



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, MARCH 2, 2006

Invocation: Rev. Brian Peterson, Pastor, Ascension Lutheran 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, March 2, 2006 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 McCracken's motion, Council Member Alvarez' second on a 7-0 vote.

1. Approval of the minutes from the meeting of February 16, 2006.
The minutes from the meeting of February 16, 2006 were approved.

Item 2 was pulled for discussion.

Items 3-6 were set for 10:30 a.m. time certain.

7. Approve the negotiation and execution of a 12-month membership agreement with the ELECTRIC POWER RESEARCH INSTITUTE (EPRI), Palo Alto, CA, for research programs related to electric transportation, distributed energy resources and future generation technologies in an amount not to exceed \$150,000, with two 12-month extension options in an amount not to exceed \$150,000 per extension option, for a total agreement amount not to exceed \$450,000. (Funding is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the balance of the contract is contingent upon available funding in future budgets.) (Reviewed by the Electric Utility Commission.)
The motion authorizing the negotiation and execution of a membership agreement was approved.
8. Approve an ordinance authorizing negotiation and execution of an Economic Development Agreement and creating an economic development program for HEWLETT-PACKARD COMPANY, including but not limited to the following components: annual economic development grants to Hewlett-Packard equal to 40% of the City property tax on the increase in value of Hewlett-Packard real and business personal property for 10 years; a minimum investment by Hewlett-Packard of \$300 million in real and business personal property, renovation and clean-up, at a new data center to be located in an existing facility formerly occupied by Freescale Semiconductor at 3501 Ed Bluestein Boulevard; and the creation of at

least 140 jobs. (Estimated amount of economic development grants based on Hewlett Packard's payment of city taxes - over a 10 year period: \$3,186,191.)

Ordinance No. 20060302-008 was approved.

9. Approve an ordinance amending Ordinance No. 20051117-Z018 to correct a typographical error related to the zoning district designation for the property located at West 3rd Street and Bowie Street, Austin, TX (Spring Condominiums) that was rezoned to downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district.

Ordinance No. 20060302-009 was approved.

10. Authorize negotiation and execution of an amendment to an outside counsel contract with Cox Smith Matthews, San Antonio, TX, for legal services related to *Harry M. Whittington, et al. v. City of Austin*; Cause No. 2403 in the County Court at Law in Travis County, Texas, in an amount of \$180,000, for a total contract amount not to exceed \$190,000. (concerns the City's condemnation case) (Funding in the amount of \$180,000 is available in the 2005-2006 Approved Operating Budget of the Austin Convention Center (\$90,000) and Electric Utility Department (\$90,000).) (Related Item 39)

The motion authorizing the negotiation and execution of an amendment to an outside counsel contract was approved.

11. Authorize negotiation and execution of an outside counsel contract with Robert Icenhauer-Ramirez, Austin, TX, for legal representation in connection with representation of Julie Schroeder in *Daniel Rocha, Deceased, by Daniela Rocha, Mother and Representative of Estate and Gerardo Rocha, Father v. City of Austin, Julie Schroeder, and Don Douglas Doyle*; Cause No. A-06-CA-067LY; in the United States District Court, Western District of Texas, Austin Division, in an amount not to exceed \$250,000. (concerns alleged use of excessive force and violation of civil rights) (Funding in the amount of \$250,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 43)

The motion authorizing the negotiation and execution of an outside counsel contract was approved.

12. Authorize negotiation and execution of an amendment to an outside contract with Clarion Associates, LLC, Denver, CO, for legal services related to consultation and drafting of new commercial development and design standards for the City, in an amount not to exceed \$51,000, for a total contract amount not to exceed \$96,000. (Funding in the amount of \$51,000 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Neighborhood Planning and Zoning Department.)

The motion authorizing the negotiation and execution of an amendment to an outside counsel contract was approved.

13. Authorize negotiation and execution of an outside counsel contract with Cornell Smith & Mierl, L.L.P., Austin, TX, for legal representation, advice, and counsel regarding Cause No. A-04-CA-167SS; *Lisa Sanchez v. City of Austin, Texas*; United States District Court; Western District, Austin Division, in an amount not to exceed \$69,000, for a total contract amount not to exceed \$216,000. (Funding in the amount of \$69,000 is available in the 2005-2006 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 44)

The motion authorizing the negotiation and execution of an outside counsel contract was approved.

