



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, OCTOBER 28, 2004

**Invocation:** Rev. Frank Goldsmith, Pastor, Koenig Lane Christian Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 28, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Wynn called the Council Meeting to order at 10:10 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

1. Approval of minutes from the meeting of October 21, 2004.  
**The minutes from the regular meeting of October 21, 2004 were approved.**
2. Approve negotiation and execution of an amendment to the 1973 agreement with the LOWER COLORADO RIVER AUTHORITY (LCRA), Austin, TX, for the reconstruction of the transmission circuit from Barton Substation to the Commons Ford break-off which resides on towers shared by Austin Energy and the LCRA. Austin Energy's portion of the costs for the reconstruction project shall not exceed \$2,360,000. (Funding in the amount of \$2,360,000 is available in the 2004-2005 Approved Capital Budget of Austin Energy.) (Recommended by the Electric Utility Commission)  
**The motion authorizing the negotiation and execution of an amendment was approved.**

**Item 3 was pulled for discussion.**

4. Approve a resolution directing the city manager to initiate the renaming of BEGGARS COVE to SIERRA RIDGE COURT due to property owner's request. Initiated by residents of Beggars Cove, with 100% agreement by the property owners. (The processing fee of \$250 has been determined, for one street sign location, on the corner of Doswell Lane and Beggars Cove.)  
**Resolution No. 041028-4 was approved.**

**Item 5 was pulled for discussion.**

6. Approve an amendment to the legal services contract with Scott, Douglass & McConnico, L.L.P., Austin, for representation in *F.L. Vivion, N.K. Ballard, L.I. Ballard, et al. v. City of Austin*; Cause No. GN 103302; in the 261<sup>st</sup> Judicial District, Travis County, Texas, in the amount of \$283,000.00, resulting in a total contract limit of \$876,000.00. (Funding in the amount of \$283,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) (Related Item 36)  
**The motion authorizing an amendment to the legal services contract was approved.**
7. Approve an ordinance to annex the Alum Rock ROW Area (Approximately 1.3 acres of Alum Rock right-of-way in Travis County approximately 655 feet south of the intersection of Colton Bluff Springs and Alum Rock and 175 feet north of the intersection of Thaxton and Alum Rock). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 041028-7 was approved.**
8. Approve an ordinance to annex the Burleson Road ROW Area (Approximately 6 acres of Burleson Road right-of-way in Travis County east of the intersection of Burleson Road and US Highway 183). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 041028-8 was approved.**
9. Approve an ordinance to annex the Canyon Creek West 50 foot strip Area (Approximately 1 acre in Travis County east of FM 620, 1,400 feet south of the intersection of Boulder Lane and FM 620); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 041028-9 was approved.**
10. Approve an ordinance to annex the Dessau Road ROW Area (Approximately 5.3 acres of Dessau Road right-of-way in Travis County located north of the intersection of Dessau Road and Parmer Lane and south of the intersection of Dessau Road and Bradbury). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 041028-10 was approved.**
11. Approve an ordinance on first reading only to annex the Greenshores Area (Approximately 176.8 acres in Travis County approximately one mile east of the intersection of City Park Road and Pearce Road); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**The first reading of the ordinance was approved.**

