

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 10, 2005**

Invocation: Bishop Lawrence Wilkerson, Agape Christian 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, February 10, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:17 a.m.

CONSENT AGENDA

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

1. Approval of minutes from the meeting of February 3, 2005.
The minutes from the regular meeting of February 3, 2005 were approved.
2. Approve an ordinance suspending Atmos Energy Corporation, Mid-Tex Division, formerly TXU Gas Company, proposed Gas Reliability Infrastructure Program customer surcharge and approve a resolution authorizing the City Manager to join the Allied Coalition of Cities in review of filing. (Related Item 3)
Ordinance No. 050210-2 and Resolution No. 050210-2 were approved.
3. Approve a resolution authorizing the City Manager to participate with the Allied Coalition of Cities and to intervene in the Atmos Gas Cost Prudence Review - Gas Utilities Docket No. 9530 with the Texas Railroad Commission. (Related Item 2)
Resolution No. 050210-3 was approved.
4. Approve a resolution to adopt procedures for conducting collective bargaining negotiations with the Austin Association of Professional Fire Fighters. (Related Item 23)
Resolution No. 050210-4 was approved.

5. Authorize negotiation and execution of an amendment to the outside counsel contract with *BRACEWELL & PATTERSON, L.L.P.*, Austin, TX, for legal services related to the matter of *The Application of The City of Austin for a Water Certificate of Convenience and Necessity (No. 33562-C and The Application of The City of Austin for a Wastewater Certificate of Convenience and Necessity (No. 33563-C), SOAH Docket No. 582-02-3056* for an increase of \$50,000, with a total contract not to exceed \$1,062,000. (Funding in the amount of \$50,000 is available in the 2004-2005 Approved Operating Budget of Austin Water Utility.) (Related Item 26)
The motion authorizing the negotiation and execution of an amendment to the outside counsel contract was approved.
6. 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-6)
This item was postponed to February 17, 2005.
7. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk Creek portion of the Austin Clean Water Program to acquire two temporary working space easements, one containing 1,508 square feet of land and the other one containing 847 square feet of land and a temporary ingress and egress easement containing 9,018 square feet of land, all out of Lot 1, Bridge Creek Section Two of the James P. Wallace Survey No. 57, a subdivision in the City of Austin, Travis County, Texas, in an amount not to exceed \$35,314. The owner of the property interests sought to be acquired is IH 35 CHIL'S JOINT VENTURE, LTD. The property is located at 7629 Interstate Highway 35 North, Austin, TX. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
Resolution No. 050210-7 was approved.
8. Approve resolution to authorize the fee simple acquisition of Lot 17, Block F, Onion Creek Forest Section 2 Amended, a subdivision in the City of Austin, Travis County, Texas, located at 5600 Thornhill Drive from Julia Anna Zarate and Teresa De Jesus Zarate for the Onion Creek Flood Buyout in the amount of \$50,000 for the land and improvements, and \$22,500 in relocation benefits plus moving related expenses not to exceed \$10,000 for a total amount not to exceed \$82,500. (Funding in the amount of \$82,500 is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Watershed Protection and Development Review Department.)
Resolution No. 050210-8 was approved.
9. Approve an ordinance authorizing negotiation and execution of all documents necessary to formally dedicate an easement for three different sections of existing public right-of-way of Guadalupe Street and 45th Street for a total of 7,248 square feet to the State of Texas for the use and benefit of the Permanent School Fund for an existing fiber optic line in connection with the development of the Triangle Square Project.
Ordinance No. 050210-9 was approved.

10. Authorize negotiation and execution of a professional services agreement with PARSONS WATER AND INFRASTRUCTURE, INC., Austin, TX, for professional engineering services on the Drainage Infrastructure Geographical Information System Data Acquisition project, in an amount not to exceed \$350,000. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Watershed Protection and Development Review Department.) Best qualification statement of eight received. 16.2% MBE and 14.2% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
11. Authorize negotiation and execution of a professional services agreement with TURNER COLLIE & BRADEN, INC., Austin, TX, for providing professional preliminary engineering and design services for the Davis Water Treatment Plant process improvements, equipment replacements and rehabilitations, in an amount not to exceed \$800,000. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Best qualification statement of nine received. 15.90% MBE, 17.20% WBE subconsultant participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a professional services agreement was approved.
12. Approve an ordinance setting taximeter rates of fare and repealing Ordinance No. 991216-31. (Recommended by the Urban Transportation Commission.)
Ordinance No. 050210-12 was approved.
13. Authorize negotiation and execution of a contract with CLEAN POWER RESEARCH, Napa, CA, for consulting work to determine the comprehensive value of solar power in an amount not to exceed \$122,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy Conservation Rebates and Incentives Fund.) Best proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
This item was postponed indefinitely and removed from the agenda.
14. Authorize execution of two 12-month supply agreements with SCHWEITZER ENGINEERING LABORATORIES, INC. Pullman, WA, in an amount not to exceed \$799,389, with four 12-month extension options in an amount not to exceed \$799,389 per extension option, for a total agreement amount not to exceed \$3,996,945; and with GREENFIELD COMPRESSION, INC., Richardson, TX, in an amount not to exceed \$107,000, with four 12-month extension options in an amount not to exceed \$107,000 per extension option, for a total agreement amount not to exceed \$535,000 for various types of replacement relays for switchgear and panels and associated equipment. (Funding in the amount of \$806,389 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding in the amount of \$50,000 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bidder meeting specification and low bidder 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 two supply agreements was approved.

