

Closed Caption Log, Council Meeting, 06/21/07

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GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME BISHOP FROM THE AGAPE CHRISTIAN MINISTRIES WHO WILL LEAD US IN OUR INVOCATION, PLEASE RISE.

THANK YOU, HEAVENLY FATHER FOR THIS DAY, FOR THE OPPORTUNITY TO DO YOUR BUSINESS IN THIS CITY. WE PRAY OH, GOD FOR THE PEACE IN THIS MEETING, WE PRAY FOR WISDOM, WE PRAY FOR UNITY AND THAT YOU SATURATE OUR CITY WITH YOUR LOVE, WITH YOUR UNITY, WITH YOUR KINDNESS. WE EXPECT MIRACLES TODAY BECAUSE ONLY YOU CAN DO THAT. SO BLESS ALL THAT ARE HERE, WE ASK THIS IN JESUS'S NAME, AMEN.

THANK YOU, BISHOP. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, JUNE 21st, 2007, APPROXIMATELY 10:20 A.M. WE ARE IN THE CITY COUNCIL CHAMBERS, 301 WEST SECOND STREET. BEFORE WE START OUR PROCEEDINGS, I WOULD LIKE TO ASK YOU TO PLEASE JOIN ME AND MY COUNCIL COLLEAGUES AND CITY MANAGEMENT IN A MOMENT OF SILENCE REMEMBERING THE NINE FALLEN FIREFIGHTERS IN CHARLESTON, SOUTH CAROLINA, SOME OF YOU KNOW THAT MAYOR JOE RILEY FROM CHARLESTON IS A FRIEND AND FAN OF AUSTIN. HE HAS BEEN IN AUSTIN SEVERAL TIMES THE LAST SEVERAL YEARS. I WAS SCHEDULED TO BE WITH JOE THIS WEEKEND IN LOS ANGELES, HE HAS CANCELED THAT TRIP. HE'S GOING

TO ADDRESS THE COUNTRY AND A LOT OF OTHER MAYORS AND OTHER COLLEAGUES VIA VIDEO CONFERENCE THANKING THEM FOR ALL OF THE THOUGHTS AND NOTES THAT MANY OF YOU AND US HAVE BEEN SENDING HE AND HIS CITIZENS OF CHARLESTON FOR THE -- YOU KNOW, TRYING TO COME TO GRIPS WITH THAT TRAGEDY. BUT IF YOU WOULD PLEASE JOIN ME IN A MOMENT OF SILENCE FOR OUR FRIENDS IN CHARLESTON, SOUTH CAROLINA. THANK YOU VERY MUCH. MAYOR RILEY, HIS FAMILY AND CHARLESTON WILL THANK YOU. ALSO, AS MANY OF YOU ALL KNOW WE HAD A TRAGEDY HERE IN AUSTIN. I WOULD LIKE TO RECOGNIZE THE CITY MANAGER. UNFORTUNATELY THERE'S BEEN SOME -- A LOT OF MISINFORMATION AND/OR MISCOMMUNICATION ABOUT A TRAGEDY THAT OCCURRED -- TWO EVENINGS AGO AND I WOULD LIKE TO RECOGNIZE THE CITY MANAGER TOBY FUTRELL.

Futrell: THIS IS NO WAY TO MINIMIZE THE INCIDENT THAT DID OCCUR. BUT I -- WE DO WANT TO BE SURE THAT WE ARE GETTING THE ACCURATE INFORMATION OUT TO PUT THE INCIDENT IN PERSPECTIVE. WE ARE GOING TO BE HOLDING A NEWS CONFERENCE IN EARLY AFTERNOON TODAY TO PUT OUT THE -- THE MOST UP TO DATE AND FACTUAL INFORMATION THAT WE CAN ON THE INCIDENT. TO GIVE YOU SOME PERSPECTIVE OF WHAT WE ARE TALKING ABOUT, FOR EXAMPLE OUR NATIONAL NEWS HAS SOMEHOW REPORTED THAT THE INCIDENT OCCURRED SOMEHOW AS PART OF THE JUNETEENTH CELEBRATION OR PARADE. THAT IS NOT ACCURATE. THE INCIDENT OCCURRED IN THE APARTMENT COMPLEX. SOME OF OUR NATIONAL NEWS REPORTED THAT THERE WERE 500 ONLOOKERS. THAT IS NOT ACCURATE. SOMEWHERE BETWEEN 10 AND 230 PEOPLE WHO WERE IN THE APARTMENT COMPLEX ON PORCHES OR IN THE PARKING LOT COULD HAVE BEEN IN THE IMMEDIATE VICINITY OF THE INCIDENT. THERE WERE REPORTS OF 20 ASSAILANTS, NOT ACCURATE. AS MANY AS THREE OR FOUR WERE INVOLVED. AGAIN NOT TO TRIVIALIZE WHAT HAPPENED BUT TO MAKE SURE THAT ACCURATE INFORMATION IS GETTING OUT, WE ARE GOING TO BE HOLDING A NEWS CONFERENCE SOMEWHERE AROUND 1:00 TODAY, THAT WILL BE ANNOUNCED SHORTLY, TRY TO GET BETTER INFORMATION ON THE TABLE FOR EVERYONE TO

PUT THIS IN PERSPECTIVE AS WE TRY TO DEAL WITH IT,
FINISH WITH THE INVESTIGATION. THANKS.

MAYOR, I ALSO WANT TO THANK SOME OF OUR COMMUNITY LEADERS WHO STEPPED UP YESTERDAY AND TRIED TO GET AHEAD OF THIS TO MAKE SURE THAT THE COMMUNITY WASN'T JUMPING FORWARD WITH A LOT OF ASSUMPTIONS BASED ON INACCURATE INFORMATION. THE HISPANIC CHAMBER, LULAC, DAN WITH TEJANOS IN ACTION, THEY ALL SHOWED LEADERSHIP YESTERDAY BY STEPPING UP AND ASKING THE COMMUNITY TO TAKE A MOMENT OF PAUSE, LET'S MAKE SURE THAT WE GET ACCURATE INFORMATION BEFORE JUMPING TO ANY CONCLUSIONS. I REALLY THINK THAT HELPED AND I APPRECIATE THEIR LEADERSHIP.

Futrell: I WOULD ALSO LIKE TO REITERATE THAT. THAT WAS VERY IMPORTANT. A GREAT DEAL OF COMMUNITY LEADERSHIP DURING THIS TO ASK FOR CALM. AND UNDERSTANDING. OUR HISPANIC LEADERSHIP WAS JOINED BY KEY MEMBERS OF OUR AFRICAN-AMERICAN LEADERSHIP. AFRICAN-AMERICAN DEMOCRATS, NELSON LINDER FROM NAACP ALL JOINED HANDS TO BE SURE THAT OUR COMMUNITY STAYED CALM AND WORKED TOGETHER AND GAVE US A CHANCE TO GET FACTS ON THE TAIL.

I WOULD SIMPLY LIKE TO REITERATE WHAT THE CITY MANAGER SAID, WITH RESPECT TO THE JUNETEENTH CELEBRATION IN PARTICULAR. THIS IS A CELEBRATION GOING ON FOR MANY, MANY YEARS IN AUSTIN. I WOULD NOT LIKE FOR ANY -- FOR ANY STAIN TO BE PUT ON THAT CELEBRATION OR ANY OF THE PEOPLE WHO WERE ATTENDING THAT. IT WAS OF COURSE A VERY, VERY TRAGIC INCIDENT THAT OCCURRED AND I ALSO WOULD LIKE TO THANK THE LEADERSHIP WHO HAS COME FORWARD AND -- TRY TO MAINTAIN PEACE IN THE COMMUNITY.

AGREED. FINALLY, I WILL JUST SAY I WAS AT THE JUNETEENTH PARADE AND CELEBRATION, I WAS IN ROSEWOOD PARK, IT WAS A FABULOUS DAY. WE HAD A GREAT CROWD AND I ENJOYED MYSELF THERE. AND I APPRECIATE THE FACT THAT THE PRESS CONFERENCE TODAY WILL IN FACT CLEAR THE AIR FACTUALLY ABOUT THE SIGNIFICANT DISCONNECT BETWEEN A TRAGEDY THAT

OCCURRED AND OUR THOUGHTS AND PRAYERS WITH THE MORALES FAMILY FOR WHAT THEY ARE GOING THROUGH RIGHT NOW. BUT IT'S VERY IMPORTANT THAT THE COMMUNITY HERE LOCALLY, BUT NOW NATIONALLY AND INTERNATIONALLY KNOW THE FACT ABOUT WHAT OCCURRED THE EVENING BEFORE LAST. SO THANK YOU, CITY MANAGER. SO, COUNCIL, BEFORE I GO THROUGH THE -- ALL OF THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA, WE USUALLY TAKE A LITTLE BIT OF TIME TO TRY TO AS BEST WE CAN IDENTIFY SOME POTENTIAL FUTURE UPCOMING ITEMS FROM COUNCIL. IF THERE ARE ANY THOUGHTS I WOULD -- I WOULD ENTERTAIN THOSE NOW. HEARING NONE, I WILL WALK US THROUGH THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. OBVIOUSLY IT'S A VERY LENGTHY AGENDA. THIS IS OUR LAST MEETING FOR ABOUT A MONTH BEFORE WE COME BACK IN LATE JULY WHEN THE CITY MANAGER PROPOSES HER FISCAL YEAR BUDGET. AND SO THERE'S LOTS OF ITEMS ON THE AGENDA, A LOT OF PURCHASING ITEMS, CITY STAFF NEEDS FOR US TO APPROVE A NUMBER OF ITEMS SO THEY CAN GO OFF AND DO THEIR WORK FOR THE MONTH WITHOUT OUR ACTION. SO BEAR WITH ME AS I WALK THROUGH THE CHANGES AND CORRECTIONS AND THEN LIKELY AS WE HAVE TO READ THROUGH A VERY LENGTHY HOPEFUL CONSENT AGENDA. OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA, ITEM NO. 4 WE SHOULD NOTE THAT IT'S BEEN RECOMMENDED BY THE ELECTRIC UTILITY COMMISSION. WE SHOULD NOTE THAT ITEM NO. 19 HAS BEEN WITHDRAWN. ON ITEM NO. 28 WE NEED TO INSERT THE WORD PARK FOR THIS RENAMING, ACTUALLY THE PARK AT FESTIVAL BEACH. ITEM NO. 29 WE SHOULD CORRECT THE DOLLAR AMOUNT, STRIKING 71,000 AND INSERTING THE CORRECTED DOLLAR AMOUNT, WHICH IS \$71,771 IN GRANT FUND FROM THE STATE. ON ITEM NO. 32, WE SHOULD STRIKE -- THE WORD CALDWELL AND INSERT THE WORD COUNTY AFTER BASTROP AND STRIKE THE WORDS "AND LEE COUNTIES" AS WELL AS STRIKING THE PHRASE PARTICIPATING COUNTIES AND INSERT JUST GRANT PARTICIPANTS. SO WITHOUT HAVING TO READ THROUGH THE LENGTHY SUMMARY, THIS ESSENTIALLY IS THE -- THE COMMUNITY ORIENTED POLICING SERVICES FOR THE -- WITH THE CITY OF LOCKHART, BASTROP COUNTY, IT WILL NOTE

THAT THEY WILL BE GRANT PARTICIPANTS, NOT NECESSARILY PARTICIPATING COUNTY GOVERNMENTS. ON ITEM NO. 65, WE SHOULD INSERT THE WORD AND MAKE SURE THAT WE ARE TALKING ABOUT WEST THIRD STREET FROM BOWIE STREET TO NORTH LAMAR BOULEVARD AND CERTAIN SECTIONS OF OUR CODE. ON ITEM NO. 87, WE SHOULD NOTE THAT IT'S ALSO RECOMMENDED BY THE ELECTRIC UTILITY COMMISSION. ON ITEM NO. 117, WE SHOULD NOTE THAT THE VOTE AT FIRST READING BACK IN DECEMBER WAS 6-0 WITH COUNCILMEMBER KIM TEMPORARILY OFF THE DAIS. ON ITEM NO. 132, WE NEED TO CORRECT THE ADDRESS AS 2028 WEST BEN WHITE BOULEVARD. ON ITEM NO. 145 WE SHOULD NOTE THAT -- THAT THIS WILL BE THE BULL HOUSE ZONING CASE WILL BE REVIEWED BY THE ZONING AND PLATTING COMMISSION ON JULY 31st, 2007. AND ON ITEM NO. 152, AN ITEM FROM COUNCIL, WE SHOULD NOTE THAT COUNCILMEMBER LEFFINGWELL IS AN ADDITIONAL CO-SPONSOR. SO OUR -- OUR SCHEDULE HERE THIS -- THIS MORNING AND AFTERNOON IS -- AS SOON AS WE GET THROUGH OUR CONSENT AGENDA, WE ARE GOING TO TAKE UP A SPECIAL ITEM, NUMBER 13, WHICH IS THE CONFIRMATION OF OUR NEW POLICE CHIEF. THEN WE WILL HAVE -- IF WE HAVE A HANDFUL OF DISCUSSION ITEMS, WE WILL -- WE MIGHT TAKE THOSE UP, THEN WE ARE GOING TO HAVE THE MORNING BRIEFING, WHICH IS A PROPOSED MASTER LEASE WITH GENERAL ELECTRIC COMMERCIAL AVIATION REGARDING A POSSIBLE NEW AIRLINE SERVICE AT ABIA. AT NOON WE BREAK FOR GENERAL CITIZENS COMMUNICATION. AT 2:00 AFTERNOON BRIEFING AN UPDATE ON THE CITY OF AUSTIN AND AUSTIN ENERGY'S 2800 TRACT OF LAND NEAR WEBBERVILLE, THAT HAS BEEN TALKED ABOUT A LOT IN THE LAST FEW WEEKS. AT 4:00 WE GO TO OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. AT 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, STAY TUNED FOR MICHAEL CROSS OUR MUSICIAN TODAY. AND THEN AT 6:00 WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTIONS. I JUST REALIZED AS PARTS OF MY CHANGES AND CORRECTIONS I SHOULD ALSO NOTE THAT ON ITEM NO. 14, TRAVIS COUNTY HAS REQUESTED THAT THEIR SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM MAY START IMMEDIATELY AND

NOT BE DELAYED UNTIL JANUARY 2008 AS BRIEFLY REFERENCED IN THE BACKUP. THIS WILL JUST CONFIRM THAT TRAVIS COUNTY CAN MOVE FORWARD AND WILL BE MOVING FORWARD WITH THEIR BOND PROGRAM IMMEDIATELY, NOT WAITING FOR -- FOR JANUARY '08 WAS REFERENCED IN THE BACKUP. SO, COUNCIL, SO FAR WE HAVE A HANDFUL OF ITEMS PULLED OFF THE CONSENT AGENDA. THOSE BEING -- ITEM NO. 7 AND THE RELATED ITEM NO. 18 IS PULLED OFF THE CONSENT AGENDA AS WE WILL TAKE THOSE UP AFTER WE HAVE A CLOSED SESSION BRIEFING ON THOSE TWO LOST CREEK SUBDIVISION ITEMS. ITEM NO. 13 WE WILL PULL OFF THE CONSENT AGENDA TO TAKE UP THAT SPECIAL VOTE AND PRESENTATION HERE SHORTLY. REGARDING OUR POLICE CHIEF. AND ITEM NO. 27, REGARDING PARKLAND DEDICATION FEE STRUCTURE IS ALSO PULLED OFF THE CONSENT AGENDA. OTHER ITEMS TO BE PULLED OFF THE CONSENT AGENDA OR ADDED BACK, COUNCIL? HEARING NONE, BEAR WITH ME, I WILL READ THROUGH A PROPOSED LENGTHY CONSENT AGENDA. IT WILL BE TO APPROVE ITEMS NUMBER 1, 2, 3, 4, PER CHANGES AND CORRECTION, 5, 6, 8 -- 8, 9, 10, 11, 12, 14 PER COMMENTS REGARDING -- FOR COMMENTS REGARDING TRAVIS COUNTY'S BOND PROGRAM..... PROGRAM, 15, 16, 17, 20, 21, 22, 21, 22, 23, 24, 25, 26, 28, PER CHANGES AND CORRECTION, 29 PER CHANGES AND CORRECTION, 30, 30, 31, 32, PER CHANGES AND CORRECTION, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54,, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, PER CHANGES AND CORRECTION, FINALLY -- 88, 89, 90, 91, 92, 93, 94, 95, 96, ARE OUR APPOINTMENTS TO OUR BOARDS AND COMMISSIONS. I WILL READ INTO THE RECORD. TO OUR ETHICS REVIEW COMMISSION, JODY HUGHES APPOINTMENT IS CONFIRMED. AND THEN TO THE LIBRARY COMMISSION, CAROL MARTIN IS MY APPOINTMENT. ITEM NO. 96 ON THE CONSENT AGENDA. ALSO WE WILL BE APPROVING ITEMS 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, ON OUR ADDENDUM AGENDA, ITEM 152 PER CHANGES AND CORRECTION AND ALSO APPROVING ITEM 153. I WILL ENTERTAIN A MOTION ON OUR PROPOSED CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE

CONSENT AGENDA AS READ. COMMENTS? COUNCILMEMBER KIM?

Kim: THANK YOU, MAYOR, TODAY WE ARE GOING TO BE CREATING, SETTING UP THE FRAMEWORK FOR FAMILIES AND CHILDREN TASK FORCE. I WANT TO THANK MAYOR PRO TEM BETTY DUNKERLY AND COUNCILMEMBER COLE AS WELL AS COUNTY COMMISSIONER SARAH ECKHARDT AS WELL AS KAREN DEL LANEY SMITH FOR THEIR SUPPORT. WE ARE GOING TO LOOK AT SPECIFIC RECOMMENDATIONS FOR OUR THREE GOVERNMENTAL ENTITIES TO MAKE SURE THAT WE ARE PROVIDING ENOUGH CHILD CARE, SUPERIOR CHILD CARE, AVAILABILITY OF CHILD CARE THAT YOU HAVE SEEN THAT'S BEEN VERY HARD IN THESE ECONOMIC TIMES FOR THE BOOM IN THE REAL ESTATE MARKET FOR CHILD CARE CENTERS TO STAY IN BUSINESS OR EVEN TO START A NEW CHILD CARE CENTER FOR OUR GROWING POPULATION. WE WILL BE LOOKING FORWARD TO HEARING THE RECOMMENDATIONS BROUGHT FORWARD TO US. SOME OTHER AREAS I WILL BE LOOKING AT SPECIFICALLY HAVE TO DO WITH HOUSING. A NUMBER OF THE HOUSING DEVELOPMENTS WE SEE ARE CONDOS THAT ARE ONE BEDROOM, TWO BEDROOM, REALLY NOT MAKING THAT APPROPRIATE FOR FAMILIES THAT NEED MORE SPACE, SO WE SEE A LOT OF FAMILIES, MIDDLE CLASS FAMILIES HAVE BEEN LEAVING AUSTIN FOR OTHER HOUSING OPPORTUNITIES THAT ARE AFFORDABLE TO THEM. I LOOK FORWARD TO HEARING THEIR RECOMMENDATIONS AS WELL. I WANT TO THANK THE CITY MANAGER AND HER STAFF FOR THEIR SUPPORT FOR THIS TASK FORCE AND THEY WILL BE WORKING DILIGENTLY FOR NINE MONTHS AND COMING BACK WITH SOME GOOD IDEAS FOR US.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WOULD LIKE TO POINT OUT THAT ITEM NO. 100 IS APPROVING A FREE SWIM DAY. THE FIRST WEEK IN JULY AT BARTON SPRINGS POOL. AND THIS PARTICULAR EVENT WILL ALSO INVOLVE PRESENTATION ON BARTON SPRINGS MASTER PLAN, BE AN OPEN HOUSE ALL DAY, SO I WOULD INVITE INTERESTED PARTIES TO COME DOWN AND HERE WHAT THEY NEED TO KNOW ABOUT THE MASTER PLAN. ON

ITEM NO. 101, IS A RESOLUTION RENAMING OUR DOWNTOWN COOLING PLANT AND IF PAUL ROBINS IS IN THE AUDIENCE I WOULD LIKE TO COME DOWN AND READ A PROCLAMATION FROM THE MAYOR COMMEMORATING THIS EVENT.

MR. ROBBINS, WELCOME. THANK YOU, COUNCILMEMBER. AND MAYOR PRO TEM.

FROM WHAT I CAN DETERMINE, I THINK MR. ROBBINS ACTUALLY DREAMED UP THE IDEA OF THE [INDISCERNIBLE] PLANT DISTRICT, SO I THINK THAT IT'S VERY APPROPRIATE THAT WE NAME THIS IN HONOR OF HIM.

THANK YOU. I AGREE AND THAT REALLY IS THE REASON FOR DOING THIS. IT WAS ALL PAUL'S IDEA IN THE FIRST PLACE. OF COURSE HE'S DONE A NUMBER OF OTHER THINGS AND AFTER I GET THROUGH READING THE PROCLAMATION, I THINK HE'S GOING TO EXPLAIN TO US HOW IT ACTUALLY WORKS. USING THE REVERSE CARNO PRINCIPLE AND OTHER PHYSICS. [LAUGHTER]

Mayor Wynn: BUT ONLY THREE MINUTES, MR. ROBBINS. [LAUGHTER]

Leffingwell: BE IT KNOWN THAT WHEREAS FOR MORE THAN 25 YEARS PAUL ROBBINS HAS BEEN A LEADER IN RECOMMENDING ENERGY CONSERVATION OPPORTUNITIES, INCLUDING THE DOWNTOWN COOLING SYSTEM AND WHEREAS PAUL PUBLISHES THE AUSTIN ENVIRONMENTAL DIRECTORY THAT HAS BEEN AN INVALUE I DON'T BELIEVE AND FREE RESOURCE FOR -- INVALUABLE AND FREE RESOURCE FOR ENVIRONMENTAL INFORMATION SINCE 1995, WHEREAS TO RECOGNIZE PAUL ROBBINS' COMMITMENT TO CONSERVATION AND THE PROTECTION OF OUR ENVIRONMENT, THE AUSTIN RESOURCE MANAGEMENT COMMISSION HAS RECOMMENDED THAT AN AUSTIN ENERGY FACILITY BE NAMED IN HIS HONOR. NOW THEREFORE I WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HEREBY RENAME AUSTIN ENERGY'S DISTRICT COOLING PLANT NUMBER 1 AS THE PAUL ROBBINS DISTRICT COOLING PLANT. CONGRATULATIONS, PAUL. [APPLAUSE]

COUNCIL, I'M A CONSUMER ADVOCATE AND ENVIRONMENTAL

ACTIVIST. I WANT TO PERSONALLY THANK COUNCILMEMBER LEFFINGWELL, MAYOR PRO TEM BETTY DUNKERLY, MAYOR WILL WYNN AND THE COUNCIL FOR THIS ACKNOWLEDGMENT. OUR CULTURE TYPICALLY ACKNOWLEDGES PEOPLE FOR QUALITIES SUCH AS INTELLIGENCE, PHYSICAL STRENGTH AND PERSONAL BRAVERY. THIS MAY BE THE FIRST AWARD THE CITY EVER GAVE FOR STUBBORNNESS. [LAUGHTER] TO ACKNOWLEDGE AN ACTIVIST THAT WOULDN'T GO AWAY. IN SEPTEMBER I WOULD HAVE BEEN AN ACTIVIST FOR 30 YEARS. I WROTE AUSTIN'S FIRST ENERGY -- EFFECTIVE ENERGY EFFICIENCY PROGRAM IN 1980, ALONG WITH 20 OTHER PEOPLE, I HELPED START THE CITY'S CLEAN ENERGY PROGRAMS A COUPLE OF YEARS LATER AND EARLY 1990S I HAD THE IDEA THAT AUSTIN'S DOWNTOWN COULD BE SERVED BY DISTRICT CHILLING, WHICH NOT ONLY SAVES ENERGY, BUT WORKS MORE ECONOMICALLY AND SERVES AS A MAGNET TO CLUSTER DEVELOPMENT IN THE CENTRAL CITY, WHICH SAVES ENERGY ON TRANSPORTATION. WHILE I'M TRULY HONOR AND EVEN FLABBERGASTED AT THIS, I NEED TO STATE THAT FOR EVERY PERSON THAT GETS ACKNOWLEDGED THERE ARE DOZENS WHO ARE NOT. I AM NOT THE ONLY PERSON THAT MADE THIS PROJECT HAPPEN. SOME OF THE OTHERS INCLUDE FORMER MAYOR PRO TEM JACKIE GOODMAN, WHO CHAMPIONED THIS WHEN SHE WAS ON THE COUNCIL IN 1995, ROGER DUNCAN, THE VICE-PRESIDENT OF AUSTIN ENERGY, WHO HELPED GET IT BUILT, CLIFF RADDICK AT THE UTILITY WHO SOLD IT TO DOWNTOWN BUILDING MANAGERS AND JIM COLINS WHO KEEPS THE PLANT RUNNING ON A DAILY BASIS. I INTEND TO CONTINUE THIS 30 YEAR CAREER AS AN ADVOCATE AND CRITIC OF VARIOUS CITY POLICIES I WILL PROBABLY BE BACK IN THE NEAR FUTURE TO COMMENT ON EXISTING CITY POLICY OR PROPOSED NEW ONES. WHILE I GIVE CREDIT WHERE IT'S DUE, I GIVE CRITICISM IN GENEROUS PORTIONS AS WELL. I SEE THAT AS MY JOB. PLEASES UNDERSTAND THAT I'M TRYING TO ADVISE WHAT IS BEST FOR THIS COMMUNITY AND AGAIN THANK YOU FOR THIS ACKNOWLEDGMENT.

Mayor Wynn: THANK YOU, CONGRATULATIONS, PAUL. [APPLAUSE] FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND ON THE

TABLE. COUNCILMEMBER COLE?

Cole: YES, I WOULD LIKE TO ALSO BRING ATTENTION TO ITEM NO. 99, THAT WE ARE PASSING A RESOLUTION TODAY. RECENTLY AND OVER THE PAST FIVE YEARS, WE'VE HAD EXCESSIVE FORCE ALLEGATIONS AGAINST OUR CITY. AND THAT HAS TROUBLED ALL OF US. AND I'M HAPPY TO SAY THAT THIS RESOLUTION WOULD PUT THE DISCIPLINE PROCEDURES THAT EITHER A FIREFIGHTER OR A POLICE OFFICER CAN ELECT TO TAKE RATHER THAN THE POLICE CHIEF'S DISCIPLINE PROCEDURE RECOMMENDATION. IT WOULD MAKE THOSE PROCEDURES TELEVISED. THERE'S NO OTHER STATE, NO OTHER CITY IN THE STATE OF TEXAS THAT IS DOING THAT. I'M PROUD OF THIS COUNCIL, ALSO PROUD OF JIM BECK AND MR. TRUESDALE OF THE POLICE AND FIREFIGHTERS ASSOCIATION FOR SUPPORTING THIS ITEM. [APPLAUSE]

Mayor Wynn: THANK YOU, COUNCILMEMBER.

THANK YOU MAYOR AND COUNCIL. WE HAVE A QUICK NOTE THAT WE WANT TO MENTION ON ITEM NO. 15, WHICH IS A LOAN TO THE SALVAGE VANGUARD THEATER. I WOULD LIKE TO INTRODUCE VAN JOE THE HEAD OF OUR NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

GOOD MORNING, MAYOR, COUNCIL, MADAM CITY MANAGER. IN OUR NEGOTIATIONS WITH SALVAGE VANGUARD WE HAVE TWO ITEMS THAT WE ARE NEEDING SOME CLARIFICATION. ONE IS WE ARE NEGOTIATING OR ALLOWING TO NEGOTIATE WITH THE OWNERS OF THE BUILDING TO EXTEND THEIR LEASE FROM 10 YEARS TO 15 YEARS. THAT WOULD ENABLE SALVAGE VANGUARD TO HAVE A LOWER DEBT SERVICE PAYMENT ON THEIR MONEY THEY ARE GOING TO BORROW. SECONDLY, WE WANT TO ALLOW THEM TIME TO NEGOTIATE A LEASEHOLD DEED OF TRUST SO THAT WE COULD BE IN A POSITION TO SECURE THE TOTAL LOAN WITH THE [INDISCERNIBLE] TRUST. IN THE EVENT THAT WE ARE NOT ABLE TO WORK OUT THOSE TWO ITEMS, WE STILL WANT TO MOVE FORWARD WITH THE LOAN. WE THINK THAT THE THEATER COMPANY IS A GREAT PROJECT. I WILL ENTERTAIN ANY QUESTIONS.

Mayor Wynn: QUESTIONS FROM STAFF? COUNCIL?
COMMENTS? MAYOR PRO TEM?

Dunkerly: I DON'T HAVE A QUESTION. I JUST WANT TO THANK THE STAFF FOR WORKING WITH THIS VERY SIGNIFICANT THEATER GROUP IN AUSTIN WHO REALLY HAS THE MEANS TO -- TO TAKE CARE OF ALL OF THEIR OBLIGATIONS, BUT JUST NEEDED SOME UP FRONT HELP IN GETTING A NEW THEATER ESTABLISHED AND GOING. SO I REALLY APPRECIATE THAT. THEY ARE ONE OF OUR I THINK SIGNIFICANT THEATER GROUPS IN THIS AREA AND I JUST APPRECIATE YOUR HELP. THANK YOU.

YOUR WELCOME.

Mayor Wynn: THANK YOU. I WILL SAY THIS NEIGHBORHOOD COMMERCIAL MANAGEMENT LOAN PROGRAM HAS BEEN IN EXISTENCE FOR YEARS. THE WHOLE CONCEPT IS WITH -- WITH JUST A -- FRANKLY A SMALL AMOUNT OF MONEY, IF WE ARE VERY JUDICIOUS WITH THAT PROGRAM, WE CAN HAVE A VERY POSITIVE IMPACT ON A CERTAIN -- ON CERTAIN NEIGHBORHOODS AROUND TOWN AND THIS -- THIS THEATER PROJECT FALLS RIGHT IN LINE WITH THE PARAMETERS OF THAT PROGRAM. I'M GLAD TO SEE THAT WE ARE PUTTING THOSE MONEYS TO GOOD USE.

THANK YOU, MAYOR.

THANK YOU ALL. COUNCILMEMBER MARTINEZ?

LIKEWISE, I JUST WANT TO THANK STAFF. I DON'T SEE JASON HERE. IS JASON AROUND HERE? HE'S THE OPERATOR OF THE SALVAGE VANGUARD THEATER. THIS IS A WONDERFUL EXAMPLE OF TAKING AN OLD DILAPIDATED UNUSED FACILITY AND TURNING IT INTO A PRETTY INCREDIBLE LITTLE WORK OF ART, IF YOU WILL. WHERE FOLKS ARE GOING TO BE PUTTING ON PERFORMANCES. THERE WILL BE TWO STAGES, ON EAST MANOR ROAD, SO I WANT TO INVITE FOLKS TO COME OUT AND VISIT THE THEATER. THEY JUST HAD A GRAND OPENING TWO WEEKS AGO. THERE WILL BE PRODUCTIONS THROUGHOUT THE YEAR. SALVAGE VANGUARD THEATER. CONGRATULATIONS.

THANK YOU, COUNCILMEMBER. COUNCIL, WE HAVE A HANDFUL OF CITIZENS WHO DIDN'T WANT TO SPEAK, BUT I'LL JUST NOTE THAT THERE'S SUPPORT FOR DIFFERENT ITEMS HERE ON THE CONSENT AGENDA WILL BE NOTED FOR THE RECORD. HOWEVER, ON ITEM NO. 14, WE DID HAVE A CITIZEN, IS HARVEY DAVIS STILL HERE? MR. DAVIS WANTED TO ADDRESS US REGARDING ITEM 14. WELCOME, SIR. YOU WILL HAVE UP TO THREE MINUTES.

THANK YOU, MAYOR, I'M HARVEY DAVIS MANAGER OF THE TRAVIS COUNTY HOUSING FINANCE CORPORATION. AND YOU ADDRESSED MY CONCERNS AND SO I DON'T NEED TO SAY ANYTHING.

Mayor Wynn: THANK YOU, OBVIOUSLY WE WANT YOU ALL TO MOVE FORWARD AS QUICKLY AS YOU CAN WITH YOUR PROGRAM AND IN NO WAY HAVE OURS DELAY THAT. THANK YOU. FURTHER COMMENTS? COUNCILMEMBER MARTINEZ?

YEAH. I HAVE A FEW COMMENTS. ONE ITEM 28 IS THE NAMING -- RENAMING OF FESTIVAL BEACH TO EDWARD.

THE CHAMPION OF STOPPING THE BOAT RACES BACK IN THE '70'S, I DON'T KNOW IF ANY OF THE FAMILY MEMBERS ARE HERE. THERE OF THE A HUGE SHOWING OF FAMILY AT THE PARKS AND REC BUILDING. I WANT TO GRADUATE THE EDWARD RENDON FAMILY AND THANKS THE PARKS AND REC FOR BRINGING THIS ITEM FORWARD. SECONDLY, MAYOR, IS - IS ITEM NO. 98, THE RECOMMENDATION FROM THE PUBLIC SAFETY TASK FORCE AND THERE ARE FEW RECOMMENDATIONS FROM COUNCIL IN THERE. BUT ONE SPECIFICALLY IS RELATED TO AN ITEM THAT THE TASK FORCE TOOK UP, ABOUT BUILDING MAPPING. SO WHAT WE HAVE RECOMMENDED IS THAT WE -- WE AS A CITY CONSIDER A BUILDING MAPPING PROGRAM THAT ELECTRONICALLY GATHERS DATA AND MAKES IT READILY AVAILABLE TO ANY RESPONDING AGENCY IN CASE OF AN EMERGENCY OR NATURAL DISASTER OR TERRORISTIC ATTACK. IT APPEARS THAT STAFF, WHAT STAFF IS SAYING IS THAT THE FISCAL IMPACT WOULD BE UP TO \$3 MILLION BASED ON A MEMO THAT WE JUST RECEIVED. I JUST WANT TO MAKE IT REAL CLEAR THAT THE TASK FORCE IS NOT TRYING TO BIND COUNCIL TO ANY TYPE OF FISCAL IMPACT

OF THAT NATURE. WHAT WE HAVE ASKED FOR IN THIS RESOLUTION IS TO CREATE A TASK FORCE OF REPRESENTATIVES FROM PUBLIC SAFETY DEPARTMENTS, COMMUNITY TECHNOLOGY MANAGEMENT, AND COME TOGETHER WITH A PLAN AND A POTENTIAL BUDGET TO SEE WHAT KIND OF IMPACT IT WOULD HAVE. IF WE WERE TO IMPLEMENT SOMETHING LIKE THAT HERE IN AUSTIN. AND SO I JUST WANT TO MAKE THAT REAL CLEAR THAT WE ARE NOT TRYING TO BIND COUNCIL TO ANY TYPE OF BUDGETARY COMMITMENT, WE ARE SIMPLY SAYING THAT WE THINK A COMPREHENSIVE BUILDING MAPPING SYSTEM COULD SIGNIFICANTLY IMPROVE OUR PUBLIC SAFETY RESPONSE AND WE WANT TO PUT THIS TASK FORCE TOGETHER TO SEE HOW WE WOULD GO ABOUT DOING THAT, WHAT THE ACTUAL IMPACT WOULD BE. I WANTED TO THANK STAFF FOR THEIR WORK ON THIS. I KNOW THAT THEY HAD TO DO A LITTLE DIGGING TO TRY TO COME UP WITH THE FISCAL IMPACT NOTE. I WANT COUNCIL TO KNOW WE ARE MOVING FORWARD WITH THE TASK FORCE TO COME UP WITH A PLAN, NOT NECESSARILY VOTING ON APPROPRIATING THOSE FUNDS TODAY. THIRDLY IS ITEM NO. 152. PROUD TO SPONSOR THIS ITEM. THIS HAS TO DO WITH OUR GARMENT PURCHASING WITHIN THE CITY OF AUSTIN. WE HAVE PURCHASED SEVERAL MILLION A YEAR IN GARMENTS FOR THE POLICE, FIRE, E.M.S., SOLID WASTE, ALL OF THE DIFFERENT DEPARTMENTS THAT HAVE UNIFORMS AND WE HAVE LOTS OF FOLKS HERE THAT ARE IN FAVOR OF THIS ITEM. AND I WANTED TO RECOGNIZE THEM. THANK THEM FOR BRINGING THIS FORWARD. YOU GUYS WOULD JUST LIKE TO STAND FOR A MOMENT. SUSAN MOFFETT SPECIFICALLY HAS BEEN THE DRIVING FORCE BEHIND THIS. IT SAYS THAT WE AS A COMMUNITY AND AS A CITY ARE GOING TO MONITOR OUR PURCHASES SO THAT WE DON'T ENGAGE IN PURCHASING GARMENTS FROM CONTRACTORS OR VENDORS THAT USE SWEAT SHOP LABOR. IT'S A MORE HUMANE PRACTICE OF SPENDING OUR TAXPAYER DOLLARS. I WANTED TO THANK SUSAN MOFFETT AND EVERYONE HERE FOR THEIR SUPPORT.

THANK YOU ALL, COUNCILMEMBER KIM?

I WOULD LIKE TO ALSO THANK SUSAN MOFFETT AND THE COALITION AND FOR YOUR HARD WORK IN BRINGING THIS

TO US. AND -- I ALSO WANT TO THANK BYRON JOHNSON OF OUR PURCHASING DEPARTMENT, WORKING WITH THEM TO MAKE SURE THAT WE CAN IMPLEMENT THIS AND TRACK ALL OF THE GARMENTS THAT WE ARE PURCHASING. WE PURCHASE A LOT. IT'S QUITE A COMPLEX TASK TO TAKE. I DO BELIEVE THAT IT'S VERY IMPORTANT THAT WE ARE LIVING UP AND -- UP TO THE STANDARD THAT WE HOLD DEARLY IN TERMS OF SAFETY AND WAGES AND FAIR LABOR PRACTICES, THAT'S SOMETHING THAT WE CAN DO AS A PURCHASER OF GARMENTS TO MAKE SURE THAT THE COMPANIES KNOW THAT THIS IS SOMETHING THAT WE PAY ATTENTION TO, WE USE OUR PURCHASING DOLLARS TO MAKE SURE THAT THE HUMAN RIGHTS OF PEOPLE ALL AROUND THE WORLD ARE RESPECTED AND UPHOLD. I WOULD ALSO LIKE TO THANK HEIDI GERBACK FROM MY HARD -- IF HER HARD WORK IN WORKING WITH THE COALITION TO MAKE SURE THIS HAPPENED AND WAS BROUGHT TO US TODAY. THANK YOU VERY MUCH.

Mayor Wynn: AGAIN A MOTION AND A SECOND ON THE TABLE. COUNCILMEMBER COLE.

Cole: I ALSO AM PROUD TO BE A SPONSOR OF THE SWEAT FREE ORDINANCE. I ALSO WOULD LIKE TO COMMENT BESIDES THE COMMUNITY ACTIVISTS WHO WORKED HARD ON THIS, THE PEOPLE IN COUNCILMEMBER KIM'S AND COUNCILMEMBER ALVAREZ'S OFFICE -- COUNCILMEMBER MARTINEZ'S OFFICE, I WAS REALLY STRUCK BY THE RELIGIOUS COMMUNITY AND I WANTED TO SAY A ESPECIAL THANK YOU TO THAT. FURTHER COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENT? 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. [APPLAUSE] FOLKS IF YOU DON'T MIND I REQUEST THAT YOU STAY IN THE CHAMBERS FOR A COUPLE OF MINUTES BECAUSE OUR NEXT ITEM NO. 13 IS GOING TO BE THE RESOLUTION CONFIRMING THE CITY MANAGER'S APPOINTMENT OF ART ACEVEDO AS OUR NEW

POLICE CHIEF. BEFORE I WELCOME THE CITY MANAGER'S COMMENTS. OBVIOUSLY WE HAVE THIS CONFIRMATION ROLE AS A STOP YOU, BUT AS IMPORTANTLY WE WATCHED AND IN MY CASE VERY MUCH APPRECIATED THE PROCESS THAT OUR CITY MANAGER CONSTRUCTED IN ORDER FOR US TO -- TO HAVE THIS OPPORTUNITY TO CONFIRM A -- A VERY APPROPRIATE NEW POLICE CHIEF FOR THE CITY WHO IS ACTUALLY -- I WOULD LIKE THE CITY MANAGER TO OUTLINE BRIEFLY THE TIME, EFFORT AND EXPENSE TO SOME DEGREE THAT SHE AND HER SENIOR STAFF WENT THROUGH REGARDING THIS NATIONAL SEARCH. OBVIOUSLY, IT'S ONE OF THE MOST IMPORTANT POSITIONS IN OUR CITY GOVERNMENT. I APPLAUD THE CITY MANAGER FOR THE TIME AND EFFORT AND THE STRATEGY THAT SHE CONSTRUCTED AND WENT THROUGH IN ORDER TO BRING ART BEFORE US TODAY. CITY MANAGER.

Futrell: GREAT. AS A POINT OF PERSONAL PRIVILEGE BEFORE WE START THIS, I WOULD LIKE ONCE AGAIN TO THANK OUR ACTING CHIEF, KATHY ELLISON. FOR ALL OF THE WORK THAT SHE'S DONE OVER THE LAST YEAR FOR OUR COMMUNITY. KATHY HAS SPENT 20 PLUS YEARS WORKING AND SERVING IN OUR COMMUNITY. KATHY IS THE FIRST FEMALE ASSISTANT CHIEF OUR COMMUNITY HAS EVER HAD AND HAS SERVED IN AN ACTING INTERIM CHIEF ROLE AFTER WE LOST CHIEF STAN KNEE FOR A YEAR FOR US, A DIFFICULT YEAR, A TRANSITION YEAR, DONE A TREMENDOUS JOB FOR US AND I THINK WE SHOULD GIVE HER A ROUND OF APPLAUSE. [APPLAUSE]

THAT SPEAKS VOLUMES ABOUT HOW THIS COMMUNITY FEELS ABOUT YOU. THIS HAS BEEN A LONG, LONG PROCESS. I WILL CAP IT OUT FOR YOU BY TALKING ABOUT THE FACT THAT WE STARTED A LITTLE UNDER A YEAR AGO, GOING FROM -- WITH AN EXECUTIVE NATIONAL RECRUITING PROCESS FROM 70 FOLKS TO OUR CANDIDATE TODAY. WE HAVE TAKEN THIS PROCESS THROUGH AN EXTENSIVE INTERVIEW PROCESS, THROUGH TWO MAJOR INTERVIEW PROCESSES, INCLUDING AN 11 11 PANEL INTERVIEW TEAM, THAT INCLUDED FOUR COMMUNITY LEADERS. WE ALSO USED A PROFESSIONAL OUTSIDE ASSESSMENT CENTER THAT INCORPORATED BOTH A SKILLS ASSESSMENT COMPONENT AND A STANDARDIZED TESTING COMPONENT.

IN ADDITION TO THAT, WE TOOK TEAMS OF PEOPLE AND DID SITE VISITS WITH EACH OF THE OUT OF STATE, OUT OF CITY CANDIDATES ON THOSE TEAMS OF FOLKS THAT WENT ON THOSE SITE VISITS WE HAD BOTH THE POLICE ASSOCIATION REPRESENTATIVE AND WE HAD OUR CITIZEN REVIEW PANEL FOR POLICE OVERSIGHT ALSO REPRESENTED. AND THEN WE CULMINATED WITH 10 DIFFERENT STAKEHOLDER MEETINGS HERE IN THE COMMUNITY AS WE NARROWED THAT 70 DOWN TO NINE AND THEN TO FIVE CANDIDATES. THOSE STAKEHOLDER MEETINGS INCLUDED BOTH OUR COUNCIL, OUR WORKFORCE AND OUR COMMUNITY AS A WHOLE AS WELL AS OUR MANY DIFFERENT SPECIAL ADVOCACY GROUPS, COMMUNITY GROUPS IN THE CITY. SO TODAY I'M GOING TO BE PRESENTING TO THE COUNCIL FOR CONFIRMATION THE -- THE GUY THAT I THINK IS THE RIGHT CHIEF, THE RIGHT TIME, FOR BOTH THE AUSTIN POLICE DEPARTMENT AND FOR OUR COMMUNITY. THERE ARE MANY THINGS THAT STAND OUT ABOUT ART ACEVEDO. YOU ARE TALKING ABOUT A MAN WHO HAS MORE THAN 20 YEARS OF LAW ENFORCEMENT EXPERIENCE. AS A CHIEF WITH THE CALIFORNIA HIGHWAY PATROL, HE SERVED A LARGE PORTION OF HIS CAREER IN EAST L.A., WHICH IS A VERY DIVERSE, LARGE URBANIZED SETTING. AND DEALT WITH ALL OF THE KINDS OF URBAN PROBLEMS IN A VERY DIVERSE COMMUNITY. MANY OF WHICH THE CITY OF AUSTIN IS ITSELF GROWING INTO. BUT IN ADDITION TO THAT, AND THESE WERE PARTICULARLY HIGHLIGHTED IN BOTH THE SITE VISIT AND AS WELL AS IN THE STAKEHOLDER MEETINGS, THERE ARE FIVE THINGS THAT I WANT TO POINT OUT ABOUT ART. ONE WAS THAT HE BRINGS A VERY PARTICULAR APPROACH TO INNOVATIVE TRAFFIC SOLUTIONS. AND WE ARE ALL AWARE THAT TRAFFIC AND TRAFFIC PROBLEMS IN OUR COMMUNITY HAVE BEEN A VERY BIG ISSUE. HE HAD AN EXTRAORDINARY REPUTATION FOR BEING FIRM BUT FAIR ON DISCIPLINE ISSUES. HE HAD A VERY STRONG REPUTATION FOR OPENNESS, A COMMITMENT TO OPENNESS ON ALL ISSUES RELATED TO LAW ENFORCEMENT. IN ADDITION TO THAT, EVERYBODY SPOKE OF HIS PASSION FOR BOTH EDUCATION OF THE WORKFORCE, FOR THE OFFICERS THAT SERVED FOR HIM, AS WELL AS FOR YOUNG PEOPLE IN THE COMMUNITY AND YOUTH PROGRAMS AND THAT WAS EXHIBITED OVER AND OVER ON OUR SITE VISIT. AND

FINALLY, I THINK MOST IMPORTANTLY AT OUR STAKEHOLDER MEETINGS, THIS IS A MAN WHO MANAGED TO BRIDGE VERY, VERY DIVERSE COMMUNITY GROUPS. WHEN YOU HAVE A GENTLEMAN WHO GETS THE RECOMMENDATION OF THE ACLU AND THE NAACP, AS WELL AS OUR AUSTIN POLICE ASSOCIATION, YOU KNOW THAT YOU ARE TALKING ABOUT A GUY WHO KNOWS HOW TO BRIDGE VERY DIVERSE COMMUNITY GROUPS. AND I THINK NOW MORE THAN EVER THAT'S A VERY IMPORTANT SKILL SET FOR OUR COMMUNITY. SO WITH THAT, COUNCIL, I BRING FORTH FOR YOUR CONFIRMATION, ART ACEVEDO AS THE RIGHT GUY AT THE RIGHT TIME FOR THE POLICE DEPARTMENT AND FOR OUR COMMUNITY. [APPLAUSE]

AM I SUPPOSED TO SAY ANYTHING RIGHT NOW.

Futrell: MIGHT BE PREEMPTIVE.

I WILL WAIT. I WANT TO SAY A COUPLE OF THINGS, FIRST OF ALL, I'M UP HERE WITH A HEAVY HEART I WANT TO EXTEND FROM THE A.P.D. TO THE MORALES FAMILY, WE FEEL THE PAIN OF YOUR LOSS. OUR HEART IS OUT WITH YOU THIS MORNING. I WANT TO APOLOGIZE TO THE COMMUNITY FOR THE ROLE THAT THE A.P.D. PLAYED IN REALLY CREATING A MISCONCEPTION AND PERCEPTION THAT WAS NOT THE REALITY WE WERE FACING OUT THERE A COUPLE OF DAYS AGO. AND THE ROLE WE PLAYED WE APOLOGIZE TO THE COMMUNITY, WE WILL NOT HAVE THAT HAPPEN AGAIN. I HOPE. THE LAST THING THAT -- THAT I WANTED TO REALLY THANK THE COMMUNITY FOR ITS RESPONSE YESTERDAY. THE COMMUNITY LEADERS LULAC AND NAACP, ACLU, ALL OF THE GROUPS THAT WENT OUT THERE TO SET THE RECORD STRAIGHT AND TO -- TO LET THE FOLKS KNOW THAT THIS IS A VERY LOVING COMMUNITY WHERE WE REALLY ARE A MELTING POT, SO I WANT TO THANK THEM FOR WHAT THEY DID. THE PERSON I MET AT THE JUNE TENT, WITHOUT HIS COURAGE WHEN HE CAME ON THE A.P.D., OTHER PEOPLE OF COLOR LIKE HIM THAT CAME ON AT A TIME WHEN WE REALLY AREN'T WELCOME IN OUR COMMUNITIES, THAT'S CAPTAIN WHITE. COULD YOU JUST STAND UP ONE SECOND. [APPLAUSE] THAT IS THE REAL MAVERICK IN THIS ROOM. THERE'S NO DOUBT IN MY MIND, WITHOUT YOU AND OTHERS LIKE YOU I WOULDN'T BE HERE THIS AFTERNOON. WITH THAT

I WANT TO THANK EVERYONE IN THE COMMUNITY FOR THE WAY I'VE BEEN ACCEPTED. THE ENERGY THAT YOU HAVE BEEN SEEING ME WITH THE LAST FEW DAYS, THROUGHOUT THIS PROCESS, THE ENERGY THAT I WILL BRING TO THE UPCOMING WEEKS, MONTHS, YEARS, I LOOK FORWARD TO THIS OPPORTUNITY.

THANK YOU.

Mayor Wynn: THANK YOU, ART. COUNCIL, WITHOUT OBJECTION I WOULD LIKE TO TURN THE GAVEL OVER TO COUNCILMEMBER MARTINEZ SERVING AS CHAIR OF OUR PUBLIC SAFETY TASK FORCE.

Martinez: THANK YOU, I WANT TO CONGRATULATE CHIEF ACEVEDO, I WOULD LIKE TO ENTERTAIN A MOTION FOR THE CITY MANAGER'S RECOMMENDATION AS ACEVEDO AS OUR NEXT POLICE CHIEF.

Mayor Wynn: I MOVE APPROVAL AND CONFIRMATION OF ART ACEVEDO AS THE AUSTIN POLICE CHIEF.

Dunkerly: I SECOND THAT.

Martinez: MOTION AND SECOND, ANY OTHER COMMENTS.

Cole: WELCOME.

Martinez: I SIMPLY WANT TO ALSO CONTINUE TO CONGRATULATE NOT JUST YOU BUT OUR ENTIRE COMMUNITY. I KNOW THAT WE ARE NOT GOING TO SIT HERE PATTING OURSELVES ON THE BACK, I KNOW THAT YOU HAVE A LOT OF WORK TO DO AND YOU LOOK FORWARD TO THAT AND I LOOK FORWARD TO YOUR TENURE HERE.

