

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 4, 2005**

Invocation: Rev. Sandra Wilcox, Pastor, Messiah Lutheran Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 4, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:08 a.m.

CONSENT AGENDA

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

1. Approval of the minutes from the meeting of July 28, 2005.
The minutes from the meeting of July 28, 2005 were approved.
2. Authorize negotiation and execution of a cost reimbursement agreement with THE DOMAIN SHOPPING CENTER, L.P., Austin, TX, for the purchase and installation of required piping and related equipment as needed to interconnect its new commercial and retail development to the Austin Energy Domain Utility Plant district cooling system in an amount not to exceed \$4,200,000. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) (Approved by the Electric Utility Commission.)
The motion authorizing the negotiation and execution of a cost reimbursement agreement was approved.
3. Authorize execution of a contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for construction of Austin Energy's Northwest Substation, in an amount not to exceed \$1,588,800. (Funding is available in the Fiscal Year 2004-2005 Capital Improvement Budget of Austin Energy.) Lowest bid of two received. 2.72% MBE and 0.92% WBE (Approved by the Electric Utility Commission.)
The motion authorizing the execution of a contract was approved.
4. Approve an ordinance authorizing acceptance of \$700 in grant funds from the Capital Area Metropolitan Planning Commission (CAMPO); and amending the Fiscal Year 2004-2005 Austin Energy Operating Budget of Ordinance No. 040913-01 to appropriate \$700 for Commute Solutions Innovator Grant Assistance funding. (Grant funding of \$700 is available in Commute Solutions Innovator Grant Assistance Funding administered by CAMPO.) (Related Item 5)
Ordinance No. 20050804-004 was approved.

5. Authorize negotiation and execution of an Interlocal Agreement with Capital Area Metropolitan Planning Commission (CAMPO) for Commute Solutions Innovator Grant Assistance funding in the amount of \$700.00. (Grant funding is available in Commute Solutions Innovator Grant Assistance Funding administered by CAMPO.) (Related Item 4)

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

Item 6 was pulled for discussion.

7. Approve a resolution appointing Council Members Lee Leffingwell and Jennifer Kim, and reappointing Mayor Will Wynn, Mayor Pro Tem Danny Thomas and Council Members Raul Alvarez, Betty Dunkerley, and Brewster McCracken to the Board of Directors of Reinvestment Zone Number Fifteen, City of Austin, Texas, a Tax Increment Financing Reinvestment Zone (Downtown - Blocks 2,4, 3 and 21), and reappointing Mayor Will Wynn as Board Chair.

Resolution No. 20050804-007 was approved.

Items 8 and 9 were pulled for discussion.

10. Approve an amendment of the outside counsel contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P., Austin, TX, for legal representation in connection with the City's claims in *City of Austin v. Level 3 Communications, Inc. and Level 3 Communications, LLC*; Cause No. GN 304585, in the 353rd Judicial District Court, Travis County, Texas, for damages to the City's Onion Creek Tunnel and liner, in an amount not to exceed \$708,000 for a total contract amount not to exceed \$1,058,000. (Funding in the amount of \$708,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility.) (Related Item 34)

The motion authorizing an amendment of the outside counsel contract was approved.

11. Authorize execution of a construction contract with THERMAL MECHANICAL CONTRACTORS, INC., Austin, TX, for the Old Quarry Branch Library HVAC Upgrade Re-Bid in an amount not to exceed \$133,300.00 (Funding in the amount of \$133,300.00 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Library Department.) Only bid received. 2.13% MBE and 0.00% WBE subcontractor participation.

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

12. Approve an ordinance authorizing acceptance of \$1,500 in grant funds from the American Library Association Jewish Literature grant and amending Fiscal Year 2004-2005 Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$1,500 to the Austin Public Library's Jewish literature project entitled "Let's Talk About It: Jewish Literature." (Funding in the amount of \$1,500 is available from the American Library Association. The grant period is August 1, 2005 through August 1, 2006. No city match is required.)

Ordinance No. 20050804-012 was approved.

Item 13 was pulled for discussion.

14. Authorize an Interlocal Agreement between the City of Austin and Travis County for a Organized Crime District Attorney in an amount not to exceed \$98,486. (Funding is available subject to approval of the Fiscal Year 2005-2006 Proposed Operating Budget of the Austin Police Department.)

The motion authorizing an Interlocal Agreement was approved.

