



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 9, 2006

Invocation: Dr. David Procter, Hyde Park 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, February 9, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:15 a.m.

CONSENT AGENDA

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

1. Approval of the minutes from the meeting of February 2, 2006.
The minutes from the meeting of February 2, 2006 were approved.
2. Approve issuance of a rebate in the amount of \$67,120 to FREESCALE SEMICONDUCTOR, Austin, TX, for the installation of high efficiency custom energy technologies at their location at 3501 Ed Bluestein. (Funding in the amount of \$67,120 is available in the Fiscal Year 2005-2006 Amended Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission.)
The motion authorizing the issuance of a rebate was approved.

Item 3 was pulled for discussion.

Item 4 was pulled due to a related briefing.

5. Approve an ordinance authorizing acceptance of \$429,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS), NUTRITION SERVICES SECTION, Austin, TX; and amending the Fiscal Year 2005-2006 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$429,000 for a total grant amount of \$4,166,000 for the WIC (Women, Infants and Children) Program to enhance good health care at no cost to low-income, pregnant and postpartum women, infants and children identified to be at nutritional risk in Austin and Travis County, and authorize the creation of five full-time equivalent grant positions. (Funding in the amount of \$429,000 is available from the Texas Department of State Health Services, Nutrition Services Section. The grant period is October 1, 2005 through September 30, 2006. No City match is required.)
Ordinance No. 20060209-005 was approved.

6. Authorize and direct the City Manager to retain DEMETRIUS McDANIEL with AKIN GUMP STRAUSS HAUR & FELD LLP, Austin, TX, to provide legal services to the City as may be needed, and to negotiate and execute such legal service contracts as are necessary and appropriate, in a total aggregate amount not to exceed \$75,000. (Funding in the amount of \$75,000 is available in the 2005-2006 Approved Operating Budget of the Economic Development Fund.)
The motion authorizing and directing the City Manager to retain Demetrius McDaniel was approved.
7. Authorize negotiation and execution of a 60-month lease renewal of approximately 8,124 rentable square feet of office space located at 700 Lavaca, from TRAVIS REALTY CORP., for the Office of City Treasurer, in an amount not to exceed \$806,144.52, and authorize the negotiation and execution of a 60-month sublease renewal of approximately 50% of the lease space to Public Financial Management (PFM), the City's financial advisory firm. (Funding in the amount of \$62,622.50 is available in the Fiscal Year 2005-2006 Operating Budget of the Office of City Treasurer. Funding for the remaining 55 months of the original contract period is contingent upon available funding in future budgets.)
The motion authorizing the negotiation and execution of a lease renewal was approved.
8. Authorize negotiation and execution of the Group 12 Street Reconstruction Utility Adjustment Agreement, Little Hill Circle Utility Adjustment Agreement and Monroe Street Utility Adjustment Agreement with Southwestern Bell Telephone, L.P. d/b/a AT&T Texas ("AT&T Texas"), to allow the City to secure funds from AT&T Texas in the amount of \$154,192.50, including a construction contingency amount of \$7,432, to incorporate the construction of AT&T Texas infrastructure adjustments into the City's construction contract for the Group 12 Street Reconstruction and Utility adjustment Project. (Funding in the amount of \$154,192.50, including a construction contingency amount of \$7,342, will be secured from AT&T to amend the Public Works Department Fiscal Year 2005-2006 Capital Budget.) (Related Item 9)
The motion authorizing negotiation and execution of the Group 12 Street Reconstruction Utility Adjustment Agreement, Little Hill Circle Utility Adjustment Agreement, and Monroe Street Utility Adjustment Agreement was approved.
9. Approve an ordinance amending the Fiscal Year 2005-2006 Public Works Department Capital Budget of Ordinance No. 20050912-002 to appropriate a \$154,192.50 received from Southwestern Bell Telephone, L.P. d/b/a AT&T Texas to fund the re-location of AT&T Texas infrastructure at the City's Group 12 Street Reconstruction Project site. (Funding in the amount of \$154,192.50 is available from the Group 12 Street Reconstruction Utility Adjustment Agreement, Little Hill Circle Utility Adjustment Agreement and Monroe Street Utility Adjustment Agreement with AT&T Texas.) (Related Item 8)
Ordinance No. 20060209-009 was approved.
10. Authorize execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for the Austin Clean Water Program: Govalle 3 - Townlake/Riverside Drive Area Wastewater Improvements Project in the amount of \$4,278,150.40 plus a \$213,907.52 contingency, for a total contract amount not to exceed \$4,492,057.92. (Funding in the amount of \$4,492,057.92 is included in Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) Only bid received. 15.62% MBE and 7.13% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
11. Authorize execution of change order # 4 to the construction contract with LAUGHLIN-THYSSEN, LTD., Houston, TX, for the Austin Clean Water Program: Little Walnut/Buttermilk - Colony Creek South Wastewater Improvements Project in the amount of \$173,343.17, for a total contract amount not to exceed \$2,607,428.50. (Funding in the amount of \$173,343.17 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) 19.37% MBE and 6.61% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of change order #4 to the construction contract was approved.