12. Approve an ordinance to annex the Nelson Area (Approximately 164.9 acres in Travis County north of FM 969 and east of Decker Lane approximately 460 feet north of the intersection of FM 969 and Decker Lane); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation; postpone the enforcement of fireworks sales regulations in the expanded 5000 foot area adjacent to the city limits of this annexation area for 20 days after the effective date; and grant SF-4A interim designation in accordance with the approved preliminary subdivision, The Woodlands Subdivision (C8J-04-0028). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will providing the services.)  
**Ordinance No. 041028-12 was approved.**
13. Approve an ordinance to annex the Overcash Area (Approximately 6 acres in Travis County east of Dessau Road approximately 1,900 feet east of the intersection of Dessau Road and Collinwood West Drive); waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will providing the services.)  
**Ordinance No. 041028-13 and was approved.**
14. Approve an ordinance to annex the Parmer / US 290 East ROW area (Approximately 17.6 acres of Parmer Lane ROW in Travis County north of the intersection of Parmer Lane and US Highway 290 East). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 041028-14 was approved.**
15. Approve an ordinance to annex the Southwest Parkway ROW Area (Approximately 8.8 acres of Southwest Parkway right-of-way in Travis County west of the intersection of Southwest Parkway and Foster Ranch Road and east of the intersection of Southwest Parkway and Mirador Drive). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)  
**Ordinance No. 041028-15 was approved.**
16. Authorize application for and acceptance of \$121,866 in grant funding from the U.S. Department of Justice, National Institute of Justice, Fiscal Year 2004 DNA Capacity Enhancement program, to fund a Laboratory Information System for the Austin Police Department DNA Section; amend the Fiscal Year 2004-2005 Austin Police Department Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$121,866 in grant funds for the DNA Capacity Enhancement program. (Funding is available for the grant period October 1, 2004 to September 30, 2005. A match is not required.)  
**The motion authorizing the application for and acceptance of \$121,866 in grant funding and Ordinance No. 041028-16 were approved.**
17. Amend the Fiscal Year 2004-2005 Austin Police Department Operating Budget Special Revenue Fund of Ordinance 040913-01 to add seven civilian FTEs to the Local Law Enforcement Block Grant program. (Funding in the amount of \$119,809 is available from the U.S. Department of Justice, Bureau of Justice Assistance, Local Law Enforcement Block Grant Program, for the grant period October 1, 2004 to September 30, 2006. A cash match of \$40,000 is included in the Fiscal Year 2005 Approved Operating Budget. The remaining \$247,600 in required salary cost will be proposed as an amendment to the Austin Police Department Fiscal Year 2005 Operating Budget, Special Revenue Funds, Federal Asset Forfeiture budget.) (Reviewed and approved by Local Law Block Grant Enforcement Advisory Board.) (Related Item 18)  
**Ordinance No. 041028-17 was approved.**

18. Amend the Fiscal Year 2004-2005 Operating Budget, Special Revenue Fund, Federal Asset Forfeiture Fund of Ordinance No. 040913-01 to increase the beginning fund balance by an amount of \$500,000 and increasing expenditures by an amount of \$500,000. (Funding is available in the Fiscal Year 2004-2005 Operating Budget, Special Revenue Funds, Federal Asset Forfeiture fund balance.) (Related Item 17)  
**Ordinance No. 041028-18 was approved.**
19. Approve a resolution authorizing the filing of eminent domain proceedings for the IH 35 North Project to acquire 0.009 of an acre for a temporary working space easement out of a portion of a 0.8497 acre tract of land in the L. C. Cunningham Survey No. 63, Abstract No. 163 in Travis County, Texas, for the amount of \$100. The owner of the property interest sought to be condemned is JACKIE L. PAYNE. The property is located at 1509 Three Points Road, Pflugerville, TX. (Funding is included in the Fiscal Year 1999-2000 Amended Capital Budget of the Austin Water Utility.)  
**Resolution No. 041028-19 was approved.**
20. Authorize execution of a contract with the Texas Department of Transportation for the review and approval of construction plans for sidewalk improvements on Koenig Lane from Loop 1 to Burnet Road in an amount not to exceed \$8,987. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department.)  
**The motion to authorize the execution of a contract was approved.**
21. Authorize execution of change order # 2 to the construction contract with THE BARR COMPANY, AIA, (MBE/FH 44.67%) Austin, TX for the Spicewood Springs Branch Library Site Work Improvements Re-Bid in the amount of \$27,517.53, for a total contract amount not to exceed \$455,005.68. (Funding in the amount of \$455,005.68 is available in the Fiscal Year 2004-2005 Capital Budget of the Library Department.) 0.59% MBE and 1.09% WBE subcontractor participation to date. (Conditional Use Permit approved by the Zoning and Platting Commission.)  
**The motion authorizing the execution of change order #2 to the construction contract was approved.**
22. Approve an ordinance amending Section 12-4-42 of the City Code by adding Pond Springs Road from U.S. Highway 183 Service Road Northbound to Hunters Chase Drive to the list of streets having a maximum speed limit of 40 miles per hour; and amending Section 12-4-63 of the City Code by adding Bull Run from Mustang Chase to 655 feet west of Mustang Chase to the list of streets having a maximum speed limit of 20 miles per hour during certain times for Davis Elementary School. (Funding in the amount of \$600 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department for the installation of necessary signs.)  
**Ordinance No. 041028-22 was approved.**
23. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (Buy Board) with INSITUFORM TECHNOLOGIES, Dallas, TX, for the Trenchless Rehabilitation of a 30 inch and 36 inch wastewater main and approximately 25 wastewater manholes in the Lower South Boggy Creek area as part of the Austin Clean Water Program for the Austin Water Utility in an amount not to exceed \$2,436,775.50. (Funding is available in Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility.) Cooperative Purchasing.  
**The motion authorizing the execution of a contract was approved.**

