

Closed Caption Log, Council Meeting, 08/23/07

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Mayor Wynn: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN. IT'S MY PRIVILEGE TO WELCOME PASTOR ABRAHAM PEREZ FROM EBENEZER FAMILY WORSHIP CENTER TO LEAD US IN OUR INVOCATION. PLEASE RISE AND WE'LL NOTE THAT THE WORSHIP CENTER HAS RECENTLY RELOCATED TO CAMERON ROAD NEAR REAGAN HIGH SCHOOL. HAD BEEN NEAR LADY BIRD LAKE FOR YEARS SO WE'RE PROUD TO HELP PASTOR PEREZ TELL FOLKS ABOUT THE NEW LOCATION OF THE CHURCH AND WELCOME HIM TO LEAD US IN THE INVOCATION. WELCOME, PASTOR.

THANK YOU. I AM GOING TO READ THE BOOK OF LUKE, CHAPTER 6, VERSE 20, AND IT SAYS THEN HE LIFTED UP HIS EYES TOWARDS HIS DISCIPLES AND SAID BLESSED ARE YOU WHO HUNGER FOR YOU SHALL BE FED. BLESSED ARE YOU WHO WEEP NOW FOR YOU SHALL LAUGH. BLESSED ARE YOU WHEN MEN HATE YOU AND WHEN THEY EXCLUDE YOU AND REVILE YOU AND CAST YOU OUT FOR THE SAKE OF THE SON OF MAN. REJOICE IN THE DAY WHERE YOU SHOULD REJOICE FOR INDEED THE REWARD IS GREAT IN HEAVEN. AND IN THE MANNER OF A FATHER THAT DID THOSE TO THE PROPHETS. LET'S BOW OUR HEADS AND PRAY TO THE LORD AND THANK THE LORD FOR THIS BEAUTIFUL DAY HE HAS GIVEN US. FATHER, WE COME BEFORE YOU AND WE THANK YOU FOR GIVING US THIS PRIVILEGE TO COME TOGETHER AS A FAMILY, AS A CITY, AS ALL THE MEMBERS OF CITY COUNCIL. LORD, I JUST THANK YOU FOR GIVING US THE PRIVILEGE TO HONOR AND TO WORSHIP AND TO HAVE THE FREEDOM.

LORD, I JUST PRAY THAT ALL THE BUSINESS THAT WILL TAKE PLACE TODAY, THAT YOU WOULD GIVE ALL OF US THE WISDOM AND KNOWLEDGE TO DO THE RIGHT DECISIONS. AND LORD, WE JUST WANT TO LIFT YOU UP AND WORSHIP YOU AND DO ALL THE THINGS FOR THE RIGHT CAUSES TO HELP OUR NEIGHBOR, TO HELP OUR BROTHER. AND LORD, WE THANK YOU AND THIS MEETING IS ABOUT TO BEGIN. IN JESUS' NAME WE PRAY, AMEN.

Mayor Wynn: THANK YOU, PASTOR PEREZ, AND CONGRATULATIONS ON THE NEW FACILITY. THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, AUGUST 23rd, 2007, APPROXIMATELY 10:18 A.M. WE ARE IN THE CITY COUNCIL CHAMBERS HERE AT THE CITY HALL BUILDING, 301 WEST SECOND STREET. WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE, ON ITEM NUMBER 4, WE SHOULD STRIKE THE PHRASE "AND EXECUTION." THIS WILL BE AUTHORIZING THE NEGOTIATION OF A POTENTIAL LAND LEASE AT THE AIRPORT. ITEMS NUMBER 10 AND NUMBER 17 HAVE BEEN WITHDRAWN. WE WILL NOTE THAT TECHNICALLY ITEM NUMBER 31, OUR BOARD AND COMMISSION APPOINTMENT ITEM, THERE ARE NO APPOINTMENTS THIS WEEK SO ITEM 31 ESSENTIALLY IS WITHDRAWN. ITEM NUMBER 48, WE NEED TO INSERT THE ADDITIONAL PHRASE OF "MIXED USE." FROM THE PLANNING COMMISSION RECOMMENDATION. THAT RECOMMENDATION IS TO GRANT GENERAL OFFICE MIXED USE CONDITIONAL OVERLAY OR GO-MU-CO. ON ITEM NUMBER 54, WE NEED TO INSERT THE PHRASE "TOWNHOUSE AND CONDOMINIUM RESIDENCE, SF-6." SO NOTING THAT THE STAFF RECOMMENDATION IS TO GRANT TOWNHOUSE AND CONDO RESIDENT SF-6 ZONING. THOSE ARE CRAINGSZ AND CHANGES AND CORRECTIONS. OUR SCHEDULE, AS SOON AS WE GET THROUGH THE CONSENT AGENDA, WE'LL HAVE A BRIEFING FROM THE OFFICE OF THE POLICE MONITOR THIS MORNING. AT NOON WE HAVE OUR GENERAL CITIZEN COMMUNICATIONS. AND 2:00 WE WILL START OUR AFTERNOON BRIEFING. OUR BUDGET BRIEFING, AND THIS ONE WILL FOCUS ON OUR PUBLIC SAFETY DEPARTMENTS. THEN SOMETIME SHORTLY AFTER 3:00 WE'VE POSTED A HEARING FOR US TO RECEIVE SOME TESTIMONY ABOUT THE

PROFILE FOR A NEW CITY MANAGER AS WE WILL START TO BEGIN THAT SEARCH FOR MANAGER FOR NEXT YEAR. AT 4:00 WE HAVE OUR ZONING HEARINGS, APPROVAL OF ORDINANCES AND RESTRICT..... RESTRICTIVE COVENANTS. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AND AT 6:00 WE HAVE PUBLIC HEARINGS AND POSSIBLE ACTION NOTING THAT WE'LL TAKE A LOT OF TESTIMONY LIKELY FROM CITIZENS REGARDING THE PROPOSED FISCAL '07-'08 BUDGET. AND EVEN THOUGH THIS AFTERNOON'S BRIEFING ON THAT BUDGET SPECIFICALLY RELATES TO OUR -- WE WELCOME ANY TESTIMONY FROM CITIZENS ON THAT BIG AND BROAD BUDGET. ACTUALLY BEFORE I ANNOUNCE THE PULLED ITEMS AND START TO PROPOSE A CONSENT AGENDA, COUNCIL, HAS ASKED FOR POTENTIAL UPCOMING ITEMS, JUST TO GIVE US AND THE PUBLIC NOTICE MUCH SOME..... OF SOME ITEMS WE THINK MIGHT BE COMING UP ON FUTURE AGENDA. COUNCILMEMBER KIM.

Kim: THANK YOU, MAYOR. THERE IS AN ITEM I'M WORKING ON RIGHT NOW AND IT HAS TO DO WITH MUELLER REDEVELOPMENT. I GOT THE IDEA WHEN I WAS LOOKING AT THAT COMMUNITY AND NOTICING WE'RE GOING TO HAVE A LOT OF HEALTH FACILITIES, THE CHARTER HOSPITAL, SETON AND THE ACADEMIC HEALTH CENTER, AND I LEARNED ABOUT A PROJECT IN BALTIMORE WHERE JOHNS HOPKINS WAS ABLE TO PROVIDE SOME COMMUNITY BENEFITS TO THE SURROUNDING AREA IN TERMS OF [INAUDIBLE] HEALTH AND WELLNESS PROGRAM. SO I'LL BE WORK GOES ON THAT WITH THE MUELLER ADVISORY BOARD AND LOOKING AT A HEALTHY FITNESS AND WELLNESS COMPONENT TO MUELLER AND I'LL BE GOING TO A CONFERENCE IN LITTLE ROCK NEXT WEEK ON OBESITY AND FIGHTING OBESITY IN THE SOUTHERN STATES.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER LEFFINGWELL.

Leffingwell: MAYOR, AS YOU KNOW, WE'VE HAD A GROUP OF STAKEHOLDERS WORKING FOR OVER A YEAR NOW TO LOOK AT RETROFIT -- WATER QUALITY RETROFIT OPPORTUNITIES IN THE RECHARGE ZONE. WE HAVE COME UP WITH A DRAFT ORDINANCE WHICH WILL BE WORKING THROUGH THE BOARDS AND ECONOMISTS AND WE WILL ALSO BE

PRESENTING IT TO GROUPS AROUND THE CITY AND IT'S CURRENTLY SCHEDULED TO COME BACK TO COUNCIL ON OCTOBER 11th.

Mayor Wynn: GREAT. THANK YOU, COUNCILMEMBER. ADDITIONAL POTENTIAL UPCOMING ITEMS? THANK YOU ALL VERY MUCH. SO COUNCIL, SO FAR ON TODAY'S POSTED AGENDA, WE HAVE THREE ITEMS THAT ARE PULLED FROM THAT AGENDA. ITEM NUMBER 11 HAS BEEN PULLED BY COUNCILMEMBER LEFFINGWELL. AND THEN RELATED ITEMS 19 AND 20 I HAVE PULLED FOR A BRIEF STAFF PRESENTATION. THESE RELATE TO OUR YEAR 2000 TRANSPORTATION BOND PROGRAM, INCLUDING SOME MAJOR STREET IMPROVEMENTS AND RECONSTRUCTION PROJECTS. SO ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA OR ADDED BACK. THEN HEARING -- I'LL NOTE THAT A HANDFUL OF CITIZENS HAVE SIGNED UP TO SPEAK, ENOUGH TO PULL A COUPLE OF ITEMS, BUT THEY WOULD HAVE BEEN PULLED ANYWAY, LOOKS LIKE. ALTHOUGH -- SO OUR PROPOSED CONSENT AGENDA THIS MORNING WILL BE TO APPROVE, NUMERICALLY, ITEMS 1, 2, 3, 4, PER CHANGES AND CORRECTIONS, 5, 6, 7, 8, 9. WE'LL NOTE THAT ITEM 10 HAS BEEN WITHDRAWN FOR CHANGES ARREST CORRECTIONS. 12, 13, 14, 15, 16, NOTING THAT 17 ALSO HAS BEEN WITHDRAWN PER CHANGES AND CORRECTION. WE'LL BE APPROVING 18, 21, 22, 23, 24, 25, 26, 27, 28, 39, 30. WE WILL NOTE THAT ITEM 31 HAS BEEN WITHDRAWN AS THERE ARE NO BOARD AND COMMISSION APPOINTMENTS THIS WEEK. WE'LL BE APPROVING ITEMS 32, 33, AND 34. I'LL ENTERTAIN A MOTION.

SO MOVED.

MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER COLE TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: ON ITEM NUMBER 4, I BELIEVE MR. SMITH IS HERE, AIRPORT DIRECTOR. THIS IS AN ITEM TO APPROVE A GROUND LEASE FOR A LOW-COST TERMINAL AT MIMD..... MID-FIELD. AND THE ITEM NOW READS TO NEGOTIATE. HOPEFULLY WE WILL ESTABLISH SOME GUIDELINES FOR

THESE NEGOTIATIONS AND TALK ABOUT THOSE GUIDELINES IN FUTURE EXECUTIVE SESSIONS AS WE PROGRESS IN THE NEGOTIATIONS. MY MAIN CONCERN, IT IS GOING TO BE A COMPLEX AGREEMENT, I THINK, AND THERE WILL BE A LOT OF VARIABLES INVOLVED AND IT'S COMPLEX ENOUGH TO WHERE I THINK WE OUGHT TO BE -- THE COUNCIL OUGHT TO BE BRIEFED ON IT AS WE GO FORWARD. AND MY MAIN CONCERN IS TO MAKE SURE THAT WE -- THE CONTRACT IS STRUCTURED SO THAT THERE'S FAIRNESS BETWEEN THOSE WHO OPERATE -- FAIRNESS AND EQUITY BETWEEN THOSE WHO OPERATE OUT OF THE LOW-COST TERMINAL AND THOSE WHO ARE CURRENTLY OPERATING OUT OF THE MAIN TERMINAL. SO MR. SMITH, IF YOU WOULD LIKE TO MAKE A COUPLE OF COMMENTS ON THAT, YOU ARE MORE THAN WELCOME, BUT I'M GOING TO LEAVE IT ON CONSENT. I JUST WANTED TO MAKE THAT EXPLANATION.

WELL, AS IT RELATES TO RATE STRUCTURE, THE F.A.A. REQUIRES THAT WE DO NOT DISCRIMINATE AMONG THE PLAYERS AT THE AIRPORT. AND WHAT THEY MEAN BY THAT IS THERE'S TWO FEES INVOLVED AT THE AIRPORT. ONE IS AN AIR FIELD-RELATED FIELD FOR THE USE OF THE RUNWAYS, TAXIWAYS. EVERYBODY WHO FLIES AT THE AIRPORT PAYS THE SAME FEES SO THAT CANNOT BE MODIFIED. THEN YOU PAY A FEE FOR THE FACILITIES THAT YOU RENT FROM THE AIRPORT, YOUR OFFICE SPACE, YOUR GATES, YOUR LOADING BRIDGES, ET CETERA LIKE THAT, AND THERE'S A FEE ASSOCIATED WITH THAT. THE ONLY WAY YOU CAN DIFFERENTIATE AMONG THE PLAYERS IS IF ONE DOESN'T HAVE THE SAME TYPE OF FACILITIES AS THE OTHER. AND UNDER THE LEASE ARRANGEMENT WE'RE CONTEMPLATING, THE NEW ULTRA LOW-COST TERMINAL IS GOING TO HAVE LOADING GATES, IT'S NOT GOING TO HAVE THE SAME LEVEL OF ELECTRONICS AND TELECOMMUNICATIONS, AND AS A RESULT IT'S GOING TO HAVE A CHEAPER RENT. SO IT IS PERFECTLY OKAY UNDER THE F.A.A. GUIDELINES TO HAVE A RENT STRUCTURE IN THE MAIN TERMINAL, ALL THE PLAYERS WHO SHARE THAT FACILITY, AND HAVE THAT BE DIFFERENT THAN THE RENT STRUCTURE FOR THE ULTRA LOW-COST TERMINAL. WHAT YOU CAN'T CHANGE IS ANYTHING ON THE LANDING FEE. THE ONLY VARIATION THAT OCCURS IN THAT IS OCCASIONALLY THE AIRPORT OFFERS INCENTIVES TO A

CARRIER WHO IS INTRODUCING NEW, NON-STOP SERVICE. AND FOR A LIMITED PERIOD OF TIME, THE AIRPORT SOMETIMES WILL OFFER INCENTIVES TO UNDER WRITE SOMEBODY'S LANDING FEE OR RENTAL RATE IN THE TERMINAL FOR A SPECIFIC PERIOD OF TIME WHILE THEY INTRODUCE THE NEW NON-STOP SERVICE. BUT THAT HAS A LIMITED TIME PERIOD AND ENDS AT A CERTAIN PERIOD WHERE THE RENTS OBVIOUSLY GOOD ON FOR AS LONG AS THAT ENTITY IS THERE. SO THAT'S PRETTY MUCH HOW IT WORKS, AND AS A RESULT ANY DEAL WE STRIKE WITH G.E. HAS TO BE SENT TO F.A.A. FOR REVIEW TO MAKE SURE WE ARE NOT CRIM.....DISCRIMINATING AGAINST ANY OF THE CARRIERS.

Leffingwell: AND I ALSO ASSUME AS YOU'VE BEEN GOING ALONG YOU'VE BEEN GETTING INPUT FROM THE OTHER AIRLINES, THE ONES WHO CURRENTLY OPERATE OUT OF THE MAIN TERMINAL AND LIKE TO MAKE SURE THEY ARE FULLY INFORMED AS TO WHAT'S GOING ON TOO. BUT LITTLE..... IT IS A COMPLEX AGREEMENT. THE TERM HAS NOT BEEN TOTALLY NAILED DOWN YET. THE PRICE PER SQUARE FOOT, WE HAVE A MINIMUM NUMBER OF PER SQUARE FOOT, BUT THAT HAS NOT BEEN NAILED DOWN. IT'S COMPLICATED ENOUGH TO WHERE WE HAVE ANOTHER AGENDA ITEM TODAY THAT WE ARE GOING TO APPROVE ON THE CONSENT AGENDA TO HIRE OUTSIDE COUNSEL TO NEGOTIATE THAT AGREEMENT. SO MY CONCERN IS JUST TO MAKE SURE THAT WE'RE BRIEFED ON AN ONGOING BASIS AND HOPEFULLY WE CAN START THAT EXECUTIVE SESSION TO TALK ABOUT THOSE DETAILS NEXT WEEK. SO THANK YOU.

IF ANY OF YOU AT THE COUNCIL OFFICES HAVE ANY QUESTIONS OR CONCERNS WE WOULD APPRECIATE HEARING ABOUT THEM BEFORE WE BRING THIS ITEM BACK IN A COUPLE WEEKS IN EXECUTIVE SESSION FOR YOU TO VOTE ON THE FINAL LEASE DEAL. THANKS.

Mayor Wynn: THANK YOU, MR. SMITH. AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE APPROVING THE PROPOSED CONSENT AGENDA. FURTHER COMMENTS? COUNCILWOMAN COLE. A MOTION AND A SECOND. FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. SO COUNCIL THAT IS CORRECT LEAVES US WITH THREE POTENTIAL ITEMS THIS MORNING BEFORE WE HAVE HOPEFULLY OUR POLICE MONITOR BRIEFING. I'LL SAY THAT ITEM NUMBER 11 REGARDING THE TEMPORARY USE EASEMENT, WE HAVE ABOUT 44 SPEAKERS SIGNED UP, A COUPLE HOURS' WORTH OF TESTIMONY. MY INSTINCT IS WE'RE GOING TO HAVE TO WAIT ON THAT FOR A FEW MINUTES WHILE WE TAKE UP, I THINK ITEMS 19 AND 20 WILL TAKE A COUPLE OF MINUTES, THEN I BELIEVE OUR POLICE MONITOR'S PRESENTATION ISN'T THAT LENGTHY. WITHOUT OBJECTION I WOULD LIKE TO CALL UP NUMBERS 19 AND 20 RELATED TO OUR YEAR 2000 TRANSPORTATION BOND PROJECTS THAT I PULLED FOR A QUICK BRIEFING JUST SO FOLKS UNDERSTAND WHAT IT IS WE'RE DOING. I KNOW THERE'S BEEN A FAIR AMOUNT OF INPUT ANALYSIS BY OUR URBAN TRANSPORTATION COMMISSION OVER THE LAST COUPLE OF MONTHS REGARDING THIS AND I'LL HAVE A FEW QUESTIONS AFTER OUR STAFF PRESENTATION. WELCOME.

THANK YOU. GOOD MORNING, MAYOR, COUNCILMEMBERS, CITY MANAGER. I AM BILL GARDNER, CHIEF ENGINEER PUBLIC WORKS DEPARTMENT. BRINGING FORTH TODAY A LIST OF PROJECTS DEVELOPED FOR THE 2000 BOND PROGRAM, THOSE TRANSPORTATION-TYPE PROJECTS. AND THEY ARE A LIST OF 17 PROJECTS. A COUPLE ARE IN SIMILAR LOCATIONS, BUT THEY ARE LISTED SEPARATELY. THERE ARE TWO OF THEM, FOR EXAMPLE, ON DAVIS AND ALSO INCLUDING SEVERAL CATEGORIES OF PROJECTS. LET'S SEE. HOW DO I ADVANCE THIS? TAKING US BACK A MOMENT TO THE YEAR 2000 WHEN THE 2000 BOND PROGRAM PASSED, THERE WERE SOME SPECIFIC REQUIREMENTS WRITTEN INTO THE ORDINANCE THAT WERE INCUMBENT UPON CITY STAFF TO MAKE CERTAIN STUDIES AND RECOMMENDATIONS TO COUNCIL PRIOR TO GOING FORWARD WITH PROJECTS THAT WOULD BE TAPPING INTO 2000 BOND MONEYS. THESE WERE PARTICULARLY LOOKING AT TAX AND SOCIAL EQUITIES, IMPACT ON THE DRINKING WATER PROTECTION ZONE, AND ASCERTAINING THAT THERE WOULD BE A FAVORABLE IMPACT ON MOBILITY, A DECREASE IN CONGESTION AND IMPROVEMENTS OF AIR QUALITY AND REQUIRING OUR STUDY OF ANY ALTERNATIVES THAT COULD

PROVIDE EQUAL OR BETTER RELIEF THAN WHAT WAS PROPOSED. AND, OF COURSE, A RECOMMENDATION BY CITY STAFF OF THE FINAL LIST, WHICH WE'RE BRINGING FORWARD TO YOU TODAY. BEGINNING THE LIST ARE SEVERAL CITY-COUNTY PARTICIPATION PROJECTS. BRAKER LANE, DECKER LAKE ROAD, WHICH IS REALLY THE CONTINUATION OF LOYOLA LANE MOVING FROM WEST TO EAST. PARMER LANE, OF WHICH THERE IS ALSO AN ACCOMPANISHING ITEM ON THE AGENDA TODAY TO APPROVE GOING FORWARD WITH THAT AGREEMENT. HOWARD LANE, WELLS BRANCH PARKWAY AND TUSCANY WAY. THE NEXT CATEGORY, WE HAVE ONE PROJECT IN THE U.T. AREA. THE 2000 BOND FUNDS WILL CONTRIBUTE TO WHAT WE'VE COMMONLY CALLED OVER THE YEARS THE DRAG PROJECT FROM 21st TO 24th ON DISBLOOP GUADALUPE. AS WELL AS THE BRAZOS STREET PROJECT FROM 3rd TO 11th, AND THE PROJECT FROM SAN ANTONIO TO BRAZOS, AND THE NUECES PROJECTS THAT WILL BE WITHIN THE GREEN WATER TREATMENT PLANT FOOTPRINT AFTER ITS DECOMMISSIONING. THE LAST GROUP OF PROJECTS ON THE LIST ARE THOSE GAP AND BOTTLENECK ELIMINATION PROJECTS THAT HAVE RISEN TO THE TOP OF THE LIST BASED ON A SCORING CRITERIA THAT LOOKS AT THE MOST BENEFIT TO THE MOST AMOUNT OF PEOPLE BY FILLING IN PIECES OF OUR TRANSPORTATION INFRASTRUCTURE THAT ARE MISSING THROUGHOUT THE CITY AND ENABLING BETTER FLOW OF TRAFFIC, SAFER FLOW OF TRAFFIC AND RELIEVING CONGESTION IN MANY CASES WITH NEIGHBORHOOD CUT-THROUGHS OR PARALLEL ROADWAYS. THAT'S THE END OF MY PREPARED REMARKS ON THE PARTICULAR PROJECTS. NOW I WOULD LOVE TO ENTERTAIN ANY SORT OF SPECIFIC QUESTIONS ABOUT SPECIFIC PROJECTS.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS, COUNCIL? I GUESS MY MAIN COMMENT OR JUST CONCERN WAS REGARDING THE ANALYSIS AND/OR DEBATE WE'VE BEEN HEARING OR HAVING ABOUT BRAZOS STREET'S RECONSTRUCTION. REMIND ME, YEARS AGO WE HAD LOOKED AT, YOU KNOW, BRAZOS AND COLORADO AS SORT OF A PAIR, AND I KNOW THAT THERE HAD BEEN SOME PRELIMINARY ENGINEERING AND PLANNING DONE THAT AS

THEY WOULD CLEARLY NEED REPAVING, RESTRUCTURING, THERE WAS THE OPPORTUNITY, OF COURSE, FOR THE GREAT STREET IMPROVEMENTS ON THOSE TWO -- AT LEAST PARTS OF THE LOWER SECTIONS OF COLORADO/BRAZOS. CAN YOU REMIND ME WHAT THE PLAN IS NOW FOR -- AND BRAZOS I NOTICE HAS BEEN ON HERE AS A POTENTIAL PROJECT. I DON'T SEE COLORADO. WHAT ARE THE -- WHAT'S THE TIMING OF THOSE TWO LIKELY PROJECTS?

LET ME FILL IN THE TIME LINE A LITTLE BIT, PLEASE. THE GREAT STREETS IMPROVEMENT ON BRAZOS AND COLORADO FROM FIRST -- FROM CESAR CHAVEZ TO THIRD STREET ARE INCLUDED IN THE SECOND STREET GREAT STREETS PROJECT, WHICH IS FULLY DESIGNED AND AWAITING EXECUTION UPON COMPLETION OF THE CESAR CHAVEZ TWO-WAY CONVERSION PROJECT.

Mayor Wynn: I'M SORRY, AND THOSE FUNDS HAVE BEEN ALLOCATED?

THEY ARE ALREADY IN THAT PROJECT BUDGET AND THAT PROJECT IS DESIGNED AND AWAITING ITS TIME SLOT IN THE SORT OF DOWNTOWN CONGESTION MANAGEMENT TIME SCHEME.

Mayor Wynn: ALL RIGHT.

CESAR CHAVEZ NEEDS TO GO FORWARD, AND UPON ITS COMPLETION THAT'S A GOOD TIME SLOT FOR SECOND STREET GREAT STREETS PROJECT, AGAIN INCLUDING THE FIRST THROUGH THIRD STREET PORTIONS OF BRAZOS AND COLORADO. GOING NORTH BEYOND THAT, BRAZOS IS IN MUCH POORER CONDITION THAN COLORADO AND SO THE BRAZOS PROJECT IS REALLY A COMBINATION OF TWO. IT IS A RECONSTRUCTION PROJECT FROM THIRD TO 11th AS WELL AS A GREAT STREETS PROJECT FROM THIRD TO 11th... 11th COMBINED TOGETHER FOR SOME ECONOMIES OF SCALE. WITH THE LOSS OF THE PREVIOUSLY PROMISED TXDOT FEDERAL FUNDS, THE ENHANCEMENT MONEY THIS YEAR AND ALSO SOME INCREASE IN PRICES, IT APPEARED TO BE FAR MORE VIABLE TO GO FORWARD WITH BRAZOS IN THE CURRENT ECONOMIC CLIMATE AND WITHOUT THE FEDERAL FUNDS TO ASSIST WITH THE GREAT STREETS PORTION AND

TRY AND MAKE BRAZOS HAPPEN TENTATIVELY BY ITSELF. AND LOOK AT COLORADO AS THE NEXT OPPORTUNITY. IN THE CALENDAR CLOCK, THE -- PROBABLY THE BEST CONSTRUCTION PERIOD THAT WE HAVE COMING UP FOR BRAZOS IS AFTER THE 2009 LEGISLATIVE SESSION IN MAY OF 2009. AND SO PLANNING FOR THE COLORADO WORK TAKES US INTO SOMETIME BEYOND THAT AND SO WE'RE NOT IMMEDIATELY CONCERNED WITH ITS SEQUENCING. WE'VE TRIED TO MAKE BRAZOS A VIABLE PROJECT TO STAND ON ITS FEET AND GO FORWARD. IT IS STILL SHORT ABOUT \$6.5 MILLION ON THE GREAT STREETS SIDE AND WE HOPE TO BE ABLE TO CLOSE THAT FUNDING GAP BETWEEN NOW AND SPRING OF 2009 WHEN IT WOULD NEED TO BID AND GO FORWARD AS CONSTRUCTION.

Mayor Wynn: AND JUST -- I KNOW THERE ARE LOTS OF CHALLENGES ALL ACROSS THE CITY WHEN IT COMES TO THE -- JUST THE QUALITY AND THE INTEGRITY OF THE SURFACE OF ROADS ALL OVER THE CITY, BUT WHEN ONE LOOKS AT -- OR WALKS AROUND AND DRIVES OVER COLORADO AND BRAZOS, IT SEEMS TO ME, I'VE USED THIS DEFENSE QUITE A BIT WITH CITIZENS, THAT IT'S IN SUCH BAD CONDITION, IN PART I WOULD SAY, WELL, WE DIDN'T WANT TO SPEND MONEY RESURFACING COLORADO OR BRAZOS ANY TIME SOON BECAUSE WE HAVE THESE PROJECTS IN THE PIPELINE COMING FORWARD. SO I GUESS IT BEGS THE QUESTION THAT IF IT'S GOING TO BE AT LEAST -- YOU KNOW, TWO MORE YEARS BEFORE BRAZOS PERHAPS GETS REDONE AND MUCH LONGER ON COLORADO, WHAT'S THE THOUGHT ABOUT THE ACTUAL SURFACE CONDITION OF THE STREETS THEMSELVES TODAY?

THANKS FOR THAT QUESTION. OUR PAVEMENT MANAGEMENT PROGRAM HAS RECOGNIZED THE DETERIORATING CONDITION OF BRAZOS AND WITHIN THE LAST 30 DAYS WE GOT OUT ON BRAZOS, PARTICULARLY BETWEEN ABOUT FOURTH AND FIFTH AND SIXTH AND DID SOME SPOT REPAIRS THAT WERE FAIRLY SIZABLE FOR A SPOT REPAIR. AND WE INTENDED TO SOME MORE OF THOSE TO CARRY US THROUGH TO THE SPRING OF 2009 WHEN THE RECONSTRUCTION WOULD TAKE OVER FROM THERE. SO WE CAN'T IGNORE THE SURFACE JUST BECAUSE WE HAVE A PROJECT PLANNED A YEAR AND A HALF TO TWO YEARS IN

THE FUTURE. IT STILL BECOMES A SURFACE THAT HAS TO BE MAINTAINED. IT HANDLES A LOT OF TRAFFIC. IT HANDLES SOME HEAVY TRAFFIC. SO BECAUSE OF THAT IT WILL CONTINUE TO RECEIVE OUR ATTENTION FROM NOW UNTIL IT'S UNDER RECONSTRUCTION.

Mayor Wynn: AND THEN YOUR SUGGESTION, AND I KNOW THAT WE ARE COGNIZANT OF AND TRY TO BE JUDICIARY US WHEN IT COMES TO ROAD PROJECTS, PARTICULARLY WHEN THE LEGISLATURE IS SESSION NOT ONLY BECAUSE OF OUR COLLEAGUES UP THE STREET BUT JUST THE TOWN AND DOWNTOWN IS FAR MORE ACTIVE AND FRANKLY MORE CROWDED WHEN THAT SESSION OCCURS EVERY OTHER YEAR. IF THE FUNDS FOR BRAZOS COULD BE FOUND, IS THE PROJECT IN SUCH A SPOT FROM A PLANNING AND ENGINEERING STANDPOINT THAT WE COULD PULL A TRIGGER RELATIVELY QUICKLY OR WOULD WE BE WAITING FOR THAT '09 SESSION TO END ANYWAY? SO, FOR INSTANCE, THE DEBATE THAT URBAN TRANSPORTATION COMMISSION HAD, FOR INSTANCE, AND I SUPPORT THE WESTGATE PROJECT, THAT'S JUST TOO IMPORTANT BECAUSE OF THE SCHOOL DOWN THERE, SEEMS TO ME, BUT HAD THERE BEEN CONSENSUS THAT THOSE FUNDS WOULD BE AVAILABLE FOR BRAZOS, COULD THAT PROJECT HAD BEGUN IMMINENTLY..LY?

THE PROJECT OF STARTING THAT PROJECT TOMORROW ARE THAT THE RECEIVING UTILITIES, PARTICULARLY THOSE THAT ARE GRAVITY FED, WHICH ARE STORM SEWER AND SEWER, BUT ALSO THE WATER AND OTHER UTILITY WORK DONE UNDERGROUND, THE RECEIVING END OF THOSE FLOWS IS GOING TO BE CONSTRUCTED IN THE GREAT STREETS PROJECT OF SECOND STREET WHICH TAKES CARE OF FROM FIRST TO THIRD. SO WE ESSENTIALLY WOULD BE TAKING SOMEWHAT OF A RISK IN BUILDING THE UPSTREAM PORTION FIRST PRIOR TO HAVING THE DOWNSTREAM PORTION IN PLACE IN ORDER TO RECEIVE A FULL BENEFIT OF THE UTILITY FLOW FROM 11th DOWN TO FIRST. IT'S KIND OF A MUNDANE ISSUE, BUT WE ARE FACED WITH THINGS NEEDING TO GO DOWNHILL. AND WHEN WE BUILD THE UPHILL PORTION FIRST, IT CAN LEAD TO SOME CHALLENGES ONCE WE GET ACTUALLY TO THAT PORTION BETWEEN THIRD

AND THE RIVER.

Mayor Wynn: ALL RIGHT. AND IN THAT DOWNSTREAM PORTION, AGAIN, AS PART OF THE SECOND STREET GREAT STREET PROJECT, WHEN IS THAT SCHEDULED TO BE DONE AND BE FINISHED?

I HAD PLANNED FOR THAT TO CONSTRUCT THROUGHOUT THE ENTIRE CALENDAR YEAR OF 2008. IN OTHER WORDS, THAT WAS GOING TO BEGIN IN JANUARY AND END AROUND DECEMBER OF 2008. I HAVE HAD SOMEWHAT OF A CURVE BALL THROWN TO US ON THE DISAPPOINTING BIDS ON THE CESAR CHAVEZ TWO-WAY CONVERSION AND THE POSSIBLE DELAY OF THAT PROJECT UNTIL SPRING. THAT PUTS US IN A MORE CHALLENGING POSITION LOOKING FOR IDEAL TIME LINE, SO THERE IS LIKELY TO BE A RESCHEDULING AND RETHINKING OF HOW TO MESH THE SECOND STREET'S GREAT STREETS PROJECT WITH THE BRAZOS GREAT STREETS PROJECT. AND WE MAY HAVE TO HAVE ONE BEGIN BEFORE THE OTHER ONE IS ENTIRELY COMPLETE. BUT WE HAVEN'T FULLY EXAMINED THAT UNTIL WE'VE RE-EXAMINED THE TIME SCHEDULE FOR THE CESAR CHAVEZ TWO-WAY CONVERSION. IT WOULD SIMPLY HAVE TOO MUCH IMPACT ON OUR DOWNTOWN TRAFFIC FLOW AND NONE MUCH US WOULD EVER HEAR THE END OF IT, SO I THINK A GOOD ORGANIZED APPROACH THE GOING TO SERVE US WELL ON THAT.

Mayor Wynn: I AGREE WITH THAT. AND BY THE WAY, I APPRECIATE THE PATIENCE THAT OUR COMMUTING PUBLIC, OUR DOWNTOWN RESIDENTIAL PUBLIC WILL SHOW AS WE NOW HAVE BEGUN THE CESAR CHAVEZ CONVERSION. LONG TERM, THAT'S A VERY IMPORTANT PROJECT FOR THE VITALITY, REVITALIZATION OF LOWER DOWNTOWN, BUT FOR THESE NEXT FOUR MONTHS OR SO, IT IS GOING TO BE CHALLENGING FOR A LOT OF FOLKS. WE APPRECIATE THAT PATIENCE. MY FINAL QUESTION I GUESS THEN WOULD BE NOTING THAT PART OF THE ALLOCATED BOND PROJECTS IS THE ROADS TO BE BUILT OVER WHAT IS NOW THE GREEN WATER TREATMENT PLANT, THAT IS, THE EXTENSION OF NUECES SOUTH FROM THERE BETWEEN SECOND AND THIRD AND SEERZ..... CESAR CHAVEZ AND SECOND STREET HEADING WEST OVER TO AT LEAST THE CREEK, HOW MUCH

OF THESE FUNDS ARE ALLOCATED FOR THOSE TWO
POTENTIAL FUTURE PROJECTS?

JUST UNDER \$5 MILLION, AND IT'S FULLY FUNDED FROM THE
2000 BOND PROJECT.

Mayor Wynn: WELL, IT SEEMS TO ME THAT PERHAPS AN
OPPORTUNITY OVER AT GREEN, AND COUNCILMEMBER
McCRACKEN PARTICULARLY HAS BEEN ANALYZING WHAT I
THINK ARE SOME INTERESTING OPPORTUNITIES, EXCITING
OPPORTUNITIES WITH GREEN, IS -- I DON'T KNOW THAT
HOLDING, YOU KNOW, \$5 MILLION FROM THESE BOND
PROJECTS FOR THOSE TWO FUTURE STREET EXTENSIONS
MIGHT BE THE MOST JUDICIOUS USE OF THIS MONEY IN
THAT PERSONALLY I BELIEVE THAT IF WE'RE -- THAT IF
WE'RE -- IT IS A WELL THOUGHT-OUT PLAN OVER AT GREEN,
LIKELY INVOLVING THE PRIVATE SECTOR, PROBABLY AS WE
TALKED ABOUT A FEW MONTHS AGO INVOLVING AN
EXPANSIVE, SUBSTANTIAL UNDERGROUND PARKING
GROUND LITERALLY TAKING UP THE ENTIRE SIX-SOME-ODD
ACRES THERE, AND FOR THAT GARAGE PROJECT TO IN
EFFECT SERVE AS TECHNICALLY THE FOUNDATION, IF YOU
WILL, FOR THOSE TWO STREET RECONSTRUCTIONS. I'M NOT
SO SURE THAT THERE'S NOT A PERHAPS MORE PRUDENT
FINANCIAL PLAY IN THE LONG-TERM ECONOMIC
OPPORTUNITY OF THE GREEN REDEVELOPMENT THAT
COULD IN FACT FINANCE THOSE TWO ROADS THEMSELVES.
SO I'M CURIOUS ABOUT THE OPPORTUNITY, AND I'M NOT
SURE HOW WE WOULD GO ABOUT ANALYZING THAT. WE
WOULD HAVE TO GO AHEAD AND START OUR DISCUSSIONS
ABOUT HOW WE BOTH INTERNALLY FINANCE BUT
FUNDAMENTALLY LOOK FOR THE UPSIDE, THE CAPITAL
GAINS OF A BIG LAND TRANSACTION WITH GREEN THAT I'M
NOT SO SURE THERE'S NOT AN OPPORTUNITY TO FREE UP
THE BOND DOLLARS THAT WE HAVE ALLOCATED FOR THOSE
TWO STREETS PERHAPS FOR ANOTHER IMPORTANT
PROJECT. MY PRIORITY WOULD BE BRAZOS IF THOSE FUNDS
COULD BE REALLOCATED. SO I GUESS MY QUESTION FOR
MANAGEMENT AND STAFF IS WITH THIS ACTION TODAY, AND
I'M SUPPORTIVE OF ALL THE PROJECTS THAT HAVE TAKEN
PRIORITY INCLUDING THE WESTGATE ITEM THAT WAS
DISCUSSED AT LENGTH BY THE URBAN TRANSPORTATION
COMMISSION AND CERTAINLY WHAT WE'RE DOING WITH

ITEM 19 WITH THE COUNTY, IS, YOU KNOW, CAN THE ALLOCATION OF THESE FUNDS SPECIFICALLY FOR THE GREEN WATER TREATMENT PLANT STREET EXTENSIONS BE REVISITED OR REALLOCATED SHOULD WE COME UP WITH A MORE FINANCIALLY VIABLE, MORE PRUDENT LIKELY PUBLIC-PRIVATE FINANCING OF THAT INFRASTRUCTURE AT GREEN?

AND MY INSTINCT ON THAT IS YES, BUT I WANT YOU TO --

AND IN FACT THAT WAS THE DESIRE OF U.T.C., THE TRANSPORTATION COMMISSION, WAS THAT SHOULD ANY ADDITIONAL FUNDS SHAKE OUT OF THE PROJECTS IN THE LIST OR APPEAR FROM ANOTHER SOURCE OF THE BOND NOT YET FULLY RETURNED TO US PERHAPS BY TXDOT IN THEIR RIGHT-OF-WAY PURCHASE PROCESS, THAT THOSE FUNDS BE FOCUSED ON THE FUNDING SHORTFALL FOR THE BRAZOS GREAT STREETS PROJECT AS A FIRST PRIORITY FOR RECEIVING THOSE FUNDS. AND I THINK CERTAINLY THERE'S AN OPPORTUNITY WITH THE GREEN WATER TREATMENT PLANT REDEVELOPMENT TO HAVE THAT PORTION OF THE PUBLIC INFRASTRUCTURE THAT SURROUNDS THE AREA PERHAPS CONSTRUCTED, DESIGNED AND CONSTRUCTED OR JUST CONSTRUCTED AS PART OF THE REDEVELOPMENT PROCESS AND NOT TO BE FUNDED FROM THE BOND FUNDS.

Mayor Wynn: SO I GUESS MY REQUEST THEN WOULD BE SPECIFICALLY AS IT RELATES TO BRAZOS FROM THIRD TO 11th THAT STAFF REALLY DO SOME -- YOU KNOW, AND TIME IS OF THE ESSENCE IT SEEMS TO ME BECAUSE OF THE TIMING OF THE CESAR CHAVEZ CONVERSION THAT'S BEGUN AND WHEN WE FIGURE OUT WHEN WE CAN DO THE DOWNSTREAM PORTION OF BRAZOS IS, FRANKLY, HAVE YOU ALL ASSUMED THAT WE COULD FREE UP AT LEAST THESE BOND DOLLARS THAT WERE ALLOCATED TO GREEN FOR BRAZOS IF IN FACT THAT MAKES SENSE. THAT IS, IF OTHERWISE BRAZOS UPSTREAM, IF YOU WILL, IS GOING TO BE DELAYED BECAUSE THE -- YOU KNOW, THE LOWER PORTION OF BRAZOS WON'T BE STARTED NOW BECAUSE OF THE TIMING OF THE COMPLETION OF CESAR CHAVEZ, THEN I GUESS THAT BUYS US MORE TIME ON THIS ANALYSIS. BUT I'D LIKE TO CHALLENGE STAFF TO FIGURE OUT THAT IF YOU HAD ANOTHER, YOU KNOW, \$5.5 MILLION, IN THIS CASE,

FREED UP FOR BRAZOS, COULD THAT PROJECT BEGUN IN A TIMELY MANNER?

YES. PERHAPS A FRIENDLY AMENDMENT MOVING THOSE FUNDS FROM THE SECOND NUECES STREET PROJECT TO BRAZOS, AND THAT IS CLOSE ENOUGH TO THE FUNDING GAP THAT WE HAVE A BRAZOS AND I BELIEVE WE CAN PROBABLY THROUGH SOME DESIGN EFFORTS OR SLIGHT MODIFICATION OF THE SCOPE CLOSE THE FUNDING GAP ON THAT PROJECT AND HAVE IT READY TO GO FORWARD AT WHATEVER TIME IT IS SAFE TO DO SO WITH ALL THE KNOWN ELEVATIONS AND CONNECTIONS IN THE FIRST TO THIRD STREET PORTION OF THE PROJECT UNDERGROUND UTILITIES. SO YOUR ACTION POSSIBLY WOULD BE A FRIENDLY AMENDMENT TO REALLOCATE THOSE FUNDS FROM SECOND NUECES TO BRAZOS AND CHALLENGE STAFF TO MAKE IT WORK.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS?

AND THAT WAS A FRIENDLY CHALLENGE.

Mayor Wynn: I'M LOOKING -- AS CHAIR, OF COURSE, I DON'T MAKE MOTIONS. I WOULD ENTERTAIN A MOTION, BUT I ALSO WANT TO GIVE STAFF AND COUNCIL COLLEAGUES TIME TO ABSORB THIS AND THINK THROUGH IT. IT JUST SEEMS TO ME, FRANKLY, THAT WHAT HAS ME EXCITED ABOUT THE GREEN WATER TREATMENT PLANT REDEVELOPMENT, AMONG OTHER THINGS, IS WHAT I BELIEVE TO BE IN THE SCHEME OF THINGS A CAPITAL GAINS WINDFALL FOR THE CITY, IF NOTHING ELSE JUST ON LANDFILL OPPORTUNITY. THERE IS ALSO OPPORTUNITY BECAUSE OF THIS CONCEPT OF A PARKING GARAGE THAT THERE COULD BE LONG-TERM REVENUE STREAM FROM A SUBSTANTIAL AMOUNT OF PARKING BUT WHETHER PRIVATELY OR PUBLICLY RUN ON THAT SIDE. I FIRMLY BELIEVE THAT THE GREEN WATER TREATMENT REDEVELOPMENT OPPORTUNITY, YOU KNOW, FRANKLY, IS GOING TO CREATE A LOT OF, YOU KNOW, FINANCIAL WHEREWITHAL FOR THAT -- YOU KNOW, FOR THE REDEVELOPMENT OF THE SITE ITSELF AND LIKELY EVEN EXPORT SOME FUNDS INTO OTHER PROJECTS. SO I'M -- I'M COMFORTABLE NOT HAVING SOME OF OUR 2000 TRANSPORTATION BOND DOLLARS SITTING

IDLE WHILE WE THINK, YOU KNOW, APPROACH THE PRIVATE SECTOR AND RECOGNIZE SOME PRETTY REMARKABLE FINANCIAL OPPORTUNITIES WITH GREEN. BUT I WOULD APPRECIATE SOME OTHER COMMENTS OR THOUGHTS. COUNCILMEMBER McCRACKEN.

McCracken: MAYOR, I THINK WITH THAT DIRECTION WE'VE RECEIVED, I WOULD RECOMMEND APPROVAL OF THE 2000 BOND RECOMMENDATIONS WITH THE EXCEPTION THAT YOU'VE OUTLINED OF I GUESS AT THIS POINT HAVING STAFF ANALYSIS AND SHIFTING THE BOND FUNDS FROM THE GREEN SITE, RECONSTRUCTION OF SECOND STREET, TO BRAZOS INSTEAD.

AND I'LL SECOND THAT, MAYOR.

McCracken: I HOPE I'VE CAPTURED YOUR INTENT.

Mayor Wynn: OR SO THAT WE HAVE -- SO WE HAVE A MOTION ON THE TABLE THEN TO APPROVE THE COMBINED ITEMS 19 AND 20, WITH THE FURTHER INSTRUCTION TO SHIFT THE 2000 TRANSPORTATION BOND DOLLARS ALLOCATED FOR THE GREEN WATER TREATMENT STREET EXTENSIONS, THOSE BEING WEST SECOND STREET AND NUECES, HAVE THEM AVAILABLE FOR STAFF TO UTILIZE FOR THE BRAZOS PROJECT AND HOPEFULLY WITH THAT ADDITIONAL WHEREWITHAL STAFF CAN MAKE THAT WORK IN A TIMELY MANNER. FURTHER COMMENTS? COUNCILMEMBER KIM, THEN LEFFINGWELL.

Kim: MAYOR, I'M GLAD WE'RE ABLE TO DO THIS BECAUSE BRAZOS STREET HAS BEEN ON OUR PRIORITY LIST AND WE'VE ASKED FOR MATCHING FUNDS FROM THE STATE, AND I THINK IT WAS ONE OF THE PROJECT, SEE HOME WAS ANOTHER ONE, BUT THIS BRAZOS STREET REDEVELOPMENT TO MAKE IT A MAJOR TRANSIT CORRIDOR AND DOING GREAT STREETS, ALL THE THINGS WE WANT TO DO WITH IT, IT NEEDS EXTRA MONEY AND IF WE CAN DO IT THROUGH THIS PROCESS, I'M ALSO SUPPORTIVE OF IT.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WANT TO MAKE SURE I UNDERSTAND THE

MOTION. AS I UNDERSTAND IT'S ESSENTIALLY TO STRIKE NUECES AND SECOND STREET EXTENSION THROUGH GREEN WATER TREATMENT PLANT FROM THE RESOLUTION. IS THAT CORRECT?

Mayor Wynn: FROM THE UTILIZATION OF THOSE 2000 TRANSPORTATION BOND DOLLARS, YES, SIR.

Leffingwell: THEN MY FOLLOW-UP QUESTION WOULD BE ARE WE TALKING POTENTIALLY ABOUT HAVING THESE STREETS REMAIN PRIVATE STREETS OR WOULD THEY BE STREETS JUST FUNDED A DIFFERENT WAY AND PUBLICLY DEDICATED STREETS?

Mayor Wynn: I FULLY ANTICIPATE THOSE STREETS BEING A NORMAL STREET. THEY WON'T BE JUST PART OF A DEVELOPMENT OR ACCESS.

Mayor Wynn: CORRECT.

Leffingwell: AND THEN FINALLY OTHER THAN THAT, OTHER THAN THAT ONE CHANGE, THIS RESOLUTION IS ESSENTIALLY CONSISTENT WITH THE STAFF RECOMMENDATIONS WITH THE ADDITIONAL RECOMMENDATIONS OF THE U.T.C. IS THAT CORRECT?

YES, IT IS, COUNCILMEMBER.

Leffingwell: OKAY. THAT'S ALL I --

Mayor Wynn: THANK YOU. AGAIN, SO A MOTION, A COMBINED ITEMS 19 AND 20, A MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, FAVOR FAVOR. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, WITHOUT ON, AS I'VE MENSED EARLIER, WE HAVE A BUNCH OF FOLKS SIGNED FOR ITEM 11. IT'S GOING TO BE A LENGTHY ENOUGH TESTIMONY THAT I'D LIKE TO GO AHEAD AND GET OUR PRESENTATION IN FROM THE OFFICE OF OUR POLICE MONITOR, PARTICULARLY AS WE -- THAT HELPS SOMEWHAT SET THE STAGE FOR OUR LENGTHIER BUDGET PRESENTATION REGARDING OUR PUBLIC WORKS DEPARTMENT THIS AFTERNOON.

CONFERENCE.....

McCracken: IF IT'S OKAY, STAFF COULD WAY. THEY ARE ALREADY HERE ANYWAY. WE HAVE A LOT OF CITIZENS HERE AND I THINK WE COULD, YOU KNOW, WE COULD SEE HOW THIS GOES, BUT I WOULD REQUEST THAT WE GO AHEAD AND DO ITEM 11 RIGHT NOW JUST BECAUSE WE HAVE A LOT OF CITIZENS HERE RIGHT NOW.

Mayor Wynn: FAIR ENOUGH. THAT'S WHY I ASKED FOR OBJECTIONS. I GLADLY ACCEPT THAT. SORRY, MR. BROWN. SO COUNCIL -- SO WE'LL DO THIS SHORTLY, HOPEFULLY. COUNCIL, THAT TAKE US..... TAKES US TO ITEM 11 WHICH IS POTENTIAL AUTHORIZATION FOR A TEMPORARY USE AGREEMENT APPARENTLY BETWEEN THE CITY OF AUSTIN AND THE CONTRACTORS WORKING WITH COVENANT PRESBYTERIAN CHURCH. WELCOME A BRIEF STAFF PRESENTATIONS WITH WARREN STRUESS.

GOOD MORNING, WAR REGION STRUESS, DIRECTOR OF AUSTIN PARKS AND RECREATION DEPARTMENT. TODAY, COUNCIL, WE'RE REQUESTING APPROVAL OF THIS ITEM, ITEM 11, WHICH WILL ALLOW EXECUTION OF AN AGREEMENT FOR A TEMPORARY CONSTRUCTION ACCESS WITH -- FOR THE TEMPORARY USE OF 20,000 SQUARE FEET OF CEMETERY LAND IN THE AUSTIN MEMORIAL PARK. IF YOU WILL, LOOK WITH ME ON THE SLIDE THAT'S IN FRONT OF YOU. THIS SLIDE ILLUSTRATES A BROAD AERIAL VIEW OF THE LAND BEING REQUESTED FOR TEMPORARY JUST BY THE COVENANT PRESBYTERIAN CHURCH. THE AREA THAT YOU SEE OUTLINED IN THE UPPER LEFT CORNER WORKING IN RED -- WRITTEN IN RED IS REQUESTED AS TEMPORARY WORK SPACE. TO OR ENT YOU, YOU CAN SEE MOPAC TO THE WEST, NORTHLAND TO THE NORTH. YOU WILL SEE IN THE DARK GREEN, THAT'S THE NORTHWEST RECREATION CENTER. AND YOU CAN SEE IN THE LIGHT GREEN THAT IS CORRECT IS....., THAT IS THE AUSTIN MEMORIAL PARK CEMETERY. SLIDE 2 SHOWS A CLOSER VIEW OF WHY THIS REQUEST IS BEING MADE BY THE CHURCH. THE AREA BORDERED IN RED IS, AGAIN, THE TEMPORARY WORK SPACE. AS YOU CAN SEE, IT'S A 50 BY 400 AREA THAT'S OUTLINED DIRECTLY ADJACENT TO THE CHURCH RIGHT ALONG THE PROPERTY LINE OF THE CHURCH AND THE

CEMETERY THAT SHOWS YOU THE REASON WHY THEY ARE MAKING THIS REQUEST. THE REQUEST SHOWS THAT THE AREA BORDERED JUST TO THE NORTH OF THE RED TARGETED OUTLINED AREA, THE AREA IN ORANGE IS THE AREA THAT'S BEING REQUESTED TO BE DEVELOPED BY THE CHURCH. GOING UP IN THEIR DEVELOPMENT. AND YOU CAN SEE IF YOU LOOK AT THAT SLIDE, YOU CAN SEE THE TIGHT, INACCESSIBLE AREAS THAT THE CHURCH IS GOING TO HAVE A DIFFICULT CUTTING ANY WORKING WITH AS FAR AS CONSTRUCTION AND DEMOLITION. SO THIS PRETTY WELL ILLUSTRATES HOW TIGHT IT IS TO BE ABLE TO GET AROUND AND TO HAVE CONSTRUCTION SPACE TO DEMOLISH AND TO CONSTRUCT THE CHURCH. THIS IS A LONG, LINEAR STRIP ALONG THE CEMETERY PROPERTY WHICH WILL ALLOW THE CONTRACTOR TO BE ABLE TO COME THROUGH THE CHURCH PARKING LOT INTO THAT AREA, TURN AROUND, ALLOW THE CONSTRUCTION MATERIALS TO BE STORED THERE AND TO BE UTILIZED FROM THAT SPACE AS WELL. I THINK IT'S IMPORTANT TO NOTE AT THIS POINT ALSO WE HAVE WHEN WE RECEIVED THIS REQUEST FROM THE CHURCH IN JULY, WE HAVE TAKEN THE OPPORTUNITY TO EXPLORE MANY OTHER OPPORTUNITIES OTHER THAN THE SEM....CEMETERY STAYS. WE LOOKED AT AREAS AROUND NORTHWEST RECREATION CENTER. IF YOU LOOK TO THE EAST, EAST OF THE RECOLLECT..... RECOLLECT RAITION CENTER, WE LOOKED AT USING THE PARKING LOT IN FRONT OF THE CENTER. ALL OF THOSE AREAS WERE EXPLORED, UNFORTUNATELY THEY WOULD NOT LEND THEMSELVES WELL TO THIS CONSTRUCTION PROJECT. AND THIS, COUNCIL, SLIDE 3 IS A SHOT OF THE ACTUAL CEMETERY PROPERTY. THIS IS BLOCK 12. WE KNOW IT AS BLOCK 12. IT REFLECTS THE CEMETERY PROPERTY OF ABOUT TWO AND A HALF TO THREE ACRES IN SIZE. THIS -- THERE IS NO IMPROVEMENTS IN THIS BLOCK AT THIS POINT. IT IS IMPORTANT TO NOTE AS WELL THAT WE HAVE SURVEYED THIS PROPERTY, IT IS PLATTED, BUT THERE ARE NO SALES THAT HAVE OCCURRED IN THIS PROPERTY AS OF YET. AT THIS POINT, COUNCIL, WHAT I WOULD LIKE TO INDICATE TO YOU THAT WE'VE WORKED VERY CLOSELY WITH THE CHURCH. WE'VE LOOKED AT ALL DIFFERENT TYPE OF OPPORTUNITIES, AND WHAT I WOULD LIKE TO SAY IS WE DO SUPPORT THIS AGREEMENT. THE CHURCH IS WILLING TO

COME BACK. IT'S A MUTUAL BENEFIT TO BOTH THE PARKS AND RECREATION DEPARTMENT, THE CEMETERY AND THE CHURCH. THE CHURCH IS WILLING TO COMPENSATE [INAUDIBLE] CEMETERY \$55,000 FOR THE USE OF THIS PROPERTY FOR THE NEXT 12 MONTHS. THAT \$55,000 WILL BE USED TO MAKE IMPROVEMENTS TO BLOCK 12 WHICH WILL INCLUDE IRRIGATION, WILL ALLOW US TO PLANT TREES AND MAKE THAT BLOCK 12 A WONDERFUL PIECE OF PROPERTY FOR FUTURE USE FOR THE CEMETERY. SO COUNCIL, WE DO SUPPORT THIS. WE THINK IT WILL WORK WELL. WE KNOW THAT THE CHURCH, THIS IS SIMPLY A TEMPORARY REQUEST FOR CONSTRUCTION SPACE AND IT'S SUPPORTED BY THE PARKS AND RECREATION DEPARTMENT.

WARREN, CAN YOU ELABORATE JUST FOR A MOMENT BECAUSE I KNOW WE HAVE A GREAT DEAL OF CONCERN WITH OUR FOLKS THAT WORK VERY HARD TO PRESERVE THE CEMETERY.

RIGHT.

AND THE FULL CEMETERY BOUNDARIES. WHAT ARE THE CONTROLS TO BE SURE THAT THESE ARE -- THIS IS A TEMPORARY CONSTRUCTION EASEMENT AND HAVING GONE THROUGH THIS BEFORE AND WE KNOW THERE IS NO DESIRE FOR THIS LAND TO BE SOLD OR USED FOR ANYTHING PERMANENTLY EXCEPT ITS INTENDED PURPOSES, WHAT ARE THE CONTROLS IN THIS AGREEMENT THAT IT'S TEMPORARY AND HOW IS THE MONEY THEN GOING TO MAKE THIS TRACT BECOME THE NEXT SECTION THAT CAN BE PLATTED?

GOOD QUESTION. THIS CONTRACT IS WRITTEN -- HOWEVER, THIS CONTRACT IS FOR 12 MONTHS. ANYTHING AFTER 12 MONTHS, OBVIOUSLY THERE ARE LIQUIDATED DAMAGES THAT ARE PRETTY SEVERE THAT WILL CERTAINLY SAY WE'RE GOING TO DO EVERYTHING POSSIBLE TO GET THROUGH WITH THIS PROJECT IN 12 MONTHS. BECAUSE OBVIOUSLY WE DON'T WANT TO -- WE DON'T WANT TO TRIGGER ANY LIQUIDATED DAMAGES AT THE END OF THE CONSTRUCTION PROJECT. SO IT IS A 12-MONTH PROJECT. IT -- THERE ARE NO DESIRES ON ANYBODY'S PART TO GO PAST 12 MONTHS. I'VE OBVIOUSLY BEEN ASSURED BY THE

CHURCH THAT WE'RE VERY INTERESTED IN GETTING THROUGH WITH THIS BEFORE THE 12 MONTHS. SO I THINK THE CONTRACT ITSELF ENSURES THAT IT'S NOT GOING ANY FARTHER AND THAT. THE CONTRACT IS SIMPLY AN INSTRUMENT THAT ALLOWS FOR TEMPORARY USAGE OF THAT PROPERTY.

AND THE MONEY -- EXPAND ON IT JUST A LITTLE BIT MORE FOR ME. I'M SUSPICIOUS. I DON'T BELIEVE THAT. LET ME JUST PLAY IT OUT WITH YOU.

SURE.

IN 12 MONTHS, WE'RE NOT DONE WITH THE EASEMENT. WHAT -- WHAT ARE THE FINAL CONTROLS AND ABSOLUTES THAT MAKE SURE THIS LAND STAYS PERMANENTLY AS ITS INTENDED USE FOR THE CEMETERY?

WELL, FIRST OF ALL, THERE IS -- IF THEY GO PAST 12 MONTHS, CITY MANAGE THREERKS IS LIQUIDATED DAMAGES THAT WILL TRIGGER RIGHT THEN.

A FINANCIAL PENALTY.

FINANCIAL PENALTY. SECONDLY, THE CONTRACT ALLOWS US TO TERMINATE AT THAT POINT AS WELL.

ALL RIGHT.

SO THOSE ARE THE TWO THINGS THAT ALLOW US TO ENSURE THAT IT'S SIMPLY A TEMPORARY CONTRACT.

AND THEN TO ULTIMATELY USE THIS FOR THE CEMETERY, THERE ARE CERTAIN INFRASTRUCTURE THAT HAVE TO BE PUT IN PLACE.

THAT'S CORRECT.

AND DESCRIBE THAT.

I CERTAINLY WILL. THE BLOCK 12 HAS BEEN SURVEYED AND PLATTED, WHICH MEANS IT HAS BEEN FILED IN THE COUNTY CLERK'S OFFICE FOR PROPERTY DEEDS, AND IT IS READY

FOR SALE. HOWEVER, IT'S THE CITY'S POSITION THAT WE DON'T SELL ANY PLATTED PROPERTY UNTIL WE DEVELOP IT PROPERLY. WHICH MEANS WE WOULD LIKE TO GO IN AND PUT A WATER SYSTEM, IRRIGATION SYSTEMS, PLANT IT WITH TREES AND MAKE SURE IT'S PREMD, POSSIBLY PUT IN OUR ROADS IF NECESSARY AND MAKE SURE IT'S READY FOR SALE. THAT HAS ALWAYS BEEN OUR PRACTICE.

AND SO PART OF THE DOLLARS COMING FROM THE CONSTRUCTION EASEMENT WILL GO TOWARDS THESE INFRASTRUCTURE IMPROVEMENTS.

ABSOLUTELY. THAT'S THE INTENT OF THE \$55,000 IS TO GO BACK INTO THE IMPROVEMENTS.

AND I GUESS MAYBE THE LAST QUESTION THAT I HAVE IS WHAT ARE THE NEEDS FOR THE USE OF THIS TRACT? WHERE ARE WE ON THE DEMAND FOR THE PROPERTY?

GOOD QUESTION. WE HAVE THREE ACTIVE BLOCKS RIGHT NOW. BLOCKS 11, BLOCK 5-A AND 6 THAT STILL HAVE A CONSIDERABLE AMOUNT OF SPACE AVAILABLE FOR SALE. WE PROBABLY WOULDN'T NEED TO DEVELOP THIS TO MAKE READY FOR SALE FOR AT LEAST THREE TO FOUR YEARS. SO WE HAVE PLENTY OF SPACE STILL AVAILABLE FOR SALE.

AND I GUESS -- THAT ANSWERS IT FOR ME. I KNOW THERE'S A GREAT DEAL OF EMOTION ABOUT THE TRACT AND ULTIMATELY THIS IS A POLICY ISSUE THAT COUNCIL HAS TO DECIDE ON, BUT I JUST WANTED TO BE SURE THAT YOU WALKED THROUGH AS YOU HAD PREPARED THIS TO BRING FORWARD WHAT CONTROLS YOU PUT IN PLACE AND WHAT THE THOUGHT PROCESS WAS BECAUSE WE HAD SUCH A FIRM COMMITMENT ON THE TABLE THAT WE WOULD NOT BRING FORWARD ANYTHING PERMANENT IN NATURE OR PREVENT THIS PROPERTY FROM BEING USED AS INTENDED PURPOSES.

YES, MA'AM, THAT'S CORRECT. ANOTHER POINT THAT I THINK IS IMPORTANT TO DISCUSS AND THAT IS AT THE END OF THE CONTRACT, IT IS OUR INTENTION, GOALS AND DESIRES TO GO AHEAD AND START THE DEVELOPING RIGHT THERE, THE FINISHED DEVELOPMENT AND BEGIN SALE OF THE

CEMETERY PROPERTY.

ALL RIGHT.

Mayor Wynn: FURTHER QUESTIONS? COUNCILMEMBER
LEFFINGWELL.

Leffingwell: SO IT'S BEEN REPRESENTED TO ME THAT THEY
HAVE TRIED TO BUY THESE PLOTS AND PARKS DEPARTMENT
HAS SAID THEY ARE NOT FOR SALE, AND I ASSUME FROM
WHAT YOU ARE SAYING THE REASON THEY ARE NOT FOR
SALE IS THEY ARE NOT READY, THEY DON'T HAVE THE
IRRIGATION, THE LANDSCAPING AND SO FORTH IN, AND THIS
LEASE AGREEMENT WOULD PROVIDE THE MONEY TO DO
THAT. AND SECONDLY, YOU SPOKE ABOUT A FINANCIAL
PENALTY IF THEY ARE NOT OUT OF THERE BY ONE YEAR,
AND I ASSUME THAT MEANS THE SITE RESTORED TO ITS
ORIGINAL STATE. WHAT IS THE AMOUNT OF THAT FINANCIAL
PENALTY?

COUNCILMEMBER, IT GRADUATES UP TO AFTER I BELIEVE
FOUR WEEKS IN THE CONTRACT, IF THEY ARE FOUR WEEKS
LATE, IT GRADUATES UP TO 5,000 A WEEKS.

Leffingwell: \$5,000, \$20,000 A MONTH.

A MONTH, CORRECT, SIR.

Leffingwell: OKAY. THANKS.

AND MAYBE WARREN, JUST TO -- I WANT TO BE SURE WE'RE
ANSWERING THE COUNCILMEMBER'S QUESTION. WHEN YOU
SAY THAT PEOPLE HAVE TRIED TO BUY IT, BUY THE LAND
FOR CEMETERY PLOTS OR BUY THE LAND FOR OTHER
USES?

THE QUESTION IS COUNCILMEMBER IS ALLUDING TO IS YES,
THERE HAVE BEEN REQUESTS TO BUY THE PROPERTY NOW
SINCE IT'S PLATTED. AND I DENIED THE SALE OF THE
PROPERTY BASICALLY BECAUSE WE WOULD LIKE TO GET
THIS PROPERTY DEVELOPED AND READY FOR SALE. AND SO
WE'RE NOT SELLING BLOCK 12 PROPERTY AT THIS POINT.

Leffingwell: MY FINAL QUESTION IS THERE APPEARS TO BE OTHER OPEN SPACE IN THIS ENTIRE BLOCK 12. IS THERE ANY QUESTION THAT THERE WOULD BE ADEQUATE SPACE TO COVER THE PERIOD OF THIS LEASE WHEN THIS SMALL AREA IS NOT AVAILABLE FOR SALE?

AS INDICATED, COUNCILMEMBER, WE HAVE THREE OTHER BLOCKS THAT HAVE SIGNIFICANT SPACE STILL AVAILABLE FOR SALE. BLOCK 12 IS NOT NEEDED AT THIS POINT IN ANY WAY FOR SALES AT THIS POINT.

Leffingwell: THANK YOU.

Mayor Wynn: FURTHER QUESTIONS OF STAFF? COMMENTS? THANK YOU, THIS HELPED A LOT ANSWER A LOT OF OUR CONCERNS OR QUESTIONS. COUNCIL, WITHOUT OBJECTION, WE HAVE A BUNCH OF FOLKS WHO ORIGINALLY HAD SIGNED UP TO SPOKE, 40 SOME, COUPLE HOURS' OF TESTIMONY. THE VAST MAJORITY WERE HERE TO SPEAK IN FAVOR OF THIS. MY INSTINCT IS THE FACT THAT STAFF IS RECOMMENDING THIS ITEM AND THAT DIRECTOR STRUESS AS ANSWER ADD NUMBER OF QUESTIONS, I WOULD SUGGEST WE HEAR FROM FOLKS IN OPPOSITION, AFTER HEARING THIS PRESENTATION ARE STILL IN OPPOSITION OF STAFF RECOMMENDATION AND THEN, YOU KNOW, BASED ON THAT, WE COULD START TAKING SOME SPEAKERS IN FAVOR IF NEEDED. WITHOUT OBJECTION -- OUR FIRST COUPLE OF SPEAKERS WERE IN OPPOSITION ANYWAY. OUR FIRST SPEAKER IS SHARON BLYTHE. WELCOME, MS. BLYTHE. IS JAMES HADLEY HERE? HE WANTED TO DONATE TIME TO YOU, SHARON. OUR RULES ARE IN ORDER TO DO THAT THEY NEED TO BE PRESENT IN THE CHAMBERS. SO YOU WILL HAVE UP TO THREE MINUTES ONCE YOU BEGIN. YOU WILL BE FOLLOWED BY WANDA PEMBERTON.

[INAUDIBLE]

Mayor Wynn: NO, MA'AM. TAKE YOUR TIME.

COULD YOU ALSO SHOW HER THE PORTABLE MIC IF SHE NEEDS TO USE IT TO -- THERE.

I'D LIKE TO THANK COUNCIL FOR HEARING US TODAY. IT'S

BEEN A 17-YEAR BATTLE THAT MY ORGANIZATION HAS BROUGHT BEFORE COUNCIL, NOT BEFORE CITY COUNCIL, BEFORE THE CITY, ATTEMPTS BY THE CHURCH TO TAKE OVER BLOCK 12 FOR THEIR PERSONAL AND INFRASTRUCTURE FOR THEIR CHURCH. WE FEEL LIKE THAT TO USE THIS, EVEN PART OF BLOCK 12 THAT WAS SED DATED CEMETERY, DEDICATED IN 1992, AGAIN AS LATE AS JULY OF THIS YEAR. IT IS AGAINST STATE LAW TO EVEN PUT TEMPORARY ACCESS IN THERE. AND THAT CASE LAW GOES BACK TO ABOUT 1940s. AND ONCE LAND IS DEDICATED, IT CANNOT BE USED FOR OTHER PURPOSES. THAT IS A VIOLATION OF STATE LAW. AND THE LAW PROVIDES FOR A JUDICIAL PROCESS FOR UNDEDICATING THE CEMETERY AND THE CITY HAS NOT FOLLOWED THAT PROCESS. EVEN FOR TEMPORARY USE. AND I'D LIKE TO MAKE AN ANALOGY, WE DON'T CONDONE DRIVING 100 MILES AN HOUR ON MOPAC AT 2:00 A.M. IN THE MORNING JUST BECAUSE IT'S CONVENIENT FOR SOMEONE TO DO SO. YOU ALL ALSO HAVE A PUBLIC TRUST TO PROTECT THAT CEMETERY EVEN THOUGH IT'S EXPEDIENT OR CONVENIENT FOR A THIRD PARTY. YOU HAVE A PUBLIC TRUST TO PROTECT THAT CEMETERY BECAUSE IT IS DEDICATED. THE IDEA THAT YOU CANNOT SELL LOTS IN BLOCK 12 UNTIL IT'S IRRIGATED DOES NOT HOLD WITH PRECEDENT. BETH SHALOM BOUGHT 500 LOTS BETWEEN NOW AND THREE YEARS AGO WITHOUT IRRIGATION. WHEN I BOUGHT MY FOUR LOTS OUT THERE, THEY DID NOT HAVE IRRIGATION IN BLOCK 5-B. SO THERE'S BEEN PRECEDENT WHERE YOU DON'T HAVE TO HAVE IRRIGATION. AND BEFORE I RUN OUT OF TIME, I AM HERE TODAY TO OFFER YOU \$55,000 OF MY PERSONAL MONEY TO BUY 31 LOTS IN BLOCK 12. NOW WE DON'T HAVE A MONETARY ISSUE. YOU WILL HAVE AN IMMEDIATE INFLUX OF \$55,000 TODAY TO START YOUR IRRIGATION PLANNING. I OFFERED THAT TO WARREN STRUESS. HE IMMEDIATELY REFUSED NOT FOR SALE. I TOLD HIM I COULD WRITE HIM A CHECK IMMEDIATELY, AND I CAN WRITE YOU A CHECK, THE CITY A CHECK TODAY FOR \$55,000. IT'S AGAINST STATE LAW. YOU CAN GET YOUR 55,000 TODAY, START PLANNING THE IRRIGATION, AND THEN THIS -- WE CAN WORK WITH THE COVENANT TO FIND OTHER SOLUTIONS TO THEIR PROBLEM. RAMP WAS ONLY NOTIFIED LAST WEEK AFTER IT WAS SET ON CONSENT AGENDA. USUALLY WE'RE GIVEN SEVERAL WEEKS, MAYBE MONTHS WE'RE GIVEN A

DIRECTIVE TO WORK WITH THE CHURCH WHICH WE TRIED TO DO TWO YEARS AGO AND THE CHURCH BECAME --
[BUZZER SOUNDING]

-- BASICALLY UNWILLING TO NEGOTIATE ANY MORE SO WE PULLED THOSE NEGOTIATIONS. BUT WERE WILLING, RAMP IS WILLING TO NEGOTIATE WITH THE CHURCH ON ANY OF THIS LAND TO FIND SOLUTIONS TO THEIR PROBLEM. BUT I HAVE \$55,000 TODAY TO GIVE YOU TO BUY 31 LOTS IN BLOCK 12. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. BLYTHE. AND WE'LL -- WE'LL ASK SOME OF THESE QUESTIONS THAT YOU POSED AS SOON AS WE HEAR FROM ALL THESE SPEAKERS. WE APPRECIATE YOU BEING HERE. OUR NEXT SPEAKER IS WANDA PEMBERTON. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JIM BRYLEY.

YOU CAN USE THE PORTABLE WHEN YOU NEED TO WALK TO A BILLBOARD. OTHERWISE IT MIGHT BE EASIER TO USE THE ONE AT THE PODIUM.

ALL RIGHT. I WON'T NEED TO WALK OVER THERE. BASICALLY IT'S BEEN 20 YEARS SINCE I PURCHASED THREE LOTS AT AUSTIN MEMORIAL, JANUARY 19, 1987. IT'S BEEN 20 YEARS. IN THIS 20-YEAR TIME, AND ON THAT DAY IN JANUARY, I WAS TOLD BY CITY EMPLOYEE THAT WAS SELLING THE LOTS AT THAT TIME THAT THERE WOULD BE NO CHANGES TO AUSTIN MEMORIAL PARK. THE BOUNDARIES AS THEY WERE THERE WOULD STAY THAT WAY. THREE TIMES IN 20 YEARS I'VE HAD TO TAKE PERSONAL TIME, PERSONAL MONEY AND TRY TO STOP THE CHURCH FROM ENCROACHING INTO THE CEMETERY. WE WERE TOLD TWO YEARS AGO, WARREN STRUESS WAS GIVE ANN DIRECTIVE, GET IT PLATTED AND FILED AND READY FOR SALE. I'VE BEEN WAITING. I PROMISED TOBY FUTRELL I WOULD BUY A LOT AS SOON AS IT WAS AVAILABLE. WARREN STRUESS HAS TURNED ME DOWN. HE REFUSES TO SELL IT FOR CEMETERY USE. SO DO WHAT YOU THINK IS RIGHT AND ETHICAL, PLEASE, TODAY. WE ARE TIRED OF THIS.

Mayor Wynn: THANK YOU, MS. PEMBERTON. JIM BRYLEY. WELCOME. YOU WILL BE FOLLOWED BY MALCOLM

FERGUSON. BLANKS BLANKS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Mayor Wynn: IT LOOKS LIKE ROGER BOREGUILT. SORRY IF I'M MISPRONOUNCING THAT. HE SIGNED UP WISHING TO SPEAK, ALSO IN OPPOSITION. THOSE ARE THE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK IN OPPOSITION. ACTUALLY, PERHAPS BEFORE WE EVEN TAKE SOME TESTIMONY IN FAVOR, I HAD A FEW QUESTIONS, SOME OF WHICH WERE BROUGHT UP. SO WE HEARD THE ISSUE THAT IT IS AGAINST STATE LAW TO USE LAND THAT HAS BEEN DEDICATED FOR ANY OTHER USE. PERHAPS AN ANSWER.

