

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 6, 2005**

Invocation: Pastor H. Ed Calahan, Agape Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 6, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:12 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 Kim's motion, Council Member Dunkerley's second on a 7-0 vote.

1. Approval of the minutes from the meeting of September 29, 2005.
The minutes from the meetings of September 29, 2005 were approved.
2. Authorize execution of a construction contract with BLASTCO, INC., 5514 East Hampton Drive, Houston, TX, for the Davis Lane # 2 Reservoirs Recoating and Safety Improvements Project for Austin Water Utility in the amount of \$1,698,396.00 plus \$169,839.60 to be used as a contingency fund for change orders, for a total amount not to exceed \$1,868,235.60. (Funding in the amount of \$1,868,235.60 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Lowest of two bids received. 6.65% MBE and 30.31% WBE subcontractor participation (Recommended by Water and Wastewater Commission)
The motion authorizing the execution of a construction contract was approved.
3. Approve the appointment of Leslie Browder to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc.
The motion authorizing the appointment of Leslie Browder was approved.
4. Approve the appointment of Council Members Jennifer Kim and Lee Leffingwell to the Board of Directors of Austin Bergstrom International Airport (ABIA) Development Corp.
The motion authorizing the appointment of Council Members Jennifer Kim and Lee Leffingwell was approved.

5. Authorize negotiation and execution of an amendment to the Facilities Lease Agreement between the City and Austin-Bergstrom Landhost Enterprises, Inc. for the airport hotel at Austin-Bergstrom International Airport, including modifications and clarifications related to the mortgage of Lessee's leasehold interests, payment of rent, default and termination. (Related Item 28)
This item was postponed to October 20, 2005.
6. Approve an ordinance authorizing acceptance of grant funds in the amount of \$17,175,270 from the Texas Department of Public Safety, Division of Emergency Management for FEMA Interim Housing Public Assistance for Presidential Disaster Declaration FEMA 3216 E M resulting from the Hurricane Katrina evacuation; and amending the Fiscal Year 2005-2006 Neighborhood Housing and Community Development Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$17,175,270 for costs related to transportation, housing rental, utilities and associated move-in costs to assist Hurricane Katrina evacuees traveling to and seeking shelter in the City of Austin. (\$17,175,270 is available from the Texas Department of Public Safety, Division of Emergency Management.)
Ordinance No. 20051006-006 was approved.
7. Approve the City's Fiscal Year 2005-2006 Investment Policy. (Approved by the Audit and Finance Committee)
The motion authorizing the City's Fiscal Year 2005-2006 Investment Policy was approved.

Items 8 through 10 were pulled for discussion.

11. Authorize acceptance of grant funds from the Department of Justice, Office of Victims of Crime, in the amount of \$75,000 for to develop a comprehensive public awareness campaign to raise awareness of victims' rights and services within the Spanish-speaking community in Austin and Travis County; and amend the Fiscal Year 2005-2006 Police Department Operating Budget Special Revenue Fund of Ordinance No.20050912-001 to appropriate \$75,000. (Funding is available in Fiscal Year 2005-2006 from the Department of Justice. A match is not required.)
The motion authorizing the acceptance of grant funds was approved.
12. Authorize execution of a construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX, for Spicewood Springs Branch Library Expansion Re-Bid in the amount of \$1,544,640 plus a \$108,124.80 contingency, for a total contract amount not to exceed \$1,652,764.80. (Funding in the amount of \$1,652,764.80 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Library Department.) Lowest bid of four received. 8.00 % MBE and 25.52 % WBE subcontractor participation. (Conditional Use Permit approved by Zoning and Platting Commission.)
This item was postponed to October 20, 2005.
13. Authorize negotiation and execution of a professional services agreement with FREESE AND NICHOLS, INC., Austin, TX, for engineering services for preliminary design improvements, design and preparation of contract documents, and construction phase services for the stormwater pond safety program, in an amount not to exceed \$2,000,000. (Funding in the amount of \$500,000 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Watershed Protection and Development Review Department. Funding for the remainder of the contract is contingent upon available funding in future budgets.) Best qualified of four Statements of Qualifications received. 16.75% MBE and 14.25% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.

