

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 22, 2008**

Invocation: Pastor Charles Robinson, Tree of Life International Prayer and Praise Center

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, May 22, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

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

1. Approve the minutes of the Austin City Council Worksession from May 14, 2008 and the May 15, 2008 Regular meeting.
The minutes from the meetings of May 14, 2008 worksession and the May 15, 2008 regular meeting were approved.
2. Approve an ordinance authorizing negotiation and execution of an amendment to the existing Cost Reimbursement Agreement with Pebble Creek Joint Venture, Continental Homes of Texas, L.P., Rathgeber Investment Company, Ltd., and Developers of Avery Ranch, Ltd.; and to waive the requirements of Section 25-9-67 of the City Code relating to cost reimbursement payment schedule. Funding is included in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. To be reviewed by the Water and Wastewater Commission on May 21, 2008. (Recommended by the Water and Wastewater Commission)
Ordinance No. 20080522-002 was approved.
3. Approve an ordinance ordering a runoff election to be held in the City of Austin on June 14, 2008 to elect the Council Member to Place 4, making provision for the conduct of the election; and declaring an emergency. Funding in the amount of \$488,052 is included in the Fiscal Year 2007-2008 Operating Budget of the Office of the City Clerk.
Ordinance No. 20080522-003 was approved.
4. Approve a resolution authorizing the negotiation and execution of an agreement to purchase easements for the Austin Clean Water Program as follows: Govalle/Crosstown Sanitary Sewer Overflow Wastewater Improvement Project for a 16,162 square-foot permanent wastewater line easement, a 15,190 square-foot temporary working space easement and a 9,750 square-foot temporary staging area and material storage

site easement, being a portion of a tract of land described as all of Lot 9 and a portion of Lots 5 & 6 out of the Subdivision of 252 acres out of the George W. Spear League in Travis County, Texas, in the amount of \$217,939. The owner of the needed property is The Board of Regents of the University of Texas System. The property is located at 1618 West 6th Street, Austin, Travis County, Texas. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility.

Resolution No. 20080522-004 was approved.

5. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, Texas for the Barton Springs Road Bicycle Lanes from Robert E. Lee Road to Rollingwood Drive, in the amount of \$964,893.90 plus a \$48,244.69 contingency, for a total contract amount not to exceed \$1,013,138.59. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Lowest of six bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Minority Business Enterprise Procurement Program) by meeting the goal with 8.08% DBE subcontractor participation. Recommended by the Parks and Recreation Board, Urban Transportation Commission and Planning Commission.
The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved.
6. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, Texas for the Group 1 Street Reconstruction and Utility Adjustments for Oak Plantation Phase 1 in the amount of \$1,058,415 plus a \$52,920.75 contingency, for a total contract amount not to exceed \$1,111,335.75. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department. Lower of two bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.14% MBE and 3.21% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved.
7. Authorize negotiation and execution of a professional services agreement with STUDIO 8 ARCHITECTS, INC. (MBE/MH 43.0%), Austin, Texas for preliminary, design, construction phase and post-construction phase services of the North Austin Recreation Center building in an amount not to exceed \$680,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Parks and Recreation Department. Best qualification statement of 10 received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 37% MBE and 15% WBE subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement with Studio 8 Architects, Inc. was approved.
8. Authorize negotiation and execution of an amendment to the professional services agreement with EARTH TECH, INC., Austin, TX, to provide program management services for the Austin Clean Water Program through December 2009 in the amount of \$1,477,000 for a total contract amount not to exceed \$36,488,316. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 31.1% MBE and 17.8% WBE subconsultant participation. To be reviewed by the Water and Wastewater Commission May 21, 2008. (Recommended by the Water and Wastewater Commission)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Earth Tech, Inc. was approved.