MAYOR, MAYOR PRO TEM, COUNCIL, CITY MANAGER, MY NAME IS DEVIN DECIDE WITH THE LAW DEPARTMENT. WE HAVE LOOKED BE AT STATE LAW STATUTES AND WE COULD FIND NO LAW OR, QUOTE, ORDER WHICH WOULD MAKE THE AGREEMENT HERE PROHIBITED BY THE CITY. THERE'S NOTHING TO THAT EFFECT.

IS THAT PRIMARILY BASED ON THE FACT THIS IS A TEMPORARY USE? IT'S NOT A REALLOCATION, THERE'S NO PERMANENCY HERE? IS THAT THE JUSTIFICATION?

YES. AND STATE LAW DOES ALLOW FOR A THOROUGHFARE TO BE PUT THROUGH THE CEMETERY WITH THE CITY'S APPROVAL. SO AS LONG AS IT IS TEMPORARY.

OKAY. FURTHER LEGAL QUESTIONS, COUNCIL. AND MR. STRUSE, ONE OF OUR SPEAKERS, I GUESS IT WAS MS. BLYTHE, BROUGHT UP THE FACT THAT WE CLEARLY HAVE A PRECEDENT OF SELLING YOU PLOTS PRIOR TO THE SYSTEM BEING INSTALLED, AND I DON'T DOUBT THAT, BUT IT SEEMS TO ME THAT THIS IS A MANAGEMENT PRACTICE THAT IF WE HAD THE RESOURCES, THE FINANCIAL RESOURCES, WE PROBABLY WOULD STRONGLY PREFER TO HAVE CEMETERY LAND DEVELOPED, THAT IS IMPROVED WITH LANDSCAPING AND IRRIGATION PRIOR TO THOSE SALE, CORRECT?

THAT'S CORRECT, MAYOR. IT IS A MANAGEMENT PRACTICE THAT WE WOULD CERTAINLY PREFER TO HAVE THE PROPERTY COMPLETELY DEVELOPED SO THAT WE DON'T HAVE SALES IN THAT PROPERTY. AND THEN HAVE TO GO

BACK IN AND DO TRENCHING AND SO FORTH AND LAYING PLUMBING AND THAT TYPE OF THING. SO IT IS INDEED OUR MANAGEMENT PREFERENCE TO HAVE IT READY TO GO BEFORE WE START SELLING.

Mayor Wynn: I GUESS THE BIG CHALLENGE, THESE LAST FEW YEARS PARTICULARLY, IS THE PARKS DEPARTMENT HASN'T HAD THE FINANCIAL RESOURCES THAT WE ALL WOULD LIKE FOR YOU TO HAVE. HERE IS THIS OPPORTUNITY FOR SOME ADDITIONAL RESOURCES FOR YOU TO DO THESE IMPROVEMENTS. WE APPRECIATE MRS. BLYTHE'S OFFER TO SPEND A LOT OF MONEY AND BUY A NUMBER OF PLOTS RIGHT NOW, BUT IT SEEMS TO ME FROM A FINANCIAL PERSPECTIVE HERE IS AN OPPORTUNITY TO GET THIRD PARTY REVENUE FOR IMPROVEMENTS AND FUNDAMENTALLY STILL HAVE THE PLOTS AVAILABLE FOR SALE. SO WE COULD HAVE BOTH REVENUE STREAMS, THAT IS, THE TEMPORARY INCOME IN ORDER TO HAVE IMPROVEMENTS AND FUNDAMENTALLY THE LONG-TERM OR MORE IMPORTANT FINANCIAL CONSIDERATION, THAT IS, THE ACTUAL SALE OF THE PLOTS THEMSELVES.

ABSOLUTELY, MAYOR. WE SEE IT AS A MUTUAL BENEFIT. ONCE WE HAVE THE DOLLARS FROM THE CHURCH, THEY COME IN AND MAKE IMPROVEMENTS AND THEN WE'LL BE BE PREPARED TO MAKE THOSE SALES AT THAT TIME. AND I THINK BLOCK 12 WILL BE IN REALLY GOOD SHAPE TO DO THAT.

Mayor Wynn: FURTHER QUESTIONS FOR MR. STRUSE BEFORE WE HEAR FROM FOLKS SUPPORTING THE RECOMMENDATION? FIT TIT THE COUNCIL WILL HEAR -- AT THIS TIME THE COUNCIL WILL HEAR FROM SOME FOLKS WHO WANT TO SPEAK IN FAVOR. I BELIEVE THERE MAY HAVE BEEN SOME COORDINATION AND PERHAPS A DIFFERENT ORDER OF SPEAKERS THAN I HAVE ON MY SCREEN? IS THAT TRUE, MS. GENTRY?

MAYOR, I WAS GIVEN A LIST OF THOSE THAT WERE GOING TO SPEAK, STARTING WITH FRIEND CLEM MEANT.

PLEASE STEP FORWARD. IS.

WE... WE WILL BE AS BRIEF AS POSSIBLE IN OUR COMMENTS TO YOU THIS MORNING. WE FIRST OF ALL WANT TO BEGIN BY THANKING YOU FOR GIVING US YOUR ATTENTION AND A HEARING IN THIS MATTER. JOINING ME TODAY ARE BRUCE TODD, CO-CHAIR OF OUR CAPITAL CAMPAIGN, EELIZABETH CHRISTIAN, AN ELDER IN THE CHURCH, DON BULLOCK, OUR PROJECT EXECUTIVE WITH SPA GLASS CONTRACTORS, AND A NUMBER BE OF OUR MEMBERS AND FRIENDS. AT THIS TIME I'D LIKE TO ACKNOWLEDGE ALL WHO ARE GATHERED HERE SUPPORTING COVENANT BY ASKING THEM TO STAND BRIEFLY NOW IN RECOCK NITION AND THEN TO BE SEATED. ALL ARE HERE AS A RECOGNITION OF OUR SUPPORT. I WILL SUBMIT TO THE CLERK FOR THE RECORD IN THIS HEARING AN OPEN LETTER TO THE CITY COUNCIL BY THE TRUSTEES OF THE CHURCH. THIS LETTER HAS BEEN ENDORSED NOT ONLY BY THE TRUSTEES, BUT BY MANY OF OUR MEMBERS WHO HAVE SEEN THE LETTER AND HAVE EITHER SIGNED IT OR AUTHORIZED US TO ENTER THEIR PRINTED NAMES AS SUPPORTERS. AS OF THIS MOMENT WE HAVE 140 SIGNATORIES TO THE LETTER, AND MY OFFICE IS RECEIVING ADDITIONAL ONES THIS MORNING. APPRECIATING THAT THE COVENANT HAS 246 MEMBERS, OBVIOUSLY ALL WERE NOT ABLE TO PERSONALLY SIGN THE LETTER INDICATING THEIR SUPPORT IN TIME FOR THIS HEARING. MR. MAYOR, ALSO WITH YOUR PERMISSION I WOULD LIKE TO ASK BRUCE TODD TO HAND TO EACH MEMBER BE OF COUNCIL AT THIS TIME A COPY OF A RESOLUTION ADOPTED BY THE ALLENDALE NEIGHBORHOOD ASSOCIATION LAST NIGHT, THE ALLENDALE NEIGHBORHOOD ASSOCIATION'S RESOLUTION EXPRESSES UNANIMOUS SUPPORT NOT ONLY FOR OUR CONSTRUCTION PROJECT, BUT ALSO FOR THE PROPOSED AGREEMENT THAT AWAITS YOUR CONSIDERATION AND APPROVAL TODAY. NOW I'D LIKE TO SHOW YOU WHY WE THINK THIS REPRESENTS A WIN FOR EVERYONE, FOR THE GREATER AUSTIN COMUBLS, ALL INTERESTED PARTIES IN THE AUSTIN MEMORIAL PARK CEMETERY, FOR THE ALLENDALE ANNEXATION, FOR THE PARKS AND REC DEPARTMENT AND FOR COVENANT. NOW AT THIS TIME IF THE OPERATOR WILL PLEASE DISPLAY THE PRESENTATION BOARD EXHIBIT B, I'D LIKE TO SHOW YOU BRIEFLY OUR SITE. THIS IS THE AREA OF THE PROPOSED STAGING. THIS IS AN EXISTING SANCTUARY. THIS IS THE ADMINISTRATION BUILDING, THE NORTHWEST RECREATION

CENTER IS ON THIS SIDE RIGHT HERE, MOPAC, NORTH LAND DRIVE, AND THEN THIS BUILDING RIGHT HERE WHERE I'M MARKING AN X IS THE BUILDING THAT IS TO BE RAZED AND THE NEW CONSTRUCTION TO BE DEVELOPED. IT IS IN PROXIMITY TO THIS STAGING AREA AND YOU CAN SEE THE ROUTE OF ACCESS THROUGH HERE IS VERY NARROW AND HAS LIMITED ACCESSIBILITY THROUGH OUR FRONT GATE AND AROUND OUR PARKING LOT. LET ME EMPHASIZE MEMBER BE OF DHIEWN THE UNIMPROVED STRIP OF LAND THAT WE'RE REFERRING TO HERE AS THE STAGING AREA REPRESENTS LESS THAN ONE HALF OF ONE PERCENT OF THE ENTIRE CEMETERY'S 96 ACRES. IT IS LESS THAN HALF AN ACRE, WHICH IS THE SIZE OF A TYPICAL LOT IN A NEIGHBORHOOD. LET ME SAY THAT THE EXISTING BURIAL SITES NEAR THE STAGING AREA ARE CLOSER TO MOPAC AND THE RAILROAD THAN THEY ARE TO THE STAGING AREA. NOW, RETURNING BRIEFLY ONCE AGAIN TO OUR PROPOSED AGREEMENT, IN EXCHANGE FOR THE LICENSE, WE HAVE OFFERED \$55,000 TO THE CITY EXCLUSIVELY TO FUND IMPROVEMENTS ONLY IN AUSTIN MEMORIAL PARK CEMETERY. AND THOSE IMPROVEMENTS TO BE SPECIFIED AND PERFORMED BY THE CITY WILL INCREASE THE QUALITY, APPEAL AND REVENUE, PRODUCING VALUE OF THE CEMETERY TO THE CITY AND ALSO TO PATRONS OF THE CITY. OUR DISCUSSIONS WITH CITY STAFF AND OTHERS INTERESTED IN THIS MATTER, WE HAVE BEEN ASKED A NUMBER BE OF GOOD QUESTIONS. FOR EXAMPLE, WHY IS THE STAGING AREA IN THE CEMETERY NEEDED BY THE CHURCH. WHAT OTHER ALTERNATIVES MIGHT THE CHURCH HAVE FOR A SUITABLE STAGING AREA? AND DOES THE CHURCH HAVE ANY EXISTING OR PRESENT OR FUTURE PLANS OR INTENTIONS TO EXPAND BEYOND ITS EXISTING PROPERTY BOUNDARIES INTO ADJOINING PROPERTIES, INCLUDING THE CEMETERY. NUMBER 2, IN THE AN BE SENSE OF THE CEMETERY STAGING AREA, VEHICLE PARKING WOULD BY NECESSITY FLOW INTO THE ALLENDALE NEIGHBORHOOD. AND WOULD THEREFORE REQUIRE PEDESTRIANS TO WALK ACROSS STATE HIGHWAY NORTHLAND DRIVE TO ACCESS THE SITE. PEDESTRIAN CROSSING OF NORTHLAND DRIVE IS AN ACCEPTABLE ADVERSE RISK OF INJURY TO PEDESTRIANS AND MOTORISTS TRANSITTING IN THE AREA. NUMBER 3,

SUFFICIENT SPACE IS NOT AVAILABLE ON OUR SITE ON ASSEMBLE LARGE HOISTING CRANES AND THERE IS NO SUFFICIENT LAY DOWN AREA OF SUFFICIENT SIZE NEAR THE LAY DOWN SITE OTHER THAN IN THE PROPOSED STAGING AREA. NUMBER 4, PROVIDING A STAGING AREA REDUCES THE RISK OF PERSONAL INJURY TO MOTORISTS AND PEDESTRIANS, ESPECIALLY SENIORS AND CHILDREN WHO TRANSIT IN THE VICINITY OF THE NORTHWEST RECREATION CENTER AND COVENANT BECAUSE THE STAGING AREA KEEPS CONSTRUCTION MATERIALS AND EQUIPMENT OUT OF PEDESTRIAN AND VEHICULAR PATHWAYS. NUMBER 5, THERE IS SUFFICIENT SPACE -- THERE IS INSUFFICIENT SPACE ON COVENANT'S PROPERTY NEAR OUR CONSTRUCTION SITE FOR MANEUVERABILITY AND TURNAROUND OF CONSTRUCTION VEHICLE SUCH AS LARGE TRUCKS OFF-LOADING MATERIALS, CONCRETE MIXERS AND OTHER EQUIPMENT USED TO CONSTRUCT A BUILDING OF THIS SCALE. NUMBER 6, STORAGE OF OUR AVAILABLE CONSTRUCTION MATERIALS ALTERNATIVELY ON A SITE LIKE THE NORTHWEST RECREATION CENTER EXPOSES COVENANT AND I THINK THE CITY TO UNDUE RISK OF LOSS, INCREASED LIABILITY EXPOSURES AND SECURITY CONCERNS. NUMBER 7, IN THE ABSENCE OF THE CEMETERY STAGING AREA, CONSTRUCTION VEHICLES BY NECESSITY WOULD BE PARKED OR OTHERWISE TRANSITING MORE FREQUENTLY THROUGH COVENANT'S PARKING LOT. SO AGAIN IN THE INTEREST OF PUBLIC SAFETY, AND AS MEANS OF MINIMIZING THE RISK OF PERSONAL INJURY, THE STAGING AREA IN THE CEMETERY IS THE ONLY VIABLE OPTION FOR REDUCING THESE HAZARDS AND ACCOMMODATING TIMELY AND AFFORDABLE HOUSING CONSTRUCTION OF THE PROJECT. AND LACHTDLY, WE ARE-- AND LASTLY, WE ARE INSTALLING MAJOR UTILITY SERVICES UNDER, ALONG THE SOUTH DRIVEWAY LEAD TO GO THE CONSTRUCTION SITE, WHICH OF COURSE FURTHER IMPAIRS ACCESSIBILITY TO OUR PROJECT. IF CAREFULLY CONSIDERED, THE NORTHWEST RECREATION CENTER, AS DIRECTOR STRUSE INDICATED A MOMENT AGO, IS AN ALTERNATIVE STAGING AREA, BUT ITS NEAREST LOCATION IS APPROXIMATELY 750 FEET EAST OF OUR CONSTRUCTION SITE, WHICH MAKES MOVING PERSONNEL, CONSTRUCTION MATERIALS AND EQUIPMENT THROUGH NARROW VEHICULAR

PATHWAYS AND ARNTS EXISTING STRUCTURES ON OUR SITE BOTH IMPRACTICAL AND UNSAFE. IN SHORT, GIVEN OUR PROJECT'S PROJECTION SIMILAR TO THE MOPAC OFF RAMP, STATE HIGHWAY 2222 AND THE NORTHWEST RECREATION CENTER, THERE IS NO VIABLE AND AFFORDABLE HOUSING ALTERNATIVE FOR A STAGING AREA OF SUFFICIENT SIZE OTHER THAN THE STRIP OF UNIMPROVED LAND IN THE CEMETERY. NOW, AS TO THE CHURCH'S FUTURE PLANS AND INTENTIONS FOR EXPANDING BEYOND OUR EXISTING PROPERTY BOUNDARIES INTO ADJOINING PROPERTIES, INCLUDING THE CEMETERY, I WOULD REPRESENT AND REASSURE YOU AND ALL HERE THAT NEITHER OUR GOVERNING BODY, NOR ANY OF ITS COMMITTEES NOR ANY CHURCH OFFICIAL OR EXECUTIVE IN OUR ORGANIZATION HAS DISCUSSED, CONTEMPLATED OR ESTABLISHED A SHORT OR LONG RANGE STRATEGIC OBJECTIVE WITH THE ACQUISITION OF ADJOINING PROPERTIES, INCLUDING THE CEMETERY, WHETHER BY PURCHASE OR BY LEASE. SIMPLY PUT, WE HAVE NO SUCH PLANS. RETURNING NOW ONCE AGAIN TO THE PROPOSED AGREEMENT, LET ME COMMENT ON A COUPLE OF IMPORTANT FEATURES. UPON EXPIRATION OF THE 12 MONTH LICENSE, COVENANT WILL RESTORE THE STAGING AREA IN THE CEMETERY TO THE CONDITION IT WAS IN PRIOR TO OUR ENTRY. WE'VE MADE THAT VERY CLEAR IN THE DRAFT AGREEMENT THAT IS BEFORE YOU. FOR THAT REASON WE ARE HIGHLY MOTIVATED TO VACATE THE STAGING AREA -- ADDITIONAL PROVISIONS OF THE AGREEMENT TRIGGER SUBSTANTIAL LIQUIDATED DAMAGES, WHICH ARE IN EFFECT PENALTIES AGAINST COVENANT IN EXCESS OF \$20,000 PER MONTH IF WE DO NOT TIMELY VACATE THE STAGING AREA. FOR THAT REASON WE ARE HIGHLY MOTIVATED TO VACATE THE STAGING AREA AND RESTORE THE CEMETERY LAND AS SOON AS POSSIBLE, JUST AS WE ARE MOTIVATED TO COMPLETE OUR CONSTRUCTION PROJECT AS SOON AS POSSIBLE GIVEN THE EXPONENTIALLY INCREASING COST OF CONSTRUCTION IN AUSTIN. MEMBERS OF COUNCIL, I WANT NOW TO BRIEFLY ACKNOWLEDGE OUR AWARENESS OF LIMITED POLITICAL OPPOSITION AMONG SOME ADHERENCE OF THE GROUP KNOWN AS AUSTIN RESCUE MEMORIAL

PARK. [BUZZER SOUNDS]

Mayor Wynn: YOU COULD TAKE A MINUTE OR SO AND CONCLUDE. WE'D APPRECIATE IT.

WE DO NOT REGARD OUR OPPONENTS AS ENEMIES. THEY LIKE WE ARE HERE OUT OF THEIR MUTUAL INTERESTS. BUT IN VIEW OF BROAD SUPPORT AMONG OUR NEIGHBORS, MEMBERS AND OTHERS AS WELL AS THE STAFF CITY STAFF, WE BELIEVE THAT RAMP REPRESENTS OPPOSITION AMONG ONLY A FEW OF ITS OWN IN THIS MATTER. THEY DO NOT REPRESENT ALL ON WHO HAVE AN INTEREST IN AUSTIN MEMORIAL PARK CEMETERY. IN SHORT, RAMP'S POSITION APPEARS NOW AS IT HAS IN THE PAST TO REFLECT NO TOLERANCE FOR ANY INTERESTED PARTY'S VIEWS IN PROMOTING COMMUNITY PARTNERSHIPS AS IT RELATES TO THE CEMETERY. COVENANT'S PROPOSAL IS A WIN-WIN FOR EVERYONE, INCLUDING ALL WHO ARE INTERESTED IN AUSTIN MEMORIAL PARK CEMETERY. WE DEEPLY VALUE THE SANCTITY OF THE CEMETERY AND WE WISH TO PRESERVE AND IMPROVE IT FOR EVERYONE'S BENEFIT. MEAB MANY OF OUR MEMBERS WHO HAVE PASSED AWAY ARE BURIED THERE AND MANY OF OUR CURRENT MEMBERS HAVE LOVED ONES, INCLUDING CHILDREN, INTERED IN THAT CEMETERY. COVENANT PRESBYTERIAN CHURCH HAS A LONG HISTORY AND REALLY AN OUTSTANDING REPUTATION IN THIS COMMUNITY FOR WORKING WITH ITS NEIGHBORS TOWARDS SOLUTIONS THAT RESULT IN POSITIVE OUTCOMES AND OPPORTUNITIES. WHEN I BECAME DIRECTOR OF ADMINISTRATION OVER 10 YEARS AGO, ONE OF MY FIRST PROJECTS WAS TO WORK WITH THE NEIGHBORHOOD AND PARKS AND REC STAFF TO COMPLETE A 250,000-DOLLAR CAPITAL IMPROVEMENT PROJECT AT THE CITY'S NORTHWEST RECREATION CENTER, A PROJECT THAT WAS ENTIRELY FUNDED BY COVENANT. MEMBERS OF COVENANT CHURCH PROVIDED THE NEW PLAYScape ON THE EAST SIDE OF THE REC CENTER AND BUILT A NEW PARKING LOT THERE AS A MEANS OF SOLVING A PARKING PROBLEM THAT IMPACTED COVENANT, THE REC CENTER AND ALLENDALE.

Mayor Wynn: PLEASE CONCLUDE. YOUR TIME AS EXPIRED.

THANK YOU. OUR PROPOSED AGREEMENT IS CONSISTENT

WITH THE CITY'S 'S SMART GROWTH INITIATIVE. IT RESULTS IN NO UNDUE INCONVENIENCE TO THE PUBLIC INTEREST AND WE ARE ASKING YOU TODAY, MEMBERS BE OF THE COUNCIL, TO HELP US CONTINUE AND MAINTAIN A 46-YEAR TRADITION OF SERVING AS GOOD NEIGHBORS IN PARTNERSHIP WITH YOU AND OTHERS IN THIS WONDERFUL COMMUNITY OF OURS. WE BELIEVE THIS AGREEMENT HAS BEEN CAREFULLY CRAFTED IN SUCH A WAY AS TO ANTICIPATE, ANSWER AND ADDRESS EVERY REASONABLE CONCERN BY ALL PARTIES. WE KINDLY ASK YOU TO MAKE NO DELAY IN APPROVING THE PROPOSED AGREEMENT TODAY AS IT'S BEEN OBSERVED, THERE ARE NO LEGAL IMPEDIMENTS TO YOUR APPROVING IT DESPITE CLAIM TO THE CONTRARY. MY COLLEAGUE AND I ARE PREPARED NOW TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE AND I WILL SAY THAT WE'VE ASKED ELIZABETH CHRISTIAN AND OTHERS TO GIVE BRIEF REMARKS AND FOR ANY OTHERS WHO PRESENT ON OUR BEHALF ALSO TO PRESENT BRIEFLY. THANK YOU FOR YOUR TIME AND CONSIDERATION.

THANK YOU.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: COULD I INTERPRET THAT STATEMENT AS SAYING THAT YOU SPEAKING ON BEHALF OF THE BOARD OF TRUSTEES WILL MAKE NO ATTEMPT IN THE FUTURE TO ACQUIRE ANY PART OF BLOCK 12 OF AUSTIN MEMORIAL PARK?

OUR UNDERSTANDING IS THAT AFTER WE VACATE THE STAGING AREA AND WE PROVIDE THIS CONSIDERATION TO THE CITY TO MAKE THE IMPROVEMENTS IN BLOCK 12 THAT THOSE PLOTS WILL BE SOLD. SO WE HAVE NO INTENTION OF DOING THAT. AS A PRACTICAL MATTER, IT WOULD PROBABLY BE IMPOSSIBLE TO ACHIEVE.

Leffingwell: SO IS WHAT I SAID SOMETHING THAT YOU COULD AGREE WITH? THAT YOU WOULD MAKE NO ATTEMPT TO PERMANENTLY ACQUIRE THIS PROPERTY?

I BELIEVE THAT'S REASONABLE, YES.

Mayor Wynn: FURTHER QUESTIONS, COUNCIL? THANK YOU, SIR. OUR NEXT SPEAKER IS ELIZABETH CHRISTIAN. AND ELIZABETH, A NUMBER BE OF FOLK SIGNED UP TO DONATE TIME TO YOU. IS HEATHER FLAN BEGAN HERE? HELLO, WELCOME. HOW ABOUT DAVID NEED? WELCOME.

I'M GOING TO GIVE SOME OF MY TIME BACK TO FRED BECAUSE I WON'T USE IT ALL. MAYOR AND COUNCILMEMBERS AND CITY MANAGER, I'M ELIZABETH CHRISTIAN. I'M HERE TODAY REPRESENTING COVENANT PRESBYTERIAN CHURCH OF WHICH I AM A ELDER. IT'S AN INTERESTING THING TO NOTE THAT THE STRUCTURE OF THE PRESBYTERIAN CHURCH WAS THE MODEL THAT OUR FOUNDING FATHERS USED FOR DEMOCRACY BACK IN 1776 BECAUSE OUR STRUCTURE IS SO TIME TESTED AND SO ACCOMMODATING OF HEARING VIEWS AND HEARING DEBATE AND HAVING EVERY MEMBER HAVE A VOICE THAT IT HAS SERVED OUR DEM.... DEMOCRACY WELL FOR A VERY LONG TIME. WE THE TRUSTEES, THE ELDERS AND THE MEMBERS OF COP NENT ARE BIG BELIEVERS IN OPEN PROCESS. PLENTY OF SUNSHINE AND LOTS OF FRUITFUL DEBATE AND DISCUSSION WHEN WE MAKE DECISIONS AND WE REALLY DO WELCOME YOUR QUESTIONS. WE'RE ALSO REALLY BIG ON KEEPING OUR PROMISES AND WE PROMISE THAT WE'RE GOING TO DO WHAT WE SAY TODAY. THE PROJECT UNFOLDING ON OUR CAMPUS EVEN AS WE SPEAK TOOK US MANY YEARS OF MEETING TO PLAN AND EXECUTE. IF ANY OF YOU ARE PRESBYTERIANS YOU WILL KNOW WHAT THAT LOOKS LIKE. THROUGH THIS PROCESS WE MADE THE EXCITING COMMITMENT TO STAY ON A RELATIVELY SMALL URBAN CAMPUS. THIS IS NOT A BIG GIANT CAMPUS AS YOU CAN SEE FROM THE PICTURES. WE DIDN'T WANT TO MOVE TO THE OUTER EDGES OF THE COMMUNITY AND REALLY INCREASE SPRAWL. WE DID THIS IN CONSULTATION WITH ALLENDALE WITH WHOM WE'RE VERY GOOD NEIGHBORS AND WE'RE PROUD THAT HAVE DECISION. WE KNOW IT FITS WITH YOUR COMMITMENT TO DO INFILL DEVELOPMENT AND TO REDUCE THE SPRAWL OF AUSTIN. IT'S ALSO IMPORTANT TO NOTE ALL ALONG THE WAY THAT WE'VE DONE OUR BEST TO BE GREAT NEIGHBORS. WE HAVE AA MEETINGS, WE HAVE PROGRAMS FOR THE HOMELESS, WE'VE ALSO WORKED REALLY HARD AND BEEN VERY SUCCESSFUL IN KEEPING

PARKING OUT OF ALLENDALE. I KNOW THEY APPRECIATE IT. I KNOW THAT'S WHY THEY ENDORSE THIS UNANIMOUSLY. WE'VE ALSO HAD A PARTNERSHIP WITH THE AUSTIN REC CENTER THAT'S A WIN-WIN FOR CITY OF AUSTIN AND IT HAS WORKED GREAT. NOW WE'RE JUST ASKING FOR SOMETHING THAT WE THINK IS REASONABLE AND IT'S VERY IMPORTANT TO US. IT'S THIS LITTLE STRIP OF UNIMPROVED PROPERTY ALONG OUR BACK FENCE, AND ONCE IT'S COMPLETE WE GO AWAY. WE'RE LIKE GOOD BOY SCOUTS AND GIRL SCOUTS AND WE'LL LEAVE IT CLEAN. THIS IS NOT A PURCHASE, IT'S NOT A LEASE, IT'S JUST A USE. AND WE'RE HAPPY TO PAY FOR IT. WE'LL BE HAPPY WHEN THE PROPERTY BEHIND US IS IMPROVED AND SOLD BECAUSE I LIKE HEARING THAT THEY'RE GOING TO PLANTED TREES THAT. LITTLE STRIP NOW IS NOT WHAT YOU THINK OF WHEN YOU LOOK OFF MOPAC AND SEE LUSH AUSTIN MEMORIAL PARK. THAT'S A LITTLE STRIP OF HARD PACKED TEXAS SOIL. IT'S GREENER THAN IT USUALLY IS THIS YEAR, BUT IT HAS NO TREES, IT'S NOT PARTICULARLY BEAUTIFUL. I'M GLAD THAT YOU GUYS ARE GOING TO USE OUR MONEY AND FIX IT UP. WE HAVE UB A GROUP THAT FOR YEARS HAS TOLD US THAT THEY'RE THE RESCUER OF AUSTIN MEMORIAL PARK AND ACT LIKE THAT WE AS COVENANT ARE TRYING TO DO SOMETHING TO THE CEMETERY. FIRST OF ALL, WE DON'T THINK THE CEMETERY LOOK LIKE IT NEEDS TO BE RESCUED. WE WITH THINK THE CITY OF AUSTIN HAS DONE A TERRIFIC JOB TAKING CARE OF THAT BEAUTIFUL CEMETERY. WE'RE VERY PLEASED ABOUT THAT. AS FRED MENTIONED, MANY, MANY OF US HAVE LOVED ONES BURIED THERE. MY MOTHER HERSELF HAS BEEN BURIED THERE SINCE 1957. AND SO I'VE BEEN VERY INVOLVED AND HAD AN EMOTIONAL BOND WITH THAT CEMETERY FOR MANY, MANY YEARS. OUR CHURCH DOES SPORT THIS. MOST OF OUR CHURCH MEMBERS LIVE WITHIN A THREE MILE RADIUS OF OUR CHILDREN. SO THAT IS A FAMILY CEMETERY FOR MANY OF US AS WELL. WE ARE REALLY WANTING TO BEAP THIS RESCUE GROUP AND IN FACT WE'VE TRIED OVER THE YEARS, BUT WE'VE BEEN REBUFFED AND DISAPPOINTED, SO I REALLY WANT TO MAKE THE POINT THAT WE HAVEN'T IGNORED TRYING TO MAKE A PARTNERSHIP AS WE HAVE WITH WITH SO MANY OF OUR OTHER NEIGHBORS WITH THIS GROUP. SADLY I DON'T KNOW THAT THEY SEE ANY VALUE IN DISCUSSING ANYTHING WITH

US, BUT WE'RE HERE TODAY TO SAY IT'S OUR COMMITMENT IN FRONT OF YOU THAT WE'RE GOING TO DO WHAT WE SAY WE'RE GOING TO DO. AS A DEMOCRACY-LOVING PRESBYTERIAN, I CAN ASSURE YOU THAT WE REALLY WILL KEEP OUR PROMISES THAT WE SUPPORT OUR CHURCH BEING ABLE TO USE THIS PROPERTY AND WE THANK YOU SO MUCH FOR THE SUPPORT YOU'VE ALREADY GIVEN US TO HELP US IMPROVE OUR CAMPUS. THANK VERY MUCH.

Mayor Wynn: THANK YOU FOR YOUR BREVITY. QUESTIONS FOR ELIZABETH, COUNCIL? HEARING NONE, OUR NEXT SPEAKER IS CHARLIE BETTS. AND A NUMBER OF FOLK ALSO OPTED TO DONATE TIME TO YOU, CHARLIE. IS FRANK SHEPHERD HERE? CHRIS SANSLOW? KENDALL HOOKS? AND SUSAN ANTONIEWITS. THANK YOU. SO CHARLIE, YOU WILL HAVE UP TO 15 MINUTES IF YOU NEED IT, BUT WE APPRECIATE YOUR BREVITY.

I'LL NEED 60 SECONDS, MAYOR. MAYOR AND MEMBERS OF THE COUNCIL, I'M CHARLES BETTS. I'M A MEMBER BE OF COVENANT PRESBYTERIAN CHURCH AND ALSO AS A SIMPLY AN INTERESTED CITIZEN WHO IS VERY COMMITTED TO AUSTIN MEMORIAL PARK. MY GRANDPARENTS AND BOTH MY PARENTS ARE BURIED IN THE AUSTIN MEMORIAL PARK AS WELL AS 20 OR SO AUNTS AND RELATIVES. I WOULDN'T BE PART OF ANYTHING THAT WAS DAMAGING IN ANY WAY TO AUSTIN MEMORIAL PARK AND IT'S MY JUDGMENT THAT THIS CERTAINLY REPRESENTS A WIN-WIN. IT WOULD BE BE HELPFUL TO THE CHURCH AND TO AUSTIN MEMORIAL PARK. I WOULD SIMPLY ASK YOUR APPROVAL.

Mayor Wynn: THANK YOU. AND OUR FINAL SPEAKER IN FAVOR OF THIS RECOMMENDATION IS FORMER MAYOR BRUCE TODD. WELCOME, MAYOR. AND LET'S SEE, IS ROBBIE YETERBURG HERE? AND PEGGY GENTRY. WELCOME. SO MAYOR, YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

MAYOR, I THINK I CAN LIMIT MY TIME TO THAT OF CHARLES BETTS. HE'S MY ROLE MODEL IN THIS ONE. FIRST OF ALL, I'D LIKE TO SAY THAT SEVERAL YEARS AGO WHEN WE ROADWAYED THAT WE WERE GROWING, WE HAD A CHOICE TO MOVE OUT OF AUSTIN TO THE NORTH TO ACCOMMODATE

THE MEMBERS. WE CHOSE NOT TO DO THAT BECAUSE WE LIKE THE NEIGHBORHOOD. WE LIKE THOSE AROUND US. WE LIKE THE COMMUNITY FEEL. AUSTIN IS A LIVING, GROWING COMMENT, SO IS COVENANT PRESS.....PRESBYTERIAN. WE MADE A DECISION TO TAKE CARS OFF THE STREETS TORKS DO PARK AND RIDE FACILITIES. THAT IS WHY THE ALLENDALE NEIGHBORHOOD ASSOCIATION SPOKE SO FAVORABLY TOWARD SUPPORT OF THIS PROJECT. BUT WE DECIDE ODD TO STAY HERE BECAUSE WE WANT TO BE GOOD NEIGHBORS. OUR RELATIONSHIP STARTED WITH THE CITY OF AUSTIN WHEN WE CHANGED LANDS TO DO THIS PROJECT BACK DECADES AGO. SO YOU HAVE BEEN KNOWINGLY OR NOT OUR PARTNER IN ALL THIS AS WE'VE BEEN PARTNERS WITH THE REC CENTER, YOUR REC CENTER, WITH THE RESIDENTS AND ALL CONCERNED. ALL THE INFORMATION IS IN FRONT OF YOU TODAY. I WOULD CLOSE BY ASKING ONE WITH THING, AND THAT IS FOR ALL OF THE COVENANT MEMBERS IN THE AUDIENCE TODAY THAT HAVE LOVED ONES BURIED IN THE CEMETERY TO PLEASE STAND. COUNCIL, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MAYOR. QUESTIONS, COMMENTS FOR OUR SPEAKERS, COUNCIL? WE'LL JUST NOTE THAT A NUMBER OF FOLKS BOTH IN FAVOR AND IN OPPOSITION SIGNED UP NOT WISHING TO SPEAK. WE'LL NOTE THOSE NAMES FOR THE RECORD WITH MS. GENTRY. COMMENTS, QUESTIONS? COUNCILMEMBER KIM?

Kim: LOOKING AT THE PRESENTATION FROM BOTH SIDES, I LOOKED AT THE AREA FOR THE STAGING THAT'S PROPOSED FOR STAGING TO LEASE THE PROPERTY THERE FOR TEMPORARY USE. AND I LOOKED AT THE BUILDINGS ON THE SITE FOR WHERE THE CHURCH OWNS, AND IT DOESN'T SEEM LIKE ANY OF THE BUILDINGS WOULD BE BE ABLE TO FIT ON THE STAGING AREA IF THERE WERE TO BE AN IDEA TO USE IT FOR BUILDING. SO IT DOESN'T SEEM TO ME LIKE A SIGNIFICANT ENOUGH SIZE FOR ANY REAL DEVELOPMENT THAT WOULD BE OF SIGNIFICANT USE TO THE CHURCH, AND THEY'VE ALSO SAID THAT THEY ARE NOT INTERESTED IN THAT SITE FOR EXPANSION OF THE CHURCH. THEY DON'T HAVE ANY PLANS FOR THAT, ANY DESIRE FOR THAT OR MADE ANY -- MADE AN ISSUE OF ACQUIRING ANY KIND OF LEGAL AND FINANCIAL INSTRUMENTS OF ANY SORT TO DO

THAT. IS THAT CORRECT, MR. STRUSE?

COUNCILMEMBER, THAT'S INDEED CORRECT. THERE HAS BEEN NO DISCUSSION WHATSOEVER ABOUT ANY PERMANENT USE OF THAT SMALL PIECE OF PROPERTY.

Kim: OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION. COUNCILMEMBER COLE.

Cole: I HAVE A QUICK QUESTION FOR MR. STRUSE. I NOTICED THAT A GENERAL THEME FROM THE OPPOSITION WAS WHETHER THIS COULD BE DONE WITHIN THE 12 MONTH TIME PERIOD. HAVE YOU RECEIVED ANY INFORMATION TO SUGGEST TO YOU THAT WE COULDN'T FINISH THIS IN A TIMELY MANNER?

NO, MA'AM, I HAVE NOT. AS A MATTER OF FACT, IT'S A STRONG INTEREST ON BOTH PARTIES TO FINISH IN 12 MONTHS, SO THERE'S BEEN NO DISCUSSION ABOUT GOING LONGER AT ALL.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST TO RESPOND VERY BRIEFLY TO COMMENTS ABOUT THE SIZE OF THE TRACT. I THINK THE REPRESENTATION MADE BY THE TRUSTEES REFERRED TO THE ENTIRE BLOCK 12, NOT JUST THAT SMALL TRACT. SO IT WOULDN'T BE A MATTER OF WHETHER OR NOT A BUILDING COULD FIT ON THAT TRACT, IT WOULD BE ANY PART OF BLOCK 12. IS THAT CORRECT?

THAT'S CORRECT.

Kim: ONE MORE QUESTION. WE DO HAVE A PRECEDENT OF LEASING PARKS FOR USING TO FOR STAINING, EVEN IN OUR OWN PROJECTS. WE HAVE ONE OVER AT THE BALLPARK THERE FOR THE CLEAN WATER PROGRAM AND THAT'S GOING TO GO BACK TO ITS REGULAR USE. THAT'S THE INTENDED PURPOSE ANYWAY. WE MAY HAVE SOMETHING THAT'S PARKS RELATED, BUT WE HAVE NO PLANS OF USING THAT PROPERTY FOR ANYTHING OTHER THAN PUBLIC USE,

IS THAT CORRECT?

THAT'S CORRECT. WE HAVE NUMEROUS OCCASIONS WHERE THERE'S MUTUAL INTEREST ON BOTH PARTIES PART TO UTILIZE PARKLAND ON IN THIS CASE CEMETERY PROPERTY TO BOTH BE A GOOD NEIGHBOR AS WELL AS A MUTUAL BENEFIT TO GET DPOANGS THAT. AND THAT OCCURS QUITE OFTEN.

Kim: OKAY. THANK YOU.

Mayor Wynn: MAYOR PRO TEM. SO MOTION BY THE MAYOR PRO TEM --

Dunkerley: MOTION TO APPROVE BY MAYOR PRO TEM.

Kim: I'LL SECOND, MAYOR.

Mayor Wynn: MOTION BY MAYOR PRO TEM, SECONDED BHI COUNCILMEMBER KIM TO APPROVE ITEM NUMBER 11 AS PRESENTED BY STAFF AND WITH THE ADDITIONAL COMMENTS THAT WE'VE HEARD FOR THE RECORD. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH FOR YOUR PATIENCE. SO WE'LL GIVE THE CROWD A MINUTE OR SO TO CLEAR THE ROOM AND THAT TAKES US TO OUR MORNING BRIEFING. THIS WILL BE THE HIGHLIGHTS AND STATS PRESENTATION FROM THE OFFICE OF POLICE MONITOR. WE'LL WELCOME MR. CLIFF BROWN.

MORNING. MAYOR, MAYOR PRO TEM, CITY MANAGER, COUNCILMEMBERS. FIRST OF ALL, I SHOULD BE ABLE TO GET THROUGH MY PRESENTATION CERTAINLY BY THE 2:00 HOUR. THAT'S A JOKE.

Mayor Wynn: BAD JOKE, MR. BROWN.

FIRST OF ALL, I'D LIKE TO THANK YOU FOR THE

OPPORTUNITY TO BE HERE TO PRESENT SOME STATS AND JUST AN OVERVIEW OF OUR OFFICE. IT'S MY UNDERSTANDING THAT THE OFFICE OF THE POLICE MONITOR HAS NOT MADE SUCH A PRESENTATION TO COUNCIL FOR SEVERAL YEARS, AND SO I THINK IT'S LONG OVERDUE. AND IT IS NOT A REPORT STATISTICALLY OF OUR 2005 NUMBERS, IT'S MORE OF AN OVERVIEW AND ALSO SOME HIGHLIGHTED..ED STATISTICS OF 2005 AND ALSO UP AND THROUGH THE FIRST HALF OF THE 2006 YEAR. WITH IS THAT BEING SAID I'D OOID LIKE TO INTRODUCE LEWIS GONZALEZ AND ALSO OUR RESEARCH ANALYST AND COMPLAINTS SPECIALIST, LYLE LAVA LESS THAN SEE I CAN'T. AND TIME PERMITTING IF YOU HAVE QUESTIONS, I CERTAINLY WANT TO AVAIL YOU ALL OF THEIR EXPERTISE AND THEIR KNOWLEDGE TO BE ABLE TO ANSWER ANY QUESTIONS THAT YOU HAVE. LEWIS WILL HAVE A VERY HISTORICAL PERSPECTIVE, AND HAVING BEEN WITH THE OFFICE FROM ITS INCEPTION. AND LIE LA HAS A VERY INTIMATE KNOWLEDGE OF ALL THE STATISTICAL INFORMATION THAT SHE COMPILES IN THE REPORTS THAT SHE COMPILES AND PRESENTS. SO IF THERE SHOULD BE QUESTIONS, CERTAINLY I WANT TO INVITE YOU ALL TO FEEL FREE TO QUESTION THEM AS WELL. WITH THAT BEING SAID, I'M GOING TO TRY TO HURRIEDLY GET THROUGH THIS BECAUSE I KNOW YOUR TIME IS PRECIOUS. I'LL GO THROUGH THE FIRST OF ALL MISSION. THE MISSION OF THE POLICE MONITOR'S OFFICE, IT WAS CREATED AND DEVELOPED MUTUAL RESPECT BETWEEN THE AUSTIN POLICE DEPARTMENT AND THE COMMUNITY IT SEFERBSES. AND OFTEN TIMES I THINK YOU CAN GET BOGGED DOWN IN THE FUNCTIONALITY OF THE OFFICE AND THEN LOSE SIGHT OF WHAT IT IS THAT YOUR MISSION IS ALL ABOUT. AND I BELIEVE THAT THE POLICE MONITOR'S OFFICE IS VERY UNIQUELY SITUATED TO BE A BRIDGE ON BETWEEN THE COMMUNITY AND THE POLICE. AND I THINK THAT IT IS THE JOB OF THE POLICE ON MONITOR TO MAKE SURE YOU DON'T LOSE SIGHT OF THAT MISSION. AND SO IT'S CONSTANTLY ABOUT EDUCATION, IT'S CONSTANTLY ABOUT OUTREACH, IT'S CONSTANTLY ABOUT PROMOTING AND PROVIDING OPPORTUNITIES FOR DIALOGUE TO EXIST BETWEEN THE POLICE AND THE COMMUNITY, AND THAT IS WHAT WE PLAN TO DO. GETTING TO THE FUNCTIONALITY OF THE OFFICE,

THE OFFICE FROM A FUNCTIONAL STANDPOINT IS IN EXISTENCE AS A VEHICLE FOR CITIZENS TO VOICE AND FILE COMPLAINTS AGAINST AUSTIN POLICE DEPARTMENT PERSONNEL FOR -- PERSONNEL FOR POLICY VIOLATIONS. WE ASSESS CITIZEN COMPLAINTS, WE MONITOR INTERNAL AFFAIRS INVESTIGATIONS, WE MAKE RECOMMENDATIONS TO A CONTINUAL BASIS WITH RESPECT WITH TO POLICIES, PROCEDURES AND IN CERTAIN CASES DISCIPLINE. WE PUBLISH REPORTS AND WE CONDUCT COMMUNITY OUT REACHES ON A CONSTANT BASIS, NOT ONLY TO THE PUBLIC, BUT ALSO TO THE POLICE. WE ARE INVOLVED WITH THE POLICE ACADEMY IN EDUCATING AND MAKING CERTAIN THAT EVEN NEW POLICE OFFICERS COME AND THEY KNOW WHAT IT IS THAT WE DO AND WE CAN DISPEL ANY RUMORS THAT WE ARE THROUGHOUT IN A FASHION TO GET THE POLICE. I BELIEVE THAT WE ALL HAVE THE SAME OBJECTIVE AND THAT IS TO MAKE AUSTIN THE MOST SAFE, LIVEABLE CITY AND HAS THE BEST POLICE FORCE POSSIBLE THAT'S IN THE NATION. NOW, JUST A LITTLE BIT ABOUT THE PROCESS THAT WE GO THROUGH, WHAT WE DO IS WE INTERVIEW AND WE ASSESS YOUR ISSUES AS YOU COME AND YOU MAKE A COMPLAINT ABOUT THE POLICE MONITOR'S OFFICE. OFTEN TIMES PEOPLE JUST KNOW THAT THEY'VE BEEN AGRIEVED OR FEEL THEY'VE BEEN AGRIEVED AND THEY DON'T KNOW WHAT IT IS THAT THEY'RE COMPLAINING ABOUT ACTUALLY. AND BECAUSE WE DO KNOW THE POLICY AND WE KNOW THE GENERAL ORDER OF THE AUSTIN POLICE DEPARTMENT, WE CAN ASSIST THEM IN KIND OF FRAMING WHAT IT IS THAT THEY'RE ACTUALLY COMPLAINING ABOUT. BUT IT SHOULD BE NOTED THAT WE HONESTLY ASSESS WITH CITIZENS WHAT'S GOING ON AND WHAT WE BELIEVE BASED ON OUR EXPERIENCE NOT ONLY WILL BE THE OUTCOME, BUT WHETHER OR NOT WE BELIEVE THERE IS IN FACT A POLICY VIOLATION. AND SO OFTEN TIMES WE CAN CONFER WITH A CITIZEN WHO HAS COME IN, THEY FEEL THEY'VE BEEN AGRIEVED AND WE CAN ALLAY THEIR CONCERN AND WE CAN LET THEM KNOW WHAT WE THINK ABOUT IT. BUT MAKE NO MISTAKE ABOUT IT, WE FEEL VERY STRONGLY THERE'S NOT OUR PLACE TO BE AN ARBITOR OF WHETHER OR NOT A PERSON ACTUALLY SUFFERED ANY POLICY VIOLATION AT THE HANDS OF THE POLICE. SO WE WILL NEVER REFUSE A CITIZEN'S COMPLAINT. COMPLAINTS ARE ONE OF TWO WAYS.

THEY ARE FORMAL OR THEY ARE SUPERVISOR INQUIRIES, WHICH ARE MORE INFORMAL COMPLAINTS. YOU SHOULD HAVE AN ADDENDUM ALONG WITH THE 2005 REPORT WITH SOME TERMINOLOGY DEFINITIONS THAT I'LL BE DISCUSSING. BUT A FORMAL COMPLAINT BASICALLY IS ONE IN WHICH A COMPLAINANT WANTS TO GO FORWARD AND THEY HAVE TO GIVE A SWORN STATEMENT TO THE INTERNAL AFFAIRS DIVISION OF THE AUSTIN POLICE DEPARTMENT. AND ING IT -- THE INTERNAL AFFAIRS DEPARTMENT WILL CLASSIFY THAT COMPLAINT AND THEY WILL ULTIMATELY DECIDE WHETHER OR NOT THAT COMPLAINT IS A POLICY VIOLATION AND WHETHER IT SHOULD BE INVESTIGATED. IT'S A MORE FORMAL PROCESS, IT TAKES TIME, HOWEVER, WE HAVE COME UP WITH A MORE STREAMLINED APPROACH AND THAT IS A SUPERVISOR INQUIRY. AND OFTEN TIMES PEOPLE JUST FEEL THAT THEY'VE BEEN AGRIEVED AND THEY JUST WANT TO BE HEARD. AND SO WITH A SUPERVISOR INQUIRY, WHAT HAPPENS IS A PERSON COMES IN AND WE LET THEM KNOW THAT -- USUALLY THOSE ARE LESS SERIOUS ALLEGATIONS AND THERE IS A MEANS BY WHICH THEY CAN ACTUALLY HEAR BACK FROM A SUPERVISOR OF THE ALLEGED OFFICER OF WRONGDOING IN AS LITTLE AS A WEEK. AND THAT SUPERVISOR WILL HAVE INTOAN THE OFFICER AND THEY'LL SPEAK WITH THE CITIZEN TO COME UP WITH SOME RESOLUTION HOPEFULLY ABOUT THE ENCOUNTER THAT HAPPENED BETWEEN THAT CITIZEN AND THE OFFICER. AND THOSE INQUIRIES ARE USED AGAIN IN LESS SERIOUS SITUATIONS AND OFTEN TIMES PEOPLE JUST WANT FEEDBACK. PEOPLE JUST WANT TO BE HEARD. SO AT LEAST HALF OF THE COMPLAINTS THAT ARE FILED ARE ACTUALLY SUPERVISORY INQUIRIES. SO IT PROVES TO BE A VERY ESSENTIAL PART OF WHAT WE DO. AND WE HAVE TO TELL OUR COMPLAINANTS CONSISTENTLY THAT IT'S IMPORTANT THAT COMPLAINTS ARE FILED IN A VERY TIMELY FASHION. IF SOMEONE WANTS A FORMAL COMPLAINT, IF THEY WANT THE END RESULT TO BE THAT AN OFFICER IS DISCIPLINED FOR THE ALGHTD CONDUCT, WE TELL THEM THEY HAVE TO TIME A COMPLAINT AS SOON AS POSSIBLE BECAUSE THERE IS A 180 DAY WINDOW. SO IF YOU WANT SOME SPLIN..... DISCIPLINE TO TAKE PLACE, THAT 180 DAYS AFTER THE INCIDENT TAKES PLACE, NOT 1 DAYS AFTER THE DATE THE PERSON COMES TO THE POLICE MONITOR'S OFFICE. IF IT'S

AFTER 180 DAYS, WHICH IN MANY INSTANCES IT IS, THEN THE MAXIMUM DISCIPLINE ACTION IS A WRITTEN OR ORAL REPRIMAND. WE CONSISTENTLY HAVE TO TELL FOLKS THAT TIME IS OF THE ESSENCE. AND I'M NOT GOING TO GO THROUGH THE FLOW CHART. I EXPLAINED PRETTY MUCH THE PROCESS TO YOU. WITH THE EXCEPTION THAT IN ALL CASES THE COMPLAINANT HAS AN OPTION TO ALSO HAS A POLICE MONITOR'S CONFERENCE. AND SO WHAT HAPPENS IS THAT AT THE CONCLUSION OF THE INVESTIGATION, A COMPLAINANT IS ABLE TO SIT IN WITH THE POLICE MONITOR OR THE ASSISTANT POLICE MONITOR AND HAVE THEIR ENTIRE CASE GONE OVER. SO WE CAN LET THEM KNOW THE RESULT OF THE CASE, BUT NOT ONLY THE RESULT OF THE CASE, BUT THE REASONING OF THE RESULT. SO WE ARE ABLE TO GO WITH EVERYTHING THAT INTERNAL AFFAIRS LOOKED AT. AFTER THAT CONFERENCE, THEY ARE TOLD THAT THEY HAVE THE RIGHT TO ALWAYS GO TO THE CITIZEN REVIEW PANEL IN ORDER TO HAVE THE PANEL HEAR THAT CASE. AND THE PANEL HAS THE OPPORTUNITY TO MAKE RECOMMENDATIONS FOR FURTHER INVESTIGATIONS FOR ANY POLICY OR PROCEDURE, REVIEWS THAT NEED TO TAKE PLACE AND ALSO IN CERTAIN INSTANCES, TO MAKE RECOMMENDATIONS FOR AN INDEPENDENT INVESTIGATION. AND THOSE ARE IN CRITICAL CRITICAL INCIDENTS. CRITICAL INCIDENTS INVOLVE AN ENCOUNTER WITH THE BLISS BY A USE OF FORCE RESULTS IN DEATH OR SERIOUS BODILY INJURY. ANY IN-CUSTODY DEATH OR ANY OFFICER-INVOLVED SHOOTING. THAT'S WHAT A CRITICAL INCIDENT IS. AND CRITICAL INCIDENT, ALL CRITICAL INCIDENTS ARE REFERRED IMMEDIATELY TO THE HOMICIDE UNIT FOR INVESTIGATION AND ULTIMATELY TO THE GRAND JURY TO VET OUT WHETHER OR NOT THERE WERE ANY CRIMINAL VIOLATIONS. ONCE THAT DETERMINATION IS MADE THEN IT COMES BACK TO THE INTERNAL AFFAIRS ADMINISTRATION. AND THAT'S THE PROCESS WE OVERSEE. I THINK IT'S IMPORTANT TO KNOW AT THIS TIME THAT ALL CRITICAL INCIDENTS IN MY MIND, THE BUSINESS OF OVERSIGHT IS ABOUT CREDIBILITY. IT BEGINS AND ENDS WITH CREDIBILITY. AND SO THEREFORE OFTEN TIMES IN CRITICAL INCIDENTS, YOU'LL WANT TO HEAR FROM THE POLICE MONITOR AND WANT TO HEAR HIS TAKE ON A PARTICULAR INCIDENT. AND I CAN TELL YOU THAT WE WILL NEVER FAN THE FLAMES OF

THE OUTRAGE THAT WAS MAYBE JUSTIFIABLE IN THE COMMUNITY BECAUSE IT IS AND BEGINS WITH CREDIBILITY. AND WHEN YOU DO THAT, WHAT HAPPENS IS OFTEN TIMES YOU CAN'T DELIVER TO THE COMMUNITY WHAT THEY WANT ULTIMATELY, AND THEN IF YOU SHOW SIGNS OF IMPARTIALITY TOWARDS THE COMMUNITY AGAINST THE POLICE, THEN YOU LOSE CREDIBILITY FROM THAT SIDE. SO IT'S A LOSE-LOSE SITUATION. SO WHILE IT'S NOT THE MOST SEXY APPROACH AND IT'S NOT THE MOST MEDIA FRIENDLY APPROACH, BUT YOU'LL ALWAYS HEAR ME CONSISTENTLY IN THESE TYPE OF SITUATIONS SAY LET'S WAIT UNTIL THE FACTS COME OUT, LET'S WAIT AND HAVE THE PROCESS WORK ITSELF OUT. THERE'S EXAMPLE TIME WITHIN THE PROCESS AND YOU SEE THAT WE ALWAYS HAVE THE OPPORTUNITY TO MAKE RECOMMENDATION FOR INDEPENDENT INVESTIGATION. AND THAT'S A VERY CRITICAL PIECE TO OVERSIGHT AND I'LL GET TO THAT MOMENTARILY.

THERE ARE SEVERAL DIFFERENT OVERSIGHT MODELS. THERE ARE INDIVIDUAL MODELS WHERE THERE WILL JUST AN POLICE AUDITOR, ONE PERSON. THERE ARE -- AND ONE OF THE MOST COMMON MODELS IS A BOARD OR COMMISSION. AND AUSTIN HAS A HYBRID MODEL IN THAT WE HAVE THE POLICE MONITOR WHO DOES THE MONITORING OF ALL INVESTIGATIONS AND ALSO WE HAVE A BOARD THAT HAS THE OPPORTUNITY TO DO AND SEE THE SAME THINGS WE GET TO SEE. AND IT'S IMPORTANT TO NOTE THAT EVERY CITY DOESN'T HAVE WHAT WE HAVE. OFTEN TIMES WE HEAR ABOUT WHAT IT IS THAT THE POLICE MONITOR'S OFFICE CAN'T DO WHEN LOOKING AT DIFFERENT MODELS. AND WHEN LUKE AT DIFFERENT CITIES, PARTICULARLY THE LARGER CITIES IN TEXAS, YOU LOOK AT HOUSTON OR DALLAS OR SAN ANTONIO, WHICH ARE THE LARGER CITIES THAN AUSTIN, THEY HAVE NOTHING EVEN REMOTELY RESEMBLING WHAT WE HAVE IN AUSTIN. THE KEY DIFFERENCE IS THAT THEY DON'T HAVE A SYSTEM IN WHICH A CIVILIAN CAN COME INTO AN INDEPENDENT OFFICE IN A LESS THREATENING ENVIRONMENT BECAUSE LET'S FACE IT, SOMETIME IT IS THREATENING TO CITIZENS TO COME INTO A POLICE DEPARTMENT TO MAKE COMPLAINT AGAINST A POLICE OFFICER. AND THEY DON'T HAVE ANYTHING SET UP LIKE THAT. AND OFTEN TIMES THOSE SITUATIONS IN THOSE

CITIES ARE AFTER THE FACT TYPE SITUATIONS. SO WE GET NOT ONLY TO MONITOR THE INVESTIGATIONS, BUT WE GET TO INFLUENCE THE INVESTIGATIONS BY NOT DIRECTING THEM, BUT CERTAINLY WE HAVE OPPORTUNITY TO SUGGEST A LINE OF QUESTIONING OR ASK QUESTIONS OUTSIDE THE PRESENCE OF THAT PERSON WHO IS BEING INTERVIEWED. SO WE HAVE AN OPPORTUNITY FROM THE OUTSET TO MONITOR AND TO BE INVOLVED IN THOSE INVESTIGATIONS. THAT'S A VERY KEY POINT OF THE MONITORING MODEL HERE IN AUSTIN. WHEN YOU LOOK AT THE COMPARATIVE MODELS, WE HEAR THAT THERE'S NO DEFINITIVE EVIDENCE AS TO THE EFFECTIVENESS OF ANY MODEL, WHETHER IT BE AN INVESTIGATIVE BOARD LIKE IN NEW YORK CITY OR WHETHER WITH IT BE A MONITORING BOARD LIKE WE HAVE HERE OR A HYBRID. THERE'S NO EMPIRICAL DATA WHATSOEVER AS TO THE EFFECTIVENESS OF ONE OVER THE OTHER. I THINK THERE'S NO ONE SIZE FIT ALL MODEL. I BELIEVE IT'S IMPORTANT THAT THE COMMUNITY ALONG WITH THE LEADERSHIP OF THE COMMUNITY DECIDE WHAT WORK FOR THAT PARTICULAR JURISDICTION. AND IT'S IMPORTANT TO NOTE THAT -- I BELIEVE THAT OFTEN TIMES, AND I THINK IT'S HAPPENED HERE IN AUSTIN EVEN, YOU CAN GET BOGGED DOWN IN THE FUNCTIONALITY AS I SPOKE ABOUT IN THE OFFICE, IN TERMS OF JUST TAKING THE COMPLAINTS. BUT MY POSITION IS THAT IF YOU TAKE A MORE ELEVATED APPROACH AND YOU TRY TO -- BECAUSE THE END BALLGAME IS THAT YOU WANT TO EFFECTUATE A BETTER RELATIONSHIP BETWEEN THE POLICE AND THE COMMUNITY AND ALSO WHEN THERE IS MISCONDUCT OR MISBEHAVIOR, YOU WANT TO CHANGE THAT BEHAVIOR. THAT'S THE END BALLGAME. SO YOU CAN EFFECTUATE IT FROM A CASE-BY-CASE BASIS, BUT I THINK ALSO YOU CAN INFLUENCE THAT FROM AN ELEVATED APPROACH. YOU CAN DRIVE POLICY CHANGES THAT IF THE POLICY CHANGES, THEN THE BEHAVIOR WILL CHANGE. AND I THINK THAT THE MODEL WE HAVE HERE ALLOWS US TO DO THAT. SO I THINK IT'S SIGNIFICANT TO NOTE THAT WE HAVE WHAT A LOT OF PEOPLE AND A LOT OF SYSTEMS DON'T HAVE. THE CITIZEN REVIEW PANEL, AS I TALKED ABOUT, IS THE SECOND PRONG OF THE OVERSIGHT MODEL WE HAVE HERE IN AUSTIN. AND WHAT'S IMPORTANT TO NOTE IS THAT THESE ARE JUST SEVEN ORDINARY CITIZENS LIKE YOU OR I

WHO HAVE THE OPPORTUNITY TO SEE ALL THAT WE SEE, AND AS I'M SURE ALL OF YOU KNOW, WHAT COMES INTO PLAY HERE IS TEXAS LOCAL GOVERNMENT CODE 143089 G AND THAT IN CONTEXT OF POLICING, IT PREVENTS AND KEEPS CERTAIN POLICE PERSONNEL FILES TO BE PRIVATE AND PROTECTED BY LAW, AND SO BECAUSE OF THE MODEL THAT WE HAVE HERE, THE CITIZEN REVIEW PANEL, THESE ORDINARY CITIZENS GET TO SEE WHAT WOULD OTHERWISE BE A COMPLETELY CONFIDENTIAL FILES. THEY GET TO SEE ALL THAT WE SEE. THEY HAVE TO COMPLETE THE TRAINING, THEY HAVE TO BECOME EDUCATED AND POLICIES AND POLICE PROCEDURES. AND THE LAST BUT NOT THE LEAST IMPORTANT IS THAT CONFIDENTIALITY IS OF THE UTMOST IMPORTANCE. AND SO WE STRICTLY ADHERE TO A STRICT CONFIDENTIALITY CLAUSE WITH RESPECT TO THE PANEL.

Mayor Wynn: I'M SORRY, ONE FURTHER THOUGHT. MOST CITIZENS I FIND AMAZED TO LEARN THAT EVEN PURSUANT TO THAT STATE LAW, EVEN COUNCILMEMBERS AND THE MAYOR ARE SPECIFICALLY PRECLUDED FROM EVER SEEING THOSE FILES. SO WITH THIS SYSTEM THAT WE HAVE THROUGH YOUR OFFICE, THOSE ORDINARY CITIZENS, OUR REVIEW PANEL ACTUALLY GET TO SEE PERSONNEL FILES THAT BY LAW THE MAYOR AND THE CITY COUNCILMEMBERS CANNOT SEE. SO IT'S QUITE REMARKABLE. IT'S QUITE UNCOMMON.

IT IS. AND THANK YOU FOR POINTING THAT OUT, MAYOR. ONE OF THE THINGS I THINK THAT IS ALSO IMPORTANT AND PEOPLE DON'T REALIZE IS THAT WE GET TO DO IN THIS MODEL SEVERAL IMPORTANT THINGS. ONE WE GET TO MONITOR THE INVESTIGATIONS AND WE GET TO LOOK AT WHAT HAS PREVIOUSLY BEEN A CLOSED PROCESS AND WE GET TO OPEN IT UP AND PROVIDE TRANSPARENCY TO THE PUBLIC. AND THE PUBLIC THROUGH THE CITIZENS ON THE CITIZEN REVIEW PANEL GET TO DO THAT. BUT NOT ONLY THAT, THEY GET TO MAKE RECOMMENDATIONS WITH RESPECT TO POLICY, PROCEDURAL RECOMMENDATIONS, BUT NOT ONLY THAT, IN CERTAIN INSTANCES THEY CAN EVEN DRIVE A CASE BY ASKING FOR AN INDEPENDENT INVESTIGATION. THAT'S A PRETTY REMARKABLE OPPORTUNITY. I CAN TELL YOU THAT IN THE EIGHT MONTHS I'VE BEEN HERE, WE'VE HAD EIGHT CRITICAL INCIDENTS. AND

PROBABLY THE EXISTENCE OF THE POLICE MONITOR'S OFFICE HAS PROBABLY -- I WOULDN'T KNOW FOR THEIR, BUT I WOULD SAY 20, 25 CRITICAL INCIDENTS. IN THAT TIME THERE'S BEEN ONLY TWO INDEPENDENT INVESTIGATIONS. AND SO IT IS VERY IMPORTANT. DISBET GETTING BACK TO THE TRAINING, I THINK CREDIBILITY IS THE LYNCH PIN OF OVERSIGHT, BUT IT'S ALSO THE LYNCH PIN OF THE OVERSIGHT. YOU GAIN CREDIBILITY BY YOUR TRAINING. ONE OF THE RECURRENT THEMES I HEAR WHEN I SPEAK TO POLICE AND THEY'RE NOT REALLY AWARE, NOT ALL OFFICERS ARE AWARE OF THE TRAINING THAT IS REQUIRED BY THE CITIZEN REVIEW PANEL. IT'S AN EXTENSIVE AMOUNT OF TRAINING. TWO DAYS OF TRAINING AT THE AUSTIN POLICE ACADEMY WHERE THEY RECEIVE SIMULATION TRAINING AND PUTTING THEMSELVES IN INSTANCES THAT POLICE OFFICERS ON A ROUTINE BASIS HAVE TO GO THROUGH. THEY HAVE TO DO THREE-HOUR RIDE ALONGS WITH EACH OF THE NINE POLICE COMMAND AREAS, 27 HOURS. THEY HAVE TO HAVE SIX HOURS OF INTERNAL AFFAIRS TRAINING AND THEN ATTEND A CITIZEN POLICE ACADEMY FOR 11 WEEKS, WHICH IS ONE DAY EACH WEEK FOR FOUR HOURS. IT'S ANOTHER 44 HOURS. AND IN ADDITION GO THROUGH A FOUR-HOUR WALKING BEELT..... BEAT WITH A DOWNTOWN AREA COMMAND ON A WEEKEND. IT'S A SIGNIFICANT AMOUNT OF TRAINING. AND THE THING ABOUT IT IS THAT THE CITIZEN REVIEW PANEL HAS A VOICE. AND WHEN YOU SPEAK WITH THAT VOICE, IF YOU HAVE THE ADEQUATE TRAINING, THEN I THINK YOU'LL BE RECEIVED BETTER. SO THE ARGUMENT CAN'T BE MADE THAT YOU DON UNDERSTAND. AND SO IT'S VERY IMPORTANT THAT THE CITIZEN REVIEW PANEL HAS THE TRAINING THAT IT DOES. NOW I JUST WANT TO BRIEFLY GO THROUGH SOME STATISTICAL INFORMATION THAT WE'VE GASOLINED OVER THE PAST THREE YEARS. GLOOEND.....WE'VE NOTICED THAT WE'VE HAD A CONTINUED INCREASE IN THE NUMBER OF CONTACTS DUE TO THE WAY THAT WE HAVE BETTER ACCOUNTING PRACTICE, THE WAY WE COLLECT DATA. WE HAVE A NEW DATABASE. WE'RE ABOUT TO HAVE A SHARED DATABASE WITH THE INTERNAL AFFAIRS DIVISION THAT WILL MAKE THINGS EVEN I THINK MORE ACCURATE. A CONTACT BASICALLY IS ANY COMMUNICATION WE HAVE IS A CITIZEN BY E-MAIL, TELEPHONE, WALK-IN, WHETHER IT AN LETTER.

SUPERVISORY INQUIRIES HAVE RANGED ANYWHERE FROM AS AN AVERAGE FROM 2004 TO THE PRESENT, FROM 259 TO 306. SO WHAT YOU'LL UNDERSTAND IS THAT HALF OF -- AT LEAST HALF OF THE COMPLAINTS THAT WE HAVE ARE HANDLED IN THAT WAY. I THINK THAT SPEAKS A LOT TO THE RESPONSIVENESS THAT WE ARE SEEING FROM THE AUSTIN POLICE DEPARTMENT IN HANDLING THOSE LESS SERIOUS ALLEGATIONS WITH THE CHAIN OF COMMAND STAFF. WE'VE HAD PROBABLY OVER THE PAST -- THAT PERIOD OF TIME, 1200 CONTACTS. SO ONLY HALF OF THOSE WHO CONTACT THE OFFICE ARE ACTUALLY TURNING INTO EITHER SUPERVISORY REFERRALS OR FORMAL COMPLAINTS. ON AVERAGE MORE INTERNAL THAN EXTERNAL IS A PROCESS BY WHICH THE REVERSE IS FOR US BECAUSE WE DEAL WITH THE CITIZENS. NOW, WITH RESPECT TO THE AREA COMMANDS, WHAT WE'VE NOTICED IS THAT OVER THE PAST THREE YEARS THAT THE DOWNTOWN AREA COMMAND CONTINUES TO HAVE THE HIGHEST NUMBER OF COMPLAINTS FOR OBVIOUS REASONS YOU HAVE THE ENTERTAINMENT DISTRICT DOWNTOWN, SO THEREFORE YOU HAVE OFFICERS THAT ARE MORE LIKELY TO HAVE ENCOUNTER WITH CITIZENS THAT WOULD RESULT IN A COMPLAINT. THE SECOND HIGHEST AREA OF COMPLAINTS WERE FROM THE NORTHEAST AND CENTRAL EAST AREA COMMANDS, HOWEVER IT'S IMPORTANT TO NOTE THAT THEY HAVE MORE SUPERVISORY INQUIRIES THAN FORMAL COMPLAINTS, WHICH INDICATES THAT THERE ARE LESS SERIOUS ALLEGATIONS AND THEY'RE BEING HANDLED IN SUCH A WAY THAT PEOPLE ARE SATISFIED WITH THE RESPONSE THAT THEY'RE GETTING IN THOSE AREAS. THESE STATISTICS DON'T REFLECT COMPLAINTS FILED IN SPECIALIZED UNITS SUCH AS HIGHWAY ENFORCEMENT OR SWAT OR THINGS OF THAT NATURE. THE TYPE OF ALLEGATIONS WE SEE, THE MOST COMMON TYPE OF ALLEGATION, INTERNAL OR EXTERNAL, INVOLVES CODE OF CONDUCT. AND WHAT CODE OF CONDUCT IS -- I'LL GIVE A FEW EXAMPLES. THE MOST PROMINENT EXAMPLES. AND THAT IS SIMPLY RUDENESS OR DISCOURTEOUSNESS. EXPLANATION TO PERSONS, WHICH IS FAIRLY OBVIOUS. AND I CAN'T TELL YOU HOW MANY TIMES WE HAVE COMPLAINTS WHERE THE COMPLAINANT WOULD SAY IF THEY JUST TOLD ME ABOUT WHY IT IS THEY HAVE TO TAKE THE ACTION THEY HAVE TO TAKE, THEN IT WOULD NOT

HAVE GOTTEN TO THAT POINT. AND SO THE SECOND MOST COMMON -- NOT EVEN A CLOSE SECOND, WAY DOWN SECOND, IS THE USE OF POLICE VEHICLES, COLLISIONS, POLICE COLLISIONS. AND THE MOST NOTABLE ABSENCE YOU WILL SEE ON THAT LIST IS THE USE OF FORCE. I'LL TELL THAW THE USE OF FORCE IS OBVIOUSLY AN IMPORTANT ISSUE. ANY TIME FORCE IS USED, I'M NOT EVEN TALKING ABOUT DEADLY FORCE, BUT WHEN FORCE IS USED, WHEN A CITIZEN FEELS LIKE THEY'VE BEEN AGRIEVED BY A USE OF FORCE, IT'S IMPORTANT. WE TAKE EVERY COMPLAINT IMPORTANTLY. HOWEVER, THERE'S A MISCONCEPTION, I BELIEVE, IN MANY WAYS, THAT THAT IS WHAT DRIVES THIS OFFICE, THAT IS WHAT DRIVES THE COMPLAINTS AGAINST THE POLICE DEPARTMENT. AND THAT'S NOT SO. THE FACTS INDICATE OTHERWISE. THE FACTS INDICATE THAT IT'S REALLY THE CONTACT, THE CAZ WE.....CAZWUL CONTACT THAT CITIZENS ARE HAVING WITH OFFICERS THAT ARE RESULTING IN MOST OF THE COMPLAINTS. IT'S NOT THE AUSTIN POLICE DEPARTMENT IS OUT THERE BEATING PEOPLE AND SO FORTH. THAT'S NOT WHAT'S DRIVING THE COMPLAINTS. AND IT'S IMPORTANT TO NOTE THAT. AND AGAIN LIKE I SAY, EVERY USE OF FORCE IS IMPORTANT AND WE HAVE TO ADDRESS EVERY ONE. CASES ARE CLASSIFIED AND YOU WILL NOTE ON YOUR ADDENDUM AS A OR B CASES. C AND D CASES ARE LESS SERIOUS. C AND D BEING PERHAPS A TRAINING ISSUE. B CASES BEING NO POLICY VIOLATION. AND IED MAKES THESE CLASSIFICATIONS. WHAT WE'RE SEEING IS THAT INTERNAL CASES APPEAR TO BE CLASSIFIED A AND B AT HIGHER PERCENTAGES THAN EXTERNAL CASES. AND FOR OBVIOUS REASONS BECAUSE INTERNAL CASES ARE CASES WHERE IN A POLICE OFFICER OR POLICE OFFICER'S CHAIN OF COMMAND FILES OR INITIATES A COMPLAINT WITHIN THE DEPARTMENT. AND SO ONE WOULD ARGUE, POLICE WOULD ARGUE CERTAINLY, THAT CASES -- INTERNAL CASES ARE CLASSIFIED AT THAT HIGHER RATE BECAUSE AN OFFICER IS FAMILIAR WITH POLICY, THEY KNOW WHAT POLICY VIOLATIONS ARE AND SO THEREFORE IF THEY MAKE A COMPLAINT ABOUT A POLICY VIOLATION, IT'S GOING TO BE CLASSIFIED AS SUCH. AND WHEN CITIZENS MAKE THE COMPLAINT, THEY DON'T REALLY KNOW THE LAW AS MUCH. THEY DON'T KNOW THE POLICY AS MUCH, SO -- AND TYPICALLY BASED ON WHAT I'VE SAID

PREVIOUSLY, THE ALLEGATIONS BY CITIZENS ON THE MOST PART ARE USUALLY LESS SERIOUS ALLEGATIONS. AND THAT IS TRUE. HOWEVER, ONE OF THE THINGS THAT WE ALWAYS KEEP NOTE OF AND WE HAVE TO BE DILIGENT IN MAKING SURE WE LOOK AT OUR AGREEMENT RATES IS THAT'S THE REASON YOU HAVE SUPERVISORY INQUIRIES. WE SHOULDN'T HAVE THAT BIG OF A DISCREPANCY RIGHT ON IED ON THE C AND D CASES BECAUSE YOU HAVE THE SUPERVISORY INQUIRIES TO DEAL WITH THE LESS SERIOUS ALLEGATIONS. SO THAT SHOULD BE THE NET TO SWEEP UP THE LESS SERIOUS ALLEGATIONS. SO IN ACTUALITY, WE SHOULDN'T SEE AS MUCH AGREEMENT OR DISAGREEMENT RATHER IN THE C AND D CASES. INTERNAL AFFAIRS ALLEGATION AND RELIGIOUS. AND THERE TENDS TO BE A SIGNIFICANT DIFFERENCE IN THE SUSTAINED RATE OF INTERNAL VERSUS EXTERNAL ALLEGATIONS. IED BETWEEN '04 AND THE FIRST HALF OF '06 HAS RECOMMENDED SUSTAINING ALLEGATIONS AT A RATE OF ANYWHERE BETWEEN 56 TO 74 PERCENT DURING THAT TIME PERIOD OF INTERNAL CASES OR INTERNAL ALLEGATIONS. AND CONVERSELY THEY'VE RECOMMENDED AT A RATE OF EIGHT PERCENT TO 17 PERCENT BETWEEN THAT SAME TIME PERIOD TO SUSTAIN EXTERNAL ALLEGATIONS. AND SO THE SAME ARGUMENT I MADE PREVIOUSLY MIGHT BE APPLIED HERE. BUT I TELL YOU, WE TEND TO MONITOR THIS VERY CLOSELY BECAUSE IT'S VERY IMPORTANT THAT WE MAKE SURE THAT WE DON'T FALL IN TO THE DANGER THAT CITIZEN COMPLAINTS AREN'T TREATED IN THE SAME MANNER THAT INTERNAL COMPLAINTS ARE TREATED. SO WE WATCH THIS VERY CLOSELY TO MAKE SURE THAT -- BECAUSE THE DANGER DOES EXIST. LET'S BE HONEST. THE DANGER EXISTS THAT CITIZEN COMPLAINTS WON'T BE TREATED WITH THE SAME LEVEL OF IMPORT AS INTERNAL CASES. SO WE MAKE SURE WE MONITOR THIS CLOSELY.