14. Authorize execution of change order # 2 to the construction contract with PEABODY GENERAL CONTRACTORS, INC. (WBE/FR 62.51%), Drippings Springs, TX, for the Austin Clean Water Program: Govalle 1 - South 2nd Street Wastewater Reroute and Area Improvements (Town Lake Park Segment) in the amount of \$70,000, for a total contract amount not to exceed \$675,792. (Funding in the amount of \$70,000 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) 32.28% MBE and 2.33% WBE subcontractor participation to date.
The motion authorizing the execution of change order #2 to the construction contract was approved.
15. Authorize execution of a 12-month service agreement with GINNY'S PRINTING, Austin, TX for flat sheet printing services in an amount not to exceed \$445,579, with three 12-month extension options in an amount not to exceed \$445,579 per extension option, for a total agreement amount not to exceed \$1,782,316. (Funding in the amount of \$445,579 is included in the 2005-2006 Approved Operating Budgets of all City Departments. 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 service agreement was approved.
16. Authorize execution of a contract with RIATA ENTERPRISES, Manchaca, TX, for the demolition and re-construction of two single family homes for Austin Energy's Holly Good Neighbor Program in an amount not to exceed \$143,241. (Funding is available in the Fiscal Year 2005-2006 Holly Good Neighbor Program, administered by the Neighborhood Housing and Community Development Department.) Low bid of six 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). 18.1% MBE and 10.7% WBE subcontractor participation.
The motion authorizing the execution of a contract was approved.
17. Authorize execution of a contract with ADVANCE LANDSCAPE DESIGNS, Austin, TX for landscape installation and design services at the Sand Hill Energy Center in an amount not to exceed \$119,915.35. (Funding is available in Fiscal Year 2005-2006 Fiscal Year Approved Capital Budget of Austin Energy.) 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). 58% MBE and 35% WBE Subcontractor Participation
The motion authorizing the execution of a contract was approved.
18. Authorize execution of a 12-month service agreement with CENTRAL TEXAS COMMERCIAL AIR CONDITIONING, Austin, TX to rent emergency chillers for the District Cooling Plant in an amount not to exceed \$250,000, with four 12-month extension options in an amount not to exceed \$250,000 per extension option, for a total agreement amount not to exceed \$1,250,000. (Funding in the amount of \$250,000 is available in Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Only 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 service agreement was approved.

19. Authorize negotiation and execution of Amendment No. 1 to the contract with DELOITTE CONSULTING LLP, Houston, TX, for professional consulting services related to a City-wide compensation study in an amount not to exceed \$95,700, for a revised total contract in an amount not to exceed \$136,752. (Funding in the amount of \$95,700 is available in the Fiscal Year 2005-2006 Approved Operating Budgets of the following departments: \$11,962.50 Aviation, \$23,925 Austin Water Utility, \$11,962.50 Public Works and Transportation, \$23,925 Solid Waste Services, and \$23,925 Watershed Protection and Development Review.) Best evaluated proposal of eight 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 Amendment No. 1 to the contract was approved.

20. Authorize negotiation and execution of a 12-month service agreement with COLLECTION COMPANY OF AMERICA, Norwell, MA, to collect delinquent accounts receivable for the Emergency Medical Services Department in an amount not to exceed \$209,000, with three 12-month extension options in an amount not to exceed \$209,000 per extension option, for a total agreement amount not to exceed \$836,000. (Funding in the amount of \$191,583 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets.) Best proposal of 22 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 service agreement was approved.

21. Appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Animal Advisory Commission</u> Natasha Rosofsky	Mayor Pro Tem Thomas	Appointment
<u>Commission on Immigrant Affairs</u> Andrea Beleno	Consensus	Reappointment
Emilie Leroux	Consensus	Appointment
<u>Design Commission</u> Eleanor McKinney	Consensus	Reappointment
<u>Downtown Commission</u> Teresa Ferguson	Consensus (Music Commission Rep.)	Reappointment
Timothy Finley	Consensus (Downtown Austin Alliance Rep.)	Reappointment

