

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 18, 2005**

Invocation: Reverend Dr. Jimmy Cobb, Senior Minister, University Christian 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 18, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

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

CONSENT AGENDA

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

1. Approval of the minutes from the meeting of August 4, 2005.
The minutes from the meeting of August 4, 2005 were approved.
2. Authorize execution of a construction contract with PRC ROOFING CO., INC., Houston, TX, for repair and replacement of identified roof sections and windows at Austin Energy's Kramer Lane Service Center and Town Lake Center in an amount not to exceed \$144,193. (Funding in the amount of \$120,962 is available in Austin Energy's Fiscal Year 2004-2005 Approved CIP Budget. Funding in the amount of \$23,231 is available in Austin Energy's Fiscal Year 2004-2005 Amended Operating Budget.) 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 construction contract was approved.
3. Authorize negotiation and execution of an amendment to the existing Amended Wastewater Cost Reimbursement Agreement with WildHorse Investments, Ltd., to increase the amount of City cost reimbursement for construction of a 30, 27 and 24-inch wastewater main, and appurtenances to provide wastewater service within and near the proposed WildHorse Ranch development by \$1,035,550, for a new total actual "hard" construction costs for all wastewater improvements identified in the Amended Cost Reimbursement Agreement not to exceed \$10,740,030. WildHorse Ranch is located south of U.S. Highway 290 East, west of F.M. 973, and north of Lake Walter E. Long. (Funding in the amount of \$1,035,550 is included in the Fiscal Year 2004-2005 Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment was approved.

4. Authorize the negotiation and execution of an Amendment to the Emergency and Wholesale Water Service Contract between the City and the Village of San Leanna. (Recommended by Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment was approved.
5. Authorize the negotiation and execution of an Amendment to Wholesale Water Agreement with Manville Water Supply Corporation (Manville) for the provision of wholesale water service. (Recommended by Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment was approved.
6. Authorize the negotiation and execution of an agreement to purchase the wastewater treatment facilities and associated appurtenances from Dessau Utilities, Inc., in an amount not to exceed \$2,175,282, to provide wastewater service to customers in northeast Travis County. (Funding in the amount of \$2,175,282 is included in and contingent on Council approval of the Fiscal Year 2005-2006 Proposed Capital Budget of the Austin Water Utility.) (Recommended by Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an agreement was approved.

Items 7 and 8 were pulled for discussion.

9. Approve an ordinance repealing and replacing Article 10 of Chapter 2-1 of the City Code relating to the Austin-Travis County EMS Advisory Board.
Ordinance No. 20050818-009 was approved.

Item 10 was pulled for discussion.

11. Approve an ordinance denying the request by ATMOS Energy for an annual GRIP (gas reliability infrastructure program) rate increase; approve participation in the ATMOS Cities Steering Committee (ACSC); authorize ACSC to hire legal and consulting services to negotiate and direct any necessary legal action on the City's behalf; approve reasonable costs incurred by ACSC when acting on the City's behalf; approve a requirement for prompt reimbursement of costs and provide notice of this ordinance to ATMOS Energy Corp., Mid-Tex.
Ordinance No. 20050818-011 was approved.
12. Authorize an ordinance accepting additional grant funds from the Texas Department of Transportation Automobile Theft Prevention Authority in the amount of \$53,938 for the Auto Theft Interdiction Project in the Austin Police Department; amend the Fiscal Year 2004-2005 Police Department Operating Budget Special Revenue Fund of Ordinance 040913-01 to appropriate these funds for a total grant amount of \$368,938. (Funding in the amount of \$368,938 is available in Fiscal Year 2005-2006 (September 1, 2005 - August 31, 2006) from the Texas Department of Transportation Automobile Theft Prevention Authority. An in-kind match of \$426,646 is required and met through existing salary costs. Funding for the continued operation of this program is contingent upon available funding in the future budgets.)
Ordinance No. 20050818-012 was approved.

13. Authorize an ordinance accepting grant funds from the State of Texas, Governor's Office, Criminal Justice Division Victims of Crime Act (VOCA), in the amount of \$111,989 for the Austin Police Department project entitled "Comprehensive Victim Services Program"; amending the Fiscal Year 2004-2005 Police Department Operating Budget Special Revenue Fund of Ordinance 040913-01 to appropriate \$111,989 for a total grant amount of \$422,989. (Funding in the amount of \$422,989 is available in Fiscal Year 2005 - 2006 (July 1, 2005 - June 30, 2006) from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act (VOCA). A match of \$323,898 is required and will be met through in-kind volunteer hours and by continuing the existing salary funding and additional personnel expenses for grant funded FTIs in the Fiscal Year 2005 - 2006 Proposed Operating Budget for the Austin Police Department, Comprehensive Victim Services Program.)
Ordinance No. 20050818-013 was approved.

Item 14 was pulled for discussion.