24. Authorize execution of 12-month service agreement with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED, Austin, TX, for janitorial services for five Austin Fire Department locations in an amount not to exceed \$52,380, with three 12-month extension options in an amount not to exceed \$52,380 per extension, for a total agreement not to exceed \$209,520. (Funding in the amount of \$43,650 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Fire Department. Funding for remaining two months of the original contract period and extension option is contingent upon available funding in future budgets.) Cooperative Purchasing. This service agreement will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a service agreement was approved.**
25. Authorize execution of a 10-month supply/service agreement with AVAYA, INC., Oklahoma City, OK, and its authorized dealers, through GENERAL SERVICES ADMINISTRATION (GSA) Federal Supply Schedule 70, Contract No. GS-35F-4321D, for purchase of Avaya Voice Systems equipment, software and services in an amount not to exceed \$858,224, with four 12-month extension options in an amount not to exceed \$2,000,000 for the first extension and \$1,000,000 for the remaining three extension options, for a total amount not to exceed \$5,858,224; and for maintenance services in an amount not to exceed \$500,000, with four 12-month extension options in an amount not to exceed \$500,000 per extension option, for a total amount not to exceed \$2,500,000, for a total agreement amount not to exceed \$8,358,224. (Funding in the amount of \$1,337,223.90 is included in the Fiscal Year 2004-2005 Approved Operating Budget of various City Departments. Funding in the amount of \$21,000 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Public Library. Funding for the extension options is contingent upon available funding in future budgets.) Cooperative Purchase  
**The motion authorizing the execution of a supply/service agreement was approved.**
26. Authorize execution of a 10-month service agreement through the State of Texas, Department of Information Resources, GO DIRECT Program, for Nortel voice systems equipment, software, and services in an amount not to exceed \$811,941, with four 12-month extension options in an amount not to exceed \$1,000,000 per extension option, for a total amount not to exceed \$4,811,941; and for maintenance services in an amount not to exceed \$300,000, with four 12-month extension options in an amount not to exceed \$300,000 per extension option, for a total amount not to exceed \$1,500,000, for a total agreement amount not to exceed \$6,311,941. (Funding in the amount of \$936,941 is available in the Fiscal Year 2004-2005 Approved Operating Budget of various Departments. Funding in the amount of \$195,000 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Cooperative Purchase  
**The motion authorizing the execution of a service agreement was approved.**
27. Authorize negotiation and execution of 10-month service agreement with SUSTAINABLE FOOD CENTER, Austin, TX, for a nutrition education program in an amount not to exceed \$78,000, with three 12-month extension options in an amount not to exceed \$78,000 per option, for a total agreement amount not to exceed \$312,000. (Funding in the amount of \$78,000 is available in the Fiscal Year 2003-2004 Special Revenue Fund Budget of the Health and Human Services Department. Funding for the extension options is contingent upon available funding in future budgets.) One proposal received. This agreement will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the negotiation and execution of a service agreement was approved.**

