

Closed Caption Log, Council Meeting, 01/10/08

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MAYOR WYNN: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN. IT'S MY PRIVILEGE TO WELCOME THE REVEREND SAM BRANNON, INTERIM PASTOR, MESSIAH LUTHERAN CHURCH, TO LEAD US IN INVOCATION, PLEASE RISE.

MAYOR, COUNCILMEMBERS, FELLOW CITIZENS, LET'S TAKE A MOMENT TO REFLECT. CREATOR GOD, A GREAT UNIVERSAL TRUTH IS THE FURTHER UP ONE GOES THE MORE SUPERVISOR ONE GETS AND THE MORE SCRUTINY ONE IS UNDER. IN THAT SPIRIT, I ASK YOU TO WATCH OVER THESE PEOPLE. I GIVE YOU THANKS FOR THESE SERVANTS. GRANT THEM THE FORTITUDE TO LEAD, MAKING DECISIONS BASED ON THE COMMON GOOD, ESPECIALLY AS THEY GO THROUGH THE PROCESS OF FINDING A NEW CITY MANAGER. HELP THEM, THIS DAY AND ALWAYS, TO MOVE PURPOSEFULLY WITH HUMILITY IN THE SURETY OF YOUR GRACE. MAY GOD BLESS YOU WITH DISCOMFORT, NOT EASY ANSWERS, HALF TRUTHS, SUPERFICIAL RELATIONSHIPS SO THAT YOU MAY LIVE DEEPLY WITHIN YOUR HEARTS. MAY GOD BLESS YOU WITH ANGER AT INJUSTICE, OPPRESSION AND EXPLOITATION OF PEOPLE, SO THAT YOU MAY WORK FOR JUSTICE, FREEDOM AND PEACE AND MAY GOD BLESS YOU WITH TEARS, TO SHED FOR THOSE WHO SUFFER FROM PAIN, REJECTION AND STARVATION AND WAR, SO THAT YOU MAY REACH OUT YOUR HAND TO COMFORT THEM AND TO TURN THEIR PAIN INTO JOY. AND MAY GOD BLESS YOU WITH ENOUGH FOOLISHNESS TO BELIEVE THAT YOU CAN MAKE A DIFFERENCE IN THIS WORLD. SO THAT YOU CAN DO WHAT OTHERS SAY CANNOT BE DONE. AMEN.

THANK YOU.

MAYOR WYNN: THANK YOU, REVEREND. THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, JANUARY 10TH, 2008. APPROXIMATELY 10:25 A.M. WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING AT 301 WEST SECOND STREET. WE HAVE A -- WE HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. THEY ARE ... FOR ITEM NO. 1, WE SHOULD NOTE THAT -- THAT IT'S ALSO APPROVING THE MINUTES OF THE SPECIAL CALLED JANUARY 3RD, 2008 CITY COUNCIL MEETING. ITEMS 6, 7, 8 AND 9 WILL BE POSTPONED TO JANUARY 17TH, 2007, ONE WEEK. AND ITEM NO. 12 WE SHOULD NOTE THAT

IT COMES RECOMMENDED BY THE AIRPORT ADVISORY COMMISSION. ON ITEM NO. 48, WE SHOULD CORRECT THE SECTION NUMBER OF THE CITY CODE, IT SHOULD BE SECTION 21108. RELATING TO THE AUSTIN MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES. AND ON ITEM NO. 50, WE SHOULD NOTE THAT COUNCILMEMBER COLE IS AN ADDITIONAL CO-SPONSOR. LET'S SEE, OUR SCHEDULE TODAY, WE HAVE A COUPLE OF ITEMS THAT WILL BE APPARENTLY I THINK WILL BE PULLED OFF THE CONSENT AGENDA, INCLUDING WE WILL HAVE A BRIEF PRESENTATION OF THE -- OF THE MUNICIPAL PARKING ANALYSIS THAT HAS BEEN DONE BY STAFF AND OTHERS. SHORTLY AFTER THE CONSENT AGENDA. AND WE WILL ALSO HAVE A PRESENTATION AND UPDATE ON THE AUSTIN PARTNERS IN EDUCATION INITIATIVE. AT NOON WE BREAK FOR OUR GENERAL CITIZENS COMMUNICATION. AT 2:00, WE COULD HAVE DISCUSSION AND POSSIBLE ACTION ON -- REGARDING BOND SALES. AT 3:00 WE WILL RECESS THE CITY COUNCIL MEETING AND CALL TO ORDER THE AUSTIN HOUSING AND FINANCE CORPORATION BOARD OF DIRECTORS MEETING AND CONDUCT THAT BRIEF AGENDA. 4:00 WE WILL BE BACK AT CITY COUNCIL MEETING WITH OUR ZONING MATTERS. 5:30, OF COURSE, WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS, DAVE MADDEN IS OUR MUSICIAN TODAY. AND THEN AT 6:00 THIS EVENING, THEREAFTER, WE WILL HAVE PUBLIC HEARINGS. SO FAR, COUNCIL, LET'S SEE, WE ONLY HAVE A COUPLE OF ITEMS PULLED OFF THE CONSENT AGENDA. PROPOSED CONSENT AGENDA. THOSE ARE ITEMS 45 IS PULLED BY COUNCILMEMBER KIM AND ITEM NO. 49, THE PARKING ANALYSIS WILL BE PULLED BY COUNCILMEMBER MCCracken FOR A BRIEF PRESENTATION. ARE THERE ADDITIONAL ITEMS TO BE PULLED OFF THE CONSENT AGENDA? HEARING NONE, I WILL NOW READ OUR PROPOSED CONSENT AGENDA NUMERICALLY. IT WILL BE TO APPROVE ITEMS 1 PER CHANGES AND CORRECTION, OUR MINUTES FROM AUSTIN ENERGY TO APPROVE ITEMS 2, 3, 4, AND 5. OUR WATER UTILITY, WE WILL BE POSTPONING ITEMS 6, 7, 8 AND 9. TO JANUARY 17TH, 2008. BUT WE WILL BE APPROVING ITEMS 10 AND 1 FROM OUR -- 10 AND 11 ... FROM FINANCIAL ADMINISTRATIVE SERVICES ITEM NO. 13, FROM OUR HEALTH AND HUMAN SERVICES DEPARTMENT, WE WILL APPROVE ITEMS 14, 15, 16, AND 17. FROM OUR LAW DEPARTMENT WE WILL APPROVE ITEM 18. FOR MANAGEMENT SERVICES WE WILL APPROVE ITEM 19. [12 WAS APPROVED] OUR NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT WILL APPROVE ITEMS NUMBER 20 AND FROM OUR PUBLIC WORKS DEPARTMENT WE WILL BE APPROVING ITEMS 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 AND 31. FROM OUR PURCHASING OFFICE, WE WILL BE APPROVING ITEMS 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, AND 44. FROM WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT, WE WILL BE APPROVING ITEMS 46. ITEM NO. 47 ARE OUR BOARD AND ECONOMICS APPOINTMENTS THAT I WILL READ INTO THE RECORD. ANIMAL ADVISORY COMMISSION, LIEUTENANT ADRADO GONZALEZ, WHO IS THE -- THE REQUIRED CITY OFFICIAL NOMINATED BY ME. TO OUR COMMISSION FOR WOMEN, ANGELA HOWARD IS COUNCILMEMBER LEFFINGWELL'S NOMINATION. COMMUNITY DEVELOPMENT COMMISSION, JOHN LEMON WHO WILL SATISFY THE REQUIRED POSSESSION OF THE ROSEWOOD ZARAGOSA BLACK LAND NEIGHBORHOOD, ALSO COUNCILMEMBER LEFFINGWELL'S NOMINATION. TO THE CONSTRUCTION ADVISORY COMMITTEE, IRA CRAWFORD IS COUNCILMEMBER LEFFINGWELL'S NOMINATION AS IS RANDY WALLDEN TO THE ELECTRIC BOARD. TO THE HOUSING AUTHORITY OF THE CITY OF

AUSTIN, CHUCK BAILEY IS MY NOMINATION. TO OUR RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION, WILLIAM BURKEHART IS MY NOMINATION. TO THE ZONING AND PLATTING COMMISSION, ROXANNE EVANS IS COUNCILMEMBER COLE'S NOMINATION. CONTINUING ON APPROVING ITEMS 48 PER CHANGES AND CORRECTION, ITEM 50 PER CHANGES AND CORRECTION, ITEM 51, 52, AND 53 -- WE WILL BE SETTING THE PUBLIC HEARINGS BY APPROVING ITEMS 54, 55, 56, 57, 58, 59, 60 AND 61. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? COUNCILMEMBER KIM.

MAYOR AND COUNCIL, TODAY WE HAVE THE GREAT HONOR OF STARTING A GREAT PROCESS, ACTUALLY CONTINUATION OF THE PUBLIC PROCESS FOR GUS GARCIA PARK. THIS PARK IS NEXT TO THE GUS GARCIA REC CENTER, WE ARE HONORED TO HAVE THE PERSON THAT -- NAMED AFTER HERE WITH US IN THE CHAMBERS, MAYOR GUS GARCIA. I WAS WONDERING, MAYOR, IF YOU WOULD COME UP AND SAY A FEW WORDS ABOUT THE HISTORY OF THIS PROJECT AND WHAT THE VISION IS FOR THE CITY FOR ALL OF US TO ENJOY.

THANK YOU.

WELCOME, MAYOR.

THANK YOU, COUNCILMEMBER KIM, COUNCILMEMBERS. IT'S NOT A VERY EASY TASK FOR ME TO BE HERE TODAY. MY NERVOUS SYSTEM IS STILL NOT WHERE IT NEEDS TO BE. BUT I'M HERE TO TALK ABOUT THE PARK BECAUSE SOMETHING WONDERFUL HAS TAKEN PLACE FOLLOWING THE COMPLETION OF THE REC CENTER. AND THAT IS THE COMMUNITY HAS COME TOGETHER TO MAKE SURE THAT WE PARTICIPATE IN HELPING THE CITY BUILD THE REMAINING 41 ACRES. SEVERAL PUBLIC PRIVATE SECTOR ENTITIES AND INDIVIDUALS HAVE OFFERED THEIR SERVICES AND WE NEED TO HAVE THE HELP AND COOPERATION WHICH I -- WHICH I'M SURE -- WELL, WHICH STUART STRONG SAID WE HAVE, TO GET THE PROCESS GOING. MAINLY BECAUSE THERE ARE NO FUNDS TO DEVELOP THE PARK. WE DON'T HAVE ANY BOND FUND RELATED TO THIS PARTICULAR PROJECT. SO -- SO THIS RESOLUTION, AND I APPRECIATE COUNCILMEMBER KIM, YOU KNOW, LEADING THE -- THE PRESENTATION AND PUTTING IT ON THE AGENDA, THIS -- THIS WOULD GIVE THE CITY MANAGER AND THE PARKS DEPARTMENT AN AUTHORITY TO -- THE AUTHORIZATION TO MOVE FORWARD TO WORK WITH THE COMMUNITY TO SEE WHAT WE CAN DO TO PUT IN TRAILS, PLAY SCAPES, YOU KNOW, I'M NOT GOING TO MENTION ANY OF THE ENTITIES THAT HAVE SAID THEY WOULD HELP BUT LET ME ASSURE YOU THAT THEY HAVE, SOME OF THEM ARE REAL WORTHY CONTRIBUTORS TO THE WELL-BEING OF THIS COMMUNITY. THANK YOU SO MUCH FOR CONSIDERING THE RESOLUTION AND -- AND I LOOK FORWARD TO WORKING WITH YOU AND WITH THE NEIGHBORHOOD ASSOCIATION AND OTHER FOLKS IN THE NEIGHBORHOOD, THE SCHOOLS, TO -- TO MAKE THIS PARK A REALITY FOR THIS VERY CRITICAL PART OF THE CITY. AS YOU ALL WELL KNOW, IT'S RIGHT NEXT TO A VERY -- VERY DIFFICULT AREA. THE AREA OF

RUNDBERG AND I-35. WE HOPE THAT THIS PARTICULAR PARK AND REC CENTER WILL HELP ALLEVIATE SOME OF THE DIFFICULT PROBLEMS THAT EXIST IN THE AREA. AGAIN, THANK YOU VERY MUCH. I'M SORRY THAT I'M HERE AT THIS DIFFICULT TIME FOR ME, BUT I WANTED TO BE HERE TO EXPRESS MY APPRECIATION TO ALL OF YOU FOR THIS PARTICULAR RESOLUTION. THANK YOU.

THANK YOU, MAYOR, PROUD TO HAVE YOU HERE. KEEPING THE MOMENTUM FOR THE PARK.

THANK YOU.

THANK YOU, MAYOR. I JUST WANT TO THANK YOU FOR BEING HERE TODAY. I THINK -- I THINK WHAT YOU AND YOUR FAMILY HAVE HAD TO GO THROUGH WAS VERY TRAGIC AND SO OUR PRAYERS GO OUT TO YOU AND ALSO TO THE FAMILY OF THE PERSON WHO WAS KILLED IN THIS VERY UNFORTUNATE ACCIDENT. I ALSO WANT TO THANK THE NEIGHBORS WHO PUT A LOT OF WORK INTO THIS. AND I DON'T KNOW IF THEY HAVE A DRAWING OR SOMETHING THEY CAN SHOW, BUT IT WAS ACTUALLY A CONCEPT THAT WAS PUT TOGETHER BY GETTING IDEAS FROM SOME VERY TALENTED PEOPLE WHO WERE ABLE TO PUT A LOT OF WORK, PRO BONO TO BE ABLE TO -- PRO BONO TO BE ABLE TO COMPETE IN THE CHARETTE TO COME UP WITH THE IDEAS OF WHAT THEY WOULD LIKE TO SEE IN THE PARK. I JUST WANT TO ACKNOWLEDGE DOUG WHITWORTH IN THE BACK THERE, ACTUALLY WORKS WITH THE CITY AUDITOR'S OFFICE, WORKING WITH THE NEIGHBORHOOD, A LEADER ON THIS, THANK YOU VERY MUCH DOUG FOR YOUR COMMITMENT AND WONDERFUL WORK. I ANTICIPATED WITH THE CITY SUPPORT AND RESOURCES WE WILL BE ABLE TO SEE EVEN MORE OF THIS COMING TRUE.

THANK YOU, COUNCILMEMBER. COUNCILMEMBER LEFFINGWELL?

LEFFINGWELL: ON ALMOST THE SAME SUBJECT, ITEM 50, I WOULD LIKE TO OFFER A FRIENDLY AMENDMENT AND I'LL BRIEFLY READ IT, I WILL FURNISH IT TO THE CLERK FOR RECORDING. CITY MANAGER'S FURTHER DIRECTED TO ASK ANY CITY OF AUSTIN DEPARTMENTS THAT HAVE EASEMENTS AFFECTING THE CITY'S HIKE AND BIKE TRAILS TO PROVIDE INFORMATION REGARDING THOSE EASEMENTS TO THE CITY MANAGER. THE PURPOSE OF GATHERING THIS INFORMATION IS FOR G.I.S. TO BE CREATED THAT WILL ALLOW PLANNING AND CONNECTIVITY OF HIKE AND BIKE TRAILS THROUGHOUT THE CITY TO BE ENHANCED AND REPORT BACK IN THE SAME TIME FRAME, 90 DAYS. FRIENDLY AMENDMENT.

SO -- SO LET'S SEE, COUNCILMEMBER KIM AND MCCRACKEN DO YOU CONSIDER THAT A FRIENDLY AMENDMENT.

I THINK THIS IS ITEM 50, CORRECT.

ITEM 50, YES. COUNCILMEMBER MCCRACKEN, YES? AMENDMENT ACCEPTED. FURTHER

COMMENTS ON THE CONSENT AGENDA? WE HAVE A MOTION AND A SECOND ON THE TABLE. WE HAVE A COUPLE OF FOLKS WHO WANTED TO ADDRESS US ABOUT A COUPLE OF THE ITEMS. LET'S SEE I BELIEVE MR. JEFF JACK IS HERE. WANTED TO BRIEFLY -- BRIEFLY DISCUSS ITEM 52, I BELIEVE IT IS, MR. JACK. WHICH IS ON THE CONSENT AGENDA FOR APPROVAL. WELCOME.

MAYOR AND COUNCILMEMBERS, I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. THE TRAIL OF LIGHTS IS A WONDERFUL THING FOR OUR COMMUNITY AND INTERESTING TO SEE THIS -- THIS REQUEST TO -- TO HAVE THE COUNCIL LOOK AT MAKING THE TRAIL OF LIGHTS A CARBON NEUTRAL EVENT. WE APPRECIATE THAT IDEA. I'M AN ARCHITECT, INTERESTINGLY ENOUGH, ONE OF THE THINGS THAT HAPPENS IN ARCHITECTURE OCCASIONALLY, AN ARCHITECT WILL DESIGN A HOUSE THAT HAS ALL OF THE ENVIRONMENTAL BELLS AND WHISTLES, A LOT OF WEATHER STRIPPING, RENEWABLE MATERIALS, SOLAR ENERGY, RAINWATER COLLECTION BUT BUILD A HOUSE THAT'S 9,000 SQUARE FEET FOR TWO PEOPLE. WHICH MEANS THAT THE BUILDING ITSELF IS NEVER EVER ECOLOGICALLY REASONABLE. WHEN YOU DO THIS STUDY TO MAKE THE TRAIL OF LIGHTS CARBON NEUTRAL, I WOULD ENCOURAGE YOU TO LOOK AT THE MAJOR CONTRIBUTOR TO CARBON EMISSIONS IN THE TRAIL OF LIGHTS AND THAT'S THE AUTOMOBILE. THE ZILKER NEIGHBORHOOD ASSOCIATION HAS FOR YEARS BEEN TRYING TO GET THE PARKS DEPARTMENT TO ADDRESS THE FACT THAT WHEN YOU CLOSE BARTON SPRINGS ROAD THROUGH THE PARK, YOU CREATE A TREMENDOUS AMOUNT OF TRAFFIC THAT HAS TO GO FURTHER AND FARTHER, WHICH MEANS YOU USE MORE GAS, MORE CARBON. WE SUGGESTED THAT THERE BE SOMETHING LOOKED AT WITH REGARD TO ALLOWING THE TRAFFIC TO CONTINUE AND PART OF THAT IS GETTING AWAY FROM THE TRAIL OF LIGHTS BEING ACCESSED BY AUTOMOBILES. IF WE WANT TO REALLY MAKE IT CARBON NEUTRAL, THEN WE PROBABLY NEED TO FIND A WAY TO OFF-SITE THE PARKING, HAVE SOME SORT OF A TRAM OR TRAVEL TO THE SITE, SO THAT THE PEOPLE CAN USE IT WITHOUT HAVING TO BE DEPENDENT ON THE CAR. KEEP BARTON SPRINGS ROAD OPEN. AND THAT IS WHERE THE REAL SAVINGS IS GOING TO COME, FROM -- FROM LOOKING AT THIS INITIATIVE. WE HOPE THAT YOU ALL WILL CONSIDER IT. WE HAVE TALKED TO STUART STRONG ABOUT THIS FOR A NUMBER OF YEARS AND WE HAVE CERTAINLY -- WE CERTAINLY WOULD LIKE TO SEE THE PARKS DEPARTMENT CONSIDER IT. THANK YOU. THERE ARE A COUPLE OF PEOPLE ON NUMBER 28.

MAYOR WYNN: YES. YOU ARE WELCOME TO GIVE US TESTIMONY ON ITEM 28, WHICH IS A CONSTRUCTION CONTRACT FROM THE AUSTIN CLEAN WATER PROGRAM.

MAYOR, THERE WERE A COUPLE OF OTHER PEOPLE HERE FROM THE BOULDIN CREEK NEIGHBORHOOD.

DAVID ANSEL SIGNED UP, AS JOHN BISSEL, SORRY IF I'M MISPRONOUNCING THAT.

NOT SURE WHERE THEY WENT.

MAYOR WYNN: MAYOR PRO TEM?

DUNKERLY: IN RELATION TO ITEM NO. 22, THE CHURCH IS I THINK ABLE TO LEASE BACK THE LAND FOR ABOUT NINE MONTHS ON THAT PARTICULAR ITEM AND AS THEY ARE TRYING TO BUILD THEIR NEW CHURCH, ET CETERA, THAT IS A PRETTY SHORT TIME FRAME TO GET ALL OF THE PERMITS THEY NEED AND TO GET EVERYTHING DONE. SO I WOULD HOPE -- WOULD LIKE TO ASK THE CITY MANAGER IF SHE COULD HAVE HER STAFF WORK WITH THE CHURCH TO MAKE SURE THEY CAN TRY TO EXPEDITE THOSE ISSUES SO THAT THEY CAN -- AND -- IN A TIMELY FASHION. HAVE THEIR CHURCH OPERATING. THANKS.

MAYOR WYNN: THANK YOU, MAYOR PRO TEM. WELCOME, SIR, IF YOU -- LET'S SEE, YOU MUST BE JOHN?

YES, SIR.

MAYOR WYNN: WELCOME.

GOOD MORNING, COUNCIL, MY NAME IS JOHN BISSEL, I'M THE TREASURER OF THE SOUTH LAMAR NEIGHBORHOOD ASSOCIATION. I WANT TO SPEAK ON ITEM 28 NOT TO OBJECT TO THE AWARD OF THE CONTRACT TO MCLEAN OR ANY OTHER BIDDER BUT RATHER TO OBJECT TO THE MANNER IN WHICH THE PROPOSED WORK IS GOING TO BE CARRIED OUT AROUND THE ADDITIONAL BURDEN PLACED ON OUR NEIGHBORHOOD. A BIT OF BACKGROUND ON THE PROJECT, ACWP PROJECTS IN OUR NEIGHBORHOOD. IN JUNE THE 2005 REPRESENTATIVES FROM THE ACWP CAME TO OUR SLNA GENERAL MEMBERSHIP MEETING AND SPOKE TO US ABOUT THE PENDING GOVALLE EAST OF LAMAR PROJECT. IN APRIL OF 2006 THE STAFF CAME BACK TO THE MEETING AND PRESENTED THE NOW PENDING BEFORE YOU THE LAMAR BLUE BONNETT MANCHACA WATER AND WASTEWATER CONSTRUCTION PLANS AND THEN THEY CAME BACK LAST JUNE TO GIVE US AN UPDATE ON THE GOVALLE ONE EAST PROJECT BECAUSE THE PROJECT HADN'T STARTED ON THE SCHEDULE ORIGINALLY PROPOSED. IN EACH CASE A MAP, BUT NO MENTION MADE FOR ANY SORT OF A STAGING AREA AND NO NEIGHBORHOOD DISRUPTION FOR THE OPTION CONSTRUCTION DATING AND TRENCHING. THE ONLY WAY WE LEARNED THAT THE STAGING WAS GOING TO BE INSIDE OUR NEIGHBORHOOD WHEN A LOT OF SLNA MEMBERS HAPPENED TO NOTICE ACTIVITY ON A VACANT LOT AND INQUIRED INTO THE PURPOSE. SHE WAS TOLD IT WAS THE STAGING AREA, IT IS NOT ONLY SUPPORTING THE WORK IN OUR NEIGHBORHOOD BUT THE PARTS OF THE GOVALLE 1 EAST OF LAMAR PROJECT AS FAR AWAY AS WEST ANNIE AND BOULDIN AVENUE IN THE BOULDIN NEIGHBORHOOD. WE FIND THIS A BIT ODD BECAUSE THERE WAS A LOT USED ON SOUTH FIFTH STREET FOR THE OLTORF RECONSTRUCTION WORK, THAT LOT WAS CLOSED DOWN, BUT THE ACWP LOT WORK FOR THAT AREA CAME BACK INTO OUR NEIGHBORHOOD. AFTER ENDURING SEVERAL MONTHS OF NOISY CONSTRUCTION AND TRAFFIC DISRUPTION ON THORTON, WE GOT IN

TOUCH WITH RUIZ TO TRY TO UNDERSTAND THE SCHEDULE FOR THE PROJECT. WE ARE TOLD THAT THE GOVALLE 1 EAST PROJECT WOULD BE COMPLETED AS SCHEDULED BY THE FALL OF THIS YEAR. HOWEVER WE WERE NOT INFORMED THAT THE LEFT ARM BLUE BONNETT MANCHACA PROJECT ON ITEM 28 WOULD BE UTILIZING THE SAME STAGING AREA, THAT PROJECT IS NOT SCHEDULED TO BE COMPLETED UNTIL JUNE 2009. LOOKING AT THE BACKUP MATERIALS, I SEE A 60 DAY CONTINGENCY ON THAT WHICH SAYS AT LEAST AUGUST 2009 OR BETTER. WE ASKED FOR A MEETING, SET UP A SESSION AT THE STAGING AREA, BRIGID SHEA AND LARRY MENDEZ WERE NICE ENOUGH TO COME DOWN AND TALK TO US, WE SAID IT MADE NO LOGISTICAL SENSE TO BE CARRYING OUT WORK IN ZILKER PARK, SORRY I GOT IN HERE LATE, I DO HAVE A MAP, I CAN STICK THAT UP FOR YOU IN A MINUTE MUCH WE WERE TOLD THAT THE GOVALLE ONE EAST PROJECT, AFTER CHRISPIN SET UP, WE SUGGESTED THE VACANT CITY LOT AT THE CORNER OF OLTORF AND THORNTON, I BELIEVE IT USED TO BE A J.P. SUBSTATION OR SOMETHING LONG BEFORE I LIVED IN SOUTH AUSTIN. WE SUGGESTED WHILE THAT'S NOT HUGE, IT SHOULD BE USEFUL ENOUGH TO STAGE MATERIALS AND PERHAPS SOME EQUIPMENT DOWN AT THAT CORNER RATHER THAN IN THE INTERIOR OF THE NEIGHBORHOOD. [BEEPING] PRETTY QUICK. OVERALL WE HAVE BEEN IMPRESSED WITH THE OUTREACH OF THE ACWP TEAM AT THE BEGINNING HOWEVER A LOT OF THINGS HAPPENED SINCE THEN ABOUT WHICH WE WEREN'T NOTIFIED OF COURSE THIS BEING SORT OF A NEW ENDEAVOR, NOT THINGS THE NEIGHBORHOOD WAS PREPARED TO ASK A LOT OF QUESTIONS ABOUT. WE UNDERSTAND THE DEADLINES FOR THE E.P.A. THAT THE CITY IS UNDER TO CREATE THE WORK. BUT THIS IS GOING TO RESULT IN OVER TWO YEARS OF DISRUPTION ON THIS WATER NARROW AND DANGEROUS STREET WITHOUT CONTINUOUS SIDEWALKS. ALSO INTERIOR TO THE NEIGHBORHOOD WHICH MEANS AN ENORMOUS AMOUNT OF TRUCK AND CONSTRUCTION TRAFFIC UP AND DOWN THORNTON ROAD ESPECIALLY IF WE ARE GOING TO BE SUPPORTING CONSTRUCTION ON LAMAR AND ACROSS LAMAR OVER IN ZILKER PARK. ONE OF THE THINGS THAT WE LOOKED AT, YOU HAVE THE CYPRESS VMU IN HERE THAT WE WERE PART OF SEVERAL MONTHS AGO, THEY HAVE NOT STARTED CONSTRUCTION IN THE VMU PORTION OF THAT LOT. PERHAPS THAT COULD BE LOOKED AT AS SOMETHING ACWP COULD SHARE WITH CYPRESS WHILE THEY WORK ON OTHER PORTION OF THE LOT, RIGHT AT THE CORNER OF MANCHACA IDEALLY SUITED FOR CONSTRUCTION WORK. WE ARE AFRAID WE DON'T KNOW WHAT THE NEXT SHOE IS TO DROP. IF THERE'S GOING TO BE CONSTRUCTION WORK ON LAMAR, WHICH THERE CLEARLY IS, ARE THEY GOING TO PUSH THAT TO WEEKEND AND NIGHTS SUCH AS WAS DONE AT THE BARTON SPRINGS INTERSECTION IN ORDER TO MINIMIZE TRAFFIC IMPACTS WHICH MEANS TRUCKS RUMBLING IN AND OUT OF THE NEIGHBORHOOD AT ALL HOURS OF THE DAY AND NIGHT. IT'S ALREADY NOISY FROM 7:00 TO 7:00 P.M. YOU CAN BARELY HERE YOURSELF THINK. I'M SORRY DAVID IS NOT HERE, I DIDN'T GET A CHANCE TO CALL HIM IN TIME. HE LIVES RIGHT NEXT TO THIS STAGING AREA AND IS EXTREMELY UPSET ABOUT THE BOTH THE BACKUP BEEPING PLUS THE TREMENDOUS AMOUNT OF TRAFFIC VOLUME THAT'S IN AND OUT OF THERE. I DON'T KNOW IF YOU WOULD BE INTERESTED IN SEEING THE MAP JUST FOR REFERENCE OR NOT.

