

## **Closed Caption Log, Council Meeting, 04/05/06**

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GOOD MORNING, I'M AUSTIN MAYOR WILL WINN, IT'S MY PRIVILEGE TO WELCOME PASTOR RICK RANDALL FROM THE AUSTIN CORNERSTONE CHURCH. HE OBVIOUSLY IS ALSO PART OF OUR CHAPLAIN CORE AT THE AUSTIN POLICE DEPARTMENT. PLEASE RISE.

OUR PRAYER FROM THE BOOK OF ACTS. THE GOD WHO MADE THE WORLD AND EVERYTHING IN IT IS THE LORD OF HEAVEN AND EARTH AND DOES NOT LIVE IN TEMPLES BUILT BY HAND. HE'S NOT SERVED BY HUMAN HANDS AS IF HE NEEDED ANYTHING BECAUSE HE HIMSELF GIVES ALL MEN LIFE AND BREATH AND EVERYTHING ELSE. FROM ONE PERSON HE MADE EVERY NATION, THAT THEY SHOULD INHABIT THE WHOLE EARTH. HE DETERMINED THE TIMES SET FOR THEM AND THE EXACT PLACES WHERE THEY SHOULD LIVE. GOD DID THIS SO THAT PEOPLE WOULD SEEK HIM AND PERHAPS REACH OUT FOR HIM AND FIND HIM, THOUGH HE IS NOT FAR FROM EACH ONE OF US. FOR IN HIM WE LIVE AND MOVE AND HAVE OUR BEING. HEAVENLY FATHER, WE ARE GRATEFUL TO YOU TODAY FOR THE GREAT GIFT THAT IS AUSTIN, TEXAS. AND FOR THE FACT THAT YOU HAVE CHOSEN IN YOUR SO SO SOVREIGN WISDOM TO LIVE IN THIS PLACE. WE THANK YOU FOR THE GIFTS OF ARTS, GOVERNMENT, EDUCATION, DIVERSITY, WE ARE EVER MINDFUL THAT WE ARE MERELY

STEWARDS OF THOSE GIFTS THAT WE COULD STEWARD THEM TO THE GLORY OF GOD. WE PRAY TODAY FOR THIS CITY COUNCIL, FOR OUR CITY MANAGER AND FOR THEIR STAFFS THAT YOU WOULD GIVE THEM WISDOM AND DISCERNMENT THAT THE DECISIONS THEY MAKE WOULD BE JUST AND FAIR. AND THAT OVER ALL THINGS THIS CITY MAY KNOW YOUR PEACE. IN THIS SEASON WHEN TWO GREAT RELIGIONS REMEMBER YOUR DELIVERANCE, ONE IN THE PASSOVER THE OTHER IN THE CROSS, WE ARE MINDFUL OF THE GREAT COST OF OUR FREEDOM. MAY WE LIVE EACH DAY MINDFUL OF ITS GIFT. BLESS US NOW WE PRAY IN THIS DELIBERATION FOR WE ASK THESE THINGS IN YOUR HOLY NAME, AMEN.

AMEN.

THANK YOU PASTOR RANDALL FOR YOUR SERVICE AT A.P.D. THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, APRIL 5th, 2007. APPROXIMATELY 10:15 IN THE MORNING, HERE IN THE COUNCIL CHAMBERS, 301 WEST SECOND STREET. COUNCIL, BEFORE I GET INTO THE -- THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA, WE STARTED A HABIT OF ANNOUNCING IF WE KNOW OF ANY UPCOMING ITEMS FROM COUNCIL FOR FUTURE MEETINGS. I GUESS THAT I WILL START BY -- BELIEVING THAT MAYOR PRO TEM AND I IN THE NEXT MEETING OR TWO WILL BRING FORWARD AN ITEM, A SPONSORSHIP ITEM OF THE ANNUAL FIRST NIGHT AUSTIN EVENT. WE'VE HAD TWO OF THESE, NEW YEAR'S EVE DAY EVENTS. FAMILY ORIENTED ALCOHOL FREE EVENTS HERE IN THE CORE OF OUR DOWNTOWN. FABULOUSLY ATTENDED AND SUCCESSFUL THESE LAST TWO YEARS. THE CITY HAS A MODEST FIVE FIGURE INVESTMENT IN THAT ANNUAL EVENT. THAT -- THAT APPROXIMATE \$40,000 INVESTMENT IS MATCHED ABOUT 10 TO ONE WITH THREE TO FOUR HUNDRED THOUSAND DOLLARS WORTH OF PRIVATE SECTOR SPONSORSHIP OF THAT EVENT. THE LAST TWO YEARS MORE THAN 100,000 PEOPLE HAVE COME DOWN TO THE CORE OF OUR DOWNTOWN,

INCLUDING ABOUT A THIRD OF THAT NUMBER BEING CHILDREN. IT'S A FABULOUS EVENT. HOPEFULLY THERE WILL BE SUPPORT FOR ADDITIONAL SPONSORSHIP THIS COMING YEAR. ADDITIONAL ITEMS COMING FORWARD FROM COUNCIL? ANYONE? COUNCILMEMBER COLE?

Cole: THANK YOU, MAYOR. THERE'S AN ITEM ON THE AGENDA TODAY WHERE MAYOR PRO TEM DUNKERLY AND I ARE BRINGING FORTH CREATING THE TAX INCREMENT FINANCING FOR WALLER CREEK TUNNEL. THE NEXT COUPLE OF MEETINGS WE WILL BE BRINGING FORTH AN ITEM TO SET UP AN ADVISORY COMMITTEE FOR THAT TO DEAL WITH THE DESIGN, SETBACK, NOISE, SHADING ISSUES HAVING TO DO WITH THAT AREA OF DOWNTOWN AND THIS GROUP WILL WORK CLOSELY WITH -- WITH ROMA AND THE DOWNTOWN MASTER PLAN TO MAKE SURE THAT IT'S CONSISTENT WITH OUR VISION OF DOWNTOWN.

THANK YOU, COUNCILMEMBER. COUNCILMEMBER LEFFINGWELL.

THE -- THE RECOMMENDATIONS BY THE WATER CONSERVATION TASK FORCE, WHICH ARE ORIGINALLY SCHEDULED FOR NEXT WEEK, APRIL 12th, I WANT TO POSTPONE THAT UNTIL MAY THIRD. I WILL NOT BE IN ATTENDANCE AT THE MEETING NEXT WEEK, I WILL BE OUT OF TOWN ON CITY BUSINESS. AND THERE'S CERTAIN CRITICAL STAFF MEMBERS THAT WILL BE ON VACATION THE FOLLOWING MEETING. THE NEXT AVAILABLE MEETING IS MAY 3rd, THAT'S WHEN WE PLAN TO BRING IT FORWARD.

Mayor Wynn: THANK YOU. ADDITIONAL ITEMS? FOR FUTURE COUNCIL MEETINGS? THANK YOU ALL. SO, COUNCIL, WE HAVE AN HANDFUL OF -- OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE ... NOTING THAT ITEM NO. 9 WILL BE POSTPONED TO APRIL 19th, 2007. ITEM NO. 11 HAS NOW BEEN WITHDRAWN OFF THE AGENDA. WE SHOULD NOTE ON ITEM NO. 30, THAT COUNCILMEMBER LEFFINGWELL IS AN ADDITIONAL CO-SPONSOR. ON ITEM 49, WE SHOULD STRIKE

BARTON CREEK WATERSHED AND INSERT THE CORRECTION, WHICH IS A WILLIAMSON CREEK WATERSHED BARTON SPRINGS ZONE. ON ITEM NO. 51, WE SHOULD NOTE THAT A VALID PETITION HAS BEEN FILED IN OPPOSITION TO THIS REZONING REQUEST. ITEM NO. 55 HAS BEEN WITHDRAWN FROM THE AGENDA. AND ITEM NO. 56 WE SHOULD CORRECT THE NUMBER TO BE 4 WATER EVENTS, NOT 3, ASSOCIATED WITH THE ANNUAL CAPITAL 2 K OPEN SWIM IN TOWN LAKE, NOTE THAT AN ADDITIONAL WEEK COULD BE APRIL 12th, 2007. ITEM NO. 56. OUR TIME CERTAIN SCHEDULES TODAY IS AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATIONS. AT 3:00, WE WILL RECESS THIS MEETING OF THE CITY COUNCIL AND CONDUCT OUR AUSTIN HOUSING FINANCE CORPORATION BOARD MEETING. AND THERE ARE A COUPLE OF ITEMS ON THAT AGENDA. WE SHOULD NOTE THAT ONE OF THE CORRECTIONS TO THE -- TO THE HFC AGENDA, ITEM NO. 4, WE SHOULD STRIKE THE -- THE REFERENCE TO THE HOME PROGRAM INCOME FUNDS AND HOME CHDO FUNDS, AND CORRECT THAT WITH THE HOUSING ASSISTANCE FUNDS AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. THAT'S ITEM NO. 4 ON OUR AUSTIN HOUSING AND FINANCE CORPORATION AGENDA, TO BE TAKEN UP AROUND 3:00 TODAY. AT 4:00 WE GO TO THE ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. AT 5:30, WE BREAK FOR LIVE MUSIC AND HANDFUL OF PROCLAMATIONS, OUR MUSICIANS TODAY ARE THE PALM SCHOOL CHOIR. SO STAY TUNED FOR SOME YOUNG TALENT. AND THEN AT 6:00 WE CONDUCT OUR PUBLIC HEARINGS, I BELIEVE WE HAVE THREE OR FOUR ON THIS WEEK'S AGENDA. SO FAR COUNCIL FOUR ITEMS PULLED OFF THE CONSENT AGENDA. THEY ARE ITEMS 13 AND 14, PULLED BY COUNCILMEMBER MARTINEZ, ITEM NO. 25 TECHNICALLY WON'T BE ON OUR CONSENT AGENDA AS WE WILL TAKE THAT ACTION ITEM UP AFTER WE HAVE DISCUSSED THE PERSONNEL MATTER IN CLOSED SESSION. AND THEN ITEM NO. 29 HAS BEEN PULLED BY COUNCILMEMBER COLE. ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA? MAYOR PRO TEM?

I HAVE ONE CHANGE THAT I WOULD LIKE FOR YOU TO DO ON THE APPOINTMENTS. IT'S MY INTENTION TO APPOINT MARIO ESPINOZA TO THE WATER AND WASTEWATER I WOULD LIKE TO HAVE THAT ON NEXT WEEK'S AGENDA BECAUSE I NEED TO NOTIFY MY CURRENT COMMISSIONER.

Mayor Wynn: ALL RIGHT, THANK YOU MAYOR PROTEM.

MAYOR, I'M INFORMED THAT ITEM 28 MAY NOT BE READY FOR CONSENT.

THAT'S CORRECT, MARTHA TERRY ASSISTANT CITY ATTORNEY. THERE'S CHANGES THAT NEED TO BE MADE ON THE BACKUP. IF WE CAN PULL THAT OFF TEMPORARILY WE WILL DO OUR BEST TO HAVE THOSE CHANGES MADE VERY QUICKLY.

Mayor Wynn: THANK YOU, MS. TERRY. COUNCIL, ITEM NO. 28 WILL ALSO NOT BE ON THIS MORNING'S CONSENT AGENDA. AGAIN, ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA. OR ADDED BACK TO IT. THEN HEARING NONE, I WILL READ OUR PROPOSED CONSENT AGENDA THIS MORNING NUMERICALLY. IT WILL BE ... TO APPROVE ITEMS NUMBER 1, 2, 3, 4, 5, 6, 7, 8, AND POSTPONING ITEM NO. 9 TO APRIL 19th, 2007. APPROVING ITEMS 10, 11 PER CHANGES AND CORRECTION, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 WILL BE OUR BOARD AND COMMISSION APPOINTMENTS. I WILL READ INTO THE RECORD. THEY ARE TO OUR COMMUNITY DEVELOPMENT COMMISSION, HE WOULD DRAINAGE NELSON IS COUNCILMEMBER COLE'S APPOINTMENT. ELDRIDGE. TO OUR ENVIRONMENT BOARD MARYANNE NEELEY IS COUNCILMEMBER LEFFINGWELL'S APPOINTMENT. ITEM NO. 24 OUR BOARD AND COMMISSION APPOINTMENTS. CONTINUING ON WITH THE CONSENT AGENDA WOULD BE TO APPROVE ITEM 26 27, 30 PER CHANGES AND CORRECTION, 31, 32, 33, 34, NOTING THAT ITEM 55 ON OUR AGENDA HAS BEEN WITHDRAWN PER CHANGES AND CORRECTION, AND APPROVING ITEM 56, PER CHANGES AND CORRECTION. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

SO MOVE.

MOTION MADE BY COUNCILMEMBER COLE,  
SECONDED BY COMMITMENT TO APPROVE THE  
CONSENT AGENDA AS READ. COMMENTS?

Kim: ONE ITEM THAT I WOULD LIKE TO MAKE A  
COMMENT ABOUT IS ITEM 30 WHICH IS FOR --  
SPONSORED BY COUNCILMEMBER MCCracken,  
MARTINEZ AND LEFFINGWELL ON THE PLANNED  
UNIT DEVELOPMENTS, ALSO KNOWN AS P.U.D.ES. I  
HAVE -- I HAVE SUPPORT THIS, I SUPPORT THE WORK  
THAT THEY WILL BE DOING AS WE KNOW  
RECENTLY WE HAD A CASE INVOLVING A VERY  
COMPLICATED DEVELOPMENT INVOLVING  
CONCORDIA, SO I LOOK FORWARD TO THE WORK  
THAT THEY WILL BE DOING, ALONG WITH INPUT  
FROM ANC AND THE NEIGHBORHOOD  
ASSOCIATIONS. ONE THING THAT I WOULD LIKE TO  
POINT OUT IS THAT THE P.U.D.'S, WHEN THE  
AFFORDABLE HOUSING INCENTIVE HIS TASK FORCE  
LOOKED AT THE DIFFERENT TYPES OF ZONING  
CATEGORIES, WHAT KIND OF DENSITY BONUSES  
WOULD BE GRANTED, THEY DID NOT INCLUDE  
P.U.D.'S, THEY ARE JUST A DIFFERENT ANIMAL. I  
KNOW THAT MY COLLEAGUES SUPPORT ANY KIND  
OF WAY THAT WE CAN ENCOURAGE AFFORDABLE  
HOUSING AND SO THOSE GUIDELINES ARE FOR YOU  
TO LOOK AT AND YOU CAN USE THEM AS A -- A  
FRAMEWORK FOR YOUR WORK OR AS A  
BENCHMARK. I HOPE THAT WE CAN BE EVEN MORE  
AMBITIOUS IN AFFORDABLE HOUSING WHEN WE DO  
P.U.D.'S. THAT'S ALL THAT I WANT TO SAY ABOUT  
THAT.

Mayor Wynn: THANK YOU. COUNCILMEMBER  
LEFFINGWELL?

Leffingwell: JUST A COMMENT ON ITEM 27 AND IT'S A  
RESOLUTION THAT DOES FOUR THINGS. IT OPPOSES  
THE APPROVAL BY THE TCEQ OF THE PROPOSED  
HAYS COUNTY WCID, NUMBER 1, DIRECT  
DISCHARGE APPLICATION. IT OPPOSES ANY OTHER  
PROPOSAL FOR DIRECT DISCHARGE OF  
WASTEWATER INTO THE BARTON SPRINGS AQUIFER.  
IT SUPPORTS A RULE MAKING CHANGE TO PROHIBIT

DISCHARGE IN THE CONTRIBUTING ZONE OF THE BARTON SPRINGS SEGMENT. THEY CURRENTLY PROHIBIT DISCHARGE ONLY INTO THE RECHARGE ZONE. IT SUPPORTS THE PASSAGE OF HOUSE BILL 3039 WHICH WOULD HAVE THE SAME EFFECT. I WOULD ALSO COMMENT ON ITEM 30, A P.U.D. REVIEW THAT COMMISSIONER KIM JUST COMMENTED ON. MY INTEREST IN THIS IS TO ENSURE THAT P.U.D.'S DO INDEED PROVIDE SUPERIOR RESULT OF THAT WHICH COULD BE ACHIEVED THROUGH CONVENTIONAL ZONING BY MAKING SURE THAT THEY INCLUDE CONSIDERATIONS FOR WATER CONSERVATION, WATER QUALITY AND CLIMATE PROTECTION PLAN. FINALLY, ON ITEM 31, SEVERAL YEARS AGO WE HAD A TASK FORCE TO STUDY BOARDS AND COMMISSIONS AND MAKE RECOMMENDATIONS ON THAT. NO ACTION HAS BEEN TAKEN ON THAT. THAT TASK FORCE WAS CHAIRED BY FORMER COUNCILMEMBER SPELMAN AND THIS EFFORT IS JUST TO LOOK AT THOSE RECOMMENDATIONS, UPDATE THEM BASED ON CURRENT CONSIDERATIONS, AND TRY TO IMPROVE THE BOARD AND COMMISSION PROCESS.

Mayor Wynn: COUNCILMEMBER -- FURTHER COMMENTS ON THE AGENDA? COUNCILMEMBER MARTINEZ?

Martinez: A COUPLE OF ITEMS. ITEM 4 AND 5 ARE SPECIFICALLY RELATED TO H.I.V. PREVENTION AND TREATMENT FOR AIDS PATIENTS IN AUSTIN AND TRAVIS COUNTY. AND COUNCILMEMBER COLE AND I HAD A DISCUSSION ABOUT THIS THE OTHER DAY. WHAT WE'RE SEEING AT THE FEDERAL LEVEL IS CONTINUAL REDUCTION OF ALLOCATION OF FUNDING FOR THESE TYPES OF SERVICES. SO WE CERTAINLY WANT TO CONTINUE OUR PART AS A CITY BUT WE ALSO WANT TO LAY THE FOUNDATION FOR THE FUTURE KNOWING THAT THE BURDEN IS GOING TO CONTINUE TO INCREASE ON OUR END AND WE ARE -- WE ARE GOING TO BE WATCHFUL AND MINDFUL OF THAT AS WE GO INTO BUDGET DISCUSSIONS FOR THE COMING YEAR BECAUSE THE FEDS HAVE CUT ADDITIONAL FUNDING THIS YEAR AND THAT BURDEN IS GOING TO COME DOWN TO US

ON THE LOCAL LEVEL. SO AS WE MOVE FORWARD COUNCILMEMBER COLE AND I WILL HOPEFULLY BE BRINGING FORWARD PROPOSALS THAT WILL HELP MAINTAIN THE SERVICES THAT WE PROVIDE FOR THAT COMMUNITY.

MAYOR? I ECHO WHAT COUNCILMEMBER MARTINEZ SAID WE WILL BE BRINGING THAT FORWARD. I WOULD ALSO LIKE TO POINT OUT AIDS IS A DISEASE THAT AFFECTS THE PEOPLE OF COLOR IN A DISPROPORTIONATE MANNER AND IT'S REALLY IMPORTANT FOR ORGANIZATIONS LIKE THE WRIGHT HOUSE THAT HAS HAVEN'T SO SUPPORTIVE IN THE PAST OF PEOPLE OF COLOR WITH AIDS THAT WE CONTINUE TO FUND THEM.

Mayor Wynn: THANK YOU, FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER KIM?

Kim: I WOULD ALSO LIKE TO MENTION MY SUPPORT FOR BEING A CO-SPONSOR ON THE BILL TO OPPOSE DIRECT DISCHARGE INTO THE CONTRIBUTING ZONE OF THE EDWARD'S AQUIFER. WE NEED TO WORK AS A REGION AND SO I SUPPORT HAYS COUNTY COMMISSIONERS AND WHAT THEY ARE DOING TO TRY TO PROTECT THE EDWARD'S AQUIFER FROM THIS DISCHARGE. IT IS TREATED DISCHARGE, HOWEVER THAT WAS NOT THE AGREEMENT OR UNDERSTANDING THAT THE COMMISSIONERS HAD FROM THE DEVELOPER AND SO I HOPE THAT TCEQ WILL LISTEN TO THEM AND LISTEN TO US BECAUSE WE HAVE AN INTEREST IN THIS AS WELL FOR BARS BOB KARSTENS AND THE ENTIRE -- FOR BARTON SPRINGS AND THE ENTIRE AQUIFER REGION.

THANK YOU. AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. MY LAST COMMENT WHILE I HAVE A CROWD HERE NOT RELATED TO THE CONSENT AGENDA, JUST REMINDING FOLKS THAT TODAY FRIDAY, SATURDAY, AUSTIN FIREFIGHTERS WILL BE OUT IN APPROXIMATELY 40 MAJOR INTERSECTIONS AROUND THE CITY WITH THEIR ANNUAL FILL THE BOOT CAMPAIGN FOR THE MUSCULAR DYSTROPHY ASSOCIATION. THEY HAVE RAISED OVER \$150,000 LAST YEAR. WE HOPE TO TOP



THAT THIS YEAR. AND SO JUST REMIND FOLKS FIRST AND FOREMOST IF YOU SEE FIREFIGHTERS OUT IN THE INTERSECTION DRIVE CAREFULLY AROUND THEM. ALSO AS YOU STOP FOR THE RED LIGHT, THEN DO -- DIG DEEP AND SEE IF YOU CAN THROW A LITTLE BIT OF CHANGE AND DOLLAR BILLS INTO THE BOOTS TO HELP US WITH OUR ANNUAL DRIVE. THANK YOU VERY MUCH. MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO, COUNCIL, WE HAVE A HANDFUL OF DISCUSSION ITEMS THAT WE CAN TAKE UP BEFORE OUR NOON CITIZENS COMMUNICATION. LET'S SEE, WE HAVE -- FOR RELATED ITEMS 13 AND 14, PULLED BY COUNCILMEMBER MARTINEZ RELATED TO TAXICAB REGULATIONS AND FRANCHISE HERE IN AUSTIN. WE HAVE A HANDFUL OF FOLKS WHO WANT TO ADDRESS US REGARDING THAT. BUT EITHER -- EITHER RECOGNIZE COUNCILMEMBER MARTINEZ OR PERHAPS A BRIEF STAFF PRESENTATION AS TO THE -- MAKEUP OF THESE TWO ITEMS. WELCOME MS. SONDR A CREIGHTON.

GOOD MORNING, MAYOR AND COUNCIL, I'M SONDR A CREIGHTON DIRECTOR OF THE PUBLIC WORKS DEPARTMENT. ITEM 13 TODAY WILL BE AMENDING THE ORDINANCE TO ESTABLISH THE MAXIMUM NUMBER OF TAXICAB FRANCHISE PERMITS THAT A FRANCHISE WILL BE ELIGIBLE TO RECEIVE. AND SO THIS WILL LIMIT A TAXICAB FRANCHISE FROM ACQUIRING MORE THAN 60% OF TAXICAB FRANCHISE PERMITS. THIS IS JUST COMING BACK FOLLOWING UP ON THE REQUEST FROM THE COUNCIL. ITEM 13 -- 14 IS TO AWORD A NEW TAXICAB FRANCHISE AND ALSO AMEND THE CODE RELATING TO THE MAXIMUM NUMBER OF PERMITS THAT MAY BE ALLOCATED TO A FRANCHISE APPLICANT ALLOWING FOR 55 PERMITS.

THANK YOU, MS. CREIGHTON. COUNCILMEMBER

MARTINEZ?

Martinez: THANK YOU, MAYOR, MS. CREIGHTON I HAD A QUESTION ON ITEM 13. WE ARE ALLOCATING 55 MORE PERMITS INTO THE POOL? TODAY?

YES.

THROUGH THIS ORDINANCE? WHAT DOES THAT DO TO THE EXISTING PERMITS THAT ARE OUT THERE? HOW MANY DO WE HAVE, WHAT -- DOES THAT LIMIT ANY OTHER FRANCHISE TO IN TERMS OF NUMBER OF PERMITS.

WE CURRENTLY HAVE ABOUT 585 PERMITS I BELIEVE, EACH YEAR WE EVALUATE WHETHER OR NOT WE COULD ADD MORE PERMITS AND ACTUALLY AS WE COMMUNICATED WITH THE PREVIOUS COUNCIL MEETINGS, THERE HASN'T BEEN ENOUGH GROWTH TO SUBSTANTIATE THE ADDITIONAL 55 PERMITS THAT THE COUNCIL REQUESTED. HOWEVER, THE COUNCIL IN THE INTEREST OF HAVING A NEW FRANCHISE DECIDED TO PROCEED ANYWAY WITH ADDING 55 MORE PERMITS.

DO WE HAVE ANY OF THE -- OUT OF THE TWO EXISTING FRANCHISES, ARE THEY CLOSE TO THAT 60% THRESHOLD?

THE YELLOW CAB IS AROUND 70, 75%, THAT'S ACTUALLY WHAT PRECIPITATED THE DESIRE TO -- TO SET A MAXIMUM FOR TRANSFERS OF PERMITS TO CAB FRANCHISES.

SO THIS, BY ADOPTING 13, IT WOULDN'T PREVENT THEM FROM --

NO, SIR.

IF THE NEW FRANCHISE THAT'S AWARDED TODAY IS UN.. UNABLE TO ISSUE ALL 55 PERMITS, DUE TO LACK OF DEMAND, WHAT HAPPENS TO THOSE PERMITS?

THAT'S REALLY UP TO THE COUNCIL. THE COUNCIL

COULD -- COULD -- ACTUALLY IF WE'VE ACTUALLY ENTERED INTO AN AGREEMENT WITH THE FRANCHISE TO PROVIDE THOSE PERMITS TO THEM, THEN THEY HAVE THOSE PERMITS AND THERE WOULD HAVE TO BE SOME TYPE OF CAUSE TO -- TO TAKE THOSE BACK.

OKAY.

Martinez: GREAT, THANK YOU.

ALL OF THESE ARE BOTH RELATED ITEMS, COUNCIL. MY INSTINCT IS THAT WE NEED TO TAKE THEM UP SEPARATELY. ANY ADDITIONAL QUESTIONS ON ITEM NO. 13 OF STAFF?

I WILL MOVE APPROVAL.

I ACTUALLY HAVE A COUPLE OF FOLKS WHO DID WANT TO ADDRESS US, ALTHOUGH THEY ARE I BELIEVE IN FAVOR. STEVEN [INDISCERNIBLE] HERE, SORRY IF I'M MISPRONOUNCING THAT. YOU ARE WELCOME TO COME ADDRESS US. YOU WILL BE FOLLOWED BY JOHN PORTNER. A NUMBER OF FOLKS HERE TO TALK ABOUT ITEM 14. HELLO, STEVEN, YOU WILL HAVE THREE MINUTES.

GOOD MORNING, COUNCIL. THANK YOU FOR THE TIME. I WON'T TAKE MUCH OF IT. I SIMPLY HAD A QUESTION QUESTIONS WHICH I WOULD NOT ASK YOU TO ANSWER BUT PERHAPS CLARIFY A LITTLE MORE ABOUT ITEM 13. HOW THAT 60% FIGURE WAS ARRIVED AT.

Mayor Wynn: THANK YOU, JOHN BOREDNER, WE HAVE YOU SIGNED UP BEING IN FAVOR. A FEW FOLKS ROBERT BOND, ROBERT AND KENNETH GRANT, NOT WISHING TO SPEAK, ALSO IN FAVOR OF ITEM 13. COUNCIL COMMENTS, QUESTION TO ANSWER MR. COBBLE'S QUESTION, MY INSTINCT IS IT WAS ARBITRARY. BUT THE DECISION WAS MADE TO TRY TO KEEP AS MUCH COMPETITION AS PRACTICAL TO SET SOME REASONABLE LIMIT AS TO THE MAXIMUM PERCENTAGE OF FRANCHISE PERMITS.

Dunkerly: IF I CAN HELP ADDRESS THAT, TOO, BECAUSE I HAVE BEEN IN TAXICABS UP TO MY EYEBALLS FOR ABOUT FIVE YEARS NOW. I THINK THE INTENT WAS TO SET A LIMIT SO THAT WE WOULD HAVE MORE THAN ONE FRANCHISE IN OUR COMMUNITY, SO THAT THERE WOULD BE SOME COMPETITION. AFTER THE -- WE DID A COUPLE OF THINGS THAT WERE REALLY PLAYING CATCH UP ON. IF THIS PROPOSAL, 13 AND 14, GO THROUGH, WE ARE GOING TO BE ISSUING MORE PERMITS THAN WE REALLY CAN CREATE UNDER OUR CURRENT RULES. SO WE ARE BORROWING FROM THE FUTURE TO DO THAT. IN THE SAME WAY, WE HAVE PUT A LIMIT ON THE NUMBER OF PERMITS THAT A COME COULD HOLD, NOT TO EXCEED 60. AS THE SYSTEM GROWS, YELLOW CABS WILL DROP DOWN AS A PERCENTAGE FROM THE 70S WHERE THEY ARE NOW AND HOPEFULLY GET IN LINE WITH THE GOAL OF 60%. SO I -- IT REALLY WAS A NEGOTIATED ITEM. IT WAS, YOU KNOW, JUST IN AN EFFORT TO TRY TO GET SOME COMPETITION AND TO ALLOW ONE MORE FRANCHISE TO COME INTO OUR CITY. NOOMZ ALONG THE SAME --

Martinez: ALONG THE SAME LINES, WHEN WE HAVE TO EVALUATE CREATING A NEW FRANCHISE, YOU DON'T WANT TO SET THEM UP FOR FAILURE. YOU HAVE TO EVALUATE HOW MANY PERMITS IT TAKES TO MAKE IT A VIABLE BUSINESS. WHETHER OR NOT THE DEMAND IS OUT THERE, THAT'S YET TO BE SEEN. SOME FOLKS BELIEVE IT'S NOT, SOME BELIEVE THAT IT IS OUT THERE. THAT A NEW FRANCHISE CAN BE SUCCESSFUL. WE THINK THAT THIS 55 NUMBER GIVES ENOUGH PERMITS TO THE NEW FRANCHISE TO TRY TO BE SUCCESSFUL AND EXPAND IN THE FUTURE, AND SO WHILE IT MAY SEEM ARBITRARY, JUST PULLING THAT NUMBER OUT OF A HAT. IT REALLY ISN'T. THERE WAS A LOT OF RESEARCH AND THOUGHT AND HISTORICAL PERSPECTIVE ON HOW WE GOT TO THAT NUMBER.

THANK YOU. FURTHER COMMENTS, QUESTIONS. ITEM 13? IF NOT I'LL ENTERTAIN A MOTION. MOTION BY COUNCILMEMBER -- COUNCILMEMBER MARTINEZ TO APPROVE ITEM 13 AS POSTED. SECONDED BY THE MAYOR PRO TEM. FURTHER

COMMENTS?

THANK YOU.

HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY  
AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0,  
ITEM NO. 13. NOW, COUNCIL, WE WILL TAKE UP ITEM  
NO. 14, WHICH IS -- WHICH IS TECHNICALLY A  
FRANCHISE ITEM AND PERHAPS ANOTHER BRIEF  
PRESENTATION BY STAFF RELATED TO -- RELATED  
TO ITEM 14 BEFORE WE GO TO OUR SPEAKERS.  
WELCOME BACK, MS. CREIGHTON.

OKAY. ITEM 14 IS TO AWARD A NEW TAXICAB  
FRANCHISE, ALSO THIS WILL BE ALLOWING FOR A  
MAXIMUM NUMBER OF PERMITS TO BE ALLOCATED  
TO THE NEW FRANCHISE IN THE AMOUNT OF 55  
PERMITS. YOU WILL RECALL THAT -- THAT  
SOMETIME AGO THE -- THE NEW FRANCHISE WOULD  
HAVE BEEN SELECTED BY LOTTERY, BUT THERE  
WAS AN INTEREST IN -- IN HAVING A REVIEW OF  
QUALIFICATIONS AND SELECTING THE BEST  
QUALIFIED. SO WE WENT THROUGH A PROCESS  
WITH THE UTC AND STAKEHOLDERS OF  
DEVELOPING CRITERIA AND SUBSEQUENTLY CAME  
TO COUNCIL TO GET APPROVAL OF THAT CRITERIA  
AND THEN WE PERFORMED THE SELECTION. SO WE  
ARE HERE TODAY. QUESTIONS OF STAFF, COUNCIL?  
ITEM 14? IF NOT WE WILL GO TO OUR --  
COUNCILMEMBER KIM?

Kim: [LAUGHTER] I. WANTED TO ASK A QUESTION  
ABOUT THE CRITERIA IN TERMS OF THE LOCATION  
SYSTEM FOR DISPATCH. THERE WAS A -- THERE WAS  
ONE OF THE CRITERIA HAD TO DO WITH -- WITH  
WHETHER OR NOT IT WOULD BE AUTOMATED  
SYSTEM OR WHETHER OR NOT THERE WOULD BE A  
LIVE PERSON TAKING THE CALLS. CAN YOU  
EXPLAIN FURTHER HOW THEY WERE RATED OR -- A  
DESCRIPTION OF THAT CRITERIA?

CERTAINLY. ONE OF THE FRANCHISES DID SUBMIT

FOR AN AUTOMATED SYSTEM AND I BELIEVE THEY DID RECEIVE HIGHER POINTS FOR THAT.

Kim: OKAY. AN AUTOMATED SYSTEM MEANS WHAT?

IT WOULD BE AUTOMATED DISPATCH THROUGH A COMPUTER SYSTEM, COMPUTERIZED SYSTEM.

Kim: THE OTHER ONE WOULD NOT BE THROUGH --

THE OTHER ONE I BELIEVE INDICATED THAT THEY WOULD DO THAT IN THE FUTURE.

Kim: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COUNCIL? IF NOT, THEN WE WILL GO TO THE SPEAKERS SIGNUP. WE HAVE A COUPLE DOZEN FOLKS THAT SIGNED UP INITIALLY WANTING TO SPEAK. WELCOME TO DO SO. OUR FIRST SPEAKER SIGNED UP IS JEFFREY RODEIE. SORRY IF I'M MISPRONOUNCING THAT. AND WELCOME TO COME FORWARD. JIM EDINGTON IN THE ROOM. JIM, SO JEFFREY, JIM HAS OFFERED TO GIVE YOU HIS THREE MINUTES SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. JUST SHOW YOU AND JIM ON MY SHEET. JOE BEERS AND -- OKAY. MS. GENTRY IF YOU CAN HELP WITH THAT. UP TO 12 MINUTES IF YOU NEED IT.

THANK YOU VERY MUCH, MR. MAYOR, THANK YOU FOR COUNCIL, MY NAME IS JEFF RODEDY, I HAVE BEEN A TAXI DRIVER FOR ABOUT 13 YEARS, MOST AS A LEASE DRIVER OF ZACH [INDISCERNIBLE] THE OWNER OF CAPITAL CITY CAB COMPANY. I AM NOW BUYING YELLOW NUMBER 398 FROM HIM. I AM HERE ASKING YOU TO TAKE A MORE [INDISCERNIBLE] EXAMINING OF THE MATRIX, TAKE A LOOK AT ONE SIMPLE FACT. WHILE WE ARE SHOWING 1 POINT DIFFERENCE, US BEING 12th AND BEING 13 WITH 8 BEING THE BEST SCORE, THAT ACTUALLY WORKS OUT TO A PROPORTIONNAL DIFFERENCE OF 8.33% BETWEEN THE TWO OF US. SUBTRACTIVE DIFFERENCE IS 5.1%, WE ARE 8.3% PROPORTIONALLY HIGHER THAN THEY ARE. THAT IS NOT A NEGLIGIBLE DIFFERENCE. SECONDLY I'M

ASKING YOU TO LOOK AT THE FACT THAT CAPITAL CITY ONE ON THREE CATEGORIES, FINANCE, EXPERIENCE, TRAINING PLAN. THESE ARE THE CATEGORIES THAT DEFINE THE ABILITY OF THE MANAGEMENT TO ACTUALLY IMPLEMENT ANYTHING ELSE THAT IT'S GOING TO DO. SO THOSE ARE BY FAR THE MOST IMPORTANT CATEGORIES FOR ANYONE TO WIN IN. FURTHERMORE, LONE STAR IN CAN PARTICULAR GROUPS GROUPS TOGETHER MAINTENANCE AND SERVICE PLAN. SPLIT HAS FOR A SECOND. ON MAINTENANCE, LONE STAR HAS NEVER RUN ANY KIND YET. ZACH PHOTO IS PRESENTLY VERY SUCCESSFUL OPERATING AN AUTOMOTIVE MAINTENANCE FACILITY RIGHT NOW IN WHICH HE'S MAIN OBTAINING ALL OF HIS CABS, PLUS VEHICLES FROM THE GENERAL PUBLIC. ON THAT BASIS ALONE I THINK THAT YOU ARE GOING TO HAVE TO REACH THE CONCLUSION THAT LONE STAR BETTER SCORE COULD NOT POSSIBLY HAVE COME FROM ANYTHING BUT THE RATING OF THEM ON THE BASIS OF THEIR SERVICE PLAN. SO I WANT YOU TO TAKE A LOOK AT THEIR SERVICE PLAN THEY HAVE BEEN RATED HIGHER ON US BECAUSE OF A COMPUTER RISED DISPATCHING.....DISPATCHING SYSTEM, BASIS WHAT WE HAVE OFFERED THE VOICE DISPATCH SYSTEM. I'M GOING TO ASK YOU TO JUST CONSIDER ONE FACT. THEY SHOULD NOT HAVE BEEN HIGHER RATED ON THAT FACT. THEY WERE BUT THEY SHOULD NOT HAVE BEEN, THIS IS A REASON WHY THEY SHOULDN'T HAVE BEEN. OWING TO THE NEED FOR CONSULTANTS AND THE FACT THAT THERE WAS NO BUDGET FOR THEM, NOBODY COULD TAKE A LOOK AT THE -- IN THE PROCESS, NOBODY COULD TAKE A LOOK AT THE MATCHING OF THE CAPABILITY OF THE COMPANY WITH THE MARKET POSITION IN WHICH THAT COMPANY WOULD RESIDE. IF YOU DO TAKE A LOOK AT THAT IR, YOU ARE GOING TO FIND OUT FOR A CAB COMPANY THAT HAS 55 CABS IT CAN'T EFFECTIVELY USE A COMPUTER DISPATCHING SYSTEM, IT FURTHERMORE FRANKLY NEEDS TO HAVE THE VOICE DISPATCHING SYSTEM. AS VERY MINIMUM, YOU ARE GOING TO FIND IF YOU DO RESEARCH WITH THE -- WITH THE MAKERS OF THESE MANUFACTURERS OF COMPUTERS AND

DISPATCHING SYSTEMS THAT YOU NEED ABOUT 100 CABS JUST TO MAKE THOSE SYSTEMS EFFECTIVE. BELOW WHICH YOU ARE NOT EVEN GETTING ANY GOOD OUT OF THE SYSTEM WHICH IS FRANKLY SEVERAL TIMES MORE EXPENSIVE THAN A RADIO DISPATCHING SYSTEM ANYWAY. THEN THAT'S ALSO NOT THE HALF OF IT. THE -- THE NEW COMPANY WILL NOT HAVE THE SAME MARKET POSITION THAT THE PRESENT YELLOW CAB DISTRIBUTOR GATC HAD IN 1985 WHEN IT CAME IN WITH 100 PERMITS. THEY HAD AT THAT TIME AN OVERWHELMING LITERALLY SCREAMING DEMAND FOR A NEW RADIO BUSINESS DISTRIBUTOR BECAUSE AN EXISTING YELLOW DISTRIBUTOR FRANKLIN WASN'T DOING ITS JOB. THAT SITUATION DOESN'T EXIST, YELLOW CAB HAS DISPATCHING PROBLEMS, THEY ARE NOT THAT BAD. IT'S BASICALLY DOING THE JOB. THE SIMPLE FACT OF THE MATTER IS THAT THE NEW COMPANY IS GOING HAVE TO PURSUE NICHE MARKETS OF SOME KIND. THOSE ARE GOING TO BE LIKE AIRPORTS, SPECIAL, STS, SOME GROCERY STORE MARKETS, THINGS LIKE THIS. YOU AREN'T GOING TO DO THAT WITH A COMPUTER BECAUSE YOU LITERALLY CAN'T, TO DO THOSE KINDS OF MARKETING, YOU HAVE TO HAVE THE -- THE VOICE DISPATCHER THAT HAS EXPERIENCE, KNOWS WHAT HE'S DOING, IS ACCIDENT TO CONTACT DRIVER X, CAN YOU PICK UP MRS. SMITH AT SO AND SO AND SUCH AND SUCH A TIME. IF YOU CAN'T, I BETTER GO FIND SOMEBODY THAT CAN. YOU HAVE TO HAVE HIM ANSWERING FROM THAT SAME DRIVER OR OTHER DRIVERS, HEY, I CAN'T GET THIS SPECIAL, GET SOMEBODY ELSE WHO CAN GET IT. THAT'S FINE. YOU CAN DO THAT WITH A HUMAN BEING THAT KNOWS WHAT THEY ARE DOING. YOU CAN'T DO IT WITH A COMPUTER. THE NEW COMPANY HAS TO DO THAT IF IT'S GOING TO SURVIVE. I HAVE ALREADY MADE A REQUEST, A COUPLE OF MY DRIVER FRIENDS HERE, ASK LEROY HOMES WHO IS PRESENT, JAMIE HOBBS, BOTH OF THEM WORK SPECIALS ALL OF THE TIME. THEY ARE GOING TO TELL YOU WHAT THEY GO TO ON A REGULAR BASIS HAVING TO HANDOFF ONE SPECIAL TO THE OTHER, BECAUSE OF SPECIAL CONFLICTS STUFF LIKE THIS. A COMPUTER CAN DO THAT KIND OF HANDOFF, A COMPUTER CAN'T. THAT'S WHAT THE



COMMUNICATIONS DEPARTMENT IN THE NEW COMPANY IS SIMPLY GOING TO HAVE TO DO AND IF IT CAN'T DO THAT, THE COMMUNICATIONS DEPARTMENT IN THE NEW COMPANY AT VERY MINIMUM CANNOT PROVIDE A SERVICE TO THE DRIVERS OF THAT COMPANY WHICH THOSE DRIVERS IN TURN ACTUALLY NEED. I'M -- I'M THEREFORE GOING TO ASK YOU TO TAKE A LOOK AT THAT SITUATION WHAT I HAVE -- WHICH I HAVE JUST DESCRIBED HERE. GO BACK THROUGH THE MAKE IT TICKET, ASK WHAT SCORE LONE STAR WOULD BE GIVEN, IF IT AREN'T FOR THIS COMPUTER SYSTEM GIVING THEM A HIGHER RATING THAT IT TRUTHFULLY SHOULD NOT HAVE GIVEN THEM. FIND OUT IN YOUR OWN MIND WHAT SCORE YOU THINK THEY WOULD HAVE UNDER THAT BASIS. THEN GO BACK AND ASK YOURSELF WHAT SCORE WOULD CAPITAL CITY HAVE IF THEY HAD DONE SOME CONSULTING AND EVALUATED THE MARKET POSITION OF THE COMPANY ITSELF, PARTICULARLY WITH 55 CABS PURSUING NICHE MARKETS AND WHERE YOU ARE NOT GOING TO HAVE A SCREAMING DEMAND FOR RADIO BUSINESS OR A COMPANY GOING TO HAVE TO DO IT WITH 55 CABS, NICHE MARKETS, WITHOUT MUCH RADIO BUSINESS WITH A PURE MINIMUM FOR SIX YEARS BEFORE IT CAN INCREASE ITS NUMBER OF CABS BY EVEN ONE CAB AND THAT'S AGAINST A METRIC OF 100 CABS BEFORE YOU CAN EVEN USE A COMPUTER. THEN ASK YOURSELF WHAT SCORE COULD CAPITAL CITY HAD BEEN GIVEN UNDER THAT CRITERIA. TAKE A LOOK AT THE DIFFERENCE IN THE SCORE THAT YOU HAVE, THE MUCH HIGHER SCORE, CAPITAL CITY WOULD CERTAINLY HAVE UNDER THAT CRITERIA. MUCH LOWER SCORE THAT LONE STAR WOULD CERTAINLY HAVE UNDER THAT CRITERIA. AND YOU KNOW WHAT? WE MAKE THAT EVALUATION, YOU WILL HAVE JUST PRODUCED THE ACTUAL DIFFERENCE BETWEEN THESE TWO CONTENDERS -- CONTENDERS, BECAUSE THAT IS THE ACTUAL DIFFERENCE THAT DOES EXIST IN THIS MARKET. THAT'S NOT GOING TO CHANGE. THANK YOU VERY MUCH, LADIES AND GENTLEMEN OF THE COUNCIL. IF I CAN ANSWER ANY QUESTIONS, PLEASE LET ME KNOW.

THANK YOU, MR. RODEDY. QUESTIONS? [ APPLAUSE ] NEXT SPEAKER IS DOUG YOUNG. SIGNED UP WISHING TO SPEAK, WELCOME. FOLKS, A BUNCH OF FOLKS WANTED TO DONATE TIME TO YOU... YOU. I'M NOT SURE HOW I WILL DO WITH THIS PRONUNCIATIONS. [INDISCERNIBLE] WELCOME. AND DANIEL [INDISCERNIBLE] SORRY. DANIEL. HOW ABOUT EBRERA -- YOU WILL HAVE UP TO 15 MINUTES IF YOU NEED IT. WELCOME, FOLLOWED AGAIN BY STEVEN COPEL.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS DOUG YOUNG. I REPRESENT LONE STAR, ONE. TWO TOP SCORE CONTENDERS FOR A FRANCHISE, I'M GOING TO TALK BRIEFLY IN A MINUTE ABOUT THE HISTORY OF -- OF LONE STAR'S EFFORTS TO GET A FRANCHISE, BUT FIRST I WANTED TO SAY THAT -- I WANT TO THANK THIS COUNCIL, COUNCIL GOING BACK TO 2003 FOR WHAT HAS BEEN A VERY THOUGHTFUL CONSIDERATION AND ACTION ON THE TAXICAB FRANCHISE SITUATION. LONE STAR FIRST APPLIED FOR A FRANCHISE IN 2002, AT THAT TIME THE ORDINANCES PROVIDED THAT EACH YEAR THE CITY STAFF WOULD DETERMINE THE NEED FOR ADDITIONAL TAXICAB PERMITS BASED ON GROWTH AND POPULATION IN THE CITY. THE PROCESS WENT LIKE THIS. ONCE THAT DETERMINATION WAS MADE, ALL OF THE ADDITIONAL PERMITS FOUND TO BE NECESSARY WERE ALMOST IMMEDIATELY DISTRIBUTED TO THE THEN THREE EXISTING TAXICAB COMPANIES, LONE STAR UNFORTUNATELY DIDN'T TIME ITS APPLICATION PRECISELY BEFORE THAT IN THE NARROW TIME BETWEEN WHEN THE DETERMINATION FOR ADDITIONAL NEED WAS MADE AND THEN THE DISTRIBUTION TO THE EXISTING COMPANIES, HAVING LEARNED THE LESSON IN 2002, LONE STAR APPLIED AGAIN IN 2003. AND IT -- IT TIMED ITS APPLICATION FOR THAT NARROW WINDOW, WHETHER IT WAS IN RESPONSE OR OTHERWISE, IT HAPPENS THAT THE ECONOMY WAS NOT DOING WELL THEN AND THE THREE EXISTING CAB COMPANIES ADVOCATED FOR AND OBTAINED A NEW RULE TO WHERE ADDITIONAL PERMITS WOULD BE DETERMINED NOT JUST BASED ON GROWTH AND POPULATION, BUT IN -- IN TRAFFIC

AT THE AIRPORT AND THEN POST 9/11 WORLD TRAFFIC WAS WAY DOWN AND RESULTED IN NO NEW PERMITS WERE NECESSARY. IN THE COURSE OF -- OF -- OF PURSUING THE APPLICATION IN 2003, LONE STAR POINTED OUT THE ANTI-COMPETITIVE NATURE OF THE ORDINANCES IN EFFECT. AND AT THAT TIME NO NEW APPLICANT HAD EVEN APPLIED FOR A NEW FRANCHISE SINCE 1985, AUSTIN HAD ONLY THREE CAB COMPANIES SINCE THAT TIME AND THE WAY IT WORKED OUTLET WITH ADDITIONAL PERMITS AUTOMATICALLY AND ALMOST IMMEDIATELY BEING ISSUED TO THE -- TO THE INCUMBENTS, I'LL CALL THEM, THERE WASN'T MUCH OPPORTUNITY FOR SOMEONE TO -- TO APPLY FOR A -- FOR A NEW FRANCHISE. TO ELIMINATE THE ANTI-COMPETITIVE EFFECT OF THE LAW AT THAT TIME, LONE STAR PROPOSED AN AMENDMENT TO THE ORDINANCES THAT WERE EVENTUALLY ADOPTED BY THE COUNCIL IN 2003 AND THEY INCLUDED A SPECIAL RULE THAT AT ANY TIME THE CITY HAS FEWER THAN FIVE FRANCHISE TAXICAB COMPANIES FOR A PERIOD OF FIVE CONSECUTIVE YEARS, SPECIAL RULES WOULD APPLY TO WHERE -- WHERE IT WOULD BE MORE POSSIBLE FOR AN APPLICANT TO GET A FRANCHISE. THAT WAS ADOPTED BY THE COUNCIL. AT THAT TIME I DON'T HAVE STATISTICS NOW, THEY ARE NOT NECESSARY, SINCE WE HAD THE NEW RULES, BUT WE POINTED OUT TO THE COUNCIL AT THAT TIME THAT -- THAT NO OTHER CITY IN TEXAS OR IN THE COUNTRY HAD AS FEW TAXICAB COMPANIES AS AUSTIN DID. TEXAS, COMPARABLE CITIES RANGE FROM 7 TO 39 COMPANIES, WE HAD A TRULY UNIQUE SITUATION HERE WITH A LACK OF COMPETITION. THE COUNCIL WAS ABOUT HER SUEDED BASED ON -- PERSUADED BASIC ON ECONOMIC CONDITIONS AT THAT TIME IT WOULD NOT ICIAL.....ISSUE AN ADDITIONAL FRANCHISE BASED ON THE DECREASED TRAFFIC AT THE AIRPORT. I WOULD NOTE THAT IT WAS THE THREE EXISTING COMPANIES AT THAT TIME THAT WERE ADVOCATING WHATEVER THEIR MOTIVES WERE, THE EFFECT WAS THAT WHEN ADDITIONAL PERMITS WERE AUTOMATICALLY DISTRIBUTED, THEY WOULD BE SHARING AMONG THREE OF THEM, FOUR WITH AN ADDITIONAL NEW FRANCHISE. WE MADE THE POINT, IT CONTINUES TO BE THE POINT

TODAY, THAT THE LACK OF COMPETITION IN THE TAXICAB BUSINESS AFFECTS THE DRIVERS. YOU REGULATE RATES. THERE IS NO COMPETITION IN THE PRICE TO THE CONSUMER. THE -- THE EFFECT IS ON HOW THE COMPANIES TREAT THEIR DRIVERS AND THE WAY COMPANY TAXICAB COMPANY WORKS, PRIMARILY, THEY CHARGE A WEEKLY FEE TO THE DRIVER. THAT'S HOW THEY MAKE THEIR MONEY. THE DRIVER MAKES ITS MONEY BY FARES FROM THE PASSENGERS. THOSE FEES TO THE DRIVERS RANGE UP TO \$280 A WEEK. THERE IS NO COMPETITION WITH SO FEW COMPANIES, WE ARE DOWN TO TWO NOW, AS TO HOW THE COMPANIES WILL TREAT THE DRIVERS. THAT'S WHY LONE STAR HAS ADVOCATED ALL ALONG THAT NOT ONLY IS THERE A NEED FOR MORE COMPETITION, BUT IN PARTICULAR AS I KNOW YOU ARE ALL AWARE, LONE STAR IS A COMPANY THAT WAS STARTED BY DRIVERS, IS RUN BY DRIVERS, AND IS FOR DRIVERS. THEY ARE STANDING ON THEIR APPLICATION BASED ON THE SERVICE THAT THEY INTEND TO GIVE TO THE PUBLIC IN THEIR -- IN THEIR PROPOSED BUSINESS, BUT IT IS AN IMPORTANT FEATURE OF WHAT THEY ARE PROPOSING THAT -- THAT BY THEIR NATURE THEY ARE EXACTLY THE REMEDY FOR WHAT -- FOR WHAT I WOULD CONTEND IS THE PROBLEM THAT WE HAVE WITH THE LACK OF COMPETITION IN THE AUSTIN MARKET. IT -- I WOULD ALSO NOTE THAT LONE STAR ADVOCATED THE MEDALLION SYSTEM FOR TAXICABS BACK IN 2003. I'M NOT AN EXPERT ON THE TAXICAB BUSINESS, BUT AS I UNDERSTAND IT, THAT'S A SYSTEM WHERE THE -- WHERE THE MINI FRANCHISE OR PERMIT IS ISSUED DIRECTLY TO THE DRIVER THAT WOULD GIVE THEM AN OPPORTUNITY TO HAVE THE BUSINESS. ALL THEY HAVE ARGUED FOR ALL ALONG IS THAT OPPORTUNITY. NOT ADVOCATING THAT TODAY. BUT I'M SAYING THAT THERE ARE OTHER WAYS THAT CITIES CAN OPERATE TAXICAB FRANCHISES AND CITIES IN TEXAS AND ACROSS THE COUNTRY TOO DO.....DO DO THAT. WE HAVE THE SYSTEM THAT WE HAVE, MOST SUBMIT AN APPLICATION BASED ON THAT SYSTEM AND BELIEVES THAT IT IS THE BEST CANDIDATE FOR THE NEW FRANCE..... FRANCHISE. WE ARE DOWN TO TWO FRANCHISE HOLDERS NOW

TECHNICALLY. BY TECHNICALLY I MEAN THAT -- THAT CAPITAL CITY, THE OTHER HIGH SCORING APPLICANTS, THERE ARE THREE APPLICANTS, ONLY TWO WERE ESSENTIALLY TIED UNDER THE EVALUATION DONE BY THE STAFF..... STAFF. THE PRINCIPAL OF CAPITAL CITY, MR. PHOTO, CURRENTLY HAS 50 TO 60 CABS THAT HE OPERATED I GUESS AS A SUBCONTRACTOR FOR THE TWO EXISTING COMPANIES, ALTHOUGH HE IS NOT AS A SUBCONTRACTOR SO-CALLED BEEN IN THE BUSINESS OF PROVIDING DISPATCH OR OTHER ADMINISTRATIVE FUNCTIONS. IN REGARD TO THE RELATIONSHIP WITH THE DRIVERS, HIS DRIVERS, HE IS LIKE A TAXICAB FRANCHISE HOLDER. HE CHARGES A FEE FOR OPERATING UNDER ONE OF THE PERMITS THAT HE HOLDS FROM ONE OF THE TWO FRANCHISE HOLDERS. IN EFFECT WE HAVE TWO FRANCHISEES, ONE SUBFRANCHISEE NOW. I MENTION THIS HISTORY, NOT JUST TO SHOW A BIT OF THE -- OF THE FRUSTRATION PRESENT FOR THE LAST AT LEAST 20 YEARS, NOT JUST FOR LONE STAR, BUT FOR ANYBODY WHO MIGHT WANT TO HAVE A TAXICAB FRANCHISE. BUT ALSO TO POINT OUT THAT IF THERE'S ANY QUESTION ABOUT WHETHER LONE STAR HAS THE ABILITY TO MAKE A BUSINESS OF IT, I WOULD SAY THAT THE WHEREWITHAL AND THE SAVVY THAT THEY HAVE SHOWN STARTING IN 2002, WORKING WITH THE CITY STAFF, PROPOSING THE RULE THAT WAS ADOPTED BY THE CITY COUNCIL, STAYING IN THERE AND BEING HERE TODAY SHOWS THAT THESE GUYS KNOW HOW TO HANG IN THERE AND HOW TO MAKE A GO OF THE BUSINESS. THE EVALUATION USED BY THE STAFF INCLUDES CRITERIA THAT YOU AS A CITY COUNCIL ARE REQUIRED TO CONSIDER IN MAKING YOUR DECISION, BUT IT DOESN'T INCLUDE EVERYTHING THAT YOU ARE REQUIRED BY THE YOUR ORDINANCES, BOTH OLD AND KNEW THAT YOU JUST ADOPTED TO CONSIDER. I WANT TO IF HE..... FOCUS ON TWO, CRIMINAL HISTORY AND PRINCIPLES OF THE APPLICANT. IT'S BEEN IN THE NEWS, I BELIEVE THAT YOU ALL ARE AWARE. I'M NOT GOING TO BELABOR THE RELEVANT CRIMINAL HISTORY OF THE PRINCIPLE OF CAPITAL CITY. IT SPEAKS FOR ITSELF. I WANT FOR FOCUS ON THE OTHER CRITERIA. THE EFFECT OF THE PROPOSED

SERVICE ON EXISTING TAXICAB SERVICES. LET ME ADD THAT APPARENTLY THE CRIMINAL RECORD WAS ESSENTIALLY DISREGARDED BY THE CITY STAFF IN DOING THEIR EVALUATIONS OF THE TWO HIGH SCORING APPLICANTS. IT WAS NOT A FACTOR IN THAT. I THINK IT'S AN APPROPRIATE FACTOR TO CONSIDER. ON THE EFFECT ON PROPOSED SERVICE, I THINK THAT CRITERIA DOESN'T GO TO ARE THERE GOING TO BE TOO MANY CABS ON THE STREET BECAUSE THE FORMULA ALREADY DETERMINES HOW MANY ADDITIONAL PERMITS ARE NECESSARY, HOW MANY YOU CAN AWARD. I THINK THE RELEVANT OH THINK WHAT'S RELEVANT IS HOW IS IT GOING TO AFFECT THE UNIQUELY ANTI-COMPETITIVE ATMOSPHERE THAT WE HAVE HAD IN AUSTIN, HAVE HAD FOR MORE THAN 20 YEARS. LONE STAR GOES STRAIGHT TO THE PROBLEM. BY BEING A DRIVER OWNED COMPANY THAT IS THERE TO -- TO BY ITS VERY NATURE, LAW AND INTENT GOING TO TAKE INTO CONSIDERATION THE INTEREST OF THE DRIVERS, THAT IS THE REMEDY TO THE PROBLEM THAT WE HAVE TODAY. I WANT TO TALK A LITTLE BIT ABOUT THE AUDIT THAT WAS DONE ON THE APPLICATIONS THAT WERE SUBMITTED. I DON'T INTEND TO HARP ON THAT, BUT I DO WANT TO TALK ABOUT THE PROCESS A LITTLE BIT. BOTH LONE STAR AND CAPITAL CITY SUBMITTED APPLICATIONS EARLY ON AT THE TIME THAT THE ORDINANCES PROVIDED THAT THE WINNER WOULD BE DECIDED BY A LOTTERY. WHEN THE URBAN TRANSPORTATION COMMITTEE RECOMMENDED A MERIT BASED EVALUATION, THE TWO COMPANIES WERE INVITED TO CITY REVISED OR AMENDED APPLICATIONS UNDER THAT NEW SYSTEM. LETTERS WENT OUT, COMPANIES WERE TOLD. IF THEY DON'T TIMELY APPLY, YOU WON'T BE CONSIDERED. LONE STAR TIMELY APPLIED. CAPITAL CITY DID NOT. CAPITAL CITY WAS PERMITTED TO MAKE A LATE APPLICATION. NOW I UNDERSTAND IN CONNECTION WITH THE AUDIT, THERE WAS SOME QUESTION ABOUT -- ABOUT WHETHER CAPITAL CITY OPENS PROPERTY THAT IT LISTED ON ITS FINANCIAL STATEMENTS SUBMITTED IN CONNECTION WITH THIS APPLICATION. AFTER THE LATE FILED APPLICATION WAS SUBMITTED, IN EFFECT IT LOOKS LIKE A LATE AMENDMENT OF

THAT APPLICATION. THE POINT IS FEEL LIKE WE ARE RUNNING UP HILL A LITTLE BIT THROUGH THIS WHOLE PROCESS SINCE 2002. YOU HAVE ALREADY HEARD FROM ONE OF MR. FODO'S DRIVERS, I EXPECT THAT YOU ARE GOING TO HEAR FROM QUITE A FEW MORE. I HAVE MET MR. FODO AND I FOUND HIM TO BE A GRACIOUS, VERY NICE MAN. I HAVE NO REASON TO SAY ANYTHING BAD ABOUT THE MAN AT ALL. I DO WANT TO POINT OUT, THAT, THAT YOU ARE NOT GOING TO SEE A LOT OF THE DRIVERS FROM LONE STAR AND HERE'S WHY, YOU WILL HEAR FROM SOLOMON CASA, ONE OF THE OFFICERS OF LONE STAR. HE HAS BEEN THE PUBLIC FACE SINCE 2003. THE FIRST TIME HE TALKED AT AN URBAN TRANSPORTATION COMMITTEE IN 2003, HIS CONTRACT WITH ONE OF THE THREE EXISTING CAB COMPANIES WAS SUMMARILY TERMINATED WITHIN DAYS OF HIS APPEARANCE AT THAT MEETING. I DON'T MEAN TO SUGGEST THAT MR. FODO OR CAPITOL CITY HAD ANYTHING TO DO WITH THAT. THE POINT WAS MADE TO THE DRIVERS, IF YOU ARE CURRENTLY A DRIVER FOR ONE OF THE EXISTING COMPANIES AND IT'S NO SECRET THAT THE EXISTING COMPANIES HAVE ALL BEEN ON THE RECORD AND THE URBAN TRANSPORTATION COMMISSION AND I THINK THEY WILL BE BEFORE YOU TODAY, THAT THEY FAVOR MR. FODO, THEIR SUBCONTRACTOR FOR THE AWARD OF THIS FRANCHISE. IT'S NOT SAFE FOR LONE STAR'S DRIVERS TO COME AND ADVOCATE FOR LONE STAR TODAY. [LAUGHTER]

FOLKS, LET HIM FINISH, PLEASE.

I'M SORRY, MAYOR.

PLEASE CONTINUE. I ALSO WANT TO POINT OUT ON THE ISSUE ON THE EFFECT OF PROPOSED EXISTING TEST CAB SERVICES, SINCE MR. FODO IS CURRENTLY I WILL CALL IT A SUBCONTRACTOR, I HAVE NO INFORMATION CERTAINLY, I'M NOT AWARE THAT ANYONE HAS PROVIDED ANY INFORMATION THAT THAT RELATIONSHIP WILL BE TERMINATED IF MR. FODO IS NOT GRANTED THE FRANCHISE. FOED, IF MR. FODO DOESN'T GET THE FRANCHISE, HE WILL PRESUMABLY CONTINUE TO

DO BUSINESS WITH 50 TO 60 TAXICABS. IF LONE STAR DOESN'T GET THE FRANCHISE, WE WILL NOT HAVE A DRIVER OWNED COMPANY. WE WILL NOT HAVE ANY FORM OF LONE STAR PROVIDING SERVICE IN AUSTIN. I WILL KEEP MY COMMENTS SHORT. I CONSIDERED URGING YOU TO KEEP AUSTIN WEIRD. LET THE DRIVERS TAKE A CRACK AT RUNNING THE BUSINESS. BUT THERE'S REALLY NOT ANYTHING WEIRD ABOUT THIS. AS DEMONSTRATED [BUZZER SOUNDING] DOES THAT MEAN MY TIME IS UP.