28. Authorize negotiation of a landfill contract with IESI, Fort Worth, TX, for the operation of the City of Austin FM 812 Landfill facility for a term up to the maximum life of the landfill. Best proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. (Reviewed by the Solid Waste Advisory Commission) (Related Item 35)  
**This item was postponed to November 18, 2004.**

29. Authorize execution of a 12-month service agreement with DHL ANALYTICAL INC., (MBE/MA-100%), Round Rock, TX, for pollutant analysis services for the Watershed Protection and Development Review Department in an amount not to exceed \$75,000, with three 12-month extension options in an amount not to exceed \$75,000, for a total contract amount not to exceed \$300,000. (Funding in the amount of \$68,750 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a service agreement was approved.**

30. Authorize execution of a 12-month supply agreement with HERRMANN'S FISH FARM, Robstown, TX, for grass carp for the Watershed Protection and Development Review Department in an amount not to exceed \$48,320, with one 12-month extension option in an amount not to exceed \$48,320, for a total contract amount not to exceed \$96,640. (Funding in the amount of \$44,293 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Watershed Protection and Development Review Department. Funding for the remaining one month of the original contract period and extension option is contingent upon available funding in future budgets.) Lowest bid meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the execution of a supply agreement was approved.**

31. Board and Commission appointments.  
**The following appointment was made:**

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Ethics Review Commission</u>		
Timothy Sulak	Mayor Wynn's	Appointment

32. Set a public hearing to consider amending the Five-Year Service Plan of the Austin Downtown Public Improvement District (PID), amending the PID plan of assessment by increasing the maximum assessment from \$.10 to \$.13 per \$100 valuation, and reauthorizing the PID in accordance with the revised Service Plan and plan of assessment. (Suggested date and time: November 18, 2004, 6:00 p.m., Lower Colorado River Authority, Hancock Building) (PID Assessments, City of Austin annual contributions not to exceed \$150,000, and Downtown Austin Alliance memberships.)  
**The public hearing was set for November 18, 2004, 6:00 p.m., Lower Colorado River Authority, Hancock Building.**
33. Set a public hearing to consider an ordinance waiving the development regulations of Ordinance 040624-52 to allow the construction of a secondary apartment special use at 5409 Avenue H. in excess of 425 feet on the ground floor and 425 feet on the second story. Ordinance 040624-52 established interim development regulations prohibiting the issuance of a building permit for the construction of a high occupancy two-family residential use or secondary apartment special use. (Suggested date and time: November 4, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).  
**The public hearing was set for November 4, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.**

Items 34 through 39 were Executive Session items.

Item 40 was action on an Executive Session item.

Item 41 was a briefing set for a time certain of 2:00 p.m.

Items 42 through 44 and Z-1 through Z-3 were zoning items set for 4:00 p.m.

Items 45 through 55 were public hearings set for 6:00 p.m.

### DISCUSSION ITEM

3. Approve a resolution to accept a Firm Based Incentive Matrix for use with firms that meet the Council approved criteria for economic development incentives under the authority of Texas Local Government Code Chapter 380.  
**Resolution No. 041028-3 was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Wynn was off the dais. A direction was given to staff to consider a two star requirement with contingency, alternatives, or waivers for small businesses that could not meet the requirement and report back to Council.**

**Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 10:50 a.m.**

### EXECUTIVE SESSION

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

### Private Consultation with Attorney - Section 551.071

**Items 34 through 36 was discussed later in Executive Session.**

37. Discuss legal issues relating to a change order increasing the authorized contract amount for General Work Contract for Sand Hill Center Combined Cycle Project Units 5A and 5C with Austin Commercial L.P. (Related Item 40)
38. Discuss legal issues in *Walter Session, et al. v. Rick Perry, in his Official Capacity as Governor of the State of Texas, et al.*, Cause No. 2:03CU354 TJU, in the United States District Court of the Eastern District of Texas -- Marshall Division. (concerns congressional redistricting)