22. Appoint Envision Central Texas' recommended appointment, Ruby Roa, to the Bond Advisory Committee, as provided under Section (C)(1) of Resolution No. 050217-50, that creates the Bond Advisory Committee. (Council Member Raul Alvarez and Mayor Pro Tem Danny Thomas)
The motion authorizing the appointment of Ruby Roa to the Bond Advisory Committee was approved.
23. Approve a resolution giving the City of Austin's approval for the El Campo Health Facilities Development Corporation (Issuer) to issue limited obligation revenue bonds in one or more series in 2005 through 2007 (Bonds) and loan the proceeds to Westminster Manor (Corporation), a non-profit Texas corporation located at 4100 Jackson Avenue, Austin, Texas, in order for the Corporation to (1) finance or refinance the acquisition, construction, renovations, improvements, equipment and furnishings for its facilities; (2) to finance certain costs permitted by and defined in Chapter 221, Health and Safety Code. (Council Member Betty Dunkerley and Council Member Brewster McCracken)
Resolution No. 20051006-023 was approved allowing the corporation to (1) finance or refinance the acquisition, construction, improvements, equipment and furnishings for Westminster Manor, (2) finance certain of the costs of issuance of the Bonds, and (3) fund reserves, and to pay all other "costs" permitted by and defined in Chapter 221, Health and Safety Code, as amended.
24. Set a public hearing on proposed ordinance amending Section 25-9-347 of the City Code to increase the number of S.M.A.R.T. Housing™ fee waivers from 1000 to 1500 service units of affordable housing and to reduce some time periods during which affordable housing units must remain affordable to retain the exemption. (Suggested date and time: November 3, 2005, 6:00 p.m., City Hall Council Chambers, 301 West Second Street.) (Recommended by the Planning Commission)
The public hearing was set for November 3, 2005, 6:00 p.m., City Hall Council Chambers, 301 West Second Street.
25. Set a public hearing to approve realignment of a road and construction of a water quality pond in the area of dedicated parkland known as The Sand Beach Reserve in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: November 3, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street). (Recommended by the Parks Board.)
The public hearing was set for November 3, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
26. Set a public hearings for the full purpose annexation of the following areas: **Avery Ranch Areas:** **Tract One:** Avery Ranch South Section Two, Phase Three (Approximately 8.618 acres located in Williamson County approximately 197 feet north of the intersection of Fernhill Drive and Castle Pines Drive.), **Tract Two:** Avery South Section Two, Phase Four. (Approximately 7.380 acres in Williamson County approximately 112 feet south of the intersection of Fernhill Drive and Morgan Creek Drive.), **Tract Three:** Avery South Section Two, Phase Five (Approximately 17.314 acres in Williamson County approximately 180 feet south of the intersection of Morgan Creek Drive and Branhall Drive.), **Tract Four:** Avery South Section Two, Phase Six (Approximately 22.866 acres in Williamson County approximately 147 feet south of the intersection of Edenderry Drive and Caves Valley Drive.), **Tract Five:** Avery Far West Phase 1, Section 6 (Approximately 16.998 acres in Williamson County west of the intersection of Staked Plains Loop and Springs Head Loop.), **Pond Springs Road Area** (Approximately 55 acres in Williamson County east of Pond Springs Road from the intersection of Pond Springs Road and Hunters Chase Drive extending northwest to approximately 400 feet past the intersection of Pond Springs Road and Eddystone Street.), and **Interport Area**

(Approximately 626 acres in Travis County north of State Highway 71 East approximately 720 feet east of the intersection of State Highway 71 East and Fallwell Lane.) (Suggested dates and times: October 27, 2005 at 6:00 p.m., and November 3, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street, Austin, Texas).

The public hearings were set for October 27 and November 3, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street, Austin, Texas.

Items 27 through 29 were Executive Session items.

Items 30 and 31 were action on Executive Session items.

Item 32 was a briefing set for a time certain of 2:00 p.m.

Items 33 through 37 and Z-1 through Z-18 were zoning items set for 4:00 p.m.

Item 38 was a public hearing set for 6:00 p.m.

DISCUSSION ITEMS

8. Approve the negotiation and execution of a loan to Mack McKinley d.b.a. The Common Interest Karaoke Bar, Austin, TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$100,000 to construct *leasehold improvements and purchase fixtures necessary to outfit the business to be located at 8440 Burnet Road.* (Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Neighborhood Commercial Management Program Section 108.)
The motion authorizing the negotiation and execution of a loan to Mack McKinley was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
9. Approve the negotiation and execution of a loan to Ava Cox and David Cisneros d.b.a. Cisco's Bakery, Austin TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$60,000 to remodel property to expand and improve the business located at 1511 East 6th Street; and waiving the commercial financing leveraging program guidelines. (Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Section 108, Fiscal Year 2004-2005. The funding is subject to federal environmental review and release.)
The motion authorizing the negotiation and execution of a loan to Ava Cox and David Cisneros was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
10. Approve the negotiation and execution of a loan to Laura Culin Co. d.b.a. Austin Lumber Co., Austin TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the Neighborhood Commercial Management Loan Program in an amount not to exceed \$250,000 to reconstruct buildings for the business located at 2415 and 2419 East 5th Street. (Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Section 108, Fiscal Year 2004-2005. The loan is subject to completion of the federal environmental assessment and release.)