15. Authorize negotiation and execution of Amendment No. 1 to the agreement with HUMMINGBIRD LTD, Toronto, Ontario, Canada, for a 12-month service agreement for maintenance and support services in an amount not to exceed \$122,031, with four 12-month extension options in an amount not to exceed \$122,031, per extension option, for a revised total agreement amount not to exceed \$1,698,624 (Funding in the amount of \$122,031 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Communications and Technology Office of the Financial and Administrative Services Department. Funding for the extension options is contingent upon available funding in future budgets.) This contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.
The motion authorizing the negotiation and execution of Amendment No. 1 to the agreement was approved.
16. Authorize execution of a 12-month service agreement with AMERICAN MINORITY BUSINESS FORMS, Austin, TX, for the production of City-wide forms in an amount not to exceed \$73,719, with two 12-month extension options in an amount not to exceed \$73,719 per extension option, for a total agreement amount not to exceed \$221,157. (Funding in the amount of \$55,289 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Finance and Administrative Services Department, Materials Management Division. Funding for the remaining three months of the original contract period and the 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.
17. Ratify Amendment No. 1 to a revenue agreement with UNIQUE MANAGEMENT SERVICES, INC., Jeffersonville, IN, for collection of overdue library materials, fines and fees for the Austin Public Library, to increase the estimated annual collection fees by \$115,000 for the first year, for a revised total of \$130,000 and to increase the estimated annual revenue amount by \$48,000, for a revised total revenue amount of \$130,000 for the first year. The two 12-month extension options for collection fees will be increased by \$100,000 for a total of \$115,000 per extension option and for revenue by \$33,000 for a total of \$115,000 per extension option. (The increase in collection fees will be offset by the increased revenue.) 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 the original solicitation.
The motion authorizing Amendment No. 1 to a revenue agreement was approved.
18. Approve an ordinance authorizing the City's co-sponsorship, including fee waivers in an amount not to exceed \$56,460, of the Coexistence Billboard Art Exhibit, organized in connection with the "Light: the Holocaust and Humanity Project," to be on display at Auditorium Shores from March 3, 2005, through March 31, 2005, and authorizing the negotiation and execution of any contracts with Ballet Austin that are necessary for co-sponsorship of the event. (Mayor Will Wynn, Council Member Raul Alvarez and Council Member Danny Thomas)
Ordinance No. 050210-18 was approved.

19. Approve waiver of certain fees and requirements under Chapter 14-8 of the City Code for the Austin Jewish Academy's Bagelfest 5k, to be held on March 6, 2005. (Council Member Brewster McCracken, Council Member Raul Alvarez and Council Member Betty Dunkerley)
The motion authorizing the waiver of certain fees and requirements was approved.
20. Set a public hearing to consider a variance request to allow construction of a residential condominium in the 100-year and 25-year floodplains of Hancock Branch at 1605 Houston Street. (Suggested date and time: February 17, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street)
The public hearing was set for February 17, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
21. Set public hearings for the full purpose annexation of the following annexation areas: **Rosemont at Old Manor Area** (Approximately 23 acres located in Travis County south of US Highway 290 East, east of the abandoned Missouri-Kansas-Texas (MKT) Railroad and north of Old Manor Road); **Pioneer Hill/COA Tract** (Approximately 42 acres in Travis County west of Criswell approximately 1,430 feet west of the intersection of Criswell and Sprinkle Road); **Avery Ranch Area** (Approximately 62 acres in Williamson County, approximately 2,000 feet north of the intersection of Avery Ranch Blvd and Lisi Anne Drive.) (Suggested dates and times: March 3, 2005 at 6:00 p.m., City Council Chambers, 301 West 2nd Street; and March 10, 2005 at 6:00 p.m., Council Chambers, 301 West 2nd Street).
The public hearings were set for March 3, and 10, 2005 at 6:00 p.m., City Council Chambers, 301 West 2nd Street.
22. Set public hearings for the limited purpose annexation of **Goodnight Ranch Area** (Approximately 714 acres located in Travis County east of Old Lockhart Highway approximately one tenth of a mile east of the intersection of Slaughter Lane and Old Lockhart Highway). (Suggested dates and times: March 3, 2005 at 6:00 p.m., City Council Chambers, 301 West 2nd Street, and March 10, 2005 at 6:00 p.m., City Council, Chambers 301 West 2nd Street).
The public hearings were set for March 3, and 10, 2005 at 6:00 p.m., City Council Chambers, 301 West 2nd Street.