**Item 39 was discussed later in Executive Session.**

**Executive Session ended and Mayor Pro Tem called the Council Meeting back to order at 12:06 p.m.**

**CITIZEN COMMUNICATIONS: GENERAL**

Jimmy Castro - Commuter Rail Vote

Jennifer L. Gale - Why Spend Billions for a Light Rail System that many may never use

Rhett Smith - Citizen's Think Tank. **He was not present when his name was called.**

Lottie Hancock - My Neighborhood

Michael Shelton - Sign Ranger Program. **He was not present when his name was called.**

Shannon Sedwick - Sign Ranger Program. **She was not present when her name was called.**

Richard Troxell - Homelessness in Austin

Alan Graham - Homelessness

Jake Billingsley - Misrepresentation of facts by city staff.

**DISCUSSION ITEM**

**Action on Executive Session**

40. Authorize negotiation and execution of a change order to General Work Contract for Sand Hill Center Combined Cycle Project Units 5A and 5C with Austin Commercial L.P. in an amount not to exceed \$1,934,543, for a total contract amount not to exceed \$56,600,000. (Related Item 37)  
**The motion authorizing the negotiation and execution of a change order was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Wynn was off the dais.**

**Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 12:42 p.m.**

**EXECUTIVE SESSION CONTINUED**

- 34. Discuss legal issues concerning relocation of wastewater line in the 1600 block of Watch Hill Road, Austin, Texas.
- 36. Discuss legal issues related to *F.L. Vivion, et al. v. City of Austin*, Cause No. GN 103302, in the 261<sup>st</sup> Judicial District Court of Travis County, Texas and the legal services contract with Scott, Douglass & McConnico, L.L.P. (Concerns the City's transportation user fee and drainage fee) (Related Item 6)

**Executive Session ended and Mayor Pro Tem Goodman called the Council Meeting back to order at 2:06 p.m.**

**BRIEFINGS**

- 41. Presentation of research findings and recommendations made by representatives from the Police Executive Research Forum (PERF) on APD recruiting, training and use of force. The presentation was made by Rudy Garza, Assistant City Manager; Dr. Tory Caeti, Director of Management Services; and Terry Chowanec, Senior Associate, Police Executive Research Forum.

**Mayor Wynn recessed the Council Meeting to go into Executive Session at 3:23 p.m.**

**EXECUTIVE SESSION CONTINUED**

**The Mayor announced that Council would discuss item number 5 on the regular agenda during Executive Session.**

**Real Property - Section 551.072**

- 39. Discuss terms of sale for the Mueller site (former Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.

**LIVE MUSIC**

The Network for Young Artists

**PROCLAMATIONS**

Recognition of the City of Austin -- by the EPA - to be presented by Gerald Fontenot and to be accepted by Mayor Will Wynn and City Manager Toby Futrell

Proclamation - Men's Pledge Against Violence - to be presented by Mayor Will Wynn and to be accepted by Lisa Garcia and Rebecca Lightsey

Proclamation - Nurse Practitioner Week - to be presented by Mayor Will Wynn and to be accepted by Sandra Ransom

Proclamation - Otto the Auto Week - to be presented by Mayor Will Wynn and to be accepted by Anne O'Ryan

Certificate of Congratulations - Program of the Year Award for Austin Energy's GreenChoice Program - to be presented by Mayor Will Wynn and to be accepted by Juan Garza

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:14 p.m.

5. Approve an ordinance on first reading, amending Ordinance No. 000420-28, a franchise permitting the delivery of cable services granted to Grande Communications, Inc. that extends the deadline for completing the City-wide build-out of facilities by sixty (60) months; extends the initial term of the franchise by one year; and reduces by one year the franchise extension term. (Approved by the Council Committee for Telecommunications Infrastructure on October 27, 2004.)  
**The first reading of the ordinance was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.**

#### ZONING CONSENT ITEM

42. C14-04-0135 - Approve second and third readings an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 North Lamar Blvd. (Town Lake Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. First Reading on October 21, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed at first reading. Applicant: Goodwill Industries of Central Texas (Cathy Rudzinski). Agent: Drenner Stuart Wolff Metcalf von Kriesler (Michele Allen). City Staff: Glenn Rhoades, 974-2775.  
**Ordinance No. 041021-42 was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.**

#### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Thomas was off the dais.

