



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, FEBRUARY 3, 2005**

Invocation: N. Jordan Mkwanaazi, Pastor, Metropolitan AME 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 3, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:11 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 Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 7-0 vote.

1. Approval of minutes from the meeting of January 27, 2005.
The minutes from the regular meeting of January 27, 2005 were approved.
2. Authorize the negotiation and execution of a lease with the International Center of Austin for approximately 10,000 square feet in the Austin Convention Center Garage, 201 East 2nd Street, for an initial term of five years, with the option to renew for a second five year term.
The motion authorizing the negotiation and execution of a lease was approved.
3. Approve an ordinance amending Ordinance No. 040902-Z-2, relating to the zoning of property located at 0, 100, 102, and 104 East 51st Street, to correct a typographical error in an internal reference.
Ordinance No. 050203-3 was approved.
4. Approve negotiation and execution of an outside counsel contract with CORNELL, SMITH & MIERL, L.L.P., Austin, Texas for legal representation, advice and counsel regarding Cause No. A-04-CA-167SS; *Lisa Sanchez v. City of Austin, Texas*; United States District Court; Western District, Austin Division in the amount not to exceed \$147,000. (concerns whistleblower cause of action and alleged free speech violations) (Funding in the amount of \$147,000 is available in the 2004-2005 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 38)
The motion authorizing the negotiation and execution of an outside counsel contract was approved.

5. Authorize negotiation and execution of an amendment to the outside counsel contract with THOMPSON & KNIGHT, L.L.P., Austin, TX for negotiating and drafting documents related to the Redevelopment of Robert Mueller Municipal Airport Project in the amount of \$150,000, with a total contract amount not to exceed \$1,066,500. (Funding in the amount of \$150,000 is available in the fiscal year 2004-2005 Approved Operating Budget of the Economic Growth and Redevelopment Services Office.) (Related Item 39)
The motion authorizing the negotiation and execution of an amendment to the outside counsel contract was approved.
6. Approve a resolution adopting the City's Legislative Program for the 79th Legislative Session. (Related Item 37)
Resolution No. 050203-6 was approved.
7. Approve the negotiation and execution of Amendment No. 1 to a professional service agreement with BUSINESS INVEST IN GROWTH, Austin, TX, to extend the contract for nine months in an amount not to exceed \$104,214, to provide technical assistance and training to qualified micro-enterprises through the City's Micro-Enterprise Technical Assistance Program for a total contact amount not to exceed \$138,952. (Funding in the amount of \$104,214 is included in the Fiscal Year 2004-2005 Neighborhood Housing and Community Development Special Revenue Fund for the Community Development Block Grant.)
The motion authorizing the negotiation and execution of Amendment No. 1 to a professional service agreement was approved.
8. Approve third reading of an ordinance to annex the Brandt Road Area (Approximately 32.951 acres in Travis County east of IH 35 at the northeast corner of the intersection of IH 35 and Brandt Road) and grant I-GR (Interim-Community Commercial) designation. (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.) (Related Item Z-2)
This item was postponed to February 10, 2005.

Item 9 was pulled for discussion.

10. Approve an ordinance authorizing negotiation and execution of all documents necessary to vacate a 2.404 acre portion of Yager Lane to QUENTIN LTD. ("Quentin"), in exchange for Quentin conveying and constructing a 1.356 acre tract (Yager Lane/Tech Ridge Drive approach) and a 1.407 acre tract (Tech Ridge Drive) to City of Austin. The ordinance also authorizes negotiation and execution of all documents necessary for the City of Austin to convey two parcels to the Texas Department of Transportation for related IH35-Tech Ridge Drive Interchange improvements, (0.069 acres received from Quentin and 0.193 acres received from Travis County) for the City's required participation in the IH35-Tech Ridge improvements. (Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.) (Related Items 11, 12)
Ordinance No. 050203-10 was approved.
11. Authorize execution of a Roadway Improvement Agreement with QUENTIN, LTD., for funding the construction of the connection by the Texas Department of Transportation of Tech Ridge Boulevard, east of IH 35, with the proposed bridge structure designated as Yager Lane Bridge, in a not to exceed amount of \$665,187. (Quentin Ltd has deposited \$665,187 in an escrow account with the City of Austin.) (Related Items 10, 12)
The motion authorizing the execution of a Roadway Improvement Agreement was approved.

