

AUSTIN CITY COUNCIL AGENDA

**THURSDAY, MARCH 24, 2005, THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST
2ND STREET, AUSTIN, TEXAS.**



AUSTIN CITY CLERK
POSTING DATE/TIME

05 MAR 18 PM 3:14

For meeting information, contact the City Clerk, 974-2210

**THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE
AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND
EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.
FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.**

**WILL WYNN, MAYOR ♦ JACKIE GOODMAN, MAYOR PRO TEM ♦ DARYL SLUSHER
RAUL ALVAREZ ♦ BETTY DUNKERLEY ♦ BREWSTER MCCrackEN ♦ DANNY THOMAS**

**NOTICE OF REGULAR MEETING
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9:55 A.M. Invocation

Rev. Randy Phillips, Pastor, Promiseland West

10:00 A.M. City Council Convenes

THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, MARCH 24, 2005, IN THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, AUSTIN, TEXAS.

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

READING AND ACTION ON CONSENT AGENDA**ACTION ON THE FOLLOWING:**

ORDINANCES / RESOLUTIONS / MOTIONS - All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

Meeting Minutes

1. Approval of minutes from the meeting of March 10, 2005.

Austin Energy

2. Approve issuance of a rebate in the amount of \$72,141 to ST. EDWARDS UNIVERSITY for the installation of a high efficiency chiller and variable frequency drives at 3001 S. Congress Avenue. (Funding in the amount of \$72,141 is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)

Austin Water Utility

3. Authorize negotiation and execution of a cost participation agreement with Rancho Alto Ventures, Ltd., a Texas limited partnership providing terms and conditions for construction of an appropriately sized wastewater lift station, force main, 12-inch gravity wastewater main and appurtenances to provide wastewater service to the Rancho Alto development located south of Frate Barker Road at Rancho Alto Road, approximately 1,500 feet west of Manchaca Road. City cost reimbursement includes construction costs ("hard costs") in an amount not to exceed 40.2% or \$504,994, whichever is less, and an amount not to exceed 15% of the hard costs or \$72,179, whichever is less, for costs incurred by the developer for engineering, design and project management ("soft costs"), for an overall total cost reimbursement amount not to exceed \$577,173. Approve an Ordinance waiving the requirements of Section 25-9-61 of the City Code relating to eligible facilities and the maximum cost reimbursement of a facility and waiving the requirements of Section 25-9-63 of the City Code relating to amount of cost reimbursement. (Funding in the amount of \$577,173 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission)

Convention Center

4. Amend the Fiscal Year 2004-2005 Hotel/Motel Fund Operating Budget of Ordinance No 040913-01 to increase revenue by an amount of \$240,000 and to increase appropriations for the Tourism and Promotion Fund by an amount of \$240,000; and amend Tourism and Promotion Fund by increasing transfers in from the Hotel/Motel Fund by \$240,000 and increasing expense appropriations for Tourism and Promotion Contracts by \$240,000. (Funding is available from the increased revenue from Hotel/Motel Fund.) (Related Item 5)
5. Approve an amendment to the Austin Convention and Visitors Bureau (ACVB) Fiscal Year 2004-2005 Approved Marketing Plan and Budget by increasing the contract payment from the City of Austin to the ACVB by \$240,000 to \$5,155,586 and increasing the contract payment from the City of Austin to ACVB in the amount of \$240,000 to \$4,534,255 for the Fiscal Year 2004-2005. (Funding in the amount of \$240,000 is available in the Fiscal Year 2004-2005 Operating Budget of the Tourism and Promotion Fund.) (Related Item 4)

Economic Growth and Redevelopment Services

6. Approve a resolution revising and amending the Music Venue Relocation Program for Downtown Development established on April 15, 1999 under Chapter 380, Texas Local Government Code, and rename the program the Legendary Music Venue Relocation and Redevelopment Program. (Related Items 7, 8)
7. Authorize the negotiation and execution of an economic development agreement including a forgivable loan agreement and other documents with 4709 Incorporated d/b/a Midtown Live in an amount not to exceed \$750,000 under the Legendary Music Venue Relocation and Redevelopment Program for the redevelopment of property located at 7408 Cameron Road. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of the Downtown Development Fund.) (Related Items 6, 8)
8. Amend the Fiscal Year 2004-2005 General Fund Operating Budget of Ordinance No. 040913-01 to create a new line item entitled "Transfers Out to the Downtown Development Fund" in the amount of \$561,688; and to amend the Fiscal Year 2004-2005 Special Revenue Fund, the Downtown Development Fund, to appropriate the beginning balance of \$188,312, to create a new line item "Transfers In from the General Fund" in the amount of \$561,688, and to increase expenditure appropriations by \$750,000 to fund the Legendary Music Venue Relocation and Redevelopment Program. (Funding is available in the beginning balance of the General Fund, in the amount of \$509,465 from proceeds from the Liberty Lunch repayment and in the amount of \$52,223 from prior year savings.) (Related Items 6, 7)

