

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, SEPTEMBER 1, 2005**

Invocation: Rev. Mark Weaver, Pastor, New Hope Wesleyan Church of Austin

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, September 1, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:15 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 McCracken's second on a 7-0 vote.

1. Approval of the minutes from the meeting of August 25, 2005.
The minutes from the meeting of August 25, 2005 were approved.
2. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to St. ANDREW'S EPISCOPAL SCHOOL, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 1112 W. 31st Street. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
The motion authorizing the issuance of a letter of intent was approved.

Item 3 was pulled for discussion.

4. Approve a resolution appointing Mayor Will Wynn, Mayor Pro Tem Danny Thomas, and Council Members Lee Leffingwell, Raul Alvarez, Jennifer Kim, Betty Dunkerley and Brewster McCracken to the Board of Directors of Reinvestment Zone No. 16, a Tax Increment Financing Reinvestment Zone related to Mueller redevelopment.
Resolution No. 20050901-004 was approved.
5. Approve a resolution appointing Council Members Lee Leffingwell and Jennifer Kim to the Board of Directors of the Mueller Local Government Corporation.
Resolution No. 20050901-005 was approved.

6. Authorize negotiation and execution of a legal services agreement with BROWN McCARROLL, L.L.P., Austin, TX, for legal representation, advice and counsel concerning proceedings pertaining to the application of Central Texas Water Solutions, L.P. to the Texas Commission on Environmental Quality for wastewater certificate of convenience and necessity dual certification, for a total contract amount not to exceed \$150,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Water Utility.)
The motion authorizing the negotiation and execution of a legal services agreement was approved.
7. Approve second/third readings of an ordinance to annex the Watersedge Area for the limited purposes of planning and zoning (Approximately 418 acres in Travis County east of Austin Bergstrom International Airport at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive). (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 8)
Ordinance No. 20050901-007 was approved.
8. Approve second/third readings of an ordinance approving a regulatory plan for the Watersedge Area, to be annexed for limited purposes of planning and zoning. (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 7)
Ordinance No. 20050901-008 was approved.
9. Approve a resolution authorizing the construction of a classroom addition and library by the Austin Independent School District on property jointly owned with the City of Austin in Kealing Park. (Recommended by the Parks and Recreation Board.)
Resolution No. 20050901-009 was approved.
10. Approve a resolution authorizing an application for grant funding to the U.S. Department of Justice, Office of Justice Programs, Community Capacity Development Office, Operation Weed and Seed in the amount of \$175,000 in grant funds for the Central East Austin Weed and Seed Program for law enforcement, crime prevention and community revitalization. (Funding in the amount of \$175,000 is available in the grant period October 1, 2005 - September 30, 2006 from the U.S. Department of Justice, Office of Justice Programs, Community Capacity Development Office. This is the first year of a five-year grant. No cash match is required.)
Resolution No. 20050901-010 was approved.
11. Approve a resolution authorizing the filing of eminent domain proceedings for the Upper Shoal Spicewood Branch at Foster Lane Project, a portion of the Austin Clean Water Program, to acquire a 656 square foot permanent drainage easement, a 656 square foot permanent access easement, a 1,093 square foot permanent lateral support easement, and a 536 square foot temporary working space easement out of Lot 4-A of Northcross Section Three, a Subdivision in the City of Austin, in an amount not to exceed \$4,847. The owner of the property interests is 2819 FOSTER, LTD., of Austin, Texas. The property is located at 2819 Foster Lane, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
Resolution No. 20050901-011 was approved.

12. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk-North Capital Drive Project, a portion of the Austin Clean Water Program, to acquire a 0.365 acre permanent wastewater line easement and a 15,974 square foot temporary working space easement out of the John Applegait Survey No. 58, Abstract No. 29, Travis County, Texas, in an amount not to exceed \$69,398. The owners of the property interests are 9920 N IH-35, L.L.C., 339 ELK DRIVE, L.L.C., and WAVECREST PROPERTIES, L.L.C. The property is located at 9920 Interstate-Highway 35, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
Resolution No. 20050901-012 was approved.
13. Approve a resolution authorizing the filing of eminent domain proceedings for the Gaston Lane Wastewater Improvements project, a portion of the Austin Clean Water Program, to acquire a 400 square foot permanent wastewater line easement out of Lot 3, Pemberton Heights, Section 12, a Subdivision in the City of Austin, Travis County in an amount not to exceed \$1,620. The owner of the property interest sought to be acquired is Susan Frances Heard, of Houston, Texas. The property is located at 2401 Pemberton Parkway, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
Resolution No. 20050901-013 was approved.
14. Approve a resolution to amend Resolution No. 20050623-063, authorizing the filing of eminent domain proceedings for the Downtown/White Horse Trail Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 2,256 square foot temporary working space easement out of Lot 60, Allandale Section Three, a Subdivision in the City of Austin, in the amount of \$6,392 to correct the misspelling of one of the property owners' names and to correctly reflect the owners as Michael R. Hemer and Carolyn Blasdel, of Austin, Texas for the property located at 2400 White Horse Trail, Austin, TX.
Resolution No. 20050901-014 was approved.
15. Authorize negotiation and execution of a 12-month lease renewal of 8,000 square feet of office and warehouse space located at 4122 Todd Lane, from Mina Parven, Austin, Texas, for the Health and Human Services Department, Vector Control Program, in an amount not to exceed \$62,400. (Funding for the renewal contract period is contingent upon available funding in future budgets.)
The motion authorizing the negotiation and execution of a lease renewal was approved.
16. Authorize negotiation and execution of an amendment to the professional services agreement with COPLEY WOLFF DESIGN GROUP, Boston, MA, for design of the Second Street District Streetscape Improvement Project, for construction administration services and the addition of design services for construction improvements construction of Colorado and Brazos streets from Cesar Chavez to 3rd Street in an amount not to exceed \$250,000, for a total amount not to exceed \$905,381. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Neighborhood Planning and Zoning Department.) Original recommendation was based on the best of six qualification statements received. 10.40% MBE and 17.71 WBE sub-consulting participation to date.
The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.

Item 17 was pulled for discussion.

18. Authorize execution of a contract with GRANDE TRUCK CENTER, San Antonio, TX, for the purchase of one truck-mounted 29 foot aerial device with fiber optic splicing body, in an amount not to exceed \$92,431. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Low bid 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 contract was approved.

19. Authorize execution of a contract with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for the purchase of one truck-mounted 150-foot aerial device in an amount not to exceed \$552,861. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Low bid of five 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 contract was approved.

20. Authorize execution of a 12-month supply agreement with TECHLINE, INC., Austin, TX for the purchase of shoebox style street lighting in an amount not to exceed \$343,070, with four 12-month extension options in an amount not to exceed \$343,070 per extension option, for a total agreement amount not to exceed \$1,715,350. (Funding in the amount of \$343,070 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.) Low bid of five 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.

21. Authorize execution of a 12-month supply agreement with HIGH VOLTAGE SUPPLY, Dallas, TX for the purchase of extra low resistance contacts in an amount not to exceed \$513,206, with three 12-month extension options in an amount not to exceed \$513,206 per extension option, for a total agreement amount not to exceed \$2,052,824. (Funding in the amount of \$42,767.16 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) 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 supply agreement was approved.

22. Authorize execution of a contract with CAPITOL BEARING SERVICE, INC., Austin, TX, for the purchase of one trailer-mounted integrated hose reel pump system in an amount not to exceed \$137,902.64. (Funding is available 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 was approved.

Item 23 was pulled for discussion.

24. Authorize execution of two 12-month supply agreements with RTI HOT MIX, Pflugerville, TX and CAPITOL AGGREGATES LTD, Austin, TX for the purchase of hot mix-cold laid asphaltic concrete (cold mix) in amounts not to exceed \$187,200 and \$152,000 respectively, with two 12-month extension options in amounts not to exceed \$187,200 and \$152,000 respectively per extension option, for total agreement amounts not to exceed \$561,600 and \$456,000 respectively. (Funding in the amount of \$28,267 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) 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 subcontract opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of two supply agreements was approved.

25. Authorize execution of a 12-month service agreement with COMPLETE LIQUID SOLUTIONS LLC, Austin, TX (WBE/FR) for sludge and sewage pumping, hauling and disposal services for the Austin Water Utility in an amount not to exceed \$59,802, with two 12-month extension options in an amount not to exceed \$59,802 per extension option, for a total contract amount not to exceed \$179,406. (Funding in the amount of \$59,802 is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the Austin Water Utility. Funding for the 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.

26. Authorize negotiation and execution of a service agreement with ENVIRONMENTAL SCIENCE ASSOCIATES, Clearwater, FL for Federal Aviation Requirements, Part 150 Noise Compatibility update for Austin Bergstrom International Airport in an amount not to exceed \$500,000. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Department of Aviation and to be reimbursed with FAA Grant funds in Fiscal Year 2005-2006.) Best proposal of three proposals received. 16% DBE sub consultant participation.

