



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, DECEMBER 1, 2005**

Invocation: Carl Trovall, Campus Pastor, University 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, December 1, 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 Dunkerley's second on a 7-0 vote.

1. Approval of the minutes from the meeting of November 17, 2005.
The minutes from the meeting of November 17, 2005 were approved.
2. Approve a resolution identifying areas of the City's municipally owned electric utility, Austin Energy, that are competitive matters for the purposes of the Texas Open Meetings Act and the Texas Public Information Act, in accordance with provisions of the electric utility restructuring legislation (Senate Bill 7) enacted into law by the 76th Session of the Texas Legislature. (Recommended by the Electric Utility Commission.)
Resolution No. 20051201-002 was approved.
3. Approve execution of a construction contract with JAY-REESE CONTRACTORS, INC., Austin, TX, for construction of a precast panel wall at Austin Energy's Justin Lane Service Center in the amount of \$158,226. (Funding is available in Fiscal Year 2005-2006 Capital Improvement Budget of Austin Energy.) 0.67% MBE and 0.82% WBE subcontractor participation (Recommended by the Electric Utility Commission.)
The motion authorizing the execution of a construction contract was approved.
4. Authorize execution of a Supplemental Amendment No.5 with TURNER COLLIE & BRADEN, INC., Austin, TX for site/archeological investigations and easement acquisition assistance for the Gilliland Creek Interceptor and extended construction phase services on the Northeast Wastewater Treatment Plant and the Wildhorse North Interceptor in the amount not to exceed \$62,900 for a total contract amount not to exceed \$3,214,532. (Funding in the amount of \$62,900 is available in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.) 14.40 % MBE and 19.30 % WBE subcontractor participation to date (Recommended by Water & Wastewater Commission.)
The motion authorizing the execution of a Supplemental Amendment No. 5 was approved.

5. Approve a resolution authorizing acceptance of grants from the Federal Aviation Administration, the Transportation Security Administration, and other agencies of the United States Government in an amount not to exceed \$30,000,000, to the City of Austin, Department of Aviation, for Austin-Bergstrom International Airport for Fiscal Year 2005-2006. (Grant reimbursement will apply to projects in the Fiscal Year 2005-2006 Approved Capital and/or Operating Budgets of the Aviation Department. Grant funds will be placed in the Airport Capital Fund, the ABIA Improvement Funds and/or the ABIA Operating Fund.)
Resolution No. 20051201-005 was approved.
6. Approve an ordinance authorizing acceptance of \$1,009,504 in grant funds from the State of Texas, Governor's Division of Emergency Management, Homeland Security Grant Program; and amending the Fiscal Year 2005-2006 Public Safety and Emergency Management Department Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$1,009,504 for a total grant amount of \$2,037,504 for the enhancement of local first response capabilities for terrorist incidents. (Funding in the amount of \$1,009,504 is available from the State of Texas, Governor's Division of Emergency Management.)
Ordinance No. 20051201-006 was approved.
7. Approve an amendment to the Austin Convention and Visitors Bureau (ACVB) Fiscal Year 2005-2006 Approved Marketing Plan and Budget by increasing the contract payment from the City of Austin to the ACVB by \$291,790 to \$6,121,680 and increasing expenditures in the amount of \$291,790 to \$5,398,480 for the Fiscal Year 2005-2006. (Funding in the amount of \$291,790 is available in the Fiscal Year 2005-2006 Operating Budget of the Tourism and Promotion Fund.) (Related Item 8)
The motion authorizing an amendment to the Austin Convention and Visitors Bureau (ACVB) fiscal year 2005-2006 approved marketing plan and budget was approved.
8. Approve an ordinance amending the Fiscal Year 2005-2006 Operating Budget of Ordinance No. 20050912-001 to increase the Tourism and Promotion Fund beginning balance by an amount of \$291,790; and increase Tourism and Promotion Contract expense appropriations by an amount of \$291,790. (Funding is available from increased hotel tax collections in Fiscal Year 2004-2005.) (Related Item 7)
Ordinance No. 20051201-008 was approved.
9. Approve a resolution authorizing revised policies and procedures for the City's Cultural Arts Funding Program. (Recommended by Arts Commission.)
Resolution No. 20051201-009 was approved.
10. Approve an ordinance granting T-Mobile USA, Inc. a non-exclusive license to install and operate a wireless communication station and related equipment at Fire Station No. 22 located at 5309 East Riverside Drive.
Ordinance No. 20051201-010 was approved.
11. Approve an ordinance amending the Fiscal Year 2005-2006 General Fund Operating Budget of Ordinance No. 20050912-001 to reduce Other Requirements for Wage Adjustments in the amount of \$4,277,643 and to increase appropriations to the Fiscal Year 2005-2006 Fire Department Operating Budget of Ordinance No. 20050912-001 by the amount of \$4,277,643 for a total appropriation of \$95,779,468. The net fiscal impact to the General Fund is zero. (Funding in the amount of \$4,277,643 is budgeted in the Fiscal Year 2005-2006 Operating Budget of the General Fund - Other Requirements.) (Related Item 12)
Ordinance No. 20051201-011 was approved.