15. Authorize execution of a 12-month service agreement with COOK-HURLBERT, INC., Austin, TX, for software maintenance and support in an amount not to exceed \$113,000 with four 12-month extension options in an amount not to exceed \$115,260 for the first extension option, \$118,717 for the second extension option, \$123,466 for the third extension option, and \$129,639 for the fourth extension option, for a total agreement amount not to exceed \$600,082. (Funding in the amount of \$9,417 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining eleven months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source.
The motion authorizing the execution of a service agreement was approved.
16. Authorize execution of a contract with WABASH NATIONAL TRAILER CENTERS, San Antonio, TX, for the purchase of a frame-type semi-trailer for the Austin Water Utility in an amount not to exceed \$97,664. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Only 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.

Items 17 and 18 were pulled for discussion.

19. Authorize execution of a contract with SEARCH SYSTEMS, INC., Bakersfield, CA, for the purchase of remote imaging devices for the Emergency Medical Services Department in an amount not to exceed \$65,774. (Funding is available in the Office for Domestic Preparedness, U.S. Department of Homeland Security Fiscal Year 2004 Grant.) 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 contract was approved.
20. Authorize negotiation and execution of a 12-month service agreement with CENTRAL PARKING SYSTEM, Austin, TX, for the management and operation of the IH-35 parking lots for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$70,720, with two 12-month extension options in an amount not to exceed \$70,720 per extension option, for a total agreement amount not to exceed \$212,160. (Funding in the amount of \$11,787 is available in the Fiscal Year 2004-2005 Approved IH-35 Fund of the Finance and Administrative Services Department, Building Services Division. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a service agreement was approved.

21. Authorize execution of a contract with AIR INSTRUMENTATION, INC., Round Rock, TX, for a one time purchase of gas monitoring equipment and a four-year maintenance agreement for the Austin Fire Department in an amount not to exceed \$139,619. (Funding is available in the Office for Domestic Preparedness, U.S. Department of Homeland Security Grant.) 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 contract was approved.

22. Authorize execution of a 12-month supply agreement with RECORDED BOOKS, LLC, Prince Frederick, MD, for the purchase of unabridged audio books on cassette and compact disc for the Austin Public Library in an amount not to exceed \$231,250, with two 12-month extension options in an amount not to exceed \$231,250 per extension option, for a total agreement amount not to exceed \$693,750. (Funding in the amount of \$30,938 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Library Department. Funding in the amount of \$7,604 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Library Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) 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 supply agreement was approved.

23. Authorize execution of two contracts through the Houston-Galveston Area Council of Governments (H-GAC) with RUSH TRUCK CENTER, Houston, TX, for the purchase of one medium duty truck chassis in an amount not to exceed \$62,944, and with M-B COMPANIES, INC., Montgomery, PA for the purchase of one thermoplastic pavement striping body for the Public Works Department in an amount not to exceed \$242,784. (Funding in the amount of \$305,728 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department.) Purchase Cooperative.

The motion authorizing the execution of two contracts was approved.

24. Authorize negotiation and execution of a 60-month service agreement with USA MOBILITY, Dallas, TX, (formerly Metrocall) for paging services (wireless text and numeric messaging) in an amount not to exceed \$2,700,000, with five 12-month extension options in an amount not to exceed \$540,000 per extension option, for a total agreement amount not to exceed \$5,400,000. (Funding in the amount of \$540,000 is available in the Fiscal Year 2005-2006 Proposed Operating Budgets of various departments. Funding for the remaining 48-months of the original contract and extension options is contingent upon available funding in future budgets.) Best proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

