



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 24, 2005**

Invocation: Rev. Randy Phillips, Pastor, Promiseland West

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 24, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:14 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, Mayor Wynn's second on a 7-0 vote.

1. Approval of minutes from the meeting of March 10, 2005.
The minutes from the meeting of March 10, 2005 were approved.
2. Approve issuance of a rebate in the amount of \$72,141 to ST. EDWARDS UNIVERSITY for the installation of a high efficiency chiller and variable frequency drives at 3001 S. Congress Avenue. (Funding in the amount of \$72,141 is available in the Fiscal Year 2004-2005 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy.) (Recommended by the Electric Utility Commission and the Resource Management Commission.)
The motion authorizing the issuance of a rebate in the amount of \$72,141 was approved.

3. Authorize negotiation and execution of a cost participation agreement with Rancho Alto Ventures, Ltd., a Texas limited partnership providing terms and conditions for construction of an appropriately sized wastewater lift station, force main, 12-inch gravity wastewater main and appurtenances to provide wastewater service to the Rancho Alto development located south of Frate Barker Road at Rancho Alto Road, approximately 1,500 feet west of Manchaca Road. City cost reimbursement includes construction costs ("hard costs") in an amount not to exceed 40.2% or \$504,994, whichever is less, and an amount not to exceed 15% of the hard costs or \$72,179, whichever is less, for costs incurred by the developer for engineering, design and project management ("soft costs"), for an overall total cost reimbursement amount not to exceed \$577,173. Approve an Ordinance waiving the requirements of Section 25-9-61 of the City Code relating to eligible facilities and the maximum cost reimbursement of a facility and waiving the requirements of Section 25-9-63 of the City Code relating to amount of cost reimbursement. (Funding in the amount of \$577,173 is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) (Recommended by the Water and Wastewater Commission)
The motion authorizing the negotiation and execution of a cost participation agreement and Ordinance No. 20050324-003 were approved.
4. Amend the Fiscal Year 2004-2005 Hotel/Motel Fund Operating Budget of Ordinance No 040913-01 to increase revenue by an amount of \$240,000 and to increase appropriations for the Tourism and Promotion Fund by an amount of \$240,000; and amend Tourism and Promotion Fund by increasing transfers in from the Hotel/Motel Fund by \$240,000 and increasing expense appropriations for Tourism and Promotion Contracts by \$240,000. (Funding is available from the increased revenue from Hotel/Motel Fund.) (Related Item 5)
Ordinance No. 20050324-004 was approved.
5. Approve an amendment to the Austin Convention and Visitors Bureau (ACVB) Fiscal Year 2004-2005 Approved Marketing Plan and Budget by increasing the contract payment from the City of Austin to the ACVB by \$240,000 to \$5,155,586 and increasing the contract payment from the City of Austin to ACVB in the amount of \$240,000 to \$4,534,255 for the Fiscal Year 2004-2005. (Funding in the amount of \$240,000 is available in the Fiscal Year 2004-2005 Operating Budget of the Tourism and Promotion Fund.) (Related Item 4)
The motion authorizing the amendment to the Austin Convention and Visitors Bureau (ACVB) Fiscal Year 2004-2005 Approved Marketing Plan and Budget by increasing the contract was approved.

See bottom of minutes for amendment to item 5.
6. Approve a resolution revising and amending the Music Venue Relocation Program for Downtown Development established on April 15, 1999 under Chapter 380, Texas Local Government Code, and rename the program the Legendary Music Venue Relocation and Redevelopment Program. (Related Items 7, 8)
This item was postponed indefinitely and withdrawn from the agenda.
7. Authorize the negotiation and execution of an economic development agreement including a forgivable loan agreement and other documents with 4709 Incorporated d/b/a Midtown Live in an amount not to exceed \$750,000 under the Legendary Music Venue Relocation and Redevelopment Program for the redevelopment of property located at 7408 Cameron Road. (Funding is available in the Fiscal Year 2004-2005 Amended Operating Budget of the Downtown Development Fund.) (Related Items 6, 8)
This item was postponed indefinitely and withdrawn from the agenda.