14. Authorize the negotiation and execution of an Interlocal Agreement between the City and Travis County to allow the City to accept and administer the Justice Assistance Grant Program on behalf of the Travis County Sheriff's Office. (Funding in the amount of \$243,229 is available from the Department of Justice, Bureau of Justice Assistance for the Justice Assistance Grant Program.)
The motion authorizing the negotiation and execution of an interlocal agreement was approved.
15. Authorize application for and acceptance of \$243,229 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program (JAG), to fund equipment for the Austin Police Department. (Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program, for the grant period October 1, 2006 to September 30, 2008. A cash match is not required.)
The motion authorizing the application for and acceptance of grant funding was approved.
16. Approve a resolution to authorize the acquisition of a 62,097 square foot water and wastewater line easement and a 91,073 square foot temporary working space easement out of the James Burleson Survey No. 19, Travis County, Texas, located at 1001 Ed Bluestein Boulevard from CAPITOL AGGREGATES, LTD., in the amount of \$50,208 for the Bolm Road to Colorado River Phase IIB Project and the US 183 Bolm Road to Colorado River Water Project. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)
Resolution No. 20060302-016 was approved.
17. Authorize the negotiation and execution of an Interlocal Agreement between the Austin Independent School District (AISD) and the City regarding the use of a portion of Stephen F. Austin Boulevard (a school road on AISD property) and other AISD property for the route of the Lance Armstrong Bikeway.
The motion authorizing the negotiation and execution of an interlocal agreement was approved.
18. Approve a resolution authorizing the filing of eminent domain proceedings for the US 183 Bolm Road to Colorado River Phase IIA Project to acquire an 11,256 square foot permanent wastewater line easement out of land located in the J.C. Tannehill League, Travis County, Texas; being a portion of Lot 15, Capitol Business Park, a subdivision of record in Book 78, Page 121-132, of the Plat Record of Travis County, Texas, in the amount of \$5,966. The owner of the needed property interest is Sally Daneshjou. The property is located at 1900 Smith Road, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)
Resolution No. 20060302-018 was approved.
19. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1 - Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 1,985 square foot permanent wastewater line easement out of Lot 25, in unrecorded subdivision of Block 1B of the Swisher Addition, Isaac Decker League, in the City of Austin, Travis County, TX, in the amount of \$21,840. The owners of the needed property interest are W. T. Ley and Mary Ley. The property is located at 404 West Monroe Street, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)
Resolution No. 20060302-019 was approved.
20. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Bergstrom International Airport Noise Mitigation Program to acquire fee simple title to (A.) Lot One-A, Resubdivision of Lot One, Bergstrom Village Number One Amended, an Addition in Travis County, Texas, according to the map or plat recorded in Volume 74, Page 97 of the Plat Records of Travis County, Texas and (B.) Lots A, B, C, D, and E, Bergstrom Village Number Four, an Addition in Travis County,

Texas, according to the map or plat recorded in Volume 79, Page 387, of the Plat Records of Travis County, Texas, in the amount of \$2,600,000. The total area needed is about 3.82 acres. The owner of the needed property interest is the DEREK S. LIN FAMILY LIMITED PARTNERSHIP, a Texas Limited Partnership. The property is located at 2525 Highway 71 East, Del Valle, Texas and is also known as Silverstone Inn. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) Grants.) (Recommended by the Airport Advisory Commission.)

Resolution No. 20060302-020 was approved.

Item 21 was pulled for discussion.

22. Authorize negotiation and execution of Amendment No. 4 to increase the contract with ABB, Inc., Sugarland, TX, for Supervisory Control and Data Acquisition/Energy Management System (SCADA/EMS) maintenance services in an amount not to exceed \$356,825 for year three, \$390,419 for year four, \$420,359 for year five, and add five 12-month extension options for maintenance services in an amount not to exceed \$1,030,389 for year six, \$1,105,676 for year seven, \$1,186,547 for year eight, \$1,273,429 for year nine, and \$1,366,773 for year ten, for a revised total contract amount not to exceed \$16,258,735. (Funding in the amount of \$356,825 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for years four and five and the additional extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of Amendment No. 4 to increase the contract was approved.

23. Authorize negotiation and execution of a 12-month service agreement with PUBLIC CONSULTING GROUP, INC., Boston, MA, for the implementation of a Medicaid upper payment limit program for the Emergency Medical Services Department in an amount not to exceed \$80,000, with four 12-month extension options in an amount not to exceed \$15,000 per extension option, for a total agreement amount not to exceed \$140,000. (Funding in the amount of \$80,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Emergency Medical Services Department. Funding for the extension options is contingent upon available funding in future budgets.) Best evaluated proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

24. Authorize execution of Amendment No. 5 to the contract with PIMPTON'S LANDSCAPING, INCORPORATED, Austin, TX, (MBE/MB-100%), for landscape and grounds maintenance services at Decker and Sand Hill power plants to increase the third and fourth extension options in an amount not to exceed \$15,500 per extension option, for a revised total contract amount not to exceed \$241,748. (Funding in the amount of \$15,500 is available in Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining extension option is contingent upon available funds in future budgets.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of Amendment No. 5 to the contract was approved.

25. Authorize execution of a 12-month service agreement through the United States General Services Administration, Information Technology Schedule 70 contract with VERIZON WIRELESS, Branchburg, NJ, for wireless data network connectivity and related services in an amount not to exceed \$766,920, with one 12-month extension option in an amount not to exceed \$910,140, for a total agreement amount not to exceed \$1,677,060. (Funding in the amount of \$389,620 is available in the Fiscal Year 2005-2006 Approved Operating Budget of various departments. Funding for the remaining 5-months of the original contract period and extension option is contingent upon available funding in future budgets. Funding in the amount of \$99,000 is available in the 2005-2006 Approved Capital Budget of Communications and Technology Management, Amanda Project.) Cooperative Purchase.

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

26. Authorize execution of a 12-month service agreement with N-LINE TRAFFIC MAINTENANCE (WBE-FR-100%), Austin, TX, for the rental of temporary traffic control devices for the Austin Police Department in an amount not to exceed \$83,868, with two 12-month extension options in an amount not to exceed \$83,868 per extension option, for a total agreement amount not to exceed \$251,604. (Funding in the amount of \$48,923 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Police Department. Funding for the remaining five months of the original contract period and the extension options is contingent upon available funding in future budgets.) Lowest 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 service agreement was approved.

27. Authorize execution of a contract through the Texas Building and Procurement Commission with TOTER INC., Statesville, NC, for garbage carts for the Solid Waste Services Department in an amount not to exceed \$471,710.64. (Funding is available in the Fiscal Year 2005-2006 Operating Budget for the Solid Waste Services Department.) Cooperative Purchase.

The motion authorizing the execution of a contract was approved.

28. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with JOHN A. WALKER ROOFING, INC., Texas City, TX, for roofing services to replace the roof at A.B. Cantu/Pan Am Recreation Center in an amount not to exceed \$151,651. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget for the Parks and Recreation Department.) Cooperative Purchase.