12. Authorize execution of an agreement with TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) for connecting Tech Ridge Boulevard, East of IH 35, with the proposed bridge structure designated as Yager Lane Bridge in an amount not to exceed \$597,418. (Funding is available from an escrow account collected from the developer, Quentin, Ltd., to pay for this work.) (Related Items 10, 11)
The motion authorizing the execution of an agreement was approved.
13. Authorize execution of change order # 4 to the construction contract with SIMPLEXGRINNELL, L.P., Round Rock, TX, for additional security improvements to the Austin-Bergstrom International Airport (ABIA) in the amount of \$131,818, for a total contract amount not to exceed \$1,805,814.90. (Funding in the amount of \$131,818 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Department of Aviation.) 20.67% DBE subcontractor participation to date.
The motion authorizing the execution of change order #4 to the construction contract was approved.
14. Authorize execution of change order # 12 to the construction contract with JOURNEYMAN CONSTRUCTION, L.P. (MBE/MA 22.30%), Austin, TX, for the Austin Resource Center for the Homeless, in the amount of \$200,000, for a total contract amount not to exceed \$5,270,781.99. (Funding in the amount of \$200,000 is available in Fiscal Year 2002-2003 Capital Budget of the Austin Travis County Health and Human Services Department.) 13.95% MBE and 7.27% WBE subcontractor participation to date.
The motion authorizing the execution of change order #12 to the construction contract was approved.
15. Authorize an increase in the design-build agreement for the Austin-Bergstrom International Airport (ABIA) Terminal Baggage Screening Improvements with HENSEL PHELPS CONSTRUCTION CO., Austin, TX, in an amount not to exceed \$6,500,000 for a total amount not to exceed \$21,000,000. (Funding in the amount of \$6,500,000 is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Aviation Department. The \$21,000,000 contract is partially funded by the Federal Aviation Administration (FAA) via a grant and Passenger Facility Charges.) 19.89% DBE participation to date.
This item was postponed indefinitely and removed from the agenda.
16. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with TBG PARTNERS INC., Austin, TX for design services contingency for the Town Lake Park construction work in the amount of \$200,000, for a total contract amount not to exceed \$1,639,312. (Funding in the amount of \$200,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Department.) 12.17% MBE and 13.97% WBE subcontractor participation to date. (Reviewed; no action taken by the Parks Board on January 25, 2005.)
Resolution No. 050302-16 was approved.
17. Authorize execution of a 12-month service agreement with LEXISNEXIS, Carol Stream, IL, for public records retrieval in an amount not to exceed \$56,726.17, with two 12-month extension options in an amount not to exceed \$56,726.17 for each extension option, for a total agreement amount not to exceed \$170,178.51. (Funding in the amount of \$33,090.26 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining five months of the original contract period and the extension options is contingent upon available funding in future budgets.) Critical Business Need. 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.

18. Authorize execution of a 12-month supply agreement with AIRGAS SOUTHWEST, Austin, TX, for industrial gases and rental of gas cylinders in an amount not to exceed \$172,658.58, with three 12-month extension options in an amount not to exceed \$172,658.58 for each extension option, for a total agreement amount not to exceed \$690,634.32. (Funding in the amount of \$115,105.70 is available in Fiscal Year 2004-2005 Approved Operating Budgets of the following Departments: \$43,007.96-Austin Energy; \$1,414.58-Austin Water Utility; \$66,284.50-Aviation; and \$4,398.66-Financial and Administrative Services Department, Fleet Services. Funding for the remaining four 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.
19. Authorize execution of two 12-month supply agreements with HERSEY METERS DIVISION OF MUELLER CO., Cleveland, NC, in an amount not to exceed \$324,355.60, with two 12-month extension options in an amount not to exceed \$324,355.60 for each extension option, for a total agreement amount not to exceed \$973,066.80; and with BADGER METER, INC., Milwaukee, WI, in an amount not to exceed \$261,992.90, with two 12-month extension options in an amount not to exceed \$261,992.90 for each extension option, for a total agreement amount not to exceed \$785,978.70, for water meters for the Austin Water Utility. (Funding in the amount of \$293,174.25 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining six months and extension options are contingent upon available funding in future budgets.) Lowest responsive bids of three received. These contracts 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 the two supply agreements was approved.
20. Authorize execution of a 12-month supply agreement with SUMMIT CHEMICALS, INC., Tulsa, OK, for sodium hexametaphosphate for the Austin Water Utility in an amount not to exceed \$245,830, with two 12-month extension options in an amount not to exceed \$245,830 for each extension option, for a total contract amount not to exceed \$737,490. (Funding in the amount of \$122,915 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining six months and extension option 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.
21. Authorize execution of a 12-month service agreement with BROWNING-FERRIS INDUSTRIES WASTE SERVICES OF TEXAS-AUSTIN DIVISION, Austin, TX for roll-off containers and disposal services for grit and screenings from wastewater treatment plants for the Austin Water Utility, in an amount not to exceed \$130,440 with two 12-month extension options in an amount not to exceed \$130,440 for each extension, for a total contract amount not to exceed \$391,320. (Funding in the amount of \$65,220 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining six months of the original contract

period and extension options is contingent upon available funding in future budgets.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