25. Board and Commission appointments.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Electric Board</u> Randy Walden	Council Member Leffingwell's	Reappointment
<u>Electric Utility Commission</u> Frank A. Fernandez Robert Sessa	Council Member Alvarez' Consensus	Reappointment Appointment
<u>Planning Commission</u> David Sullivan	Council Member Leffingwell's	Reappointment
<u>Solid Waste Advisory Commission</u> Tracy Sosa	Mayor Wynn's	Reappointment
<u>Telecommunications Commission</u> Chip Rosenthal	Consensus	Reappointment
<u>Water and Wastewater Commission</u> Laura Raun Cheryl Scott-Ryan Michael Warner	Mayor Wynn's Consensus Council Member Leffingwell's	Reappointment Reappointment Reappointment
26.	Approve a resolution establishing the scope and purpose of new or existing Council sub-committees, approving appointments to local intergovernmental and interregional organizations or committees, and abolishing unnecessary sub-committees. (Mayor Will Wynn, Mayor Pro Tem Danny Thomas and Council Member Raul Alvarez) This item was postponed to August 18, 2005.	
27.	Approve a resolution directing the City Manager to present a briefing to Council regarding the current cost estimate for the construction of Town Lake Park and the impact of reducing Riverside Drive where it passes through the park to two lanes, giving particular attention to the addition of density in the downtown area, the conversion of Cesar Chavez to two-way, and future traffic flow on Barton Springs Road, Lamar Boulevard, and South First Street. (Council Member Jennifer Kim and Mayor Will Wynn) Resolution No. 20050804-027 was approved.	
28.	Approve an ordinance authorizing the waiver or reimbursement of certain fees and requirements, and authorizing payment of certain costs, for the Austin Family Eldercare Employee Appreciation Lunch to be held on Saturday, October 1, 2005, at the Hancock Recreation Center. (Council Member Lee Leffingwell, Council Member Raul Alvarez and Council Member Betty Dunkerley) Ordinance No. 20050804-028 was approved.	
29.	Approve an ordinance authorizing payment of Emergency Medical Services costs associated with the Senior Wellness Alliance's Senior Olympic finals to be held September 24, 2005 - October 2, 2005. (Council Member Lee Leffingwell, Mayor Pro Tem Danny Thomas and Council Member Brewster McCracken) Ordinance No. 20050804-029 was approved.	

30. Approve a resolution designating August 7, 2005 as a free swim day at Barton Springs Pool in commemoration of the 12th Anniversary of the passage of the Save Our Springs Ordinance. (Council Member Raul Alvarez, Mayor Will Wynn and Council Member Lee Leffingwell)
Resolution No. 20050804-030 was approved.
31. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the South Congress Combined Neighborhood Planning Area. The area is bounded by South 1st St. on the west, Ben White Blvd. on the north, IH-35 on the east, and William Cannon Dr. on the south. (Suggested date and time: August 18, 2005 at 4:00 p.m., City Hall Council Chambers, 301 West Second Street.
The public hearing was set for August 18, 2005 at 4:00 p.m., City Hall Council Chambers, 301 West Second Street.

Item TIF-1 was set for a time certain of 10:30 a.m.

Items 32 through 37 were Executive Session items.

Item 38 was action on an Executive Session item.

Item 39 was a bond sale set for a time certain of 2:00 p.m.

Item 40 was a briefing set for a time certain of 2:00 p.m.

Items AHFC-1 through AHFC-2 were set for a time certain of 3:00 p.m.

Items 41 and Z-1 through Z-9 were zoning items set for 4:00 p.m.

Items 42 through 46 were public hearings set for 6:00 p.m.

47. Approve an ordinance repealing and replacing Chapter 2-6 of the City Code to create the Public Safety and Emergency Management Department, create an offense, and provide a maximum penalty of a \$1,000 fine or confinement in jail up to 180 days for each offense; Amending section 13-2-13(b) of the City Code relating to ground transportation passenger services enforcement; repealing sections 8-1-3, 8-1-4, 13-1-52 of the City Code; and declaring an emergency.
Ordinance No. 20050804-047 was approved.

DISCUSSION ITEMS

6. Approve negotiation and execution of the First Amendment to the Interlocal Agreement between the City of Austin and the Travis County Hospital District to increase Service Operating Payments to the City for a portion of the initial term; describe support services to be provided to the Hospital District by the Communications Technology Management Department; and summarize the responsibilities of a new employee to be hired by the Hospital District. (Funding in the amount of \$22,346 will be available in the net transfer of funds from the Travis County Hospital District to the City of Austin in Fiscal Year 2004 -2005.)
The motion authorizing the negotiation and execution of the First Amendment to the Interlocal Agreement was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.

TAX INCREMENT FINANCING (TIF)

Mayor Wynn recessed the Council Meeting at 10:46 a.m. to go into the Tax Increment Finance (TIF) Meeting. See separate minutes.

TIF adjourned and the regular Council Meeting was called back to order at 10:50 a.m.