The motion authorizing the negotiation and execution of a loan to Laura Culin Co. was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:42 a.m.

EXECUTIVE SESSION

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

Private Consultation with Attorney - Section 551.071

27. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
28. Discuss legal issues related to proposed amendments to the Austin Airport Hotel Facilities Lease Agreement and other bond documents. (Related Item 5)
This item was postponed to October 20, 2005 as part of the Consent Agenda action.
29. Discuss acquisition of land and improvements located near the intersection of Cameron Road and U.S. Highway 183. (Related Items 30, 31)

Executive Session ended and Mayor Wynn recessed the Council Meeting at 11:29 a.m.

Mayor Wynn called the Council back to order at 12:03 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Paul Robbins - City Issues

David Blakely - The Number One Topic of Seniors

Erika Gonzalez - We would like to invite you to PODER's Annual Festival de las Plantas on October 15, 2005 at Roy Guerrero Colorado River Park 9am - 5pm

Girard Kinney - Addmobile

Sabino Renteria - The Delay of the MACC

Pat Johnson - Code Compliance, Easter Seals, Solid Waste Services, in reference to Frontier Valley Drive - Riverside Area

Jennifer L. Gale - Use of a Taser is premeditated Murder

Sharon Beaudoin - Unfair Surcharge for Businesses outside the City of Austin

Action on Executive Session

30. Approve an ordinance authorizing the City Manager to negotiate and execute all documents necessary to acquire certain property and improvements located near the intersection of Cameron Road and U.S. Highway 183; and amending Ordinance No. 20050912-002, the Fiscal Year 2005-2006 Capital Budget of the Financial and Administrative Service Department to provide funding for acquisition and closing costs and necessary modifications. (Related Items 29, 31)
Ordinance No. 20051006-030 authorizing the City Manager to negotiate and execute all documents necessary to acquire certain property and improvements located at 8301 Cameron Road from Fisher Controls International, Inc., for \$12,000,000 and amending the Fiscal Year 2005-2006 Capital Budget of the Financial and Administrative Service Department of Ordinance 20050912-002 to appropriate \$22,125,000 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.
31. Approve a resolution declaring the City's official intent to reimburse itself through the issuance of future debt for the costs of acquiring certain property and improvements located near the intersection of Cameron Road and U.S. Highway 183, including the costs of closing and of necessary modifications to the property. (Related Items 29, 30)
Resolution No. 20051006-031 authorizing reimbursement of all costs for acquiring property and improvements located at 8301 Cameron Road, including closing costs and necessary modifications to the property, in an amount not to exceed \$22,125,000 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

Mayor Wynn recessed the Council Meeting at 12:52 p.m.

Mayor Wynn called the Council Meeting back to order at 2:05 p.m.

BRIEFINGS

32. Presentation of the Downtown Austin Alliance Bi-Annual Survey.
The presentation was made by Charlie Betts, Downtown Austin Alliance, and Dr. Marie Crane, President of M. Crane and Associates.

Mayor Wynn recessed the Council Meeting at 2:39 p.m.

Mayor Wynn called the Council Meeting back to order at 4:05 p.m.

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 McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

33. C14H-05-0006 – Thompson-Carter House - Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1815 Waterston Avenue from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. First reading approved on August 18, 2005 with the proviso that the neighborhood association and the applicant were agreeing to preserve the original part of the house. Vote: 7-0. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454. Staff recommends denial of the case due to executed agreement between property owner and Clarksville Community Development Corporation.

Resolution No. 20051006-033 to deny the historic zoning based on the terms of the agreement was approved. The ordinance for rezoning of this property was no longer needed due to the executed agreement between the property owner and the Clarksville Community Development Corporation.

