

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 17, 2005**

Invocation: Fr. Raj, Pastoral Administrator, St. Theresa's Catholic 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, February 17, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:19 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 Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

1. Approval of minutes from the meeting of February 10, 2005.
The minutes from the regular meeting of February 10, 2005 were approved.
2. Authorize negotiation and execution of an amendment to the May 1999 Settlement Agreement and Mutual Release between the Barton Springs Edwards Aquifer Conservation District and the City of Austin to allow the District to withhold an amount not-to-exceed \$15,000 per year in conservation credits due to the City during Fiscal Years 2004-2005, 2005-2006, and 2006-2007. (Funding is available in the Fiscal Year 2004-2005 Operating Budget of the Austin Water Utility and the remaining amounts will be included in future budgets.) (Recommended by the Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment was approved.
3. Approve Service Extension Request No. 2381 for water service not to exceed a peak hour flow of 2 gallon per minute (gpm) for a tract of approximately 32.30 acres owned by Steve and Rose Monreal, located within the Drinking Water Protection Zone in the extraterritorial jurisdiction of Austin at 6620 West Creek View Drive. (Recommended by the Water and Wastewater Commission)
The motion authorizing Service Extension Request No. 2381 for water service was approved.
4. Approve an ordinance ordering a general municipal election to be held on May 7, 2005, to elect Council Members to Place 1, Place 3, and Place 4 of the City Council, providing for the conduct of the election, and authorizing the City Clerk to enter such joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election. (Funding

in the amount of \$939,517 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Office of the City Clerk.)

Ordinance No. 050217-04 was approved.

5. Receive the city clerk's certification of the result of her examination of the initiative petition filed February 1, 2005, entitled "An Ordinance Repealing and Replacing City Code Chapter 10-6 Relating to Smoking in Public Places, Creating Offenses, and Providing Penalties."
The motion to receive the city clerk's certification of the result of her examination of the initiative petition filed was approved.
6. Approve an ordinance amending Ordinance No. 040913-05, the Fiscal Year 2004-2005 Fee Ordinance, relating to parking rates for City facilities, to allow the City Manager to modify or waive parking rates in certain situations.
Ordinance No. 050217-06 was approved.
7. Approve an ordinance amending Ordinance No. 031023-6 to correct the reference from wastewater service to water service to the Zachary Scott Tract located in the south corner of the Old Lockhart Highway and Bradshaw Road intersection.
Ordinance No. 050217-7 was approved.

Item 8 was pulled for discussion.

9. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Creek-Lower Hancock Branch project of the Austin Clean Water Program to acquire a permanent wastewater line easement containing 2,456 square feet and two temporary working space easements, one containing 3,500 square feet and the other containing 284 square feet, all out of Lot 2, Amended Plat of Tract A, North Loop Plaza Resubdivision #1, and Block 12 Rosedown, a subdivision in the City of Austin, and one permanent wastewater line easement containing 2,709 square feet out of Lot 16, Block 10, Rosedown, a subdivision in the City of Austin, in the amount of \$133,500. The owner of the property sought to be condemned is MWM FUND III, LTD., located in Houston, TX. The property is located at 5218 Burnet Road, Austin, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
Resolution No. 050217-9 was approved.
10. Authorize negotiation and execution of an amendment to the professional services agreement with CAROLLO ENGINEERS, P.C., Austin, TX, for professional preliminary engineering design services for the Travis Water Treatment Plant, in an amount not to exceed \$6,500,000, for a total contract amount not to exceed \$10,000,000. (Funding in the amount \$6,500,000 is available in the Fiscal Year 1995-1996 Amended Capital Budget of the Austin Water Utility.) 15.29% MBE and 14.37% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)
This item was postponed to April 7, 2005.
11. Authorize negotiation and execution of a professional services agreement with the following three firms: HBC/TERRACON, INC., Austin, TX; BAER ENGINEERING AND ENVIRONMENTAL CONSULTING, INC.(WBE-79.10%), Austin, TX; JENKINS ENVIRONMENTAL CONSULTING, LLC, Austin, TX for the Asbestos and Lead Based Paint Consultants Services Rotation List 2004-2007 for various Capital Improvement Projects for an estimated period of two (2) years or until financial authorization is expended, in an amount not to exceed \$500,000, for the total of the three (3) agreements not to exceed \$500,000. (Funding in the amount of \$500,000 is available in the Capital budgets and /or operating budgets of the various

departments for which services are needed.) Best qualification statement of nine received. 15.9% MBE and 14.2% WBE subconsultant participation.