8. Amend the Fiscal Year 2004-2005 General Fund Operating Budget of Ordinance No. 040913-01 to create a new line item entitled "Transfers Out to the Downtown Development Fund" in the amount of \$561,688; and to amend the Fiscal Year 2004-2005 Special Revenue Fund, the Downtown Development Fund, to appropriate the beginning balance of \$188,312, to create a new line item "Transfers In from the General Fund" in the amount of \$561,688, and to increase expenditure appropriations by \$750,000 to fund the Legendary Music Venue Relocation and Redevelopment Program. (Funding is available in the beginning balance of the General Fund, in the amount of \$509,465 from proceeds from the Liberty Lunch repayment and in the amount of \$52,223 from prior year savings.) (Related Items 6, 7)
This item was postponed indefinitely and withdrawn from the agenda.
9. Approve a resolution directing the City Manager to initiate the renaming of Old Bull Creek Road to West 35th Street. (The processing fee of \$500 has been determined, for one street sign location at the intersection of Old Bull Creek Road with Foothill Drive and West 35th Street as well as another street sign location at the intersection of Mount Bonnell Road and Old Bull Creek Road.)
Resolution No. 20050324-009 was approved.
10. Approve an ordinance amending the Fiscal Year 2004-2005 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to authorize the addition of one-half (0.5) full time equivalent position for the Refugee Health Screening Program for the provision of comprehensive health screening services to newly arriving official refugees. (Funding in the amount of \$169,209 is available from the Texas Department of State Health Services, Refugee Health Screening Program. The grant period is October 1, 2004 through September 30, 2005. This grant funding is included in the Fiscal Year 2004-2005 Health and Human Services Department Approved Operating Budget Special Revenue Fund.)
Ordinance No. 20050324-010 was approved.

Items 11 through 13 were pulled for discussion.

14. Approve an ordinance authorizing acceptance of \$99,250 in grant funds from the Texas Parks and Wildlife Department; and amending the Fiscal Year 2004-2005 Parks and Recreation Department Capital Budget of Ordinance No. 040913-02 to appropriate \$99,250 for construction of a hike and bike trail in Patterson Park. (Funding in the amount of \$99,250 will be provided by the Texas Parks and Wildlife grant proceeds. A fiscal note is attached; matching funds of \$24,813 are included in the Fiscal Year 2004-2005 Capital Budget of the Parks and Recreation Department.)
Ordinance No. 20050324-014 was approved.
15. Authorize application for \$409,702 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program, to fund equipment for the Austin Police Department. (Funding is available from the U.S. Department of Justice, Bureau of Justice Assistance, Justice Assistance Program, for the grant period October 1, 2005 to September 30, 2006. A cash match is not required.) (Related Item 16)
The motion authorizing the application for \$409,702 in grant funding was approved.
16. Authorize an Interlocal Agreement between the City of Austin and Travis County to allow the City of Austin to accept and administer the Justice Assistance Grant Program on behalf of the Travis County Sheriff's Office. (Funding in the amount of \$409,702 is available from the Department of Justice, Bureau of Justice Assistance for the Justice Assistance Grant Program.) (Related Item 15)
The motion authorizing an Interlocal Agreement was approved.

17. Approve a resolution naming the weapons firing range at the Austin Police Academy located at 4800 Shaw Lane, Austin, Texas as the "Drew Alan Bolin Firing Range."
Resolution No. 20050324-017 was approved.
18. Approve a resolution naming the police sub-station facility located at 404 Ralph Ablanado Drive as the "Clinton Warren Hunter Police South Substation."
Resolution No. 20050324-018 was approved.
19. Approve an ordinance on second reading only to renew the ROY'S TAXI, INC. taxicab franchise. (The taxicab permit fee of \$400 per year per permit is a revenue source. Expected annual revenue is \$62,000.)
The second reading of the ordinance was approved.
20. Approve an ordinance amending Section 12-4-63 of the City Code by adding a 20 miles per hour school zone speed limit to a portion of Rio Grande Street for Pease Elementary School and by amending the school zone on Doris Drive for Burnet Middle School; and amending Section 12-4-42 of the City Code by adding a portion of Cameron Road to the list of streets having a maximum speed limit of 40 miles per hour; and amending Section 12-4-44 of the City Code by adding a portion of Dessau Road to the list of streets having a maximum speed limit of 50 miles per hour. (Funding in the amount of \$10,600 is available in the Fiscal Year 2004-2005 Operating Budget of the Public Works Department.)
Ordinance No. 20050324-020 was approved.
21. Authorize execution of change order #6 to the construction contract with SHAW ENVIRONMENTAL, INC., Findlay, OH, for the North Service Center Excavation for Site Clearance in the amount of \$857,815, for a total contract amount not to exceed \$3,210,178.96. (Funding in the amount of \$857,815 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Austin Water Utility.) 7.05% MBE and 0.08% WBE subcontractor participation to date.
The motion authorizing the execution of change order #6 to the construction contract was approved.
22. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for Health and Human Services Department (HHSD) Phase II - Building C Renovations for the Office of Vital Records in an amount not to exceed \$138,819. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Health and Human Services Department.) Lowest bid of two received. 12.72% MBE and 12.67% WBE subcontractor participation to date.
The motion authorizing the execution of a construction contract was approved.
23. Authorize negotiation and execution of a professional services agreement with DUNCAN ASSOCIATES, Austin, TX, for providing professional design-oriented planning services for the rewrite of Title 25 of the City Code, in an amount not to exceed \$300,000. (Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Neighborhood Planning and Zoning Department.) Best qualification statement of six received. 16.5% MBE and 14.2% WBE subconsultant participation.
This item was postponed to April 14, 2005.