15. Approve a resolution to authorize the fee simple acquisition of Lot 39, Block K, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6900 Catclaw Court, from Billie Jean Lowden and Homer M. Lowden, Jr. for the Onion Creek Flood Buyout Program, in an amount not to exceed \$52,000, for the land and improvements, and \$22,500, owner-assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$84,500. (Funding in the amount of \$84,500 is included in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department.)
Resolution No. 20050818-015 was approved.
16. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk-North/Capital Drive Project, a portion of the Austin Clean Water Program, to acquire a 1,566 square foot permanent wastewater line easement and a 3,060 square foot temporary working space easement out of the James P. Wallace Survey, No. 57, being a portion of Lot 2, Chapman's Acre Subdivision in the City of Austin, Travis County, in the amount of \$2,465. The owners of the needed property interests are Charles Nolen Scott and Melissa Scott, of Austin, TX. The property is located at 8805 Georgian Drive, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
Resolution No. 20050818-016 was approved.
17. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX, for the Southwest C Water Transmission Main Phase I project in the amount of \$4,659,668.10 plus a \$232,983.40 contingency, for a total contract amount not to exceed \$4,892,651.50. (Funding in the amount of \$1,842,651.50 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility and funding in the amount of \$3,050,000 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of two responsive bids received. 2.65% MBE and 3.53% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
This item was postponed to August 25, 2005.

18. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX for the Southwest C Water Transmission Main Phase II project in the amount of \$1,753,528 plus a \$87,676.40 contingency, for a total contract amount not to exceed \$1,841,204.40. (Funding in the amount of \$1,841,204.40 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of three responsive bids received. 0.29% MBE and 3.32% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
This item was postponed to August 25, 2005.
19. Authorize execution of a construction contract with LONE STAR INFRASTRUCTURE, Pflugerville, TX, for the construction of improvements coordinated with utility relocations for State Highway 130, in an amount not to exceed \$300,000. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission.)
The motion authorizing the execution of a construction contract was approved.
20. Authorize execution of a construction contract with STEWART-MATL, LTD., Austin, TX, for construction services for Austin-Bergstrom International Airport Terminal Improvements Phase 3 in an amount not to exceed \$496,000. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Aviation Department.) Lowest bid of three bids received. 33.48% MBE and 7.06% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
21. Authorize execution of a construction contract with BRH GARVER CONSTRUCTION, L.P., Houston, TX, for the Austin Clean Water Program: Giovalle S Basin Project 1 - Taylor Slough South in the amount of \$2,400,000 plus a \$120,000 contingency, for a total contract amount not to exceed \$2,520,000. (Funding in the amount of \$2,520,000 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 1.1% MBE and 81.4% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
This item was postponed to August 25, 2005.
22. Approve a resolution ratifying the Second Supplemental Contractual Agreement for Right-of-Way Procurement (ROW CSF NO.: 011313086) with the Texas Department of Transportation, amending the Contractual Agreement regarding reimbursement to the City of expenditures for right-of-way acquisition and utility relocation for the portion of the State Highway 71 Project from Riverside Drive to Thornberry Lane and including the State Highway 71 intersection. (Related Items 23, 24, 55)
Resolution No. 20050818-022 was approved.
23. Approve a resolution ratifying the Second Supplemental Contractual Agreement for Right-of-Way Procurement (ROW CSJ NO.: 015109039) with the Texas Department of Transportation amending the Contractual Agreement regarding reimbursement to the City of expenditures for right-of-way acquisition and utility relocation for the portion of U.S. 183 Project from U.S. 290 East to State Highway 71 and including the State Highway 71 intersection. (Related Items 22, 24, 55)
Resolution No. 20050818-023 was approved.

24. Approve a resolution ratifying the Second Supplemental Contractual Agreement for Right-of-Way Procurement (ROW CSJ NO.:011308039) with the Texas Department of Transportation, amending the Contractual Agreement regarding reimbursement to the City of expenditures for right-of-way acquisition and utility relocation for the portion of U.S. 290 West from Joe Tanner to Scenic Brook Drive and including the State Highway 71 Intersection. (Related Items 22, 23, 55)
Resolution No. 20050818-024 was approved.
25. Approve an ordinance amending Chapter 13-2 of the City Code relating to Ground Transportation Services. (Recommended by the Urban Transportation Commission.)
Ordinance No. 20050818-025 was approved.
26. Authorize ratification of a contract with WAUSKESHA ELECTRIC SYSTEMS, Goldsboro, NC for the purchase of three power transformers in an amount not to exceed \$2,056,178. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) 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 ratifying a contract was approved.
27. Authorize ratification of a contract with SMITH PUMP COMPANY, Waco, TX for pump repair in an amount not to exceed \$220,823.62. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) 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 ratifying a contract was approved.
28. Authorize execution of a contract with POWELL ELECTRICAL SYSTEMS, INC., Houston, TX for the purchase of two 15kV switchgear in an amount not to exceed \$1,010,932. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Low bid meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
29. Authorize execution of a contract with FOX, SMOLEN AND ASSOCIATES, Austin, TX, to perform a rate study of the open market territories of Electric Reliability Council of Texas (ERCOT) in an amount not to exceed \$72,240. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) Best proposal of four 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 execution of a contract was approved.

30. Authorize execution of a 12-month supply agreement with NGK-LOCKE, INC. C/O PRIESTER SUPPLY COMPANY, Austin, TX for transmission insulators in an amount not to exceed \$317,835, with three 12-month extension options in an amount not to exceed \$317,835 per extension option, for a total agreement amount not to exceed \$1,271,340. (Funding in the amount of \$26,486.25 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Low 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.

