



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 3, 2005**

Invocation: Dr. Syed Hasan Akhtar, Islamic Ahlulbayt Association

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, March 3, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:23 a.m.

CONSENT AGENDA

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

1. Approval of minutes from the meeting of February 17, 2005.
The minutes from the regular meeting of February 17, 2005 were approved.
2. Authorize negotiation and execution of an agreement with Texas Commission on Environmental Quality (TCEQ) for Federal Environmental Protection Agency (EPA) Mobile Source Outreach Assistance grant funding in the amount of \$60,300 for a "Drive Clean, Park Free" project. (Funding is available from EPA Mobile Source Outreach Assistance Funding administered by TCEQ. Funding in the amount of \$40,200 in local matching funds for the grant year is available in the 2004-2005 Operating Budgets of the following Departments: \$20,200 from Austin Energy, \$20,000 from Public Works Department.)
The motion authorizing the negotiation and execution of an agreement was approved.

Items 3 through 5 were pulled for discussion.

6. Adopt an ordinance to establish classifications and positions in the classified service of the Austin Fire Department and repeal Ordinance No. 050113-04.
Ordinance No. 050303-6 was approved.

7. Approve an ordinance authorizing acceptance of \$54,353 in grant funds from the Texas Department of State Health Services through the Centers for Disease Control Sexually Transmitted Disease Control; amending the Fiscal Year 2004-2005 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No 040913-01 to appropriate \$54,353 for a total grant amount of \$193,655 for the control and prevention of sexually transmitted diseases; and accept the transfer of one full-time equivalent position from the HIV Prevention grant to the Sexually Transmitted Disease grant and reduce the HIV Prevention grant by one full-time equivalent position. (Funding in the amount of \$54,353 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Special Revenue Fund in the HIV Prevention grant from the Texas Department of State Health Services through the Centers for Disease Control Sexually Transmitted Disease Control grant program. The grant period is from January 1, 2005 through December 31, 2005. No City match is required.)
Ordinance No. 050303-7 was approved.
8. Approve an ordinance authorizing acceptance of grant funds in the amount of \$332,627 from the Texas Department of State Health Services, Immunization Branch and amending the Fiscal Year 2004-2005 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$332,627 for a total grant amount of \$838,424 for the Community Immunization program to provide vaccination and immunization services in order to prevent and reduce the incidence of vaccine preventable diseases. (Funding in the amount of \$332,627 is available from the Texas Department of State Health Services, Immunization Branch. The revised grant period is from January 1, 2004 through August 31, 2005. No City match is required.)
Ordinance No. 050303-8 was approved.
9. Approve an ordinance amending the Fiscal Year 2004-2005 Health and Human Services Operating Budget Travis County Reimbursed Fund of Ordinance No.040913-01, by increasing revenue from Travis County in the amount of \$83,634, and increasing operating expenditures in the amount of \$83,634 for summer youth employment stipends. (\$83,634 in increased expense reimbursement revenue from Travis County.)
Ordinance No. 050303-9 was approved.
10. Adopt a resolution amending the Personnel Policies to authorize Austin Police Department (APD) employees assigned by the Chief of Police to perform security coordinator duties at the APD headquarters to carry weapons while on duty. (Related Item 17)
Resolution No. 050303-10 was approved.
11. Authorize negotiation and execution of an outside counsel contract with DENTON, NAVARRO, ROCHA & BERNAL, P.C., San Antonio, TX, for representing the City as chief negotiator and legal co-counsel in matters relating to labor negotiations for a Collective Bargaining contract with the Austin Professional Fire Fighters Association in the amount of \$95,000. (Funding in the amount of \$95,000 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Fire Department.)
The motion authorizing the negotiation and execution of an outside counsel contract was approved.

Items 12 and 13 were pulled for discussion.

14. Approve execution of Change Order #4 to the construction contract with PRISM DEVELOPMENT, INC. (MBE/MH 42.40 %) Austin, TX, for additional materials installed in Chestnut Park, in an amount not to exceed \$31,666.33, for a total contract amount not to exceed \$386,806.11. (Funding in the amount of \$31,666.33 is available in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Department.) 23.31 % MBE and 5.34 % WBE subcontractor participation to date
The motion authorizing the execution of Change Order #4 to the construction contract was approved.
15. Approve a resolution authorizing application for \$44,219 in continuation grant funding from the State of Texas, Governor's Office, Criminal Justice Division to fund one full-time equivalent (FTE) Detective position in the Sex Offender Apprehension and Registration (SOAR) Unit. (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2005 to August 31, 2006. This is the fourth year of a five-year grant. A cash match of \$44,294 is required and will be proposed in the Fiscal Year 2005-2006 Operating Budget of the Austin Police Department.)
Resolution No. 050303-15 was approved.
16. Approve a resolution authorizing application for \$80,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the renewal of Austin Police Department project entitled "Assistance to Female Victims of Domestic Violence." (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, Violence Against Women Act for the grant period September 1, 2005 -August 31, 2006. A cash match of \$36,883 is required and will be met by continuing the existing salary funding and additional personnel expenses for grant funded FTEs to be proposed in the Fiscal Year 2005-2006 Operating Budget for the Austin Police Department (APD), Victim Services Program.)
Resolution No. 050303-16 was approved.
17. Approve an ordinance amending Chapter 9-6 of the City Code by creating a new exception in Section 9-6-4 to authorize the carrying of a firearm on the premises of the Austin Police Department by retired peace officers employed by the police department. (Related Item 10)
Ordinance No. 050303-17 was approved.
18. Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk at 290 and 183 project of the Austin Clean Water Program to acquire a permanent wastewater line easement containing 26,981 square feet of land, a temporary working space easement containing 6,486 square feet of land, and a permanent access easement containing 52,184 square feet of land, all out of the John Applegate Survey No. 58, Abstract No. 29 in Travis County, Texas, in the amount of \$135,842. The owner of the property interests sought to be acquired is ALLIANCE FHW LIMITED PARTNERSHIP, Northbrook, Illinois. The property is located at 1901 Anderson Lane, Austin, Texas. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.)
Resolution No. 050303-18 was approved.
19. Authorize an increase in the design-build agreement for the Austin-Bergstrom International Airport (ABIA) Terminal Baggage Screening Improvements with HENSEL PHELPS CONSTRUCTION CO., Austin, TX, in the amount of \$7,000,000 for a total agreement amount not to exceed \$21,500,000. (Funding in the amount of \$7,000,000 is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Aviation Department.) 19.89% DBE participation to date.
The motion authorizing an increase in the design build agreement was approved.

