

## Closed Caption Log, Council Meeting, 1/13/05

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Mayor Wynn: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN. IT'S AN HONOR FOR ME TO BE MAYOR ON THIS HISTORIC DAY. MY FIRST REQUEST, IF FOLKS WHO ARE STANDING UP ON THE SIDE, IF YOU WOULDN'T MIND TAKING A SEAT, WE'RE ABOUT TO HAVE A -- FOR OUR INVITATION AND BLESSING, GOING TO HAVE SOME PROCESSION, IF FOLKS WOULD TAKE THEIR SEATS, IT WOULD HELP THE PEOPLE WHO ARE HERE WITH OUR BLESSING AND PROCLAMATION. THANK YOU VERY MUCH. AND IT IS MY DISTINCT HONOR TO WELCOME THE AUSTIN AREA INTERRELIGIOUS MINISTRIES, HEADED BY REVEREND WHO WILL LEAD US IN A PROCESSION, A BLESSING OF THESE CHAMBERS AND OUR INVOCATION. [ (music) MUSIC PLAYING (music)(music) ] [IT'S A WISH TO BE SIMPLE] [INSTRUMENTAL MUSIC ONLY (music)(music)] [ (music) MUSIC PLAYING (music)(music) ]

THANK YOU, MR. MAYOR, MEMBERS OF THE COUNCIL. PLEASE BE SEATED. THE CLERGY PERSONS WHO GATHER IN THIS CHAMBER OF COMMERCE WETODAY COME BEFORE THE CITY COUNCIL AS REPRESENTATIVES OF VARIOUS FAITH COMMUNITIES THROUGHOUT AUSTIN TO OFFER WORDS OF BLESSING ON THIS CHAMBER. OUR PRAYERS TODAY ARE OFFERED EACH IN THE LANGUAGE OF OUR UNIQUE TRADITIONS, BUT THEY ARE OFFERED ON BEHALF OF ALL PEOPLE. OUR HOPE IS THAT PEOPLE OF ALL FAITHS AND PEOPLE OF NO FAITH MAY FIND IN THIS MOMENT AND IN THIS ROOM A RESPECT FOR ALL PEOPLE AND A HOPE FOR ALL HUMANITY. I HOPE THAT ALL OF YOU WHO ARE GATHERED HAVE THE INSTRUCTION SHEET THAT HAS A RESPONSIVE

INVOCATION AND A UNISON BENEDICTION, IF YOU WILL FIND ONE OF THOSE OR SHARE WITH YOUR NEIGHBOR, SIMPLY JOIN IN AS YOU ARE LED. AS YOU ARE ABLE TO AND AS YOU ARE COMFORTABLE, PLEASE JOIN IN THE RESPONSIVE INVOCATION.

[INDISCERNIBLE]

Mayor Wynn: ONE OTHER, ANY BEING [INDISCERNIBLE]

EVEN AS A MOTHER WATCHES OVER HER CHILD, SO SHOULD ONE CHERISH ALL LIVING BEINGS.

OVER THE WHOLE WORLD. ABOVE, BELOW, ALL AROUND, WITHOUT LIMIT. (music) THIS IS THE FATHER'S WORD, AND TO ... (music)(music) ROUND HIM RINGS THE MUSIC OF THE SPIRIT. [SINGING AND CHANTING SIMULTANEOUSLY] [SINGING AND CHANTING SIMULTANEOUSLY] [SINGING AND CHANTING SIMULTANEOUSLY] [CHANTING]

WHEN ALL OF OUR VOICES SOUND AT ONCE, IT CAN SOUND CACHAPHONOUS AS THOUGH THE DIFFERENT REGIONS OF THE WORLD HAVE NOTHING TO OFFER TOGETHER BUT NOISE. BUT THERE IS MUCH THAT WE DO HOLD IN COMMON AND WE HOPE AND BELIEVE THAT THOSE THINGS WE HOLD IN COMMON CAN BE BOTH A BLESSING AND A CHALLENGE. TO YOU. WE HAVE BEEN INVITED TO OFFER BLESSINGS TO THE CITY COUNCIL IN THIS LOVELY NEW BUILDING AND WE ARE EAGER TO DO SO. THE BLESSINGS COME IN THE CURRENCY OF RELIGION RATHER THAN POLITICS. IT IS A CURRENCY BOTH RICH AND CHALLENGING. SO OFTEN POLITICS IS THE ART OF COMPROMISE, BETWEEN THE DIFFERENT VALUES OR CURRENCIES BY WHICH PEOPLE ARE TO BE MEASURED AND WE REGARDED. BUT RELIGION AND POLITICS DON'T ALWAYS DEAL WITH THE SAME CURRENCY AS YOU ALL KNOW, MANY PEOPLE WOULD HAVE YOU GIVE POWER TO CURRENCIES THAT TO DISEMPOWER THE MAJORITY OF OUR WORSHIPERS AND YOUR CITIZENS. THERE OUR BLESSINGS ARE ACCOMPANIED BY THE CHALLENGE TO HONOR ONLY THE MOST HUMANE, COMPASSIONATE AND JUST OF VALUES. CITIZENS WITH MORE MONEY WANT MONEY TO BUY NOT ONLY GOODS, BUT ALSO FAVORABLE LAWS AND RULINGS. WHICH FAVOR THEM

AT THE EXPENSE OF THOSE WITHOUT MONEY OR POWER  
AND THERE ALL THE RELIGIONS OF THE WORLD RISE AS ONE  
TO PROTEST. FOR IT IS ALWAYS THE WEAK, THE POOR AND  
POWERLESS WHO ARE THE CHIEF CONCERN OF RELIGIONS  
THAT ARE BEING TRUE TO THEIR BEST TEACHINGS.  
WHATEVER YOU DO TO THE LEAST OF THESE, YOU DO ALSO  
TO ME WAS THE SAYING FROM JESUS. BUT IT FITS AS WELL  
WITH THE TEACHINGS OF MUHAMMAD, THE BUDA, THE  
GREAT HINDU TEACHERS, JUDAISM, HUMANISM, SEIKISM  
AND MANY OTHERS. EMPLOYEES MIGHT WANT TO TRUMP  
THOSE OF EMPLOYERS IN THE INTEREST OF GREATER  
PROFITS, YET, HERE TOO WE WOULD ASK YOU WITH ONE  
VOICE TO SERVE THE HIGHER CALLING THAT HONORS THE  
WEAK RATHER THAN THE STRONG. AND THAT DEFENDS  
THEM. THERE IS A DANGEROUS MOOD IN OUR NATION NOW.  
THAT SANCTIONS THE SUPPRESSION OF INDIVIDUAL RIGHTS  
AND INDIVIDUAL VOICES AND COUNSELS AN  
UNQUESTIONING OBEDIENCE TO THOSE WHO HAVE GAINED  
POWER. HERE, TOO, THE RELIGIONS OF THE WORLD SPEAK  
AS ONE TO REMIND YOU THAT WHEN PUSH COMES TO  
SHOVE, WE MUST NOT PUSH OUR SOMETIMES  
CANTERKEOUS FREEDOMS OUT OF SIGHT OR SHOVE  
HIGHER VALUES ASIDE FOR POLITICAL AGENDAS DESIGNED  
TO SERVE LOWER AIMS. YOU ASKED FOR BLESSINGS NOT A  
SERMON. BUT WE WOULD REMIND YOU OF THE HIGHER  
IDEALS HONORED BY ALL RELIGIONS. IN DEFENSE OF A  
CURRENCY THAT DEFINES US BY OUR SIMPLE AND FRAGILE  
COMMON HUMANITY. WE HOPE TO JOIN YOU IN PROTECTING  
AND SERVING THOSE BETTER ANGELS OF OUR NATURE  
HERE IN OUR BELOVED CITY OF AUSTIN. AND SO BLESSINGS  
TO YOU FOR THIS NOBEL AND CHALLENGING ENDEAVOR IN  
THE NAME OF ALL THAT IS MOST SACRED THROUGH ALL OF  
THE NAMES BY WHICH IT IS CALLED FORTH. AMEN. LET US  
JOIN TOGETHER IN A MOMENT OF SILENCE.

AMEN. IT IS IN -- IN THIS PROLONGED MOMENT OF SILENCE  
AS -- AS EACH OF US -- IS ANXIOUS FOR WHAT MIGHT COME  
IN THIS CITY, WE SAY THANK YOU FOR ALL WHO HAVE COME.  
AND JOIN IN UNITY TO BLESS AND PRAY FOR THIS  
OUTSTANDING COMMUNITY, AUSTIN. IN THE BEGINNING, GOD  
SAID: LET THERE BE LIGHT AND THERE WAS LIGHT. WE COME  
TODAY TO JUST PRAY FOR A PROFOUND SHARE OF THAT

LIGHT IN THESE CHAMBERS, AMONG OTHER MEN AND WOMEN WHO ARE OUR LEADERS AND THOSE WHO ARE MEMBERS OF THIS GREAT CITY OF AUSTIN. IT IS OUR PRAYER THAT IF NO OTHER PLACE IN THE WORLD, IF JUSTICE AND RIGHTEOUSNESS NOWHERE ELSE IN THE WORLD, IN AUSTIN THIS WILL BE A PLACE THAT REPRESENTS GOD'S WILL ON EARTH AND THAT REPRESENTS GOD'S PROFOUND LOVE FOR EACH MAN AND WOMAN EVERY BOY AND GIRL, PEOPLE OF ALL RACES, SOCIO-ECONOMIC BACKGROUNDS, PEOPLE OF ALL EDUCATIONAL LEVELS AND SOCIO-ECONOMIC STATUS, PEOPLE WHO HAVE AND HAVE NOT. WE PRAY THAT GOD'S PROFOUND LOVE WILL BE SHOWN AS WE LIVE TOGETHER AND THIS WILL BE A PLACE THAT'S LIVABLE AND LOVE I COULDN'TABLE FOR EVERYONE. THAT'S OUR PRAYER. AS WE JOIN TOGETHER, IN THIS PRAYER OF UNITY, AND BLESSING, LET US TOGETHER AS WE JOIN TOGETHER FROM OUR PROGRAM. AND NOW, MAY WE HAVE FAITH IN LIFE TO THE WISE PLANTING THAT GENERATIONS TO COME MAY REAP EVEN MORE ABUNDANTLY THAN WE. MAY WE BEHOLD IN BRINGING TO FEWUFRUITION THE GOLDEN PROMISE, BECOMING FIELDS OF REALITY. AMEN.

Mayor Wynn: PLEASE JOIN ME IN THANKING OUR AUSTIN AREA INTERRELIGIOUS MINISTRIES FOR THIS WONDERFUL COUNCIL CHAMBER BLESSING. [ APPLAUSE ]

THANK YOU VERY MUCH. THERE BEING A QUORUM PRESENT, AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, JANUARY 13th, 2005, WE ARE IN THE NEW CITY HALL COUNCIL CHAMBERS. WHAT'S OUR ADDRESS? [LAUGHTER] THAT SHOULD SUFFICE. AT THIS TIME I WILL READ THE CHANGES AND CORRECTIONS INTO THIS WEEK'S POSTED AGENDA. WE HAVE A FEW. ITEM NO. 9, RELATED TO THE SOUTHWEST KEY PROGRAM WILL BE POSTPONED TO JANUARY 27th, 2005. ON ITEM NO. 11, THIS ITEM HAS BEEN WITHDRAWN REGARDING THE ANNEXATION OF THE GREEN SHORES AREA. ITEM NO. 12, WE SHOULD CORRECT THE -- THE DESCRIPTION OF THIS TRACT, STRIKE THE -- THE FIGURE 176.8 ACRES AND INSERT THE CORRECTION, 254 ACRES. ON ITEM NO. 13, WE SHOULD CORRECT THE DATES. THIS -- STRIKE THE DATE OCTOBER 1st, 2004, AND CORRECT THAT TO FEBRUARY 1st, 2005. 2005

THROUGH JANUARY 31st, 2006. ITEM NO. 17 HAS BEEN POSTPONED INDEFINITELY. ITEM NO. 65, WE SHOULD APPARENTLY CORRECT THE CASE NUMBER, IT'S C 14-04-0021. AND THIS IS IN PART. ON ITEM Z-12, WE SHOULD STRIKE THE ZONING CATEGORY DESCRIPTION GENERAL OFFICE AND INSERT COMMUNITY COMMERCIAL. STRIKE THE DESIGNATION DO AND INSERT DR. BOTH IN THE APPLICATION AND THE RECOMMENDATION FROM THE PLANNING COMMISSION. AT THIS TIME I WILL GO THROUGH OUR TIME CERTAIN ITEMS TODAY. WE ARE OF COURSE VERY PROUD AND HONORED TO BE IN THESE CHAMBERS, WE ARE GOING TO MAKE THIS AS FUN AND INTERESTING PERHAPS OF A HISTORIC COUNCIL MEETING AS PRACTICAL. NOW THAT WE'VE HAD OUR WONDERFUL BLESSING BY THE AUSTIN AREA INTERRELIGIOUS MINISTRIES, WE WILL GO THROUGH OUR CONSENT AGENDA HERE IN A FEW MINUTES. AT 12:00 NOON WE WILL BREAK FOR OUR GENERAL CITIZENS COMMUNICATION. AT 2:00 WE WILL HAVE A BRIEFING OF POSSIBLE ACTION ON ITEM NO. 63 WHICH RELATES TO LEASE AMENDMENT FOR THE PROPOSED LONG CENTER. AND AT 4:00 WE BREAK FOR OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW ON THIS WEEK'S AGENDA AS ITEMS 64 THROUGH 69, ZONING CASES Z-1 THROUGH Z-15. I'LL NOTE NOW THAT THE STAFF IS REQUESTING A POSTPONEMENT OF ITEMS Z-9, A ZONING CASE ON SOUTHWEST PARKWAY, THEY WILL BE REQUESTING A POSTPONEMENT TO JANUARY 27th, 2005. HOWEVER TECHNICALLY WE CAN'T TAKE THAT POSTPONEMENT ACTION UNTIL THE 4:00 TIME CERTAIN. FOLKS WHO ARE LISTENING OR ARE HERE IT'S HIGHLY LIKELY THAT CASE WON'T BE HEARD TODAY. AT 5:00 IS NORMALLY LIVE MUSIC AND PROCLAMATIONS. AT 5:00 WEATHER PERMITTING, I THINK -- I DON'T THINK WE'LL HAVE THE WEATHER, WE'LL GO OUTSIDE INTO THE PLAZA WHERE WE WILL HAVE A TIME CAPSULE CEREMONY THAT SHOULD BE QUITE ENTERTAINING FOR FOLKS TO WITNESS. FOLLOWING THAT OUR LIVE MUSIC TODAY WILL BE GRAMMY, MULTIPLE GRAMMY AWARD WINNING MUSICIAN RAY BENTSEN. AT 6:00 WE WILL HAVE PUBLIC HEARINGS AND POSSIBLE ACTIONS, THOSE ARE ITEMS NUMBER 70 AND 71 ON THIS WEEK'S AGENDA. BEFORE I GET INTO THE CONSENT AGENDA AND -- AND DESCRIBE THE ITEMS THAT HAVE BEEN

PULLED AND ULTIMATELY TAKE A MOTION AND GET SOME OF THESE PIECES OF CITY BUSINESS OFF THE DAIS, I WOULD LIKE TO TAKE A MINUTE TO -- TO THANK SEVERAL PEOPLE. MOST NOTABLY, IN THE CITY MANAGER'S OFFICE, JASON MAWER AND SARAH HARTLY OUR AGENDA MANAGER HAVE WORKED TIRELESSLY ON THIS PARTICULAR MEETING. THIS WAS -- HAS BEEN A CHALLENGE THROUGH -- TO COORDINATE A MEETING IN THIS NEW SPACE. STILL LOTS OF -- OF TECHNOLOGY THAT'S STILL BEING APPLIED TO THE ROOM. BUT JASON AND SARAH PUT IN COUNTLESS HOURS TO MAKE THIS DAY SPECIAL FOR SO MANY OF US, I WANT TO THANK JASON AND SARAH. [ APPLAUSE ] REGARDING THE TECHNOLOGY, THIS BUILDING WE CELEBRATED BACK IN NOVEMBER AND DECEMBER, OUR FORMAL OPENINGS. THIS BUILDING IS -- IS AMONG OTHER THINGS IT IS A -- IT IS A -- A -- A HIGHLY RENOWNED GREEN BUILDING. INCLUDING FROM AN ENVIRONMENTAL STANDPOINT, THE SHUT DOWN OF THE BUILDING, YOU DON'T WANT TO HAVE FOR AIR PURPOSES, OTHER REASONS, YOU DON'T WANT TO HAVE CONSTRUCTION GOING ON AFTER YOU -- AFTER THE FIRST SHUT DOWN PERIOD. FOR SEVERAL WEEKS AFTER WE OPENED IT, OUR TECHNOLOGISTS HERE IN THE CITY OF AUSTIN COULDN'T GET INTO THE SPACE, I SEE PETE NODDING HIS HEAD BACK IN THE BACK, AND START INSTALLING SOME OF THE PRETTY REMARKABLE TECHNOLOGY THAT WE ALREADY HAVE, WE WILL ULTIMATELY HAVE IN THIS ROOM. THESE MEN AND WOMEN HAVE BEEN WORKING AROUND THE CLOCK FOR THE LAST COUPLE OF WEEKS ONCE THEY GOT THE GO AHEAD TO COME IN HERE AND START WORKING. I WANT TO THANK THEM. IT WILL TAKE US A WHILE TO GET USED TO THE TECHNOLOGY UP HERE. ULTIMATELY IT WILL BE VERY USER FRIENDLY FOR OUR CITIZENS AND HELP US UP HERE ON THE DAIS CONDUCT THESE MEETINGS QUICKER. OF COURSE OUR CITY CLERKS, SIGN IN PROCESS, I THINK WILL ENABLE EVERYBODY TO -- TO HAVE THEIR -- THEIR THOUGHTS REGISTERED HERE ON THE DAIS AND FOR THE RECORD IN PURPOSE DO YOU PURPOSE TOOTH TEE. THERE'S A LOT OF WORK THAT'S BEEN GOING ON. I WANT TO THANK OUR TECHNOLOGY STAFF. PERPETUITY. THANK YOU ALL VERY MUCH. [ APPLAUSE ]

Mayor Wynn: OKAY. NOW FOR THE CONSENT AGENDA. COUNCIL, A FEW ITEMS HAVE BEEN PULLED OFF THE CONSENT AGENDA, I WILL GO THROUGH THOSE BRIEFLY. ITEM NO. 10, RELATED TO -- TO ETJ RELEASE PULLED BY COUNCILMEMBER SLUSHER. 25 REGARDING A CONSTRUCTION PROJECT AND CONTRACT HAS BEEN PULLED BY COUNCILMEMBER ALVAREZ. 26 WILL ALSO THEN BE PULLED OFF THE CONSENT AGENDA AS THEY ARE RELATED. NUMBER 31 REGARDING AN -- REGARDING A SERVICE AGREEMENT WITH THE GREATER AUSTIN ECONOMIC DEVELOPMENT CORPORATION, PULLED BY COUNCILMEMBER ALVAREZ. AND ITEM NO. 52, REGARDING OUR ECONOMIC DEVELOPMENT POLICY AND PROGRAM, ALSO PULLED BY COUNCILMEMBER ALVAREZ. COUNCILMEMBER, ARE THERE OTHER ITEMS TO BE PULLED OR ADDED BACK TO THE CONSENT AGENDA? HEARING NONE, WITH THAT I WILL READ NUMERICALLY WHAT WILL BE OUR CONSENT AGENDA THIS MORNING. ITEMS 1, 2, 3, 4, 5, 6, 7,, 8, 9 FOR POSTPONEMENT TO JANUARY 27th, 2005, WITHDRAWAL OF ITEM 11, 12 PER CHANGES AND CORRECTION, 13 PER CHANGES AND CORRECTION, 14, 15, 16, 17 FOR AN INDEFINITE POSTPONEMENT, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 32, 33, 34, 35,, 36, 37, 38,, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, WITH -- OUR APPOINTMENTS TO OUR BOARDS AND COMMISSIONS, THAT I WILL NOW READ INTO THE RECORD. TO OUR COMMUNITY DEVELOPMENT COMMISSION, JEROME GARVEY THE CONSENSUS APPOINTMENT. TO OUR ELECTRIC UTILITY COMMISSION, RALPH B. WESTIN IS MY APPOINTMENT. TO THE EMPLOYEES RETIREMENT SYSTEM, ELIZABETH GONZALEZ IS A CONSENSUS REAPPOINTMENT. TO THE HOUSING AUTHORITY OF THE CITY OF AUSTIN, TYRA DUNCAN HALL AND ELLIE LYNN ROTH ARE BOTH MY APPOINTMENTS. THE LIBRARY COMMISSION, CAROL MARTIN IS A CONSENSUS REAPPOINTMENT. AND IRA STRANGE, JUNIOR IS COUNCILMEMBER THOMAS' REAPPOINTMENT. TO THE MEXICAN AMERICAN CULTURAL CENTER ADVISORY BOARD, STEVE ALVAREZ AND DOMINGO VILLEREAL ARE CONSENSUS REAPPOINTMENTS. TO THE URBAN FORESTRY BOARD NEVEC DONALLY IS A CONSENSUS REAPPOINTMENT. TO THE URBAN TRANSPORTATION COMMISSION MICHELLE BRINKMAN IS THE MAYOR PRO TEM'S REAPPOINTMENT AND

JOY HARDEN COUNCILMEMBER THOMAS' REAPPOINTMENT. THOSE ARE OUR APPOINTMENTS THAT THE BOARDS AND COMMISSIONS SHOWS AS ITEM NO. 48 ON THE CONSENT AGENDA. CONTINUING ON: 49, 50, 51, 53, 54, AND 55. I'LL ENTERTAIN A MOTION.

MOVE APPROVAL.

MOTION MADE BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS ON THE CONSENT AGENDA? COUNCILMEMBER MCCRACKEN?

McCracken: IS THERE A BUZZING? OR IS IT JUST IN MY HEAD?

AUDIO PROBLEMS]

THERE ARE TWO NOTABLE ITEMS AT LEAST FROM MY PERSPECTIVE. ONE IS ITEM 27 WHICH RELATES TO A VERY SIGNIFICANT PLANNING PROJECT THAT THE CITY HAS EVER TAKEN IN THE NORTH BURNET GATEWAY AREA OF THE CITY. WHICH IS -- EMERGING AS KIND OF OUR SECOND DOWNTOWN, THE ARBORETUM GATEWAY AREA, THIS IS A SIGNIFICANT PLANNING AREA -- EFFORT ON THIS AREA THAT WILL LOOK AT TRANSPORTATION AND LAND USE PATTERNS. MAYOR WYNN HAS VERY -- VERY EFFECTIVELY, ESSENTIALLY, CALLED THAT WE NEED TO LOOK AT OUR LAND USE PATTERNS, THIS IS A GOOD FIRST STEP. ITEM NO. 49 IS SOMETHING THAT THANKS TO THE GREAT WORK OF THE AUSTIN MUSIC FOUNDATION, NIKKI RAWLING, ONE OF OUR GREAT LOCAL MUSICIANS JOIN POINTER ALERTED US TO A SITUATION WHERE MUSICIANS WORKING THE WAREHOUSE DISTRICT WERE HAVING TO UNLOAD THEIR MUSIC EQUIPMENT AND GETTING PARKING TICKETS THAT SOMETIMES ARE JUST ABOUT AS BIG AS THEIR ENTIRE TAKE HOME PAY FOR THE EVENING. SO MAYOR PRO TEM GOODMAN AND COUNCILMEMBER DUNKERLY AND I ARE SPONSORING A RESOLUTION THAT WILL PROVIDE THE SAME TYPES OF MUSIC FRIENDLY ENVIRONMENT FOR OUR MUSICIANS IN THE WAREHOUSE DISTRICT AS WE HAVE ON SIXTH STREET.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER



COMMENTS ON THE CONSENT AGENDA?

Slusher: MAYOR?

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: I WANTED TO NOTE ITEM 27, I THINK THAT IS IMPORTANT, VERY IMPORTANT, TOO. THE GATEWAY STUDY. AND WHAT I WANTED TO -- TO ASK AND I -- THERE MAY BE DISAGREEMENT ON THIS, BUT I WANTED TO ASK THAT STAFF CONCENTRATE ON ACCOMPLISHING THE GOALS HERE WITH -- WITHOUT COMING UP WITH IDEAS FOR SUBSIDIES TO THE BUSINESSES IN THE AREA. IF -- IF THEY WANT TO SUGGEST THAT THAT'S THEIR RIGHT. BUT I WOULD BE LOOKING FOR SOMETHING TO DEAL WITH TRANSPORTATION. I KNOW THERE'S BEEN SOME REQUESTS FOR SUBSIDIES FOR RETAIL IN THERE. THAT'S NOT THE WAY I SEE THIS HAPPENING MYSELF. I WANT TO GET THAT ON THE RECORD BEFOREHAND.

Mayor Wynn: THANK YOU, COUNCILMEMBER. I SEE FIRE CHIEF EVANS IS IN THE ROOM. WE HAVE ON THE CONSENT AGENDA TO APPROVE ITEM NO. 4 AND 5, ULTIMATELY, PERHAPS I WILL GET THE CITY MANAGER TO DO -- INTRODUCE ITEM NO. 5. THEN IF THE CHIEF COULD THEN ADDRESS ITEM NO. 4 I WOULD APPRECIATE IT.

Futrell: THAT WOULD BE A GOOD WAY TO START, WOULDN'T IT? WE HAVE ACTUALLY BAD NEWS AND GOOD NEWS. THE BAD NEWS WE HAVE LOST A LONG-TERM FIRE CHIEF TO RETIREMENT, CHIEF GARY WARREN. THE GOOD NEWS, THOUGH, IS THAT ALSO A LONG-TERM EMPLOYEE OF THE CITY OF AUSTIN IS STEPPING IN AS OUR ACTING FIRE CHIEF, ACTING CHIEF JIM EVANS, THAT IS ONE OF OUR ITEMS ON THE AGENDA TODAY IS TO MAKE JIM OUR ACTING FIRE CHIEF. THAT IS ITEM NO. 5. JIM HAS VERY GOOD NEWS ON ITEM NO. 4 THAT I WOULD LIKE HIM TO GIVE YOU JUST A SHORT BRIEFING ON.

ITEM NO. 4 IS THE CLASSIFICATION ORDINANCE FOR THE DEPARTMENT. IT ADDRESSES THE OPENING OF A NEW FIRE STATION OUT IN THE DEL VALLE AREA, WHICH WE ARE VERY EXCITED ABOUT OPENING. ALSO THE IMPLEMENTATION OF

THE FIELD TRAINING OFFICER PROGRAM FOR THE DEPARTMENT. WHICH WE ARE ALSO VERY EXCITED ABOUT BECAUSE IT WILL PLACE TRAINERS, ACTUAL TRAINERS ASSIGNED TO THE TRAINING DIVISION OUT IN THE FIELD OPERATIONS OF DEPARTMENT. IT'S A PROGRAM VERY SIMILAR TO WHAT E.M.S. AND A.P.D. DO. AND IT WILL ALLOW US TO TAKE ADVANTAGE OF THE NON-TRADITIONAL TRAINING TIMES. EVENINGS, WEEKENDS AND SUCH. IT WILL ALSO ALLOW US A GREATER DEGREE OF CONSISTENCY WITH OUR PROBATIONARY FIREFIGHTER EVALUATION PROCESS. AND WE'RE VERY EXCITED ABOUT THAT AND APPRECIATE THE SUPPORT.

THANK YOU.

THANK YOU, CHIEF. FOLKS PLEASE JOIN ME IN CONGRATULATING THE NEW ACTING FIRE CHIEF. [ APPLAUSE ] ALSO AS A POINT OF PRIVILEGE, WHILE WE HAVE A CROWD HERE, AND HAVEN'T APPROVED THE CONSENT AGENDA YET, I WOULD LIKE TO RECOGNIZE FORMER MAYOR GUS GARCIA WHO JUST ENTERED THE CHAMBERS. GUS, HOW ARE YOU? [ APPLAUSE ] FORMER MAYOR KIRK WATSON OF COURSE PLAYED A KEY ROLE YEARS AGO IN THE DISCUSSION AND ANALYSIS ABOUT ULTIMATELY MOVING THIS CITY HALL BACK TO THIS ORIGINAL LOCATION FROM 30, 40 YEARS EARLIER AND GUS GARCIA SAT IN THIS CHAIR WHILE HE PLAYED THE IMPORTANT ROLE OF ULTIMATELY PULLING TOGETHER THIS PLAN FOR THE BUILDING, NOW I GET TO BE THE GUY THAT GETS TO SIT HERE. THANK YOU GUYS FOR THAT HARD WORK. ALSO, IF I COULD, I WOULD LIKE TO, WHILE WE HAVE A FEW PEOPLE HERE, I WOULD LIKE TO THANK OUR PARKS DEPARTMENT, SPECIFICALLY OUR PARKS DIRECTOR, WARREN SPRUCE, THIS PAST FRIDAY WE HAD ESSENTIALLY A CITY OF AUSTIN SPONSORED FUNDRAISING DRIVE FOR THE TSUNAMI RELIEF FUND, WE HELD A SORT OF 6:00 A.M. TO 6:00 P.M. DROPOFF POINT HERE OFF OF AUDITORIUM SHORES AND WARREN STRUESS AND HIS DEPARTMENT WENT ABOVE AND BEYOND STARTING AT 3:00 THIS MORNING, HAVING PARKS POLICE DOWN THERE ALL DAY LONG, WE RAISED \$41,000, SMALL DONATIONS AT A TIME. AND THEN WE ARE ABLE TO LEAVE A LOT OF CITIZENS ON A REAL MOVING FLASHLIGHT WALKING VIGIL DOWN THE TOWN LAKE HIKE AND BIKE TRAIL TRAIL AFTER DARK. WARREN,

THANK YOU VERY MUCH FOR THAT EFFORT. [ APPLAUSE ]  
FURTHER COMMENTS OR QUESTIONS ON THE CONSENT  
AGENDA. COUNCILMEMBER THOMAS?

Thomas: ONE THING, I THINK COUNCILMEMBER WILLIE LEWIS  
WAS HERE ALSO EARLIER.

Mayor Wynn: I DID SEE WILLIE, I THOUGHT HE HAD LEFT. BUT -  
-

Thomas: ONE MORE THING FOR THE NEW ACTING CHIEF. AS  
YOU STAND AMONG THE TWO PEOPLE IN THE BACK,  
PRESIDENT OF THE ASSOCIATION AND I -- I -- THIS COUNCIL  
IS VERY OPTIMISTIC OF WHAT YOU ARE GOING TO DO, ALSO I  
KNOW THAT YOU ARE JUST ACTING. BUT WE REALLY WANT  
YOU TO BE VERY SENSITIVE LIKE THE PREVIOUS CHIEF, YOU  
ALSO WITH THE PREVIOUS CHIEF ARE SENSITIVE TO THE  
AREAS OF MINORITY RECRUITING AND ALSO MAKING SURE  
THAT MINORITIES THAT ARE IN THE PROCESS GET THROUGH  
THE PROCESS. THAT'S SOMETHING THAT THIS COUNCIL IS  
LOOKING FORWARD FOR YOU TO DO FOR THE SHORT  
PERIOD OF TIME THAT YOU ARE THERE. I'M NOT SAYING  
THAT YOU WASN'T SUPPORTIVE, BUT CONTINUE TO KEEP  
THAT EFFORT GOING. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER  
COMMENTS? WE HAVE A MOTION BY COUNCILMEMBER  
THOMAS, SECONDED BY COUNCILMEMBER MCCracken 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 7-0. THANK  
YOU ALL VERY MUCH. COUNCIL, WE HAVE A FEW  
DISCUSSION ITEMS. WE WILL TAKE THESE IN ORDER, ITEM  
NO. 10 RELATED TO AN E.T.J. RELEASE WITH THE CITY OF  
DRIPPING SPRINGS PULLED BY COUNCILMEMBER SLUSHER.  
WHO I WILL NOW RECOGNIZE.

Slusher: THANK YOU, MAYOR. I WOULD NOTE THAT I PULLED  
THE FIRST ITEM IN THE NEW BUILDING. [LAUGHTER] BUT

JUST FOR THE -- JUST FOR THE RECORD. THIS IS THE E.T.J. RELEASE TO DRIPPING -- TO THE DRIPPING SPRINGS E.T.J., IT'S LAND OVER THE BARTON SPRINGS ZONE. IT'S REALLY A SMALL PORTION OF A -- OF A PROPERTY THAT ALMOST ENTIRELY IS IN THE DRIPPING SPRINGS E.T.J. WHICH AS WE KNOW IS PRETTY LARGE E.T.J. I THINK THE LARGEST OF ANY SMALL CITY IN THE STATE BY FAR. I'M GOING TO SUPPORT THIS. AND IN THE INTEREST OF REGIONAL COOPERATION, THE -- FOR THE REGIONAL PLANNING EFFORT, ON WHICH I REPRESENT THE CITY AND WHICH I THINK THAT WE ARE MAKING SOME SIGNIFICANT PROGRESS. BUT I DO WANT TO NOTE ON THIS OCCASION THAT I THINK ONE OF THE BIGGEST THREATS TO BARTON SPRINGS ARE THESE RESIDENTIAL AND -- RESIDENTS, SOME BUSINESS, SOME COMMERCIAL IN THE PAST, [INDISCERNIBLE] COMMERCIAL TRACTS, THAT WERE RELEASING -- IF THESE GROW OUT -- BUILD OUT WITHOUT BEING PROTECTED UNDER SOME STRONGER STANDARDS THAN EXIST THERE NOW, THEN I THINK -- I HAVE -- I AM VERY SERIOUS WHEN I SAY THAT COULD BE THE DEATH OF BARTON SPRINGS RIGHT THERE. I REALLY HOPE THAT FOLKS THAT ARE BUILDING THIS, I HAVE TALKED TO THEM, I HAVE DELIVERED THEM THIS MESSAGE IN PERSON -- I HOPE THEY'LL BE VERY SERIOUS ABOUT WHAT THEY ARE DOING. I KNOW THAT THEY HAVE AN AGREEMENT WITH THE FISH AND WILDLIFE AND ARE COMPLYING WITH THOSE MEASURES, AT LEAST HAVE ONE APPROVAL FROM THE FISH AND WILDLIFE SERVICE. WHICH IS INVOLVED TO PROTECT ENDANGERED SPECIES IN THIS AREA. BUT I JUST WANTED TO NOTE THE SERIOUSNESS OF THIS. I HAVE TALKED TO THE OWNERS AND REPRESENTATIVES ABOUT WORKING WITH OUR DEPARTMENT ON THE -- EXCUSE ME, I'M SORRY -- ABOUT ON THE GROW-GREEN PROGRAM. WHICH I HAVE NATIVE PLANTS IN THE AREA WHICH REQUIRE LESS IRRIGATION AND FEWER, IF ANY, CHEMICALS HOPEFULLY NO CHEMICALS. THEY ALSO HAVE IN THEIR DEED RESTRICTIONS IT'S NOT GOING TO BE SAINT AUGUSTINE GRASS, THAT THEY WILL STICK TO HOPEFULLY THEY WILL STICK TO NATIVE GRASSES BECAUSE THIS -- PUTTING NON-NATURAL GRASS IN THERE, THAT LEADS TO HAVING TO PUT CHEMICALS ON IT, HAVING TO WATER IT MORE AND THAT LEADS TO POLLUTION AND THAT SHOWS UP AT BARTON SPRINGS, SOMETIMES IN JUST A FEW

DAYS. SO JUST WANT TO GET THESE THINGS ON THE RECORD. MS. MCCLINTOCK DID YOU HAVE ANYTHING ABOUT YOUR TALKS WITH THE REPRESENTATIVES?

JUST THAT WE DID HAVE A GOOD MEETING WITH THEM, SHARED WITH THEM SOME OF THE ADDITIONAL INFORMATION THAT WE THINK WOULD BE VERY GOOD FOR THEM TO SHARE WITH THEIR HOMEOWNERS ASSOCIATION. AND THEY IN TURN HAVE INVITED US TO COME AND BE PART OF THEIR EDUCATIONAL OUTREACH WHEN WE CAN MAKE TIME TO DO THAT. NOT ON OUR OWN TURF, BUT WE WOULD BE HAPPY TO PARTNER WITH THEM IN THAT.

Slusher: THAT'S GOOD. MAYOR PURCEL IN DRIPPING SPRINGS IS WORKING WITH US ON THE REGIONAL PLANNING EFFORT. THERE'S GOING TO BE A PROPOSAL FROM OUR STAKEHOLDERS GROUP OF THAT EFFORT PRESENTED TO THE CORE COMMITTEE IN MID FEBRUARY, FEBRUARY 23rd. WE JUST HAD A MEETING LAST NIGHT OF THE HOPEFULLY WE WILL ALL BE WORKING TOGETHER TO PROTECT THE EDWARD'S AQUIFER AND THIS DEVELOPMENT WILL BE INCLUDED IN THOSE PROTECTIONS AND IN THAT EFFORT. THAT'S ALL THAT I HAVE.

Mayor Wynn: THANK YOU, COUNCILMEMBER, FURTHER COMMENTS. IF NOT I'LL ENTERTAIN A MOTION ON ITEM 10.

Dunkerly: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, I WILL SECOND TO APPROVE ITEM NO. 10. THIS RESOLUTION AUTHORIZING THE RELEASE OF THIS E.T.J. TO THE CITY OF DRIPPING SPRINGS. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, WITHOUT OBJECTION WE HAVE A NUMBER OF ACTUALLY SENIOR CITY STAFF AND VISITORS HERE ON A COUPLE OF ITEMS. WE WILL NOW SKIP DOWN TO ITEM NO. 31. PULLED BY COUNCILMEMBER ALVAREZ, A NUMBER OF US HAD SEVERAL QUESTIONS, REGARDING THE SERVICE

AGREEMENT WITH THE GREATER AUSTIN ECONOMIC DEVELOPMENT CORPORATION. PERHAPS A BRIEF CITY PRESENTATION, STAFF PRESENTATION?

Futrell: WE HAVE A NUMBER OF PEOPLE HERE TODAY THAT CAN ANSWER QUESTIONS. LET ME GIVE YOU JUST A SHORT OVERVIEW BEFORE WE START. THIS ITEM HAS TWO ELEMENTS TO IT. \$100,000 TO CLEAN ENERGY THAT GOES TO A DEDICATED PERSON THAT WILL HELP US WITH -- WITH BOTH RECRUITING AND RETAINING CLEAN ENERGY BUSINESSES IN AUSTIN. PART OF THIS INITIATIVE WILL BE TO CREATE A CLEAN ENERGY DEVELOPMENT COUNCIL. WE WILL HAVE A SENIOR STAFF MEMBER AT AUSTIN ENERGY, ROGER DUNCAN, SERVING AS POINT ON THIS INITIATIVE. THIS MONEY WILL BE PART OF AN OVERALL CHAMBER INITIATIVE FOR JOB GROWTH AND ECONOMIC DEVELOPMENT. ALL OF THESE INITIATIVES HAVE REPORTING REQUIREMENTS BACK TO THE CITY OF AUSTIN AS WELL AS AUDIT REQUIREMENTS BACK TO THE CITY OF AUSTIN. THE SECOND COMPONENT OF IT IS A \$250,000 CONTRIBUTION TO THE MUCH LARGER CHAMBER INITIATIVE AND ACTUALLY LARGER COMMUNITY INITIATIVE OF ECONOMIC DEVELOPMENT CALLED OPPORTUNITY AUSTIN. THE -- THIS ITEM IS A ONE-YEAR FUNDING COMMITMENT. IT WAS IN THE 2005 BUDGET. THE -- IT IS A -- IT IS A VERY TYPICAL INVESTMENT FOR A UTILITY TO MAKE IN ECONOMIC DEVELOPMENT. JUAN GARZA IS HERE TO SPEAK TO THIS COMPONENT OF IT. WE ALSO HAVE MIKE RAWLINGS HERE TO ANSWER QUESTIONS FROM THE CHAMBER. THE COMPONENT ITSELF OF OPPORTUNITY AUSTIN IS A SPINOFF FROM THE CHAMBER, BUT CONTRACT BACK WITH THE CHAMBER TO INITIATE THE WORK PLAN. THE BOARD OF DIRECTORS, AS YOU KNOW FOR THE CHAMBER IS NOW CHAIRED BY OUR FORMER MAYOR, KIRK WATSON. KIRK WATSON ALSO SERVES ON THE BOARD OF OPPORTUNITY -- OF OPPORTUNITY AUSTIN. I THINK ONE OTHER IMPORTANT SALIENT POINT TODAY IS THAT THE CITY OF AUSTIN HAS -- AS PARTS OF THIS INITIATIVE WILL SIT ON OPPORTUNITY AUSTIN'S COUNCIL. WE WILL RECEIVE MONTHLY PERFORMANCE REVIEWS AS WELL AS THE STANDARD QUARTERLY PERFORMANCE OUTCOMES THAT COME OUT OF OPPORTUNITY AUSTIN. RON?

THAT'S CORRECT. TOBY, YOU HAVE PRETTY MUCH COVERED

ALL OF IT. LET ME JUST RE-EMPHASIZE THAT WE ARE PIGGYBACKING ON, WITH RESPECT TO OPPORTUNITY AUSTIN, WE ARE -- THERE ARE SOME VERY SPECIFIC DELIVERABLES, WHICH WILL BE PROVIDED FOR IN THE CONTRACT AND THAT WILL BE REPORTED BACK TO THE CITY COUNCIL, AS WELL AS TO ALL OF THE INVESTORS --

Futrell: AND BROADLY, YOU WILL SEE EACH OF YOU IN YOUR BACKUP HAVE THIS PACKET, WHICH HAVE THE CATEGORIES OF THE WORK PLAN WITH GOALS, OUTCOMES, THAT -- THAT FORM THE PERFORMANCE MEASURES IN EACH OF THOSE CATEGORIES FOR THE INVESTMENT.

WELL, THERE ARE NO INCENTIVES FOR EXAMPLE FOR HIGHER REDUCTION THAN WHAT THEY PROPOSED. OBVIOUSLY WHEN WE COME BACK TO RECONSIDER THIS, IN FUTURE COUNCILS, THAT WILL BE A VERY IMPORTANT PART OF OUR RECOMMENDATION TO THE CITY COUNCIL. HOW ARE WE DOING, HAVE WE ACTUALLY DONE BETTER. WITH RESPECT TO THE OPTIONS FOR FUTURE YEARS, THIS IS A FIVE-YEAR PROGRAM. HOWEVER, WE EXPECT TO -- WE ARE COMMITTING TO COMING BACK TO THE CITY COUNCIL EVERY ONE OF THOSE YEARS BEFORE WE EXERCISE THE OPTION FOR COUNCIL APPROVAL. SOME OTHER POINTS THAT I THOUGHT I WOULD BRING OUT IS THAT -- IS THAT CITY MANAGER FUTRELL INDICATED ROGER DUNCAN WILL SERVE ON THE -- ON THE ECONOMIC -- THE CLEAN ENERGY DEVELOPMENT COUNCIL. I WILL SERVE ON THE CHAMBER'S BOARD. I AS WELL AS THE EXECUTIVE -- AS WELL AS THE EXECUTIVE COMMITTEE OF THE BOARD. WE ARE VERY MUCH IN FAVOR OF MOVING AHEAD WITH THIS RECOMMENDATION.

Futrell: THEN FOR SPECIFIC QUESTIONS WE HAVE A NUMBER OF PEOPLE HERE FOR ANY SPECIFIC QUESTIONS THAT YOU MIGHT HAVE.

I HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: I HAVE A QUESTION. I DO SUPPORT THIS ITEM. I THINK ROGER DUNCAN ON THIS EXECUTIVE COMMITTEE, HE'LL BE A GOOD WATCHER FOR OUR INTEREST AT THAT

LEVEL. I KNOW THAT WE'LL BE GETTING A DETAILED ACCOUNTING OF THE EXPENDITURES, BUT I'VE HAD SEVERAL E-MAILS CONCERNED THAT THESE FUNDS NOT BE SPENT FOR POLITICAL PURPOSES. AND I WANT TO ASSURE -- I WANT ASSURANCES AND I'M SURE AT LEAST THE CHAMBER HAS GIVEN THOSE AND I THINK THE DETAILED REPORTING WE WILL GET WILL ASSURE THAT OUR FUNDS DON'T GO FOR SUCH THINGS.

THAT'S CORRECT.

Futrell: IN FACT THIS IS -- THE WAY THIS WILL BE SET UP IS THAT WE ACTUALLY WILL BE INVOICED FOR SPECIFIC COMPONENTS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER ALVAREZ?

Alvarez: YES, IF WE DO HAVE A REPRESENTATIVE [INDISCERNIBLE] HIGHLIGHT SPECIFIC ELEMENTS OF THE CAMPAIGN. I THINK WE ALL ARE THINKING ABOUT OUTREACH AND RECRUITMENT EFFORTS]] MICROPHONE CUTTING OUT]

THERE ARE ACTUALLY A LOT OF OTHER INVESTMENTS AUSTIN IS MAKING THAT WE TYPICALLY WOULDN'T THINK ABOUT. [MICROPHONE CUTTING OUT] TALKING ABOUT, THINKING ABOUT, YOU KNOW AN EFFORT SUCH AS THIS [INDISCERNIBLE] IN THE ECONOMY BUT -- BUT SPECIFICALLY, SOME SPECIFIC ITEMS THAT I THINK MOST -- MOST OF US, MAYBE MOST FOLKS WATCHING AT HOME MAY -- MAY OR MAY NOT BE MORE FAMILIAR WITH ARE THE INVESTMENTS BEING MADE IN THE AREA OF REGIONAL COMPETITIVENESS BECAUSE THOSE ARE -- ALMOST COMPRISE ABOUT HALF OF THE FUNDS THAT HAVE BEEN RAISED IN TERMS OF THE LEVEL OF INVESTMENT IN THESE AREAS. BUT IF YOU COULD TALK A LITTLE BIT ABOUT HOW SOME OF THESE FUNDS, A GOOD PORTION OF THE FUNDS THAT HAVE BEEN RAISED ARE BEING USED FOR THESE REGIONAL COMPETITIVE TYPE OF -- OF SERVICES.

THANK YOU, COUNCILMAN ALVAREZ, AS YOU POINTED OUT, A SIGNIFICANT AMOUNT, ABOUT ONE THIRD, SLIGHTLY OVER ONE THIRD OF THE TOTAL DOLLARS RAISED ARE



COMMITTED TO WHAT IS CALLED REGIONAL COMPETITIVENESS. THE LARGE PROPONENTS OF THOSE DOLLARS ARE DIRECTED TO WORKFORCE DEVELOPMENT IN K THROUGH 12 EDUCATION IMPROVEMENTS. WE -- HOW WE WILL BE EXECUTING OUR GOALS AND [INAUDIBLE - NO MIC] WORKFORCE DEVELOPMENT SIDE --

GO AHEAD, WE ACTIVATED THE MIC.

WILL BE THROUGH --

WE CAN HEAR YOU UP HERE. [INAUDIBLE - NO MIC]

WE HAVE FOUR OVERLYING GOALS, SOME 17 TO 18 PERFORMANCE MEASUREMENTS. OUR INITIATIVE UNDERWORKFORCE DEVELOPMENT IS OBVIOUSLY TO GET MORE PEOPLE ENTERING POST SECONDARY EDUCATION WITH OUTCOMES TO ALLOW THEM TO BE PRODUCTIVE WORKFORCE IN THE COMMUNITY.

WITH THE FOCUS ON AT THE K 12 LEVEL AT RISK STUDENTS THROUGH MENTORING AND TUTORING PROGRAM THAT WE HOPE TO RAMP UP MORE SIGNIFICANTLY THAN EVER BEFORE IN AISD. THOSE TWO PROGRAMS ALONE ACCOUNT FOR A LITTLE OVER \$3 MILLION OF THE -- OF THE INITIATIVE.

Alvarez: I JUST WANTED TO POINT THAT OUT. [INAUDIBLE - NO MIC]

Alvarez: I THINK IT'S REAL POSITIVE THAT SOME OF THE --

THANK YOU. THE WHOLE PHILOSOPHY BEHIND THE STRATEGY IS THAT ALL OF THESE THINGS THAT MUST BE DONE SIMULTANEOUSLY FOR US TO BE EFFECTIVE IN THE END IN CREATING JOBS FOR THE COMMUNITY.

Mayor Wynn: AGREED, THANK YOU MR. OWENS. I WILL POINT OUT ONE THING THAT HAS ME EXCITED ABOUT THIS PARTNERSHIP BETWEEN AUSTIN ENERGY AND THE GREATER AUSTIN ECONOMIC DEVELOPMENT CORPORATION, AN EXAMPLE WAS -- WAS SHORTLY AFTER I WAS ELECTED MAYOR IN THE SUMMER OF 2003, AUSTIN WAS FORTUNATE ENOUGH TO HOST TWO SIGNIFICANT CLEAN ENERGY

EVENTS. ESSENTIALLY A NATIONAL-INTERNATIONAL WIND POWER CONFERENCE HELD HERE IN TOWN, SEVERAL THOUSAND PEOPLE WERE HERE IN TOWN AND WE FOUND OUT THAT ONE COMPANY OUT OF SPAIN WAS IN TOWN AND THAT THE [INDISCERNIBLE] WAS THAT THEY WERE LOOKING FOR MANUFACTURING FACILITIES SOMEWHERE IN THE U.S., IN PART BECAUSE OF THE SIGNIFICANT EURO DOLLAR DEVALUATION. SO WE SCRAMBLED, MY OFFICE SCRAMBLED AROUND AND WORKED CLOSELY WITH JUAN GARZA AND THE SENIOR LEADERSHIP AT AUSTIN ENERGY. BUS WE WERE SEEMINGLY ALWAYS SORT OF CHASING THEM BUT WE ULTIMATELY GOT THEIR ATTENTION AND OVER A COURSE OF A YEAR OR SO WE HAD SOME -- SOME ENCOURAGING DISCUSSIONS WITH THEM. BUT THEN ULTIMATELY THEIR DECISION WAS TO -- TO BUILD THAT MANUFACTURING FACILITY IN PENNSYLVANIA. I WAS VERY DISCOURAGED BY THAT. WE HAD PUT A LOT OF TIME AND EFFORT. WE HAD TENTATIVELY OFFERED THEM INCENTIVES THAT WE ARE GOING TO BRING THE -- TO THE COUNCIL IF THEY TOOK THE BAIT. HAD WE HAD THIS PARTNERSHIP IN PLACE THEN, HAD WE HAD THE INFRASTRUCTURE WITH THE CHAMBER, THE LARGER FUNDING SOURCE WITH OPPORTUNITY AUSTIN AND JUST THE LARGER MORE CONCERTED EFFORT, PERHAPS THAT ONE CLEAN ENERGY MANUFACTURING FACILITY, YOU KNOW, COULD IN FACT HAVE BEEN LANDED IN THIS REGION. SO IT'S -- IT'S AN EXAMPLE I THINK OF HOW THIS PARTNERSHIP HOPEFULLY CAN HELP US BE FAR MORE EFFECTIVE THAN JUST SORT OF THESE INDIVIDUAL CASE BY CASE OPPORTUNITIES THAT WE HAVE SEEN OVER THE LAST YEAR OR SO. THANK YOU, MR. GARZA. FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

Slusher: YES. MAYOR, I'LL SAY THIS AS NICE AS I CAN. BUT SINCE WE'RE -- SINCE WE'RE THINKING ABOUT HISTORY TODAY, IT'S OUR FIRST MEETING IN THIS BUILDING, WE ARE GOING TO BE HAVE THE TIME CAPSULE LATER, I WANTED TO SAY TO MR. RAWLINGS WHO FAIRLY RECENT ADDITION TO TOWN, THAT I REALLY HOPE THAT YOU AND THE CHAMBER WILL TAKE THE CLEAN ENERGY EFFORT VERY, VERY SERIOUSLY. THIS IS AN ITEM COMING BOTH FROM SOME CITIZENS GROUPS AND FROM THE COUPLE. I KNOW IT WASN'T THE TOP ONE OR EVEN NEAR THE TOP ON THE

CHAMBER'S PRIORITY LIST UNTIL THE CITY AGREED TO PUT THIS ADDITIONAL MONEY IN THERE. BUT I HOPE AND I ASSUME THAT YOU WILL TAKE IT VERY SERIOUSLY. OVER THE YEARS HERE OVER THE LAST SEVERAL DECADES, UP UNTIL THIS LAST FEW YEARS, THERE -- THERE'S BEEN A LOT OF CONTENTION BETWEEN THE CHAMBER AND A LOT OF THE CITIZENS GROUPS. THERE'S STILL SOME OF THAT. BUT WE'VE MADE A LOT OF IMPROVEMENT THERE. BUT -- BUT THE CITIZEN GROUPS WERE FREQUENTLY RIGHT IN WHAT THEY ARE SAYING, THAT'S BEEN PROVEN TO BE TRUE BY HISTORY, I BELIEVE AND I THINK I'M ON REAL STRONG GROUND IN SAYING THAT. FOR YEARS WE HAD A FIGHT OVER WHETHER OR NOT TO PROTECT THE ENVIRONMENT. THE CHAMBER WAS OFTEN ON THE WRONG SIDE OF THAT. UNTIL THE 1990S, THE BOOM THAT WE HAD THEN, FOUND OUT THAT A LOT OF THE COMPANIES THAT CAME HERE CAME HERE BECAUSE OF THE BEAUTIFUL NATURAL SURROUNDINGS AND BECAUSE OF THE FREE SPIRITED NATURE OF THE CITY. THERE WAS AN ATTEMPT TO GET THE CONVENTION CENTER AND LARGE CONVENTIONS HERE AND THE MOST SUCCESSFUL ONE, THE ORIGINAL MOST SUCCESSFUL ONE WAS SOUTH-BY-SOUTHWEST CONVENTION, WHICH REALLY COMES OUT OF THE AUSTIN CHRONICLE, OUT OF THE MUSIC COMMUNITY HERE AND NOT REALLY WHAT'S CONSIDERED THE TRADITIONAL BUSINESS COMMUNITY AND THAT HAS BROUGHT MILLIONS OF DOLLARS OF ECONOMIC ACTIVITY INTO THIS AREA. AND NOW WE HAVE THE AUSTIN CITY LIMITS FESTIVAL IN SEPTEMBER, WHICH ONCE AGAIN BRINGS MILLIONS OF DOLLARS IN AND NOT ONLY THAT, BOTH OF THEM ARE JUST A REALLY FUN -- THEY ARE REALLY FUN EVENTS, REALLY FUN TIME AND REFLECT THE SPIRIT OF AUSTIN. SO I WOULD ASK YOU AND THE FOLKS AT THE CHAMBER, I KNOW MR. WATSON UNDERSTANDS THIS, BUT WOULD ASK YOU ALL TO REALLY TAKE THIS SERIOUSLY AND TRY TO DELIVER ON MAKING AUSTIN THE CLEAN ENERGY CAPITAL OR A CLEAN ENERGY CENTER IN THE ENTIRE WORLD. THANK YOU. FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 31. MOTION MADE BY COUNCILMEMBER MCCracken TO APPROVE ITEM NO. 31 AS POSTED. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COUNCIL, SINCE WE HAVE SORT OF THE SAME, SOME OF THE TEAM INVOLVED HERE FROM CITY STAFF PERSPECTIVE, LET'S TAKE UP ITEM NO. 52. TECHNICALLY AN ITEM FROM COUNCIL, COUNCILMEMBER DUNKERLY AND I, THE OLD TASK FORCE TEAM, THIS IS A RESOLUTION AMENDING THE ECONOMIC DEVELOPMENT POLICY AND PROGRAM. I'LL ENTERTAIN A STAFF PRESENTATION.

Futrell: COUNCIL, LET ME JUST INTRODUCE THIS FIRST. AS YOU KNOW, COUNCIL ADOPTED AN ECONOMIC DEVELOPMENT POLICY ON -- IN JUNE 2003. THAT POLICY WAS A VERY STRONG AND INNOVATIVE ECONOMIC DEVELOPMENT POLICY THAT DID SOME VERY IMPORTANT THING: MOST IMPORTANTLY, IT MADE OUR POLICY REAR-LOADED AND INCENTIVE BASED. IN OTHER WORDS, IN ORDER TO RECEIVE AN INCENTIVE, YOU MUST FIRST PRODUCE AND THEN MAINTAIN THE JOB IN ORDER TO RECEIVE THE INCENTIVE. SO THERE'S NO WAY THAT YOU WOULD GET ON THE FRONT END AN INCENTIVE AND THEN FAIL TO PRODUCE. SO PERFORMANCE BASED, REAR-LOADED, CONTRACT. HOWEVER, SINCE WE PASSED THE ORDINANCE, WE HAVE RUN INTO SOME LOGISTICAL PROBLEMS WITH THE POLICY. WE HAVE FOUR PROPOSED AMENDMENTS IN FRONT OF YOU FOR YOU TO CONSIDER, ASSISTANT CITY MANAGER LAURA HUFFMAN IS GOING TO WALK YOU THROUGH EACH AND TALK YOU THROUGH THE ISSUES INVOLVED WITH EACH ONE.

THANK YOU, MAYOR AND CITY COUNCIL. WHAT I WOULD LIKE TO DO IS WALK YOU THROUGH EACH OF THE FOUR AMENDMENTS AND POINT OUT TO YOU THE LANGUAGE IN THE RESOLUTION THAT WOULD CHANGE IN ORDER TO IMPLEMENT THOSE AMENDMENTS. THE FIRST ONE IS REALLY CLARIFYING THE ENVIRONMENTAL LANGUAGE. THE QUESTIONS THAT WE GET AS WE WORK WITH THESE COMPANIES IS ARE WE TALKING ABOUT GRANDFATHERED RIGHTS IN THE ENVIRONMENTAL LANGUAGE? AND THE AMENDMENT THAT WE ARE PROPOSING STATES QUITE

SIMPLY THAT THEY ARE WAIVING ANY CLAIM TO DPRAND FATHERED -- GRANDFATHERING PRIOR -- TO PRIOR WATER QUALITY REGS, SIMPLY CALLS THAT OUT SPECIFICALLY, THAT'S A LANGUAGE CHANGE IN PARAGRAPH I OF YOUR RESOLUTION. THE SECOND AMENDMENT ADDRESSES AN ISSUE THAT WE HAVE WORKED WITH SEVERAL COMPANIES ON. RIGHT NOW YOUR ENVIRONMENTAL LANGUAGE HAS A COMPONENT THAT SAYS ALL FUTURE PROJECTS MUST COMPLY CAN CURRENT WATER QUALITY REGULATIONS. SO IN OTHER WORDS THE REQUIREMENT FOR COMPANIES IS IN PERPETUITY. THE COMPANY THAT'S WE HAVE WORKED WITH SINCE THIS WAS PASSED IN 2003 HAVE STRUGGLED WITH THAT. COMPANIES DON'T LIKE TO SIGN AGREEMENTS THAT BIND THEM IN PERPETUITY. IT DOESN'T FIT A BUSINESS MODEL FOR THEM. IT'S AN UNKNOWN FOR THEM FOREVER AS THEY DO BUSINESS IN AUSTIN. SO WHO WHAT THIS LANGUAGE DOES I TIES THE REQUIREMENT TO COMPLY WITH CURRENT WATER QUALITY REGULATIONS TO THE TERM OF THE ABATEMENT. IN OTHER WORDS AS LONG AS YOU ARE RECEIVING ABATEMENTS YOU MUST COMPLY WITH THE CURRENT WATER QUALITY REGULATIONS, THAT'S THE SECOND AMENDMENT. THAT CHANGE HAPPENS IN PARAGRAPH J OF YOUR POLICY. THE THIRD AMENDMENT AGAIN IT TIES BACK TO SOMETHING THAT TOBY MENTIONED EARLIER. IT USED TO BE THAT CITIES USED AN ABATEMENT PROCESS TO INCENT COMPANIES. THEY WOULD SIMPLY WAIVE THE TAXES. AFTER THE FACT THEY WOULD MAKE SURE THAT THEY HAD RECEIVED BOTH JOBS AND INVESTMENTS THAT THE COMPANY HAD AGREED TO. IN THE MID 90s THE STATE OF TEXAS PASSED A LAW THAT ALLOWED CITIES TO HAVE A MUCH MORE ECONOMIC ARRANGEMENTS. TO ESTABLISH PERFORMANCE BASED CONTRACTS. WE DON'T CUT CHECKS TO COMPANIES UNLESS WE RECEIVE THE JOBS AND THE INVESTMENTS IN OUR COMMUNITY THAT HAVE BEEN REQUIRED IN THE AGREEMENT. WHAT WE HAVE DONE IN OUR LANGUAGE AND IN OUR POLICY IS WE REQUIRE THE COMPANIES TO COMPLY WITH THAT LANGUAGE. NOW, THE WAY IT WORKS NOW IS BECAUSE IT'S A PERFORMANCE BASED CONTRACT, WE KNOW THAT THE -- THAT THE COMPANY IS PERFORMING ON ITS OBLIGATIONS. YOUR CURRENT LANGUAGE, NOT ONLY TERMINATES THE CONTRACT, IF THEY STOP PERFORMING ON THEIR SIDE OF

THE DEAL, IT ALSO REQUIRES THEM TO PAY BACK INCENTIVES. AND WHAT THIS LANGUAGE RECOGNIZES IS THAT AS LONG AS THE COMPANY IS PERFORMING, WE WILL CONTINUE TO CAN IT THOSE CHECKS, BUT WHEN THEY STOP PERFORMING THE CONTRACT TERMINATES. SO THE THIRD AMENDMENT TAKES AWAY THE PAY-BACK LANGUAGE. TAKES AWAY THE PENALTY CLAUSE IF THE COMPANY STOPS PERFORMING, RECOGNIZING THAT WE KNOW WE ARE GETTING THE PERFORMANCE AS LONG AS THEY ARE GETTING THE ABATEMENTS. THAT LANGUAGE IS CONTAINED IN PARAGRAPH J OF YOUR POLICY. THE FOURTH AMENDMENT IS SOMETHING THAT WE ARE WORKING WITH AS WE MOVE FORWARD IN A TIME WHEN WE ARE TRYING TO ATTRACT JOBS TO AUSTIN, WE HAVE FOUND THAT THERE ARE A COUPLE OF TYPES OF COMPANIES THAT ARE IN UNIQUE CIRCUMSTANCES. THOSE ARE CALL AND DATA CENTERS. WHAT WE FIND WITH CALL AND DATA CENTERS IS THAT THERE ARE ONE OR TWO ARGUMENTS. ARGUMENTS -- ARRANGEMENTS. DIVERSE THROUGH THE COMPANY THATS HAVE MULTIPLE SITES OR INCREASINGLY THESE ARE OUTSOURCING COMPANIES, SO YOU HAVE GOT DATA AND CALL CENTERS ALL OVER THE COUNTRY THAT SERVE MULTIPLE BUSINESSES. WHAT THIS LANGUAGE DOES WITH THIS PROPOSED AMENDMENT DOES IS IT MAKES INCENTIVES FOR CALL AND DATA CENTERS SITE SPECIFIC. THEY ARE STILL REQUIRED TO COMPLY WITH ALL OF YOUR ENVIRONMENTAL REGULATIONS, CURRENT WATER QUALITY REGULATIONS, ON THE PROJECT. BUT IT MAKES THOSE INCENTIVES SITE SPECIFIC RECOGNIZING THAT CALL AND DATA CENTERS OFTEN SERVE DIVERSE FUNCTIONS WITHIN A COMPANY AND MORE AND MORE ARE OUTSOURCING OPPORTUNITIES SERVING MULTIPLE COMPANIES. NOSE, MAYOR THOSE, MAYOR AND COUNCIL, ARE THE FOUR AMENDMENTS THAT YOU HAVE BEFORE YOU TODAY.

Mayor Wynn: THANK YOU, MS. HUFFMAN. QUESTIONS OF STAFF, COMMENTS? COUNCIL? ARE THERE ANY OTHER AGREEMENTS LIKE THE ONE THAT WE KNOW OF RIGHT NOW THAT WOULD BE IMPACTED BY ANY OF THESE AMENDMENTS? AND RETROACTIVELY APPLIED?

THE TWO PACKAGES THAT YOU HAVE APPROVED SINCE JUNE OF 2003 ARE THE SEMI MAKE TECH AND THE HOME

DEPOT DEALS. SEMATECH. THE LANGUAGE CONTAINED IN THESE AMENDMENTS TODAY WOULD ATTACH TO BOTH OF THOSE CONTRACTS. BOTH COMPANIES HAVE STRUGGLED FOR EXAMPLE FOR THE LANGUAGE THAT BINDS THEM IN PERPETUITY TO THE ENVIRONMENTAL LANGUAGE.

Dunkerly: MAYOR? I -- I DO APPRECIATE THE PRESENTATION TODAY AND I THINK THAT I WOULD LIKE TO REITERATE AGAIN. WE WENT TO THIS METHOD OF GIVING INCENTIVES BECAUSE OF THE WONDERFUL STRUCTURE THAT'S A FEW BLOCKS DOWN, OUR INTEL BUILDING. WE GAVE INCENTIVES UP FRONT. THROUGH CIRCUMSTANCES BEYOND THEIR CONTROL THEY WERE UNABLE TO FULFILL THEIR OBLIGATIONS THERE. SO IN THIS CASE THIS -- THIS NEW INCENTIVE WILL NOT I'VE THAT INCENTIVE UNTIL IT'S BEEN EARNED. I THINK NOT ONLY DO WE HAVE SOME TROUBLE WITH THESE TWO COMPANIES. FROM MY UNDERSTANDING THERE ARE PROBABLY AT LEAST THREE, IF NOT FOUR, OTHER CALL CENTERS THAT ARE CURRENTLY LOOKING AT AUSTIN TO BE ABLE TO MOVE AN OPERATION HERE AND THEY, TOO, ARE HAVING SOME TROUBLE WITH THE PERPETUITY LANGUAGE AND PRIMARILY THESE COMPANIES WOULD BE SERVING A MULTITUDE OF CUSTOMERS ACROSS NOT ONLY AUSTIN BUT ACROSS THE STATE, ACROSS PROBABLY THE REGIONAL SOUTHWEST. SO I THINK THAT'S ONE REASON THAT WE REALLY DO NOTICED TO CONSIDER THIS BECAUSE IT'S GOING TO BE VERY DIFFICULT -- THAT WE DO NEED TO CONSIDER THIS. EVEN THOUGH SPECIFIC COMPANIES WILL COMPLY WITH WATER QUALITY, THEY WILL COMPLY WITH ALL OF THE OTHER TERMS OF OUR CONTRACT, THEIR GENERAL COUNSELS ARE JUST HAVING TROUBLE WITH THE PERPETUITY LANGUAGE AND FOR THEM NOT BEING CONSIDERED STAND ALONE COMPANIES, WHICH IN THESE CASES THEY WOULD BE.

Mayor Wynn: THANK YOU COUNCILMEMBER, FURTHER COMMENT, COUNCILMEMBER SLUSHER?

Slusher: ARE WE GOING TO VOTE ON THESE -- THESE AMENDMENTS SEPARATELY --

Mayor Wynn: MY RECOMMENDATION IS THAT WE DO TAKE THEM ONE AT A TIME. THERE'S DIFFERENT SORT OF

PERSPECTIVES I BELIEVE ON DIFFERENT ELEMENTS OF THEM.

Slusher: I HAVE SOME QUESTIONS THEN AS WE GO THROUGH.

Mayor Wynn: OKAY. WELL THEN SO --

Dunkerly: SHALL WE JUST MAKE A SEPARATE MOTION FOR EACH AMENDMENT?

Mayor Wynn: YES, PLEASE, I'LL ENTERTAIN A MOTION ON THE FIRST STAFF RECOMMENDATION WHICH IS REGARDING THE CLEANUP OF THE ENVIRONMENTAL LANGUAGE IN PARAGRAPH I.

Dunkerly: I WOULD MOVE APPROVAL ON AMENDMENT NUMBER 1.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, I'LL SECOND WHICH IS TO APPROVE THE RECOMMENDED AMENDMENT NUMBER 1. COUNCILMEMBER SLUSHER?

Slusher: THIS ONE, LET ME MAKE CLEAR, I'M READING, IT'S NOT A SUBSTANTIVE CHANGE BUT IS A CLARIFICATION OF -- OF THE WORK THAT -- THAT SAYS THEY HAVE TO WAIVE ANY CLAIM TO GRANDFATHERING THROUGH PRIOR WATER QUALITY --

Futrell: THAT'S EXACTLY -- CORRECT. ONE OF THE THINGS THAT WE FOUND IS THAT IN -- IN NEGOTIATING SINCE WE HAVE PASSED THIS ECONOMIC DEVELOPMENT POLICY IS THAT WE HAVE FOUND OURSELVES ARGUING WITH THE ATTORNEYS ON THE OTHER SIDE THAT IF YOU REALLY INTENDED FOR THEM TO WAIVE THEIR GRANDFATHERED RIGHTS TO WATER QUALITY, SO THIS ITEM MAKES THIS LANGUAGE CRYSTAL CLEAR.

Slusher: OKAY. THAT'S ALL THAT I HAVE ON THAT PARTICULAR ONE.

Mayor Wynn: THANK YOU, FURTHER COMMENTS ON AMENDMENT NUMBER 1? MOTION AND SECOND ON THE



TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

Dunkerly: ALL RIGHT. ON AMENDMENT NUMBER 2, I WOULD MOVE APPROVAL OF THIS AMENDMENT WHICH WILL TAKE CARE OF THE PERPETUITY PROBLEM.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY THAT I WILL SECOND TO APPROVE RECOMMENDED AMENDMENT NUMBER 2. I WILL SAY AS PART OF MY SECOND, MS. HUFFMAN DID A GOOD JOB OF DESCRIBING THE DIFFERENCE BETWEEN THE OLD SCHOOL ISSUE RELATED TO THE TRUE TAX ABATEMENT UP FRONT AND THEN FRANKLY HOPING PEOPLE PERFORM. THE WAY ALL OF OUR INCENTIVES ARE NOW BASED IS FRANKLY IN ARREARS. WHAT WOULD HAPPEN IN THEORY IS THAT YOU KNOW THAT EACH YEAR THEY HAD PERFORMED. IN THIS CASE THE PERFORMANCE, FIRST AND FOREMOST WAS THE JOBS THAT ARE CREATED. AS LONG AS THOSE JOBS ARE STILL WITH US, THEY GET THE INCENTIVE, YOU KNOW, AGAIN IN ARREARS. I THINK IT'S VERY CONSISTENT THEN JUST TO HAVE THE ABILITY, WE WILL BE IN CONTROL OF THAT. WE WOULD -- WE WOULD ANALYZE WHETHER THEY ARE COMPLIANT OR NOT, FROM THEN SO THEY DON'T GET THE INCENTIVES. MEANWHILE, LIKELY, THE WAY THE WORLD WORKS, WE PROBABLY STILL BENEFIT FROM THE ONGOING FACT THAT THE JOBS PROBABLY STAY HERE. IF THEY ARE NOT COMPLIANT ON SOME OTHER ISSUES SOMEWHERE ELSE, I THINK IT'S NOT LIKELY THAT THE JOBS THAT WERE CREATED SPECIFICALLY FOR THIS INCENTIVE PROGRAM AND PACKET WOULD GO AWAY. I THINK IT'S A -- IT'S A BALANCED AND APPROPRIATE AMENDMENT. FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: I HAD A QUESTION. I DON'T KNOW IF --  
[INDISCERNIBLE] MICROPHONE.

Futrell: IS YOUR BLUE MIC LIGHT ON?

McCracken: IT'S ON. WE ARE GIVEN HINTS ON POSITIONING THE MICROPHONE TO GET PICKED UP. OKAY. IN -- ONE THING THAT I HAD A -- WE MENTIONED SEMATECH HAS STRUGGLED WITH OUR CURRENT POLICY. AND OBVIOUSLY SEMATECH IS THE GOLDEN GOOSE THAT CREATED REALLY OUR ENTIRE MODERN ECONOMY HERE IN AUSTIN. IS IT -- ARE WE ABLE TO FIND OUT WHAT [INDISCERNIBLE] SEMATECH [INDISCERNIBLE] WITH UNDER OUR CURRENT POLICIES?

I SPOKE WITH FOLKS FROM SEMATECH EARLIER, IT'S THE IN PERPETUITY LANGUAGE. THEY ARE NOT A COMPANY THAT HAS MULTIPLE SITES ALL OVER COUNCIL, BUT IT'S STILL HARD FOR THEIR COUNCIL TO RECOMMEND TO THEM A CONTRACT THAT BINDS THEM IN ANY WAY IN PERPETUITY, THAT IS THEIR CONCERN.

Futrell: I CAN JUST TELL YOU THAT LITERALLY NOT ONE SINGLE ORDINANCE THAT YOU HAVE PASSED TODAY, NOR ANY PROSPECT THAT WE HAVE TALKED TO, HAVE BEEN TROUBLE-FREE WITH THE LANGUAGE AS IT STANDS NOW. IN PERPETUITY IS VERY DIFFICULT FOR ANY ATTORNEY TO RECOMMEND TO THEIR CLIENT. I WOULD ARGUE EVEN THE CITY ATTORNEYS WOULD NOT TELL YOU TO SIGN AS THE CITY A DOCUMENT IN PERPETUITY. IT JUST IS A VERY, VERY DIFFICULT CLAUSE. SO WE -- YOU NEED TO KNOW THAT WE HAVE NOT MANAGED TO SIGN ON -- ON EITHER OF THE TWO ORDINANCES THAT WE PASSED TODAY UNDER THE FIRST POLICY. THE THIRD THAT YOU PASSED WAS NOT ACTUALLY DONE UNDER THE ECONOMIC DEVELOPMENT POLICY. IT WAS DONE UNDER THE SETTLEMENT. BUT HAD WE HAD TO DO IS UNDER THE ECONOMIC POLICY, WE WOULD NOT HAVE BEEN ABLE TO [INDISCERNIBLE] SO IT -- THAT'S THE STRUGGLE THAT WE ARE HAVING. THAT'S WHY WE BROUGHT IT BACK.

McCracken: I THINK THAT ONE THING THAT'S IMPORTANT TO NOTE, SINCE THE COUNCIL INITIALLY PASSED THE ECONOMIC DEVELOPMENT POLICIES, IS HOW MUCH THE WORLD OF CORPORATE ACCOUNTING HAS CHANGED, THE ENRON SCANDAL. REALLY REQUIRES MUCH HIGHER STANDARDS FOR ACCOUNTING, REPORTING. IT APPEARS TO ME BASED ON OUR CURRENT ORDINANCE THAT -- THAT ANY COMPANY THAT RECEIVED AN INCENTIVE WOULD HAVE TO

LIST THE -- THE PRESENT VALUE OF THOSE INCENTIVES ON ITS BOOKS AS A POTENTIAL LIABILITY UNTIL THE END OF TIME. THAT REDUCED STOCK PRICE, SHAREHOLDER VALUE, ENORMOUS PROBLEMS FROM AN ACCOUNTING PERSPECTIVE FOR EVALUATION. I COULD SEE WHY COMPANIES, INCLUDING SEMATECH, WOULD NOT BE WILLING TO SIGN SOMETHING LIKE THAT.

Mayor Wynn: FURTHER COMMENTS? A MOTION AND A SECOND TO APPROVE AMENDMENT NUMBER 2.  
COUNCILMEMBER SLUSHER?

Slusher: THANK YOU, MAYOR. FIRST, I WANT TO CLARIFY ONE THING. WE HEARD TALK ABOUT THE INTEL BUILDING, THE OLD SCHOOL, THE NEW SCHOOL ABOUT ECONOMIC DEVELOPMENT INCENTIVE. BUT I WANTED TO KNOW, THIS AMENDMENT RIGHT HERE, I DON'T BELIEVE ANY OF THEM TODAY HAVE ANYTHING TO DO WITH THE INTEL BUILDING OR THE ECONOMIC DEVELOPMENT POLICY UNDER WHICH THE CITY GAVE INCENTIVE TO THAT BUILDING. WHAT THIS HAS TO DO IS WITH CHANGING ONE PART OF THE ECONOMIC DEVELOPMENT POLICY THAT WE'VE HAD A FEW MONTHS AGO. IT DOESN'T OFFER THAT, IT DOESN'T INSTITUTE IT, DOESN'T HAVE ANYTHING TO DO WITH IT, SO I DON'T KNOW WHY WE ARE TRYING TO SAY THAT WE ARE PREVENTING ANOTHER INTEL BUILDING WITH THIS ITEM HERE TODAY OR THAT WE'RE GOING FROM THE OLD SCHOOL TO THE NEW SCHOOL. I GUESS THAT I'M IN THE OLD SCHOOL IN ONE WAY HERE BECAUSE I'M THE -- I'M THE SOURCE OF WHAT'S BEEN CALLED THE PERPETUITY PROBLEM BECAUSE I GOT THIS AMENDMENT PASSED TO THE ECONOMIC DEVELOPMENT POLICY, WHICH IS BEING ABANDONED EVIDENTLY TODAY. I CAN CERTAINLY UNDERSTAND THE RELUCTANCE OF CORPORATE ATTORNEYS TO SIGN SOMETHING THAT SAYS IN PERPETUITY. MAYBE I'M NOT AS UP ON THE CORPORATE -- HOW CORPORATIONS THINK AS SOME OF MY COLLEAGUES, BUT I THINK WHAT OUR RESPONSIBILITY IS IS TO THE PUBLIC INTERESTS. AND WHEN CORPORATIONS COME DOWN HERE AND WE GAVE THEM MILLIONS OF DOLLARS IN TAX ABATEMENTS, THE REASON WE DO THAT IS, ONE, BECAUSE THAT'S THE WAY IT WORKS IN THIS COUNTRY, THAT ALL OF THE COMIEWPTS AROUND COMMUNITIES AROUND THIS COUNTRY ARE FORCED TO COMPETE WITH EACH OTHER IN

ORDER TO GET JOBS FOR OUR CITIZENS TO HAVE ECONOMIC DEVELOPMENT FOR OUR CITIZENS. YOU CAN CHOOSE NOT TO PLAY, BUT YOU PROBABLY WOULDN'T GET THOSE JOBS. IN THE INTEREST OF SEMATECH, HOME DEPOT, MOST OF THEM ARE VERY GOOD PAYING JOBS, THEY ARE IN THE FIELD WHERE WE HAVE A LOT OF CITIZENS QUALIFIED AND THOSE -- IN THOSE FIELDS AND HAVE LOST A NUMBER OF JOBS IN THOSE FIELDS OVER THE LAST FEW YEARS WITH ECONOMIC DECLINE. BUT AT THE SAME TIME IN THE PUBLIC INTEREST IT'S PROTECTING OUR WATER QUALITY. AND WHEN A COMPANY COMES THROUGH HERE AND GETS MILLIONS, TENS OF MILLIONS OF DOLLARS IN TAX INCENTIVES FROM OUR TAXPAYERS, I DON'T THINK IT'S VERY MUCH TO ASK THAT THEY COMPLY WITH OUR WATER QUALITY ORDINANCES ON ALL THE REST OF THEIR PROJECTS. I JUST DO NOT THINK THAT'S TOO MUCH TO ASK, TO REFLECT OUR COMMUNITY VALUES, IF THEY ARE GETTING TAX INCENTIVES FROM -- FROM OUR CITIZENS, FROM OUR CITIZENS POCKETBOOK, I THINK THEY OUGHT TO RESPECT OUR COMMUNITY VALUE. AND THEY MAY NOT WANT TO SIGN SOMETHING THAT SAYS IN PERPETUITY, BUT IF THEY PUT UP BUILDINGS THAT POLLUTE OUR CREEKS AND STREAMS, THEN THOSE BUILDINGS ARE GOING TO POLLUTE OUR CREEKS AND STREAMS IN PERPETUITY. SO I WANT TO DO WHAT I CAN TO PREVENT IT FROM HAPPENING IN PERPETUITY. SO WHAT I WOULD SUGGEST, I WOULD LIKE -- I WOULD MAKE -- I ALSO -- THERE'S -- THERE'S WATER AND -- LET'S LOOK AT THE WIND NOW. I CAN TELL WHICH WAY THE WIND IS BLOWING UP HERE TODAY AND I THINK THIS IS PROBABLY GOING TO PASS. I WOULD OFFER A FRIENDLY AMENDMENT, WHICH MAY NOT BE CONSIDERED FRIENDLY, WHICH I WOULDN'T UNLESS I THOUGHT THIS WAS GOING TO PASS ANYWAY, WHICH WOULD BE THAT THE -- THAT THE CHANGES -- CHANGE IT TO WHERE THEY WOULD HAVE TO -- TO -- TO -- THEY WOULD HAVE TO NOT -- HAVE TO ALWAYS DEVELOP UNDER OUR WATER QUALITY ORDINANCE FOR TWICE THE LENGTH OF THE AGREEMENTS. IF I CAN EXPLAIN TO THE CITIZENS WHAT'S BEING PROPOSED. NOW IT SAYS ONCE THEY TAKE THE INCENTIVE THEY HAVE TO -- THE -- DO CORPORATIONS HAVE TO BUILD ALL OF THEIR PROJECTS UNDER CURRENT WATER QUALITY REGULATIONS FROM NOW ON OR IS -- LEGAL TERM IS IN PERPETUITY. WHAT I

WOULD -- WHAT'S BEING PROPOSED INSTEAD IS ONLY DURING THE TERM WHEN THEY ARE GETTING THOSE TAX ABATEMENTS. 10 YEARS RIGHT IN THE INSTANCE OF HOME DEPOT? SO THEN FOR 10 YEARS WHILE THEY ARE GETTING THAT, THEY WOULD HAVE TO COMPLY WITH OUR WATER QUALITY ORDINANCES. IF THEY DIDN'T, THEY WOULD HAVE TO GIVE BACK ALL OF THE MONEY. ON WHAT'S ON THE TABLE, THEY WOULD ONLY HAVE TO QUALIFY -- THE HOME DEPOT THAT THEY ARE BUILDING IS COMPLYING NOT IN THE DRINKING WATER PROTECTION ZONE, EITHER, BUT -- BUT WHAT IS BEING PROPOSED IS FOR 10 YEARS THEY WOULD HAVE TO COMPLY WITH THE WATER QUALITY ORDINANCES ON ALL OF THE PROJECTS, ALTHOUGH THAT'S GETTING READY TO GO DOWN IN AMENDMENT NUMBER 3 AND 4. WHAT I WOULD SAY IS MAKE THIS TWICE THE LENGTH OF THE AGREEMENT. THAT WAY IT'S NOT LIKE JUST AS SOON AS THEY GET THROUGH COLLECTING THEIR TAX ABATEMENTS THEY CAN GO BACK TO POLLUTING. IT WOULD BE ANOTHER 10 YEARS. I WOULD OFFER THAT AS A FRIENDLY AMENDMENT.

Futrell: PERHAPS WE COULD INCLUDE THAT ON 3 OR 4, BUT ON THIS ONE I DON'T ACCEPT IT AS A FRIENDLY AMENDMENT.

Slusher: EXPLAIN TO ME WHY NOT ON THIS ONE?

Dunkerly: BECAUSE ON THIS ONE I'M TRYING VERY CLEARLY TO GET RID OF THE PERPETUITY LANGUAGE AND THE --

Slusher: WHAT I'M SAYING, MAYBE I WASN'T CLEAR. IT WOULD GET RID OF THE PERPETUITY LANGUAGE, BUT IT WOULD SAY FOR TWICE THE TERM -- INSTEAD OF DURING, YOU ARE LOOKING AT THE AMENDMENT LANGUAGE, SAYING DURING, IT WOULD SAY FOR TWICE THE TERM OF THAT ECONOMIC DEVELOPMENT AGREEMENT.

Dunkerly: NO, I DON'T ACCEPT THAT. I CAN TELL YOU REALLY REFERS BACK TO THE -- TO THE POLICY ON INTEL. ON INTEL WE GAVE THE AGREEMENT UP FRONT. THEY DIDN'T EARN IT. AND SINCE THEY WERE UNABLE TO COMPLETE THEIR PART OF THE CONTRACT, WE ACTUALLY LOST THE BENEFIT OF THOSE INCENTIVES. WITH THE NEW POLICY, THEY DON'T GET

THE INCENTIVE UNTIL THEY EARN IT.

Slusher: WHAT DOES THIS LANGUAGE HAVE TO DO WITH THAT?

Dunkerly: WELL, BECAUSE WHAT YOU ARE SAYING IS EVEN THOUGH THEY HAVE EARNED IT, IF AFTER THE TERM OF THE AGREEMENT SOMETHING HAPPENS TO ONE OR SOME OF THEIR SUBSIDIARIES OR SOMETHING LIKE THAT. THEY WOULD HAVE TO PAY THAT MONEY BACK, THAT THEY HAVE ALREADY EARNED. AND THAT'S WHERE THE ATTORNEYS ARE HAVING A PROBLEM WITH THIS. SO -- SO IT IS MAYBE MORE APPROPRIATELY ADDRESSED IN THE THIRD ONE THAN ON THIS ONE -- THEN ON THIS ONE I'M TRYING TO BE TRUE TO THE NEW POLICY OF YOU DON'T GET IT UNTIL YOU EARN IT. AND IF YOU BREAK THE AGREEMENT, THAT AGREEMENT GOES AWAY, WE WON'T EVER DEAL WITH YOU AGAIN. BUT IF YOU HAVE EARNED IT, YOU HAVE EARNED IT.

Slusher: I STILL DON'T SEE WHAT THAT HAS TO DO WITH INTEL. BUT THE END SENT INCENTIVES ARE STILL ON THE BACK END AFTER DELIVERY.

Dunkerly: THE ISSUE IS BEFORE THEY DIDN'T EARN IT, THEY GOT IT. HERE THEY ARE NOT GOING TO GET IT UNTIL THEY EARN IT. AND SO IN PERPETUITY THEY ARE GOING TO BE AT RISK OR FOR HOWEVER MANY YEARS AFTER THE AGREEMENT OF HAVING TO PAY SOMETHING BACK THAT THEY HAVE EARNED. SO THAT'S MY CONCERN. THAT GOES TO THE HEART OF THIS POLICY. YOU DON'T GET IT UNTIL YOU EARN IT.

Slusher: I GUESS WHAT I'M TRYING TO SAY IS THE CITY SHOULD EARN MORE THAN JUST THOSE JOBS THAT WE ARE HANDING OUT TAX ABATEMENTS --

Dunkerly: LET ME TELL YOU THESE JOBS ARE VERY PRECIOUS. YOU ARE RIGHT. YOU DON'T GET THEM UNLESS YOU COMPETE IN THIS ARENA. WHEN YOU MAKE IT HARDER FOR OUR CITY TO COMPETE, YOU DON'T GET THEM, EITHER. I THINK IN RETROSPECT, LOOKING BACK AT THE TIMES THAT WE DIDN'T COME FORWARD, DIDN'T STEP FORWARD, WITH ADEQUATE INCENTIVES YOU ONLY HAVE TO LOOK AS FAR AS

DELL. WE HAD AN OPPORTUNITY IN THE EARLY '90S OF -- OF  
COMPETING FOR THAT CENTER. I CAN'T TELL YOU, CAN'T  
EVEN BEGIN TO QUANTIFY THE AMOUNT OF SALES TAX THAT  
WE HAVE LOST BECAUSE WE WOULD NOT COMPETE AS  
STRENUOUSLY AS WE SHOULD HAVE TO GET THAT  
COMPANY WITHIN OUR CITY AND IT WENT TO ROUND ROCK.  
SO -- SO I THINK WE NEED JOBS AND I THINK WE NEED GOOD  
JOBS AND GOOD PAYING JOBS. THAT'S WHY I'M IN SUPPORT  
OF THIS. [ONE MOMENT PLEASE FOR CHANGE IN  
CAPTIONERS]

Goodman: WELL, I DON'T KNOW HOW TO SAY IT.