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

31. Authorize execution of a 12-month supply agreement with PIONEER TRANSFORMERS, LTD, Toronto, Ontario, Canada for purchase of network transformers in an amount not to exceed \$701,711, with two 12-month extension options in an amount not to exceed \$701,711 per extension option, for a total agreement amount not to exceed \$2,105,133. (Funding in the amount of \$701,711 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.) Low 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.

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

32. Authorize execution of a 12-month service agreement with EMR, INC., Arlington, TX, for elevator and escalator maintenance and repair services in an amount not to exceed \$119,740, with two 12-month extension options in an amount not to exceed \$98,140 per extension option, for a total agreement amount not to exceed \$316,020. (Funding in the amount of \$29,778 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Convention Center Department. Funding for the remaining 11 months of the original contract period and the 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.

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

33. Authorize execution of a contract with CORNERSTONE SYSTEMS, INC., Irvine, CA for the purchase of disaster recovery equipment for Communications and Technology Management (CTM) Department in an amount not to exceed \$104,565.00. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget for Communications and Technology Management.) Sole Source This contract will be awarded in compliance with the Chapter 2-9 of the City Code (Minority-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a contract was approved.

34. Authorize execution of a 12-month supply agreement with TOMLINSON'S FEED AND PETS, INC., Austin, TX for the purchase of pet food for the Town Lake Animal Center in an amount not to exceed \$59,000, with four 12-month extension options in an amount not to exceed \$59,000 per extension option, for a total agreement amount not to exceed \$295,000. (Funding in the amount of \$9,833 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining 10 months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with the 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.

Item 35 was pulled for discussion.

36. Authorize execution of a contract with ALL WEATHER POWERSPORTS, Georgetown, TX for the purchase of a mini track loader to perform necessary restoration and maintenance to drainage ponds in an amount not to exceed \$72,621. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department.) 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.

37. Approve an ordinance on second/third reading amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Planning Commission voted for no change to the current code.) (Related Item 56)

This item was postponed to September 1, 2005.

38. Authorize negotiation and execution of a Joint Funding Agreement with the UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY (USGS) for water resources investigation projects for Fiscal Year 2005-2006, in an amount not to exceed \$260,000, with two 12-month extension options in an amount not to exceed \$280,000 per extension, for a total contract amount not to exceed \$820,000 (Funding in the amount of \$260,000 is included in the Fiscal Year 2005-2006 Proposed Operating Budget of the Watershed Protection & Development Review Department.)

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

39. Approve a resolution authorizing negotiation and execution of an agreement with the Texas Forest Service (TFS) of the Texas A&M University System for U.S. Department of Agriculture Forest Service funding for an Oak Wilt Suppression grant with required City of Austin matching funds of \$25,000. (Funding in an amount up to \$25,000 is available in U.S. Department of Agriculture Forest Service grant funding administered by the Texas Forest Service. Local matching funds are required and \$25,000 in local matching funds are included in the Fiscal Year 2005-2006 Proposed Operating Budget of Austin Energy.)

Resolution No. 20050818-039 was approved.

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

Board/ Appointee	Consensus/ Council Nominee	Appointment/ Reappointment
<u>Animal Advisory Commission</u> Carol Adams	Council Member Dunkerley's	Reappointment
<u>Building and Fire Code Board of Appeals</u> Alan Schumann	Consensus	Reappointment
<u>Child Care Council</u> Sandra Briley (Travis County Representative)	Consensus	Reappointment
<u>Downtown Commission</u> Joe Moreno, Jr. (Hispanic Chamber Representative)	Consensus	Appointment
<u>Electric Board</u> Peggy Simpson	Council Member Dunkerley's	Appointment
<u>Environmental Board</u> John Dupnik (Barton Springs-Edwards Aquifer Conservation District Representative)	Consensus	Appointment
<u>Planning Commission</u> Gary Stegeman	Council Member Kim's	Appointment
<u>Solid Waste Commission</u> Casey Walker	Consensus	Appointment
<u>Urban Forestry Board</u> Nevic Donnelly	Consensus	Reappointment
<u>Urban Transportation Commission</u> Scott Williams	Council Member Leffingwell's	Appointment

Item 41 was pulled for discussion.

42. Approve a resolution authorizing the use of City Hall for memorial services to honor those people who have served the city as current or past Mayors or Council Members. (Mayor Will Wynn, Mayor Pro Tem Danny Thomas and Council Member Betty Dunkerley)
Resolution No. 20050818-042 was approved.

Item 43 was pulled for discussion.

44. Approve an ordinance amending Chapter 3-1 of the City Code relating to livestock enclosures. (Council Member Raul Alvarez, Mayor Will Wynn and Council Member Lee Leffingwell)
Ordinance No. 20050818-044 was approved.

45. Approve a resolution directing the City Manager to research and present a briefing to Council regarding Council resolutions and Environmental Board recommendations on air quality issues since 1998, their implementation status, focusing on the progress of resolutions on City of Austin operations and employee commutes, and the status of regional air quality planning efforts, particularly the Clean Air Action Plan and any public-private sector collaborations. (Council Member Lee Leffingwell, Council Member Raul Alvarez and Council Member Jennifer Kim)
Resolution No. 20050818-045 was approved.

Item 46 was pulled for discussion.

