AS WELL AS TERRY AND GREG, OUR TECHNICAL ADVISORY COMMITTEE MEMBERS TO GO TO CAMPO AND SAY WE NEED TO MAKE A CHANGE TO IH-35 AND A SAME WAY WE DID LAST YEAR PUTTING THE DIVIDERS ON THE SOUTH PART OF 35 TO PREVENT CARS COMING ACROSS THE MEETING. IF Y'ALL ARE AWARE OF THINGS, LET US KNOW, THAT WILL HELP US OUT, THAT MIGHT MAKE A POSITIVE CONTRIBUTION TO --

WE CERTAINLY WILL, COUNCILMEMBER.

BUT MY FINAL QUESTION IS THIS: I SAW THAT WE HAVE TWO THINGS THAT STAND OUT IS THAT WE HAVE THE HIGHEST D.W.I. ARREST RATIO OF ANYONE IN THE STATE, WE HAVE THE SECOND LOWEST TRAFFIC FATALITY RATIO OF ANY CITY IN THE STATE. IS THAT AN ACCIDENT OR IS THERE -- IN YOUR EXPERIENCE AND AN AND AN ANALYSIS OF OTHER -- IS THAT A CORRELATION OR JUST WE'RE BEING VERY AGGRESSIVE, PROPERLY SO IN D.W.I. ENFORCEMENT. IS THAT SOMETHING THAT WE ARE DOING A BETTER JOB ON IN OTHER CITIES AND THEREFORE LEADING TO LOWER FATALITY RATES? S? WELL, WHAT I THINK I WOULD SAY IS THAT I FOCUS ON THE AUSTIN POLICE DEPARTMENT MAKE SURE WE'RE DOING THE BEST WE CAN. I THINK THAT IF THE EFFORTS DO SPEAK FOR THEMSELVES, HOWEVER WE STILL SUCHED THE 50% -- 50% OF THE FATALS LAST YEAR INVOLVED ALCOHOL, SO IT'S SOMETHING WE STILL NEED TO STAY ON, WE DON'T -- WE CANNOT REST ON THAT. IF WE CAN, WE NEED TO CONTINUE THAT AGGRESSIVE ENFORCEMENT AS WELL AS THE PUBLIC OUTREACH COMPONENT, BUT I THINK WE'RE DOING -- I THINK WE'RE DOING A GOOD JOB AT THAT. WE'RE LOOKING FOR WAYS TO EVEN IMPROVE.

I GUESS IT SOUNDS LIKE IT'S A PIECE OF LOW HANGING FRUIT, YOU'RE SEEING MAJOR

PROGRESS ALREADY ON WHICH IS THE DEALING WITH THE RED LIGHT DANGER, THE DEALING WITH SAFETY PROBLEMS DURING RUSH HOUR, AND ALL THE MORE -- ALWAYS MORE AGGRESSIVE DIVE ENFORCEMENT, THOSE THREE BY THEMSELVES MAKE A HUGE CONTRIBUTION TO MAKING IT SAFER, SOUNDS LIKE Y'ALL ARE ON TOP OF IT, REALLY APPRECIATE IT.

THANK YOU, COUNCILMEMBER.

COUNCILMEMBER COHEN? I ENJOYED THE REPORT, I WANT TO THANK YOU FOR VERY, VERY GOOD WORK. I AM PARTICULARLY INTERESTED IN SOMETHING THAT I DON'T RECALL HEARING ABOUT, THAT IS FATALITIES INVOLVING MOTOR VEHICLES AND PEDESTRIANS, AS WE STRIVE TO MAKE OUR CITY MORE PEDESTRIAN FRIENDLY AND ESPECIALLY BETWEEN IH-35 EAST AND WEST, I WOULD JUST LIKE SOME COMMENTS ON THAT.

WELL, IN 2006 WE HAD 16 PEDESTRIAN FATALITIES WHEREBY PED STRIKES WERE STRUCK AND KILLED BY MOTORISTS. IN 2005 I BELIEVE WE HAD 18, SO THERE WAS A SLIGHT DECREASE. ONE OF THE THINGS THAT WE'VE -- WE DISCUSSED AMONG COMMAND STAFF WITH THE AREA COMMANDERS AS WELL IS THAT WE FIND, YOU KNOW, UNFORTUNATELY WE STILL HAVE PEOPLE WHO TRY AND CROSS IH-35. SOME TEAMS PEOPLE DEFEND THOSE BARRIERS AT PLACES, THE OTHER CONCERN IS UNFORTUNATELY FREQUENTLY ALCOHOL PLAY A ROLE IN TERMS OF PEDESTRIANS AS WELL, SO WE'RE TRYING TO BE AS PROACTIVE AS POSSIBLE IF WE FIND PEOPLE THAT MIGHT BE INTOXICATED NEAR A FREEWAY OR NEAR A MAJOR ROADWAY, THAT IS ONE OF THE ISSUES THAT WE TRY AND LOOK AT, BUT THAT ALSO COMES TO THAT EDUCATION PIECE, BUT YOU KNOW, WHEN YOU LOOK AT IT AND YOU SEE SOMEBODY THAT IS THERE TO RUN ACROSS AT 3 O'CLOCK IN THE MORNING, RUN ACROSS IH-35 UNDER THE INFLUENCE OF ALCOHOL, UNFORTUNATELY THE POLICE OFFICER WASN'T NEARBY TO STOP THEM, YOU KNOW, IT IS AN ISSUE, IT CONTINUES TO BE AN ISSUE AND WE'RE LOOKING FOR BETTER WAYS TO REACH OUT AND ADDRESS THAT, BUT WHAT I WOULD SAY IS WE DID HAVE A SLIGHT DECREASE.

LET ME ASK YOU A COUPLE OF FOLLOW-UP QUESTIONS ABOUT THAT. OF THE 15 OR 18 THAT YOU SPOKE ABOUT, BETWEEN 2005 AND 2006, WERE ALL OF THOSE HAVING TO DO WITH IH-35 OR JUST CITYWIDE?

NO, THAT -- THOSE WERE ACTUALLY CITYWIDE, THE REASON I MENTIONED IH-35, THAT CAUGHT A LARGER PERCENTAGE. WE DID HAVE THEM ON OTHER MAJOR THOROUGHFARES SUCH AS I BELIEVE SOUTH CONGRESS, I BELIEVE SOUTH LAMAR, SO THAT CAN ALSO OCCUR ON OTHER MAJOR ROADWAYS THAT ARE NOT FREEWAYS.

OKAY, LET ME ASK YOU ONE OTHER QUESTION HAVING TO DO WITH THAT. OF THE MAJORITY OF THOSE THAT HAVE TO DO WITH IH-35, CAN YOU -- DID YOU KNOW IF THEY WERE CLOSE TO THE UNIVERSITY OR INVOLVED UNIVERSITY STUDENTS?

CAN'T ANSWER THAT SPECIFICALLY. I KNOW THAT ONES THAT WE THE HAD -- A LARGE NUMBER OF THEM OCCUR IN THE DOWNTOWN AREA, WHETHER THEY WERE ACTUALLY UNIVERSITY STUDENTS OR NOT, I CANNOT ANSWER THAT RIGHT AWAY, BUT I'LL TRY AND FIND OUT THAT.

OKAY, I WAS JUST CURIOUS, IN THE DOWNTOWN AREA WE'RE DOING A LOT OF WORK WITH THE IH-35 MAKEOVER PROJECT TO INCREASE PEDESTRIAN ACTIVITY BETWEEN -- BETWEEN EAST AND WEST AUSTIN OVER 35 AND SO I THINK THAT SHOULD BE SOME CONSIDERATION OF TRACKING THAT IN YOUR NEXT ANALYSIS.

COUNCILMEMBER, WE WILL.

THANK YOU.

ANY OTHER QUESTIONS OR COMMENTS FROM THE COUNCIL? THANK YOU VERY MUCH. I THINK THAT JUST WANT TO COMMEND YOU AGAIN FOR THE WORK YOU'RE DOING AND YOUR EFFORTS -- ON GOING EFFORTS TO TRY TO MAKE THIS EVEN A SAFER CITY, SO THANK YOU ALL VERY MUCH.

THANK YOU, MAYOR PRO TEM. THE CREDIT GOES TO THE FINE OFFICERS OF THE AUSTIN POLICE DEPARTMENT AS WELL AS OUR CITIZENS.

ALL RIGHT.

CITY MANAGER, CAN I JUST REQUEST A COPY OF THAT PRESENTATION THAT WAS MADE.

YES.

A HARD COPY OR ELECTRONIC.

I'M SO SORRY, I THOUGHT YOU HAD A COPY UP HIRE.

I DON'T HAVE --

YEAH, THERE SHOULD BE A HARD COPY.

THERE IT IS.

I'M DOING TO MAKE SURE YOU HAVE A HARD COPY IN YOUR HAND.

THANKS.

THANK YOU VERY MUCH.

IT'S NOW 12 O'CLOCK AND TIME FOR THE CITIZEN COMMUNICATION PART OF OUR DAY, AND SO AT THIS TIME -- I WOULD LIKE TO CALL PAUL ROBBINS, IS HE IN THE -- WE'LL COME BACK IF HE'S -- SEE IF HE COMES IN LATER, CAROL ANN ROSE KENNEDY?

WELCOME BACK, COUNCIL, THIS IS -- I'M KIND OF SICK SO I'M GOING TO DO THE BEST I CAN HERE. I USED TO WORK AT IRS (music)(music) (music) AMONG THE BEST (music)(music) (music) BUT THEN MY BOSS SAID, KENNEDY, YOU'RE GETTING ON MY NERVES (music)(music) (music) IN 1991 I LOOKED THROUGH PILES OF MAIL THAT CAME INTO THE TEXAS SHOP THROUGH WIND AND FIRE AND HAIL (music)(music) (music) BY BIRD, BY PLANE, BY SUPER MAN, OR ON FOOT SO JOYFULLY (music)(music) (music) BY GOAT, BY ROTE OR ON TRY SICKLE AND ACROSS THE SHINING SEA (music)(music) (music) I EAR MARKED RED MARKED TAX RETURNS WITH DOG BITE, PEE AND WINE, BUT THE ONES FROM THE POPE AND THE PRESIDENT SMELLED VERY BAD OF SWINE (music)(music) (music) BUT I WORE MY SUIT WITH HOSE AND HEELS, MY HAIR THE LATEST STYLE, AND I WALKED REAL FINE AND I TALKED REAL STRAIGHT BUT I PLASTERED ON MY SMILE (music)(music) (music) AND SOON I GOT TO MOVE DOWNTOWN ON THE HILL NEAR THE CAPITOL (music)(music) (music) HOW PROUD I WAS BUT HUMBLLED WHEN -- SMILE -- I FACED THE AL... ALBINO BULL (music)(music) (music) THROUGH THE OKAY BOMB AND 911 I LIVED WITHOUT A SCRATCH (music)(music) (music) BUT SOON I FOUND THE ONES TO FEAR WAS RIGHT BEHIND MY ASS.

SHE CRITICIZED MY MESS, THE PILE FELL ON THE FLOOR, MY OVERLOADED VOICE MAILBOX, MY UNREAD E-MAIL CHORE, THEN IT WAS MY TONE OF VOICE, THE COLOR OF MY EYES AND THEN MY RESPIRATION RATE COULD BE I'M TWICE HER SIZE (music)(music) (music) THE MORAL TO HER STORY IS DON'T GIVE YOUR TIME IN LIFE TO FEDERAL SHAN NAN SHENANIGANS UNLESS YOU HAVE A WIFE (music)(music) (music) I GAVE GAVE MY TIME AND LIFE TO Y'ALL, MY MONEY AND MY FUNDS (music)(music) (music) NOW I HAVE GREAT NEWS FOR Y'ALL FROM YOUR UNCLE SAM I'VE RUN (music)(music)

THANK YOU.

PATRICIA NIKEL. WELCOME. GOOD AFTERNOON, I'M PATRICK SHY MICHAEL, I'M THE PRESIDENT OF THE TEXAS SOUTH NEIGHBORHOOD ASSOCIATION. I REPRESENT 900 HOMES IN SOUTH AUSTIN. I AM HERE TODAY TO PRESENT YOU WITH A PETITION THAT WE HAVE SIGNED IN OUR NEIGHBORHOOD PROTESTING THE CENTEX DEVELOPMENT, THE HOLLOW AT SLAUGHTER CREEK, THAT HAS BEEN -- IT'S UP FOR SMALL PLAT -- OR FOR PRELIMINARY PLAT APPROVAL RIGHT NOW IN ZONING AND PLATTING. IT WAS PRESENTED ON DECEMBER 19th AND ZONING AND PLATTING HAD A KIND OF HORROR REACTION TO THE PLAT, THEY DELAYED THE PROCESS UNTIL LAST -- THIS LAST WEEK AND THEN OUR NEIGHBORHOOD GOT ANOTHER DELAY UNTIL IT WILL COME UP AGAIN ON JANUARY -- FEBRUARY 6th. AND HERE IS THE PETITION. THIS IS A MAP OF OUR NEIGHBORHOOD, AND THERE ARE THREE OF US HERE THIS MORNING ON CITIZENS COMMENTS. WHO WILL ALL THREE USE THIS MAP. AND THIS IS IN WRITING, THE POINTS THAT WE'RE MAKING THIS MORNING. THIS IS A LETTER TO HIS HONOR, THE MAYOR, AND TO YOUR HONOR, BETTY DUNKERLY, MAYOR PRO TEM,

AND EACH COUNCILMEMBER.

YOU WILL FIND ON THE LAST PAGE OF THAT MAP, LAST PAGE, A MAP THAT YOU CAN USE PERSONALLY FOR THE LOCATIONS THAT I'M SPEAKING ABOUT. I'M GOING TO POINT ON THIS MAP TO SHOW YOU... OKAY. THIS IS SLAUGHTER LANE, AND THIS RED LINE IS THE RAILROAD TRACK. THIS GREEN AREA IS MARY MARCY WRIGHT PARK, AND THIS BLUE LINE IS SLAUGHTER CREEK. THIS BLUE LINE IS A TRAIN TEAR -- TRIBUTARY OF SLAUGHTER CREEK THAT CROSSES SLAUGHTER CREEK DRIVE, BILLBROOK PLACE AND DAVID MOORE ROAD. HERE IS SLAUGHTER CREEK DRIVE, BILBERT PLACE AND DAVID MOORE ROAD. THIS AREA OF LAND, THIS IS 700 AND 38 HOMES THAT ARE 7 SEPARATELY PLATTED SMALL PLAT SUBDIVISIONS, AND THIS IS THE TOP PART OF OUR NEIGHBORHOOD WHICH ARE THE FIRST THREE PLATS OF THOSE SUBDIVISIONS. THE CENTEX CORPORATION IS PROPOSING ON THIS LITTLE SECTION RIGHT HERE TO PUT 220 LOTS ON ABOUT 30 ACRES OF BUILDABLE LAND. THE HORTON IS PROPOSING UP HERE TO PUT 160 CONDOMINIUMS. SO THAT IS ESSENTIALLY WHO WE ARE.

YOUR TIME IS UP. DO YOU HAVE SOMEBODY TO DONATE SOME EXTRA TIME OR ARE THEY GOING TO COVER THE REST OF THE POINTS?

OTHER PEOPLE WILL COVER THE REST OF THE POINTS, I COULD PRESENT WATER PHOTOS FROM OUR EVENT EVENTS.

WE APPRECIATE THAT.

I WOULD LIKE TO USE THESE MATERIALS BECAUSE LATER PEOPLE WILL USE THEM.

THANK YOU, WE APPRECIATE THAT.

MATT RUSS?

THANK YOU, COUNCIL, ACTUALLY FOR THE RECORD MY NAME IS MATT RUFF, I MADE THE RESERVATION OVER THE PHONE SO IT'S R-U-F-F. I WANTED TO EXTEND THE POINT MS. MICHAEL MADE ABOUT OUR NEIGHBORHOOD, I THINK SHE MAY HAVE ALREADY GOTTEN TO THAT POINT, THE PRIMARY CONCERN HERE, AS YOU SEE, OUR NEIGHBORHOOD HERE WHICH IS 738 HOMES IS BASICALLY ISOLATED ON A SINGLE ACCESS ROAD. IF IT EVER RAINS, THE LOW WATER CROSSING ON DAVID MOORE DRIVE IS FLOODS AS WELL AS BILBERT PLACE, YOU CAN SEE THE PHOTOGRAPH WE HAVE HERE I BELIEVE IS SLAUGHTER CREEK, DOWN AT THE SOUTHSIDE OF THE NEIGHBORHOOD. SORRY, THERE'S A LITTLE GLARE ON THE PHOTOGRAPH. THAT IS SLAUGHTER CREEK, THIS IS DURING THE JANUARY 13th RAIN EVENT WE HAD IN SAN LEANA OFF THE SOUTHSIDE, THEY MEASURED ABOUT 4 AND A FOURTH INCH THE ENTIRE DAY. THIS IS DAVID MOORE DRIVE, THIS IS THE CROSSING THERE, ONE THING YOU CAN'T TELL FROM THIS PHOTOGRAPH IS WHEN IT'S NOT FLOODED THERE'S ABOUT A TEN TO FIFTEEN% DROP ON THAT ROAD, THIS IS CLEARLY NOT A VIABLE

ROAD OUT OF OUR NEIGHBORHOOD. YOU CAN SEE ALSO, THESE ARE PHOTOGRAPHS WHERE MS. MICHAEL REFERRED TO THE -- THIS IS NORTH OF SLAUGHTER LANE, CORRECT? OH, THIS IS OFF SLAUGHTER CREEK DRIVE. THAT'S RIGHT, I RECOGNIZE IT NOW, SO THIS IS THE SOUTHERN END OF THE PROPOSED SUBDIVISION THAT THE CENTEX CORPORATION IS WANTING TO PUT IN AND THESE ARE JUST SOME FLOOD PICTURES, THIS IS TAKEN FROM THE ROADWAY. YOU CAN SEE THE ROAD SIGN HERE, YOU CAN SEE THE ENTIRE AREA IS UNDER WATER. AND THEN HERE IS -- THIS IS LOOKING DOWN SLAUGHTER CREEK DRIVE, YOU CAN SEE THE LOW WATER CROSSING BY THE WAY IS BACK IN THE TREES HERE, SO IT'S UNDER WATER CLEAR BACK TO HERE UNDER SEVERAL INCHES. THE BIGGEST PROBLEM WE HAVE WITH A LOT OF THE SUBDIVISION WORK IS AS YOU CAN SEE FROM THE MAP, WE'RE -- WE'RE IN THE CITY, WE WERE AN... ANNEXED I BELIEVE ABOUT 12, 15 YEARS AGO, THE AREAS ALL AROUND US ARE ALSO CITY, EXCEPT FOR THIS LITTLE STRIP HERE THAT IS COUNTY, INCLUDING I BELIEVE THIS DIVISION HERE, YOU CAN TELL BECAUSE THERE'S NO ZONING REGULATIONS THERE. THE PROBLEM WE HAVE IS DEVELOPERS CAN COME IN AND PROPOSE SUBDIVISIONS THERE, PUT IN PLANS FOR THEM, THAT DO NOT MEET CITY REGULATIONS AT ALL. AND ZONING AND PLATTING HAS NO JURISDICTION TO COME IN AND DICTATE LAND USE, ZONING RULES, ANY OF THAT, AND THEY'RE FORCED TO ACCEPT IT IF THEY MEET THE MINIMUM LEVEL OF REGULATION, WE'VE BEEN TOLD IN NO UNCERTAIN TERMS THAT THE DEVELOPER INTENDS TO MEET THE MINIMUM LEVEL OF REGULATION, AND WHEN -- AND I EMPHASIZE MINIMAL. WE'VE EXPRESSED A LAUNDRY LIST OF CONCERNS, EVER SINCE WE HEARD ABOUT THE PROJECT. WE HAVE BEEN TOLD BY THE DEVELOPER REPEATEDLY, WELL, YOU KNOW, WE UNDERSTAND THAT YOU'RE CONCERNED, BUT WE'RE NOT GOING TO CHANGE ANYTHING IN OUR PLANS. WE -- YOU -- THE DETAILS OF THIS ARE ALL IN THE LETTER, I DON'T WANT TO BE LAY BO BOR ALL OF -- BELABOR ALL OF THOSE POINTS. AISD CAN'T DICTATE WHAT IS HAPPENING HERE, THE CITY CAN'T CONTROL THE PLANNING HERE, UNLESS SURROUNDED BY ALREADY ANNEXED PROPERTIES. IF THE CITY CAN AND NEXT THAT FIRST, THEN ZONING AND PLATTING HAS SOME MEASURE TO HELP DICTATE THAT USE SO --

THANK YOU VERY MUCH.

THANK YOU.

IS JOE ZAMECAI HERE.

THERE IS ONE OTHER SPEAKER TO SPEAK ON THIS TOPIC, I DON'T KNOW IF YOU WOULD LIKE TO HEAR US ALL IN ORDER --

WHO IS THAT? LESLIE MCCOLLUM, I BELIEVE SHE'S THREE SPEAKERS AWAY.

YES, LET'S HAVE LESLIE MCCOLLUM.

OKAY, THANK YOU.

THANK YOU, MAYOR PRO TEM, MY NAME IS LESLIE MCCOLLUM, THERE ARE MANY DETAILS IN THE LETTER. BASICALLY WE'RE ASKING FOR SOME ASSISTANCE AND TO TRY TO NEGOTIATE A BETTER RESULT AND SOMETHING THAT IS GOING TO BE FAIR TO CITIZENS OF AUSTIN, BECAUSE AS MS. BAKER POINTED OUT, BEING GENERALLY HORRIFIED ABOUT THIS SITUATION ON ZONING AND PLATTING, IT'S EXTREMELY UNFAIR FOR THE DEVELOPER TO TAKE ADVANTAGE -- I MEAN THEY COULD NOT DO THIS DEVELOPMENT WITHOUT THE CITY UTILITY SERVICES, OR AT LEAST THEY COULDN'T MAKE THE MONEY THEY'RE PLANNING ON MAKING, WE'RE PAYING FOR, THAT BUT THEY DON'T HAVE TO GO THROUGH ANY OF THE PROCESSES THAT ARE SUPPOSED TO CONSIDER OUR INTERESTS. WE HAVE SEAR..... SERIOUS OVERCROWDING OF OUR SCHOOLS IN THE AREA. MENCHACA IS SERIOUSLY OVERCROWDED. I MINE I REPRESENT SCHOOL DISTRICTS AND WE ALL KNOW HOW LONG IT TAKES A SCHOOL DISTRICT TO BUILD A NEW SCHOOL, I MEAN IT WILL TAKE TWO OR THREE YEARS TO BUILD A NEW SCHOOL EVEN IF YOU HAVE THE LAND AND THE MONEY. THERE -- THE CITY HAS PERMITTED -- THERE'S AT LEAST 1050 RESIDENTIAL UNITS THAT HAVE BEEN ADDED ON SLAUGHTER LANE ALONE BETWEEN TEXAS OAKS AND JUST BARELY EAST SIDE OF FIRST STREET. LIKE IN THE LAST 3 YEARS. THERE ARE A HUGE NUMBER OF HOUSING DEVELOPMENTS ON EITHER SIDE OF MENCHACA GOING SOUTH OF SLAUGHTER. WE HAVE TO BE ABLE TO COME UP WITH SOME WAY SO THAT OUR CHILDREN ARE NOT SERIOUSLY DISADVANTAGED BY GOING TO THOSE OVERCROWDED SCHOOLS WHICH ARE BEING DRIVEN BY THE DEVELOPMENT WHICH OUR GOVERNMENTS ARE PERMITTING, AND I REALIZE THAT THERE ARE A LOT OF LIMITATIONS AND WE CERTAINLY WANT TO ADVISE YOU OF OUR WILLINGNESS TO HELP WORK WITH YOU WITH STATE LEGISLATURE TO TRY TO RESOLVE SOME OF THE SERIOUS PROBLEMS THAT LOCAL GOVERNMENTAL ENTITIES ARE NOW FACING AS A RESULT OF VARIOUS STATE LEGISLATION. IN PARTICULAR, WE NEED IMPROVEMENTS TO DAVID MOORE ROAD AND I KNOW THAT THE PEOPLE AT PAREDES MIDDLE SCHOOL ARE WORKING ON THIS. IT'S POORLY-PAVED. IT'S NARROW. THE LOW WATER CROSSING IS VERY BAD. THERE ARE NO CURBS, THERE ARE NO SIDEWALKS, AND THERE ARE NO GUARDRAILS. TWO CARS CAN BARELY PASS ON THIS ROAD, NEEDLESS TO SAY IT TAKES ALMOST NO RAIN FOR IT TO BECOME IMPASSIBLE. THIS IS THE PRIMARY WAY THAT MOST STUDENTS IN TEXAS OAKS SOUTH GET TO PAREDES, IT'S REALLY THE ONLY WAY UNLESS THEY GO WAY OUT OF THEIR WAY AND AROUND AND IT'S HIGHLY UNSAFE FOR THOSE STUDENTS. WE NEED SIDEWALKS. IT NEEDS TO BE WIDER, THE BEHAVING NEEDS TO BE WIDER. THERE NEEDS TO BE SOME SHOULDER, THERE NEEDS TO BE SOME GUTTERING IN THE LOW WATER CROSSING. IT NEEDS TO BE FIXED. THANK YOU.

Dunkerly: THANK YOU VERY MUCH. JOE ZAMECAI? ALFONSO PAIN I CAN'T? -- PENA?

GOOD AFTERNOON, I'M HERE TO REQUEST THE COUNCIL HELP ON SOME MATTERS THAT HAVE COME TO MY ATTENTION CONCERNING A BUILDER WHO IS NOT FOLLOWING OR IS NOT COMPLIES WITH THE SITE PLAN THAT THEY -- THAT THEY GOT APPROVED THROUGH THE CITY. THE PROBLEM I HAVE IS NOT ONLY WITH THE BUILDER BUT WITHIN THE CITY

ITSELF. AS OF LAST JULY OF LAST YEAR, 2006, I HAD BEEN MAKING INQUIRIES CONCERNING A RETAINING WALL THAT IT TURNS OUT WAS BUILT WITHOUT BEING SPECIFIED IN THE SITE PLAN. THIS RETAINING WALL, AS FAR AS I KNOW, REQUIRES ANYTHING OVER FOUR FEET TO BE PERMITTED, DESIGNED BY AN ENGINEER, AND BUILT UNDER THE ENGINEER'S SPECIFICATION AND SUPERVISION. NONE OF THESE THINGS WERE DONE. AND BASICALLY I HAVE BEEN TRYING TO WORK WITH DIFFERENT CITY OFFICIALS SINCE MID PART OF LAST YEAR AND ALL I'VE EVER -- ALL I'VE REALLY GOTTEN IS THE RUNAROUND, SO HERE WE ARE PRACTICALLY SIX MONTHS LATER, NOTHING HAS BEEN DONE. AFTER SEVERAL -- SEVERAL MONTHS OF TRYING TO GET A SATISFACTORY RESPONSE TO THE PROBLEM, I REALIZED THAT NOTHING WAS BEING BEING DONE, SO I SENT TO THE CITY BY E-MAIL AN -- A REQUEST FOR INFORMATION AND CLARIFICATION, PUBLIC INFORMATION REQUEST. BASICALLY THE RESULTS OF THAT WAS THAT -- NOTHING WAS REALLY, REALLY DONE, AND IN TALKING TO THE VARIOUS CITY OFFICIALS, I AM NOW TOLD THAT THESE PROBLEMS APPARENTLY ARE OCCURRING ALL OVER THE CITY, AND THEIR EXCUSE IS THAT THEY DON'T HAVE THE RESOURCES TO VERIFY WHAT BUILDERS ARE DOING. AS A RESULT, THERE'S SOME PICTURES, BY THE WAY, OF THESE.....SOME CRACKS ON THIS WALL. MY MAIN THING IS TO ASK THE COUNCIL TO INVESTIGATE AN.....INITIATE AN INVESTIGATION AS TO WHY NO ONE ON THE CITY STAFF HAVE NOTICED A WALL THAT IS AT LEAST IF SOME PARTS TEN, 11 FEET TALL AND AS YOU CAN SEE STARTING TO CRACK, AS YOU CAN SEE IN THE CENTER THERE'S REBAR STICKING OUT, AND IT JUST GOES ON AND ON. THERE ARE OTHER THINGS THAT I HAD BROUGHT TO THE CITY OFFICIALS' ATTENTION, MAINLY BEING TRASH BEING LEFT BEHIND BY THE BUILDER, WHICH THEY PROMISED TO CLEANUP, BUT THEY NEVER DID. THERE'S ALSO WHAT APPEARS TO BE A VIOLATION OF AN OVERFILL ON THE LOT THAT THIS HOUSE SITS ON. WHICH NOBODY HAS ADDRESSED. AND BASICALLY I'M HERE TO ASK YOU ALL TO LOOK INTO THIS AND POSSIBLY CONSIDER SETTING UP SOME KIND OF AUDIT TEAM TO ENSURE THAT THE BUILDERS ARE NOT ALLOWED TO DO WHATEVER IT IS THAT THEY WANT. WHAT I'M REALLY INTERESTED IN FINDING OUT IS WHY NOBODY WAS IN THE CITY -- AS YOU CAN SEE THE MAGNITUDE OF THE WALL IN THE PICTURE, QUITE A NOTICEABLY WALL AND IT'S NOWHERE ON THE SITE PLAN. I HAD WITH ME THE ENTIRE SET OF SITE PLANS FOR THAT SUBDIVISION, WHICH I'VE PURCHASED AND I HAD CERTIFIED BY THE RECORDS DEPARTMENT IN THE CITY, BECAUSE AT THIS POINT IN TIME, WITH THE RUNAROUND THAT I'VE GOTTEN, I'M SORRY TO SAY I REALLY -- I'M NOT REALLY TRUSTING ANYBODY CONCERNING THIS, AND I'M THINKING THAT LATER ON THEY'RE GOING TO CHANGE THE RECORDS OR WHATEVER. THERE'S ANOTHER ISSUE THAT IS NOT RELATED TO THIS, BUT, AGAIN, I WOULD LIKE FOR THE CITY -- THE CITY PEOPLE TO LOOK INTO THIS, WHY DOESN'T ANYBODY WITHIN THE CITY DEPARTMENTS STEP UP AND TAKE RESPONSIBILITY AND SAY, OKAY, WE MADE A MISTAKE? BASICALLY WE'VE GOT A CERTIFIED LETTER WHICH I FELT WAS RETALIATION, TELLING US WE WERE GOING TO BE CITED FOR THIS EVEN THOUGH WE HAD NOTHING TO DO WITH THIS.

ALL RIGHT, I THINK YOUR THREE MINUTES ARE UP. I DO SEE SOME OF OUR STAFF PEOPLE OUT IN THE AUDIENCE, SO IF YOU COULD PERHAPS MEET THEM BACK AT THE BACK, MAYBE

WE CAN GET SOME CLARIFICATION ON SOME OF THESE ISSUES. LEON, RAISE YOUR HAND, SIR, IF YOU SEE THE GENTLEMAN THERE IN THE BACK... RAISE YOUR HAND, LEON. RIGHT THERE. WE HAVE A STAFF MEMBER WHO HAS DONE RESEARCH ON THIS, AND THEN I'M GOING TO BE FOAMING UP WITH HIM AFTER YOU SPEAK WITH HIM. NEXT IS MR. RICHARD TROXELL.

MAYOR PRO TEM, COUNCILMEMBERS, CITY MANAGER, MR. SMITH, THANK YOU FOR HAVING ME HERE TODAY, I'LL TRY AND BE BRIEF. I WAS HERE A WEEK AGO WITH ALLAN GRAEME, WE PRESENTED ON THE HABITAT ON WHEELS PROJECT, AND I EXPLAINED THAT HOUSE THE HOMELESS....LESS WAS WORKING IN COLLABORATION WITH THAT, HOUSE THE HOMELESS HELPS PEOPLE GET THE DISABILITY BENEFIT THEY NEED TO HAVE IN ORDER TO AFTER..... AFFORD THE TRAILER, THAT IS HOW WE'RE WORKING IN COLLABORATION WITH THEM, WHAT I'M SUGGESTING TODAY IS AN ADJUNCT TO THAT, ANOTHER WAY TO HELP US DEAL WITH THIS GROUP THAT HAS BEEN CALLED THE CHRONICALLY HOMELESS, THE NUMBERS ARE 7 OR 800 IN THE DOWNTOWN AREA. WHAT WE'RE SUGGESTING IS TO USE SOME OF THE BOND MONEY, THE \$55 MILLION, AND TO CREATE A PROGRAM THAT IS -- AND I'LL USE THE TERM SECTION 8 L. SECTION 8 IS A SUBSIDY PROGRAM WHERE TENANTS CAN AFFORD HOUSING IN THEIR AREA, THE LANDLORD SAYS I'VE GOT AN APARTMENT HERE FOR \$800 AND THE FEDERAL GOVERNMENT SAYS, OKAY, WELL, WE'LL COME IN THE OTHER \$200 AND MATCH THAT, BRING THAT IN SO THAT MAKES THE APARTMENT AFFORDABLE TO THEM. WHAT WE'RE SUGGESTING IS THAT THESE INDIVIDUAL THAT ARE RECEIVING \$623 A MONTHS, I'VE BEEN ASSISTING THEM GETTING THESE BENEFITS SINCE THE 1980s, THAT THIS AMOUNT IS LESS THAN AN AMOUNT NECESSARY FOR THEM TO GET HOUSING AND SO EVEN THOUGH THEY'RE GETTING THIS MONTHLY CHECK, THEY'RE STILL LIVING ON THE STREETS OF AUSTIN AND THAT IS THE SAME TARGET GROUP THAT ALLEN AND I TALKED ABOUT LAST WEEK. THIS IS ANOTHER WAY TO HOUSE THOSE PEOPLE. I WAS IN A DISCUSSION WITH THE SOCIAL SECURITY ADMINISTRATION THIS MORNING AND FOUND THAT WHAT WE ARE SUGGESTING HERE, THIS SUPPLEMENTAL PROGRAM IS BEING PERFORMED IN OTHER OTHER STATES THAT HAVE DETERMINED THAT THE FEDERAL GOVERNMENT WITH THIS SSI, ITS SUPPLEMENTAL SECURITY INCOME PROGRAM IS NOT PROVIDING ENOUGH PEOPLE IN VARIOUS LOCALITIES, DIFFERENT MUNICIPALITIES AND DIFFERENT STATES FOR THEM TO GET INTO BASIC RENTAL HOUSING, SO WHAT WE'RE SUGGESTING IS THAT IF WE COULD USE A MILLION DOLLARS A YEAR, WE COULD PROVIDE HOUSING THROUGH 170 -- 175 PEOPLE. THIS WOULD BE A SUPPLEMENT FOR THEIR CHECK AND IT WOULD MAKE THEM ELIGIBLE TO AFFORD AN EFFICIENCY APARTMENT, NO MORE THAN THAT, IN THE CITY OF AUSTIN, THAT IS THE LONG AND SHORT AND THE EXTENT OF THE PROPOSAL. SHOULD THERE BE QUESTIONS, DON'T HESITATE TO CONTACT US. WE REALIZE THAT THIS IS NOT ON YOUR AGENDA AT THE MOMENT, BUT AS TIME GOES ON, AND YOU START TO LOOK AT HOW ARE WE GOING TO GET SOME OF THE \$55 MILLION TO PEOPLE AT 30% OF MEDIAN FAMILY INCOME AND BELOW, THIS IS A WIN-WIN PROPOSITION, BECAUSE THIS IS NOT GOING TO COST ANY CONSTRUCTION COSTS, THERE'S NO MAINTENANCE COSTS. AND WE'LL BE ABLE TO HOUSE PEOPLE ALMOST IMMEDIATELY. THANK YOU VERY

MUCH.

Dunkerly: THANK YOU VERY MUCH. JOHNETTE MASON. I NOTICE THAT MR. ROBBINS HAS COME IN, SO PAUL ROBBINS?

MAYOR PRO TEM, CITIZENS OF AUSTIN, CITY COUNCIL, I'M PAUL ROBBIN, I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. IT HAS BEEN REPORTED IN THE PRESS THAT AUSTIN'S ELECTRIC UTILITY, AUSTIN ENERGY, IS CONSIDERING PURCHASE OF LAND TO BUILD A COAL PLANT, IT'S MY INFORMATION THAT THIS WILL BE POSTED ON CITY COUNCIL'S AGENDA FOR NEXT THURSDAY. I AM ASKING FOR A 30 DAY DELAY SO THAT THIS COUNCIL HAS PROPER TIME TO CONSIDER THE RAMIFICATIONS OF THIS DECISION. AS IMPORTANTLY IT WILL ALLOW THE PUBLIC SOME AMOUNT OF TIME FOR ANALYSIS AND INPUT. I AM ALSO ASKING YOU TO SET UP A DISCREET WORK SESSION AND PUBLIC HEARING DEDICATED TO THIS PROPOSAL. GOOD PUBLIC POLICY IS NOT DONE AND AN EMERGENCY BASIS AND THIS DECISION IS TOO IMPORTANT TO THE ENVIRONMENT AND ECONOMY OF THE CITY TO RUSH IT THROUGH WITHOUT PROPER OVERSIGHT AND PUBLIC DISCUSSION. ISSUES THIS COUNCIL MUST DECIDE INCLUDES SCRUTINIZING ALTERNATIVES THAT MIGHT BE EMPLOYED INSTEAD OF A NOW COAL PLANT, BUT EVEN IF COUNCIL DECIDES THAT A COAL PLANT MIGHT BE NECESSARY, THERE ARE OTHER CONSIDERATIONS TO BE DISCUSSED. FOREMOST OF THESE IS THE ISSUE OF PARTNERSHIP WITH THE CITY OF SAN ANTONIO. IF AUSTIN MUST BUILD A PLANT, IT MUST BE -- IT MIGHT BE BETTER TO OWN IT OURSELVES. SAN ANTONIO DOES NOT SHARE THIS CITY'S VALUES. IT HAS PROVEN TOO OFTEN IT'S MORE INTERESTED IN THE BOTTOM LINE OF THE ENVIRONMENT TO WIT THE CITY OF SAN ANTONIO'S UTILITY DECISION -- RECENT DECISION TO BUILD A PULVERIZED COAL PLANT. OTHER IMPORTANT THINGS INCLUDE THE COST OF THE LAND, THE COST OF THE PLANT, HOW THIS COST WILL BE FUNDED AND THE CITIZENS RIGHTS GUARANTIED IN THE CITY CHARTER TO APPROVE FINANCIAL DEBT. I ALSO WONDER IF THE LOCATION OF THE LAND NEEDS TO BE RESTRICTED TO MATAGORDA COUNTY. AUSTIN MIGHT FIND SIMILAR SITES FOR LESS COST ELSEWHERE ON THE GULF COAST. AGAIN, FOR ALL THESE REASONS, I'M ASKING COUNCIL TO DELAY THE VOTE ON LAND FOR A COAL PLANT 30 DAYS FROM FEBRUARY 1, SO THAT YOU HAVE TIME TO PROPERLY UNDERSTAND THE ISSUE AND RECEIVE PUBLIC COMMENT. THANK YOU.

THANK YOU VERY MUCH. EITHER JOE ZAMECAI OR JOHNETTE MASON COME IN? OKAY. WITH THAT I CLOSE THE CITIZEN COMMUNICATION PART OF THIS AGENDA. I'M SORRY. YOU'RE -- OKAY, SO WE DID CALL YOU TWICE. SORRY.