Slusher: ACTUALLY, I WOULD BE CONSISTENT. I WOULD KEEP  
THAT CLAUSE IN THAT THEY WOULD HAVE TO PAY IT BACK  
DURING THAT TIME. THAT WOULD BE MY INTENT SINCE  
WE'RE VOTING ON IT SEPARATELY. THAT'S WHERE I THINK  
THE LANGUAGE SHOULD GO. I WOULD MAKE A FRIENDLY  
AMENDMENT TO UNCROSS OUT THAT SAYS IT WILL REQUIRE  
THE RETURN OF ALL INCENTIVE FUNDS ALREADY RECEIVED  
UNDER J. THEN IT WOULD -- WHAT I'M PROPOSING WOULD BE  
CONSISTENT. I DON'T KNOW IF IT WOULD BE AGREED TO,  
BUT IT WOULD BE CONSISTENT WITH WHAT -- WITH WHAT  
THE ORIGINAL INTENT, EXCEPT RATHER THAN IN  
PERPETUITY, IT WOULD BE TWICE THE LENGTH OF THE  
AGREEMENT RATHER THAN THAT. BUT THAT'S MY ATTEMPT  
TO MEET THOSE CONCERNS. I WANT IT TO COMPLY WITH  
OUR COMMUNITY VALUES.

Goodman: SO IN THIS AMENDMENT I'M NOT UNDERSTANDING  
WHAT THE DIFFICULTY IS EITHER.

Dunkerley: I JUST WANT IT VERY SIMPLE, THAT WE GET RID OF  
THE PERPETUITY LANGUAGE. ANY RESTRICTIONS WOULD  
GO INTO THE THIRD AMENDMENT.

Goodman: AS I UNDERSTAND IT, WE ARE GETTING RID OF THE  
PERPETUITY, BUT THERE IS SOME FINITE TIME PUT  
FORWARD THAT ENSURES THEIR COMMITMENT IS AS GREAT  
AS THE ONE THAT WE ARE MAKING.

Dunkerley: I WOULD GO WITH THE LENGTH OF THE

CONTRACT.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I ALSO OPPOSE THE FRIENDLY AMENDMENT FOR VERY SIMILAR REASONS TO COUNCILMEMBER DUNKERLEY. I THINK IT'S IMPORTANT TO POINT OUT THAT THIS IS LIKE FACULTY POLITICS. THERE'S VERY SMALL DIFFERENCES BETWEEN THE SEVEN OF US. ALL THE INCENTIVE PACKAGES HAVE BEEN PASSED SEVEN TO NOTHING BY THIS COUNCIL. EVERY SINGLE ONE OF THE INCENTIVE PACKAGES, THE PROJECTS BEING INCENTIVES INVOLVE OUR WATER QUALITY STANDARDS. WE MADE A SIGNIFICANT CHANGE IN AMENDMENT ONE, WHICH I THINK ELIMINATE A LOT OF THE FUTURE PROBLEMS, WHICH IS THAT PEOPLE -- COMPANIES RECEIVING INCENTIVES WAIVE GRANDFATHERING CLAIMS. THEREFORE IT MAKES IT INCREASINGLY DIFFICULT THAT YOU WOULD HAVE SOME SITUATION IN THE FUTURE WHERE YOU WOULD HAVE A VIOLATION BECAUSE THE ACT OF RECEIVING INCENTIVES WILL ALSO WAIVE GRANDFATHERING CLAIMS, WHICH IS REALLY JUST ABOUT THE ONLY POTENTIAL ISSUE -- WAY THAT IT CAN COME UP. SO REMEMBER THAT THIS IS LIKE FACULTY POLITICS. THIS IS VERY SMALL IN A UNITED BODY ABOUT THE IMPORTANCE OF LURING PRIMARY EMPLOYERS. I DO THINK, THOUGH, THAT THE TERM OF THE DEAL SHOULD BE THE TERM OF THE DEAL. ONE OF THE PROBLEMS WE WOULD FACE AS WE START ATTACHING REQUIREMENTS TO THE LENGTH OF THE CONTRACT IS THAT IT WOULD REQUIRE AUSTIN ACTUALLY TO PROVIDE HIGHER INCENTIVE PACKAGES TO HAVE A COMPARABLE DEAL BECAUSE THERE ARE COSTS TO HAVING THIS FUTURE LIABILITY. AND REALLY I PERSONALLY BELIEVE THAT WE SHOULD BE HAVING THE LOWEST INCENTIVE PACKAGE POSSIBLE TO GET PRIMARY EMPLOYMENT JOBS FOR AUSTIN.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: ONE THING I NEED TO CORRECT THERE IS THAT NOT ALL THE INCENTIVE PACKAGES HAVE PASSED UNANIMOUSLY. ON THE DOMAIN THERE WAS ONE NO VOTE, THAT WAS ME. AND WHEN THAT ONE WAS AWARDED, THAT COMPANY HAD A PROJECT -- ANOTHER PROJECT OVER THE



EDWARD'S AQUIFER, WHICH WAS AROUND THREE TO FOUR TIMES THE IMPERVIOUS COVER THAT'S ALLOWED UNDER OUR S.O.S. ORDINANCE, WHICH WAS OF COURSE PASSED BY THE CITIZENS TWO TO ONE BACK IN 1992. SO THAT'S THE KIND OF COMPLIANCE WITH COMMUNITY VALUES THAT I'M TALKING ABOUT OR IN THAT CASE IT WAS THE NONCOMPLIANCE UNFORTUNATELY WITH THAT COMPANY AND THEY EVENTUALLY PULLED OUT OF THAT PROJECT. THEY WEREN'T ALL UNANIMOUS.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK ONE IMPORTANT DISTINCTION, COUNCILMEMBER SLUSHER, IS THAT THE DOMAIN WASN'T PART OF THE ECONOMIC POLICY.

Slusher: THAT'S WHAT I POINTED OUT AT THE TIME BECAUSE I WAS TRYING TO GET THE COUNCIL TO WAIT UNTIL THEY PASSED THE ECONOMIC DEVELOPMENT POLICY BEFORE THEY APPROVED A PROJECT UNDER THAT. SO I DO REMEMBER THAT.

McCracken: WHAT WE'RE TALKING ABOUT TODAY IS KEEPING SEMATECH, THE LYNCH PIN OF OUR LOCAL PROS TEARTY IN THE ECONOMY AND ALL STABILITY TO TRACK OTHER PRIMARY EMPLOYMENT JOBS NOT RELATED -- ON EVERY INCENTIVE PACKAGE RELEVANT TO THESE CHANGES, THE VOTE WAS SEVEN TO NOTHING.

Slusher: INCLUDING TWO ON THIS, BUT I STILL DON'T THINK THAT'S AN ACCURATE STATEMENT, BUT I'LL LEAVE IT AT THAT.

Mayor Wynn: FAIR ENOUGH. THANK YOU. AGAIN, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE AMENDMENT NUMBER 2 AS PROPOSED.

Slusher: I WOULD MOVE THE AMENDMENT AS FRIENDLY AMENDMENT.

Mayor Wynn: WE HAVE A SUBSTITUTE MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY THE MAYOR PRO TEM TO -- IF I CAN GET THIS RIGHT, COUNCILMEMBER.

ESPECIALLY HELP ME ON THE -- HELP ME ON THE LANGUAGE HERE.

Slusher: INSTEAD OF THE WORD DURING, IT WOULD SAY FOR TWICE THE TERM OF THAT ECONOMIC DEVELOPMENT AGREEMENT.

Mayor Wynn: I HAVEN'T FOUND THE WORD DURING YET.

Slusher: IT'S IN THE LAST LINE, THIRD WORD, LAST LINE.

Mayor Wynn: OKAY. SO SUBSTITUTE MOTION AND A SECOND IS ON THE TABLE TO EXTRACT THE WORD DURING AND INSERT -- COME AGAIN, COUNCILMEMBER?

Slusher: FOR TWICE.

Mayor Wynn: FOR TWICE THE TERM.

Slusher: I WOULD ASK THE CITY ATTORNEY IS THAT CLEAR IF IT'S 10 YEARS, THEN WE'RE TALKING ABOUT 20 YEARS?

COUNCILMEMBER, YOUR INTENT IS VERY CLEAR, AND I THINK THE MOST IS CLEAR ENOUGH. ASSUMING THAT THE SUBSTITUTE MOTION PASSES, BUT I THINK IT'S CLEAR ENOUGH.

Slusher: OKAY. I JUST DON'T WANT TO GET INTO ANY WORDS LIKE PERPETUITY.

Mayor Wynn: SO MOTION AND A SECOND ON THE TABLE FOR A SUBSTITUTE MOTION. FURTHER COMMENTS? I'LL JUST SAY I'LL BE VOTING AGAINST THE SUBSTITUTE MOTION. MY STRATEGY AND POLICY WILL BE ON THESE AS WE DISCUSS WITH THESE VERY IMPORTANT COMPANIES THAT I WANT IT TO BE CLEAR THAT THE TERM OF THE DEAL IS THE TERM OF THE DEAL, AND I'VE BEEN VERY IMPRESSED WITH THESE COMPANIES' APPROACH AND WHAT WE WANT TO DO HERE IN AUSTIN, AND SO I WON'T BE SUPPORTIVE OF THE SUBSTITUTE MOTION. FURTHER COMMENTS ON THE SUBSTITUTE?

Thomas: LET ME.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I'VE BEEN HAVING PROBLEMS WITH THIS ALL WEEK, BUT IF ANY COMPANY THAT WANTS TO COME IN AND DO BUSINESS WITH AUSTIN, WHY IS IT THAT WE THINK THAT THE WORD IN PERPETUITY -- I KNOW THAT'S A PROBLEM, BUT WITH THE AMENDMENT HE'S TRYING TO PASS, WHY IS IT THAT WE THINK WE'RE GOING TO HAVE A PROBLEM WITH THAT?

Dunkerley: IF I COULD TRY WITH THAT.

Thomas: LET ME FINISH BEFORE YOU START. BECAUSE I UNDERSTAND -- I HAVE SUPPORTED A LOT OF THIS ECONOMIC DEVELOPMENT, BUT WHEN IT COMES TO DEALING WITH OUR ENVIRONMENT, WE REALLY NEED TO -- BECAUSE I THINK ANY COMPANY OUGHT TO BE SENSITIVE TO WHAT WE'RE TRYING TO DO HERE IN THE CITY OF AUSTIN AND MAKE SURE THAT THEY COMPLY WITH WHAT WE'RE TRYING TO DO. I DON'T THINK ANY COMPANY SHOULD HAVE A PROBLEM. BUT YOU CAN GO AHEAD.

Dunkerley: THREE POINTS I WANT TO MAKE. NUMBER ONE, THEY DON'T GET THE CONTRACT UNLESS THEY COMPLY WITH OUR WATER QUALITY ORDINANCES. AND UNLESS THEY EARN THE JOBS. NOW, THE REAL KEY TO THIS ECONOMIC DEVELOPMENT POLICY IS TRYING TO GET JOBS HERE IN AUSTIN. WE'RE IN COMPETITION WITH THESE COMPANIES -- FOR THESE COMPANIES WITH CITIES ALL OVER THE NATION. WHEN WE START ADDING THINGS THAT PUT US IN A COMPETITIVE DISADVANTAGE WHEN WE'RE TRYING TO WORK WITH A COMPANY, THEN WE RISK LOSING THAT JOB. YOU MAY SAY THOSE JOBS AREN'T IMPORTANT, BUT WHAT WE'RE LOOKING AT DATA CENTER JOBS THAT AVERAGE IN THE TENS OF THOUSANDS OF DOLLARS ON AN AVERAGE WAY, EVEN WHEN YOU'RE LOOKING AT A CALL CENTER THAT HAS A VERY GOOD SALARY RANGE, YOU'RE RISKING LOSING THOSE JOBS, SO YOU HAVE TO WEIGH THE IMPORTANCE OF THE JOB NOT WITH OUR WATER QUALITY LAWS, BECAUSE THEY'RE GOING TO AGREE TO COMPLY WITH THOSE WHILE THEY'RE GETTING THESE ABATEMENTS, BUT YOU'RE REALLY

IN A COMPETITION. AND I CAN'T STRESS HOW DIFFICULT IT IS TO COMPETE WHEN -- AND TIE YOUR HANDS AND FEET OF THE PEOPLE YOU'RE COMPETING WITH. IT'S NOT THAT THEY EVER INTEND TO BREAK THESE RULES, IT'S JUST THAT THEY'RE LOOKING AT SOUTH CAROLINA OR THEY'RE LOOKING AT SOMEBODY ELSE THAT ARE OFFERING THEM THE SAME OR MORE INCENTIVES WITHOUT THAT FUTURE LIABILITY THAT THEY MAY OR MAY NOT BE ABLE TO KNOW ABOUT AT THIS TIME. IT JUST MAKES THE ATTORNEYS FOR THOSE COMPANIES LEAN TOWARD AND ENCOURAGE THOSE COMPANIES TO GO WHERE THERE ARE LESS FUTURE UNKNOWNNS. NOW, I THINK THAT IF THEY HAVE TO EARN THE INCENTIVE BY COMPLYING WITH THE RULES, BY BRINGING THE JOBS, BY BRINGING THE TAX BASE, THEN THEY'VE EARNED THAT. AND IT GIVES OUR GUYS AN OPPORTUNITY TO BE MORE COMPETITIVE WHEN THEY'RE TRYING TO BRING JOBS TO AUSTIN. AS FAR AS I KNOW, EVERY ONE OF THE COMPANIES THAT ARE LOOKING HERE NOW ARE GOING TO BE IN THE DESIRED DEVELOPMENT ZONE AND ARE ALL GOING TO AGREE WITH WATER QUALITY. YET IF WE PUT A LOT OF RESTRICTIONS ON IT AND MAKE IT MORE DIFFICULT, AT LEAST A GOOD PORTION OF THOSE JOBS WE'RE NOT GOING TO GET. AND THAT'S MY CONCERN. AND IN FACT, THE POLICY REQUIRES THEM TO LOCATE IN THE DESIRED DEVELOPMENT ZONE.

Mayor Wynn: THANK YOU. FURTHER COMMENTS?

Slusher: YEAH, THE POLICY REQUIRES TO LOCATE THE SPECIFIC PROJECT THERE, BUT WE'RE TALKING ABOUT OTHER THINGS AFFILIATED WITH THOSE COMPANIES, OTHER PROJECTS AFFILIATED WITH THOSE COMPANIES. THAT'S WHAT THESE AMENDMENTS ARE, LIKE THE POTENTIAL -- THE SITUATION I WAS TALKING ABOUT.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. THIS IS SOMETHING THAT WE'VE TALKED ABOUT FOR A LONG TIME NOW. I THINK WE'VE CONSIDERED SOME OF THESE DEVELOPMENT AGREEMENTS OR INCENTIVES, AND I REALLY DO AGREE WITH THE IDEA OF COMPLYING WITH OUR REGULATIONS FOR PERPETUITY. THE QUESTION IS -- (MICROPHONE INTERFERENCE). PERSONALLY

I THINK THAT IF THEY AGREE TO A 10-YEAR TERM OF THE CONTRACT, THAT'S A PRETTY SIGNIFICANT COMMITMENT BECAUSE IT IS A 10-YEAR COMMITMENT. SO I PERSONALLY FEEL TO MAKE SURE THEY'RE FULFILLED AND THE REQUIREMENTS FOR THE SITUATION AND THE AGREEMENT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. WE APOLOGIZE FOR THE MICS GOING IN AND OUT. WE CAN HEAR EACH OTHER PRETTY WELL UP HERE. FURTHER COMMENTS ON THE SUBSTITUTE MOTION.

Thomas: MAYOR, DO WE HAVE ANYBODY ELSE TO TALK? >>  
INAUDIBLE ]

MIKE, DO YOU WANT TO SPEAK AT ALL FROM THE BUSINESS COMMUNITY'S PERSPECTIVE? MIKE ROLLINS FROM THE CHAMBER OF COMMERCE IS HERE AND HE'S BEEN IN MANY OF THESE DISCUSSIONS WITH MANY OF THESE COMPANIES. I THINK HE MIGHT CERTAINLY BE WILLING TO SHARE THAT PERSPECTIVE.

Thomas: IF THAT'S ALL I'VE GOT.

SURE. HE'S A FIRST TEAM HITTER.

Mayor Wynn: TECHNICALLY, NO CITIZENS HAVE SIGNED UP FOR THIS IT.

THANK YOU, MAYOR AND COUNCILMEMBERS. I THINK MUCH OF WHAT HAS BEEN PUT FORTH BY COUNCILMEMBER DUNKERLEY AND COUNCILMEMBER MCCracken IS PRETTY MUCH ACCURATE. IT IS DIFFICULT FOR COMPANIES -- I WOULD ALSO SUGGEST AN INDIVIDUAL TOO -- TO SIGN SOMETHING THAT HAS AN UNKNOWN LONG-TERM TO IT. AND I QUITE CANDIDLY, THE CITY STAFF HAS SAID THAT THERE'S NOT A DEAL THAT HAS HAPPENED SINCE THE ECONOMIC DEVELOPMENT POLICY HAS BEEN APPROVED SINCE JUNE '03 BECAUSE OF THIS ISSUE. I CAN ONLY CONFIRM WHAT YOU'VE ALREADY HEARD. GLAD TO ANSWER ANY OTHER SPECIFIC QUESTIONS RELATED TO IT.

Slusher: MAYOR, I WOULD JUST POINT OUT THAT IT'S SORT OF LIKE WHETHER OR NOT WE LIKE THE INTEL BUILDING OR

NOT, BUT IT'S NOT AT PLAY HERE. WHAT THE MOTION BEFORE US RIGHT NOW HAS TO DO IS WITH TWICE THE TERM OF THE AGREEMENT, NOT IN PERPETUITY.

Thomas: MAYOR?

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I JUST DON'T UNDERSTAND WHY IT'S NOT (INDISCERNIBLE). I JUST DON'T UNDERSTAND. I DON'T UNDERSTAND WHAT WE'RE HUNG UP ON. I'M NOT A LAWYER.

Dunkerley: AGAIN, LET ME TELL YOU YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: WE'RE IN COMPETITION, WE'RE ABSOLUTELY IN COMPETITION. AND THOSE THINGS THAT MAKE IT HARDER FOR US TO COMPLETE MEAN THOSE COMPANIES AREN'T COMING HERE. AND I THINK THEM AGREEING TO ABIDE BY OUR CONTROLS, TO LOCATE IN THE WATER QUALITY, IN THE DESIRED DEVELOPMENT ZONE, TO ABIDE BY THE WATER QUALITY CONTROLS, TO BRING THE TAX BASE AND BRING THE JOBS IS VERY, VERY SIGNIFICANT FOR THEM. AND AS WE ADD ON THESE OTHER THINGS, IT JUST PUTS OUR NEGOTIATORS AT A DISADVANTAGE. AND THAT'S MY PERCEPTION FROM HAVING BEEN IN ON A LOT OF THESE NEGOTIATIONS. AND I'LL DEFER TO THOSE PEOPLE THAT ARE DOING IT NOW.

THE ONE THING THAT I CAN THINK OF IS THAT WE WILL BE AT THE TABLE THEN ASKING FOR A CONDITION THAT WILL LIVE 10 YEARS AFTER THE CONTRACTUAL OBLIGATION ENDS, AFTER THE CONTRACT ENDS WITH THE PERSON THAT WE'RE NEGOTIATING WITH. AND IT'S NOT INSUR MONTHABLE, IT'S JUST ANOTHER THING THAT WILL BE VERY, VERY DIFFICULT AND ABLE TO BE DISCUSSED.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I DON'T THINK THIS IS AN ISSUE OF WHETHER WE LIKE INTEL, IT'S AN ISSUE OF WHETHER WE LIKE SEMATECH. AND I THINK THAT'S A WHOLE LOT MORE SIGNIFICANT TO

OUR ECONOMY. AND ALSO -- BECAUSE RECOGNIZE THE NATURE OF SEMATECH INCENTIVES. IT IS THAT SEMATECH IS NOW GOING TO BE DOING -- IT ALREADY DOES THINGS AND WE HAVE THE AUSTIN TECHNOLOGY INCUBATOR, BUT YOU HAVE SEMATECH DOING THINGS LIKE INVESTING IN COMPANIES. WHAT IF THESE COMPANIES GOES AND BUILDS SOMETHING IN AN AREA THAT IS NOT -- THAT VIOLATES OUR WATER QUALITY RULES? UNDER THESE CURRENT RULES, SEMATECH WOULD FORFEIT ALL OF ITS ECONOMIC INCENTIVES. ALBANY IS TRYING TO TAKE SEMATECH AWAY FROM AUSTIN AND NEW YORK STATE IS THROWING THE BANK AT THEM. AND WE KNOW, FOR INSTANCE, THAT SEMATECH IS NOT VIOLATING OUR WATER QUALITY RULES, BUT UNDER -- IF WE KEEP THE CURRENT WAY WE DO THINGS, EVEN THOUGH SEMATECH IS COMPLYING WITH THE ENVIRONMENTAL LAWS, WE STILL MIGHT LOSE SEMATECH BECAUSE SOMEONE THEY HAD PARTNERED WITH WENT AND DID IT AGAINST SEMATECH'S WILL.

Mayor Wynn: THANK YOU, COUNCILMEMBER. AGAIN, WE HAVE A MOTION AND A SECOND -- A SUBSTITUTE MOTION AND A SECOND BY COUNCILMEMBER SLUSHER. THIS WAS ON THE AMENDMENT NUMBER 2. FURTHER COMMENTS ON THE SUBSTITUTE MOTION? COUNCILMEMBER THOMAS.

Thomas: THE WAY IT LOOKS, IT LOOKS LIKE THE SUBSTITUTE MOTION MIGHT PASS. IS THERE ANY WAY WE MIGHT CAN PULL THIS DOWN AND DISCUSS A LITTLE BIT MORE IN EXECUTIVE SESSION? BECAUSE I'VE GOT A PROBLEM WITH THIS BECAUSE I UNDERSTAND WHAT EVERYONE ELSE IS SAYING, AND I'M VERY SENSITIVE TO THE ECONOMIC DEVELOPMENT IN AUSTIN, TEXAS, BUT I'M ALSO SENSITIVE TO THE WATER QUALITY, BECAUSE IF WE DON'T KEEP THAT INTACT AND MAKE SURE THAT THE WATER IS PROTECTED, THEN WE COULD HAVE A LOT OF COMPANIES AND OUR WATER RESOURCES MIGHT BE CONTAMINATED. CAN WE DO THAT IF IT'S POSSIBLE? BECAUSE RIGHT NOW I'M PROBABLY GOING TO SUPPORT IT. IF I CAN GET SOME MORE INFORMATION ON WHAT YOU'RE SAYING AND WHAT EVERYBODY ELSE IS SAYING. ALL THIS HAS COME UP -- WE'VE BEEN HERE FOR AT LEAST THE LAST 10 MINUTES ON THIS ITEM. MAYBE I SHOULD HAVE ASKED FOR IT.

Mayor Wynn: COUNCILMEMBER, ACTUALLY, I DON'T SEE ANY LEGAL -- I DON'T SEE WHY THERE WOULD BE A LEGAL ISSUE THAT WOULD JUSTIFY A CLOSED SESSION.

MAYOR AND COUNCILMEMBERS, WE ARE CERTAINLY POSTED UNDER OUR GENERAL ITEMS TO GO INTO AN EXECUTIVE SESSION TO DISCUSS LEGAL ISSUES RELATED TO THIS. AND IT DOES SOUND TO ME AS IF AT THIS POINT THE WISDOM OF DOING OR NOT DOING, I CERTAINLY WILL ABIDE BY THE COUNCIL'S ISSUES AND GIVE ADVICE ON LEGAL ISSUES AS TO THIS.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I HAVE A SIMILAR CONCERN TO COUNCILMEMBER THOMAS. IN SPECIFIC, I KNOW THAT OUR CONTRACTUAL NEGOTIATIONS ON SPECIFIC ECONOMIC DEVELOPMENT PACKAGES ARE PRIVILEGED DISCUSSIONS. I DO HAVE SOME LEGAL QUESTIONS RELATING TO OUR CONTRACTUAL NEGOTIATIONS -- CONFIDENTIAL CONTRACTUAL NEGOTIATIONS THAT I THINK NEED TO BE BROUGHT UP IN EXECUTIVE SESSION AND SIMILAR QUESTIONS ALONG THE LINES OF COUNCILMEMBER THOMAS.

Mayor Wynn: WELL, THEN, WE SHOULD AT LEAST TABLE AMENDMENT NUMBER 2. AND I GUESS MY QUESTION THEN TO YOU, COUNCILMEMBER MCCRACKEN, IS DO THOSE SAME LEGAL QUESTIONS COME UP IN AMENDMENT NUMBER 3 AND 4? THAT IS, RELATED TO STRIKING THE PENALTY IF YOU WILL ON AMENDMENT 3 AND ITEM NUMBER 4 DESIGNATING -- THE DESIGNATION OF DATA CENTERS AND CALL CENTERS?

McCracken: IT WOULD ONLY UNDER THESE CIRCUMSTANCES, MAYOR. BASED ON THE INFORMATION THAT'S BEEN PRESENTED TODAY SO FAR, I AM COMFORTABLE WITH AMENDMENTS 3 AND 4. IF INDIVIDUAL MEMBERS HAVE QUESTIONS ON ITEMS 3 AND 4 THAT WOULD RECOGNIZE SOME OF THESE SAME LEGAL ISSUES REGARDING CONFIDENTIAL CONTRACTUAL NEGOTIATIONS, THEN I'D WANT TO DISCUSS THOSE IN EXECUTIVE SESSION. RIGHT NOW I DON'T SEE THAT NEED -- I DON'T SEE THAT THAT NEED HAS ARISEN YET.



Mayor Wynn: WELL, COUNCIL, WE HAVE A REQUEST FROM A COUNCIL OR TWO FOR, I GUESS, LEGAL ADVICE ON THIS AMENDMENT. SO MY RECOMMENDATION WOULD BE THAT WE TABLE DISCUSSION. AND WHEN WE GO INTO CLOSED EXECUTIVE SESSION, WE WILL ADD THIS TO THE AGENDA FOR CLOSED SESSION. AND I GUESS NOW THE QUESTION IS WHETHER WE TRY TO GET THROUGH THE THIRD OR FOURTH RECOMMENDED AMENDMENT. COUNCIL, LET'S GO TO AMENDMENT NUMBER 3. WHICH, AS WE HEARD, THE RECOMMENDATION IS TO STRIKE IN PARAGRAPH J THE PRAISE FRIES, AND WILL REQUIRE THE RETURN OF ALL INCENTIVE FUNDS RECEIVED. AND THAT IS THE FACT THAT THESE INCENTIVES ARE ESSENTIALLY PAID IN ARREARS THEY WILL HAVE PERFORMED. THE QUESTION IS IF THEY AREN'T COMPLIANT WITH THE ENTIRE SCOPE OF OUR ORDINANCES, THEN THEY WOULD NO LONGER BE ELIGIBLE FOR THE INCENTIVES. SO I'LL ENTERTAIN A MOTION ON A PROPOSED AMENDMENT NUMBER 3.

Slusher: MAYOR, I WOULD JUST POINT OUT THAT IF AMENDMENT NUMBER 3 WERE TO PASS, IT WOULD RENDER MOOT THE SUBSTITUTE MOTION WHETHER IT PASSED OR NOT.

Thomas: MAYOR.

Slusher: THEN WHEN WE GET TO 4, I THINK THAT'S GOING TO RENDER A FEW THINGS MOOT TOO. BECAUSE THERE WOULD BE NO REMEDY. RIGHT NOW THE REMEDY IS THAT ANY INCENTIVE FUNDS ALREADY RECEIVED GO BACK DURING THE TERM OF THE AGREEMENT, BUT THERE WOULD BE NO REMEDY FOR THIS. THEY WOULD STILL RECEIVE THE FUNDS.

I'M NOT SURE I UNDERSTAND. I'M SORRY, COUNCILMEMBER. SAY IT ONE MORE TIME. WHICH AMENDMENT ARE YOU SPEAKING TO?

Slusher: 3.

SAY IT ONE MORE TIME.

Slusher: THIS AMENDMENT WOULD CROSS OUT, AND WILL REQUIRE THE RETURN OF ALL INCENTIVE FUNDS ALREADY

RECEIVED.

Futrell: YES. WHAT THIS AMENDMENT SAYS IS THAT INSTEAD OF REQUIRING THE REBATE OF THE ABATEMENTS, THAT IT SIMPLY SAYS IF YOU VIOLATE IN YEAR TWO, YOU DO NOT RECEIVE YEARS 3 THROUGH 10, INSTEAD OF RETURNING FUNDS. THAT IS WHAT THIS AMENDMENT DOES.

Slusher: SO WHAT I SAID EARLIER IN RESPONSE TO THE MAYOR PRO TEM'S QUESTION -- IF YOU GO TO TWICE THE TERMS OF THAT ECONOMIC DEVELOPMENT, WHICH IS THE ONE WE MOMENTARILY TABLED, THEN FOR THE OTHER YEARS THERE WOULD BE NO REMEDY FOR IF THEY DID VIOLATE THAT. THIS IS THE REMEDY THAT'S BEING TAKEN OUT.

AND JUST MAYBE TO HELP OUT A LITTLE BIT. BECAUSE ON YEAR 10 THE CITY WOULD CUT ITS LAST CHECK, BUT THERE WOULD BE A CONTRACTUAL OBLIGATION ON THE PART OF THE COMPANY FOR YEARS 11 THROUGH 20. IN YEARS 11 THROUGH 20, IF THE ENVIRONMENTAL LANGUAGE IS VIOLATED, THE CONTRACT ENDS AND THERE IS NO FUTURE ABATEMENT IN THOSE YEARS BECAUSE UNDER THE SUBSTITUTE MOTION, THEY RECEIVED THE LAST PAYMENT IN YEAR 10 ON PERFORMANCE, AND THEY HAD A REQUIREMENT THAT LASTS BETWEEN YEARS 11 AND 20, IN THE EXAMPLE OF A 10-YEAR ABATEMENT.

Slusher: THAT'S MY POINT.

SO BASICALLY WITHOUT A DECISION ON AMENDMENT 2, YOU CAN'T MAKE A DECISION ON AMENDMENT 3.

Mayor Wynn: WELL, COUNCIL, LET'S CONSIDER THAT A REQUEST TO ALSO DISCUSS AMENDMENT NUMBER 3 IN CLOSED SESSION AS IT'S RELATED TO AMENDMENT NUMBER 2.

Slusher: AND MY POINT IS IF WE ARE GOING TO DISCUSS IT IN CLOSED SESSION, THEN I DON'T -- IF WE DO THAT, THERE'S NO POINT -- IF WE PASS THIS, THERE'S NO POINT IN FURTHER DISCUSSION ON AMENDMENT 2.

Mayor Wynn: OKAY. WELL, I AM OPPOSED TO HAVING THIS --

Slusher: WHAT I'M TRYING TO DO IS -- I'M FINE WITH DOING IT OUT HERE. OBVIOUSLY I HAVEN'T HAD ANY PROBLEM WITH TALKING ABOUT IT.

Mayor Wynn: I'LL ENTERTAIN A MOTION ON AMENDMENT NUMBER 3 AS OUTLINED BY STAFF. >>

Dunkerley: I WOULD MOVE APPROVAL OF AMENDMENT NUMBER 3, LIMITING THE -- LIMITING THE INCENTIVE PACKAGE TO READ THAT YOU -- IF YOU BREAK THE RULES, YOUR INCENTIVE PACKAGE IS CANCELLED, BUT YOU DON'T HAVE TO PAY BACK WHAT YOU'VE ALREADY EARNED.

Mayor Wynn: I'LL SECOND THAT MOTION ON AMENDMENT NUMBER 3. FURTHER COMMENTS? MAYOR PRO TEM.

Goodman: I'M TORN ON THIS ONE BECAUSE IN EFFECT IF THEY COME THROUGH WITH WHAT THEY SAID THEY WERE GOING TO DO, SO THEIR AGREEMENT WITH THE CITY AND THE ECONOMIC DEVELOPMENT BENEFITS HAS BEEN IN PLACE; ALTHOUGH WE'RE TALKING ABOUT THE INTERMINGLING OF THESE AMENDMENTS AND HOW ONE IMPACTS THE OTHER. SO I WON'T BE ABLE TO VOTE FOR THIS BECAUSE WE'VE NOT YET GIVEN COUNCILMEMBER THOMAS THE COURTESY OF DISCUSSING WHAT HE WANTED TO DISCUSS. AND SO FOR ME THE CONVERSATION IS OVER. IF YOU ALL WOULD LIKE TO GO AHEAD WITH ALL OF THESE AMENDMENTS NOW AND VOTE FOR THEM, I GUESS THAT'S YOUR PRIVILEGE IF YOU'RE IN THE MAJORITY, BUT I AM UNCOMFORTABLE HAVING IN EFFECT USED THE PARLIAMENTARY MOTION AND POWER WE HAVE TO DISMISS HIS ABILITY TO HAVE HIS CONVERSATION.

Mayor Wynn: WELL, COUNCIL, WE ARE OBVIOUSLY HAVING MULTIPLE REQUESTS TO TAKE SOME INTO CLOSED SESSION, SO WITHOUT OBJECTION, LET'S TABLE AMENDMENTS 2, 3 AND 4, AND WE WILL ADD ITEM NUMBER 52 TO OUR CLOSED SESSION AGENDA.

Slusher: MAYOR, AT THIS POINT, THE CITY ATTORNEY TELLS US THE CLOSED SESSION, I REALIZE THAT'S COMING FROM

MY POTENTIAL ALLIES, BUT I WANT TO REALIZE THAT WE'RE ON FIRM GROUND IN HAVING A CLOSED SESSION ON THIS BECAUSE I'M OKAY WITH THIS VOTE. HAVING THE DISCUSSION OUT HERE.

I BELIEVE THAT OUR AGENDA IS WORDED SUFFICIENTLY TO GO INTO A CLOSED SESSION TO DISCUSS LEGAL ISSUES RELATED TO THE POSTING, BUT I DON'T BELIEVE WE'RE ABLE TO DISCUSS IN THE CLOSED SESSION THE -- (MIC INTERFERENCE).

Slusher: SO ONLY THEN WHETHER A PARTICULAR THING IS LEGAL OR NOT, NOT WHETHER IT'S PRUDENT OR WISE.

THAT'S MY OPINION, COUNCILMEMBER.

Slusher: WELL, I'M NOT AGREEING, BUT I ACCEPT YOUR ADVICE.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION WE'LL TABLE ITEM NUMBER 52 AND TO BE TAKEN UP LATER IN THE DAY IN CLOSED SESSION. SO WE HAVE A FEW MINUTES BEFORE OUR NOONTIME CERTAIN CITIZEN COMMUNICATION. WHY DON'T WE GO BACK TO ITEM NUMBER 25, WHICH WAS RELATED TO A CONSTRUCTION CONTRACT FOR THE METS RECREATION CENTER. METZ RECREATION CENTER.

Alvarez: THANK YOU, MAYOR. 25 AND 26 ARE RELATED ITEMS. IT REALLY IS THE APPROVAL OF A CONTRACT FOR AN EXPANSION OF THE METZ RECREATION CENTER, AND THERE'S BEEN A REQUEST FOR INCREASED CONSTRUCTION BY OUR STAFF AND SO FOLKS BY THE COMMUNITY WHEN THEY SEE THIS, THEY WILL HAVE AN IDEA OF WHAT IS HAPPENING AND HOW WE'RE IMPROVING THE FACILITIES AT THE METZ RECREATION CENTER.

THANK YOU, CITY COUNCILMEMBER. WARREN STRIEWZ. I AM BRINGING YOU ITEM 25 AND 26 FOR YOUR APPROVAL TODAY. IT'S AN EXCITING PROJECT. THIS IS THE METZ RECREATION CENTER THAT WAS APPROVED BY COUNCIL TO CONSTRUCT IN '02 AND '03. AND BRING WITH YOU THE DESIGN OF THE METZ RECREATION CENTER. THE OLD EXISTING METZ IS LOCATED RIGHT OVER NEXT TO THE HOLLY STREET POWER

PLANT ON CANTER BURY. IT IS AN EXISTING RECREATION CENTER OF ABOUT 3,000 SQUARE FEET. WHAT WE'RE PROPOSE TO GO DO IS ANOTHER 2100 SQUARE FEET OF EXPANSION TO THE RECREATION CENTER. AND IN THAT EXPANSION WE'RE ALSO RECOMMENDING THAT WE COME IN AND APPROVE THE RESTROOMS, THE KITCHEN, THE ACTUAL FLOW OF THE CENTER AND ALSO OFFICE SPACE AND SO FORTH. THE IMPORTANT NOTE, COUNCILMEMBER, THAT I'D LIKE TO MAKE IS THAT WE'RE ALSO IMPROVING THE EXISTING INFRASTRUCTURE, WHICH IS THE ROOF AND THE DRAINAGE AND ALSO ALL OF THE -- ALL OF THE A.D.A. ACCESSIBLE RESTROOMS AND PARKING. SO THE PARKING AND INFRASTRUCTURE SUPPORT WILL ALSO BE PART OF THE PROJECT AS WELL. SO WITH THIS WE WILL INCLUDE AN EXPANSION OF 2100 SQUARE FEET OF RECREATIONAL PROGRAM SPACE HERE THAT WILL PROVIDE DANCE SPACE, COMMUNITY SPACE, ALSO OTHER TYPES OF SPACE THAT WILL PROVIDE A GREAT OPPORTUNITY FOR RECREATIONAL ACTIVITIES AS WELL AS IMPROVE THE INFRASTRUCTURE ITSELF FOR MANY YEARS TO COME. THE AIR CONDITIONING SYSTEM WILL ALSO BE BRAND NEW, AS INDICATED, AND WE'RE JUST EXCITED ABOUT THIS PROJECT.

Alvarez: THANK YOU, MR. STRUSE. IT IS AN EXCITING PROJECT AND WE WERE ABLE TO DO A LOT MORE THAN WHAT WE ORIGINALLY INTENDED, WHICH WAS OBVIOUSLY AN EXPANSION AND TO IMPROVE THE AMOUNT OF SPACE AVAILABLE FOR USE BY THE COMMUNITY, BUT IN THE PROCESS WE'VE BEEN ABLE TO UPGRADE THE FACILITY, THE ROOF, THE HEATING AND VENTILATION SYSTEMS. THERE WILL BE A NEW ENTRANCE AND I THINK A BETTER LAYOUT FOR THE OFFICE SPACE AND THE SURROUNDING ACTIVITY ROOMS. AND A VERY, VERY NICE ADDITION THAT WILL AGAIN SERVE THE COMMUNITY IN MANY DIFFERENT WAYS. BUT BECAUSE WE'RE ABLE TO DO ALL THIS, IT COSTS A LOT MORE THAN THE AMOUNT THAT WE HAD SET ASIDE THROUGH THE HOLLY MITIGATION PROGRAM. AND I CERTAINLY DO WANT TO THANK AUSTIN ENERGY FOR FUNDING BASICALLY ANOTHER GREAT FACILITY EXPANSION, IN THIS CASE FOR IMPROVEMENT, BUT ALSO THANK YOU MR. STRUS MR. STRUSE AND THE CITY MANAGER FOR FIGURING OUT A WAY THAT WE COULD ALSO UPGRADE THE THINGS

THAT NEEDED UPGRADING, SUCH AS THE ROOF AND HVAC AND THE RESTROOMS, ETCETERA, PARKING. SO I THINK WE'RE GETTING A LOT OUT OF THIS MONEY, BUT WE WANT TO MAKE SURE THAT WE THANK AUSTIN ENERGY AND THE HOLLY MITIGATION PROGRAM AND ALSO YOURSELF AND THE CITY MANAGER FOR BEING CREATIVE ABOUT HOW WE GET ALL OF THESE VARIOUS NEEDS MET.

THANK YOU, COUNCILMEMBER. AND ALSO IT'S IMPORTANT TO NOTE THAT THE METZ ADVISORY BOARD IS VERY, VERY EXCITED ABOUT THIS PROJECT AS WELL AND ALL THE STAKEHOLDERS ARE INVOLVED AND EXCITED ABOUT SEEING THE GROUND MAKE BRAIKING ON THIS AND WE'RE VERY PLEASED TO BE ABLE TO BRING THIS TO YOU ON SCHEDULE AS WELL.

Mayor Wynn: THANK YOU, MR. STRUSE. SO COUNCILMEMBER, I'LL CONSIDER YOUR COMMENTS A MOTION TO APPROVE THE COMBINED MOTION OF 25 AND 26, MADE BY COUNCILMEMBER ALVAREZ. I'LL SECOND THAT. FURTHER DISCUSSION ON ITEMS 25 AND 26 RELATED TO THE METZ RECREATION CENTER EXPANSION?

Thomas: MAYOR, JUST ONE QUESTION. IN THAT PARTICULAR EXPANSION, AND I'M SORRY IF I DIDN'T HEAR YOU BECAUSE I WAS TALKING. IS THERE AN AREA IN THAT ACTIVITY CENTER FOR SENIOR CITIZENS?

ABSOLUTELY, COUNCILMEMBER, YOU BET. AS A MATTER OF FACT, THE EXPANSION THAT YOU SEE HERE, THERE WILL BE A GREAT OPPORTUNITY FOR THE SENIORS AND THEIR PROGRAMMATIC SPACE.

Thomas: THANK YOU VERY MUCH.

Mayor Wynn: FURTHER COMMENTS ON ITEMS 25 AND 26? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION IS PASSED ON A VOTE OF 7 TO ZERO.

MAYOR, REAL QUICKLY, IF I COULD MENTION AS FAR AS TSUNAMI RELIEF EFFORTS, MATT COMMERCE, YOUR AIDE, NEEDS A WHOLE LOT OF RECOGNITION. MATT HAD A LOT TO DO WITH THAT. MATT MATT THANK YOU. AGREED. --

Mayor Wynn: THANK YOU, AGREED. COUNCIL, EARLY AREAR WE APPROVED ITEM 28. WE HAD A SINGLE PERSON SIGNED UP, MR. JOSEPH MURPHY. ALTHOUGH WE APPROVED THAT ITEM UNANIMOUSLY, MR. MURPHY IS REQUESTING THE ABILITY TO ADDRESS THE COUNCIL. WITHOUT OBJECTION, I'LL RECOGNIZE MR. JOSEPH MURPHY FOR THREE MINUTES.

I HAVE SOME EXHIBITS FOR THE COUNCIL. GOOD MORNING, MAYOR AND COUNCILMEMBERS. MY NAME IS RICK SOLDIER AND I'M HERE TODAY WITH JOSEPH MURPHY AND HERE HERE ON BEHALF OF THE TVE GROUP, WHICH IS A SERVICE PROVIDER. AND WE WOULD LIKE TO GO ON RECORD TODAY AS OPPOSING THE VOTE FOR AGENDA ITEM NUMBER 28. AND WE WERE ASKING THAT YOU -- THE COUNCIL TABLE THE VOTE TODAY UNTIL THE SELECTION COMMITTEE CAN RE-EXAMINE THE FOLLOWING TWO ITEMS. WE FEEL HAVE BEEN MISREPRESENTED BY SEVERAL OF THE FIRMS RECOMMENDED, AND THERE BY UNFAIRLY JUDGED BY THE SELECTION COMMITTEE. THE FIRST ITEM THAT WE ARE QUESTIONING IS ITEM NUMBER 3 ON THE EVALUATION MATRIX THAT YOU HAVE IN FRONT OF YOU. THE EXPERIENCE OF THE PROJECT MANAGER AND THE PRINCIPAL OF THE FIRM. THE TBE GROUP RECEIVED THE LOWER SCORE AND WAS LOWER THAN ONE FIRM THAT WAS SELECTED THAT WE BELIEVE AND FEEL VERY CONFIDENT HAS LESS EXPERIENCE. AND WE FEEL THAT THIS SCORE WAS BASED ON THE EXPERIENCE OF ONE OF THE SUB CONSULTANTS, WHICH IS CLEARLY NOT ALLOWED PER THE SELECTION CRITERIA STATED FOR THIS CONTRACT. SO WE WOULD LIKE THIS ITEM TO BE REVIEWED AGAIN BY THE SELECTION COMMITTEE, IF POSSIBLE. THE SECOND ITEM OF CONTENTION IS THE FACT THAT THREE OF THE SIX FIRMS THAT ARE BEING SELECTED FOR THIS CONTRACT AS THE PRIME CONSULTANT ARE USING OTHER PRIME CONSULTANTS THAT WERE SELECTED AS THEIR SUB CONSULTANTS. THIS WOULD GIVE THE FIRMS ONE -- THIS WOULD GIVE THE FIRMS MORE THAN ONE OF THE CONTRACTS WHICH WERE ISSUED, AND WE FEEL

CONTRADICTS THE CITY'S INTENTIONS OF FAIRLY DISTRIBUTING THE WORK OUT AMONG SEVERAL QUALIFIED FIRMS. AND THOSE ARE THE TWO MAJOR POINTS THAT WE WOULD LIKE TO OBJECT TODAY AND ASK THAT -- RESPECTFULLY ASK THAT THE COUNCIL TABLE THE VOTE UNTIL FURTHER REEXAMINATION INTO THIS CONTRACT.

Mayor Wynn: THANK YOU, MR. MURPHY. COMMENTS, QUESTIONS, COUNCIL? TECHNICALLY, MR. MURPHY, WE'VE ALREADY VOTED UNANIMOUSLY TO APPROVE ITEM NUMBER 28. THROUGHOUT THE COURSE OF THE MEETING, ANY COUNCILMEMBER CAN MAKE A MOTION TO RECONSIDER THAT MOTION AND THERE CAN BE A VOTE TO DO THAT. PERHAPS IF A COUNCILMEMBER HAS A QUESTION OR TWO, THERE'S TIME THROUGHOUT THE DAY TO TALK WITH CITY STAFF TO TRY AND VIER FI WHAT O.O. VERIFY WHAT THESE MAY BE.

AND WE ARE HERE IF YOU HAVE ANY QUESTIONS OR NEED ANYTHING ANSWERED.

Mayor Wynn: THANK YOU, MR. MURPHY. COMMENTS, QUESTIONS? MAYOR PRO TEM.

Goodman: I'M NOT SURE WE HAVE ENOUGH INFORMATION TO ASK A QUESTION, SO COULD WE ASK SONDRRA TO GIVE US A SUMMARY OF THE ISSUES RAISED LATER ON IN THE MEETING AND THEN IF ANY OF US HAVE ISSUES, WE CAN BRING IT BACK UP AND RECONSIDER IT?

Mayor Wynn: YES, THANK YOU. COUNCIL, LET'S SEE, WE HAVE GONE THROUGH ALL OUR DISCUSSION ITEMS. WE HAVE A COUPLE OF MINUTES TO SPARE BEFORE -- THERE'S NOT A CLOCK IN THE ROOM. MY COMPUTER TELLS ME IT'S 11:55. I DON'T HAVE A WATCH ON TODAY. SO WE CAN'T TAKE UP OUR CITIZEN COMMUNICATION. PERHAPS -- CITY MANAGER, PERHAPS IF MS. CREIGHTON COULD GIVE A BRIEF PRESENTATION NOW?

SHE WAS ON HER WAY UP AND SHE STOPPED HER. SHE COULDN'T HEAR FROM THE MICROPHONE IT'S CUTTING IN AND OUT SO BAD. GO AHEAD, SONDRRA.



AS YOU KNOW, THIS IS A CONSULTANT SELECTION PROCESS, WE DO HAVE A PANEL OF QUALIFIED STAFF WHO DOES REVIEW EACH OF THE SUBMITTALS. AND I DID GET A CALL FROM THIS CONSULTANT LAST WEEK, AND WE HAVE GONE THROUGH AND REVIEWED EVERYTHING THAT WE CAN, AND WE DON'T FEEL LIKE THERE'S ANYTHING THAT'S BEEN MISREPRESENTED OR THAT'S INAPPROPRIATE THAT'S HAPPENED IN THIS SELECTION.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS, COUNCIL?

AND JUST IN TERMS OF THE SUBCONSULTANTS, IT'S VERY COMMON FOR MANY OF THE PRIMES TO USE SOME OF THE SAME SUBCONSULTANTS ON THEIR SUBMITTALS. IN THIS CASE THERE WERE SOME THAT USED SOME OF THE SAME SUBCONSULTANTS AND THEN OTHER PRIMES USE SOME DIFFERENT ONES, BUT THAT'S COMMON IN ALL OF OUR SELECTION PROCESSES.

Mayor Wynn: THANK YOU, MS. CREIGHTON. COMMENTS, QUESTIONS, COUNCIL? OKAY. THANK YOU. THERE NOT BEING A CLOCK ANYWHERE ON THE WALLS -- OKAY. WE THINK IT'S NOON. SO WITH THAT WE CAN GO TO OUR GENERAL CITIZEN COMMUNICATION. AND WE HAVE A NUMBER OF FOLKS SIGNED UP FOR THAT. I WOULD LIKE TO WELCOME OUR FIRST COUPLE OF SPEAKERS FROM THE AUSTIN POETRY SOCIETY. I'D LIKE TO WELCOME MR. DYLAN MCKENZIE. WELCOME.

MAYOR WYNN, COUNCILMEMBERS, CITIZENS OF AUSTIN, I'M PLEASED TO HAVE BEEN INVITED HERE TODAY TO HONOR POETRY IN OUR CIVIC LIFE. THESE ARE DANGEROUS TIMES, TIMES TESTING THE VERY SOUL AND CONSCIOUS OF OUR NATION AND YET TIMES OF WONDER RUSS POTENTIAL AS WELL. POETRY HAS A LONG TRADITION OF BEING A PIVOTAL RESOURCE IN TIMES SUCH AS THESE. I'M HERE TO ADVOCATE THAT YOU INFUSE YOUR LEGISLATIVE AND GOVERNING ACTIVITIES WITH THE ENRICHING AND HUMANIZING VOICE OF YOUR POETS. FEW LEADERS ATTAIN THE STATISTIC TOUR OF JOHN FITZGERALD KENNEDY. OF POETRY HE SAID THE FOLLOWING, AND I QUOTE, WHEN POWER LEADS MAN TOWARDS ARROGANCE, POETRY REMINDS HIM OF HIS LIMITATIONS. WHEN POWER NARROWS

THE AREA OF MAN'S CONCERN, POETRY REMINDS HIM OF THE RICHNESS AND DIVERSITY OF EXISTENCE. WHEN POWER CORRUPTS, POETRY CLEANSSES, END QUOTE. SUCH SAGE ADVICE IS I BELIEVE YET NEEDED TODAY. AND I AM HONORED TO INTRODUCE TO YOU TODAY MS. PEGGY. SHE IS THE POET OF INTERNATIONAL STATURE. SHE STEFERBZ ON THE BOARD OF THE TEXAS POETRY SOCIETY. IS FOUNDER OF POETRY IN THE ARTS HERE IN AUSTIN AND AN ACTIVE MEMBER AND EXECUTIVE IN THE AUSTIN POETRY SOCIETY. SHE WOULD PROBABLY BE EMBARRASSED FOR ME TO TELL YOU THIS, BUT SHE WAS RECENTLY SOUGHT OUT TO BE THE TEXAS STATE POET LAUREATE. BUT BECAUSE OF THE DEMANDS OF IT, SHE DECLINED. SHE IS HERE TO SHARE A BIT OF HER POETRY WITH YOU. WHEN SHE HAS COMPLETED HER READING I WILL RETURN TO THE MIC AND CLOSE WITH A POEM THAT I HAVE WRITTEN ESPECIALLY FOR THIS OCCASION OF YOUR FIRST MEETING IN THIS GRAND BUILDING. PEGGY LYNCH.

MAYOR AND CITY MANAGER, CITY COUNCIL, IT'S MY PLEASURE TO HAVE THIS OPPORTUNITY TO READ SOME OF MY POETRY TO YOU. THE POET SITS AMONG MEMORABILIA ENCIRCLED BY A COCOON OF WORDS AND POETIC INSIGHT IN CRYONIC STATE FROM WHICH HE EINVOLVES. BITS AND PIECES WOVEN INTO THE FABRIC OF THE PAPER TUNE. GLIMPSE LIGHTNING FLASHES A GLIMPSE OF YOU. YOU BESIDE ME, CLOSE, ALMOST AS BREATH. THE DARK OF THE PLANE ON TAKEOFF DOESN'T BLOCK YOU OUT OF VIEW. YOUR PRESENCE IS HERE. WHEN AGAIN THE CAPTAIN LANDS THE PLANE, YOUR SMILE PLAYS BEYOND OUR LIPS, YOUR INNER REACH OF SOUL SHINES THROUGH FOR ME TO VIEW. BECAUSE YOU CAN NO LONGER EXPLAIN, I AM NOT OF YOUR PLANE. A TRUE TEXAN. A TRUE TEXAN WEARS THE LONE STAR IN HIS HEART AS WELL AS OVER IT. A TRUE TEXAN MATCHES HIS VALOR AGAINST ANYONE AT THE DROP OF A HAT. A TRUE TEXAN CLINGS TO HIS LAND NOT AS LANDING GENERALLY, BUT AS -- GENTLY, BUT AS GENTLY TO THE LAND. IT'S HIS DOMAIN, HIS KINGDOM. OUT OF THE SAND, THE BRUSH, THE CACTUS, THE MESQUITE, THE PLUSH METROPOLITAN CITIES, WHEREVER THE LONE STAR FLIES, THE PEOPLE WHO ARE TRULY TEXANS VIE AND DEFY THE RUGGED TORNADOS, THE DEMOLISHING FLOODS, THE

BURNING DROUGHTS, THE UNEXPECTED CRIME. THEY  
TAKE WHAT COMES AND STRETCH THE MIND TO WHERE THE  
FORTUNES DECREE. TWO MEN OF GRIT. WHERE TEXAS AND  
ITS RUGGED INDIVIDUALISTS. WE CAN LIVE IN A HOVEL OR A  
PALACE. IT MAKES NO DIFFERENCE, WE HAVE NO MALICE.  
WE'RE GAME TO WHATEVER DESTINY DEALS US. THE NATION  
LOVES US. WE'RE FUNDAMENTAL AGRICULTURE TAG NISTS  
FOR WHATEVER OUT DOES US. WE JUST GO ON AND BUCK  
UP. YES, WE'RE RUGGED INDIVIDUALISTS. WE'RE TEXANS.  
THE NATION LOVES US. THANK YOU.

Mayor Wynn: THANK YOU, MS. LYNCH.

THIS IS CALLED THE COUNCIL OF POETS, SEL. I ALWAYS GET  
THOSE MIXED UP. THIS IS THE COUNCIL OF POETS. HE KNEW  
THE POWER IN A THOUGHTFUL POEM. IT WAS HIS PLAYFUL  
DEMUR TO ROAM AND ALL HIS VENTURES TO REMAKE THE  
WORLD WITH WAR. HE SAID WITH WORDS THE MINDS IS  
WINGS, SAID THAT AND SO MUCH MORE. HE KNEW THE POET  
HAS NO TURRET, GUN OR SHELL. HIS VERSUS ADD NO  
SOULS TO HEAVEN'S GATES OR GATES OF HELL, BUT WHEN  
THE POET'S HEART IS PURE, HIS PEN'S A SHARPENED GRADE  
ALIGNED UPON THE SANDS OF TIME, SO CHANGES DEEP  
WITHIN ARE MADE. JOHN KENNEDY SAID POETRY REMIND US  
OF OUR LIMITATIONS, MITIGATING UNCHECKED POWERS,  
DARK CONTATIONS. CLEANSING WITH WET WORDS FROM  
SOULFUL WELL OUR TENDENCY TO SEE HUMANITY  
ACCEPTED, CHARCOAL LAYERED, ANCIENT TAILS.  
SANDBURG SAID POETRY WAS PHANTOM SCRIPT, A PACK  
SACK OF INVISIBLE KEEP SACKS, MAGIC WORDS TO SAY  
WHEN WE ARE LOST AND MEET SOME INNER LIGHT A TORCH  
TO PASS OUR CHILDREN AS THEY JOURNEY ON, A BEACON  
IN THE DARKNESS OF THEIR NIGHT. GINSBERG SAYS THE  
ONLY THING THAT CAN SAVE THE WORLD IS RECLAIMING AN  
AWARENESS OF THE WORLD AND THAT'S WHAT POETRY CAN  
DO, HE SAID. AND IN TODAY'S CHAOTIC CLIMB WE NEED  
SUCH POEM IN OUR HEAD. THEY SAID THAT POETRY WAS  
FOOD OR DRINK THAT NONE CAN DO WITHOUT. OTHER DRIFL  
LEAVE US HUNGRY. OF THAT THERE'S LITTLE DOUBT. WE  
NEED THE FOOD THAT OLYMPUS KNEW AND PARTISAN STEW  
WON'T DO. THE WISE MEN OF ASIA AND LANDS TO THE EAST  
SAW MANKIND DIVINE INSTEAD OF A BEAST. AND VIRTUE  
AND WISDOM ALIKE, WHERE JUSTICE FOR ALL CAN ONLY

COME TRUE. EMERSON SAID POETRY CAN SET US FREE AND WE SING OF SUCH THINGS WITH OUR LIBERTY AND WORDS AND MUSIC ARTISTS WROUGHT TO LIFT OUR SPIRITS AND GIVE US HOPE, REMIND US WHAT OUR FOUNDERS SOUGHT. I CLOSE THEN WITH THESE WORDS OF SHARED ADMONITION. KNOWING JUST LIKE YOU THE WORLD'S FRAGILE CONDITION AND WONDER, MIGHT WE SPEAK WITH YOU AGAIN WITH WORDS THE MUSES SHARED TO HEAL AS SPRINGTIME RENEWS OUR BONNETS WITH RAIN. WORDS WERE SAID, THE POETS MAKE US WORDS OF TRUTH AND OTHER USEFUL DELIGHTS. I SAY WE NEED THE WORD SMITH ANVIL FAR MORE THAN BRAVER KNIGHTS. WHERE PEACE AND LOVE AND CARE ARE FASHIONED INTO POETRY WHICH POETS BECK ON GLADLY SHARE. SO LEGISLATORS, LEADERS ALL, GOOD STEWARDS OF TOMORROW, LET NOT YOUR GOOD BE IDLE WORDS NOR LEND YOUR STRENGTH TO SORROW, BUT JOIN THE POETS IN CREATION'S SONG. BE AND HEAR THE PEOPLE'S VOICE. AND WHEN WELL VERSED LEAD ON. THANK YOU, MAYOR, COUNCIL. >>

MAYOR WYNN: THANK YOU VERY MUCH. IN FACT, WE'LL INCLUDE POETRY READING FOR US IN A CEREMONY LATER TODAY. OUR THIRD SPEAKER IS MR. WALTER TIMBERLAKE. WELCOME, WALTER. YOU'LL HAVE THREE MINUTES AND BE FOLLOWED BY PAUL AVINA.

THANK YOU VERY MUCH, MAYOR, MAYOR PRO TEM AND CITY MANAGER AND STAFF. AND THE COUNCIL. I COME TO YOU TODAY TO -- MY NAME IS WALTER TIMBERLAKE AND I'M A CITIZEN OF AUSTIN, TEXAS SINCE 1930. I'VE LIVED HERE ALL MY LIFE. I WAS BORN AT BRACKENRIDGE HOSPITAL, WHICH I'M REAL PROUD OF. AND I HAVE A WONDERFUL WIFE NAMED LEWIS SILL WHO IS -- LIEU SILL WHO IS HOME WATCHING US NOW. I TOLD YOU HONEY I WOULD SAY HELLO TO YOU. I COME HERE TODAY BECAUSE I'M SO PROUD OF THE NEW COUNCIL CHAMBERS AND THE CITY HALL. I STARTED GOING TO COUNCIL MEETINGS BACK I GUESS IN 49, 50 WHEN TOM MILLER WAS THE MAYOR AND EMMA LONG SAT ON THE DAIS AND WE HAD LATER ON DICK NICHOLS AND BEN WHITE AND ALL OF THEM, BUT IT WAS ALL TOGETHER DIFFERENT SEATING. THE CHAIRS HERE ARE A LOT MORE COMFORTABLE THAN THEY WERE. AND IT WAS ON A HILL ON EIGHTH AND COLORADO. LOW INCOME THROUGH THE

YEARS, SOME OF US GOT TOGETHER, A FRIEND OF MINE NAMED HENRY HOLMAN, WHO WE WERE INVOLVED IN THE TRAVIS COUNTY LEGISLATIVE CONFERENCE AND LABOR, WHICH I AM A 50 YEAR MEMBER OF THE IBW. WE GOT TOGETHER WITH THE CITY COUNCIL PERSON AND WAS TALKING ABOUT RUNNING FOR THE CITY COUNCIL AND TO BUILD A NEW CITY HALL ON AT THAT TIME CITY OWNED PROPERTY OR THE CITY HAD CONTROL OF IT, THE SQUARE BLOCK ON FIFTH AND RED RIVER AND SIXTH STREET AND WHERE THE LOTTERY COMMISSION IS. THE CITY OWNED THE BUILDING AND THEY HAD CONTROL. THIS WAS DURING THE DEPRESSION. IT WAS WHAT THEY CALLED THE RELIEF BUILDING WHERE PEOPLE STOOD IN LINE FOR HOURS TO GET A LITTLE FOOD. THEY HAD A SING ROOM UPSTAIRS WHERE THEY MADE CLOTHES FOR PEOPLE TO WEAR. THAT'S WHAT THE HISTORY OF THE OLD BUILDING WAS. WE WANTED THE CITY TO BUILD A NEW CITY HALL THERE SO THEY WOULDN'T HAVE TO RUN ALL OVER TOWN LOOKING FOR EVERYBODY. THE POLICE DEPARTMENT, EVERYBODY IN THAT BUILDING. WELL, IT STARTED OUT WORKING GOOD AND THE COUNCIL CHANGED, AS USUAL, AND CHANGED AND SO THE NEW GROUP COME IN. WELL, THE NEXT THING WE KNOW, THEY SOLD THAT BLOCK OF LAND OR TRADED THAT BLOCK OF LAND FOR A QUARTER OF A BLOCK OF LAND BEHIND THE BUILDING ON EIGHTH AND COLORADO FOR PARKING SPACE. AND SO THERE WENT THE CITY HALL. THEN WE TRIED BACK AGAIN SEVERAL TIMES AND THEY WOULD START ON IT AND THE BUDGET WASN'T THERE AND THE NEXT THING IT GOT SHIFTED. BUT I'M PROUD OF ALL WHO WAS INVOLVED IN SEEING THAT THIS BUILDING WAS BUILT AND PUT HERE BECAUSE THIS IS A BEAUTIFUL PLACE AND IT'S -- I DRIVE BY HERE I DON'T KNOW HOW MANY TIMES A DAY WHEN THEY WERE DIGGING THE HOLE AND WATCHING THE CONSTRUCTION ON IT AND HOPING SOME DAY THAT I'D BE ABLE TO COME IN AND SAY SOMETHING. I WANT TO THANK EACH AND EVERY ONE OF YOU AND EVERYBODY AT THE CITY STAFF VOFS INVOLVED IN IT AND THANK YOU VERY MUCH AND GOOD THANK YOU.

Mayor Wynn: THANK YOU. LOOKING WELL. IN FACT, IT WAS 1974, THEN MAYOR ROY BUTLER WAS IN CHARGE OF A VOTE THAT ULTIMATELY BROUGHT THIS PROPERTY, THE THE OLD

CALCASIEU LUMBERYARD. IT TOOK US 30 YEARS TO DELIVER, BUT WE'RE PROUD OF IT AND PROUD OF YOU AND THE PARIS YOU'VE SHOWN THROUGH THE YEARS. MR. PAUL AVINA. WELCOME, SIR. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JOHN McNAB.

THANK YOU, MR. MAYOR. MAYOR, CITY COUNCILMEMBERS, MY NAME IS PAUL AVINA, AND I'M ADDRESSING THE AUSTIN CITY COUNCIL TODAY IN REQUEST FOR HELP FOR RESIDENTS LIVING ALONG SPRINGDALE ROAD IN EAST AUSTIN. UP TO 2002 THE AUSTIN POLICE CONDUCTED TRAFFIC STOP RAIDS EACH SUMMER, POSTING TWO TO SIX OFFICERS IN THE SAME SPOTS AS PREVIOUS YEARS ON EXAGGERATED CHARGES. IN THAT YEAR FROM SPRINGDALE ROAD ALONG, MORE THAN \$800,000 WERE RAISED IN TRAFFIC TICKETS. 75,00075,000 MORE WERE PAID TO TOWING COMPANIES, ATTORNEYS AND THE COMPANIES OPERATING -- AND THE PHONE COMPANIES OPERATING FROM THE COUNTY JAIL. 30% BLACKS AND 20% CAUCASIAN WAS OBSERVED AT ONE TIME. POLICE INVESTIGATORS ULTIMATELY REFUSED TO PERCENT CUTE CRIMINAL ACTS, IGNORING REQUESTS FROM THE AFFECTED NEIGHBORS. I'M ASKING YOU TO HELP US REVIEW THE BILL INTRODUCED BY MR. MIKE KRUSEE AS WELL AS THIS ORDINANCE SIGNED BY MR. KIRK WATSON IN MARCH OF 2001. IT AWARDED THE CONTRACT TO A FRIEND OF AN OFFICER AND SOME TRAFFIC PENALTY LAST YEAR BY GOVERNOR PERRY THAT GIVES THE AUSTIN POLICE COMMANDERS ENOUGH CLOUT TO GO AFTER THE SAME CROWD EVERY YEAR. BECAUSE OF THESE, ONE TICKET NOW EQUALS A ONE WEEK PAYCHECK IN THIS NEIGHBORHOOD. THE STAFF AT THE OFFICE OF THE POLICE MONITOR DON'T MONITOR EVERYTHING AND EVERYTHING IS APPROVED BY THE A.P.D. THE STAFF AT THE GENERAL AFFAIRS DIVISION IGNORES OUR COMPLAINTS. THE STAFF IS (INDISCERNIBLE). THE AUDITORS AND THE UNIT PERSONNEL RECEIVE AND IGNORE COMPLAINTS. AND THE PURCHASING DEPARTMENT HAS MANIPULATED MY CLAIM THAT MR. WATSON'S 2001 MEETING PROCESS WENT FOR A HIGHER BID. YOUR WHITE-COLLAR CRIME DOESN'T WORK AND MUNICIPAL JUDGES UTILIZE RACIST TACTICS TO REACH QUICK GUILTY VERDICTS. I HAVE SOME EVIDENCE OF ALL OF THESE ALLEGATIONS. FOR ALL THESE PEOPLE TO ENFORCE

ABUSIVE LEGISLATION ON EAST AUSTIN RESIDENTS IS AN ENDORSEMENT FROM CITY ADMINISTRATORS FOR EMPLOYMENT IN OUR SCHOOLS, CLINICS, TRANSPORTATION, FIRE, POLICE, HOSPITALS, AIRPORT, EMERGENCY SERVICES, ETCETERA, OF PEOPLE FROM OTHER STATES, AND NEVER OBJECT TO THE PRIVATE SECTOR HIRING FROM OTHER COUNTRIES. THIS COORDINATED DISPLACEMENT COMBINED WITH HIGH TAXES -- VIOLENCE, PROSTITUTION AND ALCOHOLISM AMONG US. YOU SHOULD KNOW THAT THE LOCAL PAPER SUPPORTS THIS. SINCE THESE LAWS TOOK EFFECT MANY PUBLIC SERVANTS ENJOY BETTER PAYCHECKS. WE DON'T HAVE THAT OPTION. PLEASE HELP.

Mayor Wynn: THANK YOU. JOHN McNABB. WELCOME, SIR. YOU WILL HAVE THREE MINUTES. AND BE FOLLOWED BY PAT JOHNSON.

THANK YOU, SIR. MR. MAYOR, COUNCILMEMBERS, GOOD TO SEE YOU GOOD. CITY MANAGER, I HAVE DARLENE WITH ME AND SHE IS SIGNED UP AS NUMBER #. WE WILL ADDRESS EVERYTHING WE HAVE TO SAY IN MY THREE MINUTES AND YOU WON'T HAVE TO DO SPEAKER 7.

Mayor Wynn: FAIR ENOUGH.

ESSENTIALLY THIS IS THE BRANDT ROAD ISSUE, THE FORD DEALERSHIP AREA THAT'S BEING PROPOSED WITH THE GOVERNMENT LAND OFFICE. WHILE OUR ATTEMPT TODAY WAS TO GIVE YOU AN UPDATE ON WHERE WE STOOD AND WE HOPED TO HAVE A MEETING WITH THE REPRESENTATIVES BY NOW. UNFORTUNATELY THAT HAS NOT YET HAPPENED, SO HOPEFULLY WE CAN GIVE YOU SOMETHING MORE NEXT WEEK. RIGHT AFTER COUNCIL MET ON THE SECOND OF DECEMBER WE GOT OUR INSTRUCTIONS FROM Y'ALL AND WE GAFFE A LIST ON 22 ISSUES THAT WE ASKED FOR TO ADDRESS AND WE GAVE IT TO THEM ON 13TH OF DECEMBER. UNFORTUNATELY WE HAVEN'T BEEN ABLE TO GET A RESPONSE FROM FORD, BUT THE GOOD NEWS IS THAT WE ARE SCHEDULED TO MEET WITH THEM TOMORROW MORNING AND WE'RE LOOKING FORWARD TO THAT AND NEXT THURSDAY WE'LL GIVE YOU MORE BEGIN ACTIVE INFORMATION. THANK YOU.

COUNCILMEMBERS, WE THANK YOU FOR YOUR TIME. I'M DARLENE LOUK MUCH. THE PRESIDENT OF THE HOMEOWNERS ASSOCIATION. WE ARE WORKING WITH JOHN AND OUR ATTORNEYS, LANDOWNERS, ARCHITECTS, FOLLOWING THE INSTRUCTIONS YOU GAVE US AT THE DECEMBER SECOND MEETING AND WE HOPE TO BE ABLE TO REPORT SOMETHING POSITIVE BACK TO YOU NEXT THURSDAY. THANK YOU.

Mayor Wynn: THANK YOU, MS. LOUK. MR. PAT JOHNSON. WELCOME MR. JOHNSON. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY JOHNETTE MASON.

NICE FACILITY WE HAVE HERE. 2005, WHAT'S THAT GOING TO BRING US. 2005 WAS KIND OF ROUGH FOR OUR COMMUNITY AND TOWING COMPANIES. YOU KNOW, IT'S A SHAME THIS CITY DISCRIMINATES AGAINST THE HISPANIC COMMUNITY BY NOT ALLOWING THEM THE SAME OPPORTUNITIES AS ME AS YOU. THEY CAN'T CALL THE POLICE DEPARTMENT AT THE ENFORCEMENT LINE AND LODGE A COMPLAINT BECAUSE IF THEY DON'T UNDERSTAND ENGLISH THEY DON'T HAVE AN OPTION DOWN THERE TO LEAVE COMPLAINT. WE ASKED FOR THIS ALL LAST YEAR. STAFF SAYS, WELL, WE CAN DO IT BUT WE NEVER SAID WE WOULD DO IT. YET THIS SEGMENT OF OUR COMMUNITY IS BEING TARGETED EVERYDAY, EVERYDAY. AND THIS CONTINUING ORGANIZED CRIME BEING COMMITTED ACROSS THE STREET FROM THE POLICE STATION WITH NOTHING BEING DONE IS TOTALLY OUTRAGEOUS. WHEN I WAS DOWN AT THE CAPITOL TUESDAY AND WEDNESDAY, WHICH I GOT SPONSORSHIP ON THREE BILLS THAT MOST LIKELY ARE GOING TO PASS, I WAS TELLING OTHER PEOPLE AROUND THE STATE ABOUT HOW OUR CITY COUNCIL AND OUR CITY GOVERNMENT TREATS OUR HISPANIC COMMUNITY. AND THEY WERE ASTOUNDED. THEY'VE ALL GOT PROBLEMS WITH TOWING COMPANIES ALL OVER THE STATE, BUT AT LEAST THEY MAKE AN ATTEMPT TO HELP THE PUBLIC. WE DON'T MAKE ANY ATTEMPT. OUR HISPANIC CITIZENS ARE BEING TARGETED BY TOWING COMPANIES LEFT AND RIGHT. THE POLICE DEPARTMENT WON'T DO ANYTHING BECAUSE THE CITY ATTORNEY ADVISES THEM IT'S A CIVIL MATTER. YOU AS ELECTED OFFICIALS TOOK AN OATH OF OFFICE WHENEVER YOU GOT THESE COUNCIL SEATS TO UPHOLD THE CONSTITUTION AND



THE LAWS OF THE STATE OF TEXAS. YOU DON'T HAVE THE RIGHT TO CHOOSE WHICH LAWS YOU WANT TO ENFORCE. IT'S A SHAME OUR COMMUNITY HAS TO BE SUFFERING LIKE THIS. NOW, THE DETECTIVE TOLD ME SEVERAL TIMES THAT HE WOULD LOVE TO TAKE TOWING COMPANIES OFF THE ROTATION LIST BUT HE'S BEEN INSTRUCTED BY HIS SUPERVISOR NOT TO TAKE ANY TOWING COMPANIES OFF THE ROTATION LIST EVEN THOUGH THEY'VE COMMITTED CRIMINAL OFFENSES. AUSTIN EXPRESS, THE TOWING COMPANY THAT'S TOWING AT THE MOBILE STATION THAT'S CITED BY TXDOT FOR 50 COUNTS, 50 COUNTS OF THE VEHICLE STORAGE FACILITY ACT. THAT'S A CRIMINAL OFFENSE. WHEN I ASKED THE DETECTIVE HAN LON WHY DON'T YOU WRITE A TICKET FOR EACH ONE OF THOSE, HIS COMMENT WAS I DON'T HAVE THE TIME. HE'S ASKED FOR HELP FROM CHIEF KNEE AND HE CANNOT GET IT. THIS COUNCIL HAS ALLOWED STAFF TO TRIM THAT POLICE DEPARTMENT BUDGET TO THE POINT THEY DON'T EVEN HAVE THE MANPOWER TO DO THEIR WORK. CALLING 311 AND BEING ON HOLD 30 MINUTES IS TOTALLY RIDICULOUS. OVER THE WEEKEND I CALLED 311 AND LEFT A MESSAGE ON THE RECORDER. TWO AND A HALF HOURS LATER THE POLICE ARE CALLING ME BACK. [ BUZZER SOUNDS ] I ASKED THE CALL TAKER, I SAID HOW MANY PEOPLE WHEN YOU CALL BACK ARE MAD WHEN YOU CALL THEM BACK THREE HOURS LATER? AND THEY ALL ARE. WHY SHOULD THE CITIZENS HAVE TO SUFFER BECAUSE THIS COUNCIL HAS ALLOWED CITY STAFF TO TRIM OUR BUDGET TO SERVICES THAT WE CANNOT HAVE NO MORE. THANK YOU.

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

Goodman: CAN WE GET THOSE ISSUES BROUGHT UP? I WAS UNAWARE WE TRIMMED THE BUDGET THAT MUCH.

Futrell: I'M NOT SURE EXACTLY WHAT ISSUE YOU WOULD LIKE ME TO GET WITH. THE NOTE I HAVE MADE IS TO TAKE A LOOK AT TOWING VIOLATIONS AND ROTATION LISTS. THAT'S THE ONE I WILL. OUR BUDGET HAS BEEN TRIMMED BY 25% FROM THE GENERAL FUND SIDE, SO YES, THERE ARE SIGNIFICANT REDUCTIONS IN MANY OF OUR DEPARTMENTS.

Goodman: TALK ABOUT 311. >>

FUTRELL: 311 IS UNDERSTAFFED AND IS BEING EVALUATED RIGHT NOW FOR WHAT HAS TO HAPPEN IN THE BUDGET. THE 311 EXPANSION IS FULLY LOOKING AT STAFFING LOAD FOR NEXT YEAR'S BUDGET, BUT 311 IS INTENDED TO BE A NON-EMERGENCY LINE. IT IS INTENDED -- I'M ACTUALLY NOT ASKING FOR A RESPONSE, I'M JUST RESPONDING TO COUNCIL. IS INTENDED TO BE A NUMBER YOU CAN LEAVE A MESSAGE AND GET SOMEONE TO RESPOND BACK TO YOU. IT IS NOT AN AUTOMATIC RESPONSE NUMBER. BUT WE ARE LOOKING AT WHAT WE CAN DO TO IMPROVE TO HAVE FEWER PEOPLE GET VOICE MAIL AND HAVE A BETTER RESPONSE TIME.

Mayor Wynn: THANK YOU, MAYOR PRO TEM AND CITY MANAGER. THE NEXT SPEAKER IS JOHNETTE MASON.

HELLO. TODAY MY FIRST CONCERN IS ABOUT THE M.A.P. CO-PAYMENT RAISE. I WAS INFORMED THAT -- LET'S SEE, ON NOVEMBER 7TH THAT PEOPLE WITH REAL INCOME HAD TO PAY \$10, THAT THERE'S SUPPOSED TO BE SOME TYPE OF BUDGET CUTS GOING ON WITH THE COMMUNITY HEALTH CENTERS. AND I WAS WONDERING HOW ARE PEOPLE WITH ZERO INCOME SUPPOSED TO PAY A 10-DOLLAR CO-PAY? AND THAT IS CONSIDERED THE PINK CARD. AND I WAS WONDERING WHERE IS THE MONEY GOING? BECAUSE I WAS INFORMED ALSO THAT THE TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES RECEIVES AN ADDITIONAL \$7 MILLION, AN ADDITIONAL, NOT JUST THE -- THAT WAS NOT JUST THEIR -- WHAT THEY RECEIVED FROM THE GOVERNMENT, BUT AN ADDITIONAL SEVEN MILLION DOLLARS, AND I KNOW THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ALSO DEALS WITH THE COMMUNITY HEALTH CENTER. I JUST HAD TO RAISE THAT QUESTION, WHERE IS THE MONEY GOING AND HOW ARE PEOPLE SUPPOSED TO PAY A 10-DOLLAR CO-PAY, BUT NOW A LOT OF PEOPLE WHO ARE DISABLED AND WAITING FOR SOCIAL SECURITY PENDING CANNOT AFFORD TO GO TO THEIR DOCTOR VISITS, WHICH I THINK YOU'RE GOING TO SEE LIKE, OH, A RISE IN CRIME BECAUSE PEOPLE ARE TRYING TO GET MONEY TO AT LEAST AFFORD HEALTH CARE, AND THAT'S THE REASON WHY THEY CAN'T WORK NOW BECAUSE

THEY'RE SICK AND THEY'RE TRYING TO RECEIVE HEALTH CARE SO THEY CAN GET BETTER, SO THAT THEY CAN RETURN TO WORK. THANK YOU.

Mayor Wynn: THANK YOU, MS. MASON. JENNIFER GALE. JENNIFER GALE. SHE IS OUR LAST SPEAKER TODAY. COUNCIL, THAT CONCLUDES OUR GENERAL CITIZEN COMMUNICATION. AT THIS TIME.....

Thomas: IF YOU DON'T MIND, CAN YOU ANSWER THE QUESTION ON THE M.A.P.

Futrell: COUNCILMEMBER, I DON'T HAVE THIS SPECIFIC INFORMATION. DO YOU HAVE THAT? THERE'S TRISH. I DIDN'T SEE YOU THERE IN THE BACK.

GOOD AFTERNOON. COUNCILMEMBER, THE -- I THINK I NEED TO TRY TO GIVE YOU A LITTLE BIT MORE INFORMATION THAN DIRECTLY THE QUESTION ASKED BECAUSE THERE ARE MULTIPLE CATEGORIES OF CO-PAYS, BUT WITH REGARD TO AN INDIVIDUAL WHO HAS A M.A.P. CARD AND THAT THE CO-PAY FOR THE MEDICAL VISIT IN THE CLINIC WAS INCREASED TO \$10 FROM FIVE DOLLARS. THAT WAS LAST NOVEMBER, WHICH WAS RELATED TO THE BUDGET THAT WAS APPROVED ON OCTOBER 1ST FOR THE CURRENT FISCAL YEAR SO AN INDIVIDUAL -- I'M A LITTLE CONFUSED ABOUT THE QUESTION BEING A ZERO% PAY. AN INDIVIDUAL WHO IS A PARTICIPANT IN THAT PROGRAM IS BASICALLY AN INDIVIDUAL WHO COULD BE UP TO 100% OF POVERTY, BUT THERE'S NO COST TO THE PROBLEM OTHER THAN THE CO-PAY THAT'S PAID AT THE TIME OF THE VISIT. THERE IS ADDITIONALLY A CO-PAY THAT IS RELATED TO THE PHARMACY BENEFIT THAT THE INDIVIDUAL MAY RECEIVE. THAT CO-PAY ACTUALLY HAS GONE DOWN FOR M.A.P. IT WENT DOWN FROM \$10. IF YOU WERE GOING TO THE OUTSIDE PHARMACIES, IT WENT DOWN FROM \$10 TO SEVEN DOLLARS OR 8.50. IT DOES REFLECT AN INCREASE FROM FIVE DOLLARS TO EITHER SEVEN OR 8.50 FOR INDIVIDUALS -- AN INDIVIDUAL WHO WAS A M.A.P. MEMBER, BUT RECEIVING SERVICES IN THE CLINIC. M.A.P. HAS NOT EXPERIENCED AN INCREASE IN CO-PAYS. I'VE ASKED A QUESTION WHEN IS THE LAST TIME A M.A.P. CO-PAY INCREASED, AND NO ONE COULD GIVE A DATE. IT'S BEEN

THAT LONG.

IF SOMEONE DOESN'T HAVE A CO-PAY HAD NECESSITY  
COME INTO THE CLINIC, WHAT'S THE PROCEDURE?

WE ESTABLISH AN ACCOUNT FOR THEM AND IT REMAINS ON  
THE BALANCE. WE ASK THE PATIENTS TO PAY AS THEY CAN.

Futrell: THAT'S WHAT I WANTED TO KNOW. WE DO  
UNDERSTAND THE CIRCUMSTANCES OF TRYING TO RECEIVE  
HEALTH CARE IN TOUGH TIMES.

THAT'S CORRECT. WE DO NOT TURN AWAY FOR AN INABILITY TO  
PAY A CO-PAY -- INABILITY TO PAY A CO-PAY AT THE TIME OF  
THE VISIT.

Mayor Wynn: THANK YOU, MS. YOUNG. COUNCIL, THAT  
CONCLUDES OUR GENERAL CITIZENS COMMUNICATION. AT  
THIS TIME, NOT HAVING ANY DISCUSSION ITEMS TRIER  
PRIOR TO A COUPLE OF TIME CERTAINS LATER THIS LATER,  
WE'LL GO INTO CLOSED SESSION FOR PRIVATE  
CONSULTATION WITH OUR ATTORNEY UNDER SECTION  
551.071 TO DISCUSS POTENTIALLY ITEMS 52 RELATED TO  
THE ECONOMIC DEVELOPMENT POLICY, 56 RELATED TO  
BILLBOARDS, 57, RELATED TO STREET AND BRAIJ PROJECT  
ON BITMER ROAD. 58 RELATED TO THE FIREFIGHTERS. 59  
RELATED TO A LAWSUIT, CITY OF AUSTIN AND SR RIDGE  
LIMITED. NUMBER 60 RELATED TO A LAWSUIT, CITY OF  
SUNSET VALLEY AND SAVE OUR SPRINGS ET AL VERSUS THE  
CITY OF AUSTIN. WE MAY ALSO IN CLOSED SESSION  
DISCUSS PURSUANT TO SECTION 551.072 OF THE OPEN  
MEETINGS ACT AGENDA ITEM 61, A REAL ESTATE MATTER  
RELATED TO OUR OPEN SPACE PROJECT. WE ARE NOW IN  
CLOSED SESSION.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN  
EXECUTIVE SESSION, PURSUANT TO SECTION 551 551.071 OF  
THE OPEN MEETINGS ACT WE DISCUSSED AGENDA ITEMS 52,  
57, 58, 59, NO DECISIONS WERE MADE. COUNCIL, WE HAVE  
ONE ACTION ITEM THAT RELATES TO ITEM NO. 57, ITEM 62 IS  
A POSTED ACTION ITEM ON A SETTLEMENT AGREEMENT  
WITH CASH CONSTRUCTION COMPANY, LIMITED. AND I WILL

ENTERTAIN A BRIEF PRESENTATION.

MAYOR AND COUNCIL, I'M MARTHA TERRY, ASSISTANT CITY ATTORNEY. WE ARE BRINGING AN ITEM FORWARD TODAY FOR SETTLEMENT CONSIDERATION FOR SETTLEMENT DAMAGES OCCURRED IN CONSTRUCTION WITH DITTMAR ROAD IN SOUTH AUSTIN. WE HAVE REACHED A TENTATIVE OR PROPOSED SETTLEMENT WITH CASH CONSTRUCTION IN THE AMOUNT OF \$375,000 AND WE ARE ASKING COUNCIL TO APPROVE THAT. THANK YOU. QUESTIONS FROM STAFF? COMMENTS, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 62.

MOVE APPROVAL.

SECOND.

MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEM NO. 62 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH THE MAYOR PRO TEM AND COUNCILMEMBER ALVAREZ TEMPORARILY OFF THE DAIS. THANK YOU.

THANK YOU. COUNCIL, THAT TAKES US TO OUR 2:00 BRIEFING AND POSSIBLE ACTION. THIS IS A BRIEFING ON PROPOSED CHANGES -- COUNCIL, WITHOUT OBJECTION, BEFORE WE TAKE UP OUR 2:00 BRIEFING, EARLIER WE HAD OUR CITIZEN COMMUNICATION, MS. GALE HAD A CONFLICT. AND WE WOULD NOW LIKE TO HEAR A CITIZEN COMMUNICATION FROM JENNIFER JENNIFER GALE.

THANK YOU, CITY COUNCIL AND MAYOR WRITTEN, HI, AUSTIN, HAPPY HON RATIONAL REVEREND MARTIN LUTHER KING, JR. DAY. THIS INAUGURAL MEETING OF A VERY WELCOMING CITY COUNCIL CHAMBER, IT'S BEAUTIFUL. MAYOR WILL WYNN, MAYOR JACKIE GOODMAN, COUNCILMEMBERS DARYL SLUSHER, THANK YOU. COUNCILMEMBER MCCRACKEN, THOMAS AND MY

VENERABLE COUNCIL APPEAR POINT, BETTY DUNKERLY. I'M -  
- OPPONENT, BETTY DUNKERLY. I'M FIVE-TIME MAYORAL  
CANDIDATE JENNIFER GALE. CITY MANAGER FUTRELL. WOW.  
THIS AUSTIN CITY HALL MAKES A WONDERFUL PRESENT.  
THANK YOU. AUSTIN IS GOING TO LOVE IT HERE. THIS  
HOLIDAY SEASON WE CELEBRATE THE LIFE OF OUR  
AMERICAN PRINCE OF PEACE, REVEREND MARTIN LUTHER  
KING, JR. ON MONDAY, THE 17th AT 8:30 WE BEGIN THE  
MARCH TOWARD HUSTON TILLOTSON WITH A STOP AT THE  
TEXAS CAPITOL AT HIS STATUTE AT THE UNIVERSITY OF  
TEXAS. REVEREND MARTIN LUTHER KING, JR. LEFT US ON  
APRIL 8th, 1968. HIS LIFE STRIVED FOR OUR COMING  
TOGETHER. TO CELEBRATE OUR DIFFERENCES TOGETHER.  
HE TURNED A STRUGGLE OF INJUSTICE INTO A STRUGGLE  
FOR THE AMERICAN DREAM FOR ALL OF US. TOGETHER. HE  
HELPED PULL TOGETHER MARCHES THAT BROUGHT ABOUT  
CIVIL RIGHTS THAT NOW AFFECT ALL OF US IN AN  
EMPOWERING WAY. WE MUST CARRY ON THE STRUGGLE  
THROUGH STRONGER NEIGHBORHOODS AND INCLUSIVE,  
CARING COMMUNITIES. LET'S ASK TEXAS SENATORS AND  
REPRESENTATIVES TO SPEND AT LEAST \$13,000 PER  
STUDENT PER SCHOOL YEAR. OUR CHILDREN ARE WAITING  
TO BE EDUCATED. WHILE OUR CHILDREN ARE WAITING TO  
BE EDUCATED THEY ARE GOING TO JAIL. LET'S DO THIS IN  
MEMORY OF THE REVEREND MARTIN LUTHER KING, JR. LET'S  
CELEBRATE OUR ROSE BOWL CHAMPIONS, HOOK 'EM  
HORNS, 2005 ROSE BOWL CHAMPIONS! IT DOESN'T GET ANY  
BETTER THAN THAT. HAPPY NEW YEAR, (music) SHOULD ALL  
ACQUAINTANCE BE FORGOT AND NEVER BROUGHT TO MIND,  
SHOULD ALL ACQUAINTANCE BE FORGOT AND DAYS OF OLD  
LANG SYNE. HAPPY NEW YEAR, AUSTIN!