47. Approve waiver or reimbursement of certain fees related to the use of Commons Ford Ranch Metropolitan Park for the filming of "Mr. Rodell Goes Swimming" on August 9, and 11, 2005. (Mayor Will Wynn, Council Member Jennifer Kim and Council Member Lee Leffingwell)
The motion authorizing the waiver or reimbursement of certain fees was approved.
48. Approve an ordinance amending Title 2 of the City Code to add a new Chapter 2-12 relating to eminent domain powers. (Council Member Brewster McCracken, Mayor Will Wynn, and Council Member Leffingwell)
This item was postponed to August 25, 2005.

Item 49 was pulled for discussion.

50. Set a public hearing regarding the naming of an unnamed right-of-way to Waters Way. The right-of-way intersects Dark Valley Cove in the Shadowridge Crossing Section 12 subdivision generally located on E.M. 1826 between Slaughter Lane and U.S. Highway 290 West. (Suggested date and time: August 25, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street) (The processing fee of \$415 has been waived since it is a dedicated right-of-way and is sponsored by a City department. The City of Austin must pay a street sign replacement fee in an estimated amount of \$250.)
The public hearing was set for August 25, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
51. Set a public hearing to consider an appeal by Mike McHone under Section 25-11-247 of the City Code of the denial of a Certificate of Appropriateness by the Historic Landmark Commission under Section 25-11-247 of the City Code for the relocation of the Nelson and Texanna Davis House currently located at 1621 West 12th Street. (Suggested date and time: August 25, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street)
The public hearing was set for August 25, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 52 through 57 were Executive Session items.

Item 58 was action on an Executive Session item.

Item 59 was a briefing set for a time certain of 2:00 p.m.

Items 60 through 64 and Z-1 through Z-9 were zoning items set for 4:00 p.m.

Item 65 was a public hearing set for 6:00 p.m.

66. 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.

The motion authorizing the execution of Amendment No. 2 to the contract with the following amendment was approved.

Council Member McCracken offered a friendly amendment to add this wording to the Walgreen's Health Initiatives Contract, in Attachment B, at Section 2.1, Paragraph A. 2. (c), effective September 1, 2005, "Contractor agrees that, subject to the foregoing and all applicable laws, the Network Pharmacy will not refuse to fill a prescription due to a pharmacist's personal beliefs regarding the medication or the use of the medication. In the event that an individual pharmacist declines to fill a prescription based on personal belief, rather than professional judgment, the store's pharmacy manager will take necessary steps to arrange to have the prescription filled in-store, without discrimination or delay (in the normal time frame for filling prescriptions that are in stock)."

DISCUSSION ITEMS

8. Approve an ordinance authorizing negotiation and execution of an Economic Development Agreement and creating an economic development program for SAMSUNG AUSTIN SEMICONDUCTOR, L.L.C., including the following components: 1) a 10 year period of rebate of 100% of City property tax on a minimum \$2.5 billion investment in a 300 millimeter semiconductor fabrication plant, followed by an additional 10 year period with a rebate of 75% of City property tax if Samsung investment reaches \$3.5 billion; 2) rebate of building and construction fees in an amount not to exceed \$3 million; 3) waiver of costs and bonding requirement associated with electric infrastructure upgrades in an amount not to exceed \$5,779,000, and rebate of the costs associated with the installation of a thermal energy unit in an amount not to exceed \$500,000; 4) rebate of capital recovery fees in an amount not to exceed \$360,000, and rebate of costs associated with water quality upgrades in an amount not to exceed \$1,238,000. (Estimated amount of City incentives - over a 20 year period: \$58,525,194.)

Ordinance No. 20050818-008 was approved on Mayor Pro Tem Thomas' motion, Council Member Kim's second on a 7-0 vote.

7. Approve a resolution authorizing revised policies and procedures for the City's Cultural Arts Funding Program. (Recommended by Arts Commission)

Resolution No. 20050818-007 was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on 6-0 vote. Council Member McCracken was off the dais.

10. Approve an ordinance authorizing a non-exclusive license agreement with NextG Networks for installing telecommunication facilities in the public rights-of-way. (Approved by the Council Committee for Telecommunications Infrastructure)
Ordinance No. 20050818-010 was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 5-0 vote. Mayor Wynn and Council Member McCracken were off the dais.
14. Approve execution of Amendment No.1 to the Interlocal Agreement with Travis County for central booking and related jail services effective October 1, 2005, in an amount not to exceed \$4,410,131. (Funding is available subject to approval of the Fiscal Year 2005-2006 Proposed Operating Budget of the Austin Police Department.)
The motion authorizing the execution of Amendment No. 1 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 5-0 vote. Mayor Wynn and Council Member McCracken were off the dais.
35. Authorize execution of a contract through the Texas Building and Procurement Commission (TBPC) with L-3 COMMUNICATIONS MOBILE-VISION, INC., Bedford, TX for the purchase of 34 video/audio mobile law enforcement recording systems for the Public Safety and Emergency Management Department in an amount not to exceed \$103,190. (Funding in the amount of \$66,770 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Parks and Recreation Department; \$18,210 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department; and \$18,210 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Financial and Administrative Services Department, Communication and Technology Management Division.) Cooperative Purchasing
The motion authorizing the execution of a contract was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 5-0 vote. Mayor Wynn and Council Member Alvarez were off the dais.