34. C14-05-0064 - Parmer Meadows - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12509 North Lamar Boulevard (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining 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: Continental I-35 Fund Limited Partnership (Daniel J. Minahan). Agent: Doucet and Associates (Carol M. Stewart). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20051006-034 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
37. C14-04-0150 - Manchaca Mixed Use, Tract 1 (formerly known as Neighbor's Stop & Go) - Approve second reading of 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 (LO) district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. On May 12, 2005, the City Council approved limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Vote: 7-0. Applicant: Anthony R. Bertucci. Agent: McCarroll, L.L.P. (Annick C. Beaudet). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request. A valid petition has been filed in opposition to this rezoning request. (Related Item Z-1)
The second reading of the ordinance for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning limiting the residential component to a maximum of 14 units was approved. Council Member Kim voted nay.

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

- Z-2 C14-05-0126 - Parkside at Slaughter Creek 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10109-10225 Anahuac Trail; 10104-10120 Big Thicket Drive (Slaughter Creek Watershed) from interim rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: Lumbermen's Investment Corp. (Darlene Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719. (Related Items Z-3, Z-4, Z-6)
Ordinance No. 20051006-Z002 for single-family residence-small lot (SF-4A) district zoning was approved.
- Z-3 C14-05-0127 - Parkside at Slaughter Creek 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10105-10117 Big Thicket Drive; 10201-10217 Big Thicket Drive; 2108-2204 Indiana Dunes Drive; 10308-10317 Anahuac Trail; 2405-2429 National Park Boulevard (Slaughter Creek Watershed) from interim rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-

family residence-small lot (SF-4A) district zoning. Applicant: Lumbermen's Investment Corp. (Darlène Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719. (Related Items Z-2, Z-4, Z-6)

Ordinance No. 20051006-Z003 for single-family residence-small lot (SF-4A) district zoning was approved.

- Z-4 C14-05-0128 - Parkside at Slaughter Creek 3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2404-2512 National Park Boulevard; 10104-10216 Wind Cave Trail (Slaughter Creek Watershed) from interim rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: Lumbermen's Investment Corp. (Darlène Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719. (Related Items Z-2, Z-3, Z-6)

Ordinance No. 20051006-Z004 for single-family residence-small lot (SF-4A) district zoning was approved.

- Z-5 C14-05-0129 - Parkside at Slaughter Creek 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10104-10340 Channel Island Drive; 10225-10505 Wind Cave Trail; 2201-2215 Lake Clark Lane (Slaughter Creek Watershed) from interim rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: Lumbermen's Investment Group (Darlène Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20051006-Z005 for single-family residence-small lot (SF-4A) district zoning was approved.

- Z-6 C14-05-0130 - Parkside at Slaughter Creek 5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10117-10383 Channel Island Drive (Slaughter Creek Watershed) from interim rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: Lumbermen's Investment Corp. (Darlène Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719. (Related Items Z-2, Z-3, Z-4)

Ordinance No. 20051006-Z006 for single-family residence-small lot (SF-4A) district zoning was approved.

- Z-7 C14-05-0131 - Parkside at Slaughter Creek 6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10301-10417 Yellowstone Drive; 2501-2617 National Park Boulevard (Slaughter Creek Watershed) from interim rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: Lumbermen's Investment Corp. (Darlène Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 20051006-Z007 for single-family residence-small lot (SF-4A) district zoning was approved.

- Z-8 C14-05-0132 - Parkside at Slaughter Creek 7 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10300-10412 Yellowstone Drive; 10301-10421 Big Thicket Drive; 10416-10421 Channel Island Drive (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: Lumbermen's Investment Corp. (Darlene Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20051006-Z008 for single-family residence-small lot (SF-4A) district zoning was approved.
- Z-9 C14-05-0133 - Parkside at Slaughter Creek 8 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10108-10232 Anahuac Trail; 10208-10624 Big Thicket Drive (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: Lumbermen's Investment Corp. (Darlene Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20051006-Z009 for single-family residence-small lot (SF-4A) district zoning was approved.
- Z-10 C14-05-0134 - Parkside at Slaughter Creek 9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10501-10517 Big Thicket Drive; 10501-10529 Channel Island Drive (Slaughter Creek Watershed) from interim rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF4A) district zoning. Applicant: Lumbermen's Investment Corp. (Darlene Louk). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20051006-Z010 for single-family residence-small lot (SF4A) district zoning was approved.
- Z-11 C814-99-0001.04 - Avery Ranch PUD Amendment #4 - Plaza at Avery Ranch and The Shops at Avery Ranch - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14900 Avery Ranch Boulevard and 10550 Parmer Lane from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning (amendment to allow additional permitted uses). Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning (amendment to allow additional permitted uses). Applicant: Shoal Creek Ltd. (Robert D. Wunsch). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for planned unit development (PUD) district zoning (amendment to allow additional permitted uses) was approved.
- Z-12 C14-05-0140 - Hutto Place, L.P. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as U.S. Hwy. 183 North at Lakeline Mall Drive (Lake Creek Watershed) from commercial I-liquor sales conditional overlay (CS-1-CO) combining district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Hutto Place, L.P. (Thomas J. Wolfe). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20051006-Z012 for community commercial (GR) district zoning was approved.