- Z-1 C14-04-0130 - Oriens Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4901-5425 East 51<sup>st</sup> Street (Little Walnut Creek and Walnut Creek Watersheds) from townhouse & condominium residence-neighborhood plan (SF-6-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant: Solar Star Realty (Bill Welch). Agent: Bury & Partner (Jim Gallegos). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 041028-Z-1 for single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning was approved.**
- Z-2 C14-04-0131 - Oriens Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4901-5425 East 51st Street (southwest corner of Mandalay Drive and Eastern Parkway) (Walnut Creek Watershed) from townhouse & condominium residence-neighborhood plan (SF-6-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant: Solar Star Realty (Bill Welch). Agent: Bury & Partners (Jim Gallegos). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 041028-Z-2 for single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning was approved.**

- Z-3 C14-04-0132 - Oriens Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4901-5425 East 51st Street (southeast corner of East 51<sup>st</sup> Street and Eastern Parkway) (Walnut Creek Watershed) from townhouse & condominium residence-neighborhood plan (SF-6-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant: Solar Star Realty (Bill Welch). Agent: Bury & Partners (Jim Gallegos). City Staff: Staff: Robert Heil, 974-2330.

**Ordinance No. 041028-Z-3 for single family residence small lot-neighborhood plan (SF-4A-NP) combining district zoning was approved.**

### ZONING DISCUSSION ITEMS

43. Approve an ordinance amending Ordinance No. 040826-56, which adopted the Central Austin Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to establish a land use designation on the future land use map for 2307 Longview St. (part of Tract 49) in the West University Neighborhood Planning Area. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695.  
**Ordinance No. 041028-43 establishing Single-Family for Tract 49, 2307 Longview St, as the future land use was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**
44. C14-04-0021 - Central Austin Combined Neighborhood Plan (West University Neighborhood) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2307 Longview Street (Tract 49). The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP. "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply as set forth in Section 25-2-1406 of the City Code. City Council may approve a zoning change from multifamily residence medium density (MF-3) district zoning to any of the following districts: Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Single-Family - Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); and Multi-family Residence - Medium Density (MF-3). The following combining districts may be added: Conditional Overlay (CO), Mixed Use (MU); or Neighborhood Plan Special Use (NP) neighborhood plan district zoning. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tom Bolt, 974-2755 and Glenn Rhoades, 974-2775. Note: A Valid petition has been filed in opposition to this zoning request.  
**Ordinance No. 041028-44 to zone Tract 49, 2307 Longview St, SF-3-CO-NP with a height limit of 30 feet was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**

