



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, NOVEMBER 4, 2004

Invocation: Moment of Silence

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 4, 2004 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Mayor Wynn called the Council Meeting to order at 1:10 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jennifer McPhail - Accessibility of Polling Places for May Election

Icy Watt - Austin Housing Authority. She was not present when her name was called.

Mrs. Phillip A. Dick - Experience I am going through with Racial Profiling

Felix Briones Jr. - Accessibility at Polling Places for May Election. He was not present when his name was called.

Albert "Sparky" Metz - Polling Accessibility for May Election. He was not present when his name was called.

Akwasi Evans - Economic Disparity

William David Plasky - Flagrant disregard of patient (self) unable to speak above whisper, by John Gilvar, Director of Health Clinic at A.R.C.H. Attempt by patient to signal distress by stamping foot 3 times taken as belligerence. Treatment Refused. He was not present when his name was called.

Sid Galindo - Downtown Issues

John Nyfeler - Downtown Issues. He was not present when his name was called.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member McCracken were off the dais.

1. Approval of minutes from the meeting of October 28, 2004.
The minutes from the regular meeting of October 28, 2004 were approved.
2. Authorize negotiation and execution of Change Order No. 1 to the contract with BURNS & MCDONNELL ENGINEERING CO., INC., Kansas City, MO, for a performance and payment bond in an amount not to exceed \$49,651 for the Building Combined Heat & Power (cogeneration) project located at the Domain Business Park for a revised total contract amount not to exceed \$5,392,651 (Funding in the amount of \$49,651 is available in the 2004-2005 Approved Capital Budget of Austin Energy.) (Recommended by the Electric Utility Commission.)
The motion authorizing the negotiation and execution of Change Order No. 1 to the contract was approved.
3. Approve reimbursement of costs to Tribble & Stephens Co. AMLI DOWNTOWN AUSTIN, L.P., 201 Lavaca Street, Austin, 78701, Block 20, for the purchase and installation of heat exchanger(s) and required piping as needed to interconnect AMLI Residential/Retail building to the Austin Energy district cooling system in an amount not to exceed \$88,275. (Funding in the amount of \$88,275 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) (Recommended by Electric Utility Commission)
The motion authorizing the reimbursement of costs was approved.
4. Approve an ordinance authorizing acceptance of \$17,500 in grant funds from the United States Department of Energy Clean Cities Program through the Texas State Energy Conservation Office; and amending the Fiscal Year 2004-2005 Electric Utility Department Operating Budget of Ordinance No. 040913-01 to appropriate \$17,500 in grant funds for a total grant amount of \$82,500 for the purpose of continuing the City's involvement in the Clean Cities Program through August 31, 2005 and to appropriate Program Income in the amount of \$20,000 donated by Clean Cities participants for administration of the Central Texas Clean Cities Program for a total program income of \$44,000. (Funding in the amount of \$17,500 is available from the U.S. Department of Energy through the Texas State Energy Conservation Office. The grant period is September 1, 2004 to August 31, 2005. A City match is not required.) (Recommended by the Electric Utility Commission.) (Related Item 5)
Ordinance No. 041104-04 was approved.
5. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the State of Texas Energy Conservation Office to continue the City's involvement in the Clean Cities Program from September 1, 2004 through August 31, 2005 in an amount not to exceed \$17,500. (Funding in the amount of \$17,500 in grant funds is available from the State of Texas Energy Conservation Office. A City match is not required.) (Recommended by the Electric Utility Commission.) (Related Item 4)
Resolution No. 041104-5 was approved.