Martinez: I WANTED TO TOUCH ON THAT FOR A JUST A SECOND FKS WHAT I'D LIKE TO SEE IS MORE AFTER DETAILED BREAK DOWN OF THE RECOMMENDED SUSTAINED COMPLAINTS, EXTERNAL COMPLAINTS OF THE 18 TO 17 PERCENT BECAUSE I AGREE WITH YOU THAT EARLIER WHAT YOU STATED WAS THAT CREDIBILITY IS SO IMPORTANT IN THE AUSTIN POLICE MODEL. WHEN I AS AN AVERAGE CITIZEN

SEE THIS STATISTIC, I BELIEVE NOT NECESSARILY A POLICE MONITOR'S OFFICE, BUT I BELIEVE THE SYSTEM IN A WACO LACK CREDIBILITY. THAT I AS AN AVERAGE CITIZEN WON'T HAVE ANY OF MY COMPLAINTS SUSTAINED 80 PERCENT OF THE TIME OR BETTER. AND I THINK THAT'S -- WE NEED TO PROVIDE THE DATA THAT STATES WHY. AND IF IT IS BECAUSE OF LACK OF KNOWLEDGE OF THE LAW, LACK OF KNOWLEDGE OF POLICE POLICIES, THINGS OF THAT NATURE, I THINK IT'S IMPORTANT THAT THE REPORTS REFLECT THAT. SO I WOULD HOPE THAT WE COULD GET A LITTLE BIT BETTER AFTER BREAK DOWN OF WHAT THOSE ACTUAL COMPLAINTS ARE AND WHAT IT LOOKS LIKE IS HAPPENING.

I AGREE WITH YOU. AND WE DO PROVIDE A BETTER BREAK DOWN. I'M TRYING TO GET THROUGH THIS QUICKLY AND I THINK AS I SAID EARLIER, I THINK THAT IS ONE REASON, BUT IT IS CERTAINLY SOMETHING THAT WE CONTINUALLY MONITOR BECAUSE WE WANT TO FIND OUT WHY AS WELL. SO I THINK THAT IT IS SOMETHING THAT IS WORTHY OF REVIEW.

...

Martinez: THANK YOU.

THE CHIEF IS IN AGREEMENT WITH THE VAST MAJORITY OF IED RECOMMENDATIONS, AND OVER THE PAST THREE YEARS, THE CHIEF HAS AGREED WITH IED RECOMMENDATIONS IN OVER 80% OF THE ALLEGATION. SO YOU HAVE TO RECOMMEND THAT THE CHIEF IS LOOKING AT ONLY SUSTAINED ALLEGATIONS, SO IT'S PRETTY INSTINCTUAL THAT WILL BE IN THAT REGARD. IN RARE OCCASIONS THE CHIEF WILL MAKE A DIFFERENT DECISION THAN WHAT IED RECOMMENDS AND WE AGREE AT A VERY HIGH RATE, ANYWHERE FROM 90 OR BETTER PERCENT ON SUSTAINED ALLEGATIONS, UP TO 100%. THE COMPLAINT..... COMPLAINANT DEMOGRAPHICS, I THINK IT'S IMPORTANT TO NOTE THAT IT'S MY OPINION THAT MANY TIMES PEOPLE THINK THAT THERE IS A PROTOTYPE OF A COMPLAINANT THAT COMES TO THE POLICE MONITOR'S IN SF. MONITOR'S OFFICE. THANK PEOPLE ARE COMPLAINING AND MAKING COMPLAINTS IN ENCOUNTERS THAT THEY HAVE

ACROSS THE BOARD. AND I KNOW THAT UNKNOWN PERCENTAGE SEEMS RATHER LARGE, BUT THAT IS AN AVERAGE OVER THE PAST THREE YEARS AND WE ARE DOING A MUCH BETTER JOB BE OF COLLECTING DATA AT THIS POINT. OFFICER DEMOGRAPHICS. BASIC WLAI THIS GRAPH SHOWS YOU IS THAT, FOR.... FOR INSTANCE, THE RACIAL AND ETHNIC BACKGROUND OF SUBJECT OFFICERS DIFFERS VERY SLIGHTLY WITH THE RACIAL BREAK DOWN OF THE AUSTIN POLICE DEPARTMENT, SO YOIM NOTICE.....YOU'LLNOTICE THAT AUSTIN UNDERSTAND IS APPROXIMATELY 70.7 PERCENT ANGLO AND THE PERCENTAGES KIND OF MATCH OF THE SUBJECT OFFICERS THE MACK-UP OF THE AUSTIN POLICE DEPARTMENT. IF YOU LOOK ACROSS THE BOARD WITH RESPECT TO THE RACIAL BREAK DOWN, IT PRETTY MUCH MIRRORS. AND THERE IS SOME SLIGHT DIFFERENCE THAT ARE NOTEWORTHY AND WE ALWAYS KEEP A DILIGENT WATCH ON. BUT FOR THE MOST PART THEY ARE THE SAME AS THE MAKEUP OF THE AUSTIN POLICE DEPARTMENT. WE MAKE RECOMMENDATIONS ON A REGULAR BASIS. WE MAKE CASE SPECIFIC RECOMMENDATIONS, FOR INSTANCE, ABOUT RECLFKS. SO IF -- RECLASSIFICATION. SO IF WE DISAGREE WITH A CLASSIFICATION OF A PARTICULAR CASE WE MAKE RECOMMENDATIONS AT THE TIME. WE MAKE RECOMMENDATIONS THAT FURTHER INVESTIGATION TAKE PLACE. IN INSTANCES WE HAVE THE OPPORTUNITY TO MAKE RECOMMENDATIONS FOR AN INDEPENDENT INVESTIGATION. AND IT'S IMPORTANT TO NOTE THAT -- I TALK TO MY STAFF ABOUT THIS ALL THE TIME. IT'S IMPORTANT THAT THE MONITORING PROCESS TAKES PLACE NOT AT THE END WHEN WE GO TO THE CITIZEN REVIEW PANEL, BY THIS IS WHERE IMPORTANT THINGS TAKE PLACE. AND I THINK THE PUBLIC NEEDS TO UNDERSTAND THAT. IN MANY RESPECTS RECONSIDER YOURSELVES THE GATE KEEPERS. WE ARE THERE TO CHAL CHALLENGE THINGS THAT WE SEE AS INCORRECT, WHETHER IT BE A CLASSIFICATION ABOUT A SPECIFIC CASE AND WE'RE THERE AND IT'S IMPORTANT THAT WE DO THOSE THINGS AS THEY CIR AND NOT JUST WAIT. WE MAKE ALSO RECOMMENDATIONS WITH RESPECT TO TRAINING, COUNSELING AND IN CERTAIN INSTANCES DISCIPLINARY ACTIONS. AND THEN ALSO WE'VE MADE OVER THE YEARS MANY DIFFERENT POLICY OR PROCEDURAL

RECOMMENDATIONS. OBVIOUSLY ONE OF THE MOST IMPORTANT ONES WAS THE MOBILE VIDEO RECORDING THAT ANY ENCOUNTER WITH THE PATROL OFFICER BE VAIPD WITH THE IN-CAR CAMERA. WE TOOK PART IN THOSE TYPES OF RECOMMENDATIONS AS WELL. AND AS I SAID, HOW REACH IS AN INTEGRAL ELEMENT OF OVERSIGHT. WHAT WE HAVE TO DO IS PROMOTE THE BASIC AWARENESS OF THE AGENCY. AT ITS MOST BASIC LEVEL THAT'S WHO YOU ARE, WHAT DO YOU, WHERE YOU LOCATE IT. AND SO I'M EXCITED WHEN I HAVE THE OPPORTUNITY TO SPEAK BEFORE SUCH A DISTINGUISHED GROUP, BUT ALSO WITH MEMBER. PUBLIC HERE TO HAVE AN OPPORTUNITY TO USE THE PLATFORM TO SPEAK AND PROMOTE THE MESSAGE OF THE POLICE MONITOR'S OFFICE BECAUSE WITHOUT PROMOTING THAT, PEOPLE DON'T KNOW WHO YOU ARE AND WHAT DO YOU AND YOU ARE RENDERED COMPLETELY INEFFECTIVE. SO THOOTION IMPORTANT BE AND WE HAVE TO PROVIDE TRANSPARENCY THROUGH REPORTING. AND HAVE YOU A 2005 REPORT IN FRONT OF YOU AND THAT'S UNACCEPTABLE. WE WILL HAVE THE FIRST HALF OF 2006 PROBABLY WITHIN THE MONTH. AND BY THE END OF THE YEAR WE'LL HAVE THE FULL YEAR OF 2006 AND WE'LL BE CAUGHT UP AT THAT POINT BECAUSE OF THE 180 DAY RULE, THERE WILL ALWAYS BE A 180 DAY LAG. BUT I HAVE TO TELL YOU THAT I CHALLENGE MYSELF, MY STAFF, I CHALLENGE THE ORGANIZATION TO MAKE SURE THAT WE REPORT IN A TIMELY FASHION BECAUSE FRANKLY OVERSIGHT IS HERE TO REMEDY THIS CLOSED PROCESS OR THIS PERCEPTION THAT THERE'S THIS SECRETIVE PROCESS IN LAW ENFORCEMENT. AND IF YUSH SUPPOSED TO PROVIDE TRANSPARENTLY IN YOUR REPORTING AND YOU DON'T PROVIDE IT IN A TIMELY FASHION, THEN YOU BECOME A PART OF THE PROBLEM. SO YOU BECOME IN THE PUBLIC'S EYES A PART OF THE PROBLEM BE. SO IT GOES BACK TO CREDIBILITY. SO TO KEEP THE CREDIBILITY OF THE PUBLIC, IT'S IMPORTANT THAT WE REPORT IN A TIMELY FASHION. I CAN ASSURE YOU THAT ONCE WE GET CAUGHT UP TO THE END OF THIS YEAR WE WILL BE REPORTING IN A TIMELY FASHION. THEN IT'S ABOUT BROKERING THE RELATIONSHIPS I SPOKE ABOUT AND DO YOU IT THROUGH EDUCATION. YOU EDUCATE NOT ONLY THE POLICE LIKE I SAID, AND WE DID GO TO THE ACADEMY, BUT YOU ALSO HAVE TO SPEAK TO YOUNG

PEOPLE. ONE OF THE MOST DANGEROUS THINGS I SEE IS HOW YOUNG PEOPLE OFTEN INTERACT WITH THE POLICE. AND WHEN YOU SPEAK ABOUT A LACK OF RESPECT, OFTEN TIMES IT COMES FROM YOUNG PEOPLE. AND SO WE HAVE TO DO A BETTER JOB OF EDUCATING YOUNG PEOPLE HOW TO INTERACT WITH THE POLICE AND HOW TO HANDLE THEMSELVES WHEN THEY HAVE AN ENCOUNTER. AND IF THE ENCOUNTER IS NEGATIVE, THERE'S A VEHICLE, THE POLICE MONITOR'S OFFICE, TO REDRESS ANY TYPE OF SITUATION THAT YOU HAVE IN A POSITIVE WAY. AND SO YOU WILL NEVER WINNIE TYPE OF SITUATION ON THE STREET. AND THAT'S THE MESSAGE WE TELL YOUNG PEOPLE. AND BE ALSO IT'S ABOUT SOLICITING COMMUNITY INPUT AND INVOLVEMENT. WE DON'T BELIEVE THAT WE HAVE ALL THE ANSWERS. WE BELIEVE THAT WE CONSTANTLY HAVE TO GAIN COMMUNITY INPUT, ACCESS AND THEIR IDEAS, AND HOW WE BETTER CAN SERVE THE COMMUNITY. AND ULTIMATELY, IN CONCLUDING, I'D LIKE TO NOTE THAT THE CREATION AND GROWTH OF THESE AGENCIES LIKE THE POLICE MONITOR'S OFFICE HAVE BEEN A MAJOR INNOVATION IN LAW ENFORCEMENT. AND I THINK THEY'RE A STAPLE, HERE TO STAY NOW. IT HAS TRULY ALLOWED THIS PREVIOUSLY CLOSED PROCESS TO BE OPENED UP AND IT PROVIDES A GREAT MEASURE OF TRANSPARENCY. SO THE CHALLENGE THAT WE HAVE AS AN ORGANIZATION IS TO FIND INNOVATIVE WAYS TO CONTINUALLY CHALLENGE OURSELVES, HOW WE MEASURE OURSELVES TO BE BE MORE EFFECTIVE FOR THE CITIZENS THAT WE SERVE. I'LL OPEN UP FOR ANY QUESTIONS. THANK YOU.

Mayor Wynn: THANK YOU, MR. BROWN. QUESTIONS, COMMENTS, COUNCIL? COUNCILMEMBER KIM.

Kim: MR. BROWN, CAN YOU THANK YOU FOR THE PRESENTATION. I APPRECIATE EVERYTHING YOU DO AND YOUR STAFF. I'M AMAZED AT HOW MUCH TRAINING THEY HAVE TO GO THROUGH BECAUSE THAT'S A LOT OF TRAINING.

IT'S A LOT. THEY WILL TELL YOU THAT AS WELL, I CAN ASSURE YOU.

Kim: SO WHEN ARE THE NEXT SET OF APPOINTMENTS UP

FOR THE CITIZEN REVIEW PANEL?

RIGHT. WE HAVE A STAGGERED SYSTEM SO THERE WILL BE PANEL MEMBERS WHO COME OFF AS SOON AS FEBRUARY. SO WE'LL HAVE TO BE ENGAGING STHOAZ FOLKS NOW. AND ACTUALLY, THAT'S A VERY GOOD QUESTION BECAUSE ONE OF THE THINGS I WANT TO LOOK AT IS POSSIBLY WHEN -- I DON'T KNOW HOW IT WORKS ACTUALLY BECAUSE THE PERSONS HAVE TO BE APPOINTED FIRST, BUT IF THERE'S ANY WAY THEY CAN BEGIN THE TRAINING SOMETIME PRIOR TO THE APPOINTMENT IF THEY'RE GOING TO BE APPOINTED SO THAT THEY GET THAT DONE EARLY ON BECAUSE IT IS -- IT'S QUITE ONEROUS.

Kim: I APPRECIATE EVERYTHING YOU'RE DOING AND I ALSO AGREE WITH YOU THAT TIMELY INFORMATION AND BEING RESPONSIVE IS REALLY KEY FOR PEOPLE TO KNOW WHEN THEY'RE GOING TO GET A RESPONSE. AND IF THEY CAN'T GET A RESPONSE TO THEIR SATISFACTION AT LEAST THEY'RE GETTING NEGOTIATION AS TO -- THAT THE REQUEST IS STILL BEING WORKED ON AND WHEN THEY'RE BEING HEARD BY THE CITIZEN REVIEW POONL OR GET AGRICULTURE MEETING BY THE SUPERVISOR IF THEY SO CHOOSE.

ABSOLUTELY. MOISTURE MAYOR COUNCILMEMBER COLE.

Cole: I'D LIKE TO THANK YOU FOR YOUR PRESENTATION AND THE DETAILS OF THE PRESENTATION AND BE THE WORK THAT YOUR OFFICE HAS DONE. BUT AT THE SAME TIME I RECOGNIZE THAT OUR COMMUNITY IS IN A TIME WHEN WE ARE REALLY QUESTIONING THE RELATIONSHIP BETWEEN THE YOUNG PEOPLE, ESPECIALLY IN THE MINORITY COMMUNITY, AND POLICE OFFICER. SO I WANT TO GO BACK BE AND TALK A LITTLE BIT ABOUT THAT BALANCE BECAUSE I ALSO FEEL REAL STRONGLY THAT WE HAVE TO STRIKE A BALANCE BETWEEN RECOGNIZING THAT OUR POLICE DEPARTMENT HAS A VERY DIFFICULT TIME AND ALSO RECOGNIZING THAT OUR YOUNG PEOPLE HAVE TO BE EDUCATED ON DEALING WITH POLICE OFFICERS. SO I'D LIKE TO ASK YOU WHAT WORK YOU HAVE YOU DONE WITH THE NAACP OR LULAC. IS THERE ANY WAY WE CAN WORK TOGETHER TO PROVIDE SOME EDUCATION TO THE

COMMENT?

ABSOLUTELY. I ROUTINELY SPEAK AT SCHOOLS. I RECENTLY SPOKE AT A JUVENILE JUSTICE SEMINAR THAT WAS HELD HERE IN AUSTIN. AND I MEET WITH THE NAACP ON A REGULAR BASIS. I ATTEND AND MY STAFF ATTENDS THE AFRICAN-AMERICAN MEN AND BOYS CONFERENCE AND WE'VE BEEN AN INTEGRAL PART OF THAT. THEY'VE HELD MEETINGS AT OUR OFFICE. AND SO WHAT I'M LOOKING TO DO, AND I DON'T PURPORT TO HAVE ALL THE ANSWERS AND I DEFINITELY SOLICIT COMMUNITY INVOLVEMENT FOR THIS EFFORT, I'M LOOKING TO CREATE -- I THINK WE ARE UNIQUELY SITUATED. THAT'S WHY IT'S SO IMPORTANT TO ME TO NOT JUST BE THE FUNCTIONAL..AL POLICE MONITOR, BUT TO BE ABLE TO ACTUALLY GO OUT AND DO SOMETHING ABOUT BROKERING THESE RELATIONSHIPS. SO I THINK WE'RE UNIQUELY SITUATED TO DO THAT BECAUSE WE'RE NOT ADVOCATES, IF YOU WILL, FOR THE COMMUNITY. WE'RE NOT ADVOCATES FOR THE POLICE. WE JUST WANT TO SEE WHAT'S RIGHT HAPPEN. SO I WANT TO COME UP WITH WAYS TO CREATE ENVIRONMENTS. AND NOT BIG SEMINARS AND SYMPOSIUMS THAT HAVE GYMNASIUMS FILLED WITH PEOPLE, BUT SMALL GROUP ENVIRONMENTS WHERE HONEST, REAL DIALOGUE CAN TAKE PLACE. AND SO I'M LOOKING FORWARD TO PARTNERING WITH ANYBODY TO TRY TO COME UP WITH VEHICLE TO DO THAT.

I SPOKE RECENTLY AT A CHURCH AND I WAS REALLY -- IN EAST AUSTIN AND I WAS REALLY SURPRISED AT THE -- IT WAS A MEN'S AND FATHER'S LUNCH CHON. AND I WAS REALLY SURPRISED AT THE INTEREST IN UNDERSTANDING THE PROCESS FOR CONSENT SEARCHES, SEE SEIZURES, JUST THE WHOLE KIND OF ELEMENTARY TYPE OF STOPS INFORMATION THAT WAS JUST NEEDED IN THE COMMUNITY. SO I'M VERY GLAD THAT YOU'RE DOING THAT AND I WANT TO ASSIST WITH THAT IN ANY WAY THAT I CAN.

I WILL CERTAINLY CALL ON YOU, COUNCILMEMBER.

Cole: LET ME ASK YOU ALSO ABOUT RIDE ALONGS. HOW MANY RIDE ALONGS ARE REQUIRED OF THE CITIZEN REVIEW PANEL?

NINE RIDE ALONGS. SO IT'S THREE-HOUR RIDE ALONGS IN EACH OF THE POLICE COMMAND AREAS. IT'S QUITE A BIT.

IT'S QUITE A BIT. I THINK THAT'S GREAT BECAUSE IT'S REALLY IMPORTANT THAT THE CITIZENS GET AN UNDERSTANDING OF WHAT HAPPENS WITH THE POLICE OFFICERS AS WELL AS VICE VERSA. I ALSO WANTED TO ASK ABOUT THE DEPARTMENT OF JUSTICE INVESTIGATION. THAT'S SOMETHING THAT'S REAL IMPORTANT TO OUR CITY AS A WHOLE AND TO THE CITY OF AUSTIN. HAVE YOU BEEN INVOLVED IN THAT? AND I ASSUME THAT YOU WILL COOPERATE WITH THEM FULLY IN THAT. BUT I'M NOT CLEAR ON WHAT, IF ANY, ROLE THAT YOU WOULD PLAY IN THAT INVESTIGATION.

I HAVEN'T BEEN INTIMATELY INVOLVED IN IT UP TO THIS POINT, HOWEVER I'VE BEEN BRIEFED ON THE SITUATION AND I DO KNOW THAT I WILL BE A PART OF A SITE VISIT THAT TAKES PLACE HERE AND HERE IN PROBABLY LESS THAN A MONTH.

Cole: I APPRECIATE IT.

THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MARTINEZ.

Martinez: REAL FWREEFLY. MR. BROWN, I JUST WANTED TO THANK YOU AS WELL. I WANTED YOU TO -- IF YOU COULD, SHARE WITH US BRIEFLY SOME OF THE RECOMMENDATIONS THAT YOU MIGHT MAKE TO US AS A COUNCIL AS WE PREPARE FOR UPCOMING NEGOTIATIONS WITH THE POLICE ASSOCIATION. ' OBVIOUSLY YOUR POSITION AND YOUR OFFICE IS THROUGH OUR CONTRACTUAL AGREEMENT WITH ATA. AND I WOULD LIKE TO LOOK TO YOU AND YOUR OFFICE FOR RECOMMENDATIONS AS TO WHAT WE MIGHT BE ABLE TO IMPROVE IN THE NEXT ROUND OF NEGOTIATIONS WITH THE POLICE ASSOCIATION TO GIVE YOU THE TOOLS YOU NEED TO DO YOUR JOB.

I APPRECIATE THAT AND I WOULD LOOK FORWARD TO THE OPPORTUNITY TO SIT DOWN WITH MY STAFF AND WE ARE

CONTINUALLY COMPILING A LIST OF THINGS WE THINK THAT WOULD MAKE US MORE EFFICIENT IN THAT REGARD. SO I CERTAINLY WELCOME THE OPPORTUNITY TO DO JUST THAT. THANK YOU VERY MUCH.

Futrell:.

COUNCILMEMBER, HAVE YOU THAT HAPPENING ON MULTIPLE ARENAS. THE POLICE CHIEF AND HIS EXECUTIVE TEAM HAS BEEN KEEPING LACE OF THINGS AS THEY'VE ENCOUNTERED THEM. THE LAW DEPARTMENT HAS THEY'VE BEEN HAVING TO MAKE INTERPRETATIONS HAVE KEPT A LIST AND CLIFF'S SHON HAS BEEN DOING EXACTLY THE SAME AS THEY'VE MOVED ALONG. SO YOU'LL GET A COMPILATION OF ALL OF THOSE AS YOU START YOUR PROCESS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? WE APPRECIATE THE REPORT, MR. BROWN.

I APPRECIATE YOUR TIME.

Mayor Wynn: WELL DONE. SO COUNCIL, THAT TAKES US TO OUR CITIZEN COMMUNICATION. I APOLOGIZE TO THOSE FOLKS WHO HAVE BEEN WAITING SO PATIENTLY. WE NORMALLY START THIS AT NOON. IT WAS IMPORTANT THAT WE GOT A FULL BRIEFING FROM OUR POLICE MONITOR. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] BE..

I HAVE LITTLE FAITH THAT A RELIABLE CHECKS AND BALANCE SYSTEM IS IN PLACE WITHIN THE CITY. I THANK YOU FOR YOUR TIME AND I WOULD LIKE A RESPONSE.

Mayor Wynn: THANK YOU. ACTUALLY, MR. SMITH, SHE DOES COME FREQUENTLY AND BRINGS UP A NUMBER OF THESE MOSTLY LEGAL ISSUES. ARE YOU AWARE OF THE CASE OR CASES? AND WORKING WITH ADMINISTRATIVE STAFF TO HANDLE SOME OF THESE?

YES, I AM AWARE. I AM BRIEFED GENERALLY ON THE AREA. I DO HAVE ONE QUESTION ABOUT THE COMPLAINANT'S NAME. ARE YOU REFERRING TO THE OPEN RECORDS REQUEST THAT YOU MADE?

NO. I HAVEN'T MADE ONE ON THE SECOND COMPLAINT. THERE IS A SECOND COMPLAINT NOW WHERE THEY SAY THEY CAN'T RELEASE THE NAME, BUT I BELIEVE ON AN OPEN RECORDS THEY'LL HAVE TO TELL ME THE LAW THAT SAYS THEY CAN'T REVEAL IT, AND I'LL BE BE LOOKING FORWARD TO THAT WHEN I GET THE ANSWER.

I WANT TO ADD THAT YEAH, MY OFFICE IS AWARE OF THE CONCERNS THAT YOU HAVE. WE ARE WORKING WITH BURT AND OTHER PEOPLE WITH THE CITY ON ALL THOSE ISSUES, AND IN TERMS OF THE IDENTITY OF THE COMPLAINANT, BE ASSURED THAT WE WILL RELY ON WHAT THE ATTORNEY GENERAL TELLS US IS APPROPRIATE.

THE ISSUE OF THE TRESPASS, TO SAY THAT THEY DIDN'T READ THE SIGN, MAKES IT OKAY, IS LIKE ME SAYING TO AN OFFICER, I DIDN'T SEE THE SPEED LIMIT SIGN, SO IT DOESN'T COUNT. IT DOESN'T COUNT IF I DON'T SEE THE RED STOP SIGN. I DIDN'T SEE THE TRESPASS SIGN. I DIDN'T READ IT, SO IT DOESN'T COUNT IS THE LEVEL I TAKE THAT AS.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS BLANCO ANCHONDO. SPOAR IF I MISPRONOUNCED THAT. TO BE FOLLOWED BY IT LOOKS LIKE DAVID KOBIEROWSKI.

MY, MAYOR AND COUNCILMEMBER. IF YOU DON'T MIND, I'LL GIVE MY MINUTES OVER TO JACKIE MOORE.

...

Mayor Wynn: GLUEDLY. WELCOME. -- GLADLY. WELCOME.

HELLO, MAYOR, COUNCILMEMBERS. MY NAME IS JACKIE MOORE. AND I AM A RESIDENT OF THE EAST SIDE COMMUNITY. I'M ASKING FOR THE SUPPORT TO BUILD THE PROJECT FOR SOUTHWEST KEY FOR UNSELFISH REASONS, NOT SELFISH REASONS. I HAVE THREE -- I'M A MOTHER. I'M AN EDUCATOR. AND I'M A SOUTHWEST KEY CASE WORK. WORKER. I'VE ALWAYS TOLD MY THREE BOYS, BECAUSE I'M A SINGLE PARENT ALSO, ASK YOU FOR WHAT YOU NEED, NOT WHAT FO WHAT YOU WANT. AND I FEEL THAT THIS IS SOMETHING THAT IS NEEDED IN THE EAST AUSTIN COMMUNITY. AS A MOTHER, TO ME IT'S JUST COMMON

SENSE. IN THAT COMMUNITY AND SEEING THE THINGS THAT HAPPEN IN THE COMMUNITY AND THE NEED IN THE COMMUNITY, I FEEL THAT SOMETHING AS POWERFUL AND POSITIVE AS THIS PROGRAM AND AS SOUTHWEST KEY AS A WHOLE SHOULD BE PLACED INTO THAT COMMUNITY. SO I FEEL THAT IT IS DEFINITELY A NEED. FROM AN EDUCATOR'S POINT OF VIEW, I JUST RA GRADUATED WITH MY ENGLISH DEGREE CERTIFIED TO TEACH ENGLISH BECAUSE I FELT THE NEED IN THE COMMUNITY AND I WANT TO MAKE A POSITIVE POINT AND BE A POSITIVE FORCE IN THAT COMMUNITY. HOWEVER, MY HISTORY WITH SOUTHWEST KEY, I'VE BEEN WORKING WITH THEM AS A CASE WORKER AND ALONG WITH YOU'VE PROBATION, MY JOB IS TO KEEP THOSE CHILDREN OUT OF JAIL, TO KEEP THEM FROM BEING DETAINED. I ALWAYS SAY TO MYSELF ON A DAILY BASIS, I THINK TO MYSELF, THIS IS WHAT I'M GOING TO DO WHEN I GET UP IN THE MORNING TO KEEP THEM OUT OF JAIL AND THIS IS WHAT I'M GOING TO DO AT NIGHT IN ORDER TO KEEP THEM OUT OF JAIL. AS AN EDUCATOR, I DECIDED TO NOT STEP INTO THE CLASSROOM BECAUSE THE JOB THAT I HAVE IS TO KEEP THEM FROM BEING DETAINED IN ORDER TO STEP INTO THE CLASSROOM. AND ALSO AS AN EDUCATOR, WE HAVE A HIGH DROPOUT RATE. AND SO I FEEL THAT MY JOB IS TO KEEP THEM IN THE CLASSROOM, TO KEEP THEM INSIDE THE CLASSROOM. ALSO, I FEEL THAT THIS NEEDS TO BE IN THE COMMUNITY BECAUSE IN THE COMMUNITY I FEEL THAT THEY'RE INSIDE OF A BOX, THEY'RE INSIDE OF A BOX. AND IF WE DON'T OFFER THEM OR GIVE THEM OPPORTUNITY TO STEP OUTSIDE OF THE BOX, THEN TO ME IT WOULD PROBABLY BE SOMETHING THAT THEY WOULD NEVER BE EXPOSED TO. THIS IS A NEED, NOT A WANT. AND THIS IS SOMETHING THAT I FEEL THAT THE COUNCIL AND THE MAYOR SHOULD CONSIDER. AND I ALWAYS SAY TO MYSELF, MY JOB IS NOT 367 DAYS OUT OF THE YEAR, IT'S 385. AND THAT'S WHAT I DO. AND THAT'S WHAT MY CASE WORKERS, ALONG WITH THE OTHER SOUTHWEST KEY EMPLOYEES, THAT'S WHAT WE'RE DOING. IT'S NOT 367, IT'S 385. FWHAIS SLEEP I'M THINKING WHAT I NEED TO DO TO HAVE THIS POSITIVE FEED GOING ON IN THE COMMUNITY. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU. THE NEXT SPEAKER IS DAVID

KOBIEROWSKI.

THANK YOU.

Mayor Wynn: YOU HAVE THREE MINUTES AND WILL BE FOLLOWED BY --

IS THERE A CLOCK HERE. HOW DO I KNOW THE TIME IS UP?

Mayor Wynn: I'M NOT SURE WHAT YOU SEE UP THERE ACTUALLY.

IT WASN'T TO FOR A MINUTE THERE. OKAY. THANKS, EVERYBODY. THANKS, COUNCILMEMBERS FOR ALLOWING US TO SPEAK AT THIS FORUM. WHAT I WANTED TO DO IS ADDRESS TWO TOPICS, ONE IS I LIVED IN AUSTIN FOR ABOUT SIX YEEMPLTZ I MOVED DOWN HERE FROM TARRYTOWN NEW YORK WHERE I WAS BORN AND BE RAISED. I'VE SEEN THE LAST SIX YEARS A LOT OF CHANGES GOING ON IN AUSTIN. ONE OF MY CONCERNS IS A LOT MORE GROWTH, WHICH I KNOW SMART GROWTH AND MINIMIZING SOME OF THE UNSMART GROWTH, BUT I TOOK A SERIES OF PICK AROUND TOWN RECENTLY. I'M SEEING A MAJOR GROWTH OF SIGNS THAT ARE NOT AESTHETICALLY PLEASING TO THE EYE. AND BEYOND THAT THEY'RE ALSO I THINK -- THERE'S AN ELEMENT OF DANGER THERE WHEN YOU'RE DRIVE. THIS ONE IS ACTUALLY -- IT'S HENNA CHEVROLET OFF OF I-35. IT'S A GIGANTIC SIGN THAT YOU CANNOT MISS. THESE PICTURES DON'T DO THIS JUSTICE BECAUSE THESE PICTURES ACTUALLY, IF YOU'RE SEEING IT AT NIGHT, IT'S JUST A LIGHT SHOW. IT JUST BLINKS IN FRONT OF YOUR EYES. AND IT SAYS WATCH ME, LOOK AT ME AS YOU'RE DRIVING. AND THEY BLINK AND THEY FLASH AND THEY GO ALL DIFFERENT COLORS AND EVERYTHING. BUT I'M SEEING -- THIS IS ON SEVENTH STREET HERE. THIS IS ONE OVER ON LAMAR AND 15TH STREET THAT JUST STICKS OUT AT YOU. AND ALL OF THEM GO AROUND. I JUST WANT TO MAKE AN AWARENESS FACTOR THAT I'M SEEING A TON OF THESE LATELY. I'M NOT SURE IF THERE'S BEEN AN ORDINANCE THAT HAS CHANGED RECENTLY OR IF A LAW HAD EXPIRED. I JUST WANT TO MAKE IT A PUBLIC CONCERN ISSUE. THIS ONE HERE, ADVANCED AUTO PARTS, THAT'S OFF OF MCNEIL AND SAN FELL LEAP IN NORTHWEST AUSTIN. LIT WALLY THE SIGN TAKES UP --

LITERALLY THE SIGN TAKES UP HALF OF THE STORE. MY SECOND ISSUE, COMPLETELY SWITCHING GEARS NOW, IS I'VE BEEN A PRODUCER, INDEPENDENT TELEVISION PRODUCER AT COMMUNITY ACCESS PUBLIC TELEVISION FOR ABOUT A YEAR NOW. IT'S AN ABSOLUTE JENNIFER KIM.....GEM THAT ICAME ACROSS FROM A FRIEND OF MINE. I JUST WANT FOLKS TO BE AWARE OF THE SERVICES THAT WE'VE HAD IN TIME. I'VE LEARNED HOW TO FILM, HOW TO EDIT. I'VE LEARNED HOW TO PRODUCE SHOWS. I'VE LEARNED ALL THE CAMERA, HOW TO USE A CAMERA. I WALKED IN NOT KNOWING ANY OF THAT STUFF. IT'S A GREAT LUXURY THAT WE HAVE HERE IN AUSTIN. I WANT TO MAKE SURE THAT FOLKS ARE AWARE OF IT. AND I ASK FOR THE COUNCIL'S SUPPORT AS I KNOW THERE IS SOME ACCURATE TRAL ISSUE COMING UP -- CONTRACTUAL ISSUE COMING UP BETWEEN NOW AND 2011 THAT MAY -- WE COULD LOSE SOME OF OUR FUNDING BECAUSE OF SENATE BILL 5. IT'S A STATE LEGISLATURE BILL THAT PASS UNDERSTAND THE SECOND SPECIAL OF THE 79TH LEGISLATURE, THE TELECOM LAW. AND THAT MAY AFFECT PUBLIC ACCESS. WE WILL BE BE CELEBRATING OUR 34TH AN VERSELY RECENTLY AND IT'S A TON OF FUN DOWN THERE THAT WE CAN LEVERAGE THE TECHNOLOGY TO COMMUNICATE OUR VOICE AND OUR FIRST AMENDMENT. I APPRECIATE Y'ALL LISTENING. AND UNLESS YOU HAVE ARE ANY QUESTIONS, I'M DONE. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU, DAVID. QUESTIONS FOR THE SPEAKER? THANK YOU, SIR. SO OUR NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY. WHO WILL BE FOLLOWED BY CATH REEN PENA. CATHERINE PENA.

WELCOME BACK, COUNCIL. I NEED TO APOLOGIZE TO THE ENTIRE KENNEDY FAMILY FOR WALKING OUT OF THE HOUSE WITH THIS HAIR DO. THEY'RE EITHER CRAWLING UNDER THEIR DESKS OR RISING FROM THE DEAD, AND THERE'S FIVE OF EACH. (music) THREE BLIND MOUSE. THREE BLIND MOUSE. THEY ALL RAN UP TO THE PRESIDENT'S HOUSE, SHE WELCOMED THEM IN BECAUSE SHE HAD NO SPOUSE. THREE BLIND MOUSE. (music) THREE BLIND MOUSE. THEY WALKED IN HER OFFICE AND PULLED OUT THE BED, THEY SANG AS THEY TOLD HER TO LAY DOWN HER HEAD. THREE BLIND MOUSE. THREE BLIND MOUSE. (music) THE BOMBS WENT OFF

AND THE TOWERS CAME DOWN, SHE FELT THE IMPLOSION
AND PUT ON HER GOWN. THREE BLIND MOUSE. THREE BLIND
MOUSE. AMERICA PLAYED AND Y'ALL CRIED OUT HER NAME
IN A TEXAS SECOND SHE JUMPED IN THE GAME. THREE
BLIND MOUSE. SHE KICKED OSAMA RIGHT BACK TO HIS
CAVE, SHE SCREAMED THAT'S THE LAST TIME YOU'LL BE
SUCH A KNAVE. THE BANK STAYED OPEN, THE NEWSPAPERS
ROLLED. THE MERCHANTS AND PEONS, THEY BOUGHT AND
THEY SOLD. THE COPS AND THE FIREMEN WENT FISHING, I'M
TOLD. THREE BLIND MOUSE. THREE BLIND MOUSE. THE
PRISONERS AND CHILDREN WENT BACK TO THEIR SEATS TO
FWIET THE DAY FOR THEIR PRESIDENT TO MEET. THREE
BLIND MOUSE. THREE BLIND MOUTHS. THE OVAL OFFICE
WAS QUIET AGAIN, SHE GOT ON HER CELL WITH HER THREE
WISE MEN. SHE LIT UP A SMOKE AND SHE HAD A COLD BEER
AND GOD ONLY KNOWS WHY SHE CHOSE HER CAREER.
THREE BLIND MOUTHS. THREE BLIND MOUTHS. THREE BLIND
MOUTHS. [APPLAUSE]

Mayor Wynn: THANK YOU. THE NEXT SPEAKER IS CATHERINE
PENA. WELCOME. YOU WILL BE FOLLOWED BY JIMMY
CASTRO.

CATHERINE COULDN'T MAKE IT HERE TODAY, SO DR.
SANCHEZ IS GOING TO EXPO HER BEHALF.

Mayor Wynn: IS THERE ANY OBJECTION, COUNCIL?

THANK YOU, COUNCILMEMBERS. MAYOR PRO TEM, MAYOR,
FOR YOUR TIME. MY REQUEST TODAY IS VERY SIMPLE. I'M
HERE AS THE FOUNDER AND CEO OF SOUTHWEST KEY. AS
YOU KNOW, WE'RE IN THE FINAL STAGES OF COMPLETING
OUR EAST AUSTIN COMMUNITY DEVELOPMENT PROJECT
WHICH WE HAVE WORKED OUT FOR OVER FIVE AND A HALF
YEARS NOW. IT'S BEEN A LONG ROAD. I WANT TO REITERATE
FIRST OF ALL THAT ALL THE PROGRAMS AND ALL THE
SERVICES THAT ARE DESIGNED TO START IN THIS
COMMUNITY CENTER HAVE ALL BEEN DESIGNED WITH THE
COMMUNITY IN MIND. AND IT'S THE COMMUNITY
THEMSELVES THAT IN ESSENCE THIS IS A PLAN THAT THE
COMMUNITY HAS DESIGNED TO HELP THEMSELVES AND TO
ADVOCATE FOR THEMSELVES. YOU NOTE DEMOGRAPHICS IN
THIS COMMUNITY. YOU KNOW THAT THE MAJORITY OF THE

FOLK THERE ARE LATINOS AND AFRICAN-AMERICAN. YOU KNOW THE UNEMPLOYMENT RATE IS AT 14%. THE PER CAPITA INCOME IS AT \$9,500 A YEAR COMPARED TO 21,000 FOR THE REST OF THE CITY. YOU KNOW WHAT THE DEMOGRAPHICS ARE IN THAT PARTICULAR COMMUNITY. SO IT MAKES SENSE FOR THIS COUNCIL TO INVEST. AND LOOK AT WHAT A GREAT COLLABORATION IT WILL BE. WE'VE GOTTEN MONEY FROM EDA AND FROM THE COUNTY. WE HAVE A NONPROFIT LIKE SOUTHWEST KEY. WE HAVE A COMMUNITY -- A GROUP OF COMMUNITY GROUPS AND COMMUNITY MEMBERS WHO ARE WORKING AND THE CITY COUNCIL, ALL OF US TOGETHER. THINK ABOUT THE WONDERFUL COLLABORATION AS WE TAKE THE FIRST STEP TOWARDS REVITALIZING A COMMUNITY THAT HAS REALLY FOR A LONG TIME HAS BEEN FORGOTTEN. TOGETHER SOUTHWEST KEY AND THIS COMMUNITY HAS ALREADY RAISED MILLIONS OF DOLLARS AND BROUGHT TO THE CITY OF AUSTIN AND THERE WILL BE MORE ONCE WE GET THERE. WE'RE COMING TO YOU TO ASK YOU TO HELP US COMPLETE OUR PROJECT FOR WHICH WE NEED \$800,000. WE KNOW THAT THE CITY HAS MANY COMPETING INTERESTS. WE KNOW THERE'S A LOT OF REQUESTS FOR MONEY. WE HEAR YOU WHEN YOU SAY THAT YOUR MONEY AND THE BUDGET IS TIGHT FOR THE CITY. WE HEAR THAT. BUT WE ARE -- WE ARE SO COMMITTED TO THIS PROJECT AND WE'VE WORKED ON IT FOR SO LONG THAT WE'RE WILLING TO TAKE A LOAN FROM THE CITY TO COMPLETE THIS PROJECT. WE HAVE WORKED WITH COUNCILMEMBER MARTINEZ WHO HAS COMMITTED TO PRESENT A RESOLUTION THE REST OF US, A RESOLUTION THAT IN ESSENCE WILL SAY WE WILL HAVE AN 800,000-DOLLAR LOAN TO SOUTHWEST KEY AT ZERO PERCENT INTEREST WITH THE FIRST PAYMENT MADE FIVE FIVE-YEAR AFTER THE LOAN IS APPROVED. I'M GOING TO ASK YOU, COUNCILMEMBER COLE, COUNCILMEMBER MCCracken, MAYOR PRO TEM DUNKERLEY, COUNCILMEMBER LEFFINGWELL, COUNCILMEMBER KIM, AND MAYOR WYNN, TO WORK WITH COUNCILMEMBER MARTINEZ IN SUPPORTING THIS REZ LIETION SO THAT WE CAN FINISH THIS PROCESS. COUNCILMEMBER MARTINEZ, WE THANK YOU FOR YOUR LEADERSHIP AND YOUR COURAGE IN PUTTING TOGETHER AND HELPING US GET THE FINAL FUNDING WE NEED THIS PROJECT. THIS WILL BE A GREAT

PROJECT FOR THE CITY OF AUSTIN, SOMETHING THAT THE CITY OF AUSTIN CAN BE VERY PROUD OF. AND WE LOOK FORWARD TO A POSITIVE RESPONSE FROM ALL OF YOU IN THIS REQUEST. MIEWCH.....MUCH..... MUCHOS GRACIAS.

Mayor Wynn: THANK YOU, MR. SANCHEZ. MAYOR PRO TEM.

Dunkerley: AS YOU KNOW, I'VE LONG BEEN A SUPPORTER OF SOUTHWEST KEY AND I HAD AGREED TO CERTAINLY HELP COUNCILMEMBER MARTINEZ IN ANY WAY WE CAN. I DID FIND SOME INFORMATION YESTERDAY THAT I WASN'T AWARE OF. THE ORIGINAL LOANS WE GAVE YOU I THINK WERE AT ZERO PERCENT INTEREST. THAT LOAN FUND WAS FUNDED BY MONEY THAT WE DID NOT HAVE TO BORROW. AND THAT HAS BEEN USED UP. THE MONEY THAT WE HAVE AVAILABLE FOR LOANS RIGHT NOW IS MONEY THAT WE HAVE BORROWED THAT HAS PROBABLY ABOUT A SIX PERCENT INTEREST ON IT. SO WE'RE GOING TO HAVE TO BE -- HAVE TO LOOK AT AND SEE WHAT'S AVAILABLE. ALSO THE CAP ON THAT PARTICULAR LOAN WOULD BE \$250,000. SO PROBABLY WE NEED TO GET TOGETHER AND TRY TO FIGURE OUT HOW WE CAN HELP YOU REACH THAT 800,000 GOAL. I'M TELLING YOU AGAIN THAT I'M VERY SUPPORTIVE OF IT, IT'S JUST THAT ZERO INTEREST MONEY IS ALL GONE. SO WE'RE GOING TO HAVE TO SEE WHAT WE CAN DO. WE'LL LOOK AT IT.

I'LL SAY A COUPLE OF THINGS THAT MIGHT HELP YOUR THINKING. ONE, WE'RE VERY OPEN --

Mayor Wynn: VERY BRIEFLY.

ONE, WE'RE VERY OPEN TO TAKING THE 750,000-DOLLAR LOAN THAT LAS MANITAS DIDN'T TAKE.

Mayor Wynn: MOVE TO CONGRESS AVENUE ON THE FIRST FLOORND YOU'RE ABLE TO DO THAT. CONGRESS AVENUE ON THE FIRST FLOOR EAST SIXTH STREET ON THE FIRST FLOOR, YOU'RE WELCOME TO APPLY.

WE'LL HAVE TO TALK ABOUT THAT. THE OTHER THING THAT I WOULD SAY IS WE ORIGINALLY CAME TO ASK THAT THE CITY PROVIDE THIS MONEY FROM THE CITY BUDGET. CERTAINLY IF THERE'S ANY WAY THAT SOME OF THE MONEY COULD BE

MADE UP FROM THE BUDGET OF THE CITY, WE CERTAINLY WOULD WELCOME THAT. WE'LL WORK WITH YOU AND WE'LL SIT WITH YOU AND TRY AND RESOLVE THIS.

THAT'S WHAT I WAS SAYING. I DIDN'T WANT THE PERCEPTION GOING ON THAT WE STILL HAD ZERO PERCENT INTEREST MONEY IN THAT LOAN FUND. I JUST FOUND OUT THIS LAST WEEK THAT WE DID NOT. THAT'S ALL I WAS SAYING IS THAT WE'LL HAVE TO BE -- WORK A LITTLE HARDER.

OKAY. WE'RE WILLING TO WORK WITH YOU AND THANK YOU VERY MUCH FOR THAT COMMITMENT.

Mayor Wynn: THANK YOU. CLAP CHAP.....[APPLAUSE]
WELCOME, JIMMY CASTRO. YOU WILL BE FOLLOWED BY CITY OF AUSTIN THEE I CAN'T VALDEZ.

I DO HAVE SOME SLIDES TO SHOW YOU THIS AFTERNOON. THIS FIRST SLIDE SHOWS ALL THE PREPARATION THAT'S BEEN UNDERWAY FROM ANTICIPATION OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT'S FIRST DAY OF SCHOOL ON MONDAY, AUGUST THE 27TH. THERE'S FWEEFNER TRAINING THIS SUMMER. IN-SERVICE TRAINING FOR THE 5,400 TEACHERS OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT. ESPECIALLY THE 7.. 750 NEW TEACHERS OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT. THE AUSTIN EMPLOYEES HAVE BEEN HELPING WITH PREREGISTRATION. THE CLASSIFIED WORKERS HAVE BEEN MAKING SURE ALL THE SCHOOL FACILITIES AND BUSES ARE READY TO ROLL. AND THE TEACHERS HAVE BEEN BE WORKING ON ALL THE DECORATIONS IN THE CLASSROOMS IN WHICH A TEACHERS ARE PAID FOR WITH THEIR OWN MONEY. AS A PARENT, OF HEAR IT ALL THE TIME. GET INVOLVED IN YOUR CHILD'S LEARNING. GET INVOLVED IN YOUR CHILD'S SCHOOLS. GET INVOLVED IN YOUR CHILD'S EDUCATION. BUT WHY SHOULD I GET INVOLVED? HOW CAN I GET INVOLVED? THE FIRST STEP IS BY JOINING YOUR CAMPUS FA. THE SECOND STEP IS BY ATTENDING YOUR CAMPUS BACK TO SCHOOL NIGHT. THIS ALLOWS THE TIME FOR TEACHERS TO MEET THE PARENTS AND ESPECIALLY THE PARENTS TO MEET THE TEACHERS. AISD ELEMENTARY SCHOOLS BACK TO SCHOOL NIGHT, THE DATES ARE SET BY THE SCHOOLS. AISD MIDDLE SCHOOL BACK TO SCHOOL NIGHT IS TUESDAY, SEPTEMBER THE

FOURTH. AISD HIGH SCHOOL BACK TO SCHOOL NIGHT IS WEDNESDAY, SEPTEMBER THE 5TH. ALL DRIVERS NEED REMEMBER THE SNEED THE SCHOOL ZONES IS 20 MILES PER HOUR. AND FAILURE TO OBSERVE THE SCHOOL ZONE SPEED MAY RESULT UP TO A 250-DOLLAR FINE. ALL DRIVERS NEED TO REMEMBER THE SCHOOL BUS LAW, WHICH STATES TO STOP WHILE SCHOOL BUSES ARE LOADING AND UNLOADING STUDENTS. AND FAILURE TO OBSERVE THE SCHOOL BUS LAW MAY RESULT UP TO A ONE THOUSAND DOLLAR FINE. AMONG THE MOST OBVIOUS, BUT FORGOTTEN ITEMS IN THE BACK TO SCHOOL LIST IS MAKING SURE YOUR CHILD'S IMMUNIZATIONS ARE UP TO DATE. THE AUSTIN TRAVIS COUNTY HEALTH AND HUMAN SERVICES COMBINED WITH THE TEXAS DEPARTMENT OF HEALTH IS OFFERING THE SHOTS FOR TOTS PROGRAM. KEEPING IN MIND SCHOOL CHILDREN WILL NOT BE ALLOWED BACK TO SCHOOL IF THEY HAVE NOT HAD THEIR SHOTS. AUSTIN ISIAH THOMAS WILL FOLLOW A NO SHOTS, NO CLASSES POLICY. NINE, ANOTHER ANNUAL EVENT IS THE AUSTIN INDEPENDENT SCHOOL DISTRICT 35TH ANNUAL BAND JAMBOREE SET FOR SEPTEMBER 11TH AT 7:00 P.M. AT THE BURGER CENTER. ONE OF THE PARTICIPATING SCHOOLS WILL INCLUDE THE ANDERSON HIGH SCHOOL MARCHING BAND AND DRILL TEAM. FAMILIES ARE ENCOURAGED TO JOIN ALL THE BAND PARENTS IN ATTENDANCE AT THIS AUSTIN INDEPENDENT SCHOOL DISTRICT EVENT, WHICH WILL INCLUDE SOME OF THE TOP RATED BANDS STATEWIDE. THANK YOU, MAYOR WYNN. MAYOR THANK YOU. OUR NEXT SPEAKER IS CYNTHIA VALDEZ SIGNED UP WISH TO GO SPEAK REGARDING NEIGHBORHOOD AND COMMUNITY DEVELOPMENT. NAIRN TOWER? -- MARTIN TOWER SIGNED UP WISHING TO ADDRESS US, HAD SOME OBSERVATIONS. YES, SIR. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY KENNETH KOYM.

THANKS FOR HAVING ME. GOOD AFTERNOON, REPRESENTATIVES. I AM KIND OF NEW TO THE FOLLOWING OF LOCAL GOVERNMENT AND SUCH, AND SINCE I'LL PROBABLY END UP RAMBLING ON AND NOT HAVE A GOOD SENSE OF WHAT THREE MINUTES IS, I'LL JUST COME OUT AND SAY KIND OF THE CHASE, AND THAT IS A PRETTY GOOD JOB. KEEP IT UP. AND CONTINUE TO PIT AUSTIN ON THE --

COMPARE AUSTIN TO THE CITIES OF THE WORLD AND EXPECT THE BEST, IF YOU WILL. THAT'S KIND OF THE CHASE. I'M GOING TO NOW RAMBLE ON USING ANNA NICOLE SMITH AS AN ANECDOTE OF MY LIFE AND HOW I GOT HERE. IN EFFECT I MOVED AWAY FROM AUSTIN AFTER HAVING LIVED HERE FOR A FEW YEARS, BE AND WHEN MY WIFE AND I DECIDED TO COME BACK TO THE UNITED STATES AND THINK ABOUT FLAUSDZ BE ACCOMMODATING, AUSTIN ROSE RIGHT TO THE TOP OF THE LIST BECAUSE OF THE GREAT ATTRIBUTES THAT I'M SURE YOU GUYS ARE ALL AWARE. AND I WANT TO ENCOURAGE YOU TO CONTINUE WITH THE SUCCESSES THAT I THINK YOU'VE HAD ABOUT DEVELOPMENT AND ENCOURAGING SMART DEVELOPMENT RATHER THAN ERRATIC DEVELOPMENT. AND YEAH, JUST TO RAISE THE BAR WHEN IT COMES TO SOME OF THE OVERSIGHT OF, SAY, CITY DEPARTMENTS, JUST DEMAND GOOD GOVERNANCE OF THEM. ALSO DO YOUR BEST TO ENCOURAGE THE INPUT FROM CITIZENS LIKE MYSELF AND OTHER FOLKS WHO ARE HERE TONIGHT. AND EMPOWERING THEM TO IS OUTSOURCING SOME OF THE THINKING AND THE DECISIONS, MAYBE DECISIONS THAT MAY BE MADE, BUT ESPECIALLY POWERING THEM THROUGH INFORMATION ABOUT THE CITY'S DINCT ASSETS AND ADMIRES THAT WILL GIVE THEM THINKING CREATIVELY ABOUT HOW THEY CAN ADDRESS OUR RESOURCE ISSUES BE AND STUFF LIKE THAT. SPLIEFNLG THINKING ABOUT I WAS LIVING IN ANOTHER CITY IN SYDNEY, AUSTRALIA AND I WAS IN A VERY DIFFERENT CLIMATE WHERE THEY -- THEIR CITY UTILITIES AND THEIR CITY OFFICES WERE UNDER A LOT OF SCRUTINY AND THEY WERE FORCED TO WORK VERY HARD TO BE VERY FORWARD ABOUT WHAT THEY HAD AND WHY THEIR RESOURCES WERE LIMITED AND ENGAGE PEOPLE IN TAKING PART IN MINIMIZING THE CONSUMPTION OF RESOURCES LIKE WATER AND ENERGY AND STUFF. AND I'VE SEEN REALLY ENCOURAGING STUFF THAT YOU GUYS HAVE BEEN UP TO, AND I JUST WANT TO PROMOTE THAT. I KNOW, MAYOR, YOU ARE REALLY PUSHING THE LOCAL ASPECTS OF CLIMATE CHANGE AND THAT'S GREAT. SO JUST KIND OF KEEP IT UP. I'M BASICALLY A YOUNG GUY AND I NEED FEEDBACK IN ORDER TO DO BETTER AT WHAT I DO. AND I JUST WANT TO GIVE YOU GUYS FEEDBACK AND TRY TO RAISE THE BAR.

THOOD IT. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU. OUR FINAL SPEAKER KENNETH KOYM SFIERNSD WISHING TO ADDRESS CDBG FUN AND IMMIGRATION. SO COUNCIL, THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION. I APPRECIATE EVERYBODY'S BAISHSES RAN LATE THIS -- EVERYBODY'S PATIENCE AS WE RAN LATE THIS MORNING. NOW WITHOUT OBJECTION WE WILL GO INTO CLOSED SESSION PURSUANT TO 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY AGENDA ITEM NUMBER 36 DISCUSSING LEGAL ITEM RELATED TO THE CITY OF AUSTIN VERSUS VILLAGE OF CREEDMORE. ITEM 37, LEGAL ISSUES REGARDING BRYAN ROGERS VERSUS CITY OF AUSTIN. ITEM 39, POTENTIAL LEGAL DISCUSSIONS REGARDING THE SEARCH FOR A NEW CITY MANAGER. AND PURSUANT TO 551.072, REAL ESTATE MATTERS, WE MAY DISCUSS ITEM 38, REGARDING ACQUISITION FOUR OPEN SPACE PROJECTS. AND PURSUANT TO SECTION 551.074, PERSONNEL MATTERS, BE WE MAY DISCUSS KNOWS THIS REGARDS TO A CAN SEARCH FOR A NEW CITY MANAGER. I ANTICIPATE ULS ONLY BEING OUT FOR ONE HOUR IN ORDER TO US TO TAKE UP THE PUBLIC SAFETY BUDGET BRIEFINGS AS CLOSE TO 2:00 P.M. AS PONL. THANK YOU, WE'RE..... WE'RE IN CLOSED SESSION. (EXECUTIVE SESSION) MAYOR BHAI OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP ITEMS 36 AND 37, LEGAL ISSUES. WE DID NOT AND WILL NOT TAKE UP ITEM 39. WE ALSO TOOK UP REAL ESTATE MATTER, ITEM NUMBER 38. WE DID NOT AND WILL NOT TAKE UP ITEM NUMBER 40, A NERNL MATTER. -- A NAERNLT. COUNCIL, YOU REMEMBER THAT ITEM NUMBER 38, A REAL ESTATE MATTER, INVOLVED OPEN INTIERJSD HAVE A PRESENTATION BY MS. MAYOR. MS. MARTY TERRY.

THE EXECUTIVE SESSION FROM.....ITEM FROM YOU'RE EXECUTIVE SESSION IS ITEM NUMBER 41 AND WE HAVE PLACED ON THE DAIS AN RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL THE ACQUISITION DOCUMENTS RELATED TO ACQUIRING IN FEE SIMPLE 28.67 ACRES OF LAND THE LAND IS LOCATED IN HAYS COUNTY. YOU WOULD BE BUYING IT FROM R BAR C, LLC, A LIMITED LIABILITY COMPANY. IT IS LOCATED OFF OF FARM TO MARKET 967. AND A PURCHASE PRICE CAIBD IN THE

RESOLUTION NO PARTICULAR TRACT OF LAND IS \$690,000. WE'D BE USING OPEN SPACE, NOVEMBER 2006 OPEN SPACE FUNDS, AND THE RESOLUTION INDICATES THAT IS WHERE THE MONEY WOULD BE COMING FROM. MAYOR THANK YOU. FROM.

Mayor Wynn: MAYOR THANK YOU. QUESTIONS FOR STAFF? I'LL ENTERTAIN A.. MOTION. MOTION BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER COLE TO APPROVE THIS ACTION ITEM RELATED TO OUR EARLIER CLOSED SESSION DISCUSSION. FURTHER DISMENTS..... COMMENTS? ALL IN FAVOR.

...CANAPPROXIMATE.....THAT BRISES US.... BRINGS US TO ITEM NUMBER 42. I'LL WELCOME CITY MANAGER TOBY FUTRELL.

AND WE'LL BE KICKING OFF WITH ASSISTANT CITY MANAGER MIKE MCDONALD WHO WILL BE STARTING OFF THE PRESENTATIONS.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS. I'M MICHAEL MCDONALD, ASSISTANT CITY MANAGER OVER THE PUBLIC SAFETY DEPARTMENTS. THE PUBLIC SAFETY DEPARTMENTS CAN BE FOUND IN VOLUME 2 BEGINNING ON PAGE 49. TODAY I WILL PROVIDE A GENERAL OVERVIEW OF THE PUBLIC SAFETY DEPARTMENT'S FY '08 PROPOSED BUDGET AND STAFFING LEVELS. THE DEPARTMENT CHIEFS OR DIRECTORS WILL THEN PROVIDE YOU WITH A THOROUGH REVIEW OF THEIR RESPECTIVE DEPARTMENTS. THE PUBLIC SAFETY DEPARTMENTS MAKE UP THE LARGEST COMPONENT OF THE GENERAL FUND BUDGET AT 67.1% OR 397.6 MILLION. THE POLICE DEPARTMENT ABSORBS 55.3% OF THAT TOTAL, WITH THE PROPOSED BUDGET OF 220 MILLION. THE FIRE DEPARTMENT ABSORBS THE SECOND LARGEST AMOUNT AT 29.4%, WITH A PROPOSED BUDGET OF 116.9 MILLION. MOST OF THE CHANGE IN THE PROPOSED BUDGET FOR THE PUBLIC SAFETY DEPARTMENTS IS DERIVED FROM SALARY AND PAY ADJUSTMENTS WITHIN THESE DEPARTMENTS. OF THE 39.9 MILLION INCREASE, 92% OR 36.6 MILLION, IS CONSUMED BY SALARY AND BENEFITS FOR EXISTING POSITIONS AS WELL AS NEW F.T.E.'S. THE TOTAL INCREASE FOR F.T.E.'S IN THE GENERAL FUND DEPARTMENTS WAS

196.25. OF THAT TOTAL, 123.75 OR 63%, ARE ACCOUNTED FOR WITHIN THE PUBLIC SAFETY DEPARTMENTS. AGAIN, THE DEPARTMENT CHIEF OR DIRECTOR WILL PROVIDE YOU WITH FURTHER DETAILS OF THEIR RESPECTIVE NEW F.T.E.'S. THE DEPARTMENT PRESENTATIONS WILL INCLUDE AN OVERVIEW OF THEIR RESPECTIVE CITIZEN SURVEY RESULTS, BUDGET FACTS AND FINALLY BUDGET HIGHLIGHTS THAT WILL CONSIST OF DESCRIPTIONS OF THEIR STRATEGIC ADDS. THE ORDER OF PRESENTATION WILL BE FIRST MUNICIPAL COURT, FOLLOWED BY PUBLIC SAFETY AND EMERGENCY MANAGEMENT, THE FIRE DEPARTMENT, EMERGENCY MEDICAL SERVICES AND FINALLY THE POLICE DEPARTMENT. I WOULD FIRST LIKE TO WELCOME REBECCA STARK, MUNICIPAL COURT CLERK, WHO WILL THEN BE JOINED BY OUR PRESIDE THE JUDGE, JUDGE EVELYN MCKEE AND THEN BY GREG TOOMEY, THE ADMINISTRATION OF OUR COMMUNITY COURT SYSTEM.

Mayor Wynn: THANK YOU. WELCOME MS. STARK.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, FOR THE OPPORTUNITY TO PRESENT THIS MUNICIPAL COURT 2008 PROPOSED BUDGET W ME TODAY IS PRESIDING JUDGE EVELYN MCKEE AND GREG TOOMEY FROM THE DOWNTOWN AUSTIN COMMUNITY COURT. THE 2007 CITIZENS SURVEY SHOWS A SLIGHT DECREASE IN BOTH THE QUALITY AND ACCESSIBILITY OF MUNICIPAL COURT SERVICES, BUT WE ARE STILL IN THE 80% TILE. AND TO BE QUITE FRANK WITH YOU, GIVEN THE NATURE OF OR BUSINESS BE AND OUR CLIENTELE, WE'RE PLEASED TO BE IN THE 80 PERCENTILE. THE PROPOSED REVENUE FOR 2008 IS 16-POINT #- \$7 MILLION. THIS IS NET TO GENERAL FUND. IT'S SOMEWHAT LESS THAN BUDGETED FOR THIS FISCAL YEAR. THE EXPENDITURES ARE AT 16-POINT -- \$11.6 MILLION, WHICH IS A SIGNIFICANT INCREASE OF 12.9%. ALMOST ALL OF THE INCREASE IS DUE TO PERSONNEL COSTS ALONG WITH NEW -- INCLUDING NEW F.T.E.'S AND A FULL FUNDING OF THE DACC'S PROJECT RECOVERY. AND JUDGE MCKEE AND GREG TOOMEY WILL ADDRESS THAT A LITTLE BIT MORE LATER. IN ADDITION TO THESE, LIKE I SAID, THERE'S SEVEN NEW F.T.E.'S, FOUR IN DACC, THREE IN MUNICIPAL COURT, AND THERE'S A ONE-TIME CRITICAL ITEM OF \$40,000 FOR A TRUCK. IN ADDITION TO THE GENERAL FUND, THE COURT

HAS FOUR SPECIAL EXPENSE FUNDS. THE COURT ACTUALLY HANDLES ABOUT \$28 MILLION A YEAR. OF THAT \$28 MILLION, NINE MILLION GETS PAID TO THE STATE OR ADMITTED TO THE STATE IN COURT COSTS AND FEES. THAT LEAVES \$19 MILLION RETAINED BY THE CITY. OF THE 19... 19 MILLION, WE'VE ALREADY TALKED ABOUT 16.7 MILLION THAT GOES INTO THE GENERAL FUND, BUT THAT THESE LEAVES FOWNDZ THE BALANCE. ALL OF THESE FUNDS ARE FINANCED THROUGH A COURT COST PAID BY DEFENDANTS. AND BECAUSE WE GET THIS MONEY IT'S ABLE TO SUPPLEMENT THE GENERAL FUND AND PROVIDE SERVICES FOR MUNICIPAL COURT THAT THE TAXPAYERS DON'T PAY. THE SECURITY FUND IS EXCLUSIVELY FOR COURT SECURITY. IT'S COLLECTED WITH THE 3-DOLLAR COURT COST AND THE EXPENSES ARE GENERALLY FOR CONTRACTED SECURITY AND MARSHAL SERVICES FOR SECURITY. THE TECHNOLOGY FUND IS FOR NEW TECHNOLOGY OR THE MAINTENANCE FOR THE NEW TECHNOLOGY, AND IT IS COLLECTED WITH A FOUR DOLLAR COURT COST. THE JUVENILE CASE MANAGER FUND WAS NEW THIS YEAR. IT WAS A FOUR DOLLAR COURT COST AND WE'VE HIRED FOUR CASE MANAGERS THAT PROVIDE CASE FLOW MANAGEMENT. THEY'RE DEVELOPING OPTIONS FOR ALTERNATIVE SENTENCING AND ARE DEVELOPING MORE COLLABORATIVE EFFORTS AMONG OUR LOCAL COURTS, SCHOOLS, SOCIAL SERVICES AND LAW ENFORCEMENT FOR YOUTH ACCOUNTABILITY. AND FINALLY THE CHILD SAFETY FUND IS FINANCED THROUGH COURT COSTS OF FIVE DOLLARS TO \$25, DEPENDING UPON THE VIOLATION. ALL OF THE REVENUE IS SPENT BY PUBLIC SAFETY IN THEIR CHILD'S SAFETY PROGRAM. MUNICIPAL COURT OPERATIONS AND SUPPORT SERVICES EXPENSE BUDGET, GENERAL FUND EXPENSE BUDGET, IS INCREASING BY 10.5%. THE DOWNTOWN AUSTIN COMMUNITY COURT BY 34.7%. AND HE WILL ADDRESS THAT IN A MINUTE. AND THE JUDICIARY BY 4.3%. AND NOW I'D LIKE TO HAVE JUDGE MCKEE COME UP AND TALK TO YOU ABOUT THE JUDICIARY.

Mayor Wynn: WELCOME, JUDGE.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, I'M EVELYN MCKEE, THE PRESIDING JUDGE OF THE MUNICIPAL COURT. AND I'M HERE TO TALK

ABOUT THE JUDICIARY PORTION OF THE PROPOSED BUDGET. WE HAVE PROPOSED TOTAL EXPENDITURES OF \$1.9 MILLION. THAT'S ROUGHLY 16% OF THE ENTIRE MUNICIPAL COURT BUDGET. WE WILL HAVE THE SAME NUMBER OF F.T.E.'S AS LAST YEAR. WE HAVE BEEN GOOD STEWARDS OF THE MONEY THAT YOU'VE PROVIDED FOR US. AS YOU MIGHT REMEMBER LAST OCTOBER, WE WENT TO 24-HOUR MAGISTRATION AT CENTRAL BOOKING. AND WE ACCOUNTED FOR THAT INCREASE AT THAT TIME. THAT IS WORKING WELL. EVERYONE INVOLVED IS PLEASED WITH THE RESULTS OF THAT. AND SO WE WILL HAVE NO CHANGE IN THE NUMBER OF OUR F.T.E.'S. WE ARE THE SMALLEST PART OF THE MUNICIPAL COURT BUDGET EVEN THOUGH THE JUDICIARY IS THE ENGINE THAT DRIVE THAT TRAIN. I WILL NOW PRESENT GREG TOOMEY, WHO WILL TALK ABOUT THE DOWNTOWN AUSTIN COMMUNITY COURT PORTION OF THE MUNICIPAL COURT BUDGET.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, CITY COUNCILMEMBERS. I'M HERE TO TALK TO YOU ABOUT THE DACC EXPENDITURES. 34.7% INCREASE IN OUR BUDGET SHARE REQUEST WILL INVOLVE THE FULL FUND THE OF PROJECT RECOVERY, WHICH IS -- I'M SURE YOU RECALL THE PROGRAM THAT HAS BEEN INSTITUTED FOR HIGHEST RISK OFFENDERS. WE ARE ALSO PROPOSING FOUR INCREASED EMPLOYEES, AND I'LL BRIEFLY SUMMARIZE THAT. ONE IS A COURT CLERK ASSISTANT DUE TO INCREASING CASELOAD. THE COURT IS CURRENTLY PROCESSING ABOUT 25,000 CASES PER YEAR, CREATING ABOUT 10,000 NEW CASES PER YEAR, CREATING TRIAL DOCKETS, WARRANT FILES, TRACKING AND MAKING APPROPRIATE FILE NOTATIONS FOR UPDATING PROGRESS OF DEFERRED DISPOSITION FILE. ADDITIONALLY THIS LAST LEGISLATIVE SESSION, HOUSE BILL 2267 PASSED, AND WHAT THIS PROVIDES FOR IS THERE NOW HAS TO BE A SHOW CAUSE HEARING FOR DEFERRED DISPOSITION REVOCATIONS. PREVIOUSLY THAT HAD BEEN JUST AN ADMINISTRATIVE FUNCTION FOR THE JUDGE, AND THIS WILL REQUIRE THE CREATION OF A NEW DOCKET SYSTEM. CASE MANAGER, WE'RE ASKING FOR AN ADDITIONAL CASE MANAGER ATTRIBUTABLE TO THE PROVISION OF A BROADER SCOPE OF SERVICES, INCREASING CASELOAD, AND MOST OF THESE SERVICES

ARE PROVIDED TO THE PRIMARILY HOMELESS CLIENTS OF THE COURT. THE CASE MANAGERS ALSO ASSIST THE COMMUNITY COURT INTERNS WITH THE PROVISION OF FREE COUNSELING TO ALL CLIENTS, ALTHOUGH THE MAJORITY ARE HOMELESS. THE INTERN PROGRAM WAS ESTABLISHED APPROXIMATELY FOUR YEARS AGO THROUGH FORMALIZED RELATIONSHIPS WITH THE UNIVERSITY OF TEXAS HERE IN AUSTIN, TEXAS STATE UNIVERSITY AND ST. EDWARD'S. ALL OF THE INTERNS AT COMMUNITY COURT ARE MASTER'S LEVEL CANDIDATES IN THEIR RESPECTIVE SCHOOLS. CREW LEADER AND SUPPLIES FOR A SECOND GRAFITTI ABATEMENT CREW, THE COMMUNITY COURT, COMMUNITY SERVICE CREWS ARE ONE OF THE PRIMARY COMPONENTS OF THE CITY GRAFITTI ABATEMENT INITIATIVE. DAKC CREWS UNDERTAKE THE LARGER PAINT-OVER GRAFITTI PROJECTS. THE PROGRAM IS COST EFFECTIVE. WE RECEIVE THE PAINT FREE FROM CITY HOUSEHOLD HAZARDOUS WASTE PROGRAMS AND WE WERE ABLE TO NEGOTIATE A CONTRACT THIS YEAR THAT LIKEWISE THAT PAINT TO BE TINTED IN A VARIETY OF SHADES SO IT'S A BETTER AESTHETIC MATCH FOR THE PAINTOVER PROJECTS THAT WE DO. I'M SURE QUOWL BE NOTICING -- I'M SURE YOU'LL BE NOTICING LESS AND LESS BLOJZ OF GRAY PAINT ON FREEWAY UNDERPASSES THAT WILL NOW MATCH THE COLOR. BUDGETED FOR THIS FISCAL YEAR WERE 14,405 HOURS OF COMMUNITY SERVICE, AND THROUGH MAY OF THIS YEAR WE HAVE ACTUALLY HAD 13,392 HOURS OF COMMUNITY SERVICE COMPLETED. SO WE SHOULD GO OVER OUR BUDGET PROJECTION. AND THEN THE ADDITIONAL CREW LEADER WE ARE REQUESTING IS ACTUALLY GOING TO BE A CHARGE BACK POSITION TO SOLID WASTE SERVICES, AND THEY'RE MAKING THAT REQUEST PREDICATED UPON THE COST EFFECTIVENESS OF THE FIRST CREW THEY'VE HAD IN OPERATION NOW FOR ALMOST AN ENTIRE FISCAL YEAR. THIS IS FINANCING A ROUTE OF LITTER BARRELS WITHIN THE DOWNTOWN AREA. I'M PREPARED TO TAKE ANY QUESTIONS IF YOU HAVE ANY.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: THIS IS KIND AFTER BROADER QUESTION AND MAYBE THE CITY MANAGER WILL WANT TO WEIGH IN, BUT SEEMS LIKE WE'VE GOT GRAFITTI CREW IN SEVERAL

DIFFERENT DEPARTMENTS. WE'VE GOT THEM IN HEALTH AND HUMAN SERVICES, WE'VE GOT THEM IN DACC, YOUR DEPARTMENT, AND APPARENTLY IN SOLID WASTE TOO.

SOLID WASTE SERVICES INCLUDE THE ONE THAT INVOLVE THE USE OF CHEMICALS. THERE'S TRAINING THERE AND IT'S ABOVE WHAT WE CAN ACCOMPLISH WITH COMMUNITY SERVICE CREWS. IT'S FAIRLY LABOR INTENSIVE. WHAT WE DO WITH THE COMMUNITY COURT ARE THE LARGE PAINTOVER PROJECTS WHICH YOU CAN ACCOMPLISH READILY WITH COMMUNITY SERVICE WORKERS.