The motion authorizing the execution of a contract was approved.

29. Authorize negotiation and execution of Amendment No. 1 to the contract with PROFESSIONAL COMPUTER SOFTWARE SYSTEMS (PCSS), Boiling Springs, SC, to include additional licenses in an amount not to exceed \$108,500 and to add five 12-month extension options for the continuation of maintenance support services for the upgraded Judicial Court Case Management System in amounts not to exceed \$137,440, \$144,312, \$151,528, \$159,104, and \$167,059, respectively, for a revised total contract amount not to exceed \$2,285,143. (Funding in the amount of \$245,940 is included in the Fiscal Year 2005-2006 Operating Budget of the Municipal Court. Funding for subsequent extension options will come from future budgets.) This contract was awarded in compliance with Chapter 2 - 9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing the negotiation and execution of Amendment No. 1 to the contract was approved.

30. Authorize execution of Amendment No. 2 to Contract No. PC 740SC000321 through the State of Texas Multiple Award Schedule (TXMAS) with HAYWORTH, INC., C/O FURNITURE MARKETING GROUP, INC., Austin, Texas for refurbishing and installation of existing modular furniture at the Cameron Road Campus for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$71,404.39 for a revised total contract amount not to exceed \$178,968.77. (Funding is available in the Fiscal Year 2005-2006 Capital Improvement Project Fund of the Finance and Administrative Services Department, Building Services Division.) Cooperative Purchase.

The motion authorizing the execution of Amendment No. 2 to the contract was approved.

31. Authorize negotiation and execution of Amendment No. 6 to the contract with NEXTGEN HEALTHCARE INFORMATION SERVICES INC., Horsham, PA, to purchase additional licenses and maintenance for the practice management data medical management system for use by the Community Care Services Department and the Austin Fire Department in an amount not to exceed \$99,021, for a total contract amount not to exceed \$1,339,141. (Funding in the amount of \$32,379 is available in the Fiscal Year 2005-2006 Operating Budget of the Community Care Services Department. Funding in the amount of \$28,545 available in the Fiscal Year 2005-2006 Operating Budget of the Austin Fire Department.) This contract was awarded in compliance with Chapter 2- 9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

The motion authorizing the negotiation and execution of Amendment No. 6 to the contract was approved.

Item 32 was pulled for discussion.

33. Approve 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>Arts Commission</u> Brett Barnes	Council Member Dunkerley's	Appointment
<u>Day Labor Community Advisory Committee</u> Pedro Carralero	Consensus (day laborer)	Appointment
DeCandice V. Crozier	Consensus (neighborhood representative near IH-35 day labor site)	Appointment
Jennifer Long	Consensus (advocacy group representative)	Appointment
David Lurie Director, Health & Human Services	Consensus - Confirmation of designation by City Manager (City employee – non-voting ex-officio)	
Chief Michael McDonald	Consensus - Confirmation of designation by City Manager	
Assistant City Manager Julien Ross	(City employee – non-voting ex-officio) Consensus	Appointment

Paul Sherr	(advocacy group - Commission on Immigrant Affairs) Consensus	Appointment
Emily Timm	(employer-related organization) Consensus	Appointment
Michael Weems	(advocacy group representative) Consensus	Appointment
Kennard Wright, III	(business community representative utilizing day laborers) Consensus	Appointment
	(business community representative)	

Downtown Austin Community Court Advisory Committee

Susan Jackson	Consensus	Appointment
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Electric Utility Commission

Gregg Knaupe	Council Member McCracken's	Appointment
Phillip Schmandt	Council Member Kim's	Appointment

Library Commission

Rossana Barrios	Council Member McCracken's	Reappointment
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34. Approve a resolution supporting the bid submission by the Parks and Recreation Department to host the 2009 Texas Recreation & Park Society Annual Institute and Trade Show in cooperation with the NRPA Southwest Region and the Texas Parks and Wildlife Department. (Council Member Betty Dunkerley, Council Member Brewster McCracken and Council Member Lee Leffingwell)

Resolution No. 20060302-034 was approved.

35. Amend Ordinance No. 20050912-001, the Fiscal Year 2005-2006 Operating Budget of the Office of the City Auditor (OCA) by increasing appropriations and expenditures by OCA in the amount of \$50,000; and increasing reimbursements to OCA from the Austin Convention Center by the same amount. The net fiscal impact to OCA is zero. Amend the Budget of the Austin Convention Center Operating Fund by increasing expenditures in the amount of \$50,000 and reducing the ending balance by the same amount. (Funding in the amount of \$50,000 is available in the 2005-2006 Ending Balance of the Austin Convention Center Operating Fund) (Mayor Will Wynn and Mayor Pro Tem Danny Thomas)

Ordinance No. 20060302-035 was approved.

36. Approve a resolution regarding conducting a study of the economic impact of the Digital Media/Entertainment industry in the Austin region. (Council Member Brewster McCracken and Council Member Lee Leffingwell)

Resolution No. 20060302-036 was approved.

37. Approve a resolution directing the City Manager to work with the Southeast Austin Trails and Greenways Alliance (SETGA) to identify what is needed to secure the needed easements for extending the Country Club Creek Hike & Bike Trail from Roy Guerrero Colorado River Park along Country Club Creek to Riverside Drive and then identify alternative routes to connect the Hike and Bike Trail to Mabel Davis Park, and report back to City Council in 90 days. (Council Member Raul Alvarez and Council Member Lee Leffingwell)

Resolution No. 20060302-037 was approved to read as follows: "The City Manager is directed to work with the Southeast Austin Trails and Greenways Alliance (SETGA) to identify what is needed to secure the needed easements for extending the Country Club Creek Hike and Bike Trail from Roy Guerrero Colorado River Park along Country Club Creek to Riverside Drive, identify

alternative routes to connect the Country Club Creek Hike and Bike Trail to Mabel Davis Park, and report back to City Council in 90 days.”