6. Approve an Ordinance setting the assessment rate and proposed 2005 assessment roll for the East Sixth Street Public Improvement District (PID). (The 2005 assessment rate of \$0.10/\$100 valuation is estimated to produce \$37,231 at a 96% collection rate.) (Related Items 7, 26)
Ordinance No. 041104-6 was approved.
7. Approve a resolution adopting the East Sixth Street Public Improvement District (PID) Service Plan and Budget for 2005. (The City Council approved a preliminary 2005 budget for the PID in the amount of \$125,304. Revenue in the amount of \$129,304 will supply the \$125,304 budget plus a \$4,000 reserve. Funding in the amount of \$43,500 is included in Austin Energy's Fiscal Year 2004-2005 Approved Operating Budget as part of the City of Austin's (Austin Energy) annual contribution. \$37,231 is anticipated in 2005 assessments (at a 96% collection rate). \$48,573 will be provided by donations raised by the management contractor. \$4,000 will be retained as a reserve fund to cover revenue adjustments to the assessment roll.) (Related Items 6, 26)
Resolution No. 041104-7 was approved.
8. Authorize negotiation and execution of a contract with Red Oak Consulting, a division of Malcolm Pirnie, Austin, Texas for professional services related to Phase 1 and Phase 2 of the citywide eCOMBS implementation and redesign and modifications to eCAPRIS in an amount not to exceed \$600,000. (Funding in the amount of \$600,000 is available in the Fiscal Year 2004-2005 Capital Budget of the Financial and Administrative Services Department.) Sole Source.
The motion authorizing the negotiation and execution of a contract was approved.
9. Consider a resolution authorizing the City Manager to approve or deny a surcharge application filed by Texas Gas Service (TGS) to recover utility relocation costs.
This item was postponed to November 18, 2004.
10. Approve an ordinance on second reading, amending Ordinance No. 000420-28, a franchise permitting the delivery of cable services granted to Grande Communications, Inc. that: extends the deadline for completing the City-wide build-out of facilities by sixty (60) months; extends the initial term of the franchise by one year; and reduces by one year the franchise extension term. (Approved by the Council Committee for Telecommunications Infrastructure.)
The second reading of the ordinance was approved.
11. Consider the City Council meeting schedule for the calendar year 2005.
The motion authorizing the City Council meeting schedule was approved.
12. Authorize an Ordinance accepting grant funds from the United States Department of Homeland Security, Metro Medical Response System Program in the amount of \$400,000, for the enhancement of local medical and health care capabilities for terrorist incidents; and amending the Fiscal Year 2004-05 Office of Emergency Management Operating Budget Special Revenue Fund of Ordinance No. 040913-01, to appropriate \$400,000 in grant funds and to create 1.3 full-time equivalent positions. (Funding in the amount of \$400,000 is available in the U.S. Department of Homeland Security.)
Ordinance No. 041104-12 was approved.

13. Approve a resolution to approve a lease with the Zachary Scott Theatre Center, Inc. to allow space for future expansion at 1510 Toomey Road, Austin, Texas. (Recommended by the Parks and Recreation Board)
Resolution No. 041104-13 was approved.
14. Authorize execution of change order # 5 to the construction contract with SCS FIELD SERVICES, Reston, VA, for the FM 812 Landfill Gas Collection System Project in the amount of \$44,036.77, for a total contract amount not to exceed \$1,166,834.77.(Funding in the amount of \$44,036.77 is available in Fiscal Year 2004-2005 Approved Capital Budget of the Austin Energy Department.) 9.58% MBE and 5.06% WBE subcontractor participation to date. (Recommended by the Solid Waste Services Commission.)
The motion authorizing the execution of change order #5 was approved.
15. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, LTD., Houston, TX for the Austin Clean Water Program Upper Tannehill - Broadmoor & Cameron Wastewater Improvements Project in the amount of \$5,538,058 plus a \$553,805.80 contingency, for a total contract amount not to exceed \$6,091,863. (Funding in the amount of \$6,091,863 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Lowest bid of three received. 13.6% MBE and 8.6% WBE subcontractor participation.
The motion authorizing the execution of a construction contract was approved.
16. Authorize negotiation and execution of an amendment to contracts with THOMAS & BETTS, Houston, TX; SABRE TUBULAR PRODUCTS, Ft. Worth, TX; VALMONT INDUSTRIES, Inc. c/o PREFERRED SALES AGENCY, Carthage, TX; and TEXAS METAL TECHNOLOGIES, Corsicana, TX, to contractually modify the current pricing structure for goods manufactured from steel to allow price surcharges due to prevailing market conditions. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy.) 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.
The motion authorizing the negotiation and execution of an amendment to contracts was approved.
17. Authorize negotiation and execution of a 10-month Interlocal Agreement with TRAVIS COUNTY, for weatherization services for the economically disadvantaged in an amount not to exceed \$260,000, with the two 12-month extension options, in an amount not to exceed \$260,000 per extension option, for a total contract amount not to exceed \$780,000. (Funding in the amount of \$260,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy, Conservation and Rebates and Incentives Fund. Funding for extension options is contingent upon available funding in future budgets.)
The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.