THANK YOU, MS. GALE. IT'S HARD TO TALK ABOUT  
PERFORMING ARTS IN AUSTIN, TEXAS, WITHOUT INCLUDING  
JENNIFER GALE. THAT TAKES US TO OUR 2:00 BRIEFING,  
POSSIBLE ACTION ON -- ON THE PROPOSED CHANGES TO  
THE CITY'S GROUND LEASE WITH THE GREATER AUSTIN  
PERFORMING ARTS CENTER, DOING BUSINESS AS THE LONG  
CENTER, AND WE'LL HAVE A BRIEF STAFF PRESENTATION.  
WELCOME, MR. STEPHENS.

THANK YOU, MAYOR, I'M JOHN STEPHENS, CHIEF FINANCIAL  
OFFICER. WE HAVE A PRESENTATION FOR YOU THIS

AFTERNOON THAT WILL BE DONE ESSENTIALLY IN TWO PARTS. CARLA STEFAN OUR CORPORATE INTERNAL AUDITOR MANAGER WILL GO OVER SOME OF THE REVIEW THAT WE DID OF THE LONG CENTER'S FINANCES. AND THEN AFTER WE CONCLUDE OUR PART OF THE PRESENTATION, CLIFF REDD, EXECUTIVE DIRECTOR FOR THE LONG CENTER WILL GET UP AND MAKE A PRESENTATION THAT WILL SHOW YOU THEIR NEW DESIGN AND THEIR NEW PLAN FOR OPERATING THE CENTER. WE ARE -- WE'RE GIVING YOU THIS BRIEFING BECAUSE OF A REQUEST FROM THE LONG CENTER TO MODIFY THE CURRENT AGREEMENT. THE CURRENT AGREEMENT WAS EXECUTED IN 2001, THE ORIGINAL LEASE AMENDMENT WAS -- WAS IN OR THE ORIGINAL LEASE WAS IN 1999. WE ARE NOW OPERATING UNDER THAT FIRST AMENDMENT THAT DATES IN 2001. THE KEY TERMS OF THAT CURRENT -- OF THE CURRENT AGREEMENT INCLUDED COMMENCING CONSTRUCTION OF THE LONG CENTER BY FEBRUARY OF 2003 AND WAS OF COURSE BASED ON MEETING CERTAIN THRESHOLD FUNDING REQUIREMENTS. LONG CENTER IS NOW PROPOSING THREE MAJOR CHANGES IN THE GROUND LEASE, WHICH I'LL DESCRIBE IN SOME DETAIL A LITTLE BIT OF DETAIL NOW AND MORE DETAIL LATER. THE CITY IS ALSO REQUESTING WHAT I WOULD CHARACTERIZE AS ONE MAJOR CHANGE AND A MINOR CHANGE. THE MINOR CHANGE SIMPLY BEING -- BEING ABLE TO HAVE THE FLEXIBILITY TO -- TO USE THE PALMER EVENT CENTER FOR DAYTIME PARKING FOR ENTERING INTO CERTAIN AGREEMENTS FOR EXAMPLE WITH CAPITAL METRO FOR THEIR PARK AND RIDE PROGRAM IF WE WANT TO DO THAT. THE GOAL OF THE LONG CENTER I THINK IS TO CONSTRUCT THE CENTER IN THIS NEW FINANCING VIOLATOR. THAT IS AFTER 2001, BUT ON A MODIFIED SCALE AND TO REQUEST CHANGES TO THEIR FINANCING REQUIREMENTS. MORE SPECIFICALLY, THE CHANGES THAT THEY ARE REQUESTING ARE A MODIFICATION IN THE NUMBER AND CAPACITY OF HALLS IN THE INTERNAL FACILITIES. I'LL TALK A LITTLE BIT IN MORE DETAIL ABOUT THIS WHEN WE CLOSE. THEY ARE REQUESTING A CHANGE FROM THE CURRENT REQUIREMENT THAT THEY MUST HAVE 70% CASH ON HAND TO BEGIN CONSTRUCTION AND THEY ARE REQUESTING THAT THAT CHANGE BE TO ALLOW CON IF I RECALLED PLEDGES AND FINANCING IN ADDITION TO CASH

TO COMPRISE THE 70%. AND THEN THEY ARE ALSO -- THEY ARE ALSO REQUESTING A CHANGE FOR THE O AND M RESERVE, WHICH IS NOW 10 MILLION. THE CITY HAS A FIRST LIEN ON THAT ENTIRE MILLION. THEY ARE REQUESTING A CHANGE WHERE THE CITY WOULD HAVE A FIRST LIEN ON 2.5 MILLION, 7.5 MILLION WOULD BE AVAILABLE FOR ANYONE WHO SUCCEEDED THE LONG CENTER IN OPERATING THE CENTER TO GENERATE INTEREST REVENUE. SO THE O AND M RESERVE AND TOTAL WILL BE LEFT AT \$10 MILLION. IN RESPONSE TO THESE REQUESTED CHANGES, THE CITY MANAGER ASKS OUR CORPORATE INTERNAL AUDIT FUNCTION TO DO A LIMITED REVIEW OF THE LONG CENTER, WHICH CONSISTED OF REVIEWING THEIR PLEDGES, WE REVIEWED THE BALANCES OF THE PLEDGES, AS OF OCTOBER THE 31st AND KARL WILL GO INTO DETAIL IN ALL OF THESE STEPS. WE REVIEWED THE PRO FORMA FOR THEIR POST CONSTRUCTION OPERATIONS. WE DID AN ANALYSIS OF THE ANTICIPATED CASH FLOW DURING CONSTRUCTION. AND THEN WE ASSESSED THE OVERALL REASONABLENESS OF THOSE IN LIGHT OF THE STEPS THAT WE HAD DONE ABOVE THAT WE DID IN THE REVIEW. I WANT TO POINT OUT CLEARLY WHAT WAS NOT INCLUDED IN OUR REVIEW. WHAT WAS NOT REVIEWED AT LEAST TO THIS POINT AND THAT IS WE DID NOT LOOK AT -- WE DIDN'T REVIEW THE CONSTRUCTION COST ESTIMATES TO SEE HOW REASONABLE THOSE WERE. HOWEVER, THE LEASE CONTAINS A PROVISION UNDER WHICH AN INDEPENDENT THIRD PARTY REVIEW OF THE LEASE, OF THE CONSTRUCTION COSTS, RATHER, WILL BE DONE AND HAS TO BE APPROVED BY THE CITY PRIOR TO THEIR BEGINNING CONSTRUCTION. SO WE DID NOT LOOK AT THE CONSTRUCTION COSTS, BUT I THINK EVEN BETTER WE WILL HAVE AN INDEPENDENT THIRD PARTY THAT THE CITY WILL HAVE A HAND IN SELECTING TO REVIEW THOSE CONSTRUCTION COSTS. I'LL TALK A LITTLE BIT MORE ABOUT THAT WHEN WE CLOSE, ALSO. WE ALSO DID NOT CONFIRM THE PLEDGES WITH THE DONORS. WE REVIEWED THE BALANCES AS OF OCTOBER THE 31st, AGAIN, TO LOOK FOR CERTAIN LIMITATIONS ON THE PLEDGES AND WHAT THE TIMING OF THE RECEIPT OF PAYMENT ON THE PLEDGES WAS. BUT AGAIN THIS -- THE FACT THAT WE DID NOT DO THIS WILL BE MITT MITIGATED BY THE FACT THAT WE WILL



CONFIRM THE PLEDGES AFTER WE RECEIVE THE THIRD PARTY FEASIBILITY REPORT FOR THE CONSTRUCTION COSTS. AND SO WE WILL BE CONFIRMING THOSE WITHIN A RELATIVELY SHORT PERIOD OF TIME. WE ALSO DID NOT DO ANY REVIEW OF PAST OR CURRENT OPERATIONS. OUR REVIEW WAS ESSENTIALLY LOOKING FORWARD TO -- TO WHAT WILL HAPPEN ONCE CONSTRUCTION BEGINS.

AT THIS POINT I WANT TO TURN IT OVER TO OUR INTERNAL CORPORATE MANAGER.

I AM CARLA STEFAN THE CITY'S CORPORATE INTERNAL AUDIT MANAGER. THE FIRST ITEM THAT WE REVIEWED WAS THE PLEDGES. AS OF OCTOBER 31<sup>st</sup>, 2004, THE LONG CENTER HAD OUTSTANDING PLEDGES FROM DONORS TOTALING NEARLY \$40.5 MILLION. THE MAJORITY OF THESE PLEDGES ARE A PART OF THEIR CURRENT CAPITAL CAMPAIGN WITH ONE PART OF A PLEDGE CURRENTLY DESIGNATED TO ESTABLISH THE ENDOWMENT. ALL OF THE DONORS -- REREVIEWED SIGNED PLEDGE STATEMENTS FROM DOPE NORSE WHOSE GIFTS WERE GREATER THAN \$100,000. OVER 96 PERCENT OF THE TOTAL PLEDGES. WE ALSO REVIEWED THE AND BASED ON PREVIOUS NON-PROFIT AUDITING EXPERIENCE, WE DID NOT FIND ANY UNUSUAL WORDING OR CONDITIONS INCLUDE UNDERSTAND THAT CURRENT FORM. WE ALSO LOOKED AT DISTRIBUTION OF THE PLEDGES AMONG THE DONORS. THE VAST MAJORITY OF THE PLEDGES ARE FROM A FEW ESTABLISHED DONORS. NEARLY 3/4<sup>ths</sup> OF THE CURRENT PLEDGE BALANCES ARE FROM FOUR DONORS, WHICH IS ONLY 2% OF THE TOTAL NUMBER OF DONORS IN THE POPULATION. AS JOHN STATED, THE CITY WILL BE CONFIRMING AND APPROVING THE MAJOR DONOR'S PLEDGES PRIOR TO CONSTRUCTION. THIS WILL ALLOW US TO BETTER -- EVEN BETTER ASSESS THE REASONABLENESS OF THESE PLEDGE BALANCES. BASED ON OUR INITIAL REVIEW, THE OUTSTANDING PLEDGE BALANCE AND THE DONATION PROCESS THAT THEY ARE CURRENTLY USING DOES APPEAR REASONABLE. THE NEXT THING THAT WE LOOKED AT WAS THE -- THE PRO FORMA FOR POST CONSTRUCTION OPERATIONS. WE REVIEWED SOME MAJOR LINE ITEMS FOR REASONABLENESS. IN OUR ANALYSIS WE ALSO INCLUDED THE REVIEW OF OTHER PERFORMING ARTS CENTER'S INFORMATION AS WELL AS ADDITIONAL FINANCIAL

RELATED INFORMATION. IN ADDITION TO THE -- TO THAT, WE REVIEWED A STUDY DONE IN 2003 FROM HBS INTERNATIONAL THAT COVERED PERFORMING ARTS CENTERS AND THE INDUSTRY OUTLOOK ON THE FUTURE. WE WERE ALSO ABLE TO GET INFORMATION FROM A LOCAL COMPANY THAT IS -- THAT IS INVOLVED IN THIS, SPECIAL EVENTS INDUSTRY HERE IN AUSTIN. FIRST OFF, THE SPECIFIC REVENUE LINE ITEMS THAT WE REVIEWED WERE RENTAL INCOME, OTHER PRESENTING TICKET SALES, FACILITY TICKET SURCHARGES, INVESTMENT INCOME AND FUNDRAISING. THESE LINE ITEMS MADE UP 92% OF THE TOTAL REVENUE THAT IS INCLUDED IN THE YEARS 2008, 2009 BASELINE OF THE PRO FORMA STATEMENT. WE ALSO THEN ANALYZED EXPENSES BASED ON A PERCENTAGE DISTRIBUTION AMONG SOME MAJOR CATEGORIES, AS WELL AS LOOKING AT THE TOTAL O AND M COST PER SQUARE FOOT AS COMPARED TO OTHER CENTERS. LOOKING AT THE FIRST ITEM OF REVENUE, THE RENTAL INCOME, THAT COMPRISED -- OUR REVIEW LOOKED AT BOTH RATES AND NUMBER OF PERFORMANCES TO DETERMINE THE REASONABLENESS. WHEN WE FIRST STARTED THE REVIEW, IF YOU LOOK AT JUST THE BASE RENTAL RATES OF THE LONG CENTER COMPARED TO OTHER CENTERS, THEY DID APPEAR HIGHER. ADDITIONAL ANALYSIS LED US TO UNDERSTAND THAT MOST OTHER CENTERS INCLUDE ADDITIONAL CHARGES ON TOP OF THAT BASE RATE. THE LONG CENTER IS INCLUDING THOSE ADDITIONAL CHARGES IN ITS BASE RATE. SO BECAUSE OF THESE ADDITIONAL CHARGES AND THE VARYING WAYS THAT CENTERS USE THEM, WE WEREN'T ABLE TO INITIALLY DO AN APPLES TO APPLES COMPARISON OF THE RENTAL RATES. HOWEVER, EVEN IF WE CAN'T DETERMINE A FINAL REASONABLENESS BASED ON THIS, IF YOU LOOK AT THE -- THE COMPARISON, EVEN WITHOUT ADDING ADDITIONAL CHARGES TO THE OTHERS, THE LONG CENTER STILL IS NOT HIGHER THAN TWO OTHERS INCLUDED IN THE STUDY. TO HELP WITH THIS, THOUGH, WE DID -- WE DID OBTAIN INFORMATION FOR ONE OF THESE CENTERS AND THEIR ADDITIONAL CHARGES. WE WERE ABLE TO GET SOME INFORMATION REGARDING THE HOUSTON CENTER AND WHEN WE DID AN ANALYSIS, USING SOME OF THOSE ADDITIONAL CHARGES AS COMPARED TO LONG CENTER, USING SOME BASIC ASSUMPTIONS IN OUR

ANALYSIS, IT DOES APPEAR THAT THEY ARE MORE COMPARABLE. UNDER THAT SITUATION. THE NEXT PIECE THAT WE LOOKED AT WAS THE -- THE USAGE THAT IS ALSO ANOTHER COMPONENT OF THE RENTAL INCOME. THE TABLE SHOWS THE -- THE ESTIMATED NUMBER OF PERFORMANCES FOR EACH OF THOSE SYMPHONY, OPERA, BALLET THAT THE LONG CENTER IS ESTIMATING, AS WELL AS WHAT THEY ARE CURRENTLY PERFORMING AT U.T.'S BASS HALL. YOU CAN SEE THAT THERE IS A PLAN TO INCREASE EACH ONE OF THOSE AREAS PERFORMANCES. SPEAKING WITH THE LONG CENTER, IT DOES SEEM TO BE WIDELY ACKNOWLEDGED THAT -- THAT ALL THREE ARE CURRENTLY LIMITED IN THE NUMBER OF PERFORMANCES THEY CAN SCHEDULE. IN FACT ACCORDING TO U.T. BASS HALL HALL'S WESTBOUND SITE THEY SAY THE DEMAND FOR SPACE HAS OUTGROWN THE CITY'S ABILITY TO HOUSE ART GROUPS AND BASS CONCERT HALL IS BOOKED TO CAPACITY. BASICALLY RIGHT NOW THE SYMPHONY, OPERA AND BALLET CANNOT SCHEDULE ANY ADDITIONAL PERFORMANCES THAN THEY CURRENTLY HAVE AT BASS HALL. BASED ON THIS INFORMATION, THE LONG CENTER, FROM THE LONG CENTER AND BASS HALL, INCREASING THE NUMBER OF PERFORMANCES FOR ANY OR ALL OF THESE RESIDENT COMPANIES WOULD APPEAR REASONABLE.

THE NEXT ITEM WAS TICKET SALES. IN ORDER TO ANALYZE TICKET SALES, WE HAD TO LOOK AT THE NUMBER OF PERFORMANCES, TICKET PRICE, PROJECTED NUMBER OF ATTENDEES OR CAPACITY. FIRST OFF, NUMBER OF PERFORMANCES, WE LOOKED AT THE TOTAL NUMBER OF PERFORMANCES TO DETERMINE IF -- IF THE NUMBER WITHIN THAT OF THE LONG CENTER PREVENTS -- PRESENTS PERFORMANCES APPEARED REASONABLE. THE LOCK CENTER IS ESTIMATING HOSTING APPROXIMATELY 240 EVENTS A YEAR IN BOTH OF ITS PLANNED VENUES. FROM THE INFORMATION THAT WE WERE ABLE TO GATHER FROM A FEW OF THE OTHER PERFORMING ARTS CENTERS, THE AVERAGE NUMBER OF PERFORMANCES FOR THOSE WAS APPROXIMATELY 270 PER YEAR. IN ADDITION THE SURVEY INFORMATION, WE HAD INDICATED THAT MOST CENTERS THAT RESPONDED HAVE FEWER THAN 300 PERFORMANCES PER YEAR AND THEIR SURVEY MEDIAN WAS 216

PERFORMANCES. THE SURVEY DID KNOWLEDGE THAT THIS NUMBER VARIES GREATLY BETWEEN CENTERS ACCORDING TO THE FACILITY DESIGN, THE CAPACITY, AND THE PROGRAMMING STRATEGIES OF EACH CENTER. IN ADDITION TO THAT, 60% OF THE SURVEY RESPONDENTS BELIEVE THAT -- THAT THEY WILL HOST MORE EVENTS DURING THE NEXT FEW YEARS. BASED ON ALL OF THIS INFORMATION, THE NUMBER OF PERFORMANCES THAT THE LONG CENTER IS USING IN THEIR ESTIMATIONS APPEARS REASONABLE. SORRY, GO BACK.

OKAY. IF LOOKING AT THE AVERAGE TICKET PRICE, THE LONG CENTER IS PLANNING ON CHARGING AN AVERAGE TICKET PRICE OF ANYWHERE FROM 38 TO \$41 FOR THEIR PERFORMANCES IN THE FIRST FIVE YEARS OF OPERATION. WE FIRST COMPARED THIS TICKET PRICE INFORMATION TO WHAT THE SYMPHONY, OPERA AND BALLET ARE CHARGING TO TRY TO SEE IF IT WAS REASONABLE. HOWEVER THAT RANGE IS ANYWHERE FROM \$10 TO \$109. THAT GIVE US A LITTLE BIT OF A GAUGE, BUT WE WERE ALSO ABLE TO FIND AVERAGE TICKET PRICE INFORMATION FOR ONE OTHER SIMILAR PERFORMING ARTS CENTER. USING THAT INFORMATION, WE WERE ABLE TO PROJECT AN AVERAGE 2008 TICKET PRICE FOR THAT CENTER OF 40 TO \$43. THE SURVEY DID NOT REPORT AVERAGE TICKET PRICES, HOWEVER 72% OF THE SURVEY RESPONDENTS EXPECTED TO INCREASE THEIR AVERAGE TICKET PRICE DURING THE NEXT FEW YEARS. BASED ON ALL OF THIS INFORMATION, THE LONG CENTER'S AVERAGE TICKET PRICES DO APPEAR REASONABLE. IN LOOKING AT THE NUMBER OF THE ATTENDEES OR THE CAPACITY, THE LONG CENTER IS ESTIMATING AROUND 80% CAPACITY IN YEAR ONE, 75% CAPACITY IN YEAR TWO AND THEN LEVELING OFF TO 70% CAPACITY IN YEARS THREE THROUGH FIVE. THIS RESULTS IN ATTENDANCE OF APPROXIMATELY 211,000 ATTENDEES IN YEAR ONE, WHICH IS PLANNED ON BEING A PARTIAL YEAR, 329,000 IN YEAR TWO AND 321,000 IN YEARS THREE THROUGH FIVE. THE SURVEY THAT WE USED DID NOT REPORT ANY PERCENT CAPACITY FIELD INFORMATION, BUT THEY DID REPORT THAT THE MAJORITY OF RESPONDENTS INDICATED THAT THEIR ATTENDANCE LEVELS FELL IN THE 100,000 TO 250,000 RANGE AND THE RESPONDENTS

OVERWHELMINGLY EXPECTED ATTENDANCE TO INCREASE IN THE NEXT FEW YEARS. WE WERE ABLE TO FIND ADDITIONAL INFORMATION FOR THREE OTHER PERFORMING ARTS CENTERS RELATED TO THEIR CAPACITY ATTENDANCE LEVELS AND USING ATTENDANCE FIGURES, NUMBER OF PERFORMANCE AND CAPACITY LEVELS WE CALCULATED THE PERCENT CAPACITY FOR EACH. THE FIRST ONE WAS AN ESTABLISHED CENTER AND WE CALCULATED THAT THEY AVERAGED ABOUT 76.5% CAPACITY FOR ITS EVENTS LAST YEAR. THE SECOND CENTER WAS ACTUALLY IN ITS FIRST YEAR OF OPERATION, WE CALCULATED THAT THEY AVERAGED OVER 85% CAPACITY IN THEIR FIRST YEAR. THE FINAL CENTER WE HAD INFORMATION THAT WE WERE ABLE TO USE TO CALCULATE THE PERCENT CAPACITY FOR EVENTS IN ITS LEFT ARM HALL ONLY, THAT WAS 7 -- LARGE HALL ONLY, 77% PER YEAR. THE LONG CENTER IS ESTIMATING 70 TO 80% CAPACITY AND BASED ON THE COMPARISON TO THESE THREE, THAT ALSO APPEARS REASONABLE. IN ADDITION TO STUDYING THIS INFORMATION, WE DID REVIEW THIS INFORMATION WITH THE COMPANY REPRESENTATIVE HERE LOCALLY THAT IS INVOLVED IN THE SPECIAL EVENTS INDUSTRY. WE DISCUSSED THE ESTIMATES FOR NUMBER OF PERFORMANCES, TICKET PRICES AND ATTENDANCE LEVELS AND BASED ON OUR DISCUSSIONS THE REPRESENTATIVE FELT THAT THE AVERAGE TICKET PRICE WAS REASONABLE AND THAT THE NUMBER OF EVENTS AND THE ATTENDANCE FIGURES COULD BE REASONABLE AS LONG AS THE TYPES OF EVENTS PLANNED WERE DIVERSE ENOUGH TO ATTRACT DIFFERENT AUDIENCES. ESPECIALLY BASED ON -- GIVEN THE MUSIC INDUSTRY THAT IS CURRENTLY IN AUSTIN. IN TALKING WITH THE LONG CENTER, THEY AGREE WITH THIS AS WELL AND ARE PLANNING ON -- ON SCHEDULING DIVERSE TYPES OF EVENTS TO -- TO HOPEFULLY MEET THEIR GOALS. BASED ON ALL OF OUR INFORMATION REGARDING TICKET SALES, IT DOES APPEAR THAT EACH ELEMENT RELATED TO THE TICKET SALES APPEARS REASONABLE. THE NEXT ITEM OF REVENUE THAT WE COVERED COVERS THE FACILITY TICKET SURCHARGES. NEARLY ALL OF THE PERFORMING ARTS CENTERS THAT WE REVIEWED DO CHARGE SUCH A CHARGE. IT IS EITHER A SET AMOUNT OR A PERCENTAGE OF THE TICKET PRICE. THE OTHER FACILITIES THAT WE SAW -- HAVE

A SET AMOUNT, RANGED FROM \$1.50 TO \$3 PER TICKET WITH THE AVERAGE BEING ABOUT 2.50. THE LONG CENTER IS PLANNING ON CHARGING A \$3 PER TICKET SURCHARGE WHICH IS COMPARABLE TO THE OTHERS. THE NEXT ITEM IS INVESTMENT INCOME. THE LONG CENTER PROJECTED EARNING \$500,000 ON ITS PLANNED \$10 MILLION ENDOWMENT USING A RATE OF RETURN OF 5%. WE LOOKED AT THE CONGRESSIONAL BUDGET OUTLOOK'S ECONOMIC PROJECTIONS FOR THE YEARS 2007 THROUGH 2012 THEY ARE PROJECTING AVERAGE EARNINGS DURING THAT PERIOD OF 5.05%. BASED ON THIS INFORMATION THE LONG CENTER'S INVESTMENT PROJECTIONS DO APPEAR REASONABLE. THE LAST ITEM OF REVENUE THAT WE LOOKED AT WAS FUNDRAISING. AND THE FUNDRAISING AMOUNTS INCLUDED ON THE LONG CENTER'S PRO FORMA IS BASICALLY THE GAP OR THE AMOUNT THAT'S NEEDED TO BREAK EVEN IN EACH OF THESE YEARS GIVEN THE OTHER LINE ITEMS. WE WEREN'T REALLY ABLE TO DO AN APPLES TO APPLES COMPARISON FUNDRAISING, IT'S HARD TO PREDICT WHAT'S GOING TO HAPPEN. BUT WE WERE ABLE TO PULL INFORMATION FROM A FEW AND I'VE INCLUDED THREE UP HERE. IN 2003, THE CENTERS THAT WE FOUND WERE ABLE TO RAISE, THIS IS JUST FOR O AND M, NOT FOR CAPITAL CAMPAIGNS, ANYWHERE FROM 300,000 TO -- ALL THE WAY UP TO \$7.5 MILLION IN CONTRIBUTIONS. IN ADDITION, THE SURVEY THAT WE REVIEWED INDICATED THAT CONTRIBUTIONS WAS OFTEN THE SECOND LARGEST FUNDING SOURCE FOR RESPONDENTS. VIRTUALLY ALL CENTERS HAVE TO RELY ON ANNUAL CONTRIBUTIONS TO FULLY COVER THEIR OPERATIONS AND SOME OF THOSE RELY HEAVILY ON THOSE CONTRIBUTIONS. WHILE WE CANNOT PROVIDE A CONCLUSION AS TO THE REASONABLENESS OF THE CONTRIBUTIONS INCLUDED IN THE PRO FORMA, WE CAN SAY THAT THE LONG CENTER'S AMOUNTS ARE WITHIN RANGE OF OTHER CENTERS THAT WE REVIEWED. MOVING ON TO EXPENSES, WE LOOKED AT EXPENSES TWO DIFFERENT WAYS. WE COULDN'T REALLY DO A LINE BY LINE ITEM COMPARISON SIMPLY BECAUSE OTHER CENTERS HAVE A LOT OF FLEXIBILITY IN HOW THEY CLASSIFY EXPENSES AND WHAT THEY CALL EXPENSES. SO WHAT WE DID WAS ACCURATE CATEGORIZE THE EXPENSES IN FOUR MAIN CATEGORIES. AND IF YOU LOOK AT THE LONG

CENTER'S PERCENT DISTRIBUTION COMPARED TO THE OTHERS, IT IS WELL WITHIN LINE. THERE ARE SOME SMALL DIFFERENCES BETWEEN THE TWO, NON-PROFITS HAVE -- WE DID NOT FEEL THIS WAS UNREASONABLE. THE NEXT WAY WE LOOKED AT EXPENSES WAS LOOKING AT O AND M COSTS PER SQUARE FOOT. IN ORDER TO MAKE OUR COMPARISON, WE ADJUSTED THE LONG CENTER'S OCCUPANCY COSTS PER SQUARE FOOT THAT'S INCLUDED IN THEIR PRO FORMA TO BE THE TOTAL O AND M COST PER SQUARE FOOT. IN ANALYZING THIS AGAINST OTHER CENTERS, WE ALSO ADJUSTED THE OTHER CENTERS FOR BOTH INFLATION, SINCE THIS IS HAPPENING IN THE FUTURE, AS WELL AS FOR COST OF LIVING BASED ON THE DIFFERENT GEOGRAPHICAL AREAS. AFTER WE DID OUR ANALYSIS, WE REALIZED THAT THE COST PER SQUARE FOOT FOR PERFORMING ARTS CENTERS VARIOUS GREATLY. OUR RESULTS SHOWED AN O AND M COST PER SQUARE FOOT FROM ANYWHERE AS LOW AS \$10 ALL THE WAY UP TO NEARLY \$119. WITH AN EDGE AVERAGE OF ABOUT \$59. YOU CAN SEE HOW THE LONG CENTER RELATED TO OTHERS IN THIS SLIDE.

WE CALCULATED THE O AND M COST PER SQUARE FOOT TO BE ABOUT 35.46. IN LOOKING AT THE SLIDE THERE ARE OBVIOUSLY TWO CENTERS THAT WERE -- THAT WERE QUITE A BIT HIGHER THAN THE REST. WHILE WE DIDN'T -- WE WEREN'T ABLE TO DETERMINE THE EXACT REASONS WHY THOSE ARE HIGHER, WE DID GO AHEAD AND REMOVE THOSE FROM OUR ANALYSIS JUST TO SEE HOW THE LONG CENTER COMPARED TO ALL OF THE OTHERS. WHEN YOU DO THAT, THE AVERAGE FOR ALL OF THE OTHER CENTERS IS \$34.69 COMPARED TO THE LONG CENTER'S CALCULATION OF \$35.46. THAT GAVE US SOME COMFORT IN KNOWING THAT THIS DOES SEEM REASONABLE.

THE NEXT AREA THAT WE REVIEWED IS THE CASH FLOW PROJECTIONS. THE LONG CENTER DEVELOPED A CASH FLOW PROJECTION THROUGH THE CONSTRUCTION PERIOD FOR FISCAL YEARS 2005 THROUGH 2007. BASED ON THE INFORMATION THAT WE REVIEWED FOR THE CONTRIBUTIONS TO DATE, WE PROJECTED THE CASH FLOW AND DETERMINED THE REMAINING AMOUNTS NEEDED TO BE RAISED DURING THIS PERIOD. THAT REVIEW WE CALCULATED THAT -- THAT THE LONG CENTER NEEDS TO

RAISE AN ADDITIONAL \$22.75 MILLION TO COVER THE -- THE CONSTRUCTION OF THE LONG CENTER AS WELL AS THE OPERATIONS DURING THAT PERIOD. I'LL WALK THROUGH, OUR CALCULATION. WE STARTED, THIS IS -- PLEASE REMEMBER THIS IS BASED ON OCTOBER, NOVEMBER INFORMATION. THAT'S WHEN OUR REVIEW TOOK PLACE. WHEN I SAY TO DATE, I'M TALKING ABOUT TO DATE AS OF NOVEMBER. NOT CURRENTLY TO DATE. THE CONSTRUCTION COSTS WE USED CAME FROM THE PRO FORMA. WE DIDN'T DO ANY ANALYSIS AS JOHN HAS SAID. THAT WILL BE DONE LATER. WE STARTED WITH THAT, WE BACKED OUT WHAT THEY ALREADY HAVE CAPITALIZED TO DATE. ADDING TO THAT REMAINING COST OF CONSTRUCTION, \$10 MILLION IN ENDOWMENT, PLUS THE ESTIMATED OPERATION COSTS THAT ARE GOING TO INCUR DURING THAT PERIOD. LEAVING US WITH A TOTAL AMOUNT NEEDED OF 7,300,000. WE -- 70,350,000. THEN CASH INVESTMENTS ON HAND AS OF OCTOBER 29th, 2004. REVIEWED THEIR BANK AND INVESTMENT STATEMENTS TO DETERMINE THIS AMOUNT. ADDING TO THAT THE OUTSTANDING PLEDGE BALANCE AND A PROJECTED INCOME THAT THE CASH AND INVESTMENTS WERE GOING TO EARN OVER THAT PERIOD. IN LOOKING AT THE PLEDGES, WE THEN BACKED OUT THE AMOUNT THAT BASED ON THE INFORMATION INCLUDED IN THE PLEDGE AGREEMENTS, WE KNEW IT WAS NOT GOING TO BE AVAILABLE DURING THIS CONSTRUCTION PERIOD. THIS LEFT YOU WITH TOTAL CASH INVESTMENTS AND PLEDGES AVAILABLE OF \$47.6 MILLION. THAT LEAVES YOU THE ADDITIONAL AMOUNT NEEDED TO BE RAISED OF 22,750,000. TO CONCLUDE, I'LL JUST KIND OF WRAP UP WHAT OUR OVERALL REASONABLENESS ASSESSMENT WAS. LOOKING AT THE PLEDGES TO DATE AND THE COLLECTIBILITY BASED ON THE INFORMATION THAT WE SAW IN THE AGREEMENTS, THEY LOOK REASONABLE. THIS WILL BE CONFIRMED WITH THE DONORS AT A LATER DATE SO THE CITY WILL BE ABLE TO BETTER ASSESS THE REASONABLENESS AT THAT TIME. THE -- MOST OF THE ASPECTS OF THE PRO FORMA DID APPEAR REASONABLE. IN ADDITION TO THE CONSTRUCTION REVIEW THAT'S GOING TO OCCUR, THE OPERATIONS ARE ALSO GOING TO BE REVIEWED BY AN INDEPENDENT THIRD PARTY AS WELL. THE CASH FLOW PROJECTIONS, AS I'VE INDICATED, THEY ARE GOING TO NEED TO RAISE



APPROXIMATELY \$22.75 MILLION, IN ADDITIONAL PLEDGES. TO COVER THE COST OF CONSTRUCTION AND OPERATIONS DURING THAT PERIOD. THIS MEANS THAT BORROWING, OBTAINING A LARGE DONATION, THE LONG CENTER IS GOING TO NEED TO RAISE APPROXIMATELY \$7.5 MILLION IN EACH OF THE NEXT THREE CAREERS, WHICH IS 70 TO 75% MORE THAN THEY RAISED IN 2004. WHICH WAS \$4.4 MILLION. THIS CONCLUDES THE REVIEW THAT MY OFFICE DID. JOHN IS NOW GOING TO TALK TO YOU ABOUT THE SUMMARY OF THOSE LEASE CHANGES THAT ARE BEING PROPOSED.

Mayor Wynn: THANK YOU, MS. STEFAN.

AS PART OF YOUR BACKUP FOR THIS AGENDA ITEM, WE SENT OUT TO YOU ON FRIDAY, A DRAFT LEASE THAT INCLUDED REVISIONS AT THAT POINT WE HAVE SINCE MADE JUST A FEW CHANGES TO IT AND SO WE HAVE PROVIDED YOU WITH A COPY OF THE NEW DRAFT OF THE LEASE THAT YOU HAVE BEFORE YOU THERE ON THE DAIS. WE HAVE A FEW COPIES OF THAT DRAFT LEASE HERE IN THE ANTI-ROOM TO THE COUNCIL CHAMBERS, BUT I WANT TO CLOSE BY DESCRIBING THE MAJOR CHANGES THAT ARE INCLUDED IN THAT DRAFT. THE FIRST RELATES TO THE TIMING OF CONSTRUCTION AND THE MIX OF FACILITIES. THE CURRENT -- THE MIX OF FACILITIES. THE CURRENT LEASE AGAIN REQUIRED THEM TO BEGIN CONSTRUCTION IN 2003 UNDER THIS LEASE THEY WOULD BEGIN CONSTRUCTION PRESUMABLY IN 2005 ONCE WE HAVE RECEIVED THE REPORTS AND GIVEN THEM THE APPROVAL. I THINK THEY ARE CLOSE TO IF NOT HAVING ALREADY ACHIEVED THE 70% MARK FOR CONSTRUCTION. IF YOU INCLUDE PLEDGES IN THAT MIX. UNDER THE 2001 LEASE, THEY ALSO HAVE A COMMITMENT TO BUILD A 2200 SEAT MAIN HALL. THAT HASN'T CHANGED. BUT THERE WAS IN THAT LEASE A FIRM COMMITMENT TO -- TO INCLUDE THE 700 SEAT INTERMEDIATE THEATER WHEN THEY BEGAN CONSTRUCTION AND THAT UNDER THE REQUESTED CHANGE IS NOW -- WILL BE NOW PHASED IN, SUBJECT TO FUNDRAISING. THE ROLLINS HALL HAD A 250 SEAT COMMITMENT, NOW 240 SEAT. CHANGE TO REQUIREMENTS FOR FUNDS ON HAND TO COMMENCE CONSTRUCTION. AGAIN UNDER THE EXISTING LEASE IS 70% CASH IN FINANCING AND ALL OF THAT AVAILABLE AND THE

REQUESTED CHANGE IS TO ALLOW PLEDGES THAT WOULD BE CONFIRMED BY THE CITY, AGAIN, PRIOR TO -- PRIOR TO THEIR COMMENCING CONSTRUCTION, TO BE INCLUDED IN THAT MIX OF -- OF FUNDING AVAILABLE FOR CONSTRUCTION. CHANGE TO THE OPERATING RESERVE REQUIREMENT THAT I DESCRIBED EARLIER, UNDER THE EXISTING LEASE THEY HAVE TO HAVE WHEN THEIR CERTIFICATE OF OCCUPANCY IS GRANTED AFTER CONSTRUCTION, THEY HAVE TO HAVE THE \$10 MILLION O AND M RESERVE ON HAND AND THE CITY HAS A FIRST LIEN ON THAT TOTAL AMOUNT. HAD HE DO HAVE A HAVE A TOTAL ENDOWMENT OF 10 MILLION, BUT BY FIR INDICATED -- BIFURCATED TO A LIEN, AND A 7.5 MILLION AMOUNT THAT WOULD BE AVAILABLE IN TRUST AND SOME OTHER CAPACITY LIKE THAT TO ANY SUCCESSOR WHO WOULD OPERATE THE LONG CENTER FOR WHATEVER REASON THE LONG CENTER FOLKS WERE NOT THERE TO OPERATE IT. IT WOULD BE AVAILABLE TO GENERATE INTEREST REVENUE FOR -- FOR OPERATIONS. AND THEN THE LAST CHANGE, THIS IS THE CHANGE THAT THE -- THAT THE CITY REQUESTED, UNDER THE 2001 LEASE, THE CURRENT LEASE, THE -- THE FEASIBILITY REPORT FOR THE CONSTRUCTION COSTS AND THE OPERATING ESTIMATE WAS DUE TO THE CITY PRIOR TO COMMENCEMENT OF CONSTRUCTION BUT WAS NOT TIED TO APPROVAL FOR CONSTRUCTION AND THEN THE CHANGE THAT WE'VE REQUESTED, WE -- WE WILL CHANGE THE TIMING OF THAT REPORT BEFORE IT WAS SUPPOSED TO BE DELIVERED TO THE CITY 45 DAYS PRIOR TO THEIR COMMENCING CONSTRUCTION. NOW, UNDER THE -- UNDER THE -- THE LEASE THAT'S BEFORE YOU TODAY, THEY WILL DELIVER THAT REPORT TO THE CITY WITHIN 60 DAYS OF COUNCIL APPROVAL. IF COUNCIL TAKES ACTION TO APPROVE THE LEASE CHANGES TODAY, THEN THEY WILL OWE US THAT FEASIBILITY REPORT BY AN INDEPENDENT THIRD PARTY THAT AGAIN THE CITY WILL HAVE A HAND IN SELECTING, THEY WILL OWE US THAT FEASIBILITY REPORT WITHIN 60 DAYS. THE CITY WILL THEN EXAMINE THAT REPORT, WILL HAVE OUR PUBLIC WORKS DEPARTMENT LOOK AT THAT REPORT, WE WILL LOOK AT THE O AND M SIDE OF THAT REPORT, AND ASSUMING THAT WE APPROVED THAT REPORT, WE WILL THEN HAVE A 30 DAY PERIOD DURING WHICH WE WILL CONFIRM THE MAJOR, AT LEAST CERTAINLY

THE MAJOR DONATIONS AVAILABLE FOR CONSTRUCTION FOR A LONG CENTER.

JOHN, I WANT TO CLARIFY THAT. IS THAT THE POINT IN THE LEASE, OR IS IT ALL PLEDGES THAT COUNT TOWARD THE 70%, WHAT IS IT EXACTLY IN THE AMENDMENT NOW?

IT JUST SAYS PLEDGES, THE PLEDGES CONFIRMED AND ACCEPTABLE, CONFIRMED BY AND ACCEPTABLE TO THE LANDLORD. SO THERE'S NO LIMIT ON IT.

Futrell: BECAUSE I BELIEVE RIGHT NOW WHAT WE ARE PROPOSING BECAUSE ACCEPTING AT 70%, PLEDGES IN ADDITION TO CASH AND FINANCING, WHAT WE HAVE RIGHT NOW IN THIS AMENDMENT IS THAT PLEDGES THAT ARE COUNTED TOWARDS THE 70% WILL BE CONFIRMED BY US WITH THE DONOR.

THAT'S THE WAY THE LEASE IS WORDED.

OKAY.

THAT CONCLUDES OUR PART OF THE PRESENTATION, I'M NOW GOING TO TURN IT OVER TO CLIFF REDD THE EXECUTIVE DIRECTOR OF THE LONG CENTER AND TO DUANE COOPER.

Mayor Wynn: WELCOME, MR. REDD.

GOOD AFTERNOON, NICE TO BE WITH YOU IN THIS BEAUTIFUL NEW SPACE. I'VE CLIFF REDD THE DIRECTOR OF THE LONG CENTER, I GET THE JOY OF SHOWING YOU WHAT THE LONG CENTER WILL LOOK LIKE WHEN WE BUILD IT, BECAUSE THAT'S OF COURSE THE CRUX OF THE MATTER TODAY, THE GREATNESS OF THE NEW FACILITY. WITH A LITTLE TECHNICAL SUPPORT HERE, WE'RE GOING TO TAKE A LOOK AND A WONDERFUL WALK THROUGH THE LONG CENTER. AMONG THE MILLION GIFTS THAT THE LONG CENTER GIVES US IS A WONDERFUL NEW PERSPECTIVE ON THE EXISTING PARMER AUDITORIUM. THIS IS AN ADAPTIVE REUSE PROJECT. WHICH IS INCREDIBLY THRIFTY FOR THOSE OF US IN AUSTIN WHO CARE THAT. IT'S BUILT FOR ABOUT 278 A FOOT, WHICH THE INDUSTRY STANDARDS ARE ABOUT \$600

A FOOT. WE WILL TALK ABOUT HOW WE ACCOMPLISHED THAT MIRACLE. WE HAVE IMAGES TO SHOW YOU. THAT WILL CONGEAL OUR THINKING TO BEGIN WITH. WE WILL SHARE THOSE WITH YOU NOW. THAT'S WHAT WE ARE ABOUT IS CREATING DREAMS FROM -- FROM AN OLDER AND NEEDING TO BE REDONE BUILDING. I WANT TO STEP BACK TO EARLY CONSTRUCTION PHOTO. THE PARMER BEING BUILT IN MY CHILDHOOD. IN AN ACTIVE REUSE, WE STRIP AWAY WHAT IS UNNECESSARY, NO LONGER RELEVANT TO THE BUILDING AND REUSE WHAT MATTERS AND WHAT CAN HELP US IN TERMS OF CONSTRUCTION BUDGETS. IN THIS CASE WE REUTILIZED THE ALMOST 8 STORY, NINE STORY STAGE HOUSE BUILDING, WONDERFUL GIFT, SAVES MILLIONS OF DOLLARS. WE HAVE REUTILIZED THE RING BEAM, OF COURSE THE CEMENT FOUNDATION AND OF COURSE THE WONDERFUL GIFT OF THE LAND THAT THE BUILDING RESIDES ON AND THE MOST RESPLENDENT LOCATION WE THINK IN THE CITY OF AUSTIN. USING THOSE ARCHITECTURAL ELEMENTS, WE EFFECTIVELY DO A SHIP IN A BOTTLE, PUT NEW FACILITIES IN THE OLD, WHICH IS AN INGENIOUS APPROACH TO THE FACILITY ON MANY LEVELS. THE GIFT IS THE BUILDING THAT YOU SEE NOW. RIGHT HERE. I WOULD LIKE TO STROLL YOU THROUGH THE BUILDING BECAUSE WE ARE VERY PROUD OF IT. THIS IS AN EPIC GIFT ON BEHALF OF THE CITIZENS OF AUSTIN TO THE CITY OF AUSTIN. THE ENTIRE PROJECT IS A \$77 MILLION PROJECT, AS THE CITY STAFF HAS TOLD YOU. WITH THE 67 MILLION DOLLAR CONSTRUCTION BUDGET. THAT IS AMONG THE BEST DOLLARS THAT WE WILL EVER SPEND IN THE CITY OF AUSTIN. THE RETURN IN TERMS OF AN INVESTMENT IN OUR CITY IS AN ECONOMIC DEVELOPMENT PIECE OF ABOUT \$25 MILLION ANNUALLY FOR OUR REGION AND \$10 MILLION FOR OUR DOWNTOWN AREA, TO SAY NOTHING OF THE GIFT IT GIVES TO THE ARTS INSTITUTIONS OF THIS CITY, BOTH LARGE AND SMALL. SO WE'LL START WITH ONE OF THE CROWN JEWELS OF THE NEW LONG CENTER, WHICH IS THE MICHAEL AND SUSAN DELL FOUNDATION HALL. RESPLENDENT IN EVERY WAY, IN EVERY POSSIBLE WAY. VAN TANK POINT. SEATS ABOUT 2400. COMPLETELY CHANGES THE PATRON EXPERIENCE AS WE KNOW IT IN CENTRAL TEXAS. THE AUDIENCE IS ENDED AROUND THE ACTION OF THE STAGE. WE HAVE THREE TIERS OF OPERA BOXES ON

EITHER SIDE OF THE THEATER. THERE IS NO BAD SEAT IN THE HOUSE AND I CAN WHISPER ON STAGE AND YOU CAN HEAR IT. WHAT A CHANGE FOR US. ABSOLUTELY A GREAT GIFT. WE ARE GOING TO SHOW YOU A SLIDE, IF YOU WERE TO SIT IN THE POOR STUDENT WORST SEAT IN THE HOUSE, THERE IT IS. YOU WERE WITH ME THAT NIGHT, SITTING UP THERE, SNEAKING IN TO SEE HOW THINGS WENT WITH YOU. WE WOULD BE 148 FEET FROM THE STAGE CHALK LINE WHICH IS A GREAT GIFT FOR US. IF YOU WERE WITH ME THAT NIGHT, WE WOULD BE LOOKING AT AN ON PROPER, WE WOULD HEAR EVERY WORD, SEE EVERYTHING THAT HAPPENED. WE ARE MAKING A SHIFT NOW TO WHAT IT WOULD MEAN TO YOU TO SIT IN THE CENTER BALCONY. THANK YOU. THANKS, DUANE. LIFE WITHOUT DUANE WOULD BE TERRIBLE FOR ME. THIS WOULD BE WHAT IT WOULD MEAN TO SIT IN THE CENTER BALCONY. LOOKING AT A SYMPHONY THAT NIGHT. I LIKE THIS IMAGE BECAUSE IT SHOWS YOU VERY MUCH WHAT WE ARE DOING TO THE STAGE HOUSE. WE ACTUALLY PRESS DOWNWARD, DEPRESS THE ACTUAL STAGE OPENING THE WAY YOU REMEMBER IT FROM THE PARMER, RAISED 15 FEET WHICH CREATES A DIFFERENT OR PHYSICIAN. ACCOMPLISHES TWO THINGS, CHANGES VISUALS, BUT ALSO CHANGES THE ENTIRE DYNAMIC OF THE ACOUSTICS, VERY IMPORTANT STRUCTURAL CHANGE FOR US, BUT NOT EXPENSIVE BECAUSE THE STAGE HOUSE EXISTS. MOVING FORWARD. HERE'S A VANTAGE POINT FROM THE CENTER OF THE HOUSE AND WE'RE WATCHING A BALLET THAT NIGHT. THIS IS A GIFT TO US ON MANY LEVELS IN TERMS OF OUR VIABILITY AS AN IMPORTANT ARTS CENTER FOR THE CITY OF TEXAS. A VERY IMPORTANT STATISTICS THAT I WOULD LIKE TO TALK ABOUT RELATIVE TO THE DELL HALL AND THE ENTIRE PROJECT. THE GREAT STATISTIC FOR US IN AUSTIN IS THAT WE ARE ONE OF 16 RAREPHIEED CITY THAT HAS A THRIVING BALLET AND SYMPHONY. WE ARE THE ONLY CITY OF OUR SIZE WITHOUT OUR OWN PERFORMING ARTS CENTER IN THE COUNTRY. SO THE GIFT IS OBVIOUS AND THE NEED IS VERY CLEAR. I WOULD LIKE TO SHOW YOU THE NEXT FACILITY, WHICH REPRESENTS A GREAT DEAL OF INTEREST IN MY CORE VALUES. I CELEBRATE OUR MAJOR ARTS INSTITUTIONS BUT HAVE A GREAT PASSION FOR THE SMALLER AND EMERGING ARTS INSTITUTIONS. THE ROLLINS

THEATER IS A RATHER RESPLENDENT ADDITION TO ADDRESS THE VERY GREAT NEEDS IN THAT COMMUNITY. THE ROLLINS THEATER IS A FLEXIBLE SPACE THEATER THAT SEES AS FEW AS 80, AS MANY AS 240. I'LL SHOW YOU THAT IN A SECOND. IT ALSO HAS A VERY IMPORTANT APPLICATION, PERHAPS FOR DAYTIME, FURTHER -- FURTHER FOR -- ANCILLARY OTHER USES OF THE BUILDING WITH NO SEATS IN IT. I THINK IT'S AS INTERESTING OF A SPACE FOR US EMPTY AS IT IS IN ANY OTHER APPLICATION. IT MIGHT BE ALSO FOR THE ARTS INSTITUTIONS BECAUSE WE HAVE A VERY WONDERFUL WAY OF PRESENTING A VERY WIDE VARIETY OF PROGRAMMING HERE. LET'S TAKE A STROLL SO YOU CAN SEE WHAT WE ARE BUILDING. WE COULD HAVE A WILD ROCK OPERA GOING ON IN THE DELL THEATER, A VERY QUIET OBOE CONCERT IN THE ROLLINS THEATER, SEPARATE LOBBIES, AIR CONDITIONING, LOADING BAYS, COULD OPERATE AUTONOMOUSLY EVEN WITH DIFFERENT BOX OFFICES, WHAT A GIFT TO HAVE TWO THINGS HAPPENING AT ONCE BLEND THE AUDIOENSS MOVING FORWARD. 240 SEAT CONFIGURATION FOR THE THEATER. THIS IS HOW IT WOULD LOOK WERE YOU TO COME THAT NIGHT. HERE IS THE 80 SEAT CONFIGURATION, PARENTHETICALLY, AUSTIN'S ARTS COMMUNITY VALUES SMALL AS MUCH AS LARGE AND MANY OF OUR ARTS INSTITUTIONS HAVE A VERY VITALLY IMPORTANT 80 FEET AUDIENCE, THIS CERTAINLY REPRESENTS THEM WELL AND THIS IS HOW IT WOULD LOOK WERE YOU TO COME THAT NIGHT. HERE IS THE STADIUM SEATING CONFIGURATION, GOOD FOR PERFORMANCE ART, PUBLIC SPEECHES, PRESENTATIONS, COULD BE DUAL SCREENS ON EITHER SIDE, VERY INTERESTING CONFIGURATION, THIS IS HOW IT WOULD LOOK WERE YOU THERE. AND FINALLY THE THREE QUARTER ROUND CONFIGURATION, WHICH SEATS 194. THIS IS A VERY NORMAL OR TYPICAL KIND OF CONFIGURATION USED IN THREE QUARTER ROUND IN THEATRICAL PRODUCTIONS, IT WOULD LOOK LIKE THIS. ONE NOT PICTURED IS THE TOTALLY THEATER IN THE ROUND EXPERIENCE WHICH ALSO IS VERY IMPORTANT TO US, CERTAINLY THE SPACE CAN DO AS WELL. LET'S TALK ABOUT HOW TO ACHIEVE THIS MIRACLE, HOW WE MAKE THIS MIRACLE HAPPEN ON THE BUDGET. HERE'S A LOOK AT THE MASTER PLAN. THIS IS OUR PHASE 1 AND THE GRAY AREA REPRESENTS THE OLD PALMER AUDITORIUM AS

IT IS. WE DEPRESS THE FOUNDATION 10 FEET. TO ACHIEVE ACOUSTICAL EXCELLENCE THAT WE REQUIRE OF OURSELVES, WE INSERT THE NEW DELL THEATER LIKE SO. ONE OF THE GREAT GIFTS THAT THIS PLAN GIVES US IS THE ADD DISOF A 35,000 SQUARE FOOT OUTDOOR THEATRICAL SPACE AND PERFORMANCE SPACE THAT WE'VE NEVER HAD BEFORE IN THE CITY. AS WE GO FORWARD, THE VIEW IS AMONG THE MOST BEAUTIFUL IN THE CITY OF THE LICK AND DOWNTOWN AND -- THE LAKE AND DOWNTOWN, ITS USES ARE ENDLESS, WE HAVE NOT ACTUALLY YET CONTEMPLATED THOSE IN TERMS OF WHAT THEY CAN BE FOR US. WHAT I DO KNOW AT THIS POINT IN TIME IT WILL BE ONE OF THE MORE IMPORTANT GIFTS WE HAVE GIVEN OURSELVES ALONG WITH THE LONG CENTER. ALSO THE ROLLINS THEATER ON THE SIDE. WE COMPLETELY CHANGE THE PATRON EXPERIENCE. MOVING FORWARD, DUANE. WHERE HE CHANGE THE TOPOGRAPHY OF THE BUILDING, CREATE A NEW, WONDERFUL APPROACH, CIRCULAR DRIVEWAY. A DROPOFF AREA FOR THOSE WHO NEED A VALET PARKING AREA, WE CERTAINLY APPRECIATE THE SUPPORT OF THE CITY IN THE BUILDING OF THE PARKING GARAGE, IT'S A VITAL AMENITY FOR THIS AND CHANGE OUR PATRON EXPERIENCE. NOT ONLY DO YOU HAVE AN APEX EXPERIENCE IN TERMS OF WHAT YOU ARE SEEING, IN TERMS OF WHAT THE PERFORMANCES ARE THAT NIGHT, YOUR ACCESSIBILITY TO THEM IN A NEW WAY, ALSO CREATING THE VERY MUCH NEEDED INFRASTRUCTURE OR PATRON EASE WITH THE NEW FACILITY. WHAT'S IN FRONT OF YOU IS THAT WE ARE AT A CRITICAL JUNCTION AND WE ARE. ARTS INSTITUTIONS VERY BADLY NEED A PERFORMANCE HALL OF THEIR OWN, THAT'S CLEARLY TYPIFIED IN THE REPORT THAT YOU HAVE JUST SEEN. OUR CRITICAL TIME JUNCTURE HAS TO DO WITH BASS HALL CLOSES FOR IMPROVEMENTS IN 2006 CREATING A CRITICAL DEADLINE FOR US TO GET UNDERWAY WITH THE BUILDING OF THE LONG CENTER IN ORDER TO MEET THESE DEADLINES, SO OUR PERFORMING ARTS INSTITUTIONS HAVE A HOME. SO YOUR SUPPORT IS NEEDED. THE LONG CENTER IS LONG OVERDUE. PARDON THE PUN. AS I SAID A TREMENDOUS GIFT. THE PARTNERSHIP BETWEEN THE CITY OF AUSTIN AND THE CITIZENS OF AUSTIN IS A NEW NATIONAL MODEL, I BELIEVE. IN OUR VERY AUSTINIZEED APPROACH TO THIS

PROJECT, THE WAY THE LONG CENTER IS BEING ADMINISTERED RUN AND CONCEIVED IS TOTALLY UNIQUE MODEL WHICH MAKES US WONDERFUL IN AUSTIN I THINK. SO WE ARE DOING IT A NEW WAY, A BETTER WAY, OUR OWN WAY AND YOUR SUPPORT TO MAKE THAT REALITY MEANS A LOT TO US. FINALLY HERE'S THE VIEW I PROMISED YOU. IN CREATION OF A BETTER AUSTIN, WE CELEBRATE A CREATION OF NEW SPACE, WE CELEBRATE A CREATION OF A BETTER AUSTIN, WE CELEBRATE THE CREATION OF A MORE SYNERGISTIC ARTS COMMUNITY WHO LIVES TOGETHER AND FUNCTIONS TOGETHER AT A MUCH HIGHER LEVEL THAN BEFORE. WE GET THIS INCREDIBLE VIEW. IT'S KIND OF INTERESTING WHEN YOU WALK INTO THIS FACILITY YOU GET TO ENJOY IT EVERY DAY IN THE CITY COUNCIL CHAMBERS. WE ARE PLEASED WITH THE BUILDING, IT REPRESENTS INGENUOUS DESIGN FROM AMONG THE TOP ARCHITECTS IN THEIR FIELD IN THE COUNTRY. NO THOUGHT HAS BEEN SPARED -- IN THE COUNTRY. NO THOUGHT HAS BEEN SPARED AS YOU HAVE SEEN. LITMUS TESTS VERY WELL IN TERMS OF ITS FEES YET. WANTS ONLY NOW OUR TIME AND ENERGY TO FINISH GETTING THE PROJECT BUILT. MANY OF OUR BOARD OF DIRECTORS ARE HERE TODAY. THEY CELEBRATE WITH ME THE ADDITION OF THIS GREAT IMPORTANT ICON AND OUR CULTURAL LANDSCAPE. I'M HAPPY TO ENTERTAIN QUESTIONS, THANK FOR YOUR TIME. I LOVE THAT I GET TO BE ONE OF THE FIRST THINGS THAT HAPPENS IN THE NEW CITY HALL. THANK YOU.

Mayor Wynn: THANK YOU, MR. REDD.

Mayor Wynn: I WILL SAY WE HAVE 30 FOLKS WHO SIGNED UP IF SUPPORT. NOBODY AGAINST. ONE CITIZEN NEUTRAL. ALL OF THE CITIZENS ARE SUGGESTING THEY DON'T WISH TO SPEAK, BUT SEVERAL HERE ARE KEY MEMBERS OF BOTH THE LONG CENTER BOARD AND INDIVIDUAL ARTS GROUPS HERE TO ANSWER QUESTIONS. FIRST QUESTION, MR. REDD, LET'S TALK ABOUT TIMING.

YES.

WE HEARD MR. STEPHENS TALK ABOUT -- ABOUT THAT -- THE CITY STAFF'S RECOMMENDATION TO US IS THAT WE AM THE LEASE, INCLUDING THE CONSTRUCTION OVERVIEW. I GUESS



THE CITY STAFF THE -- FOR THE REVIEW OF THE CONSTRUCTION COST ESTIMATES AND THEN STAFF WILL HAVE TO TAKE SOME TIME TO DO THAT APPROPRIATELY, OF COURSE. AND HE TALKED ABOUT -- ABOUT 30 DAYS OR SO PERHAPS TO REAFFIRM THE PLEDGES, SINCE WE ARE BEING ASKED TO, YOU KNOW, COUNT PLEDGES TOWARDS CASH. SO YOU KNOW WE START TO ADD UP THE MONTHS HERE IN 2005. AND OF COURSE THERE'S STILL THE -- THE ONGOING FUNDRAISING DRIVE THAT YOU ALL HAVE GOING. REALISTICALLY, WHAT'S A -- WHAT'S A START TIME OF CONSTRUCTION SHOULD EVERYTHING GO WELL, THE REVIEW OF THE CONSTRUCTION COSTS, YOU ALL'S FUNDRAISING, WHILE ALL OF THAT IS OCCURRING, REAFFIRM NATION OF PLEDGES -- REAFFIRMATION OF PLEDGES, SIGNING THE CONTRACT WITH THE CONTRACTOR, REALLY PULLING THE TRIGGER.

THANK YOU FOR THE QUESTION. IT GIVES ME AN OPPORTUNITY TO REVIEW SEVERAL PIECES OF INFORMATION THAT IS SALIENT TO THE CONVERSATION. LET ME PLEASE AGAIN ECHO THAT THE CITY STAFF HAS DONE A WONDERFUL JOB IN DEPICTING THE LONG CENTER. IN THE LAST MONTH AND A HALF OR TWO WE HAVE RAISED IN EXCESS OF A MILLION TOWARD THE LONG CENTER PROJECT. AS ALL OF YOU KNOW THE LONG CENTER BOARD AND STAFF HAS HAD A CORE VALUE OF RAISING A SUBSTANTIVELY SIGNIFICANT AMOUNT OF THE \$67 MILLION OF CONSTRUCTION COSTS, PRIOR TO BEGINNING. WITH WHAT YOU SEE BEFORE YOU, WHAT WE HAVE CURRENTLY IN ASKS ON THE TABLE THAT SEEM TO HAVE A POSITIVE OUTLOOK FOR THE VERY NEW FUTURE, I WOULD ANTICIPATE US TO WANT TO START IN MID 2005 AT THE LATEST, PRIMARILY DRIVEN BY TWO KEY ELEMENTS. ONE ESCALATION OF GOODS AND MATERIALS IS EXPENSIVE FOR THE FILE RIGHT NOW, MY GREATEST DESIRE IS NOT TO ERODE DONOR MONEY WITH INFLATIONARY ISSUES. RATHER RELEVANT AND SIGNIFICANT TIMING FOR THE ARTS INSTITUTIONS, VERY COSTLY FOR THEM TO PERFORM ELSEWHERE WHILE THE LONG CENTER IS BEING COMPLETED. SHOULD IT DELAY. IT'S OUR VERY GREAT THOUGHT THAT TWO THINGS HAPPEN IN TANDEM. ONE THAT WE ARE ABLE TO ACCELERATE AND REDOUBLE OUR

FUNDRAISING EFFORTS. WE ARE RANGING IN MONTHS NOW THAT ARE MOVING TO IN EXCESS OF A MILLION A MONTH. WITH THE CERTAINLY WITH THE POSITIVE ENERGY THAT'S HAPPENED AS A RESULT OF THE PROJECT WITH THIS PROCESS, WE ARE HOPING TO ACCELERATE THAT FURTHER TO CONCLUDE AND ANSWER YOUR QUESTION, IT'S OUR VERY GREAT DESIRE THAT WE BEGIN AS SOON AS POSSIBLE AND AS SOON AS IT'S FINANCIALLY FEASIBLE FOR US TO DO THAT. I WISH THAT I HAD A QUANTIFIABLE ANSWER TO YOU. I THINK OUR FUNDRAISING SHOULD YIELD RATHER SIGNIFICANT RESULTS. WE WOULD LIKE TO START SOONER RATHER THAN LATER.

Mayor Wynn: SURE, BUT REALISTICALLY IT WOULD BE MID YEAR '05. SO --

EARLIER IF POSSIBLE. WE HAVE SEVERAL MAJOR ASKS OUT AT THE MOMENT. SO IT -- WERE THOSE TO MATERIALIZE AS RAPIDLY AS WE HOPE, WE COULD BE READY TO BEGIN IN 45 DAYS OR LESS. IT'S REALLY DRIVEN A LOT BY THE FUNDRAISING MARKET.

Mayor Wynn: WHAT'S THE PROJECTED CONSTRUCTION PERIOD?

36 MONTHS.

Mayor Wynn: MAKE THE MATH EASY. MID '05 THROUGH MID 08 -- TALK ABOUT THE OTHER BIG PIECES OF THIS ELEMENT IS THE BASS HALL'S CLOSURE FOR RENOVATIONS AND REPROGRAMMING. WHAT'S THAT TIMING?

THE -- THE PROJECT CREW AND THE BOARD AND STAFF HAVE A GOAL OF TRYING TO OPEN THE LONG CENTER IF AT ALL POSSIBLE BY LATE 2007. WE HAVE A FOUR-MONTH ABATEMENT PROCESS AND BEYOND THAT IS THE BALANCE OF THE 36 MONTHS CONSTRUCTION TIME. SO LATE 2007, EARLY 2008 IS OUR GOAL. OUR STATED GOAL FOR OURSELVES. >>

Mayor Wynn: WHAT'S THE CURRENT PROJECT FROM UTS TO WHEN THEY CLOSE BASS, I GUESS.

2006. 7, I'M SORRY, THEY WILL BE CLOSED IN 2007, THE PERFORMING ARTS INSTITUTIONS WILL COMPLETE THEIR 2006 SEASON. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THEY ARE TIME LIMITED SOLUTIONS. SO THEY ARE PLANNED, BUT THEY'RE NOT OPTIMAL.

Mayor Wynn: AGREED. THANK YOU. FURTHER QUESTIONS?  
COUNCILMEMBER MCCRACKEN.

McCracken: FIRST, I WANT TO CONGRATULATE YOU MR. REDD AND EVERYBODY AT ARTS CENTER STAGE. WE'VE BEEN KIND OF LAUGHING THAT MERE MORE TALLS COULD NOT HAVE ACCOMPLISHED WHAT YOU HAVE DONE TO KEEP THIS PROJECT GOING THROUGH SOME VERY TOUGH TIMES AND NOW IT LOOKS LIKE WE'RE ON THE VERGE OF GETTING TO WORK.

THANK YOU, COUNCILMEMBER.

McCracken: WE HEARD ABOUT RATIOS, PART OF A LEASE THAT WE NEED TO BE ON HAND, NEED PLEDGES, ON HAND COMMITMENTS, CASH ON HAND TO GET STARTED. WHAT PERCENTAGE IS THE LONG CENTER TOWARD REACHING THAT GOAL TO YOUR KNOWLEDGE?

AT THIS MOMENT IN TIME IN THE FREEZE FRAME OF THIS DAY -- IT CHANGES ACTUALLY HOURLY, WHICH IS THE GOOD NEWS FOR YOU AND FOR ME. AT THIS MOMENT WHEN I WALKED IN HERE WE HAD \$9.7 MILLION REMAINING TO OUR 67-MILLION-DOLLAR GOAL. AND WE HAD TWO OR THREE IN THE HOPPER FOR TODAY. SO I'M HOPING THAT WE'RE LOWER BY THE END OF THE DAY. WE HAVE A VERY AGGRESSIVE CAMPAIGN WITH THE FOUNDATION AND A VERY GOOD PROGRESS PROGNOSIS IN SEVERAL AND SEVERAL MAJOR DONORS. ALTHOUGH IT MAY SOUND LIKE A LOFTY AMOUNT, IN THE WORLD OF FUND-RAISING, WE'RE DOWN TO THE LAST SMIDGE AS THEY SAY. SO THAT'S THE REALITY. TO \$67 MILLION, WE HAVE \$9.7 MILLION TO GO TODAY.

McCracken: ONE OF THE THINGS YOU HAD MENTIONED A SECOND AGO WAS THAT THE LONG CENTER COULD GET

STARTED AS SOON AS 45 DAYS FROM NOW. IT APPEARS FROM THE PROPOSED LEASE AMENDMENTS RECOMMENDED BY STAFF THAT THE SOONEST THAT COULD HAPPEN FROM AT -- AT LEAST FROM A CONTRACTUAL STANDPOINT WOULD BE 90 PLUS DAYS.

THAT LOOKS LIKE TO BE THE REALITY OF THE NEW CONTRACT, YES.

McCracken: AND THIS MAY BE A QUESTION FOR LONG CENTER, BUT FOR CITY STAFF AS WELL. IF IT IS POSSIBLE TO DO IT SOONER THAN 90 DAYS, CONSIDERING THE VERY TIGHT TIME FRAME WE ARE FOR 2007, HOW COULD WE MAKE THAT HAPPEN, OR IS IT POSSIBLE THAT THAT COULD HAPPEN?

A VERY GOOD QUESTION. OUR BOARD WILL MAKE ACTION TO MOVE FORWARD ON OUR PART.

COUNCILMEMBER, IT CERTAINLY COULD HAPPEN FASTER THAN THAT. IT REALLY DEPENDS FIRST OF ALL ON HOW QUICKLY THEY GET THAT FEASIBILITY REPORT TO US AND HOW LONG IT TAKES US TO TURN THAT AROUND. AND WE WILL TURN THAT AROUND CERTAINLY AS QUICKLY AS WE CAN. AND THEN ONCE THAT REPORT HAS BEEN DIGESTED AND APPROVED BY THE CITY, WE CAN BEGIN THE CONFIRMATION PROCESS. I'M NOT SURE HOW LONG THAT WOULD TAKE. MY GUESS IS IT WOULD TAKE A MINIMUM OF THREE WEEKS. SO I GUESS UNDER A VERY, VERY SORT OF HURRY UP SCENARIO, IT COULD OCCUR POSSIBLY IN 60, 70 DAYS. AGAIN, A LOT OF IT DEPENDS ON HOW QUICKLY THAT FEASIBILITY REPORT, HOW QUICKLY WE SELECT SOMEONE TO DO THAT AND HOW QUICKLY THAT REPORT IS PRESENTED TO US.

BUT I ALSO CAN'T STRESS ENOUGH, THIS REALLY IS A CRITICAL PART, THE LAST CRITICAL PART. VALIDATING CONSTRUCTION COSTS, YOU JUST SAW TODAY, FOR EXAMPLE, THE METZ CENTER CONSTRUCTION ESTIMATE. WE NEED TO GO IN AND CONFIRM CONSTRUCTION COSTS, PARTICULARLY MOVING FORWARD AT 70% AND INCLUDING PLEDGES. SO CONFIRMATION PLEDGES AND CONFIRMATION OF CONSTRUCTION COSTS I BELIEVE IS ABSOLUTELY A

PRUDENT THING ON THE CITY'S PART TO DO IN ORDER TO BE ABLE TO PARTNER NOW AND MOVE FORWARD AS QUICKLY AS POSSIBLE. I DO THINK WE COULD MOVE IT UP A LITTLE BIT, BUT I DO THINK YOU OUGHT TO COUNT ON THIS BEING VERY CLOSE TO 90 DAYS TO BE ABLE TO COMPLETE.

I DO -- THE SENT -- I DO ECHO THE SENTIMENTS AND SPIRIT OF ALL OF YOU IN THIS ROOM AND CERTAINLY THE STAFF BEHIND. OUR CORE VALUES ARE VERY MUCH ON PROJECT COSTS AND WE'VE SPENT A LOT OF TIME VALIDATING AND RETESTING AND RETESTING AND RETESTING. ONE OF THE CORE VALUES OF OUR CONSTITUTION IS THAT WE'RE BUILDING A PROJECT ON A SPECIFIC AMOUNT OF MONEY. AND ONE OF THE -- A PRIDE ISSUE FOR US IS THAT THE ETHIC AND -- EPIC AND LEGENDARY STORIES ABOUT THE COST OVERRUNS FOR THESE PROJECTS, AND THAT'S NOT A WHAT WE WANT TO DO IN THE CITY OF AUSTIN. THIS IS A MODEL FOR DOING IT RIGHT. WE ARE VERY, VERY FOCUSED ON PROJECT COSTS AND CONTINGENCIES AND NO SURPRISES AT THE END OF THE JOB. SO A PERFECT SCENARIO FOR US IS NOT ONLY TO DELIVER A BEAUTIFULLY BUILT BUILDING, BUT ON THE PROJECT THAT WE HAVE TO SPEND.

AND A GOOD TEST OF THAT IS THE FACT THAT OUR REVIEW OF THE PROJECTED OPERATING COSTS HAVE BEEN DEAD ON. ABSOLUTELY DEAD ON, AS YOU HEARD FROM CARLA. SO WHAT WE HOPE IS THAT WE'RE GOING TO FIND THE SAME THINGS THAT WE REVIEW CONSTRUCTION AND WE'LL MOVE QUICKLY THROUGH THAT.

I THINK ONE OF THE VERY POSITIVE THINGS ABOUT THE REPORT WE'VE RECEIVED IS WHAT AN ACROSS THE BOARD, POSITIVE REVIEW OF ALL THE ASSUMPTIONS, OPERATIONS OF THE LONG CENTER. IT GIVES ME A GREAT DEAL OF CONFIDENCE THAT THIS IS GOING TO OPEN UP HERE IN THE NEXT THREE YEARS, I GUESS, WHICH IS A GREAT DEAL FOR AUSTIN.

THANK YOU. THE LONG CENTER WE'RE DREAMING OF IS ONE THAT'S EMBRACED BY THE ENTIRE COMMUNITY. IT'S A GOOD DEAL, IT'S SOMETHING WE NEED, IT'S FRUGALLY BUILT. IT'S SOMETHING WE'RE TRYING TO BUILD THAT'S LOVED AND

USED BY EVERYONE.

Slusher: MAYOR.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: I'M VERY HAPPY WE'RE GETTING THIS BACK ON TRACK AND ABOUT TO MOVE FORWARD. I DO THINK WE HAVE A RESPONSIBILITY FOR THE TWO ITEMS THAT THE CITY MANAGER JUST LAID OUT. MR. REDD, WE TALKED ABOUT THIS IN MY OFFICE WITH SOME OF YOUR BOARD MEMBERS, BUT WE HAVE A FIDUCIARY RESPONSIBILITY HERE TO THE CITIZENS AS THEY'RE RELEKTED REPRESENTATIVES -- THEY'RE ELECTED REPRESENTATIVES, AND ONE THING I WANT TO MAKE SURE OF AND WHAT THE ENDOWMENT WAS FOR IS THAT THERE WON'T COME A TIME LATER WHEN THE LONG CENTER IS COMING BACK TO THE CITY AND ASKING FOR OPERATING COSTS. COULD YOU ADDRESS THAT HERE TODAY.

I WOULD LOVE TO. IT'S ONE OF MY FAVORITE SUBJECTS. [ LAUGHTER ] AND ONE SPEAK TO YOU OFTEN.

LET'S BE SURE WE'RE GETTING THIS ON TAPE. WE ARE, ARE WE NOT?

ON TAPE NOW AND AGAIN. THERE ARE TWO SALIENT ISSUES AT WORK HERE, COUNCILMEMBER, THAT WE HAVE TO MAKE SURE WE HAVE AMPLIFIED TO THE CITIZENS OF AUSTIN AND TO THE HUMANS IN THIS ROOM. ONE IS THAT WE ARE EMBARKING ON A VERY IMPORTANT, NATIONALLY FOCUSED ENDEAVOR. THIS IS AN UNUSUAL MODEL THAT'S A GIFT. AND MORE THAN OTHER BOARD OF DIRECTORS IN OTHER PARTS OF THE COUNTRY AND MORE THAN OTHER BOARD OF DIRECTORS IN TEXAS, WE HAVE A BOARD WITH A PASSION OF STRONG LEVEL FISCAL MANAGEMENT ON THIS PROJECT, OF MAKING SURE THE NUMBERS DO WORK, MAKING SURE THAT WE BUILD THIS BUILDING ON THE BUDGET WE SAY WE CAN AND DELIVERING A GIFT TO THE COMMUNITY THAT IS A GIFT THAT KEEPS ON TAKING. WITH THAT SAID, I THINK THE ANSWER TO YOUR QUESTION IS OUR STRONG SENSE OF FISCAL RESPONSIBILITY, THE MAKEUP OF THE BOARD OF DIRECTORS AND THE FOCUS AND CAL CENTRAL TEXANICS,

IF NOT RIGOROUS EXERCISE, WHAT WE DO WITH OUR DONOR BASE AND YOU IN THE CITY, WILL GIVE US THE POSITIVE RESULT AND WE'LL GO 20 YEARS FORWARD AND SAYING THAT'S THE BEST IDEA THAT WE EVER HAD AND THE UNITED STATES SEES THAT TOO. THAT'S YOUR GOAL. DOES THAT ANSWER YOUR QUESTION?

Slusher: I THINK SO. LET ME MAKE SURE. YOU HAVE NO INTENTIONS AND NO PLANS AND YOU DO NOT THINK THAT -- LET ME LEAD WITH THOSE FIRST TWO, NO INTENTIONS, NO PLANS TO LATER ASK THE CITY FOR OPERATING REVENUES?

NO. AS A MATTER OF FACT, IT WOULD VIOLATE THE CORE VALUES OF THE BOARD OF DIRECTORS IN OUR INSTITUTION TO DO THAT. ONE OF THE THINGS I BECAME VERY, VERY CLEAR ABOUT FOR ME PRIOR TO ACCEPTING THIS POSITION IS THAT WAS OUR PROJECT. WE EMBRACE THE CITIZENS OF AUSTIN, AND I WANT TO THANK THEM AGAIN FOR THEIR SUPPORT AND BELIEF IN THE ARTS COMMUNITY TO BUILD THIS BUILDING IN THIS WAY AND TO WORK THIS MODEL IN THIS WAY. SO WE HAVE AN INCUMBENT AND HIGHER LEVEL DUTY TO MAKE CERTAIN WE ARE NEVER IN THE WAY OF THE CITY'S BUDGETARY PROCESS WITH A DRAIN OF CASH. AND THAT IS THE CORE VALUE I'M HERE TO REPRESENT TO YOU TODAY.

Slusher: THANK YOU, SIR.

ON TAPE.

Slusher: I MAY HAVE TO PUT IT IN THE TIME CAPSULE.

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

THANK YOU VERY MUCH. YOUR SUPPORT MEANS A GREAT DEAL TO US. THANK YOU.

Futrell: JOHN, DID YOU WANT TO COME BACK UP AND JUST GO ONE MORE TIME, JUST QUICKLY THROUGH THE AMENDMENTS? AND THEN I THINK COUNCIL WILL BE READY TO TAKE THIS ITEM UP?

AGAIN, THE MAJOR AMENDMENTS THAT WE'RE ASKING YOU TO DO IS TO ALLOW THEM TO BEGIN CONSTRUCTION THIS YEAR RATHER THAN THE 2003 DATE, WHICH OF COURSE THEY HAD MISSED. AND THEY ARE MAKING SOME SMALL CHANGES IN TERMS OF PHASING OF THE FACILITIES. THEY'RE ASKING TO BE ABLE TO INCLUDE PLEDGES ALONG WITH FINANCING AND CASH IN THE MIX, THE THRESHOLD REQUIREMENT THAT THEY HAVE TO MEET BEFORE THEY BEGIN CONSTRUCTION. THEY'RE ASKING TO BIFURCATE THAT O AND M RESERVE, THAT 10-MILLION-DOLLAR RESERVE, INTO TWO PARTS. TWO AND A HALF MILLION OF WHICH THE CITY WOULD HAVE A FIRST LIEN ON AND SEVEN AND A HALF MILLION WHICH WOULD BE AVAILABLE TO GENERATE OPERATING INCOME FOR WHOEVER OPERATES THE CENTER, WHETHER IT'S THE LONG CENTER OR ANY SUCCESSOR TO THEM. AND THEN WE'VE CHANGED SECTION 5.2-B OF THE LEASE, WHICH DEALS WITH THE FEASIBILITY REPORT. AND THAT IS NOW TIED TO THE CITY'S APPROVAL FOR THEM TO COMMENCE CONSTRUCTION. SO THOSE ARE THE MAJOR CHANGES THAT WE HAVE IN THE LEASE, AND YOU HAVE THOSE POSTED -- THE APPROVAL OF THE LEASE AS A POSSIBLE ACTION ITEM BEFORE YOU TODAY.

Mayor Wynn: THANK YOU, MR. STEPHENS. FURTHER COMMENTS, QUESTIONS, COUNCIL? FOR THE RECORD, WE HAVE A NUMBER OF CITIZENS SIGNED UP ALL IN FAVOR OF THIS POSTED OFFICE. AND I'LL JUST READ THE NAMES -- THESE ARE ALL FOLKS NOT WISHING TO SPEAK, IN FAVOR. CONNIE WEBB. MELISSA EDDIE. JOE LONG. THERESA LOZANO LONG IS ALSO AVAILABLE FOR QUESTIONS IF NEED BE. DOROTHY RIT ENHOUSER. JARROD SMITH. MARY KERR. DONNA VEIN, SORRY IF I'M MISPRONOUNCING THAT. JOE LYNN BURG. PETE WINSTEAD, DONALD RUTLEDGE, DON MARTIN. AL ELECTRIC CRAWFORD. JOANN CHRISTIAN, TAMARA HAIL. JEAN LYNCH. HELEN BAXTER, COURTNEY BAXTER, TERRY ERIAON. DEBRA PFLUGER, STEPHEN ALDER AND VICKY REASON ALL SIGNED UP IN FAVOR. AND CHUCK LUPKEY CHECKED NEUTRAL. THOSE ARE FOLKS WHO WISH TO BE REPORTED ON THIS ITEM. HEARING NO COMMENTS, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 63 AS PRESENTED BY STAFF.

Dunkerley: I'LL MOVE APPROVAL ON ITEM 63 WITH THE NOTED



CHANGES AS PRESENTED BY STAFF.

Thomas: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THIS RESOLUTION DIRECTING THE CITY MANAGER TO DOCUMENT THESE PROPOSED CHANGES TO THE CITY'S GROUND LEASE WITH THE LONG CENTER. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. I JUST WANTED TO THANK EVERYONE, THE DIRECTOR AND ALL THE BOARD THAT HAVE REALLY BEEN WORKING REALLY HARD TO GAIN MOMENTUM THAT WAS LOST FOR SOME TIME THERE BECAUSE OF THE ECONOMIC DOWNTURN. SO IT'S A REALLY POSITIVE PRESENTATION AND REALLY A POSITIVE PLACE WHERE WE'RE AT, AND I'M JUST REALLY HAPPY TO SEE THAT WE'RE GOING TO BE MOVING FORWARD. I ALSO WANT TO THANK EVERYONE WHO HAS BEEN A PART OF THIS. AND I DO SEE MR. AND MRS. LONG OUT THERE, SO I CERTAINLY WANT TO THANK THEM FOR THEIR CONTINUED SUPPORT, AND EVEN TO THE EXTENT OF BEING HERE WITH US TODAY. BUT I WOULD ALSO MENTION WE WILL BE ALSO BREAKING GROUND ON THE MEXICAN-AMERICAN CULTURAL CENTER IN A COUPLE OF MONTHS OR SO, AND THAT'S ALSO A PROJECT THAT HAS MULTIPLE PHASES, AND THERE MAY BE SOME OPPORTUNITIES FOR COLLABORATION THERE AS WELL, BUT I THINK TWO VERY EXCITING PROJECTS FOR THE COMMUNITY. THANK YOU.

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

Goodman: ONE QUICK ONE. I THINK THAT WE'RE ACTUALLY WITH THIS ACTION AND SEVERAL OTHERS MAKING A MOVE INTO THE CENTURY THAT WE THOUGHT WE JUST ENTERED. AND I THINK THAT THE BENEFIT TO THE COMMUNITY WILL BE VERY VISIBLE, VERY SOON. AND I DID PUT A LITTLE SOMETHING INTO THE TIME CAPSULE.

Mayor Wynn: THANK YOU. FURTHER COMMENTS?

COUNCILMEMBER THOMAS.

Thomas: THANK YOU. I JUST WANT TO COMMEND THE BOARD AND THE LONG FAMILY, BUT I ALSO WANT TO COMMEND THE NEW EXECUTIVE DIRECTOR FOR HIS ENERGY AND HIS SPIRIT, AND WE HOPE THAT YOU KEEP THAT SO THAT WE'D BE ABLE TO ONE DAY SEE THAT THE GROUNDBREAKING AND THE RIBBON CUTTING OF THE GREAT LONG CENTER. I DO LIKE THE ATTITUDE OF REACHING OUT TO THE OTHER PARTS OF THE COMMUNITY SO THEY'LL BE ABLE TO UTILIZE THE LONG CENTER. SO I WISH MANY BLESSINGS ON YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER.  
COUNCILMEMBER DUNKERLEY.

Dunkerley: I DO WANT TO SAY THANK YOU TO ALL OF YOU. I THINK THE LONG CENTER IS PROBABLY THE MOST IMPORTANT BUILDING WE NEED TO WORK ON RIGHT NOW. I'M SO GLAD WE'RE MOVING AGAIN. THANK YOU.

Mayor Wynn: AND I WOULD LIKE TO ACKNOWLEDGE AND THANK CITY STAFF, PARTICULARLY JOHN STEPHENS AND CARLA FOR A LOT OF WORK OVER THE LAST THREE MONTHS WORKING WITH THE LONG CENTER, THE BOARD AND THE EXECUTIVE DIRECTOR AS WE CAME TO THIS AGREEMENT. SO THANK YOU ALL VERY MUCH. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. CONGRATULATIONS. [ APPLAUSE ]

Mayor Wynn: WE'LL TAKE A QUICK RECESS BEFORE WE'LL COME BACK AND CONTINUE THE MEETING. THANK YOU.

Mayor Wynn: FOLKS, IF YOU DON'T MIND TAKING YOUR CONVERSATIONS OUT IN THE FOYER OR OUT INTO THE PLAZA, WE WOULD APPRECIATE IT. PLEASE TAKE YOUR CONVERSATIONS INTO THE FOYER OR OUT INTO THE PLAZA. FOLKS, IF YOU COULD PLEASE TAKE YOUR CONVERSATIONS OUT INTO THE FOYER, OUTSIDE, PLEASE, WE'D APPRECIATE IT. WE HAVE LOTS OF BUSINESS TO TRY TO GET US OUT OF

HERE. PLEASE TAKE YOUR CONVERSATIONS OUTSIDE.  
THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. COUNCIL, EARLIER WE HAD TABLED OUR DISCUSSION ON THE ECONOMIC DEVELOPMENT POLICY AMENDMENTS. A COUPLE OF COUNCILMEMBERS ASKED FOR SOME LEGAL ADVICE AND SOME LEGAL QUESTIONS ANSWERED IN CLOSED SESSION, WHICH OCCURRED. NO DECISIONS WERE MADE IN CLOSED SESSION. DO YOU REMEMBER, COUNCIL, WE HAD -- ACTUALLY, I'M GOING TO STALL A LITTLE BIT AND MAKE SURE WE GET A FULL COUNCIL IN HERE. WE HAD APPROVED AMENDMENT NUMBER 1, STAFF RECOMMENDED AMENDMENT NUMBER 1 ON A VOTE OF SEVEN TO ZERO. WE HAD TAKEN A MOTION AND A SECOND ON THE STAFF RECOMMENDED AMENDMENT NUMBER 2, BUT THEN CE WE HAD A SUBSTITUTE MOTION, AND THAT IS CURRENTLY ON THE TABLE. SO CURRENTLY THERE IS A SUBSTITUTE MOTION. THAT'S ON AMENDMENT NUMBER 2. THE MOTION WAS MADE BY COUNCILMEMBER SLUSHER, SECONDED BY THE MAYOR PRO TEM TO STRIKE THE WORD "DURING THE TERM" AND INSERT THE WORDS "FOR TWICE THE TERM". SO THAT'S WHERE WE ARE, AND I THINK THE MAYOR PRO TEM AND COUNCILMEMBER THOMAS WILL HOPEFULLY BE HERE SHORTLY. WHILE THAT WAS BEING CONTEMPLATED WE WENT AHEAD AND TABLED THE ACTION ON AMENDMENT 3 AND 4 AS WELL.

Mayor Wynn: IF WE DON'T GET A FULL COUNCIL, WE COULD GO BACK TO CLOSED SESSION, BUT LET'S GIVE THE COUNCILMEMBERS A COUPLE OF MINUTES. WE HAVE NO OTHER ITEMS WE CAN TAKE UP PRIOR TO OUR 4:00 O'CLOCK ZONING HEARINGS.

