

# AUSTIN CITY COUNCIL AGENDA

THURSDAY, JUNE 09, 2005, THE COUNCIL CHAMBERS OF CITY HALL, 301 WEST 2ND STREET, AUSTIN, TEXAS.



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.

AUSTIN CITY CLERK  
POSTED TO CITY WEBSITE  
05 JUN-03 PM 5:43

---

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

**NOTICE OF REGULAR MEETING  
THURSDAY, JUNE 09, 2005**

9:55 A.M. Invocation.....	2
10:00 A.M. City Council Convenes.....	3
READING AND ACTION ON CONSENT AGENDA.....	3
Meeting Minutes .....	3
Austin Energy .....	3
Health and Human Services .....	4
Law .....	4
Neighborhood Housing and Community Development .....	5
Parks and Recreation.....	6
Public Works.....	6
Purchasing.....	8
ITEMS FROM COUNCIL .....	12
Item(s) to Set Public Hearing(s) .....	13
12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL .....	14
EXECUTIVE SESSION (No Public Discussion On These Items) .....	14
Action on Executive Session .....	15
2:00 PM BRIEFINGS.....	15
3:00 P.M. BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION. The Mayor will recess the City Council meeting. A Board meeting of Austin Housing Finance Corporation (AHFC) will be conducted. The AHFC Board may go into a closed session on any item on the AHFC agenda under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, or for other reasons permitted by law as specifically listed on this agenda. Following adjournment of the AHFC Board meeting the City Council will re-convene. ....	15
4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS.....	16
Zoning Ordinances / Restrictive Covenants .....	16
Zoning and Neighborhood Plan Amendment Hearings and Approval of Ordinances / Restrictive Covenants .....	19
5:30 P.M. LIVE MUSIC AND PROCLAMATIONS .....	23
LIVE MUSIC.....	23
PROCLAMATIONS.....	23
6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION.....	23
Neighborhood Planning and Zoning .....	23

**9:55 A.M. Invocation**

Pastor Carlos Cloyd, Parker Lane United Methodist Church

**10:00 A.M. City Council Convenes**

**THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS WILL CONVENE AT 10:00 AM ON THURSDAY, JUNE 09, 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 meetings of May 12 and May 26, 2005.

**Austin Energy**

2. Approve issuance of a rebate in the amount of \$51,484 to SEARS GRAND, Austin, TX, for the installation of high efficiency lighting and air conditioning equipment at 12625 N. IH 35. (Funding is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission.)
3. Approve issuance of a rebate in the amount of \$55,857 to SOLECTRON, Austin, TX, for the installation of a high efficiency lighting retrofit at 12445 Research Blvd. (Funding is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Resource Management Commission.)

4. Approve the issuance of a Letter of Intent in the amount of \$93,186 to 4709 INC. a.k.a. MIDTOWN LIVE, Austin, TX, for the installation of a solar photovoltaic system at their facility located at 7408 E. Cameron Road. (Funding is available in the Fiscal Year 2004-2005 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund.) (Recommended by the Resource Management Commission.)

#### **Health and Human Services**

5. Approve an ordinance waiving the annual renewal fees for currently issued smoking permits; extending the expiration date of current permits terminated by the effect of the citizen's initiative election to August 31, 2005, extending the expiration date of the eight restricted permits allowed by the effect of the citizen's initiative election to August 31, 2012, and continuing restrictions.

#### **Law**

6. Authorize negotiation and execution of an outside counsel contract with ANDREWS & KURTH, L.L.P., Austin, TX, to provide legal counsel to the City regarding the City's Minority-Owned and Women-Owned Business Enterprise Program and Ordinance and purchasing issues, in the amount of \$100,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Economic Development Fund.)
7. Authorize execution of a legal services agreement with WATSON BISHOP LONDON BROPHY, P.C., Austin, TX relating to negotiation of the development of the Seaholm Power Plant, grounds, and adjacent property, located on Cesar Chavez between Lamar Boulevard and Guadalupe Street west of the Green Water Treatment Plant, in an amount not to exceed \$350,000. (Funding in the amount of \$100,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Economic Growth and Redevelopment Services Office. Funding for contract costs to be incurred in future fiscal years is contingent upon available funding in future budgets.)
8. Authorize execution of a legal services agreement with WATSON BISHOP LONDON BROPHY, P.C., Austin, TX relating to negotiation of the terms of the sale of Block 21, generally located at 2<sup>nd</sup> Street, Lavaca Street, 3<sup>rd</sup> Street, and Guadalupe, in an amount not to exceed \$250,000. (Funding in the amount of \$200,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Economic Growth and Redevelopment Services Office. Funding for contract costs to be incurred in future fiscal years is contingent upon available funding in future budgets.)