THAT IS THE BRAIN CENTER OF WHERE WE'RE DOING ALL THE GRAFITTI WORK IS IN HEALTH AND HUMAN SERVICES. AS WE TRIED TO MAXIMIZE THAT EFFORT, WE TAPPED GREG BECAUSE HE COULD USE THE COMMUNITY RESTITUTION WORKER TO HELP US. AND THEY TOOK ON A SMALLER, AS GREG SAID, THE PAINTOVER KINDS OF WORK. WE'VE LEFT THE MORE COMPLICATED PIECES WITH WHERE YOU HAVE TO USE CHEMICALS OR OTHER COMPONENTS IN HEALTH AND HUMAN SERVICES, BUT WE HAVE TAPPED GREG BECAUSE HE HAS THE ACCESS TO COMMUNITY RESTITUTION WORKERS. THE ONLY WAY THAT SOLID WASTE SERVICES IS INVOLVED IS THAT WE TRY TO MAKE SURE ON ANY CODE ENFORCEMENT ISSUE, BECAUSE CODE ENFORCEMENT IS CONSOLIDATED IN SOLID WASTE, THAT THEY ARE ALSO WHEN THEY'RE OUT IN THE FIELD LOOKING FOR ALL KINDS OF CODE ENFORCEMENT OR BROKEN WINDOW KINDS OF VIOLATIONS AND KNOW HOW TO REPORT IT, KNOW HOW TO GET IT INTO THE SYSTEM, SO IN CODE ENFORCEMENT THEY'RE PART OF THE REPORTING SYSTEM. BUT YOUR RESOURCES FOR ABATEMENT ARE CENTRALIZED IN HEALTH. WE HAVE JUST RECENTLY REACHED OUT TO TAP GREG'S SHOP AND WE'VE GOTTEN A LOT OF BANG FOR THE BUCK OUT OF BEING ABLE TO HELP LEVERAGE OUR COMMUNITY RESTITUTION WORKERS THERE. CODE ENFORCEMENT IS REALLY JUST PART OF THE REPORTING STRUCTURE.

...

Leffingwell: AND I UNDERSTAND THAT. THAT MAKES SENSE. YOU'RE TAKING ADVANTAGE OF THE COMMUNITY SERVICE COMPONENT TO SORT OF LEVERAGE YOUR CAPABILITY, BUT

I GUESS MY QUESTION WAS WHERE ARE WE THIS YEAR IN TERMS OF MANPOWER AND EQUIPMENT POWER VERSUS LAST YEAR.

I'LL HAVE TO -- I DON'T HAVE THAT RIGHT AT THE TIP OF MY FINGERS, BUT I'LL GET IT FOR YOU. WE'LL GIVE YOU EXACTLY WHAT THE TOTAL NUMBER OF RESOURCES ARE ALTOGETHER. THEY'RE REALLY IN TWO PLACES. THE FEW RESOURCES THAT ARE IN GREG'S SHOP AND EVERYTHING ELSE IS IN HEALTH AND HUMAN SERVICES. IT LOOKS LIKE GREG MAY HAVE IT. GREG, DO YOU HAVE IT?

NO, I DON'T HAVE --

I'M SORRY, RIGHT BEHIND YOU. TOO MANY GREG'S.

THIS IS MY YOUNGER BROTHER. [LAUGHTER]

COUNCILMEMBER, FOR CURRENT FISCAL YEAR WE HAVE FIVE RESOURCES, AND FOUR OF THOSE ARE IN THE HEALTH DEPARTMENT AND GREG HAS ONE. THE ADDITION OF THE '08 BUNGT ADDS ADDITIONAL THREE F.T.E.'S TO BRING US TO EIGHT F.T.E.'S. WE'LL LOOK BACK PRIOR TO '05 TO SEE HOW WE BUILT THE PROGRAM OVER THE YEARS.

SO MAYBE AT THE BUDGET Q AND A WE'LL GIVE YOU THE TREND LINE. YOU'VE BEEN ADDING RESOURCES FOR SEVERAL YEARS, SO IT'S BUILT OVER THE YEARS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER MARTINEZ?

Martinez: I WANTED TO TALK ABOUT THE PROJECT RECOVERY. IT SHOWS A 34.7% INCREASE IN FUNDING FOR PROJECT RECOVERY. AND I WANT YOU TO REFRESH ME ON WHAT PROJECT RECOVERY IS AND WHAT THE ACTUAL DOLLARS ARE, WHAT THEY AMOUNT TO.

PROJECT RECOVERY TREATS THE HIGHEST RISK CATEGORY VIOLATOR, MOST OF WHOM ARE SUFFERING FROM CHRONIC ADDICTION AND MENTAL HEALTH ISSUE. THEY ALSO COME TO THE PROGRAM TYPICALLY WITH 15 PLUS YEARS OF HEAVY CRIMINAL JUSTICE INVOLVEMENT. AND IN... THAT IS

THE POPULATION THAT WE'RE ATTEMPTING TO ADDRESS. WHEN IT WAS FIRST FUNDED, COUNCILMEMBER LEFFINGWELL SAID, WE CAN'T BE TOO EXPECTANT ABOUT SUCCESS RATES. THAT HAS UNFORTUNATELY PROVEN TO BE THE EXPERIENCE, BUT THAT IS WHAT THE PROJECT IS ATTEMPTING, AND IT'S ONE OF THE VANGUARD PROJECTS IN THE UNITED STATES.

..

Martinez: SO WHAT IS THE ACTUAL DOLLARS?

453,000.

423,000?

AND ANOTHER \$150,000 THAT'S FUNDED BY TRAVIS COUNTY TO PROVIDE A TREATMENT COMPONENT FOR THIS PROGRAM.

...AND IT'S A CAMPUS PROGRAM, 90 DAYS IN DURATION.

Martinez: SO IT'S A LITTLE OVER \$600,000?

CORRECT.

Martinez: HOW MANY CLIENTS SUCCESSFULLY COMPLETED IT LAST YEAR?

I THINK TO DATE THERE HAVE BEEN 11 SUCCESSFUL COMPLETIONS, BUT THERE HAVE ALSO BEEN A FAIR NUMBER OF RELAPSES TOO?

AND THAT WAS MY SECOND QUESTION IS HOW MANY ENTERED THE PROGRAM?

HOW MANY ARE IN THE PROGRAM?

Martinez: HOW MANY ENTERED THE PROGRAM LAST YEAR AND HOW MANY SUCCESSFULLY COMPLETED THE PROGRAM?

WELL, THE PROGRAM WAS TRADITIONALLY FOR MOST OF

THIS YEAR UNDERENROLLED, AND WE'VE MADE SOME CONFIGURATION CHANGES AND WE'RE GOING TO NOW ACCEPT SOME DIRECT REFERRALS FROM THE COMMUNITY COURT. AND WE FEEL IN ORDER TO GET A MEANINGFUL ASSESSMENT OF THIS PROGRAM, WE NEED TO RUN IT FOR A YEAR WITH MAXIMUM CAPACITY. AND THAT'S GOING TO BE THE ATTEMPT AND WE SHOULD BE ABLE TO ACCOMPLISH THAT THIS YEAR. AND IN TERM OF A DETERMINATIVE BENCHMARK, I THINK WE'RE STILL A YEAR AWAY FROM REACHING THAT ASSESSMENT.

...

Martinez: A FEW MOONTS AGO WE HAD A PRESENTATION AT THE JUDICIAL SUBCOMMITTEE, AND AT THAT TIME I RECALL A SLIDE BEING SHOWN TO US WHERE ONLY THREE SUCCESSFUL CLIENTS HAD COMPLETED THE PROGRAM.

AT THAT TIME THAT WAS A CORRECT FIGURE.

Martinez: SO NOW WE'RE UP TO 11?

YES.

Martinez: THAT'S A 600,000-DOLLAR INVESTMENT?

YES.

Martinez: I GUESS MY CONCERN IS THAT WHILE I CERTAINLY BELIEVE THAT WE NEED TO PROVIDE SERVICES TO THOSE FOLK TO TRY TO HELP THEM BREAK THE CYCLE, IF YOU WILL, IT SEEM LIKE WE ARE INVESTING A VERY LARGE AMOUNT, HALF A MILLION DOLLARS ALMOST, FOR 11 PEOPLE. AND IF THAT IS THE PROJECTED OR PREDICTED SUCCESS RATE, THEN I WOULD HAVE -- I'M GOING TO HAVE RESERVATIONS MOVING FORWARD WITH THAT KIND OF INVESTMENT BECAUSE I THINK THAT WE COULD HAVE A BIGGER IMPACT ON SOCIAL SERVICES WITH THAT HALF A MILLION DOLLARS INVESTING IT IN OTHER PROGRAMS OTHER THAN PROJECT RECOVERY.

I'D HAVE TO SAY THAT'S A LEGITIMATE CONCERN. RIGHT NOW THE ESTIMATES ARE AT ANY POINT IN TIME THERE ARE

600,000 HOMELESS, SUBSTANCE ABUSING PEOPLE ABOUT 400,000 OF WHOM ARE DULY.....DUAL DUALY DIAGNOSED. AND WE ARE IN THE PROCESS OF RESEARCHING ALTERNATIVES TO THIS PROGRAM THAT WOULD BE MORE COST EFFECTIVE. YOUR POINT IS WELL TAKEN.

Martinez: ALL RIGHT. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS FOR MR. TOO.... TOOMEY? COUNCILMEMBER COLE.

Cole: HI. I ALSO SERVED ON THE COMMITTEE WITH COUNCILMEMBER MARTINEZ AND WAS EXTREMELY CONCERNED ABOUT THE COST BENEFIT RATIO OF THE PROJECT RECOVERY PROGRAM, ESPECIALLY WHEN WE FOUND THAT THERE WERE ONLY THREE SUCCESSFUL GRADUATES AND I'M GLAD THAT IT'S UP TO 11, BUT STILL THE COST BENEFIT RATIO IS VERY ALARMING. I WOULD LIKE TO ASK YOU TO EXPLAIN A LITTLE BIT ABOUT THE OTHER PROGRAMS THAT YOU ARE LOOKING INTO.

THE OTHER PROGRAMS WE'RE LOOKING INTO, ONE WOULD BE A DIRECT REFERRAL FROM DACC FOR A NUMBER OF MYRIAD SERVICES. NOW, THE COMPONENT THAT WOULD BE MISSING THERE AND IS CRITICAL FOR SUCCESS IS IT WOULD NOT BE A CAMPUS OPERATION. THE OTHER THING WE'RE LOOKING AT, SEATTLE HAS JUST OVER THE COURSE OF THE PAST YEAR AND A HALF EXPERIENCED SOME SUCCESS WITH PROVIDING SUBSIDIZED HOUSING AND ALLOWING THE RESIDENTS OF THE SUBSIDIZED HOUSING TO CONTINUE TO DRINK. AND WHAT THEY'RE FUNDING THERE IS -- WHAT THEY'RE FINDING THERE IS IT IS DRAMATICALLY REDUCING THE INTERACTION WITH THE CRIMINAL JUSTICE AGENCIES AND ALL OF THE ATTENDANT COSTS THERE. THOSE ARE THE TYPES OF THINGS THAT WE'RE LOOKING AT RIGHT NOW.

..

Cole: DO YOU KNOW WHAT AMOUNT OF FIXED COSTS WE HAVE ASSOCIATED WITH THE PROJECT RECOVERY PROGRAM?

WELL, THE \$423,000.

EXPLAIN HOW THE MONEY IS USED.

Cole: I'M NOT UNDERSTANDING THAT.

Futrell: THE MONEY IS YIED TO PURCHASE WHAT -- USED TO PURCHASE WHAT SERVICE?

WE ARE USING MHMR HAS A VENDOR FOR THE PROGRAM. WHAT THE PROGRAM PROVIDES IS A CAMPUS SETTING, CLINICIANS TO PROVIDE THE BOTH PSYCHOLOGICAL AND SUBSTANCE ABUSE COUNSELING AND THE PROGRAM DURATION IS 90 DAYS. THAT'S THE SUCCINCT RENDITION OF WHAT THE PROGRAM DOES.

Cole: SO ESSENTIALLY WE HAVE A CONTRACT WITH MHMR WHERE WE ISSUE TO THEM THE 400 SOME-ODD DOLLARS THAT YOU MENTIONED AND THEY PROVIDE THOSE SERVICES. SO IF WE NO LONGER WANTED TO EXTEND THAT CONTRACT, WOULD WE HAVE ANY OTHER COSTS ASSOCIATED WITH TERMINATING THE PROGRAM?

ANYONE.

Futrell: IT'S BASICALLY CONTRACT INPATIENT SERVICES AND YOU ALL ADDED THIS LAST YEAR, I BELIEVE, WAS THE FIRST TIME WE WERE ABLE TO GET ITEM AND RUNNING. IT WAS ALWAYS WE KNEW GOING TO BE EXPERIMENTAL. I KNOW THAT YOU'VE GOTTEN A BRIEFING ON THIS. THIS IS WHERE A FEW PEOPLE WHO HAD BEEN REPEAT, REPEAT OFFENDERS INTO THE SYSTEM WERE ACCOUNTING FOR A SIGNIFICANT AMOUNT OF PARTICULARLY THE DOWNTOWN CRIME ISSUES THAT WERE BEING REPORTED. AND THE IDEA WAS THAT IF YOU COULD GET THESE FOLKS IN AND HAD ANY SUCCESS IN THE TREATMENT, THEN YOU COULD, WITH JUST REACHING A FEW PEOPLE, HAVE A BIG IMPACT ON SOME OF THE CRIME STATS. AND OF COURSE, WE HAD AN UNDERENROLLMENT AND WE HAVE NOT SEEN A GOOD OUTCOME YET IN THIS FIRST YEAR. GREG, WHAT DO YOU CONSIDER A FULL ENROLLMENT IN THAT PROGRAM? WHAT NUMBER WOULD YOU CONSIDER A FULL ENROLLMENT IN THAT PROGRAM?

THAT'S ONE OF THE THING WE'RE INCREASING WITH THE EXISTING BUDGET, AND NOW WE'RE GOING TO MOVE THE MAXIMUM ENROLLMENT FROM 12 TO 15. AND WE HAVE THAT CAPACITY.

Futrell: THAT'S THE REASON I.. I WANTED YOU TO HEAR THAT IS I WANT YOU TO UNDERSTAND IT'S STILL A SMALL NUMBER. OKAY.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'LL FOLLOW UP JUST A BIT. AFTER WE APPROPRIATED THE MONEY, IT WAS MY UNDERSTANDING THAT THERE WAS SOME REZ TANS ON THE -- HESITANCE ON THE PART OF THE COUNTY THAT HAD A PART IN ACTUAL ADMINISTRATION OF THIS, IS THAT CORRECT? JUDGE O'HEN GAR 10'S COURT?

I KNOW THERE WERE A GREAT NUMBER OF MEETINGS HELD WITH ALL THE DIFFERENT JUDGES AND STAKEHOLDERS. GREG, VUL TO SPEAK TO THAT.

THERE WAS NOT A RELUCTANCE ON THE PART OF THE COUNTY TO FUND THEIR SHARE OF IT, WHICH WAS -- THERE WERE SOME RESERVATIONS CANDIDLY EXPRESSED BY SOME OF THE COUNTY COURT JUDGES. AND RIGHT NOW JUDGE HOHENGARDEN HAS TAKEN THE LIEU IN THIS PROGRAM AND SHE WILL BE THE SINGLE SOURCE OF REFERRAL OTHER THAN THE VERY SMALL NUMBER OF REFERRALS WE'RE HOPEFUL OF MAKING THE COMMUNITY COURT.

Leffingwell: BUT FOR SEVERAL MONTHS THERE WAS NOTHING HAPPENING. THE MONEY WAS THERE AND THERE WAS -- IT WASN'T BEING USED. SO ARE YOU TELLING US IT IS BEING USED NOW, THAT PEOPLE ARE ACTUALLY ABLE TO TAKE ADVANTAGE OF THIS PROGRAM?

ABSOLUTELY. WE'RE CLOSING IN ON OUR FIRST FULL OPERATIONAL YEAR. AND SOME OF THOSE DELAYS WERE IN CERTIFICATION OF THE FACILITY, THOSE SORTS OF ISSUES, JUST THE SORTS OF ISSUES YOU RUN INTO BOOTING UP A

NEW PROGRAM.

Leffingwell: BUT THESE PEOPLE HAVE TO ACTUALLY BE DIRECTED TO GO TO THIS PROGRAM BY A JUDGE, CORRECT?

YES.

Leffingwell: AND THIS IS THE THIRD OFFENSE, SECOND OFFENSE? IS THERE SOME CRITERIA THAT'S BEEN ESTABLISHED?

WELL, YES. THE PROGRAM WAS ORIGINALLY CONFIGURED FOR CLASS B ENHANCED MISDEMEANOR DEFENDANTS, WHICH ARE PEOPLE THAT HAVE HAD THREE OR MORE CONVICTIONS AT THE CLASS C LEVEL. AND PART OF... PART OF THE CORTION WOULD BE THE CARROT AND THE STICK. THEY WOULD BE BE FACING LONGER JAIL SENTENCES IF THEY DO NOT ENROLL IN THE PROGRAM.

Leffingwell: THIS IS REALLY DIRECTED TO CHRONIC OFFENDERS, PEOPLE WHO HAVE SUBSTANCE ABUSE PROBLEM, PRIMARILY, MAYBE MENTAL HEALTH PROBLEM AS WELL. BUT THE ACTUAL SOLUTION TO THAT PROBLEM IS PROJECT RECOVERY OBJECT STENS I BELIEVELY AND NOT BACK AND FORTH TO JAIL.

THAT'S THE HOPE AND THE EXPECTATION.

Leffingwell: I THINK WE HAVE TO BE ABLE TO DEVELOP SOME KIND OF WAY TO MEASURE WHETHER THIS PROGRAM IS SUCCEEDING OR NOT. THAT MAY TAKE A LONG TIME.

I WOULD AGREE ENTIRELY. AND I THINK ONE MORE YEAR WILL GIVE US THAT. AND AS THE CITY MANAGER HAS POINTED OUT, THIS WAS ESTABLISHED AS A TRIAL PROGRAM. AND TRIAL PROGRAMS, SOME GO WELL AND SOME DO NOT.

..

Leffingwell: SO IN ANOTHER YEAR DO YOU THINK YOU WILL BE ABLE TO GIVE US SOME SOLID DATA REFLECTING WHETHER

OR NOT -- WHETHER THIS PROGRAM IS SUCCEEDING OR WHETHER OR NOT IT NEEDS TO BE CANNED?

YES. AND AS A MATTER OF FACT, THE WAY THAT THE CONTRACT IS CONSTRUCTED, IT CAN BE TERMINATED WITH -
- I THINK IT'S EITHER 30 OR 60 DAYS NOTICE. AND I WOULD NOT BE AT ALL RELUCTANT TO TELL YOU AT THE MIDPOINT THAT IT'S REALLY NOT WORKING.

OKAY. I JUST KNOW THAT THE JUDGE HOHENGARTEN IS HAVING PEOPLE TALK ABOUT THIS. I PLAN TO BE HERE. I'LL HAVE HER SIGN IT.

Futrell: ONE OTHER THING. WE'RE NOT WAITING FOR ANOTHER FULL YEAR. THERE ARE TWEAKS BEING MADE TO THE PROGRAM ALSO GOING INTO THE NEXT YEAR IF YOU CHOOSE TO CONTINUE FOR THE NEXT YEAR, TO TRY TO MAXIMIZE AND ADJUST TO SEE IF WE KNOWING THAT WE DIDN'T GET THE OUTCOME THAT WE WERE LOOKING FOR THIS YEAR BECAUSE YOU WERE GOING TO TRY TO REACH OUT TO KIND OF MID LEVEL OFFENDERS AS WELL AND SEE IF WE HAVE A HIGHER SUCCESS RATE THERE ALSO.

AND ACTUALLY, THE REACHING OUT TO THE MID LEVEL OR MID RISK OFFENDERS IS WHAT WE CONTEMPLATE DOING THIS COMING YEAR. AND THE OUTCOMES THERE ARE TRADITIONALLY BETTER. THERE'S AN ENTIRE SCHOOL OF THOUGHT AND I WON'T TAKE UP YOUR TIME, BUT IN STAGE ALCOHOLICS MAY WELL BE BEYOND THE PALE OF PEOPLE WHO CAN BE REACHED.

COUNCIL, ONE OTHER THING THAT I WANT TO REEMPHASIZE TOO IS CERTAINLY WE'RE NOT GOING TO BE ABLE TO MEASURE THINGS APPROPRIATELY IF WE HAVE EMPTY BEDS. WE BROUGHT ALL THE STAKEHOLDERS TOGETHER ABOUT A MONTH AGO AND EXPLAINED THAT, THAT ALTHOUGH WE RECOGNIZED THAT THE PRIMARY GOAL WAS THE CLIENT POPULATION THAT WAS ORIGINALLY DESIGNED IN THIS PROGRAM, THAT WE STILL HAD OTHER WAYS THAT WE COULD UTILIZE THOSE SERVICES AND THAT'S WHERE GREG RECOMMENDED WE HAVE DIRECT REFERRALS FROM THE DACC AS WELL. SO THE PRIMARY REFERRALS WILL COME FROM THE REGULAR PROJECT RECOVERY, BUT WE

WILL ALSO BE INCLUDING -- WHEN WE HAVE EMPTY BEDS, WE WILL BE INCLUDING DACC REFERRALS IF COUNCIL CONTINUES TO SUPPORT THIS PROGRAM. AND I THINK THAT WILL GIVE US AT LEAST ENOUGH CLIENTS TO MEASURE AND THEN WE CAN DETERMINE THE RECIDIVISM LEVEL.

JUST TO GIVE YOU A QUICK POINT OF COMPARISON, WE HAVE ANOTHER PROGRAM THAT COUNCIL HAS FUNDED SINCE THE INCEPTION OF COMMUNITY COURT THAT'S A 30 DAY RESIDENTIAL PROGRAM. AND THERE WE ADDRESS THE LOWER RISK, THE LOWER TO MID RANGE RISK DEFENDANTS AND WE'RE EXPENSING ABOUT A 60% SUCCESS RATE THERE. THAT'S A TARGET POPULATION THAT CAN BE REACHED, HAS BEEN BE REACHED AND IT'S BEEN EFFECTIVE. WE'RE NOT IN A POSITION YET TO BE ABLE TO SAY THAT PROJECT RECOVERY IS DOING THE SAME THING WITH THE VERY HIGHEST RISK OFFENDERS.

Mayor Wynn: THANK YOU VERY MUCH. WELCOME BACK, MS. STARK.

I'LL MAKE THIS QUICK. THE EXPENDITURES FOR MUNICIPAL COURT OPERATION SUPPORT SERVICES IS ABOUT TWO-THIRDS OF THE ENTIRE MUNICIPAL COURT BUDGET. THE 10.5% INCREASE NEXT YEAR IS MOSTLY DUE TO THE NEW F.T.E.'S PAID FOR PERFORMANCE AND OTHER PERSONNEL RELATED ISSUES. WE ARE PROPOSING THREE ADDITIONAL F.T.E.'S. WE HAVE ALMOST 190 BODIES THAT ARE HR..... OUR HR PERSON PROCESSES. WE ADDED A PERSON THIS YEAR TO CHECK THE VALIDITY OF ALL OF OUR INSURANCE CERTIFICATES BEING SUBMITTED TO DISMISS INSURANCE CASES. THE NUMBER THAT ARE INVALID HAS GONE DOWN FROM 13 PERCENT TO EIGHT PERCENT, BUT WE FOUND OUT THAT ONE PERSON CANNOT KEEP UP WITH VERIFYING ALL THE INSURANCE, SO WE'RE ASKING FOR A SECOND PERSON. AND THE THIRD -- THE SECOND COURT CLERK ASSISTANT FOR NEXT YEAR IS FOR CREDIT FOR TIME SERVED. WE'RE REQUIRED BY LAW TO PROVIDE CREDIT -- WHEN PEOPLE HAVE SPENT TIME IN JAIL WE'VE HAD A SIGNIFICANT INCREASE OF THOSE AND WE NEED SOMEONE TO HELP US PROCESS THOSE. THAT'S ALL HE WE HAVE FOR MUNICIPAL COURT. WE ARE ALL AVAILABLE TO ANSWER ANY

QUESTIONS THAT YOU HAVE. WELCOME CHIEF MILLS.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, COUNCIL. MY NAME IS BRUCE MILLS, THE DIRECTOR OF PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND I'LL BE PRESENTING OUR 2007-2008 EMERGENCY MANAGEMENT BUDGET. THIS FIRST SLIDE I'M GOING TO PRESENT IS THE OVERALL MAKEUP OF THE DEPARTMENT BY DIVISION. YOU'LL SEE WE HAVE FIVE DIVISIONS IN THE DEPARTMENT. THE MISSION OF THE PUBLIC SAFETY EMERGENCY MANAGEMENT DEPARTMENT IS TO PROVIDE THE HIGHEST LEVEL OF SPECIALIZED PUBLIC SAFETY SERVICES AND EMERGENCY MANAGEMENT COORDINATION FOR THE COMMUNITY. THIS DEPARTMENT WAS CREATED BY COUNCIL RESOLUTION IN AUGUST OF 2005. THIS NEXT SLIDE WILL ILLUSTRATE THE RESULTS OF OUR CITIZEN SURVEY. YOU CAN SEE FROM THE SURVEY THAT WE RECEIVED FAVORABLE SATISFACTION RATING ON THE QUESTION HOW SAFE DO YOU FEEL IN CITY PARKS. THE MISSION OF THE PARK, PUBLIC SAFETY DIVISION IS TO PROVIDE A SAFE RECREATIONAL ENVIRONMENT TO APPROXIMATELY 205 PARKS, 176 ATHLETIC FIELDS, 17 RECREATION CENTERS, THREE AREA LAKES AND MORE THAN 50 -- MORE THAN 50 MILES OF HIKE AND BIKE TRAILS AND GREENBELTS ENCOMPASSING MORE THAN 1600 1600 ACRES WITHIN THE CITY. ALSO THIS YEAR CURRENTLY WE'RE PARTICIPATING IN A PILOT PROGRAM WITH AUSTIN INDEPENDENT SCHOOL DISTRICT WHEREBY WE INCREASE OUR VISIBILITY IN THE PARKS IN THE SUMMERTIME. WE USE 22 OF THE SCHOOL DISTRICT -- SCHOOL DISTRICT OFFICERS TO JOIN WITH OUR PARK POLICE OFFICERS FOR APPROXIMATELY EIGHT WEEKS EXPOSING THE OFFICERS TO THE TRAIL AND THE LAKES WITH OUR OFFICERS IS A PILOT PROGRAM AND HAD A GREAT DEAL OF SUCCESS WITH THAT. SO THE PROPOSED BUDGET FOR THE 2007-'08 FISCAL YEAR INCLUDES A TOTAL OF 127 FULL TIME EQUIVALENT EMPLOYEES. OUR ONE TIME CRITICAL ITEM IS THREE REPLACEMENT BOIKSZ FOR OUR PARK AND PUBLIC SAFETY DIVISION, WHICH IS A TOTAL OF \$5,400. AND OUR EXPENDITURES IN 2007 WERE APPROXIMATELY 5.3 MILLION. IN PROPOSED 2008 BUDGET IS 6.1 MILLION, AN INCREASE OF ABOUT 800,000. THE PAY FOR PERFORMANCE TOOK UP A SUBSTANTIAL PORTION OF THAT, \$384,000. AND OUR MEET

AND CONFER COSTS WERE APPROXIMATELY \$235,000. AS IT RELATES TO THE MEET AND CONFER PROCESS, AS YOU'LL RECALL, WITH YOUR APPROVAL AT THE FIRST OF THIS YEAR WE NEGOTIATED OUR FIRST MEET AND CONFER CONTRACT WITH THE PUBLIC SAFETY ASSOCIATION. I BELIEVE THE ASSOCIATION WOULD AGREE THAT THE TANGIBLE SALARY INCREASES IN THE CONTRACT WERE SIGNIFICANT AND GREAT. I ALSO BELIEVE THAT BOTH SIDE WOULD AGREE THAT THE INTANGIBLE POLICY CHANGES RELATED TO TRANSFERS AND PROMOTIONS, ADMINISTRATIVE INVESTIGATIONS HAS GONE A LONG WAYS TOWARDS IMPROVING OPPORTUNITIES FOR PSAM OFFICERS AS WELL AS MAKING THE JOB MORE ENRICHING FOR ALL. THIS PROPOSED BUDGET WOULD ENABLE US TO RESPOND TO APPROXIMATELY 37,000 SERVICE CALLS AT AUSTIN-BERGSTROM INTERNATIONAL AIRPORT, ALLOW US TO PERFORM MORE THAN 7100 HOURS OF PATROL ON THE AUSTIN OTHER LAKES. ALLOW US TO BEGIN WORK A HAZMAT ROUTE IN A REGIONAL EVACUATION PLAN FOR THE CITY. AND IT ALSO ALLOWS TO ACHIEVE 100% MEDICAL RESPONDER CERTIFICATION FOR OUR OFFICERS, AS WELL AS CONTINUE SUPPORT FOR THE HANDY CLAPPED PLACARD MISUSE PROGRAM THAT WE STARTED IN THE DOWNTOWN AREA. THAT'S WHAT I HAVE. I'LL TAKE ANY QUESTIONS.

Mayor Wynn: GOES CHIEF MILLS, COUNCIL? COUNCILMEMBER MARTINEZ.

Martinez: CHOOF CHIEF, I WANTED YOU TO GIVE ME A LITTLE EXPLANATION ABOUT WHAT WE'RE DOING RELATED TO -- WE'VE GOT A LOT OF COMPLAINTS ABOUT THE ZILKER PARK AREA AND HOW LARGE NUMBER OF FOLK ARE GATHERING. THERE'S A LOT OF JUST HANGING OUT, ALCOHOL CONSUMPTION ALL ALONG THE GREENBELTS AND DIFFERENT PARTS AND RIGHT AT ROBERT E. LEE IN THAT AREA.

OF COURSE, THERE ARE TWO DEFINITIONS TO THE GREENBELT AREA OF COURSE IS USUALLY CONCENTRATED ON THE NICE WEEKENDS AND THAT WE HAD ONLY A FEW OF THIS SUMMER. I THINK THAT CAUSED SOME PROBLEMS. WE HAVE CONCENTRATED OFFICERS DOWN THERE BOTH REGULAR TIME AS WELL AS OVERTIME ON WEEKENDS FOR

THE GREENBELT AREA TO MAKE SURE THAT PARTICULARLY FOR THE RESIDENTS THAT BACK UP THE AREA OF THE GREENBELT TO MAKE SURE WE DON'T HAVE THE LOITERING AND LITTERING AND OTHER NUISANCE TYPES CRIMES THAT OCCUR. AND ACTUALLY, THE ZILKER PARK AREA, WHAT WE CALL THE CROWN JEWEL AREA AROUND THE PARK AND THE TRAIL, WE'VE RECENTLY REDEPLOYED OFFICERS IN JUST WHAT I DESCRIBED IN THE PILOT PROGRAM THAT WE HAVE WITH AISD WHERE WE HAVE MORE OFFICERS PROACTIVELY ON WALKING AND BIKES AND IN BOATS JUST TO HAVE THE DETERRENT EFFECT JUST TO HAVE OFFICER PRESENCE DOWN THERE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THANK YOU, CHIEF. I'D LIKE TO INTRODUCE JJ ADAMI.

WELCOME, CHIEF.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. JJ ADAMI, YOUR FIRE CHIEF. ON SEPTEMBER 25S, THE AUSTIN -- OF THIS YEAR, THE AUSTIN FIRE DEPARTMENT WILL CELEBRATE THE 150TH ANNIVERSARY OF ITS FOUNDING IN 1857 BY JOHN VERMONT, SENIOR, A PROMINENT BUSINESSMAN FROM NEW YORK. I'M CONTINUALLY IMPRESSED THAT AUSTIN HAS THE MOST PROFESSIONAL AND DEDICATED FIREFIGHTERS THAT I'VE EVER SEEN IN MY 32 YEARS IN THE FIRE SERVICE. IT IS MY PRIVILEGE TO PRESENT TO YOU THE AUSTIN FIRE DEPARTMENT PROPOSED BUDGET FOR FISCAL YEAR 2007-2008. THE AUSTIN FIRE DEPARTMENT RELATED BUDGET PAGES CAN BE FOUND IN THE EXECUTIVE SUMMARY VOLUME ON PAGES 65 THROUGH 67. I WOULD FIRST LIKE TO DISCUSS AUSTIN FIRE DEPARTMENT STANDING IN THE ANNUAL CITIZEN SURVEY. THE MEN AND WOMEN OF THE AUSTIN FIRE DEPARTMENT PROUDLY SERVE THIS COMMUNITY. AUSTIN CITIZENS HAVE CONSISTENTLY GIVEN THEM HIGH SATISFACTION RATINGS AS SHOWN HERE. ALTHOUGH THE SURVEY RESULTS SHOW MINOR DECREASES IN DISURM RESPONSES, I'VE VERY PROUD TO SAY THAT THE AUSTIN FIRE DEPARTMENT WAS RATED THE HIGHEST IN SATISFACTION AMONG ALL CITY DEPARTMENTS IN THIS SURVEY. I'M ALSO PROUD TO SAY THAT SINCE 2003 OUR RATINGS HAVE ALWAYS BEEN IN THE MID TO HIGH 90TH

PERCENTILE. ONE THING TO NOTE IS THAT THOSE CITIZENS WHO HAVE HAD PERSONAL CONTACT WITH THE AUSTIN FIRE DEPARTMENT TENDED TO GIVE THE HIGHEST POSSIBLE RATING IN THEIR EXPERIENCE AND SO WE FEEL VERY POSITIVE ABOUT THESE RESULTS. ON THIS SLIDE YOU WILL SEE A SUMMARY REVIEW OF OUR REVENUE AND EXPENDITURE REQUEST. OUR REVENUE FOR THE YEAR HAS SHOWN A 26.7% OR 200,000-DOLLAR INCREASE. THIS IS PRIMARILY DUE TO THE STAGGERING OF HAZARDOUS MATERIAL PERMITS, WHICH RESULTED IN A REVENUE INCREASE IN FISCAL YEAR '08. CONTINUED DEMAND ASSOCIATED WITH DEVELOPMENT IN AUSTIN HAS ALSO RESULT UNDERSTAND A PROJECTED REVENUE INCREASES AS WELL. THE OPERATING EXPENDITURES ARE PROJECTED AT 10.2% OR \$10.9 MILLION HIGHER THAN THE CURRENT FISCAL YEAR. AND I WILL REVIEW THE HIGHLIGHTS OF THIS INCREASE IN JUST A MOMENT. THE PROPOSED NUMBER OF F.T.E.'S FOR THE NEXT FISCAL YEAR IS 1,079 SWORN POSITIONS AND 67 CIVILIANS. WE ALSO HAVE ON UP TO 60 CADET SLOTS WHICH WE WILL FILL BASED ON OUR NEEDS. WE ARE ALSO PROPOSING FUNDING FOR ONE-TIME PURCHASES OF CERTAIN FIRE FIGHTING EQUIPMENT SUCH AS VENT MASTER SAWS AND A THERMAL IMAGING CAMERA. WE HAVE BUDGETED \$49,300 FOR THAT PURCHASE AS WELL AS AN ADDITIONAL \$75,790, WHICH IS INCLUDED FOR NON-UNIFORM SERVICE INCENTIVE ENHANCEMENT PAY. I WOULD NOW LIKE TO HIGHLIGHT THE MAIN ITEM WHICH ARE INCLUDED IN THE PROPOSED BUDGET OF \$116.9 MILLION. THIS BUDGET CONTAINS CURRENT STAFFING LEVELS, WHICH PROVIDE NECESSARY RESOURCES AND MANPOWER TO THE FIRE SCENE WHILE ENSURING FIREFIGHTERS' SAFETY. IT ALSO INCLUDES FUNDING TO WAGES, PROMOTIONS AND HIRING ASSOCIATED WITH THE THIRD AND FINAL YEAR OF OUR COLLECTIVE BARGAINING CONTRACT PROVISIONS ALONG WITH STEP AND LONGEVITY INCREASES. THE BUDGET CONTAINS ONE NON-UNIFORMED F.T.E. IN THE FIRE DEPARTMENT AIR SHOPS TO SUPPORT FIREFIGHTER SAFETY, ADDING SUPPORT IN THE USE AND MAINTENANCE OF AIR BREATHING EQUIPMENT. THE BUDGET ALSO ASKS FOR NEW NON-UNIFORMED F.T.E.'S WHICH WILL SUPPORT OUR INTERNAL PAYROLL AND PROCUREMENT. THIS PROPOSAL ALSO FUNDS 22 NEW FIREFIGHTER

POSITIONS. 20 OF THOSE FIREFIGHTERS WILL STAFF THE AVERY RANCH DAVIS SPRINGS STATION, WHICH IS SCHEDULED TO OPEN IN EARLY 2009. IT ALSO FUNDS TWO ADDITIONAL FIREFIGHTER POSITIONS, WHICH WILL SUPPORT OUR REGIONAL DISPATCHING OPERATION. THE BUDGET -- THE BUDGET ALSO FUNDS SEVERAL PART TIME INSTRUCTORS FOR THE AFD-AISD-L.B.J. FIRE ACADEMY. IT WILL ALLOW TO US EXPAND THE PROGRAM FOR BOTH JUNIORS AND SENIORS. I'LL REPORT MORE ON THIS PROGRAM IN JUST A MOMENT. FUNDING FOR SEVEN PUMPERS, TWO LADDERS, FOUR RESCUE BOATS AND TRAILERS AND EIGHT SUPPORT VEHICLES ARE PART OF A MULTI-YEAR REPLACEMENT PLAN THAT KEEPS THE DEPARTMENT ON TRACK WITH OUR REPLACEMENT SCHEDULE. TO INCREASE DIVERSITY IN THE AUSTIN POLICE DEPARTMENT WE ARE ENHANCING OUR EFFORTS IN SEVERAL AREAS. THE DEPARTMENT IS HOSTING MULTIPLE CAREER EXPOS WITH SUPPORT FROM DEPARTMENT MINORITY ASSOCIATIONS TO PROVIDE CAREER ORIENTATION, HANDS ON PRACTICAL SKILLS AND HIRING PROCESSES INFORMATION. WE ALSO WANT TO MAXIMIZE THE FIRE FIGHTING CAREER EXPERIENCE THROUGH STATION RIDE OUTS TO THE POTENTIAL CANDIDATES CAN GET A FIRST HAND LOOK AT THE LIFE OF A FIREFIGHTER. ALSO WE WILL CONTINUE LONG-TERM EFFORTS TO EXPAND OUTREACH PROGRAMS TO ENGAGE MINORITY YOUNG ADULTS AND WOMEN WHO ARE INTLD IN FIRE FIGHTING CAREER OPPORTUNITIES. THESE PROGRAMS INCLUDE YEAR 2 OF THE AFD, AISD L.B.J. FIRE ACADEMY AND THE TRAVIS COUNTY ESD NUMBER 4 TRAINING ACADEMY IN WHICH BOTH THE CITY AND THE COUNTY PARTICIPATE. WE ARE ALSO CONTINUING DIVERSITY TRAINING FOR THE ENTIRE DEPARTMENT AS WELL WITH OUR CONSULTANT OLIVER AND ASSOCIATES WHO ARE NATIONALLY RECOGNIZED LEADER IN THE AREA OF DIVERSITY TRAINING. APPROXIMATELY HALF THE DEPARTMENT HAS COMPLETED THE DAY LONG TRAINING THIS PAST SPRING AND THE OTHER HALF WILL COMPLETE THE TRAINING THIS FALL. THE PARTNERSHIP WITH AISD IS A PROGRAM WHICH I AM PARTICULARLY PROUD OF. THE L.B.J. FIRE ACADEMY BEGAN ITS INAUGURAL PROGRAM DURING THE 2006-2007 SCHOOL YEAR. THE ACADEMY REQUIRES A TWO-YEAR COMMITMENT TO

COMPLETE THE PROGRAM. THE FIRST THREE SEMESTERS ENABLE THE STUDENT TO LEARN FIRE FIGHTING SKILLS AND THUS RECEIVE HIS OR HER BASIC FIREFIGHTER CERTIFICATION, WHILE THE FOURTH SEMESTER LEADS TO ELIGIBILITY FOR THE STUDENT TO TEST FOR BASIC EMT CERTIFICATION. OF THE 21 STUDENTS WHO BEGAN THE INITIAL PROGRAM LAST YEAR, 18 PASSED THEIR ASSESSMENTS AND SKILL EVALUATIONS TO COMPLETE THE INITIAL FIREFIGHTER TRAINING CURRICULUM. THIS MAKES THEM ELIGIBLE TO ADVANCE INTO THE FIRE FIGHT PHASE 2 CURRICULUM. OF THIS GROUP, 94 PERCENT ARE MINORITY STUDENTS. IN THE NEXT CLASS SET TO BEGIN NEXT TUESDAY, AUGUST 28TH, THERE ARE 28 STUDENTS WHO HAVE BEEN ACCEPTED TO BEGIN PHASE 1 FIRE FIGHTER TRAINING, OF WHICH 93% ARE MINORITY STUDENTS. IN ADDITION, WE IMPLEMENTED THE FIRE 20/20 SAFETY PROJECT IN 2006. FIRE 20/20 IS A MULTICULTURAL HEALTH AND SAFETY RESEARCH PROJECT FUNDED BY THE DEPARTMENT OF HOMELAND SECURITY. IT PROVIDES A BUILDING MODEL THAT ASSISTS OUR DEPARTMENT IN DEALING WITH A MULTICULTURAL COMMUNITY IN BETTER UNDERSTANDING PARTICULAR NEEDS. IT INCLUDES BUILDING NEW COMMUNITY PARTNERSHIPS, INCREASING THE IMPACT AND REACH OF PREVENTION EFFORTS AND EXPANDING OPPORTUNITY FOR RECRUITMENT EFFORTS. AUSTIN WAS ONE OF FOUR CITIES NATIONALLY SELECTED TO PARTICIPATE IN THIS PROJECT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

AND 69 ARE MINORITY FIREFIGHTERS AND THREE ARE WOMEN. ALTHOUGH WE HAVE MADE SOME PROGRESS IN OUR 2007 HIRING EFFORTS, WE WOULD LIKE TO GO EVEN FURTHER. IN 2006, WE SEPARATED THE ADMINISTRATION OF THE HIRING PROCESS FROM THE RECRUITING PROCESS. THIS ALLOWED OUR RECRUITING STAFF TO FOCUS SOLELY ON RECRUITING STRATEGIES. WE WILL BEGIN ACCEPTING APPLICATIONS FOR THE 2008 HIRING PROCESS THIS FALL AND WE EXPECT TO RECEIVE OVER 3,000 APPLICATIONS. THE 2008 PROCESS WILL INCLUDE SEVERAL EXAMINATION EXAM COMPONENTS INCLUDING A WRITTEN EXAM, AN ORAL EXAM, THE CANDIDATE PHYSICAL ABILITY TEST, THE WRITTEN EXAM WILL BE ADMINISTERED IN SPRING OF 2008

WITH A TOP SCORING APPLICANTS CONTINUING TO THE NEXT PHASE OF THE HIRING PROCESS. AFTER THE ORAL INTERVIEW AND CPAT, WE WILL GENERATE A LIST OF THE CANDIDATES WHO WILL UNDERGO THE SCREENING PROCESS AND WE EXPECT TO BEGIN THE CLASS OF JULY OF 2009. FINALLY..LY WOULD LIKE TO LOOK AT SOME OF THE INTER CITY MANAGEMENT SURVEY RESULTS AND HOW A.F.D. FARED IN 2006 AS COMPARED TO CITIES OF COMPARABLE SIZE. THE FIRST MAJOR RECORDS THE NUMBER OF FIRE DEATHS PER 100,000 POPULATION. SADLY RECENT FIRE DEATHS IN OUR SERVICE AREA WERE AND HAVE BEEN SIGNIFICANTLY HIGHER AMONG CITIZENS OVER 60 YEARS OF AGE. THE AUSTIN FIRE DEPARTMENT IS MAKING A SUSTAINED EFFORT TO IMPROVE FIRE SAFETY FOR BOTH THE ELDERLY AND DISABLED THROUGH INCREASED PUBLIC EDUCATION PROGRAMS AND SMASHING ALARM INSTALLATIONS. DIRECTED TOWARDS THE CITIZENS GROUPS. YOU MAY REMEMBER THAT AUSTIN FIRE DEPARTMENT RECEIVED A GRANT FROM FEMA EARLIER THIS YEAR IN THE AMOUNT OF 8.. \$88,000 TOWARDS THE EFFORTS, AND YOU WILL BE PLEASED TO KNOW THAT THE SMOKE ALARM DISTRIBUTION PROGRAM IS ALREADY UNDERWAY. COUNCILMEMBERS, THE A.F.D.'S STANDING GOAL FOR NEXT YEAR AND EVERY YEAR IS ZERO DEATHS. WE DON'T WANT TO SEE ANY FIRE DEATHS AMONG OUR CITIZENS AND SO WE WILL CONTINUALLY STRIVE TO NOT MEET THE NATIONAL TREND OF SIX DEATHS PER 100,000 RESIDENTS FOR CITIES OUR SIZE. AND THIS LAST COMPARISON MEASURES HOW QUICKLY THE AUSTIN FIRE DEPARTMENT RESPONDS TO A FIRE IN ORDER TO CONTAIN A FIRE TO ITS ROOM OF ORIGIN. THIS MEASURE IS ALSO A REFLECTION OF RESPONSE TIME ONCE FIRE UNITS ARE AWARE OF THE CALL. IT SHOWS HOW AGGRESSIVELY AUSTIN FIREFIGHTERS FIGHT FIRES. AGAIN, AUSTIN HAS THE HIGHEST RATING AMONG TEXAS CITIES AND WAS IN THE TOP THREE NATIONALLY IN HOW WELL IT PERFORMS WHEN COMPARED TO OTHER CITIES. THE 2005 PERCENTAGE WAS 75% AND WE INCREASED BY 1% TO 76% IN 2006. THIS IMPROVEMENT IS DUE TO OUR EXTENSIVE TRAINING, PROFESSIONAL DEVELOPMENT PROGRAMS, STATE-OF-THE-ART EQUIPMENT, USE OF THE INSTANT COMMAND SYSTEM, AND A STRONG COMMITMENT TO THE JOB IN THE AUSTIN

COMMUNITY. IT IS ALSO DUE IN LARGE PART TO OUR PREVENTION EFFORTS WHERE WE WERE FOLK YOU GOS OUR ATTENTION ON SMOKE DETECTOR REQUIREMENTS IN MULTI-FAMILY DWELLINGS. IN THE NEXT YEAR WE EXPECT TO SEE AN EVEN GREATER IMPROVEMENT IN THIS MEASURE AS A RESULT OF THE ADOPTION OF THE 2003 INTERNATIONAL FIRE CODES. THE SUBSEQUENT UPDATES WHICH INCREASE THE NUMBER OF SPRINKLER SYSTEMS REQUIRED IN RESIDENTIAL COMMUNITIES. THESE REQUIREMENTS ARE NOT FOR SINGLE-FAMILY HOMES BUT FOR MULTI-FAMILY RESIDENTIAL STRUCTURES. COUNCIL, THANK YOU FOR YOUR CONTINGENCY TO THIS PRESENTATION. I LOOK FORWARD TO ANSWERING ANY QUESTIONS THAW MAY HAVE.

Mayor Wynn: THANK YOU, CHIEF. QUESTIONS FOR THE CHIEF? COUNCILMEMBER KIM.

Kim: YES, THANK YOU, CHIEF, FOR THE PRESENTATION AND I'M GLAD TO SEE WE'RE CONTINUING OUR EFFORTS THROUGH RECRUITING THROUGH AISD AND THAT PILOT PROGRAM AND I THANK YOU FOR.... FOR YOUR COMMITMENT AND THE DEPARTMENT'S COMMITMENT IN MAKING SURE WE HAVE A DIVERSE FIRE DEPARTMENT THAT MATCHES OUR POPULATION. WE'LL CONTINUE WORKING WITH YOU ON THAT. SOMETIMES I KNOW IT CAN BE CHALLENGING AND THERE ARE A LOT OF APPLICANTS FOR THE POSITIONS, VERY QUALIFIED APPLICANTS, BUT I LOOK FORWARD TO WORKING WITH YOU ON THAT. ONE QUESTION I DO HAVE HAS TO DO WITH THE FEMALE LOCKER ROOMS WE PASSED A RESOLUTION ON DOING THAT WITHIN THIS BUDGET AND I DON'T SEE IN A MENTIONED -- IN... THAT MENTIONED HERE. MAYBE THIS IS SOMETHING FOR OUR CITY MANAGER TO ADDRESS BECAUSE WE JUST RECEIVED A MEMO FROM CHIEF MCDONALD ON HOW MUCH THAT WOULD COST AND A BREAKDOWN OF DIFFERENT LOCKER ROOMS. CAN YOU GO THROUGH THAT BRIEFLY AS TO HOW MUCH WE COULD DO IN THIS BUDGET AND WHERE THE FUNDS WOULD COME FROM?

YES. YOU ALL DID JUST RECEIVE A MEMO THAT OUTLINES THE SUMMARY OF WHAT WE WERE ABLE TO FIND OUT. BUT I GUESS JUST IN QUICKLY TRYING TO SUMMARIZE IT, YOU HAVE FIVE STATIONS THAT ARE READY TO GO BECAUSE WE

HAVE BASICALLY CONSTRUCTION DOCUMENTS, DESIGN DOCUMENTS FOR THEM. ANNUAL WE HAVE AN ESTIMATE OF ABOUT \$1.6 MILLION THAT IT WOULD TAKE TO GET THESE RENOVATIONS DONE. SO THAT'S SOMETHING THAT WE COULD START ON RIGHT NOW AND GET TO COMPLETION. IN ADDITION TO THAT, YOU HAVE TWO GROUPS OF STATIONS THAT DO NOT MEET EVEN THE MINIMUM LEVEL CRITERIA FOR HAVING SEPARATE LOCKER ROOMS. THERE ARE ABOUT 19 OF THOSE, I BELIEVE. AND IT WOULD TAKE ABOUT 300 -- A LITTLE OVER \$300,000, I THINK IT'S \$307,000 TO COMPLETE A STUDY OF EACH ONE OF THOSE SITE SPECIFIC TO GET US TO A COST ESTIMATE TO DO THOSE RENOVATIONS. WE HAVE A ROUGH-CUT NUMBER AS WHAT WE THINK THOSE 19 STATIONS WOULD COST, BUT IT IS REALLY, REALLY ROUGH.

Kim: I LOOKED AT SOME OF THE STATIONS YOU ARE TALKING ABOUT THAT ARE IN THE LAST GROUP AND THEY WERE BUILT IN THE 1930s AND 1940s AND I'M SURE SOME OF THESE STATIONS ARE HISTORIC AND EVEN COUNCILMEMBER MARTINEZ WAS SAYING WE CAN'T EVEN FIT OUR MODERN VEHICLES IN SOME OF THESE STATIONS.

AND THIS THE DILEMMA. EACH ONE OF THEM ARE SO DIFFERENT. SOME OF THEM ARE VERY OLD. SOME OF THEM WE HAVE SPACE ISSUES WITH. NOT -- WE MAY NOT HAVE ENOUGH LAND. BUT WE THINK WITH ABOUT \$300,000 WE COULD TAKE A LOOK AT EACH ONE OF THEM, KNOW WHERE WE COULD TAKE THEM AND GET A COST ESTIMATE FOR EACH ONE. SO FOR 1.6, PLUS 300, SO ABOUT A LITTLE UNDER 2 MILLION, WE COULD FINISH THE FIVE WE'RE READY TO GO ON, KNOW EXACTLY WHAT IT'S GOING TO TAKE ON THE REST OF THEM, AND AT THIS POINT I THINK WHAT I WOULD RECOMMEND IF THIS IS YOUR INTEREST, WE HAVE MADE AN EXCEPTION THIS YEAR ALLOWING US TO GO INTO OUR ONE-TIME RESERVES A LITTLE DIFFERENTLY, I WOULD RECOMMEND THAT WE GO TO OUR ONE-TIME RESERVE FUNDS AND TAP THAT 1.9, \$2 MILLION AND GET GOING. FINISH THE FIVE, DO THE STUDY, AND GO FROM THERE.

Kim: I THINK THAT'S A GOOD IDEA. AT LEAST WE'LL GET THOSE STATIONS WHERE WE ALREADY HAVE DESIGNS ON THEM USING ONE-TIME FUNDS. AND THEN WE'LL KNOW MORE ACCURATELY WHAT THE COSTS ARE AND WHAT

ORDER WE WOULD TAKE THE REST OF THE STATIONS AND ALSO USE ONE-TIME FUNDS IF WE ADOPT THAT DURING THE POLICY. WOULD WE DO THAT DURING THE BUDGET HEARING OR AMENDMENTS FOR THE PROPOSED BUDGET?

YES.

Kim: ALL RIGHT. THANK YOU, CITY MANAGER.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
COUNCILMEMBER MARTINEZ.

Martinez: THANKS, MAYOR. CHIEF, I WANTED YOU TO WALK ME THROUGH THE PERCENTAGE OF RESIDENTIAL STRUCTURE FIRES CONTAINED IN ROOM OF ORIGIN, AND I WANTED TO ASK HOW WE REPORT THAT -- HOW IS THAT REPORTED? IS IT JUST WHEN THE FIRST ARRIVING UNIT GETS ON THE SCENE AND BEGINS ATTACK, BEGINS SEARCH AND RESCUE? I GUESS WHAT ARE THE PARAMETERS FOR THAT REPORTING REQUIREMENT TO GET US TO THAT 76%.

I'D PROBABLY HAVE TO ASK CHIEF LEVI FOR HELP TO SEE EXACTLY HOW WE MEASURE THE -- WE START THE CLOCK TICKING ON THAT PROCESS.

GOOD AFTERNOON. JIM EVANS, CHIEF OF STAFF. MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, TO ANSWER YOUR QUESTION KIND OF IN A NUTSHELL, YOU ARE RIGHT, IT'S FIRST ARRIVING UNIT. HOWEVER, THERE IS MORE TO THE METHODOLOGY THAT'S USED AND WE CAN PROVIDE THAT IN SOME BACKUP TO YOU AT A LATER TIME. IT'S PRETTY ENTAILED INFORMATION IN DETAIL.

Martinez: WHAT I WOULD LIKE TO SEE, CHIEF, IS I'D LIKE TO SEE IT BROKEN DOWN ON FIRST ARRIVING UNITS AS YOU REPORTED HERE TO 76%, BUT I WANT IT FURTHER BROKEN DOWN ON UNITS WITH ONLY THREE FIREFIGHTERS ON THEM. BECAUSE WHAT WE KNOW IS BY STATE LAW AND BY OUR OWN POLICIES, THEY CAN'T MAKE ATTACK ON A FIRE, AND SO THEREFORE I BELIEVE THAT THE 76% NUMBER IS NOT A TRUE REFLECTION OF WHAT SERVICES ARRIVE ON THE SCENE AT THE SAME TIME. SO I WANT TO SEE THAT BREAKDOWN OF WHEN WE SEND A TASK FORCE RESPONSE

OR WHEN WE SEND A UNIT WITH THREE FIREFIGHTERS AND THEN NOW IN THE FUTURE WHEN WE'RE GOING TO SEND A LADDER TRUCK WITH A PUMP ON IT BUT WE'RE NOT GOING TO BE ABLE TO ATTACK THE FIRE BECAUSE WE ONLY HAVE THREE FIREFIGHTERS OUT. AND I THINK THAT WOULD BE A MUCH TRUER PICTURE OF THE LEVEL OF SERVICE WE'RE PROVIDING TO THE CITIZENS. AND THEN AS A FOLLOW-UP TO THAT, I WOULD LIKE TO HEAR WHAT OUR PLAN IS TO EVENTUALLY FULFILL OUR COMMITMENT TO FULLY STAFFING BASED ON NFP, 1710 AND STATE STATUTE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

I'D LIKE TO INTRODUCE ERNIE RODRIGUEZ, THE ACTING EXECUTIVE DIRECTOR.

Mayor Wynn: WELCOME, ERNIE.

THANK YOU. MAYOR AND COUNCIL, I'M ERNIE RODRIGUEZ, ACTING DIRECTOR OF E.M.S. THANK YOU FOR YOUR ONGOING SUPPORT AND FOR THE OPPORTUNITY TO PRESENT OUR PROPOSED BUDGET TO YOU TODAY. BECAUSE OF YOUR SUPPORT AND SUPPORT OF ALL OF OUR CITY LEADERS AND MANY LEADERS OUT IN THE COMMUNITY, WE BUILT ONE OF THE FINEST E.M.S. SYSTEMS IN THE NATION. AUSTIN-TRAVIS COUNTY IS A LEADER IN SYSTEM DESIGN AND IN INNOVATION. LAST YEAR OUR E.M.S. SYSTEM WAS RECOGNIZED BY THE INSTITUTE OF MEDICINE AS A MODEL E.M.S. SYSTEM. THIS YEAR WE PRESENTED AT A NATIONAL CONFERENCE AND WE SHARED OUR RESEARCH POSTER PRESENTATION ON HOW TO IMPROVE PARAMEDIC AND PATIENT SAFETY THROUGH INNOVATIVE SCHEDULING TECHNIQUES. AUSTIN-TRAVIS COUNTY E.M.S. WAS PRAISED BY MANY IN ATTENDANCE FOR ITS COURAGE TO BREAK TRADITIONAL BOUNDARIES AND CHALLENGE THE STATUS QUO. E.M.S. MAINTAINS HIGH LEVELS OF SATISFACTION BY CONSISTENTLY IMPROVING AND MAINTAINING GOOD RESPONSE TIMES, SURVIVAL RATES AND CUSTOMER SERVICE. DESPITE RAPID GROWTH AND CALL VOLUME, INCREASED CHALLENGES CAUSED BY TRAFFIC CONGESTION, AND A RAPIDLY GROWING POPULATION, E.M.S. HAS MAINTAINED CITIZEN SATISFACTION RATES IN THE 90th PERCENTILE. A HIGH PRIORITY FOR E.M.S. IS TO EXPAND

HOW WE MEASURE CUSTOMER AMERICA SATISFACTION TO INCLUDE A LARGER NUMBER OF QUESTIONS AND SPECIFICALLY FOCUS ON THE QUALITY OF CARE THAT WE DELIVER. TO THAT END, WE WILL BE PARTICIPATING IN A NATIONAL CUSTOMER SATISFACTION PILOT STUDY TO DEVELOP CUSTOMER SATISFACTION BENCHMARKS FOCUSED ON THE DELIVERY OF EMERGENCY MEDICAL SERVICES. THIS IS THE FIRST-OF-ITS-KIND IN THE NATION. WE ARE ONE OF A HANDFUL OF E.M.S. ORGANIZATIONS THAT HAVE BEEN INVITED TO PARTICIPATE IN THAT. ADDITIONALLY, BECAUSE WE UNDERSTAND THAT HAPPY WORKERS PRODUCE HAPPY CUSTOMERS, E.M.S. HAS ALREADY INITIATED AN E.M.S. EMPLOYEE JOB SATISFACTION INITIATIVE. ALREADY WE ARE SEEING POSITIVE RESULTS FROM THIS PROCESS. WE'RE COMMITTED TO IMPROVING THE WORK ENVIRONMENT FOR OUR PERSONNEL TO INCREASE JOB SATISFACTION AND ULTIMATELY CUSTOMER SATISFACTION. IMPROVEMENTS IN HOW WE LEAD, HOW WE COMMUNICATE, HOW WE PROVIDE FEEDBACK, HOW WE TRAIN AND HOW WE IMPROVE PERFORMANCE ARE ALREADY BEING IMPLEMENTED AND WITH GREAT ENTHUSIASM. MAYOR, COUNCIL, THIS IS AN EXCITING TIME FOR E.M.S. IN YOUR CITY. OUR PROPOSED BUDGET INCLUDES A 6.2% INCREASE IN REVENUE TO \$22 MILLION WHICH WE ATTRIBUTE TO IMPROVED BILLING AND COLLECTIONS PRACTICES, INCREASED MEDICARE ALLOWABLE CHARGES, AND AN INCREASE IN COUNTY SUBSIDIES. WE HAVE AN EXCELLENT PARTNERSHIP WITH TRAVIS COUNTY TO PROVIDE E.M.S. RESPONSES THROUGHOUT OUR RESPONSE AREA. OUR PROPOSED BUDGET INCLUDES \$10.7 MILLION THAT WE WILL RECEIVE FROM TRAVIS COUNTY IN ACCORDANCE WITH OUR INTERLOCAL AGREEMENT WITH THEM. OUR PROPOSED BUDGET INCLUDES A 9.9% INCREASE TO \$43 MILLION IN EXPENDITURES WHICH INCLUDES MAINTAINING A WORKFORCE OF 392 UNIFORMED PERSONNEL AND 72 NON-UNIFORMED -- EXCUSE ME, NON-UNIFORMED PERSONNEL. IT ALSO INCLUDES 15 NEW UNIFORMED PERSONNEL. THOSE PERSONNEL WILL STAFF A PEAK LOAD UNIT WHICH WILL IMPROVE RESPONSE TIMES, INCREASE STAFFING IN OUR COMMUNICATIONS CENTER WHICH WILL ALLOW US TO HANDLE INCREASED CALL VOLUME, AND FINALLY ONE INSTRUCTOR TO EXPAND OUR

EASD..... AISD E.M.T. PROGRAM. THE ONE-TIME CRITICAL ITEMS WHICH AMOUNT TO JUST OVER \$452,000 INCLUDE THE AMBULANCE AND THE EQUIPMENT FOR THE NEW PEAK LOAD UNIT AND DOLLARS TO INCREASE THE LEVEL OF PATIENT CARE THAT WE PROVIDE. THIS INCLUDES ITEMS LIKE I.V. MEDICATION PUMPING TO IMPROVE HOW WE ADMINISTER CERTAIN MEDICATIONS AND VENTILATORS THAT WILL IMPROVE OUR ABILITY TO PROVIDE CONTINUED SUPPORT TO PATIENTS WHO CANNOT BREATHE ON THEIR OWN WHILE WE'RE CARING FOR THEM. LIFE FLIGHT IS A JOINTED VENTURE BETWEEN THE CITY OF AUSTIN AND TRAVIS COUNTY. IT PROVIDES CRITICAL AIR AMBULANCE SERVICES WITHIN OUR COMMUNITY AND A 19-COUNTY REGION THAT SURROUNDS US. VITAL SERVICES PROVIDED BY STARFLIGHT INCLUDE AIR AMBULANCE RESPONSE AND TRANSPORTATION, NEWBORN AND PEDIATRIC SPECIALTY TEAM AIR TRANSPORTATION, WATER AND WILDERNESS AIR RESCUE, WILDLAND FIRE FIGHTING AIR SUPPORT, AND LAW ENFORCEMENT AIR SUPPORT. THIS YEAR OUR PROPOSED BUDGET INCLUDES A 12% INCREASE IN REVENUE AND EXPENDITURES TO COVER THE COSTS RELATED TO PAY FOR PERFORMANCE, INCREASED COSTS IN HEALTH BENEFITS, AND THE COST OF CREATING A SPECIALIZED WORK GROUP OF 12 COMMUNICATION PERSONNEL TO FUNCTION AS GROUND AVIATION COMMUNICATION SPECIALISTS. THESE PERSONNEL ARE TIED TO OUR AIR MEDICAL ACCREDITATION AND THEIR ROLE IS REGULATED BY THE F.A.A. TRAVIS COUNTY PROVIDES 100% OF THE FUNDS TO KEEP STARFLIGHT IN THE AIR. THROUGH AN INTERLOCAL AGREEMENT, AUSTIN-TRAVIS COUNTY E.M.S. RECEIVES THE FUNDS TO OPERATE STARFLIGHT AND PROVIDES OVERSIGHT OF ALL CLINICAL AND RESCUE OPERATIONS AND PERSONNEL. AVIATION PERSONNEL REMAIN EMPLOYEES OF TRAVIS COUNTY. SO WE TRULY ARE A PARTNER PROJECT. OUR PROPOSED BUDGET INCLUDES THE ADDITION OF \$473,000 FOR STAFF AND \$276,000 FOR AN AMBULANCE AND EQUIPMENT NECESSARY TO IMPLEMENT A PEAK LOAD UNIT. PEAK LOAD UNITS ARE AMBULANCES THAT ARE PLACED INTO SERVICE DURING THE BUSIEST TIMES OF THE BUSIEST DAYS IN THE BUSIEST AREAS OF THE COMMUNITY. THIS ALLOWS US TO MATCH OUR RESPONSE RESOURCES WITH DEMAND FOR SERVICE. IT IS A HIGHLY -- IT IS HIGHLY

EFFECTIVE AND WE'VE ALREADY REALIZED SIGNIFICANT IMPROVEMENT IN RESPONSE TIMES THROUGH OUR ONGOING PILOT TESTS OF PEAK LOAD UNITS. OUR RESPONSE TIME GOAL IS LESS THAN 10 MINUTES 90% OF THE TIME ON PRIORITY 1 CALLS. IN 2004 AND 2005, WE MET THIS GOAL ONLY 81% OF THE TIME. WITH THE ADDITION OF OTHER STATIC RESOURCES AND THE ADDITION OF ONE FULL-TIME PEAK LOAD UNIT IN 2006, WE IMPROVED OUR PERFORMANCE TO 86%. THROUGH THE IMPLEMENTATION OF A PILOT PEAK LOAD UNIT ON A PART-TIME BASIS, WE'VE IMPROVED OUR RESPONSE TIMES TO ALMOST 89% IN 2007. BASED ON THIS EXPERIENCE, WE KNOW THAT THE ADDITION OF A SECOND FULL-TIME PEAK LOAD UNIT AS WE PROPOSE IN THIS BUDGET WILL MAKE A SIGNIFICANT IMPROVEMENT IN RESPONSE TIMES. OUR COMMUNITY IS EXPERIENCING PHENOMINAL GROWTH. OUR COMMUNICATION CENTER HAS EXPERIENCE ADD 25% INCREASE IN CALL VOLUME SINCE 2001 BUT WE HAVE NOT INCREASED STAFFING TO KEEP UP WITH THE PACE. OUR PROPOSED BUDGET INCLUDES \$549,000 FOR SIX COMMUNICATIONS MEDICS, ONE COMMUNICATION SUPERVISOR AND ONE QUALITY IMPROVEMENT EDUCATOR. THESE PERSONNEL ARE ESSENTIAL TO MAINTAIN OUR COMMUNICATION CENTER ACCREDITATION AND CONTINUE TO PROVIDE RELIABLE AND SAFE 911 COMMUNICATION SERVICES. WE ARE PROPOSING \$93,000 TO EXPAND OUR AUSTIN INDEPENDENT SCHOOL DISTRICT RECRUITING AND TRAINING PROGRAM. WE CURRENTLY PROVIDE EMERGENCY MEDICAL TECHNICIAN TRAINING IN CONJUNCTION WITH THE SCHOOL DISTRICT'S HEALTH PROGRAMS. CURRENTLY WE ARE AT AKINS HIGH SCHOOL IN FAR SOUTH AUSTIN AND LANIER HIGH SCHOOL IN NORTH AUSTIN. OUR FIRST CLASS PRODUCED NINE GRADUATES. 100% OF WHOM SAID THAT THEY WANT A CAREER WITH AUSTIN-TRAVIS COUNTY E.M.S. WHICH IS AWESOME. 100%. WITH THE ADDITION OF ANOTHER INSTRUCTOR AND SOME EQUIPMENT, WE CAN EXPAND THE PROGRAM INTO ANOTHER HIGH SCHOOL. BECAUSE OF THE DISTRIBUTION OF HEALTH PROGRAMMING AT AISD, IT'S LIKELY THAT WE WOULD GO INTO CROCKETT HIGH SCHOOL IN SOUTH AUSTIN. THE BEST PART OF THIS PROGRAM IS THE CULTURAL DIVERSITY THAT WE DISCOVERED IN THE PROGRAM. I'LL TELL YOU A LITTLE MORE ABOUT THAT WHEN

WE GET TO THE CULTURAL DIVERSITY SLIDES IN A SECOND. OUR PROPOSED BUDGET ALSO INCLUDES \$775,000 TO BEGIN THE DESIGN OF A NEW STATION AT MUELLER AIRPORT. THAT WAS INCLUDED AS PART OF THE 2006 BONDS. THE STATION IS SCHEDULED TO BECOME OPERATIONAL IN FISCAL YEAR 2009-2010. NOW LET'S TALK ABOUT DIVERSITY. AS YOU CAN SEE BY THE COMPARISON OF COMMUNITY DIVERSITY WITH THE DIVERSITY OF OUR EXISTING WORKFORCE, WE HAVE OUR WORK CUTOUS FOR US. OUR DEPARTMENT DOES NOT REFLECT THE CULTURAL DIVERSITY IN OUR COMMUNITY. WE ARE 10% HISPANIC IN A COMMUNITY THAT'S 34%. WE ARE 1% FRISK,.....% AFRICAN-AMERICAN, 1% ASIAN. 26% FEMALE IN A COMMUNITY THAT IS 48% FEMALE. THE ISSUE BECOMES EVEN MORE COMPLEX WHEN YOU LOOK AT OUR APPLICATION POOL. OF THE 155 APPLICANTS THAT ANSWERED OUR QUESTIONNAIRE ABOUT CULTURAL DIVERSITY, 82% OF OUR APPLICANTS WERE QUITE, 65% OF OUR APPLICANTS ARE MALE. BUT WHEN YOU LOOK AT THE AISD CULTURAL DIVERSITY MIX OF GRADUATES IT'S MUCH DIFFERENT. 77% FEMALE, 44% SPAING, 11% ASIAN. 22% AFRICAN-AMERICAN, 22% WHITE. WE REALIZE THAT THAT IS A VERY SMALL SAMPLE, BUT WHEN WE ATTEND THE HIGH SCHOOL HEALTH PROMOTION FAIRS AND WE GO TO THE JOB FAIRS, WE ARE QUICKLY SURROUNDED BY STUDENTS THAT ARE FILLED WITH CURIOSITY. AND WE SEE FIRSTHAND THE DIVERSITY. AND WE KNOW THAT TOGETHER WE CAN HELP THEM BE SUCCESSFUL AT WHATEVER THEY CHOOSE. IN ORDER TO ENCOURAGE THESE HIGH SCHOOL STUDENTS TO SELECT EMERGENCY MEDICAL SERVICES AS A CAREER, WE NEED TO EXPAND OUR PROGRAM TO GAIN A BROADER REACH TO ENGAGE THEM AND BECOME MENTORS FOR THEM. FURTHER, THIS YEAR E.M.S. SFEABD AN EARLY HIRE PROGRAM AT AUSTIN COMMUNITY COLLEGE. WE RECRUIT PARAMEDICS STUDENTS IN THEIR THIRD, FOURTH AND FIFTH SEMESTERS, AND WE HIGHER THEM AS CADETS BEFORE THEY GRADUATE. THIS GIVES US A WAY TO CHANNEL THE HIGH SCHOOL STUDENTS INTO COMMUNITY COLLEGE AND TO CULTIVATE OUR VERY OWN HOME GROWN BEST OF THE BEST. WE ARE ALSO BECOMING A LOT MORE INVOLVED IN THE COMMUNITY. WE'RE IMPLEMENTING A COMMUNITY INTEGRATION PROGRAM TO MORE EFFECTIVELY PARTNER WITH COMMUNITIES AND IMPROVE HEALTH AND SAFETY ON

A GRASS ROOTS LEVEL. WITHIN OUR DEPARTMENT WE ARE ALSO GOING TO INCREASE OUR PARTICIPATION IN THE SCHOOL TUTORING PROGRAM SO WE CAN BEGIN TO SHARE OUR I CAN ATTITUDE AND TAKE OUR PLACE AS MENTORS. LET'S TALK ABOUT THE ICMA COMPARISON. EACH YEAR THE ICMA COLLECTS INFORMATION. AMONG THE INFORMATION GATHERED IS A WORKLOAD MEASURE THAT COMPARES A NUMBER OF E.M.S. INCIDENTS PER 1,000 POPULATION. AMONG THE CITIES COMPARED IN THIS SLIDE, THE CITY OF AUSTIN IS IN THE TOP FIVE BUSIEST E.M.S. SYSTEMS WITH 109 INCIDENTS PER 1,000 POPULATION. UNFORTUNATELY, THE ICMA DOES NOT SET CRITERIA ON WHICH TO STANDARDIZE WHAT CITIES ACTUALLY REPORT. THAT MAKES IT DIFFICULT TO UTILIZE THE DATA AS A BENCH MARK REFERENCE. STARTING IN 2006, AUSTIN-TRAVIS COUNTY E.M.S. BEGAN PERFORMING A DETAILED SYSTEM DEMAND ANALYSIS TO EVALUATE CALL VOLUME AND GEOGRAPHIC DISTRIBUTION. WE COMPARE CALL VOLUME BY DAY OF THE WEEK AND HOUR OF THE DAY TO ANTICIPATE CALL VOLUME. WE THEN PLOT THESE CALLS GEOGRAPHICALLY TO DETERMINE WHERE WE CAN ANTICIPATE THE HIGHEST CALL VOLUME IS GOING TO OCCUR. OUR GOAL IS TO DO THIS TWICE A YEAR. OUR WORKLOAD MEASURE IS A RATIO OF ACTUAL WORK PERFORMED COMPARED TO THE NUMBER OF HOURS AVAILABLE FOR SERVICE. THIS IS CALLED A UNIT HOUR UTILIZATION OR UHU FOR SHORT. THERE ARE OTHER AGENCIES THAT ALSO MEASURE WORKLOAD AND PRODUCTIVITY IN THIS MANNER. OUR PRIMARY USE FOR THIS IND CAIRT IS TO DETERMINE WHEN A 24-HOUR STATION MIGHT NEED TO BE CONVERTED TO A SHORTER 12-HOUR WORK SCHEDULE. AND WE DO THIS TO MAINTAIN A SAFE AND HEALTHY WORKPLACE. ANOTHER MEASURE COLLECTED BY THE ICMA IS PERCENTAGE OF CARDIAC ARREST PATIENTS DELIVERED TO A MEDICAL FACILITY WITH A PULSE. THIS SLIDE SHOWS AUSTIN IS THE THIRD HIGHEST IN THE SAMPLE. AGAIN, THE ICMA DOES NOT PROVIDE CRITERIA FOR THESE MEASURES SO IT'S IMPOSSIBLE TO TELL WHAT THE OTHER CITIES ARE REPORTING BUT THIS IS NO SMALL PROBLEM LIMITED TO THE ICMA. IT'S A NATIONAL PROBLEM IN THE E.M.S. INDUSTRY. MOST CITIES DO NOT COLLECT AND REPORT CARDIAC ARREST SURVIVAL DATA IN A UNIFORM FASHION. THIS MAKES BENCH MARKING VERY

DIFFICULT. IN ORDER TO CORRECT THIS, EMORY UNIVERSITY AND THE CENTERS FOR DISEASE CONTROL HAVE TEAMED UP AND CREATED THE CARDIAC ARREST REGISTRY FOR ENHANCED SURE RIFLE PROGRAM OR CARES FOR SHORT. THIS IS A INTOIT BASED PROGRAM THAT STANDARDIZES REPORTING IN ORDER TO -- FOR CARDIAC ARREST SURVIVAL. AUSTIN-TRAVIS COUNTY IS ONE OF A SELECT GROUP OF AGENCIES THAT WILL TEST THE PROGRAM. WE'VE ALREADY STARTED TO CONTRIBUTE DATA INTO THE PROGRAM AND LOOK FORWARD TO SEEING THE RESULTS. IN ADDITION, WE'RE WORKING ON A COMMUNITY PROJECT CALLED TAKE HEART AUSTIN THAT IS DESIGNED TO INCREASE THE NUMBER OF PEOPLE TRAINED IN C.P.R. AND IMPROVE OUR ENTIRE COMMUNITY RESPONSE TO CARDIAC ARREST EMERGENCIES. WE ARE ONLY ONE OF THREE COMMUNITIES PARTICIPATING IN THIS NATIONAL PROJECT. ADD TO THAT, AUSTIN WAS ONE OF THE FIRST CITIES TO IMPLEMENT A BUILDING CODE THAT REQUIRED AUTOMATED EXTERNAL DEFIB LATEERS IN NEW BUILDINGS OF FOUR FLOORS OR LATER. WE HAVE A WELL INTEGRATED FIRST RESPONSE PROGRAM, AN ONGOING COMMUNITY C.W.R. PROGRAMS, WE'RE WELL ON THE WAY TO SAVING MORE LIVES. E.M.S. IS ALSO WORKING ON A PROJECT TO ACQUIRE AN ELECTRONIC PATIENT CARE REPORTING SYSTEM THAT WILL MAKE MEASURES SUCH AS THESE MUCH EASIER TO MANAGE. THIS TOOL IS CALLED A EPCR AND IT WILL ENABLE US TO MONITOR THE QUALITY OF MANY OTHER CLINICAL ASPECTS OF WORK THAT WE SIMPLY CAN'T MEASURE RIGHT NOW. A RECENT USA TODAY ARTICLE 'EM TAKE TIES SIESED THE NEED -- EMPHASIZED NEED TORE STRONG LEADERSHIP IN E.M.S. AND THE MESSAGE WAS STRONG LEADERSHIP SAVES LIVES. EACH YEAR IN FEBRUARY WE FILL THESE CHAMBERS WITH PEOPLE WHOSE LIVES WE SAVED FROM CARDIAC ARREST. IT'S A JOYFUL AND A TEARFUL EVENT. AND IT MAKES EVERYTHING THAT WE DO WORTHWHILE. NONE OF WHICH WE COULD DO WITHOUT YOUR LEADERSHIP AND SUPPORT. THANK YOU. THAT'S ALL I'VE GOT.