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

27. Authorize execution of contracts with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for 11 heavy trucks with mounted truck bodies in an amount not to exceed \$979,356; and FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of four heavy trucks with mounted truck bodies in an amount not to exceed \$432,375; and GRANDE TRUCK CENTER, San Antonio, TX, for the purchase of five heavy trucks with mounted truck bodies in an amount not to exceed \$302,306. (Funding in the amount of \$197,370 is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund. Funding in the amount of \$58,896 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department. Funding in the amount of \$827,569 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding in the amount of \$215,761 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility. Funding in the amount of \$174,065 is available in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department. Funding in the amount of \$168,998 is available in the Fiscal Year 2004-2005 Capital Budget of the Solid Waste Services Department. Funding in the amount of \$71,378 is available in the Fiscal Year 2004-2005 Capital Budget of the Watershed Protection Development and Review Department.) Low bidders meeting specifications/seven 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 contracts was approved.

28. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SIDDONS FIRE APPARATUS, INC., Houston, TX for the purchase of one fire rescue truck in an amount not to exceed \$351,500. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Fire Department.) Purchasing Cooperative.

The motion authorizing the execution of a contract was approved.

Item 29 was pulled for discussion.

30. Authorize execution of a 12-month service agreement with UNITED HEALTHCARE INSURANCE COMPANY, Golden Valley, MN for a group life insurance program in an amount not to exceed \$3,353,000, with two 12-month extension options in an amount not to exceed \$3,513,000 for the first extension option and \$3,672,000 for the second extension option, for a total agreement amount not to exceed \$10,538,000. (Funding in the amount of \$2,515,000 is included in the Fiscal Year 2005-2006 Proposed Operating Budget for the Employee Benefits Fund of the Human Resources Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of 14 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 to September 29, 2005.

Items 31 and 32 were pulled for discussion

33. Authorize execution of a contract through the State of Texas Multiple Awards Schedule (TXMAS) with REMOTEC, INC., Oak Ridge, TN, for the purchase of a robotic vehicle for the Austin Police Department in an amount not to exceed \$147,130. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget Special Revenue Fund of the Office of Emergency Management (U.S. Department of Homeland Security Grant).) Purchasing Cooperative.

The motion authorizing the execution of a contract was approved.

34. Authorize execution of a 12-month service agreement with TEXAS CLOSED CAPTIONING, Austin, TX, for closed captioning services for City Council meetings for the Public Information Office in an amount not to exceed \$49,900, with two 12-month extension options in an amount not to exceed \$49,900 per extension option, for a total agreement amount not to exceed \$149,700. (Funding is available in the Fiscal Year 2005-2006 Proposed Operating Budget of the Public Information Office. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications 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.

35. Authorize execution of an Interlocal Agreement with the University of Texas, Austin Technology Incubator, IC2 INSTITUTE for live video testing including equipment costs, consulting and report generation fees in an amount not to exceed \$38,000. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of the Communications and Technology Management Department.) Interlocal Agreement.

The motion authorizing the execution of an interlocal agreement was approved.

36. 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.) (Related Item 53)

This item was postponed to September 29, 2005.

37. Authorize negotiation and execution of a 12-month State Use Agreement with Texas Industries for the Blind and Handicapped for vegetation control in creeks and detention/water quality ponds, and for the hauling of excessive vegetation and debris from specified job site locations to an acceptable landfill in an amount not to exceed \$1,672,000. (Funding in the amount of \$1,672,000 is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the Watershed Protection & Development Review Department. Funding is contingent on approval of the proposed budget.)

The motion authorizing the negotiation and execution of a State Use Agreement was approved.

38. Board and Commission appointments.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Airport Advisory Commission</u> Carolyn Lowe	Consensus	Appointment
<u>Building and Standards Commission</u> Guy Cunningham	Consensus	Appointment
<u>Human Rights Commission</u> Alyassia Taylor	Mayor Pro Tem Thomas	Appointment
<u>Urban Forestry Board</u> Tim Mahoney	Council Member Alvarez	Reappointment

39. Approve a resolution directing the City Manager to negotiate terms for the location of the Texas Aviation History Museum at the Austin-Bergstrom International Airport. (Mayor Will Wynn and Council Member Lee Leffingwell)

Resolution No. 20050901-039 was approved.

40. Approve an ordinance on second/third reading amending Title 2 of the City Code to add a new Chapter 2-12 relating to eminent domain powers. (Council Member Brewster McCracken, Mayor Will Wynn and Council Member Lee Leffingwell)

Ordinance No. 20050901-040 was approved.