CHIEF ACEVEDO NOW FOR THE CITY OF AUSTIN, WELCOME TO AUSTIN, WELCOME TO TEXAS. WE LOOK FORWARD TO HAVING YOU AND YOUR FAMILY HERE IN AUSTIN AND I JUST WANT TO SAY THAT THIS IS A WONDERFUL DAY AND THE FEEDBACK THAT WE GOT WAS INCREDIBLE. IN REGARDS TO YOU AND YOUR PERFORMANCE AND -- AND THE COMMENTS RECEIVED FROM THE SITE VISITS, FROM PEOPLE THAT WENT TO THE -- TO THE MEETINGS TO MEET YOU, EVERYTHING

HAS BEEN REALLY, REALLY POSITIVE. SO I LOOK FORWARD TO WORKING WITH YOU. ESPECIALLY WITH THE ASIAN AMERICAN COMMUNITY. WE ARE GLAD THAT WE ARE COMING FROM L.A., YOU HAVE RELEVANT EXPERIENCE THERE THAT'S GOING TO HELP US TO LEARN HOW TO WORK WITH THE POLICE DEPARTMENT BETTER SO I LOOK FORWARD TO WORKING ON THAT WITH YOU.

Dunkerly: MAYOR?

Martinez: ANY OTHER COMMENTS? MAYOR PRO TEM DUNKERLY.

Dunkerly: UNFORTUNATELY I HAD TO BE OUT OF TOWN DURING THE TIME THAT YOU ARRIVED HERE, LET YOU BE ASSURED THAT I READ EVERY DOCUMENT AND EVERY WORD THAT I COULD FIND ABOUT YOU. IT IS CERTAINLY WITH A LOT OF PRIDE THAT I WAS ABLE TO SECOND THIS MOTION. BUT REALLY I'M EAGER TO MEET YOU. I THINK THAT YOU MUST WALK ON WATER. [LAUGHTER] THAT IS A REALLY GOOD FEELING TO HAVE WHEN YOU ARE TALKING ABOUT YOUR POLICE CHIEF. SO WELCOME.

THANK YOU.

Martinez: COUNCILMEMBER MCCRACKEN?

ACTUALLY I WANT TO CORRECT HER, CHIEF ACEVEDO WALKS ON THE KOOL-AID THAT WE ALL HAVE BEEN DRINKING. FIRST I WANT TO CONGRATULATE THE CITY MANAGER ON RUNNING A -- AN INCREDIBLE SEARCH, YOU KNOW, OF ABOUT -- I GUESS ABOUT TWO OR THREE MONTHS AGO, WE ALL WERE HERE FOR TOBY'S ANNUAL PERFORMANCE REVIEW AND WE -- WE CAUGHT A LITTLE GRIEF, SHE'S THE BEST CITY MANAGER IN THE NATION VERSUS THE BEST CITY MANAGER IN THE WORLD. I THINK THAT YOU SAW WHY WE HAD THAT -- HAVE THAT HIGH OPINION OF TOBY FUTRELL. THAT IS FOR THE NATION'S 16th BIGGEST CITY TO GO -- LOOK FOR A POLICE CHIEF AND END UP WITH ART ACEVEDO, THAT'S A TRIBUTE TO BOTH OF YOU. I'M INCREDIBLY PROUD OF YOU TOBY, YOU, TOO, CHIEF ACEVEDO. YOU KNOW THE MARK OF A GREAT LEADER, I THINK ALL OF US, EVERY PERSON THAT I TALK TO IS LIKE

ART ACEVEDO IS THE GUY, THE MARK OF A GREAT LEADER IS SOMEONE WHO HAS ENERGY, VISION, IS A UNIFYING FORCE. WE SAW THAT AND I -- I THINK THAT YOU ARE THE REAL DEAL. THE HOPES OF THIS COMMUNITY REALLY ARE ON YOUR SHOULDER. THAT'S A HELL OF A BURDEN, MAN, BUT WE THINK THAT YOU ARE UP TO IT. WE KNOW THAT YOU ARE UP TO IT. AUSTIN IS ON TRACK TO BE THE SECOND BIGGEST CITY IN THE STATE OF TEXAS. WE ARE -- YOU WILL BE AS POLICE CHIEF, KEEPING A CITY SAFE -- YOU'LL BE ENTRUSTED WITH THE WELFARE OF MORE PEOPLE THAN THE POLICE CHIEFS OF BOSTON, ATLANTA, DENVER, SEATTLE, SAN FRANCISCO, THIS IS A MAJOR AMERICAN CITY THAT YOU ARE POLICE CHIEF OF AND SO WE WENT OUT AND GOT A MAJOR BIG CITY AMERICAN POLICE CHIEF IN ART ACEVEDO FOR A BIG GREAT CITY YOU ARE GOING TO BE A GREAT POLICE CHIEF. SO, MAN, THAT'S A BIG TIME SELECTION. I'M PROUD TO VOTE FOR YOU.

Martinez: COUNCILMEMBER COLE?

Cole: I SAID WELCOME A LITTLE EARLY, BUT I AM EXTREMELY, EXTREMELY PROUD TO HAVE YOU JOIN THE FORCE. YOU JOIN US AT A DIFFICULT TIME AT THE CROSSROADS OF OUR COMMUNITY, WHEN WE ARE FACING ALLEGATIONS OF EXCESSIVE FORCE, THE DEPARTMENT OF JUSTICE REVIEW AND WE ALL COLLECTIVELY I BELIEVE HAVE AGREED THAT YOU ARE THE MAN FOR THE JOB. I'M VERY PROUD OF YOU FOR THAT. I'M ALSO PROUD OF YOU BECAUSE YOU MADE ON YOUR OWN EFFORTS OUTREACH TO THE COMMUNITY AND WE HAVE WON THEM OVER. THAT'S NOT SOMETHING THAT EVEN ALL OF US CAN SAY GIVEN SOMETIMES OUR VOTING -- OUR ELECTION RECORDS. I HOPE YOU DON'T PLAN ON RUNNING FOR OFFICE --

NO, MA'AM, I'M A COP. THAT'S WHAT I WANT TO DO IS BE A COP.

I THINK WE WILL BE IN TROUBLE. ONCE AGAIN WELCOME.

THANK YOU VERY MUCH. ANY OTHER COMMENTS?
COUNCILMEMBER LEFFINGWELL?

FIRST, I WANT TO CONGRATULATE YOU. I KNOW THAT IT'S

BEEN A LONG, TOUGH PROCESS. I ALSO THANK THE CITY MANAGER FOR PERFORMING THAT PROCESS. I THINK THE RIGHT CHOICE WAS MADE. I FULLY INTEND TO SUPPORT YOU IN JUST A MINUTE OR SO HERE. ONE OF THE REASONS THAT -- THAT I DO SUPPORT YOU IS BECAUSE I FELT FROM THE BEGINNING THAT YOU HAVE BROUGHT DIVERSE ELEMENTS OF OUR COMMUNITY TOGETHER. I THINK THE EVENTS OF THE LAST TWO DAYS SHOW THAT YOU HAVE DONE THAT. I VERY MUCH THANK YOU FOR WHAT YOU HAVE ALREADY DONE. LOOK FORWARD TO YOUR SERVICE AS CHIEF.

THANK YOU, SIR.

Martinez: ANY OTHER COMMENTS? A MOTION AND A SECOND. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES UNANIMOUSLY, CONGRATULATIONS.

[APPLAUSE]

Mayor Wynn: COUNCIL, I APOLOGIZE. I COULD HAVE CALLED UP OUR SPEAKER COUNT A LITTLE EARLY. WE HAVE A COUPLE OF FOLKS WHO ACTUALLY WANTED TO ADDRESS US IN SUPPORT OF --

MR. MAYOR, I THINK THAT'S ACTUALLY THE CHAIRMAN'S FAULT NOT YOU.

HE DOESN'T HAVE MY COMPUTER SCREEN HERE. DO YOU WANT TO SAY A FEW WORDS? I APOLOGIZE FOR NOT HAVING YOU SPEAK EARLIER. WELCOME, YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY DAVIS [INDISCERNIBLE] IF YOU WOULD LIKE TO ADDRESS US.

OKAY. I WILL START THIS. FIRST OF ALL I WANTED TO THANK TOBY FUTRELL FOR ALLOWING THE PROCESS TO OCCUR THAT DID OCCUR AND MAYBE A LITTLE BIT DIFFERENT, MAYBE DIFFERENT, BUT IT HAPPENED. THAT WAS THE MOST IMPORTANT THING THIS COMMUNITY NEEDED. CAN I STOP

UNTIL THE AUDIENCE LEAVES, PLEASE?

Mayor Wynn: FOLKS, IF YOU ALL CAN TAKE YOUR CONVERSATION OUT IN THE FOYER, WE WOULD APPRECIATE IT. WE HAVE A FEW CITIZENS THAT WOULD LIKE TO ADDRESS US. THANK YOU ALL.

THANK YOU. FIRST OF ALL, I WANTED TO WELCOME ART ACEVEDO, WHICH I BELIEVE HAS LEFT THE ROOM. NUMBER TWO, I WANTED TO ASK Y'ALL IF YOU WOULD BE HOLDING AT LEAST A COMMUNITY RECEPTION PERHAPS IN EAST AUSTIN WHERE THE COMMUNITIES CAN COME MAYBE AT THE CONLEY-GUERRERO AND THEN THE THIRD THING IS THAT I, WITH SOME OF THE PEOPLE THAT HAVE BEEN A PART OF THE PROCESS, OF WELCOMING THE POLICE CHIEF AND ALSO IN THE PREVIOUS -- IN THE PREVIOUS PROCESS OF -- OF PUBLIC HEARINGS, I HAVE -- I HAVE A BUSINESS CARD FOLDER THAT I WOULD LIKE TO PASS AROUND HERE AND MAYBE PASS EVENTUALLY TO COUNCILMEMBER MIKE MARTINEZ SO PEOPLE CAN PUT DOWN THEIR FAVORITE RESTAURANTS, THEIR FAVORITE LAUNDROMATS, PLACES WHERE HE CAN GO TO AND SAY, SUCH AND SUCH PERSON SENT ME AND THEY SAID THAT YOU ARE THE BEST TAMALE HOUSE IN THE PLACE. I'M GOING TO START THIS HERE, I WOULD LIKE THE PEOPLE AND STAFF TO PLEASE CONCLUDE BY SHARING THIS. BECAUSE I THINK THAT IT'S IMPORTANT THAT HE'S ABLE TO HIT THE GROUND RUNNING AND KNOW WHERE TO GO AND KNOW THAT IT'S GOING TO BE A GOOD, SAFE, ECONOMICAL PLACE WELCOMING TO HIM. AND THEN THE LAST THING, TWO MORE THINGS. YESTERDAY AT THE PRESS CONFERENCE I WANTED TO MAKE SURE THAT WE RECOGNIZED THE PEOPLE THAT WERE AT THE PRESS CONFERENCE. I WAS THERE REPRESENTING THE NATIONAL ORGANIZATION FOR WOMEN. MY FRIEND HANNAH RITTERRING IS THE AUSTIN CHAIR AND FORMER LEGISLATIVE LIAISON FOR TEXAS NOW. CYNTHIA VALADEZ WAS ALSO PRESENTS, SILL LIEN IN A WALSH, RICHARD FRANKLIN, A PROUD MEMBER OF THE BLACK AMERICAN DEMOCRATS THAT AS MUCH AS.....WASACTUALLY THERE. THANK YOU, JUST SOME THOUGHTS FOR YOU TO CONSIDER. ONE MORE LAST THING ABOUT MR. MORALES. I'M THINKING THAT MOST LIKELY THERE'S NOT INSURANCE OR SOMETHING ALONG THOSE LINES AND I'M WONDERING IF

SOMEONE OUT IN THE COMMUNITY WOULD HELP SET UP A FUND TO COVER THE EXPENSES THAT HIS FAMILY WILL HAVE TO -- TO ENDURE WITH THE LOSS OF HIS LIFE AND IN FACT HE WAS LOOKING FOR AN APARTMENT, HAD A JOB, JUST LIKE ANY HARD WORKING PERSON IN THIS COMMUNITY. AND I REALLY THINK THAT WE NEED TO STEP UP TO THE PLATE AND HELP IN THESE KIND OF SITUATIONS AND I WISH WHEN WE HAD A LOSS LIKE THIS, WHERE THERE'S A LOT OF MISCONCEPTION, WHERE THERE'S NOT A LOT OF INFORMATION THAT'S ACCURATE, WHERE THERE'S POVERTY, YOU KNOW, [BUZZER SOUNDING] INCLUDED THAT WE TAKE A STAND AND FIND A WAY TO HELP OUT THOSE FAMILIES. SO THANK YOU VERY MUCH AND I'M VERY PROUD AND PLEASED THAT WE HAVE THIS NEW WONDERFUL POLICE CHIEF AND HE DOES WALK ON WATER. TUESDAY HE WAS WALKING ON SWEAT AFTER JUNE..... JUNETEENTH.

Mayor Wynn: THANK YOU. DAVIS [INDISCERNIBLE] ALSO HERE IN SUPPORT OF THE CHIEF. SO THOSE ARE -- ALSO A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK IN SUPPORT OF THE CONFIRMATION. SO WE THANK YOU ALL VERY MUCH. SO COUNCIL WE HAVE ONE POTENTIAL DISCUSSION ITEM. MY RECOMMENDATION IS THAT WE HOLD THAT UNTIL THIS AFTERNOON, THAT BEING THE PARKLAND DEDICATION FEE ANALYSIS, WITHOUT OBJECTION WE CAN NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.086 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY ITEMS 109 REGARDING OUR DISTRICT COOLING BUSINESS STRATEGIES AND ITEM 110 REGARDING AUSTIN ENERGY'S IMPLEMENTATION OF NEW ERCOT MODELS, PURSUANT TO SECTION 551.0723.....551.072 OF THE OPEN MEETINGS ACT, ITEM 111, OPEN SPACE, 112 REGARDING THE SEAHOLM POWER PLANT BUILDING AND PROPERTY AND PURSUANT TO SECTION 551.071 WE MAKE TAKE LEGAL ADVICE FOR THOSE ITEMS BEING ITEMS NUMBER 7 REGARDING LEGAL ISSUES WITH OUR AGREEMENT WITH THE HILL COUNTRY GOLF INCORPORATED, ITEM NO. 18 LEGAL ISSUES REGARDING THE STRATEGIC PARTNERSHIP WITH THE LOST CREEK MUNICIPAL UTILITY DISTRICT, ITEM 113 LEGAL ISSUES REGARDING THE AUSTIN REVITALIZATION AUTHORITY AND 114 LEGAL ISSUES RELATED TO THE CITY OF AUSTIN VERSUS

HARRY WHITTINGTON. WITHOUT OBJECTION WE WILL BE IN CLOSED SESSION. I ANTICIPATE US COMING IN AT NOON AND BACK INTO CLOSED SESSION TO FINISH THAT AGENDA. WE ARE NOW IN CLOSED SESSION, THANK YOU VERY MUCH.

Mayor Wynn: WE ARE IDENTIFY CLOSED SESSION, AT LEAST TEMPORARILY. IN CLOSED SESSION WE TOOK UP ITEMS 110 AND 112 NOVMENT DECISIONS WERE MADE. WE'RE NOW BACK IN OPEN SESSION. LET'S GO TO OUR NOON GENERAL CITIZEN COMMUNICATION. WE HAVE A HANDFUL OF FOLKS WHO WOULD LIKE TO ADDRESS US THIS AFTERNOON. BEGINNING WITH JULIA DWORSCHACK. YOU WILL BE FOLLOWED BY ROBERT MCDONALD.

THANK YOU. IF YOU GOOD AFTERNOON, I'M JULIA. A FEW YEARS AGO I SPOKE AT CITY COUNCIL ABOUT HOW ANIMAL RESCUERS WERE AFRAID TO SPEAK OUT ABOUT TLAC BECAUSE OF FEAR OF RETRIBUTION. WHEN I WAS FINISHED THE CITY MANAGER CALLED ME BACK TO THE PODIUM AND SAID THE CITY TAKES ACCUSATIONS OF RETRIBUTION VERY SERIOUSLY. IF THERE IS ANYTHING YOU WANT ME TO LOOK INTO, I WILL. CITY MANAGER, I THANK YOU FOR YOUR OFFER AND I WOULD LIKE TO TAKE YOU UP ON IT. WITH LIMITED TIME I CAN ONLY GIVE YOU A COUPLE OF EXAMPLES OF WHAT'S BEEN HAPPENING. ON MAY 23rd MY FOURTH AMENDMENT RIGHTS TO BE FREE OF UNREASONABLE SEARCH WAS VIOLATED. TWO TLAC OFFICERS CAME INTO MY PRIVATE PROPERTY WITH ANIMAL TRANSPORT TRUCKS, DISREGARDING THE POSTED NO TRESPASSING SIGN. THEY CAME TO INVESTIGATE AN ANONYMOUS PLAINT OF 21 DOGS URINATING AND DEAF INDICATING IN A YARD. I HAVE ONE AGILITY DOG. CLEARLY AND CLEARLY THERE WERE NO OTHER DOGS. WITHOUT A WARRANT THEY PROCEEDED TO SEARCH MY RESCUE CATS ACCOMMODATIONS, CHECKOGTHEIR GENERAL HEALTH, CONDITIONS AND COUNTING THE RESCUE ANIMALS. I HAVE MADE AN OPEN RECORDS ACT ASKING FOR THE PROVISION IN TEXAS STATE LAW THAT EXEMPTS ANIMAL CONTROL OFFICERS FROM CRIMINAL TRESPASS LAWS AND I HAVE NOT YET RECEIVED AN ANSWER. EVEN THOUGH THIS ANONYMOUS 21 DOG COMPLAINT WAS CLOSED THE DAY IT WAS INVESTIGATED, ON MAY 31st A.P.D. CRUELTY INVESTIGATOR, DETECTIVE KAREN DUNCAN, CALLED ME AND SAID SHE WANTED TO

TALK TO ME ABOUT THE COMPLAINT FROM THE WEEK BEFORE. I ASKED HER IF SHE WAS ON MY PROPERTY. SHE SAID SHE WAS PARKED ON MY STREET. APPEAR AN A.P.D. CRUELTY INVESTIGATOR, SHE HAD NO REASON TO BE CALLING ME WITHOUT ACCRUALTY COMPLAINT. I REMINDED HER THAT I HAD ONLY ONE DOSMGHT SHE QUICKLY STARTED QUESTIONING ME ABOUT CATS WE HAD RESCUED FROM TLAC. I TOLD HER WHAT SHE WAS DOING I CONSIDERED HARASSMENT. IN SPITE OF THIS SHE CONTINUED QUESTIONING MILLION UNTIL I TOLD HER THAT I HAD TO GO. IN ANOTHER SITUATION A RESCUE PERSON WHO HAD SENT AN E-MAIL TO TLAC TO SEE IF SHE COULD HELP OUT WITH SEIZED CATS ENDED UP WITH THE CRUELTY INVESTIGATOR AT HER FRONT DOOR. DETECTIVE DUNCAN KEPT ASKING HER IF SHE COULD GO INSIDE HER HOUSE. FINALLY SAYING THAT SHE WAS REALLY COLD AND COULDN'T THEY GO INSIDE. NOT KNOWING HER RIGHTS THE RESCUER LET THE DETECTIVE IN. TLAC IS TROAFERG THIS AS ACCRUALTY INVESTIGATION. SHE WAS TOLD THAT SINCE SHE HAD OFFERED TO HELP WITH A HOARDER'S CATS THAT SHE WAS SUSPECTED OF BEING A HOARDER HER ACCEPT. IN CONCLUSION, AUSTIN NEEDS A SHELTER DIRECTOR THAT EMBRACES, ENCOURAGES AND WORKS SIDE BY SIDE WITH THE RESCUE COMMUNITY. A GOOD RELATIONSHIP BETWEEN TLAC AND THE RESCUE COMMUNITY IS NOW NOT ONLY NONEXISTENT, IT IS A CLEAR IMPOSSIBILITY WITH THE PRESENT DIRECTOR. I AM ASKING CITY MANAGER FUTRELL TO SCRUTINIZE THE HARASSMENT OF THE RESCUE COMMUNITY BY TLAC AND ITS DIRECTOR AND TO LOOK INTO THE VIOLATIONS OF PROCEDURE AND DUE PROCESS. [BUZZER SOUNDS] I WOULD LIKE TO ADD LASTLY, ASK THE CITY TO END THE SEVEN YEAR TEMPORARY PLACEMENT OF THE PRESENT TLAC DIRECTOR. THANK YOU.

Mayor Wynn: THANK YOU. I KNOW THAT OUR CITY MANAGER DOES TAKE THAT VERY SERIOUSLY. ROBERT MCDONALD -- LET'S SEE, MR. MCDONALD SIGNED UP TO ADDRESS OUR AUSTIN WORLD FAIR. BUT MS. ALMANZA IS APPROACHING INSTEAD. FAIR ENOUGH. SO IF MR. MCDONALD IS NOT HERE, WE WILL START WITH THE GROUP THAT'S GOING TO TALK ABOUT ZAVALA ELEMENTARY AND THE COMMUNITY. AND OUR FIRST SPEAKER WILL BE SUNSHINE MATHON. ARE YOU

MR. MCDONALD?

[INAUDIBLE - NO MIC].

Mayor Wynn: SO SUNSHINE, TO BE FOLLOWED BY ELIZABETH WALSH. WELCOME. WE HAVE FIVE CONSECUTIVE SPEAKERS. WHY DON'T WE SET THE CLOCK AND YOU CAN COORDINATE YOUR TIME EACH.

THANK YOU. I'M GOING TO BE TALKING ABOUT THE EAST AUSTIN ENVIRONMENTAL JUSTICE PROJECT. IT BEGAN AS A SHARED CONCERN BETWEEN THE STUDENTS AND FACULTY AT THE UNIVERSITY OF TEXAS AND NEIGHBORHOOD ACTIVISTS, SPECIFICALLY PODER. AND WE ARE LOOKING PARTICULARLY AT POLLUTING, POTENTIALLY HAZARDOUS INDUSTRIES AND THEIR AFFECT ON CHILDREN IN EAST AUSTIN. ALTHOUGH OTHER WORK HAS BEEN DONE IN THE PAST LOOKING AT POTENTIALLY HAZARDOUS INDUSTRIES IN EAST AUSTIN, THIS IS THE FIRST TO LOOK AT THE RELATIONSHIP WITH CHILDREN FKS WE BELIEVE THIS IS IMPORTANT BECAUSE CHILDREN IN GENERAL ARE MORE AT RISK IN PART BECAUSE THEY SPEND MORE TIME ON FOOT TRAVELLING TO AND FROM SCHOOL AND HOME AND THEY DON'T ALWAYS NECESSARILY RECOGNIZE WHAT ARE HAZARDOUS MATERIALS. TO DETERMINE CHILDREN'S EXPOSURE, WE ENGAGED IN A JOINT PARTICIPATE RESEARCH STUDY THAT INCLUDED A PARTNERSHIP BETWEEN THE UNIVERSITY OF TEXAS, PODER, AMERICAN YOUTH WORKS AND ZAVALA ELEMENTARY SCHOOL. ALTHOUGH MORE DETAILS WILL COME IN THE SECOND HALF WHEN ELIZABETH SPEAKS, WE ENGAGED IN MANY DIFFERENT RESEARCH METHODS TO TRY TO GET A BROAD PICTURE OF WHAT GOING ON. THOSE METHODS INCLUDED STORY BOARDING, MENTAL MAPPING, PHYSICAL WALKS, GIS ANALYSIS, INCLUDING SECONDARY DATA. WE BELIEVE THAT A PURELY QUANTITATIVE STUDY WAS INADEQUATE IN THE SENSE THAT CHILDREN HAVE A CRITICAL AND UNIQUE PERSPECTIVE ON THEIR OWN ENVIRONMENT AND IT WAS IMPORTANT TO INCLUDE THOSE. ALTHOUGH RESEARCH WAS PRELIMINARY AND LIMITED IN SCOPE, CLEARLY ENVIRONMENTAL HAZARDS ARE CONCENTRATED IN EAST AUSTIN IN GENERAL. LOOKING AT PUBLICLY AVAILABLE DATA ON LAND USE IN AUSTIN, AND THE PROXIMITY OF

INDUSTRIAL ZONING TO AISD SCHOOLS, THIS PROVIDES A CLEAR MAP. IF YOU LOOK AT THE MAP ON THE PRESENTATION BOARD, YOU WILL SEE THAT IT PROVIDES A QUARTER MILE RADIUS AROUND INDIVIDUAL AISD SCHOOLS. THE DARKER WILL COLOR RENZ A HIGHER PERCENTAGE OF INDUSTRIAL LAND USE ZONING IN THAT RADIUS UP TO A MAXIMUM OF 33 SPEMPLTS THE CLUSTER OF DARK CIRCLES IN CENTRAL EAST AUSTIN CLEARLY SHOWS HIGH CONCENTRATION THERE. AND IN GENERAL FIVE OF THE SEFBL SCHOOLS WITH GREATER THAN 10 PERCENT INDUSTRIAL LAND USE IN AUSTIN AS A WHOLE ARE LOCATED IN CENTRAL EAST AUSTIN. ELIZABETH WILL DISCUSS THE RESULTS OF THE WORK WITH THE CHILDREN.

Mayor Wynn: WELCOME. YOU WILL BE FOLLOWED BY SUSANA ALMANZA.

NEXT SLIDE, PLEASE. WE USED A VARIETY OF METHODS TO BRING OUT THE KNOWLEDGE THAT CHILDREN HAVE OF THEIR OWN ENVIRONMENTS. THESE METHODS INCLUDED DRAWING AND MAPPING EXERCISES IN THE CLASSROOM AS WELL AS WALK AROUND THEIR NEIGHBORHOOD AND THEIR ROUTES SPECIFICALLY TO AND FROM SCHOOL. STUDENTS USED THE STANDARD FORM TO THE RIGHT TO SHOW THEIR PERCEPTIONS ABOUT PARTICULAR FORMS OF INTEREST IN OUR COMMUNITY MAPPING WORKSHOPS. ALTHOUGH ADULTS ACCOMPANY THE CHILDREN ON THEIR WALK, THE CHILDREN DURING THE MAPPING WORKSHOPS RECORDED THEIR OWN PERCEPTIONS ABOUT THE ENVIRONMENT. THIS IS ONE OF THE MAPS THAT SHOWED THE WALKING ROUTES IN ADDITION TO HAZMAT SITES IN THE AREA. IT SHOWS THAT HAZMAT SITES ARE SCATTERED THROUGHOUT THE ZAVALA NEIGHBORHOOD AND THROUGHOUT CHILDREN'S WALKING ROUTES. 72 HAZMAT SITES ARE WITHIN A HALF MILE OF ZAVALA AND 32 ARE WITHIN A QUARTER MILE. 22% OF SURVEYED STUDENTS WALK BY INDUSTRIAL OR HAZMAT SITES ON THEIR WAY TO SCHOOL. NOTE THAT THE WALKING ROUTES SHOWN REFLECT THE NUMBER OF CHILDREN WHO WALKED BY THE SITES. THE DARKER THE BLUE, THE MORE CHILDREN WALK THROUGH THAT PARTICULAR BLOCK. FROM THIS MAP WE CAN ALSO SEE THAT CHILDREN TEND TO AVOID INDUSTRIAL AREAS WHEN POSSIBLE. THEY'VE DIVERTED THEIR ROUTES IN MANY CASES. THIS MAP SHOWS

CHILDREN'S PERCEPTION OF SAFETY IN RELATION TO INDUSTRIAL PARCEL. GROUPS OF ONE TO FIVE CHILDREN RECORDED INFORMATION TOGETHER ON INDIVIDUAL POINTS. THE LARGER THE PIE CHART FOR A POINT SHOWN ON THERE, THE LARGER THE GROUP THAT RECORDED IT. INDUSTRIAL AREAS WERE MORE LIKELY TO BE PERCEIVED AS SCARY THAN OTHER AREAS. IN ADDITION, CHILDREN'S PERCEPTION OF BLOCKS USUALLY SHOWED THEIR PERCEPTION OF PARTICULAR POWFBLSD ON THAT BLACK BLOCK F YOU LOOK ON THE INDUSTRIAL STRETCH UP THERE THERE'S A LONG RED LINE AND THE POINTS RECORDED ARE NEGATIVE. CHILDREN USUALLY FELT SAFEST IN THE AREAS THAT WERE CLOSEST TO THEIR HOMES. IN CONCLUSION, WALKING ROUTES OF ZAVALA STUDENTS ARE CLOSE TO INDUSTRIAL AND HAZMAT SITES. CHILDREN APPEAR TO AVOID CERTAIN AREAS WHENEVER POSSIBLE IF THEY'RE INDUSTRIAL. INDUSTRIAL LAND USE IS MUCH MORE PREVALENT IN MINORITY NEIGHBORHOODS, PARTICULARLY IN EAST AUSTIN AS THE GIS ANALYSIS HAS REVEALED. THE CITY OF AUSTIN MUST REDUCE CHILDREN'S EXPOSURE TO ENVIRONMENTAL HAZARDS, WHICH ARE OFTEN PROMINENT IN NEIGHBORHOODS OF PEOPLE OF COLOR. CHILDREN'S PERCEPTIONS OF ENVIRONMENTAL HAZARDS MUST ALSO BE CONSIDERED IN THE PLANNING PROCESS SINCE THOSE PERCEPTIONS OFTEN DIFFER FROM ADULTS AND AFFECT THEIR SAFETY. IF YOU'RE INTERESTED IN LEARNING MORE ABOUT THIS PROJECT, THERE WILL BE A WEBSITE AVAILABLE SOON AND SUN....SUNSHINE AND I WILL BE HAPPY TO SPEAK WITH YOU. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME MS. ALMANZA. YOU WILL BE FOLLOWED BY LETICIA FONSECA.

GOOD AFTERNOON. I'M SUSANA ALMANZA WITH PODER. AND I WANT TO THANK THE UNIVERSITY OF TEXAS FOR DOING SUCH A MIRACULOUS JOB IN WORKING WITH THE YOUTH AT ZAVALA. THIS IS VERY IMPORTANT TO US BECAUSE SINCE 1991 PODER HAS BEEN WORKING ON THE WHOLE ISSUE OF ENVIRONMENTAL INJUSTICE. AND PAST COUNCILS HAVE DONE A LOT TO CHANGE A LOT OF THE INDUSTRIAL ZONING IN OUR COMMUNITIES, SO HELP CLOSE DOWN A LOT OF FACILITIES. AND SINCE 2003 INVOLVING THE CESAR CHAVEZ NEIGHBORHOOD PLAN, THE HOLLY STREET NEIGHBORHOOD

PLAN AND THE GOVALLE JOHNSON TERRACE NEIGHBORHOOD PLAN, THERE HAS BEEN OVER 700 PROPERTIES THAT HAVE BEEN REZONED. AS YOU ALL KNOW, THERE'S BEEN A LARGE AMOUNT OF INDUSTRIAL ZONING AND COMMERCIAL ZONING IN OUR COMMUNITIES AND A LOT OF THOSE ARE ADJACENT TO HOMES AND ELEMENTARY SCHOOLS. AND SO OOP WE'VE ACCOMPLISHED SO MUCH IN THE REZONING EFFORTS AND THOUGH AUSTIN HAS MADE IT ON THE MAP IN THE ENVIRONMENTAL LEVEL IN PLANNING AND DOCUMENTATION, A LOT OF INDUSTRIES STILL EXIST IN OUR COMMUNITY. BECAUSE THEY WERE GRANDFATHERED, EVEN THOUGH THERE NO LONGER WILL BE ABLE TO ACT AS INDUSTRIAL IF THEY CLOSE OR MOVE, THE FACT IS WE STILL HAD A LOT OF INDUSTRIES IN OUR COMMUNITY. AND A LOT OF INDUSTRIES THAT USE CHEMICALS, CHEMICALS THAT HAVE TO COME IN THROUGH OUR COMMUNITIES. AND CHEMICALS THAT ARE POTENTIAL SPILLS IN OUR COMMUNITIES THAT ARE ADJACENT TO ELEMENTARY SCHOOLS, THE MOST VULNERABLE POPULATION, AND TO OUR RESIDENTS AND THE HE WILL DERLY. SO THAT'S WHY WE'RE HERE TODAY IS TO BRING THAT BACK TO THE FOREFRONT AS WE GET READY TO EMBARK ON THE U.S. SOCIAL FORUM, PODER AND OTHER GROUPS WILL BE TALKING ABOUT THE UNITED CHURCH OF CHRIST STUDY THAT JUST CAME OUT 20 YEARS LATER THAT DOCUMENTS THAT ENVIRONMENTAL INJUSTICES STILL EXIST AND HAS NOT GET ENANY BETTER IN OUR COMMUNITIES. AND SO IT'S REAL IMPORTANT THAT WE ADDRESS THESE ISSUES AFERTD GO TO WILL -- AND GO TO THE SECOND PHASE NOW. WE HAVE TO START LOCATING THE HAZARDOUS INDUSTRIES IN OUR COMMUNITIES. AND WITH THAT I NOW LET LETICIA SPEAK.

Mayor Wynn: THANK YOU. WELCOME.

HELLO. I WORK WITH PODER, PEOPLE ORGANIZED IN DEFENSE OF -- [INAUDIBLE]. MY NAME IS LETICIA AND I WORK WITH PODER. PODER IS AN ENVIRONMENTAL JUSTICE ORGANIZATION THAT SEEKS TO EMPOWER OUR COMMUNITY THROUGH EDUCATION, ADVOCACY AND ACTION. PODER ALSO HAS A YOUTH LEADERSHIP DEVELOPMENT PROGRAM. THE YSA PROGRAM IS DEDICATED TO YOUTH AND CHILDREN OF COLOR ON SOCIAL ISSUES AFFECTING THEM AND

RESOURCE EQUITY. THIS TIME THE YSA ATTENDED THE PUBLIC HEARING FOR THE SELECTION OF THE NEW CHIEF OF POLICE FOR THE CITY OF AUSTIN. YSJ MEMBERS WERE IMPRESSED WITH THE NEW CHIEF OF POLICE. THEY PARTICIPATED IN WORKSHOPS ON IMMIGRATION, JUVENILE CENTER AND (INDISCERNIBLE). THE YSJ HELPED THE GROUP DISCUSSION OF HIP HOP BEATS WAS HELD AT DOVE SPRINGS REC CENTER. THIS VIDEO ADDRESSES HOW SEXISM AND STEREOTYPES ARE PORTRAYED IN MUSIC. THE SECOND WAS HELD AT THE BOOKER T. WASHINGTON BUILDING. IT ADDRESSED HOW YOUTH OF COLOR ARE TRAPPED INTO THE JUVENILE JUSTICE SYSTEM FROM THE SCHOOL SYSTEM AND THEN TO PRISON. ACLU HIP HOP AGAINST POLICE BRUTALITY PRESENTED AT THE FORUM. THE YSJ ALSO PARTICIPATED IN SELF DEVELOPMENT AND SELF EXPRESSION ACTIVITIES. THEY ALSO LEARNED ABOUT THE IMPORTANCE ABOUT BANKING AT A WORKSHOP BY WELLS FARGO. MELANIE DIGS GAVE A WORKSHOP ON FIEFL SKILLS FOR YOUTH. IT INCLUDED THE HISTORY OF ENVIRONMENTAL RACISM IN EAST AUSTIN. THE YSJ LEARNED THAT IN 1928 THE CITY OF AUSTIN ADOPTED THE MASTER PLAN THAT AUTHORIZED ALL UNDESIRABLE INDUSTRIES TO BE LOCATED EAST OF I-35. AND DESIGNATED THE RELOCATION OF ALL PEOPLE OF COLOR TO EAST AUSTIN. IN 1996 THE CITY LAND USE STUDY FOUND THAT 76% OF ALL INDUSTRIAL ZONE IS WAS IN EAST AUSTIN. PODER'S MEMBERS BE WERE INVOLVED IN THREE EAST AUSTIN NEIGHBORHOOD DISTRICT PLANS. OVER 700 PROPERTIES WERE REZONED IN THESE AREAS. WHILE MANY FACILITIES HAVE BEEN BE CLOSED AND RELOCATED, EAST AUSTIN STILL HAS SEVERAL INDUSTRIES THAT USE HAZARDOUS CHEMICALS IN RESIDENTIAL AREAS AND THEIR SCHOOLS. AS PART OF OUR COMMUNITY OUTREACH ACTIVITIES, YSJ PARTICIPATED IN A DOOR TO DOOR COMMUNITY SERVE BEING. THE YSJ CREATED A BROCHURE AND QUESTIONNAIRES REGARDING THE PEER CASTING FACILITIES. WE FEEL THAT IT SHOULD BE MOVED OUT OF EAST AUSTIN AND THAT AFFORDABLE SHOULD BE BUILT IN ITS PLACE. THANK YOU. [APPLAUSE]

THANK YOU. WELCOME. ERIKA.

MY NAME IS ERIKA GONZALEZ WITH PODER. THE YOUNG

SCHOLARS FOR JUSTICE CREATED A YOUTH QUESTIONNAIRE AROUND THE NEIGHBORHOOD. PEER CASTING IS A 39-YEAR-OLD FACILITY THAT MANUFACTURES VARIOUS METALS THAT CREATE MOLDS TO MAKE THINGS SUCH AS KEYS AND LOCKS FOR JAILS. PEER CASTING USES VARIOUS CHEMICALS SUCH AS CHROMIUM, MERCURY AND ARSENIC. WE FOUND THAT BREATHING IN THESE CHEMICALS CAN CAUSE HEALTH AFFECTS SUCH AS ASTHMA, LUNG CANCER, INFERTILE FI, NOISE BLEEDS AND BRONCHITIS. THE PEER CASTING FACILITY IS 30,000, 152 SQUARE FEET OF LAND LOCATED RIGHT ACROSS THE STREET FROM ZAVALA ELEMENTARY SCHOOL, THE REC CENTER AND HUNDREDS OF HOMES. PODER HAS HEARD FROM PARENTS OF CHILDREN ATTENDING ZAVALA SCHOOL THAT THE SMELL COMING OUT OF PEER CASTING GOES IN THE VENTS OF THE SCHOOL AND THEY CAN SMELL IT INSIDE THEIR CLASSROOMS. THROUGH OUR COMMUNITY QUESTIONNAIRE, PODER AND THE YOUTH SURVEYED OVER 40 HOUSEHOLDS AND A LARGE NUMBER BE OF RESIDENTS SAID THAT PEER CASTING PUTS OUT A BAD ODOR. YET 79 PERCENT OF THOSE SURVEYED DID NOT KNOW WHAT KIND OF FACILITY PEER CASTING IS. 71% OF THOSE SURVEYED DID NOT KNOW THAT PEER CASTING USED CHEMICALS AND 61% DID NOT KNOW THAT PEER CASTING PRODUCED HAZARDOUS WASTE. 220-POUND OF IT. HOW CAN WE CONTINUE TO HAVE THIS FACILITY LOCATED NEXT TO A ELEMENTARY SCHOOL, A RECREATION CENTER AND HUNDREDS OF HOMES? WITH OVER 30,000 SQUARE FEET OF LAND, THIS IS AN IDEAL LOCATION FOR THE BUILDING OF AFFORDABLE. 100 PERCENT OF THE HOMES THAT WE SURVEYED FELT THAT PEER CASTING SHOULD NOT BE SURVEYED NEAR ZAVALA ELEMENTARY SCHOOL. 95%.% FELT THAT IT SHOULD NOT BE LOCATED NEAR HOMES AND 97 97% FELT THAT IF IT WAS RELOCATED, THE CITY OF AUSTIN SHOULD BUILD AFFORDABLE IN ITS PLACE. WE ARE ASKING THAT AS CITY COUNCILMEMBERS YOU TAKE THIS MATTER SERIOUSLY AND THINK ABOUT WHAT IS MOST IMPORTANT AND WHAT IS MOST NECESSARY. THERE ARE #- 8,000 PEOPLE ON THE WAITING LIST FOR SECTION 8 HOUSING AND THERE ARE HOUSES OF CHILDREN THAT ARE HOMELESS IN AUSTIN. YET A HUGE INDUSTRY THAT USES HAZARDOUS CHEMICALS AND ON TOP OF THIS MAKES LOCKS FOR JAILS IS LOCATED ON A PIECE

OF LAND THAT COULD BE USED FOR THEIR FUTURE HOME. PLEASE CONSIDER BUYING THIS PROPERTY AND PUT AN END TO THE CONTINUATION OF THE 1928 MASTER PLAN. IT IS NOW 79 YEARS LATER AND WE CONTINUE TO STILL ASK FOR YOUR HELP. AND ENSURING THAT THE FAMILIES AND THE FUTURE GENERATION OF EAST AUSTIN ENJOY THE RIGHT TO CLEAN AIR AND AFFORDABLE HOUSING HOMES. PEER CASTING NEEDS TO BE RELOCATED. WE NEED AFFORDABLE, NOT FACILITIES THAT USE HAZARDOUS CHEMICALS. THANK YOU.

Mayor Wynn: VERY IMPRESSIVE PRESENTATION. THANK YOU ALL. OUR NEXT SPEAKER IS VALERIE GAINER WHO WOULD LIKE TO ADDRESS US REGARDING SOME BUDGET ISSUES. WELCOME. JOINER. TYPOS.

McCracken: BEFORE WE GO TO THE NEXT SPEAKER, I WANTED TO ASK MS. GONZALEZ OR MS. ALMANZA SOME QUESTIONS ABOUT PEER CASTING. DO YOU GUYS KNOW HOW LONG PEER CASTING HAS BEEN IN THAT LOCATION? AND DID YOU GUYS MEET WITH PEER CASTING AND SEE IF THEY WERE AMENABLE POSSIBLY RELOCATING THEIR FACILITY?

FROM READING THE PAPER, BECAUSE WE WENT TO TCEQ TO LOOK AT HOW FAR THEY HAD THEIR-- WE WENT BACK TO '85, BUT THE NEWSPAPER STATES THAT THEY'VE BEEN THERE FOR 39 YEARS. NOW, WE HAVEN'T SPOKEN TO THE GENTLEMAN. WE'RE HOPING THAT THAT MIGHT BE A PROCESS THAT THE CITY CAN ASSIST US IN PUTTING TOGETHER.

McCracken: I COMPLETELY AGREE WITH YOU. --

Martinez: I COMPLETELY AGREE WITH YOU. I'M GLAD TO HELP WHEREVER I CAN.

Mayor Wynn: THANK YOU ALL. WELCOME MS. JOINER. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY ELIZABETH GONZALEZ.

THANK YOU. I'M VALERIE JOINER WITH SOUTHWEST KEY PROGRAM AND ON BEHALF OF THE HARD WORKING MEN

AND WOMEN OF THE JOHNSTON GOVALLE NEIGHBORHOOD, I SAY THANK YOU. WE THANK YOU FOR THE INVESTMENTS THAT YOU'VE MADE TO IMPROVE THAT POOR COMMUNITY. THE INVESTMENTS I SELL YOU, I REPORT OUT TO YOU ARE BEARING FRUIT. THEY'RE BEARING FRUIT OF HOPE AND INCLUSIVENESS THAT THE JOHNSTON GOVALLE NEIGHBORHOOD HAS NEVER, EVER HAD BEFORE. THESE FAMILIES CAN SEE THE BLOSSOMS. THEY CAN SEE WHAT'S GOING ON, THE DIRECTION OF THE BUILDING AND EVERYTHING THAT'S FLOWING THROUGH. THEY'RE EXCITED. THEY'RE LOOKING FOR A GREAT HARVEST, SIMPLY ENDURING A GREAT HARVEST, WAITING FOR THE COMPLETION OF THAT WONDERFUL WORK. MR. MAYOR, YOU AND YOUR ADMINISTRATION HAS MADE IT ALL POSSIBLE, SIR. AND SOUTHWEST KEY IS WORKING INTENSELY TO PROMOTE THESE VALUES FOR SUCH A UNANIMOUS TASK THAT'S SO NEEDED IN THAT COMMUNITY. WE'VE ESTABLISHED PARTNERSHIPS WITH NCLR TO FUND HOMEOWNERSHIP PROGRAM WITH CAPITAL ONE IN JANUARY 2008. ACC WILL PROVIDE CLASSES IN THE COMMUNITY BECAUSE 52% OF THE RESIDENTS IN THAT AREA OVER THE AGE OF 25 DO NOT HAVE HIGH SCHOOL DIPLOMAS. T.E.A., THERE'S A PENDING APPLICATION ON FILE FOR A COLLEGE PREP MIDDLE SCHOOL BECAUSE THAT NEIGHBORHOOD DOES NOT HAVE A MIDDLE SCHOOL IN THAT AREA AT ALL. OTHER PARTNERSHIPS THASH THERE SUCH AS THE LADY BIRD WILD.....WILDFLOWER CENTER WILL BE TEACHING GARDENING SKILLS. WE WILL HAVE WORKFORCE TRAINING IN OUR COMMUNITY TECH LAB. PETRO VIO WILL BE SPONSORING A COMMUNITY PROJECT FOR THE THEATER FOR THE KIDS IN THE NEIGHBORHOOD STARTING SEPTEMBER THIS YEAR, AND THAT'S GOING TO BE FUNDED BY OR HAS BEEN FUNDED BY A GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS. AND AGAIN, NCLR IS WORKING ON A COLLEGE FORWARD PROGRAM, WHICH IS A COLLEGE PREP PROGRAM FOR THE STUDENT AT JOHNSON HIGH SCHOOL. AND MA'AM, LADIES, GENTLEMEN, WE SUBMIT TO YOU THAT THE LIST GOES ON AN ON. THEREFORE BECAUSE OF YOUR STRONG COMMITMENT TO ASSISTING US IN THE COMPLETION OF THIS PROJECT, THIS GREAT WORK, WE SEE THAT IT'S VITAL AND WE SEE A LINK BETWEEN THE CITY OF AUSTIN AND EAST AUSTIN THAT IS STRONGER THAN EVER

BEFORE. WE THANK YOU FOR YOUR TIME, WE THANK YOU FOR EVERY EFFORT AND EVERY ENDEAVOR AND WE UM BELLY ASK THAT -- HUMBLY ASK THAT YOU SIMPLY FIND A WAY TO MAKE IT POSSIBLE THAT WE GO FORWARD FOR THIS GREAT WORK. THANK YOU.

Mayor Wynn: THANK YOU, MS. JOINER. ELIZABETH GONZALEZ? TO BE FOLLOWED BY GAVINO FERNANDEZ.

GOOD EVENING, I'M STEPPING IN FOR ELIZABETH. I'M WITH SOUTHWEST KEY PROGRAM INCORPORATED. GOOD AFTERNOON. THERE'S A COUPLE -- I WANT TO FIRST THANK PODER FOR CONTINUING TO REMIND US ABOUT THE INEQUITIES THAT EXIST IN EAST AUSTIN IN OUR COMMUNITY AND ABOUT THE NEED TO HAVE COUNCIL FOCUSED AND POINT OUR ARROWS OF BUDGET AND DREAM TO ENHANCING THE QUALITY OF LIFE FOR OUR CITIZENS IN EAST AUSTIN. AT SOUTHWEST KEY AS YOU KNOW, I WANTED TO COME BEFORE FOR A COUPLE OF POINTS. I WANTED TO SHARE REGARDING THE EAST AUSTIN DEVELOPMENT PROJECT, IT'S GOING WELL. AS YOU KNOW, WE'RE GOING TO BE BRINGING A MULTITUDE OF SERVICES TO A COMMUNITY THAT HAS HISTORICALLY BEEN UNDERSERVED AND WE'RE EXCITED ABOUT MOVING IN. WE'RE SCHEDULED TO MOVE IN THERE IN JULY. BUT DUE TO -- THE FIRST POINT I WANTED TO SHARE WITH YOU, DUE TO THE NECESSARY EXPANSION OF THE PROJECT THAT MY COLLEAGUE VALERIE SO ELOQUENTLY ARTICULATED TO YOU, AND THE FACT THAT THE COSTS CAN INCREASE DRAMATICALLY JUST FOR BUILDING IN AUSTIN, WE ARE NO NEED OF THE FINAL \$800,000 FOR THE COMPLETION OF THE PROJECT. WE ARE VERY EXCITED TO SHARE WITH YOU THAT WE PRESENTED TO THE COMMUNITY DEVELOPMENT COMMISSION MADE UP OF MEMBERS THAT YOU APPOINTED. WE PRESENTED TO THEM AT THE VERY TIME THAT THEY WERE GOING TO TAKE ACTION ON THE FIVE-YEAR CONSOLIDATED PLAN THAT IS SCHEDULE TO COME AND BE PRESENTED TO YOU JULY 26TH. THERE WAS A LOT OF HEALTHY CONVERSATION AND HEALTHY DISCUSSION IN THAT ROOM ON EAST 11th AS THEY DISCUSSED THE BUDGET. AFTER A LONG, HEALTHY DISCUSSION, THE COMMUNITY DEVELOPMENT COMMISSION DECIDED IN A DIVIDED VOTE, I SHOULD ADD, TO MOVE FORWARD AND PRESENT THE BUDGET TO YOU JULY 26TH.

THAT DIVIDED VOTE AND THAT HEALTHY DISCUSSION SPURRED THE NEXT MOTION BY THE COMMUNITY DEVELOPMENT COMMISSION, AND THAT NEXT MOTION THAT THEY MADE WAS TO HAVE A RESOLUTION PASSED AT THE COMMUNITY DEVELOPMENT COMMISSION LEVEL, TO STRONGLY RECOMMEND TO COUNCIL TO DIRECT THE OFFICE OF NEIGHBORHOOD HOUSING TO FIND THE FUNDS TO COMPLETE THE PROJECT, THE EAST AUSTIN COMMUNITY DEVELOPMENT PROJECT. SO THE MESSAGE THAT IS COMING FROM THE GRASSROOTS, FROM THE COMMUNITY, FROM THE REPRESENTATIVES OF THE COMMUNITY, THE COMMUNITY DEVELOPMENT COMMISSION, TO THE COUNCIL JULY 26TH, WILL BE TO ASK, TO STRONGLY RECOMMEND TO COUNCIL TO FIND THE FUNDS, THE \$800,000, TO COMPLETE THE PROJECT IN EAST AUSTIN TO BRING THE SERVICES NEEDED IN THIS COMMUNITY. THANK YOU FOR YOUR TIME THIS AFTERNOON.

Mayor Wynn: THANK YOU. OUR FINAL SPEAKER, GAFFE VENUS KNOW FERNS -- GAWF VENUS KNOW FERNS -- GAW GAVINO FERNANDEZ.