20. Approve a resolution authorizing execution of a construction contract with PRISM DEVELOPMENT, INC., (MBE/MH 58.3%), Austin, TX for Pleasant Valley Bike Route Phase 2 Re-Bid in an amount not to exceed \$425,083.75. (Funding in the amount of \$425,083.75 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.) Lowest bid of three received. 18.5% MBE and 8.7% WBE subcontractor participation.
Resolution No. 050303-20 was approved.
21. Authorize execution of a construction contract with CAPITAL EXCAVATION COMPANY, Austin, TX for the Pleasant Valley Road Rehabilitation and Bike Lane Improvements Project from East Oltoft to Lakeshore Boulevard in the amount of \$2,598,760.11 plus a \$129,938 contingency, for a total contract amount not to exceed \$2,728,698.11. (Funding in the amount of \$2,682,709.65 is available in the Fiscal Year 2004-2005 Capital Budget of the Public Works Department and \$45,988.46 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) The only responsive bid of three bids received. 43.18% DBE subcontractors' participation.
The motion authorizing the execution of a construction contract was approved.
22. Approve an ordinance on first reading only to renew the ROY'S TAXI, INC. taxicab franchise. (The taxicab permit fee of \$400 per year per permit is a revenue source. Expected annual revenue is \$62,000.)
The first reading of the ordinance was approved.
23. Authorize execution of a 12-month service agreement with KINECTRICS INC., Toronto, Canada for testing of conductors and insulators in an amount not to exceed \$100,000, with three 12-month extension options in an amount not to exceed \$100,000 per extension option, for a total agreement amount not to exceed \$400,000. (Funding in the amount of \$50,000 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Best evaluated proposal of two 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 contract.
The motion authorizing the execution of a service agreement was approved.
24. Authorize execution of a 12-month supply agreement with SHARP ELECTRONICS CORPORATION, Huntington Beach, CA, for photovoltaic modules and power conditioning equipment in an amount not to exceed \$251,326.40, with two 12-month extension options in an amount not to exceed \$502,652.80 for the first option and \$351,857.34 for the second option, for a total agreement amount not to exceed \$1,105,836.54. (Funding in the amount of \$251,326.40 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification of eight 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.

25. Authorize execution of Amendment No. 6 to the contract with MOTOROLA INC., Austin TX, to set up and install the latest versions of Customer Service Request software used in the Customer Information Center, in an amount not to exceed \$183,490, for a revised total amount not to exceed \$817,484. (Funding is available in Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy.) 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 Amendment No. 6 to the contract was approved.

26. Authorize execution of a 12-month supply agreement with TECHLINE, INC., Austin, TX, for ornamental lighting in an amount not to exceed \$756,520, with four 12-month extension options in an amount not to exceed \$756,520 per extension option, for a total agreement amount not to exceed \$3,782,600. (Funding in the amount of \$756,520 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Low 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.

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

27. Authorize execution of a 12-month supply agreement with SHUMAKER READY MIX, LLC, Del Valle, TX for structural concrete in an amount not to exceed \$305,000, with four 12-month extension options in an amount not to exceed \$305,000 per extension option, for a total agreement amount not to exceed \$1,525,000. (Funding in the amount of \$152,500 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. Funding for the remaining six months of the original contract period and extension option is contingent upon available funding in future budgets.) Low 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 contract.

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

28. Authorize execution of two 12-month supply agreements with MS TECHLINE PIPE L.L.P., Austin, TX and NATIONAL WATERWORKS, Austin, TX for gate valves of various types and sizes in amounts not to exceed \$112,344.43 and \$93,551.22 respectively, with two 12-month extension options in amounts not to exceed \$112,344.43 and \$93,551.22 respectively per extension option, for total agreement amounts not to exceed \$337,033.29 and \$280,653.66. (Funding in the amount of \$102,947.83 is available in Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding for the remaining six months and extension option is contingent upon available funding in future budgets.) Lowest bids 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 two supply agreements was approved.

29. Authorize execution of a contract with PATTERSON PUMP CO., INC. Toccoa, GA, for vertically mounted, end suction, and centrifugal pumps in an amount not to exceed \$124,446. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) 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.

The motion authorizing the execution of a contract was approved.

30. Authorize execution of a 3-month supply agreement with CHLOR-SERV, INC, Hutto, TX, (WBE/FR-100%) for liquid sodium hypochlorite for the Austin Water Utility in an amount not to exceed \$90,000, with one 3-month extension option in an amount not to exceed \$90,000, for a total agreement amount not to exceed \$180,000. (Funding is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

31. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with MUNICIPAL EMERGENCY SERVICES, INC. d/b/a MES-FOUR ALARM, Euless, TX, for thermal imagers in an amount not to exceed \$145,770.75. (Funding is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Fire Department.) Purchasing Cooperative.

The motion authorizing the execution of a contract was approved.

32. Authorize negotiation and execution of a 12-month interlocal agreement with the UNIVERSITY OF TEXAS AT AUSTIN GRADUATE SCHOOL OF HEALTH AND KINESIOLOGY, Austin, TX, for a 14-week remedial strength training research program for the Austin Fire Department Training Academy in an amount not to exceed \$30,018, with two 12-month extension options in an amount not to exceed \$30,018 per extension option, for a total agreement amount not to exceed \$90,054. (Funding in the amount of \$17,510 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Fire Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Interlocal Agreement

The motion authorizing the negotiation and execution of an interlocal agreement was approved.