12. Ratify the Collective Bargaining Agreement with the Austin Association of Professional Firefighters Association (AAPFF) for Austin fire fighters. (Funding in the amount of \$4,060,675 is available in the Fiscal Year 2005-2006 Amended Operating Budget of the Fire Department.) (Related Item 11)
Resolution No. 20051201-012 was approved.
13. Approve an Ordinance repealing and replacing Chapter 10-3, Food and Food Handlers, of the City Code and creating offenses and providing penalties. (\$9,735 in unanticipated revenues for the General Fund.)
Ordinance No. 20051201-013 was approved.
14. Authorize execution of Amendment No. 1 to the 12-month contract with WORKSOURCE-- GREATER AUSTIN AREA WORKFORCE DEVELOPMENT BOARD, Austin, TX, for childcare quality improvement and client services to increase the contract by \$10,610, for a total annual contract amount not to exceed \$50,414, with two 12-month extension options in an amount not to exceed \$59,127 per extension option, for a total contract amount not to exceed \$168,668. (Funding in the amount of \$54,955 is available in the Fiscal Year 2005-2006 Approved Operating Budget of the Health and Human Services Department Special Revenue Fund, Certification. The initial contract period is January 1, 2005 through December 31, 2005. There is no specific grant period for the Certification Fund since it is a multi-year fund. No match is required. Funding for extension options is contingent upon available funding in future budgets.)
The motion authorizing the execution of Amendment No. 1 to the contract was approved.
15. Approve an amendment of the outside counsel contract with SCOTT, DOUGLASS & MCCONNICO, L.L.P., Austin, TX, for legal representation in connection with *City of Austin v. FPL Energy Upton Wind I, L.P.*, Cause No. GN403274 in the 345th Judicial District Court of Travis County, Texas, in an amount not to exceed \$225,000 for a total contract amount not to exceed \$855,000. (Funding in the amount of \$225,000 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy.) (Related Item 45)
The motion authorizing an amendment of the outside counsel contract was approved.
16. Approve an ordinance amending Part 2 of Ordinance No. 20051117-070 to correct a typographical error related to the effective date of coal tar pavement products.
Ordinance No. 20051201-016 was approved.
17. Approve an ordinance authorizing acceptance of grant funds in the amount of \$21,650,212.50 from the Texas Department of Public Safety, Division of Emergency Management for FEMA Interim Housing Public Assistance, including evacuee assessment and service tracking, for Presidential Disaster Declaration FEMA 3216 E M resulting from the Hurricane Katrina evacuation and amending the Fiscal Year 2005-2006 Neighborhood Housing and Community Development Operating Budget Special Revenue Fund of Ordinance No. 20050912-001, to appropriate \$21,650,212.50 for costs related to interim housing assistance, including evacuee assessment and service tracking. (\$21,650,212.50 is available from the Texas Department of Public Safety, Division of Emergency Management.)
Ordinance No. 20051201-017 was approved.

Item 18 was pulled for discussion.

19. Approve a resolution authorizing Austin Revitalization Authority (ARA) to assign its \$5.5 million HUD 108 Loan Program loan agreement and promissory note with the City to Eleven East Corp., an affiliate of ARA (Eleven East); continuing ARA's liability under the loan agreement and note; and approving the subordination of the City's note to one or more liens created by Eleven East for the benefit of ESIC New Markets XIC Limited Partnership (ESIC), a lending affiliate of J.P Morgan Chase Bank (Chase Bank) to allow Eleven East and Chase Bank to participate in the New Markets Tax Credit Program.
Resolution No. 20051201-019 was approved.

20. Approve an ordinance to annex the Avery Ranch Areas: **Tract One: Avery South Section Two, Phase Three:** Approximately 8.618 acres in Williamson County, located approximately 197 feet north of the intersection of Fernhill Drive and Castle Pines Drive; **Tract Two: Avery South Section Two, Phase Four:** Approximately 7.380 acres in Williamson County, located approximately 112 feet south of the intersection of Fernhill Drive and Morgan Creek Drive; **Tract Three: Avery South Section Two, Phase Five:** Approximately 17.314 acres in Williamson County, located approximately 180 feet south of the intersection of Morgan Creek Drive and Branhall Drive; **Tract Four, Avery South Section Two, Phase Six:** Approximately 22.866 acres in Williamson County, located approximately 147 feet south of the intersection of Edenderry Drive and Caves Valley Drive; **Tract Five: Avery Far West Phase 1, Section 6:** Approximately 16.998 acres in Williamson County, located west of the intersection of Staked Plains Loop and Springs Head Loop; and waive zoning application fees for areas within the annexed area for a period of one year from the effective date of annexation. (Funding necessary to provide general governmental services to these tracts is available in the budgets of the departments which will be providing the services.)
Ordinance No. 20051201-020 was approved.
21. Approve an ordinance to annex the Interport area (Approximately 617 acres in Travis County north of State Highway 71 East, located approximately 720 feet east of the intersection of State Highway 71 East and Fallwell Lane). (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)
Ordinance No. 20051201-021 was approved.
22. Approve an ordinance to annex the Pond Springs Road Area (Approximately 55 acres in Williamson County east of Pond Springs Road from the intersection of Pond Springs Road and Hunters Chase Drive extending northwest to approximately 400 feet past the intersection of Pond Springs Road and Eddystone Street); and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation. (Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.)
Ordinance No. 20051201-022 was approved.
23. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 5-Taylor Slough South project, a portion of the Austin Clean Water Program, to acquire a permanent wastewater line easement comprised of 43,913 square feet of land and a temporary working space easement comprised of 86,736 square feet of land out of Lot 43, Block A, a Bello Vista Subdivision in Travis County, in the amount of \$45,000 and rescinding Resolution No. 050623-84. The owner of the property sought to be condemned is BELLO VISTA HOMEOWNER'S ASSOCIATION, of Austin, Texas. The property is located in west Austin just south of River Road being the vacant land between the east side of Scenic Drive and the west side of Reed Park, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)
Resolution No. 20051201-023 was approved.
24. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3-Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program, to acquire a 12,467 square foot permanent wastewater line easement, a 16,084 square foot temporary working space easement, and a 22,553 square foot temporary staging area and material storage site easement out of the Santiago Del Valle Grant, being a portion of Lot 3, Block A, Bacon Subdivision, Travis County, Texas, in the amount of \$41,950. The owner of the needed property interests is CMH HOMES, INC., a Tennessee Corporation. The property is located at 6801 East Ben White Boulevard, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)
Resolution No. 20051201-024 was approved.

25. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 3-Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program, to acquire an 8,976 square foot temporary ingress and egress easement out of the Santiago Del Valle Grant, being a portion of Lot 1, Luton Subdivision, Travis County, Texas, in the amount of \$5,400. The owner of the needed property interest is CMH HOMES, INC., a Tennessee Corporation. The property is located at 6645 East Ben White Boulevard, along the south line of the roadway and to the east of Montopolis Drive, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)

Resolution No. 20051201-025 was approved.

26. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-Newton Street Area Wastewater Improvements Project, a portion of the Austin Clean Water Program, to acquire a 732 square foot temporary working space easement out of Lot 14, Block 3-B, C.A. Newning's and Geo. Warners Subdivision of Blocks 3-B and 4-B, Swisher Addition, Travis County, Texas, in the amount of \$3,625. The owners of the needed property interest are George Robert McLaughlin Wert and Audra Wert of Austin, Texas. The property is located at 416 West Annic Street, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)

Resolution No. 20051201-026 was approved.

27. Approve a resolution authorizing the filing of eminent domain proceedings for the Govalle 1-West of Lamar Project, a portion of the Austin Clean Water Program, to acquire a 252 square foot permanent wastewater line easement and a 763 square foot temporary working space easement out of Lot 114-A, Resubdivision of Lots 113-115, inclusive, West Park Addition, a subdivision in Travis County, in the amount of \$5,401. The owner of the needed property interests is Jane Eva Bullard of Austin, Texas. The property is located at 3312 Westhill Drive, Austin, Travis County, Texas. (Funding is included in the Fiscal Year 2005-2006 Capital Budget of the Austin Water Utility.)

Resolution No. 20051201-027 was approved.

Item 28 was pulled for discussion.

29. Authorize negotiation and execution of a professional services agreement with each of the following six firms: TURNER COLLIE & BRADEN, INC., Austin, TX; CAMP DRESSER & MCKEE, INC., Austin, TX; ALAN PLUMMER ASSOCIATES, INC., Austin, TX; BLACK & VEATCH CORPORATION, Austin, TX; WESTON SOLUTIONS, INC., Austin, TX; and CH2M HILL, INC., Austin, TX for engineering design services for the Water Transmission Main Rotation List 2005-2007 for an estimated period of two years or until financial authorization is expended in an amount not to exceed \$5,500,000 with a total of six agreements not to exceed \$5,500,000 (estimated approximately \$1,000,000 each of the first four top ranked firms and \$750,000 for each of the next two ranked firms). (Funding in the amount of \$5,500,000 is available in the Fiscal Year 2005-2006 Capital and/or Operating Budget of the Austin Water Utility for which services are needed.) Best qualification statements of 37 received. 16.5% MBE and 14.2% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)

This item was postponed to December 15, 2005.

30. Authorize execution of a 12-month service agreement contract with TRUGREEN LANDCARE, Austin, TX, for landscaping services in an amount not to exceed \$103,420, with four 12-month extension options in an amount not to exceed \$103,420, for a total agreement amount not to exceed \$517,100. (Funding in the amount of \$86,183.33 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid meeting specifications 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.

This item was withdrawn.

31. Authorize execution of a 24-month service agreement with SHAW ENERGY DELIVERY SERVICES, INC., Charlotte, NC, for construction and maintenance services on electric power facilities in an amount not to exceed \$13,951,037.18, with three 12-month extension options in an amount not to exceed \$6,975,518.59 per extension option, for a total agreement amount not to exceed \$34,877,592.95. (Funding in the amount of \$12,555,933.46 is available in the Fiscal Year 2005-2006 Approved Capital Budget of Austin Energy. Funding in the amount of \$523,163.89 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining 15-months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of three bids received. 6.02% MBE; 2.22% WBE subcontractor participation.

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

32. Authorize execution of a 60-month service agreement through the State of Texas Multiple Awards Schedule (TXMAS) with XEROX CORPORATION, Austin, TX, for the lease of multi-function business machines and maintenance services in an amount not to exceed \$1,258,095.30. (Funding in the amount of \$209,682.55 is available in the Fiscal Year 2005-2006 Approved Operating Budget of Austin Energy. Funding for the remaining 50-months of the original contract period is contingent upon available funding in future budgets.) Purchasing Cooperative.

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

33. Approve an ordinance authorizing application submittal and acceptance of \$60,000 in grant funds from the Capital Area Planning Council (CAPCO); and amending the Fiscal Year 2005-2006 Solid Waste Services Operating Budget Special Revenue Fund of Ordinance No. 20050912-001 to appropriate \$60,000 to the 2005 Regional Solid Waste Grant program. (Funding is available in the Fiscal Year 2005-2006 Approved Budget of Solid Waste Services. A City match in the amount of \$60,000 is required.) (Recommended by the Solid Waste Advisory Commission.)

Ordinance No. 20051201-033 was approved.

34. Appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies, and removal and replacements of members.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Arts Commission</u>		
Brenda Malik	Consensus	Reappointment
Gloria Mata Pennington	Council Member Alvarez	Reappointment
<u>Commission for Women</u>		
Shannon Phillips Meroney	Council Member McCracken's	Reappointment
Jeannette Peten	Consensus	Appointment
<u>Human Rights Commission</u>		
Judy Cortez	Consensus	Reappointment
James "Beau" Eccles	Council Member McCracken's	Reappointment
Orlando Smith	Consensus	Reappointment
<u>Urban Transportation Commission</u>		
Andrew Bucknall	Council Member Leffingwell's	Appointment
Andrew Clements	Council Member Dunkerley's	Reappointment

35. Appoint Council members Brewster McCracken and Betty Dunkerley as City of Austin representatives to the Steering Committee for the Mobility Plan Study approved by Council on October 27, 2005. (Mayor Will Wynn and Mayor Pro Tem Danny Thomas)
The appointment of Council Members Brewster McCracken and Betty Dunkerley as City of Austin representatives to the Steering Committee for the Mobility Plan Study was approved.
36. Approve a resolution directing the City Manager to initiate a zoning change at 10004 Brownie Drive (part of Lot 24 Block H of the Western Trails of Quail Creek Section 2 Subdivision) from Multi-family Low Density (MF-2) to Public (P) to facilitate a new park as a part of Operation Restore Hope. (Council Member Raul Alvarez and Council Member Lee Leffingwell)
Resolution No. 20051201-036 was approved.

Item 37 was pulled for discussion.

38. Approve an ordinance adding a new Section 2-10-24 to the City Code establishing a juvenile case manager fund and creating a fee; and amending Ordinance 20050912-004, the Municipal Court's Fiscal Year 2005-2006 Approved Fees, Fines and Other Charges, to add a juvenile case manager fee. (Recommended by the Council Judicial Subcommittee) (Mayor Will Wynn, Mayor Pro Tem Danny Thomas and Council Member Raul Alvarez)
Ordinance No. 20051201-038 was approved.
39. Set a public hearing to consider variance requests by James Mansour to allow construction of an addition to a single-family residence at 208 West North Loop Boulevard in the 25-year and 100-year floodplains of Waller Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the residence. (Suggested date and time: December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
The public hearing was set for December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
40. Set a public hearing to consider an ordinance adjusting the corporate boundary between the City of Austin and the City of Sunset Valley in accordance with Texas Local Government Code Section 43.031 (The proposed boundary adjustment includes approximately 2.81 acres of greenbelt located east of Brodie Lane and south of Oakdale Drive). (Suggested date and time: December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
The public hearing was set for December 15, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
41. Set a public hearing to approve an ordinance amending Section 2-1-202 of the City Code relating to Historic Landmark Commission meetings and procedures; and amending Section 25-2-358 of the City Code relating to notice of historic designations. (Suggested date and time: January 12, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
The public hearing was set for January 12, 2006 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 42 through 49 were Executive Session items.

Item 50 was action on an Executive Session item.

Item 51 was a briefing set for a time certain of 2:00 p.m.

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

Items 52 through 53 and Z-1 through Z-25 were zoning items set for 4:00 p.m.

Items 54 through 57 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

18. Approve an ordinance authorizing the transfer of the parcel of land located at 1108 Olive Street, including the historical structure improvements located on the land to the Austin Revitalization Authority to develop low-income or moderate-income affordable housing.
Ordinance No. 20051201-018 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.
28. Authorize execution of a construction contract with L.D. TEBBEN CO., INC., Austin, TX, for Austin-Bergstrom International Airport Terminal Leak Repairs Rebid in the amount of \$1,342,325.35 with alternates plus a \$134,000 contingency, for a total contract amount not to exceed \$1,476,325.35. (Funding in the amount of \$1,476,325.35 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Aviation Department.) Lowest bid of four bids received. 0.00% MBE and 0.00% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:55 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

42. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
This item was withdrawn.
43. Discuss legal issues concerning site plan application for office and retail uses at 5301 Davis Lane in the Village of Western Oaks (concerns development in an area subject to the Save Our Springs Initiative, Chapter 25-8 of the City Code).

Item 44 was discussed later in Executive Session.

45. Discuss legal issues regarding *City of Austin v. FPL Energy Upton Wind I, L.P.*, Cause No. GN403274; in the 345th Judicial District Court of Travis County, Texas and the outside counsel contract with Scott, Douglass & McConnico, L.L.P. (involves contractual dispute over payment for wind power) (Related Item 15)

Item 46 was discussed later in Executive Session.

47. Discuss legal issues concerning increasing home ownership and providing affordable housing under Chapters 373A and 394 of the Texas Local Government Code and Chapter 312 of the Texas Tax Code.
This item was postponed to December 15, 2005.

Items 48 and 49 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:16 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Paul Robbins - City Issues

Pat Johnson - Out of Control

CarolAnneRose Kennedy – GIVING THANKS

Jennifer L. Gale - Announcement for Mayor of the City of Austin. Capital Metropolitan Transportation Authority deductibles are not conducive to good health

Janet Jones - City of Austin employee (WIC) is facing termination or a decrease in work hours due to pregnancy and subsequent problems with taking a mumps vaccine. Has been told it is a liability issue if the shot is not taken. Would like clarification on the policy in place and any available alternatives. **She was not present when her name was called.**

Colin Clark - Saving Barton Springs

Susana Almanza - Citizens Review Panel made appropriate recommendations to fire Julie Schroeder and Chief made appropriate decision. Mike Sheffield should not appeal Schroeder's dismissal. Mike Sheffield is abusing his powers as APA Leader and giving the impressions to communities of color that he is racist and that police should be above the law. We are all part of the human race.

Debbie Russell - Schroeder's Appeal and Sheffield's perceived authority in City Business

Hugh Mayfield - Clean Water Program

Brad Wiley - New Site for Day Labor Services

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:46 p.m.