24. Authorize negotiation and execution of a professional services agreement with AGUIRRE, INC., Austin, TX, for construction phase services for the Austin-Bergstrom International Airport Terminal Baggage Screening Improvements Project in an amount not to exceed \$250,000. (Funding is available in Fiscal Year 2004-2005 Capital Budget of the Aviation Department.) Best qualification statement of eight received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the negotiation and execution of a professional services agreement was approved.**

Item 25 was pulled for discussion.

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

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

30. Authorize execution of a 12-month supply agreement with MILLER UNIFORMS & EMBLEMS, INC., Austin, TX, for body armor for the Emergency Medical Services Department in an amount not to exceed \$67,300, with two 12-month extension options in an amount not to exceed \$67,300 per extension option, for a total agreement amount not to exceed \$201,900. (Funding in the amount of \$33,650 is available in the Fiscal Year 2004-2005 Approved Operating Budget for the Emergency Medical Services Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Lowest bid meeting specification of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

31. Authorize execution of a 12-month supply agreement with ORASURE TECHNOLOGIES, INC., Bethlehem, PA, for HIV-1 and HIV-1/2 Antibody Test Kits in an amount not to exceed \$125,000, with four 12-month extension options in an amount not to exceed \$125,000 per extension option, for a total agreement amount not to exceed \$625,000. (Funding in the amount of \$62,500 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

32. Authorize execution of a 12-month supply agreement with BAKER & TAYLOR, INC., Charlotte, NC, for the purchase of music compact discs for the Austin Public Library in an amount not to exceed \$145,860, with two 12-month extension options in an amount not to exceed \$145,860 per extension option, for a total agreement amount not to exceed \$437,580. (Funding in the amount of \$50,321.70 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Library Department. Funding in the amount of \$22,608.30 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Library Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) One bid received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

This item was postponed to April 7, 2005.

33. Authorize execution of a 12-month service agreement with FLEET MAINTENANCE OF TEXAS, Austin, TX, for generator maintenance and repair services in an amount not to exceed \$189,319, with two 12-month extension options in amounts not to exceed \$134,635 for the first extension option and \$167,966 for the second extension option, for a total agreement amount not to exceed \$491,920. (Funding in the amount of \$94,659.50 is available in the Fiscal Year 2004-2005 Approved Operating Budgets of the departments as follows: Finance and Administrative Services (Building Services) \$13,946, Austin Energy \$7,389, Austin Fire Department \$32,359.50, Austin Water Utility \$19,329, Fleet Services \$5,771, Communications and Technology Management \$2,880.50, Wireless Communications Services \$9,579.50, Library Department \$1,655, and the Austin Convention Center \$1,750. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future

budgets.) Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

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

34. Authorize negotiation and execution of a five-year revenue agreement with THE PEPSI BOTTLING GROUP, Austin, TX, for an exclusive beverage vending service agreement in an estimated revenue amount of \$3,362,879, with two 5-year extension options in an estimated revenue amount of \$3,362,879 per option, for a total estimated revenue agreement amount of \$10,088,637. (\$258,352 estimated revenue for Fiscal Year 2004-2005. Estimated revenue for the remaining 55 months of the original contract period and extension options is contingent on future volume of beverage consumption.) Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

This item was postponed to April 14, 2005.