Mayor Wynn: AGAIN, COUNCIL, SO WHAT WE HAVE IS WE HAVE TAKEN UP AMENDMENT NUMBER 1 AND PASSED THAT ON A VOTE OF SEVEN TO ZERO. AMENDMENT NUMBER 2 2 PRESENTED BY STAFF. WE HAD A MOTION AND A SECOND ON THE TABLE FOR APPROVAL OF THAT POSTED STAFF RECOMMENDED AMENDMENT, BUT WE NOW HAVE A SUBSTITUTE MOTION ON THE TABLE. MADE BY COUNCILMEMBER SLUSHER, SECONDED BY MAYOR PRO TEM

TO STRIKE THE WORD "DURING" AND INSERT THE WORD "FOR TWICE THE TERM". MOTION AND A SECOND ON THE TABLE FOR A SUBSTITUTE MOTION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION FAILS ON A VOTE OF 3-4, WITH COUNCILMEMBERS ALVAREZ, DUNKERLEY, MCCracken AND THE MAYOR VOTING NO. THAT TAKES US BACK TO THE MAIN MOTION ON AMENDMENT NUMBER 2 BY COUNCILMEMBER DUNKERLEY, SECONDED BY ME TO APPROVE THE POSTED STAFF RECOMMENDED AMENDMENT. FURTHER COMMENTS?

Thomas: WHAT WAS THE VOTE ON THAT, MAYOR? I'M SORRY.

Mayor Wynn: IT WAS THREE IN FAVOR, -- THREE IN FAVOR, FOUR AGAINST FOR THE SUBSTITUTE MOTION. DO YOU HAVE THAT, MS. BROWN? SO WE'RE BACK TO THE MAIN MOTION, AMENDMENT NUMBER 2. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 5-2 WITH COUNCILMEMBER ALVAREZ AND THE MAYOR PRO TEM VOTING NO. THAT TAKES US TO AMENDMENT NUMBER 3. PERHAPS A REMINDER AND BRIEF PRESENTATION BY MS. HUFFMAN.

MAYOR AND COUNCIL, THE THIRD AMENDMENT ELIMINATES THE PAY BACK CLAUSE FOR VIOLATING THE ENVIRONMENTAL REGULATIONS. AGAIN, THE WAY THE LANGUAGE IS STRUCTURED NOW, THERE'S BOTH A TERMINATION CLAUSE AND A PAYBACK CLAUSE IF THE

TERMS OF THE ENVIRONMENTAL LANGUAGE ARE VIOLATED. WHAT THIS AMENDMENT SIMPLY DOES IS KEEP THE TERMINATION CLAUSE AND DELETE THE PAYBACK CLAUSE. AND AGAIN THE RATIONALE THERE IS THAT IN THE STRUCTURE THAT WE HAVE TODAY FOR ECONOMIC DEVELOPMENT, IT IS A PERFORMANCE-BASED AGREEMENT. AND AS LONG AS THE COMPANY IS PERFORMING -- AND THE WAY IT STRUCTURED IS THEY HAVE TO PERFORM BEFORE WE DO. SO BEFORE WE CUT OUR CHECKS, WE'RE GUARANTEED THAT WE GET THE JOBS AND THE INVESTMENT THAT WE ARE LOOKING FOR IN OUR ECONOMIC DEVELOPMENT PACKAGES. SO THE TERMINATION AGREEMENT SIMPLY ACKNOWLEDGES THAT WE'VE RECEIVED PERFORMANCE TO DATE, BUT THE CONTRACT WILL NOT CONTINUE.

Mayor Wynn: THANK YOU, MS. HUFFMAN. QUESTIONS, COMMENTS? AGAIN, WE HAVE A STAFF RECOMMENDATION ON AMENDMENT NUMBER 3. FURTHER COMMENTS, QUESTIONS?

Dunkerley: I MOVE APPROVAL OF THE STAFF RECOMMENDATION ON ITEM NUMBER 3.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY THAT I'LL SECOND TO APPROVE THE POSTED RECOMMENDED AMENDMENT NUMBER 3. FURTHER COMMENTS? COUNCILMEMBER SLUSHER.

Slusher: MAYOR, WE HAD A LENGTHY DISCUSSION ON THIS THIS MORNING, SO I WON'T REPEAT EVERYTHING WE SAID THEN. I JUST WANTED TO NOTE THAT IN MY VIEW THAT WHEN WE GRANT INCENTIVES, TAX ABATEMENTS TO A CORPORATION, IT'S ALMOST ALWAYS A MULTINATIONAL CORPORATION COMING INTO TOWN, AND I'M GLAD IN PARTICULAR THAT HOME HOME, I VOTED FOR THAT. SEMATECH, WHICH I HADN'T HEARD AS MUCH ABOUT THAT BEING A PROBLEM UNTIL TODAY, BUT I VOTED FOR THOSE BECAUSE THEY'RE DECENT PAYING JOBS IN AN INDUSTRY WHERE WE HAVE A LOT OF QUALIFIED PEOPLE, BUT LESS -- IN THAT INDUSTRY, BUT LESS JOBS THAN WE HAD DURING THE LATE 1990'S, SO I THINK IT'S IMPORTANT FOR THE CITY TO HELP TRY TO PROVIDE THOSE JOBS, BUT THOSE

BENEFITS ARE ALSO -- THOSE ABATEMENTS ARE ALSO A BENEFIT TO THESE CORPORATIONS. I DON'T THINK IT'S TOO MUCH TO ASK THAT THEY AGREE TO COMPLY WITH OUR WATER QUALITY ORDINANCES, OUR COMMUNITY VALUES ON THEIR OTHER PROJECTS HERE IN TOWN IN EXCHANGE FOR THE ABATEMENTS. THAT'S WHY I'LL BE VOTING NO ON THIS ITEM.

Mayor Wynn: UNDERSTOOD, BUT AGAIN, MY PERSPECTIVE ON THIS IS WHAT THIS DOES IS SINCE WE PAY THESE INCENTIVES IN ARREARS, AFTER THE JOBS ARE CREATED, AFTER THEY'RE IN FULL COMPLIANCE, AND IF AT ANY POINT THEY ARE NOT IN FULL COMPLIANCE, THEN THEY DON'T GET PAID IN ARREARS. SO THIS I THINK IS A VERY APPROPRIATE AND FAIR WAY TO APPROACH THIS. MOTION AND A SECOND ON THE TABLE TO APPROVE AMENDMENT NUMBER 3. FURTHER COMMENTS? MAYOR PRO TEM.

Goodman: OF ALL THESE AMENDMENTS, FROM THE VERY BEGINNING I THOUGHT SOME WERE OKAY, SOME WERE POSSIBLY OKAY, SOME WERE NOT OKAY, BUT MAYBE THERE WAS A WAY TO CRAFT LANGUAGE OR SOMETHING ELSE THAT WOULD SHOW COMMITMENT. AND SO I WANT TO EXPLAIN WHY IN NOT VOTING FOR THESE IT IS NOT THAT I'M NOT SUPPORTIVE OF THE CONCEPT, BUT THERE WAS A BASIC CONCEPT WHERE THE CORPORATE NEIGHBOR AND CORPORATE CITIZEN HAD TO SHOW THAT THEY WERE IN TURN COMMITTING TO CERTAIN CULTURE VALUES AND PROTECTIONS FOR THE CITY INTO THE FUTURE. AND NOW, BECAUSE THAT WAS -- IN MY OPINION -- RATHER A HEAVY HANDED WAY TO GO, AND ONLY IN MY OPINION, I UNDERSTAND, YOU'VE NEGATED MY ABILITY TO VOTE FOR ANYTHING ELSE. THANKS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?  
COUNCILMEMBER ALVAREZ.

Alvarez: THANKS, MAYOR. I WILL BE SUPPORTING THIS ONE AS WELL. WE'VE BEEN TALKING ABOUT THESE IDEAS FOR A WHILE NOW AND JUST KIND OF THINKING THROUGH THE WHOLE SORT OF PHILOSOPHY BEHIND OUR NEW INCENTIVE POLICY AND THE FACT THAT IT IS PERFORMANCE BASED, AND THAT AS YOU PERFORM YOU RECEIVE YOUR

INCENTIVES, AND THAT AT THE TIME AT WHICH YOU DON'T PERFORM, IN THIS CASE WHEN YOU FAIL TO DEVELOP ACCORDING TO THE REGULATIONS THAT APPLY, THEN THAT'S WHEN YOU GET CUT OFF, YOU DON'T RECEIVE ANY MORE INCENTIVES. SO I THINK CONCEPTUALLY I CAN SUPPORT IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? COUNCILMEMBER THOMAS.

Thomas: THANK YOU, MAYOR. HOW OFTEN DOES STAFF CHECK THE COMPANY TO MAKE SURE THEY'RE IN COMPLIANCE?

THE WAY WE STRUCTURE THESE CONTRACTS IS EVERY YEAR BEFORE WE CUT THE CHECKS FOR THE ABATEMENTS, WE GO IN AND VERIFY THAT THE JOBS AND THE INVESTMENTS THAT HAVE BEEN PROMISED HAVE BEEN PRODUCED. AND WE HAVE CLAUSES IN THESE AGREEMENTS THAT ALLOW US TO GO ON SITE AND VERIFY BOTH OF THOSE THINGS THROUGH SITE VISITS AND ACCESS TO COMPANY DOCUMENTATION.

Thomas: ONCE A YEAR. AND WITHOUT EXPERIENCE IN SOME OF THE CASES, HAVE WE HAD ANY NONCOMPLIANCE?

NO. THE ONE THING TO REMEMBER IS THESE ARE OUR FIRST ACTIVE AGREEMENTS UNDER THIS KIND OF TAX ABATEMENT POLICY, SO THESE ARE GOING TO BE AMONG THE FIRST THAT WE USE THESE NEW PROCEDURES FOR.

Thomas: YOU'RE RIGHT. OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?

Thomas: WELL, LET ME SAY THIS. BECAUSE I HAD -- ME AND MS. HUFFMAN HAD A LONG CONVERSATION FRIDAY ON THIS. THE ONLY THING THAT HAS REALLY -- IS THAT IF WE DO THAT ANNUAL CHECKING, I HAVE -- THAT'S A POSITIVE. I JUST FELT VERY COMFORTABLE THAT WE IF WE'RE NOT IN COMPLIANCE AND WE'RE NOT GOING TO PENALIZE THEM, I HAD A LONG DISCUSSION WITH HER, BUT I FEEL JUST A LITTLE COMFORTABLE IF WE MAKE SURE WE'RE DOING THE

ANNUAL CHECKING AND MAKE SURE THAT THEY'RE IN COMPLIANCE WITH WHAT THEY'RE SUPPOSED TO BE DOING.  
>>

FUTRELL: LAURA, I UNDERSTAND WE HAVE A FULL-TIME DEDICATED POSITION, DO WE FOR THE?

YES. HOW WE'RE GOING TO STRUCTURE THIS, MAYOR AND COUNCIL, WE'RE GOING TO CENTRAL CENTRALIZE THE FUNCTION IN THE BUDGET OFFICE SO THIS WILL BE AN INDIVIDUAL'S RESPONSIBILITY, THIS WILL BE COMPLIANCE CHECKING WITH THE CONTRACT, AND IT WILL PRECEDE ANY INCENTIVE CHECKS THAT ARE CUT TO THE COMPANY. SO THAT VERIFICATION PROCESS WILL BE THE AUDIT, SO TO SPEAK, THAT OCCURS BEFORE THE CITY RELEASES ITS INCENTIVE TO A COMPANY.

Futrell: AND COUNCILMEMBER, I UNDERSTAND THAT LONG DISCUSSION WAS WORTHY OF A YALE DEBATE TEAM IS WHAT I HEARD.

Mayor Wynn: YALE OR YELL? [ LAUGHTER ] FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF FIVE TO TWO WITH THE MAYOR PRO TEM AND COUNCILMEMBER SLUSHER VOTING NO. THAT TAKES US TO OUR FOURTH PROPOSED AMENDMENT.

MAYOR, THIS FINAL AMENDMENT MAKES INCENTIVES FOR CALL AND DATA CENTERS SITE SPECIFIC. WHAT THIS AMENDMENT DOES IS IT RECOGNIZES THAT MORE AND MORE AS CALL AND DATA CENTERS COME TO THE CITY AND ARE REQUESTING ABATEMENTS, THEY ARE REPRESENTING CONGLOMERATE CUSTOMER BASES. THESE ARE FUNCTIONS THAT LARGE COMPANIES LIKE DELL AND IBM AND OTHERS



OUTSOURCE TO A COMPANY THAT HANDLES ALL THEIR CALL CENTERS AND DATA CENTER FUNCTIONS. WHAT THIS LANGUAGE WOULD DO IS MAKE THE CENTER SITE SPECIFIC SO THAT WE DON'T BIND THOSE OTHER ORGANIZATIONS THAT ARE PART OF THE CALL CENTERS.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER SLUSHER.

Slusher: SURE. THIS IS AN ITEM FOR COUNCIL, BUT I GUESS IF STAFF IS GOING TO ANSWER THEM, I'LL DIRECT THEM TO STAFF. IT SAYS ON HERE THAT ON THE EXPLANATION THAT THIS CHANGE RECOGNIZES THAT CALL AND DATA CENTERS OFTEN HAVE A CON GLOM RATE OF CUSTOMERS THAT WE WILL NOT WANT TO BIND THROUGH INCENTIVE AGREEMENTS THAT WAS APPROVED UNANIMOUSLY SEVERAL MONTHS OOLG. I NEVER SAID ANYTHING ABOUT TRYING TO BIND A COMPANY'S CUSTOMERS TO SOMETHING THAT'S THE SAME THING AS THE COMPANY. SO I DON'T UNDERSTAND WHY WE'RE TRYING TO FIX A PROBLEM THAT I WASN'T AWARE WAS EVER CREATED. AND INCIDENCE IT'S MY AMENDMENT THAT WAS ADDED ON -- AND SINCE IT'S MY AMENDMENT THAT WAS ADDED ON HERE, I DON'T QUITE GET THAT.

THE WAY THE LANGUAGE READS RIGHT NOW IS IT REFERENCES APPLICANTS AND RECIPIENTS. AND BECAUSE THAT LANGUAGE IS BROAD, WE'VE BEEN ASKED A QUESTION OVER AND OVER AGAIN IF WE'RE WORKING -- WITH A COMPANY THAT IS WORKING WITH US AS A D/B/A, A DOING BUSINESS AS, DOES THAT BIND THE INCENTIVE TO JUST THAT D/B/A OR TO THE BROADER COMPANY?

Slusher: THAT'S NOT THE SAME THING AS CUSTOMER. FOR INSTANCE, THE HOME HOME DEPOT, IT'S A DATA CENTER, BUT THEY'RE AFILL VAITED WITH HOME DEPOT. WHAT THEY'RE DOING IS BASICALLY RECEIVING THE ACCOUNTING FOR THE MONEY THAT COMES IN THROUGH WHAT I UNDERSTAND ABOUT HALF THE HOME DEPOT STORES IN THE COUNTRY. SO THE WAY IT IS NOW AND IT WAS UNTIL A FEW MINUTES AGO, THAT THEY WOULD HAVE TO COMPLY WITH THE WATER QUALITY ORDINANCES, CURRENT WATER QUALITY ORDINANCES ON THEIR STORES AS WELL AS A RESULT OF GETTING THE ABATEMENTS. BUT IT DIDN'T SAY

THAT THEIR CUSTOMERS WOULD HAVE TO COMPLY AS WELL BECAUSE HOW COULD YOU EVER TRACK THAT? THAT'S TOTALLY UNREALISTIC. THAT WAS NOT COUNCIL'S INTENT. AND IF IT SAYS THAT, THEN THAT'S A DRAFTING PROBLEM I GUESS IN THE CITY ATTORNEY'S OFFICE. THAT'S NOT -- THAT'S NOT WHAT WAS PASSED HERE AT COUNCIL.

Futrell: LET ME GIVE YOU AN EXAMPLE OF THIS. THIS IS EXACTLY ONE OF THE THINGS THAT HAPPENS WHEN YOU PUT A POLICY ON THE GROUND AND YOU TRY TO IMPLEMENT IT WITH SPECIFIC EXAMPLES AND YOU FIND THINGS THAT ARE UNINTENDED. YOU ARE RIGHT WHEN YOU'RE USING THE HOME DEPOT EXAMPLE, BUT LET ME GIVE YOU A DIFFERENT TAKE ON THE HOME DEPOT EXAMPLE. HOME DEPOT WOULD JUST AS EASILY HAVE OUTSOURCED THAT DATA CENTER, WHICH IS A MORE COMMON MODEL FOR A DATA CENTER THAN TO DO IT INTERNALLY. THEY HAVE JUST MADE A DECISION TO HAVE THEIR DATA CENTER DONE INTERNALLY. BUT BECAUSE OF THAT IT HAS TIED MULTIPLE SITES, DECENTRALIZED, TO IT. YOU CAN TAKE THAT SAME MODEL TO OTHER FOLKS THAT ARE COMING IN, OTHER PROSPECTS THAT ARE COMING IN, IT'S GOING TO BE SLIGHTLY DIFFERENT. IN THOSE CASES YOU MIGHT FIND A CALL CENTER THAT'S SERVING MULTIPLE CUSTOMERS, BUT MAYBE HAVING A BUSINESS LINK WITH THEM ON THEIR PROFIT AND LOSS STATEMENT AS A CONGLOMERATE. AND ALTHOUGH WE MAY NOT INTEND FOR THAT TO BE THE CASE, WHEN THEY READ THE LANGUAGE, BECAUSE THEY'RE LINKED ON THEIR ANNUAL STATEMENT TO OTHER BUSINESSES, THEY'RE SAYING, BUT THAT'S FUTURE DEVELOPMENT. I MEAN, IT'S A FINE LINE. AND ONE THE THINGS WE'VE BEEN TALKING ABOUT TRYING TO DO HERE IS HOW DO WE CORRECT IT? HOW DO WE DRAW A BRIGHTER LINE? WE HAVE FOUR OR FIVE CALL OR DATA CENTERS EITHER HERE OR CONSIDERING TO COME HERE NOW. AND ALL OF THEM ARE A LITTLE BIT DIFFERENT IN HOW THEY'RE ORGANIZED AND HOW THEY SERVE. SOME ARE INTERNAL, SERVING A MULTITUDE OF DIFFERENT BUSINESSES FROM THE SAME COMPANY, BUT OTHERS SERVE OTHER BUSINESSES, A DISPARATE GROUP OF BUSINESSES. SOME WE THINK WE CAN WORK WITH IN THE POLICY, AND OTHERS ARE HARDER, BUT WHAT IS THE SAME

ABOUT ALL THE CALL AND DATA CENTER ISSUES ARE YOU  
END UP WITH MULTIPLE, MULTIPLE DECENTRALIZED SITES.  
AND I THINK ALL OF US WHEN WE'RE TALKING ABOUT THE  
ECONOMIC DEVELOPMENT POLICY REALLY WERE THINKING  
ABOUT ONE OR TWO PRIMARY EMPLOYER SITES. I MEAN,  
THAT WAS THE MODEL WE WERE THINKING OF. IT WAS A  
DELL OR ONE BIG PRIMARY EMPLOYER, MAYBE ANOTHER  
SITE, BUT NOT 10 OR 12 SCATTERED ACROSS THE CITY. THE  
MORE SITES, THE MORE DIFFERENT FUNCTIONS AND  
BUSINESSES, THE MORE COMPLICATED THESE HAVE  
GOTTEN AND THE MORE RELUCTANT AND THE HARDER LINE  
THE LAW DEPARTMENT HAS HAD TO HAVE AS WE HAVE  
TALKED WITH THESE PROSPECTS. IT'S JUST ANOTHER ONE  
OF THE LOW JIS TA KEL HITCHES WE HIT IN TRYING TO PUT  
THIS ON THE GROUND.

Slusher: I UNDERSTAND MOST OF WHAT YOU SAID. I STILL  
DON'T SEE HOW CUSTOMERS -- I GUESS IT'S BECAUSE  
CUSTOMERS -- YOU'RE SAYING THEY COULD BE DEFINED AS  
WHOEVER THEY'RE -- LET ME BACK UP. IT SEEMS TO ME  
THERE WOULD BE A WAY TO DO IT AS AFFILIATED  
BUSINESSES RATHER THAN SOMEONE THAT THEY'RE JUST,  
SAY, TAKING THE CALLS FOR. BECAUSE I DON'T THINK YOU  
COULD BIND SOMEONE UNDER THAT.

Futrell: AND THAT IS THE LINE WE HAVE BEEN TRYING TO  
DRAW AS WE'VE NEGOTIATED IS HOW CAN YOU WITHIN THE  
LANGUAGE TALK ABOUT WHAT'S IN AND WHAT'S OUT? THE  
LANGUAGE THAT YOU'RE READING RIGHT HERE WAS JUST A  
WAY TO TRY TO DESCRIBE THE AMENDMENT. THE USE OF  
THE WORD CUSTOMER IS THE SAME WAY WE TALK ABOUT  
AN INTERNAL CUSTOMER, AN EXTERNAL CUSTOMER. THE  
REAL FOCUS OF THIS IS IT'S A UNIQUE ENTITY THAT SERVES  
DISPARATE, MULTIPLE DECENTRALIZED SITE. SITE. AND IN  
MANY CASES IT'S 2, 3, 500 JOBS IN A HIGH-TECH CALL DATA  
CENTER OR CALL CENTER WHERE WE WOULD HAVE TO  
TRACK MULTIPLE DECENTRALIZED SITES.

Slusher: OKAY. IT KEEPS GETTING INTIMATED IN EARLIER  
CONVERSATIONS OR NOT TOO LONG AGO THAT SOMEHOW  
THIS IS CHANGING THE THING WHERE THEY DON'T GET THE  
INCENTIVES UNTIL THEY PERFORM, WHERE MY AMENDMENT  
DIDN'T AND IT'S NOT THE CASE. MAYBE I'M GETTING

SENSITIVE ABOUT THE WORDING OR WHATEVER. LET ME GO THROUGH SOME OTHER QUESTIONS ON THIS. HOW DO WE DEFINE DATA CENTER?

I THINK WE WOULD DEFINE IT THROUGH THE FUNCTIONALITY OF THE BUSINESS THAT'S APPLIES. AND WE GET ALL THIS INFORMATION FROM THE ECONOMIC DEVELOPMENT APPLICATION WHEN A COMPANY COMES TO US. PART OF HOW WE EVALUATE THEM IS TO EVALUATE THE JOB, THE INVESTMENT AND THE FUNCTIONS THAT THE COMPANY PERFORMS.

Slusher: WE GET TO DEFINE IT AS WE GO ALONG?

WELL, WE WILL DEFINE IT UP FRONT. AS WE CARVE THIS OUT WE WILL DEFINE IT UP FRONT SO WE DON'T END UP IN THAT DEBATE WHAT QUALIFIES AS A DATA CENTER.

Slusher: DO WE HAVE A DEFINITION RIGHT NOW?

WE DON'T HAVE PROPOSED DEFINITIONS, BUT I THINK WE COULD DEFINE IT QUICKLY.

Futrell: IT IS A VERY SPECIAL AND UNIQUE PIECE. I COULD PULL PETE UP HERE IF I WANTED TO PUT PETE ON THE SPOT AND HE COULD GIVE YOU THE DEFINITION OF A DATA CENTER. IT'S WHERE THE -- IT'S SUPPORTING ALL OF THE HARD WIRING FOR CASH REGISTERS FOR ALL OF THE WIRE AND FUJSS OF A BUSINESS. IT'S WHERE YOU'RE CONTRACTING OUT THAT COMPONENT.

Slusher: OKAY. AND CALL CENTERS?

Futrell: CALL CENTERS ARE MUCH LIKE WHAT EVERYONE IS TALKING ABOUT FROM THE HIGH-TECH COMPANIES OUTSOURCING OVERSEAS AS AN EXAMPLE. IT'S WHERE YOU CALL IN FOR SERVICE, YOU COULD CALL IN FOR SALES. E-BAY IS AN EXAMPLE, PROGRESSIVE INSURANCE HAS A CALL CENTER.

AND WE'VE SURVEYED SEVERAL OF THESE AROUND THE COUNTRY. THE PEOPLE THAT USE THIS AS AN OUTSOURCING FUNCTION WOULD BE LIKE DELL, CITICORP,

AMERICAN EXPRESS. THEY USE IT AS A CENTRAL CALL FUNCTION FOR THEIR BUSINESS OPERATION.

Slusher: SO WE DON'T HAVE THE EXACT DEFINITION YET ON EITHER ONE OF THEM, BUT -- OKAY. LET ME TAKE YOU TO ANOTHER THING. THIS ONE SAYS AFTER WE'VE GONE THROUGH THESE OTHER THREE AMENDMENTS WHICH PASSED, THEN IT SAYS, PARAGRAPH 2-J DOES NOT APPLY DURING AN ECONOMIC DEVELOPMENT AGREEMENT FOR A DATA CENTER OR CALL CENTER FACILITY. AND PARAGRAPH 2-J IS THE ONE THAT SAID THEY HAVE TO COMPLY WITH CITY OF AUSTIN WATER QUALITY REGULATIONS ON ALL THEIR PROJECTS. AND WE JUST HAD A LENGTHY DEBATE ABOUT WHETHER THAT SHOULD BE FOR JUST THE LENGTH OF TERM OF THE ECONOMIC DEVELOPMENT AGREEMENT OR FOR -- IN PERPETUITY AS IT WAS FOR TODAY, OR AS I PROPOSED IN THE AMENDMENT, TWICE THE LENGTH OF TERM. BUT WHAT J DOES, THOUGH, IS CANCELS THAT OUT FOR DATA CENTERS OR CALL CENTERS. SO WE WERE TALKING ABOUT HOME DEPOT CAME UP BECAUSE THAT'S AN INCENTIVE PACKAGE WE'VE ALREADY DONE, AND IF YOU JUST LOOKED AT 2-J, THEN UNDER WHAT PASSED IT WOULD MEAN THAT DURING THE TIME OF THEIR AGREEMENT WHEN THEY'RE GETTING THE TAX ABATEMENTS FROM THE CITY, DURING THE TIME OF THAT AGREEMENT, THEN THEY WOULD HAVE TO BUILD THEIR OTHER STORES IN COMPLIANCE WITH AUSTIN'S WATER QUALITY REGULATIONS, IN PARTICULAR, SAY, OVER THE AQUIFER THE SAVE OUR SPRINGS ORDINANCE. BUT WHEN YOU COME DOWN HERE TO AMENDMENT 4 AND IT SAYS DOESN'T APPLY TO DATA CENTERS OR CALL CENTERS, THAT MEANS THAT ALL THAT DISCUSSION AS RELATES TO HOME DEPOT AND ANY CALL CENTER THAT COMES ON, THAT'S OFF THE TABLE, IT DOESN'T MATTER IF IT'S 10 YEARS, 20 YEARS OR IN PERPETUITY, IT DOESN'T APPLY TO THEM AT ALL AND THEY CAN NOW COLLECT OUR TAX ABATEMENTS AND BUILD STORES OUTSIDE OUR -- THAT ARE NOT IN COMPLIANCE WITH OUR WATER QUALITY REGULATIONS IF THEY FIND A GRANDFATHERED SITE.

Futrell: COUNCILMEMBER, THAT'S ACCURATE. THE WAY THE LANGUAGE IS CRAFTED IS THAT IT HOLDS THE COMPANY RESPONSIBLE FOR THE LANGUAGE IN I, AND THAT

LANGUAGE ATTACHES TO THE CURRENT PROJECT, SO IF A CALL CENTER COMES AND RECEIVES AN INCENTIVE FROM THE CITY, THAT CURRENT PROJECT WOULD HAVE TO COMPLY WITH ALL CURRENT WATER QUALITY REGS. IT RELEASES IT FROM THE LANGUAGE IN J, WHICH APPLIES TO ALL FUTURE PROJECTS.

Slusher: SEE, TO ME THAT IS -- THAT'S A REAL BIT OF BACKTRACKING ON OUR COMMUNITY VALUES, WHICH I'VE BEEN CLEARLY -- HAVE BEEN CLEARLY STATED BY CITIZENS FOR SEVERAL DECADES. AND WE DO HAVE THE GRANDFATHERED SITES UNDER STATE LAW, AND BY LAW WE HAVE TO LET PEOPLE BUILD ON THOSE SITES. THAT'S A STATE LAW. WE CAN'T DO ANYTHING ABOUT IT. THEY GET TO BUILD UNDER -- WHEN I SAY GRANDFATHERED, IN CASE SOMEBODY DOESN'T UNDERSTAND WHAT THAT MEANS, THAT MEANS THEY CAN BUILD UNDER THE WATER QUALITY REGULATIONS IN PLACE THE FIRST TIME THEY FILED AN APPLICATION, NO MATTER WHETHER IT WAS 1970, 1950, WHENEVER IT WAS, THEY'RE UNDER THE REGULATIONS IN PLACE WHEN THEY FIRST FILED THEIR APPLICATION. SO UNDER -- SO WE DON'T HAVE ANY CHOICE ON THAT. BUT WHAT MY INTENT WAS IN THE AMENDMENT THAT WAS PASSED SEVERAL MONTHS AGO AS FAR AS THE ECONOMIC DEVELOPMENT POLICY WAS THAT TAX ABATEMENTS, INCENTIVES ARE TOTALLY DISCRETIONARY TO US HERE ON THE CITY COUNCIL. SO THAT IF A COMPANY WAS GOING TO COME IN AND I'M GLAD THEY'RE PROVIDING THE JOBS IF THEY ARE, BUT THEY'RE ALSO GETTING SOME PRETTY SERIOUS TAX BREAKS, AND IF THEY WERE GOING TO GET THOSE TAX BREAKS, THEN PART OF THE DEAL, PART OF THE ARRANGEMENT WOULD BE THAT THEY COMPLY WITH AT LEAST THIS ASPECT OF OUR COMMUNITY VALUES. AND I JUST WANT TO MAKE IT CLEAR THAT WHAT HAPPENS WITH THIS AMENDMENT IS THAT WE TOTALLY ABANDON THAT POLICY WHEN IT RELATES TO DATA CENTERS AND CALL CENTERS, WHICH WE'VE ALREADY HEARD THAT THERE ARE SEVERAL OF THOSE THAT ARE COMING IN, SO IT'S JUST TOTALLY OFF THE TABLE WHERE THEY DON'T HAVE TO WORRY ABOUT IT FOR ONE YEAR, 10 YEARS, IN PERPETUITY. THEY DON'T HAVE TO WORRY ABOUT IT AT ALL. THEY DON'T HAVE TO WORRY ABOUT THAT COMMUNITY VALUE OR

COMPLY WITH THAT COMMUNITY VALUE EVEN THOUGH THEY DO GET MILLIONS OF DOLLARS IN TAX ABATEMENTS FROM OUR CITIZENS.

Futrell: ALL RIGHT. LET ME BE SURE BECAUSE I WANT TO MAKE SURE WE HAVEN'T MADE -- THIS IS INTENDED TO BE SURE THAT CALL CENTERS THEMSELVES COMPLIED. THEY HAVE TO BE IN THE DESIRED DEVELOPMENT ZONE, THEY HAVE TO MEET CURRENT WATER QUALITY, AND THE CALL CENTER ITSELF HAS TO STAY IN COMPLIANCE.

Slusher: I UNDERSTAND THAT. IS THERE ANYTHING -- ANY OTHER -- ANYTHING ELSE AFFILIATED WITH THEM, THE EXAMPLE BEING HOME DEPOT. I THOUGHT IT WAS A REAL IMPORTANT GAIN THAT WE MADE THAT THEY WOULD BE BUILDING ALL THEIR STORES IN COMPLIANCE WITH OUR WATER QUALITY ORDINANCES, AND I FELT THAT WAS A GOOD CORPORATE CITIZENSHIP ON THEIR PART. I THINK ACTUALLY HOME DEPOT ARE PRETTY GOOD CORPORATE CITIZENS. I DIDN'T PARTICULARLY OBSERVE THEIR RELATIONS WITH THE NEIGHBORHOOD AROUND THEIR WOODWARD STORE OVER AT I-35 AND WOODWARD, AND I'VE SEEN THEM OUT BUILDING -- THEIR EMPLOYEES OUT HELPING BUILD PLAYGROUNDS, REFURBISH PLAYGROUND, AND I THINK THEY PROVIDE A LOT OF GOOD SERVICES TO THE COMMUNITY. BUT I ALSO THINK IT WOULD BE MUCH BETTER IF THEY WOULD AGREE TO COMPLY WITH OUR COMMUNITY VALUES AND OUR ORDINANCES ON ANY OF THEIR STORES. THEY WON'T HAVE TO -- I ACKNOWLEDGE THAT THE CALL CENTERS WILL BE IN COMPLIANCE.

Futrell: WELL, THAT IS -- I THOUGHT WHERE YOU WERE HEADED IS IF THEY BUILT ANOTHER DATA CENTER, YOU WERE TRYING TO SAY, THAT WOULD HAVE TO BE IN COMPLIANCE. BUT YOU ARE RIGHT, IT IS INTENDED TO SAY THAT CALL CENTERS AND DATA CENTERS ARE STAND ALONE PROJECTS.

AND JUST TO CLARIFY, THAT IS WHAT THE LANGUAGE DOES. CALL AND DATA CENTER LANGUAGE WOULD BE SITE SPECIFIC, BUT THAT PROJECT WOULD HAVE TO COMPLY WITH ALL CURRENT WATER QUALITY REGS TO QUALIFY FOR ABATEMENT AND WOULD HAVE TO DEVELOP IN THE DESIRED

DEVELOPMENT ZONE TO QUALIFY FOR ABATEMENTS.

Mayor Wynn: AND OF COURSE, WOULD HAVE TO MEET THE EMPLOYMENT CRITERIA, THE JOBS CREATED, ALL THOSE THINGS. SO THE WHOLE REASON FOR US TO OFFER THESE INCENTIVES, BECAUSE THESE ARE HIGHLY SOUGHT AFTER, VERY COMPETITIVE JOBS THAT WE DESPERATELY WANT.

GOOD POINT, MAYOR. THEY WOULD HAVE TO QUALIFY THROUGH OUR MATRIX THAT YOU PASSED EARLIER THIS YEAR.

Slusher: IF I COULD ADD ONE MORE THING AND I'LL LET IT GO, I SUPPOSE. LIKE I SAID BEFORE, THE POLLUTION FROM ANYTHING THEY MIGHT BUILD WILL BE IN PERPETUITY UNLESS SOME FUTURE CORPORATE LEADERSHIP SHOULD DECIDE TO CLEAN IT UP BECAUSE THE CITY OF AUSTIN WON'T HAVE THE RIGHT TO REQUIRE THEM TO RETROFIT IT. BUT I ALSO WANTED TO NOTE THAT PART OF OUR ECONOMIC ATTRACTION HERE IS THE BEAUTIFUL AND NATURAL SURROUNDINGS, THE CLEAN WATER AND THE CLEAN WATER AT BARTON SPRINGS. IT'S NOT QUITE AS CLEAN AS IT USED TO BE, UNFORTUNATELY, BUT IT'S STILL A WONDERFUL PLACE TO GO AND A GREAT PLACE TO SWIM, AND PEOPLE OF ALL ECONOMIC CLASSES, ALL RACES, AND FROM ALL AROUND THE COUNTRY AND WORLD SWIM THERE EVERY YEAR. AND SO OUR BEAUTIFUL, NATURAL SURROUNDINGS AND IN PARTICULAR BARTON SPRINGS, ARE PART OF WHAT DRAW COMPANIES HERE. THAT'S PART OF OUR ECONOMIC ATTRACTION. SO IF WE DON'T RESPECT THAT, THEN WE'RE GOING TO LOSE THAT AND WE'RE GOING TO LOSE THAT PART NOT ONLY OF OUR NATURAL BEAUTY, BUT SOMETHING THAT DOES ATTRACT PEOPLE AND COMPANIES HERE.

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

McCracken: LISTENING TO THIS TODAY YOU WOULD THINK THERE'S A KHAM OF DIFFERENCE ON THIS DAIS, BUT I THINK IT'S IMPORTANT TO REITERATE THAT ON HOME DEPOT, WE WERE 7 TO NOTHING IN FAVOR OF THESE INCENTIVE PACKAGES. THESE ARE GREAT JOBS LOCATING



IN I BELIEVE NORTHEAST AUSTIN. I THINK THE AVERAGE SALARY IS SOMEWHERE IN THE 50 TO 60,000-DOLLAR RANGE. THE INCENTIVES QUALIFY WITH OUR WATER QUALITY STANDARDS. THE CURRENT AUSTIN POLICY IS THE INCENTIVES, THEY HAVE TO WAIVE GRANDFATHERING CLAIMS TO A PROPERTY, SO WE'RE 7-0 ON ALL OF THIS STUFF. SO WHAT WE'RE LEFT WITH IS A SMALL DIFFERENCE, AND THAT IS THE HYPOTHETICAL POSSIBILITY, HOWEVER REMOTE IT MIGHT BE, THAT SOMEONE MIGHT FIGURE OUT A WAY TO VIOLATE THE LAW AND GET AWAY WITH IT, WHICH IS VERY UNLIKELY TO START WITH. AND IN A DIFFERENT ENTITY. AND SO WHAT DO WE DO ABOUT THAT SITUATION? AND REMEMBER, WE ARE KEEPING OUR POLICY, THOUGH. YOU CANNOT GET INCENTIVES IF YOU VIOLATE OUR -- WE ONLY GIVE THE INCENTIVES TO PROJECTS THAT QUALIFY WITH OUR WATER QUALITY STANDARDS THAT GIVE US GREAT JOBS, SO WE'RE TALKING ABOUT A VERY NARROW DIFFERENCE, BUT IT HAS CREATED A SIGNIFICANT ON THE GROUND PRACTICAL IMPEDIMENT TO BRINGING THESE 50 TO 60,000-DOLLAR A YEAR JOBS TO THE RESIDENTS -- THE CITIZENS OF AUSTIN. AND SO THIS IS A HYPOTHETICAL THING THAT LIKELY WOULD NEVER HAPPEN, AND WITH A COMPLIANT PROJECT THAT WE'RE ALL BEHIND, AND THERE IS A SMALL DIFFERENCE AND IT'S CREATED AN ON THE GROUND PROBLEM THAT MAKES IT IMPOSSIBLE TO BRING THE JOBS, WE NEED TO FIX THAT PROBLEM. BUT IT HAS NOT CREATED A PHILOSOPHICAL DIFFERENCE ON THIS DAIS BECAUSE WE'RE ALL ON THE SAME PAGE THAT IT'S IMPORTANT NOT TO GIVE INCENTIVES WHEN SOMEONE HAS A NON-COMPLIANT PROJECT.

Slusher: MAYOR, I'M SORRY, BUT JUST TO -- FOR FACTUAL PURPOSES AND HISTORICAL MEMORY, IT'S NOT HYPOTHETICAL THAT PEOPLE GO OUT AND BUILD ON GRANDFATHERED SITES BECAUSE THEY HAVE THE RIGHT TO DO SO UNDER STATE LAW. IT'S NOT VIOLATING THE LAW. WHAT WE WERE DOING IS UNDER A POLICY THAT WAS TOTALLY DISCRETIONARY FOR US, WE'RE SAYING YOU DON'T GET THESE ABATEMENTS UNLESS YOU AGREE NOT TO BUILD ON THESE GRANDFATHERED SITES OR IF YOU DO, TO COMPLY WITH OUR -- WITH OUR ORDINANCES, WHICH BY THE WAY, BASED BY A TWO TO ONE MAJORITY OF THE

CITIZENS. SO I THINK THAT IS A PRETTY SIGNIFICANT DIFFERENCE. IT'S NOT HYPOTHETICAL. WE HAVE A LOT OF POLLUTION THAT'S PROBABLY SEEPING INTO THE AQUIFER RIGHT THIS MINUTE OR AT LEAST THE NEXT TIME IT RAINS THAT IS COMING FROM GRANDFATHERED SITES ON WHICH PEOPLE BUILT MASSIVE PROJECTS.

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

Goodman: I JUST WANT TO SAY IN MANY OTHER AREAS, MANY OTHER CITIES, THEY ARE TAKING ACTION SIMILAR TO WHAT WE WERE TRYING TO TAKE HERE. WE'RE NOT THAT CUTTING EDGE THAT THIS IS AN ORIGINAL THOUGHT OR AN ORIGINAL REQUEST FOR A REQUIREMENT AND CONTRACTUALLY PLEDGING TO BE A GOOD CORPORATE AND COMMUNITY CITIZEN. IT'S LIKE THE DESIGN STANDARDS. OTHERS IN THIS STATE, STRANGELY AS WE WOULD VIEW THAT, BEING SO PROGRESSIVE HERE IN AUSTIN, HAVE TAKEN THOSE STEPS BEFORE WE DID. AND I THINK THAT ALL THE CORPORATION, BIG BOX OR NOT, ARE GOING TO BE VIEWING THIS KIND OF EXPECTATION FROM COMMUNITIES ALL ACROSS THE COUNTRY. AND I THINK THIS IS A RELATIVELY PAINLESS ONE TO TAKE. WHAT I HAD ASKED WAS IF THEY COULDN'T COMMIT IN WRITING TO A SPECIFIC REQUIREMENT, COULD THEY THEN INCLUDE A STRONG PHILOSOPHICAL STATEMENT THAT WOULD GIVE THE COMMUNITY CONFIDENCE THAT THEY WOULD DO PRACTICALLY ANYTHING TO PROVE THEIR CORPORATE CITIZENSHIP AND THEIR RESPONSIBILITY. THAT WENT NOWHERE. I DON'T KNOW WHY THAT DROPPED THROUGH THE CRACKS, BUT IT'S TYPICAL. SO WE NEED TO COME INTO THIS WITH A NEW PARADIGM, NOT ONLY IN THIS ONE INSTANCE WHERE WE'D REALLY LIKE A CALL CENTER BECAUSE IT'S PERFECT FOR US, BUT ALL THE OTHER KIND OF CORPORATE OFFERS THAT WE HAVE WHERE AN INCENTIVE IS PART OF WHAT WE GIVE BACK. THERE NEEDS TO BE A COMMITMENT THAT THE PEOPLE CAN TRUST BECAUSE WE HAVE BEEN BURNED. THAT IS ALL.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. ACTUALLY, I REALIZE WE HAVEN'T EVEN GOTTEN A MOTION, SO I'LL ENTERTAIN A MOTION ON AMENDMENT NUMBER 4 AS PRESENTED BY STAFF. MOTION MADE BY COUNCILMEMBER

MCCRACKEN. I'LL SECOND THAT TO APPROVE AMENDMENT NUMBER 4 AS RECOMMENDED BY THE STAFF. COMMENTS? COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR. I DID WANT TO SAY A COUPLE OF THINGS ABOUT THIS AMENDMENT. IT'S THE ONE I'VE STRUGGLED WITH THE MOST AS THEY'VE COME FORWARD. AS WE'VE GOTTEN DOWN THE LINE IT'S BEEN HARDER IN TERMS OF THE POLICY ISSUES THAT ARE AT STAKE. AND AS WRITTEN, I DON'T KNOW THAT I CAN SUPPORT THE PROPOSED AMENDMENT, BUT WANTED TO PROPOSE AN AMENDMENT TO THE AMENDMENT, I SUPPOSE. AND I'LL EXPLAIN THAT TO A CERTAIN DEGREE. BECAUSE I THINK SEVERAL FOLKS HAVE MENTIONED WHAT WE'RE TALKING ABOUT HERE IS NOT THE -- THE INCENTIVE WILL GO TO FUND THE DEVELOPMENT, AND THAT DEVELOPMENT HAS TO BE IN THE DESIRED DEVELOPMENT ZONE. WHAT WE'RE TALKING ABOUT IS ANY FUTURE DEVELOPMENT THAT A COMPANY RECEIVING THE INCENTIVES, THAT'S WHAT WE'RE TALKING ABOUT. THE ENVIRONMENTAL COMPLIANCE ON FUTURE DEVELOPMENTS, NOT NECESSARILY THE ONE THAT'S RECEIVING THE INCENTIVES. AND SO -- AND WHAT WE'VE SAID IS THAT THEY AGREED TO OUR CURRENT WATER QUALITY REGULATIONS AND THE WAIVING OF GRANDFATHERING. SO WHAT THIS DOES IS FOR DATA CENTERS AND CALL CENTERS, THAT DOESN'T APPLY. THAT PARTICULAR PROVISION THAT DEALS WITH FUTURE DEVELOPMENTS THAT THAT COMPANY MIGHT HAVE, THAT COULDN'T APPLY. AND SO I'VE STRUGGLED WITH THE ISSUE OF WHY ARE WE GOING TO TAKE DATA CENTERS OUT AND CALL CENTERS OUT AND HOW WOULD THAT PROHIBIT US FROM SAYING ANY OTHER KIND OF BUSINESS WOULD HAVE TO BE REMOVED OR COULD BE EXEMPTED FROM THAT REQUIREMENT. BUT I DO COME BACK TO THE IDEA THAT KIND OF THE UNIQUE SITUATION THAT WE HAVE WHERE -- AND THIS IS SINCE WE DO HAVE AN ENTITY THAT -- FOR WHICH WE'VE APPROVED INCENTIVES THAT ISN'T THE TYPICAL KIND OF ENTITY THAT RECEIVES INCENTIVES, THE TYPICAL KIND OF BUSINESS, IN THAT THEY HAVE MANY RETAIL OPERATIONS. SO TYPICALLY WE WOULD FIND THE IBM'S AND THE DELL'S AND SAMSUNG AND SEMATECH, AND CHANCES ARE THAT THOSE KIND OF BUSINESSES AREN'T

GOING TO HAVE VERY MANY OTHER DEVELOPMENTS WITHIN A CERTAIN GEOGRAPHIC AREA. AND SO I THINK IT MAKES SENSE THAT IF IT -- IF YOU DO UNDERTAKE ANOTHER DEVELOPMENT, YOU DO HAVE TO COMPLY WITH THESE WATER QUALITY REGULATIONS AND WAYS OF GRANDFATHERING CLAIMS. BUT IN TERPZ OF THE DATA CENTER AND THE CALL CENTER, I ALSO THINK THAT AGAIN THE REASON THAT WE'RE IN THIS SITUATION BECAUSE OF HOME DEPOT IS BECAUSE WHAT WE'VE CONTEMPLATED IS AN INCENTIVE PACKAGE FOR THEIR DATA CENTER, NOT FOR RETAIL OPERATIONS, BECAUSE UNDER OUR POLICY WE CAN'T -- WE DON'T GIVE INCENTIVES FOR RETAIL OPERATIONS UNLESS IT'S DESTINATION RETAIL UNLESS WE FIND IT IN THAT POLICY. SO WE'RE DEFINITELY NOT FUNDING ANY RETAIL OPERATIONS, BUT THE REASON IT'S BECOME AN ISSUE IS BECAUSE THE ENTITY HAS RETAIL OPERATIONS, THOUGH WHAT WE'RE FUNDING IS SPECIFIC ADMINISTRATION FUNCTION ESSENTIALLY IN THIS DAY AND AGE. AND SO -- MY THINKING IS THERE'S ANOTHER COMPANY THAT ALL THEY DO IS PROVIDE DATA CENTER OR CALL CENTER SERVICES JUST LIKE ANY OTHER MAJOR EMPLOYER, THEN THEY SHOULD BE HELD TO THE SAME STANDARD THAT IBM OR DELL OR SAMSUNG OR SEMATECH OR ANYONE ELSE WOULD, BUT THERE'S THESE TYPES OF CASES WHERE YOU HAVE A COMPANY THAT HAS A DATA CENTER OR A CALL CENTER, BUT THAT'S NOT REALLY THEIR PRIMARY FUNCTION, AND SO YOU'RE TREATING THESE PARTICULAR ENTITIES SORT OF DIFFERENTLY OR THEY HAVE A TOUGHER -- THEY HAVE A HIGHER BAR TO CROSS BEFORE THEY CAN ACHIEVE THE SAME LEVEL OF INCENTIVES AND POLICIES. SO WHAT I WAS GOING TO SUGGEST IS UNDER AMENDMENT 4, I PASSED OUT THE PROPOSED LANGUAGE, AND SO IT WOULD BE THE VERY LAST LINE THAT'S UNDERLINED THAT SAYS -- I'LL READ THE WHOLE LANGUAGE, BUT IT SAYS THE PARAGRAPH 2-J DOES NOT APPLY TO AN ECONOMIC DEVELOPMENT AGREEMENT FOR A DATA CENTER OR A CALL CENTER FACILITY UNLESS THE PRIMARY BUSINESS OF THE COMPANY RECEIVING THE INCENTIVES IS THE OPERATION OF A DATA CENTER OR A CALL CENTER. AND FOR ME THAT'S -- I WANT TO OFFER THAT AS A FRIENDLY AMENDMENT. IT WOULD MAKE ME AT LEAST -- THAT'S WHAT I NEED IN ORDER TO SUPPORT THIS

PARTICULAR AMENDMENT, AND SO CERTAINLY I WANT TO OFFER THAT AND HEAR WHAT OTHERS HAVE TO SAY.

I THINK IT ACTUALLY STRENGTHENS THE AMENDMENT. I ACTUALLY FELT THIS IS WHAT COUNCILMEMBER SLUSHER HAD IDENTIFIED JUST A MOMENT AGO IS THAT SHOULD A CALL CENTER LOCATE ANOTHER CALL CENTER, WE MAY HAVE HAD A LOOPHOLE THEN WITH THIS BY HAVING IT IN J AND YOU WILL CAPTURE THEM IN THIS AMENDMENT. SO FROM OUR PERSPECTIVE, I THINK IT STRENGTHENS THE AMENDMENT AND STILL ACCOMPLISHES WHAT WE WERE LOOKING FOR.

Mayor Wynn: SO COUNCILMEMBER MCCRACKEN, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT?

McCracken: I DO.

Mayor Wynn: AGREED, SO DO I. SO WE HAVE A FRIEND -- IN A FRIENDLY WAY AN AMENDED AMENDMENT NUMBER 4. FURTHER COMMENTS? MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 5-2 WITH THE MAYOR PRO TEM AND COUNCILMEMBER SLUSHER VOTING NO. THANK YOU ALL -- ACTUALLY, AND COUNCIL, WHILE WE WERE VOTING, TWO CITIZENS SIGNED UP, JEFF JACK SIGNED UP AGAINST, NOT WISHING TO SPEAK. COLIN CLARK SIGNED UP WISHING TO SPEAK. IS MR. CLARK STILL HERE? THEN BOTH MR. CLARK AND MR. JACK WILL BE SHOWN AS OPPOSING THIS ITEM. THANK YOU VERY MUCH. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Glasgo: HAPPY NEW YEAR, WE START OFF WITH ITEM NO. 64, WHICH IS THE AREA THAT DEALS WITH THOSE CASES THAT HAVE ALREADY GONE THROUGH A PUBLIC HEARING AND

THAT PUBLIC HEARING HAS BEEN CLOSED. ITEM 64 AND 65 RELATE TO THE CENTRAL AUSTIN NEIGHBORHOOD COMBINED PLANNING AREA AND THESE TWO CASES ARE BEFORE YOU, HOWEVER, I UNDERSTAND THAT -- THAT COUNCIL WOULD LIKE TO POSTPONE THESE TWO CASES FOR 60 DAYS. THOSE 60 DAYS WILL BRING US TO EITHER MARCH THE 10th OR MARCH THE 24th.

Dunkerly: MAYOR, YES, I WOULD LIKE TO POSTPONE THAT, BUT I WOULD ALSO LIKE TO ASK THE STAFF TO WORK WITH THE NEIGHBORHOOD ASSOCIATION TO BRING BACK AN AMENDMENT TO UNO THAT WOULD INCORPORATE THESE -- I THINK THEY'VE REACHED AN AGREEMENT ON THESE TWO CASES, WHICH INCORPORATE THAT AGREEMENT INTO THE UNO DOCUMENT AND TO TAKE CARE OF SOME OTHER DISCREPANCIES DEALING WITH LOCAL USES. SO IF YOU COULD HAVE I THINK -- I DIDN'T BRING THE -- THE POINT ITEMS DOWN TO MY OFFICE, BUT I COULD FORWARD THAT TO YOU. SO IF YOU COULD WORK ON THAT AND BRING IT BACK TO US WITHIN 60 DAYS.

OKAY.

JUST TO CLARIFY --

OR AS SOON AS POSSIBLE.

CLARIFICATION. AND SOME MINOR TWEAKS TO THE UNO ORDINANCE DEALING WITH LOCAL USES. SOME OTHER MINUTE ONE OR TWO ITEMS.

Glasgo: WE'LL DO THAT.

Dunkerly: THANK YOU.

Glasgo: MAYOR THEN THE NEXT CONSENT ITEM IS ITEM NO. 66, C14-04-134 KINGDOM HALL ZONING, THIS PROPERTY IS LOCATED AT 801 WEST ST. ELMO ROAD. AND THE CHANGE IN ZONING IS FROM SINGLE FAMILY 3 TO LIMITED OFFICE MIXED USE WITH A CONDITIONAL OVERLAY AND THAT'S WHAT YOU APPROVED ON FIRST READING AND THIS GETS US READY FOR SECOND AND THIRD READINGS. ITEM NO. 67, C14-04-152, THIS PROPERTY IS LOCATED AT 4607 MANCHACA ROAD. THE

EXISTING ZONING SINGLE FAMILY 3 AND ON FIRST READING YOU GRANTED L.O.-CO. THIS CASE IS READY FOR SECOND AND THIRD READINGS. ITEM NO. 68, C14-04-159, BLACKSTONE APARTMENTS. LOCATED AT 2910 MEDICAL ARTS STREET, THE EXISTING ZONING IS MULTI-FAMILY 3 NEIGHBORHOOD PLAN. YOU ON FIRST READING GRANTED LR-MU-CO-NP AND THE CASE IS READY FOR SECOND AND THIRD READINGS. 69, CASE C14-04-115, CHAMPION TRACT NUMBER 5. THIS PROPERTY IS LOCATED AT 5618 THROUGH 5628 F.M. 2222, 6200 THROUGH 6230 NORTH LAKEWOOD DRIVE, 6701 THROUGH 6210 NORTH LAKEWOOD DRIVE, 6702 -- 6201, 6203 AND 64016713 CAPITAL OF TEXAS HIGHWAY. MR. WAYLAND POINTED OUT TO ME THE AGREEMENT WITH THE NEIGHBORHOOD WAS NOT TO INCLUDE THE MU, HE IS THERE TO REQUEST TO DELETE THE MU COMBINING DISTRICT. STAFF DOES NOT HAVE A PROBLEM WITH THAT REQUEST. WE'LL MAKE THAT DELETION FROM THE ORDINANCE AND YOU CAN STILL APPROVE THE ORDINANCE ON SECOND AND THIRD READINGS. MAYOR, HAS CONCLUDES -- THAT CONCLUDES THOSE CASES THAT ARE UNDER THIS SEGMENT OF THE AGENDA FOR ZONING.

Mayor Wynn: THANK YOU, MS. GLASGO. MS. BROWN A LITTLE POINT HERE ON MY SPEAKER SIGNUP SYSTEM, IT IS BEGINNING AT ITEM NO. 70, DOES THAT IMPLY NO CITIZENS SIGNED UP FOR 64 THROUGH 69.

Clerk Brown: THAT'S BECAUSE THOSE PUBLIC HEARINGS HAVE ALREADY BEEN HELD.

Mayor Wynn: THANK YOU. OKAY. LEARN SOMETHING NEW EVERY DAY. OKAY. SO COUNCIL THE CONSENT AGENDA THEN ON THESE ITEMS THAT HAVE ALREADY HAD PUBLIC HEARINGS WILL BE ON ITEMS 64 AND 65 A POSTPONEMENT TO MARCH 24th, 2005, ITEMS NUMBER 66, 67, 68, AND 69 APPROVED ON SECOND AND THIRD READING NOTING THE --

DELETION.

THE MU DELETION ON ITEM NO. 69. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. SECONDED BY

COUNCILMEMBER DUNKERLY. FURTHER COMMENTS?

Slusher: MAYOR, I HAVE A QUESTION FOR MS. GLASGO. MS. GLASGO, ON ITEM 66, I'M CONCERNED ABOUT THIS USE AT THIS SITE, ALTHOUGH I THINK THE PROBLEM IS NOT SINGLE FAMILY USE BECAUSE OF THE TRAFFIC AND THE WAY IT'S SITUATED WHERE IT GETS A LOT OF LIGHTS, I'M PRETTY FAMILIAR WITH IT. THE -- I'M UNDERSTANDING THAT THIS COULD NOT EXIT ON TO VINSON, IS THAT RIGHT? IT COULD ONLY ENTER AND EXIT OFF OF ST. ELMO.

Glasgo: THAT'S CORRECT.

Slusher: IS IT ACCURATE, IT HAS A 315 TRIP A DAY CAR LIMIT OR TRIP LIMIT? THAT'S WHAT I HAVE GOT FROM THE APPLICANT'S REPRESENTATIVE HERE.

Glasgo: YES, THAT'S CORRECT. IT'S IN THE ORDINANCE. ON PAGE 2 OF THE ORDINANCE AT THE BOTTOM UNDER CONDITION NUMBER 4.

Slusher: I JUST WANTED TO CONFIRM THOSE TWO THINGS. THANK YOU.

Glasgo: YOU'RE WELCOME.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? THE MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. ALL IN FAVOR PLEASE SAY AYE?

AYE.

Wynn: OPPOSED? CONSENT AGENDA PASSES ON A VOTE OF 7-0.

MAYOR THAT TAKES US TO PUBLIC HEARING ITEMS, WE START OFF WITH ITEM NO. Z-1, THIS IS CASE C14-04-156, WILLIAM BOOTH APARTMENTS. THIS PROPERTY IS LOCATED AT 1001 CUMBERLAND ROAD. THE EXISTING ZONING IS SINGLE FAMILY 3 AND THE APPLICANT IS SEEKING MULTI-FAMILY 1 ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT MULTI-FAMILY 1 ZONING AS



REQUESTED AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-2, C14-04-178, RON ROW ZONING CHANGE, THIS PROPERTY IS LOCATED AT 10816 CROWN COLONY DRIVE, THE EXISTING ZONING IS SINGLE FAMILY 2. THE APPLICANT IS SEEKING A CHANGE TO LR WHICH STANDS FOR NEIGHBORHOOD COMMERCIAL. THE PLANNING COMMISSION RECOMMENDS LR-CO AND THIS CASE IS READ FOR ALL THREE READINGS. ITEM NO. Z-3, C14-04-177, THE HOME BUILDERS ASSOCIATION PARKING, LOCATED AT 2301 CENTER PLAZA. THE EXISTING ZONING IS SINGLE FAMILY 3. THE REQUEST IS TO LIMITED INDUSTRIAL WITH A CONDITIONAL OVERLAY. THAT REQUEST HAS BEEN RECOMMENDED BY THE ZONING AND PLATTING COMMISSION AND THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-4, C14-04-172, FILIPINO VIDEO AND ORIENTAL STORE LOCATED AT 2309 WEST PARMER LANE, THE EXISTING ZONING IS NO WHICH STANDS FOR NEIGHBORHOOD COMMERCIAL, THE APPLICATION IS REQUESTING LR WHICH STANDS FOR NEIGHBORHOOD COMMERCIAL. THE ZONING AND PLATTING COMMISSION RECOMMENDS THE APPLICANT'S REQUEST WITH A CONDITIONAL OVERLAY, THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-5, C14-04-180. THE APPLICATION IS SEEKING A CHANGE FROM SINGLE FAMILY 3 TO GR-CO WHICH STANDS FOR COMMUNITY COMMERCIAL WITH A CONDITIONAL OVERLAY. THE APPLICANT'S REQUEST IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THAT REQUEST IS RECOMMENDED ON FIRST READING ONLY. ITEM NO. Z-6, C14-04-170, SAN JOSE CATHOLIC CHURCH. LOCATED AT 2510 SOUTH FIRST STREET. THE REQUEST IS FROM LIMITED OFFICE WITH A CONDITIONAL OVERLAY TO GO-CO. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GO GRANT LIMITED OFFICE WITH A CONDITIONAL OVERLAY AND ALSO TO GRANT GENERAL OFFICE WITH A CONDITIONAL OVERLAY ON FIRST READING. ITEM 7 IS GOING TO BE A DISCUSSION ITEM, MAYOR. I'LL SKIP OVER THAT, WE'LL COME TO IT LATER. Z-8 OR NEXT CONSENT ITEM IS C14-04-182, WIER HILLS DRIVE. THE CASE IS ON ZERO WIER HILLS DRIVE. THE APPLICANT IS REQUESTING A CHANGE FROM GENERAL OFFICE TO SINGLE FAMILY 6. THAT REQUEST IS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION, THIS CASE IS READY FOR FIRST READING

ONLY. ITEM NO. Z-9, C14-04-85-288, STAFF IS REQUESTING A POSTPONEMENT TO JANUARY THE 27th IN ORDER TO CLARIFY SOME REQUIREMENTS FOR THE RESTRICTIVE COVENANT DETERMINATION. ITEM NOS. 10, 11, 12, 13 THROUGH 15 WILL BE DISCUSSION ITEMS. MAYOR THAT CONCLUDES MY PRESENTATION ON THOSE CONSENT ITEMS UNDER THE 4:00 PUBLIC HEARINGS.

Mayor Wynn: ACTUALLY ON Z-1, WE HAVE ONE CITIZEN SIGNED UP IN OPPOSITION, SO WE WILL CONDUCT THAT PUBLIC HEARING AS WELL. ITEM Z-18 BE A DISCUSSION ITEM, COUNCIL. BUT THE AGENDA WILL BE -- THE CONSENT AGENDA WILL BE ITEMS Z-2, 3, 4, ALL THREE READINGS, ITEM Z-5 AND Z-6 AND Z-8 ON FIRST READING ONLY. AND ITEM Z-9 WITH A POSTPONEMENT TO JANUARY 27th, 2005. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ. MOTION TO CLOSE THE PUBLIC HEARINGS AND APPROVE THE CONSENT AGENDA AS READ.

Slusher: MAYOR, IS Z-8 ON CONSENT?

Mayor Wynn: FIRST READING ONLY.

Glasgo: YES, THAT'S CORRECT, FIRST READING.

Slusher: THIS IS A RESIDENTIAL, GOING FROM OFFICE TO RESIDENTIAL. I WAS WONDERING ABOUT THE GROW GREEN PROGRAM ON THIS. IS IT GOING TO BE APARTMENTS OR CONDOS AT THE SF 6?

Glasgo: FOR SF 6 THOSE ARE TOWNHOMES OR CONDOMINIUMS, NOT APARTMENTS.

Slusher: OKAY. WOULD YOU EXPLORE THE GROW GROWN BETWEEN THE 1st AND THIRD READINGS.

Glasgo: THEY WILL BE COMPLYING WITH THE S.O.S. ORDINANCE AND THAT REQUIRES GROW GREEN. THE APPLICANT LET ME KNOW AHEAD OF TIME THAT THEY WILL BE COMPLYING WITH THE GROW GREEN AND ALSO WITH THE INTEGRATED PEST MANAGEMENT PROGRAM.

Slusher: THANK YOU, MS. GLASGO.

Glasgo: YOU'RE WELCOME.

Mayor Wynn: WE HAVE A MOTION AND A SECOND ON THE TABLE 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 7-0. MS. GLASGO, I GUESS IF WE GO TO Z-1, SINCE THERE'S ONLY ONE SPEAKER PERHAPS WE CAN GET THAT CASE DONE BEFORE OUR RECESS.

Glasgo: OKAY. I'LL GIVE YOU A BRIEF PRESENTATION BEFORE THE SPEAKER GETS TO SPEAK. ITEM NO. Z-1 IS LOCATED AT 1001 CUMBERLAND ROAD. THE EXISTING ZONING IS SINGLE FAMILY 3 AND THE PROPOSAL IS FOR THE SALVATION ARMY TO HAVE SOME DEVELOPMENT FOR RESIDENTIAL AND ALSO FOR -- MAINLY RESIDENTIAL ON THE SITE. THAT'S REALLY WHAT IS BEING PROPOSED AND OF COURSE THERE WILL BE A -- A SITE PLAN TO BE APPROVED THROUGH THE DEVELOPMENT PROCESS THAT WILL DETAIL ALL OF THE DEVELOPMENT REGULATIONS UPON GRANTING OF THE ZONING. I WILL PAUSE HERE AND THEN RESPOND TO QUESTIONS AFTER WE HEAR FROM THE CITIZEN.

Mayor Wynn: WELL, TYPICALLY WE WOULD NOW HEAR FROM THE APPLICANT.

Glasgo: APPLICANT FIRST, CORRECT. WELCOME, MR. THUN, TYPICALLY WE HAVE A FIVE MINUTE APPLICATION PRESENTATION FOLLOWED BY FOLKS IN FAVOR, IN THIS CASE NOBODY HERE IN FAVOR, ONE PERSON AGAINST, THEN YOU WOULD HAVE A CHANCE TO REBUT IF THERE'S AN ISSUE.

GOOD EVENING, I'M HERMAN THUN REPRESENTING THE SALVATION ARMY ON THIS CASE. VERY SIMPLE. THIS IS ABOUT A 10 10-ACRE SITE. THE SOUTH HALF WAS REZONED IDENTICAL TO THIS ZONING BACK IN 1998. DUE TO ALL OF

OUR MEETINGS WITH THE GALINDO NEIGHBORHOOD ASSOCIATION, THEY REQUESTED THAT THE PROJECT BE MOVED CLOSER TO THIS -- TO THE CORE COMMUNITY CENTER, WHICH WE HAVE DONE. SO ALL THAT WE ARE DOING IS REZONING THE OTHER HALF OF THE SITE TO ALLOW THIS PROJECT TO BE BUILT. IF THE ZONING IS REFUSED WE ARE STILL GOING TO BUILD THE PROJECT, IT WILL BE ON THE SOUTH HALF. THAT'S IN OPPOSITION TO GALINDO. THEY FEEL THAT THIS IS A BETTER LOCATION. WE KEEP THE ENTRIES OFF OF FIFTH STREET COMING OFF OF CUMBERLAND. WE ALSO SAVE THE COMMUNITY GARDENS WHICH ARE PART OF THE WHOLE REASON FOR MOVING THIS PROJECT. BUT IT'S AN EITHER/OR.

Mayor Wynn: THANK YOU, QUESTIONS FOR THE APPLICANT, COUNCIL? IF NOT WE WILL NOW GO TO THE CITIZEN WHO SIGNED UP WISHING TO SPEAK IN OPPOSITION. LOOKS LIKE GWEN GIFFORD.

IT'S ME. [INAUDIBLE - NO MIC] NOW THAT I'VE HEARD IT [INAUDIBLE - NO MIC]

Mayor Wynn: OKAY. SO PERHAPS WE WILL SHOW MS. GIFFORD IN FAVOR. I DOUBT THERE'S A NEED TO REBUT THAT, MR. THUN. SO THANK YOU.

NO.

Mayor Wynn: COUNCIL, AGAIN THE STAFF RECOMMENDATION AND THE ZONING AND PLATTING RECOMMENDATION WAS PRESENTED FOR ALL THREE READINGS.

YES.

Mayor Wynn: I'LL ENTERTAIN A MOTION ON ITEM Z-1. MOTION MADE BY COUNCILMEMBER ALVAREZ, I'LL SECOND TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASE Z-1. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. MS.

GLASGO?

Glasgo: WELL THAT TAKES US TO ITEM NO. Z-7, C14-04-171. NAMELY THE BARR SUBDIVISION LOCATED AT 1590 THROUGH 1602 BARCLAY DRIVE, THE EXISTING ZONING IS DEVELOPMENT RESERVE THE APPLICANT IS REQUESTING A CHANGE TO SINGLE FAMILY 2 TO ALLOW FOR SINGLE FAMILY DEVELOPMENT. THE RECOMMENDATION OF THE PLANNING COMMISSION -- OF THE ZONING AND PLATTING COMMISSION AND STAFF IS TO GRANT SINGLE FAMILY ZONING WITH A CONDITIONAL OVERLAY. THE -- THE REQUEST HERE IS FOR -- THE LAND AREA COMPRISES 5 MONEY 3-ACRES AND THE -- 5.3 ACRES AND THE AGREEMENT THAT WAS REACHED BY SOME OF THE PROPERTY OWNERS AND THE NEIGHBORHOOD ASSOCIATION IN THE AREA, INCLUDE A LIMITATION ON DENSITY TO 2 2.5 DWELLING UNITS OR LESS PER ACRE. THERE'S A REQUIREMENT THAT THE MINIMUM LOT SIZE BE 9200 SQUARE FEET, BUILDING SETBACKS ALONG THE NORTH AND WEST PROPERTY LINES ARE 15 FEET. THE PROPOSED CONDITIONAL OVERLAY IS THE RESULT OF NEGOTIATIONS BETWEEN THE APPLICANT AND SEVERAL SURROUNDING NEIGHBORHOOD ORGANIZATIONS WITHIN THE AREA. THERE ISN'T REALLY A WHOLE LOT TO SAY OTHER THAN THE ZONING IS CONSISTENT WITH THE SURROUNDING DEVELOPMENT, WHICH IS ALL SINGLE FAMILY DEVELOPMENT, THE LIMITATIONS THAT THE PLANNING COMMISSION FORWARDS TO YOU PROVIDE DENSITY THAT IS COMPARABLE TO THOSE ADJOINING PROPERTIES AND THEREFORE MAKES IT APPROPRIATE. WE RECOMMEND THE CHANGE AND I'LL BE GLAD TO RESPOND TO QUESTIONS AFTER WE HEAR FROM THE APPLICANT AND THE SPEAKERS.

Mayor Wynn: MS. GLASGO, IS STAFF PREPARED FOR THREE READINGS TONIGHT?

Glasgo: FIRST READING ONLY ON THIS ONE.

Mayor Wynn: OKAY. AGAIN, WE'LL NOW HAVE A FIVE MINUTE PRESENTATION FROM THE APPLICANT. CASE Z-7. THE BARR SUBDIVISION, WELCOME, MA'AM.

GOOD AFTERNOON, MY NAME IS JANA RICE, I'M WITH CUNNINGHAM-ALLEN ENGINEERS AND I REPRESENT THE

APPLICANTS, MR. AND MRS. GARY BARR. MY CLIENT OWN 6.23 ACRES ON BARCLAY DRIVE. ONE ACRE OF THIS LAND IS ALREADY ZONED SF 2 WHICH INCLUDES THEIR HOMESTEAD. WE ARE REQUESTING ZONING FOR THE REMAINING 5.23 ACRES. WE ARE ASKING FOR THIS REZONING AS PART OF A REQUIREMENT NEEDED TO GET WATER AND SEWER FOR THEIR SITE. THEY HAVE AN EXISTING HOMESTEAD AS I SAID AND ANOTHER HOUSE ON THEIR PROPERTY, THE CITY IS IN THE PROCESS OF PUTTING IN A WASTEWATER LINE DOWN BARCLAY DRIVE. IN ORDER FOR THEM TO BE ABLE TO HOOK UP TO THE WASTEWATER LINE THEY HAVE TO FINAL PLAT THEIR PROPERTY AND THEIR ZONING IS EXISTING DR, DEVELOPMENT RESERVE, THEY ARE REQUIRED TO REZONE BECAUSE THEIR LOT IS SMALLER THAN THE 10 ACRES THAT DEVELOPMENT RESERVE REQUIRES. OUR ORIGINAL APPLICATION WAS FOR SF 2 BECAUSE A PORTION OF THEIR PROPERTY WAS ALREADY ZONED SF-2 AND THE SURROUNDING AREAS WERE SF-1 AND SF-2 WITH A CONDITIONAL OVERLAY. AS WELL AS LOTS THAT ARE COMPARABLE TO SF-2 WITHIN THE LOST CREEK M.U.D. WE AGREED AFTER SOME NEIGHBORHOOD OPPOSITION CAME UP, WE AGREED TO SF-2 WITH THE CONDITIONAL OVERLAY THAT WOULD BE THE SAME AS THE SUBDIVISION ADJACENT TO THE PROPERTY. AND WE WENT TO THE ZONING AND PLATTING COMMISSION WITH THAT IN MIND AND THEY APPROVED THAT. THE CONDITIONS AS MS. GLASGO READ HAD TO DO WITH 2.5 UNITS PER ACRE FOR THE TRACT. 9200 SQUARE FOOT MINIMUM LOT SIZES AND 15-FOOT SETBACKS ALONG THE NORTH AND WEST PROPERTY LINES, WHICH WOULD WHERE HE SAID THAT WOULD PRE-- WE SAID WOULD PRECLUDE BUILDINGS OR OTHER IMPROVEMENTS. THAT'S HOW IT WAS LISTED. WE ARE HERE TODAY TO DISCUSS THIS CASE BECAUSE ONE OF THE ADJACENT PROPERTY OWNERS WHO IS HERE, THAT WE ORIGINALLY DEALT WITH IS HERE IN OPPOSITION WHO FEELS THAT THE 15-FOOT SET BACK ALONG THE WEST AND NORTH PROPERTY LINES WERE NOT SUPPOSED TO BE SETBACKS BUT A BUFFER ZONE. WE -- MY CLIENT DID FOR THE AGREE TO A BUFFER ZONE. WE AGREED TO A 15-FOOT SETBACK, WHICH WOULD PRECLUDE THINGS SUCH AS BUILDINGS, SHEDS, POOLS, TENNIS COURTS, THINGS OF THAT NATURE. NOW WE ARE OF THE UNDERSTANDING THAT THE ADJACENT OWNER WOULD LIKE

US TO ALSO PREVENT FENCES FROM BEING WITHIN THAT 15-FOOT SETBACK. WE NEVER AGREED TO THAT, MY CLIENT DOES NOT WANT THAT. THIS MAP RIGHT HERE DOES SHOW THE PROPERTY THAT'S IN REVIEW NOW AS THE FINAL PLAT, WHICH SHOWS TWO LOTS. EACH LOT IS OVER TWO ACRES IN SIZE AND THE GREEN AREA ON THERE SHOWS THE 15-FOOT SETBACK THAT WE ARE WILLING TO SUPPLY TO THE SURROUNDING NEIGHBORHOODS SF-2 ZONING AND SF-1 ZONING WHICH IS ACROSS THE STREET HAVE 10-FOOT SETBACKS AS A REAR SETBACK LINE, WE ARE OFFERING 15 IN ADDITION TO THE OTHER RESTRICTIONS. THE BARRS HAVE LIVED IN THIS AREA FOR A GREAT MANY YEARS, THEY ARE PLATTING THEIR PROPERTY BECAUSE THEY ARE TRYING TO GET UTILITIES TO THEIR LOTS. THAT'S WHY THEY ARE DOING THIS. THEY HAVE AGREED TO THIS SF-2 WITH THE CONDITIONAL OVERLAY TO WORK WITH THE NEIGHBORHOODS. THEY FEEL THAT AND SAID WHY THAT THIS IS A VERY REASONABLE AND COMPARABLE ZONING FOR THE AREA. AND WE ASK FOR YOUR SUPPORT. I'LL BE GLAD TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MS. RICE, QUESTIONS OF APPLICANT? COUNCIL? IF NOT WE WOULD GENERALLY HEAR FROM THOSE CITIZENS SIGNED UP IN FAVOR OF THE ZONING. WE HAVE NONE. THOSE CITIZENS SIGNED UP IN OPPOSITION, WE DO HAVE ONE, MR. RICHARD GOTTLIEB. RICHARD, WELCOME, YOU WILL HAVE THREE MINUTES.

I LIVE IN THE NEIGHBORHOOD ADJOINING THIS PROPERTY ON THE NORTHERN SIDE. I'M THE PERSON THAT DID MUCH OF THE NEGOTIATION WITH MS. RICE. THOSE NEGOTIATIONS STARTED WHEN WE FIRST GOT THE NOTICE IN OCTOBER THERE WAS GOING TO BE A ZONING CHANGE, I CONTACTED THE PROPERTY OWNERS, TRYING TO GET A BETTER UNDERSTANDING OF WHAT THEY ARE TRYING TO DO. SAYING THEY WANT TO GET CITY SERVICES, UNDERSTANDABLE NO PROBLEM WITH THAT. BUT WOULD YOU BE WILLING TO MAKE THE ZONING REQUEST MORE COMPATIBLE WITH THE NEIGHBORHOOD. HE SAYS WELL HE'S NOT REALLY TRYING TO CHANGE ANYTHING NOW. I SAID WHY DON'T YOU CHANGE YOUR ZONING REQUEST. HIS RESPONSE WAS I DON'T WANT TO TIE MY KIDS'S HANDS. THAT OF COURSE SENT UP A WARNING TO ME. MY

NEIGHBOR AND I STARTED TALKING TO SURROUNDING HOMEOWNERS AND GOT A PETITION TOGETHER. WHEN THAT WAS WELL KNOWN, WE GOT A CALL FROM MS. RICE WANTING TO NEGOTIATE. THAT'S WHERE THE CONDITIONAL OVERLAY SF-2 CO STARTED. MY CONCERN IS I THOUGHT WE HAD A DEAL AND WE A COMPROMISE. AND THAT COMPROMISE WAS REACHED BASICALLY THE LAST MINUTE BEFORE THE LAST PLANNING AND ZONING MEETING. WE WERE HOLDING OUT FOR SOME LANGUAGE THAT MATCHED OUR OWN DEED RESTRICTIONS IN BARCLAY WOODS, WHICH IS 15-FOOT INTERIOR LINE SETBACKS. WE ALMOST DID NOT REACH AN AGREEMENT. AT THE LAST MINUTE WE AGREED TO NO BUILDING OR OTHER IMPROVEMENT. WHETHER I USED THE WORD, I MAY OR MAY NOT HAVE USED THE WORD FENCE. I THOUGHT THAT WE WERE TALKING ABOUT A BUFFER ZONE. I DIDN'T USE THE WORD outhouse EITHER. THAT'S HOW I SOLD IT TO OUR NEIGHBORS AND THE PEOPLE IN LOST CREEK CONCERNED ABOUT THE BACK OF THEIR PROPERTY. I THOUGHT WE HAD THIS DEAL UNTIL 2:54 YESTERDAY. WHEN WE DID THE FIRST AGREEMENT IN THE MEETING WITH THE CITY PLANNER, HE TOLD US THE ORDINANCE LANGUAGE WOULD BE AVAILABLE ABOUT A WEEK BEFORE THIS MEETING WHEN IT WAS HEARD. WE STARTED BUGGING THEM LAST WEEK FOR THE ORDINANCE LANGUAGE, WE FINALLY GOT AN ANSWER ON MONDAY NOT READY UNTIL THE NEXT MEETING. ON TUESDAY AFTERNOON WE FINALLY GOT THE LANGUAGE ON THE STAFF RECOMMENDATIONS, WHICH JUST SAYS BUILDING SETBACKS TO 15 FEET, THEN WE STARTED COMMUNICATING ABOUT WHAT DOES THIS MEAN VERSUS OUR ORIGINAL LANGUAGE, THAT'S WHEN THE COMPROMISE BROKE DOWN. I POINTED OUT TO MS. RICE THAT WE AGREED ON CERTAIN THINGS BASED ON OTHER LANGUAGE, THAT OR OTHER CONCESSIONS ARE NOT THE FLOOR FOR FUTURE CONCESSIONS, GIVEN THE FACT THAT I BASICALLY AT 3:00 OR 4:00 YESTERDAY KNEW WE WERE GOING TO COME TO THIS, WE HAVE NOT HAVE A CHANCE TO CONTACT THE OTHER NEIGHBORHOOD ASSOCIATION OR HOMEOWNERS. THE OTHER GENTLEMAN MOST ACTIVE AS MYSELF HAD ANOTHER COMMITMENT. I'M ASKING FOR A POSTPONEMENT UNTIL I CAN GET FEEDBACK FROM PEOPLE AND SEE WHERE WE GO FROM HERE. I ALSO WOULD LIKE TO I HAVE TALKED



TO GREG ABOUT THIS, THE CITY PLANNER, REGISTERED MY GREAT DISSATISFACTION WITH THE LACK OF COMMUNICATION THAT WE HAVE GOTTEN AND THE FACT THAT WE HAVE WASTED SIX WEEKS WHERE WE COULD HAVE BEEN DOING SOMETHING. I COULD GO INTO ALL OF THE NEIGHBORHOOD, I HAVE SOME PICTURES STUFF LIKE THAT. BUT I DON'T THINK IT'S APPROPRIATE TO DO THAT AT THIS TIME.

Mayor Wynn: THANK YOU, YOUR THREE MINUTES ARE UP. THANK YOU.

THANKS A LOT.

Mayor Wynn: QUESTIONS OF MR. GOTLEIB, COUNCIL?

McCracken: MAYOR? HAS THERE BEEN A POSTPONEMENT YET IN THIS MATTER?

NO, THIS IS -- IT WAS FIRST SCHEDULED -- OTHER POSTPONEMENT, NO.

McCracken: I WAS ASKING PROBABLY MORE OF STAFF. I'M TAKING THIS AS A REQUEST FOR POSTPONEMENT.

YES, SIR.

Mayor Wynn: COUNCIL, WHY DON'T WE HAVE OUR REBUTTAL FROM THE APPLICANT FIRST. MS. RICE YOU HAVE NOW ONE THREE MINUTE REBUTTAL. THEN LIKELY QUESTIONS AND COMMENTS FROM COUNCIL.

WE FEEL THAT WE HAVE NEGOTIATED A GREAT DEAL WITH THIS SURROUNDING NEIGHBORHOOD AND MOSTLY WITH MR. GOTLEIB AND HIS ADJACENT NEIGHBOR MR. GONZALEZ WHO IS NOT HERE TODAY. THE ISSUE WITH THE FENCES DID COME UP AT THE VERY LAST MINUTE. THAT WAS YESTERDAY AFTERNOON. BECAUSE THERE WAS NEVER ANY -- WE NEVER THOUGHT THAT FENCES WOULD EVER BE INCLUDED IN A SETBACK. IT IS MY -- I HAVE FELT THAT ALL OF THE DISCUSSIONS THAT WE HAVE HAD I HAVE SPOKEN AS FAR AS SAYING THAT WE HAD ASKED FOR SETBACKS, WE ARE GOING TO PROVIDE SETBACKS. WE NEVER DISCUSSED THE

WORD BUFFER. WE DIDN'T DISCUSS FENCES. WE FEEL SINCE THE SURROUNDING OWNERS, INCLUDING MR. GONZALEZ, WHO IS THE NEIGHBORHOOD OF MR. GOTLEIB HAS A FENCE ON HIS PROPERTY LINE AND THAT ALONG THE REAR SIDE OF THE BARR'S PROPERTY THAT ALL OF THE -- MOST OF THE HOMEOWNERS THAT ARE IN THE LOST CREEK NEIGHBORHOOD AREA HAVE FENCES ALONG THEIR PROPERTY LINES, THAT IT WOULD BE UNFAIR TO ASK THE BARRS NOT TO BE ABLE TO HAVE A FENCE ALONG THEIR PROPERTY LINE SHOULD THEY WANT TO. THEY ARE LIVING THERE NOW. I DON'T KNOW THAT THEY HAVE ANY DESIRE TO PUT A FENCE UP AT THIS TIME. THIS IS JUST BECAUSE THIS CONDITIONAL OVERLAY WOULD RUN WITH THE ZONING ON THE LAND. SO WE HAVE MET WITH THEM. WE DON'T REALLY FEEL THAT THERE'S ANYTHING ELSE TO BE GAPPED. I HAVE TALKED TO A LOT OF DIFFERENT NEIGHBORHOOD OWNERS, NEIGHBORS, YOU KNOW, INDIVIDUALLY ABOUT THESE DIFFERENT THINGS. AND I'VE NEVER HAD ANYBODY WHEN I TALKED TO THEM ABOUT SETBACKS, I HAVE NEVER HAD ANYBODY SAY WELL THAT'S A BAD DEAL, WE WANT A BUFFER, THERE'S NO FENCES INVOLVED. THEY WERE PLEASED THAT THERE WAS A 15-FOOT SETBACK. SO I DON'T KNOW THAT A POSTPONEMENT WOULD HELP AT THIS POINT. I THINK THAT -- I THINK THAT THE BARRS ARE -- HAVE GIVEN A GREAT DEAL BY GIVING THEIR 9200 SQUARE FOOT BUILDING SITES AND BY THE 2.5 UNITS PER ACRE, IT IS COMPARABLE, IT IS EXACTLY WHAT MR. GOTLEIB'S SUBDIVISION HAS. HE IS TRYING TO PUT A DEED RESTRICTION THAT HIS PROPERTY HAS ON TO THE BARR'S PROPERTY. I'LL BE GLAD TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MS. RICE, QUESTIONS? COUNCIL? COUNCILMEMBER ALVAREZ?

Alvarez: I DID HAVE A QUESTION ACTUALLY.

Mayor Wynn: MS. RICE.

Alvarez: SO THERE IS A UNIT, A LIMITATION ON THE NUMBER OF UNITS THAT CAN GO ON THIS SITE?

YES.

Alvarez: WHAT DID YOU SAY THAT WAS?

WE HAVE REDUCED THE NUMBER OF UNITS TO 2.5 UNITS PER ACRE WHICH IN AN SF-2 IS VERY RESTRICTIVE. AN SF-1 ZONING WOULD ALLOW YOU MORE THAN 2.5 UNITS PER ACRE. THIS 9200 SQUARE FEET FOR THE LOT SIZES IS 800 FEET LESS THAN AN SF-1 ZONING WHICH IS A 10,000 SQUARE FOOT LOT. WE ARE RIGHT IN THERE. WE ARE GOING TO PROVIDE, IF THEY EVER DEVELOP, LOTS THAT ARE LARGER THAN THE LOST CREEK AREA, WHICH IS BEHIND THEM, AND CERTAINLY COMPARABLE TO MR. GOTLEIB'S SUBDIVISION AND ALMOST AS LARGE AS THE ONES ACROSS THE STREET.

Alvarez: OKAY. THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COUNCIL? COMMENTS? MR. GUERNSEY, CAN YOU CONFIRM THAT THERE HAS NOT BEEN A POSTPONEMENT IN THIS CASE? TO DATE?

Glasgo: THIS IS THE FIRST TIME THIS CASE IS COMING TO YOU, NO THERE HAS NOT BEEN A POSTPONEMENT, THIS WILL BE THE FIRST TIME.

Alvarez: COUNCILMEMBER -- WHAT IS TYPICALLY ALLOWED? I PROPOSED ZONING CLASSIFICATION IS SF 6.

SF-2.

Alvarez: I THOUGHT I SAW IT AS --

Glasgo: PROBABLY THE PREVIOUS CASE THAT COUNCILMEMBER SLUSHER ASKED ABOUT IS PROBABLY WHERE THE SF 6 IS COMING FROM. I HAVE TO GET USED TO LOGISTICS IN THESE COUNCIL CHAMBERS EXCUSE ME. LET ME GET A MICROPHONE.

Glasgo: COUNCILMEMBERS, I HAVE A MAP BEFORE YOU. THIS IS THE SUBJECT TRACT IN RED. THAT COMPRISES FIVE ACRES. THE APPLICANT JUST SPOKE ABOUT THE CONDITIONS THAT HE WOULD LIKE IS THE SUBDIVISION THAT HAS A CUL DE SAC. WHAT YOU CAN ENVISION WHEN THIS PROPERTY IS SUBDIVIDED OR -- THERE BE A STREET OBVIOUSLY THAT GO THROUGH. THE APPLICANT IS

REQUESTING TO BE ZONED DEVELOPMENT RESERVE, SINGLE FAMILY 2 IN THE MIDDLE THEY WANT THE ENTIRE SITE REZONE SF-2 WHICH WOULD BE COMPARABLE TO THE ZONING OF THE OPPONENTS. CAN YOU SEE? YOU CAN'T SEE? SORRY ABOUT THAT. WE WILL HAVE TO FIGURE OUT THE LOGISTICS HERE. OKAY. THERE WE GO. OKAY. NOW, SORRY ABOUT THAT COUNCIL. OKAY. THE SUBJECT TRACT RIGHT HERE, ZONED SINGLE FAMILY -- WELL, IT'S ZONED DEVELOPMENT RESERVE AND SINGLE FAMILY 2 IN THE MIDDLE. THE APPLICANT IS REQUESTING A CHANGE TO ARE COMPARABLE TO THE NEIGHBORHOOD NEXT DOOR. SINGLE FAMILY 2 CO. THE CONDITIONAL OVERLAY ACTUALLY THEY LIFTED, THIS BRIGHT ORANGE, I MEAN GREEN SHEET HERE.