MAYOR WYNN: A QUESTION FOR THE CITY MANAGER. TECHNICALLY OR FOR OTHER STAFF, THIS ITEM 28 IS AWARDING THE CONSTRUCTION CONTRACT TO MCLEAN. AS JOHN POINTS OUT THEY ARE NOT IN OPPOSITION TO THAT WORK OR THAT CONTRACT. SEEMS TO ME THIS ITEM BY AWARDING THE CONTRACT DOESN'T PROBABLY DOESN'T NECESSARILY SPELL OUT THE STAGING LOGISTICS OF THE CONSTRUCTION TEAM ITSELF.

FUTRELL: WE WILL SIT DOWN AND CONTINUE TO WORK WITH YOU AND SEE WHAT WE CAN WORK OUT ON A BETTER OR MORE BALANCED WAY OF DOING STAGING. I DON'T HAVE ENOUGH DETAIL, BUT I WILL COMMITMENT TO SIT DOWN AND TRY TO FIND SOME ALTERNATIVES THAT SPREAD THIS OUT SO THAT WE ARE NOT PUTTING EVERYTHING INTO THE ONE LOT THAT'S IN YOUR NEIGHBORHOOD.

WE WANT TO CERTAINLY -- WE UNDERSTAND THE PROBLEM. WE UNDERSTAND THE SOLUTION. BUT, YOU KNOW, TWO YEARS AND HOSTING SITES FOR OTHER NEIGHBORHOODS NOT THAT WE WANT TO SET UP ANY SORT OF NEIGHBORHOOD VERSUS NEIGHBORHOOD, BUT WE DON'T THINK THAT'S A VERY EFFICIENT WAY TO CONDUCT THIS WORK.

FUTRELL: WE'LL SIT DOWN AND WORK WITH IT. JULIE BE SURE TO GET A NAME AND NUMBER TO FOLLOW UP AND HAVE A FOLLOW-UP MEETING. JULIE RIGHT BEHIND YOU, MAKE SURE THAT WE HAVE FOLLOW-UP INFORMATION.

I GAVE THEM THE MAP.

MR. JACK, WELCOME.

COUNCIL, I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION. SPEAKING ON THE SAME ITEM, NO OBJECTION TO THE CONTRACT. WE CERTAINLY SUPPORT WHAT WE'RE DOING WITH REGARD TO THE AUSTIN CLEAN WATER PROGRAM. OUR SITUATION IS SOMEWHAT SIMILAR. WE HAD A PRESENTATION BY AUSTIN CLEAN WATER BACK AT THE END OF LAST YEAR. AND IN THAT MIDST OF THAT PRESENTATION, THERE WAS ANNOUNCEMENT THAT THE CITY HAD DECIDED TO USE THE LITTLE ZILKER PARK NEXT TO THE ZILKER ELEMENTARY SCHOOL AS A STAGING AREA. OF COURSE THAT'S THE AREA WHERE OUR NEIGHBORHOOD IS WORKING TO DO IMPROVEMENTS FROM THE MONEY THAT WE GOT FROM THE ROLLING STONES AT THE SAME TIME. IN OTHER WORDS THERE WAS NO COORDINATION. WHEN WE TALKED TO THE PARKS DEPARTMENT, THE PARKS DEPARTMENT WASN'T EVEN AWARE THAT THE CITY'S ENGINEERS DECIDED TO USE THE PARK AS A STAGE KNOWLEDGE AREA. WHEN WE GOT INTO IT, WE REALIZED THAT THEY HAVE A STAGING AREA ON COLLIER THEY HAD ALREADY BEGUN TO USE ON CITY OWNED LAND AND IT DIDN'T MAKE SENSE TO US TO PUT A NEW STAGING AREA RIGHT NEXT TO AN ELEMENTARY SCHOOL ALONG ONE OF OUR SAFE ROUTES TO SCHOOL SIDEWALKS. WHERE THOSE BIG TRUCKS WOULD BE COMING IN AND OUT AND YOU HAVE A BUNCH OF SCHOOL KIDS GOING BY. SO WE RECOMMENDED THAT THEY DON'T USE THAT SITE IN THE LITTLE ZILKER

ELEMENTARY SCHOOL AND PUT IT OVER IN THE COLLIER. WELL, WHAT HAPPENED WAS THAT THE FOLKS THAT LIVE AROUND COLLIER WERE VERY UPSET ABOUT THE BEEPING AND BACKING UP NOISES FROM THE TRUCKS, SO THERE WAS AN ISSUE THERE THAT WAS RAISED WITH THE CITY SO ENGINEERS ON THE PROJECT AS PART OF THAT THEY DECIDED TO MOVE THAT STAGING AREA OVER TO JOHN'S NEIGHBORHOOD. SO WE HAVEN'T SOLVED THE PROBLEM. WE JUST SIMPLY MOVED IT AROUND. I THINK THIS IS A SITUATION WHERE WE WOULD LIKE THE CITY TO WORK WITH US. PAUL AND BRIGID AND OTHER FOLKS CAME TO OUR EXECUTIVE COMMITTEE MEETING LAST WEEK, AGREED TO SIT DOWN WITH US, LOOK AT ALTERNATIVES. WE CERTAINLY WOULD LIKE TO FIND AN OPPORTUNITY TO BUILD THESE STAGING AREAS IN PLACES THAT DOESN'T DISRUPT THE NEIGHBORHOOD. IT GOES BACK TO AN ISSUE THAT I THINK THE COUNCIL IS FACED WITH OFTEN. WE OFTEN MAKE DECISIONS ABOUT DOING THINGS IMPLEMENT IT AND THEN FIGURE OUT HOW TO WEATHER THE HEAT. I THINK THIS IS A GREAT OPPORTUNITY TO CHANGE THAT ATTITUDE TO WORK WITH THE NEIGHBORHOODS BEFORE YOU ESTABLISH THE STAGING AREAS. TO ANSWER THE MAYOR'S QUESTION, I THINK ONE OF THE PROBLEMS THAT WE HAVE IS THAT IN ORDER FOR THESE CONTRACTORS TO BID ON THESE PROJECTS, THEY HAVE GOT TO KNOW WHERE THEIR STAGING AREAS ARE. I THINK IT IS ALREADY PART OF THE CONTRACT DOCUMENTS THAT THEN IS GOING TO HAVE TO BE MODIFIED IN ORDER TO CHANGE IT. BUT WE ARE WILLING TO WORK WITH THE CITY IN ANY WAY WE CAN. WE WANT TO WORK WITH OUR FELLOW NEIGHBORS IN 78704, HOPEFULLY WE CAN FIND A SOLUTION, THANK YOU.

THANK YOU, MR. JACK. SO WE HAVE A MOTION AND A SECOND ON THE TABLE FOR AN AMENDED CONSENT AGENDA. AND WITH SOME ADDITIONAL INSTRUCTION FOR THE CITY MANAGER, INCLUDING THE SPEED ON MAYOR PRO TEM'S COMMENT ABOUT ITEM NO. 22. HOPEFUL FACT THAT THE AUSTIN CLEAN WATER PROGRAM TEAM CAN REACH OUT TO THESE NEIGHBORS ON THESE STAGING LOGISTICS.

MAYOR, WHAT I THINK WE'LL DO, WHAT CLEARLY LOOKS LIKE WHAT WE ARE DOING IS MISSING A BEAT ON THE STAGING AREAS AS WE ARE DOING OUR OUTREACH. SOUNDS LIKE WHAT WE NEED TO DO IS PULL ALL OF THE DIFFERENT AREAS TOGETHER MAYBE IN A ROOM TOGETHER. I KNOW NO ONE LIKES A STAGING AREA NEAR THEIR NEIGHBORHOOD. BUT IF WE'RE TRYING TO NEGOTIATE THESE ONE AT A TIME IT'S PROBABLY WHERE PART OF OUR PROBLEM IS. SO NEIGHBOR WE WILL TRY PULLING ALL OF THE DIFFERENT NEIGHBORHOODS THAT ARE IMPACTED TOGETHER AND BUILD A COMPREHENSIVE PLAN ON WHERE THIS STAGING AREAS ARE AND THE TIMING OF THOSE STAGING AREAS FOR THIS PROJECT. WE WILL SEE WHAT WE CAN DO ABOUT GIVING A MORE FAIR DISTRIBUTION WHERE EVERYBODY KNOWS WHERE THE DIFFERENT PIECES ARE.

MAYOR WYNN: THANK YOU. COUNCILMEMBER MARTINEZ?

MARTINEZ: THANKS, MAYOR, I WANTED TO ASK A QUESTION ON ITEM 42. I BELIEVE THIS IS THE FIRST PURCHASE THAT WE'VE DONE FOR UNIFORM TYPE OF -- OF COMMODITIES WHERE COUNCIL ADOPTED A RESOLUTION LAST YEAR THAT WE NOT USE SWEAT SHOP

LABOR IN -- YOU KNOW, FOR THE PURCHASE OF THESE GOODS. I WANTED TO ASK, I THOUGHT THAT I SAW BYRON HERE.

THERE HE IS FOR YOU.

BYRON. I WANTED TO ASK HOW THE PROCESS WENT AND IF THE VENDOR'S AFFIDAVIT PROCESS IS WHAT WE THOUGHT IT WOULD BE, IF THERE ARE IMPROVEMENTS THAT WE COULD MAKE, ANY PROBLEMS THAT YOU RAN INTO, CERTIFYING THAT NONE OF THESE VENDORS USE SWEAT SHOP LABOR.

BYRON JOHNSON, FINANCE SERVICES. THE PROCESS WAS A LITTLE BIT DIFFERENT THIS TIME. WE DID NOT GET SOME OF THE PEOPLE THAT PARTICIPATED TYPICALLY, BUT WE WERE ABLE TO GET TWO COMPANIES THAT PARTICIPATED. WE GOT ONE OF THEM THAT DID MEET THE STANDARDS, THE PRICE IS NOT MUCH DIFFERENT THAN WHAT WE WERE DOING BEFORE. AND THE -- THE GOODS ARE BEING MANUFACTURED BOTH IN TEXAS AND IN NEW HAMPSHIRE. SO THE MANUFACTURERS WE DID GET THE AFFIDAVITS ON FILE. SO -- SO WE STARTED WORKING AT THIS, WE HAVE DONE SOME SMALLER CONTRACTS, BUT THIS ONE WITH THE OPTIONS IS ALMOST A MILLION DOLLARS, SO IT'S THE LARGEST ONE THAT WE HAVE BEEN ABLE TO DO IT. IT IS A CHALLENGE. IT'S A LITTLE MORE EFFORT. SOME OF THE VENDOR DO NOT COMPLY AND WE JUST DON'T DO BUSINESS WITH THEM.

ALL RIGHT. I WANTED TO THANK YOU, BYRON, THANK THE REST OF THE STAFF FOR THEIR EFFORTS. I KNOW THAT IT'S NOT SOMETHING EASY TO DO AND I KNOW IT ADDS WORK AND BURDEN TO YOUR EFFORTS. BUT I THINK IT REALLY SPEAKS WELL OF THE CITY WHEN WE DO A MILLION DOLLAR PURCHASE AND WE CAN ENSURE THE CITIZENS AND OURSELVES THAT WE ARE NOT SPENDING MONEY APPROPRIATELY IN AREAS THAT ARE UNETHICAL. THANK YOU.

THANKS, MAYOR.

THANK YOU COUNCILMEMBER, A MOTION AND A SECOND ON THE TABLE. FURTHER COMMENTS ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

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

WE HAVE A COUPLE OF QUICK SORT OF BRIEFINGS THIS MORNING, FIRST ONE FROM THE AUSTIN PARTNERS IN EDUCATION INITIATIVE.

FUTRELL: JUST TO KICK THAT OFF MAYOR, I THINK MARYLEE YOU ARE GOING TO GET STARTED. THIS IS SHORT ANNUAL REPORTS TO YOU ON OUR PROGRESS ON AUSTIN

PARTNER IN EDUCATION. THIS IS SOMETHING THE COUNCIL SHOULD BE EXTRAORDINARILY PROUD OF. WE HAVE OVER 400 EMPLOYEES IN THE CITY OF AUSTIN WHO MENTOR AND TUTOR IN OUR SCHOOL DISTRICTS. WE'VE HAD EXTRAORDINARY RESULTS. I BELIEVE THAT WE ARE -- THE EMPLOYER WITH THE LARGEST NUMBER OF EMPLOYEES WHO PARTICIPATE IN THIS PROGRAM IN THE AUSTIN AREA. AND SO MARYLEE IF YOU WILL GET STARTED.

THANK YOU SO MUCH, TOBY. MAYOR WYNN, MAYOR PRO TEM DUNKERLY, TOBY, COUNCILMEMBERS, GOOD MORNING. I HAVE THE GREAT PLEASURE OF INTRODUCING YOU TO THE INITIATIVE THIS MORNING. LET'S GET STARTED. HERE WE GO. WE ARE GOING TO WALK YOU THROUGH REALLY QUICKLY ON WHAT THE PRESENTATION IS GOING TO COVER THIS MORNING. I'M GOING TO TELL YOU A BIT ABOUT THE INITIATIVE INTRODUCE AND INTRODUCE THE EXECUTIVE -- NOT THE PRODUCER, THE EXECUTIVE FOR AUSTIN PARTNERS IN EDUCATION WHO IS GOING TO TELL YOU ABOUT THE PROGRAM AND THE RESULTS WE'VE BEEN GETTING AND THEN I'LL COME BACK AND TELL YOU ABOUT THE CITY OF AUSTIN'S INVOLVEMENT AND WHAT YOUR EMPLOYEES ARE DOING TO MAKE THIS A SUCCESS. STARTING WITH HISTORY, THIS BEGAN ON APRIL 25TH IN 2002 WITH A RESOLUTION THAT THE COUNCIL PASSED. THIS WAS DURING THE ECONOMIC DOWN TOURNAMENT --

FUTRELL: ACTUALLY, MARYLEE AT THE RISK OF INTERJECTING BECAUSE WE HAVE FORMER MAYOR GUS GARCIA STILL IN THE ROOM WITH US, THIS RESOLUTION WAS PASSED UNDER THE LEADERSHIP OF A FORMER MAYOR, GUS GARCIA. IT WAS HIS VISION AND INITIATIVE THAT STARTED OUR MENTORING PROGRAM CITY-WIDE THAT MAYOR HAS NOW OVER 400 EMPLOYEES MENTORING AND TUTORING IN OUR SCHOOLS.

THANK YOU, YES. THE FOCUS HAS ALWAYS BEEN ON LOW PERFORMING SCHOOLS. WE BEGAN WORKING WITH AUSTIN INDEPENDENT SCHOOL DISTRICT IN A GROUP CALLED ADOPT A SCHOOL. HOWEVER, IN 2004 THE AUSTIN PARTNERS IN EDUCATION GROUP FORMED AS A SEPARATE NON-PROFIT AND WE'VE BEEN WORKING WITH THEM EXCLUSIVELY. THEY BEGAN WITH THE MODEST GOAL OF CLOSING THE ACHIEVEMENT GAP ON A SYSTEMIC LEVEL IN AUSTIN EDUCATION. THEY HAD SOME EARLY DIFFICULTIES WITH OUR MENTORING PROGRAM, THAT LED TO A NEW MODEL THAT HAS REALLY TAKEN OFF. I'M GOING TO INTRODUCE KATHRYN BREWER WHO CAN EXPLAIN A LITTLE MORE ABOUT THAT TO YOU.

WELCOME, MS. BREWER.

THANK YOU, THANK YOU, MARYLEE. WE ARE VERY EXCITED TO BE ABLE TO PRESENT THIS TO YOU TODAY. -- WHAT'S REALLY AMAZING ABOUT THIS PROGRAM IS THAT IT REALLY -- IT ENSURES THAT EVERY STUDENT, IF WE ARE SUCCESSFUL IN GROWING IT THE WAY THAT WE WOULD LIKE, EVERY STUDENT WILL GRADUATE COLLEGE READY. WE HAVE -- IT'S ALSO A WONDERFUL COLLABORATION AS TOBY SAID THE CITY IS THE LARGEST SUPPLIER OF VOLUNTEERS TO THIS PROGRAM BY FAR, WE ARE INCREDIBLY GRATEFUL. THE CHAMBER

OF COMMERCE IS ALSO HEAVILY INVOLVED AS A PARTNER. AUSTIN SCHOOL DISTRICT OBVIOUSLY, TRAVIS COUNTY BECAUSE OF THE CITY'S LEADERSHIP IS COMING ON BOARD IN A BIG WAY. WHAT'S IMPORTANT TO REALIZE, THE REASON THAT WE ARE GOING SYSTEMIC IN THIS PROGRAM IS BECAUSE THE SCHOOL DEMOGRAPHICS ARE CHANGING RAPIDLY. WE HAVE GONE FROM 48 TO 62% POVERTY IN THE LAST FIVE YEARS. THAT'S 10,000 STUDENTS MORE IN POVERTY. OUR GOAL IS TO ADDRESS 50,000 HIGH NEEDS STUDENTS. THE REASON IT'S SO NECESSARY IS SCHOOLS ARE ATTUNED TO TAKE STUDENTS FROM FIRST TO SECOND, SECOND TO THIRD, BUT NOT FOURTH GRADE TO 10TH GRADE. WITH HIGH POVERTY WE HAVE SCHOOLS COMING IN AT A MUCH LOWER GRADE LEVEL THAN THE SCHOOLS ARE FUNDED TO SUPPORT. WHAT WE HAVE FOUND IS THAT THERE IS A PROVEN WAY TO CLOSE THE ACHIEVEMENT GAP, SMALL GROUP ENGAGED LEARNING. OUR RESULT GOES HAVE BORNE THAT OUT. WE ARE ACTUALLY ABLE TO CLOSE THE ACHIEVEMENT GAP BY BRINGING VOLUNTEERS INTO THE CLASSROOM. WHAT'S ALSO WONDERFUL ABOUT THIS MODEL IS MARYLEE REFERENCED THE BUMPS THAT WE HAVE BEFORE. THIS MODEL IS A LOT MORE ROBUST THAN MENTORING IN THAT WE STILL HAVE 1800 MENTORS IN THE SCHOOL, IT'S A FABULOUS PROGRAM. AND THE CLASSROOM MODEL ACTUALLY IS ABLE TO WITHSTAND A LOT MORE OF THE TURBULENCE THAT COMES WHEN VOLUNTEERS ARE ABSENT OR KIDS ARE ABSENT OR THE OTHER -- IT'S A LOT LESS RESOURCES INVOLVED IN MONITORING THE PROGRAM AND A LOT MORE ALIGNED WITH THE SCHOOL'S GOALS IN ACADEMICS. WHAT THE RESEARCH HAS SHOWN, WE CAN ELIMINATE -- THERE'S A LOT OF RESEARCH REPORTS, ROUND TABLES GOING ON RIGHT NOW ABOUT HOW TO CLOSE THE ACHIEVEMENT GAP. IT ALWAYS COMES BACK TO THE SAME KEY POINTS, SMALL GROUP ENGAGED LEARNING, ELIMINATE KEY BARRIERS, GETS STUDENTS UP TO SPEED IN READING EARLY, GET MATH GOING, MAKE SURE THEY ARE ON TRACK WITH MATH IN MIDDLE SCHOOL. ALGEBRA IS THE KEY DROP OUT POINT. IF THEY DO NOT SUCCEED, 60% DROP OUT OF SCHOOL. OUR GOAL IS TO ACCELERATE THE ACADEMIC GAINS THROUGH SMALL GROUP LEARNING AND EVENTUALLY THIS PROGRAM WILL ACTUALLY WORK ITSELF OUT OF A -- WE MIGHT WORK OURSELVES OUT OF A JOB. AS WE CHANGE THE WHOLE MODEL OF THE EDUCATION PROCESS FROM A LECTURE MODEL TO A SMALL GROUP LEARNING MODEL, WE WILL NOT NEED AS MANY VOLUNTEERS BECAUSE EVERYBODY WILL JUST EXPECT THIS SORT OF PROCESS. SO THIS IS THE VISION THAT WE WANT EVERYBODY TO HAVE. A CLASSROOM, THE VOLUNTEERING IS IN THE CLASSROOM. THERE'S BLUE DOTS THAT YOU SEE ARE THE VOLUNTEERS, THE ORANGE DOTS ARE THE STUDENTS THAT EVERY VOLUNTEER IS ENGAGED WITH THREE STUDENTS, THEY ARE IN THE CLASSROOM, THE TEACHER IS THERE PRESENT, IT'S ALIGNED WITH THE CURRICULUM. BASICALLY WE ARE PROVIDING A LIFT TO THE EDUCATION RATHER THAN CREATING ANOTHER RESOURCE DRAIN WITH A PROGRAM THAT'S MANDATED ON THAT THEY HAVE TO PROVIDE RESOURCES TO. THE TEACHERS LOVE THIS PROGRAM. THE MORE IMPORTANT THING TO REALIZE IS THAT WE HAVE SIGNIFICANT DOCUMENTED GAINS. THIS GRAPH SHOWS THE RESULTS OF 250 STUDENTS, 12 TO 14 TEACHERS PARTICIPATING IN THIS PROGRAM. THE YEAR BEFORE YOU SEE THE ORANGE LINE WITHOUT OUR PROGRAM, THE KIDS WENT FROM 45 TO 55% ON GRADE LEVEL. THIS IS THE REALLY IMPORTANT PIECE. WITH OUR PROGRAM, THEY WENT

FROM 35 TO 65% ON GRADE LEVEL. IN ONE YEAR. IT'S PHENOMENAL GAINS AND IT'S NEVER BEEN ACHIEVED BEFORE. THE TEACHERS WERE RUNNING UP AND DOWN IN THE HALLWAYS, YOU KNOW, SHARING THEIR DATA. AND THIS HAS INSPIRED DR. FORGIONE ACTUALLY TO TAKE THIS TO A SYSTEMIC LEVEL. WE ARE ASKING THE CITY, COUNTY, ALL OF OUR CORPORATIONS TO PARTICIPATE IN -- IN LARGE NUMBERS. THE OTHER PIECES THAT WE'RE SEEING NOW IS THAT VOLUNTEER RETENTION HAS GONE UP ASTRONOMICALLY, NORMALLY IT'S 50 TO 60%, VOLUNTEERS ARE STAYING IN THE 90 TO 95% RANGE THROUGHOUT THE YEAR, WHICH IS JUST INCREDIBLE. THE CITY PROGRAM HAS GONE FROM 60 TO NEARLY 300 VOLUNTEERS, THEY ARE SO EXCITED ABOUT THIS PROGRAM. WE ARE INCREDIBLY GRATEFUL TO THE CITY MANAGER IN PARTICULAR FOR CREATING A MODEL FOR ENGAGING THE WORKFORCE IN THIS PROGRAM. WE DIDN'T KNOW IF IT COULD BE DONE AND SHE -- WITH HER LEADERSHIP PULLED THIS THROUGH AND GOT UP -- 300 -- 300 NEW VOLUNTEERS INTO THE PROGRAM IN ONE -- ACTUALLY IN ABOUT A COUPLE OF MONTHS. WHAT'S ALSO IMPORTANT IS THAT WE TRACK OUR SUCCESS. WE HAVE A REPORT CARD THAT WE GIVE TO OUR BOARD EVERY MONTH, ALL OF THE STAKEHOLDERS THAT SHOWS ALL OF THE NUMBERS IN TERMS OF TEACHERS, STUDENTS, VOLUNTEERS, AT THE END OF THE YEAR WE SHOW THE STUDENT -- END OF THE YEAR WE SHOW THE STUDENT OUTCOMES, NUMBER OF STUDENTS BROUGHT TO GRADE LEVEL. THAT'S REALLY THE -- WHAT WE WANTED TO TELL YOU ABOUT THE PROGRAM. ARE THERE ANY QUESTIONS?

MAYOR WYNN: QUESTIONS, COUNCIL? JUST OBVIOUS COMMENT THAT THE -- EFFICACY IS AMAZING. THIS REALLY IS A -- REMARKABLE RESULTS. WE ALL SHOULD BE PROUD, KUDOS TO THE CITY MANAGER FOR --

THANK YOU, I'M EXCITED ABOUT IT, TOO. WELL, I WOULD LIKE TO BRING BACK MARYLEE THEN TO CLOSE THIS OUT.

I WANT TO TALK TO YOU A LITTLE BIT NOW ABOUT NEXT STEPS, WHERE THE PROGRAM IS HEADED.

ABSOLUTELY. REAL QUICKLY, COUNCILMEMBERS, YOU HAVE SOME WONDERFUL STAFF THAT ARE DEDICATED AND INVOLVED IN THIS INITIATIVE. [READING GRAPHIC] BERT WILL BE SEEING THIS THROUGH IN TOBY'S ABSENCE. BRENDA BRANCH BEEN AN INCREDIBLE CHAMPION I DON'T KNOW, AUSTIN ENERGY TWO VERY DEDICATED EMPLOYEES. WHO HAVE REALLY HELPED INCREASE OUR VOLUNTEER PARTICIPATION IN THE LAST YEAR. THE WAY EMPLOYEES PARTICIPATE IN THIS PROGRAM, I'M ONE OF THEM, JULIE BEGS AND I GO EVERY TUESDAY TO AUSTIN HIGH. TWO HOURS OF ADMINISTRATIVE LEAVE WEEKLY INCLUDING TRAVEL TIME. THERE ARE CURRENTLY 402 CITY OF AUSTIN EMPLOYEES CITY-WIDE THAT ARE PART OF THIS PROGRAM. YOUR BIG CONTRIBUTORS ARE THE LIBRARY DEPARTMENT, AUSTIN ENERGY AND FINANCIAL SERVICES. HOWEVER, IT'S WORTHY OF NOTING THAT THERE'S PARTICIPATION IN EVERY SINGLE CITY DEPARTMENT. I THINK THAT SPEAKS TO -- TO REALLY REMARKABLE THING. IN THE WORKFORCE WE HAVE DONE A

GREAT DEAL OF RECRUITMENT IN THE LAST EIGHT MONTHS WITH BEN AND KATY'S HELP. DOZEN PEOPLE SHY OF HAVING TRIPLED THE NUMBER OF EMPLOYEES SINCE APRIL. THIS IS A GREAT BENEFIT FOR THE WORKFORCE. BEFORE ANYONE STEPS INTO A CLASSROOM WITH THE CHILDREN, WE HAVE FOUR HOURS OF PROFESSIONAL FACILITATION TRAINING AND LEADING A SMALL GROUP. AND I FOUND THAT'S BEEN VERY HELPFUL IN MY PROFESSIONAL DEALINGS AS WELL. IT ALSO WORKS AS A TEAM BUILDING EXERCISE IN THE WORK GROUP. JULIE, SHERRI, MARY AND I GO EVERY TUESDAY, WE SHARE STORIES ABOUT WHAT'S HAPPENED IN THE TRENCHES, IT'S BEEN GREAT FOR CAMARADERIE. FINALLY JUST FROM EMPLOYEES THEMSELVES, THIS IS MICHELLE FROM THE LIBRARY DEPARTMENT. HER COMMENT IS REPRESENTATIVE OF SEVERAL THAT WE GET ALL THE TIME. IT'S A FABULOUS PROGRAM. LOOKING TO THE FUTURE, CHIEF ACEVEDO HAS BEEN VERY EXCITED ABOUT THIS PROGRAM, TALKING ABOUT GETTING BOTH HIS CADETS AND DISTRICT REPRESENTATIVES INVOLVED TO HELP REACH OUR NEW GOAL IN 2008 OF 200 ADDITIONAL EMPLOYEES. THIS TRULY SETS THE STANDARD FOR VOLUNTEER REPRESENTATION FOR ALL GROUPS IN THE CITY OF AUSTIN. KATHRYN TELLS ME SHE'S GONE TO A.M.D. AND SEVERAL OTHER ORGANIZATIONS AND SAID WELL THE CITY VOLUNTEERS THIS MANY PEOPLE. AND IT CERTAINLY RAISES THE BAR AND SETS THE STANDARD. FINALLY COUNCIL, I WOULD LIKE TO INVITE YOU TO AN EVENT. YOU WILL BE RECEIVING INFORMATION FROM LESLIE SHENAWISE ABOUT TOURING O'HENRY MIDDLE SCHOOL, ACTUALLY BEING A PART OF ONE OF THESE SMALL GROUPS AND GETTING THEIR FEET WET, SEEING WHAT IT'S ALL ABOUT IN PERSON. THANK YOU VERY MUCH. IF THERE ARE ANY QUESTIONS WE'LL BE GLAD TO TAKE THEM.