Financial and Administrative Services - Communications and Technology Management

9. Approve a resolution directing the City Manager to initiate the renaming of Old Bull Creek Road to West 35th Street. (The processing fee of \$500 has been determined, for one street sign location at the intersection of Old Bull Creek Road with Foothill Drive and West 35th Street as well as another street sign location at the intersection of Mount Bonnell Road and Old Bull Creek Road.)

Health and Human Services

10. Approve an ordinance amending the Fiscal Year 2004-2005 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to authorize the addition of one-half (0.5) full time equivalent position for the Refugee Health Screening Program for the provision of comprehensive health screening services to newly arriving official refugees. (Funding in the amount of \$169,209 is available from the Texas Department of State Health Services, Refugee Health Screening Program. The grant period is October 1, 2004 through September 30, 2005. This grant funding is included in the Fiscal Year 2004-2005 Health and Human Services Department Approved Operating Budget Special Revenue Fund.)

Law

11. Approve an ordinance amending Section 12-4-42 of the City Code to extend the Riverside Drive (East) 40 miles per hour speed limit to that portion of Riverside Drive (East) between Parker Lane and Montopolis Drive.

Neighborhood Planning and Zoning

12. Approve an ordinance on second/third reading amending Chapters 25-1, 25-2 and 25-6 of the Land Development Code to establish Transit Oriented Development districts, and adopting zoning and other regulations applicable in those districts. (Reviewed by Urban Transportation Commission, Design Commission, Planning Commission, and the Zoning and Platting Commission.) (Related Item 13)
13. Approve a resolution to establish goals for affordable housing in Transit Oriented Development (TOD) districts and Station Area Plans. (Related Item 12)

Parks and Recreation

14. Approve an ordinance authorizing acceptance of \$99,250 in grant funds from the Texas Parks and Wildlife Department; and amending the Fiscal Year 2004-2005 Parks and Recreation Department Capital Budget of Ordinance No. 040913-02 to appropriate \$99,250 for construction of a hike and bike trail in Patterson Park. (Funding in the amount of \$99,250 will be provided by the Texas Parks and Wildlife grant proceeds. A fiscal note is attached; matching funds of \$24,813 are included in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Department.)

Police

15. Authorize application for \$409,702 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program, to fund equipment for the Austin Police Department. (Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program, for the grant period October 1, 2005 to September 30, 2006. A cash match is not required.) (Related Item 16)
16. Authorize an Interlocal Agreement between the City of Austin and Travis County to allow the City of Austin to accept and administer the Justice Assistance Grant Program on behalf of the Travis County Sheriff's Office. (Funding in the amount of \$409,702 is available from the Department of Justice, Bureau of Justice Assistance for the Justice Assistance Grant Program.) (Related Item 15)
17. Approve a resolution naming the weapons firing range at the Austin Police Academy located at 4800 Shaw Lane, Austin, Texas as the "Drew Alan Bolin Firing Range."
18. Approve a resolution naming the police sub-station facility located at 404 Ralph Ablanado Drive as the "Clinton Warren Hunter Police South Substation."

Public Works

19. Approve an ordinance on second reading only to renew the ROY'S TAXI, INC. taxicab franchise. (The taxicab permit fee of \$400 per year per permit is a revenue source. Expected annual revenue is \$62,000.)
20. Approve an ordinance amending Section 12-4-63 of the City Code by adding a 20 miles per hour school zone speed limit to a portion of Rio Grande Street for Pease Elementary School and by amending the school zone on Doris Drive for Burnet Middle School; and amending Section 12-4-42 of the City Code by adding a portion of Cameron Road to the list of streets having a maximum speed limit of 40 miles per hour; and amending Section 12-4-44 of the City Code by adding a portion of Dessau Road to the list of streets having a maximum speed limit of 50 miles per hour. (Funding in the amount of \$10,600 is available in the Fiscal Year 2004-2005 Operating Budget of the Public Works Department.)