9. Approve an amendment to the professional service agreement with Andrews & Kurth, L.L.P., Austin, TX, in an amount not to exceed \$122,600, for a total contract amount not to exceed \$462,600, for legal counsel related to the City's Minority-Owned and Women-Owned Business Enterprise Program (MBE/WBE). Funding is available in the Fiscal Year 2007-2008 Budget of various General Fund and Enterprise Fund Departments.
The motion for an amendment to the professional service agreement with Andrews and Kurth, L.L.P. was approved.
10. Authorize the negotiation and execution of an amendment to the legal services agreement with Andrews & Kurth, L.L.P., for legal services related to the acquisition of property for Water Treatment Plant No. 4, in the amount of \$162,000 for a total contract amount not to exceed \$212,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility Department.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Andrews and Kurth, L.L.P. was approved.
11. Approve an ordinance authorizing the acceptance of \$110,000 in additional grant funds from the Texas State Library and Archives Commission for a total grant amount of \$980,000 for the Interlibrary Loan Grant Program; and amending the Fiscal Year 2007-2008 Operating Budget Library Department Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$110,000. Funding is available from the Texas State Library and Archives Commission. The grant periods are September 1, 2007 through August 31, 2008 and September 1, 2008 through August 31, 2009.
Ordinance No. 20080522-011 was approved.
12. Approve an ordinance authorizing the City Manager to negotiate and execute refinancing of the balance owed on the Section 108 Loan (B-94-MC-48-0500) for the Millennium Youth Center as part of the United States Department of Housing and Urban Development's June 2008 public offering. Funding is available in the 2007-2008 Operating Fund of the Neighborhood Housing and Community Development Office.
Ordinance No. 20080522-012 was approved.
13. Approve a resolution authorizing the City Manager to apply for a John D. and Catherine T. MacArthur Foundation grant of \$1,000,000 and a loan not to exceed \$4,000,000 for a total of \$5,000,000 for data gathering, analysis, and the creation of a fund to preserve affordable rental housing in Austin. Funding is provided through the John D. and Catherine T. MacArthur Foundation Window of Opportunities: Preserving Affordable Rental Housing grant. No match is required for the \$1,000,000 grant. The \$4,000,000 in Program Investment Loan funds are low-cost loans provided at the below-market rate of 2 percent.
Resolution No. 20080522-013 was approved.
14. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets bounded by East Martin Luther King, Jr. Boulevard, Airport Boulevard, the Austin and Northwest railroad tracks, and Rosewood Avenue/Oak Springs Drive. Funding in the amount of \$4,400 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20080522-014 was approved.

15. Authorize award, negotiation, and execution of a 12-month requirements service contract with FRONTIER ASSOCIATES LLC., Austin, TX, for the purchase of software, implementation, annual maintenance and support, and business process services for Austin Energy's Energy Efficiency Services in an estimated amount not to exceed \$350,000, with four 12-month extension options in an estimated amount not to exceed \$150,000 per extension option, for a total estimated contract amount not to exceed \$950,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals received. This purchase will be awarded in compliance with Chapter 2-9C 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 award, negotiation and execution of a requirements service contract with Frontier Associates LLC was approved.**
16. Authorize award and execution of a contract with GE ENERGY, Houston, TX, for upgrading the existing GE Energy Outage Management System in an amount not to exceed \$800,000. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Sole Source. This contract will be awarded in accordance with Chapter 2-9D 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 award and execution of a contract with GE Energy was approved.**
17. Authorize award, negotiation, and execution of a 12-month requirements service contract with METALINK CORPORATION, Austin, TX for fence installation and repair services at various Austin Energy sites in an estimated amount not to exceed \$612,616, with four 12-month extension options in an estimated amount not to exceed \$612,616 per extension option, for a total estimated contract amount not to exceed \$3,063,080. Funding in the amount of \$204,205 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9C 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 award, negotiation and execution of a requirements service contract with Metalink Corporation was approved.**
18. Authorize award and execution of a contract with SIEMENS POWER TRANSMISSION & DISTRIBUTION, Wendell, North Carolina, for the purchase of a 3-phase generator step-up transformer in an amount not to exceed \$1,815,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Lowest bid of seven bids received. This contract will be awarded in compliance with Chapter 2-9D 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 award and execution of a contract with Siemens Power Transmission and Distribution was approved.**
19. Authorize award and execution of three 12-month requirements supply contracts for various sizes and types of automated electric meters and accessories with TEXAS METER & DEVICE COMPANY, Waco, TX, in an estimated amount not to exceed \$6,869,132, with three 12-month extension options in an estimated amount not to exceed \$6,869,131.68 per extension option, for a total estimated contract amount not to exceed \$27,476,528; POWER SUPPLY, INC., Austin, TX in an estimated amount not to exceed \$3,531,574, with three 12-month extension options in an estimated amount not to exceed \$3,531,571 per extension option, for a total estimated contract amount not to exceed \$14,126,284; and, EKSTROM