FUTRELL: THE ONE THING I WANT TO PAY ATTENTION TO THIS UPCOMING YEAR, I THINK WE'RE GOING TO TAKE IT TO A NEW LEVEL WITH THE DISTRICT COMMANDERS AND CADETS GETTING INVOLVED. NOT ONLY WILL WE GET THE BENEFIT OF THOSE ADDITIONAL TUTORS COMING OUT OF A.P.D. AND THEIR CHANCE TO HAVE A COMMUNITY PROJECT BUT YOU WILL GET AN A.P.D. ROLE MODEL FOR STUDENTS IN THE SCHOOLS. YOU WILL GET A DOUBLE WHAMMY OUT OF THAT THAT I THINK WILL HAVE A HUGE BENEFIT FOR US.

MAYOR WYNN: THANK YOU VERY MUCH. FURTHER COMMENTS, QUESTIONS, COUNCILMEMBER KIM?

KIM: I THINK THIS PARTNERSHIP WITH THE COMMUNITY IN SCHOOLS IS WONDERFUL. I'M GLAD THAT YOU'RE HERE TO PRESENT THIS BECAUSE THEN WE'LL HAVE EVEN MORE INTEREST IN THIS. THERE ARE A LOT OF DIFFERENT GREAT OPPORTUNITIES FOR VOLUNTEERING AND HELPING YOUTH IN OUR SOCIETY AND IN AUSTIN AND I THINK THAT HOPING TO ACHIEVE GRADE LEVEL READING ACHIEVEMENT AND IMPROVING TEST SCORES, THAT'S THE BIGGEST INVESTMENT THAT WE CAN MAKE REALLY IN THE EDUCATION, GIVING THEM EXTRA ONE ON ONE ASSISTANCE WHICH IS SO NEEDED, ESPECIALLY SOMETIMES IN THE SCHOOLS THAT ARE OVERCROWDED TO REALLY GIVE THEM THAT PERSONAL ATTENTION. SO I THANK YOU AND THANK ESPECIALLY ALL OF THE VOLUNTEERS OF -- AND THE POLICE DEPARTMENT AND IN THE OTHER DEPARTMENTS IN OUR CITY THAT REALLY TAKE THE TIME

TO DO THIS. THANK YOU.

COLE: I REMEMBER SEVERAL MONTHS AGO WHEN CREDIT WRITTEN BREWER -- CATHERINE BREWER VISITED MY OFFICE AND WAS VERY EXCITED ABOUT THE PROSPECTS OF INCREASING PARTICIPATION IN THE PROGRAM. I ENCOURAGED HER TO CONTINUE TO VISIT WITH TOBY FUTRELL WHO MADE THIS INCREASE A POSSIBILITY I WOULD LIKE TO RECOGNIZE THAT. LONG BEFORE I WAS ON COUNCIL I WAS VERY ACTIVE IN THE SCHOOL SYSTEM, INCLUDING THE PTA AND COMMUNITIES IN SCHOOLS, DIFFERENT COMMITTEES OF THE CHAMBER. I KNOW THAT THIS PROGRAM IS NOT ONLY WIDELY RECEIVED BY THE CITY OF AUSTIN BYE-BYE OUR ENTIRE COMMUNITY. I'M PLEASED THAT WE HAVE MADE THE EFFORT TO INCREASE OUR PARTICIPATION. I APPLAUD YOU GUYS. BUT BY THE ENTIRE COMMUNITY.

MAYOR WYNN: WE APPRECIATE THE BRIEFING AND CONGRATULATIONS, THANK YOU. COUNCIL, OUR OTHER ITEM ACTUALLY PULLED OFF THE CONSENT AGENDA WAS ITEM NO. 49. WHICH IS REGARDING THE -- THE MUNICIPAL PARKING ANALYSIS. I WILL RECOGNIZE COUNCILMEMBER MCCRACKEN.

MCCRACKEN: THANKS, MAYOR. WE HAVE THE TRANSPORTATION COMMITTEE OF THE CITY COUNCIL HAS BEEN WORKING FOR ABOUT SIX MONTHS NOW ON CREATING A MUNICIPAL PARKING ENTERPRISE THAT WILL CREATE A DEDICATED LONG-TERM FUNDING STREAM BOTH TO FINANCE MORE PUBLICLY AVAILABLE PARKING DOWNTOWN AND ALSO TO CREATE A LONG-TERM FUNDING STREAM FOR TRAILS AND TRANSIT INFRASTRUCTURE. TWO THINGS I THINK THAT WE HAVE SEEN TODAY THAT WE DON'T HAVE ENOUGH FUNDS FOR. SO -- SO I WANT TO TURN IT OVER TO BILL NEWMAN, PUBLIC FINANCIAL MANAGEMENT AND LESLIE BROWDER WHO CAN RUN US THROUGH EVERYTHING THAT IS THE BASIS OF THIS -- OF THIS RESOLUTION TODAY.

MAYOR AND COUNCIL, THANK YOU, LESLIE BROWER, CHIEF FINANCIAL OFFICER. WE HAVE A FEW SUMMARY SLIDES FOR YOU. JUST TO WALK YOU THROUGH WHAT'S ACTUALLY BEEN DONE SO FAR. FIRST OF ALL, A LITTLE BIT OF BACKGROUND, THIS PAST SUMMER COUNCIL'S LAND USE AND TRANSPORTATION COMMITTEE REQUESTED A BRIEFING ON THE METRICS OF PUBLIC PARKING SYSTEMS IN OTHER CITIES THROUGHOUT THE U.S. WE ASKED PUBLIC FINANCIAL MANAGEMENT, AS COUNCILMEMBER MCCRACKEN MENTIONED, TO COMPLETE THIS RESEARCH. AND THEN WE BRIEFED THE -- THE COMMITTEE IN SEPTEMBER. A BRIEFING AT THAT TIME ALSO INCLUDED AN ANALYSIS OF FINANCING TOOLS AND LEGAL STRUCTURES THAT WERE CURRENTLY AVAILABLE IN THE STATE OF TEXAS. AND THEN IN OCTOBER WE CAME BACK TO THE COMMITTEE WITH ADDITIONAL INFORMATION THAT THEY REQUESTED REGARDING OUR CURRENT CITY PARKING FACILITIES AND WHETHER OR NOT THERE WERE ANY -- ANY POTENTIAL OPPORTUNITIES WITH THOSE FOR CONSOLIDATION INTO A CITY-WIDE PUBLIC PARKING SYSTEM. AS PART OF THAT ANALYSIS WE ALSO ATTEMPTED TO IDENTIFY NOT ONLY SOME OPPORTUNITIES BUT IF THERE WERE ANY CONSTRAINTS. THROUGHOUT THE PROCESS, A DISCUSSION OCCURRED AT THE

COMMITTEE LEVEL WITH STAFF. FOCUSED ON REALLY TWO PRIMARY LONG-TERM GOALS. ONE BEING TO HELP PROVIDE PUBLIC PARKING IN LOCATIONS WHERE DEMAND IS STRONG AND ULTIMATELY TO -- TO HELP SHAPE THE DEVELOPMENT THAT OCCURS THERE. AND THEN ALSO TO -- TO POTENTIALLY SPIN OFF SOME NET REVENUE THAT COULD BE AVAILABLE TO HELP SUPPORT OTHER PUBLIC GOALS, NOTABLY THE TRANSIT AND TRAILS THAT -- THAT -- THAT COUNCILMEMBER -- COUNCILMEMBER MCCracken JUST TALKED ABOUT. AGAIN TODAY'S PRESENTATION WILL TRY TO BE BRIEF, IT'S JUST A RECAP OF PREVIOUS BRIEFINGS, A SNARE OF THAT THAT WE HAVE PRESENTED TO THE COUNCIL'S LAND USE AND TRANSPORTATION COMMITTEE, A SUMMARY OF THE COMMITTEE'S DISCUSSION AND THEN SUGGESTIONS FOR NEXT STEPS. AT THIS POINT I WILL TURN IT OVER TO BILL NEWMAN. THESE ARE THE U.S. CITIES THAT PUBLIC FINANCIAL MANAGEMENT IDENTIFIED DURING THEIR RESEARCH. WE HAVE INCLUDED A SLIDE ON EACH OF THE SYSTEM AT THE END OF YOUR HARD COPY MATERIALS. AT THIS TIME WE WILL GO STRAIGHT TO THE SUMMARY, THAT INFORMATION IS AVAILABLE FOR YOU. BILL WILL ALSO TOUCH ON LEGAL STRUCTURES AND TOOLS THAT ARE CURRENTLY AVAILABLE UNDER TEXAS STATE LAW.

THANK YOU, WELCOME MR. NEWMAN.

WELCOME, BILL NEWMAN WITH PUBLIC FINANCIAL MANAGEMENT. WE SERVE AS FINANCIAL ADVISOR TO THE CITY. ANY TIME A REMOTE LOOKS LIKE THIS, IT'S GOT TO BE DESIGNED BY A TEXAN IF IT HAS A TRIGGER ON IT, RIGHT? GOT IT. JUST SOME OBSERVATIONS ABOUT PARKING IN GENERAL AND AGAIN AS LESLIE MENTIONED WE DID LOOK AT SEVERAL ENTERPRISE FUNDS AROUND THE COUNTRY TO SEE HOW THEY OPERATED AND BASICALLY OBSERVATIONS WE CAME BACK WITH, PARKING SYSTEMS CERTAINLY CAN BE SELF SUPPORTING. SOME OF THE KEY PROFITABILITY AND CREDIT FACTORS OF THOSE ARE IF THEY HAVE BEEN IN PLACE FOR A LONG TIME, IF IN FACT HAVE MATURE SYSTEMS, PARKING METERS ASSOCIATED. SOME OF THE KEY THINGS INVOLVED HERE. UNFORTUNATELY PARKING IS NOT AN ESSENTIAL SERVICE. WHENEVER YOU SEE A DOWNTURN IN THE COMMITTEE PEOPLE WILL BACK AWAY FROM PARKING SOME. THAT JUST GOES WITH IT. IN CASES LIKE SAN ANTONIO, RECENTLY HAVE A STUDY DONE, IN MANY INSTANCES, WHERE THE DEMAND IS REAL HIGH THE CITY DOESN'T CHARGE ENOUGH FOR PARKING. THAT'S SOMETHING YOU WOULD CERTAINLY WANT TO STAY ON TOP OF IN ORDER TO KEEP THE ISSUE SELF SUPPORTING. LASTLY ON OUR OBSERVATIONS, IN THE EVENT THAT YOU ELECT TO PULL IN OTHER PARKING SYSTEMS THAT THE CITY ALREADY HAVE, YOU WANT TO BE COGNIZANT OF ANY LEGAL STRUCTURES THAT MAY INVOLVE ENCUMBERING THE REVENUES ASSOCIATED WITH THAT PARTICULAR PARKING GARAGE. SOME OF THE COMMON THEMES AGAIN ARE THAT MATURE SYSTEMS ARE MORE PROFITABLY. IF YOU HAVE A GOOD DOWNTOWN THRIVING BUSINESS THAT HELPS A LOT. IF YOU HAVE GOT STRONG PARKING METER BOOSTS IN SOME CASES TO ASSIST THESE THINGS, IF IT'S A STRONG TOURIST DESTINATION, I WOULD MENTION HOWEVER ON A START-UP SYSTEM, OBVIOUSLY YOU DON'T HAVE ANY REVENUES TO KICK-OFF BRAND NEW PARKING GARAGE. YOU MAY HAVE DEFICIENCIES AND YOU MAY WANT TO PUT IT IN PLACE TO PAY THE

GENERAL FUND BACK IF THAT IN FACT IS WHAT YOU CHOOSE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

KIM: AND THEN THE RAMPS ARE DESIGNED SO THAT THEY JUST GO STRAIGHT UP AND THEN IT'S LEVEL. INSTEAD OF HAVING THE LEVELS ALL AT A GRADIENT WHERE THERE'S A SLOPE, WHEN THEY HAVE TO BE ON OWE THERE'S NO WAY TO REALLY CONVERT THEM INTO OTHER USERS OTHER THAN GARAGES. THEY USUALLY HAVE TO BE DEMOLISHED AND THAT LAND USED AGAIN. I KNOW CONCRETE AND STEEL IS USUALLY THE BIGGEST FACTOR IN CONSTRUCTION AND WHEN YOU'RE CONSTRUCTING DOWNTOWN. I'M JUST WONDERING HAVE PEOPLE LOOKED AT THAT, HAVE YOU LOOKED AT OR IS IT POSSIBLE TO LOOK AT WHAT IS THE BEST THING TO DO FINANCIALLY IF WE KNOW THAT WE'RE GOING TO HAVE RAIL AND OTHER OPTIONS TO GET AND MOVE IN DOWNTOWN OTHER THAN THE CAR, SHOULD WE LOOK AT OR AT WHAT PRICE POINT, AT WHAT TIME SHOULD WE LOOK AT INSTEAD OF HAVING THE WHOLE GARAGE WHERE IT'S PERMANENT AS A GARAGE FOR ITS USE, LOOK AT PRESERVING THE OPTION TO CONVERT SOME OR ALL OF THAT GARAGE INTO OTHER USES FOR WORKERS AND PEOPLE WHO WANT TO LIVE IN THAT BUILDING?

COUNCILMEMBER, I THINK THAT'S A GOOD IDEA AND WE HAVE LOOKED AT IT TO SOME EXTENT. YOU'VE HEARD ME SAY ON MANY OF THE OCCASIONS IN THE PAST THAT FLEXIBLE IS MONEY AND CERTAINLY THAT THEME WOULD BE A MORE FLEXIBLE ALTERNATIVE. ONE OF THE THINGS WE WOULD AGAIN -- I'M NOT AN ATTORNEY, BUT WHENEVER YOU DO A FINANCING LIKE THIS FOR A GARAGE, THE MOST INEXPENSIVE FINANCING MODEL IS ONE THAT'S TAX EXEMPT. YOU GET THE LOWEST INTEREST RATE AND THEREFORE THE LOWEST COST. IN DOING SO THERE ARE CERTAIN RESTRICTIONS ON WHICH YOU CAN REFINANCE WITH TAX EXEMPT BONDS. SOME OF THE STRUCTURES, LIKE THE PARKING FOR THE CONVENTION CENTER, IF YOU DO NOT COMPETED A CERTAIN LEVEL OF COMMERCIAL, QUOTE UNQUOTE, ACTIVITY FOR THE BUILDING, THEN THOSE BONDS CAN BE SOLD ON A TAX EXEMPT BASE. IN THE EVENT THAT SOME OF THAT JOB MAY BE DEDICATED TO RETAIL, SOME OF IT MAY BE DEDICATED TO CONTRACT PARKING THAT MAY NOT BE OPEN TO THE PUBLIC, THOSE PARTICULAR SECTIONS OF THE GARAGE WOULD NEED TO BE FINANCED WITH FINANCABLE BONDS WHICH MAY KICK YOUR COSTS UP A LITTLE BIT. THE KEY QUESTION IN THE SCENARIO YOU MENTIONED WAS CAN WE PLAN FOR THAT IN ADVANCE? AND I THINK WE CAN. I'D WANT THE LAWYERS TO SIGN OFF ON JUST WHAT WE COULD DO AND MAKE SURE -- THE INTERNAL REVENUE SERVICE -- WE STAYED IN GOOD STANDING WITH THE INTERNAL REVENUE SERVICE.

RIGHT. BECAUSE WE CAN ALSO LOOK AT THE GAINS OF THAT BEING TAXABLE PROPERTY AT A HIGHER USE OF A GARAGE LATER ON DOWN THE LINE, SO THAT WOULD HAVE TO BE PART OF A PRO FORMA IN FIGURING OUT FOR THE CITY WHO IS GOING TO BE MANAGING THIS PARKING ENTITY, WHAT KIND OF RETURN ON INVESTMENT WE WANT IN THE FUTURE AND DO WE WANT TO PRESERVE WITHOUT HAVING TO DEMOLISH THE GRAND JURY TO BE ABLE TO START CONSTRUCTION, IF THERE'S A WAY -- SINCE CONSTRUCTION IS CHEAPER NOW THAN IT WILL BE 10 YEARS FROM NOW, IT MIGHT MAKE SENSE TO DO THAT CALCULATION

AND DO THAT ANALYSIS NOW BEFORE WE PROCEED. WE'VE GOT TIME BECAUSE THE LAND ISN'T GOING TO BE AVAILABLE UNTIL 2010. SO I THINK WE DO HAVE ENOUGH TIME AND I WOULD LIKE TO KNOW THAT WE ARE PRESERVING OTHER POSSIBILITIES FOR QUALITY OF LIFE AS WELL AS FOR THE ASSET, WHICH IS THE GARAGE AND THE LAND THAT IT WOULD BE ON.

YES, MA'AM. AND AGAIN, WE'RE DOING SOMETHING VERY SIMILAR IN OKLAHOMA CITY RIGHT NOW WHERE THEY HAVE OLDER GARAGES. YOU MAY HAVE A NEW BUILDING BUILT BESIDE IT, THE CITY OWNS THE OLDER GARAGE. THEY'RE EITHER TAKING OUT OR REFINANCING THE BONDS AND ALLOWING THAT PARKING GARAGE TO PERHAPS BE SOLD TO THAT ENTITY OR BE ABLE TO LEASE TO THAT ENTITY. ANOTHER EXAMPLE WOULD BE THAT IN THEIR CASE AGAIN, THE BUILDING GARAGES THAT ARE BUILT WITH TAX EXEMPT BONDS TO HAVE THE FLEXIBILITY YOU WANT. THE SERIOUS CONSIDERATION WOULD BE WHAT DOES IT COST YOU IN ADVANCE OF THAT AND CAN YOU LEASE THAT GARAGE, STILL MAKE IT AGAIN SELF SUPPORTING AS SOME OF THE COUNCILMEMBERS HAVE SHOWN AN INTEREST IN.

KIM: IT MAY BE A SCENARIO WHERE WE SAY WE CAN'T GET 12 STORIES, WE CAN ONLY DO 10 BECAUSE WE HAVE TO MAKE EACH STORY TAYLOR, BUT IN THE FUTURE WE MAY SAY WE DON'T NEED ALL 10 STORIES, WE CAN LEASE FIVE OUT AND MAKE IT RESIDENTIAL OR COMMERCIAL AND THE OTHER FIVE IS FOR PARKING AND ADJUST THAT TWO OR THREE FLOORS EVERY YEAR AS WE ARE REDUCING THE NEED FOR PARKING AND ACTUALLY NEED MORE ROOM FOR OTHER USES.

YES, MA'AM. AND CERTAINLY AS I SAID, WE'D BE SMART TO INCLUDE THAT IN OUR FINANCING OPTIONS.

KIM: THANK YOU.

MAYOR WYNN: COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: COULD YOU DISCUSS A LITTLE BIT THE GOVERNANCE AND OVERSIGHT OF THIS ENTERPRISE? WHO MAKES THE DECISION TO GO AHEAD WITH A CERTAIN PROJECT, WHO APPROVES THAT, WHO APPROVES THE ISSUANCE OF BONDS TO FINANCE THAT AND SO FORTH?

I'LL DO IT MYSELF. THE BEST I CAN REMEMBER FROM THE BOND COUNCIL SCENARIO IS WE HAVE TWO OPTIONS TO DO THIS. WE CAN SET UP AND I THINK YOU HAVE TO SET UP WE RESOLUTION, AND THE COUNCIL WILL BE IN CHARGE OF THIS WHOLE THING, JUST LIKE YOU WOULD ANY OTHER ENTERPRISE FUND, THE WATER AND WASTEWATER UTILITY OR ANYTHING ELSE. YOU HAVE ANOTHER OPTION TO LET UP AN LGC OR LOCAL GOVERNMENT CORPORATION, AND THE COUNCIL COULD AGAIN BE THE CORPORATION, THE BOARD OF THE CORPORATION IF YOU WANT IT TO BE. IT'S MERELY AN ENTITY THAT'S SET ASIDE AND YOU USE THAT ENTITY FOR A FINANCING VEHICLE WHERE YOU TAKE THE FINANCING OFF

THE CITY BOOKS. AGAIN, THAT CORPORATE BOARD, BEING YOU THE COUNCIL, WOULD BE THE ONES MAKING THE DECISION TO DO THAT. THAT'S THE TWO PRIMARY AREAS WE'VE LOOKED AT.

LEFFINGWELL: IT OPERATES SOMEWHAT LIKE THE HOUSING CORPORATION?

YES, SIR.

LEFFINGWELL: AND EACH INDIVIDUAL PROJECT DECISION WOULD BE APPROVED BY THE GOVERNING BOARD, WHICH WOULD BE THE COUNCIL OR THE DECISION ON HOW TO DO THAT, HOW TO STRUCTURE IT, IS YET TO BE RESOLVED.

I WOULD ASSUME YOU WOULD WANT TO DICTATE OR YOU OR THE CORPORATION OR THE COUNCIL WANT TO DICTATE CERTAIN POLICIES THAT WENT INTO THAT LINE OF THINKING, COUNCILMEMBER.

LEFFINGWELL: I JUST WANT TO MAKE SURE THERE IS SOME OVERSIGHT WITH BOND ISSUANCE AND EMBARKING ON PROJECTS.

YOU OR THE CORPORATION WOULD HAVE TO APPROVE THE BONDS JUST AS YOU DO RIGHT NOW AND JUST AS THEY DO AT AHFC.

LEFFINGWELL: THAT WILL BE MADE CLEAR AT SOME TIME IN THE FUTURE?

I WOULD ASSUME YOUR LEGAL FOLKS WOULD DO THAT.

LEFFINGWELL: BUT THIS PARTICULAR ACTION DOESN'T DO THAT.

NO, SIR.

LEFFINGWELL: OKAY.

MAYOR WYNN: FURTHER COMMENTS? QUESTIONS? THANK YOU, MR. NEWMAN.

THANK YOU AS ALWAYS. I APPRECIATE IT.

I JUST WANTED TO ALSO PROVIDE A SUMMARY OF THE INFORMATION THAT WE BROUGHT BACK TO THE COMMITTEE DURING THE OCTOBER MEETING, AND THAT WAS AN EXISTING OR AN INVENTORY OF EXISTING CITY PARKING FACILITIES, THE CURRENT STATUS, AND AGAIN, WHETHER THERE WERE ANY OPPORTUNITIES OR CONSTRAINTS ASSOCIATED WITH THAT. WE LOOKED AT ONE TEXAS CENTER, TOWN LAKE CENTER, CITY HALL, WALLER CREEK. WE LOOKED AT THE PARKING METER OPERATION IN THE CONVENTION CENTER AND THE AIRPORT. OOPS, GOT A LITTLE BIT AHEAD OF MYSELF. FACILITIES THAT CURRENTLY SERVE

EXISTING CITY OPERATIONS DURING THE DAY, PRIMARILY ONE TEXAS CENTER, TOWN LAKE CENTER, WALLER CREEK AND CITY HALL. OF COURSE WE'RE ALREADY CHARGING FOR PARKING FOR CITY HALL AND UTILIZING THAT GARAGE ON THE WEEKENDS AND EVENINGS, BUT WE THOUGHT THERE COULD BE POTENTIALLY SOME OPPORTUNITIES AT THE OTHER FACILITIES, PRIMARILY, FOR EXAMPLE, WITH ONE TEXAS CENTER AND TOWN LAKE CENTER FOR OVERFLOW PARKING RELATED TO EVENTS, AND BOTH THE PALMER EVENTS CENTER AND WHEN THE LONG CENTER OPENS LATER THIS YEAR. THE COMMITTEE ALSO DISCUSSED THE POSSIBILITY OF FURTHER EXAMINING METER HOURS OR METER STRUCTURE, AND THIS DIRECTION IS INCLUDED IN TODAY'S RESOLUTION AS WELL. WE HAVEN'T REALLY DEVELOPED ANY REFUSE WILL YOU OR COST ESTIMATES ASSOCIATED WITH THESE PARTICULAR GARAGES OR PARKING STRUCTURES, AND THAT IS PART OF THE DIRECTION TO LOOK AT THIS A LITTLE BIT FURTHER AND REPORT BACK TO THE COMMITTEE IN MAY. AND THEN I JUST WANTED TO NOTE CONSISTENT WITH THE PRIOR DISCUSSION THAT ANYTHING THAT MATERIAL EYES OUT OF THIS -- MATERIALIZES OUT OF THIS WOULD CERTAINLY BE BROUGHT BACK TO THE COUNCIL FOR CONSIDERATION BY THE FULL BODY.

MAYOR WYNN: COUNCILMEMBER LEFFINGWELL.

LEFFINGWELL: I REALIZE THAT NEITHER PARKING METERS NOR THE AIRPORT IS REFERENCED DIRECTLY IN THE RESOLUTION.

RIGHT.

LEFFINGWELL: BUT COULD YOU GO INTO A LITTLE MORE DETAIL ON WHAT MIGHT BE ENVISIONED FOR THE AIRPORT? SINCE THAT'S A RESTRICTED FACILITY.

YES. WE DID INCLUDE SOME ADDITIONAL INFORMATION ABOUT THE AIRPORT AT THE END OF YOUR MATERIALS. WE DID FIND THAT THERE ARE CERTAINLY MORE CONSTRAINTS IN THAT REGARD THAN OPPORTUNITIES. AND BASICALLY WITH REGARDS TO THE AIRPORT THERE ARE EXISTING DEBT COVENANTS THAT NEED TO BE CONSIDERED IN TERMS OF ANY POTENTIAL CONSOLIDATION AND THEY'RE ALSO FEDERAL AVIATION REGULATIONS RELATED TO THAT. SO I SHOULD HAVE NOTED THERE THAT THE OPPORTUNITIES ARE FAIRLY COMPLICATED AND MUCH MORE LIMITED THAN ANYTHING ELSE THAT WOULD BE ASSOCIATED WITH THE EXISTING FACILITIES.

LEFFINGWELL: THE AIRPORT IN PARTICULAR, THE REVENUES FROM AIRPORT PARKING ARE USED TO OPERATE THE AIRPORT.

YES.

LEFFINGWELL: IT WOULD HAVE A HARD TIME OPERATING WITHOUT THOSE REVENUES.

YES.

LEFFINGWELL: I'M SURE, AS YOU SAID, THERE ARE LOTS OF OTHER LEGAL RESTRAINTS. I'M JUST KIND OF WONDERING WHY WE'RE EVEN INCLUDING THIS IN THE DISCUSSION SINCE IT WAS TAKEN OUT OF THE RESOLUTION.