Items 23 through 26 and 36 were Executive Session items.

Items 27 and 37 were action on Executive Session items.

Items 28 and 29 were briefings set for a time certain of 2:00 p.m.

Items 30 through 31 and Z-1 through Z-6 were zoning items set for 4:00 p.m.

Items 32 through 35 were public hearings set for 6:00 p.m.

38. Board and Commission Appointments.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Board of Adjustment</u> Greg Smith	Consensus	Appointment

Herman Thun (Alternate)	Consensus	Appointment
<u>Commission on Immigrant Affairs</u> Patricia Calhoun	Consensus	Appointment
<u>Sign Review Board</u> Greg Smith	Consensus	Appointment
<u>Urban Renewal Board</u> Cristina De La Fuente-Valadez	Mayor Wynn's	Appointment

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:41 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

23. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters. (Related Item 4)
No discussion was held on this item.
24. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.
No discussion was held on this item.

Item 25 was discussed later in the meeting.

26. Discuss legal issues regarding the City's pending applications for certificate of convenience and necessity and sale, transfer, and merger approvals for wastewater service before the Texas Commission on Environmental Quality; and the legal and consulting services agreements with Bracewell & Patterson. (Related Item 5)
No discussion was held on this item.

Further discussion of item 29 on the regular agenda occurred later in Executive Session.

Item 36 was discussed later in the meeting.

Executive Session ended at 12:11 p.m.

Mayor Wynn called the Council Meeting back to order at 12:19 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Richard Halpin - American Youth Works' receipt of the National Home Builders Association Research Center 2005 Gold Award of Energy Valued Housing for the Affordable category in the Hot Climate Region

Dick Pierce - American Youth Works' receipt of the National Home Builders Association Research Center 2005 Gold Award of Energy Value Housing for the Affordable category in the Hot Climate Region. **Donated his time to Richard Halpin.**

Christopher Burnett - Murder in Ridgetop Neighborhood

Matt Hollon - Harmon Apartment Homicide

Neal Pollack - Murder in the Ridgetop Neighborhood

Leslie Alicia Cochran - APD

Jennifer Kim - Recognition of Asian Lunar New Year

Gavino Fernandez Jr. - Place Single-Member Districts on the May 2005 Ballot

Debbie Russell - Continued: Tasers, and Response to Rudy Garza's rebuttal

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 12:58 p.m.

EXECUTIVE SESSION CONTINUED

Private Consultation with Attorney - Section 551.071

Further discussion of item 25 occurred later in Executive Session.

The Mayor announced that Council would discuss item number 29 on the regular agenda during Executive Session.

36. 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 Council Meeting back to order at 2:18 p.m.

CITIZEN COMMUNICATION CONTINUED

Jennifer L. Gale - Bike Avenues. Transportation and Fitness for Austin's Elderly, Children, World Class Athletes, Loved Ones, the Middle Aged and Our Hero Lance Armstrong.

BRIEFINGS

28. Quarterly economic update.
The presentation was made by Greg Canally, Acting Budget Officer, Budget Office.
29. Presentation of development proposals for Block 21 bounded by Second Street, Guadalupe Street, Third Street and Lavaca Street.
The presentation was made by Taylor Bowing and Brad Nelson of Amli/Endeavor; Howard Yancy and Juan Miro of Zydeco; and Steve Drenner and Arthur Andersson of Stratus.

ZONING CONSENT ITEMS

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

30. C14-03-0125 - Wagner Tract - Approve second /third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13801-14409 North IH-35 Service Road North Bound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. First reading on June 17, 2004. Vote: (7-0); Approved CS-CO as recommended by staff, with additional conditions. Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Karl B. Wagner, Jr., Mary Ella Wagner Jones, and JP Morgan Chase Bank (Terry Anderson, Trust Officer). Agent: Doucet & Associates, Inc. (Carol M. Stewart). City Staff: Sherri Gager, 974-3057.

This item as postponed to March 24, 2005 at the applicant's request.