The motion authorizing the negotiation and execution of a professional services agreement was approved.

12. Approve execution of a construction contract with CEN-TEX UNDERGROUND, INC, Burleson, TX, for the Austin Clean Water Program: Buttermilk Creek Area Wastewater Rehabilitation – Loyola Lane Project in an amount not to exceed \$309,107.35. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of four received. 18.02% MBE and 9.06% WBE subcontractor participation.

The motion authorizing the execution of a construction contract was approved.

13. Authorize negotiation and execution of an Amendment to an Interlocal Cooperation Agreement between Travis County and the City of Austin for sharing the cost of improvements to the section of the Cameron Road/Harris Branch Parkway Project that is within the city limits of the City of Austin in an amount not to exceed \$85,000. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.)

The motion authorizing the negotiation and execution of an Amendment to an Interlocal Cooperation Agreement was approved.

14. Authorize execution of Amendment No.1 to three 24-month supply agreements with TECHLINE, INC., Austin, TX; POWER SUPPLY, Austin, TX; and KBS ELECTRICAL DISTRIBUTORS, Austin, TX, to increase the agreements for padmount transformers in an amount not to exceed \$1,137,316, \$734,570, and \$259,028 respectively; and to increase each of the three 12-month extension options for each contract in amounts not to exceed \$568,658, \$367,285, and \$129,514 respectively, for revised total agreement amounts not to exceed \$3,996,292, \$6,179,350, and \$1,480,680 respectively. (Funding in the amount of \$621,516.63 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining 17-months of the original contract term and the extension options is contingent upon available funding in future budgets.) This contract was 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 Amendment No. 1 to three supply agreements was approved.

15. Authorize execution of Amendment No. 2 to the contract with POWER SUPPLY, Austin, TX, to contractually modify the current pricing structure for oil and goods manufactured from steel and non-ferrous metals to allow price surcharges due to prevailing market conditions. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) 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 Amendment No. 2 to the contract with Power Supply was approved.

16. Authorize negotiation and execution of a contract with R. W. BECK, Austin, TX, for the development of an employee-focused training and communications program for Austin Energy to improve customer satisfaction in an amount not to exceed \$79,500. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) Best evaluated proposal of six 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.

The motion authorizing the negotiation and execution of a contract with R. W. Beck was approved.

17. Authorize execution of a contract with DATASTREAM, INC., Greenville, SC, for the upgrade of the Austin Water Utility's MP5 V6.3 Plant Maintenance Management System software in an amount not to exceed \$75,000. (Funding is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility.) Sole Source. 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 contract with DATASTREAM, Inc. was approved.

18. Authorize execution of a 12-month supply agreement with LEIF JOHNSON FORD, Austin, TX, for the purchase of captive repair parts for Ford heavy trucks in an amount not to exceed \$50,000, with three 12-month extension options in an amount not to exceed \$50,000 per extension option, for a total agreement amount not to exceed \$200,000. (Funding in the amount of \$37,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest responsive bid. 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 with Lief Johnson Ford was approved.

19. Authorize execution of a 12-month supply agreement with RDO EQUIPMENT CO., Pflugerville, TX, for captive repair parts for John Deere heavy equipment in an amount not to exceed \$65,000, with three 12-month extension options in an amount not to exceed \$65,000 per extension option, for a total agreement amount not to exceed \$260,000. (Funding in the amount of \$37,917 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) One bid 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 with RDO Equipment Co. was approved.