REALLY THE ONLY REASON WE WERE MENTIONING IT TODAY IS BECAUSE WE HAD ACTUALLY TAKEN A LOOK AT IT AND COME TO THAT CONCLUSION AS A PART OF THE ANALYSIS.

LEFFINGWELL: COUNCILMEMBER MCCRACKEN.

MCCRACKEN: LESLIE PUT THAT IN THERE BECAUSE WE LOOKED AT IT. IT'S NOT FEASIBLE AND IT WON'T HAPPEN.

IT'S NOT SOMETHING THAT WE WOULD RECOMMEND PURSUING.

LEFFINGWELL: RIGHT.

AND THEN ON TO SUGGESTED NEXT STEPS THAT WERE DISCUSSED DURING OUR BRIEFINGS WITH THE COMMITTEE, THE LUT COMMITTEE NOTED THAT AS WE ASSESS -- AS OPPORTUNITIES ARRIVE IN AREAS OF HIGH PARK THE DEMAND WHERE DEVELOPMENT IS EITHER PLANNED OR CURRENTLY UNDERWAY, THEY HAD LIKE US TO ASSESS FEASIBILITY AS THOSE OPPORTUNITIES ARISE. WE WOULD LOOK AT THIS ON A GARAGE BY GARAGE OR A PROJECT BY PROJECT BASIS, AND ONE OF THE OVERRIDING CRITERIA WOULD BE THAT THE REVENUE SHOULD COVER ANY OPERATIONS OR DEBT SERVICE ASSOCIATED WITH NEW FACILITIES, AND THIS GETS BACK TO BILL'S COMMENT ABOUT SELF-SUPPORTING. SEAHOLM AND GREEN ARE POTENTIAL PROJECTS THAT WE COULD LOOK AT. WE HAVE ALREADY BEEN LOOKING AT SEAHOLM. BACK TO THE QUESTION ON THE GOVERNANCE STRUCTURE, AT THIS POINT OUR RECOMMENDATION IS TO USE THE CITY ENTERPRISE FUND TO RECORD AND TRACK FINANCIAL ACTIVITY. THAT'S PROBABLY THE SIMPLEST AND MOST COST EFFECTIVE APPROACH. AND THEN AGAIN IF EXCESS FUNDS ARE PROJECTED RELATED TO PARKING, COUNCIL COULD THEN DEDICATE THOSE FOR SPECIFIC PURPOSES, E TRAILS, TRANSIT, PEDESTRIAN AND BICYCLE ORIENTED TYPES OF PROJECTS. WE ARE HEARING THAT THERE ARE SOME POTENTIAL GRAND OPPORTUNITIES ASSOCIATED WITH THESE EFFORTS, SO WITH COUNCIL'S ACTION IN DECEMBER FOR FEDERAL REPRESENTATION, THAT NOW PROVIDES THE RESOURCES WHERE WE CAN MORE FULLY FLESH THOSE OUT WITH THE HELP OF SOMEONE WHO IS -- WHO HAS EXPERTISE IN THAT AREA. AND THEN IN THE EVENT THAT THESE TYPES OF FUNDING OPPORTUNITIES LOOK VERY VIABLE, WE MIGHT THEN NEED SOME OUTSIDE EXPERTISE TO HELP WITH DEVELOPING THE LONG RANGE PLANS OR THE GRANT PROPOSALS TO OBTAIN THAT FUNDING. AND INCLUDED IN THE RESOLUTION TODAY IS DIRECTION FOR US TO GO BACK, WORK WITH OUR FEDERAL REPRESENTATION AND RESEARCH THESE GRANT

OPPORTUNITIES FURTHER AND REPORT BACK TO THE COMMITTEE IN MAY. AND THEN JUST TO WRAP UP, WE HAD AT THE COMMITTEE LEVEL TALKED ABOUT MOVING FORWARD POSSIBLY. WE ARE ALREADY LOOKING AT SEAHOLM, LEARNING FROM THE SEAHOLM DEVELOPMENT AND THEN MOVING FORWARD AND PERHAPS EVALUATING THIS AT PART OF THE GREEN REDEVELOPMENT AS WELL. AND CONDUCTING SOME MORE IN DEPTH ANALYSIS ALL THE WAY. SO THAT IS BASICALLY A SUMMARY OF THE DISCUSSIONS THAT HAVE TAKEN PLACE, AND AGAIN, BILL AND I ARE BOTH HERE TO ANSWER ANY QUESTIONS OR PROVIDE ADDITIONAL INFORMATION.

MAYOR WYNN: THANK YOU, LESLIE. MAYOR PRO TEM.

DUNKERLEY: I WANTED TO REPEAT AND EMPHASIZE SOMETHING THAT LESLIE BROADER JUST SAID. AS WE ARE LOOKING AT THE VARIOUS OPPORTUNITIES IN OUR CURRENTLY OWNED PARKING GARAGES AS WELL AS ONES IN THE FUTURE THAT WE MIGHT ACQUIRE OR BUILD, THE KEY THING THAT WE LOOK AT IS THAT THOSE PROJECTS CASH FLOW, THAT THEY PAY FOR THEMSELVES AND THAT WE DON'T GET -- MAKE MONEY. WE DON'T GET IN A SITUATION WHERE WE ARE SUBSIDIZING THESE PARKING GARAGES FROM THE GENERAL FUND AND THAT WHEN WE -- WE'RE ESTABLISHING THE FUND TODAY, BUT -- AND HOPING STAFF WILL GO LOOK AT THE POSSIBILITY OF FEDERAL FUNDS AS QUICKLY AS POSSIBLE, BUT WE WILL NOT MOVE ANY OF THESE PARKING GARAGES OR DETERMINE ANY BUILDING OF NEW FACILITIES WITHOUT THOSE COMING BACK TO COUNCIL. THAT'S IMPLICIT IN THIS, BUT I WANT TO MAKE SURE THAT THE PUBLIC UNDERSTOOD THAT ALL OF THESE ITEMS WOULD COME BACK TO COUNCIL FOR APPROVAL. THE OTHER THING THAT WAS MENTIONED EARLY ON ABOUT THE PARKING REVENUE, ETCETERA, TO THE EXTENT THAT THAT IS MOVED INTO THE FUND -- TO THE EXTENT THAT IT'S ALREADY PAYING FOR SOMETHING, FOR EXAMPLE, LIKE GREAT STREETS, IF IT'S DECIDED THAT THOSE METER REVENUES MOVE INTO THE FUND, I WOULD THINK IT WOULD BE PRUDENT THAT WHATEVER COSTS ARE CURRENTLY COVERING WOULD MOVE INTO THAT FUND TOO UNLESS YOU COME UP WITH A GRANT FUNDING SOURCE OR SOME OTHER WAY OF DOING IT. SO I JUST WANTED TO MAKE SURE THAT I HAD THAT CLEARLY IN MY MIND AND THAT EVERYONE ELSE DID TOO.

AND WE MAY HAVE MISSED THAT IN THE SUMMARY, BUT THAT WAS OUR INTENT AS WELL.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER KIM.

KIM: I KNOW THERE WAS A DISCUSSION ABOUT THE PARKING GARAGE AND THE PARKING ENTERPRISE FUND, BUT IT IS VERY MUCH RELATED TO GREEN BECAUSE THAT IS WHERE WE'RE GOING TO START IT. SO I JUST WANT TO STRESS AND REITERATE THAT IT'S REALLY IMPORTANT THAT THIS DEVELOPMENT ON GREEN, WHICH I THINK WE NEED TO HAVE SOME INPUT FROM THE PUBLIC ON WHAT WE WANT TO SEE, BUT WE ALSO INCORPORATE GREEN SPACE AND AFFORDABLE HOUSING ON SITE AND ON SITE CHILD CARE ALL THE COMMUNITY BENEFITS THAT A PROPERTY DEVELOPER WOULD NOT PROVIDE. THAT'S GOING TO SHOW UP ON ANY FINANCIAL ASSESSMENT OR ANY KIND OF PRO FORMA THAT A DEVELOPER

WOULD DO BECAUSE WE ARE TRYING TO PROVIDE THINGS THAT WE DO NEED IN THE CITY, ESPECIALLY FOR MIDDLE CLASS FAMILIES, WORKING CLASS FAMILIES AND LOOKING AT THE PARKING GARAGE IS JUST ONE ASPECT OF IT. I THINK IT'S AN IMPORTANT ASPECT. WE NEED TO THINK ABOUT IF WE'RE GOING TO BE DEDICATING ANY OF THE FEES FROM THIS INTO TRAILS AND PARKS AND OTHER THINGS THE COMMUNITY WANTS TO SEE, MAKING THE MOST OF THAT NOW AND FOR THE FUTURE. THE IDEA OF PRESERVING THAT SPACE SO THAT WE CAN USE IT FOR OTHER COMMUNITY BENEFITS. WE CAN LEASE IT OUT FOR NONPROFITS THAT NEED TO BE DOWNTOWN AND USE THEIR RENTAL INCOME TO GO TOWARDS TRAILS AND PARKS. I THINK IT'S SOMETHING THAT WE NEED TO BE THINKING OUTSIDE THE BOX. I THINK THE COMMUNITY REALLY IS EXCITED ABOUT THAT AND HAVE AN OPPORTUNITY FOR THAT INPUT BEFORE WE MAKE ANY FINAL DECISION ON ANY KIND OF POLICY FOR THE R.F.P. THANKS.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS ON THE PRESENTATION? IF NOT, I GUESS THAT TAKES US TO THE ACTUAL ITEM ITSELF. ITEM NUMBER 49.

MCCRACKEN: MOVE APPROVAL.

MAYOR WYNN: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO APPROVE ITEM NUMBER 49 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. COUNCIL, QUICKLY THAT TAKES US TO ITEM NUMBER 45, WHICH COUNCILMEMBER KIM PULLED OFF THE CONSENT AGENDA EARLIER, I BELIEVE FOR POTENTIAL AMENDMENTS. COUNCILMEMBER KIM.

KIM: I PULLED THIS ITEM BECAUSE WE GOT FEEDBACK FROM THE COALITION CONCERNED ABOUT THE USE OF SHORT-TERM COMMERCIAL PAPER FOR EXPANSIONS ON OUR INFRASTRUCTURE AND I HAVE CONCERNS ABOUT IT BEING USED FOR COAL POWER PLANTS. I WAS WONDERING IF ROGER DUNCAN, WHO IS NOW OUR NEW INTERIM MANAGER OF AUSTIN ENERGY, COULD TALK TO US. THANK YOU, ROGER.

THANK YOU, MAYOR AND COUNCIL. THIS ITEM ACTUALLY CLARIFIES A CONFLICT THAT EXISTS BETWEEN THE COUNCIL APPROVED FINANCIAL POLICY AND THE OFFICIAL STATEMENT CONCERNING THE USE OF COMMERCIAL PAPER. THE STATEMENT CONCERNING THE USE OF COMMERCIAL PAPER HAS A STATEMENT IN IT THAT COMMERCIAL PAPER CAN BE USED FOR ALL IMPROVEMENTS, EXCLUDING MAJOR GENERATION NEEDS, AND THE OFFICIAL COUNCIL APPROVED FINANCIAL POLICY DOES NOT HAVE THAT LANGUAGE IN IT. THIS WOULD ALLOW US TO PROVIDE A FRANKLY CHEAPER AND MORE FLEXIBLE FINANCING ALTERNATIVE IN LIEU OF REVENUE BONDS FOR ROUTINE CAPITAL

IMPROVEMENTS AND EXPAND THAT TO INCLUDE ALL CAPITAL REQUIREMENTS FOR ELECTRIC SYSTEM ADDITIONS, EXTENSIONS AND IMPROVEMENTS. IT IS OFTEN MUCH FASTER AND CHEAPER TO USE COMMERCIAL PAPER AT THE BEGINNING OF A PROJECT FOR SUCH THINGS AS FEASIBILITY STUDIES, SOME LAND PURCHASES AND PLANNING AND SO FORTH. I WANT TO POINT OUT THIS DOES NOT TAKE AWAY ANY OF THE COUNCIL CONTROLS IN TERMS OF YOU HAVE TO IMPROVE THE CAPITAL BUDGETS, YOU HAVE TO IMPROVE ANY CONTRACTS OVER \$50,000. THIS WOULD JUST ALLOW US TO USE COMMERCIAL PAPER, PARTICULARLY IN SUCH THINGS AS RENEWABLES, LARGE SCALE SOLAR PLANTS AND SUCH WHERE WE NEED TO LOOK AT LOCKING IN LAND EARLY AND FEASIBILITY STUDIES. THE AMENDMENT SPECIFICALLY EXCLUDES THE USE OF COMMERCIAL PAPER TO NEW NUCLEAR GENERATION UNITS AND WE ALSO HAVE PROVIDED TO SOME COUNCILMEMBERS THIS MORNING LANGUAGE EXTENDING THAT TO CONVENTIONAL COAL GENERATION UNITS. IT IS CERTAINLY NOT THE INTENT OF AUSTIN ENERGY TO RECOMMEND THAT WE MOVE TO APPROVAL OR CONSTRUCTION OF ANY MAJOR NUCLEAR OR CONVENTIONAL COAL POWER PLANTS WITHOUT VOTER APPROVAL.

KIM: THANK YOU, ROGER. I THINK THAT WE ALL ARE VERY CONCERNED ABOUT IF WE'RE GOING TO BE INCREASING CAPACITY WITHOUT HAVING AN OPPORTUNITY FOR A SECOND LOOK AT THIS. AND HAVING REVENUE BONDS WHERE WE ACTUALLY HAVE TO GO THROUGH A MUCH MORE EXTENSIVE PUBLIC PROCESS AND SCRUTINY ALLOWS US TO DO THAT. I WOULD LIKE TO MAKE A MOTION TO SAY THIS APPLIES TO THE USE OF COMMERCIAL PAPER WILL NOT APPLY TO NEW NUCLEAR OR COAL GENERATION UNITS, REGARDLESS OF CONVENTIONAL OR NOT. I THINK THERE'S STILL SOME DIFFERENCES OF OPINION AS TO WHAT CLEAN COAL IS OR WHAT ARE THE DIFFERENT TYPES OF COAL, SO I WOULD LIKE TO MAKE THAT MOTION THAT WE ADD TO NEW NUCLEAR OR COAL GENERATION UNITS.

MAYOR WYNN: SO WE HAVE A MOTION ON THE -- AN AMENDED MOTION ON THE TABLE, ITEM NUMBER 45. MOTION BY COUNCILMEMBER KIM. SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS? COUNCILMEMBER LEFFINGWELL?

LEFFINGWELL: I WONDER IF I CAN GET YOUR COMMENT ON THE CHANGED LANGUAGE TO PROHIBIT COMMERCIAL PAPER ON ALL TYPES OF COAL-GENERATING PLANTS.

THE COUNCIL HAS GIVEN US DIRECTION PREVIOUSLY TO PROCEED, FOR INSTANCE, WITH LAND PURCHASES FOR LAND THAT COULD APPLY TO SO-CALLED CLEAN COAL FACILITIES. THIS CHANGE WOULD BE SOMETHING THAT COULD APPLY TO THAT IN TERMS OF LAND PURCHASES, FOR INSTANCE, IF THAT WAS ALLOWED WE COULD NOT USE COMMERCIAL PAPER IF IT WAS LIMITED TO ANY COAL. THAT WOULD BE THE IMPACT.

LEFFINGWELL: THAT WOULD SORT OF INTERRUPT THE PROCESS THAT WE'VE ALREADY APPROVED. IS THAT WHAT YOU'RE SAYING?

I'M SAYING THAT THE USE OF COMMERCIAL PAPER WOULD PROBABLY EXPEDITE AND BE

HELPFUL IN THE PROCESS? I'M NOT TRYING TO INDICATE WE COULDN'T PROCEED WITH THE PURCHASE OF LAND FOR CLEAN COAL WITHOUT THIS POLICY CHANGE, BUT IT COULD BE BENEFICIAL IN THAT PROCESS.

MAYOR WYNN: MAYOR PRO TEM? COUNCILMEMBER KIM THEN.

KIM: MR. DUNCAN, I KNOW THAT WE'RE TRYING TO GET THE LAND FOR A CLEAN COAL PLANT IN THE FUTURE SO THAT WE HAVE THAT FLEXIBILITY AND THAT OPTION. WE HAVEN'T EVEN STARTED THAT YET. WHAT DO WE SEE AS FAR AS THE POSSIBILITY OF FINANCING THAT WITH COMMERCIAL PAPER?

WELL, AT THIS POINT I WOULD LIKE TO ASK IF ELAINE HART FROM OUR -- SENIOR VICE-PRESIDENT FOR FINANCIAL COULD COME IN AND TALK ABOUT THE DIFFERENCES IN FINANCE AND USING COMMERCIAL PAPER HERE.

SPECIFICALLY ON THE PURCHASE OF THE LAND RELATED TO CLEAN COAL, IS THAT THE QUESTION?

KIM: YES. WHAT WE'RE TRYING TO DO RIGHT NOW IS DEFINE CLEAN COAL FOR THE LAND, I FORGET THE ACRONYM.

WHAT WE DO WITH COMMERCIAL PAPER IS DURING THE BUDGET PROCESS OUR PROJECTS ARE APPROVED WITH A FUNDING SOURCE TIED TO THEM BY THE CITY COUNCIL. IN ADDITION TO THAT, THE CITY COUNCIL APPROVES A REIMBURSEMENT RESOLUTION AND THAT'S RELATED TO THE ISSUANCE OF COMMERCIAL PAPER. WHAT IT ALLOWS US TO DO WHEN WE USE COMMERCIAL PAPER IS WE INCUR THE COSTS FOR THE PROJECT AND THEN AS THOSE COSTS ARE INCURRED, WE ARE ALLOWED TO REIMBURSE OURSELVES OR ISSUE THE DEBT, THE COMMERCIAL PAPER, AS WE GO ALONG ON THE PROJECT. THERE'S LOWER ISSUANCE COST RELATED, AND IT DOES SLOW DOWN THE ISSUANCE OF THE DEBT SO THAT YOU DON'T ISSUE THE DEBT UP FRONT FROM THE PROJECT AS YOU WOULD WITH A TRADITIONAL REVENUE BOND SO THAT YOU CAN LOWER THE DEBT COSTS OVERALL OF THE PROJECT DURING THE CONSTRUCTION PERIOD. THEN AS THE PROGRAM MATURES, WE REACH A CERTAIN MAXIMUM LEVEL THAT IS SET IN OUR PROGRAM, COMMERCIAL PAPER PROGRAM, WE REFUND THE COMMERCIAL PAPER INTO A LONG-TERM BOND AND THAT THEN RESEMBLES MORE YOUR TRADITIONAL REVENUE BOND.

KIM: WHAT PREVENTS AUSTIN ENERGY FROM COMING TO COUNCIL FOR APPROVAL FOR COMMERCIAL PAPER FOR CLEAN COAL GENERATION UNITS. YOU COULD DO THAT, RIGHT? EVEN WITH THE FINANCIAL POLICY.

THAT'S CORRECT.

KIM: OKAY. THEN I THINK THAT'S SOMETHING THAT THE PUBLIC WOULD LIKE TO KNOW. AND

IT WOULD GIVE AN OPPORTUNITY FOR THE PUBLIC TO LEARN MORE ABOUT CLEAN COAL IF THAT POSSIBILITY, THAT TECHNOLOGY BECOMES AVAILABLE TO US, BECAUSE IT ISN'T AVAILABLE YET, IT HASN'T BEEN TESTED, IT HASN'T BEEN TRIED ANYWHERE, AND I THINK THAT THAT EXTRA LEVEL OF SECURITY FOR THE PUBLIC TO KNOW BEFORE WE MAKE ANY KIND OF INVESTMENT WITH COMMERCIAL PAPER, WHICH WE CAN'T THEN TAKE BACK, IS GOING TO HELP US IN JUST THINKING ABOUT THE ENTIRE FINANCIAL WELL-BEING OF THE UTILITY. AND ALSO THE GENERAL REVENUE.

WHAT THE POLICY --

DUNKERLEY: LET ME JUST CLARIFY SOMETHING.

MAYOR WYNN: MAYOR PRO TEM.

DUNKERLEY: MR. DUNCAN, LET ME CLARIFY SOMETHING. I THOUGHT WHEN I MADE MY SECOND I WAS TALKING ONLY ABOUT THE DIRTY COAL PLANTS. AND THIS WOULD INCLUDE ALL OF THE COAL PLANTS?

MY UNDERSTANDING OF THE MOTION THAT HAS BEEN MADE WOULD INCLUDE ALL COAL PLANTS.

DUNKERLEY: WELL, MY OTHER QUESTION IS WOULD THAT BE IN CONTRADICTION TO OUR CURRENT POLICY AS FAR AS WHAT THE COUNCIL HAS APPROVED IN RELATION TO CLEAN COAL?

THAT COUNCIL HAS GIVEN DIRECTION TO STAFF TO PROCEED WITH AN INVESTIGATION AND POTENTIAL LAND PURCHASES THAT COULD BE USED FOR A CLEAN COAL FACILITY.

DUNKERLEY: OKAY.

MAYOR WYNN: MAYOR PRO TEM? MR. DUNCAN, HOW HAS AUSTIN ENERGY BEEN EVEN JUST -- THERE'S REAL EXPENSE TO THAT. THERE'S REAL EXPENSE TO JUST THE INVESTIGATION, THE POTENTIAL OPTIONS ON TRACTS OF LAND, ETCETERA. HOW HAS AUSTIN ENERGY BEEN FINANCING THAT EFFORT TO DATE?

IT'S BEEN WITH CASH THROUGH OUR OPERATING BUDGET. AND THAT'S OUR ONLY OPTION AT THIS POINT.

MAYOR WYNN: MAYOR PRO TEM.

DUNKERLEY: MR. DUNCAN, WOULD THIS HANDICAP YOU IN THAT VENTURE RIGHT NOW? I DON'T KNOW WHAT YOUR CASH POSITION IS, BUT CERTAINLY IF THIS IS SOMETHING THAT'S APPROVED BY COUNCIL, I THINK WE OUGHT TO BE ABLE TO USE COMMERCIAL PAPER FOR

IT.

AS I STATED EARLIER, I BELIEVE IT WOULD EXPEDITE THINGS. IT WOULD CERTAINLY BE A CHEAPER INTEREST RATE AND IT WOULD PUT LESS STRAIN ON OUR EXISTING CAPITAL.

DUNKERLEY: LET ME ASK THE MAKER OF THE MOTION. WOULD YOU BE WILLING TO LET ME AMEND THE MOTION TO EXCLUDE CLEAN COAL PLANTS THAT ARE APPROVED BY COUNCIL?

KIM: I THINK THAT THE WAY IT IS RIGHT NOW, THAT THEY COULD BRING BACK FOR A COUNCIL APPROVAL COMMERCIAL PAPER FOR CLEAN COAL. SO NO, I THINK IT'S VERY IMPORTANT THAT THE PUBLIC HAVE AN OPPORTUNITY TO LEARN MORE ABOUT THIS BEFORE WE USE COMMERCIAL PAPER FOR CLEAN COAL UNITS.

DUNKERLEY: WELL, THAT'S NOT EXACTLY WHAT I'M SAYING. WHAT I'M SAYING IS THAT WE DON'T ADDRESS IT IN THE COMMERCIAL PAPER, IN THE FINANCIAL POLICIES, BUT WE ADDRESS IT AS JUST AS THE UTILITY BROUGHT FORWARD THEIR BUILDING OF THE MOST RECENT GAS PLANT FOR COUNCIL APPROVAL, THAT ONCE THEY BRING THAT FORWARD, WE GIVE THAT APPROVAL, THEN THEY CAN GO AHEAD AND USE THEIR PAPER. AND NOT REALLY A CHANGE IN THE COMMERCIAL PAPER PROGRAM. WE WILL HANDLE THAT ON THE DAIS. IS THAT KIND OF WHAT YOU'RE SAYING?

KIM: WELL, I WANTED TO COVER ALL COAL GENERATION UNITS REGARDLESS OF THE TECHNOLOGY OF CLEAN OR CONVENTIONAL, DIRTY COAL. BUT IF IT'S THE WILL OF THE COUNCIL TO GO IN ANOTHER DIRECTION, THAT'S FINE.

DUNKERLEY: LET ME WITHDRAW MY SECOND AND LET SOMEBODY ELSE SECOND IT. I REALLY THINK WHEN THE COUNCIL APPROVES THOSE CONSTRUCTIONS OF THOSE PLANTS THAT OTHER THAN NUCLEAR, YOU NEED TO BE ABLE -- AND DIRTY COAL, YOU NEED TO BE ABLE TO MOVE FORWARD AS QUICKLY AS POSSIBLE ON YOUR FUNDING.

KIM: AND I UNDERSTAND THAT YOU'RE WITHDRAWING YOUR MOTION FOR -- YOUR SECOND OF MY MOTION. I STILL THINK THAT IF WE'RE GOING TO BE DOING CLEAN COAL GENERATION UNITS WITH COMMERCIAL PAPER THAT CAN CONNELL TO THE COUNCIL AND WE CAN HAVE A FULL DISCUSSION ABOUT IT.

MAYOR WYNN: SO WE HAVE NOW BACK TO A MOTION ON THE TABLE, COUNCILMEMBER KIM AMENDING SLIGHTLY WHAT BROUGHT TO US IN ITEM 45, BUT TO INCLUDE THE ABILITY OF USING COMMERCIAL PAPER FOR ALL COAL GENERATION POWER. SO WE HAVE A SECOND FOR THAT MOTION. I'LL JUST SAY I AGREE WITH MAYOR PRO TEM IN THAT THIS SEEMS TO ME JUST FROM A PRACTICAL AND LOGISTICS STANDPOINT THAT I WOULDN'T WANT -- IF, IF, IF. IF THINGS WORK OUT, IF THE TECHNOLOGY IS THERE, AND IF AUSTIN ENERGY WERE TO COME TO US WITH A PLAN FOR A NEW FACILITY, THIS COUNCIL WOULD BE SUPPORTIVE OF, I WOULDN'T WANT TO THEN HAVE THAT AFFIRMATIVE VOTE TECHNICALLY TO BE VIOLATING

WHAT HAS BEEN OUR FINANCIAL POLICY. SO I WILL RATHER HAVE THE POLICIES BE IN PLACE. WE CAN ALWAYS NOT DO CERTAIN THINGS AT ANY GIVEN TIME, BUT I JUST DON'T LIKE TO APPROVE SOMETHING THAT IF WE WERE TO APPROVE IT, THAT WOULD BE IN VIOLATION OF THE FINANCIAL POLICIES.

KIM: LET ME ASK ANOTHER QUESTION OF ROGER. IF WE WERE GOING TO PURSUE A CLEAN COAL GENERATION UNIT, WHAT ARE THE OTHER STEPS ALONG THE WAY WHERE YOU WOULD DEFINITELY NEED TO GO TO COUNCIL. IS THERE A SCENARIO WHERE YOU COULD SEE THAT LET'S SAY A FUTURE GENERAL MANAGER OR OTHER POLICIES OR IN PLACE WHERE COMMERCIAL PAPER COULD BE USED TO START THAT PROCESS FOR CLEAN COAL UNIT WITHOUT THE COUNCIL HAVING ANY KIND OF SAY WHATSOEVER?

I DON'T THINK THAT'S POSSIBLE UNDER ANY MAGNITUDE. YOU'RE TALKING MULTIPLE MILLIONS OF DOLLARS WHEN YOU START REALLY GETTING INVOLVED IN THE WORK ON A POWER PLANT, THE ORDERING OF EQUIPMENT AND THOSE SORT OF THINGS. ALL OF THAT WOULD HAVE TO BE APPROVED THROUGH THE CAPITAL BUDGET, THROUGH CONTRACTS. THERE ARE MULTIPLE STAGES --

BEFORE WE WOULD GET INTO COMMERCIAL PAPER FOR THE ACTUAL UNITS?