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

Ordinance No. 20050324-035 was approved.

36. Board and Commission appointments.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Commission on Immigrant Affairs</u>		
Thomas Esparza, Jr.	Consensus	Appointment
<u>Downtown Austin Community Court Advisory Committee</u>		
Helen Varty	Consensus	Appointment
<u>Music Commission</u>		
Lisa Schickel	Council Member McCracken's	Reappointment

Items 37 through 38 were pulled for discussion.

39. Approve an ordinance waiving the signature requirement under Chapter 14-8 of the City Code for the OneStar Foundation's Texas Round-Up to be held on Saturday, April 20, 2005. (Mayor Will Wynn)

Ordinance No. 20050324-039 was approved.

40. Approve an ordinance authorizing the City's co-sponsorship of the 2005 Austin Farmers' Market to be held each Saturday beginning on March 27, 2005, through October 29, 2005, and waiving fees and requirements under Chapter 14-8 of the City Code; and approve a resolution amending Resolution No. 021003-40 to add the Austin Farmer's Market as an annual City co-sponsored event. (Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Daryl Slusher)
Ordinance No. 20050324-040A and Resolution No. 20050324-040B were approved.
41. Approve waiver of certain requirements and fees under Chapter 14-8 of the City Code for the annual event Eeyore's Birthday Party in Pease Park on April 30, 2005. (Mayor Pro Tem Jackie Goodman, Mayor Will Wynn and Council Member Betty Dunkerley)
The motion authorizing the waiver of certain requirements and fees was approved.
42. Set public hearings to receive citizen comments on community needs to develop the City's (1) annual Action Plan for Fiscal Year 2005-2006, related to allocation of the U.S. Department of Housing and Urban Development grant funds, and (2) Community Development Fiscal Year 2005-2006 Program required by Texas Local Government Code Chapter 373, including proposed funding allocations. (Suggested dates and times: April 7, 2005 and May 12, 2005 at 6:00 p.m., City Council Chambers, 301 West Second Street.) (The Community Development Commission will conduct public hearings on April 12, 2005 and May 10, 2005 and make recommendations to Council on June 14, 2005. City Council final approval is required before the August 15, 2005 HUD submission deadline.)
The public hearings were set for April 7 and May 12, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
43. Set public hearings for the disannexation of the Jet Lane Area (Approximately seven acres in Travis County east of Highway 71 East at the end of Jet Lane). (Suggested dates and times: April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 W 2nd Street and April 14, 2005 at 6:00 p.m., City Hall Council Chambers, 301 W 2nd Street.)
The public hearings were set for April 7 and April 14, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.
44. Set a public hearing on proposed amendments to Chapter 25-2 of the Land Development Code relating to the land use and site development regulations of the Waterfront Overlay (WO) District and the Rainey Street Subdistrict of the Waterfront Overlay District. (Suggested date and time: April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West Second Street.) (To be reviewed by Planning Commission on 3/22/05.)
The public hearing was set for April 7, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 45 through 47 were Executive Session items.

Item 48 was action on an Executive Session item.

Items 49, 50 and 57 were briefings set for a time certain of 2:00 p.m.

Items 51 through 54 and Z-1 through Z-20 were zoning items set for 4:00 p.m.

Items 55 and 56 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

Item 11 was reconsidered later in the meeting.

38. Approve a resolution reappointing Sid Covington as the "Austin Business Community" representative and Council Member Daryl Slusher as the City of Austin representative to the Austin-San Antonio Intermunicipal Commuter Rail Corridor Council. (Mayor Will Wynn and Council Member Danny Thomas)

Resolution No. 20050324-038 was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 6-0 vote. Council Member McCracken was off the dais.

25. Authorize negotiation and execution of a professional services agreement with ALAN PLUMMER ASSOCIATES, INC., Austin, TX, for a water resource planning study that will focus on planning for water to supply Austin's long-term needs, in an amount not to exceed \$500,000. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Best qualification statement of four received. 15.90% MBE and 14.20% WBE subconsultant participation. (Recommended by the Water and Wastewater Commission.)

The motion authorizing the negotiation and execution of a professional services agreement was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:26 a.m.

EXECUTIVE SESSION

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

Private Consultation with Attorney - Section 551.071

Item 45 was discussed later in Executive Session.