38. Approve a resolution adding two additional members to the Task Force created on February 16, 2006 to consider and make recommendations on amendments to the City Code relating to certain residential uses and construction and remodeling within certain residential districts. (Council Member Brewster McCracken, Council Member Betty Dunkerley and Council Member Lee Leffingwell)
Resolution No. 20060302-038, replacing Sabas Flores, representing the development community, with William Berkhardt was approved.

Items 39 through 46 were Executive Session items.

Items 47 and 48 were briefings set for 2:00 p.m.

Items 49 through 58 and Z-1 through Z-14 were zoning items set for 4:00 p.m.

Items 59 through 66 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

2. Approve an ordinance ordering a general municipal election to be held on May 13, 2006, to elect a Mayor and to elect Council Members to Place 2, Place 5, and Place 6 of the City Council, providing for the conduct of the election, and authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election. (Funding in the amount of \$938,429 is included in the Fiscal Year 2005-2006 Approved Operating Budget of the Office of the City Clerk.)
Ordinance No. 20060302-002 was approved on Council Member Alvarez’ motion, Council Member Leffingwell’s second on a 6-0 vote. Council Member Kim was off the dais.
3. Approve an ordinance ordering an election for the purpose of submitting a proposed charter amendment to the voters related to employee benefits. (Council Member Brewster McCracken, Council Member Lee Leffingwell and Council Member Betty Dunkerley)
Ordinance No. 20060302-003 was approved with the following amendment on Council Member McCracken’s motion, Council Member Leffingwell’s second on a 6-1 vote. Mayor Pro Tem Thomas voted nay. The amendment is to delete the words, “Proposition 1” from Part 1 and change Part 3 to read, “If this Proposition is approved by the majority of the voters voting at the election, Article IX, Section 4 of the City Charter, as added by the election of May 7, 1994, is repealed.”
4. Approve an ordinance ordering an election for the purpose of submitting a proposed charter amendment to the voters related to campaign finance. (Council Member Betty Dunkerley, Council Member Lee Leffingwell and Council Member Brewster McCracken)
This item was postponed to March 9, 2006 on Council Member McCracken’s motion, Mayor Pro Tem Thomas’ second on a 7-0 vote.
5. Approve an ordinance ordering an election for the purpose of submitting a proposed charter amendment to the voters to change the initial date of the term served by the mayor and council members to comply with a change in state law.
Ordinance No. 20060302-005 was approved with the following amendment on Council Member Alvarez’ motion, Mayor Pro Tem Thomas’ second on a 7-0 vote. The amendment is to delete the words, “Proposition x” from Part 1 and change Part 2 to read, “If this Proposition is approved by

the majority of the voters voting at the election, the current Article II, Section 1 of the City Charter, is amended to read..."

6. Approve an ordinance ordering an election for the purpose of submitting a citizen's initiative charter amendment to the voters related to development in the Barton Springs Edwards Aquifer watershed.
This item was postponed to March 9, 2006 on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 11:58 a.m.

Mayor Wynn called the Council Meeting back to order at 12:05 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Paul Robbins - City Issues

Jennifer L. Gale - Charter Amendment for Voter determination of more than one choice as approved by the Secretary of State by Texas' Election Code

David Kelman - Velma Pickens, et al. v. The City of Austin, et al.

Richard Mayer – Infill. He was not present when his name was called.

CarolAnneRose Kennedy - CONS and racial PROFiling

Gavino Fernandez, Jr. - Palm Park Swimming Pool upgrade long over due!
This is just one example of the ongoing racism being practiced by the City of Austin

April Ritzenthaler - Texas Roller Girls

Amy Elkhashad - Lone Star Roller Girls

Samantha Ramirez - Lone Star Roller Girls

Pat Johnson - Predatory Towing Company's

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:43 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

39. Discuss legal issues related to *Harry M. Whittington, et al. v. City of Austin*; Cause No. 2403 in the County Court at Law in Travis County and an outside counsel contract with Cox Smith Matthews. (concerns the City's condemnation case) (Related Item 10)
This item was withdrawn.
40. Discuss legal issues related to an appeal by Tumbleweed Investment Joint Venture of the Zoning and Platting Commission denial of a request for an extension of Site Plan No. SP-01-0356D (Rancho de la Valencia) located at 9512 FM 2222. (Related Item 65)
41. Discuss legal issues related to design and construction of the airport garage.
This item was postponed.
42. Discuss legal issues related to potential charter amendments on the May 2006 election ballot.
43. Discuss legal issues related to *Daniel Rocha, Deceased, by Daniela Rocha, Mother and Representative of Estate and Gerardo Rocha, Father v. City of Austin, Julie Schroeder and Don Douglas Doyle*; Cause No. A-06-CA-067LY, in the United States District Court, Western District of Texas, Austin Division and the legal service contract with Robert Icenhauer-Ramirez. (concerns alleged use of excessive force and violation of civil rights) (Related Item 11)
This item was withdrawn.
44. Discuss legal issues in Cause No. A-04-CA-167SS; *Lisa Sanchez v. City of Austin, Texas*; United States District Court; Western District, Austin Division, and the outside counsel contract with Cornell Smith & Mierl, L.L.P. (concerns whistleblower causes of action and alleged free speech violations) (Related Item 13)
This item was withdrawn.
45. Discuss legal issues related to *Save Our Springs Alliance, Inc. v. City of Austin*; Cause No. GN-06-000627; in the 200th Judicial District Court of Travis County, Texas. (concerns development by Advanced Micro Devices (AMD) and an alleged violation of the Save Our Springs ordinance and the Open Meetings Act)

Public Power Utility Competitive Matters - Section 551.086

46. Discuss electric power generation resource planning issues.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:18 p.m.