RIGHT, RIGHT. EVEN WHEN REVENUE BONDS ARE ISSUED FOR A PROJECT, IT IS HELPFUL TO USE THE COMMERCIAL PROJECT AT THE BEGINNING STAGES WITH THE VERY SMALL AMOUNTS AND THEN ROLL IT INTO USAGE LATER, BUT IT'S JUST NOT POSSIBLE TO BUILD MULTI-MILLION-DOLLAR POWER PLANTS IN LITTLE BITS.

KIM: SO THEN WOULD YOU SAY THE COMMERCIAL PAPER WOULD BE USED AS A CONTINUATION OF SOMETHING -- TO CONTINUE THE FINANCING OF SOMETHING THAT WOULD BE APPROVED THROUGH A COUNCIL MEASURE? I WANT TO MAKE SURE THAT THERE ARE CONTROLS IN PLACE, STOPGAP MEASURES WHERE WE WOULD BE HAVING TO TAKE A VOTE BEFORE MONEY IS INVEST UNDERSTAND UNITS, EVEN IN CLEAN COAL, WITHOUT THE COUNCIL HAVING A CHANCE TO SAY, WE DON'T WANT TO GO DOWN THAT OR WE WANT TO TAKE A LOOK AND HAVE THE SCRUTINY AND SAY MAYBE THIS IS SOMETHING WE WANT TO DO OR YES, WE WANT TO DO IT.

YES, MA'AM. THERE ARE MULTIPLE COUNCILS CONTROL IN TERMS OF CIP AND CONTRACT APPROVAL THAT WE WOULD HAVE TO GO THROUGH BEFORE ANY MAJOR EQUIPMENT COULD BE ORDERED OR ANY MAJOR STUDY AND SO FORTH COULD BE DONE.

KIM: THEN I WOULD LIKE TO AMEND MY ORIGINAL MOTION TO GO BACK TO ADDING JUST OR CONVENTIONAL COAL GENERATION UNITS, WHICH IS THE DIRTY COLE AND WHAT WE USE TODAY, THE CONVENTIONAL COAL.

DUNKERLEY: I'LL SECOND THAT. THANK YOU, COUNCILMEMBER.

MAYOR WYNN: MOTION BY COUNCILMEMBER KIM, SECONDED BY MAYOR PRO TEM ON THIS AMENDED ITEM NUMBER 45 ADDRESSING THE INABILITY TO USE COMMERCIAL PAPER FOR TRADITIONAL COAL GENERATION FACILITIES. COAL BURNING GENERATION FACILITIES.

MAY I ADDRESS THIS ISSUE?

MAYOR WYNN: SO WE HAVE A MOTION AND A SECOND ON THE TABLE. MR. ROBINS, YOU'RE WELCOME TO GIVE US TESTIMONY?

HOW DOES THIS RELATE TO ARTICLE 7, SECTION 11 OF THE AUSTIN CITY CHARTER? ALL REVENUE BONDS ISSUED BY THE CITY SHALL FIRST BE AUTHORIZED BY A MAJORITY OF QUALIFIED ELECTORS VOTING IN AN ELECTION HELD FOR SUCH PURPOSE.

MAYOR WYNN: MR. SMITH?

I'LL ASK JENNY GILCHRIST FROM THE LAW DEPARTMENT TO ADDRESS THIS ISSUE, WHICH WE HAVE ADDRESSED MANY TIMES IN THE PAST.

MAYOR, COUNCIL, STATE LAW AUTHORIZES THE CITY TO ISSUE REVENUE BONDS WITHOUT VOTER APPROVAL. WE HAVE -- THIS ISSUE HAS BEEN LITIGATED BEFORE IN 1984. WE HAVE A COURT ORDER THAT HOLDS THAT THAT PROVISION OF THE CHARTER IS SUPERCEDED BY THE STATE LAW REQUIREMENT. SO IT'S OUR OPINION THAT REVENUE BONDS CAN BE ISSUED WITHOUT VOTER APPROVAL, AND WE HAVE A COURT BACKING US UP ON THAT.

MY POINT --

IT'S THAT THAT IS THE CHARTER PROVISION.

AND MY POINT -- I'M SORRY, I DON'T WANT TO INTERRUPT YOU. ARE YOU THROUGH?

MAYOR WYNN: ARE YOU FINISHED?

UH-HUH.

MAYOR WYNN: WELCOME BACK, MR. ROBBINS.

MY POINT IS THAT THIS HAS BEEN A DANGLING ISSUE THAT HAS NEVER BEEN FIXED. THE CITY VOTERS HAD AN ELECTION ON THIS IN 1985 AFTER THE COURT DECISION THAT SHE REFERENCED. AND THEY DECIDED BY A VOTE I BELIEVE OF 69-31 THAT THE CHARTER SHOULD STAY IN PLACE. THERE HAS NEVER BEEN A VOTE TO GO AGAINST THAT 1985 DECISION. I GUESS IF I'M GOING TO BE CONSTRUCTIVE HERE, I WOULD RECOMMEND THAT

IN THE COMING CHARTER ELECTION, WHICH MAY HAPPEN IN MAY, THAT YOU ALL PUT EITHER -- YOU EITHER PUT SOMETHING THERE TO AFFIRM THIS OR TO CHANGE IT SO THAT IT COMPLIES WITH STATE LAW. I PERSONALLY THINK THIS CAN BE REWORDED TO COMPLY WITH STATE LAW, BUT WHETHER I'M RIGHT OR WRONG, THIS IS BROKEN AND IT NEEDS TO BE FIXED. THANK YOU.

MAYOR WYNN: THANK YOU, MR. ROBBINS. AND WE WOULD WELCOME SUGGESTIONS. AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE FOR AMENDED ITEM NUMBER 45. 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. SO COUNCIL, LET'S SEE, WE HAVE EIGHT MINUTES HERE BEFORE OUR NOON GENERAL CITIZEN COMMUNICATION. WE DO HAVE A NUMBER OF POTENTIAL CLOSED SESSION ITEMS, BUT NONE OF WHICH OBVIOUSLY WE COULD TAKE UP IN THAT SHORT OF TIME BEFORE OUR CITIZENS WILL BE HERE TO ADDRESS US. SO WITHOUT OBJECTION, WE WILL NOW RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, WE'LL CALL BACK TO ORDER AT NOON, IN A FEW MINUTES. THANK YOU.

MAYOR WYNN: WE'VE BEEN IN RECESS FOR A FEW MINUTES. OUR FIRST SPEAKER TO ADDRESS US THIS AFTERNOON IS MALCOLM YATES. HAVE YOU THREE MINUTES TO BE FOLLOWED BY JOHN GOLDSTONE.

I AM HERE REPRESENTING THE SOUTHEAST AUSTIN TRAILS ALLIANCE. THIS GROUP CONSISTS OF RESIDENTS OF NEIGHBORHOODS AND APARTMENT COMPLEXES IN THIS AREA, BUSINESSES AND VOLUNTEER ORGANIZATIONS. WE WERE FORMED DURING THE EROC NEIGHBORHOOD PLANNING PROCESS WITH A GOAL TO BUILD A TRAIL ALONG COUNTRY CLUB CREEK AND MABEL DAVIS PARK. SINCE 2004 WE HAVE BEEN CLEARING TRASH AND BRUSH OUT OF THE PARK AND BUILDING THE COUNTRY CLUB CREEK TRAIL WITH THE HELP OF MANY VOLUNTEERS AN ORGANIZATIONS. WE HAVE COMPLETED THE SECTION BETWEEN TOWN LAKE TRAIL AND ELEMENT DRIVE WITH THE SPUR TO PLEASANT VALLEY ROAD. THE TRAIL AT THIS POINT IS ABOUT 1.5 MILES LONG. THESE SLIDES SHOW THE IMPROVEMENTS THAT HAVE BEEN MADE TO THE GUERRERO PARK. FIRST OF ALL, I WOULD LIKE TO THANK YOU FOR PASSING THE RESOLUTION NUMBER 50, AND I WILL LIKE TO EXPLAIN WHY THIS IS IMPORTANT TO US AND HOW IT IS BENEFICIAL TO THE CITY. FIRST OF ALL, WHAT THIS WILL ALLOW US TO DO IS TO CONNECT TWO PORTIONS OF THE TRAIL THAT ARE ALREADY BUILT. FIRST THE SECTION IN THE PARK THAT HAS BUILT OVER THE LAST COUPLE OF YEARS BY VOLUNTEERS, AND SECOND THE SECTION BETWEEN OLTORF AND BURLESON ROAD THAT WAS BUILT BY THE CITY.

[INAUDIBLE - NO MIC].

ONCE WE COMPLETE THE SECTION BETWEEN OLTORF AND RIVERSIDE, THEN THIS CONNECTION WILL BE DONE AND WE WILL BE ABLE TO HAVE PEOPLE RIDE BIKES ALL THE WAY TO TOWN LAKE TRAIL.

[INAUDIBLE - NO MIC]. SECOND, THIS IS BENEFICIAL TO THE CITY BECAUSE THIS IS A GOOD RETURN ON INVESTMENT. THE INVESTMENT OF THE CITY IN TERMS OF STAFF TIME WAS RETURNED MULTIPLE TIMES IN TERMS OF VOLUNTEER HOURS LOGGED AND DONATIONS. THERE ARE OVER \$20,000 IN MONEY, TOOLS AND MATERIALS THAT WERE DONATED AND THOUSANDS OF HOURS OF VOLUNTEER LABOR THAT HAD BEEN LOGGED IN THESE LAST COUPLE OF YEARS. I WOULD ALSO LIKE TO TAKE THIS OPPORTUNITY TO ASK COUNCIL TO CONSIDER ANOTHER AMENDMENT TO HELP ALL OF THE TRAIL BUILDING GROUPS IN THE CITY. THERE ARE GROUPS ALL OVER COUNCIL THAT ARE BUILDING TRAILS AND ALL OF THEM COULD BENEFIT FROM CITY HELP IN CONVERTING EASEMENTS. AUSTIN PARKS FOUNDATION HAS FORMED A GROUP OF THESE TRAIL BUILDING ORGANIZATIONS IN ORDER TO DEVELOP A COMPREHENSIVE PLAN FOR CONNECTING TRAILS AND COORDINATING EFFORTS. THESE GROUPS NEED COUNCIL TO FUND A FULL-TIME POSITION EMPLOYEE FOR NEXT YEAR'S BUDGET. THIS EMPLOYEE WOULD WORK WITH TRAIL GROUPS TO CONVERT DRAINAGE AND UTILITY EASEMENTS TO RECREATIONAL EASEMENTS. THIS WOULD ALSO BE AN EXCELLENT RETURN ON INVESTMENT TO THE CITY FOR STAFF TIME INVESTED. PLEASE CONSIDER THIS IN NEXT YEAR'S BUDGET. THANK YOU.

MAYOR WYNN: THANK YOU, MALCOLM AND FOR ALL THE EXTRA HELP. OUR NEXT SPEAKER IS JOHN GOLDSTONE. WELCOME. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY DENNIS PADDIE.

THANK YOU, MAYOR WYNN, COUNCILMEMBERS, MY NAME IS JOHN GOLDSTONE AND I'M HERE TO SPEAK ABOUT EAST 12 STREET. LATER TODAY YOU WILL SET THE URBAN PLAN RENEWAL AMENDMENTS. IGNORING THE FACT THAT SEVERAL ORGANIZATIONS HAVE SO FAR FAILED TO GET IT RIGHT AND HAVE LEFT SIGNIFICANT TYPOGRAPHICAL TRANSLATION AND OTHER ERRORS IN THE TWO DOCUMENTS, I DO NOT WANT YOU TO HOLD UP THIS PROCESS. WE MUST KEEP OUR EYE ON THE BALL AND GET THIS THING PASSED. UNCERTAINTY IS WHAT IS KILLING DEVELOPMENT ON THE STREET. LENDERS HATE UNCERTAINTY AND LENDERS ARE WHAT MAKE DEALS HAPPEN. HAVING SAID THAT I HAVE SEVERAL POINTS THAT I WANT TO REITERATE FOR THOSE OF YOU THAT HAVE ALREADY MET WITH AND SPELL OUT FOR THOSE I HAVE NOT SEEN. WHEN THE NCCD COMES TO THE CITY COUNCIL FOR APPROVAL, INSTRUCT GREG GUERNSEY TO ATTACH IT TO THE NCCD FOR THE EXPRESS PURPOSE OF ALLOWING THE COUNCIL THE OPTION OF TERMINATING THE URBAN RENEWAL PLAN AS TO 12TH STREET AND ESPECIALLY THE ASSOCIATED CONDEMNATION POWER WHICH NO PRIVATE PARTY WANTS OR NEEDS. I'VE SPOKEN WITH MR. GUERNSEY AND HE STATES THAT THE TWO DOCUMENTS ARE TOTALLY SEPARATE PROCESSES. ADDITIONALLY THE URBAN RENEWAL PLAN HAS THE DREADED CONDEMNATION POWER. PLEASE HAVE THE CITY ATTORNEY ASSIST MR. GUERNSEY IN TRANSFERRING THE APPLICABLE LAND USE PROVISIONS FROM THE URBAN RENEWAL PLAN

TO THE NCCD. I COMPLETELY UNDERSTAND THAT THE CONDEMNATION POWER CANNOT BE TRANSFERRED TO THE NCCD, BUT THE TRANSFER OF THE LAND USE REGULATIONS WILL ASSIST YOU IF AND WHEN YOU DECIDE THAT THE CONDEMNATION POWERS ARE NO LONGER NECESSARY. ALL OF THE DRAFTING PARTIES ARE CURRENTLY OPERATING IN A VACUUM. MR. GUERNSEY AND I HAVE SPOKEN AND HE'S DOING THE BEST HE CAN WITH HIS ORIGINAL EDICT TO STAFF IN 2005 TO DRAFT AN NCCD IN CONFORMITY WITH THE URBAN RENEWAL PLAN. PLEASE INSTRUCT ALL OF THEM, INCLUDING THE STAFF OF NEIGHBORHOOD HOUSING WHO ARE SUPPOSEDLY DRAFTING THE NEIGHBORHOOD RENEWAL PLAN AMENDMENTS TO MAKE THE DOCUMENTS CONSISTENT. THE TWO DOCUMENTS ARE SUPPOSED TO BE THE SAME. I WILL BE E-MAILING YOU MY SUGGESTED CORRECTIONS THAT HAVE ALREADY BEEN GIVEN TO THE RESPECTIVE STAFFS. I APOLOGIZE FOR BRINGING THIS UP IN THIS FORUM, BUT SPECIFICALLY I NEED TO YOU HAVE THEM CLARIFY THAT THE MIXED USE PROVISION IS MANDATORY AND THE ONE THAT WAS PASSED APRIL SEVENTH 2005 IS MANDATORY. OTHERWISE WHAT WOULD POSSIBLY BE THE POINT OF HAVING AN EXEMPTION FROM THIS MIXED USE REQUIREMENT FOR MULTI-STORY PROJECTS OF LESS THAN 2,000 FEET OR ONE-STORY PROJECTS. IF IT'S VOLUNTARY, THEN THE DEVELOPERS WILL NOT DO IT. ALSO, I NEED TO YOU INSTRUCT THEM TO REMOVE THE EX-TRAINING JUST LANGUAGE THAT ALLOWS THE ALLOWED USES AT THE BOTTOM OF PARKING GARAGES MOOT AND USELESS. OUR PROCESS, WHICH INVOLVED THE NEIGHBORHOODS IN THE 12TH STREET BUSINESS OWNERS AGREED TO A LIST OF PEDESTRIAN ORIENTED USES. COUNTLESS PRO BONE KNOW HOURS ARE USED FOR THIS PEDESTRIAN ORIENTED USES THAT WILL GO TO A COMPLETE WASTE IF A DEVELOPER IS LOUD TO ALSO DO COMMERCIAL -- [BUZZER SOUNDS] -- OR RETAIL USES AS AN ALTERNATIVE AT THE BOTTOM OF THESE PARKING GARAGES. PLEASE NOTE THAT I WAS THE ONE WHO DRAFTED THE ORIGINAL PROVISION THAT TOOK OUT THESE NON-DEFINED LAND USE CONCEPTS, COMMERCIAL AND RETAIL AS THEY ARE NOT FOUND IN THE CITY'S CODE. FINALLY, PLEASE ELIMINATE THE LAST MINUTE PLANNING COMMISSION 10-FOOT VEGETATIVE BUFFER REQUIREMENTS FOR SUBDISTRICTS 1 AND 2 AND REPLACE IT WITH A 10 OR 12-FOOT WALL REQUIREMENT AS APPEARED IN THE APRIL 7TH, 2005 URP AMENDMENT FOR PARKING GARAGE SHIELDING SO THAT THESE VERY SMALL LOTS, MOSTLY 50 BY 150, CAN ACTUALLY USE THE PROPOSED BUFFER AREA FOR PARKING. IF THAT'S NOT ACCEPT ANNUAL, THEN ONLY REQUIRE THE BUFFER FOR BUILDINGS THAT ACTUALLY USE THE ENTIRE HEIGHTS GRANTED IN THE SUBBE DISTRICTS WHICH ARE RESPECTIVELY 50 AND 60 FEET. THIS WAS THE ONLY WAY TO GET IN TO SEE ALL OF YOU PRIOR TO MY THREE MINUTES NEXT WEEK. WHATEVER YOU DO, DON'T STOP THE PROCESS. THANK YOU.

MAYOR WYNN: THANK YOU, MR. GOLDSTONE. IF YOU WOULD BE SO KIND AS TO SEND A COPY OF YOUR COMMENTS TO THE MAYOR'S OFFICE, I WOULD APPRECIATE IT, WITH THE DETAILS. THANK YOU. DENNIS, WELCOME. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY JESSE MERCER.

MR. MAYOR, COUNCILMEMBERS, LADIES AND GENTLEMEN, I AM DENNIS PADDIE. I'M A PLAY

WRIGHT, NOVELIST, POET. LAST FALL I DISCOVERED A BLIND AFRICAN-AMERICAN ARTIST PICKING HIS WAY WITH HIS CAIN CANE THROUGH THE CURB HOLES AND THROUGH THE OLTORF CONSTRUCTION STREET PROJECT. CARL FREDERICK MINOR, JUNIOR IS NOT AN INDIGENT. HE IS AN ARTIST WHO MAKES DOLLS, MASKS AND CLOTHES HE HAD HEARD THE BALI OOOH ABOUT AUSTIN AND HAD BE LIVING IN THE PROJECTS OF NEW YORK AND DECIDED TO MIGRATE HERE TO TAKE ADVANTAGE OF THE BALLHOO. THE OFFICE IN NEW YORK INEXPLICABLY HELD UP HIS SECTION 8 HOUSING VOUCHER AND THROUGH A SERIES OF CONTRETEMPS, HE WAS FORCED INTO THE NIGHTMARE YOU CALL ARCH, THE AUSTIN RESOURCE CENTER FOR THE HOMELESS. ARCH AT FIRST REFUSED TO ADMIT HIM BECAUSE HE WAS BLIND. HE WAS ON THE STREET FOR TWO DAYS. WHEN HE WAS ADMITTED, HE WAS PUSHED AROUND AND ACCUSED OF A HEINOUS ACT HE DID NOT COMMIT AND GENERALLY VERBALLY ABUSED BY STAFF AND RESIDENTS. THIS FOUL SMELLING DORMITORY IN WHICH HE SMELT SLEEPS TWO SHIFTS PER DAY ON UNCOVERED MATTRESSES WITH DIRTY WALLS INHABITED BY ALCOHOLICS, DRUG ADDICTS AND YOU NAME IT. THE MODEL FOR THE INSTITUTION IS THE PRISON SYSTEM WHICH SOME STAFF AND SOME CLIENTS -- FROM WHICH SOME STAFF AND SOME CLIENTS ARE GRADUATES. WHILE HE WAS LIVING THERE, FREDERICK HAD TO HAVE AN INGROWN, INFECTED HAIR ON HIS CHEEK LANCED. NO CLINIC IN TOWN ACCEPTS NEW PATIENTS, THEREFORE HE WAS FORCED INTO BRACKENRIDGE HOSPITAL. THAT HOSPITAL HAS A USED HUMAN ODOR. ITS FLOORS ARE NOT CLEAN. DESPERATELY ILL PATIENTS LINE THE HALLS AND THERE ARE NO CLEAN RESTROOMS FOR THE EMERGENCY ROOM. YOU CAN'T FIND THEM. THE DOCTORS PERFORMED FREDERICK'S MINOR SURGERY FROM A CABINET SHELF. THERE WAS NO SURGICAL TRAY. THEY DID NOT SHAVE THE LESION. AND IT WAS IMPOSSIBLE SUBSEQUENTLY TO BANDAGE IT. WE WENT BACK TO BRACKENRIDGE THE NEXT DAY FOR A CHANGE OF THE DRESSING AND INSTRUCTION ON HOW TO TREAT THE WOUND. THE NURSE OR ATTENDANT, WHOEVER IT WAS, DOCTOR PERHAPS, SAID TAKE A Q TIP AND SCHWAB OUT THE INSIDE OF THE CUT WITH HYDROGEN PEROXIDE. HE STARTED TO SWAB THE WOUND WITHOUT THE AID OF THE PEROXIDE. I SAID, WHY DON'T YOU TEACH US HOW TO TREAT THE WOUND WITH SOME HYDROGEN PEROXIDE? HE SAID, I DON'T HAVE ANY OPEN. WHY NOT, I ASKED? THEY'RE SUCH BIG BOTTLES, HE SAID. GO GET SOME, I SAID. [BUZZER SOUNDS] I LEFT AND CAME BACK. YOU GUYS NEED TO BUY SOME HYDROGEN PEROXIDE, HE SAID. I DIDN'T KNOW WE WERE SUPPOSED TO BRING OUR OWN, I ANSWERED. THEN THEY REFERRED HIM TO A CLINIC ALMOST IN KYLE WHICH REQUIRED ALMOST \$100 TO GET INTO TO BE SEEN, SO WE LEFT. THIS IS THE STATE OF AUSTIN SERVICES TO THE POOR, HOMELESS AND INDIGENT. AS YOU SIT HERE IN THIS MULTI-MILLION-DOLLAR CIVIC PALACE, YOU MUST DECIDE TO DO BETTER FOR PEOPLE ON THE OTHER SIDE OF TOWN, IF ONLY ESTABLISHING VOLUNTEER SANITARY SQUADS TO MONITOR THE HOSPITAL AND THE ARCH. THANK YOU.

MAYOR WYNN: THANK YOU. NEXT SPEAKER IS JESSE MERCER. MS. MERCER? TO BE FOLLOWED BY PAUL ROBBINS. WELCOME.

GOOD EVENING, AND THANKS FOR ALLOWING ME AN OPPORTUNITY TO BE HERE. TO THE MAYOR OF THIS FINE CITY, MAYOR WYNN, TO CITY COUNCILMEMBERS, TOBY THAT I REALLY

HATE TO SEE AND HEAR ABOUT THE DEPARTURE AND THE LEAVING. SHE'S DONE A TREMENDOUS JOB, AND HOPEFULLY WHOEVER IS GOING TO BE IN HER FOOTSTEPS WILL BE ABLE TO BE SOMEWHAT LIKE SHE IS, VERY HUMANE TOWARD EVERYBODY. WE'RE REALLY GOING TO MISS HER BECAUSE SHE'S DONE A BEAUTIFUL JOB WITH ALL THE THINGS THAT HAVE CHANGED IN THE CITY OF AUSTIN. BUT THE MAIN THING THAT I'M HERE FOR IS TO SAY THANK YOU TO THE MAYOR AND THE CITY MANAGER AND THE COUNCIL FOR THE BLACKLAND NEIGHBORHOOD CENTER. WE RECEIVED THE ACE AWARD. WE HAVE BEEN STRUGGLING FOR SO LONG TO GET SOME ATTENTION AND SOME HEN. WE'VE GOT TWO PENAL THERE THAT ARE STILL NOT ON THE ROLL YET. THEY'RE TRYING TO GET ON. THAT'S BEA WITTY AND MS. ARNOLD. BUT THE CENTER HAS GROWN AND WE'RE SO HAPPY TO KNOW THAT THE COUNCIL AND THE MAYOR AND THE MANAGER ARE ALL BEHIND US AND HELPING US TO STRUGGLE ON AND TO REPRESENT THE COMMUNITY. AS MY PASTOR WOULD SAY, SINCE WE ARE THE HEARTS OF THE COMMUNITY, THEN WE HAVE TO SHOW SOME SIGN. SO I WANT TO SAY THANK YOU FROM THE SINCERE OF MY HEART TO WHAT YOU HAVE DOWN ITS BLACKLAND NEIGHBORHOOD CENTER AND I SALUTE ALL OF YOU. THANK YOU AGAIN. GOOD-BYE BETTY.

MAYOR WYNN: GOOD-BYE MS. MERCER. THANK YOU. PAUL, YOU HAVE THREE MINUTES, TO BE FOLLOWED BY GUS PENA.

CITIZENS OF AUSTIN, MAYOR, COUNCIL, I'M PAUL ROBBINS, I'M AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. AND I ALMOST APOLOGIZE FOR MY TOPIC TODAY. IT IS OFTEN MY PURPOSE TO BRING INFORMATION OR INFORMED POINTS OF VIEW. YOU HAVE NOT BEEN EXPOSED TO BEFORE, BUT I CANNOT BRING YOU INFORMATION BECAUSE THE CITY STAFF IS NOT PROVIDING IT IN ACCORDANCE WITH OPEN RECORDS. I THINK IN REACTION TO THE CITY'S DECISION TO LOCATE A NEW COURTHOUSE IN A LOCATION THAT WOULD DISCOURAGE MANY PEOPLE FROM USING THE MUNICIPAL JUSTICE SYSTEM, I ASKED FOR DOWNTOWNS THAT LED TO THIS DECISION FROM THE MUNICIPAL COURT CLERK. SHE HAS NOT PRODUCED ONE OF THESE DOCUMENTS, WHICH I ASKED FOR ON DECEMBER 11TH. SHE HAS ALSO NOT PROVIDED ME WITH INFORMATION AS TO WHY SHE CANNOT PRODUCE THIS DOCUMENT EITHER. IT WAS ACTUALLY A PRETTY TAME REQUEST, REALLY MUNDANE, IN FACT. AND IT BEWILDERS ME WHY I HAVE TO COME BEFORE COUNCIL TO ASK FOR IT. I APOLOGIZE FOR BORING YOU, COUNCIL, BECAUSE THIS IS REALLY BENEATH YOUR PAY GRADE, BUT I DON'T KNOW WHAT ELSE TO DO. AND WHILE I'M AT IT, I MAY REQUEST TO THE WATER AND WASTEWATER DEPARTMENT, LAST FEBRUARY TO TELL ME HOW MUCH THE PROPOSED WATER TREATMENT PLANT 4 WOULD AFFECT WATER BILLS. AND I'VE RECEIVED NOTHING TO DATE. SAY WHAT YOU WANT ABOUT ME, COUNCIL, BUT I TRY TO BE INFORMED AND INFORMING. WHEN STAFF WITHHOLDS INFORMATION ON WHICH AN INFORMED OPINION CAN BE BASED, DON'T CALL ME IRRESPONSIBLE FOR GOING ON HUNCHES. THANK YOU. I'M SORRY THE CITY MANAGER ISN'T THERE TO HEAR THIS. SHE'S DEALING WITH A CONSTITUENT RIGHT NOW.

MAYOR WYNN: WE'LL GET THE WORD TO HER. THANK YOU, MR. ROBBINS. SORRY FOR YOUR

INCONVENIENCE. ON THE COST OF WATER, YOU KNOW, WE -- COUNCIL ULTIMATELY SETS THE RATES AS YOU KNOW, AND IF I REMEMBER CORRECTLY, CERTAINLY THIS LAST AUGUST DURING THE BUDGET PRESENTATION, A PIECE OF THAT DAILY PRESENTATION WAS THE WATER UTILITY AND GIVING US THEIR PROJECTED FRANKLY NEED FOR RATE INCREASES OVER THE FORESEEABLE FUTURE. SO INFORMATION IS OUT THERE SOMEWHERE. I'LL DO MY BEST TO SEE IF WE CAN ROUND IT UP IN OUR OFFICE. AND I'M SURE THAT INCLUDES THEIR ANTICIPATED, AT THE TIME, COSTS OF ADDITIONAL WATER TREATMENT PLANT.