41. Approve an ordinance authorizing payment of costs for the Texas United Latino Artist's 6th Annual Mexican Independence Day Parade and Festival, to be held on September 17, 2005. (Council Member Raul Alvarez and Council Member Betty Dunkerley)
Ordinance No. 20050901-041 was approved.
42. Approve waiver of fees and requirements for the Austin Found Event to be held on October 1, 2005. (Council Member Brewster McCracken, Council Member Raul Alvarez, and Council Member Betty Dunkerley)
The motion authorizing the waiver of fees and requirements was approved.
43. Approve an ordinance waiving certain fees and requirements, and authorizing payment of certain costs for the 2005 Fiesta de Independencia Celebration to be held on September 15, 2005, at Waterloo Park. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
Ordinance No. 20050901-043 was approved.
44. Approve reimbursement of certain fees and costs for the 2005 Keep Austin Weird 5k Run. (Council Member Raul Alvarez, Council Member Kim and Council Member Leffingwell)
The motion authorizing the reimbursement of certain fees and costs was approved.
45. Set a public hearing to approve approximately 1.36 acres for two sedimentation/filtration ponds, along with an approximately 3-acre temporary working space area use agreement to allow for the construction of the ponds through dedicated park land known as Zilker Park located on Barton Hills Drive in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested date and time: September 29, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
The public hearing was set for September 29, 2005 at 6:00 p.m., City Council Chambers, 301 West 2nd Street.
46. Set a public hearing concerning the adoption of an ordinance amending Sections 25-9-33 (d), 25-4-195, and 30-2-195 of the Austin City Code related to requirements to obtain a water and wastewater service extension request. (Suggested date and time: September 29, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street)
The public hearing was set for September 29, 2005 at 6:00 p.m., City Council Chambers, 301 West Second Street.
47. Set a public hearing to consider an ordinance amending sections 30-1-93, 30-1-131, 30-2-40, and 30-2-56(C) of the City Code, in accordance with the Third Amendment to the Agreement on Subdivision Platting in the Extraterritorial Jurisdiction between the City of Austin and Travis County. (Suggested date and time: September 29, 2005 at 6:00pm, City Council Chambers.)
The public hearing was set for September 29, 2005 at 6:00 p.m., City Council Chambers, 301 West Second Street.
48. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Greater South River City Combined Neighborhood Plan. The combined neighborhood plan is comprised of the South River City and St. Edward's neighborhood planning areas, bounded by Town Lake on the north, IH-35 South on the east, Ben White Blvd. on the south, and South Congress on the west. (Suggested date and time: September 29, 2005 at 4:00 p.m., City Hall Council Chamber, 301 West Second Street.)
The public hearing was set for September 29, 2005 at 4:00 p.m., City Council Chambers, 301 West Second Street.

Item 49 was a briefing set for a time certain of 10:30 a.m.

Items 50 through 57 were Executive Session items.

Item 58 was action on Executive Session item.

Item 59 was a briefing set for a time certain of 2:00 p.m.

Items 60 through 64 and Z-1 through Z-13 were zoning items set for 4:00 p.m.

Items 65 through 69 were public hearings set for 6:00 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Michelle Huang - Help Rescue Falun Gong Orphans in China

Yee Chin Chen - Help Rescue Falun Gong Orphans in China

Henry Jao - Help Rescue Falun Gong Orphans in China

Jennifer L. Gale - If we're going to take East Austin resident's homes let's tell them first. **She was not present when her name was called.**

Richard Troxell - National Day of Action - Bridge the Economic Gap Day

Randall Withrow - Foliage Remediation Request. **He was not present when his name was called.**

Myra Felder - Business Issues

Mark Gentle - Town Lake Hike and Bike Trail Issues

Dr. Lawrence Cranberg - What to do about Elder Suicide? **He was not present when his name was called.**

BRIEFINGS AND POSSIBLE ACTION

49. Presentation and approval of a resolution relating to the configuration of Riverside Drive within Town Lake Park, the award of a contract to reconstruct Riverside Drive, and the conversion of the one-way portion of Cesar Chavez to two-way traffic flow. (Related Item 17)
The presentation was made by Sondra Creighton, Director of Public Works and Warren Struss, Director of Parks and Recreation Department.

The motion to approve the resolution was made by Council Member Leffingwell, seconded by Council Member Alvarez.

The friendly amendment by Council Member Thomas to postpone action for thirty days was not accepted by the maker of the motion.

The friendly amendment to change No. 1 on page two to read, "That the City Council directs the City Manager to convert Cesar Chavez Street Brazos Street to San Antonio Street from one way to two-way traffic flow in accordance with Option 2 and with the

urban design enhancements," was approved by the maker of the motion and Council Member Alvarez, who seconded the motion.

The following substitute motion failed on Council Member Dunkerley's motion, Council Member Kim's second on a 2-5 vote. Those voting aye were: Council Members Dunkerley and Kim. Those voting nay were: Mayor Wynn, Mayor Pro Tem Thomas and Council Members Alvarez, Leffingwell and McCracken. The substitute motion was to revise page two to read,

"Be it resolved by the City Council of the City of Austin:

1. That the City Council directs the City Manager to convert Cesar Chavez Street from Brazos Street to San Antonio Street from one-way to two-way traffic flow in accordance with Option 2 with the urban design enhancements.
2. That the contract award in No. 17, with the exception of that portion concerning the add alternative be delayed, and move forward with the design elements of the park with the exception of the design along the western side of the park.
3. That, to the extent earlier Council action conflicts with this Resolution, the provisions in this Resolution prevail.