DISCUSSION ITEMS CONTINUED

18. Authorize execution of a 12-month service agreement with C. I. E. MANAGEMENT SERVICES (MBE-MA), Austin, TX, for hardscape maintenance services for Tax Increment Financing Reinvestment Zone #15, consisting of Blocks 2, 3, 4, and 21 for the Economic Growth and Redevelopment Services Office in an amount not to exceed \$61,290, with two 12-month extension options in an amount not to exceed \$61,290 per extension option, for a total agreement amount not to exceed \$183,870. (Funding in the amount of \$5,107.50 is available in the Tax Increment Financing Fund for Tax Increment Financing Reinvestment Zone #15. Funding for the remaining eleven months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of five 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. (Related Item TIF-1)
The motion authorizing the execution of a service agreement was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.
9. Adopt an ordinance amending the Fiscal Year 2004-2005 Operating Budget of the Ordinance 040913-01 to transfer appropriations and full time equivalent positions to fund the newly created Public Safety and Emergency Management Department, and to create full-time equivalent positions for the Public Safety and Emergency Management Department to support service delivery to the Parks and Recreation Department. (Funding in the amount of \$368,303 is available in existing appropriations in the Fiscal Year 2004-2005 Operating Budgets of Parks & Recreation, Municipal Court and Management Services.)
Ordinance No. 20050804-009 was approved on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.
13. Approve a resolution approving the City's (1) annual Action Plan for Fiscal Year 2005-2006, related to allocation of the U.S. Department of Housing and Urban Development grant funds, and (2) Community Development Fiscal Year 2005-2006 Program required by Texas Local Government Code Chapter 373, including funding allocations, and authorizing application to the U.S. Department of Housing and Urban Development for a \$3 million Section 108 Program loan to fund business loans under the City's Neighborhood Commercial Management Program. (Funding available through the following Federal Funds: CDBG, HOME, ESG, HOPWA, EDI Grant, Section 108 Funds, American Dream Down payment Initiative, Lead Hazard Control Grant, Healthy Homes Grant; and other Funds: Housing Assistance Fund, General Fund, Housing Trust Fund, Housing Bonds. Please see attached budget back-up.) (The Community Development Commission (CDC) received citizen input on April 12 and May 10, 2005 on the Fiscal Year 2005-2006 Action Plan and Chapter 373 Community Development Fiscal Year 2005-2006 Program. The CDC adopted recommendations to the Council for use of Fiscal Year 2005-2006 CDBG and HOME funds on June 14, 2005.)
Resolution No. 20050804-013 was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Wynn recessed the City Council Meeting to go into Executive Session at 11:42 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

32. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.

Item 33 was pulled for discussion.

34. Discuss legal issues in *City of Austin v. Level 3 Communications, Inc. and Level 3 Communications LLC*; Cause No. GN 304585, in the 353rd Judicial District Court of Travis County, Texas and the outside counsel contract with Scott, Douglass & McConnico. (concerns damages to the City's Onion Creek Tunnel and liner) (Related Item 10)
This item was withdrawn.

Item 35 through 37 were pulled for discussion.

Mayor Wynn called the Council Meeting back to order at 12:29 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - Back to School for A.I.S.D.

Michelle Huang - Overseas Persecution of Falun Gong

Pat Johnson - With 20 calls holding at 2:30am in one sector alone, we need more police officers and detectives to better serve our citizens. **Was not present when his name was called.**

Clinton Smith - Brief discussion of the Gray Panthers position on public safety and public services as reflected in the Fiscal Year 2005-2006 budget.

Torsten Trey - Overseas Persecution of Falun Gong

Paul Robbins - City Issues

Mayor Wynn recessed the Council Meeting to go into Executive at 12:47 p.m.

EXECUTIVE SESSION CONTINUED

33. Discuss legal issues concerning curb island street improvements on Shoal Creek Boulevard.
35. Discuss legal issues in *State of Texas v. John Francis Curran III*, Cause No 553926, in the Municipal Court of the City of Austin. (concerns the City's solicitation ordinance)

36. Discuss legal issues in *Josie Ellen Champion, et al. v. City of Austin*, Cause No. GN-400513, in the Travis County District Court. (concerns a legal challenge to zoning ordinances governing tracts at FM 2222 and Loop 360)

Real Property - Section 551.072

37. Discuss sealed bid offers received for the purchase of property located at 1022 East 12th Street, Austin, Texas. (Related Item 38)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:54 p.m.

Bond Sales

39. Approve an ordinance authorizing the issuance of approximately \$306,225,000 City of Austin, Texas, Airport System Variable Rate Revenue Refunding Bonds, Series 2005, including approval and authorization of all related documents. (No fiscal impact during Fiscal Year 2004-2005. \$18,089,615 estimated debt service requirement and \$600 estimated annual paying agent/registrar fee will be included in the Fiscal Year 2005-2006 Proposed Budget of the Airport Revenue Bond Redemption Fund.)