LEFFINGWELL: COULD I ADD SOMETHING HERE? ONE OF THE CONSERVATION TASKFORCE RECOMMENDATIONS WAS THE INTRODUCTION OF A FIFTH TIER INTO THE RATE STRUCTURE AND THAT OF COURSE IS WAITING A COMPLETE RATE CASE FOR WATER UTILITY USERS. SO THAT IS YET TO BE DETERMINED AND THAT MAY BE WHY YOU DON'T -- HAVE YOU HAVEN'T GOTTEN ANY INFORMATION ON THAT.

MAYOR WYNN: WELCOME GUS PENA.

THANK YOU, MAYOR, COUNCILMEMBERS. GUS PENA. I HAVE A COUPLE OF ISSUES TO DEAL WITH, THE COUNCIL AND YOU, MAYOR, AND THE CITY MANAGER. NUMBER ONE, I WANT TO GIVE A BRIEF BACKGROUND AS TO WHAT WE IN THE EAST AUSTIN COMMUNITY HAVE TO DEAL WITH. I NO LONGER LIVE IN EAST AUSTIN, BUT I DO A LOT OF MY WORK IN EAST AUSTIN WITH THE KIDS. I'VE DEALT WITH MR. DAN DAVIDSON WHEN HE WAS CITY MANAGER, JORGE CARRAZCO, CAMILLE BARNETT AND WE DEALT WITH BRACKENRIDGE HOSPITAL AND THAT FIASCO. IT WAS A HEADACHE. WE DIDN'T ACCEPT THAT, BUT I'M GLAD WE HAD A PART OF IT AND PROTECTING THE ISSUE. AND JESUS GARZA AND NOW TOBY FUTRELL. MAYOR AND COUNCILMEMBERS, I'M A FORMER EEO DISCRIMINATION COMPLAINTS INVESTIGATOR FOR THE DEPARTMENT OF TREASURY. I HAVE BACKGROUND IN INVESTIGATING ALLEGED ACTS OF DISCRIMINATION. TO ME THIS PROCESS OF INTERVIEWING, SELECTING THE CITY MANAGER IS A FLAWED PROCESS. IT IS NOT THE BEST PROCESS THAT YOU COULD BRING FORTH. I UNDERSTAND ABOUT CONFIDENTIALITY, ABOUT RESUMES AND PERSONNEL FILES. I DEALT WITH THOSE ON A CASE-BY-CASE BASIS WHEN I DID INVESTIGATE THESE ALLEGED INCIDENTS, BUT ISSUE IS THIS, THE PUBLIC IS BEING LEFT OUT OF THE PROCESS, NUMBER ONE FIRST AND FOREMOST. WHO ARE THE STAKE HOLDERS AND DEFINED BY THE CONTRACT WITH ARCUS? THE TAXPAYERS. WHO ARE MOST GOING TO BE AFFECTED BY THE DECISIONS THAT Y'ALL MAKE AND WHO IS GOING TO BE OUR CITY MANAGER? THE TAXPAYERS. THE POOR, THE NEEDY, THE HAVE NOTES, THE HAVES. BLACK, WHITE, ASIAN AMERICAN, ETCETERA. MAYOR AND CITY COUNCILMEMBERS, THIS PROCESS IS NOT INCLUSIVE. IT IS DISCRIMINATORY. YOU HAVE TO FIND A NEW PROCESS TO DEAL WITH THE SELECTION OR RATHER DEAL WITH INCLUDING THE COMMUNITY IN THIS PROCESS. THIS IS NOT ACCEPTABLE. YOU HAVE A CONTRACT OVER HERE THAT SAYS SKILL -- ABILITY TO ESTABLISH AND MAINTAIN COOPERATIVE WORKING RELATIONSHIP 'AND THE GENERAL PUBLIC AND THE MEDIA. A LOT OF THE PUBLIC HAS BEEN LEFT OUT OF THE LOOP. DON'T LET THIS BE ONE OF YOUR LEGACIES, MAYOR WYNN, WHEN YOU LEAVE THEY HAVE SELECT ADD CITY MANAGER WITHOUT DUE PROCESS INCLUDING THE COMMUNITY. I JUST DON'T

FEEL THAT THIS IS A GOOD PROCESS, A FLAWED PROCESS. YOU HAVE STILL TIME TO IMPROVE THIS PROCESS TO INCLUDE THE COMMUNITY, NOT JUST AFTER THE FACT LIKE YOU DID WITH THE POLICE CHIEF OF COURSE AND I WAS INVOLVED IN THE INTERVIEW COMMITTEE WITH CHIEF KNEE AND THE REST OF THEM THAT WERE INTERVIEWED BACK IN '97. IT'S A FLAWED PROCESS. PLEASE IMPROVE IT. VIOLENCE, GANG AND CRIME IS ON THE INCREASE. WHEN A CITIZEN CALLS A COMMANDER, LIEUTENANT, SERGEANT, OR ASSISTANT CHIEF OR THE CHIEF, PLEASE HAVE THE PROFESSIONAL COURTESY TO RETURN A PHONE CALLS. WE HAVE A DRIVE-BY SHOOTING -- I'LL WRAP UP. IT'S LEADING UP TO INCREASED GANG AND VIOLENCE. WE HAVE FORMER FEDERAL OFFICIALS OUT THERE, FORMER FEDERAL INVESTIGATORS, FORMER PEACE OFFICERS, PATROLLING THE STREETS WITH CAMERAS, SO WE CAN BRING EVIDENCE THAT THEY CAN BRING TO THE CHIEF. SOMETIMES WE DON'T KNOW WHAT WE'RE DOING. WE HELPED OUT IN 1994 WITH THE ASSISTANT FEDERAL ATTORNEYS. WE NEED HELP OUT THERE, THE OFFICERS NEED HELP OUT THERE. I'LL WRAP UP, MAYOR. THE ISSUE IS THIS, HENRY SECTOR AND I CAN'T REMEMBER WHAT SECTOR IT'S CALLED IN THE NORTHEAST. HIGH CRIME AREA. GANG INVOLVEMENT. ASSAULTS, THEFT, PROSTITUTION. THE OFFICERS NEED HELP OUT THERE. I COMMEND SOME OF THE OFFICERS THAT ARE DOING A GOOD JOB BE. THANK YOU, MAYOR. PLEASE IMPROVE THE CITY MANAGER SELECTION PROCESS. IT'S NOT A GOOD PROCESS RIGHT NOW. AND GO OUT FROM WITHIN, FIND NEW BLOOD. THANK YOU.

MAYOR WYNN: THANK YOU, MR. PENA. COUNCILMEMBER KIM.

KIM: MR. PENA, THANK YOU VERY MUCH FOR THE CITY MANAGER SEARCH PROCESS AND OTHER THINGS YOU BROUGHT TO OUR ATTENTION. I AGREE WE NEED TO HAVE THE PUBLIC'S INPUT BEFORE WE MAKE A FINAL DECISION. WE'RE STILL LEARNING ABOUT HOW TO IT THIS. IT'S THE FIRST TIME I'VE EVER HAD H. TO DO THIS. I THINK WE CAN AND WE NEED TO FIND A WAY FOR THEM TO MEET THE CANDIDATES AND ASK QUESTIONS OF THEM. I THINK IT WOULD BE VERY GOOD FOR US AS WE ARE ABOUT TO MAKE ONE OF THE MOST IMPORTANT DECISIONS. FRANKLY IF SOMEONE ISN'T INTERESTED IN THAT, THEY'RE NOT THE RIGHT FIT FOR CITY MANAGER. WE'LL FIND A WAY SOMETIME NEXT WEEK TO MAKE SURE THE PUBLIC GETS A CHANCE AND THAT THE CANDIDATES GET TO MEET WITH THE PUBLIC. I THINK IT WILL METROPOLITAN US AND FOR YOU TO SEE WHAT DIFFICULT CHOICES WE HAVE.

[INAUDIBLE - NO MIC].

KIM: THANK YOU.

MAYOR WYNN: THANK YOU, MR. PENA. COUNCIL, THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION DISCUSSION THIS AFTERNOON. THERE BEING NO MORE POSTED ACTION ITEMS FOR US TO TAKE UP, WE'LL NOW GO INTO OUR LUNCH BREAK. WHILE WE'RE TAKING LUNCH WE'LL BE IN CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP POTENTIALLY ITEMS 63, LEGAL ISSUES CONCERNING THE

HOUSING AUTHORITY OF THE CITY OF AUSTIN VERSUS THE CITY OF AUSTIN. ITEM 66, POTENTIALLY LEGAL ISSUES RELATED TO THE CITY MANAGER. ITEM 67, LEGAL ISSUES RELATED TO A CITY HALL RETAIL LEASE. PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT WE MAY TAKE UP REAL ESTATE MATTERS, ONE RELATED TO ITEM 64, THE SALE OR LEASE OF THE GREEN WATER TREATMENT PLANT SITE. AND/OR ITEM NUMBER 68, THE REAL ESTATE ISSUES CONCERNING THE CITY HALL RETAIL SPACE. AND WE MAY TAKE UP PURSUANT TO SECTION 551.074 OF THE OPEN MEETINGS ACT, ITEM NUMBER 65, PERSONNEL MATTERS RELATED TO THE SEARCH FOR A CITY MANAGER. IN CLOSED SESSION, I WILL NOT BE PARTICIPATING IN THE DISCUSSIONS ABOUT THE CITY HALL RETAIL SPACE, SO ITEM 67 AND 68 I WILL NOT PARTICIPATE IN, NOR WILL I VOTE ON THE POTENTIAL POSTED ACTION ITEM, NUMBER 69. WE ARE NOW IN CLOSED SESSION. I ANTICIPATE THIS LASTING WELL INTO THE MIDDLE OF THE AFTERNOON IN TIME FOR US TO GET BACK FOR OUR BOND SALES AND AHFC BOARD MEETING JUST PRIOR TO THE 4:00 O'CLOCK ZONING CASES. WE ARE NOW IN CLOSED SESSION.

RIGHT ABOUT 5:00 YESTERDAY AFTERNOON, ONE POTENTIAL POSTED ACTION ITEM ON THAT AGENDA WHICH WAS TO NAME THE FINALIST FOR -- FOR THE NEXT CITY MANAGER. I WILL RECOGNIZE MAYOR PRO TEM DUNKERLY.

DUNKERLY: AND [INDISCERNIBLE] JELYNNE BURLEY AND MARC OTT AS THE TWO FINALISTS FOR THE AUSTIN CITY COUNCIL POSITION.

I'LL SECOND THAT. SO MOTION AND SECOND ON THE TABLE NAMING JELYNNE BURLEY AND MARC OTT AS THE TWO FINALISTS FOR THE NEXT CITY MANAGER POSITION HERE IN AUSTIN. FURTHER COMMENTS? PERHAPS BEFORE WE -- BEFORE WE TAKE THE VOTE THAT ENDS THAT MEETING -- I WILL CALL FOR A VOTE, SO FURTHER COMMENTS ON THE MOTION AND A SECOND NAMING THE FINALIST? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION NAMING THE TWO FINALISTS PASSES ON A VOTE OF 7-0. BEFORE WE ADJOURN THE SPECIAL CALLED MEETING, WE WOULD LIKE TO ASK DOUG FIRESTONE OF ORCUS WHO SERVED AS OUR NATIONAL SEARCH FIRM ONE I WANT TO COMMEND YOU DOUG AND SCOTT FOR YOUR AND YOUR ORGANIZATION'S WORK ON THIS SEARCH. NOW THAT WE HAVE THE TWO FINALISTS NAMED I THINK THAT YOU PROBABLY HAVE SOME IDEAS OR SUGGESTIONS ABOUT A PROCESS FOR -- FOR NEXT WEEK. WE HAVE ALWAYS ANTICIPATED TRYING TO GET THAT FINALIZED AS EARLY AS NEXT WEEK. WE ARE CERTAINLY EXCITED AND READY TO MOVE READY. THE FIRST STEPS WOULD BE TO DO A PUBLIC MEET AND GREET THIS COMING TUESDAY EVENING, WITH THE TWO FINALISTS. PLACE TO BE DETERMINED BY COUNCIL, BUT SOMEPLACE OPEN TO THE PUBLIC WITH FREE PARKING.

OKAY.

MAYOR WYNN: SO THAT WOULD BE THURSDAY EVENING. WE HAVE ALREADY --

TUESDAY.

MAYOR WYNN: I'M SORRY, TUESDAY EVENING. WE HAVE ALREADY ANTICIPATED THAT WE WILL HAVE A SPECIAL CALLED MEETING NEXT WEDNESDAY TO CONTINUE THIS -- THIS PERSONNEL MATTER REGARDING, YOU KNOW, THE INTERVIEWS. SO THAT PUBLIC RECEPTION WE BE TUESDAY MEETING WITHIN THE NEXT FEW HOURS, THROUGH OUR OFFICE, WE WILL MAKE SURE THAT WE FIND THE APPROPRIATE VENUE, A TIME AND MAKE THAT ANNOUNCEMENT. WEDNESDAY WE WILL BE AT A SPECIAL CALLED CITY COUNCIL MEETING THAT ONE ITEM FOR INTERVIEWS FOR THE CITY MANAGER POSITION. WE WILL GO AHEAD AND POST FOR POTENTIAL ACTION FOR THAT WEEK'S CITY COUNCIL MEETING, THURSDAY THE 17TH, COUNCIL ALWAYS RESERVES THE RIGHT OF COURSE TO -- TO CONTINUATION OF THAT PROCESS OR DELAY OR POSTPONE ACTION, BUT WE ANTICIPATE BEING ABLE TO POST ACTION FOR JANUARY 17TH.

WORKS GREAT.

OKAY. WE'LL SEE YOU BACK IN TOWN NEXT WEEK AND --

GOT IT.

AGAIN, THANK YOU FOR -- FOR A JOB WELL DONE.

THANK YOU. SO COUNCIL WITHOUT OBJECTION THEN, THAT ENDS ALL OF OUR AGENDA ITEMS FOR THE SPECIAL CALLED MEETING OF THE CITY COUNCIL. WE NOW STAND ADJOURNED AND WITH THAT I WILL -- I WOULD LIKE TO CALL -- ACTUALLY, WE ARE STILL IN RECESS, WHY DON'T WE -- SINCE WE'RE IN RECESS FOR THE CITY COUNCIL MEETING, WE CAN NOW CALL TO ORDER THIS POSTED MEETING OF THE AUSTIN HOUSING AND FINANCE CORPORATION. WE HAVE A SHORT AGENDA, WELCOME MR. PAUL HILGERS.

THANK YOU. I AM PAUL HILGERS. WE HAVE THREE ITEMS BEFORE YOU TODAY. BEFORE THE FINANCE CORPORATION. FIRST ITEM, AFHC ITEM NO. 1 IS TO APPROVE THE MINUTES OF THE DECEMBER 6TH 2007 BOARD MEETING OF THE FINANCE CORPORATION.

SECOND.

MAYOR WYNN: SORRY MOTION AND SECOND ON THE TABLE. ALL IN FAVOR PLEASE SAY AYE.

AYE.

MOTION PASSING AGENDA ITEM NO. 1 PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER LEFFINGWELL OFF THE DAIS.

THANK YOU, AHFC ITEM NO. 2 IS TO APPROVE THE NEGOTIATION AND EXECUTION OF A LOAN TO THE GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION UNDER THE RENTAL HOUSING DEVELOPMENT ASSISTANCE PROGRAM IN AN AMOUNT NOT TO EXCEED \$60,000. COMPLIES WITH APPLICABLE AFFORDABLE HOUSING GENERAL OBLIGATION BOND FINANCING REQUIREMENTS AND PERFORMANCE GOALS TO AND HIS IN THE CONSTRUCTION OF ONE UNIT OF AFFORDABLE HOUSING IN THE GUADALUPE NEIGHBORHOOD AT 904 B LYDIA STREET. FUNDING WILL BE TO CONSTRUCT. MADE AVAILABLE TO PERSONS WITH YEARLY INCOMES THAT DO NOT EXCEED 30% OF MEDIAN FAMILY INCOME. RESPONDED TO A NOTICE OF AVAILABILITY FOR AFFORDABLE HOUSING GENERAL BOND OBLIGATION FUNDING ISSUED IN OCTOBER OF 2007. APPLICATION REVIEWED BY BOTH STAFF AND THE HOUSING BOND REVIEW COMMITTEE, BOTH RECOMMENDED APPROVED -- APPROVING THE FUNDING. IN THIS PROJECT, WE ARE PARTNERING WITH THE UNIVERSITY OF TEXAS SCHOOL OF ARCHITECTURE CENTER FOR SUSTAINABLE DESIGN THROUGH ITS NEWLY CREATED NON-PROFIT ORGANIZATION AUSTIN COMMUNITY DESIGN AND DEVELOPMENT CENTER TO CONSTRUCT THE NEW SINGLE FAMILY HOME ON PROPERTY OWNED BY GNDC.

AGAIN THIS IS AN OPPORTUNITY FOR US TO USE OUR GENERAL OBLIGATION BONDS THAT WILL APPROVE TECHNOLOGY FOR AFFORDABLE HOUSING, WE ARE EXCITING FOR BRINGING THIS ITEM FORWARD FOR YOUR APPROVAL.

THANK YOU, MR. HILGERS. QUESTIONS OF STAFF, BOARD, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON AHFC ITEM NO. 2. MOTION BY BOARD MEMBER MCCracken, SECONDED BY BOARD MEMBER MARTINEZ FOR APPROVE ITEM NO. 2. ANY COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE."

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 AGAIN WITH BOARD MEMBER LEFFINGWELL OFF THE DAIS.

FINALLY, AHFC ITEM NO. 3 IS TO APPROVE THE NEGOTIATION AND EXECUTION OF A LOAN TO THE AUSTIN NEIGHBORHOOD ALLIANCE FOR HABITAT, INCORPORATED AN AFFILIATE OF AUSTIN HABITAT FOR HUMANITY IN AN AMOUNT NOT TO EXCEED ONE MILLION IN COMPLIANCE WITH APPLICABLE ... ACQUISITION AND PREDEVELOPMENT OF 15.3 ACRES IN SENDARO HILLS PHASE 4 TO BE DEVELOPED UP TO 65 SINGLE FAMILY HOUSES TO BE SOLD TO LOW AND MODERATE INCOME BUYERS. HABITAT SERVES FAMILIES WITH YEARLY HOUSEHOLD INCOMES BETWEEN 25 AND 50%, CURRENTLY \$17,790 ARE -- \$35,550 FOR A FAMILY OF 4. THEIR HOME OWNERSHIP PROGRAMS REQUIRES PARTICIPANTS TO COMPLETE AN EXTENSIVE HOME BUYER COMPONENT AND 40 HOURS OF SWEAT EQUITY IN SOMEBODY ELSE'S HOME BEFORE THEY GET TO BUILD THEIR HOME. ACTING AS DEVELOPMENT FOR

PHASE 4, HABITAT MAY ELECT TO SELL A PORTION OF THE DEVELOPED LOTS TO OTHER AFFORDABLE HOUSING DEVELOPERS, REGARDLESS, ALL HOMES IN THIS PHASE OF THE SUBDIVISION WILL BE AFFORDABLE TO BUYERS AT 80% OF MEDIAN FAMILY INCOME OR LESS. THE PROJECT AGAIN WAS IN RESPONSE TO OUR NOTICE OF FUND AVAILABILITY FOR AFFORDABLE HOUSING GENERAL OBLIGATION FUNDING. BOTH THE STAFF AND HOUSING BOND HAVE REVIEWED THE APPLICATION AND RECOMMEND FUNDING FOR THE PROJECT. AS YOU KNOW, WE HAVE BEEN LONG TIME PARTNERS WITH HABITAT FOR HUMANITY. WE HAVE A GREAT PARTNERSHIP WITH THEM ON MONTOPOLIS, THEY ARE BUILDING 30 HOMES FOR US THERE, WE'RE VERY EXCITED TO BRING THIS PROJECT FORWARD TO YOU FOR YOUR APPROVAL.

THANK YOU, MR. HILGERS, QUESTIONS OF STAFF? BOARD? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 3. MOTION BY BOARD MEMBER KIM, SECONDED BY BOARD MEMBER MCCracken TO APPROVE AHFC ITEM NO. 3 AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 6-0. THAT'S ALL THE BUSINESS BEFORE THE FINANCE CORPORATION TODAY, MR. PRESIDENT.

THANK YOU, MR. HILGERS. SO BOARD WITHOUT OBJECTION WE NOW ADJOURN THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION AND CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE HAVE POSTED FOR THIS AFTERNOON A POTENTIAL DISCUSSION AND ACTION REGARDING BOND SALES. I SEE OUR FINANCIAL TEAM HERE. WELCOME, MR. BILL NEWMAN. THANK YOU, MAYOR, GOOD AFTERNOON, MY NAME IS BILL NEWMAN, PUBLIC FINANCIAL MANAGEMENT. WE SERVE AS FINANCIAL ADVISOR TO THE CITY. ITEM NO. 70, MAYOR AND COUNCIL, IS A PARAMETERS ORDINANCE ASKING YOU TO APPROVE THE -- THE STAFF GOING FORWARD WITH BOND SALES. THAT'S NOT TO SAY THAT WE'VE HAD IT TODAY. WHAT WE WOULD LIKE TO DO IS ASK YOU TO GIVE THE STAFF PERMISSION TO MOVE FORWARD IN A SHORT PERIOD OF TIME TO ALLOW FOR A YIELD BOND SALE. WERE WE TO DO THAT TRANSACTION TODAY, THE AMOUNT WOULD BE ABOUT 173,375,000, WE WOULD BE REFUNDING 180,895,000 IN BONDS. PRESENT VALUE SETTINGS TODAY WOULD BE A LITTLE OVER \$8 MILLION OR 4.63%. I SHOULD MENTION THAT I SHOULD MENTION THE PARAMETERS ARE WITHIN THE CITY'S POLICIES, PROCEDURES AND GUIDELINES FOR THE FUNDING TRANSACTION. WHAT WE ARE LOOKING AT TODAY IN TERMS OF THE MARKET, WITHIN THE LAST 30 DAYS THE U.S. TREASURY MARKET MOVED DOWN FROM 4.50 TO 4.23. 20 YEAR GO O FROM 4.28 TO 4.07. MR. BERNACE SAID THE FEDS WOULD DO WHATEVER TO KEEP IT IN CHECK. PERHAPS 50 BASE POINTS. WHAT WE WOULD LIKE TO DO IS PULL THE TRIGGER ON THIS REFUNDING IN A COUPLE OF WEEKS. THAT SAID I WOULD ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE SEEK YOUR APPROVAL.

THANK YOU, MR. NEWMAN. QUESTIONS OF BILL? COUNCIL? COMMENTS? CAN WE -- WE

POSTED THIS AS ITEM NO. 70. IF NOT I'LL ENTERTAIN A MOTION. MOTION BY COUNCILMEMBER MCCracken, SECONDED BY THE MAYOR PRO TEM TO APPROVE THIS ITEM NO. 70 AS PRESENTED BY MR. NEWMAN, FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH COUNCILMEMBER'S KIM AND COLE OFF THE DAIS.

THANK YOU, MAYOR AND COUNCIL, I APPRECIATE IT.

THANK YOU, MR. NEWMAN FOR ALL OF YOUR WORK. SO ... COUNCIL, I BELIEVE -- I GUESS THERE'S -- THERE'S -- EARLIER -- EARLIER IN CLOSED SESSION THE COUNCIL WITHOUT ME PARTICIPATING TOOK UP AGENDA ITEM 67 AND 68. REGARDING RETAIL LEASE SPACE HERE IN THE CITY HALL BUILDING. THEN WE HAVE POSTED ITEM NO. 69 AS A POTENTIAL ACTION ITEM. I DID NOT PARTICIPATE IN THOSE TWO DISCUSSIONS. I WILL LEAVE THE DAIS BEFORE THIS VOTE HAS BEEN CONFIRMED TO ME, BUT I UNDERSTANDING IS THAT WE'RE GOING TO HEAR WHO THE -- THE POTENTIAL TENANT IS RUN TEX AND IT JUST SO HAPPENS THAT PAUL CAROZZA THE OWNER OF RUN TEX SERVED AS MY CAMPAIGN TREASURER BACK IN 2003. AS A SIGN OF CAUTION, I HAVE NOT BEEN AND WON'T PARTICIPATE IN THIS ITEM. BUT WELCOME A BRIEF STAFF PRESENTATION, I WILL TURN IT OVER TO MAYOR PRO TEM DUNKERLY.

GOOD AFTERNOON, MAYOR AND COUNCIL. THIS RESOLUTION WOULD AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A -- A LEASE WITH RUN TEXT LLC. FOR APPROXIMATELY 1400 SQUARE FEET OF RETAIL SPACE IN CITY HALL. FOR THE SALE OF ATHLETIC CLOTHING, SHOES AND GIFTS. THE INITIAL BASE RENT WOULD BE \$27 PER SQUARE FOOT PER YEAR, WITH APPROPRIATE ANNUAL INCREASES AS WELL AS A PERCENTAGE OF RENT BASED ON SALES IF THEY EXCEED CERTAIN SALES THRESHOLDS. THE INITIAL TERM OF THE LEASE WOULD BE FIVE YEARS WITH AN OPTION TO EXTEND FOR ANOTHER FIVE YEARS.

DUNKERLY: ARE THERE ANY QUESTIONS OF STAFF? WE HAVE A MOTION? DO WE HAVE A MOTION BY -- WE HAVE A MOTION BY COUNCILMEMBER LEFFINGWELL. A SECOND BY COUNCILMEMBER MARTINEZ. [INDISCERNIBLE] ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OKAY. ALL THOSE OPPOSED? GREAT. THANK YOU. I'M GOING TO HAVE TO LOOK TO -- TO THE CLERK, IS THAT ALL OF OUR ACTION ITEMS UNTIL THE ZONING? GREAT, WELL, WE WILL ADJOURN THIS MEETING UNTIL -- WE WILL RECESS THIS MEETING UNTIL THE 4:00 ZONING

HEARINGS. THANKS.

THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE NOW CAN GO TO OUR 4:00 ZONING MATTERS, WE WILL WELCOME MR. GREG GUERNSEY.