33. Authorize execution of a 12-month service agreement with TWO DAY AUTO BODY, Austin, TX, C & C COLLISION, Waco, TX, MAACO AUTO PAINTING BODY WORKS, Austin, TX, AR CUSTOM PAINT, Austin, TX and NETWORK AUTO BODY AND PAINT SHOP, Austin, TX, for auto body repair services for Fleet Services in an amount not to exceed \$700,000, with three 12-month extension options in an amount not to exceed \$700,000 per extension option, for a combined total agreement amount not to exceed \$2,800,000. (Funding in the amount of \$408,333 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Finance and Administrative Services Department, Fleet Fund. Funding for the remaining five months of the original contract period the extension options is contingent upon available funding in future budgets.) Lowest bids of seven bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

34. Authorize execution of a contract through the State of Texas, Texas Building and Procurement Commission, with HAWORTH INCORPORATED, Austin, TX, and their authorized distributor FURNITURE MARKETING GROUP, Austin, TX, for the purchase and installation of modular systems for built-in cubicle arrangements including wall panels, desk tops, and cabinets in an amount not to exceed \$164,414.44. (Funding in the amount of \$146,056.90 is available in the Fiscal Year 2004-2005 Approved One Texas Center Fund of the Financial Services Department. Funding in the amount of \$18,357.54 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Economic Growth and Redevelopment Services Department.) Purchasing Cooperative.
The motion authorizing the execution of a contract was approved.
35. Authorize execution of a contract through the U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE with HAWORTH INCORPORATED, Austin, TX, and their authorized distributor FURNITURE MARKETING GROUP, Austin, TX, for the purchase and installation of work surfaces, office chairs, tables and keyboard trays in an amount not to exceed \$68,071.51. (Funding in the amount of \$57,791.83 is available in the Fiscal Year 2004-2005 Approved One Texas Center Fund of the Financial Services Department. Funding in the amount of \$10,279.68 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Economic Growth and Redevelopment Services Department.) Purchasing Cooperative.
The motion authorizing the execution of a contract was approved.
36. Authorize execution of a 12-month Interlocal Agreement with Capital Metropolitan Transportation Authority (CapitalMetro) for the City to provide production and cablecasting of Capital Metro Board of Directors meetings on Channel 6, with three 12-month extension options. Capital Metro will pay the City \$350 per meeting over the term of the contract, for a total estimated annual revenue of \$4,200. (Revenue will be included in the Support Services Fund.)
The motion authorizing the execution of an interlocal agreement was approved.
37. Authorize execution of a contract with J-MAC BUILDERS, Austin, TX, for residential foundation repair and replacement services in the Holly neighborhood for the Neighborhood Housing and Community Development Department in an amount not to exceed \$48,426. (Funding is included in the Fiscal Year 2004-2005 Holly Good Neighbor Program administered by the Neighborhood Housing and Community Development Department.) Lowest bid per item 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.
The motion authorizing the execution of a contract was approved.
38. Authorize execution of a 12-month supply agreement with COOPER EQUIPMENT CO., INC., San Antonio, TX, for captive repair parts and services for asphalt pavers in an amount not to exceed \$90,000, with two 12-month extension options in an amount not to exceed \$90,000 per extension option, for a total amount not to exceed \$270,000. (Funding in the amount of \$52,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Transportation Fund of the Public Works Department. Funding for the remaining five months of the original contract period and the 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.
The motion authorizing the execution of a supply agreement was approved.

39. Authorize execution of a 12-month supply agreement with DEERY AMERICAN CORPORATION, Grand Junction, CO, for hot applied pavement crack sealant for the Public Works Department in an amount not to exceed \$103,750, with two 12-month extension options in an amount not to exceed \$103,750 per extension option, for a total contract amount not to exceed \$311,250. (Funding in the amount of \$69,167 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Public Works Department. Funding for the remaining four 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.

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

40. Authorize execution of 12 contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with: RDO EQUIPMENT CO., Pflugerville, TX, for two articulating tractor loaders, three tractor/loader/backhoes, two tractor excavators, and one dozer in an amount not to exceed \$993,437.98; COOPER EQUIPMENT CO., INC., San Antonio, TX, for one variable width chip spreader in an amount not to exceed \$191,816; VOGELE AMERICA, INC., Chambersburg, PA, for one asphalt paver in an amount not to exceed \$248,272.60; WIRTGEN AMERICA, INC., Nashville, TN, for one asphalt milling machine in an amount not to exceed \$439,481.97; HOLT CAT, Irving, TX, for one tractor compactor in an amount not to exceed \$366,770; PROFESSIONAL TURF PRODUCTS, INC., DFW Airport, TX, for four riding mowers in an amount not to exceed \$113,760.79; TYMCO INTERNATIONAL, LTD., Waco, TX, for one street sweeper in an amount not to exceed \$128,067.30; EQUIPMENT SOUTHWEST, INC., Irving, TX, for seven rear loading refuse collection bodies in an amount not to exceed \$371,029.22; RUSH TRUCK CENTER LP, Houston, TX, for two truck cab and chassis in an amount not to exceed \$101,814; HEIL OF TEXAS, Houston, TX, for one automated refuse collection body in an amount not to exceed \$89,609.49; LONGHORN INTERNATIONAL TRUCKS LTD., Austin, TX, for six truck and chassis in an amount not to exceed \$586,640.02; and with WHEELED COACH INDUSTRIES, INC., Winter Park, FL, for three ambulances in an amount not to exceed \$475,850. (Funding in the amount of \$541,730.79 is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund. Funding in the amount of \$612,507.21 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility. Funding in the amount of \$966,009.37 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Public Works Department. Funding in the amount of \$1,643,930.03 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Solid Waste Services Department. Funding in the amount of \$342,371.97 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Watershed Protection and Development Review Department.) Purchasing Cooperative

The motion authorizing the execution of 12 contracts was approved.

41. Authorize execution of a contract through the Houston-Galveston Area Council of Governments with PHILPOTT MOTORS LTD., Nederland, TX, for 81 light duty vehicles in an amount not to exceed \$2,257,229.08 (Funding in the amount of \$428,059.16 is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund. Funding in the amount of \$173,804.56 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department. Funding in the amount of \$107,312.65 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding in the amount of \$59,612.19 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Solid Waste Services Department. Funding in the amount of \$622,764.86 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding in the amount of \$697,523.99 is included

in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility. Funding in the amount of \$141,089.19 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Public Works Department. Funding in the amount of \$27,062.48 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Watershed Protection Development and Review Department.) Purchasing Cooperative

This item was postponed to March 10, 2005.