INDUSTRIES, Farmington Hills, MI in an estimated amount not to exceed \$582,340, with three 12-month extension options in an estimated amount not to exceed \$582,340 per extension option, for a total estimated contract amount not to exceed \$2,329,360. Funding in the amount of \$10,983,043 is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. The funding for the extension options is contingent upon available funding in future budgets. Lowest bidders of six bids received. This contract will be awarded in compliance with Chapter 2-9D 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 award and execution of three requirements supply contracts with Texas Meter and Device Company, Power Supply, Inc. and Ekstrom Industries was approved.

20. Authorize award and execution of a contract with WAGNER-SMITH EQUIPMENT COMPANY, Burleson, TX, for the purchase of one trailer-mounted bullwheel cable tensioner in an amount not to exceed \$162,250. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Lowest bid meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9D 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 award and execution of a contract with Wagner-Smith Equipment Company was approved.

21. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with AIR STREAM AIR CONDITIONING AND HEATING CO., San Antonio, TX, for the purchase and installation of air conditioning and heating units in an amount not to exceed \$139,429. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Aviation Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Air Stream Air Conditioning and Heating Co. was approved.

22. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with T F HARPER & ASSOCIATES L P, Austin, TX, for the purchase and installation of a playscape and playground equipment for the Davis-White Northeast Park in an amount not to exceed \$88,132. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Parks and Recreation Department. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with T F Harper and Associates L P was approved.

23. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

Board

Nominated By:

Austin-Travis County EMS Advisory Board

Paul Carrozza

Mayor Wynn

Commission on Immigrant Affairs

Ayo Akande

Council Member Cole

24. Approve a resolution directing the City Manager to eliminate City purchase of plastic water bottles for use inside governmental facilities in City Hall and to present a plan to the City Council for reducing plastic bottle use in all City operations. (Council Member Lee Leffingwell Mayor Will Wynn Council Member Brewster McCracken)
Resolution No. 20080522-024 was approved with a friendly amendment from Council Member Leffingwell to insert the word disposable before “plastic water bottle” in paragraph 5. This was accepted by the maker of the motion and Mayor Pro Tem Dunkerley who seconded the motion.
25. Approve a resolution directing the City Manager to evaluate the feasibility of locating those Austin Police Department operations currently housed at the Austin Police Department Main Headquarters building to the planned substation that will house the North Central and North East Area Commands, or other appropriate locations, and report back to Council in 90 days. (Council Member Sheryl Cole Mayor Will Wynn Council Member Mike Martinez)
Resolution No. 20080522-025 was approved.
26. Authorize payment of Austin Police Department (APD) costs in an amount not to exceed \$275 for the North Shoal Creek Neighborhood Association's July 4th Parade to be held on July 4, 2008. (Council Member Brewster McCracken Council Member Lee Leffingwell Council Member Sheryl Cole)
The motion authorizing payment of Austin Police Department (APD) costs in an amount not to exceed \$275 for the North Shoal Creek Neighborhood Association's July 4th Parade was approved.
27. Approve waiver of certain park rental fees for the Pride Texas Festival taking place at Auditorium Shores, to be held on Saturday, June 14, 2008 (Council Member Brewster McCracken Mayor Will Wynn Council Member Mike Martinez)
The motion waiving certain park rental fees for the Pride Texas Festival was approved.
28. Approve waiver of certain fees and requirements, and authorize payment of certain costs for the City's annual co-sponsorship of the Greater East Austin Youth Association's 2008 Juneteenth Parade and Celebration to be held on June 19, 2008, at Rosewood Park. (Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley)
The motion waiving certain fees and requirements and authorizing payment of certain costs for the City's annual co-sponsorship of the Greater East Austin Youth Association's 2008 Juneteenth Parade and Celebration was approved.
29. Set a public hearing to consider an ordinance amending Chapters 25- 1 and 25-2 of the City Code to amend the requirements and process for approving a Planned Unit Development (PUD) district and Planned Development Agreements (PDA). (Suggested date and time: June 5, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set for June 5, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
30. Set a public hearing to consider an ordinance amending Chapter 25-2-170 of the City Code to revise the boundaries of the East Sixth Street/Pecan Street (PS) Overlay District. (Suggested date and time: June 5, 2008, 6:00 p.m. at Austin City Hall Council Chambers, 301 W. Second Street.)