18. Authorize negotiation and execution of a contract with TEGRON, INCORPORATED, Austin, TX, for purchase and installation of an analog data acquisition system on Unit #2 at the Decker Creek Power Station in an amount not to exceed \$322,595. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy.) Best evaluated proposal of 2 proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the negotiation and execution of a contract was approved.
19. Authorize execution of 12-month supply agreement with VWR SCIENTIFIC PRODUCTS, Suwanee, GA, for laboratory chemicals for the Austin Water Utility in an amount not to exceed \$60,000, with two 12-month extension options in an amount not to exceed \$60,000 per extension option, for a total agreement amount not to exceed \$180,000. (Funding in the amount of \$55,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining month of the initial 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.
The motion authorizing the execution of a supply agreement was approved.
20. Authorize the City Manager to apply for a \$200,000 Brownfields Assessment Community-Wide Hazardous grant offered by the U.S. Environmental Protection Agency. (Funding in the amount of \$200,000 from U.S. Environmental Protection Agency over two years beginning Fiscal Year 2005.)
The motion authorizing the City Manager to apply for a \$200,000 Brownfields Assessment Community-Wide Hazardous grant was approved.
21. Authorize the City Manager to apply for a \$200,000 Brownfields Assessment Community-Wide Petroleum grant offered by the U.S. Environmental Protection Agency. (Funding in the amount of \$200,000 from U.S. Environmental Protection Agency over two years beginning Fiscal Year 2005.)
The motion authorizing the City Manager to apply for a \$200,000 Brownfields Assessment Community-Wide Petroleum grant was approved.
22. Amend the Fiscal Year 2004-2005 Watershed Protection and Development Review Department Fee Schedule of Ordinance No. 040913-05, in accordance with Amendment Three to the City of Austin and Travis County Agreement on Subdivision Platting in the Extraterritorial Jurisdiction.
Ordinance No. 041104-22 was approved.
23. Board and Commission appointments.
The following appointments were made:

**Board/
Appointee**

**Consensus/
Council Nominee**

**Appointment/
Reappointment**

Commission on Immigrant Affairs
Elaine Quinn

Consensus

Reappointment

Ethics Review Commission

Mina Brees

Mayor Pro Tem Goodman's

Nomination

Ronnie Jones

Council Member Thomas'

Nomination

MBE/WBE Advisory Committee

Adrian Neely

Consensus

Reappointment

Urban Forestry Board

Mary Ingle

Council Member Thomas'

Appointment

24. Authorize waiver and reimbursement of certain fees for the Texas Book Festival held October 28 through November 1, 2004. (Mayor Will Wynn, Council Member Danny Thomas and Council Member Brewster McCracken)
The motion authorizing the waiver and reimbursement of certain fees for the Texas Book Festival was approved.

Item 25 was pulled for discussion.

26. Set a public hearing on the East Sixth Street Public Improvement District (PID) 2005 assessments. (Suggested date and time: December 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building) (Related Items 6, 7)
The public hearing was set for December 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
27. Set a public hearing to approve an ordinance amending Sections 25-2-511, 25-2-774, and 25-2-1463 of the City Code relating to dwelling unit occupancy limits, two-family residential uses, and secondary apartment special uses. (Suggested date and time: November 18, 2004 at 6:00 p.m., Lower Colorado river Authority, Hancock Building) (Recommended by Planning Commission.)
The public hearing was set for November 18, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
28. Set a public hearing to consider an ordinance waiving the development regulations of Ordinance No. 040624-52 to allow the construction of a two-family residential use at 2302 Arpdale Street. Ordinance No. 040624-52 established interim development regulations prohibiting the issuance of a building permit for the construction of a high occupancy two-family residential use or secondary apartment special use. (Suggested date and time: November 18, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building).
The public hearing was set for November 18, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building

29. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to permit additional residential uses in a Mixed Use Combining District, including single-family attached residential, small lot single-family residential and two-family residential, urban home special uses, cottage special uses and secondary apartment special uses, to permit small lot single-family residential use in SF-4, SF-5 and SF-6 districts, to require that single-family residential uses in multi-family districts comply with SF-3 regulations, and to provide development standards for small lot single-family residential uses; and repealing Section 25-2-557 and 25-2-558 (M) of the City Code. (Suggested date and time: November 18, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.) (Recommended by the Codes and Ordinance Subcommittee of the Planning Commission. Hearing conducted before the Planning Commission, will make recommendations on November 9, 2004.)
The public hearing was set for November 18, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
30. Set a public hearing to consider an ordinance creating a reinvestment zone under Chapter 311, Texas Tax Code (the Tax Increment Financing Act) for Mueller (formerly known as the Robert Mueller Municipal Airport). (Suggested date and time: December 2, 2004, at 6:00 P.M., Lower Colorado River Authority, Hancock Building).
The public hearing was set for December 2, 2004, at 6:00 p.m., Lower Colorado River Authority, Hancock Building
31. Set a public hearing to receive comment regarding approval of the Master Development Agreement between the City of Austin and Catellus Austin, L.L.C. related to Mueller (formerly known as the Robert Mueller Municipal Airport) and associated documents, including necessary ordinances and resolutions. (Suggested date and time: December 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)
The public hearing was set for December 2, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building.
- Items 32 through 36 were Executive Session items.
- Item 37 was action on an Executive Session item.
- Item 38 was a briefing set for a time certain of 2:00 p.m.
- Items AHFC-1 through AHFC-2 were set for a time certain of 3:00 p.m.
- Items 39 through 47 and Z-1 through Z-21 were zoning items set for 4:00 p.m.
- Items 48 through 53 were public hearings set for 6:00 p.m.
54. Authorize reimbursement of fees in an amount not to exceed \$1500 for the Austin Celtic Association's Austin Celtic Festival to be held November 6 and 7, 2004 at Fiesta Gardens. (Mayor Will Wynn, Council Member Brewster McCracken and Mayor Pro Tem Jackie Goodman)
The motion authorizing the reimbursement of fees was approved.