Mayor Wynn: YES IT DOES.

LONE STAR HAS SHOWN THE ABILITY TO MAKE THE BUSINESS. I URGE YOU TO AWARD THE FRANCHISE TO LONE STAR.

THANK YOU.

THANK YOU, MR. YOUNG. [ APPLAUSE ] OUR NEXT SPEAKER IS STEVEN COBEL, FOLLOWED BY JOHN BORGNER, FOLLOWED BY ROBERT LEE. THREE MINUTES, WELCOME.

COUNCIL, THANK YOU ONCE AGAIN FOR THE OPPORTUNITY TO SPEAK. IF I CAN KEEP IT BRIEF. I KNOW WE ARE ALL TIRED OF THE PROCESS AT THIS POINT. I'VE HAD A SIX YEAR RELATIONSHIP ARE ZACH FODO IT HAS NOTHING BUT A LIFE SAVING TYPE OF RELATIONSHIP. I'M IN THE FIFTH YEAR OF RECOVERY FROM HEAD, NECK, BACK, BRAIN SPINAL CORD INJURIES. I NEEDED HELP ALONG THE WAY, HE WAS THERE FOR ME. I TRY TO TAKE CARE OF THOSE THAT TAKE CARE OF ME. I HAD NO BONES TO PICK WITH ANY OF THE APPLICANTS BUT I DO FIND MYSELF TODAY IN AMAZEMENT. UNTIL THE LAST MONTH, I WAS NOT AWARE THAT LONE STAR CAB WAS, HAD ANY INTENTIONS OF BEING, BECOMING, A CO-OP. SOMEWHERE DURING THIS APPLICATION PROCESS IT'S COME FROM A PROFIT SHARING ARRANGEMENT NOW TO A CO-OP, WHICH I'M ON PUBLIC RECORD AS FAVORING. ALL THINGS BEING EQUAL. AND AT THAT POINT WHERE I PUT MYSELF ON RECORD, I HAD ALREADY AND BEFORE ANY KNOWLEDGE THAT THESE GUYS HAD APPLIED,



URGED ZACH FODO TO APPLY. HE WAS VERY RELUCTANT TO DO IT. BUT HE DID. I'M GLAD HE DID. I THINK THAT YOU WILL FIND THE VAST MAJORITY OF THE DRIVERS AND OWNER-OPERATORS ON ALL OF THE FLEETS COMBINED ARE ALSO GLAD HE DID. THAT'S THE SUBSTANCE OF MY ISSUES. [ APPLAUSE ]

THANK YOU. JOHN BORGNER, THANK YOU, JOHN, FOLLOWED BY ROBERT LEE, FOLLOWED BY MERRIAM WILLCO. WELCOME.

GOOD MORNING, MAYOR, MAYOR PRO TEM, MEMBERS OF THE CITY COUNCIL. I THANK YOU FOR THIS OPPORTUNITY THAT YOU ARE GIVING ME TO SPEAK. I HAVE KNOWN ZACH FODO FOR CLOSE TO 20 YEARS. I DIDN'T DRIVE FOR HIM UNTIL LIKE THREE YEARS AGO, BUT I MET HIM WHEN HE WAS A CAB DRIVER. HE'S BEEN THROUGH EVERY FACET OF THIS OPERATION, I PAY CONSIDERABLY MORE THAN 200 SOME ODD DOLLARS LIKE HE WAS TALKING ABOUT, I PAY \$400 A WEEK. PLUS MY GASOLINE IS USUALLY SOMEWHERE AROUND 48 TO \$50 A DAY. THAT'S BEFORE I MAKE MY FIRST DIME. YOU SEE. SO -- SO I REALLY -- I HAVE BEEN DOING THIS FOR 19 YEARS. I MAKE A FAIR LIVING. I CAN'T LIVE IN A IMAGINE OR ANYTHING LIKE THAT. BUT I'M HAPPY IN MY LITTLE DUPLEX. AND ZACH FODO IS A FAIR MAN. HE WILL WORK WITH YOU WHEN YOU ARE -- WHEN YOU START HAVING A FEW PROBLEMS. YOU KNOW, HE DON'T JUST SAY MAN GIVE ME MY MONEY, YOU KNOW. HE WILL WORK WITH YOU AND LET YOU LIVE WHILE YOU ARE PAYING HIM. THAT'S IMPORTANT TO CAB DRIVERS BECAUSE THERE ARE SLOW TIMES. EVEN THE VETERANS, YOU KNOW, GET BEHIND SOMETIMES. BUT I THINK ZACH FODO IS THE BEST OF THE GROUP.

HE HAS A LOT OF EXPERIENCE WHERE IT COUNTS. THAT'S ALL THAT I HAVE TO SAY, GOD BLESS YOU GUYS FOR YOUR TIME. ROBERT LEE.

MAYOR WYNN, MAYOR PRO TEM, DISTINGUISHED COUNCILMEMBERS, LADIES AND GENTLEMEN, I'M ROBERT E. LEE. I STAND BEFORE YOU TO ASK FOR ZACH FODO TO BE AWARDED THE TAXICAB FRANCHISE, SINCE 1988 I HAVE BEEN A MEMBER OF

THE CAB DRIVERS FRATERNITY. FIRST AS A LEASEE WITH AMERICAN CAB, AT PRESENT AS AN OWNER-OPERATOR WITH AUSTIN CAB COMPANY. THIS JOURNEY TO OWNER-OPERATOR WENT THROUGH ZACH FODO. ONE OF THE PRINCIPALS OF THE CAPITAL CITY CAB COMPANY. NUMEROUS FELLOW DRIVERS HAVE BECOME DRIVERS THROUGH THIS SAME METHOD. I MENTION THIS ALONG WITH LEASING, FINANCING ABOUT 65 CABS OR MORE WITH THE EXISTING FRANCHISE HOLDERS, CAPITOL CITY CAB HAS BEEN OPERATING A CAB COMPANY. CAPITAL CITY CAB JUST NEEDS A FRANCHISE AGREEMENT. THE CITY OF AUSTIN HAS A VACANT TAXICAB FRANCHISE. CAB TALL CITY CAB HAS THE CAB COMPANY. SEEMS LIKE A SLAM DUNK TO ME. WITH ALL DUE RESPECT, THIS APPLICATION PROCESS HAS DRAGGED ON FOR MORE THAN SEVEN MONTHS, NUMEROUS CAB DRIVERS ARE BEING HELD IN LIMBO. IT IS ALSO BECOME A COMMON PRACTICE FOR ONE CAB COMPANY TO ROUTINELY TELL CUSTOMERS OF A ONE HOUR OR THREE HOUR WAIT FOR A CAB. THE CITIZENS OF AUSTIN DESERVE BETTER. THE PROCESS, STANDARDS HAVE BEEN SET, THE TENTS HAVE BEEN MET, THE DECISION NEEDS TO BE MADE. THE CORRECT DECISION IS TO AWARD THE NEXT TAXICAB FRANCHISE AGREEMENT TO CAPITAL CITY CAB. IN CLOSING MAY I ADD IN THE SPIRIT OF THIS CITY BEING DESIGNATED AND KNOWN AS THE LIVE MUSIC CAPITOL OF THE WORLD, I CAN IMAGINE THE WORDS OF THE IMMORTAL MARVIN GAY WERE HE HERE TODAY AS HE WOULD SAY, BRING ON CAPITAL CAB AND LET'S GET IT ON. [ APPLAUSE ]

THANK YOU, MR. LEE. MERRIAM WILLCO. WELCOME, A NUMBER OF FOLKS WANT TO DONATE TIME TO YOU. IS GLEN COLLINS IN THE ROOM? GLEN, HOW ABOUT ROBERT BOND? ROBERT BOND OR -- OR ALI ZEDE. SORRY IF I'M MISPRONOUNCING THAT. OUR RULES ARE THAT FOLKS NEED TO BE PRESENT IN THE CHAMBERS IN ORDER TO DONATE TIME. SO LOOKS LIKE YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. UNLESS YOU CAN FIND ANOTHER --

THERE HE IS RIGHT THERE.

ALI.

NINE MINUTES, WELCOME.

MAYOR WILL WYNN, MAYOR PRO TEM BETTY DUNKERLY, COUNCILMEMBERS LEE LEFFINGWELL, BREWSTER MCCracken, JENNIFER.

...KIM, SHERYL COLE AND MIKE MARTINEZ. I STAND BEFORE YOU TODAY TO REPRESENT THE UNITED CAB DRIVERS ASSOCIATION AS PRESIDENT AND ALL CAB DRIVERS THAT SUPPORT CAPITAL CITY CAB. ROY'S TAXI SOLD TO YELLOW CAB CLOSING ITS DOORS FOREVER. THEIR LAST DAY OF SERVICE WAS AUGUST THE 6th, 2006. BEFORE THE SALE WAS FINAL, CITY COUNCIL HEARD MANY VOICES FROM CAB DRIVERS THAT FELT THIS WOULD CREATE MAJOR PROBLEMS. THEREFORE COUNCIL INSTRUCTED STAFF TO PURSUE A THIRD FRANCHISE. HOWEVER THE SELECTION PROCESS WAS BY LOTTERY. AFTER CLOSE REVIEW BY ALL PERSONS CONCERNED, IT DEEMED NECESSARY TO ESTABLISH A MORE QUALIFIED STANDARD FOR THE EVALUATION PROCESS. SO UTC ORGANIZED A PANEL WHICH WOULD CONSIST OF ALL NEW FRANCHISE APPLICANTS, LONE STAR, LONGHORN AND CAPITAL CITY CAB. PRESENTLY OWNED FRANCHISE HOLDERS, YELLOW CAB REPRESENTED BY JOHN CONNALLY, AUSTIN CAB BY BERTHA MEANS AND THE UNITED CAB DRIVERS ASSOCIATION PRESIDENT AND SEVERAL OF ITS MEMBERS. REPRESENTATIVES FROM ADAPT AND ANY CONCERNED DRIVER. AFTER A MONTH CRITERIA WAS FORMED AND ALL WHO PARTICIPATED AGREE THAT IT WAS A FAIR PROCESS. IT WAS ENDORSED BY THE UTC AND FORWARDED TO THE CITY COUNCIL FOR REVIEW. CITY COUNCIL, ALONG WITH THE CITY ATTORNEYS AGREED THAT CERTAIN AREAS SHOULD BE REMOVED BECAUSE IT WAS TOO BROAD AND COULD FOR THE BE SUPPORTED AT THIS PARTICULAR TIME. THE SAME SAID PANEL MADE NECESSARY CHANGES AS INSTRUCTED AND SUBMITTED THE CRITERIA BACK TO THE CITY

COUNCIL FOR REVIEW AND CITY COUNCIL DID HEREBY APPROVE THE CRITERIA. NOW, I DON'T UNDERSTAND WHY WE HAVE ALL OF THE FUSS BECAUSE PERSONS CONCERNED WERE IN THE MAKING. AFTER CLOSE REVIEW BY THE CITY STAFF, CAPITAL CITY WAS SELECTED AS THE MOST EXPERIENCED AND QUALIFIED. AND INASMUCH AS WE WOULD ALL LIKE TO BE WINNERS, THERE MUST BE A LOSER. THE RECENT WEEKS NEGATIVE PUBLICITY EMBRACED THE MEDIA ABOUT ZACH FODO. MANY OF US STOPPED BY TODAY TO GIVE OUR UTMOST SUPPORT TO THE BUSINESS TYCOON ZACH FODO. WE WERE MORE THAN HAPPY TO HEAR THAT ZACH COULD WALK INTO A BANK AND SECURE A LOAN FOR \$300,000. CAB DRIVERS REJOICED BECAUSE NOW WE KNOW FOR SURE THAT HE'S -- HE HAS NO FINANCIAL PROBLEMS. BUT ACTUALLY WE DIDN'T FEEL AFRAID AT ALL BECAUSE IF YOU KNOW ZACH, YOU QUACH HIM WATCH HIM COUNT HIS MONEY, ONE, TWO, THREE FOUR FIVE, HE'S GOING TO MAKE FOR SURE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

ZACH'S DROAM IS.....'S DREAM IS TO HAVE ONE OF THE BEST CAB COMPANIES IN AMERICA. WHAT MAKES HIS DREAM DIFFERENT? HE STANDS FOR ALL MEN AND WOMEN, BLACK, WHITE, ASIAN, HISPANIC, NIGERIAN, JEWS, GENERAL.....AGAIN.....GENTILES, ALL PEOPLE. HE WANTS BETTER RELATIONSHIP WATER AND WASTEWATER ADMINISTRATION AND THE DRIVERS. EDUCATIONAL PROGRAMS DESIGNED FOR CAB DRIVERS WITH CERTIFIED APPROVAL THROUGH A.C.C. COMMUNITY COLLEGE. AND AFFORDABLE LEASE AND TERMINAL FEES. ZACH HAS A DREAM THAT ONE DAY TAXI DRIVERS WILL RISE ABOVE THE PITFALLS OF BEING NON-APPRECIATED AND VIEWED AS SOMEBODY. CAPITOL CITY CAB WILL MAKE A DIFFERENCE IN AUSTIN, TEXAS. IF YOU SUPPORT CAPITOL CITY CABS, PLEASE STAND. AND IF YOU'RE STANDING, WAVE YOUR HANDS. THANK YOU. [ APPLAUSE ] IS CLAP

Mayor Wynn: THANK YOU, MIRIAM. OUR NEXT SPEAKER IS KENNETH GRANT. KENNETH GRANT SIGNED UP WISH TO GO SPEAK. WELCOME, MR.

GRANT. YOU WILL BE FOLLOWED BY ROBERT PHAT,  
WHO WILL BE FOLLOWED BY RON MEYER.  
WELCOME, SIR.

HELLO, MAYOR WYNN, PRO TEM MAYOR  
DUNKERLEY, COUNCILMEMBERS. MY NAME IS  
KENNETH GRANT. I'M THE OPERATIONS MANAGER  
FOR AUSTIN CAB COMPANY. I COME HERE TODAY  
ON BEHALF OF MR. ZACH FODO. I'VE KNOWN MR.  
FODO SINCE 1996. HE HAS BEEN IN THE TAXI CAB  
BUSINESS LONG BEFORE I'VE KNOWN HIM. DURING  
THE TIME I'VE KNOWN HIM HE HAS CONSTANTLY  
HAD A STRONG WORK ETHIC, DEDICATED TO  
SUCCESS. HE'S ALL BEEN PROFESSIONAL AND  
HONEST. I THINK HE HAS DEVELOPED AND WILL  
SUCCESSFULLY IMPLEMENT A HIGH QUALITY PLAN  
TO HAVE A CAB FRANCHISE IN AUSTIN, TEXAS.  
THERE'S NO DOUBT HE WILL MAKE AN EXCELLENT  
FRANCHISE HOLDER. I WAS A TAXI CAB DRIVER  
MYSELF ABOUT 10 YEARS AGO, AND BEING A TAXI  
CAB DRIVER IS NO EASY TASK. AND I WATCHED MR.  
FODO ON MANY OCCASIONS HELP DRIVERS WITH  
ADVICE AND SUPPORT. HE'S ALWAYS BEEN THERE  
FOR THEM AND IN MORE WAYS THAN ONE. HE'S  
COMFORTABLE IN THE ROLE OF HELPING AND  
GIVING ADVICE. I'VE KNOWN HIM TO WORK FROM  
SUNRISE TO BEYOND SUNSET, SOMETIMES SIX  
TIMES, SEVEN TIMES A WEEK. THIS NOT ONLY IN MY  
JUNLT SHOWS COMMITMENT, BUT ALSO  
LEADERSHIP FROM MR. FODO. I UNDERSTAND THAT  
CAPITOL CITY CAB IS ELIGIBLE FOR THE FRANCHISE  
AWAR, BUT IT MUST TERMINATE ITS EXISTING  
RELATIONSHIPS WITH ALL OTHER TAXI CAB  
FRANCHISES AS A RESULT. THE ONLY  
RELATIONSHIP THAT CAPITOL CITY CAB HAS WITH  
AUSTIN CAB IS AN OWNER-OPERATOR OF MULTIPLE  
CABS THAT PAY TERMINAL FEES. THE CABS ARE  
OWNED AND ARE ASSETS OF CAPITOL CITY CAB  
AND THEY ARE LEASED TO DRIVERS. BOTH AUSTIN  
CAB AND YELLOW CAB HAVE MULTIPLE OWNER-  
OPERATORS WITH SIMILAR RELATIONSHIPS AND  
THIS IS NO NRL OR UNCOMMON PRACTICE IN THE  
TAXI CAB INDUSTRY. THE OWNER-OPERATOR  
STATUS OF CAPITOL CITY CAB OR ANY OTHER PART  
OF CAPITOL CITY CAB'S CURRENT BUSINESS WITH  
AUSTIN CAB VIOLATES SECTION 13231, OF THE CITY

CODE. NONETHELESS, CAPITOL CITY CAB HAS  
DRNLD ON ITS OWN LONG AGO THAT IT WOULD  
TERMINATE ANY RELATIONSHIP AND WOULD DO SO  
VOLUNTARILY SO THAT IT CAN DEVOTE ALL OF ITS  
RESOURCES AND EFFORTS TO THE SUCCESS OF ITS  
OWN FRANCHISE FOVMEN THE REASONS I'VE  
MENTIONED AND SOME I SFROINT LACK OF TIME, I  
HIGHLY RECOMMEND, ZACH FODO, CAPITOL CITY  
CAB, BE AWARDED THE NEW TAXI CAB FRANCHISE.  
THANK YOU. [ APPLAUSE ]

ROBERT PHAFF SIGNED UP NOT WISHING TO SPEAK,  
IN FAVOR.

GOOD MORNING. MY NAME IS RON MEYER. I AM THE  
CERTIFIED PUBLIC ACCOUNTANT FOR CAPITOL CITY  
CAB. THE FIRM WHERE I WORK PARTICIPATES IN  
THE AICPA PEER REVIEW PROGRAM. THIS IS WHAT  
ALLOWS US TO DO FINANCIAL STATEMENT AUDITS.  
I DID PREPARE THE AUDIT FOR CAPITAL CITY CAB  
THAT WAS SUBMITTED AS PART OF ITS  
APPLICATION FOR TAXI CAB FRANCHISE. I ALSO  
RESPONDED TO REQUEST FOR FLMPLS THE CITY  
AUDITOR'S OFFICE. AS A RESULT OF BOTH THE  
GENERALLY ACCEPTED ACCOUNTING PRINCIPLES  
THAT WE APPLY IN CONDUCTING AN AUDIT AND  
THE PROCEDURES PERFORMED IN THE CITY  
AUDITOR'S INQUIRY, I CAN SAY THAT WE  
ACCURATELY REPORTED CAPITAL CITY'S FINANCES  
AS OF THE DATE OF APPLICATION. WE HAVE  
APPLIED A CONSISTENT APPROACH. THE CITY  
AUDITOR RAISED TWO PRIMARY QUESTIONS. ONE,  
DID CAPITAL CITY OWN THE PROPERTY ON AIRPORT  
BOULEVARD AT THE TIME OF THE APPLICATION.  
SECOND, COULD THE VALUE OF ITS CARS BE  
VERIFIED? THE ANSWER TO BOTH OF THESE  
QUESTIONS IS YES. AS TO THE PROPERTY, MR. FODO  
TRANSFERRED THAT IN JUNE OF 2006. WHILE IT WAS  
NOT DONE IN THE FORM OF A DEED RECORDED IN  
THE DEED RECORDS, IT WAS DONE IN ACCORDANCE  
WITH REQUIREMENTS OF THE TEXAS PROPERTY  
CODE AND STATE LAW, AND WAS VALIDITY  
TRANSFERRED. THIS THEREFORE MEETS OUR AUDIT  
OBJECTIVES OF EXISTENCE, COMPLETENESS,  
RIGHTS, VALUATION AND PRESENTATION. THE  
APPLICATION WAS THEREFORE ACCURATE AND

RESPONSIVE ON THAT POINT. AS TO THE VALUE OF THE CARS, TO BE CONSERVATIVE WE USED THE TRAVIS CENTRAL DISTRICT PROPERTY TAX VALUE AS THE BASIS FOR THE VALUE OF THE CARS. IT TURNS OUT THAT TWO OF THE CARS OWNED BY CAPITAL CITY CAB WHERE THERE WERE OVER 45 AT THE TIME THE TCAD VALUATION HAD BEEN REPLACED BY THE TIME THAT THE PEOPLE WAS SUBMITTED TO THE CITY. WE THEN PERFORMED THE SEPARATE ANALYSIS OF THE CARS USING THE KELLY BLUE BOOK AND NADA RESOURCES AND FOUND THAT WE HAVE ACTUALLY A HIGHER VALUE UNDER THAT SYSTEM. THE APPLICATION WAS THEREFORE RESPONSIVE AND THAT IT CORRECTLY IDENTIFIED THE CARS CURRENTLY OWNED AND THE VALUE OF THOSE CARS WITH AT LEAST WHAT REPRESENTED. FINALLY, IN THE AUDITOR'S REPORT ON THE ISSUE OF POTENTIAL LIEN ON THE PROPERTY IF A CREDIT LINE IS UTILIZED, OF COURSE THE CREDIT LINE, IF IT WAS DRAWN ON, WOULD INCREASE THE ASSETS AND INCREASE THE LIABILITIES, THRBOLD NO CHANGE IN THE EQUITY OF CAPITAL CITY CAB THAT WE WERE SHOWING. ONCE AGAIN, WE JUST DISCLOSED THE LINE OF CREDIT AS WE NEEDED TO WITH OUR GUIDELINES AND WE FEEL THAT YOU SHOULD TAKE THIS IN ACCOUNT WHEN YOU'RE LOOKING AT THE ISSUES. I THANK YOU FOR YOUR TIENL. TIME. [ APPLAUSE ]

Mayor Wynn: THANK YOU, MR. MEYER. ZACH FODO? WELCOME, MR. FODO. LET'S SEE, A NUMBER OF FOLK SIGNED UP WISH TO GO DONATE TIME TO YOU. I SUSPECT THAT THE MAXIMUM OF FOUR FOLKS ARE HERE AND WOULD GLADLY DO THAT, SO YOU WILL HAVE UP TO 15 MINUTES IF YOU NEED IT. WELCOME.

GOOD MORNING, HONORABLE MAYOR, HONORABLE MAYOR PRO TEM BETTY DUNKERLEY AND HONORABLE COUNCILMEMBERS. MY NAME IS ZACH PHOTO. I'M THE PRESIDENT OF CAPITAL CITY CAB. I AM PRIVILEGED TO STAND IN FRONT OF YOU AND TELL YOU ABOUT MYSELF, EXPRESS THE HUMBLE GRANT..... GRATITUDE FOR THE SUPPORT I HAVE BEEN GIVEN AND ALSO PLEDGE MY

(INDISCERNIBLE) TO YOU AND THE CITIZENS OF THIS CITY. I'M AN IMMIGRANT FROM AFRICA AND CAME TO THE UNITED STATES IN 1986. BEFORE I CAME TO THE UNITED STATES I WORKED FOR SEVERAL YEARS IN AFRICA IN VARIOUS MANAGERIAL POSITIONS. I CAME TO AUSTIN IN 1987 AND I STARTED TO DRIVE A CAB AND BECAME A MULTIOWNER-OPERATOR, AND CONTINUED TO GROW, STARTED TO SERVICE MY TAXI CABS, ALSO WORK ON OTHER OWNER-OPERATOR'S VEHICLES. I ALSO EXPANDED MY BUSINESS TO FINANCE SOME TAXI CABS. IN MY 26 YEARS' EXPERIENCE IN THIS INDUSTRY, IT HAS HELPED ME TO KNOW A LOT OF HARD WORKING THESE DRIVERS, OWNER-OPERATORS, FRANCHISE EES AND ALSO MYSELF WITH THE CITY REQUIREMENTS. I CONDUCTED MY BUSINESS IN A RESPONSIBLE AND HONEST WAY. I BELIEVE MY HARD WORK -- I BELIEVE IN HARD WORK AND TREAT PEOPLE FAIRLY. I'M GRATEFUL TO ALL THOSE HERE TODAY WHO CAN CONFIRM THAT. I ALSO HAVE PETITIONS SIGNED BY OVER 100 DRIVERS WHO SUPPORT MY APPLICATION. AND I FEEL I AM THE MOST QUALIFIED CANDIDATE. IT IS TRUE I'M NOT PERFECT. I HAVE MADE MISTAKES AND -- I HAVE MADE MISTAKES IN MY LIFE AND I REGRET, BUT I HAVE ALWAYS TRIED TO IMPROVE AS A PERSON AND AS A BUSINESSMAN. DESPITE THESE MISTAKES, I HAVE ALSO BEEN A RESPONSIBLE AND HONEST BUSINESSMAN. I TAKE THE RESPONSIBILITY OF A FRANCHISE AWARD VERY, VERY SERIOUSLY. IF YOU AGREE WITH THIS AND THE RECOMMENDATION TO APPROVE ME AS THE MOST QUALIFIED APPLICANT, I PLEDGE TO YOU AND THE CITIZENS OF THIS CITY THAT I WILL DO EVERYTHING THAT A PERSON CAN POSSIBLY DO TO MAKE CAPITAL CITY CAB THE BEST COMPANY IN FIEWN ITS CITIZENS AND DRIVERS. THANK YOU. GOD BLESS. [ APPLAUSE ]

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Mayor Wynn: THANK YOU, MR. FODO. [ CHEERS AND APPLAUSE ] NEXT SPEAKER IS JEFF HOWARD. WELCOME MR. HOWARD. AND YOU WILL BE FOLLOWED BY HENRY.



GOOD MORNING, COUNCILMEMBERS. MY NAME IS JEFF HOWARD. I'M HERE TODAY ON BEHALF OF CAPITAL CITY CAB. AND TO BRING YOU BACK TO THE CRITERIA, THE CRITERIA WAS THE RESULT OF MANY, MANY MONTHS OF DISCUSSION, MANY, MANY PUBLIC MEETINGS. THE CRITERIA OR THE RESULT IN A LARGE PART OF CONSENSUS BY THE APPLICANTS, THERE WAS A FEW ITEMS THAT WERE DISCUSSED, BUT BY AND LARGE THOSE WERE CONSENSUS AMONG THE MEMBERS. THEY WERE BROUGHT BEFORE THIS COUNCIL, WHICH TO YOUR CREDIT -- AND I WANT TO THANK YOU FOR YOUR THOUGHTFUL CONSIDERATION OVER THIS ISSUE OVER MANY, MANY YEARS. COUNCIL, TO YOUR CREDIT, LOOKED AT THOSE CRITERIA VERY CAREFULLY. YOU MADE CHANGES TO THOSE CRITERIA FROM INDICT..... THE DAIS. IN FACT, YOU ELIMINATED CREDIT RECORDS. I THINK THAT WAS PRIMARILY AS A RESULT OF SOME CONCERNS ABOUT WHAT THAT MIGHT MEAN FOR LONE STAR AND THEIR CO-OP PROPOSAL. AND SO I THINK THAT COUNCIL CAREFULLY CONSIDERED THOSE REQUIREMENTS, WHICH INCLUDED A CRIMINAL HISTORY REQUIREMENT, WHICH INCLUDED A FINANCIAL RESOURCES REQUIREMENT, RELATED EXPERIENCE REQUIREMENT, AND A WHOLE HOST OF OTHER ITEMS. AN EVALUATION PANEL WAS CREATED WITH PROFESSIONALS, INCLUDING AN ACCOUNTANT. IT INCLUDED PEOPLE WHO ARE UNBIASED AND DISINTERESTED. AND AS A RESULT THAT HAVE PROCESS, MY CLIENT WAS DETERMINED TO BE THE MOST QUALIFIED. I THINK THE SYSTEM THAT YOU HAVE PUT IN PLACE HAS WORKED. AND I THINK IT HAS RESULTED IN SELECTING THE PERSON WHO IS THE MOST QUALIFIED. I THINK YOU'RE HEARING THAT FROM THE COMMUNITY AS WELL. THERE'S BROAD COMMUNITY SUPPORT FOR MY CLIENT AND IT'S NOT JUST THE DRIVERS WHO HAVE HAD A RELATIONSHIP WITH MR. FODO. THERE'S A PETITION WITH OVER 180 SIGNATURES SIGNED BY DRIVERS. NOT ALL OF THEM HAVE A RELATIONSHIP WITH MR. FODO. MANY, MANY DO NOT. THERE'S ALSO BEEN SUPPORT FROM THE SPECIAL NEEDS COMMUNITY, HAS WRITTEN LETTERS THAT THEY'VE MET WITH MR. FODO, HAVE SEEN HIS PLANS AND COMMEND THOSE PLANS. I WANT TO ADDRESS JUST

A COUPLE OF POINTS THAT MR. YOUNG MADE. HE MENTIONED THAT CAPITOL CITY.....CAPITAL CITY WAS IN EFFECT A SUBCONTRACTOR. THAT'S NOT AN UNUSUAL CIRCUMSTANCE. HE'S A MULTIPLE OWNER-OPERATOR. THERE ARE SEVERAL OF THOSE. IT'S NOT AN UNUSUAL BUSINESS PRACTICE. ALTHOUGH HE DIDN'T REALLY WANT TO TALK ABOUT THE CRIMINAL HISTORY, HE DID SAY IT WAS DISREGARDED. IT WAS NOT DISREGARDED. THE CRIMINAL HISTORY WAS A REQUIREMENT THAT'S IN THE CRITERIA. IT WAS LOOKED AT BY STAFF. IT WAS DISCUSSED. CRIMINAL HISTORY WAS DISCUSSED AMONGST THE STAKEHOLDER PANEL. THE CRIMINAL HISTORY, THE WAY WE DEAL WITH THE CRIMINAL HISTORY WAS A CONSENSUS ITEM. NOBODY DISAGREED WITH HOW THAT WAS TO BE HANDLED. THAT WAS BROUGHT BEFORE THIS COUNCIL AND THIS COUNCIL ADOPTED THAT. [ BUZZER SOUNDS ] THERE ARE SOME OTHER COMMENTS THAT HE HAD MADE THAT I THINK ARE INCORRECT. I THINK ACCOMMODATIONS HAVE BEEN MADE TO ALL OF THE PARTICIPANTS. THEY'VE ALL HAD A FAIR OPPORTUNITY TO PARTICIPATE. SO I THINK AT THE END OF THE DAY FAIRNESS REQUIRES AND I THINK THE PROCESS HAS BORNE OUT THAT CAPITAL CITY CABS IS THE MOST QUIEWLFIDE. WE URGE YOUR SUPPORT. I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

Mayor Wynn: THANK YOU. QUESTIONS OF MR. HOWARD. THANK YOU, SIR. CHAP CLAP..... [ APPLAUSE ] HENRY OH IS OUR NEXT SPEAKER. I THINK THAT'S BETTER THAN ME MISS PRO NOWNGS YOUR LAST NAME. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY SOLOMON CASA.

Martinez: TOIPT ASK TECHNICAL SUPPORT FOR THEY CAN COME IN HERE. MY COMPUTER CRASHED AGAIN AND IT'S BEEN DOWN FOR ABOUT HALF AN HOUR.

HONORABLE MAYOR HE, , COUNCILMEMBERS, DISTINGUISHED LADIES AND GENTLEMEN. MY NAME IS HENRY. (INDISCERNIBLE) THE MAYOR WAS

NOT ABLE TO PRONOUNCE IT. THAT IS WHY SHE RING BELL. THREE WEEKS AGO I WROTE TO YOU INDIVIDUALLY ABOUT THIS CASE ON WHICH WE ARE TODAY. I AM NOT A GOOD SPEAKER. PROBABLY THAT'S WHY NOBODY GIVES TIME TO ME. [ LAUGHTER ] AND PROBABLY THAT'S WHY I WROTE TO YOU TO EXPRESS OR TO TELL YOU IN DETAIL THE REASON WHY WE ARE HERE TODAY. THERE IS NO QUESTION THAT I AM HERE FOR ZACH FODO. I'VE KNOWN HIM FOR A LONG TIME, SINCE 2001. I HAVE ALSO BEEN IN CONTACT WITH YOU DIRECTLY OR INDIRECTLY BECAUSE I WAS A JUDICIAL ASSISTANT OF MUNICIPAL COURT. SOME YEARS AGO I'VE BEEN THERE WHEN YOU SEND US JUDGES AND WHEN YOU TAKE OUT JUDGES. SO I APPLAUD Y'ALL, THE USE OF YOUR GOOD OFFICES TO MAKE JUDGMENTS. SO I AM APPEALING TO YOU WITH MY LITTLE TIME TO USE YOUR GOOD OFFICES, SET SOME POLITICS -- I KNOW THERE ARE PEOPLE IN EVERYTHING WE DO IN LIFE, BUT IN THIS CRUCIAL TIME, PLEASE, I BEG YOU TO USE YOUR GOOD OFFICE TO ASK FODO TO TAKE UP THIS MANTEL. MR. FODO HAS HAD A LOT OF DRIVERS. WE DRIVE FOR HIM TO PAY HIM MONEY, BUT MOST OF THE TIME WHEN WE'RE (INDISCERNIBLE), HE WILL DIG INTO HIS POCKET TO HELP US OUT AND OUR FAMILY AND ASK US TO PAY WHEN WE CAN. THAT IS I THINK THE WAY IT SHOULD BE. SOMEBODY SAID ABOUT TWO FRANCHISES AND SUBCONTRACTOR THAT HAS BEEN ZACH FODO. LOOK AT THAT, WE HAVE TWO ALREADY, AUSTIN AND YELLOW. AND A THIRD ONE, WHICH IS ZACH FODO. AND THE OTHER ONE HASN'T BEEN A SUB OR ANYTHING. SO HOW CAN WE JUMP FROM A SUB TO SOMEBODY BELOW. THINK OF THAT, LADIES AND GENTLEMEN. THAT IS ALL I HAVE TO TELL YOU. THANK YOU VERY MUCH. [ BUZZER SOUNDS ]

Mayor Wynn: THANK YOU, HENRY. [ APPLAUSE ] LET'S SEE, SOLOMON CASA, WELCOME. A NUMBER OF FOLK WERE DONATING TIME TO YOU.

I CAME ADDRESSING THE ISSUE OF TAXI CAB, WHENEVER THE TAXI CAB ISSUE COMES BEFORE. SO FIVE YEARS AGO WHEN THERE ARE ONLY THREE COMPANIES, LONE STAR CAB COMPANY WAS THE

FIRST TO PROPOSE, PROMOTE IN THIS TAXI CAB AND ALSO BENEFIT THE CITIZENS OF AUSTIN. IF YOU COMPARE THE CITY OF EXACTLY THE SAME SIZE WITH AUSTIN, THERE'S A LOT OF CAB COMPANY AND THE NUMBER OF CAB COMPANIES WOULD PROMOTE COMPETITION AND THE CITIZENS WOULD BENEFIT IN GETTING BETTER SERVICE. AT THE SAME TIME IT IS BETTER FOR DRIVERS TO SWITCH FROM COMPANIES TO COMPANIES. WHEN THE NUMBER OF CAB COMPANIES IS (INDISCERNIBLE), THE HARDSHIP FALLS ON THE DRIVER BECAUSE THEY DON'T HAVE MUCH CHOICES AND AT THE SAME TIME THERE IS NO COMPETITION IN IS DETERMINING (INDISCERNIBLE) FOR DRIVERS. SO THIS IS ONE OF THE REASON WHY LONE STAR CAB COMPANY APPLIED FOR FRANCHISE FIVE YEARS AGO. FIVE YEARS AGO OUR VISION WAS AND STILL IS TO BECOME A WIDELY RESPECTED AND BEST TAXI SERVICE PROVIDER, PROVIDE HIGH QUALITY SERVICE TO OUR CITIZENS, RESPOND QUICKLY TO TECHNOLOGY, CONTINUE TO INVEST TIME AND MONEY IN MARKETING AND ADVERTISING, CREATE A SAFE AND HEALTHY WORK CONDITION FOR THE DRIVERS. PROMOTE PROFESSIONALISM IN THE DRIVING BUSINESS AND EMPOWER THE DRIVERS AND HAVE EQUITY IN THE CAB COMPANY. AT THE SAME TIME GIVE THE CITIZENS OF AUSTIN A DIFFERENT (INDISCERNIBLE). WE STRIVE TO HAVE THE CUSTOMER'S PICKUP AND DROP OFF TIME PERFORMANCE FROM THE TIME THEY ARE PICKED UP UNTIL THE FINAL DESTINATION. CREATE A DRIVER FRIENDLY MANAGEMENT. STATE-OF-THE-ART COMPUTERS, WORKING AS A TEAM AND USING THE CUTTING EDGE TECHNOLOGY. HAVING THIS IN MIND, LONE STAR INITIATED THIS COMPANY, PUT MONEY TOGETHER AND WE BECAME STWEAL..... ACTUALLY INCORPORATED IN 2002. SO THE BACKBONE OF ANY COMPANY IS THE FINANCIAL ARRANGEMENT. SO WHAT LONE STAR COMPANY DID WAS WE HAVE TO RAISE THIS AMOUNT OF MONEY WHICH WAS CALCULATED TO ONE MILLION DOLLARS. SO AS OF TODAY WE HAVE SOLD HALF OF THE SHARES TO THESE INVESTORS OR TO THESE CAB DRIVERS, SO THIS IS HOW WE CAN GET TO THIS COMPANY'S FUNDING. IN THE MEANTIME I WOULD

LIKE TO EXPRESS THAT LONE STAR CAB COMPANY REMAINED VERY CONSERVATIVE ON ITS (INDISCERNIBLE). FOR EXAMPLE, THE RECORDS OF THE DRIVERS WAS NOT INCLUDED IN THE FINANCIAL ASSESSMENT. AND AT THE SAME TIME AN ACCOUNT OF PERSONAL PROPERTY OF THE COMPANY'S ASSETS. FOR INSTANCE, THERE ARE SHAREHOLDERS THAT HAVE PAID OFF HOUSES OR COMERNL PROPERTY, WHICH WE DO NOT CLUVMENT AS OF TODAY WHAT -- AS OF TODAY WHAT WE HAVE IS WHAT IS IN THE BANK AND THE LIQUID ASSETS. COMPARED TO OUR LIQUID ASSETS, WE HAVE MORE THAN ENOUGH TO START OR TO COVER OUR EXPENSES. SO WE DON'T ANTICIPATE ANY SHORTCOMING IF WE HAVE TO START THE BUSINESS. WHEN IT COMES TO (INDISCERNIBLE), LONE STAR CAB COMPANY WAS CUTTING EDGE SYSTEM. THE BENEFIT FROM THIS IS OBVIOUSLY, IT PROMOTES PICKUP TIMES AND ALSO WE KNOW WHERE OUR DRIVERS ARE AT ANY GIVEN POINT. AND ALSO TO DELIVER THE NECESSARY SERVICES AT A GIVEN TIME. LONE STAR PROPOSED THIS KIND OF SERVICE IN 2002. WE WERE PROPOSING THIS COMPUTER DISPATCH SYSTEM SINCE 2002 AND THE MAIN REASON IS WE WANT TO INVEST IN THE FUTURE. WE WANT TO CREATE A COMPANY THAT WOULD STRONGLY STAY IN THE BUSINESS. AND FINALLY WHAT I WOULD LIKE TO SAY IS ONE OF THE PROPOSED SERVICE PLAN IN LONE STAR PARS WAS OUR COMMITMENT TO PROTECT THE ENVIRONMENT. LONE STAR CAB COMPANY IS CONTRIBUTED TO COMMITMENT TO PROTECT THE ENVIRONMENT FROM POLLUTION. AND IN THIS CASE WE HAVE AN IMMEDIATE ACTION IF WE WERE GRANTED A FRANCHISE. [ BUZZER SOUNDS ] PREVENTIVE AND REGULAR MAINTENANCE AND TRAINING DEPARTMENT, EDUCATIONAL MATERIALS HOW OUR DRIVERS CAN CONTRIBUTE, LIKE (INDISCERNIBLE) TIME AND SOME OTHER CONDITIONS. AND ALSO WE ARE ALLOCATING PART OF OUR TAXI ADVERTISEMENT SPACES FOR THOSE ORGANIZATIONS THAT WOULD PROMOTE QUALITY AIR. AND IN THE FUTURE, IN THE SECOND PLAN OUR MAIN OBJECTIVE IS TO TURN INTO A HYBRID OR BUYING ELECTRIC VEHICLES. SO THESE WERE SOME OF THE POINTS. BEYOND THAT WHAT I WOULD LIKE

TO SAY FINALLY --

IF YOU COULD PLEASE CONCLUDE. YOUR TIME HAS EXPIRED.

LONE STAR, WHEN IT COMES TO THE VALUE AND THE SERVICE TO THE CITIZENS, WE RANK HIGHER THAN ANY OF THE APPLICANTS. GOD BLESS YOU, THANK YOU VERY MUCH. [ APPLAUSE ]

Mayor Wynn: LOOKS LIKE ZEN ODEN. WELCOME. AND LET'S SEE, IS (INDISCERNIBLE) HERE. HELLO. AND HOW ABOUT ABRAHAM YUSEF. THANK YOU. YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT. WELCOME.

I'D LIKE TO THANK THE COUNCIL FOR ALLOWING ME THIS OPPORTUNITY TO SPEAK. MY NAME IS ZEN ODEN. AND I WILL TELL YOU IT WAS MY CHOICE NOT TO RUN 100 PEOPLE THROUGH YOUR OFFICES THIS WEEK TELLING YOU WHAT A PEACH SOLOMON WAS. IT BY NO MEANS AFFECTS HIS STATURE IN THE COMMUNITY, IT JUST MEANS THAT I'M AND OLD, JADED POLITICAL HACK AND FELT LIKE NUMBERS MAY NOT BE AS IMPORTANT AS QUALITY. I IS A HAVE GOTTEN TO KNOW -- I HAVE GOT TONE KNOW SOLOMON IN THIS PROCESS AND WILL SPEND A VERY BRIEF AMOUNT OF TIME TELLING YOU A BIT ABOUT HIM. MY PERSONAL DEALINGS WITH HIM I HAVE FOUND HIM TO BE A MAN OF INTEGRITY AND IT WOULD COME AS NO SURPRISE TO KNOW THAT HE WAS THE FIRST TO APPLY FOR A TAXI FRANCHISE BASED ON THE IDEA OF A DRIVER-OWNED COMPANY. I'VE HEARD THE WORD CO-OP USED TODAY AND I DON'T REALLY KNOW THE DIFFERENCE AS FAR AS THEIR RENDERING AND OUR RENDERING OF CO-OP VERSUS DRIVER OWNED, BUT I DO KNOW THAT SOLOMON HAS LISTENING BEEN CONCERNED WITH THE FATE OF THE DRIVERS, WHICH I WILL GO INTO LATER. SO IT CAME AS NO SURPRISE TO ME THAT THIS NEW COMPANY HE WANTED TO START WOULD BE A DRIVER OWNED COMPANY. HE'S A PASSIONATE LEADER OF MEN AND OPERATING SUCH A COMPANY IS JUST A NATURAL OUT GROWTH OF HIS PERSONALITY. IT WAS HIS CONCERNS FOR THE DRIVERS THAT HAS

MADE DRIVERS GRAVITATE TOWARD HIM. WE TRUST IN HIS ABILITY AND HIS JUDGMENT AND HIS TRACK RECORD AS A SUCCESSFUL BUSINESS PERSON. HE'S ALSO A TIRELESS WORKER FOR BOTH HIS CHURCH AND HIS COMMUNITY. HE'S SHOWN HIMSELF TO BE A PERSON THAT CAN BE TRUSTED IN TIME OF NEED. HE'S OUR FRIEND AND ALLY AND WE HOPE YOU DO THE HONOR OF AWARDING THE FRANCHISE TO LONE STAR CAB. I MET SOLOMON THIS AUGUST WHEN A COUPLE OF FRIENDS OF MINE ASKED ME IF I WOULD CONSIDER TAKING THEM ON APPEAR A CLIENT. I HAD SOME RESERVATIONS ABOUT IT. I WAS TOLD THAT HE WAS -- PARDON MY VOICE. I WAS TOLD THAT HE WAS QUITE BRIGHT, BUT THAT HE SPOKE ENGLISH WITH A HEAVY ACCENT. AND AS I GOT TO KNOW HIM AND HIS GROUP OF PEOPLE THAT WILL COMPRISE THE BOARD, I WAS SURPRISED IN WHAT I FOUND. FIRST OF ALL, I CAN TELL YOU THAT I WAS A LITTLE APPREHENSIVE BECAUSE I AM A WOMAN AND I'M ALWAYS -- IT'S RATHER IFFY WHEN I ENTER INTO THIS SITUATION IF PEOPLE ARE GOING TO FOLLOW MY DIRECTIONS OR NOT. IT SOMETIMES HAPPENS THAT THEY DON'T. I CAN TELL..... TELL YOU THAT WORKING WITH THESE PEOPLE IS VERY MUCH, AS YOU PEOPLE WILL UNDERSTAND, VERY MUCH LIKE WORKING IN THE TRENCH OF A CAMPAIGN. WE SPENT MANY LONG NIGHT'S WORKING FOR SOMETHING, PREPARING IT FOR A MEETING THE NEXT DAY AT THE COMMISSION OR JUST GETTING THE NOTEBOOK TOGETHER FOR THE APPLICATION, WHICH WAS A VERY LONG AND DRAWN OUT PROCESS. SO JUST LIKE CAMPAIGNS, I HAVE GOTTEN TO KNOW THEM MORE THOROUGHLY IN THAT LENGTH OF TIME THAN OTHER PEOPLE. AND I'M SURE EACH OF YOU HAVING LED YOUR CAMPAIGN UNDERSTANDS WHAT I MEAN BY THAT. WE HAVE BEEN THROUGH THE TRENCHES TOGETHER. I WAS QUITE SURPRISED AS I MET THEM AND PLEASED. I CAN TELL YOU THAT I FOUND SOLOMON AND HIS GROUP TO BE SMART, BUT I'VE ALSO BEEN SURPRISED BY SOME OTHER THINGS. I HAVE BEEN SURPRISED TO FIND THAT SOLOMON IS A STRATEGIC THINKER. NOT MANY PEOPLE ARE. I FIND THOSE PEOPLE TO BE RARE AND EVEN MORE RARE IS THIS QUALITY. I HAVE FOUND HIM TO BE

CAPABLE OF CHANGE. HE SEES A MISTAKE AND HE CHANGES AND LEARNS FROM HIS MISTAKE. NOW, I WILL CONFESS THAT THERE ARE A LOT OF PEOPLE THAT ARE PRETTY STUBBORN AND CHANGE COMES DIFFICULT FOR THEM. AND I HAVE ALSO FOUND AS WE GET OLDER CHANGE IS MORE AND MORE DIFFICULT. SO I WAS VERY IMPRESSED WITH HIS GROUP AND THEIR ABILITY TO CHANGE AS THE NEED ACQUIRED. I MEAN THIS IN A VERY GOOD WAY. THEY'RE VERY STABLE, CAPABLE MEN WHO HAVE OVERCOME A GREAT DEAL IN THEIR LIFE AND WILL CONTINUE TO DO THAT. ALL OF THEM ARE SUCCESSFUL BUSINESSMEN RIGHT NOW WHO WANT TO START A TAXI FRANCHISE. I CAN TELL YOU THAT PERSONALLY I THINK TAXI FRANCHISES ARE A THRONES STEAL IN A QUIET, -- ARE A LICENSE TO STEAL IN A QUIET, DISCREET, CITY APPROVED WAY. THEY ARE A MONOPOLY. AND I HAVE ABSOLUTELY NO DOUBT THAT THEY CAN SUCCESSFULLY RUN A BUSINESS, A TAXI FRANCHISE BUSINESS JUST AS THEY HAVE SUCCESSFULLY RUN OTHER BUSINESSES. IN LOOKING AT THEIR SHAREHOLDERS, THERE ARE TWO PEOPLE WITH 24 YEARS OF EXPERIENCE DRIVING. ONE PERSON WITH 21 AND TWO MORE PEOPLE WITH 20 YEARS OF BUSINESS IN THE TAXI FRANCHISE. I AM SURE THOSE PEOPLE WILL BE RELIED ON OFTEN. IN LOOKING AT THEIR BOARD MEMBERS, THEIR PRINCIPALS OF THE COMPANY, I WILL NOT NAME NAMES BECAUSE I'M NERVOUS TODAY AND I'LL PROBABLY MISPRONOUNCE THEM, BUT ONE OF THEM HAS A MASTER'S DEGREE FROM THE INTERNATIONAL INSTITUTE OF AISH.....AEROSPACE SURVEY AND EARTH SCIENCES. HE HAS A MASTER'S DEGREE IN SCIENCE. ONE OF THEM HAS A BA IN ACCOUNTING. ADMINISTERING AND CONTROLLING -- HIS RESPONSIBILITIES WERE ADMINISTERING AND CONTROLLING ALL OF THE BUDGETS AND FUNDS FOR THE UNITED NATIONS HIGH COMMISSION FOR REFUGEE..... REFUGEE. ONE OF THEM HAS OWNED AND OPERATED AN AUTO SHOP, HIRED, FIRED, MANAGED EMPLOYEES, SERVICED ENGINES, DONE THE CAR WORK. THEIR MAIN DISPATCHER WILL NOT BE JUST A COMPUTER, IT WILL BE SOMEONE BEHIND THE COMPUTER, AND SHE HAS HAD SINCE '84 TO 2000 SHE WORKED AS A COMPUTER DISPATCHER IN



NEW YORK CITY. ALL OF THE BOARD MEMBERS HAVE DIFFERENT SKILLS AND EXPERTISE IN OPERATING A SUCCESSFUL BUSINESS TO BRING TOGETHER TO CREATE THIS BUSINESS. WHAT SETS IT APART FROM THE OTHER GROUPS IS WE ARE A DRIVER-OWNED BUSINESS. YOU'VE HEARD THE DRIVERS GET UP AND SAY, WE PAY SOMEWHERE BETWEEN 200 -- I THINK ANOTHER ONE SAID EITHER 400 OR \$480 A WEEK TO OPERATE THAT BUSINESS. DURING SLOW TIMES IN THE SUMMER, ESPECIALLY IN AUGUST, DESPITE ALL OUR EFFORTS TO INCREASE TOURISM, THERE ARE TIME WHERE THEY WORK VERY HARD ALL WEEK, AND BY THE TIME THEY'VE PAID TAXES AND ALL OF THEIR FEES TO THE COMPANY, THEY OWE THE COMPANY MORE THAN THEY MADE. IT IS THIS EFFORT TO CHANGE FROM THE STATUS QUO THAT I'M URGING YOU TO PAY MOST ATTENTION TO ALTHOUGH IN SOME RESPECTS THE IDEA OF A DRIVER-OWNED COMPANY IS A VEASHD, QUOTE, AUSTIN IDEA, IT SEEMS TO HAVE BEEN VERY THREATENING TO PEOPLE IN AUSTIN, PARTICULARLY TO THE OTHER CAB COMPANIES. AND PART OF THAT REASON IS IT'S THE FIRST CAB COMPANY THAT GIVES DRIVERS AN ALTERNATIVE TO BUSINESS AS IT CURRENTLY EXISTS. I THINK SHOULD A DRIVER-OWNED COMPANY COME INTO BEING, WHAT YOU WILL FIND IS DRIVER RELATIONS WITHIN THE OTHER COMPANIES CHANGE. THEY WILL BE INFLUENCED BECAUSE FOR ONCE DRIVERS WOULD HAVE A PLACE TO GO, SOMEONE THAT'S LOOKING OUT FOR THEM. THEY'RE TRYING TO OFFER BENEFITS THAT OTHER COMPANIES DO NOT OFFER, BUT MOSTLY THEIR CONCERN IS FOR THE DRIVERS. I'M URGING YOU TO GO AGAINST THE NORMAL MAINSTREAM OR CURRENT STATUS QUO WE HAVE, AND IT IS MY HONEST BELIEF THAT ALL OF THE RELATIONS WITH ALL OF THE DRIEFERBZ IN THE OTHER TWO COMPANIES WILL BENEFIT FROM THIS, NOT JUST THE DRIVER WORKING FOR THE DRIVER-OWNED COMPANY. [ BUZZER SOUNDS ] IS THAT MY 30 SECOND OR IS THAT MY TIME IS UP?

Mayor Wynn: YOUR TIME HAS EXPIRED. PLEASE CONCLUDE.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. [ APPLAUSE ] OUR NEXT SPEAKER IS (INDISCERNIBLE). SORRY IF I'M MISPRONOUNCING THAT. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU, MR. MAYOR AND COUNCILMEMBERS. I'M SPEAKING ON BEHALF OF LONE STAR COMPANY'S SUPPORT. I HAVE TWO BIG REASONS WHY I SUPPORT LONE STAR COMPANY. FIRST, THEY HAVE THE MODEL OF THE (INDISCERNIBLE). THEY WANT TO BE THEIR OWN. BECAUSE OF THAT MAIN REASON, I SUPPORT THIS COMPANY. THE TOMB FEATURES THAT MAKE THIS COMPANY DIFFERENT FROM THE OTHER EXISTING COMPANIES ARE IN RESPECT TO OWNERSHIP AND IN RESPECT TO BENEFITS. THERE'S BENEFIT THAT THE MEMBERS WILL BE ABLE TO GET. UNLIKE THE EXISTING COMPANIES, THE MAJORITY OF THE OWNERS OF THIS COMPANY ARE DRIVERS AND THEY HAVE FORMED THIS COMPANY BY POOLING THEIR RESOURCES TOGETHER TO ALLEVIATE THE PROBLEMS THEY HAD WITH THE OLD COMPANIES. BECAUSE THEY ARE OWNERS, (INDISCERNIBLE). BECAUSE THEY ARE OWNERS, TWO-WAY COMMUNICATION BETWEEN THE MANAGEMENT AND THE DRIVERS WOULD BE SECURED, UNU. UNLIKE THE TOP DOWN COMMUNICATION. AND FOREOVER, DECISION MAKE -- AND MOREOVER, DECISION MAKING IN MOST CASES WOULD BE PARTICIPATORY IN MAJOR ISSUES. B, AS FAR AS BUSINESS BENEFITS ARE CONCERNED, THERE ARE TWO WAYS, SHAREHOLDERS AND THE DRIVER. OF THE DRIVER, YOU CAN BENEFIT FROM A REASONABLE TERMINAL PAYMENT. AS A SHAREHOLDER, ONE TIME BENEFIT FROM THE COMPANY'S PROFITS. FOR THOSE WHO ARE NOT SHAREHOLDERS IN THE COMPANY, DRIVERS HAVE THE OPPORTUNITY TO BE HONEST SHAREHOLDERS. IN ADDITION TO THOSE MENTIONED, (INDISCERNIBLE) HAVE TO PUT THEMSELVES UNDER PRESSURE BY WORKING OVERTIME. AND IT WOULD BE MORE DRIVER ORIENTED, MORE COMPASSIONATE TO DRIVERS AND EFFECTIVE IN

THEIR BUSINESS. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THANK YOU. I THINK IT'S  
(INDISCERNIBLE).

YES.

Mayor Wynn: WELCOME.

THANK YOU, MR. MAYOR. AND COUNCILMEMBERS TO GIVE ME THIS OPPORTUNITY TO STAND IN FRONT OF YOU AND SPEAK ABOUT MY SUPPORT FOR LONE STAR CAB COMPANY. THIS IS A COMPANY PRIMARILY OWNED BY CAB DRIVERS AND INSPIRED BY CHANGING THE CAB DRIVER'S LIFE BASICALLY. THIS IS A COMPANY WHO CAME UP WITH A VISION OF CHANGING THE NATURE OF THE INDUSTRY BY HAVING MORE CHOICE IN THE CITY. THEY'RE THE COMPANY THAT HAS THE BEST CONSUMER SERVICE PLAN, KNOWLEDGE AND EXPERIENCE IN THE TAXI INDUSTRY. LONE STAR HAS BEEN STRUGGLING TO BE AWARDED THE FRANCHISE SINCE 2002. THEY ARE A FINANCIALLY WELL ESTABLISHED COMPANY. THIS COMPANY IS TRYING TO CREATE A DIFFERENT BUSINESS MODEL IN THE INDUSTRY, BETTER WORKING CONDITION AND DRIVER FRIENDLY MANAGEMENT. SO I SUPPORT LONE STAR BECAUSE IT'S GOT THE CUTTING EDGE TECHNOLOGY IN THE FIRST PLACE. I THINK TECHNOLOGY IS BETTER THAN MANUAL PROCESSES LIKE IT WAS SUGGESTED BEFORE AT THE BEGINNING OF THIS HEARING. IT'S GOT THE BEST CUSTOMER SERVICE PLAN, GOT THE BEST ORGANIZATION AND STRUCTURE. THEY'RE FINANCIALLY CAPABLE OF RUNNING A BUSINESS. ALSO ITS SHAREHOLDERS, IT'S A CORPORATION, IT'S NOT A CO-OP BASICALLY. SO LIKE ANY OTHER CORPORATION, IT'S GOT ITS OWN SHAREHOLDERS TO RAISE THEIR INVESTMENT IN THIS COMPANY TO DO THE JOB. AND ALSO I WOULD LIKE TO MENTION ABOUT ITS LOW BASE TERMINAL FEE. I DON'T THINK DRIVERS WANT TO PAY 2.. \$250 AND MORE PER WEEK. I THINK THEY PREFER THO PAY ONLY PROBABLY LESS THAN THAT. AND LONE STAR SUGGESTED ABOUT \$180 PER WEEK. I THINK THIS IS HOW LONE STAR EXPRESSED ITSELF AS A DRIVER FRIENDLY AND DRIVER SIDE COMPANY. SO BE FAIR.

JUST TAKE A CLOSER ASSESSMENT OF ALL THE PLANS AND ALL THE RECOMMENDATIONS THAT THIS COMPANY MADE AND GIVE THE OPPORTUNITY TO THIS COMPANY. AND ALSO WE WANT TO SAY A FEW WORDS ABOUT THE GARAGE, WHICH HAS BEEN MENTIONED AT THE BEGINNING OF THIS HEARING. [ BUZZER SOUNDS ]

....YOU DON'T NEED TO OWN A GARAGE IN ORDER TO RUN THIS BUSINESS. YOU HAVE A LOT OF (INDISCERNIBLE), BEST SERVICE GARAGE OUT THERE. YOU CAN GO AHEAD AND CONTRACT AND GIVE THE BEST SERVICE AND GET THE BEST SERVICE. THANK YOU FOR LISTENING.

Mayor Wynn: NEXT SPEAKER IS SOLOMON MACURA, WHO WILL BE FOLLOWED BY (INDISCERNIBLE). AND ALSO I'LL MAKE A REQUEST. WE ALSO HAVE A DOZEN OR SO FOLKS WHO HAD SIGNED UP WISH TO GO SPEAK. IF YOU BELIEVE THAT YOUR GENERAL SUPPORT AND TESTIMONY HAS BEEN GIVEN, WE WOULD GLADLY APPRECIATE YOU ACKNOWLEDGING WHO YOU'RE SUPPORTING AND PERHAPS IF WE COULD GET IN THE HEARING IN A LITTLE QUICKER TIME BEFORE WE HAVE TO GO TO OUR CITIZEN COMMUNICATION. BUT FOLKS WHO WANT TO SPEAK WILL BE ALLOWED TO.