Mayor Pro Tem Thomas recessed the Council Meeting at 11:56 a.m.

Mayor Wynn called the Council Meeting back to order at 12:00 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Pat Johnson - Police Department

Paul Robbins - City Issues

Arthur Assadourian - Northern Walnut Creek Multi-Use Trail. **He was not present when his name was called.**

Iela Hall - Ramp Needed by Low Income Senior Project - Austin Housing Finance Corporation. **She was not present when her name was called.**

Erika Gonzales - "Stop the Displacement of East Austinites".

Ana Villalobos - "Stop the Displacement of East Austinites"

Susana R. Almanza - Stop the Gentrification of East Austin Residents. Build real affordable housing for the poor and the working poor

Dr. Cranberg - Cost - Effectiveness - Austin Police Force

DISCUSSION ITEMS CONTINUED

43. Approve a resolution directing the City Manager to suspend all plans for the expansion of the South Austin Tennis Center, to initiate the process of identifying a new site for a tennis center and to determine the feasibility of developing such a facility jointly with Austin Independent School District (AISD) as part of their bond program relating to recreational facilities. (Council Member Raul Alvarez, Council Member Lee Leffingwell, and Council Member Brewster McCracken)
Resolution No. 20050818-043 was approved on Council Member Leffingwell's motion, Council Member Alvarez' second on a 5-1 vote. Mayor Pro Tem Thomas voted nay. Council Member Dunkerley abstained.

CITIZEN COMMUNICATION CONTINUED

Nailah Sankofa - Announcement of Black Artist Venues.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:23 p.m.

EXECUTIVE SESSION

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

Private Consultation with Attorney - Section 551.071

52. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
53. Discuss legal issues concerning proposed legislation in the 79th Second Called Legislative Session and legislation from the 79th Regular Legislative Session.
This item was withdrawn.
54. Discuss legal issues related to Travis County Hospital District interlocal, including federal funding issues.
This item was withdrawn.
55. Discuss legal issues concerning amendments to Right-of-Way Procurement Agreements with the Texas Department of Transportation for State Highway 71, U.S. Highway 183, and U.S. Highway 290 West, regarding reimbursement to the City of Austin for right-of-way acquisition and utility relocation costs for the proposed tolled portions of those highways. (Related Items 22, 23, 24)
This item was withdrawn.
56. Discuss legal issues regarding an amendment to Chapter 25-10 of the City Code relating to non-conforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Related Item 37)
This item was postponed to September 1, 2005.

57. 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)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:08 p.m.

BRIEFINGS

59. Presentation of the City of Austin Fiscal Year 2005-2006 Proposed Budget for the Public Safety Departments, including the Austin Police Department, the Austin Fire Department, the Emergency Medical Services Department, and the Municipal Court.

The presentation was made by Rudy Garza, Assistant City Manager; Rebecca Stark, Clerk of Municipal Court; Evelyn McKee, Presiding Judge of the Municipal Court; Greg Toomey, Administrator of the Community Court; Richard Harrington, Executive Director of Austin Travis County EMS; Ed Rock, Medical Director; Jim Evans, Acting Fire Chief; Stanley Knee, Chief of Police; and John Stephens, Director of Financial Services Department.

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 McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

60. C814-01-0038.02 - Parmer/Walnut creek PUD Amendment #2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200-1210 West Parmer Lane (Walnut Creek Watershed) from community commercial (GR) district zoning and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. First reading approved on June 23, 2005. Vote: 7-0. Applicant: Edgar and Linda Perry, Exxon Corporation (Sandra L. Heysinger). Agent: McLean & Howard, L.L.P. (William P. McLean). City Staff: Sherri Sirwaitis. 974-3057.
Ordinance No. 20050818-060 was approved.
61. C14-05-0015 - Jelson Commercial Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6941 West U.S. Highway 290 (Williamson Creek-Barton Springs Zone) from rural residence (RR) district zoning to neighborhood commercial (LR) district zoning. First reading approved on April 14, 2005. Vote: 7-0. Applicant: Convict Hill Development, L.L.C. (William K. Reagan, II). Agent: Brown McCarroll, L.L.P. (Nikelle S. Meade). City Staff: Wendy Walsh. 974-7719.
This item was postponed to September 1, 2005.
62. C14-05-0026 - Frontier Valley - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1805 Frontier Valley Drive (Carson Creek Watershed) from single-family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning with conditions. First reading approved on June 23, 2005. Vote 4-3 (Mayor Pro Tem Thomas, Kim, Alvarez - Nay). Second reading approved on July 28, 2005. Vote: 4-3 (Mayor Pro Tem Thomas, Kim, Alvarez - Nay). Property Owner: Marbella Corp. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil. 974-2330.
Ordinance No. 20050818-062 was approved.

ZONING CONSENT ITEMS

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

- Z-5 C14-05-0084 - Manor Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7700 Old Manor Road (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant industrial park-conditional overlay (IP-CO) combining district zoning. Applicant: Daniel W. Herd. Agent: Bury & Pittman (Jim Gallegos). City Staff: Robert Heil, 974-2330.

This item was referred back to the Zoning and Platting Commission.