22. Authorize execution of a 12-month supply agreement with CAPITOL AGGREGATES, LTD, Austin, TX, for aggregate materials for the Austin Water Utility in an amount not to exceed \$186,135.40, with two 12-month extension options in an amount not to exceed \$186,135.40 for each extension option, for a total contract amount not to exceed \$558,406.20. (Funding in the amount of \$124,090.26 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining four months and extension options are contingent upon available funding in future budgets.) Sole bid. 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.

23. Ratify execution of Amendment No. 3 to the contract with FORD AUDIO VIDEO SYSTEMS, INC., Austin, TX, for items associated with the Audio Video system at CTECC in an amount not to exceed \$12,599.69, for a revised total contract amount not to exceed \$647,483.52. (Funding in the amount of \$12,599.69 is available in the Fiscal Year 2004-2005 Operating Budget of the Communications and Technology Management Division of the Financial & Administrative Services Department.) 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. 3 to the contract was approved.

24. Authorize execution of Amendment No. 1 to the contract with BUSINESS RESOURCE CONSULTANTS, Austin, TX, (MBE/FB 100%) to provide training and technical assistance to small businesses in an amount not to exceed \$55,573, for a total contract amount of \$95,268. (Funding in the amount of \$55,573 is included in the Fiscal Year 2004-2005 Operating Budget of the Economic Growth and Redevelopment Services Office.) (Related Items 25, 26)

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

25. Authorize execution of Amendment No. 1 to the contract with THE CAPITAL CITY AFRICAN-AMERICAN CHAMBER OF COMMERCE, Austin, TX, to provide training and technical assistance services for small businesses, in an amount not to exceed \$109,068, for a total agreement amount not to exceed \$145,424. (Funding in the amount of \$109,068 is included in the Fiscal Year 2004-2005 Operating Budget of the Economic Growth and Redevelopment Services Offices.) (Related Items 24, 26)

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

26. Authorize execution of Amendment No. 1 to the contract THE GREATER AUSTIN HISPANIC CHAMBER OF COMMERCE, Austin, TX, to provide training and technical assistance services for small businesses, in the amount not to exceed \$95,661, for a total agreement amount not to exceed \$127,548. (Funding in the amount of \$95,661 is included in the Fiscal Year 2004-2005 Operating Budget of the Economic Growth and Redevelopment Services Office.) (Related Items 24, 25)

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

27. Authorize execution of a 12-month supply agreement with STRYKER EMS, Kalamazoo, MI, for ambulance stretchers, stair chairs, accessories, and repair parts for the Emergency Medical Services Department in an amount not to exceed \$77,250, with two 12-month extension options in amounts not to exceed \$107,995 for the first extension option and \$145,960 for the second extension option, for a total agreement amount not to exceed \$331,205. (Funding in the amount of \$72,233 is available in the Fiscal Year 2004-2005 Approved Operating Budget for the Emergency Medical Services Department for ambulance stretchers, stair chairs, accessories and repair parts. Funding for the remaining four months of the original contract period for the repair parts portion and the extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

28. Authorize execution of a 12-month service agreement with ESS GROUP, DBA OHD SOUTH CENTRAL TEXAS, Brenham, TX, for maintenance and repair of overhead doors in an amount not to exceed \$151,500 with two 12-month extension options in an amount not to exceed \$151,500 for each extension option, for a total agreement amount not to exceed \$454,500. (Funding in the amount of \$55,834 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Fire Department and funding in the amount of \$45,161 is available in the Fiscal Year Approved Operating Budget of Austin/Travis County Emergency Medical Services. Funding for the remaining four months of the original contract period and extension option is contingent upon available funding in future budgets.) Lowest bid of three 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.

29. Authorize execution of a 12-month supply agreement with CONTROL PANELS USA, Georgetown, TX, for various types of substation relay panels and associated hardware in an amount not to exceed \$1,300,000, with four 12-month extension options in an amount not to exceed \$1,300,000 for each extension option, for a total agreement amount not to exceed \$6,500,000. (Funding in the amount of \$1,300,000 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) 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 supply agreement was approved.