The public hearing was set for June 5, 2008 at 6:00 p.m., Austin City Hall Council Chambers at 301 W. Second Street, TX.

31. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Richard P. Whitmore on behalf of Mr. Marc A. Knox and Ms. Janna S. Knox to allow construction of a single-family residence at 10021 Wild Dunes Drive in the 100-year floodplain of Onion Creek with proposed finished floor elevation being one foot above the 100-year floodplain elevation and limiting the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain by excluding the footprint of the proposed structure from the easement dedication requirement. (Suggested date and time: June 5, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for June 5, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
32. Set a public hearing to consider an ordinance amending City Code Chapter 5-1 (Housing Discrimination), the 2006 International Residential Code, and the 2005 Electrical Code to require all new single-family homes and duplexes to comply with certain accessibility or visitability standards now applicable only to publicly funded housing. (Suggested date and time: June 5, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set for June 5, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
33. Set a Public Hearing to receive citizen comments on the City's (1) Annual Action Plan for Fiscal Year 2008-2009 as required by the U.S. Department of Housing and Urban Development and (2) the Community Development Fiscal Year 2008-2009 Program as required by Chapter 373, Texas Local Government Code, including proposed funding allocations for Fiscal Year 2008-2009. (Suggested date and time: June 5, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set for June 5, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.

Items 34 through 37 were Executive Session items.

Items 38 and 39 were action on Executive Session items.

Item 40 was a briefing item set for 1:00 p.m.

Items 41 through 61 were zoning items set for 4:00 p.m.

Items 62 and 63 were public hearing items set for 6:00 p.m.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:39 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.

34. Discuss legal issues related to Stop Domain Subsidies proposed charter amendment and its effect on City projects and economic development agreements (Private Consultation with Attorney - Section 551.071). Related to Item #38

Item 35 was discussed later in Executive Session.

36. Discuss legal issues relating to the development of the Green Water Treatment Plant and Austin Energy Control Center sites (Private Consultation with Attorney - Section 551.071).
This item was withdrawn.
37. Discuss legal issues related to Anne Ashmun, the City of Austin, Neighbors Organized to Protect the Environment, Inc., and John Sikoski v. Texas Commission on Environmental Quality and KBDJ, L.P., Cause No. 03-07-0069-CV, In the Court of Appeals 3rd District of Texas (concerns approval by TCEQ of KBDJ quarry located on the Recharge Zone). (Private Consultation with Attorney - Section 551.071). Related to Item #39.
This item was withdrawn.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:13 p.m.

CITIZEN COMMUNICATION: GENERAL

Paul Robbins -- City Issues

Gus Pena - 1.To discuss budget, City Issues 2.Crime is on the increase. Give youth an alternative into positives: Jobs, counseling, mentoring, tutoring 3. Please advocate for veterans, health care, housing for homeless Veterans (Affordable), Jobs, Education. A lot of Veterans are being denied due process and their right to Healthcare and help by many entities, and the department of Veteran Affairs

Carolannerose Kennedy- HIGHNASS D OPINION

Jimmy Castro-Children's Medical Network

Doris Williams-Concerning Austin Energy's Billing Cycle. **She was not present when her name was called.**

Zenobia C. Joseph - 1. Education Consortium Inquiry 2. Elementary Writing Summer Programs Funds Request 3. Milestones to close achievement gap 4. No Child Left Behind reauthorization (Writing Needs)

Jennifer L. Gale - A more open Government

Doug Riley - Animal Shelter. **He was not present when his name was called.**

Robert L. Thomas-Labor and Industrial relations at Rosewood Park and Recreation center and unfair labor practices

Elizabeth Colvin -- Community Tax Centers

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:44 p.m.

EXECUTIVE SESSION CONTINUED

35. Discuss real estate development options related to the sale of the Green Water Treatment Plant and Austin Energy Control Center sites (Real Property - Section 551.072).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 1:52 p.m.