55. Approve an ordinance waiving the signature requirement under Chapter 14 of the Code for 3M's Half Marathon and Relay to be held on January 30, 2005. (Mayor Will Wynn and Council Member Brewster McCracken)
Ordinance No. 041104-55 was approved.

CITIZEN COMMUNICATION CONTINUED

Pat Johnson - Guess What!

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:42 p.m.

EXECUTIVE SESSION

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

Private Consultation with Attorney - Section 551.071

33. Discuss legal issues regarding the terms of a lease, irrigation, and maintenance agreement assumed by the City of Austin between Northwest Travis County Municipal Utility District No. 2, Balcones Country Club Membership Association, Inc., and Technology Hydraulics, Inc.
This item was postponed to November 18, 2004.
34. Discuss legal issues concerning the proposed Second Amended and Restated Lease Agreement with the Greater Austin Performing Arts Center, Inc. d/b/a The Long Center on the new performing arts center known as the Long Center.
This item was postponed to November 18, 2004.

Real Property - Section 551.072

36. Discuss terms of sale for the Mueller site (formerly Robert Mueller Municipal Airport) to Catellus Austin, L.L.C.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:27 p.m.

BRIEFINGS

38. Briefing on Quality of Life Ordinances.
The presentation was made by Rudy Garza, Assistant City Manager and Jennifer Gilchrist, Attorney, Law Department.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:36 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance. See separate minutes.

AHFC adjourned and the regular Council meeting was called back to order at 4:35 p.m.

ZONING CONSENT ITEMS

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

39. C14-04-0122 - Tuttle - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1111 West 7th Street (Town Lake Watershed) from multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning for Tract 1 and urban family residence-neighborhood plan (SF-5-NP) combining district zoning for tract 2. First reading on October 21, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed on first reading. Applicant: Tyson Tuttle. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 041104-39 for family residence-neighborhood plan (SF-3-NP) combining district zoning for Tract 1 and urban family residence-neighborhood plan (SF-5-NP) combining district zoning for tract 2 was approved.
40. C14-04-0117 - 509 Radam Lane - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 509 Radam Lane (Williamson Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First Reading on October 21, 2004. Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant: Mark A. Macaulay. Agent: Lenworth Consulting (Nash Gonzales). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 041104-40 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
41. C14-04-0137 - Estates at Canyon Creek - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9501 R.M. 620 North (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to multifamily residence limited density-conditional overlay (MF-1-CO) combining district zoning. First reading on October 21, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by City Council at first ordinance reading. Applicant: Quality Close-Outs (Blake Robinson). Agent: Bury & Partners, Inc. (James B. Knight). City Staff: Sherri Gager, 974-3057.
Ordinance No. 041104-41 for multifamily residence limited density-conditional overlay (MF-1-CO) combining district zoning was approved.
42. C14-04-0099 - Zimmerman Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11108 Zimmerman Lane (Bull Creek Watershed) from development reserve (DR) district zoning to Townhouse & Condominium Residence-Conditional Overlay (SF-6-CO) combining district zoning. First reading on September 2, 2004. Vote: (7-0). Conditions met as follows: Conditional Overlay incorporates the conditions imposed by City Council at first ordinance reading. Applicant: Hamid Zarafshani. Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057.
Ordinance No. 041104-42 for Townhouse & Condominium Residence-Conditional Overlay (SF-6-CO) combining district zoning was approved.

43. C14-04-0102 - Eskew Place Commercial - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3512-3610 South Lamar Boulevard (West Bouldin Creek and Barton Creek Watersheds-Barton Spring Zone) from single family residence standard lot (SF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First Reading on October 21, 2004. Vote: 7-0. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council at first ordinance reading. Applicant and Agent: Eskew Place Limited (Marcus Whitfield). City Staff: Wendy Walsh, 974-7719.
The second reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.
44. C814-01-0038.01 - Parmer/Walnut Creek PUD Amendment #1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1310-1314 Block of West Parmer Lane (Walnut Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of the zoning ordinance. First reading on August 26, 2004. Vote: (7-0); Conditions met as follows: Ordinance incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: FSKMS Ranch Ltd. (John Scofield, Edgar and Linda Perry, Vernon Scofield, and Glen and Martha Chilek). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Sherri Gager, 974-3057.
Ordinance No. 041104-44 for planned unit development (PUD) district zoning to change a condition of the zoning ordinance was approved.
45. C14-04-0012.003 - Brentwood/Highland Combined Neighborhood Plan rezoning (PART) - Approve first/second/third readings 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. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. 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.
The first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved.
46. C14-04-0133 - Lamar Zoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11800 North Lamar Boulevard (Walnut Creek Watershed) from development reserve (DR) district zoning and limited office (LO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on October 21, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by City Council at first ordinance reading. Applicant: Lamar Ventures Partnership, Ltd. Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 974-3057. Note: A valid petition has been submitted in opposition to this rezoning request.
Ordinance No. 041104-46 for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and LO-CO for Tract 2 was approved.