I AM STANDING IN FRONT OF YOU IN SUPPORT OF THE LONE STAR COMPANY AND PRESENT MY SHORT PERSONAL TESTIMONY. AS DESCRIBED BY THE PREVIOUS SPEAKERS, IT HAS BEEN MENTIONED THAT LONE STAR HAS BEEN TRYING TO GET THE FRANCHISE PERMIT SINCE 2002. BUT AT THE SAME TIME BECAUSE OF THE SITUATION, IT WAS SET ASIDE FOR THE TIME BEING AND LONE STAR AGREED WITH THE CITY BECAUSE THE GROWTH OF LONE STAR WOULD BE MEASURED BY THE GROWTH OF AUSTIN, SO IT HAS BEEN WORKING HARD IN GETTING ITSELF UPDATED, GETTING THE LATEST TECHNOLOGIES AS MENTIONED BY THE COMPUTER DISPATCH SYSTEM, AND WORKING IN CLASS COLLABORATION WITH MEMBERS OF THE CITY COUNCIL TO GET ITSELF TO THIS LEVEL. I WOULD LIKE TO PRESENT MY PERSONAL TESTIMONY ABOUT THE BOARD MEMBERS, THE MEMBERS AND THE

CHAIRMAN OF THE LONE STAR TAXI. I KNOW THEM, MOST OF THEM. WE ARE MEMBERS OF THE SAME CHURCH. I HAVE A CLOSE RELATIONSHIP WITH MR. SOLOMON (INDISCERNIBLE), THE CHAIRMAN WHO HAS BEEN DEDICATED. IMAGINE SINCE 2002 HE HAS BEEN WORKING HARD, EFFICIENTLY TO BRING IT TO THIS LEVEL AND MEET ALL STANDARDS AND REQUIREMENTS SO THAT BY THE TIME THIS THING IS PRESENTED TO THE COUNCIL FOR CONSIDERATION, IT WOULD BE UP TO PAR AND BE ABLE TO COMPETE. IT HAS UPDATED ITSELF IN ALL 88 RECOMMENDATIONS AND ALL THE OTHER ACCOMMODATIONS THAT HAS BEEN ASKED. SO I'M KINDLY AND HONORABLY ASKING THE COUNCIL TO SEE HOW MUCH EFFORT HAD BEEN PUT IN LONE STAR AND HAS MADE ITSELF READY TO BE COMPETITIVE. AND IT'S MY GREAT FEELING AND IT'S MY FIRM BELIEF THAT THE COUNCIL WILL TAKE ALL THIS INTO CONSIDERATION AND GIVE THE PERMIT TO LONE STAR CAB. THANK YOU VERY MUCH. [ APPLAUSE ]

Mayor Wynn: THANK YOU. (INDISCERNIBLE). IT LOOK LIKE (INDISCERNIBLE). IF HE IS HERE, HE WANTED TO DONATE TIME TO YOU. YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU, MAYOR WILL, THANK YOU, MAYOR PRO TEM, AND THE REST OF THE COUNCILMEMBERS. I APPRECIATE FOR THE OPPORTUNITY I'M GIVEN TO GIVE SUPPORT TO THE LONE STAR COMPANY. I HAVE NO STAKE WITH THE LONE STAR COMPANY. I'M NOT A CAB DRIVER. I HAVE NO REASON OTHER THAN LIVING IN THIS CITY. I HAVE LIVED HERE THE LAST 12 YEARS, WORK FOR ONE OF THE MAJOR COMPANIES IN AUSTIN, AND I TELL YOU THIS, THIS INDIVIDUAL IS HARD WORKING. I HAVE KNOWN HIM SINCE HIS CHILDHOOD AND ALMOST ALL OF THE MEMBERS OF THIS CAB COMPANY ARE SUPPORTIVE AND THE BACKBONE OF OUR CHURCH. I SAY THIS BECAUSE I AM A MEMBER OF THE BOARD FOR OUR CHURCH CAN. THEY ARE IN THE CHOIR. WE ARE COULDN'TING ON THEM. WE ARE EXPANDING OUR CHRCH AND BUILDING OUR CHURCH. THEIR EXISTENCE, THEIR STAYING IN AUSTIN IS CRITICAL FOR OUR SURVIVAL AND EXPRESSION OF OUR

COMMUNITY. AND ON TOP OF THAT IT, I NEED TO TELL YOU THE AFRICAN-AMERICAN COMMUNITY WAS INVITED TO PARTICIPATE IN A SERIES OF PUBLIC FORUMS IN 2005 TO DISCUSS THE QUALITY OF LIFE OF AFRICAN-AMERICANS IN AUSTIN. THIS FORUMS WERE BORNE OUT OF INCREASING CONCERN BY (INDISCERNIBLE) FROM THE CITY OF AUSTIN WHICH INDICATE THAT HAD THE AFRICAN-AMERICANS MAY NOT EXPERIENCE THE SAME QUALITY OF LIFE AS OTHER MEMBERS OF THE AUSTIN COMMUNITY. AS WE ALL KNOW, QUALITY OF LIFE FOR ALL CITIZENS IS KEY TO AUSTIN ECONOMIC VITALITY AND COMMUNITY WELL-BEING. ONE OF THE SUBCOMMITTEES WAS BUSINESS AND ECONOMIC DEVELOPMENT. IN JUNE OF 2006 THE CITY OF AUSTIN COMMITTED TO INCREASE ITS EFFORT TO NOT ONLY ASSIST, BUT TO RECRUIT COMPANIES THAT CAN, ONE CREATE, TWO, RETAIN JOBS. I PERSONALLY PARTICIPATED IN THESE FORUMS AS A MEMBER OF THE AFRICAN-AMERICAN COMMUNITY AND TRUSTED THAT THE CITY OF AUSTIN WOULD NOT ONLY FOLLOW THROUGH ON ITS COMMITMENT TO THE AFRICAN-AMERICAN COMMUNITY, BUT TO ALSO TAKE FULL ADVANTAGE OF OPPORTUNITY WHERE MEMBERS OF THE AFRICAN-AMERICAN COMMUNITY PROVE TO BE SELF-SUFFICIENT. THE APPLICATION FOR AN OPERATOR OWNER FOR A TAXI CAB COMPANY IN AUSTIN BY AFRICAN-AMERICAN CITIZEN WILL GIVE THE PERFECT (INDISCERNIBLE) TO THE CITY TO HELP SOLVE SOME OF ITS PROBLEMS. ALL OF THE MEMBERS, OVER A DOZEN INVESTORS OF THE LONE STAR COMPANY ARE AFRICAN-AMERICANS WHO HAVE FAMILY AND FRIENDS IN AUSTIN METRO. THESE OWNER OF TAXI COMPANY WILL ATTRACT MORE AFRICAN-AMERICANS, RELATIVES FROM OTHER MAJOR CITIES IF THEY ARE GIVEN THE OPPORTUNITY TO ESTABLISH THEIR BUSINESS IN AUSTIN. THE ALTERNATIVE WOULD BE TO MOVE ELSEWHERE WHEN THERE IS MORE OPPORTUNITY FOR AFRICAN-AMERICANS IN CITIES LIKE ATLANTA, HOUSTON AND ELSEWHERE. I'M TAKING THIS OPPORTUNITY TO NOT ONLY REMIEBD YOU OF THE QUALITY OF LIFE ISSUE THAT STILL REMAINS HERE IN AUSTIN FOR AFRICAN-AMERICANS, BUT IN THE SPIRIT OF QUALITY OF LIFE FORUMS. I WOULD ALSO

ENCOURAGE YOU TO TAKE THIS OPPORTUNITY TO  
ENCOURAGE YOU TO CONSIDER THE LONE STAR  
APPLICATION AND GRANT THE THIRD TAXI  
COMPANY OWNERSHIP TO LONE STAR COMPANY ON  
THE BASIS OF THE FOLLOWING: GRANT THE PERMIT  
TO THE ONE WHO QUALIFIES THE MOST IN ALL  
REQUIREMENTS, FINANCIAL, EXPERIENCE.  
COLLECTIVELY THESE OWNERS HAVE OVER 200  
YEARS OF TAXI CAB DRIVING EXPERIENCE. THEY  
HAVE NO CRIMINAL RECORD. IT IS SURPRISING TO  
FIND A CRIMINAL RECORD FROM ONE INDIVIDUAL  
VERSUS THE OWNER OF LONE STAR TO BE CLEAN  
AND SELF SUSTAINING FAMILY..... FEAKE OWNERS  
AND SPONL..... RESPONSIBLE INDIVIDUALS. THE  
OWNERS HAVE REMAINED IN AUSTIN DESPITE HIS  
DISAPPOINTMENT OF LACK OF A LICENSE TO  
OPERATE A COMPANY FIVE YEARS AGO. THEY  
KNOW THE BUSINESS VERY WELL BECAUSE THEY  
HAVE BEEN IN IT FOR THE LONGEST TIME. THEY  
INTEND TO STAY TOGETHER. SOMEONE MAY SAY  
NO, 55 CABS IT MAY BE A BREAK EVEN. THERE MAY  
NOT BE ENOUGH TO COVER THE OPERATING  
EXPENSES. NO. THEY'VE BEEN OUT THERE FOR THE  
LAST FIVE YEARS. STICK TOGETHER AND WAITING  
FOR THIS DAY. AS A SEPARATE BUSINESS THAT IS  
MINORITY OWNED AND HIGHLY VISIBLE WILL  
CREATE A STRONG VISIBILITY FOR AUSTIN AND THE  
TOURISM INDUSTRY. MOST OF ALL, THE MOST  
IMPORTANT THING IS IF THESE OWNERS LOSE THIS  
OPPORTUNITY, WE DON'T KNOW WHERE THEY WILL  
BE TOMORROW. WE DON'T WANT THE CITIZENS --  
WE'RE TALKING ABOUT INCLUDING THEIR FAMILY  
MEMBERS, ABOUT 60, 70, 80 FAMILIES OF AFRICAN-  
AMERICANS IN THE AUSTIN METRO LIVING NOW,  
THEY HAVE NO REASON TO STAY IN THIS CITY IF  
THEY'RE NOT AWARDED. AND THIS WOULD BE A BIG  
HIT TO THE CITY OF AUSTIN WHEN CH HAS SHOWN  
A DECLINING INTEREST WITH AFRICAN-AMERICAN  
TO MOVE TO THE CITY OF AUSTIN. I HOPE YOU WILL  
CONSIDER THE POINTS I OUTLINED ABOVE AND YOU  
WILL GRANT TO THE RIGHT PERCENT AND THE  
RIGHT COMPANY WHO HAS THE SUCCESSFUL  
RECORD, FINANCIALLY STRONG,  
ACADEMICALLY RESPONSIBLE. AND THEY ARE,  
AS I SAID, REPEAT LID, THEY ARE SUPPORT OF OUR  
CHURCH IN THE AUSTIN AREA. THEIR KIDS ARE IN

THE CHOIR. THEY ARE ON THE BOARD OF OUR CHURCH AND WE NEED THEM TO SURVEY HERE, WE NEED THEM TO GROW HERE, WE NEED THEM TO GROW WITH THE ECONOMY HERE IN AUSTIN. I SINCERELY APPRECIATE THE TIME I'VE BEEN GIVEN. THANK YOU. [ APPLAUSE ]

Mayor Wynn: THERE'S STILL A HANDFUL OF FOLKS THAT HAVE SIGNED UP WISHING TO SPEAK. YOU'RE WELCOME TO DO THAT ALTHOUGH WE WOULD APPRECIATE IF YOU COULD SUMMARIZE YOUR SUPPORT. THE NEXT SPEAKER SIGNED UP IS (INDISCERNIBLE). SORRY IF I MISPRONOUNCED THAT. SIGNED UP WISHING TO SPEAK, AS DID IT LOOKS LIKE -- THERE ARE SOME TYPOS. JEANNIE (INDISCERNIBLE). RAIN CASTRO.

I DIDN'T THINK I'D BE HERE AGAIN. THE LAST TIME I WAS HERE I THOUGHT A DECISION WAS MADE. I APPEAL TO THE CITIZENS OF AUSTIN TO CALL YOU ALL, CALL THE PEOPLE HERE. THE COUNCILMEMBERS AND THE MAYOR. THE DECISION WAS MADE YET, YOU'RE NOT STANDING BY YOUR DECISION. WHEN I ASKED WHY. WE CAN DO ALL KIND OF INVESTIGATIONS ON EVERYONE AND ALSO ON YOURSELVES. SO AUSTINITES, PLEASE LET THESE MEMBERS KNOW, COUNCILMEMBERS AND SO ON, WHAT YOU FEEL. A LOT OF US ARE HURT AND I'M MAD AS HECK TOO BECAUSE I HAVE A CAP.... CAB SITTING. MY CAR IS SITTING WAIT FOR A PERMIT. SO I'M LOSING THOUSANDS OF DOLLARS AND WHO DO I BLAME? I CAN ONLY PUT THE FINGER AT YOU GUYS RIGHT THERE. THE DECISION AGAIN, LIKE I SAID, WAS MADE. I'M NOT THE ONLY ONE. THERE'S A LOT OF OTHER PEOPLE OUT THERE THAT OWN CARS TOO. AND THERE'S A LOT OF OTHER PEOPLE THERE THAT ARE AS EDUCATED AS YOU ARE AND MORE SO, THE CAB BE DRIVERS: I LOVE WHAT I DO. I HAVE A YEAR IN INTERNATIONAL FINANCE, I GOT ACCEPTED TO GO TO HARVARD, ETCETERA, ETCETERA. BUT I LOVE THE FREEDOM OF BEING A CAB DRIVER. MY GIRLFRIEND IS BEING A WAITRESS FOR 20 YEARS. [INAUDIBLE - NO MIC] SHE FELL IN LOVE BEING A CAB DRIVER TOO. IT'S NOT FAIR TO US THAT IT'S TAKING SO LONG FOR THIS DECISION TO BE UPHELD. IT'S NOT FAIR TO US



AT ALL. SO IT MAKES ME WONDER, IS SOMEBODY LINING YOUR POCKETS? IS THAT WHY?

Mayor Wynn: REMIND ME WHICH FRANCHISE YOU WANT ME TO GRANT? WHO DO YOU WANT TO GRANT A FRANCHISE TO?

WHICH ONE DID THEY MAKE THEIR DECISION FOR? DO YOU REMEMBER.

Mayor Wynn: THIS COUNCIL HAS NOT MADE A DECISION ABOUT THIS FRANCHISE. THAT'S WHY WE'RE POSTED FOR ACTION TODAY, SIR. I'M NOT GOING TO SIT HERE AND LISTEN TO YOU MAKE SOME ACCUSATION ABOUT MY COUNCIL COLLEAGUES OR I LINING OUR POCKETS BY NOT GRANTING A CAB FRANCHISE.

I SAID MAYBE. I'M ALSO A CITIZEN OF THIS CITY ALSO, SIR, OKAY?

Mayor Wynn: YOU'RE ABOUT TO LOSE A VOTE TOO. KEEP TALKING.

I WILL, SIR. YOU HAVE TWO MORE SECONDS. NOW YOUR TIME IS UP. PLEASE SIT DOWN. NEXT SPEAKER IS BERNADETTE.

[ INAUDIBLE ].

Mayor Wynn: I DIDN'T. SIT DOWN. NEXT SPEAKER IS BERNADETTE, TO BE FOLLOWED BY ALFREDOFRESA. WELCOME.

I'M HERE ON BEHALF OF ZACH FODO AND I'VE BEEN DRIVING FOR ZACH FODO FOR TWO YEARS NOW. AND I JUST HOPE THAT HE CAN HAVE A CHANCE TO GET HIS OWN COMPANY. THAT'S ALL I WANT TO SAY. THANK YOU.

Mayor Wynn:.

Mayor Wynn: STEP RIGHT UP. PEGGY HOBBS.

THANK YOU, MAYOR WYNN. I WAS GIVEN THE OPPORTUNITY TO COME OUT IF THAT'S OKAY WITH

YOU.

Mayor Wynn: FINE WITH ME.

OKAY. THANK YOU FOR THE TIME. HONORABLE MAYOR, COUNCILMEMBERS, I WISH TO USE THE BRIEF MOMENT TO UNDERSCORE THAT WHAT WE'RE HERE TODAY FOR IS NOT ABOUT WHO IS BETTER FOR THE CITY OR OTHER CAB DRIVERS. IF YOU PUT CONSIDERATION ON THIS -- IT SPEAKS WELL FOR ALL THE DRIVERS HERE WHO SUPPORT ZACH FODO. THE WISH WE HAVE TODAY IS NOT ABOUT NATIONALITY ORIENTED COMPANY. THAT'S NOT WHY WE'RE HERE. IT'S GOOD WE UNDERSTAND THAT. DRIVERS HERE HAVE A VERY, VERY GOOD RELATIONSHIP WITH ZACH AND I NEED TO EMPHASIZE TOO THAT THE SAYING GOES THAT THE (INDISCERNIBLE). MOST CAB DRIVERS HERE ARE VERY, VERY APPREHENSIVE OF LONE STAR COMPANY WHICH CLAIMS THAT THEY'RE A CORPORATION. ALL THOSE GIMMICKS ARE EMPLOYED TO PROBABLY DECEIVE THIS AUDIENCE TODAY TO MAKE US BELIEVE THAT THEY HAVE BETTER PLANS PROPOSED FOR THE CAB BUSINESS. BUT THE TRUTH IS THAT MOST DRIVERS HAVE WORKED WITH ZACH FOR YEARS AND ZACH HAS COME AND PROVEN RESPONSIBLE AND VERY, VERY HELPFUL TO THE DRIVERS. (INDISCERNIBLE). MOST DRIVERS HERE, ALMOST 90%, ARE IN SUPPORT OF ZACH FODO, OWNER OF CAPITAL CITY CAB. THANK YOU FOR YOUR CONSIDERATION AND TIME. [ APPLAUSE ]

Mayor Wynn: THANK YOU, SIR. IF I CALLED YOUR NAME EARLIER, PLEASE STEP UP AND GIVE US TESTIMONY. ALFREDO FREAS FRESA, PEGGY HOBBS. LEROY HOLMES. YOU ARE WELCOME TO COME TESTIFY. WELCOME, SIR.

GOOD MORNING, SIR. I APOLOGIZE FOR THE INCONVENIENCE YOU HAD WITH ANOTHER CAB DRIVER. APOLOGY FOR THE REST OF THE CAB DRIVER THAT GO OUT THERE AND WORK HARD AND TRY TO MAKE A LIVING FOR OUR FAMILIES, BUT I COME TO YOU TODAY JUST TO SAY THAT I'M A CAB DRIVER. I'VE BEEN A CAB DRIVER TWO YEARS. I

HAVE NOT HAD THE EXPERIENCE THAT THEY HAVE, BUT I WAS OPERATIONS MANAGER AT A STORE. I'VE DONE A LOT IN MY LIFE. I'M 36 YEARS OLD. I LOVE DRIVING A CAB. I'M AN OWNER-OPERATOR. I GO TO ZACH FOR THE REASON IS HE'S A GOOD PERSON, HE TAKES CARE OF OUR CABS, AND YOU KNOW, IF YOU WOULD GIVE HIM THE OPPORTUNITY, I GUARANTEE YOU THAT -- HE HAS A LOT OF EXPERIENCE IN THE CAB BUSINESS. I APOLOGIZE FOR THE INCONVENIENCE OF WHAT HAPPENED A FEW MINUTES AGO. HE'S HERE FOR HIMSELF, NOT FOR THE OTHER CAB DRIVERS. ZACH IS A GOODMAN, HE'S ALWAYS BEEN A GOOD MAN. I'VE KNOWN HIM A COUPLE OF YEARS. EVER SINCE THEN I'VE HAD NO PROBLEMS WITH THE RELATIONSHIP. I DON'T KNOW THE OTHER CAB COMPANY. HE'S IN IT NOT JUST FOR HIMSELF, HE'S IN IT BECAUSE WE ASK HIM TO BE IN IT. WE ASK HIM, PLEASE GET ANOTHER CAB COMPANY GOING. PLEASE HELP US OUT. I'VE BEEN -- THEY SAY IT IS TWO TO FLOWN COMPUTERS, BUT TECHNICALLY SPEAKING IT ISN'T. I'VE HAD PEOPLE THAT ARE WAITING TWO AND THREE HOURS FOR CAB DRIVERS FROM YELLOW CAB. I THINK THE BEST THING IS THE DISPATCHER. THE REASON WHY IS YOU HAVE TO BE IN A CERTAIN ZONE TO CATCH THE CALL. AND IF YOU'RE NOT IN THAT ZONE, YOU DON'T CATCH THE CALL. I CAN BE DOWNTOWN AND CATCH ONE ON DAVIS LANE IN 10 OR 15 MINUTES. SO WHEN THEY CAME TO SAY THAT THE WAY THE COMPUTER DISPATCHERS IS THE BEST, IT REALLY IS. TALKING TO A PERSON, LET HIM KNOW THAT, A, THIS IS WHERE I NEED YOU TO BE OR THIS IS WHERE I NEED A CAB AT, WE RESPOND. WE RESPOND QUICKLY. THAT'S WHY AUSTIN CAB IS NOT BETTER THE WAY IT IS. ZACH PHOTO KNOWS THAT. HE'S BEEN THERE FOR MANY YEARS. HE'S BEEN WITH ROY TAXI. I'M A SELF CONTRACTOR MYSELF, BUT I ONLY OWN ONE CAB. BUT LIKE I SAID, ZACH FODO WILL BE THE MAN TO CHOOSE FOR THIS CAB COMPANY BECAUSE HE DOES HELP HUS PEOPLE. HE DOES HELP ANYBODY THAT ASKS HIM FOR HELP. AND IF YOU CAN TAKE THAT IN MIND, I MEAN, HE WILL HELP. HE WILL GIVE EVERYTHING HE CAN TO HELP HIS CAB DRIVERS. OTHER PEOPLE COME OUT AND SPEAK IN DIFFERENT KIND OF TERMS, THEN I APOLOGIZE. THAT WASN'T WASN'T CAB. THAT'S MY

TIME AND I APOLOGIZE FOR THAT. THANK YOU.

Mayor Wynn: NO NEED TO APOLOGIZE. THANK YOU, SIR. [ APPLAUSE ] IS THERE ANY OTHER CITIZENS WHO WOULD LIKE TO GIVE US TESTIMONY REGARDING THIS ITEM NUMBER 14? YES, MA'AM. STATE YOUR NAME FOR THE RECORD. YOU HAVE THREE MINUTES.

MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, I'M PEGGY HOBBS AND I'M HERE ONCE AGAIN TO SPREAD THE WORD ABOUT A MAN WHO HAVE A LOT OF RESPECT FOR. THAT IS ZACH FODO. IT COMES TO MY MIND THE WORD DILIGENT. THAT DESCRIBES ZACH AND HIS EFFORTS IN THIS INDUSTRY. THIS INDUSTRY IS NOT ALWAYS EASY. IT TAKES DILIGENCE TO MAKE IT SUCCESSFUL AND FRUITFUL. AND AS WE ALL KNOW, THERE ARE UPS AND DOWNS. IN OVER 20 YEARS ZACH HAS PROVEN THAT HE IS BOTH SUCCESSFUL AND FRUITFUL AND THAT HE CAN PERFORM AND ACCOMPLISH WHAT'S NECESSARY TO REPRESENT THE CITY OF AUSTIN AND ITS PEOPLE WITH THE AWARDING OF A NEW FRANCHISE. THEY SAY WHAT LAYS IN THE DARK WILL COME TO THE LIGHT. WELL, IT HAS IN THIS SELECTION PROCESS. BUT WHAT NEEDS TO BE CONSTRUED IS THAT SOME ISSUES THAT WERE UNEITHERED HAVE RESULTED IN REHABILITATIVE AND POSITIVE PROGRESS. ZACH HAS NOT ONLY MADE POSITIVE CHANGES IN HIS LIFE, BUT HAS MADE SURE HE IMPROVES THE LIFE OF OTHERS THROUGH CONTRIBUTIONS OF HIS TIME, HIS KNOWLEDGE AND HIS MONEY TO GROUPS IN THE AUSTIN COMMUNITY THAT WORK TO HELP THE LESS FORTUNATE OR THOSE IN NEED OF SKILLS OF THIS INDUSTRY. HAS ADVOCATED FOR MOTHERS AGAINST DRUNK DRIVERS, AUSTIN-TRAVIS COUNTY PUBLIC SAFETY ORGANIZATIONS, AREA HIGH SCHOOLS THAT NEEDED TRAINING FOR TROUBLED YOUTH. I FEEL THIS IS VERY COMMENDABLE AND A SIGN OF THE POSITIVE CHANGES HE HAS MADE. ZACH GOES THAT EXTRA MILE TO HELP DRIVERS AND THEIR FAMILIES IN TIME OF NEED. IN THIS BUSINESS WE ARE MAINLY STATED INCOME EMPLOYEES. THERE ARE NO W-2'S, THERE'S NO 1099'S TO SHOW THE BANK WHEN YOU FALL ON HARD

TIMES. ZACH'S EAR IS OPEN TO YOUR PROBLEMS AND IF HE CAN HELP HE DOES, NO QUESTIONS ASKED. WHEN YOU LOOK AROUND THIS ROOM AT HIS SUPPORTERS, YOU WILL SEE ALL RACES, CREEDS AND COLORS. YOU WILL SEE ALL COMPANIES, AND THAT'S BECAUSE HE SEES NO LINES. HIS DOOR IS OPEN, AND I ASK WHAT MORE COULD Y'ALL ASK OF A NEW FRANCHISE? [ APPLAUSE ]

Mayor Wynn: WELCOME.

HONORABLE MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS. MY NAME IS TONY MONROE. I'M A FORMER EMPLOYEE OF ROY'S TAXI FOR 21 YEARS. I WAS A MANAGER AT ROY'S TAXI FOR 18 YEARS. I WORKED WITH MR. FODO FOR 20 YEARS IN THE TAXI CAB INDUSTRY. HE IS A VERY EXPERIENCED, POLITE, HELPFUL, RESPECTFUL INDIVIDUAL. HE'S HELPFUL TO THE DRIVERS AND TO MANY OTHERS. I LOOK FORWARD IN MANAGING CAPITAL CITY CAB FOR MR. FODO. MR. FODO IS A BUSINESS. I KNOW HE IS READY TO BECOME THE NEXT TAXI CAB FRANCHISE OWNER OF CAPITAL CITY CAB TO SERVE ITS TRANSPORTATION NEEDS. THANK YOU. [ APPLAUSE ]

Mayor Wynn: ANY OTHER CITIZENS LIKE TO GIVE TESTIMONY ON ITEM NUMBER 14? THANK YOU VERY MUCH. WE APPRECIATE ALL THE INPUT. COUNCIL, TO TRY TO COORDINATE THIS, I DO THIS RELUCTANTLY, BUT WE HAVE CITIZEN HAZARD WHO SIGN UP EACH WEEK FOR OUR NOON CITIZEN GENERAL COMMUNICATION, AND OFTEN TIMES THEY TAKE TIME OFF FROM WORK TO COME GIVE US TESTIMONY BEFORE THEY GO BACK TO WORK, ALTHOUGH THESE FOLKS HERE HAVE BEEN HERE ALL MORNING. BUT I THINK THEY HAVE TO BE HERE A LITTLE WHILE LONGER WHILE WE HAVE SOME DELIBERATION. WITHOUT OBJECTION MY INSTINCT IS NOW THAT WE'VE HAD ALL THE TESTIMONY ON ITEM 14, WE TABLE IT FOR A FEW MINUTES WHILE WE TAKE UP THE FOLKS WHO SIGNED UP TO BE HERE AT NOON FOR CITIZEN COMMUNICATION, THEN WE CAN TAKE BACK UP ITEM NUMBER 14. SO THAT TAKES US TO OUR NOON CITIZEN

COMMUNICATION TESTIMONY ON GENERAL TOPICS, IF THOSE FOLKS ARE HERE. THE FIRST PERSON WHO HAD SIGNED UP FOR THAT IS L.V. BENOIT. YOU'RE WELCOME TO TESTIFY. AS IS LINDA YEATTES. THIS IS THE TIME TO TESTIFY. YOU CAN SPEAK AT EITHER PODIUM. AND YOU WILL BE FOLLOWED BY CAROL ANNE ROSE KENNEDY.

HONORABLE MAYOR AND COUNCILMEMBERS, MY NAME IS LINDA YEATTES. I LIVE IN THE SUN RIDGE - - OOPS. CAN WE GO BACK HERE? IT LOOKS LIKE WE'RE MISSING SOMETHING. LET'S GO AHEAD AND GET STARTED. I LIVE IN THE RUN SIJ NEIGHBORHOOD, WHICH IS PART OF THE PARKER NEIGHBORHOOD PLANNING AREA. AND I'M HERE REPRESENTING MY NEIGHBORHOODS, WHO IS SHOWN ON THIS SCREEN AND THE ASSOCIATED BUSINESSES. WE DO NOT INTEND THIS PRESENTATION IN ANY WAY TO INDICATE THAT A.P.D. IS NOT DOING THEIR JOB. WE FEEL WITH THE 80% STAFFING RULE AND THE SEVERITY OF CRIME THAT THEY ARE DOING MUCH BETTER THAN COULD EVER BE EXPECTED. WE DO BELIEVE, HOWEVER, THAT MORE DEDICATED, PERMANENT POLICE OFFICERS ARE NEEDED TO REMEDY THE CURRENT SEVERE CRIMES, ESPECIALLY HENRY SECTOR. THIS CHART AND SPREADSHEET SHOWING THE RATIO OF OFFICERS TO CRIME CAME AS A SOURCE FROM BOTH A.P.D. AND THE A.P.D. WEBSITE. AS YOU CAN SEE, ORIGINALLY WE ONLY HAD DATA THROUGH SEPTEMBER WHEN I LAST SPOKE TO YOU AND AT THAT POINT WE WEREN'T EXACTLY THE HIGHEST. NORTH CENTRAL HAD A HIGHER CALL RATIO PER OFFICER. SINCE THEN THE DATA HAS CHANGED IN THE WAY IT'S POSTED ON THE WEBSITE, SO ALL I COULD DO IS SHOW THE 78704 ZIP CODE STILL HAS A VERY HIGH INCIDENCE OF CALL RATIO TO OFFICER. THE NEXT CHART SHOWS YOUR STATISTICS THAT VERY HONESTLY SCARED THE LIVING DAYLIGHTS OUT OF ME. WHAT THIS SHOWS IS THE NUMBER OF SEVERE CRIMES AND INCIDENTS THAT OCCURRED IN THE 787 ZIP CODES. THE HIGHLIGHTS YOU CAN SEE THE MAJORITY OF THE CRIMES, THE HIGHEST PERCENTAGE OF THOSE CRIMES OCCURRED IN 78741. MURDER, FOR INSTANCE, 24% OF THE MURDERS OCCURRED IN HENRY SECTOR, WHILE

WE ONLY HAVE 11 PERCENT OF THE OFFICERS. IN LOOKING AT ALL 49 ZIP CODES, VERY HONESTLY THE BEST FEELING I COULD GET WAS THAT IF I SLEPT ON A BENCH DOWNTOWN IN AUSTIN I WOULD ACTUALLY BE SAFER THAN I CURRENTLY AM SLEEPING IN MY HOME. MY OTHER CONCERN IS I KNOW THAT CITY COUNCIL, HAVE YOU GREAT DREAMS AND VISIONS FOR THIS SECTOR, EAST RIVERSIDE. I'M CONCERNED IF WE DON'T FIX THE CRIME YOUR VISIONS WILL NOT BE REALIZED. I KNOW IN A NEWSPAPER ARTICLE YOU DESIGNATED RIVERSIDE AS A SCENIC CORRIDOR AND A GATEWAY TO THE CITY. PROSTITUTES, CRACK HOUSES, BURGLARY AND HOME SIDES, ARSON ARE NOT MOST PEOPLE'S IDEAS OF A SCENIC CORRIDOR. COUNCILMEMBER MCCRACKEN I'M SORRY HE'S NOT HERE, ALSO DESIGNATED VIEFERD AS AN ECONOMIC REDEVELOPMENT ZONE. DEVELOPERS AND INVESTORS WILL NOT GET THE HIGH END RESIDENTS FROM THE CONDOS. JUST BECAUSE WE BUILD IT, THEY WON'T COME. I DO WANT TO RECOGNIZE CHIEF ELLISON AND THE COMMANDER FOR A STING THEY DID IN A PERIOD OF A MONTH WHERE CLOSE TO 50 CRIMINALS WERE ARRESTED. I'M CONCERNED THAT WITHOUT A PERMANENT AND SUSTAINED EFFORT THOSE CRIMINALS WILL JUST COME BACK. WE ARE ASKING COUNCIL TO PLEASE REVIEW THE CALL VOLUMES. THE SEVERITY OF CRIMES, THE POTENTIAL FOR THE EXTENSION OF RIVERSIDE LUXURY LIVING AND SIGNIFICANTLY, PERMANENTLY INCREASE THE NUMBER OF POLICE OFFICERS IN SOUTH CENTRAL AREA COMMAND TO REDUCE THE CRIME NOW AND TO SUSTAIN THE REDUCED CRIME LEVEL TO MATCH THE DOWNTOWN AREA SINCE WE ARE ENVISIONED AND DESIRED TO BE A EXTENSION OF DOWNTOWN AUSTIN. THANK YOU FOR YOUR TIME. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] I'M HERE TO REQUEST MORE PAROLE OFFICERS, FOR CONTINUITY AND STAFFING OF OFFICERS AND COMMANDERS IN THE SOUTH CENTRAL AREA. IN AUGUST OF 2006, WE LEARNED THE HENRY SECTOR HAD 10 VACANCIES. IN JANUARY 2007 WE LEARNED THE VACANCIES STILL WEREN'T FILLED. 17 OF 72 AVAILABLE POLICE OFFICERS STAFF FOR HENRY WERE EITHER UNFILLED OR UNAVAILABLE. THAT

MEANS THAT 24% WERE NOT AVAILABLE TO FIGHT CRIME AND IN AN AREA THAT CONTINUALLY HAS THE HIGHEST CRIME IN AUSTIN. THIS FIGURE JUMPS AS HIGH AS 28% BECAUSE STAFFING AT 80% DOES NOT ALLOW FOR ILLNESS, ATTRITION OR TRAINING. WE ARE TOLD THAT POLICE STAFFING IS DETERMINED BY CALL VOLUME. HENRY SECTOR CONTINUALLY HAS THE HIGHEST CALL VOLUME. YET WE KNOW FROM NUMEROUS E-MAILS ABOUT COMPLAINTS FROM AREA RESIDENTS THAT CALLS TO HENRY SECTOR ARE NOT BEING DISPATCHED. THIS CHART SHOWS THE CALL STATS FOR HENRY AND GEORGE SECTORS. IF YOU LOOK AT THIS CHART, YOU CAN SEE THE CALL PRIORITY NUMBERS AND NUMBERS OF CALLS FOR THESE TWO AREAS FOR BOTH DISPATCH AND OFFICER INITIATED CALLS. HENRY SECTOR HAS THE HIGHEST PERCENTAGE OF TOTAL CALLS. PRIORITY 3 CALLS LOOK EQUAL, BUT IF YOU LOOK AT THE NEXT CHARTS, YOU CAN SEE THAT THE CALLS COMING -- THE CALLS IN HENRY ARE COMING IN FOR HENRY, BUT IN GEORGE THERE ARE MORE OFFICER INITIATED CALLS. WHEN WE COMPARE THE CALL STATS IN HENRY TO THOSE OF GEORGE DOWNTOWN, WE SEE THE DIFFERENCE, THE VISIBILITY OF PATROL OFFICERS MAKES. THIS VISIBILITY SERVES AS A GREAT DETERRENT FOR CRIME. THE TAX PAYING CITIZENS OF HENRY SECTOR ARE NOT RECEIVING THE SAME COVERAGE THAT THE DOWNTOWN LOW RESIDENT AND ENTERTAINMENT CENTER HAS RECEIVED FOR YEARS. NOT EVEN COUNTING THE ADDITIONAL SUPPORT OF RANGERS. IT MAKES SENSE THEN THAT INCREASING POLICE OFFICER STAFFING AND HEARING WILL REDUCE THE VOLUME OF CALLS, THE SEVERITY OF CRIME, REDUCE OVERTIME AND ALLOW HENRY OFFICERS TO BE PROACTIVE RATHER THAN REACTIVE. THE REVOLVING DOOR OF COMMANDERS AND DISTRICT REPS IN SOUTH CENTRAL ADDS TO THE INABILITY TO ADDRESS THE CRIME IN OUR AREA. AS BEST AS WE CAN ALL REMEMBER, WE'VE HAD SIX COMMANDERS IN FOUR AND A HALF YEARS. IT LEAVES NO TIME FOR A PLAN, MUCH LESS IMPLEMENTATION AND FOLLOW THROUGH. A CONSTANT LINK WOULD PROVIDE THE OPPORTUNITY FOR MUTUAL COOPERATION AND



UNDERSTANDING AND THE POSSIBILITY OF  
COMMUNITY IMPROVEMENT INSTABILITY. OUR  
ONLY CONSTANT IS LIEUTENANT SINGLETARY,  
COMMENDABLE, BEING IN OUR AREA FOR SEVERAL  
YEARS. LONG TIME RESIDENTS HAVE SEEN  
OCCASIONS WHEN AUSTIN CITY COUNCIL  
COMBINED WITH A.P.D. TO TAKE IMMEDIATE  
PROGRESSIVE STEPS TO REMEDY HIGH CRIME IN  
OTHER AREAS OF AUSTIN, LIKE EAST 11th IN THE 70s  
AND SOUTH CONGRESS IN THE LATE '80'S, EARLY  
'90S, THERE WERE STINGS IN DOVE SPRING,  
DOWNTOWN, ELSEWHERE OF... TO REDUCE THE  
CRIME. IT CLEARLY CAN BE DONE, IT NEEDS TO BE  
DONE IN HENRY. NEIGHBORHOODS OF SOUTH  
CENTRAL ARE ASKING COUNCIL TO TAKE ACTION  
TO INCREASE THE NUMBER OF PATROL OFFICERS,  
BIKE OFFICERS AND DETECTIVES, TO PROVIDE  
CONTINUITY OF COMMAND, TO REFLECT THE  
AMOUNT OF CRIME THAT WE HAVE, THE SEVERITY  
OF OUR CRIME, THE CALL VOLUME, THE  
POPULATION TO DECREASE CRIME AND TO PROVIDE  
A PLAN FOR LONG-TERM CRIME ABATEMENT. I  
HAVE SOME COMMENTS THAT YOU CAN SEE HERE  
THAT ARE TYPICAL OF ALL OF THE KINDS OF  
THINGS THAT GO ON IN OUR NEIGHBORHOOD. THE  
REASONS WHY THIS NEEDS TO BE ADDRESSED.  
THANKS SO MUCH.

Mayor Wynn: THANK YOU, GAIL.

VINCETTA GREEN.

AT THIS TIME I'M ASKING YOU TO APPROVE FOR  
DONATE MY TIME TO EXECUTIVE -- EXECUTIVE  
DIRECTOR SUSAN WELLS OF THE RIGHT HOUSE  
WELLNESS CENTER.

OF COURSE.

MAYOR WYNN, COUNCILMEMBERS, CITY MANAGER,  
THANK YOU VERY MUCH, I'M SUSAN WELLS, THE  
EXECUTIVE DIRECTOR OF THE RIGHT HOUSE  
WELLNESS CENTER. I WANT TO THANK YOU FOR  
APPROVING THE LEVEL FUNDING FOR H.I.V. AND  
AIDS TODAY. I ALSO WANTED TO ESPECIALLY  
THANK COUNCILMEMBER MARTINEZ, BETTY

DUNKERLY AND COUNCILMEMBER COLE FOR KNOWING THAT -- THAT THE FEDERAL FUNDING FOR H.I.V. AND AIDS HAS NOT INCREASED. WHEN YOU APPROVED EARLIER TODAY THE LEVEL FUNDING, IT STILL PUTS US AT A -- AT A GREAT DISADVANTAGE. WE LOST 16.4% OF OUR \$1.2 MILLION BUDGET AND YOU KNOW THAT THE DANGER OF SERIOUS CUTS IN FUNDING IS AN INCREASE IN AN EPIDEMIC THAT WE HAVE SEEN PERMEATE ALL CORNERS OF OUR SOCIETY, WE KNOW THAT WILL BE EXTREMELY DIFFICULT TO ADDRESS ONCE IT HAS SPREAD. THE RIGHT HOUSE WELLNESS CENTER IS PARTICULARLY POISED TO WORK WITH PEOPLE OF COLOR. WE SERVE 1200 PEOPLE A YEAR IN THE AUSTIN COMMUNITY AND WITHOUT THIS FUNDING, WE ARE GOING TO BE AT A GREAT DISADVANTAGE. WHAT WE ARE SPECIFICALLY ASKING FOR IS THAT WE RECEIVE MONEY FOR -- FOR GROUP COUNSELING, HEALTH EDUCATION AND RISK REDUCTION AND FOOD BANK SERVICES. WE SERVE PEOPLE THROUGH OUR FOOD BANK THAT MAKE \$5,000 A YEAR OR LESS. SO PLEASE WHEN THIS COMES BEFORE YOU, I ASK THAT YOU GIVE SPECIAL CONSIDERATION TO INCREASING YOUR FUNDING FOR PEOPLE WITH -- OF COLOR WITH H.I.V. AND AIDS. THANK YOU.

Mayor Wynn: THANK YOU, SUSAN. FOR ALL YOU DO. [ APPLAUSE ]

KATHY CORREA, SORRY IF I'M MISPRONOUNCING THAT, WELCOME, FOLLOWED BY URAL JARMON.

THANK YOU. THANK YOU, MAYOR WYNN AND COUNCILMEMBERS FOR YOUR TIME TODAY. I AM CATHY LYNN HENDERSON, -- I AM KATHY CORREA, AN AUSTIN AND CRESTVIEW NEIGHBORHOOD FOR 15 YEARS. ALSO A REGISTERED AND ACTIVE VOTER. I'M ON THE CO-CHAIR AS RESPONSIBLE GROWTH FOR NORTH CROSS, I'M SPEAKING TO YOU TODAY AS A VERY CONCERNED RESIDENT WHO LIVES IN THE NORTHCROSS MALL AREA. MY PRIMARY CONCERN ABOUT THE CURRENT DEVELOPMENT PLAN FOR NORTH CROSS IS THE IMPACT THE TRAFFIC WILL NO DOUBT HAVE ON THOSE SURROUNDING NEIGHBORHOOD OF ALLENDALE, NORTH SHOAL

CREEK, BRENTWOOD, WOOTEN, MY OWN CRESTVIEW. TAKE MY STREET, I LIVE ON [INDISCERNIBLE] STREET A LONG AND NARROW STREET. DIRECTLY CONNECTS ANDERSON LANE TO MORE..... MORROY. IT IS THE NORTHERN BOUNDARY OF CRESTVIEW STATION AS WELL AS THE LIGHT RAIL SOON TO BE UNDER CONSTRUCTION. GULF STREET IS ALREADY A MAJOR CUT THROUGH FOR TRAFFIC AND THE NEW 25 MILES PER HOUR SPEED LIMIT SIGN ACROSS THE STREET FROM MY HOUSE IS MERELY YARD ART. AS YOU KNOW, IT WILL TAKE NO TIME AT ALL FOR THE INTERSECTION OF ANDERSON LANE AND BURNET ROAD TO FAIL. YOU HAVE ASKED YOUR OWN TRAFFIC EXPERTS. AND LIKE A RAGING RIVER THROUGH A RAVINE, THE TRAFFIC WILL FIND THE PATH OF LEAST RESISTANCE AND DO ANYTHING TO AVOID THAT INTERSECTION. DRIVERS WILL FIND THEIR SHORTCUTS AND THEIR DETOURS THROUGH MY NEIGHBORHOOD STREETS. THE ROAD IMPROVEMENTS PROIPED BY..... PROPOSED BY THE DEVELOPER ONLY EASE ACCESS INTO AND OUT OF THE WAL-MART PARKING ON LOT AND PARKING GARAGE AND NOTHING MORE. NORTHCROSS MALL AND CRESTVIEW STATION ARE TWO MAJOR DEVELOPS ABOUT TO GO UNDERWAY. I AM REALLY TERRIFIED SO I THOUGHT THAT I WOULD BE PROACTIVE AND SEE ABOUT GETTING SPEED CUSHIONS ON MY STREET AND I SPOKE WITH THE CITY AND LEARNED ALL ABOUT THE TRAFFIC CALMING PROGRAM. I LEARNED THE PROCEDURE FOR GETTING THE NEIGHBORHOOD APPROVAL AND THAT ONE SPEED CUSHION COSTS 4,000. AND I REALLY SHOULD HAVE DONE THIS A LONG TIME AGO BECAUSE I WAS STUNNED TO FIND OUT THAT YOU, OUR CITY COUNCIL, HAS PURPOSELY NOT FUNDED THIS PROGRAM FOR SIX YEARS. SO I'M ON THE WAITING LIST. I DON'T KNOW HOW MUCH MONEY THE TRAFFIC CALMING PROGRAM NEEDS TO OPERATE. BUT WITH THE \$224,000 WE ARE PAYING CASEY DOBSON, THE \$40,000 WE GAVE TO THE PRODUCERS OF FRIDAY NIGHT LIGHTS, THE CITY COULD HAVE BUILT 66 ROAD CUSHIONS. IT IS AN BUTTERCUPPANTLY CLEAR TO ME THAT TODAY'S CITY COUNCIL NOT ONLY SUPPORTS, ENCOURAGES AND EVEN ASSISTS BIG BUSINESS, BUT LET'S

REMEMBER ALSO SUPPORT AND ENCOURAGEMENT AND ASSIST TO PEOPLE AND TAXPAYERS OF AUSTIN. MAYOR WYNN AND COUNCILMEMBERS, YOU GUYS HAVE THE 2008 BUDGET REVIEW PROCESS COMING UP THIS FALL. AND I BEG YOU TO FINANCIALLY SUPPORT THE PROGRAMS THAT WILL BENEFIT THE RESIDENTS AND TAXPAYERS OF AUSTIN. THANK YOU.

Futrell: JUST VERY QUICKLY, YOU NEED TO UNDERSTAND THERE'S NEVER BEEN A PURPOSEFUL NOT FUNDING. THERE'S BEEN A VERY DIFFICULT BALANCE AFTER THE DOWNTURN OF HOW YOU BALANCE A LOT OF UNMET NEED. THIS COUNCIL HAS BEEN TRYING VERY HARD TO STRATEGICALLY REINVEST IN A BUDGET THAT WAS CUT VERY, VERY HARD IN THE DOWNTURN, THAT IS WHEN THE TRAFFIC CALMING MONEY WENT AWAY, JUST ABOUT AFTER 911 WHEN OUR BUDGETS WERE CUT IN THE GENERAL FUND AREA BY ALMOST 25%. YOU ARE RIGHT, IN THIS UPCOMING BUDGET, YOU ARE GOING TO SEE A PRIORITY ON TRAFFIC CALMING FUNDING, SO YOU ARE GOING TO SEE A NEW AND REINVIGORATED INVESTMENT IN TRAFFIC CALMING AS WE MOVE FORWARD. WE RECOGNIZE THAT THE NEIGHBORHOODS ARE UNDER SIEGE WITH TRAFFIC ISSUES IN THE URBAN CORE AND ARE WORKING TO SEE WHAT WE CAN DO TO GIVE YOU SOME RELIEF.

WE WILL BE HAPPY TO SEE THAT. THANK YOU.

THANK YOU. URAL JARMON. SORRY IF I'M MISPRONOUNCING THAT, FOLLOWED BY HUGH MCCANN.

HOW ARE YOU DOING, MR. MAYOR AND HOW ARE YOU DOING CITY COUNCIL? I WANT TO ADDRESS THE ZONING OVER IN -- IN 502 AREA CODE [SIC] IN THE SAINT JOHN'S COMMUNITY. WE ARE HAVING SOME ZONING ISSUES BECAUSE ON STARTING COMING FROM 35 TO BENNETT THAT ONE STREET RIGHT THERE ON BENNETT ON ONE SECTION IS COMMERCIAL AND THEN ALL THE WAY DOWN TO GRAND CANYON I MEAN ALL THE WAY FROM BENNETT THROUGH THE NEIGHBORHOOD IS NON-

COMMERCIAL, BUT RIGHT THERE, PICKS BACK UP ON -- ON GRAND CANYON. IT'S COMMERCIAL. AND -- AND SAINT JOHN IS THE HISTORIC DISTRICT AND THE ISSUE IS THEY ARE BUILDING HOMES FOR 120 TO 130,000 FOR SINGLE FAMILY HOMES. THEY ARE BUILDING SINGLE FAMILY HOMES IN THE COMMUNITY. BUT THE PROPERTY IS ONLY COMPRESSED IN VALUE AT \$40,000. AND WE ALSO HAVE A LOT OF BUSINESSES, LIKE HOME DEPOT, WE ALSO HAVE ACADEMY AND SO ON, SO ON. AND THE ZONING IS FUNNY BECAUSE OF WHERE ZONED AND HIGH ZONED. I DON'T KNOW HOW THEY GET THAT ONE ZONE THERE AND THEN THE ONE ON GRAND CANYON AND THEN ON THE WEST SIDE OF SAINT JOHN IT DOESN'T PICK UP TO ALL THE WAY TO GUADALUPE. SO MY ISSUE IS HOW -- HOW IS THAT COMMUNITY ZONED AND WHY ARE THE HOUSES SO EXPENSIVE FOR THE RESIDENTS OF LONG TIME THERE? AND THAT'S --

Mayor Wynn: THANK YOU, MR. JARMON. HUGH MCCANN, SIGNED UP WISHING TO SPEAK, WELCOME, HUGH, FOLLOWED BY KATHY GOLD SMITH.

THANK YOU, MAYOR WYNN, THE HONORABLE MEMBERS OF THE COUNCIL FOR HEARING ME OUT. MY NAME IS HUGH MCCANN, I'M HERE TO TALK ABOUT THE TRAFFIC ISSUES NEAR THE PLANNED NORTH CROSS REDEVELOPMENT. I'M A SINGLE DAD WITH THREE BOYS. I LIVE ON WHITE ROCK, THIS ROAD HAS BEEN USED AS A CUT THROUGH FOR TRAFFIC GOING TO NORTH CROSS IN THE PAST. BECAUSE OF THIS, I HAVE BEEN INVESTIGATING THE TRAFFIC ISSUE WITH THIS REDEVELOPMENT AND THERE IS DATA THAT INDICATES THAT TRAFFIC WILL BE MUCH WORSE THAN THE ORIGINAL TRAFFIC ANALYSIS INDICATES. NOW, WHEN I WENT TO LINCOLN PROPERTIES OPEN HOUSE, I WATCHED THE PRESENTATION CONCERNING TRAFFIC, ASKED QUESTIONS, I GOT VERY FEW ANSWERS. MY QUESTIONS WERE BASED ON THE AUGUST 2006 ITE TRAFFIC STUDY. IT WAS BASED IN TEXAS AND OKLAHOMA AND IT SHOWS THAT THE NUMBERS USED IN THE ORIGINAL TRAFFIC ANALYSIS IS NOT ACCURATE FOR DISCOUNT SUPER CENTERS OVER

200,000 SQUARE FEET IN SIZE. BASED ON THIS STUDY, THE TRAFFIC TO THIS WAL-MART SUPER CENTER WILL BE HIGHER THAN MORE THAN 50% COMPARED TO THE APPROVED TIA NUMBERS. I'M AWARE THAT THIS DATA WASN'T AVAILABLE BEFORE THE SITE PLAN WAS APPROVED. THE REASON I AM HERE IS I WANT TO TELL YOU THAT PART OF THE FRUSTRATION WE HAVE HAD IN OUR NEIGHBORHOODS IS THAT WE KNOW TRAFFIC IS GOING TO BE WORSE THAN THE TIA SUBMITTED SUGGESTS. OUR GUT INSTINCT TELLS US THAT THE LATEST RESEARCH INDICATES THAT. NOW, GOING BACK TO THE LINCOLN OPEN HOUSE, WHEN I WAS THERE, I ASKED IF THEY WERE AWARE OF THIS I.T. STUDY. THEY SAID YES AND INCORPORATED THAT INTO THEIR PRESENTATION, BUT WHAT I HAVEN'T SEEN IS WHAT THE SPECIFIC NUMBERS WERE THAT THEY USED. I ASKED -- I UNDERSTAND THAT THESE ARE OPEN RECORDS, BUT ACCORDING TO MY NEIGHBORHOOD ASSOCIATION, WE HAVEN'T RECEIVED THOSE NUMBERS AND ACCORDING TO THE CITY TRAFFIC ENGINEERS THEY HAVEN'T EITHER. MY ISSUE WITH THIS, SEEMS THESE NUMBERS HAVE ALREADY BEEN PLUGGED INTO FORMULAS SOMEWHERE, WE SHOULD BE ABLE TO SEE THEM. WE HAVE BEEN WORRIED AND FRUSTRATED WITH THE TRAFFIC PROBLEM. TODAY I HAVE NOT SEEN ANSWERS THAT DO MUCH MORE THAN RAISE MY EYE.... EYEBROWS. IF THE ANA REQUESTED A NEW STUDY, WHY IS IT RATHER THAN DO A NEW STUDY AND CALM THOSE FIERCE, LINCOLN OFFERED HALF A MILLION DOLLAR IN TRAFFIC MITIGATION INSTEAD OF A NEW TIA. THIS IS WELL OVER 10 TIMES THE COST TO THEM FOR COMPARED TO DOING A VERY STEPSIVE TIA AND DOESN'T RELAX MY DISTRESS ABOUT THE PROBLEM THAT DISTRESS IS THAT THERE MAY BE SERIOUS TRAFFIC ISSUES IN THE AREA THAT WILL COST THE CITY MANY MILLIONS OF DOLLARS. BASED ON THIS, I'M ASKING THE CITY TO DO WHAT IS PRUDENT FOR OUR NEIGHBORHOODS AND REQUESTS A NEW TIA TO BE COMPLETED BEFORE GROUND BREAKING. WE KNOW THE INTERSECTION OF BURNET AND ANDERSON IS ALREADY CLOSE TO FAILURE. WHEN TRAFFIC FAILS ON THESE ROADS, THE END RESULT WILL BE FRUSTRATED DRIVERS CUTTING THROUGH

OUR RESIDENTIAL AREAS. THESE ARE THE ROADS MY CHILDREN RIDE THEIR BIKES ON. GROWTH IN OUR CITY SHOULD BE DONE IN A WAY THAT PROTECTS OUR CHILDREN. THANK YOU.

Mayor Wynn: THANK YOU, MR. MCCANN. KATHIE GOLDSMITH. BE FOLLOWED BY CAROLEANNEROSE KENNEDY.

THANK YOU, MAYOR WILL -- MAYOR WYNN AND THE MEMBERS OF THE COUNCIL FOR ALLOWING ME TO SPEAK. SIX YEARS AGO I PURCHASED A \$200,000 FIXER UPPER IN ALLENDALE. I BOUGHT IN THIS NEIGHBORHOOD BECAUSE IT'S A NICE STABLE NEIGHBORHOOD WITH A LOW CRIME RATE AND NICE STREETS. I NOW HAVE TWO BEAUTIFUL YOUNG DAUGHTERS AND I WORK OUT OF MY HOME. WE WALK EVERYWHERE. NEIGHBORS AND SHOP OWNERS ALWAYS RECOGNIZE ME WITH MY LARGE BLUE DOUBLE STROLLER. I THINK THAT IT IS VERY IMPORTANT FOR ME TO RAISE THOUGHTFUL CITIZENS AND TEACH THEM THE IMPORTANCE OF THINKING GLOBALLY, ACTING AND SHOPPING LOCALLY. WHEN MY DAUGHTER WAS TWO, SHE UNDERSTOOD THAT WE BUY HER CAMBODIAN SEWY PAJAMAS FROM SEARS RATHER THAN CHINA. SHE UNDERSTANDS CAMBODIA IS NICE TO MOMMIES AND CHINA IS NOT. I'M TRYING TO RAISE YOUNG WOMEN WHO DO THE RIGHT THING AND USE THEIR DOLLARS RESPONSIBLY. WAL-MART IS NOT NICE TO MOMMIES, THEY RUE TEACHLY WITHHOLD EMPLOYEE WAGES, RESTRICTIONS ON WORKING HOURS, DENIES HEALTH CARE AND MATERNITY BENEFITS OF ITS CHINESE SUPPLIERS. IN AMERICA THIS \$3 BILLION COMPANY KEEPS ITS EMPLOYEES IN A STATE OF POVERTY THROUGH CORPORATE POLICIES. UNASHAMED WAL-MART INCLUDES PUBLIC ASSISTANCE AND INFORMATION IN EACH PAYCHECK. WAL-MART STORES COST FEDERAL TAXPAYERS \$2.5 BILLION IN SOCIAL SERVICES. WHAT BURDEN ON SOCIAL SERVICES WILL ANOTHER WAL-MART PLACE ON MY CITY OF AUSTIN? WAL-MART IS NOT GOOD FOR NORTH CROSS. NORTH CROSS IS A NEIGHBORHOOD. AND ANDERSON LANE IS NOT A HIGHWAY. STUDIES SHOW THAT AFTER FIVE YEARS OF OPENING THE

NEW WAL-MART, UP TO 19% OF GROCERIES, 14% OF SPECIALTY STORES AND 18% OF CLOTHING STORES WILL SHUT THEIR DOORS, ALSO LOCAL WAGES ARE DEPRESSED BY AS MUCH AS 5%. THIS IS NOT WHAT I WANT FOR MY NEIGHBORHOOD. ANDERSON LANE AND THE SURROUNDING AREA IS FILLED WITH NICE SHOPS, MANY OF WHICH ARE LOCALLY OWNED. ZINGER, TERRA TOYS, AUSTIN BABY, AUSTIN PUMPKIN PATCH, BABY, MANY OTHER SHOPS SUPPORT THE CULTURAL INTEGRITY OF AUSTIN. THIS IS WHAT I PAID FOR WHEN I BOUGHT MY ALLENDALE HOME. NOW ALL OF THAT IS THREATENED. IN AN E-MAIL FROM ONE OF THE COUNCILMEMBERS SITTING HERE TODAY, I WAS TOLD THAT THE CITY COUNCIL COULD DO NOTHING TO STOP THE WAL-MART PLAN, BUT I NOW KNOW THAT THE CITY HAS SECURED NEARLY A QUARTER MILLION TO SUPPORT WAL-MART'S EFFORT TO BUILD IN NORTH CROSS. AUSTIN IS USING A QUARTER OF A MILLION OF TAX DOLLARS, INCLUDING MY TAX DOLLARS TO FIGHT ME AND MY NEIGHBORS. WE DO NOT WISH TO HAVE A WAL-MART SUPER CENTER IN OUR NEIGHBORHOOD. AND OUR OWN CITY IS FIGHTING US AND WE ARE HEART BROKEN AND DISAPPOINTED. IS THE CITY OF AUSTIN DEDICATED TO KEEPING AUSTIN WEIRD? OR IS THAT JUST A SHAM? PLEASE KEEP WAL-MART OUT OF NORTHCROSS MALL. THANK YOU FOR YOUR TIME.

THANK YOU, MS. GOLDSMITH. CAROLEANNEROSE KENNEDY.

WELCOME BACK, COUNCIL. OIL JUST LIKE TO SAY SOMETHING ABOUT THE COMMENT THAT WAS MADE EARLIER ABOUT LINING POCKET. I HAVE BEEN WORKING WITH Y'ALL FOR -- FOR A YEAR AND A HALF AND THAT THOUGHT THAT NEVER CROSSED MY MIND. AU CONTRAIRE, I AM IN THE DEEPEST ADMIRATION FOR EVERY SINGLE ONE OF YOU FOR THE TIME THAT YOU ALL HAVE DEDICATED. I REALLY APPRECIATE THIS OPPORTUNITY TO SPEAK AT THIS FORUM.

Mayor Wynn: THANK YOU MS. KENNEDY.



MAYOR, YOU ARE A BIGGER MAN THAN I AM.  
[LAUGHTER] LET'S GET TO ANOTHER HEATED  
SUBJECT. I (music)(music) I'M JUST GETTING OVER  
BRONCHITIS, SO I MIGHT HAVE TO COUGH.  
(music)(music) EYE USED TO WORK AT I.R.S., AMONG  
THE BEST WHO SERVED, AND THEN MY BOSS SAID  
KENNEDY YOU ARE GETTING ON ANY NERVE. (music)  
IN 1991 I LOOKED THROUGH PILES OF MAIL, LOWER,  
IN 1991 I LOOKED THROUGH PILES OF MAIL, THEY  
CAME INTO THE TEXAS SHOP THROUGH WIND AND  
FIRE AND HAIL. (music) BY BIRD, BY PLANE, BY  
SUPER MAN OR ON FOOT TO JOYFULLY, BY GOAT,  
BY ROTE OR BICYCLE WENT ACROSS THE SHINING  
SEA. (music) I EARMARKED RED MARKED TAX  
RETURNS WITH DOG BITES, PEE AND WINE, BUT THE  
ONES FROM THE POPES AND THE PRESIDENTS  
SMELLED VERY BAD OF SWINE. (music) BUT I WORE  
MY SUIT WITH HOSE AND HEELS, MY HAIR THE  
LATEST STYLE, AND I WALKED REAL FIND AND I  
TALKED REAL STRAIGHT BUT I PLAST CENTERED ON  
MY SMILE. SOON I GOT TO MOVE DOWNTOWN ON  
THE HILL NEAR THE CAPITOL, HOW PROUD I WAS  
BUT HUMBLLED WHEN I FACED THE ALBINO BULL.  
(music) THROUGH THE OKAY BOMB IN 9/11 I LIVED  
WITHOUT A SCRATCH, BUT SOON I FOUND THAT THE  
ONE TO FEAR WAS RIGHT BEHIND MY -- BRASS.  
(music) SHE CRITICIZED MY MESSY DESK, THE FILE  
PILES ON MY FLOOR, MY OVERLOADED VOICE  
MAILBOX MY UNREAD E-MAIL CHORE. (music) SOON  
IT WAS MY TONE OF VOICE, THE COLOR OF MY  
EYES, AND THEN MY RESPIRATION RATE COULD BE  
TWICE HER SIZE. (music) THE MORAL TO HER STORY  
IS DON'T GIVE YOUR TIME IN LIFE, TO SHENANIGANS  
UNLESS YOU HAVE A WIFE. (music) I GAVE MY TIME  
AND LIFE TO Y'ALL, MY MONEY AND MY FUN, AND  
NOW I HAVE GREAT NEWS FOR Y'ALL, FROM YOUR  
UNCLE SAM I'VE RUN. [BUZZER SOUNDING]

THANK YOU.

Mayor Wynn: THANK YOU, MS. KENNEDY. GOOD  
TIMING. [ APPLAUSE ]

THAT CONCLUDES ALL OF OUR CITIZENS  
COMMUNICATION. A COUPLE OF THINGS TO BE  
RESPONDED TO. PERHAPS A BRIEF ATV REPLY OR

INFORMATION O'HENRY SECTOR.

YES. HENRY SECTOR.

A LITTLE BIT ABOUT WHAT WE ARE DOING IN SOUTH CENTRAL EFFORTS TO DATE, HOW WE ARE TRYING TO RESPOND TO THE CONCERNS THAT YOU HEARD EARLIER.

HOW ARE YOU ALL DOING? MY NAME IS LEO END.... ENRIQUES. I WANTED TO TALK TO YOU ALL ABOUT SOUTH CENTRAL, HENRY SECTOR. WE ACKNOWLEDGE THAT THERE'S A PROBLEM IN HENRY SECTOR. ONE OF THE REASONS THAT HENRY SECTOR WAS DESIGNED WAS THAT -- THAT THE CRIME RATE WAS SO HIGH IN THAT PARTICULAR AREA. WE FORMED THAT COUNCILWOMAN HAND TO BE ABLE TO -- COMMAND TO BE ABLE TO ADDRESS SPECIFIC ISSUES IN THOSE AREAS, ALONG WITH NORTH CENTRAL. AND RIGHT NOW WE HAVE SEVERAL OPERATIONS GOING OFF IN THAT AREA. ONE THAT WE JUST CONCLUDED. OPERATION CROSSROADS. I THINK THE NUMBERS WILL SHOW THAT WE HAD PRETTY GOOD SUCCESS OUT IN THAT AREA. WE SHOULD HAVE THE NUMBERS IN THE NEXT COUPLE OF WEEKS. WE DO SPEND A LOT OF TIME IN THAT AREA. A LOT OF RESOURCES, A LOT OF TIME TALKING TO THE NEIGHBORHOODS. AND WE ARE ADDRESSING SOME OF THE PROBLEMS OUT THERE AND I THINK YOU WILL SEE A DECLINING CRIME AS TIME GOES ON. THERE'S OTHER ISSUES THAT WE ARE -- WE ARE ADDRESSING BY -- BY -- I'M SURE EVERYBODY IS FAMILIAR WITH RESTORE HOPE. DISTRICT REPRESENTATIVES, OTHER PEOPLE, OTHER CITY AGENCIES WILL GET TOGETHER. WE GO INTO AN JURY AND CLEAN IT UP. WE HAVE CONCLUDED ONE OF OUR RESTORE HOPE'S IN THAT AREA, WE ARE GOING TO TRY TO DO ANOTHER OPERATION OF THAT MAGNITUDE. WE ARE ALSO WORKING TOWARD PUTTING BIKE PATROLS OUT INTO THE BUSIER AREAS. THE LIEUTENANT THERE WAS BRIEFING ON SOME OF THE THINGS THAT WE ARE DOING UP THERE. HOPEFULLY WE CAN COME BACK TO COUNCIL AND REPORT GOOD THINGS TO YOU GUYS. WE ARE AWARE OF IT, ALL OF THE ASSISTANT CHIEFS ARE WORKING TOGETHER TO

TRY TO ADDRESS SOME OF THE PROBLEMS THAT WE HAVE OUT THERE. BASICALLY I'M TELLING THE NEIGHBORHOOD THAT WE ARE AWARE, OUT THERE TO HELP YOU. BY ALL MEANS FEEL FREE TO COME UP AND TALK TO US. OPEN DOOR POLICY FOR ANY OF THE COMMUNITY IN THAT AREA. ALONG WITH THE REST OF THE DEPARTMENT. WE HAVE HAD SEVERAL CHANGES IN COMMANDERS, BUT MOSTLY IT'S DUE TO PROMOTIONS, COMMANDER GETS PROMOTED, WE CAN'T HOLD HIM INTO THAT AREA AND TRY TO KEEP THEM THERE. WE HAVE TO PROMOTE HIM. CHIEF CARTER WAS PROMOTED. CHIEF OR THE ADVERTISE WAS PROMOTED. CHIEF ORTIZ IS NOW BACK INTO THAT AREA. HE'S FAMILIAR WITH THE AREA, FAMILIAR WITH THE PEOPLE IN THAT AREA, SO I THINK THAT YOU WILL SEE SOME GOOD RESULTS COMING OUT OF THAT. WE HAVE A CLASS OF 88 QUOIG OUT. THAT'S GOING TO ALLEVIATE SOME OF THE PROBLEMS THAT WE HAD AS FAR AS VACANCIES. AGAIN WE WERE FAMILIAR WITH THE PROBLEMS, WE ARE TRYING TO ADDRESS THEM AND I THINK THE NEXT SIX, SEVEN MONTH, YOU WILL SEE A DECREASE IN CRIME.