42. Authorize execution of Amendment No. 3 to the contract through U.S. Communities Government Purchasing Alliance, Los Angeles County, CA with OFFICE DEPOT, Austin, TX, for office supplies, printer equipment and supplies, and office equipment in an amount not to exceed \$2,086,000, with two 12-month extension options in an amount not to exceed \$2,086,000 per extension option, for a revised total contract amount of \$8,483,101. (Funding in the amount of \$1,216,833.38 is available in the Fiscal Year 2004-2005 Approved Operating Budgets for all City departments. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.)

The motion authorizing the execution of Amendment No. 3 to the contract was approved.

43. Approve an ordinance on second/third reading amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed. (Planning Commission voted for no change to the current code.)

This item was postponed to April 7, 2005

44. Board and Commission appointments.

The following appointments were made:

| <u>Board/ Appointee</u> | <u>Consensus/ Council Nominee</u> | <u>Appointment/ Reappointment</u> |
|------------------------------------------------------|---------------------------------------|---------------------------------------|
| <u>Arts Commission</u> | | |
| Adriana McWilliams | Consensus | Appointment |
| <u>Asian American Resource Center Advisory Board</u> | | |
| Tommy Hlodinh | Consensus | Appointment |
| <u>Board of Adjustment</u> | | |
| Betty Edgemond | Consensus | Reappointment |
| Leane Heldenfels | Consensus | Reappointment |
| <u>Community Development Commission</u> | | |
| Ricardo Zavala | Council Member Slusher's | Reappointment |
| <u>Electrical Board</u> | | |
| Ruben Alcmán | Council Member Dunkerley's | Appointment |
| <u>Music Commission</u> | | |
| Teresa Ferguson | Consensus | Reappointment |
| Theresa Jenkins | Consensus | Reappointment |
| <u>Sign Review Board</u> | | |
| Betty Edgemond | Consensus | Reappointment |
| Leane Heldenfels | Consensus | Reappointment |

Solid Waste Advisory Commission

Marion Childress-Usher

Council Member Thomas'

Appointment

Urban Forestry Board

Mark H. Brooks

Council Member Dunkerley's

Appointment

Water and Wastewater Commission

Reynaldo Gonzalez, Jr.

Council Member Alvarez'

Appointment

45. Approve a resolution establishing the 'I-35 Makeover Steering Committee' as the official designated community stakeholder group for the I-35 Makeover project. (Council Member Raul Alvarez and Council Member Brewster McCracken)
Resolution No. 050303-45 was approved.
46. Approve an ordinance waiving certain fees and payment of certain costs for a free movie screening hosted by the City of Austin and South by Southwest. to be held on March 16, 2005, Republic Square Park. (Mayor Will Wynn and Mayor Pro Tem Jackie Goodman)
Ordinance No. 050303-46 was approved.
47. Approve the waiver of the permit fee under Chapter 14-11 of the City Code for the American Lung Association Asthma Walk to be held on March 26, 2005 at Fiesta Gardens. (Council Member Betty Dunkerley, Brewster McCracken and Mayor Pro Tem Jackie Goodman)
The motion authorizing the waiver of the permit fee was approved.

Item 48 was pulled for discussion.

49. Set a public hearing to approve using approximately 1.265 acres for a wastewater line, 0.245 acres for a lift station, and 2.618 acres for temporary work space to construct, use, maintain, repair, and replace a wastewater line in a tunnel for construction of the Barton Creek Lift Station Relief Main-Section 2 through dedicated parkland known as Butler Shores Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: April 7, 2005 at 6:00 p.m. City Hall Council Chambers) (All costs associated with the construction, as well as any parkland mitigation and restoration, will be paid by the requestor.) (To be reviewed by Parks Board on March 22, 2005.) (Related Item 50)
The public hearing was set for April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
50. Set a public hearing to approve using approximately 0.262 acres for a wastewater line and 0.870 acres for temporary work space to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Govalle 1 -- South 2nd Street & East Bouldin Creek Relief Interceptor through dedicated parkland known as Town Lake Park, and in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: April 7, 2005 at 6:00 p.m. City Hall Council Chambers) (All costs associated with the construction, as well as any parkland mitigation and restoration, will be paid by the requestor.) (To be reviewed by the Parks Board on 3/22/05.) (Related Item 49)
The public hearing was set for April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

51. Set a public hearing to receive comment regarding the proposed modifications to the Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area. (Suggested date and time: April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.) (Proposed modifications recommended by Urban Renewal Board and the Planning Commission.)
The public hearing was set for April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 52 through 62 were Executive Session items.

Items 63 and 65 were action on Executive Session items.

Item 66 was a briefing set for a time certain of 1:00 p.m.

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

Items 67 through 70 and Z-1 through Z-19 were zoning items set for 4:00 p.m.

Item 71 was a briefing set for a time certain of 6:00 p.m.

Items 72 through 76 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

48. Approve a resolution directing the City Manager to develop a program to create incentives to encourage the future purchase of flexible-fuel plug-in hybrid vehicles by Austin Energy customers. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman, and Council Member Daryl Slusher)
Resolution No. 050303-48 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.
3. Receive the city clerk's certification of the result of her examination of the initiative petition filed February 1, 2005, and supplemented on February 22, 2005, submitted with an initiated ordinance entitled "An Ordinance Repealing and Replacing City Code Chapter 10-6 Relating to Smoking in Public Places, Creating Offenses, and Providing Penalties."
The motion receiving the city clerk's certification was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.
4. Consideration of and possible action on an initiated ordinance entitled "An Ordinance Repealing and Replacing City Code Chapter 10-6 Relating to Smoking in Public Places, Creating Offenses, and Providing Penalties."
This item was withdrawn without objection.

Mayor Wynn recessed Council to go into Executive Session at 11:31 a.m.

EXECUTIVE SESSION (No Public Discussion on These Items)

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

Items 52 through 60 were discussed later in Executive Session.

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

Item 62 was discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:21 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Scott Durgin - Planned Expansion of the South Austin Tennis Center

Sara Strandtman - South Austin Park

Jessica Gordon - Expansion of South Austin Park, including the Tennis Center

Kathryn Kawazoe - Saving South Austin Park

Johnette Mason - Map Card - Co-Payments are too high and prescriptions are inaccessible if you have no money.