ZONING CONSENT ITEMS

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

- Z-9 C14-04-0141 - Grandview Hills, Section 11B, Lot 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as North RM 620 at Wilson Parke Avenue (Lake Travis Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Tomen-Parke Associates Ltd. (Tetsuo Hosohara). Agent: RVI Planners (D' Anne Williams). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 041104-Z-9 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.
- Z-10 C14-04-0142 - Dry Creek - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 639 West Dittmar Road (Boggy Creek Watershed) from single family residence standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Owner and Applicant: Larry Chabira. City Staff: Wendy Walsh, 974-7719.
This item was postponed to November 18, 2004.
- Z-11 C14-04-0158 - Guadalupe Flats - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4525 Guadalupe Street (Waller Creek Watershed) from multifamily residence medium-high density (MF-4) district zoning to community commercial-mixed use conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant/Agent: Codney Group (Mike Rhodes). City Staff: Glenn Rhoades, 974-2775.
The first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.
- Z-12 C14-04-0143 - Rundberg Lane East - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 401-405 East Rundberg Lane (Little Walnut Creek Watershed) from family residence (SF-3) district zoning to general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Hsu Realty (Chi-kao Hsu). Agent: Land Answers (Jim Whitliff). City Staff: Glenn Rhoades, 974-2775.
The first reading of ordinance for general office-conditional overlay (GO-CO) combining district zoning was approved.

- Z-13 C14-04-0104 - Parkside at Slaughter Creek, Lot 19, Block A - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10001 South IH-35 (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Lumbermen's Investment Corp. (Robert M. Mann). Agent: Vaughn & Associates, Inc. (Rick Vaughn). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 041104-Z-13 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved.
- Z-14 C814-99-0001.03 - Avery Ranch PUD, Amendment #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Avery Ranch Boulevard at Parmer Lane (Brushy Creek 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) amendment. Applicant: Pebble Creek Joint Venture (Edward Rathgeber, President), Developers of Avery Ranch (Robert D. Wunsch), Continental Homes of Texas, L.P. (Richard Maier). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057
This item was postponed to November 18, 2004 at staff's request.
- Z-15 C14-04-0115 - Champion Tract 5 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5618-5628 FM 2222, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive and 6201-6203 and 6401-6713 Capitol of Texas North (Bull Creek Watershed) from general commercial services-conditional overlay (GR-CO) combining district zoning to general commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Champion Assets Ltd. (Josie Champion). Agent: Graves, Dougherty, Hearon, Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775. (Related Items Z-16, Z-17, Z-18)
This item was postponed to December 2, 2004 at neighborhood association's request.
- Z-16 C14-04-0116 - Champion Tracts 1-3 and Single Family Residential Tracts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5800-6802 FM 2222, 6100-6712 Loop 360, 6507 Winterberry Drive and 6702-6710 Capitol of Texas North (Bull Creek Watershed) from multifamily residence limited density-conditional overlay (MF-1-CO) combining district zoning, neighborhood commercial-conditional overlay (LR-CO) combining district zoning, general office-conditional overlay (GO-CO) combining district zoning and single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning to multifamily residence limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning and single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence limited density-conditional overlay (MF-1-CO) combining district zoning, community commercial services-mixed use-conditional overlay (GR-MU-CO) combining district zoning, general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning and single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning.

Applicant: Champion Assets Ltd. (Josie Champion). Agent: Graves, Dougherty, Hearon, Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775. (Related Items Z-15, Z-17, Z-18)

This item was postponed to December 2, 2004 at neighborhood association's request.