I THINK FINALLY MAYBE COUNCIL WHAT WE WILL DO IS BECAUSE WE DO RECOGNIZE THIS IS AN AREA THAT HAD SOME INCREASE IN CRIME, MAYBE COUNCILMEMBER MARTINEZ WILL USE THE PUBLIC SAFETY TASK FORCE TO GIVE YOU A STATUS REPORT WITH AN ANALYSIS OF THE VACANCIES, THE OFFICERS AND THE CRIME RATES IN THE NEXT FEW MONTHS AS A RESPONSE TO THE SPECIAL PROJECTS THAT HAVE BEEN GOING ON THERE. THEN YOU WILL SEE US WITH OUR STAFFING ANALYSIS AS THE BUDGET IS BROUGHT FORWARD AS WE MOVE THROUGH THE BUDGET PROCESS, WE ARE HEADING INTO THE FORECAST AND POLICY BUDGET WILL BE UP NEXT.

COUNCILMEMBER KIM?

Kim: THANK YOU, CITY MANAGER. I DO HAVE A QUESTION ABOUT DISTRICT REPRESENTATIVES. I KNOW THERE'S BEEN SOME TURNOVER WITH THE COMMANDERS BECAUSE OF PROMOTIONS AND TAKES GOOD FOR THEM. HOWEVER WE DO HAVE

TURNOVER WITH THE DISTRICT REPRESENTATIVES CITY-WIDE BECAUSE IT IS AGAIN PEOPLE GET TRANSFERRED, PEOPLE GET PROMOTED. IT'S FRUSTRATING FOR THE NEIGHBORS, REGARDLESS OF THE POSITIVE IMPACT IT HAS ON OUR OFFICERS CAREER. HOW CAN WE -- HOW CAN WE ADDRESS THAT? HOW CAN WE ADDRESS IT SO THAT THERE IS AN INSTITUTIONAL ORGANIZATIONAL MEMORY ABOUT AN AREA THAT DOESN'T HAVE TO BE RECREATED FROM -- FROM NOTHING WHEN WE HAVE A NEW DISTRICT REPRESENTATIVE.

THAT'S AN INTERESTING PROBLEM. WE HAVE BEEN DEALING WITH THAT ISSUE ACTUALLY EVER SINCE WE STARTED THE DISTRICT REP PROGRAM. IT'S A SYMBOL OF BOTH THE SUCCESS, IT'S THE -- IT'S A SUCCESS AND THE WEAKNESS OF THE PROGRAM. THE SUCCESS IS THAT THE DISTRICT REPS ARE FORMING SUCH A STRONG ALLIANCE IN THE NEIGHBORHOODS AND THERE'S SUCH A STRONG CONNECTION THAT WHEN THEY DO MOVE, WHEN THEY DO ROTATE IT IS SEEN AS SUCH A LOSS, SUCH A LOSS OF CONTINUITY. THAT DOES SHOW THAT IT'S WORKING. THEY ARE IMPORTANT AND INTEGRATED INTO THE NEIGHBORHOOD COMMUNITY. WE ARE TRYING TO HOLD THEM THERE FOR -- I KNOW WE ARE TRYING TO KEEP THEM TO THREE. WE MOST RECENTLY HAD SOME STAYING UPWARDS OF FOUR YEARS IN AN AREA. BUT YOU'RE RIGHT, BECAUSE OF NATURAL PROMOTIONS AND MOVEMENT WITHIN THE DEPARTMENT. THERE IS MOVEMENT. CHIEF, I WILL LET YOU TRY TO ADDRESS IT A LITTLE MORE.

YEAH, IT'S VERY HARD TO BE A DISTRICT REPRESENTATIVE. A LOT OF POLICE OFFICERS, REGULAR PATROL OFFICERS GOING INTO D.R. PROGRAMS IS KIND OF A RETIREMENT JOB. ONCE THEY GET INTO THAT PROGRAM THEY REALIZE THAT YOU WORK TWICE AS HARD AS A DISTRICT REPRESENTATIVE THAN YOU EVER DID AS A POLICE OFFICER. OF COURSE I PROBABLY GET BEAT UP THIS AFTERNOON -- TEN TONIGHT THAT WAS A RISKY COMMENT YOU JUST MADE.

I HAVE WORKED WITH THE DISTRICT REPRESENTATIVES SINCE THEY STARTED AND I CAN

GUARANTEE YOU THAT THEY WORK TWICE AS HARD. THEY ATTEND MEETINGS, WE ATTEND MEETINGS WITH THEM. ACM McDONALD WANTED TO LET -- REMIND ME TO REMIND YOU GUYS THAT WE DO MEET WITH THE -- WITH THE PUBLIC AND THE COMMUNITY THAT WE'VE HAD SEVERAL MEETINGS IN THE PAST COUPLE OF WEEKS. I THINK THEY MET YESTERDAY. I WASN'T AT WORK YESTERDAY. BUT THEY MET AND TALKED A LITTLE BIT ABOUT SOME OF THE SITUATIONS IN SOUTH CENTRAL. BUT THE DISTRICT REPRESENTATIVES IS ONE PROGRAM THAT I WOULD LOVE TO BEEF UP. AND WE ARE GOING TO TRY TO DO EVERYTHING THAT WE CAN TO SELECT THE RIGHT PEOPLE FOR THAT AREA. KEEP THEM THERE.

WELL, HAS THERE BEEN ANY THOUGHT AS TO -- I DON'T KNOW IF THIS HAS HAPPENED RIGHT NOW, BUT BEFORE WE LOSE THAT DISTRICT REPRESENTATIVE TO A PROMOTION, THAT THERE IS OVERLAP WITH NEW DISTRICT REPRESENTATIVES WHO ARE ABLE TO TALK TO EACH OTHER AND THE OLD ONE CAN -- CAN EDUCATE THE NEW ONE AND BRING HIM OR HER UP TO SPEED FASTER AND INTRODUCE THAT PERSON TO THE COMMUNITY AND GO TO THE MEETINGS WITH HIM OR HER? I'M JUST WONDERING HOW CAN WE EASE THAT TRANSITION FOR THE NEIGHBORS THAT RELY SO MUCH ON THAT PERSONAL RELATIONSHIP WITH THAT OLD DISTRICT REP OR CURRENT DISTRICT REPRESENTATIVE SO THAT THEY DON'T FEEL THAT ALL OF A SUDDEN THEY HAVE GOT A BRAND NEW PERSON WHO DOESN'T KNOW A THING. JUST SOMETHING TO THINK ABOUT.

YES, MA'AM.

I AGREE. BECAUSE OF PROMOTIONS WE NORMALLY REALIZE THAT THAT DISTRICT REPRESENTATIVE WILL BE LEAVING. THEY HOLD BOARDS, THE SERGEANTS AND LIEUTENANTS IN THAT AREA, THEY TRY TO SELECT THE RIGHT PERSON AND PUT THEM THROUGH THE TRAINING PROCESSMENT BUT AGAIN IT TAKES A PERSON AT LEAST A YEAR TO FIGURE OUT HOW TO DO WHAT THEY DO, BE

PROFICIENT IN DOING IT.

BUT IF THAT'S NOT A BAD IDEA COUNCILMEMBER. WE COULD HAVE A -- A FORMAL PERIOD OF TIME WHERE THERE'S A SHADOWING THAT OCCURS THAT MAYBE JUST HELPS WITH THE INTRODUCTION AND THE TRANSITION BETWEEN THE DISTRICT REPS THAT CAN HELP EASE THE CONCERNS NEIGHBORHOODS HAVE WHEN THEY ARE LOSING IT. WE WILL TAKE THAT UNDER CONSIDERATION AS WE MOVE THROUGH THE PROCESS OF SEEING WHAT WE CAN DO ABOUT IT. IT IS AN ONGOING CONCERN WITH NEIGHBORHOODS WHEN THEY LOSE THEIR DISTRICT REP. THE GOOD NEWS IS THAT IT'S WORKING SO WELL. THE BAD NEWS IS EVERY TIME ONE MOVES OR LEAVES IT CAUSES GREAT CONCERN IN THE NEIGHBORHOOD.

THANK YOU ALL VERY MUCH, CHIEF.

THANK YOU.

COUNCIL, THAT CONCLUDES OUR GENERAL CITIZENS COMMUNICATION. IF YOU REMEMBER, WE HAD JUST TAKEN THE LAST -- ACTUALLY I SEE MS. HUFFMAN, I GUESS THERE WAS A BRIEF RESPONSE TO TECHNICAL ISSUES. INTUITIVE ISSUES OF TRAFFIC AROUND NORTHCROSS MALL. BUT TECHNICAL ISSUE THAT'S WE FACE WITH TIA.

MR. MCCANN RAISED THE ISSUE THAT THE ITE, THE INSTITUTE WHICH SETS THE TRIP GENERATION NUMBERS FOR ALL LAND USES AROUND THE COUNTRY PUBLISHED AN ARTICLE, IT'S A JOURNAL ARTICLE PUBLISHED IN AUGUST. THE ISSUE THAT WAS RAISED IN THE ARTICLE WAS WHETHER OR NOT THE TRAFFIC IMPACT ANALYSIS FOR SUPER CENTERS NEEDS A SECOND LOOK. IT'S SOMETHING THAT YOU ALL DISCUSSED AT LENGTH OVER THE HOLIDAYS. YOU WILL RECALL THAT -- THAT WHEN THE PERMIT WAS ISSUED IN AUGUST, THE PERMIT THAT LINCOLN IS OPERATING UNDER NOW, PRECEDED THIS INFORMATION. OVER THE HOLIDAYS, THEY FILED A SECOND PERMIT. THEY FILED A SECOND SITE PLAN, WE ARE IN THE PROCESS OF REVIEWING THAT SITE PLAN. BECAUSE

WE ARE AWARE OF THAT ARTICLE NOW THAT WE HAVE IT IN OUR HANDS, BECAUSE WE HAVE SOME TRIP GENERATION NUMBERS FROM OTHER WAL-MARTS IN AUSTIN, WE HAVE ASKED THE TRAFFIC ENGINEERS FOR LINCOLN TO TAKE A SECOND LOOK AT THEIR TRAFFIC IMPACT ANALYSIS BASED ON THIS INFORMATION. BASED ON ACTUAL TRAFFIC COUNTS IN AUSTIN, BASED ON THE TRIP GENERATION NUMBERS THAT ARE BEING DISCUSSED IN THIS JOURNAL ARTICLE. THAT IS THE ANALYSIS THAT BOTH WE AND THE NEIGHBORHOODS ARE WAITING TO SEE. SO WHERE WE ARE IS WITH THE SECOND SITE PLAN REVIEW, LINCOLN IS IN THE PROCESS OF RESPONDING TO OUR FIRST ROUND OF COMMENTS. ONE OF THOSE COMMENTS WAS JUST THAT ISSUE. WE WANT TO SEE A -- MORE OF A BLENDED TRAFFIC IMPACT RATE BASED ON THIS NEW INFORMATION. AND WE ARE AWAITING THAT ANALYSIS. SO I CAN'T TELL YOU WHETHER OR NOT THAT FAILS THE INTERSECTIONS, BUT WHAT I CAN TELL YOU IS THAT WE HAVE ASKED FOR IT.

MS. HUFFMAN WHILE YOU ARE TALKING TO LINK COB AND WAL-MART REPRESENTATIVES, I WONDER IF WE CAN GET INFORMATION ON SECURITY, STAFFING SECURITY GUARDS, WAL-MART EMPLOYEES, AN OUTSIDE COMPANY, WHAT ARE THEY DOING CURRENTLY, WHAT DO THEY PLAN TO DO AT NORTH NORTHCROSS MALL WITH THEIR SUPER CENTER THERE THAT THEY ARE PLANNING. ONE REASON WHY I AM ASKING THIS, IT'S OF CONCERN TO ME. WHEN I LOOKED AT THE NUMBERS STAFF PROVIDED TO ME COMPARING WALL MATTERS AND TARGET IN THE SAME AREA, ALL SUPER CENTERS, WAL-MARTS SUPER CENTERS WERE THE ONLY ONES WITH SERIOUS CRIMES, AGGRAVATED ASSAULT, ASSAULT WITH A DEADLY WEAPON. WE DID NOT SEE THAT WITH THE TARGET SUPER CENTERS. THERE'S SOMETHING DIFFERENT ABOUT THEIR STORES, I DON'T KNOW WHAT IT IS, IF IT'S SECURITY, IF IT'S THE WAY IT'S LAID OUT. BUT I WOULD LIKE TO GET SOME INFORMATION ON WHAT THEY ARE GOING TO DO ABOUT IT. THEY MAY WANT TO EVEN LOOK AT THE CURRENT STORES.

YOU BET, WE'LL DO THAT.

COUNCILMEMBER MCCRACKEN.

MS. HUFFMAN, CAN YOU GIVE US SOME UNDERSTANDING OF WHAT IT IS THAT THIS ARTICLE SAID? I KNOW THAT WE HAD -- HAD A CITIZENS COMMUNICATION SPEAK TO THAT, BUT WHAT IS YOUR UNDERSTANDING OF WHAT THAT ARTICLE SAID THAT APPEARED IN --? SAYS SENSE WHAT IT SAYS IT ASSERTED THAT THE EMERGING DATA IS SHOWING WHEN STORES GO OVER 200,000 SQUARE FEET THE KEY INDICATOR WHICH IS THE TRIP GENERATION NUMBER, HOW MANY CARS ARE GOING IN AND OUT OF THAT STORE, MAY NEED TO BE HIGHER THAN FOR SUPER CENTERS THAT ARE BELOW 200,000 SQUARE FEET. SO IT'S FLUSHING OUT THAT ISSUE OF THE SUPER CENTERS. BECAUSE THE LAND USE CATEGORY, DISCOUNT SUPER CENTER EXISTED AS A LAND USE CATEGORY IN THE I.T. MANUAL FOR MANY YEARS. WHAT YOU ARE TRYING TO FIGURE OUT THAT THE DATA IS SHOWING IS THAT THERE NEEDS TO BE TWO WAYS OF LOOKING AT DISCOUNT SUPER CENTER. BELOW 200,000 SQUARE FEET, ABOVE 200,000 SQUARE FEET. THAT WAS WHAT THE ARTICLE WAS ABOUT.

DID IT INDICATE HOW SIGNIFICANTLY OFF IT APPEARS THAT THE DATA MAY BE? THAT THE CITY -  
- AND OTHERS HAVE BEEN RELYING ON?

WHAT THEY DID WAS THEY ASSERTED THAT THE TRAFFIC IMPACT NUMBER NEEDED TO BE HIGHER. GEORGE ZAPALAC IS HERE, HE MIGHT EVEN KNOW OFF THE TOP OF HIS HEAD WHAT NUMBER THEY ARE ASSERTING. WHAT THEY ARE SAYING IS THAT THEY THINK THE TRIP GENERATION NUMBERS SHOULD BE HIGHER FOR STORES OVER 200,000 SQUARE FEET THAN FOR STORES UNDER 200,000 SQUARE FEET.

I SEE GEORGE RIGHT BEHIND YOU. THAT MIGHT BE HELPFUL TO HEAR.

COUNCILMEMBER, THE -- THE NUMBER IN THE ARTICLE WAS SIGNIFICANTLY HIGHER. I BELIEVE, IF



I REMEMBER CORRECTLY THE NEW RATE, THIS IS JUST FOR THE PEAK, EVENING PEAK HOUR, FIVE AND A HALF TRIPS PER THOUSAND SQUARE FEET. THE OLD RATE WAS ABOUT 3.9, SO IT WENT FROM 3.9 TO 5.5. PER THOUSAND SQUARE FEET.

WHAT WOULD THAT TRANSLATE TO FOR THE -- FOR THE PROPOSED WAL-MART SUPER CENTER THAT'S -- THAT'S BEING --

WELL, THE -- THE SIZE HAS NOT BEEN FINALIZED ON THAT YET. THAT'S -- THEY HAVE -- THE ORIGINAL PROPOSAL, IT WOULD HAVE RESULTED IN ABOUT -- ABOUT 15,000 TRIPS. COMPARED TO ABOUT 10,000 PREVIOUSLY. IT WAS ABOUT 50% HIGHER. BUT THE - - THE STORE SIZE I BELIEVE HAS BEEN REDUCED SLIGHTLY.

McCracken: 225 TO 219, RIGHT? THAT'S MY UNDERSTANDING IS -- RECOLLECTION IS THEY ORIGINALLY WERE PROPOSING A 225,000 SQUARE FOOT SUPER CENTER. THEY NOW ARE PROPOSING A 219,000 SQUARE FOOT SUPER CENTER WHICH IS STILL FOUR TIMES LARGER THAN THE H.E.B.ES IN THAT AREA. BUT TO GIVE PEOPLE AN INDICATION OF HOW BIG THAT IS. 219,000 SQUARE FEET, WHAT DOES THAT TRANSLATE TO.

I'M SORRY THAT'S THE 15,000.

OKAY.

THAT'S AN UNADJUSTED NUMBER. IT WOULD HAVE TO BE ADJUSTED TO TAKE INTO ACCOUNT THE MIXED USE CHARACTER OF THE SITE.

McCracken: BECAUSE I RECALL SO THE 225,000 SQUARE FOOT STORE WOULD HAVE PRODUCED ABOUT 10,600 CAR TRIPS A DAY IS MY RECOLLECTION. NOW APPEARS THAT THE SLIGHTLY SMALLER 219,000 SQUARE FOOT STORE WOULD PRODUCE UNDER THESE -- THIS NEW DATA 50% MORE TRAFFIC IN THE -- IN THE BIGGER -- THAN THE BIGGER STORE WOULD HAVE UNDER THE OLD DATA, IS THAT RIGHT?

YES, SIR, YES, SIR, I BELIEVE THAT'S CORRECT.

IS IT REALLY POSSIBLE -- IS IT POSSIBLE FOR US TO GET A COPY OF THAT ARTICLE, TOO.

CERTAINLY, CERTAINLY, WE CAN DO THAT.

McCracken: I KNOW FINALLY THAT YOU ALL HAVE GIVEN US INFORMATION THAT IT IS WITHIN THE CITY'S AUTHORITY, THE SITE PLAN REVIEW PROCESS, TO HAVE A NUMBER OF TRAFFIC MITIGATION MEASURES, INCLUDING WIDENING ROADS BUT ALSO REQUIRING LESS SQUARE FOOTAGE OR REQUIRING MIXED USE OR BLOCK STRUCTURE AND -- AND IT APPEARS THAT -- THAT IF THE -- IF THE TRAFFIC NUMBERS ARE THAT WILDLY OFF, 50% OFF, BASED ON WHAT APPEARS TO BE NATIONAL INFORMATION THE LATEST DATA, THAT - - THAT -- I GUESS THAT I WOULD LIKE MORE INFORMATION WHETHER IN FACT THAT STILL HOLDS TRUE, THE INFORMATION THAT WE GOT IN DECEMBER AS PART OF THE SITE PLAN REVIEW THAT THE CITY HAS THE AUTHORITY TO REQUIRE MIXED USE OR SMALLER STORE SIZE AS A RESPONSE TO -- TO TRAFFIC IMPACT, WE DON'T HAVE TO -- NOT JUST ABOUT MAKING ANDERSON LANE INTO A HIGHWAY.

YES, COUNCILMEMBER, THERE ARE VARIOUS OPTIONS THAT CAN BE LOOKED AT TO MITIGATE THE TRAFFIC. ONE THING THAT I WOULD CLARIFY, NOT TALKING ABOUT 50% INCREASE FOR THE ENTIRE SITE, JUST FOR THE WAL-MART ITSELF. THERE ARE OTHER -- OTHER FACILITIES ON THE SITE. THAT WERE INCLUDED IN THE ORIGINAL TRAFFIC IMPACT ANALYSIS. AND ALSO THE ORIGINAL TIA OVERESTIMATED THE AMOUNT OF TRAFFIC -- WELL, LET ME CLARIFY THAT. THE SCENARIO THAT WAS ANALYZED IN THE ORIGINAL TIA WAS LARGER THAN THE ONE THAT WAS FINALLY APPROVED ON THE SITE PLAN ORIGINALLY. SO THERE IS A LITTLE DIFFERENCE THERE. THERE WAS SOMETHING OF A CUSHION USING THE OLD TRIP RATE. IF WE -- HOWEVER, IF WE FACTOR IN THE NEW TRIP RATE, THERE WILL BE SOME INCREASE, BUT IT MAY NOT BE THAT WHOLE

50%.

> SURE, OKAY.

WELL, I GUESS THE NEXT STEP IS JUST TO FIND OUT WHAT THE TRUTH IS. BUT ALSO I RECALL IN DECEMBER WHEN WE RAN OUR OWN DATA IN THE CITY ON ACTUAL TRAFFIC COUNTS OF ACTUAL WAL-MART SUPER CITIZENS, WE FOUND THEY WERE ALSO WILDLY HIGHER THAN WHAT THE TRAFFIC MANUAL SUBMISSIONS HAD SUGGESTED THEY WOULD BE. AND HAVE WE RUN SUBSEQUENT ACTUAL TRAFFIC COUNTS FOR WAL-MART SUPER CENTERS IN AUSTIN SINCE DECEMBER?

YES, WE HAVE. WE HAVE LOOKED AT THE SITE AT BEN WHITE AND I-35 WHICH IS WE FELT WAS THE BEST SOURCE TO USE BECAUSE IT WAS JUST THE STORE BY ITSELF WITHOUT THE ADDITIONAL FACILITIES ON THE SITE. WHERE.....WE DID TAKE SOME ADDITIONAL COUNTS THERE. THE -- THE APPLICANT'S ENGINEER ALSO DID SOME OF THEIR OWN COUNTS OUT THERE. SO WE HAVE ASKED THEM TO INCLUDE THAT INFORMATION AS WELL AS THE INFORMATION FROM THE ARTICLE THAT -- THAT LOOKED AT SEVERAL OTHER SITES IN TEXAS AND OKLAHOMA.

WHAT DID THOSE ACTUAL TRAFFIC COUNTS AT THE SUPER CENTER ON I-35 AND BEN WHITE COME UP WITH?

THEY WERE SLIGHTLY LOWER THAN WHAT WAS PROJECTED OR WHAT WAS FOUND IN THE ARTICLE THAT WAS PUBLISHED. BUT THEY WERE STILL HIGHER THAN WHAT WAS PREVIOUSLY IN THE DATA BASE.

DO YOU KNOW LIKE -- BECAUSE I REMEMBER AN ISSUE HAD BEEN THAT IT WAS DURING DECEMBER, BUT ON A MONDAY, TUESDAY OR WEDNESDAY, DO YOU KNOW WHEN AND WHAT TIME OF YEAR, WHAT DAY OF THE WEEK, THAT KIND OF STUFF THE TRAFFIC COUNTS FOR THE I-35 AT BEN WHITE SUPER WAL-MART.

THEY WERE ORIGINALLY SOME COUNTS TAKEN IN DECEMBER, ADDITIONAL COUNTS TAKEN IN JANUARY.

BUT NOT DURING THE ICE STORM.

NOT DURING THE IT'S STORM.

AS SOMEBODY SAID. ALL RIGHT. IF YOU CAN -- IN ADDITION TO THE ARTICLE, I THINK IT WOULD BE HELPFUL FOR US TO SEE THAT NEW INFORMATION, ALSO. THIS IS STUFF THAT I THINK -- HITTING ME COLD TODAY, PROBABLY THE REST OF US, TOO.

CERTAINLY, WE WILL DO THAT.

Mayor Wynn: THANK YOU, MR. ZAPALAC.

MAYOR AND COUNCILMEMBERS, THE REASON THAT WE ASKED THEM TO BLEND THE ACTUAL TRAFFIC COUNTS AND THE JOURNAL ARTICLES IS BECAUSE WE HAVE BOTH DATA POINTS NOW. SO THE ANALYSIS IS REALLY WHAT TELLS US WHETHER OR NOT WITH HIGHER TRIP GENERATION NUMBERS THERE'S AN IMPACT TO THE INTERSECTION. WHAT WE WILL DO IS WE WILL GET YOU WHAT WE ASKED THEM TO FEED INTO THE MODEL. WHEN WE FIND OUT WHAT THAT DOES IN TERMS OF IMPACT. WE WILL MAKE SURE THAT YOU ARE ALSO AWARE OF WHAT THAT SAYS.

Mayor Wynn: FINALLY, MR. SMITH, REMIND ME, I HAVE HEARD A NUMBER OF CITIZENS DESCRIBE US HIRING CASEY DOBSON AS WE HIRED AN ATTORNEY TO GO FIGHT THE NEIGHBORHOOD. MY REMEMBRANCE OF THAT ACTION IS WE HIRED MR. DOBSON WHO HAS A, YOU KNOW, REMARKABLE TRACK RECORD WORKING WITH US ON DEVELOPMENT ISSUES, SPECIFICALLY TO SEE WHAT FLEXIBILITY WE MAY HAVE AS A CITY VIS-A-VIS THIS SITE PLAN, THAT IS THE SITE PLAN THAT WAS ADMINISTRATIVELY APPROVED, SEEMING MET ALL ZONING REQUIREMENTS, BUT WE ACTUALLY WENT THE EXTRA LENGTH TO BRING IN OUTSIDE LEGAL ADVICE WITH YOUR SUGGESTION, TO SEE WHAT WE COULD DO FROM OUR DIRECTION, NOT -- I MEAN, TO

-- TO SEE HOW MUCH FLEXIBILITY THAT WE WOULD HAVE TO -- TO REQUIRE A CHANGE. TO SAY NO. THEN INEVITABLY AS HE DOES HIS GOOD LEGAL ANALYSIS, LODGE JUSTALLY AND LEGALLY, IT PUTS HIM IN A POSITION TO DEFEND THE CITY SHOULD IF WE GET SUED, WE GET SUED ALL THE TIME, OFTENTIMES BOTH DIRECTIONS AT THE SAME TIME OVER DEVELOPMENT DEALS. COULD YOU HELP ME RECHARACTERIZE APPROPRIATELY WHAT MR. DOBSON WAS HIRED TO DO. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION. THANK YOU. SO COUNCIL, IF YOU REMEMBER, WE HAD JUST CONCLUDED GETTING ALL OUR PUBLIC TESTIMONY ON ITEM NUMBER 14 14 RELATED TO THE FRANCHISE AWARD, SO COMMENTS, QUESTIONS? COUNCILMEMBER MARTINEZ.

Martinez: I WANTED TO START OFF THAT THIS IS SOMETHING THAT -- IF ANYONE IS TO BLAME FOR IT TAKING SO LONG, IT'S PROBABLY BECAUSE OF MY OFFICE ASKING A LOT OF QUESTIONS. I WANT TO MAKE IT REAL CLEAR THAT THE PROCESS THAT WE USED GOING FROM A LOTTERY SYSTEM TO THIS MATRIX THAT WE USED IN THIS PROCESS WAS ASKED FOR BY EVERYONE INVOLVED. SO TO SAY THAT COUNCIL IS HOLDING THIS UP OR WHAT'S TAKING SO LONG, EVERYONE ASKED FOR THIS. NOBODY WANTED A LOTTERY SYSTEM. IN ORDER TO MAKE AN APPROPRIATE DECISION YOU HAVE TO TAKE THE APPROPRIATE AMOUNT OF TIME. I'M APOLOGETIC THAT IT'S TAKEN THIS LONG. NOBODY WANTS THIS THING LINGERING OUT HERE ANY LONGER, BUT WE DO HAVE TO MAKE A DECISION THAT'S IN THE BEST INTEREST OF THE CITIZENS, AN THAT'S THAT'S WHY IT TAKES SO MUCH TIME, ESPECIALLY IN THIS CASE WHERE IT HAS BEEN A DIFFICULT CASE. THERE HAVE BEEN PERSONAL ACCUSATIONS MADE THAT ARE UNNECESSARY AND DON'T NEED TO BE A PART OF THIS DECISION AN SHOULDN'T BE A PART OF IT. AND I DON'T THINK THEY WILL TODAY. BUT THE DECISION THAT WE MAKE WILL BE BASED ON WHAT WE BELIEVE. AT LEAST FOR ME IT WILL BE BASED ON WHAT I

BELIEVE IS BEST FOR THE CITIZENS OF AUSTIN. LET ME MAKE IT VERY CLEAR -- BECAUSE ONE OF THE THINGS I FOUND OUT IN THE LAST EIGHT MONTHS OF DEALING WITH THIS, IS THERE'S A MISCONCEPTION OUT THERE THAT CAB FRANCHISE OWNERS AND/OR CAB DRIVERS BELIEVE THAT THOSE PERMITS ARE THEIRS. THOSE PERMITS ARE OWNED BY THE CITIZENS OF AUSTIN AND WE NEED TO BE EVER MINDFUL OF THAT. THAT NO MATTER WHAT KIND OF BUSINESS WE RUN IN TERMS OF A CAB FRANCHISE, THE CITIZENS OWN THOSE PERMITS, NOT CAB DRIVERS, NOT CAB COMPANIES. AND I FOUND THAT VERY DISHEARTENING IN THIS PROCESS THAT OUR PERMITS ARE BEING USED IN THAT MANNER BECAUSE THAT IS NOT WHAT I BELIEVE THE INTENTION OF THE CAB FRANCHISE PERMITTING PROCESS WAS WHEN WE IMPLEMENTED IT. TO BE VERY HONEST WITH YOU, REGARDLESS OF WHAT WE DECIDE TODAY, I DON'T THINK WE'RE DONE AS IT RELATES TO CABS. THERE ARE MANY ISSUES THAT WERE DISCOVERED IN THIS PROCESS THAT ARE VERY CONCERNING TO ME, AND THE PERMITTING PROCESS WAS ONE. I'LL CONTINUE WORKING ON THAT AND BRING RELATIVE ITEM FORWARD IN THE FUTURE AS IT RELATES TO THAT PERMITTING PROCESS.

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

Cole: I HAVE A FEW QUESTIONS OF SONDR  
CREIGHTON. WE HAVE BEEN THROUGH A LONG  
PROCESS OF COMING UP WITH THIS CRITERIA, AND  
WE ALSO WENT THROUGH AN AUDIT PROCESS  
AFTER WE MADE A SELECTION. AND IT'S MY  
UNDERSTANDING THAT BOTH THE  
TRANSPORTATION COMMISSION AND THE STAFF  
HAS RECOMMENDED CAPITAL CITY, IS THAT  
CORRECT?

THAT'S CORRECT.

Cole: I WANTED TO ASK YOU ABOUT THIS ONE  
\$61,142 THAT WAS ORIGINALLY THOUGHT TO BE A

LOAN THAT WAS NOT. CAN YOU EXPLAIN THAT?

AS I RECALL THERE WAS \$461,000 THAT'S AN ASSET, A LAND ASSET THAT CAPITAL CITY CAB HAS. IS THAT WHAT YOU'RE TROAFERG?

YES. SO THERE WAS NO LOAN ASSOCIATED WITH THOSE DOLLARS, IS THAT CORRECT?

THE LOAN I THINK YOU'RE REFERRING TO WAS UNDER THE FINANCIAL ARRANGEMENTS THAT CAPITAL CITY CAB HAS THAT THEY HAD GOTTEN A LETTER OF CREDIT FROM A BANK INDICATING THAT THEY WOULD SUPPORT GIVING THEM A LOAN AND \$300,000.

SO ONE OF THE FACTOR WAS DETERMINING THE CREDIT AVAILABILITY, AND YOU DETERMINED THAT CAPITAL CITY HAD THAT, IS THAT CORRECT?

IT WAS DETERMINING, YES, WHO HAS THE STRONGEST FINANCIAL CAPABILITY. AND BY HAVING THE EXAIBT OF BEING ABLE TO GET A LOAN IN THAT AMOUNT, THAT INDICATED A CERTAIN AMOUNT OF FINANCIAL STRENGTH, SO THEY WERE RANKED HIGHER BECAUSE OF THAT.

...

Cole: OKAY. AND WASN'T THERE ALSO SOME CONFUSION ABOUT THE ISSUE OF AN ASSIGNMENT BY MR. ZACH FODO THAT TURNED OUT IN AUDIT THAT WAS EVENTUALLY CLEARED UP?

THERE WAS CONFUSION I BELIEVE ABOUT HOW THE LAND THAT WAS OWNED BY MR. FODO WAS TRANSFERRED TO CAPITAL CITY CAB, AND THERE WAS A LETTER TO TRANSFER THAT. AND I GUESS THERE ARE DIFFERENT MECHANISMS FOR TRANSFERRING IT. IT WAS NOT OFFICIALLY RECORDED AS A DEED, AS I RECALL, SO INITIALLY THERE WERE QUESTIONS ABOUT THAT.

...HOWEVER, ULTIMATELY, AS I UNDERSTAND IT, AND I'LL LET SANDY ZIMMERMAN WITH THE LAW DEPARTMENT RESPOND TO THAT. AS I UNDERSTAND

IT, IT WAS CONCLUDED THAT IT WAS OKAY TO ASSIGN IT IN THAT WAY.

Cole: THAT WAS A PERFECT BALLY LEGAL TRANSACTION, IS THAT CORRECT -- A PERFECTLY LEGAL TRANSACTION, IS THAT CORRECT?

YES.

Cole: THE LAST THING I WANT TO ASK YOU ABOUT IS THE COMPOSITION OF THE PANEL. I UNDERSTAND THERE WAS A A FULL REVIEW PANEL THAT SET CRITERIA. AND HOW THEY WENT ABOUT THAT, I THINK IT'S IMPORTANT THAT THE PUBLIC UNDERSTANDS THAT IF WE ARE GOING TO MAKE A RECOMMENDATION TODAY BASED ON THAT CRITERIA.

CERTAINLY. WE HAD A PANEL OF FOUR MEMBERS AND THE MEMBERS EITHER HAD FINANCIAL EXPERIENCE OR EXPERIENCE WITH CAB COMPANIES. THIS IS THE FIRST TIME THAT WE EVER SELECTED A CAB COMPANY UNDER THIS TYPE OF SELECTION PROCESS. SO IT WAS THE FIRST TIME THAT WE HAD DONE THAT, AND THERE CERTAINLY ARE NOT A LOT OF CITY STAFF WHO ARE EXPERIENCED IN THE WAY THAT, FOR EXAMPLE, SELECTING AN ENGINEERING FIRM ARE. BUT WE DID HAVE STAFF THAT WORK IN THE AREA OF TAXI CAB FRANCHISES ON THE PANEL AND WE ALSO HAD A CERTIFIED PUBLIC ACCOUNTANT ON THE PANEL. SO IT WAS A DIVERSE PANEL REPRESENTED BY DIFFERENT TYPES OF PROFESSIONS.

AND THAT PANEL CERTIFIED CAPITAL CITY AS THE BEST FINANCIAL COMPANY, IS THAT CORRECT?

THEY RANKED THEM AS THE TOP COMPANY FINANCIAL LAIND IN OTHER RESPECTS. IF YOU LOOK AT THE MATRIX, THERE WERE SOME CRITERIA THAT CAPITOL CITY DID NOT COME OUT RANKED NUMBER ONE, BUT IN THE END CAPITAL CITY RECEIVED THE LOWEST POINTS, WHICH IN THIS CASE MEANT THAT THEY WERE THE HIGHEST RANKED.



Cole: OKAY. THANK YOU, SONDRRA.

Martinez: I WANT TO POINT OUT THAT IN THE MATRIX SYSTEM, MS. CREIGHTON, THE DIFFERENCE IN POINTS IS SIMPLY ONE POINT.

CORRECT.

Martinez: AND THE AREA THAT THERE IS A ONE-POINT DIFFERENCE IS WHAT COUNCILMEMBER COLE WAS ASKING ABOUT IN TERMS OF THE FINANCIAL BACKGROUND.

YES. WELL, THEY WERE RANKED DIFFERENT IN DIFFERENT CATEGORIES, SO --

Martinez: BUT THEY'RE ONE POINT DIFFERENCE IN REGARDS TO THE FINANCIAL ASPECT.

YES. WELL, NOW, THEY CAN ONLY BE RANKED ONE, TWO OR THREE. SO THEY WERE RANKED THE TOP FIRM, SO IT'S NOT REALLY THAT THERE'S JUST ONE POINT DIFFERENCE IN THAT CASE, THERE'S A ONE POINT DIFFERENCE IN THE TOTAL NUMBER OF POINTS.

Martinez: OKAY. AS IT RELATES TO THE PROPERTY, THE TESTIMONY THAT WAS GIVEN EARLIER BY ONE OF THE SPEAKERS WAS THAT THE PROPERTY WAS DEED FROM MR. FODO TO CAP CITY CAB IN JUNE OF '06?

I'M NOT CERTAIN EXACTLY OF THE DATE. MAYBE THERE'S STAFF WHO CAN VERIFY THAT.

GOOD MORNING, COUNCILMEMBERS, I'M SANDY ZIMMERMAN FROM THE LAW DEPARTMENT. THERE WAS A LEGITIMATE TRANSFER OF THE LAND. IT WAS DONE AS THE LAW ALLOWS IN A MORE INFORMAL MANNER. IT'S PERFECTLY LEGAL UNDER THE LAW THAT IT WAS TRANSFERRED, HANDWRITTEN, BUT IT HAD A DESCRIPTION OF THE PROPERTY AND ALL THE LEGAL REQUIREMENTS. I UNDERSTAND IT'S SENSE BECOME A RECORDED DEED. THE CONFUSION WITH THE LAND WAS THAT WHEN THE LETTER OF COMMITMENT, THE BANK

SAYING THEY WOULD EXTEND CREDIT, THERE WAS SOME ASSUMPTIONS MADE THAT A CREDIT RELATIONSHIP ALREADY EXISTED, WHICH A GAVE THE IMPRESSION THAT THERE WAS A LIEN ATTACHED TO THE PROPERTY WHEN THERE WAS NOT.

Martinez: OKAY. THE LEGAL TRANSFERRING OF THE DEED, THE SPECIAL WARRANTY DEED THAT WAS SUBMITTED WITH THE COUNTY IS DATED FEBRUARY 21st OF 2007. HOW CAN CAPITAL CITY CLAIM THIS AS AN ASSET FROM JUNE 2006 WHEN THE NOTARIZED DEED OF TRANSFER IS DATED FEBRUARY 21st, 2007?

THE ORIGINAL -- I FIRST OF ALL WANT TO CLARIFY WHICH DOCUMENT WE'RE TALKING ABOUT. ARE WE TALKING ABOUT THE RECORDED DEED IN THE TRAVIS COUNTY RECORDS?

...

Martinez: YES.

THE ORIGINAL TRANSFER OF LAND, THE MORE INFORMAL TRANSFER, WAS EFFECTIVE FOR THE TRANSFER OF LAND. SO WHEN IT WAS TRANSFERRED TO THE OWNERSHIP OF THE COMPANY AS OPPOSED TO THE INDIVIDUAL, IT WAS A VALID ASSET OF THE CORPORATION OR THE COMPANY. IT WAS NOT CARRIED OUT IN THE WAY THAT WE SEE MOST RECORDED DEEDS CEASHD OUT. THAT'S A -- CARRIED OUT. THAT'S A FORMALITY THAT OCCURRED, BUT IT WAS AN ASSET OF THE CORPORATION AT THE TIME.

Martinez: DID WE ASK CAPITAL CITY TO GO TO THE COUNTY AND FILE A DEED?

I AM NOT FAMILIAR WITH THAT ASPECT OF THE PROCESS, SO I'LL NEED TO TURN THAT BACK TO SONDR.

I THINK WHAT HAPPENED IS THEY HAD TRANSFERRED IT THROUGH THIS LETTER OF ASSIGNMENT AND THAT'S WHAT SUBMITTED AND

REVIEWED. AND SUBSEQUENT TO THAT THEY ON THEIR OWN WENT AND HAD IT RECORDED AS A DEED AND THEY PERHAPS -- PERHAPS THEIR HERE AND THEY CAN ANSWER THAT QUESTION THEMSELVES.

Martinez: MR. HOWARD?

COUNCILMEMBER MARTINEZ, THERE WAS AN ASSIGNMENT DONE IN JUNE OF 2006. IT WAS A FORMAL DOCUMENT, WRITTEN OUT, IT MET ALL THE REQUIREMENTS OF THE TEXAS DEVELOPMENT CODE AND STATE LAW AND WAS SUFFICIENT TO TRANSFER TITLE. THE REASON YOU RECORD A DEED IS NOT TO AFFECT THE TRANSFER, BUT YOU RECORD THE DEED TO PUT THE WORLD ON NOTICE THAT THE TRANSFER HAS HANKED. SO WHAT WE DID IS WHEN WE WERE NOTIFIED OF -- THAT THERE WAS NOT A PUBLIC RECORD MADE WITH THE DEED TO PUT THE WORLD ON NOTICE THAT THE TRANSFER HAD HAPPENED, WE DID THE DEED MERELY AS A FORMALITY TO PROVIDE NOTICE TO ANY THIRD PARTIES THAT THE TRANSFER HAD OCCURRED. THAT DOES NOT AFFECT UNDER THE LAW THE LEGITIMACY OF THE TRANSFER AS BETWEEN GRANTOR AND GRANTEE. THAT HAPPENED BACK IN 2006.

Martinez: SO IF THE SPECIFIC RECORDING OF THE TRANSFER WITH THE COUNTY IS JUST A FORMALITY, WHY DID CAPITAL CITY CAB FEEL COMPELLED TO GO TO THE COUNTY AND DO THIS FORMAL SNRI.

WELL, IT'S NOT A FORMALITY FROM THE SENSE OF TRANSFER BETWEEN GRANTOR AND GRANTEE. CAPITAL CITY CAB OWNED THAT PROPERTY ON JUNE 2006, BUT IT'S VERY IMPORTANT TO GO AHEAD AND RECORD IT BECAUSE YOU WANT THE WORLD TO KNOW. YOU WANT ANYBODY WHO IS LOOKING AT THE DEED RECORDS TO KNOW WHO THE OWNER IS. SO TO THAT EXTENT IT IS IMPORTANT. IT'S NOT JUST JUS A FORMALITY. WE FELT IT WAS IMPORTANT THAT THE WORLD KNOW THAT CAPITAL CITY OWNED IT AND THAT THE RECORD BE CLARIFIED ON THAT, EVEN THOUGH THE TRANSFER

WAS G.

Martinez: THEN WHY DID YOU WAIT UNTIL AFTER YOU SUBMITTED YOUR BID TO DO THIS?

THE REASON FOR THAT IS WHEN MR. FODO PUT TOGETHER HIS -- THIS APPLICATION AND WAS WORKING ON HIS PROPOSAL, THIS WAS AN ASSET THAT WAS GOING TO BE PART OF CAPITAL CITY'S ASSETS. THE ACCOUNTANTS ADVISED HIM THAT IT NEEDED TO BE IN THE NAME OF CAPITAL CITY. MR. FODO IS NOT AN ATTORNEY. HE RELIED ON THE ADVANCE OF THE ACCOUNTANT WHO SAID THERE IS AN ASSIGNMENT. THIS WOULD BE GOOD TO TRANSFER. AND IT WAS GOOD FOR TRANSFER. IF HE HAD ASKED ME, I WILL HAVE SAID THE ORDINARY COURSE WOULD BE TO DO A DEED AND RECORD THAT. THE REASON WE DIDN'T DO IT UNTIL AFTER IS BECAUSE IT WASN'T BROUGHT UP UNTIL THE AUDITOR HAD SAID, WE CHECKED THE REAL PROPERTY RECORDS, WE DON'T SEE A DE. BEING A REAL ESTATE ATTORNEY I SAID IT'S A GOOD IDEA TO HAVE THAT DEED RECORDED. SO WE DID. THERE WAS NOTHING, YOU KNOW, WRONG ABOUT IT. WE WANTED TO MAKE SURE WE HAD THE PAPERWORK RIGHT. WE DID TRANSFER THE PROPERTY LEGALLY IN JUNE OF 2006 AT THE TIME THE TRANSFER WAS MADE. CAPITAL CITY DID OWN THE PROPERTY AND WE WANTED THAT ON THE RECORD.

Martinez: ON LIENT OF CREDIT IT'S MY UNDERSTANDING THAT WE CLEARED UP THE ISSUE OF THE 300,000-DOLLAR LINE OF CREDIT NOT BEING OPTIONED, IT'S JUST AVAILABLE. AND IF IT WERE OPTIONED, THIS PROPERTY THAT WE WERE TALKING ABOUT WOULD BE WHAT IS USED AS COLLATERAL FOR THAT LINE OF CREDIT. IS THAT CORRECT?

I BELIEVE THAT THEY -- I DON'T KNOW THE EXACT FINANCIAL ARRANGEMENT AND WHAT THEIR INTENT IS WITH GETTING THE 300,000, BUT THEY CERTAINLY I WOULD THINK COULD USE THAT AS COLLATERAL JUST AS ANY FRANCHISE COMPANY COULD USE ANY LOANS THAT THEY WOULD GET, THEY COULD ALSO ASSIGN THEIR ASSETS AS

COLLATERAL.

Martinez: SO WHEN THEY LISTED THIS 300,000-DOLLAR LINE OF CREDIT AS AN ASSET, IT'S BASICALLY SAYING IF WE NEED THE FINANCIAL -- IF WE NEED FINANCE RESOURCES, WE CAN TAP INTO THIS \$300,000 TO HELP RUN THE BUSINESS.

I'M SANDY ZIMMERMAN AGAIN. THE LETTER OF COMMITMENT FROM THE BANK STATES, SHOULD YOU NEED TO TAKE OUT A LOAN FOR THAT AMOUNT, WE WILL ASK YOU TO MAKE THAT LAND AVAILABLE FOR A LIEN. AND IT IS A CONDITIONAL ISSUE FOR THE FUTURE USE. IT DOES NOT SET OUT A DATE BY WHICH A LOAN WOULD -- I JUST REVIEWED THE LETTER. IT DOES NOT STATE A DATE BY WHICH THIS WOULD OCCUR. IT DOESN'T STATE THAT IT WOULD HAPPEN IMMEDIATELY, IT JUST STATES SHOULD YOU WISH TO DO THIS, THIS WILL BE THE TRANSACTION.

Martinez: SO IF THEY WERE TO USE THE \$300,000 CREDIT, THE LAND WOULD BE USED AS THE COLLATERAL TO SECURE THAT LOAN.

THAT'S SIMPLY LITERALLY WHAT THE LETTER IN THE APPLICATION STATES.

Martinez: IT'S ALSO MY UNDERSTANDING, THOUGH, THAT THAT LINE OF CREDIT THAT WAS EXTENDED VIA THAT LETTER HAS EXPIRED.

WELL, I'M NOT FAMILIAR THAT THE COMMITMENT LETTER ACTUALLY EXTENDED THE LINE OF CREDIT. I WOULD HAVE TO LEAVE THAT TO A CPA. I WAS AWARE THAT IF THEY WANTED TO AVAIL THEMSELVES WITH A LINE OF CREDIT FORMALLY THAT THEY WOULD ENTER THAT.

Martinez: I BELIEVE THE LETTER SAYS THAT THE OFFER IS ONLY GOOD THROUGH OCTOBER 26, 2006.

I WOULD HAVE TO REVIEW THE DATE ON THAT COMMITMENT.

Martinez: OKAY.

IT'S BEEN ABOUT TWO MONTHS SINCE I'VE LOOKED AT IT. THANK YOU.

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Mayor Wynn: FURTHER QUESTIONS, COMMENTS?  
COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'D JUST LIKE TO ASK MR. HOWARD IF HE WOULD LIKE TO COMMENT ON LETTER OF CREDIT ISSUE?

YES, CERTAINLY. THANK YOU, COUNCILMEMBER LEFFINGWELL. THE LETTER OF CREDIT WAS NOT LISTED AS AN ASSET BECAUSE WHEN YOU LIST ASSETS YOU'RE LISTING WHAT YOUR CURRENT ASSETS ARE. IT WAS A LOAN COMMITMENT. THE LOAN PROCEEDS HADN'T BEEN REALIZED. SO WHAT LISTED ON ASSETS FOR CASH ASSETS DID NOT INCLUDE THE LOAN PROCEEDS. IF THE LOAN WERE TO BE UTILIZED, AND 300.... \$300,000 WERE TO BE BORROWED, THEN IT'S TRUE, ABSOLUTELY, COUNCILMEMBER MARTINEZ IS CORRECT, THE PROPERTY WOULD BE USED AS COLLATERAL. BUT YOUR ASSETS, YOUR CASH ASSETS, WOULD BE INCREASED BY \$300,000 ALSO, MEANING THE NET WORTH IS THERE, THE EQUITY IS THE SAME. WHETHER THAT LAND -- THAT \$300,000 IS TIED UP IN THE LAND UNENCUMBERED AS IT WAS ON THE DATE OF APPLICATION OR WHETHER YOU'VE REZZED THE LOAN PROCEEDS AND YOU'VE PUT A LIEN ON THE PROPERTY. IN FACT, THE LOAN COMMITMENT I THINK DEMONSTRATES THE FINANCIAL STRENGTH BECAUSE CAPITAL CITY DOESN'T HAVE TO SELL THE LAND TO GET THE CASH OUT OF IT TO HELP IT IN ITS BUSINESS OF THE. IT CAN INSTEAD BORROW AGAINST IT. CAPITAL ONE HAS DETERMINED HE'S CREDIT WORTHY. IT'S TRUE, I'M GOING TO TAKE IT AS TRUE. I HAVEN'T LOOKED AT THE LETTER IN THE LAST FEW MINUTES, BUT I TAKE IT AS TRUE THAT THE LETTER PROBABLY DID EXPIRE. AS OF THE DATE OF THE APPLICATION IT WAS VALID. I'VE TALK TO FRANK EYE I HAVE, WHO IS THE -- I'VE VIE WHO IS THE LOAN OFFICER FOR

CAPITAL ONE, AND HE HAS SAID THAT ABSOLUTELY THIS IS A GOOD CUSTOMER AND THEY WANT THE BLSD AND THEY WILL MAKE THE LOAN IF IT'S NECESSARY. YOUR CRITERIA THAT YOU ADOPTED REQUIRED APPLICANTS TO PROVIDE FINANCING PLANS, AND MR. FODO DID JUST THAT. HE PROVIDED WHAT YOU ASKED HIM TO PROVIDE, HIS FINANCING PLANS AT THAT TIME. STAFF AND YOUR ACCOUNTANTS AND YOUR PROFESSIONALS REVIEWED THAT AND DETERMINE -- AND CONSIDERED THAT AMONGST MANY OTHER FACTORS. SO I GUESS THAT WOULD BE MY RESPONSE, COUNCILMEMBER. AND IF YOU HAVE ANY OTHER QUESTIONS, I WILL BE BE HAPPY TO ANSWER THEM.

Leffingwell: SO ARE YOU SAYING THAT THE EXPIRATION, IF THAT OCCURRED, OF THIS COMMITMENT, IS NOT MATERIAL TO THE FINANCIAL STATEMENT OR IS IT?

IT'S NOT BECAUSE THE LOAN WILL STILL BE MADE. THE COMMITMENT WILL BE RENEWED. CAPITAL ONE HAS COMMITTED TO MAKE THIS LOAN. WHEN YOU MAKE A LOAN COMUFKS IT'S TYPICAL THAT THEY HAVE AN EXPIRATION DATE. THAT'S ORDINARY AND CUSTOMARY. IT DOESN'T MEAN THEY WON'T MAKE LOANT AFTER THAT EXPIRATION DATE, IT JUST MEANS THAT THAT'S WHEN THEY FILED -- WHEN THEY FILED THE LETTER OF COMMITMENT THEY JUST PUT AN END ON IT AND THEY'LL TAKE A LOOK AT EVERYTHING AGAIN AS THINGS HAPPEN. ON THE DATE OF APPLICATION WHEN THE FINANCIAL STATUS WAS REVIEWED BY STAFF, CAPITAL ONE WAS READY, WILLING AND ABLE TO MAKE THAT LOAN AND THEY STILL ARE TODAY.

...

Leffingwell: BUT IF THE COMMITMENT WERE NOT RENEWED, WOULD THAT AFFECT THEIR FINANCIAL STATEMENT IN ANY WAY?

NO. BECAUSE THE -- BOTH THE CASH ASSETS AND THE PROPERTY ASSETS OF MR. PHOTO AND CAPITOL

CITY CAB ARE SUFFICIENT THAT THEY WOULD BE -- I BELIEVE STILL WOULD BE THE MOST QUALIFIED APPLICANT. PAIR MAYOR COUNCILMEMBER MARTINEZ AND THEN THE MAYOR PRO TEM.

Martinez: I WANTED TO ASK MR. LONE STAR'S FINANCIAL ASSETS. THEY LIST ABOUT \$754,000 AS ASSETS. IS THEIR ASSETS TIED TO ANY LOBE LOAN GUARANTEE OR ANY PROPERTY OR IS IT JUST STRAIGHT LIKTD ASSETS? -- LIQUID ASSETS?

AGAIN, WE LOOKED AT THE ASSETS AND THEN WE LOOKED AT THE FINANCIAL STRENGTH. SO UNDER THE FINANCIAL STRENGTH I BELIEVE THAT THEY HAD SOME TYPE OF LETTER OF CREDIT AS WELL. AND I THINK I'M GOING TO ASK MORRIS POE TO COME UP AND TALK A LITTLE BIT ABOUT THAT. HE HAS MORE DETAILS ON THAT.

.....

Martinez: IT'S MY UNDERSTANDING THAT THEY DIDN'T LIST ANY REAL PROPERTY AS ASSETS. THAT IT'S LIQUID ASSETS.

AS I RECALL WITH THEIR APPLICATION THEY DID NOT LIST ANY PROPERTY AS ASSETS, BUT THEY DID LIST A 100,000-DOLLAR LINE OF CREDIT.

Martinez: THANK YOU.

Mayor Wynn: MAYOR PRO TEM?

Dunkerley: I WAS JUST GOING TO MAKE A COMMENT THAT THE ASSETS ON CAPITAL'S BALANCE SHEET ARE STILL UNENCUMBERED AND THEY'RE STILL AVAILABLE FOR ANY TYPE OF LOAN GUARANTEE OR WHATEVER THEY NEED, IF THEY NEED IT. AND THEY MAY NOT NEED IT IN THE FUTURE. SO THAT ASSET IS STILL THERE, FREE AND CLEAR. [ APPLAUSE ]

Mayor Wynn: THOUGHTS, COMMENTS? QUESTION? COUNCILMEMBER COLE.

Cole: MAYOR, I THINK I'M PREPARED TO MAKE A



MOTION. I'D LIKE TO MOVE THAT WE ADOPT THE STAFF AND TRANSPORTATION COMMITTEE RECOMMENDATION AND AWARD THE FRANCHISE TO CAPITOL CITY CABS? [ APPLAUSE ]

Dunkerley: I WOULD SECOND THAT.

Mayor Wynn: MOTION BY COUNCILMEMBER COLE, SECONDED BY THE MAYOR PRO TEM ON ITEM NUMBER 14 TO AWARD THE FRANCHISE TO CAPITOL CITY AS PRESENTED BY STAFF AND THE COMMISSION. COUNCILMEMBER MARTINEZ.

Martinez: MAYOR, I ACTUALLY HAD SOME MORE QUESTIONS --

Mayor Wynn: WELL, THIS IS APPROPRIATE. WE NOW WOULD HAVE DISCUSSION ANYWAY AFTER A MOTION. IT WILL BE APPROPRIATE TO CONTINUE YOUR QUESTIONING.

Martinez: I WANTED TO SPEAK A LITTLE BIT ABOUT THE SUBMITTALS FOR THIS. IT'S MY UNDERSTANDING THAT LONE STAR HAS SUBMITTED A PROPOSAL THAT SPEAKS TO ALTERNATIVE FUELS AND HYBRID FLEET SYSTEM, WHICH IS DIRECTLY IN LINE WITH SOME OF THE VALUES THAT WE'RE TRYING TO ACHIEVE AS A CITY. ASK SOMEONE SPEAK TO THAT?

WHAT I CAN SAY IS THAT IS THAT WAS IN THE ORIGINAL CRITERIA THAT WE WERE GOING TO HAVE THAT AS ONE OF THE CRITERIA ITEMS ON THE MATRIX. AND THEN WE DECIDED TO TAKE THAT OFF AS ONE OF THE CRITERIA, AND -- BECAUSE WE FELT LIKE REALLY THAT'S SOMETHING THAT WE SHOULD COME BACK WITH A CODE AMENDMENT SO THAT ALL THE FRANCHISES ARE REQUIRED TO HAVE A CERTAIN PERCENTAGE OF THEIR FLEET HAVE ALTERNATE FUELS. SO THAT WASN'T A CRITERIA THAT WE EVALUATED.

...

Martinez: BUT IT IS SOMETHING THAT THEY

SUBMITTED.

IT MAY HAVE BEEN SUBMIT.

Martinez: CAN I ASK SOMEBODY FROM LONE STAR?

CERTAINLY.

I'M THE DESIGNATED SCIENCE GEEK FOR LONE STAR CAB COMPANY. THIS IS SOMETHING THAT SOLOMON AND I AND THE OTHER MEMBERS SPOKE OF AT LENGTH. THERE ARE -- I'M NOT SURE EXACTLY WHAT YOU'RE ASKING, BUT WE PLEDGED IN OUR APPLICATION -- WELL, LET'S NOT TALK ABOUT THE APPLICATION, LET'S TALK ABOUT HERE AND NOW. SINCE THEN THE CITY OF AUSTIN HAS COME OUT WITH THE GREEN INITIATIVE, AND LET ME SAY THAT WE AS A COMPANY WILL MIRROR THE CITY OF AUSTIN ON THEIR GREEN INITIATIVE THAT WE AS A COMPANY WILL CARRY THE FINANCING FOR DRIVERS THAT WISH TO BUY HYBRID CARS, BUT LET ME ALSO ADD THE CAVEAT THAT WE WILL NEED SOME HELP WITH THAT WITH STATE FUNDS, LOCAL FUND AND CITY FUNDS IF POSSIBLE BECAUSE HYBRIDS ARE A BIT MORE EXPENSIVE THAN THE NORMAL CARS THAT WE DO. LET ME ALSO SAY ON A MINOR PART WE'RE STILL -- WE'RE CHECKING OUT CARS TO SEE -- WE WILL KEEP IN MIND WHEN WE BUY FUTURE CARS HOW MANY ARE E-85 AVAILABLE. WE'VE LOOKED INTO THAT. WE VIEW THAT AS A VIABLE ALTERNATIVE. SOME OF THE THING WE'VE RULED OUT IS HYDROGEN CARS RIGHT NOW BECAUSE OF AVAILABILITY. WE'VE RULED OUT NATURAL GAS RUNNING ENGINES. AND REALLY RIGHT NOW THE REASON WE'VE HESITATED WITH THEM -- I'M NOT GOING TO SAY WE'VE RULED OUT ANY. I'LL SAY THE REASON WE'VE HESITATED IS WHAT WE NEED IS CORNER STORE AVAILABILITY BECAUSE WE CAN FUEL TAXIS IN THE MORNING, WHICH IS A MORE EFFICIENT -- GASOLINE BEING BOTH A GAS AND LIQUID, IS MORE COMPACTED IN THE MORNING WHEN THE TEMPERATURES ARE COOL, SPANS MORE IN THE AFTERNOON, SO WE'VE MADE A PLEDGE TO FUEL IN THE MORNING AS MUCH AS POSSIBLE, MAKE SURE EVERY CAR IS FUELED IN THE MORNING WHEN THERE'S NOT AS

MUCH LEAKING INTO THE ATMOSPHERE. BUT GIVEN THAT, YOU CAN'T GUARANTEE WHEN A TAXI IS GOING TO END ITS RUN WHERE IT NEEDS TO FILL UP. SO IN MANY WAYS WE'RE STILL DEPENDENT UPON THE LOCAL CONVENIENCE STORE GAS STATION AVAILABILITY OF GAS. SO WE CAN MAKE PROMISES TO BE AS FUEL EFFICIENT AS POSSIBLE. WE CANNOT; HOWEVER -- THERE ARE MANY VARIABLES WE CAN'T CONTROL AND AVAILABILITY IS ONE OF THEM. THAT'S WHY WE WERE RELUCTANT WITH SOMETHING LIKE HYDROGEN AND WITH NATURAL GAS, BUT WE COMMITTED TO THAT IN OUR INITIAL RESPONSE, IN OUR INITIAL APPLICATION. WE ARE STILL COMMITTED TO IT AND I PLEDGE TO YOU TODAY THAT AS A COMPANY WE WILL KEEP ON -- WE ARE COMMITTED TO DOING IT. IT'S PART OF OUR BUSINESS PLAN AND WE WILL DO IT.

Mayor Wynn: THANK YOU.

Martinez: MAYOR, I KNOW THIS IS A DIFFICULT ISSUE AND I REALLY HAVE SPENT A LOT OF TIME GOING THROUGH -- I MET WITH MANY CAB DRIVERS OVER THE LAST SIX TO EIGHT MONTHS ON THIS ISSUE. YOU KNOW, I THINK WE HAVE TWO APPLICANTS WHO ARE BOTH QUALIFIED, VERY WELL QUALIFIED. AND DESERVING. BUT UNFORTUNATELY WE ONLY HAVE ONE THAT WE CAN AWARD TODAY, AND MAYBE SOME DAY WE CAN GO UP TO FOUR FRANCHISES. BUT AFTER GOING THROUGH BOTH SUBMITTALS AND AFTER ASKING THE AUDITOR TO HELP ME WITH SOME QUESTIONS, WHICH I WANT TO THANK THEM FOR RESPONDING TO QUICK THROI THE..... QUICKLY TO THE QUESTIONS, I FEEL LIKE I NEED TO TRY TO MAKE A DECISION THAT'S BEST FOR THE CITIZENS AND FOR THE CAB INDUSTRY. I BELIEVE THAT WE HAVE A UNIQUE OPPORTUNITY IN ONE OF THE PROPOSALS THAT IT IS A CO-OP, THAT IT IS GOING TO BE RUN AND OWNED BY CAB DRIVERS. AND I THINK THAT WITH THAT UNIQUE OPPORTUNITY ALSO COMES THE OPPORTUNITY TO IMPROVE THE SERVICE. THEY'VE COMMITTED TO A GIS DISPATCHING SYSTEM THAT'S SAFER FOR THE PEOPLE WHO ARE RIDING IN THE CABS. IT PROVIDES QUICKER AND A BETTER

RESPONSE TO A CUSTOMER WHO IS SEEKING A CAB RIDE. AND I BELIEVE THAT IN LIGHT OF EVERYTHING THAT WE'VE BEEN THROUGH THIS IS STILL GOING TO BE A DIFFICULT DECISION. WE HAD ONE CAB DRIVER HERE SPEAK TO US AS A COUNCIL AND ACCUSE US OF TRYING TO LINE OUR POCKETS BY DELAYING THIS. UNFORTUNATELY, THIS IS THE SECOND TIME THAT'S HAPPENED. THE FIRST TIME I WAS DIRECTLY ACCUSED OF THAT. AND BOTH OF THESE CAB DRIVERS WERE IN SUPPORT OF CAPITAL CITY CAB. AND I THINK THAT'S EXTREMELY UNFORTUNATE. I'M GOING TO MAKE A SUBSTITUTE MOTION THAT WE AWARD THE FRANCHISE TO LONE STAR. [ APPLAUSE ]

Kim: I'LL SECOND THAT MOTION.