GOOD AFTERNOON. I COME BEFORE YOU BECAUSE OF NUMEROUS CALLS WE'VE RECEIVED FROM FAMILIES AND NEIGHBORS THE LAST TIME WE WERE HERE TO ADDRESS SOME ISSUES TO THIS COUNCIL. AND MY COMMENTS ARE COMING FROM A CONTEXT OF POLITICS AND I HOPE THEY'RE NOT TAKEN PERSONAL. AND I WILL START WITH TWO VERY FAMOUS QUOTES. AND ONE WAS THE LATE SENATOR ROBERT KENNEDY WOULD ALWAYS SHARE THAT HIS FATHER WOULD ALWAYS MENTION TO THEM, YOU MUST ALWAYS RESPECT AUTHORITY, BUT YOU SHOULD NEVER FEAR IT. AND ANOTHER ONE IS FROM THE LATE BENITO JUAREZ, WHICH IS -- (SPEAKING SPANISH). AND WITH THAT I WILL BEGIN MY COMMENTS. THE LAST TIME WE CAME WE WERE -- IN THE OPINION OF OTHERS, LIKE THEY SAY IN THE BARRIO, WHY WERE Y'ALL SCOLDED BY COUNCILMEMBER MARTINEZ? ONE OF THEM, I BROUGHT A PACKET AND IN THERE IS A LETTER OF 1998 WHERE YES, WE DID LOBBY TO HAVE PROPERTY ON SIXTH STREET REZONED FROM LI BECAUSE OF THE IMPACT THAT IT HAD IN OUR COMMUNITY FOR YEARS. BUT WE WERE ALWAYS ADVOCATING FOR THAT PROPERTY TO BE REZONED SINGLE-FAMILY. BUT THE CITY

AND THE PLANNERS HAD OTHER AGENDAERS AND -- AND OTHER PLANNERS HAD OTHER AGENDAS AND THAT WAS FOR LIGHT RAIL. THEY DID NOT WANT TO GO THERE. BUT I WANT TO SET THE RECORD STRAIGHT THAT OUR ORGANIZATION HAD ALWAYS ADVOCATED FOR SINGLE-FAMILY AND NOT CONDOS THAT ARE REPLACING OUR PEOPLE FROM THE COMMUNITY. SO THIS IS A LETTER THAT SPEAKS TO THAT FACT. SECOND, THERE'S ANOTHER LETTER HERE THAT WAS SUBMITTED -- THAT WAS SENT TO US FROM THE RAILROAD COMPANY, AND IN THERE IT STATES I'M DISAPPOINTED TO LEARN FROM YOU LAST WEEK THAT EL CONCILIO WAS UNWILLING TO RECOMMEND ANYTHING OTHER THAN SINGLE-FAMILY RESIDENTIALS FOR UNION PACIFIC. THE OTHER ISSUE THAT WE WERE SCOLDED FOR THAT WE DIDN'T EVEN TAKE A POSITION ON TO DATE IS THAT THE VERTICAL MIXED USE ORDINANCE. AND I WANT COUNCILMEMBER MARTINEZ TO SHOW ME A MEETING, DO YOU MEAN, LETTER, ANYTHING THAT SPEAKS TO THE FACT THAT EL CONCILIO IS OPPOSING VMU. AS A MATTER OF FACT, I MET WITH PERRY LORENZ THE OTHER DAY TO FAWK THE SEGOVIA PROPERTY ON SIXTH STREET. BECAUSE VMU ALL DEPENDS ON LOCATION. AND THE CONCERN THAT WE HAVE WITH SHRVMENT MU IS IF IT'S LOCATED NEXT TO SINGLE-FAMILY LIKE IT IS ON COMAL AND CESAR CHAVEZ. THE OTHER COMMENT REAL QUICK IS ON THE 90 DAY MORATORIUM. WE WERE FOCUSING MORE ON SAYS SAYS.....SESQUICENTENNIAL BECAUSE WE DO NOT WANT TO SEE VMU BECOME THE TREND ON CESAR CHAVEZ NEXT TO SINGLE-FAMILY HOMES. WE WANT THAT PROTECTION. WE'RE ALREADY LOSING A LOT OF OUR PEOPLE. SO WITH THAT I JUST FELT COMPELLED TO COME TODAY TO SET THE RECORD STRAIGHT. [BUZZER SOUNDS] AND TO MENTION THAT I THINK THAT WE WERE UNJUSTIFIABLY SCOLDED FOR MAYBE MISINFORMATION. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: THANK YOU. SO COUNCIL, IN A DKZ CONCLUDES OUR -- THAT CONCLUDES OUR CITIZEN COMMUNICATION THIS AFTERNOON. WITHOUT OBJECTION, MY RELIGIOUS WOULD BE THAT WE CAN -- MY RELIGIOUS WOULD BE THAT WE GO BACK INTO EXECUTIVE SESSION, FINISH A QUICK BITE OF LUNCH WHILE WE WALK THROUGH SOME OF OUR

CLOSED SESSION AGENDA ITEMS, THEN ALLOWING US TO GET BACK HERE IN OPEN SESSION TO TAKE UP THE BRIEFINGS THAT WE HAVE YET TO DO. THAT BEING BOTH A BRIEFING REGARDING ADDITIONAL AIR SERVICE AT ABIA AND THEN OUR AFTERNOON BRIEFING. SO WITHOUT OBJECTION, WE'LL NOW GO BACK INTO CLOSED SESSION PURSUANT TO SECTION 551.086 TO PERHAPS TAKE UP ITEM NUMBER 109 REGARDING DISTRICT COOLING BUSINESS STRATEGIES. PURSUANT TO SECTION 551.072 WE MAY TAKE UP ITEM NUMBER BE 111 REGARDING OPEN SPACE PROPERTY, REAL ESTATE MATTERS. AND PURSUANT TO SECTION 551.071, WE MAY TAKE LEGAL ADVICE REGARDING ITEM 7, AN AGREEMENT WITH THE HILL COUNTRY GOLF. ITEM 18 REGARDING THE STRATEGIC PARTNERSHIP AGREEMENT PROPOSED BETWEEN THE CITY AND IS LOST CREEK MUD. TUM ONE 13 AND ONE 14, LEGAL ISSUES RELATED TO THE CITY OF AUSTIN VERSUS HARRY M. WHITINGTON, ET AL. WE'RE IN CLOSED SESSION. I ONLY ANTICIPATE US TAKING IN A FEW OF THESE ITEMS SO WE CAN GET BACK IN SESSION BY MID AFTERNOON FOR THE TWO BRIEFINGS. WE'RE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: WITH THE EXCEPTION OF ITEM 111, A REAL ESTATE MATTER INVOLVING OPEN SPACE. WE WILL NOT HAVE AND WILL NOT HAVE THAT BRIEFING. ALL OTHER ITEMS WERE TAKEN UP AND DISCUSSED. NO DECISIONS WERE MADE. THERE'S A QUORUM OF US HERE AND SO WITH THAT I'LL WELCOME MS. MARTY TERRY FOR A BRIEF PRESENTATION ON ITEMS SEVEN AND 18 WHICH WE RECEIVED LEGAL ADVICE FROM EARLIER IN CLOSED SESSION. WELCOME MS. TERRY.

MARTHA TERRY, ASSISTANT CITY ATTORNEY. I AM HERE TODAY TO ADDRESS PROPOSED ACTION ON AGENDA ITEM 7 AND 18. AND BY WAY OF REFRESH BEING YOUR RECOLLECTION, AS YOU WILL RECALL, ACCORDING TO STATE LAW THE CITY PLACED THE LOST CREEK MUNICIPAL UTILITY DISTRICT ON ITS ANNEXATION MAP IN DECEMBER OF 2005 AND CONDUCTED INITIAL ANNEXATION HEARINGS CONCERNING THE PROPOSED ANNEXATION OF THE M.U.D. IN AUGUST OF 2006. ON JANUARY 24TH THE CITY PROPOSED IN MEDIATION WITH THE MUNICIPAL UTILITY DISTRICT CONCERNING THE PROPOSED ANNEXATION, AND THAT

MEDIATION RESULTED IN A MEDIATED STRATEGIC PARTNERSHIP AGREEMENT THAT IS THE SUBJECT OF THE AGENDA ITEM THAT YOU HAVE LISTED AS AGENDA ITEM 18. IN ACCORDANCE WITH STATE LAW, BOTH THE M.U.D. AND THE CITY OF AUSTIN NOTICED AND CONDUCTED THE STATE MANDATED TWO PUBLIC HEARINGS ON THE MEDIATED SPA AND SPOTTED THE SPA FOR ADOPTION. THE M.U.D. POSTED THE MEDIATED STRATEGIC PARTNERSHIP AGREEMENT FOR ITS CONSIDERATION ON JUNE THE 19TH, AND YOU WERE POSTED TO CONSIDER IT TODAY BECAUSE IN ACCORDANCE WITH STATE LAW, YOU ARE NOT PERMITTED TO ADOPT A STRATEGIC PARTNERSHIP AGREEMENT UNTIL AFTER THE M.U.D. HAS ADOPTED IT. ON JUNE 19TH, LOST CREEK HELD ITS MEETING AND THE BOARD UNANIMOUSLY VOTED TO REJECT THE MEDIATED AGREEMENT. STATE LAW AS I MENTIONED DOES NOT PERMIT CITY LAW TO APPROVE THE STRATEGIC PARTNERSHIP AGREEMENT WITHOUT THE PRIOR APPROVAL OF THE DISTRICT. THE M.U.D. HAS FORMALLY REQUESTED ARBITRATION OF THE STRATEGIC PARTNERSHIP AGREEMENT UNDER STATE LAW PROVISIONS AND STATE LAW NOW REQUIRES IF THE CITY DESIRES TO PROCEED TO ANNEXATION TO GO THROUGH THOSE ANNEXATION PROCEEDINGS. IN LIGHT OF THE ACTIONS TAKEN BY THE M.U.D., THE STAFF HAS RECOMMENDATIONS THAT IT WISHES TO MAKE TO YOU FOR ADOPTION CONCERNING AGENDA ITEM 7 AND 18. WE ARE REQUESTING FIRST THAT YOU GO ON AHEAD AND APPROVE AGENDA ITEM 7 WHICH AUTHORIZES THE NEGOTIATION AND EXECUTION OF THE WASTEWATER TREATMENT CONTRACT AS LISTED ON THE AGENDA. HOWEVER, WITH REGARD TO AGENDA ITEM 18, BECAUSE WE ARE NO LONGER IN A POSITION OF BEING ABLE TO ADOPT THE STRATEGIC PARTNERSHIP AGREEMENT UNDER STATE LAW, STAFF RECOMMENDS THAT YOU ADOPT THE REVISED ORDINANCE WHICH WE HAVE PLACE ODD YOUR DAIS. THAT REVISED ORDINANCE DIRECTS THE CITY MANAGER TO PROCEED TO ARBITRATION WITH THE MEDIATED STRATEGIC PARTNERSHIP AGREEMENT AS THE OFFER TO BE CONSIDERED BY THE ARBITRATOR. AND WITH THAT, MAYOR AND COUNCIL, I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU ALL MAY HAVE.

Mayor Wynn: THANK YOU, MS. TERRY. QUESTIONS OF STAFF,

COUNCIL? IF NOT, THEN I'LL ENTERTAIN A MOTION ON ITEM NUMBER 7, THAT IS, THE STAFF RECOMMENDATION TO APPROVE THIS ITEM AS POSTED. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NUMBER BE 7 AS PRESENTED BY STAFF AND POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH COUNCILMEMBER COLE OFF THE DAIS. AGAIN, QUESTIONS FOR ITEM NUMBER 18 FOR STAFF? OR COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION TO APPROVE THIS REVISED ORDINANCE, ITEM NUMBER 18 AS PRESENTED BY STAFF. MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS REVISED ORDINANCE, ITEM NUMBER 18, AS PROCEEDED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION.....MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MS. TERRY.

THANK YOU, SIR.

Mayor Wynn: SO APOLOGIZE FOR THE DELAY THIS AFTERNOON, BUT NOW COUNCIL WILL TAKE UP OUR TWO POSTED BELIEFINGS THAT WE HAVE OUTLINED. WE WERE SCHEDULED THIS MORNING TO HAVE A BRIEFING REGARDING A PROPOSED POSSIBLE NEW AIRLINE SERVICE AT BERGSTROM. WE'LL TAKE UP THAT BRIEFING IF AVIATION STAFF IS HERE AND THEN WE'LL GO TO OUR AFTERNOON BRIEFING, WHICH WAS SOME OF THE RESULTS OF PROPERTY ANALYSIS WE'VE BEEN DOING ON AUSTIN ENERGY'S TRACT IN FAR EASTERN TRAVIS COUNTY. WELCOME JIM SMITH.

MAYOR, COUNCILMEMBERS, I'M HERE WITH A RELATIVELY SHORT BRIEFING TO LET YOU KNOW WHAT WE'VE BEEN WORKING ON. IT IS NOT AN ACTION ITEM. IF THINGS GO WELL IN THE NEGOTIATION, HOPEFULLY WE'LL BE BACK IN JULY TO BRING YOU AN ACTION ITEM ON IT. FUNDAMENTALLY THIS IS ABOUT IMPROVING AUSTIN'S COMPETITIVE POSITION SO

THAT WE CAN COMPETE FOR AIR SERVICE. SPECIFICALLY ON THE HANDOUT -- THE NEXT STEP, WHAT WE'RE PROPOSING, WE'RE PROPOSING TO LEASE SOME LAND AT THE AIRPORT TO GENERAL ELECTRIC GENERAL AVIATION SERVICES. AND THE PURPOSE FOR THAT IS TO BUILD AND OPERATE A LOW COST TERMINAL. I'LL ENTERTAIN WHAT A LOW COST FIRM NATIONAL IS IN A MOMENT. AND WHY DO WE WANT TO PROCEED WITH THIS? THE FIRST ONE IS THAT WE HAVE AN OPPORTUNITY, WE'VE BEEN NEGOTIATING WITH AN AIRLINE OUT OF MEXICO FOR FIVE NEW NONSTOP FLIGHTS TO FIVE DESTINATIONS IN MEXICO. AND WE'VE HAD A LOT OF DIFFICULTY ATTRACTING INTERNATIONAL FLIGHTS, SPECIFICALLY TO MEXICO, SO THIS IS SOMETHING THAT WE'VE BEEN WORKING VERY HARD ON. THE AIRLINE IS VIVA AERO BUS. IT'S A RELATIVELY NEW AIRLINE IN MEXICO. IT'S BEEN AROUND A YEAR. AND THEY ARE FOLLOWING THE ULTRA LOW COST BUSINESS MODEL WHICH I'LL EXPLAIN TOO WHICH IS DIFFERENT THE TYPICAL BUSINESS MODEL OF AN AIRLINE. WE ALSO HAVE OPPORTUNITY TO POSITION AUSTIN TO COMPETE FOR THIS ULTRA LOW COST SERVICE AS IT CONTINUES TO GROW. SOME OF YOU MAY HAVE READ SOME OF THE ARTICLES ABOUT SKY BUS, WHICH IS A NEW AIRLINE HEADQUARTERED IN COLUMBUS, OHIO WHICH HAS JUST STARTED FLYING. THEY ARE ALSO FOLLOWING THIS NEW ULTRA LOW COST BUSINESS MODEL AND WE WOULD OBVIOUSLY TRY TO USE THIS FACILITY TO COMPETE FOR THEIR BUSINESS AS WELL. FINALLY WE HAVE AN OPPORTUNITY WITH GE TO FORM A STRATEGIC PARTNERSHIP THAT WOULD ADVANCE AUSTIN'S BUSINESS. IF WE CAN PARTNER SUCCESSFULLY WITH GENERAL ELECTRIC, THEN WE HAVE A LARGE WORLDWIDE COMPANY WHO WOULD BE TRYING TO MAKE AUSTIN A SUCCESSFUL OPERATION AND IT WOULD ENHANCE OUR MARKETING POWER SIGNIFICANTLY. ULTRA LOW COST SERVICE, IT'S A SUCCESSFUL BUSINESS MODEL IN EUROPE, ASIA AND MEXICO. IN EUROPE IT'S BEEN AROUND FOR OVER 10 YEARS. AND RYAN AIR, WHICH WAS THE PIONEER OF THIS MODEL, IS NOW THE LARGEST CARRIER IN EUROPE. SOME OF YOU MAY HAVE FLOWN IT OR READ ABOUT IT, BUT THEY'RE FAMOUS FOR THEIR FIVE DOLLAR FARES, 29-DOLLAR FARES, 30-DOLLAR FARES. RELATIVELY CHEAP FARES. THE BUSINESS MODEL IS IF THEY CAN KEEP THEIR FARES LOW

ENOUGH, THEY WILL STIMULATE NEW DEMAND FROM PEOPLE WHO WEREN'T FLYING PREVIOUSLY. AND BECAUSE THEY STIMULATE THE DEMAND, THEY ALSO PUT PRESSURE ON THE COMMUNITIES TO PROVIDE THEM THE TYPE OF FACILITIES WHICH ALLOWS THEM TO KEEP THEIR COSTS DOWN. IT'S BASED ON THE RYAN AIR SUCCESS MODEL, VERY LOW FARES TO STIMULATE DEMAND. THIS IS NO FRILLS SERVICE. YOU GET A CHEAP FARE, BUT YOU PAY FOR EVERYTHING ELSE ALLAH CART. YOU WANT FOOD YOU PAY FOR IT. YOU WANT BAGS YOU PAY FOR T YOU WANT A DRINK YOU PAY FOR IT. THAT'S THE TYPE OF SERVICE THEY PROVIDE. IN TERMS OF FACILITIES, THEY DON'T USE LOADING BRIDGES. YOU LOAD ON THE RAMP,. AND AGAIN TO KEEP THE COST DOWN ON THE TYPES OF FACILITIES. AND AGAIN BECAUSE THEY DON'T COME TO EVERY COMMUNITY AND THEY ENCOURAGE PEOPLE TO DRIVE TO ONE LOCATION, THEY TRY AND SOLICIT INCENTIVES FROM COMMUNITIES IN ORDER TO BRING THEIR SERVICE TO YOUR COMMUNITY. FOR EXAMPLE, IN NEGOTIATING WITH VIVA AERO BUS, THEY ONLY PLAN TO COME TO ONE CITY IN TEXAS, SO WE WERE WORKING AGAINST HOUSTON, SAN ANTONIO AND OTHER CITIES TO TRY TO GET THEM TO MAKE AUSTIN THEIR HUB FOR FLIGHTS INTO MEXICO. THE BOTTOM LINE IS THIS NEW ULTRA LOW COST BUSINESS BE MODEL IS A DIFFERENTIATED MODEL FROM THE TYPICAL AIRLINE OPERATION AND IT REQUIRES LOW COST FACILITIES. THE BOTTOM LINE IS THESE PEOPLE DON'T COME TO YOUR COMMUNITY UNLESS YOU CAN PROVIDE THEM A LOWER COST FACILITY THAN YOUR TYPICAL TERMINAL. THE NEXT PAGE IS AN EXAMPLE, HAVE YOU SOME PICTURES THERE OF THE CONCEPT OF DIFFERENTIATED PRODUCTS FOR DIFFERENT AIRLINES AT AIRPORTS, AND THE PARTICULAR ONE YOU'VE GOT HERE IS FROM SINGAPORE. IN THE UPPER RIGHT HAND RIGHT-HAND CORNER YOU HAVE THE STANDARD SINGAPORE TERMINAL WHICH IS WIDELY ACKNOWLEDGED AS ONE OF THE TOP THREE IN THE WORLD. BUT YET WHEN THEY HAVE ONE OF THE TOP AIRPORTS IN THE WORLD, THEY'VE DETERMINED THEY NEED DIFFERENTIATED PRODUCTS. AND THE PICTURE ON THE LOWER RIGHT SHOWS YOU THEIR LUXURY TERMINAL. THERE ARE AIRLINES FLYING WHICH NOW HAVE JUST A FIRST CLASS AND BUSINESS CLASS PRODUCT AND THEY WANT A

HIGHER CLASS TERMINAL FACILITY. AND THEN YOU SEE TO THE LEFT OF THAT THEY ALSO HAVE A BUDGETS TERMINAL WHICH IS FOR THE PEOPLE WHO WANT THE LOWEST FARES POSSIBLE. SO IN SINGAPORE THEY HAVE THREE TYPES OF TERMINALS, ALL DIFFERENTIATED FOR DIFFERENT MARKETS. THE FOLLOWING PAGE IS THE MONTERREY LOW COST TERMINAL WHICH WE WENT DOWN TO LOOK AT AND STUDY BECAUSE THIS IS WHERE VIVA ARROW BUS IS QUARTERED AND THIS IS WHAT THE CITY OF MONTERREY HAD TO BUILD TO HAVE VIVA AERO BUS COME TO THEIR AREA. YOU CAN SEE THE TYPE OF FACILITY IT IS. IT'S A SINGLE STORY TYPE OF FACILITY WITH NO LOADING BRIDGES. SIMILAR TO A CARGO TYPE FACILITY. JUST USED FOR PROCESSING PASSENGERS AS QUICKLY AND CHEAPLY AS POSSIBLE. AGAIN, THE LAST PICTURE THERE IS THE SINGAPORE BUDGET TERMINAL, WHICH GIVES YOU AN INDICATION OF WHAT THEY'RE LIKE. SO FAR ALL OF THESE LOW BUDGET TERMINALS HAVE A TYPICAL, SIMILAR TYPE OF DESIGN. WHY WE'RE BRINGING THIS TO YOU IS THE BOTTOM LINE IS AIR SERVICE THESE DAYS IS A VERY, VERY COMPETITIVE MARKETPLACE. AND COMMUNITIES HAVE TO POSITION THEMSELVES TO COMPETE SUCCESSFULLY TO GET AIRLINES TO COME TO YOUR COMMUNITIES. THE LOW COST MODEL ENCOURAGES COMPETITIVE PROPOSALS. SKY BUS NOW WHEN THEY TIEWFER COME TO COMMUNITIES, THEY WANT COMPETITION SO THEY'LL PICK THREE OR FOUR AIRPORTS IN A GEOGRAPHIC REGION AND YOU BID AGAINST EACH OTHER TO SEE WHO WILL GIVE THEM THE BEST DEAL, WHICH IS ESSENTIALLY WHAT VIVA AEROBUS DID AND WE WERE SUCCESSFUL WITH THAT PARTICULAR SOLICITATION. BUT THE BOTTOM LINE IS THIS COMPETITION REQUIRES COMMUNITIES TO TAKE RISKS IF THEY WANT TO WIN THESE PARTICULAR PROPOSALS. SO WHY, WE TALKING TO GENERAL ELECTRIC? IN THE FIRST SENSE THEY'RE AN EXISTING TENANT AT THE CARGO PORT. WE HAVE A RELATIONSHIP WITH GENERAL ELECTRIC TODAY. THEY'RE ALREADY ONE OF OUR TENANTS. THEY ALSO COOPERATED WITH US ON MAKING THE PROPOSAL TO VIVA AEROBUS IN MEXICO. SO WE COMPETED JOINTLY AND THE BOTTOM LINE IS MY OPINION THAT THE ONLY REASON THEY'RE COMING TO AUSTIN IS BECAUSE WE HAD GE AS A PARTNER AND THEY KNEW WE WERE SERIOUS ABOUT PROVIDING THEM THE

TYPE OF FACILITIES THAT THEY WANTED. GE CLEARLY HAS A BRAND AND PRESENCE IN KEY GLOBAL MARKETS. THEY HAVE RELATIONSHIPS WITH AIRLINE CUSTOMERS AROUND THE WORLD. THEY HAVE RELATIONSHIPS WITH 230 AIRLINES AND 70 COUNTRIES. SO THEY HAVE TREMENDOUS CONNECTIONS TO TRY TO MARKET AUSTIN AND MAKE OUR FACILITY SUCCESSFUL. WHY ARE WE NOT BUILDING THIS OURSELF? FIRST OF ALL, VIVA AEROBUS WANTS TO START FLYING BY THE HOLIDAYS. SO BY THANKSGIVING OR CHRISTMAS THEY WANT TO START FLYING AND THERE'S NO WAY THE CITY CAN MOVE QUICK ENOUGH TO PUT FACILITIES IN PLACE TO MEET THAT TYPE OF TIME LINE. THERE'S ALSO RISK INVOLVE. WHILE WE COMPETE FOR THE AIRLINES, THE AIRLINE BUSINESS IS A SHAKY BUSINESS. MORE THAN 50 PERCENT OF THOSE BUSINESSES GO BANKRUPT OR GET INTO TROUBLE, SO WE DON'T WANT TO RISK A LOT OF OUR CAPITAL WITH THESE TYPES OF SITUATIONS. SO FINDING A STRATEGIC PARTNER OR A PARTNER LIKE GE WHO IS WILLING TO RISK THEIR CAPITAL IN CONJUNCTION WITH US HELPS US PRESERVE OUR CAPITAL FOR THE EXPANSION OF THE EXISTING TERMINAL WHILE GE MOVES AHEAD WITH THE LOW COST TERMINAL THAT WE'VE BEEN TALKING ABOUT. THE LEAD STRUCTURE THAT WE'RE TALKING ABOUT WOULD BE CONSISTENT WITH EXISTING LEASES AT THE AIRPORT. FUNDAMENTALLY THE CITY'S ROLE AT THE AIRPORT IS LANDLORD. WE ARE NOT A DIRECT SERVICE PROVIDER TO ANY OF THE CUSTOMERS. WHAT WE DO IS WE LEASE LAND TO OTHER BUSINESSES WHO THEN IN TURN BUILD THE FACILITIES NECESSARY TO SERVE THEIR CUSTOMERS. WHETHER IT'S THE AIRLINES, WHETHER IT'S THE CARGO FACILITIES, WHETHER IT'S GENERAL AVIATION, SKY CHEF THAT PROVIDES FOODS, WE BASICALLY LEASE THEM LAND AND THEY RUN THE BUSINESS TO PROVIDE SERVICE. ESSENTIALLY WE GIVE A LEASE TO THE ENTITY, THEY BUILD AND OPERATE THE FACILITY AND AT THE END OF THE LEASE THE CITY INHERITS THAT PARTICULAR CITY. WE BECOME THE OWNERS OF THAT THE SAME WAY WE WILL INHERIT THE HOTEL AT THE END OF 30 YEARS AND FIXED BASE OPERATOR FACILITIES AT THE END OF 30 YEARS. SO THE TERM OF THE OOOH LEASE IS USUALLY EQUAL TO THE USEFUL LIFE OF THE FACILITY AND THE TYPICAL FACILITY WE'RE TALKING ABOUT IS TYPICALLY A 25 TO 30 YEAR

FACILITY. FINALLY, WE CHARGE A BASE RENT AND ALSO A PERCENTAGE RENT WHICH GIVES US RENT BASED ON THE SUCCESS OF THE OPERATION. SO THE BOTTOM LINE IS OFFERING AIR SERVICE IN ANY COMMUNITY IS A COMPETITIVE BUSINESS AND FOR US TO COMPETE EFFECTIVELY, A STRATEGIC PARTNER WITH HELP IN OUR ABILITY TO COMPETE AND ALSO HELP MITIGATE OUR RISK AS WE TRY TO PRESERVE OUR CAPITAL AS MUCH AS POSSIBLE. FINALLY IN TERMS OF NEXT STEPS, WE ARE GOING TO PROCEED WITH NEGOTIATION WITH GENERAL ELECTRIC. WE ARE HOPEFUL THAT THOSE LEND UP SUCCESSFULLY, BUT WE'RE STILL IN THE VERY EARLY STAGES OF DOING THAT. VIVA AEROBUS HAS COMMITTED TO COME TO AUSTIN, WE JUST HAVE TO GET THE FACILITIES IN PLACE. SO IDEALLY IT'S OUR GAME PLAN TO COME BACK TO COUNCIL IN YOUR MEETING TOWARDS THE END OF JULY TO COME BACK WITH A PROPOSAL AND A LEASE STRUCTURE WITH GENERAL ELECTRIC TO PROVIDE THESE PARTICULAR SERVICES. WITH THAT I'LL STOP AND ANSWER ANY QUESTIONS YOU MAY HAVE.

Mayor Wynn: THANK YOU. QUESTIONS FOR STAFF, COUNCIL? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I BELIEVE YOU DON'T KNOW FOR SURE YET, BUT THE ANTICIPATED TERM OF THE LEASE WOULD BE SOMEWHERE IN THE NEIGHBORHOOD BE OF 90 YEARS DEPENDING ON WHAT YOU DETERMINE TO BE THE LIFE OF THE BUILDING?

RIGHT, FOR THE FACILITY. NORMALLY ABOUT 25 TO 30 YEARS IS GENERALLY THE TYPICAL LIFE OF A BUILDING WE HAVE IN OUR LEASE STRUCTURE TODAY. AT THE END OF THAT TIME IT WOULD REVERT TO CITY OWNERSHIP?

RIGHT.

Leffingwell: WHAT ABOUT THINGS LIKE CONCESSIONS, PARKING, PUBLIC TRANSIT, THINGS LIKE THAT? ARE THOSE ALL NEGOTIABLE ITEMS?

YES, THEY ARE. AND IN TERMS OF -- OBJECT BE OBVIOUSLY WITH GENERAL ELECTRIC PUTTING THEIR PROPERTY AT

RISK THEY HAVE TO GET A RETURN ON THE INVESTMENT, SO WE HAVE TO DEVELOP PRO FORMAS WITH THEM FROM BOTH SIDES ON WHAT THEIR STINLTs ARE ON THE VOLUME OF TRAFFIC, HOW MUCH MONEY WILL BE PAID, WHAT THEY HAVE TO PAY US IN LEASE STRUCTURE AND MAKE SURE IT'S A FAIR RETURN. SO YES, THE CONCESSIONS WOULD BE BE PART OF THE NEGOTIATIONS. THE PARKING WILL PROBABLY BE BE PART OF THE NEGOTIATIONS. WE MAY CHOOSE TO ASK GENERAL ELECTRIC TO BUILD THE PARKING TO SERVE THIS FACILITY RATHER THAN US BUILD IT. ALL THOSE THINGS HAVE TO BE WORKED OUT DURING THE NEGOTIATION AND WE'RE NOT THAT FAR ALONG YET.

Leffingwell: OKAY BE. LAST QUESTION. IS THIS GOING TO BE EXCLUSIVELY FOR THE USE OF VIVA AEROBUS?

NO. THEY WILL BE THE FIRST TENANT, BUT WE ARE HOPEFUL THAT -- FIRST OF ALL, THESE FACILITIES ARE MODULAR IN DESIGN, SO THEY CAN BE EASILY EXPANDED. OUR GOAL IS TO MARKET AUSTIN AS HAVING NOW TWO DIFFERENT PRODUCTS. WE HAVE THE MAIN TERMINAL FOR THE TRADITIONAL AIRLINE, BUT THE ULTRA LOW COST BUSINESS MODEL IS A GROWING BUSINESS MODEL AND MORE AIRLINES ARE ENTERING IT AND WE WANT TO BE BE COMPETITIVE IN GOING AFTER AND RECRUITING THEM TO COME TO AUSTIN.

Leffingwell: AND FINALLY JUST LOOKING AT THE MAP, THERE'S NO CONNECTIVITY BETWEEN THE EXISTING TERMINAL AND THIS LOW COST TERMINAL?

NO.

Leffingwell: IT'S ACCESSED THROUGH A DIFFERENT ROUTE.

WE'RE STILL NEGOTIATING, BUT RIGHT NOW IT LOOKS LIKE WE WOULD PUT THIS ON THE SOUTH SIDE OF THE AIRPORT AND YOU WOULD ACTUALLY ACCESS IT FROM BURLESON ROAD AS OPPOSED TO 71.

Leffingwell: AND INITIALLY YOU PLAN FOUR GATES?

IT WOULD BE THREE OR FOUR GATES MAX TO GET IT

STARTED.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: WHAT IF THE PUBLIC WANTS SOME CONNECTIVITY BETWEEN THE LOW COST TERMINAL AND THE MAIN TERMINAL? IF THEY WANT TO CATCH FLIGHTS GOING TO OTHER DESTINATIONS AND OTHER AIRLINES, WHAT WOULD BE THE OPTION? IS THAT SOMETHING WE WOULD PROVIDE OR HIRE A PRIVATE TRANSPORTER OR OUR AIRPORT SHUTTLE SERVICE.

WELL, THERE'S ALWAYS TRANSPORTATION OPTIONS, WLITS SUPER SHUTTLE, TAXI CAB, BUS IN A WE CAN PROVIDE. THERE'S A VARIETY OF WAYS OF DOING IT. THE FIRST THING TO DO IS TO JUDGE WHAT IS THE LEVEL OF TRANSFER TRAFFIC. GENERALLY THIS IS NOT TRANSFER TRAFFIC, THIS IS DESTINATION TRAFFIC THE WAY MOST -- 98% OF EVERYTHING WE GET AT THE AIRPORT TODAY IS WHAT THEY CALL OR... ORIGINATION AND DESTINATION. WE DON'T HAVE A LOT OF TRANSFERS TAKING PLACE AT OUR AIRPORT BECAUSE WE'RE NOT A HUB. SO THAT ISN'T A MAJOR PORTION OF THE BUSINESS BE. BUT YES, THERE WILL PROBABLY BE OCCASIONAL PEOPLE LOOKING TO GET FROM ONE TERMINAL TO THE OTHER AND WE'LL HAVE TO ACCOMMODATE THAT, BUT IT WILL PROBABLY BE SOME TYPE OF A BUS FACILITY OR WHATEVER. AGAIN, THAT IS NOT PLANNED OUT YET.

Kim: AND AS FAR AS WHERE THE DESTINATIONS ARE IN MEXICO, HAVE THOSE BEEN ANNOUNCED YET? DO YOU HAVE ANY IDEA WHERE THEY ARE?

MONTERREY WILL BE DEFINITELY ONE OF THEM BECAUSE THAT'S WHERE THEY'RE HEADQUARTERED. THE REST, THEY'RE PLAN TO GO FILE WITH THE F.A.A. THIS WEEK. THEY'VE DELAYED UNTIL THIS WEEK. SO THAT WILL SHOW UP NEXT WEEK. AND I DON'T HAVE THE FINAL DESTINATIONS MYSELF YET. SO OTHER THAN MONTERREY DEFINITELY BEING ONE OF THEM.

Kim: THANK YOU VERY MUCH.

Mayor Wynn: FURTHER QUESTIONS?

Martinez: I WANTED TO ASK A QUICK QUESTION ABOUT -- I GUESS COUNCILMEMBER LEFFINGWELL KIND OF ASKED ABOUT THE SERVICES, THE TRANSPORTATION TO GET OUT THERE, PARKING, BUT I ASSUME POLICING SERVICES WILL BE THE SAME WAY? WILL THEY PROVIDE THEIR OWN OR IS THIS PART OF THE FEDERAL CUSTOMS PROGRAM? HOW WILL THAT WORK SINCE THESE ARE INTERNATIONAL FLIGHTS? WOULD WE BE PROVIDING POLICING SERVICES OUT THERE?

THERE'S DIFFERENT LEVELS OF SECURITY THERE. THE TRANSPORTATION SECURITY ADMINISTRATION IS THE ENTITY WHICH ACTUALLY SCREENS PASSENGERS. THEY WILL HAVE TO HAVE A PRESENCE IN THIS FACILITY. WE'VE ALREADY HAD PRELIMINARY DISCUSSIONS WITH THEM TO DO THAT. IMMIGRATION WILL HAVE TO HAVE A PRESENCE IN THIS FACILITY BECAUSE IT'S INTERNATIONAL. SO WE'VE ALREADY HAD DISCUSSIONS WITH THEM TO BE PREPARED FOR THIS. IN TERMS OF JUST SECURITY IN TERMS OF OUR SECURITY OF POLICE OR WHATEVER IT IS, YES, WE WOULD STILL BE PROVIDING THAT THE SAME WAY WE DO IN THE EXISTING TERMINAL.

Martinez: AND MAYBE YOU MENTION THIS HAD AND I MISSED IT EARLIER. BUT WHAT WOULD BE OUR INITIAL INVESTMENT TO BUILD A STRUCTURE, A SEPARATE STRUCTURE OR SEPARATE FACILITY?

WHAT IS OUR INITIAL IT INVESTMENT OR THE TOTAL INVESTMENT?

Martinez: FROM ABIA?

WELL, WE'RE NEGOTIATING THAT. AT THIS STAGE OF THE GAME IT'S POTENTIALLY THAT OUR POTENTIAL INVESTMENT WILL BE NOTHING MORE THAN LEASING THE LAND AND GE WILL PUT UP ALL THE CAPITAL. BUT AGAIN AS WE NEGOTIATE THIS OUT, THAT MAY CHANGE SLIGHTLY DEPENDING ON WHAT WE THINK IS MOST IMPORTANT FOR US TO ACCOMPLISH IN THIS TRANSACTION. MASH MAR SO IT SOUND LIKE THIS IS A MEXICAN AIRLINE THAT IS TARGETING

THE HEAVY IMMIGRANT COMMUNITY HERE IN THE UNITED STATES? THAT'S WHERE THEIR TARGET MARKET IS?

FIRST OF ALL, THEY'RE ULTRA LOW COST BUSINESS MEDAL IS INTENDED TO HAVE VERY INEXPENSIVE SEATS, BASICALLY ALL UNDER \$100. A LOT OF THEM FOR \$25, \$35, THAT TYPE OF THING. IN MEXICO THEIR BUSINESS MODEL REVOLVES AROUND THE FACT THAT LESS THAN FIVE PERCENT OF THE PEOPLE IN MEXICO FLY TODAY BECAUSE THEY CAN'T AFFORD THE FARES. SO THE GOAL IS IF THEY CAN GET THE FARES DOWN FOR EVERY INCREMENT THEY CAN KEEP THE FARES DOWN THEY WILL STIMULATE THAT MUCH MORE TRAFFIC IN MEXICO. SO THE BOON TO US AND WHY THE TOURISM COMMUNITY IN AUSTIN IS EXCITED ABOUT THIS IS THAT MEANS A WHOLE LOT MORE TOURISTS COMING TO THE AUSTIN AREA. AND THEY MAY DECIDE TO GO TO HOUSTON AND SAN ANTONIO AFTER THEY LAND HERE, BUT AT LEAST THEY'RE GOING TO COME INTO AUSTIN. THE OTHER THING THAT THIS BUSINESS MODEL TRIES TO ACCOMPLISH ON THE U.S. SIDE OF THIS IS BECAUSE THE FARES WILL BE SO LOW, THEY ANTICIPATE THAT PEOPLE WILL BE DRIVING FROM HOUSTON AND SAN ANTONIO TO AUSTIN IN ORDER TO TAKE THESE FLIGHTS, AND THEN WE GET THE BENEFIT THAT HAVE BUSINESS AS WELL. SO THE BUSINESS MODEL -- THIS HAS BEEN PROVEN SUCCESSFULLY IN EUROPE, ASIA, MEXICO, WHENEVER IT'S BEEN USED, IS YOU WILL GET PEOPLE TO DRIVE RELATIVELY LONG DISTANCES TO GET A CHEAP FLIGHT TO A DESTINATION. AND BY BEING A COMMUNITY WHICH HOSTS THIS, HOPEFULLY US, THEN WE GET THE BENEFIT OF BOTH INCOMING AND OUTGOING PASSENGERS FOR THAT REASON.

Martinez: BUT NONE OF THE SAFETY STANDARDS, REGULATIONS, WE'RE NOT CREATING SOME TWO-TIERED FLIGHT SYSTEM?

NO. YOU ALL HAVE TO MEET THE SAME F.A.A. STANDARDS AND EVERYTHING ELSE TO FLY IN THE U.S. YOU WILL GET DIFFERENT CONTRACT STANDARDS ON THE PLANE BECAUSE YOU WILL BE SQUEEZED A LITTLE TIGHTER ON THE PLANE SO THEY CAN PUT MORE SEATS IN THERE AND THINGS LIKE THAT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Leffingwell: STANDARD FEES THAT APPLY TO ALL AIRLINES COMING INTO ABIA, ARE THEY GOING TO BE THE SAME? ARE THEY GOING TO PAY THE SAME LANDING FEES THAT EVERYBODY ELSE PAYS?

THE F.A.A. REQUIRES THAT YOU CANNOT DISCRIMINATE AMONG THE AIRLINES, SO ALL LANDING FEES, RENTAL RATES THAT WE CHARGE FOR THE AIRLINES HAVE TO BE THE SAME FOR EVERYBODY. NOW, FOR NEW CERTAIN ROUTES WE AS AN AIRPORT OFFER INCENTIVES FOR A CERTAIN PERIOD OF TIME WHICH REDUCES ONE AIRLINE'S RATES WHEN THEY INTRODUCE SERVICE TO A NEW DESTINATION. BUT THOSE EXPIRE AT A CERTAIN POINT AND THEN EVERYBODY BE'S RATES BECOME THE SAME. SO VIVA AERO BUS WILL PAY THE SAME AS ANYONE ELSE AT THE AIRPORT.

Leffingwell: THE REASON I ASK THE QUESTION IS IN SOME OF THE MATERIAL THAT YOU FURNISHED US, IT SAID THEY USUALLY LOOK FOR OUT OF THE WAY AIRPORTS THAT HAVE VERY LOW LANDING FEES. I DIDN'T KNOW THAT WE WERE IN THAT CLASSIFICATION.

WE'RE NOT. WE DON'T HAVE WHAT YOU WOULD CONSIDER A LOW LANDING FEE, BUT BECAUSE WE'RE PROPOSING TO BUILD THEM A TERMINAL THAT IS LOWER COST, THAT THEIR RENTAL RATE INSIDE THE TERMINAL WILL BE SIGNIFICANTLY LESS THAN THE RENTAL RATE WE CHARGE IN THE MAIN TERMINAL. AND THAT'S WHAT YOU FIND IN EUROPE, WHAT THEY DID IN AMSTERDAM AND FRANKFURT, THEY BASICALLY GOT THE RENT TO DOWN TO ABOUT HALF OF WHAT IT WAS IN THE MAIN TERMINAL.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: ONE LAST FOLLOW-UP. IF WE CONTRACT WITH GE AND WE SIMPLY JUST LEASE THE LAND, I WANT US TO MAKE SURE THAT WE PUT PROVISIONS IN THERE THAT ANY CONSTRUCTION THAT TAKES PLACE AT ABIA, INFRASTRUCTURE BUILDING, THAT WE CONTINUE TO DO EVERYTHING WE CAN TO MEET AND EXCEED OUR MINORITY

PARTICIPATION GOALS. I DON'T WANT US TO GET INTO A SITUATION WHERE WE JUST SIGN A LEASE AND SOME COMPANY COMES IN HERE AND BUILDS WHATEVER THEY WANT USING OUTSIDE FIRM, OUTSIDE LABOR. I WANT TO MAKE SURE THAT IT SPEAKS EASY THE VALUES OF AUSTIN AND THAT WE CONTRACT LOCALLY.

WE TRY AND DO THAT THROUGH ALL THE LEASES AT THE AIRPORT. ALMOST EVERYTHING WHICH IS DONE AT THE AIRPORT IS THROUGH A LEASE ARRANGEMENT FAYE, SO WE PUT THOSE ITEMS IN THERE.

Martinez: THANKS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THANK YOU, MR. SMITH. INTERESTING STUFF. SO COUNCIL, WITHOUT OBJECTION, WE'LL NOW GO TO OUR AFTERNOON BRIEFING, WHICH IS A PRESENTATION AND UPDATE ON THE CITY'S -- AUSTIN ENERGY'S 2800 SOME-ODD ACRE TRACT OF LAND IN FAR EASTERN TRAVIS COUNTY. IT LOOKS LIKE I'LL WELCOME ASSISTANT CITY MANAGER BETTER LAMBRIAS.

THANK YOU, MAYOR. WE ARE GOING TO BE PROVIDING A QUICK UPDATE ON THE CITY'S WEBBERVILLE PROPERTY. THE CITY OF AUSTIN OWNS 2853 ACRES LOCATED NORTH OF THE VILLAGE OF WEB BEERVILLE ON FM 969 REFERRED TO AS THE WEBBERVILLE TRACT. IT IS LOCATED IN THE DESIRED DEVELOPMENT ZONE AND SH 130. IN THE MID 1980'S, CITY COUNCIL GAVE AUSTIN ENERGY PERMISSION TO PURCHASE THE CONSOLIDATED TRACTS AT OVER \$21 MILLION WITH TAXES AND BONDS FOR THE DEVELOPMENT OF A COAL POWERED PLANT. IN THE LATE '80S, COUNCIL DECIDED NOT TO BUILD THE PLANT AND THE PROPERTY HAS NEVER BEEN SLATED FOR ANY PARTICULAR USE. THE ACREAGE IS A COMBINATION OF PASTURE LAND AND WOODLANDS AND MANY PONDS AND CREEKS AND IS CURRENTLY LEASED TO VARIOUS INDIVIDUALS FOR GRAZING AND CROPS. WHILE THE PROPERTY IS NO LONGER NEEDED FOR A POWER PLANT, IT IS STRATEGICALLY LOCATED IN OUR GROWTH CORRIDOR AND WILL BE NEEDED TO SERB THAT GROWTH. -- TO SERVE THAT GROWTH. LAST MONTH WITH STAFF PROVIDING A VERY STRONG RECOMMENDATION, CITY COUNCIL UNANIMOUSLY APPROVED THE RESOLUTION CLEARLY

EXPRESSING OUR INTENT TO MAINTAIN CITY OWNERSHIP OF THIS TRACT OF LAND. IN RELATION THE RESOLUTION STATED, THE PROPERTY MAY BE USEFUL IN PROVIDING NEEDED PUBLIC SERVICES AND BENEFITS IN AND AROUND THE DESIRED DEVELOPMENT ZONE. IN TODAY'S PRESENTATION WE PLAN TO PROVIDE YOU WITH OUR CONSULTANTS' PRELIMINARY ASSESSMENT REPORT TO DETERMINE THE SUITABILITY OF THIS SITE FOR OVERALL PUBLIC SERVICE. THIS ASSESSMENT IS VITAL IN TERM OF IDENTIFYING ANY MAJOR FATAL FLAWSES AND WHETHER IT CAN OR CANNOT SERVE TO MEET MUCH NEEDED INFRASTRUCTURE PLANS FOR OUR REGION OR COMMUNITY. FURTHER, AT THE END WE WILL SHARE WITH YOU SOME NEXT STEPS AS WE PLAN TO CONDUCT FURTHER ANALYSIS OF THE PROPERTY AND THEN START HONING IN ON SPECIFIC USES MOST SUITABLE TO MEET ANY SHORT OR LONG-TERM PLANNING FOR SERVICE NEEDS. THIS PRELIMINARY STUDY WILL LOOK AT A NUMBER BE OF THINGS, INCLUDING ITS POTENTIAL TO MEET A VARIETY OF CRITICAL MUNICIPAL NEEDS AND AS DISCUSSED BEFORE, THIS COULD INCLUDE A REGIONAL WASTEWATER TREATMENT PLANT, AUSTIN ENERGY POWER PLANT, LANDFILL OR OTHER SOLID WASTE OPERATIONS. THE CAPACITY TO PLAN FOR MAJOR INFRASTRUCTURE WHEN SIGNIFICANT DEVELOPMENT IS OCCURRING, PLANNED FOR AND PLACING SIGNIFICANT PRESSURE ON OUR CITY DEPARTMENTS AND CAREFUL ASSESSMENT OF OUR LONG-TERM NEEDS TO BEST SERVICE THE REGION WITHOUT SEVERELY IMPACTING OUR FEES OR OTHER SERVICES FOR ALL CITIZENS IN AUSTIN. WITH THE DEVELOPMENT AND GROWTH WITHIN SH 130 CORRIDOR AND AUSTIN'S GROWING POPULATION, THE LAND BECOMES ADEAL FOR POTENTIALLY MEETING SOME OF OUR SERVICE GOALS. AS GROWTH CONTINUES, SERVICE TO THE AREA ALSO INCREASES AND WILL PRESENT SIGNIFICANT CHALLENGES IF WE DO NOT TAKE THESE PRELIMINARY STEPS TO CAREFULLY ANALYZE THIS PROPERTY AND BEGIN DETERMINING OUR OPTIONS FOR THE FUTURE. AS WE DISCUSSED BEFORE, AREAS FOR POTENTIAL SERVICE INCLUDE A WASTEWATER TREATMENT PLANT, AN AUSTIN ENERGY POWER PLANT OR AREAS IN THE SOLID WASTE SERVICES. AS WITH ANY MAJOR INFRASTRUCTURE PROJECT IS, THE PROPER STEPS WILL BE

TAKEN, INCLUDING FULL SITE ASSESSMENT, PUBLIC PARTICIPATION AND CONSIDERATION FOR THE SURROUNDING ENVIRONMENT. A POWER PLANT WOULD ADDRESS THE CONTINUING POWER DEMANDS THAT AUSTIN ENERGY HAS BEEN EXPERIENCING EAST OF SH 130. THE EMERGE AGAINST OF VARIOUS FLOODPLAIN ISSUES AND THE RECENT NEWS OF THE DEVELOPMENT PROJECT HAS LED AUSTIN WATER UTILITIES TO REEVALUATE THE DEVELOPMENT OF THE PLANNED WASTEWATER TREATMENT PLANT THAT IS TO SERVICE THE NORTHEAST REGION. THIS REGIONAL PLANT WOULD EVENTUALLY SERVE THE HARRIS BRANCH, LOCKWOOD, ELM CREEK AND COLORADO RIVER BASINS. THE LAND COULD ALSO BE USED FOR SEVERAL SOLID WASTE SERVICE ISSUES, HOWEVER BEFORE ANY OPERATION OR FACILITY WERE TO EVEN BE CSHD, IT WOULD NEED TO INCORPORATE THE CITY'S GOAL OF BECOMING A ZERO WASTE COMMUNITY, ENSURE THAT ENVIRONMENTAL BEST PRACTICES ARE IN PLACE IN EVERY ASPECT OF OUR PLANNING AND ADHERE TO VERY SPECIFIC REGULATIONS. THE WEBBERVILLE TRACT REPRESENTS AN EXTREMELY UNIQUE SITUATION FOR US IN THE FUTURE OF NOT ONLY GROWTH DEMANDS, BUTTING.... BEING ABLE TO CREATE EFFICIENCY IN OUR PROJECT PLANNING. BASED ON OUR STAFF'S RESEARCH, WE HAVE NOT BEEN ABLE TO LOCATE ANOTHER PIECE OF PROPERTY COMPARABLE TO THE WEBBERVILLE TRACT SIZE, STRATEGIC LOCATION AND OVERALL VALUE. THE NEXT PART OF THE PRESENTATION WILL BE TO DISCUSS THE DEVELOPMENT IN EASTERN ARE TRAVIS COUNTY AROUND THE WEBBERVILLE TRACT, SO I'D LIKE TO TURN THE PRESENTATION OVER TO MS. LAURA HUFFMAN.

Mayor Wynn: WELCOME.