ACTION ON EXECUTIVE SESSION

38. Possible action giving direction to the City Manager related to the Stop Domain Subsidies proposed charter amendment and its effect on City projects and economic development agreements, authorizing the negotiation and execution of amendments to the City of Austin/Endeavor Real Estate Group Economic Development Agreement and related documents for the development of The Domain project (located at the intersection of North Mopac and Braker Lane), and/or authorizing the negotiation and execution of amendments to the Master Development Agreement between the City of Austin and Catellus Austin, L.L.C. and related documents for the redevelopment of the Mueller property (formerly the Robert Mueller Municipal Airport). Related to Item #34.

This item was withdrawn.

39. Approve settlement in Anne Ashmun, the City of Austin, Neighbors Organized to Protect the Environment, Inc., and John Sikoski v. Texas Commission on Environmental Quality and KBDJ, L.P., Cause No. 03-07-0069-CV, In the Court of Appeals 3rd District of Texas (concerns approval by TCEQ of KBDJ quarry located on the Recharge Zone). Related to Item #37.

This item was withdrawn.

BRIEFING

40. Presentation and discussion relating to the potential sale and redevelopment of the Green Water Treatment Plant and Austin Energy Control Center sites, including presentations from the qualified proposers.

The presentation was made by Sue Edwards, Acting Assistant City Manager and Rodney Gonzales, Acting Director for Economic Growth and Redevelopment Services. The companies making presentations were:

Simmons Vedders Partners:

Juan Coteria and Phil Reed (Coteria + Reed)

John McKinnerney (Simons Vedders Partners)

Trammel Crow:

Perry Lorenz, (Constructive Ventures)

Lance Sallis (TC Austin Development)

Bert Gregory (Mithun)

Catellus:

Gregory Weaver (Catellus)

Matt Whelan (Catellus)

Collin Greene (HOK Partners)

Henry Beer (Commarts)

Forest City:

David Levey (Forest City)

James Truitt (Forest City)

Taylor Andrews (Andrews Urban)

Sinclair Black (Black+Vernooy)

Don Bosse (Bosse & Turner Associates)

Michael Borg (Gromatzky Dupree & Associates)

Stratus:

Beau Armstrong (Stratus)

Steve Drenner (Drenner and Golden Stuart Wolff, LLP)

Larry Speck (Page Southerland Page)

Taylor Bowen (AMLI)
Neville Rhone (Canyon-Johnson Urban Funds)
Eric Moede (H.E. Butt Grocery Company).

Mayor Wynn recessed the Council Meeting at 5:40 p.m.

LIVE MUSIC

Latin at Heart

PROCLAMATIONS

Presentation to the City regarding Austin being a Heart and Stroke Health City to be made by Dr. Tom Tennar and to be accepted by Mayor Will Wynn

Proclamation -- National Public Works Week -- to be presented by Mayor Will Wynn and to be accepted by Joe Ramos and members of the department

Certificate of Congratulations -- Texas Bicycle Coalition -- to be presented by Mayor Will Wynn and to be accepted by Robin Stallings

Proclamation -- EMS Week -- to be presented by Mayor Will Wynn and to be accepted by Ernesto Rodriguez

Proclamation -- World Wellness Weekend -- to be presented by Council Member Mike Martinez and to be accepted by Jud Schwartz

Proclamation -- Memorial Day -- to be presented by Council Member Lee Leffingwell and to be accepted by Allen Bergeron

Mayor Wynn called the Council Meeting back to order at 6:41 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 Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

41. C14-2008-0044 - Windsor Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Windsor Park Neighborhood Planning Area, bounded by East U.S. Highway 290 on the north; Northeast Drive and Manor Road on the east; East 51st Street on the south; and IH-35 on the west (Tannehill Branch; Fort Branch; Little Walnut Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Windsor Park Neighborhood Planning Area from the overlay district. First reading approved on April 24, 2008. Vote: 7-

0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.

Ordinance No. 20080522-041 was approved as follows: Tracts 1-14, 17-25, 27-29 and 31 were approved for vertical mixed use building (V) zoning with dimensional standards, parking reduction and additional ground floor uses in office districts. Tracts 15, 16 and 26 were excluded from the vertical mixed use Overlay District. An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.