30. Board and Commission appointments.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Impact Fee Advisory Committee</u>		
Richard Kallerman	Consensus	Reappointment
Hank Kidwell	Consensus	Reappointment
William Moore	Consensus	Reappointment

Mexican American Cultural Center Advisory Board

Patricia Mendoza

Consensus

Appointment

Urban Transportation Commission

Gregory Sapire

Council Member McCracken's

Reappointment

Item 31 was pulled for discussion.

32. Approve an ordinance authorizing waiver or reimbursement of certain fees and requirements under Chapter 14-8 of the City Code, and authorizing payment of certain costs for the Celebration of Texas Independence Day, Inc.'s Texas Independence Day Run and Parade to be held on March 5, 2005. (Council Member Brewster McCracken, Mayor Will Wynn and Mayor Pro Tem Jackie Goodman)

Ordinance No. 050203-32 was approved.

33. Approve an ordinance waiving the signature requirement and waiving certain fees under Chapter 14-8 of the City Code for the 2005 Rosedale Ride to be held on April 2, 2005. (Mayor Will Wynn, Council Member Daryl Slusher and Council Member Danny Thomas)

Ordinance No. 050203-33 was approved.

34. Set a public hearing on an appeal by Ed King (Long Canyon Home Owners Association, Phase I) and Joseph Konopka (Long Canyon Home Owners Association, Phase II/III) of the Zoning and Platting Commission's decision to grant a Hill Country Roadway Site Plan with waiver/variances for Potter's Dentistry at 7901 FM 2222 (site plan no. SPC-04-0022A). (Suggested date and time: February 10, 2005, at 6:00 p.m.) (Granted by the Zoning and Platting Commission on December 7, 2004 (6-2).)

The public hearing was set for February 10, 2005, at 6:00 p.m., Council Chambers of City Hall.

Items 35 through 40 were Executive Session items.

Items 41 and 42 were briefings set for a time certain of 2:00 p.m.

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

Items 43 through 46 were public hearings set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:34 a.m.**EXECUTIVE SESSION**

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

Private Consultation with Attorney - Section 551.071

35. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
No discussion was held on this item.

Items 36 was discussed later in Executive Session.

37. Discuss legal issues concerning proposed legislation in the 79th Legislative Session. (Related Item 6)
No discussion was held on this item.
38. Discuss legal issues in Cause No. A-04-CA-167SS: *Lisa Sanchez v. City of Austin, Texas*; United States District Court; Western District, Austin Division (concerns whistleblower causes of action and alleged free speech violations) (Related Item 4)
No discussion was held on this item.
39. Discuss legal issues related to the negotiation and documentation related to the sale of Mueller site (formerly Robert Mueller Municipal Airport) to Catellus Austin, LLC and the legal service contract with Thompson & Knight L.L.P. (Related Item 5)
No discussion was held on this item.

Personnel Matters - Section-551.074

Further discussion of item 40 occurred later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 11:56 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Leslie Alicia Cochran - The Continuing Story of the Awful Police Dept.

Carter Breed - Complaint - Water & Wastewater Department

Debbie Russell - APD & "Non Lethal" Weapons

Jack Bishop - Dangerous Dogs

Robert Thomas - Unfair Labor Relations for Athletes and Building at the Rosewood Park and Recreation Center

Jennifer L. Gale - Health Care - Full Physical, Dental and Eye Exam yearly - Paid for by all Individuals monthly - Treated by Health Care Professionals as Athletes with nutritional needs.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:29 p.m.

EXECUTIVE SESSION CONTINUED

Personnel Matters - Section-551.074

Further discussion of item 40 occurred later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:13 p.m.

BRIEFINGS

42. Presentation from the Solid Waste Services Department on the Single-stream Recycling Pilot Program.

The presentation was made by Willie Rhodes, Director of Solid Waste Services.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 2:33 p.m.

EXECUTIVE SESSION CONTINUED

Further discussion of item 40 occurred later in Executive Session.

47. Discuss legal issues regarding Cause No. GV-400101; *City of Sunset Valley, Save Our Springs, et al. v. City of Austin and Lowe's*; 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)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:55 p.m.

ZONING CONSENT ITEMS

- Z-2 C14-04-0204 - Northeast corner of IH-35 South, northbound service road and Brandt Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9701-9817 IH-35 South, northbound service road (Onion Creek Watershed) from interim-community commercial (I-GR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and general office-conditional overlay (GO-CO) combining district zoning for Tract 2. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719. (Related Item 8)

This item was postponed to February 10, 2005 on consent on Council Member Thomas' motion, Mayor Wynn's second on a 6-0 vote. Council Member Dunkerley was off the dais.