Futrell: THAT WOULD BE GREEN. THIS WOULD BE ORANGE.

Glasgo: OKAY. [LAUGHTER] YOU ARE ORANGE. ADJOINING THE TRACT. ZONED SINGLE FAMILY 2 AND THEIR CONDITIONS WHICH THEY ARE MIRRORING HERE, IS THE SAME CONDITIONS THAT THEY HAVE FOR THEIR PROPERTY UNDER THE ZONING WAS TO LIMIT THE DENSITY TO 2.5 UNITS PER ACRE AS HAS BEEN INCLUDED BY THE ZONING AND PLATTING COMMISSION FOR THIS CASE BEFORE YOU, AND THEY HAVE ALSO REQUIRED THAT THE LOTS WITHIN THE PROPERTY TO HAVE A MINIMUM SIZE OF 9200 SQUARE FEET TO APPLY TO THIS PROPERTY JUST LIKE THEY HAVE ON THAT SUBDIVISION. UNDER THE SINGLE FAMILY 2 ZONING, YOUR SETBACK, THE SITE BACK IS A MIN OF 10 FEET, THE BUILDING SET BACK, THAT'S ALL THAT IT IS, SINGLE FAMILY TO SINGLE FAMILY. THEY ARE GOING TO A 10 OR 15-FOOT SETBACK. THE APPLICANT WOULD LIKE TO HAVE A FENCE ON HIS PROPERTY. ONE OF THE -- THE SPEAKER WHO SPOKE TO YOU EARLIER DOES NOT WANT A FENCE. PUT BY THE PROPOSER, THE APPLICANT FOR THIS PROPERTY. SO THAT'S WHAT'S REALLY BEFORE YOU. THE AGREEMENT THAT THE APPLICANT REACHED WITH THE SURROUNDING PROPERTY OWNERS AND THE NEIGHBORHOOD ASSOCIATIONS WERE THOSE THREE CONDITIONS, WHICH WOULD BE COMPARABLE TO THE ADJOINING PROPERTY WITH THE BUILDING SETBACK OF 15 FEET FROM THE ADJOINING SINGLE FAMILY SUBDIVISION. IT WE ALLOW THEM THE RIGHT TO HAVE A FENCE LIKE EVERYBODY ELSE DOES TO HAVE A FENCE ALONG THEIR

PROPERTY LINES AS LONG AS IT'S ON THE PROPERTY AND MEETS THE REQUIREMENTS TO PROVIDE SOME PRIVACY AND THEN THEY JUST HAVE TO ADHERE BUILDING CODE SETBACKS. THAT'S THE ISSUE BEFORE YOU.

Dunkerly: ALICE, I HAVE ONE QUESTION. IF WE DID NOT HAVE THIS OPPOSITION, WOULD THIS CASE BE READY FOR FIRST READING OR ALL 3 READINGS.

FIRST READING ONLY.

ONE OTHER THING THAT MR. GOTLEIB MIGHT CONSIDER IS HAVING US GO ON FIRST READING AND THEN HE WOULD HAVE TIME UNTIL SECOND AND THIRD READING OR -- TO DO WHATEVER NEGOTIATIONS, IT'S ANOTHER POSSIBILITY.

Glasgo: THAT IS ANOTHER POSSIBILITY, YES.

Dunkerly: OKAY. BUT I DON'T KNOW IF HE WOULD BE WILLING TO DO THAT.

Glasgo: WE CAN CONTINUE TO COORDINATE IN IT OR FACILITATE A MEETING BETWEEN HIM AND THE APPLICANT TO FIND OUT IF THERE ARE OTHER OPTIONS THAT HE CAN CONSIDER.

Mayor Wynn: COUNCIL WE DO HAVE A REQUEST FOR POSTPONEMENT FROM ESSENTIALLY THE NEIGHBORHOOD IN THIS CASE. AND IT IS CERTAINLY OUR CUSTOM TO GRANT REQUESTS ON FIRST -- GRANT POSTPONEMENTS ON FIRST REQUESTS FROM EITHER SIDE. SO I WILL ENTERTAIN A MOTION. WE CAN GO AHEAD AND CLOSE THE PUBLIC HEARING ON ITEM Z-7. EITHER TAKE ACTION OR POSTPONE ACTION FOR SOME PERIOD.

Dunkerly: I MOVE THAT WE CLOSE THE PUBLIC HEARING AND GRANT A ONE-WEEK POSTPONEMENT, TWO-WEEK POSTPONEMENT.

TO THE 27th. THE 27th.

Dunkerly: OKAY. THE 27th SO THAT THE PARTIES CAN GET

TOGETHER AND TRY TO RESOLVE THIS ISSUE.

Thomas: SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THE PUBLIC HEARING ON Z-7, POSTPONE ACTION TO JANUARY 27th, 2005. MR. GUERNSEY?

Guernsey: MAYOR AND COUNCIL, I WANTED TO ALSO NOTE THAT THERE'S A PETITION THAT WE VALIDATED ON THIS PROPERTY. IF THERE IS A DISPUTE I GUESS OVER WHAT AN IMPROVEMENT IS, THEN THE PETITION WOULD BE A VALID PETITION AND STANDS AT 49.58%. SO I WANTED TO POINT THAT OUT. I THINK BOTH THE REPRESENTATIVE, NEIGHBORHOOD REPRESENTATIVE WANTED TO PROBABLY SAY A FEW MORE COMMENTS. BUT THAT'S CERTAINLY AT YOUR DISCRETION AND WHEN THIS COMES BACK, WE COULD BRING FORWARD WHATEVER DISCUSSIONS RESULTED IN BETWEEN BOTH PARTY AND CAN MAKE THAT KNOWN TO YOU ALL.

Mayor Wynn: COUNCIL CAN ALWAYS WAIVE RULES AND ALLOW FOR TESTIMONY AFTER A CLOSED PUBLIC HEARING. A MOTION AND A SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND POSTPONE ACTION ON THIS CASE UNTIL JANUARY 27th, 2005. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. THAT WILL BE OUR LAST ZONING CASE, MS. GLASGO. AS A POINT OF PRIVILEGE WE HAVE A GUEST HERE IN THE CHAMBERS, MR. JOE BEAL, THE GENERAL MANAGER OF THE LCRA.

FEELS LIKE OLD HOME WEEK, JOE.

Mayor Wynn: I THINK THE LCRA IS DESPERATELY MISSING US THIS AFTERNOON. [LAUGHTER] WELCOME, JOE, THANK YOU FOR BEING HERE.

THANK YOU, MAYOR, THANK YOU FOR LETTING ME INTERRUPT YOUR MEETING. I JUST WANT TO SAY TO YOU, MAYOR AND THE MEMBERS OF THE COUNCIL AND TOBY, WE CERTAINLY DID ENJOY HAVING YOU ALL AT OUR FACILITIES.

Futrell: OH, TELL THE TRUTH, JOE [LAUGHTER]

REALLY WE DID. AND I WANT TO THANK YOU FOR THE NICE PRESENTS THAT YOU PRESENTED TO US ON YOUR LAST DAY THERE. THAT WAS VERY, VERY THOUGHTFUL. AND SERIOUSLY, THIS AFTERNOON, I WAS SITTING OVER THERE AND IT WAS SO QUIET. [LAUGHTER] I GOT TO MISSING YOU. I REALLY DID. [LAUGHTER] TO MISSING. SO I THOUGHT THAT I WOULD PICK UP THESE FLOWERS FOR YOU AND DELIVER THEM TO YOU AND TELL YOU HOW PROUD I AM OF YOUR NEW HOME HERE AND AGAIN HOW MUCH WE ENJOYED HAVING YOU ALL WITH US OVER THERE. IF YOU EVER HAVE TO HAVE SOME CONSTRUCTION DONE ON THIS ROOM AND YOU CAN'T MEET HERE, YOU'RE ALWAYS WELCOME BACK. THANK YOU VERY MUCH.

Futrell: THANK YOU, JOE.

Mayor Wynn: THANK YOU, JOE. [ APPLAUSE ]

Mayor Wynn: FOLKS, AT THIS TIME WE WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, WE INVITE EVERYBODY TO GO OUT AND JOIN US IN THE PLAZA, WE ARE GOING TO HAVE A TIME CAPSULE CEREMONY TO COMMEMORATE THIS HISTORIC FIRST MEETING. THEN WE WILL COME BACK INTO THE CHAMBERS FOR LIVE MUSIC FROM MULTI-GRAMMY AWARD WINNING LOCAL ARTIST RAY BENTSEN. PLEASE JOIN US OUTSIDE, THANK YOU, WE ARE NOW IN RECESS. RAY BENSON.

Mayor Wynn: IF EVERYBODY CAN HAVE THEIR SEATS. IF ALL OF OUR DIGNITARIES WOULD PLEASE COME TAKE A SEAT WE WILL GET STARTED.

Mayor Wynn: OKAY, FOLKS, LET'S GET STARTED. WE HAVE A NUMBER OF DIGNITARIES HERE. WHAT I'LL DO IS ACTUALLY JUST INTRODUCE THEM, ACKNOWLEDGE THEM AS THEY HAVE THEIR ITEMS PLACED IN OUR TIME CAPSULE. I'M

AUSTIN MAYOR WILL WYNN. I'M VERY HONORED TO BE MAYOR ON THIS HISTORIC DAY AS WE HAVE BEGUN OUR FIRST CITY COUNCIL MEETING HERE IN THE CHAMBERS OF OUR NEW CITY HALL. THIS CITY HALL THAT WAS AT LEAST THREE DECADES IN THE MAKING AND REALLY FOR A LONG, LONG TIME AUSTIN HAS NEEDED THIS NEW FACILITY AND WE GREATLY APPRECIATE THE -- THE HELP THAT WE'VE HAD FROM A NUMBER OF PEOPLE AND THE COMPLIMENTS THAT WE HAVE GOTTEN ON THE NEW BUILDING. WE HAVE MADE IT HISTORIC IN A NUMBER OF WAYS. THIS MORNING WE HAD A BEAUTIFUL INTERRELIGIOUS COUNCIL BLESSING BY THE AUSTIN AREA INTERRELIGIOUS MINISTRIES. IT WAS A BEAUTIFUL EXPERIENCE AND I GREATLY APPRECIATE THAT EFFORT. WE HAVE HAD AT OUR GENERAL CITIZENS COMMUNICATIONS, WE'VE HAD COMMISSIONED POETRY FROM THE AUSTIN POETRY SOCIETY READ TO US. WE ARE NOW GOING TO HAVE THIS TIME CAPSULE CEREMONY, IN A FEW MINUTES, MULTIPLE GRAMMY AWARD WINNING LOCAL MUSICIAN RAY BENSON WILL GIVE OUR LIVE MUSIC PERFORMANCE BACK INSIDE THE CHAMBERS. BUT ONE OF THE THINGS THAT WE WANTED TO DO TO MAKE THIS DAY HISTORICAL WAS TO TAKE SOME TIME AND EFFORT WITH THIS TIME CAPSULE. IT'S AN OFTENTIMES TRADITION AMONGST PUBLIC BUILDINGS, TO WE ARE PLACING ITEMS IN THIS TIME CAPSULE TODAY, JANUARY 13th, 2005, THERE WILL BE A PLAQUE PLACED OVER IT AFTER IT'S CEREMONIALLY BURIED THAT WILL SUGGEST THAT IT BE DUG UP AND OPENED ON JANUARY 13th, 2105, EXACTLY 100 YEARS FROM THIS AFTERNOON. IN DOING THAT, IN PREPARATION FOR THIS, I WENT BACK 100 YEARS, I STARTED THINKING WELL WHAT WOULD HAVE HAPPENED HAD A SIMILAR CEREMONY BE HELD, WE WOULD BE DIGGING UP THAT CAPSULE NOW. INTERESTINGLY ENOUGH THE POPULATION OF THE CITY OF AUSTIN WAS ABOUT 22,000 PEOPLE 100 YEARS AGO AND WHAT'S INTERESTING ABOUT THAT FIGURE IS THAT WE KEEP BEING TOLD AND HAVE SEEN HOW AUSTIN'S POPULATION TENDS TO DOUBLE EVERY 20 YEARS. IN FACT ONE OF THE FUNDAMENTAL COMPONENTS OF OUR TWO-YEAR EFFORT WITH ENVISION CENTRAL TEXAS WAS TO TRY TO PLAN FOR THAT NEXT DOUBLING OVER THE NEXT 25, 30, PERHAPS 40 YEARS, A MILLION SOME ODD PEOPLE IN THIS REGION. IF YOU GO BACK TO 1905, 22,000 CITIZENS, YOU JUMP 20 YEARS



TO 1925, TO 1945, 65, '85 AND 2005, WELL, GUESS WHAT, IF YOU TAKE THAT 22,000 PEOPLE IN 1905, DOUBLE IT, DOUBLE IT AGAIN, DOUBLE IT AGAIN, DOUBLE IT AGAIN AND DOUBLE IT AGAIN, IN 2005, WE SHOULD HAVE 704,000 PEOPLE IN AUSTIN. OUR DEMOGRAPHER SUGGESTS THAT WE HAVE EXACTLY 704,000 PEOPLE LIVING INSIDE THE CITY LIMITS OF AUSTIN, TEXAS TODAY. SO FOR THOSE OF YOU ALL WHO THINK DOUBLING EVERY 20 YEARS DOESN'T SOUND RIGHT, WELL, WE HAVE BEEN DOING IT FOR OVER 100 YEARS NOW, I SUGGEST WE KEEP WORKING TOWARDS AND PREPARING FOR THAT GROWTH. SO OUR LITTLE CEREMONY HERE IS THAT EACH, MY COUNCIL COLLEAGUES AND I DECIDED WE WOULD EACH HAVE TWO ITEMS THAT WE WOULD PLACE INTO THE TIME CAPSULE. THE CITY MANAGER ALSO HAS TWO ITEMS. THEN WE HAVE ITEMS FROM A NUMBER OF DIGNITARIES AND OTHER THEIR REPRESENTATIVES. WITHOUT FURTHER ADO, WHY DON'T I START. SO MY TWO ITEMS, MY FIRST ITEM IS A -- THIS IS THE LATEST TECHNOLOGY, THIS IS THE NEW DELL DIGITAL D.J. MP 3 PLAYER. THIS -- THIS NEW PRODUCT WITH ABOUT 20 GIGA BYTES CAN DOWN LOAD 10,000 SONGS. THE JUKE BOX THAT THEY HAVE HAS OVER 800,000 SONGS ON IT. I HAVE TAKEN THIS LAST WEEK AND HAVE CHALLENGED AUSTIN MUSIC BUFFS, MOST NOTABLY KGSR STAFF AND LISTENERS, OVER THE COURSE OF A WEEK, THEY HAVE COME UP WITH THE AUSTIN 100. THAT IS THE QUINT ESSENTIAL AUSTIN JUKE BOX OF 100 SONGS, IF YOU WANT TO CAUSE REAL CONTROVERSY IN THIS SONG SUGGEST WHICH 100 SONGS SHOULD BE ON THIS. SO WE HAVE DONE THAT WITH THIS DELL DIGITAL D.J., ALSO PROUD TO RECOGNIZE, OF COURSE, THAT THIS PRODUCT, TECHNOLOGY, OUR AREA'S MAJOR EMPLOYER, THIS GENERATION'S REMARKABLE ECONOMIC SUCCESS STORY AND THE LATEST TECHNOLOGY WHILE PROMOTING AUSTIN MUSIC, ALONG WITH THE DELL DIGITAL D.J., I WILL PLACE MY LIST, WHICH IS ALSO ALREADY ON THERE, BUT THIS IS MAYOR WILL WYNN'S AUSTIN 100 SONG LIST, SPECIAL THANKS TO THE STAFF AND LISTENERS OF KGSR RADIO, I WILL LATER POST THIS ON MY WEB PAGE, PROMOTE IT AND LET PEOPLE CRITICIZE ME FOR LEAVING OFF SOMEBODY. [LAUGHTER] CAUSE SOME CONTROVERSY. THEN MY SECOND ITEM WAS VERY IMPORTANT TO ME. SO HERE WE ARE JANUARY 13th, 2005, WE ARE HERE HAVING

FUN, WE ARE MAKING THIS DAY HISTORIC, LIVING IN THE GREATEST CITY IN THE GREATEST STATE IN THE GREATEST COUNTRY THIS THE WORLD. WHILE WE HAVE THAT PRIVILEGE THERE ARE 21 CITY OF AUSTIN EMPLOYEES WHO ARE SERVING IN IRAQ TODAY. AND WITHOUT TAKING A LOT OF TIME, I WOULD LIKE TO GO THROUGH THIS REAL QUICKLY. THESE ARE ALL NATIONAL GUARD OR RESERVISTS, OF COURSE. FROM AUSTIN ENERGY DEPARTMENT, MICHAEL DWINICK, U.S. ARMY, AUSTIN WATER UTILITY HAS FIVE EMPLOYEES IN IRAQ TONIGHT, JOHN ALMA U.S. MARINE CORPS, BILLY HARRIS NATIONAL GUARD, JOSE MENDEZ, U.S. ARMY, BOBBIE ROJAS U.S. ARMY, CHARLES SHENIG ARMY NATIONAL GUARD. OUR E.M.S. DEPARTMENT HAS FIVE CITY EMPLOYEES, CURRENT CITY EMPLOYEES IN IRAQ TODAY. SAL SATURDAY TEASE, ARMY NATIONAL GUARD, PATRICK PHILLIPS, TEXAS ARMY NATIONAL GUARD, J.R.ESCOVEL ARMY NATIONAL GUARD, CONNOR LILLIS NAVY AND MARINE CORPS RESERVES, ALL FROM E.M.S. COMMUNICATION TECHNOLOGIES DEPARTMENT. GILBERT WILSON IN THE U.S. ARMY. OUR FIRE DEPARTMENT, HAS TWO CURRENT EMPLOYEES, THOMAS RAY U.S. ARMY AND DANNY NIXON U.S. ARMY. OUR HEALTH AND HUMAN SERVICES DEPARTMENT, JEFFREY WALTERS, NAVY, CORPSMAN FOR THE MARINES. OUR PARKS AND RECREATION DEPARTMENT HAS THREE CURRENT CITY EMPLOYEES IN IRAQ: HECTOR RAN GEL TEXAS MARRIAGE NATIONAL GUARD, JOHN SCOTT ARMY RESERVES, JEFFREY McMILAN U.S. EAR. FINALLY OUR POLICE DEPARTMENT HAS THREE EMPLOYEES, DAVID ERIC TYLER, TEXAS ARMY NATIONAL GUARD, JAMES JARDINE, MIKE DAUGHERTY TEXAS NATIONAL GUARDMENT I'M VERY PROUD TO RECOGNIZE THESE CURRENT CITY OF AUSTIN EMPLOYEES, AUSTIN HEROES WHO ARE SERVING TODAY IN IRAQ. [ APPLAUSE ] WE HAVE SOME MISCELLANEOUS THINGS FROM TODAY'S COUNCIL MEETING THAT WILL BE PLACED IN, BUT THOSE ARE MY TWO ITEMS, WITH THAT I WOULD LIKE TO INTRODUCE MAYOR PRO TEM JACKIE GOODMAN. JACKIE?

Goodman: NOW, NOBODY EVER TOLD ME ABOUT THAT TWO ITEM THING. DIEI DO NOT COMMIT. OKAY. I TRIED TO BE ECLECTIC. PUT AS MANY THINGS AS I COULD FIND THAT WOULD SERVE TO GIVE A FEEL NO MATTER HOW SUPERFICIAL TO THE FOLKS IN 2105 IF THEY HAVE A CITY

SET SET UP SUCH AS THIS. SUCH DIVERSE FUTURES YOU CAN IMAGINE IT WAS HARD TO WRITE A LETTER TO THEM BECAUSE I DIDN'T KNOW WHO I WAS TALKING TO. WHAT I TRIED TO PUT IN WAS THINGS FROM CITY HALL, A COPPER COMMEMORATIVE BOOK, TRAIL OF LIGHTS, CITY OF AUSTIN KEY CHAIN, AMARILLO CHRISTMAS BAZAAR MUSICAL LINEUP, ALSO A ROSTER FROM THE TEXAS STATE LEGISLATURE LAST SESSION. ALSO, SOME INVITATIONS FROM VERY AUSTIN EVENTS LIKE THE MLK UNITY BREAKFAST THAT WILL HAPPEN NEXT WEEK, THE INVITATION TO THE KEEP AUSTIN BEAUTIFUL AWARD LUNCHEONS IN FEBRUARY, AND INVITATION TO THE NATIONAL CHINESE TREASURERS THAT'S HERE NOW. THEN THERE'S A CD FROM ACVB, AUSTIN BEYOND SIXTH STREET, AND THERE'S A CD FROM AMN, A SAMPLER FROM A PILOT SHOW, WONDERFUL BRIDE RANGE MUSICAL CHOICES, BROAD RANGE MUSICAL CHOICES AND I PUT IN A CD PLAYER, A VERY SMALL ONE, NO BATTERIES, THEY DON'T LET YOU PUT NEW BATTERIES IN HERE. SO THE PEOPLE OF THE FUTURE WILL HAVE TO FIGURE OUT HOW TO PUT THE POWER SOURCE TO IT. THEN THERE WAS BEN WEIR'S ARTICLE IN THE STATESMAN, SORT OF LIKE THE YEAR IN ROADWAY PROJECTS, I THOUGHT THAT WAS BOTH HUMOROUS AND PRACTICAL AND THEY SHOULD GET A KICK OUT OF READING WHAT WE THOUGHT ABOUT TRANSPORTATION ISSUES IN 2005. ALONG WITH THAT WAS THE LIGHT RAIL PLAN FROM CAPITAL METRO. THERE WAS ALSO A LIGHT RAIL LOG THAT I PUT IN FROM A LIST-SERVE I'M ON AND THERE WAS AMONG OTHER THINGS A REFERENCE TO TSUNAMI VICTIM ASSISTANCE AND WHERE TO CONTACT AND HOW TO HELP. SO THAT WAS A VERY REAL PART OF THIS ERA. ENVIRONMENTAL DIRECTORY. A 25th ANNIVERSARY CELEBRATION OF SAVE BARTON CREEK ASSOCIATION AND A BUMPER STICKER AND THE NAMES OF THE BOARD OF DIRECTORS FROM THEM. AND THEN THERE WAS COMMUNITY ACTION NETWORK. A COUPLE ISSUE STATUS REPORTS, ONE WAS ABOUT AFTER SCHOOL CARE, ONE WAS ABOUT ALCOHOL AND MENTAL HEALTH. THE CHILD CARE PROGRAM SUPPORT THAT THE CITY OF AUSTIN PROVIDES. ALSO A COPY OF THE PATRIOT ACT RESOLUTION, A COPY OF STAND UP SENATOR ARTICLE ABOUT SENATOR BOXER. WRITTEN BY TRUTH OUT. IT WILL BE INTERESTING TO SEE WHAT HISTORY HAS MADE OF NATIONAL ISSUES AS

WELL. SO THEY'LL HAVE SOME CONNECTION TO WHAT WE WERE THINKING ABOUT AT THE SAME TIME. THEN THERE'S A PHOTO OF THE -- OF THE CTECH CENTER, COMBINED TRANSPORTATION EMERGENCY COMMUNICATION CENTER AND A WIRELESS ADAPTER CARD, A MODEM, BECAUSE THIS IS THE TECHNOLOGY THAT WE HAVE FULLY EMBRACED AT THE MOMENT. KNOWING THAT IT WILL GO FAR AND CHANGE. I HAVE AN OVERVIEW FROM THE TECHNOLOGICAL STANDPOINT FROM PETER COLLINS, OUR CHIEF INFORMATION OFFICER. I HAVE AN OVERVIEW FROM AN ENVIRONMENTAL STANDPOINT FROM MY HUSBAND, SINCE I GET TO PICK WHO IS DOING THIS, JACK GOODMAN FROM THE BARTON SPRINGS EDWARD'S AQUIFER CONSERVATION DISTRICT. THERE ARE CITY OF AUSTIN A.P.D. FIRE AND E.M.S. PATCHES, A PHOTO OF JERRY ANDREW AND I FROM OUR OFFICE. A JACKIE GOODMAN BUMPER STICKER, AGAIN BECAUSE THIS IS MY ENVELOPE. WISHES AND HOPES FROM VARIOUS PEOPLE, I TRANSCRIBED THEM ON TO THE -- EXCUSE ME -- SPECIAL PAPER WITH SPECIAL INK -- SPECIAL INK. SOME LIKE A LETTER FROM GUS GARCIA, SHUDDE FATH, A LETTER FROM ME. LAST BUT NOT LEAST, THIS REALLY HURTS ME TO GIVE IT UP, BUT I'M GOING TO. MY SOUTH AUSTIN GIMME CAP. THEY HAVE GOT TO HAVE THIS. YOU HAVE TO KNOW ABOUT SOUTH AUSTIN, RIGHT? [ APPLAUSE ] THAT'S IT.

Mayor Wynn: THANK YOU, MAYOR PRO TEM, FROM PLACE 1, COUNCILMEMBER SLUSHER.

Slusher: THANK YOU, MAYOR. THERE'S A LOT OF FOLKS HERE TODAY, I DON'T KNOW IF CONGRESSMAN DOGGETT GOT INTRODUCED, VERY HAPPY TO HAVE YOU HERE TODAY, OUR NEW REPRESENTATIVE STRAMA. EXCUSE ME. DID I GET MY -- OKAY. ALL RIGHT. I DIDN'T COMPLY WITH THE TWO ITEM LIMIT, BUT I DID TRY TO KEEP IT SORT OF THIN. FIRST THING I HAVE IS -- WELL, I DON'T SEE IT HERE, BUT I'M SURE IT WILL GET IN THERE IS I WROTE A SHORT LETTER OR A STATEMENT TO EXPLAIN WHY I PUT CERTAIN OF THESE ITEMS IN. AND I JUST WANTED TO NOTE THAT I DID KEEP IT BELOW 800 WORDS, IT'S NOT GOING TO TAKE UP TOO MUCH SPACE IN HERE. I'LL SORT OF GO THROUGH THAT AND INTRODUCE MY ITEMS, BUT I WON'T READ THE WHOLE THING. ONE THING THAT I'M PUTTING IN HERE, THIS IS

PROBABLY THE THICKEST ITEM, BUT THIS IS A COPY OF THE AUSTIN TOMORROW PLAN THAT CITIZENS DURING THE 1970'S PUT TOGETHER TO GUIDE THE DEVELOPMENT OF THE CITY TO ATTEMPT TO GUIDE IT IN A SUSTAINABLE WAY. I NOTE IN MY LETTER TO THE RESIDENTS OF AUSTIN IN 2105 THAT SOMETIMES TOO OFTEN, REALLY, A REAL ESTATE SPECULATION WON OUT OVER THE SOUND PLANNING IN THIS BOOK. BUT THAT WE HAVE THROUGH OUR DESIRED DEVELOPMENT ZONE, DRINKING WATER PROTECTION ZONES TRIED TO BE FAITHFUL TO THIS VISION FOR THE CITY AND TO -- TO HONOR THE CITIZENS WHO DID THIS. ANOTHER -- I POINT OUT THAT BARTON SPRINGS WAS A BIG ISSUE DURING OUR TIME, SO I HAVE A -- I HAVE A SMALL POST CARD IN HERE THAT ACTUALLY SHOWS BARTON SPRINGS EARLY IN THE LAST CENTURY WITH PEOPLE SWIMMING AT IT. WE HAVE A -- THE HILL COUNTRY CONSERVANCY WAS KIND ENOUGH TO PROVIDE AN AERIAL MAP OF THE BARTON SPRINGS ZONE SHOWING THE LAND PURCHASES THAT THE CITY HAS MADE IN THAT AREA. AND THIS ONE REALLY GOT ME TO THINKING SERIOUSLY ABOUT WHETHER OR NOT WE WILL BE ABLE TO PRESERVE BARTON SPRINGS FOR 100 YEARS FROM NOW. AND I REALLY HOPE THAT WE ARE, BUT I NOTE IN HERE THAT IT'S A BIG CHALLENGE AND I HOPE THAT THEY ARE SAYING WE REALLY APPRECIATE OUR ANCESTORS TAKING THE EFFORT TO DO THAT RATHER THAN SAYING, YOU KNOW, AFTER IT WAS HERE FOR THOUSANDS OF YEARS, THEY LET IT DIE ON THEIR WATCH. I REALLY HOPE THAT THE LATTER IS NOT HOW THEY ARE -- HOW WE ARE REMEMBERED. I HAVE A COPY OF -- OF A BOOK THAT MICHAEL OSBORNE WITH AUSTIN ENERGY WROTE. OUR LONG-TERM VISION FOR RENEWABLE ENERGY AND CONSERVATION HERE IN AUSTIN CALLED SILVER IN THE MIND. MR. OSBORNE WAS COMMISSIONED TO WRITE THIS ABOUT JUAN GARZA -- BY JUAN GARZA AND AUSTIN ENERGY VICE-PRESIDENT WHO WAS ALSO AS A COUNCILMEMBER IN THE EARLY '80S LED THE WAY IN CREATING OUR PROGRAMS FOR RENEWABLES AND CONSERVATION. I -- ALSO ON A SERIOUS NOTE, I HAVE A COPY OF A STATEMENT THAT I WROTE JANUARY 30th, 2003, WHICH I ANNOUNCED THAT -- THAT MAYOR PRO TEM GOODMAN AND COUNCILMEMBER ALVAREZ AND I WERE GOING TO SPONSOR A RESOLUTION CALLING ON THE FEDERAL GOVERNMENT TO NOT -- NOT TO

INVADE IRAQ AND TO INSTEAD ENGAGE IN FURTHER NEGOTIATIONS. AND I HAVE A COPY OF THAT RESOLUTION, WHICH PASSED 5-0, TWO ANING ABSTENTIONS. AS MAYOR PRO TEM SAID THERE WILL BE THINGS THAT PEOPLE IN THE FUTURE IN HISTORY CAN JUDGE, BUT THEY WILL BE ABLE TO SEE THESE STATEMENTS AND THE RESOLUTION THAT THE COUNCIL PASSED. NOW, ON A LESS SOMBER NOTE, I HAVE HERE THE -- I THOUGHT THEY MIGHT BE ABLE TO USE THIS, AND -- IN THE 22nd CENTURY. THIS IS THE TOP 10 WAYS TO SPOT A CITY HALL BOONDOGGLE. I THOUGHT THEY MIGHT NOT NEED IT, BUT IT MIGHT COME IN HANDY. IT'S HARD TO TELL. ON I DID NOTE ON MY LETTER IN THE BACK HERE THIS IS A CAMPAIGN ITEM FROM 1996, ONE OF MY CAMPAIGN BROCHURES, WE ARE NOT SUPPOSED TO USE CITY FACILITIES TO CAMPAIGN. BUT I FIGURED ONE, I'M NOT RUNNING AGAIN, AND, TWO, I'M DEFINITELY FOR THE GOING TO BE CAMPAIGNING WHEN THEY OPEN UP THIS BOX. SO I THINK THAT'S ALL RIGHT. AND, THIRD, THE LAST, LAST THING, I GUESS THIS IS THE -- MY STATEMENT HERE. AND LAST I HAVE AN ALBUM, THIS IS NOT THE ALBUM COVER, IT'S ACTUALLY A PICTURE OF THE WHOLE FAMILY, BUT AN ALBUM BY TOM, TOM X, ALSO KNOWN AS TOMMY HANCOCK, ALSO ON HERE IS THE TEJANA DAMES, HIS FAMILY'S WIFE AND TWO DAUGHTERS AND THEIR SONGS BY BOTH OF THEM ON IT, IN PARTICULAR THE SONG THAT I ASKED THE RESIDENTS TO NOTE WAS THE ONE THAT TOMMY DID A FEW YEARS AGO CALLED "LOST IN NORTH AUSTIN ON 183." I THOUGHT THAT -- THAT SHOWS SOME OF THE SPIRIT OF OUR TIMES, ALSO SOME OF THE ISSUES THAT WE FACE. IT'S PRETTY FUNNY AND ENJOYABLE MUSIC AND I WAS ALSO HOPING THAT THEY DON'T OBJECT THAT -- I THINK THAT WE ARE GOING TO HAVE A PICTURE OF THE COUNCIL IN HERE. I THOUGHT THE COUNCIL AIDES AND ANY OTHER STAFF THAT ARE HERE SHOULD GET TOGETHER AND TAKE A PICTURE OF THEM AND WE'LL PRINT IT OUT AND PUT THAT IN THERE AS WELL. THANK YOU, I'LL TURN IT OVER TO THE NEXT. [ APPLAUSE ]

Mayor Wynn: COUNCILMEMBER? COUNCILMEMBER RAUL ALVAREZ, PLACE 2.

Alvarez: I DON'T NEED THE PROPS. THANK YOU ALL FOR BEING HERE, BEING A PART OF THIS. I WANT TO THANK MY WIFE WHO IS HERE, OUR LITTLE SIX MONTH OLD DAUGHTER

SOPHIA. SHE WAS HERE AT THE RIBBON CUTTING AND DIDN'T WANT TO MISS THIS TIME CAPSULE EITHER. ALTHOUGH SHE MAY BE HERE TO SAY, YOU KNOW, STOP INVOKING THE RULE THAT LET'S YOU GO PAST 10:00. BUT -- BUT THAT WILL COME LATER AT CITIZENS COMMUNICATION. BUT REALLY I -- I HAD A LOT MORE THAN TWO ITEMS, ALSO. BUT REALLY WANTED TO MAKE SURE THAT EVERYTHING FIT IN THERE. EVERYONE ELSE'S STUFF FIT, ALSO. BUT REALLY IT'S JUST KIND OF A CHALLENGING THING TO THINK ABOUT WHEN YOU THINK ABOUT WHAT WOULD PEOPLE LIVING IN AUSTIN 100 YEARS FROM NOW BE INTERESTED IN KNOWING ABOUT AUSTIN. SO I'LL JUST TALK KIND OF GENERALLY, SOME THEMES THAT I TRIED TO USE. BUT ONE IS TO TRY TO DOCUMENT, YOU KNOW, SOME OF THE THINGS THAT WE HAVE NOW SO THEY CAN COMPARE WHAT OF THOSE THINGS ARE STILL REMAINING. AND SO WE HAVE A -- WE HAVE A GUIDE OF THE MEXICAN RESTAURANTS IN AUSTIN. AND THERE'S HUNDREDS OF THEM IN THERE, I NEVER KNEW EXACTLY HOW MANY THERE WERE. BUT IT WOULD BE INTERESTING TO SEE HOW MANY OF THOSE ARE STILL AROUND. WE HAVE THE WILEY AUSTIN BOOK OF THE LANDMARK ART, THAT WILL BE INTERESTING, ALSO, A UPON PLEA TYPE OF GAME WITH AN -- MONOPOLY GAME WITH AN AUSTIN THEME, BUY AND SELL AUSTIN PROPERTIES, IT WILL BE INTERESTING TO SEE WHAT OF ALL OF THAT ALSO IS STILL HERE, PART OF THE COMMUNITY. COUPLE OF BOOKS OF POETRY FROM THE LOCAL ARTISTS, FROM RAUL SALINAS, A SIGNED COPY OF EAST OF THE FREEWAY BOOK, ALSO A BOOK OF POETRY BY TERESA PALOMA ACT ACOSTA. A LOT OF MUSIC. LIVE MUSIC CAPITAL OF THE WORLD, IT WAS TOUGH TO PICK THE GROUPS, BUT TRIED TO HAVE A DIVERSITY OF -- OF MUSIC AND SO WE HAVE A CONJUTO, PEREZ, WE HAVE THE -- PORVIDA ALBUM, TRIBUTE TO ALEJANDRO ESCOBEDO, THAT INCLUDES A RECORDING BY HIM, I WANTED SOMETHING BY HIM, I DIDN'T KNOW IF IT SHOULD BE ONE OF HIS ALBUMS OR THE TRIBUTE ALBUM, I HOPE THIS IS GOOD. ABOUT 20 TO 30 DIFFERENT LOCAL ARTISTS RECORDING HIS MUSIC, I THINK THAT IT'S A REAL SPECIAL RECORDING. AND THERE'S A -- A CD OF SPOKEN WORD BY RAUL SALINAS AS WELL. THEN WE HAVE A COUPLE OF MOMENT TOOES FROM KEY THINGS THAT HAPPENED IN THE LAST COUPLE OF YEARS. AA MOMENTA MOMENTTO

FROM BREAKING DOWN ON THE CHILDREN'S MEDICAL CENTER, ANNIVERSARY GLASS FROM OUR PARKS AND RECREATION DEPARTMENT, 2003, THE 75th ANNIVERSARY, ALSO A COPY OF AN AWARD FOR THE GOLD MEDAL NAMING AUSTIN AS THE BEST PARKS SYSTEM IN THE COUNTRY, WHICH WAS IN 2004. AND FROM THAT WE ALSO HAVE THE VIDEO THAT WAS SUBMITTED WITH THE APPLICATION AND ACTUALLY IT WAS PREPARED BY ONE OF THE PARKS FACILITIES, THE GRANDMA CAMACH CENTER, I KNOW THAT WE HAVE SOME GRANDMA CAM CAMACHO KIDS HERE, WE HAVE SOME OF THEIR WORK INCLUDED HERE WITH THE TIME CAPSULE AS WELL. THEN JUST A COUPLE OF OTHER THINGS THAT I FOUND. WE HAVE A BREAK FROM THE OLD ANNEX, THE BUILDING THAT WAS ON THIS PROPERTY BEFORE, BEFORE THIS BUILDING WAS CONSTRUCTED. AND FINALLY, I THINK -- I THINK WE HAVE A -- WE HAVE A BOTTLE -- AN INFAMOUS, ONE OF THOSE INFAMOUS BOTTLES OF AUSTIN DRINKING WATER THAT WAS CIRCULATING NOT TOO LONG AGO AND -- BUT IT'S INDEPENDENT, I DIDN'T WANT TO BE RESPONSIBLE IF ANY LEAKS HAPPENED FOR EVERYTHING ELSE TO GET DAMAGED. SO -- BUT JUST SOMETHING, THAT'S MORE OF A SOMETHING TO STUMP THEM WHEN THEY OPEN IT UP AND FIND OUT THAT WE WERE BOTTLING SOME WATER. BUT ANYWAY, I THINK THAT'S ABOUT IT. THE ONLY OTHER THING THAT I FORGOT, I THINK, UNDER THE MUSIC SECTION, THERE'S A CD BY BILL OLIVER AS WELL. IF YOU KNOW WHO BILL OLIVER IS, HE'S A -- SPENT MANY A LATE NIGHT AT COUNCIL MEETINGS AND ENTERTAINED US WITH HIS MUSIC AND WITTY WRITING. AND HIS ALBUM IS JUST SUPERB, SO I WANTED TO MAKE SURE THAT WAS INCLUDED AS WELL. I ALSO INCLUDED SOME THOUGHTS ON PAPER. BUT IF YOU -- IF YOU FOLLOW POLITICS, YOU KNOW WHAT THAT -- THOSE ISSUES MIGHT INVOLVE. SO I'M NOT GOING TO READ ALL OF THAT, BUT I WILL MENTION THAT THE -- ON THE TOP OF THE LIST IS MAKING SURE THAT WE CLOSE THE HOLLY POWER PLANT. IN THREE YEARS OR LESS. SO THERE IS THAT -- THAT FLEXIBILITY OF CLOSING IT EARLIER THAN 2007. ANYWAY, THAT'S ABOUT IT, THANK YOU ALL FOR BEING HERE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Dunkerley: LP THOSE FOLKS, THOSE BUILDINGS, NOT THE PEOPLE, THE BUILDINGS ARE STILL HERE AND STILL IN GOOD



SHAPE. SO THAT'S THE PAST. LOOKING TO THE FUTURE, I WANTED TO TRY TO COME UP WITH SOMETHING THAT WOULD BE SIGNIFICANT AS FAR AS OUR FUTURE DEVELOPMENT. AND I CAN THINK OF NOTHING MORE IMPORTANT THAN ROBINSON RANCH. 6,000 ACRES NORTH OF TOWN, ABOUT A THIRD OF THAT WILL BE SET ASIDE AS PRESERVES. SO I WANT SOMETHING FOR THE 100-YEAR-OLD FOLKS THAT ARE LOOKING THROUGH THIS BOX TO COMPARE TO. SO WE HAVE PICTURES. WE HAVE PICTURES. ROBINSON RANCH AS IT CURRENTLY EXISTS. WE HAVE A PANORAMIC VIEW OF THE RANCH. AND WE HAVE TWO VERY SIGNIFICANT ARTIFACTS FROM THE RANCH, ONE WONDERFUL ARROWHEAD. GREAT POINT HERE. AND A VERY SPECIAL REMEMBRANCE IN THIS OTHER BOX, IT IS A RATTLE SNACK RATTLE. I DON'T KNOW IF I WANT TO TOUCH THIS OR NOT. BUT THIS IS A RATTLE FROM SPIKE ROBINSON'S PERSONAL COLLECTION. I THINK HE HAD AN ALTERCATION WITH THIS SUCKER, AND HE WON, SPIKE DID. SO WE THOUGHT THAT WOULD GO IN THERE JUST TO GIVE SOME KIND OF FEELING FOR WHAT ROBINSON RANCH WAS LIKE TODAY. AND THEN I HAVE A SPECIAL BOOK I'D LIKE TO PUT IN THAT SORT OF CONNECTS THE PAST TO THE PRESENT, AND HOPEFULLY GIVES A BASIS FOR COMPARING THINGS IN THE FUTURE. THIS BOOK WAS PRINTED IN DECEMBER AND IT'S CALLED AUSTIN, TEXAS THEN AND NOW, BY DR. JEFFREY KERR. AND WHAT IS UNUSUAL ABOUT THIS BOOKS IS YOU CAN OPEN IT TO A SECTION, AND FOR EXAMPLE, AN INTERSECTION LIKE THIS, AND THERE'S THE OLDEST PHOTOGRAPH THAT THEY COULD FIND OF THAT INTERSECTION ON ONE SIDE, AND ON THE FACING PAGE THERE IS THE CURRENT CORNER. AND SO JUST THINK 100 YEARS FROM NOW THEY'LL BE ABLE TO ADD ANOTHER PICTURE THERE THAT SHOWS 300 YEARS OR SO OF PICTURES IN AUSTIN. THIS IS REALLY, REALLY A FINE BOOK. SO THAT'S SORT OF THE DEALING WITH AUSTIN AS A CITY, BUT I THINK AUSTIN IS ALSO KNOWN AS A VERY FIT CITY AND A CITY THAT LOVES ITS SPORTS AND LOVES ITS ATHLETIC EVENTS. SO I HAVE ONE INSERT FROM THE "AUSTIN AMERICAN-STATESMAN", JULY 26TH, 2004, WHICH SHOWS OUR WORLD FAMOUS LANCE ARMSTRONG AS HE HAS WON THE SIXTH WONDERFUL RACE. SO I THOUGHT THAT WOULD BE GREAT TO PUT IN THERE, ALONG WITH THE YELLOW LIVE

STRONG BRACELETS. AND REALLY OF A MORE RECENT VINTAGE, I HAVE A PAPER HERE THAT I WANT TO ADD TO COMMEMORATE ANOTHER GREAT SPORT EVENT, JULY 4TH, 2005, READ IT AND WEEP, TEXAS WINS THE ROSE BOWL. THANK YOU VERY MUCH. [ APPLAUSE ]

Mayor Wynn: AND PLEASE FIND BREWSTER MCCRACKEN.

McCracken: I BROUGHT A COUPLE OF THINGS THAT ARE THINGS I'VE REALLY FOCUSED ON. I'M MORE OF A GLASS IS HALF FULL PERSON, AND I'VE BEEN PRETTY OPTIMISTIC. I THINK IF YOU LOOK BACK AT THE PAST, BEING OPTIMIST STICK BEARS OUT BECAUSE REALLY EVERY TIME THE PAST, THEY SAY IT'S GOOD NOW, BUT IT'S GOING TO BE TERRIBLE IN THE FUTURE, AND IT TURNS OUT THAT OUR PERSEVERANCE AND HARD WORK AND NATIVE AUSTINISM, IT TURNS OUT GREAT. SO WITH THAT IN MIND, ONE OF THE THINGS THAT MAYOR PRO TEM GOODMAN AND I AND GENTLEMEN REGARD KINNEY AND I HAVE BEEN WORKING ON IS THE DESIGN STANDARDS. SO SOME DAY IN THE 100 YEARS, PEOPLE WILL GO, MAN, THAT SCENIC BURNET ROAD AND THAT BEAUTIFUL HILL COUNTRY HIGHWAY INTERSTATE 35, THEY'LL KNOW FROM WHENCE IT HAPPENED. AND THAT WILL BE AT THE SAME TIME THEY HAVE THE BEAUTIFUL ROLLING PARK WHERE THE HOLLY POWER PLANT WAS. AND THEY ARE THING I'VE BEEN INVOLVED IN IS ON FILM. AUSTIN WAS RANKED BY MOVIE MAKER MAGAZINE AS THE -- THIS PAST YEAR AS THE NUMBER ONE PLACE TO LIVE AND MAKE MOVIES, SO I AM VERY CONFIDENT THAT -- BECAUSE AUSTIN IS SUCH A CITY OF INNOVATORS, THAT WE WILL STILL BE A GREAT PLACE TO LIVE AND MAKE MOVIES. SO WHAT I HAVE DONE IS I'VE INCLUDED THE FILM STUDY THAT WE COMMISSIONED THIS PAST YEAR THAT INCLUDE THE UPPERS THAT WILL SOME DAY BE THE HUB STUDIO OF THE SOUTHWEST, AUSTIN STUDIOS, STILL WILL BE. THEY'RE AIR CONDITIONED BY THEN AND SOUNDPROOF. AND ALSO, ALL OF THE FEATURE FILMS MADE IN AUSTIN FROM 1973 TO 2004. THESE ARE COURTESY OF OUR AUSTIN FILM OFFICER, JIM BUTLER. THANK YOU, JIM, IF YOU'RE HERE HOPEFULLY. AND THEN FINALLY, ANYBODY THAT IS FROM CORPUS CAN APPRECIATE THIS, EVEN THOUGH THIS MOVIE WAS FILMED IN AUSTIN, AND SO THEY REPRESENTED BAXTER'S WIFE COURTNEY AND I WENT TO THE SAME HIGH SCHOOL, RAY

HIGH SCHOOL IN CORPUS. YOU WILL UNDERSTAND ALL OF THIS. BUT EVERYBODY FROM CORPUS HAS A SPECIAL PLACE IN THEIR HEART FOR THE FINEST MOVIE EVER MADE IN AUSTIN, DAZED AND CONFUSED. AND THIS IS THE 10th ANNIVERSARY POSTER. THIS IS THE MOVIE THAT REALLY GOT IT ALL STARTED, THAT AND SLACKER, HERE IN AUSTIN. RICHARD LINKLATER, HE IS THE MAN WHO REALLY MADE IT HAPPEN. SO I WANTED TO MAKE SURE THAT HE HAD MY SPECIAL FAVORITE AUSTIN MOVIE OF ALL TIME, TO PUT A COMMEMORATIVE POSTER I THERE. THAT'S IT. [ APPLAUSE ]

Mayor Wynn: YOU BETTER HURRY, COUNCILMEMBER. IT'S FILLING UP. COUNCILMEMBER DANNY THOMAS, PLACE 6.

Thomas: GOOD EVENING. MINE WAS VERY SIMPLE. IT JUST SAYS THE PUBLIC LIFE OF COUNCILMEMBER DANNY THOMAS. WITHIN THIS PHOTO ALBUM I HAVE A STATEMENT OF HOW I REALLY APPRECIATED SERVING ON THE COUNCIL - - NOT THAT I'M GOING ANYWHERE. IT ALSO HAS PICTURES OF MY STAFF, PICTURES OF MY -- REALLY MY LIFE, 21 YEARS AS AT THE AUSTIN POLICE AUSTIN PD, AND THEN IT GOES INTO MY TERM HERE AND THEN IT GOES INTO WHAT I DO BESIDES BEING A COUNCILMEMBER OR A MINISTER, IT SHOWS WHERE I WAS PREACHING A SERMON. THEN IT HAS MY LOVELY WIFE WHO HAS BEEN MARRIED TO ME FOR 32 YEARS. WE'RE GOING TO CELEBRATE OUR ANNIVERSARY NEXT MONTH. THEN I HAVE MY STAFF, THAT REALLY TRULY HAS BEEN VERY SUPPORTIVE OF WHAT WE'RE TRYING TO DO TO SERVE THE CITIZENS OF AUSTIN. AND JUST TO REMIND THE PEOPLE IN 100 YEARS OF THE KIDS, THEY WILL SEE THIS WHEN IT WAS OPEN, JUST TO LET THEM KNOW I WAS A SERVANT, NOT A POLITICIAN. THANK YOU. [ APPLAUSE ]

Mayor Wynn: AND OUR CITY MANAGER, TOBY FUTRELL.

Futrell: ACTUALLY, IF WE DON'T DO THIS FAIRLY QUICKLY, IT'S GOING TO BE PITCH BLACK BY THE TIME WE'RE PUTTING THE SHOVEL ON IT. I'M GOING TO TELL YOU THREE QUICK THINGS. YOU HEARD COUNCILMEMBER SLUSHER TALK ABOUT PUTTING THE WATERSHED MAPS IN. WE'RE GOING TO PUT A LITTLE BOTTLE OF BARTON SPRINGS WATER IN SO THEY CAN TEST AND SEE HOW WE'VE DONE IN 100100

YEARS. AND NOTHING WOULD BE COMPLETE WITHOUT A  
KEEP AUSTIN WEIRD BUMPER STICKER. THAT'S GOING IN.  
AND JUST ONE PERSONAL STORY. WHEN WE WERE  
NEGOTIATING THE DEAL THAT MADE THIS -- THESE  
BUILDINGS HAPPEN, AND PEOPLE IN THE COMMUNITY WERE  
SAYING, IT'S NOT TIME YET ON THE BLOCKS AND THIS ISN'T  
THE RIGHT PROPOSAL, AND IN SOME FRUSTRATION MY  
HUSBAND AND I CAME DOWN HERE AND WE TOOK PICTURES  
OF THE BLOCKS THAT WE BLUE UP AND WE MADE PART OF  
THE COUNCIL PRESENTATION TO TRY TO SHOW WHAT WAS  
HERE, SO WE HAD THOSE MOUNTED AND WE'RE GOING TO  
PUT THOSE IN. AND I DON'T KNOW IF YOU CAN SEE THEM,  
BUT THEY'RE QUITE A LOVELY SIGHT TO SEE. I MEAN, THIS  
WAS THE HOMELESS SHELTER AT THAT TIME, THE OLD OIL --  
OLD CAR GARAGE PLACE. THAT ONE IS BACKWARDS. YOU  
CAN TELL WHICH ONE IS UPSIDE DOWN THERE. I WOULD PUT  
THEM IN SO EVERYONE CAN SEE WHAT THE RAW GROUND  
LOOKED LIKE WHEN WE STARTED. [ APPLAUSE ]

Mayor Wynn: OKAY. WE HAVE REPRESENTATIVES FROM A  
NUMBER OF DIFFERENT OFFICES. SENATOR HUTCHISON,  
SENATOR CORNYN, REPRESENTATIVE SMITH,  
REPRESENTATIVE CARTER, McCAUL, SENATOR WHITWORTH,  
STATE REPRESENTATIVE DONNA DUKES HAVE SENT  
REPRESENTATIVES , BUT WE DO HAVE A COUPLE OF  
ELECTED OFFICIALS. I'D LIKE TO CALL UP CONGRESSMAN  
LLOYD DOGGETT.

LET'S SEE, GET MY SCHEDULE IN ORDER, WHAT TIME DID  
YOU SAY YOU WOULD BE OPENING THIS THING? [ LAUGHTER  
] I HAVE A LOT OF THINGS I WANTED TO PUT IN THE BOX, BUT  
YOU KNOW, IT SEEMED TO BE SO FULL I'VE LIMITED IT TO A  
LETTER, WHICH I'M PUTTING IN. AND I THINK I'LL TRY TO  
PREPARE AN AN NOTATED INDEX TO TRY TO GET THROUGH  
ALL THIS. WHEN YOU LOOK BACK AT DR. KERR'S BOOK AT  
WHAT THIS PLACE LOOKED LIKE 100 YEARS AGO WITH  
PEOPLE ON THEIR HORSES AND WAGONS, I EXPECT THAT  
WE'LL LOOK AS DIFFERENT TO THOSE WHO JOIN US AT THAT  
TIME. BUT THOSE FOLKS, LIKE US, LOVE THIS PLACE THAT  
WE HAVE THE JOY TO LIVE IN FOR A SHORT WHILE, AND  
HOPEFULLY WITH THE DECISIONS WE'RE MAKING, WE'RE  
BUILDING OPTIMISTICALLY, AS BREWSTER SAID, FOR A  
FUTURE THAT OTHER PEOPLE CAN ENJOY THE SAME THING.

I MENTION IN MY NOTE THAT WE JUST LEARNED WE HAVE OUR FIRST GRANDCHILD COMING IN ABOUT TWO MONTHS, SO HOPEFULLY WE'LL BE REPRESENTED BY SOME FOREBEARERS AT THIS PLACE WHO LOOK BACK AND SAY THEY'RE PROUD THAT WE WERE HERE DOING WHAT WE COULD TO CONTINUE THIS GREAT COMMUNITY. THANK YOU, MAYOR, FOR THE LEADERSHIP Y'ALL PROVIDED. [ APPLAUSE ]

Mayor Wynn: AND OUR NEWEST STATE REPRESENTATIVE, MARK STRAMA. MARK? [ APPLAUSE ]

I GOT TOGETHER SOME OF THE YOUNG INTERNS IN MY OFFICE AND ASKED THEM TO BRAINSTORM A TOP 10 LIST OF OUR HOPES FOR THE PEOPLE OF 2105 AND WE PUT THAT IN OUR LETTER. WE'LL PUT IT IN THE BOX. I'LL READ YOU JUST A FEW OF THEM. WE HOPE THAT THE UNITED STATES OF AMERICA CONTINUES TO PROVIDE GLOBAL LEADERSHIP FOR PEACE, DEMOCRACY AND FREEDOM. WE HOPE THAT YOU ENJOY ACCESS TO UNLIMITED, AFFORDABLE AND ENVIRONMENTALLY SAFE ENERGY SOURCES. WE HOPE THE BOWL CHAMPIONSHIP SERIES HAS ENDED AND COLLEGE FOOTBALL TEAMS CAN FINALLY DETERMINE THEIR RANKINGS ON THE PLAYING FIELD. WE HOPE THAT YOU LITERALLY DON'T KNOW THE MEANING OF THE WORD RACISM. WE HOPE THAT NO ONE MISSED THE UNEARTHING OF THIS TIME CAPSULE BECAUSE THEY WERE STUCK IN TRAFFIC. AND WE HOPE THAT AUSTIN MUSIC STILL ROCKS. THANKS. [ APPLAUSE ]

Mayor Wynn: STATE REPRESENTATIVE TODD BAXTER.

THANK YOU, MR. MAYOR, FOR HAVING THIS AND EVERYONE INVOLVED. I'M NOT GOING TO TAKE UP MUCH SPACE IN HERE LUCKILY BECAUSE IT DOESN'T LOOK LIKE I HAVE MUCH ROOM LEFT, BUT I JUST KIND OF TOUCHED IN THIS LETTER ON THREE GENERAL ISSUES. FIRSTFIRST OF ALL, BIG POLICY ISSUES. I TALK IN HERE A LITTLE BIT ABOUT ROBIN HOOD. OTHER LOCAL ISSUES THAT ARE IMPORTANT TO US. I TALKED ABOUT TOLL ROADS, BUT I PROMISE I DIDN'T PUT ANY EDITORIAL IN HERE. WE'LL LET THE TEST OF TIME ADDRESS THOSE ISSUES. SECONDLY, I TALKED A LITTLE BIT ABOUT POLITICS AND THE POLITICS OF TRAVIS COUNTY AND

THE STATE OF TEXAS. AND IN THIS LITTLE ENVELOPE I ACTUALLY HAVE A MAP, A COUNTY BY COUNTY MAP OF WHAT WE HAVE KNOWN TO BECOME KIND OF THE MAINSTREAM VERNACULAR OF RED COUNTIES AND BLUE COUNTIES AND RED STATES AND BLUE STATES. AND OF COURSE WHAT I PUT IN HERE WOULD SHOW THAT TRAVIS COUNTY IS VERY MUCH STILL A BLUE COUNTY, BUT THE STATE OF TEXAS IS STILL VERY MUCH A RED STATE. AND SO WE HAVE THAT IN HERE AS WELL. AND THEN FINALLY I PUT A LITTLE BIT OF INFORMATION ABOUT CULTURE. I TALKED ABOUT HOW THE BIG THING NOW HAS BEEN LOW CARB DIETS AND HOPEFULLY 100 YEARS FROM NOW REALITY TV WON'T BE AROUND. TALKED ABOUT THE BOSTON RED SOX BREAKING THE CURSE OF THE BAMBINO. AND ALSO, OF COURSE, THE TEXAS LONGHORNS WINNING THE ROSE BOWL. SO THANK YOU VERY MUCH FOR THIS OPPORTUNITY.  
[ APPLAUSE ]

Mayor Wynn: OKAY. WE'RE ABOUT DONE. WE ALSO WANT TO RECOGNIZE STATE REPRESENTATIVE BARRIENTOS OFFICE AND REPRESENTATIVE KEEL'S OFFICE ALL SENT LETTERS, WE'RE PLACING THEM IN THE BOX. OUR LAST EVENT HERE, THIS IS A PROCLAMATION THAT ALL OF US AS COUNCILMEMBERS HAVE SIGNED TODAY. THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS, JANUARY 13TH, 2005 MARKS THE FIRST SESSION OF THE CITY COUNCIL IN AUSTIN'S NEW CITY HALL. AND WHEREAS IN THE YEAR 2005, AUSTIN, TEXAS IS A VIBRANT CITY BLESSED WITH A DIVERSITY OF CULTURES, A GREAT BOUNTY OF IDEAS AND OPPORTUNITY AND A BEAUTIFUL, NATURAL ENVIRONMENT. AND WHEREAS WE CAN BUT IMAGINE THE AUSTIN OF 2105 AND DO SO WITH PROFOUND HOPE THAT OUR DECISIONS AND THOSE AFTER TODAY HAVE HELPED TO PROTECT AND GROW OUR CITY'S MANY BLESSINGS. THEREFORE BE IT RESOLVED THAT WE THE AUSTIN CITY COUNCIL, JANUARY THE 13TH, 2005, EXTEND OUR FONDEST GREETINGS TO THE CITY COUNCIL AND AUSTIN COMMUNITY OF JANUARY 13TH, 2105 WITH GREAT FAITH THAT THIS DOCUMENT WILL FIND OUR BELOVED CITY STILL AMONG THE BEST AND MOST UNIQUE IN THE WORLD, SIGNED BY ALL MEMBERS OF THE AUSTIN CITY COUNCIL, TO BE OPENED JANUARY 13TH, 2105. CITY MANAGER, CAN YOU COME JOIN

ME PERHAPS? THE COMBINATION ON THE LOCK, BY THE WAY, IS 2105. [ APPLAUSE ]

Mayor Wynn: FOLKS, IF YOU COULD JOIN US INSIDE THE COUNCIL CHAMBERS FOR OUR LIVE MUSIC PRESENTATION BY MR. RAY BENSON.

Mayor Wynn: OKAY. FOLKS, TO CONTINUE WITH OUR HISTORIC OPENING OF THE COUNCIL CHAMBERS, AGAIN, EARLIER THIS MORNING WE HAD A MULTIETHNIC AND MULTIRELIGIOUS OPENING OF THESE CHAMBERS. WE HAD POETRY FROM THE AUSTIN POETRY SOCIETY. WE JUST FINISHED A TIME CAPSULE CEREMONY WHERE WE PUT A NUMBER OF ITEMS IN A TIME CAPSULE TO BE OPENED EXACTLY 100 YEARS FROM TONIGHT. AND AS IS OUR CUSTOM, WE ALWAYS HAVE LIVE MUSIC AT AUSTIN CITY COUNCIL MEETINGS. IT IS MY BIG, BIG PLEASURE TO WELCOME MULTIPLE GRAMMY AWARD WINNING LOCAL AUSTIN MUSICIAN, MR. RAY BENSON. [ CHEERS AND APPLAUSE ]. (NO AUDIO)

(music) JUST ASK ANY COWBOY, HE'LL TELL YOU WHERE THE BEST. I MET A TEXAS BEAUTY, I GOT FRIENDLY. I LOOKED INTO HER BIG BLUE EYES AND HERE'S WHAT I SAW. (music) I SAW MILES AND MILES OF TEXAS. (music) ALL THE STARS UP IN THE SKY. (music) I SAW MILES AND MILES OF TEXAS, GOING TO LIVE HERE TILL I DIE. EVERYBODY SING. (music) I SAW MILES AND MILES OF TEXAS. (music) ALL THE STARS UP IN THE SKY. ONE MORE TIME. (music) I SAW MILES AND MILES OF TEXAS, GOING TO LIVE HERE TILL I DIE(music)(music). [ CHEERS AND APPLAUSE ]. WOO. OH, THANK YOU, EVERYBODY. MILES OF TEXAS. YOU KNOW RKTS THEY TOLD ME THEY DID THE TIME CAPSULE OUT HERE, AND THEY'VE GOT, WHAT, 100 SONGS FROM AUSTIN, TEXAS, WAS THAT THE DEAL? THAT'S RIGHT. I'LL INTERPRET. FOR THE HARD OF HEARING. >>

Mayor Wynn: IF YOU WANT SOME CONTROVERSY IN THIS TIME, YOU TRY TO CHOOSE THE 100 SONGS FOR THE DIGITAL DJ TO BE BURIED. SO KGSR LISTENERS AND STAFF CAME UP WITH THE AUSTIN 100, THE ULTIMATE AUSTIN JUKEBOX. I'LL PUT IT ON THE WEBSITE TOMORROW AND START THE CONTROVERSY OF WHO GOT LEFT OFF. MILES

AND MILES OF TEXAS ARE ON THERE AS IS HOUSE OF BLUE ICE AND OTHERS. YOU'RE WELL REPRESENTED IN 2105.

MY QUESTION IS WILL THE BATTERY LAST THAT LONG. [ LAUGHTER ]

Mayor Wynn: JUST IN CASE, WE PUT A SHEET WITH A LIST OF ALL 100 SONGS ON THERE FOR YOU.

THAT WOULD BE GOOD. I CAN JUST SEE IT, 100 YEARS FROM NOW, THERE WILL BE THE LITTLE DELL PLAYER AND THEY'LL SAY PRIMITIVE MAN USED TO LISTEN TO MUSIC IN THIS. [ LAUGHTER ] LET'S DO THAT. WHAT AN HONOR REALLY TO HAVE THAT HAPPEN AND HAVE 100 YEARS -- IN 100 YEARS THEY'LL GO, AND WHO WERE THEY? IT REALLY IS, AND WHAT A BEAUTIFUL BUILDING, WHAT A GREAT ACHIEVEMENT. I'M TICKLED TO BE HERE. LET'S DO A LITTLE BIT OF HOUSE OF BLUE LIGHTS AND SEE WHAT IT SOUNDS LIKE. (music) LACE OF YOUR BOOTS AND WE'LL TRUCK ON DOWN TO A KNOCKED DOWN SHACK ON THE EDGE OF TOWN. (music) AT THE HOUSE OF BLUE LIGHTS. (music) YOU'RE GOING TO SPEND THE REST OF YOUR NIGHTS, AT THE HOUSE, HOUSE OF BLUE LIGHTS. (music) IT'S REAL HOME AND FOR YOUR BOOG WE WOOG WE. DOWN AT THE HOUSE OF BLUE LIGHTS. (music) YEAH, BOY. (music) THERE'S RIDERS, ROUTERS AND TEXAS RIBS. BUT THE TREAT IS WHERE THEY HAVE FINE EATS. YOU WILL SPEND ALL THE REST OF YOUR NIGHTS DOWN AT THE HOUSE, THE HOUSE OF BLUE LIGHTS. [ (music) MUSIC PLAYING (music)(music) ].

HERE WE ARE, FOLKS. [ APPLAUSE ]

Mayor Wynn: FOLKS, MR. RAY BENSON AND ASLEEP AT THE WHEEL. [ CHEERS AND APPLAUSE ]. NOW THE QUESTION IS WHO IS GOING TO FOLLOW THAT UP AT OUR NEXT COUNCIL MEETING? WE NORMALLY HAVE PROCLAMATIONS AFTER OUR LIVE MUSIC. WE PRESENT THE PROCLAMATIONS FOR CITIZENS, WELL DESERVED, AND ALSO CITY EMPLOYEES RETIRING. WE DECIDED NOT TO DO OUR TYPICAL PROCLAMATIONS TONIGHT, AGAIN, TRYING TO MAKE THIS SOMEWHAT A MEMORABLE COUNCIL MEETING. BRIEFLY ABOUT THIS ROOM. WHEN THE ARCHITECT, ANTOINE PREDOCK, FIRST SHOWED ME THIS WINDOW WALL HERE,



THINKING THAT PEOPLE CAN DRIVE BY AND SEE GOOD GOVERNMENT HARD AT WORK, HE SAID, MAYOR, JUST VISUALIZE THE TV SHOW "GOOD MORNING AMERICA". AND I SAID ANTOINE, I'M VISUALIZING ESTHER'S FOLLIES. AND SO TO KEEP WITH THAT THOUGHT, WE HAVE INVITED ESTHER'S FOLLIES TO GIVE THE FIRST PRESENTATION, THE FIRST SORT OF CITIZEN COMMUNICATION, PUBLIC HEARING IN THE NEW BUILDING. PLEASE JOIN ME SOMEWHERE IN WELCOMING MS. SHANNON SEDWICK OF ESTHER'S FOLLIES, AN ICONIC BUSINESS IN OUR TOWN. [ APPLAUSE ]

HELLO EVERYBODY. THANK YOU SO MUCH FOR INVITING US. WE ARE VERY HAPPY TO BE HERE FOR THE UNVEILING OF THE NEWEST THEE AL TRICK KEL SPACE IN THE ENTERTAINMENT DISTRICT. WE WOULD LIKE TO PAY TRIBUTE TODAY TO A PARTICULAR ARCHITECTURAL ELEMENT OF THE NEW CITY HALL, AND THAT IS THIS LARGE PLATE OF GLASS OVERLOOKING GUADALUPE STREET. WE KNOW THAT TODAY IS BEING AFFECTIONATELY CALLED THE ESTHER'S WINDOW, BUT AS TIME GOES ON WE'RE SURE IT WILL DEVELOP NEW NICKNAMES AS AUSTIN'S LOCAL ECCENTRIC'S DISCOVER THIS NEW STAGE. THE WINDOW OVERLOOKS THE SITE OF THE LAMENTED LIBERTY LUNCH. AND JUST A FEW YEARS BACK ESTHER'S FOLLIES GOT ITS START ON THAT SITE. WE USED TO WEAR BATHING SUITS AND TURN SPRINKLES ON THE CROWD. AND WE NOTICED AS THE WEEKS WENT BY THAT HERE IN THE OLD CITY HALL BUILDING MORE AND MORE CITY STAFFERS WOULD BE LOOKING OUT THESE WINDOWS EACH WORK. AS THE SUMMER GOT HOTTER AND THE BATHING SUITS GOT HOTTER, THE WINDOWS ON THE SECOND AND THIRD FLOORS THAT HAD BEEN BOARDED UP FOR DECADES OR COVERED WITH ALUMINUM FOIL WERE SUDDENLY BEING UNCOVERED AND WERE FULL OF SMILING FACES. THINGS CAME TO A CLIMAX ONE AFTERNOON IN AUGUST WHEN THE OUTDOOR BATHTUB HAD BEEN INSTALLED AS A PIECE OF ARCHITECTURAL WHIMSY AND WAS ACTUALLY USED BY THE BATHING BEAUTIES OF THE ESTHER'S COURT OF BALLET. THE NEXT DAY, MEMBERS FROM A DOZEN CITY DEPARTMENTS DESCENDED ON LIBERTY LUNCH AS WELL AS NUMEROUS PHONE CALLS FROM BETTY BAKER. [ LAUGHTER ] WE WERE ONLY ABLE TO STAVE OFF MS. BAKER BY GIVING HER A STRAW

STRAWBERRY PIE. THEY SAID WHILE THE CITY LEGAL DEPARTMENT WAS TRYING TO FIND AN ORDINANCE AGAINST BATHING ON CITY PROPERTY THAT WE WERE AT LEAST FORCING TOO MANY PEOPLE TO WORK TOO MANY HOURS. THINGS LOOKED BLEAK AT THE NEXT COUNCIL MEETING WHEN THE DEMOLITION OF LIBERTY LUNCH WAS DISCUSSED. BUT THE MAYOR ROSE AND SAID AT LEAST IT'S THE CLEANEST PEOPLE IN TOWN AND I PROPOSE FOR THEM TO STAY UNTIL A NEW CITY HALL IS BUILT ON THIS SITE. SO LIBERTY LUNCH HAD A PROSPEROUS 25 YEAR RUN AND THE ESTHER'S FOLKS TOOK THEIR BATHING SUITS TO THE UNDISCOVERED EAST SIXTH STREET, WHERE INSTEAD OF CITY STAFFERS LOOKING THROUGH THE WINDOWS, THERE WERE TRANSIENTS TOURISTS AND STATE LEGISLATURE LEGISLATORS. NOW I'D LIKE TO INTRODUCE A VERY SPECIAL GUEST, BROUGHT HERE AT NO GREAT EXPENSE BY ESTHER'S FOLLIES TO THE AUSTIN CITY HALL TODAY. BECAUSE OF HIS GREAT INTEREST IN THE INDIGENOUS SPEES SEES AND ROCKY TERRAIN OF OUR DOWNTOWN AREA, HERE HE IS, THE CROCODILE HUNTER. [ APPLAUSE ]

GOOD EVENING, AND WELCOME TO THE CROCODILE HUNTER HERE ON CHANNEL 6. (SPEAKING WITH AUSTRALIAN ACCENT). AUSTIN'S NEW CITY HALL, IT'S REMARKABLE, UNIQUE. YOU CAN IDENTIFY IT BY THE HUGE DORSAL FIN. IT'S USED TO CUT THROUGH THE RED TAPE. AND YOU CAN SEE THE BEAUTIFUL SPECIES IN THIS ENVIRONMENT, MOST OF WHICH ONLY APPEAL LATE AT NIGHT AT CITY COUNCIL MEETINGS. IN ORDER TO CATCH A HOOK AT ONE OF THESE CRITTERS -- HERE COMES OUR BEAUTIFUL SPECIMEN. NOW, I WANT YOU TO LOOK AT THE BROUGHT RED FOREARMS, PROBABLY FROM CEDAR PARK. THEY'RE OUTSIDE OF THEIR NATURAL HABITAT, LUBE BEES. -- LUBY'S. I WANT TO TAKE A GOOD LOOK AT THIS! THERE YOU GO, MATE. AUSTIN CITY HALL IS A BRAND NEW BUILDING, AND WITH THAT COME A NUMBER OF ADVANTAGES, NAMELY LESLIE COCHRAN HASN'T FOUND IT YET. [ LAUGHTER ] CITY HALL HAS FINALLY MOVED BACK DOWNTOWN, SO IN ORDER TO GET A REALLY GOOD LOOK AT THE NATIVE WILDLIFE, YOU'VE GOT TO CHECK OUT THE STREET, MATES. NOW, THE MOST COMMON CREATURE YOU'LL SEE ARE HUGE FLOCKS OF CONFUSED COLLEGE STUDENTS. THEY'VE WANDERED OFF OF SIXTH

STREET THINKING THAT CITY HALL IS A REALLY EXCLUSIVE NIGHTCLUB. WAIT A MINUTE, WAIT A MINUTE, WAIT A MINUTE THAT'S NOT THE STUDENTS, THAT'S THE CAST OF THE REAL WORLD AUSTIN. THEY REALLY WANT TO SHOW THE REAL WORLD, THEN THEY SHOULD SHOW FOLKS PAYING FOUR HUNDRED BUCKS A MONTH OVER AT MANCHACA. TAKE A LOOK AT THE UNIQUE BEHAVIORS THEY ENGAGE IN. FIRST COMES THE SALUTE, THEN THE JAYHAWK COUSTEAU AND FINALLY THE LIP BLOW. WE LIKE THE HALL JALAPENO DIPS. AUSTIN MAYOR WILL WYNN IS THE ONLY PERSON TO KNOW THE EXACT LOCATION OF THE REAL WORLD HEADQUARTERS. HE'S NOT TELLING. BUT I THINK THEY FOUND A NEW USE FOR THE INTEL BUILDING. NOW, A CREATURE YOU WILL COMMONLY SEE DOWN HERE ON THURSDAY NIGHTS IS WHAT WE LIKE TO CALL THE SCHIZOPHRENIA. HERE COMES ONE NOW. THESE CREATURES CAN ARGUE BOTH SIDES OF ANY ISSUE AT THE SAME TIME. I THINK THIS ONE WANTS TO REDUCE ROAD CONGESTION WITHOUT BUILDING ANY NEW ROADS. GOOD LUCK, MATE. AND SPEAKING OF ROADS, THE NEW CITY HALL IS CONVENIENTLY LOCATED NEXT TO AUSTIN'S FIRST TOLL ROAD, THE HIKE AND BIKE TRAIL AROUND TOWN LAKE. [ LAUGHTER ] 50 CENTS IS A SMALL PRICE TO PAY FOR GOOD CARDIO HEALTH, MATE. NOW, AUSTIN IS THE STATE CAPITOL OF TEXAS, SO VERY OFTEN YOU WILL SEE GREAT HERDS OF STATE LEGISLATORS. HERE'S ONE NOW. IT'S THE DOUBLE BREASTED, LONG-WINDED FILIBUSTER. WAIT, WAIT, THAT'S JUST GOVERNOR RICK PERRY. [ LAUGHTER ] IF YOU WILL LOOK CAREFULLY IN THE BACKGROUND, YOU WILL SEE A CREATURE NOT NATIVE TO THE ENVIRONMENT. THIS IS THE ANNOYING YANKEE SNOW BIRD. THEY COME TO TEXAS TO ESCAPE THE HARSH WINTERS OF THE NORTH. THEY'VE GOT A NATURAL ENEMY HERE IN DOWNTOWN AUSTIN, THE (INDISCERNIBLE). WATCH HOW THE SNOW BIRDS TRY TO IMITATE THIS SPECIES, BUT THE REDNECK'S NATURAL ENEMY DOWNTOWN, THE LOUNGE LIZARD. OOOH, SCARY, BUT DON'T WORRY, THE REDNECK KNOWS HOW TO HANDLE THIS, MATES. HERE YOU GO, MATE. NOW, HERE IS A CREATURE, A UNIQUE, BEAUTIFUL CREATURE THAT USED TO FREQUENT THE AREA AROUND AUSTIN, BUT IT'S SINCE MIGRATED TO THE NORTH. I THINK TONIGHT WE'RE GOING TO CATCH ONE MORE DPLIM PS OF IT. -- GLIMPSE OF IT.

PLEASE WELCOME AUSTIN'S ALPHA MALE, PRESIDENT  
GEORGE W. BUSH. COME ON OUT.

THANK YOU, THANK YOU. I'M GEORGE W. BUSH AND I'M STILL  
YOUR PRESIDENT. NO THANKS TO TRAVIS COUNTY. LOOKS  
LIKE A BLUE ISLAND IN A BIG RED SEA. I TRUST PEOPLE, I  
KNOW PEOPLE. I AM A PEOPLE. I NEED PEOPLE. PEOPLE  
THAT NEED PEOPLE ARE THE LUCKIEST PEOPLE IN THE  
WORLD. I'M LUCKY. I'VE GOT SOMETHING THAT MOST  
AMERICANS CAN ONLY DREAM OF. I'VE GOT A JOB. MY  
FELLOW CITIZENS AND MY FEMALE CITIZENS, I WANT TO  
THANK THE MAYOR FOR HELPING OUT ON THIS HISTORIC  
DAY. THE NEW CITY HALL IS TRULY BREATHTAKING. IT'S  
AMAZING WHAT YOU CAN DO WITH A FEW BIG ROCKS FROM  
DESTROYED MOBILE HOMES, DUCT TAPE AND A CHURCH  
STEEPLE. THAT RECYCLING THING THEY'VE GOT GOING  
DOWN HERE. I GUESS YOU'RE DOING YOUR PART TO KEEP  
AUSTIN WEIRD. I MEAN, WHAT OTHER TOWN DO YOU HAVE  
THAT HAS A HOMELESS TRAN VES STATE BEING ONE OF THE  
MAIN MOVERS AND SHAKERS IN TOWN, AND THAT'S THE  
GOVERNOR. [ LAUGHTER ] AUSTIN IS HOME TO ALL THE  
PEOPLE WHO JUST DON'T FIT IN ALL THE OTHER LITTLE  
TOWNS IN TEXAS. THEY COME TO AUSTIN AND MAKE IT  
THEIR LITTLE TOWN. PEOPLE THAT LATER TURN OUT TO BE  
HEROES, PEOPLE LIKE LANCE ARMSTRONG. IT TAKES A  
BRAVE MAN TO RIDE THROUGH TOWN WITH SHAVED LEGS  
AND YOUR BUTT UP IN THE AIR. [ LAUGHTER ] AUSTIN IS A  
GREAT TOWN. I LIKE TO GO DOWN TO CONGRESS AVENUE  
THIS TIME OF YEAR AND SEE ALL THE WHORES AND  
NOCTURNAL, BLOOD SUCKING CREATURES FLOCK TO TOWN.  
YES, THE TEXAS LEGISLATURE IS BACK, BUT THIS ROOM IS A  
GATHERING SPOT FOR OUGHT CITIZENS IN AUSTIN. IT WILL  
BE A CITY HALL FOR THE COMMON MAN AND ALSO FOR  
JENNIFER GALE. THANK YOU. IT'S GOOD TO MEET IN A  
PUBLIC FORUM LIKE THIS, BECAUSE IN SOME PLACES  
PEOPLE CAN'T GO TO COMEDY CLUBS, THEY CAN'T LISTEN  
TO MUSIC, THEY CAN'T DANCE. WOMEN HAVE TO STAY IN  
THE HOME AND SERVE THEIR HUSBAND. BUT ENOUGH  
ABOUT WACO. I'M A UNITER, NOT A DIVIDER, NOT A  
MULTIPLIER, NOT MUCH OF AN ADDER EITHER. IT'S ALL  
FUZZY MATH TO ME. BUT IT'S ALSO TIME FOR US TO WORK  
TOGETHER, COME TOGETHER. WE COULD BICKER AND

FIGHT OVER PETTY, PARTISAN POLITICS, BUT IT WOULD BE LIKE TOLL ROADS, WE COULD DO IT, BUT IT'S JUST NOT RIGHT. [ LAUGHTER ] YOU KNOW, I LOOK OUT HERE IN THIS ROOM -- AM I GOING TOO LONG? WHAT'S THE PROBLEM HERE? [ LAUGHTER ] I LOOK FORWARD TO MANY SPIRITED DEBATES IN THIS ROOM BY EVERY KNIT WIT AND FOOL THAT HAS THEIR SAY, AND THAT'S THE CITY COUNCILMEMBERS. AND MAYOR WYNN, PUT IN A GOOD WORD FOR ME AND I'LL PUT IN A GOOD WORD FOR YOU. AND ALSO HELP US OUT IN MUNICIPAL COURT. IN CLOSING, I WANT TO ASK ALL OF YOU TO ENJOY THE NEW CITY HALL, BUT ALSO BE ON HIGH ALERT. I SAW RAY BENSON HERE EARLIER, AND I KNOW YOU ARE ON HIGH ALERT. THANK YOU, GOD BLESS YOU. ROLL ON. THANK YOU. [ APPLAUSE ]

THANK YOU. I WANT TO TELL EVERYBODY THANK YOU FROM ESTHER'S FOLLIES, AND WE HOPE EVERYTHING GOES WELL WITH THIS NEW CITY HALL. WE'LL BE BACK FOR ALL THE INTERESTING MEETINGS. THANK YOU, MAYOR. CLP CLAP[ APPLAUSE ]

Mayor Wynn: WE'RE GOING TO RECONVENE THE CITY COUNCIL MEETING AFTER A SHORT BREAK. THANK YOU ALL VERY MUCH.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. I APPRECIATE Y'ALL'S PATIENCE. OKAY. SO MR. GUERNSEY, REFRESH OUR MEXICAN-AMERICANMEMORY. WE HAD GONE THROUGH THE ZONING CONSENT CASES AND HAD TWO DISCUSSION CASES, Z-1 AND Z-7. AND I BELIEVE WE'RE NOW UP TO Z-10.

THAT'S CORRECT, MAYOR. WE HAVE Z-10, 11, 12, 13, 14 AND 15. ITEM Z-10 IS CASE C-14-04-0167. THIS IS A EUERS OFFICE RETAIL BUILDING LOCATED AT 135 WEST SLAUGHTER LANE. THE ZONING REQUEST IS TO COMMUNITY COMMERCIAL, GR ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED THIS REQUEST FOR GR-CO ZONING BY CONSENT. THE APPLICANT HAS AGREED WITH THE PARK RIDGE HOMEOWNERS ASSOCIATION TO PROHIBIT SEVERAL USES WHICH ARE OUTLINED IN YOUR BACKUP MATERIAL, WHICH PERTAIN TO AUTOMOTIVE RELATED USES,

EXTERMINATING SERVICES, FUNERAL SERVICES, INDOOR OUTDOOR SPORTS AND RECREATION AND SEVERAL OTHER ITEMS. THE PROPERTY ITSELF IS LOCATED ON THE SOUTH SIDE OF SLAUGHTER LANE JUST WEST OF IH-35. TO MY RIGHT IS THE LOCATION OF THE PROPERTY. THIS IS THE LOCATION OF THE NEW PROPOSED WAL-MART, AND HERE IS I-35 AND HERE IS SLAUGHTER LANE. THE APPLICANT IS HERE TO PRESENT THE CASE. I'M AWARE OF ONE ADJACENT PROPERTY OWNER WHO DOES HAVE CONCERNS ABOUT SOME TRANSPORTATION ISSUES. I'LL PAUSE AT THIS TIME AND LET THE APPLICANT'S AGENT COME FORWARD AND IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM.

Mayor Wynn: THANK YOU. COUNCIL, WE HAVE ONE CITIZEN SIGNED UP IN OPPOSITION, ONE IN FAVOR. THAT'S MARTIN BROWN.

[INAUDIBLE - NO MIC].

Mayor Wynn: WELCOME, SIR. GENERALLY WE HAVE A FIVE-MINUTE APPLICANT PRESENTATION, FOLLOWED BY FOLKS IN FAVOR OF THE ZONING CASE, FOLKS IN OPPOSITION, THEN YOU WILL HAVE A ONE-TIME THREE-MINUTE REBUTTAL.

THANK YOU. FIRST OF ALL I WANT TO SAY THANK YOU TO THE MAYOR AND THE CITY COUNCIL. JUST TO GIVE YOU A BRIEF BACKGROUND AS TO THE EUERS. I REPRESENT THE EUERS FAMILY. THE EUERS HAVE OWNED THAT PIECE OF PROPERTY SINCE THE 40'S. IT'S THIRD OR FOURTH GENERATION NOW BEING IN THE EUERS FAMILY. BACK IN 1994 ON THAT CORNER, THEY FILED A SITE PLAN FOR A TWO-PHASE PROJECT. THEY BUILT THE FIRST PHASE AND HAVE BEEN OPERATING OUT OF THAT FIRST PHASE SINCE 1996. DR. EUERS IS A DENTIST AND HIS SISTER IS A VETERINARIAN, AND HIS FATHER HAS A BUSINESS THERE AS WELL. SO IT'S A FAMILY OPERATED BUSINESS THERE ON THE CORNER OF SLAUGHTER LANE AND CULL CULLEN. WITH THE AMOUNT OF DEVELOPMENT THAT'S HAPPENING IN THAT SOUTH SLAUGHTER-I-35 AREA, THE EUERS FELT IT WAS A GOOD TIME TO GO AHEAD AND CONTINUE ON WITH PHASE 2 OF THEIR PROJECT. WHEN THEY HAD ORIGINALLY DONE THE PROJECT BACK IN '94, THAT PIECE OF PROPERTY WAS IN THE

E.T.J. IT HAS SINCE BEEN ANNEXED BY THE CITY. THE ZONING THAT IS ON THE PROJECT SITE CURRENTLY IS SF ZONING. WE HAVE REQUESTED TO GO TO GR ZONING, AND AS GREG MENTIONED, WE'VE HAD SUPPORT FROM THE CITY STAFF AND FROM EVERYONE INVOLVED WITH THE PROJECT TO SUPPORT GR ZONING. THE REASON THAT WE'RE HERE TODAY REALLY IS TO DISCUSS RIGHT-OF-WAY AND THE GRANTING OF RIGHT-OF-WAY. THE OWNER, WHEN WE MET WITH THE CITY, WE REQUESTED TO DEFER RIGHT-OF-WAY UNTIL THE TIME OF SITE PLANNING. WHAT THAT WOULD DO IS ALLOW US TO HAVE TIME TO DETERMINE WHAT ALL WE'RE GOING TO DO WITH THE SITE, HOW THE BUILDING'S GOING TO BE LAID OUT, HOW THE PARKING WAS GOING TO BE LAID OUT. THE ACTUAL RIGHT-OF-WAY ON THE CORNER OF CULLEN AND SLAUGHTER, THERE'S A LARGE GROVE OF PECAN TREES THAT THE EUERS FAMILY PLANTED IN DEDICATION AND MEMORY OF THEIR -- I BELIEVE HIS GRANDPARENTS. SO THAT CORNER IS A SPECIAL PIECE OF PROPERTY TO THE EUERS. THEY UNDERSTAND THE RIGHT-OF-WAY ISSUE, BUT THEY WOULD JUST PREFER TO DO RIGHT-OF-WAY AT TIME OF SITE PLANNING TO ALLOW US TIME TO FIGURE OUT EXACTLY HOW WE WANT TO HANDLE THAT CORNER, HOW WE WANT TO HANDLE THE PARKING, WHAT WE WANT TO DO WITH THE SITE. WE HAVE VOLUNTARILY CAPPED THE SIZE OF THE DEVELOPMENT TO MINIMIZE ANY SORT OF TRAFFIC IMPACT, AND WE HAVE MET WITH THE NEIGHBORHOOD ASSOCIATION AND AGREED TO ALL OF THEIR CONDITIONAL OVERLAYS, AND WE LOOK FORWARD TO CONTINUING ON WITH THE PROJECT, BUT IT WAS -- WE'RE ACTUALLY UP FOR CONSENT APPROVAL AT THE LAST CITY COUNCIL MEETING, AND IT WAS POSTPONED DUE TO A REQUEST FROM ENDEAVOR PROPERTIES, WHO IS THE OWNER TO THE SOUTH OF US, WHICH REPRESENTS THE WAL-MART SITE. BECAUSE THEY ARE CONCERNED ABOUT THE DEDICATION OF RIGHT-OF-WAY. WE DO INTEND TO FILE A SITE PLAN. I AM AN ARCHITECT THAT AND WILL BE THE ARCHITECT FOR THE PROJECT. [ BUZZER SOUNDS ]

Mayor Wynn: ACTUALLY, MR. BROWN GETS TWO MORE MINUTES. SHOULD HAVE BEEN A FIVE-MINUTE PRESENTATION.

I AM THE ARCHITECT FOR THE PROJECT. THE OWNER HAS

ALSO CONTACTED A GENERAL CONTRACTOR. WE WOULD LIKE THE ZONING TO BE GRANTED SO WE CAN CONTINUE ON WITH OUR SITE PLANNING PREPARATIONS AND THE DESIGN AND LAYOUT OF THE FACILITY.