Pat Johnson – Living with HIV – dying from AIDS.

Betty Edgemond - The trials and tribulations of a stolen vehicle

Jennifer L. Gale - Selling power (wind, solar) back to our utility - Austin Energy

Harry O'Steen - Water & Wastewater completing contract. **He was not present when his name was called.**

Steven Coursen - South Austin Park & Tennis Center

BRIEFINGS

66. Status report of closed landfills and tank farms within the City of Austin.
The presentation was made by Willie Rhodes, Director of Solid Waste Services.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:34 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 3:40 p.m.

DISCUSSION ITEM

77. Approve a resolution directing the City Manager to retain the services of entities with expertise in toll road policies and planning for the purpose of conducting an independent review of the TxDOT/CTRMA Toll Plan. (Council Member Brewster McCracken, Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)

Resolution No. 050303-77 was approved with the following amendments on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 7-0 vote. With the friendly amendments made by Council Member Dunkerley, Exhibit A would read, "The Expert shall analyze at least the following issues and present their findings to the Austin City Council and City Manager:

- 1. How does the TxDOT/CTRMA Phase 2 toll plan compare with the plans submitted to the Texas Transportation Commission in 2004 by the other seven Texas metropolitan areas? What approaches are other metro areas taking?**

Prepare a historical perspective on the congestion index for the present, ten years ago and twenty years ago, including comparisons to reflect relative baseline situations in cities mentioned.

- 2. The information contained in TxDOT documents (http://www.ctrma.org/documents/US_290_W_Feasibility_Analysis.pdf and http://www.ctrma.org/documents/US_183_S_Feasibility_Analysis.pdf) reflect that Travis County drivers will have to pay operation and maintenance costs for the three highways (US 183, SH 71, and US 290W) and that the roads will also generate net toll revenue.**

By tolling US 183, SH71 and US 290W and thereby assuming the operation and maintenance costs for these highways and receiving access to toll revenues, will Travis County residents realize a net gain or loss?

This analysis should be performed from the perspective of tolling's impact on Travis County and Travis County drivers -- not from the perspective of the plans' impact on the TxDOT budget.

In determining the cost/benefit analysis, determine the costs estimated to be paid by non-Travis County residents. Austin is in three counties, so include any counties that were included in the Phase 2 Plan.

- 3. Could the capacity in the Phase 2 Plan be built without tolling? Describe the options for the CAMPO TPB and the costs and benefits of each.**

- 4. What alternative financing and traffic management models (such as high occupancy toll lanes and managed lanes) exist to build this system? a) Which model does the most to reduce traffic congestion? b) Which model has the best cost/benefit to Austin residents?**

- 5. Analyze the ramifications and impact of the Phase 2 Plan on Travis County, and in particular the ramifications of any loss of state highway funding and transfer of operations obligations to Travis County and Travis County residents.**

Specifically, confirm whether the State gasoline tax dollars for maintenance will be reduced due to the use of toll roads in the Austin area. Determine the impact of no toll roads on new capacity dollars.

Clarify the nature of construction costs and maintenance costs included in the study.

6. How do the toll rates for the roads in Phase 2 Plan compare to the toll rates for urban highways in cities across the U.S.?

7. How does Austin's level of tolling of 50% of all highway lane miles compare to the rate of tolling in other American metropolitan areas?

8. The Phase 2 Plan proposed tolls up to seven times higher than the national average. The tolled segments range from 2.33 miles to 4.5 miles. Each tolled segment has a free frontage road. In light of these facts, analyze the following:

a) How realistic are the usage level assumptions in the toll feasibility studies? b) What cities and road comparisons exist to gauge the effect of charging these toll rates on demand for the roads? c) What levels of usage are most likely? d) How do tolls at these prices affect the projections in the toll feasibility studies?

9. For the revenue analysis, confirm with the specific agency the funds available in both tolled and non-tolled scenarios. Confirm that TXDOT will fund the ROW and utility relocation costs for tolled projects in lieu of the City of Austin and confirm dollar amount.

10. Determine the most current data to be used in the update analysis. All inflation factors should be updated to this date.

Process: Confirm the "facts" and updated baselines to be used in the analysis. Develop the proposed assumptions and scenarios to be modeled to complete the scope of work and review with the full Council prior to modeling to determine whether other scenarios should be added.

Council Member Dunkerley also added three assignments for the consultant:

1. An independent analysis of the transportation issues with an executive summary that is in a user friendly format.
2. A determination whether tolls are required to complete Phase 2 including both the new capacity and maintenance, time frame and a determination if a combination of toll roads and other strategies could be used.
3. A determination of a reasonable range of congestion indices including a goal for 2030, where the index is now, where it is expected to be after Phase 1 and after Phase 2.

Council Member Alvarez' friendly amendment was to add the following to No. 10 of Council Member Dunkerley's amendment, "All changes that have been made to the toll road proposal since the original financial analyses were conducted should be included in the updated analysis."

Council Member Slusher made a friendly amendment that all the "Whereas's" in the Resolution be deleted and the following added. These were accepted by the maker of the motion.

Whereas, the Phase 2 toll road plan adopted by the CAMPO Board in July, 2004 has generated controversy and division in our community;

Whereas, there is widespread desire for more thorough information on the issue;

Whereas, there is widespread desire for independent review of the information relating to that plan.

Finally, there was a friendly amendment by Council Member Slusher that the resolution be revised to read, "That the Austin City Council authorizes the City Manager to negotiate with an outside expert with substantial national experience and expertise in toll financing." The item is to be posted for the Council meeting on March 10 to negotiate and approve the agreement if it is not possible to get the agreement finalized by that date. The City Manager was directed to inquire if RMA or other governmental entities would be willing to participate in the cost of the study but the study is not to be delayed. The City Manager was directed to see if CAMPO could respond to some of the items in the scope of services to narrow the scope and reduce the costs of the study.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:20 p.m.