**Neighborhood Housing and Community Development**

9. Approve the negotiation and execution of a loan to AUSTIN REVITALIZATION AUTHORITY, Austin TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the East 11<sup>th</sup> and 12<sup>th</sup> Street Revitalization Program in an amount not to exceed \$342,000 for the reconstruction and addition of approximately 3,000 square feet of office space to the historical structure located at 1154 Lydia Street, commonly known as the Herman Shieffer House. (Funding in the amount of \$224,000 is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Section 108 loan proceeds, and \$100,000 in the Neighborhood Housing and Community Development Fiscal Year 29th Year Community Development Block Grant and East 11th and 12th Streets Revitalization Program.)
10. Approve a resolution to authorize the fee simple acquisition of a parcel of land located at 1400 East 12<sup>th</sup> Street from the Urban Renewal Agency of the City of Austin for future use by Austin Revitalization Authority, Austin TX, as a community parking lot. (Related Item 11)
11. Approve a resolution authorizing the negotiation and execution of a loan to AUSTIN REVITALIZATION AUTHORITY, Austin TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the East 11<sup>th</sup> and 12<sup>th</sup> Streets Urban Renewal Plan in an amount not to exceed \$75,000 and the transfer to Austin Revitalization Authority a parcel of land located at 1400 East 12<sup>th</sup> Street for development as a community parking lot. (Funding is available in Neighborhood Housing and Community Development Department Fiscal Year 29th Year CDBG.) (Transfer authorized by the Urban Renewal Board.) (Related Item 10)
12. Approve the negotiation and execution of a loan to WHITE BIRD MONTESSORI SCHOOL, Austin, TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the Neighborhood Commercial Management Program in an amount not to exceed \$135,000 for the acquisition of real property located at 9000 Manchaca to relocate the school from leased property. (Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Section 108, Fiscal Year 2004-2005.)

13. Authorize the negotiation and execution of an amendment to the one-year service agreement with the AUSTIN HOUSING FINANCE CORPORATION in an amount not to exceed \$2,492,697 for a total amount not to exceed \$16,192,367 to increase funding to operate various City housing programs in Fiscal Year 2004-2005. (Funding in the amount of \$1,847,442 from the HOME Investment Partnerships Program, and \$645,255 in CDBG from the NHCD Grant Operating Budget for Fiscal Year 2004-2005.) (Related Items AHFC-2, AHFC-3)

#### **Parks and Recreation**

14. Approve an ordinance authorizing acceptance of \$26,900 in grant funds from the Junior League of Austin; and amending the Fiscal Year 2004-2005 Parks and Recreation Department Operating Budget Special Revenue Fund of Ordinance No. 040913-1, to appropriate \$26,900 for the Naturalist Workshop Project at the Austin Nature and Science Center. (Funding in the amount of \$26,900 is available from the Junior League of Austin. The grant period is June 15, 2005 through May 31, 2006. No City match is required.)