Resolution No. 20050901-049 was approved with the following change on Council Member Leffingwell's motion, Council Member Alvarez' second on a 6-1 vote. Council Member Kim voted nay. Page two of the resolution will read, "Be it resolved by the City Council of the City of Austin:

1. That the City Council directs the City Manager to convert Cesar Chavez Street from Brazos Street to San Antonio Street from one-way to two-way traffic flow in accordance with Option 2 with the urban design enhancements.
2. That City Council directs the City Manager to implement construction so that Riverside Drive will be reduced from four lanes to two lanes.
3. That, to the extent earlier Council action conflicts with this Resolution, the provisions in this Resolution prevail."

17. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, TX, for the Riverside Drive and Barton Springs Road Street Reconstruction and Utility Adjustment Project from South Congress Avenue to South First Street and Town Lake Park/Riverside Drive Reconstruction from South First Street to South Lamar Boulevard in the amount of \$6,983,031.67 plus a \$698,303.17 contingency, for a total contract amount not to exceed \$7,681,334.84. (Funding in the amount of \$5,176,643.09 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department and funding in the amount of \$2,504,691.75 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of two received. 0.40% MBE and 14.33% WBE subcontractor participation. (Related Item 49)

The motion authorizing the execution of a construction contract was approved on Mayor Pro Tem Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim voted nay.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:59 p.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

Item 50 was discussed later in Executive Session.

51. Discuss legal issues related to Travis County Hospital District interlocal, including federal funding issues.
52. Discuss legal issues concerning proposed legislation in the 79th Second Called Legislative Session and legislation from the 79th Regular Legislative Session.
This item was withdrawn.
53. Discuss legal issues regarding an amendment to Chapter 25-10 of the City Code relating to non-conforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Related Item 36)
This item was withdrawn.

Item 54 was discussed later in Executive Session.

55. Discuss legal issues related to the application of Central Texas Water Solutions for a certificate of convenience and necessity to provide wastewater service before the Texas Commission on Environmental Quality and a contract for legal services with Brown McCarroll, L.L.P. related to this application.
This item was withdrawn.
56. Discuss legal issues in *City of Austin v. Level 3 Communications, Inc. and Level 3 Communications LLC*; Cause No. GN 304585, in the 353rd Judicial District Court of Travis County, Texas and the outside counsel contract with Scott, Douglass & McConnico. (concerns damage to the City's Onion Creek Tunnel and liner)
57. Discuss legal issues concerning payment of drainage utility charges and transportation user fees by Austin Community College. (Related Item 58)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:13 p.m.

DISCUSSION ITEMS CONTINUED

3. Approve an ordinance amending Chapter 6-1 of the City Code to add a new Article 3 regarding vehicle idling and creating an offense. (Recommended by the Electric Utility Commission.)
Ordinance No. 20050901-003 was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.
31. Authorize execution of a contract with L-3 COMMUNICATIONS MOBILE-VISION, INC., Boonton, NJ, for the purchase of transmitters and trunk vault systems for in-car cameras for the Austin Police Department in an amount not to exceed \$80,235. (Funding in the amount of \$70,485 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Department. Funding in the amount of \$9,750 is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund Budget of the Austin Police Department.) 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 was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

32. Authorize execution of a contract through the Texas Building and Procurement Commission (TBPC), with L-3 COMMUNICATIONS MOBILE VISION INC, Bedford, TX, for the purchase of 80 video/audio mobile law enforcement recording systems for the Austin Police Department in an amount not to exceed \$242,800. (Funding in the amount of \$20,000 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Departments. Funding in the amount of \$222,800 is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund Budget of the Austin Police Department.) Cooperative Purchase.

The motion authorizing the execution of a contract was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

BRIEFINGS

59. Presentation on the City of Austin Fiscal Year 2005-2006 Proposed Budget including the Austin Water Utility, the Solid Waste Services Department, and Austin Energy.

The presentation was made by Joe Canales, Deputy City Manager; Juan Garza, General Manager for Austin Energy; Chris Lippe, Director of Austin Water Utility; Willie Rhodes, Solid Waste Services; and Donald Birkner, Assistant Director of Solid Waste Services.

DISCUSSION ITEMS CONTINUED

70. Approve issuance of a Street Event Permit to Roadstar Productions to close the 100 block of Congress Avenue and the 100 block of South Congress Avenue ("Congress Avenue Bridge") from September 3, 2005 beginning at 3:00 a.m. through September 4, 2005 at 11:59 p.m., for the Austin Bat Festival fee paid event.