THANK YOU MAYOR AND COUNCIL. I WILL READ THROUGH THE 4:00 ZONING ORDINANCES / RESTRICTIVE COVENANTS (HEARINGS CLOSED) OUR FIRST ITEM, I CAN OFFER, WELL, GO THROUGH THE ITEMS, ITEM NO. 71 . C14-04-0030 - TIME INSURANCE 1 - APPROVE THIRD READING OF -- THAT WILL BE A DISCUSSION ITEM AS WELL AS ITEM 72, C14-06-0117 - TIME INSURANCE 2. 73 . C14-2007-0192 - HABIBI'S HUTCH DAY CARE - APPROVE SECOND/THIRD READINGS OF AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 2006 BERT AVENUE (WEST BOULDIN CREEK WATERSHED) FROM FAMILY RESIDENCE (SF-3) DISTRICT ZONING TO LIMITED OFFICE-CONDITIONAL OVERLAY (LO-CO) COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. 74 . C14-2007-0129 CUMBERLAND RESIDENTIAL - APPROVE -- AT 1001 CUMBERLAND ROAD. STAFF IS REQUESTING A ONE WEEK POSTPONEMENT TO YOUR 17TH MEETING. AND THIS IS TO RESOLVE SOME ISSUES AND GETTING THE ORDINANCE READY AND POSSIBLE COVENANTS. THAT'S ITEM NO. 74. 75 . C14-2007-0164 - SEAHOLM POWER PLANT DEVELOPMENT - AT 800 WEST CESAR CHAVEZ STREET. THIS IS A REZONING REQUEST FROM UNZONED RIGHT-OF-WAY AND P PUBLIC DISTRICT ZONING TO DOWNTOWN MIXED USE-CENTRAL URBAN REDEVELOPMENT-CONDITIONAL OVERLAY (DMU-CURE-CO) COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. 76 . C14-2007-0168 - SPEEDY STOP - APPROVE SECOND/THIRD READINGS OF AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 6111 FM 2244 (EANES CREEK WATERSHED) FROM SINGLE-FAMILY RESIDENCE-STANDARD LOT (SF-2) DISTRICT ZONING TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT ZONING. READY FOR CONSENT APPROVAL ON SECOND AND THIRD READING. 77 . C14-2007-0182 - LOWER AGAVE HEIGHTS - APPROVE SECOND/THIRD READINGS OF AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 6031 MOONGLOW (WALNUT CREEK WATERSHED) FROM SINGLE-FAMILY RESIDENCE-STANDARD LOT (SF-2) DISTRICT ZONING TO SINGLE-FAMILY RESIDENCE-SMALL LOT (SF-4A) DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS. 78 . C14-2007-0067 - CLAWSON - APPROVE SECOND/THIRD READINGS OF AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 3608 AND 3706 CLAWSON ROAD (WEST BOULDIN CREEK WATERSHED) FROM FAMILY RESIDENCE (SF-3) DISTRICT ZONING TO MULTI-FAMILY RESIDENCE-LOW DENSITY-CONDITIONAL OVERLAY (MF-2-CO) COMBINING DISTRICT ZONING. THIS WOULD BE READY FOR ONLY SECOND READING IF YOU CHOSE TO GO FORWARD WITH THIS ITEM TODAY. WE ARE STILL WORKING ON -- WITH THE APPLICANT REGARDING THEIR OFFER FOR WATER CONSERVATION. AND -- AND THERE'S SOME SMART HOUSING AND -- AND GREEN BUILDER ITEMS THAT WOULD BE PROBABLY PUT INTO A COVENANT. PROBABLY

NOT THE SMART HOUSING ITEM, BUT THE OTHER TWO, SO THIS COULD ONLY GO FOR SECOND READING TODAY IF YOU SO CHOOSE TO DO SO. THERE'S A VALID PETITION. BUT A SIMPLE MAJORITY IS ALL'S NEEDED TO APPROVE THIS ITEM ON SECOND READING ONLY IF YOU DECIDE TO DO SO. THAT WOULD CONCLUDE THAT PORTION OF THE AGENDA THAT I CAN OFFER ON CONSENT.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. THESE CASES WHERE WE HAVE ALREADY CLOSED THE PUBLIC HEARING, I WAS -- THE CONSENT AGENDA WOULD INCLUDE APPROVING ITEM 73 ON SECOND AND THIRD READING, POSTPONING ITEM 74 FOR ONE WEEK TO JANUARY 17TH, 2008. APPROVING ON SECOND AND THIRD READING ITEMS 75, 76, AND 77. AND APPROVING ON SECOND READING ONLY ITEM 78. FURTHER COMMENTS? I WILL ENTERTAIN THAT MOTION FOR CONSENT AGENDA. MOTION BY MAYOR PRO TEM. SECONDED BY COUNCILMEMBER MCCracken TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL IN FAVOR? MOTION PASSES ON A VOTE OF 7-0. MOVING TO 4:00. 79 PH . C14-04-0196.02 - THE ENCLAVE - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 4525 GUADALUPE STREET THAT'S A STAFF POSTPONEMENT TO YOUR -- POSTPONEMENT TO YOUR MEETING OF JANUARY 31ST. THAT'S ITEM NO. 79. ITEM NO. 80 80 PH . C14-2007-0235 â€˜ JUDGESâ€™™ HILL NEIGHBORHOOD ASSOCIATION (PORTION OF DOWNTOWN PLANNING AREA) VERTICAL MIXED USE BUILDING (V) ZONING OPT-IN/OPT-OUT PROCESS - CONDUCT A PUBLIC -- STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM TO JANUARY 31ST MEETING. 81 PH . C14-2007-0237 â€˜ OLD WEST AUSTIN NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING (V) ZONING OPT-IN/OPT-OUT PROCESS - OWE STAFF IS ALSO ASKING FOR A POSTPONEMENT OF THIS ITEM. TO YOUR 31ST AGENDA. ITEMS 80 AND 81 ARE TO BE REVIEWED BY THE PLANNING COMMISSION LATER THIS MONTH. 82 PH . C14-03-0147(RCT) - 8700 BLOCK OF SOUTH 1ST STREET - CONDUCT A PUBLIC HEARING TO AMEND CHAPTER 25-2 OF THE AUSTIN CITY CODE BY TERMINATING A RESTRICTIVE COVENANT AS IT APPLIES TO AND THE ZONING AND PLATTING RECOMMENDATION WAS TO TERMINATE AS APPLIES TO THIS PROPERTY. READY FOR CONSENT APPROVAL OF THAT RESTRICTIVE COVENANT TERMINATION. 83 PH . C14-2007-0199 - 8700 BLOCK OF SOUTH 1ST STREET - THE SAME PROPERTY, THIS IS A REZONING REQUEST FROM TOWNHOUSE RESIDENCE OR (SF-6) DISTRICT ZONING; NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT ZONING; AND EXCUSE ME, COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT ZONING TO MULTI-FAMILY RESIDENCE-LOW DENSITY (MF-2) DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT THE MULTI-FAMILY RESIDENCE-LOW DENSITY-CONDITIONAL OVERLAY (MF-2-CO) COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. C14-2007-0194 - SONIC 84 PH . C14-2007-0194 - SONIC DRIVE-IN #43 - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY ZONING PROPERTY LOCALLY KNOWN AS 9708 MANCHACA (SLAUGHTER CREEK WATERSHED) FROM INTERIM-SINGLE-FAMILY RESIDENCE-STANDARD LOT (I-SF-2) DISTRICT ZONING TO COMMUNITY

COMMERCIAL (GR) DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION WAS TO GRANT COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT ZONING. ZONING AND READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 85 PH . C14-2007-0193 - SONIC DRIVE-IN #68 - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 129 AND 155 WEST SLAUGHTER LANE (SLAUGHTER CREEK WATERSHED) FROM SINGLE-FAMILY RESIDENCE-STANDARD LOT (SF-2) DISTRICT ZONING TO COMMUNITY COMMERCIAL (GR) DISTRICT ZONING. STAFF ZONING AND PLATTING COMMISSION RECOMMENDATION: TO GRANT COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT ZONING, READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 86 PH . C14-2007-0198 - 2710 JONES ROAD - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 2710 JONES ROAD (WILLIAMSON CREEK WATERSHED) FROM SINGLE-FAMILY RESIDENCE-STANDARD LOT (SF-2) DISTRICT ZONING TO FAMILY RESIDENCE (SF-3) DISTRICT ZONING. STAFF RECOMMENDATION: TO GRANT FAMILY RESIDENCE (SF-3) DISTRICT ZONING. READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 87 PH . C14-2007-0212 - 907 RIO GRANDE - CONDUCT A PUBLIC HEARING AND APPROVE AN -- POSTPONEMENT REQUEST BY THE APPLICANT TO JANUARY 31ST. 88 PH . C14-2007-0219 - 1306 WEST AVENUE - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 1306 WEST AVENUE (SHOAL CREEK WATERSHED) FROM FAMILY RESIDENCE (SF-3) DISTRICT ZONING TO MULTI-FAMILY RESIDENCE-MODERATE HIGH DENSITY (MF-4) DISTRICT ZONING. THE PLANNING COMMISSION PLANNING COMMISSION RECOMMENDATION WAS TO GRANT MULTI-FAMILY RESIDENCE-MODERATE HIGH DENSITY (MF-4) DISTRICT ZONING. READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 89 PH . C14-2007-0221 - 11304 DESSAU ROAD ZONING CHANGE - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 11304 BRAKER LANE (WALNUT CREEK WATERSHED) FROM SINGLE-FAMILY RESIDENCE-STANDARD LOT (SF-2) DISTRICT ZONING TO NEIGHBORHOOD COMMERCIAL (LR) DISTRICT ZONING. ZONING AND PLATTING COMMISSION RECOMMENDATION: TO GRANT NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 90 PH . C14-2007-0223 - 509 W. 18TH, L.P. - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 509 WEST 18TH STREET (TOWN LAKE WATERSHED) FROM GENERAL OFFICE (GO) DISTRICT ZONING TO DOWNTOWN MIXED USE (DMU) DISTRICT ZONING. STAFF RECOMMENDATION: TO GRANT DOWNTOWN MIXED USE-CONDITIONAL OVERLAY (DMU-CO) COMBINING DISTRICT ZONING. PLANNING COMMISSION READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 91 PH . C14-2007-0229 - SOUTH EDGE II (PART 2) - CONDUCT A -- THE EDGE 2 OR SOUTH EDGE 2 PROPERTY 6204 CROW LANE (WILLIAMSON CREEK WATERSHED) FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT ZONING TO MULTI-FAMILY

RESIDENCE-LOW DENSITY-NEIGHBORHOOD PLAN (MF-2-NP) COMBINING DISTRICT ZONING. PLANNING COMMISSION PLANNING COMMISSION RECOMMENDATION WAS TO GRANT MULTI-FAMILY RESIDENCE-LOW DENSITY-NEIGHBORHOOD PLAN (MF-2-NP) COMBINING DISTRICT ZONING WITH CONDITIONS. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. 92 PH . C814-99-0001.06 - AVERY RANCH PUD AMENDMENT #6 - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS AVERY RANCH BOULEVARD (BRUSHY CREEK WATERSHED) FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ZONING TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ZONING TO CHANGE A CONDITION ZONING. ZONING AND PLATTING COMMISSION RECOMMEND RECOMMENDATION: TO GRANT PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ZONING TO CHANGE A CONDITION OF FOR -- THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 93 PH . NPA-2007-0022.02 GREATER SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLAN (TRACT 327) - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING ORDINANCE NO. 20050929-Z001, THE GREATER SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLAN, TO CHANGE THE LAND USE DESIGNATION ON THE FUTURE LAND USE MAP (FLUM) FROM COMMERCIAL TO MIXED USE FOR THE PROPERTIES LOCATED AT 130 AND 150 EAST BEN WHITE BOULEVARD; 3907, 3909 AND 3909 1/2 SOUTH CONGRESS AVENUE (TRACT 327) (EAST BOULDIN CREEK WATERSHED). IT WAS RECOMMENDED BY THE PLANNING COMMISSION TO APPROVE MIXED USE LAND USE DESIGNATION. PLANNING DESIGNATION, READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 94 PH . C14-2007-0224(PART) - OF A LARGER CASE. GREATER SOUTH RIVER CITY COMBINED NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING OPT-IN/OPT-OUT PROCESS (TRACTS 323 AND 327) AND THIS WOULD BE TO AMEND THE VERTICAL MIXED USES OVERLAY TO EXCLUDE THE PROPERTY LOCALLY KNOWN AS 2715 SOUTH CONGRESS AVENUE (TRACT 323) (EAST BOULDIN CREEK WATERSHED) FROM THE DISTRICT; AND REZONING PROPERTY LOCALLY KNOWN AS 130 AND 150 EAST BEN WHITE BOULEVARD; 3907, 3909 AND 3909 1/2 SOUTH CONGRESS AVENUE (TRACT 327) (EAST BOULDIN CREEK WATERSHED) FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-CO-NP) COMBINING DISTRICT ZONING AND GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING DISTRICT ZONING FOR TRACT 327 TO COMMUNITY COMMERCIAL-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-V-CO-NP) COMBINING DISTRICT AND GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-V-CO-NP) COMBINING DISTRICT. THE PLANNING COMMISSION RECOMMENDATION: TO AMEND THE VERTICAL MIXED USE OVERLAY DISTRICT TO EXCLUDE TRACT 323; AND COMMUNITY COMMERCIAL-VERTICAL MIXED -- GRANT THE ZONING FOR (GR-V-CO-NP) COMBINING DISTRICT ZONING AND GENERAL COMMERCIAL SERVICES-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-V-CO-NP) COMBINING DISTRICT ZONING FOR TRACT 327. FOR CONSENT APPROVAL ON ALL THREE READINGS. 95 PH . C14-2007-0220(PART) - BOULDIN NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE OPT-IN/OPT-OUT PROCESS (TRACT 129) - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING

CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 507 SOUTH 1ST STREET AND A PORTION OF 507 BARTON SPRINGS ROAD (TRACT 129) (WEST BOULDIN CREEK, EAST BOULDIN CREEK AND TOWN LAKE WATERSHEDS) FROM COMMERCIAL-LIQUOR SALES-NEIGHBORHOOD PLAN (CS-1-NP) COMBINING DISTRICT ZONING TO COMMERCIAL-LIQUOR SALES-VERTICAL MIXED USE BUILDING-NEIGHBORHOOD PLAN (CS-1-V-NP) COMBINING DISTRICT ZONING. STAFF RECOMMENDATION: TO GRANT COMMERCIAL-LIQUOR SALES-VERTICAL MIXED USE BUILDING-NEIGHBORHOOD PLAN (CS-1-V-NP) COMBINING DISTRICT ZONING. PLANNING -- READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 96 PH . C14-2007-0236 â€ˆ DAWSON NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING (V) ZONING OPT-IN/OPT-OUT PROCESS - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER FOR VARIOUS PROPERTIES USE BUILDING (V) ZONING REGULATIONS TO CERTAIN TRACTS WITHIN THE DAWSON NEIGHBORHOOD PLANNING AREA, BOUNDED BY OLTORF STREET ON THE NORTH, CONGRESS AVENUE ON THE EAST, WEST BEN WHITE BOULEVARD ON THE SOUTH, AND SOUTH 1ST STREET ON THE WEST (EAST BOULDIN CREEK WATERSHED). REGULATIONS GOVERNING VERTICAL MIXED USE BUILDING DIMENSIONAL STANDARDS; ALLOWABLE USES FOR A VERTICAL MIXED USE BUILDING IN OFFICE BASE DISTRICT ZONING; RELAXED PARKING STANDARDS FOR COMMERCIAL USES IN A VERTICAL MIXED USE BUILDING; AND AFFORDABILITY REQUIREMENTS FOR VERTICAL MIXED USE BUILDING DEVELOPMENTS WILL BE CONSIDERED FOR ADOPTION. THE PLANNING COMMISSION RECOMMENDATION -- ALSO THERE MAY BE THE PROPERTY OF EXCLUDING PROPERTIES FROM THESE AREAS. RECOMMENDATION: TO GRANT VERTICAL MIXED USE BUILDING (V) ZONING DISTRICT AND AMEND THE VERTICAL MIXED USE DISTRICT TO EXCLUDE TRACTS 1, 4, 8, 9, AND 15 FROM THE DISTRICT. APPLICANT AND -- THIS IS FREED CONSENT -- THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. 97 PH . C14-2007-0238 â€ˆ GALINDO NEIGHBORHOOD PLANNING AREA VERTICAL MIXED USE BUILDING (V) ZONING OPT-IN/OPT-OUT PROCESS - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY APPLYING VERTICAL MIXED USE BUILDING (V) ZONING REGULATIONS TO CERTAIN TRACTS WITHIN THE GALINDO NEIGHBORHOOD PLANNING AREA, BOUNDED BY OLTORF STREET ON THE NORTH, SOUTH 1ST STREET ON THE EAST, WEST BEN WHITE BOULEVARD ON THE SOUTH, AND THE UNION PACIFIC RAILROAD TRACKS ON THE WEST (WEST BOULDIN CREEK, EAST BOULDIN CREEK WATERSHEDS). REGULATIONS GOVERNING VERTICAL MIXED USE BUILDING DIMENSIONAL STANDARDS; ALLOWABLE USES FOR A VERTICAL MIXED USE BUILDING ZONING; RELAXED PARKING STANDARDS FOR COMMERCIAL USES IN A VERTICAL MIXED USE BUILDING; AND AFFORDABILITY REQUIREMENTS FOR VERTICAL MIXED USE BUILDING DEVELOPMENTS WILL BE CONSIDERED FOR ADOPTION. COUNCIL MAY ALSO CONSIDER ADOPTING ALL OR SOME OF THESE REGULATIONS, OR AMENDING THE VERTICAL MIXED USE (VMU) OVERLAY DISTRICT TO EXCLUDE PROPERTIES WITHIN THE GALINDO NEIGHBORHOOD PLANNING AREA FROM THE OVERLAY DISTRICT. PLANNING COMMISSION RECOMMENDATION: TO GRANT VERTICAL MIXED USE BUILDING (V) ZONING DISTRICT AND AMEND THE VERTICAL MIXED USE OVERLAY DISTRICT TO EXCLUDE TRACTS 1 AND 16 FROM FROM THE DISTRICT. 98 PH . C14-2007-0211 -

CLEAR WATER AT RIATA - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 5701-5725 DIEHL TRAIL (WALNUT CREEK WATERSHED) FROM GENERAL OFFICE-MIXED USE-CONDITIONAL OVERLAY (GO-MU-CO) COMBINING DISTRICT ZONING TO MULTI-FAMILY RESIDENCE-MODERATE-HIGH DENSITY (MF-4) DISTRICT ZONING. STAFF RECOMMENDATION: TO GRANT MULTI-FAMILY RESIDENCE-MODERATE-HIGH DENSITY-CONDITIONAL OVERLAY (MF-4-CO) COMBINING DISTRICT ZONING. THIS IS READY FOR CONSENT APPROVAL ON FIRST READING. THE APPLICANT HAS WORKED WITH THE NEIGHBORHOOD WITH REGARD TO THIS APPLICATION AND WOULD LIKE TO MAKE SURE THAT ADDITIONAL TREES MAY BE PLANTED IN THE VEGETATIVE BUFFER. THE 25-FOOT VEGETATIVE BUFFER THAT WAS AGREED TO. APPROVED BY THE COMMISSION ON FIRST READING. SO THAT -- SO THAT THEY WOULD -- THEY ACCEPT THE -- THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION AND REQUEST THAT THE COUNCIL ALSO TO ALLOW ADDITIONAL TREES TO BE PLANTED IN THE 25-FOOT VEGETATIVE BUFFER AND THE NECESSARY IMPROVEMENTS TO ALLOW THE TREE PLANTING TO OCCUR. AND POSSIBLY BUILD SMALL RETAINING WALLS TO SHORE UP THE LAND FOR THE TREES TO SURVIVE. SO THAT'S ITEM NO. 98. 99 PH . C14-2007-0226 - STONELEIGH ZONING - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 7206 STONELEIGH PLACE (ONION CREEK -- IT HAS BEEN WITHDRAWN. ITEM 99. NO ACTION REQUIRED. ITEM 99 WITHDRAWN FOR YOUR CONSIDERATION BY THE OWNER. THAT CONCLUDES THE ITEMS THAT I CAN OFFER FOR CONSENT AT THIS TIME UNDER THE 4:00.

MAYOR WYNN: THANK YOU, MR. GUERNSEY, COUNCIL OUR PROPOSED CONSENT AGENDA ON THESE CASES WHERE WE HAVE YET TO CONDUCT THE PUBLIC HEARING WILL BE TO POSTPONE ITEMS 79, 80 AND 81. JANUARY 31ST, 2008. ITEM NO. 82 WILL BE APPROVING THE TERMINATION OF THE RESTRICTIVE COVENANT. WILL BE CLOSING THE PUBLIC HEARING FIRST. CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS, ITEMS 83, 84, 85, AND 86. POSTPONE ITEM 87. TO JANUARY 31ST, 2008. WE WILL CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 88, 89 AND 90. CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY CASE NUMBER 91. AND ALSO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 92, 93, 94, 95, 96, 97,. CLOSE THE PUBLIC HERRING AND APPROVE ON FIRST READING -- PUBLIC HEARING AND APPROVE ON FIRST READING ONLY ITEM 98, ITEM 99 WITHDRAWN.

ITEM NO. 98 THE APPLICANT JUST REQUESTED THAT -- THEY ARE ACCEPTING OF THE COMMISSION'S RECOMMENDATION, JUST WANTED THE ABILITY TO PLANT ADDITIONAL TREES ON ITEM NO. 98 AND THE VEGETATIVE BUFFER. IF THAT IS PART OF YOUR MOTION, WE CAN INCLUDE THAT.

MAYOR WYNN: WITHOUT OBJECTION, COUNCIL, THAT WILL ARE PART OF THE CONSENT -- THAT WILL BE PART OF THE CONSENT MOTION, THANK YOU. SO I WILL ENTERTAIN A MOTION ON THAT PROPOSED CONSENT AGENDA. MOTION BY COUNCILMEMBER LEFFINGWELL, AND

SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

WYNN: OPPOSED? MOTION PASSES ON A VOTE OF -- THE CONSENT AGENDA PASSES ON A VOTE OF 7-0 AND A HANDFUL OF FOLKS SIGNED UP ALL IN FAVOR, EITHER NOT WISHING TO SPEAK OR HERE TO ANSWER QUESTIONS AND SO WE WILL NOTE THAT'S EXTRA SUPPORT FOR THE RECORD. THANK YOU ALL VERY MUCH. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] BOTH OF THESE APPLICATIONS HAVE BEEN APPROVED ON FIRST AND SECOND READING AND WE BRING YOU THIRD READING TODAY. THEY BOTH HAVE VALID PETITIONS, THAT WOULD REQUIRE A 3/4 MAJORITY VOTE OF THE CITY COUNCIL. ITEM NUMBER 71 HAS A PETITION THAT CURRENTLY STANDS AT 32.96%, AND ITEM NUMBER 72, WHICH IS THE TIME INSURANCE TWO PROPERTIES STANDS AT 23.73%. AT YOUR LAST MEETING WHERE THIS WAS DISCUSSED ON DECEMBER 6, THERE WAS A REQUEST FOR SOME INFORMATION REGARDING THE ORDINANCES, AND WHAT THEY MEAN AND I'VE PROVIDED YOU ON THE DAIS A ONE PAGE SYNOPSIS OF WHAT THE ORDINANCES AND COVENANTS WOULD DO, ATTACHED WITH A MAP. IF YOU WOULD LIKE, I CAN GO THROUGH THIS OR JUST SUMMARIZE VERY QUICKLY SOME OF THOSE CONDITIONS.

MAYOR WYNN: FRANKLY, IT WOULD HELP ME IF YOU GO THROUGH. THIS IS A SOMEWHAT SIMILAR PROPERTY.

THE ITEMS 71 AND 72, A LIMIT ON THE NUMBER OF DWELLING UNITS TO 65 OR 100 UNITS IF THE BUILDINGS ARE DEVELOPED WITH THE DMU STANDARDS, NO MORE THAN 75,000 SQUARE FEET OF NONRESIDENTIAL USES ALLOWED THAT AUTO RELATED USES SUCH AS WASHING, REPAIR, RENTAL, SERVICE STATION WOULD BE PROHIBITED AS WELL AS PAWN SHOPS. DRIVE THRU SERVICES WOULD ALSO BE PROHIBITED. THERE WOULD BE A 25 FOOT BUFFER ADJACENT TO THE EXISTING RESIDENCES AND PROVISIONS FOR PLANTING OF TREES IN THAT AREA, UNLESS THERE IS NOT SUFFICIENT TREES THAT ALREADY EXIST, THAT THERE WOULD BE SIDEWALKS AND STREETSCAPES THAT WOULD BE CONSTRUCTED IN COMPLIANCE WITH OUR COMMERCIAL DESIGN STANDARDS, THAT THERE WOULD BE NO ACCESS TO SUMMIT STREET OR MANLOW STREET, THESE ARE TWO STREETS THAT LEAD INTO THE NEIGHBORHOOD BEHIND THE PROBLEM. THERE IS ONE ACCESS OF DRIVEWAYS TO EAST RIVER SIDE DRIVE. THERE IS A TRIP LIMIT OF 2,000 TRIPS PER DAY UNTIL THERE IS A TIA, OR TRAFFIC IMPACT ANALYSIS, APPROVED BY OUR WATERSHED PROTECTION AND DEVELOPMENT REVIEW OFFICE. THE 25% OF THE TOTAL ROOF AREA WOULD BE A GREEN ROOF, HAVE VEGETATION ON THE BUILDING, EITHER PLANTED DIRECTLY ON BUILDING OR IN POTS AND THINGS LIKE THAT, DUMPSTERS WOULD BE CONTAINED WITHIN BUILDINGS. THE COMMERCIAL SPACES MAY BE FINISHED OUT WITH EITHER OFFICE OR RETAIL TYPE USE, ALL MECHANICAL EQUIPMENT WOULD BE SCREENED. THERE IS 100% REPLACEMENT OF PROTECTED TREES. THAT THE PARKING STRUCTURE IS LIMITED TO A MAXIMUM TWO LEVELS ABOVE GRADE, BUT NO HIGHER THAN THE EXISTING GRADE OF THE EXISTING

PROPERTIES. THE MAXIMUM IMPERVIOUS COVER ON THE PROPERTY. ON THE MAP ATTACHED TO THE PUBLIC COVENANT, AND I NOTE THAT ALTHOUGH THERE MAY BE A RANGE OF 65 TO 100 UNITS THAT COULD BE DEVELOPED ON THE PROPERTY IN TOTAL, THERE ARE LIMITATIONS THAT YOU CANNOT BUILD MORE THAN 40 TO 65 UNITS, 45 WITHOUT BMU BUILDING STANDARDS, 65 WITH BMU BUILDING STANDARDS, ON THE EASTERN MOST PORTION OF THE PROPERTY AND A MAXIMUM 35,000 SQUARE FEET OF NONRESIDENTIAL USES BUILT ON THE EASTERN PART OR TRACT A. AGAIN, THERE IS A MAXIMUM OF 75, BUT THEY CANNOT PUT ALL THE RESIDENTIAL UNITS OR ALL THE COMMERCIAL OR NONRESIDENTIAL DEVELOPMENT ON ONE PART OF THIS, IT WOULD HAVE TO BE DISTRIBUTED. THE MIDDLE TRACT, THAT IS AT THE CORNER OF EAST RIVER SIDE DRIVE AND 35 THERE IS A MAXIMUM NUMBER OF DWELLINGS ALLOWED, 40 OR 50 UNDER BMU BUILDING AND 25,000 SQUARE FEET FOR NONRESIDENTIAL USES. THE SOUTHERN MOST TRACK ALONG THE FRONTAGE ROAD OF I 35 AND HAS PRETTY SEVERE SLOPES. RESIDENTIAL USE WOULD BE PROHIBITED. THERE WOULD BE A MAXIMUM OF 35,000 SQUARE FEET FOR NONRESIDENTIAL USES. AND THEN ALONG, OR ON THIS TRACT THE BUILDING WOULD NOT EXCEED TWO STORIES AND MUST INCLUDE UNDERGROUND PARKING. THOSE ARE THE GENERAL STANDARDS. THESE ARE FOUND IN THE ZONING ORDINANCE OR FOUND IN THE PUBLIC RESTRICTED COVENANTS APPLICABLE TO THESE PROPERTIES. I AM IN RECEIPT OF A SIGNED COVENANT. YOUR ACTION TODAY DOES NOT WAVE COMPATIBILITY STANDARDS. THEY WOULD STILL HAVE TO COMPLY WITH COMPATIBILITY STANDARDS. IN THE FUTURE THAT DISCUSSION WILL OCCUR AT A LATER DATE AS FAR AS OPTING OUT OF DIMENSIONALS OR THE AFFORDABILITY COMPONENT THAT WOULD OCCUR AT A LATER TIME. I WILL TELL YOU, THERE ARE THINGS THAT USED TO BE IN THIS DOCUMENT THAT YOU APPROVED AT SECOND READING. THE ONE THING THAT I WILL NOTE THAT THE REQUIREMENT THIS IS CONDOMINIUM USE, THE NEIGHBORS ASKED THAT BE IN THE PRIVATE COVENANT. THERE WAS MENTION BY COUNCIL MEMBER KIM AT THE, ONE OF THE EARLIER MEETINGS ABOUT HAVING 10% BEING A MINIMUM OF RESIDENTIAL AND 10% BEING A MINIMUM OF NONRESIDENTIAL AND THAT IS PART OF THE PRIVATE COVENANT, WE WILL ASK THAT THAT ALSO BE IN THERE. THERE IS A REFERENCE THAT THE OBSERVER HAS AGREED AND THE PRIVATE COVENANT IS MY UNDERSTANDING THEY WOULD DO 10% OF 80% FMI FOR AFFORDABLE HOUSING. AGAIN, THIS IS IN THE PRIVATE COVENANT, BUT INSTEAD OF BEING 5% AT 100 AND 5% AT 80, IN THIS PRIVATE COVENANT THEY'VE AGREED TO DO 10%. BUT AGAIN, THAT IS IN THE PRIVATE COVENANT. AND AT THE BEGINNING OF THE MEETING, IT HAD NOT BEEN SIGNED, BUT THERE ARE REPRESENTATIVES HERE FROM THE NEIGHBORHOOD AND THE OWNER, AND THEY ARE NOT BEING, IT HAS BEEN EXECUTED. I WILL TELL YOU THAT THE NEIGHBORHOOD HAS WORKED WITH THE APPLICANT ON THIS PROJECT, EVEN THOUGH THEY FILED AGAINST IT AND THEY ARE VEHEMENTLY OPPOSED TO THIS, BUT ON THE ACTION COUNCIL HAS MADE ON FIRST READING AND SECOND READING, THEY CONTINUED TO WORK WITH STAFF AND THE APPLICANT TO MAKE SURE THAT YOU ARE AWARE OF THAT, THEY ARE DOING THIS UNDER DURESS, BUT THEY DID CONTINUE TO WORK WITH AND TALK WITH THE APPLICANT AND STAFF AND WITH THAT I WILL PAUSE. IF HAVE YOU ANY QUESTIONS, THE OWNER'S REPRESENTATIVE IS HERE, THE

OWNER AND THE REPRESENTATIVES OF SOUTH RIVER CITY THAT CAN SPEAK TO THAT.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. QUESTIONS FROM STAFF, COUNCIL. COMMENTS? COUNCIL MEMBER KIM.