EXECUTIVE SESSION CONTINUED

44. Discuss legal issues relating to the City of Austin Minority and Women-Owned Business Enterprise Program.
46. Discuss legal issues concerning a proposed Master Agreement with Lion Gables Realty Limited Partnership for redevelopment of the City's tract of land known as the Sand Beach Reserve and land north of and adjacent to the Sand Beach Reserve, which is located at the intersection of Sandra Muraida Way and Cesar Chavez Street.

Real Property - Section 551.072

48. Discuss possible acquisition of office space in the downtown area. (Related Item 50)

Personnel Matters - Section-551.074

49. Discuss the appointment of City of Austin Municipal Court Judges including appointment of the Presiding Judge, individual Associate Judges including the Downtown Community Court Judge, and

individual Substitute Judges; and discuss the compensation and benefits of each individual judge.
(Related Items 37)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:52 p.m.

DISCUSSION ITEMS CONTINUED

37. Approve an ordinance appointing the Presiding Judge, Associate Judges including the Downtown Community Court Judge and Substitute judges, to the City of Austin Municipal Court for the 2006-2007 judicial term, and setting compensation and benefits. (Recommended by the Council Judicial Subcommittee) (Related Items 49)(Mayor Will Wynn, Mayor Pro Tem Danny Thomas and Council Member Raul Alvarez)
This item was postponed to December 15, 2005 per the Mayor without objection.

Action on Executive Session

50. Authorize the City Manager to exercise an option to acquire office space in the downtown area.(Related Item 48)
The motion directing the City Manager to not exercise the option 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.

BRIEFINGS

51. Staff presentation on the feasibility of creating a community land trust for Austin as directed by Council Resolution No. 20050526-021.
The presentation was made by Paul Hilgers, Director of Housing and Community Development.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:30 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

AHFC adjourned and Mayor Wynn called the Council Meeting back to order at 3:34 p.m.

Mayor Wynn recessed the Council Meeting at 3:35 p.m.

Mayor Wynn called the Council Meeting back to order at 4:01 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 consent items were approved on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

52. C14-05-0100 - Lake Creek Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 10101-10113 Lake Creek Parkway (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning, single-family-standard lot (SF-2) district zoning, limited office (LO) district zoning, and limited office-conditional overlay (LO-CO) combining district zoning to limited office-conditional overlay (LO-CO) combining district zoning for Tract 1, townhouse and condominium residence (SF-6) district zoning for Tract 2, and single-family residence-small lot (SF-4A) district zoning for Tract 3. First reading approved on September 29, 2005. Vote: 7-0. Applicant: Ardennes, L.P. By CGA Ardennes GP, LLC (David E.

Castilla and Paula Vangrieken). Agent: Armbrust & Brown, L.L.P. (Richard Suttle, Jr.) City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to December 15, 2005 at the applicant's request.

53. C14-05-0025 - 1706 & 1708 West 6th Street - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1706 & 1708 West 6th Street (Town Lake/Johnson Creek Watersheds) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. First reading approved on September 1, 2005. Vote: 7-0. Second reading approved on October 20, 2005. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975. Note: A valid petition has been filed in opposition to this rezoning request.

This item was postponed to December 15, 2005 at the neighborhood association's request.

ZONING CONSENT ITEMS

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

- Z-1 C14-05-0141 - The Park at Del Valle - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northeast corner of Ross Road at Pearce Lane (Dry Creek East 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 neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Lindsley Bratton; Peter Jacobson. Agent: Carlson, Brigrance & Doering, Inc. (Charles Brigrance). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20051201-Z001 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions was approved.

- Z-2 C14H-05-0012 - Hearn House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 902 Blanco Street 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 Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: Isaac and Janine Barchas. City Staff: Steve Sadowsky, 974-6454.
The first reading of the ordinance for family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning was approved.

- Z-4 C14H-04-0032 - Gordon and Margaret Catterall Mills House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2524 Harris Boulevard 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 grant family residence-historic (SF-3-H) combining district zoning. Applicants: Bryan and Jenni Chester. City Staff: Steve Sadowsky, 974-6454.
The first reading of the ordinance for family residence-historic (SF-3-H) combining district zoning was approved.

- Z-5 C14H-05-0024 – Reed Estate - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2407 Harris Boulevard from family residence (SF-3) district 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 grant family residence-historic (SF-3-H) combining district zoning. Applicants: Steven and Donna Stockton Hicks. City Staff: Steve Sadowsky, 974-6454.
The first reading of the ordinance for family residence-historic (SF-3-H) combining district zoning was approved.
- Z-6 C14H-05-0025 -- Miller House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 Rio Grande Street from general office (GO) district zoning to general office-historic (GO-H) combining district zoning. Historic Landmark Commission recommendation: To grant general office-historic (GO-H) combining district zoning. Zoning and Platting Commission recommendation: To grant general office-historic (GO-H) combining district zoning. Applicant: Carol Sims, Eidschun Partners, L.P. City Staff: Steve Sadowsky, 974-6454.
The first reading of the ordinance for general office-historic (GO-H) combining district zoning was approved.
- Z-7 C14H-05-0028 – Cox-Craddock House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 720 East 32nd Street from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Applicant: Daniel Leary. City Staff: Steve Sadowsky, 974-6454.
The first reading of the ordinance for family residence-historic-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning was approved.
- Z-9 NPA-05-0016.02 - East 5th & Allen Street - Conduct a public hearing and approve an ordinance to amend Ordinance No. 030327-12 (Govalle/Johnston Terrace Combined Neighborhood Plan), an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from commercial land use designation to mixed use designation for the property located at 3304 E. 5th Street. Planning Commission Recommendation: To grant mixed use designation. Applicant: Saldana Homes. Agent: Rose Marie Rocha. City Staff: Scott Whiteman, 974-2865. (Related Item Z-10)
The first reading of the ordinance for mixed use designation was approved.
- Z-10 C14-05-0123 - East 5th & Allen Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3304 East 5th Street (Boggy Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Applicant and Agent: Teresa Saldana. City Staff: Robert Heil, 974-2330. (Related Item Z-9)
The first reading of the ordinance for community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning was approved.