BRIEFINGS

47. Presentation by Clarion, Associates, Denver, CO. on national best practices for Commercial Design Standards and recommendations for the ordinance implementing the Commercial Design Standards approved by City Council on May 12, 2005 and amended on November 17, 2005.
The presentation was made by Christopher J. Duerksen, Managing Director of Clarion Associates and Mathew Goebel, AICP, Vice President of Clarion Associates.

48. Conduct a briefing regarding joint use facilities by the City and other governmental entities.
The presentation was made by Michael McDonald, Assistant City Manager; and Warren Struss, Parks and Recreation Department Director.

DISCUSSION ITEMS CONTINUED

32. Consider an ordinance waiving the interim development regulations of Ordinance No. 20060216-043 to allow the construction of an addition to a single family residence at 1511 Hardouin Avenue.

Ordinance No. 20060302-032 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 6-1 vote. Council Member Leffingwell voted nay.

There was a friendly amendment from Council Member Leffingwell to require the applicant to retain an engineer to certify the new construction will not cause any runoff problems. This was not accepted by the maker of the motion.

21. Approve a striping plan for Shoal Creek Boulevard between 38th Street and Foster Lane. (Funding in the amount of \$72,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Public Works Department for the installation of the appropriate warning signs and to remove the curb islands.) (July 5, 2000 - Urban Transportation Commission; September 18, 2000 - Urban Transportation Commission; August 19, 2002 - Urban Transportation Commission; July 18, 2005 - Urban Transportation Commission; February 13, 2006 - Land Use and Transportation Subcommittee.)

The motion authorizing a striping plan was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Thomas, Council Members Dunkerley, Kim, Leffingwell, and McCracken. Those voting nay were: Mayor Wynn and Council Member Alvarez.

Mayor Wynn recessed the Council Meeting at 5:43 p.m.

LIVE MUSIC

The Flying Club

PROCLAMATIONS

Presentation - Howland Award - to be presented to Mayor Will Wynn and City Manager Toby Hammett Futrell by Bob Bailey

Proclamation - Kite Day - to be presented by Mayor Will Wynn and to be accepted by Bunnie Twidwell

Distinguished Service Awards - Recognizing former Black Austin City Council Members Berl Handcox, Jimmy Snell, Charles Urdy, Eric Mitchell and Willie Lewis - to be presented by Mayor Pro Tem Danny Thomas and to be accepted by the honorees

Mayor Wynn called the Council Meeting back to order at 6:36 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 Alvarez' motion, Council Member Kim's second on a 6-0 vote. Mayor Pro Tem was off the dais.

49. C14-05-0112.01 - East Riverside/Oltorf Neighborhood Plan - Tract 15 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1902-1912 East Riverside Drive (Country Club Creek Watershed) from commercial-liquor sales (CS-1) district zoning to community commercial (GR) district zoning. First reading approved on January 26, 2006. Vote: 6-0, Mayor Wynn - absent. Applicant: R.H. Daugherty. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
Ordinance No. 20060302-049 for community commercial (GR) district zoning was approved.
50. C14-05-0112.02 - East Riverside/Oltorf Neighborhood Plan, Tract 30 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2410 E. Riverside Drive (Country Club Creek Watershed) from general commercial services (CS) district zoning to community commercial (GR) district zoning. First reading approved on January 26, 2006. Vote: 6-0, Mayor Wynn - absent. Applicant: Robert W. Trautmann. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
Ordinance No. 20060302-050 for community commercial (GR) district zoning was approved.
51. C14-05-0112.03 - East Riverside/Oltorf Neighborhood Plan, Tract 31 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2410 E. Riverside Drive (Country Club Creek Watershed) from commercial liquor sales (CS-1) district zoning to community commercial (GR) district zoning. First reading approved on January 26, 2006. Vote: 6-0, Mayor Wynn - absent. Applicant: Robert W. Trautmann. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
Ordinance No. 20060302-051 for community commercial (GR) district zoning was approved.
52. C14-05-0113.02 - East Riverside/Oltorf Neighborhood Plan, Tracts 302 and 303 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 Grove Boulevard (Country Club Creek Watershed) from neighborhood commercial (LR) district zoning to single-family residence-large lot (SF-1) district zoning and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. First reading approved on January 12, 2006. Vote: 6-0, Mayor Pro Tem Thomas - absent. Applicant: Larry & Robin Yount. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
Ordinance No. 20060302-052 for single-family residence-large lot (SF-1) district zoning and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning was approved.

53. C14-05-0113.03 - East Riverside/Oltorf Neighborhood Plan, Tracts 304 & 305 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5602, 5604, 5700 E. Riverside Drive (Country Club Creek Watershed) from family residence (SF-3) district zoning to single-family residence-large lot (SF-1) district zoning and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. First reading approved on January 26, 2006. Vote: 6-0, Mayor Wynn - absent. Applicant: Larry and Robin Yount. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
Ordinance No. 20060302-053 for single-family residence-large lot (SF-1) district zoning and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning was approved.
54. C14-05-0113.05 - East Riverside/Oltorf Neighborhood Plan, Tract 311 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 Grove Boulevard (19.406 acres Santiago del Valle Grant) (Country Club Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First reading approved on January 12, 2006. Vote: 6-0, Mayor Pro Tem Thomas - absent. Applicant: Grief Yount Partnership. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
Ordinance No. 20060302-054 for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved.
57. NPA-05-0022.001 - Greater South River City Neighborhood Plan, Tract 35 - Approve second/third readings of an ordinance to amend Ordinance No. 20050929-Z001 (Greater South River City Combined Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map for the property located at 0 South IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35). Council may approve a land use designation change to office, commercial or mixed use. At first reading on December 1, 2005, Council approved a Commercial land use designation for Tract 35. Vote: 4-2 (Mayor Wynn and Council Member Leffingwell – nay; Council Member McCracken off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685. (Related Item 58)
Ordinance No. 20060302-057 changing the land use designation to Commercial on the future land use map was approved.