20. Authorize execution of a contract with TASER INTERNATIONAL, INC., Scottsdale, AZ, for ninety tasers and associated equipment for the Austin Police Department in an amount not to exceed \$75,291. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Department.) Lowest bids 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.

This item was postponed indefinitely and withdrawn from the agenda.

21. Authorize execution of a contract through the State of Texas, Texas Building and Procurement Commission with HAWORTH INCORPORATED, Austin, TX, and the authorized distributor FURNITURE MARKETING GROUP, Austin, TX, for the purchase and installation of modular office systems for built-in cubicle arrangements including wall panels, and modular office furniture, for a total contract amount not to exceed \$229,531.56. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Financial Services Department.) Purchasing Cooperative

The motion authorizing the execution of a contract through the State of Texas was approved.

22. Approve an ordinance on second/third reading amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Planning Commission voted for no change to the current code.)

This item was postponed to March 3, 2005.

23. Board and Commission appointments.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Commission on Immigrant Affairs</u> Anna Fink	Consensus	Appointment
<u>MBE/WBE Advisory Committee</u> Sarah Reams (Minority Chamber Representative)	Consensus	Reappointment

24. Authorize waiver of a portion of the park rental fee for the Spamarama event to be held on April 2, 2005. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Betty Dunkerley)

The motion authorizing the waiver of a portion of the park rental fee for the Spamarama event was approved.

25. Approve an ordinance authorizing payment of \$200 in police charges for the Allendale Neighborhood Association's Fourth of July Parade to be held on July 4, 2005. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Betty Dunkerley)

Ordinance No. 050217-25 was approved.

26. Approve an ordinance authorizing payment of \$182.80 for costs associated with a police escort for Mikail Davenport and supporters traveling to the State Capitol of Texas on March 1, 2005, to increase awareness of issues affecting persons with disabilities. (Mayor Will Wynn and Mayor Pro Tem Jackie Goodman)

Ordinance No. 050217-26 was approved.

27. Approve a resolution renaming the City Council Health Care Subcommittee to the Public Health and Human Services Subcommittee. (Mayor Pro Tem Jackie Goodman, Council Member Raul Alvarez and Council Member Betty Dunkerley)

Resolution No. 050217-27 was approved.

28. Approve a resolution accepting a mission statement for, and approving a program for the Austin City Hall Artists Exhibition Program. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Resolution No. 050217-28 was approved.
29. Set a public hearing to receive comment and take action on proposed design standards for commercial and retail development. (Suggested date and time: March 3, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.)
The public hearing was set for March 3, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
39. Authorize negotiation and execution of a settlement with Austin Country Club, including related documents, funding and fee waivers.(Related Item 33)
This item was postponed to March 3, 2005.

Items 30 through 36 were Executive Session items.

Items 37 and 39 were action on Executive Session items.

Items 40 and 42 were briefings set for a time certain of 1:00 p.m.

Items 43 through 47 and Z-1 through Z-6 were zoning items set for 4:00 p.m.

Items 48 through 49 were public hearings set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:32 a.m.

EXECUTIVE SESSION (No Public Discussion On These Items)

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

30. Discuss legal issues in *Angelita Hernandez, Individually and as Sole Heir of Edward Arreola, Deceased v. City of Austin*; Cause No. GN400808; 353rd Judicial District; Travis County, Texas (concerns a motor vehicle accident involving a fire truck). (Related Item 37)

Items 31 was discussed later in Executive Session.

32. Discuss legal issues regarding Cause No. GV-400101; *City of Sunset Valley, Save Our Springs, et al. v. City of Austin and Lowe's*; in the 201st Judicial District of Travis County, Texas. (concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved)
This item was withdrawn.
33. Discuss legal issues concerning easements needed from Austin Country Club for the Loop 360 Lift Station Project and related issues. (Related Item 39)
This item was postponed to March 3, 2004.