Ordinance No. 20050804-039 in the amount of \$306,225,000 was approved on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.

Action on Executive Session

38. Approve an ordinance authorizing the City Manager to accept the highest bid offer and negotiate and execute a contract of sale for the property located at 1022 East 12th Street, Austin, Texas. (Related Item 37)

Ordinance No. 20050804-038 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.

BRIEFINGS

40. Presentation of the Fiscal Year 2005-2006 Proposed Budget for the Community Services Departments, including the Neighborhood Housing and Community Development Department, the Library Department, the Parks and Recreation Department, and the Health and Human Services Department.

The presentation was made by Michael McDonald, Assistant City Manager; Warren Struss, Director Parks and Recreation; Brenda Branch, Director of Libraries; David Lurie, Director Public Health; and Paul Hilgers, Director Housing and Community Development.

17. Authorize execution of Amendment No. 2 to the contract with WALGREENS HEALTH INITIATIVES, Deerfield, IL, for pharmacy management and dispensing services, to increase the amounts for extension options one through four as follows: amounts not to exceed \$1,397,638, \$1,495,351, \$1,623,823, and \$1,787,566 respectively for each succeeding year; for a total revised contract amount not to exceed \$14,343,054. (Funding in the amount of \$932,546 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Community Care Services Department. Funding for the remaining eight months of the first option and remaining extension 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.

This item was postponed to August 18, 2005 on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 5:57 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 6:02 p.m.

Mayor Wynn recessed the Council Meeting at 6:02 p.m.

LIVE MUSIC

Robert Ortiz

PROCLAMATIONS

Proclamation - National Arts Program Week - to be presented by Mayor Will Wynn and to be accepted by April Sullivan

Proclamation - Community Health Center Week - - to be presented by Mayor Will Wynn and to be accepted by TBA

Distinguished Service Awards - Austin Fire Department Engine 19 and EMS Medic 8 personnel - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - Lights On! After School - to be presented by Mayor Will Wynn and to be accepted by Alvin Pruitt

Mayor Wynn called the Council Meeting back to order at 6:49 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was off the dais.

- Z-1 NPA-05-0007-01 - North Austin Civic Association - Conduct a public hearing and approve an ordinance amending the North Austin Civic Association Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from multi-family designation to commercial designation for property located at 9117 Northgate Boulevard, Lot 3 of Northgate Terrace Section 1. Planning Commission Recommendation: To change the future land use map to mixed use designation. Applicant: Syed Asif Shamise. Agent: Bennett Consulting (Jim Bennett). City Staff: Scott Whiteman, 974-2865. (Related Item Z-2)
This item was postponed to August 25, 2005 at the neighborhood association's request.
- Z-2 C14-05-0030 - Shamise 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9117 Northgate Blvd. (Little Walnut Creek Watershed) from multi-family-medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Applicant: Syed Asif Shamise. Agent: Bennett Consulting: Jim Bennett. City Staff: Sherri Sirwaitis, 974-3057. (Related Item Z-1)
This item was postponed to August 25, 2005 at the neighborhood association's request.
- Z-3 C14-05-0065.SH - Harris Branch Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12317 Dessau Road (Harris Branch Watershed) from interim-rural residence (I-RR) district to multi-family residence-low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning with conditions. Applicant: Dessau 21, Ltd. (Paul Joseph). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to August 18, 2005 at the neighborhood association's request.
- Z-5 C14-05-0083 - Jack & Johns - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7402 McNeil Drive (Rattan Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning in order to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Jack & Johns, Ltd. (John Baunach). Agent: Bennett Consulting: Jim Bennett. City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20050804-Z005 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-6 C14-05-0087 - 4611 Manchaca Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4611 Manchaca Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Ruth Framel. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20050804-Z006 for limited office-conditional overlay (LO-CO) combining district zoning was approved.

- Z-7 C14-05-0064 - Parmer Meadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12509 North Lamar Blvd. (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny commercial liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Continental I-35 Fund Limited Partnership (Daniel J. Minahan). Agent: Doucet and Associates, Inc. (Carol M. Stewart). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to August 25, 2005 at staff's request.
- Z-9 C14-05-0048 - Palm Harbor Round Rock Sales Office - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15996 N. III-35 Service Road-Southbound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning with conditions. Applicant: Palm Harbor Homes (Greg Vaughn). Agent: The Moore Group Inc. (Ed Moore). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to August 25, 2005 at the applicant's request.