46. Discuss legal issues regarding an ordinance to adopt a settlement agreement (hereafter "Settlement Agreement Ordinance") in Cause No. GV-400101; *City of Sunset Valley, Texas, Save Barton Creek Association, Inc., and Save Our Springs Alliance, Inc., vs. City of Austin, Texas and Lowe's Home Center, Inc.*; in the 201st Judicial District; Travis County, Texas; waiving board and commission review and allowing for development other than that allowed by the Save Our Springs Initiative Ordinance (hereafter "SOS"), Chapter 25-8, Article 12, of the Austin City Code. If this Settlement Agreement Ordinance is approved by Council, development that does not comply with SOS would occur on a tract of land that is owned by Lowe's Home Center, Inc., located on the west side of Brodie Lane between William Cannon Drive and Country White Lane over the Barton Springs portion of the Edwards Aquifer recharge zone. (concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved) (Related Item 48)

Real Property - Section 551.072

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

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:01 p.m.

CITIZEN COMMUNICATIONS: GENERAL

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

Lawrence Cranberg, Ph.D. - Elder Justice

Jennifer L. Gale - Austinite Owned Objective Newspaper

Jessica Gordon - Saving South Austin Park

Benjamin Reynolds - Saving South Austin Park

Katherine Kawazoe - South Austin Park

Scott Johnson - Environmental Matters

Belinda Reyes - 969973 Sludge Plant

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

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

Action on Executive Session

48. Approve an ordinance to adopt a settlement agreement (hereafter "Settlement Agreement Ordinance") in Cause No. GV-400101; *City of Sunset Valley, Texas, Save Barton Creek Association, Inc., and Save Our Springs Alliance, Inc., vs. City of Austin, Texas and Lowe's Home Center, Inc.*; in the 201st Judicial District; Travis County, Texas; waiving board and commission review and allowing for development other than that allowed by the Save Our Springs Initiative Ordinance (hereafter "SOS"), Chapter 25-8, Article 12, of the Austin City Code. If this Settlement Agreement Ordinance is approved by Council, development that does not comply with SOS would occur on a tract of land that is owned by Lowe's Home Center, Inc., located on the west side of Brodie Lane between William Cannon Drive and Country White Lane over the Barton Springs portion of the Edwards Aquifer recharge zone.(concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved)(Related Item 46)
Ordinance 20050324-048 was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member McCracken was off the dais.

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

This item was postponed to April 14, 2005 on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 6-0 vote. Council Member McCracken was off the dais.

A motion to reconsider Item 11 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

Ordinance No. 20050324-011 was approved on emergency passage making it effective March 24, 2005 on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote.

BRIEFINGS

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

The presentation was made by Rudy Garza, Assistant City Manager, and Cathy Ellison, Assistant Chief of Police.

57. Briefing by the City Demographer on the "African American Community Scorecard: An Analysis of Comparative Indicators for Austin, Texas," and approve a resolution directing the City Manager to conduct facilitated community discussions of the African American quality of life issues in Austin; develop strategies to address the findings coming out of the Community Scorecard and the discussions; and report back to Council in sixty days with a recommendation incorporating key strategies in the City's overall economic development program.

The presentation was made by Ryan Robinson, City Demographer. Resolution No. 20050324-057 was approved on Council Member Thomas' motion, Mayor Wynn's second on a 7-0 vote.

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

The presentation was made by Alice Glasco, Director, Neighborhood Planning and Zoning and Mike Aulick, Director of Capital Area Metropolitan Planning Organization (CAMPO).

Action on the resolution was postponed indefinitely.

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 without objection.

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 Thomas' motion, Council Member Alvarez' second on a 7-0 vote.

51. C14-03-0125 - Wagner Tract - Approve second /third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13801-14409 North IH-35 Service Road North Bound (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. First reading on June

17, 2004. Vote: (7-0); Approved CS-CO as recommended by staff, with additional conditions. Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first ordinance reading. Applicant: Karl B. Wagner, Jr., Mary Ella Wagner Jones, and JP Morgan Chase Bank (Terry Anderson, Trust Officer). Agent: Doucet & Associates, Inc. (Carol M. Stewart). City Staff: Sherri Gager, 974-3057.

Ordinance No. 20050324-051 was approved.