- Z-6 C14-05-0044 - Cella 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10933 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-single-family residence standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Cella Investment Group (Terry Gregoricka). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.

This item was postponed to September 29, 2005.

Item Z-7 was reconsidered later in the meeting.

ZONING DISCUSSION ITEMS

63. C14H-05-0006 - Thompson Carter House - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1815 Waterston Avenue from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: Forward without a recommendation due to lack of a quorum vote. Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454. A valid petition has been filed in opposition to this rezoning request.

The first reading of the ordinance was approved on Council Member Leffingwell's motion, Mayor Pro Thomas' second on a 7-0 vote.

- Z-1 NP-05-0020 - Conduct a public hearing and approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the South Congress Combined Neighborhood Plan for the area bounded by Ben White Blvd. on the north, IH-35 on the east, William Cannon Dr. on the south, and South 1st St. on the west. (There is no fiscal impact associated with adopting the South Congress Combined Neighborhood Plan. An estimate of the fiscal impact to implement 63 of the recommendations in the plan is \$1,299,563. The fiscal impact of an additional 12 recommendations is undetermined at this time. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) (Recommended by Planning Commission.) (Related Items Z-2, Z-3, Z-4)

The public hearing was closed and Ordinance No. 20050818-Z001 was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 7-0 vote.

- Z-2 C14-05-0105 - Sweetbriar Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Sweetbriar Neighborhood Planning Area, bounded on the north by Stassney Lane, on the east by IH-35, on the south by William Cannon Drive and on the west by South First Street (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire area. Under the proposed Sweetbriar NPCD, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed for the entire neighborhood planning area. "Secondary Apartments," "Front Porch Setback," "Cottage Lot," "Urban Home," "Residential Infill," and "Corner Store" special uses are proposed for the North Bluff subdistrict. The North Bluff subdistrict encompasses those properties that front along North Bluff Drive and Crow Lane excluding the Pleasant Hill Elementary School. The "Neighborhood Mixed-Use Building" special use is being proposed for tracts 200, 203, 205-207, 209, 211-212, 215-217, 219-222, 224-227, 230-232, 235, 240-243, 252-254, 256, 258-260, 264-265, 266a, 266b, and 267-268. The "Neighborhood Urban Center" special use is being proposed for tracts 200, 205-207, 212, 217, 219-222, 224-227, 230-232, 235, 252-253, 256, 258-259, 264-265, 266a, 266b, and 267-268. The proposed zoning change will also change the base district zoning on 43 tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (WLO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan special use (NP) may also be added to these zoning base districts. Planning Commission Recommendation: To grant the request. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695 and Wendy Walsh, 974-7719. (Related Items Z-1, Z-3, Z-4)

The public hearing was closed and Ordinance No. 20050818-Z002 was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

- Z-3 C14-05-0106 - West Congress Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the West Congress Neighborhood Plan Area, bounded on the north by Ben White Boulevard, on the east by Congress Avenue, on the south by Stassney Lane and on the

west by South First Street (Williamson Creek; East Bouldin Creek; and West Bouldin Creek Watersheds.) The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire area. Under the proposed West Congress NPCD, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed for the entire neighborhood planning area. "Secondary Apartment" special use and "Garage Placement" and "Front Porch Setback" zoning regulations are proposed for the Normandy-Clarke, Garnett-Larcina, Pleasant Hill and Alamo Heights subdistricts. The Normandy-Clarke subdistrict is generally bounded by Clarke Street on the north, the eastern boundary of the Placidena Subdivision on the east, Radam Lane on the south and South First Street on the west. The Garnett-Larcina subdistrict is generally those properties that front along Garnett Street, Larcina Street, and Southview, and are within the Oldham Addition Subdivision. The Alamo Heights subdistrict is generally those properties with frontage along Clover Court, Philco Drive, Goliad Lane and Pastel Place, and are within the Alamo Heights Subdivision. The Pleasant Hill subdistrict is generally those properties that front along Mockingbird Lane, Hummingbird Lane, Blue Bird Lane, and Red Bird Lane, and are within the Pleasant Hill Addition Subdivision. The "Neighborhood Mixed-Use Building" special use is being proposed for tracts 1-3, 4a, 4b, 4c, 5, 6a, 6b, 7, 8a, 8b, 9-11, 14-16, 19, 22, 23a, 23b, 25-28, 30-32, 35, and 39. The "Neighborhood Urban Center" special use is being proposed for tracts 1, 4a, 4b, 4c, 5, 6b, 7, 8a, 8b, 9-10, 14-16, 19, and 39. The proposed zoning change will also change the base district zoning on 37 tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan special use (NP) may also be added to these zoning base districts. Planning Commission Recommendation: To grant the request. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Alex Koenig, 974-3515, and Wendy Walsh, 974-7719. (Related Items Z-1, Z-2, Z-4)

The public hearing was closed and Ordinance No. 20050818-Z003 was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