Mayor Wynn: THANK YOU, MR. BROWN. QUESTIONS OF THE APPLICANT, COUNCIL? IF NOT, WE HAVE NO CITIZENS SIGNED UP IN FAVOR OF THE ZONING CASE. THE ONE CITIZEN, RICHARD SUTTLE, SIGNED UP IN OPPOSITION. WELCOME, MR. SUTTLE. YOU WILL HAVE THREE MINUTES.

THANK YOU, MEMBERS OF COUNCIL. MY NAME IS RICHARD SUTTLE, I'M HERE ON THE WAY OF THE RETAIL ENTITY WITH THE LARGE SHOPPING CENTER SOUTH OF THIS PROJECT. AS PART OF THOSE APPROVALS AND THROUGH THE ZONING PROCESS THERE WERE A LOT OF INFRASTRUCTURE IMPROVEMENTS REQUIRED BY THE CITY, ONE OF WHICH IS TO IMPROVE CULLEN LANE, WHICH IS THE SMALL ROAD RIGHT HERE. IT IS QUITE NORMAL DURING THE ZONING CASE TO BE REQUIRED TO GIVE THE RIGHT-OF-WAY THAT IS REQUIRED TO BUILD THE ROADS IN THE AREA TO THE SIZE THAT THE PLANS CALL FOR. WHAT IS GOING ON HERE IS THAT THE APPLICANT HAS ASKED THE STAFF AND THEY CONCURRED, TO DEFER THE DEDICATION OF 10 FEET OF RIGHT-OF-WAY UNTIL SITE PLAN STAGE. WHAT WE'RE HERE TONIGHT, IS WE DON'T HAVE A PROBLEM WITH THEIR USE, BUT WE WANT THE DEDICATION OF THE RIGHT-OF-WAY AT THE ZONING LIKE WOULD NORMALLY HAPPEN. BECAUSE WHAT'S GOING ON JUST SOUTH OF THERE IS WE'RE BUILDING CULLEN LANE AND CURRENTLY IT'S GOING TO CINCH DOWN WHERE THE RIGHT-OF-WAY IS NOT DEDICATE. TONIGHT WE'RE ASKING THAT THE ZONING IS OKAY, WE DON'T HAVE OPPOSITION TO THE ZONING. IF THE RIGHT-OF-WAY IS GRANTED NOW, WE WILL BUILD THE ROAD. NORMALLY THIS APPLICANT WOULD HAVE TO DEDICATE THE RIGHT-OF-WAY AND BUILD THE ROAD. WE'RE COMMITTING TO BUILD THE ROAD IF THEY WILL DEDICATE THE RIGHT-OF-WAY AT THIS STAGE AND NOT THE SITE PLAN STAGE. THERE ARE SEVERAL OWNERS AROUND HERE WHO HAVE SIGNED IN WRITING OPPOSITION TO THIS ZONING CASE, AND I WILL SUBMIT IT TO GREG HERE SHORTLY SHEND DEPENDING ON HOW THIS WORKS TONIGHT, BUT IN MY OPINION IT WILL AMOUNT TO A VALID PETITION OVER THIS



NARROW ISSUE. AND AGAIN THE OWNERS DON'T HAVE ISSUE OVER USE, THEY JUST HAVE AN ISSUE OVER THE PROCEDURE. AND THAT IS NORMALLY YOU GET THE RIGHT-OF-WAY AT THE TIME OF ZONING. AND THAT'S THE APPLICANT'S RIGHT. THAT'S THE WHOLE ISSUE. AND THE TRANSPORTATION PLANNING IN THIS AREA, CULLEN LANE IS NEEDED FOR ALL THIS DEVELOPMENT. IT NEEDS TO BE UPGRADED. IT WILL BE REQUIRED AT SITE PLAN. IT A LITTLE DISINGENUOUS TO SAY THEY'LL DO IT AT SITE PLAN INSTEAD OF NOW BECAUSE THEY WANT TO DO SITE PLANNING AROUND IT. THE FACT OF THE MATTER IS IT'S IN THE PLAN, IT'S GOING TO BE REQUIRED, AND WE'RE HOPING THAT YOU WILL AGREE WITH US THAT NOW IS THE APPROPRIATE TIME SO THAT WE CAN GO AHEAD AND GET THE ROAD BUILT SO THAT THE NEIGHBORHOOD AND ALL THE SURROUNDING BUSINESSES CAN GO AHEAD AND HAVE THE TRANSPORTATION INFRASTRUCTURE THAT THEY NEED. I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

Mayor Wynn: MR. SUTTLE, WHAT'S THE TIMING OF YOU ALL'S CONSTRUCTION OF THE IMPROVEMENTS ON CULLEN?

IT'S UNDERWAY AND IT'S ALREADY BUILT AND IT ALREADY NECKS DOWN ALONG. THE SHOPPING CENTER IS HERE. THIS ROAD IS ALREADY UNDER CONSTRUCTION OR FINISHED? UNDER CONSTRUCTION. SO IT'S UNDER CONSTRUCTION HERE. AND THEN WHAT IS HAPPENING IS THIS LITTLE SEGMENT RIGHT HERE NECKS DOWN BECAUSE THE RIGHT-OF-WAY IS THERE AND IT'S NOT THERE TO BUILD ON.

SIR, YOU NEED TO BE UP AT THE MIC.

IF THE RIGHT-OF-WAY IS GIVEN NOW, THEN SLAUGHTER WAY RETAIL WILL GO AHEAD AND FINISH CULLEN AND WE WON'T HAVE THAT ONE LITTLE AREA THAT NECKS DOWN. AND IT'S ENTIRELY NORMAL TO DO THAT AT THE ZONING STAGE. FRANKLY, IF YOU LOOK AT PAGE 8 OF YOUR STAFF RECOMMENDATION, IT SAYS, IF THE REQUESTED ZONING IS RECOMMENDED FOR THE SITE, 35 FEET OF RIGHT-OF-WAY SHOULD BE DEDICATED FROM THE CENTER LINE OF CULLEN IN ACCORDANCE WITH THE TRANSPORTATION CRITERIA MANUAL IN ORDER TO ACCOMMODATE TRAFFIC ANTICIPATED TO BE GENERATED BY THIS SITE. AND THEN

THERE'S A WEIRD LITTLE HIGHLIGHT THAT SAYS, THIS REQUIREMENT IS BEING DEFERRED TO SITE PLAN STAGE OF DEVELOPMENT. NORMALLY YOU WOULDN'T HAVE THAT LITTLE DEFERRAL, YOU WOULD HAVE THE RIGHT-OF-WAY DEDICATION AT THIS STAGE.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: WHEN YOU READ THAT, IT SEEMS TO ME THAT THE RIGHT-OF-WAY THAT'S GOING TO BE NEEDED IS PRETTY WELL PRESCRIBED.

IT IS.

Dunkerley: SO I DON'T UNDERSTAND WHY THEY WOULD WANT TO DEFER JUST TO THE SITE PLAN STAGE BECAUSE THEY SHOULD KNOW RIGHT NOW WHERE THE RIGHT-OF-WAY'S GOING TO BE, IS GOING TO GO, IS THAT CORRECT?

THEY DO. NORMALLY THE REASON YOU WOULD WANT TO DO THIS IS SO THAT YOU COULD TRADE FOR SOMETHING LATER.

Dunkerley: BUT IF THEY'RE -- OKAY. I REALLY DON'T UNDERSTAND WHY THE STAFF -- MAYBE THEY COULD RESPOND WHY WE DID IT AT THIS STAGE RATHER THAN AT THE --

THEY WOULD BE BETTER TO EXPLAIN THAT. I DON'T THINK IT MAKES A BIG DIFFERENCE TO THEM, BUT THEY CAN EXPLAIN THAT.

WELCOME, MR. ZAPALAC.

GEORGE ZAPALAC WITH WATERSHED PROTECTION. COUNCILMEMBER, WE DO NORMALLY ASK FOR RIGHT-OF-WAY AT THE TIME OF ZONING. IN THIS CASE AS THE APPLICANT MENTIONED, THERE WERE SOME ISSUES WITH THE TREES AT THAT LOCATION. AND ORIGINALLY -- THE WORK THAT IS BEING DONE BY THE PROPERTY OWNER TO THE SOUTH WOULD NOT INCLUDE THIS LITTLE PIECE AT THE INTERSECTION. THEY WERE NOT REQUIRED TO UPGRADE THAT PIECE OF ROADWAY, SO WE DID NOT ANTICIPATE THAT THAT SECTION OF THE ROAD WOULD BE DONE AT THIS TIME.

WE THOUGHT IT WOULD HAVE TO WAIT UNTIL SOMETIME IN THE FUTURE WHEN THIS PROPERTY ON THE CORNER CAME IN WITH SOME DEVELOPMENT. SINCE THAT TIME THEY HAVE -- THE ENDEAVOR REAL ESTATE HAS OFFERED TO BUILD THE ENTIRE SECTION OF THE ROAD, SO WE HAD ALREADY MADE THE COMMITMENT TO THE PROPERTY OWNER THAT WE WOULD DEFER THE DEDICATION OF RIGHT-OF-WAY TO THE SITE PLAN, BUT WE CERTAINLY WOULD NOT OBJECT TO HAVING IT AT THIS TIME.

Dunkerley: LET ME ASK YOU ONE OTHER QUESTION. IF ENDEAVOR AND THE REAL ESTATE INTERESTS OUT THERE THAT HAVE SAID THAT THEY WILL BUILD THE ROAD, IF THEY DON'T BUILD THE ROAD AT THIS TIME, DOES THAT MEAN THAT WHEN THE RIGHT-OF-WAY COMES IN THAT THIS OWNER WOULD HAVE TO DO IT, THE EUERS?

IT DEPENDS ON WHETHER THEY WOULD HAVE TO SUB SUBDIVIDE THE PROPERTY OR NOT. THAT REQUIREMENT WOULD ONLY BE TRIGGERED WITH THE SUBDIVISION. AND SO IT'S POSSIBLE THAT THEY WOULD NOT HAVE TO AND THAT THE CITY WOULD EVENTUALLY HAVE TO BEAR THE COST OF THAT.

Dunkerley: SO IT'S TO OUR ADVANTAGE TO HAVE THE COMPANY ACTUALLY BUILD THE ROAD FOR US.

YES, IT WOULD BE.

Mayor Wynn: THANK YOU, MR. ZAPALAC. SO AT THIS TIME WE HAVE OUR THREE-MINUTE REBUTTAL FROM MR. BROWN. WELCOME BACK.

I WOULD JUST LIKE TO SAY A COUPLE OF THINGS. IT'S ALSO VERY NORMAL TO GRANT SITE -- RIGHT-OF-WAY AT TIME OF SITE PLANNING. I DON'T THINK IT'S DISINGENUOUS OF THE PROPERTY OWNER TO WANT TO UNDERSTAND AND KNOW WHAT'S GOING TO HAPPEN WITH THIS PROPERTY. IT IS IMPORTANT TO THE EUERS -- YOU'VE GOT TO UNDERSTAND, THIS IS A HOMESTEAD PROPERTY TO THEM. THEY HAVE LIVED THERE THEIR -- IT'S PART OF THEIR FAMILY HISTORY. THOSE TREES, THAT CORNER, LIKE I SAID, THERE'S A DEDICATION PLAQUE ON THAT CORNER OF THE PROPERTY

TO THEIR FAMILY. AND THEY HOLD THAT PROPERTY VERY DEAR TO THEIR HEARTS. ALL THEY'VE ASKED IS NOT TO GRANT THE RIGHT-OF-WAY, WHAT THEY'VE ASKED IS TO LET US DEVELOP OUR PROPERTY ACCORDING TO THE WAY THAT WE THINK IS BEST, AND TO ACCOMMODATE THE RIGHT-OF-WAY AT THAT TIME. WE MAY CLOSE OFF THE CURB CUT TO CULLEN LANE. WE MAY DO OTHER THINGS WITH LANDSCAPING. WE'VE TALKED ABOUT RELOCATING THOSE TREES TO OTHER PARTS OF THE PROPERTY. IF ENDEAVOR KINS ON AND -- CONTINUES ON AND BULLDOZES THOSE TREES DOWN, WE CAN'T RELOCATE THEM BECAUSE THEY WON'T BE THERE ANY MORE. SO IT'S IMPORTANT TO THE EUERS THAT WE HAVE WHAT WE FEEL LIKE IS A TIME AND THE EFFORT AND THE CORRECT -- I'M SEARCHING FOR THE WORD, TO USE TO ACCOMMODATE THE SITE THE WAY THAT WE FEEL LIKE WOULD BE THE BEST USE FOR THAT. WE'RE NOT TRYING TO BE OBSTRUCTIONISTS, WE'RE JUST SAYING THAT THIS RIGHT-OF-WAY NEEDS TO BE GRANTED, WE UNDERSTAND THAT. WE WOULD LIKE TO DO IT AT TIME OF SITE PLANNING.

Dunkerley: MAYOR, I HAVE ONE QUESTION. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] YOU ARE SAYING THEY WILL NOT PAY FOR IT AT THE TIME OF COLLEAGUES.

Dunkerly: IF GEORGE WILL COME BACK UP, I THINK THAT'S WHAT HE TOLD --

THEY ARE SAYING THAT --

Dunkerly: NO, LET'S LET MR. SAP LACK SAY WHAT HE TOLD ME -- MR. ZAPALAC SAY WHAT HE TOLD ME JUST THEN.

WE COULD ONLY REQUIRE THE SUBJECT PROPERTY TO IMPROVE CULLEN LANE IN PROPORTION TO THEIR IMPACT UPON THAT ROAD. SO WE HAVE TO DETERMINE THAT THEIR IMPACT REQUIRES THE UPGRADING OF THAT PIECE OF ROAD. OR THROUGH THE SUBDIVISION PROCESS THEY CAN BE REQUIRED TO UPGRADE THAT ROAD.

LET ME ASK YOU THIS: IS THE ENDEAVOR GROUP RIGHT NOW REQUIRED TO DO IT.

NO.

Dunkerly: THEY ARE NOT REQUIRED. IF THEY DON'T CHOOSE TO DO IT, YOU ARE SAYING IF THEY DON'T SUBDIVIDE THE PROPERTY, YOUR OWNERS WON'T DO IT. IT MEANS IF WE ARE GOING TO HAVE IT FIXED WE'LL DO IT. THAT'S MY CONCERN. I DON'T WANT US TO GET STUCK WITH A BILL THAT WE DON'T HAVE TO HAVE. THAT'S MY CONCERN.

Mayor Wynn: SHARED. COUNCILMEMBER MCCRACKEN?

McCracken: MR. ZAPALAC, I GUESS I HAVE SOME SIMILAR CONCERNS AS COUNCILMEMBER DUNKERLY AND -- SPECIFICALLY THERE'S THIS LINE IN THE -- IN THE STAFF BACKUP THAT SAYS IF THE REQUESTED ZONING IS RECOMMENDED FOR THIS SITE, 35 FEET OF RIGHT-OF-WAY SHOULD BE DEDICATED FROM THE CENTER LANE OF CULLEN LANE IN ACCORDANCE WITH THE TRANSPORTATION CRITERIA MANUAL IN ORDER TO ACCOMMODATE TRAFFIC, ANTICIPATE THAT IT BE GENERATED BY THIS SITE. DOES THAT MEAN WHAT IT SAYS THAT IT MEANS, THAT IN STAFF'S OPINION THAT THIS ZONING CHANGE MEANS THAT THERE SHOULD BE 35 FEET OF RIGHT-OF-WAY DEDICATED FOR THE CULLEN LANE?

YES. THE INCREASED ZONING WILL INCREASE THE POTENTIAL TRIP GENERATION ON THE PROPERTY. AND, THEREFORE, WE FEEL JUSTIFIED TO THE DEDICATION OF ADDITIONAL ROY RIGHT-OF-WAY. WE WERE WILLING TO DEFER IT TO THE SITE PLAN STAGE BECAUSE OF ISSUES THAT WERE DISCUSSED, BUT THAT WAS BEFORE WE KNEW THAT ENDEAVOR WAS WILLING TO BUILD THE BALANCE OF THE ROAD.

McCracken: ASSIGNED LIKE WE RUN THE RISK OF THE TAXPAYERS PICKING IT UP AS OPPOSED TO NOT HAVING TO PAY FOR IT. IF STAFF BELIEVES THAT WE ARE GOING TO NEED TO DO IT BECAUSE OF THIS SIDE ZONING -- I PERSONALLY DON'T SEE THE BENEFIT OF DEFERRING IT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM?

Goodman: I DON'T KNOW IF GEORGE WOULD KNOW THIS. BUT ABOUT THE TREES, WOULDN'T THE 35-FOOT RIGHT-OF-WAY ALLOW FOR MINOR ADJUSTMENTS IN THE ALIGNMENT ANYWAY? I'M SORRY, I DIDN'T QUITE HEAR YOUR QUESTION.

Goodman: THE TREES.

YES.

Goodman: THAT WE ARE CONCERNED ABOUT WAITING UNTIL SITE PLAN STAGE TO PLAN THAT AROUND, WOULDN'T 35 FEET GIVE YOU THE LEEWAY TO -- TO SLIGHTLY MODIFY THE ALIGNMENT ANYWAY.

YES. IT PROBABLY WOULD. THERE MAY NEED TO BE SOME CONSIDERATION OF WHERE THE SIDEWALK IS LOCATED IN ORDER TO AVOID THE TREES AS WELL, OR IT MAY BE POSSIBLE TO RELOCATE THE TREES. OUT OF THE RIGHT-OF-WAY. BUT -- BUT IT PROBABLY -- THE ADDITIONAL 10 FEET OF RIGHT-OF-WAY WOULD GIVE US SOME LATITUDE TO WORK AROUND THE TREES. IT'S JUST THAT -- THAT WE WEREN'T -- WE DIDN'T HAVE ALL OF THE INFORMATION AT THIS TIME AND THE APPLICANT DID EXPRESS SOME CONCERN ABOUT THAT, SO WE SAID WELL, WE WOULD BE WILLING TO WORK THAT OUT AT THE TIME OF THE SITE PLAN. BUT NOW THAT WE HAVE AN OFFER TO BUILD THE REST OF THE ROAD, WE CERTAINLY WOULD NOT OBJECT TO HAVING A RIGHT-OF-WAY DEDICATED WITH THE ZONING.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS, COUNCILMEMBER ALVAREZ? COUNCILMEMBER ALVAREZ?

Alvarez: [INDISCERNIBLE] THANKS, MAYOR. AND A QUESTION FOR -- FOR MR. SUTTLE OR SOMEONE REPRESENTING ENDEAVOR. BECAUSE IT SEEMS LIKE THERE'S AN ISSUE OF TIMING HERE WHERE -- WHERE THE PROPERTY OWNER REALLY WANTS SOME TIME TO MAP OUT HOW THEY LIKE TO LAY OUT THE PROPERTY AND MADE ME RELOCATE SOME TREES AND HOW SOON ARE YOU GOING TO NEED THE ROAD TO HAVE THE ROAD, YOU KNOW, FINISHED SO THAT WHEN -- WHEN THE -- THE CENTER OPENS UP THE COMMERCIAL CENTER YOU HAVE THE ACCESS YOU NEED.

WE HAVE -- EXCUSE ME, WE HAVE A LOT OF FLEXIBILITY ON THE TIMING. YOU CAN SET A TIME WHATEVER YOU THINK IS REASONABLE FOR PLANNING AND MOVING OF THE TREES. WE ARE -- WE WILL BE AMENABLE TO THAT. SO IF THE RIGHT-OF-WAY GETS DEDICATED NOW, THAT THERE COULD BE SEVERAL MONTHS TIME WINDOW OR --

HOW MUCH IS IT? SIX MONTHS TOO MUCH? THREE MONTHS TOO MUCH? IS --

THAT WOULD BE KIND OF UP TO YOU. I MEAN I WOULD GUESS THAT YOU COULD PROBABLY PLAN AND EXECUTE WITHIN THREE TO FOUR MONTHS, I WOULD THINK. BUT THAT -- WE'RE AMENABLE TO -- TO A REASONABLE AMOUNT OF TIME TO GET THAT ISSUE WORKED OUT AND WE CAN ALSO WORK WITH THE CITY STAFF ON ALIGNING THE ROAD AND PLACING THE SIDEWALK.

THANK YOU, MR. SUTTLE. THEARZ THEN TO THE APPLICANT. DO YOU HAVE AN IDEA ABOUT HOW MUCH TIME YOU WOULD NEED TO -- TO DO THE PLANNING --

TO SFOL THE SITE PLAN. I WOULD ASSUME A SIX-MONTH TIME FRAME WOULD BE REASONABLE. THERE IS A -- THERE IS QUITE A BIT AFTER BIT OF AN EXPENSE TO FILING SITE PLANS WITH THE CITY.

SIX MONTHS IS FINE WITH US.

OKAY. SO WE COULD THEORETICALLY MOVE FORWARD WITH THE DEDICATION NOW WITH THE -- WITH THE FRIENDLY AGREEMENT HERE FROM -- FROM ENDEAVOR THAT THEY WOULD HOLD OFF FOR SIX MONTHS BUT STILL MOVE FORWARD WITH THE CONSTRUCTION, I DON'T KNOW. IF THAT -- OR WOULD WE BE ABLE TO -- TO -- I MEAN AS THE CITY COULD WE MAKE THAT ADMINISTRATIVE DECISION ABOUT WHEN -- WHEN THE ACTUAL IMPROVEMENTS ARE ALLOWED TO BE PUT ON THE GROUND?

I THINK THAT THE CITY IN ITS PROCESS CAN -- CAN ASSIST WITH THE TIMING, HOWEVER IF -- IF WE'RE CONCERNED ABOUT -- ABOUT THERE BEING AN ABSOLUTE ROCK BOTTOM AGREEMENT, THAT REALLY NEEDS TO BE BETWEEN THE

EUERS AND ENDEAVOR. I'M SURE THE CITY PROCESS CAN  
HE WITH -- WE CAN -- [INDISCERNIBLE] IF THE SITE PLAN  
COMES IN IN SIX MONTHS, IF ENDEAVOR IS WILLING TO -- TO  
STAGE THEIR CONSTRUCTION AS SUCH SIX MONTHS, THAT  
CAN BE HANDLED IN THE CITY'S PROCESS AND WHAT I'M  
GOING TO DO IS I WANTED TO DEFER TO GREG AND LET HIM  
SPEAK TO THE PROCESS TO MAKE SURE THAT I'M CORRECT  
IN SAYING THAT.

THAT WOULD PROBABLY BE CORRECT, WHAT -- BUT I  
WANTED ADVICE. COUNCIL WHAT WE DO IS WORK WITH THE  
PROPERTY OWNER NOW, BECAUSE IF THERE'S A  
DEDICATION OF RIGHT-OF-WAY, WE WOULD NEED FIELD  
NOTES FOR THAT DEDICATION BEFORE WE COULD COME  
BACK FOR FINAL ORDINANCE READING. AND IN THAT  
MEANTIME WE CAN CHECK WITH OUR TRANSPORTATION  
DIVISION OF PUBLIC WORKS ABOUT -- ABOUT ANY KIND OF  
NEEDS THAT NEED TO BE ADDRESSED, PRIOR TO ITS  
ACTUAL CONSTRUCTION IN WORKING WITH A FAMILY FOR  
THE RELOCATION OF THOSE TREES PRIOR TO BRINGING US  
BACK FOR SECOND AND THIRD READING.

IN ADDITION THAT WOULD GIVE THE EUERS AN  
OPPORTUNITY AND TIME TO WORK OUT THAT TIMING WITH  
ENDEAVOR TO TIE THAT DOWN WITH THEM, SO -- SO THERE  
ARE A NUMBER OF THINGS THAT ARE OUT THERE THAT  
WOULD ALLOW THAT -- THAT AGREEMENT TO TAKE PLACE.

I WOULD LIKE JUST TO NOTE FOR THE COUNCIL THAT -- THAT  
MR. SUTTLE DID HAND ME A PETITION JUST MOMENTS AGO  
REGARDING THE REZONING OF THIS PROPERTY, I CANNOT  
TELL YOU IF IT'S INVOLVED OR NOT. BUT IT IS FROM -- FROM  
THREE PROPERTY OWNERS, THAT ONE PROPERTY TO THE  
WEST, THE NORTHWEST AND TO THE NORTH OF THE  
SUBJECT TRACT. SO I WOULD SUGGEST COUNCIL ONLY  
MOVE FORWARD WITH FIRST READING THIS EVENING IN  
ORDER TO ALLOW US, ALLOW STAFF TIME TO SEE IF THE  
PETITION IS VALID SO WE KNOW THAT YOUR VOTE,  
WHATEVER IT MAY BE, IN THE FUTURE, WILL BE ADEQUATE  
TO APPROVE IF THE COUNCIL SO DESIRES. THANK YOU, MR.  
GUERNSEY. FURTHER QUESTIONS, COMMENTS? IF NOT I'LL  
ENTERTAIN A MOTION ON ITEM Z-10.



SO EITHER WAY WE'RE JUST -- ANYWAY, WITH THE UNDERSTANDING, READY FOR FIRST, WITH THE UNDERSTANDING THAT AT LEAST THERE'S SEVERAL COUNCILMEMBERS TO DO THE DEDICATION NOW THAT -- THAT WE GO AHEAD AND APPROVE THIS -- THIS ITEM ON FIRST READING AND THEN WHAT WE HAVE TO STIPULATE NOW THAT -- THAT THE RIGHT-OF-WAY WOULD BE DEDICATED? MR. GUERNSEY, SINCE YOU MENTIONED THAT -- THAT THERE WOULD HAVE TO BE SOME GROUNDWORK OR LEG WORK DONE IN ORDER FOR THAT TO HAPPEN BUT WHAT -- IF WE WAIT UNTIL SECOND AND THIRD READING AND IT TURNS OUT THAT THE RIGHT-OF-WAY DEDICATION HAPPENED NOW, THEN THAT WOULD REQUIRE THEN SOME ADDITIONAL TIME OR -- SO --

IF COUNCIL DESIRES, FIRST READING FOR TODAY, WITH THE INCLUSION OF THE STREET RIGHT-OF-WAY DEDICATION, THEN WE WOULD GET WITH THE APPLICANT AND THEN WORK THROUGH WHAT WOULD BE NEEDED FOR THE ACTUAL DEDICATION. I BELIEVE THAT'S THE ONLY A -- 10 FEET THAT WOULD BE NEEDED AND THEN OUR LAW DEPARTMENT WOULD PREPARE A STREET DEED AND THAT WOULD BE BROUGHT BACK WITH THE ORDINANCE FOR SECOND AND THIRD READING.

OKAY. I GUESS WHAT I WILL MOVE IS THAT ON THE FIRST READING WE MOVE FORWARD WITH -- WITH -- I THINK ZONING AND PLATTING COMMISSION RECOMMENDATION WITH THE [INDISCERNIBLE] THE NEED TO DEDICATE THE RIGHT-OF-WAY WITH THE ZONING.

I UNDERSTAND THE APPLICANT IS ALSO -- HAS ALSO AGREED TO AGREE TO ADDITIONAL LIST OF PROHIBITED USES AND --

YEAH, WITH PARK RIDGE HOMEOWNERS ASSOCIATION, SURE. WE HAVE A -- WE HAVE THE SAME AGREEMENT THAT WAL-MART HAD AS FAR AS CONDITIONAL OVERLAYS ON THAT PROPERTY. THEN WE ALSO CAPPED IT AT THE SIZE OF THE DEVELOPMENT TO MINIMIZE ANY TRANSPORTATION ISSUES.

Alvarez: OKAY. I WILL MAKE THAT AS A MOTION.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ TO CLOSE THE PUBLIC HEARING ON Z-10 AND APPROVE THE ZONING AND PLATTING COMMISSION RECOMMENDATION AND ALSO INCLUDE INSTRUCTIONS FOR THE ULTIMATE INCLUSION OF THE RIGHT-OF-WAY, FIRST READING ONLY.

AND WITH THE ADDITIONAL PROHIBITED USES THAT THE -- THAT THE APPLICANT HAS AGREED TO AS CONDITIONAL OVERLAY.

AGREED.

YES.

SECOND.

SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: MAYOR, JUST MAYBE THEN ON MY SECOND AND THIRD READING WE'LL HAVE A BETTER IDEA ON THE TIMING FOR THE APPLICANT AND ALSO MAYBE FROM THE -- FROM THE FOLKS THAT WERE HERE TO SPEAK IN FAVOR OF THE DEDICATION AND WE'LL KNOW MORE ABOUT HOW THAT -- HOW THAT'S GOING TO PLAY OUT.

Mayor Wynn: AGREED. MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A MOTION OF 7-0. THANK YOU, MS. BROWN. MR. GUERNSEY. FOLKS BEFORE WE GO TO THE NEXT CASE, I WANT TO POINT OUT BOY SCOUT TROOP NUMBER NINE IS HERE FOR A FEW MINUTES. I THINK YOUNG MEN WORKING ON THEIR CITIZENSHIP BADGE OR SOMETHING SIMILAR, HERE SEEING GOOD GOVERNMENT IN ACTION. WELCOME, GENTLEMEN. MR. GUERNSEY.

Gurensey:: MAY, THE APPLICANT ON ITEM NO. Z-13, THE APPLICANT'S AGENT ON Z-13, THIS IS C14-04-140, SWAF FORD

CASE, HAS APPROACHED ME AND ASKED FOR A POSTPONEMENT, THEY ARE NOT -- THEY ARE FEELING ILL, NOT FEELING WELL AT THIS TIME. A LITTLE I WILL, THEY HAVE A VERY EARLY FLIGHT TO CATCH IN THE MORNING. AND ASKED THE COUNCIL'S INDULGENCE FOR POSTPONEMENT TO THE NEXT MEETING. SHE IS HERE, MS. CROCKER IS HERE AND CAN SPEAK TO THAT REQUEST. I THOUGHT YOU MIGHT BE INTERESTED IN THAT POSTPONEMENT REQUEST. I'M NOT SURE IF THE NEIGHBORHOOD IS AGREEABLE TO THE REQUEST. I BELIEVE THERE ARE SOME MEMBERS HERE THAT WOULD LIKE TO SPEAK TO THAT ITEM. IT'S Z-13, MAYOR.

Mayor Wynn: WE DO HAVE 18 CITIZENS SIGNED UP, NOT MANY WISHING TO SPEAK. ON ITEM Z-13. BUT WE HAVE A REQUEST FOR POSTPONEMENT. MAYOR PRO TEM?

Goodman: IS THIS THE FIRST?

Guernsey: IT IS THE FIRST REQUEST.

Mayor Wynn: I WILL ENTERTAIN A MOTION.

Goodman: I'M SORRY, HOW FAR DID WE WANT TO POSTPONE?

Guernsey: I BELIEVE THE NEXT COUNCIL MEETING, WHICH IS IN TWO WEEKS.

Goodman: I'LL MOVE TO POSTPONE TO NEXT MEETING AS WE DO EVERY FIRST REQUEST.

Mayor Wynn: RIGHT.

Goodman: FROM EITHER SIDE.

Mayor Wynn: I WILL SECOND THAT AS OUR STANDING TRADITION TO POSTPONE REQUESTS ON FIRST REQUEST FROM EITHER SIDE, AN APPLICANT OR OPPOSITION. MOTION MADE BY MAYOR PRO TEM, SECONDED BY ME TO POSTPONE CASE Z-13 TO THURSDAY, NOVEMBER 27th, 2005. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU.

Guernsey: MAYOR AND COUNCIL, THAT BRINGS US TO OUR NEXT ITEM, Z-11, C14-04-174, THE FISHER REZONING LOCATED AT 11920 11920 I-35 NORTH. A REQUEST FROM L.O. ZONING TO GR-CO, WHICH IS COMMUNITY COMMERCIAL WITH CONDITIONAL OVERLAY COMBINING DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION DID MAKE A RECOMMENDATION TO APPROVE THIS REQUEST. TO GR-CO ZONING, WITH A TRIP LIMITATION OF 2,000 TRIPS PER DAY TO ALLOW AUTOMOTIVE RENTAL USE AS THE ONLY GR USE AND ALL OTHER L.O. USES. THE PROPERTY IS LOCATED ALONG IH 35 IN AN AREA) □ THAT'S MOSTLY L.O. ZONING RIGHT ALONG I-35, C.S. ZONING IMMEDIATELY TO THE SOUTH AND THEN PICKS UP AGAIN WITH L.O. ZONING. THEY ARE SINGLE FAMILY, SF 1 ZONING TO THE REAR AND SINGLE FAMILY USES A LITTLE BIT FURTHER TO THE WEST. TO GIVE YOU A LITTLE IDEA WHERE YOU ALL, THIS IS BIG WALNUT CREEK IN THE PARK -- 35 OFFICE PARK, RIGHT LOCATED IN THIS AREA. THE APPLICANT TRANSMITTED A LETTER TO OUR OFFICE AND I BELIEVE TO ALL YOUR OFFICES. IT IS ON YOUR DAIS NOW. IT IS ITEM NO. Z-11. AND THE -- THE APPLICANT WOULD LIKE TO ADD 11 ADDITIONAL USES TO THE AUTO RENTAL USE. THAT WOULD BE PERMITTED ON THE PROPERTY. THEY -- THEY WOULD SUPPORT THE COMMISSION'S RECOMMENDATION IN THE GR REQUEST. THEY ARE SIMPLY ASKING FOR 11 MORE USES IN ADDITION TO THE AUTO RENTAL USE. AND I'LL LET -- I'LL LET THE APPLICANT OR THE APPLICANT'S AGENT SPEAK TO THAT. AT THIS TIME, I WILL PAUSE AND I WILL LET I GUESS MR. JIM WITLIFF SPEAK TO THIS ISSUE. WITHMR. WITLIFF IF YOU WANT TO COME OVER HERE, YOU'RE CERTAINLY WELCOME TO USE THE PODIUM, IF YOU WANT TO USE THE MOBILE MIC YOU CAN USE THAT IF YOU WANT TO POINT TO THE CITY EXHIBIT.

SO MR. WITLIFF YOU WILL HAVE A FIVE MINUTES APPLICANT PRESENTATION.

THANK YOU, COUNCIL AND MAYOR AND THANK YOU, GREG. MY NAME IS JIM WITLIFF WITH LAND ANSWERS HERE ON

BEHALF OF MS. LYLY FISHER WHO ALSO WILL SPEAK WITH YOU BRIEFLY. MAYOR AND COUNCIL, AS -- AS MR. GUERNSEY SAID, THIS PROPERTY IS ON I-35. IT'S LOCATED MID-WAY BETWEEN AN OFF RAMP AND AN ON RAMP ON SOUTHBOUND I-35. MS. FISHER BOUGHT THIS PROPERTY A COUPLE OF YEARS AGO AS A TRUST FOR HER CHILDREN FOR THEIR EDUCATION. SHE'S PUT A LOT OF TIME AND MONEY INTO RENOVATING IT. I HAVE PASSED SOME PHOTOGRAPHERS, THOUGHT THAT I WOULD SHOW YOU WHAT THE PROPERTY IMPROVEMENTS LOOKED LIKE. IT'S A -- IT'S A SMALL VICTORIAN STYLED STRUCTURE. IT'S ABOUT 1900 SQUARE FEET. IT'S GOT 15 PARKING SPACES ON IT. AND IT SITS ON A PIECE OF PROPERTY THAT'S A LITTLE MORE THAN A THIRD OF AN ACRE WITH ABOUT 105 105 FEET OF FRONTAGE ON I-35. MS. FISHER IS A REAL ESTATE AGENT BY TRADE AND SHE SPENT AN UNBELIEVABLE 18 MONTHS TYING TO GET A LEASE FOR A PROPERTY THAT LOOKS MIGHTY GOOD ON I-35 AFTER SHE SPENT \$30,000 RENOVATING IT. AND EVERYONE THAT CAME TO HER WANTED USES THAT WEREN'T ALLOWED BY HER L.O. ZONING. SO YOU CAN EVEN SEE THE SIGN ON THERE. SHE HAD IT LISTED AS OFFICE SPACE FOR LEASE. I MET WITH A NEIGHBORHOOD IN NOVEMBER AND DISCUSSED IT WITH THEM. AT THAT TIME WE VOLUNTARILY AGREED TO LIMIT CERTAIN USES BECAUSE IT DOES BACK UP TO A -- TO A RESIDENTIAL NEIGHBORHOOD AND WE'RE SENSITIVE TO THAT. AND I SHOULD ALSO ADD THAT THE PROPERTY DOES, EVEN THOUGH IT DOESN'T HAVE TO GO THROUGH THE SITE PLAN PROCESS, IT DOES ALREADY COMPLY WITH THE 25-FOOT COMPATIBILITY REQUIREMENT. THERE'S NO DEVELOPMENT ON THE BACK AND MS. FISHER DID PUT A BRAND NEW FENCE IN ALONG THE BACK PROPERTY LINE. AND I THINK THE BUILDING AS IT SITS RIGHT NOW IS -- IS AS COMPATIBLE OF A COMMERCIAL USE ADJACENT TO RESIDENTIAL IS -- AS YOU COULD HOPE FOR. THE USES THAT WE AGREED TO PROHIBIT WHEN WE MET WITH THE NEIGHBORHOOD BACK IN NOVEMBER WERE AUTO REPAIR, AUTO WASHING, BAIL BOND SERVICES, EXTERMINATING SERVICES, COMMERCIAL OFFSTREET PARKING, OUTDOOR SPORTS AND RECREATION, DRIVE-THROUGH SERVICES WITH THE EXCEPTION OF FINANCIAL, SERVICE STATION AND AN URBAN FARM. WE DID LEAVE AUTO RENTING IN THERE BECAUSE SHE CURRENTLY HAS A LEASE WITH HERTZ

CORPORATION AND THEY WANT TO USE IT AS THEIR OFFICE AND AS A SMALL SATELLITE LEASING OFFICE SIMILAR TO -- TO WHAT I'M FAMILIAR WITH, WHICH IS ENTERPRISE, SORRY HERTZ. AND THEY -- AT THE ZONING AND PLATTING COMMISSION, THERE WAS DISCUSSION ON HOW MANY CARS WOULD BE THERE. THEY SAID THEY CERTAINLY HOPED THAT THEY WOULD NEVER HAVE MORE THAN FIVE CARS AT NIGHT. ZONING AND PLATTING ASKED THEM IF THEY WOULD COMMIT TO THAT. THEY DID SAY YES AT THE TIME. ONE OF THE THINGS THAT I'M HERE TO ASK YOU FOR TODAY IS IF THERE WOULD BE CONSIDERATION TO MODIFY THAT TO -- TO 10 CARS ON THE PROPERTY, THEY STILL DON'T THINK THAT THEY WOULD HAVE MORE THAN FIVE, BUT IT SEEMS AWFUL HARD AND I'M NOT AWARE OF ANY COMMERCIAL PROPERTIES ON I-35 THAT HAVE EVER BEEN ASKED TO LIMIT THEIR PARKING TO FIVE CARS AT ANY ONE TIME. WE WOULD APPRECIATE YOUR CONSIDERATION ON THAT. THE USES THAT WE'RE INTERESTED IN ON THE PROPERTY ARE I THINK REASONABLE USES FOR THIS TYPE OF BUILDING, ON THIS TYPE OF A SITE. I WILL LIST THEM VERY BRIEFLY. THERE'S 11 OF THEM. BUSINESS SUPPORT SERVICES, CONSUMER CONVENIENCE SERVICES, FOOD SALES, GENERAL RETAIL SALES CONVENIENCE, OFF-SITE ACCESSORY PARKING, PERSONAL IMPROVEMENT SERVICES, PERSONAL SERVICES, PET SERVICES, RESEARCH SERVICES, RESTAURANT LIMITED AND RESTAURANT GENERAL. AND WE THINK THAT -- THAT THESE TYPE OF USES CAN BE COMPATIBLE WITH THE NEIGHBORHOOD, THESE ARE THE TYPES OF PEOPLE THAT IN THE LAST 18 MONTHS HAVE ASKED MS. FISHER TO LEASE HER THE PROPERTY AND -- AND WE WOULD HOPE THAT YOU WOULD SUPPORT THIS REQUEST FOR THESE ADDITIONAL 11 USES, THANK YOU AND I'LL ANSWER ANY QUESTIONS.

Mayor Wynn: QUESTIONS FROM THE APPLICANT OR THE AGENT? COUNCIL? THANK YOU, WE WILL NOW HEAR FROM FOLKS SIGNED UP WISHING TO SPEAK IN FAVOR OF THE ZONING CASE. THAT WILL BE MS. LYLY FISHER. WELCOME, MA'AM, YOU'LL HAVE THREE MINUTES.

MAYOR AND COUNCILMEMBER, MY NAME IS LYLY FISHER, MY HUSBAND AND I HAVE BROUGHT THIS PROPERTY ABOUT TWO YEARS, I AM A COMMERCIAL REAL ESTATE BROKER AND AFTER MUCH TIME RENOVATED AND ALMOST A YEAR

AND A HALF WE CANNOT FIND TENANTS AND NOW WE ARE LUCKY ENOUGH TO HAVE HERTZ COME IN AND EVEN THEN THEY STILL CANNOT RUN THEIR BUSINESS BECAUSE OF THE LIMITED ZONING, I TRULY ASK FOR YOUR SUPPORT TO EXTEND MY USAGE TO OTHERS BECAUSE I HAVE SO MANY APPLICANTS THAT COME IN THAT WANTED TO DO OTHER BUSINESS BUSINESSES, I JUST CAN'T. AND BECAUSE I CANNOT LESION THAT FOR ALMOST A YEAR AND A HALF, WE ALMOST HAVE TO FORECLOSE THE PROPERTY AND IT IS RIGHT NOW THE PROPERTY IS UNDER OUR FAMILY TRUST NAME. IT IS INTENDED FOR OUR CHILDREN'S COLLEGE FUND. SO I -- I REALLY ASK FOR YOUR SUPPORT TO THE EXTENT -- THAT YOU ARE REQUESTING FOR. THANK YOU.

THANK YOU, MS. FISHER.

QUESTIONS, COUNCIL?

AT THIS TIME WE WILL HEAR FROM I THINK MS. FISHER. WE WILL HEAR FROM FOLKS IN OPPOSITION TO THE ZONING CASE, THAT WOULD BE WAYNE TOBIAS. WELCOME, WAYNE. AND IS SANDY HERE. SANDY, WELCOME, SANDY, SO -- SO WAYNE, SANDY IS DONATING HER TIME TO GO, SO YOU HAVE UP TO SIX MINUTES.

THANK YOU. I HAVE GOT IT PREPARED SO I WON'T WASTE ANYBODY'S TIME. MAYOR AND COUNCILMEMBERS, I'M WAYNE TOBIAS PRESIDENT OF THE WALNUT CREEK NEIGHBORHOOD ASSOCIATION, THANK YOU FOR HEARING ME. THE FRONTAGE OF LAMAR BETWEEN RUNDBERG AND BRAKER, A SPAN OF A LITTLE OVER A MILE, THERE ARE 18 AUTOMOTIVE RELATED BUSINESSES, NOT INCLUDING GAS STATIONS. FOR HALF OF THESE BUSINESSES ARE USED CAR SALES, ALONG THE FRONTAGE OF THE FREEWAY BETWEEN, WITHIN ONE MILE OF BRAKER INTERSECTION, THERE ARE FIVE AUTOMOTIVE RELATED BUSINESSES, NOT INCLUDING GAS STATIONS OR A LIMO SERVICE. THREE OF THESE ARE SALES RELATED. ONE USED CAR IS LOCATED AT COVINGTON A PRIMARY ENTRANCE OFF THE FRONTAGE ROAD INTO THE WALNUT CREEK NEIGHBORHOOD A SHORT DISTANCE FROM THIS SITE. THE REASON I GAVE THE NUMBER OF AUTO BUSINESSES ON LAMAR IS TO ILLUSTRATE HOW AUTOMOTIVE BUSINESSES SEEM TO BE PROLIFIC ALONG

MAJOR ARTERIES IF UNCHECKED. I FEEL THIS SECTION OF FRONTAGE, EVEN THOUGH RIGHT AGAINST SF-1 AND SF-2 LOTS IS PRIME FOR THIS BUSINESS IF WE START ALLOWING UNCHECKED GR ZONING. A SIDE NOTE THE NEIGHBORHOOD BOARD HAS BEEN MADE AWARE OF TWO LOTS CURRENTLY ZONED L.O., PURCHASED BY TWO USED CAR DEALERS THAT WANT TO OPEN DEALERSHIP. BOTH TO OWNER OPENED SF-1 HOMES. IT SEEMS SOME BUSINESS PEOPLE DON'T CARE WHO THEY AFFECT BY THEIR BUSINESSES, THEY JUST WANT TO MAKE A PROFIT. THIS ZONING REQUEST CONCERNS PROPERTY THAT IS ADJACENT TO SINGLE FAMILY HOMES WHERE A BUFFER DOES NOT EXIST. GR USES ARE NOT APPROPRIATE AGAINST SINGLE FAMILY AND ZONING OF THIS PROPERTY GR WOULD SET A PRECEDENT FOR FUTURE GR ZONING ALONG THIS AREA. GR USES, WHICH INCLUDE MOST AUTOMOTIVE BUSINESSES OR BUSINESSES THAT TYPICALLY OPERATE BEYOND NORMAL BUSINESS HOURS, SUCH AS CONVENIENCE STORES, DRIVE-THROUGH BUSINESSES OR BUSINESSES THAT REQUIRE INTENSIVE LIGHTING TO PROTECT PROPERTIES STORED OUTDOORS SUCH AS OFFSITE PARKING SHOULD BE AVOIDED WHERE A PROPER BUFFER IS NOT AVAILABLE. WHEN A PETITION WAS CIRCULATED TO ADJOINING NEIGHBORS, THEY DID NOT HAVE A PROBLEM WITH THE HERTZ BUSINESS. THEY DID, HOWEVER, HAVE PROBLEMS WITH OTHER POTENTIAL GR BUSINESSES THAT COULD EXIST IF HERTZ MOVED. THERE'S A VACANT LOT LOCATED NORTH OF THIS PROPERTY. AND THE PROPERTY SOUTH IS ZONED C.S. THE NEIGHBORHOOD BOARD HAS A MAJOR CONCERN ABOUT ALLOWING GR ON THIS PROPERTY, BECAUSE IT CAN SET A PRECEDENCE TO ALLOWING GR IN OTHER LOTS IN THIS AREA. THERE'S ALSO NOTHING TO PREVENT THE C.S. FROM TAKING THE PROPERTY WHICH WOULD BE GR NOW, AND GETTING THE PROPERTY BELOW THAT ANOTHER GR, NOW WE HAVE A POTENTIAL FOR A USED CAR OR EVEN A LARGE RENTAL BUSINESS SUCH AS WHAT'S JUST UP THE STREET HERE I NOTICED ON THE WAY IN. WE ARE CONCERNED ABOUT POSSIBLE LOOPHOLES THAT WOULD ALLOW THIS PROPERTY TO BECOME A USED CAR LOT IN CONJUNCTION WITH THE C.S. PROPERTY LOCATED TO THE SOUTH SHOULD [INDISCERNIBLE] LEAVE THE PROPERTY. ZONING AND PLATTING COMMISSION HAS RECOMMENDED A ZONING



CHANGE TO GR CO WITH AUTOMOTIVE RENTAL THE ONLY GR ITEM. THE NEIGHBORHOOD BOARD HAS MET SINCE THE Z.A.P. MEETING AND AGREED THAT THE Z.A.P. RECOMMENDATION SUFFICIENTLY LIMITS THE NEGATIVE IMPACT TO THE NEIGHBORHOOD. WE CONCUR WITH Z.A.P.'S RECOMMENDATION, BUT REQUEST A ZONING ROLLBACK TO L.O. SHOULD THE GR BUSINESS LEAVE THE PROPERTY. I WAS JUST GIVEN INFORMATION THE SAME THING THAT YOU WERE THIS EVENING ABOUT -- ABOUT THE OTHER REQUEST BY THE APPLICANT. WE MIGHT BE ABLE TO AGREE WITH ABOUT HALF OF THEM. THE OTHER HALF, THOUGH, DO LOOK LIKE BUSINESSES THAT WOULD REQUIRE EITHER EXCESSIVE LIGHTING OR MAYBE ALLOW BUSINESSES THAT COULD STAY OPEN LATE AT NIGHT, COULD HAVE TRAFFIC GOING WELL BEYOND NORMAL BUSINESS HOURS. FOR NOW, I WOULD LIKE TO GO WITH THE ZONING AND PLATTING AND REQUEST THAT -- THAT WE ALLOW THE ZONING PER Z.A.P. THANK YOU.

Mayor Wynn: THANK YOU, MR. TOBIAS. COUNCIL, THAT'S ALL OF THE FOLKS WHO HAVE SIGNED UP IN FAVOR OR IN OPPOSITION. SO MR. WITLIFF WILL HAVE A THREE MINUTE REBUTTAL.

THANK YOU, MAYOR. VERY BRIEFLY, AS YOU ALL ARE FAMILIAR, THERE'S FIVE USES THAT ARE CONSIDERED THE AUTO USES UNDER GR ZONING. SERVICE STATION, AUTO SALES, AUTO RENTAL, AUTO REPAIR AND CAR WASHING. WE HAVE AGREED TO PROHIBIT FOR THOSE FIVE USES, THE ONLY REASON WE WANT AUTO RENTALS IS BECAUSE MS. FISHER HAS A TENANT NOW AND AS MR. TOBIAS SAID THE NEIGHBORHOOD IS FINE WITH THAT TENANT. WE THINK THAT IT'S A GOOD USE OF THE PROPERTY. BUT THIS IS A LEASE AND THEY ARE GOING TO GO AWAY AND WHEN THEY GO AWAY, MS. FISHER IS GOING TO HAVE A PROPERTY THAT SHE CAN EITHER RENT TO AN L.O. USE WHICH SHE HASN'T BEEN ABLE TO FIND IN THE LAST 18 MONTHS OR SHE CAN FIND ANOTHER AUTO RENTAL COMPANY TO RENT IT TO. WHAT WE ARE ASKING FOR IS SOME REASONABLE LATITUDE FOR THAT PIECE OF PROPERTY THE WAY IT'S DEVELOPED WITH ITS CONFIGURATION FOR REASONABLE USES. WE ARE NOT INTERESTED IN THINGS THAT ARE OPEN LATE HOURS, HAVE BRIGHT LIGHTS OR DISRUPTIVE. WE ARE AGREEABLE BY THE WAY FOR THE COUNCIL TO ADD A RESTRICTION TO

THIS ZONING FOR A 25-FOOT COMPATIBILITY SETBACK. WE ALREADY COMPLY AND WE WILL KEEP IT THAT WAY, WE WILL ENSURE. AS FAR AS PRECEDENT AND OTHER PROPERTIES, I WOULD LIKE TO SAY THAT WE ARE SETTING THE BAR HIGH IN THAT ANYONE ELSE WHO COMES IN AND SAYS HIS PROPERTY THAT CAME IN AND REZONED THEY DIDN'T GET AUTO SALES, AUTO REPAIR, THESE OTHER USES THAT THE NEIGHBORHOOD IS CONCERNED ABOUT, RIGHTFULLY SO. SO WE WOULD APPRECIATE YOUR CONSIDERATION OF THE 11 USES THAT WE ASKED FOR, WE FEEL THEY ARE REASONABLE USES FOR THE PROPERTY AND WE ARE TRYING TO JUST ALLOW THIS PROPERTY TO BE DEVELOPED IN A COMPATIBLE WAY THAT BENEFITS THE CITY AND THE NEIGHBORHOOD. THANK YOU.

THANK YOU, MR. WITLIFF. I QUESTIONED THE ADDITIONAL REQUEST, THE ADDITIONAL 11 USES, WAS THAT REQUEST MADE OF Z.A.P.?

I'M SORRY, MAYOR.

WHEN THE ZONING AND PLATTING COMMISSION HEARD THIS CASE, ULTIMATELY APPROVED THE ZONING, THAT THEY DID, RECOMMENDED THE ZONING THAT THEY DID, HAD THEY SEEN THIS LIST OF -- HAD YOU ALL MADE THE REQUEST OF ADDITIONAL USES TO THEM?

MAYOR AT THE TIME WE WENT TO Z.A.P., IF I MAY LET ME BACKTRACK ONE STEP BEFORE THAT. WHEN THIS CASE WENT TO CITY STAFF, THEIR RECOMMENDATION WAS FOR GR ZONING. THE CONDITIONAL OVERLAY WAS SIMPLY THE 2,000 TRIP LIMIT. THEY WEREN'T ASKING FOR ANY LIMITS ON USES. WE CAME IN AND VOLUNTARILY, MET WITH THE NAIBTD AND WE VOLUNTARILY AGREE -- MET WITH THE NEIGHBORHOOD AND VALUE TOMORROW WHEN WE WENT TO Z.A.P. TO ELIMINATE NINE USES, THOSE ARE THE USES I TOLD YOU ABOUT BEFORE, AUTO REPAIR, SALES, CAR WASHES, SERVICE STATIONS, ET CETERA. SO WE TOOK OUT THE USES THAT WE FELT WERE POTENTIALLY OFFENSIVE TO THE NEIGHBORHOOD. WHAT Z.A.P. RECOMMENDED AT THAT TIME WAS THEY BASICALLY SAID OKAY YOU WANT AUTO LEASING, WE WILL GIVE YOU AUTO LEASING AND L.O. ZONING. FOR YOUR USES. AND WE APPRECIATE THAT Z.A.P.

RECOMMENDED IT. AND DID THAT UNANIMOUSLY. HOWEVER, WE FEEL THAT IT SETS A BIT OF A BRAND ON THE PROPERTY. WHEN HER LEASE COMES UP, IF SHE DID COME BACK IN AND ASK FOR OTHER ZONING, I KNOW WHAT WOULD HAPPEN, SHE WOULD BE TOLD HEY YOU CAME IN BEFORE, WE LIMITED YOU TO THIS, WE KIND OF SET THE STANDARD FOR YOUR PROPERTY. WE JUST WOULD LIKE IT SET A LITTLE BIT MORE BROAD FOR REASONABLE USES. THAT'S ALL THAT WE ARE ASKING FOR. IF YOU DISAGREE WITH ANY OF THE 11 USES WE ARE WILLING TO, YOU KNOW, LIVE WITHOUT THOSE USES, BUT WE LOOKED AT IT LONG AND HARD AND WE FEEL THEY ARE ALL ROAM USES FOR THIS -- REASONABLE USES FOR THIS PROPERTY, VERY COMPATIBLE WITH THIS PROPERTY EVEN THOUGH THERE'S RESIDENTIAL HYPED IT. RESIDENTIAL -- RESIDENTIAL BEHIND IT.

THANK YOU, FURTHER QUESTIONS, COMMENTS?  
COUNCILMEMBER SLUSHER?

Slusher: WELL, JUST LET ME HAVE -- FIRST OFF, IF WE GAVE YOU THE -- I HAVE TO SAY THAT FIVE, WHEN YOU CAN ONLY PARK FIVE CARS AT A RENTAL PLACE, ON I-35, THAT DOES SEEM A LITTLE HARSH TO ME. NOW, THE NEIGHBORHOOD, I THINK THEIR OBJECTION ON THAT IS THE LIGHTING. WOULD YOU BE OPEN TO -- TO SOME SORT OF CO OR COVENANT ON THE HOODED LIGHTING OR SOMETHING. BECAUSE IF -- IF YOU HAVE A -- IF YOU HAVE A BUSINESS BEHIND YOU THAT THROWS LIGHTS IN YOUR BACK YARD, THAT'S NOT A GOOD WAY TO LIVE. WOULD YOU BE WILLING TO DO SOMETHING LIKE THAT?

YES, COUNCILMEMBER SLUSHER. IN FACT THE LIGHTING ON THE PROPERTY NOW IS SECURITY LINE AIMED AWAY FROM THE NEIGHBORHOOD AND IT'S MOTION LIGHTING. I BELIEVE THERE'S ONLY ONE LIGHT ON THE PROPERTY RIGHT NOW THAT LIGHTS UP. BUT WE -- THE NEIGHBORHOOD ALSO ASKED US NOT TO HAVE BIG FENCING ALONG I-35. WE AGREED TO NO FENCING. WE AGREED TO NO ADDITIONAL LIGHTING ALSO.

Slusher: OKAY, EXCUSE ME. MS. GLASGO, IS SHE STILL HERE, OR WAS IT MR. GUERNSEY? OKAY. SO THE STAFF RECOMMENDED JUST STRAIGHT OUT GR WITH THE ONLY --

WITH THE CONDITIONAL OVERLAY HAVING TO DO WITH HOW MANY TRIPS A DAY?

THAT'S CORRECT.

THAT WOULD BE 2,000 TRIPS A DAY.

2,000 TRIP LIMIT.

OKAY.

SO THAT WOULD -- THAT WOULD BE A VERY WIDE ARRAY OF SNEEBILITYS THAT WOULD, YES.

CORRECT IN THAT ON THIS PROPERTY IT'S BENEATH OR SOUTH OF THE -- IT'S ON THE SIDE OF THE FREEWAY FOR THE -- WHERE THE TRAFFIC IS HEADING SOUTH. AND THE -- THE PROPERTY IS SOUTH OF WHERE THE EXIT RAMP IS AND THEN YOU CAN -- SO YOU COULD GET OFF THE EXIT RAMP COME TO THIS PROPERTY AND GET BACK ON THE FREEWAY WITHOUT GOING THROUGH A LIGHT, RIGHT?

I'M NOT AWARE OF THE RAMPS --

WAS THAT CORRECT?

YES, COUNCILMEMBER. WE ARE WELL SITUATED BETWEEN AN OFF RAMP AND ONLY ON RAMP.

OKAY. ALL RIGHT. JUST SO THERE -- YOU RECOMMENDED GR. AND -- BUT YOU ARE WILLING TO -- YOU DIDN'T GET THAT AT THE PLANNING COMMISSION. WE GOT ONLY ONE, EXCUSE ME, ONLY ONE GR USE AND SO YOU ARE OFFERING THIS UP, BUSINESS SUPPORT SERVICES, CONSUMER CONVENIENCE, FOOD SALES, CONVENIENCE, OFF-SITE ACCESSORY PARKING, ... RESEARCH SERVICES, RESTAURANT, LIMITED AND GENERAL. RIGHT? YOU WANTED TO --

YES, SIR.

OKAY. I WAS GOING TO ASK MR. TOBIAS IF HE WOULD COME BACK UP AND TELL ME WHICH ONES OF THESE THE

NEIGHBORHOOD WOULD OBJECT TO AND WHY.

BUSINESS SUPPORT SERVICES OKAY, CONSUMER CONVENIENCE SOFS SERVICES OKAY, FOOD SALES, OKAY. GENERAL RETAIL SALES CONVENIENCE, 7/11 TYPE OF STUFF, SORRY. OFF-SITE ACCESSORY PARKING, POTENTIAL FOR BRIGHT LIGHTS AND FENCING AND WHATNOT TO PROTECT THE EQUIPMENT THAT MAY BE ON THAT PROPERTY. PERSONAL IMPROVEMENTS SERVICES OKAY. PERSONAL SERVICES OKAY. PET SERVICES THAT'S A GRAY AREA. WE ARE CONCERNED THAT YOU HAVE A POTENTIAL FOR DAYTIME KENNELS RIGHT THERE IN THE NEIGHBOR'S YARD. THEY USUALLY ARE PRETTY GOOD ABOUT KEEPING CLEAN, THERE ARE THOSE THAT ARE UNSCRUPULOUS THAT MAY NOT DO WHAT THEY NEED TO DO. RESEARCH SERVICES, OKAY. RESTAURANT -- THAT ONE IS KIND OF IFFY BECAUSE RESTAURANTS MAY HAVE A TENDENCY TO RUN LATER INTO THE EVENINGS, WE REALLY WOULD LIKE TO SEE -- WOULDN'T LIKE TO SEE THAT.

WOULD YOU DISTRICT ATTORNEY, SEEMS LIKE TO ME THIS -- WITH THE -- ALL SHE CAN HAVE THERE RIGHT NOW AT LEAST UNDER THE PROPOSAL FROM Z.A.P. IS A RENTAL CAR, IT TOOK HER 18 MONTHS TO GET ANYBODY IN THERE WITH HER L.O. AND THEN IF -- THEN WE COULD HAVE FIVE CARS A NIGHT, THAT SEEMS LIKE A LITTLE BIT EXTRA STRICT THERE ON THE PROPERTY, IN PARTICULAR ALONG I-35, KEEPING IN MIND, I UNDERSTAND THAT IT BACKS UP -- IN THIS PROPERTY PRIOR TO THIS WAS A REALTY COMPANY. IT WAS LOCATED RIGHT NEXT TO A BUG BUSINESS, THE C.S., WHICH HAD BEEN THERE SINCE BEFORE 1985. THE BUSINESS TO THE -- TO THE NORTH IS A VACANT LOT. CURRENTLY L.O. CONCERN LIKE I SAID IN MY TALK IS WHAT HAPPENS WHEN -- WHEN DOWN THE ROAD THIS PROPERTY OR -- LET'S SAY HERS IS REALLY SUCCESSFUL. THEY WANT TO EXPAND. THEY GO TO THE PROPERTY NEXT DOOR. WHAT DEFENSE DO I HAVE? DOES THE NEIGHBORHOOD HAVE FOR THEM TO GO GR, SUDDEN WE HAVE A BIG CAR LOT THERE.

SUCH AS -- BUT IF IT DOESN'T ALLOW THAT IN THE ZONING, YOU JUST HAVE MORE GR USES BUT NOT WHERE IT COULD TURN INTO A CAR LOT. IF THAT PROPERTY IS NOT ZONED THAT WAY, I DON'T THINK IT COULD HAPPEN. NOT THROUGH

A COMBINATION OF --

I'M SORRY. IF THIS PROPERTY IS ZONED GR --

Slusher: YOU ARE TALKING FLAT OUT GR.

ON EVEN GR AUTO RENTAL, THE PROPERTY NEXT DOOR, IT'S VERY DIFFICULT TO FIGHT WHEN YOU HAVE A GR, IN FACT I'M REALLY SURPRISED -- I WAS VERY SURPRISED WHEN BETTY CAME UP WITH THE -- WHAT SHE DID BECAUSE THE PROPERTY NEXT DOOR IS BEING A C.S. BUT OUR CONCERN IS WHAT HAPPENS DOWN THE ROAD. IT ISN'T SO MUCH HERTZ GOING IN THERE NOW. THE PROBLEM IS WHAT HAPPENS DOWN THE ROAD.

Slusher: BUT I MEAN YOU HAVE TO KEEP IN MIND THOUGH BUT THE OWNER HERE IT'S JUST AN INDIVIDUAL CITIZEN. NOT A BIG CORPORATION OR ANYTHING.

IF MS. FISHER GETS ON THE PROPERTY AND SHE WILL PROBABLY TAKE CARE OF THE NEIGHBORHOOD MUCH SHE'S AWARE OF THE NEIGHBORHOOD. THE CONCERN THAT WE HAVE IS WHEN MS. FISHER DECIDES THAT SHE CAN'T AFFORD THE PROPERTY ANYMORE OR EXCUSE ME BUT IT GETS FORECLOSED OR SOMEONE ELSE GETS IT, NUMBER ONE, IF IT'S GR, WIDE OPEN, WE HAVE NO CONTROL AT ALL. THAT'S OUR CONCERN. IT'S NOT SO MUCH WHAT'S HAPPENING RIGHT NOW, IT'S WHAT'S HAPPENING DOWN THE ROAD POTENTIALLY.

I UNDERSTAND WHAT YOU ARE SAYING, I UNDERSTAND THAT. IT SEEMS LIKE, THOUGH, THAT -- THAT IT MIGHT GET FORECLOSED EARLIER IF WE KEEP --

I'M JUST --

FIVE CARS AND --

MY UNDERSTANDING IN FACT AT THE ZONING AND PLATTING COMMISSION WAS THE -- THE LIMIT ON CARS WITH MORE OF THE COVENANTS THAT WE HAVE TO TAKE UP BETWEEN THE NEIGHBORHOOD AND THE OWNER, I'M NOT SURE THAT'S SOMETHING THAT THE NEIGHBORHOOD AND COUNCIL CAN

DO AT THIS POINT.

THANK YOU. WE'LL TRY TO WORK IT OUT HERE.

THANK YOU COUNCILMEMBERS, FURTHER QUESTIONS,  
COMMENTS. CAN.

COUNCILMEMBER MCCRACKEN?

McCracken: FOLLOW-UP ON SOMETHING THAT  
COUNCILMEMBER SLUSHER JUST SUGGESTED, THE CITY  
STAFF HAS COME UP AND -- AND EXCUSE ME, THE LATEST  
VERSION OF THE DESIGN TEAM'S ORDINANCE WITH A DARK  
SKIES, LIGHTING STANDARD, THAT ADAPTED TO LOCAL  
CONDITIONS THAT LOOKS LIKE IT MIGHT BE HELPFUL TO THE  
SITUATION HERE SO WE CAN GIVE IT TO Y'ALL AND HAVE  
YOU LOOK AT IT AND SEE. BUT AS -- [INDISCERNIBLE]  
EVERYBODY WORKING SO FAR.

Mayor Wynn: THANK YOU COUNCILMEMBER. FURTHER  
COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION  
ON FIRST READING.

Mayor Wynn: FIRST READING ONLY. Z-11 1.

Gurensey:: MAYOR, I WANT TO ALSO POINT OUT THAT WE DID  
HAVE A PETITION THAT WAS FILED. IT WAS NOT VALID.  
CURRENTLY AT ABOUT 17.86%. BUT THERE WAS ONE  
SUBMITTED.

Mayor Wynn: SEEMS AFTER FIRST READING THERE WOULD BE  
AN OPPORTUNITY FOR THE NEIGHBORS TO SEE WHAT -- OF  
THE APPROVED USES IF ANY ARE GIVEN.

Dunkerly: WELL, I'LL TAKE A STAB AT SOMETHING.

ARE YOU GOING TO TAKE A -- MAKE A MOTION,  
COUNCILMEMBER OR SHALL I TRY?

Slusher: YOU CAN GIVE IT A SHOT. I WOULD BE -- WELL, LET'S  
-- LET ME JUST PUT THIS OUT. ON FIRST READING, ALLOWING  
THE OWNER IN THE NEIGHBORHOOD TO AGAIN LOOK AT THE  
VARIOUS AREAS OF DISCUSSION THAT THEY HAVE GOING

ON, I WOULD MAKE THIS ROAM TO -- I WOULD RECOMMEND, I WOULD PROPOSAL THAT WE -- I WOULD PROPOSE THAT WE ALLOW GR ZONING, WITH -- WITH THE CAR RENTAL OFFICE, REMOVING THE REQUEST FOR THE FIVE CAR LIMITATION TO WHATEVER REASONABLE NUMBER IS ALLOWED. AND INCLUDING THE 11 SERVICES THAT ARE LISTED ON THIS LETTER. AND THEN MY RECOMMENDATION WOULD BE BETWEEN FIRST AND SECOND READING FOR THE NEIGHBORHOOD AND THE OWNER TO GET TOGETHER AND TO AGREE ON WHICH ONES ARE -- ARE -- ARE MORE OBJECTIONABLE AND LESS. BUT THAT WOULD BE MY MOTION AT THIS TIME. OUR FIRST READING. >

MOTION MADE BY COUNCILMEMBER DUNKERLY.

Dunkerly: GRR INCLUDING --

I WILL SECOND THAT WITH A FEW AMENDMENTS.

Dunkerly: OKAY.

Slusher: ONE, I WOULD SAY TO TAKE OUT THE OFF-SITE ACCESSORY PARKING.

Dunkerly: THAT'S A FRIENDLY AMENDMENT.

AND -- AND I DON'T KNOW ABOUT THE CONVENIENCE TO THE STORE. I THINK THE NEIGHBORHOOD HAS SOME VALID CONCERNS ON THAT. BUT WHY DON'T WE LEAVE THAT IN FOR DISCUSSION. IN THE MEANTIME. AND I WOULD -- I HAVEN'T SEEN THE EXACT STANDARD THAT -- THAT COUNCILMEMBER MCCRACKEN WAS TALKING ABOUT, BUT I THINK THE NIGHT SKY PROPOSAL THAT HE'S TALKING ABOUT HAS SOME MERIT, LET'S HAVE THE STAFF SEE IF THEY CAN COME UP WITH AN OVERLAY OR COVENANT FOR THIS PROPERTY HAVING TO DO WITH THAT. YOU WANT TO COMMENT ON THAT, MR. WITTLIFF?

THANK YOU, COUNCILMEMBER. THE ONLY THING THAT I WANTED TO ADD ABOUT THE RETAIL SALES CONVENIENCES, BESIDES CONVENIENCE STORES WHICH YOU ARE CORRECT IT'S AN ALLOWED USE UNDER THAT, BUT SO IS A CANDLE STORE OR A BOUTIQUE CLOTHING STORE, THOSE ARE THE



THINGS THAT WE ARE REALLY INTERESTED IN. THAT BUILDING IS NOT REALLY SET UP FOR A CONVENIENCE STORE. I DON'T SEE A 7/11 GOING IN THERE.

TEARING DOWN WHAT SHE'S ALREADY PUT SOME MONEY INTO.

LET'S LEAVE THAT IN AND WORK OUT SOMETHING TO WHERE IT WON'T BE A 7/11. I SHOULD CALL IT A DIFFERENT NAME OF A COMPANY, I GUESS. MR. GUERNSEY? I GUESS THAT I JUST KEEP TALKING AS PEOPLE COME UP AND HELP ME HERE. MR. GUERNSEY DO YOU WANT TO TRY IT.

Guernsey: I WANT TO POINT OUT TWO THINGS. TYPICALLY WHEN WE HAVE A CONVENIENCE STORE, IT'S NOT A USE THAT'S DEFINED BY OUR CODE. THE WAY PEOPLE BUILD CONVENIENCE STORES IN THE CITY OF AUSTIN IS USUALLY LOOKED AT -- LOOKING AT TWO SPECIFIC USES, ONE IS FOOD SALES. AND THAT GETS TO ALLOWING THE ACTUAL SALE OF BEER, WINE, SODAS, CHIPS, BREADS, THINGS LIKE THAT. AND THEN THE GAS COMPONENT IS UNDER A SERVICE STATION. SO THE GENERAL RETAIL SALES CONVENIENCE ISN'T TYPICALLY LOOKED AT IS THE FIRST USE THAT WOULD ALLOW A CONVENIENCE STORE TYPE OF USE. IT'S ACTUALLY FOOD SALES. SO I JUST WANTED TO POINT THAT OUT.

CAN WE WORK -- BOTH OF THOSE ARE GOING TO BE IN THERE ON FIRST READING ASSUMING THIS PASSES. COULD YOU I THINK YOU UNDERSTAND WHAT WE ARE DRIVING AT HERE, WHAT MR. WITLIFF JUST SAID ABOUT THE USES. YOU CAN SEE WHAT YOU CAN COME UP WITH THAT ALLOWS WHAT THEY ARE TALKING ABOUT AND STILL HOPEFULLY ADDRESSES THE NEIGHBORHOOD'S FEARS, WORRIES ON THAT?

YES. WE WILL GET WITH THE APPLICANT AND THE NEIGHBORHOOD AND WITH REGARDS TO THE USES. THE SECOND ITEM I I WANTED TO POINT OUT BOTH THE STAFF AND COMMISSION RECOMMENDED THE TRIP LIMITATION OF 2,000 VEHICLE TRIPS PER DAY. I'M NOT SURE THAT I HEARD THAT IN THE MOTION.

Dunkerly: THAT WOULD BE INCLUDED IN THE MOTION.

Mayor Wynn: SO WE HAVE A MOTION ON THE TABLE FROM COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER SLUSHER TO CLOSE THE PUBLIC HEARING AND TO APPROVE ON FIRST READING ONLY, GR-CO, CO INCLUDES THE 2,000 TRIP LIMITATION AND THE -- THE FOLLOWING USES IN GR WILL BE THE ONLY ONES ALLOWED. AUTO RENTAL, BUSINESS SUPPORT SERVICES, CONSUMER CONVENIENCE SERVICES, FOOD SALES, GENERAL RETAIL SALES, PERSONAL IMPROVEMENT SERVICE, PERSONAL SERVICES, PET SERVICES, RESEARCH SERVICES, AND I DIDN'T HEAR THE RECOMMENDATION ON THE RESTAURANTS. COUNCILMEMBER?

Dunkerly: INCLUDE IN THIS FIRST LEVEL.

BOTH LIMITED AND GENERAL RESTAURANTS AT THIS JUNCTURE. THIS FIRST READING OF COURSE ALLOWING THEN THE -- THE NEIGHBORS TO GET MORE INFORMATION AND COME BACK WITH MORE INPUT FOR US. FURTHER COMMENTS? COUNCILMEMBER THOMAS?

Thomas: THAT WAS -- WHAT YOU -- I DON'T KNOW IF ANYBODY COMMENTED ON THE RESTAURANT USE LIMITED OR GENERAL. I KNOW THE NEIGHBORS SAID SOMETHING ABOUT IT. BUT WE DIDN'T. WERE YOU GOING ON ADD THOSE STILL IN --

Guernsey: THE NEIGHBORS SO HEED SHOWED SOME CONCERN, WHICH WE ACKNOWLEDGE. TECHNICALLY THEY ARE IN THIS MOTION FIRST READING ONLY. NOW THAT WE HAVE IDENTIFIED PUT SOMETHING ON THE TABLE, IT WILL ALLOW THE NEIGHBORS TO COME BACK AND GIVE US INPUT AS TO WHICH ONES THEY HAD MORE TROUBLE WITH. MAYOR? MR. GUERNSEY? I'M SORRY, MR. GUERNSEY DO YOU HAVE A QUESTION FIRST?

Guernsey: THE APPLICANT, I ALSO WANT TO MAKE SURE THAT YOU INCLUDED ALL OF THE L.O. USES AS WELL. AS YOU WENT THROUGH YOUR LIST SAYING SOME OF THESE USES, WITH BUT IN ADDITION TO ALL OF THE L.O. USES.

Mayor Wynn: CORRECT, I THINK THAT WAS THE INTENT.

Slusher: WE ARE CLOSING IT IS PUBLIC HEARING, BUT I WOULD ENVISION SINCE WE ARE ASKING FOR FURTHER TALKS BETWEEN THE NEIGHBORHOOD AND THE APPLICANT, THAT THE APPLICANT AND THE NEIGHBORHOOD WOULD -- WOULD BE UP HERE FOR AT LEAST A FEW MINUTES AT THE NEXT TIME THIS COMES UP TALKING ABOUT WHAT THEY -- THEIR FEELINGS BEFORE US.

ABSOLUTELY. MOTION AND SECOND ON THE TABLE. FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. DWURN GURN MAYOR, I WAS HANDED --

Guernsey: MAYOR, I WAS HANDED A REQUEST BY A REPRESENTATIVE OF THE ZILKER ASSOCIATION WITH REGARDS TO ITEM Z-14. THEY HAVE ASKED FOR A POSTPONEMENT OF THIS CASE FOR TWO WEEKS. TO THE 27th. AND I BELIEVE MR. BENNETT IS APPROACHING. THE PODIUM. I'M NOT SURE IF HE'S IN FAVOR OR NOT. TO THE POSTPONEMENT REQUEST. SO COUNCIL WE HAVE A Z--- A Z-14, WE HAVE APPROXIMATELY 28 CITIZENS HERE, 10 IN FAVOR, 18 AGAINST, IN ROUND NUMBERS, ALL WANTING TO -- NOT ALL WANTING TO SPEAK, BUT WE NOW HAVE A REQUEST FROM THE NEIGHBORHOOD ASSOCIATION FOR A POSTPONEMENT OF TWO WEEKS.

AND THE APPLICANT'S AGENT, MR. BENNETT, INDICATES THAT MAYBE HE WOULD LIKE TO ACTUALLY GO FORWARD TONIGHT. THEY WERE UNDERSTANDING WITH THE CITY STAFF THAT THE CASE WOULD PROBABLY COME UP IN SEPTEMBER. IT WAS NOT SCHEDULED -- IT WAS SCHEDULED TODAY, BUT THEY LOOK AT THIS AS A FURTHER DELAY IN BRINGING THEIR APPLICATION BEFORE YOU. SO THEY WOULD LIKE TO DISCUSS THE POSTPONEMENT.

WE CAN CERTAINLY DISCUSS THE POSTPONEMENT, BUT JUST A FEW MINUTES AGO WE GRANTED OUR CUSTOMARY

POSTPONEMENT ON A FIRST REQUEST FROM THE APPLICANT'S SIDE ESSENTIALLY AND SENT A NUMBER OF NEIGHBORS IN OPPOSITION HOME. MR. BENNETT, DO YOU WANT TO MAKE A CASE?

Guernsey: WE WILL GO ON TO THE NEXT CASE. [LAUGHTER]

Mayor Wynn: MR. BENNETT, YOU WILL WELCOME TO ADDRESS US, BUT I JUST WANTED TO -- TO STATE AGAIN FOR THE RECORD WHAT OUR POLICY HAS BEEN. WE SAW IT HAPPEN IN THE REVERSE ORDER JUST A FEW MINUTES AGO.

MAYOR, COUNCIL, I'M HERE TONIGHT ON BEHALF OF THE OVERTON'S REQUEST FOR THE ZONING CHANGE. WE ARE A LITTLE CONCERNED ABOUT THE LATE RECEIVAL OF THE POSTPONEMENT REQUEST WHICH I BELIEVE WAS RECEIVED BY GREG JUST A SHORT WHILE AGO. WE HAVE MET WITH THE NEIGHBORHOOD ASSOCIATION AND FULL MEETINGS TWICE, STEERING COMMITTEE OF THE ASSOCIATION ON THROW OCCASIONS. WE THINK THAT -- THAT WE ARE WELL -- BOTH PARTIES ARE WELL VERSED ON THE ISSUES OF THIS PROPOSED ZONING CHANGE AND WE ARE PREPARED TONIGHT, DUE TO THE NUMBER OF SPEAKERS THAT ARE HERE TO GO FORWARD, REALIZING THE COUNCIL'S TRADITIONAL POSITION ON POSTPONEMENT REQUESTS. WE REQUEST THAT YOU TAKE THAT INTO CONSIDERATION, THE TIMELY -- UNTIMELY FILING OF IT, AS WELL AS NOT THE LACK OF MEETING WITH THE ASSOCIATIONS TO GET TO WHERE WE'RE AT. WE APPRECIATE CONTINUING WITH THE HEARING TONIGHT. THANK YOU.

Mayor Wynn: THANK YOU, MR. BENNETT. COUNCIL? WE HAVE A REQUEST BEFORE US.

Thomas: MAYOR, NOT TO QUESTION MR. BENNETT, BUT ANYBODY FROM THE NEIGHBORHOOD, IS THAT -- IS THAT CORRECT THAT YOU ALL HAVE BEEN MEETING WITH MR. BENNETT?

THE NEIGHBORHOOD? [INAUDIBLE - NO MIC]

I HATED TO ASK FOR THE POSTPONEMENT, BUT I DID IT SPECIFICALLY BECAUSE THE -- THE ITEM Z-13 IS VERY CLOSE

TO -- IS ON THE SAME STREET. AND THE SAME PEOPLE WHO  
TURN OUT FOR THAT ITEM TURN OUT FOR Z-14 AND  
FRANKLY THE -- THE AGENT ON Z-13 IS TRYING TO  
DISCONNECT THE TWO ITEMS. AND I -- UM ... WE ALSO HAVE  
A COUPLE OF THE KEY SPEAKERS FOR Z-14 WHO COULDN'T  
BE HERE TONIGHT. SO I'VE -- I -- WHEN Z-13 WAS POSTPONED  
ON SHORT NOTICE, I DECIDED THAT WE WOULD -- WE  
WOULD GO FOR A POSTPONEMENT.

EXCUSE ME, THEY ARE ON THE SAME STREET, SIMILAR  
REQUEST. WE HAD THE APPLICANT FILE A LATE, IF I  
UNDERSTAND IT WAS LATE, UNDER OUR STANDARDS, JUST --  
SHE JUST DECIDED TONIGHT AFTER SHE GOT HERE THAT  
THEY DIDN'T WANT TO HEAR IT ON THE PREVIOUS CASE. AND  
SO I DON'T -- THAT AFFECTED THIS NEIGHBORS, I JUST DON'T  
THINK IT WOULD BE FAIR. I GUESS SORT OF LIKE WHAT YOU  
SAID IN YOUR OPENING REMARKS, MAYOR, BUT I DON'T  
THINK WE WOULD BE -- IT WOULD BE FAIR TO SAY WE WILL  
LET THE APPLICANT ON ONE CASE ON THE SAME STREET  
FILE THE LATE -- A LATE POSTPONEMENT REQUEST AND WE --  
- WE APPROVED THAT AND THEN WE -- THE NEIGHBORHOOD  
COMES UP HERE WITH THE SAME TYPE OF THING, THEN WE  
SAY WELL, NO, WE ARE NOT GOING TO HONOR THAT ONE. I  
WOULD MOVE TO POSTPONE IT TO HOW LONG DID WE  
POSTPONE THE OTHER ONE.

TO THE NEXT MEETING.

I WOULD MOVE TO DO THE SAME THING TO THIS ONE.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER TO  
POSTPONE Z-14 TO JANUARY 27th, 2005.

SECOND.

SECONDED BY THE MAYOR PRO TEM. FURTHER COMMENTS,  
COUNCILMEMBER THOMAS?

Thomas: I DIDN'T FINISH, BUT I WILL LET --

Mayor Wynn: I'M SORRY. MS. ATTARTON?

Thomas: THE POSTPONEMENT I CAN UNDERSTAND WHAT

YOU ARE SAYING, THE QUESTION WAS I ASKED HAD YOU AND MR. BENNETT BEEN AT THE TABLE TALKING? HAD YOU ALL CAME TO ANY KIND OF AGREEMENT THAT'S WHAT I NEEDED TO KNOW.

UM ... THERE WAS A PRESENTATION AND A VOTE OF THE NEIGHBORHOOD ASSOCIATION IN OCTOBER. AND AGAIN WE HAD A SPECIAL MEETING ON -- ON MONDAY, BUT THE -- BUT THE NEIGHBORHOOD ASSOCIATION DID NOT APPROVE THE -- THE -- THE NEW APPLICATION THAT WAS -- THAT WAS MADE. SO, YES, WE HAVE BEEN -- WE HAVE BEEN WORKING ON IT, BUT WE HAVEN'T COME TO AN AGREEMENT.

OKAY. SO WITHIN THE POSTPONEMENT TIME YOU ALL WILL TRY TO WORK ON THAT AGREEMENT, RIGHT? WITHIN THE TIME FRAME.

CERTAINLY WE COULD -- IF -- IF THE APPLICANT WANTS TO TALK AGAIN, WE WOULD BE OPEN.

OKAY. I AGREE THEN. OKAY.

MOTION AND A SECOND ON THE TABLE TO POSTPONE CASE Z-14 WITH APOLOGIES TO EVERYBODY IN BOTH CASES TO NOVEMBER -- SORRY. TO JANUARY 27th, 2005. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 TO POSTPONE.

Guernsey: OUR NEXT ITEM IS Z-12, C14-04-136, 1500 SUMMIT STREET. AND THIS IS A REZONING REQUEST FROM GENERAL SERVICE TO GR MU-CO. WHICH IS COMMUNITY COMMERCIAL MIXED USE INITIAL OVERLAY COMBINING DISTRICT ZONING. THE PLANNING COMMISSION DIDN'T RECOMMEND THIS REQUEST. THE PROPERTY IS LOCATED ON THE EAST SIDE OF I-35 SOUTH OF RIVERSIDE DRIVE. AS YOU CAN SEE, IT WORKING ON THE EAST SIDE, IT'S -- IT'S KIND OF TUCKED IN BETWEEN WOOD LAPPED AND RIVERSIDE DRIVE -- WOODLAND AND RIVERSIDE DRIVE. THE AREAS THAT YOU

CAN CROSS UNDER 35 OR CROSS OVER 35 ARE AT THOSE TWO STREETS, APPROXIMATELY IN THE MIDDLE. THE PROPERTIES TO THE NORTH IS MULTI-FAMILY, TO THE SOUTH IS [INDISCERNIBLE], THEN YOU HAVE SF-2 ZONING FURTHER TO THE -- SF-3 DISENG FURTHER TO THE EAST -- ZONING FURTHER TO THE EAST. THE PLANNING COMMISSION DID MAKE THE RECOMMENDATION ON AN 8-0 VOTE, LIMITING THE PROPERTY WITH A CONDITIONAL OVERLAY, LIMITING IT TO G.O. USES. WITH THE MU WHICH WOULD ALLOW FOR MULTI-FAMILY USE, VARIOUS TYPES OF RESIDENTIAL. BUILDING COVERAGE AND IMPERVIOUS COVER TO G.O. STANDARDS AND LIMITING THE MAXIMUM NUMBER OF VEHICLE TRIPS ON THE PROPERTY TO 2,000 PER DAY. THE STAFF RECOMMENDED G.O. MU ZONING ON THIS PROPERTY. THE PROPERTY BACKS UP ON TO -- TO THREE DIFFERENT ROADWAYS AND THE TWO STREETS, 'EM ELM HURST TO THE NORTH AND SUMMIT TO THE REAR ARE BOTH LOCAL STREETS, LOCATED ALONG THE FRONTAGE ROAD OF I-35. AT THIS TIME WE DON'T HAVE A PETITION AGAINST THE REQUEST, BUT WE DO HAVE SOME NEIGHBORS HERE THAT I THINK ARE SPEAKING IN OPPOSITION. THE APPLICANT'S AGENT IS HERE TO PRESENT HIS CASE AND IF YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER THEM AT THIS TIME. OTHERWISE I WILL PAUSE.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AT THIS TIME WE WILL HAVE A FIVE MINUTE PRESENTATION FROM THE APPLICANT AND/OR THE AGENT. WELCOME, MR. THROWER. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

THEY THEN SWITCHED TUNES ON THEIR PROJECT ENDEAVOR AND CAME TO ME, AND INSTEAD OF HAVING GO ZONING ON THE PROPERTY, WHICH IS THERE TODAY, THEY WANTED TO ADD THE MIXED USE COMPONENT. WE GOT TO LOOKING AT IT IN A LOT BIT MORE DETAIL AND DECIDED THAT GR-MU MAY BE A BETTER, MORE SUITABLE ZONING CATEGORY FOR THE PROPERTY. OUR FIRST CONCERN IN APPLYING FOR THE GR-MU WAS FOR THE POTENTIAL FOR A COFFEE SHOP. IT WAS BROUGHT TO MY ATTENTION LATER THAT A COFFEE SHOP IS ALLOWED IN G.O. AS A CONDITIONAL USE, AND WE ARE OKAY WITH THAT. THE SECOND MAJOR CONCERN FOR THE GR ZONING REQUEST WAS FOR THE DEVELOPMENT STANDARDS ALLOWED BY GR

ZONING. GR ZONING ALLOWS FOR A 10-FOOT BUILDING SET BACK VERSUS 15 UNDER G.O. WITH A 10-FOOT BUILDING SET BACK IT PROVIDES A LITTLE BIT MORE FLEXIBILITY ON THE SITE. WE ARE NOT ASKING FOR ANY GR USES OF THE PROPERTY. THE ONLY REQUEST FOR GR ZONING IS FOR THE ADDITIONAL FIVE FOOT BUILDABLE AREA INSIDE THE LOT. WE HAVE GRADE ISSUES AND ACCESS ISSUES WITH THE PROPERTY. THERE'S ABOUT AN 11-FOOT DIFFERENCE BETWEEN THE INTERSECTION OF ELM HURST AND AND I THRVMENT. TXDOT NOR CITY OF AUSTIN STANDARDS ALLOW FOR A DRIVEWAY ON TO IH-35. THE CITY OF AUSTIN STANDARDS FOR OPPOSING DRIVEWAYS AS WELL AS DRIVEWAY DISTANCE SEPARATIONS FROM RIGHT-OF-WAY. IS THIS BETTER?