58. C14-05-0139.002 – Greater South River City Combined Neighborhood Plan, Tract 35 (South River City neighborhood) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning locally known as 0 South IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35) (Harpers Branch watershed). The City Council may approve a base district zoning change to any of the following: general office (GO) district zoning; community commercial (GR) district zoning; or, general commercial services (CS) district zoning. A conditional overlay (CO) combining district, mixed use (MU) combining district or neighborhood plan (NP) combining district may also be added to these zoning base districts. At first reading on December 1, 2005, Council approved community commercial-conditional overlay-neighborhood combining district zoning (GR-CO-NP) for Tract 35. Vote: 4-2 (Mayor Wynn and Council Member Leffingwell – nay, Council Member McCracken off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685, Sherri Sirwaitis, 974-3057. Note: A valid petition has been filed in opposition to this rezoning request. (Related Item 57)

Ordinance No. 20060302-058 for community commercial-conditional overlay-neighborhood combining district zoning (GR-CO-NP) was approved with the following prohibited uses: auto washing, auto sales, auto rental, extermination services, drop-off recycling, pawnshops, bail bond services, commercial off-street parking; requiring a vegetative buffer in the setback along both Woodland and IH-35; and restricting entrance and egress on Woodland, allowing right turn for entrance and left turn on exit uses.

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

- Z-1 NPA-05-0012.01 - Conduct a public hearing and amend Ordinance No. 020801-91, the Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to create four subdistricts: Blackland, Rogers-Washington-Holy Cross, Delwood I/Wilshire Woods, and Delwood II and to amend portions of the plan text. The Blackland and Rogers-Washington-Holy Cross subdistricts will allow the design tool zoning regulations that regulate Parking Placement for New Single-Family Construction and Garage Placement for New Single-Family Construction zoning regulations. The Delwood II subdistrict will allow Parking Placement for New Single-Family Construction, Garage Placement for New Single-Family Construction and Front Porches Extending into the Front Setback zoning regulations. The Delwood I/Wilshire Woods subdistrict will have no changes at this time. The existing Cherrywood subdistrict will allow Parking Placement for New Single-Family Construction, Garage Placement for New Single-Family Construction and Front Porches Extending into the Front Setback zoning regulations. The Blackland, Rogers-Washington-Holy Cross, and Cherrywood subdistricts will prohibit parking in the front yard. City Staff: Mark Walters, 974-7695. (Recommended by the Planning Commission.) (Related Item Z-2)

The first reading of the ordinance was approved.

- Z-2 C14-05-0204 - Boggy Creek Neighborhood Plan Area - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Upper Boggy Creek Neighborhood Plan Area, bounded by Interstate Highway 35 on the west, the Robert Mueller Redevelopment site and Airport Boulevard on the north and east, and Manor Road, Walnut Avenue, Rogers Avenue, Cedar Avenue, and MLK Jr. Boulevard on the south (Waller and Boggy Creek Watersheds). The proposed zoning change will create subdistricts in the Upper Boggy Creek Neighborhood Planning Area in which the Parking Placement for New Single-Family Construction design tool, Garage Placement for New Single-Family Construction design tool, and Front Porches Extending into the Front Setback design tool may be permitted and parking in the front yard may be prohibited. Recommended by Planning Commission. Applicant: Upper Boggy Creek Neighborhood Planning Team. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330. (Related Item Z-1)

The first reading of the ordinance was approved.

- Z-3 C14-05-0199 - Texan Market Store 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 12195 Metric Boulevard (Walnut Creek Watershed) from 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 with conditions. Applicant: LR Texas Investments LP (Bill Longshore). Agent: Smith-Western Engineering Inc. (Phil Smith). City Staff: Jorge E. Rousselin, 974-2975.

Ordinance No. 20060302-Z003 for community commercial-conditional overlay (GR-CO) combining district zoning with the following prohibited uses: automotive rentals, automotive repair services, automotive sales, bail bond services, business or trade school, business support services, commercial off-street parking, communications services, drop-off recycling collection facility, exterminating services, food preparation, funeral services, general retail sales (general), hospital services (general), hotel-motel, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawn shop services, personal improvement services, research services, residential treatment, restaurant (general), and theater was approved.

- Z-4 C14-00-2062(RCA)(2) - Martens Zoning - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 807 East 11th Street (Waller Creek Watershed). Planning Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Steven Martens. Agent: David Armbrust. City Staff: Robert Heil, 974-2330. (Related Item Z-5)

This item was postponed to March 9, 2006 at staff's request.

- Z-5 C14-00-2062(RCA)(3) - AMJRH Zoning - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 811 East 9th Street and 808-818 East 8th Street (Waller Creek Watershed). Planning Commission Recommendation: To approve the restrictive covenant amendment. Applicant: AMJRH Investments Ltd. Agent: David Armbrust. City Staff: Robert Heil, 974-2330. (Related Item Z-4)

This item was postponed to March 9, 2006 at staff's request.

- Z-6 C14-00-2062(RCA)(4) - Robertson Hill - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 900-1000 San Marcos (Waller Creek Watershed). Planning Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Robertson Hill Land Ltd. Agent: David Armbrust. City Staff: Robert Heil, 974-2330.

This item was postponed to March 9, 2006 at staff's request.