34. Discuss legal issues related to TCEQ Docket No. 2001-1170-MLM-E; SOAH Docket No. 482-04-7650; *Executive Director of the Texas Commission on Environmental Quality vs. Rainbow Materials, L.P. and Jack Anderson, Trustee*, before the State Office of Administrative Hearings. (concerns discharge of concrete and concrete waste on the upland areas, banks, and bed of the Colorado River)
This item was withdrawn.
35. Discuss the exchange, lease, and value of the City's interest in certain real property located in eastern Travis County.
This was withdrawn.
36. Discuss the exchange, lease, or value of the Seaholm Power Plant property located on Cesar Chavez between Lamar Boulevard and Guadalupe Street west of the Green Water Treatment Plant and Block 21 (bounded by Second Street, Guadalupe Street, Third Street, and Lavaca Street).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:08 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Ryan Hastings - Banning the use of Tasers in Austin by the Police Dept.

Joe Quintero - The legacy and history of Council Member Raul Alvarez on the Austin City Council will be that of assisting Anglo Liberal Council accelerate the gentrification and displacement of poor Mexican-American Homeowners from their homes in East Austin

He was not present when his name was called.

Paul Hernandez - Don't Blame me I voted against Light Rail. T.O.D. Ordinance

Frances Martinez - Setting up appointments for a doctor's visit at the clinics is still in disarray. Neighbors have called me that they have tried to call the appointment telephone number for more than two weeks to no avail. Please Help!!

Pat Johnson - CTECC Update to the Public - When are we going to have a product we paid for - Inspectors now required to provide cell phones at their expense for City Business

Susana Almanza - TOD Ordinance just another Gentrification Tool! People of Color and working poor deserve to live in East Austin

Gavino Fernandez, Jr. - The T.O.D. ordinance will forever change the land use development and character of our beloved East Austin Barrio. Please look into building Public Housing within the Capmetro 11 acres to include A small business incubator. Seek Federal Dollars!!

Marcos De Leon - Send A delegation to Washington D.C to lobby for Federal Dollars to build Public Housing on the Capitol Metro 11 acres located between East 4th and 5th streets

Ramon Maldonado - I support building public housing on the capmetro 11 acres located between 4th and 5th streets. Therefore send a delegation to Washington D.C. to lobby for federal dollars to build public housing for Senior Citizens and working poor families and to create small business incubators

Jennifer Gale - All emergency personnel should have a vacation required every six months for their health and well-being

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:44 p.m.

EXECUTIVE SESSION CONTINUED

31. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 1:22 p.m.

Action on Executive Session

37. Approve negotiation and execution of a settlement in Cause No. GN400808; *Angelita Hernandez, Individually and as Sole Heir of Edward Arreola, Deceased v. City of Austin*; in the 353rd Judicial District; Travis County, Texas (concerns a motor vehicle accident involving a fire truck).(Related Item 30)
The motion to approve a settlement in the amount of \$70,000 was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Thomas were off the dais.

BRIEFINGS

40. Briefing concerning sustainable yield and other related issues of the Barton Springs segment of the Edwards Aquifer.
The presentation was made by Nancy McClintock, Timothy Riling and Brian Smith of the Conservation District.
41. Briefing on the proposed creation of Winfield Municipal Utility Districts No. 1, 2, 3, and 4 on approximately 2428 acres owned by 2428 Partners, Ltd. located east of IH-35, south of Turnersville Road, west of S. Turnersville Road, east of County Road 118 and north of Satterwhite Road (County Road 107).
The presentation was made by Chris Lippe, Director of Austin Water Utility.
42. Presentation of redevelopment proposals for the Seaholm Power Plant property located on Cesar Chavez between Lamar Boulevard and Guadalupe Street west of the Green Water Treatment Plant.
The presentations were made by Sue Edwards, Economic Growth and Redevelopment Services; John Rosato and Scott Vieth of Seaholm Power LLC; Tim Garbid, Rueben Rodriguez, Sinclair Black, Dan Brandz of Faulkner USA; William H. Armstrong, Arthur Andersson, Steven Drenner, Freddy Fletcher of Stratus and Trammel Crow; and John McKinnerney, John D. Cullen, Tom Lekometros, Juan Cotera of SeaholmVenture Group.