Mayor Wynn: IT'S OKAY.

ALONG ELM HURST, THE CITY OF AUSTIN DO NOT ALLOW FOR DRIVEWAY AS WELL AS THE GRADE PROBLEM HERE. WE WOULD HAVE TO HAVE A MULTIPLE VEARN'S ACCESS TO ELM HURST. WE HAVE AN EXISTING PROBLEM ON SUBMIT. THIS IS AT GRADE. IT IS A PERFECT PLACE FOR ACCESS. WE LOOKED AT MEDICAL OFFICE USE. YOU COULD PUT 18,000 SQUARE FEET OF MEDICAL OFFICE ON THIS SITE. WITH 18,000 SQUARE FEET OF MEDICAL OFFICE, YOU'RE LOOKING AT A VEHICLE TRIP GENERATION OF 424 TRIPS. THE TRAFFIC GENERATION NUMBERS I'M PROVIDING HERE ARE FROM JOHN HICKMAN AND ASSOCIATES. WE ASKED JOHN HICKMAN IF WE WERE TO MAKE THIS A MIXED USE DEVELOPMENT, 3500 SQUARE FEET OF OFFICE AND EIGHT RESIDENTIAL CONDOMINIUMS, THAT BRINGS THE TRIP GENERATION DOWN TO 86 VEHICLE TRIPS. AT 12 RESIDENTIAL CONDOMINIUMS, THAT BRINGS THE VEHICLE TRIP GENERATION DOWN TO 70 VEHICLE TRIPS. SO WE'RE PROVIDING A TREMENDOUS REDUCTION ON THE VEHICLE TRIPS WITH THIS PROPOSED PROJECT VERSUS WHAT COULD BE DONE UNDER THE EXISTING ZONING THAT'S IN PLACE TODAY. AGAIN, WE ASK FOR YOUR SUPPORT FOR OUR ZONING REQUEST TO GR-MU WITH A CONDITIONAL OVERLAY OF ONLY G.O. RELATED USES, AND THE 2,000 VEHICLE TRIPS PER DAY. IF YOU HAVE ANY QUESTIONS, I AM AVAILABLE.

Mayor Wynn: QUESTIONS OF THE APPLICANT, COUNCIL? OR



THE AGENT? IF NOT, WE'LL GO TO FOLKS WHO HAVE SIGNED UP IN FAVOR OF THIS ZONING CASE. AND FOLKS IN OPPOSITION, AND THEN THE APPLICANT WILL HAVE THE REBUTTAL. LARRY SOUTHERLAND, YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JOHN GRADE.

MAYOR AND COUNCILMEMBERS, THANK YOU. MY NAME IS LARRY SOUTHERLAND, I LIVE AT 1507 SUMMIT, WHICH IS ACROSS THE STREET AND TWO BLOCKS DOWN FROM THE PROPOSED PROJECT. THE MOMENT THEY PUT THE SIGN UP ON THE PROPERTY, I CALLED TO FIND OUT WHAT THEIR INTENTIONS WERE, AND EVERY STEP ALONG THE WAY THROUGH THIS PROCESS THEY HAVE COMMUNICATED WITH ME THEIR NEEDS AND WHAT THEY'RE TRYING TO DO. I TOTALLY SUPPORT THIS PROJECT. I HAVE NO PROBLEM WITH ACCESS ON SUMMIT. MY PROBLEM ON SUMMIT IS CARS COMING DOWN THE HILL AS I COME OUT OF MY DRIVEWAY. ANOTHER CAR COMING OUT OF A DRIVEWAY ACROSS THE STREET WON'T IMPEDE ME IN ANY WAY. WE HAVE OFFICES ACROSS THE STREET THAT I COUNTED CARS ON THE LOT TODAY. THERE WAS OVER 50 CARS IN THE BUSINESS ACROSS THE STREET. THEY DID NOT CREATE A PROBLEM FOR ME AT ALL. THEY COME IN THE MORNING, THEY LEAVE IN THE AFTERNOON, THERE'S VERY LITTLE TRAFFIC FROM THEM DURING THE DAY. I HAVE A LETTER HERE FROM MY NEIGHBOR, WHO LIVES DIRECTLY ACROSS THE STREET, BRENDA SHUN, AND SHE TOO IS IN FAIF OFFAVOR OF THE PROJECT AND HAS ASKED ME TO PRESENT THIS TO YOU.

Mayor Wynn: THANK YOU, MR. SOUTHERLAND. JOHN GRAHAM? ACTUALLY, JOHN SIGNED UP WISHING TO SPEAK IF WE HAD QUESTIONS, BUT YOU'RE WELCOME TO ADDRESS US JOHN. YOU HAVE THREE MINUTES.

MY NAME IS JOHN GRAHAM, MAYOR AND COUNCILMEMBERS. I AM A PARTNER IN WATERLOO PARTNERS, AND JUST WANT TO BE AVAILABLE IF YOU HAVE ANY QUESTIONS FOR ME, BUT ALSO I JUST WANTED TO SAY THAT WE AT WATERLOO PARTNERS FEEL THAT THIS WOULD BE A GREAT DEVELOPMENT FOR THIS NEIGHBORHOOD AND WOULD CREATE A CATALYST FOR BETTER THINGS TO COME FOR THE NEIGHBORHOOD. THERE ARE A FEW DEVELOPMENTS THAT ARE SOUTH OF OURS THAT SOME OF THE NEIGHBORS

HAVE BEEN WEARY OF BECAUSE OF THE POOR DEVELOPMENT AND THE -- BASICALLY JUST THE WAY THAT THESE DEVELOPMENTS LOOK. I THINK THEY'RE RENTAL SPACES, THESE MULTI-FAMILY DEVELOPMENTS THAT ARE A LITTLE SOUTH OF US. OURS WILL NOT BE FOR RENT, THEY WILL BE FOR SALE, SO THE PEOPLE WHO OWN AND LIVE IN THESE RESIDENCES, IF THE ZONING IS PERMITTED, WILL HAVE A VESTED INTEREST IN THIS PROPERTY AND OBVIOUSLY WILL KEEP UP BETTER THAN WHAT A LOT OF THE OPPOSED NEIGHBORHOOD -- THE PEOPLE THAT LIVE IN THE NEIGHBORHOOD ARE WORRIED ABOUT. SO I JUST WANT TO SAY THAT WE AT WATERLOO PARTNERS ARE VERY MUCH WANT TO BUILD A QUALITY PRODUCT THAT WILL BRING GREAT THINGS TO THE NEIGHBORHOOD AND ARE COMMITTED TO THAT. AND I'M AVAILABLE FOR ANY QUESTIONS. IF YOU HAVE ANY FOR ME. THANK YOU.

Mayor Wynn: THANK YOU. QUESTIONS, COUNCIL? THANK YOU, SIR. NEXT SPEAKER IN FAVOR WOULD BE PEG TREADWELL. WELCOME, PEG. YOU WILL HAVE THREE MINUTES. THIS IS JUST A LITTLE BIT BIGGER MAP, SO MAYBE I CAN POINT SOME THINGS OUT ON IT. MY NAME IS PEG TREADWELL. I'VE LIVED AROUND THE CORNER FROM 1500 SUMMIT FOR OVER THREE DECADES. I AM NOT OPPOSED TO THIS ZONING CHANGE. WHEN IT COMES TO QUALITY DEVELOPMENT, OUR AREA OF TOWN HAS BEEN IGNORED FOR YEARS. WE'RE ON A MISSION TO BRING REALLY GOOD DEVELOPMENT BACK TO OUR AREA. I-35 IS A MAJOR ROADWAY, AND I THINK THAT WE SHOULD EXPECT COMMERCIAL DEVELOPMENT ALONG IT. THIS PROJECT APPEARS TO BE SENSITIVE TO OUR NEIGHBORHOOD, AND MIGHT GIVE OUR NEIGHBORHOOD SOMETHING GOOD. THE OWNER HAS SAID THAT THEY WOULD HAVE -- LIKE A MIXED USE CONDO OFFICE PROJECT ON THAT CORNER, AND IT SEEMS A PERFECT PLACE FOR IT. SOME NEIGHBORS ARE WORRIED ABOUT THE TRAFFIC. RIGHT NOW THERE IS A CONDO COMPLEX ONE BLOCK AWAY ON THE CORNER OF SUMMIT AND SUNNY VEIL AS WELL AS AN APARTMENT COMPLEX ACROSS THE STREET. LET ME SHOW YOU. THIS IS WHERE THEY WANT THE ZONING, THIS IS WHERE THE APARTMENT COMPLEX IS, THIS IS THE CONDO COMPLEX. NEITHER OF THESE EMPTIES ON TO I-35. THEY BOTH EMPTY ON TO SUNNYVALE OR SUMMIT, AND WE

HAVEN'T HAD ANY PROBLEM WITH THEM IN ALL THESE YEARS. I DRIVE SUMMIT EVERY SINGLE DAY, AND MOST OF THE TIME I DON'T EVEN SEE ANOTHER CAR. I BET IN 10 TRIPS I DON'T EVEN SEE ANOTHER CAR ON SUMMIT. SO IT'S NOT AN OVERUSED ROADWAY, AND IT'S NOT A ROADWAY WHERE TRAFFIC IS A PROBLEM. I WOULD LIKE TO REMIND EVERYONE THAT IF THE OWNER WOULD BUILD ON G.O., SAY A MEDICAL OFFICE BUILDING, THEY WOULD BE ENTITLED TO ABOUT 475 CAR TRIPS A DAY. UNDER WHAT THEY'RE PROPOSING, THE MAXIMUM CAR TRIPS PER DAY WOULD BE 86, ONE-SIXTH THE AMOUNT THAT THEY COULD DO ON G.O. AS IT IS NOW. PLEASE ALLOW THIS PROJECT TO GO FORWARD. PLEASE GRANT THIS ZONING CHANGE. AND KNOW THAT MOST OF MY NEIGHBORS ARE NOT HERE, PRECISELY BECAUSE THEY ARE NOT OPPOSED TO THIS ZONING CHANGE. SOMEHOW THIS PROCESS IS ONLY AN OPPOSITION PROCESS, BUT A LOT OF PEOPLE AREN'T HERE JUST BECAUSE THEY'RE NOT OPPOSED. AND I REPRESENT THEM AND MYSELF. THANK YOU.

Mayor Wynn: THANK YOU, MS. TREADWELL. LET'S SEE, OUR NEXT SPEAKER IN FAVOR OF THE ZONING CASE IS LOGAN WOOD. AM I PRONOUNCING THAT CORRECTLY? WELCOME. YOU WILL HAVE THREE MINUTES.

THANK YOU. IT'S LOCKEN. IT'S PRETTY STANDARD, THERE'S USUALLY A PAUSE. THANK YOU AGAIN, MY NAME IS LOCKEN WOOD AND I LIVE IN ANOTHER PART OF THIS NEIGHBORHOOD PLANNING AREA, BUT I GREW UP AROUND THE CORNER FROM THIS PARTICULAR PROPERTY. AND I SEE -- IN MY -- I CAME INTO THIS NEIGHBORHOOD PLAN PROCESS SORT OF HALFWAY THROUGH. I MOVED BACK INTO THE AREA AS AN ADULT AND I'VE BEEN VERY INTERESTED IN HOW THERE SEEMS TO BE THIS EFFORT TO WORK TOWARDS NOTHING. WE DON'T WANT ANYTHING TO GO ANYWHERE EVER, ESPECIALLY NOT IN MY BACKYARD. THE WHOLE THING SEEMS TO BE VERY STRONG IN THIS PART OF MY NEIGHBORHOOD. AND IT JUST SEEMS LIKE IT'S NOT ONLY SERVING OUR NEIGHBORHOOD. I'VE WATCHED FOR 30 YEARS, NOTHING HAPPENED ON THESE VACANT LOTS, IT SORT OF REMAINED STAGNANT. THEY HAVE OVERGROWN WEEDS PERIODICALLY. THIS SEEMS TO BE A PROJECT THAT'S VERY IN TUNE WITH WHAT I HEAR COMING OUT OF

OUR NEIGHBORHOOD THAT WE WANT -- EVEN ON AREAS THAT ARE CURRENTLY ZONED FOR SOMETHING THAT COULD BE POTENTIALLY DENSE AND HAVE POTENTIALLY HIGH TRAFFIC, WE SAID IF WE COULD GET SOMETHING LESS THAT WOULD BE BETTER. AND HERE WE HAVE A PROJECT THAT WAS LESS AND POTENTIALLY BETTER, IT'S GOING TO HAVE A RESIDENTIAL COMPONENT, HAS LESS TRAFFIC, AND THEN YET WE SEE OPPOSITION TO THIS. SO IT SEEMS OPPOSITE OF WHERE WE'RE GOING. DO WE WANT NOTHING? DO WE WANT THINGS THAT ARE -- WHAT DO WE WANT? I DON'T THINK I'M HEARING ANYTHING CLEAR EXCEPT FOR WE DON'T WANT ANYTHING. AND I DON'T THINK THAT'S SERVING US. I MOVED BACK INTO THIS NEIGHBORHOOD BECAUSE IT'S CLOSE TO TOWN, BECAUSE THERE'S SERVICES CLOSE TO ME, BUT I'M FINDING THAT WE'RE NOT DEVELOPING THOSE SERVICES. WE'RE NOT MAKING THIS A VIBRANT PLACE FOR US TO LIVE AND WORK. I THINK THAT FROM WHAT I KNOW ABOUT THE ZONING CASE AND FROM WHAT I'VE SEEN IN WATCHING THE PLANNING COMMISSION, THE APPROPRIATE ACCOMMODATIONS HAVE BEEN MADE. THIS SITE, LIKE MR. THROWER SAID, THE ACCESS IS OBVIOUS THAT IT WOULD BE ON TO SUMMIT BECAUSE IT JUST DOESN'T WORK IN OTHER WAYS. AND I THINK BECAUSE OF THAT THEY'VE LOOKED AT REDUCING DENSITY AND MAKING IT MORE RESIDENTIAL, HAVING FEWER TRAFFIC TRIPS. SO REASONABLE ACCOMMODATIONS HAVE BEEN MADE. I'D LIKE TO SEE SOMETHING HAPPEN. I THINK THE NEIGHBORHOOD DESERVES IT. I THINK THAT WE DESERVE TO SEE GOOD THINGS START HAPPENING. AND THAT WE SHOULD STOP SAYING NO TO EVERYTHING. SO THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. WOOD. COUNCIL, THAT'S ALL THE FOLKS WHO HAVE SIGNED UP IN FAVOR OF THE ZONING CASE. WE'LL NOW GO TO FOLKS IN OPPOSITION. WHO WISH TO SPEAK. KATE TRAVIS SIGNED UP NOT WISHING TO SPEAK, IN OPPOSITION. LET'S SEE, KENNETH HILLBIG. WELCOME, SIR. IS TONY HOUSE STILL HERE? HI, TONY. WELCOME. SO KENNETH, YOU WILL HAVE UP TO SIX MINUTES. AND YOU WILL BE FOLLOWED BY IT LOOKS LIKE DAWN SEIZEMAR, WELCOME, SIR.

THANK YOU, COUNCILMEMBERS, MY NAME IS KENNY HILLBIG AND I'M THE PRESIDENT OF SOUTH RIVER CITY CITIZENS

NEIGHBORHOOD ASSOCIATION. AND THERE SEEMS TO BE A LITTLE BIT OF DISSENSION AMONG THE NEIGHBORS HERE AS TO WHAT THEY WANT AND WHAT THEY DON'T WANT. I GUESS I'D LIKE TO TRY TO SET THE RECORD STRAIGHT. IT'S MY UNDERSTANDING FROM TALKING TO FOLKS THAT LIVE IN THIS PART OF THE NEIGHBORHOOD ASSOCIATION, WHICH BY THE WAY IS THE EASTERN MOST PART OF OUR NEIGHBORHOOD ASSOCIATION. I WOULD SAY MORE -- WAY MORE PEOPLE ARE AGAINST THIS ZONING CHANGE THAN ARE FOR, SO I JUST WANTED TO GO ON THE RECORD. SO THAT'S WHY I'M HERE REPRESENTING THE MAJORITY THAT DO NOT WANT TO SEE IT CHANGED TO GR. I GUESS MY BIGGEST POINT THAT I'D LIKE TO MAKE IS THAT -- ACTUALLY, IT'S MORE OF A QUESTION THAN A POINT. WHEN THIS WAS IN FRONT OF THE PLANNING COMMISSION, THE CITY STAFF HAD RECOMMENDED KEEPING IT G.O., AND THE CONVERSATIONS GOT STUCK ON A DIFFERENCE IN THE SETBACK FROM G.O. TO GR. AND MY UNDERSTANDING IS THAT IF IT STAYS G.O. THAT IT WILL BE A 15-FOOT SET BACK. IF IT GOES TO GR IT WILL BE A 10-FOOT SET BACK. WE WERE ASKED BY THE PLANNING COMMISSION WHAT DIFFERENCE DID FIVE FEET MAKE AND WHY WE WANTED TO KEEP THAT FIVE FEET? WELL, WE COULDN'T GIVE A REAL DEFINITIVE ANSWER, BUT IN MY OPINION WE SHOULDN'T HAVE HAD TO. IT'S A BUFFER TO THE STREET AND THE PEDESTRIANS THAT WALK ALONG THAT STREET. SO ANYTHING WE CAN GET TO KEEP UP MORE OF A BUFFER, WE WANT IT. SO IT FELT LIKE AT THE END OF THE PLANNING COMMISSION WHEN THEY TOOK THEIR VOTE, IT CAME DOWN TO THIS FIGHT THE SETBACK STRETCH. AND I FELT LIKE MORE ATTENTION SHOULD HAVE BEEN GIVEN TO THE OVERALL DEVELOPMENT AND NOT JUST THIS FIVE-FOOT DIFFERENCE. THAT BEING SAID, IT'S ALSO MY UNDERSTANDING THAT THEY WANT TO PUT CONDOMINIUMS ON THIS AND THEY CAN CERTAINLY DO THAT UNDER G.O. AND WE'RE NOT -- WE'RE CONCERNED ABOUT WHY THEY WANT THIS TO GO GR. AND WE'RE CONCERNED THAT IT WILL HAVE A DOMINO EFFECT FOR THAT WHOLE STRIP THERE. AND THIS NEIGHBORHOOD IS A NEIGHBORHOOD THAT'S -- IT'S CONSTANTLY UNDER STRESS, IT'S CONSTANTLY UNDER ATTACK. THERE'S DEVELOPMENTS TRYING TO GO IN ALL THE TIME. AND CREEP IN AND TAKE IT OVER. THERE'S BAD DEVELOPMENT ON EAST RIVERSIDE

THAT CREEPS UP THE HILL AND CONVERTS NOISE AND TRASH AND MANY OTHER UNSPEAKABLE THINGS UP INTO THE NEIGHBORHOOD. SO THIS NEIGHBORHOOD IT'S ONE THAT REALLY IS UNDER ATTACK AND THEY'RE FEELING LIKE THEY HAVE TO DO ALL THEY CAN TO KEEP THAT BUFFER THERE. AND IF THIS GOES GR, THAT'S ONE LESS THING THAT WILL HELP THEM BUFFER. AS FAR AS ACCESS IS CONCERNED, YOU KNOW, I THINK THE NEIGHBORHOOD AND THE NEIGHBORHOOD ASSOCIATION WOULD BE WILLING TO WORK WITH THE DEVELOPERS TO GET SOME VARNISH GOING SO THAT -- VARIANCES GOING SO THAT IT COULD ACCESS ONLY TO I-35. YES, THE NUMBER OF VEHICLE TRIPS IS MINIMAL, BUT AS MS. TREADWELL SAID, THERE'S NOT VERY MANY PEOPLE DRIVING THAT STREET. THERE ARE A LOT OF PEOPLE WALKING THAT STREET THROUGHOUT ALL TIMES OF DAY. SO -- VEHICLE TRIPS, IT JUST DOESN'T MAKE A WHOLE LOT OF DIFFERENCE. WE THINK WE CAN WORK TOWARDS ACCESS ON I-35. AND ON A FINAL NOTE, I WOULD JUST LIKE TO KIND OF POINT OUT SOMETHING. UNDER THE ZONING DISTRICT PURPOSE STATEMENTS FROM THE NEIGHBORHOOD PLANNING ZONING DEPARTMENT, IT SAYS THAT GR COMMERCIAL DISTRICT IS THE DESIGNATION FOR AN OFFICE OR OTHER COMMERCIAL USE THAT SERVES NEIGHBORHOODS AND COMMUNITY NEEDS AND THAT GENERALLY IS ACCESSIBLE FROM MAJOR TRAFFIC WAYS. SUMMIT DRIVE IS NOT A MAJOR TRAFFIC WAY. IT IS A SMALL TRAFFIC WAY. PLEASE LET THE ACCESS GO OUT ON TO I-35 WHERE IT MAKES SENSE. THANK YOU.

Mayor Wynn: THANK YOU. SORRY, I LOST MY PLACE HERE. AND DAWN SIZMAR, SORRY IF I'M MISPRONOUNCING THAT. AND IS JOSEPH STILL HERE? YOU WILL HAVE UP TO SIX PINTS IF YOU NEED IT. -- SIX MINUTES IF YOU NEED IT. AND YOU WILL BE FOLLOWED BY JEAN MATHER.

THANK YOU VERY MUCH FOR HEARING THIS CASE. IT'S VERY EXCITING TO BE HERE IN THIS BRAND NEW BUILDING, AND THERE'S A LOT OF GOOD THINGS HAPPENING IN AUSTIN. OUR NEIGHBORHOOD HAS BEEN PART OF THE NEIGHBORHOOD PLANNING PROCESS FOR SOME TIME. ONE OF THE POINTS I'D LIKE TO MAKE BEFORE ADDING SOME DETAILS IS THAT THIS NEIGHBORHOOD PLANNING PROCESS IS UNDERWAY AND THIS IS AN EXAMPLE OF A CASE THAT

HAS COME UP DURING THE NEIGHBORHOOD PLANNING PROCESS, AND FRANKLY WE FEEL TRYING TO SLIP BY. THE GR REQUEST, GR ZONING IS CONTRARY TO THE FUTURE LAND USE MAP, WHICH RECOMMENDS G.O. ZONING -- MAINTAINING THE G.O. ZONING FOR THAT PROPERTY AND THE ONES NEARBY. AND THIS WAS REACHED BY THE COLLECTIVE PROCESS THAT'S PART OF THE NEIGHBORHOOD PLANNING PROCESS. NOT EVERYBODY AGREES WITH EVERYTHING, BUT WE WORK TOGETHER TO HAVE CONSENSUS. I DO -- I LIVE ON SUNNYVALE STREET. I LIVE ACROSS FROM MS. TREADWELL. AND SO I LIVE VERY NEAR THIS SITE AT SUMMIT AND ELMHURST. AND PERHAPS I'M AWARE WHEN MS. TREADWELL GOES TO WORK AND BACK, SHE'S A HARD WORKER, MAYBE SHE DOESN'T SEE SO MUCH TRAFFIC, BUT I'VE BEEN DOCUMENTING TRAFFIC PROBLEMS ON SUMMIT STREET FOR SOME TIME. IT HISTORICALLY WAS A SMALL STREET TO DIDN'T EVEN GO THROUGH TO WOODLAND. IT ONLY EXISTS BETWEEN WOODLAND AND RIVERSIDE. AND IT WAS CONNECTED TO WOODLAND, I'M TOLD BY NEIGHBORS WHO HAVE LIVED IN THIS AREA FOR DECADES, AND IT SERVES -- IT MAINLY SERVES THE -- IT MAINLY SERVES THE NEIGHBORHOOD THERE. IT'S PREDOMINANTLY A SINGLE-FAMILY NEIGHBORHOOD THAT HAS MAINTAINED ITSELF FOR MANY, MANY YEARS DESPITE THE PROBLEMS AND ACKNOWLEDGED PROBLEMS THAT LOCKEN AND MS. TREADWELL SAID. WE LIKE THE DEVELOPMENT. THAT WOULD BE GREAT, BUT THERE ARE BETTER PLACES FOR DEVELOPMENTS LIKE THIS. SUMMIT AND ELMHURST WOULD NOT BE GOOD. SUNNYVALE, MY STREET, IS ONE STREET OVER FROM ELMHURST, AND I WALK THERE, I DRIVE IT ALL THE TIME, AND I'M VERY FAMILIAR WITH THE TRAFFIC PROBLEMS. THERE IS NO PARKING. IT'S A NO PARKING AREA FROM WOODLAND I THINK -- I GUESS I NEED ANOTHER MAP. FROM WOODLAND TO ELMHURST THERE'S NO PARKING, ALTHOUGH SOME OF THE SIGNS HAVE BEEN TAKEN DOWN AND THERE'S MANY PARKING VIOLATIONS. IT'S ALSO BECOME A SPEEDWAY CUT THROUGH, LOTS OF CARS AND TRUCKS GOING AT ALL HOURS OF THE NIGHT. SUNNYVALE IS AFFECTED, ELMHURST IS AFFECTED, AND I KNOW FROM PERSONAL EXPERIENCE AND CAN DOCUMENT MANY CASES WHERE IT'S VERY DIFFICULT TO TURN. THIS INTERSECTION RIGHT HERE IS

IMPOSSIBLE TO SEE VERY FAR. THERE'S A 15 MILES PER HOUR SPEED LIMIT HERE, WHICH IS OFTEN IGNORED BECAUSE IT'S A WINDING ROAD. IF YOU'RE TRYING TO GET ON FROM ELMHURST ON TO SUMMIT, YOU CAN'T SEE AROUND THE CORNER. THERE'S A SINGLE-FAMILY HOME HERE. THERE IS MULTI-FAMILY HERE TO THE NORTH AND ON BOTH SIDES OF SUNNY VEIL AND WE HAD NOT HAD POSITIVE EXPERIENCES IN OUR NEIGHBORHOOD WITH THAT TYPE OF MULTI-FAMILY DEVELOPMENT, AND THE POLICE RECORDS AND THE TRAFFIC PROBLEMS AND OTHER AREAS OF CODE ENFORCEMENT CAN BEAR THIS OUT. I CAN'T GO THROUGH THAT ALL TONIGHT. I'M ALSO, IN ADDITION TO BEING AN ACTIVE MEMBER OF THE NEIGHBORHOOD PLANNING PROCESS, I ALSO HAVE BEEN PARTICIPATING IN THE PLANNING COMMISSION SUBCOMMITTEE ON NEIGHBORHOOD PLANNING, AND WE HAD A MEETING YESTERDAY, IN FACT, AND FOR MONTHS THEY HAD BEEN DEALING WITH HOW TO DEAL WITH ZONING APPLICATIONS THAT COME UP DURING THE NEIGHBORHOOD PLANNING PROCESS, AND OUR NEIGHBORHOOD PLANNING PROCESS HAS BEEN SET BACK. IT HAS BEEN SET BACK AND CONFUSED MANY TIMES. WE'RE WAY BEHIND SCHEDULE. WE THOUGHT WE MIGHT BE GOING ON. BECAUSE THERE HAVE BEEN ALL THESE ZONING CASES THAT COME UP THAT JUST SUCK THE LIFE OUT OF THE NEIGHBORHOOD PLANNING PROCESS. WE CAN'T HAVE -- THERE'S MANY, MANY MEETINGS. WE'RE NOW INVOLVED IN TRYING TO DECIDE ZONING IN SEVERAL AREAS. SO THE RIVERSIDE, OLTORF PLANNING AREA IS BEING BESET, AS HE SAID, BY APPLICATIONS, TRYING TO COME IN AND DO SOMETHING OUTSIDE OF THE NEIGHBORHOOD PLANNING PROCESS AND IN FACT THESE CASES ARE BEING TAKEN OUTSIDE OF THE NEIGHBORHOOD PLANNING PROCESS, SO WE HAVE LIKE THESE LITTLE GAPS IN OUR MAP OF JUST, OH, THAT DOESN'T EXIST. THESE ARE VERY SERIOUS ISSUES. THIS IS A BEAUTIFUL PROPERTY, SOMETHING NICE SHOULD GO THERE. ALL OF THIS PROPERTY IS SINGLE-FAMILY, BEAUTIFUL SINGLE-FAMILY HOMES. NOTHING MORE THAN ONE OR TWO-STORIES. AND ACCESS ON TO SUMMIT HERE, IN ADDITION TO NO PARKING, THERE'S A FIRE HYDRANT THERE. AND THE HEIGHT HERE IS AN ISSUE, SO IF THEY'RE TALKING ABOUT A HEIGHT OF WHATEVER COULD BE



ALLOWED IN GR WITH HIGHER ZONING, IT WILL BE ABOVE THE LEVEL OF THE STREET, AND SO THAT GOES EVEN HIGHER, THUS BLOCKING OFF WHAT IS A VERY BEAUTIFUL, BUT DANGEROUS ROAD. IT'S DANGEROUS TO WALK. THERE'S NO SIDEWALKS. AS I SAID, THERE IS -- EVEN THOUGH THERE'S A 15 MILES PER HOUR LIMIT, PEOPLE HAVE TAKEN TO CUTTING THROUGH THERE. WHEN THE HIGHWAY BACKS UP, EVERYBODY JUST CUTS RIGHT THROUGH SUMMIT. [ BUZZER SOUNDS ]. IS THAT ME?

Mayor Wynn: THAT'S YOU.

SO I'M ASKING YOU, PLEASE, TO RESPECT THE NEIGHBORHOOD PLANNING PROCESS, ALLOW IT TO CONTINUE, AND TO MAINTAIN THE G.O. ZONING THAT IS CONSISTENT WITH THE -- BOTH THE EXISTING ZONING AND WITH THE FUTURE LAND USE MAP AND WITH THE ZONING AND THE PROPERTIES HERE, WHICH -- WHICH HAS WORKED PRETTY WELL FOR SOME TIME. AND I THANK YOU FOR YOUR ATTENTION.

Mayor Wynn: THANK YOU. WHILE MS. MATHER MAKES HER WAY UP TO THE PODIUM, LET'S SEE, A NUMBER OF FOLKS HAVE SIGNED UP IN OPPOSITION, BUT NOT WISHING TO SPEAK. I'LL NOW READ THOSE INTO THE RECORD. THESE ARE FOLKS IN OPPOSITION, NOT WISHING TO SPEAK. BOBBY RIGNEY, LORRAINE ATHERTON, CARL BRAWN, MICHAEL MEYER, GALE GOTH, AND LINDA LAND. WILLIAM, MS. MATHER. YOU WILL HAVE THREE MINUTES.

I'M JEAN MATHER. I'M THE CHAIR OF THE PLANNING COMMITTEE FOR -- BOTH SIDES OF THE HIGHWAY ARE BEING PLANNED. BUT ANYWAY, I JUST WANTED TO MAKE IT CLEAR, THERE ARE TWO MAIN POINTS OF CONTENTION ON THIS ZONING. AND WE -- WHEN RON THROWER STARTED MAKING HIS PRESENTATION AT THE PLANNING COMMISSION AND SAID HE COULD LIVE WITH THE G.O. ZONING, AND HE WAS TALKING ABOUT HAVING CONDOS ABOVE, AND THEN WE THOUGHT, YOU KNOW, THAT WOULD BE A VERY NICE MU WITH THE G.O. AND SO WE'RE ALL TOGETHER UNTIL HE STARTED TALKING ABOUT NEEDING GR FOR THE FIVE FEET DIFFERENCE BETWEEN GR AND G.O. AND I REALLY HOPE THAT YOU GO WITH THE STAFF RECOMMENDATION FOR

G.O.-MU, AND THAT YOU INSIST ON THE ACCESS BEING ON I-35. I DON'T THINK IT MAKES ANY SENSE TO HAVE THIS KIND OF HEAVY TRAFFIC -- WELL, I DON'T KNOW HOW HEAVY IT WOULD BE, BUT TO HAVE IT COMING OFF OF THAT LITTLE SUMMIT. IF ANY OF YOU HAVE HAD TIME TO DRIVE ON SUMMIT, YOU CAN SEE THAT IT DOESN'T NEED ANY MORE TRAFFIC THAN IT HAS. THE OTHER POINT, WHEN WE WERE AT THE PLANNING COMMISSION, CHRIS RILEY, THE CHAIR, WAS REALLY AMAZED AT THE NEIGHBORS WHO SAID THEY HAD NO PROBLEM WITH IT. THE FACT THAT MR. THROWER IS PROPOSING OR WAS, I COULDN'T HEAR WHAT HE WAS SAYING THERE. INCIDENTALLY, YOU HAVE TO FIX THE SOUND IN HERE. WE CAN HARDLY HEAR A WORD THAT ANYONE UP HERE SAYS. IT'S VERY DIFFICULT. ANYWAY, CHRIS RILEY SAID HE WAS SURPRISED THAT THE NEIGHBORS WOULD THINK THAT A PARKING GARAGE SET ON THAT STREET WOULD BE A PLEASANT ADDITION TO THE STREET. HE SAID HIS HOUSE IS OPPOSITE A PARKING GARAGE AND IT'S VERY UNPLEASANT. SO ANYWAY, WE DON'T ALL THINK ALIKE. PEG TREADWELL IS A WONDERFUL PERSON AND HAS BEEN VERY ACTIVE IN OUR NEIGHBORHOOD FOR A LONG TIME, AND SHE'S HOPING THAT UPSCALE STUFF WILL HELP EAST OF I-35, AND I AGREE WITH HER. I JUST THINK IT ISN'T -- NO MATTER WHAT YOU DO, IT'S THE WAY THAT YOU DO IT. AND I THINK THAT G.O.-MU WOULD BE GREAT, IF ONLY -- IF ONLY IT HAD ACCESS TO I-35. OR TO ELMHURST. I MEAN, THERE ARE NO TRUCKS ALLOWED ON SUMMIT, AND THERE'S NO PARKING ALONG THAT STRIP, WHICH WOULD BE A GOOD THING REALLY. I MEAN, THAT IS A PROTECTION TO HAVE THE NO PARKING, BUT I DON'T SEE ACCESS FROM THAT SIDE OF THE STREET. ANYWAY, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU. BY THE WAY, MS. MATHER, WHAT WAS THE VOTE -- MS. MATHER? SORRY, WE'LL ASK STAFF. OKAY. SO LET'S SEE --

I'M SORRY.

Mayor Wynn: THAT'S OKAY. I'LL ASK STAFF LATER.

YES OR NO?

Mayor Wynn: THANK YOU, JEAN. SO THAT'S -- OH, STEVEN CLARK. IS STEVEN CLARK STILL HERE? I'M SORRY, I'M WORKING MY WAY THROUGH THE TECHNOLOGY. SIGNED UP AGAINST AND YOU WILL HAVE THREE MINUTES. WELCOME.

I JUST BRIEFLY WANT TO SAY THAT I LIVE ON MANLAND STREET AND MY ONLY ACCESS IN AND OUT OF THE NEIGHBORHOOD IS SUMMIT STREET. AND IT IS A SMALL STREET, AND I HOPE WE DON'T INCREASE THE TRAFFIC ON THAT STREET MUCH. THANK YOU.

Mayor Wynn: THANK YOU, MR. CLARK. SO I BELIEVE THAT IS ALL THE CITIZENS WHO WISH -- WHO SIGNED UP IN OPPOSITION. S AND AGAIN, THERE'S THREE MORE FOLKS NOT WISHING TO SPEAK IN OPPOSITION, I'LL READ THEIR NAMES INTO THE RECORD, KATHLEEN NIX, KATHLEEN GREENY AND PAUL REYES SIGNED UP IN OPPOSITION. SO COUNCIL, THAT'S ALL THE FOLKS SIGNED UP IN FAVOR AND AGAINST THIS ZONING CASE. MR. THROWER WILL NOW HAVE A THREE-MINUTE REBUTTAL.

MAYOR, I WANT TO DIRECTLY ADDRESS THE ACCESS ISSUE FOR THIS TRACT. AS YOU CAN SEE IN THE UPPER LEFT PHOTO, THIS IS A FOAT AT THE LOOKING NORTH -- PHOTO LOOKING NORTH ON I-35 FROM THE ADJACENT DRIVEWAY. CITY CODE REQUIRES 200 FEET BETWEEN ACCESS POINTS. THERE'S NOT 200 FEET OF SPACING BETWEEN THE EXISTING DRIVEWAY SERVING THE RECENTLY PURCHASED CITY OF AUSTIN PROPERTY WITH ELMHURST AND I-35. THE GRADE DIFFERENCE CAUSES A HUGE PROBLEM. OBVIOUSLY IF WE CUT DOWN INTO THE HILLSIDE THERE WE'RE GOING TO LOSE TREES ON THE SITE. TREES ARE AN ASSET FOR OUR RESIDENTIAL DEVELOPMENT AS WELL. IF WE CUT DOWN FOR JUST A DRIVEWAY, THEN WE HAVE SITE DISTANCE ISSUES. THE PICTURE TO THE RIGHT OF THAT IS LOOKING WEST ON ELMHURST STREET, AND YOU CAN SEE THAT THERE IS A GREAT DIFFERENCE AT THE WESTERN END OF THE ELMHURST STREET. THE BOTTOM RIGHT PICTURE SHOWS THE ACCESS ON TO SUMMIT. SUMMIT IS RIGHT AT GRADE. IT'S THE PERFECT PLACE FOR A DRIVEWAY TO SERVE A DEVELOPMENT, WHETHER IT'S AN OFFICE DEVELOPMENT, A MIXED USE DEVELOPMENT, OR A RESIDENTIAL CONDOMINIUM DEVELOPMENT. WE DID NOT NECESSARILY

GO OUTSIDE OF THE NEIGHBORHOOD PLAN, AND I WANTED TO ADDRESS THAT SPECIFICALLY. YES, THERE IS AN ONGOING NEIGHBORHOOD PLAN. YES, THE FINAL -- THE DRAFT LAND USE MAP SHOWED THIS TO BE AN OFFICE USE. WE'RE ADDING BASICALLY THE MU COMPONENT. THE LAND USE DOESN'T CHANGE OTHER THAN MU. IT'S NOT GOING TO CHANGE TO THE RED COMMERCIAL DISTRICT BECAUSE WE ARE NOT ALLOWING OR AGREEING TO ANY GR USES FOR THE PROPERTY. I WOULD LIKE TO SAY THAT THIS PROPERTY IS IN LINE WITH ENVISION CENTRAL TEXAS. ASKING FOR A 10-FOOT SET BACK INSTEAD OF 15 IS DIRECTLY IN LINE WITH THE COMMERCIAL DESIGN STANDARDS THAT ARE CURRENTLY BEING PROPOSED. AND IT CAN ALSO PROVIDE SOME FLEXIBILITY IN DESIGN. IF WE HAVE A 15-FOOT SET BACK, WE COULD HAVE A BOX. I HATE TO SAY THAT. IF WE HAVE FIVE FEET, FIVE FEET CAN MEAN A LOT. LOOK AT THIS BUILDING WITH A ZERO SET BACK LINE AND LOOK AT WHAT WAS DONE. IT'S A TREMENDOUS BUILDING. WE HAVE A PROJECT HERE THAT WANTS TO GET ON THE GROUND SOONER THAN LATER. IT'S A GREAT URBAN DEVELOPMENT PROJECT FOR AUSTIN, AND I WOULD APPRECIATE YOUR POSITIVE SUPPORT FOR THIS ZONING REQUEST. THANK YOU.

Mayor Wynn: THANK YOU, MR. THROWER. QUESTION, MR. THROWER. SO THIS WENT TO PLANNING COMMISSION, NOT ZONING AND PLATTING COMMISSION. AT THE PLANNING COMMISSION, WHAT WAS THE VOTE FOR THIS MU DESIGNATION?

THE VOTE IN THE PAPERWORK SAYS 8-0. IT WAS ACTUALLY 7-0, COMMISSIONER GALINDO NOT ATTENDING. SO IT WAS 7 FOR ADDING THE MU DESIGNATION.

FOR GR-CO-MU, YES, SIR.

Mayor Wynn: FURTHER QUESTIONS, COUNCIL, COMMENTS? MECHANIC.

McCracken: I'M SORRY, OUR AGENDA INDICATES THAT THE APPROVED ZONING WAS GO-MU-CO. WAS IT GR OR CO?

I READ IT IN THE CORRECTIONS. WE CORRECTED THAT THIS

MORNING.

McCracken: I WANT TO MAKE SURE MY NOTES ARE CORRECT THEN. THIS IS FOR YOU, MR. THROWER. THAT THE THE GR IS FOR THE SETBACK PURPOSES ONLY, AND NOT FOR GR USES. IS THAT THE PROPOSAL?

THAT IS 100% CORRECT.

McCracken: AND THEN WOULD IT BE POSSIBLE TO DO VEHICULAR ACCESS ON TO ELMHURST AS OPPOSED TO SUMMIT?

ELMHURST IS BETTER THAN I-35. NOT NEAR AS GOOD AS SUMMIT. CAN IT BE DONE? I WOULD SAY POTENTIALLY IT CAN BE DONE. WE HAVE TO SEEK SEVERAL WAIVERS FROM THE TRANSPORTATION CRITERIA MANUAL TO MAKE THAT HAPPEN.

McCracken: WHAT KIND OF WAIVERS WOULD YOU HAVE TO SEEK?

WE HAVE TO SEEK A WAIVER FROM DRIVEWAY SEPARATION FROM THE PROPERTY CORNERS. THE CITY OF AUSTIN TRANSPORTATION CRITERIA MANUAL REQUIRES THAT THERE'S A 100-FOOT SEPARATION FROM THE INTERSECTING POINTS OF RIGHT-OF-WAY. SO RIGHT ALONG ELMHURST WE HAVE AN OVERLAP OF COMPLETE DENIAL OF ACCESS WITHOUT A WAIVER. PLUS THERE'S GOING TO BE SOME SEPARATION DISTANCE WAIVERS REQUIRED BECAUSE OF THE OPPOSING DRIVEWAYS. SO WE HAVE POTENTIALLY THREE OR FOUR WAIVERS JUST FOR ELMHURST ACCESS. THE SUMMIT ACCESS IS FAR BETTER. 424 TRIPS VERSUS LESS THAN 100 I THINK IS WHAT MORE NEEDS TO BE FOCUSED ON FOR ACCESS.

McCracken: AND THEN ONE OTHER QUESTION. ONE OF THE SPEAKERS FROM THE NEIGHBORHOOD MENTIONED THAT THERE'S NO SIDEWALK ON SUMMIT. WOULD IT AT LEAST BE POSSIBLE TO -- WOULD Y'ALL BE WILLING TO PUT A SIDEWALK ON AT LEAST YOUR PORTION OF THE PROPERTY, THE SUMMIT FRONTAGE?

YES, DEFINITELY.

McCracken: I'VE GOT TO TELL YOU, FROM AN URBAN PLANNING STANDPOINT IT WOULD BE A TOTAL DISASTER TO HAVE THE EXIT ON TO I-35 FRONTAGE ROAD. AND FOR GRADE PURPOSES AND JUST FROM PLANNING PURPOSES TOO. AND ALSO I THINK ONE OF THE THINGS THAT WE'VE DISCOVERED IS WE HAVE A VERY AN TIG KUWAITED APPROACH TO SET BACKS IN THE CITY, AND SO WE'VE HAD A COUPLE OF THESE CASES RECENTLY WHERE THE OLDER HOMES HAVE CLOSER SETBACKS. THAT WE HAVE THESE SUBURBAN STYLE SET BACK REQUIREMENTS FOR THE URBAN CORE NOW, SO I THINK THAT THE GR SET BACK MAKES A LOT OF SENSE ALSO. AND THE FINAL POINT I'LL MAKE IS THAT IN A LOT OF CITIES WHAT WE'VE DISCOVERED IS THAT SLIGHTLY TALLER BUILDINGS IN THESE HIGHWAY FROJZ PROVIDE A SOUND WALL EFFECT FOR THE NEIGHBORHOODS. AND IN FACT IF YOU GO TO CITIES, SAY, WASHINGTON, D.C., YOU WILL SEE THEY HAVE TALLER BUILDINGS ON THE ARTERIALS AND IT PROTECTS THE SINGLE-FAMILY NEIGHBORHOODS FROM NEGOTIATION AND FROM PRO PROTRUSION OF ACTIVITY. AND SOMETHING LIKE THIS ON WOULD ACTUALLY DO MORE TO PROTECT THE NEIGHBORHOOD THAN SOME KIND OF LOW DENSITY, SUBURBAN STYLE DEVELOPMENT THERE ON THAT CORNER.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: MR. THROWER, RIGHT NOW I HAVE G.O. ZONING ON THAT PROPERTY, IS THAT CORRECT?

THAT IS CORRECT.

Dunkerley: AND IF YOU WERE TO JUST GO AHEAD AND BUILD YOUR LITTLE BOX-LIKE STRUCTURE THERE WITH ALMOST SIX TIMES AS MUCH TRAFFIC THROWN OUT ON SUMMIT, YOU WOULD STILL EXIT OUT ON SUMMIT.

THAT IS CORRECT.

Dunkerley: SO BY GOING TO THE GR, LIMITING IT TO ONLY G.O. USES, IF YOU DO THE MIXED USE, YOU WOULD GET I

THINK, WHAT DID YOU SAY, 100 TRIPS PER DAY, 80?

THAT IS CORRECT, 86 WITH A MIXED USE DEVELOPMENT,  
AND 70 WITH A TRUE CONDOMINIUM BUILDUP.

Dunkerley: DO YOU HAVE ANY IDEA WHAT YOU'RE GOING TO  
DO RIGHT NOW?

THE OTHERS ARE LEANING TOWARDS 100% RESIDENTIAL  
CONDOMINIUMS, BUT THERE IS A NEIGHBOR DIRECTLY  
ACROSS THE STREET THAT'S BEGGING FOR AN OFFICE  
CONDOMINIUM THERE.

Dunkerley: OKAY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL  
ENTERTAIN A MOTION ON CASE Z-12. MR. GUERNSEY, IS  
STAFF READY FOR FIRST READING ONLY?

THAT'S CORRECT, MAYOR. COUNCILMEMBER MCCRACKEN.

McCracken: I'LL MOVE TO APPROVE THE PLANNING  
COMMISSION RECOMMENDATION, AND THEN I DO WANT --  
FIRST READING ONLY OBVIOUSLY. BETWEEN NOW AND  
SECOND, I WOULD LIKE -- I THINK WE WOULD NEED SOME  
GUIDANCE ON THE VEHICULAR ACCESS ON ELMHURST  
RATHER THAN SUMMIT. I THINK THAT WOULD BE  
PREFERABLE, BUT IF THIS END UP BOGGING DOWN THIS  
PROCESS, WE NEED TO GET SOME GUIDANCE ON THAT.

WE CAN DO THAT.

McCracken: THE FINAL POINT IS ALSO THAT THE APPLICANT  
PUT A SIDEWALK ON THEIR PORTION OF THE FRONTAGE AT  
SUMMIT STREET.

Thomas: I'LL SECOND IT.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN TO  
APPROVE THE PLANNING COMMISSION RECOMMENDATION  
WITH A COUPLE OTHER ADDITIONAL COMMENTS, SECONDED  
BY COUNCILMEMBER THOMAS, FIRST READING ONLY, AND  
CLOSING THE PUBLIC HEARING WHILE WE'RE AT IT. FURTHER

COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 7-0. THANK YOU ALL. THIS TAKES US TO OUR LAST ZONING CASE, CASE Z-15. WE HAD 12 CITIZENS SIGN UP. MOST OF THEM WISHING TO SPEAK.

MAYOR AND COUNCIL, OUR NEXT ITEM IS ITEM Z-12, CASE C-14-04--- EXCUSE ME. CASE Z-15, C-14-04-181. SH. THESE ARE PROPERTIES ALONG METCALF AND BROOK SHIRE LANE. FROM SF-3 TO SF-6-CO. THE RECOMMENDATION WAS TO APPROVE SF-6-CO DISTRICT ZONING, WITH A CONDITIONAL OVERLAY. A CONDITIONAL OVERLAY WOULD LIMIT DEVELOPMENT TO 300 UNITS, WHICH IS APPROXIMATELY 11.53 UNITS PER CAKER ON THIS PROPERTY. AND ESTABLISH THAT A BUILDING MAY NOT CONTAIN MORE THAN ONE UNIT, WHICH WOULD MEAN THAT YOU WOULD HAVE INDIVIDUAL UNITS AND INDIVIDUAL BUILDINGS ON THIS PROPERTY. THE COMMISSION ALSO WENT ON TO RECOMMEND THAT THERE'S A RESTRICTIVE COVENANT PROHIBITING THE PROPERTY HAVING A GATED RESIDENTIAL COMMUNITY, PROVIDING A BIKE AND PEDESTRIAN ACCESS TO A HIKE AND BIKE TRAIL ALONG THE NORTHERN LINE ADJACENT TO THE COUNTRY CLUB CREEK AND TO PROVIDE A PEDESTRIAN ACCESS ALONG THE EAST PROPERTY LINE WHERE THE LINE IS ADJACENT TO LENDER ELEMENTARY SCHOOL. THE APPLICANT AGREES WITH THE PLANNING COMMISSION'S RECOMMENDATION EXCEPT FOR THE RESTRICTIVE COVENANT THAT WOULD SPEAK TO PROHIBITING GATING OF THE PROPOSED PROJECT. THE DIRECTOR OF PLANNING WITH AISD, STAN ROBERTSON, HAS PROVIDED A MEMO TO YOU WHICH HAS A CONCERN OF OVERCROWDING IN THE SCHOOL, THAT THE BOUNDARIES WOULD HAVE TO BE AMENDED IF THE PROJECT WERE BUILT OUT AND THE ZONING WERE APPROVED, BUT DID NOT RECOMMEND DENIAL OF THE PROJECT, JUST SIMPLY NOTING THAT THE BOUNDARIES WOULD HAVE TO BE CHANGED FOR THIS AREA. THIS IS ALSO IN THE RIVERSIDE, OLTORF PLANNING AREA. IT HAS BEEN DISCUSSED AT VARIOUS MEETINGS, AND THOSE REFERENCES TO THESE



MEETINGS ARE IN YOUR BACKUP, AND WE ANTICIPATE BRINGING BACK THIS PLAN FOR THIS AREA IN THE EARLY OR LATE SPRING, EARLY SUMMER OF THIS YEAR. THERE ARE REPRESENTATIVES TO SPEAK IN FAVOR AND OPPOSED TO THIS ITEM, AS YOU'VE MENTIONED. IF YOU HAVE ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM AT THIS TIME.

Mayor Wynn: QUESTIONS OF MR. GUERNSEY? IF NOT, WE'LL HAVE OUR FIVE-MINUTE PRESENTATION FROM THE APPLICANT AND/OR AGENT. JUST A QUICK REMINDER TO FOLKS, AS WE STEP OFF THE DAIS OCCASIONALLY, WE HAVE AUDIO AND VIDEO IN THE BACK, SO WE ARE HEARING ALL THE TESTIMONY.

HELLO, MY NAME IS DAVID MAHN, I'M WITH BENCHMARK DEVELOPMENT. WE'VE BEEN DOING BUSINESS IN AUSTIN FOR OVER 15 YEARS, AND WE ALONG WITH TERRY MITCHELL ARE THE APPLICANTS FOR THIS ZONING CASE. I'D LIKE TO POINT OUT A COUPLE OF PROJECTS THAT WE HAVE DEVELOPED HERE IN THE AUSTIN AREA. ONE IS PLUM CREEK, AND THAT IS A 22-ACRE MASTER PLANNED COMMUNITY WITH A TRADITIONAL NEIGHBORHOOD DESIGN, ARCHITECTURAL FEATURE. SOME OF THE ELEMENTS INCLUDE FRONT PORCHES, NARROW STREETS, GARAGES IN THE YEAR, PLANNING STRIPS WITH TREES. IT'S BEEN A VERY SUCCESSFUL PROJECT. WE'VE GOT OVER A THOUSAND OCCUPIED HOMES IN THE FIVE YEARS THAT WE'VE BEEN DEVELOPING IT. ONE OTHER PROJECT I'D LIKE TO POINT OUT IS BOULDIN CREEK COTTAGES, A MUCH SMALLER PROJECT, DEVELOPED ABOUT A MILE AWAY FROM IT THIS SITE RIGHT HERE ON SOUTH FIFTH STREET. IT HAS 33 DETACHED SINGLE-FAMILY HOMES IN A CONDOMINIUM FORMAT, AND IT CONTAINS MANY OF THE T AND D ELEMENTS THAT WE HAVE AT PLUM CREEK. WE'D LIKE TO BRING MANY OF THOSE T AND D FEATURES TO THIS PROJECT HERE AT WICKSHIRE. I'VE INCLUDED HERE, AND I'VE HANDED OUT TO YOU A VISUAL OF WHAT WE EXPECT THE STREET SCENE OF OUR HOMES TO LOOK LIKE. AGAIN, NARROW STREETS, TREE-LINED STREETS, AND MANY OF THE T AND D FEATURES THAT WE HAVE IN OUR OTHER PROJECTS, INCLUDING -- THESE ARE GOING TO BE COTTAGES WITH FRONT PORCHES, GARAGES IN THE REAR, AND TREE-LINED STREETS AGAIN. THIS

PROJECT COMPORTS WITH THE ENVISION CENTRAL TEXAS PROGRAM. I BROUGHT A COUPLE OF PAGES FROM THE WEBSITE FOR THAT HERE AND JUST WANTED TO POINT OUT SOME OF THE VISION STATEMENT ITEMS CONTAINED FOR ENR. ENVISION CENTRAL TEXAS. GREATER DEVELOPED AREA, BUT MORE COMPACT AND DENSER, CONSIDERING HOW MANY MORE PEOPLE WILL LIVE IN THE REGION. AREAS WITH TOWNHOMES, CONDOS AND LOFTS, IN GREATER NUMBER AND DENSITY THAN SEEN IN CENTRAL TEXAS. URBANIZED AREAS THAT ARE DENSER. MORE HOUSING CHOICES CLOSER TO PLACES OF WORK, DEANING AND SHOPPING. I THINK THAT'S A VERY IMPORTANT PROSPECT. WICKSHIRE PROPERTY IS TWO MILES FROM DOWNTOWN, SO VERY CLOSE IN. AND WE BELIEVE THAT THERE'S A STRONG DEMAND FOR HOUSING THAT IS CLOSE TO WHERE PEOPLE WORK AND DINE AND SHOP, AND WE THINK WICKSHIRE IS A PERFECT LOCATION FOR THAT. EASIER ON THE BUDGET FOR HOUSING. PROPERTY TAXES, INFRASTRUCTURE COSTS. AND LAST BUT NOT LEAST, A GREATER FEELING OF COMMUNITY AND SAFETY BECAUSE MORE PEOPLE KNOW THEIR NEIGHBORS. THAT'S A BIG SELLING POINT THAT WE HAVE IN OUR COMMUNITIES WITH FRONT PORCHES, NARROW STREETS, SIDEWALKS THAT PEOPLE REALLY WALK ON REALLY BRINGS PEOPLE OUT OF THEIR HOUSES AND CREATES A VERY STRONG SENSE OF COMMUNITY. WE BELIEVE THAT OUR PROJECT ON WICK DHEEP SHIRE WILL VERY MUCH ENHANCE THE NEIGHBORHOOD ADJACENT TO OUR PROPERTY ARE A SERIES OF DUPLEXES AND FOUR-PLXES THAT ARE IN VARIOUS STATES OF DISREPAIR, AND WE BELIEVE THAT HAVING OUR SINGLE-FAMILY DETACHED COMMUNITY WITH HOMEOWNERS, WE'RE GOING TO BE SELLING TO HOMEOWNERS PREDOMINANTLY, HAVE NO PLANS TO SELL TO INVESTORS FOR RENTAL PROPERTY. WE BELIEVE THAT THAT'S GOING TO VERY MUCH ENHANCE THE NEIGHBORHOOD. OUR HOMEOWNERS WILL NOT ONLY TAKE OWNERSHIP OF THEIR HOMES, BUT WE BELIEVE WILL TAKE OWNERSHIP IN THEIR COMMUNITY AND REALLY BE GOOD NEIGHBORS WITH THE COMMUNITY. LAST BUT NOT LEAST, I WOULD LIKE TO POINT OUT THAT THIS IS GOING TO BE A CONDOMINIUM ASSOCIATION, SO ALL OF THE MAINTENANCE FOR THE EXTERIOR OF THE HOMES AND ALL OF THE OPEN SPACE AND AMENITIES WILL BE MAINTAINED BY THE

HOMEOWNERS ASSOCIATION. SO THE LOOK AND FEEL OF THIS COMMUNITY IS GOING TO BE CLEAN AND WELL MAINTAINED FOR THE LIFE OF THE PROJECT. THANK YOU. AND AGAIN, I WANT TO STRESS THAT WE ARE IN AGREEMENT WITH THE RECOMMENDATION OF STAFF, AND I'M AVAILABLE FOR QUESTIONS.

Mayor Wynn: THANK YOU. NOW COUNCIL WILL HEAR FROM FOLKS WHO ARE IN FAVOR OF THE ZONING, AND WE'LL START WITH MR. RICHARD SUTTLE. AND LET'S SEE, RICHARD, IS TERRY MITCHELL HERE? HE WANTED TO DONATE TIME TO YOU, BUT THE RULES ARE HE HAS TO BE PRESENT IN THE CHAMBER.

I'M RICHARD SUTTLE. I REPRESENT DAVE MAHN AND I'M HELPING HIM ON THIS CASE. I URGE YOU TO LOOK AT THIS. IT'S A NEAT CONCEPT THAT PROVIDES DETACHED HOME OWNERSHIP IN THE OLD NEIGHBORHOOD FEEL AND OLD NEIGHBORHOOD STYLE THAT WE ALL LIKE. AND IT'S A GOOD PROJECT. AND I'LL BE HAPPY TO ANSWER ANY TECHNICAL QUESTIONS THAT YOU MIGHT HAVE ON THE ZONING. IT TAKES SF-6 ZONING TO DO THIS TYPE OF THING, BUT IT'S REALLY A NEAT CONCEPT AND I HOPE YOU WILL LOOK FAVORABLY ON IT AND AGREE WITH STAFF AND THE STAFF RECOMMENDATION ON IT. THANK YOU.

Mayor Wynn: THANK YOU, MR. SUTTLE. JIM TEMPLE, WELCOME. YOU TWO TOO WILL HAVE THREE MINUTES. AND I GUESS WE'VE ALREADY HEARD FROM DAVID MAHN.

MAYOR, COUNCIL, THANK YOU VERY MUCH FOR THE OPPORTUNITY TO SPEAK. AND THANK YOU VERY MUCH FOR THE ENTERTAINMENT EARLIER. I ENJOYED THE ESTHER'S FOLLIES. I HAVE SEVERAL ISSUES TO COVER, SEVERAL THINGS TO ADDRESS THAT I KNOW THAT THE OPPOSITION WILL ALSO BRING UP. FIRST OF ALL, I WOULD LIKE TO FAMILIARIZE YOU WITH THE SITE. FIRST OF ALL, HERE'S THE SUBJECT PROPERTY. WE HAVE BEN WHITE BOULEVARD AND I-35, BURLESON ROAD ON THE EAST SIDE, OLTORF STREET TO THE NORTH, PARKER LANE RUNNING DOWN THE CENTER, AND WOODWARD FORMING A SEMI CIRCLE. WE HAVE MABEL DAVIS PARK TO THE SOUTH OF THE PROPERTY, WE HAVE LENDER ELEMENTARY TO THE EAST. AND ALL OF THESE

THINGS PLAY INTO THE VARIOUS THINGS THAT I'M GOING TO ADDRESS TO YOU. I PERSONALLY LIVE DIRECTLY ACROSS PARKER FROM THE SUBJECT PROPERTY. IN TIMBER RIDGE TOWN HOME AND CONDO DWEMENT DEVELOPMENT. IN BETWEEN THERE IS A ROW OF FOUR-PLEXS. I'VE BEEN VERY ACTIVE IN THE NEIGHBORHOOD PLANNING PROCESS FOR THE OLTORF, PARKER AND RIVERSIDE PLANNING AREA. AND ONE OF THE THINGS THAT THE NEIGHBORHOOD HAS BEEN REPEATEDLY SAYING IS THEY DO NOT WANT TO SEE ANY MORE MULTI-FAMILY. THEY WANT TO SEE MORE SINGLE-FAMILY HOMES AND THEY WANT TO SEE MORE HOME OWNERSHIP OPPORTUNITIES. I BELIEVE VERY STRONGLY THAT THIS DEVELOPMENT PROVIDES ALL OF THOSE THINGS. IT DOES NOT PROVIDE ANY MORE MULTI-FAMILY. THE DEVELOPER HAS ALREADY PROMISED THAT THESE ARE GOING TO BE INDIVIDUAL UNITS, AND THEY'RE GOING TO BE SMALLER BUILDINGS. THE SF-6 ZONING ADDS TOWN HOME AND CONDO OPPORTUNITIES IN ADDITION TO THE SINGLE-FAMILY OPPORTUNITIES. ALSO I'D LIKE TO SAY IN A KNOT EFB NEEDS A 2,000 TO 3,000 SQUARE FEET HOME ON A LARGE LOT. THESE HOMES ARE SMALL, REASONABLY AFFORDABLE UNITS, AND ALSO THE PROPERTY WILL BE MAINTAINED BY THE -- BY A HOMEOWNERS ASSOCIATION. I'D ALSO LIKE TO POINT OUT MY OWN NEIGHBORHOOD ASSOCIATION MAINTAINS THE -- HOMEOWNERS ASSOCIATION MAINTAINS IT IN A VERY GOOD CONDITION, MAINTAINS THE EXTERIOR OF THE PROPERTY, AND MANY PEOPLE THAT ARE IN MY DEVELOPMENT ARE ACTIVELY MAINTAINING OR IMPROVING THEIR HOMES. [ BUZZER SOUNDS ]. THE TYPES OF PEOPLE THAT I EXPECT WILL BE MOVING INTO THIS TYPE OF DEVELOPMENT WILL BE YOUNG PEOPLE IN THEIR MID 20'S TO MID 30'S, FIRST TIME HOME BUYERS, SINGLE OR RECENTLY MARRIED, NEW FAMILIES, RETIREES THAT DON'T WANT TO MAINTAIN A LARGE HOME. HIGH-TECH OR GOVERNMENT EMPLOYEES FROM NEARBY LARGE EMPLOYERS SUCH AS AMD, TOBACCOIO,TRON, I.R.S. AND SO FORTH.

Mayor Wynn: PLEASE CONCLUDE. YOUR TIME IS UP. PLEASE CONCLUDE.

OKAY. THE DEVELOPER WILL HAVE TO FOLLOW STRICT GUIDELINES. MANY TRAFFIC ISSUES WILL BE TAKEN CARE OF

ONCE THE I-35 AND BEN WHITE INTERCHANGE IS COMPLETED. SCHOOL ISSUES, AISD PASSED A BIG BOND ISSUE, A GOOD PORTION OF THAT MONEY WILL -- 1.3 MILLION WILL GO TO LENDER TO IMPROVE THE SCHOOL. PARK ISSUES --

Mayor Wynn: PLEASE CONCLUDE, MR. TEMPLE.

OKAY. ALL RIGHT. THAT'S IT. THANK YOU.

Mayor Wynn: THANK YOU, SIR. COUNCIL, THAT'S ALL THE FOLKS SIGNED UP IN FAVOR OF THE ZONING CASE. WE'LL HEAR FROM FOLKS IN OPPOSITION, STARTING WITH JENNIFER ELLIS. IS JENNIFER ELLIS HERE? SIGNED UP WISHING TO SPEAK IN OPPOSITION. CARL BRAUN, WELCOME, CARL. WHILE YOU'RE MAKING YOUR WAY UP, I'LL READ NAMES INTO THE RECORD OF FOLKS IN OPPOSITION. LINDA LAND, DAWN SIZMAR AND JEAN MATHER. AND LET'S SEE, CARL, IS GALE GOTH STILL HERE? HELLO, GALE. SO SHE'S DONATING HER TIME TO YOU, CARL, SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT AND YOU WILL BE FOLLOWED BY SAM ELLISON.

OKAY, THANK YOU. I'M WITH BURLESON HEIGHTS NEIGHBORHOOD ASSOCIATION. AND WE'RE CONCERNED ABOUT THE IMPACT ON OUR SINGLE ELEMENTARY SCHOOL IN THE AREA. THE IMPACT OF THE TRAFFIC. THE RETRO GRADE EROSION ON THE TRIBUTARY OF COUNTRY CLUB CREEK IN THIS AREA. THOSE CONCERNS WERE EXPRESSED BY COMMISSIONER MATT HOLLAND. THERE ARE TIME CONCERNS IN RETAINING THE FEW SF-2 AND SF-3 TRACTS IN THIS SOUTHEAST AREA. THIS CONCEPT HAS BEEN ENDORSED BY ALL THE NEIGHBORHOOD ORGANIZATIONS PARTICIPATING IN THE NEIGHBORHOOD PLANNING PROCESS THAT IS ONGOING AND ABOUT TO WRAP UP. I'D LIKE TO REFER TO -- SAY THAT OUR CONCERNS ARE PROBABLY BEST EXPRESSED IN A LETTER TO THE PLANNING COMMISSION BY JEAN MATHER. AND I'D LIKE TO READ PART OF THAT. IT WAS AFTER I-35 WAS CUT THROUGH THE CITY IN 1959. THE AREA TO THE EAST OF I-35 HAS BEEN TREATED AS A STEPCHILD. NOW THE CITY IS PAYING THE PRICE FOR THE NEGLECT AND THE HIGH CRIME RATE, POOR SCHOOLS, AND OF COURSE LOWER TAX REVENUES. IT TIME TO TAKE CARE

IN ZONING FOR THIS AREA. AS WOULD BE DONE IN A HIGH TAX REVENUE AREA. SMALL POCKETS OF THE PROPOSED TYPE OF HOUSING WOULD BE ACCEPTABLE ANYWHERE. AND YES, IN A STEP UP FROM TACKY APARTMENTS THAT BLANKET THE AREA. BUT A LANDSCAPE OF 300 OF THESE TINY 2 STORY HOUSES IS LIKE A BAD MOVIE. A TRADITIONAL TEXAS HOUSING IS NOT TWO-STORY ON A SMALL LOT, EVEN THOUGH IT MAY HAVE A FRONT PORCH AND A GABLED ROOF. THERE'S NO SITE PLAN, BUT THE -- IF YOU CHOOSE TO APPROVE THIS, IT'S CRITICAL THAT YOU IMPOSE THE FOLLOWING CONDITIONS. ONE IS REDUCE THE DENSITY BY HALF. ALL STREETS TO BE LINED WITH SIDE -- ON BOTH SIDES WITH NATIVE TREES, OAK, CEDAR, ELM AND PECAN. 50 FEET ON CENTER. AT LEAST 20 PERCENT OPEN SPACE. AND THE HIKE AND BIKE TRAIL SHOULD BE INCORPORATED ALONG THE NORTH BRANCH OF COUNTRY CLUB CREEK OR THE TRIBUTARY OF COUNTRY CLUB CREEK. THANKS FOR YOUR CONSIDERATION.

Mayor Wynn: THANK YOU, MR. BRAUN. SAM ELLISON? WELCOME, SAM. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY TOM PATE.

THANK YOU VERY MUCH. WE ARE AGAINST THE ZONING CHANGE. THIS IS THE LAST SF-3 TRACT IN OUR AREA, AND IT WAS SUPPOSED TO BE PROTECTED FROM CHANGING FOR HIGHER DENSITY PURPOSES. 78741 IS THE SECOND HIGHEST DENSITY POPULATION IN AUSTIN. AND WE CANNOT HANDLE ANY MORE -- ANOTHER CHANGE TO INCREASE THE POPULATION FOR DENSITY'S SAKE. OUR QUALITY OF LIVING HAS DETERIORATED OVER THE YEARS DUE TO THE AMOUNT OF THE HIGH DENSITY DEVELOPMENT CONCENTRATED IN OUR AREA, AND WE HAVE BROUGHT MANY OF THESE CONCERNS TO YOU TOMORROW AND WERE TOLD THAT THEY WOULD BE ADDRESSED AND SOLUTIONS WOULD BE MADE. TODAY THE SCHOOL CONCERNS ARE NOW AT 167% CAPACITY. THE LAST DEVELOPMENT PUT IN BY SMART HOUSING HAVE TO BUS THEIR CHILDREN OUT OF THE NEIGHBORHOOD. THIS IS NOT A FAIR OPPORTUNITY TO OUR CHILDREN, AND THEY ARE NOT GETTING AS EQUAL OF AN EDUCATION OPPORTUNITY AS OTHER CHILDREN IN THE AREA -- IN OTHER AREAS OF AUSTIN. TRAFFIC PROBLEMS, SAFETY ISSUES ARE MUCH MORE DIFFICULT TO MANAGE

NOW. THE PLANNING COMMISSION STATED THAT THEY APPROVED THIS CHANGE SO THAT THE PROPERTY OWNERS COULD SELL THEIR PROPERTY FOR MORE AND THAT THE DEVELOPER COULD MAKE A HIGHER PROFIT. WE AS LONG TIME HOMEOWNERS IN THE AREA FEEL THAT OUR CONCERNS DESERVE MORE CONSIDERATION THAN THE CITY HAS GIVEN US OVER THE YEARS. IT'S NOT FAIR TO ALL RESIDENTS IN OUR AREA TO CHANGE ANY MORE SF-3 OR SF-2 2 TRACTS THAT ARE AVAILABLE ESPECIALLY FOR THE SAKE OF SELLERS AND DEVELOPERS TO MAKE MORE MONEY. IT IS ALL THE MORE IMPORTANT NOW TO DEVELOP THESE REMAINING TRACTS AS ORIGINALLY INTENDED. PERSONALLY I AM CONCERNED THAT PLACING MOSTLY HIGH DENSITY DEVELOPMENTS IN A HIGHLY DISPROPORTIONATE AMOUNT OF LOW INCOME HOUSING ALL IN ONE AREA OF TOWN, ESPECIALLY 78741, IS NOT DOING JUSTICE FOR TAXPAYERS OR LOW INCOME HOUSING RECIPIENTS. THE DALLAS HOUSING AUTHORITY HAS RECENTLY SETTLED LONG AND EXPENSIVE LAWSUIT FOR SEGREGATING AND ISOLATING LOW INCOME HOUSING OPPORTUNITIES TO LIMITED AREAS, SUCH AS AUSTIN IS CURRENTLY DOING IN THE 78741 ZIP CODE. WE ASK THAT YOU PLEASE GIVE US SOME CONSIDERATION. KEEP THESE LAST FEW SF-3 AND SF-2 2 TRACTS AS THEY WERE INTENDED TO BE DEVELOPED. WE'RE JUST TOO OVERLY POPULATED. AND THE CITY HAS NOT REALLY ADDRESSED ANY OF THESE CONCERNS OVER THE YEARS. THANK YOU VERY MUCH.

Slusher: MAYOR, I HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER SLUSHER. MR. ELLISON?

Slusher: DID YOU SAY THAT THE PLANNING COMMISSION SAID THAT THEY MADE THEIR RECOMMENDATION --

THE PLANNING COMMISSION STATED THAT NIGHT, AND ONE OF THE REASONS -- THEY BROUGHT UP THE ISSUE. MR. MAHN STATED THAT WE COULD DEVELOP THIS UNDER A LOWER INTENSITY IF THE PRONE PROPERTY OWNERS WERE WILLING TO SETTLE FOR LESS MONEY. I'M NOT SURE WHICH -- I BELIEVE THE CHAIR OR SOMEBODY STATED THAT THAT NIGHT THAT WE WOULD HATE TO HAVE THEM SELL THAT FOR LESS MONEY. AND THAT WAS ONE OF THE REASONS IN

THAT. AND MR. MAHN DID STATE THAT THE PROFIT WOULD BE BETTER TO INCREASE THE DENSITY, OTHERWISE IT WASN'T WORTH IT TO HIM, HE WOULDN'T MAKE ENOUGH MONEY.

Slusher: SO THEY DISCUSSED -- THAT WAS THE REASON THEY DID IT?

THOSE WERE BROUGHT UP AT THE PLANNING COMMISSION. I WAS A LITTLE DISAPPOINTED, BUT THAT ISSUE WAS BROUGHT UP. NOW, OF COURSE, THEY PUT A PRETTY PICTURE OUT THERE ABOUT, YOU KNOW, HOMEOWNER OPPORTUNITIES, WHICH WE DO WANT. WE DO WANT MORE HOMEOWNERS --

Slusher: YOU'RE SAYING THAT WAS BROUGHT UP IN THE DISCUSSION, BUT THE DECISION WASN'T BASED ON THAT.

IT SOUNDED LIKE TO ME THAT -- YOU CAN REVIEW THE TAPE. IT SOUPEDED LIKE TO ME THAT THAT WAS PART OF THE DETERMINATION OF THEM APPROVING THIS.

Slusher: ALL RIGHT.

OF COURSE, THEY ALSO THINK HIGHLY OF SMART HOUSING, AND THAT WAS PART OF THEIR REASON OF APPROVING IT. BUT THAT -- IF YOU WILL CHECK IT, THAT WAS STATED, THAT UNDER THIS INCREASE IN DENSITY, CHANGING THE DEVELOPMENT, THE HOMEOWNERS WOULD BE ABLE TO SELL THEIR PROPERTY FOR MORE MONEY AND THE DEVELOPER WOULD MAKE A HIGHER PROFIT.

Slusher: THANK YOU, SIR.

Mayor Wynn: THANK YOU, COUNCILMEMBER. OUR LAST SPEAKER IS TOM PATE. WELCOME, TOM. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

DURING THAT PLANNING PROCESS, I ASKED PAUL HILGERS IF THAT MIGHT NOT HAVE A NEGATIVE IMPACT ON OUR PROPERTY VALUES. HIS RESPONSE WAS THAT IT WOULD NOT. UNFORTUNATELY, THIS HAS NOT BEEN THE CASE. OUR NEIGHBORHOOD HAS BEEN IRREPARABLY HARMED BY



THIS DEVELOPMENT. FOOT TRAFFIC HAS INCREASED LATE AT NIGHT. WE HAVE NO SIDEWALKS ON OUR STREET. WE ARE CONCERNED FOR OUR SAFETY. I BLAME THE CITY FOR NOT RESPECTING OUR NEIGHBORHOOD. THIS PROPOSED ZONINGS CHANGE IS BUSINESS AS USUAL FOR THE CITY. REMEMBER, HIGH DENSITY HOUSING IN OUR NEIGHBORHOOD, SECOND HIGHEST IN THE CITY. HOW ABOUT LETTING SOME OF THE LESS DENSE NEIGHBORHOODS SHOULDER THE BURDEN OF AFFORDABLE HOUSING AND RENTAL PROPERTY. WHY BURDEN AN AREA. WE HAVE NO HIRED EXPERTS TO SPEAK FOR US, WE ARE A WORKING CLASS NEIGHBORHOOD. I WOULD NOT MIND SO MUCH OPPOSING THE EFFORTS OF DEVELOPERS TO -- TO DEGRADATE OUR AREA, BUT WHEN OPPONENTS OF THE CITY HOUSING STAFF, I FIND MYSELF OPPOSING SALARIED CITY WORKERS, WHOSE SALARIES ARE BEING PAID BY MY TAX DOLLARS I MUST PROTEST. MR. HILGERS DON'T CARE WHAT'S BEST FOR OUR NEIGHBORHOOD, THEY WANT MORE FODDER FOR THEIR BIASED WEBSITE. THEY SELL US DOWN THE RIVER, WITH NO CONCERN OF WHAT BECOMES OF OUR INCREASINGLY ISOLATED SINGLE FAMILY NEIGHBORHOOD. I KNOW MY SPEECH WON'T MAKE ANY DIFFERENCE. IT'S BUSINESS AS USUAL, IF I AM GOING TO WATCH MY NEIGHBORHOOD DESTROYED ONE ZONING CHANGE AT A TIME, I WILL TAKE MY OPPORTUNITY TO VOICE MY DISPLEASURE, EACH TIME MAKE IT CLEAR THAT I'M NOT FOOLED, EITHER ARE MOST OF MY NEIGHBORS. I REALLY HOPE SOME PERSON OF REASON AND INFLUENCE AND A SENSE OF JUSTICE WILL HEAR OUR COMPLAINTS AND SURPRISE US BY SAYING ENOUGH, WE HAVE DUMPED ON THESE PEOPLE ONCE TOO OFTEN. BY THE WAY, OUR LOCAL PARK, MABEL DAVIS HAS BEEN CLOSED FOR MANY YEARS, CONTAMINATED WITH TOXINS, ON A SLOW TRACK FOR A CLEANUP. I THINK THE FACT THAT IT IS CLOSED FOR SO LONG PROVES WHAT I SAY, WE DON'T MATTER TO THE CITY. WHEN I LOOK AROUND AT THIS BEAUTIFUL BUILDING, NO EXPENSE HAS BEEN SPARED EXCEPT MAYBE THE SOUND SYSTEM, I UNDERSTAND THE TRUE MEANINGS OF PRIORITIES. AFTER ALL WE COULD HAVE HELD THIS MEETING IN A GYM. BY THE WAY, THIS DEVELOPMENT IS GOING TO DISPLACE SOME HOMELESS PEOPLE, SOME TRANSIENTS LIVING IN THE WOODS. HAS ANYBODY

THOUGHT ABOUT [BUZZER SOUNDING] TALKING TO THEM? IT MIGHT SOUND LIKE I'M AGAINST LOW INCOME OR AFFORDABLE HOUSING. JUST AS LONG AS IT'S NOT IN MY NEIGHBORHOOD. WE HAVE ENOUGH OPPORTUNITIES FOR THE DOWN TRODDEN. FINALLY IS THERE ANYTHING TO STOP THESE UNITS FROM BECOMING RENTAL ROTS? RENTAL -- RENTAL PROPERTIES? NO. THANK YOU.

THANK YOU, MR. PATE. COUNCIL, THAT'S ALL OF THE FOLKS WHO SIGNED UP AGAINST THIS ZONING CASE, WE WILL NOW HEAR A THREE MINUTE REBUTTAL FROM THE APPLICANT. OR AGENT.

THANK YOU, FIRST OF ALL I WOULD LIKE TO STATE THAT I HAVE BEEN TO THREE NEIGHBORHOOD PLANNING MEETINGS FOR THIS PROPERTY. SPECIFICALLY. AND ALSO ONE GENERAL MEETING FOR THIS NEIGHBORHOOD. THE ISSUE ABOUT DENSITIES IS VERY CRITICAL. WE AGREE TO A COUPLE OF THINGS IN OUR APPLICATION. FIRST OF ALL, WE AGREED TO A CO WITH NO ATTACHED HOMES. WE ALSO AGREED TO LIMIT THE DENSITY. ALSO THE COMPATIBILITY STANDARDS REQUIRE A 10-FOOT SEPARATION BETWEEN THE HOMES THAT WE ARE GOING TO COMPLY WITH. ACCESS AND TRAFFIC. WE ACTUALLY HAVE THREE DIFFERENT INGRESS AND EGRESS POINTS ON OUR PROPERTY. TWO THAT GO OUT TO PARKER, ONE TO METCALFE. SO WE -- WE HAVE A VERY GOOD DISBURSEMENT OF TRAFFIC. WE ANTICIPATE A NUMBER OF PEOPLE GOING SOUTH TOWARDS THE I.R.S. CENTER OR OUT TOWARDS BEN WHITE AND THE EMPLOYERS THAT DIRECTION AND ALSO, OF COURSE, GOING DOWNTOWN. SO WE HAVE GOT VERY GOOD ACCESS AND I BELIEVE THAT'S A STRENGTH. COMPARE THAT, IF YOU WILL TO THE ROSE MONT AT OAK VALLEY, VERY NICE PROJECT, 280 UNITS. HERE ON -- AT THE END OF PLEASANT VALLEY. IT'S ON A DEAD END STREET. SO I THINK THAT OUR ACCESS IS ACTUALLY VERY STRONG POINT FOR OUR PROJECT. SCHOOL ATTENDANCE. WE DID A STUDY AND RESEARCHED 16 DIFFERENT CONDOMINIUM PROJECTS IN THE LOCAL AREA. TWO OF WHICH ARE OURS. AND FOUND THAT THERE WERE 654 UNITS, 414 OF THOSE ARE OCCUPIED, ONLY 15 HAD CHILDREN. THAT'S 3.6%. IF YOU MULTIPLY THAT BY OUR DENSITY, THAT'S LESS THAN 15 UNITS ANTICIPATED TO HAVE CHILDREN IN THEM FOR OUR

PROJECT. QUITE SIMPLY, CONDOMINIUM PROJECTS ARE NOT ATTRACTIVE TO FAMILIES WITH CHILDREN. OUR PRODUCT, ONE BEDROOM, TWO BEDROOM, SOME THREE BEDROOMS, TYPICALLY ARE NOT SPECIFICALLY DESIGNED FOR CHILDREN. SO I THINK THE IMPACT ON THE SCHOOL IS GOING TO BE VERY MINIMAL WITH OUR PROJECT. I THINK THE LAST THING THAT I WOULD LIKE TO POINT OUT, THE REBUTTAL, THE SECOND TO THE LAST THING, THE PROPERTY IS ZONED CURRENTLY SF 3 AND L.O. THE OWNERS HAVE TOLD ME THAT THEY ARE -- IF THIS PROJECT IS NOT -- DOES NOT GET APPROVED, WE DON'T BUY AND DEVELOP THE PROJECT, THAT REALLY THE ONLY ALTERNATIVE THAT THEY HAVE IS TO DEVELOP DUPLEXES. THE CALCULATIONS FOR DUPLEXES ON THIS PROPERTY IS MORE THAN 200. SO I THINK OUR SINGLE FAMILY DETACHED HOME OWNERSHIP OPPORTUNITY IS FAR SUPERIOR TO THE ALTERNATIVE OF THE DUPLEXES.

THANK YOU.

THANK YOU. COUNCILMEMBER SLUSHER?

Slusher: LET ME GET MY MIC ON. OKAY. WHETHER -- WHAT ARE THE PRICE RANGES THAT YOU ANTICIPATE ON THESE CONDOMINIUMS?

THIS IS A SMART HOUSING PROJECT. WE BELIEVE THE PRICES ARE GOING TO RANGE ANYWHERE FROM THE LOW 100S TO -- TO APPROACHING 200,000. IT WILL BE A MARKET DRIVEN COMMUNITY FOR -- FOR AT LEAST 60%. OF THE HOMES THAT WILL BE OFFERED IN THIS COMMUNITY. OKAY.

Slusher: OKAY, THOSE WILL BE -- THE LOWEST ONES WILL BE IN THE LOW 100S.

YES, SIR.

Slusher: OKAY. I GUESS THAT -- TO ME THAT'S NOT -- I GUESS THAT'S ABOUT AS -- CAN'T GET A HOUSE MUCH CHEAPER THAN THAT NOWADAYS.

IT'S VERY DIFFICULT. ONE OF THE -- ONE OF THE GREAT THINGS ABOUT THIS PROPERTY IS IT'S CLOSE TO

DOWNTOWN. THE -- THE NEGATIVE THING IS THAT THE PRICE OF THE PROPERTY IS EXTREMELY EXPENSIVE AND IN ORDER TO MEET THE SMART HOUSING PROGRAM, WE NEED THE DENSITY THAT WE HAVE ASKED FOR.

Slusher: I GUESS, I'M NOT FAULTING YOU FOR THE PRICE OF LAND OR ANYTHING. I GUESS WHAT GETS ME IS THAT SOME OF THE NEIGHBORHOOD FOLKS ARE WORRIED ABOUT -- SAY THIS IS LOW INCOME HOUSING AND OF COURSE LOW INCOME PEOPLE NEED A PLACE TO LIVE AND THAT'S WHAT THEY ARE SAYING THERE'S TOO MUCH IN THEIR NEIGHBORHOOD, BUT ON THE OTHER HAND LOW HUNDREDS IS REALLY SORT OF HARD FOR A POOR PERSON TO LIVE IN A -- IN A HOUSE THAT COST OVER \$100,000 AND SO THEY ARE SAYING, THOUGH, THAT THEY DON'T WANT FOLKS, SOUNDS LIKE ME, ANYWAY, FOLKS THAT -- THAT MOVE IN THERE AND BUY A HOUSE FOR THAT PRICE FROM THE LOW 100S, UP TO 200, GOING TO SOMEHOW DAMAGE THE NEIGHBORHOOD, DRIVE DOWN PROPERTY VALUES, BUT AT THE SAME TIME I UNDERSTAND THAT -- THAT WHILE YOUR FOLKS ARE SAYING THAT YOU WANT TO -- TO PARTICIPATE IN THE COMMUNITY, BUT AT THE SAME TIME YOU WANT TO GATE THE COMMUNITY. SO I -- THERE SEEMS TO BE SOME CONTRADICTION ON THAT, ON BOTH SIDES OF THINGS. WE HAVEN'T -- WE HAVEN'T DETERMINED WHETHER OR NOT IT'S GOING TO BE APPROPRIATE FOR US TO GATE THE COMMUNITY. THAT'S PROBABLY THE ONE EXCEPTION THAT I HAVE WITH THE RECOMMENDATION FROM THE PLANNING COMMISSION.

AFTER THIS, I READ THAT --

WE HAVEN'T DETERMINED WHETHER OR NOT WE WANT TO GET OR NOT. WE PREFER TO HAVE THE FLEXIBILITY TO LET THE MARKET TELL US IF THEY WANT EXTRA SECURITY OR NOT.

Slusher: YEAH, I JUST -- 26 ACRES, RIGHT?

YES, SIR.

Slusher: THAT SEEMS LIKE A LOT TO GATE THERE AND IT SEEMS LIKE THAT WOULD REALLY SET YOU OFF FROM THE

REST OF THE COMMUNITY. CLEARLY. IT BOTHERS ME TO HAVE THAT KIND OF LARGE GATED COMMUNITY, I KNOW THAT YOU ARE SAYING YOU HAVEN'T DECIDED YET, BUT THE POTENTIAL OF IT BOTHERS ME RIGHT IN THE HEART OF -- OF AUSTIN. JUST HAVE SOME TROUBLE WITH THAT CONCEPT. I MEAN, I WOULD BE WILLING TO LISTEN TO YOUR ARGUMENTS ABOUT IT, I KNOW THAT YOU SAID THAT YOU DON'T, HAVEN'T DECIDED YET. BUT WHAT WOULD DICTATE THAT YOU WOULD WANT TO GATE IT?

IT'S BASICALLY BASED ON WHAT -- WE ARE GOING TO DO A NUMBER OF MARKET SURVEYS. IN THOSE SURVEYS WE ARE GOING TO ASK THE QUESTION HOW IMPORTANT IS SECURITY IN THE FORM OF GATES TO THAT? IF WE GET A VERY LOW RESPONSE ON THAT ITEM, THEN OBVIOUSLY THE SECURITY ISSUE NOT -- AS IMPORTANT OF AN ISSUE TO THOSE PROSPECTIVE BUYERS.

Slusher: OKAY. I DON'T GUESS WE ARE GOING TO PASS IT ON ALL THREE READINGS. I DON'T SEE ANYONE FROM THE POLICE DEPARTMENT HERE TONIGHT. ONE THING THAT I WOULD LIKE TO KNOW IS IF THE CRIME RATE IN THIS AREA HAS GONE UP IN RECENT YEARS. WE HAVE HEARD NEIGHBORS SAY THAT THEY -- I THINK -- THEY THINK IT HAS, YOU KNOW, THERE'S MORE PEOPLE WALKING IN THE NEIGHBORHOOD AT NIGHT. BUT -- BUT --

I DON'T HAVE THOSE -- AT THE TIP OF MY FINGERS COUNCILMEMBER. I WILL TELL YOU THAT WE HAVE HAD HIGHER CRIME RATES IN THE SOUTHEAST QUADRANT OF TOWN THAN IN SOME OTHER DETAIL DISTRICTS, I CAN GET YOU MORE DETAILED NUMBERS. THESE TERRIBLE THESE MICS. I DON'T HAVE IT AT THE TIP OF MY FINGERS, BUT I WILL GET IT FOR YOU.