- Z-7 C14-05-0202 - Crown Castle - Spicewood Springs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4919 Spicewood Springs Road (Bull Creek Watershed) from interim-family residence (I-SF-3) district zoning to general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Crown Castle USA, Inc. (Tim Dowdle). Agent: Vincent Gerard & Associates (Kayla Bryson) City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to March 23, 2006 at the applicant's request.

- Z-10 C14-05-0166 - Buford Commercial Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burnet Road (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial liquor-sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial liquor-sales (CS-1) district zoning. Applicant: Henderson Buford. Agent: Sun, Wine & Spirits (John Cantrell). City Staff: Jorge Rousselin, 974-2975.

This item was postponed to March 9, 2006 at the neighborhood's request.

ZONING DISCUSSION ITEMS

56. C14-05-0106 – West Congress Neighborhood Plan Area Rezoning, Pleasant Hill Subdistrict, Tract 30 – Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known Tract 30, located at 103 Red Bird Lane and 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), within the Pleasant Hill Subdistrict. The Pleasant Hill Subdistrict is 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 Tract 30, within the subdistrict. Under the 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 also proposed for the Pleasant Hill subdistrict. The proposed zoning change will change the base district zoning 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) district zoning; 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 combining district (NP) may also be added to these zoning base districts. On September 1, 2005, SF-3-NP district zoning was approved for Tract 30 on First reading. Vote: 6-1, Mayor Wynn – Nay. On October 6, 2005, LO-MU-CO-NP district zoning was approved for Tract 30 on Second reading. Vote: 6-1, Mayor Pro Tem Thomas – Nay. On December 15, 2005 this item was postponed to January 12, 2006 with direction from Council to provide an alternate ordinance changing the zoning from SF-3 and SF-6 to CS-MU-CO-NP and a restrictive covenant. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff Mark Walters, 974-7695. Note: A valid petition has been filed in opposition to this rezoning request. (Related Item 55)

Ordinance No. 20060302-056 for CS-MU-CO-NP, with a roll-back restrictive covenant, limiting uses to LO uses with the addition of construction sales and services use, requiring a 25 foot vegetative buffer, allowing right turn only egress from site, and requiring a front fence with gate access was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 7-0 vote.

55. NPA-05-0020 - Pleasant Hill Subdistrict, Tract 30 - Approve third reading 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 the land use designation on the future land use map for Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of lot 20 and east 50 feet of Lot 21, Block 1), in 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. The proposed change to the future land use map is from single-family to office mixed-use. On September 1, 2005, single-family land use designation was approved on First reading. Vote: 6-1, Mayor Wynn - Nay. On October 6, 2005, office mixed-use land use designation was approved on Second reading. Vote: 6-1, Thomas - Nay. On December 15, 2005, the Council postponed action on this item until January 12, 2006 with direction from Council to provide an alternate ordinance changing the land use designation from single-family to commercial mixed-use. The Council may consider single-family, high-density single-family, multi-family, office, office mixed-use, commercial, or commercial mixed-use land use designation. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item 56)

Ordinance No. 20060302-055 changing the land use designation to MU on the future land use map was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

- Z-8 C14-05-0085 - POWERS 20 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11520 North IH-35 Service Road Southbound (Walnut Creek Watershed) from general office (GO) 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: Frank Alattar/Fred Powers. Agent: Fred Powers. City Staff: Jorge E. Rousselin, 974-2975.

The public hearing was closed and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) district zoning was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote. The conditional overlay provides a 2,000 trip limit and the following prohibited uses: college and university facilities, community recreation

(private and public), congregate living, consumer repair services, financial services, guidance services, hospital services (limited), off-site accessory parking, printing and publishing, private secondary educational facilities, and residential treatment.

See bottom of minutes for amendment to item Z-8.

- Z-9 C14-05-0201 - 2100 Parker Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2100 Parker Lane (Harper's Branch Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Planning Commission Recommendation: Forward to Council without a recommendation. Applicant: Jim Cummings. Agent: Urban Design (Laura Touns). City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning was approved with instructions to staff to work through conditional overlays on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

- Z-11 C14-05-0163 - Landrum 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 601 West Applegate Drive (Little Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to commercial recreation (CR) district zoning. Zoning and Platting Commission Recommendation: To grant commercial recreation-conditional overlay (CR-CO) combining district zoning. Applicant: Kellis Landrum. Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and the first reading for commercial recreation-conditional overlay (CR-CO) combining district zoning was approved with the following restrictions: 18 foot height limitation, minimum of 6 foot solid fence around all four sides of the property with the additional provision that the fence along Applegate must be 10 feet off the north property line and must have landscaping in front of it, and driveway access would be from Motheral Drive on Council Member Alvarez' motion, Mayor Wynn's second on a 6-1 vote. Council Member Kim voted nay.

- Z-12 C14-05-0198 - Highland Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the northwest corner of Cactus Lane and Redd Street (also known as 2101-2117 West Ben White Blvd.) (Williamson Creek Watershed) from multi-family residence-medium density (MF-3) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Applicant: Shaw Hamilton Consultants (Shaw Hamilton). Agent: Wendy Walsh, 974-7719.

The public hearing was closed and the first reading of the ordinance for community commercial (GR) district zoning but prohibiting all GR uses except car sale use and allowing all neighborhood commercial (LR) uses, requiring landscaping on Redd and Cactus Streets was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

- Z-13 C14-05-0195 - Crippen Sheet Metal - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8501 Peaceful Hill Lane (Onion Creek Watershed) from development reserve (DR) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Crippen Sheet Metal (Jimmy Crippen). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

The motion to close the public hearing and approve the first reading of the ordinance for LI-CO zoning limited to only light manufacturing plus all other SC usages, with a trip limitation of 300 per day, was made by Council Member Leffingwell and seconded by Council Member Dunkerley.