PUBLIC HEARINGS AND POSSIBLE ACTION

45. Conduct a public hearing and amend Ordinance No. 040913-05, the Fiscal Year 2004-2005 Approved Fees, Fines and Other Charges, that establishes Austin Energy's Electric Rate Schedule, to allow customers in the Customer Assistance Program to receive a charge equal to the Batch-1 Green Power Charge on all their monthly electric consumption rather than receive a flat monthly credit. (Recommended by the Electric Utility Commission.)  
**The public hearing was closed and Ordinance No. 041028-45 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**
46. Conduct a public hearing and approve an ordinance amending Chapters 2-1, 11-1, 25-2, 25-3, 25-6, 25-10, and 25-11 of the City Code relating to the Historic Landmark Commission, ad valorem tax exemptions and abatements, historic landmarks, historic area combining districts and historic sign districts, and building demolition and relocation permits; and repealing Sections 2-1-292 and 2-1-295 of the City Code. (Reviewed by Historic Landmark Commission and the Planning Commission.)  
**This item was postponed to November 18, 2004 on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.**
50. Conduct a public hearing for the full purpose annexation of the Coldwater Area (approximately 110.6 acres in Travis County southwest of FM 2222 at the intersection of FM 2222 and City Park Road).  
**The public hearing was closed on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**
47. Conduct a public hearing for the limited purpose annexation of the Goodnight Ranch Area (Approximately 760.515 acres in Travis County east of Old Lockhart Highway approximately one tenth of a mile east of the intersection of Slaughter Lane and Old Lockhart Highway).  
**The public hearing was closed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.**
48. Conduct a public hearing for the full purpose annexation of the Avery Ranch Areas: **Tract One: Avery Ranch East Phase Two, Section One** (Approximately 32.902 acres in Williamson County north of the intersection of Avery Ranch Blvd and Lisi Anne Drive); **Tract Two: Round Rock ISD School Tract Avery Ranch East** (Approximately 14.097 acres in Williamson County north of Avery Ranch Blvd between Lisi Anne Drive and Indina Hills Drive); **Tract Three: Avery South Section Two Phase Two** (Approximately 19.518 acres in Williamson County south of the intersection of Castle Pines Drive and Fernhill Drive); **Tract Four: Resubdivision Plat of Lot 1 Block "B" of the Amended Plat of the Golf Club at Avery Ranch** (Approximately 5.215 acres in Williamson County west of Indina Hills Drive and north of the intersection of Indina Hills Drive and Avery Ranch Blvd); **Tract Five: Avery South Section Two Block H Lots 1 and 2, Block M Lots 18, 29, 30 and 31** (Approximately 0.693 acres in Williamson County south of the intersection of Pasatiempo Drive and Edenderry Drive).  
**The public hearing was closed on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.**
49. Conduct a public hearing for the full purpose annexation of the Pearce Lane/Ross Road Municipal Annexation Plan Area (approximately 277 acres in southeast Travis County located approximately one and one quarter miles east of the intersection of FM 973 and Pearce Lane).  
**The public hearing was closed on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.**

51. Conduct a public hearing for the full purpose annexation of the Ferguson Cutoff Area (Approximately 98.7 acres in Travis County south of US Highway 290 East at the intersection of US Highway 290 East and Springdale and at the intersection of US Highway 290 East and Ferguson Cutoff).  
The public hearing was closed on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.
52. Conduct a public hearing for the full purpose annexation of the Seton Southwest Area (Approximately 63.75 acres in Travis County south of US Highway 290 West at the southwest corner of the intersection of US Highway 290 West and FM 1826).  
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
53. Conduct a public hearing for the full purpose annexation of the FM 620 ROW Area (Approximately 9.78 acres of FM 620 right-of-way in Travis County from approximately four tenths of a mile south of the intersection of FM 620 and Boulder Lane south to the current city limit).  
The public hearing was closed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
54. Conduct a public hearing for the full purpose annexation of the Brandt Road Area (Approximately 32.85 acres in Travis County east of IH 35 at the northeast corner of the intersection of IH 35 and Brandt Road).  
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.
55. Consider action on an appeal by Irma Arrieta of the Zoning and Platting Commission's decision to deny a conditional use permit for day care services (General Use) at 308 West William Cannon. (Denied by the Zoning and Platting Commission.)  
The motion to grant the appeal and allow the conditional use permit was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 6-0 vote. Council Member McCracken was off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 7:26 p.m.

**EXECUTIVE SESSION CONTINUED**

35. Discuss legal issues related to consideration of responses to the Request for Proposal for operation of the City of Austin FM 812 landfill facility. (Related Item 28)

Executive Session ended at 8:10 p.m.

The motion to adjourn the meeting at 8:12 p.m. was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 5-0 vote. Council Members McCracken and Thomas were off the dais.

The minutes for the Regular Meeting of October 28, 2004 were approved on this the 4th day of November, 2004 on Council Member Dunkerley's motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.