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 consent items were approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

43. C14-04-0188 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 205 East Rundberg Lane (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. First reading on January 27, 2005. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant and Agent: Duc Nguyen. City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 050217-43 for limited office-conditional overlay (LO-CO) combining district zoning was approved.
44. C14-04-0174 - Lyly Fisher's Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11920 North IH-35 Service Road Southbound (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on January 13, 2005. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Lyly Fisher. Agent: The Hertz Corporation (Paul Wucker). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 050217-44 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
45. C14-04-0181.SH - Shire's Court - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2610, 2626, 2700 and 2902 Metcalfe Road; 1910 and 1916 Wickshire Lane (Country Club Creek Watershed) from family residence (SF-3) district zoning and limited office (LO) district zoning to townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. First Reading on January 13, 2005. Vote: 6-0, Goodman off the dais. Second Reading on January 27, 2005. Vote: 6-0, Dunkerley-off the dais. Conditions met as follows: Conditional overlay and restrictive covenant incorporate the conditions imposed or accepted by Council at second ordinance reading. Applicants: The Estate of Opal Ault (Donna Koch), Henry W. Ault and June Oliver Ault, Herby's Joint Venture (Jimmy Nassour), George Washington Sanders, and Stephen G. Jackson). Agent: Benchmark Land Development, Inc. (David C. Mahn). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 050217-45 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved.

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 Thomas' motion, Council Member Alvarez' second on a 7-0 vote.

- Z-1 C14-04-0179 - Big 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8602 Cullen Lane (Onion Creek Watershed) from development reserve (DR) district zoning and single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: Big 4 (Jim Pallas). Agent: Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
This item was postponed to March 10, 2005 at the neighborhood association's request.

- Z-2 C14-04-0150 - Neighbor's Stop & Go - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (I.O) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with conditions. Applicant: Anthony R. Bertucci. Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet). City Staff: Wendy Walsh, 974-7719.
This item was postponed to March 10, 2005 at the neighborhood association's request.
- Z-3 C14-04-0205 - Earthgrains Baking Companies, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6532-6534 South Congress Avenue (Williamson Creek Watershed) from neighborhood commercial (LR) district zoning, community commercial (GR) district zoning and general commercial services (CS) district zoning to community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Earthgrains Baking Companies, Inc. (Kevin J. Dollhopf). Agent: CB Richard Ellis (Cinco Cocke). City Staff: Wendy Walsh, 974-7719. (Related Item Z-4)
Ordinance No. 050217-Z-3 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-4 C14-81-239 (RCT) - Earthgrains Baking Companies, Inc. - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 6534 South Congress Avenue (Williamson Creek Watershed). Planning Commission Recommendation: To grant the restrictive covenant termination, with conditions. Applicant: Earthgrains Baking Companies, Inc. (Kevin J. Dollhopf). Agent: CB Richard Ellis (Cinco Cocke). City Staff: Wendy Walsh, 974-7719. (Related Item Z-3)
The motion granting the restrictive covenant termination with conditions was approved.
- Z-5 C814-88-0001.08 - Gables at Westlake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (P.U.D.) district zoning to planned unit development (P.U.D.) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (P.U.D.) district zoning with conditions. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-6)
This item was postponed to March 24, 2005 at the applicant's request.
- Z-6 C814-88-0001(RCA) - Gables at Westlake - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 3100-3320 Capital of Texas Highway (Lake Austin Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-5)
This item was postponed to March 24, 2005 at the applicant's request

ZONING DISCUSSION ITEM

46. C14H-04-0027 -- Brown-Ledcl-Silverman House - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 West Lynn Street from multi-family residence, neighborhood plan (MF-4-NP) district to multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed by the property owner in opposition to this rezoning request.

There was a motion to deny historical zoning that was made by Council Member Thomas' and seconded by Council Member Dunkerley.

A substitute motion to postpone this item to March 3, 2005 was approved on Council Member Slusher's motion, Council Member McCracken's second on a 6-1 vote. Council Member Thomas voted nay.