Council Member Kim proposed a friendly amendment prohibiting the following usages: agricultural sales and services, drop off recycling facility, kennels, laundry services, vehicle services, transportation terminals, equipment sales and equipment repair. This was not accepted by the maker of the motion.

Council Member Kim proposed an amendment to the main motion including all the restrictions listed in the staff's original recommendation. This was seconded by Mayor Wynn and passed on a 4-3 vote. Those voting aye were Mayor Wynn, Mayor Pro Tem Thomas and Council Members Alvarez and Kim. Those voting nay were: Council Members Dunkerley, Leffingwell, and McCracken.

The motion to close the public hearing and approve the first reading of the ordinance for LI CO limited to light manufacturing with all the restrictions as listed by staff in their original recommendation and imposing a 300 trip limitation was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-14 C14-05-0209 - Big 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 221 Ralph Ablanado Drive (Onion Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Big 4 Auto Parts (Jim Pallas). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

The motion to close the public hearing and approve the first reading of the ordinance for LI zoning with the permitted use of scrap salvage only and all CS uses was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote. There was a friendly amendment from Council Member Kim to prohibit pawn shops. This was accepted by the maker of the motion.

PUBLIC HEARINGS AND POSSIBLE ACTION

59. Conduct a public hearing and approve an ordinance amending Chapter 10-3 of the City Code relating to food and food handlers to permit dogs in outdoor dining areas of food service establishments. (Council Member Jennifer Kim, Council Member Brewster McCracken and Council Member Lee Leffingwell)

The motion to close the public hearing and approve Ordinance No. 20060302-059 with language concerning the signage provision and with direction to staff to create a registry of all restaurants that are participating was approved on Council Member Kim's motion, Council Member Leffingwell's second a 6-1 vote. Mayor Pro Tem Thomas voted nay.

60. Conduct a public hearing on the limited purpose annexation of the Winfield MUD No. 2 Area (Approximately 575 acres in Travis County and Hays County approximately 1.5 miles east of I.H. 35 South and south of Turnersville Road). (Related Item 61)

The public hearing was closed on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.

61. Conduct a public hearing regarding a proposed Strategic Partnership Agreement (SPA) between the City of Austin and the Winfield Municipal Utility District No. 2 (approximately 575 acres in Travis County and Hays County approximately 1.5 miles east of I.H. 35 South and south of Turnersville Road). (Related Item 60)

The public hearing was closed on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

62. Conduct a public hearing for the full purpose annexation of the Northeast Middle School Area (Approximately 74 acres located in Travis County west of Johnny Morris Road west of the intersection of Johnny Morris Road and Breezy Hill Road).

The public hearing was closed on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.

63. Conduct a public hearing to consider an ordinance amending Section 25-2-647 of the City Code relating to mixed use combining district regulations and vertical mixed use buildings. .Recommended by Planning Commission.

The public hearing was closed and Ordinance No. 20060302-063 with the following amendments was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote. The amendment was Part 1, (H) This subsection applies to a vertical mixed use building, except a building located in the university neighborhood overlay (UNO) district. (H)(4)(b) "The neighborhood planning or contact team for the NP combining district may, not later than (90th day after... (c) The planning commission shall review a request and make a recommendation to council not later than (135th day after effective date of ordinance). (d) The council shall consider the planning commission's recommendation and act on a request not later than (135th day after effective date of ordinance)."

64. Conduct a public hearing and consider an amendment to Title 25 of the City Code to establish use and site development regulations applicable to single family residential uses, duplexes and other residential uses within certain zoning districts (McMansion). .Recommended by Planning Commission.

This item was postponed to March 9, 2006 at 6:00 p.m. on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.

65. Conduct a public hearing on an appeal by applicant Tumbleweed Investment Joint Venture of the Zoning and Platting Commission's denial of applicant's extension requests for a site plan; Rancho La Valencia, SP-01-0356D, located at 9512 FM 2222. (The Zoning and Platting Commission denied appeal and denied three-year extension.) (Related Item 40)

This item was postponed to March 9, 2006 at 6:00 p.m. on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

66. Approve an ordinance on second/third reading for a variance request by Joel Mitchell to allow construction of an addition to a single-family residence at 1505 Parkway in the 25-year and 100-year floodplains of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence.

Ordinance No. 20060302-066 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 5-2 vote. Council Members Alvarez and Leffingwell voted nay.

Mayor Wynn adjourned the meeting at 11:42 p.m. without objection.

The minutes for the Regular Meeting of March 2, 2006 were approved on this the 9th day of March, 2006 on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.

AMENDMENT

The minutes for the Regular Meeting of March 2, 2006 were amended and approved on April 6, 2006 on Council Member Alvarez' motion, Council Kim's Member second on a 7-0 vote. The following amendment was made:

- Z-8 C14-05-0085 - POWERS 20 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11520 North IH-35 Service Road Southbound (Walnut Creek Watershed) from general office (GO) 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: Frank Alattar/Fred Powers. Agent: Fred Powers. City Staff: Jorge E. Rousselin, 974-2975.

The public hearing was closed and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) district zoning was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote. The conditional overlay provides a 2,000 trip limit and the following prohibited uses: automotive repair services, automotive sales, automotive washing (of any type), business or trade school, commercial off-street parking, consumer repair services, financial services, funeral services, general retail services (general) hotel-motel, indoor entertainment, indoor sports and recreation, off-site accessory parking, outdoor sports and recreation, pawn shop services, theater, community recreation (private), community recreation (public), congregate living, guidance services, hospital services (limited) private secondary educational facilities, residential treatment, bail bond services, printing and publishing, college and university facilities.