GOOD AFTERNOON. MY NAME IS JOE SEMCAI, I LIVE AT 8033 GUESSNER DRIVE IN AUSTIN. I'M SURE YOU'VE HEARD MANY TIMES BUT I THINK OUR NEIGHBORHOOD HAS A DIFFERENT SITUATION THAT WHAT YOU MAY HAVE HEARD WOULD BE A DIFFERENT SITUATION ALTOGETHER, WE HAVE A LOT OF CRIME IN OUR NEIGHBORHOOD, AND I WAS LOOKING AT A MAP RECENTLY AND OUR NEIGHBORHOOD BASICALLY HAS NO PUBLIC PARKS, AND I KNOW THERE ARE LOTS OF AREAS IN AUSTIN THAT HAVE THE SAME PROBLEM, A LOT OF CRIME, A

LOT OF KIDS RUNNING STREETS AND NO PUBLIC PARKS FOR THEM TO GO TO, IN MY NEIGHBORHOOD CALLED GEORGIAN ACRES OFF 123 AND 85, BETWEEN 35 AND LAMAR, RUMBERG AND 183, IN THAT RECTANGULAR NEIGHBORHOOD WE HAVE ACTUALLY NO PARKING AND NOTHING OF THE SORT, AND THERE'S HUNDREDS OF HOUSEHOLDS THERE AND LOTS OF KIDS, I'VE BEEN WORKING WITH THE AUSTIN POLICE TO GET SOME LAND OWNERS WHO OWN PROPERTY THERE TO CLEANUP THEIR PROPERTY BECAUSE THERE'S ALSO A LOT OF TRASH, IN MY PARTICULAR NEIGHBORHOOD, I'M NOT AFRAID TO SAY IT, THERE'S PROSTITUTION, CRACK PUSHING, MUGGING, I'VE BEEN IN COMMUNICATION WITH THE AUSTIN POLICE DEPARTMENT A LOT, MY PROPOSED SOLUTION IS THAT SOME OF THESE PROPERTY OWNERS WHO HAVE BEEN NEGLIGENT WITH THEIR LAND, THEY'VE BEEN ASKING THEM TO CLEAN IT UP, THERE'S BEEN PROGRESS MADE IN THE AREA, BUT THE PROPERTY OWNERS MADE IT CLEAR TO THEM THEY DON'T INTEND TO MOVE OR SELL THEIR PROPERTY ANY TIME SOON, BARRING ANY SPECIAL SITUATION, THEY WANT TO KEEP THE LAND THEY HAVE THAT REALLY LOOKS BAD ALONG IH-35, COME SOUTHBOUND ON IH-35, LOOKING OFF TO YOUR RIGHT, JUST BEFORE 183, THERE'S A WHOLE LOT OF VIRGIN LAND SET ASIDE THERE THAT'S OWNED BUT IT'S BEEN NEGLECTED BY THE OWNERS, THERE'S A LOT OF TRASH, WE ALSO FOUND OUT THERE WAS A LOT OF HOMELESS CAMP SITES WITHIN SOME OF THE AREAS THERE THAT HAD A LOT OF OVERGROWTH, A LOT OF TREE, SO THERE WAS A LOT OF COVER, SINCE THE LAND WAS NOT BEING USED, WE'RE TALKING SEVERAL -- PROBABLY A DOZEN ACRES OF LAND THAT WERE BASICALLY OFFLIMITS TO SOCIETY EXCEPT FOR THE HOMELESS PEOPLE, AND EL PASO WHEN THEY CUT DOWN THE TREES AS PER THE OWNER'S REQUEST TO CLEANUP ONE OF THOSE PROPERTIES, THEY FOUND OVER A DOZEN DIFFERENT CAMP SITES THAT HAVE BEEN USED AND A LOT OF BEER BOTTLES, CABS, MATTRESSES. I'M PROPOSING THE CITY TAKE SOME FUNDS THAT I UNDERSTAND HAVE BEEN SET ASIDE AS PER..... AS PER THE RECENT VOTE, I'M PROPOSING THE CITY TRY TO PURCHASE SOME OF THOSE AREAS, THOSE LANDS, THEY'RE ALMOST UNUSED OTHER THAN BY VIE GRANTS AND I THINK IF THOSE LANDS WERE CLEANED UP AND MOWED AT LEAST, CREATE A HIKE AND BIKE TRAIL AND THE NORTH AUSTIN AREA CAN HAVE A PARK TO BE PROUD OF. ADULTS WILL ENJOY IT TOO. THOSE AREAS ARE BEING USEALIZED BY THE CRIMINAL ELEMENT IN OUR SOCIETY. IF ONE DEPARTMENT CAN DO ONE THING THAT'S GREAT, MY MAIN SUGGESTION IS CAN WE TAKE A LOOK AT THE IDEA OF CHANGING -- CHANGING THAT SITUATION INTO A MORE FUNDAMENTALLY SAFE PLACE FOR OUR NEIGHBORHOOD, BY MAYBE BUYING SOME OF THAT PROPERTY.

Dunkerly: THANK YOU VERY MUCH, IF YOU WILL LEAVE YOUR NAME WITH SOMEONE AT THE COUNTER OR THE DESK THERE, I WILL HAVE SOMEBODY FROM THE PARKS DEPARTMENT CALL YOU. WE DID APPROVE IN THE LAST BOND ELECTION MONEY FOR A RECREATION CENTER IN NORTH CENTRAL AUSTIN. I'M NOT SURE HOW FAR THAT IS FROM YOUR LOCATION. WE HAVE NOT SELECT ADD SITE FOR THAT CENTER YET. BUT WE WANT TO CHECK WITH YOU ON THAT AND THEN TRY TO SEE IF ANY OF THE PARCELS THAT YOU'VE MENTIONED WOULD FIT INTO A NEIGHBORHOOD PARK SCENARIO, SO IF YOU'LL LEAVE YOUR E-MAIL OR TELEPHONE NUMBER OR SOMETHING, WE'LL HAVE SOMEBODY GET IN

TOUCH WITH YOU.

EXCUSE ME.

MAYOR PRO TEM?

Dunkerly: YES.

OUR ASSISTANT DIRECTOR OF THE PARKS DEPARTMENT, HE'S WAVING HIS HAND IN THE BACK OF THE ROOM, YOU CAN MEET WITH HIM AND GIVE HIM ALL OF THE INFORMATION THAT THE MAYOR PRO TEM REQUESTED YOU LEAVE WITH US.

GREAT. I DO APPRECIATE Y'ALL'S TIME, I HOPE YOU CONSIDER THERE ARE PROBABLY LOTS OF AREAS IN AUSTIN THAT NEED THIS SAME THING WITH LAND BEING DPLEKTD NOW THAT CAN BE UTILIZED. THANK YOU VERY MUCH.

THANK YOU VERY MUCH.

HAVE A GREAT DAY.

UNLESS JOHNETTE MASON HAS COME IN, THOSE ARE THE LAST OF OUR SPEAKERS, AT THIS TIME THE COUNCIL WILL GO INTO EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT, TO DISCUSS AGENDA ITEMS NUMBER 31 RELATED TO LEGAL ISSUES CONCERNING LEGISLATION AND THE 80th LEGISLATIVE SESSION. ITEM 32 RELATED TO LEGAL ISSUES CONCERNING DEVELOPMENT AT NORTH CO CROSS MALL AND ITEM 33 RELATED TO LEGAL ISSUES REGARDING THE EXPANSION OF THE WATER TREATMENT EXPANSION PROJECT AND ASSOCIATED CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS LINLTED. IF THERE'S NO OBJECTION TO GOING INTO EXECUTIVE SESSION ON THE ITEMS READ, HEARING NONE, THE COUNCIL WILL NOW GO INTO EXECUTIVE SESSION.

QUOWN, WE'RE READY. IT TIME FOR OUR 3:00 O'CLOCK BRIEFING. AT THIS TIME I ASSUME I CAN SAY WE ARE OUT OF EXECUTIVE SESSION AND WE TOOK NO ACTION AND WE'LL GO RIGHT ON TO OUR 3:00 BRIEFING. ON THE SEAHOLM STUDY.

MAYOR PRO TEM, I'M SUE ED WARS, DIRECTOR FOR THE ECONOMIC GROWTH AND REDEVELOPMENT SERVICES OFFICE. THE SEAHOLM CHRISTMASTER PLAN WAS PRESENTED TO COUNCIL APPROXIMATELY FIVE YEARS AGO AND SINCE THAT TIME AS YOU'RE AWARE, SIGNIFICANT DEVELOPMENTS IN TRANSPORTATION PLANNING AND PROJECT DEVELOPMENT HAVE OCCURRED WHICH HAVE PROMPTED A NEED FOR A TRANSIT FOCUSED UPDATE FOR THE AREA. THE SEAHOLM STATION STUDY IS A FOCUSED STUDY OF FUTURE TRANSIT NEEDS IN THE SEAHOLM DISTRICT JOINTLY COMMISSIONED BY THE CITY OF AUSTIN, THE AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT AND CAPITAL METRO. THE

STUDY BEGAN IN JANUARY 2006 AND INCLUDED INPUT FROM ALL THREE PARTNERING AGENCIES AS WELL AS SEAHOLM DISTRICT PROPERTY OWNERS. THE SEAHOLM STATION STUDY WAS LED BY TOM SHELTON, SENIOR TRANSPORTATION PLANNER, AND MR. SHELTON WILL BE PRESENTING THE STUDY RESULTS TO YOU THIS AFTERNOON. THANK YOU.

THANK YOU, MS. EDWARDS. GOOD AFTERNOON MAYOR PRO TEM AND THE MAINTAIN OF THE COUNCIL. THANK YOU FOR LETTING ME COME BEFORE TODAY. AS SHE SAYS I'M TOM SHELTON WITH CARTER AND BURR JESSE AND WE WERE PROUD TO BE COMMISSIONED BY ALL THREE PARTIES THAT JOINTLY FUNDED WHAT ACTUALLY BECAME A QUITE HISTORIC STUDY AT THE END OF THE DAY AND A RECOMMENDATION ON HOW BEST TO PROVIDE PUBLIC TRANSPORTATION TO THE SEAHOLM AREA. AND THE THREE ENTITIES THAT MS. EDWARDS MENTIONED AT THE END OF THE DAY CAME TO A JOINT AGREEMENT ON WHAT WE RECOMMENDED AS THE FINAL SOLUTION. AGAIN, TO PROVIDE THAT PUBLIC TRANSPORTATION BY ALL MEANS OF PUBLIC TRANSPORTATION. I'LL GO THROUGH THAT IF I MAY. EYE LIKE TO ENCOURAGE YOU POSSIBLY TO ASK QUESTIONS. I HAVE WHAT APPEARS TO BE A QUITE LENGTHY PRESENTATION, BUT I DID WANT TO TAKE A FEW MINUTES TO GO THROUGH THE PROCESS AND ALL THE THINGS THAT WE CONSIDERED. SOME OF THE THINGS I'M GOING TO HIGHLIGHT AND SPEAK TO YOU ABOUT WAS THE STUDY'S GUIDING PRINCIPLES THAT WERE CRITICAL IN DEFINING FROM DAY ONE OF THE OVERALL STUDY. THE SITING CONDITIONS WERE QUITE CHALLENGE. ALL THE DEVELOPMENT THAT'S OCCURRING IN THE AREA, INCLUDING THE SEAHOLM SITE, I'M GOING TO GO THROUGH ALL THE DIFFERENT ALTERNATIVES THAT WE EVALUATED, THE FINAL EVALUATION RESULTS AND WHAT OUR FINAL RELIGIOUS..... RECOMMENDATION WAS. AGAIN, THE GUIDING PRINCIPLES WERE IMPORTANT. WE WANTED TO INVOLVE ALL STAKEHOLDERS AND WE HAD A COMMITTEE OF THOSE THREE ENTITIES, BUT ALSO WHO SERVED ON OUR COMMITTEE WERE REPRESENTATIVES OF EACH OF THE DEVELOPMENTS, SEAHOLM, GABLES AN THE SPRING SITE AND THAT COMMITTEE WAS CHAIRED BY HAD MR. GREG KYLER FROM THE CITY VERY ABLELY AND HE BROUGHT TO THE TABLE ALSO HIS UNDERSTANDING OF THE PFLUGER BRIDGE EXTENSION AND THE BIKE PATHS WHICH WAS A VERY CRITICAL ELEMENT. THE STUDY WAS JOINTLY FUNDED AND WHAT WE WERE TRYING TO ACHIEVE TOFS MAXIMIZE THE ACCESS OF PUBLIC TRANSPORTATION TO ALL THESE REDEVELOPMENT SITES THAT ARE OCCURRING IN THAT GENERAL AREA. SECONDLY, TO MAXIMIZE THE INTERMODAL CONNECTIONS WITH THE COMMUTER RAIL DISTRICT, COMMUTER RAIL PRORJS CAPITAL METRO'S BUS SYSTEM THAT SERVES TODAY AND MAY NEED TO BE SLIGHTLY REVISED. AGAIN, CAPITAL METRO'S FAIRLY NEW DOWNTOWN RAIL STREET CAR CONNECTOR PROJECT, THE CARTS BUS SYSTEM THAT SEFERBSES THE AREA AND ALSO AMTRACK THAT HAS A STATION JUST WEST OF LAMAR STREET FOR THOSE PEOPLE THAT WOULD LIKE TO COME TO AUSTIN THROUGHOUT THE STATE AND THE COUNTRY, WE WANT TO MAKE SURE THAT WE PROVIDED THEM THAT CONNECTIVITY TO COME OFF AN AMTRACK AND MAYBE TRAVEL BY RAIL OR BUS THROUGHOUT DOWNTOWN AND THE REST OF THE CITY. WE WANTED TO IMPACT ON SEAHOLM DEVELOPMENT AND TO THE EXTENT THAT THERE WOULD NOBODY IMPACT. AND LASTLY WE WANT TO MAXIMIZE COST

EFFECTIVENESS WHICH RESULTS WITH THE LEAST TRANSIT CAPABILITY COSTS AND RIDERSHIP AND WE TOOK THAT INTO ACCOUNT. QUICK AERIAL PHOTOGRAPH OF THE CHALLENGING SITE EXISTING CONDITIONS, THE SITE SLOPES OFF GREATLY. WE'RE AWARE THAT LAMAR STREET COMES UNDERNEATH THE CURRENT UNION PACIFIC RAILROAD IN AN UNDERPASS CONFIGURATION. IT IS THE SAME TRACK THAT THE AUSTIN-SAN ANTONIO COMMUTER RAIL PROJECT IS DESIRING TO OPERATE ON. AND ALSO YOU'RE VERY FAMILIAR WITH HISTORIC UNION PACIFIC RAILROAD BRIDGE THAT COMES OVER TOWN LAKE AND OVER CESAR CHAVEZ. THAT CLEARLY IS AN HISTORIC BRIDGE. IF IT'S NOT REGISTERED, IT CERTAINLY IS ELIGIBLE FOR THAT AND THAT NEEDS TO REMAIN IN PLACE AND WE NEEDED TO TAKE THAT INTO ACCOUNT AND RESPECT THAT BRIDGE IN ITS CONDITION. YOU ARE PROBABLY FAMILIAR WITH THIS MAP, BUT YOU CAN SEE THAT THE GREEN LINE, WHICH COMES IN AND OUT OF THE MAP, IS THE ALIGNMENT FOR THE AUSTIN-SAN ANTONIO REGIONAL COMMUTER RAIL PROJECT. THEN OFF TO THE RIGHT THE BROWN LINE WITH ITS RED DOTS IS CAPITAL METRO'S COMPUTER RAIL PROJECT. VERY EARLY ON BACK IN JANUARY AND FEBRUARY WE RECOGNIZED THERE WAS AN OBVIOUS WHAT I REFERRED TO AS A GAP. THERE ARE CITIZENS COMING IN FROM LEANDER AND EAST AUSTIN COMING IN TO THE SEAHOLM AREA, THEY HAVE NO MEANS BY WHICH TO MAKE A VERY SEAMLESS TRANSITION TO THE COMMUTER RAIL DISTRICT PROJECT TO TRAVEL SOUTHERLY OR THROUGHOUT THE REGION. SO WE BROUGHT THAT TO ATTENTION. ABOUT THAT SAME TIME CAPITAL METRO WAS BEGINNING TO THINK ABOUT A DOWNTOWN CIRCULATOR THE FORM OF A RAIL STREET CAR PROJECT. AND ULTIMATELY THAT PLAN ALLOWED FOR THAT GAP TO BE CLOSED SO THAT PEOPLE THAT ARE DEBARKING FROM THE CONVENTION CENTER WOULD BE ABLE TO TRANSFER TO THE DOWNTOWN RAIL STREET CAR AND THEN COME OVER AND CONNECT DIRECTLY INTO THE SEAHOLM SITE. FROM THE EARLY OUTSET, MS. EDWARDS AND MR. GREG KYLO MADE IT CLEAR TO THAWS THERE HAD BEEN A LOT OF DEVELOPMENT AND PLANNING DONE IN THE SEAHOLM AREA, AND THIS COUNCIL ADOPTED THE SEAHOLM DISTRICT MASTER PLAN OR YOU APPROVED IT ANYWAY. AND WE MADE SURE THAT OUR TEAM WAS FULLY AWARE OF THE VISION THAT WAS CRAFTED THROUGH THIS. YOU CAN SEE THAT WHEN THIS MASTER PLAN WAS ACCEPTED AND APPROVED YOU CAN SEE THAT THERE WAS A PLACE FOR A RAIL STATION PLAZA AREA TO THE NORTHSIDE OF SEAHOLM. OUR ULTIMATE PLAN SITE SLIGHTLY CHANGE THAT, BUT MAINTAIN THAT SPIRIT AND YOU WILL SEE THAT IN A MINUTE. NEXT AGAIN AS MS. EDWARDS MENTIONED, THIS WHOLE PART OF THE SOUTHERN DOWNTOWN IS GOING THROUGH A REAL POSITIVE TRANSFORMATION WITH NOT ONLY COMMERCIAL REDEVELOPMENT, BUT ALSO A VERY ROBUST RESIDENTIAL REDEVELOPMENT AND THIS DRAWING AGAIN REPRESENTS ALL THE VARIOUS DIFFERENT RESIDENTIAL DEVELOPMENT PROJECTS WITH THE NUMBER OF UNITS THAT ARE EITHER IN SOME FORM OF DEVELOPMENT BEING PLANNED, DESIGNED OR CONSTRUCTED AND WE WANT TO MAKE SURE THAT WE UNDERSTOOD THAT. OBVIOUSLY WE HAD TO UNDERSTAND THE CAPITAL VIEW CORRIDOR IBZ AND MAKE SURE WHATEVER WE RECOMMENDED MAINTAINED THE RESTRICTIONS OF THAT CAPITAL VIEW CORRIDOR. FOCUSING ON THE TRANSIT AND WHAT WE WERE TRYING TO ACHIEVE FROM A RAIL PERSPECTIVE IN TRANSIT, AS WE IDENTIFIED CERTAIN ALTERNATIVES WE HAD CRITERIA OR

GUIDELINES OR STANDARDS THAT WE HAD TO RESPECT. FIRST AS YOU PROBABLY ARE AWARE, WITH A RAIL TYPE OF BE TRANSIT WITH THE TYPE OF VEHICLES TYPICALLY TO BE OPERATED, THAT TYPE OF VEHICLE HAS CERTAIN RESTRICTIONS FROM A GEOMETRY STANDPOINT, SO THE SHARPEST CURVE THAT THE VEHICLES CAN TRANSFER, THIS IS A 300-FOOT RADIUS CURVE. THE STATION PLATFORM ITSELF HAS TO BE IN A STRAIGHT TANGENT. I'LL SPEAK TO THAT IN A MOMENT. ALSO AGAIN BECAUSE OF THE CONFIGURATION OF THE SITE WE WANT TO AVOID REVERSE MOVES OF THE TRAINS. I HAVE ANOTHER GRAPHIC THAT WILL EXPLAIN THAT IN MORE DETAIL. THEN THERE'S ALSO AN ISSUE THAT WE NEED TO BE AWARE OF AS IT RELATES TO FRA, WHICH SFOONDZ FEDERAL RAILROAD ADMINISTRATION. IT'S A NATIONAL BRANCH OF THE DOT THAT GOVERNS OPERATIONS OF FREIGHT RAIL AND COMMUTER RAIL AND THEY HAVE ISSUES RELATED TO COMPLIEBILITY AND NON-COMPLIANT VEHICLES, WHICH BASICALLY MEAN DIFFERENT TYPES OF VEHICLE. YOU'RE PROBABLY AWARE THAT CAPITAL METRO HAS CHOSE TO OPERATE WHAT'S CALLED A NON-COMPLIANT VEHICLE. DOESN'T MEAN IT'S BAD OR ANYTHING, BUT A CERTAIN TYPE OF VEHICLE ACTION BUT THE NON-COMPLIANT VEHICLES CANNOT OPERATE ON THE SAME TRACK AS A COMPLIANT VEHICLE WHICH THE AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT IS ENVISIONING. SO AGAIN BECAUSE OF THAT DIFFERENCE THAT THOSE TWO TYPES OF VEHICLE CANNOT OPERATE ON THE SAME TRAIN, SO OBVIOUSLY IN THAT COORDINATION POINT AT SEAHOLM THAT BECOMES AN ISSUE AND THAT'S HIGHLIGHTED THERE ON THE LAST BULLET. IF YOU ASK ME WHAT DOES A STATION LOOK LIKE AND WHAT DOES A STATION PLATFORM LOOK LIKE, AND I HAVE A RENDERING HERE AND I'LL SPEAK TO THIS AGAIN IN A MOMENT. A COMMUTER RAIL STATION DOES NOT HAVE A VERTICAL STRUCTURE OR ENCLOSURE. IT'S 400 FEET LONG, 20 FEET WIDE. IT TYPICALLY HAS AN ENHANCED PAVEMENT. IT WILL HAVE A CONCRETE DECK WITH SOME SORT OF BRICK PAVERS OR TILES AND IT WILL HAVE ENHANCED PAVEMENT AS IS SHOWN IN THAT RENDERING. AGAIN, THERE'S NO VERTICAL STRUCTURE. THERE IS A CANOPY FOR PROTECTION FROM THE SUN AND THE HEAT AND THE RAIN. IT WILL HAVE LIGHTING FOR SAFETY AND CIRCUIT REASONS, WILL HAVE LANDSCAPING AND LOOLS HAVE SEATING AND LIGHTING ON IT AS WELL. I WANTED TO GIVE YOU SOME CONTEXT ABOUT WHAT WE'RE TALKING ABOUT WHEN WE RELATE TO A STATION PLATFORM. SO WE BEGAN ANALYZING SIX DIFFERENT ALTERNATIVES THAT THE COMMITTEE WAS ABLE TO DESCRIBE OR DEFINE VERY EARLY IN THE PROCESS, AND I HAVE A DRAWING FOR EACH ONE OF THOSE. LET ME GO THROUGH THESE QUICKLY IF I MAY. ALTERNATIVE ONE, AGAIN WE HAVE THE AUSTIN-SAN ANTONIO COMMUTER RAIL PROJECT, WE HAVE CAPITAL METRO'S RAILS DOWNTOWN STREET CAR PROJECT AND THEN WE HAVE THE CAPITAL METRO BUSS THAT ALL NEED TO COORDINATE THERE IN A VERY SEAMLESS INTERMODAL FASHION. IN THIS DRAWING THE RED PLATFORM REPRESENTS THE COMMUTER RAIL DISTRICT'S PLATFORM. THE GREEN RECTANGLE REPRESENTS CAPITAL METRO'S RAIL CIRCULATOR PLATFORM FOR ITS DOWNTOWN STREET CAR. AND THEN YOU CAN SEE THE CORRESPONDING RED AND GREEN TRACKS THAT REPRESENT THE ALIGNMENT. THE FIRST ALTERNATIVE WAS TO LOOK FOR A PLACE THAT THE PLATFORMS HAVE TO BE A O. A 400 FEET PIECE OF STRAIGHT TANGENT TRACK. THERE'S A PLACE THERE EAST OF LAMAR STREET. WE WANTED THE TWO

PLATFORMS TO BE CONSISTENT OR ADJOINING ONE ANOTHER AND AGAIN FOR THE RIDER AND THE CUSTOMER TO MAKE A VERY EASY TRANSFER. SO THIS FIRST CONCEPT IS CERTAINLY DEFINITELY FEASIBLE. IT'S ADJACENT AND EASILY ADJACENT TO THE SPRING AND GABLES SITES. IT'S VERY ACCESSIBLE AND VERY CONVENIENT FOR THE BIKE PATHING THAT BE EXTENDED AND ACTUALLY COMES UNDERNEATH THE UP TRACK IN A TUNNEL CONFIGURATION AND DAYLIGHTS ON THE OTHER SIDE ADJACENT TO THIRD STREET. WE FEEL VERY CONFIDENT THAT THIS IS ALSO WALKING DISTANCE AND CONVENIENT TO THE SEAHOLM SITE THAT IS TO THE SOUTHEAST OF THIS LOCATION. IT ALSO IS EASILY CONVENIENT TO THE AMTRACK JUST TO THE WEST OF LAMAR STREET. AND AGAIN, THE TRANSFER ISSUE BETWEEN CAPITAL METRO AND THE COMMUTER RAIL DISTRICT IS JUST PERFECT IN THIS LOCATION. ALTERNATIVE TWO IS NOT FEASIBLE, AND YOU'RE GOING TO SEE A COUPLE OF DIFFERENT THING THAT WE TESTED JUST TO PROVE WHAT WE THOUGHT, BUT AGAIN WE WANTED TO TRY TO MAKE A LOCATION FOR THE PLATFORM CLOSER TO THE SEAHOLM SITE IF NOT LITERALLY AT ITS FRONT DOOR. YOU CAN SEE BECAUSE OF THE GEOMETRIC CONSTRAINTS OF THE PLATFORM NOT BEING ABLE TO BE IN A CURVE, YOU CAN SEE THAT WE QUICKLY DEEMED THIS TO BE INFEASIBLE. IT DID HAVE IMPASSE TO THE SEAHOLM SITE AND HE BROUGHT SOME OF THE EARLY IDEAS OF THE SITE AND THIS CLEARLY IMPACTS ALMOST AT DEAD CENTER OF HIS TOTAL SITE IF YOU INCLUDE THE AREA OF THE Y CONNECTION THAT THE CITY OWNS THAT. HAD SOME SEVERE IMPACTS THAT WE OBVIOUSLY HAD TO AVOID. AGAIN, YOU CAN SEE THOSE OTHER ISSUES RELATE IT HAD TO THE AYAIN SI TO THE BIKE PATH AND OTHER DEVELOPMENTS AND WE FELT LIKE IT WAS TOO FAR AND INACCESSIBLE FROM THE AMTRACK. THE THING YOU HAVE TO RECOGNIZE IS THOSE PEOPLE THAT ARE COMING TO THIS AREA ON AMTRACK ARE TYPICALLY CARRYING LUGGAGE. FWHEE TO MAKE THAT VERY CONVENIENT FOR THEM IF THEY HAVE TO CARRY THEIR OWN BAGS TO THE NEXT RAIL TRANSFER POINT. ALTERNATIVE THREE IS AN IDEA WE WANTED TO SEE IF WE COULD SORT OF REACH A COMPROMISE. THE COMMUTER RAIL DISTRICT PLATFORM JUST EAST OF LAMAR, THE RAIL STREET CAR PLATFORM IN GREEN CLOSER TO SEAHOLM TO SEE IF WE WOULDN'T FIND A COMPROMISE. AGAIN, THIS IS FEASIBLE, BOTH OF THEM OR A STRAIGHT TANGENT FACT. THERE IS ACCESSIBILITY TO ALL THE VARIETY OF DIFFERENT DEVELOPMENTS THAT ARE OCCURRING, BUT THEN YOU HAD THE CHALLENGE THAT THE TWO PLATFORMS ARE NOT ADJOINING ONE ANOTHER, THEY'RE NOT SIDE BY SIDE, SO YOU HAVE A TRANSFER ISSUE WHERE SOMEONE WOULD LITERALLY HAVE TO GET OFF THE TRAIN FROM THE STREET CAR, WALK ABOUT 150 TO 200 FEET ADMINISTRATION TO GET TO O. THE REGIONAL COMMUTER RAIL SYSTEM. SO YOU CAN SEE IN THE LAST BULLET WE DID RECOGNIZE THAT THAT COULD HAVE SOME INCONVENIENCE. ALTERNATIVE FOUR IS ANOTHER VARIATION ON THE OTHER ALTERNATIVE, AGAIN TRYING TO FIND A MAGIC SOLUTION HERE OR THE BEST SOLUTION. AND AGAIN, THIS WAS SEEMED TO BE INFEASIBLE AND WAS QUICKLY ELIMINATED BECAUSE OF THE CHALLENGE OF THAT STATION ON THE CURVE. SIMILARLY WITH ALTERNATIVE FIVE, WHICH WAS TRYING TO FIND DIFERBILITY LOCATIONS FOR EACH ONE OF THE PLATFORMS. SO ALTERNATIVE FIVE IS A SITE VARIATION FROM ALTERNATIVE FOUR, TRYING TO MAKE THE TWO PLATFORMS ADJOINING ONE ANOTHER TO MAKE THE EASE OF THE TRANSFER

ACTION BUT AGAIN BECAUSE OF THE GEOMETRIC ISSUES HAD TO QUICKLY DEEM THAT TO BE INFEASIBLE. AND THEN SOMEWHAT IN THE MIDPOINT OF THE STUDY OF ONE OF THE LEADERS OF THE AGENCY BROUGHT TO OUR ATTENTION, THEY SAID YOU SEEM TO BE FOCUSING TOWARDS THE NORTH END. WHY DON'T YOU LOOK AT THE SOUTH END AND LOOK AT GOING OVER CESAR CHAVEZ. THE EXISTING TRACK COMES ACROSS TOWN LAKE AND CESAR CHAVEZ ACROSS THAT STEEL PLATED GIRDER BRIDGE STRUCTURE THAT WE CANNOT TOUCH BECAUSE IT IS ELIGIBLE FOR AN HISTORIC REGISTER. SO WE WEREN'T ABLE TO USE THAT STRUCTURE FOR POSSIBLE CONSTRUCTION AFTER STATION, SO WE HAD TO LOOK AT A SITUATION WHERE THE STATION PLATFORM WOULD BE ADJACENT TO THE BRIDGE. THAT PLAT FOR WO ALSO BE IN AN AREA CONFIGURATION GOING OVER THE STREET, BUT IT IS ADJACENT. IT DID PROVE TO BE -- BUT AS YOU CAN SEE, I CHANGED COLORS ON YOU. IN PURPLE IS THE CAPITAL METRO STREET CAR PROJECT, RAIL STREET CAR PROJECT FOR THE DOWNTOWN CIRCULATION. AND IT WAS UP THERE ON THIRD STREET BECAUSE AS YOU MAY BE AWARE OF HOW THE STREET CAR WILL COME FROM THE CONVENTION CENTER AND WIND UPCOMING TO THE SEAHOLM SITE VIA THIRD. IT IS FEASIBLE, IT IS ADJACENT TO SEAHOLM WITH SOME NICE URBAN DESIGN TREATMENTS WITH SIDEWALKS. THEY BOTH ARE WITHIN WALKING DISTANCE OF THE OTHER DEVELOPMENT SITES. THEY'RE ACCESSIBLE TO THE BIKE PATH, BUT ONE OF THE THINGS THAT MADE THIS CHALLENGING WAS AGAIN THAT THE TWO PLATFORMS WERE QUITE SOME DISTANCE APART, SO THERE WAS A TRANSFER ISSUE THAT WE BECAME CONCERNED ABOUT. SO WE HAD THE SIX ALTERNATIVES, WENT THROUGH A SERIES, FIRST EVALUATION OF ANALYSIS AND THE RESULTS WERE THAT THE COMMITTEE DECIDED THAT ALTERNATIVE ONE WHERE BOTH PLATFORMS ARE OVER THERE BY EAST OF LAMAR STREET. AND ALTERNATIVE SIX, WHICH IS THE LAST ONE, WHERE THE COMMUTER RAIL DISTRICT'S PLAT FORM IS OVER CESAR CHAVEZ, THEY DETERMINED THAT THOSE RM THE TWO BEST AND WERE WORTHY OF FURTHER EVALUATION. THE REMAINING ALTERNATIVES, EITHER DUE TO INFEASIBILITY OR THE REAL TRF. ISSUES THAT WOULD WEDNESDAY UP BEING UNWOCIALABLE WERE GOING TO BE ELIMINATED FROM CONSIDERATION. SO WE WENT INTO A SECOND EVALUATION WITH ALTERNATIVES ONE AND SIX, AND WE SORT OF RENUMBERED THOSE THEN AS ONE AND TWO. THE NEXT TWO SLIDES, WHICH PROBABLY MAY BE SOMEWHAT DIFFICULT FOR THE AUDIENCE TO SEE, IS A PRETTY IN-DEPTH MATRIX AND SCORING SYSTEM THAT WE CHOSE TO USE WITH A VARIETY OF DIFFERENT EVALUATION CRITERIA THAT YOU CAN READ THERE. WE USED A FIVE SCALE POINT SYSTEM AND WE REALIZE WITH THESE TWO FINAL ALTERNATIVES NEEDING EVALUATION WE KNEED A MEASURE BY WHICH TO ULTIMATELY THEN SELECT THE BEST OUT OF THE FINAL TWO. SO WE LOOKED AT ISSUES RELATED TO BEGIN THE PLATFORM COMBINATION, THE TRANSFER ISSUES BETWEEN THE TWO PROJECTS, IMPACTS TO TRAFFIC, PEDESTRIAN ACCESSIBILITY, BIKE PATH ACCESSIBILITY, ACCESSIBILITY TO THE DEVELOPMENTS. CERTAINLY NEED TO TAKE INTO CONSIDERATION THE ENVIRONMENT AL COMPATIBILITY I OBJECT ACTION CULTURAL AND HISTORIC. ISSUES AND CERTAINLY RIGHT-OF-WAY IMPACTS IF THERE WERE ANY, AGAIN BEING SENSITIVE TO MINIMIZING ANY IMPACTS TO RIGHT-OF-WAY THAT WAS PLANNED FOR THE DEVELOPMENT. SO YOU CAN SEE THAT AN ALTERNATIVE ONE WHERE

BOTH PLATFORMS WERE SIDE BY SIDE UP BY LAMAR STREET, WOUND UP HAVING A SCORE OF 43, WHICH WAS QUITE BET THAN ALTERNATIVE 6, WHERE THE TWO PLATFORMS WERE SEPARATE, BUT THE COMMUTER RAIL DISTRICT'S PLATFORM WAS DOWN THERE BY CESAR CHAVEZ JUST ADJACENT TO THE UP BRIDGE. IT SCORED A 30. AGAIN, OUT OF A FIVE POINT SYSTEM. SO AGAIN, THE COMMITTEE THAT WE HAD, REPRESENTATIVES FROM ALL THREE AGENCIES, THEY ALL MUTUALLY AGREED THAT THE RECOMMENDATION OF OUR TECHNICAL TEAM AND THE COMMITTEE WOULD BE THAT ALTERNATIVE ONE. LET ME HIGHLIGHT THE REASONS FOR THAT RELIGIOUS OF THAT AL EARN -- THE RECOMMENDATION OF THAT AL ALTERNATIVE ONE. NUMBER ONE, THIS DID PROVIDE THE BEST CONNECTION WITH CAPITAL METRO'S STREET CAR CIRCULATOR PROJECT. IT ALSO PROVIDED THE BEST CONNECTION TO THE CAPITAL METRO BUS SYSTEM WHICH WOULD BE SLIGHTLY REVISED, WOULD COME DOWN LAMAR STREET AND THEN COME ACROSS THIRD STREET AND WOULD PROVIDE IMMEDIATE ADJACENT DROPOFF SIDEWALKS ON TO A PLATFORM OF ANY PATRONS THAT WOULD BE COMING BY BUS T PROVIDES THE BEST CONNECTION TO AMTRAK AND THE COMMUTER RAIL DISTRICT FELT IT WAS VERY IMPORTANT TO PROVIDE THAT ACCESS TO AMTRAK. IT ALSO PROVIDES THE BEST CONNECTION TO THE CITY'S VERY IMPORTANT PEDESTRIAN-BICYCLE PATH CONNECTION AS IT COMES LITERALLY IMMEDIATELY AJAY STOANT THE AREA WE'RE SPEAKING OF. THE NEXT POINT THAT WAS VERY POSITIVE ABOUT THIS ALTERNATIVE IS THAT IT DID PROVIDE A VERY COMPATIBLE CONNECTION TO THE SEAHOLM SITE AND I WILL SHOW YOU A DRAWING OF HOW THAT'S TAKE ING IT INTO ACCOUNT. ADJACENT TO THE SPRING AND GABLES DEVELOPMENT SITES AND OTHER SITES THROUGH SOME CONNECTIVITY AND VERY WELL URBAN PLAN AND URBAN DESIGNED SIDEWALKS ACTION LANDSCAPING AND LIGHTING TO PROVIDE A VERY CONVENIENT AND WELL PLANNED CONNECTION TO THE OTHER DEVELOPMENTS. THIS SITE -- THAT RECOMMENDATION ALSO PROVIDES THE LEAST IMPACT AND REALLY NO IMPACTS TO THE SEAHOLM SITE, AND WE KNEW VERY EARLY ON THAT WE HAD TO ACCOMPLISH THAT BECAUSE OF THE CHALLENGES OF THE SEAHOLM SITE AND HIS FIRM. SO HE WAS OBVIOUSLY VERY PLEASED WITH THE RESULT. AND ALSO THIS FINAL ALTERNATIVE WAS THE MOST COST EFFECTIVE OF ALL THOSE WHICH COULD BE IMPLEMENTED AT THE LOWEST CAPITAL CONSTRUCTION COST COST SO HERE'S A RENDERING IF YOU WILL OF THE OVERALL LAYOUT AND CONFIGURATION. AND I'VE GOT A BLOWUP OF THIS IN A MINUTE. THE BIKE PATH CONNECTION AS IT COMES INTO THE OVERALL GABLES AREA AND KIND OF WHEEZED BECAUSE OF THE CHALLENGE OF THE SLOPE AND VERTICAL SLOPES AS I MENTIONED. THE BICYCLE PATH NEEDS TO DAYLIGHT AND BE AT THE GROUND SURFACE CONNECTING JUST ON THE SOUTHSIDE OF THIRD STREET, BUT IT HAS TO COME OUT OF THE UP RAILROAD TRACK. SO MR. GREG KYLO'S CONSULTS DESIGNED THIS LAYOUT AND IT WORKS VERY WELL AN MEETS ALL THE NEEDS OF THE BICYCLIST. YOU CAN SEE THE VARIOUS SITES ALSO THAT ARE PLANNED OR UNDER DESIGN, AND THE RELATIONSHIP TO THE AMTRAK STATION THAT'S ON THE FAR LEFT. THERE'S ALARM STREET BRIDGE. LET ME ASK YOU TO TURN TO THE NEXT PAGE. THIS IS A LITTLE BIT OF A HIGHLIGHT. THE BLUE FRKS YOU WILL, IS THE AUSTIN-SAN ANTONIO COMMUTER RAIL DISTRICT PLATFORM, ABOUT 400 FEET LONG, 20 FEET WIDE, AS I MENTIONED. IT WOULD RESIDE WITHIN THE CURRENT

100-FOOT WIDE UNION PACIFIC RAILROAD RIGHT-OF-WAY. IN PURPLE IF YOU WILL IS A CANOPY FOR THAT COMMUTER RAIL DISTRICT PLATS FORM. THE BLUE IS ACTUALLY REPRESENTS THE TRAIN ITSELF, IF YOU WILL, THE COMMUTER RAIL TRAIN. YOU CAN SEE THE CAPITAL METRO BUS STOP AND THE BUSES STOPPING RIGHT THERE, TWO YELLOW BUSES, THOSE REPRESENT THE BUSS THAT ACTUALLY WOULD STOP AND ALLOW PEOPLE TO ABOUT DISEMBARK FROM THE BUS.... BUSES AS THEY DO TODAY ON TO THE SIDEWALK. THE PLATFORM ITSELF IS SHOWN IN THE LIGHT TAN OR BROWN CHECKERBOARD PATTERN. THE PLATFORM WOULD BE CONSISTENT WITH THE SIDEWALK, WOULD BE IN AN ENHANCED MANNER. THEN YOU CAN SEE THE LABEL THERE, THE CAPITAL METRO STREET CAR CIRCULATION STATION AS IT COMES FROM THE EAST ALONG THIRD STREET, WOULD TIE IN VERY WELL INTO THE COMMUTER RAIL DISTRICT'S STATION PLATFORM AREA THAT'S ALL VERY CONTINGENT. SO AS A CUSTOMER RIDER GETS OFF A BUS OR ONE TRAIN TO THE OTHER, THEY'RE VERY EASY TO SEE WHERE THEY NEED TO MAKE THAT IT TRANSFER AND IT'S IMMEDIATELY ADJACENT TO THEM. SOME OF YOU MAY BE FAMILIAR WITH AN ISSUE THAT CAME UP VERY LATE IN OUR STUDY IN THE NOVEMBER-DECEMBER TIME FRAME WAS THE ISSUE RELATED -- TO WHAT'S COMMONLY REFUSED TO AS THE J CONNECTION AND I HAVE A DRAWING HERE I'LL SHOW YOU. AS YOU'RE PROBABLY FAMILIAR WITH THE SEAHOLM AREA, THE UNION PACIFIC AT ONE TIME HAD A FULL Y CONNECTION WHICH MEANS THERE'S THEN TRACKS IN SORT OF A Y SHAPE ALLOWING TRAINS TO GO FROM EAST TO WEST ACTION EAST TO SOUTH OR WEST TO SOUTH. AND TODAY MOST OF THAT Y CONNECTION IS ABANDONED. THE ONLY THING THAT REMAINS IN PLACE IS THAT SWEEPING CURVE COMING FROM THE SOUTH TO THE WEST WHERE THE UP OPERATES TODAY. THE REMAINDER OF THAT, AS YOU'RE PROBABLY VERY FAMILIAR, IS NEEDED AND REQUIRED FOR THE SEAHOLM DEVELOPMENT SITE. THE ISSUE THAT CAME BEFORE US WAS TO PRESERVE ALL OPTIONS FOR THE CAPITAL METRO RAIL SYSTEM TO BE EXTENDED FROM THE CONVENTION CENTER AND TODAY'S PLANNED TERMINUS, ALLOWING IT TO SERVE IN A MORE REGIONAL FASHION, POSSIBLY TO SOUTH AUSTIN. SO WE LOOKED AT A VARIETY OF DIFFERENT MEANS AND MECHANISMS TO DO THAT FOR FUTURE EAST-SOUTH CONFIGURATION, EITHER FOR THE LIGHT RAIL OR FOR STREET CAR. AND AGAIN, THE URBAN COMMUTER RAIL PROJECTS SEVENNING SEAHOLM. -- SEVERALLING SEAHOLM. AND WHAT WE FINALLY WERE ABLE TO LOOK AT THE ENGINEERING AND GEOMETRIC CHALLENGES AND ALSO AGAIN VERY IMPORTANT ISSUE OF MINIMIZING OUR HAVING NO IMPACTS TO THE SEAHOLM SITE, YOU CAN SEE HERE REPRESENTED IN THE WIDE BLUE LINES AGAIN ALL THREE PARTIES AND ENTITIES CAME TO AN AGREEMENT THAT THAT OBJECTIVE OF POSSIBLY MEANZ BY WHICH CAPITAL METRO COULD BE EXTENDING ITS RAIL SYSTEM AND COME DOWN SOUTH OF SEAHOLM IS FEASIBLE, IS DOABLE, AND THERE'S DIDN'T WAYS BY WHICH TO DO THAT AND THESE BLUE LINES REPRESENT WAYS TO DO THAT. CAPITAL METRO MAY REQUIRE A DIFFERENT TYPE OF VEHICLE THAN THEY'RE PLAN TODAY FOR THE URBAN RAIL SYSTEM, BUT IT CERTAINLY IS POSSIBLE AND FEASIBLE. AND WE INSERTED LANGUAGE INTO THE FINAL REPORT THAT I BELIEVE YOU HAVE COPIES OF REPRESENTATIVE OF THIS DRAWING, AND AT THE END OF THE DAY THE THREE ENTITIES, ALONG WITH THE DEVELOPER, WERE VERY COMFORTABLE THAT THAT OBJECTIVE WAS

ACHIEVED. SO MAYOR PRO TEM, VERY QUICKLY, AND I APOLOGIZE OF THE LENGTHINESS OF THAT, BUT I WANTED TO GIVE YOU THE HISTORY AND CONTEXT OF THE STUDY. AND WE'RE VERY PROUD AT THE END OF THE DAY HOW REPRESENTATIVES FROM AWMNT ALL THE AGENCIES CAME TO A REAL AGREEMENT TO ACHIEVE WHAT ENVISIONED THERE ORIGINALLY THROUGH THE MASTER PLAN.