Mayor Wynn recessed the Council Meeting at 5:59 p.m.

LIVE MUSIC

Brewster McCracken Band

PROCLAMATIONS

Proclamation - 10th Anniversary of Austin City Connection - to be presented by Mayor Will Wynn and to be accepted by Kristen Vassallo and David Matustik

Proclamation - Kite Day in honor of the 77th Annual Zilker Kite Festival - to be presented by Mayor Will Wynn and to be accepted by Bunnie Twidwell

Distinguished Service Award - Ben Luckens - to be presented by Mayor Will Wynn and City Manager Toby Futrell and to be accepted by the honoree

Certificates of Congratulations - Volunteers of the Month for January and February - to be presented by Council Member Brewster McCracken and to be accepted by John Traber and Penny Petrich

Mayor Wynn called the Council Meeting back to order at 6:59 p.m.

DISCUSSION ITEM

8. Approve third reading of an ordinance to annex the Brandt Road Area (Approximately 32.951 acres in Travis County east of IH 35 at the northeast corner of the intersection of IH 35 and Brandt Road) and grant I-GR (Interim-Community Commercial) designation. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.) (Related Item 47)

Ordinance No. 050217-8 was approved on Council Member Dunkerley's motion. Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem was off the dais.

ZONING DISCUSSION ITEM

47. C14-04-0204 - Northeast corner of IH-35 South, northbound service road and Brandt Road - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9701-9817 IH-35 South, northbound service road (Onion Creek Watershed) from interim-community commercial (I-GR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and general office-conditional overlay (GO-CO) combining district zoning for Tract 2. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719. (Related Item 8)

Ordinance No. 050217-47 was approved with the following amendment on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

The amendment was to add two prohibited uses to the list in the ordinance for Tract One: commercial off street parking and off-site accessory parking.

Direction was given to staff that if the property does not close with the proposed sale, staff is to bring it back to Council immediately with a rollback to RR zoning.

38. Authorize negotiation and execution of a settlement agreement in Cause No. GV-400101; *City of Sunset Valley, Save Our Springs, et al. v. City of Austin and Lowe's*; in the 201st Judicial District of Travis County, Texas. (concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved)

This item was withdrawn.

PUBLIC HEARINGS AND POSSIBLE ACTION

48. Conduct a public hearing to consider a request for a variance from the Land Development Code to allow construction of a residential condominium in the 100-year and 25-year floodplains of Hancock Branch at 1605 Houston Street.

The public hearing was closed and Ordinance No. 050217-48 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

49. Consider action on an appeal Ed King (Long Canyon Home Owners Association, Phase I) and Joseph Konopka (Long Canyon Home Owners Association, Phase II/III) of the Zoning and Platting Commission's decision to grant a Hill Country Roadway Site Plan with waiver/variances for Potter's Dentistry at 7901 FM 2222 (site plan no. SPC-04-0022A). (Granted by the Zoning and Platting Commission on December 7, 2004 (6-2).)

The motion to deny the appeal was approved on Council Member Thomas' motion, Council Member McCracken's second on a 4-3 vote. Those voting aye were: Mayor Wynn and Council Members Dunkerley, McCracken and Thomas. Those voting nay were Mayor Pro Tem Goodman and Council Members Alvarez and Slusher.

50. Approve a resolution to create and provide tasks for an advisory committee for a future bond election, and to establish a schedule of public briefings related to that election. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)

Resolution No. 050217-50 was approved with the following amendment on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote. The amendment was to delete (E) on page three and insert the following wording, "The City Manager should conduct public briefings at 2:00 p.m. on March 10, 2005 regarding bonding timing and

capacity and at 2:00 p.m. on March 24, 2005 to discuss departmental needs analysis." The Committee will be appointed at the Council Meeting on March 10, 2005.

Mayor Wynn adjourned the meeting at 8:07 p.m. without objection.

The minutes for the Regular Meeting of February 17, 2005 were approved on this the 3rd day of March, 2005 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.