



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 13, 2005**

Invocation: Multi-denominational invocation coordinated by Austin Area Interreligious Ministries

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, January 13, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

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

CONSENT AGENDA

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

1. Approval of minutes from the meeting of December 16, 2004.
The minutes from the regular meeting of December 16, 2004 were approved.
2. Approve issuance of a rebate in the amount of \$98,586 to ORACLE CORPORATION for the installation of a high efficiency chiller, super-e motors, occupancy sensors and variable speed drives at 11400 North Lamar Blvd. (Funding in the amount of \$98,586 is available in the Fiscal Year 2004-2005 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.
3. Approve issuance of a rebate in the amount of \$58,904 to TYCO CORPORATION c/o REIT MANAGEMENT for the installation of a high efficiency lighting retrofit at 12501 Research Blvd. (Funding in the amount of \$58,904 is available in the Fiscal Year 2004-2005 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.
4. Adopt an ordinance to establish classifications and positions in the classified service of the Austin Fire Department and repeal Ordinance No. 040913-06.
Ordinance No. 050113-04 was approved.
5. Adopt a resolution confirming the City Manager's designation of Assistant Fire Chief Jim Evans as Acting Fire Chief effective January 15, 2005.
Resolution No. 050113-05 was approved.

6. Approve execution of an Interlocal Cooperation Agreement with Travis County and the Austin Travis County Mental Health Mental Retardation Center (ATCMHMRC) for the provision of mental health and mental retardation services by the ATCMHMRC in an amount not to exceed \$ 2,598,200 (\$1,472,147 City; \$1,126,053 County), with three 12-month renewal options in an amount not to exceed \$2,598,200 (\$1,472,147 City; \$1,126,053 County) per renewal option, for a total agreement amount not to exceed \$10,392,800 (\$5,888,588 City; \$4,504,212 County). (Funding in the amount of \$1,104,110 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department and \$844,540 will be provided by Travis County. The contract period for the Interlocal Agreement will be January 1, 2005 through December 31, 2005. Funding for the remaining three months of the contract and renewal options is contingent upon available funding in future budgets.)
The motion authorizing the execution of an Interlocal Cooperation Agreement was approved.
7. Approve execution of an Interlocal Cooperation Agreement with Travis County and the Austin Travis County Mental Health Mental Retardation Center (ATCMHMRC) for the provision of Substance Abuse Treatment Services by ATCMHMRC in an amount not to exceed \$ 1,440,102.00 (\$828,303 City; \$611,799 County), with three 12-month renewal options in an amount not to exceed \$1,440,102 (\$828,303 City; \$611,799 County) per renewal option, for a total agreement amount not to exceed \$5,760,408 (\$3,313,212 City; \$2,447,196 County). (Funding in the amount of \$426,227 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department, \$195,000 is included in Approved Operating Budget of the Municipal Court and \$458,849 will be provided by Travis County. Funding for the remaining three months of the agreement and renewal options is contingent upon available funding in future budgets.)
The motion authorizing the execution of an Interlocal Cooperation Agreement was approved.
8. Approve execution of a 12-month contract for the Center for Disease Control's (CDC) STEPS for a Healthier Austin (SHA) Program, with AUSTIN FAMILIES, INC. dba FAMILYCONNECTIONS to provide training and programming at local childcare sites to promote physical activity and proper nutrition to parents, children and staff, in an amount not to exceed \$52,595, and three 12-month extension options in an amount of \$75,000, for a total agreement not to exceed \$277,595. (Funding in the amount of \$52,595 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Special Revenue Fund from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC) Steps to a Healthier U.S. (STEPS) grant program. The grant period is from September 22, 2004 through September 21, 2005. Funding for the renewal options is contingent upon available funding in future budgets.)
The motion authorizing the execution of a contract was approved.
9. Approve the negotiation and execution of a Neighborhood Commercial Management Loan Program (NCMP) loan to SOUTHWEST KEY PROGRAM, INCORPORATED, (Southwest Key) in an amount not to exceed \$624,000 and waive certain NCMP guideline requirements, subject to a written determination by the U.S. Department of Housing and Urban Development (HUD) of the maximum loan amount available under 24 CFR 570.209, for the construction of an approximately 32,000 square foot facility to house the corporate offices of Southwest Key, an alternative school, community computer lab, and business incubator. (Community Development Block Grant funding is available in the Neighborhood Housing and Community Development Department's Neighborhood Commercial Management Loan Program subject to a written determination of eligibility for Southwest Key and fund release from HUD.)

This item was postponed to January 27, 2005.

Item 10 was pulled for discussion.

11. Approve second/third reading of an ordinance to annex the Greenshores area (Approximately 176.8 acres in Travis County approximately one mile east of the intersection of City Park Road and Pearce Road); and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)

This item was withdrawn.

12. Approve an ordinance adopting the Greenshores Annexation and Development Agreement, concerning annexation and development of Greenshores area (Approximately 254 acres in Travis County approximately one mile east of the intersection of City Park Road and Pearce Road. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will providing the services.)

Ordinance No. 050113-12 was approved.

13. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for after-school and summer youth programs to be provided by the Austin Eastside Story Foundation in an amount not to exceed \$98,355. (Funding is available from Travis County in an amount not to exceed \$98,355 for the period February 1, 2005 through January 31, 2006. There is no unanticipated impact. A fiscal note is not required.)

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

14. Approve an ordinance authorizing acceptance of \$450,000 in grant funds from the Bureau of Justice Assistance "Law Enforcement Response to Human Trafficking" grant program; amend the Fiscal Year 2004-2005 Police Department Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$450,000; and amend the Fiscal Year 2004-2005 Police Department Operating Budget General Fund of Ordinance No. 040913-01 to create one full-time equivalent sworn position to support the Austin Police Department Immigrant Protection Team. (Funding is available from the Bureau of Justice for the grant period December 1, 2004 - November 30, 2007. An in-kind match of \$68,123 is included in the Fiscal Year 2004-2005 Operating Budget. The remaining in-kind match requirement of \$136,247 is contingent on the approval of future budgets.) (Related Item 15)

Ordinance No. 050113-14 was approved.

15. Approve an ordinance to establish classifications and number of positions in the classified service of the Police Department and repealing Ordinance No. 040913-07 Corrected. (The Fiscal Year 2004-2005 Operating Budget for the Police Department was amended to include grant funding for the new detective position.) (Related Item 14)

Ordinance No. 050113-15 was approved.

16. Approve a resolution authorizing application for grant funding in the amount of \$249,961 for the Austin Police Department, Forensic Science Division to receive training in forensic sample evidence examination and the purchase of equipment. (Funding is available from the Governor's Office, Criminal Justice Division Coverdell Forensics Science Improvement Program for the grant period February 1, 2005 to August 31, 2005. An in-kind match is not required.)

Resolution No. 050113-16 was approved.

17. Approve an ordinance authorizing negotiation and execution of all documents necessary to vacate a portion of Yager Lane to Quentin Corp., in exchange for Quentin conveying a 1.356 acre tract and a 2.404 acre tract to City of Austin and constructing the IH-35/Tech Ridge Interchange. (Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.)
This item was postponed indefinitely and removed from the agenda.
18. Authorize the negotiation and execution of a contract to purchase approximately 12.746 acres located on the north side of Bear Creek and on the west side of proposed S.H.45 in Travis County from AARAI CORPORATION, in an amount not to exceed \$55,000 as part of the open space project passed in the November 2000 bond election. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Department.)
The motion authorizing the negotiation and execution of a contract was approved.
19. Approve an ordinance vacating an unimproved 0.984 acre portion of the 7000 Block of Montana Street right-of-way to Austin Housing Finance Corporation, to connect two separate parcels of land into one contiguous property to provide for future S.M.A.R.T. Housing development of affordable single-family housing. (Recommended by the Planning Commission and the Urban Transportation Commission.)
Ordinance No. 050113-19 was approved.
20. Approve an ordinance amending Section 12-4-66 of the City Code by designating a portion of North Lamar Boulevard as a 35 miles per hour school zone during certain times for Connally High School; and amending Section 12-4-63 of the City Code by designating a portion of Austin Woods Drive as a 20 miles per hour school zone during certain times for Hill Elementary School. (Funding in the amount of \$10,300 is available in the Fiscal Year 2004-2005 Operating Budget of the Public Works Department for the installation of necessary flashers/signs.)
Ordinance No. 050113-20 was approved.
21. Authorize execution of change order # 12 to the construction contract with CADENCE MCSHANE CORPORATION, Austin, TX, for security fence, gates, and exhibit track lights for the George Washington Carver Museum and Cultural Center and Carver Branch Library Expansion project in the amount of \$44,987, for a total contract amount not to exceed \$10,558,520.61. (Funding in the amount of \$44,987 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Parks and Recreation Department.) 21.17% MBE and 7.31% WBE subcontractor participation to date.
The motion authorizing the execution of change order #12 was approved.
22. Approve ratification of execution of change order #5 to the construction contract with SALAS CONSTRUCTORS, INC. (MBE - 74.74%), Buda, TX, for the Austin Clean Water Program South Congress Avenue Wastewater Project in the amount of \$143,033.23, for a total contract amount not to exceed \$876,365.23. (Funding in the amount of \$143,033.23 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) 12.06% MBE and 13.2% WBE subcontractor participation to date.
The motion authorizing the execution of change order #5 to the construction contract was approved.

23. Authorize execution of a construction contract with WURZEL BUILDERS, LTD, Austin, TX, for South Austin Neighborhood Center Repairs and Renovation in an amount not to exceed \$308,550. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Health and Human Services Department.) Lowest bid of six received. 0.18% MBE and 20.78% WBE subcontractor participation.

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

24. Authorize execution of a construction contract with R. S. ELLIS, dba SOUTHWEST CORPORATION, Austin, TX, for the Municipal Building Window Refurbishment and Asbestos Abatement in the amount of \$443,656 plus a \$66,548.40 contingency, for a total contract amount not to exceed \$510,204.40. (Funding in the amount of \$510,204.40 is available in the Fiscal Year 2004-2005 Capital Budget of the Financial Services Department.) Only bid received. 24.59% MBE and 19.91% WBE subcontractor participation.

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

Items 25 and 26 were pulled for discussion.