42. C14-2007-0225 - Parmer Place - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600-1622 East Parmer Lane (Walnut Creek and Harris Branch Watersheds) from development reserve (DR) district zoning and single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning to multi-family residence-low density (MF-2) district zoning for Tract 1 and community commercial (GR) district zoning for Tract 2. First reading approved on May 8, 2008. Vote: 7-0. Applicant: Austin Dessau, LLC (Paul Joseph). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to June 5, 2008 at the staff's request.

43. C14-2007-0210 and C14H-2007-0011 - Kocurek Building - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 511 West 41st Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to neighborhood office-historic landmark-neighborhood conservation combining district (NO-H-NCCD) combining district zoning. First reading approved on March 27, 2008. Vote: 6-0 (Cole off the dais). Second Reading approved on April 24, 2008. Vote: 7-0. Applicant and Agent: Vanguard Design Build (Michael Rhoades). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to June 5, 2008 at the staff's request.

44. C14-2007-0263 - Hyde Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Hyde Park Neighborhood Planning Area, bounded by 51st Street to the north, Red River to 45th Street to Duval Street to the east; 38th Street to the south and Guadalupe Street to 47th Street and along Waller Creek to the south (Waller Creek watershed). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Hyde Park Neighborhood Planning Area from the overlay district. First Reading approved on March 6, 2008. Vote: 4-2 (Leffingwell, Cole-Nay; Kim-off the dais.) Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975.

Ordinance No. 20080522-044 for vertical mixed use Overlay on Tracts 1-12 authorizing 60% of median family income for affordable rental units in vertical mixed use buildings was approved. Council Members Cole and Leffingwell voted no.

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 McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Martinez was off the dais.

46. C14-2007-0088 - Winkley Loma Vista Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7213 1/2 Twilight Mesa Drive (Williamson Creek Watershed - Barton Springs Zone) from interim-rural residence (I-RR) district zoning to single-family residence-large lot (SF-1) district zoning for Tract 1, and single-family residence-standard lot (SF-2) district zoning for Tract 2. Staff Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning for Tract 1, and single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning for Tract 2. Planning Commission Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning for Tract 1, and single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning for Tract 2. Applicant: Charles Winkley and Allen Sonstein. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20080522-046 for single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning for Tract 1 and single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning for Tract 2 was approved.
47. C14H-2008-0004 - Evans-Otting House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4200 Duval Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to family Residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Staff recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Applicant and Agent: Carolyn A. McFarland. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20080522-047 for family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning was approved.
48. C14H-2008-0006. Wiley-McKown House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1815 Travis Heights Boulevard (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff recommendation: To grant family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Marilyn McKown Goode, owner. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20080522-048 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved.
49. C14H-2008-0007 - Wheeler-Holcomb House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 905 Avondale Road (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood Plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission

Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Carrie Bills, owner. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20080522-049 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved.

50. C14H-2008-0011 - Hardwicke House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1409 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: C. Jarrett and Tracy Anderson. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20080522-050 for family residence-historic landmark (SF-3-H) combining district zoning was approved.
51. NPA-2008-0023.02 - Windsor Park Neighborhood Planning Area, Tract 30 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-055, the University Hills/Windsor Park Neighborhood Plan, an element of the Austin Comprehensive Plan, to change the land use designation of 1801 Briarcliff Boulevard (Tannehill Branch Watershed) from commercial to mixed use. Planning Commission Recommendation: To approve a change in the Future Land Use Map from commercial to mixed use. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.
Ordinance No. 20080522-051 to change the land use designation on the future land use map to mixed use was approved.
52. C14-2008-0044(PART) - Windsor Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 30 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 30, located at 1801 Briarcliff Boulevard within the Windsor Park Neighborhood Planning Area (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning. Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude Tract 30 from the overlay district. Planning Commission Recommendation: To grant community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.
Ordinance No. 20080522-052 for community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning was approved.
57. C14H-2008-0005 - Caruthers-Pierce-Richard House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 E. Monroe Street (Blunn Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district (SF-3-H-NCCD-NP) combining district zoning. Staff recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark

Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20080522-057 for family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was approved.