52. Approve an ordinance amending Ordinance No. 040826-56, which adopted the Central Austin Combined Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan, to establish a land use designation on the future land use map for 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) the West University Neighborhood Planning Area. Applicant: City of Austin. Agent: Neighborhood Planning & Zoning Department. City Staff: Mark Walters, 974-7695. (Related Item 53)

This item was postponed to May 19, 2005.

53. C14-04-0021 - West University Neighborhood Plan Rezoning - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) in the West University Neighborhood Planning Area. The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP, "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. The Neighborhood Mixed-Use Building special use is proposed for Tract 80A. City Council may approve a zoning change from General Office (GO) district zoning to Multi-family Residence - Moderate-High Density (MF-4) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; and Commercial Services (CS) district zoning. A Conditional Overlay (CO) combining district, Mixed Use (MU) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. (Related Item 52)

This item was postponed to May 19, 2005.

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 Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.

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

Ordinance No. 20050324-Z001 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-2 C14-04-0149.19 -- Old West Austin Neighborhood Plan rezoning for 810 Blanco Street. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 810 Blanco Street (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Richard & Amy Griffin. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050324-Z002 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-3 C14-04-0149.21 -- Old West Austin Neighborhood Plan rezoning for 802 Oakland Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 802 Oakland Ave (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Gary Kulp. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050324-Z003 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-4 C14-04-0149.22 -- Old West Austin Neighborhood Plan rezoning for 613, 615, & 617 Oakland Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 613, 615 & 617 Oakland Ave (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: 613 Oakland Ave.- Stuart Reifel, 61 Oakland Ave. - Gioconda Bellonci. 617 Oakland Ave. -- Ruth Wiley (Life Estate). Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050324-Z004 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-5 C14-04-0149.23 -- Old West Austin Neighborhood Plan rezoning for 704 Oakland Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 704 Oakland Avenue (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Kathleen Linnard Davis. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050324-Z005 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-6 C14-04-0149.24 -- Old West Austin Neighborhood Plan rezoning for 707 Oakland Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 707 Oakland Ave. (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP)

combining district zoning. Applicant: Gwilym & Linda Lodnick. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755

Ordinance No. 20050324-Z006 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-7 C14-04-0149.27 – Old West Austin Neighborhood Plan rezoning for 1210 Baylor St. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1210 Baylor St. (Shoal Creek Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Zan Ray. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050324-Z007 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-8 C14-04-0149.29 – Old West Austin Neighborhood Plan rezoning for 1206 Marshall Lane. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1206 Marshall Lane. (Town Lake Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Billie & Gayle Turner. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050324-Z008 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-9 C14-04-0149.30 – Old West Austin Neighborhood Plan rezoning for 1405 & 1407 Woodlawn Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405 & 1407 Woodlawn Blvd. (Town Lake Watershed) from multi-family residence medium density - neighborhood plan (MF-3 -NP) combining district zoning to family residence - neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence – neighborhood plan (SF-3-NP) combining district zoning. Applicant: 1405 Woodlawn Blvd. – Norma Wood, 1407 Woodlawn Blvd. – James Robbins & Matt Turner. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755
Ordinance No. 20050324-Z009 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-10 C14-04-0149.31– Old West Austin Neighborhood Plan rezoning for 1110 W. 7th St. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1110 W. 7th St. (Shoal Creek Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: James & Donna Cousar. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050324-Z010 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-11 C14-04-0149.32– Old West Austin Neighborhood Plan rezoning for 701 Winflo Dr. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Winflo Dr. (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Keith Baird & Laura Kobler. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050324-Z011 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-12 C14-04-0149.33 – Old West Austin Neighborhood Plan rezoning for 805 Winflo Dr. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 805 Winflo Dr. (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Kevin Dunn. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050324-Z012 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-13 C14-04-0149.34 – Old West Austin Neighborhood Plan rezoning for 902 Blanco St. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 902 Blanco Street (Town Lake Watershed) from multi-family residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Johanna & Isaac Barchas. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050324-Z013 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-14 C14-04-0149.35 – Old West Austin Neighborhood Plan rezoning for 1800 Waterston Ave. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 Waterston Ave. (Town Lake Watershed) from multi-family residence medium density-neighborhood plan (MF-3-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Mathew Beeter & Heidi Knippa. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.
Ordinance No. 20050324-Z014 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.
- Z-15 C14-04-0149.36– Old West Austin Neighborhood Plan rezoning for 1309 West 9-1/2 Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1309 West 9-1/2 Street (Town Lake Watershed) from multi-family residence moderate high density-neighborhood plan (MF-4-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Marjorie & Steven Moore. Agent: City of Austin Neighborhood Planning and Zoning Department. Staff: Thomas Bolt, 974-2755.