- Z-17 C14-02-0181 - Champion Tract City Park Road West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 (Bull Creek Watershed) from development reserve (DR) district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Applicant: Champion Assets Ltd. (Josie Champion). Agent: Graves, Dougherty, Hearon and Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775. (Related Items Z-15, Z-16, Z-18)
- This item was postponed to December 2, 2004 at neighborhood association's request.**

- Z-18 C14-03-0140 - Champion Tract, City Park Road East - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6011-6411 City Park Road and 5801-6507 FM 2222 (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Applicant: Champion Assets Ltd. (Josie Champion). Graves, Dougherty, Hearon, Moody (Michael Whellan). City Staff: Glenn Rhoades, 974-2775. (Related Items Z-15, Z-16, Z-17)
- This item was postponed to December 2, 2004 at neighborhood association's request.**

- Z-19 C14-04-0118 - 204-206 Stassney Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 204-206 West Stassney Lane (Williamson Creek Watershed) from single family residence (SF-2) district zoning and family residence (SF-3) district zoning to community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. Applicants: Felix Michael Estrada and Felix A. Estrada. Agent: Lenworth Consulting (Nash Gonzales). City Staff: Wendy Walsh, 974-7719.
- The first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions was approved. Mayor Pro Tem Goodman voted nay.**

- Z-21 C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 and 1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny community commercial-mixed use (GR-MU) combining district zoning. Applicant: John Suhuler. Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330.
- This item was postponed to December 2, 2004.**

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:40 p.m.

LIVE MUSIC

Austin Powwow and American Indian Festival Performer

PROCLAMATIONS

Proclamation - Adoption Day - to be presented by Mayor Will Wynn and to be accepted by Angela Hall

Proclamation - Celtic Festival - to be presented by Mayor Will Wynn and to be accepted by Mary Ruth Holder

Proclamation - Austin Partners in Education - to be presented by Mayor Will Wynn and to be accepted by Kathrin Brewer

Proclamation - GIS Day - to be presented by Mayor Will Wynn and to be accepted by Karen Sharp

Proclamation – Cans for Cash Month – to be presented by Mayor Pro Tem Jackie Goodman and to be accepted by Willie Rhodes

Proclamation - Hunger and Homelessness Awareness - to be presented by Council Member Danny Thomas and to be accepted by Richard Troxell

EXECUTIVE SESSION CONTINUED

35. Discuss legal issues regarding anticipated legislation issues in the Texas 79th Legislative Session that affects the City of Austin.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:45 p.m.

ZONING DISCUSSION ITEMS

- Z-20 C14-04-0100 - Old Lampasas Trail, Lot 20 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9001 Old Lampasas Trail (Bull Creek Watershed) from interim-single family residence standard lot (I-SF-2) district zoning to limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To deny limited office (LO) district zoning. Applicant: Joseph G. Wheeler. City Staff: Sherri Gager, 974-3057

The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-0 motion. Council Member McCracken was off the dais.

The first reading of the ordinance for NO-CO, neighborhood office conditional overlay that restricts the NO uses to the following:

Administrative and Business offices
Art Gallery
Art Workshop
Professional Offices

Software Development
Communication Service Facilities
Local Utility Services
Religious Assembly
Safety Services
Urban Farm

was approved on Council Member Slusher's motion, Council Member Thomas' second on a 6-0 vote. Council Member McCracken was off the dais.

TIME CERTAIN ITEM

53. Consider action on an appeal by Melton West of the Planning Commission's decision to deny a compatibility height waiver for property located at 1106 West 6th Street, Unit 301. (Public hearing conducted and closed on June 17, 2004.) (Denied by the Planning Commission.)
This item was withdrawn.

PUBLIC HEARINGS AND POSSIBLE ACTION

48. Conduct a public hearing for the full purpose annexation of the Seton Southwest Area (Approximately 63.75 acres in Travis County south of US Highway 290 West at the southwest corner of the intersection of US Highway 290 West and FM 1826).
The public hearing was closed on Council Member Thomas' motion, Council Member Alvarez' second on a 6-0 vote. Council Member McCracken was off the dais.
49. Conduct a public hearing for the full purpose annexation of the FM 620 ROW Area (Approximately 9.78 acres of FM 620 right-of-way in Travis County from approximately four tenths of a mile south of the intersection of FM 620 and Boulder Lane south to the current city limit).
The public hearing was closed on Council Member Dunkerley's motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member McCracken was off the dais.
50. Conduct a public hearing for the full purpose annexation of the Brandt Road Area (Approximately 32.85 acres in Travis County east of IH 35 at the northeast corner of the intersection of IH 35 and Brandt Road).
The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.
51. Conduct a public hearing for the limited purpose annexation of Goodnight Ranch (Approximately 760.515 acres located in Travis County east of Old Lockhart Highway approximately one tenth of a mile east of the intersection of Slaughter Lane and Old Lockhart Highway).
The public hearing was closed on Council Member Alvarez' motion, Council Member Slusher's second on a 6-0 vote. Council Member McCracken was off the dais.