61. C14-2007-0263.001 - Hyde Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 100 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 100, located at 4000 Avenue B, within the Hyde Park Neighborhood Planning Area, from neighborhood commercial-mixed use-neighborhood conservation combining district (LR-MU-NCCD) zoning to neighborhood commercial-mixed use-vertical mixed use building-neighborhood conservation combining district (LR-MU-V-NCCD) zoning (Waller Creek watershed). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude Tract 100 from the overlay district. Planning Commission Recommendation: To grant neighborhood commercial-mixed use-vertical mixed use building-neighborhood conservation combining district (LR-MU-V-NCCD) zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719.
- Ordinance No. 20080522-061 was approved for vertical mixed use with dimensional standards, parking reduction and an affordability level of 60% of the median family income for affordable rental units for Tract 100.**

ZONING DISCUSSION ITEMS

60. C14-2008-0043 - Barton Hills Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Barton Hills Neighborhood Planning Area, bounded by Robert E. Lee, Rabb Road, Rae Dell Avenue, Barton Skyway, & Lamar Boulevard to the east, Stearns Lane & MoPAC Expressway Northbound to the west, and Lady Bird Lake to the north (Barton Creek, Eanes Creek and Town Lake Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Barton Hills Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Gregory Montes, 974-2629. A valid petition has been filed by a property owner in opposition to this rezoning request for Tract 4B, located at 3600 South Lamar Blvd.
- The public hearing was closed and the first reading of the ordinance for vertical mixed use building (V) district was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Martinez was off the dais. The motion included dimensional standards and additional uses in office districts for Tracts 1-3. Tracts 4 and 5, except Tract 4B, were excluded from the vertical mixed use overlay districts. An affordability level of 60% of**

median family income for 10% of rental units in a vertical mixed use was included. Tract 4B was postponed to June 18, 2008.

45. C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 1C and Tracts 3-21 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Windsor Road Neighborhood Planning Area, bounded by West 35th Street on the north, North Lamar Boulevard on the east, Enfield Road on the south and North MoPac Expressway Northbound on the west (Town Lake, Shoal Creek, Johnson Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Windsor Road Neighborhood Planning Area from the overlay district. First Reading approved on February 14, 2008. Vote: 6-0 (Kim-absent). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed by a property owner in opposition to the rezoning request for Tract 3A, located at 1715 West 35th Street. Ordinance 20080522-045 for Vertical Mixed Use Building (V) zoning was approved on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote with dimensional standards, parking reduction and additional uses in office districts for Tracts 7-21 and an affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building. Tracts 1-6 were excluded from the vertical mixed use overlay district.
53. C14-2008-0045 - St. Dominic Savio Catholic High School - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9400 Neenah Avenue (Lake Creek Watershed) from unzoned to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Applicant: Catholic Diocese of Austin (Bishop Gregory Aymond). Agent: Baker-Aicken & Associates (David Kneuper, P.E.). City Staff: Sherri Sirwaitis, 974-3057. The public hearing was closed and the first reading of the ordinance for general office-conditional overlay (GO-CO) combining district zoning with conditions was approved on Council Member Martinez' motion, Council Member McCracken's second on a 7-0 vote. The conditions were: limiting vehicles trips for the development to less than 2,000 vehicle trips per day; permitting the neighborhood office (NO) district uses and civic uses; prohibiting access to Bruns Grove except for bicycle and emergency access; providing bicycle and pedestrian path that connect the abutting subdivision to the north; and providing the bicycle/pedestrian path meets the accessible route criteria and is approved by the Watershed Protection Review Department and Public Works Department. Staff was directed to meet with the neighbors before the third reading to minimize the impact to the neighborhood.
54. C14-2008-0050 - Clark and Southside 13 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8104 and 8200 South Congress Avenue (South Boggy Creek Watershed) from development reserve (DR) district zoning, rural residence-conditional overlay (RR-CO) combining district zoning, and single-family residence-standard lot (SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Southside

Storage Inc. (Bobby New) and Chris Clark. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and the first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The conditions were: provide a 50-foot wide landscape buffer; a 100-foot building set-back along the north and southwest property line; and 2,000 vehicle trips per day limitation. The prohibitions were: adult oriented business use, automobile rentals and repairs, automobile sales; automobile washing of any type, commercial blood plasma center and pawnshop services.