27. Authorize negotiation and execution of a professional services agreement with CARTER & BURGESS, INC., Austin, TX to provide engineering services for the North Burnet / Gateway Transportation and Urban Design Study in an amount not to exceed \$475,000. (Funding is available in Fiscal Year 2004-2005 Capital Budget of the Economic Growth and Redevelopment Services Department.) Best qualification statement of six received. 15.9% MBE and 14.2% WBE subcontractor participation.

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

28. Authorize negotiation and execution of a professional services agreement with the following six (6) firms: SURVEYING AND MAPPING (SAM), INC., Austin, TX; COBB, FENDLEY & ASSOCIATES, INC., Austin, TX; GEOTRACK, INC. (MBE/MA), Baytown, TX; SO-DEEP, INC., San Antonio, TX; CLAUNCH & MILLER, INC., Austin, TX; and HALFF ASSOCIATES, INC., Austin, TX, for the subsurface utility engineering services (SUE) rotation list for various Capital Improvement Projects for an estimated period of three years or until financial authorization is expended, each agreement in an amount not to exceed \$2,500,000 with a total of the six (6) agreements not to exceed \$2,500,000 (estimated approximately \$500,000 each of the first four (4) top ranked firms and \$250,000 for each of the next two (2) ranked firms). (Funding in the amount of \$2,500,000 is available in the Capital Budgets and/or Operating Budgets of the various departments for which services are needed.) Best six qualification statements of ten received. 15.9 % MBE and 14.2% WBE subconsultant participation.

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

29. Authorize negotiation and execution of a professional services agreement with LOCKWOOD, ANDREWS & NEWNAM, INC., Austin, TX, to provide engineering services for the Davis Water Treatment Plant Filter Process Improvements and Valve Replacements in an amount not to exceed \$600,000. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Best qualification statement of six received. 15.90% MBE and 14.20% WBE subcontractor participation. (No recommendation by the Water and Wastewater Commission 01-05-05.)

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

30. Authorize execution of a contract with POWER SUPPLY, INCORPORATED, Austin, TX, for the purchase of a main breaker for the Sand Hill Energy Center Simple Cycle Units in an amount not to exceed \$55,877. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) Lowest responsive bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

Item 31 was pulled for discussion.

32. Authorize execution of a 12-month supply agreement with ALTIVIA CORPORATION, Houston, TX, for liquid chlorine in bulk truckload quantities for the Austin Water Utility in an amount not to exceed \$192,800, with two 12-month extension options in an amount not to exceed \$192,800 per extension option, for a total agreement amount not to exceed \$578,400. (Funding in the amount of \$128,533 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

33. Authorize execution of a contract with OSHKOSH TRUCK CORPORATION, Oshkosh, WI, for one aircraft rescue and firefighting truck for the Austin-Bergstrom International Airport in an amount not to exceed \$769,191.13. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Aviation Department.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

34. Authorize negotiation and execution of Amendment No. 2 to the contract with GREGORY C. RIGAMER (GCR) AND ASSOCIATES, New Orleans, LA, for software upgrade to the Property and Revenue Information Management System (PRIMS) and conversion services to format and import the Airport's CAD files into PRIMIS, in an amount not to exceed \$55,000, with five 12-month extension options for maintenance services in an amount not to exceed \$40,000 per extension option, for a revised total contract amount not to exceed \$792,798. (Funding in the amount of \$95,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Department of Aviation. Funding for the remaining maintenance options will be contingent upon available funding in future budgets.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. (To be reviewed by the Austin Airport Advisory Commission on January 11, 2005.)

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

35. Authorize execution of Amendment No. 5 to the contract with NEXTGEN HEALTHCARE INFORMATION SYSTEMS, INC., Horsham, PA, for fifteen additional licenses of the practice management software for the Community Care Services Department in an amount not to exceed \$126,000; and to increase the extension options for maintenance in an amount not to exceed \$22,860 per extension option, for a revised total contract amount not to exceed \$1,109,768. (Funding in the amount of \$126,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Community Care Services Department. Funding for the maintenance options is contingent upon available funding in future budgets.) This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore no goals were established for this solicitation.

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

36. Authorize execution of a 12-month supply agreement with WEBBERVILLE PROPANE, INC., Manor, TX, for liquid propane gas fuel in an amount not to exceed \$587,112, with three 12-month extension options in an amount not to exceed \$587,112 per extension option, for a total agreement amount not to exceed \$2,348,448. (Funding in the amount of \$440,334 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

37. Authorize execution of a 12-month service agreement with VIC'S TIRE SERVICE, Austin, TX, for tire repair services in an amount not to exceed \$125,000, with three 12-month extension options in an amount not to exceed \$125,000 per extension option, for a total agreement amount not to exceed \$500,000. (Funding in the amount of \$93,750 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest 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.