31. C14-04-0071 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8423 State Highway 71 West. (Williamson Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Council approved limited office-conditional overlay (LO-CO) combining district zoning at Second ordinance reading. Conditions met as follows: Conditional overlay incorporates the conditions imposed at second ordinance reading. Second reading on December 16, 2004. Vote: 6-0, McCracken off the dais. First reading on September 2, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.

This item was postponed to March 3, 2005 at the property owner's request.

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 Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

- Z-1 C14-04-0203 - Twin Liquors at Slaughter - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9300 South IH-35 Service Road Southbound (Onion Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Slaughterway Retail, Ltd. (Jeffrey S. Newberg). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.

Ordinance No. 050210-Z-1 for commercial-liquor sales (CS-1) district zoning was approved.

- Z-2 C14-04-0169 - The Vortex - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2206 Maple Avenue (Boggy Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to commercial-liquor sales-mixed use-conditional overlay- neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Applicant: Brooks Albert Co., L.L.C. Agent: The Vortex (Bonnie Cullum). City Staff: Tom Bolt, 974-2755.
Ordinance No. 050210-Z-2 for commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning was approved.
- Z-4 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 March 3, 2005 at the neighborhood association's request.

ZONING DISCUSSION ITEMS

- Z-3 C14-04-0189 - Superior Service Company - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2020 West Howard Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to limited industrial services (LI) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Superior Service Company (Robert Dale Steenrod). Agent: Holt Planners (David B. Holt, Jr.). City Staff: Sherri Gager, 974-3057.
The public hearing was closed and the first reading of the ordinance for limited industrial-conditional overlay (LI-CO) combining district zoning was approved on Council Member Slusher's motion, Council Member McCracken's second on a 7-0 vote.
- Z-6 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 6)
The public hearing was closed on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.
- Action on this item was postponed to February 17, 2005 on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:30 p.m.

EXECUTIVE SESSION CONTINUED

25. Discuss legal issues in Cause No. A-03-CA768-LY, *Mary Lopez v. Thomas Hardies, Individually and in his official capacity as an Austin Police Department Officer, and the City of Austin, Texas*, in the United States District Court, Western District, Austin Division (concerns an allegation of excessive force) (Related Item 27)

LIVE MUSIC

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PROCLAMATIONS

Texas 221 – to be presented by Mayor Wynn and to be accepted by David Balch, United Way Capital Area.

Distinguished Service Award - Ed Esquivel - to be presented by Council Member Betty Dunkerley and to be accepted by the honoree

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:26 p.m.

Action on Executive Session

27. Consider a possible settlement in Cause No. A-03-CA768-LY, *Mary Lopez v. Thomas Hardies, Individually and in his official capacity as an Austin Police Department Officer, and the City of Austin, Texas*, in the United States District Court, Western District, Austin Division. (concerns an allegation of excessive force)(Related Item 25)
The motion authorizing a settlement in the amount of \$100,000 plus \$42,000 of medical expenses was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.

ZONING DISCUSSION ITEM CONTINUED

- Z-5 C14H-04-0027 – Brown-Ledel-Silverman House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 West Lynn Street from multi-family residence, neighborhood plan (MF-4-NP) district to multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
The public hearing was closed on Council Member Thomas's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member McCracken was off the dais.

Action on this item was postponed to February 17, 2005 on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

32. Conduct a public hearing and approve a resolution authorizing the use of 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. (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 Resolution No. 050210-32 was approved on Council Member Thomas' motion, Council Member Slusher's second on a 7-0 vote.

33. 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.)
The public hearing was closed and Ordinance No. 050210-33 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 5-1 vote. Council Member Alvarez voted nay. Council Member Slusher was off the dais.

34. 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.
The public hearing was closed on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Mayor Wynn abstained and was off the dais.

Ordinance No. 050210-34 was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 5-1 vote. Mayor Wynn abstained and was off the dais. Council Member Slusher voted nay.

35. Conduct a public hearing and consider action on an appeal 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). (Granted by the Zoning and Platting Commission on December 7, 2004 (6-2).)
The public hearing was closed on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 7-0 vote.

There was a motion by Council Member Slusher and a second by Mayor Pro Tem Goodman to approve staff recommendation to modify the Planning Commission decision back to staff recommendation upholding appeal and to deny appeal of waiver of impervious cover provision. A friendly amendment was made by Mayor Pro Tem Goodman to approve waiver for driveway only.

Action on this item was postponed to February 17, 2005 on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

37. Authorize negotiation and execution of a settlement agreement in 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)
This item was withdrawn.

Mayor Wynn adjourned the meeting at 10:00 p.m. without objection.

The minutes for the Regular Meeting of February 10, 2005 were approved on this the 17th day of February, 2005 on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.