12. Authorize execution of change order #5 to the construction contract with BRH GARVER CONSTRUCTION, L.P., Houston, TX, for the Austin Clean Water Program: Upper Tannehill Lower Fort Branch Manor Hills Project in the amount of \$134,000, for a total contract amount not to exceed \$1,545,281.91. (Funding in the amount of \$134,000 is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) 22.48% MBE and 8.52% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of change order #5 to the construction contract was approved.
13. Authorize negotiation and execution of a one-year contract with AJILON LLC d/b/a AJILON CONSULTING, Austin, TX, for information technology technical resource services in an amount not to exceed \$360,000. (Funding is available in the Fiscal Year 2005-2006 Capital Budget of Austin Energy.) Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved.
14. Authorize execution of a contract with UNIFIN INTERNATIONAL, C/O BUTLER & LAND, Houston, TX, for transformer cooling radiators in the amount not to exceed \$141,954. (Funding is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy.) Lowest bid of three bids received. This contract will be awarded in accordance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
15. Authorize execution of a contract with SIMPLEX GRINNELL, Round Rock, TX, for security system equipment and installation in an amount not to exceed \$87,150. (Funding is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Austin Convention Center Department.) Sole source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.
The motion authorizing the execution of a contract was approved.
16. Authorize execution of Amendment No. 5 to the contract with VERSATERM INC., Ottawa Ontario, Canada, to add five 12-month extension options for the continuation of maintenance support services for the Versadex Police Records Management System in an amount not to exceed \$207,156 per extension option, for a revised total contract amount not to exceed \$4,290,655. (Funding in the amount of \$207,156 is available in the Fiscal Year 2005-2006 Operating Budget of the Communication and Technology Management. Funding for the remaining four extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with Chapter 2 - 9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.
The motion authorizing the execution of Amendment No. 5 to the contract was approved.
17. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.
This item was withdrawn.

18. Approve waiver of certain fees and requirements under Chapter 14-8 of the City Code for the Austin Jewish Academy's Bagelfest 5K, to be held on March 5, 2006. (Council Member Brewster McCracken, Council Member Raul Alvarez and Council Member Betty Dunkerley)
The motion authorizing a waiver of certain fees and requirements was approved.

Item 19 was pulled due to a related briefing.

20. Approve a resolution designating a site for the future central library on the Green Water Treatment Plant Property. (Council Member Betty Dunkerley, Council Member Brewster McCracken and Council Member Lee Leffingwell)
Resolution No. 20060209-020 was approved.
21. Set a public hearing to consider variance requests 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. (Suggested date and time: February 16, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.)
The public hearing was set for February 16, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
22. Set a public hearing to consider an ordinance adopting an amendment to the Land Development Standards Agreement between the City and the Austin Independent School District (AISD), including the development of school sites located in the Barton Springs Zone, and amending Chapter 25-8, Article 12 (Save Our Springs Initiative) as it applies to schools within the Barton Springs Zone. (Suggested date and time: February 16, 2006, at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street) (Recommended with conditions by the Environmental Board.)
The public hearing was set for February 16, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
23. Set public hearings 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). Suggested dates and times: March 2, 2006 at 6:00 p.m., City Hall Council Chambers; and March 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street. (Related Item 24)
The public hearings were set for March 2 and 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
24. Set public hearings for 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). Suggested dates and times: March 2, 2006 at 6:00 p.m., City Hall Council Chambers; and March 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 W 2nd Street. (Related Item 23)
The public hearings were set for March 2 and 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
25. Set public hearings 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). (Suggested dates and times: March 2, 2006 at 6:00 p.m. and March 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.).
The public hearings were set for March 2 and 9, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 26 through 27 were Executive Session items.

Item 28 was a briefing set for 1:00 p.m.

Items 29 through 30 were briefings set for 2:00 p.m.

Items 31 through 34 and Z-1 through Z-2 were zoning items set for 4:00 p.m.