The motion authorizing the issuance of a Street Event Permit was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem Thomas was off the dais.

23. Authorize execution of a contract with PAMPERED LAWNS AUSTIN INC., Austin, TX, for the clearing of selected woody vegetation from tracts within the Water Quality Protection Lands for the Austin Water Utility in an amount not to exceed \$82,325. (Funding is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility.) Lowest bid of four 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 contract was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.

29. Authorize negotiation and execution of a 24-month service agreement with PUBLIC ACCESS COMMUNITY TELEVISION, Austin, TX for public access television and media management services in an amount not to exceed \$1,235,000, with two 24-month extension options in an amount not to exceed \$1,235,000 per extension option, for a total agreement amount not to exceed \$3,705,000. (Funding in the amount of \$51,458 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Finance and Administrative Services Department. Funding for the remaining 23 months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of three 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. (Recommended by the Telecommunications Commission)

The motion authorizing the negotiation and execution of a service agreement was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.

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 Leffingwell's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

60. C14-04-0196 - Hyde Park North NCCD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4505 Duval Street (Waller Creek Watershed) from multi-family residence - medium density (MF-3) district zoning and community commercial (GR) district zoning to multi-family residence - medium density - neighborhood conservation - neighborhood plan (MF-3-NCCD-NP) combining district zoning and community commercial neighborhood conservation-neighborhood plan (GR-NCCD-NP) combining district zoning. The Neighborhood Mixed Use Building special use is proposed for this property. The North Hyde Park NCCD proposes modified site design and development standards including but not limited to the following: land use, floor area ratios (FAR), building heights, mixed use developments, garages, parking, impervious and building coverage allowances, setbacks and driveway and parking access. The proposed zoning change also implements the land use recommendations of the Hyde Park Neighborhood Plan for this property. First reading approved on August 18, 2005. Vote 6-0, Council Member McCracken off the dais. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. (Glenn Rhoades, 974-2275, Alex Koenig, 974-3515).

This item was postponed to September 29, 2005.

61. C14-05-0070 - T. Warren Investments - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3320-3404 South FM 973 Road (Colorado River Watershed) from interim rural residence (I-RR) district zoning to public-conditional overlay (P-CO) combining district zoning with conditions. First reading approved on June 23, 2005. Vote: 7-0. Applicant: T. Warren Investments, Inc. (Thomas G. Warren). Agent: Chartwell Interests, Inc. (Timothy Merriweather). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20050901-061 for public-conditional overlay (P-CO) combining district zoning with conditions was approved.

62. C14-05-0049 - Jeff Blatt - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 West 16th Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First reading approved on July 28, 2005. Vote: 6-0 (Kim - off the dais). Applicant: Jeff Blatt. Agent: Thrower Design (Ron Thrower). City Staff: Jorge Rousselin, 974-2975.

Ordinance No. 20050901-062 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved.

63. C14-05-0066 - Trans - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11704-11706 North Lamar Blvd. (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on August 4, 2005. Vote: 7-0. Applicant and Agent: Mau Tran and Khanh Huynh Tran. City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20050901-063 for community commercial-conditional overlay (GR-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 Leffingwell's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

- Z-1 C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant and Property Owner: Schuler Family Trust 1998 (John Schuler) Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to November 17, 2005 at staff's request.
- Z-6 C14-05-0101 - Onion Creek Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11111 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-single family residence - standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Onion Creek LC 1992 (Robert W. McDonald, III). Agent: Vigil & Associates (Herman Vigil). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20050901-Z006 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.
- Z-7 C14-05-0102 - Terrace at Onion Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2110 Boca Raton Drive (Onion Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: TAOC Ltd. (Robert McDonald, III). Agent: Vigil & Associates (Hermann Vigil). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20050901-Z007 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.
- Z-8 C14-05-0071 - Tetco #77 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3324 Northland Drive (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Tetco Inc. (Shawn Brooke). Agent: Site Specifics (John Hussey). City Staff: Jorge Rousselin, 974-2975.

Ordinance No. 20050901-Z008 for community commercial (GR) district zoning was approved.

- Z-9 C14-05-0078 - Shelton Medical Office - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4615 Spicewood Springs Road (West Bull Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Edward Calogero. Agent: Steve and Deborah Shelton. City Staff: Jorge Rousselin, 974-2975..
Ordinance No. 20050901-Z009 for limited office-conditional overlay (LO-CO) combining district zoning was approved.