Dunkerley: THANK YOU. THANK YOU FOR A PRESENTATION OF ALL OF THOSE DIFFERENT OPTIONS. I'D LIKE TO OPEN IT UP TO THE COUNCIL NOW FOR ANY QUESTIONS YOU MAY HAVE. MR. MCCRACKEN?

McCracken: YES. I THINK THAT WAS AN EXCELLENT REPORT, REALLY HELPFUL. THE ONE THING THAT SCWUPD OUT AT ME EARLY ON WAS THE ISSUE OF AN FRA NON-COMPLYING VEHICLE PREVENTING THE LINK-UP FROM THE CAPITAL METRO CROSS TOWN RAIL TO THE ASA RAIL THERE AT WHICHEVER LOCATION GETS CHOSEN. IS THAT BECAUSE IT'S A STREET CAR, LIGHT RAIL CALIBER TRACK OR IS IT THAT IF THEY WERE LIGHT RAIL IT WOULD WORK, BUT IT WOULDN'T WORK BECAUSE IT IS A STREET CAR RAIL?

ACTUALLY, IT'S NOT AN ISSUE THAT'S AFFECTED BY THE RAIL. BOTH OF THOSE VEHICLES CAN USE THE SAME TYPE OF TRACK. LITERALLY THE PHYSICAL TYPES OF RAIL THAT TIES IN ALL THE TECHNICAL DETAILS, THEY CAN USE THAT SAME TYPE OF WHAT I CALL TRACK INFRASTRUCTURE. IT REALLY RELATES TO THE TYPE OF VEHICLE AND THE COST OF THAT VEHICLE OBVIOUSLY. AND I WANT TO JUST CLEAR -- MAKE CLEAR, CLARIFY THAT IT'S NOT A GOOD OR A BAD THING, IT'S JUST A CHOICE THAT AN AGENCY MAKES ON WHAT TYPE OF VEHICLE TO USE. JUST TO BELABOR IT FOR A SECOND, THE ISSUE RELATES TO WHAT'S FRA CALLED COMPLIANT OR NON-COMPLIANT AND RELATES TO THE ABILITY FOR THE VEHICLE FOR CRASH WORTHINESS, IF IT OPERATES ON JOINT TRACK WITH EXISTING FREIGHT RAIL AND LOCOMOTIVE TYPE RAIL THAT A UNION PACIFIC WOULD OPERATE ON. FOR EXAMPLE, ON THE AUSTIN-SAN ANTONIO REGIONAL COMMUTER RAIL PROJECT, OBVIOUSLY THEY INTEND TO OPERATE THE COMMUTER RAIL ON EXISTING UNION PACIFIC RAIL TRACK THAT WOULD TOIN HAVE SOME LEVEL OF FREIGHT ACTIVITY ON IT. SO ASSUMING THAT TYPE OF OPERATION, THEN THE COMMUTER RAIL DISTRICT'S VEHICLE HAS TO BE WHAT'S CALLED COMPLIANT OR IT HAS TO STAND UP TO THAT CRASH WORTHINESS TEST AND UNFORTUNATE INCIDENT WITH A HEAD-ON COLLISION WITH A FREIGHT CAR. CAPITAL METRO ON THE OTHER HAND HAS CHOSEN -- THEY'RE ABLE TO DO A NON-COMPLIANT VEHICLE BECAUSE THE FREIGHT RAIL OPERATIONS ACTION IT WILL BE WHAT'S CALLED TIME SEPARATED AND THE FREIGHT RAIL WOULD OPERATE IN THE MIDDLE OF THE NIGHT DUG NONREVENUE HOURS.

>.....HOURS.

McCracken: AND THEN ON THE ISSUE OF ALIGNMENT ONE, ALTERNATIVE ONE ACTION SO HOW FAR IS THE STREET CAR, THE GREEN DASH, FROM THE VARIOUS BUILDINGS IN THE

SEAHOLM REDEVELOPMENT?

GOOD QUESTION. MAYBE THE BEST CONTEXT IS THE FINAL RENDERING THAT'S KIND OF LARGE ENOUGH TO REPRESENT THE WHOLE AREA WITH ALL THE DIFFERENT DEVELOPMENTS. THE LIGHT BLUE -- AND TO SORT OF GIVE YOU A CONTEXT OF SCALE IFIC. THE LIGHT BLUE WHICH REPRESENTS THE JAIL FOR THE COMMUTER RAIL DISTRICT'S TRAIN, THAT IS APPROXIMATELY 300 FEET LONG. AND THOSE OF US IN THE TRANSPORTATION PLANNING PROFKS BELIEVE THROUGH -- PROFESSION BELIEVE THROUGH A LOT OF TESTING OVER MANY YEARS.....YEARS BELIEVE THAT PEOPLE WILL WALK A QUARTER OF A MILE OR A HALF A MILE. YOU'VE PROBABLY HEARD THAT PREVIOUSLY. SO A QUARTER OF A MILE IS 1200 FEET. SO THIS IS CLEARLY WITHIN THAT TYPICAL RANGE OF ADJACENT SI TO THE SEAHOLM DEVELOPMENT.

McCracken: HOW FAR IS IT THEN?

I THINK TO THE SEAHOLM SITE I WOULD SAY THAT'S PROABLG.....PROBABLY 800 FEET. AND OBVIOUSLY TO THE GABLES SITE, THE PARKING GARAGE, THAT'S 200 TO 300 FEET. AND OBVIOUSLY THE SPRING SITE IS LITERALLY ACROSS THE STREET. SO THAT WOULD OBJECT THE ORDER OF MAGNITUDE OF 50 TO 70 FEET AWAY. WE TEST ALL THAT, PULTD THE SPRINGS AND ALL THAT AND COMPARED TO WHAT OTHER PROJECTS WE'VE DONE ACROSS THE COUNTRY AND WE'RE CONFIDENT THAT THIS WOULD BE WALKABLE, WITH A COMMITMENT THAT IT WILL HAVE TO BE WELL DESIGNED IN AN URBAN PLAN, AN URBAN DISIEBL WITH NICE WIDE SIDEWALK, LANDSCAPING AND LIGHTING FOR SAFETY AT NIGHT.

WHERE DOES CAPITAL METRO, THE STAFF AT LEAST, EXPECT THE NEXT STREET CAR RAIL STOP WOULD BE?

THE WAY THAT THEIR STREET CAR PROJECT IS BEING DESIGNED IS SIMILAR TO A LOT OF OTHER STREET CAR PROJECTS THAT ARE IN DOWNTOWN, IS THAT TRAIN, THAT STREET CAR TRAIN CAN LITERALLY STOP ANYWHERE ALONG THE PATH. IT WOULD STOP AND WOULD USE THE SIDEWALK AS A PLATFORM. SO THE TRAIN COULD LITERALLY STOP WHEREVER THEY CHOSE TOO. TYPICALLY FOR OPERATIONAL PURPOSES IT TYPICALLY STOPS SOMEWHERE BETWEEN EVERY TWO TO FOUR BLOCKS. SO IF THERE WAS A DESIRE TO STOP LITERALLY AT THE FRONT DOOR OF SEAHOLM NEXT TO WEST AVENUE, THAT COULD EASILY BE ACCOMPLISHED.

McCracken: OKAY. AND WHAT IS -- I SAW ONE OF THE DIAGRAMS, SOME SUGGESTIONS OF BUS PLANS THAT CAPITAL METRO HAS INDICATED.

YES, SIR. AND HAD THIS IS A LARGE DRAWING THAT WE REPRESENT TWO SMALL YELLOW TRIANGLES LITERALLY AS PHYSICAL REPRESENTATIONS OF CAPITAL METRO'S BUS. TODAY THEY OPERATE I THINK IN SORT OF A COUPLE OF SITUATIONS ALONG FIFTH AND SIXTH STREET, AND OUR DISCUSSIONS WITH CAPITAL METRO LEADERSHIP SAY THAT THEY

WOULD -- THEY WOULD CERTAINLY WANT TO SERVE SEAHOLM, NUMBER BE ONE, AND THEY COULD CERTAINLY DO THAT WITH THE SLIGHT MODIFICATION OF THEIR CURRENT ROUTES BY COMING SOUTHERLY ON LAMAR, AND BEFORE THE STREET DIVES INTO THAT DEPRESSED AREA, YOU CAN ACTUALLY EXIT OFF THE MAIN LANES OF LAMAR AND CAME ACROSS A FRONTAGE ROAD IF YOU WILL AND YOU CAN TAKE A LEFT-HAND TURN AND COME ACROSS THE LAMAR BRIDGE. AND THAT TURNS INTO THIRD STREET. THAT WOULD BE LITERALLY AT THIS LOCATION. SO THE BUSES COULD SERVE THIS AREA VERY WELL AND VERY CONVENIENTLY.

ARE THEY GIVING SOME INDICATION OF HOW EXTENSIVE A BUS OPERATION THEY'RE LOOKING AT?

NO. OTHER THAN THERE WAS A RECOGNITION THAT THEIR OPERATING COSTS MIGHT BE VERY SLIGHTLY INCREASED BECAUSE THEIR OVERALL LENGTH OF THEIR ROUTES WOULD BE OBVIOUSLY INCREASED. BUT CERTAINLY WITH THE ENHANCED OR EXTRA RIDERSHIP THAT THEY COULD PICK UP FROM HAVING THIS FRONT DOOR ACCESS TO THE SEAHOLM AND GABLES AREA, THEY CERTAINLY FELT THAT THAT ADDITIONAL MINOR INCREASE WAS WASHED.

McCracken: -- WARRANTED.

McCracken: I GUESS WE WANT TO KNOW -- THIS IS AN ISSUE FOR DOWN THE ROAD, BUT WE WOULD WANT TO DEFINITELY NOT WARM THE POTENTIAL OF THIS WHOLE AREA BY CONVERTING THIS INTO SOME TYPE OF REGIONAL BUS DEPOT. AND SO TO THE EXTENT THAT THERE'S SOME BUS SERVICE, THERE'S NOT A THOUGHT THAT THEY'RE GOING TO CONVERT THIS INTO ANOTHER REGIONAL BUS DEPOT AND THEN THAT WOULD BE FINE, BUT IT ALL MATTERS AND I THINK ONE OF THE SALES ON THE STREET CAR SYSTEM THEY'RE MAKING IN OTHER PARTS OF DOWNTOWN IS THAT IF ACTUALLY REDUCES THE AMOUNT OF BUS TRAFFIC, NOT INCREASES IT.

CERTAINLY WE WANT TO PROVIDE THIS AS AN INTERMODAL CONNECTION OR MULTIMODE AL CONNECTION, BUT IT'S PROBABLY APPARENT TO YOU THAT WE CERTAINLY PLACE A FOCUS ON THE RAIL CONNECTION AND THE RAIL SERVICE BECAUSE I THINK THAT OBVIOUSLY ACCOMPLISHES THE CITY'S VISION ON THAT ISSUE.

McCracken: DO WE HAVE ANY SENSE THIS MIGHT BE FOR WHOEVER IN THE ROOM, WHAT IS A REALISTIC POSSIBILITY OF WHEN WE COULD ACTUALLY HAVE THE AUSTIN-SAN ANTONIO RAIL LINE, WHICH OBVIOUSLY THE FIRST STEP IS TO GET UP TO VACANT THE RAIL LINE AT LEAST ENOUGH WE COULD OPERATE COMMUTER RAIL. THE SECOND HUGE ONE IS FUNDING. WE CAN'T EVEN GET INTO THAT DISCUSSION UNTIL THEY MOVE OFF THE LINE. SO DO WE KNOW THE TIMETABLE WHEN THAT MIGHT HAPPEN?

WE REALLY DON'T. YOU JUST DESCRIBED THE TWO BEGINNING HURDLES TO EVEN GETTING

STARTED AND BOTH OF THOSE THINGS ARE UNDERWAY. THE RAIL CORRIDOR HAS RECENTLY GIVEN US A SET OF FINANCIALS SEVERAL INCHES THICK ON SOME FUNDING PROPOSALS INVOLVING THE CITY. WE HAVE JUST BEGUN TO TAKE A LOOK AT THAT. AND I KNOW THERE IS LEGISLATIVE WORK ONGOING NOW DISCUSSING HOW AND WORKING WITH UP ON THAT MOVING. AND COUNCILMEMBER KIM, I KNOW THAT YOU REPRESENT US ON THAT BOARD. WOULD YOU LIKE TO ADD TO THAT?

Kim: WELL, THE PRIMARY CONCERN THAT THEY BROUGHT UP WAS CONSERVING AT THAT Y A FUTURE TRANSIT STOP FOR THE AUSTIN-SAN ANTONIO RAIL CORRIDOR, SO I'M GLAD YOU'VE TAKEN THAT INTO CONSIDERATION AND MADE THAT MODIFICATION BECAUSE IT IS VERY IMPORTANT FOR THE INVESTMENT. WE DO NEED TO PLAN FOR THAT AND MOVING THE UNION PACIFIC RAIL LINE. I APPRECIATE THAT.

ABSOLUTELY. AS I HEAR THAT COMMENT, ONE OF THE THINGS I PROBABLY FAILED TO MENTION IS ONE OF THE THINGS WE WANTED TO ENSURE IN THE STUDY IS OBVIOUSLY THERE NEEDS TO BE A LOT MORE PLANNING AND DESIGN, BUT WE WANT TO MAKE SURE THAT WE CRAFT A VISION SO THAT NOTHING ELSE YOU'RE TRYING TO ACCOMPLISH IS PROHIBITED. WE DIDN'T CREATE ANY FATAL FLAWS SO ANY VISION US HAVE FOR THE AREA WOULD BE PROHIBITED, AND I THINK WE ACCOMPLISHED THAT.

Dunkerley: ANY OTHER QUESTIONS? OKAY. THANK YOU. MS. EDWARDS, DID YOU NEED TO WRAP UP? THANK YOU VERY MUCH. WE APPRECIATE IT. BEFORE WE TAKE A LITTLE BREAK BEFORE OUR ZONING, I WOULD LIKE TO READ INTO THE RECORD THE THINGS WE DISCUSSED IN EXECUTIVE SESSION EARLIER THIS AFTERNOON. WE MET FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 AND DISCUSSED THE FOLLOWING THREE ITEM, NUMBER 31 RELATED TO LEGAL ISSUES CONCERNING LEGISLATION IN THE 80TH LEGISLATIVE SESSION. NUMBER 32 RELATED TO LEGAL ISSUES CONCERNING DEVELOPMENT AT NORTHCROSS MALL. AND NUMBER 33 RELATE ODD TO LEGAL ISSUES REGARDING EXPANSION OF THE ULRICH WATER TREATMENT PLANT EXPANSION PROJECT AND ASSOCIATED CONSTRUCTION CONTRACT WITH ARCHER WESTIN CONSTRUCTION. THERE WERE NO DECISIONS MADE. WE'RE GOING TO TAKE A BREAK AND COME BACK AT 4:00 O'CLOCK FOR THE START OF ZONING.

Dunkerley: IF I CAN GET MR. GUERNSEY TO BEGIN OUR ZONING PART OF OUR AGENDA. SO WE ARE ALL READY, I THINK. I THINK THAT I HAVE ONE, TWO, THREE, FOUR, FIVE, SIX COUNCILMEMBERS PRESENT. THANK YOU.

Gurensey:: THANK YOU, MAYOR PRO TEM, AND MEMBERS OF THE CITY COUNCIL. MY NAME IS GREG GUERNSEY I'M WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. LET ME GO TO OUR 4:00 ZONING ORDINANCES AND RESTRICTIVE COVENANT ITEMS WHERE THE PUBLIC HEARINGS HAVE BEEN CLOSED. OUR FIRST ITEM IS 37, OFFERING FOR CONSENT POSTPONEMENT. THIS IS ITEM NO. 37 . C2A-84-002 - SCHLUMBERGER PDA AMENDMENT FIVE SITE. THIS IS AT AT 8311 RANCH ROAD 620 NORTH. THE APPLICANT REQUESTED A ONE

WEEK POSTPONEMENT TO FEBRUARY 1st. WE CAN OFFER THAT BY CONSENT.

Dunkerly: THANK ANY. ANY DISCUSSION ON THE CONSENT ITEM? IF NOT, DO I HAVE A MOTION ON THE CONSENT AGENDA? IS THAT COUNCILMEMBER MARTINEZ AND A SECOND BY COUNCILMEMBER LEFFINGWELL. ALL OF THOSE IN FAVOR PLEASE SAY AYE. OKAY, THAT LOOKS LIKE A 6-0 VOTE. THANK YOU, GREG.

Gurensey:: THANK YOU. THEN NEXT 4:00 ITEMS, THESE ARE ZONING AND NEIGHBORHOOD PLAN AMENDMENTS. AND THESE ARE PUBLIC HEARINGS WHICH WE WILL BE HOLDING ON POSSIBLE ACTION. FIRST ITEM THAT I WOULD LIKE TO OFFER FOR CONSENT IS ITEM NO. 83 [SIC] C14-06-0212 - 620/183 LIMITED PARTNERSHIP - PROPERTY LOCALLY KNOWN AS 10700-10724 LAKELINE MALL DRIVE. THIS IS A REZONING REQUEST FROM COMMUNITY COMMERCIAL (GR) DISTRICT ZONING TO COMMUNITY COMMERCIAL-MIXED USE (GR-MU) COMBINING DISTRICT ZONING. ZONING AND PLATTING COMMISSION RECOMMENDED THE USE (GR-MU) COMBINING READY FOR CONSENT APPROVAL, ALL THREE READINGS. 39 PH . C14-06-0217 - SMITH 4 - PROPERTY AT 11912 NORTH LAMAR BOULEVARD, A REZONING REQUEST FROM NEIGHBORHOOD OFFICE, NO DISTRICT ZONING TO GENERAL OFFICE (GO) DISTRICT ZONING. ZONING AND PLATTING COMMISSION RECOMMENDED TO GRANT THE GENERAL OFFICE ZONING, READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 40, C14-06-0220 - THORNTON BUNGALOWS AT KNOWN AS 2206-2210 THORNTON ROAD, STAFF IS REQUESTING A POSTPONEMENT TO FEBRUARY 1st. THE PLANNING COMMISSION WILL CONSIDER THIS ITEM AT THEIR JANUARY 30th MEETING. THE REASON FOR THE POSTPONEMENT REQUEST TO FEBRUARY 1st. THAT'S A STAFF POSTPONEMENT ON ITEM NO. 40 TO FEBRUARY 1st. ITEM NO. 41, C14-06-0172 - 11601 JOLLYVILLE ROAD, REZONING FROM LIMITED OFFICE (LO) DISTRICT ZONING TO COMMUNITY COMMERCIAL - MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT ZONING FOR TRACT 1; AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT ZONING FOR TRACT 2. RECOMMENDATION TO GRANT COMMUNITY COMMERCIAL -MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT ZONING FOR TRACT 1; AND LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT ZONING FOR TRACT 2. STAFF HAS BEEN TALKING WITH THE PROPERTY OWNER REGARDING THE TIA. THE TRAFFIC IMPACT ANALYSIS AND WOULD LIKE TO DELETE THE TRIP LIMITATION AS STATED AND RECOMMENDED BY THE PLANNING COMMISSION. STAFF IS IN AGREEMENT AT THIS. AT THE TIME THE SITE PLAN -- OF SITE PLAN, WHEN THE PROJECT IS SPECIFICALLY IDENTIFIED, THE OWNER WILL EITHER LIMIT THE PROPERTY TO 2,000 TRIPS OR PROVIDE A TRAFFIC IMPACT ANALYSIS AT THAT TIME. WITH THESE CHANGES, STAFF CAN RECOMMEND APPROVAL AND OFFER THIS AS A CONSENT ITEM ON ALL THREE READINGS. I WOULD LIKE TO MAKE THAT NOTATION WITH THAT ONE CHANGE. ITEM NO. 42, THIS IS CASE C14-06-0112 - SLAUGHTER 2-458 PROPERTY, KNOWN AS 1100 BLOCK OF WEST SLAUGHTER LANE. THE APPLICANT REQUESTED A POSTPONEMENT OF THIS CASE TO FEBRUARY 15th, IT'S THEIR FIRST REQUEST. WE COULD OFFER THIS AS A CONSENT POSTPONEMENT ITEM. MAYOR PRO TEM, I BELIEVE ITEM NO. 43 WE HAVE A COUPLE OF SPEAKERS SIGNED IN TO SPEAK TO THAT CASE. THAT'S THE HYATT PROPERTY AT 200 WILL BARTON SPRINGS -- 2008 BARTON

SPRINGS ROAD.

Dunkerly: THANK YOU. ANY COMMENTS ON ANY OF THESE ITEMS BEFORE WE GO THROUGH THE CONSENT AGENDA? ALL RIGHT, THE CONSENT AGENDA ON THE PUBLIC HEARING ITEMS, ON NUMBER 38 IT CONSENT FOR ALL THREE READINGS. NUMBER 39 CONSENT FOR ALL THREE READINGS. 40 CONSENT FOR POSTPONEMENT TO FEBRUARY THE 1st. 41, CONSENT ON ALL THREE READINGS WITH THE NOTE READ INTO THE RECORD BY MR. GUERNSEY. AND 42... 42 POSTPONEMENT TO FEBRUARY THE 15th. I WOULD LIKE TO HAVE A MOTION TO CLOSE THE PUBLIC HEARINGS AND APPROVE THESE ITEMS ON CONSENT. MOTION BY COUNCILMEMBER LEFFINGWELL. SECOND.

SECONDED BY COUNCILMEMBER MARTINEZ. ALL OF THOSE IN FAVOR PLEASE SAY AYE.

I HAVE A QUESTION. I DON'T WANT TO PULL IT OFF CONSENT BUT THERE'S A ZONING CASE THAT WE HAVE BEEN DEALING WITH, I HAVE QUESTIONS ABOUT THE JOLLYVILLE ROAD ZONING CASE. THIS WAS ORIGINALLY PROPOSED AS A RETIREMENT COMMUNITY; IS THAT CORRECT?

Guernsey: THAT'S CORRECT. THE APPLICATION HAS ACTUALLY BEEN AMENDED. IT IS NOW COMING BACK TO YOU AS A CONSENT ITEM. THE PETITION THAT HAD ORIGINALLY BEEN FILED IN OPPOSITION HAS BEEN WITHDRAWN. IT'S MY UNDERSTANDING THAT -- THAT THOSE PARTIES HAVE AGREEMENTS TO SUPPORT THE REQUEST AND THAT IS WHY IT'S BEING BROUGHT TO YOU, BACK TO YOU AS A CONSENT ITEM AT THIS TIME.

Martinez: YOU MENTIONED ABOUT THE TRIPS PER DAY ON THIS. STAFF IS RECOMMENDING --

Guernsey: STAFF AND APPLICANT HAVE DISCUSSED THE TRAFFIC IMPACT ANALYSIS, THERE'S NOT A SPECIFIC PROJECT IDENTIFIED AT THIS TIME, SO THE APPLICANTS AGREED AT THE TIME THAT THE PROJECT OR THE PROPERTY IS DEVELOPED, WHICH IS AT THE SITE PLAN STAGE, STAFF WILL LOOK AT THAT -- WITH THE APPLICANT -- AND IF IT REQUIRES A TRAFFIC IMPACT ANALYSIS ONE WILL BE PROVIDED AT THAT TIME. OTHERWISE, IF IT GENERALLY IS LESS THAN 2,000 TRIPS, THEN THEY WOULD AGREE THAT IT COULD COME IN WITHOUT A TRAFFIC IMPACT ANALYSIS.

Martinez: THE FIRST TIME THAT THIS WAS GOING THROUGH THE ADJACENT PROPERTY OWNER, I DON'T -- SHE WASN'T A PROPERTY OWNER, SHE HAD MET WITH ME. -- SHE HAD, HER PARENTS PROPERTY IN CONJUNCTION WITH THAT AS A CONCEPT FOR WHAT COULD BE DEVELOPED THERE -- HAS ANY PLAN BEEN PRESENTED IS THERE A SITE PLAN FOR THIS ZONING REQUEST?

NO, NOT TO MY KNOWLEDGE. AFTER THE PROJECT CHANGED, THE APPLICANT WAS AMENDED IT MAY HAVE ADDRESSED THEIR CONCERN TO REMOVE THE PETITION, I'M NOT

SURE -- I THINK THAT -- THAT --

Martinez: ON THIS ISSUE, YOU ARE REQUESTING, YOU KNOW, TO LIMIT THE HEIGHT OF THE REQUEST OF THE ZONING AND THAT YOU WERE GOING TO BRING FORWARD A CONCEPTUAL SITE PLAN FOR -- FOR BOTH PROPERTIES COMBINED AS -- AS SOMETHING THAT THE NEIGHBORHOODS COULD SUPPORT. I NEVER SAW THAT. I WAS WONDERING IF YOU -- IF YOU GUYS ARE STILL WORKING ON THAT OR WHERE ARE WE WITH THAT?

AT THIS POINT, I HAVE -- I HAVE NOT BEEN DISCUSSING ANYTHING WITH -- WITH THE DEVELOPER THAT APPROACHED MY PARENTS AND -- AND OPTIONS ARE STILL OPEN. BUT WE HAVEN'T SPECIFICALLY TALKED ABOUT ANYTHING NOR HAVE WE MET WITH MR. YOUNG. MR. LINEHAN MET WITH THE NEIGHBORHOOD RESIDENTS AND MY PARENT AND MYSELF. WE WORKED THINGS OUT AND WE FEEL VERY COMFORTABLE WITH WHAT THEIR PLANS FOR THE PROPERTY ARE WITH THE 60-FOOT HEIGHT RESTRICTION.

Martinez: WHAT ARE THOSE PLANS?

THEY HAVEN'T DEVELOPED ANY PLANS AS FAR AS I KNOW. WE HAVEN'T BEEN APPROACHED TO --

Martinez: YOU SAID THAT YOU WERE COMFORTABLE WITH THE PLANS.

THEIR PLANS ARE TO LIMIT IT AT 06 FEET HEIGHT -- 60 FEET HEIGHT WHICH WAS THE NEIGHBORHOOD'S CONCERN.

Martinez: OKAY, THANKS.

THANK YOU.

THANKS, MAYOR.

COUNCILMEMBER AND COUNCIL, I THINK THERE WAS ALSO AN ACCOMPANYING VARIANCE REQUEST BEFORE THE BOARD OF ADJUSTMENT THAT HAS BEEN WITHDRAWN. THAT MAY HAVE ALSO BEEN PART OF THE REASON WHY SOME OF THE CONCERN HAS BEEN DISSIPATED BECAUSE THERE'S MONTH LONGER A REQUEST TO EXCEED THE 60-FOOT HEIGHT LIMIT THAT'S ONLY ALLOWED BY THESE BASE ZONING DISTRICTS.

Dunkerly: COULD I CLARIFY SOMETHING, COUNCILMEMBER MARTINEZ. I KNOW THAT YOU WERE RAISING YOUR HAND BECAUSE YOU WANTED TO SPEAK, BUT ALSO A SECOND? OKAY. THANK YOU. AND I WOULD LIKE TO NOTE THAT THE TWO ITEMS WE'RE POSTPONING ON 40 AND 42, THOSE PUBLIC HEARINGS WILL NOT BE CLOSED BY THIS ACTION. ALL OF THOSE IN FAVOR OF THE CONSENT AGENDA PLEASE SAY AYE.

AYE.

Dunkerly: OKAY. THE VOTE IS 6-0 WITH THE MAYOR OFF THE DAIS. THANK YOU. SO WE ARE BACK TO YOU, MR. GUERNSEY.

Gurensey:: THANK YOU, MAYOR PRO TEM. THAT BRINGS US TO ITEM NO. 43, THIS IS CASE C814-06-0106 - 208 BARTON SPRINGS, REZONING FROM FROM COMMERCIAL-LIQUOR SALES-NEIGHBORHOOD PLAN (CS-1-NP) COMBINING DISTRICT ZONING AND LAKE COMMERCIAL-NEIGHBORHOOD PLANNING (L-NP)COMBINING DISTRICT ZONING TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED TO GRANT PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT ZONING WITH SEVERAL CONDITIONS. THE PROPERTY RIGHT NOW IS DEVELOPED WITH A HOTEL, THE HYATT HOTEL. AND EGGS SURROUNDED CURRENTLY -- IS SURROUNDED CURRENTLY BY COMMERCIAL LIQUOR SALES, CS 1-NP ZONING DEVELOPED WITH RESTAURANTS TO THE SOUTH. THERE ARE EXISTING P.U.D. ZONING. PDA ZONING IN THE AREA FOR OFFICES OR RETAIL SHOPS TO -- TO THE WEST IS -- IS ALSO SOME -- SOME L.I. OR LIMITED INDUSTRIAL SERVICES ZONING AND NP PUBLIC ZONING FOR OFFICES AND PARKLAND. THE PROPERTY IS LOCATED ALONG TOWN LAKE AND IS LOCATED IN THE SOUTH CENTRAL SHORE OF THE SUBDISTRICT OF THE WATERFRONT OVERLAY. THE PLANS WERE SENT TO THE ENVIRONMENTAL BOARD AND THEY RECOMMENDED THE PROPOSED DEVELOPMENT WITH CONDITIONS. THE PARKS AND RECREATION BOARD ALSO REVIEWED THE PROJECT, BUT THEY CAME BACK WITH A RECOMMENDATION ON A SPLIT VOTE OF 4-4, BROUGHT BEFORE YOU WITHOUT A RECOMMENDATION. THE CITY COUNCIL CONSIDERED THIS ITEM LAST DECEMBER, DEFERRED ACTION TO -- TO THIS MEETING, THERE HAS BEEN AN AGREEMENT DRAFTED BETWEEN THE BOULDIN CREEK NEIGHBORHOOD AND ALSO THE APPLICANT. BUT RECENTLY AS OF YESTERDAY THERE WERE A -- THERE WAS A PETITION THAT WAS TURNED IN IN OPPOSITION TO THIS REZONING REQUEST. AND YOU HAVE COPY OF THAT, SIGNED BY FOUR ADJACENT COMMERCIAL PROPERTY OWNERS IN THE AREA. THAT PETITION STANDS AT 28.72%. WE DID HAVE THIS ITEM UP FOR THREE READINGS WITH COVENANTS, BUT IT WOULD REQUIRE A 6 OUT OF 7.. 7 VOTE TO OVERRIDE THAT PETITION. WE ALSO HAVE A LETTER FROM SHERRI MATH THIGH, ONE OF THOSE ADJACENT PROPERTY OWNERS THAT -- THAT REPRESENTS [INDISCERNIBLE] LIMIT.....LIMITED, REQUESTED POSTPONEMENT FOR HER AND HER NEIGHBOR TO TALK MORE ABOUT THIS PROJECT. I THINK AT THIS POINT I WILL TURN IT OVER TO JERRY REST HOVE CONVENIENT WHO WILL -- HOVEN WHO WILL GO INTO DETAILS OF THE ORDINANCE AND RESTRICTIVE COVENANT THAT YOU HAVE BEFORE YOU OR YOU COULD LISTEN TO SHERRI MATTHEWS, WHICH I BELIEVE IS PRESENT PERHAPS YOU CAN SPEAK TO THAT POSTPONEMENT REQUEST.

Dunkerly: WELL, I GUESS WE NEED TO LISTEN TO THAT FIRST. AND THEN WHAT I WOULD LIKE TO HAVE IS THEN ALL OF THE LIST OF THE RESTRICTIONS THAT THE NEIGHBORHOOD AND THAT DEVELOPER HAVE WORKED OUT.

Gurensey:: MR. RUST RUSTHOVEN CAN GO THROUGH THAT.

Leffingwell: WHICH BOARD WAS IT DEADLOCKED AT A 4-4?

PARKS AND RECREATION.

Leffingwell: ENVIRONMENTAL BOARD. WAS THERE RECOMMENDATION THE SAME AS THE PLANNING COMMISSION?

Guernsey: VERY SIMILAR. I MIGHT LET JERRY TALK ABOUT THE NUANCES, DIFFERENCES BETWEEN THOSE. I ALSO NOTE THAT WHEN THIS WAS BROUGHT TO YOU IN DECEMBER, THERE WAS APPEAR AN ADJACENT PROPERTY OWNER WITH A PETITION. THAT'S NOT THE SAME PROPERTY OWNER THAT HAS MADE THE REQUEST FOR A POSTPONEMENT TODAY. MR. HATHAN DOLET WAS THE ONE WHO NEGOTIATED WITH THE PROPERTY OWNER TO WORK OUT THE ARRANGEMENT TO HAVE THIS ITEM BROUGHT BACK TO THIS POSTPONEMENT DATE AND ALSO THERE WAS SOME AGREEMENT TO HAVE ORDINANCES PREPARED IN ADVANCE. BUT TO MY KNOWLEDGE HE IS NOT ASKING FOR A POSTPONEMENT.