#### **Public Works**

15. Approve a resolution to authorize the fee simple acquisition of Lot 6, Block K, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5508 Vine Hill Drive from Robert Rangel for the Onion Creek Flood Buyout Program, in the amount of \$52,000 for the land and improvements and \$22,500 owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total not to exceed \$84,500. (Funding in the amount of \$84,500 is included in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department.)
16. Approve an ordinance authorizing negotiations and execution of all documents necessary to vacate a 3.153 acre portion of Sprinkle Cutoff Road and a 0.583 acre portion of prescriptive easement rights for a portion of Sprinkle Cutoff Road to PIONEER AUSTIN DEVELOPMENT LTD. (Pioneer) to improve road alignment and facilitate traffic flow, in exchange for Pioneer conveying a 4.493 acre tract to, and constructing portions of Braker Lane, Pioneer Farms Drive, and Sprinkle Cutoff Road for the City of Austin. (Recommended by the Zoning and Platting Commission and Urban Transportation Commission.)
17. Authorize negotiation and execution of a five year lease with three options to extend for an additional five years each, with WIRELESS TOYZ, for the use of a City-owned 0.48 acre of land and a 2,400 square foot free-standing retail building located at 5700 North Lamar Boulevard, to operate a retail business.

18. Approve an ordinance on third reading to renew the HARLEM CAB COMPANY d.b.a. AUSTIN CAB taxicab franchise. (Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue \$55,600.) (Recommended by the Urban Transportation Commission.)
19. Approve an ordinance on third reading to renew the GREATER AUSTIN TRANSPORTATION COMPANY d.b.a. YELLOW CAB COMPANY taxicab franchise. (Revenue source - taxicab permit fee of \$400 per year per permit. Expected annual revenue \$121,600.) (Recommended by the Urban Transportation Commission.)
20. Authorize execution of a construction contract with DIBCO UNDERGROUND, INC., Bolton, Ontario, Canada, for the Barton Creek Lift Station Relief Tunnel, Sections 1 and 2, as part of the Austin Clean Water Program in the amount of \$9,199,516.20 plus a \$460,000 contingency, for a total contract amount not to exceed \$9,659,516.20. (Funding in the amount of \$9,659,516.20 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest of three bids received. 15.18% MBE and 6.72% WBE subcontractor participation. (Recommended by the Water and Wastewater Commission.)
21. Authorize execution of a construction contract with RGM CONSTRUCTORS, L.P., Pflugerville, TX, for Circle S Road Culvert Replacement (Rebid) in an amount not to exceed \$820,852.50. (Funding in the amount of \$527,824.50 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department. Funding in the amount of \$293,028 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest responsive of six bids received. 5.38% MBE and 11.13% WBE subcontractor participation to date. (Recommended by the Water and Wastewater Commission.)
22. Authorize execution of a construction contract with GUERRERO-MCDONALD & ASSOCIATES, INC., (MBE/FH 44.72%), Austin, TX for the City Hall Modifications project in an amount not to exceed \$216,901. (Funding in the amount of \$216,901 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Financial and Administrative Service Department.) Lower bid of two received. 0.00 % MBE and 0.04% WBE subcontractor participation.

23. Ratify a construction contract with AUSTIN FILTER SYSTEMS, INC., Austin, TX, for the Tannehill Branch at Manor Circle Emergency Contract in an amount of \$403,317.50. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Watershed Protection and Development Review Department.) Lowest bid of four 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 subcontractor opportunities were identified; therefore no goals were established for this solicitation.

#### Purchasing

24. Authorize negotiation and execution of a 12-month service agreement with JER/BRE AUSTIN TECH L.P., Austin, TX, for maintenance and technical services support at the Domain Plant in an amount not to exceed \$146,664.96, with three 12-month extension options in an amount not to exceed \$146,664.96 per extension option, for a total agreement amount not to exceed \$586,659.84. (Funding in the amount of \$36,666.24 is available in the Fiscal Year 2005-2006 Amended Operating Budget of Austin Energy. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
25. Authorize execution of a 12-month supply agreement with POWER SUPPLY, INC., Austin, TX, for streetlight poles in an amount not to exceed \$52,662, with three 12-month extension options in an amount not to exceed \$52,662 per extension option, for a total agreement amount not to exceed \$210,648; and a 12-month supply agreement with TECHLINE, INC., Austin, TX, in an amount not to exceed \$535,925 with three 12-month extension options in an amount not to exceed \$535,925 per extension option, for a total agreement amount not to exceed \$2,143,700. (Funding in the amount \$588,587 is available in Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bids meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.