21. Authorize execution of change order # 6 to the construction contract with SHAW ENVIRONMENTAL, INC., Findlay, OH, for the North Service Center Excavation for Site Clearance in the amount of \$857,815, for a total contract amount not to exceed \$3,210,178.96.(Funding in the amount of \$857,815 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) 7.05% MBE and 0.08% WBE subcontractor participation to date.
22. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for Health and Human Services Department (HHSD) Phase II - Building C Renovations for the Office of Vital Records in an amount not to exceed \$138,819. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Health and Human Services Department.) Lowest bid of two received. 12.72% MBE and 12.67% WBE subcontractor participation to date.
23. Authorize negotiation and execution of a professional services agreement with DUNCAN ASSOCIATES, Austin, TX, for providing professional design-oriented planning services for the rewrite of Title 25 of the City Code, in an amount not to exceed \$300,000. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Neighborhood Planning and Zoning Department.) Best qualification statement of six received. 16.5% MBE and 14.2% WBE subconsultant participation.
24. Authorize negotiation and execution of a professional services agreement with AGUIRRE, INC., Austin, TX, for construction phase services for the Austin-Bergstrom International Airport Terminal Baggage Screening Improvements Project in an amount not to exceed \$250,000. (Funding is available in Fiscal Year 2004-2005 Capital Budget of the Aviation Department.) Best qualification statement of eight received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
25. Authorize negotiation and execution of a professional services agreement with ALAN PLUMMER ASSOCIATES, INC., Austin, TX, for a water resource planning study that will focus on planning for water to supply Austin's long-term needs, in an amount not to exceed \$500,000. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Best qualification statement of four received. 15.90% MBE and 14.20% WBE subconsultant participation. (Recommended by the Water and Wastewater Commission.)

Purchasing

26. Authorize execution of a contract with MDA INSULATION, INCORPORATED, Odessa, TX, (MBE/MH-100%), for heat trace and insulation of Decker Unit 2 boiler in an amount not to exceed \$68,499. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
27. Authorize execution of a contract with FLOWSERVE CORPORATION, Spicewood, TX, for the repair of the start-up boiler feedwater pump on Decker Unit #1 including replacement components in an amount not to exceed \$99,214. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) Lowest bid meeting specification of seven 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.
28. Authorize execution of a contract with MGD TECHNOLOGIES INC., Dallas, TX, for the purchase of twenty wastewater flow meters for the Austin Water Utility in an amount not to exceed \$442,650. (Funding is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
29. Authorize execution of 12-month supply agreement with POLYDYNE, INC., Riceboro, GA, for the purchase of liquid emulsion polymer for sludge dewatering for the Austin Water Utility in an amount not to exceed \$419,528.20, with two 12-month extension options in an amount not to exceed \$441,788.88 for the first extension option and \$465,761.92 for the second extension option, for a total contract amount not to exceed \$1,327,079. (Funding in the amount of \$209,764.10 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining six months of the original contract and extension options is contingent upon available funding in future budgets.) Lowest bid of four 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 subcontract opportunities were identified; therefore, no goals were established for this solicitation.

30. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX, for body armor for the Emergency Medical Services Department in an amount not to exceed \$67,300, with two 12-month extension options in an amount not to exceed \$67,300 per extension option, for a total agreement amount not to exceed \$201,900. (Funding in the amount of \$33,650 is available in the Fiscal Year 2004-2005 Approved Operating Budget for the Emergency Medical Services Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification of six 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.
31. Authorize execution of a 12-month supply agreement with ORASURE TECHNOLOGIES, INC., Bethlehem, PA, for HIV-1 and HIV-1/2 Antibody Test Kits in an amount not to exceed \$125,000, with four 12-month extension options in an amount not to exceed \$125,000 per extension option, for a total agreement amount not to exceed \$625,000. (Funding in the amount of \$62,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
32. Authorize execution of a 12-month supply agreement with BAKER & TAYLOR, INC., Charlotte, NC, for the purchase of music compact discs for the Austin Public Library in an amount not to exceed \$145,860, with two 12-month extension options in an amount not to exceed \$145,860 per extension option, for a total agreement amount not to exceed \$437,580. (Funding in the amount of \$50,321.70 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Library Department. Funding in the amount of \$22,608.30 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Library Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