HELLO, I'M SHERRI MATH NEWS. I OWN THE PROPERTY AT 200 SOUTH CONGRESS, WHICH IS ADJACENT TO THE FAIRFIELD PROJECT. MY COMPANY IS SHERRI MATH NEWS.....MATTHEWS ADEQUACY MARKETING. BULLDOG ON THE BUILDING. I GUESS THAT I WILL HAVE TO ACT LIKE A BULLDOG. I DID NOT LEARN ABOUT WHAT WAS GOING ON WITH THIS PROJECT AT ALL UNTIL I GOT A PHONE CALL THE DAY BEFORE YESTERDAY. I MET AND SAW THE PLANS. I WAS HORRIFIED. A YEAR AGO I CONTACTED THE HYATT AND SAID I UNDERSTAND THERE'S SOME DEVELOPMENT, I WOULD LIKE VERY MUCH TO BE PART OF THE PLANNING. I'M NEXT DOOR. I'M OPEN TO WORKING WITH WHOEVER IS DOING THIS. I HAVE A HISTORY OF SOME OF YOU KNOW OF WORKING IN DEVELOPMENT FOR MANY YEARS. I AM NOT SOMEBODY WHO OPPOSES DEVELOPMENTS. I HAVE WORKED WITH FABULOUS PUDZ, SOMETIMES THEY ARE MUCH BETTER THAN ANY OTHER FORM OF ZONING. BUT TO HAVE THIS REZONED NEXT TO ME AND THE POSSIBILITY THAT A 200-FOOT CONCRETE MASS CAN BE CONSTRUCTED 15 TO 20 FEET FROM MY BUILDING, WHICH IS 30 FEET HIGH, AND THIS NEW BUILDING WOULD COVER THE ENTIRE PARKING LOT, TO KNOW THAT THAT COULD BE BUILT NEXT TO ME AND IT'S GOTTEN THIS FAR AND I WAS NEVER TOLD. NO ONE EVER MET WITH ME. NOT THE NEIGHBORHOOD ASSOCIATION, THEY -- I TALKED TO THEM YESTERDAY AND TODAY. THEY WERE AGAS. SOME OF THEM, BUT THE IMPACT THAT THIS WILL HAVE ON MY BUILDING. ANOTHER POINT TO ME , YOU KNOW, IN ADDITION TO THIS WHOLE INVALID JURISDICTION WHICH IS A TERM MY LAWYERS HAVE USED, WHICH I DON'T QUITE KNOW WHAT THAT MEANS, I THINK IT MEANS THAT I REALLY WASN'T NOTIFIED, THAT NOBODY SPEAK TO ME OR TOLD ME ANYTHING ABOUT IT OR MRS. FINKELSTEIN, ALSO MY NEIGHBOR WHO WAS PLANNING TO COME TOGETHER. THERE'S ANOTHER HEALTH ISSUE WHICH SOME OF YOU MAY NOT KNOW ABOUT UNLESS YOU HANG OUT AT THE HIKE AND BIKE TRAIL TRAIL AT THE BAT HOME. MY COMPANY THAT OWNS THIS

IS CALLED THE BAT HOUSE. THE BAT SMELL IS TERRIBLE SOME TIMES OF THE YEAR. THE ONLY REASON IT'S NOT TOXIC AT THIS PART POINT IS BECAUSE THERE IS AIR FLOW. IF THIS HUGE MASS IS BUILT NEXT TO US, I DON'T SEE HOW I COULD POSSIBLY INHABIT MY BUILDING. THE SMELL THE ODOR OF THE BATS COME INTO THE BUILDING WHEN YOU OPEN THE DOORS FROM THE PARKING LOT. IF THERE IS NO AIR FLOW AT ALL, WHICH IS WHAT IS PLANNED, THEN I COULDN'T POSSIBLY HAVE MY STAFF OFFICE THERE. IT WOULD MAKE MY BUILDING UNINHABITABLE. I DON'T THINK THAT -- THAT THAT WAS THE INTENTION OF THE COUNCIL WHEN HE APPROVED THIS PROJECT -- WHEN YOU APPROVED THIS PROJECT OR WHATEVER DEALS WERE MADE TO THIS THIS FORWARD. , YOU KNOW, I'M SURE THAT YOU ASSUMED THAT THE TWO COMPANIES WHO HAVE BUILDINGS RIGHT NEXT TO THIS PROPERTY, WHO WILL BE ENGULFED BY THIS, WOULD HAVE CERTAINLY HAD A CONVERSATION WITH A DEVELOPER. I MET THEM FOR THE FIRST TIME TODAY. WAITING OUTSIDE BEFORE THIS MEETING. SO I'M ASKING THIS BE POSTPONED UNTIL WE AS THE NEIGHBORS CAN SIT DOWN, FIGURE OUT IF THERE ARE SOLUTIONS. AS I SAID THERE ARE MANY SOLUTIONS, WE MAY SELL OUR PROPERTY. IF THERE'S NOTHING THAT CAN BE WORKED OUT FOR US TO STAY THERE, THEN WE MAY HAVE TO RELOCATE. I WOULD HOPE THAT THAT'S NOT THE CASE. I DON'T KNOW THAT THAT IS THE INTENTION OF ALL OF THE PARTIES INVOLVED IN THIS. CERTAINLY I DON'T THINK THE NEIGHBORHOOD ASSOCIATION THAT THEY WANTED A DEVELOPMENT THAT WOULD DRIVE US OUT OF THE NEIGHBORHOOD.

Dunkerly: THANK YOU VERY MUCH. WE HAVE HAD ONE REQUEST FROM THE NEIGHBORS FOR POSTPONEMENT. AND GENERALLY AS A COURTESY WE GRANT THAT. WE CANNOT TAKE FINAL ACTION TODAY. THE ONLY ACTION WE COULD TAKE, THIS IS WHAT THE MAYOR REQUESTED THAT WE DO IS GO AHEAD AND HAVE THE PUBLIC HEARING AND IT WOULD BE AT LEAST MID FEBRUARY BEFORE WE COULD EVEN BRING THIS BACK. SO THAT WOULD GIVE YOU TIME TO TRY TO DEAL WITH THIS ISSUE. IF IT GIVES YOU A PROBLEM THERE, CERTAINLY WE CAN POSTPONE IT AT THAT DATE. IT'S CERTAINLY THE WILL OF THE COUNCIL, BUT TRADITIONALLY WE GRANT ONE POSTPONEMENT TO THE -- TO THE AGENT AND OWNER AND ONE POSTPONEMENT TO THE SURROUNDING NEIGHBORS. LET ME SEE IF WE CAN COUNCILMEMBER LEFFINGWELL?

Dunkerly: A PROCEDURAL QUESTION. THIS IS A REQUEST FOR A POSTPONEMENT, THIS FOR THE ATTORNEY, IT WOULD REQUIRE A MOTION AND PASSAGE OF THAT MOTION TO GRANT A POSTPONEMENT, OTHERWISE WE PROCEED; IS THAT CORRECT?

THAT'S CORRECT.

Leffingwell: THANK YOU.

Kim: MS. MATTHEWS, THANK YOU FOR COMING HERE, PRESENTING THIS INFORMATION TO US. THERE ARE OTHER ISSUES THAT I'M WORKING ON RIGHT NOW REGARDING THIS CASE AND I'M -- I REALLY HOPE THAT YOU WILL BE AVAILABLE AND THAT THE AGENTS AND

APPLICANT WILL BE AVAILABLE TO YOU TO SEE WHAT WE CAN WORK OUT IF ANYTHING AT ALL. I KNOW THAT THE NEIGHBORHOOD HAS BEEN VERY INVOLVED. BUT IT DOESN'T SEEM LIKE THE BUSINESSES AND ALL OF THE BUSINESS PROPERTY OWNERS HAVE REALLY BEEN INVOLVED. I SHARE YOUR CONCERN. I THINK THAT'S NEIGHBORS YOU DEFINITELY ARE NEIGHBORS. SO ESPECIALLY AS A SMALL BUSINESS.

I JUST WANTED TO SAY ONE OTHER THING. THE NEIGHBORHOOD ASSOCIATION HAS BEEN MEETING I THINK FOR WHAT ALMOST TWO YEARS WITH THE DEVELOPER. BUT, YOU KNOW, THE IMPACT ON THE NEIGHBORHOOD ASSOCIATION IS NOTHING, NOTHING COMPARED TO THE IMPACT ON MRS. FINK KELFINE'S BUILDING AND MINE.

ARE YOU REGISTERED AS A PROPERTY OWN IN THE NEIGHBORHOOD ASSOCIATION --
[MULTIPLE VOICES]

THEY SAID THAT THEY WERE EMBARRASSED AND IT WAS A TERRIBLE OVERSIGHT THAT I WASN'T NOTIFIED BECAUSE THEY SAID WELL, YOU KNOW, REALLY SINCE YOU ARE NOT A MEMBER OF THE ASSOCIATION AND I DON'T LIVE OVER THERE, EVEN THOUGH I HAVE FRIENDS THERE, THAT THEY DON'T ACTUALLY SEND NOTICES OR INVOLVE THE PEOPLE WHO ARE ADJACENT TO THE PROPERTY THAT THEY ARE IN DISCUSSIONS WITH. SO I WOULD MAKE ANOTHER REQUEST TO THE COUNCIL IN THE FUTURE I THINK THAT YOU SHOULD REQUIRE THE DEVELOPER TO SEND A CERTIFIED LETTER TO THE ADJACENT PROPERTY OWNERS BEFORE ANY DEVELOPMENT IS APPROVED. I WAS ASTOUNDED TO FIND THAT THAT IS NOT EVEN NECESSARY. AND MAILINGS FROM THE CITY DO NOT ALWAYS ARRIVE BECAUSE WE JUST WERE AWARDED A GREEN BUILDER CONTRACT, THEY TOLD US THAT IT WAS COMING UP, WE WAITED, WE DIDN'T SUBMIT ANYTHING, THEY CALLED US AND SAID WELL WHY DIDN'T NOBODY SUBMIT? WHY DIDN'T YOU? I SAID WELL WE NEVER GOT ANYTHING. THEY CALLED OTHER AGENCIES, FOUND NOBODY RECEIVED THE MAILING FROM THE CITY. SO --

Kim: ARE YOU TALKING ABOUT ANOTHER CASE?

ANOTHER CONTRACT. WE NEVER GET MAILINGS FROM THE CITY.

Kim: DO YOU OWN THAT BUILDING?

I OWN THAT BUILDING. IF IT COMES ADDRESSED BAT HOUSE, WHICH IS THE NAME OF THE ENTITY THAT OWNS IT, IF IT COMES ADDRESSED BAT HOUSE, IT MEANS THAT IT'S A LEGAL DOCUMENT OR TAX NOTICES OR SOMETHING LIKE THAT, THE OFFICE MANAGER WOULD NEVER NOT PASS DOCUMENTS LIKE THAT ON TO MY CF OREGON TO SOMEBODY ELSE LIKE ME. WE NEVER RECEIVED ANYTHING.

Kim: I SEE MS. -- I BELIEVE THAT YOU ARE REPRESENTING THE NEIGHBORS ON THIS WHEN YOU WERE TALKING TO DEVELOPERS, MAYBE IF YOU ARE GOING TO SPEAK ADDRESS THAT

ABOUT THE ADJACENT PROPERTY OWNERS, WHETHER OR NOT THEY FALL INTO YOUR AREA. OKAY, OR COREY, YEAH. BUT MS. TERRY, WHAT IS OUR NOTIFICATION PROCESS FOR OUR ADJACENT PROPERTY OWNERS? ON A PUBLIC HEARING.

ON A PUBLIC HEARING, I WILL LET MR. GUERNSEY FILL IN THE -- AROUND THE EDGES THAT I DON'T COVER, BUT WE DO NOTIFY IN WRITING THE PROPERTY OWNERS THAT ARE -- THAT ARE SHOWN ON -- ON T CAD AS BEING THE PROPERTY OWNERS. THAT NOTICE DOES GO OUT AND IT GOES OUT TO PROPERTY OWNERS WITHIN 300 FEET. IN ADDITION THERE ARE SIGNS THAT ARE POSTED AND WE NOTIFY THE NEIGHBORHOOD ASSOCIATIONS. SO I DON'T KNOW -- I DON'T KNOW TO WHOM THE MOW WAS SENT SPECIFIC -- THE NOTICE WAS SEPTEMBER SPECIFICALLY. I DON'T HAVE THOSE RECORDS. I THINK THAT I NEED TO DEFER TO MR. GUERNSEY IF HE HAS HAD AN OPPORTUNITY TO LOOK AND SEE HOW NOTICE WAS SENT. WE DO NOT SEND OUT CERTIFIED MAIL. POLICY DECISION WAS MADE BY COUNCIL IN ESTABLISHING THE NOTICE RULES NOT TO DO THAT. IT IS SIMPLY A FIRST CLASS NOTIFICATION. REQUIREMENT UNDER OUR CODE AND GREG IF YOU CAN SPEAK TO WHETHER OR NOT YOU HAD AN OPPORTUNITY TO ALTHOUGH AT THE RECORDS -- TO LOOK AT THE RECORDS TO SEE WHO WAS NOTIFIED I WOULD APPRECIATE IT.

WE DID CHECK THE FILE AND THE BAT HOUSE IS LISTED AS ONE OF THE PROPERTIES THAT WE DID NOTIFY. WE DO USE THE TRAVIS COUNTY APPRAISAL DISTRICT TAX ROLLS TO DERIVE OUR LIST. THERE'S A NOTICE THAT'S MAILED OUT IN ADVANCE. THE PLANNING COMMISSION PUBLIC HEARING AND ALSO IN ADVANCE OF THE CITY COUNCIL. THE ONLY OTHER NOTICE THAT WE PROVIDE IN ADDITION TO THOSE THAT MARTY WENT OVER WE ALSO ADVERTISE IN THE NEWSPAPER. IN THE LEGAL SECTION OF THE PUBLIC HEARINGS.

Futrell: I'M REALLY CONCERNED ABOUT THE ADDRESS ISSUE. DID YOU GET ANY OTHER COMPLAINTS ABOUT PEOPLE NOT GETTING NOTICES?

Guernsey: NOT THAT I'M AWARE OF.

Futrell: I'M SORRY, COUNCILMEMBER?

Guernsey: SOME OF THE ADJACENT PROPERTY OPENERS HAVE I THINK SENT REPRESENTATIVES OVER. HATHAM LAST MONTH HE AND I BOTH DISCUSSED, HE THINK HE HAD NOTICE, JUST NO TIME BECAUSE OF THANKSGIVING AND HOLIDAYS COMING UP THAT HE DIDN'T HAVE TIME TO DIGEST WHAT WAS HAPPENING AT THE PROPERTY NEXT DOOR.

Dunkerly: ANY OTHER COMMENTS?

I PRESENTED MY CASE THAT WE DON'T ALWAYS GET THE MAILINGS. WE DON'T KNOW WHY WE DON'T ALWAYS GET MAILINGS AT 200 SOUTH CONGRESS BECAUSE WE THINK IT'S BECAUSE SOMETIMES THE POST MAN ACTUALLY DELIVERS OUR MAIL TO 200 CONGRESS. THEY IGNORE THE SOUTH CONGRESS. THERE HAVE BEEN TIMES WHEN NOTICES HAVE NOT

COME TO US BECAUSE OF THAT. THERE IS A MAIL ISSUE. I'M NOT SAYING THAT SOMEBODY INTENTIONALLY DIDN'T NOTIFY US. I THINK OUR NAME WAS ON THE LIST. BUT WE COULD NOT GET CONFIRMATION THAT IT WAS ACTUALLY SENT. MY ATTORNEY WAS TRYING TO GET THAT CONFIRMATION. ALL THAT I KNOW IS WHETHER A LETTER WAS SENT OR EVEN ARRIVED AT MY OFFICE AND MRS. FINKELSTEIN, WHAT I DO KNOW IS WE NEVER TALKED TO THE DEVELOPER, WE NEVER GOT ONE PHONE OR LETTER. A YEAR AGO I CALLED THEM ASKED WHAT'S GOING ON. NEVER GOT A PHONE CALL OR A LETTER FROM THE NEIGHBORHOOD SEWING. THE TWO MAJOR PLAYERS WHO HAMMERED OUT THIS DEAL. I THINK THAT IT IS -- IT IS VERY UNFORTUNATE THAT THAT MUCH TIME COULD BE SPENT BY ALL OF THESE PEOPLE AND NOBODY WOULD TALK TO US. SO I APPRECIATE YOUR HEARING MY PLEA TODAY.

ANY ADDITIONAL COMMENT FROM COUNCIL? THERE WILL BE A LENGTH OF TIME HERE I WOULD HOPE WHEN THE TWO PARTIES CAN GET TOGETHER OVER THE NEXT FEW WEEKS.

I HAVE A COPY OF THE LABELS THAT WERE BAT HOUSE LIMITED, SO WE HAVE A RECORD OF IT. BEING NOTICED. WE CAN'T GUARANTEE THAT IT GOT THERE, LOOKED LIKE WE MAILED THEM OUT. PERHAPS YOU WOULD LIKE TO HEAR FROM MR. WHAT I -- MR. WHELAN WHETHER HE WOULD CONSENT TO POSTPONEMENT OR NOT.

I'M MICHAEL WHELAN ON BEHALF OF FAIRFIELD RESIDENTIAL. I THINK YOU KNOW FROM YOUR BACKUP, THIS HAS BEEN POSTPONED IF YOU INCLUDE OTHER BOARDS ABOUT EIGHT TIMES SINCE JULY. BEEN A 14 MONTH PROCESS, VERY INVOLVED. I THINK EVEN MS. MATTHEWS ADMITTED SHE CALLED A YEAR AGO I THINK WAS HER QUOTE. SHE EVEN WAS AWARE OF IT THROUGH THE PAPER. WE ARE NOT SURE WHY SHE DIDN'T ULTIMATELY GET THROUGH TO FAIRFIELD. WE WILL AS YOU ALREADY MENTIONED MAYOR PRO TEM ABOUT TWO WEEKS. THE DESIGN CAN CONCURRENTLY BE BUILT THERE ANYWAY. THERE'S NO SIDE SETBACKS. YOU CAN BUILD A 200-FOOT BUILDING UNDER THE L ZONING NEXT TO HER PARTICULAR TRACT. WE CERTAINLY CAN TALK TO HER. I THINK AT THAT TIME HAVING HEARD A PUBLIC HEARING ON FIRST AND SECOND READING WOULD BE -- WE ARE NOT IN FAVOR OF A POSTPONEMENT AT THIS TIME. SNIWPG.....

Dunkerly: MR. WALTER.

I'M VICE-PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. IN RESPONSE TO THIS NON-NOTIFICATION FOR CLARIFICATION, THE NEIGHBORHOOD ASSOCIATION IS A RESIDENT NEIGHBORHOOD ASSOCIATION. OUR BYLAWS INVITE, YOU KNOW, ANY RESIDENT OF THE NEIGHBORHOOD AREA IN FACT IT AUTOMATICALLY MAKES THEM A MEMBER. WE INVITE BUSINESSES IN OUR REGION TO JOIN AS WELL, THEY JOIN AS ADVISORY MEMBERS. THEY ARE NON-VOTING. BUT THEY MAY JOIN AS ADVISORY MEMBERS. IN TERMS OF NOTIFICATION WE DO PUBLISH A BIMONTHLY NEWSLETTER. IT IS HAND DELIVERED BY RESIDENTS, HAND CARRIED DOOR TO DOOR. IT'S SOMETIMES -- IT SOMETIMES MAKES IT DOWN SOUTH CONGRESS AVENUE TO BUSINESSES. IT SOMETIMES DOES NOT. SO IT IS -- IT

IS NOT A REGULAR THING DEFINITELY TO -- TO BUSINESSES DOORS. THE NEWSLETTER CONTENT IS AND HAS BEEN ON OUR WEBSITE. WHICH HAS BEEN UP AND AVAILABLE FOR OVER 10 YEARS NOW. AGAIN, APOLOGIES BUT WITH REGARD TO THE FOCUS ON THIS PROJECT OVER THE LAST YEAR, IT HASN'T BEEN THE NEIGHBORHOOD ASSOCIATION'S POSITION TO GO OUT AND SEEK, YOU KNOW, INPUT AND FEEDBACK FROM THE ADJOINING BUSINESSES. WE'VE WORKED WITH FAIRFIELD TRYING TO ADDRESS NEIGHBORHOOD, RESIDENT AND BROADER AUSTIN CONCERNS.

Dunkerly: THANK YOU VERY MUCH FOR THAT CLARIFICATION. ANY ADDITIONAL COMMENTS FROM COUNCIL? I DON'T THINK ANYONE ELSE IS SPEAKING ON THE POSTPONEMENT REQUEST. WE ARE JUST ON THE POSTPONEMENT REQUEST.

A MOTION FOR POSTPONEMENT, HAS SOMEONE MADE A MOTION?

Dunkerly: ARE YOU MAKING A MOTION?

Kim: I WILL MAKE A MOTION FOR POSTPONEMENT.

Dunkerly: WE HAVE A MOTION TO POSTPONE?

Kim: I THINK -- MID FEBRUARY? FEBRUARY 15th. OKAY. THE MOTION DIES FOR LACK OF A SECOND.

Kim: COUNCILMEMBER MCCracken DID SOMEONE SAY THAT THE MAYOR WANTED IT POSTPONED?

Dunkerly: NO I SPOKE WITH THE MAYOR THIS MORNING ON THE AGENDA, HE ASKED US TO GO AHEAD AND HEAR THE CASE ON FIRST OR SECOND READING, WE WOULD WAIT FOR ANY FINAL DETERMINATION UNTIL THERE'S A FULL COUNCIL. HE WILL BE BACK NEXT WEEK --

Kim: YOU ARE SAYING THIRD READING.

Dunkerly: OTHER COUNCILMEMBERS WILL BE GONE. IT'S GOING TO BE AT LEAST MID FEBRUARY BEFORE WE HAVE A SEVEN MEMBER COUNCIL. THAT WAS THE -- THAT WAS THE ISSUE. IT HAS BEEN DELAYED A LONG TIME, THE NEIGHBORHOOD HAS WORKED OF COURSE VERY HARD. I THINK THIS DELAY WILL GIVE AN OPPORTUNITY TO THE SURROUNDING NEIGHBORS TO TRY TO MEET WITH THE DEVELOPERS AND COME UP WITH SOME ADDITIONAL CHANGES THAT WE CAN INCORPORATE.

Kim: MR. WALTER, CAN YOU COME BACK UP, I HAVE QUESTIONS ABOUT THIS DEVELOPMENT, YOUR PREFERENCES WHAT YOU DISCUSSED IN YOUR READINGS WITH THE DEVELOPER.

Leffingwell: POINT OF ORDER, MAYOR PRO TEM. I THINK WE SHOULD -- WE -- THERE HAS

BEEN A MOTION TO POSTPONE AND IT HAS FAILED. I THINK WE SHOULD GO AHEAD AND HEAR THE CASE BEFORE ANY MORE DISCUSSION.

Dunkerly: MR. CITY ATTORNEY?

Kim: OKAY. THAT'S FINE.

Dunkerly: IF THE STAFF WILL COME FORWARD. I'M GOING TO GIVE YOU A VERY BRIEF SUMMARY OF THE 11 PAGE DOCUMENT THAT WE HAVE, THE AGREEMENT APPROVED BY THE PLANNING COMMISSION BETWEEN THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION AND THE DEVELOPER OF FAIRFIELD AND THIS PROJECT. THIS PROJECT WOULD ALLOW 2, 200-FOOT MIXED BUILDING ON THE WEST AND SOUTH PARCELS OF THE SITE. THESE BUILDINGS WOULD HAVE GROUND FLOOR PEDESTRIAN ORIENTED USES AS REQUIRED BY THE TOWN LAKE OVERLAY. THEY WOULD ALSO HAVE APARTMENTS OR CONDOMINIUMS ABOVE THEM. OVERALL IMPERVIOUS COVER WOULD BE 65%. ON THE WEST PARCEL, ABOVE THE GROUND FLOOR, NOT ON THE GROUND FLOOR, ABOVE THE GROUND FLOOR A 15-FOOT ENCROACHMENT INTO THE SECONDARY SETBACK OF THE WATERFRONT OVERLAY. THE EXISTING HYATT HOTEL WE BE ALLOWED TO EXPAND TO A VERY LIMITED DEGREE ABOVE THE PORTION OF THE HOTEL THAT ALREADY EXISTS. IN OTHER WORDS THE CONFERENCE ROOMS THAT ARE ON THE SOUTHEASTERN CORNER MAY EXPAND ON TOP OF THAT BUILDING, BUT JUST TO A LIMITED AMOUNT, ROUGHLY NO MORE THAN 60 FEET. THEY WOULD BE ALLOWED TO MODIFY THE PARKING REQUIREMENTS. THE PARKING THAT'S OUT THERE RIGHT NOW IS ALL SURFACE PARKING FOR THE HOTEL. WHILE THEY ARE CONSTRUCTING THE WEST PARCEL, THEY WILL BE SHORT ON THEIR PARKING TEMPORARILY. HOWEVER THEY HAVE COMMITTED IN THESE DOCUMENTS TO BUILDING A PARKING GARAGE FIRST, THEN IMMEDIATELY MADE AVAILABLE TO THE HOTEL AS SOON AS THEY ARE DONE WITH IT. THEN THEY WILL PROCEED WITH BUILDING THE APARTMENTS OR CONDOS OR WHATEVER IS GOING ON ABOVE THERE. AS FAR AS WHAT THE CITY IS GETTING YOU ON OF THIS PLANNED UNIT DEVELOPMENT, WE ARE GETTING A REDUCTION IN IMPERVIOUS COVER FROM THE EXISTING IMPERVIOUS COVER ON THE SITE. BY 2.3%. WE ARE GETTING AN INTEGRATED PEST MANAGEMENT PROGRAM. WE ARE GETTING COMPLIANCE WITH THE GREEN BUILDING PROGRAM TO A TWO STAR RATING. WE ARE GETTING GREAT STREETS STANDARDS, AMENITIES BUILT ON BARTON SPRINGS ROAD AND WE ARE GETTING PUBLIC ACCESS FROM BARTON SPRINGS ROAD TO THE LAKE. THAT IS A VERY BRIEF SUMMARY OF WHAT WOULD BE ALLOWED UNDER THIS P.U.D. IF YOU WOULD LIKE ME TO GO INTO GREATER DETAIL I CAN. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] IN FACT, I TALKED IT THIS MORNING WITH THE SRCC AND SHE CONFIRMED AGAIN THAT THEY SUPPORT THE AGREEMENT WITH BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. THE REASON IT'S SO GOOD IS IT DOES QUIM WITH THE ADOPTED PLANS AND POLICY DEVELOPMENTS, INCLUDING ENVISION CENTRAL TEXAS, THE DOWNTOWN DESIGN GUIDELINES. IT'S PART OF THE PID, PUBLIC IMPROVEMENT DISTRICT. WE PROVIDE GREATLY IMPROVED PUBLIC ACCESS TO TOWN LAKE TRAIL. THERE'S REALLY THIS DEDICATION OF MORE PUBLIC LAND. CURRENTLY THERE IS NO PUBLIC ACCESS. ONCE YOU GO TO HYATT

PROPERTY. THIS WOULD CREATE PUBLIC ACCESS IN PERP TIEW FISCAL YEAR THE CITIZENS. AS WAS ALREADY NOTED, GREEN BUILDING, REDUCTION OF THE EXISTING AND ALLOWABLE IMPERVIOUS COVER, AND WE ARE NOT BUILDING ANY BUILDING TALLER THAN ARE CURRENTLY ALLOWED. THE L ZONING ALLOWS FOR 200 FEET AND PART OF OUR AGREEMENT WHICH MR. WALL DON AND AREAS AGREE TO IS IN A SECTION NEAR BARTON SPRINGS THERE WOULD BE A COMMUNITY BENEFIT PAYMENT MADE IN CONNECTION WITH THAT INCREASED BENEFIT, IF YOU WILL, AT THE FRONT. THERE'S A LITTLE CS-1 CORNER AT THE FRONT THAT IS IN YOUR BACK UP-MATERIAL. UNLESS MR. JOHNSON WANTS TO SAY ONE OR TWO THING, I THINK ON BEHALF OF FAIRFIELD, I KNOW HE'S VERY APPRECIATIVE OF THE TIME, AS AM I, THAT THE NEIGHBORHOOD IS COMMITTED. I JUST FORGOT INGRID'S LAST NAME. THANK YOU. AND SO IT'S BEEN VERY PUBLIC AND I THINK THAT'S THE PUBLIC VETTING HAS MADE IT WHAT WE HAVE NOW, WHICH IS A FAR SUPERIOR DEVELOPMENT, FAR SUPERIOR DEVELOPMENT THAN WHAT YOU WOULD HAVE HAD IF WE HAD JUST PUT 2, 200-FOOT BUILDINGS WITHOUT THIS PROCESS. I KNOW MR. JOHNSON ALSO WANTS TO THANK FOLKS.

GOOD EVENING. AGAIN MY NAME IS PAUL JOHNSON WITH FAIRFIELD RESIDENTIAL. I'LL BE BRIEF. AS MICHAEL MENTIONED, WE STARTED MEETING WITH STAKEHOLDER GROUPS EVEN BEFORE WE BOUGHT THE PROPERTY, BEFORE WE SUBMITTED THE ZONING, ALL THE WAY DUG THE PROCESS GOING BACK REALLY 16 MONTHS. MICHAEL MENTIONED THE VEHICLES THAT ARE PART OF THE AGREEMENT WITH BOULDIN CREEK NEIGHBORHOOD. THEY'RE GOING TO SPEAK TONIGHT ALSO. WE HAVE AN AGREED UPON P.U.D. DOCUMENT THAT WAS HANDED TO THE PLANNING COMMISSION WHERE THEY MADE A RECOMMENDATION FOR APPROVAL AS WELL AS WE'VE HAD SOME ADDITIONAL DISCUSSION SINCE THAT POINT TO MAKE SOME MINOR CHANGES WHICH HAVE BEEN SUPPLIED TO CITY STAFF. THERE IS ALSO A RESTRICTIVE COVENANT THAT WILL RUN WITH THE LAND THAT WILL BE TO THE BENEFIT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION, WHICH ALLOWS FOR IF WE DO TAKE ADVANTAGE OF WHAT WE'RE SEEING AS INCREASED ENTITLEMENTS, WHICH WAS A SMALL INCREASE IN HEIGHTS ON A PORTION OF THE PROPERTY OR A SMALL EXPANSION OF THE HYATT, WE WOULD PAY A DOLLAR AMOUNT OF COMMUNITY BENEFIT FOR AFFORDABLE HOUSING. IN ADDITION TO THAT, WE HAVE ANOTHER RESTRICTIVE COVENANT WITH THE TOWN LAKE TRAIL FOUNDATION, WHICH WAS A VOLUNTARY DONATION TO A GROUP THAT WE'VE SUPPORTED NOW FOR SIX YEARS TO WHERE WE WOULD MAKE A PAYMENT TO THE TRAIL FOWBILITYS, \$200 FOR EVERY UNIT WHEN THE SITE PLAN WAS APPROVED. IN ADDITION TO THAT THERE WAS SOME DISCUSSION ABOUT HOW IN CERTAIN PARTS OF DOWNTOWN THE CITY DOESN'T RECEIVE PARK FEES, SO WE AGREED TO PAY A DONATION TO THE CITY FOR PARK FUNDS BASED UPON A PER UNIT COUNT WITHIN THE RESIDENTIAL BUILDINGS. ALSO AS PART OF THIS APPLICATION, WE'RE NOT ASKING FOR ANY ADDITIONAL MIGHT. WE'RE LOWERING IMPERVIOUS COVER. WE'RE NOT ASKING FOR ADDITIONAL FAR. GREATLY INCREASED PUBLIC ACCESS TO THE TRAIL. GREEN BUILDING. THE POLICY DOCUMENTS THAT HAVE BEEN DONE IN THE YEARS DOWN TO THE BOULDIN CREEK NEIGHBORHOOD PLAN AND WE'VE REALLY SPENT A LOT OF TIME ON THIS, WHICH HAS ALL

BEEN I THINK WORTHWHILE TO MAKE A BETTER PROJECT AT THE END OF THE DAY FOR US, AND PARTICULARLY FOR THE NEIGHBORHOOD AS WELL. SO ANYWAY, I'M OBVIOUSLY HERE TONIGHT, BE GLAD TO ANSWER ANY QUESTIONS THAT YOU HAVE AND JUST WOULD RESPECTFULLY REQUEST YOUR APPROVAL OF THIS ITEM.

Dunkerley: THANK YOU VERY MUCH. IF THE CITY CLERK WOULD CALL OUT THE NAMES OF THOSE IN FAVOR, SHE'S HELPING ME TODAY TO NAVIGATE BETWEEN THESE COMPUTERS.

YOU HAVE ONE PERSON SIGNED UP TO SPEAK IN FAVOR, AND THAT'S MIKAEL MEADE.

GOOD AFTERNOON, MAYOR PRO TEM AND MEMBERS OF THE COUNCIL. I ACTUALLY WANTED TO DONATE MY TIME TO COREY WALTON AND I SIGNED UP BEFORE HE DID, SO I WASN'T ABLE TO DO THAT. SO IF I COULD, I'D LIKE TO DONATE MY TIME TO HIM.

MAYOR PRO TEM, COREY WALTON IS SIGNED UP AS NEUTRAL. YOU MAY WISH TO HEAR FROM HIM AT THE END.

Dunkerley: THANK YOU. YOU HAVE SIX MINUTES.

I SIGNED UP NEUTRAL BECAUSE I WANTED TO COVER MY BETS.

MAYOR PRO TEM, COUNCILMEMBERS, CITY MANAGER. WHAT I JUST HANDED TO YOU WAS JUST A READER'S DIGEST LIST OF THE COMMUNITY BENEFITS INVOLVED IN THIS AGREEMENT. MY NAME IS COREY WALTON. I'M VICE-PRESIDENT OF THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION. AND I WANT TO THANK YOU FOR THE OPPORTUNITY TO SPEAK HERE. I THINK THE PROJECT THAT WE'LL SEE HERE WOULD HAVE BEEN A VERY DIFFERENT IF IT WEREN'T FOR THE HUNDREDS OF HOURS THAT VOLUNTEERS PUT INTO WORKING ON THE CASE, WORKING WITH PAUL JOHNSTON AND HIS COUNSEL TO LOBBY FOR SIGNIFICANT CHANGES TO THEIR PLANS. AND WE DID THIS BECAUSE WE RECOGNIZE THAT LIKE OTHER SOUTH SHORE NEIGHBORHOOD ASSOCIATIONS, THE BCNA IS A STEWARD OF THE VALUABLE COMMUNITY RESOURCES WE HAVE IN TOWN LAKE. WHILE THE PROJECT IS WITHIN OUR NEIGHBORHOOD'S BOUNDARIES, IT'S IN THE INTEREST OBVIOUSLY OF ALL AUSTINITES TO ENSURE THAT DEVELOPMENT ALONG THE SHORE ADHERES TO THE RESTRICTIONS AND GUIDELINES OF THE WATERFRONT OVERLAY. I DO WANT TO ACKNOWLEDGE THAT WHILE OUR EFFORTS ADVOCATE FOR RESIDENTS THROUGHOUT AUSTIN, WE MAY NOT HAVE ADDRESSED ALL NEIGHBORING BUSINESSES AND DEVELOPERS' LEGITIMATE CONCERNS BECAUSE WE SIMPLY FELT THAT WE COULD NOT PRESUME TO TAKE AWAY DEVELOPMENT ENTITLEMENTS THAT ARE ALREADY LEGALLY PERMITTED TO FAIRFIELD. I WOULD LIKE TO HIGHLIGHT THE KEY FEATURES OF THE REVISED P.U.D. DOCUMENT THAT -- AND THE RESTRICTIVE COVENANT, WHICH I HOPE YOU HAVE ALL THERE IN YOUR PACKETS. NUMBER ONE, LIKE MANY OTHER NEIGHBORHOOD ASSOCIATIONS AND COMMUNITY GROUPS, BCNA DOES FEEL VERY STRONGLY THAT THE CITY MUST UPHOLD THE RESTRICTIONS AND PROVISIONS OF THE WATERFRONT OVERLAY ORDINANCE, WHICH

WAS INCIDENTALLY, AS WE ALL KNOW, DEVELOPED IN RESPONSE TO THE HYATT HOTELS CONSTRUCTION WITHIN 40 FEET OF TOWN LAKE. FAIRFIELD'S NEW TOWER ON THE WEST PARCEL WILL NOT ENCROACH INTO THE SECONDARY SET BACK OF THE WATERFRONT OVERLAY ACCORDING TO OUR ORDINANCE AND COVENANT. IT WOULD INSTEAD PULL THE BUILDING BACK FROM THE SHORELINE TO THE SOUTH TOWARD THE STREET SO THAT ITS EDGE NO LONGER CREEPS INTO THE PROTECTED SHORELINE AREAS. THE SECOND OPTION THAT FAIRFIELD WOULD HAVE WOULD BE TO PURSUE APPROPRIATE GOVERNMENT APPROVALS TO... TO RECONSTRUCT A PORTION OF THE SHORELINE THAT WAS CAFBD OUT IN THE RECENT PAST. ITS P.U.D. ORDINANCE PROHIBITS THE EXISTING HOTEL BUILDING FROM EXPANDING INTO THE WATERFRONT OVERLAY. THIS PROHIBITION STANDS THE EXISTING FOOTPRINT. IN OTHER WORDS, FAIRFIELD OR A SUBSEQUENT OWNER CANNOT INCREASE THE HEIGHT OF PORTIONS OF THE BUILDING CURRENTLY ON THE WATERFRONT OVERLAY. THE P.U.D. ALSO ALLOWS ONLY A LIMITED EXPANSION OF THE EXISTING HOTEL BUILDING TO A MAXIMUM INCREASE IN FOOTPRINT OF TWENTY FEET, NONE OF WHICH -- 25 FEET, NONE OF WHICH WOULD BE ALLOWED IN THE OVERLAY SETBACKS. ALONG THE SOUTH PARCELS, CS-1 MORTON, THE BUILDING HEIGHT WILL BE LIMITED TO 90 FEET. BCNA DOES NOT SUPPORT DEVELOPER DEMANDS TO INCREASE THE HEIGHT OF PARCELS SOUTH OF THE RIVER. OUR PERSPECTIVE AND ONE SHARED BY OTHER NEIGHBORHOOD ASSOCIATIONS IS THAT THE HEIGHTS BEYOND 60 FEET FOR THIS ZONING DO NOT BELONG OUTSIDE THE CENTRAL BUSINESS DISTRICT NORTH OF THE RIVER; HOWEVER, IN THIS CASE WE AGREED TO CONSIDER AN INCREASE BEYOND 60 FEET IN THIS SPOT AND IN THIS PARTICULAR TRACT BECAUSE THE DEVELOPER ALREADY HAD ENTITLEMENTS TO BUILD TO 200 FEET ON THE REMAINDER OF THIS SITE. AND THOSE TOWERS DO AND WILL BLOCK A PEDESTRIAN'S VIEW AND MAYBE NEIGHBORING BUSINESSES' VIEWS OF THE WATER FROM BARTON SPRINGS ROAD. OUR PERSPECTIVE, HOWEVER, IS THAT HEIGHT INCREASES OF ANY SCALE ALONG BARTON SPRINGS ROAD COULD HAVE A DETRIMENTAL IMPACT ON THE STREET SCAPE AND MUST NOT BE GRANTED ANY VARIANCES WITHOUT SIGNIFICANT COMMUNITY BENEFITS. THROUGH THE RESTRICTIVE COVENANT, WHICH AGAIN I HOPE YOU HAVE IN YOUR PACKET, FAIRFIELD, AS MR. JOHNSTON SAID, HAS COMMITTED TO A COMMUNITY BENEFIT AMOUNTING TO \$14,286 FOR EVERY FOOT OF HEIGHT BEYOND ITS CURRENT ENTITLEMENT OF THE 60 FEET ALONG THE CS-1 SOUTH PARCEL. THIS BENEFIT WILL SUPPORT AFFORDABLE HOUSING AND AFFORDABILITY EFFORTS WITHIN THE SURROUNDING COMMUNITY. LIKEWISE, FAIRFIELD HAS COMMITTED TO A COMMUNITY BENEFIT OF \$14 PER SQUARE FOOT FOR ANY EXPANSION THAT COMES WITH REGARD TO THE EXISTING HYATT HOTEL BUILDING. WITH THAT, BCNA LOOKS FORWARD TO A POLICY HOPEFULLY FROM THE CITY'S AFFORDABLE HOUSING TASKFORCE FROM DEVELOPERS SEEKING ENTITLEMENTS -- TO PROVIDE ON-SITE AFFORDABLE HOUSING. THAT IS THREE, RIGHT?

SIX.

Dunkerley: THAT'S SIX.

OH. THERE ARE A COUPLE MORE POINTS. DOES ANYBODY HAVE ANY OR AM I DONE?