52. Conduct a public hearing to consider an ordinance waiving the development regulations of Ordinance 040624-52 to allow the construction of a secondary apartment special use at 5409 Avenue H in excess of 425 feet on the ground floor and 425 feet on the second story. Ordinance 040624-52 established interim development regulations prohibiting the issuance of a building permit for the construction of a high occupancy two-family residential use or secondary apartment special use.
The public hearing was closed and Ordinance No. 041104-52 was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote.
25. Approve a resolution directing the City Manager to initiate changes to the City Code for Zoning and the Neighborhood Planning Process. (Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
Resolution No. 041104-25 was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second on a 7-0 vote.

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 9:04 p.m.

32. Discuss legal issues concerning relocation of wastewater line in the 1600 block of Watch Hill Road, Austin, Texas. (Related Item 37)

Executive Session ended and Mayor Pro Tem Goodman called the Council Meeting back to order at 10:03p.m.

Action on Executive Session

37. Approve negotiation and execution of a settlement regarding cost reimbursement for construction of sewer service laterals for 1606, 1610, and 1612 Watch Hill Road, Austin, Texas. (Related Item 32)
No discussion was held on this item.

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

ZONING DISCUSSION ITEMS CONTINUED

- Z-1 C14-04-0078 - Rainey Street Neighborhood Rezoning (Tract A) - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Cesar Chavez and Davis Street to the South, River Street to the North, and Red River and Rainey Streets to the West (Town Lake Watershed) from general commercial services (CS) district zoning, central business district-conditional overlay (CBD-CO) combining district zoning, multifamily residence medium density (MF-3) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning and community commercial-mix use (GR-MU) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Continued from October 21, 2004. The public hearing was closed.) (Related Items 47, Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8)

The first reading of the ordinance central business district-conditional overlay (CBD) combining district zoning was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.

- Z-2 C14-04-0079 - Rainey Street Neighborhood Rezoning (Tract B) - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property bounded by Red River Street to the East, Davis Street to the North, Rainey Street to the West, and Driskill Street to the South (Town Lake Watershed) from general commercial services (CS) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning and community commercial-mixed use (GR-MU) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Continued from October 21, 2004. The public hearing was closed.) (Related Items 47, Z-1, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8)
- The first reading of the ordinance for central business district-conditional overlay (CBD) combining district zoning was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.**

- Z-3 C14-04-0080 - Rainey Street Neighborhood Rezoning (Tract C) - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Cesar Chavez to the North, Driskill Street to the South, Red River to the West and East Ave. (I.H. 35) to the East (Town Lake Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning and central business district-conditional overlay (CBD-CO) combining district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Continued from October 21, 2004. The public hearing was closed.) (Related Items 47, Z-1, Z-2, Z-4, Z-5, Z-6, Z-7, Z-8)
- The first reading of the ordinance for central business district-conditional overlay (CBD) combining district zoning was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.**

- Z-4 C14-04-0081 - Rainey Street Neighborhood Rezoning (Tract D) - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by Driskill Street to the South, Rainey Street to the East, River Street to the North, and East Avenue to the West (Town Lake Watershed) from commercial liquor sales (CS-1) district zoning, general commercial services (CS) district zoning, community commercial (GR) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district-conditional overlay (CBD-CO) combining district zoning and community commercial-mixed use (GR-MU) combining district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Continued from October 21, 2004. The public hearing was closed.) (Related Items 47, Z-1, Z-2, Z-3, Z-5, Z-6, Z-7, Z-8)
- The first reading of the ordinance for grant central business district-conditional overlay (CBD) combining district zoning was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.**

- Z-5 C14-04-0082 - Rainey Street Neighborhood Rezoning (Tract E) - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by River Street to the South, Cummings Street to the North, Rainey Street to the East, and East Avenue to the West (Town Lake Watershed) from general commercial services (CS) district zoning, limited office (LO) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and platting Commission Recommendation: To grant central business district (CBD) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Continued from October 21, 2004. The public hearing was closed.) (Related Items 47, Z-1, Z-2, Z-3, Z-4, Z-6, Z-7, Z-8)
The first reading of the ordinance for central business district (CBD) district zoning was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.
- Z-6 C14-04-0083 - Rainey Street Neighborhood Rezoning (Tract F) - Approve first reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by River Street between Rainey Street and Red River Street to the South (Town Lake Watershed) from family residence (SF-3) district zoning and downtown mixed use-conditional overlay (DMU-CO) combining district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district (CBD) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Continued from October 21, 2004. The public hearing was closed.) (Related Items 47, Z-1, Z-2, Z-3, Z-4, Z-5, Z-7, Z-8)
The first reading of the ordinance for central business district (CBD) district zoning was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.
- Z-7 C14-04-0096 - Rainey Street Neighborhood Rezoning (Tract G) - Approve first reading of an ordinance on first reading amending Chapter 25-2 of the Austin City Code by rezoning property bounded by IH-35 to the West, South of its intersection with San Marcos Street (Town Lake Watershed) from general commercial services (CS) district zoning, downtown mixed use-conditional overlay (DMU-CO) combining district zoning, community commercial (GR) district zoning and family residence (SF-3) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district (CBD) district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. (Continued from October 21, 2004. The public hearing was closed.) (Related Items 47, Z-1, Z-2, Z-3, Z-4, Z-5, Z-6, Z-8)
The first reading of the ordinance for central business district (CBD) district zoning was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.