Mayor Wynn: SUBSTITUTE MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER KIM TO INSTEAD ON ITEM NUMBER 14 AWARD THE FRANCHISE TO LONE STAR. COUNCILMEMBER KIM?

Kim: I'D LIKE TO SAY SOMETHING. BOTH ZACH AND SOLOMON ARE -- SEEM LIKE GOOD CANDIDATES FOR AWARDED THIS FRANCHISE TO THEM, AND I THINK WE CAN BE VERY PROUD OF THAT. THEY'RE BOTH IMMIGRANTS WHO CAME TO THIS COUNTRY, HAVE BEEN SUCCESSFUL AND NOW IT'S UP FOR US TO DECIDE WHICH ONE WILL GET THE FRANCHISE. AND IT'S A DIFFICULT DECISION, BUT I SUPPORT SOLOMON CASA IN THIS CASE FOR A NUMBER OF REASONS. FIRST LET ME TALK ABOUT WHAT I'VE HEARD ABOUT ZACH. AND THEY'RE POSITIVE THINGS. I WAS ACTUALLY SITTING IN A CAB ONE DAY, THE CAB DRIVER DIDN'T KNOW WHO HE WAS, AND I ASKED ABOUT TWO CANDIDATES AND HE HAD VERY POSITIVE THINGS TO SAY ABOUT BOTH THE GENTLEMEN, AND I THINK PARTICULARLY ZACH. I THINK ZACH HAD THE..... WAS FORTUNATE IN THIS PROCESS TO HAVE GOTTEN TO KNOW A LOT OF PEOPLE WHO MAINTAIN HIS CABS AT HIS JOB. SO I THINK IT'S CLEAR THAT HE'S BEEN PROVIDING A GOOD SERVICE, HAS THE TRUST AND SUPPORT OF A LOT OF PEOPLE IN THIS COMMUNITY, SOME OF WHOM ARE HERE TODAY; HOWEVER, MR. SOLOMON

HAS ALSO BEEN TRYING VERY HARD I THINK FOR A LONG TIME TO GET THIS FRANCHISE AND HE HAS A CONCEPT THAT HE HAS SUPPORT FROM OTHER CAB DRIVERS, WHICH IS IT TO BE OWNERS AND OPERATORS OF THIS BUSINESS. AND WHEN WE WERE ASKING THE STAFF TO COME UP WITH A MAY MATRIX, WHAT I DID ASK IS THAT THEY GIVE THAT CONSIDERATION. IT'S HARD WHEN YOU'RE LOOKING AT A CORNGS THAT IS FUNDED THROUGH A CONVENTIONAL MEANS, SECURING A LINE OF CREDIT, SECURING BANK FINANCING VERSES AN OWNER-OPERATOR CONCEPT WHICH BANKS ARE NOT USED TO DEALING WITH. AND I ASKED THE STAFF TO STRUCTURE THE RATING AND THE MATRIX IN A WAY THAT WOULD BALANCE THAT OUT SO THAT NOT ONE MODEL WOULD HAVE -- BE FAVORED OVER ANOTHER. I DON'T THINK THAT REALLY WAS SOMETHING THAT WAS DOABLE. I THINK AT THE END OF THE DAY IT HAS TO BE OUR DECISION. AND I BELIEVE IN GIVING LONE STAR A SHOT AT THIS. IF IT TURNS OUT THEY CAN'T HANDLE IT, WE'LL PULL THE FRANCHISE BACK BE AND WE'LL GO THROUGH THIS AGAIN, BUT I BELIEVE IT'S WORTH GIVING THEM A SHOT. AND I WISH THEM THE BEST OF LUFNLGHT I HOPE THAT THIS MOTION PASSES. AND WITH THAT, THAT'S WHY I'M SUPPORTING LONE STAR. [ APPLAUSE ]

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

Dunkerley: I WILL NOT BE SUPPORTING THE SUBSTITUTE STOOOT MOTION. IN FACT, I'M GOING TO -- I'LL BE BE SUPPORTING CAPITAL COMPANY, AND I'M GOING TO DO IT FOR REALLY FOUR DIFFERENT REASONS. ONE, THE STAFF RECOMMENDATION. NUMBER TWO, IT HAS THE RECOMMENDATION OF OUR URBAN TRANSPORTATION COMMITTEE. THREE, IT HAS THE ENDORSEMENT OF THE DRIVERS ASSOCIATION. AND FOUR, I BELIEVE THAT THIS COMPANY HAS MORE STAYING POWER. WITH 55 -- [ APPLAUSE ] THE 55 PERMITS THAT WE'RE ISSUING TODAY REALLY PROBABLY IS NOT ENOUGH TO SUSTAIN A NEW COMPANY, AND WE'VE -- I'VE TALKED ABOUT THIS WITH LONE STAR DIRECTLY IN THE PAST THAT

THEY FELT LIKE THAT ALL OF THE COMPANIES -- BOTH COMPANIES FELT LIKE THEY NEEDED MORE, BUT THE PROBLEM BECAME IF WE GAVE MORE PERMITS IT IMPACTED ALL OF THE CURRENT DRIVERS BY DILUTING THE AMOUNT OF MONEY THEY COULD MAKE. SO THE 55 WAS A NUMBER BE THAT WAS IN OUR ORDINANCE AND IT WAS SORT OF A COMPROMISE NUMBER. SO I LOOKED AT WHICH OF THESE TWO COMPANIES REALLY HAD THE GROWING POWER, AND I FELT LIKE WITH THE MAINTENANCE FACILITY ALREADY IN PLACE AND ONLINE AND WITH THE CLEAR ASSETS THAT THEY HAVE, I FELT LIKE THE CAPITAL CAB COMPANY HAS A BETTER CHANCE OF GROWING THIS TO THE LEVEL OF PERMITS THEY NEED TO BE SUSTAINABLE IN THE FUTURE. SO THOSE FOUR REASONS ARE THE REASONS I'M GOING TO SUPPORT THE CAPITAL CAB COMPANY. [ APPLAUSE ]

Mayor Wynn: THANK YOU, MAYOR PRO TEM. AGAIN, WE HAVE A SUBSTITUTE MOTION AND A SECOND ON THE TABLE AND THE SUBSTITUTE MOTION BEING TO AWARD THE FRANCHISE TO LONE STAR. SO COMMENTS ON THE SUBSTITUTE MOTION? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I HAVE A QUESTION FOR STAFF. IT'S ABOUT THE APPLICATION. I HAVE HEARD THAT THERE WAS A DEADLINE ESTABLISHED FOR FILING APPLICATIONS, AND THAT DEADLINE WAS NOT MET. COULD YOU COMMENT ON THE SIGNIFICANCE OF THAT? AND IF THAT'S TRUE OR NOT?

DURING THE COURSE OF THE SOLICITATION THERE WERE TWO REQUESTS TO EXTEND THE DEADLINE. AND I GRANTED BOTH OF THOSE REQUESTS. HAD I NOT, WE COULD HAVE ENDED UP WITH ONLY ONE FRANCHISE TO CONSIDER. AND I BELIEVE THAT THE COUNCIL WAS INTERESTED IN HAVING MULTIPLE FRANCHISES FOR CONSIDERATION. THIS IS NOT A PURCHASE, SO IT DOESN'T FALL UNDER THE PURCHASING REQUIREMENTS, AND I CONSULTED WITH LAW AND THEY AGREED THAT THAT WAS OKAY TO DO THAT.

Leffingwell: SO THERE'S ONLY ONE APPLICATION

FILED BY YOUR ORIGINAL DEADLINE, AND WHOSE APPLICATION WAS THAT?

TWO APPLICATIONS WERE FILED BY THE ORIGINAL DEADLINE.

Leffingwell: WHICH WERE THOSE?

AND ONE FRANCHISE DURING THE COURSE ASKED FOR AN EXTENSION TO PREPARE ADDITIONAL FINANCIAL INFORMATION. AND I GRANTED THAT EXTENSION. AND THEN CAPITAL CITY ASKED FOR A TIME EXTENSION OVER THE WEEKEND TO TURN THEIRS IN ON MONDAY. THEY ATTEMPTED TO SUBMIT IT ON FRIDAY, AND THEY WERE NOT ABLE TO GET IT THERE ON FRIDAY, SO THEY ASKED FOR A TIME EXTENSION AND I CONSULTED WITH LAW AND FOR THE REASONS I LISTED I GRANTED THAT.

Leffingwell: AND WHAT THE REASON FOR THE EXTENSION? REASON FOR THE EXTENSION REQUEST?

THEY GOT STUCK IN TRAFFIC ON I-35 AND WERE NOT ABLE TO SUBMIT IT ON TIME.

Leffingwell: I HAVE ONE MORE QUESTION. IT WAS MENTION EARLIER ABOUT THE SIGNIFICANCE IN THE MATRIX OF A COMPUTER DISPATCHING SYSTEM. AND THAT LONE STAR, I BELIEVE, RECEIVED A HIGHER RANKING BECAUSE OF THEIR COMPUTER DISPATCHING SYSTEM AS OPPOSED TO CAPITAL'S DISPATCHING SYSTEM. COULD YOU COMMENT FURTHER ON THAT?

YES. THERE WERE ACTUALLY, I BELIEVE, THREE CRITERIA FOR THAT COMPUTER DISPATCHING SYSTEM. THEY DID GET HIGHER RATINGS FOR THAT. IT'S A COMPUTER DISPATCHING SYSTEM. YELLOW CAB HAS SOMETHING LIKE THAT. AND IT JUST ALLOWS FOR YOU TO MORE EFFICIENTLY DISPATCH THE CABS BE AND THEN ALSO YOU CAN KEEP COMPUTERIZED RECORDS. SO FROM A RECORD KEEPING STANDPOINT THE PANEL MEMBERS FELT LIKE THAT WAS BENEFICIAL.

Mayor Wynn: FURTHER COMMENTS? WE HAVE A STUB CONSTITUTE MOTION ON THE TABLE TO AWARD THE AWARD TO LONE STAR. I ALSO WANT TO SAY THIS HAS BEEN A DIFFICULT DECISION. A LOT OF PEOPLE HAVE PUT IN A LOT OF TIME AND EFFORT TO PUT THIS AS STRAYED FORWARD AND OBJECTIVE AS ONLY, NOT ONLY MY COLLEAGUES, BUT ALSO LOTS OF COMMISSIONERS, LOTS OF STAKEHOLDERS, LOTS OF CITIZENS. WE DON'T TAKE THIS ACTION LIGHTLY. IN FACT, WE'RE WORKING HARD TO TRY TO MAKE IT BE AN OBJECTIVE, PREDICTABLE, TRANSPARENT PROCESS AND DECISION. FURTHER COMMENTS ON THE SUBSTITUTE MOTION? AND ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: SO -- SORRY. SO COUNCILMEMBER LEFFINGWELL, I'M SORRY, WAS AN AYE ON THE SUBSTITUTE MOTION. AND I BELIEVE MEMBERS HERE ARE NO. THEN THE SUBSTITUTE MOTION PASSES ON A VOTE OF 4-3 WITH THE MAYOR PRO TEM, COUNCILMEMBER COLE AND COUNCILMEMBER MCCracken VOTING NO. THANK YOU ALL VERY MUCH. COUNCIL, THAT CONCLUDES THIS PORTION OF OUR DISCUSSION ITEMS. AT THIS TIME WE'LL GO INTO EXECUTIVE SESSION CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO POTENTIALLY TAKE UP ITEM NUMBER 35 REGARDING LEGISLATION IN THIS SESSION. WE MAY ALSO PURSUANT TO SECTION 551.086 TAKE UP AN ITEM REGARDING PUBLIC POWER UTILITY AS PART OF THAT SAME DISCUSSION. WE MAY TAKE UP ITEM 37 PURSUANT TO SEX 551.071 REGARDING LEGAL CONSULTATION REGARDING LABOR NEGOTIATIONS PURSUANT TO SECTION 551.074 WE MAY TAKE UP ITEM 38 REGARDING PERSONNEL MATTERS. AND ITEM NUMBER 54 ON OUR NORMAL AGENDA, WE MAY TAKE IT UP IN CLOSED SESSION PURSUANT TO 551.086 OF THE OPEN MEETINGS ACT, AGAIN



REGARDING PUBLIC POWER UTILITY COMPETITIVE MATTERS. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE US NOT COMING BACK UNTIL JUST BEFORE 4:00 P.M. WE WILL FIRST TAKE UP OUR AUSTIN HOUSING FINANCE CORPORATION MEETING AND THEN GO TO ZONING. THANK YOU VERY MUCH.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ALL OF OUR POSTED AGENDA ITEMS WITH THE EXCEPTION OF THE PERFORMANCE EVALUATION OF THE CITY MANAGER, OUR PERSONNEL ITEM FOR THE DAY. THAT WILL OCCUR AT SOME POINT LATER THIS EVENING. AT THIS TIME, HOWEVER, TECHNICALLY I'LL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL AND QUICKLY CALL TO ORDER THE AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS MEETING AND WELCOME MR. PAUL HILL GERS.

THANK YOU, MR. PRESIDENT AND BOARD MEMBERS. I'M HERE TODAY TO -- WITH A TOTAL OF FIVE DIFFERENT ITEMS BEFORE THE AUSTIN HOUSING FINANCE CORPORATION FOR ALMOST A TOTAL OF THREE MILLION DOLLARS AND ALMOST 70 THOUSANDS THAT WE'LL BE TALKING -- 70 HOUSES THAT WE'LL BE TALKING ABOUT TODAY. ITEM NUMBER ONE IS THE APPROVAL OF THE MINUTES OF THE MARCH EIGHTH, 2007 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION

Mayor Wynn: I'LL ENTERTAIN AN ITEM..... A MOTION FOR THAT ITEM? ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH BOARD MEMBER LEFFINGWELL OFF THE DAIS.

AHFC ITEM NO..... ITEM NO. 2, STAFF IS RECOMMENDING THAT THE BOARD OF DIRECTORS AUTHORIZE THE NEGOTIATION AND EXECUTION OF A LOAN TO THE GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION THAT WILL INCREASE THE PREVIOUSLY APPROVED FUNDING BY \$500,000 FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION DOLLARS UNDER THE RENTAL HOUSING DEVELOPMENTAL ASSISTANCE PROGRAM FOR A RENTAL FACILITY FOR LOW AND MODERATE

INCOME FAMILY AT 813 EAST EIGHTH STREET. ON JUNE EIGHTH, 2006, THE BOARD AUTHORIZED PROGRAM FUNDING IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS FOR THE DEVELOPMENT OF LA VISTA DEGUADALUPE. SINCE 2006 THE BUDGET FOR THE PROJECT HAS INCREASED DUE TO RISING CONSTRUCTION COSTS AND A DRAMATIC DECLINE IN THE VALUE OF THE LOW INCOME TAX CREDITS. FOR MEET THE BUDGET SHORTFALL, GUADALUPE DEVELOPMENT NEIGHBORHOOD CORPORATION HAS SECURED ADDITIONAL PRIVATE FINANCING AND IS REQUESTING AN ADDITIONAL FIVE HUNDRED THOUSAND DOLLARS FROM THE RHDA PROGRAM. BECAUSE THE ADDITIONAL FINANCING WILL DRAMATICALLY INCREASE THE YEARLY DEBT SERVICE, THEY ARE ALSO REQUESTING THAT THE PROGRAM FUNDS PREVIOUSLY AUTHORIZED BE REVISED TO ALLOW FOR THE DEFERRAL OF YEARLY PAYMENTS AND THE FUNDING FORGIVEN SUBJECT TO COMPLIANCE OF CONDITIONS OF FINANCING, WHICH IS SOMETHING WE HAVE DONE PREVIOUSLY IN OUR -- IN OTHER PROJECTS. AGAIN, THIS DEVELOPMENT WILL CONSIST OF 22 UNITS RANGING FROM ONE BEDROOM, ONE BATH UNITS TO THREE-BEDROOM, TWO BATH UNITS MEASURING IN SIZE FROM 740 SQUARE FEET TO MORE THAN 1500 SQUARE FEET. AND AGAIN THE FACILITY WILL SERVE FAMILY WITH YEARLY INCOMES NOT TO EXCEED 60 PERCENT OF MEDIAN FAMILY INCOME. 18 UNITS WILL BE RESERVED FOR FAMILIES WITH YEARLY INCOMES NOT TO EXCEED 50% OF MEDIAN FAMILY INCOME AND THREE UNITS WITH INCOME TO THE TO EXCEED 30% OF MEDIAN FAMILY INCOME. AN MONTHLY RENTS WILL RANGE FROM 306 TO \$400 FOR ONE BEDROOM. 575 TO 650 FOR A THREE-BEDROOM UNIT. A MINIMUM OF THREE UNITS WILL BE MADE ACCESSIBLE FOR PERSONS WITH MOBILITY DISABILITIES AND ONE UNIT MADE ACCESSIBLE FOR PERSONS WITH HEARING AND VISION DISABILITIES. AND OF COURSE IT WILL BE DEVELOPED UNDER THE ENVIRONMENTAL REVIEW FUND RELEASE REQUIREMENTS AND THE SMART HOUSING STANDARDS. AND STAFF RECOMMENDS THIS PROPOSAL FOR YOUR APPROVAL.

THANK YOU. QUESTIONS OF STAFF, BOARD?  
CONGRATULATIONS FOR BRINGING MORE UNITS  
FORWARD FOR US. EYEING ENTERTAIN A MOTION  
ON THIS SECOND ITEM. MOTION MADE BY BOARD  
MEMBER MCCracken, SECONDED BY THE VICE-  
PRESIDENT TO APPROVE ITEM NO. 2 AS PRESENTED  
BY STAFF. FURTHER COMMENTS? HEARING NONE,  
ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED?  
MOTION PASSES ON A VOTE OF SIX TO ZERO WITH  
BOARD MEMBER LEFFINGWELL OFF THE DAIS.

AHFC ITEM NUMBER 3, STAFF IS REQUESTING  
BOARD OF DIRECTORS TO AUTHORIZE THE  
NEGOTIATION AND EXECUTION OF A LOAN  
THROUGH OUR ACQUISITION AND DEVELOPMENT  
PROGRAM IN AN AMOUNT NOT TO EXCEED \$153,049  
TO NEIGHBORHOOD HOUSING SERVICES OF AUSTIN,  
INC. TO PROVIDE HOME BUYER ASSISTANCE LOANS  
AND TO PROVIDE A DEVELOPER FEE TO THE  
ORGANIZATION. THESE LOANS WILL BE APPLIED TO  
THREE NEWLY CONSTRUCTED SINGLE-FAMILY  
HOMES ON MEDOR AVENUE. CONSTRUCTION ASK  
BEING FINANCED BY A PRIVATE LINE OF CREDIT.  
NHSA IS A NONPROFIT COMMUNITY DEVELOPMENT  
ORGANIZATION THAT DEVELOPS AFFORDABLE  
HOUSING AND PROVIDES HOME OWNERSHIP  
OPPORTUNITIES FOR LOW AND MODERATE INCOME  
FAMILIES. IT HAS DONE THIS PRIMARY FLY THE ST.  
JOHN'S NEIGHBORHOOD, BUT IT IS LOOKING TO  
BRANCH OUT IN OTHER NEIGHBORHOODS. FUNDING  
WILL BE USED TO PROVIDE UP TO \$40,000 IN HOME  
BUYER ASSISTANCE LOANS FOR PRINCIPAL BUY-  
DOWN AND CLOSING ASSISTANCE IN THE FORM OF A  
DEFERRED PAYMENT LOAN AND WILL BE REPAID TO  
THE AUSTIN HOUSING FINANCE CORPORATION BY  
THE HOMEOWNER UPON RESALE OF THE HOME,  
REFINANCING OR UPON FULL PAYMENT OF THE  
FIRST MORTGAGE. DEVELOPER FEE SOUGHT BY  
NHSA WILL BE PAID IN THE FORM OF A LOAN THAT  
WILL BE FORGIVEN UPON SUCCESSFUL  
COMPLETION UPON ALL LOAN TERM AND  
CONDITIONS. THREE-BEDROOM HOME WILL BE  
SOLD TO FIRST TIME HOME BUYERS AT OR BELOW  
80% OF MEDIAN FAMILY INCOME. FOR HOME  
BUYERS WHOSE YEARLY INCOMES ARE AT OR  
BELOW 50% OF MFI, A LOAN OF UP TO \$40,000 WILL

BE AVAILABLE. A LOAN OF \$30,000 WILL BE AVAILABLE FOR HOME BUYERS EARNING BETWEEN 55 AND 65% %. WE HAVE EXPERIENCE WITH NHSA. THEY HAVE COMPLETED AND SOLD 13 HOMES IN ST. JOHN'S NEIGHBORHOOD AND FOUR HOMES IN THE HERITAGE VILLAGE SUBDIVISION, ALL OF WHICH WERE SOLD TO LOW AND MODERATE INCOME BUYERS, SO WE RECOMMEND THIS PROPOSAL TO YOU FOR YOUR APPROVAL.

THANK YOU, MR. HILGERS. QUESTIONS OF STAFF, BOARD? IF NOT, I'LL ENTERTAIN A MOTION FOR THIS ITEM. MOTION MADE BY BOARD MEMBER MARTINEZ, SECONDED BY BOARD MEMBER MCCracken TO APPROVE THIS THIRD ITEM AS RECOMMENDED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO.

THANK YOU. THE IN CONNECTION ITEM FOR THE BOARD, STAFF IS REQUESTING THE EXECUTION OF A FORGIVABLE LOAN IN AN AMOUNT NOT TO EXCEED \$914,000 TO THE AUSTIN NEIGHBORHOOD ALLIANCE FOR HABITAT INCORPORATED, AN AFFILIATE OF AUSTIN HABITAT FOR HUMANITY, ITS OPERATIONAL PARTNER. THE LOAN PROCEEDS WILL BE USED FOR INFRASTRUCTURE DEVELOPMENT FOR THE PLANNED 43 LOT DEVINSHIRE DISWITIONZ. THE LOTS WILL BE BUILT BY AFFORDBLY PRICED SINGLE-FAMILY HOMES FOR LOW TO MODERATE INCOME HOME BUYERS. THERE IS A CHANGE IN THE SOURCE OF FUNDING FROM WHAT LISTED IN YOUR BACKUP, SO TO CLARIFY THE CHANGE OF SOURCE OF FUN COME FROM HOME GRANT DOLLARS TO A COMBINATION OF COMMUNITY DEVELOPMENT CORPORATION BLOCK GRANT AND HOUSING ASSISTANCE FUNZ. THE REASON FOR THE CHANGE IS TO HELP US EXPEDITE THE CONSTRUCTION OF THE 10 NEW HOME IN THE MONTOPOLIS FRONTIER AT MONTANA SUBDIVISION. HOME BUYER TOTAL HOUSEHOLD INCOMES WILL NOT EXCEED 80% OF MEDIAN FAMILY INCOME AND AS YOU KNOW WITH HABITAT HOMES THEY WILL BE MUCH LOWER THAN THAT. ALL HOMES WILL BE SMART HOUSING COMPLIANT AS WELL AS I HAVE ITABLE AND

ADAPTABILITY WITH PERSONS WITH MOBILITY, SIGHT OR HEARING DISABILITIES. AUSTIN HABITAT FOR HUMANITY HAS BEEN BUILDING HOMES IN AUSTIN FOR MORE THAN 20 YEARS. THEY'RE COMMITMENT TO PROVIDING HOUSING OPPORTUNITIES FOR INDIVIDUALS, WANTING TO OWN A HOME, IS IMPRESSIVE ALL OVER THE COUNTRY, BUT WE'RE VERY PROUD -- PARTICULARLY PROUD OF THIS AUSTIN CHAPTER. AND OUR PARTNERSHIP WITH HABITAT IS A VERY STRONG ONE, SO WE RECOMMEND THIS ACTION FOR YOUR APPROVAL AS WELL.

THANK YOU, MR. HILGERS. AGAIN, BOARD, WE HAVE A STRONG RECOMMENDATION FROM STAFF ON THIS FOURTH ITEM, ADDITIONAL CONTRACT WITH AUSTIN HABITAT. COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN THAT MOTION. MOTION MADE BY BOARD MEMBER KIM, SECONDED BY THE VICE-PRESIDENT TO APPROVE THIS FOURTH ITEM AS PRESENTED BY STAFF. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION.....MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THE FINAL ITEM BEFORE YOU TODAY IS STAFF IS REQUESTING THE BOARD OF DIRECTORS APPROVAL FOR AUTHORIZATION AND NEGOTIATION AND EXECUTION OF ONE OR MORE CONSTRUCTION CONTRACTS WITH ELCOR HOMES, AUSTIN, TEXAS, TO BUILD FIVE SINGLE-FAMILY HOMES UNDER THE GROUP ONE BID SUBMISSION IN AN AMOUNT OF \$467,475 AND FIVE SINGLE-FAMILY HOMES UNDER GROUP TWO BID SUBMISSION IN THE AMOUNT OF \$437,475 FOR A TOTAL AMOUNT NOT TO EXCEED \$904,950. THESE CONSTRUCTION CONTRACTS WILL PROVIDE FOR 10 NEW CONSTRUCTION -- FOR NEW CONSTRUCTION OF 10 SINGLE-FAMILY HOMES IN THE MONTOPOLIS FRONTIER MONTANA SUBDIVISION THAT WHEN COMPLETE WILL HAVE 81 SINGLE-FAMILY AFFORDABLE HOME OWNERSHIP UNITS WITH THE INTENDED GOAL OF INCREASING HOME OWNERSHIP OPPORTUNITIES IN THE AREA. INSURANCE WE HAVE 16 HOMES THAT WILL BE COMMUNITY LAND TRUST HOMES. WE HAVE COMMUNITY YOUTH WORKS THAT WILL PROPOSE

TO GO BUILD HOMES IN THIS SUBDIVISION AND WE HAVE ALSO PUT OUT FOR BID TO SMALL BUILDERS THESE PARTICULAR HOMES. AND SO IT'S A MIXED INCOME, MIXED DEVELOPER PROJECT AND DEVELOPMENT. AND WE WENT THROUGH THE R.F.P. PROCESS. THE REMAINING LOTS THAT ARE THERE ARE FOR SALE TO PRIVATE DEVELOPERS AND NONPROFITS THROUGH THE R.F.P. PROCESS FOR DEVELOPING THE AFFORDABLE HOUSING AND THE SUBDIVISION. ELC OFKS R WAS THE SUCCESSFUL FID BIDDER IN OUR R.F.P. PROCESS AND WE'RE EXCITED ABOUT GETTING THOSE 10 HOMES BUILT TO MIX IN WITH THE OTHER HOMES BEING BUILT BY NONPROFITS. WE RECOMMEND THIS CONTRACT FOR YOUR APPROVAL AS WELL.

THANK YOU, MR. HILGERS. QUESTIONS OF STAFF, BOARD. IF NOT, I'LL ENTERTAIN A MOTION. MOTION BY VICE-PRESIDENT, SECONDED BY BOARD MEMBER MCCRACKEN TO APPROVE THIS FIFTH AHFC ITEM AS PRUBLSED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

THAT'S ALL THE BUSINESS BEFORE THE HORSING FINANCE CORPORATION TODAY -- HOUSING FINANCE CORPORATION TODAY.

THANK YOU. SO THERE BEING NO MORE BUSINESS BEFORE THE AUSTIN HOUSING FINANCE CORPORATION, WE NOW STAND ADJOINED. AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL.

Mayor Wynn: SO COUNCIL, I'M BEING REMIND BID STAFF THAT EARLIER WE HAD A PROPOSED CONSENT ITEM, ITEM 28, BUT WE TOOK IT OFF THE CONSENT AGENDA BECAUSE LEGAL STAFF HADN'T QUITE FINISHED ALL THE BACKUP FOR THE RESOLUTION. THAT BACKUP HAS BEEN GIVEN TO US EARLIER. IT'S HERE ON THE DAIS. SO I WOULD RECOGNIZE EITHER THE MAYOR PRO TEM OR COUNCILMEMBER COLE FOR A LITTLE OPENING STATEMENT AND THEN A MOTION FOR ITEM

NUMBER 28. COUNCILMEMBER COLE.

YES, MAYOR. YOU HAVE IN FRONT OF YOU NOW THE DETAILED DOCUMENT FORMING THE TAX INCREMENT FINANCING DISTRICT ASSOCIATED WITH THE WALLER CREEK TUNNEL. THIS IS A PROCESS WHERE WE HAVE TO ENTER INTO THE FINANCING AGREEMENT WITH THE COUNTY AND THESE ARE THE DOCUMENTS THAT EXPLAIN THAT FINANCING ARRANGEMENT THAT WILL EXIST FOR A TOTAL OF 20 YEARS, DESIGNATING THE SPECIFIED STUDY AREA OF DOWNTOWN.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MOTION BY COUNCILMEMBER COLE, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NUMBER 28 AS NOW PRESENTED BY CITY LEGAL. FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: YEAH. I HOPE THAT IT'S APPRECIATED BY EVERYBODY WHAT AN INCREDIBLE ACT OF LEADERSHIP THAT COUNCILMEMBER COLE AND MAYOR PRO TEM DUNKERLEY HAVE DONE. WE'VE HAD A LOT OF PEOPLE OVER THE LAST EIGHT YEARS TRYING TO MAKE THIS HAPPEN. MYSELF, I'VE WANDERED IN THE FWEEDZ AWHILE TOO, SO I'VE DEVELOPED A KEEN APPRECIATION OF GET HUMAN BEING THIS DONE. WE TRY TO MAKE A DIFFERENCE AND LEAVE A LEGACY ON THE CITY COUNCIL, AND SHERYL COLE HAS DONE THAT LESS THAN A YEAR INTO HER FIRST TERM. REALLY FINE WORK, COUNCILMEMBER.

Cole: THANK YOU.

Mayor Wynn: AGREED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSE SND.....OPPOSED? MOTION PASSES ON ITEM NUMBER 28 WITH A VOTE OF SEVEN TO ZERO. QUICKLY, COUNCIL, I BELIEVE WE COULD ALSO TAKE UP ITEM NUMBER 29 AS MY UNDERSTANDING IS THERE'S STRONG CONSENSUS AS TO POTENTIALLY A COUPLE OF LITTLE AMENDMENTS OR STATEMENTS ON THIS ITEM. I'LL EVEN RECOGNIZE COUNCILMEMBER COLE AGAIN

FOR ITEM 29.

....REGARDING OUR POTENTIAL CHARTER REVISION COMMITTEE.

Cole: MAYOR, I PULLED THAT ITEM, BUT I'VE HAD A CHANCE TO TALK TO THE SPONSOR AND I BELIEVE THAT HE'S GOING TO MAKE THE NECESSARY CHANGES WITH IT.

Mayor Wynn: COUNCILMEMBER MARTINEZ, THANK YOU.

Martinez: MAYOR, THIS IS A CHARTER VISION OPPORTUNITY. IT WILL BE MAY '08 OF NEXT YEAR. I'M ASKING YOU ALL TO SPORT THIS COMMITTEE TO TAKE A LOOK AT. I'M WILLING TO REVISE THE RESOLUTION OR TO AMEND THE RESOLUTION TO DEFINE THE SCOPE OF WORK TO BE FOR THE COMMITTEE TO LOOK AT GEOGRAPHICAL REPRESENTATION AS IT RELATES TO HOW WE ELECT CITY COUNCILMEMBERS. WHETHER THAT BE A DISTRICT SYSTEM OF AN ITEM OF AT LARGE DISTRICTS. JUST ALLOW THE COMMITTEE TO GO THROUGH THE EXERCISE ONE MORE TIME TO SEE IF THERE'S SOMETHING THAT THEY CAN COME UP WITH THAT THE COMMUNITY CAN SUPPORT. THERE ARE A COUPLE OTHER ITEM THAT I WANTED TO INCLUDE IN THIS, BUT IT'S MY UNDERSTANDING THAT COUNCIL IS AGREEABLE TO ALSO ADDING LANGUAGE TO THE RESOLUTION THAT WOULD ALLOW ANY FURTHER CONSIDERATIONS OF THE COMMITTEE TO COME BEFORE COUNCIL BEFORE THE COMMITTEE ADDRESSES THOSE ISSUES. AND THERE WILL BE A COUPLE OF THEM COMING FORWARD. IF THIS MOTION PASSES, AND THAT IS THE CASE, I WILL ASK COUNCIL TO ALLOW THE COMMITTEE AT A FUTURE DATE TO LOOK AT THE ISSUE OF STRUCTURING COUNCIL SALARIES THROUGH THE CHARTER SO THAT WE AS A COUNCIL NO LONGER VOTE ON OUR OWN PAY INCREASES OR DECREASES. AND THE ABILITY FOR COUNCILMEMBERS TO RETIRE CAMPAIGN DEBT DURING THE SUMMER BREAK WHILE WE'RE IN OFFICE. THERE'S ALSO SOME CITIZEN INITIATIVES TO LOOK AT DIFFERENT PARTS OF THE CHARTER.



THOSE WILL HAVE TO COME BEFORE COUNCIL AND RECEIVE COUNCIL APPROVAL BEFORE THE COMMITTEE CAN LOOK AT THAT. SO IF EVERYONE IS AGREEABLE WITH THOSE AMENDMENTS, I'D MOVE APPROVAL OF ITEM 29.

Mayor Wynn: AND A POTENTIAL COMPOSITION OF THE --

Martinez: OH, THAT'S THE FINAL POINT, YES. THE CURRENT LANGUAGE STATES THAT TWO COUNCILMEMBERS WILL SERVE ON THE COMMITTEE. COUNCILMEMBERS HAVE EVERY RIGHT TO ATTEND THESE MEETINGS AND SHARE THEIR THOUGHTS, AND SO I'M AGREEABLE TO REMOVING THAT LANGUAGE TO WHERE THE COMMITTEE WILL ONLY BE SEVEN MEMBERS FROM THE COMMUNITY APPOINTED BY COUNCIL.

Mayor Wynn: SO MOTION FOR AN AMENDED ITEM OF RESOLUTION AS PRESENTED BY COUNCILMEMBER MARTINEZ THAT I WILL SECOND FOR DISCUSSION. COUNCILMEMBER LEFFINGWELL?

Leffingwell: YEAH, JUST A CLARIFICATION ON THE COMMITTEE, THE SEVEN-MEMBER COMMITTEE. ARE THOSE MEMBERS TO BE APPOINTED BY INDIVIDUAL COUNCILMEMBERS?

Martinez: THAT'S CORRECT. MY INTENTION IS EACH COUNCILMEMBER HAS AN INDIVIDUAL APPOINTMENT TO THIS COMMITTEE.

Leffingwell: AND SECONDLY, AS I UNDERSTOOD WHAT YOU SAID, THE INITIAL SCOPE WOULD BE ONLY FOR SINGLE MEMBER DISTRICTS OR SOME HYBRID THERE OF, BUT THEY COULD BY RESOLUTION FROM COUNCIL CONSIDER OTHER POSSIBLE CHARTER AMENDMENTS?

Martinez: THAT'S CORRECT.

Leffingwell: OKAY.

Mayor Wynn: AGAIN, A MOTION AND A SECOND ON THE TABLE FOR ITEM NUMBER 29. FURTHER

COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. SO COUNCIL, THAT NOW TAKES US TO OUR 4:00 O'CLOCK ZONING CASES AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. AND WELCOME MR. GREG GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. LET ME GO THROUGH THE 4:00 O'CLOCK ITEM. THE FIRST ITEM I'LL BE DISCUSSING ARE ZONING OTHER ORDINANCES AND RESTRICTIVE COVENANTS WHERE THE PUBLIC HEARINGS HAVE BEEN CLOSED. THE FIRST ITEM I WOULD LIKE TO OFFER IS ITEM NUMBER 39, THIS IS CASE C-14-06-0121 KNOWN AS THE DOMAIN AT 10700 TO 1100 BURNET ROAD, 11100 AND 11900 BURNET ROAD AND 2800 BREAKER THRAIN THROUGH 28300 BRAKER LANE. STAFF IS RECOMMENDING A POSTPONEMENT TO THE 12TH TO FINALIZE ORDINANCE RELATED MATTERS. ITEM NUMBER 40 IS CASE C-14-06-0211, VALDEZ ZONING AT 28-19 AND 28-23 MANOR ROAD. THIS IS A VOANING REQUEST FROM NEIGHBORHOOD COMMERCIAL MIXED USE NEIGHBORHOOD PLAN ARE COMBINING DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR... COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM NUMBER 41 IS CASE C 14-06-24REUR9, KNOW MAD WINE AND CHEESE AT 1213-1215 CORONA DRIVE. THIS IS A REQUEST FROM GENERAL COMMERCIAL SERVICES DISTRICT ZONING TO COMMERCIAL LIQUOR SALES DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. ITEM NUMBER 42, MAYOR, EYE LIKE TO DISCUSS A LITTLE BIT TO EXPLAIN. THERE ARE SOME CHANGES SO I'D LIKE TO OFFER THOSE FOR CONSENT AND THEN ON BRIEFLY GO OVER 42.

...

Mayor Wynn: SO COUNCIL, THE CONSENT AGENDA WILL BE TO POSTPONE ITEM NUMBER 39 FOR ONE WEEK TO APRIL 12TH, 2007, AND TO APPROVE ON SECOND AND THIRD READING ITEMS 40 AND 41. I'LL

ENTERTAIN THAT MOTION. MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO IMPROVE THE CONSENT AGENDA AS PROPOSED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. 42.

LET ME CONTINUE ON THEN TO ITEM NUMBER 42. THIS IS CASE C 814-06-0068, ST. DAVID'S P.U.D. THIS IS THE REZONING OF THE PROPERTY AT 919 TO 1025 EAST 32<sup>nd</sup> STREET. 919-1025 EAST 32<sup>nd</sup> STREET, THIS IS REZONING THE PROPERTY FROM GENERAL SERVICES NEIGHBORHOOD PLAN, GENERAL SERVICES CONDITIONAL OVERLAY NEIGHBORHOOD PLAN AND COMMUNITY COMMERCIAL CONDITIONAL OVERLAY NEIGHBORHOOD PLAN TO PLANNED UNIT DEVELOPMENT DRIENING DISTRICT ZONING. THE CHANGES THAT HAVE BEEN PROPOSED BY THE APPLICANT SINCE YOUR SECOND READING INCLUDE A CHANGE THAT WOULD DEVIATE FROM COMPATIBILITY STANDARDS. YOU SHOULD HAVE ON THE DAIS KIND OF A SHORT LIST OF SOME OF THE CHANGE THAT'S UNDER ITEM NUMBER 42. AND LET ME JUST HIGHLIGHT WHAT THOSE ARE. UNDER PART FIVE OF THE ORDINANCE FOR PART B, THE SECTION WOULD READ THAT SECTION 25-2-ARTICLE.....ARTICLE 10, COMPATIBILITY STANDARDS OF THE CITY CODE APPLIES TO ZONES ONE, FOUR AND FIVE OF THE PLANNED UNIT DEVELOPMENT WITH THE EXCEPTION OF HEIGHTS AND SETBACKS. WHEN THIS ITEM WAS BROUGHT TO YOU AT SECOND READING AND AFTER I THINK CLARIFICATION AND THE APPLICANTS AGENT CAN COME FORWARD AND SPEAK TO THAT, THERE WAS DISCREPANCY ON WHAT THEY THOUGHT THEY ACTUALLY COMPLIED WITH COMPATIBILITY. THEY DID NOT. SO THEY'RE ASKING TO DEVIATE THOSE. THERE'S NO CHANGE IN THE HEIGHT THAT'S ACTUALLY PROPOSED THAT YOU APPROVED ON SECOND READING, BUT IN ORDER TO ACHIEVE THOSE HEIGHTS THAT THEY PROVIDED TO YOU, THEY WOULD HAVE TO EXCEED THE LIMITS OF COMPATIBILITY STANDARDS. SO THAT'S WHAT'S BEING SUGGESTED. ON PARAGRAPH F OF THAT SAME SECTION, STAFF SPOKE TO THE APPLICANT

BECAUSE WE UNDERSTOOD THE INTENT THAT IT WAS FOR MEDICAL USES, MEDICAL OFFICES AND HOSPITALS, AND SO THEY HAVE CLARIFIED -- WE HAVE CLARIFIED THE ORDINANCE AFTER WORKING WITH THEM THAT THE PRINCIPAL USE OF THE PROPERTY IS FOR HOSPITAL SERVICES LIMITED IN GENERAL AND MEDICAL OFFICES THAT MAY BE BELOW OR ABOVE 5,000 SQUARE FEET. THEN SHOWN THE OTHER USES ON THE PROPERTY AS ACCESSORY USES TO THE HOSPITAL USE. THE APPLICANT HAS ALSO PROVIDED A LETTER THAT WILL GO IN THE FILE THAT WILL SPEAK TO CERTAIN AGREEMENTS THAT THEY HAVE MADE THAT COULD NOT BE INCORPORATED INTO THE RESTRICTIVE COVENANT ON THE PROPERTY, AND THOSE SHOULD BE ON THE DAIS AS WELL. AND IN ADDITION THE RESTRICTIVE COVENANT HAS BEEN EXECUTED. IT DOES HAVE THAT PROVISION THAT IF THEY EXCEED APPROXIMATELY 1.2 MILLION SQUARE FEET THAT THEY WOULD BE SUBJECT TO AN ADDITIONAL TRAFFIC IMPACT ANALYSIS. IT'S MY UNDERSTANDING THAT THE NEIGHBORHOOD IS IN AGREEMENT WITH THIS. I'M NOT SURE IF THERE'S ANYONE FLEER THE NEIGHBORHOOD TO SPEAK TO THE ISSUE. THE APPLICANT'S AGENT IS HERE. AND IF YOU WISH TO INCORPORATE THESE CHANGES, IT COULD BE HANDLED ON ALL THREE READINGS TODAY. THE APPLICANT HAS WORKED WITH STAFF PRIOR TO THIS MEETING TO PERFECT THE LANGUAGE THAT I READ IN AND LAW IS AGREEABLE THAT THESE ITEMS COULD BE INCORPORATED INTO THE SECOND READING OF YOUR ORDINANCE AND BE COMPLETED TODAY ON ALL THREE READINGS.

Mayor Wynn: YOU CONFIRM THAT? TECHNICALLY THIS WILL BE THE THIRD READING OR WILL THESE CHANGES REQUIRE ESSENTIALLY THREE READINGS TODAY TO OCCUR?

THIS WOULD BE A CHANGE FROM YOUR SECOND READING.

THIS IS A CHANGE FROM THE SECOND READING, SO ON THIRD READING YOU'RE ADOPTING THE ENTIRE ORDINANCE WITH THE SUGGESTED CHANGES, IF

THAT IS THE WILL OF COUNCIL.

Mayor Wynn: QUESTIONS, COMMENTS, COUNCIL IN.  
COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M READY TO MAKE A MOTION. IT'S MY UNDERSTANDING THAT THIS IS A TECHNICAL CHANGE AND HAS BEEN AGREED TO BY ALL PARTIES. AS MR. GUERNSEY STATED, THERE'S NO ACTUAL CHANGE IN THE HEIGHTS AND THE LOCATIONS OF THOSE LIGHTS HOOITS WITHIN THE P.U.D. IT'S JUST A TECHNICAL CORRECTION TO CORRECT THE LANGUAGE. WITH THAT I'D MOVE APPROVAL ON THIRD READING.

..

Dunkerley: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO APPROVE THESE ON THIRD READING, INCLUDING THESE PROPOSED CHANGES AS OUTLINED BY STAFF, THIS ST. DAVID'S P.U.D., ITEM 42. FURTHER COMMENTS? I GUESS JUST THE OPPORTUNITY FOR A REPRESENTATIVE TO PERHAPS CHALLENGE THE STATEMENT BY COUNCILMEMBER LEFFINGWELL THAT WE BELIEVE THAT THERE IS AGREEMENT TO THESE SIMPLE TECHNICAL CORRECTIONS, CHANGES TO THE P.U.D. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON THIRD READING ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. GUERNSEY.

THANK YOU, MAYOR. LET ME THEN CONTINUE ON TO OUR 4:00 O'CLOCK ZONING AND NEIGHBORHOOD PLAN AMIES. THIS IS -- THESE ARE WHERE THE PUBLIC HEARINGS ARE OPEN AND READY FOR ACTION. ITEM 43 IS CASE C-14-06-0193, THE MERCURY HALL PROPERTY AT 3504 SOUTH FIRST STREET. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE DISTRICT ZONING TO GENERAL

COMMERCIAL SERVICES CONDITIONAL OVERLAY  
COMBINING DISTRICT ZONING. THE PLANNING  
COMMISSION RECOMMENDATION WAS TO GRANT  
THE GENERAL SERVICES CONDITIONAL OVERLAY  
DRIEN '89ING DISTRICT ZONING AND THIS IS READY  
FOR CONSENT APPROVAL ON ALL THREE READINGS.  
ITEMS NUMBER 44 AND 45 ARE RELATED. ITEM  
NUMBER 44 IS CASE C-14-06-0203, AND.... KNOWN AS  
9006 CULLEN LANE. AND C-14-06-0204....0204. THE  
NEIGHBORHOOD HAPPEN REQUESTED A  
POSTPONEMENT. IT IS THE FIRST REQUEST. THE  
APPLICANT IS AGREEABLE AND THE  
POSTPONEMENT REQUEST IS TO APRIL 19TH. AND  
THAT'S ON ITEMS NUMBER 44 AND 45. ITEM NUMBER  
46 IS CASE C-14--06-0226, THE PERRY ROAD  
PROPERTY AT 1141 AND A HALF TO 1127 PERRY  
ROAD. THIS IS A ZONING REQUEST FROM FAMILY  
RESIDENCE COMBINING DISTRICT ZONING TO  
SINGLE-FAMILY RESIDENCE SMALL LOT  
NEIGHBORHOOD PLAN COMBINING DISTRICT  
ZONING. THE PLANNING COMMISSION  
RECOMMENDATION WAS TO GRANT THE REQUEST  
AND THIS IS READY FOR CONSENT APPROVAL ON  
ALL THREE READINGS. ITEM NUMBER 47 IS CASE  
NPA-06-009.05 KNOWN AS THE CALAVAN PROPERTY  
AT 170 IS, 1703, 1704 EAST MARTIN LUTHER KING.  
THE RELATED ITEM IS ITEM NUMBER 48, C-14-06-  
0160. GERNGS THE CALAVAN PROPERTY, WHICH IS  
THE ZONING CHANGE. WE LEARNED JUST BEFORE  
THE MEETING STARTED THE APPLICANT'S AGENT  
HAS RESIGNED FROM THIS CASE AND AND --  
THERE'S SOMEONE FWHAFG THE AUDIENCE. --  
WAVING IN THE AUDIENCE. THE PROPERTY OWNER  
IS PRESENT, SO THAT WILL AN DISCUSSION ITEM.  
THIS IS ITEM NUMBER 47 AND 48. ITEM NUMBER 49 IS  
CASE C-14-06-0231 KNOWN AS MOVEMENT OWINKLE  
-- MOWINKLE. THIS WILL BE A DISCUSSION ITEM.  
ITEM NUMBER 50, CASE C-14-05-0124, DESSAU  
MARKET AT 12317 DES.... DESSAU ROAD. I  
UNDERSTAND THERE MAY BE A COUNCILMEMBER  
THAT WILL ASK THAT THIS ITEM BE BE SENT BACK  
FOR COMMISSION TO CLARIFY SOME  
TRANSPORTATION ISSUES.

Dunkerley: MAYOR? I WOULD LIKE THAT SENT BACK.  
FROM THE READING OF THE BACKUP IT LOOKED AS

THOUGH ZAP WAS SAYING THIS IS THE ZONING  
CONTENTION ON GETTING THE MEDIAN APPROVAL.  
PUBLIC WORKS DENIES THAT, SO THEY'RE SORT OF  
IN A DO LOOP. AND I WOULD PERHAPS SUGGEST WE  
SEND IT TO THE TRANSPORTATION COMMISSION TO  
SEE IF THEY'VE GOT A RECOMMENDATION AS TO  
WHAT TO DO IN THIS PARTICULAR SITUATION.

OKAY.

Dunkerley: THANK YOU.

THAT WOULD BE SENDING IT BACK TO THE  
TRANSPORTATION COMMISSION. ITEM NUMBER 51 IS  
CASE C-14-06-0188, THIS IS THE PARKER LANE  
PROPERTY AT 1406 TO 1506 PARKER LANE. THE  
APPLICANT HAS REQUESTED A POSTPONEMENT OF  
THIS REQUEST. ORIGINALLY THE REQUEST WOULD  
HAVE BEEN TO MAY THIRD. THE NEIGHBORHOOD  
HAS ASKED THAT IT BE POSTPONED A LITTLE BIT  
FURTHER IN TIME BECAUSE SOME OF THEIR  
REPRESENTATIVES WOULD NOT BE PRESENT AND  
THEY WERE AGREEABLE TO THAT. THE  
POSTPONEMENT REQUEST IS TO MAY 17TH, BEING  
THE APPLICANT'S FIRST REQUEST. AND THAT  
CONCLUDES THE ITEMS I CAN FIEWFER..... CAN  
OFFER FOR POSTPONEMENT OR CONSENT OR  
CONSENT APPROVAL.

Mayor Wynn: THANK YOU. COUNCIL, THEN OUR  
PROPOSED CONSENT AGENDA ON THESE CASES  
WHERE WE HAVE YET TO HOLD A PUBLIC HEARING  
WILL BE TO POSTPONE -- I'M SORRY, TO CLOSE THE  
PUBLIC HEARING AND APPROVE ON ALL THREE  
READINGS ITEM NUMBER 43. POSTPONE CASES 44  
AND 45 TO APRIL 19TH, 2007. TO CLOSE THE PUBLIC  
HEARING AND APPROVE ON ALL THREE  
READ.....READINGS ITEM 46. TO REFER ITEM 50 TO  
THE URBAN TRANSPORTATION COMMISSION FOR A  
RECOMMENDATION AND THEN BE BROUGHT BACK  
TO COUNCIL. AND TO POSTPONE ITEM 51 TO MAY  
17TH, 2007. I'LL ENTERTAIN THAT MOTION. MOTION  
MADE BY COUNCILMEMBER MARTINEZ, SECONDED  
BY COUNCILMEMBER LEFFINGWELL TO APPROVE  
THE CONSENT AGENDA AS READ. FURTHER  
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR

PLEASE SAY AYE.

AYE.

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

LET ME GO BACK TO 47 AND 48. ITEM NUMBER 47 IS A NEIGHBORHOOD PLAN AMENDMENT. THIS IS CASE NPA-06-0009.05 FOR THE PROPERTY LOCATED AT 1601, 1703, 1705 EAST MARTIN LUTHER KING AND THIS IS AN AMENDMENT TO THE CENTRAL AUSTIN NEIGHBORHOOD PLAN WHICH IS PROPOSED TO CHANGE THE LAND USE DESIGNATION, THE FUTURE LAND USE MAP TO COMMERCIAL MIXED USE. THE PLANNING COMMISSION RELIGIOUS WAS TO GRANT THE COMMERCIAL COMIKS MIKED USE DESIGNATION. THE RELATED ITEM IS CASE -- ITEM NUMBER 48 IS CASE C-14-06-0160 FOR THAT SAME PROPERTY. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE COMBINING DISTRICT ZONING TO COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST FOR GR-CO-MU ZONING. THE PROPERTY IS APPROXIMATELY .45 ACRES OF LAND AND IS LOCATED AT THE CORNER. THE COMMISSION'S RECOMMENDATION INCLUDED SOME CONDITIONS THAT THE ORGANIZATION OF CENTRAL EAST AUSTIN NEIGHBORHOODS PROPOSED, AND THIS IS THE NEIGHBORHOOD PLANNING TEAM FOR THIS AREA, AND THEY INCLUDED ON APPROVAL BY THE COMMISSION A 40-FOOT HEIGHT LIMIT ON THE PROPERTY THAT ALL USES ABOVE THE FIRST FLOOR MUST BE RESIDENTIAL AND PROVIDED FOR THE PROHIBITION OF THE FOLLOWING USES, I DON'T BELIEVE AUTOMOBILE RENTAL, AUTOMOBILE REPAIR, AUTOMOBILE SALES, AUTOMOBILE WASHING, AUTOMOBILE COMMERCIAL OFF STREET PARKING, DROPOFF RECYCLING, COLLECTION FACILITY. HOSPITAL SERVICES BOTH LIMITED AND GENERAL. HOTEL-MOTEL USES, INDOOR ENTERTAINMENT, INDOOR SPORTS AND RECREATION, OUTDOOR ENTERTAINMENT, OUTDOOR SPORTS AND



RECREATION, PAWN SHOP USES, RESIDENTIAL TREATMENT AND SERVICE STATIONS. THE STAFF ALSO HAD A PROVISION THAT THE PROPERTY NOT EXCEED 2,000 TRIPS PER DAY. THIS IS READY FOR FIRST READING ONLY ON THE NEIGHBORHOOD PLAN AMENDMENT AND THE ZONING ORDINANCE AT THIS TIME. THE PROPERTY IS LOCATED ON A SITE THAT IS BORDERED BY SINGLE-FAMILY HOMES TO THE NORTH AND SOUTH. THEY'RE ALSO -- THERE ARE ALSO OFFICES TO THE SOUTH. THE OAK WOOD CEMETERY IS LOCATED ACROSS THE STREET FURTHER TO THE WEST AND THERE'S A SINGLE-FAMILY HOME TO THE EAST. THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN WAS ADOPTED IN DECEMBER 2001. AND I THINK AT THIS POINT I'LL PAUSE. WE DO HAVE SOME NEIGHBORS HERE THAT ADJOIN THIS PROPERTY THAT ARE IN OPPOSITION, AND I GUESS THE OWNER OF THE PROPERTY OR REPRESENTATIVE OF THE OWNER IS HERE TO SPEAK ON THIS ITEM AND WILL BE MAKING THE PRESENTATION.

Mayor Wynn: FAIR ENOUGH, QUESTIONS OF STAFF. IF NOT, BE WE'LL HAVE A FIVE MINUTE PRESENTATION BY THE APPLICANT OR AGENT AND WE'LL HEAR FROM FOLKS IN SUPPORT OF THE CASE, THOSE IN OPPOSITION. WELCOME, SIR.

MY NAME IS BROOKS CALLAHAN. I'VE OWNED THESE PROPERTIES FOR A COUPLE OF YEARS NOW. WHEN I ORIGINALLY WENT TO THE NEIGHBORHOOD I JUST BASICALLY SAID, LOOK, THIS PROPERTY IS NOT GOOD FOR RESIDENTIAL. PEOPLE DON'T WANT TO LEASE IN THAT AREA. THERE'S TOO MANY CARS DOWN MLK TO GET IN AND OUT OF THE DRIVEWAYS. I BASICALLY SAID I WANT TO START RENTING IT TO COMMERCIAL PEOPLE. THERE'S A BAIL BONDS THAT WANTED TO RENT IT, REAL ESTATE SERVICE. I HAVE AN IT COMPANY. AND SO WE WENT THROUGH ALL THE DIFFERENT ZONINGS BASED ON WHAT WE WOULD NEED FOR THE USES. THAT IS BASICALLY HOW WE ARRIVED ON GR-MUI I.... THE PEOPLE, BE I THINK IT'S BO McCARVER AND HIS PEOPLE ACROSS MLK, WHICH IS A DIFFERENT NEIGHBORHOOD, HAD SOME CONCERNS HAD WHICH WE MET WITH THE 40-FOOT HEIGHT RESTRAINT

INSTEAD OF 60. HE WE ALSO LIMITED ALL THE USES THAT WE FELT LIKE WAS GOING TO BE INHIBITING THE NEIGHBORHOOD, AND THROOTION NOT A LOT OF BACKGROUND BEHIND IT. I LIVE IN THE NEIGHBORHOOD. I'M BUILDING A HOME IN THE NEIGHBORHOOD. I DON'T WANT TO SEE ANYTHING INTRUDE ON THE NEIGHBORS IN ANY WAY. THAT'S WHY WE WENT IN FRONT OF THE NEIGHBORHOOD AND REQUESTED THAT THEY FIRST APPROVE IT AND TELL ME WHAT THEY WANTED. SO I DIDN'T BRING A SET AGENDA TO THE NEIGHBORHOOD. THEY CAME BACK TO ME WITH THIS. I WOULD ADD THAT THE COMMISSION GAVE ME UNANIMOUS APPROVAL THE DAY I WENT THERE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

MEMBERS OF THE CITY COUNCIL, I'M THE PROPERTY IMMEDIATELY TO THE SOUTH OF THIS. WHICH IS 1700 WEST 18th STREET. AND MY WIFE AND I HOPE TO GET A HOME STARTED THERE IN THE NEXT 60 DAYS. OUR ONE CONCERN THAT WE HAVE ABOUT -- I THINK THAT WE HAVE THIS WORKED OUT WITH MR. CALAVAN, IS THAT HE CURRENTLY HAS -- HAS ABOUT -- ABOUT 60% OF THE PUBLIC ALLEY FENCED IN ON HIS PROPERTY. WHICH YOU CAN SEE ON THE SURVEY WHICH I BROUGHT TO YOU. THERE'S ABOUT NINE FEET BETWEEN HIS FENCE AND OUR PROPERTY LINE AND IT IS A 20-FOOT ALLEY. AND I JUST WANTED TO MAKE CERTAIN THAT BEFORE THIS IS GRANTED THAT WE HAVE GOT AN AGREEMENT THAT WE ARE GOING TO LINE UP THE ALLEY WITH THE APPROPRIATE PLACE BECAUSE WE HAVE PLANS TO USE THE ALLEY FOR INGRESS AND EGRESS TO OUR GARAGE APARTMENT.

THANK YOU.

THANK YOU, MR. MOOREHEAD. I PRESUME -- ACTUALLY, PROBABLY ISN'T MR. CALAVAN'S -- SURE HE CAN MAKE SOME STATEMENT ABOUT THAT. BUT LOOKING AT CITY STAFF, MY TRUST IS THAT CITY STAFF WOULD ENFORCE --

I WAS GOING TO ADD TO THAT IF I CAN REAL QUICK. WE HAD A SIMILAR ISSUE WITH THE NEIGHBOR DIRECTLY BEHIND 1703 MLK. I SHOW -- NOT SURE OF

THE ADDRESS. BUT THAT ALLEY HAS NOT BEEN MAINTAINED AT ALL BY THE CITY, NOT PAVED JUST A PUBLIC ALLEYWAY. SO, YOU KNOW, THERE'S TREES IN THE WAY AND THERE'S A TELEPHONE POLE RIGHT NOW BETWEEN OUR TWO PROPERTIES AT THE CORNER. SO WHAT I HAVE EXPLAINED TO THEM IS I DON'T EVEN HAVE A RIGHT TO HAVE THE FENCE THERE. IT WAS THERE BEFORE I BROUGHT THE PROPERTY. OF COURSE I'M GOING TO MOVE IT. WE WORKED WITH THE NEIGHBORHOOD BEHIND US AS WELL IN GETTING THE SAME THING DONE WHEN THE PEOPLE WANTED ACCESS FROM THE ALLEY FOR 1703. SO --

MR. CALAVAN AND MR. GUERNSEY, JUST CONFIRM OBVIOUSLY ALLEYS ARE PUBLIC RIGHTS OF WAY.

ALLEYS ARE PUBLIC RIGHTS OF WAY. IF THERE'S A PARTY THAT WISHED TO VACATE THAT, THERE IS A PROCESS THROUGH OUR REAL ESTATE DIVISION OF PUBLIC WORKS THAT YOU CAN ACTUALLY ASK FOR THE ALLEY TO BE VACATED. TYPICALLY YOU WOULD HAVE TO ASK PERMISSION OF ALL OF THOSE WITHIN THAT BLOCK TO FORMALLY DO THAT. TYPICALLY WHEN THIS COMES TO THE ATTENTION OF THE CITY, WE USUALLY NOTIFY THE ADJACENT PROPERTY OWNERS AND ASK THEM TO REMOVE THAT OBSTRUCTION. SO IF HE'S AGREEABLE, SOUNDS LIKE HE IS, TO REMOVE THAT, THEN WE PROBABLY WOULD NOT HAVE ANY ISSUES.

Mayor Wynn: MS. TERRY, CAN YOU JUST CONFIRM THERE'S NO CHANCE THAT SOMEHOW BY HAVING SOME OLD FENCE OUT IN THIS PUBLIC RIGHT-OF-WAY THERE'S? CLAIM PERHAPS?

NOT AS AGAINST THE CITY, NO, SIR.

I WANT THE ALLEY, ACTUALLY, SO ...

Mayor Wynn: CORRECT. THANK YOU, MR. MOOREHEAD. ANY OTHER FOLKS WOULD LIKE TO TESTIFY IN FAVOR OF THIS ZONING CASE? IF NOT WE WILL GO AND LISTEN TO FOLKS WHO MIGHT BE IN OPPOSITION. WE HAVE TWO OTHER CITIZENS

SIGNED UP, I BELIEVE THAT ARE HERE IN  
OPPOSITION. FIRST SPEAKER IS TIM BERRY. YOU  
ARE WELCOME TO ADDRESS US NOW. FOLLOWED  
BY JULE JACKSON. I AM COMING IN OPPOSITION TO  
THIS PROJECT. WE LIVE DIRECTLY BEHIND 1703,  
ACTUALLY 17... 1704 EAST 18th STREET. THIS  
PARTICULAR ALLEY THAT THEY ARE TALKING  
ABOUT, I'M -- I'M 41 YEARS OLD, I WAS BORN THERE,  
I MOVED BACK AFTER MY GRANDFATHER PASSED,  
MY MOTHER STILL OWNS THE PROPERTY. IT HAS  
NEVER BEEN USED UP UNTIL THE LAST YEAR, THIS  
ALLEY WAS LITERALLY COVERED WITH TREES AND  
BRUSH AND I ACTUALLY SPENT A BUNCH OF  
MONEY, HAD IT ALL CLEANED OUT MYSELF  
BECAUSE I TRIED TO GET THE CITY TO DO IT, THEY  
WOULDN'T. THERE IS A POLE ON ONE END OF THE  
ALLEY, YOU KNOW, IT'S -- IT'S NEVER BEEN USED....  
USED. I'M CONCERNED ABOUT THE WHOLE PLACE  
BECAUSE THAT ALLEY ISN'T ZONED. IT'S A BIG  
PROBLEM. YOU KNOW, LIKE I SAID MR. CALAVAN  
AND I HAVE HAD SOME TALKS ABOUT THAT ALLEY  
IT'S -- WITH THIS PARTICULAR THING THAT HE'S  
TRYING TO DO NOW, THERE'S ABOUT -- THE  
CONCERN THAT -- THE PARKING IS A BIG CONCERN.  
IT'S A FAMILY NEIGHBORHOOD. IT'S BEEN THAT  
WAY FOREVER. A LOT OF PARKING CONCERNS, THE  
UNIVERSITY OF TEXAS BASEBALL STADIUM DOWN  
THERE, TRACTORS PARKING. IF YOU LIVE ON 18th  
STREET THERE'S A GAME WE CAN'T EVEN PARK IN  
FRONT OF OUR OWN HOUSE I ACTUALLY PROBABLY  
WOULD HAVE IF IT WASN'T FOR THE ALLEY AND WE  
COULD PUT THEM IN THE BACK, HAVE TO WALK  
TWO OR THREE BLOCKS TO GET TO MY OWN HOUSE  
BECAUSE WE COULDN'T PARK IN FRONT OF IT.  
THERE IT IS BEEN EMERGENCY SITUATIONS WHERE  
GANGS AND THINGS WERE GOING ON, EVEN  
EMERGENCY VEHICLES COULDN'T GET DOWN  
THERE. SO BASICALLY IN A NUTSHELL WE WOULD  
REALLY LIKE TO KEEP IT SINGLE FAMILY. I WOULD  
REALLY HATE TO SEE A COMMERCIAL BUILDING GO  
UP ON THAT CORNER. IT IS MARTIN LUTHER KING, IT  
IS BUSY. THERE'S A LIGHT ON THE OTHER END. YOU  
TURN IN AND OUT OF THERE ALL DAY EVERY DAY.  
THAT'S REALLY NOT MUCH OF A CONCERN I DON'T  
THINK WITH ANYBODY AS FAR AS LIVING THERE.  
AND LIKE I SAID, THEY ARE ALREADY GOING IN,

USING THE ALLEY IN THE BACK OF IT ANYWAY. SO JUST GOT THE PAPERWORK ON THIS AND THOUGHT THAT WE WOULD COME DOWN AND JUST DON'T REALLY SEE IT AS BEING ANY HELP TO THE NEIGHBORHOOD. I UNDERSTAND MR. CALAVAN, YOU KNOW, HE'S GOT A BUSINESS, HE JUST BOUGHT THE PROPERTY, HE WANT TO MAKE MONEY. I TOTALLY UNDERSTAND THAT. I THINK THIS WOULD BE SOMETHING THAT'S GOING TO HARM THE NEIGHBORHOOD ITSELF. THANK YOU.