Dunkerley: WELL, WHY DON'T YOU AT LEAST GO OVER THOSE TWO POINTS. I'LL ASK YOU THAT QUESTION, WHAT ARE YOUR LAST TWO POINTS?

MY LAST TWO POINTS ARE THAT THE COMMUNITY BENEFIT PORTION OF OUR AGREEMENT IS SOMETHING THAT WE HOPE IS SOMETHING IMPLEMENTED AND THAT SHOULD BE ADHERED TO BY ALL DEVELOPERS FOR ANY ADDITIONAL ENTITLEMENTS. AND THE LAST POINT THAT I WANT TO POINT OUT IS IN THE PROCESS OF THIS DEVELOPMENT, BECAUSE WE REACHED THIS AGREEMENT BECAUSE THE DEVELOPERS WERE WILLING TO ENGAGE IN WILL AN AUTHENTIC PROCESS OF NEGOTIATING, AND IMPORTANTLY MR. JOHNSTON AND FAIRFIELD CAME TO THE TABLE AND WERE WILLING TO PAY THE NEIGHBORHOOD ASSOCIATION'S LEGAL FEES, WHICH WILL AMOUNT INTO THE TENS OF THOUSANDS OF DOLLARS. AND THAT IS THE COST THAT IT TAKES OF VOLUNTEER RESIDENT ORGANIZATION ACTION WHICH OBVIOUSLY HAS NO WAY TO -- NO ACCESS TO THOSE MEANS, BUT THAT'S WHAT IT TAKES TO PLAY ON AN EQUAL FOOTING WITH DEVELOPERS ON A SCALE LIKE THIS. SO WE HOPE THAT THAT ALSO CAN SET SOME PRECEDENTS. I DO THANK YOU FOR YOUR TIME AND YOUR CONSIDERATION.

Dunkerley: THANK YOU VERY MUCH. ARE THERE ANY OTHER SPEAKERS IN FAVOR? OKAY. NOW, THOSE THAT ARE AGAINST, IF YOU COULD CALL THEIR NAMES?

THE FIRST SPEAKER IS SHERRI MATTHEWS. AND SHE HAS FOUR PEOPLE WHO HAVE DONATED TIME TO HER IF THEY ARE PRESENT IN THE CHAMBERS. SHELLY LESBIANHAM, WARDERLYNN BELL VIN. BLAKE TAYLOR AND KAREN ELLIOTT.

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Dunkerley: YOU WILL HAVE 12 MINUTES, IS THAT CORRECT? WE'VE SET YOU FOR 12.

I THOUGHT I WAS GOING TO SPEAK AFTER SOMEONE ELSE, I'M GOING TO SPEAK TO ISSUES ABOUT THE BAT SEWER. AND IT'S AN ISSUE OF REALLY WHAT I SEE A P.U.D. THE WAY THIS IS BEING DONE, AND I DON'T KNOW ALL THE IN'S AND OUT'S, BUT IT APPEARS TO ME THAT WHAT YOU ARE GIVING THE DEVELOPER, AND THEY MAY BE FABULOUS. I DON'T KNOW BECAUSE I'VE NEVER BEEN ABLE TO MEET WITH THEM, A BLANK CHECK TO DO WHAT ARE THEY WANT WITHIN THE RULES OR WHAT THE LAWS PERMIT IN TERMS OF THE HEIGHT. THE ABILITY TO DO THAT WITHOUT ANY KIND OF OVERSIGHT. AND SOMEBODY MAY CORRECT ME IF I'M WRONG ABOUT THIS, BUT FROM WHAT I UNDERSTAND ABOUT A P.U.D. AND THE ZONING CHANGE IS THAT ONCE YOU GIVE THEM THE FINAL THIRD READING APPROVAL, THEN THEY ARE ABLE TO DO VIRTUALLY WHATEVER THEY WANT AS LONG AS IT'S LEGAL. AND IT SEEMS TO ME THAT YOU AS A COUNCIL HAVE A RESPONSIBILITY FOR A SITE ON TOWN LAKE THAT SETS A PRECEDENT FOR WHATEVER ELSE IS GOING TO BE HAPPENING ALONG TOWN LAKE. AND I KNOW NEIGHBORHOOD GROUPS HAVE TALKED ABOUT TURNING

TOWN LAKE INTO A CONCRETE CANYON, SO YOU DON'T NEED TO HEAR THAT ARGUMENT AGAIN. BUT AS THE SMALL BUILDING SITTING RIGHT NEXT TO THIS AND TALKING ABOUT THE I.. IMPACT ON ME, LET'S JUST IGNORE THE IMPACT ON ME. LET'S SAY SOMEBODY BUYS ME OUT AND I GO AWAY AND I'M NOT THERE ANYMORE, BUT WHAT IS BEING LEFT IS A DENSITY AND A MASSING OF STRUCTURES ALONG TOWN LAKE, NOT TO MENTION I DON'T EVEN KNOW WHAT THE TRAFFIC IMPLICATIONS ARE GOING TO BE BECAUSE IT'S ALREADY HORRIBLE, I CAN TELL YOU, TRYING TO GET OUT OF MY BUILDING ON BARTON SPRINGS ROAD. WE KIND OF TAKE OUR LIFE IN OUR HANDS TRYING TO COME OUT OF OUR ENTRY ON TO BARTON SPRINGS ROAD. BUT IT SEEMS TO ME THAT MAYBE I SHOULD HAVE BEEN MORE INVOLVED AND MAYBE I SHOULD HAVE PAID MORE ATTENTION, BUT THIS FIRST HEARING, SOME OF THESE THINGS HAPPENED DURING THE CHRISTMAS HOLIDAY. I DON'T KNOW IF THAT WAS ORCHESTRATED SO NOBODY WOULD BE AROUND. I DON'T KNOW WHEN THE SIGNS WENT UP ABOUT ZONING. IT SEEMS THAT AS I THINK ABOUT IT, MAYBE THERE WAS A ZONING SIGN CHANGE A SIGN ABOUT A ZONING CHANGE. BUT AGAIN, WHETHER I WENT TO THE TABLE AND I SAT DOWN WITH THE DEVELOPER AND WERE WE'RE ABLE TO SHARE WHATEVER INSIGHTS I HAVE ABOUT WHAT HAPPENED TO THE SITE AND THE POTENTIAL FOR SOMETHING REALLY GOOD AND SOMEBODY ELSE IS GOING TO SPEAK AFTER ME I THINK PRESENTING THEIR OTHER OPTIONS. SO I DON'T KNOW WHAT THE RULES ALLOW. I DON'T KNOW IF YOU SAY FINE ON THE THIRD READING, GO AHEAD AND DO WHAT YOU WANT, HERE'S YOUR BLANK CHECK, GO AHEAD AND PUT ALL THESE STRUCTURES HERE, AND THAT'S WHAT -- AND YOU'RE NOT INVOLVED ANYMORE. THE NEIGHBORHOOD HAS ALREADY BEEN CO-OPTED. I'M SORRY. IT'S VERY, VERY DISAPPOINTING TO ME TO HEAR THAT THE NEIGHBORHOOD GROUP HAS AGREED TO SCREW UP MY SITE AND THE NEIGHBORHOOD BECAUSE OF AFFORDABLE HOUSING. I WOULD ASK HOW WOULD THEY LIKE TO HAVE THE AFFORDABLE HOUSING HOUSING PROJECT THAT THEY ARE GETTING THE MONEY FOR, HOW WOULD THEY LIKE FOR IT NOBODY THE MIDDLE OF BOULDIN CREEK NEIGHBORHOOD. I'M LOOKING AT WHAT IS THE ROLE OF THIS NEIGHBORHOOD. WHAT IS THE PURPOSE OF THE NEIGHBORHOOD ASSOCIATION IF IT'S NOT TO PROTECT THE NEIGHBORHOOD, THE PEOPLE WHO LIVE NEARBY, AND THE BUSINESSES THAT ARE ADJACENT. AND AGAIN, TO BE TOTALLY LEFT OUT OF THE PROCESS, FOR IT TO GET THIS FAR -- AND THIS SOUNDS LIKE A DONE DEAL. MRS. FINKLE STEIN DIDN'T EVEN SHOW UP TODAY. SHE'S IN HER 80'S. SHE SAID WE'VE MADE PHONE CALLS AND WE'VE BEEN TOLD IT'S A DONE DEAL. SHE SAID, I GUESS WE'LL JUST HAVE TO LOOK AT SELLING THE PROPERTY. I DON'T KNOW. WE HAVE NO RECOURSE. AND I THINK IT'S A SAD DAY IN THIS CITY, IF THIS IS WHAT IT HAS COME TO. IT IS A REALLY SAD DAY. AND I AM EXTREMELY DISAPPOINTED IN THE PROCESS THAT I'VE SEEN GO ON HERE BEFORE I EVER ARRIVED TODAY. I'M VERY DISAPPOINTED THAT THERE WAS NO POSTPONEMENT SO THAT WE COULD SIT DOWN QUIETLY AND TALK TO THEM SO THAT I DIDN'T HAVE TO GO ON RECORD PUBLICLY AND TALK ABOUT -- AND SOUND LIKE A VERY NEGATIVE PERSON WHO THINKS WE SHOULDN'T HAVE DEVELOPMENT DOWNTOWN, BECAUSE I DON'T FEEL THAT WAY AT ALL. I HANDLE CAPITAL METRO'S MARKETING. I HAVE FOUGHT HARD FOR PUBLIC TRANSPORTATION. I WANT TO SEE A WONDERFUL CITY HERE AS MUCH AS ANYBODY DOES. AND IT INVOLVES

GOOD, CREATIVE, SENSITIVE DEVELOPMENT. AND I DON'T THINK A DEVELOPER WHO NEVER THOUGHT IT WAS IMPORTANT TO TALK TO THE PEOPLE 20 FEET FROM THEIR 200-FOOT MASSIVE CONCRETE PARKING GARAGE AND TOWER THAT THEY DIDN'T THINK IT WAS IMPORTANT TO TALK TO US!!?? THAT THAT'S GOING TO BE A SENSITIVE DEVELOPMENT ONCE YOU GIVE THEM A BLANK CHECK I WOULD ASK YOU REALLY TO THINK ABOUT WHAT DO YOU HAVE? WHAT LEGAL RECOURSE DO YOU HAVE AS COUNCILMEMBER TO MAKE SURE THAT ONCE YOU GIVE THEM THE P.U.D. ZONING, WHICH IT SOUND LIKE IT IS A DONE DEAL, ONCE YOU GIVE THAT TO THEM, WHAT IS YOUR VOICE GOING TO BE? WHAT RIGHTS DO YOU HAVE? WHAT RIGHTS WILL THE NEIGHBORHOOD HAVE? WHAT RIGHTS WILL ANYBODY HAVE TO MAKE SURE THAT IT GOES FORWARD, THAT THIS DEVELOPER EVEN KEEPS THE PROPERTY AND DOESN'T SELL IT? PAUL SEEMS LIKE A NICE GUY. WHO'S TO SAY THAT THEY WILL EVEN DEVELOP THE PROPERTY ONCE THEY GET THE ZONING? HOW MANY TIMES HAVE DEVELOPERS COME IN AND DONE A VERY GOOD JOB OF -- A VERY GOOD SALES JOB, DON'T THE ZONING THENTED AND THEN FLIPPED THE PROPERTY. WHOSE TO SAY THAT THAT WON'T HAPPEN HERE. I ASK YOU TO THINK CAREFULLY ABOUT WHAT IT IS THAT YOU'RE APROOG. AND WAS A BLANK CHECK WHAT YOU MEANT TO GIVE WHEN YOU APPROVE A P.U.D. ZONING. THANK YOU.

Dunkerley: THANK YOU, MS. MATTHEWS. ONE THING I WILL ASK WHEN ALL THE CITIZENS HAVE BEEN HEARD IS FOR THE STAFF TO GIVE US -- I'M GIVING THEM A HEAD'S UP NOW SO THEY WILL KNOW WHAT I'M ASKING. THAT PROPERTY ALREADY HAS CERTAIN ENTITLEMENTS REGARDLESS OF WHETHER OR NOT THIS P.U.D. GETS APPROVED OR NOT. AND I'D LIKE FOR THE STAFF TO SORT OF SUMMARIZE WHAT THOSE ARE SO THAT YOU CAN SEE WHAT COULD BE BUILT ANYWAY AND WHAT THIS P.U.D. PROPOSES TO DO. SO I'M LOOKING AT GREG OR JERRY AND GIVING YOU A HEAD'S UP THAT THAT'S TO COME. ALL RIGHT. WHO'S NEXT?

YOUR LAST SPEAKER IS HAIM DAWLET. AND THERE ARE ALSO FOUR PEOPLE DONATING TIME TO HIM. STEVEN BRANT, BRETT ROAD E, TIM FRYLANDER AND TODD WALTER. SO HE HAS 15 MINUTES.

MAYOR PRO TEM, COUNCIL, I WANTED TO TELL YOU THE HARDEST THING IS NOT SO MUCH BEING THE A88 SENT DEVELOPER -- ADJACENT DEVELOPER, BUT GETTING UP HERE AND SPEAKING AGAINST IT. IT MAKES ME FEEL LIKE THE SERPICO OF DEVELOPERS. THE ISSUES I HAVE -- AND I UNDERSTAND THAT I'M GOING TO TONE THIS DOWN BECAUSE THE MAYOR'S NOT HERE AND WE HAVE AN OPTION TO WORK WITH THE ADJACENT DEVELOPER FOR FAIRFIELD. I WAS ENCOURAGED BY WHAT SHERRI MATTHEWS HAD SAID. I WANT TO SPEAK REAL QUICKLY TO THE P.U.D. ISSUE FIRST, AND THEN TELL YOU SOME OF MY CONCERNS, AND I'M GOING TO AGAIN TONE THIS THING DOWN AND WE'LL COME BACK HOPEFULLY AT THE FINAL HEARING. WE'LL HAVE WORKED SOME THINGS OUT WITH FAIRFIELD. I CURRENTLY OWN THE -- WHAT IS THE CHAMBER BUILDING, AND THEN DIRECTLY BEHIND IT I HAVE A SMALL INTEREST IN A PROJECT THAT BELONGS TO CRESCENT RESOURCES, WHICH IS A DEVELOPMENT COMPANY OUT OF NORTH CAROLINA AND WE'RE IN PARTNERSHIP ON

SELF PROJECTS IN -- SEVERAL PROJECTS IN CENTRAL TEXAS. AND THEY ARE IN THE PROCESS OF BREAKING GROUND ON A PROJECT CALLED AQUA TERRA. IT WAS FORMALLY APPROVED BY THE PREVIOUS LANDOWNER AND APPROVED FOR APPROXIMATELY 230 RESIDENTIAL UNITS. WE'VE TAKEN THAT PROJECT AND SCALED IT BACK BY ABOUT 30% TO ABOUT 160, 161 UNITS, LUXURY CONDOMINIUMS. AND WE'LL BE DOING SUSTAINABLE CONSTRUCTION PRACTICES ON IT AS WELL. ONE OF THE CONCERNS THAT WE'VE HAD IS WE'VE GOT A PROJECT ABOUT READY TO BREAK GROUND AND THE AUTHORITY, THE UPPER MANAGEMENT, HAS BEEN CONCERNED ABOUT SOME VIEW PROTECTION, SOME ASPECTS OF ALLOWING THE MULTITUDE OF BUYERS THAT WE HAVE THAT ARE ALREADY TO SIGN CONTRACTS TO UNDERSTAND WHAT IS REALLY GOING TO HAPPEN ON THE FAIRFIELD SITE. AND UNFORTUNATELY THE P.U.D. PROCESS DOESN'T ALLOW THAT BECAUSE THE P.U.D. PROCESS, AS I'M SURE GREG WILL INFORM YOU ON, DOESN'T ALLOW FOR ANY DISCRETIONARY APPROVAL OR REVIEW OF SITE PLANS, OF DENSITY, OF MASSING, OF WHAT THE BUILDINGS WILL LOOK LIKE. AND I KNOW YOU ALL HAVE BEEN INVOLVED IN SOME PRETTY SUBSTANTIAL PROJECTS, THE GABLES FOR ONE WENT THROUGH QUITE A SHOW BEFORE THE PROJECT OF GOT OFF THE GROWFNLTD IT'S NOT UNREASONABLE FOR DEVELOPERS TO ASK FOR P.U.D. ZONING SO THAT THEY HAVE SOME FLEXIBILITY SO THAT THEY C ASCERTAIN THE SITE AND REALLY COME UP WITH PLANS. THAT DOES NOT PRECLUDE THE FACT THAT YOU CAN PROVIDE SOME TYPE OF PLANNING EFFORTS. WE AS DEVELOPERS KNOW WHAT WE'RE GOING TO DO WITH A SITE WAY BEFORE WE GET INTO IT. BEFORE WE BUY IT WE HAVE AN IDEA. AND ONE OF THE THINGS THAT I CAUTION THIS COUNCIL -- I'M NOT GOING TO TEAR APART THIS P.U.D. ORDINANCE AS IT'S WRITTEN TODAY. WHAT I'M CG... ASKING FOR IS A NO ON THE P.U.D. ORDINANCE AS IT'S WRITTEN. THE P.U.D. ORDINANCE PROCEDURE IS FINE, BUT LET US INCORPORATE SOME SPECIFICS. SOME IDEA OF WHAT THIS IS GOING TO LOOK LIKE. THE CASE FOR YOU HERE, AND YOU'RE GOING TO HAVE -- SOUTH SHORE IS GOING TO BE AN INVESTMENT HAVEN. THERE WILL BE A LOT OF PROJECTS THAT WILL BE COMING BEFORE YOU. AND YOU'RE GOING TO HAVE TO MAKE DETERMINATIONS. IF YOU SET A PRECEDENT FOR ONE YOU HAVE TO ALLOW THE OTHER. IF YOU WAIVE WATER QUALITY HERE YOU HAVE TO GIVE IT TO THAT PERSON. IF YOU DIMINISH OPEN SPACE HERE YOU HAVE TO GIVE IT TO THAT PERSON. THERE HAS TO BE A QUALITY FOR ALL OF US DEVELOPERS. SO WE HAVE SOME DIRECTION AS WE MOVE FORWARD. THE UNDERLYING ZONING IS THE LAKE AND THEY HAVE A LIMIT ON THE HEIGHT. I WANT TO COMMENT THAT WE WILL DO SOMETHING WITH THE EXISTING BUILDING THERE AT 210 WHERE THE CHAMBER IS. IF WE DO WE'LL LIMIT THE HEIGHT JUST BECAUSE OF WORKING ON THE SITE AND TRYING TO MAKE IT A BETTER PROJECT. I THINK IT'S IMPORTANT FOR THE PUBLIC TO UNDERSTAND. IT'S GREAT TO WORK WITH THE NEIGHBORHOOD ASSOCIATION FOR 15...15 MONTHS. CLEARLY THEY'VE GOTTEN SOME THINGS. THE MAJORITY, 95% OF WHAT THEY'VE GOT WAS MONEY AND THAT'S FINE BECAUSE THE MONEY IS GOING TO A GOOD CAUSE. WE'RE NOT TAKING THIS MONEY AND DOING ANYTHING ELSE BUT FOR PUBLIC BENEFIT. I UNDERSTAND THAT. CLEARLY NEIGHBORHOOD ASSOCIATIONS WHO ARE GOING TO BE ADVOCATES, WHO ARE GOING TO COME BEFORE YOU WHO ARE GOING TO SAY WE REPRESENT THE COMMUNITY AT LARGE SHOULD UNDERSTAND SOME OF THE

IMPACTS ON THE ADJACENT LANDOWNERS. ALL OF YOU ARE LANDOWNERS AND YOU WANT TO UNDERSTAND WHAT'S GOING TO HAPPEN NEXT TO YOUR PROPERTY. YES, WHEN WE PURCHASED THE PROPERTY WE UNDERSTOOD LAKE ZONING. WE UNDERSTOOD IT COULD BE A 200-FOOT HEIGHT LIMIT. BUT I PROMISE YOU AFTER I SHOW YOU SOME OF THE RENDERINGS, BECAUSE YOU WON'T EVER SEE IT, AT LEAST THROUGH THE SITE PLAN PROCESS, BECAUSE THE SITE PLAN, THE ZONING ALLOWS -- REQUIRES 50% IMPERVIOUS COVER JUST LIKE OUR PROJECT AND THE PREVIOUS OWNER WENT BEFORE THE BOARD OF ADJUSTMENTS AND GOT A VARIOUS, PLEADED HIS CASE. YOU HAVE THE DISCRETION ACTION YOU HAVE THE CONTROL AND YOU HAVE THE REQUIREMENT TO TAKE THE BEST INTEREST OF THE PUBLIC. AND UNFORTUNATELY WUBL WE HAVE -- THE ONLY DISCRETION YOU MIGHT HAVE RIGHT NOW IS APPROVING THIS P.U.D. ZONING IT OR NOT APPROVING IT AS IT'S WRITTEN. AND ONCE THAT PROCESS YIELDS, YOU WILL NEVER SEE WHAT'S GOING TO HAPPEN THERE. YOU WILL MAKE NO RESTRICTIONS IN THE P.U.D. ZONING ABOUT MASSING, NONE ABOUT SETBACKS, NONE ABOUT MATERIAL. ALL THE THINGS THAT YOU ALL HAVE ALWAYS DONE -- I'M USING THE GABLES FOR AN EXAMPLE BECAUSE I FOLLOWED THAT REAL CLOSELY. LOOK AT HOW INVOLVED THAT PROCESS WENT THROUGH AND IT WAS A SITE PLAN PROCESS, BUT IT TURNED OUT -- LOOK AT HOW THE PROCESS IS GOING TO TURN OUT. LOOK AT WHAT'S HAPPENED AROUND YOU. ALL THIS WAS NOT DONE BY SAYING HERE'S A BLANKET ORDINANCE, WE UNDERSTAND YOU CAN DO THIS AND DO THAT. I'VE GOT SOME BULLET POINTS THAT I'VE HANDED YOU, AND AGAIN I'M NOT GOING TO GO THROUGH IT BECAUSE SOME OF THESE ARE GENERIC AND SOME OF THESE YOU'LL UNDERSTAND. TELL ME HOW I DO THIS. THE NEXT ONE IS THAT IS THE EXHIBIT FROM THE ZONING APPLICATION AND THE ORDINANCE ACTION AND IT OUTLINES A SOUTH PARCEL AND THE WEST PARCEL. THE EXHIBIT I'M GOING TO SHOW YOU NEXT IS A DEPICTION AND ONLY A DEPICTION BASED ON THE LIMITATION OF THE BOUNDARY OF WHAT THEY'RE REQUESTING. SO IF YOU TAKE AND YOU ISOLATE THOSE TWO PARCELS AND YOU TAKE THE IT BOUNDARY AND YOU TAKE THE ORDINANCE AND AS I'M READING IT, IT SAYS 200 FEET WITHIN THE PARAMETERS OF THIS, SO WE'RE TALKING ABOUT TWO POTENTIAL BUILDINGS. AND WE GO TO THAT AND THEN THE SOUTHWEST PARCEL WHERE THE 90-FOOT -- BUT I WANT YOU TO LOOK AT THE MASSING ON THAT BUILDING FKS NOW, WHEN I CAME BEFORE YOU IN DECEMBER AND ASKED FOR A POSTPONEMENT, WE SAID WE WERE GOING TO DO CERTAIN THINGS. WE WERE GOING TO GO OUT AND SPEND OUR OWN MONEY DEVELOPING A PLAN OR COMING UP WITH ALTERNATIVES TO TRY TICKET-TO-WORK WITH THE DEVELOPER. -- TO TRY TO WORK WITH THE DEVELOPER. THEY WERE GRACIOUS ENOUGH TO COME DOWN AND MEET WITH US, AND UNDERSTANDABLY THEY SAID EVERYTHING YOU'RE SHOWING ON US WE CAN DO IN THE P.U.D. DOCUMENT. AND I AGREE EVERYTHING CAN BE DONE, BUT HOW DO YOU KNOW? HOW DO YOU KNOW YOU'RE GOING TO DELIVER THE RIGHT PROJECT? HOW DO YOU KNOW THAT YOU'RE NOT GOING TO WAKE UP IN THE MORNING AND LOOK AT THAT. AND IF WE COULD GO THROUGH THIS BECAUSE I WANT TO -- THESE ARE DEPICTIONS. WE ACTUALLY HAVE AN ANIMATION OF THIS WHERE WE COULD ACTUALLY FLY YOU THROUGH THE SITE. AND LIKE I SAID, WE'LL SAVE THAT FOR A LATER TIME. HOPEFULLY WE WON'T NEED IT. BUT UNDERSTAND WHAT YOU'RE LOOKING AT. THAT

IS WHAT YOU ARE AGREEING TO DO TODAY BECAUSE YOUR P.U.D. ORDINANCE DOESN'T ADDRESS ANYTHING ELSE BUT THIS. IT ONLY TELLS YOU THEERZ THE PARCELLS ON -- THESE ARE THE PARCELS. WE HAVE A 200-FOOT HEIGHT LIMIT. THERE IS A RESTRICTION OF 90-FOOT OVER ON BARTON SPRINGS. THIS IS ANOTHER PROFILE. THAT'S A VIEW LOOKING FROM THE SOUTH TOWARDS THE LAKE. SO YOU UNDERSTAND THE MASSING AND WHAT WE'RE TALKING ABOUT. AGAIN, THERE'S NOTHING IN YOUR ORDINANCE THAT PROHIBITS OR RESTRICTS OR REQUIRES THE DEVELOPER TO DO ANYTHING BUT THAT. WE'RE NOT SAYING THIS IS WHAT THEY'RE GOING TO DO. WE THINK THEY'RE GREAT GUYS. WE THINK THEY'RE GOING TO DO THE RIGHT THING AT THE RIGHT TIME, BUT WHAT HAPPENS IF THEY SELL AND THE NEXT GUY SAYS YOU KNOW, I PAID A BILLION DOLLARS FOR THIS SITE AND I CAN DO ALL THIS AND I'M GOING TO DO IT, DAMN IT, SCREW EVERYBODY ELSE. MY POINT IS WE'RE NOT HERE SAYING STOP EVERYTHING. WE'RE HERE SAYING LET'S COME UP WITH SOMETHING. THAT'S THE PLANNING EFFORT. THIS IS AN ALTERNATIVE PROPOSAL. AGAIN, THIS IS JUST A THOUGHT WE HAD. THIS ALLOWS THE DEVELOPER -- AND AGAIN, AT THE CONCEPT STAGE AND PRELIMINARY WE UNDERSTAND THAT THERE ARE THINGS THAT NEED TO GET TWEAKED. OUR GOAL WAS TO DO REALLY THREE THINGS. ONE IS MAKE SURE THE DEVELOPER THROUGH AN ALTERNATIVE SITE PLAN DOESN'T LOSE ANY ECONOMIC BENEFIT, NO LESS SQUARE FOOTAGE, NO LESS NUMBER OF UNITS, PROVIDE AND/OR BETTER THE SITUATION FROM A GREENBELT STANDPOINT, PROVIDE ALTERNATIVE AND ANCILLARY ACCESS POINTS TO AJOINING LANDOWNERS, REMOVE ANY DEVELOPMENT FROM WITHIN THE WATERFRONT OVERLAY. SO THIS IS A CONCEPT WE CAME UP. I WANT YOU TO -- I'VE GIVEN YOU GUYS THE BENEFIT OF THE PAPER DOCUMENT SO YOU CAN TAKE AND PUT THEM NEXT TO EACH OTHER. NOW, YOUR DOCUMENT, YOUR P.U.D. ORDINANCE DOESN'T SAY YOU CAN DO THIS. IT DOESN'T SAY YOU PROVIDE THE PLAZAS. IT TAKES A LITTLE BIT OF WORK WITH TWO PROPERTY OWNERS HERE. AND I HAVEN'T INCLUDED SHERRI MATTHEWS PROPERTY BECAUSE SHE'S NOT PART OF THE ZONING CASE. BUT CLEARLY -- CLEARLY THERE'S A BETTER METHOD TO DO THIS. AND MY POINT IN MY PRESENTATION, AND ONE I'M HOPING THIS COUNCIL IS GOING TO UNDERSTAND, IS WE'RE FOR DEVELOPING THE SITE. THIS IS A KEY SITE FOR THE CITY. THIS IS GOING TO BE LOOKED AT -- THIS COULD BE DONE IN A DESTINATION WHERE YOU END UP WITH A DESTINATION SPOT WHERE YOU'VE GOT THE RETAIL, YOU'VE GOT THE PEDESTRIAN-ORIENTED USES, BUT THE P.U.D. ORDINANCE DOESN'T SPEAK TO THIS. THE P.U.D. ORDINANCE SAYS YOU'RE ALLOWED TO DO THIS AND YOU'RE ALLOWED TO DO IT HERE AND THAT IS THE END OF IT. IT DOESN'T HAVE ANY OF THE COVENANTS. SO I WOULD ASK THE COUNCIL AND I WOULD THINK THAT GIVEN ALL OF THE CASES THAT ARE GOING TO BE COMING BEFORE YOU BECAUSE THIS IS GOING TO SET A PRECEDENT AND THE NEXT GUY WILL COME UP AND SAY YOU GAVE THESE GUYS A P.U.D., YOU WAIVED THEY'RE WATER QUALITY. THE OPEN SPACE YOU'RE ASKING ME TO PROVIDE 50% ON SPACE, BUT THEY DIDN'T. I THINK THERE NEEDS TO BE AN EVEN PLAYING FIELD FOR EVERYBODY. I THINK WE NEED TO HAVE SOME AMENDMENTS TO THIS SO THAT WE ALL KNOW WHAT WE'RE GETTING, IF NOT AT LEAST SOME OVERSIGHT IN THE FUTURE ON SITE PLANK, BUT ALL THAT IS GONE THROUGH THIS P.U.D. PROCESS. THAT'S AWM I.....THAT'S ALL I HAVE TO SAY. THANK

YOU FOR YOUR TIME.

Dunkerley: ARE THERE ANY OTHER SPEAKERS? STAFF COULD COME BACK UP AND SEE IF THE COUNCIL HAS QUESTIONS OTHER THAN THE ONE I'VE PROPOSED.

MAYOR PRO TEM, WE HAVEN'T HAD THE REBUTTAL FROM THE APPLICANT.

Dunkerley: WAIT. WE FORGOT THE CLOSING STATEMENT. I'M SORRY. I NEED A BEEPER UP HERE ON ME.

AGAIN, PAUL JOHNSTON WITH FAIRFIELD RESIDENTIAL AND I'LL BE BRIEF. I WAS TAKING SOME NOTES DURING THE PRESENTATION THAT WAS JUST MADE AND THERE WAS SOME DISCUSSION ABOUT HOW THE P.U.D. ORDINANCE IS SOMEHOW SOME KIND OF A WIDE OPEN -- A P.U.D. ORDINANCE AS I THINK YOU KNOW AND STAFF CAN CLARIFY, IS ACTUALLY MUCH MORE RESTRICTIVE AND IS A MUCH BETTER WAY TO IMPLEMENT AGREEMENTS WITH NEIGHBORHOOD ASSOCIATIONS TO BE MORE RESTRICTIVE. WITHIN OUR P.U.D. DOCUMENT THERE ARE SPECIFIC WAYS ON HOW WE HAVE TO MEASURE HEIGHT. WE AGREED TO A WHOLE DIFFERENT, VERY COMPLICATED PROCESS TO MEASURE HEIGHT, WHICH IS JUST AN EXAMPLE OF HOW MUCH MORE RESTRICTIVE EVEN THE LAND DEVELOPMENT CODE THIS P.U.D. DOCUMENT IS. JUST TAKING THEM POINT BY POINT, THERE WAS A DISCUSSION ABOUT HOW SOMEHOW THERE WILL BE THIS MASSIVE AMOUNT OF FILL ON THIS PROPERTY. ACTUALLY, IN THIS P.U.D. IT LIMITS THE AMOUNT OF FILL WE CAN DO ON THE PROCESS. EVEN IN ADDITION TO WHAT'S OUTLINED IN THE ENVIRONMENTAL CODE AND THE LAND DEVELOPMENT CODE. WITH REGARD TO THE PAVED ROADWAY THAT COMES THROUGH THE PROPERTY THAT PROVIDES CIRCULATION AND ACCESS, THAT DRIVEWAY EXISTS THERE TODAY AND THAT WAS SPECIFICALLY LEFT IN AND WE AGREED TO GRANT A PUBLIC ACCESS EASEMENT ACROSS THAT AS WELL AS A BIKE LANE ACROSS THERE TO OPEN UP THAT WHOLE PART OF THIS SITE TO THE TRAIL. RIGHT NOW IF YOU'RE ON BARTON SPRINGS YOU HAVE TO WALK UP TO CONGRESS OR ALL THE WAY AROUND THE CORNER TO SOUTH FIRST STREET AND GO DOWN TO THE TRAIL THAT WAY. AND THIS DESIGN AND WHAT WE'VE AGREED TO, IT'S OPEN TO THE PUBLIC TO COME DIRECT TO THE HEART OF THE PROPERTY, ALONG THIS DRIVEWAY, DOWN TO AN EXPANDED HIKE AND BIKE TRAIL EASEMENT WHICH WE AGREED TO PROVIDE ALSO DEDICATED TO THE PUBLIC IN PERPETUITY SO THAT YOU CAN COME IN THIS DRIVEWAY AND GO STRAIGHT DOWN TO THE TRAIL AND NO ONE CAN EVER BLOCK THAT. WITH REGARD TO THE WATER QUALITY DISCUSSION, THAT'S ACTUALLY A VERY COMMON WAIVER THAT'S GRANTED. IT WAS GRANTED TO THE VERY BUILDING THAT WE'RE IN TODAY. IN ADDITION TO THAT, IT WAS GRANTED TO MR. HATHAM FOR HIS DEVELOPMENT AS WELL. THE 200 FEET AS FAR AS THE HEIGHT AND EVERYTHING LIKE THAT OBVIOUSLY AS YOU MENTIONED, THAT'S SOMETHING ALLOWED UNDER EXISTING ZONING TODAY AND SOMETHING ALLOWED ON HIS PROPERTY AND THAT HE'S TAKEN ADVANTAGE OF AS WELL WITH THE DESIGN OF A 200-FOOT BUILDING. THE DESIGN OF THE PARK, THERE'S DISCUSSION THAT WE HAVE NOT DONE ENOUGH FOR THE PARK. WE'RE DONATING MONEY TO THE CITY FOR PARK IMPROVEMENTS, WHICH WE DOWBLS HAVE TO DO, TO USE

HOWEVER THEY SEE FIT AND ALSO DONATING MONEY TO THE TRAIL FOUNDATION TO USE HOW THEY SEE FIT AS STUDIES FOR THE TRAIL -- STEWARDS FOR THE TRAIL. WE'VE WORKED WITH THEM IN SPONSORING DIFFERENT EVENTS, HELPING THEM CONSTRUCT IMPROVEMENTS ON THE OTHER SIDE OF THE LAKE. WE'VE HELPED THEM BUILD RESTROOMS WHERE WE COULD. IN ADDITION TO THAT, WITH REGARD TO THE PROCESS ITSELF, GERNGS NOT ONLY -- EVEN OUTSIDE THE PROCESS WE WENT TO THE NEIGHBORHOOD, WHICH SOMEHOW THERE'S THIS PERCEPTION BEING PUSHED OUT THERE THAT BOULDIN CREEK NEIGHBORHOOD ASSOCIATION HAS BEEN CO-OPTED BY A DEVELOPER, WHICH I CAN ASSURE YOU HAS NOT HAPPENED. I'M UP?

..

Dunkerley: YOUR TIME'S UP. YOU HAVE ONE STATEMENT TO WRAN WRAP UP.

YEAH. WE'VE GONE THROUGH -- THIS IS RECOMMENDED FOR APPROVAL NOT JUST BY BOULDIN CREEK, BUT BY THE DOWNTOWN COMMISSION, ENVIRONMENTAL REVIEW BOARD, WHO HAS REVIEWED THIS FOR ITS IMPACTS, INCLUDING STORM WATER QUALITY. PLANNING COMMISSION. AGAIN, BOULDIN CREEK, SOUTH RIVER, EVERYBODY. I APPRECIATE YOUR TIME.

Dunkerley: STAFF, MR. RUSTHOVEN, MANY PEOPLE HAVE MENTIONED DURING THE PRESENTATION ON BOTH SIDES THAT THERE ARE CERTAIN ENTITLEMENTS ON THAT PROPERTY RIGHT NOW. AND SO EVEN IF WE HAVEN'T APPROVE THE P.U.D., THEY COULD PROPOSE TO DEVELOP UNDER WHATEVER REGULATIONS THEY HAVE. I WANTED TO KNOW WHAT THOSE WERE.

A SMALL PORTION OF THE SITE IS CS-1, BE WHICH WOULD ALLOW 60 FEET OF HEIGHT AND 90% IMPERVIOUS COVER. THE MAJORITY OF THE HEIGHT IS L OR LAKE ZONING, WHICH WOULD ALLOW 200 FEET OF HEIGHT, BUT IT ALSO REQUIRES 50% IMPERVIOUS COVER AND 50% BUILDING COVERAGE. UNDER THE P.U.D. THE OWNER IS REQUESTING 63 PERCENT. THE P.U.D. ALLOWS FOR NEGOTIATION BETWEEN THE CITY AND THE DEVELOPER SUCH THAT IN EXCHANGE FOR THAT 13% OF IMPERVIOUS COVER, WE RECEIVE OTHER THINGS SUCH AS THE GREEN BUILDING PROGRAM, THE IPM, THE GREAT STREERKTS THE ACCESS TO THE LAKE, ETCETERA.

Dunkerley: THANK YOU. DO WE HAVE QUESTIONS OF COUNCIL? COUNCILMEMBER LEFFINGWELL?

Leffingwell: THERE ARE TWO RESTRICTIVE COVENANTS INVOLVED HERE, TWO PRIVATE RESTRICTIVE COVENANTS, ONE WITH THE BOULDIN CREEK NEIGHBORHOOD ASSOCIATION, ONE WITH THE TOWN LAKE TRAIL FOUNDATION, IS THAT CORRECT?

RIGHT. WE ALSO HAVE A PUBLIC RESTRICTIVE COVENANT THAT'S BETWEEN THE

DEVELOPER AND THE CITY.

Leffingwell: WHAT IS THAT RESTRICTING?

THAT COVERS THE RECOMMENDATIONS THAT WERE IN THE TRAFFIC IMPACT ANALYSIS. AND IT ALSO WOULD COVER -- THAIBL THAT IS IT -- I BELIEVE THAT THAT IS IT. THE INTEGRATED PEST MANAGEMENT IS ALSO INCLUDED IN THE RESTRICTIVE COVENANT.

...

Leffingwell: SO ALL THOSE HAVE BEEN EXECUTED? THOSE RESTRICTIVE COVENANTED HAVE BEEN EXECUTED?

WE HAVE THEM PREPARED. THEY HAVE NOT BEEN SIGNED YET, BUT THEY ARE READY TO BE SIGNED.

Leffingwell: OKAY.

Dunkerley: ANY OTHER COMMENTS?