26. Approve a revision to the authorization for each existing master gas supply agreements to supply natural gas to Austin Energy's power plants by increasing the aggregate amount by \$92 million per fiscal year, for a revised amount not to exceed \$245 million per fiscal year. (Funding will be available through Austin Energy's electric fuel charge revenue.) These contracts were 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 MECHANICAL & PROCESS SYSTEMS, LLC, Austin, TX, (MBE/MA-100%), for Phase III chiller activation at the District Cooling Plant No. 1 in an amount not to exceed \$209,656. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
28. Authorize execution of a 12-month supply agreement with WESTCOAST ROTOR INC., Gardena, CA, for repair parts for Robbins & Myers Progressive Cavity Pumps for the Austin Water Utility in an amount not to exceed \$50,000, with two 12-month options in an amount of \$50,000 per extension option, for a total contract amount not to exceed \$150,000. (Funding in the amount of \$12,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

29. Authorize execution of a 12-month supply agreement with CASCO INDUSTRIES, INC., Pasadena, TX, for the purchase of protective outerwear for Emergency Medical Services personnel in an amount not to exceed \$154,840, with three 12-month extension options in an amount not to exceed \$154,840 per extension option, for a total agreement amount not to exceed \$619,360. (Funding in the amount of \$51,613 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
30. Authorize negotiation and execution of a 12-month service agreement with CENTRAL PARKING SYSTEM, Austin, TX, for the management and operation of the IH-35 parking lots for the Building Services Division of the Finance and Administrative Services Department in an amount not to exceed \$72,280, with two 12-month extension options in an amount not to exceed \$72,280 per extension option, for a total agreement amount not to exceed \$216,840. (Funding in the amount of \$24,093 is available in the Fiscal Year 2004-2005 Approved IH-35 Fund of the Finance and Administrative Services Department, Building Services Division. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
31. Authorize execution of a contract with PHILIPS MEDICAL SYSTEMS, Seattle, WA, for automated external defibrillators and accessories for the Austin Police Department in an amount not to exceed \$85,694.25. (Funding is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund Budget of the Austin Police Department.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this purchase.

32. Authorize execution of a 12-month service agreement with PHILIP RECLAMATION SERVICES, Houston, TX, for packaging, transportation, and disposal of household hazardous waste collected at the Household Hazardous Waste Collection Facility, in an amount not to exceed \$325,900.75, with three 12-month extension options in an amount not to exceed \$325,900.75 per extension option, for a total contract amount not to exceed \$1,303,603. (Funding in the amount of \$108,634 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Solid Waste Services Department. 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 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. (Recommended by Solid Waste Advisory Commission)
33. Authorize a 12-month supply agreement with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES, Austin, TX, for computer software products, maintenance and training in an amount not to exceed \$7,417,698. (Funding in the amount of \$6,413,198 is available in Fiscal Year 2004-2005 Approved Operating Budgets of various departments. Funding in the amount of \$204,500 is available in the Fiscal Year 2004-2005 Approved Special Revenue Budgets of various departments. Funding in the amount of \$50,000 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Watershed Protection Department. Funding in the amount of \$750,000 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Cooperative Purchasing.
34. Authorize execution of a 12-month supply agreement with SUN COAST RESOURCES, INC., Houston, TX, for automotive gasoline and diesel fuel in an amount not to exceed \$7,977,702, with four 12-month extension options in amounts not to exceed \$8,217,033 for the first extension option, \$8,463,544 for the second extension option, \$8,717,450 for the third extension option, and \$8,978,974 for the fourth extension option, for a total agreement amount not to exceed \$42,354,703. (Funding in the amount of \$2,659,234 is available in the Fiscal Year 2004-2005 Approved Operating Budgets of various City departments. Funding for the remaining eight 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.

35. Authorize execution of an interlocal agreement with WILLIAMSON COUNTY, TX to establish a cooperative purchasing agreement that will authorize Williamson County to purchase traffic safety vests from the City's supply contract number C040282. Cooperative Purchasing.