- Z-17 C14-05-0121 - 5505 Montview - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5505 Montview Street (Shoal Creek Watershed) from family residence-conditional overlay (SF-3-CO) combining district zoning to family residence-conditional overlay (SF-3-CO) combining district zoning to modify the conditional overlay. Zoning and Platting Commission Recommendation: To deny family residence-conditional overlay (SF-3-CO) combining district zoning to modify the conditional overlay. Applicant: Anthony Delmonico. Agent: Mike McHone Realty (Mike McHone). City Staff: Jorge Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to October 27, 2005 at the applicant's request.

ZONING DISCUSSION ITEMS

35. NP-05-0020 - Pleasant Hill Subdistrict - Approve second/third readings of 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 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. First reading on September 1, 2005 to approve with conditions. Vote: 6-0. (Alvarez off the dais). Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695.

Ordinance No. 20051006-035, amending the Austin Tomorrow Comprehensive Plan to include the Pleasant Hill Subdistrict of the South Congress Combined Neighborhood Plan, as recommended by the Planning Commission, excluding Tracts 18, 23a, 30, and 35 as listed below was approved on Mayor Pro Tem Thomas' motion, Council Member Leffingwell's second on a 7-0 vote.

The motion to include Tract 23A (106 Red Bird), in the Future Land Use Plan as single-family was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

The motion to include Tract 18, 106-200 W Mockingbird Lane (even numbered addresses only), in the Future Land Use Plan as single-family was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.

The motion to include Tract 30, 103 Red Bird Lane; 0 Red Bird Lane (Pleasant Hill addition south 68' average of lot 20 and south 68' average by east 50' of Lot 21 block 1), in the Future Land Use Plan as single-family failed on Council Member McCracken's motion due to the lack of a second.

The second reading to include Tract 30, 103 Red Bird Ln; 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) in the Future Land Use Plan as office mixed use was approved on Council Member Leffingwell's motion, Council Member Alvarez' second on a 6-1 vote. Mayor Pro Tem voted nay.

The motion to include Tract 35, 300-314 Stassney Lane, in the Future Land Use Plan as office mixed-use was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

36. C14-05-0106 - West Congress Neighborhood Planning Area Rezoning, Pleasant Hill Subdistrict - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Pleasant Hill Subdistrict 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 Hummingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire subdistrict. Under the proposed Pleasant Hill subdistrict, "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 subdistrict. 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 (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) 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. First reading approved on September 1, 2005. Vote: 6-0, Alvarez off the dais. For Tract 18, Vote: 6-0, Alvarez off the dais. For Tract 30, Vote: 6-1, Mayor Wynn - nay). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695.
- Ordinance No. 20051006-036 approving the Pleasant Hill Subdistrict of the West Congress Neighborhood Plan Combining District zoning, as recommended by the Planning Commission, excluding Tracts 18, 23A, 30 and 35 as listed below, and to include base zoning district changes for Tracts 22, 23b, 25, 26, 27, 28, 31, and 32 was approved on Mayor Pro Tem Thomas' motion, Council Member Leffingwell's second on a 7-0 vote.**

The motion to approve SF-2-NP zoning for Tract 23A, 106 Red Bird, was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve SF-2-NP zoning for Tract 18, 106-200 W Mockingbird Lane, (even numbered addresses only), was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.

The motion to approve SF-3-NP and SF-6-NP 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), failed on Council Member McCracken's motion due to the lack of a second.

The motion to approve second reading for LO-MU-CO-NP zoning 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 and East 50 feet of Lot 21 block 1) including a 30 foot vegetative buffer zone in the conditional overlay, was approved on Council Member Leffingwell's motion, Council Member Alvarez' second on a 6-1 vote. Mayor Pro Tem Thomas voted nay.