38. Authorize execution of a 12-month supply agreement with PERFORMANCE PARTS EXPRESS, New Philadelphia, OH, for captive repair parts for Spartan fire trucks in an amount not to exceed \$55,000, with three 12-month extension options in an amount not to exceed \$55,000 per extension option, for a total agreement amount not to exceed \$220,000. (Funding in the amount of \$41,250 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

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

39. Authorize execution of a 12-month supply agreement with WAYEST SAFETY, INC., Forney, TX, for Scott Health & Safety airpacks and replacement parts for the Austin Fire Department in an amount not to exceed \$950,000, with two 12-month extension options in an amount not to exceed \$950,000 per extension option, for a total agreement amount not to exceed \$2,850,000. (Funding in the amount of \$633,333 is available in 2004-2005 Approved Operating Budget of the Austin Fire Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Highest percentage discount of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

40. Authorize negotiation and execution of a 9-month service agreement with TKO ADVERTISING, INC., Austin, TX, for services to market the Steps to a Healthier Austin Initiative to target audiences in a specified geographic area in an amount not to exceed \$230,000, with three 12-month extension options in an amount not to exceed \$306,667 per extension option, for a total agreement amount not to exceed \$1,150,001. (Funding in the amount of \$230,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin/Travis County Health and Human Services Special Revenue Fund from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC) Steps to a Healthier U.S. grant program. Funding for the extension options is contingent upon available funding in future budgets.) Best proposal of seven 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.

41. Ratify a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with FREIGHTLINER OF AUSTIN, Austin, TX, for one mobile communications command vehicle for the Emergency Medical Services Department in an amount not to exceed \$421,459. (Funding is available in the Fiscal Year 2003-2004 Special Revenue Fund of the Office of Emergency Management. Funding was provided through the Domestic Preparedness Equipment Grant from the Office for Domestic Preparedness, U.S. Department of Homeland Security.) Cooperative Purchasing.

The motion authorizing a contract was approved.

42. Authorize execution of a contract with MEYER INSTRUMENTS, Houston, TX, for a forensic comparison microscope for the Austin Police Department in an amount not to exceed \$65,455. (Funding is available in the Austin Police Department Special Revenue Fund in the 2003 Project Safe Neighborhoods Office of Attorney General Grant.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

43. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with ALL AMERICAN SALES CORP., South Houston, TX, for Tomar LED lightbars for emergency vehicles in an amount not to exceed \$615,285. (Funding in the amount of \$423,750 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Department. Funding in the amount of \$118,650 is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund. Funding in the amount of \$67,800 is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund. Funding in the amount of \$5,085 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Fire Department.) Purchasing Cooperative.
The motion authorizing the execution of a contract was approved.
44. Authorize execution of a contract with AGILENT TECHNOLOGIES, INC., Wilmington, DE, for the purchase of a gas chromatograph/mass spectrometer for the Austin Police Department in an amount not to exceed \$92,470.04. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Police Department.) Sole source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this purchase.
The motion authorizing the execution of a contract was approved.
45. Authorize execution of a 12-month service agreement with AAA FIRE & SAFETY EQUIPMENT CO., INC., Austin, TX, for new fire extinguishers, repair parts and recharge, repair, testing, and inspection services in an amount not to exceed \$63,371, with two 12-month extension options in an amount not to exceed \$63,371 per extension option, for a total agreement amount not to exceed \$190,113. (Funding in the amount of \$47,528 is available in the Fiscal Year 2004-2005 Approved Operating Budget for various City Departments. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.
46. Authorize negotiation and execution of an Interlocal Agreement with Northtown Municipal Utility District for the purpose of monitoring the wet pond located on Ceylon Tea Circle, Lot 1, Gaston-Sheldon Subdivision, Section 1.
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.
47. Authorize negotiation and execution of an Interlocal Agreement with Travis County in an amount not to exceed \$12,500, to study any potential streambank erosion impacts from development proposals along Onion Creek. (Funding is included in the Fiscal Year 2004-2005 Operating Budget of the Watershed Protection and Development Review Department.)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.

48. Board and Commission appointments.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Community Development Commission</u> Jerome Garvey	Consensus	Appointment
<u>Electric Utility Commission</u> Ralph B. Weston	Mayor Wynn's	Appointment
<u>Employees Retirement System</u> Elizabeth Gonzales	Consensus	Reappointment
<u>Housing Authority of the City of Austin</u> Tyra Duncan-Hall Kelly Lynn Roth	Mayor Wynn's Mayor Wynn's	Appointment Appointment
<u>Library Commission</u> Carol Martin Ira Strange, Jr.	Consensus Council Member Thomas'	Reappointment Reappointment
<u>Mexican American Cultural Center Advisory Board</u> Steve Alvarez Domingo Villarruel	Consensus Consensus	Reappointment Reappointment
<u>Urban Forestry Board</u> Nevic Donnelly	Consensus	Appointment
<u>Urban Transportation Commission</u> Michelle Brinkman Joi Harden	Mayor Pro Tem Goodman's Council Member Thomas'	Reappointment Appointment

49. Approve an ordinance amending Section 12-5-6 of the City Code relating to loading and unloading of musical instruments to add the 100 through 300 blocks of Fourth Street (West), Fifth Street (West), and Sixth Street (West). (Council Member Brewster McCracken, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
Ordinance No. 050113-49 was approved.
50. Approve a resolution authorizing payment of police and solid waste services costs associated with the Austin Area Heritage Council's 2005 Martin Luther King, Jr. Parade to be held on January 17, 2005. (Council Member Danny Thomas, Council Member Betty Dunkerley and Council Member Raul Alvarez)
Resolution No. 050113-50 was approved.