EXECUTIVE SESSION CONTINUED

59. Discuss legal issues regarding the exchange, lease, sale, and value of certain real property located in eastern Travis County managed by Austin Energy and purchased using tax exempt bonds. (Related Item 60)
60. Discuss the exchange, lease, sale, and value of certain real property located in eastern Travis County managed by Austin Energy and purchased using tax exempt bonds. (Related Item 59)

LIVE MUSIC

Bob Wills 100th Birthday Celebration with Ray Benson and Friends

PROCLAMATIONS

Proclamation - Small Business Development - Starting a Retail Business Seminar - to be presented by Mayor Will Wynn and to be accepted by Sue Edwards and Rosy Jalifi

Proclamation - Austin is StormReady - to be presented by Mayor Will Wynn and to be accepted by Steve Collier, Larry Eblen and Ed Schaefer

Proclamation - Black Church Week of Prayer for the Healing of AIDS - to be presented by Mayor Will Wynn and to be accepted by Ratonia Runnels

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:44 p.m.

ZONING CONSENT ITEMS

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

67. C14-04-0183 - Escalon at Canyon Creek Apartments - Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally know as 9715 and 9901 R.M. 620 North (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning. Conditions met as follows: Conditional overlay incorporates the conditions imposed as first ordinance reading. First reading on January 27, 2005. Vote: 6-0, Dunkerley was absent. Applicant: A.G. S. The Spanos Corporation (Jim Norman). Agent: Huffcut & Associates, Inc. (Mike Wilson). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 050303-67 was approved.
68. C14-04-0189 - Superior Service Company - Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally know as 2020 West Howard Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning. Conditions met as follows: Conditional overlay incorporates the conditions imposed at first ordinance reading. First reading on February 10, 2005. Vote: 7-0. Applicant: Superior Service Company (Robert Dale Steenrod). Agent: Holt Planners (David Holt, Jr.). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 050303-68 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 McCracken's motion, Council Member Alvarez' second on a 7-0 vote.

- Z-1 C14-04-0149.07 – Old West Austin Neighborhood Plan rezoning for 1215 W. 9th Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1215 W. 9th Street (Town Lake Watershed) from multi-family residence moderate high density - neighborhood plan (MF-4 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence -- neighborhood plan (SF-3-NP) combining district zoning. Applicant: Josue & Marcelina Quintanilla. Agent: City of Austin, Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 050303-Z-1 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-2 C14-04-0149.10 – Old West Austin Neighborhood Plan rezoning for 1607 W. 9th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1607 W. 9th Street (Town Lake Watershed) from multi-family residence moderate high density - neighborhood plan (MF-4 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: Michael & Jan Wilson. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 050303-Z-2 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-3 C14-04-0149.12 – Old West Austin Neighborhood Plan rezoning for 1700 Palma Plaza. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1700 Palma Plaza (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence -- neighborhood plan (SF-3-NP) combining district zoning. Applicant: Lila Anne Parker. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 050303-Z-3 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-4 C14-04-0149.13 – Old West Austin Neighborhood Plan rezoning for 1613 Palma Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1613 Palma Plaza (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: John Guffey Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 050303-Z-4 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-5 C14-04-0149.14 – Old West Austin Neighborhood Plan rezoning for 1505 Palma Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1505 Palma Plaza (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: Robert Cuthbertson. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 050303-Z-5 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-6 C14-04-0149.15 – Old West Austin Neighborhood Plan rezoning for 1707 Palma Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1707 Palma Plaza (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: Hubert Gill. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 050303-Z-6 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-7 C14-04-0149.16 – Old West Austin Neighborhood Plan rezoning for 1509 Palma Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1509 Palma Plaza (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: Hubert Gill. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755

Ordinance No. 050303-Z-7 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-8 C14-04-0149.17– Old West Austin Neighborhood Plan rezoning for 702 Highland Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 702 Highland Avenue (Town Lake Watershed) from multi-family residence moderate high density - neighborhood plan (MF-4 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: Stephen & Stephanie Schuster. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

Ordinance No. 050303-Z-8 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-9 C14-04-0149.20– Old West Austin Neighborhood Plan rezoning for 612 Highland Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 612 Highland Avenue (Town Lake Watershed) from multi-family residence moderate high density - neighborhood plan (MF-4 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: Brian Bayerdorfer. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

Ordinance No. 050303-Z-9 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-10 C14-04-0149.26– Old West Austin Neighborhood Plan rezonings for 706 & 708 Highland Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 706 & 708 Highland Avenue (Town Lake Watershed) from multi-family residence moderate high density - neighborhood plan (MF-4 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: 706 Highland Avenue – Jeffrey & Vanessa Sigafos, 708 Highland Avenue -- Paul Reyes. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

Ordinance No. 050303-Z-10 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-11 C14-04-0149.28– Old West Austin Neighborhood Plan rezoning for 800 West Lynn Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Lynn Street (Town Lake Watershed) from multi-family residence moderate high density - neighborhood plan (MF-4 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: George & Rosemary Warmingham. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

Ordinance No. 050303-Z-11 for family residence – neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-12 C14-04-0149.43– Old West Austin Neighborhood Plan rezoning for 615 West Lynn Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 615 West Lynn Street (Town Lake Watershed) from multi-family residence moderate high density - neighborhood plan (MF-4 -NP) combining district

zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence - neighborhood plan (SF-3-NP) combining district zoning. Applicant: Steve & Betty Colburn. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

Ordinance No. 050303-Z-12 for family residence - neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-13 C14-04-0149.44- Old West Austin Neighborhood Plan rezonings for 900 West Lynn Street & 1602 West 9th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 West Lynn Street & 1602 West 9th Street (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence - neighborhood plan (SF-3-NP) combining district zoning. Applicant: Jay Irick. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

Ordinance No. 050303-Z-13 for family residence - neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-14 C14-04-0149.47- Old West Austin Neighborhood Plan rezoning for 1503 Palma Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1503 Palma Plaza (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence - neighborhood plan (SF-3-NP) combining district zoning. Applicant: Harris Schell. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

Ordinance No. 050303-Z-14 for family residence - neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-15 C14-04-0207 - ECO Resources / 620 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9511 North R.M. 620 Road (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning to public (P) and general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant public-conditional overlay (P-CO) combining district zoning for Tract 1, general office-conditional overlay (GO-CO) combining district zoning for Tract 2, and rural residence-conditional overlay (RR-CO) combining district zoning for Tract 3. Applicant: ECO Resources (Pat Reilly). Agent: Drenner Stuart Wolff Metcalfe Von Kreisler (Michele Rogerson Allen). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 050303-Z-15 for public-conditional overlay (P-CO) combining district zoning for Tract 1, general office-conditional overlay (GO-CO) combining district zoning for Tract 2, and rural residence-conditional overlay (RR-CO) combining district zoning for Tract 3 was approved.