### **ITEMS FROM COUNCIL**

36. Board and Commission appointments.
37. Approve a resolution accepting the Economic Growth and Redevelopment Service Office's Cultural Arts Division's Mission Statement and Guidelines for the Music Program at the Austin City Hall. (Council Member Raul Alvarez, Mayor Will Wynn and Mayor Pro Tem Jackie Goodman)
38. Approve a resolution directing the City Manager to initiate a Code amendment waiving application fees for a zoning variance from the Board of Adjustment if at least eighty percent of the property owners located within 300 feet of the property for which a variance is requested do not oppose approval of the variance. (Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)
39. Approve a resolution directing the City Manager to explore and implement a program by which employees may, within reasonable limits, be granted administrative leave time for the purpose of donating blood, bone marrow or organs for medical purposes. (Council Member Betty Dunkerley, Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
40. Approve an ordinance amending Chapter 2-1 of the City Code to add a new Article creating the African American Resource Advisory Commission. (Council Member Danny Thomas)
41. Approve a resolution directing the City Manager to initiate the amendment of Chapter 25-8, Subchapter B, Article 1, Divisions 1 and 2 of the City Code (tree preservation) to incorporate the recommendations of the Heat Island Mitigation Working Group. (Mayor Pro Tem Jackie Goodman, Council Member Betty Dunkerley and Council Member Brewster McCracken)
42. Approve a resolution directing the City Manager to review how other jurisdictions regulate large scale retail development. (Mayor Pro Tem Jackie Goodman, Mayor Will Wynn and Council Member Betty Dunkerley)

43. Approve a resolution directing the City Manager to allocate money budgeted for the planned Land Development Code rewrite to be used to fund contract employees, including planning staff to work on code amendments. (Mayor Pro Tem Jackie Goodman)
44. Approve a resolution directing the City Manager to begin the process of placing a plaque on 6th Street to commemorate Antone's 30th Anniversary. (Council Member Daryl Slusher, Council Member Danny Thomas and Council Member Betty Dunkerley)
45. Approve a resolution directing the City Manager to begin the process of placing a plaque denoting the original site of the Armadillo World Headquarters (Council Member Daryl Slusher, Council Member Danny Thomas and Council Member Betty Dunkerley)
46. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code for the Silicon Labs Marathon Relay to be held on July 4, 2005. (Mayor Will Wynn, Council Member Brewster McCracken and Council Member Danny Thomas)
47. Approve a resolution authorizing the City Manager to review options to include the office and hanger complex currently under lease to the Texas Military Facilities Commission at 1901 East 51st Street, in the lease premises for the Film Society of Austin, Inc. during lease negotiations. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Brewster McCracken)

**Item(s) to Set Public Hearing(s)**

48. Set a public hearing on proposed amendment to Chapter 5-1 of the City Code relating to accessibility for the mobility impaired in housing constructed with public funds. (Suggested date and time: June 23, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2<sup>nd</sup> St.) (Recommended by Mayor's Committee for People with Disabilities and the Community Development Commission.)

**12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL**

James Humphrey - South Austin Tennis Center

Sarah Pernell - South Austin Tennis Center

Tim Staley - Expansion of South Austin Tennis Center

Pat Johnson - Wait and See

Johnette Mason - Mayor's Mental Health Task Force

Anthony Tatu - Expansion of South Austin Tennis Center

Kathryn Kawazoe - Efficiency & Effectiveness

Gavino Fernandez, Jr. - East Austin Mexican-American Vote for Austin City Council Run-Off Election June 11, 2005. I agree with 93% of Registered Voters in 6 Mexican-American Precincts who did not vote in the May 7, 2005 Election. Neither Margo Clarke nor Jennifer Kim are speaking of East Austin Issues

**EXECUTIVE SESSION (No Public Discussion On These Items)****Private Consultation with Attorney - Section 551.071**

49. Discuss legal issues concerning proposed legislation in the 79<sup>th</sup> Legislative Session.
50. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters.
51. Discuss the legal issues in *City of Austin v. Ryan-O Excavating, Inc.*, Cause No. 03-05-00108CV in the Third Court of Appeals, Austin, Texas. (concerns the Barton Springs Road utility construction project) (Related Item 53)