THANK YOU, MAYOR AND MEMBERS BE OF THE CITY COUNCIL. WHATBERT HAS ASKED ME TO DO IS QUICKLY TALK ABOUT WHAT'S GOING ON IN THIS PART OF AUSTIN. THIS IS THE AREA THAT WE CALL THE DESIRED DEVELOPMENT ZONE IN AUSTIN. WE'VE TALKED A LOT ABOUT THIS AREA IN THE LAST COUPLE OF YEARS BECAUSE WE'RE SEEING SUCH AGGRESSIVE GROWTH OUT HERE. AND TO GIVE YOU AN IDEA OF JITION WHAT THAT LOOKS LIKE, IN 1990 THE POPULATION WAS ABOUT 15,000. AND TODAY IT'S

ABOUT 44,000 PEOPLE. SO THIS PART OF AUSTIN IS EXCEEDING EVEN OUR 20 YEAR AVERAGE OF DOUBLING POPULATION. WE'RE SEEING THAT -- OBVIOUSLY THAT'S BEING REFLECTED IN THE NUMBER OF HOUSEHOLDS. IN 1990 THERE WERE A LITTLE UNDER 5,000 HOUSEHOLDS. TODAY THERE ARE NEARLY 13,000.....13,000 RESIDENCES OUT THERE. THIS IS AN AREA OF TOWN WHERE WE'RE ENCOURAGING GROWTH. AND WHAT WE'VE DONE IS ENLIST A HANDFUL OF DEVELOPMENTS THAT ARE EITHER BEING CONSIDERED OR SOMEWHERE IN THE DEVELOPMENT PROCESS, MANY OF WHICH YOU'VE HEARD ABOUT. CHILD HORSE IS ABOUT A 1900-ACRE DEVELOPMENT. YOU ALL HAVE A P.U.D. FOR THAT DEVELOPMENT. YOU CAN DPP TO SEE WILD HORSE COME BACK IN THE NEXT FEW MONTHS SEEKING ADDITIONAL STENS DENSITY. THIS IS A RESIDENTIAL, COMMERCIAL RETAIL DEVELOPMENT. IT DOES REFLECT YOUR GOALS TO HAVE A MORE AGGRESSIVE MIX OF USES OUT IN THIS AREA. INTERPORT IS ALSO A P.U.D. THAT THE CITY COUNCIL APPROVED. IT'S 652 ACRES. AND ONE THAT YOU'LL BE HEARING MORE ABOUT IS WHISPER VALLEY, WHICH IS OVER 2,000 ACRES AND IS OPTION A VERY DENSE RESIDENTIAL MIXED USE DEVELOPMENT. WE ARE BEGINNING TO SEE EXACTLY THE KIND OF DEVELOPMENTS YOU WERE LOOKING FOR, SOMETHING WITH A MIX, NOT JUST TRADITIONAL SUBURBS. AND THIS IS HAPPENING IN THE STATE HIGHWAY 130 AREA. SO WHAT WE DID IN THE LAST FEW MONTHS AND THIS LEGISLATIVE SESSION IS WE WERE LOOKING AT LEGISLATION THAT WOULD ESSENTIALLY GIVE THE CITY OF AUSTIN A TOOL TO INVEST IN INFRASTRUCTURE AND THAT'S WHY BURT ASKED ME TO TALK ABOUT THE DEVELOPMENT TODAY. AND WHAT THAT TOOL WOULD DO IS RECOGNIZE THAT WITH THIS GROWTH COMES THE NEED TO EXTEND INFRASTRUCTURE. THE MAP THAT YOU'RE LOOKING AT, THE RED LINE OUTLINES WHAT WE CALLED THE STATE HIGHWAY 130 INFRASTRUCTURE DISTRICT. THAT'S WHAT WE'VE DEVELOPED THE LEGISLATION AROUND. BUT MORE THAN ANYTHING WHAT WE'RE TRYING TO SHOW YOU IN THIS MAP IS THE NUMBER OF SITE PLANS AND SUBDIVISION CASES THAT WE'RE PROCESSING. AND JUST TO ORIENT THE VIEWER, THE BLUE AREA IS THE CITY'S E.T.J. AND THE TWO-MILE E.T.J. AND THE GRAY AREA IS THE CITY'S FIVE MILE

E.T.J. THE GREEN SHAPE TO THE RIGHT IS THE WEBBERVILLE TRACT. SO AS YOU CAN SEE THERE'S A VERY CLOSE RELATIONSHIP BETWEEN THE WEBBERVILLE TRACT AND THE AREA THAT WE ARE PUSHING DEVELOPMENT TO. THIS MAP IS ALSO SHOWING THAW THERE IS A LOT OF DEVELOPMENT IN PROCESS. SO BETWEEN THE LARGE DEVELOPMENTS THAT I JUST MENTIONED AND ALL OF THE SUBDIVISION AND SIDE PLAN CASES THAT WE'RE PROCESSING AND JUST THE GROWTH TRENDS THAT ARE BEING DONE, WE WILL NEED MORE INFRASTRUCTURE IN THIS AREA. SO CLEAR NAFC WE SOUGHT STATE LEGISLATION TO GIVE US A REVENUE STREAM TO HELP FUND THAT LEGISLATURE. WE WANT TO SEE JUST TRADITION -- NOT JUST TRADITIONAL SUBDIVISIONS, BUT A MORE MIX OF USES SO THAT PEOPLE CAN LIVE WORK AND PLAY OUT IN THIS PART OF AUSTIN THAT IS GROWING SO AGGRESSIVELY. AND WITH THAT I WILL TURN IT OVER TO OUR CONSULTANT WHO IS GOING TO TALK TO YOU A LITTLE BIT MORE ABOUT THE SITE ASSESSMENT, AND WALK YOU THROUGH THE VARIOUS FEATURES OF THAT SITE ASSESSMENT. THANK YOU.

WE'RE PROVIDING ENVIRONMENTAL AND CONSULTING SERVICES TO THE CITY ON THIS PROJECT. WHAT WE WERE TASKED TO DO WAS EVALUATE THE PROPERTY FOR THE POTENTIAL TO USE IT FOR A NUMBER OF PURPOSES. AND AS ALL OF YOU, AWARE, ANY TIME YOU ARE GOING TO UTILIZE A PIECE OF PROPERTY THERE ARE A NUMBER OF TECHNICAL AND REGULATORY ASPECTS THAT COULD IMPORTANTLY AFFECT THAT REDEVELOPMENT PROJECTS. GROUNDWATER IS ONE CONSIDERATION ESPECIALLY FOR AREAS THAT HAVE ENVIRONMENTAL SENSITIVITY. 100 YEAR FLOODPLAIN AND SURFACE WATER ISSUES. ARE THERE STREAMS THAT HAVE TO BE PROTECTED. CERTAIN ACTIVITIES CAN HAPPEN INSIDE THE FLOODPLAIN OR INSIDE THE 100 YEAR FLOODWAY. THE PROPERTY SIZE IS CERTAINLY AN ISSUE. LARGER PROPERTIES ARE MORE AMENABLE AND MORE SUITABLE FOR CERTAIN TYPES OF USES AS OPPOSED TO SMALLER PROPERTIES. NEIGHBORING LAND USE CERTAINLY A CONSIDERATION. HIGH DENSITY USE IN SURROUNDING AREAS WILL CERTAINLY AFFECT THE CHOICES AS TO WHETHER OR NOT TO USE PROPERTY FOR CERTAIN

INDUSTRIAL STYLE ACTIVITIES. PROXIMITY TO THE SERVICE AREA IS THAT THEY'RE SUPPOSED TO BE BE TAKEN CARE OF AND EQUALLY IMPORTANTLY, HOW WOULD THE SERVICE AREAS BE ACCESSED FROM THE PROPERTY AND TO THE PROPERTY. AND OTHER DANGERS LIKE ENG DANGERRED SPECIES, CULTURAL, HISTORICAL CONSIDERATIONS. THE FUNDAMENTAL CONCLUSIONS THAT WE'VE REACHED HERE ARE THAT THE LARGE AREA OF THE -- LARGE AREAS OF THE SITE ARE SUITABLE FOR A VARIETY OF PUBLIC USES. THE SITE SIZE IS CERTAINLY A TREMENDOUS ADVANTAGE. I'LL SHOW YOU SOME DETAILS ON THAT. BUT THE SITE IS ROUGHLY ALMOST TWO MILES BY THREE MILES IN DIMENSIONS AND IT'S ALSO FAIRLY REGULAR IN SHAPE, WHICH MEANS YOU'VE GOT A VERY LARGE INTERNAL AREA THAT YOU CAN USE AND SURROUND WITH SUBSTANTIAL BUFFERS BETWEEN THE EDGE OF THE PROPERTY AND PUBLIC CONTACT AND THOSE PROCESSES ON THE INSIDE. SITE USEABILITY WOULD BE ENHANCED IF WE MAKE DHIENGZ THE 100 YEAR FLOODPLAIN ESPECIALLY IN THE WESTERN PORTION OF THE PROPERTY. AND WE DO NEED SOME ADDITIONAL STUDY ON ARCHEOLOGY. THERE IS SOME POTENTIAL THAT WILL FIND ARCHAEOLOGICAL SITES HERE. IF THOSE ARE MAJOR LARGE SITES, THAT WOULD CERTAINLY EFFECT THE ABILITY TO DEVELOP THE PROPERTY FURTHER. IF THEY'RE MINOR THEY CAN PROBABLY BE DEALT WITH WITHOUT SIGNIFICANT IMPACT ON SITE DEVELOPMENT. ACCESS ROADS AND BRIDGES ARE PRESENT IN THE AREA, BUT PROBABLY UNDERSIZED FOR ANY MAJOR USE OF THE PROPERTY, INCLUDING A VARIETY OF CITY SERVICES. TOUCHING ON EACH ONE OF THOSE INDIVIDUALS, LARGE PROPERTY SITES. AS I SAID, THIS IS A BIG PROPERTY, THREE MILES BY TWO MILES ROUGHLY IN DIMENSIONS, OVER 2800 ACRES. SITE GEOLOGY IS HELPFUL IN A LOT OF WAYS. THE SITE IS DIVIDED UP INTO TWO AREAS, WHAT WE REFERRED TO IS THE LOW LAND AREA. BLAKE MANOR ROAD IS TO THE NORTH ON THE LEFT-HAND SIDE. YOU HAVE THE AREA THAT IS BASICALLY THE COLORADO RIVER VALLEY. IT IS FLAT, CULTIVATED LAND. VERY LOW PROFILE. ABOUT WHERE YOU SEE THE WORDING FM 69 THERE, YOU SEE WE BEGIN TO GET UP INTO HILLS THAT FORM THE COLORADO RIVER VALLEY WALL OR THE SIDES OF THE RIVER VALLEY ON THE NORTHSIDE.

UNDERLYING ALL OF THIS, THE BEDROCK GEOLOGY IS WHAT'S REFERRED TO AS THE TAYLOR NAVARRO CLAY STONE. SO IT'S COMPRISED OF CLAY MATERIALS, NOT A LOT OF PERMEABILITY OR GROUNDWATER. WE DO HAVE SOME AREAS WHERE THOSE ARE BLANKETED OR OVERLAYING BY TERRACE DEPOSITS. THESE DEPOSITS IN THE RIVER VALLEY PROPER DO HAVE SHALLOW GROUNDWATER SO THAT WILL CONSTRAIN YOUR DESIRE OR SUITABILITY TO PUT CERTAIN ACTIVITIES THERE. BUT MOST OF THE PROPERTY IS UP IN THE HIGHLAND PORTION. HIGHLAND PORTION IS GOING TO HAVE SPOTTY TERRACE DEPOSITS AND THOSE CONTAIN WATER IN SOME SHALLOW AREAS. THEY DON'T CONTAIN WATER IN OTHER. OVERALL OUR GEOLOGICAL ASSESSMENT FOUND THAT MOST OF THE AREA OF THE SITE IS NOT DID NOT HAVE WATER AND WHERE IT DID IT WAS LOCALIZED TO NARROW CHANNELS WHICH ARE AREAS THAT ARE ERODED INTO THE TOP OF THE NAVARRO CLAY STONE. THERE ARE SOME WELLS IN THE AREA THAT ACCESS BOTH THE COLORADO RIVER, WHICH IS THE SUDDEN BODY WELLS THAT YOU SEE ALONG FM 969 ON THIS MAP AND THEN IN THE LOCALIZED AREAS THAT HAVE THICKER TERRACE DEPOSITS UP IN THE HIGHLAND AREA TO THE NORTH. YOU'LL NOTICE THAT SEVERAL OF THOALZ WELLS ARE ACTUALLY ON SITE. I'LL NOTE ALSO THAT THESE ARE THE DOCUMENTED WELLS THAT ARE IN THE AREA. DOCUMENTATION OF THESE SHORT OF THINGS DOESN'T TEND TO LAG BEHIND. SOMETIMES SOME OF THESE WELLS MAY NOT EXIST. THERE MAY BE OTHER WELLS THAT HAVE COME IN THAT ARE NOT DOCUMENTED OR THAT PREDATE THE STATE FILES. THIS GIVES YOU SOME SENSE AS TO WHAT PORTION OF THE SITE FALLS WITHIN THE RIVER VALLEY AND IS PROBABLY UNDERLANE BY THE COLORADO RIVER DEPOSIT AQUIFER. WE'VE GOT SHALLOW GROUNDWATER IN THAT SOUTHERN LIGHTLY SHADED PORTION OF THE SOUTHERN THIRD OF THE SITE. AND THAT WOULD LIMIT OUR ABILITY TO USE THAT PORTION OF THE SITE FOR CERTAIN THINGS. THE AREA OF THE SITE AS MENTIONED EARLIER, THE SITE ITSELF WAS MOSTLY PASTURE LAND USED FOR AGRICULTURAL PURPOSES OR IS COVERED BY BRUSH. THE SURROUNDING AREA HAS SIMILAR USES ALTHOUGH WE HAVE SOME RESIDENTIAL AREAS ON ALL SIDES OF THE SITE. WE HAVE SOME EXISTING ENERGY UTILITIES THAT NEED TO BE

CONSIDERED. THE ONES THAT ARE MOST NOTEWORTHY OR SOME HIGH TENSION LINES, ELECTRICAL POWER LINES. LOWER COLORADO RIVER AUTHORITY LINE IS NORTH-SOUTH ON THE EAST PART OF THE SITE RUNNING INTO A SUBSTATION THAT YOU SEE AS A SMALL GREEN BLOCK ON THIS MAP. THE ORANGE LINE IS AN AUSTIN ENERGY HIGH TENSION LINE RUNNING FROM EAST TO WEST RIGHT ACROSS THE NOIRN PART OF THE SITE. THEN THE 100 YEAR FLOODPLAIN ISSUES. WE'VE GOT A SMALL PORTION OF THE SITE IS WITHIN WHAT'S MAPPED CURRENTLY AS THE 100 YEAR FLOODPLAIN. THAT -- THE TWO FINGERS OF 100 YEAR FLOODPLAIN THAT YOU SEE EXTENDING INTO THE NORTHERN PORTION OF THE SITE WOULD IMPEDE THE ABILITY TO USE THOSE PORTIONS OF THE SITE FOR CERTAIN ACTIVITIES. I WOULD NOTE HERE ALSO THAT IT'S POSSIBLE TO GO THROUGH A PROCESS OF RECLASSIFYING, REVISING THE 100 YEAR FLOODPLAIN EITHER THROUGH HYDRAULIC MODELING TO VERIFY THAT THE FLOW PATTERNS ARE WHAT THEY ARE, WHAT 13 BELIEVED TO BE WHEN THE 100 YEAR FLOODPLAIN WAS DEVELOPED BY FEMA. AL..ALTERNATIVELY TO IMPLEMENT ENGINEERING CHANGES TO THE PROPERTY TO CHANGE THE DRAINAGE SO THAT THOSE AREAS ARE NO LONGER WITHIN THE 100 YEAR FLOODPLAIN. AND IF THAT WERE DONE THAT WOULD OPEN UP THE WEST PART OF THE HIGH LABEL AREA WHICH IS MOST SUITABLE FOR DEVELOPMENT TO POTENTIAL USE. ACCESS ROUTES. THERE ARE A NUMBER OF WAYS TO GET TO THE PROPERTY. THE MOST PROTECT IS 969. 969 IS A SMALL TWO LANE ROAD, FAIRLY WINDING. CURRENTLY IT'S REASONABLY HEAVY TRAFFIC, HEAVILY TRAFFICKED. BOTH PASSENGER CARS AND TRUCKS, LARGE TRUCKS INCLUDING A LOT OF DUMP TRUCKS. IF THE PROPERTY WERE REDEVELOPED FOR ANY NUMBER OF CITY SERVICES, IT'S LIKELY THAT 969 WOULD NEED TO BE UPGRADED SUBSTANTIALLY AS A ROAD, CLFT THE BRIDGES THAT WOULD SERVE THE PROPERTY. THIS GIVES YOU SOME SENSE AS TO WHAT THE CHARACTER OF 969 IS IN THE AREA. AND FINALLY CULTURAL, HISTORICAL AND ARCHAEOLOGICAL SITES. THERE IS AN ON-SITE CEMETERY THAT WOULD OBJECT..... OBVIOUSLY NEED TO BE PRESERVED AND PROTECTED THROUGH ANY ONGOING DEVELOPMENT. THAT'S THE CEMETERY CLOSE TO THE EASTERN BOUNDARY OF THE PROPERTY. ON-SITE THERE

HAVE BEEN ARCHAEOLOGICAL SURVEYS DONE ALONG THE AUSTIN ENERGY EASEMENT THAT CROSSES THE PROPERTY FROM EAST TO WEST ON THE NORTH PART. AND THAT DID FIND SOME SMALL SCALE ARCHAEOLOGICAL SITES PRESENT WHICH IS NOT SURPRISING. THIS TYPE OF AREA HAS PROBABLY BEEN IN USE BY HUMAN BEINGS FOR AN AWFUL LONG TIME. AS PART OF ANY DEVELOPMENT OF THE SITE, AS I SAID, YOU WOULD WANT TO EXPAND THE ARCHAEOLOGICAL SURVEYS THAT HAVE BEEN DONE TO ENCOMPASS PORTIONS OF THE PROPERTY THAT HAVEN'T BEEN LOOKED AT. MAKE SURE THERE'S NOTHING ELSE YOU WOULD HAVE TO DEAL WITH. SO WHAT'S NEXT? IF THE PROPERTIES GO FORWARD WITH DEVELOPMENT, THEN BASICALLY WE WOULD NEED TO LOOK AT A LOT OF THE THINGS WE'VE ALREADY LOOKED BE AT. WE WOULD NEED TO LOOK AT THEM MORE AGGRESSIVELY AND IN MORE DETAIL. FIRST IS SURFACE WATER. WE'D NEED TO DO MORE MODEL MODELING OF THE 100 YEAR FLOODPLAIN TO FIND OUT WHAT IT WOULD TAKE TO POTENTIALLY RECLASSIFY THE PORTION OF THE 100 YEAR FLOODPLAIN ON THE WEST PART OF THE PROPERTY. WE'D ALSO IN ORDER TO MEET CITY REQUIREMENTS, WE'D HAVE TO ASSESS THE WET LANDS AND SPRINGS THAT MIGHT BE PRESENT ON THE PROPERTY MORE COMPLETELY. WE'D WANT TO LOOK MORE DETAIL AT GROUND..... GROUNDWATER CURRENTS. RIGHT NOW WE KNOW THE PRESENCE OF EXISTING WATER SUPPLY WELLS IN SOME AREAS. I THINK IT WOULD BE IMPORTANT TO FIND OUT MORE DETAIL ABOUT THAT AND BE ABLE TO PUT BETTER LINES ON THE MAP AS TO WHERE THERE'S GROUND WATER AND WHERE THERE'S NOT, WHERE IT IS AND WHERE IT GOES. AND DOING A COMPLETE SURVEY OF THE SITE TO IDENTIFY THOSE WOULD BE A CRITICAL PATH ITEM GOINGS FORWARD TO DEVELOP THE PROPERTY W THAT I'LL TURN THING BACK OVER TO BURT. THANK YOU.

AS MARK MENTIONED OR AS WE HAVE DISCUSSED, OUR CONSULTANT WILL PROVIDE TO FINALIZE THIS PHASE OF THE PRELIMINARY REPORT FROM A PROFESSIONAL POINT OF VIEW, PROFESSIONAL TECHNICAL POINT OF VIEW AND GIVE US THE INFORMATION WE NEED TO BEGIN IDENTIFYING THE POTENTIAL USES IN GENERAL. CITY COUNCIL HAS BEEN VERY CLEAR THAT WE ARE NOT TO FOCUS ON ANY ONE

SPECIFIC PUBLIC SERVICE, BUT LOOK AT IT UNIVERSALLY, FULLY CONSIDERING ALL THE NEEDS. SO WE PLAN TO DO THAT. WE EXPECT TO HAVE A PROGRESS REPORT BACK TO COUNCIL BEFORE THE END OF THIS CALENDAR YEAR WINS THE CONSULTANT HAS COMPLETED -- ONCE THE CONSULTANT HAS COMPLETED HIS WORK. AND IN CONCLUSION IT IS CLEAR TO STAFF THAT THE WEBBERVILLE TRACT REPRESENTS A VERY UNIQUE ASSET, NOT ONLY IN TERM OF THE FACT THAT WE NOT ONLY -- BECAUSE WE OWN IT, BUT BECAUSE OF THIS POTENTIAL USES AND IN LIGHT OF OUR OVERALL NEEDS IN THE CITY AND THE REGION. AS WE HAVE BEEN ABLE TO SHOW YOU THIS AFTERNOON, ALL OF THE POTENTIAL GROWTH THAT IS LIKELY TO COME TO OUR AREA WILL BE IN THE SH 130 CORRIDOR AREA WHICH WILL NEED SUBSTANTIAL INFRASTRUCTURE TO SUPPORT IT. WE CERTAINLY UNDERSTAND THAT THERE MAY BE SOME CONCERNS ABOUT WHETHER THE WEBBERVILLE TRACT IS THE RIGHT LOCATION FOR A FUTURE AUSTIN ENERGY POWER PLANT, REGIONAL WASTEWATER PLANT OR FOR THE SPECIFIC SOLID WASTE OPERATIONS. ONE THING WE DO KNOW FOR CERTAIN IS CONTINUING TO OWN THE LAND HAS MANY POSITIVE OPTIONS FOR US. STAFF BELIEVES IT IS INTEGRAL TO MEET THE SERVICE NEEDS AND GIVES US THE DISTINCTABILITY TO CONTROL OUR OWN DESTINY. SO WITH THAT MAYOR THAT CONCLUDES OUR PRESENTATION. WE CERTAINLY APPRECIATE THE CITY COUNCIL'S FORESIGHT AND VISIONARY LEADERSHIP IN THIS PROCESS AND WE'RE CERTAINLY OPEN TO ANY QUESTIONS.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COMMENTS? AGAIN, AS -- COUNCILMEMBER KIM.

Kim: ONE OF THE THINGS THAT I GUESS IN THE PRESENTATION THAT CAME OUT IS THE NEXT STEPS WE NEED TO DO IN TERM OF ARCHAEOLOGICAL SURVEY AND THE FLOODPLAIN ISSUES. WHAT ARE THE STEPS IN GETTING THE SURVEY DONE, THE FLOODPLAIN SURVEY DONE AND HOW LONG WILL THAT TAKE? HOW LONG WILL THAT TAKE FEMA TO DO ONE?

LET ME ASK MARK TO SEE IF MAYBE HE CAN HELP ME ADDRESS THAT ISSUE.

LET ME TAKE THOSE ONE AT A TIME. THE FLOODPLAIN RECLASSIFICATION IS A PROCESS THAT'S CALLED THE CONDITIONAL LETTER OF MAP REVISION. THOSE ARE THE NAMES THAT FEMA APPLIES TO THAT PROCESS. AND IT'S A VERY FORMAL PROCESS. IT CAN BE DIVIDED UP INTO A COUPLE OF STEPS. THE FIRST IS BASICALLY ON THE APPLICANT, WHICH WOULD BE THE CITY OF AUSTIN IN THIS CASE. AND THAT INVOLVES ENGINEERING WORK TO DO HYDRAULIC MODELING OF WHAT THE DRAINAGE PATTERNS ARE IN THE AREA, TO SEE WHAT CAN BE DONE TO RECLASSIFY THE FLOODPLAIN. AND THAT MAY INCLUDE, FOR EXAMPLE, ENGINEERING CONTROLS OR DRAINAGE MODIFICATIONS. PUT THOSE TOGETHER AND SUBMIT THOSE TO FEMA. DHIENG IS A MATTER OF MONTHS, PROBABLY A MATTER OF TWO TO THREE MONTHS, MAYBE AS LONG AS FOUR DEPENDING ON HOW APPLICANT COMPLICATED IT ENDS UP BEING. THE LONGER A PERIOD OF TIME IS REQUIRED FOR FEMA'S RESPONSE. FEMA IS A BIT OVERWHELMED RIGHT NOW GIVEN THE EVENTS OF THE LAST YEAR SO THEIR RESPONSE TIME ON THE APPLICATIONS, PROBABLY A REASONABLE ESTIMATE WOULD BE A YEAR TO TWO YEARS.

Kim: ALL RIGHT. THANK YOU.

ARCHAEOLOGICAL SURVEY WAS THE OTHER THING THAT YOU ASKED, AND THAT'S SOMETHING THAT COULD ALSO HAPPEN WITHIN A TWO TO THREE MONTH PERIOD, WEATHER PERMITTING. IT DOES REQUIRE ACCESS TO SOME OF THE BRUSHIER PARTS OF THE PROPERTY, SO YOU HAVE TO BE ABLE TO GET EQUIPMENT AND TRUCKS IN.

Kim: AND IF THERE ARE ARCHAEOLOGICAL FEATURES OR I GUESS STRUCTURES OF SIGNIFICANCE ARC LOGICALLY, WHAT CAN BE DONE TO -- WITH THEM AND DEPENDING ON WHAT THEY ARE. I GUESS FORT WEBBER IS WHAT'S MENTIONED.

FORT WEBBER IS WORST MAYBE DISCUSSING IN A LITTLE MORE DETAIL. THERE IS A BRICK STRUCTURE, I GUESS THE STRUCTURE IS MAYBE NOT THE RIGHT WORD. TO MY NON-ARCHAEOLOGICAL EYES IT'S A PILE OF BRICKS WITH A CISTERN RIGHT NOW. THERE'S NO STANDING STRUCTURE

LEFT. THAT IS IN THE WEST CENTRAL PORTION OF THE PROPERTY. WHETHER THAT'S FORT WEBBER OR WHETHER FORT WEBBER IS ON THIS PROPERTY I THINK IS SOMETHING THAT HAS TO BE ASCERTAINED, BUT THAT'S PART OF WHAT WE WANT TO FIGURE OUT. AS FAR AS WHAT YOU COULD DO IF THERE WERE A SITE OF CULTURAL SIGNIFICANCE OF HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE, YOU'VE GOT A COUPLE OF OPTIONS. ONE WOULD BE TO BUILD AROUND IT. IF IT WAS LARGE ENOUGH, SUBSTANTIAL ENOUGH AND WOULD TAKE TOO LONG TO SORT OF CATALOG, STUDY AND WORK YOUR WAY THROUGH IT, THAT WOULD PROBABLY BE THE WAY TO GO. IF ON THE OTHER HAND IT WERE A SMALLER SITE, THEN IT WOULD BE A MATTER OF BASICALLY STUDYING AND DISMANTLING THAT IN A CONTROLLED WAY BY FOLKS WHOSE SPECIALTY THAT IS SO THAT THEN CONSTRUCTION COULD GO ON.

Kim: OKAY. THANK YOU. I ALSO HAVE A QUESTION FOR MS. HUFFMAN ABOUT SOME OF THE FUTURE SITES. YOU MENTIONED THE INTERPORT AS FUTURE DOAMENTS OVER THERE. WHAT ABOUT OUR CLEAN ENERGY PARK? WHERE WERE WE PLANNING TO PUT IT? IS THIS THE PLANNED AREA IN THE DESIRE DEVELOPMENT ZONE?

THE ONES I WALKED YOU THROUGH EARLIER ARE PRIVATE DEVELOPMENTS. TWO OF THEM ARE P.U.D.S THAT YOU ALREADY APPROVED AND WHISPER VALLEY IS ONE THAT I THINK YOU CAN EXPECT TO SEE IN THE NEXT YEAR. BUT IN TERMS OF A PHYSICAL LOCATION FOR THE ENERGY PARK, I'M NOT AWARE THAT WE HAVE ONE.

Kim: SO THERE ISN'T A SITE THAT'S BEEN PICKED OUT YET?

NO, NOT THAT I'M AWARE OF.. OF.

Kim: AS FAR AS THE INFRASTRUCTURE NEEDS, ONE THING THAT WE'VE BEEN SEEING MORE OF IS DATA CENTERS. AND THEY REQUIRE A LOT OF COOLING AND A LOT OF WATER TO KEEP THOSE DATA CENTERS COOL. I KNOW THAT I THINK GOOGLE HAS LOOKED AT AUSTIN AND OTHER PLACES AROUND THE U.S. FOR DATA CENTERS. I KNOW MICO SOFT CAME HERE AND DECIDED TO GO TO SAN ANTONIO. THE WATER AVAILABILITY AND THEY NEED TREATED WATER, NOT

RAW WATER FOR THEIR PLANTS IS SOMETHING THAT'S A MAJOR CONSIDERATION. DO YOU KNOW OF WHAT OUR CAPACITY AVAILABILITY WOULD BE IF WE WERE TO -- HOW MANY MGD WE COULD PUT ON THIS SITE IF WE WERE GOING TO PUT SOME SORT OF WATER TREATMENT FACILITY THERE?

WELL, REALLY THAT'S JUST A FUNCTION OF PIPE SIZE AND LINKING IT BACK INTO THE SYSTEM. WE'VE PROVIDED SOME PRETTY MAJOR INFRASTRUCTURE, FOR EXAMPLE, TO WILD HORSE. THAT'S WHERE WE DID A SERVICE EXTENSION REQUEST THAT WAS OVER \$20 MILLION FOR THE WATER UTILITY. SO AUSTIN HAS THE ABILITY TO SERVE THOSE KINDS OF DEVELOPMENTS. WHAT WE KNOW ABOUT THE STATE HIGHWAY 130 DISTRICT IS THAT IT HASN'T REALLY BEGUN DEVELOPING IN EARNEST YET. SO THE INFRASTRUCTURE COSTS THAT WE'RE TALKING ABOUT IS LARGELY WATER AND WASTEWATER AND ROADS. AND SOMETHING TO KEEP IN MIND ABOUT THAT AREA IS THE DRAINAGE. SO THOSE ARE THE FOUR MAJOR INFRASTRUCTURE AREAS THAT WE'VE IDENTIFIED WILL HAVE TO BE DEVELOPED. AND WITHOUT A SYSTEMATIC WAY OF INVESTING IN THAT INFRASTRUCTURE, BE WHAT WILL HAPPEN IS WE WILL PULL THAT INFRASTRUCTURE OUT ON A DEVELOPMENT BY DEVELOPMENT BASIS. SO WHAT NICE ABOUT THE LEGISLATION IS IT GAVE US A WAY OF LOOK BEING AT THAT AREA AS A WHOLE DISTRICT. IN THE ABSENCE OF THAT WE'LL BE WORKING WITH THE LARGE DEVELOPERS LIKE WE DID WITH WILD HORSE TO GET THE MAJOR INFRASTRUCTURE OUT THERE AND IN THAT WAY SERVICE WILL BE AVAILABLE FOR THOSE KIND OF DALT TA.....DATA CENTERS.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS OF STAFF? AS WE STATED A FEW WEEKS AGO WHEN WE HAD A LARGER PUBLIC DISCUSSION, THAT WE FULLY SUPPORT, ENCOURAGE, DIRECT THE CITY MANAGER TO KEEP GOING THROUGH THIS PROCESS, GOING THROUGH THE INFORMATION AND GETTING IT IN THE COMMUNITY'S HANDS SOONER RATHER THAN LATER AND IT IS IMPORTANT THAT WE HAVE THIS MAJOR ASSET IN THAT PART OF OUR DESIRED DEVELOPMENT ZONE. SO THANK YOU ALL VERY MUCH. SO COUNCIL, LET'S SEE. I BELIEVE WE HAVE ONE POTENTIAL

DISCUSSION ITEM PRIOR TO OUR 4:00 O'CLOCK ZONING CASES, THAT BEING ITEM NUMBER 27 IS THE ACTUAL ACTION ITEM ON APPROVING THE ORDINANCE RELATED TO PARKLAND DEDICATION. IF YOU REMEMBER OUR LAST CITY COUNCIL MEETING WE HAD A PUBLIC HEARINGS WHERE WE GOT LOTS OF GOOD CITIZEN INPUT ON THIS ITEM. BECAUSE AFTER POSTING LANGUAGE WE DECIDED TO BE CAUTIOUS AND NOT TAKE ACTION THAT EVENING. WHAT I'D LIKE TO DO IS BASICALLY TAKE YOU THROUGH MAYBE THE THREE RECOMMENDATIONS JUST AGAIN TO BRIEF YOU AGAIN ON THE PARKS AND RECREATION DEPARTMENT ON THE ORDINANCE. AGAIN WE'RE ASKING COUNCIL'S APPROVAL TO AMEND CHAPTER 25-1, 25-2 AND 25-4 OF THE CITY CODE RELATING TO PARKLAND DEDICATION. AND ESTABLISHING THE PARKLAND COST FOR EACH DWELLING UNIT. SO COUNCIL IF I WILL, I'LL GIVE YOU THE THREE RECOMMENDATIONS. WE HAVE THOSE FOR YOU. THE THREE RECOMMENDATIONS AFTER A GREAT DEAL OF DIALOGUE AND DISCUSSIONS AND PLANNINGS WITH THE BLIRKS THE DESIGN COMMISSION AND WITH THE PARKS BOARD, THESE BASICALLY ARE THE THREE RECOMMENDATIONS THAT BASICALLY FILTERED THROUGH. THE FIRST ONE IS TO REQUIRE THE FEES OF THE PARKLAND DEDICATION TO BE PAID AT THE SITE PLAN STAGE AND THEN THOSE THAT WE SUBDIVIDE WILL CONTINUE TO COMPLY AT THAT STAGE. THE SECOND STAFF RECOMMENDATION IS TO PROPOSE A 650 UNIFORM FEE PER UNIT AND THE THIRD RECOMMENDATION THAT WE PROVIDED TO YOU LAST THURSDAY'S COUNCIL SESSION. I WANTED TO BRIEFLY GIVE THAT TO YOU AGAIN FOR YOUR CONSIDERATION. WE HAVE A NUMBER OF STAFF HERE TO ANSWER ANY QUESTIONS YOU MAY HAVE AND WE'RE AVAILABLE FOR ANY QUESTIONS. THANK YOU, MAYOR.

THANK YOU, MR. STRUSE. MAYOR PRO TEM?

Dunkerley: I HAVE ONE QUESTION, MR. STRUSE. WHAT DO YOU HAVE INCLUDED ON THIS TIME AT THE AFFORDABLE UNIT. HOW ARE THEY DESCRIBED AT 80% MFI, FOR SALE UNITS AND 60 PERCENT FOR RENTAL UNITS?

MAYOR PRO TEM, RIGHT NOW WE DON'T HAVE THAT. WE'RE GOING TO ALLOW FOR THE AFFORDABLE UNITS TO BE BE

DETERMINED AND CERTIFIED BY THE NEIGHBORHOOD HOUSING.

Dunkerley: THAT'S A GOOD THING. ALSO, HAVE YOU GIVEN CONSIDERATION TO PAYMENT OF THE FIAT SOME -- THE FEE AT SOME TIME OTHER THAN SITE PLAN. WE'VE HAD A NUMBER OF REMARKS THAT SOMETIMES SITE PLANS GET APPROVED AND THEN THE CONSTRUCTION NEVER ACTUALLY OCCURS. HAVE YOU THOUGHT ABOUT DOING IT BASED ON THE TIME OF THE -- THE FIRST TIME A BUILDING PERMIT IS DRAWN OR AT SOME OTHER STAGE IN THE DEVELOPMENT?

I'VE TALKED TO A NUMBER BE OF STAFF IN DEVELOPMENT AND PERMITTING AND MAYOR PRO TEM, WE HAVE. WE'VE EXPLORED ALL THE DIFFERENT OPTIONS AND AGAIN THERE ARE A NUMBER OF REASONS WHY WE MAKE THE RECOMMENDATION THAT WE'RE ASKING FOR PAYMENT TO BE MADE BEFORE SITE PLAN. THE REASON BEING ARE TWO FOLD. FIRST OF ALL, WE'RE ASKING BECAUSE THE ADMINISTRATIVE PROCESS OF WAITING LONGER IS DIFFICULT FOR US IN THE PROCESS. AND SECONDLY WE'RE ASKING FOR PAYMENT AT SITE PLAN STAGE SO THAT THOSE DOLLARS CAN BEGIN TO GO TO WORK FOR US WITH RESPECT TO DESIGN AND CONSIDERATION OF THE DEVELOPMENT OF PARK BE LAND.

I UNDERSTAND THAT. BUT SOMETIMES THOSE EXTRA FEES ACTUALLY DELAY OR CAUSE A PROJECT NOT TO EVENTUALLY GET DEVELOPED. HOW DO WE COLLECT IT RIGHT NOW? AT WHAT PHASE?

RIGHT BEFORE SUBDIVISION RIGHT NOW. UNDER THE CURRENT PARKLAND DEDICATION IT'S ONLY ABOUT SUBDIVISION. AND WE COLLECT THAT RIGHT AT SUBDIVISION TIME. THERE IS AN INTERESTING NOTE, MAYOR PRO TEM, REAL QUICKLY, WE ALSO ENTERTAIN AT THAT TIME, WE ENTERTAIN A LETTER OF CREDIT. SO WE CAN ALSO UTILIZE THAT AS A FORM OF SECURING I THE PAYMENT AS WELL. AND THAT LETTER OF CREDIT CAN BE UTILIZED AND WE CAN CALL THAT IN AT THE TIME WE USE THOSE DOLLARS. THAT IS ALSO AN OPTION TO BE UTILIZED. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] FOR WHAT IS AFFORDABLE,

BUT ACTUALLY I DO HAVE QUESTIONS ABOUT AFFORDABILITY AND WHAT NEIGHBORHOOD PLANNING IS PLANNING FOR THAT. SO MAYBE WE CAN GET THE NEIGHBORHOOD HOUSING STUFF.

WONDERFUL.

MAYOR WYNN: WELCOME.

HI, COUNCIL MEMBER. I'VE GOT KELLY WISE HERE TO ANSWER SOME QUESTIONS IF I CAN'T, BUT WHY DON'T YOU BEGIN --

SURE, I JUST WANTED TO KNOW WHAT ARE THE GUIDELINES RIGHT NOW FOR OUR SMART HOUSING PROGRAM, WHAT WOULD BE CONSIDERED AFFORDABLE IF -- BY YOUR GUIDELINES RIGHT NOW?

I KNOW WE DID SOME REVISIONS AT THE LAST COUNCIL MEETING.

THAT'S RIGHT. SO RIGHT NOW OUR SMART HOUSING DOES INCLUDE THE TASK FORCE RECOMMENDATIONS ON THE CBD AND BMU PROJECTS AND ALSO THE DMU PROJECT. SO ON -- KELLY, CAN YOU HELP ME HERE. ON OWNERSHIP IT GOES UP TO 120% IN THE CBD FOR OWNERSHIP UNITS, AND FOR RENTAL UNITS IT'S 80% IN THE CBD AND THEN IT GOES DOWN FROM THERE.

KIM: SMART HOUSING IS FOR -- RIGHT NOW IT'S FOR MULTIFAMILY AS WELL. AND SO WHAT ARE THOSE REQUIREMENTS? BECAUSE THOSE ARE DIFFERENT FROM CBD DOWNTOWN. THAT'S WHAT I REALLY WANT TO KNOW, FOR MULTIFAMILY.

OUR CURRENT MULTIFAMILY REQUIREMENTS FOR SMART HOUSING ARE AT 80% OR BELOW, SO THE 120% FOR HOME OWNERSHIP, FOR CBD AND DMU APPLIES ONLY TO THOSE ZONING CATEGORIES THAT CAME FROM THE AFFORDABLE HOUSING TASK FORCE RECOMMENDATIONS. WE WENT AHEAD AND ADOPTED THE VMU AFFORDABILITY GUIDELINES AS WELL AS PART OF SMART HOUSING AND THOSE AFFORDABILITY GUIDELINES FOR HOME OWNERSHIP ARE 5%

AT 80%, 5% AT 100% MEDIAN FAMILY INCOME FOR HOME OWNERSHIP AND THEN FOR RENTAL 80% OF MEDIAN FAMILY INCOME WITH NEIGHBORHOODS HAVING THE OPTION TO OPT IN AT A LOWER MSI LEVEL, MEDIAN FAMILY INCOME LEVEL DOWN TO 60% MEDIAN FAMILY INCOME. BUT FOR ALL OTHER ZONING CATEGORIES HOUSING IS STILL 80% OF MEDIAN FAMILY INCOME OR BELOW.

I THOUGHT THAT IT WAS FOR RENTAL IT WOULD BE FOR THESE -- FOR THESE PURPOSES IT WOULD BE 60% OF MEDIAN FAMILY INCOME FOR RENTAL PROPERTIES, RENTAL UNITS. IT'S NOT? IT'S 80%?

CORRECT.

KIM: OKAY. BECAUSE THOSE ARE YOUR GUIDELINES.

CURRENT SMART HOUSING GUIDELINES, YES.

OKAY. ALL RIGHT. THANK YOU.

MAYOR WYNN: OTHER QUESTIONS, COMMENTS? COUNCIL, JUST FROM THE STANDPOINT WHAT I THOUGHT WE MIGHT DO IS I WOULD ENTERTAIN A MAIN MOTION, OR MY INCLINATION WOULD BE JUST LET THE MAIN MOTION ACCEPTING THE STAFF RECOMMENDATION ON ITEM NO. 27, MOTION AND A SECOND, AND THEN WE CAN START TAKING UP POTENTIAL AMENDMENTS TO THAT -- TO THAT MAIN MOTION. SO WITHOUT OBJECTION I'LL ENTERTAIN A MOTION ON ITEM NO. 27 AS POSTED.

MAYOR? MAYOR, I'D LIKE TO MAKE A MOTION THAT WE APPROVE THE STAFF RECOMMENDATIONS ON THE PARKLAND DEDICATION FEES INCLUDING THE ITEM THAT WE ACCEPT THEIR RECOMMENDATION TO ACCEPT THE AFFORDABLE UNITS FOR THE SMART HOUSING.

MAYOR WYNN: SO MOTION BY COUNCIL MEMBER COLE, THAT I'LL SECOND JUST FOR SAFETY SAKE, SUPPORTING THE POSTED STAFF RECOMMENDATION ON ITEM NO. 27, THIS PARKLAND DEDICATION FEE ORDINANCE, AND ACKNOWLEDGING THE SMART HOUSING DEFINITION OF AFFORDABILITY. ADDITIONAL COMMENTS OR AMENDMENTS?

COUNCIL MEMBER LEFFINGWELL?

I JUST WANT TO CLARIFY. SO THAT THEN IS EXCLUDING AFFORDABLE UNITS FROM THE PARKLAND DEDICATION FEE? IS THAT WHAT..... WERE WHAT YOU'RE SAYING?

COLE: EXACTLY.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I WAS GOING TO MAKE A FRIENDLY AMENDMENT BUT I DIDN'T KNOW IF YOUR INTENT WAS TO VOTE ON EACH AMENDMENT BUT ALREADY HAVE ONE I GUESS ON THE TABLE HERE. SO I'LL JUST SUGGEST A FRIENDLY AMENDMENT AND WE'LL SEE HOW THAT GOES. THE AMENDMENT WOULD BE TO SECTION 25-1-604 A AND PARAGRAPH A WOULD BE MODIFIED TO READ THE DIRECTOR OF PARKS AND RECREATION DEPARTMENT MAY ALLOW UP TO A 50% CREDIT TOWARD FULFILLING THE REQUIREMENTS OF THIS ARTICLE FOR PRIVATELY OWNED AND MAINTAINED PARK AND RECREATIONAL FACILITIES THAT ARE AVAILABLE FOR USE BY THE PUBLIC. PREVIOUSLY IN THE DRAFT ORDINANCE, THAT LAST PART, INSTEAD OF AVAILABLE FOR USE BY THE PUBLIC SAYS "FOR USE BY THE RESIDENTS OF THE SUBDIVISION OR DEVELOPMENT SHOWN ON THE SITE PLAN." SO THE OBVIOUS REASON FOR THAT IS THAT IF A DEVELOPER IS ALLOWED TO DEVELOP PRIVATE FACILITIES NOT FOR USE BY THE PUBLIC, THEN THAT IS NOT A COMMUNITY BENEFIT THAT WOULD BE DERIVED OTHERWISE FROM THIS FEE.

SO COUNCIL MEMBER COLE, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT?

COLE: I DO.

MAYOR WYNN: AS DO I, THE MAKER OF THE SECOND. HOPEFULLY THERE WON'T BE ENOUGH -- I'M ACTUALLY CONCERNED, COUNCIL. I REALLY THINK WHAT WE NEED TO DO IS PROPOSE THAT AS AN AMENDMENT AS OPPOSED TO HAVING SEVERAL OF THESE BE CONSIDERED FRIENDLY OR NOT BY COUNCIL MEMBER COLE OR I, DOESN'T FRANKLY GIVE AN APPROPRIATE OPPORTUNITY FOR US TO CRAFT

THIS ORDINANCE AS WE GO THROUGH. SO WITHOUT OBJECTION, COUNCIL MEMBER LEFFINGWELL PROPOSES AN AMENDMENT TO DELETE THE REFERENCE OF THE CREDIT ON PRIVATE PARK FACILITIES. IS THERE A SECOND FOR THAT AMENDMENT? SECONDED BY COUNCIL MEMBER KIM. SO NOW WHAT WE'LL DO IS WE'LL VOTE ON THAT AMENDMENT REMOVING THE CREDIT FOR PRIVATE PARK FACILITIES. COMMENTS ON THIS AMENDMENT BEFORE WE VOTE? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I'D JUST POINT OUT THAT THE PARKLAND COULD REMAIN PRIVATELY OWNED AND PRIVATELY MAINTAINED AS LONG AS IT'S ACCESSIBLE TO THE PUBLIC.

MAYOR WYNN: AND THAT -- AND THEN REMIND ME, OUR DEPARTMENT DIRECTOR HAS THAT SORT OF DISCRETION TO CONFIRM AND VERIFY THAT ACCESSIBILITY?

THAT'S CORRECT, MAYOR.

MAYOR WYNN: FURTHER COMMENTS ON THE PROPOSED AMENDMENT? COUNCIL MEMBER --

I'D CALL FOR MR.-- JUST THE MECHANISM HOW YOU-ALL WILL BE ABLE TO MONITOR, SINCE THIS IS LIKE -- YOU KNOW, -- I FULLY SUPPORT COUNCIL MEMBER LEFFINGWELL'S AMENDMENT. I JUST WANT TO MAKE SURE WE HAVE A ROAD MAP OF HOW WE MONITOR PUBLIC ACCESSIBILITY, SAFER TRAILS AND FOR PARKS THAT ARE PRIVATE.

MAYOR WYNN: COUNCIL MEMBER, THAT'S A GOOD QUESTION. I THINK IT WILL BE RELATIVELY EASY TO MONITOR -- TO SURE THAT PUBLIC ACCESS OCCURS. WE'LL TREAT IT SIMPLY LIKE AN INVENTORIED ITEM THAT WE HAVE IN OUR PARK SYSTEM AND ENSURE THAT PUBLIC ACCESS OCCURS. IF IT DOESN'T, THEN WE BRING NOTICE TO THE OWNER AND TAKE ACTION AT THAT POINT.

MCCRACKEN: OKAY.

MAYOR WYNN: SO FURTHER COMMENTS ON PROPOSED AMENDMENT? HEARING NONE, ALL THOSE IN FAVOR OF -- OF INCLUDING THIS PROPOSED AMENDMENT IN OUR MAIN

MOTOR VEHICLES, PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? AMENDMENT PASSES ON A VOTE OF 7-0. FURTHER COMMENTS, AMENDMENTS TO OUR MAIN MOTION? WE NOW HAVE THE SMART HOUSING DEFINITION ON AFFORDABILITY, AND WE HAVE ESSENTIALLY REMOVED THE CREDIT FOR PRIVATE PARKLAND INFRASTRUCTURE UNLESS THOSE ARE ACCESSIBLE TO THE PUBLIC.

COLE: MAYOR, I HAVE A POINT OF ORDER QUESTION.

MAYOR WYNN: YES?

COLE: IS IT APPROPRIATE FOR US TO ASK EACH OTHER QUESTIONS?

MAYOR WYNN: I WOULD THINK SO, SURE. WE'RE DELIBERATING -- WE'RE DELIBERATING THE MAIN MOTION.

COLE: I HAD A QUESTION FOR COUNCIL MEMBER KIM AND COUNCIL MEMBER MCCrackEN. YOU-ALL HAVE DONE A LOT OF WORK ON AFFORDABLE HOUSING, AS ALL THE COUNCIL. I WOULD JUST LIKE TO HEAR YOUR COMMENTS ABOUT THE 60% RENTAL VERSUS THE AFFORDABLE HOUSING -- THE SMART HOUSING RECOMMENDATION.

KIM: WELL, I THINK A LOT OF UNITS THAT ARE MULTIFAMILY RIGHT NOW ARE AT 80% AND THAT'S WHY I ASKED, YOU KNOW, WHAT THE LEVEL OF AFFORDABILITY IS. BUT I GUESS THE PARKS DEPARTMENT HAS LOOKED AT THAT ASSESSMENT AND DETERMINED IT WAS NOT GOING TO BE A SIGNIFICANT REVENUE IMPACT. SO I'M JUST BASING IT ON THE STAFF'S RECOMMENDATION.

MCCRACKEN: MAYOR, I --

YES.

MCCRACKEN: MY PERSONAL VIEW IS THAT IT WOULD BE APPROPRIATE TO WAIT FOR 80% AMENDMENT BELOW -- I

DON'T THINK WE SHOULD BE WAVING THE PARKLAND DEDICATION FEE FOR ANYTHING ABOVE 80% MFI. I KNOW WE HAVE THROUGH SOME DENSITY BONUS PROGRAMS SET 100 AND 120 -- 100% AND 120% FOR DMU. AT THOSE INCOME LEVELS I THINK THAT THEY CAN AFFORD TO CONTRIBUTE TO THE PARKLAND DEDICATION FEE, BUT I -- BUT DEFINITELY 80% BELOW AS SUB DICED..... DICED..... DICED.

SUBSIDIZED RENT I THINK THAT WOULD BE APPROPRIATE.

MAYOR WYNN: FURTHER COMMENTS?

MCCRACKEN: I'LL MAKE THAT AMENDMENT, JUST TO SAY -- TO SAY THAT THE AFFORDABILITY EXEMPTION APPLIES TO 80% MFI AND BELOW ONLY.

MAYOR WYNN: SO WE HAVE A PROPOSED AMENDMENT BY COUNCIL MEMBER MCCRACKEN DEFINING THE AFFORDABLE HOUSING EXEMPTION TO BE THAT OF 80% MFI AND BELOW. IS THERE A SECOND FOR THAT PROPOSED AMENDMENT?

LEFFINGWELL: I'LL WAIT FOR A SECOND. I HAD A QUESTION OF CLARIFICATION.

KIM: I SECOND.

MAYOR WYNN: COUNCIL MEMBER COLE SECONDS THAT.

LEFFINGWELL: DOES THAT APPLY TO SALES ONLY OR DOES THAT APPLY TO RENTAL AS WELL?

MCCRACKEN: RENTAL AND SALES.

MAYOR WYNN: AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE FOR AN ADDITIONAL AMENDMENT, THAT BEING DEFINING THE AFFORDABLE HOUSING COMPONENT THAT 80% MFI SALES AND RENTAL. FURTHER COMMENTS? HEARING NONE, ALL IN FAVOR OF THE PROPOSED AMENDMENT PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. POAPD? MOTION PASSES ON A VOTE OF

7-0. AGAIN, WE STILL HAVE OUR MAIN -- MAIN MOTION AND SECOND. ANY ADDITIONAL AMENDMENTS OR COMMENTS? HEARING NONE, ALL THOSE IN FAVOR OF THE MAIN MOTION, PLEASE SAY AYE.

AYE.

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

DID YOU FOLLOW THAT? OKAY. THANK YOU. WELL, COUNCIL, LET'S SEE. I THINK WE ARE OUT OF DISCUSSION ITEMS. WE'VE TAKEN UP 7 AND 18 AND 13 AND 27. SO THERE BEING NO MORE DISCUSSION ITEMS POSTED AT THIS TIME WE NOW WILL RECESS THE CITY COUNCIL MEETING UNTIL 4:00 P.M. WHEN WE'LL TAKE UP OUR ZONING HEARINGS AND APPROVAL ORDINANCES AND RESTRICTIVE COVENANTS. WE'RE NOW IN RECESS FOR APPROXIMATELY 18 MINUTES. DAY.

THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT'S ABOUT 4:08 P.M. WE WILL NOW GO TO OUR ZONING HEARINGS, ORDINANCES APPROVAL OF RESTRICTIVE COVENANTS AND WELCOME MR. GREG GUERNSEY.