Mayor Wynn: THANK YOU. ACTUALLY A QUESTION, MR. BERRY. WONDERING IF YOU HAD A CHANCE TO PARTICIPATE IN THE NEIGHBORHOOD PLANNING PROCESS?

THIS IS THE FIRST TIME THAT I HAVE KNOWN ANYTHING. I DON'T EVEN KNOW WHO THE CENTRAL EAST AUSTIN PLANNING COMMISSION IS TO TELL YOU THE TRUTH. I HAVE HEARD NOTHING. I DON'T EVEN KNOW WHO ANY OF THEM ARE. I DON'T KNOW ANYTHING ABOUT THAT.

Mayor Wynn: FAIR ENOUGH. THANK YOU. NEXT SPEAKER IS JULE JACKSON. WELCOME, MS. JACKSON. SPEAK AT EITHER PODIUM, WHICHEVER ONE IS CONVENIENT FOR YOU. WELCOME, YOU WILL HAVE THREE MINUTES.

THANK YOU.

MY NAME IS JULE JACKSON, I RESIDE AT 1704 EAST 18th STREET. I'M 60 YEARS OLD, I HAVE LIVED ON THAT PROPERTY FOR 60 YEARS, I WAS BORN THERE. WHEN I WAS GROWING UP, MY FATHER HAD A FENCE BACK THERE. AND WHENEVER THERE WAS A SEWAGE PROBLEM, THE CITY WOULD COME AND TAKE THE FENCE DOWN. BUT THEY ALWAYS PUT IT BACK. AND IN RECENT YEARS WE TOOK THE FENCE DOWN. BUT IT'S NEVER BEEN USED AS AN ALLEY. AND I'M ASKING THE -- THE CITY COUNCIL TO DENY THE MIXED USE ZONING AND THE COMMUNITY COMMERCIAL USE CONDITIONAL OVERLAY BECAUSE IT IS A NEIGHBORHOOD. THERE'S -- THERE'S FAMILIES WITH CHILDREN. YOU WANT TO LOOK OUT -- YOU WANT TO SIT IN YOUR LIVING

ROOM OR YOUR BEDROOM AND LOOK OUT AND SEE CHILDREN PLAYING. YOU DON'T WANT TO SIT THERE AND LOOK AT TWO STORY BUILDING NEXT DOOR. YOU KNOW? MAYBE THEY WANT TO HIDE -- MAYBE THEY DON'T CARE. THEY DON'T, YOU KNOW, -- I DON'T WANT TO BE CLOSED IN BY TWO STORY BUILDINGS. I AM HAVING MY PROPERTY SURVEYED. I WILL PUT A FENCE BACK UP WHERE IT BELONGS. AND IF THERE'S ROOM FOR THEM TO GO THROUGH, THEN, YOU KNOW, THEY CAN. BUT FROM THE SURVEY THAT I'VE HAD BEFORE, MY PROPERTY GOES PRETTY FAR BACK TO THAT AND THERE REALLY ISN'T AN ALLEY THERE. BUT I'M JUST ASKING, YOU KNOW, THAT THE CITY COUNCIL DENY THAT. AND AS FAR AS THE COMMITTEE YOU WERE ASKING ABOUT, I NEVER EVEN HEARD OF IT. I DON'T KNOW WHERE THEY MEET AND IF THEY WERE MEETING CONCERNING SOME PROPERTY THAT'S CLOSE TO MINE, WHY WASN'T I NOTIFIED? THE ONLY NOTIFICATION THAT I RECEIVED WAS FROM THE CITY.

Mayor Wynn: WELL, I'LL GET PERHAPS MR. GUERNSEY CAN HELP US WITH THE LOGISTICS. MY MEMORY IS A LITTLE FOGGY, BUT JUST WITHIN THE LAST FEW YEARS, YOU KNOW, MANY OF THESE CENTRAL CITY URBAN CORE NEIGHBORHOOD NOW HAVE BEEN COMPLETELY REPLANNED WITH THE SIGNIFICANT HELP FROM NEIGHBORS, CENTRAL EAST NEIGHBORHOOD HAD A NEIGHBORHOOD PLANNING TEAM. WE HAD A SIGNIFICANT ONE THERE OVER HERE ALONG MLK. AND WHERE LOTS OF STAKEHOLDERS AND PROPERTY OWNERS AND NEIGHBORS GOT TOGETHER AND TALKED ABOUT EVERYTHING FROM ALLEY USE TO -- TO, YOU KNOW, SOME COMMERCIAL USES ALONG MORE MAJOR ROADS THAN SINGLE FAMILY USES ALONG THE QUIETER NEIGHBORHOOD STREETS AND I WILL SAY GENERALLY SPEAKING THERE'S A LOT OF SUPPORT FOR THE CONCEPT OF HAVING SOME MIX OF USES AND ACTUALLY USING SOME STRUCTURES TO SOMEWHAT IF YOU WILL BUFFER AND KEEP COMMERCIAL DEVELOPMENT ON SOME MAJOR STREETS LIKE PERHAPS MLK AND THEREFORE KEEP THE REST OF, YOU KNOW, 18th STREET, THESE OTHER ONES AS SINGLE FAMILY RESIDENTIAL.

MOST PEOPLE I'LL SAY CONSIDER ALLEYS TO BE QUITE POSITIVE FOR YOU. FOR YEARS FOR DECADES THIS CITY AND MOST CITIES TURNED THEIR BACKS ON THEIR ALLEYS AND DIDN'T MAINTAIN THEM AND DIDN'T PROPERLY EVEN IDENTIFY THEM. BUT THERE'S A PRETTY STRONG CONSENSUS BROADLY SPEAKING IN AUSTIN AND THROUGHOUT THE COUNTRY AS WE ARE TRYING TO REINVENT TO SOME DEGREE HOW WE GROW AS CITIES IS THAT THE ALLEYS CAN BE A FABULOUS ASSET FOR CITY SERVICES, FOR EVERYTHING FROM GARBAGE PICKUP TO AND THREW..... THROUGH UTILITY SERVICE, BUT ALSO ADDITIONAL TRANSPORTATION AND ACCESS AND EGRESS FOR -- FOR HOMEOWNERS TO GET IN AND OUT OF PERHAPS A -- A REAR ENTRY GARAGE.

WHAT DOES THE ALLEY DO TO THE NOISE, THE TRAFFIC, THE NOISE GOING -- CARS AND TRUCKS GOING IN AND OUT? WE ALREADY GET THAT NOW THAT -- THAT THEY GO IN FROM THE 1703 MARTIN LUTHER KING, YOU CAN BE SITTING UP WATCHING TV AND HEAR TRUCKS GOING THROUGH THE BACK. YOU KNOW, IN NEIGHBORHOODS YOU USUALLY DON'T GET THAT.

Mayor Wynn: IT'S UNFORTUNATE THAT YOU AND MR. BERRY WEREN'T AWARE OF THE NEIGHBORHOOD PLANNING PROCESS THAT YOUR NEIGHBORHOOD WENT THROUGH NOT TOO LONG AGO, BECAUSE IT WAS SIGNIFICANT, A LOT OF DISCUSSION, LOTS OF DEBATE PROS AND CONS ABOUT EVERYTHING FROM DIFFERENT USES TO -- TO TRANSPORTATION AND SO I'M SORRY THAT -- THAT UNFORTUNATELY YOU ALL WEREN'T AWARE THAT WE -- MY UNDERSTANDING IS THAT CITY STAFF TRIED TO WORK PRETTY DILIGENTLY TO NOTICE AS MANY NEIGHBORS AS PRACTICAL.

I TALKED TO SOME OF MY NEIGHBORS. THE LADY THAT LIVES ACROSS THE STREET, SHE'S 91 YEARS OLD. I TALKED TO HER ABOUT IT. SHE WAS AGAINST IT, BUT SHE'S 91 YEARS OLD.

RIGHT.

, YOU KNOW, SHE GOT THE SAME LETTER WE GOT. SHE SAYS THERE'S NOTHING WE CAN DO, THEY ARE GOING TO DO WHAT THEY WANT TO DO. THEY ARE GOING TO TAKE FROM THE EAST SIDE BECAUSE WE ARE LIKE GOLD NOW. I DON'T FEEL LIKE THAT. I FEEL LIKE WE HAVE A VOICE, IF WE DON'T WANT IT, WE SPEAK UP.

Mayor Wynn: THAT'S WHY WE HAVE THESE HEARINGS, AGREED. THANK YOU, MS. JACKSON. QUESTIONS FOR MS. JACKSON, COUNCIL?

THANK YOU, MA'AM.

Cole: MS. JACKSON, I REALLY APPRECIATE YOUR TESTIMONY. I CAN ALSO APPRECIATE THE FACT THAT THERE ARE MANY PEOPLE IN EAST AUSTIN THAT ARE NOT AWARE OF THE PLANNING PROCESS, HAVE NOT BEEN INVOLVED. SO I WOULD LIKE FOR YOU TO HANG AROUND A MOMENT AND LET ME GET SOMEBODY FROM MY STAFF TO SEE WHO IS YOUR NEIGHBORHOOD ASSOCIATION PRESIDENT SO THAT INTO THE FUTURE YOU CAN BE INVOLVED IN THAT PROCESS.

OKAY. THANK YOU.

Mayor Wynn: THANK YOU, MS. JACKSON. ANY ADDITIONAL FOLKS WHO WOULD LIKE TO TESTIFY IN OPPOSITION TO COMBINED CASES 47 AND 48. IF NOT THEN WE NORMALLY HAVE A THREE MINUTE REBUTTAL FROM THE APPLICANT. WELCOME BACK, MR. CALAVAN.

FIRST, I JUST WANT TO TELL MS. COLE ACTUALLY THAT AREA SPECIFICALLY IS NOT IN A NEIGHBORHOOD ASSOCIATION. THAT'S WHY IT WENT TO OBSERVECIAN FIRST, THERE'S -- OCEAN FIRST. I HAVE SIX PROPERTIES IN THAT AREA. THERE'S NOT ACTUALLY A NEIGHBORHOOD ASSOCIATION.

NO, IT'S OCAN.

OKAY. AGAIN YOU SAID IT BEST IT'S UNFORTUNATE THAT SHE WAS NOT THERE. THE BERRIES, MY GOAL



IS TO WORK WITH THE NEIGHBORHOOD. I OFFICE ON SALINA, DIRECTLY ADJACENT TO THESE PROPERTIES. THERE IS AN OFFICE ALREADY THAT'S TWO STORIES DIRECTLY BEHIND HER NEIGHBORS, MS. BERRY'S NEIGHBORS, BOBBY TAYLOR'S LAW OFFICE. ALREADY COMMERCIAL THERE. I'M MOVING TO 1801 SALINA. I HAVE A HOUSE AT 1408 COTTON STREET, WHICH IS BY THE PUBLIC LIBRARY IN EAST AUSTIN. WE ARE BUILDING A HOME AT 911 EAST 13th STREET. SO I GUESS MY POINT BEHIND THAT IS I DO CARE. I'M NOT LOOKING TO BUILD -- IF I WANTED TO -- IF I DIDN'T CARE I WOULD BE HERE PUSHING FOR THE 60-FOOT HEIGHT AND IF IT'S ALL ABOUT MONEY AND WHAT I COULD DO TO MAXIMIZE THE RETURN. SO -- SO JUST TO REBUT I DO CARE. I WOULD LOVE TO WORK WITH THEM ON WHATEVER THEIR ISSUES ARE. THAT'S WHY I WENT TO THE NEIGHBORHOOD ORIGINALLY TO ASK THEM ABOUT THAT. THE PROBLEM IS ABOUT LIVING IN THOSE HOUSES, I'VE ACTUALLY HAD TENANTS COME AND LOOK AT THEM, TRYING TO PULL ON ON TO MLK IS IMPOSSIBLE. THERE'S AN ELECTRIC LINE, NOT TELEPHONE POLE, BUT ELECTRIC POLE BETWEEN THE TWO DRIVEWAYS. ABSOLUTELY HARDLY ANY SPACE TO GET A WIDTH OF TURN. THAT'S ONE OF THE REASONS THAT WE HAD TO START USING THE ALLEY. THAT WAS KIND OF OUR FIRST ISSUE WITH THE BERRIES, THEY HAD BEEN PARKING THERE FOR A LONG TIME, I UNDERSTAND THEY THOUGHT THAT WAS THEIR LAND. I ALSO TOLD MR. BERRY AS LONG AS WE COULD GET IN AND OUT IT DIDN'T BOTHER ME PARK IN THIS THE ALLEY SO TO SPEAK. MY ONLY REBUTTAL IS I DO CARE ABOUT THE NEIGHBORHOOD THERE. I'M IN THE NEIGHBORHOOD. MY ONLY GOALS ARE FOR -- TO SEE BUSINESS SERVICES THERE THAT WE DO NOT HAVE IN EAST AUSTIN, FROM 12th STREET TO MLK, ABSOLUTELY 0 BUSINESS SERVICES.

Mayor Wynn: THANK YOU, MR. CALAVAN. QUESTIONS OF THE APPLICANT, COUNCIL? COMMENTS? COUNCILMEMBER MCCRACKEN.

McCracken: THE PROPOSAL, THE ENDORSEMENT FROM OCAN WAS -- WAS EFFECTIVELY REQUIRED THIS TO BE A VERTICAL MIXED USE DEVELOPMENT,

A VMU DEVELOPMENT. ARE YOU OKAY WITH THAT AS A -- AS A PART OF THE ZONING RESTRICTIONS?

YEAH. I DON'T REALLY UNDERSTAND ALL OF THAT. I KNOW THAT WHEN KATHLEEN WALLER WAS WORKING ON THIS PRONG, SHE'S NO LONGER HERE, WE WERE TALKING ABOUT THAT, THAT HADN'T BEEN ENACTED WHEN WE WENT THROUGH THIS. YEAH I'M WILLING TO LOOK AT IT. AS LONG AS I THINK THE MAIN THING IS THAT THE BEST USE FOR THIS PROPERTY CURRENTLY IS TO HAVE THOSE HOUSES AS BUSINESS SERVICES OR COMMERCIAL SERVICES. THOSE ARE INDIVIDUAL HOMES. LONG TERM AS FAR AS DEVELOPMENT, I DON'T KNOW THAT I WILL BE THE ONE DEVELOPING IT. I JUST NEED THAT FOR RIGHT NOW. SO I WOULD BE FINE WITH ANY RESTRICTIONS THAT YOU GUYS WANT TO PUT ON THAT ARE REASONABLE. IF IT'S VMU, WHAT ARE THE MAIN TOPICS OF THAT.

McCracken: I GUESS THAT'S HELPFUL TO KNOW HERE BECAUSE THE -- IF THE PROPOSAL IS DID TO TAKE THE EXISTING HOMES AND SIMPLY OPEN THEM AS BUSINESSES AS OPPOSED TO REDEVELOPING THE PROPERTY, SOUND LIKE YOU ARE INTERESTED IN TAKING THE HOMES THAT ARE THERE NOW AND JUST CONVERTING THEM INTO BUSINESSES. BUT IT APPEARS WHAT THE PLANNING COMMISSION AND THE NEIGHBORHOOD ENDORSED WAS ACTUAL REDEVELOPMENT INTO A VERTICAL MIXED USE DEVELOPMENT. A WEAKNESS IN OUR MU ZONING CATEGORY IS THAT IT'S, AS COUNCILMEMBER MARTINEZ HAS OBSERVED, IT'S A MESSAGE VERY STICKY IN THE COMMUNITY, IS MU MEANS MULTIPLE CHOICE ZONING. IT DOESN'T REQUIRE MIXED USE, VMU REQUIRES ACTUAL MIXED OF USING WITH RESIDENT SHALT ABOVE THE FIRST FLOOR. THAT APPEARS TO BE WHAT THE PLANNING COMMISSION AND THE NEIGHBORHOOD HAVE ENDORSED.

WELL, AS FAR AS THE -- THAT'S CONCERNED THAT WAS ONE OF THE THINGS THAT WE AGREED ON. IF THAT'S WHAT VMU MEANS THEN YES, I JUST CAN'T SPEAK INTELLIGENTLY ABOUT VMU, IF THAT'S WHAT THAT MEANS TO HAVE SECOND AND THIRD

FLOOR RESIDENTIAL THAT'S FINE. WE LIMITED THE HEIGHT TO 40 FEET AGAIN SO --

McCracken: I HAVE A QUESTION FOR STAFF NOW.

Mayor Wynn: MR. GUERNSEY. MR. GUERNSEY, THE DESIGNATION FOR MLK AT THIS LOCATION IS AS A MAJOR ARTERIAL; IS THAT RIGHT?

THAT'S CORRECT.

McCracken: IT'S ALSO UNDER THE DESIGN STANDARDS AND MIXED USE ORDINANCE IT'S A DESIGNATED AS A CURRENT NOT AS A FUTURE BUT A CURRENT CORE TRANSIT CORRIDOR, RIGHT?

I BELIEVE SO.

YEAH. AND I GUESS WHAT I'M TRYING TO SORT OUT IS WHY THE STAFF RECOMMENDATION IN THAT CASE IS LIGHT OFFICE MIXED USE AS OPPOSED TO -- TO GENERAL RETAIL MIXED USE. SINCE THERE'S SOME CLEAR COUNCIL POLICY TO MAKE THIS A HIGHER DENSITY LOCATION.

THERE'S A COUPLE OF REASONS WHY THE STAFF'S RECOMMENDATION IS THE WAY IT IS. ONE, PROBABLY THE PREDOMINANT IS THAT THIS PARTICULAR TRACT, THE FUTURE LAND USE MAPS THAT SURROUND THIS TRACT ARE STILL SINGLE FAMILY AND THE USES IN THIS AREA ARE STILL SINGLE FAMILY. ACROSS THE STREET, IMMEDIATELY TO THE EAST AND DIRECTLY TO THE SOUTH. AND SO WE WERE LOOKING AT AS A TRANSITION ACTUALLY DOWN FROM CHICON WHICH IS KIND OF LIKE THE NEIGHBORHOOD CENTER FOR THAT AREA. SO THAT'S WHY WE LOOK AT A LITTLE LESS INTENSE USE. THERE'S A MENTION OF OFFICE USES, THAT WOULD ALLOW OFFICE TYPE USES ON THIS PROPERTY. THE CASE WAS FILED LAST YEAR WHEN WE WERE IN THE MIDST OF ALL OF THIS. ALSO I WANTED TO MENTION THAT MS. TERRY ACTUALLY TOLD ME THAT WE HAVE THE ELECTRONIC VERSION IS ONLINE AND IN YOUR BACKUP OF THE NEIGHBORHOOD PLAN AND SO WITH HAVING THAT IN THE NEIGHBORHOOD PLAN

ORDINANCE AND ZONING WE COULD DO ALL THREE READINGS TODAY OF THE COMMISSION'S RECOMMENDATION. BUT I THINK PART OF WHAT THE PLANNING COMMISSION WHAT THEY ADDRESSED WHEN YOU WERE LOOKING AT THE VMU ISSUES, THAT'S WHY IT SAYS DEVELOPMENT ABOVE THE FIRST FLOOR WAS FOR RESIDENTIAL USE THE.... ONLY. SO IF THERE'S A PROJECT THAT WAS PROPOSED IN THE FUTURE IT WOULD BE LIMITED TO RESIDENTIAL USES ABOVE. I DON'T THINK THERE'S BEEN A LOT OF DIALOGUE BETWEEN THE APPLICANT AND SOME ADJACENT PROPERTY OWNERS. I WAS EXPLAINING SOME OF THE ISSUES ABOUT DEVELOPMENT AND THAT ABOUT COMPATIBILITY STANDARDS THAT THIS PROPERTY WOULD BE SUBJECT TO OF SETTING BACK FROM THE PROPERTY LINE AND LIMITING BUILDING HEIGHTS. I'M NOT SURE IF THAT -- IF THAT HAS BEEN REALLY WELL DISCUSSED AMONG THE PARTIES. BUT --

McCracken: YEAH.

Guernsey: MAINLY ISSUES OF COMPATIBILITY AND -- INTENSITY ZONING INCREASES TO THE EAST.

I GUESS THE ONE THING THAT I WOULD URGE AS WE LOOK AT THESE TYPES OF CASES IN THE FUTURE IS THAT A -- ONE OF THE CLEAR -- WHAT ARE THE CLEAR INTENT IN THE VMU OVERLAY WAS FOR INSTANCE TO ALLOW FOR SOME GROUND FLOOR USES THAT ARE NOT ALLOWED FOR INSTANCE LIGHT OFFICE. SO LIKE BAKERIES, NEIGHBORHOOD CAFES, THOSE KIND OF THINGS. SO I THINK -- I KNOW THIS CASE IS A TRANSITION. BUT I THINK FROM THE GOING FORWARD STAND..... STANDPOINT WE SEE THAT THE NEIGHBORHOOD FOR INSTANCE CONSIDERED IT TO BE A FRIENDLY NEIGHBORHOOD DEVELOPMENT. I THINK FROM THE FORM STANDPOINT GOING FORWARD THAT IT BE -- IMPORTANT TO STICK TO WHICH I THINK YOU ALL APPROPRIATELY RECOMMENDED LIMITING THE HEIGHT TO 40 FEET BECAUSE OF THE NEIGHBORHOOD PROXIMITY. BUT I THINK ALSO WE HAVE SEEN THE COUNCIL'S DIRECTION IN THE VMU, THE NEIGHBORHOOD'S WISHES HERE AT OCEAN,

THEY WOULD LIKE TO HAVE GROUND FLOOR USES ALLOWED IN GR THAT ARE NOT ALLOWED IN LU THAT ARE REALLY CRITICAL TO CREATING A NICE NEIGHBORHOOD MIXED USE PLACE. I KNOW I SAID WE HIT THAT TRANSITION. LO WOULD NOT BE GIVING PEOPLE WHAT THEY WANTED AND VERTICAL MIXED USE --

Guernsey: I AGREE. WHEN WE HIT THE..... HIT THE PROCESS, THOSE ISSUES WILL BE CLARIFIED AND CLEAR REALLY WHAT THE NEIGHBORHOOD PLAN IS, WE ARE IN A TRANSITION PERIOD UNTIL JUNE OR SO. I THINK WE WILL STILL BE IN THAT KIND OF STAGE.

McCracken: I THINK THAT IS VERY ACCURATE, MR. GUERNSEY.

Martinez:.

I WANTED TO ASK UNDER LO, THE BUSINESSES THAT THE APPLICANT MENTIONED, BAIL BONDS, REAL ESTATE AND I.T., WOULD ALL THREE OF THOSE QUALIFY UNDER L.O.?

WELL, THOSE USES ARE TYPICALLY MORE RETAIL THAN OFFICE TYPE OF USES. SO IF -- IF IT'S A SUGGESTION THAT -- SOUNDS LIKE HE WOULD LIKE THE OPPORTUNITY TO DO RETAIL TYPE USES, THOSE ARE NOT USES THAT ARE ALLOWED IN L.O.

OKAY.

CAN I ADD TO THAT OR NOT? OKAY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER LEFFINGWELL? MY GUESS IS SOME OF THOSE WOULD BE ALLOWED UNDER L.O. WHAT TYPICALLY WOULD BE AN LO USE.

BILL BOND FOR INSTANCE WOULD NOT, BUT YOU WOULD BE ALLOWED TO HAVE AN ADMINISTRATIVE OFFICE, MEDICAL OFFICE, CERTAIN CIVIC USES, PROFESSIONAL OFFICE IF YOU HAD AS ATTORNEY'S OFFICE. THOSE TYPES OF ACTIVITIES. BUT ANYTHING WHEN THERE'S A

PRODUCT FOR SALE, FOR INSTANCE THE BAKERY THAT WAS SPOKEN OF BY COUNCILMEMBER MCCracken, BAIL BONDS TYPE OF OFFICE, THOSE OFFICES, THOSE USES WOULD NOT BE, ANYWHERE THERE'S A RETAIL TYPE OF SALE.

Leffingwell: I'M LOOKING AT THE MAP HERE, THERE'S NO GR ANYWHERE ON THE MAP THAT I SEE. ACROSS THE STREET IS MF, MF AND SF 3 AND LOOKS LIKE THERE MAY BE A -- A CS USE ALMOST OFF THE MAP IN THE NORTHEAST CORNER. SF ALL ALONG EXCEPT THE ADJACENT PROPERTY IN THE SAME BLOCK IS LO-MU. AND THE SOUTHWEST CORNER IS CIVIC. SO IT... IT APPEARS TO ME THAT THE MOST EXAT..... COMPATIBILITY -- IS CAPABILITY A CRITERIA THAT YOU USE TO RECOMMEND LO.

THAT WAS PART OF THE REASON WHY STAFF MADE THAT RECOMMENDATION. AFTER WE GO THROUGH THE DMU OPT IN, OPT ON, WE MAY BE LOOKING AT THOSE ISSUES AGAIN, IF THEY WANT THIS CORRIDOR TO ALL BE IN THE VERTICAL MIXED USE AREA. THOSE OPPORTUNITIES WOULD BE BROUGHT FORWARD TO THIS AREA. FOR NOW STAFF IS LOOKING AT THAT, INTERSECTION OF CHICON, MLK, NEIGHBORHOOD [INDISCERNIBLE] FOR COMMERCIAL USES AS THAT STARTS, YOU GO EAST WHERE MOST OF THE CS ZONING ACTUALLY IS.

WHEN THAT PROCESS STARTS, THERE WILL BE THE -  
- EITHER THE OPPORTUNITY TO OPT IN OR NOT OPT OUT OR EXACTLY --

WE --

Leffingwell: WE READDRESS THE ISSUE OF VMU AT THAT TIME?

IT WOULD BE MUCH MORE HELPFUL. AGAIN WHAT THOSE ISSUES ARE, WHAT THE NEIGHBORHOOD WOULD REALLY LIKE TO SEE THERE. WE ARE JUST IN THIS TRANSITION PERIOD AS COUNCILMEMBER KIM.....COUNCILMEMBER MCCracken MENTIONED. WE ARE JUST TAKING A LOOK AT [INDISCERNIBLE] AT THIS POINT IN TIME.

McCracken: IN FACT MAYBE A MIDDLE GROUND ON THIS WOULD BE KIND OF THE APPROACH WE CAME UP WITH, WHICH IS -- NEED TO FIND SOME FACTUAL INFORMATION OUT... OUT. IF WE DID LO-MU BUT ALSO ALLOWED, WE COULD DO IT ONE OF TWO WAYS. WE COULD ALLOW THE 6th OF 6 GROUND FLOOR USES THAT -- THAT BAKERY -- REMIND ME WHAT THOSE ARE THAT WE CAME UP WITH IN THE ORDINANCE.

I BELIEVE IN THE COMMERCIAL, IF YOU GET TO THE GENERAL OFFICE DISTRICT, THERE ARE SOME ADDITIONAL USES THAT YOU CAN OPT IN TO HAVE THAT YOU WOULD NOT NORMALLY HAVE. RESTAURANTS, RETAIL USES. THOSE COULD ACTUALLY BE BROUGHT IN UNDER THAT DESIGNATION. YOU COULD SUGGEST THIS COULD BE GO, DO THE SAME CONDITIONAL OVERLAYS, ACTUALLY GO DOES ALLOW SOME LIMITED USES LIKE A LIMITED RESTAURANT I THINK WITH A CONDITIONAL USE PERMIT. IT WOULD ALLOW PERSONAL SERVICE SUCH AS A HAIR SALON OR BARBER SHOP AS A PERMITTED USE IN GO. THAT'S NOT WHAT THEY REQUESTED NOR WHAT THE COMMISSION ASKED FOR. IT'S A LITTLE BIT MORE INTENSE THAN WHAT THE STAFF RECOMMENDED. BUT IT WOULD BE A MIDDLE GROUND THAT -- THAT YOU WOULD GET MOSTLY OFFICE AND YOU WOULD GET SOME OF THOSE RETAIL TYPE OF USES.

McCracken: IT'S ACTUALLY, I'M CALLING THIS UP RIGHT NOW. MY RECOLLECTION IS THAT THAT PROVISION WAS FOR ALL OFFICE ZONING CATEGORIES. NOT JUST GENERAL OFFICE. WHERE THAT WAS A PROVISION THAT WE PUT IN THERE. SORRY I'M TRYING TO FIND THIS ONE PROVISION ABOUT THE OFFICE HERE. WELL, ANYWAY, WHAT ARE THE USES THAT ARE PERMITTED IN GR BUT FROM THE NEIGHBORHOOD'S RECOMMENDATION THAT -- THAT WOULD NOT BE PERMITTED UNDER LO?

DO YOU HAVE THAT HANDOUT THAT I BROUGHT TO THE PLANNING COMMISSION?

McCracken: I'VE GOT THE --

WE WENT THROUGH THE NEIGHBORHOOD. THESE WERE THE SPECIFIC THINGS THAT WE COVERED. THE ONLY REASON FOR THIS ZONING IS USE. THAT'S WHY WE LIMITED THE HEIGHT TO 40 FEET. THAT'S BASICALLY AN LO ZONING USE I MEAN LO ZONING RESTRICTION. SAME WITH THE OTHER RESTRICTIONS THAT WE PUT ON THERE WERE FOR LO. IT WAS BASICALLY BUSINESS SERVICES. THE FACT OF SOMEBODY HAVING A SMALL RESTAURANT OR CAFE AND BAIL BONDS SERVICES. I CURRENTLY HAVE A TENANT THAT WISHES TO RENT ALL THREE UNITS, THEY ARE VICK CAN'T CURRENTLY A TENANT WANTS TO RENT 1705 AS A BAIL BONDS SERVICE. THAT'S WHY I ASKED FOR THAT. ASSUMING WHAT YOU ARE ASKING ABOUT, I HAD A FORMULA THAT SHOWED LO, GO, GR. UPZONEINGS OR UP USES FOR EACH ONE. WE MARKED OUT EVERY ONE EXCEPT FOR VERY FEW. THAT'S THE ONLY REASON THAT WE WENT WITH THE GR WAS FOR THE USES.

I'M -- IN THE GR DISTRICT AND THE LO DISTRICT THERE ARE DIFFERENCES, THE ADDITIONS OF USES THAT YOU COULD ALSO ENJOY ON THIS PROPERTY WOULD BE RESTAURANT, GENERAL THAT SERVES ALCOHOL, RESTAURANT LIMITED, WHICH WOULD BE LIKE A FAST FOOD RESTAURANT, GENERAL RETAIL SALES, GENERAL AND GENERAL RETAIL SALES CONVENIENCE. SO THE MAJORITY OF RETAIL USES STILL WOULD BE ALLOWED TO BE DONE ON THE PROPERTY UNDER THE GR CATEGORY. THE GR USES THAT WERE PROHIBITED THAT YOU WOULD NOT HAVE ALLOWED IN LR OR LO WOULD BE ALL OF THOSE THAT ARE RELATED TO THE AUTOMOTIVE RENTAL SALES, REPAIR, WASHING. THERE IS A DIFFERENCE L.R. WOULD ALLOW SERVICE STATION, LO WOULD NOT ALLOW SERVICE STATION. HOTEL AND INDOORS SPORTS AND RECREATION, INDOORS AND OUTDOOR RECREATION, ENTERTAINMENT, PAWN SHOP, THOSE ARE USES THAT WOULD BE ALLOWED IN GR TYPICALLY. THEY WOULD NOT NECESSARILY BE ALLOWED IN THE LR DISTRICT. HOSPITAL SERVICES GENERAL WOULD ALSO BE



PROHIBITED FROM THE L.R. OR L.O. DISTRICT.

I GUESS IN ONE POSSIBLE APPROACH, COUNCILMEMBER LEFFINGWELL INDICATED WOULD BE THE -- TO DO THE STAFF RECOMMENDATIONS SINCE WE ARE GOING TO HAVE THE NEIGHBORHOOD DETERMINATION BY JUNE 5th ANYWAY ABOUT THE SIX GROUND FLOOR USES PERMITTED UNDER OFFICE IS THAT --

I THINK THERE'S A DESIRE BY THE PROPERTY OWNER WHAT HE'S EXPRESSING IS THAT HE HAS A TENANT I GUESS IN WINGS. HE WOULD I GUESS LOSE THAT TENANT IF YOU WERE TO ACT ON THE STAFF RECOMMENDATION. IF YOU WERE TO ACT ON THE COMMISSION'S RECOMMENDATION THAT -- THAT IT WOULD PROVIDE FOR THE USES THAT HE IS SUGGESTING.

McCracken: SOUNDS LIKE WE HAVE A LITTLE BIT OF A DIVERGENCE BETWEEN THE PLANNING INTERESTS NOT TO CREATE BAIL BONDS SITES TO CATALYZE REDEVELOPMENT, MIXED USE DEVELOPMENT. SOUNDS LIKE THE PROPOSAL IS KIND OF AT ODDS WITH WHAT WE ARE TRYING TO ACHIEVE IN THE COMMUNITY. LIKE WHEREAS THE ZONING PROPOSAL ITSELF MAY BE APPEARING ON THE SURFACE TO BE THE ACTUAL PROPOSAL THAT THE APPLICANT HAS IS AT ODDS WITH WHAT WE ARE TRYING TO ACHIEVE. SO IN A WAY I'M -- AS I LEARN MORE ABOUT THIS, I RECOGNIZE THAT -- THAT YOUR PROPOSAL SPEAKS MORE CLOSELY TO WHAT WE ARE TRYING TO ACHIEVE BECAUSE IT WOULD BE PROMOTING ACTUAL VERTICAL MIXED USE AS OPPOSED TO ALLOWING THIS TO BE CONVERTED TO A BAIL BOND BUILDING WHICH IS NOT WHAT WE ARE TRYING TO ACHIEVE FROM A PLANNING PURPOSE.

THE FIRST PROCESS THEY WANTED TO HAVE PLANS ORIGINALLY FOR WHATEVER DEVELOPMENT THAT WE DID, THAT WASN'T FEASIBLE FOR OUR POSITION RIGHT NOW. OBVIOUSLY THE HOUSES ARE VERY OLD AND DEGRADED. SO OVER THE NEXT FEW YEARS AS THOSE -- ONCE WE KNOW WHAT ZONING, WHAT WE CAN DO, THE GOAL IS TO DEVELOP THAT

PROPERTY. BUT IT'S A CATCH 22 IN THE SYSTEM BECAUSE THIS -- THE OCEAN WANTS TO SEE PLANS BEFORE THEY APPROVE SOMETHING. SO WE BASICALLY WENT OUR ZONING RECOMMENDATION BASED ON WHAT WE WERE GOING TO CURRENTLY DO. THEY ALSO LOOKED AT IT ON -- BASED ON WHAT COULD WE IN THE FUTURE DO WITH THAT PROPERTY. THAT'S THE REASON THAT CURRENTLY WE JUST WANT TO BASICALLY HAVE SOME INCOME AGAINST OUR DEBT OBVIOUSLY TO -- FOR THE ZONING, BUT IT'S ALSO FUTURE ZONING USE.

BY THE WAY, I FOUND THE PROVISION, GREG, IT -- IT'S 4.3.3 C --

2.

YEAH, C 2.

McCracken: SAID THAT ANY COMMERCIAL USE [INDISCERNIBLE] MAY BE ALLOWED THE GROUND FLOOR VMU BUILDING, IN OFFICE DISTRICTS, SO THAT WOULD INCLUDE LO AND GO. YOU COULD DO CONSUMER, CONVENIENCE SERVICES, FOOD SALES, GENERAL RETAIL SALES, CONVENIENCE GENERAL, RESTAURANT LIMITED GENERAL WITHOUT DRIVE IN. THAT'S SOMETHING THAT WOULD BE DETERMINED BY THE NEIGHBORHOODS NO LATER THAN JUNE 5th BY THE OPT IN, OPT OUT PROCESS. SOUNDS LIKE IF WE WENT WITH THE STAFF RECOMMENDATION WE WOULD HAVE THE OPPORTUNITY TO RESOLVE BY JUNE 5th THE ABILITY TO DO THOSE GROUND FLOOR USES AND -- SO THAT WE WOULD GET THERE THAT WAY.

I JUST HAVE ONE QUICK QUESTION. YOU ARE -- YOU READ A LONG LIST OF PROHIBITED USES IN THE PLANNING COMMISSION RECOMMENDATION.

RIGHT.

ARE ANY OF THOSE USES IN THE LO?

I DON'T BELIEVE ANY OF THOSE USES ARE ALLOWED IN LO ANYWAY.

OKAY.

THE PLANNING COMMISSION COMMISSION --

THE PLANNING COMMISSION RECOMMENDATION  
WAS FOR GR-MU-NP.

STAFF WAS FOR LO MU CO-NP. EXCUSE ME,  
PLANNING COMMISSION RECOMMENDATION WAS  
FOR GR-CO MU-NP. IT ALLOWED THE BAIL BONDS  
USE. I THINK THAT THE APPLICANT IS PROPOSING.  
THEN LISTED ALL OF THOSE PROHIBITED USES. THE  
HEIGHT LIMITATION AND THE REQUIREMENT THAT  
ALL USES ABOVE THE FIRST FLOOR BE  
RESIDENTIAL. THAT WAS PART OF THE PLANNING  
RECOMMENDATION. THE STAFF RECOMMENDATION  
WAS FOR LO MU CO-NP WITH THE LIMIT BEING  
ONLY THE NUMBER OF TRIPS. IT WOULD ALLOW  
THE FLEXIBILITY IN THE FUTURE TO DEVELOP THE  
PROPERTY FOR EITHER ALL COMMERCIAL, ALL  
RESIDENTIAL OR SOME COMBINATION THEREOF.  
THAT WAS PART OF THE STAFF'S  
RECOMMENDATION.

MAYOR AND COUNCIL, WE DO NOT HAVE AN  
ORDINANCE REFLECTING THE STAFF'S  
RECOMMENDATION. WHAT WE HAVE DRAFTED FOR  
YOU IS THE COMMISSION RECOMMENDATION. SO IF  
YOU -- IF YOUR DECISION IS TO GO WITH STAFF,  
THEN WE WOULD ASK THAT YOU DO IT ON FIRST  
READING.

Leffingwell: MAYOR, I'M READY TO MAKE A MOTION  
AND THE MOTION BEING TO CLOSE THE PUBLIC  
HEARING, APPROVE ON FIRST READING ONLY STAFF  
RECOMMENDATION WHICH WOULD BE MIXED USE  
DESIGNATION FOR THE [INDISCERNIBLE] ITEM 47,  
THE LO -- LO MENU..... MU CO-NP ZONING ON ITEM  
48.

Guernsey: COUNCILMEMBER THE STAFF  
RECOMMENDATION WAS OFFICE MIXED USE FOR  
THE NEIGHBORHOOD PLAN AMENDMENT PORTION.  
IT'S OFFICE MIXED USE, BUT YOU ARE CORRECT ON  
THE OTHER.

Leffingwell: I STAND CORRECTED.

McCracken: MAYOR? I HAVE A QUESTION FOR THE COUNCILMEMBER LEFFINGWELL, WOULD ALSO SUPPORT INCLUDING IN HIS MOTION THE PROVISION OF -- RECOMMENDED BY THE PLANNING COMMISSION THAT THE UPPER FLOORS MUST BE RESIDENTIAL, IN OTHER WORDS THAT IT MUST BE A VERTICAL MIXED USE STRUCTURE.

Leffingwell: YES. THAT'S ACCEPTABLE AND I BELIEVE THE LO IS HEIGHT LIMIT OF 40 FEET ANYWAY. SO -- SO THERE'S NO NEED TO INCLUDE THAT.

McCracken: YEAH.

Leffingwell: NONE OF THE PROHIBITED USES IN THE PLANNING COMMISSION RECOMMENDATION WOULD APPLY IN LO?

THAT'S CORRECT.

McCracken: IN FACT THE ONLY THING THAT I WAS SPEAKING TO I WANTED TO MAKE SURE -- I THOUGHT THE PLANNING COMMISSION ONE THING THAT WAS GOOD WAS THE VERTICAL MIXED USE REQUIREMENT WHICH COULD APPLY TO LO AS WELL.

Leffingwell: I WILL AMEND MY MOTION ACCORDINGLY.

I WILL SECOND THAT.

MOTION FOR COUNCILMEMBER LEFFINGWELL, SECONDED BY EXAM TO CLOSE THE PUBLIC HEARING APPROVE ON FIRST READING ONLY THIS COMBINED CASE 47 AND 48. BUT WITH THAT ZONING HE HE ZONING TECHNICALLY BEING THE STAFF RECOMMENDATION OF LO MU CO-NP WITH ADDITIONAL COMMENTS AND THOUGHTS.

AND ON AGENDA ITEM 57, THAT'S OFFICE MIXED USE AS OPPOSED TO COMMERCIAL MIXED USE.

47.

47.

CORRECT. FURTHER COMMENTS, QUESTIONS? FIRST READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MARTINEZ OFF THE DAIS, FIRST READING ONLY.

CAN I ASK A CLARIFYING QUESTION REAL QUICK.

Mayor Wynn: YOU MAY.

IS THE INTENT INTO THE FUTURE TO CHANGE THAT TO VMU SO THAT THE BOTTOM USES IF THE NEIGHBORHOOD OPTS OUT, WHERE DOES THAT LEAVE US?

McCracken: YOU WOULD NOT BE ABLE TO DO THE COMMERCIAL, THE BAKERY, THE GENERAL CONVENIENCE, THAT WOULD BE THE -- THE ONLY EFFECT OF AN OPT OUT?

IN JUNE --? YOU CAN DO VMU, JUST NOT THE FOUR PERMITTED NEIGHBORHOOD USES IN THE GROUND FLOOR.

THAT WOULD HAVE BEEN RESTAURANT LIMITED GENERAL WITHOUT A DRIVE THROUGH, I BELIEVE GENERAL RETAIL SALES, GENERAL CONVENIENCE FOOD SALES, CONSUMER CONVENIENCE SERVICES. BUT THE -- ALL THREE TYPES OF OFFICE USES REGARDLESS OF WHATEVER ACTION IS TAKEN, OPTING IN OR OUT, ADMINISTRATIVE BUSINESS OFFICE, PROFESSIONAL OFFICE OR MEDICAL OFFICE WOULD STILL BE USES THAT WOULD BE PERMITTED.

Mayor Wynn: FOR STAFF MARBLE TO GET MORE DETAIL. THANK YOU. SO -- SO WE HAVE FIVE MINUTES, MR. GUERNSEY, BUT -- I THINK IT'S A RELATIVELY SHORT CASE. I SAY THAT. WE HAVE

FOUR SPEAKERS IN OPPOSITION. ITEM NO. 49.

Guernsey: LET ME BE QUICK ABOUT IT. ITEM NO. 49 IS C14-06-231 FOR THE PROPERTY LOCATED AT 7219 MOWINKLE DRIVE FROM RR RURAL CURRENT SHALL TO SF 1 SINGLE FAMILY LARGE LOT. THE PLANNING COMMISSION RECOMMENDATION WAS TO DENY THE STAFF RECOMMENDATION FOR SF 1 ZONING. THE PROPERTY CURRENTLY UNDEVELOPED AND IT'S APPROXIMATELY 14.94 ACRES OF LAND AND LOCATED IN THE OAK HILL AREA. IT IS LOCATED IN THE WILLIAMSON CREEK WATERSHED IN THE BARTON SPRINGS ZONE AND IT IS IN A CONTRIBUTING TRACT AREA. THE PROPERTY WOULD BE SUBJECT TO THE S.O.S. ORDINANCE AND SUBJECT TO A MAXIMUM IMPERVIOUS COVER OF 25%. SURROUNDING PROPERTY TO THE NORTH, WEST AND EAST IS R.R. RURAL RESIDENTIAL. THE AREA TO THE SOUTH ARE COMPOSED OF LOTS THAT ARE BETWEEN ONE AND TWO ACRES, THESE WITH EXISTING DEVELOPMENT OF SINGLE FAMILY HOMES AND THE PROPERTIES ARE LOCATED IN THE COUNTY. THE APPLICANT'S AGENT, MR. ROSS FRIE IS HERE TO SPEAK ON THE PROPERTY OWNER'S BEHALF. AND I KNOW OF -- I HAVE SPOKEN TO SOME MUCH THE PEOPLE HERE THAT ARE IN OPPOSITION TO THIS REQUEST. I WILL PAUSE AT THIS TIME IF YOU HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU, QUESTIONS OF STAFF, COUNCIL? IF NOT, WE WILL AT LEAST BEGIN THE PUBLIC HEARING PART OF THIS REZONING CASE. ITEM NO. 49. WITH THE FIVE MINUTES OWNER AGENT APPLICANT PRESENTATION. GOOD AFTERNOON, MAYOR, COUNCILMEMBERS, MY NAME IS ROSS FRIE, I'M HERE REPRESENTING THE OWNER TODAY, I'M A FORMER CITY PLANNING DIRECTOR. THIS PROPERTY IS A 15-ACRE TRACT LOCATED AT 7119 MOWINKLE DRIVE, IN OAK HILL, THAT'S WHAT I BROUGHT A COPY OF, OAK HILL COMBINED NEIGHBORHOOD PLANNING AREA. WHAT'S UNIQUE IT IS AT THE EDGE OF THE CITY. I BROUGHT SOME HANDOUTS FOR YOU ALL'S TO THE -- TO LOOK AT. CLOSER. BUT THE -- WHAT -- THE ONE THING THAT I DO WANT TO DISTINGUISH, THERE'S A MAROON LINE THROUGH THERE. THE PROPERTY THAT WE

ARE TALKING ABOUT IS RIGHT IN THE CENTER IN THAT WHITE AND STUFF TO THE LEFT AND BOTTOM TO THE -- TO THE BOTTOM AND BOTTOM IS COUNTY. THIS PROPERTY IS OWNED BY TWO U.T. PROFESSORS, BOB LLOYD AND DANNY QUIROZ WHO PURCHASED THIS AS PART OF THEIR RETIREMENT PLAN. SINCE THE UNIVERSITY DOESN'T EXACTLY PAY THE BEST, THEY HAD TO LOOK OUT FOR THEIR RETIREMENT PLAN. THEY ARE GETTING NEAR RETIREMENT AGE, ONE OF THEM HAS KIDS GOING TO COLLEGE, THEY ARE DECIDING TO TRY TO SELL THEIR PROPERTY. AND THEY HAVE -- WE HAVE GENERATED SOME INTEREST FROM SOME POTENTIAL DEVELOPERS WHO ARE INTERESTED IN DEVELOPING A SUBDIVISION ON THIS PROPERTY. PROPERTY IS CURRENTLY ZONED R.R., MAXIMUM OF ONE LOT PER ACRE, THE REQUESTED ZONING IS FOR SF 1, WHICH IS ONE STEP UP TO THE ZONING LADDER BUT DOES ALLOW FOR FOUR LOTS PER ACRE. THE CITY SUPPORTS THIS ZONING REQUEST BECAUSE IT SAYS IT SHOULD RESULT IN EQUAL TREATMENT OF SIMILAR SITUATED PROPERTIES. COVERED BRIDGE SUBDIVISION IN THE CITY TO THE RIGHT AND ADJACENT TO THIS PROPERTY AND THAT HAS SF 1 THROUGH SOME 6 ZONING IN IT. WHEN THEY APPROACHED AND THEN YOU HAVE THE COUNTY SUBDIVISIONS, WESTVIEW AND HILL COUNTRY ESTATES IN THE COUNTY, DO NOT HAVE ANY ZONING, WHEN THE OWNERS APPROACHED ME, I SAID THAT -- THAT WE SHOULD JUST GO FOR SF 1. WE DON'T NEED TO ASK FOR SF 6 BASED ON THEIR DEVELOPMENT..... DEVELOPMENT.

I KNOW IT'S IN THE PACKET, HOW IT GOT BEFORE YOU. THE WEST VIEW ESTATES NEIGHBORHOOD ASSOCIATION ASKED FOR A POSTPONEMENT SO THAT WE COULD MEET AT THEIR NEXT NEIGHBORHOOD MEETING. WE AGREED AT THAT TIME TO MEET WITH THEM. THE FOLLOWING WEEK WHICH WAS FEBRUARY 6th WE ATTENDED THE NEIGHBORHOOD MEETING TO PRESENT THE REZONING CASE AND ANSWER ANY QUESTIONS THAT THEY HAD. THERE WERE MANY, MANY NEIGHBORHOOD RESIDENTS THAT -- THAT ATTENDED THAT MEETING. YOU ALL WERE THERE ABOUT AN HOUR AND A HALF ANSWERING A LOT OF

QUESTIONS FOR THEM. THE TWO ISSUES REALLY PROPOSE THIS REQUEST, YOU WILL HEAR FROM THEM, INCREASED TRAFFIC IN THEIR NEIGHBORHOOD AND HIGHER DENSITY THAN THEIR EXISTING COUNTY SUBDIVISION. ON THE 13th OF FEBRUARY, BACK TO THE PLANNING COMMISSION, THIS CASE DIDN'T GET HEARD UNTIL 11:45 THAT NIGHT. I PRESENTED THIS ZONING CASE TO SEVERAL OF THE COUNTY RESIDENTS WERE HERE, THEY SPOKE IN OPPOSITION, THEY BRING UP THE INCREASED TRAFFIC ON MOWINKLE, WHICH IS A COUNTY STREET THAT LEADS TO WHAT WILL BE THE CITY'S SUBDIVISION. AND A HIGHER DENSITY THAN THEIR CURRENT RURAL SUBDIVISION, WITH VERY LITTLE DISCUSSION THAT LATE AT NIGHT. COMMISSION GLEN DOE WHO I UNDERSTAND LIVES IN DOWNTOWN MADE THE MOTION TO DENY, IT WAS DENIED STAFF RECOMMENDATION BY A VOTE OF 8-1. YESTERDAY I ARRANGED A MEETING AND MET WITH COUNTY COMMISSIONER DAUGHERTY AND JOE ARRIAGA AND COUNTY ENGINEER THERESA CAULKINS TO DISCUSS THIS. I DID SPEAK TO KEVIN WOOD THE PRESIDENT OF WEST VIEW NEIGHBORHOOD ASSOCIATION, ASKED THEM IF HE COULD ATTEND OR HAVE A REPRESENTATIVE. THEY DID NOT SHOW UP OR WERE NOT ABLE TO ATTEND. THIS MEETING WAS SO THEY COULD EXPRESS CONCERNS TO THEIR COUNTY COMMISSION TO HELP THEM WITH THEIR CONCERNS, HE IS NOW AWARE OF THIS CASE. THE COUNTY RESIDENTS THAT ARE OPPOSED TO THIS SUBDIVISION BECAUSE IT'S DENSER THAN THEIR CURRENT SUBDIVISION, PROPOSED SF 1 IS COMPATIBLE WITH THE CURRENT ZONING IN THE AREA. ALSO COMPATIBLE WITH THE EXISTING DENSITY OF THE HOMES IN THE AREA. AND WITH THE DRAFT FUTURE LAND USE PLAN THAT WAS GENERATED FROM THE OAK HILL COMBINED NEIGHBORHOOD PLAN AND THERE IS -- THERE IS THE MAPS IN YOUR PACKET. YOU KNOW, LIKE I SAID BEFORE, COVERED BRIDGE SUBDIVISION HAS SF 1 THROUGH SF 6. WHICH SF 6 ALLOWS UP TO 8 UNITS PER ACRE. THE COUNTY SUBDIVISIONS WESTVIEW AND HILL COUNTRY ARE UNZONED BUT THE HOMES ARE ON ONE ACRE PLUS LOTS. [BUZZER SOUNDING]



IS THAT --

Mayor Wynn: THAT'S YOUR TIME.

I WILL BE BACK UP I'M ASSUMING. THANK YOU.

Mayor Wynn: YOU WILL, THANK YOU.

COUNCIL, WE HAVE ABOUT 20 MINUTES WORTH OF TESTIMONY FOR FOLKS HERE IN OPPOSITION. OF COURSE WE NOW ARE AT 5:30, MY SUGGESTION IS THIS WOULD BE A GOOD TIME TO BREAK. NOW THAT WE HAVE GOTTEN THE APPLICANT PRESENTATION. SO AS SOON AS WE GET BACK FROM THE BREAK, WE WILL HEAR TESTIMONY FROM FOLKS WHO MAY BE HERE IN SUPPORT. WE WILL TAKE THE TESTIMONY ON FOLKS IN OPPOSITION AND HAVE THE REBUTTAL AND DISCUSSION OF THE ZONING CASE. SO WITHOUT OBJECTION, IT IS NOW 5:30, WE WILL GO TO OUR BREAK FOR LIVE MUSIC AND PROCLAMATIONS. STAY TUNED FOR THE PALM SCHOOL CHOIR, OUR YOUNG MUSICIANS TODAY AND WHILE WE ARE -- WHILE I'M OUT HERE MOSTLY DOING THE LIVE MUSIC AND PROCLAMATIONS COUNCIL IN EXECUTIVE SESSION MAY TAKE UP THE REMAINING ITEM, WHICH IS OUR PERSONNEL ITEM NO. 38, MAY NOT HOWEVER. AND SO WE WILL TECHNICALLY NOT RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL IF COUNCIL WANTS TO CONTINUE SOME CLOSED SESSION WORK WHILE I'M OUT HERE. SO WE ARE NOW BREAKING FOR LIVE MUSIC AND PROCLAMATIONS AND WE WILL CARRY ON WITH ITEM 49 ON OUR RETURN.

Mayor Wynn: OKAY, FOLKS, WELCOME TO THE WEEKLY LIVE MUSIC GIG AT THE CITY HALL, THE LIVE MUSIC CAPITOL OF THE WORLD, AUSTIN, TEXAS, JOINING US TODAY WE HAVE THE PALM SCHOOL CHOIR, MADE UP OF SECOND TO FIFTH GRADERS AT PALM ELEMENTARY SCHOOL IN SOUTHEAST AUSTIN. THEY HAVE BEEN FEATURED ON THE TODAY SHOW, PERFORMED AT FEST VALUES SUCH AS THE FABULOUS AUSTIN CITY LIMITS MUSIC FESTIVAL AND SOUTH-BY-SOUTHWEST. THEIR DIRECTOR COMPOSES MANY OF THE SONGS THAT THIS UNIQUE AND TALENTED CHOIR PERFORMS.

THE PALM SCHOOL CHOIR PRODUCED FIVE C.D.'S  
ALL RECORDED IN THE SCHOOL'S MUSIC  
CLASSROOM. PLEASE JOIN ME WITH IN WELCOMING  
AUSTIN INDEPENDENT SCHOOL DISTRICT'S VERY  
OWN PALM SCHOOL CHOIR. [ (music) SINGING  
(music)(music) ] [ (music) MUSIC PLAYING (music)(music)  
] [ (music) MUSIC PLAYING (music)(music) ] [ (music)  
SINGING (music)(music) ] [ (music) SINGING  
(music)(music) ] [ (music) SINGING (music)(music) ] [  
(music) SINGING (music)(music) ]

Mayor Wynn: ALREADY, TELL US WHERE CAN WE  
HEAR THESE IN PERSON, GO ABOUT BUYING THE CD,  
DO YOU HAVE A WEBSITE, WHAT'S THE DEAL?

WE DO IT'S [www.palmschoolchoir.com](http://www.palmschoolchoir.com). YOU CAN  
PURCHASE CD'S AT BOOK PEOPLE AND WATERLOO.  
OUR NEXT GIG FOR THE PUBLIC IS GOING TO BE  
APRIL 28th, CENTRAL MARKET SOUTH, AT 3:00.

Mayor Wynn: FABULOUS, BEFORE THE KIDS GET  
AWAY, THERE'S A SPEC PROCLAMATION THAT  
READS BE IT KNOWN THAT WHEREAS THE LOCAL  
MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS  
TOWARDS AUSTIN'S DEVELOPMENT OF OUR SOCIAL,  
ECONOMIC AND CULTURAL DIVERSITY, WHEREAS  
THE DEDICATED EFFORT OF ARTISTS FURTHER OUR  
STATUS AT THE LIVE MUSIC CAPITAL OF THE WORD,  
THEREFORE I WILL WYNN, MAYOR OF THE GREAT  
CITY OF AUSTIN, DO HEREBY PROCLAIM TODAY,  
APRIL 5th, 2007 AS PALM SCHOOL CHOIR DAY IN  
AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN  
CONGRATULATING THESE FINE YOUNG TALENTS. [  
APPLAUSE ] [ APPLAUSE ]

....