Mayor Wynn: THANK YOU. QUESTIONS? COMMENTS?
COUNCILMEMBER MARTINEZ.

Martinez: THANK YOU, MAYOR. I WANTED TO ASK YOU, I'M LOOKING THROUGH THE SIDES AND I DON'T SEE A WHOLE

LOT ABOUT OUR FLEET. WHAT'S THE CURRENT STATUS OF OUR FLEET AND WHAT IS OUR REPLACEMENT SCHEDULE FOR THIS YEAR? I'VE NOTICED WE'RE GOING TO A NEW, MUCH MORE MODERN AMBULANCE, BUT I ALSO REALIZE THERE IS A LOT OF WEAR AND TEAR ON THE AMBULANCES BECAUSE OF THE AMOUNT OF CALL VOLUME THAT WE HAVE. ARE WE DOING IT OUT OF ONE-TIME COST THIS YEAR OR --

WE ARE ON SCHEDULE TO REPLACE SIX AMBULANCES THIS YEAR. OUR REAL GOAL IS TO TRY TO GET 10 REPLACED, BUT WE WERE ABLE TO GET SIX. WE ALSO HAVE SOME COMMAND VEHICLES THAT ARE BEING REPLACED AS WELL. AND COUNCILMEMBER, A LOT OF THE WEAR AND TEAR THAT WE EXPERIENCE WITH OUR FLEET SOMETIMES COMES FROM THE SPECIAL EVENT LOAD THAT WE'RE PICKING UP. PROBLEM AREAS THAT WHEN WE HAVE A VEHICLE STANDING BY AN EVENT, THEY CAN'T BE AT THE SHOP GETTING PREVENTIVE MAINTENANCE AND THAT'S A CHALLENGE. RIGHT NOW WHAT WE'RE DOING IS WE'RE DOING A FLEET AUDIT. WE HAVE A PERSON WHO IS COMING THROUGH AND EVALUATING OUR PRACTICES TO LOOK AND MAKE RECOMMENDATIONS FOR US IN THE FUTURE FOR HOW WE MIGHT IMPROVE OUR FLEET MANAGEMENT PROCESS. DOES THAT ANSWER YOUR QUESTION?

Martinez: IT DOES. I WANTED TO ASK, DO YOU GUYS USE A FORMULA TO ESTABLISH THE REPLACEMENT SCHEDULE FOR YOUR FLEET?

YES, SIR. WE GO BY MILEAGE.

Martinez: IT'S JUST BASED ON MILEAGE OR CALL VOLUME OR -
-

WE LOOK AT SEVERAL THINGS. PRIMARILY WE LOOK AT MILEAGE, BUT WE'RE ALSO LOOKING AT THE COST TO MAINTAIN THE VEHICLE. IF THE COST OF THE VEHICLE BECOMES OUTRAGEOUS TO MAINTAIN, THEN WE START CONSIDERING A REPLACEMENT. MOST OF THAT PROCESS IS MANAGED BY OUR FLEET SERVICES. WE CONTRIBUTE TO THAT, WE GUIDE IT, BUT THEY ARE THE ONES THAT PERFORM ALL THE ASSESSMENTS ON THE VEHICLES FOR

US.

Martinez: AND SO IS THIS YEAR'S MATRIX SHOWING THAT YOU NEED TO REPLACE 10 OR DO YOU NEED TO REPLACE SIX BUT WOULD LIKE TO REPLACE 10?

I NEED TO REPLACE SIX. I WOULD LIKE TO REPLACE 10.

Martinez: JUST WANTED TO MAKE SURE. THANK YOU.

AND JUST A LITTLE MORE ON THAT, YOU ARE RIGHT, COUNCILMEMBER, THAT WE HAVE A MILEAGE CAP THAT DRIVES THE REPLACEMENT SCHEDULE, BUT THERE ARE A NUMBER OF OTHER FACTORS LIKE ERNIE TALKED ABOUT THAT WE LOOK AT. THEY ARE FLAGS THAT OUR FLEET MANAGER USES THAT WILL PULL A VEHICLE EVEN IF IT HASN'T REACHED ITS MILEAGE. YEARS CAN ALSO PULL IT. MAINTENANCE RECORDS CAN PULL IT. BOTH THE AMOUNT OF MAINTENANCE RECORDS AND THE COST OF MAINTENANCE RECORDS CAN FLAG A VEHICLE. AND WE CAN GET YOU MORE INFORMATION ABOUT THAT IF YOU WOULD LIKE.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? THANK YOU ALL VERY MUCH.

THANK YOU. I'D LIKE TO INTRODUCE THE CHIEF OF POLICE.

Mayor Wynn: WELCOME, CHIEF. OF COURSE, OUR TRADITION BY THE WAY, WHEN YOU GIVE YOUR FIRST BUDGET PRESENTATION AT COUNCIL, YOU HAVE TO SING YOUR HIGH SCHOOL FIGHT SONG. [LAUGHTER]

ARE YOU READY?

Mayor Wynn: NO, JUST KIDDING.

I'D PROBABLY IDENTIFY. GOOD AFTERNOON. THANK YOU FOR HAVING US HERE AND I'M REALLY EXCITED TO BE HERE AND I HOPE TO KEEP THIS GOING. BUT BEFORE I DO ANYTHING, I WANT TO DO A COUPLE OF THINGS. FIRST, THIS PRESENTATION I'M MAKING REALLY WASN'T PUT TOGETHER JUST BY MYSELF. THERE'S A COUPLE OF PEOPLE I WANTED

TO ACKNOWLEDGE.

WE SEE THE DREAM TEAM BEHIND HIM.

BUT JACEY WHO YOU GAVE US NINE MONTHS AGO HAS BEEN A GODSEND TO THE AUSTIN POLICE DEPARTMENT AND A TRUE CHAMPION. STAND UP, I WANT TO THANK YOU.

POOR JACEY. [APPLAUSE]

AND SHE HAS NOT BEEN ALLOWED TO RETIRE. WE PULLED HER FROM AUSTIN ENERGY AND SENT HER TO POLICE AND I THINK SHE IS STILL EYEING THE HAWAIIAN BEACHES AS WE SPEAK.

ACTUALLY THERE ARE HURRICANE WARNINGS SO I'M NOT GOING TO LET HER GO OVER THERE.

MAYBE SHE CAN TELL US HOW MUCH OVERTIME THIS PRESENTATION IS COSTING US.

IF THERE WERE EVER ANYONE WHO KNEW IT IT WOULD BE JACEY.

ALL THE MANAGERS STAND UP FROM OUR POLICE DEPARTMENT, ALL THE LEADERS THAT ARE SALARIED. THEY GET TO WORK AS MANY HOURS AS YOU WANT FOR THE SAME MONTHLY RATE. SO THANK YOU VERY MUCH FOR BEING HERE, COMMANDERS, I APPRECIATE IT. SO IT'S NOT COSTING YOU A PENNY IN OVERTIME I PROMISE. UNLESS YOU WANT TO PAY ME OVERTIME. JACEY, THANK YOU. I WANT TO ALSO THANK ELAINA FROM HER STAFF. STAND UP. DON'T BE SHY. [APPLAUSE]

WE'VE BEEN MAKING A LOT OF CHANGES AND I'LL INTRODUCE THEM REAL QUICK. WE HAVE OUR CHIEF OF STAFF DAVID CARTER. THEN WE HAVE OUR SOUTH BUREAU ASSISTANT CHIEF LEO. AND OUR CENTRAL BUREAU ASSISTANT CHIEF SAM HOLT. AND PATTY ROBINSON, WHO IS OUR NORTH BUREAU ACTING ASSISTANT CHIEF. WELCOME. THE LAST PERSON THAT I WANT TO INTRODUCE IS GEORGE VANDERHILL THE NEW PRESIDENT. HE HAS GRACIOUSLY TAKEN ON THAT JOB AND GEORGE, I WANT TO THANK YOU

FOR BEING HERE ON BEHALF OF YOUR FOLKS, THANKS. SO WITH THAT AND COMMANDERS, AGAIN, I WANT TO THANK YOU ALL FOR BEING HERE. WE HAVE A NEW BILL OSSIFY AND THAT IS THAT BUDGETING IS EVERYBODY'S JOB AND THESE COMMANDERS ARE HERE BECAUSE THEY WANT TO SEE WHAT GOES INTO EVERYTHING AND THEY ARE GOING TO BE HELD ACCOUNTABLE AND BE PART OF THAT. THANK YOU COMMANDERS FOR BEING HERE. THIS YEAR THE POLICE DEPARTMENT GRADUATES 112 CADET CLASS WITH THE LARGEST CADET CLASS EVER HELD. IT BEGAN SEPTEMBER 2006 WITH 131 CADETS. IN APRIL 2007, 87 CADETS WERE COMMISSIONED. THIS CLASS REPRESENTED ONE OF THE MOST DIVERSE CLASSES. WE IN LAW LAW ENFORCEMENT, THE BUSINESS WE'RE IN IS SOMETHING THAT TAKES PEOPLE'S LIBERTIES SO WE HAVE TO BE REFLECTIVE OF THE COMMUNITIES WE SERVE. WE REALLY WANTED TO POINT OUT THAT WE HAVE A REGIONAL APPROACH TO POLICING. NONE OF US LIVE ON AN ISLAND. WE ARE A VERY MOBILE SOCIETY AND THIS YEAR THE AUSTIN POLICE DEPARTMENT BEGAN TO SHARE ITS AUTOMATED PALM PRINT -- THAT'S THE WRONG SLIDE. SPECIFICALLY WILLIAMSON, ROUND ROCK AND TRAVIS COUNTY. AS A RESULT OF THIS COLLABORATIVE EFFORT, 19% OF THE APD PRINTS WERE MATCHED, 12.5% ROUND ROCK, AND 15% OF WILLIAMSON COUNTY. AND RIGHT NOW TRAVIS COUNTY IS CURRENTLY IN THE PROCESS OF LOADING THE SYSTEM. AS YOU CAN SEE BY USING THE RESOURCES YOU ALL HAVE GOTTEN US, WE'RE GOING TO BE ABLE TO HELP OUR PARTNERS SERVE THE COMMUNITIES AROUND US. OUR CITIZEN SURVEY THIS YEAR. YOU'LL SEE THAT WE'VE HAD SOME LOWER NUMBERS THIS YEAR. WE ARE VERY CONCERNED WITH THAT OBVIOUSLY EVEN THOUGH THE NATURE OF POLICING IS BY NATURE IT'S -- IT CAN BE CONTROVERSIAL AT TIMES. I AM ALWAYS CONCERNED WHEN YOU SEE THE NUMBERS SLIP. FIRST OF ALL, YOU'VE HAD A LOT OF UNCERTAINTY TI THE LAST YEAR. YOU'VE HAD A CHIEF OF POLICE SEARCH AND I THINK THAT CAUSES FOLKS TO TAKE A LOOK, HEY, WHAT'S GOING ON IN THE POLICE DEPARTMENT. THAT DOESN'T SEEM TO BE ANY STABILITY. AND AS WE MOVE FORWARD, YOU ARE GOING TO SEE THESE NUMBERS, I BELIEVE, WILL INCREASE. ONE OF THE THINGS I WOULD LIKE TO POINT OUT IS ABOUT 8% OF THE RESPONDENTS -- OR THERE WAS AN

INCREASE OF 8% FROM NORTHEAST, CENTRAL AND SOUTHEAST AREAS BETWEEN 2000 AND 2007. NEARLY 40% OF RESPONDENTS TO THE 2007 SURVEY WAS FROM THESE AREAS. AS YOU KNOW, WE HAVE SOME CHALLENGES IN POLICING IN SOME OF THESE AREAS. AS WE MOVE TOWARDS SOME TRANSPARENCY AND PARTNERSHIP BUILDING WITH THE COMMUNITY, I STRONGLY BELIEVE THAT OUR NUMBERS WILL AGAIN IMPROVE NEXT YEAR. AND DESPITE THESE NUMBERS, WHEN YOU SEE AN OVERALL RATING OF 80% SATISFACTION, THAT'S NOT A BAD NUMBER. ESPECIALLY WHEN, AGAIN, IT'S LAW ENFORCEMENT. PEOPLE USUALLY ONLY WANT A COP WHEN THEY NEED ONE AND WHEN YOU SEE THEM IN THE REARVIEW MIRROR UNLESS YOU NEED THEM YOU DON'T WANT TO SEE THEM. NATURE OF POLICING, WE'RE DOING OKAY. NEXT YEAR AS WE'VE BEEN TALKING ABOUT WE'RE REALLY WORKING ON TRANSPARENCY. WE'RE GOING THROUGH A MAJOR DEPARTMENTAL REORGANIZATION WHERE WE'RE GOING TO BE MUCH MORE RESPONSIVE TO NEEDS OF THE COMMUNITY, A VERY FLUID DEPARTMENT THAT CAN RESPOND TO ANY CRIME TREND OR INCREASES IN CRIMES OR ANY SPARK OF CRIME I BELIEVE IN A MUCH MORE EFFECTIVE AND IN A VERY QUICK MANNER. AND THERE'S REALLY AN EXCITEMENT IN THE POLICE DEPARTMENT THAT I'M STA THAT IS THAT WE ARE MOVING FORWARD TO BUILD A LOT OF PARTNERSHIPS WITH ALL THE COMMUNITIES OF AUSTIN. THOSE THAT NEED US MORE THAN OTHERS AND THOSE THAT DON'T NEED US AS MUCH, BUT WE ARE GOING TO BUILD THOSE RELATIONSHIPS. THE LAST THING ON THE SURVEY THERE WAS A 32% DECREASE IN RESPONDENTS THIS YEAR AND ONE OF THE THINGS THAT I WOULD LIKE TO BELIEVE THAT USUALLY PEOPLE ARE MORE APT TO RESPOND TO A SURVEY IF THEY HAVE SOMETHING TO COMPLAIN ABOUT. WE PROBABLY COULD HAVE SEEN GOOD NUMBERS COMING OUT OF THAT. LASTLY, FOR SURVEYS, THE END USER OF THE POLICE DEPARTMENT IS THE PEOPLE WE COME IN CONTACT WITH AND WE WILL BE INTRODUCING OUR OWN SURVEYS NEXT YEAR JUST SO WE CAN HAVE ON A QUARTERLY BASIS A CERTAIN LEVEL OF RESPONSE IN THE COMMUNITY SO WE CAN IDENTIFY ANY ISSUES EARLY ON AND THAT'S SOMETHING WE'LL DO INTERNALLY. THIS SLIDE SUMMARIZED THE PROPOSED BUDGET FOR FISCAL YEAR

2008. REVENUE INCREASE IS 65,000 OVER FISCAL YEAR 2007 OR ABOUT 42%. EXPENDITURE INCREASE OF \$23 MILLION OVER FISCAL YEAR 2007 FOR 11% INCREASE. NEW FELTS THIS YEAR'S PROPOSED BUDGET INCLUDES 73 NEW OFFICERS. WE'RE EXCITED ABOUT THAT BECAUSE HALF OF IT IS POPULATION GROWTH AND HALF IS FOR ANNEXATION. ANOTHER PART OF FUNDING WILL INCLUDE 6.75 FULL-TIME EMPLOYEES AND I'M EXCITED ABOUT HAVING THIS IN HERE BECAUSE THE DELIVERY OF POLICE SERVICES, ALTHOUGH THE COPS GET A LOT OF THE CREDIT, IT TAKES A TREMENDOUS AMOUNT OF SUPPORT FROM OUR NON-UNIFORMED, NON-SWORN FOLKS. AND AS YOU KNOW, THAT'S SOME OF THE AREAS THAT CAN GET US IN TROUBLE IF WE DON'T HAVE SUPPORT. I'M HAPPY TO SEE WE HAVE TWO FULL-TIME EMPLOYEES FOR BUDGET AND ACCOUNTING WHICH WILL REALLY HELP IN THAT AREA. ONE FULL-TIME EMPLOYEE FOR HUMAN RESOURCES. ONE FULL-TIME EMPLOYEE FOR THE ALARM. ONE GRANT FULL-TIME EMPLOYEE CONVERSION AND 1.75 TEMPORARY CONVERSION TO FULL-TIME EMPLOYEES. THE BUDGET OFFICE INCLUDES \$99,130 FOR CRITICAL EQUIPMENT, THE MAJORITY OF WHICH WILL BE 37 POLICE CARS WHICH AS YOU KNOW WHEN YOU GET MORE COPS YOU NEED MORE CARS. AND THAT'S ABOUT 37 CARS AT A COST OF 918,000. WE ARE GOING TO PURCHASE ONE ADDITIONAL CRIME SCENE VAN OR HOPE TW APPROVAL. ONE PASSENGER VAN FOR EAST SIDE STORY WHICH US A KNOW IS A VERY SUCCESSFUL PROGRAM FOR US. AND LASTLY, A FOURTH LIFT FOR EVIDENCE TO -- FORKLIFT FOR EVIDENCE TO GET THE EVIDENCE MOVED IN AN EFFICIENT AND SAFE MANNER FOR \$10,550. EXCUSE ME, \$27,500. THE PROPOSED BUDGET INCLUDES ADDITIONAL OFFICERS TO MAINTAIN A 2.0 STAFFING AND ADDITIONAL MONEY TO COVER THEIR FIFTH YEAR OF THE MEET AND CONFER CONTRACT. NEGOTIATIONS WILL BEGIN IN 2008 FOR A NEW CONTRACT WITH THE A.P.A. ADDITIONAL FUNDS HAVE BEEN ADDED FOR THE TRAVIS COUNTY JAIL CONTRACT AND AGAIN, I REALLY WANT TO EMPHASIZE THE IMPORTANCE OF THE FOUR F.T.E.S TO INCLUDE FINANCE, HUMAN RESOURCES AND ALARM PERMITS. ALARM PERMITS IS AN AREA WE WANT TO MAKE SURE WE HAVE SUFFICIENT ASSISTANCE IN THERE TO PROCESS THE PERMITS AND HOPEFULLY GET THE FUNDS IN

WHEN FOLKS OWE US MONEY FROM THE PERMITS. IN THE FINAL FOUR MONTHS OF THE COSTS FOR TO CURRENT 113th CLASS. THE AVERAGE SWORN VACANCY RATE THE PROJECTED TO INCREASE IN FISCAL YEAR 2008, THE RESULT OF [INAUDIBLE] TO MEET THE 2.0 PER THOUSAND GOAL IN THE ANNEXATION. BY OCTOBER OF 2008, THE TWO CLASSES WILL HAVE BEEN COMMISSIONED AND APPROXIMATELY TWO OFFICER POSITIONS SHOULD BE LEFT UNFILLED AND THAT'S, WE HOPE THAT IS WHAT IT WILL END UP BEING. THIS SITUATION WILL EN MONDAY MONITORED THROUGHOUT 2008 TO KEEP A CLOSE EYE ON UNFILLED POSITIONS. OVER TIME POSITIONS HAVE BEEN INCLUDED TO SUPPORT THE CURRENT LEVEL OF USAGE. FOR THE LAST SEVERAL YEARS, A SWORN OVERTIME OF 3.2 MILLION WILL BE USED TO MEET DEPARTMENTAL NEEDS WITH MY GOAL BEING TO UTILIZE OVERTIME FOR NECESSARY SERVICES. YOU MAY HAVE READ THAT WE ELIMINATED THE 8% STAFFING FORMULA AND WE ARE NOW USING THOSE DOLLARS TO -- INSTEAD OF USING THEM ACROSS THE CITY WHERE YOU MAY OR MAY NOT NEED THE 80%, WHAT'S GOING TO BE USED AND FREED UP FOR SPECIAL INITIATIVES FOR A SPECIFIC NEEDS IN THE COMMUNITY AND THE COMMANDS. WE ARE CONDUCTING A FIVE-YEAR REVIEW RIGHT NOW OF THE 80% STAFFING TO SEE WHERE WE WERE SPENDING IT AND THE COMMANDERS WILL BE RECEIVING THAT MONEY IN THEIR BUDGET AT THE BEGINNING OF THE YEAR AND TOLD THIS IS YOUR MONEY FOR THE YEAR FOR YOU TO USE FOR SPECIFIC NEEDS IN YOUR COMMUNITY TO RESPOND TO CRIME TRENDS, TRAFFIC TRENDS OR WHATEVER CHALLENGES YOU HAVE. THE OTHER THING THEY WILL BE REQUIRED TO DO IS THEIR BUDGET WILL BE ON A MONTHLY BASIS. THEY WILL KNOW HOW MUCH THEY HAVE FOR OVERTIME AND THEY WILL BE REQUIRED TO SUBMIT A JUSTIFICATION TO THE ASSISTANT CHIEF AND ULTIMATELY TO ME JUSTIFYING IF THEY GO OVER. AGAIN THE BUDGET PROCESS AND BUDGET WILL BE FOR ALL MEMBERS OF THE A.P.D. AND NOT JUST THE FIFTH FLOOR. IT'S EVERYBODY'S JOB. WE'RE LOOKING AT ROTATING SHIFTS AND WE'RE ALSO LOOKING AT SOME -- BEING A 24/7 OPERATION, WE WILL HAVE REPRESENTATION AT SOME POINT IN THE NEAR FUTURE OF MOST OF OUR DISCIPLINES AT NIGHT SO WE CAN CUT BACK ON SOME OF THE COSTS OF HAVING TO CALL FOLKS OUT IN THE MIDDLE

OF THE NIGHT AND MORE IMPORTANTLY SO WE CAN HAVE RESOURCES AVAILABLE TO PATROL OFFICERS WHO NEED THAT. WE HAVE CENTRALIZED OUR STREET RESPONSETERS HAVE MOTORS HAVE BEEN CENTRALIZED WHICH I BELIEVE WILL PROVIDE CONTROL IN TERMS OF RESPONSE AND CUT DOWN COSTS. AUSTIN POLICE DEPARTMENT ASSET FORFEIT YOURSELF. I KNOW YOU'VE PROBABLY READ ABOUT THAT. OUR NEW APPROACH WILL BE THAT WE WILL BE VERY CONSERVATIVE IN OUR BUDGETING AND THE WAY THAT WE USE THE FUNDS. THE EXPENDITURES WILL BE OBVIOUSLY FOR APPROVED ITEMS ONLY. EXPENDITURES WILL ONLY BE MADE AFTER A [INAUDIBLE] ARE RECEIVED AND EXPENDITURES WILL BE AUTHORIZED BY THIS GUY HERE. IF YOU SEE SOME PROBLEMS IN THE FUTURE WITH ASSET FORFEITURE, I DON'T THINK YOU WILL SEE ANY, I WILL BE MAKING THOSE DECISIONS AND WE WILL OBVIOUSLY HAVE LEGAL COUNSEL WHEN THERE IS A QUESTION, WE'LL ALWAYS COORDINATE WITH LEGAL COUNSEL AND THE FEDS TO ENSURE WE'RE DOING IT RIGHT. POLICE DEPARTMENT DIVERSITY. AS I STAND BEFORE YOU AS THE FIRST HISPANIC CHIEF IN THE HISTORY OF THE POLICE DEPARTMENT, I AM A CHAMPION FOR DIVERSITY. I REALLY BELIEVE IN DIVERSITY AND I KNOW THAT OUR MANAGEMENT TEAM IS COMMITTED TO DIVERSITY AND ENSURING WE REFLECTIVE OF THE COMMUNITY WE SERVE. THE SLIDE COMPARES THE AUSTIN POLICE DEPARTMENT SWORN POPULATION AND THE COMMUNITY POPULATION. BETWEEN 2006 AND 2007, A.P.D. INCREASED IN SWORN POPULATION GROUP BY 2.44%. ALL MINORITY CATEGORIES INCREASED AT A RATE HIGHER THAN THE SWORN POPULATION. AFRICAN-AMERICAN OFFICERS INCREASED BY 4.26%. HISPANICS 3.32%. ASIAN OFFICERS EXPERIENCED THE HIGHEST INCREASE AT 21.43% MORE THAN THE YEAR BEFORE. WE ARE LOOKING FOR THE FOLLOWING PROGRAMS IN ORDER TO HELP US WITH DIVERSITY ISSUES. EXPLORERS. I KNOW THAT YOU'VE HEARD ME PROBABLY TALK ABOUT EXPLORERS. EXPLORER PROGRAM IS SOMETHING WE HAVEN'T HAD FOR MANY YEARS. WE WILL BE BRINGING BACK THE EXPLORER PROGRAMS. THERE IS A NATIONAL STUDY THAT HAS SHOWN 70% OF KIDS INVOLVED WITH EXPLORERS WHETHER IT BE THE FIRE DEPARTMENT, WITH THE POLICE DEPARTMENT, WITH THE MILITARY, WHATEVER IT IS, GO INTO THE FIELD

THEY EXPLORE. IT'S A TREMENDOUS ASSET AS WE LOOK TOWARDS THE FUTURE. WE ALSO ARE LOOKING AT PARTNERING WITH AISD AND STARTING HOPEFULLY THIS YEAR OUR OWN TRAVIS HIGH SCHOOL CRIMINAL JUSTICE ACADEMY AND WE'RE GOING TO TRY TO SEE AS WE DO THIS REORGANIZATION IF WE CAN USE EXISTING RESOURCES TO MAKE IT HAPPEN FOR THE FIRST YEAR. HOPEFULLY IT WORKS. MAYBE NEXT YEAR AT THIS TIME I CAN ASK TO MAYBE GET A [INAUDIBLE] FOR THAT POSITION. IT'S SOMETHING WE ARE COMMITTED TO AND WE BELIEVE IT WILL HELP AS IT HAS HELPED THE FIRE DEPARTMENT IN TERMS OF OUR ABILITY TO RECRUIT PEOPLE OF COLOR AND ESPECIALLY WOMEN AND ASIAN AMERICANS ARE REALLY UNDERREPRESENTED. ALSO LOOKING AT ENTRY LEVEL REQUIREMENTS, I WANT TO MAKE SURE PEOPLE AS A RESULT OF SOCIOECONOMIC REASONS HAVE TO GO TO WORK OUT OF HIGH SCHOOL AREN'T BE PRECLUDED UNLESS THERE IS A SPECIFIC REASON WITH EDUCATIONAL REQUIREMENTS. THAT'S SOMETHING WE'LL BE LOOKING AT CLOSELY BECAUSE I BELIEVE YOU CAN GAUGE THE ABILITY TO READ, WRITE, BE SUCCESSFUL AS POLICE OFFICERS BASED ON WRITTEN TESTING IF YOU HAVE THE RIGHT TEST TO GO BRING PEOPLE ON BOARD. THE LAST THING I REALLY WANT TO TAKE A LOOK AT IS THERE'S SOMETHING CALLED RELEVANT WORKFORCE. I WANT TO LOOK AT OUR DIVERSITY IN TERMS OF GENERAL POPULATION BUT ALSO RELATIVE WORKFORCE. YOU HAVE TO BE 20 TO 40 TO BE A POLICE OFFICER. I WANT TO SEE THE NUMBERS AND HOW WE STACK UP IN TERMS OF NOT JUST GENERAL POPULATION BUT RELEVANT WORKFORCE FOR UPCOMING YEARS. THE MAIN REASON TORE THE INCREASE IN THE MINORITIES IN THE SWORN POPULATION HAS BEEN RECRUITMENT OF THE 112 CLASS. THOSE FOLKS ARE OFF ON THEIR OWN THE MAJORITY OF THEM AND THEY ARE POLICE OFFICERS IN OUR NEIGHBORHOODS AND I KNOW THEY ARE DOING A GREAT JOB BECAUSE AS I GO TO ALL THESE COMMUNITY EVENTS I'M GETTING A LOT OF POSITIVE FEEDBACK. THE 112th CLASS DIVERSITY WAS THE BEST AT 42% MINORITY. EXCUSE ME. AND THE 113th CLASS WHICH IS IN THE ACADEMY TODAY IS 35.2% ETHNIC MINORITY WITH 14.3% BEING FEMALE. AGAIN, VERY -- WE ARE VERY MUCH COMMITTED:!:!:!:!:!:!:!:!: A WORKFORCE THAT MIRRORS

THE COMMUNITY THAT WE SERVE. AT ALL RANKS AND ALL CLASSIFICATIONS, AND AS MOVE FORWARD IN COMING YEARS WE WILL WORK DILIGENTLY IN THIS AREA AND I'M VERY PROUD THAT WE ARE PRETTY DIVERSE IN COMPARISON TO OTHER PUBLIC SAFETY ENTITIES. OUR COMMUNITY SCORE CARD. I AM VERY PROUD OF THIS. I THINK THAT THE COMMUNITY OF AUSTIN SHOULD BE VERY PROUD. WE ARE A VERY LARGE, METROPOLITAN AREA WHICH HAS EXPERIENCE ADD LOT OF GROWTH, AND ALTHOUGH ONE CRIME AND ESPECIALLY TO THAT FAMILY WHETHER IT'S A PROPERTY CRIME OR VIOLENT CRIME OR A MURDER IS ONE TOO MANY, SO WHEN I SPEAK ABOUT THESE, I DON'T WANT TO REALLY MINIMIZE OR DISREGARD OR DISCARD THE VICTIMS OUT THERE BECAUSE I'VE BEEN VICTIMIZED BY CRIME. I'VE HAD PROPERTY BROKEN INTO AND IT IS NOT A VERY GOOD FEELING. PLEASE BEAR IN MIND THAT I'M NUMBERS, BUT WE ALWAYS WANT TO DO BETTER. FROM 2000 TO 2006, CENTRALIZED STREET RESPONSE TEAMS TO ADDRESS THIS ISSUE. WE'VE TALKED ABOUT THE ABILITY TO MOVE QUICKLY THROUGHOUT THE COMMUNITY TO WHERE WE SEE A SPARK OF CRIME, WE'RE GOING TO GO THERE AND SNUFF IT OUT BEFORE IT SPREADS TO OTHER CITIES. DESPITE OUR INCREASE, WILL YOU SEE THAT WE ARE NUMBER 2 WITH CITIES ACROSS THE COUNTRY OF LIKE SIZE, BEHIND ONLY SAN JOSE, CALIFORNIA, AND I'M PROUD TO SAY WE ARE AHEAD OF ALL THE BIG CITIES IN TEXAS INCLUDING SAN ANTONIO, ARLINGTON AND OKLAHOMA WHEN IT COMES TO VIOLENT CRIME RATE. WE HAVE 5.2 PER THOUSAND WHERE IF YOU LOOK AT DALLAS, THEY ARE AT 12.0. SO WE'RE DOING VERY WELL IN THAT AREA. AGAIN, WE WANT TO DO EVEN BETTER AND I REALLY BELIEVE WITH OUR NEW RESPONSE AND THE WAY THAT WE ARE GOING TO CONFIGURE OUR RESOURCES WE'LL BE ABLE TO ADDRESS ISSUES EARLY ON. ESPECIALLY WHEN WE START USING OUR OVERTIME BUDGET FOR WHAT IT'S REALLY DESIGNED FOR AND THAT'S UNEXPECTED EVENTS AND FOR SPECIAL INITIATIVES. AND YOU ALSO SEE ME GOING AFTER A LOT OF GRANT FUNDING IN THE UPCOMING YEAR BECAUSE THERE IS TREMENDOUS AMOUNT OF GRANT MONEY AVAILABLE NOT ONLY FOR TRAFFIC ENFORCEMENT AND CRIME SUPPRESSION. IN TERMS OF PROPERTY CRIMES, THEY HAVE IMPROVED PER CAPITA BETWEEN 2005 AND 2006. IN 2005 WE

EXPERIENCED 59.3 PER THOUSAND. IN 2006 WE'VE EXPERIENCED 58.7 PER THOUSAND. AGAIN, I'M VERY PROUD OF THE FACT THAT WE ARE IN THE TOP THREE IN THE NATION AND FOR CITIES OF OUR SIZE AND WE'RE ONLY BEHIND ARLINGTON, TEXAS. WHICH THAT'S NOT AUSTIN. WE'RE STILL IN THE TOP 10 HERE. WE'RE GOING TO CHANGE THAT NEXT YEAR. THAT'S THE CHALLENGE TO THE COMMANDERS THAT WE'RE GOING TO DO A BETTER JOB NEXT YEAR. HOPEFULLY WE'LL BE NUMBER 1 IN TEXAS. BUT WHEN YOU TAKE A LOOK AT THE TREMENDOUS GROWTH OF THE CITY AND YOU LOOK AT THE ISSUES THAT WE FACE WITH GROWTH, WE HAVE REALLY DONE A GOOD JOB AS A COMMUNITY, AND I'M NOT JUST GOING TO CREDIT THE POLICE DEPARTMENT BUT I'M GOING TO CREDIT EYES AND YEARS OF THE FOLKS WHO COME TO THESE TOWN HALL MEETINGS AND REALLY GO OUT THERE AND THEY ARE OUR FORCE MULTIPLIER AND THAT'S THE ACTIVIST AND THE COMMUNITY MEMBERS AND THE CITIZEN GROUPS THAT REALLY HELP US FOCUS OUR EFFORTS. BECAUSE 750,000 SET OF EYES POLICING ARE A LOT BETTER THAN 1400, 1500 POLICE OFFICERS. IN TERMS OF FATALITIES, WE HAVE -- NUMBER OF FATALITIES DECREASED FROM 2005 TO 2006 BY 13. BUT AUSTIN HAS SEEN 52 FATALITIES THROUGH JULY OF 2007. TOTAL TRAFFIC TAKE FACILITIES NUMBERS ARE PROJECT TO DO EXCEED FISCAL YEAR 2006 BY NINE. FROM 55 IN FISCAL YEAR 2005 TO 64 IN FISCAL YEAR 2007. I HAVE CENTRALIZED OUR MOTORS. WE ARE PUTTING IN A NEW EMPHASIS. THAT'S A SPECIALIZED RESOURCES THAT SHOULD BE USED FOR TRAFFIC ENFORCEMENT. WE NEED AN AGGRESSIVE AND VISIBLE TRAFFIC ENFORCEMENT. WE HAVE A PROPOSAL IN PLACE, WE WILL BE SEEING MOTORS DEPLOYED BEYOND THE 4:00 P.M. GENERALLY SPEAKING RIGHT NOW THEY GO OFF DUTY AT 4:00 P.M. AND WE WILL BE DEPLOYING THEM LATER INTO THE EVENING. WILL YOU MISSEE..... ALSO SEE US CREATE NEW INITIATIVES. THERE IS SOME COMING FOR THE HOLIDAYS WHICH YOU WILL BE VERY PLEASED WITH. THEY ARE PROVEN INITIATIVES THAT I'VE USED IN THE PAST THAT HAVE SAVED LIVES. AND ONE LIFE TO THAT FAMILY MEANS THE WORLD. AND IF WE CAN SAVE ONE LIFE TH LAST TWO YEARS, TWO WEEKS OF THE YEAR WHERE PEOPLE ARE AT PARTIES AND SOMETIMES DRINKING TOO MUCH, THAT WILL BE A WIN FOR US AND

WORTH EVERY EFFORT. I HAVE MET WITH THE TRAVIS COUNTY SHERIFF'S DEPARTMENT, THE DEPARTMENT OF PUBLIC SAFETY AND WILL BE MEETING WITH OUR OTHER IMPORTANCE TO JOIN FORCES -- FORCES TO JOIN FORCES TO KEEP NOT JUST AUSTIN SAFE BUT THE REGION SAFE. IF I CAN HAVE THE SHERIFF'S DEPARTMENT WORK ON DRUNK DRIVERS AND GET THEM BEHIND THE WHEEL BEFORE THEY COME INTO OUR CITY OR VICE..... VICE VERSA, IF WE CAN ARREST A DRUNK DRIVER BEFORE THEY GO INTO THE COUNTY AREA, TO ANOTHER LOCAL COMMUNITY, WE'VE DONE EACH OTHER A FAIMPLT WILL YOU SEE OUR COLLABORATIVE EFFORTS IN TERMS OF TRAFFIC. THE OTHER THING THE CITY IS LOOKING AT NOW THAT I AM A STRONG PROPONENT IS AUTOMATED RED LIGHT ENFORCEMENT. HOPEFULLY THAT WILL BE SUCCESSFUL HERE IN THE NEXT MONTH. AND WE WILL SEE A FULL-FLEDGED RED LIGHT TRAFFIC ENFORCEMENT PROGRAM WHICH WILL BE A FORCE MULTIPLIER, BECAUSE US A KNOW INTERSECTION TRAFFIC COLLISIONS CAN BE VERY DEVASTATING ESPECIALLY FOR THE SIDE IMPACT. ONE OF OUR OWN MEMBERS OF OUR DEPARTMENT HAD HIS -- HAD AN ACCIDENT OR A CRASH, THERE'S NO SUCH THING AS AN ACCIDENT, NOT TOO LONG AGO. THE LAST THING I'M ECONOMIC DEVELOPMENT TO.....I'M COMMITTED TO IT. WHEN THEY SEE A VIOLATION OF THE LAW, MY EXPECTATION IS THEY TAKE THE PROPOSAL ENFORCEMENT ACTION BECAUSE ANYONE IN THIS COUNTRY WHEN YOU HAVE AGGRESSIVE EFFICIENT PROGRAM NOT ONLY DO YOU SAVE LIVES FROM TRAFFIC CRASHES, BUT IT HAS ANOTHER EFFECT AND THAT IS PART 1 CRIMES DECREASE IN WHATEVER NEIGHBORHOOD YOU HAVE A STRONG AND AGGRESSIVE TRAFFIC ENFORCEMENT PROGRAM. IT WILL AGAIN BE EVERYBODY'S JOB. THE LAST PART OF THIS FOR TRAFFIC IS WE WILL HAVE A LOT OF EDUCATIONAL PROGRAMS AS WE MOVE FORWARD INCLUDING A LOT OF THINGS I'M GOING TO BRING FROM CALIFORNIA THAT I CAN'T DO THEM ALL OVERNIGHT, BUT WE'LL GET THERE. INCLUDING A PROGRAM CALLED SMART START WHERE THE POLICE DEPARTMENT WILL WORK WITH DEPARTMENT OF MOTOR VEHICLES TO IDENTIFY KIDS WHEN THEY GET THEIR LICENSES AND THEIR PARENTS TO PUT ON A PRESENTATION RIGHT WHEN THEY ARE GETTING THEIR LICENSES. I HAVE

MY STAFF HERE AND WE WILL ENTERTAIN ANY QUESTIONS YOU ALL MAY HAVE.

Mayor Wynn: THANK YOU, CHIEF. COUNCILMEMBER KIM.

Kim: I THINK OUR CITY IS REALLY ENERGIZED WITH THE IDEAS AND THE GREAT IDEAS YOU ARE BRINGING AND I APPRECIATE YOUR SUPPORT OF THE IMPLEMENTATION OF THE RED LIGHT CAMERAS AND ENFORCEMENT AND I THINK IT'S GOING TO HELP SAVE A LOT OF LIVES. I THINK SOME OF THE THINGS THAT YOU ARE WORKING ON I THINK ARE GOING TO BE OF PARTICULAR INTEREST WITH THE CITY WITH REGARDS TO TRAFFIC ENFORCEMENT AND I'M SO GLAD YOU ARE WORKING WITH THE TRAVIS COUNTY SHERIFF'S DEPARTMENT AND COLLABORATION AND SOMETHING I'VE BEEN INTERESTED. IN SOMETIMES IT CAN BE QUITE DIFFICULT TO HAVE DIFFERENT STANDARDS THAN WE DO AND SO IT'S NOT AS EASY AS IT MAY SEEM ON THE SURFACE, BUT I REALLY APPRECIATE THAT AND IF THERE'S ANYTHING TO DO TO HELP, PLEASE LET ME KNOW.

WE'RE GOING TO MEET WITH THE ARCHITECT OF THE PROGRAM AND THE SHERIFF IMMEDIATELY JUMPED ON AND WE'RE TAKING A COUPLE OF HIS STAFF MEMBERS BECAUSE IT IS A REGIONAL ISSUE AND WE WILL BE WORKING TOGETHER.

Kim: JUST ONE REQUEST. WHEN YOU START HAVING CAMPAIGNS TO TICKET PEOPLE FOR NOT SIGNALLING, PLEASE LET US KNOW. I THINK IT'S SOMETHING PEOPLE AREN'T USED TO AND I'VE BEEN CAREFUL TO DO THAT WHENEVER I'M CHANGING LANES OR MAKING A TURN, BUT I THINK THAT'S SOMETHING THAT WILL CATCH PEOPLE OFF GUARD. I WAS SURPRISED WHEN YOU SPOKE A LOT OF PEOPLE DIDN'T KNOW THAT WAS A VIOLATION.

YOU'VE GOT TO SIGNAL THAT SFWENT. WE TELL THE COMMUNITY, IF YOU CALL TO US YOUR NEIGHBORHOOD, WHAT HAPPENS, WE'LL GO TO A COMMUNITY EVENT AND THEY GO WAIT A MINUTE, WE DIDN'T MEANI'M THE ONE THAT CALLED YOU. WE ENFORCE THE LAW EQUALLY WHETHER IT'S THE COMPLAINANT OR JUST A PERSON DRIVING

THROUGH THE NEIGHBORHOOD.

Kim: THAT'S THE WAY IT SHOULD BE. THANK YOU.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCILMEMBER MARTINEZ.

Martinez: CHIEF, I WANTED TO RECOMMEND NOT ONLY TO YOU BUT TO CHIEF ADOME AND EACH OF YOU HAVE PROPOSED IN THIS BUDGET ADDITIONAL FUNDING OR MAINTAINING FUNDING AND/OR INCREASING FUNDING WITH HIGH SCHOOL PROGRAMS. WHAT WE'RE SEEING NOW IN PARTS OF AISD IS EITHER SHUTTING DOWN OR REPURPOSING SCHOOLS. AT SOME POINT I THINK IT WOULD BE REALLY PRUDENT FOR TO US LOOK AT ESTABLISHING A PUBLIC SAFETY HIGH SCHOOL. IF WE'RE GOING TO BE LOOKING AT THINGS LIKE JOHNSON HIGH SCHOOL WHERE THERE ARE NO PROGRAMS AND WE'RE DOING EVERYTHING WE CAN TO KEEP THE SCHOOL OPEN, KEEP STUDENTS ATTRACTED TO IT, I THINK WE NEED TO AGGREGATE THOSE RESOURCES OR WE COULD LOOK AT AGGREGATING THOSE RESOURCES AND CREATING A MAGNATE HIGH SCHOOL THAT IS CLEARLY PUBLIC SAFETY. I WANTED TO THROW THAT OUT AND GET SOME CONVERSATION STARTED.

THAT WOULD BE AWESOME. I KNOW THAT WE WOULD BE VERY SUPPORTIVE OF THAT. AND WITH THE LEADERSHIP OF THIS COUNCIL, THERE'S NOTHING THAT CAN'T BE ACCOMPLISHED. SO THAT WOULD BE GREAT.

Mayor Wynn: THANK YOU, CHIEF. FURTHER COMMENTS, QUESTIONS? RECIATE THE DETAIL OF THE PRESENTATIONS FROM OUR PUBLIC SAFETY DEPARTMENTS. WE'LL TAKE SOME CITIZEN FEEDBACK AND THESE AND ANY OTHER DEPARTMENTAL COMMENTS FOR THE PROPOSED '07-'08 BUDGET THIS EVENING AFTER ZONING CASES. GREATLY APPRECIATE THIS. AND AGAIN, AS WITH THE OVERALL BUDGET THAT WAS PRESENTED TO US IN LATE JULY, ALL THE MATERIAL THAT YOU SAW TODAY, PLUS ALL THE DETAILED BACKUP THAT SUPPORTS IT IS AVAILABLE ON THE CITY'S WEBSITE AND AVAILABLE IN HARD COPY IN A NUMBER OF CITY FACILITIES INCLUDING OUR BRANCH LIBRARY SYSTEM. SO THANK YOU ALL VERY MUCH. SO COUNCIL THAT

IS CORRECT TAKES US TO OUR NEXT PUBLIC HEARING. ITEM NUMBER 43. WE WANT TO TAKE AN OPPORTUNITY BEFORE AS A COUNCIL HIRE A SEARCH FIRM TO BEGIN THE PROCESS TO HIRE A CITY MANAGER NEXT YEAR TO GET FEEDBACK FROM THE PUBLIC REGARDING WHAT WE CALL THE PROFILE OF THAT CITY MANAGER. FOLKS, IF YOU COULD TAKE YOUR CONVERSATION OUT IN THE FOYER, WE WOULD APPRECIATE IT. WE HAVE ANOTHER PUBLIC HEARING TO CONDUCT. LADIES AND GENTLEMEN, CONVERSATIONS IN THE FOYER, PLEASE. CHIEF? CHIEFS? THANK YOU VERY MUCH. SO -- AND WE HAVE AN ABBREVIATED ZONING AGENDA. WE'VE BEEN RUNNING ABOUT AN HOUR BEHIND ALL DAY. WE'LL TAKE UP ITEM 43 AGAIN TO RECEIVE PUBLIC COMMENT ON THE PROFILE FOR A NEW CITY MANAGER. WE HAVE A HANDFUL OF FOLKS SIGNED UP WISH TO GO ADDRESS THIS. WE ALSO HAVE A COUPLE OF WRITTEN COMMENTS, WRITTEN -- A COMMENT FROM THE AUSTIN NEIGHBORHOODS COUNCIL VIA LAURA MORRISON, A WRITTEN COMMENT FROM MR. ROGER MITCHELL FROM THE GREATER AUSTIN CHAMBER OF COMMERCE THAT WE WILL, OF COURSE, DISSEMINATE AND PUT INTO THE RECORD. OUR FIRST SPEAKER, EDDIE HURST, IS HERE. EDDIE, WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY DEBBIE RUSSELL.

GOOD AFTERNOON, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. THE CITY MANAGER IS NOT HERE AT THIS TIME, BUT I WOULD LIKE TO ADDRESS HER AS WELL. I DO THINK THAT THE PROCESS THAT YOU ALL TOOK IN SELECTING POLICE C SAVADO WAS A GOOD SYSTEM AND I THINK A GOOD CHOICE WAS NAID..... MADE IN HAVING HIM AS OUR NEW POLICE CHIEF, AND WE HAVE A NEW ENERGY HERE AND IT'S GENERATED BY YOU ALL SITTING IN OUR COUNCIL SEATS AS OUR LEADERS AND BY THE DECISIONS MADE BY YOURSELF AND THE CITY MANAGER. ONE OF THE THINGS THAT IS VERY IMPORTANT IN SELECTION OF THE NEW CITY MANAGER WOULD BE THE EMBRACING OF THE AFRICAN-AMERICAN QUALITY OF LIFE. IN SPECIFIC, CONTRACTING OPPORTUNITIES, SUPPORT OF ADVERTISING ON OUR LOCAL PUBLIC RADIO STATIONS, MEANING HAVING OUR ADVERTISEMENTS FROM THE CITY OF AUSTIN ON OUR LOCAL RADIO STATIONS, KZI AND THE UNIVERSITY'S RADIO STATION. AND SECOND OF ALL, ONE OF THE MOST

IMPORTANT THINGS THAT OUR NEW CITY MANAGER WILL BE FACING ONCE CHOSEN IS PICKING A NEW DIRECTOR TO REPLACE MS. SANDRA CREIGHTON. WITH ALL THE POSITIVE THINGS THAT YOU ALL DO AND OUR EXISTING MANAGEMENT ARE ACHIEVING, IT ONLY TAKES ONE PERSON NOT TO EMBRACE THE PHILOSOPHY OF DIVERSITY AND INCLUSION AND SUCCESS OF ALL OF THE CITIZENS OF THIS CITY IS FOR ONE PERSON NOT WILLING TO EMBRACE THE POLICIES THAT YOU ALL ARE SETTING FORWARD. SO NOT ONLY WILL THE SELECTION OF THE NEW CITY MANAGER BE IMPORTANT TO THE STAFF AND THE POLICIES THAT ARE ENFORCED DOWNHILL WITH THE OTHER MEMBERS OF STAFF, IT WILL ALSO BE AN IMPORTANT DECISION MADE BY THAT CITY MANAGER AS FAR AS HOW OUR PUBLIC WORKS CONTRACTS ARE DISTRIBUTED AND WHO GETS AN OPPORTUNITY TO HAVE A PIECE OF THE PIE. I THINK YOU ALL ARE DOING A GREAT JOB AND NO MATTER WHAT HAPPENS, KEEP YOUR HEADS UP HIGH BECAUSE YOU TRULY ARE DOING A GOOD JOB. THANK YOU.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS DEBBIE RUSSELL. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY IVAN WILLIAMS. WHO WILL BE FOLLOWED BY JENNIFER McFAIL.

THANK YOU, MAYOR. WE ARE AT A PERFECT JUNCTION IN OUR CITY FOR CHANGE AND I DON'T MEAN JUST FACES BUT STRUCTURAL CHANGE. AND IT'S AS THE STATESMAN NOTED RECENTLY THAT THE PEOPLE OF THE CITY NEED TO GET INVOLVED IN THE PROCESS SO THAT WE CAN SEE THAT WE HAVE A A POSITIVE TURN FOR THE CITY. I WANTED TO ADDRESS YOU, MAYOR. I HAVE A COUPLE OF PROBLEMS WHAT WHAT YOU WERE SAYING YESTERDAY. TWO PROBLEMS ACCORDING TO WHAT YOU SAID IN A TOP HIRES. ONE IS THAT THE COMMUNITY PLAYED AN INTEGRAL ROLE IN THE SELECTION OF THE POLICE CHIEF, AND I JUST THINK THAT'S A LITTLE OVERSTATED, BUT MORE CURIOUS THAN THAT AND MORE WORRISOME IS THAT THE PUBLIC ROLE WILL BE DIM IRCH..... DIMINISHED IN THIS PROCESS BECAUSE THE CITY MANAGER REPORTS TO COUNCIL. AND SO I'D LIKE TO REMIND YOU, THOUGH, THAT THE COUNCIL AND THE MAYOR IS ELECTED BY THE PEOPLE AND SO THAT THE VERY PUBLIC THAT YOU WISH TO DIMINISH IS WHO

KEEPS YOU IN OFFICE. OF COURSE, YOU ARE FACING TERM LIMITS, BUT ANYWAY, I JUST THINK THAT IF WE DO REALLY RESPECT AN END LESS DEMOCRACY THAT WE WOULDN'T WANT TO START OFF THIS PROCESS BY TALKING ABOUT DIMINISHING PUBLIC INPUT INTO IT. AND SO I FOR ONE AM GOING TO BE KEEPING A CLOSER EYE ON THINGS WHILE ELVIS IS STILL IN THE BUILDING. NEXT I WANT TO GO INTO THAT -- ABOUT THE CITY MANAGER, AND RIGHT NOW THE CITY MANAGER, THERE'S BEEN A LOT OF PROBLEMS THAT COME TO LIGHT AND THE PUBLIC HAS, I THINK, FROM WHAT I'M HEARING, BEEN ASKING COUNCIL TO REIGN HER IN AND IN FACT THERE'S A LOT OF PEOPLE TALKING ABOUT THE NEED FOR HER NOT TO GO UNTIL MAY 31st AND TO LEAVE SOON IF NOT NOW. BUT THERE'S A LOT OF PROBLEMS THAT WE'VE SEEN HERE, JUST A LOT OF ABUSES I THINK OF POWER FROM POLICE OVERTIME WHICH A LOT OF PEOPLE THINK THAT THAT WILL MERELY CATER TO UNION INTRUS VERSUS RESPONDING TO ACTUAL CRIME IN OUR CITY TO THE WATER TREATMENT PLANT ISSUE TO INTERNAL PERSONNEL INJUSTICES AND THERE ARE PLENTY OF REASONS THAT SHE SHOULDN'T BE ALLOWED TO CONTINUE TO NEGOTIATE DEALS ON BEHALF OF THE CITY THAT HAVE LONG-REACHING EFFECTS CONSIDERING THE HARM THAT'S ALREADY BEEN DONE. I PERSONALLY BELIEVE THAT SHE NEEDS TO BE GOING NOW. THAT WE NEED -- THAT SHE'S ALREADY GOT HER PACKAGE. SHE'S GOT HER SEVERENCE. WHEN....WHETHER SHE STAYS OR NOT, YOU KNOW, WHY NOT HAVE HER LAST DAY BE TODAY. WHY NOT HAVE AN INTERIM DIRECTOR TAKE HER PLACE. AND IT JUST SEEMS ODD TO HAVE HER HOLDING THE HAND OF THE NEW HIRE, TO HAVE THIS OVERLAP IN THE NEXT BUDGET PROCESS. WHEN AT THIS POINT -- [BUZZER SOUNDING]

Mayor Wynn: PLEASE CONCLUDE.

BUT I DON'T THINK THAT THAT'S REALLY GOING TO HELP MATTERS TO HAVE HER HAND HOLD THE NEXT HIRE. WE DIDN'T HAVE STAND..... STAND KNEE TO TRAIN ART. I THINK WE SHOULD GET AN INTERIM DIRECTOR IN THERE NOW AND THAT PERSON CAN PASS THE REINS TO THE NEW HIRE AND THAT IF WE HAVE THIS OVERLAP FROM THIS OLD REIGN THAT MIGHT SERVE TO AFFECT THE NEW REIGN AND WE

NEED TO HAVE A CLEAN BREAK.

Mayor Wynn: THANK YOU. YOUR TIME HAS EXPIRED. IVAN WILLIAMS SIGNED UP WISHING TO SPEAK. WELCOME, MR. WILLIAMS. AGAIN, OUR REQUEST HERE IS THAT WE GET FEEDBACK REGARDING THE PROFILE OF OUR NEXT CITY MANAGER. WE'RE NOT HERE TO DISCUSS THE JOB PERFORMANCE OF THE CURRENT ONE. WELCOME, MR. BILL..... WILLIAMS.

THANK YOU, MAYOR AND COUNCIL. I LAST APPEARED BEFORE THE COUNCIL APPEARING FOR THE MIDTOWN \$3 MILLION FORGIVABLE LOAN. TAXPAYERS WERE PROUD THAT INITIATIVE WAS ABANDONED. I READ THE PAPER YESTERDAY AND INVITED THE PEOPLE OF AUSTIN TO COME DOWN TODAY AND HELP YOU WITH YOUR PROFILE ON HOW TO SELECT A NEW MANAGER. AS YOU KNOW, THE SYSTEM WE OPERATE UNDER IS THAT THE COUNCIL AND THE CITY MANAGER HAVE EQUAL RESPONSIBILITIES. THERE'S PERCEPTION IN THE CITY THAT THE POWER HAS SHIFTED FROM THE COUNCIL TO THE CITY MANAGER. SO IT WOULD BE MY SUGGESTION THAT IN SEEKING A NEW MANAGER, THAT THAT MANAGER UNDERSTANDS THAT IT IS THE COUNCIL WHO FORM LATHES THE POLICY -- FORMULATES THE POLICY AND THE MANAGER FULFILLS HIS DUTY TO ACCOMPLISH THOSE POLICIES. AND YOU'RE NOT GOING TO BE ABLE TO FIND A MANAGER THAT IS, AS THE PAPER PUTS IT, IS ALL THINGS TO ALL PEOPLE. SO IN YOUR QUEST, I BELIEVE YOU WOULD FIND SOMEONE WHO WILL ACCEPT THE JOB AND DO A GOOD JOB THAT WOULD FOLLOW YOUR LEAD. THAT YOU NEED TO BE MORE AGGRESSIVE AND MORE ASSERTIVE IN ESTABLISHING AND DEFINING YOUR POLICIES, AND THOSE POLICIES HAVE TO BE FIRMLY COMMUNICATED TO THE MANAGER AND THE COUNCIL NEEDS TO FOLLOW UP WITH THE MANAGER TO MAKE SURE THOSE POLICIES ARE COMPLIED WITH. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. WILLIAMS. JENNIFER, WELCOME. YOU WILL BE FOLLOWED BY PAUL SADONA.

I WANTED TO BRIEFLY SAY ON BEHALF OF ADAPT OF TEXAS THAT WHOEVER THE NEW CITY MANAGER IS THAT YOU HIRE, YOU NEED TO FIND A WAY TO DEMONSTRATE A

COMMITMENT TO A.D.A., THE AMERICANS WITH DISABILITIES ACT, AND OTHER DISABILITY RIGHTS INITIATIVES THAT WE HAVE GOING ON IN THE CITY. WE WANT TO MAKE SURE THAT WE CONTINUE THE TRADITION OF WORKING TOGETHER AND CONTINUE MAKING PROGRESS IN THAT AREA. ONE OF THE WORST THINGS THAT YOU CAN DO IS HIRE SOMEBODY WITH NO DEMONSTRATED SINCERE COMMITMENT TO THAT AREA AND WILL BACK SLIDE AND WE WON'T BE ABLE TO CONTINUE TO BUILD ON THE PROGRESS THAT WE'VE MADE. AND THERE ARE CREATIVE THINGS THAT WE CAN DO IN THE AREA OF ON-THE-JOB TRAINING, SO TO SPEAK, TO MAKE THAT PERSON BE INSPIRED TO DO THAT WORK, BUT WE WOULD RATHER CONTINUE THE TRADITION THAT WE'VE SET FORTH WITH TOBY TO WORK TOGETHER AND GO INTO THE FUTURE, RECOGNIZING THAT ALL THE PROBLEMS THAT WE HAVE IN THE CITY CAN'T BE ADDRESSED IMMEDIATELY. WE'VE ALWAYS BEEN, I THINK, VERY PRACTICAL IN OUR APPROACH TO THE PROBLEMS THAT WE FACE AS A COMMUNITY OF PEOPLE WITH DISABILITIES, AND I WOULD HOPE TO THE NEXT GENERATION THAT IT'S ALSO VERY IMPORTANT TO YOU THAT YOU WANT SOMETHING ONGOING THAT DOESN'T DIE WITH THE NEXT GENERATION OF PEOPLE THAT LEAD THIS CITY. THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER. WELCOME, PAUL. YOU WILL BE FOLLOWED BY GREG POWELL.

GOOD AFTERNOON, MAYOR AND COUNCIL, PAUL SADONA, CHAIRMAN FOR THE BOARD OF THE GREATER AUSTIN HISPANIC CHAMBER. OUR ORGANIZATION WILL BE CELEBRATING ITS 35th YEARS AS.

.....AS AN ORGANIZATION NEXT YEAR. THERE ARE APPROXIMATELY 465,000 HISPANICS IN THE GREATER AUSTIN AREA AND IT'S EXPECTED BETWEEN NOW AND 2010 OUR POPULATION WILL INCREASE ANOTHER 25%. SO WE WELCOME THE OPPORTUNITY TO GIVE YOU SOME QUICK COMMENTS ABOUT YOUR PROFILE. I THINKALLY WE NEED A CITY MANAGER WHO EMBRACES THE DIVERSITY AND QUALITY OF LIFE THAT MAKES AUSTIN UNIQUE, AND I THINK IT WOULD BE IMPORTANT AND SIGNIFICANT TO ENSURE THAT WE HAVE A NEW CITY MANAGER WHO COMES IN WHO CONTINUES TO WORK THAT HAS BEEN INITIATED BY THIS

[illegible]

TRANSPORTATION ISSUES CONTINUES TO BE SOMETHING THAT WE'RE STRONGLY CONCERNED ABOUT AND WE HOPE THAT THE NEW CITY MANAGER WILL BE A STRONG ADVOCATE FOR THAT. WE APPRECIATE THE OPPORTUNITY TODAY TO GIVE YOU OUR THOUGHTS AND CERTAINLY WELCOME THE OPPORTUNITY TO CONTINUE TO BE THANK YOU.

Mayor Wynn: THANK YOU. GREG POWELL. WELCOME BACK. YOU WILL BE FOLLOWED BY RICHARD FRANKLIN.

GOOD AFTERNOON, MAYOR, COUNCILMEMBERS. GREG POWELL WITH A.. AFSME. I MUST TAKE THE OPPORTUNITY TO COMMENT ON THE FUTURE CITY MANAGER SINCE OUR ORGANIZATION'S RELATIONSHIP WITH THE SMGER IS PROBABLY AMONG THE MOST IMPORTANT WORKING RELATIONSHIPS THAT OUR ORGANIZATION ENDEAVORS TO NURTURE AND MAINTAIN. FIRST I'LL SAY THAT I THINK THE THREE CRITERION THAT YOU OUTLINED FOR CITY MANAGER RIGHT ON POINT, SOMEONE WHO HAS A DEEP UNDERSTANDING OF THE CITY OF AUSTIN BEING CRUCIAL, SOMEONE WHO HAS EXPERIENCE OF RUNNING A MAJOR UTILITY, AND SOMEONE WHO HAS A CAPACITY FOR WHAT SEEMS SOMETIMES AS ENDLESS DEMOCRACY. OF COURSE, WE'RE GOING TO ADD TO THAT. WE ARE LOOKING FOR A CANDIDATE WHO HAS AN APPRECIATION FOR CONTINUING A PARTNERSHIP FOR PRODUCTIVITY WHICH WE HAVE HAD WITH CITY MANAGERS THROUGHOUT THE YEARS AND WOULD HOPE TO MAINTAIN WITH A FUTURE CITY MANAGER. WE WOULD ALSO LOOK FOR A CITY MANAGER WHO HAS SOME UNDERSTANDING OF THE INTERNAL POLICIES AND DYNAMICS OF THE CITY WORKFORCE THAT COULD KEEP OUR EMPLOYEES SAFE, HEALTHY AND PRODUCTIVE. WHICH IS CERTAINLY A COMMON INTEREST THAT WE HAVE SHARED WITH EVERY CITY MANAGER AT CITY OF AUSTIN. SO CERTAINLY SOMEONE WITH SOME HUMAN RESOURCES BACKGROUND. AND AS AN ADDED BONUS, WE HAD A CANDIDATE THAT HAD SOME PREVIOUS CITY MANAGER'S EXPERIENCE THAT WOULD BE HELPFUL FOR SOMEONE WHO MIGHT HAVE TO HIT THE DECK RUNNING HERE AT THE CITY OF AUSTIN. I WOULD SUGGEST TO YOU THAT IDEAL CANDIDATE RESIDES RIGHT HERE AT THE CITY OF AUSTIN, IS IN FACT AN EMPLOYEE OF THE CITY OF AUSTIN, AND I MIGHT

JUST SUGGEST TO YOU THAT, MUCH AS IN THE SELECTION OF OUR CITY MANAGER TOBY FUTRELL, SOMETIMES YOU DON'T HAVE TO LOOK ANY FURTHER THAN YOUR OWN BACKYARD FOR THE BEST CANDIDATE FOR THE JOB. THAT'S WHAT I WOULD LIKE TO OFFER TO YOU IN YOUR CONSIDERATIONS FOR THE NEW CITY MANAGER POSITION AND I THANK YOU FOR THIS OPPORTUNITY.

Mayor Wynn: THANK YOU, MR. POWELL. RICHARD FRANKLIN, WELCOME. YOU WILL BE FOLLOWED BY RICKY BYRD.

THANK YOU, MR. MAYOR, CITY COUNCIL. A COUPLE OF THINGS WE NEED TO BE LOOKING AT WHEN WE TALK ABOUT THE CITY MANAGER'S POSITION IS SOMEONE WHO HAS IMPECCABLE INTEGRITY. SOMEONE WHO WILL TAKE FULL RESPONSIBILITY FOR THE SHORTCOMINGS OF THE ACTIVITY OF THE PERSONNEL THAT WORK FOR THEM. AND THE REASON I SAY THAT IS I TRAIN YOUNG MEN RIGHT NOW. I TALK TO THEM ABOUT RESPONSIBILITY. AFRICAN-AMERICAN MEN, AND ONE OF THOSE IS GOING TO BE ABOUT RESPONSIBILITY. AND I HAD TO TRY TO MAKE THEM UNDERSTAND THE IMPORTANCE OF PERSONAL RESPONSIBILITY, BUT ALSO THE RESPONSIBILITY OF A SOCIETY, AND YOU CAN IMPORT THE CITY OF AUSTIN INTO THAT RIGHT NOW, YOU CAN INSERT THAT RIGHT HERE. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] THERE IS SOMETHING WRONG, I'M THE ONE WHO HAS TO TAKE RESPONSIBILITY FOR IT ON MY WATCH, THERE HAS BEEN NONE OF THAT. FINALLY, WHEN IS SOMEBODY GOING TO ASK WHAT IT IS GOING TO COST, THE NEXT CITY MANAGER HAS TO BE ABLE TO ASK THE QUESTION WHAT IT IS GOING TO COST THE TAXPAYERS WHEN WE CAN'T GET BOND RATEDeAGER HAS TO ASK THAT QUESTION. HOW MUCH IS IT GOING TO COST THE TAXPAYERS. I THANK YOU.

THANK YOU, MR. FRANKLIN. WELCOME RICKEY BURG. TUESDAY WILL HAVE THREE MINUTES. FOLLOWED BY ROB IF YOU WOULD LIKE TO SPEAK. MAYOR AND CITY COUNCIL, IT IS A PLEASURE TO BE HERE TODAY. SO FAR, I'VE BEEN LISTENING, AND I'VE HEARD DIVERSITY, COMMUNITY INTEGRATION, INTELLIGENCE, TRANSPORTATION, COMMUNITY RELATIONS, UNDERSTANDING, MANAGEMENT ABILITY, SUPPORT OF DEMOCRACY, AND ALSO HEARD

COMMENTS ABOUT INTEGRITY AND STANDING UP FOR QUESTIONABLE BEHAVIOR. SOMETIMES IT SOUNDS TO ME LIKE WE'VE G% MIX BETWEEN SUPERMAN AND WONDER WOMBING CALLED FOR.

ARE YOU APPLYING FOR THE JOB?

MR. MAYOR, I WOULD NOT HAVE THE NERVE.

[L[L[L[L[L[L[L[L[L JUST KIDDING.

THE THING I WOULD ADVISE YOU IS DON'T SHY AWAY FROM TRYING TO FIND THE MOST INTELLIGENT PERSON YOU CAN FIND. IT DOESN'T MATTER IF YOU THINK, BUT GOD, HE IS SMARTER OR SHE IS SMARTER THAN I AM, WHAT WILL IT LOOK LIKE, IT IS THE ADMINISTRATOR, THEY WILL ONLY MAKE YOU LOOK GOOD. THE OTHER THING I WOULD ADVISE YOU IS, AS MUCH AS YOU CAN, SET YOUR SYSTEM, ADMINISTRATIVELY, TO BEES A TRANSPARENT AS POSSIBLE AND AS COOPERATIVES A POSSIBLE, EVEN WHEN THOSE ARE OPPOSED TO THE CITY'S AIMS ARE THROWING BRICKS AT YOU. I HAVE SEEN SEVERAL MANAGERS COME AND GO. SHE BY FAR IS THE BEST BY FAR OF ALL OF THEM TO ME, MISS FUTRELL. I HAVE SEEN PEOPLE HIT SERE AND TELL THIS COUNCIL THEY ARE CERTAIN THE ENVIRONMENTAL RESPONSIBILITY AGENCIES WERE MANUFACTURING COCAINE IN THEIR OFFICES BECAUSE THEY SAW THEIR LIGHTS ON AT MIDNIGHT. THERE ARE PEOPLE THAT WILL COME IN HERE AND COMPLAIN BECAUSE THAT YOU ARE SHADOW SEEMS TO FOLLOW THEM. YOUR MANAGER IS GOING TO HAVE TO BE ABLE TO SAY NO TO SOME THINGS WHEN THEY ARE COMPLETELY UNREASONABLE. AND THERE IS GOING TO BE TIMES HE IS GOING TO CATCH A LOT OF FLAK AT IT. I URGE TO YOU BACK HIM OR HER UP WHEN THAT TIME COMES. SOMETIMES IT WILL NOT BE THE MOST EXPEDIENT TIME FOR YOU. PLEASE COVET YOUR CITY MANAGER'S ABILITY AT ALL TIMES, THEY NEED THAT COVER SO THEY CAN ADMINISTRATE THE SERVICES OF THE CITY. I URGE YOU TO INNOVATE AS MUCH AS YOU CAN, GETTING THE SYSTEM TO BE INNOVATIVE, GETS A MUCH KNOWLEDGE AS YOU CAN OUT OF EVERY ADMINISTRATOR IN THIS SYSTEM AND DO NOT BE AFRAID TO BE CALLED A HACK BECAUSE SOMEBODY DOESN'T LIKE IT. THERE IS ALWAYS GOING TO BE SOMEBODY WHO IS GOING TO COME PLAIN. --

COMPLAIN. SOMETIMES THEY ARE GOING TO BE ACCURATE, 95% OF THE TIME THEY ARE GOING TO BE OUT THERE IN LEAF FIELD WHERE THE WEEDS GROW REAL HIGH. HIGH ADVICE TO YOU IS ALWAYS DO YOUR BEST, AND ALWAYS GET AN ADMINISTRATOR THAT YOU ARE CERTAIN WILL DO THEIR BEST. THANK YOU VERY MUCH.

THANK YOU, MR. BYRD. OTHER FINAL PERSON WHO SIGNS UP IS ROB JOHNSON, HE CHECKED HE WISHES TO SPEAK IF WE HAVE QUESTIONS. MR. JOHNSON IS WELCOME TO ADDRESS US IF HE WISHED TO DO SO SO THANK YOU ALL VERY MUCH. AS SOME HAVE READ OR HEARD, THIS CON SILL IS IN PROPERTY -- COUNCIL IS IN THE PROCESS OF TALKING WITH EXECUTIVE SEARCH FIRM, RECRUITMENT FIRMS THERE IS A HANDFUL OF FIRMS THAT DO THAT FOR SENIOR MUNICIPAL MANAGEMENT, AND WE WILL HIRE SOMEBODY RELATIVELY SOON TO GIVE THEM ESSENTIAL THREE FALL TO GET THAT WORK DONE. WE ANTICIPATE GETTING SOME TYPE OF FEEDBACK FROM THAT SEARCH FIRM LATER THIS CALENDAR YEAR AS WE CONTINUE INTERNALLY HERE TO WORK THROUGH AND DEVELOP WHAT WILL BE THE FORMAT AND PROCESS FOR US TO CHOOSE THAT VERY IMPORTANT POSITION SOME TIME IN, LIKELY IN CALENDAR YEAR '08 SO THANK YOU FOR THIS FEEDBACK. OF COURSE YOU ARE WELCOME TO TON GIVE US YOUR THOUGHTS AS YOU SO BRILLIANTLY DO THROUGHOUT THE COURSE OF OUR DAY AND WEEK. WE HAVE A NUMBER OF FOLKS AND ORGANIZATIONS THAT SENT US WRITTEN COMMENT ABOUT THAT PROFILE, AND WE WILL PUT THAT IN THE RECORD, AND FUNDAMENTALLY THIS IS NOT JUST A RECORD, BUT IT IS US GATHERING INFORMATION AS WE WORK WITH THIS FIRM. THANK YOU FOR THE INPUT. THAT GETS US TO OUR 4:00 ZONING HEARING, APPROVAL OF ORDINANCES AND RESTRICTED COULD HAVE VANTS. WE WELCOME MR. GREG GUERNSEY.

THANK YOU MAYOR AND LIC HEARINGS HAVE BEEN FIRST TWO ITEMS I WOULD LIKE TO OFFER FOR CONSENT ARE FOR POSTPONEMENT BOTH TO SEPTEMBER 27, FIRST I AM SET NUMBER 44, C 14-04-0030, TIME INSURANCE ONE APPROVE SECOND THIRD READINGS OF AN ORDINANCE AMENDING CHAPTER 25-2 1405-1415 EAST RIVERSIDE DRIVE AND NUMBER TWO IS 45. THE STAFF WOULD REQUEST AND

NEIGHBORHOOD AGREES AND APPLICANT AGREES TO POSTPONE BOTH CASES TO YOUR SEPTEMBER 27 MEETING AND THAT WOULD CONCLUDE THE POSTPONEMENT OF THESE TWO ITEMS.