Leffingwell: MAYOR PRO TEM, I WOULD LIKE TO POINT OUT THAT THIS P.U.D. THAT WE'RE TALKING ABOUT HERE, AS HAS BEEN STATED PREVIOUSLY BY OTHERS, PROVIDES AN ENVIRONMENTAL IMPROVEMENT OVER WHAT EXISTS THERE NOW, PLUS WHAT CAN BE DONE. IT'S LESS IMPERVIOUS COVER. THE PROPOSED BUILDING IS REQUIRED TO BE A TWO-STAR GREEN BUILDING. GREAT TREAT IMPROVEMENTS ON BARTON SPRINGS ROAD. GUARANTEES PERMANENT PUBLIC ACCESS TO THE LAKE FROM BARTON SPRINGS ROAD. TWO RESTRICTIVE COVENANTS IN PLACE, ONE PROVIDING A SIGNIFICANT BENEFIT -- PRIVATE RESTRICTIVE COVENANTS, ONE PROVIDING A SIGNIFICANT COMMUNITY BENEFIT, THE OTHER A SIGNIFICANT PUBLIC BENEFIT TO THE TOWN LAKE TRAIL. SO I WOULD MOVE TO CLOSE THE PUBLIC HEARING AND PASS THE PLANNING COMMISSION RECOMMENDATION, WHICH IS P.U.D.MP WITH CONDITIONS, AND WITH CONSIDERATION FOR THE RESTRICTIVE COVENANTS THAT HAVE BEEN ENUMERATED. THANK YOU.

Dunkerley: COUNCILMEMBER, IS THAT ON FIRST AND SECOND READING?

Leffingwell: FIRST AND SECOND READING ONLY.

Dunkerley: DO WE HAVE A SECOND?

SECOND.

Dunkerley: MOTION BY COUNCILMEMBER LEFFINGWELL AND SECONDED BY

COUNCILMEMBER COLE. ARE THERE ANY ADDITIONAL COMMENTS OR QUESTIONS?

Kim: QUESTION FOR STAFF ABOUT MR. HATHAM'S PROPERTY. WHAT IS THE ZONEOGTHAT TRACT?

HIS PROPERTY IS ALSO ZONED L.

Kim: SO WITH THAT ZONING CAN HE DO A DRIVE-THROUGH BANK IF HE WANTED TO?

I'D HAVE TO REFER TO THE TABLE TO SEE IF FINANCIAL SERVICES IS A PERMITTED USE UNDER L.

Kim: BUT HE COULD USE IT AS A PAD SITE IF HE WANTED TO, IF HE NEEDED TO.

I BELIEVE IT IS A PERMITTED USE, BUT I WOULD HAVE TO LOOK IN THE LAND USE TABLE.

Kim: THE REASON I'M ASKING IS BECAUSE THIS DEVELOPMENT THAT WE'RE CONSIDERING TONIGHT IS GOING TO AFFECT THAT DEVELOPMENT. AND I THINK WE NEED TO LOOK AT THE WHOLE AREA COMPREHENSIVELY BECAUSE WE HAVE THE ROMA STUDY IN 2000 ABOUT THE TOWN LAKE CORRIDOR WHERE THEY ASKED -- THERE WAS A CONSENSUS AMONG THOSE THAT WORKED ON THAT FOR COORDINATED INTENSIFICATION FROM A COHESIVE MIXED USE DEVELOPMENT AND I THINK THE WAY THAT WE'RE GOING WITH THIS RIGHT NOW IS VERY SHORT SIGHTED. WHEN YOU THINK ABOUT THE WHOLE AREA. AND I DO APPRECIATE THE DEVELOPER WORKING WITH THE NEIGHBORHOOD AND MAKING THOSE COMMITMENTS FOR AFFORDABLE HOUSING ON THE TOWN LAKE TRAIL FOUNDATION, I THINK THAT'S VERY SIGNIFICANT. I REALLY DO APPRECIATE THAT. BUT THERE ARE OTHER INTERESTS HERE THAT WE NEED TO CONSIDER. THE HIGHEST AND BEST USE OF THAT AREA. THE ENTIRE AREA, NOT JUST THIS DEVELOPMENT. WE ARE WORKING WITH THE TAXPAYERS AND MAKING SURE WE HAVE THE REVENUE THAT WE CAN OBTAIN FROM PROPERTIES AS WELL AS MAKING SURE THAT WE'RE PROTECTING THE LOCAL BUSINESSES. AND I KNOW THAT AREA, THERE IS A PROBLEM WITH THE BATS UNDER THE BRIDGE IN TERM OF THE ODOR. AND I AM CONCERNED ABOUT IT BEING -- GETTING WORSE. THIS SITE RIGHT NOW WITH THE P.U.D. -- AND MR. HATHAM PUT UP THE ADVISE ALIZATION OF WHAT CAN BE PUT UP ON THE PUT AND I HAVEN'T HEARD THE APPLICANT DISAGREE WITH THAT, THAT THEY COULDN'T DO WHAT PRESENTED TO US IN THAT MODEL AT ALL. HAVE YOU?

I BELIEVE JUST LOOKING FROM HIS DRIVE, THIS IS THE FIRST TIME I SAW IT, BUT IT APPEARED THAT IT SHOWED 100% IMPERVIOUS COVER AS WELL AS BUILDING COVERAGE FOR ITS ENTIRE WHAT'S CALLED SOUTH AND WEST PARCELS OF THE P.U.D. AND IN FACT IN THE P.U.D. DOCUMENTS, WE HAVE SITE DEVELOPMENT REGULATIONS PARTICULAR TO THIS SITE, BUT FOR EXAMPLE LIMIT THE IMPERVIOUS COVER DOWN TO 63%.

Kim: MAYBE THE STAFF CAN HELP US WITH SOME 3 D MODELS IN LOOKING AT THIS AREA.

THIS SITE IN PARTICULAR, BUT ALSO THE WHOLE AREA. AND YOU CAN WORK WITH MY AIDE ON THAT IF YOU WANT SOME GUIDANCE ON WHAT WOULD HELP, BUT WE NEED TO LOOK AS THIS AREA AND WE PROBABLY SHOULD DO SOME EXRENS..... COMPREHENSIVE PLANNING FOR THE LAKEFRONT. THERE WAS A STORY ABOUT SAVE TOWN LAKE AND THEY'RE CONCERNED ABOUT DEVELOPMENT ON THE SOUTH SHORE. I THINK THAT DEVELOPMENT HAS TO BE VERY WELL THOUGHT OUT BECAUSE IT IS SHG SOMETHING THAT WE WILL BE HAVING TO LOOK AT FROM THE LAKE. PEOPLE JOG ON THE LAKE. IT'S SOMETHING THAT PEOPLE FROM DOWNTOWN WILL LOOK AT. AND WE NEED TO MAKE SURE THAT WE HAVE THE BEST POSSIBLE ARCHITECTURE AS WELL AS THE DESIGN AND THE CONFIGURATION OF THE BUILDINGS TO MAKE SURE THAT WE HAVE BREEZES COMING THROUGH. WE ARE NOT BLOCKING SUNLIGHT FROM THE PROPERTIES THAT ARE IN THAT AREA.

COUNCILMEMBER, IF THIS DOES GET APPROVED TODAY FOR FIRST AND SECOND READING, BEFORE THIRD READING WE CAN PROVIDE THE DETAILED PLANS, THE 200-FOOT OR LARGER BUILDING THAT'S NEXT DOOR, AND THE MARIBOU PROJECT THAT IS BEING BUILT NEXT DOOR ON THE OTHER SIDE. A LOT OF THAT FRAMED SOME OF THE STAFF'S RELIGIOUS BECAUSE THE HYATT BEING -- STAFF'S..S RECOMMENDATION BECAUSE THE HYATT BEING A TALLER BUILDING, STAFF FELT THAT THIS WAS APPROPRIATE. AND HAVING THE ACCESS TO TOWN LAKE AND HAVING THE BUILDING -- IMPERVIOUS COVER BEING PULLED AWAY FROM THE WATER'S EDGE ACTION WE'RE MEETING A LOT OF THE INTENT OF PART WHAF ROMA HAD, ALTHOUGH THAT WAS NOT ADOPTED, IT MEANT SOME OF THOSE STANDARDS THAT WERE PROVIDED FOR, AND PARTICULARLY ACCESS, AND ALSO DREASD THE WATERFRONT OVERLAY ORDINANCE.

SURE. I WANT TO CONVEY TO THE NEIGHBORHOOD I BELIEVE THOSE ARE ASSETS THAT ARE IMPORTANT. THEY ARE GOING TO CONVEY PUBLIC ACCESS TO THE TRAIL. WE HAVE TO MAINTAIN THAT TRAIL AS THE CITY. IS THAT NOT RIGHT? WE WILL HAVE TO TAKE CARE OF THAT. THERE'S AN EXPENSE TO THAT. IT ALSO ADDS TO THE -- I GUESS THE ATTRACTIVENESS OF THAT PROPERTY AS WELL. SO IT'S A WIN-WIN. IF YOU'RE LOOKING AT JUST THAT ISSUE. BUT THERE ARE A LOT OF DIFFERENT ISSUES HERE THAT WE NEED TO CONSIDER. AND AGAIN SO I WANT TO ASK THE STAFF FOR YOUR HELP IN THE MEANTIME TO LOOK AT WHAT THE THREE -- PRESENT THAT TO US SO WE CAN LOOK AT IT FROM THE STAFF'S PERSPECTIVE OF WHAT WILL BE POSSIBLE UNDER THE P.U.D. ZONING.

WE DO HAVE A SKETCH-UP, WHICH IS A PROGRAM, AND WE WILL ATTEMPT TO PUT THAT. IF HATHAM IS WILLING TO -- IF HE USED SKETCH-UP AS WELL, MAYBE HE COULD SHARE THAT AND IT WOULD SPEED UP THE TIME AND WE COULD ADD THE ADJACENT PROPERTIES NEXT DOOR AND THE DEVELOPMENT.

...

Kim: I BELIEVE THERE'S SOMETHING COMING FROM THE DESIGN COMMISSION RIGHT NOW

ON UNIVERSITY 3.. 3 D VISUALIZATION FOR THAT AREA.

I HAVEN'T READ THE DETAILS OF THAT. YOU WILL BE SEEING OTHER PROJECTS IN THE FUTURE, FOR INSTANCE, CONCORDIA, THAT WE'VE DONE SOME 3 D MODELING THAT WILL HELP THE COUNCIL KIND OF GET AN IDEA OF FRAME AND MASSING ON OTHER PROJECTS.

Kim: DO YOU KNOW IF GIVEN THAT IT ALSO HAS L ZONING THAT WHAT HE WOULD -- WHAT HE COULD DO ON THAT SITE?

HE HAS ALREADY AN APPROVED SITE PLAN. AND I BELIEVE IT'S A BUILDING OF ALSO 200 FEET THAT ENCOMPASSES THAT. SO THAT BUILDING IS DIRECTLY WEST AND SOUTH OF DIFFERENT PORTIONS OF THIS PROPERTY. AND SO THERE WOULD BE AN IMPACT BY BOTH, HIS BUILDING MAY BLOCK VIEWS OF HYATT. AND FAIR FOOEG AND VICE VICE VERSA, HYATT WOULD BLOCK AND FAIRFIELD WOULD BLOCK SOME OF HIS VIEWS AS WELL.

Kim: MY INTEREST HERE IS THAT THE WHOLE SITE, THESE TWO SITES NEXT TO EACH OTHER, ALONG WITH MS. MATTHEWS' BUILDING, THAT WE ARE REALLY LOOKING AT THE WHOLE AREA, NOT JUST THIS ONE P.U.D. AND I'M CONCERNED THAT IF HATHAM HAS THIS PROJECT, IT DOESN'T GO THROUGH BECAUSE HE LOSES HIS FINANCING BECAUSE OF THIS P.U.D. AND WHAT COULD POTENTIALLY BE DEVELOPED ON THERE AND AFFECTS HIS PROJECT, WE END UP WITH A DRIVE-THROUGH BANK THERE INSTEAD. THAT'S NOT WHAT WE WANT. SO I THINK IT'S IMPORTANT AS A COUNCIL FOR US TO THINK ABOUT THIS LONG-TERM AROUND PROVIDE THE RESOURCES THAT WE NEED TO HELP ALL THE FAERTS WORK THIS OUT TO THE BEST OF THEIR ABILITIES. I ALSO HEARD THAT THE BUILDINGS -- THAT COULD BE THREE ACRES IMPERVIOUS COVER, WHEREAS A DOWNTOWN BLOCK IS USUALLY LESS THAN TWO ACRES. IT'S LIKE 1.6 ACRES, SOMETHING LIKE THAT.

THE IMPERVIOUS COVER I BELIEVE, BE AS JERRY MENTIONED, WAS 63%, WHICH WAS LIMITING THE DEVELOPMENT INTENSITY ON THIS PROPERTY.

Kim: I'M TALKING ABOUT THE MASSING OF THE BUILDINGS, WHAT IS POTENTIAL FOR THE MAXIMUM SIZE OF THE FOOTPRINT OF THE BUILDINGS OVER THERE. MY UNDERSTANDING IS IT'S MUCH BIGGER THAN A CITY BLOCK. EVEN THOUGH THEY'RE DOING GREAT STREETS, I THINK IT'S SOMETHING WE NEED TO TAKE A CAREFUL LOOK AT.

WE CAN GET YOU BUILDING COVERAGE INFORMATION.

Kim: THANKS.

Dunkerley: COUNCILMEMBER MARTINEZ.

Martinez: THANKS. I JUST HAVE A COUPLE OF QUESTIONS AND THEY MAY BE MORE -- THE QUESTION I HAVE MAY BE MORE FOR THE NEIGHBORHOODS. I'M LOOKING AT RESTRICTIVE

COVENANTS HERE AND THE ON ONE MUCH THEM IT TALKS ABOUT SECTION 4 A AND IT TALKS ABOUT THE RECLAMATION OF THE SHORELINE. I WANT TO SHOW HOW YOU CAME ABOUT TO THAT AGREEMENT WHERE THERE COULD BE A POTENTIAL FOR FILLING IN THE SHORELINE TO ADD MORE SHORELINE. IT DIDN'T SEEM LIKE THAT MADE A LOT OF SENSE.

IS IT WASN'T SOMETHING THAT SEEMED LIKE A GOOD IDEA TO US AT FIRST. YOU CAN SEE ON THE SHORELINE MAPS, AND I BELIEVE THE DEVELOPER LOOKED FOR AND FOUND PREVIOUS AERIAL MAPS THAT PRETTY CLEARLY SHOWED ABOUT A 14 -- ABOUT A 15-FOOT DIVET IN A SPECIFIC AREA THAT WAS DUG OUT IN THE LATE 70'S, EARLY 80'S TO ALLOW FOR LOADING THE TOUR BOATS FROM THE HYATT HOTEL. WE DIDN'T LIKE THE IDEA OF CERTAINLY INFILLING...ING TOWN LAKE. IF YOU DO NOT DRAW SOME SERIOUS LIMITATIONS ON THAT, THE NEXT DEVELOPER DOWNSTREAM, WE WOULD PRETTY SOON FILL IN THE WHOLE LAKE. SO WE SAID OKAY, IF YOU'RE GOING TO GO TO THE FEDS, TO FEMA, TO THE STATE, TO LCRA, AND GET ALL THE PERMITS YOU NEED TO INFILL SPECIFICALLY THAT 15 FEET IN THAT SPECIFIC AREA WHICH WE CLEARLY DESIGNATED ON THAT EXHIBIT, GO FOR IT, BUT IT CAN'T BE ANY MORE THAN THOSE 15 FEET NORTH IN THAT AREA. AND THEN WE DRAW THE MAPS AND THE SETBACKS. AND THE ADVANTAGE THAT THE NEIGHBORHOOD, BE AND I THINK THAT THE CITY SAW IN THAT WAS THAT IS VERY CLEARLY DELINEATED THOSE LIMITATIONS. AND THAT'S WHY WE ALLOWED IT IN THERE THAT WAY. I DON'T THINK THAT THERE WOULD BE A LOT OF OTHER INSTANCES ON TOWN LAKE OR LAKE AUSTIN WHERE YOU WOULD HAVE DIGOUTS LIKE THAT TO FILL IN. AND AGAIN WE MADE SURE THAT THEY WERE CLEARLY FILLED IN AND LINTLED.

Kim: I WAS TALKING ABOUT THE ISSUE OF THE OTHER HAVEN SITE AND HE HAS A SITE PLAN WHICH HE HAS FILED. IT MAY BE FOR A TOTALLY DIFFERENT DEVELOPMENT IF THIS DEVELOPMENT GOES THROUGH. WE DON'T KNOW THAT RIGHT NOW. BUT IN A HAPPENS AND THIS BECOMES SOMETHING ELSE LIKE A DRIVE-THROUGH BANK, WHEN WHAT WOULD BE YOUR POSITION? THERE'S NOTHING YOU COULD DO. THERE'S NO REACTION WE COULD TAKE. WHAT IS YOUR PREFERENCE?

OUR POSITION RIGHT NOW, AND WE DID HAVE PRESENTATIONS FROM MR. DELLET TO OUR ZONING COMMITTEE ON HIS BUILDING AS IS AND WHAT ITS EXAIBILITYZ CAPABILITIES AND WHAT IS ALLOWED RIGHT NOW. JUST LIKE WITH THE HYATT FAIRFIELD P.U.D. WE DEALT WITH THE HAND THAT WE'RE DEALT WITH, WHAT WE KNOW THE CITY LAND DEVELOPMENT CODE ALLOWS RIGHT NOW. FOR EXAMPLE, IF THE DRAWING THAT MR. DOLLLETT PRESENTED UP HERE WERE TO WORK WITH VARIOUS THIRD-PARTY OWNERS, OUR RESPONSE IS GO FOR IT, BUT WE WOULD WANT THEN AT LEAST AS RESTRICTIVE AS WHAT WE'VE BEEN ALLOWED TO PLACE ON THE EXISTING FAIRFIELD DEVELOPMENT. I HOPE THAT ANSWERS YOUR QUESTION.

Kim: YES, IT DOES. THEN I THINK THAT YOU SHOULD DEFINITELY BE INVOLVED IN THESE DISCUSSIONS. I THINK THERE'S STILL MORE WORK TO BE DONE BETWEEN NOW AND THIRD READING. SO I REALLY WOULD LIKE YOUR PARTICIPATION AND LOOKING AT THE DIFFERENT

PROPOSALS THAT WILL BE HOPEFULLY DISCUSSED BETWEEN NOW AND THIRD READING.

THANK YOU.

Dunkerley: AT THIS POINT I WOULD LIKE TO RECESS OR TABLE THIS ITEM FOR THE 5:30 MUSIC PROGRAM AND PROCLAMATIONS.

Kim: I THINK WE'RE READY TO VOTE.

Martinez: ACTUALLY, WE'RE NOT.

Dunkerley: THERE ARE TWO MORE PEOPLE WHO WANTED TO TALK.

Martinez: I DIDN'T FINISH THE COMMENT I STARTED.

Dunkerley: DO YOU WANT TO FINISH?

Martinez: I CAN WAIT.

Dunkerley: I DID CHECK AND THERE ARE OTHER PEOPLE THAT WANT TO SPEAK. AND I THINK PROBABLY IT'S JUST APPROPRIATE TO TABLE IT RIGHT NOW AND WE'LL COME BACK AFTER THE MUSIC AND PROCLAMATIONS AND FINISH THE DISCUSSION AND GO ON FROM THERE. I WILL SAY I THINK MR. COREY IS RIGHT, WE'RE DEALING WITH ONE SPECIFIC CASE RIGHT NOW, AND THAT'S THE ONLY RESTRICTIONS WE CAN DEAL WITH, NOT WITH OTHER OWNERS. SO WE WILL HAVE TO FIGURE OUT HOW THAT WOKZ, AND THAT -- IF THERE ARE ANY CHANGES IT WOULD HAVE TO BE CONTRACTUAL RATHER THAN THINGS THAT WE COULD IMPOSE FROM THE DAIS TODAY. ALL...ALL RIGHT. LET'S BREAK FOR OUR MUSIC. WE HAVE BRENNEN LEIGH, A SINGER AND SONG WRITER, FIRMLY ESTABLISHED HERSELF AS ONE OF THE STATE'S PREMIER SINGERS AND SONG WRITERS WITH HER THIRD FULL LENGTH CD, LEE IS POISED TO TAKE HER TIME HON HONORED COUNTRY TUNES SIGN TO A WHOLE NEW LEVEL. HER UNIQUE ROACH TO MUSIC HAS BEEN INFLUENCED BY A MUSICAL FAMILY, SPLS BY THE COUNTRY STARS OF THE 60s AND 70s. SHE WAS A TOP 25 FINALISTS FOR THE TELEVISION PROGRAM NASHVILLE STAR, TOURED WITH THE LEGENDARY RALPH STANLEY. PLEASE JOIN ME IN WEMMING BRENNEN LEIGH. [(music) SINGING (music)(music)]

THANK YOU SO MUCH, I HAVE A PROCLAMATION FROM THE CITY THAT I WOULD LIKE TO READ, THEN I WANT YOU TO TELL US WHAT YOU ARE DOING NEXT. THIS IS THE PROCLAMATION: BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY, MANY CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC, CULTURAL ACTIVITIES AND WHEREAS THE DEDICATED EFFORTS OF ARREST TIS FURTHER AUSTIN'S STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD, NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY PROCLAIM JANUARY 25th, 2007 AS THE BRENNEN LEIGH DAY AND IT'S SIGNED WITH THE MAYOR'S NAME AND HIS SEAL. SO

IF YOU COULD TELL US, I WOULD LIKE TO PRESENT THIS TO YOU, IF YOU COULD TELL US WHERE -- [INAUDIBLE - NO MIC]

THANK YOU. I HAVE A GIG ON SUNDAY AT THREADGILL'S, SOUTH SIDE, SUNDAY MORNING AT 11, IT'S A GOSPEL SHOW. THEN I PLAY EVERY TUESDAY, 6:00 AT THE EVANGILINE CAFE.

THANK YOU VERY MUCH. [APPLAUSE] THE NEXT IS A DISTINGUISHED SERVICE AWARD FOR VANCE KIRKHUFF, IS TOBY HERE? CAN'T DO THIS WITHOUT THE CITY MANAGER.

WE HAVE SOME SUPPORT BACK HERE. I KNOW TOBY WANTED TO BE HERE FOR THIS ONE. WE WILL SEE IF YOU WILL WAIT A MINUTE, I MAY GO AHEAD AND READ IT, MAYBE WE WILL HAVE COMMENTS BY THEN SHE SHOULD BE HERE. THIS IS A DISTINGUISHED SERVICE AWARD FOR MORE THAN 25 YEARS OF DEDICATED SERVICE TO CITIZENS OF AUSTIN, FIRST AS A MEMBER OF THE EMERGENCY MEDICAL SERVICES, THEN OF THE AUSTIN TRAVIS COUNTY E.M.S. SYSTEM. SENIOR PARAMEDIC VANCE KIRKHUFF IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. HIS E.M.S. CAREER HAS BEEN MARKED BY DEDICATION AND A VISION TO PRESERVE LIFE, IMPROVE HEALTH AND PROMOTE SAFETY. HIS LEADERSHIP HAS BEEN INSTRUMENTAL IN STRENGTHENING THE BONDS WITHIN OUR COMMUNITY AND BRINGING AN ENHANCED SENSE OF PROFESSIONALISM TO EMERGENCY MEDICAL SERVICES. THIS CERTIFICATE IS PRESENTED WITH OUR ADMIRATION AND APPRECIATION. OF THE SENIOR PARAMEDIC VANCE KIRKHUFF, EXEMPLARY SERVICE TO OUR COMMUNITY, THIS 25th DAY OF JANUARY, IN THE YEAR 2007, AND AGAIN THIS IS SIGNED BY OUR MAYOR, WILL WYNN AND CARRIES THE CITY OF AUSTIN SEAL. SO I WANT TO PRESENT THIS TO YOU. AND BEFORE WE LET YOU COME UP HERE, I SEE THAT THERE -- THERE MAY BE SOME FORMER BOSSES HERE THAT MIGHT LIKE TO SAY SOMETHING. [LAUGHTER]

ONLY FORMER UNTIL NEXT THURSDAY. CURRENT BOSS RIGHT NOW. I'VE KNOWN ADVANCE FOR A LONG TIME. I HAVE BEEN HERE A LITTLE BIT LONGER THAN HE IS. THE GOOD THING ABOUT ADVANCE IS THAT HE'S STAYING CLOSE TO HOME. WE ARE ENTRUSTING HIM AND HIS NEXT CAREER TO -- TO PROMOTE, HELP TRAIN THE NEXT GENERATION OF PARAMEDICS. HE STARTED WORKING LAST WEEK AT ACADEMIC ACADEMIC AS A PARAMEDIC TECHNOLOGY PROGRAM AT A.C.C. [APPLAUSE] WE PLAN ON SEEING ADVANCE, WE PLAN ON SEEING THE PRODUCTS OF HIS EFFORTS A LOT IN THE FUTURE. VANCE, THANK YOU SO MUCH. [APPLAUSE]

Futrell: I'M TOO OUT OF BREATH TO SAY ANYTHING. I HEARD THE WORDS MAYOR PRO TEM SAID TOBY NEEDS TO GET DOWN. I'M SO SORRY!

THAT'S ALL RIGHT.

YOU NEED TO SAY A FEW WORDS.

THANK YOU VERY MUCH. PUBLIC SPEAKER I AM NOT. BUT -- I WAS ENCOURAGED TO WRITE

A FEW WORDS DOWN. SO I WORKED ON THESE FOR A WHILE. BEAR WITH ME. MAYOR WYNN OR MAYOR PRO TEM DUNKERLY, COUNCILMEMBERS, CITY MANAGER FUTRELL, TO MY AUSTIN E.M.S. FAMILY, CITIZENS OF AUSTIN, THANK YOU. 25 YEARS IT SOUND LIKE A LONG TIME. BUT IT FEELS ONLY LIKE YESTERDAY THAT I WAS WELCOMED INTO THE AUSTIN E.M.S. FAMILY. IT WAS, IS AND ALWAYS WILL BE A FAMILY. A GROUP OF CARING INDIVIDUALS, WHO ARE DEDICATED TO SERVING THE CITIZENS OF AUSTIN AND TRAVIS COUNTY. I AM HONORED AND PROUD TO BE A MEMBER OF SUCH A TEAM OF PUBLIC SERVANTS. HOWEVER, THE TIME HAS COME FOR ME TO MOVE ON TO OTHER ENDEAVORS AND CHALLENGES. I ONLY HOPE THAT I HAVE LEFT AUSTIN TRAVIS COUNTY E.M.S. BETTER THAN I FOUND IT. TO THOSE WHO CAME BEFORE ME, I HOPE THAT I HAVE PAID MY DEBT FOR TRAINING, CARE AND ADVICE. FOR THOSE WHO HAVE BEEN WITH ME ON MY TRAVELS, I HOPE THAT I GAVE YOU MY BEST PARKED ON MY EXPERIENCE AND -- PASSED ON MY EXPERIENCE AND KNOWLEDGE AND THAT YOU PASS THAT ON TO THOSE WHO COME AFTER ME. IT'S BEEN AN HONOR TO SERVE AUSTIN AND TRAVIS COUNTY. THANK YOU. [APPLAUSE]

HE IS A WONDERFUL, WONDERFUL EXAMPLE OF PUBLIC SERVICE. WE ARE SO PROUD TO HAVE HAD HIM HERE AND TO KNOW HIM.

THANK YOU.

YOU'RE WELCOME. COUNCILMEMBER KIM?

Kim: HIROSHIMA TODAY TO HONOR SOMEONE WHO IS SPECIAL TO ME, STEPHANIE NEELEY SHE WORKS FOR THE CITY OF AUSTIN AS A LIBRARIAN. SHE HAS DONE THIS FOR 18 YEARS, CURRENTLY MANAGING THE LIBRARY AT THE RUIZ BRANCH IN EAST AUSTIN. I KNOW MS. NEELEY BECAUSE OF OUR WORK TOGETHER AS VOLUNTEERS WITH THE COMMUNITY LEADERSHIP COUNCIL, SPONSORED BY THE ROOT CAUSE PROJECT, 3 M, 10 LANIER HIGH SCHOOL STUDENTS, MATCHED WITH 10 ADULTS, WORKED ON COMMUNITY SERVICE PROJECTS INCLUDING THE PARK, HOSTING A PARTY OPEN TO THE PUBLIC FOR THE RESIDENTS THERE. MS. NEELEY IS AN INCREDIBLE PERSON. I WANTED TO SAY A FEW THINGS ABOUT HER WORK AND HERE FOR ALL OF US. IN THE 18 YEARS AUSTIN HAS SEEN A LOT OF CHANGE, STEPHANIE HAS DEFINITELY SEEN A LOT OF CHANGE WITH HER CAREER IN THE CITY, ESPECIALLY SINCE ARRIVING AT RUIZ A DECADE AGO. SHE HAS MADE SURE THE BRANCH KEPT PACE WITH THESE CHANGES, WE ALL EXPERIENCED INCREDIBLE CHANGES DRIVEN BY COMPUTER AND INFORMATION TECHNOLOGY IN OUR DAILY LIVES OVER THE PAST DECADE. STEPHANIE WAS INSTRUMENTAL IN SETTING UP A COMPUTER LAB AT RUIZ. SHE COORDINATED THE CENTER, TEACHING CLASSES OF BASIC COMPUTER SKILLS. TODAY IT HAS A MICHAEL AND SUSAN DELL WIRED FOR YOUTH CENTER TO TEACH COMPUTER LITERACY SKILLS. CLASSES ARE ALL OFFERED IN SPANISH, AN IMPORTANT PLUS WITH THE POPULATION SERVED BY THE BRANCH. INCREASING NUMBERS OF LATIN AMERICAN IMMIGRANTS IS SOMETHING AUSTIN HAS SEEN, STEPHANIE HAS MADE SURE THAT THE LIBRARY HAS RESPONDED TO THIS NEED. STEPHANIE HAS CREATED A NEW IMMIGRANT CENTER WHICH PROVIDES FREE INFORMATION AND LIBRARY SERVICES FOR

AUSTIN'S PRIMARILY NON-ENGLISH SPEAKING POPULATIONS. TALK TIME IS FOR PEOPLE WISHING TO IMPROVE ENGLISH SKILLS, ALSO A TALK TIME IN REVERSE CALLED DISCUSSION ESPANOLA FOR ENGLISH SPEAKERS WHO WANT TO IMPROVE THEIR SPANISH. I SHOULD COME BY. I DON'T THINK THOSE CD'S ARE WORKING. SHE OFFERS ESL CLASSES AT THE BRANCH. AS THE HISPANIC POPULATION HAS SWELLED SO HAS THE ASIAN IMMIGRANT POPULATION. THE NEIGHBORHOOD SERVED BY RUIZ HAS SEEN GROWTH IN NUMBERS OF VIETNAMESE IMMIGRANTS. STEPHANIE MADE SURE THEY KEPT PACE BY HAVING IT WELL STOCKED WITH BOOKS, VIDEOS, D.V.D.'S, NEWSPAPERS AND MAGAZINES IN A VARIETY OF ASIAN LANGUAGES. IN FACT STEPHANIE IS THE ASIAN LANGUAGE SPECIALIST FOR THE ENTIRE LIBRARY SYSTEM. WE NEED YOUR INPUT ON THE NEW DOWNTOWN LIBRARY. OKAY? WHILE SHE DOES NOT SPEAK ANY ASIAN LANGUAGE AS I DON'T. SHE ACTIVELY INVOLVES MEMBERS OF THE MEASURECIAN ASIAN AMERICANS IN THAT AND OF COURSE OFFERS CLASSES IN VIETNAMESE. SHE HAS GONE OUTSIDE THE LIBRARY TO PLAY A LEADERSHIP ROLE IN THE COMMUNITY. SHE WORKS CLOSELY WITH NEIGHBORHOOD GROUPS AS A RESULT AND HAS GAINED THEIR SUPPORT FOR IMPROVEMENTS TO LITTLE WALNUT. SHE REDESIGNED AND MAINTAINS THE NORTH AUSTIN CIVIC ASSOCIATION WEBSITE ON HER OWN TIME. AND SHE ASSISTED WITH THE REFORM IMMIGRANT FORUM RESPONSIBLE FOR THE SEGMENT DEVOTED TO HOUSING AND EMPLOYMENT. CO-CHAIR OF THE ADULT LITERACY AND ISSUES COMMITTEE AT THE AUSTIN PUBLIC LIBRARY, SERVES ON THE TRAINING COMMITTEE, A PRIMARY COMMITTEE FOR THE NEW AUTOMATION SYSTEM WHICH I'M SURE IS REALLY IMPORTANT. SERVES ON THE CORE AUTOMATION TEAM. ABOVE ALL STEPHANIE MADE EVERYONE FEEL WELCOME AND COMFORTABLE AT THE LIBRARY. NO MATTER WHAT THEIR SITUATION IN LIFE, EDUCATION OR BACKGROUND. HER STEWARDSHIP THE RUIZ BRANCH BECAME A VITAL RESOURCE, OFFERING TOOLS ANYONE CAN USE TO MAKE THEIR LIVES AND THE LIVES OF THEIR FAMILIES BETTER. A PERSON OF AMAZING VISION AND OPTD MISM, BELOVED AND RESPECTED BY STAFF. THEY NOMINATED HER FOR THE DISTINGUISHED SERVICE AWARD IN 2006 AND THE LIBRARY COMMISSION CHOSE HER FOR THAT HONOR, RECENTLY SHE RECEIVED A VERY IMPORTANT NATIONAL HONOR SELECTED AS ONE OF THE NEW YORK TIMES LIBRARIAN AWARD FOR OUTSTANDING PUBLIC SERVICE. I'M TOLD STEPHANIE IS A VERY MODEST PERSON. BUT I THINK THAT IT'S IMPORTANT THAT WE HONOR HER TODAY FOR CONTRIBUTIONS, I DON'T THINK OF ANYONE MORE DESERVING OF RECOGNIZE BY THE CITY OF AUSTIN. I WILL READ THIS CERTIFICATE OF CONGRATULATIONS AND THEN MS. NEELEY YOU CAN SAY WHATEVER YOU WANT WITH THEIR TIME. THIS IS A CERTIFICATE OF CONGRATULATIONS HAVING BEEN HONORED FOR OUTSTANDING PUBLIC SERVICE, STEPHANIE NEELY IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. MS. NEELEY RECEIVED A PLAQUE AND A \$2,500 REWARD FOR HER WORK AT AUSTIN PUBLIC LIBRARY.IES LITTLE WALNUT CREEK BRANCH. SHE TOOK THE BRANCH FROM HAVING NO MATERIALS FOR VIETNAMESE FEW SPANISH SPEAKERS AND HAS A COLLECTION SERVING THE NEEDS OF RESIDENTS ... NON-PROFIT GROUPS AND THE NEIGHBORHOOD ASSOCIATION TO BUILD LIBRARY USAGE. THIS CERTIFICATE IS PRESENTED WITH OUR CONGRATULATIONS ON HER PROACTIVE LEADERSHIP AS WELL AS ON THIS UNIQUE AND WELL DESERVED HONOR, THIS 25th DAY OF JANUARY IN THE YEAR 2007. AND SIGNED BY

OUR MAYOR, WILL WYNN.

WELL, ALL I REALLY WANT TO SAY IS THAT I DON'T FEEL LIKE I'M DOING ANYTHING REALLY MORE THAN MOST OF MY COLLEAGUES ARE DOING. ANY NUMBER OF THEM WOULD BE JUST AS DESERVING OF RECOGNITION AS OUR DIRECTOR WHO IS IN ATTENDANCE WELL KNOWS, REALLY THAT'S -- THANK YOU FOR IT. [APPLAUSE]

Dunkerly: SOME OF THE COUNCILMEMBERS ARE IN THE -- STEPPED OUT IN BACK FOR A BITE TO EAT AND THEY SHOULD BE HERE SHORTLY. I THINK -- WE COULD PROBABLY GO AHEAD AND TAKE THE REST OF THE COMMENTS. AND THEN IF COUNCILMEMBER LEFFINGWELL IS NOT HERE, WE WILL WAIT FOR HIM TO GET HERE FOR A VOTE. I THOUGHT THE NEXT SPEAKER WAS GOING TO BE MR. MCCRACKEN.

I HAD A COUPLE MORE COMMENTS IF I COULD. YOU KNOW, I WANTED TO JUST ACKNOWLEDGE THAT IT'S NEVER A GOOD SITUATION WHEN YOU HAVE THIS KIND OF FRICTION AND I GUESS DISAGREEMENT AMONG DEVELOPERS. I WOULD LOVE TO SEE AN AGREEMENT THAT TAKES A 200 PLUS MILLION DOLLAR DEAL AND MAKE IT A 400 MILLION-DOLLAR DEAL. I REALLY WOULD. I THINK THAT'S PRUDENT IF WE CAN WORK THIS OUT. I DIDN'T VOTE FOR THE POSTPONEMENT BUT I KNOW THAT -- I FEEL THAT BY VOTING FOR FIRST AND SECOND READING IT DOES GIVE YOU SOME TIME TO -- TO TRY TO MEET WITH FAIRFIELD AND SEE IF SOMETHING CAN BE WORKED OUT. I DO SYMPATHIZE WITH THE NEIGHBORING PROPERTIES AROUND THERE. BUT WE ARE TALKING ABOUT ONE DEVELOPER WHO IS ALREADY BUILDING A 200-FOOT STRUCTURE AGAINST ANOTHER DEVELOPER WHO IS BUILDING TWO, 200-FOOT STRUCTURES. AND I JUST HOPE THAT IN THE FUTURE WE CAN HAVE THE DEVELOPMENT COMMUNITY WORKING CLOSER SO THAT WE CAN MAXIMIZE OUR INVESTMENTS, MAXIMIZE OUR TAX BASE, AND MAXIMIZE THE COMMUNITY BENEFITS THAT WE HAVE SEEN THAT CAN COME OUT OF NEGOTIATING, BUT I DO APPRECIATE ALL OF THE WORK FROM THE NEIGHBORHOODS AND I KNOW THAT YOU GUYS SPENT A LOT OF TIME, SO I'M GOING TO BE SUPPORTING THIS ON FIRST AND SECOND READING WITH HOPES IN TIME BEFORE IT COMES BACK FOR THIRD READING THAT WE DO TRY TO GET THE TWO SIDES TOGETHER AND SEE IF THEY ARE -- THERE CAN BE ANY KIND OF AGREEMENTS WORKED INTO THIS. THE LAST THING THAT I WANT TO MENTION, THOUGH, IS SOMETHING THAT IT'S REALLY IMPORTANT FOR ME TO MENTION TO THE NEIGHBORHOOD ASSOCIATIONS. WE HAVE A VALID PETITION TONIGHT AND ONE OF THE THINGS THAT KEEPS BEING BROUGHT UP VIA E-MAILS FROM NEIGHBORHOOD IS THAT WE ARE NOT SUPPORTING THE VALID PETITIONS. MY RESPONSE TO THAT IS YOU HAVE TO TAKE THEM ON A CASE-BY-CASE BASIS. VALID PETITIONS SERVE THEIR PURPOSE. THEY INDICATE LEVELS OF SUPPORT OR LACK THEREOF. THERE'S A VALID PETITION TODAY AND THE NEIGHBORHOODS, WHILE THEY MAY NOT BE FORMALLY ENDORSING THIS, THEY ARE CERTAINLY NOT OPPOSING IT. I WANT THEM TO JUST UNDERSTAND THAT THERE ARE CASES WHERE YOU WILL HAVE A VALID PETITION AND IT DOESN'T MAKE IT NECESSARILY A BAD PROJECT. OR A BAD ZONING CASE. AND SO I JUST WANTED TO POINT THAT OUT.

Dunkerly: THANK YOU COUNCILMEMBER MARTINEZ. COUNCILMEMBER MCCrackEN?