33. Authorize execution of a 12-month service agreement with FLEET MAINTENANCE OF TEXAS, Austin, TX, for generator maintenance and repair services in an amount not to exceed \$189,319, with two 12-month extension options in amounts not to exceed \$134,635 for the first extension option and \$167,966 for the second extension option, for a total agreement amount not to exceed \$491,920. (Funding in the amount of \$94,659.50 is available in the Fiscal Year 2004-2005 Approved Operating Budgets of the departments as follows: Finance and Administrative Services (Building Services) \$13,946, Austin Energy \$7,389, Austin Fire Department \$32,359.50, Austin Water Utility \$19,329, Fleet Services \$5,771, Communications and Technology Management \$2,880.50, Wireless Communications Services \$9,579.50, Library Department \$1,655, and the Austin Convention Center \$1,750. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
34. Authorize negotiation and execution of a five-year revenue agreement with THE PEPSI BOTTLING GROUP, Austin, TX, for an exclusive beverage vending service agreement in an estimated revenue amount of \$3,362,879, with two 5-year extension options in an estimated revenue amount of \$3,362,879 per option, for a total estimated revenue agreement amount of \$10,088,637. (\$258,352 estimated revenue for Fiscal Year 2004-2005. Estimated revenue for the remaining 55 months of the original contract period and extension options is contingent on future volume of beverage consumption.) Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Watershed Protection and Development Review

35. Amend the Fiscal Year 2004-2005 Watershed Protection and Development Review Department Operating Budget of Ordinance No. 040913-01 to increase the Drainage Utility Fund Beginning Balance by an amount of \$1,231,021, to increase Transfers Out to Other Enterprise CIP expense by an amount of \$800,000, and to increase the budgeted Drainage Utility Fund Ending Balance by an amount of \$413,021; amend the 2004-2005 Watershed Protection and Development Review Department Capital Budget of Ordinance No. 040913-02 to increase the transfer in from the Drainage Utility Fund Operating Budget to the Enterprise Capital Budget by an amount of \$800,000 and to appropriate \$800,000 to the Emergency Contingency Fund Project. (Funding in the amount of \$1,231,021 is available in the audited actual Fiscal Year 2004-2005 Drainage Utility Fund.)

ITEMS FROM COUNCIL

36. Board and Commission appointments.
37. Approve an ordinance waiving the board and commission residency requirements, the prohibition against serving on multiple boards or commissions, and the nine-member limit on board and commission composition under Chapter 2-1 of the City Code, and appointment members to the Bond Advisory Committee. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
38. Approve a resolution reappointing Sid Covington as the "Austin Business Community" representative and Council Member Daryl Slusher as the City of Austin representative to the Austin-San Antonio Intermunicipal Commuter Rail Corridor Council. (Mayor Will Wynn and Council Member Danny Thomas)
39. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code for the OneStar Foundation's Texas Round-Up to be held on Saturday, April 20, 2005. (Mayor Will Wynn)
40. Approve an ordinance authorizing the City's co-sponsorship of the 2005 Austin Farmers' Market to be held each Saturday beginning on March 27, 2005, through October 29, 2005, and waiving fees and requirements under Chapter 14-8 of the City Code; and approve a resolution amending Resolution No. 021003-40 to add the Austin Farmer's Market as an annual City co-sponsored event. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Daryl Slusher)

41. Approve waiver of certain requirements and fees under Chapter 14-8 of the City Code for the annual event Eeyore's Birthday Party in Pease Park on April 30, 2005. (Mayor Pro Tem Jackie Goodman, Mayor Will Wynn and Council Member Betty Dunkerley)

Item(s) to Set Public Hearing(s)