Items 35 through 37 were public hearings set for 6:00 p.m.

DISCUSSION ITEM

3. Approve an ordinance amending Subsection 2-2-34(B) of the City Code relating to the duties of the City Clerk, and Subsection 2-7-31(D) of the City Code relating to an Ethics Review Commission ombudsman. (Approved by the Ethics Review Commission.)
Ordinance No. 20060209-003 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 10:40 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.

Item 26 was discussed later in Executive Session.

Real Property - Section 551.072

27. Discuss acquisition and use of property for Austin Water Utility water treatment facilities.

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

CITIZEN COMMUNICATIONS: GENERAL

Richard Troxell - Homelessness in Austin

Kathie Tovo - Representing the Bouldin Creek Neighborhood Association - AISD Proposal to Close Becker Elementary

CarolAnneRose Kennedy - BLACK HERSTORY: I AMAZING. RACE (continued)

Christopher Darwin Johnson - Quality of Life in Austin

Jennifer Gale - Why are Austin Park Police Officers dying and not receiving the same amount of pay as the A.P.A's A.P.D.?

Judy Machen – Towing

Pat Johnson - Current Issues

Paul Robbins - City Issues

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:45 p.m.

EXECUTIVE SESSION CONTINUED

Private Consultation with Attorney - Section 551.071

26. Discuss legal issues concerning interim development regulations, including a moratorium, applicable to the construction and remodeling of certain single-family residential development. (Related Item 35)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:12 p.m.

Bond Briefing

28. Staff briefing on the 2006 Bond Election.
The presentation was made by Greg Canally, Budget Officer.

DISCUSSION ITEMS CONTINUED

4. Approve the 2006 Bond Election Calendar and set public hearings to receive input on the 2006 Bond Election.
The motion to set the bond election date as the uniform election date in November 2006 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Thomas and Council Members Dunkerley, Kim and McCracken. Those voting nay were: Council Members Alvarez and Leffingwell.

BRIEFINGS

29. Presentation on Austin Energy's 2005 Year End Report.
The presentation was made by Juan Garza, General Manager, Austin Energy.
30. Presentation on Austin Energy's tree trimming policies and procedures.
The presentation was made by Juan Garza, General Manager, Austin Energy.

DISCUSSION ITEMS CONTINUED

19. Approve a resolution directing the City Manager to initiate changes to the City's tree trimming and tree removal policies and practices, including working with a citizen task force of stakeholders, and to conduct a City-wide Tree Inventory. (Council Member Lee Leffingwell, Council Member Brewster McCracken and Council Member Betty Dunkerley)
Resolution No. 20060209-019 was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Thomas was off the dais.

ZONING CONSENT ITEMS

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

31. C14-05-0110 – Bouldin Meadows - Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Barton Skyway at the Union Pacific Railroad (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to family residence (SF-3) district zoning. First reading approved on December 15, 2005. Vote: 7-0. Applicant: Forest Cove Ltd. and Agent: John Hussey. City Staff: Robert Heil, 974-2330.
This item was postponed to March 9, 2006 at staff's request.
32. C14-05-0172 - Colina Vista - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9716 F.M. 2222 (West Bull Creek Watershed) from limited office (LO) district zoning and community commercial (GR) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on December 1, 2005. Vote: 6-0, Council Member McCracken off the dais. Applicant: 2222 Research Park, Ltd. (Tim Jamail). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.) City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to April 6, 2006 at the applicant's request.
33. C14-05-0168 - KB Sheldon 230 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7900 Thaxton Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on January 26, 2006. Vote: 6-0, Mayor Wynn absent. Applicant: FC Properties One, Ltd. (William A. McDonald). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20060209-033 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved.
34. C14-05-0137 - 1109 South Lamar - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 South Lamar (Bouldin Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant and agent: Bobbie Lemmond. City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning with a trip limitation of 2,000 cars per day and prohibiting liquor sales as a conditional overlay was approved.