- Z-8 C14-04-0097 - Rainey Street Neighborhood Rezoning (Tract H) - Approve first reading of an ordinance on first reading amending Chapter 25-2 of the Austin City Code by rezoning property bounded by the Southwest corner of Lambie Street and IH-35 North (southbound frontage road) (Town Lake Watershed) from general commercial services (GR) district zoning to central business district (CBD) district zoning. Zoning and Platting Commission Recommendation: To grant central business district (CBD) district zoning with conditions. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhodes). City Staff: Glenn Rhoades, 974-2775. (Continued from October 21, 2004. The public hearing was closed.) (Related Items 47, Z-1, Z-2, Z-3, Z-4, Z-5, Z-6, Z-7)

The first reading of the ordinance for central business district (CBD) district zoning was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member Slusher abstained.

47. Consider recommendations regarding redevelopment in the Rainey Street Subdistrict of the Waterfront Overlay District, including initiation of appropriate amendments to City development regulations. (Public hearing held and closed on October 21, 2004.) (Reviewed by Design Commission, Downtown Commission, Historic Landmark Commission, Parks Board and Planning Commission; and Zoning and Platting Commission.) (Related Items Z-1, Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8)

There was a motion by Council Member Alvarez and a second by Mayor Pro Tem Goodman to approve recommendations regarding redevelopment in the Rainey Street Subdistrict, with the following direction to staff. The motion passed on a 6-0 vote. Council Member Slusher abstained. Staff was directed to initiate amendments to the Land Development Code pertaining to the Waterfront Overlay that are consistent with the framework outlined by Council Member Alvarez which includes the following:

Support a limitation on building heights to 60 ft. unless the following issues are addressed, in which case CBD height (with an 8:1 FAR) would be permitted.

- (1) Affordable Housing (UNO standard).**
- (2) Meet current ordinances for development near Town Lake and Waller Creek with a possible addition of a Townlake setback.**
- (3) Require 10-foot streetfront setback, 45-foot base wall height, and 15-foot building setback along Red River Street.**
- (4) Set a 50-foot height restriction for building masses located within 50 feet from River Street to serve as gateway to the Mexican American Cultural Center (MACC).**

In addition, create a scoring matrix to address other issues that have been raised pertaining to future development of the Rainey Street District and direct staff to develop a matrix taking into account the issues outlined in this proposal and adding consideration of the sidewalk and tree standards that may be comparable to the UNO standards. Add any additional requirements or specifications that staff deems necessary to initiate the amendment process for the Waterfront Overlay which would go before the Planning Commission and brought back to the Council.

- (1) Urban design characteristics. – 75 points total**

- (a) Does the project include two or more land uses, with a required residential component, with no single land use constituting more than 75% of the project?**

- (b) Is there an interconnection of the project components through pedestrian friendly pathways between buildings?
- (c) Does the project include pedestrian-oriented space fronting Cesar Chavez St., Red River St., Rainey St., and River St.?
- (d) Does the project position key components around central public spaces (with a goal of having 20% public/open space within the development)?
- (e) Is the parking underground? Does above-ground parking comply with Downtown Design Guidelines for parking? If project makes use of structured parking, does ground floor accommodate active use?
- (f) Does the project meet the Downtown Design Guidelines (including guidelines for parking)?
- (g) Does the architecture and landscape respond to the unique character of the site (e.g., regional materials, landscape, etc.).
- (h) Does the project improve street connectivity?
- (i) Do ground-floor residential units have principal entrance directly from street?
- (j) Does the design of the project avoid creating a canyon effect along Rainey St. and along the edge of the MACC?

(2) Preservation of historically significant structures – 25 points total

A friendly amendment was made by Council Member McCracken to include a second alternative approach with CBD zoning. The amendment included no limit of height; CBD zoning would be conditioned on certain requirements being met that can be defined as a range of items in the matrix setup by Council Member Alvarez. The approach would not place a limit on height as a condition of construction, but the approach also identifies prohibited uses and building types. This was accepted by the maker of the motion and Mayor Pro Tem Goodman.

The motion to adjourn the meeting at 10:33 p.m. was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 6-0 vote. Council Member Slusher was off the dais.

The minutes for the Regular Meeting of November 4, 2004 were approved on this the 18th day of November, 2004 on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.