- Z-11 C14-05-0172 - Colina Vista - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9716 F.M. 2222 (West Bull Creek Watershed) from limited office (LO) district zoning and community commercial (GR) district zoning to townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: 2222 Research Park, Ltd. (Tim Jamail). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved.
- Z-12 C14-05-0170 - Pecan Park Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10701-10807 Pecan Park Boulevard (Lake Creek Watershed) from community commercial (GR) district zoning and general office (GO) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Applicant: Pecan Park, L.L.C. (John P. Chudy). Agent: Doucet & Associates, Inc. (Carol M. Stewart). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for community commercial-mixed use (GR-MU) combining district zoning was approved.
- Z-13 C14-05-0118 - Pflugerville West Shopping Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15400, 15417, 15420, and 15424 Pecan Street (F.M. 1825 Road) (Harris Branch, Walnut Creek Watersheds) 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 in order to change a condition of zoning. Applicant: Retail Pflugerville Partners, L.P. (Casey Beasley), HI-LO Auto Parts Stores, L.P. (James R. Batten, PBA Holdings, L.L.P. (Keri Chorba), Pricino VIII, L.P. (David Little). Agent: L.M. Holder III, FAIA (Mac Holder/Philip Southwick). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning was approved.
- Z-14 C14-05-0117.SH - Arbor Ridge S.M.A.R.T. Housing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5503-5507 Nuckols Crossing Road (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Planning Commission Recommendation: To grant condominium residence-neighborhood plan (SF-6-NP) combining district zoning with conditions. Applicant: CG Development, L.L.C. (Donald J. Cunningham). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20051201-Z014 for condominium residence-neighborhood plan (SF-6-NP) combining district zoning with conditions was approved.
- Z-15 C14-05-0108 - 5717 Balcones Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5717 Balcones Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR-CO) combining district zoning. Applicant: SWD Partners, Ltd. (Mark Banta). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to December 15, 2005 at Council's request.

- Z-19 C14-05-0150 - Fairfield at Woodland Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning to multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning in order to change conditions of zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate-high - conditional overlay (MF-4-CO) combining district zoning in order to change conditions of zoning. Applicant: John M. Harmon and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to January 12, 2006 at the neighborhood association's request.
- Z-21 C14-05-0137 - 1109 South Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 South Lamar (West Bouldin Creek Watershed) from general commercial services (CS) 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 and Agent: Bobbie Lemmond. City Staff: Robert Heil, 974-2330.
This item was postponed to December 15, 2005 at the applicant's request.

ZONING DISCUSSION ITEMS

- Z-3 C14H-05-0013 - Weller-Meyers-Morrison House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1400 Lorrain Street 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 Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: Steven and Mary Nichols. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and the first reading of the ordinance for family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.
- Z-8 C14H-05-0020 - Griffith-Wright House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 West Avenue from downtown mixed use-conditional overlay-central urban redevelopment (DMU-CO-CURE) combining district zoning to downtown mixed use-conditional overlay-historic-central urban redevelopment (DMU-CO-H-CURE) combining district zoning. Historic Landmark Commission recommendation: To grant downtown mixed use-conditional overlay-historic-central urban redevelopment (DMU-CO-H-CURE) combining district zoning. Zoning and Platting Commission recommendation: To deny downtown mixed use-conditional overlay-historic-central urban redevelopment (DMU-CO-H-CURE) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and the motion to deny historic zoning was approved on Council Member Dunkerley's motion, Council Member Kim's second on a 6-0 vote. Council Member McCracken was off the dais.

Mayor Wynn recessed the Council Meeting at 5:27 p.m.

LIVE MUSIC

Chorus Austin

PROCLAMATIONS

Proclamation - School Crossing Guard Day - to be presented by Mayor Will Wynn and to be accepted by Sondra Creighton and Crossing Guards, Trainers and Administrators

Mayor Wynn called the Council Meeting back to order at 6:37 p.m.

ZONING DISCUSSION CONTINUED

- Z-16 C14-05-0157 - Champion Tract - City Park Road East (City Initiated) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6011-6411 City Park Road and 5801-6507 FM 2222 Road (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Property Owner: Champion Assets, Ltd.; Champion Legacy; Champion Meier Assets (Michael J. Whellan). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207. (Related Items Z-17, Z-18)

The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais. The first reading of the ordinance for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved on Council Member Dunkerley's motion, Mayor Pro Tem Thomas' second on a 4-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Thomas, and Council Members Dunkerley and Leffingwell. Those voting nay were: Council Members Alvarez and Kim. Council Member McCracken was off the dais.

- Z-17 C14-05-0158 - Champion Tract - City Park Road West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 (West Bull Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Property Owner: Champion Assets, Ltd.; Champion Legacy; Champion Meier Assets (Michael J. Whellan). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207. (Related Items Z-16, Z-18)

The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais. The first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member Dunkerley's motion, Mayor Pro Tem Thomas' second on a 4-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Thomas, and Council Members Dunkerley and Leffingwell. Those voting nay were: Council Members Alvarez and Kim. Council Member McCracken was off the dais.