- Z-16 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 May 12, 2005.

- Z-17 C814-99-0001(RCA) - Avery Ranch PUD Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as Avery Ranch at Parmer Lane (Brushy Creek Watershed). Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Applicant: Pebble Creek Joint Venture (Edward R. Rathgeber, President), Continental Homes of Texas, L.P. (Richard Maier), Rathgeber Investment Company, Ltd. (Edward R. Rathgeber, Jr.), Developers of Avery Ranch (Robert D. Wunsch, President). Agent: Waterstone Development (Theresa Canchola). City Staff: Sherri Gager, 974-3057.

This item was postponed to May 12, 2005.

ZONING DISCUSSION ITEMS

69. C14H-04-0027 - Brown-Ledel-Silverman House - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 609 West Lynn Street from multi-family residence, neighborhood plan (MF-4-NP) district to multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed by the property owner in opposition to this rezoning request.

The first reading of the ordinance for multi-family residence, neighborhood plan - Historic (MF-4-H-NP) combining district zoning was approved on Council Member Alvarez' motion, Council Member McCracken's second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez, McCracken and Slusher. Those voting nay were: Mayor Wynn and Council Members Dunkerley and Thomas.

70. C14-04-0071 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8423 State Highway 71 West. (Williamson Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Council approved limited office-conditional overlay (LO-CO) combining district zoning at Second ordinance reading. Conditions met as follows: Conditional overlay incorporates the conditions imposed at second ordinance reading. Second reading on December 16, 2004. Vote: 6-0, McCracken off the dais. First reading on September 2, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 050303-70 for neighborhood commercial-conditional overlay (LO-CO) combining district zoning was approved on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

BRIEFING

71. Briefing on Commercial Design Standards for development and construction of commercial sites to be implemented through changes to the City Code.

The presentation was made by Dean Fritz Steiner, University of Texas, Dean of the Architecture School; Ryan Robinson, City Demographer; Gary Bellamy, Land Design

Studio; Chris Riley, Planning Commission; Richard Rice, Design Commission; Girard Kinney; Kathy Zarsky and George Adams, Neighborhood Planning and Zoning.

ZONING DISCUSSION ITEMS CONTINUED

- Z-18 C14-04-0201 - 12503 Tomanet Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12503 Tomanet Trail (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence large lot (SF-1) district zoning. Applicant: Thinh Giang. City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and the first reading of the ordinance for single family residence large lot (SF-1) district zoning was approved on Council Member Slusher's motion, Mayor Wynn's second on a 7-0 vote.

- Z-19 C14-04-0140 - Swafford - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2108 Kinney Avenue (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (NO-CO) combining district zoning. Applicant: Clarence Jacobson. Agent: Crocker Consultants (Sarah Crocker). City Staff: Tom Bolt, 974-2755.

The public hearing was closed and the motion to deny the applicant's request for neighborhood office-conditional overlay (NO-CO) combining district zoning was approved on Council Member Alvarez' motion, Mayo Wynn's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman and Council Members Alvarez, McCracken and Slusher. Those voting nay were: Council Members Dunkerley and Thomas.

5. Consideration of and possible action on an ordinance ordering a special municipal election to be held on May 7, 2005, to submit to the voters of the city without amendment an initiated ordinance entitled "An Ordinance Repealing and Replacing City Code Chapter 10-6 Relating to Smoking in Public Places, Creating Offenses, and Providing Penalties," providing for the conduct of the election, and authorizing the City Clerk to enter such joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election.

There was a motion by Council Member Slusher, seconded by Council Member Alvarez to have the ballot language concerning the smoking petition read as follows, "An ordinance repealing Austin's current ordinance relating to smoking in public places and replacing it with a new ordinance that maintains the current prohibition against smoking in most public places, including workplaces, and expands the prohibition against smoking to apply to all bars, restaurants, and bowling alleys, except for restaurants with restricted permits that are renewable through September 1, 2012.

The friendly amendment to add "billiard parlors" after "bowling alleys" was made by Mayor Pro Tem Goodman. This was accepted by the maker of the motion and Council Member Alvarez, who seconded the motion.

The substitute motion to add the words, "and non permitted bars and restaurants" after the word "workplaces," was approved on Council Member McCracken's motion, Mayor Wynn's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, and Council Member Dunkerley and McCracken. Those voting nay were: Council Members Alvarez, Slusher and Thomas.

The motion to reconsider the previous vote was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 7-0 vote.

The substitute motion to add the words, "and non permitted bars and restaurants" after the word "workplaces," failed on Council Member McCracken's motion, Mayor Wynn's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman, and Council Member McCracken. Those voting nay were: Council Members Alvarez, Dunkerley, Slusher and Thomas.

The motion to amend the original motion to add the words, "live music venues" after the phrase "prohibition against smoking to apply to all bars," passed on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem Goodman and Council Members Dunkerley and McCracken. Those voting nay were: Council Members Alvarez, Slusher and Thomas.

The motion to amend the original motion to add the words "less than twelve" after the words, "billiard parlors, except for" failed on Mayor Pro Tem Goodman's motion, Council Member McCracken's second on a 2-5 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member McCracken. Those voting nay were: Mayor Wynn and Council Members Alvarez, Dunkerley, Slusher and Thomas.

The amended motion, as follows, was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote. The wording approved to be on the ballot was, "An ordinance repealing Austin's current ordinance relating to smoking in public places and replacing it with a new ordinance that maintains the current prohibition against smoking in most public places, including workplaces, and expands the prohibition against smoking to apply to all bars, live music venues, restaurants, bowling alleys, and billiard parlors, except for restaurants with restricted permits that are renewable through September 1, 2012."