COUNCIL MEMBER KIM: I WONDER IF I NEED TO PINCH MYSELF. ARE THEY STILL WORKING ON IT?

I'VE GOT NODS FROM PARTIES IN THE AUDIENCE, THEY ARE ALL DONE AND WANT TO GET IT OVER WITH NOW.

WE HAD A COUPLE TIMES WE THOUGHT WE WERE THERE, AND WE WERE NOT THERE. SO WE ARE THERE, RIGHT?

WE ARE THERE. WITH YOUR VOTE OF SIX OR MORE.

WE CAN CLOSE THIS CHAPTER. THEN I WILL MOVE APPROVAL AND SAY THANK YOU VERY MUCH FOR ALL YOUR HARD WORK AND FOR GIVING US SUCH VERY GOOD INFORMATION AND FOR US TO BE ABLE TO WORK WITH YOU ON THIS. I ALSO WANT TO THANK THE AGENT, AND IT HAS BEEN A LONG PROCESS, AND I KNOW YOU DEVOTED A LOT OF YOUR TIME, YOU ARE JUST VOLUNTEERS, GENE AND GAIL AND EVERYONE FROM SRCC AND THE SURROUNDING NEIGHBORHOOD, YOU ROCK. SO I THINK THE SITE, I WILL WITHHOLD MY RESERVATION ABOUT WHETHER OR NOT IT WILL BE A SECURE DEVELOPMENT, I DO HAVE CONCERNS ABOUT THE TRAFFIC AND ACCESS AND SO AT LEAST WE ARE ABLE TO GET SOME THINGS THAT WOULDN'T HAVE BEEN THERE. WE WOULDN'T BE HERE WITHOUT YOUR HARD WORK AND DETERMINATION SO THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER MARTINEZ.

MAYOR, I ALSO WANT TO THANK EVERYBODY INVOLVED, BUT I DO WANT TO MAKE A COUPLE COMMENTS ABOUT THIS PARTICULAR CASE BECAUSE I THINK FOR ME ONE OF THE THINGS THAT STOOD OUT WAS IT APPEARED THAT WE HAD BEEN STRUGGLING WITH SOMETHING FOR SO LONG THAT REALLY ISN'T IN DEVELOPMENT, IT IS A ZONING ISSUE, AND I'M HOPING THAT WE AS A COUNCIL, I'M HOPING WE CAN BRING SOMETHING FORWARD THAT SPEAKS MORE TO A PROCESS THAT DIRECTLY DEALS WITH DEVELOPMENT, AND NOT JUST TRYING TO ZONE SOMETHING FOR MAYBE A POTENTIAL BUYER, SOMEWHERE OUT THERE, BECAUSE THIS WAS A WHOLE LOT OF WORK AND A LOT OF TIME AND EFFORT, AND I'M NOT REAL SURE THAT WE ACTUALLY HAVE A DEVELOPMENT THAT IS GOING TO GO IN AT THIS POINT. SO THAT CONCERNS ME, YOU KNOW, WE'VE DEDICATED SO MUCH TIME AND EFFORT AND RESOURCES TO IT. SO I HOPE THAT WE CAN GET CREATIVE. I'VE SPOKEN TO COUNCIL MEMBER MCCracken ABOUT THIS ISSUE SO MAYBE WE CAN HAVE ZONING AND NOT POTENTIAL DEVELOPMENTS.

MAYOR WYNN: ANY FURTHER COMMENTS, QUESTIONS? IF NOT, I WILL ENTERTAIN A MOTION ON THE COMBINED ITEM 71 AND 72. MOTION BY COUNCIL MEMBER KIM TO APPROVE ON THIRD READING AS PRESENTED BY STAFF ITEM 71 AND 72. SECOND BY COUNCIL MEMBER MCCracken. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 7 0.

THANK YOU, MAYOR AND COUNCIL [LAUGHTER] YEAH!

THAT CONCLUDES YOUR ZONING ITEM FOR TODAY.

MAYOR WYNN: NOTING THAT THE FIRST READING OF THAT CASE WAS A YEAR AGO TOMORROW, JANUARY 11.

OR PART OF IT.

MAYOR WYNN: GOOD WORK STAFF, NO KIDDING. OKAY, WELL, SO, COUNCIL, LET'S SEE. THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, PRIOR TO THE 6:00 PUBLIC HEARINGS, AND ACTION, WE WILL NOW RECESS THIS MEETING, NOTING THAT, OF COURSE, AT 5:30, SOME OF US WILL BE BACK IN HERE FOR LIVE MUSIC AND PROCLAMATIONS.

MAYOR WYNN: OKAY. FOLKS, MAY I HAVE YOUR ATTENTION, PLEASE? IT'S TIME FOR OUR WEEKLY LIVE MUSIC GIG HERE AT THE AUSTIN CITY COUNCIL MEETING. JOINING US TODAY IS MULTI-INSTRUMENTALIST, DAVE MADDEN, AN IMMIGRANT FROM THE NORTHEAST, I THINK THAT MEANS TYLER. [LAUGHTER]

DAVE MADDEN QUICKLY MADE HIMSELF AT HOME IN AUSTIN, COLLABORATING WITH SOME LOCALS, WENDY COLONA AND STRINGS ATTACHED. HIS FULL-LENGTH ALBUM, ANYTHING GOES, DEBUTED ON THE WATER LOOK TOP TEN LIST AND IS CURRENTLY AVAILABLE ON ITUNES. JOIN ME IN WELCOMING DAVE MADDEN. [APPLAUSE]

THANK YOU FOR HAVING ME HERE AND THE SONG I CHOOSE TO PLAY WAS PARTLY INSPIRED BY THE RIVER THAT I RUN BY ALL THE TIME. I THOUGHT THAT WAS APPROPRIATE TO SHARE WITH YOU GUYS. [MUSIC PLAYING] [Â¶ SINGING Â¶] HOW WILL WE GET FROM A TO B, VANITY, VANITY AND CASUALTY Â¶ Â¶ HOW WILL WE GET ACROSS THE SEA? [Â¶ SINGING Â¶] [MUSIC PLAYING] [Â¶ SINGING Â¶] HOW WILL WE EVER LEARN TO LOVE WITH ALL OUR FINGER POINTING? [Â¶ SINGING Â¶] FEEL THE RAIN, SOON CONVERGING THEORIES. [Â¶ SINGING Â¶] PARKLAND [Â¶ SINGING Â¶] [APPLAUSE]

THANK YOU.

MAYOR WYNN: WELL DONE. TELL US, HOW LONG HAVE YOU BEEN IN AUSTIN NOW?

I'VE BEEN HERE FOR MORE THAN THREE YEARS. I'M NEVER GOING TO LEAVE, ESPECIALLY

NOW THAT I HAVE MY OWN --

MAYOR WYNN: WELL, BEHAVE YOURSELF IF YOU HAVEN'T DONE IT YET. [LAUGHTER] SO TELL US -- TELL US, YOU HAVE A WEB SITE, MYFACE PAGE?

DAVE MADDEN MUSIC.COM.

WHERE ARE YOU GIGGING NEXT?

MOMO'S, FRIDAY JANUARY 25 WITH SUZANNA SHOFEL, WHO HAS ALWAYS DONE THIS. SHE'S BEEN HERE.

MAYOR WYNN: ABOUT HALF THE CREW FROM MOMO'S HAVE BEEN HERE. I DO HAVE THE OFFICIAL PROCLAMATION THAT READS, BE IT KNOWN THAT WHEREAS THE CITY OF AUSTIN, TEXAS IS BLESSED WITH MANY CREATIVE MUSICIANS WHOSE TALENT EXTENDS TO EVERY MUSICAL GENRE AND MUSIC THRIVES BECAUSE WE SUPPORT MUSIC PRODUCED BY LEGENDS, LOCAL FAVORITES AND NEWCOMERS ALIKE, WE'RE PLEASED TO SHOWCASE OUR LOCAL ARTISTS. THEREFORE, I WILL WYNN, MAYOR OF THE LIVE MUSIC CAPITAL OF THE WORLD DO HEREBY PROCLAIM TODAY, JANUARY 10, 2008 AS DAVE MADDEN DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN RECOGNIZING THIS FINE YOUNG TALENT. [APPLAUSE]

MAYOR WYNN: WELL DONE.

SO WHILE DAVE AND FRIENDS BREAK DOWN ON THAT SIDE OF THE ROOM WE'RE GOING TO COME USE THIS PODIUM FOR OUR WEEKLY PROCLAMATIONS. WE JUST HAVE A COUPLE THIS WEEK. YOU KNOW, AGAIN, WE USE THIS TIME EACH THURSDAY TO SAY THANK YOU, CONGRATULATIONS, TO RAISE AWARENESS ABOUT A GOOD CAUSE, BUT A WAY TO OFTEN LATELY SEEMINGLY WE FIND OURSELVES SAYING GOOD-BYE. ALSO THANK YOU AND CONGRATULATIONS AND GOOD LUCK AND ALL THAT, BUT, YOU KNOW, THERE HAS BEEN A REMARKABLE, IT'S SCARY HOW MUCH TALENT WE HAVE SAID GOOD-BYE TO, MOSTLY, AND FOR NEW OPPORTUNITIES, THAT WAS JUST THE LAST FEW MONTHS, AND NONE MORE PROMINENT THAN DR. VALADEZ. SO WHAT I THOUGHT I'D DO IS READ THE DISTINGUISHED SERVICE AWARD, AND THEN ASK EITHER DAVID OR TOBY TO STEP FORWARD AND SAY A FEW WORDS ABOUT DR. VALADEZ BEFORE WE HEAR FROM HIM. ON A PERSONAL NOTE, I'VE ACTUALLY WORKED QUITE CLOSELY WITH DR. VALADEZ THE LAST THREE OR FOUR YEARS AS WE TRIED TO RAISE AWARENESS ABOUT NOT ONLY MENTAL HEALTH BUT PHYSICAL HEALTH IN THIS COMMUNITY, THE COST OF HEALTH CARE AND THE ONE THING WE CAN DO ABOUT IT IS TRY TO BE -- LIVE HEALTHIER LIVES WITH CERTAIN PROGRAMS, WITH BOTH THE VERY SPECIFIC TARGETED STEPS PROGRAM TO A HEALTHIER AUSTIN, WHERE WE'VE TARGETED SOME SPECIAL NEEDS AREA WITH -- WITH EXTRA SERVICES AND RAISING AWARENESS AND SUPPORT FOR FOLKS TO BE MORE ACTIVE, BE MORE FIT, BE FAR MORE AWARE OF THE NUTRITION, THINK ABOUT, YOU KNOW, STOPPING SOME BAD HABITS LIKE

SMOKING, AND THINK ABOUT AND WORRY ABOUT THEIR BODY WEIGHT. AND SO WE'VE GOT A BIG IMPACT ALREADY. OF COURSE THEN WE OF COURSE RECRUITED DR. VALADEZ FOR THE MAYOR'S FITNESS COUNCIL SO HE COULD TAKE THAT MESSAGE ON A MUCH LARGER CITY-WIDE LEVEL AND IT'S HAVING AN IMPACT AND IT'S THE RIDE THING TO DO. IT'S ALSO VERY REWARDING WHEN YOU GET TO WORK WITH PROFESSIONALS WHO TEACH YOU SO MUCH WHILE YOU TRY TO DO THE RIGHT THINGS. SO I'LL READ THE DISTINGUISHED SERVICE AWARD AND CALL ON TOBY TO COME UP AND SAY A FEW WORDS. CITY OF AUSTIN DISTINGUISHED SERVICE AWARD, WE ARE PLEASED TO RECOGNIZE DR. ADOLFO M VALADEZ FOR HIS LEADERSHIP IN SERVICE IN FURTHERING THE VISION AND SERVICE OF THE HEALTHY AND HUMAN SERVICES DEPARTMENT AND HIS ROLE AS MEDICAL DIRECTOR AND HEALTH AUTHORITY FOR THE PAST FIVE YEARS. DR. VALADEZ HAS BEEN COMMITTED TO ADVANCING THE ROLE OF PUBLIC HEALTH, TO PROMOTE COMMUNITY-WIDE WELLNESS, PREVENT DISEASE AND PROTECT THE COMMUNITY FROM INFECTIOUS DISEASES, ENVIRONMENTAL HAZARDS AND EPIDEMICS. HE HAS BEEN AN ACTIVE CONTRIBUTOR TO WORK ON THE MAYOR'S FITNESS COUNCIL. WE WISH DR. VALADEZ CONTINUED SUCCESS AS HE MOVES ON TO THE TEXAS DEPARTMENT OF OF STATE HEALTH SERVICES AS COMMISSIONER OF HEALTH STAYED-WIDE STATE-WIDE. SO THIS CERTIFICATE IS PRESENTED IN APPRECIATION OF HIS JOB VERY WELL DONE, TO OUR CITY, THIS 10TH DAY OF JANUARY, THE YEAR 2008, SIGNED BY ME, WILL WYNN, ACKNOWLEDGED BY THE ENTIRE AUSTIN CITY COUNCIL, THE DISTINGUISHED SERVICE AWARD FOR DR. ADOLFO VALADEZ. [APPLAUSE]

FOR THOSE OF YOU THAT DIDN'T HEAR THAT, VALUE VALADEZ SAID BE NICE, MY PARENTS ARE HERE. THAT'S BECAUSE MY HEART IS NOT IN THIS. WE ARE LOSING SUCH A CHAMPION, TRULY A HERO FOR OUR COMMUNITY IN SO MANY WAYS. HE'S BEEN FOR US AT THE FOREFRONT OF SO MANY AREAS, WHETHER IT WAS THE KATRINA EVACUEES AT THE CONVENTION CENTER OR WHETHER IT WAS IN THE MAYOR'S FITNESS COUNCIL OR PE PROGRAM, OUR EMPLOYEES ARE NOW RUNNING AND SWIMMING AND BIKING, AND HE HELPED US WITH OUR NUTRITION INDEXES, ALTHOUGH HE DID SAY HE THOUGHT THAT MOST CITY EMPLOYEES ARE OVERWEIGHT. I WAS A LITTLE WORRIED ABOUT THAT STATISTIC.

WE ALL ARE.

HE HAS SUCH A LOVE FOR AND SUCH A PASSION FOR AND HAS BROUGHT US SO MUCH FURTHER IN PREVENTATIVE HEALTH CARE. HE WILL BE JUST IRREPLACEABLE. IT BREAKS MY HEART. IF THERE WAS ANYTHING I COULD HAVE DONE, ANYTHING I COULD HAVE DONE TO HAVE KEPT HIM HERE, AND I TRIED. IN FACT, HE SLIPPED AWAY ON ME. HE ACCEPTED BEFORE HE TOLD ME SO I WOULDN'T HAVE A CHANCE TO TRY TO DISSUADE HIM. SUCH A LOSS FOR US AND MY ONLY SOLACE IS WE KEEP HIM IN THE STATE AND IN AUSTIN AND IN A WAY WE CAN HAVE THAT KIND OF RELATIONSHIP WITH THE STATE BECAUSE HE IS IRREPLACEABLE TO US IN THIS COMMUNITY. LET'S GIVE THIS MAN A ROUND OF APPLAUSE.

[APPLAUSE]

WELL, I THINK THE MAYOR AND TOBY HAVE REALLY SAID IT ALL. I WOULD SAY JUST SAY ON BEHALF OF HEALTH AND HUMAN SERVICES DEPARTMENT IT'S BEEN A REAL HONOR AND PRIVILEGE TO WORK SIDE BY SIDE WITH DR. VALADEZ. WE HAVE A LOT OF OUR STAFF PEOPLE HERE TODAY. WE'VE MADE TREMENDOUS PROGRESS OVER THE LAST FIVE YEARS WITHIN THE HEALTH AND HUMAN SERVICES DEPARTMENT ON MANY, MANY FRONTS AND DR. VALADEZ AND HIS LEADERSHIP HAS REALLY BEEN A KEY IN TERMS OF THAT GREAT PROGRESS. WE'RE GOING TO MISS HIM VERY, VERY MUCH. AS TOBY POINTED OUT, I GUESS THE GOOD NEWS, TRYING TO THINK OF SOME GOOD NEWS IN ALL OF THIS, IS THAT HE'S GOING TO TAKE THESE SKILLS AND THIS LEADERSHIP AND APPLY IT ON A STATE-WIDE BASIS. HE'S STILL GOING TO BE HERE IN AUSTIN. WE'RE GOING TO BE WORKING VERY CLOSELY TOGETHER. SO WE WISH HIM THE VERY BEST IN TERMS OF THAT CONTINUED SUCCESS, AND AGAIN, THANK YOU, DR. VALADEZ, FOR ALL YOU'VE DONE FOR OUR COMMUNITY AND IN PARTICULAR FOR OUR DEPARTMENT. WE APPRECIATE IT VERY, VERY MUCH. THANK YOU. [APPLAUSE]

THANK YOU, MAYOR, THANK YOU, TOBY, THANK YOU DAVID, AND I REALLY WANTED TO MAKE THIS BRIEF BECAUSE THIS IS ALSO DIFFICULT FOR ME. THIS HAS BEEN ONE OF THE HARDEST DECISIONS THAT I'VE MADE IN MY LIFE. I HAVE TRULY, TRULY ENJOYED BEING AN EMPLOYEE OF THE CITY OF AUSTIN. I'M VERY PROUD OF THAT. I'VE SAID THAT TO EVERYONE. I LOVE MY JOB, AND I'VE ALWAYS LOVED MY JOB, AND IT'S BECAUSE WE'VE BEEN ABLE TO WORK WITH SOME WONDERFUL, TALENTED, DEDICATED COMMITTED PEOPLE, AND I TRULY WANT TO THANK ALL OF YOU IN THE AUDIENCE WHO WORKED WITH ME FOR MAKING MY JOB EASIER AND PUTTING ME WHERE I AM. I THANK YOU. [APPLAUSE] WITH THAT, I HAVE NOTHING PROFOUND TO SAY. I WISH I DID. I'M NOT THE DALAI LAMA, AND IF I WAS THE DALAI LAMA, SOMEONE WAS WAITING FOR HIM TO SPEAK, HE SAID I HAVE NOTHING TO SAY AND THEN HE SAT THERE FOR HALF AN HOUR. SO I DON'T THINK THAT'S GOING TO GO OVER TOO WELL HERE, SO I'M NOT GOING TO SAY THAT. I JUST AGAIN REALLY WANT TO SAY THANK YOU FOR THE OPPORTUNITY. I'M SO PROUD TO WORK WITH ALL OF YOU ON A DAILY BASIS. I THINK DURING KATRINA AND THE RITA EVENTS BROUGHT US ALTOGETHER AND SHOWED ME THE TOTAL COMMITMENT AND POTENTIAL IN THIS COMMUNITY. CERTAINLY AS WE MOVE FORWARD WE KNOW WE HAVE SOME SIGNIFICANT ISSUES TO FACE IN OUR CITY AND I THINK THAT EVERY DAY YOU-ALL ARE DEALING WITH THOSE AND WORKING TO SOLVE THEM, AND AGAIN, IT'S JUST BEEN A PRIVILEGE TO WORK WITH ALL OF YOU. AND SO I KNOW THAT AS YOU CONTINUE THAT WORK, THAT WE ARE WORKING TOWARDS MAKING AUSTIN THE MOST LIVABLE CITY IN THE NATION, AND THANK YOU, AND THANK YOU FOR LETTING ME BE A PART OF THAT. [APPLAUSE]

MAYOR WYNN: THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT'S ABOUT 6:05:00 P.M. WE'VE BEEN IN RECESS NOW FOR AN HOUR OR SO. WE NOW GO TO OUR PUBLIC HEARINGS THAT ARE SCHEDULED NOT TO BEGIN PRIOR TO 6:00, AND WITHOUT OBJECTION, COUNCIL, I'D LIKE TO

CALL UP THE COMBINED ITEMS, 100 THROUGH 104, ALL ASSOCIATED WITH THE AUSTIN CLEAN WATER PROGRAM AND WELCOME, MS. PLUMBER.

THESE ITEMS ARE ALL A CHANGE IN USE AS PARKLAND AS PART OF THE AUSTIN CLEAN WATER PROJECT. THE LEGAL FACT FINDING FOR EACH OF THESE ITEMS IS THAT THERE IS NO OTHER FEASIBLE AND PRUDENT RELATIVE ALTERNATIVE TO THE TAKING OF DEDICATED PARKLAND WHICH INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARK.

QUESTIONS FOR STAFF, COUNCIL? COMMENTS? HEARING NONE I'LL ENTERTAIN A MOTION THESE COMBINED ITEMS 100 THROUGH 104.

APPROVE ITEMS 100 THROUGH 104.

MAYOR WYNN: MOTION BY LEFFINGWELL.

SECOND.

MAYOR WYNN: SECOND BY MAYOR PRO TEM. APPROVE ITEMS 100, 101, 102, 103 AND 104. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION PASSES ON A VOTE OF 4-0 WITH COUNCIL MEMBERS MCCracken, MARTINEZ AND KIM OFF THE DAIS.

THANK YOU.

MAYOR WYNN: THANK YOU, MS. PLUMBER. BRINGS UP ITEM NO. 105 FULL PURPOSE ANNEXATION OF THE SH-130 RETAIL AREA.

I'M FROM THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THIS IS THE FIRST OF TWO HEARING. THE SECOND HEARING IS SCHEDULED FOR NEXT THURSDAY, JANUARY 17 HERE AT 6:00 P.M. ORDINANCE READINGS ARE SCHEDULED FOR FEBRUARY 14, 2008. THIS IS AN OWNER REQUESTED FULL PURPOSE ANNEXATION THAT INCLUDES 88 ACRES, LOCATED IN EASTERN TRAVIS COUNTY, APPROXIMATELY 1,000 FEET WEST OF THE INTERSECTION OF STATE 130 AND HIGHWAY 290 EAST. IT IS CURRENTLY UNDEVELOPED AND COPIES OF THE SERVICE PLAN ARE AVAILABLE THIS EVENING.

THANK YOU, MS. COLLIER. QUESTIONS FOR STAFF, COUNCIL, COMMENTS? ARE THERE ANY CITIZENS WHO WOULD LIKE TO ADDRESS THIS FULL PURPOSE ANNEXATION PUBLIC HEARING, ITEM 105, THE SH-130 290 RETAIL AREA? HEARING NONE I'LL ENTERTAIN A MOTION. MOTION BY COUNCIL MEMBER COLE, SECONDED BY THE MAYOR PRO TEM TO

CLOSE THE PUBLIC HEARING, ALL IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF 5-0 WITH COUNCIL MEMBERS MARTINEZ AND KIM OFF THE DAIS. ITEM 106.

GOOD EVENING, MAYOR AND COUNCIL. I'M JESSICA WITH RESIDENTIAL PLANNING, WATERSHED PROTECTION. ITEM BEFORE YOU TODAY IS THE CODE AMENDMENT TO WAVE THE BOARD OF APPLICATION FEE FOR A ZONING VARIANCE IF AT LEAST 80% OF THE NOTICED PROPERTY OWNERS DO NOT OPPOSE APPROVAL OF THE VARIANCE. PROPERTY OWNERS INCLUDE PROPERTIES WITHIN 300 FEET OF THE PROPERTY. APPLICANTS WILL BE PROVIDED WITH A LIST OF THE NOTICED PROPERTY OWNERS AND THEN MUTT SUBMIT THEIR SIGN OFF ON A FORM PROVIDED BY THE BUILDING OFFICIAL.

MAYOR WYNN: THANK YOU, JESSICA. QUESTIONS OF STAFF? COUNCIL? COMMENTS? ARE THERE ANY CITIZENS THAT WOULD LIKE TO ADDRESS THIS PUBLIC HEARING, ITEM 106 REGARDING AMENDING THE CITY CODE REGARDING ZONING VARIANCE? HEARING NONE, I'LL ENTERTAIN A MOTION. [INAUDIBLE]

MAYOR WYNN: MOTION BY COUNCIL MEMBER MCCRACKEN, SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING AND APPROVE THIS ORDINANCE AMENDING SECTION 25-1-211 OF THE CITY CODE ON ALL THREE READINGS. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE? OPPOSED? MOTION PASSES ON A VOTE OF 5-0, AGAIN WITH COUNCIL MEMBERS MARTINEZ AND KIM OFF THE DAIS. MR. ZAPLACK?

GOOD EVENING, MAYOR AND COUNCIL MEMBERS. ITEM 107 IS PUBLIC HEARING ON THE PROPOSED ORDINANCE AMENDMENT RELATING TO SIDEWALKS. STAFF IS REQUESTING A POSTPONEMENT OF THIS ITEM UNTIL YOUR JANUARY 31 MEETING IN ORDER TO CONTINUE DISCUSSIONS WITH CONCERNED NEIGHBORHOOD ASSOCIATIONS.

MAYOR WYNN: THANK YOU, MR. ZEPLAC. QUESTIONS FOR STAFF, COUNCIL? THEN I'LL ENTERTAIN THE MOTION TO POSTPONE ITEM 107 TO JANUARY 31, 2008.

SO MOVED.

MAYOR WYNN: MOTION BY COUNCIL MEMBER LEFFINGWELL, SECONDED BY COUNCIL MEMBER MCCRACKEN TO POSTPONE THIS. ALL IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE? MOTION TO POSTPONE PASSES ON A VOTE OF 5-0, COUNCIL MEMBERS MARTINEZ AND KIM OFF THE DAIS. AND JUST FOR THE RECORD, MISGENTRY, TO MAKE SURE I HAD DONE THIS EARLIER, OF OUR EXECUTIVE SESSION AGENDA ITEMS TODAY, WE TECHNICALLY DID NOT TAKE UP ITEM NO. 66. SO THERE BEING NO MORE BUSINESS BEFORE THIS CITY COUNCIL, WE NOW STAND ADJOURNED. IT IS 6:10 P.M.

End of Council Session Closed Caption Log