GUERNSEY: THANK YOU, MAYOR AND COUNCIL. LET ME GO THROUGH OUR 4:00 ZONING AND RESTRICTIVE COVENANTS ITEMS. THESE ARE WHERE THE HEARINGS HAVE BEEN CLOSED FIRST ONE IS A CONSENT ITEM, NO. 116, THIS IS CASE C 14-06-0132 AT 40 MANOR ROAD. THIS IS A REZONING REQUEST FROM SF-3 OR FAMILY RESIDENCE DISTRICT ZONING AND PLANNED UNIT DEVELOPMENT OR PUD DISTRICT ZONING TO GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY OR GU MU-CO COMBINED DISTRICT ZONING. AND THIS IS KNOWN AS THE RATHGEBER VILLAGE. THIS IS FOR SECOND AND THIRD READINGS. ITEM NO. 117 IS CASE C 14-... 14-0098. THERE IS FOR THE PROPERTY LOCATED AT 13809 HARRIS RIDGE BOULEVARD. THIS IS A ZONING ACROSS FROM LIMITED INDUSTRIAL SERVICE, LICO, COMBINING DISTRICT ZONING TO TOWNHOUSE

CONDOMINIUM RESIDENCE CONDITIONAL OVERLAY OR SF-6-CO COMBINING DISTRICT ZONING FOR TRACT 1 AND LIMITED INDUSTRIAL-CONDITIONAL OVERLAY LICO COMBINING DISTRICT ZONING FOR TRACT 2. ITEM NO. 118, THIS IS CASE C 14-06-0201 FOR THE PROPERTY LOCATED AT 8702 FM 969. THIS IS A EZONING ACROSS FROM DEVELOPMENT RESERVE OR DR DISTRICT ZONING AND THE APPLICANT HAS AMENDED THE REQUEST TO BE A MORE PREDICTED ZONING OF MOBILE HOME RESIDENCE INSTEAD OF THE GENERAL COMMERCIAL SERVICES. SO THIS WILL BE THE MOBILE HOME RESIDENCE ZONING ON THE PROPERTY. AND SO FOR 118. AND YOU HAVE THE ORDINANCE AND YOUR BACKUP FOR SECOND AND THIRD READING. ITEM NO. 119 IS CASE C 14-06-0209 EASTBOURNE CROSSING FOR THE PROPERTY LOCATED AT 3400-3517 FM 973. THIS IS ZONING ACROSS FROM DEVELOPMENT RESERVE OR DR DISTRICT ZONING, TO GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY OR CS-CO, COMBINING DISTRICT ZONING. THIS IS READY FOR SECOND AND THIRD READING APPROVAL. ITEM NO. 120, THIS IS CASE C 14-07-0011, LOCATED AT 4405, 4407 AND 4411 RUSSELL DRIVE. AND THIS IS A REZONING REQUEST FROM LIMITED OFFERS OR LO DISTRICT ZONING AND MULTIFAMILY RESIDENCE, MEDIUM DENSITY OR MF-3 DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY OR LR-MU-CO COMBINING DISTRICT ZONING. MAYOR AND COUNCIL, ON THIS PARTICULAR CASE WE HAVE TWO CITIZENS THAT ARE HERE. THEY HAVE RECENTLY PRESENTED US A PETITION ON THIS CASE. ONE OF THE PETITION NAMES WAS SUBMITTED TODAY. ANOTHER ONE HAS NOT YET BEEN SUBMITTED BUT ONE OF THE CITIZENS REFERENCED THAT THERE IS A PROPERTY AND THEY'RE GOING TO SUBMIT AND THEN WE HAVE TWO OTHER NAMES WHICH ARE CURRENTLY IN DISPUTE BECAUSE THEY ARE DECEASED AND WE DON'T HAVE CONFIRMATION THAT THE PARTY THAT HAS SIGNED ON BEHALF OF THOSE TWO PROPERTY OWNERS ARE LEGAL REPRESENTATIVES OF THE ESTATE OF THE TWO DECEASED INDIVIDUALS. THEY ARE HERE AND UNDERSTAND THE PUBLIC HEARING IS CLOSED. THEY ASK THAT YOU POSTPONE THIS. THE AGENT FOR THIS CASE HAS ASKED THIS CASE CONTINUE ON SINCE YOU'VE ALREADY HAD THE PUBLIC HEARING AND YOU CONSIDERED THIS AND APPROVED IT ON FIRST READING ALREADY. SO

THAT'S ITEM NO. 120. SO I HAVE BOTH THE APPLICANT HERE AND THE TWO CITIZENS HERE THAT WOULD LIKE TO SPEAK TO THIS ALTHOUGH THE PUBLIC HEARING HAS BEEN CLOSED. SO THAT'S AT YOUR DISCRETION. WE CAN TAKE THAT UP LATER OR I CAN CONTINUE.

MAYOR WYNN: WHY DON'T YOU CONTINUE THROUGH AND WE'LL HAVE THAT DISCUSSION AND WIDESPREAD AS WE PROAM SITE AGENDA.

121 IS NPA-06-0015.01. THIS IS THE SPRINGDALE ROAD EAST MLK. THIS IS A NEIGHBORHOOD PLAN AMENDMENT, AN AMENDMENT TO THE AUSTIN TOMORROW COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION ON THE FUTURE LAND USE MAP FROM OPEN SPACE TO MIXED USE ON TRACT 1 AND MULTIFAMILY USE ON TRACT 2. A RELATED ITEM IS THE ZONING CASE UNDER ITEM NO. 122. THIS IS CASE C 14-06-0221, FOR THAT SAME PROPERTY AND IT'S LOCATED ON SPRINGDALE ROAD. FROM NEIGHBORHOOD PLAN, PMP COMBINED DISTRICT ZONING TO COMMUNITY CONDITIONAL MIXED USE, CONDITIONAL OVERLAY, OR GR-MU-CO MP COMBINING DISTRICT ZONING FOR TRACT ONE AND MULTIFAMILY MEDIUM DENSITY MFC 3 CO-NP AND THAT'S READY FOR SECOND AND THIRD READINGS.

THAT CONCLUDES THE ITEMS THAT WE CAN OFFER FOR CONSENT.

MAYOR WYNN: ESSENTIALLY, COUNCIL, BEFORE I BOTHER TO READ THROUGH THESE PROPOSED CONSENT AGENDA, ALL OF THESE ITEMS THAT -- IN WHICH WE HAVE CLOSED THE PUBLIC HEARING ARE ALL READY FOR SECOND AND THIRD READING. WE DO HAVE THE SITUATION WHERE I GUESS A COUPLE OF FOLKS WANTED TO SPEAK, I SUSPECT IN OPPOSITION, TO ITEM NO. 120. MR. GUERNSEY, REMIND ME, DO YOU KNOW WHETHER THESE FOLKS HAD THE OPPORTUNITY TO SPEAK AND WERE THEY HERE AT THE PUBLIC HEARING BACK IN -- I GUESS TWO WEEKS AGO, WHENEVER WE MET LAST?

I DON'T BELIEVE THAT -- ONE OF THE INDIVIDUALS HAD SPOKEN BEFORE. THE OTHER ONE I DON'T RECALL THEM BEING HERE OR NOT. BUT ONE OF THE INDIVIDUALS THAT

HAS COME FORWARD TODAY DID NOT HAVE THE OPPORTUNITY TO SPEAK AT THE PUBLIC HEARING.

MAYOR WYNN: WELL, COUNCIL, PERHAPS WITHOUT OBJECTION, IF THE FOLKS HERE COULD IDENTIFY THEMSELVES AND IF -- IF YOU DID, IN FACT, GIVE -- HAVE A CHANCE TO GIVE TESTIMONY AT OUR PUBLIC HEARING, IF -- IF YOU DIDN'T HAVE A CHANCE TO GIVE TESTIMONY AT OUR PUBLIC HEARING, WITHOUT OBJECTION, COUNCIL, I THINK WE SHOULD ALLOW A QUICK THREE-MINUTE STATEMENT BY ONE OR BOTH OF THOSE GENTLEMEN AND THEN IF NEED BE FOR A SENSE OF FAIR PLAY WE MIGHT HAVE A RESPONSE FROM THE AGENT SINCE HE OR SHE IS HERE.

LEFFINGWELL: MAYOR, I DON'T OBJECT, BUT I UNDERSTAND THEY'RE JUST REQUESTING A POSTPONEMENT, IS THAT CORRECT?

GUERNSEY: I THINK THEY'RE REQUESTING POSTPONEMENT BECAUSE THEY WANT TO SEE IF THE PETITION -- THE PETITION THAT WE'VE RECEIVED THAT WE COULD NOT VALIDATE AT THIS TIME.

LEFFINGWELL: I JUST WANTED TO KNOW IF WE WANTED TO LIMIT THEIR DISCUSSION TO THE MERITS OF THE PEOPLE.

MAYOR.....POSTPONEMENT.

MAYOR WYNN: YES. THANK YOU.

C 14-07-0011 ON RUSSELL DRIVE. ?OORT.....

MAYOR WYNN: ALL RIGHT. SO IF ANYBODY IS HERE IN OPPOSITION TO THIS CASE WHO DID NOT GET A CHANCE TO SPEAK AT OUR PUBLIC HEARING, YOU'RE WELCOME TO COME FORWARD AND PLEASE LIMIT YOUR TESTIMONY TO THE REASONING BEHIND THE POSTPONEMENT REQUEST AND YOU'LL HAVE THREE MINUTES. WELCOME. AND PLEASE STATE YOUR NAME FOR THE RECORD. WE HAVE THE ABILITY TO --

CAN I PRESENT THIS TO YOU?

MAYOR WYNN: GIVE IT TO OUR TECHNICIANS HERE AND THEY COULD ACTUALLY PUT IT UP ON THE SCREEN FOR EVERYBODY TO SEE, AND IF NEED BE YOU COULD USE A HAND-HELD MICROPHONE AND JUST SPEAK FROM THERE USING YOUR VISUAL AID.

MY NAME -- MY NAME IS EDA STREW AND I LIVE AT 4502 RUSSELL DRIVE. I WASN'T HERE WHEN YOU HAD THE CITY COUNCIL -- THE CITY COUNCIL HAD ITS MEETING BECAUSE I THOUGHT IT WAS A DONE DEAL, THE PEOPLE HAD TURNED IT DOWN ANONYMOUSLY. I WAS THE GUY THAT SENT YOU-ALL A DVD, DID YOU GET THAT OF THE ZAT MEETING. IT WAS 6 AND A HALF MINUTES.

MAYOR WYNN: I TRUST MY STAFF GOT IT BUT I HAVE NOT SEEN IT.

ANYWAY, I PRINTED DVDs OF THAT LAST MEETING BECAUSE THEY TURNED IT DOWN 7-0 AFTER TWO OF THEM HAD TAKEN THE TIME TO TAKE A LOOK AT THAT ACTUAL PROJECT, DRIVE OVER AND SEE. EXCUSE ME. WELL, I GUESS WITH THAT SAID I'LL JUST GO ON TO -- DO YOU WANT TO HEAR WHY?

MAYOR WYNN: WE NEED TO HEAR YOUR -- SPECIFICALLY YOU'RE REQUESTING A POSTPONEMENT, AND WE NEED TO UNDERSTAND WHETHER THAT'S A REASONABLE REQUEST AT THIS LATE STAGE.

WE HAVE A PETITION AROUND THE NEIGHBORHOOD, WHICH MOST NEIGHBORS HAVE SIGNED. I TOOK IT DOWN TO THE CITY TODAY AND DISCOVERED THAT THERE'S TWO WIDOWS THAT ARE INELIGIBLE. THERE'S SOMEBODY ELSE THAT WANTED TO SIGN IT. IT WAS VERY DIFFICULT TO GET IN TOUCH WITH PEOPLE AND GET PETITIONS SIGNED, BUT WITHOUT THAT PERSON THAT WE HAVEN'T GOT, WE'VE STILL GOT MORE THAN THE 20%. SO WE HAVE A VALID PETITION, NOT A LEGAL VALID PETITION, BUT IT SHOULD BE -- I MEAN, IT'S NOT -- I HOPE -- I'M I KNOW I'M EXPLAINING THIS HORRIBLY. WE BELIEVE WE HAVE A VALID PETITION IF WE GET POSTPONEMENT. IF WE DON'T, IT'S NO PROBLEM ANYWAY. BUT I REALLY BELIEVE WE... WE DO. BECAUSE SOME -- THERE ARE CITIZENS ON THAT STREET, IN FACT,

EVERY CITIZEN THAT COULD SIGN IT DID SIGN IT.

MAYOR WYNN: AND PERHAPS IF YOU COULD POINT OUT YOUR PROPERTY, YOUR HOME THERE ON RUSSELL JUST TO GIVE US A LITTLE BRIEF ORIENTATION AGAIN.

OKAY. I LIVE THERE, AND I BUILT A HOUSE NEXT TO IT RIGHT THERE, THOSE TWO LOTS, 4502 AND 4506.

ALL RIGHT.

RUSSELL. I CAN PRESENT OUR ARGUMENT VERY QUICKLY. I THINK.

MAYOR WYNN: I THINK THE ISSUE WE NEED TO TRY TO FIGURE OUT IS WHETHER WE WOULD POSTPONE IT AND IF WE POSTPONED IT THAT OF COURSE WOULD GIVE YOU THE ABILITY TO GIVE US MORE TESTIMONY AT A FUTURE MEETING. QUESTIONS FOR THE -- FROM COUNCIL MEMBER MCCracken?

MCCracken: I'M KIND OF DISTURBED -- IF I HEARD CORRECTLY THERE ARE TWO PURPORTED SIGNATURES THAT ARE DEAD PEOPLE ON THIS THING?

MAYOR WYNN: MR. GUERNSEY?

MAYOR WYNN: THAT'S A QUESTION FOR STAFF.

GUERNSEY: WHAT HAPPENED, IT'S NOT UNCOMMON WHEN THERE IS A DEATH -- WHEN THERE IS A DEATH IN THE FAMILY, THE WIDOWER MAY NOT ACTUALLY TAKE THAT AND GET ALL THE FORMAL RECORDS CHANGED TO REFLECT OWNERSHIP OF THE DECEASED AND THAT THEY ARE THE HEIR OR THE DESCENDANT OF THE ONE THAT HAS BEEN DECEASED. AND SOMETIMES YOU HAVE TO GO GET A LETTER OF INDEPENDENT ADMINISTRATOR FROM THE COURT OR BE APPOINTED AS THE EXECUTOR TO THE ESTATE TO ACTUALLY SIGN ALL THE LEGAL DOCUMENTS FOR THAT -- THAT PROPERTY. SO WE HAVE PEOPLE THAT HAVE COME TO US AND SAID, WE ARE THE LEGAL REPRESENTATIVES OF THE PROPERTY, BUT WE DO NOT HAVE LETTERS OF TESTIMONIARY, I THINK

IT.....TESTAMENTARY --

MCCRACKEN: THERE'S MORE INFORMATION I NEED. WHAT ABOUT IN THIS CASE? DID YOU GET SOMETHING LIKE THAT OR JUST A PURPORTED SIGNATURE OF PEOPLE YOU FOUND OUT ARE DECEASED IN WHAT HAPPENED HERE?

GUERNSEY: RIGHT NOW WE HAVE THE PURPORTED SIGNATURE. WE DON'T HAVE EVIDENCE THAT THEY ARE THE LEGAL REPRESENTATIVE FOR THAT ESTATE -- OF THE DECEASED INDIVIDUAL.

MCCRACKEN: IN OTHER WORDS, YOU GOT THIS PETITION THAT HAS TWO SIGNATURES AND THESE PEOPLE ARE DEAD AND THERE WAS -- AND --

GUERNSEY: THE PEOPLE THAT SIGNED ARE SIGNING ON BEHALF OF THE DECEASED.

MCCRACKEN: OKAY.

THAT THE PROPERTY IS IN THE OWNERSHIP OF.

MCCRACKEN: OKAY.

MAYOR WYNN:

MCCRACKEN: IT REALLY RANK TRUE FOR MY [INAUDIBLE]

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: IF I COULD FOLLOW ON THAT. SO FROM WHAT I UNDERSTAND, IF THESE PEOPLE WHO YOU NOW DISQUALIFIED FOR TECHNICAL REASONS WERE TO COME BACK WITH THEIR LETTERS TESTAMENTARY, THEN THEY WOULD BE QUALIFIED AND THE PETITION WOULD BE VALID? IS THAT CORRECT.

GUERNSEY: WE COULD NOT SAY THEY WOULD BE VALID BECAUSE WE HAVEN'T DONE THAT CALCULATION YET. THERE'S ALSO AN INDIVIDUAL THAT SUPPOSEDLY HAS STATED INTEREST TO BRING IN THEIR SIGNATURE, BRING IN THEIR NAME BUT WE HAVE NOT RECEIVED THAT EITHER. SO

THERE MAY BE A POTENTIAL OF THREE PROPERTIES THAT COULD BE ADDED TO THE PETITION, BUT WE CANNOT SUBSTANTIATE TODAY EITHER BECAUSE WE DON'T HAVE THE EVIDENCE THAT THEY ARE -- THEY'RE AUTHORIZED INDIVIDUALS TO SIGN ON BEHALF OF THE PROPERTY OR WE HAVE NOT ACTUALLY PHYSICALLY RECEIVED THEIR NAME. THERE IS ONE ADDITIONAL NAME THAT WE HAVE RECEIVED TODAY BUT SINCE IT CAME IN TODAY WE HAVEN'T HAD TIME TO CALCULATE THAT IN. BUT WE'VE GOT ONE SIGNATURE. IT'S UNLIKELY IT WOULD BE A VALID PETITION IF YOU JUST COUNTED ONE EXTRA NAME THAT WE DID RECEIVE TODAY.

LEFFINGWELL: IS THERE A TIME LIMIT, I MEAN, THE VALID PETITION HAS TO BE VALIDATED BY A CERTAIN DATE PRIOR TO THE DATE IT'S SERVED?

GUERNSEY: WE TYPICALLY ASK THOSE THAT BRING IN A PETITION TO TRY TO GIVE US 24 TO 48 HOURS SO WE CAN GO THROUGH AND VALUE DATE THE SIGNATURES, AND IN THIS CASE WE DID NOT HAVE THE OPPORTUNITY TO DO THAT.

AND THERE'S NO LEGAL -- NO LEGAL REQUIREMENT, NO TIME CUTOFF?

GUERNSEY: NO. TECHNICALLY THEY COULD BRING IT AT THE HEARING, WHICH HAS BEEN KNOWN TO HAPPEN BEFORE, AND THEN ON STAFF -- STAFF TO EXPLAIN TO COUNCIL, WE CAN'T SUBSTANTIATE THE PETITION OR NOT. IF THE COUNCIL WERE TO VOTE ON A 6 OR 7 VOTE IN FAVOR OF THE REQUEST, THE PETITION FOR THE REQUIREMENT TO HAVE THE THREE-FOURTHS MAJORITY WOULD NOT MATTER IN THAT PARTICULAR CASE.

LEFFINGWELL: OKAY. SO YOU CAN'T TELL ME RIGHT NOW IF THESE TWO -- THESE TWO SIGNATURES WERE VALIDATED AS BEING LEGAL BY BRINGING IN THE REQUIRED EVIDENCE? YOU CAN'T TELL ME THAT THE PETITION WOULD BE VALID IF THAT HAPPENED?

GUERNSEY: THAT'S CORRECT.

LEFFINGWELL: OKAY.

MAYOR WYNN: ACTUALLY IT SEEMS TO ME THAT MR.-- I DON'T KNOW IF MR. THOMAS IS HERE OR NOT. YOU'RE WELCOME TO COME PERHAPS GIVE US A LITTLE BIT OF INSIGHT AS TO THE CASE NOW THAT WE'VE HEARD FROM OPPOSITION.

MAYOR, COUNCIL, D THOMAS FOR THE APPLICANT. JUST TO REFRESH YOUR MEMORIES, IF WE COULD PUT ON THE OVERHEAD, THIS IS THE TRACT THAT IS ADJACENT TO THE SOUTH WOOD MALL. WE LOOKED AT THAT. WE CAME IN ORIGINALLY LOOKING FOR THE CS ZONING. WE BACKED OFF ON STAFF'S RECOMMENDATION TO DO THE NEIGHBORHOOD RETAIL. THERE IS A PAINT STORE THAT HE'S HOPING TO PUT INTO THAT LOCATION. MR. BARN YAK WAS HERE AND TALKED TO YOU-ALL ABOUT THE DIFFICULTIES GETTING QUALITY TENANTS, AND HE THINKS THIS WILL BE MORE AN ASSET TO THE NEIGHBORHOOD THAN A DETRACTION. TRAFFIC IS ONE OF THEIR MAIN CONCERNS. THE ICI PAINT STORES HAVE THREE OTHER STORES IN AUSTIN. THEY'VE GIVEN US ABOUT THREE MONTHS' WORTH OF TRAFFIC DATA AND ON NO DATE IS THERE MORE THAN ABOUT 40 TRIPS PER DAY. WE'RE LIMITED TO 300 BY THE CO THAT'S ON THE RECOMMENDED ZONING. THE APPLICANT IS REALLY -- HAS BEEN VERY PATIENT WITH THIS AND I HATE TO NOT LET THE NEIGHBORHOOD HAVE THEIR SAY, BUT I KNOW COUNCIL IS GOING ON BREAK AND NOW IT'S GOING TO BE THE 21ST IF WE POSTPONE IT AND THE PAINT STORE FOLKS WOULD REALLY LIKE TO SEE IF THEY COULD GET THIS THING RESOLVED. SO IF ANYBODY HAS ANY QUESTIONS I'LL BE GLAD TO ANSWER THEM. OTHERWISE I JUST WANT TO KIND OF GIVE YOU A REFRESHER.

MAYOR WYNN: THANKS, MR. THOMAS. QUESTIONS OF THE AGENT, COUNCIL? AGAIN, SO WE HAVE A -- YOU KNOW, A LATE BREAKING REQUEST FOR A POSTPONEMENT, AND, YOU KNOW, EVIDENCE THAT THERE MAY BE OTHER NEAR NEIGHBORS WHO MIGHT ALSO WANT TO SHOW THEIR OPPOSITION TO THE CASE. AT THE SAME TIME I REMEMBER THE CASE AND THERE SEEMED TO BE PRETTY STRONG SUPPORT FOR OUR ACTION, CERTAINLY ON FIRST READING, NOTED BY A 7-0 VOTE. SO OF COURSE THE PARTICULAR

MATH IS EVEN WHEN A FOUL PETITION, A 6 OR 7 VOTE, MAJORITY STILL CARRIES THAT DAY. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: YEAH, MAYOR, I THINK GIVEN THE FACT THAT WE'RE GOING ON, YOU KNOW, SIX WEEKS BEFORE OUR NEXT MEETING AND THE FACT THAT -- I DO BELIEVE THAT SOMETHING LIKE THIS HAD BEEN APPROPRIATE TO BRING UP AT THE TIME OF OUR H.E.B. PUBLIC HEARING. THE PUBLIC HEARING IS ALREADY CLOSED. IN FACT, I THINK IT WOULD BE AN UNFAIRNESS TO BASICALLY PUT THIS ON ICE FOR ANOTHER SIX WEEKS. WE'VE ALREADY CLOSED THE PUBLIC HEARING AND HAVE HAD HAD ISSUE ALREADY HEARD OUT. I DON'T KNOW THAT WE HAVE -- WE ARE EVEN IN A POSITION TO RECONSIDER THIS WHOLE ISSUE OVER WHAT MAY OR MAY NOT BE A VALID PETITION, PARTICULARLY GIVEN SOME OF THE QUESTIONABLE NATURE OF SOME OF THESE ELEMENTS AROUND THIS.

MAYOR WYNN: WELL, THEN, COUNCIL, WITHOUT OBJECTION, THEN, I WOULD -- MY RECOMMENDATION IS THAT WE TAKE STAFF'S RECOMMENDED CONSENT AGENDA AND THAT IS TO APPROVE ITEMS 116, 117, 118, 119, 120, 121 AND 122 ON SECOND AND THIRD READINGS..... READINGS.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. APPRECIATE YOUR TIME, SIR. [INAUDIBLE]

MAYOR WYNN: THANK YOU. I TRUST MY STAFF HAS IT. YES, SIR. WELCOME BACK, MR. GUERNSEY.

GUERNSEY: WE CAN CONTINUE ON THROUGH OUR PUBLIC HEARING ITEMS. THESE ARE ZONING AND NEIGHBORHOOD PLAN AMENDMENTS, PUBLIC HEARINGS AND POSSIBLE ACTION. THE FIRST ITEM WE WOULD LIKE TO OFFER FOR CONSENT IS ITEM NO. 123, CASE C 14-2007-0031 AT THE

PROPERTY LOCATED AT 1,000 EAST 5TH STREET AND 1,001, 1,003, 191,015 E SIXTH STREET. STAFF IS PROPOSING A POSTPONEMENT TO THE JULY 26 MEETING. ITEM 124 IS CASE C 14-07-..... 14-07-0014, ON CAMERON CONDO AT 2303 CAMERON LOOP. THIS IS A REZONING REQUEST FROM RURAL RESIDENCE OR RR DISTRICT ZONING TO TOWNHOUSE CONDOMINIUM RESIDENCE OR SF-6 DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT TOWNHOUSE AND CONDOMINIUM RESIDENCE CONDITIONAL OVERLAY OR SF-6-CO COMBINING DISTRICT ZONING WITH CONDITIONS AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 125 IS CASE NPA-07-0020.01, LA VISTA AT NORTH BLUFF. THIS IS A NEIGHBORHOOD PLAN AMENDMENT, AN AMENDMENT TO THE AUSTIN SMALL COMPREHENSIVE PLAN FOR THE SMALL CONGRESS COMBINED NEIGHBORHOOD PLANNING AREA. THIS IS A CHANGE TO FUTURE LAND USE MAP FROM SINGLE-FAMILY TO MULTIFAMILY. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT A DESIGNATION OF HIGH DENSITY SINGLE-FAMILY DESIGNATION INSTEAD OF THE MULTIFAMILY, AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. A RELATED ITEM IS CASE C 14-07-0016, ITEM NO. 126, FOR THAT SAME PROPERTY LOCATED AT 807 NORTH BLUFF DRIVE. THIS IS A REZONING REQUEST FROM SINGLE-FAMILY RESIDENCE, SMALL LOT, NEIGHBORHOOD PLAN OR SF 4 ANP COMBINED DISTRICT ZONING TO MULTIFAMILY RESIDENCE, LOW DENSITY, NEIGHBORHOOD PLAN, SF-6 NP COMBINING DISTRICT ZONING. THE RECOMMENDATION WAS TO GRANT TOWNHOUSE CONDOMINIUM RESIDENCE NEIGHBORHOOD PLAN SF-6 NP COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 127, CASE C 14-2007-0054 LOCATED AT 1500 SOUTH LAMAR. IT IS A DISCUSSION ITEM. I UNDERSTAND WE HAVE ONE PERSON THAT WOULD LIKE TO SPEAK IN REGARDS TO THAT CASE. ITEM NO. 128 IS CASE NPA-07-..... NPA-07-0022.01, ST. CECILIA HOTEL. THIS IS FOR A NEIGHBORHOOD PLAN AMENDMENT IN THE SOUTH RIVERSIDE NEIGHBORHOOD PLANNING AREA, ELEMENT OF THE AUSTIN SMALL PLAN TO CHANGE THE DESIGNATION FROM MULTIFAMILY TO COMMERCIAL ON THIS PROPERTY LOCATED

AT 112 ACADEMY DRIVE. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE COMMERCIAL USE DESIGNATION. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 129 IS CASE C 14-2007-0056 FOR THAT SAME PROPERTY, TO CHANGE THE ZONING ON THAT PROPERTY FROM MULTIFAMILY RESIDENCE MODERATE HIGH DENSITY HISTORIC NEIGHBORHOOD CONSERVATION COMBINING DISTRICT NEIGHBORHOOD PLAN OR MF 4 H NCCD-NP COMBINING DISTRICT ZONING TO COMMUNITY COMMERCIAL HISTORIC NEIGHBORHOOD CONSERVATION COMBINING DISTRICT ZONING, NEIGHBORHOOD PLAN AND THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT THE COMMUNITY COMMERCIAL HISTORIC NEIGHBORHOOD COMBINING DISTRICT NEIGHBORHOOD PLAN GRH NCCD..... NCCD-NP. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 130 IS CASE C 14-2007-0057, FOR THE PROPERTY LOCATED AT 1304-..... 1304-1316 WEST 5TH STREET AND 507 PRESS LETTER STREET. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY, NEIGHBORHOOD PLAN OR CS-MU-CO-NP, COMBINING DISTRICT ZONING TO CHANGE THE ZONING TO ADD THE VERTICAL MIXED USE AS A CONDITION OF THE ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR CS-MU-CO-NP COMBINING DISTRICT ZONING AND TO CHANGE THE CONDITION OF THE ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 131 IS CASE C 14-2007-0058. SH KNOWN AS KALEIDOSCOPE AT FM 969. THIS IS A REQUEST FOR NEIGHBORHOOD PLAN LRNP, COMBINING DISTRICT ZONING OR LR-MU NP COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDS WAS TO GRANT LR-MU-CO ZONING ZONE AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NO. 13 IS IS CASE C 142007-0051, PIERCE SUITES AT 2028 BEN WHITE BOULEVARD. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN OR SF-3-NP COMBINING DISTRICT ZONE TO GENERAL OFFICE MIXED USE OR GO-MU COMBINING DISTRICT ZONING. THE PLANNING

COMMISSION RECOMMENDATION WAS TO GRANT LIMITED OFFICE MIXED USE DISTRICT ZONING ON THE PROPERTY AND THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM NO. 133 IS CASE C 14-2007-0070 FOR THE PROPERTY LOCATED AT 4800 MANOR ROAD. THIS IS A ZONING ACROSS FROM PLANNED UNIT DEVELOPMENT OR PUD DISTRICT ZONING OR GENERAL OFFICE MIXED USE OR GO-MU COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT GENERAL OFFICE MIXED USE COMBINING DISTRICT ZONING ON THE PROPERTY AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS.

ITEM NO. 134 IS CASE C 14-82-091. THIS IS A RESTRICTIVE COVENANT TERMINATION FOR THE PROPERTY AT 2103 AND 2105 RIO GRANDE. THE PLANNING COMMISSION RECOMMENDED TERMINATION THIS IS READY FOR CONSENT APPROVAL. ITEM NO. 135 IS CASE C 14 H,-07-0035 THE BROGAN HOUSE AT WEST AVENUE. THIS IS A REZONING REQUEST FROM FAMILY CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR SF-3 CO-NP COMBINING DISTRICT ZONING TO FAMILY RESIDENCE HIS TORQUE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR SF-3 H CO-NP COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED TO GRANT THE REQUEST AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NO. 136 IS CASE C 814-2007-0009, HIGHWAY 71 PUD AT 8500 STATE HIGHWAY 71. THIS IS A REZONING REQUEST FROM RURAL RESIDENCE DISTRICT PLANNED TO DISTRICT ZONING. IT WAS TO GRANT PLANNED UNIT DESCRIKD ZONING IT IS FOR CONSENT ON FIRST READING. WE ARE SENDING THIS ITEM TO THE THE ENVIRONMENTAL BOARD FOR THEIR CONSIDERATION BEFORE WE BRING IT BACK TO YOU FOR SECOND AND THIRD READING. ITEM NO. 137 IS CASE C 14-2007-0062 VICINITY NEAR CELLAR OF AUSTIN LOCATED AAT 7010 WEST STATE HIGHWAY 71. THIS IS A REZONING REQUEST FROM COMMUNITY COMMERCIAL GR DESCRIBLGHT ZONING TO COMMERCIAL LIQUOR SALES, CS-1 DISTRICT ZONING. THE PLANNING COMMISSION'S RECOMMENDS WAS TO GRANT THE CS-1 DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM 138, THIS IS CASE C 14-06-0188 ON PARKER LANE.

THIS CASE HAS BEEN WITHDRAWN. NO ACTION IS REQUIRED. COUNCIL, I'M GOING TO RECUSE MYSELF ON ITEM 139. THIS IS CASE C14-06--0228. WOULD HAVE CREEK DEVELOPMENT. I'M GOING TO ASK THAT THE DEVELOPMENT MANAGER IN MY DEPARTMENT JERRY RUSTHOVEN PRESENT THIS ITEM TO READ IT WITHIN THE RECORD. I HAVE A CONFLICT. I HAVE PROPERTY WITHIN 200 FEET OF THIS TRACT.

WELCOME, MR. RUSTHOVEN. C 14-06-0228 IS LOCATED AT 6825 WOLF CREEK PASS. THE REQUEST IS FOR LR-MU ON TRACT 1 FROM UNKNOWN NEIGHBORHOOD OFFICE ZONE AND ON TRACT 2 TO SF-6-CO FROM THE ORIGINAL SF 5 DISTRICT ZONING. THE STAFF RECOMMENDATION IS TO GRANT LR-MU-CO -- THE DISTRICT ZONING ON TRACT 1 WITH A RECOMMENDATION THAT OFF-SITE ACCESSORY PARKING, NURSERY AND SERVICE STATION BE PROHIBITED USES. ON TRACT 2 THE STAFF RECOMMENDATION SC 6 CO DESCRIBING ZONING LIMITING THE NUMBER OF UNITS TO 21. THE PLANNING COMMISSION RECOMMENDATION IS THE SAME AS THE STAFF RECOMMENDATION AND WE CAN OFFER THIS TO YOU FOR CONSENT APPROVAL. SPEAKERS SIGNED UP IN THEIR OWN FAVOR.

GUERNSEY: ITEM NO. 140. THAT'S CASE C 14-07-0017, STASSNEY OFFICE CONDOS. I UNDERSTAND THIS WILL BE A DISCUSSION ITEM. WE HAVE CITIZENS THAT HAVE SIGNED UP TO SPEAK IN REGARDS TO THE ITEM. NO. 141 IS CASE C 14-07-0019, SOWS LAMAR BOULEVARD. THIS CASE HAS BEEN WITHDRAWN. NO ACTION IS REQUIRED. THAT'S ITEM 141. ITEM 142 IS CASE C 14-2007-0014 KNOWN AS THE WEBB ESTATES AT 4700 CITY PARK ROAD. THIS IS A DISCUSSION ITEM. WE HAVE CITIZENS SIGNED UP TO SPEAK TO THIS ITEM. ITEM 143 IS CASE C 14-2007-..... 14-2007-0034 FOR A PROPERTY LOCATED AT 4703 HARMON AVENUE. THIS IS A REZONING REQUEST FROM FAMILY RESIDENCE NEIGHBORHOOD PLAN OR SF-3-NP COMBINING DISTRICT ZONING TO GENERAL OFFICE NEIGHBORHOOD PLAN OR GONP COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN OR LO-MU-CO-NP, COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. ITEM 144, THIS IS CASE C 14-2007-

0053 FOR THE PROPERTY LOCATED AT 1621 WEST 5TH STREET, KNOWN AS THE MEAN-EYED CAT. THIS IS A DISCUSSION ITEM. I UNDERSTAND THERE IS ONE PERSON SIGNED UP IN FAVOR AND ONE PERSON SIGNED UP AGAINST AND SO THIS WILL BE A DISCUSSION ITEM. ITEM NO. 145 IS CASE C 14 H-07-0005 IT IS THE BULL HOUSE AT 2213 WINDSOR ROAD. STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO YOUR MEETING OF AUGUST 9. THE PLANNING COMMISSION FURTHER ACTION TO LATER IN JULY. ITEM NO. 146. THIS IS REGARDING AN ORDINANCE AMENDING AUSTIN TOMORROW COMPREHENSIVE PLAN FOR THE UNIVERSITY HILLS AND WINDSOR PARK COMBINED NEIGHBORHOOD AND STAFF IS RECOMMENDING A POSTPONEMENT OF THAT PARTICULAR ITEM TO JULY 26. A RELATED ITEM IS 147. THIS IS AN ITEM TO CONDUCT A PUBLIC HEARING AND AN ORDINANCE AMEND BE CHAPTER 25-2, SUBCHAPTER E, ARTICLE 5, LAND DEVELOPMENT CODE TO ADD ROADWAY -- EXCUSE ME, THE DESIGN STANDARDS AND MIXED USE DESIGNATED TO IN WINDSOR PARK. STAFF REQUESTS POSTPONEMENT OF THIS ITEM TO JULY 26. ANOTHER RELATED ITEM TO THOSE TWO ITEMS IS ITEM NO. 148. IT'S CASE C 14-2007-0006, UNIVERSITY HILLS NEIGHBORHOOD PLAN COMBINING DISTRICT, AND STAFF IS REQUESTING A POSTPONEMENT OF THAT ITEM TO YOUR JULY 26 MEETING. ITEM 149, CASE C 14-2007-0007, WHICH IS A WINDSOR PARK NEIGHBORHOOD PLAN COMBINING DISTRICT. STAFF IS REQUESTING A POSTPONEMENT OF THAT ITEM AS WELL TO YOUR JULY 26 MEETING. THOSE ITEMS THAT RELATE TO THE WINDSOR PARK UNIVERSITY HILLS THE COMMISSION HAS NOT FINISHED THEIR RECOMMENDATIONS REGARDING THOSE ITEMS AND THAT IS THE REASON FOR THE POSTPONEMENT. SO THAT CONCLUDES THE ITEMS I CAN OFFER AS A POSTPONEMENT AT THIS TIME. AND MAYOR AND COUNCIL, I'LL NOTE THAT ON THE ITEMS RELATING TO LA VISTA, I UNDERSTAND THERE WAS ONE CITIZEN WHO HAD SIGNED UP THAT WANTED TO SPEAK IN OPPOSITION TO BOTH OF THOSE ITEMS. SHE IS PRESENT BUT I HAVE SPOKEN TO HER AND I UNDERSTAND THAT SHE IS OKAY WITH THOSE TWO ITEMS GOING FORWARD.

MAYOR WYNN: CONFIRM THAT? YOU HAD SIGNED UP IN

OPPOSITION I GUESS TO ITEMS 125 AND 126? AND THEN YOU ALSO HAD SIGNED UP IN OPPOSITION TO A LATER CASE, 140 -- 140. YOU WANT TO SPEAK ON?

YES.

MAYOR WYNN: OKAY. OKAY. SO COUNCIL, IF YOU CAN FOLLOW ALONG WITH ME AND BEAR WITH ME. THE PROPOSED CONSENT AGENDA AND I'LL TRY TO LOOK AT MY CITIZEN SIGN-UP SHEET HERE, WILL BE TO POSTPONE ITEM NO. 123 TO JULY 26, 2007, TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 124, 125 AND 126. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS ITEM 128, 129 AND 130, AND 131, AND ITEM 132 WE HAVE A HANDFUL OF FOLKS IN OPPOSITION EVEN THOUGH IT'S PROPOSED FOR FIRST READING. I THINK WE'LL HAVE A DISCUSSION ITEM FOR 132. AND THE AGENDA WILL ALSO INCLUDE CLOSING THE PUBLIC HEARING AND APPROVING ON ALL THREE READINGS CASE 133. AND ON CONSENT WE WILL TERMINATE THE RESTRICTIVE COVENANT, THAT BEING ITEM 134. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE 135, CLOSING THE PUBLIC HEARING AND APPROVING ON FIRST READING ONLY CASES 136 AND 137. WE WILL NOTE THAT ITEM 138 HAS BEEN WITHDRAWN. AND 139, WE HAVE A BUNCH OF -- NINE FOLKS HERE SIGNED UP IN SUPPORT, SO WE WILL LEAVE THAT ON THE CONSENT AGENDA, CLOSING THE PUBLIC HEARING, APPROVING ON ALL THREE READINGS AND WE'LL NOTE THE SUPPORT FOR THE RECORD OF THESE SPEAKERS. WE'LL NOTE THAT ITEM NO. 141 HAS BEEN WITHDRAWN. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE 143. WE WILL POSTPONE ITEM 145 TO AUGUST 9, 2007. AND WE WILL POSTPONE TO JULY 26, 2007 ITEMS 146, 147, 148 AND 149. IS THAT -- YES, MA'AM? [INAUDIBLE]

MAYOR WYNN: WELL, LET ME REFRESH HERE. 124.

[INAUDIBLE]

MAYOR WYNN: I DON'T HAVE IT HERE. MS. GENTRY?

MAYOR WYNN: AND YOU'RE IN OPPOSITION?

[INAUDIBLE]

MAYOR WYNN: WELL, WE'LL LET MCRUSTHOVEN..... MR. RUSTHOVEN SPEAK BRIEFLY TO YOU AND SEE IF YOU NEED TO ADDRESS THIS. THAT'S OUR PROPOSED CONSENT AGENDA. MR. GUERNSEY, DID THAT JIBE WITH YOUR NOTES?

YOU DID AN EXCELLENT JOB.

I WILL ENTERTAIN A MOTION ON THE PROPOSED CONSENT AGENDA. MOTION MADE BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER MCCrackEN, TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS ON THE CONSENT AGENDA? LET'S GIVE MR. RUSTHOVEN A MINUTE TO SEE IF OUR NEW ARRIVAL IS GOING TO BE SUPPORTIVE OR NEUTRAL OF ITEM 124.

GUERNSEY: MAYOR, WE TABLED THIS ITEM.

COUNCIL MEMBER MARTINEZ, DO YOU CONSIDER REMOVING ITEM 124 OFF THE CONSENT AGENDA. COUNCIL MEMBER MCCrackEN, YES. SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVAL THE CONSENT AGENDA AS READ NOTING THAT ITEM 124 WILL BE TABLED FOR SOME PERIOD OF TIME. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU, MR. GUERNSEY.

GUERNSEY: LET ME THEN GO ON TO ITEM --

PERHAPS 127?

GUERNSEY: 127 CASE C 142007-0054 KNOWN AS THE ARDENT VMU PROJECT AT 1500 SOUTH LAMAR. THIS IS A REZONING REQUEST FROM COMMUNITY COMMERCIAL MIXED USE CONDITIONAL OVERLAY OR GR-MU-CO COMBINING DISTRICT ZONING TO THAT SAME DISTRICT TO PERMIT VERTICAL MIXED USE ON THE PROPERTY. THE PROPERTY ITSELF IS APPROXIMATELY 3.306 ACRES. IT WAS SUBJECT TO A

REZONING CASE EARLIER IN THE YEAR. THE PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE REQUEST AND WOULD INCLUDE A TRIP -- TRIP LIMIT OF 2,000 TRIPS ON THE USES AND WOULD PROHIBIT AUTOMOBILE RENTAL, AUTOMOBILE REPAIR SERVICES, AUTOMOBILE SALES, AUTOMOBILE WASHING OF ANY TYPE, COMMERCIAL OFF STREET PARKING, DROP OFF RECYCLING, COLLECTION FACILITY, FUNERAL SERVICES, EXTERMINATING SERVICES, INDOOR SPORTS AND RECREATION, OUTDOOR SPORTS AND RECOLLECT..... RECREATION, PAWN SHOPS, THEATER, TELECOMMUNICATION TOWER AND RESIDENTIAL TREATMENT. NOW, PROPERTY IS LOCATED ALONG SOUTH LAMAR BOULEVARD NORTH OF COLLIER STREET. IT IS CURRENTLY DEVELOPED WITH A RESIDENTIAL APARTMENT PROJECT RIGHT NOW. IT'S LOCATED IN BOULDIN CREEK WATER SHED. I THINK AT THIS TIME I CAN PAUSE. IF YOU HAVE ANY QUESTIONS OF STAFF AND I BELIEVE THERE'S ONLY THE APPLICANT AND ONE SPEAKER HERE TO SPEAK.

MAYOR WYNN: CORRECT. SO QUESTIONS FOR STAFF, COUNCIL? COMMENTS? IF NOT, THEN WE WILL CONDUCT A RELATIVELY BRIEF PUBLIC HEARING, EVEN THOUGH WE HAVE ONE SPEAKER IN OPPOSITION. SO PERHAPS IF WE COULD HAVE AN APPLICANT PRESENTATION. SET THE CLOCK FOR FIVE MINUTES. YOU'RE WELCOME TO USE THOSE IF YOU NEED AND THEN WE'LL HEAR FROM FOLKS IN OPPOSITION. YOU'LL HAVE A CHANCE TO REBUT. WELCOME.

THANK YOU, MAYOR, COUNCIL MEMBERS. JUST A QUICK REMINDER, THIS IS THE STONE RIDGE APARTMENTS. WE HAVE BEEN -- I'M GOING TO POP THIS UP HERE. WE'VE HAD, I THINK -- IS IT UP TO EIGHT HEARINGS ON THIS OR PROCEEDINGS ALREADY. ALL HAVE BEEN APPROVED UNANIMOUSLY. THE LAST STEP IN THE LONG DISCUSSION WE'VE HAD. THE FIRST HEARING WAS BACK AT THE PLANNING COMMISSION IN SEPTEMBER, THAT SAYS '07 BUT THAT'S REALLY '06. THAT WAS LAST YEAR. SO THIS IS JUST A CONTINUATION OF THAT. THIS IS THE THIS IS THE VMU ASPECT OF IT. YOU-ALL APPROVED THE ZONING BACK IN APRIL AND THIS IS JUST A CARRY FORWARD TO -- I'LL ANSWER ANY QUESTIONS YOU HAVE.

MAYOR WYNN: QUESTIONS OF THE AGENT, COUNCIL?

COMMENTS? IF NOT, THEN WE WILL GO TO FOLKS IN SUPPORT OF THE ZONING CASE. THERE ARE NONE, AND THEN FOLKS NOW IN OPPOSITION AND LORRAINE EFERTON IS SIGNED UP, AND IS MIKE MEYER? YES, LORRAINE, YOU HAVE UP TO SIX MINUTES IF YOU NEED IT.

LORRAINE ATHERTON. I LIVE JUST OFF OF SOUTH LAMAR. I I'D LIKE TO REMIND YOU THAT THIS PROJECT HAS A -- IS THE BENEFICIARY OF A SPECIAL CLAUSE IN THE VMU ORDINANCE THAT ESSENTIALLY EXEMPTS IT FROM ANY AFFORDABILITY REQUIREMENTS BELOW 80% MFI AND IT HAS GONE THROUGH THE PROCESS UNDER THE -- THROUGH THE HEARING PROCESSES UNDER THE ASSUMPTION THAT ANY REDEVELOPMENT ON THIS -- OF THIS APARTMENT COMPLEX WOULD BE JUST AS EXPENSIVE OR MORE EXPENSIVE AS THE PROPOSED ARDENT PROJECT. BUT THAT ASSUMPTION IS NOT SUPPORTED BY PROJECTS ON THE GROUND IN THE SURROUNDING NEIGHBORHOODS. APARTMENT BUILDINGS TO THE NORTH AND THE WEST AND THE SOUTH OF THIS SITE HAVE BEEN REMODELED AND CONDOIZED OVER THE LAST YEAR, AND ALTHOUGH THEIR ADVERTISED SALES PRICES SEEM AWFULLY EXPENSIVE TO ME AND EVERYONE ELSE WHOSE INCOME IS BELOW THE AVERAGE MFI, THE SALES PRICES ARE ABOUT HALF THE PRICE OF THE NEW CONSTRUCTION IN THE NEIGHBORHOOD. AND IN AUSTIN'S DISTORTED DEFINITION OF AFFORDABILITY, THAT'S PRETTY CLOSE TO WHAT PASSES FOR AFFORDABLE HOUSING UNDER THE VMU ORDINANCE. WHAT'S HAPPENED IS THAT CONSTRUCTION MATERIALS AND CONSTRUCTION COSTS ARE EXTREMELY HIGH NOW, AND PROJECTS THAT DO NOT TAKE ADVANTAGE OF THE GREEN BUILDING OPPORTUNITIES TO PRESERVE EXISTING STRUCTURES AND EXISTING MATERIALS JUST COST A WHOLE LOT MORE TO BUILD. SO IN SHORT, DENYING VMU ON THIS SITE WILL ALMOST GUARANTEE THAT THE EXISTING STRUCTURES WILL BE REMODELED IN A MORE AFFORDABLE AND ENVIRONMENTALLY SOUND MANNER. GRANTING VMU WILL ALMOST GUARANTEE THAT THOSE STRUCTURES, THOSE TEN APARTMENT BUILDINGS, WILL END UP IN THE DUMP, AND THAT THEY WILL BE REPLACED BY HOUSING THAT IS ABOUT TWICE AS EXPENSIVE. AND I WOULD URGE YOU TO GO BACK OVER THAT LONG LIST OF APPROVALS AND NOTE HOW

MUCH MONEY THE CITY IS HAVING TO DONATE TO THIS SITE TO GET THESE -- THESE HIGH-PRICED CONDOS BUILT. IT'S COSTING US A WHOLE LOT OF MONEY AND IT'S TAKING A LOT OF MONEY OUT OF THE AFFORDABLE HOUSING FUND THAT COULD BE BETTER SPENT ELSEWHERE. THANK YOU.

MAYOR WYNN: THANK YOU, MS. ATHERTON. SO THAT'S ALL THE FOLKS SIGNED UP IN OPPOSITION TO THIS CASE. SO WE CAN NOW, IF APPROPRIATE -- THE APPLICANT COULD HAVE A THREE-MINUTE REBUTTAL, IF NEED BE.

THANK YOU. I'D JUST CLARIFY ONE THING. THIS PROJECT, THE CITY AGREED TO BUY DOWN THE AFFORDABILITY FROM 10% AT 80% TO 10% AT 50%. SO THIS PROJECT WILL BE AFFORDABILITY, 30 UNITS AT 10% AT 50% MFI FOR 40 YEARS. SO THIS PROJECT IS GOING TO ENSURE LONG-TERM AFFORDABILITY ALONG THIS CORRIDOR AND IF THIS APARTMENT PROJECT GETS TORN DOWN AND SOMETHING ELSE GETS BUILT OWNER THE VMU WITH THE AFFORDABILITY COMPONENT IN IT, YOU MAY GET RETAIL, YOU MAY GET OFFICE BUT THERE'S NO GUARANTEE YOU'LL GET ANY AFFORDABLE UNITS. AND THIS IS THE WAY TO GUARANTEE AFFORDABLE UNITS LONG-TERM. AND WE'VE BEEN WORKING SINCE THE COUNCIL APPROVAL OF THE ZONING CASE WE'VE BEEN WORKING WITH THE AFFORDABLE HOUSING GROUP OF THE CITY TRYING TO CRAFT HOW WE'LL PUT THIS TOGETHER AND WE'RE REAL CLOSE AND WILL HOPEFULLY GET IT DONE IN THE NEXT WEEK OR SO. SO ANY QUESTIONS, HAPPY TO ANSWER THEM.

MAYOR WYNN: QUESTIONS, COUNCIL, OF THE AGENT? COMMENTS? MAYOR PRO TEM DUNKERLEY DUNK I JUST WANT TO THANK YOU FOR WORKING WITH THE STAFF AND TAKING THIS TIME TO COME UP WITH, I THINK, A REALLY GOOD PACKAGE FOR AFFORDABILITY, SO I APPRECIATE THAT.

WE HOPE IT TURNS OUT TO BE A MODEL FOR OTHERS TO DO THESE TYPES OF PROJECTS.

MAYOR WYNN: COMMENTS? QUESTIONS, COUNCIL? COUNCIL MEMBER MCCracken?

MCCRACKEN: YEAH, MAYOR, I ALSO WANT TO REITERATE THE MAYOR PRO TEM'S COMMENTS AND I THINK REALLY KIND OF REMIND EVERYONE THAT ACTUALLY, THAT IT WAS -- IT WAS BRAD DITTON, HE TOOK A LEAP OF FAITH OF OPENING UP HIS BOOKS TO SHOW US ON THE TASK FORCE THE ECONOMICS OF WHERE WE END UP WITH MORE AGGRESSIVE AFFORDABILITY STANDARDS THAT SOMEONE HAD ADVOCATED AND GOT US TO A CONSENSUS POINT. SO NOT ONLY -- I THINK YOU MAY HAVE A LITTLE BIT OF MISUNDERSTANDING HERE BECAUSE THIS DOES HAVE AFFORDABILITY AND I THINK ON TOP OF THAT THAT ARDENT ARE INSTRUMENTAL IN MAKING SURE WE HAD THIS VERY AGGRESSIVE CITYWIDE AFFORDABILITY DENSITY BONUS PROGRAM. AND SO WE'RE GETTING SOME GREAT RESULTS FROM THIS. SO I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM NO. 127. I TRUST THAT WOULD BE THE PLANNING COMMISSION RECOMMENDATION THAT INCLUDES THE 2,000 TRIP LIMITATION AND NOTE THE RESTRICTIVE -- RESTRICTIONS ON CERTAIN USES.