ZONING DISCUSSION ITEMS

41. C14-04-0012.003 - Brentwood/Highland Combined Neighborhood Plan rezoning (Part) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6208 Burns Street (Waller Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with conditions. First reading on November 4, 2004. Vote: 7-0. Second reading on May 26, 2005. Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Greg Guernsey, 974-2387. Note: A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 20050804-041 was approved with conditions as approved on second reading and restrictive covenant as outlined on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.
- Z-4 C14-05-0066 - Trans - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11704-11706 North Lamar Blvd. (Walnut Creek Watershed) from limited office (LO) 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 limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Applicant and Agent: Mau Tran and Khanh Huynh Tran. City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 with the following prohibited uses: automotive rental, automotive sales, business or trade school, commercial off-street parking, financial services, funeral services, hotel-motel, indoor sports and recreation, outdoor sports and recreation, pet services, service station, community recreation (private), congregate living, guidance services, private secondary educational facilities, automotive repair services, automotive washing (of

any type), business support services, exterminating services, general retail sales (general), indoor entertainment, off-site accessory parking, pawn-shop services, research services, theater, community recreation (public), college and university facilities, hospital services (limited) and residential treatment, and drive-in service as an accessory use to a restaurant general and limited including a trip limit of 2000 trips per day was approved on Council Member Kim's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

- Z-8 C14H-04-0031 – Ikins-O'Connell-Messer House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2608 McCallum Drive from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To deny family residence-historic (SF-3-H) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed in opposition to this rezoning request.

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

The motion to deny historic zoning was approved on Council Member Kim's motion, Council Member Dunkerley's second on a 6-1 vote. Council Member Alvarez voted nay.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 5-0 vote. Council Members Alvarez and Leffingwell were off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

42. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2005-2006 Proposed Budget including the Neighborhood Housing and Community Development Department, the Library Department, the Parks and Recreation Department, and the Health and Human Services Department.
The public hearing was conducted.
43. Conduct a public hearing and approve the continuation of Chapter 9-3, relating to juvenile day and night time curfews.
The public hearing was closed and the motion authorizing the continuation of Chapter 9-3 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
44. Conduct a public hearing and approve an ordinance adopting an amendment to Chapter 25-10, Sign Regulations, of the City Austin Land Development Code to repeal language in subsection 25-10-43(B) which allows automatic approval of a variance application if the Sign Review Board does not act on the variance request by the 46th day after the application is filed. (Approved by the Planning Commission.)
The public hearing was closed and Ordinance No. 20050804-044 was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

45. Conduct a public hearing to consider a variance request by Mitchell and Jan Davis to allow construction of a single-family house in the 25-year and 100-year floodplains of Boggy Creek at Clifford Avenue, at Lots 1, 2 and 3, Block A of the proposed Z-Lofts Subdivision located at the southeast corner of the intersection of Martin Luther King Jr. Boulevard and Clifford Avenue. **This item was postponed to September 1, 2005 on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote.**
46. Conduct a public hearing to consider a variance request by Greystar Management Services to allow construction of a multi-family structure with parking garage in the 25-year floodplain of Waller Creek at 901 Red River Street. **The public hearing was closed and Ordinance No. 20050804-046 was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.**
8. Approve a resolution setting the date that the City Council will adopt a Fiscal Year 2005-2006 ad valorem tax rate on Monday, September 12, 2005, Tuesday, September 13, 2005, or Wednesday, September 14, 2005, and setting public hearings on the proposed tax rate for 6:00 p.m. Thursday, August 25, 2005, and 6:00 p.m. Thursday, September 1, 2005, in the City Hall Council Chambers, 301 West 2nd Street. **A motion to approve Resolution No. 20050804-008 setting public hearings on a proposed tax rate, announcing a maximum proposed rate of .4320, which is the current effective tax rate, and setting the dates council may adopt the Fiscal Year 2005-2006 ad valorem tax rate was made by Council Member Kim and seconded by Mayor Wynn.**
- The substitute motion to approve Resolution No. 20050804-008 announcing a maximum proposed rate of .4430, which is the current nominal tax rate, setting the public hearings on the proposed tax rate, and setting the dates council may adopt the Fiscal Year 2005-2006 ad valorem tax rate, was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Thomas, Council Members Alvarez, Dunkerley, Leffingwell and McCracken. Those voting nay were: Mayor Wynn and Council Member Kim.**

Mayor Wynn adjourned the meeting at 11:27 p.m. without objection.

The minutes for the Regular Meeting of August 4, 2005 were approved on this the 18th day of August, 2005 on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.