The ordinance ordering a special municipal election was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

The motion to reconsider item 5 was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

There was a motion by Mayor Pro Tem Goodman to insert the word "indoor" before the phrase "live music venues."

The substitute motion to delete the phrase "live music venues" from the approved wording was approved on Council Member Slusher's motion, Council Member Thomas' second on a 4-3 vote. Those voting aye were: Council Members Alvarez, Dunkerley, Slusher and Thomas. Those voting nay were: Mayor Wynn, Mayor Pro Tem Goodman and Council Member McCracken. The wording will read as follows:

The amended motion, as follows, was approved on Council Member Slusher's motion, Council Member Alvarez' second on a 7-0 vote. The wording approved to be on the ballot was, "An ordinance repealing Austin's current ordinance relating to smoking in public places and replacing it with a new ordinance that maintains the current prohibition against smoking in most public places, including workplaces, and expands the prohibition against smoking to apply to all bars, restaurants, bowling alleys, and billiard parlors, except for restaurants with restricted permits that are renewable through September 1, 2012."

The ordinance ordering a special municipal election was approved on Council Member Slusher's motion, Council Member Thomas' second on a 7-0 vote.

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

DISCUSSION ITEMS CONTINUED

12. Approve an ordinance amending Chapters 25-1, 25-2 and 25-6 of the Land Development Code to establish Transit Oriented Development districts, and adopting zoning and other regulations applicable in those districts. (Reviewed by Urban Transportation Commission, Design Commission, Planning Commission, and the Zoning and Platting Commission.) (Related Item 13)
The first reading of the ordinance was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote. Staff was directed to bring the ordinance back on March 24, 2005 with a chart showing Council Member Alvarez' suggested amendments and citizen comments.
13. Approve a resolution to establish goals for affordable housing in Transit Oriented Development (TOD) districts and Station Area Plans. (Related Item 12)
This item was postponed to March 24, 2005 with no objection.

PUBLIC HEARINGS AND POSSIBLE ACTION

72. Conduct a public hearing for the full purpose annexation of the Rosemont at Old Manor Area (Approximately 23 acres in Travis County south of US Highway 290 East, east of the abandoned Missouri Kansas Texas (MKT) Railroad and north of Old Manor Road). (Related Items 73, 74)
The public hearing was closed on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.
73. Conduct a public hearing for the full purpose annexation of the Pioneer Hill/COA Tract (Approximately 42 acres in Travis County west of Criswell approximately 1,430 feet west of the intersection of Criswell and Sprinkle Road). (Related Items 72, 74)
The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.
74. Conduct a public hearing for the full purpose annexation of the Avery Ranch Area (Approximately 62 acres in Williamson County, approximately 2,000 feet north of the intersection of Avery Ranch Blvd and Lisi Anne Drive). (Related Items 72, 73)
The public hearing was closed on Council Member Thomas' motion, Council Member McCracken's second on a 7-0 vote.
75. Conduct a public hearing for the limited purpose annexation of the Goodnight Ranch Area (Approximately 714 acres 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 McCracken's motion, Council Member Thomas' second on a 7-0 vote.
76. Conduct a public hearing and approve proposed design standards for commercial and retail development. (To be reviewed by Design Commission on 3/14/05, Zoning and Platting Commission on 3/15/05, and Planning Commission on 3/22/05.)
This item was postponed to March 24, 2005 without objection.

Mayor Wynn recessed Council to go into Executive Session at 11:31 p.m.

EXECUTIVE SESSION

52. Discuss legal issues related to Collective Bargaining with the Austin Association of Professional Fire Fighters. **This item was withdrawn from the agenda.**
53. Discuss legal issues concerning easements needed from Austin Country Club for the Loop 360 Lift Station Project and related issues. (Related Item 63).
54. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.
55. Discuss legal issues raised by a ruling in the *Save Our Springs Alliance, Inc. v. Village of Bee Cave, et. al.* lawsuit. (Concerns the constitutionality of a Chapter 380 Economic Development Agreements)
This item was withdrawn from the agenda.
56. Discuss legal issues regarding Cause No. GV-400101; *City of Sunset Valley, Save Our Springs, et al. v. City of Austin and Lowe's*; in the 201st Judicial District of Travis County, Texas. (Concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved) (Related Item 64)
57. Discuss legal issues in Cause No. GN103302; *F.L. Vivion, N.K. Ballard, L.I. Ballard and all other Parties similarly situated v. The City of Austin*; in the 261st Judicial District; Travis County, Texas. (Concerns the City transportation user fee and drainage fee) **This item was withdrawn from the agenda.**
58. Discuss legal issues regarding an interlocal agreement between the City of Austin and the City of Sunset Valley regarding potential improvements to the intersection of William Cannon and Brodie Lane. (Related Item 65)
62. Discuss the lease or value of the new City Hall Café space to a food service vendor. **This item was withdrawn from the agenda.**

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:32 a.m.

Action on Executive Session

64. Authorize negotiation and execution of a settlement agreement in Cause No. GV-400101; *City of Sunset Valley, Save Our Springs, et. al. v. City of Austin and Lowe's*; in the 201st Judicial District, Travis County, Texas. (Concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved) (Related Item 56)
The motion to authorize the City Manager to negotiate and execute a settlement agreement was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.
63. Authorize negotiation and execution of a settlement with Austin Country Club, including related documents, funding and fee waivers. (Related Item 53)
Resolution No. 050303-63, approving a settlement in the amount of \$153,300, was approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Mayor Wynn abstained and was off the dais.

65. Approve negotiation and execution of an interlocal agreement between the City of Austin and the City of Sunset Valley regarding potential improvements to the intersection of William Cannon and Brodie Lane. (Related Item 58)

The motion to authorize the City Manager to negotiate and execute an interlocal agreement was approved on Council Member Alvarez' motion, Council Member Thomas' second on a 7-0 vote.

The motion to adjourn the meeting at 12:55 a.m. was approved on Council Member Alvarez' motion, Council Member Slusher's second on a 7-0 vote.

The minutes for the Regular Meeting of March 3, 2005 were approved on this the 10th day of March, 2005 on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.