42. Set public hearings to receive citizen comments on community needs to develop the City's (1) annual Action Plan for Fiscal Year 2005-2006, related to allocation of the U.S. Department of Housing and Urban Development grant funds, and (2) Community Development Fiscal Year 2005-2006 Program required by Texas Local Government Code Chapter 373, including proposed funding allocations. (Suggested dates and times: April 7, 2005 and May 12, 2005 at 6:00 p.m., City Council Chambers, 301 West Second Street.) (The Community Development Commission will conduct public hearings on April 12, 2005 and May 10, 2005 and make recommendations to Council on June 14, 2005. City Council final approval is required before the August 15, 2005 HUD submission deadline.)
43. Set public hearings for the disannexation of the Jet Lane Area (Approximately seven acres in Travis County east of Highway 71 East at the end of Jet Lane). (Suggested dates and times: April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 W 2nd Street and April 14, 2005 at 6:00 p.m., City Hall Council Chambers, 301 W 2nd Street.)
44. Set a public hearing on proposed amendments to Chapter 25-2 of the Land Development Code relating to the land use and site development regulations of the Waterfront Overlay (WO) District and the Rainey Street Subdistrict of the Waterfront Overlay District. (Suggested date and time: April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.) (To be reviewed by Planning Commission on 3/22/05.)

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

Pat Johnson - Annexations create severe strain for the Police Department which may jeopardize citizens safety

Lawrence Cranberg, Ph.D. - Elder Justice

Jennifer L. Gale - Austinite Owned Objective Newspaper

Jessica Gordon - Saving South Austin Park

Benjamin Reynolds - Saving South Austin Park

Katherine Kawazoe - South Austin Park

Scott Johnson - Environmental Matters

Belinda Reyes - 969973 Sludge Plant

Jesse Banda - Mulching Plant - Contract to JV Dirt & Loam

Donna Morstad - City/County Program to Manage the Coyote Population in Travis County

EXECUTIVE SESSION (No Public Discussion On These Items)

Private Consultation with Attorney - Section 551.071

45. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.

46. Discuss legal issues regarding an ordinance to adopt a settlement agreement (hereafter "Settlement Agreement Ordinance") in Cause No. GV-400101; *City of Sunset Valley, Texas, Save Barton Creek Association, Inc., and Save Our Springs Alliance, Inc., vs. City of Austin, Texas and Lowe's Home Center, Inc.*; in the 201st Judicial District; Travis County, Texas; waiving board and commission review and allowing for development other than that allowed by the Save Our Springs Initiative Ordinance (hereafter "SOS"), Chapter 25, Article 12, of the Austin City Code. If this Settlement Agreement Ordinance is approved by Council, development that does not comply with SOS would occur on a tract of land that is owned by Lowe's Home Center, Inc., located on the west side of Brodie Lane between William Cannon Drive and Country White Lane over the Barton Springs portion of the Edwards Aquifer recharge zone. (concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved) (Related Item 48)

Real Property - Section 551.072

47. Discuss the sale, lease, or value of the Seaholm Power Plant property located on Cesar Chavez between Lamar Boulevard and Guadalupe Street west of the Green Water Treatment Plant and of Block 21 (bounded by Second Street, Guadalupe Street, Third Street, and Lavaca Street).

Action on Executive Session

48. Approve an ordinance to adopt a settlement agreement (hereafter "Settlement Agreement Ordinance") in Cause No. GV-400101; *City of Sunset Valley, Texas, Save Barton Creek Association, Inc., and Save Our Springs Alliance, Inc., vs. City of Austin, Texas and Lowe's Home Center, Inc.*; in the 201st Judicial District; Travis County, Texas; waiving board and commission review and allowing for development other than that allowed by the Save Our Springs Initiative Ordinance (hereafter "SOS"), Chapter 25, Article 12, of the Austin City Code. If this Settlement Agreement Ordinance is approved by Council, development that does not comply with SOS would occur on a tract of land that is owned by Lowe's Home Center, Inc., located on the west side of Brodie Lane between William Cannon Drive and Country White Lane over the Barton Springs portion of the Edwards Aquifer recharge zone. (Related Item 46)

2:00 PM BRIEFINGS

49. Update Council on the Police Department's plan of action in response to the October 2004 recommendations on Training from the Police Executive Research Forum (PERF).