**Public Power Utility Competitive Matters - Section 551.086**

52. Discuss issues regarding electric generation resource planning.

**Action on Executive Session**

53. Approve a settlement agreement in *City of Austin v. Ryan-O Excavating, Inc.*, Cause No. 03-05-00108CV in the Third Court of Appeals, Austin, Texas. (concerns the Barton Springs Road utility construction project)(Related Item 51)

**2:00 PM BRIEFINGS**

54. Presentation by Naismith Engineering on the Regional Water Quality Protection Plan for the Barton Springs Segment of the Edwards Aquifer and its Contributing Zone.

**3:00 P.M. BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.** The Mayor will recess the City Council meeting. A Board meeting of Austin Housing Finance Corporation (AHFC) will be conducted. The AHFC Board may go into a closed session on any item on the AHFC agenda under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, or for other reasons permitted by law as specifically listed on this agenda. Following adjournment of the AHFC Board meeting the City Council will re-convene.

- AHFC- 1 Approve the minutes of the May 12, 2005 Board meeting of the Austin Housing Finance Corporation.
- AHFC- 2 Approve a resolution amending the Fiscal Year 2004-2005 Austin Housing Finance Corporation Operating Budget of Resolution No. 040913-1 to increase the Anderson Hill Program line item by an amount equal to \$2,089,646, and to increase the Rental Housing Development Assistance Program by an amount equal to \$403,051 for a total operating budget increase equal to \$2,492,697; and authorize an amendment to the one-year service agreement with the City of Austin in an amount not to exceed \$2,492,697 for a total amount not to exceed \$16,192,367 for the purpose of increasing available funding available to the Austin Housing Finance Corporation to manage and operate various City housing programs in Fiscal Year 2004-2005. (Funding in the amount of \$1,847,442 from the HOME Investment Partnership Program; \$645,255 in CDBG from the NHCD Grant Operating Budget for Fiscal Year 2004-2005.) (Related Items 13, AHFC-3)

- AHFC- 3      Approve the negotiation and execution of a construction contract with DITTMAR HOMES, Austin, TX, in compliance with applicable federal requirements, including Code of Federal Regulations Title 24 Section 85.40 performance goals, under the Acquisition and Development Program in an amount no to exceed \$448,203 to build seven single family houses in the Anderson Hill neighborhood. (Funding is available from the Grant Operating budget, from HOME Investment Partnership program for Fiscal Year 2004-2005.) (Related Items 13, AHFC-2)

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

**Zoning Ordinances / Restrictive Covenants**

55.    C14H-04-0029 – King-von Rosenberg House. Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1500 Lorrain Street from multi-family residence (medium density) (MF-3) district zoning to multi-family residence (medium density) – historic (MF-3-H) combining district zoning. First reading on May 12, 2005. Vote 7-0. Applicants: Sharon A. Dunn and Robert A. Prentice (owners). City Staff: Steve Sadowsky, Neighborhood Planning and Zoning Department, 974-6454.
56.    C14-05-0035 - Burns - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3101-3105 West Howard Lane (Walnut Creek Watershed) from general office (GO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on May 19, 2005. Vote: 6-0, Council Member Thomas off the dais. Applicant: Dot's Tot's (Jerald Jackson Burns). Agent: Gregory L. Smith. City Staff: Sherri Sirwaitis, 974-3057.
57.    C14-05-0037.SH - Hearthside (S.M.A.R.T. Housing) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7101 North I.H. 35 from limited industrial services (LI) district zoning and general commercial services (CS) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Conditions met as follows: Conditional Overlay incorporates the conditions imposed at first ordinance reading. First reading on May 12, 2005. Vote 7-0. Applicant: Austin CSAI, L.P. (Todd Dobson). Agent: Foundation Communities (Walter Moreau). City Staff: Robert Heil, 974-2330.