- Z-10 C14-05-0082 - Parmer Lane Retail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 West Parmer Lane (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning and neighborhood commercial (LR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: YH Parmer/Metric Partners, LP. Agent: Richard Crank. City Staff: Jorge Rousselin, 974-2975.
Ordinance No. 20050901-Z010 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

- Z-11 C14-05-0096 - Trimbuilt - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12800 North Lamar Boulevard (Walnut Creek Watershed) from development reserve (DR) district zoning to warehouse limited office (W/LO) district zoning. Zoning and Platting Commission Recommendation: To grant warehouse limited office-conditional overlay (W/LO-CO) combining district zoning. Applicant and Agent: Trimbuilt Construction (B. Scott and Lisa Trimm). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20050901-Z011 for warehouse limited office-conditional overlay (W/LO-CO) combining district zoning was approved.

- Z-12 C14-79-151 (RCT) - Z-Lofts Subdivision - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 2919 Martin Luther King Jr. Blvd. East (Boggy Creek Watershed). Zoning and Platting Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Marbella Development. Agent: Jan Davis. City Staff: Robert Heil, 974-2330.
This item was postponed to September 29, 2005 at staff's request.

- Z-13 C14-05-0025 - 1706 & 1708 W. 6th Street - Old West Austin Neighborhood Plan rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 & 1708 W. 6th Street (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. Property Owners: 1706-Sara & Jeffrey Leon; 1708-Don Henry. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.

The first reading of the ordinance for neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning with conditions was approved with the following conditions.

1. All vehicular access for non-residential uses will be limited to a driveway to 6th street.
2. The 145 trip limitation would be allocated as 68 trips for 1706 West 6th and 77 trips for 1708 West 6th.
3. A masonry fence will be constructed along the north property lines.
4. Commercial trash dumpsters are prohibited.
5. A site plan will be submitted within 90 days after the final approval of the zoning and approval of the site plan will be diligently pursued or the nonresidential use will cease.
6. Construction of the driveway and masonry fence will commence within 120 days of approval of the site plan by the City and be diligently pursued by the City or any non-residential use will cease.
7. Direct City staff to explore the possibility of permitting the property to be legal non-complying/non-conforming.
8. If a non-residential use ceases pursuant to the site plan or construction requirements in 5 or 6 above, the non-residential use will not resume until a site plan is approved and the driveway and masonry wall are complete.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:34 p.m.

LIVE MUSIC

Elizabeth McQueen

PROCLAMATIONS

Proclamation - Prostate Cancer Awareness Month - to be presented by Mayor Will Wynn and to be accepted by Leibel Harelik and Dr. Randy Fagin

Proclamation - Austin Recovery Day - to be presented by Mayor Will Wynn and to be accepted by Stephanie Sheppard

Proclamation - Building Owners and Managers Association (BOMA) Day of Remembrance for 9/11 - to be presented by Mayor Will Wynn and to be accepted by Jack Drummond

Proclamation - Cans for Cash - to be presented by Mayor Will Wynn and to be accepted by Willie Rhodes

EXECUTIVE SESSION CONTINUED

50. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:29 p.m.

ZONING DISCUSSION ITEMS

64. C14-05-0015 - Jelson Commercial Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6941 West U.S. Highway 290 (Williamson Creek-Barton Springs Zone) from rural residence (RR) district zoning to general commercial services (CS) district zoning. First reading approved on April 14, 2005. At first reading the City Council approved neighborhood commercial (LR) district zoning. Vote: 7-0. Applicant: Convict Hill Development, L.L.C. (William K. Reagan, II). Agent: Brown McCarroll, L.L.P. (Nikelle S. Meade). City Staff: Wendy Walsh, 974-7719.
The second reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 6-0. Council Member Alvarez was off the dais.
- 7-2 NP-05-0020 - Pleasant Hill Subdistrict - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050818-Z001, adopting the South Congress Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, and establishing a land use designations on the future land use map for the Pleasant Hill Subdistrict of the West Congress Neighborhood Planning Area. The north boundary for the Pleasant Hill Subdistrict is the northern boundary of the Pleasant Hill Addition Subdivision, the eastern boundary is South Congress Avenue, the southern boundary is Stassney Lane, and the western boundary is Hummingbird Lane, which includes those lots with front and side yard frontages along Hummingbird Lane. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item Z-3)
The public hearing was closed and the first reading amending the Austin Tomorrow Comprehensive Plan by adopting the Pleasant Hill Subdistrict of the South Congress Combined Neighborhood Plan, as recommended by the Planning Commission, with the exception of Tracts 18 and 30, as listed below, was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.
The motion to approve the Future Land Use Map for Tract 18 (106-200 W Mockingbird Lane (even numbered addresses only) as Single-Family, was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.
The motion to approve the Future Land Use Map for Tract 30 (103 Red Bird Lane; 0 Red Bird Lane (Pleasant Hill addition South 68 feet Average of Lot 20 and South 68 feet Average by East 50 feet of Lot 21 Block 1) as Single-Family, was approved on Council Member Kim's motion, Mayor Pro Tem Thomas' second on a 6-1 vote. Mayor Wynn voted nay.
- Z-3 C14-05-0106 - West Congress Neighborhood Planning Area Rezoning, Pleasant Hill Sub district - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Pleasant Hill Sub district and generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting Mockingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire sub district. Under the proposed Pleasant Hill sub district, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed. "Secondary Apartment" special use and "Garage Placement" and "Front Porch Setback" zoning regulations are proposed for the Pleasant Hill sub district. The "Neighborhood Mixed-Use Building" special use is being proposed for tracts 18, 22, 23a, 23b, 25-28, 30-32 and 35. The proposed zoning change will also change the base district