Ordinance No. 20050324-Z015 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved.

- Z-16 C14-04-0209 – Cawood Wholesale Liquor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 307-503 Ferguson Dr. (Little Walnut Creek Watershed) from general commercial services – conditional overlay (CS-CO) combining district zoning and general commercial services (CS) district zoning to commercial –liquor sales –conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial – liquor sales - conditional overlay (CS-1-CO) combining district zoning. Applicant: Cawood Wholesale Liquors (Sam Cawood). Agent: Land Answers (Jim Witliff). City Staff: Thomas Bolt, 974-2755

Ordinance No. 20050324-Z016 for commercial – liquor sales - conditional overlay (CS-1-CO) combining district zoning was approved.

- Z-17 C814-88-0001.08 - Gables at Westlake - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100-3320 North Capital of Texas Highway (Lake Austin Watershed) from planned unit development (P.U.D.) district zoning to planned unit development (P.U.D.) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (P.U.D.) district zoning with conditions. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-18)

This item was postponed to April 28, 2005.

- Z-18 C814-88-0001(RCA) - Gables at Westlake - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 3100-3320 Capital of Texas Highway (Lake Austin Watershed). Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Protestant Episcopal School Council (Brad Powell). Agent: Drenner Stuart Metcalfe von Kreisler (Steve Drenner). City Staff: Glenn Rhoades, 974-2775. (Related Item Z-17)

This item was postponed to April 28, 2005.

ZONING DISCUSSION ITEM

- Z-19 Conduct a public hearing and approve an ordinance to amend the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential land use designation to a mixed-use office land use designation for 901 E. 15th Street. (Related Item Z-20)

This item was postponed to April 7, 2005 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

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

This item was postponed to April 7, 2005 on Council Member Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

DISCUSSION ITEM

54. C14H-04-0027 - Brown-Ledel-Silverman House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 609 West Lynn Street from multifamily residence moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multifamily residence moderate high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning. Conditions met as follows: No conditions were imposed on first ordinance reading. First reading on March 3, 2005. Vote: 4-3, Mayor Wynn, Council Member Dunkerley and Thomas nay. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454. Note: A valid petition has been filed by the property owner in opposition to this rezoning request.

The motion to deny the multifamily residence moderate high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning was approved on Council Member Dunkerley's motion, Mayor Wynn's second on a 5-2 vote. Those voting aye were: Mayor Wynn, Council Members Dunkerley, McCracken, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman and Council Member Alvarez.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 5:21 p.m.

EXECUTIVE SESSION CONTINUED

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

LIVE MUSIC

Abi Tapia

PROCLAMATIONS

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

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

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

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

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

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 7:39 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

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

This item was postponed to April 14, 2005 on Council Member McCracken's motion, Mayor Wynn's second on a 6-0 vote. Council Member Slusher was off the dais.

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

The public hearing was closed on Council Member Thomas' motion, Council Member Dunkerley's second on a 7-0 vote.

Ordinance No. 20050324-056 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

37. Approve an ordinance waiving the board and commission residency requirements, the prohibition against serving on multiple boards or commissions, and the nine-member limit on board and commission composition under Chapter 2-1 of the City Code, and appointment members to the Bond Advisory Committee. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)

This item was postponed to April 7, 2005 on Council Member McCracken's motion, Council Member Thomas' second on a 7-0 vote.

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

There was a motion by Council Member Slusher to approve the second reading of the ordinance. This was seconded by Council Member Thomas.