51. Approve the waiver of certain fees under Chapter 14-8 for the Southwest Key's fourth Annual Go For the Gold 10K and Fiesta 5K Fun Run charity races being held on Saturday, March 12, 2005. (Council Member Danny Thomas, Council Member Betty Dunkerley and Council Member Brewster McCracken)
The motion authorizing the waiver of certain fees was approved.

Item 52 was pulled for discussion.

53. Set a public hearing to approve using approximately 2.56 acres for drainage, 2.33 acres for temporary work space, and 1.40 acres for a wastewater line to allow the construction of improvements serving the Pioneer Hill development, through dedicated parkland known as Walnut Creek Greenbelt in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife code. (Suggested date and time: February 10, 2005 at 6:00 p.m. City Hall Council Chambers) (All costs associated with the construction as well as any parkland restoration will be paid by the requestor.) (To be reviewed by Parks Board on January 25, 2005.)
The public hearing was set for February 10, 2005 at 6:00 p.m., City Hall Council Chambers.
54. Set a public hearing to consider an ordinance amending Sections 25-2-805 and 25-2-899 relating to fence height (Suggested date and time: January 27, 2005, at 6:00 p.m., City Hall Council Chambers). (To be reviewed by Planning Commission on January 11, 2005.)
The public hearing was set for January 27, 2005, at 6:00 p.m., City Hall Council Chambers.
55. Set a public hearing to consider an ordinance amending Chapters 25-2 and 25-6 of the Land Development Code to establish Transit Oriented Development districts, and to adopt zoning and other regulations applicable in those districts. (Suggested date and time of public hearing: January 27, 2005, 6:00 p.m., City Hall Council Chambers). (To be reviewed by Planning Commission on January 11, 2005, Zoning and Platting Commission on January 18, 2005, and Design Commission on January 20, 2005.)
The public hearing was set for January 27, 2005, 6:00 p.m., City Hall Council Chambers.

Items 56 through 61 were Executive Session items.

Item 62 was action on an Executive Session item.

Item 63 was a briefing set for a time certain of 2:00 p.m.

Items 64 through 69 and Z-1 through Z-15 were zoning items set for 4:00 p.m.

Items 70 through 71 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

10. Approve a resolution authorizing the release of two tracts totaling approximately 48.112 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the City of Dripping Springs (One of the proposed release tracts is approximately 630 feet west of the intersection of US 290 W and Nutty Brown Road, and the other proposed release tract is at the intersection of Nutty Brown Road and Kit Carson Drive).
Resolution No. 050113-10 was approved on Council Member Dunkerley's motion and Mayor Wynn's second on a 7-0 vote.

31. Authorize execution of a 12-month service agreement with GREATER AUSTIN ECONOMIC DEVELOPMENT CORPORATION, Austin, TX, for participation in the Opportunity Austin Campaign in an amount not to exceed \$350,000 (\$100,000 is for the Clean Energy business recruitment initiative through this Campaign), with four 12-month extension options in an amount not to exceed \$350,000 per extension option, for a total amount not to exceed \$1,750,000. (Funding in the amount of \$350,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) Sole Source This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved on Council Member McCracken's motion and Mayor Wynn's second on a 7-0 vote.
25. Authorize execution of a construction contract with FAZZONE CONSTRUCTION CO., INC., Cedar Park, TX, for Metz Recreation Center Renovation and Addition in the amount of \$1,151,173 plus a \$114,355 contingency, for a total contract amount not to exceed \$1,265,528. (Funding in the amount of \$1,265,528 is available in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Department.) Lowest bid of seven received. 12.46% MBE and 2.08% WBE subcontractor participation. (Recommended by the Planning Commission and the Urban Transportation Commission.) (Related Item 26)
The motion authorizing the execution of a construction contract was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.
26. Approve an ordinance amending the Fiscal Year 2004-2005 Public Works Capital Projects Management Fund Operating Budget of Ordinance No. 040913-01, to create a Transfer Out to PARD CIP in the amount of \$475,000; amending the Fiscal Year 2004-2005 Austin Energy Operating Budget of Ordinance No. 040913-01, to increase the Transfer to General Government CIP in the amount of \$125,000 and decrease Holly Good Neighbor Program operations and maintenance expenses by the same amount; and amending the Fiscal Year 2004-2005 Parks and Recreation Department Capital Budget of Ordinance No. 040913-02 to appropriate \$600,000 to the Metz Recreation Center Expansion project. (Funding in the amount of \$125,000 is available in the Fiscal Year 2004-2005 Austin Energy Operating Budget as part of undesignated funds for the Holly Mitigation Good Neighbor Program. Funding in the amount of \$475,000 is available in the Fiscal Year 2004-2005 Public Works Capital Projects Management Fund.) (Related Item 25)
Ordinance No. 050113-26 was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Peggy Zuleika Lynch

Dillon McKinsey

Walter Timberlake

Paul Avina - Security in East Austin

John McNabb - Update on Brandt Rd. Annexation

Darlene Louk - Update on Brandt Rd. Annexation

Pat Johnson - Failure of 2004 by the City Council to protect public against Towing Companies

Johnette Mason - Increase in MAP (Medical Assistance Program) co-payments at Community Health Clinics (CHC).