Slusher: YES THE PEOPLE THAT PROVIDE THE MICS MIGHT WANT TO BE WORRIED WHEN THE CITY MANAGER SAYS THE MICS ARE TERRIBLE.

Futrell: NO, THESE GUYS HAVE WORKED VERY HARD. I'M SORRY.

Slusher: I'M SURE THEY'LL STRAIGHTEN IT OUT.

Futrell: YES, WE'LL WORK IT OUT.

Slusher: I WOULD LIKE TO SEE THAT NARROWED DOWN AS MUCH AS WE CAN GET, AS LOCAL AS WE CAN GET IT. WHAT I HAVE IN MY MEMORY IS THE DISTRICT NUMBER, IS THAT IS A VERY LARGE AREA AND YOU ARE RIGHT, I WOULD NEED TO NARROW IT DOWN FOR YOU, I WILL DO THAT. AND THEN CERTAIN -- DID I HEAR YOU SAY THAT YOU HAVE SOME OTHER SMART HOUSING PROJECTS NEARBY.

WE HAVE SEVERAL THAT HAVE BEEN -- BEEN APPLIED FOR AND APPROVED. WE HAVEN'T STARTED BUILDING THOSE YET. BUT WE HAVE THREE OR FOUR THAT WE ARE IN THE PROCESS OF PLANNING RIGHT NOW.

Slusher: OKAY. MR. HIRE SHH COULD YOU -- HIRSCH COULD YOU COME UP FOR A SECOND. OKAY. ONE OF THE NEIGHBORS MENTIONED, I THINK I REMEMBER THIS CASE, WHERE THERE WAS A -- THERE WAS A SMART HOUSING PROJECT PUT IN NEARBY HERE, IS THAT CORRECT.

YES, COUNCILMEMBER. STEWART HIRSCH WITH NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. IT WAS KNOWN AT THE TIME AS PLEASANT VALLEY VILLAS PROJECT, ROSE MONT AT OAK VALLEY, WAS A DEVELOPMENT THAT DIDN'T REQUIRE ZONING CHANGE, HAD DUPLEXES ON ONE SIDE, MULTI-FAMILY ON THE OTHER, ALREADY ZONED AND THAT -- THAT DEVELOPMENT HAS RECENTLY WON A NATIONAL AWARD FOR -- FOR MULTI-FAMILY LOW INCOME OF THE YEAR. IT IS -- IT IS A LITTLE BIT FURTHER TO THE EAST HERE AND ONE OF THE REASONS THAT THIS PARTICULAR APPLICATION WAS ATTRACTIVE TO US IS WHEN WE WORKED WITH THE NEIGHBORHOOD ON THAT DEVELOPMENT, ONE OF THE MESSAGES THAT WE HEARD LOUD AND CLEAR, I THINK THAT YOU HAVE HEARD IT AGAIN TONIGHT IS THIS NEIGHBORHOOD WAS INTERESTED IN MUCH MORE HOME OWNERSHIP AND NOT MORE RENTAL BECAUSE OF ALL OF THE STUDENTS HOUSING THAT EXISTS ALONG RIVERSIDE AND ADJACENT STREETS. SO WHEN THIS DEVELOPMENT WAS WILLING TO COME IN AND BASICALLY TAKE DUPLEXES OFF THE TABLE AND CREATE SINGLE

FAMILY WITH INDIVIDUAL BUILDINGS FOR HOME OWNERSHIP, THAT -- THAT TO US WAS RESONATING WITH WHAT WE HAD HEARD FROM THE NEIGHBORHOODS IN OUR DELIBERATIONS WITH THEM DURING THE -- DURING THE PLEASANT VALLEY VILLAS DISCUSSION. SO THAT WAS ONE OF THE REASONS THAT -- THAT WE ENCOURAGED THEM TO GO TO THE NEIGHBORHOOD PLANNING TEAM AND THREW THE PROCESS AT THIS POINT BECAUSE WE THOUGHT THAT -- THAT CREATING THIS HOME OWNERSHIP OPPORTUNITY WAS GOING TO BE UNIQUE. WE HAVE HAD NO SINGLE FAMILY HOME OWNERSHIP IN SMART HOUSING BETWEEN I-35 AND GROVE BOULEVARD BETWEEN TOWN LAKE AND BEN WHITE. ALL OF THE SINGLE FAMILY THAT IS -- THAT HAS COME IN IN SMART HOUSING HAS BEEN IN THE MONTOPOLIS NEIGHBORHOOD BETWEEN GROVE BOULEVARD AND BEN WHITE, SO THIS WAS OUR FIRST OPPORTUNITY TO DO SINGLE FAMILY HOME OWNERSHIP IN THAT PART OF SOUTH AUSTIN THAT HASN'T HAD ANY OF THE KIND OF -- OF PRODUCT AT THE -- LOW 100S THAT SOME OTHER PARTS OF THE CITY HAVE.

Slusher: OKAY. WE ALSO HEARD ONE OF THE CONCERNS ABOUT SOME OF THE NEIGHBORS IS THAT THIS COULD GO RENTAL. I MEAN, CAN YOU ENVISION HOW THAT WOULD HAPPEN OR CAN YOU SAY -- THERE -- THERE'S A RISK THAT -- THAT PEOPLE CAN RENT IN A HOMEOWNERS ASSOCIATION. THAT IS ABSOLUTELY VALID. IF -- IF I BUY A HOME HERE, THERE IS NOTHING IN THE LAW THAT KEEPS ME FROM -- FROM RENTING THAT HOME. BUT I THINK THE SAFEGUARDS THAT YOU HAVE IS THE FACT THAT -- THAT THE DESIGN STANDARDS THAT THE HOME HAS TO MEET, THE FACT THAT YOU HAVE A HOME OWNERSHIP ASSOCIATION MAINTAINING THE COMMON GROUNDS AND THE FACT THAT -- THAT THIS PRODUCT UNLIKE OTHER SF 6 DEVELOPMENTS IS GOING TO HAVE INDIVIDUAL UNITS. WITH -- WITH -- WITH MAXIMUM SQUARE FOOTAGE. SO THE -- SO WHILE THERE'S THE POTENTIAL THAT A CERTAIN PORTION OF THEM COULD GO RENTAL, THE LIKELIHOOD IS THAT IT WILL BE LIKE OTHER SINGLE FAMILY DETACHED PRODUCT ON ONE SITE WHERE YOU GET PEOPLE BUYING THE HOUSES AND STAYING IN THEM AND THEN MOVING OUT TO SELL TO SOMEONE ELSE WHEN YOU ARE READY TO MOVE ON.

SURE. SO IF SOMEONE BUYS A HOME AND THEN THEY -- YOU KNOW, THERE'S NO LAW THAT SAYS THEY CAN'T RENT IT, CERTAINLY THERE SHOULDN'T BE A LAW LIKE THAT, BUT -- BUT WHAT ABOUT THE FACT -- COULD THE APPLICANT SWITCH AND GO RENTAL RATHER THAN HOMEOWNER AFTER PRESENTED AS SMART HOUSING THAT IT WOULD BE A -- AN OWNER OCCUPIED PROJECT? OR THAT THEY WOULD BE -- I GUESS THEY WOULD BE SELLING INDIVIDUAL UNITS IS HOW IT'S BEING REPRESENTED.

THE WAY THAT THEY HAVE DESIGNED THEIR -- THE WAY THAT THEY HAVE DESIGNED THEIR CONDITIONAL OVERLAY RESTRICT THEM TO INDIVIDUAL BUILDINGS. THE ECONOMICS FOR RENTAL ARE ECONOMICS FOR MULTI-FAMILY, THAT'S NOT WHAT THEY ARE PROPOSING HERE. IF THEIR GOAL WERE TO BE TO MAXIMIZE INCOME AND THIS IS ONE OF THE POINTS THAT WE MADE AT THE PLANNING COMMISSION, IF THEIR GOAL WAS TO MAXIMIZE INCOME, WHAT THEY COULD DO IS REDUCE DENSITY AND NOT PARTICIPATE IN SMART HOUSING. SO WE -- WE CATEGORICALLY REJECT THE NOTION THAT THE ULTIMATE GOAL HERE IS EITHER RENTAL OR MAXIMIZING INCOME BECAUSE GOING SMART HOUSING ISN'T THE BEST WAY TO MAXIMIZE YOUR INCOME GOING PURE MARKET AND REDUCING DENSITY AND SELLING HIGHER PRICED, EXCLUSIVELY HIGHER PRICED PRODUCT MAY BE THE BEST WAY TO MAXIMIZE INCOME. WE UNDERSTAND THAT PEOPLE WHO WANT TO DO THIS KIND OF DEVELOPMENT WITH THE KIND OF RESTRICTIONS THEY ARE WILLING TO OPPOSE INCREASED THE LIKELIHOOD THAT THIS WILL BE A HOME OWNERSHIP DEVELOPMENT AND THAT IT WILL BE A MIXED INCOME HOME OWNERSHIP DEVELOPMENT THAT WILL PERHAPS INCREASE PROPERTY VALUES RATHER THAN DECREASE, GIVEN WHAT WE HEARD AT THE PLANNING COMMISSION OF WHAT AVERAGE HOME PRICES WERE IN THE -- IN THE IMMEDIATE SURROUNDING NEIGHBORHOOD.

Slusher: LET'S GO BACK FOR A MINUTE TO THE UNIT THAT YOU WERE TALKING ABOUT, THE -- THE AFFORDABLE HOUSING UNIT. RENTAL UNITS, RIGHT?

EXCLUSIVELY RENTAL TO FAMILIES AT 60 AND 50% MEDIAN FAMILY INCOME.



Slusher: OKAY. 60 AND 50%, I'M -- I'M THINKING COULDN'T AFFORD ONE OF THESE UNITS.

NO, SIR.

THAT WE ARE TALKING ABOUT HERE.

NO. WE ARE PROBABLY IN THESE CASES WITH RARE EXCEPTIONS PROPOSAL THE -- THE REASONABLY PRICED UNIT ARE PROBABLY GOING TO BE AVAILABLE FOR FAMILIES SOMEWHERE IN THE 60 TO 80% RANGE. THEY ARE -- THEY ARE PROBABLY NOT GOING TO BE THE SAME PRICE RANGE AS THE FOLKS DOWN AT PLEASANT VALLEY AND OLTORF.

OKAY. THEN THIS -- SO THIS -- THE OTHER ONE, THE RENTAL ONE THAT WE ARE TALKING ABOUT, WOULD BE A LOWER INCOME UNIT WHERE -- INCOME FOR FOLKS THAT HAVE -- HALF OF THE MEDIAN FAMILY INCOME THAT'S BEING PROVIDED HAS -- YOU SAY IT WON AN AWARD, WHO WAS THAT INFORMATION.

WE CAN GET YOU THAT INFORMATION. IT RECENTLY WON THE NATIONAL AFFORDABLE RENTAL PROPERTY OF THE YEAR AWARD FROM ONE OF THE NATIONAL ORGANIZATIONS THAT HOLDS THOSE COMPETITIONS, WE WOULD BE HAPPY TO SUPPLY YOU WITH THAT INFORMATION. I THINK THAT WHAT -- WHAT WE FIND IS THAT THAT PARTICULAR RENTAL DEVELOPMENT BECAUSE IT DOESN'T CHARGE PEOPLE MORE THAN 30% OF THEIR GROSS INCOME, CREATES OPPORTUNITIES FOR LOW INCOME PEOPLE TO GET THEIR CREDIT IN ORDER, OTHER FINANCIAL THINGS IN ORDER, BEGIN PLANNING ABOUT WHAT IT WOULD TAKE TO GET TOWARDS HOME OWNERSHIP, SO THAT THEY EVENTUALLY CAN MOVE TO DEVELOPMENTS LIKE THIS ONE AND OTHERS ACROSS TOWN THAT ARE -- THAT ARE MORE GEARED FOR HOME OWNERSHIP FOR FAMILIES AT 65 TO 80%. IF MR. HILGERS WERE HERE, HE WOULD ASK ME TO EMPHASIZE THAT THAT IS A PART OF THE CONTINUUM THAT WE ARE TALKING ABOUT. YOU PROVIDE AFFORDABLE QUALITY RENTAL. YOU ENABLE PEOPLE TO GET THEIR CREDIT IN ORDER AND TO MAKE SOME -- HAVE SOME SAVINGS, GET READY FOR HOME OWNERSHIP AND THEN YOU PROVIDE THIS PRODUCT, WHICH WE HAVE BEEN UNABLE TO PROVIDE

UP UNTIL NOW FOR HOME OWNERSHIP IN THIS PARTICULAR PART OF SOUTH AUSTIN. SO THAT WHEN PEOPLE ARE READY THEY CAN DO THAT, MOVE UP FROM THE RENTAL INTO THIS HOME OWNERSHIP.

OKAY. THEN DO YOU KNOW -- CITY MANAGER IS GOING TO BE LOOKING INTO THIS. BUT HAS THERE BEEN AN INCREASE IN -- IN CRIME IN THE AREA OR AN INORDINATE AMOUNT OF CALLS TO THIS PARTICULAR PROJECT OR ANYTHING LIKE THAT.

WELL, I CAN TELL YOU AS ONE OF THE STAFFERS FOR THE GENTRIFICATION TASK FORCE THAT PART OF THE ANSWER TO THAT DEPENDS ON HOW YOU DEFINE AREA. 78741 IS THE AREA WHERE A LOT OF THE RIVERSIDE STUDENT HOUSING IS.

Slusher: I'M NOT GOING TO TRY TO NARROW IT DOWN. WHAT WE HAVE HEARD IS THAT THIS PROJECT IS POTENTIALLY, MIGHT BE GENERATING MORE CRIMINAL ACTIVITY. I -- I'M JUST WONDERING IF WE HAVE ANY DATA ON THAT.

I HAVEN'T SEEN THAT AND THAT WASN'T A REQUEST AT THE PLANNING COMMISSION TO GET THAT SO WE WERE NOT PREPARED TONIGHT TO BE ABLE TO PROVIDE YOU THAT. BUT WE WILL WORK WITH OTHER CITY STAFF TO GET YOU THE INFORMATION THAT YOU REQUESTED.

Slusher: OKAY. THAT'S ALL THAT I HAVE FOR NOW. MARES COUNCILMEMBER ALVAREZ?

Alvarez: MR. HIRSCH, JUST AS A FOLLOW-UP FOR EITHER I SUPPOSE, BUT HAS AN APPLICATION FOR SMART HOUSING BEEN -- SUBMITTED AND APPROVED OR --

YES, SIR.

WAS THAT DEPENDENT ON -- ON THIS ACTION?

THE -- THE -- WE ONLY APPROVED IT BECAUSE OF THE SPECIFICS OF WHAT ARE BEING INCLUDED IN THIS ZONING CASE. IF IT WAS A DIFFERENT TYPE OF REQUEST, FOR A DUPLEX DEVELOPMENT, OR A -- OR A MULTI-FAMILY ZONING

CASE, IN THIS NEIGHBORHOOD PLANNING AREA, THAT IS NOT THE KIND OF HOUSING THAT WE ARE INTENDING TO --

10% OF THE UNITS AFFORDABLE --

40% OF THE UNITS WILL BE REASONABLY PRICED.

Alvarez: I WANTED TO MAKE SURE THAT WAS ALREADY AGREED UPON AND NOT SUBJECT TO CHANGE.

IF IT WOULD -- IF YOU REDUCED THE DENSITY, THE ABILITY OF THIS OWNER TO PROVIDE ANY AFFORDABILITY WILL DECREASE AS THE DENSITY DECREASES, SO THE DECISION THAT YOU MAKE ON DENSITY IS -- IS TOTALLY LINKED TO THEIR ABILITY TO PARTICIPATE IN SMART HOUSING.

Alvarez: UNDERSTOOD, THANKS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS, COUNCILMEMBER MCCRACKEN.

McCracken: YEAH, THIS LOOKS LIKE AN OUTSTANDING PROJECT, IS REALLY IN LINE WITH EVERYTHING THAT WE ARE TRYING TO ACHIEVE IN OUR COMMUNITY FOR PLANNING PURPOSES, EMBED DEVELOPMENT. I DO SHARE COUNCILMEMBER SLUSHER'S CONCERN ABOUT A GATED COMMUNITY. I JUST DON'T THINK THAT'S APPROPRIATE. BUT THAT -- THAT'S MY ONLY CAVEAT. OTHERWISE I THINK THAT IT'S A GREAT DEAL.

FURTHER COMMENTS, QUESTIONS? MR. GUERNSEY'S STAFF IS -- IS PREPARED FOR -- FOR -- HOW MANY READINGS? FIRST READING ONLY. THANK YOU.

THAT WOULD GIVE US TIME TO ANALYZE A NUMBER OF THINGS FROM THE GATED COMMUNITY ISSUE TO MORE NEIGHBORHOOD CONCERNS. THAT WOULD BE ONLY FIRST READING DONE TONIGHT. I'LL ENTERTAIN A MOTION.

Slusher: I MOVE THE PLANNING COMMISSION RECOMMENDATION.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER. SECONDED BY COUNCILMEMBER MCCracken TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY THE PLANNING COMMISSION RECOMMENDATION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS.

Guernsey: THAT CONCLUDES THE ZONING AGENDA THIS EVENING, THANK YOU, MAYOR.

Mayor Wynn: THANK YOU, MR. GUERNSEY. COUNCIL, WE NOW HAVE A COUPLE OF PUBLIC HEARINGS LEFT, A COUPLE OF EXECUTIVE SESSION ITEMS. NUMBER 70 HAS NO WISHING TO SPEAK, A HANDFUL SIGNED UP IN OPPOSITION, PERHAPS WE COULD GET THAT OUT OF WAY, GET A COUPLE OF STAFF MEMBERS HOME AND TAKE UP ANOTHER PUBLIC HEARING. IF THE STAFF COULD GIVE US A PRESENTATION ON ITEM NO. 70, WHICH IS THE PUBLIC HEARING REGARDING RIGHTS OF WAY AND OTHER THINGS.

WELL, I WONDER IF STAFF IS READY ON ITEM NO. 71.

Futrell: WE ARE READY ON WHATEVER YOU WANT US TO BE READY ON.

Mayor Wynn: TWO PUBLIC HEARINGS, 70 REGARDED SOME TYPE OF PARKLAND RIGHT-OF-WAY ISSUES, 71 IS THE BILLBOARD PUBLIC HEARING.

LET'S SEE IF WE CAN GET SOME STAFF HERE. I THINK -- HERE YOU GO. I HEARD THE PATTERN OF JUNE KNEE'S FEET.

ITEM NO. 70 IS TO CONDUCT A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 26 OF THE PARKS AND WILDLIFE CODE. WELCOME, MS. JUDY PLUMBER.

THANK YOU, MAYOR AND COUNCIL, ITEM NO. 70, THERE IS NO OTHER FEASIBLE AND PRUDENT ALTERNATIVE TO THE TAKING OF DEDICATED PARKLAND WHICH INCLUDES ALL PLANNING TO MINIMIZE HARM TO THE PARK.

Mayor Wynn: CAN YOU BRIEFLY DESCRIBE THE -- YOU KNOW THE STRETCH OF RIGHT-OF-WAY.

YES, MAYOR. THIS IS A PIECE ALONG HIGHWAY 183 RIGHT AT LITTLE WALNUT CREEK AND TEXDOT IS REQUESTING THIS PIECE TO WIDEN 183 SO IT'S A TAKING OF PARKLAND.

THIS -- WAS TEXDOT DOING THE TAKING AND THE RIGHT-OF-WAY ACQUISITION.

Mayor Wynn: I THIS THIS MAP SORT OF GETS LOST, IN THE SCALE OF IT, BUT IT'S A LITTLE BITTY PIECE HERE RIGHT AT LITTLE WALNUT, WE HAVE ALSO CHANGED WITH THEM A HIKE AND BIKE EASEMENT RIGHT UNDER THE BRIDGE SO THAT ULTIMATELY THE PARKLAND ON THE WEST SIDE CAN CONNECT OVER TO THE YMCA ON THE EAST SIDE AS THE MITIGATION.

THANK YOU, MS. PLUMBER, QUESTIONS OF MS. PLUMBER, COUNCIL? WE HAVE HAD FOUR CITIZENS SIGNED UP, NONE WISHING TO SPEAK, I WILL READ THEIR NAMES INTO THE RECORD, ALL FOUR AGAINST, COALLY PORTER, SCOTT SCHAFER, HEATHER DAUGHERTY, GINA HALL, ALL IN OPPOSITION NOT WISHING TO SPEAK.

MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I DON'T KNOW IF MS. PLUMBER KNOWS THE ANSWER TO THIS, IF IT WOULD BE SOMEONE ELSE'S STAFF, BUT HOW MUCH LAND IS TEXT DOT CURRENTLY ACQUIRING FOR THE WIDENING OF 183. I MEAN IS THIS THE ONLY PIECE OF LAND?

NO, SIR, THERE IS -- I DON'T KNOW ALL OF THE TRACTS, WHAT THEY ARE ACQUIRING, THIS PARTICULAR PIECE IS 5,095 SQUARE FEET. BUT THERE IS A WIDENING PROJECT

FOR 183. SO THERE WILL BE OTHER TRACTS.

McCracken: IS THE CITY CONTRIBUTING RIGHT-OF-WAY FUNDS FOR THIS?

NO, SIR, AS PART OF THIS, IN EXCHANGE WE ARE GETTING A HIKE AND BIKE EASEMENT UNDERNEATH THE BRIDGE, THIS IS WHERE IT CROSSES LITTLE WALNUT CREEK, SO THAT WE ARE ABLE TO HAVE A HIKE AND BIKE TRAIL THAT CONNECTS OUR PARKLAND FROM THE WEST SIDE OF 183 TO THE EAST SIDE OF 183 OVER BY THE YMCA.

I GUESS I'M TRYING TO FIGURE OUT IS -- WHAT IS TEXDOT DOING IN TERMS OF REQUIRING RIGHT-OF-WAY CURRENTLY ALONG 183 AND THE SECOND PART OF IT IS THE CITY CONTRIBUTING FUNDS FOR IT OR WHERE IS THE MONEY COMING FROM. YOU MAY NOT KNOW THAT --

NO, SIRMENT I'M SORRY.

I DON'T KNOW THE ANSWER TO THAT QUESTION. I DON'T BELIEVE THERE'S ANY PARTICIPATION FROM THE CITY ON THIS PARTICULAR PIECE, NOR AM I AWARE OF ANY.

IS THERE SOMEONE WHO -- WHO -- I GUESS FOR THE CITY MANAGER, IT'S NOT NECESSARY FOR RIGHT NOW, BUT I WOULD LIKE FOR WHOEVER KNOWS THIS INFORMATION FROM THE CITY TO GET IN TOUCH WITH ME TO DISCUSS THIS.

I CAN CERTAINLY, THE GENTLEMAN THAT I'M WORKING WITH TEXDOT, I CAN GET IN TOUCH WITH HIM AND CERTAINLY FIND OUT THOSE ANSWERS AND PUT THAT TOGETHER FOR YOU.

THAT WOULD BE GREAT. I WOULD APPRECIATE IT.

SURE.

IT'S THE RIGHT-OF-WAY AGENT, SAM NASSOUR THAT I'M WORKING WITH.

FURTHER QUESTIONS, COMMENTS.

YEAH, MAYOR, IF YOU DON'T MIND. JUDY YOU SAID GIVING THEM THIS EASEMENT, THEY ARE GOING TO PROVIDE US THEY SAID A HIKE AND BIKE TRAIL. WHEN YOU SAY UNDER THE BRIDGE, YOU LOST ME.

YES, SIR. THERE'S A CONNECTION HERE ON LITTLE WALNUT CREEK.

OKAY.

THIS BRIDGE, THERE'S A HIKE AND BIKE EASEMENT.

THANK YOU.

AND THIS HIKE AND BIKE EASEMENT UNDERNEATH WILL HELP US THEN CONNECT TO THE YMCA WHICH IS RIGHT HERE. SO AS PART OF THE MITIGATION FOR THIS PARTICULAR PIECE, WE'LL GET AN EASEMENT UNDERNEATH AND THAT WILL ALLOW A CONNECTION.

OKAY. I'M FAMILIAR NOW WITH THE MAP, WHEN YOU SAY YMCA, NORTH, OKAY.

YES, SIR. THIS IS NORTH. THIS IS SOUTH. HERE'S WEST AND THEN THIS WILL CONNECT US OVER TO THE YMCA ON THE EAST SIDE OF 183. HERE'S LITTLE WALNUT, MAYBE THAT HELPS.

I GOT YOU, I'M WITH YOU NOW.

OKAY, THANK YOU.

FURTHER QUESTIONS, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON ITEM NO. 70. THIS IS AN ORDINANCE THAT WILL NEED FIVE AFFIRMATIVE VOTES FOR THE THREE READINGS.

MOVE.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS,

SECONDED BY COUNCILMEMBER SLUSHER TO CLOSE THE PUBLIC HEARING AND APPROVE THE ORDINANCE AS POSTED, ITEM NO. 70. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0 WITH THE MAYOR PRO TEM AND COUNCILMEMBER DUNKERLY TEMPORARILY OFF THE DAIS.

THANK YOU.

THANK YOU, MS. PLUMBER. COUNCIL, THAT TAKES US TO OUR -- TO OUR LAST PUBLIC HEARING OF THE EVENING. ITEM NO. 71 IS TO CONDUCT A PUBLIC HEARING REGARDING BILLBOARDS. WE ARE ALSO POSTED FOR EXECUTIVE SESSION SHOULD WE THINK THAT WE NEED TO -- TO HAVE THAT DISCUSSION IN CLOSED SESSION FOR LEGAL PURPOSES. SO -- SO I DON'T KNOW IF STAFF IS PREPARED TO GIVE A BRIEF PRESENTATION.

Futrell: LET'S SEE, HOPEFULLY WE HAVE -- I DO KNOW THAT WE HAVE -- THAT I DO BELIEVE THAT WE EXPECT TO BE IN EXECUTIVE SESSION ON THIS ITEM AND YOU MAY WANT TO -- TO START. YES. WITH THAT.

DO YOU WANT ME TO DO THE PRESENTATION.

I HATE TO MAKE FOLKS WAIT LONGER. BUT -- BUT WITH THAT ADVICE, KNOWING THAT THERE ARE NO OTHER ACTION ITEMS THIS EVENING, ACTUALLY -- MR. LLOYD MIGHT HAVE A SUGGESTION.

GOOD EVENING, I'M SORRY,.

OUR QUESTION IS TRYING TO DETERMINE WHETHER OR NOT TO GO INTO EXECUTIVE SESSION, WHETHER WE NEED TO GO INTO EXECUTIVE SESSION AT ALL, AND IF SO YOU KNOW SHOULD WE TAKE THAT UP NOW, PERHAPS BEFORE WE HAVE OUR CITIZENS SPEAK.

MAYOR, LET ME LET THE CITY ATTORNEY SPEAK TO THAT



ISSUE. SORRY, I'M HAVING TROUBLE WORKING THE MICROPHONES.

Mayor Wynn: THINKING THROUGH IT, I WOULD HATE PERHAPS FOR THE CITIZENS TO SPEAK, THEN WE GO INTO CLOSED SESSION FOR SOME PERIOD OF TIME AND, YOU KNOW, THEY SIT OUT HERE AND WAIT AND MAYBE GO HOME, THEN WE COME OUT AND ACT, PERHAPS. WITH THEM NOT PRESENT. SO --

MAYOR, THERE ARE SOME ISSUES THAT WE WOULD LIKE TO DISCUSS WITH THE COUNCIL AND I BELIEVE THEY ARE THE KIND OF THINGS THAT SHOULD BE IN CLOSED SESSION.

Mayor Wynn: WITHOUT OBJECTION THEN, PERHAPS WE SHOULD TAKE UP THAT EXECUTIVE SESSION DISCUSSION LEGAL ADVICE FIRST, THEN COME OUT AND HEAR FROM THE CITIZENS AND TAKE ACTION. I APOLOGIZE FOR THE LENGTHY DELAY FOR EVERYBODY. PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, WE WILL NOW GO INTO CLOSED SESSION TO TAKE UP ITEM NO. 56, RELATED TO POTENTIAL AMENDMENTS OF CHAPTER 25-10 OF THE CITY CODE REPRESENTED TO BILLBOARD. WE ARE NOW IN CLOSED SESSION. >> >> >> >> >> >>

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION NO DECISIONS WERE MADE. WE WERE THERE FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT. WE ARE NOW GOING TO TAKE UP OUR PUBLIC HEARING RELATED TO THAT ITEM, WHICH IS ITEM NUMBER 71, A PUBLIC HEARING REGARDING AMENDING ORDINANCE CHAPTER 2510 OF THE CITY CODE REGARDING BILLBOARDS. WE'LL ENTERTAIN A BRIEF CITY PRESENTATION. WELCOME.

GOOD EVENING, I'M DONNA STURKIN WITH THE WOWRDZ DEVELOPMENT AND REVIEW DEPARTMENT. THE PROPOSED AMEND WOULD AMEND CHAPTER 25-10 OF THE LAND DEVELOPMENT CODE TO ALLOW THE RELOCATION OF NONCONFORMING OFF PREMISE SIGNS COMMONLY REFERRED TO AS BILLBOARDS. THE PROPOSED AMENDMENT WOULD ALLOW A NONCONFORMING OFF PREMISE SIGN TO BE RELOCATED TO A TRACT THAT MEETS

THE FOLLOWING REQUIREMENTS: IT IS LOCATED IN AN EXPRESSWAY CORRIDOR SIGN DISTRICT OR COMMERCIAL SIGN DISTRICT. IT IS NOT IN AN URBAN RENEWAL OR REDEVELOPMENT AREA DESIGNATED BY COUNCIL OR AS DESCRIBED IN SECTION 11-1-83-A, REVITALIZATION AREA PROGRAM. I'M SORRY, THAT SHOULD HAVE BEEN IT IS IN AN URBAN RENEWAL. IT IS NOT LOCATED -- IT IS NOT IN AN URBAN RENEWAL OR DEVELOPMENT AREA DESIGNATED BY COUNCIL OR AS DESCRIBED IN SECTION 11-1-83-A. IT IS NOT LOCATED IN A SCENIC ROADWAY SIGN DISTRICT. IT IS NOT WITHIN 500 FEET OF A HISTORIC SIGN DIRECT. IT IS NOT WITHIN 200 FEET OF A RESIDENTIAL STRUCTURE AND A RESIDENTIAL BASED ZONING DISTRICT, AND IT IS ZONED AS A COMMERCIAL OR INDUSTRIAL-BASED DISTRICT. THE PROPOSED AMENDMENT WOULD ALSO REQUIRE THAT THE SIGN HEIGHT AND FACE SIZE OF THE RELOCATED SIGN MAY NOT BE INCREASED, AND THE APPLICATION TO REMOVE AND RELOCATE MUST BE SUBMITTED AT LEAST 90 DAYS BEFORE REMOVING THE SIGN. ADDITIONALLY, THE APPLICANT MUST PROVIDE A STATEMENT FROM THE OWNER OF THE TRACT FROM WHICH THE SIGN IS TO BE REMOVED AGREEING TO THE PERMANENT REMOVAL OF THE SIGN OR PROVIDE A FORM INDEMNIFYING THE CITY FOR ANY COSTS OR CLAIMS ARISING FROM THE SIGN RELOCATION. THAT FORM WOULD BE APPROVED BY CITY LEGAL STAFF. FINALLY, THE APPLICANT MUST RELOCATE THE SIGN NOT LATER THAN THREE YEARS AFTER THE APPLICATION IS APPROVED. THE PROPOSED ORDINANCE PROVIDES CRITERIA THAT MUST BE MET FOR THE ORIGINAL LOCATION OF THE SIGN TO BE RELOCATED. THE ORIGINAL SIGN MUST BE IN AN URBAN RENEWAL OR REDEVELOPMENT AREA AS DESIGNATED BY COUNCIL OR AS DESCRIBED IN SECTION 11-1-83-A, REVITALIZATION AREA PROGRAM. IN A SCENIC ROADWAY SIGN DISTRICT, WITHIN 500 FEET OF A HISTORIC SIGN DISTRICT, OR WITHIN 200 FEET OF A RESIDENTIAL STRUCTURE IN A RESIDENTIAL-BASED ZONING DISTRICT. THE PROPOSED ORDINANCE RECOMMENDS A NEW FEE OF \$120 FOR REMOVAL AND RELOCATION PERMITS. THE PLANNING COMMISSION CONDUCTED A PUBLIC HEARING ON THE PROPOSED AMENDMENT ON MARCH NINTH, 2004. THEY VOTED NO NO CHANGE TO THE CURRENT CODE. THIS

CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU VERY MUCH. PERHAPS WE HEAR FROM OUR CITIZENS BEFORE WE START ASKING QUESTIONS AND DELVE INTO SOME DETAILS. WE HAVE THREE CITIZENS SIGNED UP IN FAVOR. 20 IN OPPOSITION. NOT MANY WANTING TO SPEAK. SO I'LL JUST START FROM THE TOP AND WE'LL GET THROUGH SOME SPEAKERS HERE. FIRST TWO SPEAKERS -- FIRST SPEAKER IS ACTUALLY GERARD KINNEY. WELCOME. A NUMBER OF FOLKS WANTED TO DONATE TIME FOR YOU, BUT I DON'T KNOW IF THEY'VE HELD OUT AS LONG AS YOU HAVE. IS CHIP RAY HERE? I DON'T SEE CHIP. OR HEATHER DAUGHERTY? JENNIFER ELSNORE? OR DAVID SHIELDS? WELL, MR. KINNEY, LET'S SEE, SO YOU WILL HAVE THREE MINUTES, BUT MY GUESS IS, MR. KINNEY, COUNCIL MIGHT HAVE SOME QUESTIONS OF YOU. YOU'RE ONE OF OUR RESIDENT EXPERTS. WELCOME, SIR.

ONE MOMENT.

Mayor Wynn: WHILE MR. KINNEY IS GETTING READY, I'LL READ INTO THE RECORD A FEW FOLKS WHO DO NOT WISH TO SPEAK AND ARE AGAINST, MARGARET LLOYD, KATE MEHAN, JILL SMITH, CALLIE COLLIER, ROSE VITOLA, JEFF JACK, DON EWAK, GINA HALL, SCOTT SCHAEFER, COLIE PORTER, JASON ASHBAR. JEAN MATHER, LORRAINE ATHERTON AND ELISE BETH (INDISCERNIBLE). WELCOME, MR. KINNEY.

THANK YOU, MAYOR. I'M GERARD KINNEY, PRESIDENT OF SCENIC AUSTIN. LAST MARCH I PREPARED A PAPER WHICH I DISTRIBUTED TO YOU. I DIDN'T BRING IT AGAIN. I THINK YOU ALL ARE FAMILIAR WITH IT. AND IN IT I OUTLINED THE MANY REASONS THAT SCENIC AUSTIN BELIEVES THAT THIS IDEA IS A FLAWED IDEA. WE -- SCENIC AUSTIN AND SCENIC TEXAS BOTH ARE EMPHATICALLY OPPOSED AND BELIEVE IT IS A VERY, VERY SERIOUS ERROR TO CONSIDER RELOCATING BILLBOARDS, PARTICULARLY AS THIS IS WRITTEN. AND RATHER THAN SPENDING A LOT OF TIME GOING OVER ALL THOSE REASONS AGAIN, AND I'D BE GLAD TO, BUT SINCE THAT'S ALL IN THE PUBLIC RECORD AND I THINK YOU'RE AWARE OF IT, WHAT I'D LIKE TO DO IS GO BACK AND JUST TALK A LITTLE BIT ABOUT THE HISTORY OF THIS IN AUSTIN. IN 1992 WE DECIDED WE DIDN'T WANT ANY MORE

BILLBOARDS IN AUSTIN AND WE PASSED AN ORDINANCE THAT SAID THERE WOULD BE NO NEW BILLBOARDS. AND IN 1996, THESE ARE APPROXIMATE DATES, WE EXTENDED THAT TO THE E.T.J., BUT WE ALSO LOST OUR ABILITY TO AMORTIZE AT THAT TIME BILLBOARDS BECAUSE FOR SOME REASON THE COUNCIL HAD NOT ESTABLISHED THAT IN OUR ORDINANCE LIKE HOUSTON AND OTHER PEOPLE HAD, SO WE DIDN'T GET TO KEEP OUR -- DIDN'T KEEP -- WE WERE UNABLE TO KEEP OUR ABILITY TO DO THAT. BUT IT HAS ALWAYS BEEN UNTIL RECENT YEARS A STATED GOAL TO EVENTUALLY GET RID OF BILLBOARDS IN AUSTIN, TEXAS. IN RECENT YEARS YOUR ATTORNEYS HAVE BEEN ADVISING YOU, I UNDERSTAND, TO NOT PUT THAT IN THE WHEREAS OF YOUR RESOLUTIONS BECAUSE THE ACTIONS THAT YOU'VE TAKEN, ALTHOUGH WELL MEANING, WERE CERTAINLY NOT GOING TO GET RID OF BILLBOARDS, MAKING THEM SMALLER WASN'T EVER GOING TO GET RID OF THEM, FOR INSTANCE, THEREFORE YOU COULDN'T SAY, WHEREAS, WE'D LIKE TO GET RID OF ALL THE BILLBOARDS IN AUSTIN, WE ARE THEREFORE DOING THIS BECAUSE THAT WASN'T ABOUT TO DO THAT. THE ONLY EFFECTIVE WAY TO GET RID OF BILLBOARDS, TO ELIMINATE LONGVIEW BILLBOARDS, IS THROUGH NATURAL ATTRITION. AND NATURAL ATTRITION MEANS AS PROPERTY IS DEVELOPED. WHENRAINEY STREET IS DEVELOPED, THE BILLBOARDS WILL GO DOWN. THE DEVELOPERS WOULD LOVE TO SEE YOU MOVE THEM OUT FOR THEM, BUT THEY'LL GO DOWN, DON'T WORRY. THE OTHER WAY IS WE'VE BEEN ASKING YOU FOR STRENGTH YEARS TO GO TO THE LEGISLATURE AND TRY TO JOIN WITH OTHER CITIES TO GET BACK THAT ABILITY TO AMORTIZE, AND NOT ONE TIME TO MY KNOWLEDGE HAS THE CITY EVER MADE THAT A PART OF THEIR POLITICAL AGENDA AT THE LEGISLATURE. THAT'S A SERIOUS STEP. THAT'S THE WAY TO DO IT. I'M EMBARRASSED THAT YOU'RE DOING THIS TONIGHT. THE IDEA OF RELOCATING BILLBOARDS IS TAKING BILLBOARDS FROM SOMEONE'S BACKYARD AND PUTTING THEM IN SOMEONE ELSE'S BACKYARD. THE PEOPLE THAT ARE LOSING THE BILLBOARDS ARE JUST -- ARE LOSING A NONCONFORMING USE THAT THEY HAD THERE ON THEIR PROPERTY. EVERY PLACE THAT YOU MOVE THESE BILLBOARDS, YOU ALLOW THESE 50 OR SO BILLBOARDS THAT ARE WITHIN THE AREA DESIGNATED THAT CAN BE

RELOCATED, ARE GOING INTO SOMEONE'S NEW AREA, SOMEONE'S BACKYARD. YEAH, 200 FEET FROM A RESIDENCE. DO YOU REALIZE HOW CLOSE 200 FEET FROM A RESIDENCE IS? YOU'RE LOOKING AT AN 80-FOOT BILLBOARD. IT'S RIGHT THERE ON TOP OF YOU. SO YOU'RE GOING TO FACE A FIRE STORM OF OPPOSITION FROM THOSE FOLKS -- [ BUZZER SOUNDS ] -- AND A FIRE STORM OF OPPOSITION FROM ALL THOSE NEIGHBORHOODS IN AUSTIN THAT WOULD LIKE TO HAVE THEIR BILLBOARDS RELOCATED, BUT THEY DON'T HAPPEN TO FALL WITHIN THE AREA THAT YOU HAVE. I URGE YOU IF YOU ARE REALLY GOING TO DO THIS, GO AHEAD IN SPITE OF WHAT I BELIEVE IS A VERY BAD IDEA, THAT YOU SERIOUSLY CONSIDER THE IDEA OF RESTRICTING A TIME LIMIT AND ESTABLISHING A TIME WHEN THOSE BILLBOARDS WILL COME DOWN. IF YOU MAKE THIS SORT OF DEAL WITH THE DEVIL, SO TO SPEAK. THANK YOU.

Mayor Wynn: THANK YOU, MR. KINNEY. QUESTION, GERARD. WE ALL AGREE THAT ULTIMATELY THAT ONLY THROUGH ATTRITION WILL ANY OF THESE BILLBOARDS COME DOWN, AND THAT MEANS AS LAND IS DEVELOPED. YET WE SEE EXAMPLES, RECENT EXAMPLES AROUND TOWN WHERE A PROPERTY IS RECENTLY DEVELOPED -- A BIG EXAMPLE. I HAPPENED TO DRIVE BY IT VIRTUALLY DAILY. DOWNTOWN NEAR THE OLD INTEL BUILDING AT THE CORNER OF FIFTH AND NUECES, THERE'S A RECENTLY DEVELOPED PROPERTY, BRAND NEW, SMALL LITTLE BANK FACILITY, YOU KNOW, THE OWNER'S PROBABLY AMORTIZED THAT OVER A 30-YEAR DEBT, MAYBE LONGER. AND A BIG HONKING BILLBOARD. SO HERE'S A PROPERTY THAT'S JUST NOW BEEN DEVELOPED, AND THEY HAVEN'T EVEN BEGUN STARTED PRAYING ON THE PRINCIPAL OF THEIR MORTGAGE, AND THAT PROPERTY IS DONE FOR THE NEXT 30 YEARS. AND WE'RE GOING TO BE STARING AT THAT SINGLE BILLBOARD, IT'S THE ONLY BILLBOARD BETWEEN -- YOU KNOW, THERE'S THE ONE ON -- WESTBOUND ON SIXTH STREET, BUT ONLY FOR -- FOR BLOCKS AND BLOCKS, THE ONLY INBOUND BILLBOARD IN ALL THAT STRETCH OF PRETTY PROMINENT ENTRANCE INTO OUR DOWNTOWN, AND THAT BILLBOARD IS GOING TO BE THERE FOR THE REST OF OUR LIVES.

IF YOU CHANGE IT TO TWO-WAY STREETS, WE WOULD ONLY HAVE HALF THE PEOPLE LOOKING AT IT. [ LAUGHTER ]

MAYOR, I'M AWARE. I'M AWARE THAT THE PRINCIPLE THAT I'M DESCRIBING WILL NOT COVER EVERY SITUATION. I DIDN'T MEAN TO -- TO SUGGEST THAT EVERY SINGLE BILLBOARD WILL COME DOWN BY THAT METHOD. BUT 59 OF THEM HAVE SINCE 1999. THE REASON THAT THE BILLBOARD COMPANIES ARE CHOMPING AT THE BITS TO GO FOR THIS IDEA THAT Y'ALL HAVE PROPOSED IS THEY DON'T WANT TO SEE 59 MORE GO DOWN IN THE NEXT SIX YEARS AND NOT BE ABLE TO RELOCATE THEM. THEY WILL GO FOR A TIME LIMIT IF YOU IMPOSE IT AND IF YOU'RE DETERMINED TO DO IT, AT LEAST WE WOULD BE ABLE TO GO BACK TO THAT PRINCIPLE THAT WE ALL SAID BACK IN THE '80 '80'S THAT WE WANT TO GET RID OF BILLBOARDS. IT'S A WAY TO GET RID OF BILLBOARDS.

AND SEVERAL OF US HAVE BEEN PROPOSING A TIME LIMIT ON THOSE BILLBOARDS. OUR STRUGGLE IS WE SEES A FEW AND -- OWE SEIZE A FEW AND THEY'RE DISPROPORTIONATELY IMPACTED AROUND TOWN AND THEY'RE GOING TO BE UP FOR THE REST OF OUR LIVES AND SOME OF US WOULD LIKE TO TRY TO FIGURE OUT A WAY TO DO IT, AND A TIME LIMIT MIGHT BE THAT WAY. THANK YOU, MR. KINNEY.

WOULD YOU LIKE FOR ME TO LEAVE THIS? THIS IS A LARGER SCALE MAP, COPY OF THE MAP YOU'VE ALL BEEN LOOKING AT. I THOUGHT YOU MIGHT WANT TO SEE IT.

Mayor Wynn: THANK YOU. LET'S SEE, OUR NEXT SPEAKER WOULD BE GRAYING NASSO -- CRAIG NASSO. THANK YOU FOR YOUR PATIENCE. YOU WILL HAVE THREE MINUTE.

GOOD EVENING, COUNCIL, MY NAME IS CRAIG NASSO. I'M A DOWNTOWN RESIDENT AND A MEMBER OF SCENIC AUSTIN. AND I'M HERE BECAUSE I HAVEN'T MET A BILLBOARD THAT I'VE SEEN THAT I LIKE. AND I SUPPORT EVERYTHING THAT GERARD KINNEY HAS SAID, AND I ALSO SUPPORT A VISION OF A BILLBOARD-FREE AUSTIN. RELOCATING BILLBOARDS MEAN THAT THERE WILL BE NEW BILLBOARDS FOR SOMEBODY. AND SO WHEN WE RELOCATE -- IF THERE IS A PROPOSAL PASSED TO RELOCATE THEM, THEY'LL BE THERE FOR ANOTHER 30 YEARS, EVEN THOUGH WE KIND OF MOVE THEM FROM ONE PORTION OF TOWN, WE'RE JUST GOING TO CREATE A PROBLEM FOR SOMEBODY ELSE. BILLBOARDS

ARE NOT A POSITIVE FEATURE TO OUR CITY. THEY HAVE SHOWN TO REDUCE SURROUNDING PROPERTY VALUES. THEY LOOK BAD AND THEY LIMIT VIEWS. AND WORSE YET, THEY CREATE PROBLEMS FOR POTENTIAL FUTURE DEVELOPMENT, GOOD DEVELOPMENT. AND IF YOU PUT THEM ON ANOTHER SITE THAT IS OF LESSER VALUE, THEN IT'S JUST GOING TO MAKE IT HARDER FOR THAT SITE TO BE REDEVELOPED. WHERE IF THEY'RE IN AN AREA IN A CORE OF THE CITY THAT'S UNDERGOING CHANGE AND REDEVELOPMENT, THEY WILL BE MOVED JUST LIKE MR. KINNEY HAS SAID, THAT 59 BILLBOARDS HAVE BEEN REMOVED IN THE LAST SIX YEARS BECAUSE OF REDEVELOPMENT. BUT IF YOU MOVE THEM TO A LESSER PRICED SITE, THEY COULD BE THERE FOR 100 YEARS. SO I ENCOURAGE YOU TO VOTE FOR A MORE SCENIC AUSTIN THAT IS BILLBOARD FREE LIKE YOU HAVE IN THE PAST. AND I WOULD RATHER SEE A PROPOSAL THAT SIMPLY REDUCES THE NUMBER OF BILLBOARDS IN THE CITY AS OPPOSED TO JUST RELOCATING THEM. SO I URGE YOU TO SUPPORT THE - - AS WHAT THE PLANNING COMMISSION HAS SUPPORTED IN TERMS OF NO CHANGE TO THE ORDINANCE. OR IF YOU DO MAKE A CHANGE, MAKE A CHANGE THAT WILL PERMANENTLY REDUCE BILLBOARDS. THANK YOU.

Mayor Wynn: THANK YOU. AND I BELIEVE I CAN SPEAK FOR THE ENTIRE COUNCIL THAT EVERYBODY'S GOAL HERE IS TO REDUCE THE NUMBER OF BILLBOARDS. COUNCIL, I BELIEVE THAT'S ALL THE CITIZENS WHO SIGNED UP WISHING TO SPEAK. THERE'S A FEW FOLKS WHO HAVE SIEPD UP IN FAVOR NOT WISHING TO SPEAK. DAVID DITTMAR IN FAVOR. LARRY KING IN FAVOR. CHRIS STOKES IN FAVOR. AND DAVID WATSON IN FAVOR. ALL NOT WISHING TO SPEAK. COUNCIL, COMMENTS, QUESTIONS? COUNCILMEMBER SLUSHER.

Slusher: ACTUALLY, UNTIL THE EXECUTIVE SESSION I HADN'T SEEN A MAP OF WHERE THEY COULD BE RELOCATED UNDER THIS PROPOSAL. COULD WE SEE THAT MAP AND LET THE PUBLIC SEE THAT?

Mayor Wynn: WHAT'S YOUR ADDRESS, COUNCILMEMBER? [ LAUGHTER ]

Slusher: LOOK IT UP ON THE WEB. I'LL JUST WAIT UNTIL THEY

GET THAT. OKAY. SO WHAT'S THE RED AND WHAT'S THE GREEN?

COUNCIL, DAVID LLOYD WITH THE CITY ATTORNEY'S OFFICE. RED IS -- THESE LITTLE RED SQUARES SHOW THE LOCATIONS OF BILLBOARD, EXISTING BILLBOARDS. THE GREEN AREAS ARE AREAS INTO WHICH A BILLBOARD COULD BE RELOCATED. AND NOT ALL OF THESE ARE ELIGIBLE FOR RELOCATION, OF COURSE.

Slusher: I'M SORRY? NOT ALL THE REDS ARE ELIGIBLE.

YES, NOT EVERY BILLBOARD IS ELIGIBLE TO BE RELOCATED. THOSE BILLBOARDS THAT ARE LOCATE ODD A SCENIC ROADWAY AND IN THE REVITALIZATION AREA OF EAST AUSTIN, THIS PART OF DOWNTOWN, WITHIN A CERTAIN DISTANCE OF AN HISTORIC OR --

Slusher: TAKE US THROUGH THOSE DIFFERENT DISTRICTS AS QUICK AS YOU CAN RATHER THAN JUST POINTING AT THEM, MAYBE GIVE US SOME BOUNDARIES. WHAT ARE SCENIC ROADWAYS?

I'LL ASK DONNA TO GO THROUGH THAT. THIS IS DONNA AGAIN.

HI. THE SCENIC ROADWAYS INCLUDE ARTERIAL A, BARTON SPRINGS ROAD, MOPAC, 360, 183. 620 FROM 71 TO ANDERSON MILL. 2222 WEST OF MOPAC. 2244, LAKE AUSTIN BOULEVARD. WEST CESAR CHAVEZ. RIVERSIDE DRIVE. SPICEWOOD SPRINGS ROAD FROM MESA TO 360. WILLIAM CANNON FROM BRODIE TO SOUTHWEST PARKWAY. ESCARPMENT BOULEVARD FROM WILLIAM CANNON TO ARTERIAL 11. ARTERIAL 5 FROM 183 TO WILLIAM CANNON. FM 973 FROM 71 TO 183. 71 AND -- PARTS OF 71 AND 183 ARE LISTED UNDER SCENIC, BUT BECAUSE THEY ALSO FALL UNDER EXPRESSWAY CORRIDOR SIGN DISTRICT, THE HIGH HIERARCHY IN THE SIGN CODE MAKES BOTH OF THOSE SECTIONS OF ROAD STRESSWAY CORRIDOR AND NOT SCENIC ROADWAY. CAMERON ROAD NORTH OF 183. PARMER LANE EAST OF 35 AND WEST OF MOPAC. STASSNEY EAST OF 35. SLAUGHTER. AND OLD SPICEWOOD SPRINGS FROM 360



TO OLD LAMPASAS.

Slusher: SO WHAT CAN AND CAN'T BE DONE IN THOSE AREAS UNDER THIS?

YOU CAN REMOVE A BILLBOARD FROM A SCENIC ROADWAY BUT YOU CANNOT RELOCATE IT TO A SCENIC ROADWAY.

Slusher: OKAY. AND THE URBAN, WHAT'S IT CALLED OFFICIALLY, THE URBAN RENEWAL OR REDEVELOPMENT AREA, THAT'S THE ARA DESIGNATED AREA, IS THAT WHAT WE'RE TALKING ABOUT?

COUNCILMEMBER, THE -- THE DRAFT THAT REFERS TO URBAN RENEWAL AND URBAN REDEVELOPMENT INCLUDES THOSE AREAS THAT ARE DESIGNATED AS URBAN RENEWAL, BUT THEY FALL ALMOST ENTIRELY WITHIN THE PROPOSED COMMUNITY, EAST AUSTIN COMMUNITY PRESERVATION AND REVITALIZATION AREA, WHICH WAS ADDED TO THE ORDINANCE THIS WEEK. STAFF WAS ASKED TO DO ANOTHER DRAFT. SO ALL OF THOSE URBAN RENEWAL AND URBAN REDEVELOPMENT AREAS ARE INCLUDED WITHIN THAT AREA, EXCEPT THAT THE AREA THAT'S INCLUDED WITHIN THE CURED COMBINING DISTRICT, WHICH IS THE -- AN URBAN REDEVELOPMENT COMBINING DISTRICT, WE'VE ALSO EXPECT THAT TO BE PUT IN THE AREA THAT SIGNS CANNOT BE RELOCATED.

Slusher: LET'S GO TO THE AREAS WHERE THEY CAN BE RELOCATED. IT LOOKS LIKE STARTING JUST TO THE WEST OF THE BEN WHITE-I-35 INTERSECTION, AM I READING THAT RIGHT?

YES.

Slusher: SO ALL ALONG THERE AND THEN HEADING ON EAST. AND IT ACTUALLY LOOKS LIKE IT COMES BACK SOUTH OF BEN WHITE. ARE THOSE STILL ALONG BEN WHITE? THE GREEN GETS SORT OF -- GO BACK TO THE WEST A LITTLE BIT FIRST. THE GREEN GETS A LITTLE WIDE THERE EAST OF THE FREEWAY.

THESE WOULD BE TRACTS THAT STAFF DETERMINED WERE

ZONED COMMERCIAL OR INDUSTRIAL BASE DISTRICTS. IN FACT --

Slusher: WHAT'S THE CROSS STREET THERE? YOU'RE OVER AROUND SOUTH FIRST?

YEAH. AND AS FAR AS THESE PARTICULAR TRACTS, THAT MIGHT BE -- IT COULD BE AN ANOMALY ON THE MAP.

Slusher: OKAY. LET'S KEEP GOING. I JUST WANT TO AS QUICKLY AS I CAN, BECAUSE IT'S LATE, BUT I WANT TO FIGURE THIS OUT. SO WHAT'S THE BIG CLUMP OVER THERE EAST OF 183? IS THAT NEAR THE AIRPORT?

YES, I BELIEVE THAT IS -- THIS IS THE AIRPORT. THAT IS THE INTERPORT TRACT, AND IT'S ZONED LI-PDA OR SOME SIMILAR ZONING DESIGNATION.

Slusher: HOW DID WE PICK THAT OUT? I KNOW YOU DIDN'T PICK IT OUT, I GUESS, IT WAS THE SPONSORS, BUT HOW DID WE PICK OUT THAT PARTICULAR TRACT OR AREA OR ANY OF THEM REALLY? LET'S GO TO THE NORTH. IS THAT 360 NORTH OF ONE 183 THERE THAT HAS THE GREEN ON IT? NO, THAT'S -- OR IS THAT MOPAC?

THIS IS MOPAC HERE. THIS IS THE --

Slusher: LAMAR?

YEAH, OR BURNET RATHER.

Slusher: THAT'S GOING TO REALLY BEAUTY FI BURNET ROAD THERE. WE HEARD ABOUT THAT EARLIER. WE'RE TAKING A GIANT STEP IN THAT DIRECTION TONIGHT.

I BELIEVE THIS IS THE PICKLE RESEARCH AREA.

Slusher: SO THAT'S THOUSAND THEY QUALIFIED FOR NEW BILLBOARDS?

THESE WOULD BE AREAS THAT MET THE CRITERIA THAT ARE SET OUT IN THE DRAFT TO BE RELOCATED TO, WHICH IS IN THE ZONING JURISDICTION IT MUST BE ZONED AS A

COMMERCIAL OR INDUSTRIAL-BASED DISTRICT. SO WHEN THE PEOPLE OVER THERE IN THE GIS WERE PUTTING THIS MAP TOGETHER, THEY JUST SCREENED FOR ZONING AREAS THAT WERE ZONED INDUSTRIAL BASED DISTRICT OR COMMERCIAL BASED DISTRICT.

Slusher: AND WHAT'S THAT OUT BEYOND -- WHAT DID WE DETERMINE THAT WAS, LAMAR? NO, BURNET. I'M SORRY. THEN YOU GET WAY FURTHER OUT THERE, 'WHAT'S THAT CLUMP OF GREEN OUT THERE? THAT'S NOT WHAT I WAS ASKING, BUT THAT'S FINE. WHAT'S THAT ONE?

WELL, I DON'T KNOW EXACTLY WHAT IT IS. IT IS FM 1325 I'M NOT SURE EXACTLY.

Slusher: DO YOU KNOW WHAT I'D LIKE TO SEE? THIS MAP HERE THAT HAS THE MAJOR ROADS ON IT, AND THEN IT HAS DOTS FOR WHERE BILLBOARDS ARE CURRENTLY LOCATED AND THEN THE GREEN CLUMPS OF INDUSTRIAL AREAS AND COMMERCIAL DISTRICTS AND THAT SORT OF THING. WHAT IT DOESN'T HAVE ON IT ARE RESIDENTIAL STREETS. SO I WOULD LIKE TO SEE RESIDENTIAL STREETS PUT ON TO THIS MAP AND SEE HOW CLOSE THESE THINGS ARE GETTING TO THAT.

OKAY.

Slusher: I'M WONDERING WHY ARE WE -- WHAT ARE WE -- WHY ARE WE DOING THIS?

MAYBE I COULD ANSWER THAT.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: WE WERE TRYING TO GET BILLBOARDS AWAY FROM HISTORIC AREAS, AWAY FROM RESIDENTIAL AREAS, AWAY FROM THE SCENIC ROADWAY, AWAY FROM THE REVITALIZATION AREA, AND INTO THE CORRIDORS THAT ARE SET UP FOR THESE COMMERCIAL BILLBOARDS, LIKE THE I-35 AND THIS SORT OF THING. WE PUT THE INDUSTRIAL BASE IN THERE JUST -- THAT WAS THE INTENT THAT WE DIDN'T WANT ANY OF THEM PUT INTO A BASE THAT WAS RESIDENTIAL. SO YOU HAVE TO HAVE EITHER AN INDUSTRIAL OR A

COMMERCIAL ZONING TO MOVE IT TO -- EVEN IF IT'S ON ONE OF THOSE BILLBOARD CORRIDORS. SO WHEN YOU PLUG THAT IN YOU GET AREAS THAT PERHAPS PROBABLY COULD HAVE A BILLBOARD ON IT, BUT THEY'RE NOT IN AN AREA THAT WOULD REALLY IN SOME INSTANCES BE ATTRACTIVE FOR THE SIGN THING. WE SAW ANOTHER ONE THAT HAD THE BILLBOARD CORRIDORS MARKED IN BLACK. AND IF YOU CAN COME BACK WITH THAT ONE, TOO, AT THE SAME TIME. SO WE WERE TRYING TO GET THEM AWAY FROM AREAS. AND WHEN YOU MOVE THEM, YOU CAN'T MOVE THEM CLOSE, WITHIN 200 FEET OF A RESIDENTIAL ZONING, IN A SCENIC ROADWAY OR IN ANY OF THESE PLACES THAT WE'RE TRYING TO GET THEM OUT OF. SO WE WANTED THEM MOVED INTO COMMERCIAL CORRIDORS OR EVEN INDUSTRIAL CORRIDORS. AND IN THE SIGN DISTRICTS WHERE YOU'RE ALLOWED TO HAVE BILLBOARDS.

Slusher: OKAY. LET ME KNOW ONE MORE AREA ON HERE THAT WAS ELIGIBLE. IT LOOKS LIKE AROUND 290 AND I-35 AND THEN HEADING EAST FROM THERE, I THINK I'M CORRECT ON THAT. AND THEN 183 EAST OF I-35 DOWN TO WHERE IT INTERSECTS WITH 290, THAT LOOKS LIKE ANOTHER DISTRICT WHERE -- SO EVEN THOUGH WE'RE MOVING THEM OUT OF LOWER EAST AUSTIN, THEY WOULD GO INTO -- ON TO THAT AREA I JUST DESCRIBED, THE 290-183 AREA. AND THEN AS I WAS PREVIOUSLY POINTING OUT ALONG BEN WHITE EAST OF I-35. HAVE THE SPONSORS LOOKED AT -- I'M STILL WONDERING EXACTLY LIKE WHO REALLY WANTS THIS. I KNOW THERE ARE SOME AREAS IN CENTRAL EAST THAT HAVE BILLBOARDS THAT -- IN REALLY BAD PLACES. I AGREE WITH THAT. BUT I'M WONDERING LIKE WHO OWNS THOSE PROPERTIES? ARE WE IN A SITUATION WHERE MR. KINNEY, LIKE HE WAS DESCRIBING WHERE SOME OF THEM MIGHT COME DOWN ANYWHERE, BUT THEN THEY WOULD GET TO -- BUT THEY COME IN AND ASK US FOR A WAY TO MOVE THEM, AND THEN MAKE A LITTLE EXTRA FUNDS. HAVE WE LOOKED AT ANYTHING LIKE THAT?

Dunkerley: I'VE NOT LOOKED AT THE PARTICULAR OWNERSHIP OF THOSE, BUT IF YOU LOOK AT THOSE SIGNS, THEY'VE BEEN THERE A LONG TIME. AND THE IDEA HERE IS TO INCENTIVIZE THE REMOVAL OF THOSE SIGNS TO AN AREA, THAT GRANTED WE DON'T WANT ANY SIGNS, BUT ONE

THAT IS POSSIBLY MORE APPROPRIATE THAN WHERE THEY ARE. THERE IS ANOTHER MAP THAT I'D LIKE TO -- WE HAD IT IN EXECUTIVE SESSION. THAT SHOWS WHERE THE BILLBOARDS ARE THAT REALLY CAN BE MOVED. AND IT REALLY CLUSTERS IN THE DOWNTOWN AREA AND IN THE NEAR EAST AUSTIN AREA. AND THESE ARE ONES THAT ARE IN NEIGHBORHOODS AND NEXT TO HISTORIC DISTRICTS. WE COULD MOVE THOSE OFF THE SCENIC ROADWAYS TOO, BUT THEY'RE REALLY CLUSTERED IN A RELATIVELY SMALL AREA, GEOGRAPHIC AREA. THIS DOESN'T MEAN THAT ALL OF THEM WON'T BE MOVED. THESE WOULD JUST BE CANDIDATES THAT COULD BE MOVED. YOU CAN SEE IN THAT YELLOW AREA THERE.

YES, COUNCIL. THIS YELLOW AREA SHOWS AREAS FROM WHICH BILLBOARDS ARE ELIGIBLE TO BE RELOCATED. AND ALSO THE PINK ROADS WHICH ARE SCENIC ROADWAYS. DONNA JUST READ YOU THE LIST OF THOSE ROADWAYS. THOSE ARE AREAS FROM WHICH A SIGN COULD BE REMOVED.

Dunkerley: WHERE IS THAT COMMERCIAL SIGN DISTRICT? YOU HAVE DIFFERENT DISTRICTS FOR SIGNS. CAN YOU SHOW ON THAT WHERE THAT IS?

COMMERCIAL SIGN DISTRICT IS EVERYTHING LEFTOVER AFTER ALL OF THE OTHER SIGN DISTRICTS. SO IT'S AFTER THE EXPRESSWAY CORRIDORS AND SCENIC.

Dunkerley: SO THE EXPRESSWAY CORRIDORS WOULD BE A PLACE YOU COULD MOVE THESE.

YES, THEY ARE PLACES YOU COULD MOVE A BILLBOARD.

Dunkerley: IF WE'RE ABLE TO DISCUSS THIS AGAIN NEXT WEEK, COULD YOU BRING SOME MAPS THAT HIGHLIGHT WHERE THOSE DIFFERENT EXPRESSWAY CORRIDORS ARE?

THEY'RE ON THIS FIRST MAP.

Dunkerley: OKAY. HOW DO WE SEE THEM? ARE THEY THE BLACK LINES?

YES, EXPRESSWAY CORRIDORS ARE THE BLACK LINES. IT'S 35, 290, 183 AND 71.

Dunkerley: OKAY. IT MIGHT NOT BE A BAD IDEA IF WE ARE ABLE TO DISCUSS THIS AGAIN NEXT WEEK, IS TO GO OVER AGAIN ALL OF THE DIFFERENT SIGN DISTRICTS.

Mayor Wynn: I WAS THINKING PERHAPS IF THE CITY ATTORNEY -- DON'T ANSWER A QUESTION THAT GETS US IN TROUBLE, BUT MY SUPPORT FOR EVEN HAVING THIS DISCUSSION WAS TO BE VERY, VERY TARGETED IN BOTH THE ELIGIBILITY, THAT IS, BILLBOARDS THAT COULD BE MOVED, AND THAT CORRESPONDINGLY THE PLACES THEY CAN BE MOVED TO. AND THE EXAMPLE THAT I GAVE EARLIER WITH ONE BILLBOARD THAT WE'LL HAVE TO LIVE WITH THE REST OF OUR LIVES, I WOULDN'T WANT TO HAVE SUCH BROAD ELIGIBILITY ON SIGNS TO BE RELOCATED IN AREAS THAT CLEARLY ARE GOING TO REDEVELOP. AND THAT BEING THE MOST SIGNIFICANT WAY TO ULTIMATELY BRING DOWN BILLBOARDS PERMANENTLY. AND SO MY GOAL WOULD BE TO BE SO TARGETED AS TO ESSENTIALLY IDENTIFY BILLBOARDS THAT BECAUSE PROPERTY HAS BEEN RECENTLY BEEN DEVELOPED OR THERE'S SOME OTHER SORT OF STRUCTURAL COMPONENT TO THE ENTITLEMENTS OF A PIECE OF LAND THAT A BILLBOARD THAT ALSO IS ONE OF THE -- ONE OF THESE MORE PERMANENT STEEL STRUCTURES THAT ISN'T GOING TO BE COMING DOWN ANYWAY, THAT WE HAVE THAT ABILITY TO IN A VERY TARGETED WAY HAVE BOTH THE ELIGIBILITY REQUIREMENT AND THEN THE CORRESPONDING RELOCATION AREA. IT BEGS THE QUESTION, DO YOU -- HOW TARGETED CAN ONE BE WITHOUT MAKING THE CITY ATTORNEYS NERVOUS? MAYOR PRO TEM.

Goodman: CAN I ASK SOMETHING. I MAYBE JUST HAD AN IDEA. CAN YOU SHOW ME WHERE -- I'LL TELL YOU SPECIFIC ROADS OR STREETS AND YOU TELL ME IF THEY COULD BE RELOCATED TO THOSE STREETS. LIKE WILLIAM CANNON, STASSNEY, SOME OF BRODIE.

OKAY. WILLIAM CANNON FROM BRODIE TO SOUTHWEST PARKWAY IS SCENIC ROADWAY, SO YOU COULD NOT RELOCATE A BILLBOARD TO THAT AREA, BUT YOU COULD

REMOVE A BILLBOARD FROM THAT AREA IF THERE WAS A BILLBOARD ON THAT PROPERTY. IN ADDITION, BILLBOARDS CANNOT BE RELOCATED WITHIN 200 FEET OF A RESIDENTIAL STRUCTURE ON RESIDENTIAL PROPERTY. AND THAT WOULD HAVE TO BE BASED ON A CASE BY CASE REVIEW TIME. SO I KNOW THAT IN A LOT OF THOSE AREAS THAT YOU'RE TALKING ABOUT THERE'S LOTS OF RESIDENTIAL STRUCTURES, APARTMENT BUILDINGS, HOUSES, ETCETERA.

Goodman: NOT SO MUCH ON EAST WILLIAM CANNON.

EAST STASSNEY IS SCENIC ROADWAY. WILLIAM CANNON -- I'M NOT SURE. IT IS POSSIBLE.

Goodman: AND AT BRODIE, FOR INSTANCE, AT AN INTERSECTION WHERE IT'S ALL GR ON THE CORNERS, AND I SUSPECT THAT MIGHT BE 200 FEET AWAY BECAUSE CHURCHES AND WHAT HAVE YOU. SO BILLBOARDS COULD GO ON INTERSECTIONS? COMMERCIAL INTERSECTIONS?

IF THEY WERE MORE THAN 200 FEET FROM RESIDENTIAL PROPERTY. IT DOES SAY THAT IT HAS TO BE A COMMERCIAL OR EXPRESSWAY CORRIDOR SIGN DISTRICT. THAT EXCLUDES MULTI-FAMILY SIGN DISTRICT AND NEIGHBORHOOD COMMERCIAL, WHICH IS SF-6, MF-1 THROUGH MF-6, NH, MO, AD, GR. THAT'S ALL ENCOMPASSED IN THE MULTI-FAMILY SIGN DISTRICT. THE NEIGHBORHOOD COMMERCIAL SIGN DISTRICT IS LO, LR, CR AND W/LO. SO IN THOSE ZONINGS YOU COULD NOT RELOCATE A BILLBOARD.

Goodman: MY IDEA IS NOT FLESHED OUT ENOUGH FOR ME TO SAY IT OUT LOUD.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I WILL SAY THAT AS PART OF THIS SUPPORT FOR THIS DISCUSSION, I WOULD LIKE TO EXPLORE A FAR MORE TARGETED APPROACH AND ALSO ANALYZE AND PUSH FOR AND REALLY ONLY BE SUPPORTIVE OF THE CONCEPT OF A TIME PERIOD, WHETHER WE CALL IT AM TOREIZATION OR NOT. I KNOW WE DON'T HAVE THAT ABILITY HERE IN AUSTIN, BUT AT SOME POINT THERE MIGHT -- THERE SHOULD BE THE ECONOMIC FEASIBILITY FOR VERY TARGETED, RELOCATED SIGNS TO FRANKLY BE MORE PROFITABLE, IT SEEMS TO ME, THAT

THERE WOULD BE A VOLUNTARY, AGREED TO, CONTRACTUAL ELIMINATION OF THAT BILL BOARD AT SOME PERIOD OF TIME. COUNCILMEMBER MCCrackEN. AND THEN THE MAYOR PRO TEM.

McCracken: ON THE CIRCUIT ON I GUESS THE TOP MAP THAT YOU HAVE THERE, ONE OF THE CATEGORIES SAYS REMOVED IN THE LEGEND. WHAT DOES THAT REFER TO?

THOSE ARE BILLBOARDS THAT HAVE BEEN REMOVED SINCE 1999. AND AS STATED EARLIER, COUNT WAS 59 I BELIEVE THE LAST TIME I SPOKE TO YOU, BUT THERE WERE, I THINK, THREE OR FOUR REMOVED SINCE THAT COUNT OF 59. I BELIEVE THE COUNT IS 62 OR 63 BILLBOARDS REMOVED SINCE 1999. >>

MCCrackEN: WHEN YOU SAY REMOVED, DOES THAT MEAN THAT THE BILLBOARD IS TAKEN DOWN AND THERE IS NO SUCCESSOR BILLBOARD TO THAT BILLBOARD, IT'S JUST GONE FOREVER?

CORRECT.

McCracken: WE HAVE SEVERAL NEW ROADS OF THE TOLL VARIETY COMING TO THIS COMMUNITY, BUT I DON'T SEE THOSE REFLECTED ON THE MAP. HAS THERE BEEN SOME CONTEMPLATION THAT YOU COULD HAVE SOME LOCATIONS, SAY AT THE TOLL BOOTH AREA AND IT COULD BE OF A LOWER PROFILE, THE HORIZON OR SOMETHING ALONG THOSE LINES?

I DON'T KNOW.

McCracken: THE MAP DOES NOT REFLECT SH 130 OR 45 NORTH OR 45 SOUTHEAST THAT I CAN SEE. DOES IT HAVE IT ON THERE, THOSE ROADS ON THERE?

NO.

NO, SIR. IT DOESN'T, AND WE WEREN'T THINKING IN TERMS OF ROADS THAT HAVEN'T EVEN BEEN COMMENCED YET.

McCracken: THOSE ARE BY THE WAY, ROADS ALL CURRENTLY



UNDER CONSTRUCTION. AND THEY'RE ALL EITHER IN OUR E.T.J., I BELIEVE, OR AT LEAST PART OF THEM ARE IN THE CITY LIMITS.

[INAUDIBLE - NO MIC].

McCracken: THEY'RE UNDER CONSTRUCTION. I DON'T KNOW IF WE'VE DESIGNATED 45 NORTH, 45 SOUTHEAST OR SH 130 AS SCENIC ROADS OR NOT. AND I DON'T KNOW, FOR INSTANCE, IF WE'VE DESIGNATED THE TOLL BOOTH AREA AS A SCENIC AREA. MAYBE THERE'S A DIFFERENT IMPACT THERE AS OPPOSED TO ALONG THE ROADWAY.

NONE OF THOSE NEW AREAS HAVE BEEN DESIGNATED SCENIC. THAT LIST I READ EARLIER AND THE ONES THAT APPEAR PINK ON THE LOWER MAP, THAT'S THE ONLY ROADS THAT HAVE BEEN SCENIC. THERE WERE FOUR THAT WERE INTRODUCED -- THAT WERE ADDED TO THE SCENIC LIST IN 1999, BUT THAT WAS THE LAST TIME THAT ANY ROADS WERE ADDED TO THE LIST OF SCENIC ROADWAYS.

McCracken: ONE OF THE THINGS I KEEP -- THAT I THOUGHT, THE VALUE OF BEING ABLE TO GET THESE OUT OF PLACES LIKE RAINEY STREET AND OUT OF OUR HISTORIC NEIGHBORHOODS IS THAT THE CITY HAS GOTTEN A WHOLE LOT BIGGER. I THINK ONE THING THAT THE MAYOR POINTED OUT TODAY THAT THE CITY OF AUSTIN DOUBLES ITS POPULATION EVERY 20 YEARS. WE ALSO HAVE LEARNED THAT WE HAVE THE NATION'S SECOND LARGEST HIGHWAY BUILDING PROGRAM DURING THE '90'S, AND AUSTIN, TEXAS CURRENTLY HAS THE NATION'S LARGEST TOLL ROAD PROGRAM CURRENTLY UNDER CONSTRUCTION, AND THAT'S NOT COUNTING THE -- THAT'S JUST THE STUFF IN THE TEXAS TURNPIKE PROGRAM. THERE'S A BIGGER CITY AND THEN YOU DON'T HAVE THAT MUCH DISPERSE AL. THERE'S AN OPPORTUNITY TO HAVE THE REDUCED IMPACT THAT WAY AND PROVIDE AN OPPORTUNITY TO GET THEM OUT OF THE NEIGHBORHOODS, BUT I DON'T SEE THAT THE MAP CURRENTLY REFLECTS THAT. I THINK AN ACCURATE PICTURE OF OUR OPTIONS WOULD HELP TO INCLUDE THE SIGNIFICANT AMOUNT OF NEW HIGHWAYS IN THIS REGION.

Mayor Wynn: FURTHER QUESTIONS? ACTUALLY, COUNCIL, I

REALIZE WE DIDN'T TAKE A VOTE TO WAIVE OUR RULES TO GO PAST 10:00 P.M. I'LL ENTERTAIN THAT MOTION.

Thomas: SO MOVE.

Goodman: BECAUSE WE DIDN'T KNOW.

Mayor Wynn: WITHOUT A CLOCK. MOTION MADE BY COUNCILMEMBER THOMAS, I'LL SECOND TO WAIVE COUNCIL RULES TO GO PAST 10:00 P.M. ALL IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. CONTINUING. QUESTIONS, COMMENTS? MAYOR PRO TEM.

Goodman: IS IT THE SPONSORS' INTENT TO GO A FIRST READING TONIGHT OF SOMETHING?

Dunkerley: WELL, WHAT I'D LIKE TO DO TONIGHT, I KNOW THERE ARE A LOT OF QUESTIONS, THERE ARE A LOT OF NEW MAPS WE NEED TO GET. I THINK THERE ARE SOME ECONOMIC ANALYSIS THAT WE NEED TO DO IF WE ARE CONSIDERING LIMITING THE LENGTHS OF THE NEW BILLBOARDS TO SEE WHAT THE LINKS WOULD HAVE TO BE TO REALLY GET AN INCENTIVE TO HAVE SOMEBODY MOVE ONE. RIGHT NOW THEY CAN LEAVE IT FOREVER. SO I THINK THERE'S THAT A LOT OF WORK. WHAT I WOULD PREFER TO DO IS SOMETHING LIKE ON FIRST READING AND THEN BRING IT BACK NEXT WEEK OR WHEN WE CAN GET THIS OTHER DATA AND CONSIDER WHAT CHANGES AND WHAT AMENDMENTS AND THINGS LIKE THAT WE'D LIKE TO DO. THAT WOULD BE MY PREFERENCE IF YOU ALL WOULD CONSIDER DOING THAT. AND THEN JUST MAKE A LIST OF ALL THE -- I THINK WE'VE ALREADY GIVEN THE STAFF A LOT OF DIRECTION AS TO WHAT WE WOULD LIKE TO SEE BACK. BUT IF THERE'S ANYTHING ELSE WE NEED FOR THEM TO DO, WE CAN ADD THAT RIGHT NOW.

Goodman: YEAH. THERE IS A CONCEPT THAT WE HAVEN'T CLEARLY STATED TONIGHT THAT WAS AN OPTION. BECAUSE THIS IS VOLUNTARY AND BECAUSE THE REVENUE GENERATED BY DIFFERENT SIGNS AND DIFFERENT LOCATION IS PART OF THE INCENTIVE, WHAT I'D ALSO LIKE TO LOOK AT IS DIFFERENT RELOCATION SPOTS RELATIVE TO

A FINITE TIME FRAME. AND LONGER FOR SOME THAN OTHERS. PERHAPS ON RECOGNIZE WHERE THERE ARE SOME -- PERHAPS ON ROADWAYS WHERE THERE ARE SOME ALREADY, WHICH ARE HIGH TRAFFIC, HIGH INCOME, AND WHICH WOULD BE ATTRACTIVE FOR BILLBOARDS PEOPLE. OTHERS THEY MIGHT FOR A SHORTER TIME FRAME BE ALLOWED TO -- VERY TAILORED CIRCUMSTANCES IS WHAT I'M SAYING SO THAT YOUR DISTRICTS WOULDN'T BE QUITE SO BROAD. THEY HAVE TO BE TIED TO A PLAN, A REAL MAPPED OUT PLAN. BUT DIFFERING TIME FRAMES AND A FINITE TIME FRAME. FOR RELOCATING.

Dunkerley: CERTAINLY WE COULD WITH THE STAFF SPEND SOME TIME TRYING TO DO THAT.

Goodman: OFF THE CUFF, I WOULD SAY START WITH SEVEN YEARS AND WORK OUT FROM THERE.

Dunkerley: OKAY.

Mayor Wynn: COUNCIL, WE NEED TO CLOSE THE PUBLIC HEARING AND THEN THE QUESTION IS WHETHER WE WANT TO BOTHER TO TAKE ACTION ON A FIRST READING ONLY.

Slusher: MOVE TO CLOSE THE PUBLIC HEARING.

SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THIS PUBLIC HEARING, ITEM NUMBER 71. ALL CITIZENS WISHING TO ADDRESS US HAVE. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF SEVEN TO ZERO.

Dunkerley: I WOULD LIKE TO MAKE A MOTION TO APPROVE THIS ORDINANCE ON FIRST READING WITH DIRECTION TO STAFF TO DO THE VARIOUS ANALYSIS THAT WE'VE ASKED YOU TO DO AND GET THAT INFORMATION BACK TO US

BEFORE SECOND READING SO WE CAN SEE WHAT AMENDMENTS WE NEED TO INCORPORATE INTO THE ORDINANCE.

Thomas: SECOND.

Goodman: BUT YOU WOULD NOT -- I'M SORRY.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER THOMAS, FIRST READING ONLY, WITH FURTHER INSTRUCTION. MAYOR PRO TEM.

Goodman: BUT YOU'RE NOT INCLUDING ANY OF THOSE SUGGESTIONS AS A REAL AMENDMENT ON FIRST READING.

>>

DUNKERLEY: NOT AT THIS TIME BECAUSE I DON'T QUITE KNOW HOW TO PHRASE THEM, BUT I WOULD BE -- THERE ARE SEVERAL THAT WE'VE TALKED ABOUT, BUT I THINK WE NEED TO DO THE ECONOMIC ANALYSIS AND GET A LITTLE BIT BETTER MAPS SO WE CAN KNOW WHERE TO PINPOINT THESE AREAS.

Goodman: WELL, WHAT IF I OFFERED SOMETHING LIKE THE RELOCATION OF A BILLBOARD IS TIED TO A FINITE LIFE OF SEVEN YEARS. AND THEN YOU WORK FROM THERE.

Dunkerley: WELL, I DON'T THINK SEVEN YEARS IS GOING TO BE -- I THINK I COULD DO SOMETHING LIKE TIED TO A FINITE LIFE, BUT WHEN YOU SAY SEVEN YEARS, I DON'T THINK WE'VE DONE THE RESEARCH TO KNOW WHETHER THAT WOULD DO -- BE ENOUGH INCENTIVE TO GET THEM TO MOVE IT. FROM MY GUESS IT'S NOT.

Goodman: WE'RE ONLY DOING FIRST READING. THAT'S WHY I STARTED A NUMBER. YOU CAN'T HAVE A FIRST READING OF A FINITE TIME FRAME. THAT DOESN'T HAVE A NUMBER IN IT. SO IF THAT'S NOT A FRIENDLY AMENDMENT, THEN WE'LL LET STAFF LOOK FOR THAT KIND OF THING, BUT I WON'T VOTE FOR FIRST READING.

Dunkerley: OKAY.

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

Slusher: WELL, MAYOR, MY POSITION OVER THE YEARS ON BILLBOARDS, AND I SAY OVER THE YEARS BECAUSE WE'VE GOTTEN TO DISCUSS THEM OVER AND OVER AGAIN, AND MY POSITION HAS GENERALLY BEEN I'D RATHER NOT DISCUSS IT ANYANYMORE. I DON'T LIKE THEM, BUT THERE'S ONLY SO MUCH WE CAN DO UNDER STATE LAW OR VERY LITTLE, AND SO THAT'S BEEN MY POSITION. BUT I'M NOT GOING TO SUPPORT THIS BECAUSE OF A NUMBER OF REASONS. ONE, WHAT IF WE FIND OUT THAT A TIME LIMIT -- JUST THE WAY WE'RE DOING THIS IS NOT LEGAL? AND THEN -- I WON'T GO DEEPER INTO THAT, BUT IF THERE WERE CHALLENGES ON THAT, IT SEEMS LIKE TO ME THAT THERE COULD BE A SITUATION WHERE WE COULD END UP WITH NEW BILLBOARDS, AND STILL AT THE PLACES OF THE OLD ONE. THAT'S JUST -- I'M NOT A LAWYER, I'M JUST PLAYING ONE ON TV TONIGHT, I GUESS. BUT WE'VE ALREADY SEEN THAT WE CAN HAVE A RASH OF NEW BILLBOARDS SPRING UP AS WE GET -- IF IT SUCCEEDS IN GETTING AROUND THE OLD ONES. AND I THINK MR. KINNEY HAS A PRETTY GOOD POINT THAT ONCE THOSE START SPRIPGING UP, THAT'S GOING TO BE PRETTY SHOCKING TO PEOPLE BECAUSE YOU HADN'T HAD NEW ONES GOING UP. HOW LONG HAS IT BEEN SINCE WE'VE HAD NEW BILLBOARDS GOING UP? SINCE 1983. SO 21 YEARS. AND SO THEN WHEN A BUNCH MORE START SPRINGING UP ALONG THESE HIGHWAYS AND BURNET ROAD, BEN WHITE, THEN I THINK THERE ARE GOING TO BE A LOT OF PEOPLE PRETTY SHOCKED. AND I THINK WHAT THEY'RE GOING TO DO IS THEY'RE GOING TO START COMING DOWN HERE. AND THAT MIGHT BE ONE OF THE ISSUES THE NEXT COUNCIL GETS TO DEAL WITH OVER AND OVER AGAIN. AND SO I'M CONCERNED ABOUT THAT. AND THEY'LL BE COMING DOWN BECAUSE THEY DON'T LIKE THESE BILLBOARDS, THEY MIGHT BE TOO CLOSE TO THEIR HOUSE. THERE'S LIKELY TO BE A LOT OF UNINTENDED CONSEQUENCES. SO I FEEL LIKE EVERYONE IS TRYING TO GET RID OF BILLBOARDS HERE. HERE ON THE DAIS IT'S THE SAME GOAL. BUT IT'S GOING TO HAVE A LOT OF UNINTENDED SEQUENCES, SO I CAN'T --

CONSEQUENCES, SO I CAN'T GO FOR IT.

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

Alvarez: YES, MAYOR. I'M NOT COMFORTABLE WITH THE PROPOSAL AS IT HAS BEEN PRESENTED BECAUSE IT SEEMS LIKE THAT IT'S NOT VERY FOCUSED AND I WOULD LIKE TO HAVE SEEN IT MORE FOCUSED AND WOULD LIKE TO SEE MORE CONSIDERATION TO THE AMORTIZATION ISSUE. MAYOR PRO TEM BROUGHT UP AND SOME OF THE SPEAKERS MAY HAVE BROUGHT UP. BUT REALLY AT THIS POINT I JUST THINK THAT THE PROPOSAL I THINK ISN'T STRONG ENOUGH, AT LEAST FOR MY LIKING. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER. ACTUALLY, I AGREE WITH COUNCILMEMBER ALVAREZ. I AGREE THAT THE ORDINANCE ISN'T NEARLY FOCUSED ENOUGH ON BOTH ENDS OF THE PHILOSOPHY, THAT IS, THE TARGETED AREAS FOR REMOVAL AND THE TARGETED AREAS WHERE THEY CAN BE PUT UP AGAIN. AND ALSO IT DOESN'T DO ENOUGH TO TRULY ANALYZE THIS TIME ELEMENT, THAT IS, THE SOMEWHAT, I GUESS, CONTRACTUAL END OF LIFE FOR THE RELOCATED BILLBOARDS; HOWEVER, I'LL VOTE FOR THIS ON FIRST READING BECAUSE HOPEFULLY STAFF WILL HEAR THAT MESSAGE AS WILL OTHER COLLEAGUES AND WE'LL SEE WHAT MIGHT BE BROUGHT FORWARD NEXT TIME, WHENEVER THAT MAY BE.

Dunkerley: I'D LIKE TO SEE THAT TOO.

Mayor Wynn: FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR OF APPROVING ORDINANCE NUMBER 71 ON FIRST READING ONLY, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF -- VOTE OF FOUR TO THREE, WITH THE MAYOR PRO TEM,

COUNCILMEMBER SLUSHER AND ALVAREZ VOTING NO.  
THANK YOU ALL VERY MUCH. SO COUNCIL, THAT ENDS ALL  
OF OUR POTENTIAL ACTION ITEMS. WE STILL HAVE TWO  
ITEMS TO TAKE UP IN CLOSED SESSION. SO AT THIS TIME WE  
WILL GO INTO CLOSED SESSION FOR PRIVATE  
CONSULTATION WITH OUR ATTORNEY UNDER SECTION  
551.071 OF THE OPEN MEETINGS ACT TO DISCUSS AGENDA  
ITEM 60 RELATED TO THE CITY OF SUNSET VALLEY, SAVE  
OUR SPRINGS, ET AL, VERSUS THE CITY OF AUSTIN AND  
LOWE'S. AND THEN UNDER SECTION 551.072 OF THE OPEN  
MEETINGS ACT TO DISCUSS REAL ESTATE MATTERS  
RELATED TO ITEM NUMBER 61, OUR OPEN SPACE PROJECT.  
WE ARE NOW IN CLOSED SESSION. AT SOME POINT LATER  
TONIGHT I'LL COME OUT AND IN OPEN SESSION WE WILL  
ADJOURN THE MEETING. THANK YOU.

**End of Council Session Closed Caption Log**