GUERNSEY: THAT'S CORRECT. THE PLANNING COMMISSION ACTUALLY RECOMMENDED STAFF RECOMMENDATION THERE SO --

STAFF RECOMMENDATION, INCLUDES THE ELIMINATION OF CERTAIN USES AND THE TRIP LIMITATION. FURTHER COMMENTS? QUESTIONS? HEFERG NONE ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

GUERNSEY: LET ME COME BACK TO ITEM NO. 132, CASE C 14-2007-0051, THE PIERCE SUITES AT 2028 WEST BEN WHITE BOULEVARD. THIS IS A REZONING REQUEST FROM SF-3 TO GO-MU. THE PLANNING COMMISSION RECOMMENDATION WAS FOR LO-MU, WHICH IS LIMITED OFFICE MIXED USE

ZONING OF THE PROPERTY. THE APPLICANT IS AGREEABLE TO THAT PLANNING COMMISSION RECOMMENDATION. IT'S A SMALL TRACT OF LAND, .18 ACRES, THAT IS ALONG BEN WHITE BOULEVARD BETWEEN MANCHACA AND VICTORY ON THE NORTH SIDE. IT FACES ONTO THE FRONTAGE ROAD, THE PROPERTY. THE SITE IS SURROUNDED BY SINGLE-FAMILY USES TO THE NORTH OR SF-3. TO THE SOUTH ON THE OTHER SIDE OF BEN WHITE IS GR AND CS ZONING AND TO THE EAST AND THE WEST ARE SINGLE-FAMILY HOMES THAT ARE DESIGNATED AS SF-3. THIS IS IN A PENDING NEIGHBORHOOD PLANNING AREA. THERE HAS BEEN, IN FACT, EXTENSIVE DISCUSSION REGARDING LAND USES ALONG THIS CORRIDOR. THE DRAFT FUTURE LAND USE MAPS THAT ARE NOT ADOPTED BY THE COMMISSION OR COUNCIL OR ENDORSED BY THE NEIGHBORHOOD CURRENTLY AT THIS TIME, ALTHOUGH THEY'RE PROPOSED WOULD SPEAK TO BEING APPROPRIATE FOR THE LO-MU ON THIS PROPERTY AS RECOMMENDED BY THE COMMISSION. I'M TOLD THAT ONE OF THE INDIVIDUALS THAT WAS HERE IN OPPOSITION WOULD BE IN FAVOR OF THE PLANNING COMMISSION RECOMMENDATION BUT I THINK I'LL LET THEM SPEAK FOR THEMSELVES. I'LL PAUSE AT THIS TIME. THE APPLICANT IS REPRESENTED, MR. FREE IS HERE TO SPEAK ON BEHALF OF THE OWNER.

MAYOR WYNN: THANK YOU, MR. GUERNSEY, QUESTIONS FOR STAFF, COUNCIL? IF NOT, WE WILL HAVE A FIVE-MINUTE PRESENTATION FROM THE AGENT, MR. FRIE, I GUESS IT IS. THEN WE'LL HEAR FROM FOLKS IN SUPPORT OF THE ZONING CASE. THEN A COUPLE FOLKS HAVE SIGNED UP IN OPPOSITION AND THEN WE WILL HAVE REBUTTAL. WELCOME.

GOOD AFTERNOON, MAYOR AND COUNCIL. I'M JUST GOING TO GO THROUGH THIS VERY BRIEFLY. I'M NOT GOING TO TAKE ANYWHERE NEAR FIVE MINUTES. WE WERE UNDER THE ASSUMPTION, MYSELF, THE APPLICANT, AND MY POSITION, THE NEIGHBORHOOD ASSOCIATION HERE THAT'S HERE, THAT THIS WAS GOING TO BE CAN IN CONSENT BECAUSE WE ARE IN AGREEMENT BUT SOMEONE DECIDED TO SPEAK AGAINST IT, SO MR. GUERNSEY KIND OF SUMMARIZED THE CASE. I'LL JUST GO THROUGH THE -- REAL QUICK HOW WE GOT TO HERE THROUGH THE PROCESS, YOU

KNOW, THE SOUTH LAMAR NEIGHBORHOOD PLAN RECOMMENDED THIS PIECE OF PROPERTY FOR OFFICE. THE CITY STAFF RECOMMENDATION WAS FOR GENERAL OFFICE MU, WHICH WAS WHAT WE ASKED FOR AT PLANNING COMMISSION. I HAVE TWO LETTERS OF SUPPORT THAT I READ AT PLANNING COMMISSION BUT I'LL READ THEM IN THE RECORD HERE REAL QUICK FROM TWO NEIGHBORS THAT LIVE ALONG BEN WHITE ALSO DOWN THE STREET FROM THIS PROPERTY. ONE IS A CURTIS SUTOR LAND AND HIS COMMENTS ARE I AM IN TOTALLY IN FAVOR OF GO-MU ZONING FOR THIS AND ANY OTHER PROPERTIES ALONG WEST BEN WHITE BOULEVARD. THIS SHOULD EQUATE TO ADDITIONAL TAX REVENUE FOR THE CITY AND PROVIDE AFFORDABLE OFFICE SPACE IN THE NEIGHBORHOOD. KEEP UP THE GOOD WORK. I DON'T KNOW WHO THEY'RE REFERRING TO ON THAT. SECOND ONE -- I'M SORRY, ADDRESS FOR THE RECORD IS 2104 WEST BEN WHITE BOULEVARD. THE SECOND ONE, LETTER OF SUPPORT WAS FROM ANNIE RICE AT 2103 WEST BEN WHITE BOULEVARD. AND HER COMMENT IS, I THINK -- I THINK IT IS TIME THE CITY REZONED THESE PROPERTIES. THEY HAVE NO RESIDENTIAL PURPOSES ANYMORE DUE TO TRAFFIC AND NOISE. BACK LONG BEFORE -- MANY YEARS AGO BEFORE BEN WHITE WAS EXPANDED THERE WAS AN IVY TRAIL THAT USED TO SEPARATE THESE RESIDENCES..... RESIDENCES FROM BEN WHITE BOULEVARD AND NOW WITH EXPANSION OVER THE YEARS THEY'RE RIGHT ON THE FRONTAGE ROAD. SO AT THE JUNE 12 PLANNING COMMISSION MEETING THERE WAS MR. HE... EL SAS WHO WAS WITH THE NEIGHBORHOOD. THERE WAS NO OFFICIAL NEIGHBORHOOD ASSOCIATION. THERE IS A STREET BEHIND HERE, FORT VIEW THAT HAS RESIDENCES ON IT AND MR. EL SAS WAS HERE REPRESENTING THE NEIGHBORS ON FORT VIEW AND THEY'RE IN AGREEMENT -- THEY WERE IN AGREEMENT FOR THE OFFICE ZONING, THE DEBATE WE HAD AT PLANNING COMMISSION WAS WE WERE ASKING FOR GENERAL OFFICE ZONING AND HE PREFERRED LIMITED OFFICE ZONING. THE PLANNING COMMISSION SAW HIS SIDE AND THEY AGREED TO THE RECOMMENDATION FOR LIMITED OFFICE ZONING AND VOTED 9-0 FOR THAT AND I TALKED TO THE OWNERS OF THIS PROPERTY. THEY WERE IN AGREEMENT WITH THAT, AND I CALLED THE CITY THE NEXT MORNING AND LEFT MR.

HIGHLY..... HEIL A MESSAGE THAT WE WERE GOING TO REQUEST LIMITED OFFICE MU ZONING ON THIS PROPERTY AT COUNCIL AND WE WERE REQUESTING TO BE ON THE CONSENT AGENDA. LIKE I SAID, I DON'T KNOW IF YOU WANT TO HEAR FROM MR. ELSASS NOW OR DURING THE REBUTTAL BUT HE'S HERE IN SUPPORT OF THE LO-MU ZONING ALSO. ANY QUESTIONS?

MAYOR WYNN: QUESTIONS FOR THE AGENT, COUNCIL? COMMENTS? IF NOT, THEN THIS WOULD BE A TIME TO HEAR FROM FOLKS WHO ARE IN SUPPORT OF THE ZONING. SO IF YOU WOULD LIKE TO TESTIFY NOW, THIS WOULD BE THE APPROPRIATE TIME. YOU CAN HAVE UP TO THREE MINUTES. WELCOME.

MAYOR, COUNCIL. I SIGNED UP BASICALLY OUT OF MY IGNORANCE TO OPPOSE IT BECAUSE I WASN'T SURE IF THE -- IF I WAS -- IF THE CONSENT MEANT THAT IT WAS BASED ON WHAT THE APPLICANT SUBMITTED FOR OR WHAT THE PLANNING COMMISSION RECOMMENDED. BUT BASICALLY I WOULD LIKE TO RETRACT FROM OPPOSING THE CURRENT RECOMMENDATION TO GO TO LO AND SUPPORT THAT. AND I HAVE SIGNATURES FROM SIX OF MY NEIGHBORS WHO OWN PROPERTY ON FORD..... FORT VIEW REPORT SUPPORTING THE PLANNING COMMISSION RECOMMENDATION TO LO. WE'RE LEAVING OUT THE MU PART BUT I BELIEVE THAT WAS PART OF IT AS WELL, THE LO-MU AND WE FEEL THAT THAT'S APPROPRIATE FOR THAT PARTICULAR TRACT OF LAND.

MAYOR WYNN: I'M SORRY, YOU'RE MR.--

ELSASS.

MAYOR WYNN: YOU'RE THE ONLY SPEAKER WHO HAD SIGNED UP IN OPPOSITION.

WE WERE UNDER THE INFLUENCE THAT THERE WAS SOMEONE ELSE SO I GUESS THIS HAS ALL BEEN FOR NAUGHT. SORRY FOR WASTING YOUR TIME.

MAYOR WYNN: THAT'S OKAY. TECHNICALLY FOR THE RECORD THREE OTHER FOLKS SIGNED UP NOT WISHING TO SPEAK. PERHAPS THEY ALSO ARE IN SUPPORT. JEFFREY

ALEXANDER, JULY I ALEXANDER AND GEORGE WART DO NOT WISH TO SPEAK. THANK YOU, MR. ELSASS. QUESTIONS OF MR. ELSASS? THANK YOU VERY MUCH. WE ALSO -- I DOUBT RENEED A REBUTTAL THEN FROM OUR AGENT..... AGENT. SEEING HOW THERE'S NO TESTIMONY IN OPPOSITION. COMMENTS, QUESTIONS? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I WILL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 132, PLANNING COMMISSION RECOMMENDATION ON ALL THREE READINGS.

MAYOR WYNN: I THINK STAFF IS ONLY READ FOR FIRST READING, CORRECT, MR. GUERNSEY?

GUERNSEY: THAT'S CORRECT.

MAYOR WYNN: OKAY.

LEFFINGWELL: FIRST READING ONLY THEN.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM NO. 132, THE PLANNING COMMISSION RECOMMENDATION, FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

GUERNSEY: MAYOR AND COUNCIL, EARLIER YOU TABLED AN ITEM. I UNDERSTAND A CITIZEN HAD A DISCUSSION WITH JERRY RUSTHOVEN IN MY DEPARTMENT. HER CONCERNS HAVE BEEN ADDRESSED AND WE CAN OFFER THAT ITEM AGAIN AS CONSENT. IT WAS ITEM NO. 124, CASE C 14-07-0014. KNOWN AS THE CAMERON CONDOS AT 2903 CAMERON LOOP. IF YOU'D LIKE TO BRING THAT OFF THE TABLE WE CAN OFFER THAT CONSENT AT THIS TIME.

MAYOR WYNN: I'LL SPRAIN THAT MOTION. [ONE MOMENT,

PLEASE, FOR CHANGE IN CAPTIONERS.]

THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY OR LR-MU-CO GIEING DISTRICT ZONING FOR TRACT ONE AND LIMITED OFFICE MIXED USE CONDITIONAL OVERLAY OR LO-MU-CO COMBINING DISTRICT ZONING FOR TRACT 2. THE PROJECT IS LOCATED ON STASSNEY LANE AND IT CONSISTS OF APPROXIMATELY 5.1.78 ACRES OF LAND. THE COMMISSION'S RECOMMENDATION TOFS APPROVE LR-CO COMBINING DISTRICT ZONING FOR TRACT ONE AND LO-CO FOR TRACT 2. IT LIMITS THE TRIPS TO THE PROPERTY TO ONE THOUSAND TRIPS. THE VEHICLE ACCESS FROM THE PROPERTY TO GOBE DRIVE WOULD BE LIMITED TO A RIGHT-HAND TURN OUT ONLY AND FOR THE RESIDENTIAL USES THE MINIMUM LOT SIZE WOULD BE 3,600 SQUARE FEET AND THEN TO PROHIBIT THE FOLLOWING USES, CLUB AND LODGE, COLLEGE AND UNIVERSITY FACILITIES, CONVALESCENT SERVICES, CUSTOM MANUFACTURING, GUIDANCE SERVICES, FOOD SALES, GENERAL RETAIL SALES CONVENIENCE, OFF SITE ACCESSORY PARKING, PLANT NURSERY, RESTAURANT LIMITED, RESIDENTIAL TREATMENT, SERVICE STATION AND A DRIVE-THROUGH SERVICES USE AS AN ACCESSORY USE. IN ADDITION THERE'S A RESTRICTIVE COVENANT FOR THE CONDITIONS THAT I'VE SPOKEN TO IN THE NEIGHBORHOOD TRAFFIC ANALYSIS. THIS PROPERTY, THE APPLICANT ACTUALLY DISAGREES WITH THE PORTIONS OF THE -- THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION. THEY WOULD LIKE TO INCREASE THE TRIP LIMIT FROM ONE THOUSAND TO TWO THOUSAND TRIPS AND TO REMOVE THE LIMITATION REGARDING THE TURNING MOVEMENTS ON TO GOBE DRIVE. THE APPLICANT WOULD LIKE TO PURSUE A DEVELOPMENT OF APPROXIMATELY 40,000 SQUARE FEET OF COMMERCIAL AND/OR OFFICE SPACES TO ACCOMMODATE SPECIALIZES BUSINESSES AND A UNIFIED DEVELOPMENT WHILE RETAINING THE BUILDING TO DO SOME RESIDENTIAL YIEWS. THE PROPERTY ON THE NORTHERN PORTION IS ACROSS STASSNEY, WHAT IS PROPOSED FOR A COMONDIUM USE AND PROPOSED FOR SF-6. TO THE SOUTH THERE ARE EXISTING DUPLEXES BORDERING THE PROPERTY. TO THE EAST ARE CONDOMINIUM SINGLE-FAMILY RESIDENCE RETAIL

AND APARTMENTS WITH ZONING OF GR AND MF-2. AND TO THE WEST IS SF-3 PROPERTY ACROSS GOBE AND THEY'RE USED FOR SINGLE-FAMILY HOMES. THE PROPERTY IS LOCATED IN THE WILLIAMSON CREEK WATERSHED, AND THERE IS AT LEAST TWO PEOPLE I THINK HERE TO SPEAK TO THIS ITEM. I KNOW AT LEAST ONE OF THEM IS IN OPPOSITION. IF YOU HAVE ANY QUESTIONS I'LL BE BE HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: QUESTIONS, COMMENTS? IF NOT, WE WILL CONDUCT OUR PUBLIC HEARING BECAUSE WE DO HAVE ONE IN OPPOSITION, ONE IN FAVOR. MAYOR PRO TEM?

...

THERE WAS I THINK CONCERN ABOUT THE ACCESS, AS I MENTIONED BEFORE, ABOUT IS TURNING MOVEMENTS. AND AGAIN, LIKE I SAID BEFORE, THE TRIP LIMITATION IS DINCHT. STAFF RECOMMENDED THE STANDARD TWO THOUSAND. THE COMMISSION RECOMMENDED ONE THOUSAND. THERE WAS CONCERNS ABOUT TRAFFIC, ESPECIALLY GOING BACK INTO THE NEIGHBORHOOD. I THINK THAT'S WHY THE COMMISSION ALTERED THE NUMBER OF TRIPS TO BE A LESSER NUMBER.

Dunkerley: I NOTICE THAT BOTH OF YOU MADE RECOMMENDATIONS FOR A RESTRICTIVE COVENANT ABOUT THE TRAFFIC CONCERNS. THANK YOU.

Mayor Wynn: SO WE WILL CONDUCT OUR PUBLIC HEARING. FIRST WE HAVE A PRESENTATION FROM THE APPLICANT AND/OR THE AGENT. IF THEY ARE HERE. I'LL SET THE CLOCK FOR FIVE MINUTES. YOU CAN TAKE AS MUCH OF THAT AS YOU'D LIKE. THEN WE'LL HEAR FROM PERSONS IN SUPPORT. WE HAVE ONE PERSON HERE. AND WE'LL HEAR FROM FOLKS IN OPPOSITION. WE HAVE A SINGLE PERSON IN OPPOSITION. YOU'LL HAVE A CHANCE FOR REREBUTTAL. PLEASE STATE YOUR NAME FOR THE RECORD.

MY NAME IS NED McDANIEL. THERE'S BASICALLY JUST TWO ELEMENTS THAT WE'RE ADDRESSING HERE, AND THAT IS THE TRIP LIMIT BE AND THE ACCESS TO GOBE LANE. LET ME SEE IF I CAN -- [INAUDIBLE - NO MIC] THE FIRST THING I'M

GOING TO TALK ABOUT IS THE ACCESS TO GOBE LANE. THEY SAID A RIGHT TURN LANE ONLY BRINGS YOU TO OVER HERE. OVER AT THIS END ON THE OTHER SIDE OF THESE CONDOS IS A LIGHT THAT ENTERS ON FOREST ELM AND GOBE GOES AROUND AND ATTACHES TO THAT. I'VE BEEN OUT AT THE PROPERTY WHEN THEY DID THE TRAFFIC STUDY THEY PUT IT RIGHT HERE, SO THEY CAUGHT THE TRAFFIC THAT GAME IN HERE. 90% OF IS COMES IN HERE AND GOES DOWN LIBYAN DRIVE BECAUSE THIS ACCESS IS FROM THE NEIGHBORHOOD RIGHT THERE. SO VERY LITTLE TRAFFIC FROM THIS DIRECTION. THERE'S BEEN CONCERN THAT THIS CAUSES PROBLEMS BECAUSE OF PEOPLE TRYING TO COME ACROSS HERE, THEY FEEL IT'S DANGEROUS BECAUSE THERE'S NO LIGHT. BUT YET THEY'RE SAYING THEY WANT TO FORCE TRAFFIC TO GO TO THIS INTERSECTION. MY POINT IS IF YOU'RE CONCERNED ABOUT THE HEALTH, WELFARE AND SAFETY WITH PEOPLE AT THIS INTERSECTION, THEY SHOULD ALLOW PEOPLE TO GO AROUND THIS WAY AND GO TO THE LIGHT. THERE WILL OBVIOUSLY BE PEOPLE WHO WILL COME THROUGH THE PROPERTY AND ACCESS THE SCAS ANY THROUGH HERE. IF THIS BACKS UP THEY WILL GO THROUGH THIS PROPERTY OR THEY WILL GO AROUND OVER THERE, BUT YOU SHOULD ABLE TO GO LEFT AND GO TO THE LIGHT IF THAT MAKES YOU FEEL SAFER. THE OTHER ELEMENT ABOUT THIS IS I GOT INVOLVED WHEN I WAS TALKING TO THE CITY ABOUT DEVELOPING A PROPERTY THAT THERE WAS A PROBLEM WITH FLOODING ON DOWNSTREAM SO I'VE NEGOTIATED WITH THE CITY TO BUILD A LARGE REGIONAL DETENTION POND ON THE PROPERTY. UP THIS WILL BE WATER QUALITY, THIS WILL BE DETENTION AND THIS WILL HOPEFULLY MITIGATE THE FLOODING PROBLEM, WHICH IS A PIPE THAT WAS BUILT IN 1970'S AND THIS SUBDIVISION THAT HAS 101 CS CAPABILITY BY HOLDING THE WATER BACK HERE, THIS HAS 53 ACRES OF DEVELOPED -- WATER GOES THROUGH THIS AND SO THIS WILL CATCH THIS AND THAT WILL THAT WILL DO THE WATER QUALITY. A LOT.....THERE IS POWER WIRES ARKS BIG CREEK GOING THROUGH IT, AND SOME EASEMENTS AND THINGS. THERE ARE A LOT OF ISSUES THAT MAKE THIS PROPERTY DIFFICULT TO DEVELOP. I THINK I'VE TRIED TO ADDRESS THOSE DEVELOPMENT PROBLEMS BECAUSE I'VE PUT THE DETENTION POND IN WITH THE -- I THINK THE ISSUE WITH THE TRIP LIMIT IS I

SPENT THE MONEY TO FIND OUT WHAT THE MATH IS, THE CAPABILITY OF THIS ROAD, THE SCIENCE SAYS THAT THERE'S PLENTY OF ROOM ON THIS ROAD. THEY ATTRIBUTE 800 TRIPS TO THE GOBE AND 2800 TO STASSNEY ACCESS. NOT THAT WE'RE BRINGING PEOPLE IN FROM OHIO TO DRIVE THESE ROADS. ACTUALLY, THIS IS A DESTINATION ORIENTED BUSINESS DESIGN, HOPEFULLY USING SOME OF THE TRAFFIC THAT COMES HERE WILL GO TO THESE BUSINESSES. BECAUSE WITH THERE'S A 2,000 TRIP LIMIT DOES NOT MEAN THAT 2,000 TRIPS WILL BE COMING TO THIS PROPERTY. BUT IT DOES MEAN THAT THE DIVERSITY OF THE BUSINESSES THAT WILL BE ALLOWED TO BUY IN THAT PROPERTY WILL BE EXPANDED SO IT WILL ALLOW MORE BUSINESSES TO BE ABLE TO -- WE CAN HAVE MILLION-DOLLAR OFFICES AND -- WE CAN HAVE MEDICAL OFFICES AND OTHER BUSINESSES, BUT SOME HAVE MORE TRIP LIMITS THAN OTHERS. BUT I WANT TO GET IT TO ITS HIGHEST AND BEST USE, WHICH IS TO GO WITH THE STAFF RECOMMENDATION OF 2,000 TRIP LIMIT, BE AND FOR SAFETY SAKE, I THINK PEOPLE SHOULD BE ABLE TO GO LEFT AND GO TO THE LIGHT. ARE THERE ANY QUESTIONS?

Mayor Wynn: QUESTIONS OF THE AGENT, COUNCIL? COMMENTS? IF NOT, WE WILL HEAR FROM FOLKS -- I WAS WRONG. NED McDANIEL IS OUR AGENT, SO HE HAD SIGNED UP IN FAVOR, SO WE DON'T HAVE ANYBODY HERE IN FAVOR, BUT WE DO HAVE BETTY EDGEMOND TO SPEAK IN OPPOSITION. WELCOME. YOU WILL HAVE THREE MINUTES.

I KNOW. YOU WILL DO THE THROAT CUTTING SIGN IF I GO OVER. MY NAME IS BETTY EDGEMOND AND OF COURSE I WAS ONE OF THE ORIGINAL PEOPLE ALONG WITH THE GOBI LANE NEIGHBORHOOD ASSOCIATION THAT SIGNED ALL THE RESTRICTIVE COVENANTS THAT THIS GENTLEMAN IS TALKING ABOUT. I DO 100% AGREE WITH THE PLANNING, THE ZONING AND PLATTING ON THE ONE THOUSAND TRIPS. FOR JUST A LITTLE WHILE, THREE YEARS AGO, THE CITY STAFF WAS REALISTIC AND THEY ACTUALLY MADE IT SO THAT WHEN A CLIENT CAME IN THEY WOULD SAY, THIS IS HOW MANY TRIPS WE RECOMMEND, THEN THEY WENT TO THE 2,000. ORIGINALLY THIS WAS 300 TRIPS PER DAY. AND MR. McDANIEL HAS NOT TOLD US WHAT HE WANTS TO WORK THERE. HE JUST SAID IT'S ALL UP IN THE AIR. THIS IS THE

ENTRANCE TO FOUR DIFFERENT SUBDIVISIONS, AND MY CONCERN IS NOT WEST STASSNEY LANE, WHICH DEAD ENDS INTO SOMEONE'S FRONT YARD IN CHERRY CREEK, BUT GOBI DRIVE. AND IT ALWAYS WORRIES ME WHEN AN APPLICANT DOESN'T NO THE NAME OF WHERE HE'S DEVELOPING THE PROPERTY. HE CALLED GOBI LANE. IT'S JUST A LITTLE DRIVE. IT'S JUST A LITTLE DRIVE. AS TO THE RIGHT TURN, IT JUST SEEMED AT THE TIME THAT WE DID THAT, THAT WAS A GOOD IDEA. NOW I HAVE TOLD MR. McDANIEL, WE'RE COMPLETELY - - THAT CAN GO. THAT'S NO PROBLEM. MAKE A REGULAR DRIVEWAY. I BELIEVE HE'LL HAVE TO CONNECT IT UP TO LIBYAN UNDER THE NEW RULES. I THINK HE WILL. I WAS THINKING EVEN IF MEDICAL OFFICES WENT IN THEY STILL WOULDN'T MAKE 500 TRIPS A DAY. SO I COULD LIVE WITH THE THOUSAND. AND WE NEED TO TAKE INTO ACCOUNT THIS IS AN OLDER SUBDIVISION. THE APARTMENT..... APARTMENTS, THE GR THAT MR. GUERNSEY TALKED ABOUT, THE APARTMENTS WERE BUILT YEARS AGO UNDER GR. THEY DIDN'T HAVE AN MF 3 OR AN MF 2. THEY WERE BUILT UNDER GR. ACROSS THE STREET THERE WERE HOMES GOING IN. AND THIS IS TOTALLY, TOTALLY SURROUNDED BY SINGLE-FAMILY HOMES, BUT WE DO NEED -- WE NEED SOMETHING ON THAT PIECE OF PROPERTY AND WE NEED A GOOD PROJECT. [BUZZER SOUNDS] SO ANYWAY, SO THE THOUSAND TRIPS IS OKAY. IF YOU WANT TO TAKE OFF THE RIGHT HAND TURN OR LEFT-HAND TURN, HOWEVER WE WORDED IT, THAT'S FINE, JUST MAKE A RIGHT TURN ON GOBI. THANK YOU.

Mayor Wynn: THANK YOU, BETTY. COUNCIL, THAT'S ALL THE FOLKS IN OPPOSITION. WE NOW HAVE A CHANCE FOR MR. McDANIEL TO GIVE A REBUTTAL. WELCOME BACK, NED.

SO ANSWER HER QUU,. QUESTION, THE PROPOSAL IS RESIDENTIAL CONDO SPACES. AT THIS TIME WE CAN FALL BACK TO RESIDENTIAL. THAT'S ALWAYS BEEN OUR FALL BACK ON THIS, BUT WE THINK THERE'S A MARKET FOR THE RESIDENTIAL OFFICE CONDOS THERE. I DON'T KNOW WHOSE OFFICE IS GOING TO BE THERE. THEY'RE GOING TO BUY THEM INDIVIDUALLY OUT OF THE BUILDING, SO IF YOU HAVE A 6,000 SQUARE FOOT BUILDING, THEY CAN BUY A THOUSAND OR 2,000.....2,000-FOOT OUT OF THAT BUILDING. I THINK IT'S A GOOD PROPOSAL TO HAVE AN OFFICE

CONDOMINIUM REGIME BECAUSE THE REGIME WILL MAINTAIN THE PROPERTY AND IF THERE'S ONE BUSINESS THAT'S DEFAULTING, THEN THE DEGRADATION OF THE WHOLE BUSINESS DOESN'T GO DOWN, THE REST OF THE BUSINESSES TAKES CARE OF THE PROPERTY. THE REGIME DOES. AND ALSO I STARTED OUT AT 40,000 BECAUSE THAT WAS A THEER RET.....THEORETICAL NUMBER THAT THE ENGINEER GAVE ME. HE'S BROUGHT ME DOWN TO 30,000. SO REALLY IT WILL BE BETWEEN 30 AND 40,000 SQUARE FEET, SO I'VE ALREADY LOST THEORETICALLY IN MY MIND A LOT OF MONEY THAT I THOUGHT WAS GOING TO BE ABLE TO BE BUILT ON THIS PROPERTY. AND WHAT SHE DOESN'T UNDERSTAND, I THINK, IS THAT THE TRIP LIMITS DETERMINE HOW MANY QUEET I..... SQUARE FEET I CAN BUILD ON THAT PROPERTY. IF I HAD A 500 TRIP LIMIT I COULDN'T BUILD ANYTHING THAT WOULD BE ECONOMICALLY REASONABLE FOR FIVE ACRES. SO JUST, FOR EXAMPLE, IT HAS AN LR ZONING. WELL, WITH AN LR ZONING WITH A THOUSAND TRIP LIMIT I CAN PUT UP A 5,000 SQUARE FEET BUILDING, RETAIL, ON A FIVE ACRE TRACT. I CAN'T DO RETAIL ON THAT PROPERTY. SO IF I DO OFFICE CONDOMINIUMS, I CAN DO MAYBE 29,000 SQUARE FEET, OKAY? SO WHAT I WANT IS TO HAVE THE FULL LIMIT OF THE TRIP LIMITS THAT THE COUNCIL HAS SAID THAT THEY'VE DONE THE ANALYSIS, THAT IT SAYS - - SCIENCE SAYS AND THEIR MEASUREMENTS THAT THIS PROPERTY CAN HANDLE 2,000 TRIPS. THAT WILL ALLOW ME TO PUT THE MAXIMUM AMOUNT OF SQUARE FEET THAT THE PROPERTY WITHHOLD BECAUSE THERE'S ALREADY THINGS THAT ARE PULLING IT BACK AND THAT REDUCE ITS BUILDABILITY, THE AMOUNT THAT I CAN ACTUALLY PUT ON THE PROPERTY. IT'S NOT EVEN GOING TO BE MAXIMIZED BECAUSE OF SETBACKS AND ALL THE CONSTRAINTS THAT ARE ALREADY WITHIN THE PROPERTY. SO THIS DENSITY IS GOING TO BE LOW COMPARED TO WHAT IT COULD ACTUALLY POSSIBLY DO BECAUSE OF ALL THE THINGS THAT ARE LIMITING THE PROPERTY AND ITS PHYSICAL CHARACTERISTICS. SO I NEED THE 2,000 TRIP LIMIT TO MAKE IT ECONOMICALLY VIABLE ON THIS SQUARE FOOTAGE THAT CAN BE BUILT AND WHAT IS CAN GO IN THERE. SO WE CAN BUILD A POND AND STOP THE FLOODING AND THAT KIND OF THING.

Mayor Wynn: THANK YOU.

DO YOU HAVE ANY OTHER QUESTIONS FOR ME?

Mayor Wynn: THANK YOU. QUESTIONS FOR THE AGENT, COUNCIL? COMMENTS? THEN I'LL ENTERTAIN A MOTION ON ITEM NUMBER 140. MAYOR PRO TEM?

Dunkerley: I WOULD MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE THE STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER COLE TO CLOSE THE PUBLIC HEARING AND APPROVE -- MR. GUERNSEY, HELP ME HERE. WAS STAFF RECOMMENDATION ALSO THAT OF PLANNING COMMISSION?

THEY DO DIFFER WITH THE UNTIL BE OF TRIPS AND WITH RESPECT TO THE TURNING MOVEMENTS. WITH YOUR DIRECTION, THOUGH, IT IS CLEAR ENOUGH AND WE HAVE THE ORDINANCE IN BACKUP THAT CAN BE MODIFIED TO REFLECT THE INCREASE IN THE NUMBER OF TRIPS AND THE CHANGE TO THE TURNING MOVEMENTS AND SO THIS COULD BE TAKEN ON THREE READING IF YOU SO DESIRE. PAIR MAYOR MAYOR PRO TEM, BE THAT WAS FOR THREE --

Mayor Wynn: MAYOR PRO TEM, THAT WAS FOR THREE READINGS?

Dunkerley: ALL THREE.

Mayor Wynn: SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND AMOVE 140 ON ALL THREE READINGS FOR STAFF RECOMMENDATION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MR. GUERNSEY. ACTUALLY, COUNCIL, I'M TOLD THAT WE NEED TO RECONSIDER ITEM NUMBER 127. THERE WAS A TECHNICAL GLITCH IN OUR EARLIER APPROVAL. SO I'LL ENTERTAIN A MOTION TO RECONSIDER 1.. 127. MOAS MY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER LEFFINGWELL TO RECONSIDER ITEM NUMBER 127 AND I

WOULD APPRECIATE A BRIEF STAFF PRESENTATION.

YES. THANK YOU, MAYOR FOR THE RECONSIDERATION OF THIS ITEM. ITEM 127 IS THE ARDEN ZONING CASE AT 1500 SOUTH LAMAR BOULEVARD. THIS ITEM YOU JUST APPROVED WITH 2,000 TRIP LIMITATION. PREVIOUSLY WHEN YOU HAD TAKEN ACTION BACK IN APRIL OF THIS YEAR THERE WAS A STREET CALLED CINCO STREET AND THERE WAS AN ISSUE THAT CAME UP DISTRIBUTING TRIPS. AT THAT TIME THE APPLICANT HAD AGREED TO LIMIT THE PROPERTY TO 2,980 TRIPS THAT WOULD BE SHARED WITH BOTH SHADES OF CINCO, WHICH HAS NOW BEEN VACATED. WITH THAT NOTATION THERE DOES NOT NEED TO BE A TRIP LIMITATION AND IT IS NOT NOTE UNDERSTAND YOUR ORDINANCE, UNTIL I DID PRESENT THAT TO YOU. SO THIS ITEM CAN MOVE FORWARD IF YOU TAKE YOUR SAME ACTION THAT YOU TOOK BEFORE, BE WHICH IS TO APPROVE THE ITEM AS RECOMMENDED BY THE COMMISSION WITH THE DELETION OR NO NOTATION MADE TO THE NUMBER BE OF TRIPS BEING LIMITED ON THE PROPERTY BECAUSE IT'S ALREADY LIMITED BY THE PRIOR RESTRICTIVE COVENANT.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING ON 127 AND APPROVE THIS ITEM AS CORRECTED AND PRESENTED BY CITY STAFF. SECONDED BY COUNCILMEMBER KIM. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO.

MAYOR, I CAN TRY TO GET THROUGH THE NEXT TWO ITEMS AND BE DONE BY ZONING BY 530 IF YOU WANT ME TO GO REALLY QUICK.

Mayor Wynn: AT LEAST ONE OF THEM.

LET ME TRY THE MEAN EYED CAT FIRST. ITEM 144 IS CASE C-14---

...

Mayor Wynn: HOLD ON. THERE'S NO CHANCE WE CAN GET THAT ONE DONE.

I UNDERSTAND WE HAVE ONLY TWO SPEAKERS.

Mayor Wynn: WE HAD 22 EARLIER.

[INAUDIBLE - NO MIC].

Mayor Wynn: THAT WOULD BE BE A WISE CHOICE. OR I CAN TRY WEBB ESTATES IS 142, WHICH I UNDERSTAND WE HAVE AN AGREEMENT BETWEEN THE APPLICANT AND THE NEIGHBORHOOD. THEY'RE WILLING TO GO FORWARD WITH ONLY FIRST READING TODAY, KEEPING THE PUBLIC HEARING OPEN, AND THE LIST OF COMMENTS. YOUR CHOICE.

Mayor Wynn: IF YOU THINK YOU HAVE THAT AGREEMENT, THERE ARE FAR MORE HERE PEOPLE SPEAKING IN OPPOSITION TO 142 THAN THERE IS SPEAKING TO 144. CASE 144 IS THE MEAN EYED CAT AT 1621 WEST FIFTH STREET. THIS IS REQUEST FROM LIMITED INDUSTRIAL SERVICE PLANNED DEVELOPMENT NEIGHBORHOOD PLAN TO LIMITED INDUSTRIAL PLANNED DOAMENT NEIGHBORHOOD PLAN. IT IS AN EXISTING BUILDING OF 1100 SQUARE FEET AND WOULD AMEND THE PREVIOUSLY APPROVED ORDINANCE ON THIS PROPERTY TO INCLUDE A COCKTAIL LOUNGE USE. THE OWNER HAS EXPRESSED A CONCERN ABOUT THE PERCENT OF ALCOHOLIC BEVERAGE SALES TO FOOD SALES THAT WOULD MOVE IT FROM A GENERAL RESTAURANT CATEGORY TO A COCKTAIL LOUNGE USE. IT WAS RECOMMENDED #-S-0 BY THE -- 9-0 AND RECOMMENDED BY STAFF. I'LL CAUSE IF YOU HAVE ANY COMMENTS AND ALLOW THE SPEAKERS TO SPEAK.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? IF NOT, WE WILL GO TO OUR APPLICANT OR OWNER-AGENT PRESENTATION. SET THE CLOCK FOR FIVE MIBLSD. FIVE MINUTES.

THANK YOU, MAYOR. IN THE INTEREST OF ALL OF YOUR TIME, WE'VE AGREED TO JUST TO ME SPEAKING, AND I BELIEVE MR. PAUL FIELDS WILL BE THE ONLY PERSON SPEAKING IN OPPOSITION AS WELL. AS STAFF SAID, THIS IS A ZONING REQUEST FOR THE MEAN-EYED CAT. IT'S AN EXISTING BUSINESS AT 1621 WEST FIFTH STREET. WHAT IT'S SEEKING IS NOT CS-1 ZONING BUT AN AMENDMENT TO THE

PDA THAT COVERS THAT AREA TO ALLOW FOR COCKTAIL LOUNGE USE ONLY ON THE .17 ACRES WHERE THE BUSINESS ACTUALLY RESIDES. THE BASE ZONING IS LIMITED INDUSTRIAL THERE, WHICH DOES ALLOW FOR A RESTAURANT, BUT NOT FOR BAR USE. THIS JUST GIVES YOU AN AERIAL VIEW OF THE AREA LOOKING WEST. THAT IS SESQUICENTENNIAL ASSESS -- THAT IS CESAR CHAVEZ COMING THROUGH THERE, TOWN LAKE ON YOUR LEFT AND THE BIG INTERSECTION WHERE FIFTH, SIX BETH AND CESAR CHAVEZ ALL COME TOGETHER. JUST EAST OF THERE THAT YELLOW DOT THERE IS THE MEAN-EYED CAT. THIS IS A SLIGHTLY DIFFERENT RUE WITH NORTH TO THE TOP, CESAR CHAVEZ ON THE BOTTOM, FIFTH STREET, SIXTH STREET, WEST LYNN AND CAMPBELL. AGAIN HERE IS THE MEAN-EYED CAT. AND WHAT I WANT TO DRAW YOUR ATTENTION TO IS THE SIGNIFICANT DISTANCE IT IS FROM THE RESIDENTIAL CORE OF THE NEIGHBORHOOD. THE OLD WEST AUSTIN NEIGHBORHOOD PLAN DEFINES THE RESIDENTIAL CORE OF THE NEIGHBORHOOD AS BEGINNING ONE BLOCK NORTH -- ONE LOT NORTH OF SIX SIXTH STREET. AND THAT'S BECAUSE ALL OF THOSE LOTS ALONG THE NORTHSIDE OF STRICT HAVE BECOME COMMERCIAL. BUT AS YOU CAN SEE, EVEN IF YOU MOVE PAST FIFTH STREET, PAST SIXTH STREET, YOU DON'T GET TO THOSE RESIDENCES. HAVE YOU TO MOVE A SIGNIFICANT DISTANCE WEST OR EAST FROM THERE TO GET TO THE RESIDENTIAL CORE OF THE NEIGHBORHOOD. AS I MENTIONED BEFORE, THIS ENTIRE AREA FROM WEST LYNN TO CAM PELL AND FROM FIFTH STREET TO THE ROUND ROCK TRACKS IS RECOVERED BY -- TO THE RAILROAD TRACKS IS COVERED BY A PDA DEVELOPMENT PROJECT. THIS IS THE LOCATION OF THE MEAN-I'D CAT WITHIN THAT. THIS IS SOME ELEVATIONS THAT THE DEVELOPER HAS PROVIDED US ABOUT WHAT THAT DEVELOPMENT IS GOING TO LOOK LIKE. IT'S ESSENTIALLY A VERTICAL MIXED USE DEVELOPMENT, BUT VMU DIDN'T EXIST, SO MY JOKE IS VMU BEFORE VMU WAS COOL. IT'S ABOUT 140 APARTMENTS OVER GROUND FLOOR RETAIL AND RESTAURANT. THERE WILL BE SPACES FOR ABOUT A DOZEN BUSINESSES THERE. AND THEY'RE INTENTIONALLY BUILDING AROUND THE MEAN-EYED CAT NOSHD..... IN ORDER TO PRESERVE IT. AND THEY ARE IN SUPPORT OF THIS ZONING. THIS JUST SHOWS THE BLACK AND WHITE VERSION OF

THEIR GROUND FLOOR. YOU CAN SEE THE VARIOUS SPOTS FOR BUSINESSES. THAT WILL BE BE STRUCTURED PARKING, YOU'RE JUST SEEING THE FIRST FLOOR OF THAT. AND AGAIN, THERE'S THE LOCATION OF THE MEAN-EYED CAT. THIS IS JUST A COLORED VERSION OF THE SAME THING. THIS IS A PICTURE OF THE ACTUAL MEAN-EYED CAT. IT OCCUPIES AN OLD RAILROAD HOUSE THAT EXISTS THERE NEAR THE RAILROAD TRACKS. AND IT IS JUST, AS STAFF MENTIONED, 1100 SQUARE FEET INSIDE. IT'S ESSENTIALLY ONE ROOM AND A STORAGE CLOSET INSIDE AND IT ALSO HAS A PATIO OUTSIDE THAT WILL BE SLIGHTLY RECONFIGURED WHEN THE REDEVELOPMENT HAPPENS. FOR SUCH A SMALL BAR AND FOR BEING THERE NOW NEARLY THREE YEARS FRKS SUCH A SHORT TIME IT HAS RECEIVED A LOT OF RECOGNITION. IT HAS BEEN MENTION UNDERSTAND SPIN MAGAZINE THIS YEAR. IT HAS BEEN ON THE COUNTRY MUSIC NETWORK. IT HAS BEEN FEATURED IN MOJO MAGAZINE THIS MONTH, BE WHICH IS KIND OF BRITAIN'S ANSWER TO ROLLING STONE MAGAZINE. AND CONDE NAST MAGAZINE NAMED IT ONE OF THE BEST BARS IN THE WORLD AND IT WAS ONLY ONE OF NIEB U.S. BARS LISTED. I WANT TO READ FROM MOJO MAGAZINE THIS MONTH, IT SAYS A LOT FOR THE OUTLAW SPIRIT OF THE CITY THAT LOCAL BUSINESSES AND MUSICIANS HAVE LONG UNITED IN A CAMPAIGN TO, QUOTE, KEEP AUSTIN WEIRD. AUSTIN'S BOW HELIUMIAN DIVERSITY TRULY MANIFESTS ITSELF IN THE CHARACTER OF ITS VOAN KNEWS, NOWHERE MORE THAN THE MEN EYED CAT. BUT BESIDES THAT NATIONAL AND INTERNATIONAL ATTENTION AND ACCLAIM, IT'S ALSO BEEN RECOGNIZED HERE LOCALLY. THIS IS THE 2006 PRESERVATION MERIT AWARD RECIPIENTS BY THE AUSTIN HERITAGE SOCIETY. AND IF YOU LOOK BE AT MERIT AWARDS FOR PROPERTIES, THE MEAN EYED CAT AND THE OWNER WERE RECOGNIZED FOR REHAB BEING THAT HISTORIC STRUCTURE. SO REASONS TO SUPPORT THIS: NUMBER BE ONE, I THINK IT'S CLEARLY AN APPROPRIATE LOCATION FOR THIS USE. IT'S ACROSS TWO MAJOR ARTERIALS FROM THE NEIGHBORHOOD. [BUZZER SOUNDS] MR. MARSH IS HERE, IF I HAVE JUST ONE MORE MINUTE.

Mayor Wynn: TAKE ANOTHER MINUTE AND CONCLUDE.

IT'S AN APPROPRIATE LOCATION FOR THIS USE. IT'S A LONG DISTANCE FROM THE RESIDENTIAL CORE. IT'S ON A MAJOR

ARTERIAL T HAS HAD NO NEIGHBORHOOD PROBLEMS BE. IT HAS HAD NO TRASH PROBLEMS, PARKING TROBZ, TRAFFIC PROBLEMS. I THINK THAT ALONE SUGGESTS THAT IT'S AN APPROPRIATE LOCATION. OBVIOUSLY THIS PRESERVES A UNIQUE LOCAL BUSINESS THAT HAS BROUGHT A LOT OF POSITIVE ATTENTION TO AUSTIN. IT'S PART OF A MIXED USE DEVELOPMENT. WHY DO I SAY THAT? BECAUSE IT'S GOING TO BE PART OF A BALANCED MIX OF USES THAT WILL BE IN THIS AREA. THERE WILL BE A BAR, BUT THERE WILL ALSO BE RETAILERS AND RESTAURANTS IN THIS VERY PEDESTRIAN FRIENDLY AREA. AND IT HAS STRONG COMMUNITY SUPPORT. WE HAVE COLLECTED ONLINE AND IN PERSON NEARLY 6,000 SIGNATURES IN SUPPORT OF THIS ZONING CASE. AND ALSO, OF COURSE IT HAS STAFF SUPPORT AND A UNANIMOUS RELIGIOUS OF THE PLANNING COMMISSION. SO WE OF COURSE URGE Y'ALL TO SUPPORT IT TOO AND I'M AVAILABLE FOR ANY QUESTIONS.

Mayor Wynn: QUESTIONS, COMMENTS. DWOA HAVE 21 TEAM SIGNED UP NOT WISHING TO SPEAK IN SUPPORT OF THE ZONING CASE. WE HAVE PAUL SILLS HERE TO SPEAK IN OPPOSITION. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU. PAUL SEALS, THE CHAIR OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION AND A RESIDENT OF THE 1700 BLOCK OF FRANCIS AVENUE, WHICH IS THE CLOSEST EXISTING RESIDENTIAL AREA TO THE PROPERTY. FIRST, I'LL JUST POINT OUT THAT THE SUPPORTING MATERIAL IN YOUR NOTEBOOKS JUST A GOOD JOB IN GIVING THE BACKGROUND OF THIS CASE. THE ONLY THING I WOULD POINT OUT AND YOU PROBABLY SAW IT IN THE OVERHEAD WAS IF YOU'RE ENTERING THE NEIGHBORHOOD FROM THE WEST ON WEST FIFTH STREET YOU WILL NOTICE A SCHOOL ZONE. AND FROM THE RESIDENTIAL CORE, STUDENTS TRYING TO GET TO AUSTIN HIGH WILL CROSS THE LIGHT ON SIXTH STREET, CONTINUE ON CAMPBELL AND THEN THERE IS AN UNCONTROLLED PEDESTRIAN CROSS ACROSS FIFTH STREET. AND THEN FROM THERE THE STUDENTS WOULD THEN GO DOWN THE HILL BY THE MEAN-EYED CAT, DOWN THE HILL TO AUSTIN HIGH. BUT REALLY I'M BEFORE YOU NOW AND DISWOOIK..... I'M SORT OF PERCHED ON THE PROVERBIAL HORN OF DILEMMA. AWANA SUPPORTS THE MEAN-EYED CAT, BUT YET AT THE SAME TIME OPPOSES THE

REZONING. ON ONE SIDE, A KNOT SO INSIGNIFICANT NUMBER BE OF RESIDENTS IN THE NEIGHBORHOOD SUPPORT THE MEAN-EYED CAT. AND ON THE OTHER HAND, THREE TIME THE REZONING HAS COME BEFORE THE GENERAL MEMBERSHIP OF AWANA AND THREE TIMES THEY'VE OPPOSED THE REZONING ISSUE. HOW DID WE GET HERE? PRIOR TO OPENING THE MEAN EYED CAT, CHRIS MARSH, WHICH MANY OF US CONSIDER A FRIEND. WE'VE KNOWN HIM FOR MAWBL YEARS IN HIS PRIOR DAYS AT MAUDIE'S. HE CAME TO THE NEIGHBORHOOD CONCERNING HIS DESIRE AS THE BUSINESS HE WOULD LIKE TO HAVE IN THE OLD CHAINSAW BUILDING. BUT THE NEIGHBORHOOD DID NOT WANT TO SUPPORT A CHANGE IN ZONING TO ALLOW A COCKTAIL LOUNGE USE. THE CONCERN OF THE NEIGHBORHOOD IS A CONCERN ABOUT CONTINUED DEVELOPMENT OF COCKTAIL LOUNGES OR THE BAR SEEN INTO THE AREA ALONG WEST FIFTH AND SIXTH STREET THAT HAS BEEN DEVELOPED EAST OF LAMAR THAT YOU HAVE BAR CREEP FROM EAST OF LAMAR TO WEST OF LAMAR INTO THE NEIGHBORHOOD. SO IT WAS MORE A PHILOSOPHICAL WHERE THE NEIGHBORHOOD IS GOING KIND OF ISSUE AS OPPOSED TO SPECIFIC TO THIS PROPERTY. CHRIS OPENED HIS BUSINESS IN 2004 UNDER THE EXICHTING ENTITLEMENT - - EXISTING ENTITLEMENTS. AND IT'S BEEN OBVIOUS ALL THE RECOGNITION THE BUSINESS BE HAS HAD. IT'S BECOME A DISTINCT NBS THE NEIGHBORHOOD AND PART OF THE NEIGHBORHOOD. IT'S A LOCALLY OWNED BUSINESS BE. IT INCORPORATES AN HISTORIC STRUCTURE. IT'S A SMALL BUSINESS, GIVEN ITS LOCATION, AND ITS SIZE AND THE INTENSITY OF THE USE, WE'RE REALLY NOT AWARE OF ANY ADVERSE IMPACT ON THE NEIGHBORHOOD. [BUZZER SOUNDS] BUT -- IF I COULD JUST CONTINUE.

Mayor Wynn: TAKE YOUR TIME AND CONCLUDE. YES, SIR. WHAT IS OWANA'S POSITION TO THIS THING? WHAT WE HAVE OFFERED TO CHRIS AND TO HIS LANDLORD AND TO THE DEVELOPER'S OF THE PROJECT IS TO WORK WITH WHOEVER TO TRY TO GET THE BUSINESS INTO COMPLIANCE WITH THE EXISTING ZONING. WE THINK THAT IF WE CAN COME UP WITH A WAY GIVEN ALL THE DEVELOPMENT IN THE AREA, ADDITIONAL MULTI-FAMILY RESIDENCES FROM THE MIXED USE DEVELOPMENTS THAT ARE NOW GOING ALONG

PARTICULARLY FIFTH STREET, THAT THERE ARE GOING TO BE OPPORTUNITIES TO DO SOME THINGS THAT PERHAPS TO WHERE HE'S ABLE TO MEET THE REQUIREMENTS FOR A RESTAURANT USE. AND THAT WOULD BE -- END UP WHERE NOT ONLY DO -- THE NEIGHBORHOOD DOESN'T HAVE TO WORRY ABOUT THE POTENTIAL BAR SCENE CREEP, BUT WE THINK IT WOULD BE AN EVEN BETTER NEIGHBORHOOD FRIENDLY AMENITY IN THE NEIGHBORHOOD HAVING A RESTAURANT USE IN THAT -- ON THAT PROPERTY. AND FINALLY, THIS GOES BEYOND THE MEAN-EYED CAT, BUT I THINK I WOULD BE BE REMISS ON BEHALF OF NOT ONLY OUR NEIGHBORHOOD, BUT OTHER NEIGHBORHOODS IN THE CITY THAT WHERE YOU HAVE -- IS REZONING TO BRING SOMEONE INTO COMPLIANCE WITH THEIR ZONING THE APPROPRIATE WAY TO HANDLE THESE SITUATIONS? IT MAY BE ON A CASE-BY-CASE BASIS, BUT IT SHOULDN'T BE THE OPERATING PROCEDURES OF THE CITY TO ADDRESS PARTICULARLY IN THOSE CASES WHERE SOMEONE HAS KNOWINGLY COME IN, OPENED A BUSINESS KNOWINGLY NON-COMPLIANT WITH THE ZONING AND THEN NOW COMES BEFORE THE CITY AND ASK BASICALLY FOR FORGIVENESS. I DON'T RAISE THAT IN THE CONTEXT OF THIS CASE, BUT JUST AS AN OVERALL NEIGHBORHOOD ISSUE. AND I'LL BE BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: QUESTIONS FOR MR. SEALS? THANK YOU. WE APPRECIATE THE CONFLICT THAT YOU HAVE. MR. BLIZZARD YOU HAVE A CHANCE FOR A THREE-MINUTE REBUTTAL.