- Z-4 C14-05-0107 - East Congress Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the East Congress Neighborhood Planning Area, bounded on the north by Ben White Boulevard, on the east by IH-35, on the south by Stassney Lane and on

the west by Congress Avenue (Williamson Creek; East Bouldin Creek; and Blunn Creek Watersheds). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering the entire area. Under the proposed East Congress NPCD, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed for the entire neighborhood planning area. The "Neighborhood Mixed-Use Building" special use is being proposed for tracts 105, 108, 110-115, 117, 120-121, 125-126, 128, 142, 144-147 and 150-151. The "Neighborhood Urban Center" special use is being proposed for tracts 105, 108, 110-114, 117, 120-121, 125-126, 128, 145-147 and 150-151. The proposed zoning change will also change the base district zoning on 36 tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan special use (NP) may also be added to these zoning base districts. Planning Commission Recommendation: To grant the request. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Kathleen Welder, 974-2856 and Wendy Walsh, 974-7719. (Related Items Z-1, Z-2, Z-3) **The public hearing was closed and Ordinance No. 20050818-Z004 was approved on Council Member Kim's motion, Council Member McCracken's second on a 7-0 vote.**

- Z-8 C814-88-0001.08 - Gables at Westlake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-9) **The public hearing was closed on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote**

The first reading of the alternative ordinance distributed at the meeting was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

- Z-9 C814-88-0001(RCA) - Gables at Westlake - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 3100-3320 Capital of Texas Highway (Lake Austin Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades. 974-2775. (Related Item Z-8)

This item was postponed to August 25, 2005 on Council Member McCracken's motion. Mayor Pro Tem Thomas' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:42 p.m.

LIVE MUSIC

Clarence Pierce

PROCLAMATIONS

Proclamation - Breastfeeding Month - to be presented by Mayor Will Wynn and to be accepted by Shannon Jones

Certificates of Congratulations - GEAYL Girls Fast Pitch Softball Pony League National Champs - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - Charity Golf Tournament - to be presented by Mayor Will Wynn and to be accepted by Bertha Means

Certificates of Congratulations - Volunteers of the Month for July and August - to be presented by Council Member Brewster McCracken and to be accepted by Carolyn Grubb and Mary Sigg

ACTION ON EXECUTIVE SESSION

58. Approve a resolution authorizing the City Manager to execute a mediation agreement related to Cause No. GN-400513, *Josie Ellen Champion, et al. v. City of Austin*, in the 261 Judicial District Court of Travis County, and to initiate the re-zoning process for Tracts 1, 2, and 3 of the Champion Property (generally located at FM 2222 and Loop 360) as specified in the agreement. (Concerns a legal challenge to zoning ordinances governing tracts at FM 2222 and Loop 360)
Resolution No. 20050818-058 was approved on Mayor Pro Thomas' motion, Council Member Leffingwell's second on a 5-0 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Thomas, and Council Members Dunkerley, Kim and Leffingwell. Those voting nay were: Council Member Alvarez and Council Member McCracken.
64. C14-04-0196 - Hyde Park North NCCD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as an area bounded by 51st Street to the north, Red River Street to the east, Guadalupe to the west and 45th Street to the south (Waller Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NP) and a Neighborhood Conservation Combining District (NCCD) for the entire area. Under the proposed North Hyde Park NPCD, "Small Lot Amnesty" is proposed for the entire area. The Neighborhood Mixed Use Building special use is proposed for Tracts 2, 3 and 4. The North Hyde Park NCCD proposes modified site design and development standards including but not limited to the following: land use, floor area ratios (FAR), building heights, mixed use developments, garages, parking, impervious and building coverage allowances, setbacks, and driveway and parking access. The proposed zoning change also implements the land use recommendations of the Hyde Park Neighborhood Plan for the area. The City Council may approve a zoning change to any of the following: rural residence (RR) district; single-family residence - large lot (SF-1) district; single-family residence standard lot (SF-2) district; family residence (SF-3) district; single-family small lot and condominium site (SF-4A/B) district; urban family residence (SF-5) district; townhouse and condominium residence (SF-6) district; multi-family residence - limited density (MF-1) district; multi-family residence - low density (MF-2) district; multi-family residence - medium density (MF-3) district; multi-family residence - moderate-high density (MF-4) district; multi-family residence - high density (MF-5) district; multi-family residence - highest density (MF-6) district; mobile home residence (MH) district; neighborhood office (NO) district; limited office (LO) district; general office (GO) district; commercial recreation (CR) district; neighborhood commercial (NR) district; community commercial (GR) district; warehouse/limited office (W/LO) district; general commercial services (CS) district; commercial-liquor sales (CS-1) district; commercial highway (CH) district; industrial park (IP) district; major industrial (MI) district; limited industrial services (LI) district; research and development (R&D) district; development reserve (DR) district; agricultural (AG) district; planned unit development (PUD) district; historic (HI) district; and public (P) district. Neighborhood conservation combining district (NCCD) or neighborhood plan special use (NP) may also be added to these zoning base districts. First reading approved on July 28, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades, 974-2775, Alex Koenig, 974-3515).
Ordinance No. 20050818-064, adopting the Hyde Park North Neighborhood Conservation Combining District-NP, including base district zonings, was approved with the following amendments, excepting the petition tracts, on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

The amendments were: Part 5, Section 3(i)(ii), add, "May not exceed 5,000 square feet of building coverage, and not more than the total square feet of a food sales use or a restaurant use."

Part 6, Section 11(b), add, "Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has a total of 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units or is a through lot. For a duplex use or single-family attached use, a lot that is at least 50 feet wide may have two one-lane driveways that area a maximum of 10 feet wide, if they are separated by the house."