McCracken: I HAVE A QUESTION FOR THE APPLICANT'S..... APPLICANT'S -- I GUESS EITHER PAUL OR MICHAEL. THESE ARE JUST QUESTIONS ON THE SITE LAYOUT. COULD YOU DESCRIBE HOW THE BUILDING IS FRONTING ON TO BARTON SPRINGS ROAD, WHICH IS A CORE TRANSIT CORRIDOR, THE DESIGN STANDARDS ORDINANCE UP -- HOW IT'S GOING TO ORIENT AND RELATE TO BARTON SPRINGS UNDER THE PLAN THAT YOU ALL HAVE BROUGHT FORWARD?

SURE, WITH REGARD TO THE BUILDING THAT'S ON BARTON SPRINGS ROAD, WHICH IS WHAT IS ON THE PARCEL -- SOUTH PARCEL ON THE EXHIBITS. ON BARTON SPRINGS ITSELF, WE HAVE AGREED TO FOLLOW THE GREAT STREETS PROGRAMS WHICH ARE THESE VERY LARGE EXPENSIVE SIDEWALKS, THERE'S A RANGE I THINK FROM 15 TO 20 FEET WIDE, TRANSITION AREAS UP AGAINST THE BUILDINGS, SEATING. WE AGREED TO DO PEDESTRIAN ORIENTED USES ALONG THAT FIRST FLOOR AS IT WRAPS AROUND, COMES INTO THE PROPERTY AS WELL. THERE IS -- WE AGREED TO A LOWER HEIGHT THAN THE REST OF THE STRUCTURE ON THAT CORNER WHERE THE OLD CS 1 IS. IT IS KIND OF A STEPPED BACK BUILDING POTENTIALLY. OR IT WOULD BE. SO THAT'S KIND OF HOW IT RELATES IN THERE. SO AS YOU ARE COMING DOWN BARTON SPRINGS, YOU WILL HAVE BASICALLY A TREE LINED CORRIDOR THAT'S REQUIRED VIA THE GREAT STREETS PROGRAM WHICH IS IN OUR RESTRICTIVE COVENANTS WITH THE CITY OF AUSTIN AND THEN THIS LARGE EXPANSION, I THINK 16 FEET IS THE NARROWEST IT CAN BE WITH PEDESTRIAN WALKWAY AND THEN AN AREA FOR -- IF IT WAS A RESTAURANT PATIO SEATING OR SOMETHING WHERE AWNINGS OCCUR TO KIND OF CREATE THAT PEDESTRIAN FRIENDLY ENVIRONMENT.

McCracken: AND -- AND ON THE -- THERE'S SOME MENTION OF -- I GUESS THIS MAY BE MORE FOR STAFF, IT MIGHT BE IN YOUR AREA, TOO. IS -- THERE IS SOME PROVISIONS OF THIS -- OF THIS DEVELOPMENT THAT FOR WHICH THE DESIGN STANDARDS ORDINANCE WOULD BE APPLICABLE, LOT SIZE, SIDEWALKS ON THE INTERNAL CIRCULATION ROUTES. WHAT I HAVE SEEN IN THE PLAN IS IT DOES HAVE THE -- THE BLOCK SIZE AND STRUCTURE CALLED UPON THE DESIGN STANDARDS ORDINANCE BUT COULD YOU SPEAK TO HOW THAT SIDEWALK AND STREET LAYOUT INTERNALLY IS GOING TO WORK?

IN ADDITION TO THE -- TO THAT ON THE ENTRY DRIVE, WHICH IS THE EXISTING DIVIDED ROADWAY THAT COMES INTO -- INTO THE PROPERTY, OUR PROPERTY LININGS TO THE CENTER LINE OF THE ROAD. SO PART OF APPLICATION IS THE EASTERN MOST TWO LANE THAT'S COME IN THERE. ON THE PORTION OF THE SOUTH PARCEL THAT FRONTS ON THAT DRIVE, WE AGREED TO FOLLOW THE GREAT STREETS PROGRAM THERE AS WELL. WE WOULD MAINTAIN THE EXISTING TREES THAT ARE THERE ALONG THAT. THAT WOULD SERVE AS THE TREE CANOPY AS YOU COME IN, THE REQUIRED STREET TREES. WE WOULD AGAIN HAVE THESE LARGE EXPANSIVE PEDESTRIAN FRIENDLY SIDEWALKS IN THERE. PEDESTRIAN ORIENTED USES, PATIO SEATING AREAS. SIDEWALK UNITS 16 TO 20 FEET WIDE IN SOME AREAS, THAT'S HOW IT WOULD ENTER INTO THE PROJECT. AS YOU COME INTO THE WEST

PARCEL, ALSO PROVISIONS IN ALL OF THIS FOR A BIKE LANE AS WELL THAT WOULD COME IN, TRAVEL ALL THE WAY ACROSS THE -- THE CIRCULATION DRIVE, COMES IN OUT TO SOUTH FIRST STREET. TIE INTO THE EXPANDED HIKE AND BIKE TRAIL EASEMENT THAT WE WOULD BE DEDICATING SO THAT PEOPLE COULD TAKE THAT DOWN TO THE EXISTING HIKE AND BIKE TRAIL AS WELL.

OKAY. THEN -- THEN DID THESE NEXT TWO QUESTIONS ARE FOR STAFF. THERE'S BEEN -- I THINK THAT -- WITH WHAT FAIRFIELD AND BOULDIN CREEK NEGOTIATED IS A COMPLETE MODEL FOR HOW I THINK THAT THE STANDARD WE SHOULD EXPECT FOR THE WAY EVERYBODY DOES BUSINESS IN THIS CITY, THAT IS THERE'S BEEN A GREAT EFFORT TO WORK TOGETHER TO HAVE INCLUDES I HAVENESS OF -- INCLUSIVENESS OF THE OPINIONS IN THE INTERESTS OF EVERYBODY THAT LIVES AROUND THE AREA, INCORPORATED INTO THIS DEVELOPMENT. AND THIS HAS BEEN REFLECTED IN THE PROPOSAL FOR A PUBLIC BENEFITS AND EXCHANGE FOR DEVELOPMENT BONUSES STRUCTURE. DO WE HAVE THE OPPORTUNITY TO PUT THIS INTO SOME KIND OF RESTRICTIVE COVENANT BECAUSE WELL FIRST I WILL GET AN ANSWER TO THAT.

I WILL DEFER TO CITY LEGAL ON THAT. THAT IS A PART OF THE PRIVATE COVENANT AT THIS TIME.

McCracken: YEAH.

I APOLOGIZE, I DIDN'T HEAR THE QUESTION BECAUSE I WAS TALKING TO THE MAYOR PRO TEM. I'M SORRY.

McCracken: WE STRUGGLED ABOUT HOW WE CAN HAVE A -- SOME ABILITY TO -- TO HAVE PUBLIC BENEFITS AND -- IN EXCHANGE FOR DEVELOPMENT BONUSES, BUT UNDER THE CURRENT STRUCTURE UNTIL WE HAVE A POLICY IN PLACE WE ARE NOT ALLOWED TO DO THIS UNLESS WE GET ON THE DAIS. SO THE QUESTION IS NOW THAT WE ARE ON THE DAIS, DO WE HAVE THE ABILITY TO -- TO PUT THIS IN? I MEAN, THE PRIVATE RESTRICTIVE COVENANTS ARE -- ARE GREAT, BUT I DON'T KNOW IF THERE'S ANY BENEFIT TO HAVING IT AS PART OF THE PUBLIC COVENANTS AS WELL. I DO THIS IT'S A VERY VALUABLE PRESS DEBIT,..... PRECEDENT, I THINK FAIRFIELD IS --

COUNCILMEMBER I THINK WHAT WE WOULD NEED TO DO IS TAKE A LOOK AT EXACTLY WHAT IS INCLUDED IN THOSE PRIVATE RESTRICTIVE COVENANTS TO SEE WHAT IT IS THAT CAN BE TRANSLATE INTO A PUBLIC RESTRICTIVE COVENANT. AGAIN REMEMBER THAT THERE IS CERTAIN STATE LEGISLATION THAT ADDRESSES INCENTIVES AND AFFORDABLE HOUSING SO I THINK WHAT I NEED IS SOME GUIDANCE FROM YOU ALL AS TO EXACTLY WHAT IT IS THAT YOU WOULD LIKE FOR US TO EXPLORE. WE WILL CERTAINLY LOOK AT THAT AND COME BACK WITH SOMETHING IF WE CAN DO IT.

I CAN TELL YOU SOME OF THE GUIDELINES, UNLESS WE HAVE A POLICY IN PLACE, UNLESS

WE HAVE DEVELOPMENT BONUSES, TIED TO PROVIDING A PUBLIC BENEFIT, THE RULE IN THE CITY FOR DECADE, SMART HOUSING, SMART GROWTH, DESIGN STANDARDS, UNO, EVERYTHING THAT WE HAVE DONE FOR DECADES, WE ARE NOT ALLOWED TO DO THIS, WORK ON CREATING A PUBLIC BENEFIT AND EXCHANGE DEVELOPMENT BONUSES PLUS WE HAVE A POLICY IN PLACE WITH THE EXCEPTION THAT WE CAN APPARENTLY DO THIS ON THE DAIS, NOW THAT WE ARE ON THE DAIS WHAT WE HAVE IS A MODEL EXAMPLE OF -- OF HOW I THINK WE WOULD REALLY LIKE TO DO BUSINESS IN THIS CITY. LIKE WE HAVE FOR A DECADE, PROVIDE AN EXCHANGE FOR THE DEVELOPMENT BONUSES AND PUBLIC BENEFITS, FAIRFIELD AGREED TO DO IT, BOULDIN NEGOTIATED A FAIR VISIONARY AGREEMENT, TOO. WE NEED TO FIND OUT IF WE TAKE TAKE AND INCORPORATE IT INTO A PUBLIC DOCUMENT.

YES, SIR. I UNDERSTAND WE WILL TAKE A LOOK AT IT. BEFORE SOMETHING -- BRING SOMETHING BACK AND SEE WHAT WE CAN DO TO IMPLEMENT IT.

McCracken: MY FINAL QUESTION IS THIS IS A ON THE BACK OF THE MATERIAL, REQUIRED TO BUILD A RIGHT LANE TURN LANE. WHERE IS THAT, WHAT IS ALL OF THAT?

THAT WOULD BE IN THE PUBLIC RESTRICTIVE COVENANT, WOULD REQUIRE THE AGREEMENTS IN THE TRAFFIC IMPACT ANALYSIS.

WHERE IS THAT RIGHT LANE?

PHYSICAL LOCATION?

McCracken: YEAH.

IT WOULD BE A DEDICATED RIGHT-HAND TURN LANE AS YOU HEAD WESTBOUND ON BARTON SPRINGS ROAD TURNING INTO THE PROPERTY.

SO THAT WILL MAKE THE ROAD WIDER?

YES, SIR.

KIND OF GETS TO SOMETHING THAT -- THAT WE HAVE IDENTIFIED AND -- AS A PROBLEM, NOT FOR YOU, PAUL, BUT THAT -- THAT THE SOLUTION THAT WE ARE TOO FREQUENTLY EMPLOYING EVERY TIME IS TO MAKE THE ROAD WIDER, WHICH IS TOTALLY CONTRARY TO THE TRANSIT CORRIDOR STANDARDS WHICH IS MORE PEDESTRIAN FRIENDLY ROADS WITH BIGGER SIDEWALKS, WHICH FAIRFIELD IS DOING. BUT IF THE SOLUTION FOR ALL NEW DEVELOPMENTS IS TO KEEP MAKING THE ROADS WIDER, WHEN WE ARE TRYING TO CREATE DENSE WALKABLE MIXED USE AREAS, THEN WE HAVE INTERNAL PRACTICES INSIDE THE CITY OF AUSTIN THAT ARE WORKING IN CONFLICT WITH THE POLICIES ABOUT -- ABOUT CREATING URBAN WALKABLE SPACES BECAUSE WHAT HAPPENS NEXT, IF ANOTHER

DEVELOPMENT COMES ALONG, WOULD THAT BE REQUIRED TO WIDEN BARTON SPRINGS EVEN MORE? SO I WOULD URGE STAFF TO LOOK AT THIS, SINCE IT IS CLEARLY IN CONFLICT WITH OUR OTHER POLICY GOALS, FOR THIS AREA. WE CAN -- WE CAN ADDRESS THAT BEFORE THE THIRD READING. THIS IS SOMETHING THAT WE HAVE IDENTIFIED IN SOME OTHER VENUES THAT WE CON YEPTION SULLY KNEW WOULD BECOME AN ISSUE. WE HAVE SEEN PROOF OF IT TONIGHT THAT IT IS ACTUALLY AN ISSUE. NOT YOUR ISSUE, MALL, YOU HAVE GOT TO DO WHAT YOU HAVE GOT TO DO. THAT'S ALL ON THIS.

Dunkerly: ANY OTHER COMMENT AND QUESTIONS? NOW WE HAVE A MOTION BEFORE US TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ITEM ON FIRST AND SECOND READING. I WOULD LIKE TO AT LEAST ACKNOWLEDGE SINCE THERE ARE SOME THINGS THAT WE HAVE ASKED BOTH THE NEIGHBORS, I MEAN THE NEIGHBORING PROPERTY OWNERS AND THE STAFF TO DO, THAT IT WOULD BE APPROPRIATE, EVEN THOUGH THE GENERAL PUBLIC HEARING WILL BE CLOSED, TO SPECIFICALLY BE ABLE TO ASK THOSE PROPERTY OWNERS WHAT THEY HAVE BEEN ABLE TO DISCUSS OR NEGOTIATE, ET CETERA, WITH -- WITH THE FAIRFIELD FOLKS AT THE NEXT PUBLIC HEARING. SO WE ARE CLOSING THE GENERAL PUBLIC HEARING. BUT KNOWING THAT WE HAVE INDIVIDUALLY MANY OF US HAVE ASKED SOME ADDITIONAL QUESTIONS THAT WE WOULD LIKE TO HAVE THOSE ANSWERS WHEN WE COME BACK. OKAY?

Kim: I WILL SUPPORT THIS FOR FIRST AND SECOND READING ONLY. BUT THE WAY IT IS RIGHT NOW, SEEMS THAT THE PARTIES ARE TOO FAR APART. I WOULD NOT SUPPORT THIS ON THIRD READING. SO WE STILL HAVE SOME WORK TO DO AND WE WILL LOOK FORWARD TO SEEING SOME PROGRESS ON THAT.

Dunkerly: ALL RIGHT. ALL THOSE IN FAVOR OF THE MOTION PLEASE SAY AYE. AND I BELIEVE WE HAVE A VOTE OF 6-0 IN FAVOR. AND THE MAYOR IS OFF THE DAIS.

THAT CONCLUDES YOUR ZONING ITEMS, THANK YOU.

Dunkerly: THANK YOU VERY MUCH.

Dunkerly: MR. GUERNSEY WE ARE ON NOW TO 6:00 PUBLIC HEARINGS, ONLY 10 MINUTES LATE, THAT'S GOOD FOR US. FWURN GURN MAYOR AND COUNCIL, WE HAVE A 6:00 ITEM UNDER PUBLIC HEARINGS AND POSSIBLE ACTION. ITEM NO. 44 TO CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDMENTING TITLE 25 FOR THE ADDITIONAL REQUIREMENTS FOR THE LOCATION OF LARGE RETAIL USES, "BIG BOX RETAIL" IN PERMITTED ZONING DISTRICTS AND THE PLANNING COMMISSION WAS NOT ABLE TO ACT ON THIS ITEM ON THE 16th OF THIS MONTH BECAUSE OF THE ICE STORM EVENT. IT HAD TO BE RENOTICED AND IT WILL COME BACK BEFORE THEM ON THE 30th FOR THEIR ACTION. BECAUSE OF THAT, THE COUNCIL CANNOT CONSIDER THIS ITEM THIS EVENING. AND WE WOULD SUGGEST A POSTPONEMENT. I KNOW -- I'M NOT SURE WHICH EVENING THAT YOU WOULD LIKE TO HEAR THIS. THEY ARE TO CONSIDER THIS ON THE 30th. YOUR UPCOMING

MEETINGS THAT -- COULD BE POSTPONED ON FEBRUARY 1st OR FEBRUARY 15th.

Dunkerly: MR. GUERNSEY, HOW SURE ARE YOU THAT THE PLANNING COMMISSION WILL BE THREW WITH THIS ON THE FIRST?

IF I UNDERSTAND, THEY UNDERSTAND COUNCIL'S DESIRE TO ACT ON THIS IN A VERY QUICK MANNER. SO I ANTICIPATE THAT THEY WILL TRY TO -- TO CONVEY THEIR RECOMMENDATION TO YOU --

Dunkerly: IF WE SET IT FOR THE 1st, WE CAN ALWAYS POSTPONE AGAIN TO THE 15th IF THEY NEED MORE TIME; IS THAT CORRECT.

Guernsey: IF THEY TAKE NO ACTION AND POSTPONE STAFF WILL BE BACK. IF THE DATE THAT YOU POSTPONE TO IS NOT -- IF THEY HAVE NOT RENDERED A RECOMMENDATION BEFORE WE COME BACK. IF YOU WERE TO POSTPONE IT TO THE FIRST, FOR INSTANCE, THE COUNCIL COULD TAKE ACTION THEN ON THE 1st IF THE COMMISSION ACTS ON THE 30th. IF THEY DELAY, THEN IT WOULD BE THE SECOND WEEK IN FEBRUARY. SO IT WOULD BE APPROPRIATE THEN TO -- TO POSTPONE IT AGAIN TO THE 15th.

Dunkerly: COUNCIL, DO I HAVE A MOTION FOR POSTPONEMENT? SECOND? MOTION BY COUNCILMEMBER KIM, A SECOND BY COUNCILMEMBER LEFFINGWELL, SO EVERYBODY IN FAVOR, PLEASE SAY AYE.

Guernsey: TO THE 1st?

Dunkerly: WHAT NOW? TO THE 1st, FEBRUARY 1st... 1st. ALL THOSE IN FAVOR SAY AYE. ALL RIGHT. THE VOTE IS 6 - -- 6-0 WITH THE MAYOR OFF THE DAIS.

Gurensey:: THANK YOU VERY MUCH.

COULD I TAKE JUST A MOMENT OF PERSONAL PRIVILEGE TO RECOGNIZE BOY SCOUT TROOP 505? FROM SOUTHWEST AUSTIN. THEY ARE HERE TONIGHT GETTING TWO MERIT BADGES. I JUST MET WITH THEM 30 MINUTES AGO. THEY GET A MERIT BADGE FOR MEETING WITH ME, WHICH THEY WELL DESERVE. [LAUGHTER] THEY ALSO GET A MERIT BADGE FOR WATCHING THE CITY COUNCIL FOR ONE HOUR, WHICH AGAIN IS WELL DESERVED.

Dunkerly: I'M NOT SURE THAT WE WILL BE HERE FOR ONE HOUR, MAYBE YOUR MERIT BADGE CAN BE FOR WATCHING THE LAST AGENDA ITEM. SO --

McCracken: I SUGGEST WE GIVE THEM 10 MERIT BADGES FOR SITTING HERE FOR AN HOUR.

ALL RIGHT.

Dunkerly: THAT'S GREAT. WE WILL SEE HOW THIS LAST PUBLIC HEARING GOES. TROOP, I WANTED TO TELL YOU THAT WE ARE IN THE PART OF THE AGENDA NOW THAT'S REALLY -- THESE ARE PUBLIC HEARINGS THAT WE ARE SETTING ON DIFFERENT ITEMS AND THE ONE THAT WE WILL BE ACTING ON NEXT IS THEY ARE ASKING FOR A FLOODPLAIN VARIANCE AND SO IF YOU LISTEN CLOSELY, YOU WILL FIND OUT WHAT -- WHAT THE OWNER IS ASKING FOR AND THE STAFF WILL -- WILL MAKE THE PRESENTATION AND AFTER THIS IS OVER, IF YOU HAVE ANY QUESTIONS ABOUT WHAT WE DID, YOU CAN ASK THIS FELLA RIGHT HERE IN THE CHAIR, MR. GEORGE OSWALT. ALL RIGHT. THANK YOU VERY MUCH.

MAYOR PRO TEM, COUNCILMEMBERS, THE ACTION BEFORE YOU WITH ITEM 45 IS TO CONDUCT A PUBLIC HEARING AND CONSIDER FLOODPLAIN VARIANCES REQUESTED BY MR. MICKEY BENTLEY ON BEHALF OF MR. WILLIAM SISCO AND MS. ELIZABETH SISCO TO ALLOW CONSTRUCTION OF A DUPLEX AT 5613 JOSEERS AVENUE IN THE 100 YEAR AND 25 YEAR FLOODPLAINS OF THE HANCOCK BRANCH OF SHOAL CROAB AND TO WAIVE THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE FULL LIMIT OF THE 100 YEAR FLOODPLAIN TO EXCLUDE THE FOOTPRINT OF THE PROPOSED DUPLEX. ALL RIGHT, IN SUMMARY THE REQUEST IS TO REQUEST A DUPLEX WITH ABOUT 3900 SQUARE FEET OF INTERIOR SPACE. ON THIS LOT THERE WAS PREVIOUSLY A 1300 SQUARE FOOT DUPLEX, THAT WAS DEMOLISHED UNDER A DEMOLITION PERMIT ISSUED IN SEPTEMBER OF 2005. ALSO TO EXCLUDE THE PROPOSED BUILDING FOOTPRINT FROM THE REQUIREMENT TO DEDICATE THE DRAINAGE EASEMENT TO THE LIMIT OF 100 YEAR FLOODPLAIN..... FLOODPLAIN. THIS IS A SITE MAP. LET ME START DOWN HERE IN THE LOWER LEFT-HAND CORNER. THE LOCATION IS -- IS SOUTH OF 2222 AND NORTH OF -- NORTH LOOP DRIVE. ALONG THE HANCOCK BRANCH OF SHOAL CREEK. THIS IS THE ACTUAL LOT FOR WHICH THE VARIANCE IS REQUESTED. THE CENTER LINE OF HANCOCK BRANCH IS SHOWN HERE IN LIGHT BLUE NORTH TO SOUTH. THE DARKER BLUE IS THE LIMITS OF THE 25 YEAR FLOODPLAIN AND THE LIGHTER BLUE AREA THE LIMITS OF THE ONE HUNDRED YEAR FLOODPLAIN. ZOOMING IN A BIT, WHAT IS SPECIAL ABOUT THIS REQUEST IS THAT THE AREA IS -- IS SIGNIFICANTLY PLACED WITHIN THE LIMITS OF THE 25 YEAR FLOODPLAIN WHICH IS THE -- THE FLOOD WAY. IF YOU LOOK AT THIS, ALL OF THE STREETS SURROUNDING THE LOT ON TWO SIDES, THE ADJACENT LOTS ARE BASICALLY WITHIN THE FULL LIMITS OF THE 25 YEAR FLOODPLAIN. THIS IS THE ACTUAL SITE. THE OLDER DUPLEX WAS DEMOLISHED SOMETIME BACK. THIS IS LOOKING SOUTH ALONG JOSEERS AND OVER HERE IS [INDISCERNIBLE] TERRACE. VERY FLAT, SLOW SLUMP AREA ADJACENT TO THE CREEK. THIS IS THE ELEVATION VIEWS OF THE PROPOSED CONSTRUCTION JUST TO SHOW YOU FOR REFERENCE. BASICALLY, WE ARE -- THE STAFF IS RECOMMENDING DENIAL OF THIS REQUEST PRIMARILY BECAUSE OF THE SAFETY OF ACCESS ISSUE. THE LOT, THE WATER AROUND THIS LOT DURING 100 YEAR EVENT IS VERY DEEP. IN FRONT OF THE LOT IS 4.5 FEET DEEP DURING A 100 YEAR EVENT. THEKLA TERRACE IS ONE AND A HALF FOOT DEEP. IF YOU GET TO A FOOT AND A HALF THAT'S REALLY OUR CUTOFF FOR CONSIDERING SAFE ACCESS FOR FIRST RESPONDERS OF THOSE THAT MIGHT BE IN THE HOUSE TO GET OUT. ALSO THE OTHER MAJOR ISSUE IS THE ADDITIONAL OCCUPANCY IN THE FLOODPLAIN. THE

ORIGINAL DUPLEX THAT WAS ON THIS SITE WAS -- WAS APPROXIMATELY 1300 SQUARE FEET. AND THE PROPOSED CONSTRUCTION 3900 SQUARE FEET OF INTERIOR SPACE SO YOU HAVE THREE TIMES THE LIVING SPACE. AND A HIGH HAZARD OF FLOOD AREA. ALSO HARDSHIP CONDITIONS DO NOT EXIST ON THIS LAND. AS I STATED THERE WAS A DUPLEX ON THIS LAND, A DEMOLITION PERMIT ISSUED IN SEPTEMBER OF 2005. AT THE SAME TIME THE APPLICANT CAME IN AND REQUESTED A BUILDING PERMIT. WE RESEARCHED THOSE RECORDS. A DEMOLITION PERMIT ITSELF ADVISES THE PERSON RECEIVING THE PERMIT TO INTERACT WITH OUR DEVELOPMENT ASSISTANCE CENTER TO DETERMINE IF THERE'S ANY ENCUMBRANCES THAT WOULD PRECLUDE FUTURE NEW DEVELOPMENT ON THAT SITE. ALSO AT THE SAME TIME THE APPLICANT REQUESTED A BUILDING PERMANENT AND WAS ADVISED THAT A FLOODPLAIN VARIANCE WOULD BE REQUIRED. SO WE -- IT'S THE STAFF'S OPINION THAT THE APPLICANT WAS ADEQUATELY ADVISED ON THIS SITUATION. THAT CONCLUDES MY PRESENTATION. I WILL TAKE ANY QUESTIONS THAT YOU MIGHT HAVE.

Dunkerly: THANK YOU. AT THIS TIME WE WILL USE THE SAME PROCESS FOR ZONING, WE WILL HAVE THE APPLICANT COME UP FOR A FIVE MINUTE PRESENTATION. ALL OF THOSE THAT ARE IN FAVOR OF THE VARIANCE WILL SPEAK, THOSE THAT ARE OPPOSED TO IT AND FINALLY AUTO REBUTTAL BY THE -- A REBUTTAL BY THE APPLICANT. SO IF WE COULD HAVE THE APPLICANT STEP FORWARD.

THANK YOU, MAYOR PRO TEM, MEMBERS OF THE COUNCIL. WE DO HAVE AN ENGINEER TONIGHT TO MAKE A PRESENTATION TO -- IT MIGHT BE SOMEWHAT DIFFERENT FROM -- FROM THE CONCLUSION THAT YOU HAVE. I'VE GIVEN YOU ALL A -- A -- A -- A BRIEF PROPOSAL OF WHAT WE HAVE. IT STARTS OFF WITH THE SUBJECT PROPERTY ON PAGE ONE... ONE. THAT'S AT THEKLA AND JOE SAYERS. I WOULD SUBMIT TO YOU THAT -- TO -- WE DID FILE FOR A BUILDING PERMIT. I WENT TO ALL OF THE OFFICES THAT I THOUGHT THAT I WAS SUPPOSED TO BE, THAT I WAS SUPPOSED TO COVER. THE -- I DID NOT SIGN-OFF ON -- ON A DEMOLITION PERMIT. I DIDN'T DO THAT. SOMEONE DID BUT I DIDN'T. I FELT -- I FILLED OUT FIVE PAGES BEFORE -- BEFORE THAT AND MY SIGNATURE IS ON IT. THE LAST SIGNATURE IS SOMEWHAT DIFFERENT FROM MY SIGNATURE. THAT'S ANOTHER ISSUE. THE ISSUE THAT I WOULD LIKE TO POINT OUT TONIGHT IS THAT WE HAVE A VACANT LOT RIGHT NOW. AND THE WHOLE -- THE WHOLE WATERSHED OF THE HANCOCK UPPER WATERSHED IS BUILT OUT. IF YOU GO THROUGH THIS, YOU CAN SEE THE APRIL RON TO THE OLD DUPLEX IS STILL THERE. WE HAVE PICTURES OF THE DUPLEX THAT WAS THERE AND WE HAVE DUPLEXES THAT -- THAT THESE DUPLEXES WERE OLD AND THEY WERE JUST ABSOLUTELY WORN OUT. WITH A LOT OF PROPERTIES IN THAT AREA ARE THE SAME WAY. IF YOU -- IF YOU DO NOT ALLOW REBUILDING OF THESE PROPERTIES IN THAT AREA, WHAT YOU ARE GOING TO HAVE IS A BLIGHTED INNER CITY. I THINK THAT'S PRETTY IMPORTANT. IF YOU WILL TURN TO THE PAGE THAT BACKS UP TO THE CREEK, 5604 JOE SAYERS, THIS IS ABOUT SIX HOUSES FURTHER SOUTH THAN THE SUBJECT PROPERTY. AND IT ABSOLUTELY IS IN THE FLOODPLAIN AND I WOULD JUST LIKE TO ASK HOW THAT GOT A PERMIT TO BE BUILT? BECAUSE IT BACKS UP TO THE CREEK. THE NEXT PAGE IS FACING EAST OFF OF THE STREET CALLED WOODROW. THAT'S A SMALL TRIBUTARY THAT GOES INTO ARROYO SECA.

IF YOU TURN TO THE NEXT PAGE, YOU WILL SEE THAT THERE'S A HALF OF A DOUBLE WIDE PARKED THERE. WHAT HAPPENED WAS, WAS A FEW YEARS AGO, DURING A RAINSTORM, SOME OF THOSE TIMBERS THAT WERE AROUND THAT -- THAT -- THAT DOUBLE WIDE, WASHED INTO THE CREEK AND DAMMED IT UP ON JOSEERS. -- JOE SAYERS WHICH CREATED A FLOOD. NOW, I DON'T KNOW HOW THAT PIECE OF PROPERTY SITTING THERE, THAT DOUBLE WIDE IS ILLEGAL ANYWAY, THAT'S YOUR PROBLEM, IT'S NOT MINE. IF YOU LOOK AT 5712 WOOD WOW, THE OTHER TRAVEL OF THAT DOUBLE WIDE LOOKS LIKE IT'S ON THE OTHER SIDE. IF YOU GO DOWN TO JOE SAYERS, LOOKING EAST, THAT'S LOOKING UP THE CREEK THAT IS BENT BACK AROUND GOES UP TO WOODROW. AT 5709 JOE SAYERS, THERE'S A ROW MODEL JOB GOING ON RIGHT NOW BY THE CREEK. ACROSS THE STREET, 5708 JOE SAYERS IS BY THE CREEK. BUT THE REAL PROBLEM IS DOWN ON HOUSTON STREET WHICH IS ABOUT ONE BLOCK AND A HALF AWAY FROM THE SUBJECT PROPERTY. YOU CAN SEE ALL OF THE OVERGROWTH IN ARROYO SECO. THAT'S DAMMING UP ARROYO SECO. CREATING A DIFFERENT MODEL THAN SHOULD BE MADE IF YOU CLEAN THAT OUT. IF YOU LOOK ACROSS THE STREET SOUTH ON ARROYO SECO IT'S A MESS ON HOUSTON STREET. ONE BLOCK ON THE OTHER SIDE, WHICH IS ACTUALLY A HALF A BLOCK ON SECO JUST WEST OF IT, THREE DUPLEXES THAT ARE THERE, TWO OF THEM THAT ARE JUST, JUST FINISHING UP A THIRD ONE. THEN ON DOWN YOU HAVE MORE RESTRICTIONS IN THAT CREEK THAT ARE CREATING PROBLEMS. ACROSS THE STREET, ON ARROYO SECO, THE CITY HAS A FENCE, A ROCK ROAD THAT THEY PUT IN, A GATE, THAT GOES DOWN TO THE CREEK. IT'S ACTUALLY OBSTRUCTING PART OF THE CREEK, CREATING SOME DAMAGE EFFECT. SO -- SO ON THE LAST PART OF YOUR FOLDERS, STRAWS, LITTLE BEAKERS, YOU WOULD LIKE TO SUBMIT TO YOU THAT WE WOULD LIKE TO BE PROACTIVE IN FIGURING OUT A WAY TO FIX THE PROBLEM. IF YOU TAKE A STRAW AND EVERY HOUSE THAT YOU GRANT A PERMIT OR REMODEL, WOULD TRAP THE WATER, NOT IN A RETENTION POND. BECAUSE IF YOU PUT A RETENTION POND IN THE MIDDLE OF A SWIMMING POOL, IT'S GOING TO GO IN THERE, IF YOU HAVE A FLOOD IT'S GOING TO BE ABSOLUTELY USELESS. IF YOU PUT, NO BETTER WAY TO SAY IT, AT THE LADYBIRD JOHNSON WILDLIFE CENTER, THEY HAVE A RAIN BARREL. A BIG RAIN BARREL, THEY TRAP ALL OF THE WATER, THEY USE IT FOR IRRIGATION. IT SAVES ON FUTURE WATER NEEDS OF THE CITY, IT'S REMINDING THIS IS A FULLY BUILT OUT WATERSHED. THAT YOU HAVE HERE. YOU'VE -- YOU ALSO WOULD HAVE THE TACT THAT YOU RETAIN THE WATER, YOU WOULD SAVE THIS MUCH WATER FOR A DUPLEX. IT TAKES -- THE REASON WHY THERE'S SIX STRAWS IN THERE, IT TAKES SIX STRAWS TO FILL UP THIS. I DIDN'T PUT WATER IN THERE BECAUSE I DIDN'T WANT YOU TO HAVE ANY SPILLAGE UP THERE. IT TAKES TWO AND A HALF OF THESE TO PUT INTO THIS, THIS IS ARROYO SECO. THIS IS THE LITTLE CREEK THAT'S COMING DOWN. THAT MEETS INTO ARROYO SECO. OFF OF WOODROW. BUT YOU TAKE THE -- TAKE JUST A LITTLE BIT OF WATER YOU START SAVING IT, YOU CAN DO THIS ON ALL OF THE WATERSHEDS IN AUSTIN AND IT WILL START MAKING A DIFFERENCE. IT'S NOT GOING TO FIX IT IMMEDIATELY. BUT WE WOULD SUBMIT TO YOU THAT WE ARE NOT GOING TO ADD ANY SIGNIFICANT WATER. I WOULD LIKE TO GIVE THIS TO YOU WITH MORE SIGNIFICANT KNOWLEDGE --

THESE ARE SPEAKERS IN FAVOR OF THIS PROJECT.

WHAT NOT?

THIS NEXT PERSON WILL BE IN FAVOR OF THE PROJECT. SO THE ENGINEER WILL COME UP?

YES.

Dunkerly: ALL RIGHT, GREAT.

HELLO, ESTEEMED MEMBERS OF THE COUNCIL, CHAIRPERSON, APPRECIATE THE OPPORTUNITY TO BE HERE BEFORE YOU TONIGHT. OUR CLIENT MICKEY BENTLEY AUTHORIZED US TO TRY TO UNDERSTAND THE POSITION OF STAFF IN REGARD TO -- TO DENYING THIS -- THIS PERMIT. WE -- A LITTLE BIT OF OUR BACKGROUND, WE ARE CULLING ENGINEERS, WE HAVE DONE QUITE A BIT OF FLOODPLAIN WORK WITHIN THE CITY, OUTSIDE OF ITS JURISDICTION. THEY ARE FAMILIAR WITH THE WAY FLOODPLAINS WORK. CERTAINLY VERY FAMILIAR WITH HOW MODELS CAN BE -- MADE TO WORK. BY THAT I MEAN FLOODPLAIN MODELS. HOW TO VISIT ON THE SITE THIS MORNING. AND AS MR. BENTLEY POINTED OUT, THERE ARE SOME -- SOME CONDITIONS DOWNSTREAM THAT -- THAT ARE IMPACTING THIS SITE. AND THAT IS A -- THAT IS A VERY OVERGROWN DRAINAGE CHANNEL. I THINK THERE'S SOME PHOTOS IN YOUR PACKET. WHERE THIS SITE LIES RELATIVE TO THE CENTER OF HANCOCK BRANCH IS IMPORTANT IN THIS CASE. IT IS IMPORTANT TO ME BECAUSE I BELIEVE THAT -- THAT THERE ARE MANY EXISTING STRUCTURES WITHIN THE FLOODPLAIN THAT HAVE MUCH MORE OF AN IMPACT ON FLOODPLAIN LEVELS. THAN THIS CONSTRUCTION. WE REALLY ARE ON THE EDGE OF THE FLOODPLAIN WITHIN THE 25 YEAR. AS YOU PROBABLY KNOW, THE CITY LOST AND INTERPRETS THE FLOOD WAY AS A 25 YEAR STORM. IT'S A CONSERVATIVE APPROACH..... APPROACH. IT ACTUALLY ENHANCES THE GREENBELTS. AND THE -- THE DOWN SIDE TO -- TO THE DEVELOPER IS THAT YOU DO NOT RECOGNIZE THE MODELING OF THE FLOOD WAY. AND -- AND IT'S STRICTLY A MANIPULATION, OF A CROSS-SECTION TO HAVE THE WATER SURFACE RISE UP NO MORE THAN A FOOT. THAT DETERMINES IN A MODEL WHAT THE FLOOD WAY IS. AND FEMA WILL NOT LET YOU BUILD IN THE FLOOD WAY. BUT NOT HAVING THE TIME TO RUN THE MODEL, I -- I WOULD -- I WOULD TELL YOU TONIGHT THAT -- THAT I BELIEVE VERY STRONGLY THAT ONCE I RUN THE MODEL THAT THIS HOUSE IS OUTSIDE OF THE FLOOD WAY. THE OTHER THING THAT I WOULD PROPOSE TO YOU IS THAT -- IS THAT IF WE LOOKED AT THE CITY'S MODEL, WHICH WE WANT TO RESPECT, JUST A LITTLE BACKGROUND OF THE CURRENT REGULATORY MAP OF THAT AREA IS DATED 1993. IT IS ONE OF THE MOST -- MOST BUSY PANELS IN THIS AREA. YOU HAVE MORE PENDING REQUESTS BEFORE FEMA. FOR DETERMINATIONS OF FLOODPLAIN AND THIS PANEL AND ANY OTHERS IN THE AREA. AND THAT -- THAT IS BECAUSE OF SHOAL CROSS EXAMINE AND HANCOCK -- SHOAL CREEK AND HANCOCK BRANCH. THE THING THAT I SEE IS THAT -- [BEEPING] YOU HAVE A SITE HERE THAT IS AT THE VERY EDGE OF THE FLOODPLAIN, WE BELIEVE THAT WE COULD SHOW THAT

IT'S OUTSIDE THE FLOOD WAY. AND WE SUPPORT THE VARIANCE.

Dunkerly: BEFORE YOU LEAVE THE PODIUM, COULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE.

MY NAME IS HUGO ALIZANDO, AN ENGINEER WITH QUATRO CONSULTANTS.

Dunkerly: IS THE NEXT SPEAKER IN FAVOR OF THIS PROJECT?

BOTH ARE FOR. THE FIRST ONE IS FRANK BOMAR, MR. BOMAR HAS TWO PEOPLE WHO HAVE DONATED TIME TO HIM, ELIZABETH SISCO AND GREGORY SISCO. SNIEWPG WE WILL.....SNIEWPG WE WILL HEAR FROM --

THE SECOND SPEAKER IS JACKIE GOODMAN.

ALL RIGHT. MR. BOMAR, ARE YOU HERE? OKAY. CITY CLERK, DO YOU HAVE THAT? OKAY. GREAT. WELCOME. NICE TO SEE YOU.

MAYOR PRO TEM, NICE TO SEE A WOMAN IN THAT CHAIR.

Dunkerly: THANK YOU.