[illegible]

A REZONING REQUEST TO LIMITED OFFICE, LO DISTRICT ZONING FOR TRACT ONE AND COMMUNITY COMMERCIAL MIXED USE OR GR-MU COMBINING THIS DISTRICT ZONING FOR TRACT TWO. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT LIMITED OFFICE, CONDITIONAL OVERLAY OR LO-CO COMBINED OVERLAY FOR TRACT ONE AND COMMUNITY CONDITIONAL MIXED USE GR-MU-CO COMBINED DISTRICT ZONING FOR TRACT TWO. THIS

HAVE HAD FOR CONSENT APPROVAL ON ALL THREE READING. ITEM NUMBER 51, C14-2007-0082. 11603 JOLLYVILLE. A REQUEST OF REZONING TO COMMUNITY COMMERCIAL MIXED OUTSIDE OR GR-MU COMBINING DISTRICT ZONING. THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT COMMUNITY COMMERCIAL MIXED USE, CONDITIONAL OVERLAY OR COMBINED DISTRICT ZONING AND THIS IS READY FOR SCENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 52, C2-66-001. RCA. FOR RESTRICTED COVENANT AMENDMENT TO TERMINATE A RESTRICTED COVENANT IT AS APPLIED TO PROPERTY LOCATED AT 7312, 7340, 7420, 7520 AND 7700 SOUTH IH-35 SERVICE ROAD SOUTHBOUND. THE ZONING PLANNING COMMISSION RECOMMENDATION WAS TO TERMINATE THE RESTRICTIVE COULD HAVENANT. A RELATED ITEM IS ITEM NUMBER 53, C14-2007-0032. FOR THE SAME ADDRESSES I JUST MIXED IN ITEM NUMBER A 52, THIS VERY ZONING TO MULTI FAMILY RESIDENCE. AND THE ZONING AND PLANNING COMMISSION RECOMMENDATION WAS TO GRANT THE MULTI FAMILY RESIDENCE MODERATE HIGH DENSITY CONDITIONAL OVERLAY AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 54 IS C14-2007-0067. PROPERTY LOCALLY KNOWN AS 3608 AND 3706 CLAWSON ROAD WEST , THE NEIGHBORHOOD HAS REQUESTED A POSTPONEMENT AND THE APPLICANT RELUCTANTLY AGREES TO THE POSTPONEMENT AND THIS WOULD BE TO SEPTEMBER 27. THAT IS ITEM NUMBER 54. ITEM NUMBER 55, C14-07-0004. PROPERTY LOCALLY KNOWN AS 13205 BURNET ROAD. WHAT IS WITHDRAWAL DRAWN SO THERE IS NO ACTION NEEDED THAT CONCLUDES THIS AT THIS TIME AND THE ZONING AGENDA.

THANK YOU, MR. GUERNSEY SOME OF COUNCIL THE PROPOSED CONSENT AGENDA WHERE WE ARE CONDUCTING THE PUBLIC HEARING WOULD BE TO POSTPONE ITEMS 46 AND 47 TO SEPTEMBER 27, 2007. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS TO CASE 48 AND CLOSE THE PUBLIC HEARINGS ON ALL THREE READINGS CASE 49 AND NOTING THE WAIVER FOR THE RIGHT OF WAY RESERVATION. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS

ITEMS 50 AND 51 TO TERMINATE RETT STRATEGICTIVE COVENANT ON ITEM 51 51 -- 52, CLOSE THE PUBLIC HEARING AND APPROVE CASE 53. POSTPONE INDICATE 54 TO SEPTEMBER 27, 2007. AND NOTING THAT ITEM 55 HAS BEEN WITHDRDARVA I WILL ENTERTAIN THAT MOTION. MOTION BY COUNCIL MEMBER LE BY MARTINEZ MARTINEZ TO APPROVE THE CONSENT AGENDA AS READ. FU MHER COMMENTS? HEARING NONE, FALL FAVOR SAY AYE, OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THAT CONCLUDES OUR ZONING CASES FOR TODAY.

THANK YOU. COUNCIL, THAT LEAVES US WITH NOTHING PRIOR TO THE PUBLIC HEAR THAT IS WE WILL CONDUCT THIS BEEGNNING APPROXIMATELY 6:00 P.M., THAT BEING RIGHT AFTER WE FINISH OUR BREAK FOR LIVE MUSIC AND PROCONCAMATIONS SO WITHOUT OBJECTION, NOIL RECESS THIS MEETING, OF THE AUSTIN CITY COUNCIL. TECHNICALLY I PROBABLY WON'T RECONVENE FOR THE 5:30 MUSIC AND PROCLAMATIONS BECAUSE THERE RARELY A QUORUM HERE SO ISPECT US TO BE BACK AROUND 6:00 P.M. TO CONDUCT THE POTENTIAL FIVE PUBLIC HEARINGS THIS EVENING. WE ARE NOW IN RECESS. 2 @@@@ 1 TEST TEST

FOLKS. WELCOME TO THE WEEKLY LIVE MUSIC GIG AT AUSTIN CITY COUNCIL. JOINING US IS LEEANNE@ETON. SHE'S A SOULFUL SINGER AND SONGWRITER WHO HAS TOURED BOTH THE U.S. AND EUROPE. SHE HAS EARNED NUMBER..... NUMEROUS AWARDS FROM THE KERRVILLE FOAB FESTIVAL. HER FIRST CD ONLY GLORY IS ON STEPPING STON RECORDS AND HER SECOND ALBUM, LADY LIBERTY, FEATURES COLLABORATIONS WITH TONY PRICE AND THE LATE CHAMP HOOD. SHE'LL BE PERFORMING MUSIC CAPITAL OF THE WORLD, WITH DUO, GYPSY SOUL. SHE'S AT MARIA'S TACO EXPRESS EVERY FRIDAY. PLEASE JOIN ME IN WELCOMING WELCOMING LEE ANN@ER... ATHERTON.

WELCOME STEVE TOO. HE'S ALL THE WAY FROM RUSSIA, AND I'M ALL THE WAY FROM SOUTH CAROLINA. WE FINALLY LIVE IN THE BEST TOWN IN THE UNITED STATES, AUSTIN, TEXAS. AND THIS SONG WE WROTE JUST TO CELEBRATE OUR FABULOUS HOME AND OUR FABULOUS FRIENDS.

THERE'S NO PLACE LIKE HOME. AND TOGETHER WE ARE
GYPSY SOULS. (music) (music) [(music) SINGING (music)] YEAH,
YEAH, YEAH, COME ON, COME ON, YEAH. (music)

TRAVEL WITH MY SUITCASE ALL AROUND THE WORLD.
MOVING ON WITH AN EASY GOING METHOD. GOING SOUTH,
GOING NORTH, LOOKING FOR THE MUSIC. I HEARD ABOUT
AUSTIN, TEXAS. [(music) SINGING (music)] HAD TO SEE WHAT
THEY'RE TALKING ABOUT, FEEL THAT MUSIC ALL AROUND,
SEVEN DAYS A WEEK EVERYWHERE. [(music) SINGING (music)
] MUSICAL CAPITAL OF THE WORLD. SHOW ME HOW YOU DO
IT. COME ON, YEAH, I LIKE IT. MUSICAL CAPITAL OF THE
WORLD, SHOW ME HOW YOU DO IT. YOU DO IT SO WELL. LIVE
MUSICAL CAPITAL OF THE WORLD. SHOW ME HOW YOU DO
IT. LIVE MUSICAL CAPITAL OF THE WORLD, SHOW ME HOW
YOU DO IT. (music) (music) [(music) SINGING (music)] COWBOY
BOOTS, THEY GOT TO LIKE THAT. HATS OFF TO THE GUITAR
MAN, MAKING MUSIC IN A PROMISED LAND, KEEP IT WEIRD,
KEEP IT REAL, BARTON SPRINGS, THE WATER IS CLEAR, NO
SHIRTS, NO SHOES, NO BIG DEAL. PUT YOUR HEADS
TOGETHER AND MAKE A SOUND, GOOD BLESS THE TEXAS
SOUND, LET'S HEAR IT FOR AUSTIN. LIVE MUSICAL CAPITAL
OF THE WORLD, SHOW ME HOW YOU DO IT. (music) (music)
KEEP ON, KEEP ON, KEEP ON, DON'T EVER STOP. LIVE
MUSICAL CAPITAL OF THE WORLD, SHOW ME HOW YOU DO
IT. , HOW YOU DO IT, YEAH, YEAH. LIVE MUSICAL CAPITAL OF
THE WORLD, SHOW ME HOW YOU DO IT.. IT. YEAH, YEAH,
YEAH. LIVE MUSICAL CAPITAL OF THE WORLD, SHOW ME
HOW YOU DO IT. (music) (music) TRAVEL WITH MY SUITCASE
ALL AROUND THE WORLD. I HEARD ABOUT AUSTIN, TEXAS. ,
YEAH, YEAH, YEAH (music) (music). [APPLAUSE]

MAYOR WYNN: WELL DONE. THAT WAS FUN. SO TELL US
WHERE WE CAN HEAR YOU, LEE ANN, OR HEAR GYPSY SOUL.

TONIGHT GYPSY SOUL WILL BE IN ROUND ROCK AT
BALUGA'S AND FRIDAY AT MARIA'S TACO EXPRESS, AND
WE'RE JUST -- YOU BETTER CHECK THE WEB SITE BECAUSE
THERE'S ALWAYS SOMETHING GOING ON.

MAYOR WYNN: ADDRESS?

GYPSY SOUL.COM. AND LEE ANN ATHERTON DO YOU MEAN,

AND ZEE ALSO PLAYS AROUND TOWN SEVERAL PLACES.
SUNDAY I'LL PROBABLY JOIN HIM AT BAJA GRILL AT BRUNCH.
ALWAYS HAVING A GOOD TIME, RIGHT?

MAYOR WYNN: FABULOUS. BEFORE I GET A T-SHIRT, LOOKS LIKE, GET THE CD, THIS IS A BIG DEAL FOR US BECAUSE SINCE WE'RE SORT OF PROMOTING BOTH GYPSY SOUL AND LEE ANN INDIVIDUALLY, BEFORE I READ MY OFFICIAL PROCLAMATION THAT I DO EACH THURSDAY, MY GOOD FRIEND SAM BUSINESS.....BISCO AND TRAVIS COUNTY COMMISSIONERS COURT HAS ISSUED A PROCLAMATION DECLARING TODAY JEP SI SOUL -- GYPSY SOUL DAY IN TRAVIS COUNTY, AND SO TO COMPLIMENT THAT MY OFFICIAL PROCLAMATION READS, BE IT KNOWN THAT WHEREAS THE CITY OF AUSTIN TEXAS IS BLESSED WITH MANY CREATIVE MUSICIANS WHOSE TALENTS EXTEND TO EVERY GENRE, AND OUR MUSAL SCENE SUPPORTS IT, NEWCOMERS ALIKE THE WORLD OVER SO WE'RE PLEASED TO SHOWCASE AND SUPPORT OUR LOCAL ARTISTS SO NOW THEREFORE I, WILL WYNN, MAYOR OF THE LIVE MUSIC CAPITAL -- MUSICAL CAPITAL OF THE WORLD, AS WE HEARD TODAY, DO HEREBY PROCLAIM TODAY AUGUST 23, 2003 AS LEE ANN ATHERTON DAY IN AUSTIN. AND PLEASE JOIN ME IN CONGRATULATING THIS GREAT TALENT.

THANK YOU.

WHAT AN HONOR, BUT YOU KNOW I GOT TO SING A DUET WITH THE MAYOR, AT LITTLE LEAGUE KICK-OFF DAY. THAT WAS REALLY FUN.

THE SOUTH AUSTIN LITTLE LEAGUE OFF OF TOMBY ROAD.
WE SANG TAKE ME OUT TO THE BALL GAME. I COULDN'T HIT ALL THE NOTES ON THE NATIONAL ANTHEM,
UNFORTUNATELY. SO THANK YOU.

AWESOME. THANK YOU.

MAYOR WYNN: GOOD TO SEE YOU AGAIN.

ALL THE WAY FROM RUSSIA.

MAYOR WYNN: SO WHILE LEE ANN AND GYPSY SOUL BREAKS

DOWN OVER ON THAT SIDE OF THE ROOM WE'LL USE THIS PODIUM TO START OUR WEEKLY PROCLAMATIONS. WE TAKE THIS OPPORTUNITY EACH WEEK AFTER LIVE MUSIC TO EITHER SAY THANK YOU TO SOME FOLKS OR CONGRATULATIONS, PROMOTE AWARENESS ABOUT SOME EVENT OR CAUSE THAT MIGHT BE HAPPENING OVER TOWN -- AROUND TOWN. MY FIRST PROCLAMATION IS REGARDING OUR SIGNIFICANT UNPARALLELED CITIZEN BOARD AND COMMISSION PROCESS AND FORMAT HERE IN AUSTIN, AND TECHNICALLY WE'RE GOING TO HAVE A BIG RECOGNITION EVENT NEXT WEDNESDAY AT PALMER AUDITORIUM AND SO I'M GOING TO READ A PROCLAMATION ABOUT OUR BOARD AND COMMISSIONS THE 100 OR SO CITIZENS THAT SERVE US ON THOSE DOZEN BOARDS AND COMMISSIONS, AND THEN DAVE ANDERSON AND OR DAVE SULLIVAN FROM THE ENVIRONMENTAL BOARD AND PLANNING COMMISSION RESPECTIVELY WILL COME SAY A FEW WORDS ABOUT PROBABLY THEIR SERVICE, ENCOURAGING FOLKS TO CONTINUE TO APPLY FOR THE VACANCIES THAT INEVITABLY WE HAVE AT ANY GIVEN TIME AND HOW IMPORTANT IT IS FOR US AS A COMMUNITY AS WE MAKE DECISIONS UP HERE, THAT THAT INPUT HAS COME FROM A BROAD RANGE OF FOLKS AND PERSPECTIVES AROUND THE CITY. SO THE PROCLAMATION READS, MORE THAN 500 CITIZENS PROVIDE INPUT TO THE MAYOR, COUNCIL AND CITY STAFF THROUGH THEIR SERVICE ON ONE OF AUSTIN'S 55 BOARDS OR COMMISSIONS. AND WHEREAS THESE VOLUNTEERS BY COMMITTING THEIR TIME TO A BOARD OR COMMISSION, RENEW AND SUSTAIN THE SPIRIT AND VITALITY OF OUR GREAT CITY AND A SPECIAL RECOGNITION EVENT IS HELD ON WEDNESDAY, AUGUST 29, AT PALMER SPECIAL EVENTS CENTER TO HONOR THOSE CITIZENS WHO GIVE OF THEIR TIME, ENERGIES AND ABILITY. AND WHEREAS I JOIN WITH MY COUNCIL COLLEAGUES IN THANKING ALL OF OUR BOARD AND COMMISSION MEMBERS TO THEIR SERVICE AND THEREFORE I, MAYOR WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DECLARE NEXT WEDNESDAY, AUGUST 29, 2007 AS OUR OFFICIAL AND ANNUAL BOARD AND COMMISSIONS DAY IN AUSTIN, AND WELCOME MR. DAVE SULLIVAN AND DAVE ANDERSON TO COME SAY A FEW WORDS AND PLEASE JOIN ME IN THANKING THESE TWO FINE GENTLEMEN AND CITIZENS FOR THEIR SUPPORT AND INPUT

THROUGHOUT THE YEARS. [APPLAUSE]

THANK YOU, MAYOR. THANKS FOR ASKING US TO ACCEPT THIS PROCLAMATION ON BEHALF OF THE HUNDREDS OF FOLKS THAT SERVE ON AUSTIN'S BOARDS AND COMMISSIONS AND THE THOUSANDS WHO HAVE SERVED IN THE PAST FEW YEARS. FEW AUSTINITES REALIZE THE AMOUNT OF VOLUNTEER EFFORT THAT GOES INTO HELPING RUN THE CITY AND I THINK FEW REALIZE, EVEN IN THIS ROOM, HOW MANY CITIZENS HAVE SERVED ON PANELS FOR LITERALLY DECADES. YOU CAN LOOK UP THE CITY'S WEB SITE, LOOK AT THE INDIVIDUAL BOARDS AND COMMISSIONS AND FIND PEOPLE WHO HAVE SERVED IN THE 1980S AND, IN FACT, MRS. SH. HUDY FAST VOLUNTEERED EARLIER THIS YEAR ON THE ELECTRIC UTILITY COMMISSION. A COMMON CURSE MANY OF US SHARE IS THROUGH OUR SERVICE WE HAVE LEARNED MUCH ABOUT THE GROWTH PACE, THE ENVIRONMENT, THE HOUSING NEEDS, CIVIL RIGHTS, BUDGETARY AND HUMAN RESOURCE CONSTRAINTS, BARRIERS IMPOSED BY STATE LAW AND OTHER FACTORS THAT INFLUENCE OUR DECISIONS IN A WAY THE GENERAL PUBLIC SOMETIMES HAS TROUBLE SEEING. DESPITE THE MANY HARD DECISIONS WE MAKE AND THE MANY HARD DECISIONS THE CITY COUNCIL, CITY MANAGER, CITY STAFF AND COUNTY COMMISSIONERS MAKE, WHICH SOMETIMES UPSET MANY OF OUR FELLOW CITIZENS, AUSTIN IS STILL THE PLACE THAT 700,000 RESIDENTS LOVE AND HUNDREDS OF THOUSANDS OF FOLKS, MAYBE MILLIONS OF FOLKS AROUND TEXAS, AROUND THE U.S. AND AROUND THE WORLD WANT TO MOVE TO SOMEDAY. SO THANKS FOR RECOGNIZING US FOR WHAT WE DO AND WHY WE DO IT. IT'S BECAUSE WE LOVE AUSTIN.

MAYOR WYNN: THANK YOU. [APPLAUSE]

I WANT TO ECHO DAVE SULLIVAN'S COMMENTS AND JUST SHED LIGHT ON ONE OTHER ASPECT OF THIS IMPORTANT RECOGNITION. I THINK NOT ONLY ARE THE PEOPLE INVOLVED DULY -- SHOULD THEY BE DULY RECOGNIZED BUT ALSO THE PROCESS ITSELF. THE BOARDS AND COMMISSIONS PROCESS IS A VERY IMPORTANT PART OF PROVIDING INPUT, REAL MEANINGFUL CITIZEN INPUT, TO COUNCIL MEMBERS AND THEIR STAFFS AND ENTIRE CITY

STAFF ON WHAT WE THINK ABOUT OUR GREAT CITY AND HOW WE CAN MAKE IT BETTER. SO I JUST WANT TO RECOGNIZE THE PROCESS IN ADDITION TO THE INDIVIDUALS THAT HAVE SERVED IN THAT PROCESS. I ALSO WANT TO RECOGNIZE SCOTT JOHNSON FOR HIS TIRELESS ADVOCACY OF RECOGNIZING BOARD AND COMMISSION MEMBERS FOR WHAT THEY DO, AND ON BEHALF OF BOARDS AND COMMISSION -- BOARD MEMBERS AND COMMISSION MEMBERS ALL OVER THE PLACE I WANT TO SAY THANK YOU AGAIN. [APPLAUSE]

WELL, I WANT TO THANK BOTH THESE GUYS ALSO FOR A COUPLE OF REASONS. DAVE SULLIVAN IS MY APPOINTEE TO THE PLANNING COMMISSION AND DAVE ANDERS IS THE MAYOR'S APPOINTEE, BUT DAVE CAME ON THE ENVIRONMENTAL BOARD WHEN I WAS CHAIR OF THE ENVIRONMENTAL BOARD AND ADVOCATED TO GET HIM ON THERE AT THE TIME. SO YOU MIGHT SAY I BROUGHT HIM ALONG. CAN I SAY THAT? SO I BELIEVE I'M THE ONLY COUNCIL MEMBERS THAT.....COUNCIL MEMBER THAT SERVED PREVIOUSLY ON A BOARD AND COMMISSION, SO I JUST CAME OUT HERE TO CONGRATULATE YOU AND I'LL ALSO BE OUT THERE NEXT WEDNESDAY NIGHT. THANKS. [APPLAUSE]

THANK YOU.

MAYOR WYNN: AND FOR ACTUALLY MY FINAL PROC BEFORE I TURN THE PODIUM OVER TO SOME COLLEAGUES, JOINED BY ASHTON CUMBERBATCH WHO WAS WITH THE SETON FAMILY OF HOSPITALS. THE PROCLAMATION IS REGARDING THE BRAIN AND SPINE CENTER AT BRACKENRIDGE, WHICH IS A SPECTACULAR FACILITY. WE'RE VERY LUCKY TO HAVE IT. BEFORE I DO I WANT TO SAY A COUPLE COMMENTS. WHEN I WAS 9 YEARS OLD ONE OF MY BIG BROTHERS BROKE HIS NECK IN A CAR WRECK AND WAS LEFT PARALYZED FROM THE NECK DOWN. THIS WAS 1971 AND WE LIVED IN BOW.... BEAUMONT AT THE TIME. WE WERE LUCKY IN THE SCHEME OF THINGS. IT WAS ONLY 90 MILES AWAY FROM HOUSTON WHERE THERE WAS THE TEXAS INSTITUTE OF REHABILITATION AND RESEARCH, TIRR, STILL KNOWN AS TIRR, AND THOSE WERE THE EARLY DAYS OF SPINAL CORD INJURY RESEARCH, AND THE PROGRESS AND ADVANCES

THAT HAVE BEEN MADE WITH BRAIN AND SPINAL CORD INJURIES IS FEE NO, PHENOMENAL AND I PERSONALLY HAVE SEEN AND EXPERIENCED THAT -- THOSE MEDICAL BREAK..... BREAK-THROUGHS AND FREQUENTLY WITH THE MEN AND WOMEN WHO DRIVE THAT RESEARCH AND FUNDAMENTALLY, YOU KNOW, HELP SOME TRAUMATIZED LIVES. AND SO IT'S -- I WAS VERY PROUD FIVE YEARS AGO TO BE OVER AT BRACK AS SETON BROUGHT ON THIS GREAT FACILITY AND WHAT IT HAS MEANT TO, YOU KNOW, TRAUMA AND LONG-TERM CARE IN CENTRAL TEXAS, JUST LIKE WHAT THEY HAVE DONE WITH THE NEW DELL CHILDREN'S CENTER OF CENTRAL TEXAS AND WHAT THAT FACILITY WILL MEAN FOR LONG-TERM HEALTH CARE DELIVERY AND QUALITY OF LIFE FOR PEOPLE IN CENTRAL TEXAS. SO WITH THAT PERSONAL NOTE ASIDE I'LL READ THE PROCLAMATION AND THEN WE'LL HEAR FROM ASHTON ABOUT THE GREAT WORK THAT SETON/BRACK IS DOING FOR US. PROCLAMATION READS: SETON'S BRAIN AND SPINE CENTER AT BRACKENRIDGE IS COMPRISED OF TOP NEUROLOGISTS, SURGEONS AND REHAB EXPERTS IN THE COUNTRY, AS ONE OF ONLY 38 CENTERS NATIONALLY TO EARN THE NEUROSCIENCE CENTER OF EXCELLENCE AWARD AND WHEREAS THE BRAIN AND SPINE CENTER IS HOME TO CENTRAL TEXAS'S ONLY REGIONAL NEUROSURGERY PROGRAM, CONDUCTING RESEARCH PROJECTS IN CONJUNCTION WITH THE NATIONAL INSTITUTES OF HEALTH AND WE'RE PLEASED TO JOIN IN CELEBRATING THE 5TH ANNIVERSARY OF THE BRAIN AND SPINE CENTER AND THE IMPORTANT WORK THAT THEIR CLINICIANS PERFORM ON BA BEHALF OF CENTRAL TEXAS PAIRTS AND THE MEDICAL COMMUNITY NATIONWIDE. THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM AUGUST, 2007 AS BRAIN AND SPINE CENTER MONTH AT BRACKENRIDGE AND THROUGHOUT AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN THANKING ASHTON CUMBERBATCH, SETON FAMILY OF HOSPITAL AND ALL HIS COLLEAGUES FOR ALL THAT THEY DO FOR HEALTH CARE IN THIS COMMUNITY. ASHTON, THANK YOU.

THANK YOU, MAYOR. [APPLAUSE]

THANK YOU MUCH. JUST A FEW BRIEF WORDS. I WANT TO SAY THANK YOU FOR THIS MARVELOUS RECOGNITION ON BEHALF OF THE SETON FAMILY OF HOSPITALS, IN

PARTICULAR DR. LOREN BRANT, WHO IS THE DIRECTOR OF THE BRAIN AND SPINE CENTER. BECAUSE OF THE GREAT WORK THAT THEY DO AT THE BRAIN AND SPINE CENTER OVER THE LAST FIVE YEARS, INCIDENTS, AS YOU MENTIONED, FOLKS HAVING TO TRAVEL 90, A HUNDRED OR SO MILES, FOLKS NO LONGER HAVE TO TRAVEL FROM CENTRAL TEXAS TO HOUSTON OR DALLAS OR SAN ANTONIO TO GET -- RECEIVE TREATMENT FOR BRAIN AND SPINE INJURIES. THEY CAN GO TO THE BRAIN AND SPINE CENTER AND RECEIVE GREAT HEALTH CARE THERE. A COUPLE THINGS I'LL MENTION ABOUT THE BRAIN AND SPINE CENTER. ALL TOTAL WE HAVE ABOUT 130 YEARS OF COMBINED NEUROSURGERY EXPERIENCE AT THE CENTER, AND 14% OF ALL THE INTERVENTIONAL NEURORADIOLOGISTS IN THE STATE WORK AT THE BRAIN AND SPINE CENTER THERE AT BRACKENRIDGE. SO IT IS THE LARGEST NEUROSCIENCE RESEARCH PROGRAM IN THE REGION, AND THAT MATTERS QUITE A BIT BECAUSE BECAUSE OF THAT RESEARCH THAT GOES ON THERE, NEW INFORMATION IS REVEALED ON A CONSISTENT BASIS THAT CAN LEAD TO GREAT FINDINGS THAT CAN LEAD TO SIGNIFICANT HEALINGS IN THE AREA OF BRAIN AND SPINE DISORDERS. SO WITH THAT SAID I WANT TO SAY THANKS AGAIN FOR THIS RECOGNITION AND WE APPRECIATE IT AND WE LOOK FORWARD TO DOING -- CONTINUING TO DO GREAT WORK AT THE BRAIN AND SPINE CENTER. THANK YOU VERY MUCH.

THANK YOU. [APPLAUSE] [APPLAUSE].....

MAYOR WYNN: SO FOR OUR NEXT REALLY FINE AND REWARDING PROCLAMATION I'LL TURN THE PODIUM OVER TO COUNCIL MEMBER MIKE MARTINEZ..... MARTINEZ.

THANK YOU, MAYOR. I WANT TO INVITE ANY OF THE -- CHIEF, IF YOU WOULD LIKE TO COME DOWN, ANY OF THE FIREFIGHTERS THAT ARE HERE. I'LL GO AHEAD AND START. I'M JUST GOING TO READ THROUGH A FEW THINGS. THE INFORMATION IS ALSO IN THE CERTIFICATE OF RECOGNITION, BUT OBVIOUSLY I'M HONORED TO BE HERE TO PRESENT THIS TO FIREFIGHTER TIM LA FUENTE. I'VE KNOWN TIM FOR YEARS AND IT WAS A PLEASURE WORKING WITH HIM AS A FIREFIGHTER. BUT THERE ARE SOME THINGS THAT TIM DOES ON HIS OWN TIME THAT FOLKS DON'T KNOW

ABOUT, BUT SOME OF US DO, AND THIS YEAR TIM WAS RECOGNIZED BY THE TEXAS STATE ASSOCIATION OF FIREFIGHTERS WITH THE STATEWIDE HUMANITARIAN AWARD. SO I WANT TO READ THIS LITTLE BRIEF INFORMATION AND THEN PRESENT TIM WITH THE RECOGNITION. TIM LA FUENTE WORKS WITH PUBLIC PROGRAM, SO HE SPENDS TIME EDUCATING SCHOOL CHILDREN ON FIRE SAFETY AND REPRESENTING THE FIRE DEPARTMENT AND THE COMMUNITY. ON HIS OWN TIME HE BEGAN ORGANIZING FIREFIGHTERS TO ESTABLISH A LUNCHEON IN 2002 GOING STRONG SINCE THEN. IT'S HELD EVERY YEAR ON THE EAST SIDE AT THE SENIOR CENTER. HIS ACCOMPLISHMENTS INCLUDE CREATION OF THE ANNUAL HOLIDAY LUNCHEON FOR SENIORS, HOSTED BY FIREFIGHTERS, AN EVENT THAT HAS GROWN FROM SERVING A HANDFUL OF ELDERLY CITIZENS TO MORE THAN 350 LAST YEAR. TIM WORKS HARD TO SECURE DONATION AND IN THE FIRST YEAR OF ITS EXISTENCE HE MADE UP THE DIFFERENCE OUT OF HIS OWN POCKET AND HE COOKED ALL OF THE FOOD HIMSELF. HE NOW HAS A SOLID POOL OF COMMITTED FIREFIGHTERS EVERY YEAR WHO VOLUNTEER TO HELP MAKE THE EVENT A SUCCESS. HE'S ALSO AN ACTIVE VOLUNTEER WITH MEALS ON WHEELS AND WHILE DRIFERG MEALS HE BEGAN DOING SOMETHING CALLED A HOME HAZARD CHECK. HE WOULD CHECK THE HOMES TO DISCOVER HEALTH OR FIRE HAZARDS THAT NEEDED TO BE ADDRESSED IN THE HOME. THAT CHECK INCLUDES AN INSPECTION, CHECKING FOR WORKING SMOKE ALARMS, THE OVERALL WELFARE AND SAFETY OF THE HOUSE, AND SO TIM AND HIS COLLEAGUES HAVE INSTALLED MORE THAN 200 ALARMS IN HOMES OF THE ELDERLY THROUGH CONNECTING WITH MEALS ON WHEELS. THE SUCCESS OF THE PROGRAM AND TIM'S INITIATIVE HAS RESULTED IN \$88,000 GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY SECURITY TO PURCHASE MORE SMOKE ALARMS FOR THE COMMUNITY. TIM WAS AWARDED BY THE TEXAS STATE ASSOCIATION OF FIREFIGHTERS WITH THE PAUL KELLY HUMANITARIAN AWARD FOR SELFLESS SERVICE TO OTHERS. THE CRITERIA FOR THIS AWARD INCLUDES INVOLVEMENT WITH CHURCH, CIVIC OR COMMUNITY ORGANIZATIONS WHICH PROMOTE THE WELFARE OF HUMANITY AND CONTRIBUTING TIME AND EFFORT TO ITS BETTERMENT. AND CONSISTENTLY

DEMONSTRATING HIGH MORAL STANDARDS AND A POSITIVE ROLE MODEL OF A PROFESSIONAL FIREFIGHTER. SO I WANTED TO CONGRATULATE TIM. I KNOW THAT YOUR WORK ISN'T DONE, BUDDY. YOU'RE NOT ONE OF THOSE PEOPLE TO JUST WALK AWAY AND GIVE UP AND I LOOK FORWARD TO WORKING WITH YOU BUT I THINK IT'S IMPORTANT TO RECOGNIZE YOU. THANK YOU. [APPLAUSE]

I WANT TO ACCEPT THIS NOT SO MUCH ON MY BEHALF BUT ON THE CHIEF CHIEFS BEHIND ME THAT SUPPORT THESE THINGS THAT I DO, THESE ACTIVITIES THAT -- I HAD LITTLE IDEAS AND NOT ONCE HAVE THEY SAID, NO, TIM, WE DON'T THINK THAT'S GOING TO WORK. CHIEF ADAME AND THE REST OF THE CHIEFS HAVE SUPPORTED EVERYTHING THAT I'VE ASKED TO DO, AND BECAUSE OF THE SUPPORT OF THE FIRE DEPARTMENT THEY'VE DEVELOPED INTO WHAT THEY ARE. I ALSO WANT TO SAY THE LOCAL 975, AUSTIN FIREFIGHTERS LOCAL UNION HAS ALSO SUPPORTED THIS ENDEAVOR AND ALSO HELPED FUND THIS EACH YEAR. AND LAST, THE HUNDREDS OF VOLUNTEERS NOW THAT CONTINUE TO COME OUT AND SUPPORT THIS FEEDING OF THE ELDERLY EACH YEAR WITHOUT QUESTION AND GET AS MUCH JOY OUT OF IT AS I DO. I STARTED THE SMOKE ALARM PROGRAM, WENT TO CHIEF SOLIZ WITH AN IDEA AND HIS RESPONSE WAS, MAKE IT HAPPEN. AND WITH THE HELP OF MY SIDEKICK, MY RIGHT HAND MAN, MY COWORKER AND ONE OF MY BEST FRIENDS, LA SANTIAGO, WE HAVE GONE OUT TOGETHER AND INSTALLED 200 ALARMS. SO WITHOUT HIM BY MY SIDE THIS ENDEAVOR COULD NOT HAVE GOTTEN SO PROSPEROUS. AND LAST I'D LIKE TO SAY THANK YOU TO THE BIGGEST FAN, MY BIGGEST SUPPORTER, MY WIFE EMMA, WHO STANDS BY ME EVERYWHERE I GO AND SAYS I'M SO PROUD OF YOU. AND WITHOUT HER I WOULDN'T BE UP HERE TODAY. SO THANK YOU VERY MUCH. [APPLAUSE]

MAYOR WYNN: AND FOR OUR LAST PROCLAMATION I'LL TURN THE PODIUM OVER TO COUNCIL MEMBER JENNIFER KIM.

I.

KIM: I HAVE THE PRIVILEGE TODAY OF AWARDING A CONSIDERATE OF CONGRATULATIONS, NOT REALLY AWARDING BUT PRESENTING ONE BENEFIT IT'S FOR ALLEN

RUIZ AND HIS WONDERFUL TIME AT JACKSON SALON. AND I'D LIKE TO HAVE THEM STAND BEHIND ME. ALLEN RUIZ HAD A DREAM OF HAVING A SALON, AND A FRIEND OF MINE TOLD ME A WONDERFUL STORY. IT WAS I GUESS 15 YEARS AGO WHEN SHE WOULD GO TO ALLEN AND HE WOULD CUT HER HAIR. SHE'D HAVE HER DAUGHTER, 18-MONTH-OLD SITTING ON HER LAP AND HE TOLD HER, ONE DAY I'M GOING TO HAVE MY OWN PLACE ON 5TH AND LAMAR. AND I.. HE OPENED HIS OWN PLACE, AND HE HAS HAD TREMENDOUS SUCCESS BECAUSE OF HIS TALENT AND DRIVE. HE GOT THE NORTH AMERICAN HAIR AWARD, WHICH IS A HUGE AWARD CONSIDERING IT WAS ONLY HIS FIRST TIME ENTERING THAT COMPETITION. THE FASHION INDUSTRY AND THE STYLE INDUSTRY BILLIONS OF DOLLARS, IT'S A HUGE INDUSTRY AND IT'S GREAT THAT THIS AWARD HAS HELPED ELEVATE AUSTIN'S CACHE AS A LEADER IN CREATIVE AND IN ARTS AND THE TALENT WE HAVE HERE. IT'S AMAZING. AND TO ALSO SEE A BUSINESSLIKE ALLEN'S GROW AND BE TREMENDOUSLY SUCCESSFUL WE'RE VERY PROUD HIM. HIM. THE CERTIFICATE READS WE ARE PLEASED TO CONGRATULATE ALLEN RUIZ FOR HAVING BEN NAMED THE 2007 HAIR STYLEIST OF THE YEAR. HE HAS 16 YEARS EXPERIENCE IN THE SALON INDUSTRY BUT WITH A FIRST TIME ENTRANT IN THE COMPETITION AMONG LEADING HIGH STYLEISTS FROM THE U.S., CANADA AND MEXICO. HIS CREATIONS WERE JUDGED THE BEST BY EXPERT HAIR..... HAIR STYLEIST RESPECTS, MAKEUP ARTISTS AND BEAUTY AND FASHION MAGAZINES. THIS HONOR IS NOT ONLY A TRIBUTE TO HIS ABILITY ACTION BUT TO THE COLORISTS AND PHOTOGRAPHERS AND MODELS WHO ARE ALL FROM AUSTIN AS WELL. THIS CERTIFICATE IS ISSUED WITH OUR CONGRATULATIONS AND BEST WISHES FOR CONTINUED SUCCESS, THIS 23RD DAY OF AUGUST IN THE YEAR 2007. SIGNED BY THE MAYOR WILL WYNN. SO ALLEN, CONGRATULATIONS. DO YOU WANT TO SAY A FEW WORDS? [APPLAUSE]

JENNIFER SAID THIS WAS A COLLABORATIVE EFFORT OF LOCAL TALENT, AND PULLING ALL OF THE LOCAL TALENT THAT I CAN, I ACTUALLY WASN'T BORN IN AUSTIN BUT I WAS RAISED IN AUSTIN, WENT TO HIGH SCHOOL HERE. I WENT TO A LOCAL BEAUTY SCHOOL HERE AND I THINK THAT THIS IS A

GREAT CITY AND I WANT TO BRING RECOGNITION TO IT. AND SO YOU'RE BEING PART OF THIS BIG AWARD. IN HONOR FOR THIS BIG AWARD, IT'S NICE TO LOOK AT SOME OF THE FINALISTS I WAS UP AGAINST, THEY WERE FROM CANADA AND L.A. AND DIFFERENT PARTS OF THE COUNTRY. TO SAY THAT, YOU KNOW, HERE WE ARE, AUSTIN IS A SMALL TOWN, EVERYBODY IS LOCAL TALENT, LOCAL PHOTOGRAPHER, MAKEUP ARTIST. I COULDN'T HAVE DONE IT WITHOUT THEM. SO I'LL CONTINUE TO BRING GREAT THINGS TO AUSTIN, AND THAT'S THE THING, THAT WE AT JACKSON RUIZ PLAN ON DOING, CONTINUE TO GROW A BUSINESS HERE IN AUSTIN AND MAKE PEOPLE PROUD OF AUSTIN. SO THANKS.
[APPLAUSE] (music) (music) SALT SPRINGS DOCTOR SCOTT

THERE BEING A QUORUM PRESENT AT THIS TIME I CAN CALL BACK TO ORDER THE MEETING OF THE OUST CITY COUNCIL. WE'VE BEEN ON BREAK FOR AN HOUR OR SO. I APPRECIATE EVERYONE'S EVERYONE'S PATIENCE. WE HAVE SIX PUBLIC HEARINGS FOR US TO CONDUCT HERE THIS EVENING, BUT SEVERAL OF THEM HAVE NO SPEAKERS SIGNED UP, BUT THE MAJORITY OF FOLKS ARE HERE FOR ITEM NO. 59 TO GIVE US TESTIMONY ON OUR BUDGET. I BELIEVE WE CAN SEND AT LEAST STAFF AND SOME PEOPLE HOME, WE COULD GET THROUGH A COUPLE OF THESE PUBLIC HEARINGS REAL QUICKLY SO WE CAN SETTLE DOWN AND TAKE IN OUR BUDGET TESTIMONY. SO WITHOUT OBJECTION WE CAN TAKE THESE IN ORDER. ITEM 56, A HEARING FOR THE FULL PURPOSE ANNEXATION KNOWN AS THE THAXTON PLACE ANNEXATION. A BRIEF PRESENTATION.

MY NAME IS VIRGINIA COLLIER FROM THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THIS IS THE FIRST OF TWO PUBLIC HEARINGS FOR THE THAXTON PLACE AND THE ANNEXATION AREAS. THE SECOND HEARING SCHEDULED FOR NEXT THURSDAY, AUGUST 30 AT 6:00, AND ORDINANCE READINGS ARE SCHEDULED FOR SEPTEMBER 27. PROPERTY OWNERS FOR EACH OF THESE AREAS HAVE REQUESTED FULL PURPOSE ANNEXATION. FOR ITEM 56, THE THAXTON PLACE AREA INCLUDES APPROXIMATELY 31 ACRES AND IS LOCATED IN SOUTHERN TRAVIS COUNTY SOUTH OF THE INTERSECTION OF THAXTON ROAD AND SALT SPRINGS DRIVE AND IMMEDIATELY NORTH OF THE RECENTLY ANNEXED GOODNIGHT RANCH AND ELEMENTARY SCHOOL.

THIS IS UNDEVELOPED AND THE DEVELOPER IS PROPOSING A 132 UNIT SMALL LOT SINGLE-FAMILY SUBDIVISION HERE. UPON ANNEXATION THE CITY WILL PROVIDE MUNICIPAL SERVICES TO THE AREA ANN I HAVE I'VE BROUGHT COPIES OF THE SERVICE PLAN THIS EVENING. THIS CONCLUDES MY STAFF PRESENTATION TO ITEM 56.

MAYOR WYNN: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COMMENTS? ARE THERE ANY CITIZENS WHO WOULD LIKE TO ADDRESS THIS REGARDING THE PUBLIC HEARING, THE FULL PURPOSE NEAX ANNEXATION OF THE THAXTON PLACE ANNEXATION? ITEM 56? HEARING NONE I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING.

MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY THE MAYOR PRO TEM TO CLOSE THIS PUBLIC HEARING, ITEM NO. 56. ALL IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH MCCracken OFF THE DIZES DAIS. 7 06R-0.

LOCATED IN EEAST OF THE AUSTIN AIRPORT AND NORTH OF HIGHWAY 71 EAST AT THE NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY 71 AND DOCTOR SCOL DRIVE. IT'S CURRENTLY UNDEVELOPED. HOWEVER THE PROPERTY OWNER HAS REQUESTED FULL PURPOSE ANNEXATION TO FACILITATE CITY REVIEW AND APPROVAL OF PLATS IN ACCORDANCE WITH SCDZ INCLUDING IN THE PUD ZONING FOR THIS SITE. APPROXIMATELY 567 ACRES OF CITY OWNED LAND IS INCLUDED IN THE PROPOSED ANNEXATION AREA. UPON ANNEXATION THE CITY WILL BEGIN PROVIDING FULL MUNICIPAL SERVICES AND COPIES OF THE SERVICE PLAN ARE AVAILABLE THIS EVENING. THIS CONCLUDES THE STAFF PRESENTATION FOR ITEM 57.

MAYOR WYNN: THANK YOU, MS. COLLIER. QUESTIONS FOR STAFF, COUNCIL? COMMENTS? ARE THERE ANY CITIZENS WHO WOULD LIKE TO ADDRESS THIS AT THE PUBLIC HEARING, THE FULL PURPOSE ANNEXATION OF THE WATERSEDGE ANNEXATION AREA? THERE BEING NONE I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. SO

MOVED BY COUNCIL MEMBER COLE, SECONDED BY COUNCIL MEMBER LEFFINGWELL TO CLOSE PUBLIC HEARING ITEM 57, ALL IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCIL MEMBER MARTINEZ OFF THE DAIS. THANK YOU, MS. COLLIER. SO I MIGHT NEED A LITTLE BIT OF LEGAL HELP HERE. SO TECHNICALLY ITEM NO. 59 IS OUR PUBLIC COMMENT ON THE FISCAL YEAR PROPOSED BUDGET. ITEM NO. 58 IS CONDUCT A PUBLIC HEARING AND RECEIVE COMMENT ON THE PROPOSED AD VALOREM TAX RATE, FISCAL YEAR '07-08. IS THERE A REQUIREMENT THAT I HAVE TO TAKE THESE SEQUENTIALLY, PERHAPS, OR -- ANY CHANCE WE COULD COMBINE THEM? WELL, FOR INSTANCE, WE HAVE NO CITIZENS SIGNED UP FOR ITEM NO. 58.

MAYOR.

YES, SIR?

LAW DEPARTMENT. IT WOULD BE PREFERABLE IF YOU TOOK THEM IN ORDER. 58 AND 59, AND I BELIEVE YOU HAVE SOME NOTES, MAYOR, PARTICULARLY AS TO ITEM 58.

MAYOR WYNN: YES, IN ITEM 58 I HAVE THE SCRIPT, VERY SIMILAR TO THE SCRIPT THAT I READ A FEW WEEKS AGO WHEN WE -- TWO WEEKS AGO WHEN WE ACTUALLY TOOK ACTION TO PROPOSE A NOT TO EXCEED TAX RATE.

THERE IS NO -- THERE IS NO SCRIPT TO FOLLOW FOR 59 BUT THERE IS FOR 58.

MAYOR WYNN: WELL, BUT 58, I NOTICED WE'RE NOT POSTED FOR ACTION SO IT'S CONFUSING FOR ME TO HAVE --

MAYOR WYNN: ALL RIGHT. I'LL FOLLOW THIS. THANK YOU. KEEP MY MOUTH SHUT, DO AS I'M TOLD. [LAUGHTER]

MAYOR WYNN: COUNCIL WILL NOW TAKE UP ITEM 58 TO CONDUCT THE FIRST TWO PUBLIC HEARINGS TO RECEIVE COMMENTS ON THE PROPOSED AD VALOREM TAX RATE FOR

FISCAL YEAR '07-08. THE SECOND PUBLIC HEARING WILL BE HELD 6:00 P.M. ON AUGUST 30, IN THE AUSTIN CITY COUNCIL CHAMBERS LOCATED AT 301 WEST 2ND STREET IN AUSTIN TEXAS. ON AUGUST 9, 2007S CITY COUNCIL ADOPTED A MOTION TO CONSIDER A MAXIMUM AD VALOREM TAX RATE OF 40.34 CENTS BETTER \$100 IN VALUATION. THE COUNCIL WILL VOTE ON THE 07-08 AT THE ANNUAL MEETING IN THESE CITY COUNCIL CHAMBERS IN THE AUSTIN SCHAWL BUILDING, AT 10:00 A.M. IN THE MORNING. THOSE MEETINGS WILL BE MONDAY, SEPTEMBER 10, 2007, TUESDAY, SEPTEMBER 11, '07, AND WEDNESDAY, SEPTEMBER 12, 2007. IF THE COUNCIL ADOPTS A TAX RATE ON MONDAY, SEPTEMBER 10, THE ACTION TO ADOPT A TAX RATE WILL BE CONCLUDED AND THE TAX RATE WILL NOT BE CONSIDERED AT THE MEETING SCHEDULED ON TUESDAY, SEPTEMBER 11 OR WEDNESDAY, SEPTEMBER 12. AT THIS TIME WE HAVE NO CITIZENS SIGNED UP TO GIVE US ON THIS PROPOSED MAXIMUM TAX RATE MAKE SURE THAT'S STILL THE CASE. THERE WILL BE PLENTY OF TIME FOR YOUR COMMENT ON 59 IF NEED BE: AS STATED EARLIER THE COUNCIL WILL VOTE ON THE AD VALOREM TAX RATE FOR FISCAL YEAR 07 RNGS 08, HOB HELD IN AUSTIN CITY COUNCIL CHAMBERS, 3,012TH STREET IN AUSTIN RKZ TEXT, 10:00 IN THE MORNING, MONDAY, TUESDAY AND WEDNESDAY, SEPTEMBER 10, 11 AND 12, AND AGAIN, IF THE COUNCIL ADOPTS A TAX RATE AT THE MONDAY SEPTEMBER 10 MEETING, THAT TAX RATE WILL BE ADOPTED AND CONCLUDED AND THE TAX RATE WILL NOT BE CONSIDERED AT THE MEETING SCHEDULED FOR SEPTEMBER 11 AND 12. I WILL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING. MOTION BY THE MAYOR PRO TEM TO CLOSE THIS PUBLIC HEARING, SECONDED BY COUNCIL MEMBER LEFFINGWELL. WE HAVE A MOTION AND A SECOND TO CLOSE THIS PUBLIC HEARING. ALL IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION TO CLOSE THIS PUBLIC HEARING IS APPROVED WITH A VOTE OF 7-0. THANK YOU ALL VERY MUCH FOR YOUR PATIENCE. THAT WAS ITEM NO. 58.

MAYOR WYNN: NOW FOR ITEM NO. 59, WE'RE CONDUCTING A PUBLIC HEARING TO RECEIVE COMMENT ON THE ACTUAL

FISCAL YEAR '07-08 BUDGET. WE HAVE A DOZEN OR SO CITIZENS WHO HAVE SIGNED UP WISHING TO GIVE US THAT COMMENT. AGAIN, THIS AFTERNOON WE HEARD OUR BUDGET SUMMARY PRESENTATION FROM OUR PUBLIC SAFETY DEPARTMENTS, EXCUSE ME, BUT YOU ARE WELCOME TO GIVE US A COMMENT, OF COURSE, ON ANY ASPECT OF THE BUDGET THAT YOU SEE FIT. OUR FIRST SPEAKER IS DANNY SAENZ. DANNY SAENZ. GIVE YOU TIME TO GET TO THE MIC, DANNY. YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY SUSAN RANKIN. RANK....

GOOD EVENING, MY NAME IS DANNY SAENZ. I'M WITH THAT ADOPT TO TEXAS. I'M A COMMUNITY INTEGRATION SPECIALIST. I HELP PEOPLE WHO ARE IN NURSING HOMES TO TRANSITION BACK INTO THE COMMUNITY, AND WHEN YOU'RE IN A NURSING HOME THAT'S NOT REALLY A HOME, AND SO I'M HERE TO SPEAK ON -- ABOUT THE NEED FOR ACCESSIBLE, AFFORDABLE HOUSING FOR VERY LOW INCOME PEOPLE WITH DISABILITIES. EVERY TIME I GO THERE -- TO THE NURSING HOMES I -- YOU KNOW, PEOPLE JUST KEEP TELLING ME IT'S NO PLACE TO BE AND THEY WANT TO GET OUT, AND THERE'S SOME STATE PROGRAMS, BUT THERE ISN'T HOUSING. HOUSING IS WHAT WE NEED. IT'S A LOT HARDER TO GET THE HOUSING. AND THEN ONCE THEY GET OUT TO THE HOUSING, AND A LOT OF TIMES THERE'S -- THERE AREN'T ANY SIDEWALKS WITH CURB CUTS TO GET AROUND, AND WE'RE ALSO HERE TO SPEAK ON BEHALF OF MORE SIDEWALKS. THANK YOU.

MAYOR WYNN: THANK YOU, DAN. OUR NEXT SPEAKER IS SUSAN RANKIN, WHO WILL BE FOLLOWED BY FRANCES MARTINEZ. SUSAN, YOU CAN GO TO EITHER PODIUM IF YOU'D LIKE.

MAYOR AND COUNCIL MEMBERS, I'M SUSAN RANKIN, EXECUTIVE DIRECTOR OF THE TOWN LAKE TRAIL FOUNDATION. I'M HERE TO ENTHUSIASTICLY STATE THE SUPPORT OF THE TRAIL FOUNDATION FOR THE ITEMS OF THE PARKS AND RECREATION DEPARTMENT BUDGET RELATED TO THE BOARDWALK AND THE LANDSCAPE LIGHTING PROJECT AT THE TAIL AT LADY BIRD LAKE. THE FUNDING FOR THE RIVERSIDE BOARDWALK IS NECESSARY FOR THE CITY TO MOVE FORWARD IN COMPLETING THE

ENTIRE 10.1-MILE LOOP AROUND THE TRAIL AS IT WAS ORIGINALLY ENVISIONED IN THE 1970S. THIS ONE MILE GAP ALONG RIVERSIDE DRIVE, WHICH REQUIRES USERS TO CROSS MULTIPLE I-35 ACCESS ROADS AND LANES PRESENTS SAFETY CONCERNS, SEPARATES EAST FROM WEST AND LIMITS FULL RECREATION AND TRANSPORTATION BENEFIT OF THE TRAIL AT LADY BIRD LAKE. ACCORDING TO THE PARKS AND RECREATION DEPARTMENT THE TRAIL DOES SEE 3,000 TO 15,000 USERS PER DAY AND ABOUT 1.5 MILLION USERS YEARLY. WE ALSO SUPPORT THE PART OF THE PARKS AND RECREATION DEPARTMENT BUDGET FOR THE CONTINUATION OF THE BUDGET FOR THE LANDSCAPE LIGHTING PROJECT ALONG THE TRAIL. THIS LIGHTING PROJECT WAS DESIGNED SOLELY TO MITIGATE TRIP AND FALL HAZARDS THAT ARE ESPECIALLY DANGEROUS AFTER DARK. CONTINUATION OF THE FUNDING WILL ALLOW THE TRAIL TO BE MORE FULLY AND SAFELY USED AND ALSO TO EXTEND THE USEFUL HOURS OF THE TRAIL. THE CURRENT LIGHTING CRITERIA THAT ARE BEING USED BY THE PARKS DEPARTMENT IS VERY LIMITED AND IS CAREFULLY DESIGNED TO ENSURE THAT THE NATURAL BEAUTY OF THE TRAIL IS MAINTAINED AND TO MINIMIZE COLLATERAL AND ADVERSE IMPACTS ASSOCIATED WITH LIGHTING INSTALLATION BY USING VERY LOW PROFILE AND MINIMALIST LIGHTS. IN 2005 THE TRAIL FOUNDATION WORKING IN COLLABORATION WITH THE PARKS DEPARTMENT, DID A PILOT PROJECT ALONG A PARTICULARLY DARK AND DANGEROUS SECTION OF THE TRAIL IN ZILKER PARK. AFTER THAT 150-FOOT SECTION WAS COMPLETED, THERE WAS A SURVEY DONE OF TRAIL USERS TO GATHER OPINIONS ABOUT THE PROJECT AND THE USERS WERE OVERWHELMINGLY IN SUPPORT OF THAT KIND OF LIGHTING PROJECT. WE DO APPRECIATE THE OPPORTUNITY TO WORK WITH THE PARKS DEPARTMENT HERE AND IN OTHER AREAS OF PROJECTS AT THE TRAIL. THANKS.

MAYOR WYNN: THANK YOU, SUSAN, FOR YOUR WORK. AND JUST AS A QUICK EDITORIAL NOTE, IN THE BUDGET, AS SUSAN POINTED OUT, THERE IS A \$100,000 LINE ITEM THAT I FRANKLY CONSIDER TO BE A PLACE HOLDING LINE ITEM FOR THE NEXT PHASE OF THE PROPOSED RIVERSIDE BOARDWALK, WHICH WOULD BE THE DESIGN AND

ENGINEERING PHASE OF THAT PROJECT. MY HOPE IS THAT IN WORKING WITH MY COLLEAGUES WE CAN FIND SOME ADDITIONAL FUNDS TO CONTINUE THAT BOARD, INCLUDING THE CONCEPT OF TALKING WITH SOME OF THE ADJACENT OR NEARBY PROPERTIES THAT WILL BE PAYING PARKLAND DEDICATION FEES SOON, THAT THEY WOULD RECOGNIZE THAT CONTINUING THE MOMENTUM, THE DESIGN ENGINEERING OF THAT BOARDWALK, ULTIMATELY ITS CONSTRUCTION, WOULD HAVE A DRAMATIC POSITIVE PARKS BENEFIT FOR THEIR IMMEDIATE AREA. SO THANKS FOR ALL YOUR WORK, SUSAN. OUR NEXT SPEAKER IS FRANCIS MCINTIRE. I SAW FRANCIS EARLIER, WANTED TO ADDRESS US. WE'LL SAVE HER SPOT. DEPY RUSSELL IS HERE. WELCOME, DEBBY. WELCOME BACK. YOU HAVE THREE MINUTES AND BE FOLLOWED BY FELIX RONEZ.

HI, THERE. DEBBY RUSSELL WITH ACLU CENTRAL TEXAS CHAPTER, AND I JUST WANTED TO SAY A FEW GENERAL THINGS ABOUT THE BUDGET AND PUBLIC SAFETY, AND SEEING AS WE'RE NOT REALLY INCREASING THAT MUCH THE PERCENTAGE OF OUR BUDGET ON IT THIS YEAR, IT'S I THINK MORE ABOUT HOW WE ARE -- HOW WE'RE SPENDING OUR MONEY VERSUS HOW MUCH MONEY WE'RE SPENDING S. WHAT I'D LIKE TO BRING TO YOUR ATTENTION. I'D LIKE TO JUST SAY FRANKLY THAT I THINK IT'S IMPORTANT THAT WE AS A CITY DELINEATE BETWEEN PUBLIC SAFETY AND ECONOMIC PROTECTION. THERE'S BEEN SOME ISSUES LATELY COMING UP. ONE OF THE INCREASE IN THE GRAFFITI ABATEMENT AND WITH GRAFFITI I DON'T REALLY SEE THAT AS A PUBLIC SAFETY ISSUE AND WE KEEP PUTTING THAT THROUGH PUBLIC SAFETY. THERE'S OTHER DEPARTMENTS INVOLVED, BUT -- AND -- IF I CAN QUOTE, WILL, HE WAS OUT THERE WATCHING US TONIGHT, PRIORITIES, PEOPLE, WE REALLY NEED, I THINK, TO FOCUS ON OUR PRIORITIES. IT'S ALSO ACTUALLY ECHOED IN THE STATES MAN THAT WE NEED TO FOCUS ON PRIORITIES, AND THAT CONCENTRATING ON THESE -- THESE PERCEIVED PROBLEMS THAT I THINK HAVE A GREAT POTENTIAL FOR PROFILING, I THINK ARE GOING TO LEAD US DOWN THE WRONG ROAD. A GREAT REPORT JUST CAME OUT, THE JUSTICE POLICY INSTITUTE, AND I GAVE A COPY TO OUR NEW CHIEF JUST YESTERDAY, ACTUALLY, AND IT TALKS ABOUT THE FAILURE OF

ENFORCEMENT TACTICS IN TERMS OF GANG SUPPRESSION AND THROWING A LOT OF MONEY AT PROBLEMS THAT AREN'T NECESSARILY REALLY PROBLEMS. THE REPORT STARTS OUT SAYING THAT WE DON'T ACTUALLY HAVE ANY INCREASES IN GANG ACTIVITY OR GANG GROWTH IN THE LAST TEN YEARS AND THAT A RELATIVELY SMALL AMOUNT OF CRIME IS PERPETRATED BY GANG MEMBERS. SO I THINK WE NEED TO START LOOKING AT RELATIVE SOLUTIONS, BE A LOT MORE CREATIVE I HOPE THROUGH THE PUBLIC SAFETY TASK FORCE, THAT OUR MEMBERS THERE WILL COME UP WITH SOME ALTERNATIVE SOLUTIONS SO WE DON'T HAVE TO KEEP THROWING MONEY AT TRYING TO REDUCE CRIME. AND AS FAR AS JUST SEEKING SOME EQUITABILITY IN THE BUDGET TOO, I'D LIKE TO PUT A CALL OUT FOR THAT. WE'RE PUTTING A LOT OF MONEY INTO VEHICLES FOR POLICE, THAT'S GREAT. WE'RE PUTTING \$40,000, THOUGH, I'M NOT SURE ABOUT THE GRAFFITI ABATEMENT TRUCK, BUT WE CAN'T SEEM TO AFFORD A CHERRY PICKER FOR PARKS AND REC TO TAKE CARE OF THE FALLING LIMBS FROM THE TREES OVER AT BARTON SPRINGS THAT ALMOST HIT FIVE PEOPLE IN -- A COUPLE WEEKS AGO RIGHT AFTER THE RAINS. SO WE NEED TO, I THINK, AGAIN, SET OUR PRIORITIES AND REALLY LOOK INTO SOME RELATIVES.....RELATIVES ALTERNATIVES AND NOT ACCEPT THESE FIGURES THAT WE HAVE THE GANG PROBLEM AND GRAFFITI IS OUR BIGGEST PUBLIC SAFETY ISSUE. AND AND WE ALSO WANTED TO GO ON RECORD SAYING THAT WE'RE HAPPY THERE IS AN ITEM IN THERE TO PUT AN EXTRA PERSON, AN EXTRA ASSISTANT MANAGER AT THE -- AT THE POLICE MONITOR'S OFFICE. SO WE'D LIKE TO SEE MORE OF THAT. THANK YOU.

MAYOR WYNN: THANK YOU, MS. RUSSELL. FELIX, THANK YOU, YOU'RE UP. YOU'LL BE FOLLOWED BY JENNIFER MCFAIL.

GOOD AFTERNOON, MAYOR. MY NAME IS FELIX BRIONES AND I AM A COMMUNITY INTEGRATION SPECIALIST WITH ADOPTIVE TEXAS, AS DANNY STATED WE TRY TO GET PEOPLE OUT OF NURSING HOMES OR OTHER INSTITUTIONS AND THE MAIN PROBLEM, LIKE HE SAID, IS HOUSING. A PERSON COMING OUT OF A NURSING HOME IS JUST COMING OUT WITH NOTHING -- USUALLY JUST SSI, WHICH IS \$623 A MONTH. AND YOU CAN'T FIND ANY KIND OF , YOU KNOW --

EVEN AFFORDABLE HOUSING IN AUSTIN, 623. PLEASE, WE NEED MORE, BUT REALLY OUR KIND OF AFFORDABLE HOUSING IS DIFFERENT FROM YOU-ALL'S AFFORDABLE HOUSING. SO I HOPE YOU-ALL LOOK AT THAT POINT, THAT A PERSON COMING OUT OF A NURSING HOME, WE'RE TALKING WAY DOWN THERE IN THE BOTTOM. AND LIKE DANNY SAID WE NEED A MINIMUM OF \$2.2 MILLION FOR SIDEWALKS BECAUSE WE GOT TO BE ABLE TO GET TO THESE APARTMENT COMPLEXES AFTER WE GET THEY PEOPLE OUT. SO THANK YOU ALL VERY MUCH.

MAYOR WYNN: THANK YOU, FELIX. WELCOME, JENNIFER. YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY LUPE VASQUEZ.

I'M JENNIFER MCFAIL IN. I'M WITH ADOPT AND I WANTED TO HIT ON A COUPLE OTHER POINTS. OBVIOUSLY I SUPPORT THE 2.2 HOLY.....\$2.2 MILLION FOR SIDEWALKS, BOTH REPAIR AND CONSTRUCTION. ONE THING THAT HAPPENED ON AUGUST THE 9TH, WE HAD A CASUAL CONVERSATION WITH A STAFF MEMBER OF CAPITAL METRO AND HE MENTIONED THAT THEY'RE GOING FORWARD AND ASKING DIFFERENT CITY COMMISSIONS AND STUFF LIKE THAT FOR SOME SUPPORT ON PERMITTING FOR THEM TO DO SOME WORK ON MLK TO GET THE LIGHT RAIL STATION IN ON MLK AND THE AIRPORT, I BELIEVE IT WAS. AND IF YOU REMEMBER, MLK, THE BOND PROJECT ON MLK WAS ONE OF THE LAST THAT WE HAVE IN OUR BOND PACKAGE. WE MAY WANT TO REVISIT THE PLACEMENT OF THAT PARTICULAR PROJECT SO THAT WE DON'T HAVE TO TEAR UP TWICE THAT SAME AREA. IT'S BETTER JUST TO PULL THE ENTIRE BAND-AID OFF RATHER THAN TO DRAG IT OUT, AND THE CONSTRUCTION COST WOULD GO WAY UP. IF CAPITAL METRO IS DOING MAJOR RETROFIT OF THAT AREA, THEN WE SHOULD LOOK AT PARTNERING WITH THEM TO MAKE SURE THAT WE GET THE MAXIMUM BANG FOR OUR BUCK. AND THEN THE OTHER THING IS, OF COURSE, WE SUPPORT MORE AFFORDABLE, ACCESSIBLE INTEGRATED HOUSING, AND AS PART OF THAT, WITH THE ADVICABILITY PROJECTS AND PUBLIC ENTITIES THAT ARE GIVEN PERMITS, WE'VE HAD A LOT OF PROBLEMS WITH WATER SHEDS ACTUALLY -- THE INSPECTORS FROM THE WATERSHED DEPARTMENT ACTUALLY GIVING [INAUDIBLE] FOR LOCATIONS THAT WERE

LESS ACCESSIBLE WHEN RENOVATIONS WERE DONE TO THEM SO THAT YOU'RE SEEING PEOPLE GO IN AND CLEAR OUT GRANTS AND THINGS LIKE THAT WHEN THAT SHOULD HAVE BEEN CAUGHT UP FRONT. AND IT'S KIND OF OFF AND ON BEEN PROBLEM CHILDREN THE ENTIRE TIME THAT WE WORKED WITH THE CITY, SO WE JUST WANTED TO MAKE SURE THAT AFTER THE BUDGET PROCESS WAS DONE THAT WE LOOK AT MAYBE IMPROVING TRAINING OR DOING SOMETHING ABOUT THAT, BECAUSE IT'S GREAT TO HAVE THE RENOVATING IDEAS BUT IF THE RIGHT PEOPLE AREN'T IMPLEMENTING THEM AND THE RIGHT PEOPLE AREN'T ON THE FRONT LINES FIGHTING FOR THEM, THEY'RE NOT GOING TO WORK. THANK YOU. OH, AND ONE LAST THING, HOPEFULLY MY THREE MINUTES AREN'T UP, BUT I'M GOING TO INCLUDE THE PRIORITY LIST THAT WE HAVE FROM 1993, AND YOU'LL SEE IN THERE THAT THERE'S QUITE A BIT OF WORK THAT STILL NEEDS TO BE DONE, AND ANY FLEXIBILITY THAT WE HAVE TO FOCUS ON ARTERIALS. I KNOW THERE'S BEEN A LOT OF TALK FOR NEIGHBORHOODS AND RESIDENTIAL AREAS, BUT THAT'S NOT THE MOST DANGEROUS AREAS THAT PEOPLE ARE HAVING TO GET INTO TO GO INTO THE TRAFFIC. THE ARTERIALS ARE WHAT WE SHOULD BE FOCUSED ON. THANK YOU.

MAYOR WYNN: THANK YOU, JENNIFER, FOR ALL YOUR WORK. LUPE VASQUEZ. THANK YOU. YOU'LL HAVE 3 MINUTES.

I'M LUPE VASQUEZ AND I'M WITH ADAPTIVE TEXAS AND I CAN'T REITERATE ENOUGH THAT WE NEED MORE AFFORDABLE, ACCESSIBLE HOUSING, AS WELL AS ACCESSIBLE SIDEWALKS, LIKE EVERYONE HAS SAID HERE, THIS IS IMPORTANT TO ALL OF US. PLEASE, TAKE THIS INTO CONSIDERATION. THANK YOU.

MAYOR WYNN: THANK YOU, LUPE. RICHARD FRANKLIN, WELCOME BACK. YOU'LL BE FOLLOWED BY BOB CAPFA.

THANK YOU, MR. MAYOR AND COUNCIL. ONE OF THE REASONS WE HAVE THE INCREASED BUDGETS EVERY YEAR AND YEAR IN AND YEAR OUT IS DUE TO THE REACTIVE MENTALITY RATHER THAN A PROACTIVE VIEW OF PUBLIC SAFETY. WHAT WE SHOULD BE ASKING OURSELVES IS WHAT IS THE ROOT CAUSES OF CRIME AND HOW DO WE ADDRESS

THESE? IT IS MY FERVENT BELIEF THAT THESE CAUSES ARE POVERTY AND HOPELESSNESS, ARE THE MAJOR CAUSE OF THE CRIME. AND IT IS OBVIOUS THAT MANY OF THE PROGRAMS ESTABLISHED TO STRESS POVERTY ARE STRUGGLING AND ARE NOT MAKING THE NECESSARY PROGRESS TO STEM THE.... THE TIDE OF CRIME IN THE CITY. I SUGGEST THAT THIS COUNCIL CAN ELIMINATE POVERTY, COMPLETE WITH STAKEHOLDERS, CONCERNED CITIZENS AND THE USUAL SUSPECTS AND THAT YOU ADD -- ADD OR INCREASE THE LINE ITEM OF THE BUDGET THAT ADDRESSES THIS SPECIFIC ISSUE. THE MONEY IN THAT LINE SHOULD BE HELD IN ABEYANCE UNTIL WE HAVE A PLAN WITH BENCHMARKS, A PLAN WITH BENCHMARKS THAT WE CAN ACTUALLY SEE. , AND GOALS. AND FINALLY, THERE MUST BE SOME ACCOUNTING WITH REGARDS TO ORGANIZATIONS THAT SHOULD BE ADDRESSING THE GAP IN POVERTY THAT CONTINUES TO WIDEN, AND THE BUDGET THAT CONTINUES TO EXPAND. I'LL LEAVE YOU WITH THIS. THE ORGANIZATION THAT WE HAVE RIGHT NOW THAT ARE SUPPOSED TO BE ADDRESSING POVERTY RIGHT NOW, ARE THEY PRODUCING WHAT THEY'RE SUPPOSED TO BE PRODUCING? I THINK WE REALLY NEED TO START LOOKING AT THE BUDGET FROM A DIFFERENT PERSPECTIVE NEXT YEAR, AND ACTUALLY ASK OURSELVES, ARE WE GETTING THE BANG FOR THE BUCK AS WE START LOOKING AT ALL OF THESE ORGANIZATIONS, THUS WE'LL BE CREATING JOBS AND GETTING MONEY TO DO ALL THE CADRE OF THINGS TO HELP US. ARE THEY ACTUALLY GIVING US WHAT WE'RE GIVING. I HEARD A CONVERSATION ABOUT THIS. I HEARD THERE WAS 11 PEOPLE BEING PULLED OUT OF REHABILITATION FOR \$600,000. AND WHAT WE NEED TO ASK OURSELVES IS WHEN ARE WE GOING TO ASK THE QUESTION ABOUT ARE WE GETTING THE TRUE BANG FOR OUR BUCK. SO I.. I THINK WE NEED TO PUT A LINE ITEM IN THE BUDGET AND HOLD IT THERE UNTIL WE HAVE A TRUE PLAN TO ELIMINATE POVERTY IN OUR COMMUNITY. THANK YOU.

MAYOR WYNN: THANK YOU, RICHARD. BOB CAPKA, WELCOME. YOU'LL HAVE THREE MINUTES.

THANK YOU, MAYOR, CITY COUNCIL. MY NAME IS BOB, I'M ALSO AN ORGANIZER WITH ADAPTIVE TEXAS. I WAS WATCHING THE PRESIDENTIAL DEBATE THIS SUNDAY

MORNING AND ONE OF THE CANDIDATES SAID SOMETHING THAT HIS FATHER HAD TOLD HIM. HE SAID, SON, DON'T TELL ME WHAT YOU VALUE, TELL ME WHAT YOUR BUDGET IS. AND I THINK THAT REALLY SAYS, YOU KNOW, WE HAVE AN AWFUL LOT OF RHETORIC, I SAW TODAY YOU GAVE A PROCLAMATION FOR BRAIN AND SPINAL CORD INJURED AND SINCE I'M A SPINAL CORD INJURED PERSON I THANK YOU FOR THAT. BUT, YOU KNOW, WHEN YOU'RE IN SPINAL CORD INJURY YOU FREQUENTLY NEED A WHEELCHAIR FOR MOBILITY, AND THAT'S WHY THE \$2.2 MILLION FOR CURB CUTS AND SIDEWALKS ARE SO IMPORTANT. IT'S NOT JUST SO MUCH THAT WE'RE TALKING ABOUT THAT, YOU KNOW, LEGALISTIC TYPE THINGS, BUT IT REALLY IS THE DIFFERENCE BETWEEN DEPPANCY AND INDEPENDENCE. YOU KNOW, WHEN YOU ACQUIRE TRAUMATIC DISABILITY YOUR WHOLE LIFE CHANGES AND SOMETIMES YOUR WHOLE CIRCLE, YOUR SPHERE, CHANGES AND YOUR WHOLE THING ABOUT DISTANCE. AND SO WHEN THERE ISN'T CURB CUTS OR ACCESS TO BUSINESS OR HOUSING, YOU REALLY LIMIT YOURSELF, AND IT BECOMES A SELF-FULFILLING PROPHECY AND PEOPLE BECOME SHUT IN AND THAT'S WHERE THE WHOLE CONCEPT OF NURSING HOMES AND ASSISTED LIVING. OUR DEMOGRAPHICS, AGING COMMUNITY SEE MORE AND MORE PEOPLE WITH SCOOTERS, PEOPLE WHO NEVER USED TO USE IT BECAUSE IT WAS A STIGMA. NOW IT'S COMMONPLACE AND ACTUALLY A BIG BUSINESS FOR A WHOEVER.....WEHAVE A RELATIVE IN A WHEELCHAIR BUT WE DON'T THINK ABOUT IT IN TERMS OF HEALTH INSTEAD OF THE INDIVIDUAL IS PART OF OUR COMMUNITY, THE PHYSICAL AND COGNITIVE DISABILITIES ARE NOW VERY SIMILAR TO RACE, PEOPLE OF COLOR AND THE REALLY DIVERSENESS OF THE AUSTIN COMMUNITY. AND AUSTIN HAS REALLY BEEN EXCELLENT OVER THE YEARS IN RECOGNIZING THAT AND WE WANT YOU TO CONTINUE THAT. THE LAST THING IS -- THAT'S BEEN MENTIONED BEFORE, AND I JUST REALLY WANT TO PUT IT INTO TERMS OF ECONOMIC JUSTICE. IT'S ALMOST LIKE THERE'S A WAR ON VERY LOW INCOME PEOPLE. HUD NATIONALLY HAS TALKED ABOUT 80% OF MFI, BECAUSE THEY WANTED TO INTEGRATE THE VARIOUS DIFFERENT INCOME, WHICH I THINK IS A VERY POSITIVE THING, BUT IN DOING THAT THEY DIDN'T REQUIRE THAT THERE BE EVERYTHING AT THE LOWER END. SO

PEOPLE 30% AND BELOW OF MFI, WHICH IS WHAT FELIX AND DANNY TALKED ABOUT, WHICH IS WHAT SSI, IS ONLY 12% IN AUSTIN OF MFI, THEN THERE REALLY IS NOT AN OPPORTUNITY. SO 80%, 60%. SO WHEN WE TALK ABOUT ACCESSIBLE AFFORDABLE INTEGRATED HOUSING, WE ALSO NEED TO TALK ABOUT SUBSIDIZED. AND I KNOW THAT'S NOT EASY BUT I DO BELIEVE THAT SOME OF OUR DEVELOPERS ARE DOING VERY WELL ECONOMICALLY, AUSTIN AND TEXAS IS BEATING THE BOOM AND THE BUBBLE HASN'T BURST YET. SO I REALLY BELIEVE THAT THOSE WHO GET SHOULD GIVE BACK AND BE PART OF THAT AND IT'S AN AUSTIN TRADITION AND I HOPE THAT -- YOU KNOW, THAT WILL CONTINUE. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, MR. CAPKA. WILLIAM BETS. WELCOME. YOU TOO WILL HAVE THREE MINUTES TO BE FOLLOWED BY SARA WHAT WILL CINS.