I'LL MAKE IT QUICK. THE STAFF DID CHECK WITH AISD WHEN IT ISSUE GOT BROUGHT UP TO SEE IF THIS WAS SOME SORT OF SAFE ROUTE TO SCHOOL. THEY FOUND NO EVIDENCE THAT IT WAS. AND I WOULD CERTAINLY ARGUE THAT KIDS CROSSING AN UNLIGHTED INTERSECTION ON BUSY FIFTH STREET RIGHT NEAR THE INTERSECTION OF MOPAC IS FAR MORE AFTER DANGER TO THOSE CHILDREN THAN WHATEVER THE MEAN-EYED CAT MIGHT BE DOING TO THEM. I'M NOT SURE WHAT IT IS, ESPECIALLY SINCE ON MOST DAYS IT DOESN'T OPEN UNTIL FIVE P.M. SO I DON'T THINK KIDS ARE WALKING BY THERE WHILE IT'S OPEN. WE HAVE NEVER BEEN GIVEN AN OPPORTUNITY TO TALK TO THE MEMBERSHIP OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION. WE HAVE MET WITH THEIR EXCOM. BUT BOTH OF THE VOTES

THEY TOOK WAS AFTER WE WEREN'T EVEN GIVEN AN OPPORTUNITY TO PRESENT TO THE NEIGHBORHOOD. I THINK YOU KNOW WE HAVE IDENTIFIED A COUPLE HUNDRED PEOPLE IN THIS NEIGHBORHOOD THAT SUPPORT THIS ZONING AND I KNOW THAT Y'ALL HAVE BEEN HEARING FROM SOME OF THEM THAT LIVE IN THE NEIGHBORHOOD AND SUPPORT THIS ZONING. THE ONLY OTHER ISSUE I GUESS IS THE PRECEDENCE OF A BAR DISTRICT. WE'VE LOOKED INTO THIS. THIS IS ONLY TWO ZONED BARS WEST OF LAMAR ALONG THE FIFTH AND SIXTH STREET CORRIDOR, AND THEY ARE DON'S DEPOT AND DEEP EDDY CABARET. IF IT'S BECOMING A BAR DISTRICT THERE, IT'S HAPPENING VERY SLOWLY. [LAUGHTER] AND WE THINK THAT IN ALL SERIOUSNESS THAT THIS REDEVELOPMENT PROVIDES A HEALTHY MIX OF USES THAT'S GOING TO BE LOCAL BUSINESSES, NATIONAL RETAILERS AND OTHERS THAT WILL -- AND IN MANY WAYS HELP PREVENT IT EVER FROM BECOMING A BAR DISTRICT. AND I THINK THE NEIGHBORHOOD'S ARGUMENT THAT THIS HASN'T HAD AN ADVERSE IMPACT ALSO SUGGESTS THAT IT'S AN APPROPRIATE LOCATION FOR THIS USE BECAUSE YOU CAN'T SAY THAT ABOUT EVERY BAR IN TOWN. SO THANK YOU VERY MUCH AND WE HOPE TO HAVE YOUR SUPPORT.

Mayor Wynn: THANK YOU. AGAIN, QUESTIONS, COMMENTS FOR MR. BLIZZARD? MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER KIM TO CLOSE THE PUBLIC HEARING AND APPROVE THE ZONING CHANGE ON ALL THREE READINGS, ITEM NUMBER 144 AS PRESENTED EARLIER BY STAFF. COUNCILMEMBER KIM?

....

Kim: I APPRECIATE THE TESTIMONY FROM OWANA, BUT I DON'T THINK WE NEED TO WORRY ABOUT THIS BEING PRECEDENT SETTING FOR MORE ALCOHOL OR BARS IN THE AREA. THIS DOESN'T SET A PRECEDENT AT ALL. THIS IS JUST TO MAKE SURE THAT THE MEAN EYED CAT CAN REMAIN IN OPERATION, BUT I APPRECIATE YOUR COMMENTS AND I WISH THE RESTAURANT WELL.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: WE ARE IMPRESSED WITH WHOEVER WAS ABLE TO FINAGLE THE JOB OF THE WORLD'S COOLEST BARS. THAT'S A JOB BE I'D LIKE TO HAVE.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST LEARNED TONIGHT AND I'M HAPPY TO LEARN THIS THAT IT'S ALSO AN HISTORIC STRUCTURE.

Mayor Wynn: AGAIN, A MOTION AND A SECOND ON THE TABLE TO APPROVE THE ITEM ON ALL THREE READINGS. 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 TAKES US A FEW MINUTES PAST OUR -- SPEAKING OF BARS, BY THE WAY, WE'RE ABOUT TO HEAR FROM MICHAEL CROSS ACCOMPANIED BY DAVID GUITAR MURRAY, SO STAY TUNED FOR LIVE MUSIC AND PROCLAMATIONS. BE

Mayor Wynn: HE'S WORKED WITH WC CLARK, MARCIA BALL AND MICHAEL MILL BEGAN. CURRENTLY HE'S A FEATURED SINGER WITH THE ANTONE'S BLUE MONDAY BAND AND IS WORKING ON A NEW CD WITH THE GROUP CALLED BECK AND CALL. HE JUST FINISHED UP HIS LATEST C DFKT, BLUES LOVING MAN, WHICH WAS RELEASED TODAY. PLEASE JOIN ME IN WELCOMING MR. MICHAEL CROSS. [APPLAUSE]

THANK YOU, MAYOR WYNN. THIS SONG WE'RE GOING TO DO IS THE FIRST SONG THAT DAVID AND I WROTE TOGETHER, AND IT'S DEDICATED TO CLIFFORD ANTONE. AND IT'S A TRUE STORY. [MUSIC PLAYING] [MUSIC PLAYING] [MUSIC PLAYING] [MUSIC PLAYING] [MUSIC PLAYING] CLESH CLER [APPLAUSE]

Mayor Wynn: SO MICHAEL, TELL US, IN ADDITION TO MONDAY OVER AT ANTONE'S, WHERE ELSE CAN FOLKS SEE YOU MORE REGULARLY?

THURSDAY NIGHTS I'M AT GINO'S ON STASSNEY. NINE TO MIDNIGHT ALMOST EVERY THURSDAY AND VARIOUS OTHER PLACES AROUND AUSTIN.

Mayor Wynn: I GUESS YOU HAVE A WEBSITE?

YEAH, MY WEBSITE IS MICHAELCROSS.NET AND WE HAVE A NEW WEBSITE COMING OUT SOON.

Mayor Wynn: AND HOW DOES ONE GET AHOLD OF BLUES LOVING MAN?

IT'S NOT RELEASED YET. YOU HAVE A COPY AND A FEW OTHER PEOPLE. WE'LL BE RELEASING IT SOON, BUT YOU CAN GO TO THE WEBSITE AND GET ALL THE INFORMATION THERE.

Mayor Wynn: GREAT. IT'S AN HONOR TO HAVE YOU HERE. BUT YOU GET AWAY HERE'S OUR OFFICIAL PROCLAMATION THAT READS: BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORT OF ARTISTS FURTHER OUR STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM TODAY, JUNE 21st, 2007, AS MICHAEL CROSS DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN CONGRATULATE.ING THIS GREAT TALENT. [CHEERS AND APPLAUSE].

Mayor Wynn: WHILE DAVID AND MICHAEL BREAK DOWN ON THAT SIDE OF THE ROOM, WE'LL USE THIS PODIUM TO DO OUR WEEKLY PROJECTION PROCLAMATIONS. WE TAKE THIS TIME EVERY WEEK TO DO A NUMBER BE OF THINGS. USUALLY TO SAY CONGRATULATIONS OR ALSO TO PROMOTE GOOD PROGRAMS AND THINGS THAT ARE HAPPENING AROUND TOWN, RAISE AWARENESS OF THINGS THAT WE THINK OUR CITIZENS SHOULD BE MORE AWARE OF. THE FIRST PROCLAMATION HERE IS REGARDING EMPLOYEE SAFETY MONTH. I'M READ THE PROCLAMATION AND THEN MARK WILL TALK TO US ABOUT HOW EMPLOYERS CAN FIGURE OUT HOW TO HAVE A SAFER WORKPLACE IN AUSTIN. THE PROCLAMATION READS, BE IF KNOWN THAT WHEREAS THE CITY OF AUSTIN RECOGNIZES THE IMPORTANCE OF SAFETY AND THE HEALTH OF ITS EMPLOYEES AND ITS DUTY TO PROVIDE A SAFE AND HEALTHY WORK ENVIRONMENT

AND THE CITY ALSO RECOGNIZE THE CITY SAFETY ASSOCIATION HAS DEDICATED EMPLOYEES AND WHEREAS THE CITY OF AUSTIN EMPLOYEE SAFETY ASSOCIATION IS COORDINATING AND PROMOTING CITYWIDE ACTIVITIES RELATING TO THE ANNUAL OBSERVANCE OF ANNUAL SAFETY MONTH. NOW THEREFORE I, WILL WYNN, MAYOR OF AUSTIN, DO HERE BY PROCLAIM JUNE 2007 AS OUR EMPLOYEE SAFETY MONTH AND CALL ON MARK MEDLEY TO TELL US ABOUT THE PROGRAM, WHAT WE'RE DOING AS A MAJOR EMPLOYER,.. WHILE WE DO THAT, LET'S GIVE A ROUND OF APPLAUSE FOR SOME FINE CITY OF AUSTIN EMPLOYEES. MARK? [APPLAUSE]

WE TAKE PRIDE IN ACCEPTING THIS PROCLAMATION DESIGNATING JUNE AS EMPLOYEE SAFETY MONTH. WE ALSO TAKE PRIDE IN THE ACTIVITIES THAT WE HAVE PROMOTED AND THAT WE HAVE SPONSORED DURING JUNE AS NATIONAL SAFETY MONTH. IF I COULD JUST LIST THE FOUR WEEKS OF OBSERVATION, THE FIRST WEEK IN JUNE WAS WORKPLACE SAFETY WEEK BE. THEN WE HAD DRIVING SAFETY WEEK. EMERGENCY PREPAREDNESS WEEK THIS WEEK. AND THEN NEXT WEEK WILL BE HOME AND COMMUNITY SAFETY WEEK. THE LIST OF ACTIVITY INCLUDES 14 ACTIVITIES OVER 21 WORK DAYS, TO INCLUDE A UTILITY SAFETY FAIR, PANEL DISCUSSION ON SHOULD THE CITY ADOPT OSHA RULES, A PRESENTATION ON WORKPLACE VIOLENCE PREVENTION AND PRESENTATION ON OFFICER ECONOMICS. WHEELS HAD A DRIVING SAFETY WEEK WITH PRESENTATIONS FROM A.P.D., D.W.I. PREVENTION DEMONSTRATION, A PANEL ON IMPACTS OF FATIGUE DRIVING AND A SPECIAL DRIVING SAFETY CLASS PRODUCED BY THE HEALTH DEPARTMENT. THIS WEEK WE HAVE PANDEMIC FLU DISASTER PREPAREDNESS PRESENTATIONS BY THE HEALTH DEPARTMENT, CRITICAL INCIDENTS AND COMPASSION FATIGUE AND GETTING READY FOR FAMILY EMERGENCIES. TOMORROW WE WILL HAVE A PANEL DISCUSSION ON THE NEED FOR CITY OF AUSTIN FACILITY AND EMPLOYEE EMERGENCY PREPAREDNESS. AND WE THANK THE MAYOR TONIGHT FOR THE MAYOR'S PROCLAMATION. WE END OUR OBSERVATION NEXT WEEK WITH TWO EVENTS, AN... AN NUTRITION AND WELLNESS PRESENTATION AND FINALLY WE'LL CAP OUR ACTIVITIES

WITH A PANEL DISCUSSION IN PREVENTING ACCIDENTAL CHILD DEATHS. WE WANT THE CITY OF AUSTIN TO KNOW AND CITY OF AUSTIN EMPLOYEES TO KNOW THAT WE DEMONSTRATE THIS SAME PRIDE IN THESE ACTIVITIES AND ALL OF OUR SAFETY FUNCTIONS WHEN WE LEVERAGE OUR SAFETY FUNCTION, WE CAN MAKE THE CITY A SAFER PLACE TO WORK, WHICH HELPS US DELIVER ON THE MISSION OF PROVIDING THOSE SERVICES SO WE CAN TAKE CARE OF THE CITY OF AUSTIN WHEN WE TAKE CARE OF OUR OWN INTERNAL EMPLOYEES AND CUSTOMERS. THANK YOU VERY MUCH. LET'S TRY TO PAR LAY ONE MONTH IN OBSERVATION AND 12 MONTHS OF SAFETY COVERAGE BY KEEPING THAT SAFETY AWARENESS UP, BE AND THAT'S WHAT THE EMPLOYEE SAFETY ASSOCIATION IS HERE TO DO. THANKS VERY MUCH. [APPLAUSE]

Mayor Wynn: OKAY. WE NOW HAVE OUR DISTINGUISHED SERVICE AWARD FOR PAT AUSTIN. I'M GOING TO READ IT AND CITY MANAGER TOBY FUTRELL IS GOING TO SAY A FEW WORDS. DAVID LURIE IS HERE WITH A GIFT AND WE'LL HEAR ALL THE GREAT ATTRIBUTES OF PAT'S CAREER HERE. THE DISTINGUISHED SERVICE AWARD READS, FOR HER EXTRAORDINARY SERVICE TO THE CITY OF AUSTIN DURING MORE THAN 17 YEARS WITH THE HEALTH AND HUMAN SERVICES DEPARTMENT, PATRICIA AUSTIN ARE IN MPA, I GUESS THIS IS, IS DESERVE BEING OF PUBLIC ACCLAIM AND RECOGNITION. PAT IS A DEDICATED PROFESSIONAL WHO HAS BROUGHT NEW AND INNOVATIVE IDEAS TO HER WORK WITH PROGRAMS IN THE HEALTH DEPARTMENT. IT IS WITH HEART FELT GRATITUDE AND A KEEN SENSE OF LOSS THAT WE RECOGNIZE PAT'S MANY ACCOMPLISHMENTS AND EXPERTISE TO OUR GREAT CITY OF AUSTIN, ITS EMPLOYEES AND OUR CITIZENS. THERE'S NO GREATER CALLING THAN PUBLIC SINGLE-FAMILY. THIS CERTIFICATE IS PRESENTED IN RECOGNITION OF PAT'S CAREER WITH THIS FINE CITY THIS 21st DAY OF JUNE, 2007, A DISTINGUISHED SERVICE AWARD FOR MS. PAT AUSTIN. [APPLAUSE]

PAT REPRESENTS MY STOMPING GROUND, HEALTH AND HUMAN SERVICES. YOU'RE LOOKING AT A WOMAN WITH 45 YEARS OF NURSING EXPERIENCE THAT SHE'S TAKING WITH US WHEN SHE LEAVES HERE. PAT HAS DONE EXTRAORDINARY WORK IN THE AREAS OF I AM

IMMUNIZATIONS IN OUR -- IMMUNIZATIONS IN OUR COMMUNITY. SHE'S RECEIVED THE UNSUNG NURSING HEROES AWARD FROM THE STATE BOARD AND SHE'S RECEIVED TWO ACE AWARDS INSIDE THE CITY FOR MANY INNOVATIVE IDEAS. FOR EXAMPLE, IN THE BACK TO SCHOOL PROGRAM SHE FOUND A WAY TO GET RID OF THE LONG LINES AND WAITING AND MAKE THAT ENTIRE PROGRAM BY APPOINTMENT AND STILL ACCOMPLISH THE SAME NUMBER OF IMMUNIZATIONS. SHE ALSO HELPED IMPLEMENT A PROGRAM THAT WE'RE WINNING AWARDS FOR NATIONALLY, THE DRIVE-THROUGH FLU CLINICS. SO IF YOU HAVE AN ELDERLY PERSON IN YOUR HOME AND YOU'RE LOOKING TO GET THE FLU SHOTS, YOU CAN DO IT THROUGH A DRIVE-THROUGH SYSTEM WHERE THEY GIVE THE SHOT THROUGH THE WINDOW AND YOU NEVER HAVE TO GET OUT OF THE CAR WITH THE PERSON IN YOUR HOUSE. SO THERE IS SOME VERY INNOVATIVE IDEAS AND PAT'S BEEN AT THE FOREFRONT OF MANY OF THOSE THINGS IN OUR COMMUNITY. SHE'S GOING TO BE DEEPLY MISSED. AND I'M GOING TO FAWZ HERE AND LET DAVID HAVE THE MIKE BECAUSE YOU DON'T SEE DAVID WITH ROSES VERY OFTEN AND THIS HAS GOT TO BE GOOD. I'M GOING TO TURN THE MIC OVER TO DAVID FOR A MOMENT.

THANK YOU, TOBY BIVMENT I APPRECIATE IT. I'VE BEEN ASKED BY YOUR TEAM, ALONG WITH KATHY HARKINS, TO DELIVER THESE FLOWERS TO YOU AND EXPRESS OUR APPRECIATION. PAT STARTED OUT IN THE PRIMARY CAR PROGRAM IN THE PROGRAM. HAS BROUGHT A LOT OF INNOVATIVE IDEAS TO THE PROGRAM. YOUR TEAM WILL MISS YOU A LOT. THEY'VE ENJOYED WORKING WITH YOU AND WE APPRECIATE THE GREAT SERVICE THAT YOU'VE PROVIDED TO THE CITY OF AUSTIN. WITH A NAME LIKE PAT AUSTIN, HOW CAN YOU NOT. SO WE APPRECIATE IT VERY MUCH, PAT. CHAP CLAP.

.....[APPLAUSE]

FIRST OF ALL, I'VE ALWAYS BEEN PROUD THAT I'M AN EMPLOYEE OF THE CITY OF AUSTIN. SECONDLY, WHEN YOU DO RETIRE, WHAT YOU TAKE WITH YOU IS THE FRIENDSHIP OF MANY PEOPLE, AND SOME OF THEM ARE HERE TONIGHT AND I'LL NEVER FORGET THEM. AND THEY'VE BECOME

CLOSE FRIENDS. AND I DID THIRDLY WANT TO SAY THAT I REALLY APPRECIATE UP ARE MANAGEMENT BEING OPENED TO -- UPPER MANAGEMENT BEING OPEN TO IDEAS LIKE THE DRIVE-THROUGH FLU CLINIC UNLESS THE ADMINISTRATION SAID GO AHEAD AND DO IT AND TRY IT AND SEE HOW IT WORKS OUT. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: WE'LL CONTINUE OUR TREND OF HONORING, BUT EAR LOOLSESSING....SING SOME GREAT FOLK AND AI PROMISED I WOULDN'T SING GOODNIGHT IRENE.

MY MOM THANK..... THANKS YOU.

Mayor Wynn: THIS IS FOR IRENE NEUMANN. I'LL READ THE AWARD AND THE CITY MANAGER WILL SAY A FEW WORDS ABOUT IRENE. THEY HAVE WORKED CLOSELY TOGETHER FOR YEARS. THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD READS: FOR 13 YEARS OF PUBLIC SERVICE WITH THE CITY OF AUSTIN, THE PAST SEVEN IN THE CITY MANAGER'S OFFICE, IRENE IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION AS THE CITY'S PROBLEM SOLVER SHE ADVOCATED FOR THE PUBLIC IN GETTING ANSWERS WHEN FACED WITH BUREAUCRATIC ROADBLOCKS. AS ADVISE EVERYBODY TO DEPARTMENTAL STAFF SHE HELPED NAVIGATE THE PROCESS AND PROCEDURES HERE AT CITY HALL AND IS A GRACIOUS AND GIVING PERSON, SHE EXCEEDED THE EXPECTATION TO SOFTEN THE OFFICE AS SHE MET EACH DAY'S CHALLENGES WITH OPTIMISM, COMMON SENSE AND A SENSE OF HUMOR. THIS CERTIFICATE IS PRESENTED IN RECOGNITION AND APPRECIATION OF IRENE'S MANY TALENT OOZE AND CONTRIBUTIONS HERE AT THE CITY THIS 21st DAY OF JUNE, 2007 ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, THIS DISTINGUISHED SERVICE AWARD FOR MS. IRENE NEUMANN. [APPLAUSE]

THIS IS A REALLY SAD ONE FOR ME. HONESTLY, IT FEELS LIKE A LOT LONGER THAN THAT, DOESN'T IT, IRENE? IT'S A DOG YEAR. IT'S A DOG YEAR THING. IRENE AND I TRULY HAVE WORKED TOGETHER A LONG TIME. IT FEELS LIKE WE'VE BEEN TOGETHER ALMOST FROM THE VERY BEGINNING AT CITY HALL. AND THE STORY BEHIND THE SOFTENING, AND THAT WILL BE THE STORY I'LL USE TO HELP

YOU UNDERSTAND WHAT IRENE BRINGS TO CITY GOVERNMENT AND OUR LOSS A GOING TO BE ANOTHER CITY'S GAIN HERE. WHEN I FIRST CAME TO CITY HALL AND I RAN THROUGH FOUR ASSISTANTS WITHIN A VERY SHORT PERIOD OF TIME AS PEOPLE WERE TRYING TO ADAPT -- DON'T SMILE BACK THERE, SCWAI SON. AS PEOPLE WERE TRYING TO ADAPT TO MY STYLE, WE WERE REINTERVIEWING AGAIN TO TRY TO FIND SOMEBODY AND IT WAS DOWN TO TWO CANDIDATES, ONE REAL HARD DRIVING YOUNG WOMAN AND IRENE. WE HAD THE TWO CANDIDATES. AND THE TEAM THAT INTERVIEWED CAME TO ME AND THEY SAID, YOIF..... YOU'VE GOT TO PICK IRENE. AND I SAID OKAY, TELL ME WHY. WHAT'S THE CRITERIA? AND THEY THOUGHT ABOUT IT FOR A MOMENT AND THEY SAID, YOU JUST NEED HER. YOU NEED SOMEONE TO SOFTEN YOUR OFFICE, THEY SAID. [LAUGHTER] SO I TOOK THAT ADVICE. IRENE STAYED WITH ME AND IRENE, BECAUSE OF THAT WE HAVE FOR YOU YOUR VERY OWN STREET SIGN. IRENE SOFTENING WAY AS YOU GO ON YOUR WAY. [APPLAUSE]

IRENE WOULD WORK HOURS OR MINUTES, ANY TIME DAY OR NIGHT, ANY ISSUE LARGE OR SMALL, YOUR FORM OF CUSTOMER SERVICE IS THE VERY BEST. YOU WILL ARE IRRELEVANT REPLACEABLE. I WISH YOU ALL THE VERY BEST. COME SAY A FEW WORDS TO EVERYBODY BE. [APPLAUSE]

ONLY A VERY COOL CITY LIKE SEATTLE COULD TEAR ME AWAY FROM A VERY COOL CITY LIKE AUSTIN AND A WONDERFUL WORKPLACE. I GREW UP IN AUSTIN AND SOME OF YOU KNOW THAT, AND SO WORKING FOR THE CITY HAS BEEN LIKE GIVING BACK TO A COMMUNITY THAT I LOVE. AND I'VE BEEN LUCKY TO WORK UNDER ADMINISTRATIONS AND COUNCILS WHO HAVE BEEN ABLE TO FORGE A COMMON VISION AND WORK COOPERATIVELY TOGETHER TO REALLY ACCOMPLISH SOME THING LIKE THIS CITY HALL AND THE DEVELOPMENT AROUND IT AND COMMITTING TO PROTECTING BARTON SPRINGS. AND I'VE BEEN PLEASED TO SEE THE STEPS THIS COUNCIL HAS TAKEN TOWARD THE REDUCTION -- HELPING OUT THE CLIMATE. IT'S BEEN AN HONOR TO WORK FOR SOMEONE WHO REALLY BRINGS OUT THE BEST IN YOU AND MAKE YOU WANT TO BE THE BEST YOU CAN BE EVERYDAY AND OF COURSE BE THAT'S TOBY, SOMEBODY WHO CARES DEEPLY ABOUT THIS WORKFORCE

AND THE COMMUNITY WE SERVE. SIX YEARS AGO I HAD TWIN GIRLS. THEY'RE OUT THERE. BEING NOISY. [LAUGHTER] AND I WAS FACED WITH A DILEMMA THAT SO MANY WOMEN ARE FACED WITH WHEN THEY HAVE CHILDREN, WHICH IS TO LEAVE THE WORKFORCE ALTOGETHER. AND MY GOOD FRIEND SHERRI BAILEY, AND I DON'T KNOW WHERE SHE IS -- THERE SHE IS -- AND I APPROACHED TOBY WITH A JOB-SHARE SCENARIO THAT SHE IMMEDIATELY ENDORSED AND SHE'S BEEN SO SUPPORTIVE OF OUR VARIOUS PART-TIME SCENARIOS EVER SINCE. AND OF COURSE THE BOSS CAN SAY MAKE IT WORK, BUT IT'S A WHOLE OTHER THING TO MAKE IT WORK IN A REALLY HIGH STRESS ENVIRONMENT. AND I JUST HAVE TO SAY I HAVE THE MOST AMAZING COLLEAGUE IN JASON AND MARY AND SHERRI AND MARY LEE AND THE LIST GOES ON AND ON. THEY'VE BECOME LIFELONG FRIENDS. SO I GUESS WHAT I WANTED TO SAY IS I THINK IT'S -- I THINK I SPEAK FOR A LOT OF PEOPLE THROUGHOUT THE ORGANIZATION WHEN I SAY IT'S THAT KIND OF LEADERSHIP AND SINCERITY AND CAMARADERIE THAT MAKES THE CITY A REALLY GREAT PLACE TO WORK. AND IF I COULD JUST THANK MY HUSBAND WHO IS ALREADY IN SEATTLE, BUT HE'S SUPPORTED ME 100% OF THE WAY. AND I'D LIKE TO JUST RECOGNIZE MY FAMILY WHO IS WITH ME IN THE AUDIENCE TODAY. THEY'RE ALL LONG-TIME AUSTINITES AND I COULDN'T HAVE DONE IT WITHOUT Y'ALL EITHER. AND THANK YOU FOR YOUR CONSTANT SUPPORT. AND THIS IS JUST YOA FERB WHEL MINK, -- OVERWHELMING. THANK YOU. [CHEERS AND APPLAUSE]. CLEAR UTIONDZ FOR MY FINAL PRESENTATION, I WILL BE BE JOINED BY FORMER MAYOR GUS GARCIA, AS WELL AS FOLKS WHO HELPED ORGANIZE THE GUS GARCIA PARK DESIGN COMPETITION AND OUR WINNERS. WE HAVE FOUR OR FIVE ORGANIZING FRIENDS AND THEN A HANDFUL OF WINNERS. AND GUS AND I WILL FIGURE OUT HOW TO GUESS THIS DONE IN AN APPROPRIATE WAY. I TRUST YOU SCREEN THE DISPLAY IN OUR -- I TRUST YOU HAVE SEEN THE DISMAY IN OUR LOBBY. THE WHOLE CHALLENGE WAS TO MAKE THE GUS GARCIA PARK AS GOOD LOOKING AS GUS HIMSELF IS. [LAUGHTER] WHAT I'D LIKE TO DO IS WE HAVE FIVE FOLKS WHO WE ARE GIVING A CERTIFICATE OF APPRECIATION TO. THESE ARE THE FOLK WHO ACTUALLY ASSISTED IN THE DESIGN AND IMPLEMENTATION OF THE DESIGN

COMPETITION ITSELF, SO WHAT I'LL DO IS I'LL READ THE CERTIFICATE OF APPRECIATION AND THEN READ THE FIVE NAMES AND HAND THEM -- ACTUALLY, MAYBE ASK GUS IF HE WOULDN'T MIND TO ASK THESE OUT TO OUR COORDINATOR AND THEN WE'LL DO THE SAME THING WITH THE THREE WINNERS WE HAVE HERE. SO THESE ARE CITY OF AUSTIN CERTIFICATE OF APPRECIATIONS. THEY'RE PRESENTED TO -- PRESENTED TO AND I'LL READ THE NAMES IN A SECOND -- FOR ASSISTANCE IN ORGANIZING AND IMPLEMENTING THE IDEAS COMPETITION THAT PRODUCED EXTRAORDINARY DESIGNS FOR THE DEVELOPMENT OF THE DUS GUS PARK. THE IDEAS GENERATED BY THE COMPETITION WILL INFLUENCE THE DESIGN AND DEVELOPMENT OF THE PARK, POTENTIALLY RESULTING IN SIGNIFICANT SAVINGS FOR THE CITY OF AUSTIN. THE CITY APPRECIATES THE LEADERSHIP IN THIS INNOVATIVE ENDEAVOR. SIGNED BY ME AND ACKNOWLEDGED BY THE ENTIRE CITY COUNCIL. THE CERTIFICATES OF APPRECIATION GO TO GREG ARANDA. PAUL. ADAM BUSH. JAMIE ARREST..... OR JAIME CROWLEY. AND DOUG WHIT WORST. PLEASE JOIN ME IN CONGRATULATING THESE FINE ORGER.....ORGANIZERS OF OUR COMPETITION. [APPLAUSE] AND NOW FOR THE WINNERS. THESE ARE THE CERTIFICATES OF CONGRATULATIONS FOR OUR THREE WINNERS. AND AGAIN I'LL READ THE CERTIFICATE AND THEN ANNOUNCE THE WINNERS AND HAVE GUS HELP ME IN PASSING THEM OUT. THIS IS THE CITY OF AUSTIN CERTIFICATE OF CONGRATULATIONS. THE CERTIFICATE RECOGNIZES THESE THREE WHO PRODUCED THE TOP DESIGN FOR THE GUS GARCIA PARK IN A RECENT COMPETITION. GUS GARCIA PARK IS 47-ACRES OF PARK BE LAND IN A RAPIDLY GROWING RESIDENTIAL AREA OF NORTHEAST AUSTIN. TEAMS OF STUDENTS, INTERNS AND EMERGING ARCHITECTS WERE ASKED TO PRODUCE DESIGNS FOR PARK AMENITIES THAT WOULD FACILITATE COMMUNITY ACTIVITIES, EXHIBITIONS AND PRODUCTIONS AND WOULD ENHANCE THE SENSE OF COMMUNITY AS WELL AS PROVIDING A FUN, HEALTHY ENVIRONMENT FOR PLAY. WE'RE PLEASED TO CONGRATULATE THESE FOLKS ON THE CREATIVITY AND THEIR WELL THOUGHT OUT DESIGNS. THE FIRST CERTIFICATE GOES TO MR. DERWIN BROUGHTEN. OUR SECOND WINNER IS MARTIN AND VERONICA GUERRA. [

APPLAUSE] PLEASE JOIN ME IN CONGRATULATING OUR
THREE WINNERS TODAY. [APPLAUSE]

THANK YOU, MAYOR. THIS HAS BEEN A REAL TRUE EFFORT
ON BEHALF OF THE NEIGHBORHOOD. AND I'M GOING TO
HAVE DOUG WHIT WORTH TELL YOU HOW IT ALL WORKED
BECAUSE DOUG WAS THE SPARK PLUG BEHIND THIS WHOLE
EFFORT. DOUG, CAN YOU COME UP?

MOST OF THE TIME THESE BIDS GO OUT TO PROFESSIONAL
ARCHITECTS THAT ARE HERE IN THE AREA. WHAT WE
DECIDED TO DO IS WE WOULD HAVE A COMPETITION SO
THAT WE COULD DO IT OURSELVES. AND WE'RE REALLY
PROUD OF THIS KIND OF GRASSROOTS EFFORT THAT WE'RE
MAKING IN ORDER TO TRY TO MAKE THIS REALLY HAPPEN
BECAUSE THIS HAS BEEN SOMETHING THE NEIGHBORHOOD
HAS WANTED FOR A LONG TIME. AND WE FOUND THAT WE'VE
GOT A LOT OF INTEREST AND WE HAD BOND MONIES TO
BUILD THE REC CENTER, BUT NOT FOR THE PARK. SO WE
TRIED TO DO IT OURSELVES. AND I THINK WE'VE BEEN
ENORMOUSLY SUCCESS N.F.L. GETTING SOME REALLY
OUTSTANDING DESIGNS AND REALLY BRINGING THE
COMMUNITY TOGETHER TO FOCUS UPON SOLVING A
PROBLEM, WHICH WAS THE NEED FOR A PARK IN
NORTHEAST AUSTIN. SO I WANTED TO THANK ALL THESE
GUYS AND GIRLS THAT HELPED US OUT, AND HELPED PUT
ON THIS COMPETITION. BECAUSE THEY'VE WORKED FOR A
LONG TIME. YOU CAN SEE THE DESIGNS OUTSIDE, BUT WHAT
YOU DON'T SEE IS THE AMOUNT OF WORK THAT WENT INTO
THEM. AND I JUST WANTED TO SAY THANK TO THEM FOR
DOING A WHOLE LOT OF WORK THAT YOU CAN'T SEE. SO I'M
REALLY PROUD. THANK YOU. [APPLAUSE]

...MAYOR, WE WILL BE VISITING WITH YOU GUYS BECAUSE WE
DON'T HAVE THE MONEY TO DO IMPLEMENTATION, SO WE'LL
SEE SUBPOENA F. MS. BETTY CAN GET NAPKINS OUT AND
DRAW PLANS ON WHERE WE CAN GET SOME MONEY. WE
ALSO HAVE SOME PRIVATE SECTOR VOLUNTEERS WHO WILL
BE DONATING SUPPLIES AND OTHER THINGS TO BEGIN THE
PROCESS AND BE WORKING WITH PARKS. THANK YOU VERY
MUCH FOR THE HONOR, MAYOR.

Mayor Wynn: AND NOW I TURN THE PODIUM OVER TO

COUNCILMEMBER LEFFINGWELL.

Leffingwell: SO IT'S MY PRIVILEGE TONIGHT TO HONOR AUSTIN'S LONGEST SERVING BOARD AND COMMISSION MEMBER. SHE'S SERVED LONGER THAN ANY CURRENTLY SITTING BOARD AND COMMISSION MEMBER. SO BY DEFINITION SHE IS THE LONGEST SERVING MEMBER OF THE ELECTRIC UTILITY COMMISSION BECAUSE SHE WAS ON THERE WHEN IT WAS FORMED IN 1977. AND I'M PROUD TO SAY THAT NOW SHE IS MY APPOINTEE. I INHERITED HER FROM COUNCILMEMBER SLUSHER AND I'M SURE OVER THE COURSE OF 30 YEARS THERE HAVE BEEN MANY PEOPLE WHO HAVE APPOINTED HER. I'M SURE SHE REMEMBERS WHO THEY ARE, BUT I DON'T. I KNOW THAT WHEN SHE WAS FIRST APPOINTED THE MAYOR OF AUSTIN WAS JEFF FRIEDMAN. SO SHE ALSO SERVES THE COMMUNITY IN MANY OTHER WAYS. SHE'S A LONG TIME TREASURER OF THE SAVE BARTON CREEK ASSOCIATION. I THOUGHT SHE WAS A FOUNDING MEMBER BE AND I SAID SO THE OTHER DAY AT HER MEETING. SHE CORRECTED ME. SHE WAS NOT QUITE A FOUNDING MEMBER. SHE WAS ABOUT A YEAR BEHIND THOSE. BUT AT ANY RATE, SHE'S BEEN ON THAT GROUP FOR A VERY LONG TIME. SO I APPRECIATE HER SERVICE TO THE COMMUNITY AND I'M PROUD TO HONOR HER WITH -- AND I'M PROUD TO HONOR HER WITH THIS PROCLAMATION DECLARING IT SHUDDE FATH DAY. I'M SORRY, SHE ELSE HAD TODAY. BE IT KNOWN THAT WHEREAS SHUDDE FATH IS A WELL-KNOWN CIVIC LEADER AND COMMUNITY ACTIVIST AND WHEREAS SHE WAS ONE OF THE FOUNDING MEMBERS BE OF THE UTILITY COMMISSION FORM UNDERSTAND 1977 AND HAS FAITHFULLY SERVED TO O. THE ELECTRIC UTILITY COMMISSION CONTINUALLY SINCE THAT DATE AND WHEREAS SHE HAS GIVEN THE CITY AND AUSTIN ENERGY 30 YEARS OF WISDOM, SOUND ADVICE AND STAUNCH SUPPORT THROUGH HER PARTICIPATION ON THIS COMMISSION. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS DO HERE BY PROCLAIM JUNE 22nd, 2007 AS SHUDDE FATH DAY IN AUSTIN, TEXAS. [APPLAUSE]

I WANTED TO FIRST SAY THAT EXCEPT FOR HIS UNTIMELY DEATH, NEAL KOCUREK WOULD HAVE BEEN UP HERE WITH ME. WE LOST HIM TOO EARLY, THREE YEARS AGO. I JUST FEEL BLESSED, FIRST I FEEL BLESSED TO BE, AND I FEEL

BLESSED TO LIVE IN THIS WONDERFUL CITY. AND ALL I'VE EVER CLAIMED CREDIT FOR IS TRYING TO HANG IN THERE, SO KEEP UP THE GOOD WORK, EVERYBODY. WE HAVE A WONDERFUL UTILITY. IT'S SUCH AN ASSET TO AUSTIN. IT'S WELL RUN AND WE'VE RECEIVED ALL THESE NATIONAL AWARDS AND WE'RE ALL PROUD OF IT. AND I SEE OUR CHAIR, LINDA SHAW OVER THERE. AND I UNDERSTAND SHE INSTIGATED MOST OF THIS. I DON'T KNOW WHETHER TO THANK HER OR NOT. BUT ANYWAY, THERE SHE IS. THANK Y'ALL. APPRECIATE IT. CHAP CLAP. [APPLAUSE]

Leffingwell: SO I WANT TO NOW HONOR WITH A CERTIFICATE OF APPRECIATION ONE OF OUR LONG SERVING CITY OF AUSTIN EMPLOYEES, BILL HOFFMAN. HE'S BEEN WITH THE WATER UTILITY FOR A LONG TIME AND HAS BEEN INVOLVED IN WATER CONSERVATION AND RAINWATER HARVESTING EFFORTS AND IS A RECOGNIZED EXPERT IN HIS FIELD. I FIRST CAME ACROSS BILL WHEN WE FORPED THE WATER CONSERVATION TASKFORCE. AND I WAS TOLD RIGHT OFF THE BAT BILL IS KIND OF THE NUMBERS GUY. AND WHEN BILL BRINGS YOU SOME NUMBERS, YOU CAN TAKE THEM TO THE BANK. AND BY THE WAY, I DID, BILL. I TOOK SEVERAL OF THEM TO THE BANK. [LAUGHTER] BILL IS ALWAYS A PLEASURE TO BE AROUND. ALL OF HIS WATER UTILITY ASSOCIATES TELL ME THAT. AND HE'S A BIG JOKESTER. HE LOVES TO TELL AGGIE JOKE, BUT THE FIRST TIME I MET HIM HE TOLD ME A LOW FLUSH TOILET JOKE. [LAUGHTER] COME TO THINK OF IT, THAT MAY BE KIND OF CLOSE TO THE SAME THING. (AUDIENCE GROANS). SO DISTINGUISHED SERVICE AWARD FOR HIS DILIGENT SERVICE AND DEDICATION TO THE CITIZEN OF AUSTIN DURING HIS CAREER WITH THE CITY, BILL HOFFMAN IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. MR. HOFFMAN HAS SERVED AS THE PROGRAM COORDINATOR FOR SFRIL, COMMERCIAL AND INSTITUTIONAL WATER CONSERVATION PROGRAMS WITH THE AUSTIN WATER UTILITY FOR THE PAST SEVEN YEARS. IN THAT CAPACITY HE HAS OVERSEEN RAINWATER HARVESTING INSTALLATIONS, WATER RECYCLING SYSTEM INSTALLATIONS AND EQUIPMENT UPGRADES. TWO OF HIS MORE NOTEWORTHY ENDEAVORS INCLUDE THE FREESCALE EXPANSION WATER RECYCLING PROJECTS WHICH SAVED ONES OF THOUSANDS OF WATER DAILY. BILL'S POSITIVE

ATTITUDE AND HIS ABILITY TO EXPLAIN COMPLICATED SCIENTIFIC ISSUE IN TERMS THAT COLLEAGUES AND CUSTOMERS CAN UNDERSTAND HELP MAKE HIM THE CONSUMMATE CONSERVATIONIST. THIS CERTIFICATE IS PRESENTED IN ACKNOWLEDGMENT AND APPRECIATION OF HIS FINE CAREER THIS 21st DAY OF JUNE IN THE YEAR 2007 AND IT'S SIGNED BY MARY WILL WYNN. CONGRATULATIONS, BILL. BEFORE YOU COME UP HERE, ONE MORE THING I FORGOT TO MENTION IS THAT BILL WAS RECENTLY CITED BY THE AMERICAN WATER WORKS ASSOCIATION FOR HIS CONSERVATION WORK ON APRIL 12TH OF THIS YEAR. THANK YOU, BILL. [APPLAUSE]

I DON'T THINK A LOT OF PEOPLE UNDERSTAND THE QUALITY OF THE WORKFORCE THAT WORKS FOR THE CITY OF AUSTIN. THERE WERE SO MANY BOARDS, APPOINTMENTS, POSITIONS, TITLES THAT THIS GENTLEMAN HAS HELD, IT TOOK FRONT AND BACK IN 12-POINT FONT TO PUT IT INTO SOME NOTES. I'M FOR THE GOING TO READ THEM ALL TO YOU, BUT WHAT I WANT YOU TO KNOW IS THIS IS A MAN WITH 35 YEARS OF EXPERIENCE THAT AFTER HE RETIRED FROM THE STATE -- I UNDERSTAND YOU STAYED RETIRED TWO DAYS AND CAME TO WORK FOR THE CITY.

ACTUALLY, I RETIRED ON THE FIF IS IS AND DIDN'T REPORT TO HR UNTIL THE SIX BETH.

ONE DAY. HE'S A LITTLE BIT AFTER SLACKER. A LITTLE BIT OF AUSTIN IN HIM. ONE DAY. AND GAVE UP THAT EXPERIENCE IN THIS DECADE FOR US. HE HAS LECTURED ALL OVER THE UNITED STATES AND MEXICO AND CANADA. HE'S AUTHORED BOOKS. ONCE AGAIN REPRESENTED US ON STATE BOARDS, NATIONAL BOARDS. AN EXPERT IN SO MANY WAYS. YOU'RE GOING TO BE DEEPLY MISSED. THAT'S GOING TO BE BE IMPOSSIBLE TO REPLACE. I THINK ALL WE ACTUALLY DID, THOUGH, IS GIVE YOU SOME FUNNY STORIES. [LAUGHTER] YOUR CO-WORKERS PUT TOGETHER SOME SITUATIONS THEY SAID THEY FOUND YOU IN. [LAUGHTER] I'M GOING TO JUST -- I'M JUST GOING TO GIVE YOU TWO. I'M TOLD THAT YOU WERE INSIDE A CAR WASH MEASURING THE FLOW RATE OF CAR WASH EQUIPMENT WHEN IT TURNED ON ACCIDENTALLY. [LAUGHTER] AND THAT YOU WERE COMPLETELY STRUBBED DOWN BEFORE -- SCRUBBED DOWN

BEFORE YOU COULD GET OUT AND CAME OUT COMPLETELY WET AND SUDDEN SI ON THE OTHER END. I'M TOLD ON ANOTHER DAY YOU WERE DOING WHAT'S CALLED A DENTAL VACUUM RECEPTION AND THE RECEPTIONIST POINTED YOU INTO A ROOM WHERE THEY HAD LAID PROFESSIONAL GLUE CARPET DOWN IN PREPARATION FOR CARPET. AND YOU GOT IN THERE AND GOT COMPLETELY STUCK. [LAUGHTER] AND THEY HAD TO COME RESCUE YOU AND PULL YOU OUT OF THAT OFFICE. AND THAT WHEN YOU GOT TO THE PARKING LOT, BECAUSE YOUR SHOOSSES WERE STILL -- SHOES WERE STILL COVERED IN GLUE, YOU TOOK ALL THE GRAVEL TO YOUR CAR ON THE SOLES OF YOUR SHOES. SO WE GAVE YOU COMIC RELIEF HERE. COME SAY A FEW WORDS TO EVERYBODY. [APPLAUSE]

I WANT TO THANK YOU VERY MUCH. I WANT TO POINT OUT THAT LEE LEFFINGWELL WAS NAMED WATER CONSERVATIONIST OF THE YEAR BY THE TEXAS SECTION OF THE AMERICAN WATER WORKS ASSOCIATION. AND WE CONGRATULATE HIM ON THAT. AND WORKING WITH EVERYBODY HERE AND THERE ARE A NUMBER OF MY CO-WORKERS, BOTH FROM WATER CONSERVATION STAFF SITTING BACK HERE AND AUSTIN ENERGY AND AN OLD FRIEND OF MINE THAT I'VE KNOWN FOR MANY YEARS IS HERE FROM BOULDER, COLORADO, DOUG. AND LAST BUT NOT LEAST, THE REAL BOSS FOR THE LAST 35 YEARS, MY WIFE JOYCE IS SITTING BACK THERE TOO WATCHING ME GET THIS AWARD. IT'S A REAL HONOR AND I APPRECIATE THIS VERY MUCH. THANK YOU. [APPLAUSE]

Martinez: THEY RECENTLY HELD -- IT'S THEIR INDEPENDENCE DAY, FREEDOM FIGHTERS DAY IN BANGLADESH AND THEY DID IT IN ZILKER PARK THIS YEAR. THEY USED THE AMP PA THEATER IN ZILKER PARK AND INVITED THE PUBLIC. IT TURNED OUT TO BE A WONDERFUL CELEBRATION. I WANTED TO RECOGNIZE THEM AND THANK THEM FOR THEIR CONTRIBUTIONS TO THE COMMUNITY. SO THE PROCLAMATIONS READ, BE CAN KNOWN THAT WHEREAS THE AUSTIN BANGLADESH ASSOCIATION IS A NONPROFIT ASSOCIATION REPRESENTING OUR COMMUNITY AND THE CITY OF AUSTIN AND SURROUNDING AREAS AND WHEREAS THE MISSION IS TO PROVIDE AN INCLUSIVE ENVIRONMENT THAT FOSTERS FRIENDSHIP, TOLERANCE AND DIVERSITY

AND TO FULFILL THE BANGLADESH COMMUNITY NEEDS THROUGH VARIOUS CULTURAL, RELIGIOUS AND COMMUNITY ACTIVITIES. AND WHEREAS THE ASSOCIATION ALSO SEEKS TO SERVE BE AS AN INCUBATE FOUR FUTURE LEADERS AND TO ENCOURAGE ACTIVE PARTICIPATION IN CITY GOVERN RANS. NOW I THEREFORE, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM JUNE 21st AS AUSTIN BANK LA.....BANGLADESH ASSOCIATION DAY IN AUSTIN, TEXAS. [APPLAUSE] CLER.

THANK YOU, LADIES AND GENTLEMEN, ESPECIALLY COUNCILMEMBER MARTINEZ. ASK NOT WHAT THE COUNTRY CAN DO FOR YOU, BUT WHAT YOU CAN DO FOR THE COUNTRY. WE ARE A FAST GROWING BANGLADESH COMMUNITY. WE ARE HERE TO STAY AND BE A PRODUCTIVE BANGLADESHI AMERICAN. WE ALSO HAVE A VERY COLORFUL CULTURE THAT WE WOULD LIKE TO SHARE WITH THIS BEAUTIFUL CITY OF AUSTIN. AUSTIN BANGLADESH ASSOCIATION IS BASED ON TOLERANCE AND DIVERSITY. 'WE ARE VERY LIBERAL IN OUR MEMBERSHIP CRITERIA. WE WILL BE BE PROUD AND HONORED TO HAVE MANY OF YOU AS OUR MEMBERS BE WHERE YOU CAN BE ROLE MODELS AND A CATALYST FOR US FOR THE NEWCOMER AND FOR OUR CHILDREN. SOME OF OUR COUNCIL PERSON AND THE MAYOR HAVE SEEN US IN THE PAST FEW YEARS THAT WE ARE EAGER AND READY TO BE INVOLVED IN WHATEVER IT TAKES INCLUDING VOLUNTARY WORK AND CITY GOVERNANCE TO MAKE AUSTIN EVEN A BETTER PLACE TO LIVE. GOD BLESS Y'ALL.

..

Martinez: ALL RIGHT. THE LAST PROCLAMATION OF THE EVENING, RIGHT, GALE, THIS IS THE LAST ONE? FOR THOSE OF YOU WHO MAY NOT KNOW, I RECENTLY WAS APPOINTED TO THE BOARD OF CAPITAL METRO AND SO I BEGAN MY SERVICE AT THE LAST COUNCIL MEETING. HAVEN'T HAD A BOARD MEETING YET, BUT HAVE HAD A LOT OF BRIEFING MEETINGS. BUT I'M LOOKING FORWARD TO MY SERVICE WITH CAPITAL METRO. TODAY IS MARKING THE SECOND ANNUAL DUMP THE PUMP DAY AND OPEN VUSLY WHAT WE'RE DOING IS ENCOURAGING PEOPLE TO TAKE MASS TRANSIT AS OPPOSED TO GETTING IN YOUR OWN VEHICLE

AND DRIVING. CAPITAL METRO PROVIDES A TREMENDOUS SERVICE TO THE CITIZENS AND VISITORS OF AUSTIN AND WE HAVE THE GENERAL MANAGER, FRED GILLIAM WITH US HERE TODAY. SO I WANT TO PRESENT HIM WITH THIS PROCLAMATION THAT READS: BE IT KNOWN WHEREAS TODAY MARKS THE SECOND ANNUAL DUMP THE PUMP TODAY TO RAISE AWARENESS OF THE ENVIRONMENTAL BENEFITS OF PUBLIC TRANSPORTATION AND WHEREAS CAPITAL METRO HELPS PROTECT AUSTIN'S AIR QUALITY THROUGH ITS CLEAN BUILDING FUELS WHICH HELPS BUILD MORE CARBON DIOXIDE PER MILE AS PRIVATE VEHICLES AND WHEREAS CAPITAL METRO TAKES SINGLE OCCUPANT VEHICLES OFF AUSTIN ROADWAYS BY PROVIDING AN AVERAGE OF 140,000 ONE-WAY TRIPS PER DAY AND WHEREAS RIDING CAPITAL METRO ALSO IS THE EASIEST AND QUICK BEST WAY TO HIGH PRICE OF GLEEFNLT NOW THEREFORE I, MAYOR WILL WYNN ENCOURAGE SIT TENS TO HELP PROTECT YOUR ENVIRONMENT BY TAKING ADVANTAGE OF CAPITAL METRO SERVICES AND DO HERE BY PROCLAIM JUNE 21st, 2007 AS NATIONAL DUMP THE PUMP DAY. AND I'D LIKE TO INVITE FRED TO SAY A FEW WORDS. [APPLAUSE]

YOU ALSO WILL HELP THE ENVIRONMENT. ALL OF US IN THE COMMUNITY MUST WORK TOGETHER TO PRESERVE THE AIR QUALITY IN OUR REGION. CAPITAL METRO IS COMMITTED TO SEEKING TECHNOLOGIES THAT REDUCE EMISSIONS AND GLOBAL WARMING. WE ARE PROUD TO SUPPORT THE MAYOR'S CLIMATE PROTECTION PLAN AND WE THANK THE CITY OF AUSTIN FOR DOING ITS PART IN ALLOWING CITY WORKERS TO RIDE CAPITAL METRO TO REDUCE TRAFFIC AND PARKING CONGESTION AS WELL AS POLLUTION. IF YOU HAVEN'T MADE THE DIGS TO DUMP THE PUMP, TODAY IS A GREAT DAY TO BEGIN RIDING THE BUS. WE ARE PROUD TO OFFER A WIDE VARIETY OF OPTIONS INCLUDING LOCAL AND EXPRESS BUS SERVICE, VAN POOL AND HYBRID CAR POOL PROGRAMS AND COMING NEXT YEAR, CAPITAL METRO SERVICE BETWEEN DOWNTOWN AUSTIN AND LEANDER WILL BEGIN ON CAPITAL METRO RAIL. AGAIN, I APPRECIATE THE CITY COUNCIL FOR RECOGNIZING DUMP THE PUMP AS A NATIONAL DAY AND ALSO LOOK FORWARD TO SEEING EACH AND EVERY ONE IN THE CITY OF AUSTIN ON CAPITAL METRO

SERVICES. THANK YOU AGAIN. [APPLAUSE]

THANK YOU.