I WAS DRAWN TO THIS CASE. I KNOW THAT YOU CAN'T BELIEVE THAT I WAS DRAWN TO A FLOODPLAIN VARIANCE CASE. BECAUSE WE ALL FIND THEM ALL SO DIFFICULT AND I COULDN'T IMAGINE EVER COMING BACK TO TALK TO YOU ABOUT ONE. BUT I WAS DRAWN TO IT FOR TWO REASONS. NUMBER ONE THE ISSUE OF FAIRNESS AND SEEING THAT I THINK THERE MUST HAVE BEEN SOME DISCONNECT BECAUSE YOU DON'T SUBMIT A BUILDING PROPOSAL ON THE EXACT SAME DAY THAT YOU HAVE JUST BEEN TOLD BY WATERSHED PROTECTION OR WHOMEVER THAT ONCE YOU DEMOLISH A STRUCTURE YOU CANNOT REBUILD. DOESN'T MAKE SENSE. AND NONE OF THE PEOPLE INVOLVED IN THIS STRIKE ME AS THE KIND WHO WOULD MISS THAT. SO I HAD SOME QUESTIONING THOUGHTS ABOUT THE PROCESS. WHERE -- WHERE SOME LITTLE THING MAY HAVE HAPPENED. BUT NOW THAT THE STRUCTURE IS DEMOLISHED. IT ALSO, BECAUSE I KNOW THAT NEIGHBORHOOD, I LOVE THAT NEIGHBORHOOD, IT'S AN OLDER NEIGHBORHOOD AND AS MICKEY SAID, A LOT OF THOSE HOMES ARE IN THE SAME AGE GROUP AS THE DUPLEX THAT WAS DEMOLISHED. AND THAT MADE ME REALLY START TO WORRY ABOUT HOW WE GO BLINDLY DOWN THE ROAD WITH OUR COMPREHENSIVE PLANNING POLICIES, WHICH ARE FOR SUSTAINABLE PLANNING AND ADDING DENSITY IN COMPATIBLE WAYS WHEN WE HAVE OUR NEIGHBORHOOD PLANS. WELL, IN HERE YOU HAVE AN INSTANCE WHERE THE VERY THINGS THAT WERE SUPPOSED TO STABILIZE THAT NEIGHBORHOOD, THE -- THE OLD STRUCTURES, ESPECIALLY, ARE GOING TO BE THE ONES THAT ARE DECIMATED UNLESS WITH OUR WONDERFUL FAIRLY RECENT FOUND RESPONSIBILITY AND DRAINAGE FEE FOR CURING SOME OF THE ILLS, WE ALSO DO SOME OF THE OTHER THINGS THAT THE WATERSHED PROTECTION MASTER PLAN

TELLS US TO. WHICH IS USE THE PARTNERSHIPS THAT WE CAN COME UP WITH. NOT ONLY FOR THE HIGH DOLLAR STUFF BECAUSE WE AS A COMMUNITY SIMPLY DO NOT HAVE ENOUGH RESOURCES TO DO EVERYTHING AT THE SAME TIME. SO THERE -- SINCE EVERYBODY LIVES IN A WATERSHED HERE, THERE'S ALWAYS GOING TO BE CREEK AND WATERSHED FLOODING IRS WHEN THERE'S A HEAVY RAIN. BUT IF A LITTLE BIT OF -- OF THE SYMPTOMS ARE ALLEVIATED, ONE AT A TIME AS OPPORTUNITY ARISES AS THE FOLKS ON THIS CASE PROPOSE TO DO, THEN WE START ACTUALLY SHRINKING THE FLOODPLAINS BECAUSE IN MY MEMORY USUALLY THE FLOODPLAIN REMAPPING COMES OUT WITH A WIDENED FLOODPLAIN, NOT A SHRINKING FLOODPLAIN. SO IF WE REALLY WANT OUR SUSTAINABILITY POLICIES TO WORK, THAT WE HAVE BEEN TRYING TO MAKE HAPPEN, AND ARE PRETTY VISIONARY FOR A LONG TIME, WE CAN'T NOT INTEGRATE THEM. WITH THE KIND OF ISSUES THAT COME UP RIGHT NOW IN THIS WATERSHED IN THIS NEIGHBORHOOD. THE WATERSHED PROTECTION MASTER PLAN ALLUDES TO ALL KINDS OF THINGS. ORDINANCE AMENDMENTS, AND FOR MYSELF LET ME THROW IN THERE WHEN WE START MANIPULATING THOSE THINGS WITH [BEEPING] WITH -- I HATE THAT NOISE.

Martinez: I HAVE A QUESTION FOR THE FORMER MAYOR PRO TEM?

Dunkerly: YES.

Martinez: CAN YOU PLEASE FINISH WHAT YOU WERE SNAIG.

OH, THANK YOU. WHAT WAS I SAYING? WELL, UNLESS MY TRAIN OF -- I LOST MY TRAIN OF THOUGHT. THE THINGS IS THAT IF WE DON'T INTEGRATE THE TYPE OF IMPLEMENTATION THAT ACTUALLY STARTS SHRINKING THE WATERSHEDS FOR OURSELVES, THE FLOODPLAINS FOR OURSELVES, THEN I THINK WE BETTER SERIOUSLY CONSIDER REARRANGING OUR VISION BECAUSE IT'S NOT GOING TO WORK. WE HAVE TOO MANY NEIGHBORHOODS LIKE THIS ONE. I THINK THAT OUR ENGINEERS ARE VERY, VERY GOOD ONES AND I THINK THAT ENGINEER TO ENGINEER, I HAVE -- I WOULD BET ON GEORGE OSWALT ANY DAY TO EXPLAIN TO FEMA ENGINEERS WHAT IT'S ABOUT, IT'S NOT EXACERBATING THE PROBLEM, IT'S CURING THE PROBLEM ONE SYMPTOM AT A TIME AS THESE FOLKS WOULD LIKE TO DO.

Dunkerly: THANK YOU. ARE THERE ANY OTHER SPEAKERS IN FAVOR? ANY SPEAKERS OPPOSED? I'M SORRY, WHAT IS THIS.....?

WE HAVE THREE OTHER SPEAKERS HERE, BUT WE WILL TAKE THE -- THE PEOPLE WHO -- WHO ARE AGAINST US RIGHT NOW AND THEN WE WOULD LIKE TO SAVE OUR TIME TO REPLY.

Dunkerly: ARE THERE ANY SPEAKERS AGAINST? THIS VARIANCE? THERE ARE NONE, SO I GUESS MR. BENTLEY WE ARE READY FOR THE REBUTTAL. A NON-EXISTENT ONE.

APPRECIATE THE OPPORTUNITY AGAIN. AGAIN MY NAME IS HUGO ALIZANDO, I DIDN'T STATE THAT CLEARLY THE FIRST TIME. SEEMS LIKE THE FIRST TIME THAT I HAVE BEEN TO ONE OF THESE, THIS ISN'T MY FIRST RODEO. WHAT WE WERE JUST LOOKING AT IS THE -- ONE OF THE REASONS STAFF COULD NOT SUPPORT IT WAS THAT THEY WERE CONCERNED ABOUT THE DEPTH OF THE FLOODPLAIN AT THAT STREET INTERSECTION. WHAT WE ARE SEEING SO FAR IN THE MAPS THAT I HAVE WAS ABLE TO PULL DOWN, I'M JUST NOT SEEING THAT KIND OF DEPTH. PROBABLY MORE IN THE RANGE OF A COUPLE OF FEET. BUT I DON'T HAVE ANY -- ANY FIRM BASIS ON PROVE IT UP YET. BUT I CAN -- THAT I -- BUT I CAN DETERMINE WHAT IT IS BASED ON THE CITY'S MODELS. WHAT MR. WINDSOR WITH STAFF TOLD US IS THAT BASICALLY, I'M SURE THAT HE'S HERE, YOU CAN PROBABLY CORRECT ME IF I'M WRONG. THE CITY'S MODEL RAISES THE WATER'S SURFACE ONLY .2-INCH OVER THE CURRENT REGULATORY. HANCOCK IS A VERY UNIQUE WATERSHED. WHEN YOU REVIEW WATERSHEDS, THIS ONE IS UNIQUE BECAUSE THE EXISTING CONDITION IS THE SAME AS THE FULLY DEVELOPED CONDITION. AS MR. BENTLEY POINTED OUT, IT'S A FULLY BUILT OUT WATERSHED. AND THERE -- SO WHAT YOU WILL SEE AS -- AS THE CITY CONTINUES TO MODEL IT, IF THERE'S A NEED TO MODEL IT, IS THAT YOU WILL SEE VERY LITTLE CHANGE IN THAT FLOODPLAIN ELEVATION. FROM HERE ON OUT, UNLESS THERE'S MAJOR, MAJOR REMOVAL OF HOMES OR ADDITION OF IMPERVIOUS COVER IN THE WATERSHED. SO IT'S PRETTY FIXED. AND I BELIEVE THAT -- THAT AGAIN FROM OUR INSPECTION THIS MORNING, THAT -- YOU KNOW THERE'S A LOT OF STRUCTURES THAT -- THAT HAVE A MUCH MORE OF AN IMPACT THAN THIS PERMIT APPLICATION. SIMPLY BECAUSE OF WHERE THEY ARE LOCATED. AND I THINK LOOKING AT IT REALLY HARD THERE'S PROBABLY AREAS WHERE THE CHANNELS CAN BE CHANGED OR I MEAN CLEANED OUT, THERE'S PROBABLY SOME ROAD CROSSINGS THAT NEED TO BE UP SIZED. AND THAT WOULD IMPACT THE FLOODPLAIN AND BRING IT DOWN. AND -- JUST FURTHER INFORMATION THAT I HAD, I KNOW THAT IT'S NOT A REBUTTAL, I WANTED TO SHARE THAT WITH YOU.

Dunkerly: THANK YOU VERY MUCH.

ANY QUESTIONS I WOULD BE GLAD TO ANSWER.

Dunkerly: OKAY. COUNCIL, MR. BENTLEY, DO YOU HAVE ANYTHING ELSE TO ADD BEFORE WE HAVE THE COUNCIL DELIBERATIONS?

I WOULD LIKE TO THANK THE COUNCIL FOR THE INDULGENCE OF LISTENING TO THIS CASE. I THINK THAT IT'S VERY IMPORTANT THAT WE LOOK AT THIS CASE ON ITS MERITS AND WE THINK THAT WE HAVE SHOWED ON THE MERITS THAT WE -- THERE ISN'T THE PROBLEM THAT IS -- IT LOOKS LIKE THERE'S A PROBLEM, BUT THERE ISN'T A PROBLEM. AND THE PROBLEMS THAT HAVE COME THERE HAVE BEEN OBSTRUCTIONS OF CREEKS AND WATERWAYS AND EVEN IN CURRENT PICTURES AS OF YESTERDAY AND THE DAY BEFORE AND TODAY, THAT YOU HAVE BEFORE YOU TODAY, SHOWS THAT THERE ARE OBSTRUCTIONS IN THE CREEK. AND IT'S A -- IT'S A -- THE CITY'S RESPONSIBILITY TO CLEAN THOSE OBSTRUCTIONS OUT. BUT WE CAN RETAIN AND WE WANT TO RETAIN THE WATER ON

STRUCTURES THAT ARE BUILT ON THAT PROPERTY. AND IF WE CAN DO THAT AND WE CAN BE A GOOD MODEL AND SHOW THAT -- THAT NOT ONLY WE CAN DO IT, THAT I HOPE THAT THE CITY WILL TAKE THIS BEING PROACTIVE IN THE FUTURE, THAT WE CAN START SOLVING A LOT OF THE WATERSHED PROBLEMS ALL OVER THE CITY BECAUSE IT TAKES A LONG TIME. IT'S TAKEN IT A LONG TIME TO GET HERE. AND IT'S GOING TO TAKE US A LONG TIME TO GET OUT OF IT. BUT A STRAW DROP AT A TIME PER STRUCTURE ADDS UP. WE CAN SAVE WATER FOR THE CITY. LIKE LADYBIRD JOHNSON CENTER HAS DONE, VERY WELL. AND I PRAY THAT YOU ALL WILL GRANT THIS VARIANCE. THANK YOU.

Dunkerly: THANK YOU. DOES THE COUNCIL HAVE ANY QUESTIONS OF EITHER THE STAFF OR THE APPLICANT? COUNCILMEMBER LEFFINGWELL?

Leffingwell: I HAVE A QUESTION FOR STAFF. WE HAVE SEEN SOME PICTURES AND HEARD SOME TESTIMONY ABOUT OBSTACLES IN THE CREEK AND I WOULD LIKE FOR YOUR ANALYSIS OF HOW THESE OBSTACLES SUCH AS THE BRUSH ON THE HOUSTON STREET, HOW DOES THAT AFFECT YOUR CALCULATION OF THE FLOODPLAIN?

WELL, THE WAY THOSE MODELS ARE SET UP, THEY ASSUME A CERTAIN LEVEL OF MAINTENANCE. I HAVE GONE OUT THERE AND LOOKED AT THE CREEK, TOO, BECAUSE I KNOW HOW IMPORTANT THIS IS TO THE APPLICANT. THE -- MANY SEGMENTS OF THIS CREEK, IF YOU KNOW ARROYO SECO FLOWS BETWEEN TWO ROADWAYS, VERY EXPOSED, NOT A VERY NATURAL CHANNEL SYSTEM AND THEN WHEN IT GETS DOWN INTO THIS NEIGHBORHOOD IT BECOMES A MORE NATURAL SYSTEM WHERE YOU ACTUALLY HAVE SOME RIPARIAN TREES. THOSE ARE ACCOUNTED FOR IN THE MODEL. FOR MAINTENANCE ACTIVITIES WE DON'T GO CUT DOWN TREES ALONG CREEKS TO IMPROVE CONVEYANCE. THEY WERE HOLDING THE CREEK TOGETHER. I DID SEE BAMBOO AT HOUSTON STREET. BUT IN MY OPINION THAT'S NOT A SIGNIFICANT -- EVEN IF YOU TOOK THAT BAMBOO OUT THE EXTENT OF THIS FLOODPLAIN IS SEVERAL HUNDRED FEET WIDE. IT WOULD HAVE ONLY A DIM MINIMUM.....DIMINIMOUS EFFECT ON CHANGING THE FLOODPLAIN. THE MODEL THAT WE ARE WORKING WITH WAS DEVELOPED IN 2005. IT'S THE NEW MODEL THAT'S BEEN TENDERED TO FEMA TO BE INCORPORATED INTO THE NEW MAPS. IT IS OUR BEST AVAILABLE INFORMATION AND THERE WAS A SLIGHT CHANGE FROM THE MODEL THAT WAS DEVELOPED IN 19 -- LATE 1980'S, ABOUT .2 OF A FOOT. THAT'S NOT A LOT OF CHANGE. I'M CONFIDENT THAT THESE FLOODPLAIN CONDITIONS ARE REASONABLY ACCURATE ON THIS SITE AND THAT'S WHAT I'M ASKING THE COUPLE TO MAKE ITS JUDGMENT ON.

Leffingwell: I GUESS WHAT I WAS TRYING TO GET AT. I KNOW THAT CERTAIN MAD MADE OBSTACLES CAN INFLUENCE THE FLOODPLAIN, CREATE A DAMAGING EFFECT SUCH AS A BRIM THAT'S VERY COMMON BRIDGE. BUT I DON'T THINK THAT OF EVER -- THAT I HAVE EVER HEARD IT STATED THAT THE FLOODPLAIN AREA WAS INCREASED BECAUSE THERE'S BRUSH GROWING ALONG BANKS.

THE ONLY CASE WHERE THAT HAPPENS -- A TREE SNAG, A DEAD TREE BREAK LOOSE,

BLOCK UP A BRIDGE. BUT THE STANDING CONDITION OUT THERE, THE -- THERE ISN'T A LOT OF DEBRIS. THERE ISN'T DEBRIS ACCUMULATED ON THE BRIDGE CROSSINGS. THE MASTER PLAN LOOKED THAT THE AREA AND RECOMMENDED CHANNELIZATION OF WHAT'S LEFT OF HANCOCK BRANCH THERE. BUT BECAUSE IT'S SO PINCHED IN BY THE ROADWAYS AND EXISTING HOUSES, THE CHANNELIZATION REALLY COULD REDUCE THE FLOODPLAIN BUT NOT ELIMINATE IT. I LOOKED AT THE PRIORITY IN THE MASTER PLAN, COMPARED TO THE OTHER PROBLEMS AROUND TOWN, IT'S AT A VERY LOW PRIORITY. UNTIL WE HAVE MUCH MORE MONEY IN THE FUTURE TO COME IN. WE JUST DON'T HAVE THE PHYSICAL RESOURCES TO MOVE INTO THAT CATEGORY AS WE SPEAK.

Leffingwell: WE HAVE IN FAIRLY RECENTLY AS I RECALL APPROVED A FLOODPLAIN -- WELL BE IT WASN'T A VARIANCE IN MY OPINION. BUT CONTINGENT ON THE -- IT WASN'T A VARIANCE ANYMORE, BUT CONTINGENT ON UP PROVING THE CREEK BED AND BANKS, THAT IS ALWAYS A POSSIBILITY THAT COULD HAPPEN SOMETIME IN THE FUTURE I WOULD ASSUME.

IN THIS AREA, THE VARIANCE THAT YOU REFER TO COUNCILMEMBER, THAT -- THAT WAS A SMALL BYPASS CHANNEL WAS GOING TO BE INSTRUCTED. IN THIS AREA YOU EITHER HAVE A ROADWAY FLANKING THE CREEK OR HOUSES BACKING UP TO THE CREEK. I DON'T SEE AN OPPORTUNITY TO CONSTRUCT A BYPASS. THAT -- THAT COULD BE A POSSIBLE SOLUTION IF THERE WERE OPEN LANDS AVAILABLE TO SWING THAT FLOOD WATER THROUGH. BUT THE MASTER PLAN I DID WANT TO GO BACK AND REVIEW THAT TO BE SURE THAT I WAS CORNER WITH INFORMATION. AFTER A LOT OF THOUGHT IN THE MASTER PLAN, LOOKING AT AREAS FOR REGIONAL DETENTION, SINCE THIS WATERSHED IS ESSENTIALLY BUILT OUT, THERE'S NOT MUCH OPEN LAND. FURTHER CHANNELIZATION OF WHAT'S LEFT OF THAT CREEK WAS THE RECOMMENDATION. EVEN THAT COULD NOT DRAW THE FLOODPLAIN TO WITHIN THE BANKS.

Leffingwell: COUPLE MORE QUESTIONS. ONE ABOUT YOUR FINDINGS, EMERGENCY ACT, I'M TRYING TO REMEMBER I THINK THE GENERAL RULE IS EMERGENCY VEHICLES SUCH AS FIRE TRUCKS WOULDN'T APPROACH IF THE WATER WERE MORE THAN A FOOT AND A HALF DEEP.

18 INCHES GENERALLY.

FOOT AND A HALF.

CORRECT.

Leffingwell: YOUR FINDING WAS THAT THAT CRITERIA COULD NOT BE MET SO YOU COULDN'T FIND THAT THERE WAS SAFE ACCESS; IS THAT CORRECT?

CORRECT. ONE -- YOU ARE CORRECT. THAT'S -- THAT'S A -- THERE'S TWO MAJOR CONSIDERATIONS. THE -- THE SAFE ACCESS WHERE WE HAVE MORE THAN TWO FEET OF

WATER EVEN ON THE SHALLOWEST SIDE OF THE PROPERTY. AND THE OTHER IS THE INCREASED OCCUPANCY. IF THE APPLICANT WANTED TO COME BACK WITH A -- WITH A SMALL DUPLEX STRUCTURE LIKE IT WAS THERE BEFORE AND PROPERLY ELEVATED THAT IS A PROPOSAL THAT STAFF COULD PROBABLY SUPPORT BECAUSE IT DOESN'T SIGNIFICANTLY INCREASE THE OCCUPANCY AND THE ACCESS CONDITIONS THAT WERE THERE BEFORE REMAIN.

Leffingwell: TO GET PAST THIS ARGUMENT OF WHETHER OR NOT IT WAS KNOWN AT THE TIME OF DEMOLITION THAT NOTHING COULD BE RECONSTRUCTED THERE WITHOUT A FLOODPLAIN VARIANCE, IF THEY HAD SUBMITTED A PLAN OF APPROXIMATELY THE SAME SIZE AS THE OLD ONE WITHOUT INCREASING THE -- THE POTENTIAL OCCUPANCY THAT WOULD -- THAT WOULD HAVE HAD SOME EFFECT ON YOUR FINDING, WOULD HAVE BEEN A DIFFERENT CASE, IS THAT RIGHT?

YES, SIR.

Leffingwell: THAT'S ALL THAT I HAVE.

Dunkerly: ANY OTHER QUESTIONS FOR STAFF? I HAVE ONE QUESTION. IS THE ENTIRE -- IS THE PROPOSED STRUCTURE ALL IN THE 100 YEAR FLOODPLAIN OR IS ANY OF IT IN THE 25 YEAR FLOODPLAIN.

IT'S ALL -- ONCE LAND IS IN THE 25 YEAR FLOODPLAIN, IT IS IN THE 100. SO ALL OF THIS LAND IS IN THE 25 AND SO IT'S CERTAINLY ABSOLUTELY WITHIN THE 100 YEAR FLOODPLAIN ALSO.

Dunkerly: DO YOU KNOW WHAT HAPPENED IN THIS LAST SIX INCH RAIN?

THAT AREA OF TOWN WAS NOT AS SEVERELY IMPACTED AS THE SOUTHEAST AREAS. TODAY WHEN I WAS OUT THERE TRIED TO SEE IF I COULD SEE HIGH WATER MARKS, I COULDN'T SEE ANYTHING WHILE I WAS OUT THERE. I KNOW THAT THE HOUSE ACROSS THE STREET WE HAVE DISCUSSED WITH THEM IF THEY HAVE FLOODED IN THE PAST AND THEY HAD WATER GET INTO THEIR GARAGE, THE HOUSE IMMEDIATELY WHICH IS CLOSER TO THE CREEK, A MORE SEVERE CONDITION. BUT I DID NOT SEE A HIGH WATER MARK THAT INDICATED DURING THIS STORM ON THE 13th THAT THE CREEK GOT OUT OF BANK.

Dunkerly: ANY OTHER COMMENTS OR QUESTIONS?

I HAVE A QUESTION MAYOR PRO TEM. I WANTED TO ASK IF THIS IS APPROVE AND THEY ARE ALLOWED TO BUILD, WILL THEY BE IN COMPLIANCE WITH OUR MANSIONS -- McMANSIONS ORDINANCE BASED ON THE SIZE OF THE PROPOSAL?

SIR THAT'S NOT MY EXPERTISE, I DON'T KNOW IF THERE'S ANYONE ELSE HERE THAT CAN

SPEAK TO THE DESIGN STANDARDS.

WELL, LET ME SEE IF I CAN HELP. I BELIEVE BECAUSE FIRST OF ALL THEY ARE HAVING TO SEEK A VARIANCE, THEY HAVEN'T PULLED A BUILDING PERMIT, I BELIEVE THAT THEY MAY VERY WELL HAVE TO COMPLY WITH THE McMANSION ORDINANCE, HOWEVER, I'M NOT SURE THAT THAT IS A QUESTION THAT HAS BEEN DIRECTLY ADDRESSED. IT IS SOMETHING THAT WE CAN LOOK INTO IF COUNCIL -- AND GET A SPECIFIC ANSWER AND I WOULD -- IT IS MY BEST INFORMATION THAT BECAUSE THEY HAVEN'T BEEN ALLOWED TO PULL A BUILDING PERMIT, THEY HAVEN'T SUBMITTED ANYTHING UPON WHICH A REVIEW CAN BE HAD TO DETERMINE IF THEY WERE GOING TO MEET THE McMANSION ORDINANCE. IF THE QUESTION IS MUST THEY MEET THE McMANSION ORDINANCE, MY BEST GUESS IS THEY WOULD. WE WOULD HAVE TO TAKE A LOOK AT IT. AND WHETHER OR NOT ALL THE TIMING AND PERMIT, BUT MY BEST GUESS IS THEY WOULD NEED TO MEET THE McMANSION ORDINANCE.

THE REASON THAT I ASKED IS BECAUSE IT SAYS HERE IN THE BACKUP THAT THE APPLICANT APPLIED FOR A BUILDING PERMIT ON MAY THE 19th OF 2005. THAT WOULD BE PREMcMANSION.

IT WOULD. HOWEVER THAT BUILDING PERMIT WAS MY UNDERSTANDING IS DENIED.

THEY TOO HAVE -- THEY HAVE AN APPLICATION, BUT THEY DO NOT HAVE A BUILDING PERMIT IN MY UNDERSTANDING. THEY HAVE APPLIED.

WE WOULD HAVE TO TAKE A LOOK AT IT COUNCILMEMBER, LOOK AT THE TIMING. I CAN'T ANSWER THAT OFF THE TOP OF MY HEAD.

I WOULD BE SATISFIED IF THE APPLICANT WOULD LET US KNOW WHETHER OR NOT THEY WOULD COMPLY WITH THE McMANSIONS IF THEY ARE GIVEN A BUILDING PERMIT.

MY UNDERSTANDING THAT THE BUILDING PERMIT APPLICATION WAS IN SEPTEMBER OF '05. I DON'T KNOW WHAT THAT MEANS WITH RESPECT TO THE OLYMPIC APPLICABILITY OF THE DESIGN STANDARDS.

McCracken: I THINK CERTAINLY IF THEY FILED IN MAY, THEY WOULD BE SUBJECT TO THE INTERIM ORDINANCE AT MINIMUM.

THAT IS CORRECT. THAT IS CORRECT.

IN MAY OF '05?

McCracken: OH, YOU ARE RIGHT.

MAY 19th OF '05 WAS THE APPLICATION. I THINK WE NEED SOME KIND OF RESTRICTIVE COVENANT THEN OR AGREEMENT --

McCracken: RIGHT OFF THE BAT IT STRIKES ME THAT IF -- WELL, MARTY YOU TELL ME --

I'M BATTING IN THE DARK HERE. I DON'T KNOW THE ANSWER. IT WOULD BE SOMETHING THAT WE WOULD HAVE TO FIND OUT.

McCracken: IF WE WERE TO APPROVE SOMETHING THAT WAS IN THE 25 YEAR FLOODPLAIN, BUT ALSO VIOLATED THE McMAXIMUMMANSION ORDINANCE, A REALLY KIND OF A DOUBLE --

DOUBLE WHAMMY.

GOOD CATCH.

I THINK THE COUNCILMEMBER IS CORRECT, '05 NOT '06, I THINK PERHAPS MAYBE YOU AND I ARE THINKING '06.

THE YEARS RUN TOGETHER, DON'T THEY? I APOLOGIZE FOR NOT BEING ABLE TO ANSWER THAT OFF THE TOP OF MY HEAD.

MR. OSWALT DID YOU FIND OUT AN ANSWER? SORRY I SAW SOMEONE COME UP. I THOUGHT THEY WERE BRINGING YOU ANSWERS.

THE BUILDING PERMIT DATE IS SEPTEMBER TWOIF 2005 NOT MAY OF -- SEPTEMBER OF '05, NOT MAY OF '05. IT'S 9 -- SEPTEMBER 19th. JUST WANTED TO CLARIFY THAT.

PREMcMANSION ORDINANCE.

CAN I ASK A QUESTION OF THE AGENT REPRESENTING THE APPLICANT? MR. BENTLEY, CAN I ASK YOU A QUESTION? WOULD YOUR CLIENT BE WILLING TO AGREE TO COMPLIANCE WITH THE McMANSIONS ORDINANCE?

I HAVE NOT DISCUSSED THAT WITH THEM COUNCILMEMBER. BUT I WILL BE MORE THAN HAPPY TO. I BELIEVE, IF YOU LOOK IN THE -- IN THE PACKAGE THAT I GAVE YOU, YOU CAN SEE JUST ONE BLOCK OVER, WHICH IS CLOSER TO THE ARROYO SECO, THEY ALREADY HAVE THREE DUPLEXES THAT ARE BEING BUILT. ONE IS ACTUALLY BEING FINISHED UP RIGHT NOW. AND THEY HAVE GOTTEN I THINK ANOTHER ONE GETTING READY TO BE BUILT OVER THERE. I THINK THAT IT WOULD BE PUNITIVE TO DO IT THAT WAY. BUT I WILL DISCUSS IT WITH THEM. I THINK -- WHAT I'M TRYING TO DO IS THINK WHAT IS FAIR AND RIGHT IS THAT THE COUNCIL, IF YOU COULD DRIVE OUT INTO THAT BRENTWOOD AREA, YOU CAN SEE THERE ARE A LOT OF HOMES, REAL DISREPAIR. THAT -- THAT ARE CLOSER TO THAT ARROYO SECO. CREEK. THAN JOE SAYERS AND THEKLA. JUST THAT LAST PICTURE AFTER

THE SUBJECT PROPERTY THAT YOU SEE, IS A -- IS A PICTURE OF A -- OF A HOME THAT I THINK THAT HAS BEEN BUILT IN THE LAST COUPLE OF YEARS, THAT'S RIGHT ON THE CREEK. AND -- AND IF THOSE ARE SAFETY ISSUES, OF BEING IN THE FLOOD WAY OR -- A PROBLEM, THIS PROPERTY IS WITHIN INCHES OF THAT SITUATION. AND I BELIEVE THAT -- THAT FEMA, IF YOU TAKE FEMA'S -- I'M NOT GOING TO GET INTO, I'M GOING TO LET THE ENGINEER TALK TO YOU. IF HE CAN TELL YOU WHAT AUSTIN HAS DONE, WHAT THE FEMA RULES ARE, I THINK AUSTIN IS A LITTLE MORE STRINGENT ON THE RULES THAN FEMA IS, BUT THIS IS A FULLY BUILT OUT AREA.

Martinez: I APPRECIATE THAT, MR. BENTLEY. MY CONCERN REALLY AT THIS POINT I THINK THAT I'M PREPARED TO ALLOW THE FLOODPLAIN VARIANCE, MY CONCERN IS WITH DESIGN AND COMPATIBILITY WITH THE McMANSIONS ORDINANCE.

COUNCILMEMBER MARTINEZ?

I WOULD BE MORE THAN HAPPY TO TALK TO MY CLIENTS AND SEE IF WE CAN'T WORK IT OUT. I DON'T KNOW IF WE CAN GET IT ALL DONE TODAY. WE MIGHT HAVE TO POSTPONE IT OR SOMETHING. BUT I THINK THAT -- I WILL DO MY BEST BECAUSE I THINK THAT -- THAT I APPRECIATE YOUR -- YOUR CONCERN I'LL TALK TO THEM ABOUT IT.

Dunkerly: THAT WAS GOING TO MY -- TO BE MY PROPOSAL. THERE WERE A COUPLE OF QUESTIONS, I THINK THE COUNCIL NEEDS SOME ANSWERS TO. IF I COULD GET SOME SUPPORT FOR A ONE WEEK POSTPONEMENT WHERE WE CAN FIND OUT ABOUT -- ABOUT THE APPLICABLE REGULATIONS AND I REALLY WOULD LIKE TO GO OUT AND SEE IT. IF IT'S ALL IN THE 25-FOOT FLOODPLAIN THAT'S -- THAT'S A PRETTY GOOD -- PRETTY GOOD FLOODPLAIN THERE, BUT LET US JUST POSTPONE IT A WEEK IF THAT'S OKAY, WE WILL GET THE ANSWERS TO THE --

I CAN'T HEAR YOU COUNCILMEMBER.

LET'S POSTPONE IT A WEEK AND IF YOU COULD GET THE -- DISCUSS THIS WITH YOUR CLIENT AND WE WILL HAVE OUR STAFFING AND RESEARCH THE QUESTIONS THAT THE COUNCIL ASKED AND WE CAN COME BACK NEXT WEEK WHERE WE ARE ALL A LITTLE BIT BETTER PREPARED.

MY CLIENTS ARE GOING TO HAVE TO BE AT THE MAYO CLINIC NEXT YEAR..... NEXT WEEK AND THE WEEK AFTER. WE CAN POSTPONE, IF THEY WILL AGREE I CAN REPRESENT THEM DURING THIS PERIOD OF TIME I WOULD BE MORE THAN HAPPY TO.

Dunkerly: YOU CAN LET US KNOW IF WE NEED TO SET A DIFFERENT DATE.

IF I CAN PROPOSE A SOLUTION, IF WE DETERMINE THAT THEY ARE NOT SUBJECT TO THE McMANSIONS ORDINANCE, WHAT WE WILL DO IS WE WILL GO ON AHEAD AND PREPARE A

RESTRICTIVE COVENANT THAT WE CAN SUBMIT TO THEM FOR THEIR CONSIDERATION. I THINK THAT WOULD PROBABLY BE THE FASTEST WAY. THAT WAY THEY WILL HAVE IT. IF THEY ARE AGREEABLE AND EXECUTE THAT COUGH NAPT THEN WE CAN BRING THAT BACK FOR YOUR CONSIDERATION AT YOUR NEXT TO THE DATE TO WHICH YOU POSTPONE IT. AND YOU CAN DECIDE AT THAT POINT BASED UPON THE EXECUTION OF THE RESTRICTIVE COVENANT IF WE ARE -- IF WE DETERMINE THAT THEY ARE NOT SUBJECT TO THE -- THE McMANSION ORDINANCE.

Dunkerly: IF THERE ARE OTHER QUESTIONS THAT THE COUNCIL HAS, IF YOU WILL COMMUNICATE THEM SO WE CAN MAKE SURE THAT THE STAFF HAS ALL OF THE QUESTIONS.

McCracken: YEAH. I PERSONALLY CAN'T STRESS HOW IMPORTANT IT'S GOING TO BE THAT WE DO HAVE COMPLIANCE WITH THE McMANSION ORDINANCE MUCH ONE OF THE REASONS FOR IT WAS THAT PEOPLE, ALL OF US HAVE HAD THEIR HOMES FLOODED WHEN AN ENORMOUS OVERSIZED DUPLEX GOES IN SOMEWHERE AROUND THEIR HOME. WE WOULD BE -- WE ARE IN A POSITION I THINK WE COULD REASONABLY GRANT A VARIANCE FOR FLOODPLAINS, BUT I WOULDN'T WANT TO DO IT AND NOT COMPLY WITH THE VERY ORDINANCE TO PROTECT NEIGHBORS. I THINK IT'S SUPER IMPORTANT THAT THIS -- THAT IF WE ARE TO GRANT THE FLOODPLAIN VARIANCE THAT IT COMPLY WITH THE CURRENT LAWS DESIGNED TO PROTECT NEIGHBORS FROM INAPPROPRIATE DEVELOPMENT BUT ALSO FROM FLOODING.

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

I'M WILLING TO GIVE THE BENEFIT OF THE DOUBT THAT THE OLD STRUCTURE, 1300-FOOT STRUCTURE, IT WAS NOT -- PERHAPS IT WAS NOT KNOWN OR WAS NOT MADE CLEAR THAT IF THAT PROPERTY WERE DESTROYED, THEN IT WOULD REQUIRE FLOODPLAIN VARIANCE TO BUILD ANOTHER ONE. SO IF THE APPLICATION WERE FOR ANOTHER PROPERTY ON THERE THAT WAS APPROXIMATELY THE SAME SIZE AS THE OLD ONE THAT WAS DESTROYED, CERTAINLY THAT WOULD BE COMPLY WITH THE McMANSION ORDINANCE ALSO. SO IT WOULD BE A MOOT POINT. BUT LIKE I SAY, I'M WILLING TO SUPPORT THE POSTPONEMENT. I'LL STILL VERY MUCH CONCERNED AND I'M GOING TO HAVE A DIFFICULT TIME TIME SUPPORTING THIS TRIPLING OF HABITATION IN THE SHOAL CREEK FLOODPLAIN. WE LIVE IN FLASH FLOOD ALLEY HERE IN AUSTIN, WE ALL KNOW THAT. ONE OF THE WORST CREEKS, IF NOT THE WORST CREEK WITH THE POTENTIAL FOR FLOODING, IS SHOAL CREEK. AND HERE WE'RE TALKING ABOUT BUILDING IN THE FLOODPLAIN OF A TRIBUTARY OF SHOAL CREEK. SO THAT'S MY COMMENT.

Dunkerley: COUNCILMEMBER KIM?

Kim: QUESTION FOR STAFF. ARE WE LOOKING TO BUY THIS AREA OUT AT ANY TIME IN THE

FUTURE?

NO, WE ARE NOT. THE PROPOSAL THAT WAS DEVELOPED IN OUR MASTER PLAN WAS WIDENING THE CREEK. SO THE BUYOUT WAS NOT -- IN OF COST EFFECTIVENESS VERSUS DOING THE WORK ON THE CREEK, THE PHYSICAL WORK ON THE CREEK WAS THE MORE COST EFFECTIVE OF THE TWO.

Kim: THANKS.

Dunkerley: THANK YOU VERY MUCH. AND IF IT'S COUNCIL'S WIB, COULD WE HAVE A MOTION FOR POSTPONEMENT? YES. OKAY.

YES. WE WILL DRAFT A RESTRICTIVE COVENANT THAT DOES NOT PRECLUDE THE COUNCIL FROM STILL OBJECT VUSLY CONSIDERING THE ISSUE ON THE MAIRNTS AT THE TIME OF THE POSTPONEMENT. WE WILL DRAFT THE RESTRICTIVE COVENANT TO SUBMIT TO THE APPLICANT.

Dunkerley: WE HAVE A MOTION BY COUNCILMEMBER MARTINEZ, AND I'M NOT QUITE SURE WHO SECONDED IT. COUNCILMEMBER MCCRACKEN. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Dunkerley: THOOD A VOTE OF -- THAT'S A VOTE OF FIVE TO ZERO WITH COUNCILMEMBER COLE AND THE MAYOR OFF THE DAIS.

MAYOR PRO TEM, COULD YOU OFFER ME HALF A MINUTE OF PERSONAL PRIVILEGE, YOUR PERSONAL PRIVILEGE?

...

Dunkerley: YES.

THERE IS A PERCEPTION THAT COUNCILMEMBER LEFFINGWELL MAY HAVE, WHICH MEANS I DON'T THINK HE READ MY ENORMOUSLY LONG E-MAIL. AND I DON'T WANT THE PUBLIC TO HAVE THAT PERCEPTION. YES, IT IS SHOAL CREEK, BUT IT IS UPPER SHOAL CREEK, HANCOCK BRANCH, NOT LOWER SHOAL CREEK. AND ON THE MASTER PLAN MAPS YOU CAN SEE THAT THERE IS NO SIGNIFICANT PRIORITY FLOODING THAT HAS CAUSED THAT TO BE IN PHASE ONE. SO THIS HAS HAPPENED IN OTHER PARTS OF THE CITY, BUT I DIDN'T WANT YOU TO THINK THAT IT WAS LIKE DOWN AT 12TH OR SOMETHING. SO NOBODY IN THE PUBLIC THINKS THAT EITHER.

Leffingwell: I APPRECIATE YOUR COMMENTS AND I'LL BE HAPPY TO DISCUSS IT WITH YOU BETWEEN NOW AND THEN. DUNK WE HAVE NO FURTHER ITEMS ON OUR AGENDA. CAN WE

STAND ADJOURNED OR DO I NEED A MOTION FOR ADJOURNMENT? OKAY. ALL RIGHT.
MOVED AND SECONDED. ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE SAY AYE? AND THAT
WAS FIVE VOTES WITH THE MAYOR AND COUNCILMEMBER COLE OFF THE DAIS. SO THANK
YOU VERY MUCH.

End of Council Session Closed Caption Log