- Z-18 C14-05-0159 - Champion Tract - Tract 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800-6802 FM 2222 and 6100-6172 Loop 360 and 6507 Winterberry Drive (West Bull Creek Watershed) from multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, neighborhood commercial-conditional overlay (LR-CO) combining district zoning, general office-conditional overlay (GO-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning to multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning, and single-family

residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning. Property Owners: Champion Assets, Ltd.; Champion Legacy; Champion Meier Assets (Michael J. Whellan). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Jerry Rusthoven, 974-3207. (Related Items Z-16, Z-17)

The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais. The first reading of the ordinance for multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning was approved on Council Member Dunkerley's motion, Mayor Pro Tem Thomas' second on a 4-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Thomas, and Council Members Dunkerley and Leffingwell. Those voting nay were: Council Members Alvarez and Kim. Council Member McCracken was off the dais.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

57. Conduct a public hearing and take action on an appeal by Lumbermen's Investments, Inc. of the Zoning and Platting Commission's decision to deny site plan approval of the Village of Western Oaks, Section 20, located at 5301 Davis Lane (site plan no. SPC-05-0005C). This appeal concerns development in an area subject to the Save Our Springs Initiative, Chapter 25-8 of the City Code. (Site plan approval was denied by the Zoning and Platting Commission on September 20, 2005 (8-1).)

This item was postponed to 6:00 p.m. on January 12, 2006 on Mayor Pro Tem Thomas' motion, Mayor Wynn's second on a 5-0 vote. Council Members Kim and McCracken were off the dais.

ZONING DISCUSSION ITEMS CONTINUED

- Z-20 C14-05-0115 - Valley Vista - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1804 Fort View Road (West Bouldin Creek Watershed) from neighborhood commercial (LR) district zoning to limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning. Applicant: Sarah Vondeharr. Agent: Bill Howell. City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading for neighborhood commercial (LR) district zoning for the first 118 feet on Fort View and family residence (SF3) district zoning on the remaining 200 feet was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

Without objection, the Mayor waived the rules for Z-22 and allowed five minutes for the applicant's presentation, ten minutes for those in favor, 45 minutes for those in opposition and three minutes for rebuttal.

- Z-22 C14-05-0080 - CTVS Offices - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3919 and 3921 Medical Parkway (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning and family residence (SF-3) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning for the SF-3 zoned portion of

the tract, and to deny commercial services (CS) district zoning. Applicant: Thoracic & Cardiovascular Realty (Tom Johnston). Agent: Bryant, Campbell & Swartz, LLP (Henry Gilmore). City Staff: Jorge Rousselin, 974-2975.

The public hearing was closed and the first reading of the ordinance for neighborhood commercial (LR) district zoning for the SF-3 zoned portion of the tract and to deny commercial services (CS) district zoning was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 4-2 vote. Those voting aye were: Mayor Wynn and Council Members Alvarez, Kim and Leffingwell. Those voting nay were: Mayor Pro Tem Thomas and Council Member Dunkerley. Council Member McCracken was off the dais.

- Z-24 C14-05-0138.001 – Greater South River City Combined Neighborhood Plan (St. Edward's Neighborhood) - 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 St. Edward's Neighborhood, bounded by Town Lake on the north, Oltorf Street on the south, South IH-35 on the east and South Congress Avenue on the west (Blunn Creek; West Bouldin Creek; Harpers Branch & Country Club Creek Watersheds). The proposed zoning change will amend the Neighborhood Plan (NP) combining district to add "Secondary Apartment" and "Small Lot Amnesty" as permitted special uses to the entire area. Planning Commission Recommendation: To include Secondary Apartment in the NP and to not include Small Lot Amnesty. City Council action of September 29, 2005: approved uncontested cases in the St. Edward's Neighborhood as recommended by Planning Commission and postponed action on the secondary apartment and small lot amnesty special uses. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685 & Sherri Sirwaitis, 974-3057. (Related Items Z-23, Z-25)

The public hearing was closed and the motion to deny "Secondary Apartment" and "Small Lot Amnesty" was approved on Council Member Dunkerley's motion, Mayor Pro Tem Thomas' second on a 5-0-1 vote. Council Member Kim recused. Council Member McCracken was off the dais.

- Z-23 NP-05-0022.001 - Greater South River City Neighborhood Plan - Conduct a public hearing and approve an ordinance amending the Greater South River City Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map for properties locally known as 118-134 East Riverside Drive (Tract 1), 201-309 East Riverside Drive (Tract 3), 2100 South IH-35 (Tract 28), 2016 South IH-35 (Tract 29a), 2000 South IH-35 (Tract 29b) and 0 South IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35). The City Council may approve a land use change to any of the following categories: office, commercial, mixed-use office, mixed use, high density mixed use, or industrial. Planning Commission recommendation: To recommend a change in the Future Land Use Map with conditions. City Council action of September 29, 2005: Approved the Greater South River City Combined Neighborhood Plan and future land use map with the exception of secondary apartment and small lot amnesty special uses, and Tracts 1, 3, 28, 29a&b & 35. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685. (Related Items Z-24, Z-25)

This item was withdrawn because no change to the future land use map was needed.