Part 7, Residential District Section 14, add, "Except as otherwise provided in this section, the maximum gross floor area of the second floor of a rear dwelling unit of a two-family residential use is 550 square feet. On a corner lot that is at least 8,000 square feet, a rear dwelling unit may exceed 850 total square feet and 550 square feet on a second floor if:"

Part 9, Section 1 and 2, add, "2. Height limits a) the maximum height within 50 feet of a single family use or zoning is 30 feet and 2.5 stories. b) the maximum height within 125 feet of a single family use of zoning is 35 feet.

The motion to include the following properties in the NCCD, with the respective zoning, was approved on Council Member Leffingwell's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

4912 Avenue G, 4700 Red River, 812 E. 47th Street and 816 E. 47th Street zoned SF-3-NCCD-NP.

808, 810, 812 E. 46th Street zoned SF-3-NCCD-NP.

4701 Eilers Avenue zoned SF-2-NCCD-NP.

4715 Avenue G zoned SF-3-NCCD-NP

The motion to approve zoning for 4500 Duval, with the following amendments, was approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Council Member McCracken was off the dais. The zoning is CS-NCCD-NP, with the prohibition of auto washing except as accessory use and not to exceed 20% of the site area. Part 5, Section 2 would be amended to delete service station use. Part 5, Section 3(k)(i), add, "The following additional uses are permitted for 4500 Duval and are limited to the lot size that existed on April 1, 2005." Part 5, Section 3(k)(iv) add, "Automotive washing (of any type) is allowed only in conjunction with another permitted use, and is limited to 20 percent of the gross site area."

The first reading to approve zoning for 4505 Duval, with the following amendments, was approved on Council Member Leffingwell's motion. Mayor Pro Thomas' second on a 6-0 vote. Council Member McCracken was off the dais. The zoning is GR-NCCD-NP-MF-3-NCCD-NP. Part 3, Definitions add, "4505 Duval – Part A means the property zoned community commercial (GR) district and located in the Duval District. 4505 Duval – Part B means the property zoned multi-family residence medium density (MF-3) district and located in the Residential District. Part 4, Section 3, add, "4505 (Part A). Part 5, Section 3, add, "Parking for commercial uses at 4505 Duval may be located anywhere on the site, as the site exists on April 1, 2005, including the portion zoned MF-3. Part 9, Section 4, would read, "The minimum street side yard setback for 4500, 4505 (Part A), 5011, and 5012 Duval Street is 10 feet. Part 11, Section 1, would read, "This section applies to 4505 (Part A and Part B), 4510, 4520, and 5012 Duval Street."

ZONING DISCUSSION ITEMS CONTINUED

- Z-7 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.
Ordinance No. 20050818-Z007 for multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning with conditions was approved as part of the zoning consent action.

A motion to reconsider Item Z-7 was approved on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.

The motion to close the public hearing and approve the first reading as recommended by Zoning and Platting Commission was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

46. Approve a resolution reconvening the Historic Zoning Task Force and establishing its scope and purpose. (Council Member Betty Dunkerley, Mayor Pro Tem Danny Thomas, and Mayor Will Wynn)
Resolution No. 20050818-046 was approved on Council Member Dunkerley's motion, Council Member Leffingwell's second on a 7-0 vote.

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

PUBLIC HEARINGS AND POSSIBLE ACTION

65. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2005-2006 Proposed Budget including the Austin Police Department, the Austin Fire Department, the Emergency Medical Services Department, and the Municipal Court.
The public hearing was closed on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

41. 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)
Resolution No. 20050818-041 was approved Council Member McCracken's motion, Mayor Pro Thomas' second on a 7-0 vote.

49. Approve a resolution directing the City Manager to begin the process of selecting a site for and securing a permit for a new water treatment facility located downstream of the Green Water Treatment Plant; to create a timeline for the decommissioning and demolition of the Green Water Treatment Plant; to initiate the process for the design and construction of the extension of Nueces Street to Cesar Chavez Street and the extension of Second Street to Nueces Street; and to recommend a planning process to identify appropriate uses for property adjacent to the extended Nueces Street and Second Street rights-of-way. (Mayor Will Wynn, Council Member Lee Leffingwell and Council Member Jennifer Kim)

Resolution No. 20050818-049 was amended as follows on Council Member Leffingwell's motion, Council Member Kim's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, Kim, Leffingwell and McCracken. Those voting nay were: Mayor Pro Tem Thomas and Council Member Alvarez. The amendments were, in the first sentence, delete the words, "and securing a permit for" and inserting the word "possible" before the phrase "decommissioning and demolition."

There was a friendly amendment made by Council Member Alvarez to add the following, to the end of the resolution, "To provide an estimate of the cost differential between retrofitting Green Water Treatment Plant on-site and building a new facility; and to provide an estimate of the tax revenues that would result from the redevelopment of the Green Water Treatment Plant site, if the decision is made to relocate the plant." The maker of the motion and Council Member Kim, who seconded the motion, accepted the following, "To provide an estimate of the cost differential between retrofitting Green Water Treatment Plant on-site and building a new facility."

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

The minutes for the Regular Meeting of August 18, 2005 were approved on this the 25th day of August, 2005 on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.