58. C14-05-0021 - 5808 Manor - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5808 Manor Road (Fort Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial -conditional overlay (GR-CO) combining district zoning with conditions. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. First reading on April 28, 2005. Vote 5-0. Mayor Wynn and Council Member McCracken off the dais. Applicant and Agent: Maria Sosa. City Staff: Robert Heil, 974-2330.
59. C14-05-0058 - 903 South Center Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 903 South Center Street (West Bouldin Creek Watershed) from mobile home residence (MH) district zoning to family residence (SF-3) district zoning. Conditions met as follows: No conditions were imposed by Council at first ordinance reading. First reading on May 12, 2005. Vote: 7-0. Applicant and Agent: Ronald Dean. City Staff: Robert Heil, 974-2330.
60. C14-05-0059 - 907 South Center Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 907 South Center Street (West Bouldin Creek Watershed) from mobile home residence (MH) district zoning to family residence (SF-3) district zoning. Conditions met as follows: No conditions were imposed by Council at first ordinance reading. First Reading on May 12, 2005. Vote 7-0. Applicant and Agent: Ronald Dean. City Staff: Robert Heil, 974-2330.
61. C14-05-0024 - Cardinal Lane - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the southeast corner of Cardinal Lane and South 2<sup>nd</sup> Street (East Bouldin Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. First reading on May 19, 2005. Vote: 6-0. Thomas off the dais. Applicant: T.E. Kolenda. Agent: Bill Faust. City Staff: Robert Heil, 974-2330.

62. C14-05-0009 - Brazos - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from interim - rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. The conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at second ordinance reading. Second Reading on May 12, 2005. Vote: 7-0. Applicant: Ray Pickard, Jr.; Wayne Edward Pickard, Jr.; Rene Leon Pickard. Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.
63. C14-04-0173 - Neches - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901-903 Neches Street and 900 Red River Street (Waller Creek Watershed) from multi-family residence moderate-high density (MF-4) district zoning and commercial-liquor sales (CS-1) district zoning to central business district-conditional overlay (CBD-CO) combining district zoning. Conditions met as follows: Conditional overlay incorporates the conditions imposed by City Council at first ordinance reading. First reading on May 19, 2005. Vote: 5-1. Mayor Pro Tem Goodman nay and Council Member Thomas off the dais. Applicant: Jimmy Nassour, Raymond Francis, Steven Soward and Assoc. (Steven Soward). Agent: Steven Soward and Assoc. (Steven Soward). City Staff: Glenn Rhoades, 974-2775.
64. C14-04-0185 - Neches Park Towers - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 501 East 10<sup>th</sup> Street (Waller Creek Watershed) from general commercial services (CS) district zoning to central business district-conditional overlay (CBD-CO) combining district zoning. First Reading on May 19, 2005. Vote: 5-1. Mayor Pro-Tem Goodman nay and Council Member Thomas off the dais. Applicant: Texas Elementary Principals and Supervisors. Agent: Steven Soward and Assoc. (Steven Soward). City Staff: Glenn Rhoades, 974-2775.
65. NPA-04-0009.02 - Central East Austin - Approve second/third readings of 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. First Reading: April 7, 2005. Vote 6-1. Council Member Slusher - Nay. Applicant: Dr. Fernando Loya. Agent: Lopez-Phelps and Associates (Amelia Lopez-Phelps). City Staff: Adam Smith, 974-7685. (Related Item 66)

66. C14-05-0091 - Family Dental Practice - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 East 15<sup>th</sup> Street ( Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-conditonal overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning with conditions. First reading on June 9, 2005. Vote 6-1. Slusher nay. Applicant: Fernando H. Loya. Agent; Lopez-Phelps & Associates (Amelia Lopez-Phelps.) City Staff: Sherry Sirwaitis, 974-3057. (Related Item 65)
67. C14-04-0012.003 - Brentwood/Highland Combined Neighborhood Plan rezoning (Part) - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6208 Burns Street (Waller Creek Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with conditions. First reading on November 4, 2004. Vote: 7-0. Second reading on May 26, 2005. Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Greg Guernsey, 974-2387. Note: A valid petition has been filed in opposition to this rezoning request.

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

- Z- 1 C14-05-0051 - Tomanet Estates #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12502-12604 Tomanet Trail (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to single family residence - large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence - large lot (SF-1) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Sirwaitis, 974-3057.