COUNCIL, WE'LL BE BACK SHORTLY. [BREAK] SUSPEND TEST TEST

MOVE THINGS ALONG. LET'S GO AHEAD AND CALL TO ORDER -- CALL BACK TO ORDER THE CITY COUNCIL AND WE'RE GOING ON TO ITEM NO. 142 WHERE I BELIEVE THERE IS AN AGREEMENT ON THAT PARTICULAR ITEM. SO IF YOU CAN TELL US ABOUT THE AGREEMENT WE'D APPRECIATE IT.

WELL, LET ME INTRODUCE THE ITEM VERY QUICKLY. ITEM 142 IS CASE C14-2007-0014 KNOWN AS THE WEBB ESTATES AT 4700 CITY PARK ROAD. THIS IS A REZONING REQUEST FOR THE PROPERTY LOCATED NORTH OF THE INTERSECTION AT CITY PARK ROAD AND WESTMINSTER GLEN, THERE DEVELOPMENT RESERVE OR DR DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE, LARGE LOT OR SF 1 DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION REJS WAS TO GRANT THE SINGLE-FAMILY RESIDENCE, SF 1 CL COMBINING DISTRICT ZONING. THE PROPERTY IS APPROXIMATELY 167 ACRES, AND DOES HAVE A PETITION THAT WAS FILED IN OPPOSITION TO THE REQUEST. IT'S NOT VALID. STANDS AT 13.05%. THE PROPERTY AS I MENTIONED IS ZONED DR AND IS SURROUNDED BY PROPERTY ZONED DR, RR AND SF 1. SEVERAL THE.... OF THE PROPERTIES ARE UNDEVELOPED AND THE REMAINING PROPERTIES CONTAIN SINGLE-FAMILY RESIDENCES. WE DO HAVE AN AGREEMENT BETWEEN THE NEIGHBORHOOD AND THE DEVELOPER. IT IS NOT FOR THE ZONING AND PLANNING COMMISSION'S RECOMMENDATION. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT SF 1 CO ZONING WITH THE CONDITIONS OF LIMITED THE PROPERTY TO MAXIMUM 76 UNITS, 2,000 TRIPS PER DAY AND THE LOT RESTRICTIONS TO THE WATERSHED RULES AND ORDINANCES OF A SUBURBAN WATERSHED ORDINANCE BUT THE AGREEMENT IS THE STAFF RECOMMENDATION, WHICH HAS A SIMILAR IMPERVIOUS COVER LIMITATION OF 30% UNDER THE PORTIONS OF THE SITE WITHIN THE WATER SUPPLY, SUBURBAN WATERSHED, A MINIMUM LOT AREA OF ONE ACRE PER LOT, MAXIMUM TRIP LIMITATION OF 2,000

TRIPS PER DAY AND A LIMITED DENSITY TO ONE RESIDENTIAL UNITS PER TWO ACRES OF NET SITE AREA FOR THE PORTIONS OF THE SITE WITHIN THE WATER SUPPLY RURAL WATERSHED. IN ADDITION TO THAT THE AGREEMENT BETWEEN THE APPLICANT AND THE -- AND THE NEIGHBORHOOD WOULD BE TO ONLY ALLOW THIS TO GO FIRST READING TODAY, TO CONTINUE THE PUBLIC HEARING TO YOUR NEXT MEETING, WHERE WE'D BRING BACK AN ORDINANCE FOR SECOND AND THIRD READING CONSIDERATION ON JULY 26, AND THAT THERE WOULD BE WORK ON A PUBLIC RESTRICTED COVENANT THAT WOULD DO THE FOLLOWING THINGS: ONE, TO LIMIT THE IMPERVIOUS COVER PER LOT. TWO, TO ADDRESS AN INTEGRATED PEST MANAGEMENT EDUCATIONAL PLANS WITH RESPECT TO THE HABITAT LAND IN THE AREA. 3, NARROWING THE LOTS TO MATCH THE WIDTH OF THE JAT LOTS WITHIN THE WESTMINSTER GLEN SUBDIVISION. 4, TO IMPROVING -- POSING AN RR REAR YARD SETBACK REQUIREMENTS ALONG WESTMINSTER GLEN AND 5, THROUGH THE SUBDIVISION PROCESS ENSURE THAT DRAINAGE DOES NOT ADVERSELY IMPACT ANY OF THE ADJACENT PROPERTY. AGAIN, THIS WOULD ONLY BE FOR FIRST READING TODAY OF THE STAFF RECOMMENDATION AS MODIFIED BY THESE LIMITATIONS THAT BE WORKED OUT IN A PUBLIC RESTRIIVEGHT COVENANT AND TO LEAVE THE PUBLIC HEARING OPEN UNTIL JULY 26. AND I UNDERSTAND BOTH SIDES ARE IN AGREEMENT WITH THAT AND ALL SIDES ARE PRESENT, IF YOU'D LIKE TO HEAR FROM THEM YOU CAN HEAR FROM THEM BRIEFLY, OR NOT.

DUNKERLEY: COUNCIL, DO WE HAVE ANY QUESTIONS OF THE -- EITHER THE APPLICANT OR MR. GUERNSEY OR -- COUNCIL MEMBER?

LEFFINGWELL: I'LL MAKE A MOTION TO APPROVE THE STAFF RECOMMENDATION ON FIRST READING ONLY WITH THE PUBLIC RESTRICTIVE COVENANT AS DESCRIBED BY MR. GERNS HE TO COME..... GUERNSEY TOCOME FORTH ON JULY 26 AND WE'LL KEEP THE PUBLIC HEARING OPEN.

GUERNSEY: I'LL ACTUALLY BE BRINGING BACK TO SECOND AND THIRD READING.

DUNKERLEY: IS A THERE A SECOND? SECOND.

THERE'S BEEN A MOTION BY COUNCIL MEMBER
LEFFINGWELL WITH A SECOND BY COUNCIL MEMBER
MARTINEZ. ALL OF THOSE IN FAVOR PLEASE SAY AYE.

AYE.

DUNKERLEY: AYE. THANK YOU.

GUERNSEY: THAT CONCLUDES OUR ZONING ITEMS THIS
EVENING.

DUNKERLEY: WOW, THANK YOU VERY MUCH. AND I BELIEVE
NOW WE GO ON TO THE PUBLIC HEARINGS. IT WAS A VOTE
OF 6-0 WITH THE MAYOR OFF THE DAIS. JUST IN TIME FOR
THE PUBLIC HEARING.

MAYOR WYNN: THANK YOU VERY MUCH, MAYOR PRO TEM.
EXCUSE MY ABSENCE AND WELCOME, MR. GEORGE
OSWALD, FOR THE BEGINNING OF OUR PUBLIC HEARINGS.

MAYOR SH MAYOR PRO TEM, I'M GEORGE OSWALD
WATERSHED PROTECTION AND DEVELOPMENT REVIEW. THE
ACTION BEFORE YOU IS ITEM NO. 150 IS TO CONDUCT A
PUBLIC HEARING AND CONSIDER FLOOD PLAIN VARIANCES
SUGGESTED BY SHOAL CREEK LIMITED TO ALLOW
CONSTRUCTION OF AN EIGHT-STORY MIXED-USE BUILDING,
A FIVE-STORY MIXED-USE BUILDING AND THREE-LEVEL
UNDERGROUND PARKING STRUCTURE AT 835 WEST 6TH
STREET IN THE 25-YEAR AND 100-YEAR FLOODPLAINS OF
SHOAL CREEK, TO WAVE THE REQUIREMENT TO GET A
DEDICATED DRAINAGE EASEMENT TO THE FULL 100-YEAR
FLOODPLAIN TO EXCLUDE THE FOOTPRINTS OF THE
PROPOSED STRUCTURES. COUNCIL, THIS IS THE MOST
SIGNIFICANT FLOODPLAIN VARIANCE I'VE BROUGHT BEFORE
YOU, AND BEFORE I GO ON TO THE PRESENTATION I'D JUST
LIKE TO SAY THAT WE HAVE WORKED WITH THE APPLICANTS
FOR SEVERAL YEARS TO BRING THIS TO A SUCCESSFUL
RESOLUTION SO THAT WE CAN RECOMMEND APPROVAL. WE
HAVE A COUPLE MAJOR GOALS. TO SHARE THE
DEVELOPMENT AS IT WAS PROPOSED AND PERMITTED
WOULD NOT RESULT IN ANY ADDITIONAL FLOODING TO

OTHER PROPERTIES IN THIS AREA. AS YOU KNOW, THE DOWNTOWN AREAS ALONG SHOAL CREEK HAVE SUFFERED SEVERE FLOODING OVER THE YEARS, AND WE WANTED TO BE SURE THAT ANYONE THAT MIGHT BE IN THESE BUILDINGS DURING A HIGH WATER EVENT WAS SAFELY PROTECTED FROM THE FORCES OF THE FLOODWATERS AND THAT THEY COULD LEAVE THE BUILDING SAFELY THROUGH DRY ACCESS AND FIRST RESPONDERS COULD ACCESS THE BUILDING. SO THOSE ARE THE THREE GOALS..... GOALS. THERE WE GO. OKAY. SO ANYWAY, ON THE SITE THERE'S CURRENTLY AN EXISTING PARKING LOT THAT WILL BE DEMOLISHED AS PART OF THE PROPOSAL. I ALREADY MENTIONED THE BUILDINGS AND THE PARKING STRUCTURE. TOTAL OF 385,000 SQUARE FEET OF OFFICE AND RETAIL SPACE, 942 PARKING SPACES. THIS IS AN AERIAL PHOTO OF THE AREA, AND LET ME SEE IF I CAN GUESS THE MOUSE TO GO AROUND HERE. I WANT TO SHOW YOU -- MAKE SURE YOU'RE ORIENTED. THIS IS THE CURRENT NEW WHOLE FOODS. HERE IS WEST 6TH STREET. BUOY STREET, 5TH STREET AND THE CHANNEL OF SHOAL CREEK OVER HERE ON THE EAST. ALL RIGHT. THE FLOODPLAIN IN THIS AREA IS EXTENSIVE. THE DARKER BLUE AREA INDICATES THE LIMITS OF THE 25-YEAR FLOODPLAIN AND THE WHITER GRAY ISSUE BLUE AREAS IS THE LIMITS OF THE 100-YEAR FLOODPLAIN AND YOU CAN SEE THE SUBJECT PROPERTY IS TOTALLY WITHIN THOSE BOUNDARIES. JUST TO GIVE SMU RECENT REFERENCE, DURING THAT 2001 FLOOD IN NOVEMBER, THIS IS GSDMN OVER HERE ON THE OTHER SIDE OF SIXTH STREET AND THE FATHER GOT UP ON THE 4TH STEP DURING THAT EVENT AND THE PARKING LOT ADJACENT TO THE CREEK, MANY CARS WERE FLOATED. SO NOT TO BE ALARMIST, BUT THIS IS A SIGNIFICANT FLOOD AREA THAT WE HAD -- WE HAD TO DEAL WITH THESE CONDITIONS. AND THIS IS A PICTURE TAKEN AFTER THE 1981 FLOOD EVENT LOOKING AT THAT SITE FROM APPROXIMATELY THE LOCATION OF THE AUSTIN CITY LOFTS. AND IN THE BACKGROUND YOU CAN SEE THE SIXTH STREET BRIDGE, THERE WAS A CHRYSLER DEALERSHIP IN PLACE AT THAT TIME, AND IT'S OBVIOUS THAT THERE WERE SIGNIFICANT FORCE OF FLOODWATERS AT THIS LOCATION, OR CAN BE. OKAY. SO THE WAY THIS IS RESOLVED, THE APPLICANT HAS WORKED WITH STAFF TO REDUCE THE FOOTPRINT OF THE BUILDING THAT'S GOING TO ACTUALLY

BE ON THE GROUND, AND THAT'S THE BLACK OUTLINED AREA. THE HATCHED AREAS WILL BE ELEVATED ON PEER..... PIER SO THAT FLOODWATERS CAN PASS UNDER THE BUILDING UNIMPEDED. IN ADDITION TO RECONFIGURING THE BUILDING, THE APPLICANT HAS PROPOSED WIDENING THE SHOAL CREEK CHANNEL. THERE WILL BE MODIFICATIONS TO THE CHANNEL. THIS MITIGATES FOR THE PLACEMENT OF THE BUILDING IN THE FLOOD WAY AND ALSO HAS PROPOSED SMOOTHING THE UNDERSIDE OF THE SIXTH STREET BRIDGE TO INCREASE THE HYDRAULIC EFFICIENCY. SO TO SUMMARIZE OUR FINDINGS. I'VE ALREADY MENTIONED THE FLOOD HAZARD AT THIS LOCATION, BUT THAT IS MITIGATED BY THE FACT THAT THE APPLICANT IS PROPOSING TO BUILD A SKY -- OR PEDESTRIAN -- ELEVATED PEDESTRIAN WALKWAY OVER BUI AVENUE TO THE EXISTING WHOLE FOOD STRUCTURE. THE ADDITIONAL OCCUPANCY IN THE FLOODPLAIN IS MITIGATED BY THAT SAFE DRY ACCESS, AND AS I MENTIONED, THE APPLICANT HAS BEEN ABLE TO DEMONSTRATE NO ADVERSE FLOODING IMPACT ASSOCIATED WITH THE PROPOSAL. BUT THIS IS A COMPLEX PROJECT, AND OUR -- THERE ARE SEVERAL CONDITIONS THAT WE ARE SETTING IN THE ORDINANCE ASSOCIATED WITH APPROVAL OF THE VARIANCE, AND THEY FALL INTO THREE CATEGORIES: RESTRICTIVE COVENANTS, CITY AND FEMA CONDITION.....CONCURRENCE WITH FLOOD PLAIN MAP, AND CERTIFICATIONS, ENGINEERING CERTIFICATIONS ON THE STRUCTURAL ABILITY OF THE PARKING AND PARKING STRUCTURE TO DEAL WITH HIGH WATER EVENTS. GENERALLY WE DON'T WANT ANY OBSTRUCTIONS UNDER THE ELEVATED AREAS OF THE BUILDINGS, SO FLOODWATERS CAN SAFELY PASS. WE NEED A RESTRICTIVE COVENANT TO MAKE SURE THAT WILL BE MAINTAINED IN THE FUTURE. FEMA WILL NOT ALLOW SUBGRADE -- SUB ELEVATED PARKING FOR RESIDENTIAL STRUCTURES, AND SO THIS IS A MIXED-USE -- THE PROPOSAL IS MIXED-USE, NO RESIDENTIAL, BUT TO BE COMPLIANT WITH FEMA IN THE FUTURE WE NEED TO LIMIT NO RESIDENTIAL OCCUPANCY ON THE FIRST FLOOR OF THE BUILDINGS, BUT THAT DOESN'T -- THAT DOESN'T ENCUMBER THE PROPOSED USES AS WE UNDERSTAND IT. AND THEN THE MODIFICATION OF THE CREEK AND THE BRIDGE, A PERPETUAL MAINTENANCE AGREEMENT TO ASSURE THOSE ARE MAINTAINED INTO THE

FUTURE. A THREE STORY SUB ELEVATED PARKING STRUCTURE REQUIRES SPECIAL ATTENTION TO ASSURE THAT FLOODWATERS WILL NOT BETTER IT AND WE'RE REQUIRING THAT THE ENTRANCE AND EXIT RAMPS BE ELEVATED A MINIMUM OF TWO FEET ABOVE THE 100-YEAR FLOODPLAIN AND THE STRUCTURE ITSELF WILL BE FLOOD PROOF. IF DEEP FLOODWATERS ARE UP AGAINST IT UP TO TWO FEET, THEY CAN'T GET IN THROUGH ANY CRACKS OR PENETRATIONS. SO WE'RE DOING OUR BEST TO AVOID WHAT HAPPENED OVER IN HOUSTON DURING TROPICAL STORM ALLISON. THERE ARE A FEW OTHER ELEMENTS HERE BUT THEY BASICALLY RELATE TO DRY FLOOD PROOFING AND ASSURING THAT THE STRUCTURE CAN TAKE THE FORCE OF FLOODWATERS. THOSE ARE THE BASES FOR..... BASIS FOR US RECOMMENDING APPROVAL OF THIS VARIANCE. I'LL TAKE ANY QUESTIONS THAT YOU MAY HAVE.

MAYOR WYNN: THANK YOU, MR. OSWALD. QUESTIONS OF STAFF? COUNCIL? COMMENTS? ACTUALLY, FOR MY SAKE, MS. TERRY, I HAPPEN TO LIVE ACROSS THE CREEK FROM THIS SITE IN A FLOOD PROOF BUILDING. MY INSTINCT IS IN ORDER FOR THAT BUILDER TO GET THE SAME VARIANCES THEY PROBABLY MET THESE SAME -- SOMETHING SIMILAR TO THESE SAME STANDARDS. I WANT TO CONFIRM, SHOULD I -- IS IT OKAY FOR ME TO VOTE ON THIS ITEM? I HAVE NO INTEREST, OBVIOUSLY, WHATSOEVER IN THE PROPERTY ACROSS THE CREEK, BUT I HAPPEN TO LIVE, YOU KNOW, 50 FEET AWAY, IN A BUILDING THAT I GUESS BENEFITED FROM A SIMILAR TYPE VARIANCE.

TERRY: MAYOR, AS WE DISCUSSED BEFORE, THE ULTIMATE DECISION ABOUT WHETHER OR NOT YOU HAVE A CONFLICT IS A DECISION THAT YOU NEED TO MAKE. IF THIS -- I CAN HELP PROVIDE SOME GUIDANCE, AND THAT IS IF THE GRANTING OF THIS VARIANCE HAS AN IMPACT ON THE VALUE OF YOUR PROPERTY, THAT IS SOMETHING THAT YOU NEED TO TAKE INTO CONSIDERATION IN DETERMINING WHETHER YOU HAVE A CONFLICT IN THIS MATTER AND WHETHER YOU SHOULD RECUSE YOURSELF. AND I WANTED TO REMIND YOU OF THAT IN YOUR MAKING YOUR DECISION ABOUT WHETHER YOU FEEL THAT YOU CAN VOTE ON THIS MATTER.

MAYOR WYNN: OKAY. THANK YOU. WELL, THEN PERHAPS, COUNCIL, I'LL HELP CONDUCT THE PUBLIC HEARING AND THEN BE ABLE TO THINK THROUGH THAT HERE IN THE NEXT FEW MINUTES. SO DO YOU HAVE ANY QUESTIONS FOR STAFF OR COMMENTS FOR MR. OSWALD? OKAY. HEARING NONE WE'LL GO TO OUR PUBLIC HEARING. WE HAVE A HANDFUL OF CITIZENS HER HERE TO SPEAK, I BELIEVE ALL IN FAVOR, AND OR NEUTRAL. OUR SPEAKER IS RICK DUGAN. AND LET'S SEE, IS ALICE GLASGOW HERE? WELCOME BACK. JOE LONG GORE ON -- JOE AND JIM O'BRIEN. SO RICK, IF YOU NEED IT YOU'LL HAVE UP TO 12 MINUTES AND YOU'LL BE FOLLOWED BY RICHARD -- ARE YOU RICHARD ALSO? I DIDN'T REALIZE THAT --

WELCOME.

MAYOR, MEMBERS OF THE COUNCIL, MY NAME IS RICK DUGAN. I AM THE PRINCIPAL IN CHARGE OF THE DEVELOPMENT IN CHARGE OF DESIGN AND CONSTRUCTION. I HAVE A COUPLE SLIDES I'D LIKE TO HAVE PUT UP, PLEASE. FIRST, I WOULD LIKE TO SAY THANK YOU TO MR. OSWALD AND HIS STAFF FOR CONTINUING TO WORK WITH US. IT TOOK US TWO YEARS TO WORK THROUGH THE FLOOD MODELING THAT WE HAD TO GO THROUGH TO GET TO A POINT OF CONCURRENCE. IT WAS AN ARDUOUS TASK AND DUE TO OUR FOREKNOWLEDGE THAT IT WAS GOING TO BE DIFFICULT, WHAT WE HAVE BROUGHT FORWARD IS NOT A BUILDING DESIGN BUT WE HAVE BROUGHT FORWARD A MASSING AND A DENSITY TO ACCOMMODATE OUR TENANT, WHOLE FOODS. THIS WILL BE AN EXPANSION OF THEIR OFFICE AND CAMPUS ACROSS THE STREET FROM THEIR WORLD HEADQUARTERS INTO WHICH WILL ALSO BE A TRAINING CENTER. WE ARE CURRENTLY IN A LEASE ARRANGEMENT WITH WHOLE FOODS THAT CALLS FOR US TO PROVIDE THEM WITH A SITE PLAN PERMIT BY LAST FEBRUARY. SOME OF YOU WERE IN A MEETING LAST JULY WHEN WE ALL FOCUSED ON GETTING THIS DONE BY DECEMBER. THROUGH THE LONG HARD TASK OF GETTING THROUGH THE FLOODPLAIN ISSUES IT HAS TAKEN US NOW TO GET BEFORE YOU AND WE ARE REQUESTING THAT YOU CONSIDER OUR VARIANCE IN THE DISTRICT. WE ARE SURROUNDED BY PROJECTS THAT HAVE GOTTEN A VARIANCE TO BUILD IN THE FLOODPLAIN. WE MAY BE AMONG

THE ONLY ONES THAT COME HERE WITH FULL STAFF SUPPORT. WE ARE GRATEFUL FOR THEIR SUPPORT AND PERHAPS SURPRISINGLY WE ARE IN COMPLETE AGREEMENT WITH ALL THE CONDITIONS THAT THEY HAVE PUT FORWARD THAT ARE IN THE ORDINANCE, AND WE ARE READY TO PROCEED IN THAT DIRECTION. OUR DESIGN CURRENTLY IS CONCEPTUAL, BUT WE HAVE MADE CERTAIN COMMITMENTS ON A VARIETY OF THINGS THAT I'D LIKE TO GO THROUGH. I'M NOT SURE WHICH BUTTON MAKES THIS GO FORWARD, BUT ALONG SHOAL CREEK WE ARE ECHOING WHAT WE DID ON A PROJECT THAT WE HAD APPROVED IN 1999, WHICH IS TO PROVIDE ACCESS FROM THE SIXTH STREET BRIDGE, WHICH YOU SEE IN THE PICTURE, VIA A RAMP DOWN TO THE SHOAL CREEK WALK, WHICH WE ARE CONTINUING IN IMPROVING FROM SIXTH STREET TO 5TH STREET. NEXT SLIDE, PLEASE. THIS PLAN SHOWS CONCEPTUALLY WHAT WE'RE GOING TO DO, AND WE HAVE WORKED WITH AUSTIN PARKS DEPARTMENT, PARKS FOUNDATION AND A VARIETY OF OTHER GROUPS TO GET THEIR ENDORSEMENT OF WHAT WE'RE INTENDING. AGAIN, THIS IS CONCEPTUAL. NEXT SLIDE. WE WILL MATCH WHAT IS DONE UPSTREAM. NEXT SLIDE. DOWNSTREAM. NEXT SLIDE, AND ACROSS THE CREEK. THE SAME TREATMENT THAT OUR NEIGHBORS CURRENTLY HAVE, WE WILL CONTINUE. OUR -- THANK YOU. OUR PROJECT, AS MR. OSWALD POINTED OUT, IS CONSTRAINED BY NOT ONLY THE FLOODWATERS SQUEEZING US FROM THE EAST AND FROM THE SOUTH, BUT ALSO FROM THE PLATFORM HAVING TO RAISE TWO FEET ABOVE FLOOD PLAIN AND IF YOU LOOK CLOSELY FROM LOW LEFT TO UPPER RIGHT YOU CAN SEE THE CAPITAL VIEW CORRIDOR PUTTING A LID ON OUR BUILDING HEIGHT. THE CORNER BUILDING AT 6TH -- THE NORTHWEST CORNER OF 6TH AND BUOY IS HOLDING TO THE DMU OF 120 FEET AND OUR OVERALL FAR WILL BE LESS THAN HALF OF WHAT IS ALLOWED IN DMU. OTHERWISE WE ARE IN COMPLETE COMPLIANCE IN OUR INTENT WITH DMU ZONING. ALONG BUI STREET WE HAVE ALSO MET WITH PUBLIC WORKS AND WITH ECONOMIC DEVELOPMENT CORP. AND WE HAVE COMMITTED TO A LONG ART PROJECT PROVIDING THE ABILITY TO EXTEND THE FLIEWGER BRIDGE BIKE TRAIL THROUGH THIS AREA ON TO THE NORTH. WE WILL BE, IN OUR SITE PLAN DOCUMENTS NOW, WE WILL BE PROVIDING A 5-FOOT WIDE

CONCRETE BIKE LANE ON THE EAST SIDE OF BUI AS PART OF OUR COMMITMENT TO THIS PROJECT. NOT DESIGNED PAST THAT WOULD BE OUR PEDESTRIAN ENVIRONMENT AROUND THIS PROJECT, BUT I WOULD HOLD WHAT WE HAVE DONE WITH WHOLE FOODS AS OUR TENANT, LIKE THIS PROJECT ON THE EAST BLOCK, I WOULD HOLD THAT UP AS THE MODEL AND THE BASELINE FOR WHICH WE WILL DO THE PEDESTRIAN ENVIRONMENT AROUND THE EAST BLOCK PROJECT, NOT ONLY ALONG THE CREEK BUT ALONG 6TH, ALONG 5TH AND ALONG BUOY. I AM FAIRLY CERTAIN THAT THE WHOLE FOODS PROJECT THAT EXISTS TODAY AT 6TH AND LAMAR IS UNIVERSALLY APPRECIATED FOR HOW WE PUT A HILL COUNTRY STREAM, SEVERAL PLAZAS AND PUBLIC ARTWORK, THAT'S OUR GUIDE AS WE MOVE ACROSS THE STREET.

MAYOR WYNN: I NEED FOR YOU TO CONCLUDE. YOUR TIME HAS EXPIRED. SO PLEASE WRAP UP.

ONE MORE THING IN ADDITION TO SUPPORT FROM THE AUSTIN PARKS FOUNDATION, WE GOT A UNANIMOUS VOTE FROM THE WEST AUTOMATIC APPLIANCE YESTERDAY.....A AUSTINAPPLIANCE YESTERDAY AND I HAVE TWO ENGINEERS AVAILABLE TO ANSWER TECHNICAL QUESTIONS. THANK YOU FOR YOUR CONSIDERATION. I AM ALSO AVAILABLE FOR QUESTIONS AND I WAS ACTUALLY MIGRATING INTO ALICE'S TIME.

I THINK WE SET THE TIME FOR 12 MINUTES AND YOU USED ALL 12 OF THEM PLUS.

MAYOR WYNN: MY UNDERSTANDING WAS. I HEARD THE ALARM GO OFF. SO THANK YOU. QUESTIONS FOR MR. DUGAN? COUNCIL MEMBER KIM?

KIM: HI, MR. DUGAN. I HAVE A QUESTION ABOUT THE PARKING GARAGE BECAUSE THIS IS GOING TO BE IN THE FLOODPLAIN AND I WAS READING THE BACKUP AND IT SAID THAT YOU'RE GOING TO MAKE IT DRY FLOOD PROOFED AND WHAT DOES THAT MEAN AND HOW DOES IT WORK?

THERE ARE FEMA STANDARDS ON HOW YOU CONSTRUCT THE WALLS AND HOW FAR BACK YOU ARE FROM THE CREEK

AND HOW YOU BUILD YOUR FOUNDATIONS TO KEEP THE WATER OUT, BOTH FROM THE SIDES AND FROM BELOW.

KIM: SO THE CARS CAN GET IN BUT THE WATER CAN'T GET IN? HOW DOES THAT WORK? I'M HAVING A PROBLEM VISUALIZING THAT.

THE FIRST FLOOR PLATFORM WILL BE TWO FEET ABOVE FLOODPLAIN SO THAT THE CURB CUTS AND DRIVES WILL COME UP TO THAT LEVEL BEFORE THE RAMPS GO DOWN INTO THE GARAGE. NOT UNLIKE WHAT IS IN THE WHOLE FOODS PROJECT ACROSS THE STREET WHERE THE CURBED -- THE ENTRANCES INTO THE GARAGE ARE ALSO ABOVE THE FLOODPLAIN BEFORE YOU GO DOWN INTO THE GARAGE BELOW. WE, WITH STAFF'S INPUT ON THAT PROJECT, IMPLEMENTED SECURITY PROVISIONS THAT MAKE THE ELEVATORS NOT STOP AT THE LOWER LEVEL BUT STOP AT THE STREET LEVEL IN AN EMERGENCY SITUATION, THE FIRE RE-CALL STORE, WE HAVE 24-HOUR SECURITY MONITORING, THE WATER GAUGE AT THE 12TH STREET BRIDGE. WE HAVE BUILT IN BLUE LIGHTS AND BUILT IN PRERECORDED MESSAGES THAT ADVISE PEOPLE WHAT TO DO IN THE EVENT OF RISING WATER IN THE CREEK LONG BEFORE IT GETS TO THE BUILDING, AND THOSE SAME PROCEDURES AND MEASURES WILL BE IMPLEMENTED ON THIS PROJECT.

KIM: OKAY. GOOD. BECAUSE I WAS THINKING ABOUT WHEN THE -- IN TEXAS MEDICAL CENTER WHEN THEY HAD THAT FLOODING AND REMEMBER A STORY -- A HORRIFIC STORY ABOUT A WOMAN WHO GOT INTO AN ELEVATOR AND THE GARAGE WAS FLOODED AND THE ELEVATOR WENT DOWN AND SO SHE DROWN. SO I WAS JUST WONDERING WHAT MEASURES YOU HAD IN PLACE, BUT IT SOUNDS LIKE YOU'VE GOT ELEVATORS STOPPING ABOVE THOSE LOWER LEVEL PARKING LEVELS.

THAT'S CORRECT. THEY WILL STOP AT STREET LEVEL IN THE EVENT OF HIGH WATER FOR ANY EMERGENCY.

KIM: OKAY. THANK YOU.

MAYOR WYNN: FURTHER QUESTIONS FOR MR. DUGAN? COMMENTS? THANK YOU, RICK. OUR NEXT SPEAKER IS IAN

ENGLISH. WELCOME, IAN.

HELLO, I'M IAN ENGLISH. AND I LIVE, ALONG WITH MAYOR WYNN, IN AUSTIN CITY LOFTS BUT THAT'S NOT REALLY WHY I'M HERE. ACTUALLY THE MANAGER AND I, STEVEN JOHNS, WENT AND LOOKED AT THE PLANS THAT ARE AVAILABLE TODAY WITH AN ENGINEER, AND CAME AWAY WITH AN APPRECIATION IN LARGE PART FOR THIS PROJECT. I THINK THEY PUT -- I KNOW THEY PUT A LOT OF WORK IN IT AND IT HAS A LOT OF POSITIVE THINGS TO IT. BUT THE REASON I'M HERE IS ONE THING IN THE CONVERSATION WITH KEVIN THAT STRUCK ME TODAY WAS HE MENTIONED AS PART OF MAKING THE WATER FLOW BETTER IN THE CREEK AND AS PART OF KEEPING THIS -- THE IMPACT OF THIS BUILDING, I GUESS ZERO ON THE 100-YEAR FLOODPLAIN, THAT THEY PLAN TO TAKE THE SIXTH STREET BRIDGE AND PRETTY MUCH COVER -- WELL, NOT PRETTY MUCH, BUT LINE THE INNER ARCHES, THE STONE ARCHES OF SIXTH STREET BRIDGE WITH GUNITE. ESSENTIALLY THEY WANT TO PIPELINE THE INNER ARCH, NOT THE FACES OF THE BRIDGE BUT THEY WANT TO TAKE THE STONE THAT IS -- THAT COMPRISES THE ARCHES, THE THREE ARCHES OF THE BRIDGE FROM UNDERNEATH, ONE OF WHICH YOU CAN SEE FROM THE PEDESTRIAN WALKWAY WITH -- THEY WANT TO COAT IT WITH GUNITE TO MAKE IT SMOOTHER SO THE WATER WILL GO THROUGH FASTER SO THE MODEL WILL WORK, ESSENTIALLY. DESIGNER UNDERSTANDS IT AND MAYBE THEY CAN ADDRESS IT IF I SAID SOMETHING WRONG. I WAS SPEAKING TO RICK AND EVERYBODY BEFORE THE MEETING AND ENCOURAGED THEM FROM A HISTORICAL RESERVATION POINT OF VIEW TO TRY TO AVOID DOING THAT IF AT ALL POSSIBLE, AND RICK HAS TOLD ME THAT HE'LL -- THEY'LL RUN THE MODEL AGAIN WITH -- YOU KNOW, AND SEE IF THERE'S SOME WAY THEY COULD SMOOTH THE STONE OR MAKE IT -- MAKE THE EXISTING ARCHWAY SMOOTH SMOOTHER WHERE IT WOULD KENTUCKY THE WATER RAPIDLY ENOUGH. BUT I THINK IT WOULD BE A REAL SHAME AND IF THERE'S ANY WAY OUT OF DOING THIS, MY PHILOSOPHY IS WHERE THERE'S A WILL, THERE'S A WAY. IF THEY COULD FIND A WAY TO MAKE THIS MODEL WORK WITHOUT COATING THE INSIDE OF THAT BRIDGE WITH CONCRETE AND ESSENTIALLY TURNING THOSE -- THOSE

ARCHES INTO CONCRETE PIPELINES, WHICH BY THE WAY ARE GOING TO BE GRAFFITI TARGETS AS WELL, AND RIGHT NOW THERE'S NOT MUCH WORK THAT WAY ON THE STONE, I WOULD ENCOURAGE THEM TO DO THAT. AND THEY'VE SAID THEY'RE GOING TO GET BACK WITH ME. BUT I WANTED TO BRING THAT TO THE COUNCIL'S ATTENTION AND MAYBE -- I NOTICE THE VARIANCE SAYS -- YOU-ALL'S VARIANCE SAYS STRUCTURAL -- MAINTAIN STRUCTURAL IMPROVEMENTS TO THE CREEK BED AND THE -- AND I JUST WANTED YOU-ALL TO UNDERSTAND THE BRIDGE IMPROVEMENTS INCLUDE THIS CONCEPT.

MAYOR WYNN: THANK YOU, MR. ENGLISH. QUESTIONS FOR MR. ENGLISH, COUNCIL? THANK YOU, IAN. THAT IS A GORGEOUS BRIDGE, BY THE WAY. SO, COUNCIL, THAT'S ALL OF OUR CITIZEN SIGN-UPS, I BELIEVE. ANYBODY ELSE WOULD LIKE TO ADDRESS US ON THIS PUBLIC HEARING REGARDING THE FLOODPLAIN VARIANCE ITEM NO. 150? THANK YOU ALL. SO COUNCIL, IF YOU DON'T MIND, AS A PRECAUTION I AM GOING TO STEP OFF THE DAIS. I LIVE RIGHT ACROSS THE CREEK FROM THIS PROJECT. MY PROPERTY BENEFITS FROM THE VERY SAME IMPROVEMENTS THAT STAFF IS RECOMMENDING WITH THEIR RECOMMENDED APPROVAL, AND SO I JUST FEEL MORE COMFORTABLE NOT BEING PART OF THIS VOTE. SO IF I CAN HAND IT OVER TO MAYOR PRO TEM, I APPRECIATE THAT.

DUNKERLEY: ARE THERE ANY OTHER QUESTIONS ABOUT THIS ITEM FROM THE COUNCIL? IF NOT, ARE WE READY FOR A MOTION? [INAUDIBLE]

MAYOR WYNN: SECOND? WE HAVE A MOTION BY COUNCIL MEMBER MCCrackEN AND A SECOND BY COUNCIL MEMBER MARTINEZ. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: THE VOTE IS 6-1 WITH THE MAYOR CURRENTLY OFF THE DAIS. IS THAT IT?

MCCRACKEN: YOU CAN GET THE MAYOR BACK.

DUNKERLEY: NOW YOU CAN GET THE MAYOR BACK. ALL

RIGHT. LET'S SEE. YOU CAN COME BACK.

MAYOR WYNN: OKAY. THANK YOU ALL VERY MUCH.

MCCRACKEN: WE WEREN'T GOING TO LET YOU ESCAPE.

MAYOR WYNN: AND I'LL BE SHOWN AS NOT VOTING ON THAT ITEM. THANK YOU. OKAY. SO OUR LAST PUBLIC HEARING, ITEM NO. 151, CONSIDER THE ORDINANCE THAT ACTUALLY CREATES THE PROPOSED TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 17 FOR THE WALLER CREEK TUNNEL PROJECT. WELCOME A PRESENTATION BY MR. JOHN STEIVES.

THANK YOU, MAYOR. THIS ITEM TODAY, ITEM 151, IS TO CONDUCT A PUBLIC HEARING ON THE PROPOSED TAX INCREMENT FINANCING REINVESTMENT ZONE FOR THE WALLER CREEK AREA AND TO CONSIDER APPROVAL OF AN ORDINANCE CREATING THE ZONE. THIS ITEM ALSO CREATES THE TIF BOARD BUT DOES NOT APPOINT THE MEMBERS TO THE TIF BOARD. THAT WILL BE DONE AT A SUBSEQUENT COUNCIL ACTION. LET ME JUST NOTE FIRST THAT THERE ARE A NUMBER OF ITEMS THAT WE HAVE POSTED ON THE WEB SITE THAT IS BACKUP TO THIS, THAT INCLUDING THE PRELIMINARY FINANCING PLAN AND SO ON. ADDITIONAL ITEMS 1 THROUGH 8 ARE PART OF EXHIBIT C TO THAT ORDINANCE. BRIEFLY, THE STEPS THAT WE HAVE TAKEN TO DATE ARE ON MARCH THE 8TH OF THIS YEAR WE CONDUCTED A PUBLIC HEARING ON THE PROJECT ITSELF. ON MARCH THE 27TH TRAVIS COUNTY VOTED TO AGREE TO PARTICIPATE, PASSED A RESOLUTION TO PARTICIPATE IN A PROJECT WITH US TO COMMIT 50% OF THEIR TAX INCREMENT TO THE PROJECT. ON APRIL 5 COUNCIL APPROVED ISSUING THE NOTICE OF INTENT TO ALL THE TAXING JURISDICTIONS IN THE AREA AND TO HOLD A PUBLIC HEARING AND CREATE THE -- OR THE TAX INCREMENT REINVESTMENT ZONE, WHICH IS WHY WE'RE HERE TONIGHT. AND THEN ON JUNE 8 WE MADE A JOINT PRESENTATION ON THE TIF TO THE SCHOOL DISTRICT AND TRAVIS COUNTY. CERTAINLY ONE OF THE PROBLEMS THAT THIS PROJECT, THE TUNNEL PROJECT, WILL SOLVE IS THAT OF FLOODING IN THE WALLER CREEK AREA. WALLER CREEK IS ONE OF THE CITY'S WORST FLOODING PROBLEMS IN THE URBAN -- IN THE

DRAINAGE MASTER PLAN IN THE URBAN AREA AND THE FLOODPLAIN IS UP TO 800 FEET WIDE, AS YOU CAN SEE IN THE GRAPHIC THERE. AND WE'VE HAD A PROBLEM WITH PREVIOUS TRAIL AND CREEK IMPROVEMENTS THAT HAVE SIMPLY WASHED AWAY. THIS TUNNEL PROJECT WILL SOLVE THE FLOODING PROJECT -- OR THE FLOODING PROBLEM IN WALLER CREEK, AND THE OTHER THINGS THAT IT WILL DO IS PROVIDE ECONOMIC DEVELOPMENT IN THE WALLER CREEK AREA. IT WILL DO THAT BECAUSE IT REMOVES 42 COMMERCIAL AND RESIDENTIAL STRUCTURES FROM THE 100-YEAR FLOODPLAIN, 12 ROADWAYS AND OVER 1.2 MILLION SQUARE FEET OF LAND THAT IT WILL TAKE OUT OF THAT FLOODPLAIN. IT ALSO HELPS US, I THINK, IN OUR EFFORTS TO LINK EAST AUSTIN TO DOWNTOWN AND STRING THEN THE REVITALIZATION EFFORTS WE HAVE AT 11TH AND 12TH STREET, ROBERTSON HILL AND THE I-35 MAKEOVER. IT IS SIGNIFICANTLY ENHANCE THE VALUE OF TAXABLE REAL PROPERTY IN THE PROPOSED REINVESTMENT ZONE AND ALLOW FOR FURTHER GROWTH ALONG THE CREEK.. AND WILL BENEFIT THE CITY AND ITS RESIDENTS INCLUDING PROPERTY OWNERS THAT ARE INSIDE THE ZONE. THIS GRAPHIC HERE IS A SCHEMATIC OF WHERE THE TUNNEL WILL ACTUALLY BE CONSTRUCTED. AS YOU SEE UP AT THE TOP HERE IT, THE INLET, PROPOSED INLET FEATURE FOR THE TUNNEL THAT CAPTURES THE WATER IS IN WATER..... WATERLOO PARK ACROSS FROM BRACKENRIDGE HOSPITAL. THE TUNNEL WILL FOR THE MOST PART GO UNDER SABINE STREET DOWN TO THE OUTLET IN TOWN LAKE. THIS IS A SIDE VIEW OF THE WAY THE CREEK WILL LOOK. THERE WILL BE A CONSTANT FLOW OF 3 TO 4 FEET IN THE WATER DURING DRY PERIODS BECAUSE THERE WILL BE WATER PUMPED UP FROM TOWN LAKE THAT FLOWS CONTINUALLY IN THE AREA AS SORT OF A BABBLING BROOK SCENARIO, BUT EVEN IN A HUNDRED YEAR FLOOD THE WATER WILL NOT GET HIGHER THAN 5 FEET AND WILL NOT GO OVER THE BANKS OF WALLER CREEK. THIS IS A GRAPHIC OF, AGAIN, WHERE THE INLET WOULD BE. AS YOU SEE, RED RIVER IS THERE ON THE EAST SIDE. IT'S IN WATERLOO PARK ACROSS FROM BRACKENRIDGE HOSPITAL. THIS IS ANOTHER LOOK AT IT, AN ARTIST'S RENDERING OF WHAT IT WOULD ACTUALLY LOOK LIKE. IT WILL BE A PARK-LIKE AMENITY. THIS IS THE LOCATION, AGAIN, OF THE OUTLET AT TOWN LAKE, BETWEEN

THE TOWN LAKE ROWING CENTER AND WALLER CREEK AND AGAIN, AN ARTIST'S RENDERING OF WHAT THIS MIGHT LOOK LIKE WHEN IT'S ACTUALLY COMPLETED. THESE ARE THE PROPOSED BOUNDARIES OF THE REINVESTMENT ZONE. IT'S FORMED BY 12TH STREET ON THE NORTH AND ON THE WESTERN BOUNDARY GOING SOUTH FROM 12TH STREET IT RUNS ALONG RED RIVER UNTIL YOU GET TO 3RD STREET, THEN GOES WEST ON 3RD STREET AND THEN SOUTH ON TRINITY DOWN TO TOWN LAKE, WHICH FORMS THE SOUTHERN BOUNDARY OF THE PROPOSED ZONE, ALONG TO CUMMINGS STREET HERE, AND THEN OVER TO EAST AVENUE AND ALONG I-35 FORMS THE EASTERN BOUNDARY GOING BACK UP TO 11TH AND 12TH STREET. THE AREA WITHIN THE ZONE IS APPROXIMATELY 126 ACRES, INCLUDING PUBLIC RIGHT-OF-WAY OR CITY BLOCKS. ONE OF THE THINGS THAT WE HAVE DONE WITH THIS PROJECT IS TO HAVE A MARKET RESEARCH CONSULTANT COME IN AND LOOK AT WHAT SORT OF DEVELOPMENT WOULD OCCUR WITHIN THE ZONE AFTER -- WHEN THE TUNNEL IS CONSTRUCTED. THEY ANALYZED THE TOTAL BUILDABLE AREA WITHIN THE ZONE BASED ON EXISTING ZONING AND ON OTHER RESTRICTIONS, FOR EXAMPLE, TAKING INTO ACCOUNT THE CAPITAL VIEW CORRIDOR. THEIR PROJECTIONS SHOW THAT THE AREA IS EXPECTED TO BE REDEVELOPED WITH A MIX OF USES, INCLUDING RESIDENTIAL RETAIL, HOTEL AND OFFICE AND THAT THE TOTAL INCREASE IN ASSESSED VALUE -- THESE ARE IN \$2,006, LAST YEAR'S DOLLARS, IS 1.7 BILLION, AND OF COURSE AS THE PROPERTY IS ACTUALLY ADDED ON TO THE TAX ROLLS IN THE FUTURE, IT SHOULD BE AT A HIGHER VALUE. THE NEXT STEPS THAT WILL HAVE TO BE DONE, ALL OF THIS IS UNDER STATE LAW, IN ACCORDANCE WITH STATE LAW, IS AGAIN IT WILL BE CREATING THE TIF BOARD TONIGHT BUT NOT APPOINTING IT SO AT A SUBSEQUENT COUNCIL MEETING YOU WILL APPOINT THE TIF BOARD. THAT TIF BOARD WILL APPROVE THE FINAL FINANCING PLAN AND THEN THE CITY AND THE COUNTY WILL HAVE TO APPROVE AN INTERLOCAL AGREEMENT ON THE TIF THROUGH WHICH THE COUNTY WILL CONTRIBUTE ITS 50% AND THE CITY WILL CONTRIBUTE ITS 100% OF THE TAX INCREMENT AND BEYOND THAT THERE IS JUST THE ONGOING MONITORING AND REPORTING REQUIREMENTS BY THE TIF BOARD.

THAT CONCLUDES OUR PRESENTATION. WE'VE GOT OUR CONSULTANTS HERE TONIGHT AND REPRESENTATIVES FROM OUR BOND COUNCIL WHO HAVE HELPED UP WRITE THE ORDINANCE AND WE'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU HAVE.

MAYOR WYNN: THANK YOU, MR. STEVENS. QUESTIONS FOR STAFF? COUNCIL? LET US SAY OBVIOUSLY WE'VE BEEN FOLLOWING THIS NOW FOR MONTHS AND GREATLY APPRECIATE, YOU KNOW, THE TECHNICAL EXPERTISE THAT YOU AND YOUR STAFF AND CONSULTANTS AND BOND COUNCIL HAVE GIVEN -- YOU KNOW, GIVEN US EACH STEP OF THE WAY. APPRECIATIVE AND VERY MUCH RESPECT THE TECHNICAL ADVICE YOU-ALL HAVE GIVEN US. ANY QUESTIONS, COMMENTS? COUNCIL MEMBER COLE?

COLE: MAYOR, I JUST WANT TO TAKE THE OPPORTUNITY TO THANK NOT ONLY JOHN STEVENS BUT JOE PENTANO AND GARY PASAVO AND OUTSIDE CONSULTANTS, BILL ESPI, HE HE IS PI HOUSTON AND BROWN. THIS IS A PROJECT THAT'S BEEN AROUND FOR OVER 30 YEARS AND WE'RE FINALLY JUMPING THROUGH ALL THE STEPS TO BRING IT TO FRUITION, AND IT MIGHT NOT SEEM LIKE A BIG NIGHT TONIGHT BUT IT ACTUALLY IS BECAUSE WE ARE ACTUALLY SETTING UP THE TAX INCREMENT FINANCING ZONE.

MAYOR WYNN: AND OF COURSE BIG CONGRATULATIONS AND THANK YOU TO COUNCIL MEMBER COLE AND MAYOR PRO TEM DUNKERLEY WHO SPEARHEADED THIS COUNCIL'S..... COUNCIL'S EFFORT TO REINVIGORATE THIS IMPORTANT PROJECT. COMMENTS, QUESTIONS? WE DON'T HAVE ANY CITIZENS WHO HAVE SIGNED UP TO GIVE US TESTIMONY, BUT ANYBODY IS WELCOME TO DO THAT NOW IF YOU'D LIKE TO. ITEM 151, THE ORDINANCE CREATING THE TAX INCREMENT FINANCING REINVESTMENT ZONE FOR THE WALLER CREEK TUNNEL. CHARLIE BETS. WELCOME. I FIGURED YOU COULDN'T RESIST YOURSELF.

THANK YOU, MAYOR, I'M CHARLIE BETS. I'M THE EXECUTIVE DIRECTOR OF THE DOWNTOWN AUSTIN ALLIANCE AND JUST ON BEHALF OF ALL THE MEMBERS, THE 600 OR SO PROPERTY OWNERS IN DOWNTOWN AUSTIN, WE'RE VERY, VERY APPRECIATIVE. WE'VE WORKED ON THIS FOR MANY,

MANY YEARS AND MANY YEARS BEFORE US, BUT THIS COUNCIL AND THIS LEADERSHIP GOT US THERE. WE THINK IT WILL BE A WONDERFUL ASSET FOR THE ENTIRE CITY. THANK YOU.

MAYOR WYNN: THANK YOU, MR. BETS. ANY ADDITIONAL CITIZEN TESTIMONY REGARDING THIS ORDINANCE? THANK YOU ALL VERY MUCH. COMMENTS? QUESTIONS? MAYOR PRO TEM, CAN I ENTERTAIN A MOTION? COUNCIL MEMBER COLE?

COLE: APPROVAL.

DUNKERLEY: AND I SECOND THAT PROCEEDINGS.

MAYOR WYNN: MOTION BY COUNCIL MEMBER COLE, SECONDED BY MAYOR PRO TEM TO CLOSE THIS PUBLIC HEARING AND APPROVE THIS ORDINANCE CREATING THE WALLER CREEK TIF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON VOTE OF 7-0. THANK YOU ALL VERY MUCH. [APPLAUSE] NOW FOR THE REAL APPLAUSE, MS. BETS WE'RE THROUGH. THERE BEING NO MORE BUSINESS BEFORE THE AUSTIN CITY COUNCIL WE STAND ADJOURNED. IT IS 7:30 P.M.

End of Council Session Closed Caption Log