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:26 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

The Mayor announced that Council would discuss item number 52 on the regular agenda during Executive Session.

Item 56 was discussed later in Executive Session.

57. Discuss legal issues regarding the delay damages incurred by Cash Construction Company, Ltd. in connection with the street and drainage project on Dittmar Road. (Related Item 62)
58. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
59. Discuss legal issues in *Austin Community Coalition for Responsible Development v. the City of Austin, Texas, S.R. Ridge, Limited Partnership, James G. Monaghan, and Monaghan Company f/k/a Maple Run Joint Venture, Defendants and City of Sunset Valley and John Stratton, Intervenors*, Cause No. GN402443; in the 353rd Judicial District Court of Travis County, Texas. (concerns an alleged breach of a 1996 settlement agreement affecting development rights on property at Slaughter and MoPac)

Items 60 and 61 were discussed later in executive session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:10 p.m.

Action on Executive Session

62. Approve negotiation and execution of a settlement agreement with Cash Construction Company, Ltd. in connection with delay damages incurred on the street and drainage project on Dittmar Road. (Related Item 57)
The motion authorizing the negotiation and execution of a settlement agreement was approved on Council Member McCracken's motion, Council Member Thomas' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Alvarez were off the dais.

CITIZEN COMMUNICATION CONTINUED

Jennifer Gale – Our American Prince of Peace, the Honorable Reverend Martin Luther King, Jr.

BRIEFINGS AND POSSIBLE ACTION

63. Briefing on the proposed changes to the City's ground lease with the Greater Austin Performing Arts Center Inc. d/b/a The Long Center for "The Long Center" and approval of a resolution amending the ground lease.

The presentation was made by John Stephens, Assistant City Manager; Carla Steffan, Finance Department; Cliff Redd, Director of the Long Center and Dewayne Cooper, Long Center.

Resolution No. 050113-63 was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 3:17 p.m.

Mayor Wynn called the Council back to order at 3:31 p.m.

52. Approve a resolution amending the Economic Development Policy and Program established in Resolution No. 030612-15, including but not limited to revising subparagraphs 2.i and 2.j, to clarify the requirement for compliance with current water quality regulations, and to provide that a recipient of economic development incentives must comply with current water quality regulations during the term of an economic development agreement. (Mayor Will Wynn and Council Member Betty Dunkerley)

Resolution No. 050113-52, amending Resolution No. 030612-15, was approved as follows:

Amendment No. 1 changing subparagraph 2.i. as follows was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote. 2. i. will read, "Applicants will be ineligible for incentives if they are not complying with City of Austin current water quality regulations on all current projects, unless the applicant has negotiated or negotiates an agreement with the City in which it complies with current impervious cover limits overall and agrees to build with current water quality controls and waive any claim to grandfathering to prior water quality regulations.

Amendment No. 2 was proposed as follows on Council Member Dunkerley's motion, Mayor Wynn's second. Subparagraph 2.j. would read, "By accepting incentives as part of an economic development agreement with the City of Austin, recipients agree to comply with City of Austin water quality regulations (as defined in paragraph 2.i. above) on all their future development within Austin's planning jurisdiction, during the term of that economic development agreement."

Council Member Slusher offered a friendly amendment to change the wording as stated above by deleting the word "during" and inserting, "for twice the length of the term. . ." This was not accepted by the maker of the motion.

The substitute motion to change 2.j. to read, "By accepting incentives as part of an economic development agreement with the City of Austin, recipients agree to comply with City of Austin water quality regulations (as defined in paragraph 2.i. above) on all their future development within Austin's planning jurisdiction, for twice the length of the term of that economic development agreement," failed on Council Member Slusher's motion, Mayor Pro Tem Goodman's second on a 3-4 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Slusher and Thomas. Those voting nay were: Mayor Wynn and Council Member Alvarez, Dunkerley and McCracken.

Amendment No. 2 as follows was approved on Council Member Dunkerley's motion, Mayor Wynn's second and a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Alvarez, Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Slusher. Subparagraph 2.j. would read, "By accepting incentives as part of an economic development agreement with the City of Austin, recipients agree to comply with City of Austin water quality regulations (as defined in paragraph 2.i. above) on all their future development within Austin's planning jurisdiction, during the term of that economic development agreement."

Amendment No. 3, as follows, was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Alvarez, Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Slusher. Subparagraph 2.j. will have an additional sentence added to that shown above, "Failure to do so will result in cancellation of the incentive package."

Amendment No. 4, as follows, was moved by Council Member McCracken and seconded by Mayor Wynn. The amendment was a new subparagraph 2.k. would be added that reads, "Paragraph 2.j. does not apply to an economic development agreement for a data center or call center facility." Council Member Alvarez proposed a friendly amendment, that the following be added to the above, "... unless the primary business of the company receiving the incentives is the operation of a data center or call center." This was accepted by the maker of the motion and Mayor Wynn, who seconded the motion. The motion passed on a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Alvarez, Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Slusher.