I'M WILLIAM BEEN IT'S AND I'M WITH ADAPTIVE. SIDEWALKS ARE IMPORTANT FOR US IN WHEELCHAIRS. IT'S LIKE HITTING A ROADBLOCK WHEN YOU'RE GOING DOWN AND AUDIT OF A SUDDEN YOU CAN'T GO ANY FARTHER. YOU HAVE TO TURN BACK AND GO BACK AROUND BECAUSE YOU CAN'T GO THAT WAY OR THE OTHER SIDE IS ON A HILL SO THERE'S ONLY ONE SIDE TO GO. AND IF YOU CAN'T GO ON THAT SIDE YOU HAVE TO GO ON THE STREET. SIDEWALKS ARE VERY IMPORTANT. PUBLIC HOUSING IS VERY IMPORTANT. THERE ARE LOTS OF BUILDINGS -- I HAVE A VAN, AND I HAVE A 24-INCH CHAIR AND I CAN'T GET INDOORS. THAT WON'T GO IN MY BATHROOM WHERE I LIVE. AND I LIVE IN PUBLIC HOUSING, LAKESIDE APARTMENTS AND NONE OF THE WHEELCHAIRS CAN GET IN THE MEN'S RESTROOM. WE HAD MEETINGS AT OUR BUILDING AND NO ONE CAN GET IN THE BATHROOM. THAT'S PUBLIC HOUSING. SO MONEY NEEDS TO BE SPENT ON DOOR OPENINGS, WIDENED AND EASY ACCESS FOR RAMPS, AND I KNOW THAT THEY NEED GRINDERS BECAUSE WHENEVER THERE'S A BUMP AN INCH AND A HALF OR HIGHER I CAN'T GET OVER IT AND I GOT TO FIGURE WAYS TO GET AROUND IT. SO PLEASE KEEP THE BUDGET THE SAME.

MAYOR WYNN: THANK YOU, MR. BETTS. SARA WATKINS. WELCOME, SARA. YOU'LL ALSO HAVE THREE MINUTES, TO BE

FOLLOWED BY STEVE STEWART.

HI. WELL, LIKE YOU SAID, I'M SARA WATKINS AND I'M WITH DAPT ADAPTIVE TEXAS AND ALSO WITH [INAUDIBLE]. AND I ACTUALLY JUST MOVED TO AUSTIN THREE WEEKS AGO, AND I LIKE AUSTIN A LOT.

MAYOR WYNN: WELCOME.

IT'S A VERY BEAUTIFUL CITY BUT I DO WORK WITH ACCESSIBLE, AFFORDABLE INTEGRATED HOUSING, MATCHING LOW INCOME PEOPLE WITH DISABILITIES TO ACCESSIBLE HOUSING, AND MY BIGGEST DIFFICULTY IN MOVING HERE WAS I COULDN'T FIND ANY AFFORDABLE, ACCESSIBLE HOUSING MYSELF. AND SO I'M SPENDING A VERY LARGE CHUNK OF MY SSI ON HOUSING, BUT I DID MANAGE TO FIND IN WEST CAMPUS, BUT I WORK WITH CONSUMERS EVERY DAY WHO SAY, OH, YOU KNOW, I NEED HOUSING. WHERE CAN I FIND HOUSING? AND THERE'S NOTHING. AND SO I'M HERE TO ECHO A LOT OF WHAT'S ALREADY BEEN SAID ABOUT HOUSING AND ASK THE CITY TO PARTNER WITH US TO CREATE MORE ACCESSIBLE HOUSING, AND THEN ALSO TO OAK WHAT'S BEEN SAID ABOUT ECHO WHAT'S BEEN SAID ABOUT SIDEWALKS. I LIVE IN WEST CAMPUS AND IT'S GOTTEN TO THE POINT WHERE I DON'T USE THE SIDEWALKS IN MY NEIGHBORHOOD ANYMORE BECAUSE THERE ARE NO CURB CUTS, THEY'RE BROKEN UP, THEY'RE IN DISREPAIR, AND I GO TO AND FROM WORK AND I'M HAVING TO DODGE CEMENT TRUCKS BECAUSE THERE'S ALL THIS CONSTRUCTION GOING ON AROUND. AND SO I AM IN FULL SUPPORT OF THE -- AT LEAST 2.2 MILLION. IF YOU HAPPEN TO ADD MORE MONEY WITH THIS FLEX SPENDING TAXES THAT YOU'RE TALKING ABOUT, THAT WOULD BE GREAT TOO. BUT AS I SAID, I'M JUST ECHOING WHAT HAS ALREADY BEEN SAID AND THANK YOU FOR YOUR TIME.

MAYOR WYNN: THANK YOU, SARA. STEVE STEWART. WELCOME, MR. STEWART. YOU ALSO WILL HAVE THREE MINUTES.

MAYOR, COUNCIL, I'M STEVE STEWART. I'M VICE PRESIDENT OF THE EMS EMPLOYEES ASSOCIATION. I'VE BEEN A PARAMEDIC HERE IN AUSTIN FOR 11 YEARS, AND I HAVE

SOME PAPERS I'D LIKE TO HAND TO EACH ONE OF YOU, IF YOU DON'T MIND.

JUST HAND THEM TO COUNCIL MEMBER LEFFINGWELL. I'M SURE HE'LL PASS THEM DOWN FOR US.

WHAT THIS IS IS PERFORMANCE MEASURES THAT WE DO AS A DEPARTMENT THAT WE WEREN'T ABLE TO INCLUDE INTO THE PRESENTATION BY OUR DIRECTOR TODAY. THERE'S THREE THINGS I REALLY WANT TO TALK ABOUT. THE FIRST ONE IS I WANT TO REITERATE SOMETHING OUR DIRECTOR SAID EARLIER TODAY WHEN HE PRESENTED THE EMS BUDGET, AND THAT'S THE FACT THAT WE'RE -- WE BRING IN REVENUE ABOUT \$23 MILLION A YEAR, WHICH IS OVER HALF OF THE BUDGETED AMOUNT TO OPERATE OUR SERVICE. ANOTHER THING I'D LIKE TO SPEAK ABOUT IS THE PEAK LOAD UNIT CONCEPT, THAT'S SOMETHING THAT OUR ASSOCIATION HAS PARTNERED WITH OUR DEPARTMENT TO REALLY GET OFF THE GROUND, AND, YOU KNOW, WE LOOK AS AN EFFICIENT WAY TO HANDLE INCREASES IN OUR CALL VOLUME, WHICH IF YOU LOOK AT THE FORM I JUST HANDED YOU YOU'LL SEE THAT THERE ARE INCREASES IN OUR CALL VOLUME. IT ALSO HELPS TO KEEP RESPONSE TIMES TO GET UNDER THAT TEN-MINUTE ON PRIORITY 1 RESPONSE TIME. AND ONE THING I WANT TO MENTION ABOUT THE TEN-MINUTE ON PRIORITY 1 IS THAT'S JUST PRIORITY 1 CALLS. WE HAVE FIVE PRIORITIES. FOUR OF THOSE FIVE PRIORITIES WE SPONDYLITIS AND.....RESPOND LIGHTS AND SIRENS TO. THE MEDICAL DIRECTORS DECIDED THEY HAVE A HIGH ENOUGH RISK TO BE A MAJOR MEDICAL OR TRAUMATIC EVENT THAT WE WILL GO LIGHTS AND SIRENS TO THE FIRST FOUR PRIORITIES. WE'RE TRYING TO GET TO 90% ON, THE ONE IS JUST ONE OF THOSE AND THAT'S THE PRIORITY ONE CALL WHICH IS DEEMED TO BE THE MOST LIFE-THREATENING OF OUR CALLS. AND IF YOU NOTICE AGAIN ON THAT HANDOUT, YOU'LL SEE THAT SINCE FISCAL YEAR '05 WE'VE REALLY MADE A DENT IN STARTING TO GET TO THAT 90% AND 90% SHOULD REALLY BE CONSIDERED THE -- YOU KNOW, THE -- IT SHOULDN'T BE A GOAL, LIKE IT'S DEPICTED HERE. IT SHOULD BE THE MINIMUM STANDARD THAT WE'RE GOING TO OPERATE AT FOR PRIORITY 1 CALLS. IN FISCAL YEAR '05 WE WERE AT 81%. '06 WE WERE AT 86%. HOW WE GOT THERE

WAS WE ADDED TWO STATIC 24-HOUR UNITS LAST YEAR AND ONE PEAK LOAD UNIT AND WE'VE BEEN STAFFING A SECOND PEAK LOAD UNIT, ESSENTIALLY WITH OVERTIME AND USING BACKUP AMBULANCES. WHAT WE ASKED FOR IN OUR BUDGET THIS YEAR WAS TWO PEAK LOAD UNITS. WE WERE GIVEN ONE, AND WE'RE CLOSE TO THAT 90%. IN ORDER TO GET OVER THAT HUMP, YOU KNOW, WE BELIEVE IN THE PEAK LOAD CONCEPT AND WE'LL APPRECIATE YOUR SUPPORT IF YOU COULD COME UP WITH THAT SECOND UNIT. THANK YOU.

MAYOR WYNN: THANK YOU, MR. STEWART, FOR YOUR SERVICE. COUNCIL, THAT'S ALL THE FOLKS WHO SIGNED UP TO GIVE US TESTIMONY ON THIS PUBLIC HEARING, ITEM NO. 59, RECEIVING COMMENTS REGARDING THE PROPOSED '07-08 FISCAL YEAR BUDGET. IF SOMEONE ELSE WOULD LIKE TO GIVE US TESTIMONY, THIS WOULD BE THE TIME TO DO IT, AND ALSO FOR THOSE WATCHING OR LISTENING KNOW THAT WE WILL CONDUCT THE THIRD OF OUR BUDGET SUMMARY PRESENTATIONS DURING THE AFTERNOON OF NEXT THURSDAY, THE 30TH OF AUGUST, AND WE'LL POST FOR ANOTHER PUBLIC HEARING TO RECEIVE TESTIMONY THAT EVENING AS WELL. WELCOME, PLEASE STATE YOUR NAME FOR THE RECORD AND GIVE US --

THANK YOU. I AM FRANCIS MCINTIRE, CO-PRESIDENT OF THE LEAGUE OF WOMEN VOTERS OF THE AUSTIN AREA AND I WANT TO THANK YOU, COUNCIL, FOR HAVING THIS BUDGET HEARING FOUR HOURS BEFORE THE LAST BUDGET HEARING, WHICH I COULDN'T QUITE MANAGE TO STAY THROUGH. BUT I'M HERE TO TALK TO YOU ABOUT AN ITEM THAT'S NOT NOW IN THE BUDGET, BUT ONE THAT THE LEAGUE THINKS IS BUDGET-RELATED AND SHOULD BE REPORTED TO THE CITIZENS AND HAVE PUBLIC COMMENT TAKEN BY THE COUNCIL. TWO YEARS AGO THE LEAGUE OF WOMEN VOTERS BEGAN A STUDY OF THE BUSINESS INCENT..... INCENTIVES, SPECIFICALLY TAX ABATEMENTS AND TAX REBATES, THAT THE CITY HAS OFFERED TO NEW AND GROWING BUSINESSES. WE DO SUPPORT LIMITED TAX ABATEMENTS AND OR TAX REBATES AS AN INCENTIVE TO ENCOURAGE ECONOMIC DEVELOPMENT IN THE CITY. WE ALSO APPRECIATE THE CRITERIA THAT THE CITY OF AUSTIN USES IN DETERMINING WHICH BUSINESSES GET OR ARE OFFERED INCENTIVES. THE REASON I'M HERE TODAY IS

BECAUSE THESE TAX ABATEMENTS, OR REBATES, ARE NOT REFLECTED IN THE CITY BUDGET. THEY ARE NOT MONEY OUT OF POCKET, SO TO SPEAK. THEY ARE HOWEVER POTENTIAL INCOME FOR THE CITY THAT IS ABATED, WHICH IS INDEED MONEY OUT OF THE TAXPAYERS' POCKET. WE UNDERSTAND THAT THE CALCULATIONS OF THESE COSTS, THE CITY IS SUPPOSED TO RECOUP THE COST AND IN THE END MAKE A PROFIT. WHAT WE'RE SUGGESTING IS THAT THE CITY MAKE A PUBLIC ACCOUNTING OF THE -- ON A YEARLY BASIS OF THESE COSTS AND ALLOW FOR PUBLIC COMMENT. PERHAPS THE TIME TO DO THAT WOULD BE WHEN THE BUDGET IS DISCUSSED. AND SOME OF THE THINGS THAT WE WOULD LIKE TO SEE THE ACCOUNTING CONTAIN ARE, THE INCENTIVE AMOUNT TO THE BUSINESSES, THE NUMBER OF JOBS AGREED UPON BY THE BUSINESSES AND THE NUMBERS ACTUALLY HIRED, THE COST OF THE INFRASTRUCTURE, SUCH AS STREET IMPROVEMENTS, WATER, SEWER, ELECTRIC CONNECTED WITH THIS BUSINESS. SOME OF THESE COSTS MAY BE IN THE BUDGET BUT WE WOULD LIKE TO HAVE THEM ASSOCIATED WITH THE ABATEMENTS. THE COST OF ANY WAIVER FEES, ELECTRIC REBATES, CAPITAL RECOVERY FEES, WATER FEES, ET CETERA. IN OTHER WORDS, ALL THE COSTS ASSOCIATED WITH THE INCENTIVES TO THE BUSINESSES. OUR SUGGESTIONS ARE IN THE INTEREST OF TRANSPARENCY, EVEN THOUGH WE KNOW THE INFORMATION IS AVAILABLE TO THE PUBLIC UPON REQUEST. WE FEEL THAT A REGULAR REPORTING OF THIS INFORMATION WOULD SERVE THE CITIZENS OF AUSTIN, WHO ULTIMATELY ARE THE ONES WHO ARE AFFECTED BY THESE DECISIONS. THANK YOU.

MAYOR WYNN: THANK YOU, MS. MCINTIRE. JENNIFER, WOULD YOU LIKE TO GIVE US TESTIMONY?

THERE WAS A LITTLE SNAFU.

MAYOR WYNN: SORRY.

HI, MY NAME IS ALBERT METZ. AND I'M ALSO WITH ADAPT. I JUST WANTED TO REITERATE WHAT EVERYONE ELSE HAS SAID ABOUT SIDEWALKS AND CURB CUTS. AND PEOPLE GETTING OUT OF NURSING HOMES. THANK YOU. THANK YOU, MR. METZ. THANK YOU, JENNIFER. AGAIN, ANY ADDITIONAL

CITIZEN TESTIMONY IN THIS PUBLIC HEARING REGARDING THE PROPOSED '07-08 BUDGET? THEN I WILL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING. MOTION MADE BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER LEFFINGWELL TO CLOSE THIS PUBLIC HEARING, ITEM NO. 59. ALL IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, TAKES US TO ITEM NO. 60, A PUBLIC HEARING REGARDING AN APPEAL BY GAVINO FERNANDEZ THE PLANNING COMMISSION'S DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR A CULTURAL CENTER LOCATE THEED AT 2089 PEDERNALES.

I'M WITH THE REVIEW DEPARTMENT. BEFORE I PRESENT THIS ITEM I DID WANT TO LET THE COUNCIL KNOW THAT WE RECEIVED A REQUEST FROM THE APPEAL APPELLANT OF A ONE WEEK POSTPONEMENT OF THIS ITEM UNTIL AUGUST THE 30TH. MR. GAVINO FARND IS HERE TO, REQUESTING THE APPEAL. THE OWNER OF THE PROPERTY IS OPPOSED TO THE POSTPONEMENT.

MAYOR WYNN: COUNCIL, I APOLOGIZE. BEFORE CONDUCTING -- OR -- AND OR DISCUSSING THE POTENTIAL POSTPONEMENT OF ITEM NO. 60 AND OR TAKING UP ITEM NO. 61, WHILE THERE WERE SOME STAFF HERE AND FOLKS CONCERNED ABOUT OUR FISCAL YEAR BUDGET, I BELIEVE STAFF WAS PREPARED TO GIVE US A BRIEF PRESENTATION REGARDING OUR ANIMAL SHELTER POLICY, MAYBE SPECIFICALLY ABOUT SORT OF THE NO-KILL ANALYSIS. WELCOME, MR. DAVID LUREY.

DIRECT YOUR OF HEALTH AND HUMAN SERVICES. AS YOU MAY RECALL AT THE PUBLIC HEARING TWO WEEKS AGO FOR THE HEALTH AND HUMAN SERVICES BUDGET, ONE SPEAKER ASKED ABOUT THE STATUS OF THE NO-KILL RESOLUTION OR INITIATIVE THAT THE CITY ADOPTED BACK IN 1997, AND SPECIFICALLY ASKED ABOUT SOME OF THE PERFORMANCE MEASURES RELATED TO THAT INITIATIVE, AND THE PROPOSED 2008 BUDGET. SO WHAT I WANT TO DO JUST BRIEFLY IS GIVE YOU JUST SORT OF A STATUS REPORT IN

TERMS OF THE NO-KILL INITIATIVE AND SOME DATA ASSOCIATED WITH THAT ALONG WITH SOME COMMENTS ABOUT THE -- ABOUT THE PERFORMANCE MEASURES IN THE BUDGET, AND I THINK IT'S VERY IMPORTANT TO RECOGNIZE THAT WHEN WE TALK IN TERMS OF SAVING COMPANION ANIMALS AND MINIMIZING THE NEED FOR EUTHANASIA AT OUR SHELTER, THAT THAT'S REALLY AN ULTIMATE GOAL OR OUTCOME THAT WE'RE TRYING TO ACHIEVE, AND IT'S ACTUALLY EMBEDDED IN A WHOLE RANGE OF SERVICES RELATED TO THE ANIMAL SERVICES PROGRAM. THE RESOLUTION WAS PASSED BY THE CITY COUNCIL BACK IN DECEMBER OF 1997 TO ELIMINATE THE EUTHANASIA OF ADOPTABLE ANIMALS AT OUR SHELTER FOCUSING ON COMMUNITY PARTNERSHIPS AND COLLABORATION, AND AS WE PROCEEDED WITH IMPLEMENTATION EFFORTS, WE FOCUSED NOT ONLY ON ADOPTABLE BUT ACTUALLY ALL ANIMALS THAT COME WITHIN OUR CARE. PROGRESS SINCE 1997, WE HAVE REDUCED OUR EUTHANASIA RATE AND THESE DATA REFLECT 2006 FIGURES. WE REDUCED IT BY 18 PERCENTAGE POINTS FROM A EUTHANASIA RATE OF 69% IN 1997 TO A RATE OF 51% IN 2002. WE'VE ALSO DOUBLED THE ADOPT RATE, INCREASING ADOPTIONS FROM THE SHELTER FROM 8% TO 17%, AND HAVE INCREASED TRANSFERS TO OTHER PLACEMENT AGENCIES FROM 3% IN 1997 TO 13% IN 2006. AT THE SAME TIME WE'VE REDUCED THE INTAKE TO THE SHELTER, WHICH IS A CRITICAL FACTOR IN TERMS OF IMPACTING EUTHANASIA. WE HAVE REDUCED THE INTAKE RATE BY 10% FROM 1997, AND YOU CAN SEE THAT'S DROPPED FROM 27,245 ANIMALS TO 24,357 ANIMALS, AND I THINK IT'S IMPORTANT TO NOTE THAT DURING THIS SAME TIME PERIOD THE POPULATION OF OUR COMMUNITY INCREASED BY 27%. SO THERE'S A LOT OF DATA AND YOU SEE A LOT OF INFORMATION IN TERMS OF OUR ANIMAL SERVICES PROGRAM. WE ACTUALLY HAVE 25 PERFORMANCE MEASURES WITHIN OUR BUDGET ARE RELATED TO ANIMAL SERVICES. BUT I THINK PUTTING THIS IN CONTEXT, THE SIMPLEST NUMBER TO CONSIDER IN TERMS OF THE CHANGE THAT'S OCCURRED FROM 1997 IS THE ACTUAL NUMBER OF ANIMALS EUTHANIZED AT OUR SHELTER ON AN ANNUAL BASIS. AND THAT NUMBER IN 1997 WAS 18,803 ANIMALS. THAT NUMBER IN 2006 WAS 12,343 ANIMALS. SO THAT'S A REDUCTION OF ACTUAL ANIMALS THAT WERE

EUTHANIZED OF 34% OVER THAT TIME PERIOD. SO ALTHOUGH WE CERTAINLY -- NO ONE IS PLEASED WITH THE FACT THAT WE STILL ARE IN A SITUATION WHERE WE HAVE TO CONTINUE TO EUTHANIZE A SIGNIFICANT NUMBER OF ANIMALS THAT COME THROUGH OUR SHELTER, I THINK IT'S VERY, VERY IMPORTANT THE THAT DRAMATIC PROGRESS HAS BEEN MADE SINCE 1997, AND A GREAT DEAL OF CREDIT GOES TO THE STAFF OF OUR ANIMAL SERVICES PROGRAM, WHO WORK UNDER VERY DIFFICULT CONDITIONS, AND I MIGHT ALSO ADD, AGAIN, THIS WAS DURING THE PERIOD A DRAMATIC POPULATION GROWTH AND ALSO DURING A PERIOD WE WERE FACED WITH A DOWNTURN AND, IN FACT, HAD TO REDUCE SOME OF OUR RESOURCES WITHIN THE ANIMAL SERVICES PROGRAM. COUPLE OF COMMENTS ABOUT PROGRAM AND POLLEN HANS MENTS THAT YOU HAVE ENDORSED AND FUNDED AS WE HAVE MOVED FORWARD WITH THIS. THE MICROCHIPPING PROGRAM, WE PROVIDE FREE MICROCHIPS TO HIGH INTAKE LOW INCOME NEIGHBORHOODS. ALL ANIMALS LEAVING THE SHELTER ARE MICRO CHIPPED BECAUSE IT ENABLES US TO IDENTIFY THE ANIMALS WHO ARE REDLY. WHAT'S PROPOSED IN THE '08 BUDGET IS A TOTAL OF \$50,000 FOR THAT ACTIVITY. A FERAL CAT PROGRAM. WE SPEND \$30,000 A YEAR ON THE FERAL CAT PROGRAM, WHICH IS A MEANS OF CONTROLLING THE CAT POPULATION IN OUR COMMUNITY THROUGH STERILIZATION EFFORTS. IN ADDITION YOU APPROVED A POLICY THAT REQUIRES STERILIZATION ON THE SECOND IMPOUNDMENT, THAT THAT IS MANDATORY STERILIZATION. AGAIN, FOCUSED ON ANIMAL POPULATION CONTROL. WE NOW HAVE IN PLACE ESCALATING FEES FOR MULTIPLE IMOWNDZ TO ENCOURAGE RESPONSIBLE PET OWNERSHIP. WE HAVE A HIGHER RECLAIM FEES FOR INTACT ANIMALS. FOR EXAMPLE, ON THE FIRST IMPOUNDMENT INTAKE ANIMAL, THE RECLAIM FEE IS \$150 VERSUS \$40 FOR AN ALTERED ANIMAL. WE ALSO HAVE IMPROVED RESCUE GUIDELINES, AND THE FREE STERILIZATION PROGRAM THROUGH THE PROPOSED '08 BUDGET WILL NOW BE AT A TOTAL OF \$170,000. SO THE COMBINATION OF MICROCHIPPING, THE FERAL CAT PROGRAM AND THE FREE STERILIZATION PROGRAM REPRESENTS AN ANNUAL INVESTMENT OF \$250,000, AND THIS GREATLY IMPACTS OUR ABILITY TO ACHIEVE A REDUCED NEED FOR EUTHANASIA.

AND THEN FINALLY IN THE BUDGET, JUST A COMMENT BRIEFLY ABOUT THE BUDGET PAGES AND PERFORMANCE MEASURES. AGAIN, I THINK IT'S IMPORTANT TO RECOGNIZE THAT THE NO-KILL-RELATED ACTIVITY IS NOT A PROGRAM, IT'S NOT AN ACTIVITY WITHIN ANIMAL SERVICES. IT ACTUALLY CUTS ACROSS MOST EVERYTHING THAT WE'RE DOING RELATED TO ANIMAL SERVICES. SO WE HAD SORT OF AN ARTIFICIAL DEFINITION IN TERMS OF OUR BUDGET PAGES AND ALLOCATION OF RESOURCES WITHIN THE BUDGET DOCUMENT, AND AS YOU KNOW, THROUGH THE BUSINESS PLANNING PROCESS WE NEED TO ALIGN OUR ACTIVITIES AND MEASURES WITH OUR INVESTMENT. SO THE MEASURES THAT WERE FORMALLY UNDER THE NO KILL MILLENNIUM ON THAT BUDGET PAGE HAVE BEEN TRANSFERRED TO THE PAGE DESCRIBED AS PREVENTION SERVICES WHICH WE BELIEVE MORE ACCURATELY REFLECTS THIS INVESTMENT AND WHAT WE'RE DOING. AS I MENTIONED EARLIER, THE PERFORMANCE MEASURES THAT WERE...RELATED TO THE NO KILL MILLENNIUM REMAIN IN THIS PROPOSED BUDGET AND, IN FACT, 18 OF THE 25 MEASURES WE HAVE ARE RELATED. A MEASURE THAT WAS, I THINK, EXPRESSED IN TERMS OF SOME CONCERN WAS THE PERCENT OF SHELTERED ANIMALS EUTHANIZED, AND THAT REMAINS A PERFORMANCE MEASURE FOR THE DEPARTMENT AND WILL BE RESTORED TO A BUDGET ACTIVITY PAGE. AND AGAIN, I'VE REINFORCED THE FACT THAT THE CITY OF AUSTIN REMAINS COMMITTED TO THE ELIMINATION OF ANIMAL HOMELESSNESS AND THE RESULTING UNNECESSARY EUTHANASIA OF COMPANION ANIMALS. AND THROUGH OUR WORK WITH COMMUNITY PARTNERS, THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AND OTHER PARTNERS RELATED TO THE MISSION ORANGE INITIATIVE SUCH AS ANIMAL TRUSTEES OF AUSTIN AND THE HUMANE SOCIETY AND EMANCIPET, CONTINUE TO WORK ON STRATEGIES AND INITIATIVES TO CONTINUE THE PROGRESS WE'RE MAKING REGARDING THIS CHALLENGE AND THE GOAL OF THAT INITIATIVE IS WHAT'S REFERRED TO AS THE SAVE RATE, WHICH IS SORT OF THE CONVERSE OF THE EUTHANASIA RATE OF 75%. AND I MIGHT POINT OUT THAT OUR COMMUNITY WAS RECENTLY SELECTED AMONG ONLY SIX COMMUNITIES NATIONWIDE TO BE PART OF THIS MISSION ORANGE INITIATIVE, AND THERE

ARE RESOURCES BEING PROVIDED AND A LOT OF WONDERFUL EXPERTISE FROM THROUGHOUT THE COUNTRY THAT WILL HELP US TAKE THIS TO EVEN AN BETTER LEVEL. MAYOR, THAT CONCLUDES MY PRESENTATION. THANK YOU.

MAYOR WYNN: THANK YOU, MR. LORI. QUESTIONS FOR STAFF? COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: WELL, YOU KNOW, EVEN IF WE REACHED OUR STATED POLICY GOAL OF REDUCTION OF THE EUTHANASIA RATE OF ADOPTABLE ANIMALS TO ZERO, THE ACTUAL RATE WOULD NEVER BE ZERO BECAUSE SOME ANIMALS ARE NOT ADOPTABLE.

THAT'S CORRECT.

LEFFINGWELL: SO DO YOU HAVE ANY FEEL FOR WHAT -- WHAT THE PERCENTAGE OF EUTHANASIA WOULD BE IF YOU REACHED THE POLICY GOAL OF ELIMINATION OF EUTHANASIA FOR ADOPTABLE ANIMALS?

WELL, COUNCIL MEMBER, AS YOU POINT OUT, IN SOME INSTANCES EUTHANASIA IS NECESSARY AND PROBABLY APPROPRIATE FOR HEALTH OR SAFETY REASONS. ALSO, HOW YOU APPLY THE DEFINITION OF ADOPTABLE ANIMALS IS SUBJECT TO INTERPRETATION. I THINK THAT THE MISSION ORANGE INITIATIVE GIVES YOU A GOOD -- GOOD APPROACH, IF YOU WILL, IN TERMS OF LOOKING AT THE OVERALL SAVE RATE FOR THE POPULATION -- THE ANIMAL POPULATION, AND THAT IS 75%. THAT IS SAVE RATE OF 75%. BUT ALSO, AGAIN, WITH THIS ACTIVITY WE NEED TO LOOK BEYOND THE SHELTER ITSELF. I MEAN, AS YOU KNOW, BEING A PUBLIC SHELTER, AN OPEN SHELTER, WE'RE SORT OF THE PLACE OF LAST RESORT IN TERMS OF SHELTERING OF ANIMALS, SO OVER TIME IN MANY INSTANCES WE WILL ACTUALLY END UP WITH THE ANIMALS THAT AREN'T, YOU KNOW, AS ADOPTABLE OR PERHAPS AS DESIRABLE ELSEWHERE IN THE COMMUNITY. SO IN SOME RESPECTS OVER TIME IN TERMS OF THE EUTHANASIA RATE THAT MIGHT ACTUALLY BE A HIGHER ONE FOR OUR SHELTER, IF YOU FOLLOW THAT. BUT HOPEFULLY THE OVERALL NEWSPAPERS, THE INTAKE WILL BE REDUCED, AND WE WANT TO LOOK AT IT COMMUNITY-WIDE IN TERMS OF COMPANION ANIMALS BEING SAVED

THROUGHOUT OUR COMMUNITY. BUT SHORT ANSWER, I THINK THE BEST GUIDE WE HAVE RIGHT NOW IS THE MISSION ORANGE GOALS OF 75% SAVE RATE.

LEFFINGWELL: SO IF YOU GOT DOWN TO 25% --

THAT'S CORRECT.

LEFFINGWELL: YOU WOULD SORT OF BE CLOSE TO THE POLICY --

THAT'S CORRECT, AND WE'RE AT ABOUT 50% NOW AND WE WERE AT 69% IN 1997.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS OF STAFF? THANK YOU VERY MUCH.

THANK YOU.

MAYOR WYNN: MR. LORI. MAKE SURE THE RECORD SHOW THAT WE CALLED BACK UP ITEM NO. 42 IN ORDER TO RECEIVE THIS PRESENTATION FROM DAVID. OKAY. SO PARDON ME, COUNCIL, AND AUDIENCE, SO BACK TO ITEM NO. 60, THE PUBLIC HEARING REGARDING THE APPEAL BY GAVINO FERNANDEZ. AS MR. ZAPLACK I GUESS WAS POINTING OUT, WE APPARENTLY HAVE A REQUEST BY THE APPELLANT TO POSTPONE THIS CASE, BUT I BELIEVE I WAS HEARING MR. ZAPLACK SAY THE PROPERTY OWNER AT 209 PEDERNALES WAS NOT IN FAVOR OF THAT POSTPONEMENT REQUEST..... REQUEST.

YES, MAYOR, THAT'S CORRECT.

MAYOR WYNN: AND I'LL JUST SAY, COUNCIL, JUST FOR YOUR INFORMATION, THERE ARE TEN FOLKS HERE, AT LEAST SIGNED UP TO SPEAK, AND NONE OF THOSE BEING AGAINST -- I GUESS AGAINST THE APPEAL, AND ONE FOUR. SO THOUGHTS? COMMENTS?

ACTUALLY, MR. ZAPLACK, EXCUSE ME, IF YOU COULD JUST BRIEFLY DESCRIBE WHAT THIS CASE IS ABOUT AND PERHAPS JUST VERY BRIEFLY THE CONTEXT OF THIS

CULTURE CL CENTER AT 209 PEDERNALES.

YES, MAYOR. THIS IS A REQUEST FOR A CONDITIONAL USE PERMIT FOR A CLUB OR LODGE USE LOCATED AT 209 PEDERNALES, AND THAT IS CLASSIFIED AS A CIVIC USE, WHICH IS A CONDITIONAL USE IN SF-3 ZONING. THE PROPERTY IS -- AT ONE TIME WAS USED AS A CHURCH AND ITS LAST USE WAS AS A RESIDENCE. THE OWNER IS A NONPROFIT CIVIC ASSOCIATION WHICH FOCUSES ON ARTISTIC ASPECTS OF LATINO HERITAGE WITH EMPHASIS ON TANK TANGO AND A GENERAL CONTINUE TRADITION. THEY'RE PROPOSING TO USE THE BUILDING WITH ONLY MINOR CHANGES TO THE EXISTING PARKING. THE CONDITIONAL USE PERMIT WAS APPROVED BY THE PLANNING COMMISSION ON JUNE THE 12TH, 2007 BY A VOTE OF 8-0 WITH ONE AND EXTENSION. IT HAS BEEN APPEALED BY THE NEIGHBORHOOD REPRESENTATIVE AND THE STAFF FEELS THAT THE PLAN DOES COMPLY WITH THE CRITERIA FOR A CONDITIONAL USE PERMIT AS LISTED IN YOUR BACKUP MATERIAL, AND RECOMMENDS DENIAL OF THE APPEAL. THE OPTIONS BEFORE YOU TODAY ARE THREEFOLD. FIRST YOU CAN SUPPORT THE PLANNING COMMISSION'S DECISION AND DENY THE APPEAL. SECONDLY, YOU CAN OVERTURN THE PLANNING COMMISSION'S ACTION AND APPROVE THE APPEAL. THIRDLY, YOU CAN MODIFY THE PLANNING COMMISSION'S ACTION, FOR EXAMPLE, BY PLACING ADDITIONAL CONDITIONS ON THE SITE PLAN. AND THEN, OF COURSE, YOU COULD CHOOSE TO POSTPONE DISCUSSION OF THE ITEM. BE GLAD TO ANSWER ANY QUESTIONS.

MAYOR WYNN: THANK YOU, MR. SALVELACK. WELL, SO PERHAPS THEN COUNCIL IF WE COULD HEAR FROM MR. FERNANDEZ, OF COURSE AS OUR APPELLANT AND NOW IS ASKING FOR THE POSTPONEMENT. PERHAPS, GAVINO, IF YOU COULD BRIEFLY MAKE YOUR CASE AS TO THE REASON FOR A POSTPONEMENT, KNOWING THAT THERE ARE FOLKS HERE TO SUPPORT THE ORIGINAL USE PERMIT.

THANK YOU, GAVINO FERNANDEZ. THE PURPOSE OF THE POSTPONEMENT REQUEST IS MR. LEON HERNANDEZ, WHO IS PRESIDENT OF THE BONY A VISTA NEIGHBORHOOD ASSOCIATION, TODAY HE IS HAVING OPENING AT HIS HOME.

HE HAD HIS HOME DEMOLISHED AND FATHER JESSE AND THE FAMILY ARE HAVING THAT AT THIS TIME AND HE COULD NOT BE BE HERE. WE'RE ONLY ASKING FOR ONE WEEK POSTPONEMENT. THE OTHER BASIS FOR THE POSTPONEMENT IS THAT WE HAVE JUST LEARNED WHAT THE CLUB IS INTENDING TO DO, AND IN SPEAKING TO SOME OF THE NEIGHBORS THE ONLY THING THEY SIGNED WAS A FOR OR AGAINST BUT WE FEEL THAT IT'S IMPORTANT THAT THE NEIGHBORS THOROUGHLY LEARN THE ACTIVITIES THAT ARE BEING PROPOSED TO HAPPEN AT THIS PARTICULAR FACILITY, AND THEY TALK ABOUT CELEBRATING AND HAVING FESTIVALS, HAVING SMALL FUND RAISERS, HAVING POTLUCK, AR GENERAL.....ARGENTINA DINNERS, AND I BEING FAMILIAR WITH CULTURAL CENTERS WITH MY EXPERIENCE WITH PARKS AND RECREATION, IF I'M GOING TO HAVE A FESTIVAL OR A FUNDRAISER, I DON'T ONLY INVITE FOUR OR FIVE PEOPLE. SO THIS IS THE INFORMATION THAT WE HAVE JUST LEARNED AND WE ALSO ARE CONCERNED ABOUT THE CLUB LODGE TITLE. WE HAVE HAD A LOT OF PROBLEMS, AS YOU WELL KNOW, WITH CHESTER AS A CLUB. WE DON'T KNOW AGAIN THESE TYPE OF CULTURAL ACTIVITIES, EVERY TIME THEY HAVE FUND RAISERS THERE IS ALCOHOL INVOLVED. AND WE HAVE NOT GOTTEN ASSURANCES FROM THE PERSON THAT'S GOING -- THAT'S ASKING THIS REQUEST, THAT THAT'S NOT GOING TO OCCUR. SO WE FEEL THAT IF WE CAN HAVE A ONE-WEEK POSTPONEMENT AND HAVE A MEETING TO THOROUGHLY EXPLAIN THIS TO THE NEIGHBORS, BECAUSE IN OUR NEIGHBORHOOD ANYONE THAT WALKS BY ASKING TO YOU SIGN A PAPER, THEY'RE MORE THAN GLAD JUST TO SIGN IT. SO IN SPEAKING TO SOME OF THE NEIGHBORS, THEY WERE NOT FULLY AWARE OF THIS -- THIS TYPE OF ACTIVITY THAT'S GOING TO BE CONDUCTED AT THIS PARTICULAR PLACE. WE HAVE CESAR CHAVEZ. WE HAVE 7TH STREET. THIS IS SMACK IN THE MIDDLE OF A NEIGHBORHOOD. ONE USED TO BE A CHURCH BUT THAT'S A WEEKEND DEAL. IT'S NOT A DAY-TO-DAY THING. WE JUST LEARNED THAT THERE WAS A WAIVER ON COMPATIBILITY ISSUES. THERE IS A REDUCTION IN IMPERVIOUS COVER. SO THESE ARE SOME OF THE FACTS THAT HAVE JUST COME ABOUT THAT WE FEEL THAT WE SHOULD AS NEIGHBORS AND RESIDENTS IN THE AREA, THAT MR. LEON HERNANDEZ IS ASKING FOR THIS POSTPONEMENT,

MAYOR, AND IT IS PROTOCOL AND TRADITION THAT THIS COUNCIL GIVES NEIGHBORHOODS POSTPONEMENTS. THANK YOU.

MAYOR WYNN: THANK YOU, MR. FERNANDEZ. WE DO HAVE A TRADITION OF -- IN ZONING CASES, APPROVAL -- AGREEING TO A POSTPONEMENT REQUEST ON FIRST REQUEST BY EITHER SIDE OF A ZONING CASE. WELL, PERHAPS -- I SEE THAT THERE ARE A NUMBER OF FOLKS SIGNED UP HERE. THEY SIGNED UP AGAINST. MY INSTIKT IS..... ININSTINCT IS WHAT THAT MEANS, THEY SUPPORT THE CONDITIONAL USE PERMIT AS PRESENTED BY THE PLANNING COMMISSION. PERHAPS IF THERE'S ONE REPRESENTATIVE WHO COULD COME SPEAK ABOUT THE CONCEPT -- JUST ABOUT THE CONCEPT OF THE POSTPONEMENT, THEN THE COUNCIL COULD HAVE SOME -- COUNCIL MEMBER MARTINEZ, YES?

MARTINEZ: I WANTED TO ASK STAFF A QUESTION. THIS ITEM -
- IT WENT TO PLANNING COMMISSION, DID IT NOT?

YES, SIR, AND IT WAS RECOMMENDED BY THE PLANNING COMMISSION.

MARTINEZ: AND THE INFORMATION THAT MR. FERNANDEZ IS NOW PRESENTING AND SAYING THAT HE'S JUST BEEN MADE AWARE OF IT, WAS THIS INFORMATION PRESENTED AT PLANNING COMMISSION?

IT WAS IN THE BACKUP THAT WENT TO THE PLANNING COMMISSION, YES, SIR.

MAYOR WYNN: I'M SORRY, GEORGE, AND THERE WAS A PUBLIC HEARING -- THERE WAS A TRADITIONAL PUBLIC HEARING AT THE PLANNING COMMISSION?

THERE WAS. I UNDERSTAND IT CAME UP LATE IN THE EVENING AND THERE WERE NOT MANY PEOPLE PRESENT, BUT THERE WAS A HEARING.

MAYOR WYNN: FORM A LITTLE WERE FOLLOWED?

YES.

MAYOR WYNN: WELL, THEN IF ARE....A REPRESENTATIVE, PERHAPS -- LET'S HAVE A SINGLE PERSON COME UP TO TALK JUST ABOUT THE CONCEPT OF MR. FERNANDEZ'S REQUEST FOR A POSTPONEMENT.

GOOD AFTERNOON, EVERYBODY. MY NAME IS MONICA CABANO. I AM THE APPLICANT, HOMEOWNER AND RESIDENT OF THE PROPERTY ON 209 PEDERNALES. THANK YOU FOR LISTENING TO ME. MYSELF AND SOME OF MY NEIGHBORS, NEXT DOOR NEIGHBORS, ACTUALLY, ARE PRESENT, IF YOU WANT TO RAISE YOUR HAND OVER THERE. THESE ARE OUR NEIGHBORS THAT ACTUALLY LIVE ON MY BLOCK OR RIGHT ACROSS FROM ME. WE ARE OPPOSING THE POSTPONEMENT DUE TO THE PLAN IN THE WORKS FOR A YEAR AND A HALF. THE DOCUMENT THAT GAVINO FERNANDEZ WAS READING WAS MADE PUBLIC ALL THIS TIME. THERE HAS BEEN PUBLIC MATERIAL. THEY APPEALED FOR THE PERMIT IN THE END OF JUNE, SO THEY ACTUALLY HAVE HAD TWO MONTHS TO PREPARE FOR THIS APPEAL, AND I'M MORE THAN GLAD TO ANSWER ALL THE CONCERNS ABOUT MY CONDITIONAL USE PERMIT, BUT I FEEL THIS IS THE TIME AND PLACE TO -- JUST TO DISCUSS IT AND MAKE A DECISION ON IT. MY NEIGHBORS CAME HERE TONIGHT. THERE ARE ALSO SOME OTHER NEIGHBORS CAME TO THE OTHER PUBLIC HEARING WITH THE PLANNING COMMISSION. THEY HAVE BEEN INFORMED AND GETTING TO KNOW ME FOR A YEAR AND A HALF, SO I FEEL THERE'S BEEN A FAIR AMOUNT OF TIME. THE REASON THAT -- ALSO ONE OTHER THING IS THAT THE REASON THAT MR. FERNANDEZ POSTED ON HIS EMAIL FOR THE POSTPONEMENT WAS -- HAD NOTHING TO DO, ACTUALLY, WITH LEON HERNANDEZ NOT BEING PRESENT. THE REASON HE ASKED FOR A POSTPONEMENT WAS BECAUSE HE FELT THERE WAS NOT GOING TO BE A JUST HEARING. THAT WAS, I BELIEVE, HIS WORDS IN THE EMAIL, BECAUSE OF THE AMOUNT OF OTHER ITEMS IN THE AGENDA FOR TONIGHT. HE DID NOT MENTION LEON HERNANDEZ AND LEON HERNANDEZ IS NOT ACTUALLY PART OF THE APPEAL. AND I DON'T KNOW IF YOU HAVE A QUESTION FOR ME.

MAYOR WYNN: QUESTIONS FOR OUR PROPERTY OWNER, COUNCIL? ESSENTIALLY WE'RE DISCUSSING THE CONCEPT OF HAVING A POSTPONEMENT OR NOT RIGHT NOW.

THOUGHTS? COMMENT? MR. MARTINEZ?

MARTINEZ, YEAH, I THINK WE SHOULD GO AHEAD WITH THE HEARING TONIGHT SINCE IT'S GONE THROUGH PLANNING COMMISSION. WE'VE HAD PUBLIC HEARINGS. MR. FERNANDEZ HAS HAD THE ABILITY TO ACCESS THIS INFORMATION THE ENTIRE TIME. I KNOW THAT MONICA HAS GONE TO HER NEIGHBORS AND SPOKEN TO MANY OF THEM ABOUT WHAT SHE'S PLANNING ON DOING. I THINK THAT SHE PLANS ON SPEAKING TO THE CONCERNS THAT ARE BEING RAISED ABOUT -- SOMEBODY, I THINK HE MENTIONED, CHESTER'S LOUNGE. I CAN'T BELIEVE I HEARD THAT, BUT HOPEFULLY THAT'S NOT WHAT WE'RE DOING HERE AND HOPEFULLY YOU'LL ADDRESS THAT. SO I WOULD JUST SUPPORT MOVING FORWARD WITH --

COUNCIL, WITHOUT OBJECTION, WE WILL CONDUCT THE PUBLIC HEARING, ITEM NO. 60, WHICH IS CONSIDERING THE APPEAL BY MR. FERNANDEZ, AND I BELIEVE WE JUST FOLLOW A TYPICAL PUBLIC HEARING PROCESS AS OPPOSED TO THE FORMAT WE USE FOR ZONING CASES. UNLESS SOMEBODY TELLS ME OTHERWISE. AND SO ALTHOUGH THE COMPUTER HAS SEGREGATED THE FOLKS SIGNED UP EITHER IN FAVOR OR IN OPPOSITION, SO WE'LL HEAR FROM THE FOLKS IN FAVOR OF MR. FERNANDEZ'S APPEAL. OUR FIRST SPEAKER IS FELL LEAP AND.....FILL LEAP AMEN DOZE A. YOU ALSO ARE AGAINST THE APPEAL. THANK YOU. MR. FERNANDEZ, YOU'RE WELCOME TO COME GIVE US THREE MINUTES OF TESTIMONY. YOU'RE WELCOME TO DO THAT, THEN. YOU HAVE THREE MINUTES.

THANK YOU, MRS. MARTINEZ, YOU HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY FELIPE MENDOZA.

MY NAME IS FRANCES MARTINEZ AND I'M PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION, AND I LIVE AT 1105 EAST 3RD, AND WE HAVE HAD A VERY BAD EXPERIENCE WITH THIS BUSINESS ENCROACHMENTS. I DON'T KNOW IF YOU'RE AWARE OF THE BIG RED SIGN THAT'S HERE ON CESAR CHAVEZ. THEY STARTED FIRST SELLING PLANS AND OF COURSE THEY CAME BY AND TALKED TO THE NEIGHBORHOOD THAT..... IT WAS JUST GOING TO BE A.. SELLING PLANTS. SO WE AGREED. YOU KNOW, THEY MOVED

IN. THEY HAD THE RIGHT ZONING, BUT AFTERWARDS THEY STARTED HAVING THE FUND RAISERS AND THE TRAFFIC CAME INTO OUR NEIGHBORHOOD, AND THEY ALSO PUT SIGNS THAT THEY WERE HAVING THEIR -- NOT THEIR FUND RAISERS BUT THEIR CONCERTS. THEY'D GO UP TO 10:00, SOMETIMES 12:00. BUT AT ANY RATE I DO NOT WANT THIS TO BE HAPPENING TO THIS OTHER NEIGHBORHOOD BECAUSE IT'S -- IT'S NOT VERY GOOD, AND IT'S ALSO ENCROACHMENT IN THE NEIGHBORHOOD. THERE'S NOT MUCH PARKING THERE, AND YOU WANT TO PARK IN THE -- ON THE STREET, AND IN FRONT OF YOUR NEIGHBORS, AND THAT WAS A PROBLEM THAT WE HAD AND THAT IS A REASON THAT I AM NOT IN FAVOR OF THIS PLACE. THANK YOU.

THANK YOU, MS. MARTINEZ. SO OUR NEXT SPEAKER, FELIPE MENDOZA. YOU'RE WELCOME TO COME ADDRESS US. YOU'LL HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY ROY MEN.... MENDRANO.

FERS OF ALL I WOULD LIKE TO APOLOGIZE FOR MY APPEARANCE. I WAS IN SCHOOL ALL DAY WITH MEETINGS. I'M ACTUALLY A TEACHER AT ONE OF THE LOCAL HIGH SCHOOLS IN THE AUSTIN COMMUNITY. I TEACH SPANISH 2. PRETTY MUCH I I'VE KNOWN MISVALUE VEEN ON FOR A YEAR. MY MOTHER LIVES AT 2504, 3RD STREET. I'M ALWAYS THERE BECAUSE SHE WATCHES MY LITTLE GIRL AND WE'RE A TIGHT FAMILY COMMUNITY. AS TO THE REASON WHY I'M ALWAYS THERE. , YOU KNOW, SOMETHING THAT I ALWAYS TEACH TO MY KIDS IS, FOR ONE, YOU KNOW, THE IMPORTANCE OF HAVING SPANISH LANGUAGE WITHIN THE COMMUNITY. THAT'S SOMETHING I'M REALLY FOR. THE OTHER THING THAT I ALSO EXPRESSED TO MY KIDS AT SCHOOL IS, YOU KNOW, THE AWARENESS OF CULTURAL CENTERS, HISPANIC CULTURES, YOU KNOW, WITHIN THE WORLD AND I JUST -- I DON'T SEE AS TO HOW THERE IS ANY REASONING BEHIND THE FACT THAT SOMEBODY DOES NOT WANT TO HAVE A.. A CULTURE CENTER, IN THIS CASE A DANCE ASSOCIATION IN EAST AUSTIN. I BELIEVE, YOU KNOW, IT'S SOMETHING THAT WOULD BRING SOME PRIDE WITHIN THE COMMUNITY, A PLACE WHERE PEOPLE CAN JOIN AND MINGLE, YOU KNOW, WITH DIFFERENT CULTURES. SO ASIDE FROM THAT, I REALLY HIM FOR THE PLANNING COMMISSION DECISION TO APPROVE THIS CONDITIONAL USE PERMIT FOR

MS. MONICA CAVANO FOR HER CULTURE CENTER. THAT IS ALL. THANK YOU.

MAYOR WYNN: THANK YOU, FELIPE. ROY, WELCOME TO -- GIVE US TESTIMONY. ROY MEDRANO. THAT'S GOOD, YES, AND IS DORIS CRUZ HERE?

MAYOR,.

MAYOR WYNN: HELLO, DORIS. SHE WANTED TO DONATE TIME FOR YOU ROY SO YOU'LL HAVE UP TO 6 MINUTES IF YOU NEED IT.

MAYOR, MEMBERS, MY NAME IS ROY MEDRANO. I WAS BORN AND RAISED FI HOUSES FROM MONICA'S HOUSE. MY FAMILY GOES ALL THE WAY BACK TO 1905. I HAVE TALKED TO THE ORIGINAL NEIGHBORS AROUND THIS AREA. THEY ALL APPROVE. WE ALL GAVE OUR BLESSING. GALLON.....GAVINO HAS NOTHING TO SAY ABOUT THIS CERTAIN AREA I LIVE IN. HE DIDN'T COME AND TALK TO US. HE DIDN'T GIVE US ANY INFORMATION AND MATTER OF FACT I WENT TO HIS HOUSE TWICE. HE REFUSED TO OPEN THE DOOR. HE WAS THERE. SO I FOUND OUT THROUGH THE NEIGHBORS HE WORKS AT CRISTO REY. I APPROACHED HIM. I SAID WHAT IS THE PROBLEM? WHY ARE YOU TRYING TO STOP HER? I AM AN ARTIST. I ASKED MONICA, IF YOU COME WITH YOUR DANCES AND WHATEVER YOU DO, ALL I WANT IS FOR ME TO HAVE A CHANCE TO PAINT A MURAL OF WHAT YIEWR ALL DOING. GAVINO REFUSED TO.....GAVINO REFUSED TO TELL ME ANYTHING. HE NEEDS TO STAY AWAY FROM OUR BUSINESS AND OUR NEIGHBORHOOD. ALL THE ORIGINAL NEIGHBORS, THE OLDEST NEIGHBORS WE HAVE IS 102 YEARS OLD. I HAVE TALKED TO HER SON. NOBODY WANTS TO DEAL WITH GAVINO. NOBODY WANTS HIM AROUND THERE. THE MAIN -- ALL MY NEIGHBORS IN THE AREA HAVE OUR BLESSING THAT SHE CAN GO ALONG WITH HER LIFE AND HER BUSINESS. THANK YOU.

MAYOR WYNN: THANK YOU, ROY. LET'S SEE, OUR NEXT SPEAKER IS CASTADO SIPLIS. WELCOME. YOU'LL HAVE THREE MINUTES AND THEN MONICA CAN HAVE SOME ADDITIONAL TESTIMONY.

I'M THE NEXT DOOR NEIGHBOR. I LIVE IN 207 PEDERNALES. I KNOW ABOUT THIS PROJECT FOR THE LAST YEAR AND A HALF, AND I WOULD LOVE TO HAVE A CULTURAL CENTER NEXT DOOR TO MY HOUSE. IT WOULD BE GREAT FOR THE COMMUNITY AND I'M TOTALLY -- I THINK WE NEED TO APPROVE THIS PROJECT BECAUSE IT WOULD BE GOOD FOR THE NEIGHBORS, AND THE COMMUNITY. THAT'S IT.

MAYOR WYNN: THANK YOU. LET'S SEE, SO MONICA, WELCOME BACK. LOOKS LIKE, IS JULIE KIMEL HERE? THE RULES ARE YOU HAVE TO BE PRESENT SO YOU HAVE TO IDENTIFY YOURSELF IN ORDER TO DONATE. WELCOME. HOW ABOUT TOM CAMERA. WELCOME, TOM. MONICA, YOU'LL HAVE UP TO 9 PLINTS IF YOU NEED IT. WELCOME.

WELL, I WANT TO KNOW IF ANY COUNCIL MEMBER HAS ANY QUESTIONS REGARDING THIS PROJECT OR MAYOR WILL WYNN, IF YOU HAVE ANY PARTICULAR QUESTION ABOUT THE KIND OF PROGRAMS, ACTIVITIES, THE WAY THIS WORKED OUT, THE HISTORY OF IT, ET CETERA.

MAYOR WYNN: SO SPECIFIC QUESTIONS FOR THE OWNER, COUNCIL? MAYOR PRO.... PRO TEM..... PRO TEM..... PRO TEM.

I TOO FIRST HEARD ABOUT YOUR PROJECT ABOUT A YEAR AGO WHEN YOU FIRST DESCRIBED IT AND I THOUGHT IT SOUNDED LIKE A VERY WONDERFUL PROJECT FOR YOUR NEIGHBORHOOD. YOU MAY WANT TO JUST VERY BRIEFLY DESCRIBE WHAT YOU'RE TRYING TO DO IN YOUR. YOURWITH YOUR PROJECT, BUT I'M GLAD TO SEE EVEN THOUGH IT'S TAKEN A YEAR AND A HALF YOU'RE FINALLY HERE BEFORE US.

THANK YOU SO MUCH. YES, WELL, WHAT IT IS, IT'S -- IT'S CALLED ESCINA, TANGO CULTURAL SOCIETY OF AUSTIN, IT'S GOING TO BE A DANCE AND HEALTH ASSOCIATION. IN OTHER WORDS, LOCATION WHAT WE'RE GOING TO HAVE IS WE'RE GOING TO HAVE PROGRAMS, GUIDED TOUR OF THE COMMUNITY. IT'S GOING TO BE A NONPROFIT, IT'S A NONPROFIT. WE'RE GOING TO BECOME 501 C 3 AND WE'RE GOING TO BE ABLE TO RAISE GRANTS TO HAVE DIFFERENT TYPE OF PROGRAMS, SOME OF THEM WILL BE FREE. AND

THE IDEA IS TO COMBINE DANCING IN A WAY THAT IS POSITIVE HEALTH, TEACHES RESPECT AND JUST INVIGORATES THE COMMUNITY. ONE OF THE PROGRAMS, FOR EXAMPLE, THAT IS IN THE WORKS IS A PROGRAM FOR WOMEN. SOMETHING THAT THIS PROJECT HAS ALLOWED ME IS TO MEET A LOT OF NEIGHBORS. I WALKED UP AND DOWN THE STREET AND IT'S BEEN A GREAT EXPERIENCE. THE FAMILIES LIKE MR. ROY MEDRANO SAID, FAMILIES THAT HAVE BEEN THERE FOR MANY YEARS, AND IN WALKING AND TALKING TO THE NEIGHBORS, THEY'VE ALSO GIVEN ME IDEAS FOR THINGS AND PROGRAMS THAT COULD ACTUALLY AFFECT DIRECTLY THE NEIGHBORHOOD. ONE OF THEM, IT'S - IT'S A PROGRAM FOR WOMEN, SO WE'RE GOING TO HAVE DIFFERENT ACTIVITIES TO , YOU KNOW -- HEALTH, DANCE, SELF-ESTEEM. YOU NAME IT, IT COULD BE EXERCISE, BUT REALLY AIMED TOWARDS WOMEN. A LOT OF THE WOMEN IN THE NEIGHBORHOOD, YOU KNOW, THEY'RE TAKING CARE OF THEIR CHILDREN OR OF THEIR HUSBANDS OR OF THEIR PARENTS OR THEIR GRANDCHILDREN. SO I FEEL THAT IT WILL BE REALLY POSITIVE TO HAVE SOMETHING FOR WOMEN. AND YES, THE IDEA IS TO CELEBRATE, I AM FROM AR GENERAL CONTINUE A, AND TO CELEBRATE ALSO SOME OF MY CULTURE AND EVENT GREAT IT TO EAST AUSTIN.

MAYOR WYNN: THANK YOU, MONICA. FURTHER QUESTIONS FOR THE OWNER? THANK YOU.

THANK YOU VERY MUCH. LET'S SEE. DORIS CRUZ HAD SIGNED UP, I GUESS NOT WISHING TO SPEAK BUT IN SUPPORT OF MONICA. IS THAT STILL TRUE? AS DID LETICIA MENDOZA. OKAY, SIGNED UP TECHNICALLY NOT WISHING TO SPEAK IN OPPOSITION OF THE APPEAL. SO WITH THAT, MR. FERNANDEZ, YOU'RE WELCOME BACK FOR A ONE-TIME 3 MINUTE REBUTTAL.

THANK YOU, COUNCIL. ONCE AGAIN, IT'S NOT CHALLENGING WHAT'S GOING TO HAPPEN AND WHAT'S GOING TO BE OFFERED. IT'S PRETTY MUCH THE LOCATION OF A CULTURAL CENTER RIGHT SMACK IN THE MIDDLE OF THE NEIGHBORHOOD. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

I DIDN'T RUMBLE OR MUMBLE, I DID MENTION CHESTER CLUB

BECAUSE YOU ALSO HAVE THE BYOB SITUATION. , AND THOSE ARE THE FEARS THAT WE'RE TALKING ABOUT AND WE'RE CONCERNED ABOUT AS A NEIGHBORHOOD. AND WHEN THIS WENT THROUGH THE PLANNING PROCESS, WE LEFT IT AS A CIVIC CLUB BECAUSE IT WAS A USE FOR CHURCH, AS A CHURCH, AND THAT WAS SOMETHING THAT ONLY OCCURRED DURING THE WEEKENDS. IS IT GOING TO BE ACCESSIBLE? ARE THERE GOING TO BE FEES? THOSE ARE THE KIND OF QUESTIONS THAT WE HAVE. AND WHAT IF THIS PERSON LEAVES? IS THIS FACILITY GOING TO STAY WITH THE SAME CSU? SO I'M HERE BASICALLY EXERCISING MY RIGHT IN THIS PROCESS, AND I DON'T APPRECIATE BEING FOLLOWED TO MY HOME AND TO MY WORK AND BEING PHYSICALLY THREATENED FOR EXERCISING MY RIGHT TO SPEAK OUT ON ISSUES THAT PERTAIN TO THE PROCESS OF AN APPEAL OR ANY OF THE ZONING. SO WITH THAT AGAIN, I HOPE THAT YOU WILL APPROVE THE APPEAL AND GIVE OUR NEIGHBORHOOD SOME TRANQUILITY. WE'RE JUST ABOUT TO REALIZE TRANQUILITY AND QUIETNESS WITH THE CLOSURE OF THE HOLLY POWER PLANT AND NOW WE COME ONE ANOTHER CULTURAL CENTER, ANOTHER FACILITY THAT WILL BE BOMBARDING THE NEIGHBORHOOD WITH MUSIC. YOU HAVE A PROJECT HOUSING IN FRONT OF THIS FACILITY. IT'S JUST NOT THE APPROPRIATE LOCATION. THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MR. FERNANDEZ. SO COUNCIL, THAT CONCLUDES THE TESTIMONIAL PART OF THIS APPEAL. COMMENTS, QUESTIONS? AND MR. ZAPALAC, DOES STAFF NEED TO EXPAND IN ANY WAY ON ANYTHING YOU NEEDED TO TELL US?

NO, MAYOR.

Mayor Wynn: COMMENTS? COUNCILMEMBER MARTINEZ.

Martinez: MAYOR, I THINK BASED ON JUST THE HISTORY OF THE CASE, I DON'T THINK SOMEONE WOULD WORK ON THIS FOR A YEAR AND A HALF, AND THEY WANT TO COME IN AND DO SOMETHING IN A NEIGHBORHOOD THAT'S INCOMPATIBLE OR UNACCEPTABLE. AND ASIDE FROM ALL THAT, THIS IS MONICA'S PRIVATE RESIDENCE. IT'S NOT LIKE IT'S A CLUB. SHE LIVES HERE, SHE BOUGHT THIS CHURCH. SHE'S DONE

AN AMAZING JOB ON PLOALGDING IT AND I COMMENDED HER FOR THAT. SHE'S GOT SOME VERY CREATIVE TALENT. BUT SHE IS A DANCE TEACHER, AND SO SHE WANTS TO CONTINUE TO PROVIDE THAT TYPE OF CULTURE AND ACTIVITY FOR THE COMMUNITY. IT'S HER PASSION, IT'S HER LIFE, AND THIS IS JUST HER HOME. SHE JUST HAPPENS TO HAVE BOUGHT A HOME BIG ENOUGH WHERE SHE CAN INVITE PEOPLE TO COME DANCING AND LEARN THE ARGENTINEAN CULTURE. SO WITH ALL DUE RESPECT TO MR. FERNANDEZ AND HIS APPEAL, I'M GOING TO MOVE THAT WE DENY THE APPEAL.

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Mayor Wynn: MOTION BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER KIM TO CLOSE THE PUBLIC HEARING AND DENY THE APPEAL. FUSHTH COMMENTS? FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THE APPEAL IS DENIED BY A VOTE OF SEVEN TO ZERO. THANK YOU ALL VERY MUCH. [APPLAUSE] SO COUNCIL THAT, TAKES TO US OUR FINAL PUBLIC HEARING, ITEM NUMBER 61, CONDUCT A PUBLIC HEARING REGARDING AN APPEAL OF THE BUILDING AND FIRE CODE BOARD OF APPEALS UP HOLDING THE APPROVAL OF A BUILDING PERMIT RELATED TO PROPERTY AT 2104 CITY CAMFORD LANE. I'D APPRECIATE A BRIEF STAFF PRESENTATION.

GOOD EVENING. I'M THE BUILDING OFFICIAL WITH THE WATERSHED AND PROTECTION REVIEW DEPARTMENTS. I BELIEVE WE HAVE A PRESENTATION FOR YOU. THIS ISSUE BEFORE YOU TODAY IS AN APPEAL TO OVERTURN THE BUILDING OFFICIALS' DECISION TO ISSUE A PERMIT FOR NEW CONSTRUCTION AT 2104 CITY CAMFORD. HERE'S -- CITY..... -
- OWE THE FROZEN THE APPEAL. ON FEBRUARY NINTH OF 2006, THE OWNER FILES A BUILDING PERMIT APPLICATION TO CONSTRUCT A NEW HOUSE AT 2104 STAMFORD. BEFORE AUGUST 9TH OF 2006, THE OWNER REQUESTS AND STAFF VERBALLY GRANTS THE EXTENSION OF APPLICATION TO

FEBRUARY 5TH OF 2007. ON AUGUST 9TH, 2006, THIS WAS THE 180 DAYTIME LINE WHERE IT SHOULD HAVE EXPIRED. IT WAS NOT VALID ANYMORE. ON AUGUST 23rd, 2006 THE OWNER FILES WRITTEN EXTENSION WHERE Q. AS REQUESTED BY STAFF. ON FEBRUARY FIFTH, TWOWFERB, STAFF APPROVES THE PERMITS. THE OWNER I PEELED THE ISSUANCE OF THE PERMIT AND THE PRIMARY ISSUES ARE -- HE APPEALED TO THE FIRE AND CODE BOARD OF APPEALS. THE BUILDING OFFICIAL NO LONGER HAD THE AUTHORITY TO EXTEND THE APPLICATION AND CANNOT GIVE A PERMIT ON FEBRUARY 5TH, 2007. THE BOARD ACTION. THE BOARD VOTED THREE TO ONE IN FAVOR OF A MOTION TO GRANT THE APPEAL, WHICH OVERTURNED THE BUILDING OFFICIAL. THE MOTION FAILED BECAUSE WE ONLY HAD FOUR BOARD MEMBERS AND YOU NEEDED FOUR VOTES TO OVERTURN THAT DECISION. MR. CANADY HAS NOW APPEALED THE DECISION OF THE BOARD TO THE COUNCIL. SECTION R 105.5 OF THE 2000 RESIDENTIAL CODE IS APPLICABLE CODE PROVISION. IT STATES: AN APPLICATION FOR A PERMIT FOR ANY PROPOSED WORK SHALL BE DEEMED TO HAVE BEEN ABANDONED 180 DAYS AFTER THE EVENT OF FILING NLTION..... UNLESS SUCH APPLICATION HAS BEEN PURSUED IN GOOD FATES. EXCEPT THE BUILDING OFFICIAL IS AUTHORIZED TO GRANT ONE OR MORE EXTENSIONS OF TIME. THE EXTENSION SHALL BE REQUESTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED. THE OWNER PURSUED THIS APPLICATION IN GOOD FAITH AND THEREFORE THE APPLICATION DID NOT EXPIRE UNDER THE TERMS OF THE RESIDENTIAL CODE. THE APPLICATION WAS COMPLICATED. WE HAD A RELOCATION PERMIT. THE APPLICANT WAS RELOCATING THE EXISTING HOME FROM ONE 04 STAMFORD TO 1710 CLIFFORD AND HAD TO GET ADDITIONAL PERMITS FOR THAT LOCATION. WE ALSO HAD A FLOODPLAIN REVIEW. THE PEOPLE HAD TO GO THROUGH A FLOODPLAIN REVIEW AND COULD NOT PROCEED UNTIL IT WAS COMPLETED. WE ALSO HAD LAND STATUS DETERMINATIONS ON BOTH PROPERTIES. THE APPLICANT WAS REQUIRED TO SECURE LAND STATUS DETERMINATIONS FOR BOTSZ PROPERTIES. THE OWNER WAS IN CONSTANT COMMUNICATION WITH THE CITY AT ALL TIMES DURING REVIEW OF THE PERMITS. CITY STAFF WAS AWARE OF THE STATUS OF THE VARIOUS PROCESSES THAT THE APPLICANT

WAS PURSUING TO SECURE THE BUILDING PERMIT. I WANT TO POINT OUT THAT DAYS COULD BE ADDED TO THE APPLICATION EXPIRATION DATE. THE APPLICATION WAS SUBMITTED AND STAFF TOOK LONGER THAN USUAL TO RESPOND TO THE OWNER'S APPLICATION UPDATES. STAFF BELIEVES THAT THE REVIEW TIME FOR THIS APPLICATION WAS AT LEAST TWO WEEKS BEHIND UNDER THE CODE. LATE DAYS COULD BE ADDED TO THIS APPLICATION LIFE. HERE'S A RESPONSE FROM THE BUILDING OFFICIAL. WHY DID THE CITY REQUIRE THE APPLICANT TO FILE A WRITTEN EXTENSION REQUEST IF THE APPLICATION HAD NOT EXPIRED YET. BEFORE McMANSION, REGULATIONS APPLICABLE TO SINGLE-FAMILY DEVELOPMENT DID NOT CHANGE AND STAFF PRACTICE WAS TO GRANT VERBAL EXTENSIONS. AFTER McMANSION, STAFF BEGAN REQUIRING WRITTEN EXTENSION REQUESTS FOR ALL APPLICATIONS THAT WENT BEYOND 180 DAYS. EVEN IF THE APPLICATION WAS STILL BEING PURSUED IN GOOD FAITH. ADDITIONALLY, THE APPELLANT ARGUES AMENDMENTS WERE MADE TO THE APPLICATION AFTER APPROVAL INDICATING THAT THE APPROVED PERMIT DID NOT MEET CODE REQUIREMENTS. THEREFORE IS PERMITS SHOULD HAVE BEEN DENIED AND NEW APPLICATION FILED UNDER CURRENT REGULATIONS. AFTER A BUILDING PERMIT IS APPROVED, CONSTRUCTION ISSUES CONCERNING PERSONALITIES OFTEN ARISE. THERE ARE PROCEDURES IN PLACE WHEN PERMIT ISSUES ARISE. WHEN ISSUES ARISE, STAFF NOTIFIES THE OWNER OF THE CONCERN AND REQUIRES CORRECTION. IF THE PERMIT IS CORRECT THAT THE PERMIT CONTINUES, IF THE PERMIT DOES NOT CORRECT THE ISSUE, THE PERMIT IS SUSPENDED OR REVOKED. IN THIS CASE THE OWNER ADJUSTS ALL CONCERNS AND THE PERMIT COMPLIES WITH THE CO-REQUIREMENTS. OUR RECOMMENDATION TO YOU TODAY IS TO UP HOLD THE BUILDING OFFICIAL'S STITION TO APPROVE THE PERMIT. ANY QUESTIONS?

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL? COMMENTS? SN..THEN IF NOT, I GUESS WE CAN CONDUCT NOW THE PUBLIC HEARING OR TESTIMONIAL PART OF THIS APPEAL. AND SO REMIND ME, SHOULD I -- WE'LL HEAR FROM FOLKS IN FAVOR OF THE APPEAL, THEN FOLKS IN OPPOSITION AND THE A APALATE WILL HAVE A ONE TIME REBUTTAL. SO IT

LOOKS LIKE OUR FIRST SPEAKER -- WELL, THIS ISN'T WORKING. IT WILL BE MR. MICHAEL CANADY, WHO -- MICHAEL, ARE YOU THE ACTUAL APPELLANT?

YES. IT'S A LITTLE COMPLICATED. I'M NOT THE BUILDING PERMIT HOLDER. I LIVE NEXT DOOR TO THE PROPERTY WHERE THE BUILDING PERMIT IS ISSUED. AND I HAVE APPEALED THE BUILDING PERMIT THAT WAS ISSUE.

Mayor Wynn: YOU'RE THE PERSON MAKING THE APPEAL.

AND THIS IS CONFUSING BECAUSE MY WIFE SIGNED UP AND SHE THOUGHT SHE WAS SUPPORTING THE OTHER SIDE.

Mayor Wynn: OKAY. SO YOU WILL BE OUR FIRST SPEAKER. AND LET'S SEE, SO ANNE IS HERE TO DONATE TIME TO YOU, SO THAT IS SIX MINUTES IF YOU NEED IT AND THEN AGAIN YOU WILL HAVE A REBUTTAL AT THE END OF THE TESTIMONIAL. WELCOME.

I'M ALSO HERE ON BEHALF OF THE WEST AUSTIN NEIGHBORHOOD GROUP AND IF I'M ABLE TO DONATE ANY OF THEIR TIME, I TRIED TO SIGN UP THAT WAY AS WELL. I'LL TRY TO KEEP IT SHORT. I HAVE A SHORT PRESENTATION FOR YOU TO PUT TOGETHER AND REALLY I WANT TO TRY TO GET THE CITY COUNCIL TO HELP ME HAVE THE BUILDING RULES ENFORCED. THIS IS THE SITUATION THE CODE APPARENTLY HAS NOT BEEN ENFORCED AND I ALMOST GOT THE BUILDING AND FIRE CODE BOARD OF APPEALS TO GO WITH US AND REVOKE THIS PERMIT, BUT BECAUSE FOUR OUT OF FOUR VOTES ARE REQUIRED AT THAT BOARD, I WAS REQUIRED TO FILE THIS APPEAL.

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Mayor Wynn: I'M SORRY, MICHAEL, THAT WAS BECAUSE I GUESS MAYBE IT'S A SEVEN PERSON BOARD, SO FOUR PEOPLE MAKE A QUORUM. IS THAT THE ISSUE?

I WILL DEFER TO DEBRA THOMAS, BUT I THINK IT'S A BIT UNDERAPPOINTED AT THE MOMENT AND ALL THEY HAD WAS FOUR AND THAT'S WHAT REQUIRED.