WHILE THE BAND BREAKS DOWN ON THAT SIDE OF  
THE ROOM, WE ARE GOING TO USE THIS PODIUM TO  
BEGIN OUR WEEKLY PROCLAMATIONS AND  
CERTIFICATES OF CONGRATULATIONS AND  
HONORARY CITIZENSHIPS, OTHER THINGS, WE TAKE  
THIS TIME EACH WEEK TO TRY TO HONOR FOLKS TO  
SAY THANK YOU, PROMOTE, RAISE PUBLIC  
AWARENESS OF GREAT THINGS THAT ARE  
HAPPENING AROUND TOWN. YOU WILL PROBABLY

SEE THERE'S A BUNCH OF GREAT CREATIVE ELEMENTS TO THE PROCLAMATIONS THIS WEEK. STARTING WITH OUR LIVE MUSIC GIG WITH YOUNG PEOPLE. WE ARE NOW ROLLING RIGHT INTO WHAT IS ANOTHER FABULOUS, FABULOUS SHOW OF THE CREATIVE INTELLECT AND SPOKEN WORD IN THIS TOWN THAT IS POETRY SLAM, SPECIFICALLY AUSTIN YOUTH POETRY SLAM. WE ARE DIAGNOSE TO PROCLAIM HERE IN A SECOND THE POETRY SLAM WEEK. RON HORNE IS GOING TO TALK ABOUT THIS FABULOUS COLLECTIVE OF YOUNG PEOPLE IN TOWN USING THEIR CREATIVITY IN SUCH A POSITIVE AND INSPIRING AND FUN AND ENTERTAINING WAY. I THINK WE ARE EVEN GOING TO HEAR A LITTLE BIT HERE IN A SECOND. SO I WILL SAY I HAVE BEEN ATTENDING POETRY SLAMS NOW SINCE THE SUMMER OF 1998 WHEN AUSTIN HOSTED THE NATIONAL POETRY SLAM EVENT HERE IN AUSTIN. WE HAVE NOW HOSTED IT TWICE. WE ARE GOING TO GET IT AGAIN NEXT YEAR. IT'S FABULOUS WAY TO GO HAVE FUN AND THE FACT THAT NOW YOUNG PEOPLE HAVE DISCOVERED IT WITH THE HELP OF RON AND SOME OTHER FOLKS, WE HAVE NOW HAD THE YOUTH POETRY SLAM IN -- IN THE MIDDLE AND HIGH SCHOOLS THROUGHOUT THE AUSTIN AREA. IT'S JUST A FABULOUS THING TO GO DO AND SUPPORTED. SO I WILL READ THE PROCLAMATION AND RON IS GOING TO SAY A FEW WORDS, PROBABLY ABOUT THE ORGANIZATION, AND THE OUTREACH. THEN I BET WE ARE GOING TO HEAR FROM POETRY. THE PROCLAMATION READS AUSTIN'S VERBAL CREATIVITY IS EVIDENCED BY ITS LIVELY POETRY SLAM COMMUNITY, IN BOASTING NOT ONE BY TWO OF THE BEST POETRY SLAM TEAMS IN THE NATION. AUSTIN'S YOUTH ARE A VALUE VALUABLE PART IN THEIR PARTICIPATION IN THE CITY WIDE UNDER 21 POETRY SLAM, WHEREAS SINCE 2003 OUR YOUNG PEOPLE HAVE ALSO REPRESENTED OUR CITY AROUND THE COUNTRY AT THE BRAVE NEW VOICES INTERNATIONAL YOUTH POETRY SLAM FESTIVAL. SO NOW THEREFORE I WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM THIS WEEK, APRIL 1st THROUGH 7th, 2007, AS AUSTIN YOUTH POETRY SLAM WEEK, ASK MR. RON HORNE TO SAY A FEW WORDS ABOUT WHAT'S BEEN A FABULOUS, FUN COUPLE OF THREE YEARS,

HOPEFULLY A LOT MORE FUN TO BE HAD. PLEASE JOIN ME IN WELCOMING, CONGRATULATING MR. RON HORNE. [ APPLAUSE ] I JUST WANT TO TAKE A MOMENT TO THANK THE MAYOR FOR BEING THE SLAM DADDY OF AUSTIN. HE'S BEEN A BIG SUPPORTER ALONG WITH THE REST OF THE STAY WITH US AND SO -- SO THE TEXAS YOUTH WORK COLLECTIVE BASICALLY PUTS ON A MONTHLY BASIS THE CITY WIDE POETRY SLAM DURING THE SEASON, RUNS FROM OCTOBER TO ABOUT MARCH OR APRIL ON THE -- EXCUSE ME ON THE 14th AND THE 21st WE WILL BE HAVING OUR SEMIFINAL IN OUR SLAM OFF. AND THE PURPOSE OF THE -- OF THE TEXAS YOUTH WORK COLLECTIVE IS TO PROVIDE INCENTIVE FOR YOUTH TO GET INVOLVED IN WRITING AND TO EXPLORE THEIR EXPRESSION. SO WITHOUT FURTHER ADO, I WOULD LIKE TO INTRODUCE ONE OF OUR LONG-TIME SLAMMERS WHO IS IN MY ESTIMATION ABSOLUTELY PHENOMENAL. AN 18-YEAR-OLD SENIOR FROM L.B.J. HIGH SCHOOL. COLLEEN. [ APPLAUSE ]

OH, OKAY. ALL RIGHT. NO, NO, I UNDERSTAND, I GET IT. IT'S PERFECTLY NORMAL FOR A GIRL LIKE ME TO GIVE FOUR YEARS OF HER LIFE TO YOU. FOUR YEARS PERFECTING MYSELF TO YOUR LITTLE WHIMS AND HOPES OF ESTABLISHING A MATURE, RESPECTABLE RELATIONSHIP FOUR YEARS OF DEVOTION. AND THEN TO HAVE YOU DECIDE THAT'S OKAY, IT'S ALL RIGHT, THAT TIME SPENT DOODLING YOUR NAME ON THE MARGIN BEGINS OF MY ECONOMICS NOTES IS WORTH NOTHING AT ALL. NOW THAT YOU HAVE OFFICIALLY REJECTED ME, I JUST HAVE ONE LITTLE QUESTION FOR YOU. WHAT IN THE WORLD IS WRONG WITH YOU RICE UNIVERSITY?!! WHAT IN GOD'S NAME MADE YOU SENT ME THAT LITTLE MESSAGE THAT IS THE ULTIMATE DENIAL, THE METAPHORICAL FINGER TO EVERY FEELING THAT I COULD POSSIBLY HAVE EVER HAD FOR YOU. THAT'S RIGHT EVERYONE I GOT THE SMALL ENVELOPE. BUT THE SOCIALLY DEFECTIVE KID IN MY SIXTH PERIOD CLASS, ALEX THE BOY WHO NEVER USED WHAT SOAP IS USED FOR GOT THE BIG ENVELOPE, THE ONE WITH THE SHINY FOLDER IN IT, ORIENTATION DATES AND FRESHMAN MIXERS. BUT DON'T WORRY, RICEY, I'M

NOT GOING TO TAKE THIS LYING IN BED AT HOME  
WITH A BOX OF KLEENEX WITH ONE HAND, MY  
SUBPAR S.A.T. SCORES IN THE OTHER. I'M NOT  
GOING TO LET MY FUTURE BE DEFINED BY YOUR  
STUPIDITY. MAYBE I DECIDED THAT I DON'T NEED  
THE SELF PROCLAIMED IMPORTANCE OF YOUR  
UNIVERSITY. MAYBE I DECIDE THAT I DON'T WANT  
TO BE SURROUNDED BY PHYSICIANS WHO ONLY  
IDEAS OF FUN IS IN THE PIXELS OF THEIR  
CALCULATOR. I WANT WORDS, I WANT TO EXHALE  
ELLIOTT IN WAYS THAT AN ENGINEER COULD ONLY  
IMAGINE. INSTEAD OF CRAMMING CALCULUS, I  
WANT TO COO CUMMINGS, IN A WAY THAT IS  
PASSIONATE. I WANT TO LINE MY BOOKCASES WITH  
TENNISON INSTEAD OF TEXTBOOK, TO STUDYDY  
STEVENS AND TO BUNK WITH BECKKET. WHICH  
RELATIVES ASK ME, INSTEAD OF RICE I WILL SAY  
INSTEAD OF SPENDING TIME LATE NIGHT  
STUDYING, INSTEAD OF THAT, INSTEAD I'M GOING  
TO SEE-- WOO INSTEAD I'M GOING TO STUDY  
STEVENS, ET CETERA, ET CETERA, THEN I WILL GO  
TO GINSBERG. WENT TO COLUMBIA, DID YOU KNOW  
THAT RICE? INSTEAD MAYBE NEW YORK, BIG APPLE,  
REAL DEAL. I'LL START DROPPING ACID AND  
BECAUSE I DON'T NEED THIS. I WANT TO FULLY  
EVALUATE EVERYTHING IN FRONT OF ME. THAT'S  
OKAY. GO ON RICE UNIVERSITY, GO ON. AND ENJOY  
HAVING FUN WITH THE MINDS OF LOVERS AND I'LL  
JUST GO AHEAD AND THAT'S BECAUSE I'M A POET. [   
APPLAUSE ]

Mayor Wynn: WE CAN SEE A TREND HERE. WE'VE HAD  
YOUNG CHOIR MUSICIANS, WE'VE HAD A YOUTH  
POETRY SLAM. WE ARE NOW GOING TO CELEBRATE  
-- ABOUT TO CELEBRATE URBAN SOUL DAY  
BECAUSE WE HAVE A FABULOUS -- THE SECOND  
ANNUAL AUSTIN URBAN MUSIC FESTIVAL THIS  
WEEKEND. PUT ON HERE AT AUDITORIUM SHORES,  
TWO DAY DEAL. REALLY WE ARE GOING TO --  
HIGHLIGHT A FABULOUS GROWING R AND B SORT  
OF SOUL BAND MOVEMENT HERE IN AUSTIN. AND  
SO WHAT WE HAVE BEHIND ME HERE IS THE BAND  
THAT YOU WILL READ ABOUT AND TELL YOU  
ABOUT AND YOU WILL HEAR HOW IT IS THAT THEY  
CAME TO BE TOGETHER AND THEN WE ARE GOING  
TO -- GOING TO HEAR ABOUT THE FESTIVAL AND

ABOUT THESE FABULOUS YOUNG MUSICIANS. OKAY. MY OPERATION READS: THE SECOND ANNUAL AUSTIN URBAN MUSIC FESTIVAL WILL SHOWCASE AUSTIN'S NEWEST R AND B SOUL BAND, URBAN SOUL, DURING A TWO-DAY FESTIVAL ON AUDITORIUM SHORES DURING TEXAS RELAYS WEEKEND. WHEREAS THE R AND B COVER BAND FEATURES YOUNG AUSTIN TEENS BETWEEN THE AGES OF 12 AND 19, WHO COMPETED IN LOCAL VERSIONS OF AMERICAN IDOL AND MAKING THE BAND TO EARN SPOTS IN THE NEW BAND AND WHEREAS URBAN SOUL IS BEING MENTORED BY LOCAL PROFESSIONALS AND ACCLAIMED R AND B BAND UNIFIED TRIBE THROUGH THE SOUL TREE COLLECTIVE PROJECT SPONSORED BY THE URBAN MUSIC FESTIVAL PRODUCERS AND THE CITY OF AUSTIN'S PARKS AND RECREATION DEPARTMENT. I WILL WYNN MAYOR OF THE CITY OF AUSTIN, DO HEREBY CONGRATULATE THESE BAND MEMBERS ON THEIR PERFORMANCE AND DO HEREBY PROCLAIM SATURDAY APRIL 7th, 2007 AS URBAN SOUL DAY IN AUSTIN, CALL ON ALL CITIZENS TO JOIN ME, CONGRATULATING AGAIN SOME MORE FINE YOUNG TALENT IN THIS TOWN. [ APPLAUSE ]

GOOD EVENING, EVERYONE, MY NAME IS KIMBERLY, I WON'T BE BEFORE YOU LONG. URBAN SOUL IS A GROUP OF YOUNG INDIVIDUAL LIKE WE SAID. THEY ACTUALLY AUDITIONED BACK IN OCTOBER. KIND OF LIKE A LOCAL AMERICAN IDOL AND WE HAD OVER 80 PARTICIPANTS COME OUT AND THESE WERE THE SEVEN STUDENTS THAT WE PICKED BETWEEN 12 AND 19 YEARS OF AGE. THEY HAD BEAUTIFUL VOICES AND IF YOU HAVE ANY PLANS TO COME OUT TO THE URBAN MUSIC FESTIVAL THIS WEEKEND, THEY WILL PERFORM FRIDAY AND SATURDAYMENT THE GROUP WAS BORNE OUT OF THIS SOUL TREE COLLECTIVE PROJECT INITIATED BY THE URBAN MUSIC FESTIVAL PRODUCERS AND IT'S A PROJECT THAT THEY INTEND TO HAVE GOING EVERY YEAR, WHERE THEY WILL AUDITION A NEW GROUP OF CHILDREN AND THEY WILL GO THROUGH THEIR TALENT AND THEN PICK A GROUP, PUT THEM TOGETHER AND THE GROUP THEY PICK THEIR OWN NAMES, PICK THEIR OWN SONGS AND THEY BASICALLY KIND OF PICK

THEIR OWN LOOK. WE ARE VERY PROUD OF THE BAND AND I WANTED TO HAVE JACKIE, WHO IS A JUNIOR AT WESTWOOD HIGH SCHOOL, ALSO THE KEYBOARDIST, VERY TALENTED COME UP AND SAY A COUPLE OF WORDS ON BEHALF OF THE BAND. JACKIE?

[ APPLAUSE ]

ON BEHALF OF THE BAND, WE'VE ALL HAD EXCELLENT EXPERIENCE DOING ALL OF THIS, HAVING A PIECE OF THE MUSIC INDUSTRY THROWN AT US ALMOST. AND WE WOULD LIKE TO THANK OF COURSE THE MAYOR FOR -- FOR PROCLAIMING THIS DAY AND AUSTIN PARKS AND RECREATION, OF COURSE FOR ALL OF THE SUPPORT THEY HAVE GIVEN US. AND -- AND WE WOULD LOVE TO COME AND HAVE -- SEE YOU GUYS OUT AT URBAN MUSIC FEST.

FRIDAY AND SATURDAY.

FRIDAY AND SATURDAY. [ APPLAUSE ]

MAYOR WYNN: WE'VE ALWAYS HAD YOUTH TALENT AND NOW WE'LL HAVE ADULT TALENT, PARTICULARLY A FABULOUS AWARD WINNING LOCAL BUSINESS THAT REALLY HAS JUST BEEN KNOCK DOWN DEAD AND FOR THOSE WHO BOTHER TO DRINK VODKA, AN ABSOLUTE AWARD WINNING LOCAL HANDMADE VODKA THAT HAS JUST TAKEN THE COUNTRY BY STORM AND CREATING A BUNCH OF GREAT JOBS HERE IN AUSTIN AND WE'RE VERY PROUD BECAUSE WE'RE CELEBRATING AN ANNIVERSARY, RIGHT?

THAT'S RIGHT.

MAYOR WYNN: SO I'M GOING TO READ A PROCLAMATION AND TITO WILL TALK ABOUT HIS COMPANY, ABOUT THE VISION HE HAD TEN YEARS AGO, ABOUT THE REMARKABLE REMARKABLE SUCCESS HE HAD AND HOW HE IS BRANDING AUSTIN NOW ACROSS THE COUNTRY. SO THE PROCLAMATION READS: THE FIRST LEGAL PERMIT ISSUED FOR MAKING DISTILLED SPIRITS IN THE

STATE OF TEXAS WAS ISSUED ONLY TEN YEARS AGO TO TITO BENCH WHO'S GOAL WAS TO PRODUCE THE FINEST VODKA AT A FAIR PRICE AND WHEREAS TITO BEGAN PRODUCING IT FROM SMALL BATCHES IN AN OLD-FASHIONED COPPER POT STILL THAT HE BUILT FOR HIMSELF IN SOUTHEAST AUSTIN WHERE HE DISTILLED IT SIX TIMES FOR AN EXCEPTIONALLY CLEAN TASTE. WHEREAS HIS VODKA WON A DOUBLE GOLD MEDAL IN THE 2001 WORLD COMPETITION ALONG WITH SEVERAL OTHER AWARDS THAT KEPT TIO'S IN THE MEDIA SPOTLIGHT AND HAS MADE IT THE FASTEST GROWING LIQUOR BRAND IN THE UNITED STATES. THEREFORE, I WILL WYNN, CITY OF AUSTIN, DO HEREBY CONGRATULATE TITO'S ON THEIR 10TH ANNIVERSARY AND SAY CHEERS AND PROCLAIM 2007 AS TITO'S HOMEMADE VODKA MONTH IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN US IN A CONGRATULATIONS. LET'S HEAR A FEW WORDS. TITO?

THANK YOU VERY MUCH, WILL. A GREAT MAYOR, AS EVERYBODY KNOWS. THIS IS A GREAT HONOR TO ME BECAUSE I WENT TO SCHOOL HERE IN AUSTIN, AND COULDN'T GET A JOB. LEFT FOR A WHILE AND JUST DECIDED, YOU KNOW WHAT? I DON'T CARE IF I'M BROKE. I'M GOING TO LIVE IN AUSTIN. I MOVED BACK HERE. AND I STARTED THIS DISTILL RI AND REALLY MY OBJECTIVE WAS TO GO TO THE GREENBELT DOWN TO BARTON CREEK, RIDE MY MOUNTAIN BIKE AND GO SEE LIVE MUSIC AT NIGHT. AND AS IT ENDED UP MY IDEA OF DOING TITO'S HANDMADE VODKA WAS, YOU KNOW, JUST TO MAKE MYSELF ABOUT A THOUSAND DOLLARS A MONTH SO I COULD LIVE IN AUSTIN. AND THIS TURNED INTO THIS NATIONWIDE BUSINESS THAT'S NOW AVAILABLE ALL OVER THE UNITED STATES, AND WE'RE JUST TOLD WE'RE THE FAST'S GROWING DISTILLED SPIRIT IN THE UNITED STATES. AND NOW WE GO AROUND THE NATION TO PLACES THAT I'VE ALWAYS WANTED TO GO, AND EVERY TIME I GO INTO A STORE I TELL THEM I'M FROM AUSTIN, TEXAS, EVERYONE SAYS, MAN, THAT IS A COOL TOWN. AND EITHER THEY'VE BEEN HERE AND THEY GO, NOW, WHAT'S THAT STREET THAT'S KIND OF LIKE BOURBON STREET? OR THEY GO, MAN, MY



FRIEND JUST GOT BACK FROM THERE AND HE SAYS THAT PLACE IS AWESOME. HE WANTS TO LIVE THERE. SO IT'S A GREAT HONOR FOR ME, LOFERG AUSTIN AS I DO, TO GET THIS AWARD, AND I'D JUST LIKE TO THANK YOU, WILL WYNN, AND ALL THE PEOPLE OF AUSTIN THAT SUPPORTED THIS PRODUCT. THANK YOU VERY MUCH. [APPLAUSE]

MAYOR WYNN: SO THE CITY MANAGER AND I ARE GOING TO KEEP THE GIFT, RIGHT?

I WANT TO GO ON RECORD [INAUDIBLE]

MAYOR WYNN: OKAY. FOR OUR NEXT PROCLAMATION I'M SIMPLY GOING TO PLAY A SUPPORTING ROLE AS WE HAND OUT HONORARY CITIZEN SHIPS BUT BEFORE WE START DOING THAT I'D LIKE TO TAKE A MINUTE TO INTRODUCE A GREAT FRIEND OF OURS, OF THE CITY, A MAN WHO'S DONE SPECTACULAR WORK FOR THREE FULL DECADES IN AUSTIN, RICHARD HOFFMAN WITH AMERICAN YOUTHWORKS AND SPECIFICALLY HIS PROGRAM, CAST A VERDICT I, THE BUILDING PROGRAM AT AMERICAN YOUTHWORKS, LITERALLY HAS INTERNATIONAL ACCLAIM, FOR WHAT IS A FABULOUS PRODUCT, INTELLECTUAL PRODUCT THAT WE SHOULD BE DELIVERING HERE IN AUSTIN AND YOUTHWORKS DOES SUCH A FINE JOB FOR US. PLEASE JOIN ME IN WELCOMING MR. RICHARD AHALPIN.

HELLO. I AM RICHARD HALPIN WITH AMERICAN YOUTHWORKS, AND WE ARE HERE BECAUSE THE WONDERFUL GREEN BUILDING THAT AUSTIN IS KNOWN FOR HAS BEEN SOMETHING WE'VE BEEN A PART OF FOR THE LAST 15 YEARS. WE BUILD ENERGY EFFICIENT HOMES HERE IN AUSTIN AND WE BUILD THEM WITH THE NICEST YOUNG PEOPLE WHO HAVE NOT YET BEEN SUCCESSFUL IN SCHOOL. SO THEY ARE PART OF THIS GREEN BUILDING PROGRAM. MAYOR, IT IS KNOWN AROUND THE WORLD AND IT'S PART OF THE BRANDING OF AUSTIN. AUSTIN WAS OUR ORIGINAL PARTNER IN THE GREEN BUILDING PROGRAM. IT JUST STARTED IN AUSTIN, AND INVITED US TO BUILD HOUSES TOGETHER WITH THE CITY, SO WE'VE BEEN DOING

THIS THE WHOLE TIME TOGETHER. AND NOW THE U.S. DEPARTMENT OF EDUCATION AND THE EUROPEAN UNION HIGH COMMISSION ON EDUCATION HAVE ACKNOWLEDGED THAT AND THEY'VE INVITED US TO GO TO FINLAND WHERE WE MEET WITH THESE WONDERFUL YOUNG PEOPLE AND THE ORGANIZATION THERE, AND WE BUILD GREEN HOUSES TOGETHER IN FINLAND. AND THEY COME HERE, AND THEY'RE HERE TO BUILD GREEN AFFORDABLE HOUSES WITH US AND THEN OUR YOUNG PEOPLE WILL GO TO FINLAND NEXT MONTH TO BUILD HOUSES WITH THEM. SO MAYOR, I'D LIKE TO INTRODUCE BOB MOLINO FROM THE BOARD OF DIRECTORS AND HE'LL BE READING THE NAMES WITH YOU. JUST VERY EXCITING TO BE PART OF THE BRANDING OF ENERGY EFFICIENT HOUSES WITH AUSTIN.

GREAT.

MR. MAYOR, AFTER DAYS AND HOURS OF STUDY, I THINK WE MAY BE ABLE TO DO SOME JUSTICE TO THE FINNISH STUDENTS. WE HAVE FIVE WONDERFUL FOLKS FROM FINLAND AND ONE FROM ROME, ITALY. SO I'M GOING TO INTRODUCE SONA MOKY FIRST AND SHE WOULD LIKE TO SAY SOME WORDS ON BEHALF OF THE WHOLE GROUP..... GROUP. SONA?

I JUST WANTED TO SAY THAT WE ARE VERY GLAD TO BE HERE. WE'VE BEEN BUILDING HOUSES WITH AMERICAN YOUTHWORKS AND WE HAVE REALLY ENJOYED THE SUNSHINE AND THE BEAUTIFUL CITY OF AUSTIN AND WE WOULD LIKE TO THANK AMERICAN YOUTHWORKS FOR GIVING US THIS OPPORTUNITY TO BE HERE. SO THANK YOU.

MAYOR WYNN: YOU'RE WELCOME. [APPLAUSE]

AND.

MAYOR WYNN: WHAT WILL BE

WHAT WILL BE HAPPENING IS WE'LL BE PRESENTING THE CITY COUNCIL OF AUSTIN TEXAS PROUDLY CONVERSE HONORARY TITLE OF STENO, AND, ON

THIS 5TH DAY OF... 2007 SO THESE YOUNG PEOPLE  
WILL BE RECEIVING HONORARY AUSTIN  
CITIZENSHIP. [APPLAUSE]

VERY PROUD TO HAVE YOU. CONGRATULATIONS.

MR. MAYOR, OUR NEXT FINNISH STUDENT IS  
MARIANY MONDOLENE. [APPLAUSE]

CONGRATULATIONS. WELCOME TO AUSTIN AND  
WE'RE PROUD. WELCOME. THANK YOU.

WE HAVE YCI LATICANAS. [APPLAUSE]

AND SOMI OKINUARA. [APPLAUSE]

AND FROM ROME ITALY, JOSHUA SPAFFORD.  
[APPLAUSE]

OH, I SKIPPED RIGHT OVER MIKO MINGRA.

MIKO.

CONGRATULATIONS. [APPLAUSE]

MAYOR, THANK YOU. THESE ARE THE WONDERFUL  
VISITORS FROM FINLAND AND WE'RE DELIGHTED TO  
BE HERE AND BUILD GREEN HOUSES IN AUSTIN AND  
THEN GO AND BUILD GREEN HOUSES IN FINLAND.  
AND WE REALLY APPRECIATE YOU AND THE CITY  
COUNCIL FOR YOUR ARE SUPPORT OF THIS  
INTERNATIONAL PROJECT.

MAYOR WYNN: PROUD TO DO IT. THANK YOU ALL.  
[APPLAUSE]

MAYOR WYNN: OKAY. MY LAST PROCLAMATION  
BEFORE I TURN IT OVER TO COUNCIL MEMBER  
MARTINEZ, I GOT SOME FABULOUS HELP HERE  
FROM THE TRINITY EPISCOPAL SCHOOL. I'M GOING  
TO READ THE PROCLAMATION ABOUT THEIR  
CHAMPS DOG DAY, AND THEN THE KIDS ARE GOING  
TO TELL US MORE ABOUT THE EVENT. SO THIS  
PROCLAMATION READS, THE CHILDREN AGAINST  
MINES PROGRAM, OR CHAMPS, COORDINATES THE  
TRAINING OF CANINES TO LOCATE MILLIONS OF

LIVE LAND MINES LEFT BEHIND AFTER WARS IN FOREIGN COUNTRIES, AND WHEREAS THE PROJECT HIGHLIGHTS THE WORK OF MINE DETECTION DOGS AND HOW MAN DOG TEAMS WORKING TOGETHER TO SNIFF OUT MINES AND SAVE LIVES. TRINITY EPISCOPAL SCHOOL IS SPONSORING A DOG DAY OWNER, WHERE PEOPLE CAN BRING THEIR DOGS TO BE WASHED AND PARTICIPATE IN A TALENT SHOW IN ORDER TO RAISE \$20,000 TO SPONSOR A CHAMPS DOG. NOW, THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO HEREBY PROCLAIM APRIL 14 SATURDAY WEEK, 2007, AS TRINITY EPISCOPAL SCHOOL CHAMPS DAY IN AUSTIN, AND BEFORE WE HEAR FROM THE YOUNG PEOPLE, PLEASE JOIN ME IN CONGRATULATING THIS GREAT EFFORT BY GREAT KIDS AT A WONDERFUL SCHOOL.

MY NAME IS ALEX NICHOLS.

HI, NAME IS DEREK NICHOLS.

AND I'M CHASE DOGETT.

CHAMPS IS AN ORGANIZATION THAT TRAINS DOGS TO GO INTO MINE AFFECTED COUNTRIES AROUND THE WORLD LIKE BOSNIA. WE LEARNED ABOUT THE CHAMPS PROGRAM THROUGH OUR GLOBAL EXPERT CLASS.

TRINITY EPISCOPAL SCHOOL FOURTH GRADERS HAVE BEEN TRIED TO ADOPT A CHAMPS DOG AND THE SPONSOR THE TRAINING AND TRAVEL COSTS THROUGH OUR FUND RAISERS.

WE HAVE A READ-A-THON ON MARCH 9 AND ON MARCH 14 WE WILL HAVE A DOG DAY CARNIVAL. SUBSEQUENTLY THROUGH OUR READ ATHON WE HAVE REACHED OUR GOAL OF \$20,000. HOW FAR, WE HAVE EXCEEDED OUR GOAL AND RAISED OVER \$28,000 FROM OUR READ-A-THON. NEXT WEEK, SATURDAY, APRIL 14, WE WILL HAVE OUR DOG DAY CARNIVAL FROM 10:00 A.M. TO 12:00 P.M. AT TRINITY EPISCOPAL SCHOOL LOCATED AT 3901 BEE CAVES ROAD, OR YOU CAN VISIT US ON THE WEB AT [WWW.TRINITY KIDS.COM](http://WWW.TRINITY KIDS.COM) AND FOLLOW THE LINKS.

IF YOU ARE ABLE TO ATTEND OUR CARNIVAL, WE WOULD LOVE TO HAVE YOU AND YOUR DOG. THANK YOU. [APPLAUSE]

MAYOR WYNN: I'M NOW GOING TO TURN THE PODIUM OVER TO COUNCIL MEMBER MIKE MARTINEZ.

MARTINEZ: IF I COULD HAVE THE FIREFIGHTERS JOIN ME DOWN HERE, WE HAVE ONE LAST PROCLAMATION, AND MDA REPRESENTATIVE AND THE CLIENT. EVERY YEAR THE FIREFIGHTERS GO OUT AND RAISE MONEY FOR MDA IN THEIR ANNUAL FIELD A BOOT DRIVE. FOR THE LAST 52 YEARS THE FIREFIGHTERS HAVE BEEN THE LARGEST SINGLE CONTRIBUTOR TO MDA AS THEY RAISE MONEY FOR THE ANNUAL LABOR DAY TELETION. THIS YEAR IS NO DIFFERENT. LAST YEAR THE AUSTIN FIREFIGHTERS RAISED OVER \$150,000 FOR LOCAL MDA. 100% OF THE PROCEEDS GOES TO HELPING THE LOCAL MDA CLIENTS IN THE CENTRAL TEXAS AREA, AND THIS YEAR THE GOAL IS \$175,000. THERE'S A COUPLE OF THINGS, THOUGH, I WANT TO MENTION ABOUT WHY WE'RE SO SUCCESSFUL HERE IN AUSTIN WITH THIS, AND IT'S BECAUSE WE HAVE EVERYBODY AT THE TABLE HELPING AND PARTICIPATING, AND CERTAINLY WANT TO RECOGNIZE THE PRESIDENT OF LOCAL 975 STEVEN TRUCE DALE. HE LEADS THE FIREFIGHTERS FROM THE SIDE. ASSISTANT CHIEF JIM EVANS IS HERE. THE FIRE DEPARTMENT COOPERATES AND ALLOWS US TO DO THIS WHILE WE'RE ON DUTY -- WHILE THEY'RE ON DUTY. THEY STILL RESPOND TO EMERGENCIES AS NECESSARY AND DURING THEIR DOWNTIME THEY WALK UP AND DOWN THE STREETS ALL WEEKEND RAISING MONEY. SO IF YOU SEE THEM OUT ON THE STREETS, THEY WILL BE OUT STARTING TODAY, TOMORROW AND SATURDAY. THEY WILL BE AT OVER 40 INTERSECTIONS AROUND AUSTIN WITH THEIR BOOTS RAISING MONEY. PLEASE DRIVE CAREFULLY AROUND THEM, BUT BE AS -- CONTINUE TO BE GENEROUS AS YOU HAVE IN THE PAST. SO WHAT WE WANT TO DO TODAY IS I HAVE A PROCLAMATION THAT I WANT TO PRESENT TO MDA, AND WE HAVE TAB THAT HERNANDEZ FROM THE LOCAL MDA CHAPTER HERE. THE

PROCLAMATION READS, BE IT KNOWN THAT WHEREAS AFD AND THE AUSTIN PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 975 ARE HOSTING THEIR FILL THE BOOT CAMPAIGN BY MANNING INTERSECTIONS TO COLLECT DONATIONS FOR THE MUSCULAR DYSTROPHY ASSOCIATION. WHEREAS PROCEEDS FROM THE CAMPAIGN PROVIDE COMPREHENSIVE MEDICAL SERVICES TO TENS OF THOUSANDS OF ADULTS AND CHILDREN WITH NEUROMUSCULAR DISEASES AND CONTRIBUTE TO RESEARCH FOR TREATMENTS AND CURES AND WHEREAS FIREFIGHTERS ACROSS THE NATION ARE AMONG THE LARGEST CONTRIBUTING GROUP TO MDA. WE COMMEND THE MEMBERS OF THE AUSTIN FIREFIGHTERS ASSOCIATION LOCAL 975 FOR THEIR SPIRIT OF VOLUNTEERISM AND ENCOURAGE ALL CITIZENS TO SUPPORT THIS WORTHWHILE EVENT. NOW THEREFORE I, WILL WIN, MAYOR OF THE CITY OF AUSTIN, DO HEREBY PROCLAIM APRIL 2007 AS FIREFIGHTER APPRECIATION MONTH, AND I'D LIKE TO INVITE TABA. ATHA UP TO SAY A FEW WORDS ABOUT MDA AND THE FUNDRAISER THIS WEEKEND.

I WANT TO START OFF BY DEFINITELY THANKING THE FIREFIGHTERS BECAUSE IT'S ONLY THROUGH THEM THAT THIS IS POSSIBLE. MDA'S LARGEST CONTRIBUTORS BY FAR, NATIONALLY, LOCALLY AND IN THE STATE ARE OUR FIREFIGHTERS AND IT'S BEEN SUCH A PRIVILEGE TO GET TO KNOW SOME OF THESE MEN AND WOMEN AND JUST KNOW THAT WE -- OUR ORGANIZATION IS BACKED UP BY SUCH BRAVE AND NOBLE PEOPLE. SO I DEFINITELY WANT TO EXTEND A VERY WARM THANK YOU TO OUR FIREFIGHTERS AND ALSO JUST ENCOURAGE ALL THE AUSTIN COMMUNITY TO GO AHEAD AND JUST DONATE WHEN THEY SEE OUR FIREFIGHTERS AT THE INTERSECTION. THE MONEY GOES TOWARDS HELPING MDA AND ALL OUR SO RESOURCES TO OUR CLIENT FEMALES, ANYWHERE FROM SENDING A CHILD TO A WEEK OF SUMMER CAMP TO CLINIC VISITS, SUPPORT GROUPS, YOU KNOW, AID OF WHEELCHAIRS. SO WE REALLY APPRECIATE IT AND YOUR MONEY IS PUT TO A GOOD CAUSE AND WITHOUT THE FIREFIGHTERS AND WITHOUT THE GENEROSITY OF THE PEOPLE IN AUSTIN, THIS

WOULDN'T BE POSSIBLE. SO WE'RE LOOKING TO RAISE \$175,000. AUSTIN IS THE 7TH HIGHEST FILL THE BOOT IN THE ENTIRE NATION, SO THEY RAISED OVER \$150,000 LAST YEAR AND WE'RE HOPING TO REALLY MAKE OUR GOAL THIS YEAR. AND I ALSO WANTED TO ACKNOWLEDGE ANDREW ROLTS, WHO IS ONE OF OUR MDA CLIENT FAMILIES. HE'S 21 YEARS OLD, A JUNIOR AT ST. EDWARDS UNIVERSITY AND HE'S BEEN DIAGNOSED WITH MUSCULAR DYSTROPHY. SO I KNOW HE WANTED TO EXTEND HIS THANKS TO THE FIREFIGHTERS.

I JUST WANT TO THANK THE FIREFIGHTERS FOR ALL THEIR HARD WORK IN THE FILL THE BOOT CAMPAIGN BECAUSE I KNOW THAT THE MDA SERVICES AND WHAT IT DOES ARE VERY IMPORTANT TO MY FAMILY, BECAUSE OF MDA I GO TO SUMMER CAMP EVERY -- EVERY YEAR AND THEY ALSO PROVIDE OTHER HELP WITH THINGS LIKE WHEELCHAIRS AND JUST -- AND CLINIC VISITS AND THINGS LIKE THAT. SO IT JUST -- IT'S A REALLY GOOD CAUSE AND I JUST WANT TO, LIKE I SAID, THANK THE FIREFIGHTERS FOR ALL THEIR HARD WORK, AND I GUESS THAT'S WHAT I WANT TO SAY. JUST THANK YOU.

MAYOR WYNN: THANK YOU, ANDREW. [APPLAUSE]

A COUPLE OF LAST THOUGHTS AND THEN WE'LL HAVE ONE MORE SPEAKER, BUT, YOU KNOW, THE FIREFIGHTERS GOT INVOLVED WITH MDA OVER 52 YEARS AGO BECAUSE THIS DISEASE HIT HOME FOR A COUPLE OF FIREFIGHTERS IN BOSTON. AGAIN, IT'S NO DIFFERENT HERE IN AUSTIN. SOME OF YOU MAY REMEMBER FIREFIGHTER DAVID PEP LER WHO DIED IN 2003 OF ALS. WE DEDICATED THE BOOT DRIVES IN HONOR OF DAVID. BUT SINCE THEN WE'VE HAD A COUPLE MORE INCIDENTS THAT HIT CLOSE TO HOME. AUSTIN TRAVIS COUNTY MMS DAN IS DIAGNOSED WITH ALS AND RETIRED LIEUTENANT JERRY NUT WAS DIAGNOSED THIS LAST YEAR. SO WE'RE DEAD INDICATING THIS YEAR'S BOOT DRIVE TO ALL THREE OF THOSE BRAVE GENTLEMEN, TWO OF WHICH ARE STILL STRUGGLING WITH THIS DISEASE. AND THE BROTHER-IN-LAW OF PARAMEDIC DAN DAN DI KNACK IS HERE, CHRIS DO

NOT..... DON HUGH. I WANT TO ASK HIM IF HE'S  
COME UP AND SHARE A COUPLE WORDS WITH US.  
CHRIS?

LOCAL 975 FIREFIGHTERS HAVE BEEN INVOLVED  
WITH MDA IN FILL THE BOOT FOR MANY YEARS  
NOW. AS LONG AS I'VE BEEN AN AUSTIN  
FIREFIGHTER I'VE PARTICIPATED BECAUSE I SAW IT  
AS ANOTHER WAY TO HELP PEOPLE. LITTLE DID I  
KNOW THAT SOON ONE OF OUR OWN, DAVID PEP  
LER, WOULD BE DIAGNOSED WITH ALS. NOT LONG  
AFTER THAT IT HIT CLOSER TO HOME FOR ME. MY  
BROTHER-IN-LAW, RETIRED EMS PARAMEDIC, HE  
WAS ALSO DIAGNOSED WITH ALS. IT'S HARD TO  
WATCH ONCE STRONG INDIVIDUALS STRUGGLE  
WITH EVERYDAY ACTIVITIES. MORE RECENTLY  
RETIRED LIEUTENANT JERRY DUNT ON HAS ALSO  
BEEN DIAGNOSED WITH ALS. IT SEEMS MORE AND  
MORE THESE ILLNESSES ARE TOUCHING US  
PERSONALLY WHICH IS WHY IT'S SO IMPORTANT  
FOR US TO DO WHAT WE CAN DO TO HELP. SO I'D  
LIKE TO THANK LOCAL 975, CITY COUNCIL AND THE  
AUSTIN FIRE DEPARTMENT FOR ENABLING US TO  
CONTINUE OUR PROJECT WITH FILL THE BOOT. I  
WANT TO THANK MY BROTHER FIREFIGHTERS FOR  
HELPING US AND NOW SOME OF OUR OWN. THANK  
YOU. [APPLAUSE] [APPLAUSE]

COUNCIL, WE'LL RETURN AFTER A BRIEF BREAK.  
WHO ARE HERE AND WANT TO SPEAK IN FAVOR, WE  
HAVE ONE PERSON SIGNED UP IN FAVOR AND WE'LL  
HEAR FROM FOLKS IN OPPOSITION AND THE  
APPLICANT WILL HAVE A ONE-TIME REBUTTAL. SO  
OUR NEXT SPEAKER WILL BE DANDY KEY ROWS.

KEY ROWS.

MAYOR WYNN: WELCOME, YOU HAVE THREE  
MINUTES.

I'M DANNY CI ROSE. I'M ONE OF THE OWNERS OF THE  
PROPERTY. BOB IS THE OTHER ONE. HE COULDN'T  
MAKE IT HERE SO I'M SPEAKING ON BEHALF OF  
BOTH OF US. I BOUGHT THAT -- WE BOUGHT THAT  
PROPERTY ABOUT -- OVER TEN YEARS AGO AND  
WHEN WE BOUGHT IT WE JUST SAID, LET'S HOLD ON



TO IT TEN YEARS OR SO AND LET'S -- AND OUR KIDS WILL BE GOING, SOME OF THEM ARE IN COLLEGE, HE'S A LITTLE OLDER THAN I AM AND GETTING READY TO RETIRE AND WE'LL DO SOMETHING WITH IT THEN. IT'S BEEN OVER TEN YEARS, BEEN MORE THAN THAT, SO IT'S TIME, WE THINK THE MARKET IS GOOD. THINGS ARE GREAT. THE MARKET IS GROWING. THAT AREA, OAK HILL AND 290 IS BOOMING, A LOT OF POSITIVE THINGS GOING ON. SO WE BELIEVE THIS IS THE TIME TO DO THAT. NOW, AS RALPH MENTIONED, I'M NOT A BIG DEVELOPER, I'M NOT DEALING AND WHEELING IN ANY OF THIS STUFF. WE BOUGHT IT FOR SOME RETIREMENT, A LITTLE NEST EGG AND FOR COLLEGE. I'VE GOT FOUR KIDS. I HAVE ONE OF THEM IS IN COLLEGE RIGHT NOW. BOB HAS GOT THREE. HE'S GOT THE GIRLS, I'VE GOT THE BOYS. IT'S SCARY HOW WE'RE SIMILAR IN A LOT OF WAYS. MY OLDEST ACTUALLY IS A STUDENT AT UT AND I KNOW WHAT IT COSTS. I'M PAYING REAL DOLLARS. I NEED TO GET ONE OF THOSE -- MY SON AND MY MONEY GOES TO UT. BECAUSE IT DOES COST SOME MONEY. WHEN WE STARTED SELLING THIS PROPERTY, IF I HAD KNOWN, I GUESS, HOW MANY RESTRICTIONS AND SOS AND YOU CAN'T DO THIS, YOU CAN'T DO THAT, THERE'S RETENTION PONDS, YOU'VE GOT SO MANY RULES, SO MANY THINGS TO ABIDE BY, WHICH I UNDERSTAND THERE'S GOOD REASONS FOR THAT, BUT AS I SEE IT, THAT PROPERTY SORT OF LESS AND LESS AND LESS -- I'VE HAD CONVERSATIONS WITH DEVELOPERS THAT IT SEEMS LIKE NOBODY WANTS TO TOUCH IT BECAUSE YOU CAN'T GET ANYTHING OUT OF IT. SO I ALMOST FEEL LIKE I'M SITTING ON A PIECE OF PROPERTY THAT'S NOT MUCH -- WORTH MUCH OR, NOT WITH THE INTENTIONS. AS I MENTIONED, I HAVE ONE KID IN SCHOOL. THE OTHERS ARE COMING ALONG THE WAY. OOD UP THE DOLLARS, WHAT IT COST, REAL DOLLARS, SCARY AS IT SOUNDS, I NEED A HALF A MILLION DOLLARS JUST TO GET MY KIDS THROUGH COLLEGE. AND SO THIS IS ONE OF THOSE THINGS I WANT TO DO WITH THAT MONEY, TO HELP OUT. I'M TRYING TO GET, I GUESS, THE BEST I CAN FOR THE PROPERTY. WORK WELL, I WANT TO WORK WITH THE NEIGHBORHOOD, SEE WHAT WE CAN DO TO MAKE THIS WORK. AND SO THAT WE ALL COME OUT AHEAD. WHAT'S THE

MONEY GOING TO GO FOR, COLLEGE, BOB, SAME BOAT. HIS RETIREMENT IS COMING UP, HE'S GOT KIDS. YOU MIGHT SAY IS IT ABOUT MONEY? SURE, THERE'S SOMETHING IN THAT. IS IT ABOUT GREED? I DON'T THINK SO. AT LEAST THAT'S NOT WHAT I FEEL. THANK YOU.

MAYOR WYNN: THANK YOU, SIR. SO COUNCIL, OUR FOLKS WHO ARE TESTIFYING IN SUPPORT OF THE REZONING CASE, WE NOW TAKE UP FOLKS IN OPPOSITION. OUR FIRST SPEAK IS KATHY WITTIG. I GUESS I'M PRONOUNCING -- KATHY, WELCOME. IS LORI KADRASKI HERE? HELLO, LORI. RAY BUCK LOU AND BRUCE BEER MAN. WITH THEIR DONATIONS YOU'LL HAVE UP TO 12 MINUTES. WELCOME, AND I APPRECIATE YOUR PATIENCE.

THANK YOU. I DO APPRECIATE, FIRST OF ALL, THE OPPORTUNITY TO SPEAK WITH YOU TONIGHT BECAUSE THIS IS A UNIQUE SITUATION BECAUSE WE DO NOT RESIDE WITHIN THE CITY LIMITS. WE'RE VERY CONSCIOUS OF THAT AND WE DO APPRECIATE YOUR LISTENING TO US. I AM KATHY WITTIG. I LIVE AT THE AT THE CORNER OF CLAX TON AND MOWINKLE. I'VE LIVED THERE FOR 29 YEARS. I ALSO HAPPEN TO OWN TWO ACRES DIRECTLY BEHIND MY HOME THAT LIES DIRECTLY WITHIN THE CITY LIMITS. I'VE OWNED THAT FOR ALMOST 17 YEARS -- NO, ALMOST 18 YEARS. WE LOVE OUR NEIGHBORHOOD. WE LOVE WHAT'S AROUND US. IT'S VERY QUIET. IT'S DARK. WE CAN SEE THE STARS. WE SIMPLY WANT TO KEEP OUR NEIGHBORHOOD THE WAY IT IS. WE CERTAINLY DON'T BEGRUDGE MR. QUIROZ OR BOB WANTING TO SELL THEIR PROPERTY AND MAKE A PROFIT FROM IT, THAT'S TERRIFIC, BUT WE DON'T WANT THEM TO DO IT AT THE EXPENSE OF OUR ENABLED. AND WE FEEL CHANGING THE ZONING FROM RURAL RESIDENTIAL TO SF 1 WOULD MAKE THAT DIFFERENCE. IT WOULD CHANGE THE INTEGRITY OF OUR NEIGHBORHOOD. THE PIECE OF PROPERTY THAT WE'RE TALKING ABOUT IS COMPLETELY LANDLOCKED. THERE'S NO ACCESS TO IT ANY OTHER WAY THAN THROUGH OUR NEIGHBORHOOD. MOWINKLE DRIVE, WHICH IS A COUNTY ROAD, IT'S ABOUT 8/10 OF A MILE LONG AND IT'S A STRAIGHT SHOT DOWN THE HILL. THE

EXTRA TRAFFIC THAT WOULD BE ENGENDERED BY 20-PLUS HOMES IN THERE WOULD MAKE SIGNIFICANT DIFFERENCE. ONE OTHER POINT ABOUT THE STREET IN THE INFORMATION PACKET THAT YOU GOT FROM THE CITY STAFF, IT SHOWS THAT MOWINKLE IS 27 FEET WIDE. IT IS NOT. I WENT OUT YESTERDAY WITH MY 100-FOOT TAPE MEASURE AND I MEASURED IT, AND IT'S 19 FEET WIDE. SO THIS IS A SMALL LITTLE ROAD. IT'S PERFECTLY CAPABLE OF HANDLING OUR NEIGHBORHOOD TRAFFIC, BUT WE'RE REALLY WORRIED THAT ADDITIONAL HOMES WILL RAMP UP THE USE AND MAKE IT A DANGEROUS PLACE. THERE'S NO SHOULDER ON THE STREET. WE CERTAINLY DON'T HAVE CURBS AND SIDEWALKS. PEOPLE IN OUR NEIGHBORHOOD WALK. WE HAVE CHILDREN WHO RIDE BIKES AND WE HAVE PEOPLE WALKING THEIR DOGS. IT'S REALLY NOT GOING TO BE A SAFE PLACE IF WE HAVE A LOT OF EXTRA TRAFFIC. ONE OF THE THINGS THAT WE TALKED ABOUT WITH THE PLANNING COMMISSION IS THAT THIS AREA IS NOT IN THE CITY'S PREFERRED GROWTH AREA. THE PLANNING COMMISSION STATED THAT ONE OF THEIR OBJECTIVES IS TO ENCOURAGE GROWTH, ESPECIALLY THE DENSITY OF GROWTH TO THE EAST AND NOT IN THE WEST WHERE YOU HAVE THE REAL PARTICULARLY IN THE WILLIAMSON CREEK WATERSHED BUT IT IS IN THE DRINKING WATERS RECHARGE ZONE. SO THIS WAS ANOTHER POINT THAT WE WANTED TO MAKE CLEAR, THAT THAT WOULD NOT BE IN LINE WITH THE CITY AND THE PLANNING COMMISSION'S OWN OBJECTIVES TO SUPPORT DENSER HOUSING IN THIS AREA. WE DO HAVE SUPPORT FROM THE SOS COALITION. I HAVE A LETTER FROM COLIN CLARK THAT WAS PRESENTED AT THE PLANNING COMMISSION MEETING. HE IS THEIR COMMUNICATIONS DIRECTOR, AND ONE QUOTE I WANT TO SHARE WITH YOU FROM THAT. HE SAID ZONING CHANGES ARE COMPLETELY DISCRETIONARY AND THE CITY HAS NO OBLIGATION TO UP ZONE PROPERTY SUCH AS IS REQUESTED. ALSO IT WAS MENTIONED ABOUT THE OAK HILL NEIGHBORHOOD PLANNING AND ZONING COMMISSION. THAT'S STILL AN ONGOING PROCESS. AS A MATTER OF FACT, THERE ARE TWO MOTHER MEETINGS SCHEDULED IN APRIL ON THE 12TH AND

THE 26TH. SO NOTHING HAS BEEN DETERMINED ABOUT THAT, ABOUT LAND USE. MR. FREE WAS TALKING ABOUT WHAT SURROUNDS THE LAND. HE SAID IT WAS ADJACENT TO COVERED BRIDGE, WHICH HAS SF 1 AND SF-6, BUT IT'S NOT REALLY ADJACENT. THERE IS STILL RURAL RESIDENTIAL IN BETWEEN THOSE TWO, AND THAT'S ALSO WHERE WILLIAMSON CREEK RUNS. TO SUPPLY THIS PROPOSED SUBDIVISION WITH SEWER, YOU WOULD HAVE TO CONNECT THROUGH THE LINES IN COVERED BRIDGE, WHICH WOULD MEAN EITHER GOING UNDER OR OVER THE WILLIAMSON CREEK DRAINAGE, THROUGH THERE. THOSE OF US IN THE COUNTY ARE NOT ON CITY SEWER. WE HAVE SEPTIC SYSTEMS, SO THAT WOULD BE THE ONLY CONNECTION AVAILABLE TO THEM. SO THAT'S ANOTHER CONCERN THAT WE HAVE IN THAT AREA. AGAIN, WE UNDERSTAND THAT CHANGES TAKE PLACE. WE UNDERSTAND THAT AUSTIN IS GROWING. WE SIMPLY ASK RESPECTFULLY THAT YOU AGREE WITH THE PLANNING COMMISSION AND DENY THIS REQUEST FOR A CHANGE TO SINGLE-FAMILY RESIDENCE AND LEAVE IT AT RURAL RESIDENTIAL. IT COULD STILL BE DEVELOPED BUT AT THE SAME LEVEL THAT OUR NEIGHBORHOOD IS BUILT, WHICH IS -- IS ONE HOUSE PER ACRE, ONE HOME PER ACRE. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MRS. WITTIG. LET'S SEE, STEVEN LAMBERT SIGNED UP WISHING TO SPEAK. WELCOME, MR. LAMBERT. YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY KEVIN GOOD.

CITY COUNCIL, THANK YOU FOR HEARING US. I DID HAVE A COUPLE PEOPLE THAT SIGNED UP. I DON'T KNOW IF THERE WAS A REFRESH ON THERE THAT WE'RE GOING TO PERHAPS GIVE A COUPLE MORE MINUTES BUT I'LL TRY AND MAKE IT BRIEF IN ANY REGARD. I DON'T REALLY WANT TO MAKE THIS VERY PERSONAL ABOUT SOME OF THE THINGS THAT WERE PRESENTED BY MR. FREE, BUT THERE WERE A COUPLE THINGS THAT WERE JUST A LITTLE BIT INACCURATE IN HIS PRESENTATION SO I WANTED TO MAYBE BRING A COUPLE OF THESE THINGS TO LIGHT. WE HAD A NEIGHBORHOOD ASSOCIATION

MEETING THAT HE MENTIONED. HE DIDN'T MENTION THAT THERE WERE 115 PEOPLE PRESENT AT THAT MEETING, AND VERY VOCAL OPPOSITION TO THE CHANGE IN PROPOSAL. OUT OF 155 HOMES IN THE AREA, WE HAD 115 RESIDENTS THAT WERE AT THE MEETING IN OPPOSITION TO TO THAT. HE MENTIONED THAT WE CAME BEFORE THE PLANNING COMMISSION AND WE WERE NOT HEARD UNTIL 11:30. WE HAD APPROXIMATELY 45 PEOPLE THAT WERE HERE WHEN THE MEETING STARTED. WE HAD 30 THAT WERE REMAINING AT 11:30. THE PLANNING COMMISSION WAS VERY GRACIOUS TO HEAR US OUT THROUGH THE END OF OUR COMMENTS AND THEY LISTENED TO OUR OBJECTIONS AND BACKED THE REJECTION OF THE PROPOSED CHANGES. ONE THING ABOUT HOW THE CHANGE FROM RURAL RESIDENTIAL TO SF 1 WOULD AFFECT THIS PIECE OF PROPERTY, UNDER THE RURAL RESIDENTIAL THEY WOULD BE ABLE TO PUT IN PERHAPS 15 HOMES ON A 16-ACRE TRACT. IF IT GOES TO THE SF 1 THEY'RE GOING TO BE ABLE TO PUT IN MAYBE 50 TO 60 HOUSES. 60 HOUSES WOULD BE WITH NO INFRASTRUCTURE SO THEY'LL PROBABLY BE ABLE TO GET IN 50 HOUSES ON THIS SMALL 15-ACRE TRACT. AS SHE SAID, THE ONLY ACCESS TO THIS IS SIMPLY THROUGH MOWINKLE. I DON'T KNOW IF YOU HAVE A MAP OF WHERE MOWINKLE INTERSECTS WITH CIRCLE DRIVE. IF ALL THIS TRAFFIC IS ON MOWINKLE DRIVE, IT COMES UP TO HIT CIRCLE DRIVE, ABOUT A 1 FEET, 200 FEET FROM 290 STOPLIGHT. THE CURRENT TRAFFIC THAT GOES ON 290 AND MOWINKLE ALREADY BACKS UP MOWINKLE TO CIRCLE DRIVE. ALL THIS WILL BE BACKING DOWN MOWINKLE TO GET THROUGH THIS LIGHT TO GET ON TO 290. I DON'T KNOW IF YOU KNOW ANY TRAFFIC STATISTICS BUT CIRCLE DRIVE AND 290 IS MENTIONED QUITE OFTEN IN THE MORNING TRAFFIC REPORTS FOR HAVING HAD ACCIDENTS AS WELL AS, YOU KNOW, 1826 AND 290 INTERSECTIONS AS WELL. SO THIS ADDITIONAL DENSITY REGARDING THE TRAFFIC STRUCTURE THAT'S THERE RIGHT NOW IS NOT GOING TO BE A WISE -- A WISE IDEA AT THIS TIME. NOW, WHEN THIS FIRST CAME -- WAS PROPOSED BEFORE THE CITY STAFF, YOU MAY HAVE NOTICED THAT IT GOT A FAVORABLE RECOMMENDATION. WELL, THERE

WERE SEVERAL THINGS THAT WERE MISSING IN HOW THIS ALL CAME ABOUT. THERE WAS NO CONTACT BETWEEN CITY STAFF AND THE COUNTY IN REGARD TO ANY OF THE TRAFFIC CONSIDERATIONS, AND -- I'M NOT SURE IF THAT WAS MY THREE MINUTES OR WITH MY ADDITIONAL --

THAT WAS THREE, BUT HANG ON. IS THERE ANYBODY HERE WHO WOULD LIKE TO DONATE THEIR TIME HERE TO MR. LAMBERT?

I WILL.

MAYOR WYNN: WHAT'S YOUR NAME?

MAYOR WYNN: OKAY. SO THREE MORE MINUTES, STEVEN?

SURE. LIKE I SAID, THEY HAD BOTH SIGNED UP AND DONATED BUT --

TAKE SIX MORE IF YOU NEED IT.

ALL RIGHT. THEY -- HE MENTIONED THAT WE DIDN'T ATTEND THE MEETING THAT THEY HAD WITH THE COUNTY STAFF. WELL, HE CALLED KEVIN ON TUESDAY OF THIS WEEK, YOU KNOW, AND SAID THAT THERE'S GOING TO BE A MEETING WITH THE COUNTY STAFF ON WEDNESDAY AT 4:00, AND THAT IT IS FOR THIS MEETING. THERE WAS NO NOTICE TO BE ABLE TO MAKE ARRANGEMENTS TO ATTEND THIS. SO AS FAR AS COOPERATION, THIS WHOLE PROCESS HAS BEEN ONGOING FOR A LONG TIME AND TO ONLY HAVE THIS MEETING THE DAY BEFORE THE CITY COUNCIL MEETING, YOU KNOW, AND TO BRING UP THAT WE WEREN'T ABLE TO ATTEND IS KIND OF -- KIND OF A HARD POINT TO TAKE. BUT THE CITY STAFF DIDN'T CONTACT -- BECAUSE OF -- BECAUSE IT'S A COUNTY ROAD, THEY DIDN'T CONTACT THE COUNTY TO FIND OUT ANYTHING ABOUT IT. THEY SAID THEY COULDN'T DO ANYTHING. THEY COULDN'T DO A TRAFFIC STUDY OR ANYTHING. THIS WOULD PUT APPROXIMATELY AT LEAST 622 DAY TRIPS ON TO MOWINKLE, ACCORDING TO CITY STAFF, BUT

BECAUSE IT WAS A COUNTY ROAD THEY COULDN'T ADDRESS THAT. AS FAR AS THE WATER AND WASTEWATER ISSUE, THERE WERE NO PROVISIONS. THERE WAS NO WAY TO HAVE A TIME CLOSE. KATHY MENTIONED GOING ACROSS UNDERNEATH A RURAL RESIDENTIAL AREA, UNDERNEATH WILLIAMSON CREEK TO TIE IN MOST CLOSELY OR ALL THE WAY DOWN MOWINKLE UNDER WILLIAMSON CREEK BACK UP MONTH.....MOWINKLE AND ACROSS TO T. TOWANA TO TIE INTO THE EXISTING SSM TO DO THAT. WHAT THE CITY STAFF SIMPLY SAID WAS YOU'RE GOING TO HAVE TO PAY FOR IT YOURSELF BECAUSE WE'RE NOT GOING TO TIE YOU INTO IT. SO THAT WAS THEIR WAY OUT AND THAT'S WHY THEY ORIGINALLY RECOMMENDED POSITIVE FOR THIS. WHEN WE TOOK IT BEFORE AND PRESENTED OUR OBJECTIONS TO THE PLANNING AND ZONING COMMISSION, THEY SAW, LIKE, I SAID, THE MERITS, I THINK, OF WHAT WE WERE TALKING ABOUT. SO WILLIAMSON CREEK AT THAT POINT IS FAIRLY SMALL BUT THERE'S KIDS THAT PLAY IN IT. A PLAYGROUND. THERE ARE WILDLIFE, IT'S A SOURCE OF WATER FOR WILDLIFE AND EVERYTHING. LIKE THEY SAID, WE HAVE SOS OBJECTION TO THIS AS WELL. AS FAR AS, YOU KNOW, HAVING BROUGHT THIS UP FOR -- RIGHT NOW THERE IS NO SITE PLAN THAT'S BEEN DRAWN UP FOR THIS. IT'S SIMPLY AN UPGRADED ZONING SO THAT WE CAN TRY AND SELL IT FOR MORE MONEY. SO WE AS A NEIGHBORHOOD OBJECT TO THAT ON A SPECULATIVE BASIS IF THERE'S A SITE PLAN AND THERE'S DEVELOPMENT AND THEY WOULD LIKE TO PRESENT A PLAN THAT CAN BE LOOKED AT, THEN THAT MIGHT BE ANOTHER MATTER, BUT SIMPLY AS A MATTER OF SPECULATION FOR MORE MONEY, THAT WOULD COMPLETELY CHANGE OUR NEIGHBORHOOD CHARACTER AND THAT'S WHY WE'RE STRONGLY OPPOSED TO IT. WE REALLY APPRECIATE YOUR TIME. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MR. LAMB.....  
LAMBERT. KEVIN GOOD ALSO SIGNED UP WISHING TO SPEAK. NOW WOULD BE THAT TIME, KEVIN. AND IN ADDITION TO MR. GOOD, ON MY SHEET JENNIFER AND JIM MILLER SIGNED UP IN OPPOSITION NOT

WISHING TO SPEAK.

MEMBERS OF THE COUNCIL, MY NAME IS KEVIN GOOD. I'M PRESIDENT OF THE WEST ESTATES NEIGHBORHOOD ASSOCIATION. OUR NEIGHBORHOOD IS A LONG ESTABLISHED NEIGHBORHOOD. WE'VE GOT MANY RESIDENTS THAT HAVE LIVED THERE FOR MORE THAN 30 YEARS. I GUESS I'M ONE OF THE NEWCOMERS. I'VE BEEN THERE ABOUT 12. YOU KNOW, WE DON'T BEGRUDGE THE INVESTORS A RETURN ON THEIR INVESTMENT, BUT I WOULD BE WILLING TO WAGER THAT THIS PROPERTY HAS APPRECIATED SUBSTANTIALLY IN THE TEN YEARS THAT THEY'VE HELD IT, AND I'M NOT SURE THAT'S A VALID ARGUMENT. HOWEVER, OUR CONCERNS ABOUT THIS REZONING CONSIST OF, I GUESS, FOUR AREAS. FIRST OF ALL, THE CONTEXT, AS THIS HAS BEEN MENTIONED. THE CLOSEST NEIGHBORHOODS ARE WEST VIEW ESTATES, WHICH ABUTTS THIS PROPERTY, WHICH IS ALL ONE ACRE PLUS LOTS, MANY OF THEM ARE TWO ACRES OR BETTER. HILL COUNTRY ESTATES TO THE WEST IS ALSO A LARGE LOT AREA, AND THE COVERED BRIDGE NEIGHBORHOOD, WHICH IS A NEW SUBDIVISION TO THE EAST OF THIS, THE LOTS IN THAT SUBDIVISION THAT ARE CLOSEST TO THIS AREA ARE ALSO LARGE LOTS AS WELL. I THINK THEY'RE PROBABLY AN ACRE OR BETTER AS WELL. THE TRAFFIC HAS BEEN MENTIONED. IT WOULD ALL HAVE TO GO DOWN MOWINKLE DRIVE. AS HAS BEEN MENTIONED, MOWINKLE IS A COUNTY ROAD. IT WAS NOT BUILT TO HANDLE A SUBSTANTIAL AMOUNT OF TRAFFIC. IT'S VERY NARROW. THERE ARE NO SIDEWALKS, NO SHOULDERS, AND, IN FACT, IN MANY PLACES THERE ARE STEEP DROP OFS ON EITHER SIDE OF THE STREET. IT IS ALSO VERY HILLY WHICH YOU CAN'T REALLY TELL FROM THE MAP THAT YOU'VE BEEN GIVEN BUT IT PROBABLY DROPS SOME HUNDRED FEET IN ITS SHORT DISTANCE AND THERE'S SOME VERY LIMITED SIGHT DISTANCES IN THAT DISTANCE. WE HAVE ENVIRONMENTAL CONCERNS. AS MENTIONED, THIS IS IN THE BARTON SPRINGS RECHARGE ZONE. IT LIES WITHIN A FEW HUNDRED YARDS OF WILLIAMSON CREEK, AND WOULD SEEK TO PRESERVE THE ENVIRONMENTAL ATTRIBUTES



OF OUR NEIGHBORHOOD, WHICH INCLUDE DARK SKIES AND QUIET AREAS. WE ALSO THINK THAT THOSE MAKE OUR PROPERTIES DESIRABLE AND THAT THIS COULD NEGATIVELY IMPACT OUR PROPERTY VALUES AS WELL. AND THEN FINALLY, WE THINK THAT THE OAK HILL PLAN AND THE FACT THAT THAT IS UNDER WAY, THAT ANY ZONING DECISION -- OR UP ZONING WOULD CERTAINLY BE PREMATURE AT THIS TIME AND ANY DECISIONS ALONG -- ANY DECISIONS ABOUT THIS PROPERTY SHOULD AT THE VERY LEAST BE POSTPONED UNTIL THE OAK HILL NEIGHBORHOOD PLAN IS FULLY DEVELOPED AND AVAILABLE FOR CONSIDERATION. SO FINALLY I WOULD ASK THAT YOU FOLLOW THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION. WE FEEL THAT THEY DID GIVE THIS MATTER FULL CONSIDERATION DESPITE THE LATE HOURS OF THAT MEETING, AND I HOPE THAT YOU WOULD JOIN WITH OUR RESIDENTS IN OPPOSING THIS REZONING. AS IS MENTIONED, THERE WERE A NUMBER OF RESIDENTS AT THE ZONING COMMISSION MEETING. THERE ARE A NUMBER OF OUR NEIGHBORHOOD MEMBERS HERE AS WELL TODAY, AND I HOPE YOU WOULD SUPPORT OUR CONCERNS IN THIS MATTER. THANKS FOR YOUR TIME.

MAYOR WYNN: THANK YOU, MR. GOOD. SO I BELIEVE MISJENT MS. GENTRY THAT'S ALL THE FOLKS WHO SIGNED UP IN OPPOSITION FOR THIS ZONING CASE. AT THIS TIME WE TYPICALLY RESERVE A THREE MINUTE REBUTTAL FOR THE APPLICANT OR OWNER OR AGENT. WELCOME BACK, MR. FREU.