zoning on 12 tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3); single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (I.R) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/L.O) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan special use (NP) may also be added to these zoning base districts. Planning Commission Recommendation: To grant the request. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item Z-2)

The public hearing was closed and first reading of the ordinance, with the exception of tracts 18 and 30, as listed below, was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member Alvarez was off the dais.

The first reading to approve the zoning change on Tract 18 (106-200 W Mockingbird Lane (even numbered addresses only) to SF-2-NP was approved on Council Member McCracken's motion. Council Member Dunkerley's second on a 6-0 vote. Council Member Alvarez was off the dais.

The first reading to approve the zoning change on Tract 30 (103 Red Bird Lane; 0 Red Bird Lane (Pleasant Hill addition South 68 foot Average of Lot 20 and South 68 feet Average by East 50 feet of Lot 21 Block 1)) to SF-3-NP was approved on Council Member Kim's motion, Mayor Pro Tem Thomas' second on a 6-1 vote. Mayor Wynn voted nay.

- Z-4 NPA-05-0018.01 - Brentwood/Highland Combined Neighborhood Plan - Conduct a public hearing and approve an ordinance amending the Brentwood/Highland Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from utilities land use designation to mixed use land designation for property located at 5700 North Lamar Blvd. Planning Commission Recommendation: To grant mixed use land designation. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Scott Whiteman, 974-2865. (Related Item Z-5)**

The public hearing was closed and Ordinance No. 20050901-Z004 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on 7-0 vote.

- Z-5 C14-05-0090 - Wireless Toyz - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5700 North Lamar Blvd. (Walnut Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning to neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Applicant: City of Austin (Dean Harris). Agent: H&H Wireless (James Hase). City Staff: Jorge Rousselin, 974-2975. (Related Item Z-4)
- The public hearing was closed and Ordinance No. 20050901-Z005 for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**

PUBLIC HEARINGS AND POSSIBLE ACTION

65. Conduct a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2005-2006 Proposed Budget.
The public hearing was closed on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.
66. Conduct a public hearing on the proposed ad valorem tax rate for Fiscal Year 2005-2006.
The Mayor announced that the City Council will consider and vote on the proposed tax rate on September 12, 13, or 14, 2005 at 10:00 a.m. at City Hall, Council Chambers, 301 West Second Street, Austin, Texas. A motion to close the public hearing was approved on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote
67. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2005-2006 Proposed Budget including the Austin Water Utility, the Solid Waste Services Department, and Austin Energy.
The public hearing was closed on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.
68. Conduct a public hearing to receive public comment on the proposed rate fee increases for the Drainage Fee of the Watershed Protection and Development Review Department as part of the Fiscal Year 2005-2006 Proposed Budget.
The public hearing was closed on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.
69. Conduct a public hearing to consider a variance request by Mitchell and Jan Davis to allow construction of a single-family house in the 25-year and 100-year floodplains of Boggy Creek at Clifford Avenue, at Lots 1, 2 and 3, Block A of the proposed Z-Lofts Subdivision located at the southeast corner of the intersection of Martin Luther King Jr. Boulevard and Clifford Avenue.
The public hearing was closed and Ordinance No. 20050901-069 was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 6-1 vote. Council Member Leffingwell voted no.

Action on Executive Session

58. Approve a settlement agreement with Austin Community College regarding payment of drainage utility charges and transportation user fees.(Related Item 57)

The motion authorizing a settlement in the amount of \$150,000 of fee refunds and forgiving approximately \$200,000 of unpaid fees was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 9:24 p.m.

Executive Session Continued

54. Discuss legal issues related to establishing compensation and benefits for non-Civil Service employees.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 10:34 p.m.

Mayor Wynn adjourned the meeting at 10:35 p.m. without objection.

The minutes for the Regular Meeting of September 1, 2005 were approved on this the 29th day of September, 2005 on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Council Member Alvarez was off the dais.