- Z- 2            C14-05-0052 - Tomanet Estates #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12505-12605 Tomanet Trail, and 12502-12610 Silver Spur (Walnut Creek Watershed) from interim-rural-residence (I-RR) district zoning to single-family residence - large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence - large lot (SF-1) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherry Sirwaitis, 974-3057.
- Z- 3            C14-05-0053 - Tomanet Estates #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12503-12609 Silver Spur (Walnut Creek Watershed) from interim rural-residence to single-family residence - large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence - large lot (SF-1) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Sirwaitis, 974-3057.
- Z- 4            C14-05-0054 - Tomanet Estates #4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 2206-2310 Cindy Lane (Walnut Creek Watershed) from interim rural-residence (I-RR) district zoning to single-family residence - large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence - large lot (SF-1) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Sirwaitis, 974-3057.
- Z- 5            C14-05-0055 - Tomanet Estates #5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12700-12702 Tomanet Trail (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to single-family residence - large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence - large lot (SF-1) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Sherri Sirwaitis, 974-3057.

- Z- 6            C14-05-0067 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin city Code by rezoning property locally known as 10 North IH-35 Service Road South Bound (Tracts 1 and 2) from downtown mixed use-conditional overlay (DMU-CO) combining district zoning to central business district (CBD) zoning. Zoning and Platting Commission Recommendation: To be considered on June 7, 2005. Applicant and Property Owner: Calhoon Properties (Thomas Calhoon). City Staff: Jorge Rousselin, 974-2975.
- Z- 7            C14-04-0161 - Zennia Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5117 North Lamar Blvd. and 703 Zennia Street (Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: Ely Properties (E. Mitch Ely). Agent: McHone Real Estate (Mike Mchone). City Staff: Glenn Rhoades, 974-2775.
- Z- 8            C14-04-0198 - 801 West Oltorf - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West Oltorf (East Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission: To deny neighborhood office-mixed use (NO-MU) combining district zoning. Applicant: Lopez & Urrutia, L.L.P. Agent: Land Answers (Jim Witliff). City Staff: Robert Heil, 974-2330.
- Z- 9            C814-01-0038.02 - Parmer/Walnut Creek PUD Amendment #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200-1210 West Parmer Lane (Walnut Creek Watershed) from community commercial (GR) district zoning and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Edgar and Linda Perry, Exxon Corporation (Sandra L. Heysinger). Agent: McLean & Howard, L.L.P. (William P. McLean). City Staff: Sherri Sirwaitis, 974-3057.

- Z- 10      C14H-04-0031 – Ikins-O'Connell-Messer House. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2608 McCallum Drive from family residence (SF-3) district zoning to family residence – historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence – historic (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on June 7, 2005. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
- Z- 11      C14H-05-0006 – Thompson-Carter 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 Waterston Avenue from family residence, neighborhood plan (SF-3-NP) combining district zoning to family residence, neighborhood plan – historic (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence, neighborhood plan – historic (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: Forward without a recommendation due to lack of a quorum vote. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.
- Z- 12      C814-88-0001.08 - Gables at Westlake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-13)
- Z- 13      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-12)

**5:30 P.M. LIVE MUSIC AND PROCLAMATIONS****LIVE MUSIC**

Charles Yang

**PROCLAMATIONS**

Distinguished Service Awards - Mayor Pro Tem Goodman's and Council Member Slusher's Staff members - to be presented by Mayor Pro Tem Goodman and Council Member Slusher

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

68. Conduct a public hearing and consider an appeal by Mike McHone under Section 25-11-247 of the City Code of the denial of a Certificate of Appropriateness by the Historic Landmark Commission under Section 25-11-243 of the City Code for the Maverick Miller House, located at 910 Poplar Street. (Certificate of Appropriateness denied by Historic Landmark Commission.)

**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 at 974-2210 no later than three hours before the scheduled time of the item on which the person wishes to speak at the council meeting.**

**Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal al 974-2210 a no más tardar de tres horas**

**antes de la hora determinada para el asunto sobre el cual la persona desea comentar 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