AGAIN, MY -- FOR THE RECORD MY NAME IS ROSS FREE. THE ISSUES THAT -- AS I SEE THEM, ARE REALLY TWO. THE DENSITY AND THE INCREASED TRAFFIC. FROM A DENSITY, LIKE I SAID, IF YOU LOOK AT THE OVERALL OF THAT AREA, I MEAN, I THINK WE'RE COMPATIBLE WITH THE DENSITY IN THAT AREA. YOU KNOW, WHAT WE'RE TRYING TO DO IS ZONE IT A LITTLE BIT , YOU KNOW -- SOS IS THE TRUMP CARD ON THIS WHOLE PROJECT. WE'RE LIMITED 25 -- IT'S GOING TO BE LIMITED TO 25% IMPERFECT JUST COVER, LOSF 1 ALLOWS UP TO

FOUR HOUSES BETTER LOT, WITH ALL THE RETENTION, RESTRICTIONS. WITH THE CITY OF AUSTIN I'VE BEEN DOING THIS A LONG TIME. I CAN'T SEE HOW SOMEONE COULD DO MORE THAN TWO HOUSES. HOWEVER, THE GENTLEMEN WHO ARE INTERESTED IN PURCHASING IT WANT TO AT LEAST GET SF 1 ZONING ON THE PROPERTY. THE SECOND ISSUE ON THE TRAFFIC, YOU KNOW, THE -- THE -- IT IS A COUNTY ROAD. IT WAS SHORT NOTICE ON COUNTY COMMISSIONER'S DOUGHERTY'S MEETING BUT I HAD TO COMPLY WITH HIM. I LET THE NEIGHBORHOOD KNOW AND THAT WAS SOMEWHERE -- THE NEIGHBORHOOD HAD A CHANCE TO TALK ABOUT THEIR COUNTY ISSUES. THEY TALKED ABOUT INCREASED TRAFFIC. THEY'VE TALKED -- THERE'S -- YOU KNOW, THEY SAID THERE'S 150 -- I HAD A TRAFFIC ENGINEER THAT PREPARED A LETTER SINCE THE PLANNING COMMISSION STUDY IN THIS ISSUE, AND, YOU KNOW, THERE'S 150 EXISTING HOUSES ON THERE. WE'RE TALKING ABOUT ADDING ANOTHER 25, 30 HOUSES. YOU KNOW, YOU'RE TALKING ABOUT AN ADDITIONAL 200 TRIPS ON THAT, WHICH IS A 20% INCREASE. IN THAT REPORT. TRAFFIC ENGINEERS, THEY SHOWED FROM OUR PROPOSED DEVELOPMENT, DURING PEAK TIMES, WHICH IS BETWEEN 4 AND 6:00 AT NIGHT, THIS PROPOSED DEVELOPMENT WILL GENERATE ONE CAR EVERY TWO MINUTES, INCREASE TRAFFIC. THE OTHER ISSUE THEY BROUGHT UP WAS THE OAK HILL NEIGHBORHOOD PLAN. I TALKED EARLY ON WITH THE CITY STAFF REGARDING THE NEIGHBORHOOD PLAN. THEY SAID THERE'S NO DEFINITE TIMELINE WHEN THAT PLAN WILL BE COMPLETE AND I DON'T THINK IT'S FAIR FOR MY OWNERS TO BE HELD UP BY A PLAN THAT HAS NO DEFINITE TIMELINE. IF THERE WAS A TIMELINE WHEN IT MIGHT BE COMPLETE WE MIGHT BE WILLING TO WAIT A LITTLE BIT LONGER. THE OTHER ISSUE, ZONING. YOU KNOW, WE'RE REQUIRED TO HAVE -- WE HAVE ZONING ON US, WHICH THE CITY REGULATES THE DEVELOPMENT SO WE HAVE A LOT OF RESTRICTIONS ON US VERSUS, UNFORTUNATELY -- THEY'RE VERY AWARE OF IT. THEY'RE IN THE COUNTY WHICH HAS NO ZONING. SO NOW THERE ARE LARGE LOT SUBDIVISIONS THERE BUT WE NEVER KNOW WHAT

THE SUBDIVISION WILL BRING. IF THEY'RE SELLING OUT, THEY COULD SELL OUT TO SOMEBODY BUILDING AN APARTMENT COMPLEX NEXT TO MY OWNER'S PROPERTY. LIKE I SAID, THE ZONING IS COMPATIBLE. THIS IS ANOTHER ONE OF THOSE GROWTH ISSUES, AND I RESPECT THEIR POSITION BECAUSE THEY MOVED OUT THERE A LONG TIME AGO TO BE AWAY FROM THE CITY. UNFORTUNATELY WITH ALL OF US GROWTH IS OCCURRING, AND IT'S UPON THEIR DOORSTEP. THANK YOU FOR YOUR CONSIDERATION.

MAYOR WYNN: THANK YOU, MR. FREE. QUESTIONS FOR THE AGENT OR ANYBODY ELSE, COUNCIL? MAYOR PRO TEM.

DUNKERLEY: EITHER STAFF OR THE AGENT, I'M NOT SURE WHICH -- I'M TRYING TO GET THIS -- I DON'T HAVE ALL MY NOTES HERE, BUT ON THAT TRACT OF LAND AND CONSIDERING BOTH SOS SETBACK FROM STREAMS AND EVERYTHING LIKE THAT, HOW MANY UNITS WOULD YOU PLAN TO DEVELOP?

THESE DEVELOPERS THAT WE'RE TALKING ABOUT, THERE'S -- I MEAN, THEY'RE GOING TO TRY TO GET, IF THEY CAN, 30. IF THEY CAN, THEY'RE GOING TO TRY TO GET 30 HOUSES, WHICH IS ONE HOUSE PER HALF ACRE.

30 HOUSES?

BUT THEY'RE NOT SURE WITH ALL THE REQUIREMENTS FROM SOS AND THE TENSION THAT THEY CAN EVEN GET THAT MANY.

SO YOUR GUESS WOULD BE SOMEWHERE BETWEEN 25 AND 30 HOUSES?

YEAH, THAT'S WHAT WE'VE BEEN SAYING ALL ALONG.

GREG, IS THAT YOUR -- WOULD THAT BE YOUR OPINION TOO?

DO YOU WANT ME TO HAZARD --

IF I WAS JUST RUNNING SOME CALCULATIONS ON THE PROPERTY. IT'S ABOUT A 15-ACRE TRACT, AND IF YOU HAVE ABOUT 25% IMPERFECT JUST COVER AND IF YOU ASSUME THERE'S ABOUT 3 TO 4,000 SQUARE FEET OF ACTUAL IMPERVIOUS COVER ON THE LOT, ASSUMING THAT YOU MIGHT HAVE A TWO CAR GARAGE, THAT YOU HAVE AN 18-FOOT OR 20-FOOT WIDE DRIVEWAY GOING BACK 25 FEET, AND YOU HAVE A HOUSE THAT MAYBE HAS A FOUR PLATE OF ABOUT 2,000, 2,500 SQUARE FEET, MAYBE ALLOW FOR 50 TO 75 LINEAR FEET OF SIDEWALK, ANY KIND OF SPORT COURTS, SHEDS. YOU MIGHT HAVE A DECK, 10 BY 25. ASSUMING THAT THE STREET IS 44 WIDE, EACH LOT IS ABOUT 50 FEET LONG. YOU MIGHT END UP WITH APPROXIMATELY 30, 35 LOTS, AT THE MAXIMUM. AND THAT'S, YOU KNOW, ROUGH CALCULATION, IF YOU MAKE THOSE ASSUMPTIONS.

DUNKERLEY: IF WE WERE TO DECIDE TO DO SF 1, COULD WE PUT A CONDITIONAL OVERLAY LIMITING THE NUMBER OF UNITS TO, SAY, 25 OR SOMETHING LIKE THAT?

GUERNSEY: YES, YOU COULD.

DUNKERLEY: YOU COULD? OKAY. THANK YOU.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS?  
COUNCIL MEMBER KIM.

KIM: MR. GUERNSEY, SO SOS WOULD ALLOW 25% IMPERVIOUS COVER REGARDLESS OF IF IT'S ZONED RR, RESIDENTIAL OR SF 1; IS THAT CORRECT?

THAT'S CORRECT.

KIM: SO IS THE SQUARE FOOTAGE THE SAME IN TERMS OF THE MAXIMUM AMOUNT OF SQUARE FOOTAGE UNDER BOTH ZONING CATEGORIES OR IS IT DIFFERENT?

THE ZONING IMPERVIOUS COVER IS DIFFERENT THAT'S ALLOWED, IN RR. THE MAXIMUM IMPERVIOUS COVER IS 25% AND UNDER SF 1 IT'S 40%. BUT IMPERVIOUS COVER THAT WOULD BE

ALLOWED ON A LOT BY LOT BASIS AND THE SOS IMPERVIOUS COVER WOULD OVERRIDE ANY ZONING IMPERVIOUS COVER. SO THE NET, IN THE END, THEY COULD NEVER GET MORE THAN THE 25% OVERALL ON THE PROPERTY.

25% OF WHAT THEY HAVE RIGHT NOW?

25%.

KIM: WHICH IS RR.

OF THE LAND THAT THEY HAVE RIGHT NOW THAT'S CURRENTLY ZONED RR.

SO COULD THE COUNCIL THEN ADD A CONDITIONAL OVERLAY RESTRICTING THE LIMITS -- OF DEVELOPMENT TO TWO UNITS PER ACRE, IF WE WERE TO GRANT SF 1?

GUERNSEY: YES, YOU COULD KIM THANK YOU.

EITHER BY LIMITING THE NUMBER OF UNITS PER ACRE OR THE TOTAL NUMBER OF UNITS ALLOWED ON THE PROPERTY. YOU COULD DO THAT EITHER WAY.

KIM: THANK YOU.

MAYOR WYNN: MR. GUERNSEY, SO UNDER RURAL RESIDENTIAL IT'S ONE UNIT PER ACRE?

GUERNSEY: THAT'S CORRECT.

MAYOR WYNN: AND REMIND ME, IS THAT DEFINED ON SORT OF A NET BASIS, THAT IS -- OBVIOUSLY SOMEBODY WOULD HAVE TO PUT IN A ROAD, YOU KNOW, TO CONNECT TO -- IN THEORY, AS MANY AS 15, ONE ACRE LOTS, BUT YOU'D HAVE TO HAVE 15 NET ACRES AFTER YOU HAD SOME RIGHT-OF-WAY DEDICATION FOR THE ROAD AND THAT SORT OF THING, CORRECT?

GUERNSEY: THAT'S CORRECT. THE LOT -- THE LOT SIZE WOULD HAVE TO BE AN ACRE. SF MINIMUM LOT SIZE IS 10,000, SO THERE IS A DIFFERENCE, AND

YOU HAVE -- THEY WOULD PROBABLY HAVE TO EXTEND THE STREET FROM THE EXISTING STREET IN ORDER TO HAVE ACCESS TO LOTS. THERE'S NOT ENOUGH FRONTAGE JUST ON THE DEAD END OF THAT STREET THAT YOU COULD HAVE ANY MORE LOTS THAN YOU COULD GET UNDER RR ZONING. IF YOU WOULD TAKE WHAT'S CALLED FLAG LOTS. SO YES, THE IMPERVIOUS COVER OF THE STREET WOULD TAKE AWAY FROM THAT 25% AND WOULD LEAVE THEM LESS THAT THEY WOULD ON HAVE ON THE LOTS.

MAYOR WYNN: BUT ALSO -- SO IF THE SITE IS A LITTLE OVER 15 ACRES -- I DON'T HAVE IT HERE IN FRONT OF ME ANYMORE, JUST UNDER 15 ACRES? AND SO -- BUT PRESUMABLY IT MIGHT TAKE AN ACRE OR SO OF RIGHT-OF-WAY DEDICATION FOR THE ROAD AND THEN TO CONSTRUCT THE ROAD --

GUERNSEY: THAT'S A PRETTY GOOD ESTIMATE. I CAME OUT WITH ABOUT 39,000 SQUARE FEET FOR A STREET THAT WOULD SERVE ROUGHLY ABOUT 30 LOTS WITH 50 FEET OF FRONTAGE. SO THAT'S PRETTY CLOSE.

MAYOR WYNN: AND SO THEREFORE WITH THAT ACRE GONE THERE'S PROBABLY, YOU KNOW, 13 ACRES AND CHANGE AVAILABLE, AND SO IF WE REMAIN -- IF THE PROPERTY REMAINED RURAL RESIDENTIAL THERE COULD BE 13 HOMES BUILT THERE, PERHAPS?

GUERNSEY: YES.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER KIM?

KIM: ARE THERE ANY ENDANGERED SPECIES ISSUES? AND WHAT ARE THOSE IF THERE ARE ANY?

GUERNSEY: NOT THAT I'M AWARE OF. THOSE ISSUES ACTUALLY WOULD BE ANALYZED WHEN WE DO THE SUBDIVISION LATER IN THE PROCESS, IF THERE ARE -- IF THOSE ISSUES WOULD ARISE. BUT I'M NOT AWARE OF ANY AT THIS TIME ON THIS PROPERTY.

KIM: ALL RIGHT. THANK YOU.

GUERNSEY: SO ALONG THE LINES OF THAT PREVIOUS QUESTION, WHAT DOES IT MEAN IN THE BACKUP WHERE IT SAYS THE SITE IS LOCATED WITHIN THE AREA OF THE ENDANGERED SPECIES AREA?

GUERNSEY: IT'S A COUNTY WHERE THEY COULD HAVE DIFFERENT SPECIES THAT EXIST ON THE PROPERTY. I DOUBT THAT THE OWNER -- UNLESS THEY HAVE ANY INFORMATION, HAS DONE THAT ANALYSIS.

THANK YOU.

MAYOR WYNN:

PARTICIPATE IN BCCP, IF THERE WAS, CORRECT?

GUERNSEY: YES, THERE'S WAYS THAT THEY COULD PARTICIPATE.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO I BELIEVE COUNCIL MEMBER -- OR EXCUSE ME, MAYOR PRO TEM DUNKERLEY SORT OF ASKED THIS QUESTION BEFORE BUT JUST CONFIRM, YOU COULD ZONE THIS TRACT SF 1 WITH A MAXIMUM OF, SAY, 20 LOTS?

GUERNSEY: 20 LOTS? YES, THAT'S CORRECT.

MAYOR WYNN: ADDITIONAL THOUGHTS, COMMENTS? QUESTIONS?

DUNKERLEY: I HAVE A MOTION.

MAYOR WYNN: MAYOR PRO TEM?

DUNKERLEY: ALL RIGHT. I WOULD -- CAN I DO THIS ON ALL THREE READINGS, ONE READING --

WE'RE ONLY PREPARED FOR FIRST READING TODAY.

DUNKERLEY: OKAY. I WOULD MOVE TO CLOSE THE

PUBLIC HEARING AND APPROVE ON FIRST READING  
SF 1 WITH A MAXIMUM OF 20 UNITS FOR THE  
PROPERTY.

MAYOR WYNN: MOTION BY MAYOR PRO TEM  
DUNKERLEY, SECONDED BY COUNCIL MEMBER  
LEFFINGWELL TO FIRST -- TO CLOSE THE PUBLIC  
HEARING AND APPROVE ON FIRST READING ONLY A  
ZONING CHANGE TO SF 1 BUT WITH A CONDITIONAL  
OVERLAY OF A MAXIMUM OF 20 UNITS. ADDITIONAL  
THOUGHTS, COMMENTS? I'LL CERTAINLY BE  
SUPPORTING THIS ON FIRST READING OR FOR  
EVERYBODY BOTH APPLICANT AND NEIGHBORS TO  
KNOW, IT'S NOT UNCOMMON FOR, YOU KNOW,  
THESE CASES TO MOVE SLIGHTLY BETWEEN FIRST,  
SECOND AND OR THIRD READING. AND SO I  
ENCOURAGE YOU TO CONTINUE TO, YOU KNOW,  
ANALYZE AND GIVE US FEEDBACK IN BOTH  
DIRECTIONS. AND AGAIN, AS WAS COMMENTED  
EARLIER, THE CITY IS VERY ACTIVELY, FROM A  
POLICY STANDPOINT, WE ARE TRYING TO DIRECT  
GROWTH, OBVIOUSLY, AWAY FROM THE AQUIFER.  
AT THE SAME TIME WE'RE ALSO TRYING TO WORK  
WITH OAK HILL AREA ON, YOU KNOW, LONG-TERM  
PLANNING. WE HAVE TO RECOGNIZE THAT THERE  
ARE, YOU KNOW, 147,000 ROOFTOPS IN THAT FAR  
SOUTHWEST SWATH OF AUSTIN AND SOUTHWEST  
TRAVIS COUNTY. AND SO WE NEED TO MAKE SURE  
WE HAVE A DECENT, YOU KNOW, JOBS, HOUSING  
BALANCE, GOOD SERVICES FOR THE ROOFTOPS  
THAT ARE OUT THERE. AT THE SAME TIME  
FUNDAMENTALLY WE WANT -- AS AUSTIN  
CONTINUES TO GROW, WE WANT THAT GROWTH TO  
OCCUR IN OUR DESIRED DEVELOPMENT ZONE AND  
THEN FRANKLY, THERE, WITH AS MUCH MIXED USE  
DENSITY AS CAN BE DELIVERED IN A SOUND,  
URBANE PLANNED WAY. SO IT SEEMS TO ME  
CERTAINLY ON FIRST READING THIS IS A FAIR  
CHANCE TO TRY TO SATISFY, YOU KNOW, TWO  
DIFFERENT INTERESTS HERE. COUNCIL MEMBER  
LEFFINGWELL?

LEFFINGWELL: I AGREE WITH THAT. I THINK THE 20  
LOT RESTRICTION IS A REASONABLE COMPROMISE  
AND PROBABLY GET AT LEAST 14 LOTS UNDER RR  
AND UNDER SF ONE WITHOUT THE CONDITIONAL



OVERLAY. THEORETICALLY YOU COULD GET 55 OR 60 LOTS DEPENDING ON THE TOPOGRAPHY AND CRITICAL ENVIRONMENTAL FEATURES AND SO FORTH. SO 20 IS JUST A LITTLE BIT ABOVE WHAT I THINK WOULD BE ALLOWED AT RR.

MAYOR WYNN: OTHER THOUGHTS, COUNCIL MEMBER MARTINEZ?

MARTINEZ: REAL BRIEFLY, MAYOR, YOU KNOW, IF THERE IS GOING TO BE FURTHER REQUESTS BETWEEN FIRST, SECOND AND OR THIRD READING, I WOULD SUGGEST TO THE APPLICANT THAT YOU TRY TO PROVIDE A LITTLE MORE CONCEPTUAL SITE PLAN OR SOMETHING THAT WE CAN LOOK AT TO SEE WHAT TYPE OF DEVELOPMENT YOU WOULD LIKE TO DO OUT THERE. IT'S JUST VERY DIFFICULT TO APPROVE THAT MUCH DENSITY NEXT TO SOMETHING THAT IS -- DOESN'T APPEAR TO BE COMPATIBLE WITH THE DENSITY THAT YOU'RE SEEKING. SO I'LL BE VOTING ON FIRST READING IN FAVOR OF THE MOTION, BUT I WOULD ENCOURAGE YOU TO PROVIDE A LITTLE BIT MORE INFORMATION ON SUBSEQUENT READINGS IF YOU'RE SEEKING ANOTHER REQUEST.

MAYOR WYNN: WE HAVE A MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY, SF 1 WITH A 20 UNIT MAXIMUM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON FIRST READING ONLY WITH A VOTE OF 7-0.

INCLUDES THE SOAGHT ITEMS THIS EVENING.

THANK YOU, MR. GUERNSEY, AND FOR EVERYBODY'S PATIENCE.

MAYOR WYNN: COUNCIL, LET'S SEE. THAT TAKES US TO A COUPLE OF POTENTIAL PUBLIC HEARINGS. I BELIEVE WE HAVE THREE POSTED AND A COUPLE OF CITIZENS THAT ARE INTERESTED IN TESTIFYING.

SO WITHOUT FURTHER ADO, TAKE THESE SEQUENTIALLY, ITEM NO. 52 IS CONDUCT A PUBLIC HEARING REGARDING SECTION 26 OF THE TEXAS PARKS AND WILDLIFE COAT. AND WELCOME, MISJUDY PHLEGMER.

REAL ESTATE SERVICES DIVISION, DEPARTMENT OF PUBLIC WORKS. ITEM NO. 52 IS A CHAPTER 26 PUBLIC HEARING. THERE IS NO OTHER FEASIBLE AND PRUDENT ALTERNATIVE TO THE TAKING OF THE DEDICATED PARKLAND, WHICH INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARKS.

QUESTIONS FOR MRS. PLUMBER? MS. PLUMBER, SAID THIS IS LESS THAN 1/5 OF AN ACRE.

RIGHT. THIS IS A WASTEWATER LINE THAT'S ABOUT -- I THINK IT WAS BUILT IN 1963 AND REALLY NEEDS REPAIR UNDER THE AUSTIN CLEAN WATER PROJECT.

MAYOR WYNN: RIGHT. WHICH WE HAVE DONE A NUMBER OF THESE PROJECTS BEFORE. QUESTIONS FOR MS. PLUMBER? COMMENTS? WE HAVE NO CITIZENS SIGNED UP FOR THIS ITEM. AGAIN, ANY CITIZENS THAT WOULD LIKE TO ADDRESS THIS PUBLIC HEARING, ITEM NO. 52? HEARING NONE, I'LL ENTERTAIN A MOTION. COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: I MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE RESOLUTION ITEM 52.

DUNKERLEY: SECOND.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY MAYOR PRO TEM, CLOSE THE HEARING AND APPROVE THE RESOLUTION AS POSTED, ITEM 52. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU MS. PLUMBER V A GOOD

EVENING. ITEM NO. 53 IS CONDUCT A PUBLIC HEARING TO CONSIDER REQUEST OF THE WAIVER OF THE MINIMUM DISTANCE FOR CITY CODE. I'LL WELCOME A BRIEF STAFF PRESENTATION.

ACREA IEFER WITH THE WATERSHED AND DEVELOPMENT REVIEW DEPARTMENT AND TONIGHT I'LL BE PRESENTING THIS EVENING'S ALCOHOL WAIVER BEVERAGE REQUEST FOR HONG DUC SUPERMARKET. THE OWNER OF HONG DUC SUPERMARKET LOCATED AT 11220 NORTH LAMAR BOULEVARD REQUESTS A WAIVER FROM SECTION 4-9-5 A OF THE AUSTIN CITY CODE FOR THE SALE OF ALCOHOL WITHIN 300 FEET OF A PUBLIC SCHOOL. SECTION 4-9-5 A OF THE CITY CODE STATES THAT CITY COUNCIL MAY CONSIDER THE WAIVER OF THE 300-FOOT DISTANCE REQUIREMENT IF IT'S DETERMINED THAT THE ENFORCEMENT IN THE PARTICULAR INSTANCE IS NOT IN THE BEST INTEREST OF THE PUBLIC, CONSTITUTES WASTE OR INEFFICIENT USE OF LAND OR OTHER RESOURCES, CREATES UNDUE HARDSHIP ON THE APPLICANT, DOES NOT SERVE ITS INTENDED PURPOSE, IS NOT EFFECTIVE OR NECESSARY, OR IS AFTER THE CONSIDERATION TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND THE EQUITIES OF THE SITUATION, COUNCIL FOR MY OTHER REASON DETERMINES THE WAIVER TO BE IN THE BEST INTEREST OF THE COMMUNITY. SECTION 4-9-5 B OF THE CITY CODE STATES THAT COUNCIL MAY CONSIDER THE WRITTEN CONSENT TO A WAIVER UNDER THIS SECTION FROM EACH CHURCH, PUBLIC SCHOOL, PUBLIC HOSPITAL, DAY-CARE CENTER OR CHILD CARE FACILITY WITHIN 300 FEET OF THE APPLICANT'S PROPOSED PLACE OF BUSINESS. WE SEE AN AERIAL SHOT OF THE PROPOSED LOCATION, WE SEE HONG DUC SUPERMARKET OUT LINED IN YELLOW. THE AERIAL VIEW HERE SHOWS A VACANT LOT. THIS LOCATION IS CURRENTLY UNDER CONSTRUCTION, AND WE SEE JUST TO THE WEST OF THIS PROPERTY A RETENTION POND AND THEN WE SEE MCBEE ELEMENTARY SCHOOL. AND WE HAVE TWO PICTURES OF THE SITE. IN THE FIRST SITE THE PICTURE IS TAKEN FROM THE PROPOSED LOCATION FOR THE SUPERMARKET. LOOKING ACROSS THE DETENTION POND AT THE SCHOOL. AND THE

SECOND PHOTOGRAPH IS TAKEN FROM THE SCHOOL, LOOKING ACROSS THE DETENTION POND TO THE PROPOSED LOCATION. BASED ON SUBSECTION A AND B OF THE CITY CODE AS WELL AS THE LETTERS OF OPPOSITION THAT HAVE BEEN RECEIVED FROM THE SCHOOL DISTRICT, OBJECTING TO THIS WAIVER REQUEST, STAFF RECOMMENDS DENIAL OF THE WAIVER. AND I'D BE HAPPY TO ANSWER ANY QUESTIONS.

MAYOR WYNN: THANK YOU, MS. ACCARD.  
QUESTIONS OF STAFF, COUNCIL? MAYOR PRO TEM?

DUNKERLEY: YOU'RE RECOMMENDING DENIAL OF THE WAIVER -- THIS GROCERY STORE, THEY'RE JUST GOING TO BE SELLING WINE AND BEER FOR THE CONVENIENCE OF THEIR CUSTOMERS AND NO CONSUMPTION ON THE PROPERTY ITSELF?

THAT IS CORRECT. IT HAS BEEN THE PRACTICE OF STAFF TO RECOMMEND DENIAL IN INSTANCES WHERE THE ENTITY TRYING THE WAIVER REQUEST OBJECTS TO THE WAIVER REQUEST, AND IN THIS CASE THE ELEMENTARY SCHOOL IN AISD DOES --

I RECALL I THINK THE SCHOOL DISTRICT HAS JUST DECIDED TO SEND OUT UNIFORM WAIVER REQUESTS WITHOUT SPECIFICALLY LOOKING AT THESE. SO THANK YOU VERY MUCH.

THAT IS CORRECT. ABSOLUTELY.

MAYOR WYNN: THANK YOU, MISICKERT. AND I THOUGHT WE HAD A COUPLE CITIZENS WHO WERE INTERESTED IN TESTIMONY. LET'S SEE. IS LAVETTA EMSLER HERE? IF ANYBODY WOULD LIKE TO TESTIFY IN FAVOR, THEY PLEASE NEED TO SIGN UP ON OUR SYSTEM. WELCOME, MS. ELMS LER.

I'M FROM THE NORTH PARK ESTATES NEIGHBORHOOD ASSOCIATION. OUR NEIGHBORHOOD IS ACROSS THE STREET TO THE NORTH OF THIS PROJECT. THIS GROUP MET IN MY HOME, AND WE OKAYED THE PLAN. HOWEVER, THEY DID NOT MENTION THE SALE OF ALCOHOL. I WAS A TEACHER FOR 32 YEARS AND ONE YEAR WE

WERE HANDED A UNIT TO TEACH -- EVERY TEACHER WAS GIVEN A UNIT TO TEACH ON DRUGS, AND I DON'T KNOW WHETHER WE DID IT OR NOT BUT I WAS VERY IMPRESSED WITH WHAT I READ. AND SO JUST A FEW THINGS, IT'S A MIND ALTERING DRUG, IT'S POISON. IT AFFECTS OUR VISUAL AND MENTAL ABILITIES. IT AFFECTS THE YOUNGER MORE SO THAN OTHERS. IT TAKES HOUSEHOLD FUNDS, AND I DO NOT BELIEVE THIS IS AN ALL RIGHT BUSINESS NEARBY A SCHOOL, EVEN IN OUR NEIGHBORHOOD. ESPECIALLY IN OUR ENTIRE NEIGHBORHOOD ASSOCIATION BOARD, EXCEPT FOR -- EXCEPT FOR TWO VOTES VOTED AGAINST THIS BUSINESS BEING SOLD HERE. I REALIZE IT WILL BE SOLD AND TAKEN FROM THE SITE, BUT IT USED TO BE THE INSTIGATOR AND PERPETRATOR WAS GUILTY. SO WE ARE AGAINST THIS. OUR NEIGHBORHOOD IS ALSO A WALKING NEIGHBORHOOD, AND I WALK ALONG OUR SIDE OF ROAD THERE AT AUSTIN PARK LANE, AND FREQUENTLY FIND THE ALCOHOLIC BEVERAGE CONTAINERS ALONGSIDE THE ROAD. I'M NOT ENTIRELY AGAINST THAT BUSINESS BEING THERE. I WOULD LOVE FOR SOMETHING TO BE THERE, A WONDERFUL FOR US. I WISH THEY WOULD HAVE A LITTLE LANGUAGE SCHOOL BECAUSE I THINK WE NEED TO KNOW MORE ABOUT THIS CULTURE. I WISH THEY HAD A YOGURT SHOP, BECAUSE MY HUSBAND AND I GO FOR DATES AFTER CHURCH ON WEDNESDAY NIGHTS, SO WE REALLY DO ENJOY YOGURT. A DRESS SHOP, I MEAN, EVERY LADY NEEDS A DRESS SHOP NEARBY. OR TOYS. AND LET ME SAY SOMETHING ABOUT THE SCHOOL THAT'S THERE. I HELPED HOLD THE ELECTIONS THERE AS A CLERK, AND IT'S A WONDERFUL SCHOOL. THERE ARE WONDERFUL TEACHERS AND THEY'RE WONDERFUL YOUNG PEOPLE. THEY BEHAVE SO WELL AND THERE'S SO MUCH TALENT IN THAT BUILDING. HOW CAN THIS BE AN OKAY BUSINESS BY THE FUTURE LEADERS OF OUR NATION? SO I WOULD LIKE TO SAY THAT OUR NEIGHBORHOOD ASSOCIATION IS AGAINST THIS KIND OF BUSINESS SO NEAR OUR NEIGHBORHOOD AND SO NEAR OUR SCHOOLS.

THANK YOU, MA'AM. MS. -- SINCE I SHOW NOBODY ELSE SIGNED UP I SEE MR. BENNETT WALKING

AROUND LIKE HE MIGHT WANT TO TESTIFY. WILL YOU STATE YOUR NAME FOR THE RECORD AND GIVE US --

YES, SIR, I'M SORRY FOR THE DELAY IN SIGNING UP. IT IS BEING DONE RIGHT AT THIS MOMENT. MAYOR AND COUNCIL, I'M JIM BENNETT AND I'M HERE TONIGHT ON BEHALF OF MR. LIEW'S REQUEST FOR THIS WAIVER. THE SOUTHWEST CORNER OF BREAKER AND LAMAR IS BEING DEVELOPED CURRENTLY WITH A NEIGHBORHOOD RETAIL CENTER. PART OF THAT CENTER INCLUDES THE 24,000 SQUARE FEET GROCERY STORE THAT MR. LU IS PROPOSING THIS WAIVER FROM. THE STORE WILL SELL NORMAL FOOD ITEMS AS WELL AS ITEMS WITH AN ASIAN FLARE FOR THE COMMUNITY TO PURCHASE. IN ADDITION WE ARE REQUESTING TO BE ABLE TO SELL BEER AND WINE AT THIS LOCATION FOR OFF PREMISE CONSUMPTION, AS YOU MIGHT HAVE IN ANY GROCERY STORE, SUCH AS H.E.B. OR RANDALL'S. THE PROPERTY IS ADJACENT TO THE SCHOOL BUT IT'S PHYSICALLY SEPARATED BY TWO DETENTION PONDS THAT ARE FENCED SEPARATING, IF YOU WILL, WITH A BARRIER BETWEEN THE ACTUAL SCHOOL AND THE FACILITY THAT'S SERVING IT. THE CURRENT AISD POLICY AS MAYOR PRO TEM INDICATED A WHILE AGO IS NOT TO SUPPORT ANY OF THESE -- ANY WAIVERS THAT PREVIOUSLY THEY WERE SUPPORTING SOME AND NOT SUPPORTING SOME AND THERE WAS A JUSTIFICATION PROBLEM IN DOING SO. SO THEIR STANDARD POLICY IS NOW TO NOT SUPPORT THEM BASED ON THAT. IN CLOSING, I WOULD LIKE TO ONCE AGAIN SAY THIS IS A GROCERY STORE, MUCH LIKE ANY OTHER H.E.B. OR RANDALL'S OR ANY OTHER TYPE GROCERY STORE..... STORE. SALE OF ALCOHOL IS CERTAINLY FOR OFF PREMISE AND WOULD NOT BE ALLOWED ON THE PREMISES UNTIL TABC'S REQUIREMENTS AS WELL AS THE CITY REGULATIONS. SO WE FEEL BECAUSE OF THE NEIGHBORHOOD CENTER THAT IT WOULD ALLOW THE NEIGHBORHOOD AN OPPORTUNITY TO DO THEIR FULL SHOPPING FOR THEIR GROCERY NEEDS WITHOUT GOING FROM THIS FACILITY TO SOME OTHER FACILITY, AND WE WOULD APPRECIATE YOUR CONSIDERATION AND

GRANT THEIR WAIVER. THANK YOU.

MAYOR WYNN: THANK YOU, MR. BENNETT. ARE THERE ANY ADDITIONAL CITIZENS WHO WOULD LIKE TO ADDRESS THIS ON THIS PUBLIC HEARING ITEM NO. 53 REGARDING THIS DISTANCE WAIVER? THANK YOU ALL VERY MUCH. COUNCIL, COMMENTS, QUESTIONS..... QUESTIONS? THOUGHTS? MOTIONS? COUNCIL MEMBER KIM?

KIM: I'D LIKE TO MAKE A MOTION TO GRANT THE APPLICANT'S REQUEST FOR THE WAIVER.

MAYOR WYNN: MOTION BY COUNCIL MEMBER KIM, SECONDED BY COUNCIL MEMBER MCCRACK COUNCIL MEMBER MCCRACKEN TO GRANT THE WAIVER. COMMENTS? QUESTIONS? HEARING NONE, THEN ALL IN FAVOR OF THE MOTION TO APPROVE PLEASE SAY AYE?

AYE.

MAYOR WYNN: OPPOSED? MOTION TO APPROVE THE REQUEST PASSES ON A VOTE OF 7-0. COUNCIL, THAT TAKES US TO OUR FINAL HEARING, WHICH IS ITEM NO. 54 TO APPROVE AFTER PUBLIC HEARING AND CONSIDER APPROVAL OF ADDING AN INDUSTRIAL RIDER TO THE LARGE PRIMARY SERVICE ELECTRIC RATE SCHEDULE OF AUSTIN ENERGY. WELCOME A BRIEF STAFF PRESENTATION FROM MR. ROGER DUNCAN.

MAYOR AND COUNCIL, THIS IS A PROPOSED ADDITION OF AN INDUSTRIAL RIDER TO THE LARGE PRIMARY SERVICE SPECIAL CONTRACT AND WILL AFFECT THOSE CUSTOMERS THAT ARE LARGE ENOUGH TO REACH A BILLING DEMAND OF 25,000 KW FOR TWO OUT OF THE PRECEDING SIX MONTHS, AND IT WILL MAINTAIN AN AVERAGE LOAD FACTOR OF 85% OR NOT. THE INDUSTRIAL RIDER WILL LOWER THE BASE ENERGY RATES FOR QUALIFYING CUSTOMERS BY 2.5% FROM THE OTHERWISE BASE ENERGY RATES. CUSTOMERS RECEIVING SERVICE UNDER THIS RIDER WILL STILL BE REQUIRED TO REMAIN AUSTIN ENERGY CUSTOMERS FOR THE TERM OF THEIR PUBLIC SERVICE, SPECIAL

CONTRACTS. THE LARGE INDUSTRIAL RATE WILL BE A RIDER TO THE CONTRACT, THEREFORE A CUSTOMER MUST HAVE A LONG-TERM CONTRACT IN PLACE TO BE ELIGIBLE FOR THE LARGE INDUSTRIAL RATE. THE RATE IS NOT A PERMANENT PART OF THE CONTRACT, SO IT IS SUBJECT TO CHANGE BY THE CITY COUNCIL. THE LARGE INDUSTRIAL RATE IS A 2.5% REDUCTION FROM THE LONG-TERM CONTRACT DEMAND AND ENERGY RATES. THIS RATE CHANGE DOES NOT IMPACT THE FUEL CHARGE. THEREFORE, THE EFFECTIVE DISCOUNT WILL BE AROUND 1.3% OF -- OFF THE TOTAL BILL. SINCE THE FUEL CHARGE PORTION REPRESENTS APPROXIMATELY HALF OF THE TOTAL ELECTRIC BILL. THERE IS AN ECONOMIC DEVELOPMENT AND MARKET BASED JUSTIFICATION FOR THIS RATE CHANGE, AND OUR CUSTOMERS ARE PROJECTED TO CONTRIBUTE 11% OF THE TOTAL BASED REVENUE IN AUSTIN IN 2008. THESE CUSTOMERS CONTRIBUTE MORE THAN 9,000 JOBS TO THE LOCAL ECONOMY. WE HAVE DONE A MARKET COMPARISON OF THESE RATES TO OTHER CITIES. WE LOOKED AT 16 CITIES WITH SIMILAR TYPES OF INDUSTRIES. WE COMPARED THE ELECTRIC RATES FOR THESE TYPES OF CUSTOMERS AND AUSTIN ENERGY RATES WERE AT THE HIGH END OF THE RANGE FOR THESE CUSTOMERS. THEREFORE WE FEEL THE RATE CHANGE IS JUSTIFIED.

MAYOR WYNN: THANK YOU, PLN DUNCAN. QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT WE CAN GO TO OUR PUBLIC HEARING. WE HAVE A HANDFUL OF FOLKS HERE. LET'S SEE. JUST A COUPLE WANTING TO SPEAK. FIRST SPEAKER IS MR. BILL CRIER. WELCOME, BILL. AND YOU'LL BE FOLLOWED BY PAUL ROBBINS.

THANK YOU FOR THE OPPORTUNITY TO SPEAK TO YOU THIS AFTERNOON. WHILE I REPRESENT SAMSUNG AUSTIN SEMICONDUCTOR I'VE BEEN ASKED BY MY COLLEAGUES FROM FREESCALE TO SPEAK ON -- SPEAK TO YOU ON THEIR BEHALF AS WELL FOR THE SEMICONDUCTOR SEGMENT OF THE RATE CLASS. THE THREE SEMICONDUCTOR COMPANIES THAT WOULD BE IN THIS RATE CATEGORY ARE FREESCALE, SPANGS AND SUM



SUNG AUSTIN SEMICONDUCTOR. IN ALL ABOUT A DOZEN COMPANIES ARE ELIGIBLE FOR THE RATE IN AUSTIN, HOWEVER. TOGETHER THE SEMICONDUCTOR COMPANIES EMPLOY ABOUT 9,000 DIRECT EMPLOYEES IN AUSTIN WITH A COMBINED PAYROLL OF \$800 MILLION. ADDITIONAL PAYROLL FROM VENDOR AND CONTRACT EMPLOYEES WOULD BRING THAT TOTAL TO WELL OVER A BILLION DOLLARS ANNUALLY. AND THESE THREE LARGE INDUSTRIAL USERS PAY SUBSTANTIAL TAXES TO THEIR COMMUNITIES, ABOUT \$28 MILLION ANNUALLY. ALL THREE COMPANIES COMPETE FIERCELY IN A GLOBAL SEMICONDUCTOR MARKET, AS YOU KNOW. WHERE MARGINS ARE OFTEN COUNTED IN PENNIES PER UNIT AND COSTS ARE OFTEN SUBSIDIZED BY NATIONAL GOVERNMENTS. MOST OF THE NEXT GENERATION FABRICATION PLANTS ARE BEING BUILT OUTSIDE THE UNITED STATES, AND CURRENT 200-MILLIMETER PLANTS IN AUSTIN ARE UNLIKELY TO BE UPGRADED TO 300-MILLIMETER PLANTS UNLESS THEY ARE COMPETITIVE IN THE WORLD MARKET. OF COURSE ENERGY CONSERVATION IS A NECESSARY INGREDIENT FOR ALL OF OUR COMPANIES TO STAY COMPETITIVE. WE APPRECIATE AND USE AUSTIN ENERGY REBATE PROGRAM AND ALL OF US ARE SUBSCRIBERS TO THE GREEN CHOICE PROGRAM. BUT EVEN SO, AUSTIN ELECTRICITY COSTS RANGE FROM 25% OF FACILITY BUDGETS TO ALMOST 50%. AUSTIN'S CURRENT RATE STRUCTURE FOR LARGE INDUSTRIAL USERS IS A THE THIRD MOST EXPENSIVE OF 16 SEMICONDUCTOR CENTERS SURVEYED LAST YEAR. IF THE THREE COMPANIES WERE LOCATED 90 MILES TO THE SOUTH IN SAN ANTONIO, THEIR SAVINGS IN ENERGY COST WOULD AMOUNT TO \$12.6 MILLION A YEAR. WE NEED A LEVEL PLAYING FIELD. AUSTIN RATES ARE NOT COMPETITIVE AND ARE HIGHER THAN OTHER AREAS WITH SEMICONDUCTOR MANUFACTURING FACILITIES. THOUGH WE DO NOT OPPOSE A RATE STUDY AND, IN FACT, HAVE SUPPORTED SUCH A STUDY, WE CANNOT AFFORD TO WAIT THE TWO OR MORE YEARS THAT SUCH A STUDY WOULD REQUIRE. WE APPRECIATE THE SUPPORT OF THE CITY OF AUSTIN AND AUSTIN ENERGY HAS GIVEN US IN THE PAST AND WE BELIEVE BY ANY

STANDARD THE PROPOSED RATE STRUCTURE  
YOU'RE VOTING ON TODAY IS FAIR TO ALL RATE  
PAYERS IN THE CITY. THANK YOU.

MAYOR WYNN: THANK YOU, MR. CRIER FOR ALL  
YOU DO AND FOR YOUR TESTIMONY. LET'S SEE.  
PAUL ROBBINS, WELCOME.

I HAD ACTUALLY INTENDED TO DONATE MY TIME  
TO MS. SHOOTY FATH. SHE'S NOT HERE, SO I WILL BE  
HER SPEAKER TONIGHT. I'M PAUL ROBBINS. I'M AN  
ENVIRONMENTAL ACTIVIST AND CONSUMER  
ADVOCATE. I'M OPPOSING THIS FOR THREE  
REASONS. FIRST, I OPPOSE THIS BECAUSE IT IS NOT  
BASED ON THE TRUE COST OF PROVIDING  
ELECTRICITY. IT IS KNOWN AS COST OF SERVICE.  
LARGE INDUSTRIAL USERS ALREADY PAY ABOUT  
HALF OF WHAT RESIDENTIAL USERS PAY, AND NOW  
THEY WANT ANOTHER DECREASE. THE DECREASE  
TO LARGE INDUSTRIAL USERS WILL COST THE  
AVERAGE RESIDENTIAL USER ABOUT \$4 A YEAR.  
WE'VE BEEN TOLD ABOUT 9,000 GOOD EMPLOYEES,  
SO THESE 9,000 EMPLOYEES AT THE FACTORIES  
THAT HAVE BEEN -- THAT ARE GOING TO BE  
AWARDED THIS WILL RECEIVE A \$36,000 INCREASE  
OVERALL ON AVERAGE A YEAR. SECOND REASON  
FOR THE DECREASE WAS THAT THIS WAS  
ORIGINALLY PROMOTED AS A WAY TO  
COMPENSATE THE LARGE USERS FOR A LACK OF  
RELIABILITY IN THE ELECTRIC SYSTEM, AND IF THIS  
IS THE REAL REASON, THEN WOULDN'T A BETTER  
ALTERNATIVE BE TO SPEND THIS \$25 MILLION AND  
RATE CUT AND TAKE IT AND PUT IT INTO ON-SITE  
GENERATION LIKE WE HAVE AT THE DOMAIN AND  
LIKE WE HAVE AT THE DELL CHILDREN'S HOSPITAL.  
THEY WOULD HAVE THE PENULTIMATE IN  
RELIABILITY. THEY WOULD HAVE COST EFFECTIVE  
POWER, PROBABLY AN -- WHO KNOWS, BUT MAYBE  
AT A RATE LESS THAN THEY'RE PAYING NOW AND IT  
WOULD BE MORE ENVIRONMENTAL, BECAUSE IT  
MAKES BETTER USE OF THE WASTE HEAT AT POWER  
PLANTS. FINALLY THERE IS THE REASON OF  
AFFORDABILITY. I DON'T HAVE A LOT OF TIME SO  
I'LL JUST HAVE TO CITE ONE EXAMPLE. I HAVE A  
FRIEND NAMED PHYLLIS. SHE LIVES IN A VERY  
MODEST HOME NEAR THE HUNTS DE LAMAN SIDE

THE TRANSIT DEVELOPMENT, AND BECAUSE OF THAT DOT, THE AREA WHICH IS EXTREMELY MODEST IS GENTRY FIEG. LAND SPECULATION IS RAMPANT. SHE TOLD ME RECENTLY I DON'T KNOW HOW I'M GOING TO AFFORD TO LIVE IN THIS CITY ANYMORE. SO-SO PLEASE CONSIDER THAT -- I REALIZE THAT THERE IS A BALANCE BETWEEN SUPPORTING BUSINESS AND SUPPORTING THE AVERAGE CITIZEN. IN THIS CASE I THINK YOU LOST THAT BALANCE. THANK YOU.

MAYOR WYNN: THANK YOU, MR. ROBBINS. AND IN ADDITION TO THE TESTIMONY THAT WE'VE HEARD, A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK, ALL IN FAVOR OF THIS PROPOSED ACTION. JEREMY MARTIN, LORRAINE CHUR NOW, JOHN WOOD, RON ROBT ROBERTSON, ROBERT FIELDING, ROY MATHEWS AND ANN STAFFORD SIGNED UP NOT WISHING TO SPEAK IN FAVOR. ARE THERE ANY ADDITIONAL CITIZENS WHO WOULD LIKE TO GIVE TESTIMONY IN THIS PUBLIC HEARING, ITEM NO. 54 RELATED TO THIS INDUSTRIAL RIDER TO THE LARLG PRIMARY SERVICE ELECTRIC RATE? THANK YOU ALL VERY MUCH. COUNCIL, THOUGHTS, COMMENTS, QUESTIONS? I'D LIKE TO THANK -- DESPITE THE FACT THAT THERE HAS BEEN VERY LITTLE TESTIMONY AT THIS PUBLIC HEARING, THERE HAS BEEN A LOT OF DISCUSSION ABOUT THIS, REALLY FOR MONTHS, INCLUDING MS. PATH SPENT A LOT OF TIME WITH ALL OF US AND OUR STAFFS UNDERSTANDING THE COMPLEXITIES OF THIS SITUATION. AND CERTAINLY A LOT OF GOOD FEEDBACK FROM SOME OF OUR LARGE USERS AND MOST IMPORTANTLY, A LOT OF TIME EFFORT, RESOURCES SPENT BY AUSTIN ENERGY STAFF FOR US TO, YOU KNOW, COMPREHEND WHAT IS ACTUALLY A VERY COMPLEX AND VERY COMPETITIVE SITUATION FOR US ALL. AND SO -- SO DON'T SOMEHOW BE MISGUIDED BY THE FACT THAT THERE'S LITTLE TESTIMONY IN THIS PUBLIC HEARING. THERE'S BEEN A LOT OF TIME AND EFFORT PUT INTO A COMPLICATED SITUATION. COMMENTS, THOUGHTS, QUESTIONS?

I HAVE BEEN AND CONTINUE TO BE SUPPORTIVE OF THIS ACTION AND MATHEMATICALLY THIS IS

FRANKLY A PRETTY SMALL REDUCTION IN THE RATE FOR THESE USERS WHO ARE VERY IMPORTANT TO US, BOTH AS CUSTOMERS FOR THE UTILITY BUT ALSO AS CORPORATE CITIZENS AND EMPLOYERS AND TAXPAYERS IN THIS TOWN. I THINK DESPITE HAVING IT BE A COMPLEX ANALYSIS THAT AT TIMES ACTUALLY IS DIFFICULT TO WORK ONE'S WAY THROUGH, IT DOES SEEM LIKE AN EQUITABLE, FAIR, MODEST REDUCTION FOR WHAT HOPEFULLY WILL BE A HELP TO SOME VERY IMPORTANT LARGE EMPLOYERS IN TOWN AS THEY HOPEFULLY CONTINUE TO BE SUCCESSFUL HERE IN OUR CITY. COUNCIL MEMBER COLE?

COLE: MAYOR, I JUST WANT TO SAY THAT AS A NEW COUNCIL MEMBER, THE COMPLEXITIES OF THESE ISSUES, JUST THE MERE FACT THAT WE OWN OUR OWN UTILITY AND HAVING TO GRAPPLE WITH IT HAS BEEN VERY, VERY CHALLENGING, BUT I APPRECIATE THESE EMPLOYERS AND THE DEDICATION TO THE CITY OF AUSTIN AND ALL THE WORK THAT STAFF HAS DONE TO EDUCATE ME ON THESE ISSUES, AND SO I WILL BE SUPPORTING THIS ITEM.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN?

MCCRACKEN, IN FACT, I THINK ALL OF US WERE ON THE COUNCIL WHEN WE RECEIVED THE BRIEFING FROM JOHN HAWK IN, I BELIEVE LAST FALL, WHO STATED THAT HE HAD PREDICTED A FEW YEARS AGO THAT AUSTIN WAS AT RISK OF LOSING ITS SEMICONDUCTOR SECTOR, AND IT WAS THROUGH AGGRESSIVE EFFORTS BY THE CITY IN PARTNERSHIP WITH OUR LARGEST EMPLOYERS TO ENSURE THAT THE VERY FOUNDATION OF OUR ECONOMY, WHICH IS OUR SEMICONDUCTOR SECTOR, NOT ONLY DID NOT STAG NATURE AND GO AWAY BUT ACTUALLY EXPANDED. BUT THAT SAID, EVERYTHING ABOUT OUR PROSPERITY AND THE DIRECTION WE'RE MOVING IS ON THE FOUNDATION OF OUR SEMICONDUCTOR SECTOR HERE IN AUSTIN. WE ARE IN GLOBAL COMPETITION, AND THEY -- I AGREE, MAYOR, WITH YOUR COMMENTS. SO THIS IS ONE MORE PART OF OUR EFFORT TO ENSURE THAT 20 YEARS FROM NOW WE LEAVE THIS PLACE BETTER

THAN WE FOUND IT. I'LL SUPPORT THIS TOO.

MAYOR WYNN: COUNCIL MEMBER KIM?

KIM: THE REASON WHY WE'RE ABLE TO DO THIS FOR THESE SUPER LARGE USERS IS BECAUSE THEY DO TAKE STEPS THAT RESIDENTIAL CUSTOMERS AND OTHER CUSTOMERS DON'T HAVE TO TAKE. THEY STEP DOWN ELECTRICITY WHEREAS WE HAVE TO STEP IT DOWN FOR EACH HOME. SO NATURALLY IT IS CHEAPER FOR US TO PROVIDE SERVICE TO THEM, AND SINCE THEY'RE BIG USERS AND THEY ARE -- SOME OF THEM OWN THEIR OWN SUBSTATIONS WHERE AUSTIN ENERGY WOULD OWN THOSE SUBSTATIONS IF PROVIDING TO ANOTHER CUSTOMER. ANOTHER THING THAT WE SHOULD REMEMBER IS THAT FREESCALE, WHICH IS JUST ONE OF THE USERS, IS DOWN FROM 5 FAX..... 5 FABS TO 2. THESE ARE VERY IMPORTANT JOBS TO OUR ECONOMY. THEY'RE GOOD PAYING JOBS. THESE ARE MIDDLE CLASS FOLKS WHO MAKE A CERTAIN AMOUNT OF THEIR INCOME FROM OVERTIME. IT'S AN IMPORTANT PART FOR SMALL BUSINESSES AS WELL, WHO ARE VENDORS TO THESE COMPANIES, AND ALSO FOR OTHER PEOPLE WHO PROVIDE SERVICES OUT THERE. SOME OF THESE EMPLOYEES ARE UNION EMPLOYEES, PLUMBERS, TRITION ELECTRICIANS. AND SO I WORRY ABOUT THE FAMILIES THAT ARE DEPENDENT ON THESE JOBS AND I WANT TO MAKE SURE THAT WE ARE ABLE TO KEEP THEM HEALTHY AND STRONG AND MAKE SURE THAT AUSTIN IS STILL A COMPETITIVE REGION FOR SEMICONDUCTOR MANUFACTURERS.

MAYOR WYNN: I'LL CONSIDER COUNCIL MEMBER COLE'S FIRST COMMENTS TO BE A MOTION. THAT INCLUDES CLOSING THE PUBLIC HEARING AND APPROVING THIS ORDINANCE AS PRESENTED BY STAFF, SECONDED BY COUNCIL MEMBER MCCracken. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. WELL,

COUNCIL, THAT LEAVES US WITH OUR SINGLE ACTION ITEM STILL POSTED, WHICH IS ITEM NO. 25 RELATED TO THE PERFORMANCE EVALUATION OF OUR CITY MANAGER. WE NOW SEND ALL THE CITIZENS HOME AND WE WILL NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.074 OF THE OPEN MEETINGS ACT, TAKE UP THE PERSONNEL MATTER. ITEM NO. -- POSTED AS THE ITEM NO. 38 IN CLOSED SESSION TO CONSIDER THE EVALUATION AND THEN WE'LL COME BACK IN OPEN SESSION TO TAKE UP ITEM NO. 25, WHICH WILL BE A POTENTIAL ACTION ITEM. WE ARE NOW IN CLOSED SESSION, ANTICIPATING US BEING THERE FOR AT LEAST A FEW MINUTES AND WE'LL BE BACK OUT AS SHORTLY AS POSSIBLE TO TAKE ACTION. THANK YOU. WE ARE OUT OF CLOSED SESSION, IN EXECUTIVE SESSION WE TOOK UP OUR FINAL ITEM, ITEM NO. 38, RELATED TO THE PERFORMANCE EVALUATION OF OUR CITY MANAGER, WHICH NOW ALLOWS US TO TAKE UP OUR FINAL POSTED ACTION ITEM OF THE EVENING, ITEM NO. 25, TECHNICALLY AN ITEM FROM COUNCIL, MYSELF AND THE MAYOR PRO TEM, THE RESOLUTION RELATING TO COMPENSATION AND/OR BENEFITS. BUT WELCOME A BRIEF STAFF PRESENTATION.

KATHY RODGERS, THE DIRECTOR OF HUMAN RESOURCES, JUST TO SUMMARIZE, A SALARY INCREASE EQUIVALENT TO 8ED \$137. A 3.5% INCREASE. A SLIGHT INCREASE TO MEDICARE AND [INDISCERNIBLE] AS A RESULT OF THAT INCREASE. ONE DAY OF PERSONAL LEAVE. PER MONTH INCREASE. AND AT THE TIME OF RETIREMENT THE CITY WILL PURCHASE RETIREMENT SERVICE CREDITS FOR THE CITY MANAGER EQUAL TO THE VALUE OF 8 MONTHS OF ANNUAL SALARY. THOSE ARE THE CHANGES.

THANK YOU, KATHY. SO HOW -- I WOULD ENTERTAIN -- ACTUALLY MAYOR PRO TEM MOVES ACCEPTANCE OF THAT RESOLUTION, I WILL SECOND. COMMENTS ON THE ITEM? MAYOR PRO TEM? WELL, I WILL START.

Dunkerly: I'M BEING INVITED TO SPEAK. OKAY. WELL, I APPRECIATE THAT. WASN'T TO TAKE THIS

OPPORTUNITY PUBLICLY TO THANK OUR CITY MANAGER FOR -- FOR COMING THROUGH A REALLY TOUGH YEAR. I DON'T KNOW IF MANY OF YOU KNOW IT, BUT A FEW YEARS AGO, WE CUT ABOUT 900 POSITIONS IN OUR GENERAL FUND. AND THAT WOULD HAVE BEEN ENOUGH TO -- TO HAVE -- HAVE HUMBLLED ANYONE. BUT ON TOP OF THAT WE HAD A MASSIVE GROWTH SPURT. THAT IS UNPRECEDENTED REALLY IN AUSTIN'S HISTORY. I THINK THOSE TWO THINGS TOGETHER WERE HANDLED WITH GREAT COMPETENCE, GREAT CARE BY OUR CITY MANAGER, OUR CITY STAFF. I JUST PUBLICLY WANT TO THANK YOU FOR HELPING US GET THROUGH THAT TIME AND FOR -- FOR CONTINUING TO -- TO GUIDE US IN THIS NEXT BUDGET AND HOPE WE CAN CONTINUE TO -- TO GROW AND TO RECOVER FROM -- FROM THOSE DARK DAYS. BUT YOU ARE REALLY OUTSTANDING AND WE ARE SO LUCKY TO HAVE THE BEST CITY MANAGER IN THE WORLD RIGHT HERE IN AUSTIN, TEXAS.

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

Kim: I WOULD ALSO LIKE TO THANK OUR CITY MANAGER FOR THE HARD WORK AND THE LONG HOURS THAT SHE PUTS IN. I DON'T KNOW IF PEOPLE KNOW THIS UNLESS YOU ARE PART OF THE CITY ORGANIZATION. BUT SHE OFTEN STAYS HERE UNTIL 2:00 A.M., WORKING FOR US AND FOR YOU. AND WE ARE VERY FORTUNATE MUCH WE ARE BLESSED TO HAVE SOMEONE WHO IS -- HAS INCREDIBLE INTEGRITY, WHO REALLY CARES ABOUT -- ABOUT HER WORKFORCE, CARES ABOUT THE ORGANIZATION, AND ALSO IS INCREDIBLY RESPONSIVE AND QUICK AND SMART AND COMING UP TO HELP US AS A COUNCIL TO SOLVE VERY COMPLEX PROBLEMS, JUST LOOKING AT OUR ECONOMY, IT'S UNPRECEDENTED TO JUST IMAGINE WHAT WE ARE ON THE VERGE OF, ON THE CUSP OF IN THE NEXT THREE YEARS. WE ARE GOING TO BE REALLY DOUBLING THE VALUE OF OUR REAL ESTATE DOWNTOWN. IT'S AMAZING HOW WE ARE ABLE TO TAKE THAT CHALLENGE ON AND AT THE SAME TIME THROW NEW THINGS INTO THE MIX

WITH VMU, DESIGN STANDARDS, AFFORDABLE HOUSING DENSITY BONUSES AND ALL THIS TAKES STAFF, ALL THIS TAKES AN ORGANIZATION THAT IS HEADED WITH REAL STRONG LEADERSHIP AND THAT WE ARE VERY FORTUNATE TO HAVE THAT IN CITY MANAGER TOBY FUTRELL.

WE HAVE A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER MCCRACKEN?

YEAH, SEFERLG OF US VERY YEAR GO ON VARIOUS BOND RATING TRIPS TO NEW YORK. YOU HAVE THREE BOND RATING AGENCIES THAT REVIEW CITIES ALL OVER THE COUNTRY AND WHAT THEY DO IS THEY JUST PUT A MICROSCOPE ON FINANCIAL CONTROLS, MONEY THAT YOU SPEND, THE EFFECTIVENESS OF THE ORGANIZATION AND THEN THEY INTERROGATE YOU FOR HOURS AND THEY LOOK, THEY DO THIS FOR CITIES ALL OVER THE COUNTRY. A BOND RATING IS ACTUALLY THE REFLEX OF TRAINED EXPERTS, COMPARING YOUR CITY AGAINST EVERYBODY ELSE'S CITY. AND WHAT WE HAVE SEEN TIME AND TIME AGAIN IS NATIONAL BOND RATING AGENCIES RATE AUSTIN WITH THE TOP RATINGS THAT YOU CAN GET, THE HIGHEST BOND RATING IN THE STATE. THAT'S NOT JUST A REFLECTION OF THE CONFIDENCE, BUT IT IS THEIR COMPARISON THAT AUSTIN IS A BETTER RUN CITY THAN VIRTUALLY ANY OTHER CITY IN THE NATION AND REALLY AT THE TOP IN TERMS OF WHAT YOU CAN DO. I THINK WE SEE THAT LOCALLY THAT WE HAVE THE LOWEST TAX RATE IN THE STATE OF TEXAS, WE HAVE THE BEST BOND RATING IN TEXAS, LOWEST UNEMPLOYMENT RATE IN THE STATE OF TEXAS AND AN ECONOMY THAT IS THE ENVY REALLY OF THE WORLD. WE HAD REPORTERS COMING IN TODAY SAYING WELL DID YOU ALL KNOW THAT YOU ARE NOW THE FASTEST GROWING CITY IN THE STATE OF TEXAS. WELL, LIKE WE KIND OF DON'T GET SURPRISED ABOUT IT ANYMORE. IT'S EASY TO FORGET THAT FOUR YEARS AGO WE HAD TO CUT 10% OF THE WORKFORCE, WE HAD TO CUT OVER \$100 MILLION FOR THE BUDGET. SO TOBY HAS LED US THROUGH THAT ENTIRE PERIOD WITH AN ORGANIZATION THAT WAS SLASHED JUST FOUR YEARS AGO. SO IT'S REALLY A REMARKABLE JOB.



ACTUALLY I FEEL LIKE I'VE HAD MY SUPERLATIVES  
STOLE LENGTH. I WAS GOING TO SAY THE BEST IN  
THE COUNTRY.

THE WORLD.

APPARENTLY IT IS THE BEST IN THE WORLD. STAND  
CORRECTED. WE ARE REALLY, REALLY FORTUNATE  
AND I HOPE AUSTINITES RECOGNIZE WHAT WE  
KNOW WHICH IS WHAT A GREAT CITY MANAGER  
YOU ARE.

OKAY.

COUNCILMEMBER, FURTHER COMMENTS?  
COUNCILMEMBER COLE?

Cole: WELL, I CAN ONLY SPEAK AS A NEW  
COUNCILMEMBER AND I KNOW THAT THE ISSUES  
THAT -- THAT I'VE HAD TO DEAL WITH HAVE BEEN  
VERY CHALLENGING AT TIMES. NOT ONLY TOBY DO  
I WANT TO THANK YOU FOR BEING SUPPORTIVE  
AND RESPONSIVE, ALSO YOUR STAFF. IF YOU ARE  
SUPPORTIVE AND RESPONSIVE I THINK THE STAFF  
DOES THE UTMOST TO BE SUPPORTIVE AND  
RESPONSIVE, ESPECIALLY IN VERY TECHNICAL  
AREAS. I REALLY APPRECIATE THAT.

COUNCILMEMBER LEFFINGWELL.

Leffingwell: YOU ARE RIGHT, ALL OF THE SUPER LA IF  
I.....SUPERLATIVES ARE GONE RIGHT NOW.  
TOBY I THINK YOU DID A GREAT JOB. 4.0. IT'S  
INCREDIBLE THAT -- THAT VARIABLE TO -- TO RUN  
THIS CITY, NOT JUST A CITY, BUT SEVERAL  
UTILITIES, ELECTRIC UTILITY, WATER YOU'LL,  
PUBLIC SAFETY ORGANIZATIONS, GOES ON AND ON  
AND YOU DO A FANTASTIC JOB AND YOU DO A  
GREAT JOB OF COMMUNICATING WITH US. EVERY  
WEEK, SIT DOWN WITH EACH OF US FOR AN HOUR  
AND A HALF AND BRING US UP TO SPEED AND I  
APPRECIATE IT. THANK YOU.

Mayor Wynn: COUNCILMEMBER MARTINEZ?

Martinez: WELL, THERE'S NOT MUCH LEFT.

EVERYBODY'S PRETTY MUCH SHARED THE SAME FEELINGS THAT WE ALL HAVE, TOBY. I'M NOT GOING TO SIT HERE AND TRY TO PRETEND THAT I HAVEN'T BEEN CRITICAL OF SOME OF OUR CITY CONCERNS. BUT I THINK THAT YOU WOULD BE THE FIRST ONE TO SAY THAT YOU TOOK THIS JOB AND YOU EXPECT THAT CRITICISM AND YOU ARE DETERMINED TO CONTINUE THE CITY ON ITS PATH AND IMPROVE IN THE AREAS THAT WE NEED IMPROVEMENT. I HAVE NEVER MET SOMEONE SO DETERMINED IN MY LIFE UNTIL I MET YOU, SOMEONE SO DETERMINED TO SUCCEED AND TO SERVE THE COMMUNITY. SO I JUST WANTED TO SAY THANK YOU.

Mayor Wynn: AGAIN WE HAVE A MOTION AND A SECOND ON THE TABLE. I WILL JUST.....THE -- ON THE TABLE. I WILL BRIEFLY CONCLUDE BY SAYING, HAVING A VERY HARD WORKING, VERY COMPETENT, VERY COMMITTED CITY MANAGER MAKES MY JOB AS MAYOR A LOT EASIER AND OUR JOB AS -- AS INDIVIDUAL COUNCILMEMBERS A LOT EASIER. I JUST WISH TOBY WOULD STOP TALKING ABOUT THE STRONG MAYORAL FORM OF GOVERNMENT [LAUGHTER] MOTION AND SECOND ON THE TABLE. ALL IN FAVOR OF ITEM NO. 25 AS PRESENTED BY STAFF, PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED, IT IS 8:40 P.M. AND TOBY IS BUYING. [LAUGHTER]

**End of Council Session Closed Caption  
Log**