.. I'M ASKING THAT THIS APPEAL BE REVOKED BECAUSE IT'S FAILED TO COMPLY WITH NUMEROUS CITY RIRMS. FIRST OF ALL IT EXPIRED BECAUSE THE APPLICANT DID NOT FILE A WRITTEN REQUEST FOR AN EXTENSION, WHICH IS ACTUALLY REQUIRED BY THE LAND DEVELOPMENT CODE. I DON'T THINK I SAW THAT IN THE PRESENTATION FROM STAFF. SECONDLY THE APPLICATION SHOULD BE DENIED BECAUSE IT EXCEEDS THE IMPERVIOUS COVER LIMIT AND ACTUALLY HAS SOME OTHER DEFECTS, BUT I'LL FOCUS ON THAT ONE TONIGHT. AGAIN, THREE OF THE FOUR BOARD MEMBERS VOTED TO REVOKE THIS APPEAL, BUT WE DIDN'T QUITE GET THERE. SO HERE ARE THE FACTS THAT ARE RELEVANT TO THIS SITUATION. ONE DAY BEFORE THE INTERIM McMANSION RULES WERE ENACTED, THIS BUILDING PERMIT WAS FILED TO BUILD A SINGLE-FAMILY HOME. YOU CAN SEE A PICTURE FROM THEIR WEBSITE ON THE SCREEN RIGHT NOW. THIS IS THREE STORIES, THIS IS 35 FEET TALL. THIS IS 5965 SQUARE FEET OF BUILDING AREA. THIS IS A SPEC HOME. IT WILL EXTEND FROM FRONT SET BACK TO BACK SET BACK, SIDE SET BACK TO SIDE SET BACK. THIS IS IMPRESSIVELY MASSIVE. TWO WEEKS AFTER THE APPLICATION WAS FILED, IT WAS REVIEWED BY THE STAFF, ACTUALLY THEY DID A GOOD JOB, THEY FOUND A FEW DEFECTS WITH IT, AND AT THAT POINT IT WAS UP TO THE APPLICANT TO RESPOND. BUT NOTHING HAPPENED IN TERMS OF WHAT GOING ON IN THE RECORD. THE RULES ARE VERY CLEAR -- LET ME JUMP PAST THIS. WHAT I'VE SHOWN YOU HERE IS THE APPLICATION TIME LINE. FEBRUARY NINTH IT WAS FILED AND ON THIS FILING CERTIFICATE THE APPLICANT SIGNED A STATEMENT AND I SAYS, I AGREE THAT THIS WILL EXPIRE ON 181 ATS DAY. IF IT EXPIRES A NEW SUBMITTAL WILL BE REQUIRED. THAT'S WHAT I'M TRYING TO GET ACCOMPLISHED HERE BECAUSE I THINK A NEW APPLICATION -- IT WAS REVIEWED QUICKLY AND NOTHING HAPPENED IN ANY FURTHER COMMUNICATIONS IN THE FILE. THE INTERNATIONAL BUILDING CODE DOES SAY THAT YOU CAN HAVE AN EXTENSION IF IT'S PURSUED IN GOOD FATES, BUT THERE'S ANOTHER REQUIREMENT. THE SAME RULE SAYS THE EXTENSION SHALL BE REQUESTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED. AND IN PARTICULAR THE LAND DEVELOPMENT CODE SAYS YOU HAVE TO FILE THAT WRITTEN REQUEST BEFORE IT EXPIRES. THAT DID NOT

HAPPEN HERE. AND AS A RESULT UNDER THE LDC, I BELIEVE THIS PERMIT IS EXPIRED. TWO WEEKS LATER, WE'RE TOLD THAT A LETTER WAS SENT IN PURSUANT TO A VERBAL APPROVAL, WHICH I HAVE NO WAY OF EITHER VERIFYING OR CONFIRMING. I THINK THE POINT OF HAVING A WRITTEN REQUEST IS TO THAT PEOPLE KNOW WHAT HAPPENED AND WHEN IT HAPPENED. SO UNDER THE PROVISION OF THE LDC, IF IT WAS NOT IN COMPLIANCE AT THE TIME OF THE DEADLINE, IT SHOULD BE DENIED AND THEY HAVE TO REFILE. I'VE GIVEN YOU SOME QUOTES HERE THAT YOU DON'T NEED TO READ, BUT THESE ARE THE VARIOUS BOARD MEMBERS FROM THE BUILDING AND FIRE CODE BOARD OF APPEALS EXPRESSING WHY THEY THOUGHT WE NEEDED TO HAVE THIS PERMIT REVOKED. BASICALLY THEY'RE SAYING RULES ARE RULES. WE'VE GOT LAWS TO FOLLOW AND IF YOU HAVE THE LAWS ON THE BOOKS, BUT THEN STAFF POLICY IS TO MAYBE DO SOMETHING ELSE, THEN IT'S KIND OF A MESS. VERY BRIEFLY, ANOTHER PROBLEM WITH THIS PERMIT IS THAT IT IS NOT COMPLYING WITH THE IMPERVIOUS COVER LIMITS. AS YOU CAN SEE, I'VE TRIED TO HIGHLIGHT HERE VISUALLY IT WAS FILED WITH THE 54.7% IMPERVIOUS COVER. I WENT DOWN -- THIS IS THE PLOT PLAN, AND SO VERBALLY YOU CAN SEE IN THE BLUE THE STRUCTURE THAT WILL BE BUILT FROM ABOVE. THE BUILDINGS ON THE TOP AND THE DRIVEWAYS ON THE BOTTOM. I ASKED JOY HARDIN THE REVIEWER HERE DID SHE TAKE INTO ACCOUNT THIS PRIVACY WALL. THERE'S A SUBSTANTIAL PRIVACY WALL THAT YOU WILL SEE IN RED. SHE CONFIRMED AT THAT TIME THAT IT WAS NOT PART OF HER IMPERVIOUS COVER CALCULATION. AND WHEN YOU ADD THAT SQUARE FOOTAGE TO WHAT ALREADY THERE, IT GOES OVER THE 45 PERCENT LIMIT. AT THE HEARING THIS WAS NOT CONTESTED. IN FACT, THE BUILDER, PATRICK DUKES, TESTIFIED AT THE HEARING THAT IT WAS OVER THE IMPERVIOUS COVER LIMIT. AND I ACTUALLY JUST FOUND OUT THIS WEEK, APPARENTLY THAT JOY HARDIN HAS REALIZED THAT THIS WAS OVER THE IMPERVIOUS COVER LIMIT AND AFTER THE PERMIT WAS APPROVED -- THAT WAS AT THE UPDATE DEADLINE. THE SECOND UPDATE DEADLINE, SHE APPARENTLY LET THEM PUT IN A NEW PLOS PLAN THAT WOULD SHOW A RIBBON DRIVEWAY INSTEAD OF A FULL DRIVEWAY. IT ALSO TRIES TO MOVE THE STRUCTURE -- FOR

ME THIS IS JUST A MOVING TARGET. AT THE SECOND UPDATE DEADLINE IT WAS OVER THE IMPERVIOUS COVER LIMIT AND THAT'S ENOUGH OF A REASON TO REVOKE THIS PERMIT AS WELL. I'VE TRIED TO GIVE AN INDICATION HERE OF THE NEIGHBORS AROUND THIS PROPERTY WHO HAVE COMMUNICATED WITH ME AND ALSO WITH THE CITY AND THEIR OPPOSITION TO THIS BUILDING PERMIT BEING ISSUED SO THEY'RE SUPPORTING MY APPEAL IN THIS MATTER.

I TOOK THE LIBERTY OF TRYING TO DO A QUICK CALCULATION UNDER THE McMANSION ORDINANCE. SOME PEOPLE WONDER WHAT COULD HE BUILD UNDER THE McMANSION ORDINANCE IF HE HAD TO REFILE. AS YOU MAY RECALL, YOU'VE SEEN FROM THE TASKFORCE WE HAVE SOME MODELING SOFTWARE AND I'VE USED THIS HERE TO DO A QUICK DEMO THAT ON HIS PROPERTY HE COULD BUILD 4,867 SQUARE FOOT OF CONDITIONED SPACE. THAT'S ACTUALLY MORE THAN WHAT'S ON HIS PERMIT RIGHT NOW, BUT UNDER THE McMANSION RULES IT WOULD BE DISTRIBUTED IN A MORE CONSIDERATE WAY TO THE NEIGHBORS. IT WOULDN'T ISN'T PUSHED BACK AGAINST THE SIGH AND THE BACKYARD. SO I GUESS MY POINT HERE IS THAT GOOD FAITH IS NOT ENOUGH TO KEEP THIS PERMIT ALIVE. AND I'LL STOP WITH THAT. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU, MICHAEL. AND KNOW THAT YOU WILL GET A REBUTTAL AT THE END OF THESE OTHER TESTIMONIES. QUESTIONS FOR MR. CANADY? THANK YOU, MICHAEL. LET'S SEE. AGAIN, SOMETIMES IT'S CONFUSING FOR FOLKS WHETHER YOU'RE SIGNING UP FOR OR AGAINST THE PROJECT OR FOR OR AGAINST THE APPEAL, SO FOLKS WHO ARE IN SUPPORT OF MR. CANADY'S APPEAL ARE WELCOME TO TESTIFY NOW. WOULD THAT HAPPEN TO BE WADE PORTER? OKAY. THEN PLEASE COME FORWARD, WADE. WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. I APPRECIATE THE OPPORTUNITY TO SPEAK TO YOU. ON PRILT 18th, 2007, A GROUP OF US APPEARED FOR A HEARING BEFORE THE BUILDING AND FIRE CODE BOARD. I WANT TO MENTION THE FOUR FINE CITIZENS OF THE BUILDING AND FIRE CODE BOARD WHO WERE AT THAT HEARING AND LISTENED TO US FOR TWO AND A HALF HOURS IN THE

MIDDLE OF THE DAY WHEN THEY HAD TO LEAVE AT 5:00 WHEN THE TRAFFIC THE BAD. PHILLIP HOT, SILL I CAN'T MALLER AND JOHN. I MENTION THEM BECAUSE I APPRECIATE VERY MUCH WHAT THE BORE OF THIS CITY DO, HOW THEY HELP US AS CITIZENS AND HOW IMPORTANT THEIR WORK IS TO WHAT THE COUNCIL DOES. AS WAS MENTIONED HERE TODAY, THREE OUT OF FOUR OF THESE MEMBERS WHO LISTENED TO THE TESTIMONY REVIEWED MANY DOCUMENTS AND UNFORTUNATELY FOR THEM SPENT A LOT LONGER ON IT THAN YOU ALL ARE GOING TO HAVE TO AT LEAST HERE TONIGHT, VOTED THREE TO ONE IN OUR FAVOR. IT IT WAS THE FIRST TIME I'VE EVER PREVAILED THREE TO ONE AND WALKED OUT A LOODZER. AND I THINK THAT ONE THING THAT THE COUNCIL DOES,. OWE TO THE CITIZENS GROUPS AND THESE BOARDS THAT THEY APPOINT IS TO LISTEN TO WHAT THESE BOARDS ARE SAYING BECAUSE THEY'RE PUTTING IN TREMENDOUS AMOUNTS OF WORK, DOING A TREMENDOUS AMOUNT OF GOOD FOR THE CITY. AND I ASK YOU WHEN YOU'RE THINK BEING THIS TONIGHT TO CONSIDER HOW MUCH THEY HEARD AND WHAT THEIR DECISION WAS. THANK YOU VERY MUCH FOR THE OPPORTUNITY TO SPEAK TONIGHT.

Mayor Wynn: THANK YOU, MR. PORTER. ARE THERE ANY OTHER FOLKS WHO WOULD LIKE TO GIVE US TESTIMONY IN FAVOR OF MR. CANADY'S APPEAL? RICHARD?

MAYOR, COUNCIL, MY NAME IS RICHARD VICTOR AND I DID SIGN THE WRONG BOX. THIS GETS CONFUSING SOMETIME. I LIVE AT 2005 EXPO..... EXPOSITION BOULEVARD. I'VE BEEN A RESIDENT THERE FOR 15 YEARS. I'VE SEEN THE REDEVELOPMENT ALONG EXPOSITION AND THEN BEHIND ME. AND THE IMPAIRMENTS TO IMPERVIOUS COVER. I'VE GOT A VISUAL AID LIED TAKE TO PUT UP IF I -- A VISUAL AID I'D LIKE TO PUT UP IF I COULD. THIS IS THE SUBJECT PROPERTY RIGHT HERE. I LIVE HERE. THE CANADY'S LIVE HERE. WHEN I MOVED INTO THE NEIGHBORHOOD 15 YEARS AGO, THIS LOT WAS VACANT, THIS LOT WAS VACANT. THEY'VE SINCE BEEN REDEVELOPED. WHAT I'VE SEEN HAPPEN -- AND THIS IMPERVIOUS COVER LIMITS ARE NOT AN ABSTRACTION FOR US. AFTER THEY REDEVELOPED THESE LOTS, THERE WAS A CREEK BURIED AND I SHOULD POINT THAT OUT. THERE'S A CREEK BURIED THAT BASICALLY RUNS LIKE THIS AND THEN

CROSSES OVER AND THEN NOW IS EXPOSED IN THIS AREA OF STAMFORD. BECAUSE THE CREEK IS BURIED BEHIND THE CANAD'S, BEHIND MY HOUSE, BEHIND THE SUBJECT PROPERTY, IT BOGGS UP TERRIBLY WHEN WE GET RAINS. EVEN NOW A MONTH AFTER THE HEAVY RAINS, EVEN THOUGH WE'VE HAD SOME THE LAST FEW DAYS, YOU'VE GOT TO GO OUT IN WADERS IN THE PAST OF MY YARD. AND I KNOW THAT THE CANADY'S SUFFER ESPECIALLY WHEN WATER COMES IN THERE. SO I ASK THAT YOU SUPPORT THE APPEAL, THAT YOU ENFORCE THE McMONGS ORDINANCE AS -- THE McMANSION ORDINANCE AS REGARDS THE SUBJECT PROPERTY AS ESPECIALLY AS TO THE IMPERVIOUS COVER. THAT'S MY REMARKS. THANK YOU.

Mayor Wynn: THANK YOU. LET'S SEE, SO I BELIEVE NOW THAT'S ALL THE FOLKS WHO SIGNED UP WISH TO GO SPEAK IN SUPPORT OF THE APPEAL. HEARING NONE, THEN WE'LL GO TO THOSE FOLKS SIGNED NEWSPAPER OPPOSITION OF THE APPEAL -- SIGNED UP IN OPPOSITION OF THE APPEAL. I GUESS JIM BELLEVUE? AND IS DAVID OWEN HERE? AND HOW ABOUT ROBERT BUICK. AND HOW ABOUT KENNETH SOUTHFALL. SO JIM, YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT.

GOOD EVENING, HONORABLE MAYOR, CITY COUNCILMEMBERS. I'M WITH THE LAW OFFICE OF JAMES WE WILLVIEW. I'M HERE OPPOSED TO THE APPEAL. I REPRESENT BOATS THE HOMEOWNER -- I REPRESENT BOTSZ THE HOMEOWNER AND THE BILLIONER OF THIS HOUSE AND WE ARE IN SUPPORT OF THE PERMIT TO BUILD THE HOUSE. CAN YOU CUE ME SNUP..... ME SNUP..... UP? PARDON ME? WE'VE HEARD ABOUT McMANSION TONIGHT. I KNOW MR. CANADY DOES NOT LIKE McMANSIONS. I KNOW THE COUNCIL IS NOT FOUND OF McMANSIONS. YOU PASSED THE ORDINANCE. I'M NOT THAT CRAZY ABOUT McMANSIONS. THIS CASE IS NOT ABOUT McMANSIONS. THIS IS ABOUT A PERMIT THAT WAS FILED UNDER THE CODE AND THE CODE THAT NEEDS TO BE FOLLOWED. IT'S ABOUT THE CODE. I AGREE WITH MR. CANADY, IT'S ABOUT THE CODE. THE PERMIT WAS ISSUED BASED UPON AN APPLICATION THAT WAS FILED BEFORE THE McMANSION ORDINANCE AND BEFORE THE INTERIM ORDINANCES REGARDING THE McMANSION. AND THE APPLICATION THAT ALL OF THE CODE REQUIREMENTS FOR

THE PROPERTY AND THE BUILDING PERMIT WAS ISSUE BED. NOW, WE'VE HEARD QUITE A BIT TONIGHT ABOUT THIS 180 DAYS AND EXPIRATION AND NOTICE, AND YOU MAY WONDER WHERE THAT COMES FROM. THAT COMES FROM THE INTERNATIONAL RESIDENTIAL CODE, WHICH THE COUNCIL HAS ADOPTED AS PART OF ITS CITY CODE. SO THIS IS AN INDUSTRY STANDARD THAT'S ALSO BEEN ADOPTED A PART OF THE CITY CODE. AND THIS IS THE RELEVANT PORTION T SAYS AN APPLICATION FOR PERMIT FOR ANY PROPOSED WORK SHALL BE DEEMED TO HAVE BEEN ABANDONED 180 DAYS AFTER THE DATE OF FILING UNLESS SUCH APPLICATION HAS BEEN PURSUED IN GA FAITH. IT'S A REALLY CRITICAL QUALIFIER. UNLESS THE APPLICATION HAS BEEN PURSUE UNDERSTAND GOOD FAITH. NOW, MR. CANADY HAD MENTIONED THERE WAS ANOTHER SECTION WAS CODE THAT TALKS ABOUT EXPIRATION AND REQUIREMENT THAT THE BUILDING PERMIT BE EXTENDED -- THE APPLICATION BE EXTENDED. AND HE'S CORRECT. SECTION 25180-A OF THE CODE SE THAT AN APPLICANT MAY REQUEST THE DIRECTOR TO EXTEND A DEADLINE FOR SPI SCHMIDTING AN UPDATE TO AN APPLICATION. THAT IS CORRECT. THE PROBLEM IS THAT YOU DON'T GET TO THE REQUIREMENT OF NEEDING AN EXTENSION UNLESS YOU FAIL TO PURSUE YOUR APPLICATION IN GOOD FAITH. YOUR OWN LEGAL DEPARTMENT HAS MADE THIS -- MAKES THE SAME POSITION. THERE'S NO DEADLINE THAT MUST BE EXTENDED IF THE APPLICATION IS PURSUED IN GOOD FAITH. SO THE EXTENSION, THE WRITTEN REQUEST EXTENSION DEADLINES OF 25188 ONLY APPLY IF THE APPLICATION IS NOT PURSUED IN GOOD FAITH. NOW, YOU MAY SAY, JIM, HOW CAN YOU SAY THAT'S THE INTERRUPTION? HOW DO YOU KNOW THAT THAT'S WHAT YOU MEAN BY THE CODE. THE GOOD FOLKS THAT WROTE THE INTERNATIONAL CODE THOUGHT THERE MIGHT BE SOME CONFUSION ABOUT HOW TO APPLY THIS, SO THEY WROTE AN OFFICIAL COMMENTARY TO THEIR CODE FKS. THE OFFICIAL COMMENTARY TO THE CODE SAYS THAT THE 180 DAY LIMITATION IS NOT INTENDED TO PENALIZE THE APPLICANT. THIS IS NOT A PENALTY PROVISION. IF IT'S NOT A PENALTY PROVISION, WHAT IS IT FOR? THE OFFICIAL COMMENTARY GOES ON. THE 180 DAY LIMIT IS MERELY A MEASURE THAT IS USED TO VOID AN APPLICATION WHEN IT IS NO LONGER REASONABLE TO KEEP

IT ACTIVE BECAUSE THE APPLICANT IS DELAYING THE PROCESS AND IS NOT RESPONDING TO LEGITIMATE REQUESTS FOR INFORMATION. SO THIS KIND OF GOES BACK TO WHAT IS THIS DEFINITION OF PURSUED IN GOOD FAITH. WELL, I'M GOING LET STAFF TELL YOU WHETHER OR NOT WE PURSUE THIS IN GOOD FAITH. THIS IS ALL FROM STAFF REPORTS ON THIS MATTER. APPLICATION HAS BEEN PURSUED IN GOOD FATES. THAT PRETTY MUCH SUMMARIZES IT RIGHT THERE. APPLICANT WAS MAKING A GOOD FAITH EFFORT. HIS PROJECT WAS NEVER DEEMED ABANDONED. THE APPLICANT HAS CONSISTENTLY ACTED IN GOOD FATES. GOOD FAITH, GOOD FAITH, GOOD FAITH. THE APPLICANT REMAINED IN CONSTANT COMMUNICATION WITH THE REVIEWERS. REMEMBER WHEN I WAS TALKING ABOUT THE OFFICIAL COMMENTARY A MINUTE AGO AND IT SAID THAT IF THE APPLICANT IS NOT PROVIDING INFORMATION AND IS DELAYING IT? WE PROVIDED INFORMATION. WE KEPT THINGS MOVING, WE RESPONDED TO WHAT GOING ON. ALSO THE STAFF SAYS SINCE THE APPLICANT DID COMMUNICATE IN GOOD FAITH, HE WAS ALLOWED TO CONTINUE. APPLICANT WAS ACTIVELY COMMUNICATING WITH THE RESIDENTIAL REVIEWERS AND CONTINUED TO MAKE A GOOD FATES EFFORT TOWARDS PLEAD COMPLETING ALL REQUIREMENTS. IT ALMOST SOUND LIKE I'VE TAKEN THE SAME QUOTE AND CUT IT UP SIX DIFFERENT TIMES TO SOUND RIGHT. THAT'S NOT TRUE. IN A THREE PAGE STAFF REPORT THIS IS HOW MANY TIMES STAFF REITERATED THE SAME POINT, WE WERE ACTED IN GOOD FAITH. THE APPLICANT WAS ENGAGE UNDERSTAND A VERY COMPLEX SITUATION, COMMUNICATING WITH BUILDING OFFICIAL AND ACTING IN GOOD FAITH. I'LL SPEAK BRIEFLY ABOUT THE COMPLEX NATURE OF THIS. STAFF TOUCHED ON THIS. THERE WAS A HOUSE ON THIS PROPERTY, RATHER THAN DESTROY IT, MY CLIENTS WANTED TO RECYCLE IT SO THEY GOT A PERMIT TO MOVE THE HOUSE TO ANOTHER PROPERTY. SO THEY HAD ALSO TO PROCESS THE BUILDING PERMIT FOR THE OTHER PROPERTY, THE MOVING PERMIT, THE OTHER PROPERTY HAD A FLOODPLAIN, AND THERE WAS HISTORICAL REVIEWS. THIS WAS FOR A HOUSE BEING BUILT, THIS IS AN EXTREMELY COMPLEX PROJECT. IT TOOK ABOUT A YEAR TO COMPLETE AND WE WORKED ON IT DILIGENTLY THE WHOLE TIME. STHRFS SOME MENTION ABOUT IMPERVIOUS COVER

CHANGES AND WAS THE IMPERVIOUS COVER COVER EXACTLY AT THE RIGHT PERCENTAGE ON THE ORIGINAL APPLICATION? IT'S VERY STANDARD FOR APPLICATIONS AS THEY RUN THROUGH TO HAVE MINOR REVISIONS TO THEM. NOTHING IS EVER SUBMITTED PERFECT THE FIRST TIME, OTHERWISE WE WOULDN'T NEED STAFF. SO THERE WERE CHANGES THAT WERE MADE TO THE PLANS THAT BROUGHT THE IMPERVIOUS COVERS BACK IN TO THE REQUIRED PERCENTAGES. NOW, THERE HAS BEEN SOME CONFUSION ABOUT THE SIZE OF THIS PROPERTY. THIS IS FROM THE STAFF PAPERWORK. IN ORDER TO COMPARE APPLES TO APPLES, YOU NEED TO LOOK AT THE AMOUNT OF SPACE THAT IS HEATED AND AIR CONDITION UNDERSTAND A HOUSE. THAT'S WHAT WE TALK ABOUT IN A SCWAIRNG OF A HOUSE. THIS HOUSE IS 4783. THAT'S A BIG HOUSE, I GRANT YOU THAT. LET'S SEE HOW IT FITS INTO THE NEIGHBORHOOD. THIS IS MR. PORTER'S HOUSE. IT'S TO THE RIGHT OF OUR HOUSE. IT'S 4,208 SQUARE FEET. THIS IS THE SIDE OF HIS HOUSE THAT WILL FACE OUR PROPERTY, LARGE STONEWALL. THIS IS THE OTHER SIDE PLAINTIFF PORTER'S HOUSE, 3,000 A HUNDRED SQUARE FEET. THIS BEAUTY BUILDING, THIS IS OVER 7,000 SQUARE FEET. WE SHARE A REAR PROPERTY LINE WITH THIS BUILDING. THERE'S ALSO ANOTHER BUILDING THAT WE SHARE A REAR PROPERTY LINE WITH THAT THEY FAILED -- THEY FILED A PROTEST, WHICH IS I BELIEVE 3600 SQUARE FEET. IT'S A NEIGHBORHOOD OF LARGE HOUSE. THIS IS MR. CANADY'S HOUSE, 3500 SQUARE FEET. VERY COMPACT, BUT TWIETS SIZE OF AN AVERAGE HOME. ACROSS THE STREET, 5,000 SQUARE FEET. THREE DOORS DOWN, 4300 SQUARE FEET. SIX DOORS DOWN, 5100 SQUARE FEET. SEVEN DOORS DOWN, 7,000 SQUARE FEET, NOT COUNTING AN ADDITIONAL 2,000 SQUARE FEET OF GARAGES, COVERED PATIOS AND THAT TYPE OF SPACE. IF YOU GO TWO BLOCKS ANY DIRECTION FROM OUR HOUSE, ONLY ABOUT 15% OF THE PROPERTIES ARE STILL IN THEIR ORIGINAL BUNGALOW CONFIGURATION. ALMOST EVERY SINGLE HOUSE HAS BEEN EXPANDED, INCREASED OR REPLACED IN THIS NEIGHBORHOOD. WE'RE VERY COMPATIBLE WITH THE NEIGHBORHOOD. THE PERMIT WAS ISSUED TO BUILD THE HOME, THE BOARD OF APPEALS AGREED WITH THE PERMIT. LET ME TOUCH BRIEFLY ON SOME OF MR. CANADY'S

ARGUMENTS THAT WERE IN HI COMPLAINT. HE HAS A NUMBER OF ARGUMENTS THAT CENTERED AROUND THAT THERE WAS PROBLEMS WITH THE PLOT PLAN, THE TREE ORDINANCE AND THE McMANSION ORDINANCE. AS FAR AS THE PLOT PLAN IS CONSIDERED, STAFF DIDN'T UNDERSTAND THAT SOME OF THE INFORMATION THAT THEY WERE REQUESTING WAS ACTUALLY ON THE ORIGINAL APPLICATION AND THEY WENT BACK AND REVIEWED IT AND FOUND OUT IT WAS ALREADY THERE. THE TREE PLAN, THE CITY ARBORIST REVIEWED THE TREE PLAN. WE IS PASSED THAT. THE QUESTION ARISES DOES McMANSION APPLY TO US? NO. IT DOES NOT APPLY. THE CITY'S 1704 COMMITTEE HAS MADE A SEPARATE DETERMINATION FROM THE STAFF THAT'S IN FRONT OF YOU THAT THE REGULATIONS IN EFFECT AT THE TIME OF THE APPLICATION WAS SUBMITTED PREMCMANSION APPLY TO THIS PROJECT. AND TO QUOTE FROM YOUR STAFF'S EXECUTIVE SUMMARY, THE APPLICANT COMPLYED COMPLIED WITH ALL REQUIREMENTS AT THE TIME THE APPLICATION WAS SUBMITTED. McMANSION DOES NOT APPLY. HE HAS A SECOND ARGUMENT THAT DEALS WITH THE EXTENSION ON THE APPLICATION WAS GRANTED TOO LATE. WELL, THAT WOULD MAKE SENSE EXCEPT FOR THAT NO EXTENSION IS REQUIRED IF THE APPLICATION IS PURSUED IN GOOD FATES. THAT'S WHAT YOUR LEGAL DEPARTMENT HAS SAID. AT THE TIME OUR APPLICATION WAS BEING PROCESSED, IT WAS STAFF'S POLICY TO VERBALLY GRANT EXTENSIONS. THAT WAS DONE. THERE DOESN'T SEEM TO BE ANY DEBATE ABOUT THAT. RIGHT AFTER OUR VERBAL EXTENSION WAS GRANTED, STAFF STARTED CHANGING THEIR POLICY AND STARTED REQUESTING WRITTEN EXTENSIONS, REQUESTS FROM THE OWNERS. WE WERE REQUESTED TO SUBMIT THAT. WE DID. IT WAS A COURTESY. IT WAS A BONUS. IT WAS UNNECESSARY. IT WAS AN EXTRA THING THAT WE DID. WHY IS THAT IMPORTANT? I HATE TO BRING UP HIGH SCHOOL CIVICS, BUT WE ALL REMEMBER THE U.S. CONSTITUTION SAYS NO EX-POST FACT TOW LAWS. YOU CAN'T ON TUESDAY MAKE SOMETHING ILLEGAL THAT SOMEBODY DID ON MONEY. YOU CAN'T CHANGE THE RULES AFTER THE FACT AND APPLY THEM RETROACTIVELY. WE PROCESSED THIS APPLICATION UNDER THE RULES THAT WERE IN PLACE AT THE TIME FOR THIS PROPERTY. THE EXECUTIVE SUMMARY AGAIN TOUCHES

ON THIS POINT, SAYS THAT WE'RE MAKING GOOD FATES EFFORT, WE'RE ALLOWED TO CONTINUE. THEREFORE THE APPLICATION NEVER EXPIRED AND AN EXTENSION LETTER WAS NOT REQUIRED. AN EXTENSION LETTER WAS NOT REQUIRED. THAT'S YOUR STAFF SAYING THAT. SO WHAT DO WE HAVE? WE HAVE AN APPLICATION THAT WAS PURSUED IN GOOD FAITH. WE HAVE A 180 DAY RULE THAT DOES NOT APPLY. WE HAVE AN APPLICATION THAT WAS NEVER ABANDONED, EXPIRED OR DENIED. WE HAVE AN APPLICATION THAT MET ALL CODE REQUIREMENTS AND WE HAVE A PERMIT THAT WAS ISSUED UNDER THE CITY CODE. SO I HAVE ONLY ONE REQUEST, MR. CANADY SAID IT BEST, REQUEST THAT YOU ENFORCE THE CITY CODE REQUIREMENTS. ENFORCE THE CITY CODE, ENFORCE THE PERMIT. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS FOR MR. BELLEVUE? COUNCILMEMBER LEFFINGWELL.

Leffingwell: MR. GAMBINZI SHOWED US A SLIDE WHERE IT SAYS ON YOUR APPLICATION YOU SIGNED A STATEMENT THAT YOU UNDERSTAND THAT YOU HAVE TO FILE AN EXTENSION REQUEST AFTER 180 DAYS, IN WRITING. SO HOW DO YOU RESPOND TO THAT? MAYBE STAFF WOULD ALSO WANT TO RESPOND TO THAT.

WELL, BE THE ONE THING THAT I NOTICED ON HIS SLIDE THAT WAS ABOUT THE ONLY PART OF THAT THAT WAS NOT YOUR HONOR LINED WAS THE PART ABOUT DILIGENTLY PURSUED. AND IT DID SAY THAT YOU DO NEED TO REQUEST AN EXTENSION AND AN EXTENSION WAS REQUESTED. AND THERE IS CONFUSION ON THIS AREA. I'VE HAD NUMEROUS CONVERSATIONS WITH YOUR LEGAL STAFF ON THIS. AND THE 180 DAY RULE ONLY -- THE EXTENSION REQUIREMENTS OF THE 180 DAY RULE ONLY COME INTO EFFECT IF YOU'RE NOT DILIGENTLY PURSUING. AND ON THAT APPLICATION THAT HE PUT UP ON THE BOARD THAT WAS SIGNED BY THE APPLICANT, IT SAYS DILIGENTLY PURSUED. AND IT DOES SAY EXTENSION REQUEST AND WE DID FOLLOW THE CITY'S POLICY AT THE TIME ON THE EXTENSION REQUEST.

Leffingwell: DOESN'T IT SAY THE EXTENSION REQUEST HAS TO

BE IN WRITING?

NOT ON THE APPLICATION.

Mayor Wynn: FURTHER QUESTIONS OF MR. BELLEVUE, COUNCIL? COMMENTS? ARE THERE ANY OTHER FOLKS WHO WOULD LIELT TO GIVE US TESTIMONY IN OPPOSITION OF MR. CANADY'S APPEAL? HEARING NONE, THEN MR. CANADY, YOU ARE WELCOME TO GIVE A ONE-TIME THREE-MINUTE REBUTTAL. OR JUST ADDITIONAL TESTIMONY AS YOU SEE FIT.

THERE'S MY PEN. I WOULD JUST POINT OUT THAT THE -- I THINK THE FLUFS OF HIS ARGUMENT IS THAT HE PURSUED THIS IN GOOD FATES. I HAVEN'T CHALLENGED GOOD FATES. WHAT I POINTED TO IS THERE'S ACTUALLY ANOTHER PROVISION OF THAT SAME CODE THAT HE -- HIS QUOTE COMPLETELY DOESN'T REFER TO. AND I'VE GOT BOTH THE BUILDING CODE AND THE COMMENTARY WITH ME AND I CAN SHOW YOU WHERE IT TALK ABOUT -- I'LL JUST READ IT TO YOU. THE BUILDING SEWED SAYS THE EXTENSION SHALL BE IN WRITING AND JUSTIFIABLE CAUSE DEM STRAILED. THE COMMENTARY HE'S REFERRING TO, THE APPLICANT MUST MAKE THIS REQUEST IN WRITING. I THINK THE STAFF'S PRESENTATION AT THE BEGINNING WITH THE POWERPOINT HAD THE RIGHT LANGUAGE THERE. I'M ASKING YOU TO ENFORCE THAT REQUIREMENT. THE ONE OTHER POINT HE MADE IS THAT THE REGULATIONS IN EFFECT AT THE TIME THAT THIS WAS FILED APPLY. I AGREE THEY APPLY. ONE OF THOSE REGULATIONS IS YOU HAVE TO REQUEST AN EXTENSION IN WRITING BEFORE IT EXPIRES. SO HE KIND OF IS STUCK WITH IT AND I WOULD REQUEST THAT YOU REQUIRE COMPLIANCE HERE. I DON'T THINK IT'S FAIR TO HAVE CITY POLICY EXTENDING APPLICATIONS THAT DOESN'T ACTUALLY COMPLY WITH THE ACTUAL LANGUAGE OF THE ORDINANCE. AND THE ONLY WAY TO ACHIEVE THE PURPOSES HERE IS TO ENFORCE THE WRITTEN EXTENSION REQUEST REQUIREMENT. THANK YOU VERY MUCH FOR THIS TIME.

Mayor Wynn: THANK YOU. QUESTIONS FOR THE APPELLANT? COMMENTS? THANK YOU, MICHAEL. IS MR. LEON HERE? SO THIS MIGHT BE A DUMB QUESTION. SO WHAT IS ON THE LOT

TODAY? WHAT PHYSICALLY EXISTS THERE TODAY?

THE LAST TIME I WENT BY THERE WAS JUST A VACANT LOT. THERE WAS A LITTLE BIT OF EARTH WORK MOVED AROUND, BUT NOTHING STARTED YET.

Mayor Wynn: THIS ISN'T A CASE WHERE -- WE'VE HAD THOSE GUT WRENCHING CASES WHERE THE HOUSE IS FINISHED OR THREE-QUARTERS DONE AND THE BAY WINDOW VIOLATES A SETBACK. AND SO I RECOGNIZE THAT OBVIOUSLY THERE'S LOTS OF MOVING PARTS HERE AND IT SEEMS LIKE PERHAPS EVEN WITHIN THE OVERLAY OF US ADOPTING EVEN INTERNATIONAL CODES, THEN BECOME SUBSETS AND PART OF OUR CITY BUILDING CODE, INDEFINITELY THERE'S INTERPRETATION, BUT I GUESS I'D LIKE SOME TYPE OF COMMENT FROM THE CITY LEGAL DEPARTMENT AS TO THEIR INTERPRETATION OF THE TWO OR THREE MAIN COMPONENTS OF THE PRO AND CON ARGUMENT WE'VE HEARD HERE. WELCOME, MS. THOMAS?

THANK YOU, MAYOR. DEBRA THOMAS WITH THE CITY OF AUSTIN LAW DEPARTMENT. THERE ARE SEVERAL MAJOR -- TWO MAJOR COMPONENTS TO THIS MATTER. THE FIRST IS THE APPLICABLE REGULATION. I THINK EVERYBODY HAS SHOWN IT TO YOU SECTION R 105 OF THE RESIDENTIAL CODE T DOES SAY THAT AN APPLICATION FOR A PERMIT FOR ANY PROPOSED WORK SHALL BE DEEMED TO HAVE BEEN ABANDONED 180 DAYS AFTER DATE OF FILING -- AT THE DATE OF FILING UNLESS SUCH APPLICATION WAS PURSUED IN GOOD FAITH. IN THIS CASE THE APPLICANT WAS IN CONSTANT COMMUNICATION WITH THE STAFF. THERE WAS NOT A TIME WHEN THE APPLICANT WASN'T DOING SOMETHING ON THE PERMIT. SO IN THIS CASE THERE WAS NEVER A TIME WHEN THE APPLICATION ACTUALLY EXPIRED. WE DID ASK FOR A LETTER ASKING FOR AN EXTENSION BECAUSE McMANSION HAD COME ABOUT AND IT WAS DEEMED TO BE BEST, NO MATTER WHAT HAPPENS, ASK FOR A REQUEST BEFORE 180 DAYS EXPIRES FOR THIS VERY REASON, SO THAT THERE WON'T BE CONFUSION, THERE WON'T BE AN ARGUMENT ABOUT WHETHER OR NOT YOU MET YOUR TIME. BEFORE McMANSION IT NEVER DID MATTER BECAUSE THE REGULATIONS DIDN'T CHANGE. BUT ONCE McMANSION CAME INTO EFFECT, IT WAS VERY IMPORTANT

TO KNOW EXACTLY WHEN THE APPLICATION EXPIRED. SO IT JUST HAPPENED TO BE ON THIS APPLICATION THAT THE STAFF STARTED TO ASK FOR AN EXTENSION REQUEST AND THEY CD FOR IT AND GRANTED IT BEFORE THE 180 DAYS, BUT THE LETTER DIDN'T PHYSICALLY COME IN UNTIL AFTER. SO IRND..... UNDER THIS PROVISION OF THE RESIDENTIAL CODE, OUR INTERPRETATION IS THAT THE APPLICATION DID NOT EXPIRE. THE OTHER PROVISION -- THE OTHER CONCERNS RAISED BY MR. CANADY ARE THAT THE APPLICATION WASN'T PERFECT WHEN IT EXPIRED. HE SAYS THAT THE -- IT WASN'T PERFECT WHEN IT WAS APPROVED. THE IMPERVIOUS COVER WAS A PERCENT OVER THE 45 PERCENT. BY THE TIME IT WAS ACTUALLY ISSUED, THE STAFF HAD ACTUALLY CORRECTED THAT AND REQUIRED A RIBBON DRIVE. HE COULDN'T DO THE SOLID SURFACE DRIVE THAT THE OWNER HAD ACTUALLY REQUESTED. SO THOSE CHANGES OVER THE COURSE OF AN APPLICATION -- OVER THE COURSE OF A PERMIT ACTUALLY DO CHANGE AND THAT'S NOT UNUSUAL. MOST PERSONALITIES, MOST BUILDING PERMITS DO REQUIRE SOME CHANGE AS IT GOES THROUGH THE PERMITTING PROCESS. IF THE STAFF DOES FIND SOMETHING THAT NEEDS TO BE CHANGED, THE CHANGE IS REQUESTED, GENERALLY THE PERSON COMES IN, MAKES THE FIX AND MOVES ON. IF THEY DON'T, THE STAFF -- THE PERMIT WILL HAVE TO BE REVOKED. SO ON THE TWO ISSUES THAT ARE REALLY OF CONCERN HERE, DID THE PERMIT EXPIRE, OUR INTERPRETATION IS THAT -- THE APPLICATION EXPIRE, OUR INTERPRETATION IS THAT THE APPLICATION NEVER DID EXPIRE. BECAUSE IT WAS ALWAYS PURSUED. WE'VE HAD APPLICATIONS THAT COME IN, THE PERSON DOESN'T ANSWER REQUESTS, THE PERSON DOESN'T BRING IN ADDITIONAL INFORMATION, THE PERSON DOESN'T PURSUE THE NEXT STEP, AND IN THOSE CASES THEY'RE NOT DILIGENTLY PURSUED, THERE'S NO GOOD FAITH AND THE STAFF DOES EXPIRE THOSE PERMITS. BUT IN THIS CASE THE STAFF POSITION IS THAT IT DID NOT EXPIRE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I'M SORRY. SO -- IT SOUNDS LIKE I'M HEARING SOMETHING THAT SEEMS TO DEPART FROM WHAT WE SAW IN THE APPELLANT'S PRESENTATION. SO WHAT IS THE

EXACT LANGUAGE OF THE LAW THAT WE'RE DEALING WITH?

THE EXACT LANGUAGE IS AN APPLICATION FOR A PERMIT FOR ANY PROPOSED WORK SHALL BE DEEM TO HAVE BEEN ABANDONED 180 DAYS AFTER THE DATE OF FILING UNLESS SUCH APPLICATION HAS BEEN PURSUED IN GOOD FAITH FOR.... OR A PERMIT HAS BEEN ISSUED.

McCracken: I'D LIKE TO SEE MR. CANADY'S LANGUAGE BECAUSE IT SEEMED PRETTY CLEAR WHEN I SAW HIS.

OH, EXCEPT THAT THE BUILDING OFFICIAL IS AUTHORIZED TO GRANT ONE OR MORE EXTENSIONS OF TIME. THE EXTENSIONS SHALL BE REQUESTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED.

McCracken: SO MR. CANADY, CAN YOU RESPOND TO THAT? YOU HAD GIVEN US A READING AND WE HAVE DUELLING LAWYERS UP HERE. SORRY ABOUT THAT.

I'M LOOKING AT THE LANGUAGE RIGHT HERE. IT SAYS EXTENSION SHALL BE REQUESTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED. NOW, WHERE THE REQUIREMENTS FOR FILING BEFORE IT EXPIRES COMES FROM IS NOT FROM THE BUILDING CODE, IT'S FROM THE LAND DEVELOPMENT CODE, CITY CODE. AN I'VE GOT THAT RIGHT HERE. IS THAT WHAT YOU'RE LOOKING FOR?

McCracken: THIS IS THE IBC CODE?

THIS IS THE INTERNATIONAL RESIDENTIAL BUILDING CODE.

McCracken: WHAT IS AUSTIN'S CODE SAY?

Y'ALL HAVE ADO NOTED THAT. WE'VE ADOPTED THIS CODE -- I'M SORRY.

...

McCracken: WHAT DID YOU SHOW US EARLIER?

THAT WAS THE 25188 OF THE CITY CODE THAT SAYS THAT AN EXTENSION NEEDS TO BE REQUESTED BEFORE THE

EXPIRATION.

....

CAN YOU READ THAT? THE CODE IS EXPLICIT ABOUT THE TIMING. AND THAT'S WHAT I'M ASKING TO HAVE ENFORCED. IT HAS TO BE FILED BEFORE IT EXPIRES.

THE BUILDING OFFICIAL POSITION BEING THAT IT NEVER DID EXPIRE, SO THERE WAS NO -- THERE WAS REALLY NO NEED FOR THE REQUEST. AND THIS PROVISION DIDN'T COME INTO PLAY.

AND TONIGHT'S THE FIRST TIME I'VE ACTUALLY HEARD THAT POSITION.

McCracken: LOOKING AT THIS, EVERYTHING IS A SUBSET OF A, ONE, TWO AND THREE, AND THAT IS ALL APPEARS CONDITIONED ON THE REQUEST COMING IN BEFORE THE EXPIRATION OF THE DEADLINE.

THESE ARE ALL SET UP PROCEDURES WHERE A PARTY CAN CHALLENGE AN EXTENSION. AND IF YOU ARE NEVER NOTIFIED BECAUSE I NEVER GOT IT IN WRITING IN THE FIRST , YOU REALLY CAN'T HAVE THIS PART OF THE CODE.

IT SAYS IF IT IS FOB TO BE DID HE NAID, A DENIED APPLICATION CANNOT BE UPDATED AND MUST BE REFILED. I'M PARAPHRASING, BUT THAT'S THE SUBSTANCE OF TP. I'LL SEE IF I CAN FIND IT.

..

McCracken: CAN YOU PUT BACK UP THE POWERPOINT PRESENTATION? THAT WAS A HELPFUL...

McCracken: OKAY BE. I CAN'T SEE IT RIGHT NOW. IT'S NOT UP. SO.

.... --

IS THAT WHAT YOU'RE LOOKING FOR.

McCracken: I AGREE THAT THIS APPLICATION WILL EXPIRE ON THE 181st DAY.

THE VERY BOTTOM SQUARE MAY WHAB YOU'RE LOOKING FOR.

McCracken: AND THAT THE APPLICATION EXPIRES AND THE APPLICANT MUST REQUEST AN EXTENSION BY FILING A WRITTEN REQUEST AND JUSTIFICATION BEFORE THE EXPIRATION OF THE DEADLINE. AND IT APPEARS ALL THE OTHER STUFF KICKS IN IF YOU FILE THE REQUEST. THAT THE SUBMISSION OF THE WRITTEN REQUEST IS WHAT TRIGGERS THE WHOLE QUESTION OF WHETHER IT'S A GOOD FAITH REQUEST AND WHETHER THERE IS ONGOING WORK. OKAY. AND THEN I HAVE ANOTHER QUESTION, AND THIS IS -- I DON'T KNOW WHO THIS WOULD BE FOR....FOR, BUT WHEN WOULD THE INITIAL PERMIT APPLICATION -- WHEN WAS THE INITIAL APPLICATION PERMIT FILED?

FEBRUARY 9, 2006.

THAT'S CORRECT.

McCracken: AND WHEN DID THE INTERIM McMANSION ORDINANCE GO INTO EFFECT?

FEBRUARY 10th, 2006. AND I WILL POINT OUT THAT DURING THE BOARD OF APPEALS HEARING, STAFF INDICATE THAT HAD OUR APPLICATION WAS KITE COMPLETE. IT WAS NOT A RUSHED, LAST MINUTE APPLICATION. IT WAS SOMETHING THAT HAD BEEN WORKED ON SEVERAL MONTHS BEFOREHAND.

Mayor Wynn: MAYOR PRO TEM. DUNK DISUNG MY QUESTION IS --

Dunkerley: MY QUESTION IS FOR THE STAFF. NUMBER ONE, I'M CONFUSED. WHAT IS THE SQUARE FOOTAGE OF THE HOME THAT HAS BEEN APPROVED? WHO KNOWS THAT? OKAY.

THE HEATED AND AIR CONDITIONED SPACE OF THE HOME IS -- THE HEATED AN AIR CONDITIONED SPACE OF THE HOME IS

4783 SQUARE FEET. NOW, THE ENTIRE STRUCTURE IS LARGER THAN THAT BECAUSE IT INCLUDES THE GARAGE AND DECKS, ETCETERA. WHICH ARE TYPICALLY NOT COUNTED WHEN WE DESCRIBE SQUARE FOOTAGE.

BUT THAT TOTAL AREA IS 5900 SQUARE FEET.

Dunkerley: NOW, THE CITY ATTORNEY, I WOULD LIKE TO ASK YOU SOMETHING. THIS IS WHERE IT GETS CONFUSING, I THINK. WHETHER YOU WERE SPEAKING BEFORE, ALL OF THE LANGUAGE THAT WE'RE TALKING ABOUT RELATES TO PERMITS THAT BASICALLY HAVE BEEN ABANDONED. AND WHAT I HEARD YOU SAY, IF THE PERMIT IS NOT ABANDONED AND IF THEY'RE WORKING ON THE PROJECT, THEN IN THE OLD RULES THERE WAS NO -- REALLY THERE WAS NO REASON TO HAVE A PERMIT EXTENSION, SO IF YOU ALL HADN'T ASKED HIM FOR A PERMIT EXTENSION, WE MAY NOT HAVE BEEN SO CONFUSED RIGHT NOW. IN A WAY, BECAUSE I THINK ONCE YOU ASKED FOR THAT, THEN THAT -- BUT YOU'RE SAYING THAT ALL OF THE LANGUAGE, EVEN THE ONE THAT THE APPELLANT IS TALKING ABOUT, ONLY RELATES TO PROJECTS THAT ARE ABANDONED AND ARE NOT ONGOING. IS THAT CORRECT?

THAT'S CORRECT.

COUNCILMEMBER MARTINEZ?

Martinez: I HAVE A QUESTION. YOU MENTIONED SOMETHING A MINUTE AGO. YOU SAID THAT --

Mayor Wynn: NOTICE HOW QUICKLY DEBRA WALKS AWAY FROM THE MICROPHONE? [LAUGHTER]

...

Martinez: I THOUGHT I HEARD YOU SAY THAT AS THE 180 DAY DATE WAS APPROACHING, STAFF CONTACTED THE OWNER AND REQUESTED THAT THEY SUBMIT AN EXTENSION REQUEST IN WRITING PER THE CODE. IS THAT CORRECT?

THE STAFF DID GRANT A VERBAL REQUEST AND ASK THAT

THEY SUBMIT A WRITTEN REQUEST, YES.

Martinez: AND DID YOU THIS PRIOR TO THE 180 DAY POINT?

YES.

Martinez: AND WE RECEIVED THE ACTUAL WRITTEN REQUEST WHEN?

AUGUST 23rd.

..

I DON'T KNOW WHEN WE RECEIVED IT. IT WAS DATED AUGUST 23rd.

Martinez: WHICH IS WITHIN THE 180 DAYS --

IT WAS A WEEK LATER -- [INAUDIBLE].

I THINK WHAT SHE'S GOING TO SAY IS THAT THERE WERE SEVEN LATE DAYS. THE CODE ALSO ALLOWS US TO ADD TIME ON TO AN APPLICATION IF THE STAFF REVIEW IS LATE. AND WHEN YOU COUNT THE SEVEN LATE DAYS THAT WE WERE LATE, THEN IT JUST PUTS THEM A WEEK LATER THAN HIS APPLICATION WOULD HAVE EXPIRED THAN THE 180TH DAY.

Martinez: IT WOULD SEEM IF SOMEBODY WAS BUILDING A 6,000 SQUARE FEET HOUSE, THEY'RE GOING TO SPEND MONEY ON IT AND HIRE AN ATTORNEY TO HELP HELP THEM THAT THEY COULD FAX IN A LETTER REQUESTING AN EXTENSION IF IT WAS THAT IMPORTANT TO THEM. BUT I HAVE ANOTHER QUESTION. I'VE HEARD YOU MENTION IT A FEW TIMES -- I'VE HEARD IT MENTIONED THE TERM GOOD FAITH. HOW DO YOU DEFINE GOOD FAITH?

I WOULD DEFINE GOOD FAITH SIMILARLY TO THE EXAMPLES THAT WERE PROVIDED IN THE COMMENTARY ON THE RESIDENTIAL CODE THAT THE PERSON IS PURSUING THE APPLICATION. THAT THERE ARE NOT DELAYS. IN A THERE'S ALWAYS SOMETHING GOING ON, THAT HE'S IN CONSTANT

CONTACT WITH THE STAFF.

Martinez: AND YOU JUST SAID SOMETHING AGAIN THAT YOU MENTIONED EARLIER. YOU SAID CONSTANT CONTACT. IS I DON'T KNOW HOW YOU DEFINE CONSTANT CONTACT, BUT IF YOU CONTACTED THE PROPERTY OWNER VERBALLY AND REQUESTED A WRITTEN REQUEST TO EXTEND IT AND THEN THEY DIDN'T GET BACK TO YOU OR YOU DIDN'T GET THE LETTER UNTIL SEVEN DAYS AFTER THE DEADLINE, I WOULDN'T QUALIFY THAT OR DEFINE THAT AS CONSTANT CONTACT. A FEW WEEK AGO WE HAD A CONTRACT PROCUREMENT BEFORE US WITH A LOCAL FIRM THAT SHOULD HAVE BEEN AWARDED THE BID IN MY MIND. BUT BECAUSE OF THE CODE AND BECAUSE OF A 12-DAY DISCREPANCY OF A DBE WITHIN THAT PROCUREMENT, WE DENIED THEM A MULTI-MILLION-DOLLAR CONTRACT. AND STAFF AND CITY LEGAL'S OPINION WAS THAT'S THE CODE. I DON'T SEE HOW WE HAVE SUCH INCONSISTENCIES WHEN IT COMES TO THIS. AND I APPRECIATE THE EXPLANATION AND THE JUSTIFICATION, BUT WHEN IT COMES DOWN TO IT, IT DOESN'T MAKE SENSE TO ME WHEN YOU SAY THING LIKE CONSTANT CONTACT. AND WHEN YOU SAY THING LIKE GOOD FAITH EFFORT WHEN SOMEONE'S BUILDING A 6,000 SQUARE FOOT HOME THAT'S ARGUABLY WORTH MILLIONS OF DOLLARS OR A MILLION BUCKS, YOU'D WANT TO MAKE SURE THAT YOUR PERMIT'S STILL IN THE PROCESS AND THAT YOU WOULD COMPLY WITH THAT, ESPECIALLY WHEN STAFF REACHES OUT AND SAYS, LOOK, WE REALLY WOULD LIKE TO GET A WRITTEN WHY FROM IT YOU BECAUSE YOU'RE IN THIS WEIRD SPOT WHERE McMANSIONS ARE KICKING IN AND YOUR 180 DAYS ARE COMING UP CAN YOU SPEND SOMETHING IN AND THEY DON'T. I HAVE CONCERNS ABOUT THAT. AND I HAVE CONCERNS ABOUT THE DISCREPANCIES AND INTERPRETATION OF THE CODE. I WON'T BE BE SUPPORTING THE APPEAL, -- I WILL.....

McCracken: I REMEMBER PROCUREMENT ISSUE WE HAD ABOUT TWO YEARS AGO WHERE IT WAS 45 MINUTES LATE -- THERE WERE 45 MINUTES LATE IN SPLIT SCHMIDTING THEIR APPLICATION AND THEY WERE REJECTED FROM A BID FOR BEING 45 MINUTES LATE. THIS IS THE CITY STAFF'S INTERPRETATION. AND I KNOW THAT LIKE IF YOU HAVE A DEADLINE WITH JUDGE YAEKEL OR JUDGE SPARKS AND YOU

-- YOU DON'T SUBMIT IT WITH TWO HOLES PUNCHED IN THE TOP, IT DOESN'T MATTER HOW GOOD YOUR MOTION IS, YOU GET KICKED OUT OF COURT. IT DOESN'T MATTER IF YOU DON'T SUBMIT THREE COPIES, YOU GET KICKED OUT OF COURT. IT DOESN'T MATTER HOW GOOD A MOTION YOU MAKE. AND THE PROCEDURAL RULE IN THE COURT SYSTEM AT LEAST ARE PRETTY EXACT AND THE LANGUAGE OF THE RULES MEAN SOMETHING. AND THESE RULES SEEM EXCEEDINGLY CLEAR THAT WHILE ENORMOUS DISCRETION IS VEST UNDERSTAND STAFF, IF AN APPLICATION IS SUBMITTED ON TIME, YOU'VE GOT TO SUBMIT AN PLILTD FOR AN EXTENSION TO EVEN TRIGGER THE ABILITY TO -- TRIGGER THE GOOD FAITH REQUIREMENT. THE SAME WAY THAT IT WORKS IN THE COURT SYSTEM. IF YOU HAVE A REALLY GOOD MOTION FOR MERCY, YOU STILL HAVE TO SUBMIT IT ON TIME. AND YOU HAVE TO SUBMIT THREE COPIES WITH TWO HOLES PUNCH UNDERSTAND THE TOP IN FEDERAL COURT. YOU HAVE TO COMPLY WITH ALL OF THE PROCEDURAL RIELZ TO EVEN BE HEARD IN THE FIRST PLACE. AND IT IS -- I THINK IT IS UNQUESTIONED THAT THE PROCEDURAL RULES WERE NOT COMPLIED WITH IN THIS CASE. AND JUST LIKE THE FEDERAL JUDGES AND THE STATE COURT JUDGE WOULD SAY, CANNOT EVEN CONSIDER YOUR MOTION. I DON'T THINK WE HAVE ANY DISCRETION AT ALL TO CONSIDER THAT THERE WAS A GOOD FAITH MOTION BECAUSE THE RULES ARE NOT COMPLIED WITH TO SUBMIT THE REQUEST ON TIME. IT LOOKS LIKE IT'S A WEEK LATE. AND IF WE HOLD PEOPLE TO 45 MINUTES LATE AND KICK THEM OUT I THINK A WEEK LATE ALSO, THEN I'M GOING TO MOVE TO APPROVE THE APPEAL.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE THE APPEAL, SECONDED BY COUNCILMEMBER MARTINEZ FURTHER COMMENTS? COUNCILMEMBER KIM.

Kim: [INAUDIBLE]ISM.

.....ISM.

THANK YOU. THIS....THIS IS KEN, THE PROJECT MANAGER. HE IS THE GENTLEMAN WHO WAS PRIMARILY IN CONTACT WITH THE BUILDING DEPARTMENT STAFF. AND I JUST ASKED HIM

IN RESPONSE TO COUNCILMEMBER MARTINEZ'S..S QUESTION, WAS THERE ANY CONTACT GOING ON BETWEEN THE TIME THAT THE EXTENSION WAS GRANTED AND THE LETTER WAS RECEIVED, AND HE IS RESPONSIBLE -- HIS RESPONSE WAS YES, CLEARLY THERE WAS. HE SPENDS MOST OF HIS LIFE IN THE WAITING ROOM AT THE RESIDENTIAL BUILDING DEPARTMENT AND HE WAS THERE A NUMBER OF TIMES IN THAT TIME PERIOD. SO WE DO APOLOGIZE THAT THERE'S CONFUSION ON WHEN THE LETTER WAS ISSUED, BUT IT WAS NOT LIKE WE SAT BACK AND DID NOTHING IN THAT TIME PERIOD. WE WERE HAVING ONGOING CONTACT WITH STAFF. AND AS A SMALL FOOTNOTE, I WAS ONLY BROUGHT IN ON THIS MATTER THREE WEEKS AGO. THANK YOU.

..

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS?

Dunkerley: I HAVE ONE MORE LEGAL QUESTION. SFRS [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THE STAFF THOUGH HAS INSTITUTED A PROCESS WHEREBY THEY DO ASK EVERYONE REGARDLESS OF THE PROVISION TO SUBMIT AN APPLICATION FOR -- A REQUEST FOR EXTENSION.

Dunkerley: THAT'S THE WAY I'M INTERPRETING ALL OF THESE RULES SO I DON'T KNOW HOW PEOPLE ARE GOING TO VOTE, BUT I THINK THERE'S A REAL QUESTION AS TO THE INTERPRETATION OF ALL THESE RULES THAT ARE TOGETHER. AND THE IDEA OF ABANDONMENT AND OF AN ACTIVE PROJECT, THERE MAY NEED TO BE SOME ADDITIONAL CLARIFYING RULES THERE, BUT I THINK IT IS EXTREMELY CONFUSING AND I DON'T THINK IT'S AS CLEAR AS WE TALKED ABOUT THE STATE LAW REQUIREMENT OF GETTING SOMETHING IN ON TIME. I THINK THE PROBLEM WITH THE CLARITY HERE IS THE IDEA THAT WE HAVE RUN RULE THAT TALKS ABOUT AN ABANDONMENT OF A PROJECT, AND THEN YOU HAVE ANOTHER RULE THAT TALKS ABOUT HOW YOU GET AN EXTENSION, AND I'M THINKING THE ASSUMPTION IS AN EXTENSION FOR AN ABANDONED

PROJECT OR A PROJECT ABOUT TO BE ABANDONED.

WE ARE IN THE PROCESS RIGHT ENOUGH AMENDING THE INTERNATIONAL RESIDENTIAL CODE, AND ALTHOUGH THE STAFF THAT'S WORKING ON THAT WOULD PROBABLY NOT LIKE TO HEAR THAT, I WOULD RECOMMEND ANOTHER CHANGE. PERHAPS WHILE WE'RE IN HERE IN THE CODE WE MIGHT AS WELL GO AHEAD AND --

Dunkerley: THAT IS THE POINT I'M TRYING TO MAKE. RIGHT NOW I DON'T THINK IT'S CLEAR EITHER WAY WHAT SHOULD HAVE BEEN DONE. I THINK THE RULES THAT ARE ON THE BOOKS RIGHT NOW WOULD PROBABLE TEND TO SUPPORT THE IDEA THAT A PROJECT -- THE THING WE OUGHT TO BE TALKING ABOUT IS WHETHER THAT PROJECT WAS ABANDONED AND -- TECHNICALLY. AND IF IT WAS ABANDONED, THEN YOU WORRY ABOUT WHETHER OR NOT THEY FILED AN EXTENSION. BUT YOU'RE SAYING THAT IT WAS AN ACTIVE PROJECT. THAT NEEDS TO BE PROBABLY THE DISCUSSION, NOT THE LEGAL ISSUE. AND SO I'M JUST CONCERNED ABOUT THE CONFUSION IN ALL OF THESE RULES. AND I KNOW WE WROTE A LOT OF THEM VERY QUICKLY AND WE ALL TALKED ABOUT IT AT THE TIME THAT THERE WAS GOING TO BE FALLOUT FOR YEARS TO COME AND IT WAS AN ONGOING PROCESS AND WE WERE GOING TO CONTINUALLY TRY TO CLEAN UP THESE THINGS.

WHEN THE CODE COMES BACK, IT WILL HAVE THE CORRECTION IN IT.

Mayor Wynn: COUNCILMEMBER McCRACKEN.

McCracken: COULD SOMEONE TELL ME WHAT HAD BEEN DONE ON THE SITE DURING THE 180-DAY PERIOD? BECAUSE I UNDERSTAND THE HOUSE IS NOT BUILT, BUT WHAT HAD BEEN DONE ON THE SITE.

COUNCILMEMBER, THERE HASN'T BEEN ANY ACTIVITY THAT I'VE NOTED WHEN I DROVE BY. THIS WAS ABOUT TWO WEEKS AGO.

McCracken: EVEN ASS OF TWO WEEKS AGO THERE HAD STILL

BEEN NO WORK ON THE SITE.

NO, SIR.

McCracken: I THINK THAT'S AN ADDITIONAL GROUND. YEAH, IF THE PROJECT --

COUNCILMEMBER, BECAUSE OF THE APPEAL THERE WAS A STOP ORDER PLACED AND THAT'S THE REASON THERE'S BEEN NO WORK DONE.

McCracken: SO AS OF THE DATE OF THE APPEAL WHICH HAPPENED SOME PERIOD OF TIME AFTER THE 180-DAY PERIOD HAD EXPIRED, WHAT DID THE APPEAL -- WHEN WAS IT FILED?

COUNCILMEMBER, THE APPEAL WAS FILED 10 DAYS AFTER THE PERMIT WAS ISSUED AND A STOP WORK ORDER WENT INTO EFFECT SO NO WORK COULD BE DONE.

McCracken: SO IF THE APPEAL REQUEST WAS DUE ON THE 180th DAY, ON THAT DAY THERE HAD BEEN ZERO WORK DONE ON THE SITE, CORRECT?

THE PERMIT WAS NOT ISSUED UNTIL FEBRUARY.

McCracken: I DIDN'T ASK THAT QUESTION. WHAT I ASKED ON THE DAY THE EXTENSION WAS REQUIRED TO BE FILED ON THE 180th DAY, THERE WAS NO WORK DONE ON THAT DATE, CORRECT?

THERE WAS NO PERMIT. I THINK I'M NOT UNDERSTANDING.

McCracken: I'M TRYING TO FIGURE IF NOTHING HAS BEEN DONE ON THE SITE, IF THEY HAVE A SITE PERMIT REQUEST AND THEY HAVE TO FILE THE EXTENSION, HOW DO YOU KNOW IT HASN'T BEEN ABANDONED?

THEY COULD DO NO WORK UNTIL THE PERMIT WAS ISSUED AND THE PERMIT WASN'T ISSUED UNTIL FEBRUARY OF THIS YEAR SO NO WORK COULD BE DONE ON THE SITE.

McCracken: FEBRUARY OF WHAT YEAR?

'07. THE PERMIT WAS FILED IN FEBRUARY OF '06. IT WAS ISSUED FEBRUARY 12th OF '07.

I THINK YOU MAY BE THINKING THERE'S 180-DAY LIMIT FOR BUILDING PERMITS. YOU ARE PROBABLY FAMILIAR WITH THAT. YOU HAVE TO START BUILDING ON A BUILDING PERMIT OR IT EXPIRES. ALSO A 180-DAY LIMIT ON APPLICATIONS AND THAT'S WHAT THIS IS. HE FILED AN APPLICATION A DAY BEFORE THE McMANSION ORDINANCE KICKED IN. THE BUILDING CODE SAYS IT'S GOOD FOR 180 DAYS OR THE APPLICATION EXPIRES AND I THINK THAT MIGHT BE THE --

McCracken: OKAY, SO DURING THAT 180 -- IN THIS CASE 190 DAYS THAT -- FROM THE DAY BEFORE THE McMANSION ORDINANCE WENT INTO EFFECT, THE NEXT 190 DAYS THERE WAS NO -- NO -- NEVER A CHANGE TO THE BUILDING PERMIT.

THERE WAS A REVIEW DONE BY JOY TWO WEEKS AFTER THE PERMIT -- THE APPLICATION WAS FILED. AND IT LISTED A NUMBER OF THINGS THAT NEEDED TO BE DONE. THOSE WERE NOT COMPLETED BY THE TIME -- AND STAFF IS EXPLAINING THERE WERE OTHER THINGS, BUT I WOULD SUBMIT THE THINGS REQUIRED COULD HAVE BEEN DONE VERY EASILY IN TERMS OF THE REQUIREMENTS THAT WERE LISTED IN REJECTING THE APPLICATION. I DON'T KNOW IF THAT CLARIFIES.

McCracken: YEAH.

Mayor Wynn: WE HAVE A MOTION AND SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND APPROVE THE APPEAL. COUNCILMEMBER LEFFINGWELL.

Leffingwell: ANOTHER QUESTION FOR DEBORAH. SO JUST FOLLOWING UP ON THE MAYOR PRO TEM'S COMMENTS, YOU -- YOU DON'T CONSIDER THE 180-DAY EXPIRATION TO BE AN EXPIRATION AS LONG AS THAT ONLY APPLIES IF THEY ARE NOT ACTING IN GOOD FAITH, IF THE PERMIT IS NOT ACTIVE, IF THERE'S NOT SOMETHING GOING ON THERE. THAT'S WHAT I UNDERSTOOD YOU TO SAY.

YES, UNDER THE RESIDENTIAL CODE.

Leffingwell: SO THEN WHY DID YOU ASK THE APPLICANT TO SUBMIT SOMETHING IN WRITING? WAS IT BECAUSE YOU FELT THE LAW WAS VAGUE ON THIS POINT OR WHY DID YOU DO THAT?

BECAUSE McMANSION HAD -- BECAUSE WE HAD CHANGES IN THE REGULATIONS THAT WERE APPLICABLE TO SINGLE-FAMILY STRUCTURES. WE HADN'T HAD ANY IN YEARS. SO WE'VE HAD ISSUES OVER TIME, QUESTIONS ABOUT WHEN AN APPLICATION HAD EXPIRED, WAS McMANSION APPLICABLE, AND SO JUST TO MAKE SURE THAT THAT QUESTION DIDN'T COME UP --

Leffingwell: SO YOU DIDN'T THINK THE WRITTEN EXTENSION REQUEST WAS NECESSARY.

NOT TECHNICALLY NECESSARY, BUT IT WOULD -- IF IT HAD COME IN ON TIME, IT WOULD HAVE SOLVED THIS PROBLEM.

Leffingwell: SO YOU JUST -- WEREN'T YOU ASKING HIM TO DO IT JUST IN CASE THERE WAS A PROBLEM, ALTHOUGH YOU DIDN'T THINK IT WAS NECESSARY?

IT WASN'T -- THE APPLICATION HAD NOT EXPIRED, AND YES, IT WAS BELTS AND SUSPENDERS.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: FOLLOWING UP ALSO ON DEBORAH -- ON MAYOR PRO TEM'S COMMENTS AND ALL OF THIS LEGAL DEBATE, I REALLY FEEL LIKE THE CRUX OF THE PROBLEM IS IN THE DEFINITION OF GOOD FAITH. AND I THINK THAT TYPICALLY THAT HAS INCLUDED LIKE CONSTRUCTION AND INSPECTIONS. SO MY COMMENT WOULD SIMPLY BE THAT I THINK WHEN WE WORK ON A CHANGE IN THE LANGUAGE, WE SHOULD ADD SOME SPECIFIC DEFINITIONS OF GOOD FAITH CONDUCT.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I JUST WANT TO CLARIFY WITH THE STAFF THAT YOU DID -- OR SOMEONE OVER AT YOUR OFFICE DID TELL THE

APPLICANT THAT THEY DID HAVE AN EXTENSION OVER --

GOOD EVENING, COUNCILMEMBERS. JESSICA KING. ERIKA WAS MY PREDECESSOR WHO OVERSAW RESIDENTIAL REVIEW, AND PRIOR TO MY ARRIVAL THERE WAS A VERBAL AGREEMENT BETWEEN THE -- BETWEEN ERIKA, WHO OVERSAW RESIDENTIAL REVIEW, AND THE APPLICANT TO ISSUE AN EXTENSION. AND AGAIN AT THAT TIME THERE WAS A -- WE HAD A SIGNIFICANT BACKLOG. THERE WERE A LOT OF REQUESTS FOR EXTENSIONS. AND IN THE END SHE HAD A DIFFICULT TIME KEEPING UP WITH ALL THE EXTENSION REQUESTS COMING IN SO SHE ASKED FOR WRITTEN EXTENSION IN ADDITION TO THE FACT THAT WE HAD McMANSION KICK IN.

AND EXTENSION WAS REALLY ADDING AN EXTRA LAYER OF PROTECTION FOR THE APPLICANT.

ABSOLUTELY. AND NOW WE TELL EVERYBODY AT THIS POINT IF THEY ARE ASKING FOR AN EXTENSION, EVEN IF THEY ARE PURSUING THEIR APPLICATION IN GOOD FAITH, WHICH FOR AN EXAMPLE WOULD BE BEING STUCK IN FLOOD PLAIN REVIEW OR HAVING TO GET A LAND STATUS DETERMINATION, THINGS OUT OF THEIR CONTROL, WE ASK THAT THEY STILL REQUEST AN EXTENSION IN WRITING.

Cole: NOW WE DO THAT AS GOOD PRACTICE. I CAN UNDERSTAND AT THE TIME THERE WAS A LOT OF PEOPLE WERE WORRIED ABOUT WHAT WAS GOING TO HAPPEN IN TERMS OF OUR DEVELOPMENT RULES AND SO THERE WAS A LOT OF CONVERSATIONS THAT PROBABLY WEREN'T DOCUMENTED AS WELL AS ONE WOULD HOPE TO HAVE IT AND LOOKING IN HINDSIGHT. THANK YOU FOR YOUR ANSWER.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MARTINEZ.

Martinez: ON THE APPLICATION, WHAT IS THE PROPOSED CONDITION SQUARE FEET?

SORRY FOR THE DELAY. 4,783 SQUARE FEET OF CONDITION

SPACE.

Martinez: 4780.

83.

.....83.

Martinez: WHAT'S PERMITTED UNDER McMANSIONS?

McMANSIONS ALLOWS --

Martinez: 40% OF 9735? 40% OF 9,000.

3,894 SQUARE FEET.

Martinez: THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Dunkerley: ONE MORE AND THEN I'LL BE QUIET. DEBORAH, WOULD YOU STEP BACK UP? WHEN HE APPLIED AT SOME TIME AND HE GOT WHAT KIND OF PERMIT? A BUILDING PERMIT?

YES, FOR NEW CON.... CONSTRUCTION.

Dunkerley: HE GOT THE BUILDING PERMIT AND WHAT HAPPENED NEXT?

THE BUILDING PERMIT WAS ISSUED FEBRUARY 12 OF THIS YEAR. FEBRUARY 23rd AN APPEAL WAS FILED AND WORK -- A STOP WORK ORDER WAS ISSUED.

Dunkerley: OKAY. SO THE THING THAT EXPIRED WAS HIS BUILDING PERMIT?

NO, MA'AM, THE THING THAT EXPIRED WAS BACK IN -- IN AUGUST OF '06, HIS APPLICATION. THE APPLICATION HAS 180 DAYS.

Dunkerley: SO THIS IS THE REVIEW PERIOD YOU ARE TALKING.

YES. YES.

Dunkerley: OKAY. IS THERE A DIFFERENCE IN THE -- SO WHAT YOU'VE BEEN TALKING ABOUT AS FAR AS THE REVIEW PERIOD IS THE GOOD FAITH EFFORT DURING THE REVIEW PERIOD?

YES, MA'AM. YES. DURING THE PROSECUTION OF THE APPLICATION.

Dunkerley: ALL RIGHT. I'M NO MORE ENLIGHTENED SO I DON'T KNOW WHAT I'M GOING TO DO ON THIS.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: I WON'T BE SUPPORTING THE MOTION. I THINK THAT WHEN STAFF SAYS AND IT'S A COMMITMENT THIS IS SOMETHING THAT'S ACCEPTED, WE NEED TO STAND BY THAT. I UNDERSTAND THERE WAS CONFUSION AROUND THIS AND WE'RE TRYING TO CLEAN IT UP, BUT WE DO HAVE A McMANSION ORDINANCE, IT'S SERVING US VERY WELL AND WE HAVE BETTER [INAUDIBLE] IN PLACE NOW, BUT I THINK WE DON'T HAVE TO WORRY ABOUT THIS SETTING THE PRESENCE DENSE BECAUSE WE HAVE THE ORDINANCE, IT'S IN PLACE, WE'RE GOING TO ENFORCE IT. SO I'M SYMPATHETIC WITH THE APPLICANT SO I WON'T BE SUPPORTING THE MOTION.

Mayor Wynn: FURTHER COMMENTS OR QUESTIONS?
COUNCILMEMBER LEFFINGWELL.

Leffingwell: WELL, IT SEEMS TO ME THAT WHAT WE'RE TRYING TO WORK WITH, AND MOST OF US AREN'T LAWYERS UP HERE, WE'RE TRYING TO WORK WITH A COMPLEX LEGAL QUESTION. AND WE HAVE BEEN GIVEN THE ADVICE OF OUR STAFF ATTORNEYS WHO HAVE STUDIED THIS LEGAL QUESTION LONG AND HARD, AND GIVEN THEIR OPINION THAT THE APPLICANT -- THE APPLICATION WAS -- COMPLIED WITH THE LAW AND WAS NOT REQUIRED AS LONG AS IT WAS PURSUED IN GOOD FAITH. I PERSONALLY DON'T LIKE THIS OUT COME, BUT I'M NOT GOING TO BE ABLE TO SUPPORT THE MOTION EITHER BECAUSE I'M GOING TO FOLLOW THE LEGAL ADVICE OF THE STAFF THAT HAS STUDIED THE ISSUE

INDEPTH RATHER THAN TRY TO MAKE A LEGAL DECISION MYSELF ON THE DAIS.

Mayor Wynn: MAYOR PRO TEM. FURTHER COMMENTS? QUESTIONS? WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE APPEAL. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED?

Dunkerley: I VOTED THE WRONG WAY. [LAUGHTER]

Mayor Wynn: ALL IN FAVOR OF THE MOTION TO --

MAYOR, DO WE NEED A LEGAL OPINION ON HOW SHE VOTED? [LAUGHTER]

Dunkerley: I STARTED THINKING ABOUT LAW.

Mayor Wynn: ALL IN FAVOR OF THE MOTION TO SUPPORT THE APPEAL PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 4 TO 3 WITH COUNCILMEMBER LEFFINGWELL AND THE MAYOR PRO TEM VOTING NO.

Dunkerley: CAN I MAKE ONE COMMENT? THIS TRULY WAS EXTREMELY CONFUSING. IN FACT, I'M NOT EVEN SURE THAT I SHOULD BE VOTING EITHER WAY ON THIS BECAUSE I DON'T KNOW ENOUGH ABOUT INTERPRETATION OF THE LAW. SO I REALLY WANT TO ENCOURAGE EVERYBODY TO GET THIS FIXED BECAUSE I DIDN'T THINK -- ONCE YOU SAID A REVIEW PERIOD, I DIDN'T THINK -- I THOUGHT YOU HAD TO HAVE A WRITTEN THING FOR REVIEW PERIOD SO THAT MADE ME EVEN MORE CONFUSED. PLEASE GET IT FIXED AS QUICKLY AS POSSIBLE.

Mayor Wynn: UNDERSTOOD. MS. GENTRY, THERE BEING NO FURTHER BUSINESS BEFORE THE CITY COUNCIL, WE STAND ADJOURNED. IT IS 8:47 P.M.

End of Council Session Closed Caption Log