ZONING CONSENT ITEMS

- Z-1 Conduct a public hearing and approve an ordinance to amend Section 25-2-757 (Setbacks); Section 25-2-760 (Streetscape Improvements); and Chapter 25-2, Appendix C (University Neighborhood Overlay District Boundaries), Subdistrict Boundaries and Height Limits) of the City Code relating to building setbacks, sidewalks and building height in the University Neighborhood Overlay District). (Recommended by Planning Commission.) (Related Item Z-2)
The public hearing was closed and Ordinance No. 20060209-Z001 was approved with the following amendments on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote. The amendments were: 1) Amend Section 25-2, Appendix C, the University Neighborhood Overlay height map, to allow 120 feet on 900-908 W. 26th Street; 2) Amend Section 25-2, Appendix C, the University Neighborhood Overlay height map, to allow 220 feet on 2100 Rio Grande Street; 3) Amend Section 25-2-760- Streetscape Improvements, to require a minimum of 12 foot wide sidewalks along W. 21st Street from Guadalupe Street to Pearl Street; and 4) Amend Section 25-2-757-Setbacks, to remove a 2 feet setback requirement along Graham Place, W. 24th ½ Street, San Pedro Street, W. 21st Street, and Hume Place.

Z-2 C14-05-0215 - Maverick Miller House - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 910 Poplar Street (Shoal Creek Watershed) from multi-family residence-moderate-high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning to limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Historic Landmark Commission: To grant limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tina Bui, 974-2755. (Related Item Z-1)

The public hearing was closed and Ordinance No. 20060209-Z002 for limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning was approved with a conditional overlay that would limit the height to 30 feet and would prohibit the following uses: bed and breakfast (Group 1 and 2); communications service; software development; medical offices (exceeding 5,000 square feet and not exceeding 5,000 square feet); special use historic; urban farm; club or lodge; college and university facilities; communication service facilities; community events; community recreation (private and public); congregate living; convalescent services; cultural services; day care services (commercial, general, and limited); hospital services (limited); private primary educational facilities; public primary educational facilities; private secondary educational facilities; public secondary educational facilities; residential treatment; and safety services on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:15 p.m.

LIVE MUSIC

Jade Day

PROCLAMATIONS

Honorary Citizen Certificates Exchange Students from South America - to be presented by Mayor Will Wynn and to be accepted by the honorees

Honorary Citizen Certificates - Russian Singers - to be presented by Mayor Will Wynn and to be accepted by the honorees

Distinguished Service Award - Roger Duncan - to be presented by Council Member Brewster McCracken and to be accepted by the honoree

Mayor Wynn called the Council Meeting back to order at 6:22 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

36. Conduct a public hearing and adopt a resolution authorizing the use of approximately 0.2810 acres for waterline and the temporary use of 1.2839 acres of dedicated parkland known as Onion Creek Greenbelt located along Onion Creek Drive just south of South Pleasant Valley Road to allow the construction of a 12-inch waterline through the park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (All costs associated with the line, as well as any parkland restoration, will be paid by Austin Independent School District (AISD).) (Recommended by Parks Board.)
The public hearing was closed and Resolution No. 20060209-036 was approved on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 5-0 vote. Council Members Alvarez and Leffingwell were off the dais.
37. Conduct a public hearing to consider an ordinance amending Sections 25-8-2(D)(7)(a) and 25-8-2 (D) (10) (a) of the City Code to provide more consistency in nomenclature in describing the watersheds within each regulated area. (Approved by the Code & Ordinances Subcommittee and Environmental Board.)
The public hearing was closed and Ordinance No. 20060209-037 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The motion to waive the Council rules and limit testimony on item 35 to one hour on each side and continuing the hearing to next Thursday was approved on Council Member McCracken's motion, Council Member Kim's second on a 6-0 vote. Mayor Pro Tem Thomas was off the dais.

The motion to waive the Council rules and allow three minutes for all speakers still in line on item 35 was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem Thomas was off the dais.

The motion to waive the rules and allow the meeting to go past 10:00 p.m. was approved on Council Member McCracken's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Thomas and Council Member Kim were off the dais.

35. Conduct a public hearing and consider an ordinance on first reading relating to interim development regulations, including a moratorium, applicable to the construction and remodeling of certain single-family residential development. (Related Item 26)
The motion by Council Member Kim to postpone action until March 2, appoint the Task Force next week, and direct the City Manager to report to Council daily on the number of applications being filed failed due to the lack of a second.

The first reading of the ordinance was approved with the moratorium to go into effect at 12:01 a.m. on February 10, 2006 with the following amendment was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Thomas was off the dais. The amendment was to add a sentence to Part 1, (5) to read, "The remaining portion of the capacity, if any, in the drainage system in the older neighborhoods is committed to the redevelopment."

Mayor Wynn adjourned the meeting at 11:43 p.m. without objection.

The minutes for the Regular Meeting of February 9, 2006 were approved on this the 16th day of February, 2006 on Council Member Kim's motion, Council Member Dunkerley's second on a 7-0 vote.