ZONING CONSENT ITEMS

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

64. Approve an ordinance amending Ordinance No. 040826-56, which adopted the Central Austin Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to establish a land use designation on the future land use map for 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) the West University Neighborhood Planning Area. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item 65)
This item was postponed to March 24, 2005 at Council's request.
65. C14-04-0021 (PART) Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) in the West University Neighborhood Planning Area. The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP, "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. The Neighborhood Mixed-Use Building special use is proposed for Tract 80A. City Council may approve a zoning change from General Office (GO) district zoning to Multi-family Residence - Moderate-High Density (MF-4) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; and Commercial Services (CS)

district zoning. A Conditional Overlay (CO) combining district, Mixed Use (MU) combining district, or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. Note: A petition has been filed in opposition to this zoning request. (Related Item 64)

This item was postponed to March 24, 2005 at Council's request.

66. C14-04-0134 - Kingdom Hall Zoning 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West St. Elmo Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning, with conditions. First Reading on December 16, 2004. Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted by Council at first ordinance reading. Applicant: Westlake Congregation of Jehovah's Witnesses (Tad A. Curtis). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 050113-66 for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved.
67. C14-04-0152 - 4607 Manchaca Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4607 Manchaca Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. First Reading on December 16, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: Jolico Family Ltd. (Liliana R. Cohen). Agent: Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 050113-67 for limited office-conditional overlay (LO-CO) combining district zoning was approved.
68. C14-04-0159 - Blackstone Apartments - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2910 Medical Arts Street (Waller Creek Watershed) from multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. First reading on December 16, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin Management Group (Steven Moore). Agent: City of Austin-Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 050113-68 for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning was approved.
69. C14-04-0115 - Champion Tract 5 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5618-5628 FM 2222, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive, 6201-6203 and 6401-6713 Capital of Texas Highway North (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on December 2, 2004. Vote: 6-1, J. Goodman - off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Josie Champion. Agent: Graves, Dougherty, Hearon and Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 050113-69 for community commercial-mixed use-conditional overlay (GR-CO) combining district zoning was approved.

ZONING CONSENT ITEMS

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

- Z-2 C14-04-0178 - Monroe Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10816 Crown Colony Drive (Onion Creek Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Rick M. Monroe. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 050113-Z-2 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.
- Z-3 C14-04-0177 - Home Builders Association Parking - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301 Centre Plaza (Walnut Creek Watershed) from family residence (SF-3) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning. Applicant: Bill Brinkley & Vicki Prueitt. Agent: HBA Greater Austin (Harry Savio). City Staff: Sherri Gager, 974-3057.
Ordinance No. 050113-Z-3 for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved.
- Z-4 C14-04-0172 - Filipino Video and Oriental Store - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2309 West Parmer Lane (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Henry Gammad. Agent: Sammy Tolentino. City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 050113-Z-4 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.
- Z-5 C14-04-0180 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2444 South 1st Street (East Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Michael Vasquez. Agent: Michael Vasquez. City Staff: Tom Bolt, 974-2755.
The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved.

- Z-6 C14-04-0170 - San Jose Catholic Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2510 South 1st Street (East Bouldin Creek Watershed) from family residence (SF-3) district zoning to limited office-conditional overlay (LO-CO) district zoning and general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) district zoning and general office-conditional overlay (GO-CO) combining district zoning. Applicant: San Jose Catholic Church (Father Tom Frank). Agent: LOC Consultants (Sergio Lozano-Sanchez). City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for limited office-conditional overlay (LO-CO) district zoning and general office-conditional overlay (GO-CO) combining district zoning was approved.
- Z-8 C14-04-0182 - Wier Hills Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 0 Wier Hills Drive [5.198 acres (more or less) out of the August Herold Survey No. 59, Travis County, Texas] (Barton Creek Watershed-Barton Springs Zone) from general office (GO) district zoning to townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Applicant: Southwest Travis County Road District No.1. (Gregory Chico). Agent: Brown-McCarroll (Annick Beaudet). City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning was approved.
- Z-9 C14-85-288.102(RCT) - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 7800-8200 Southwest Parkway (Barton Creek Watershed - Barton Springs Zone). Zoning and Platting Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Hilltop Homes. Agent: Brown MCCarroll (Annick Beaudet). City Staff: Robert Heil, 974-2330.
This item was postponed to January 27, 2005 at the staff's request.

ZONING DISCUSSION ITEMS

- Z-1 C14-04-0156 - William Booth Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1001 Cumberland Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence limited density (MF-1) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence limited density (MF-1) district zoning. Applicant: Salvation Army (Major Dan New). Agent: LZT Architects (Herman Thun, A.I.A.) City Staff: Robert Heil, 974-2330.
The public hearing was closed and Ordinance No. 050113-Z-1 for multi-family residence limited density (MF-1) district zoning was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.
- Z-7 C14-04-0171 - Barr Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1590-1602 Barclay Drive (Barton Creek and Eanes Creek Watersheds -Barton Springs Zone) from development reserve (DR) district zoning and single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Applicant: Gary Lee and Belanne Barr. Agent: Cunningham-Allen Inc. (Jana Rice). City Staff: Robert Heil, 974-2330.
The public hearing was closed and the item was postponed to January 27, 2005 on Council Member Dunkerley's motion, Council Member Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 4:53 p.m.