50. Presentation by the Capital Area Metropolitan Planning Organization (CAMPO) staff on the CAMPO 2030 Plan and possible action to approve a resolution regarding the CAMPO 2030 Plan. (Council Member Daryl Slusher, Mayor Will Wynn, and Council Member Danny Thomas)

**4:00 P.M. ZONING AND NEIGHBORHOOD PLAN AMENDMENT HEARINGS
AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS**

Zoning Ordinances / Restrictive Covenants

51. C14-03-0125 - Wagner Tract - Approve second /third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13801-14409 North IH-35 Service Road North Bound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. First reading on June 17, 2004. Vote: (7-0); Approved CS-CO as recommended by staff, with additional conditions. Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Karl B. Wagner, Jr., Mary Ella Wagner Jones, and JP Morgan Chase Bank (Terry Anderson, Trust Officer). Agent: Doucet & Associates, Inc. (Carol M. Stewart). City Staff: Sherri Gager, 974-3057.
52. Approve an ordinance amending Ordinance No. 040826-56, which adopted the Central Austin Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to establish a land use designation on the future land use map for 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) the West University Neighborhood Planning Area. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item 53)

53. C14-04-0021 - West University Neighborhood Plan Rezoning - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) in the West University Neighborhood Planning Area. The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP, "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. The Neighborhood Mixed-Use Building special use is proposed for Tract 80A. City Council may approve a zoning change from General Office (GO) district zoning to Multi-family Residence - Moderate-High Density (MF-4) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; and Commercial Services (CS) district zoning. A Conditional Overlay (CO) combining district, Mixed Use (MU) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. (Related Item 52)
54. C14H-04-0027 - Brown-Ledel-Silverman House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 609 West Lynn Street from multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multifamily residence moderate high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning. Conditions met as follows: No conditions were imposed on first ordinance reading. First reading on March 3, 2005. Vote: 4-3, Mayor Wynn, Council Member Dunkerley and Thomas nay. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed by the property owner in opposition to this rezoning request.

**Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances
/ Restrictive Covenants**

- Z- 1 C14-04-0149.18 – Old West Austin Neighborhood Plan rezoning for 910 Blanco Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 910 Blanco Street (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Richard Queen & Sara Stevenson. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
- Z- 2 C14-04-0149.19 – Old West Austin Neighborhood Plan rezoning for 810 Blanco Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 810 Blanco Street (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Richard & Amy Griffin. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
- Z- 3 C14-04-0149.21 – Old West Austin Neighborhood Plan rezoning for 802 Oakland Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 802 Oakland Ave (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Gary Kulp. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755

- Z- 4 C14-04-0149.22 – Old West Austin Neighborhood Plan rezoning for 613, 615, & 617 Oakland Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 613, 615 & 617 Oakland Ave (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: 613 Oakland Ave.- Stuart Reifel, 61 Oakland Ave. - Gioconda Bellonci. 617 Oakland Ave. – Ruth Wiley (Life Estate). Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
- Z- 5 C14-04-0149.23 – Old West Austin Neighborhood Plan rezoning for 704 Oakland Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 704 Oakland Avenue (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Kathleen Linnard Davis. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
- Z- 6 C14-04-0149.24 – Old West Austin Neighborhood Plan rezoning for 707 Oakland Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 707 Oakland Ave. (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Gwilym & Linda Lodnick. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755

- Z- 7 C14-04-0149.27 – Old West Austin Neighborhood Plan rezoning for 1210 Baylor St. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1210 Baylor St. (Shoal Creek Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Zan Ray. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
- Z- 8 C14-04-0149.29 – Old West Austin Neighborhood Plan rezoning for 1206 Marshall Lane. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 Marshall Lane. (Town Lake Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Billie & Gayle Turner. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
- Z- 9 C14-04-0149.30 – Old West Austin Neighborhood Plan rezoning for 1405 & 1407 Woodlawn Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1407 Woodlawn Blvd. (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: 1405 Woodlawn Blvd. – Norma Wood, 1407 Woodlawn Blvd. – James Robbins & Matt Turner. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755

- Z- 10 C14-04-0149.31– Old West Austin Neighborhood Plan rezoning for 1110 W. 7th St. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1110 W. 7th St. (Shoal Creek Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: James & Donna Cousar. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
- Z- 11 C14-04-0149.32– Old West Austin Neighborhood Plan rezoning for 701 Winflo Dr. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Winflo Dr. (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Keith Baird & Laura Kobler. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
- Z- 12 C14-04-0149.33 – Old West Austin Neighborhood Plan rezoning for 805 Winflo Dr. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 805 Winflo Dr. (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Kevin Dunn. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

- Z- 13 C14-04-0149.34 – Old West Austin Neighborhood Plan rezoning for 902 Blanco St. - 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 (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Johanna & Isaac Barchas. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
- Z- 14 C14-04-0149.35 – Old West Austin Neighborhood Plan rezoning for 1800 Waterston Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 Waterston Ave. (Town Lake Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Mathew Beeter & Heidi Knippa. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
- Z- 15 C14-04-0149.36– Old West Austin Neighborhood Plan rezoning for 1309 West 9-1/2 Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1309 West 9-1/2 Street (Town Lake Watershed) from multi-family residence moderate high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Marjorie & Steven Moore. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