There was a friendly amendment by Council Member Alvarez to add two amendments to the ordinance. First, Appendix D, page 11 would read as follows, "For stations located in neighborhood areas that have adopted neighborhood plans and that do not have defined gateway, midway and transition zones (e.g., Plaza Saltillo TOD), (A) Designate the Capital Metro owned property as the gateway." Second, amend Section 25-2-766, page 7, line 22 to read, "For stations located in neighborhood areas that have adopted neighborhood plans and that do not have defined gateway, midway and transition zones (e.g., Plaza Saltillo TOD), (B) Recognize the Citizens Advisory Group (CAG) appointed by the City and Capital Metro as the stakeholder group that is responsible for developing the (Plaza Saltillo TOD) station plan and, in the event that the station plan developed by the CAG deviates from the development restrictions that are currently in place, require that any such changes to the current restrictions be approved by the East Caesar Chavez Neighborhood Planning team." This was seconded by Mayor Pro Tem Goodman. This friendly amendment was not accepted by Council Member Slusher, maker of the main motion.

A substitute motion was offered by Council Member Alvarez, seconded by Mayor Pro Tem Goodman to approve the second reading of the ordinance with the following two amendments. First, Appendix D, page 11 would read as follows, "For stations located in neighborhood areas that have adopted neighborhood plans and that do not have defined

gateway, midway and transition zones (e.g., Plaza Saltillo TOD), (A) Designate the Capital Metro owned property as the gateway. Second, amend Section 25-2-766, page 7, line 22 to read, "For stations located in neighborhood areas that have adopted neighborhood plans and that do not have defined gateway, midway and transition zones (e.g., Plaza Saltillo TOD), (B) Recognize the Citizens Advisory Group (CAG) appointed by the City and Capital Metro as the stakeholder group that is responsible for developing the (Plaza Saltillo TOD) station plan and, in the event that the station plan developed by the CAG deviates from the development restrictions that are currently in place, require that any such changes to the current restrictions be approved by the East Caesar Chavez Neighborhood Planning team."

There was a friendly amendment by Mayor Pro Tem Goodman to amend the ordinance, Section 25-2-766, page 7, line 22 to read, "(A) The director shall prepare a station area plan for each transit oriented development (TOD) district. Capital Metropolitan Transportation Authority, neighborhood plan contact Team, if any, neighborhood associations, business and property-owners, and other affected persons to participate in the preparation of a station area plan." This was amended by Council Member Slusher to add, "any interested citizen" after the words, "other affected persons." This friendly amendment was later withdrawn by Mayor Pro Tem Goodman.

Council Member McCracken offered a substitute motion to read as follows, "Approve the second reading of the ordinance and direct staff to work with all the stakeholders in the neighborhood before the third reading of the ordinance to discuss possible revisions to the boundaries of the Plaza Saltillo TOD, as well as possible revisions to the processes for determining the final station area plan. This was seconded by Council Member Slusher with the following additional direction to staff:

- the area should not extend into the single family zoning;
- develop a process where everyone can participate.

Council Member Alvarez added further direction to staff:

- map out the station area plan;
- decide structure of the stakeholders group;
- define the process to develop the plan;
- ensure neighborhood input;
- mirror the neighborhood planning process;
- put in writing any situation where the TOD ordinance overrides neighborhood plans.

An additional friendly amendment was added by Council Member Slusher to amend Section 25-2-768 (B) to read as follows, "Amendments to a station area plan may be proposed by land owners not more than once per calendar year per property owned." This was accepted by the maker of the motion.

Council Member Slusher directed staff to review Section 25-2-754 (A) concerning the minimum height as it applies to sites of less than 8,000 or 9,000 square feet.

Council Member Alvarez directed staff to consider additional provisions in the ordinance that if a developer increased density, then the affordable requirement would apply.

Mayor Wynn adjourned the meeting at 9:00 p.m. without objection.

The minutes for the Regular Meeting of March 24, 2005 were approved on this the 7th day of April, 2005 on Council Member Alvarez' motion, Council Member McCracken's second on a 7-0 vote.

The minutes for the Regular Meeting of March 24, 2005 were amended and approved on May 19, 2005 on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais. The following amendment was made:

5. Approve an amendment to the Austin Convention and Visitors Bureau (ACVB) Fiscal Year 2004-2005 Approved Marketing Plan and Budget by increasing the contract payment from the City of Austin to the ACVB by \$240,000 to \$5,155,586 and increasing the contract payment from the City of Austin to ACVB in the amount of \$240,000 to \$4,534,255 for the Fiscal Year 2004-2005. (Funding in the amount of \$240,000 is available in the Fiscal Year 2004-2005 Operating Budget of the Tourism and Promotion Fund.) (Related Item 4)
Ordinance No. 20050324-005 was approved.