LIVE MUSIC

Ray Benson

PROCLAMATIONS

City Hall Time Capsule Event - To be hosted by the Mayor, City Council Members and the City Manager

Mayor Wynn called the Council Meeting back to order at 6:47 p.m.

ZONING DISCUSSION ITEMS CONTINUED

- Z-10 C14-04-0167 - Euers Office/Retail Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 135 West Slaughter Lane (Onion Creek Watershed) from rural residence (RR) district zoning and single family residence standard lot (SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Lester Euers. Agent: The Brown Group (Martin Brown). City Staff: Wendy Walsh, 974-7719.

The public hearing was closed and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning, adding dedication of the right of way and including the list of prohibited uses as agreed to by the applicant in the conditional overlay was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.

- Z-13 C14-04-0140 - Swafford - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2108 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (NO-CO) combining district zoning. Applicant: Clarence Jacobson. Agent: Crocker Consultants (Sarah Crocker). City Staff: Tom Bolt, 974-2755.

This item was postponed to January 27, 2005 at the applicant's request on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

- Z-11 C14-04-0174 - Lyly Fisher Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11920 North IH-35 Service Road Southbound (Walnut Creek Watershed) from limited office (LO) district zoning to community commercial services-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial services-conditional overlay (GR-CO) combining district zoning. Applicant: Lyly Fisher. Agent: The Hertz Corporation (Paul Wucker). City Staff: Glenn Rhoads, 974-2775.

The public hearing was closed and first reading of the ordinance for GR-CO zoning allowing car rental but removing the five car limitation and adding business support services, consumer convenience services, food sales, general retail sales (convenience), personal improvement services, personal services, pet services, research services, restaurant (limited), and restaurant (general) uses in addition to all the LO uses and including 2,000

trip limitation per day was approved on Council Member Dunkerley's motion, Council Member Slusher's second on a 7-0 vote.

- Z-14 C14-04-0145 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1209 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. Applicant: Shirley & Volma Overton. Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.

This item was postponed to January 27, 2005 at the neighborhood association's request on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

- Z-12 C14-04-0136 - 1500 Summit Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 Summit Street (Harper Creek watershed) from general office (GO) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Waterloo Partners (John S. Graham) Agent: Thrower Designs (Ron Thrower) City Staff: Robert Heil 974-2330

The public hearing was closed and the first reading of the ordinance for general office-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote. Staff was instructed to investigate the possibility of having access on Elmhurst and not Summit and to include sidewalks along Summit on this property.

- Z-15 C14-04-0181.SH - Shire's Court - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2610, 2626, 2700 and 2902 Metcalfe Road; 1910 and 1916 Wickshire Lane (Country Club Creek Watershed) from family residence (SF-3) district zoning and limited office (L.O) district zoning to townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. Applicants: The Estate of Opal Ault (Donna Koch), Henry W. Ault and June Oliver Ault, Herby's Joint Venture (Jimmy Nassour), George Washington Sanders, and Stephen G. Jackson. Agent: Benchmark Land Development, Inc. (David C. Mahn). City Staff: Wendy Walsh, 974-7719.

The public hearing was closed and the first reading of the ordinance for townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions was approved on Council Member Slusher's motion, Council Member McCracken's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais. Staff was instructed to report back on crime rates in this area.

PUBLIC HEARINGS AND POSSIBLE ACTION

70. Conduct a public hearing in accordance with Chapter 26 of the Parks and Wildlife Code and adopt an ordinance authorizing conveyance of 0.117 acres (5,095 square feet) for right-of-way for the U.S. Highway 183 expansion improvements from dedicated parkland known as Greenway and Destination Parkland (Solo Star tract) in exchange for an access easement across Little Walnut Creek at the crossing of U.S. Highway 183 with Little Walnut Creek. (All costs associated with the construction as well as any parkland restoration will be paid by the requestor.) (Recommended by the Parks Board.)

The public hearing was closed and Ordinance No. 050113-70 was approved on Council Member Slusher's motion, Council Member Thomas' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Dunkerley were off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 9:33 p.m.

EXECUTIVE SESSION CONTINUED

56. Discuss legal issues regarding an amendment to Chapter 25-10 of the City Code relating to non-conforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Related Item 71)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 10:07 p.m.

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

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

71. Conduct a public hearing and approve an ordinance amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Planning Commission conducted a public hearing and recommended no change to current ordinance.) (Related Item 56)

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

The first reading was approved on Council Member Dunkerley's motion, Council Member Thomas' second on a 4 to 3 vote with direction to staff to do various analyses and report back to the Council before the second reading. Those voting aye were: Mayor Wynn and Council Members Dunkerley, McCracken and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Members Alvarez and Slusher.

A friendly amendment by Mayor Pro Tem Goodman to set a seven year time frame was not accepted by the maker of the motion.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:53 p.m.

EXECUTIVE SESSION CONTINUED

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

Real Property - Section 551.072

61. Discuss disposition of interests in real property acquired for the Barton Springs Clean Water Project (May 1998 Bond) and for the Open Space Project (November 2000 Bond).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:15 a.m.

Mayor Wynn adjourned the meeting at 12:16 a.m. without objection.

The minutes for the Regular Meeting of January 13, 2005 were approved on this the 27th day of January, 2005 on Council Member 'Thomas' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member Dunkerley was absent.