- Z- 16 C14-04-0209 – Cawood Wholesale Liquor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 307-503 Ferguson Dr. (Little Walnut Creek Watershed) from general commercial services – conditional overlay (CS-CO) combining district zoning and general commercial services (CS) district zoning to commercial –liquor sales –conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial – liquor sales - conditional overlay (CS-1-CO) combining district zoning. Applicant: Cawood Wholesale Liquors (Sam Cawood). Agent: Land Answers (Jim Witliff). City Staff: Thomas Bolt, 974-2755
- Z- 17 C814-88-0001.08 - Gables at Westlake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (P.U.D.) district zoning to planned unit development (P.U.D.) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (P.U.D.) district zoning with conditions. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-18)
- Z- 18 C814-88-0001(RCA) - Gables at Westlake - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 3100-3320 Capital of Texas Highway (Lake Austin Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-17)
- Z- 19 Conduct a public hearing and approve an ordinance to amend the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential land use designation to a mixed-use office land use designation for 901 E. 15th Street. (Related Item Z-20)

- Z- 20 C14-04-0091 - Family Dental Practice - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 East 15th Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) district zoning to limited office-mixed use-combining overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To forward the request without a recommendation. Applicant: Dr. Fernando H. Loya. Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057. (Related Item Z-19)

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS

LIVE MUSIC

Abi Tapia

PROCLAMATIONS

Honorary Citizen Certificates - High School Visitors from our Sister City of Koblenz, Germany - - to be presented by Mayor Will Wynn and to be accepted by the honorees

Proclamation - 10th Anniversary of Austin FreeNet - to be presented by Mayor Will Wynn and to be accepted by Ana Sisnett, John Neale and Dale Thompson

Distinguished Service Award - EMS Sr. Division Commander Joe Granberry - to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Proclamation - CDBG Week - to be presented by Mayor Will Wynn and to be accepted by Paul Hilgers

Proclamation - Healthy Kids Day - to be presented by Council Member Betty Dunkerley and to be accepted by Julie Mayne, Mark Kiester and other YMCA Executive Staff

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION**Neighborhood Planning and Zoning**

55. Conduct a public hearing and approve proposed design standards for commercial and retail development. (Reviewed by Design Commission, and to be reviewed by the Zoning and Platting Commission on 3/29/05, and the Planning Commission on 3/22/05.)

Watershed Protection and Development Review

56. Conduct a public hearing to consider a floodplain variance requested by Jill Rossi and Kerry Kimbrough to allow construction of an addition/house extension to an existing single-family residence in the 100-year floodplain of Shoal Creek at 7303 Greenhaven Drive.

ADJOURN

THE CITY OF AUSTIN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 974-3256 OR 974-2445 TDD.

A person may request a Spanish language interpreter be made available by contacting the City Clerk's Office not later than two hours before the scheduled time of the item on which the person wishes to speak. Please call 974-3256 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de dos horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al 974-3256 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.

Council Meetings

January 13, 2005
January 27, 2005

February 3, 2005
February 10, 2005
February 17, 2005

March 3, 2005
March 10, 2005
March 24, 2005

April 7, 2005
April 14, 2005
April 28, 2005

May 12, 2005
May 19, 2005
May 26, 2005

June 9, 2005
June 23, 2005

July 28, 2005

August 4, 2005
August 18, 2005
August 25, 2005

September 1, 2005
September 12,13,14
(Budget Readings)
September 29, 2005

October 6, 2005
October 20, 2005
October 27, 2005

November 3, 2005
November 17, 2005

December 1, 2005
December 15, 2005

Cancelled Meetings

January 6, 2005

January 20, 2005

February 24, 2005

March 17, 2005
March 31, 2005

April 21, 2005

May 5, 2005

June 2, 2005
June 16, 2005
June 30, 2005

July 7, 2005
July 14, 2005
July 21, 2005

August 11, 2005

September 8, 2005

September 15, 2005
September 22, 2005

October 13, 2005

November 10, 2005
November 24, 2005

December 8, 2005
December 22, 2005
December 29, 2005