- Z-25 C14-05-0139.001 – Greater South River City Combined Neighborhood Plan (South River City neighborhood) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property within South River City Neighborhood bounded by Town Lake on the north, East Oltorf Street on the south, South IH-35 on the east, and South Congress on the west. The proposed zoning changes will amend the Neighborhood Plan (NP) combining district to add "Secondary Apartment" and "Small Lot Amnesty" as permitted special uses within the Travis Heights-Swisher Subdistrict. The Travis Heights-Swisher Subdistrict is generally bounded by Town Lake on the north, IH-35 on the east, Oltorf Street on the south, South Congress Avenue on the west, save and except the Fairview Park Subdistrict which is generally bounded by Riverside Drive and Music Lane on the north, Sunset Lane on the east, Monroe Street on the south and South Congress Avenue on the west. The

proposed zoning changes would also rezone properties locally known as 118-134 E. Riverside Dr. (Tract 1), 201-309 E. Riverside Dr. (Tract 3), 2100 S. IH-35 (Tract 28), 2016 S. IH-35 (Tract 29a), 2000 S. IH-35 (Tract 29b) and 0 S. IH-35 (ABS 24 Del Valle S Acr. 2.31) (Tract 35) (Blunn Creek, East Bouldin Creek, Harpers Branch & Town Lake watersheds). The City Council may approve a base district zoning change to any of the following: 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; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO) combining district, planned development area (PDA) combining district, mixed use (MU) combining district, neighborhood plan (NP) combining district or neighborhood conservation (NC) combining district may also be added to these zoning base districts. Planning Commission Recommendation: To recommend the addition of Secondary Apartment to the NP, to not include Small Lot Amnesty in the NP and to grant the requested zonings with conditions. City Council action of September 29, 2005: Approved uncontested cases in the South River City Neighborhood as recommended by Planning Commission and postponed action on Tracts 1, 3, 28, 29a& 29b & 35. Vote: 6-0 (Council Member Kim off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Adam Smith, 974-7685, Sherri Sirwaitis, 974-3057. Note: A valid petition has been filed in opposition to this rezoning request. (Related Items Z-23, Z-24)

The motion to close the public hearing and add the following to the first reading of an ordinance was approved on Council Member Leffingwell's motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member McCracken was off the dais. The motion was to rezone Tract 3, 201-309 E. Riverside Dr., to CS-CO-NP with a conditional overlay prohibiting automotive rentals, automotive repair services, automotive sales, automotive washing, bail bonds services, exterminating services, funeral services, indoor sports and recreation, outdoor sports and recreation, pawn shop service and service station.

The motion to close the public hearing and add the following to the first reading of an ordinance was approved on Council Member Kim's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais. The motion was to rezone Tracts 28 and 29a, 2100 and 2016 S. IH-35, to GR-MU-CO-NP with a conditional overlay prohibiting the following GR uses: bail bond services, drop recycling collection facility, exterminating services, pawn shop services and automotive washing as principal use (only prohibiting free standing car washes – not prohibiting car washes as an accessory use to a service station) and preparing a letter to the South River City neighborhood association agreeing that if Tract 29a is redeveloped in the future, the owner is willing to discuss the option of adding a driveway from Tract 29a to the IH-35 frontage road.

The motion to close the public hearing and add the following be added to the first reading of an ordinance was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was off the dais. The motion was to rezone Tract 29b, 2000 S. IH-35, to GR-MU-CO-NP with a conditional overlay requiring a 10-foot vegetative buffer along the eastern property line

The motion to disapprove secondary apartment special use within the Travis Heights-Swisher Subdistrict of the South River City Neighborhood was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

The first reading to rezone Tract 1, 118-134 E. Riverside Drive, to LI-NP was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

There was a motion to rezone Tract 35, northwest corner of Woodland and IH 35, to GR-CO-NP made by Mayor Pro Tem Thomas and seconded by Council Member Dunkerley. The substitute motion to rezone Tract 35 to GO-CO-NP failed on Council Member Leffingwell's motion, Mayor Wynn's second on a 2-4 vote. Those voting aye were: Mayor Wynn and Council Member Leffingwell. Those voting nay were: Mayor Pro Tem Thomas and Council Members Alvarez, Dunkerley and Kim. Council Member McCracken was off the dais.

The main motion to approve the first reading of an ordinance to rezone Tract 35, northwest corner of Woodland and IH 35, to GR-CO-NP was approved on Mayor Pro Tem Thomas' motion, Council Member Dunkerley's second on a 4-2 vote. Those voting aye were: Mayor Pro Tem Thomas and Council Members Alvarez, Dunkerley and Kim. Those voting nay were: Mayor Wynn and Council Member Leffingwell. Council Member McCracken was off the dais.

54. Conduct a public hearing and approve an amendment to Exhibit A of Ordinance No. 20050912-05, the Fiscal Year 2005-2006 Approved Fees, Fines and Other Charges, to amend the Fuel Adjustment Clause in the Electric Rate Schedule to allow projected fuel costs to be considered in determining whether there will be an under or over recovery of fuel costs. (Funding for projected fuel expenses for fuel and power will be provided by the Electric Fuel charge revenue.) (Recommended by the Electric Utility Commission.)
The public hearing was closed and Ordinance No. 20051201-054 was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.
55. Conduct a public hearing and approve an ordinance on the Downtown Austin Public Improvement District (PID) 2006 assessments, adopting the assessment roll and levying assessments. (Funding at the approved 2006 assessment rate of \$0.10/\$100 valuation is estimated to produce \$1,287,980 at a 96.24% collection rate.)
The public hearing was closed and Ordinance No. 20051201-055 was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.
56. Conduct a public hearing and approve an ordinance on the East Sixth Street Public Improvement District (PID) 2006 assessments, adopting the assessment roll and levying assessments. (Funding in the approved 2006 assessment rate of \$0.10/\$100 valuation is estimated to produce \$36,304 at a 90.13% collection rate.)
The public hearing was closed and Ordinance No. 20051201-056 was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

Mayor Wynn adjourned the meeting at 2:36 a.m. without objection.

The minutes for the Regular Meeting of December 1, 2005 were approved on this the 15th day of December, 2005 on Council Member Dunkerley's motion, Mayor Pro Tem Thomas' second on a 7-0 vote.