The motion to approve GO-MU-NP zoning for Tract 35, 300-314 Stassney Lane, was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

- Z-13 C14-05-0106.02 - West Congress Neighborhood Plan Rezoning, Tract B - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 400-414 West Stassney Lane (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

The motion to close the public hearing and approve on first reading GO-MU-NP zoning with a conditional overlay restricting access to Hummingbird Lane on Tract B, 400-414 West Stassney Lane, was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

- Z-1 C14-04-0150 - Manchaca Mixed Use - Tract 2 (formerly known as 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 (LO) district zoning to limited office-mixed use-conditional overlay (LO-MU-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: McCarroll, L.L.P. (Annick Beaudet). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request. (Related Item 37)

The motion to close the public hearing and approve on first reading limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning, with a conditional overlay of 25 feet of vegetative buffer and limiting the residential development of the property to 14 units, was approved on Council Member Kim's motion, Council Member Alvarez' second on a 7-0 vote.

- Z-16 C14-05-0094 - Car Wash - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Rutherford Lane (Walnut Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny community-commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Sokna Loeung. Agent: Austin American Property (Kim Xong Tran). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to October 20, 2005, and the public hearing was left open on Mayor Pro Tem Thomas' motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:28 p.m.

LIVE MUSIC

Bryan Brazier

PROCLAMATIONS

Proclamation - Financial Planning Week - to be presented by Mayor Will Wynn and to be accepted by Bryan Wayt

Certificate of Congratulations - 30 Year Anniversary of the Center for Maximum Potential Building Systems - to be presented by Mayor Will Wynn and to be accepted by Pliny Fisk

Proclamation - United Nations Day - to be presented by Mayor Will Wynn and to be accepted by Judy Sadegh

Mayor Wynn called the Council Meeting back to order at 6:05 p.m.

- Z-18 C14-04-0196 - Hyde Park North NCCD (609 Fairfield) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 Fairfield (Waller Creek Watershed) from family residence (SF-3) district zoning to single-family residence-standard lot-neighborhood conservation combining district-neighborhood plan (SF-2-NCCD-NP) combining district zoning and family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-conditional overlay-neighborhood conservation combining district-neighborhood plan (SF-3-CO-NCCD-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 20051006-Z018 for neighborhood conservation combining district neighborhood plan (NCCD-NP) combining district zoning was approved on emergency passage in the interest of public health and safety to prevent any further erosion of the zoning on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

A friendly amendment by Council Member McCracken to establish a conditional overlay limiting the number of unrelated adults to 3 for SF-2 structures only was accepted by the maker of the motion and Council Member Leffingwell who made the second.

The owner withdrew his valid petition on SF-2 without the conditional overlay.

Council Member McCracken withdrew his friendly amendment. This was accepted by the maker of the motion and Council Member Leffingwell who made the second.

- Z-14 NPA-05-0007-01 - North Austin Civic Association - Conduct a public hearing and approve an ordinance amending the North Austin Civic Association Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from multi-family designation to commercial designation for property located at 9117 Northgate Boulevard, Lot 3 of Northgate Terrace Section 1. Planning Commission Recommendation: To change the future land use map to mixed use designation. Applicant: Syed Asif Shamise. Agent: Bennett Consulting (Jim Bennett). City Staff: Scott Whiteman, 974-2865. (Related Item Z-15)
The motion to waive the rules to allow 5 speakers from each side, including agent presentation to speak was approved without objection.

The public hearing was closed and the motion to deny the request to amend the North Austin Civic Association Neighborhood Plan was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

- Z-15 C14-05-0030 - Shamise 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9117 Northgate Blvd. (Little Walnut Creek Watershed) from multi-family-medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Applicant: Syed Asif Shamise. Agent: Bennett Consulting: Jim Bennett. City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request. (Related Item Z-14)
The public hearing was closed and the motion to deny the request for rezoning was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 7-0 vote

PUBLIC HEARINGS AND POSSIBLE ACTION

38. Conduct a public hearing to consider a floodplain variance requested by Mr. and Mrs. James Damman to allow construction of an addition to an existing single-family residence in the 100 year floodplain of Lake Austin at 2503 Tydings Cove.
The public hearing was closed and the motion granting the floodplain variance request was approved on Council Member McCracken's motion. Mayor Pro Tem Thomas' second on a 6-1 vote. Council Member Leffingwell voted nay.

Mayor Wynn adjourned the meeting at 8:33 p.m. without objection.

The minutes for the Regular Meeting of October 6, 2005 were approved on this the 20th day of October, 2005 on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.