55. C14-2008-0066 - Overton-5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7700 and 7704 Latta Lane (Williamson Creek Watershed - Barton Springs Zone) from development reserve (DR) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-standard lot (SF-2) district zoning. Applicant: Volma and Shirley Overton. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

The public hearing was closed and the first reading of the ordinance for family residence (SF-3) district zoning was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. Direction was given to staff to investigate trail easement opportunities.

56. C14H-2008-0001 - Good-Nivens-Birkner-Wilke House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1811 S. Congress Avenue (Town Lake Watershed) from commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-historic landmark-neighborhood plan (CS-MU-H-NP) combining district zoning. Staff Recommendation: To deny general commercial services-mixed use-historic landmark-neighborhood plan (CS-MU-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant general commercial services-mixed use-historic landmark-neighborhood plan (CS-MU-H-NP) combining district zoning. Planning Commission recommendation: To deny general commercial services-mixed use-historic landmark-neighborhood plan (CS-MU-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and the motion to deny was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Martinez was off the dais.

58. C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tracts 1A, 1B, 1D and Tract 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tracts 1A, 1B, 1D and Tract 2 (1807 West 35th Street, 1811 West 35th Street, 1815 West 35th Street and 1721 West 35th Street) within the Windsor Road Neighborhood Planning Area, bounded by West 35th Street on the north, North Lamar Boulevard on the east, Enfield Road on the south and North MoPac Expressway Northbound on the west (Town Lake, Shoal Creek, Johnson Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties located at from the overlay district. Planning Commission Recommendation: To exclude Tracts 1 and 2 from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and

Zoning Department. City Staff: Wendy Rhoades, 974-7719. Valid petitions have been filed by property owners in opposition to this rezoning request.

The public hearing was closed and the first reading of the ordinance to exclude Tracts 1A, 1B, 1D and 2 from the vertical mixed use overlay district was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

59. C14-2008-0019-South Lamar Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-out process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the South Lamar Neighborhood Planning Area, bounded by West Oltorf Street to the north, the Union Pacific Railroad to the east; West Ben White Boulevard to the south and South Lamar Boulevard to the west (West Bouldin Creek, Williamson Creek, Barton Creek - Barton Springs Zone watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the South Lamar Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district and to exclude certain tracts from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

There was a motion, on first reading of the ordinance, to amend the boundaries of the vertical mixed use overlay district to exclude Tracts 6 and 11 that was made by Council Member McCracken and seconded by Mayor Pro Tem Dunkerley.

The substitute motion made by Council Member Leffingwell and seconded by Council Martinez was to amend the vertical mixed use overlay district to exclude Tracts 3-6 and 11. That failed on a 3-4 vote. Those voting aye were: Council Members Kim, Leffingwell and Martinez. Those voting nay were: Mayor, Mayor Pro Tem Dunkerley and Council Members Cole and McCracken.

The motion, on first reading of the ordinance, to amend the boundaries of the vertical mixed use overlay district to exclude Tracts 6 and 11 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-1 vote. Council Member Leffingwell voted nay.

The motion, on the first reading of the ordinance, for vertical mixed use building (V) zoning with affordable housing density, dimensional standards and additional uses in office districts for Tracts 1-5, 7, 9-10, and 12-15 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second was approved on a 7-0 vote.

The motion, on the first reading of the ordinance, for affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was approved on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

62. Conduct a public hearing for the full purpose annexation of the St. Dominic annexation area (Approximately 45 acres in Williamson County located at 9400 Neenah Avenue, approximately three quarters of a mile east of the intersection of Farmer Lane and Lakeline Blvd). The public hearing was closed on Council Member Kim's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

63. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code relating to University Neighborhood Overlay (UNO) District redevelopment requirements. (Recommended by Planning Commission.)
This item was postponed to June 18, 2008 on Council Member Leffingwell's motion, Council Member Kim's second on a 7-0 vote. Direction was given to staff to brief Council Aides about this ordinance.

Mayor Wynn adjourned the meeting at 9:17 p.m. without objection.

The minutes for the Regular Meeting of May 22, 2008 were approved on this the 5th day of June 2008 on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.