- Z-1 C14-04-0184 - Giss's Cafe - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6001 West William Cannon Drive (Williamson Creek Watershed-Barton Springs Zone) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Benchmark Plaza, Ltd. (David C. Mahn). Agent: Giss's Cafe (Valerie Gibbs). City Staff: Wendy Walsh, 974-7719.

The public hearing was closed and Ordinance No. 050203-Z-1 for community commercial-conditional overlay (GR-CO) combining district zoning, with conditions was approved on Council Member Thomas' motion, Council Member McCracken's second on a 6-0 vote. Council Member Dunkerley was off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 4:50 p.m.

EXECUTIVE SESSION CONTINUED

36. Discuss legal issues in Cause No. GN103302; *F.L. Vivion, N.K. Ballard, L.I. Ballard and all other Parties similarly situated v. The City of Austin*; in the 261st Judicial District; Travis County, Texas. (concerns the City transportation user fee and drainage fee)
40. Evaluate the performance of and consider compensation and benefits for the City Manager. (Related Item 31)

LIVE MUSIC

Ernie Durawa

PROCLAMATIONS

Presentation to the City – Progressive Flood Plain Management – to be presented by Roy Sedwick, Association of Flood Plain Managers, and to be accepted by Will Wynn and Watershed Protection and Development Review Department employees

Proclamation - George Washington Carver Day in honor of the Campus Grand Opening of the George Washington Carver Museum and Cultural Center and the Carver Branch Library - to be presented by Mayor Will Wynn and to be accepted by Warren Struss and Brenda Branch

Proclamation - LaFalco "Corky" Robinson Day - to be presented by Mayor Will Wynn and to be accepted by the honoree

Community Service Award - Habitat for Humanity in honor of their 20th Anniversary - to be presented by Mayor Will Wynn and to be accepted by Michael Willard

Executive Session ended at 5:50 p.m.

Mayor Wynn called the Council Meeting back to order at 6:41 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

45. Conduct a public hearing to consider a request for a variance from the Land Development Code to allow expansion and remodeling of a nonconforming structure at 7014 Greenshores Drive and to waive the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain of Lake Austin. (The environmental variance was not recommended by the Environmental Board, but was approved by the Zoning and Platting Commission.)
This item was postponed to February 10, 2005 on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Thomas were off the dais.

46. Conduct a public hearing to consider a request for a variance from the Land Development Code to allow the expansion and remodeling of an existing structure located at 708 East 6th Street and to waive the requirement to dedicate a drainage easement to the full extent of the 100-year floodplain of Waller Creek.
This item was postponed to February 10, 2005 on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Thomas were off the dais.
44. Conduct a public hearing and approve an ordinance setting standards of Child Care for the Parks and Recreation Department facilities and programs. (Recommended by the Parks and Recreation Board on January 25, 2005)
The public hearing was closed and Ordinance No. 050203-44 was approved on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 6-0 vote. Council Member Thomas was off the dais.
31. Approve a resolution relating to the compensation and benefits for the City Manager. (Related Item 40)(Mayor Will Wynn, Council Member Betty Dunkerley and Council Member Daryl Slusher)
Resolution No. 050203-31 was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.
43. Conduct a public hearing and approve an ordinance amending Chapters 25-1, 25-2 and 25-6 of the Land Development Code to establish Transit Oriented Development districts, and adopting zoning and other regulations applicable in those districts. (Reviewed by Urban Transportation Commission, Design Commission and Planning Commission; to be reviewed by Zoning and Platting Commission on 2/1/05.) (Related Items 9, 41)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Thomas was off the dais.

This item was postponed to March 3, 2005 on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais. Staff was directed to conduct forums in order to, engage more people in the process. Staff was also directed to put the presentation on the City website.
9. Approve a resolution to establish goals for affordable housing in Transit Oriented Development (TOD) districts and Station Area Plans. (Related Items 41, 43)
The goals for affordable housing in Transit Oriented Development district and station area plans were taken up as part of the public hearing for item 43. Action on this item was postponed to March 3, 2005 on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.
39. Briefing on Transit Oriented Development regulations and process.(Related Items 9, 43)
The presentation was made by Paul Hilgers, Director Housing and Community Development; Laura Huffman, Assistant City Manager; and Alice Glasco, Director Neighborhood Planning and Zoning.

Mayor Wynn adjourned the meeting at 9:55 p.m. without objection.

The minutes for the Regular Meeting of February 3, 2005 were approved on this the 10th day of February, 2005 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.